

*1. Please clarify the circumstances by which the collection occurred without an OMB control number in the past.*

BJJ has taken several steps to ensure that its collections are fully compliant with the Paperwork Reduction Act (PRA). Early in this process, there was a misunderstanding at BJJ that data collections involving the coding of administrative court records were not covered by the PRA, and that only surveys of people or institutions would be subject to OMB approval. Since the Civil Justice Survey of State Courts (CJSSC) surveys administrative court records, BJJ did not seek OMB approval for the prior iterations of this project including the trial and appellate surveys conducted in 1992, 1996, and 2001. Upon further review, BJJ realized that the scope of OMB review was wider than initially thought. Therefore, BJJ took steps to ensure compliance by seeking and receiving OMB approval for the 2005 CJSSC. We are now seeking further OMB approval for the appellate part of the CJSSC project.

*2. While we understand that multiple contacts of non-respondents may be needed, please clarify the number of unique requests BJJ will make of any given respondent. Specifically, we are confused by how one "data call" during a 6 month time frame is consistent with the statement that "The study's plan is to track every general civil case concluded...that was subsequently appealed..." Does this imply that all appeals are by definition now (i.e., June 2009) completed?*

When collecting data that entails the coding of administrative court records, it is not uncommon for the respondent to code responses that might contain logical mistakes or errors. For example, a respondent could code that an appeal was dismissed but then provide information indicating that the appeal was decided on the merits. While the respondents are provided with instructions and other materials to prevent these types of mistakes from occurring, until the coder gets acquainted with the data collection these types of logical errors can occur. In order to prevent these errors, the contractor reviews all data collection forms submitted and it's not unusual for the contractor to make several, on the order of 3 – 4 contacts, with the respondent to resolve these errors. Once the respondent has become familiar with the data collection procedures, fewer contacts per administrative record are needed.

In terms of collecting data over a six month period for every general civil trial that was appealed, it's important to note that by 2009 all litigants whose cases were decided in 2005 and who were going to file an appeal had already done so. In this sense, these cases are completed in that they had been filed with the appropriate appellate court for consideration by June 2009. During the three and half year period from December 2005 to June 2009, we expect that the vast majority of these appeals would have also been reviewed and decided by the appellate court. For example, in the previous civil appeals survey which tracked 1,204 civil cases appealed from 2001 through April 2005, 15 were still pending after the study termination date. We anticipate similar levels of completed cases for this survey of civil appeals. Since the vast majority of these civil appeals would have been filed and disposed by June 2009, the study should not take more than 6 months to complete.

*3. Please clarify that this collection is, in essence, a "census" of all appealed cases from the CJSSC.*

The data collection is a census of all civil trials concluded in 2005 in courts of general jurisdiction in 156 urban, suburban, and rural counties that were appealed to an intermediate appellate court or court of last resort. The study's plan is to take every case appealed from the CJSSC rather than a sample of cases appealed.

*4. In SS P1, there seem to be contradictory statements about the generalizability of the resulting estimates. On the one hand, it says the results will "not be weighted to produce national or sub-national estimates." On the other hand, it says "the rigor of the sampling method used in the CJSSC...supports the applicability of the current study's findings to appellate courts nationwide." We would like to see this section clarified to indicate specifically what BJS believes the findings represent, such as "all cases from 2005 that were appealed."*

Since the CJSSCTA is based on a national sample of civil trials, it will be capable of providing national estimates of the disposition of civil cases from the trial to the appellate courts. Overall, the project will have the capacity to provide national estimates on the rates of appeal and the levels of attrition civil cases experience in the appellate process. In addition, this project will highlight the rates that civil trials concluded in the national sample are affirmed, modified or reversed on appeal and the likelihood that the appeal will generate further activity in state supreme courts.

*5. Please provide the language that it intended to be inserted into the questionnaires under "[OMB language here]."*

Please see revised data collection forms titled "Appeal Coding Form - IAC 2005 OMB.pdf"; "Appeal Coding Form - COLR 2005 OMB.pdf"; and "ADR data collection template OMB.xls" for your review.

*6. Please provide introductory letters, scripts or other materials where the required Paperwork Reduction Act information (e.g., burden, voluntary nature) is conveyed. Please note that this material should always be submitted as part of the initial submission to OMB.*

Attached is the initial formal contact letter to the respondents about the project.