NOTE: The text in “bold” indicates that this is a change from the instrument used for the Songer database.

I. BASIC CASE CHARACTERISTICS

This set of variables captures general information about the case:

CASENUM
This field represents a simple unique identifier for each case, beginning with 20001 for the first case coded from 1997 and proceeding consecutively.

YEAR (YYYY)
This variable records 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.

CITE VOL
The following three variables record the citation of the case. This variable indicates the citation volume of the Federal Reporter.

BEGINPG is the page on which the case begins in the Federal Reporter.

ENDOPIN is the last page of the majority opinion.

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

DECDATE is the date the decision was released.

DOCNUM lists the docket number of the case coded. For opinions that resolved more than one docket number, the first docket number listed is recorded in this field.

MULTDOCK lists the number of docket numbers of the case coded.

METHOD records the nature of the proceeding in the court of appeals for the citation selected. 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 rehearing 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:
i) 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.
ii) the opinion usually, but not always explicitly indicates when a decision was made "en banc." 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.

CIRCUIT

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

STATE

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 (see list for codes)

STATES
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 Massachusetts
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
57 North Mariana Islands

DISTRICT

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

ORIGIN

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
10 = Tax Court
11 = ALJ

SOURCE

This field identifies the forum that heard this case immediately before 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)
Court for DC
14 = earlier appeals court panel
15 = other
16 = not ascertained
17=bankruptcy appellate panel (BAP)

DISTJUGD
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.

APPLFROM
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, also code JAML here - judgment as a matter of law)
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)

*If a criminal case and the only issue on appeal concerns the sentence, then coded as "6"

ADMINREV
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

*If case is from federal district court, then coded "15"

PRIORPUB
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
F3d Federal Reporter, 3rd 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.

OPINSTAT
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

CLASSACT
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."

CROSSAPP
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

SANCTION
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

INITIATE
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

TREAT
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
11 = affirmed, vacated (with no mention of reverse), and remanded
II. PARTICIPANTS CODING
Note: for these fields, 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.

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
RESPOND2=14400

NUMAPPEL

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, APPEL1 = 82001).

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.

APP_STID (state code)
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.

General Classification of appellants and respondents (first and second listed)
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 GENAPEL2; GENRESP1; and 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

BANKRUPTCY (APPNTS OR RESPNDTS)
BANK_AP1
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

DETAILED CODING OF PARTIES
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 GENAPEL1. The following coding scheme is used for the detailed nature of the appellants and respondents (i.e., APPEL1; APPEL2; RESPOND1; and 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 (FIRST GENERAL CATEGORY, DIGIT1=1)

Digit 2 = what is the scope of this business?
Code 1, 2, or 3 if clear; otherwise, not ascertained (4)
1 = clearly local (individual or family owned business - scope; limited to single community; generally proprietors, who are not incorporated, are in this category)
2 = clearly 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
Example: General Motors, when appearing in case as an automobile manufacturer is coded 13401.

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

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 (SECOND GENERAL CATEGORY; DIGIT 1=2)

Digit 2 - what category of private associations best describes this litigant?
Digits 3-5 describe specific subcategories of organizations

Example: American Bar Association = 21004

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

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. (pro-life, 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 (THIRD GENERAL CATEGORY; DIGIT 1=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.

Example: Chairman of the Joint Chiefs of Staff = 31003

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

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 (now, the Surface Transportation Board)
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
004 = SSA
(for Surface Transportation Board, see ICC above)

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
006 = Office of Independent Counsel

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 (FOURTH GENERAL CATEGORY; DIGIT 1=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
52
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 (FIFTH GENERAL CATEGORY DIGIT 1=5)**

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)

**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 (includes state univ. systems)
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

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 (SIXTH GENERAL CATEGORY; DIGIT 1=6)

All litigants falling into this class are coded 69999.

_ _ _ _ _ _ _ _ _
NATURAL PERSON CODES (SEVENTH GENERAL CATEGORY; DIGIT 1=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 citizenshipship of this litigant indicated in the opinion? (Code "0" unless case makes it clear that US citizen or alien)
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 significant wealth in opinion (for example, in cases involving individual’s finances)
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 (EIGHTH GENERAL CATEGORY DIGIT 1=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 (Ninth general category; digit 1=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

The fields that report the coding of the second listed appellant/respondent are for those whose detailed code is not identical to the code for the first listed appellant.

Example: the appellants are listed as, "Widget Manufacturing Corporation, Widget Distributors, Inc., and Richard Riley,"
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
NUMRESP

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

- **R_STID** (state code)

General classification codes for respondents are described under appellants section.

