



# **LegalMetric District Judge Report**

## **Sample District**

### **Environmental Cases**

**January, 1991 to June, 2007**

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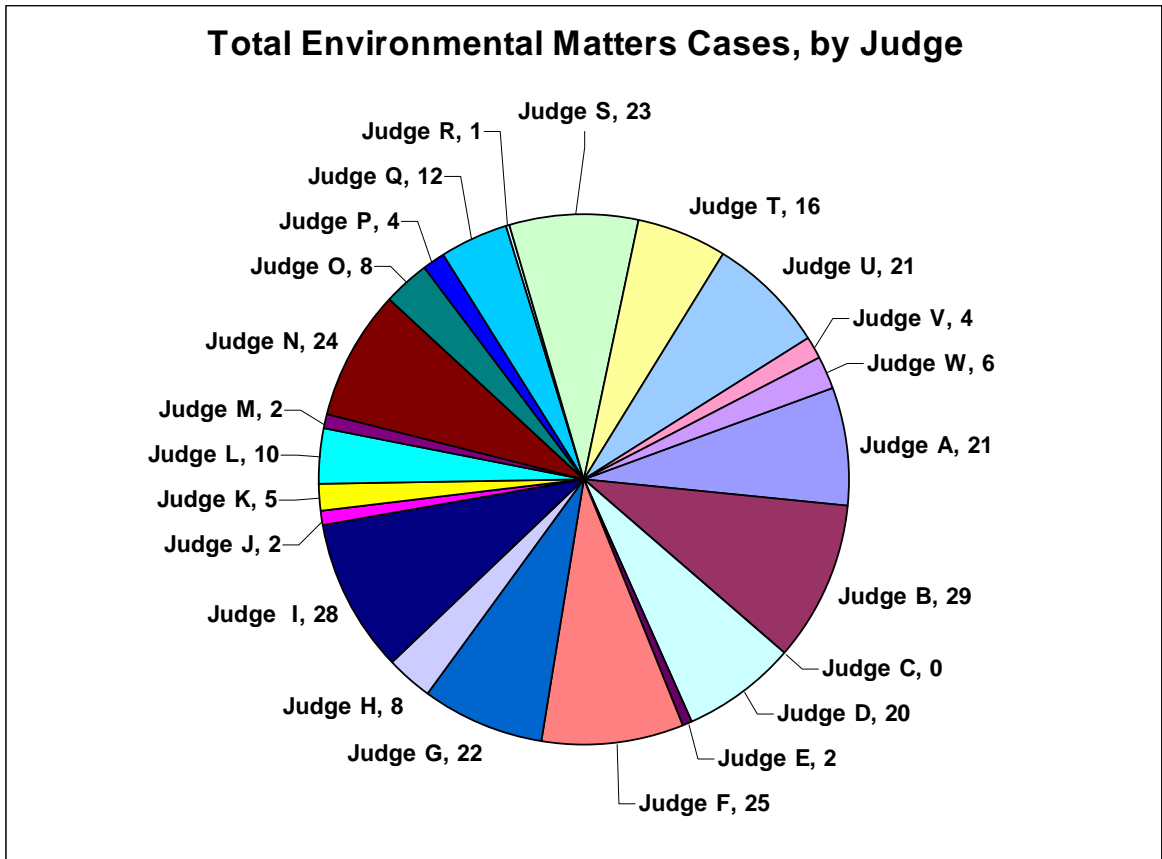
## Overview

This report covers the environmental cases of the active judges in the Sample District from January, 1991 to June, 2007. Cases of inactive judges are not included. For purposes of this report, senior judges who have not been assigned an environmental case for the past two years are considered inactive.

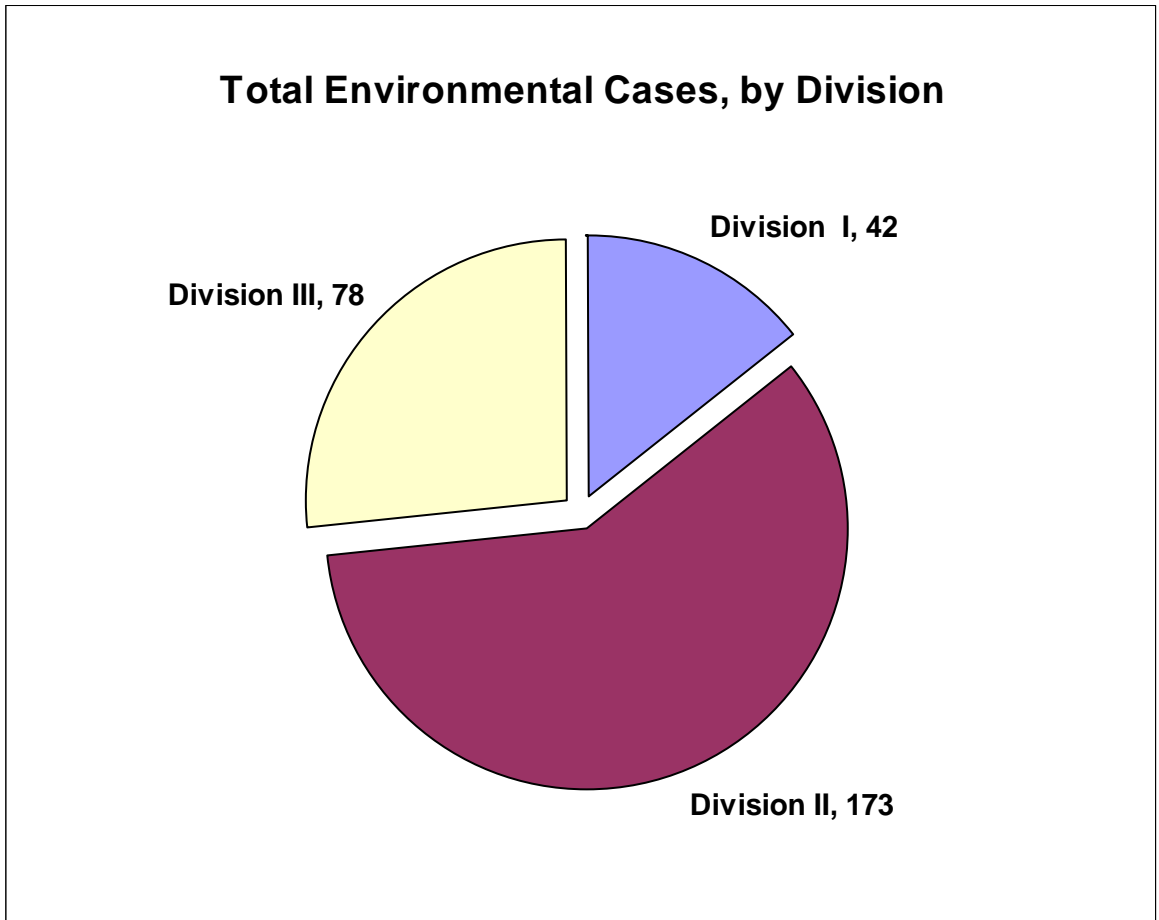
<p><b>Total Environmental Cases:</b> 293 Total/227 Closed                  Number of Cases, each Judge: 0 to 29                  (Average 13 per Judge)</p>	<p><b>Total Judgments on the Merits:</b> 65                  Each Judge: 0 to 11</p>
<p><b>Average Plaintiff Win Rate:</b> 74%</p> <p><b>Contested Win Rate:</b> 19.0% (4 of 21)                  (does not include consent and default judgments)</p> <p><b>Number of Trials:</b> None</p>	<div style="text-align: center;"> <p><b>Plaintiff Win Rate by Year</b></p> </div> <p style="text-align: center;">(Larger Version in Body of Report)</p>
<p><b>Average Time to Termination—All Cases:</b> 22.4 months                  Average by Judge from 5.5 to 54.8 months</p> <p><b>Average Time to Termination—On the Merits:</b> 23.3 months                  Average by Judge from 1.2 to 57.1 months</p> <p><b>Summary Judgment Activity:</b> 124 summary judgment motions                  Activity by Judge: 0 Motions to 24 Motions</p>	<div style="text-align: center;"> <p><b>Average Time to Termination on the Merits by Judge</b></p> </div> <p style="text-align: center;">(Larger Version in Body of Report)</p>
	<p><b>Total Appeals:</b> 22</p> <p><b>Complete Affirmance Rate:</b> 72.7% (8 of 11)</p>

## Breakdown by Judge and Division

The chart below illustrates the total number of environmental cases by active judges in the District.

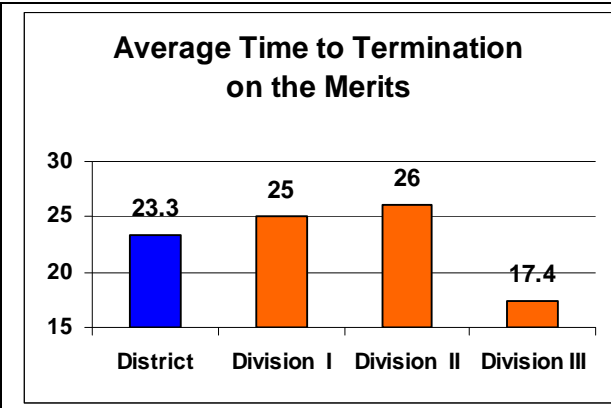


The breakdown of environmental cases by division is illustrated in the following chart:



## Divisional Comparisons

<div style="text-align: center;"><b>Overall Win Rate</b></div> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th>Division</th> <th>Win Rate (%)</th> </tr> </thead> <tbody> <tr> <td>District</td> <td>74</td> </tr> <tr> <td>Division I</td> <td>40</td> </tr> <tr> <td>Division II</td> <td>88.9</td> </tr> <tr> <td>Division III</td> <td>63.2</td> </tr> </tbody> </table>	Division	Win Rate (%)	District	74	Division I	40	Division II	88.9	Division III	63.2	<p><b>Overall Win Rates:</b> The win rate for the District was 74%. The variation by division is shown in the chart to the left. Overall win rate includes consent and default judgments.</p>
Division	Win Rate (%)										
District	74										
Division I	40										
Division II	88.9										
Division III	63.2										
<div style="text-align: center;"><b>Contested Win Rate</b></div> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th>Division</th> <th>Win Rate (%)</th> </tr> </thead> <tbody> <tr> <td>District</td> <td>19</td> </tr> <tr> <td>Division I</td> <td>0</td> </tr> <tr> <td>Division II</td> <td>50</td> </tr> <tr> <td>Division III</td> <td>0</td> </tr> </tbody> </table>	Division	Win Rate (%)	District	19	Division I	0	Division II	50	Division III	0	<p><b>Contested Win Rates:</b> The contested win rate (excludes consent and default judgments) for the District was 19.0%. The variation by division can be seen in the chart to the left.</p>
Division	Win Rate (%)										
District	19										
Division I	0										
Division II	50										
Division III	0										
<div style="text-align: center;"><b>Complete Affirmance Rate</b></div> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th>Division</th> <th>Affirmance Rate (%)</th> </tr> </thead> <tbody> <tr> <td>District</td> <td>72.7</td> </tr> <tr> <td>Division I</td> <td>100</td> </tr> <tr> <td>Division II</td> <td>66.7</td> </tr> <tr> <td>Division III</td> <td>66.7</td> </tr> </tbody> </table>	Division	Affirmance Rate (%)	District	72.7	Division I	100	Division II	66.7	Division III	66.7	<p><b>Win Rate at Trial:</b> There were no trials in the Sample District during the period covered by this report.</p> <p><b>Complete Affirmance Rate:</b> The Complete Affirmance Rate (appeals affirmed with no other action, divided by the total number of appeals except for dismissed and pending appeals) for the district was 72.7%. The variation by division can be seen in the chart to the left.</p>
Division	Affirmance Rate (%)										
District	72.7										
Division I	100										
Division II	66.7										
Division III	66.7										

