Dear Stuart (and all),

We reached out to our contact at the Fourth Circuit, who consulted with both the Clerk of Court and Senior Staff Attorney for the circuit. They looked at the material we sent and they did not know of any reason, either rule or procedure based, to account for the spike in published cases that appeared in Figure 1. They pointed us to literature showing a steady caseload increase during this time period, which we had already seen.

We have sent out the list of cases on to the court contacts as well, but they currently have no explanation for this, and felt it is an anomaly…the reason for which is best redirected to Lexis.

Best Regards,

Wick and Jane

**From:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>   
**Sent:** Friday, May 1, 2020 2:31 PM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: Tom's document

Tom,

Could you create something similar for me to bring to the 11th Circuit? I would like ask them about both the spike in opinions with no authors and in opinions generally.

Stuart

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>   
**Sent:** Friday, May 1, 2020 2:13 PM  
**To:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: Tom's document

Hi Stuart,

Attached is a list of cases that Jane asked for on Tuesday.  She plans to forward them to the 4th circuit for comment.  Following is the e-mail chain that led to that.

Tom

e-mail to Jane:

I don’t think that we have data on orders.  There is no indicator that distinguishes a record as such.  We do have case type, but that is either civil or criminal.  The only text field we have is the outcome and all that I have reviewed have text indicating affirmed, reversed, remanded, etc.

What about the pub status (below)?

Tom

**From:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>   
**Sent:** Tuesday, April 28, 2020 4:59 PM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Cc:** Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>  
**Subject:** Re: For our 1:00pm Zoom call today

Thanks Tom. An order is a decision by a judge, which may or may not come with a written opinion explaining it. Simple orders are not usually accompanied by an opinion (like an order extending the time to file something).

Jane

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Sent:** Tuesday, April 28, 2020 4:51 PM  
**To:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>  
**Cc:** Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

Hi Jane,

Here’s a list of cases.  We have a publication status variable (each case contains either “reported” or “unreported”).  Does that indicate published/unpublished?  What is an order?

Tom

**From:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>   
**Sent:** Tuesday, April 28, 2020 2:24 PM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Cc:** Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>  
**Subject:** Re: For our 1:00pm Zoom call today

Tom, she also asked for total number of published opinions; orders; and unpublished opinions- sorry I blipped over this earlier. Again, I'm not sure what it will add to her understanding of what the graphs mean, but I'll pass along the request anyway.

Thanks,

Jane

**From:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>   
**Sent:** Friday, May 1, 2020 9:04 AM  
**To:** Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: Tom's document

Tom and Byung Koo,

I’m checking in generally, and want to flag in particular you giving something that Jane, Wick, and I can run by clerks offices, both as to #1 and #2 below.

Stuart

**From:** Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>   
**Sent:** Tuesday, April 28, 2020 5:03 PM  
**To:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: Tom's document

All:

Regarding question 4 below (on the step-down proportions of published v. unpublished opinions in the 1990s), we haven't found anything in the rules, or in the caseload data (as provided by the Administrative Office of the U.S. Courts annual reporting), to explain the change. As we mentioned previously, though, it may be that it is an issue of Lexis gaining access to an additional body of opinions (specifically unreported ones) during that time frame.

Best Regards,

Wick and Jane

**From:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>   
**Sent:** Tuesday, April 28, 2020 3:26 PM  
**To:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** Tom's document

Tom,

I confess that I’m not sure I follow everything in the document you sent. I wonder if we should have a quick phone call to walk through it. Byung Koo, if everything in it makes sense to you, then maybe we should wait for what you can add/refine.

But let me raise a different point: When we discussed the data you presented in your 3/28 memo (attached), I was concerned about four things:

1. The spikes in opinions with no authors (the red on page 16 of the attached, which corresponds to page 2 of the new memo);
2. The spikes in the number of opinions, period (the blue in each of those figures). This is less striking, but there are some big jumps, notably for the 4th, 5th, and 9th Circuits. For the latter two circuits, this could be an immigration/drug story (border circuits), but I’m not sure;
3. The jump in “other” cases (starting on page 7 of the new memo); and
4. The abrupt steps down in the proportion of reported cases (my guess is that this reflects changes in rules). I believe that Wick and Jane were going to look into this. **Wick and Jane**, did you find anything?

Unless I’m missing something (as I may well be), I don’t think your new memo addresses item #2 above. Can you give Wick, Jane, and me something we can give to and discuss with clerks’ offices so that we can ask them about \***both**\* 1 and 2 (the spike in cases with no authors as well as the spike in opinion, period)?