There is one exception:

- **0** = not applicable (only possible for respondent; e.g. in cases such as "ex parte jones" which list only one party)

Detailed classification codes record a five digit code to represent a more detailed coding of the nature of the first listed respondent. The variable uses the same categories as those used in the coding of the detailed nature of the appellants listed above.

Notes regarding “real” respondents:

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:

C. Other Participants
COUNSEL1 (appellant)

COUNSEL2 (respondent)

These fields record the nature of the counsel for appellant (COUNSEL1) 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 or some combination of the categories above

NOFIRMAP/NOFIRMRP
Number of firms appearing on behalf of all appellants/respondents (each governmental legal office counts as a "firm"). *If unknown, code "99"

NAMEFIRMAP/NAMEFIRMRP
Name of first listed firm for appellant/respondent

NOATTYAP/NOATTYRP
Number of attorneys listed as appearing on behalf of all appellants/respondents. *If unknown, code "99"

NAMEATTYAP/NAMEATTYRP Name of first listed attorney for appellant/respondent; include first name and last name as separate fields
AMICUS

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

AMICUSAPP/AMICUSRESP

Number of briefs filed for appellant/respondent (code “99” if briefs were filed, but unable to determine which side)

IDENTAMICAP, IDENTAMICRP
Name of first listed group that filed amicus for appellant/respondent

INTERVEN

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
III. ISSUES CODING

ISSPTY
This field indicates whether the appellant referenced in the issues coding IS NOT included in the coding of appellant.
0=appellant is coded as a party
1=appellant referenced in issues coding is not coded as a party

CASETYP1
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

This field records the general issue categories of the more detailed categories of CASETYP1. 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
Up to two case types (the second case type is coded as 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
114 morals charges (e.g., gambling, prostitution, obscenity)
115 criminal violations of government regulations of business
116 other white collar crime (involving no force or threat of force; e.g., embezzlement, computer fraud, bribery)
117 other crimes
118 federal offense, but specific crime not ascertained
119 RICO

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)
157 other crimes
158 specific crime not ascertained

*note – code sexual assault under category for “rape”

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

*note - code suit for malicious prosecution or false
conviction as “201”

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 caucasin
(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
(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); ADA
282 age discrimination (includes employment)
283 discrimination based on religion or nationality
284 discrimination based on sexual preference (except for category 502)
285 AIDS/HIV discrimination
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
611 Family Medical Leave Act (FMLA)
612 ERISA

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
780 legal malpractice

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)
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
752 state or local economic regulation (code for cases that
are not pollution control)

765 state or local pollution control
753 federal environmental regulation (code for cases that
are not pollution control)
766 federal pollution control

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; code this category if preemption doctrine is an issue)
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)
922 Patriot Act
923 Other national security
924 14th amdt – congressional power to enforce
925 executive privilege
999 other
000 not ascertained

GENISS

This field records the general issue categories of the more detailed categories of CASETYP1. 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

DIRECT1

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
1 = opposite

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**

<table>
<thead>
<tr>
<th>Code</th>
<th>Category</th>
<th>Description</th>
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<tbody>
<tr>
<td>701 - 707</td>
<td>Taxes</td>
<td>3 = for government tax claim; 1 = opposite (for taxpayer)</td>
</tr>
<tr>
<td>710 - 713</td>
<td>Patents and copyrights</td>
<td>3 = for person claiming patent or copyright infringement; 1 = opposite</td>
</tr>
<tr>
<td>720 - 730</td>
<td>Torts</td>
<td>3 = for the plaintiff alleging the injury; 1 = opposite</td>
</tr>
<tr>
<td>731 - 740</td>
<td>Commercial disputes</td>
<td>3 = for economic underdog if one party is clearly an underdog in comparison to the other; 1 = opposite</td>
</tr>
<tr>
<td>741 - 743</td>
<td>Bankruptcy</td>
<td>3 = for debtor or bankrupt; 1 = opposite</td>
</tr>
<tr>
<td>744 - 746</td>
<td>Antitrust, mergers</td>
<td>3 = for government or private party raising claim of violation of antitrust laws, or party opposing merger; 1 = opposite</td>
</tr>
<tr>
<td>747</td>
<td>Private conflict over securities</td>
<td>3 = for the economic underdog; 1 = opposite</td>
</tr>
<tr>
<td>750 - 751</td>
<td>Individual benefits</td>
<td>3 = for individual claiming a benefit from government; 1 = for the government</td>
</tr>
<tr>
<td>753, 754</td>
<td>Environment and consumer protection</td>
<td>3 = for greater protection of the environment or greater consumer protection (even if anti-government); 1 = opposite</td>
</tr>
<tr>
<td>761</td>
<td>Admiralty - personal injury</td>
<td>3 = for the injured party; 1 = opposite</td>
</tr>
</tbody>
</table>
762- 764, 790 admiralty and miscellaneous economic cases
3=for economic underdog
1=opposite
0=if no clear underdog