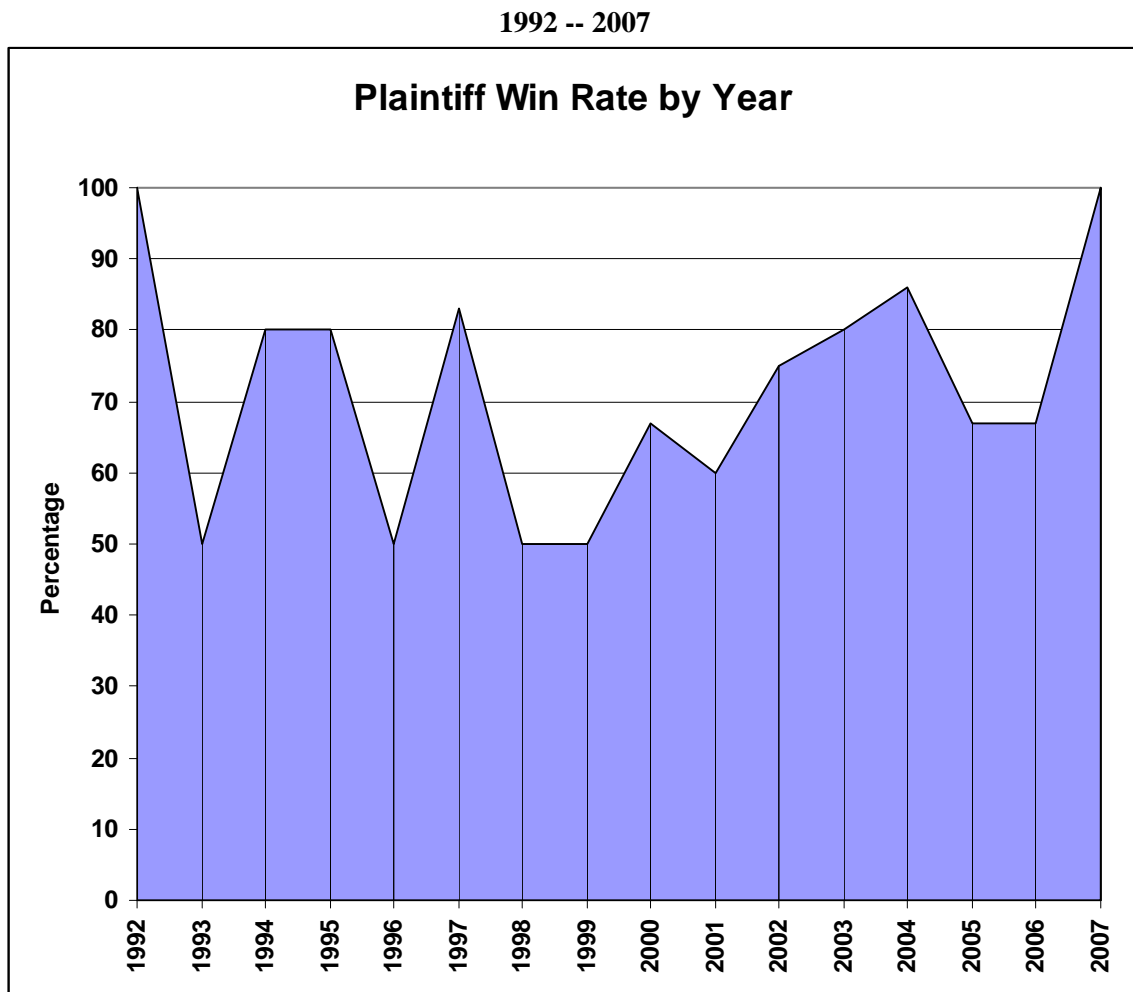


**Time to Termination on the Merits:** The average time from case filing to termination on the merits (includes consent and default judgments) was 23.3 months. The variation by division can be seen in the chart to the left.

## What are the Odds<sup>1</sup>—Terminations on the Merits

Of the 227 closed environmental cases in the Sample District in the period covered by this report, 28.6% were terminated on the merits, i.e., by trial, pre-trial motion, default or consent judgment. Plaintiffs won 74% of those cases decided on the merits.

The following chart shows the plaintiff win rate for the active judges in the Sample District by year. The plaintiff win rate for the active judges should be compared with the historical nationwide win rate of 63%.

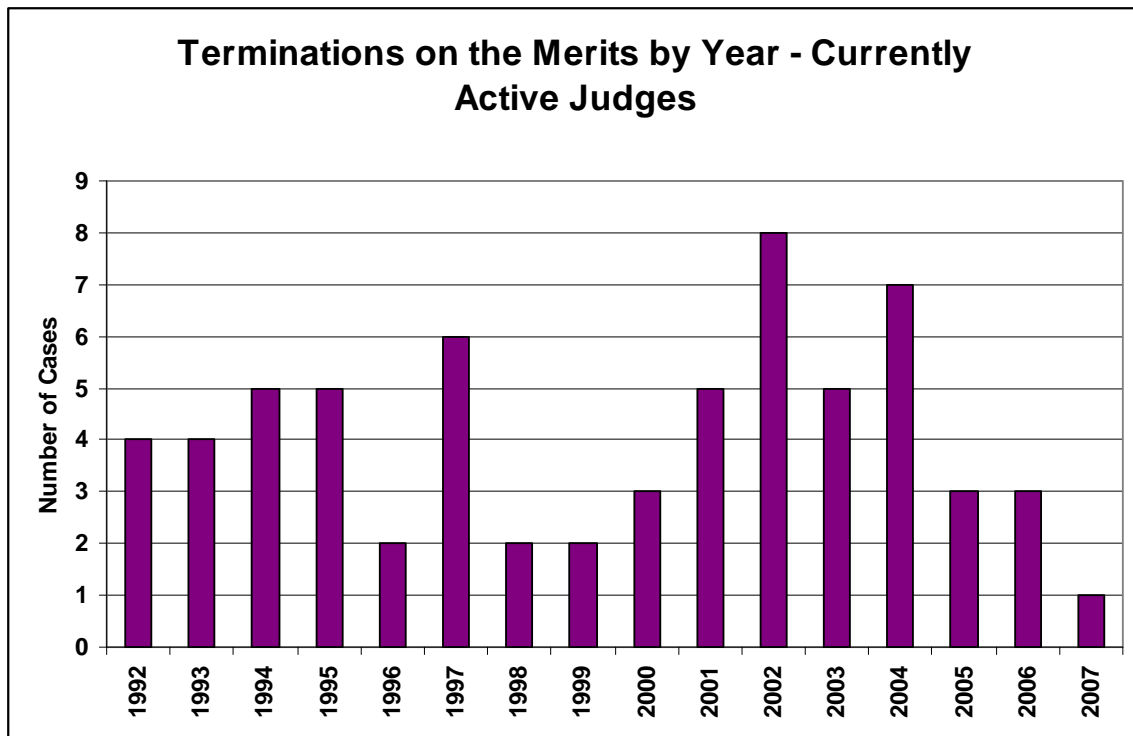


<sup>1</sup> If there were any cases in which both parties prevailed (for example, the plaintiff prevailed on its complaint and the defendant prevailed on an unrelated counterclaim), such a case is counted as one-half of a “win” for plaintiff and one-half of a “win” for defendant. Fractional numbers of “wins”, therefore, can occur.

The actual numbers of plaintiff “wins” versus total terminations on the merits from 1992 through 2007 by the currently active judges are as follows:

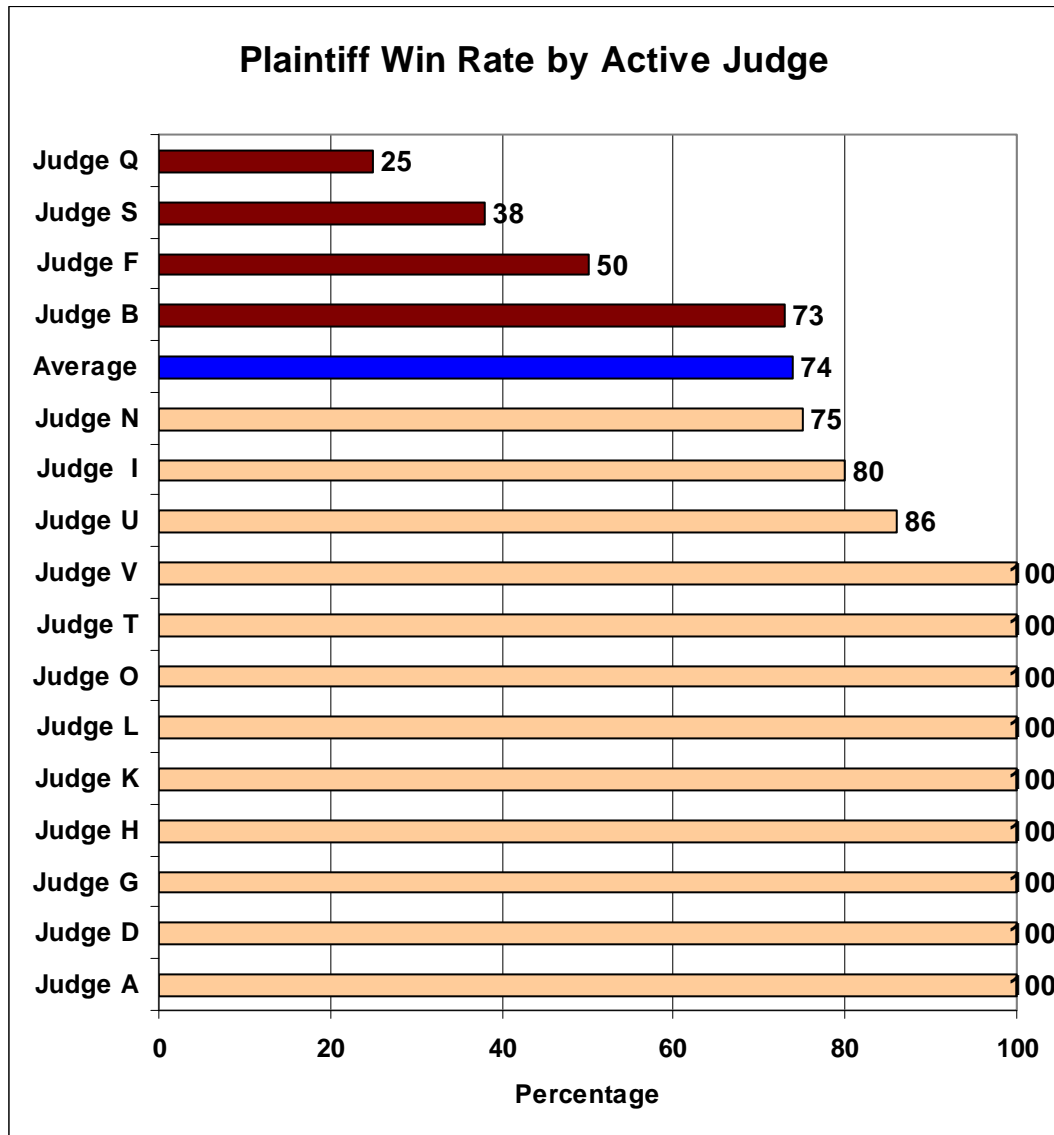
Year	Plaintiff Wins	Total Decisions	Plaintiff Win Rate
1992	4	4	100
1993	2	4	50
1994	4	5	80
1995	4	5	80
1996	1	2	50
1997	5	6	83
1998	1	2	50
1999	1	2	50
2000	2	3	67
2001	3	5	60
2002	6	8	75
2003	4	5	80
2004	6	7	86
2005	2	3	67
2006	2	3	67
2007	1	1	100

The total number of terminations on the merits per year by the currently active judges during the same period in the Sample District is shown in the following chart:



## Plaintiff Win Rate By Judge

For the district as a whole the plaintiff win rate for these active judges over this period was 74%. The plaintiff win rate varies significantly from judge to judge over the period covered by this report—from 25% to 100%. For judges with at least five terminations on the merits, the range is from 38% to 100%. The chart below illustrates these win rates for those judges with at least 1 termination on the merits.



The following table provides the plaintiff win rate information for each active judge with at least 1 termination on the merits, along with the number of terminations on the merits by that judge in environmental cases during this period.

<b>Judge</b>	<b>Number of Terminations on Merits</b>	<b>Plaintiff Win Rate</b>
Average for the Court	3	74
A	7	100
B	11	73
D	5	100
F	6	50
G	1	100
H	1	100
I	5	80
K	2	100
L	1	100
N	4	75
O	1	100
Q	4	25
S	8	38
T	1	100
U	7	86
V	1	100

## **Breakout of Plaintiff & Defendant Win Rate Statistics**

### **At Trial**

Of the 227 closed environmental cases of the active judges in the Sample District during the period covered by this report, none were decided at trial.

