



Barjesteh, Nasser <barjesteh@chicagobooth.edu>

FW: CONVERSATIONS - JUDGE SHOPPING

Ata, Barış <Baris.Ata@chicagobooth.edu>
To: "Barjesteh, Nasser" <barjesteh@chicagobooth.edu>

Thu, Jun 11, 2020 at 11:14 AM

From: Lawrence Wein <lwein@stanford.edu>
Date: Thursday, November 7, 2019 at 11:35 AM
To: "Ata, Barış" <Baris.Ata@chicagobooth.edu>
Subject: Fwd: CONVERSATIONS - JUDGE SHOPPING

2/9/18 email:

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----- Forwarded message -----

From: **Can Wang** <canw@stanford.edu>
Date: Fri, Feb 9, 2018 at 12:48 AM
Subject: Re: CONVERSATIONS - JUDGE SHOPPING
To: Lawrence M Wein <lwein@stanford.edu>

Hi Larry,

3. The judges switches counties on 286 days in total in the data (on 15 days, the judges switch between three counties), when the total number of working (case sentencing) days for all judges is 3414. I think this is possibly within a reasonable range but we can also confirm that with Rhys.

The number of switching-county days for each judge is listed below. More detailed schedule information for each judge at each day can be found in the attached excel file (judge_schedule.xlsx: each cell in the file is in the form "{county name: the number of cases sentence in the county}").

| Judge | Number of days |
|-------|----------------|
|-------|----------------|

| | |
|----|----|
| 1 | 10 |
| 2 | 6 |
| 3 | 10 |
| 4 | 5 |
| 5 | 2 |
| 6 | 11 |
| 7 | 7 |
| 8 | 13 |
| 9 | 4 |
| 10 | 7 |
| 11 | 7 |
| 12 | 2 |
| 13 | 7 |
| 14 | 10 |
| 15 | 2 |
| 16 | 3 |
| 17 | 14 |
| 18 | 6 |
| 19 | 3 |
| 20 | 4 |
| 21 | 2 |

| | |
|----|----|
| 22 | 3 |
| 23 | 9 |
| 24 | 0 |
| 25 | 4 |
| 26 | 12 |
| 27 | 9 |
| 28 | 2 |
| 29 | 7 |
| 30 | 4 |
| 31 | 3 |
| 32 | 4 |
| 33 | 2 |
| 34 | 6 |
| 35 | 12 |
| 36 | 2 |
| 37 | 1 |
| 38 | 2 |
| 39 | 3 |
| 40 | 8 |
| 41 | 3 |
| 42 | 0 |
| 43 | 5 |
| 44 | 2 |
| 45 | 15 |
| 46 | 1 |
| 47 | 7 |
| 48 | 7 |
| 49 | 4 |
| 50 | 7 |
| 51 | 7 |

4. For the outlier judge (No.17), he did most of his work (927 out of 1362 cases solved) in the county Spartanburg. There are other 22 judges working in Spartanburg during the fiscal year but the judge (No.12) who solved the second most cases in Spartanburg only solved 194 cases. More details can be found in the cross table of the number of cases solved by each judge in each county (in the attached excel file judge_county_crosstable.xlsx).

Interestingly, though the judge No.17 stayed roughly seven weeks in Spartanburg, he was only super active (say more than 40 cases per day) in about 3 weeks. The number of cases sentenced in Spartanburg per day is shown in the attached plot (Spartanburg.png) and the three sharpest peaks correspond to the three weeks of the judge No.17. But I don't think the judge No.17 are so active in other counties or other judges in Spartanburg are as active.

To see more clearly that how each county sees different judges on different dates, we made another schedule for each county at each day. (county_schedule.xlsx: each cell in the file is in the form "{judge ID: the number of cases sentence by the judge}")

8. I think Rhys meant this website <http://www.sccourts.org/calendar/dspCCJudgeAsgMenu.cfm>. If we select a certain judge, the earliest time we can go back to is 2002. If we want to see the judge assignment for all circuit court judges week by week, we can only go back to 2017 at most. So I don't think we can get the schedule of 2000-2001 fiscal year from this website.

But on the website there may be some useful information. For example, I found some annual reports in 2000-2001 at <http://www.sccourts.org/annualReports/displayReport.cfm>, which may be useful.

