# Dismissals

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*Having set out the principles and doctrine of dismissals without prejudice as a legal construct, the Article turns next to an original empirical analysis of dismissals without prejudice as they play out in actual federal civil litigation. To understand the role these dispositions play in our civil justice system, we apply state-of-the-art natural language processing techniques to an original dataset of docket sheets representing nearly all civil actions filed in federal district courts over a ten-year period. We start with one modest hypothesis: if dismissals are as doctrinally and theoretically confused as we describe, then we expect to find substantial heterogeneity—verging on arbitrariness—across courts and judges in their issuance of dismissals without prejudice. We expect to find, for example, that even controlling for case composition and litigant characteristics, judges vary substantially in the shares of dismissals they issue with or without prejudice. From there, we explore what happens in our data after a judge issues a dismissal without prejudice? For example, how frequently do plaintiffs revive their claims with an amended complaint, and how likely is an amended complaint to get past the pleading stage? Does the answer depend upon case type or litigant characteristics, and might it even depend upon the court or the individual judge? Finally, we supplement our large-N analysis of docket sheets with a qualitative review of several hundred (thousand?) randomly selected cases involving dismissals without prejudice at key junctures.*

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