Stuart

**From:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>   
**Sent:** Tuesday, April 28, 2020 2:03 PM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** Re: For our 1:00pm Zoom call today

Yes, any cases that are illustrated by the graphs.

Jane

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Sent:** Tuesday, April 28, 2020 1:34 PM  
**To:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

4th circuit, between 1990 and 1994?

**From:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>   
**Sent:** Tuesday, April 28, 2020 1:24 PM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** Re: For our 1:00pm Zoom call today

Tom,

She did ask for examples of the cases that the graph represents, if we could send her just a few representative examples of what falls within each of the colored bars, if that makes sense. If that is too cumbersome to pull out, I don't know what it would add to her evaluation, so no worries.

Jane

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Sent:** Tuesday, April 28, 2020 1:16 PM  
**To:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

Hi Jane,

Let me know if you need any additional data, examples, or comparative analysis.  Especially while you have the ear of a court insider.

Tom

**From:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>   
**Sent:** Tuesday, April 28, 2020 1:06 PM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** Re: For our 1:00pm Zoom call today

Hi Tom,

I am contacting someone at the 4th circuit court to ask if she has any idea as to why this spike occurred, and just wanted to make sure I could explain to her what the graph in Figure 1 is showing. That is the only reason for my question. I have sent off the inquiry and she is looking into it.

Best,

Jane

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Sent:** Tuesday, April 28, 2020 12:57 PM  
**To:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

Hi Jane,

The y-axis is number of cases (in log-10 scale).  I think that your idea was to measure opinion text length in an effort to measure how many of the spike cases had very short (stock phrase?) opinions.  Lacking actual opinion text, I thought that using author text length might show something, perhaps many zero-length ones.  Using this method did reveal the heavy use of per curiam authors, so I think it has some value.  Another approach would be to plot the distribution of cases by length of outcome text.  Perhaps patterns of short outcomes like “affirmed” or “denied” might be detectable.  Is this something you would be interested in?

Tom

**From:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>   
**Sent:** Tuesday, April 28, 2020 8:24 AM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** Re: For our 1:00pm Zoom call today

Tom,

On page 2, can you clarify what the Y axis is showing us on these graphs- numbers of opinions vs length of text? Sorry, just want to be clear before we contact the 4th circuit, and I wasn't sure based on the narrative above the graphs.

Thanks,

Jane

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Sent:** Tuesday, April 28, 2020 2:33 AM  
**To:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

Hi Stuart,

Attached is a review of that attempts to address questions that arose during our last call.  Topics include spikes of opinion authors, outcome type “Other” spike, case duplication (by title, court, and date), elimination of duplicate cases in the spike graphs, and top cases by difference in legal topics assigned in the two data sets.  I have not had a chance to proof-read it, so please excuse typos.  I will have a statement on the legal topics differences soon.

Tom

**From:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>   
**Sent:** Monday, April 27, 2020 8:44 AM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

Tom and Byung Koo, I’m checking in on this, so we can ask about legal topics and the spikes.

Stuart

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>   
**Sent:** Tuesday, April 21, 2020 4:40 PM  
**To:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

Yes, I am working on it.  Tom

**From:** Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>   
**Sent:** Tuesday, April 21, 2020 4:38 PM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

I’m just making sure:

Tom, you are going to send me something I can send to LN about missing topics, right?

And you and Byung Koo are going identify/put together whatever you think is the clearest table/figure that shows the spikes we are finding?

Stuart

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>   
**Sent:** Friday, April 17, 2020 1:56 PM  
**To:** Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

Yes.  Will do.

**From:** Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>   
**Sent:** Friday, April 17, 2020 1:44 PM  
**To:** Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>  
**Subject:** RE: For our 1:00pm Zoom call today

It sounds like we should go ahead with what we discussed yesterday: 1) We should ask LN about the missing legal topics. 2) We should try to figure out what’s going on with those spikes in opinions.

1. **Tom**, can you draft something that I can send to LN about the missing legal topics?
2. **Wick and Jane**, can you
   1. Look at the literature to see if there is some explanation; and
   2. (With me covering the 11th Circuit clerk’s office) contact clerks’ offices to find out what they know?

To help Wick and Jane (and me with the 11th Circuit): **Byung Koo and Tom**, can you identify/put together whatever you think is the clearest table/figure that shows the spikes we are finding?

Thanks to all.

Stuart

**From:** Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>   
**Sent:** Friday, April 17, 2020 11:02 AM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Cc:** Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>; Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>  
**Subject:** Re: For our 1:00pm Zoom call today

Thanks, ByungKoo.

I agree that LN should be asked about the lack of topic data problem. The discrepancy is too big to ignore.

What’s interesting about the spikes in opinions is that while most noticeable in the 4th and 11th circuits, there are similar, smaller spikes in the same 1990-1995 period in the 1st, 3rd, 6th, 8th, DC, and arguably the 5th and Federal circuits. It seems unlikely that these increases are driven by circuit-specific factors. Could be something internal to LN but I suppose it could also be driven by a (near) nationwide increase in some types of litigation.

Best,

KQ

On April 17, 2020 at 10:27:44 AM, ByungKoo Kim ([kimbk@umich.edu](mailto:kimbk@umich.edu)) wrote:

Hi all,

for opinion authors, I found what Tom did even after removing duplicates (see op\_yearcourt.pdf). There is still a spike around 1990 for the 4th and 11th circuit. I did not find any systematic difference in the number of characters in opinion authors for those periods. I computed the fraction of non-missing opinions for the two courts, but not sure how to interpret them. Relevant plots are op\_4th, op\_11th.

For Topics, I have the same for figure 1 of Tom’s report on Topics. My results for figure 3 and figure 4 have similar patterns but somewhat differ in scale. Figure 4 (topic\_f4), for example, the maximum difference in topic counts per matched cases was 68 for me (it seems to be about 200 for Tom’s). I looked at it on LN web search and the case did have about 70 topic headers. I attached the info for 10 cases that presented the largest differences in topic counts between the two datasets (top10\_topicdiff.csv).

I believe that the topic issue definitely needs to be brought up to LN. I am still not quite sure how to interpret the spikes in opinion authors part though.

Best,

BK

On Apr 16, 2020, at 12:50 PM, Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)> wrote:

Attached is a review of citations.  Tom

**From:** Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>   
**Sent:** Thursday, April 16, 2020 10:21 AM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>  
**Cc:** Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>  
**Subject:** For our 1:00pm Zoom call today

All,

1. I believe that Tom will be sending out one more document before our call.
2. I have highlighted some things on Tom’s documents, and I attach those documents with my highlighting. In brief:
   1. The most obvious issue is the legal topics (see LexisNexisData-2020-02-26-Review-LegalTopics-02 SMB). The chart on page 2 is particularly stark. **Tom**, on the Zoom call please highlight what we should focus on.
   2. In the other document (LexisNexisData-2020-03-28-Review-CourtCaseTypeOpinion-02-SMB highlighting), a few things jumped out at me:

                                                               i.      Page 14: 68% of cases have no opinion or authors noted. I assume these are summary orders (and maybe summary dispositions), effectively handled by the court clerk’s office and issued by the court. **Wick and Jane**, does that sound right to you? And does that percentage sound right to you?

                                                             ii.      Page 16: There is a huge jump in cases with opinions in the 4th Circuit, and to a lesser extent in the 3rdCircuit. **Wick and Jane**, I’m guessing this is a function of changing court practices about issuing opinions (as opposed to orders with no opinions). Does that sound right to you?

                                                           iii.      Page 19: 60.3% of cases have empty outcome texts. **Wick and Jane**, my guess is that this relates to the cases with no opinions – i.e., that these are just orders. Does that sound right to you?

                                                           iv.      Page 23: there is a huge spike in “other” case outcomes in the mid-1990s. **Wick and Jane**, perhaps this is related to the points above? Or is something else going on?

                                                             v.      Page 25: note the dramatic step changes in the percentage of published opinions. **Wick and Jane**, I’m guessing this is a function of changing rules about unpublished opinions?

                                                           vi.      Less important, I suspect: Page 15. **Tom,**I’m guessing there’s missing data here? But if the numbers are very small, I’m not particularly concerned.

1. If anyone else notices anything worth highlighting, please circulate to the group.

See you in a few hours.

Stuart

**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>   
**Sent:** Wednesday, April 15, 2020 9:34 AM  
**To:** Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>  
**Cc:** Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>  
**Subject:** RE: Eval of LN data sets

H Stuart,

I have one more document to distribute, covering citations.  The previous two documents I sent cover legal topics and most other fields.  They should not change.

Tom

**From:** Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>   
**Sent:** Wednesday, April 15, 2020 9:04 AM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>  
**Cc:** Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>  
**Subject:** RE: Eval of LN data sets

This is a reminder of our Zoom call tomorrow.

Tom, I assume you will be sending a comprehensive report today?

Stuart M. Benjamin

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**From:** Stuart M. Benjamin   
**Sent:** Monday, April 13, 2020 3:19 PM  
**To:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>  
**Cc:** Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>  
**Subject:** RE: Eval of LN data sets

Great, let’s plan on 1:00pm on Thursday. And let’s use Zoom, so that we can share documents if we want to. Note that I have created a meeting ID and a password, to avoid Zoombombing.

Join Zoom Meeting

[https://duke.zoom.us/j/98645537077?pwd=S3d3aFhsV1hCMGNpUHJoR3N1ZUZIQT09](https://urldefense.com/v3/__https:/duke.zoom.us/j/98645537077?pwd=S3d3aFhsV1hCMGNpUHJoR3N1ZUZIQT09__;!!OToaGQ!_nvP_DAt7pfgTnKMGxISWBLNAsDzdrF8AxUkuFQbhZ8sljuKuRVRCs2RNvsG-gOnW_4$)

Meeting ID: 986 4553 7077

Password: 122372

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**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>   
**Sent:** Monday, April 13, 2020 12:47 PM  
**To:** Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>  
**Cc:** Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>  
**Subject:** RE: Eval of LN data sets

1:00 on Thursday is good for me also.  Tom

**From:** Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>   
**Sent:** Monday, April 13, 2020 9:49 AM  
**To:** ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>  
**Cc:** Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Subject:** Re: Eval of LN data sets

I could also do 1pm on Thursday.

**From:**ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>  
**Date:**Monday, April 13, 2020 at 9:24 AM  
**To:**Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>  
**Cc:**Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>, Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>, "Wickliffe Shreve, J.D." <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>, "Stuart M. Benjamin" <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>, Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>, Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Subject:**Re: Eval of LN data sets

I am available for both 1-2 pm Thu and after 1:30 pm Fri.

BK

On Apr 13, 2020, at 9:18 AM, Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)> wrote:

Happy to join at 1:00p on Thu

Sean

**From:**Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>  
**Date:**Monday, April 13, 2020 at 08:30  
**To:**Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>, ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>, Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>, Wickliffe Shreve <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>, Stuart Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>, Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>, Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>  
**Subject:**RE: Eval of LN data sets

I could do 1:00-2:00pm on Thursday and anytime after 1:30pm on Friday.

KQ

On April 13, 2020 at 8:18:40 AM, Stuart M. Benjamin ([benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)) wrote:

Wonderful!

Tom, can we set up a time now for a conference call that we can do after you complete your analysis? Maybe some time on Thursday or Friday? I have a review session on Friday, but am available most any time on Thursday and after 1:30pm on Friday.

Stuart M. Benjamin

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**From:** Tom Balmat <[thomas.balmat@duke.edu](mailto:thomas.balmat@duke.edu)>   
**Sent:** Sunday, April 12, 2020 9:19 PM  
**To:** Stuart M. Benjamin <[benjamin@law.duke.edu](mailto:benjamin@law.duke.edu)>; Kevin Quinn <[kmq@umich.edu](mailto:kmq@umich.edu)>; ByungKoo Kim <[kimbk@umich.edu](mailto:kimbk@umich.edu)>; Wickliffe Shreve, J.D. <[wickliffe.shreve@law.duke.edu](mailto:wickliffe.shreve@law.duke.edu)>; Alex Jakubow <[jakubow@law.duke.edu](mailto:jakubow@law.duke.edu)>; Jane Bahnson <[bahnson@law.duke.edu](mailto:bahnson@law.duke.edu)>; Sean Chen <[schen@law.duke.edu](mailto:schen@law.duke.edu)>  
**Subject:** RE: Eval of LN data sets

Hi Stuart,

Attached are updates to the LN data review.  One document covers a variety of fields in the data, while the other deals strictly with legal topics.  These are version 2 documents, the one for legal topics has not changed much, while the other has many additional sections since the last version.  I am working on one final report, dealing with citations.  It should be complete sometime this week.

Tom

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Kevin Quinn**

Professor | Department of Political Science

Professor (by courtesy) | Department of Statistics

Research Professor | Michigan Institute for Data Science (MIDAS)

Faculty Associate | Center for Political Studies

University of Michigan

Co-Editor | The Journal of Law, Economics, and Organization

<LexisNexisData-2020-03-28-Review-Citations-01.pdf>

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Kevin Quinn**

Professor | Department of Political Science

Professor (by courtesy) | Department of Statistics

Research Professor | Michigan Institute for Data Science (MIDAS)

Faculty Associate | Center for Political Studies

University of Michigan

Co-Editor | The Journal of Law, Economics, and Organization