MISCELLANEOUS
902 federalism
3=for assertion of federal power
1=opposite
901 conflict between states
0=for all decisions
903 attorneys
3=for attorney
1=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
1=opposite
905,906 challenge to magistrates or referees
3=for the authority of the challenged official
1=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
920 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
921 immigration
3 = for government regulation
1 = other
922 Patriot Act and 923 Other national security
3=for government
1=other

924
3=for position that gives power to Congress to enforce
1= against that position

925
3=pro executive position
1=against executive privilege
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. 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.
CASETYP2

See the specific codes listed under CASETYP1.

DIRECT2

MAJVOTES

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.

DISSENT

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.

**DISSENT BASIS**

**Proc & Merits**

These variables are coded only if there was a dissenting opinion (including concur in part/dissent in part) filed in the case. They ask whether or not the author of that opinion used a similar “issue frame” as that employed in the majority. The idea is to capture whether the dissent has re-framed the case as presenting a different issue—other than that addressed in the majority opinion.

**DISSENT-PROC**

0=there is a dissenting opinion, but did not address procedural issue
1=dissent addressed *procedural* issue(s) that was diiscussed (and coded) in the majority opinion and disagrees with majority
2=dissent addressed *procedural* issue(s) that was discussed in the majority opinion and agrees with majority
3=dissent addressed *procedural* issue(s) that was not discussed in the majority opinion

**DISSENT-MERITS**

0=there is a dissenting opinion, but did not address merits issue
1=dissent addressed *merits* issue(s) that was discussed (and coded) in the majority opinion and disagrees with majority
2=dissent addressed *merits* issue(s) that was discussed in the majority opinion and agrees with majority
3=dissent addressed *merits* issue(s) that was not discussed in the majority opinion

**CONCUR**

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.

**CONCUR BASIS**

These variables are coded only if there was a concurring opinion (including concur in part/dissent in part) filed in the case. It asks whether or not the author of that opinion used a similar “issue frame” as that employed in the majority. The idea is to capture whether the author has re-framed the case as presenting a different issue—other than that addressed in the majority opinion. In the case of more than one concurring opinions, code this field for the first listing concurring opinion.
**CONCUR-PROC**
0 = there is a concurring vote or opin, but did not address procedural issue.
1 = concurrence addressed **procedural** issue(s) that was discussed (and coded) in the majority opinion and disagrees with majority
2 = concurrence addressed **procedural** issue(s) that was discussed in the majority opinion and agrees with majority
3 = concurrence addressed **procedural** issue(s) that was not discussed in the majority opinion

**CONCUR-MERITS**
0 = there is a concurring vote or opin, but did not address merits issue
1 = concurrence addressed **merits** issue(s) that was discussed (and coded) in the majority opinion and disagrees with majority
2 = concurrence addressed **merits** issue(s) that was discussed in the majority opinion and agrees with majority
3 = concurrence addressed **merits** issue(s) that was not discussed in the majority opinion

**CONCUR2 BASIS**
This variable is coded only if there were at least two concurring opinions filed in the case. It asks whether or not the author of the second listed concurring opinion used a similar “issue frame” as that employed in the majority. The idea is to capture whether the author has re-framed the case as presenting a different issue—other than that addressed in the majority opinion. In the case of more than one concurring opinions, code this field for the second listed concurring opinion.

Use codes from concur basis

**HABEAS**
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

**DECUNCON**
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

The coding for these four 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

The specific issues for the four 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).

FEDLAW2 -
When constructing a statute, did the application of case law as it relates to a federal statute favor the appellant?

PROCEDUR -
Did the interpretation of federal rule of procedures, judicial doctrine, or case law by the court favor the appellant? (note: this issue should only be coded when the opinion goes beyond citing case law to fully discuss how to interpret precedent, doctrine, rule of procedure, etc.; 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).

Most Frequently Cited Constitutional Provisions, Statutes, and Procedural Rules

The coding of the 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):

KEYTOTAL

Record the total number of key numbers in the opinion (they are numbered so you only need to scan to find the last number).

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.

**CONSTNOTE1**

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

**CONSTNOTE2**

This field records the second most frequently cited constitutional provision, using the same codes as listed above.

**USCNOTE1**

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.

**USC1SECT**

This field records the number of the section from the title of the US Code selected for USCNOTE1, 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."

**USCNOTE2**

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.

USC2SECT

5 column wide

this field records the most frequently cited section of the title selected in USCNOTE2.

CIVPROC1

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

CIVPROC2

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

CRMPROC1

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.

CRMPROC2

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 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, 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".