### **Plaintiff—Other Than Trial**

There were 48 judgments on the merits in favor of the plaintiff other than by trial. Plaintiff prevailed in 43 cases by consent judgment, 1 case by default judgment, 1 case by other termination and 3 cases by summary judgment.

### **Defendant—Other Than Trial**

There were 17 judgments on the merits in favor of the defendant other than by trial. The defendant prevailed in 6 cases by involuntary dismissal, 2 cases by other termination and 9 cases by summary judgment.

## All Parties—All Terminations on the Merits

All the terminations on the merits by active judges for the Sample District during this period are shown in the following table:

District Terminations	Plaintiff		Defendant	
At Trial	n/a	( 0 / 0 )	n/a	( 0 / 0 )
Bench Trial	n/a	( 0 / 0 )	n/a	( 0 / 0 )
Jury Verdict	n/a	( 0 / 0 )	n/a	( 0 / 0 )
Consent Judgment <sup>2</sup>	100%	( 43 / 43 )	0%	( 0 / 43 )
Default Judgment	100%	( 1 / 1 )	0%	( 0 / 1 )
Involuntary Dismissal	0%	( 0 / 6 )	100%	( 6 / 6 )
Other Termination	33%	( 1 / 3 )	67%	( 2 / 3 )
Summary Judgment	25%	( 3 / 12 )	75%	( 9 / 12 )
Overall (on the Merits)	74%	( 48 / 65 )	26%	( 17 / 65 )

Plaintiffs prevailed above the overall average (74%) in cases terminated by consent judgment (100%) and by default judgment (100%). Defendants prevailed above the overall average (26%) in cases terminated by involuntary dismissal (100%), other termination (67%), and summary judgment (75%).

Nationwide, plaintiffs prevail in 63% of these cases overall, and in 62% of these cases at trial. (When trial was to a jury, plaintiff prevailed in 55% of these cases nationwide.) Conversely, defendants nationwide prevail in 37% of these cases overall, and in 38% of these cases at trial. (When trial was to a jury, defendant prevailed in 45% of these cases nationwide.)

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<sup>2</sup> Consent judgments are presumed to be in favor of the plaintiff unless the docket indicates otherwise.

## Decisions on Involuntary Motions to Dismiss—By Judge

The 6 involuntary dismissals for the defendants were decided by the active judges as shown in the following table. Judges omitted from this table had no decisions granting motions to dismiss during the period of time covered by this report.

Judge	Number of Terminations on Merits	Involuntary Dismissals
B	11	1
Q	4	2
S	8	3

Terminations by summary judgment are not included in these figures. See Dispositions by Summary Judgment section for those results.

## Dispositions by Summary Judgment

The 12 summary judgment dispositions were decided as indicated in the table below.

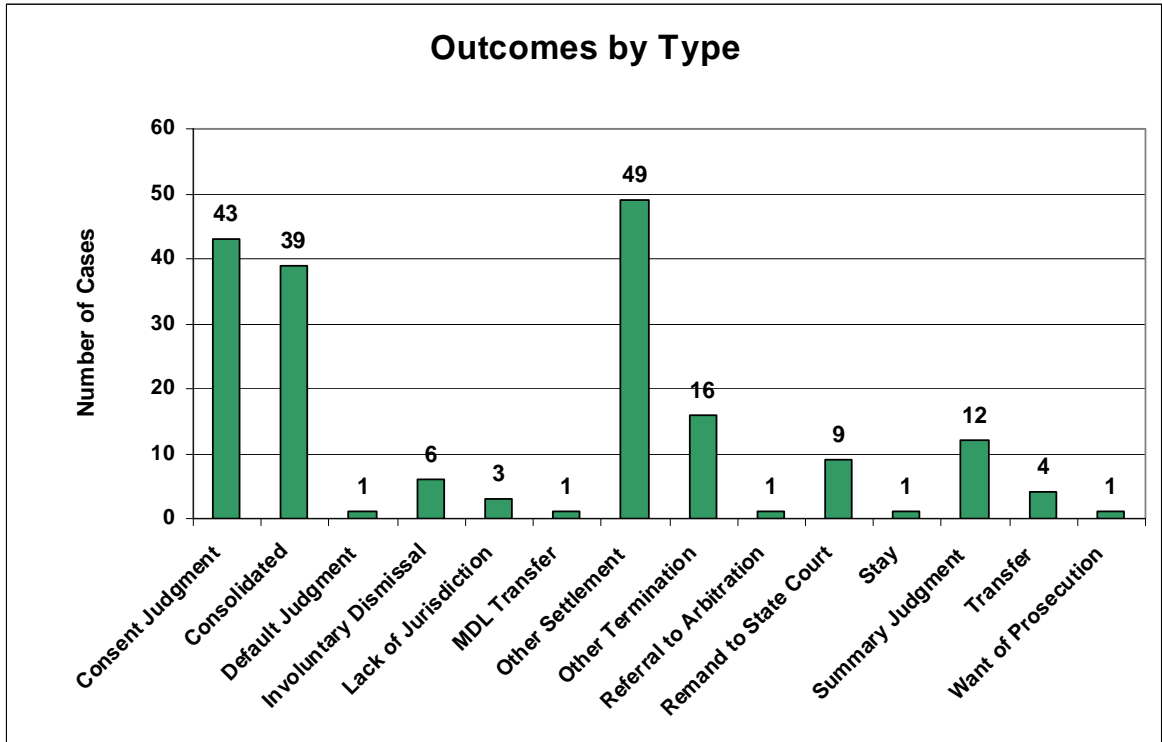
Judge	Summary Judgment for Plaintiff	Summary Judgment for Defendant
B	0	2
D	2	0
F	0	2
G	1	0
I	0	1
N	0	1
Q	0	1
S	0	1
U	0	1

## Case Outcomes

Of the 227 terminated cases,

- 43 (18.9%) were terminated by consent judgment, with an average pendency of 21.0 months
- 39 (17.2%) were terminated by consolidation, with an average pendency of 4.4 months
- 1 (0.4%) was terminated by default judgment, with a pendency of 31.7 months
- 6 (2.6%) were terminated by involuntary dismissal, with an average pendency of 8.1 months
- 3 (1.3%) were terminated for lack of jurisdiction, with an average pendency of 8.2 months
- 49 (21.6%) were terminated by miscellaneous settlement, with an average pendency of 37.6 months
- 16 (7.0%) were terminated by other miscellaneous termination, with an average pendency of 23.3 months
- 1 (0.4%) was terminated by referral to arbitration, with a pendency of 2.1 months
- 9 (4.0%) were terminated by remand to state court, with an average pendency of 7.6 months
- 1 (0.4%) was terminated by stay, with a pendency of 20.3 months
- 12 (5.3%) were terminated by summary judgment, with an average pendency of 37.1 months
- 5 (2.2%) were terminated by transfer, with an average pendency of 6.0 months
- 0 (0.0%) were terminated by bench trial
- 0 (0.0%) were terminated by jury trial
- 41 (18.1%) were terminated by voluntary dismissal, with an average pendency of 27.1 months
- 1 (0.4%) was terminated for want of prosecution, with a pendency of 9.6 months

The chart below illustrates the case outcomes for the Sample District in environmental cases:  
The 41 voluntary dismissals are not included in the chart.



## **Bench Trials—Number By Judge**

There were no bench trials in environmental cases in the Sample District as a whole during the period covered by this report.

## **Jury Trials—Number By Judge**

There were no jury trials in these cases.

## **Terminations by Transfer—Number By Judge**

There were 4 cases terminated by transfer in environmental cases in the Sample District during the period covered by this report. The table below shows the number of terminations by transfer for each active judge that transferred at least 1 case.

<b>Judge</b>	<b>Cases Transferred</b>
B	1
F	2
N	1

Note that this table does not include MDL Transfers.

## **Trials—District-Wide by Prevailing Party and Trial Type**

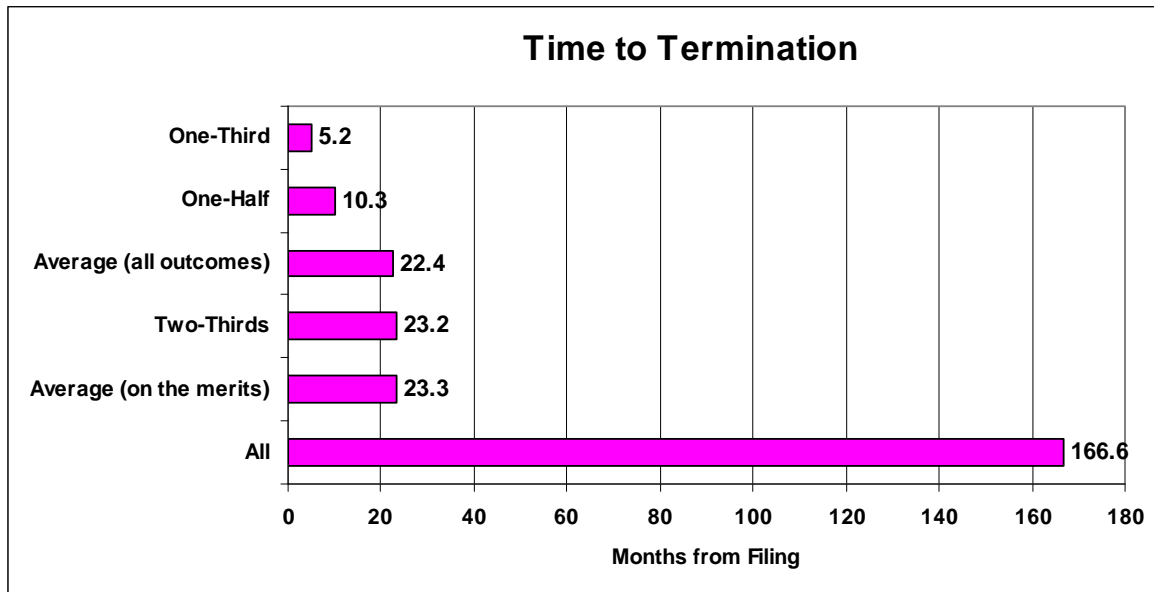
Of the 65 cases with an identifiable winner, none went to trial.

## How Long?—Time to Termination

### Time to Termination<sup>3</sup> for Closed Cases:

Average: .....	22.4 months
One-Third <sup>4</sup> : .....	5.2 months
One-Half <sup>5</sup> : .....	10.3 months
Two-Thirds <sup>6</sup> : .....	23.2 months
All <sup>7</sup> : .....	166.6 months
Average (on the merits): .....	23.3 months
Jury Demand by Plaintiff Only-Average <sup>8</sup> : .....	19.1 months
Jury Demand by Defendant Only-Average <sup>9</sup> : .....	52.5 months
Jury Demand by Both Parties-Average <sup>10</sup> : .....	31.7 months
No Jury Demand-Average <sup>11</sup> : .....	16.4 months

Some of these figures are illustrated in the chart below.



<sup>3</sup> Termination statistics in this report are measured from the filing of papers in federal court to the terminating event, usually voluntary dismissal or entry of judgment. This may vary from the date the file was closed due to post-trial and ministerial activity.

<sup>4</sup> The time it took for one-third of the total cases of this type to terminate, measured from the filing date in federal court.

<sup>5</sup> The time it took for one-half of the total cases of this type to terminate, measured from the filing date in federal court.

<sup>6</sup> The time it took for two-thirds of the total cases of this type to terminate, measured from the filing date in federal court.

<sup>7</sup> The time it took until all the closed cases of this type were terminated.

<sup>8</sup> The time it took, on average, for cases of this type to terminate where only the plaintiff demanded a jury.

<sup>9</sup> The time it took, on average, for cases of this type to terminate where only the defendant demanded a jury.

