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). ENDOPIN 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 Massachussets
22 Michigan
23 Minnesota
24 Mississippi
25 Missouri
26 Montana
27 Nebraska
28 Nevada
29 New Hampshire
30 New Jersey
31 New Mexico
32 New York
33 North Carolina
34 North Dakota
35 Ohio
36 Oklahoma
37 Oregon
38 Pennsylvania
39 Rhode Island
40 South Carolina
41 South Dakota
42 Tennessee
43 Texas
44 Utah
45 Vermont
46 Virginia
47 Washington
48 West Virginia
49 Wisconsin
50 Wyoming
51 Virgin Island
52 Puerto Rico
53 District of Columbia
54 Guam
55 not applicable - case from court other than US District
Court or state court (e.g., appealed from regulatory agency)
56 Panama Canal Zone
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 preceeding 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 case came to the court of appeals. Note that often the SOURCE and ORIGIN will be the same. The variable takes the following values:

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

Court for DC)
14 = earlier appeals court panel
15 = other
16 = not ascertained
17=bankruptcy appellate panel (BAP)

DISTJUDG
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 nothwithstanding 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?

(for example, Agriculture)

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
AFLCIO
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. (prolife,
pro-abortion), elderly, consumer interests: Consumer
Federation of America, Consumer's Union, National
Railroad Passenger Association; PAC
003 = Political party

004 = Educational organization - Private, non-profit school
005 = Educational organization - Association, not individual school - PTA or PTO
006 = Religious or non-profit hospital or medical care facility (e.g., nursing home)
007 = Other religious organization (includes religious foundations)
008 = Charitable or philanthropic organization (including foundations, funds, private museums, private libraries)
009 = Other
000 = Not able to categorize subcategory

FEDERAL GOVERNMENT (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 commisssion, 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 0f ___ - 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 citizenship 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
Cadilac 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,

U.S. Secretary of State"
APPEL1 = 14409
APPEL2 = 31004

REALAPP

_____
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

recorded.

_____

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
appearancein 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 intiated 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 parnership)
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 benefit**s**
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 deliquent 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 explicity 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
701 - 707 Taxes
3= for government tax claim
1= opposite (for taxpayer)
710-713 patents and copyrights, etc.
3= for person claiming patent or copyright infringement
1= opposite
720 - 730 torts
3= for the plaintiff alleging the injury
1 = opposite
731- 740 commercial disputes (private parties)
3= for economic underdog if one party is clearly an underdog
in comparison to the other
1=opposite
0=neither party is clearly an economic underdog
(Note: in cases pitting an individual against a business,
the individual is presumed to be the economic underdog
unless there is a clear indication in the opinion to the
contrary)

741 - 743 bankruptcy
3=for debtor or bankrupt
1=opposite
744 -746 antitrust, mergers
3= for government or private party raising claim of
violation of antitrust laws, or party opposing merger
1=opposite
747 private conflict over securities
3=for the economic underdog
1=opposite
0=no clear economic underdog
750 - 751 individual benefits
3=for individual claiming a benefit from government
1=for the government
disputes over government contracts and government
seizure of property
3=for government
1=opposite
government regulation of business (except 753,754)
3=for government regulation
1=opposite
753, 754, environment (includes pollution) and consumer
protection
3=for greater protection of the environment or greater
consumer protection (even if anti-government)
1=opposite
761 admiralty - personal injury
3 = for the injured party
1 = opposite

762- 764, 790 admiralty and miscellaneous economic cases
3=for economic underdog
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 CASEYTYP1.

_____
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 concuring 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

_____
CONSTIT
FEDLAW
FEDLAW2
PROCEDUR

_____
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
5 column wide

_____
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".

Threshhold 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 threshhold
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 threshhold 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 threshhold
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 threshhold 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)?

_____

FRIVAPP

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?

OTHAPPTH

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

TYPEISS
_____
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 fit in this category. In
addition, this category will include suits over taxes
and claims for benefits from government.
3 Diversity of Citizenship - civil cases involving disputes

between citizens of different states (remember that businesses have state citizenship). These cases 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) ?

SENTENCE

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)

OTHADMIS
Did the court rule that some other evidence was inadmissible (or did ruling on appropriateness of evidentary 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 ?

OTHCRIM
1 column wide (364)
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 thedefendant 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)

TRIALPRO

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

POST_TRL
_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) ?

FOREIGN

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).

DENOVO

Did the court's use of the standard of review, "de novo on facts" support the government ? (the courts generally recognize that de novo review is impractical for the bulk of agency decisions so the substantial evidence standard helps provide a middle course)
(this is de novo review of administrative action - not de

novo review of trial court by appeals court)

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