Threshold Issues

**THRESHGEN**

Before coding specific issues below, this variable simply asks whether a threshold issue was present.

0=no threshold issue mentioned
1=threshold issue mentioned, but not discussed (for example, court outlines what is required of jurisdiction, but no issue of jurisdiction in this case)
2=threshold issue discussed and resolution favors appellant
3=threshold issue discussed and resolution favors respondent
4=threshold issue discussed and resolution does not favor either party (or favors both parties)
TURNONTHRESH

If threshgen above is coded 2, 3, or 4, then code the following question:
Did the case “turn” on the resolution of the threshold issue?

1=yes
2=no

The initial listing of variables below 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 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.

JURIS
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.

STATECLAIM
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.
STANDING
Did the court determine that the parties had standing?

MOOTNESS
Did the court conclude that an issue was moot?

EXHAUST
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?

TIMELY
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?

IMMUNITY
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)?

FRIVOL
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?

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

OTHTHRES
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)

Note: for the next 3 variables, code only as threshold issues for the appeals court.

LATE
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)

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 (code 5 if both civil and criminal)

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 fall 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 generally involve the application of state or local law. If the case is centrally concerned with the application or interpretation of federal substantive 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.

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.

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

INSANE
Did the court below err in not permitting an insanity defense? (or did the court err in its conclusion about whether the defendant was mentally competent to stand trial)

IMPROPER
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).

JURYINST
Did the court conclude that the jury instructions were improper?

OTHJURY
Did the court conclude that the jury composition or selection was invalid or that the jury was biased or tampered with?

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

INDICT

Did the court rule that the indictment was defective?

CONFESS

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.

SEARCH

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)

OTHADMS

Did the court rule that some other evidence was inadmissible (or did ruling on appropriateness of evidentiary hearing benefit the defendant)?

PLEA

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

INADEQCOUNSEL

Did the court rule that the defendant had inadequate counsel?

RTCOUNS

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

SUFFIC

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

INDIGENT

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

ENTRAP

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

PROCDIS

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

OTHCRI

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.

DUEPROC

Did the interpretation of the requirements of due process by the court favor the appellant?

EXECORD

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)

STPOLICY

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

WEIGHTEV

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)

PRETRIAL

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)

TRIALPROC

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

POSTTRL

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

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

JUDGDISC

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).

ALTDISP

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?

INJUNCT

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?

SUMMARY

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

FEDVST

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) ?

INT_LAW

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

ST_V_ST

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 v state or foreign v domestic (e.g., one state vs second state) ?

DISCOVER

Did the court's interpretation of rules relating to discovery or other issues related to obtaining evidence favor the appellant?

OTHCIVIL

Did the court resolve a significant other issue in favor of the appellant that does not fall into one of the specifically enumerated categories above?

CIVIL - GOVERNMENT (Civil law issues involving government actors)

SUBEVID

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 the variable- weight of evidence- instead of this issue).

DENENO

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
ERRON
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)

CAPRIC
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)

ABUSEDIS
Did the court conclude that it should defer to agency discretion? (for example, if the action was committed to agency discretion)

JUDREV
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")

GENSTAND
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)

NOTICE
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)

ALJ
Did the court support the decision of an administrative law judge?

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

FREEINFO
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"

COMMENT
Did agency give proper opportunity to comment?

RECORD
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

DIVERSE
Did the court conclude that the parties were truly diverse

WHLAWS
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.

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 12XX. 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.

CODEJ1

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.

CODEJ2

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).

J2VOTE1

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)

J2VOTE2

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)

J2MAJ1

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
3=voted with majority, but authored concurring opinion on issue
4=voted with majority, but joined concurring opinion
5=voted with majority, but did not join the opinion AND did not author or join concurring opinion (concur "in result")

J2MAJ2
1 column wide (470)
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=dissented
3=voted with majority, but authored concurring opinion on issue
4=voted with majority, but joined concurring opinion on issue
5=voted with majority, but did not join the opinion AND did not author or join concurring opinion (concur "in result")

CODEJ3
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).

J3VOTE1
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)

J3VOTE2
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)

J3MAJ1
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
3=voted with majority, but authored concurring opinion on issue
4=voted with majority, but joined concurring opinion on issue
5=voted with majority, but did not join the opinion AND did not author or join concurring opinion (concur "in result")

J3MAJ2
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
3=voted with majority, but authored concurring opinion on issue
4=voted with majority, but joined concurring opinion on issue
5=voted with majority, but did not join the opinion AND did not author or join concurring opinion (concur “in result”)

if en banc proceeding, will code for more judges on supplemental codesheet
CODEJ4----CODEJ15
J4VOTE1..J15VOTE1
J4VOTE2..J15VOTE2