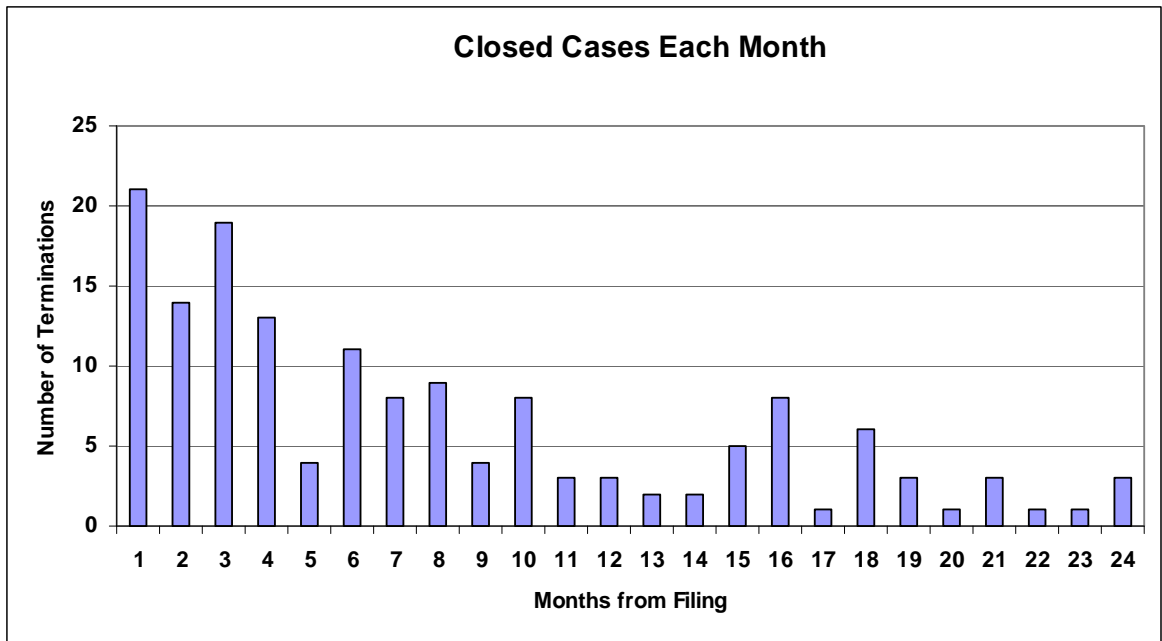
<sup>10</sup> The time it took, on average, for cases of this type to terminate where both parties demanded a jury.

<sup>11</sup> The time it took, on average, for cases of this type to terminate where neither party demanded a jury.

That is, one-third of the environmental cases were terminated within 5.2 months of commencement of the case; one-half were terminated within 10.3 months of the commencement; two-thirds were terminated within 23.2 months of commencement; and all were terminated within 166.6 months of commencement. The average of all terminations was 22.4 months. The average time for a termination on the merits in these cases was 23.3 months.

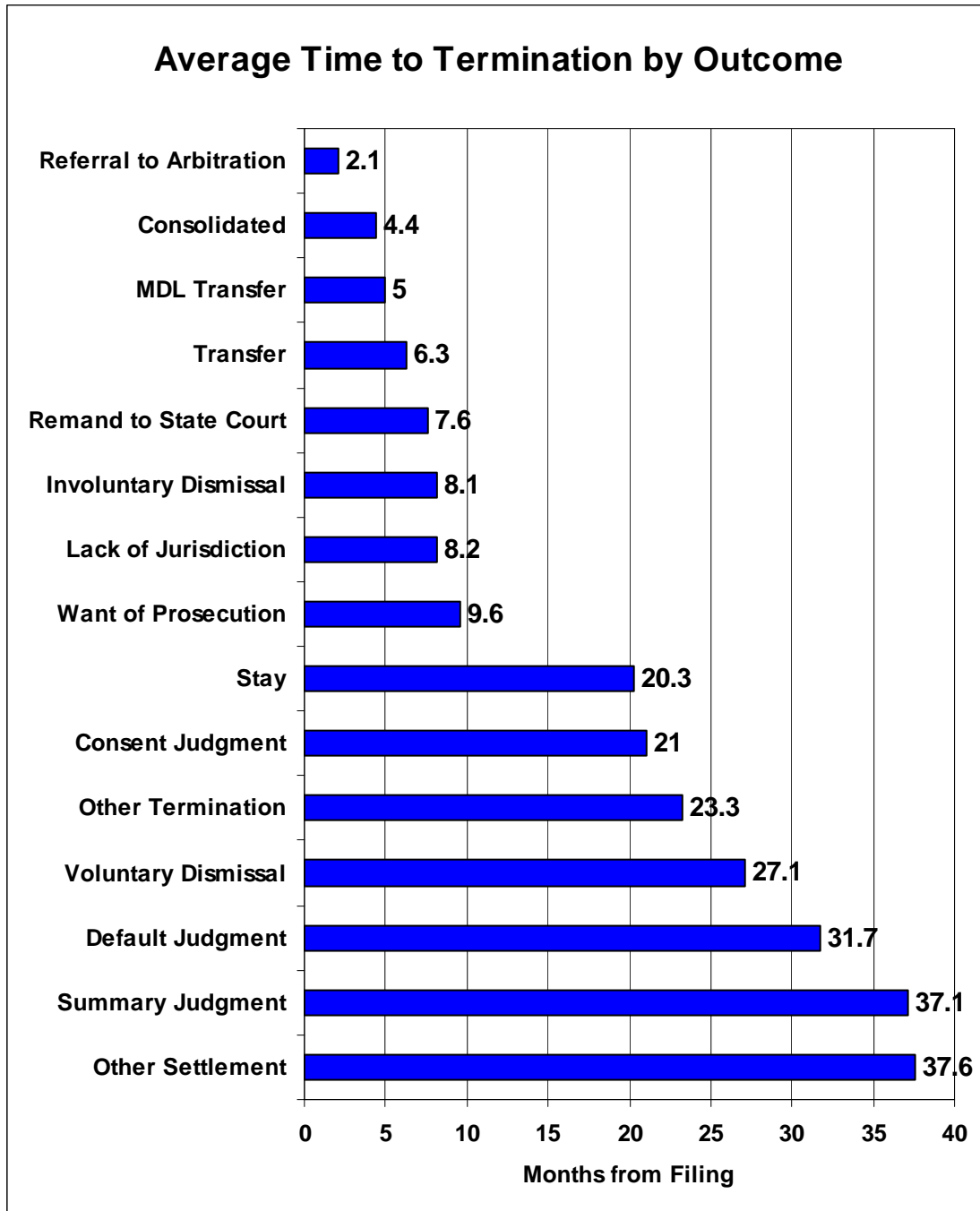
### a. Terminations by Month

An overview of when terminations typically occur is found in the following chart, which shows the number of environmental cases in the Sample District that were terminated per month, for the first two years after filing:



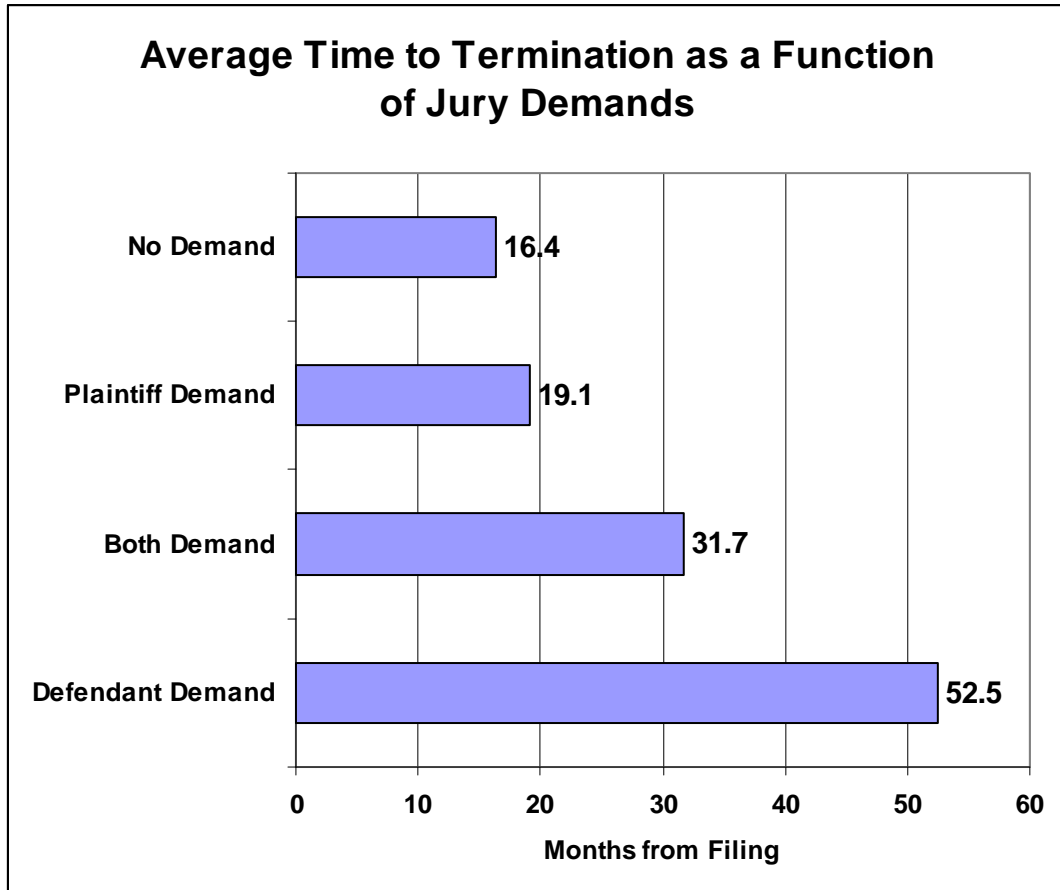
## b. Terminations by Outcome

Pendency usually varies by type of termination. For example, transfers typically occur much earlier in litigation than summary judgments. The average case pendency for each type of outcome for environmental cases in the Sample District is shown below.



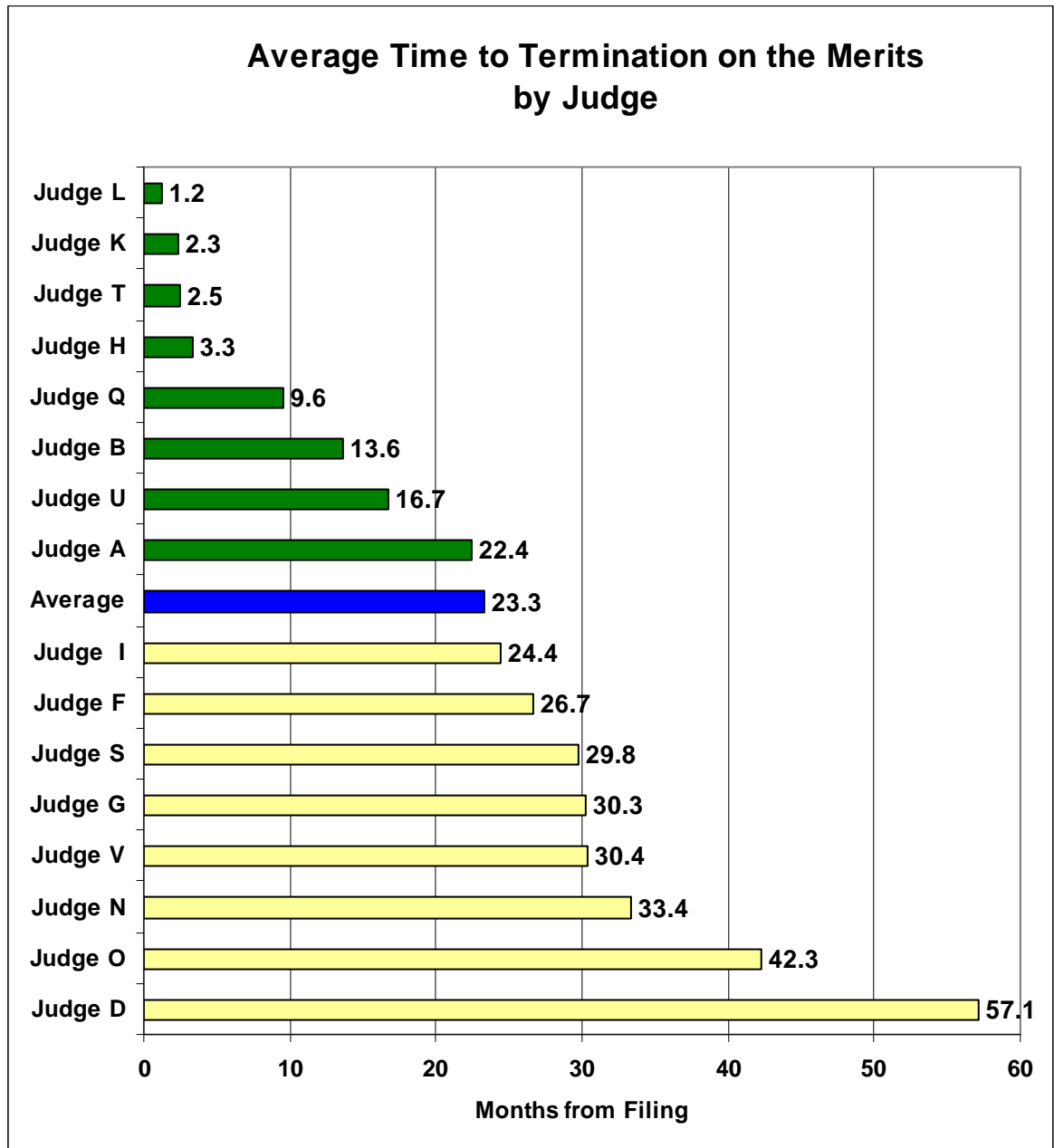
### c. Terminations as a Function of Jury Demands

Many times pendency can be a function of which party or parties demand a jury. For example, in environmental cases in the Sample District where only the plaintiff demands a jury, termination occurs on average in 19.1 months. Where only the defendant demands a jury, termination occurs on average in 52.5 months. Where both parties demand a jury, termination occurs on average in 31.7 months. And where neither party demands a jury, termination occurs on average in 16.4 months.