Thanks,

Can

From: Lawrence Wein <lwein@stanford.edu>
Sent: Tuesday, February 6, 2018 12:42 PM
To: Can Wang
Subject: Fwd: CONVERSATIONS - JUDGE SHOPPING

whoops fixed something else.

----- Forwarded message -----
From: Lawrence Wein <lwein@stanford.edu>
Date: Tue, Feb 6, 2018 at 12:41 PM

Subject: Fwd: CONVERSATIONS - JUDGE SHOPPING

To: Lawrence Wein <lwein@stanford.edu>

RHYS HESTER (2/6/18):

1. The version of the data we have is a reduced version and de-identified. There may have been errors in the reduction by his co-author.
2. Judges are elected for a circuit, although a few at-large judges are not associated with any circuit. A county is always within a circuit (i.e., each circuit is made up of a few counties).
3. Judges should only rarely switch counties within a day. If it happens 100 times of 17,000, it is not a big deal. But if it happens >>100 times, then we should let him know.
4. The outlier judge: he suspects that he came into a county backlog problem and worked to resolve it. Can should check on the distribution of this judge's work to try to get insight into this. It will be interesting to know whether there is a county where he did much of this work, and whether it is his home county and whether other judges also did a lot of work in this county (which would be consistent with there being a large backlog there).
5. Figure 2: he will get back to us.
6. Paragraph 4 email: We should keep the order as 123, although there can be some complications.
7. Judge-shopping process: The prosecutor is in charge of "calling the docket". But defendants have a lot of opportunity to plea over many (eg, 18) months. If they don't accept a plea, they can come back in 6 weeks or so and try again. And perhaps delay a week or two to get a better judge. He thinks our approach of fixing H is reasonable (he doesn't have any better ideas).
8. The schedule: Judges are assigned to courts on an annual basis. But half the time, the schedule is scribbled out. There is a SC judicial calendar website (Can, can you please check this out). He does not know how far in advance the scribbled changes are made publicly known. He will get a SC contact to ask about this.
9. Page 7, Q1: It looks like an individual calendar system, even if it is not. We don't have to worry about this, since we are not modeling the arraignment/indictment process.
10. Q5: By "county's" concern, he means the prosecutors, since they control the docket. But some judges, particularly rural ones, also care about moving things along.
11. Judge has no real objective function. The shared values among all actors are (i) doing justice (although each may interpret this differently), caseload efficiency (we model this), and (iii) interdependencies, i.e., good working norms.
12. Service rate: there is some variability among judges (some start at 7 am, others are shmoozers). They have criminal court sessions and civil court sessions. There are also occasional (once every few months) "chamber weeks" to catch up on motions. The mix should be roughly the same for each judge. But he can give us sheets the can get the number of weeks

in criminal and civil for each judge.

13. NC data has no judge identifiers, and so is not useful at this time. It had less judge rotation and is a guidelines state (and so the results are cleaner?).

14. He didn't have any ideas for other big research questions.

15. responses to issues in Can's 2/5/18 report:

a. Rhys will confirm that date = date of sentence.

b. Dismissals were filtered out of data, and so either there was a trial or a guilty plea.

16. We can use data to separately estimate trial severity by judge and plea severity by judge, although the trial numbers will probably be very small sample sizes.

To-do list for Rhys:

a. Find out which circuit (or at-large) each judge belongs to.

b. How to compute the numbers on the vertical axis in Figure 2.

c. Find the handwritten schedules with scribbled changes.

d. Find a contact in SC to find out how far in advance defendants were informed about schedule changes.

e. Get the sheets that tell us the mix of criminal vs civil court cases for each judge.

f. Confirm that date = date of sentence.

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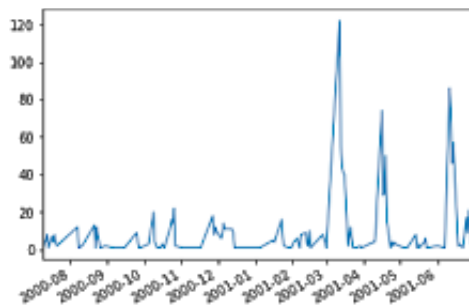
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4 attachments



Spartanburg.png
17K

 **judge_county_crosstable.xlsx**
13K

 **county_schedule.xlsx**
58K

 **judge_schedule.xlsx**
76K