



Highlights of [GAO-09-808T](#), a testimony before the Subcommittee on Commercial and Administrative Law, House Committee on the Judiciary

## Why GAO Did This Study

The Judicial Conference of the United States, the federal judiciary's principal policymaking body, uses 1,500 annual weighted case filings per authorized judgeship (judgeship position) in a bankruptcy court as an indicator of the need for additional bankruptcy judgeships for that court. Total annual weighted case filings for any specific bankruptcy court is the sum of the weights associated with each of the cases filed in the court in a year. Total annual weighted case filings per judgeship represent the estimated average amount of judge time that would be required to complete the cases filed in a specific bankruptcy court in a year.

In May 2003 GAO testified on whether weighted case filings were a reasonably accurate measure of the case-related workload of bankruptcy judges. The accuracy of weighted case filings rests in turn on the soundness of the methodology used to develop them.

GAO's work focused on whether the methodologies used to develop the current case weights and to revise and update those weights were likely to result in reasonably accurate measures of bankruptcy judges' case-related workload.

This statement is based on GAO's May 2003 testimony on weighted case filings as a measure of bankruptcy judges' case-related workload and documentation provided by the Federal Judicial Center (FJC) in June 2009 on subsequent efforts to update the current weighted filings measure.

View [GAO-09-808T](#) or key components. For more information, contact William Jenkins, Jr. at 202-512-8777 or [jenkinswo@gao.gov](mailto:jenkinswo@gao.gov)

# FEDERAL BANKRUPTCY JUDGES

## Measuring Judges' Case-Related Workload

### What GAO Found

In May 2003 GAO reported that the methodology used to develop the case-related workload measure for federal bankruptcy judges—weighted case filings—were likely to result in reasonably accurate workload measures. The current study to revise those weights, begun in 2008, uses the same methodology as the study used to develop the current case weights and, as designed, is also likely to result in reasonably accurate workload measures.

- The time demands on bankruptcy judges are largely a function of the number and complexity of the cases on their dockets, with some cases taking more time than others. To measure these differences, the Judicial Conference uses weighted case filings, which are a statistical measure of the average estimated judge time that specific types of bankruptcy cases are expected to take. Each case filed is assigned a weight, and the total weight of all cases filed in a bankruptcy court divided by the number of judgeships for that court provides a measure of the total average case-related workload per judgeship.
- In assessing the need for new bankruptcy judgeships, the Judicial Conference relies on the weighted case filings to be a reasonably accurate measure of case-related bankruptcy judge workload. Whether the weighted filings are reasonably accurate depends in turn upon the soundness of the methodology used to develop the case weights.
- On the basis of the documentation provided for our review and discussions with FJC and Administrative Office of the U.S. Courts officials, GAO concluded in 2003 that the case weights, as approved by the Judicial Conference in 1991 and 1996, were likely to be reasonably accurate.
- The original case weights are now 18 years old. Changes in the intervening years in case characteristics, case management practices, and the implementation of new statutory or procedural requirements, such as the many changes in 2005 Bankruptcy Abuse Prevention and Consumer Protection Act, may have affected the continued accuracy of the current case weights.
- To the extent that the case weights now understate or overstate the total time demands on bankruptcy judges, use of the weights could potentially result in the Judicial Conference understating or overstating the need for additional bankruptcy judgeships.
- In 2008, the Federal Judicial Center began a study to revise the current case weights that is designed to collect data on the time bankruptcy judges spend on cases filed during 5, 10-week data collection periods from May 2008 through May 2009. Each active and recalled bankruptcy judge is to participate during one of the five reporting periods. This study design permits the development of new case weights based on the same type of objective time data as the current weights, which we found to be reasonable.