## Average Pendency for All Terminations on the Merits—By Active Judge

The average time from filing to termination on the merits in these cases was 23.3 months. There is considerable variation of average pendency by judge, ranging from 1.2 months for Judge L to 57.1 months for Judge D. The chart below shows the variation for average time to termination on the merits by judge.



## Average Pendency for Bench Trials—By Active Judge

There were no terminations of environmental cases by bench trial in the Sample District during the period covered by this report.

## Average Pendency for Jury Trials—By Active Judge

There were no terminations of environmental cases by jury verdict in the Sample District during the period covered by this report.

## Average Pendency for Cases Terminated by Summary Judgment—By Active Judge

The average time from filing to termination by summary judgment in environmental cases in the Sample District was 37.1 months. By judge, average time to termination for summary judgments ranged from 7.9 months for Judge U to 92.9 months for Judge D. The table below illustrates the variation among judges.

Judge	Number of Terminations by Summary Judgment	Average Time from Filing to Termination by Summary Judgment (Months)
Average for the Court	0.5	37.1
B	2	9.0
D	2	92.9
F	2	40.9
G	1	30.3
I	1	62.9
N	1	15.4
Q	1	18.0
S	1	25.1
U	1	7.9

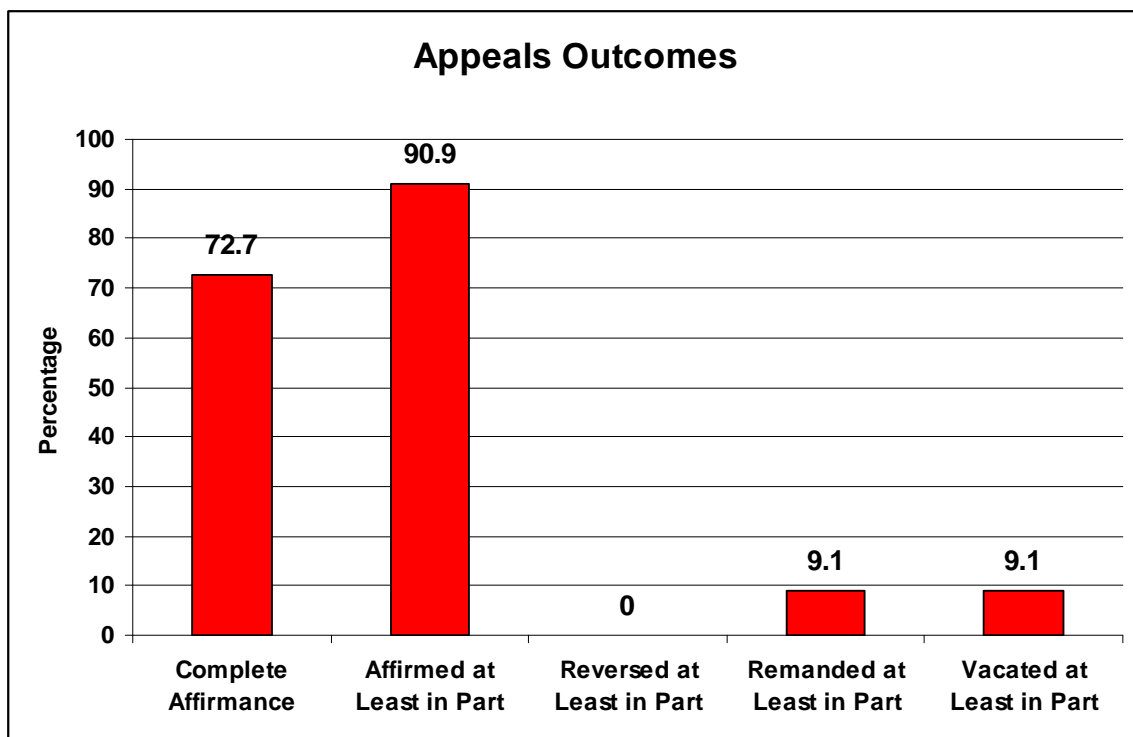
## Average Pendency for Cases Terminated by Transfer—By Active Judge

The average time from filing to termination by transfer in environmental cases in the Sample District was 6.3 months. By judge, average time to termination for transfers ranged from 3.7 months for Judge B to 7.9 months for Judge F. The table below illustrates the variation among judges.

Judge	Cases Transferred	Average Time from Filing to Transfer (Months)
Average for the Court	0.2	6.3
B	1	3.7
F	2	7.9
N	1	5.5

## Appeals

Of the 227 closed environmental cases of the active judges in the Sample District, 22 were appealed. There were rulings on 11 of these appeals. The Complete Affirmance Rate<sup>12</sup> for these appeals was 72.7% (8 of 11). The percentage affirmed at least in part was 90.9% (10 of 11). The percentage reversed at least in part was 0.0% (0 of 11). The percentage remanded at least in part was 9.1% (1 of 11). The percentage vacated at least in part was 9.1% (1 of 11).



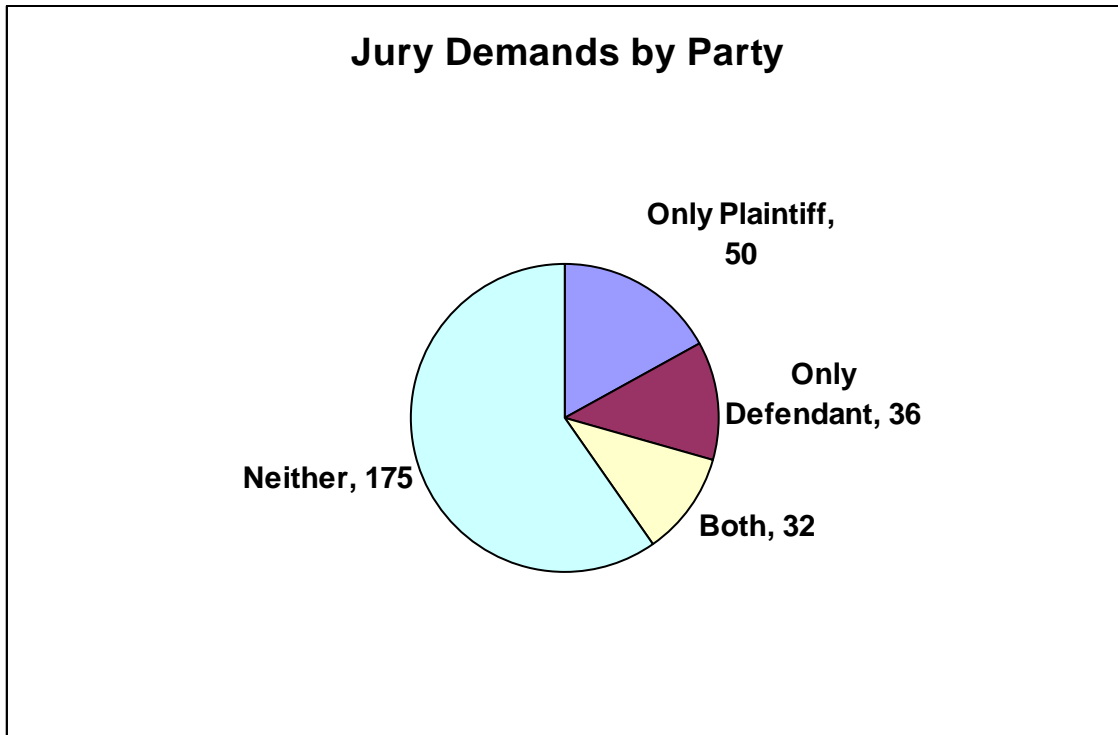
<sup>12</sup> All percentages in this paragraph do not include dismissed or pending appeals. The Complete Affirmance Rate is the number of appeals which were affirmed with no other ruling, divided by the total number of appeals expressed as a percentage.

Of the 22 total appeals, 8 were affirmed; 1 was affirmed in part, dismissed in part; 1 was affirmed in part, vacated in part, dismissed in part; 7 were dismissed; 4 are pending; and 1 was remanded. The results of those appeals are shown in the following table:

Case Name	Case Number	Judge	Result of Appeal
A v. B	0:00cv00000	S	Affirmed
A v. B	0:00cv00000	S	Affirmed
A v. B	0:00cv00000	N	Affirmed
A v. B	0:00cv00000	U	Affirmed
A v. B	0:00cv00000	D	Affirmed
A v. B	0:00cv00000	U	Affirmed
A v. B	0:00cv00000	F	Affirmed
A v. B	0:00cv00000	B	Affirmed
A v. B	0:00cv00000	B	Affirmed in part, Dismissed in part
A v. B	0:00cv00000	I	Affirmed in part, Vacated in part, Dismissed in part
A v. B	0:00cv00000	S	Dismissed
A v. B	0:00cv00000	S	Dismissed
A v. B	0:00cv00000	S	Dismissed
A v. B	0:00cv00000	U	Dismissed
A v. B	0:00cv00000	G	Dismissed
A v. B	0:00cv00000	D	Dismissed
A v. B	0:00cv00000	B	Dismissed
A v. B	0:00cv00000	D	Pending
A v. B	0:00cv00000	Q	Pending
A v. B	0:00cv00000	A	Pending
A v. B	0:00cv00000	Q	Pending
A v. B	0:00cv00000	D	Remanded

## Jury Demands

Of the 293 environmental cases (both open and closed) of the active judges in the Sample District, at least one of the parties demanded a jury in 40.3% of the cases (118 of 293 cases). Both sides demanded a jury in 10.9% of the cases (32 of 293). The plaintiff, but not the defendant, demanded a jury in 17.1% of the cases (50 of 293). The defendant, but not the plaintiff, demanded a jury in 12.3% of the cases (36 of 293). Neither party demanded a jury in 59.7% of the cases (175 of 293). The chart below illustrates the jury demands in the Sample District for environmental cases over this period.



## Experience

The active judges in the Sample District vary considerably in their exposure to environmental cases in general and to significant motions in those cases.

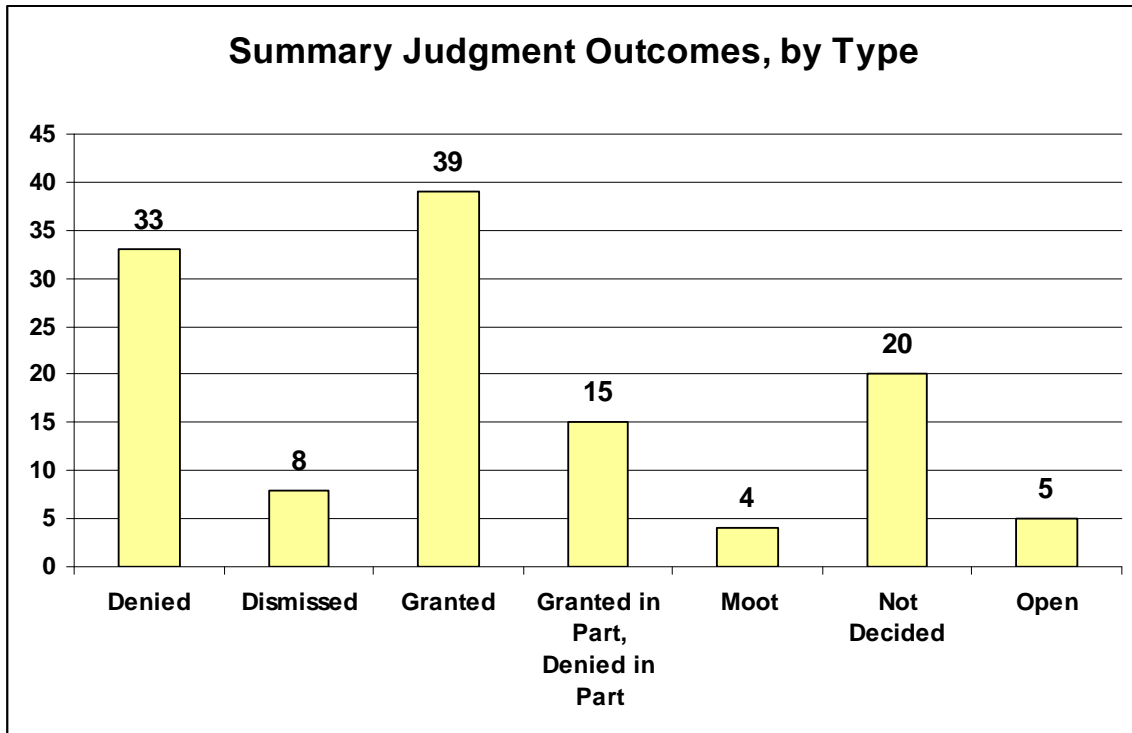
### Total Number of Environmental Cases—By Judge

There were 13 total environmental cases for each active judge (on average). But the actual number of environmental cases per judge varies significantly. The table below shows the total number of environmental cases and total number of closed environmental cases for each of these judges.

Judge	Number of Environmental Cases	Number of Closed Environmental Cases
Average for the Court	13	10
A	21	19
B	29	28
D	20	18
E	2	0
F	25	21
G	22	2
H	8	7
I	28	26
J	2	1
K	5	4
L	10	10
M	2	2
N	24	24
O	8	6
P	4	0
Q	12	11
R	1	0
S	23	22
T	16	3
U	21	18
V	4	2
W	6	3

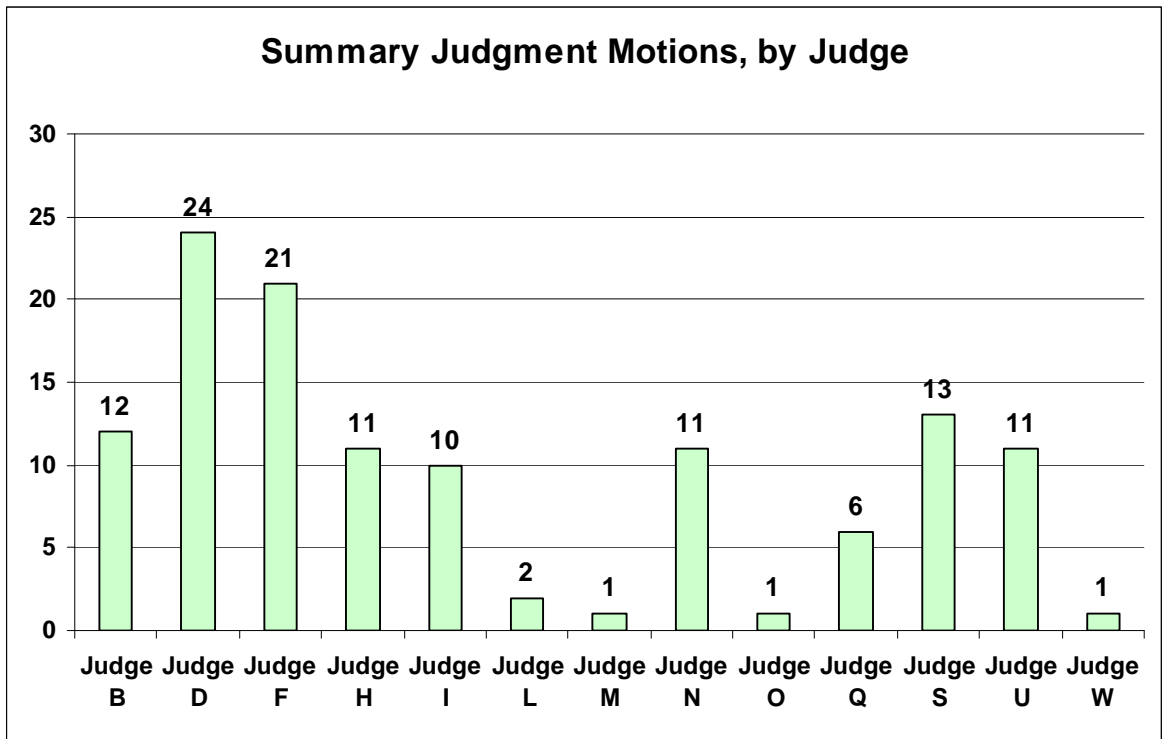
## Cases with Summary Judgment Activity—By Active Judge

There were 124 summary judgment motions filed in these cases. Of the 124 summary judgment motions, 33 were denied, 4 were moot, 8 were dismissed, 39 were granted, 15 were granted in part, denied in part,<sup>13</sup> 20 were not decided, and 5 are open. The summary judgment figures are illustrated in the chart below.

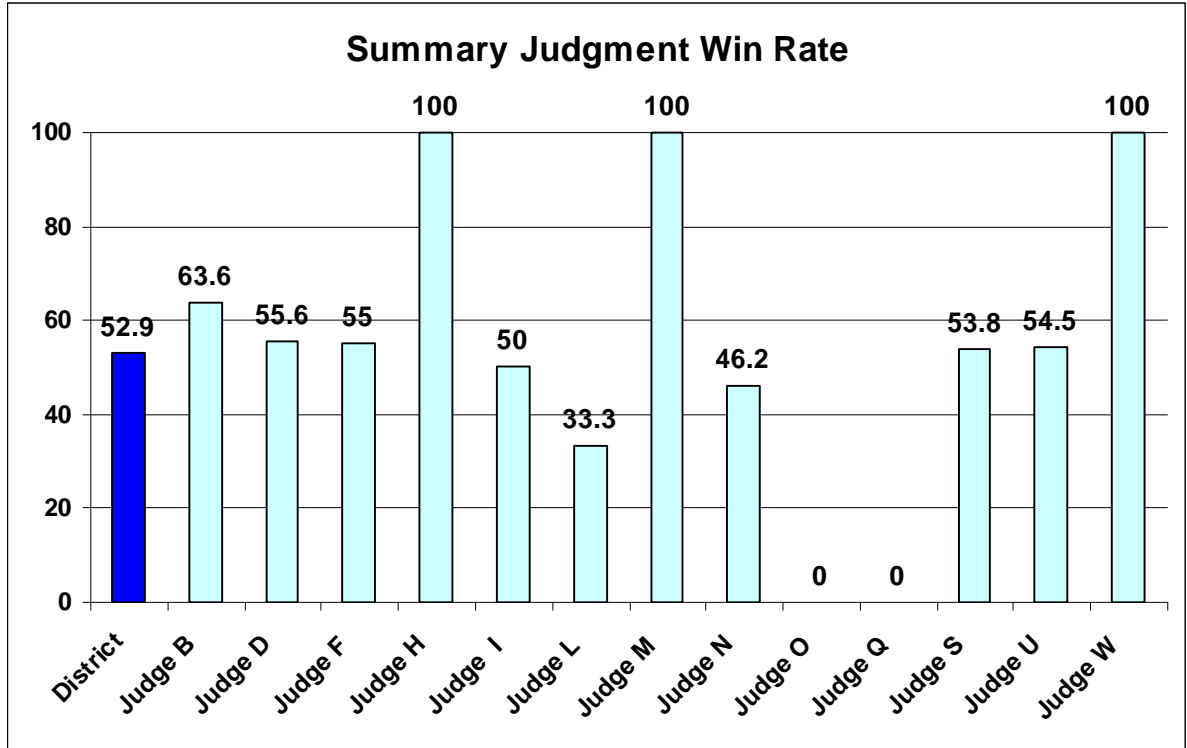


<sup>13</sup> A ruling granting a motion in part and denying it in part is treated as two rulings—one granting a motion and one denying a motion.

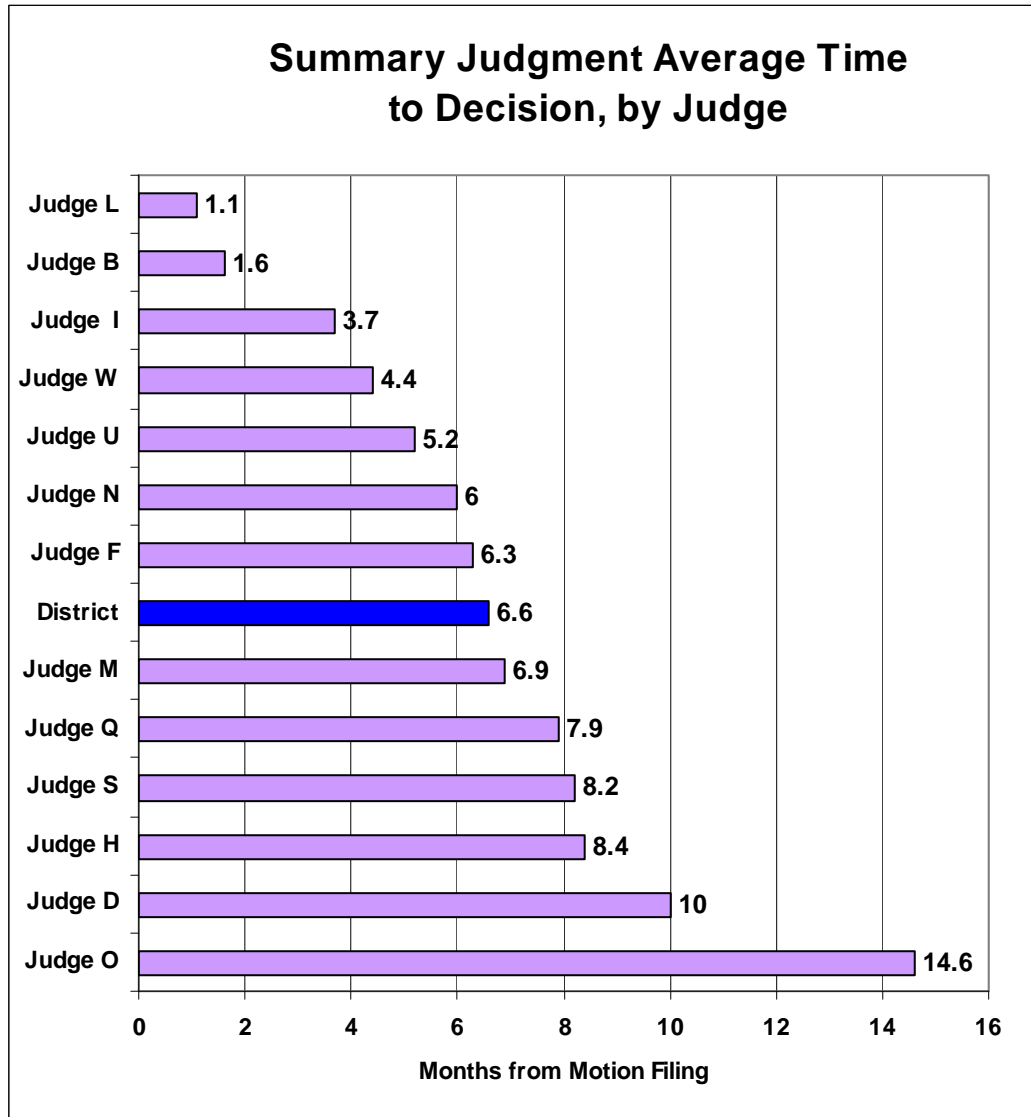
The number of summary judgment motions, by judge, is illustrated below:



The contested win rates (excluding consent rulings) for these summary judgment motions are illustrated in the following chart:

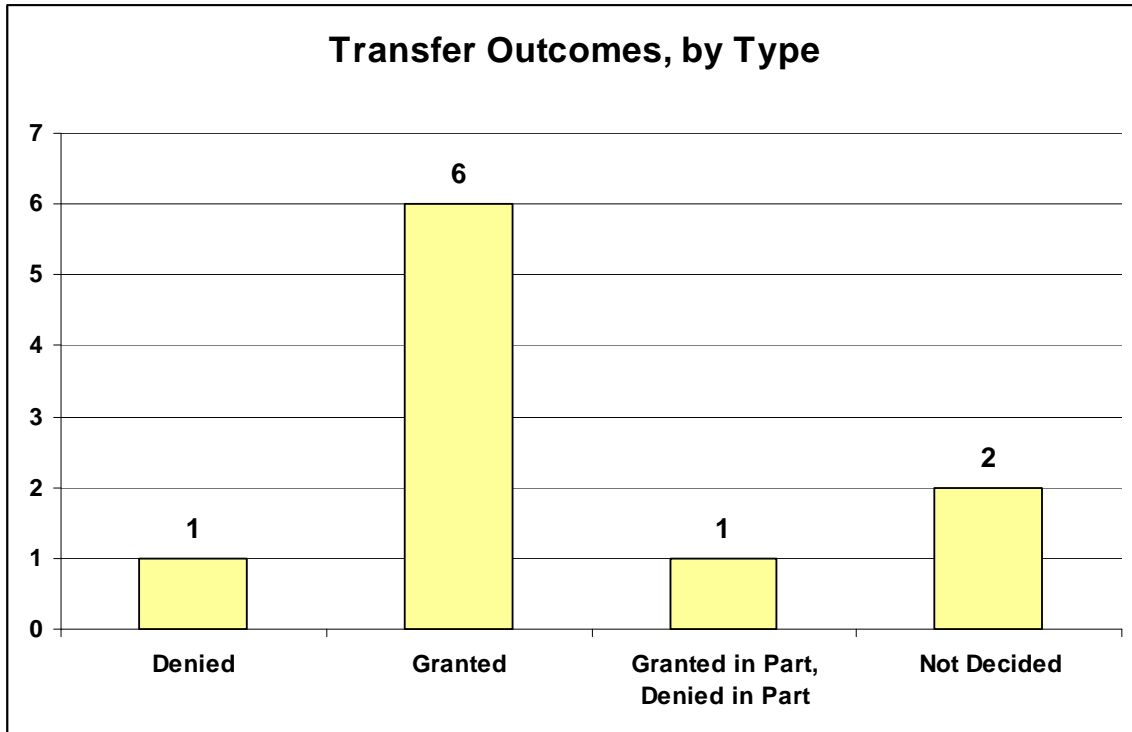


The average time from motion filing to decision for these summary judgment motions is illustrated below:



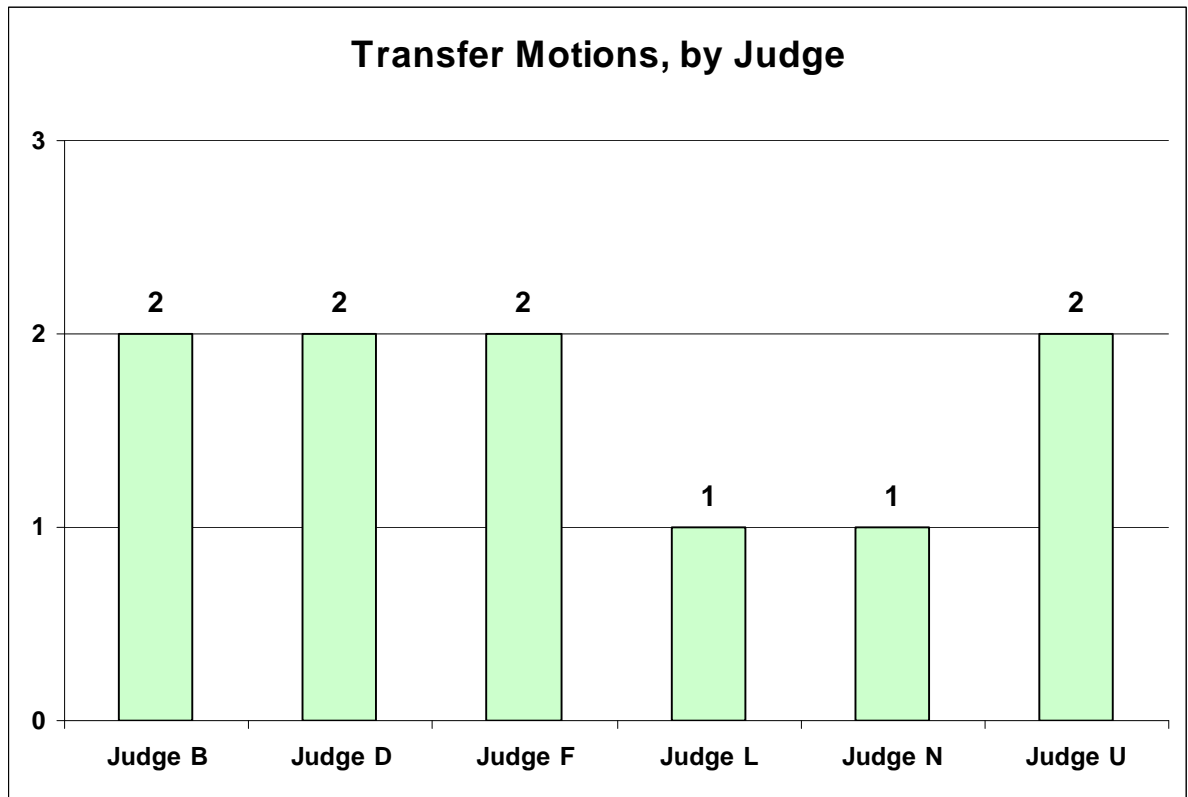
## Cases with Transfer Activity—By Active Judge

There were 10 motions to transfer filed in these cases. Of the 10 motions to transfer, 1 was denied, 6 were granted, 1 was granted in part, denied in part,<sup>14</sup> and 2 were not decided. The transfer motion figures are illustrated in the chart below.

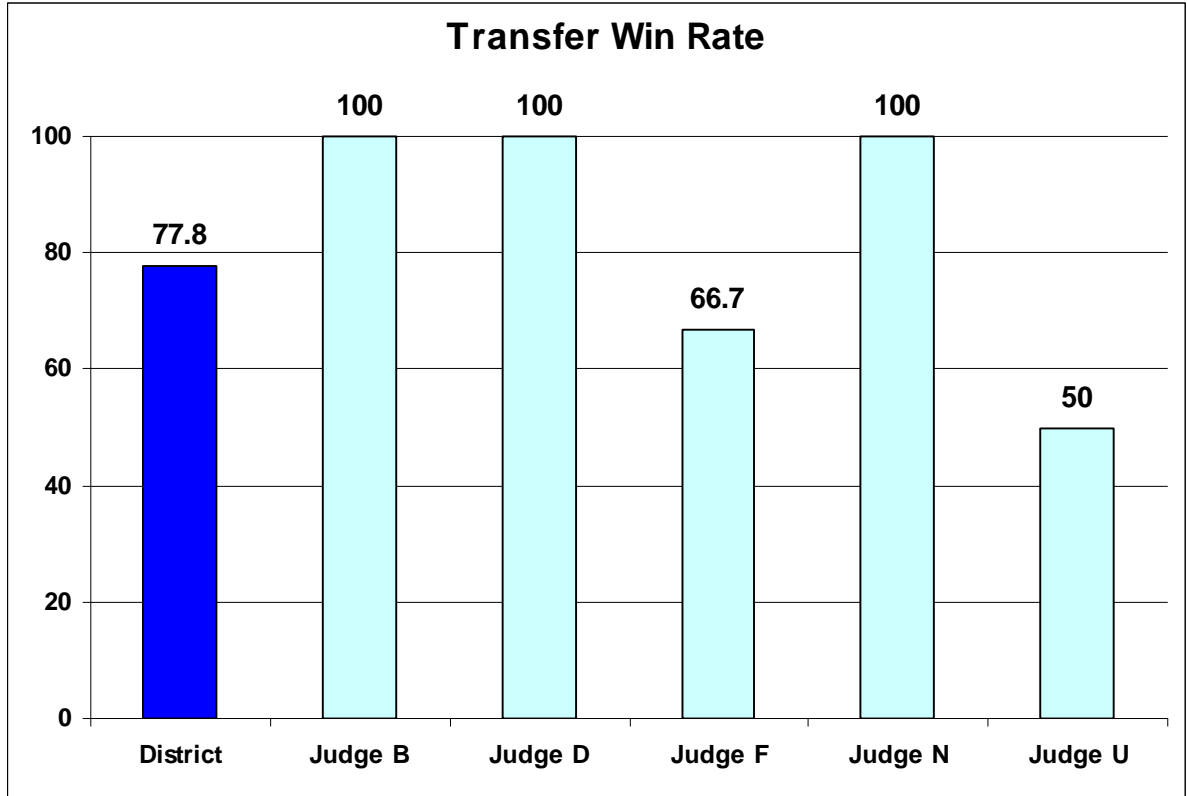


<sup>14</sup> A ruling granting a motion in part and denying it in part is treated as two rulings—one granting a motion and one denying a motion.

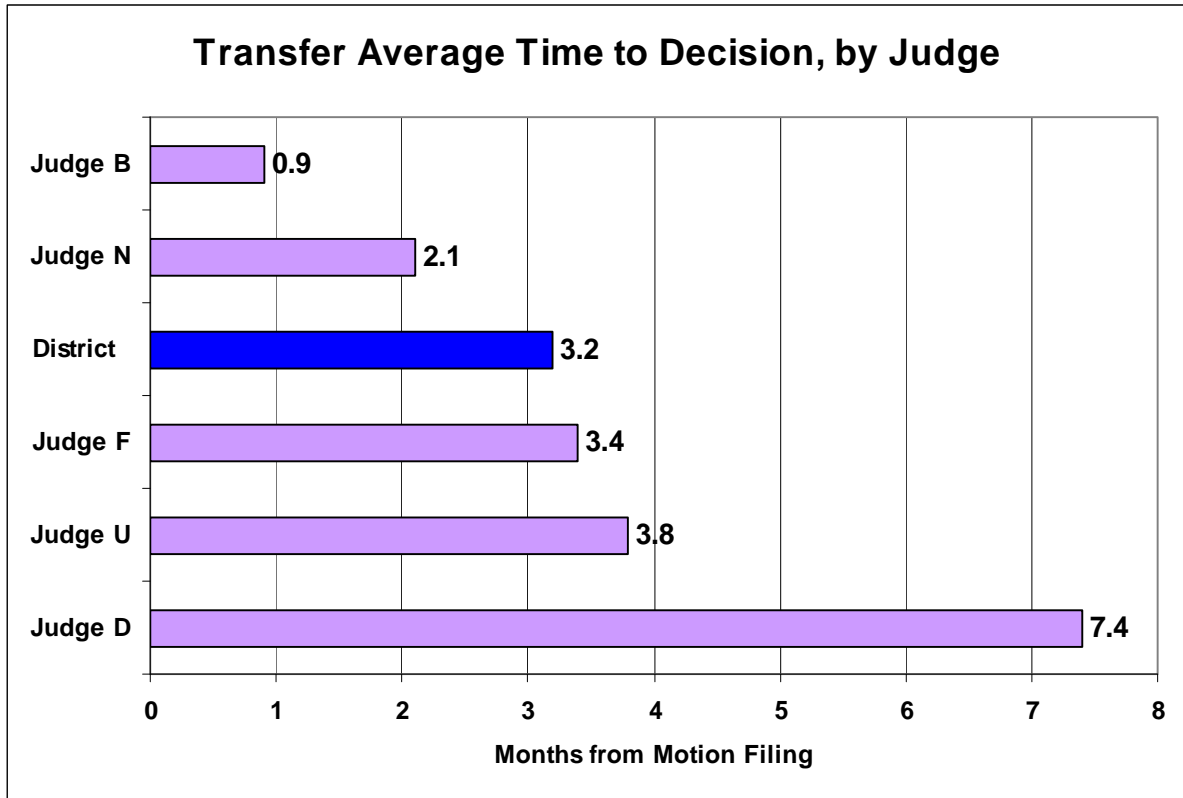
The number of motions for transfer, by judge, is illustrated below:



The contested win rates (excluding consent rulings) for these motions for transfer are illustrated in the following chart:

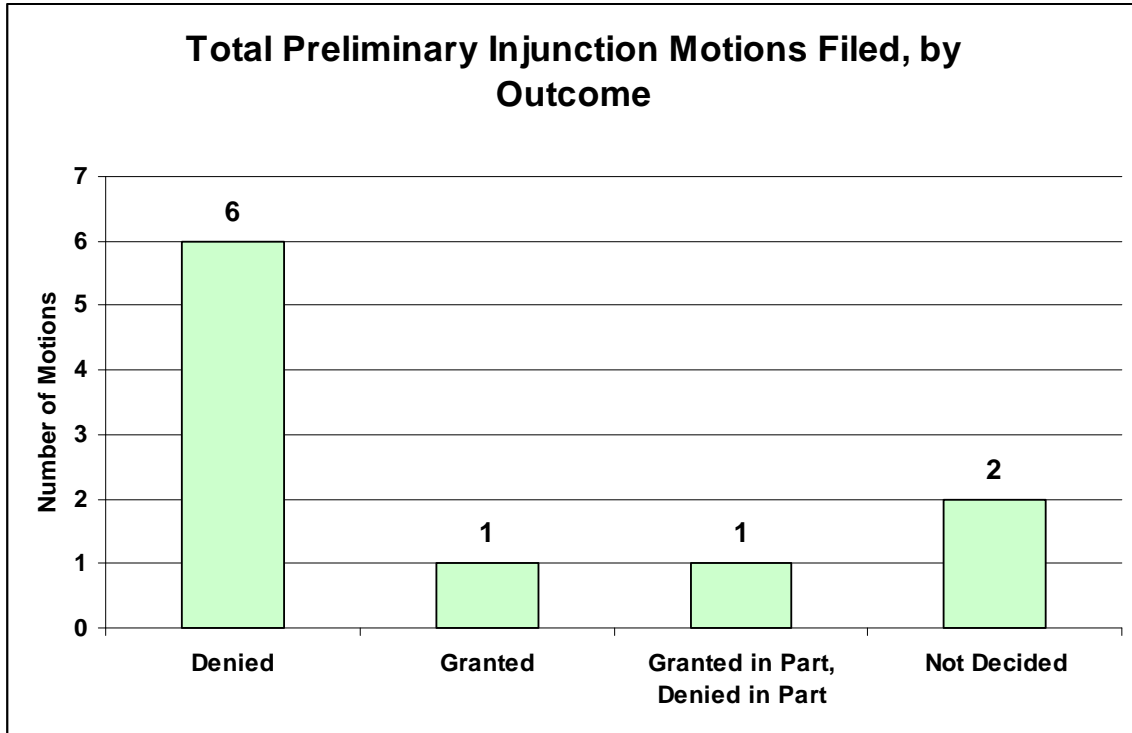


The average time from motion filing to decision for these motions to transfer is illustrated below:



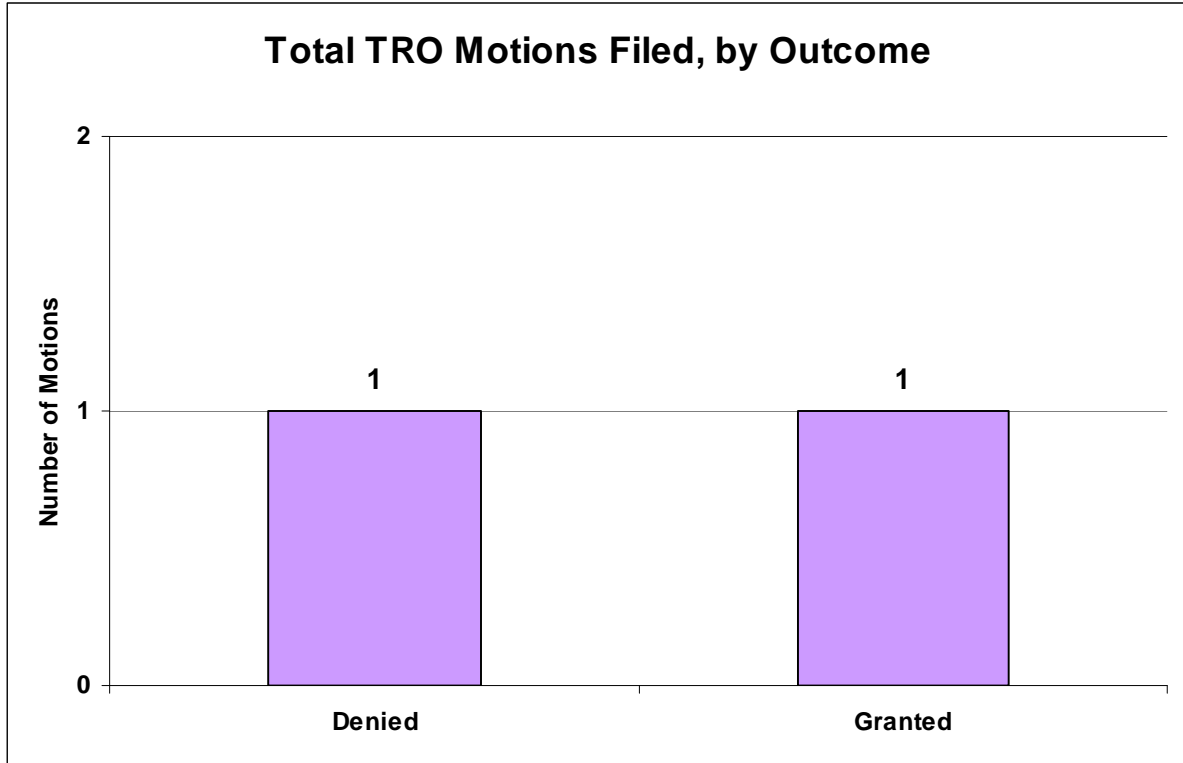
## Cases with Preliminary Injunction Activity—By Active Judge

There were 10 preliminary injunction motions and 2 temporary restraining order motions filed in these cases. Of the 10 preliminary injunction motions, 6 were denied, 1 was granted, 1 was granted in part, denied in part,<sup>15</sup> and 2 were not decided. The preliminary injunction figures are illustrated in the chart below.

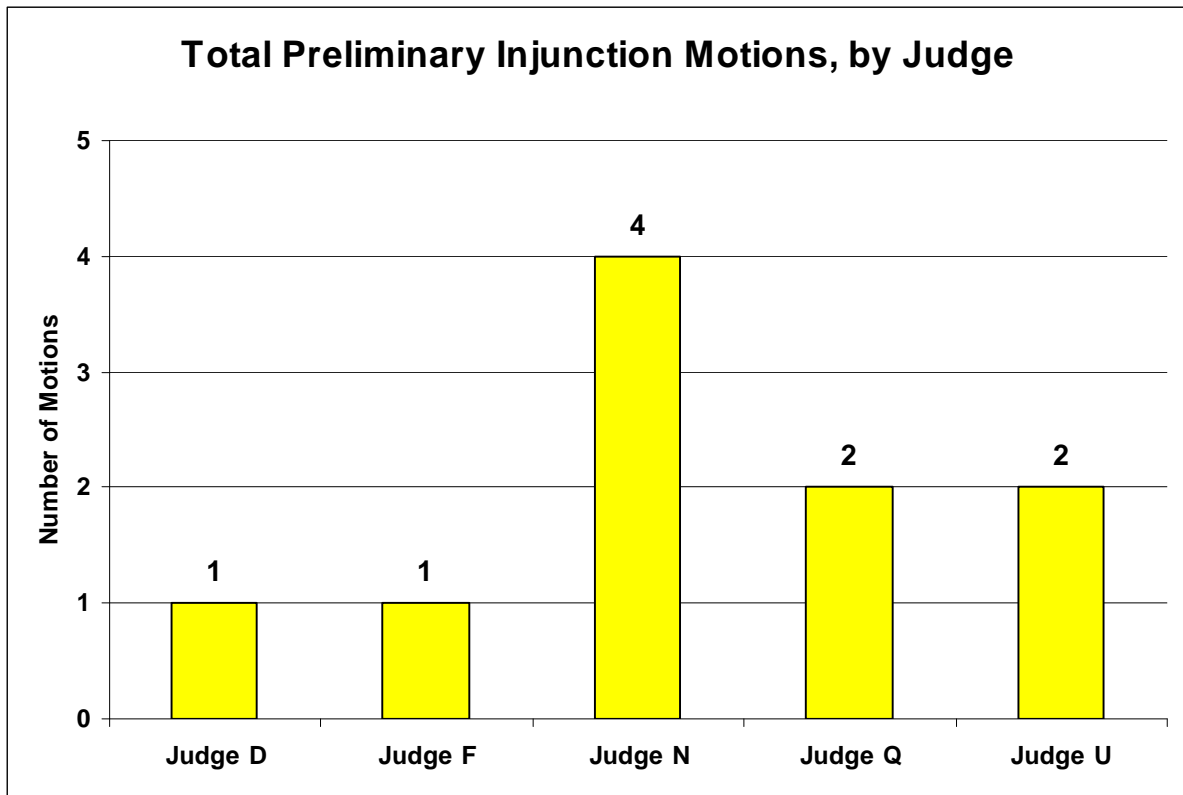


<sup>15</sup> A ruling granting a motion in part and denying it in part is treated as two rulings—one granting a motion and one denying a motion.

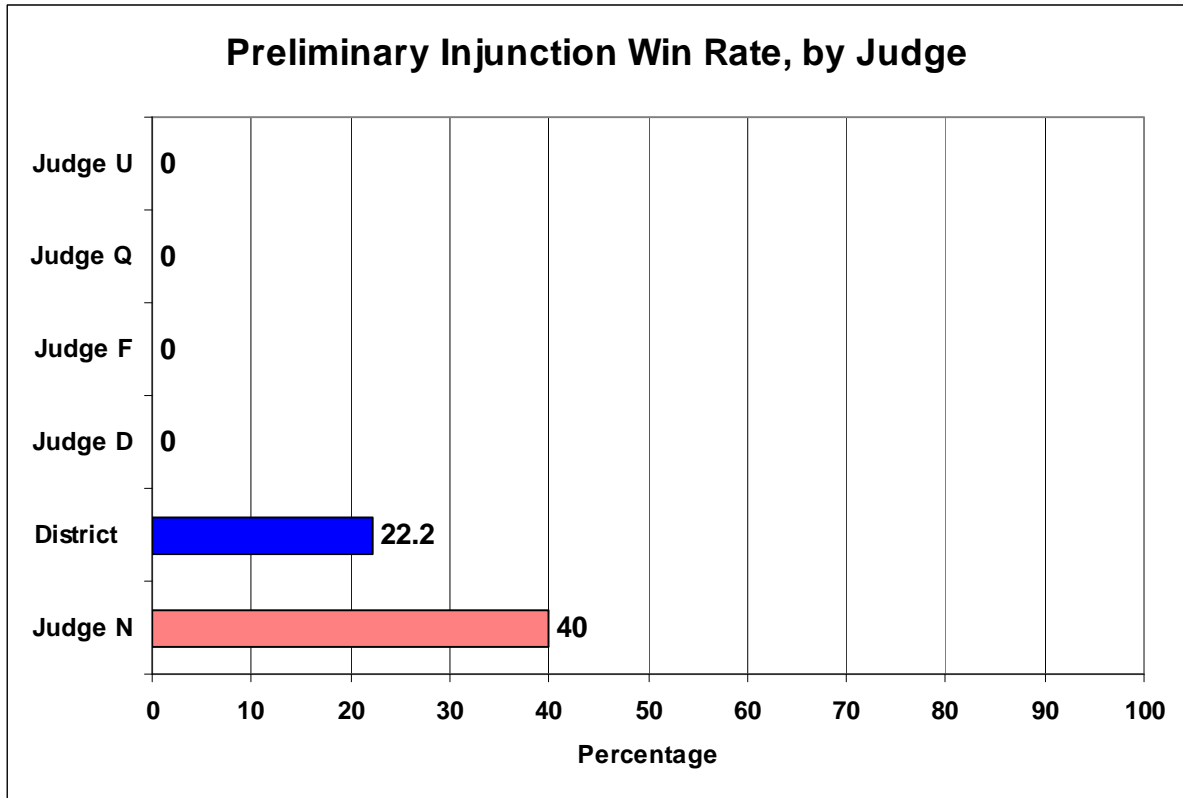
Of the 2 motions for temporary restraining orders, 1 was denied, and 1 was granted. The temporary restraining order outcomes are illustrated below:



The number of preliminary injunction motions, by judge, is illustrated below:



The contested win rates (excluding consent rulings) for these preliminary injunction motions are illustrated in the following chart:



The average time from motion filing to decision for these preliminary injunction motions is illustrated below:

