

Court of Appeal
T&M Data Analysis

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Introduction

1. The data and reliability

The analyses presented in this report are derived from T&M questionnaire data collected over a three month period in the Court of Appeal, combined with information extracted from the Court's RECAP database. The analyses have been produced under considerable time pressure. Although real effort has been taken to ensure that the data incorporated into the analyses are as 'clean' as possible, there are several potential sources of inaccuracy. For example:

- a. The **design of the questionnaires** and the **choice of questions** asked. Have they captured all of the information that ideally should be included in the overall calculation of time spent? What might be missing?
- b. The **completion of questionnaires**. It is difficult to record time precisely, even if running a stop-watch or using a time-recording 'app'. There was variation in the way questionnaires were completed, possible inaccuracies and mistakes in calculating fractions of hours, and likely variation in approach to 'rounding up' for fractions of hours.
- c. There were difficulties in **combining questionnaire data** with RECAP data.

With those warnings, however, our experience has been that through the various iterations of the analyses, during which data were refined and cleaned and the analyses repeated, the broad picture has remained constant and the relative time spent on different areas of the Court's work, and different subject areas, has not altered dramatically. The consistency of the picture gives some confidence about drawing broad inferences from the data. Considerable care was taken in dealing with missing data as a result of questionnaires not being completed. A cautious process of 'grossing up' was adopted to impute missing values, using the information from completed T&M questionnaires combined with information from RECAP (such as subject area and hearing times) to calculate and apply average times.

It is therefore appropriate to have reasonable confidence in the overall time estimates attributed to different areas of the Court's activities and different subject areas. The T&M study provides useful baseline data and should be a valuable tool for additional analyses now and in the future. However, in using the results of the study to assess the impact of proposed reforms to the Court's procedures there are dangers in applying overly complex assumptions about how behaviour or practice is likely to change. The T&M data quantify actual judicial activity on real cases. The further away one moves from that reality into complex speculation, the greater the potential for error to be incorporated into results. **There is no substitute for actually evaluating reforms. A system for monitoring and evaluating the reforms should be implemented.**

2. Approach to missing time data in the T&M study

While data on time spent by judges was available for the majority of paper hearings, oral hearings and full appeals, there was a minority of cases where questionnaires were not filled in (or not filled in for all judges involved in a case). Since the key aim of the study was to be able to estimate the total time spent across all cases it was necessary to make assumptions about the time spent on cases where questionnaires were not filled in. The approaches for the three datasets were as follows:

Paper: For paper hearing we had a single judge per case. If the questionnaire had not been completed, we were restricted to information available from RECAP (such as subject area). We used the limited data available from RECAP, and how it related to cases with known time data, to impute time data where it was missing.

Oral PTAs: Oral hearings differ somewhat from paper hearings in that there were some cases with more than one judge. In some cases with missing questionnaires we could only use RECAP data (as for paper), but in others where data for the second judge on a case was missing, but the questionnaire was filled in for the first judge it was possible to read across data from the first judge to aid imputation of time values.

Full appeals: For full appeals questionnaires were filled out by none, one, two or three of the judges involved in a case. RECAP data including case number and number of judges was used to establish exactly what information was missing. Where no data was available, imputation relied on data from RECAP, such as subject area, number of judges, and hearing time. Where data were available for some, but not all of the judges it was possible to read across questionnaire data from other judges to aid imputation of time values.

A note on interpreting tables

In the tables a number of simple summary statistics are provided as follows;

Mean – This is the sum of the ‘time taken’ values divided by the number of values. It is commonly used measure of central tendency. However, it is important to note that it can be susceptible to outliers or extreme values. In the appeal court data there are a number of particularly high time values (with time taken forming what is called a skewed distribution). As a result, we have also included the median, which is not influenced by outliers.

Median – This is the central value in a list of values, which is found by arranging all the ‘time taken’ observations from lowest value to highest value and picking the middle one. It is not influenced by extreme values and as a result, is a particularly useful measure of central tendency when we have a skewed distribution.

Valid N (or simply N in some tables) – This is the total number of observations (in this case, the total number of times)

Minimum – The smallest observed value

Maximum – The largest observed value

Sum – The sum of the values (in this case the sum of the times). This is used to determine exactly how much time can be attributed to a particular group or type of case.

Table Sum % - The percentage of all time made up by a particular group. This is used to determine exactly what percentage of the time can be attributed to a particular group or type of case.

A note on linked and non-linked cases

In some circumstances, appeals are listed together because either they involve the same parties or because they raise overlapping legal issues and it is convenient for the court to hear them together

The time and motion study included both linked and non-linked cases, but at an early stage in the analysis it was noted that the distribution of linked cases varied between different subject areas and that there was a large number of linked cases (45) within the Chancery appeals included in the T&M study. Because the time spent on linked cases is considerably shorter than that spent on non-linked cases, the inclusion of linked cases in our analyses of time taken to deal with appeals had a distorting effect on average times. Since a key purpose of the T&M study was to estimate average time spent on cases within different subject areas it was decided that most of the analysis would be based only on non-linked cases. **Thus all tables presented in this report use T&M data from non-linked cases.**

All pie charts, which present overall time distribution between different areas and categories of work within the Court of Appeal, **include all cases in the T&M study i.e. both linked and non-linked cases.**

Analysis of Full Appeals

Analysis of questionnaire data

This analysis is based on questionnaire and RECAP data for 268 full appeal cases. Importantly, time taken by judges (and hearing time) was adjusted for number of linked cases. Values were imputed (using a statistical procedure called multiple imputation) for a comparatively small number of appeals/questionnaires without data on time spent by judges. A separate note is available setting out a) how time taken was calculated for lead and non-lead judges b) how time for linked cases was calculated and adjusted and c) how missing data on time taken was imputed.

Distinguishing linked and non-linked cases

The table below shows the differences in average total time comparing the samples of ordinary appeal cases (188) with linked cases (80). Adopting the original approach to linked cases (dividing total time taken between the number of linked cases) the mean total time for non-linked cases is 48,88 hours compared with 19.23 for linked cases.

Table 1. Total time taken by judges for linked and non-linked full appeals

	Appeal Time					
	Count	Mean	Median	Minimum	Maximum	Sum
Non-linked cases	188	48.88	44.75	6.69	180.00	9188.63
Linked Cases	80	19.23	10.03	5.60	83.96	1538.44

1. Total time taken on appeals

Across 188 non-linked cases, a total of 9,188.63 hours were spent on full appeals by all judges. The mean number of hours spent was just under 49 hours with a median just under 45 hours (Table 2). The distribution of time spent on (non-linked) full appeals by judges is shown in Figure 1.

Table 2. Total time spent on (non-linked) full appeals by judges

Appeal Time					
Count	Mean	Median	Minimum	Maximum	Sum
188	48.88	44.75	6.69	180.00	9188.63

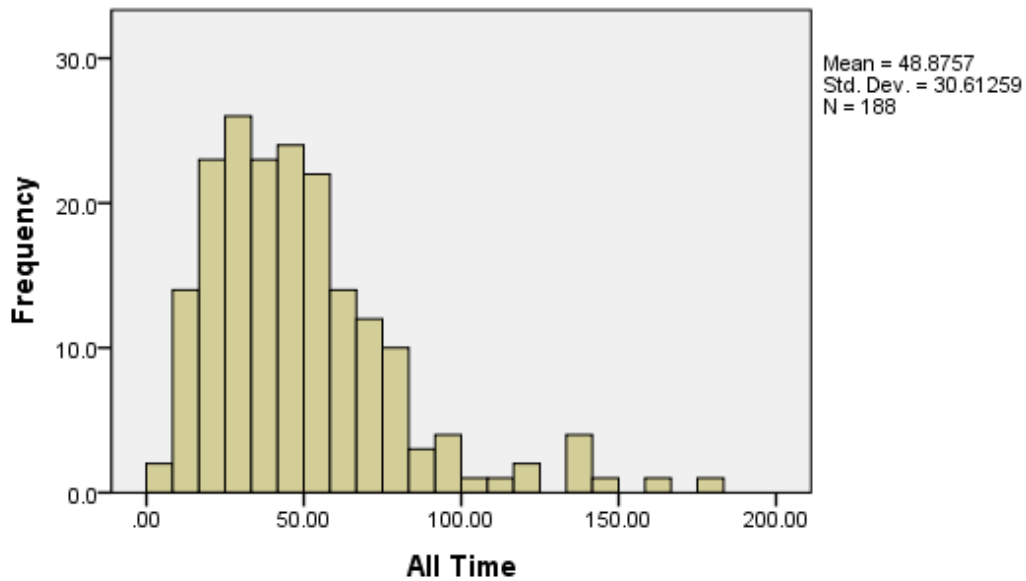


Figure 1. The distribution of time spent on (non-linked) full appeals by judges

2. Total time taken on appeals by lead and non-lead judges

The mean time taken on appeals by lead judges on non-linked appeals was just over 27 hours (median of 22 hours) as compared with a mean of around 22 hours (median just over 19 hours) for (generally two) non-lead judges (Table 3). The distribution of time spent on (non-linked) full appeals by lead and non-lead judges is shown in Figures 2 and 3.

Table 3. Total time spent on (non-linked) full appeals by lead and non-lead judges

	Appeal time					
	Count	Mean	Median	Minimum	Maximum	Sum
Lead	188	27.06	22.00	2.75	122.00	5060.08
Non-lead	188	21.96	19.33	2.98	74.00	4128.56

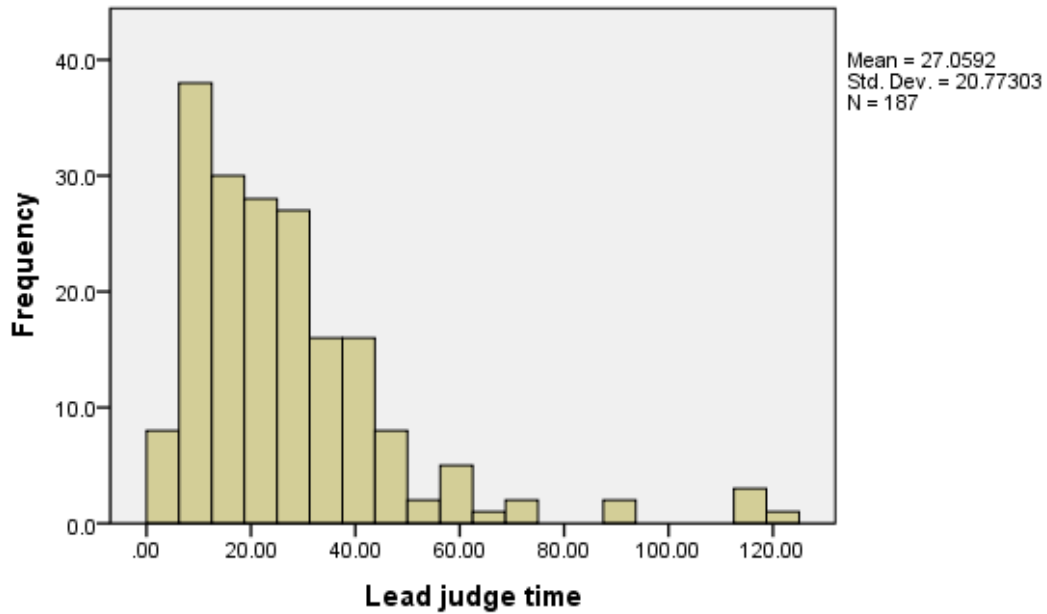


Figure 2. The distribution of time spent on (non-linked) full appeals by lead judges

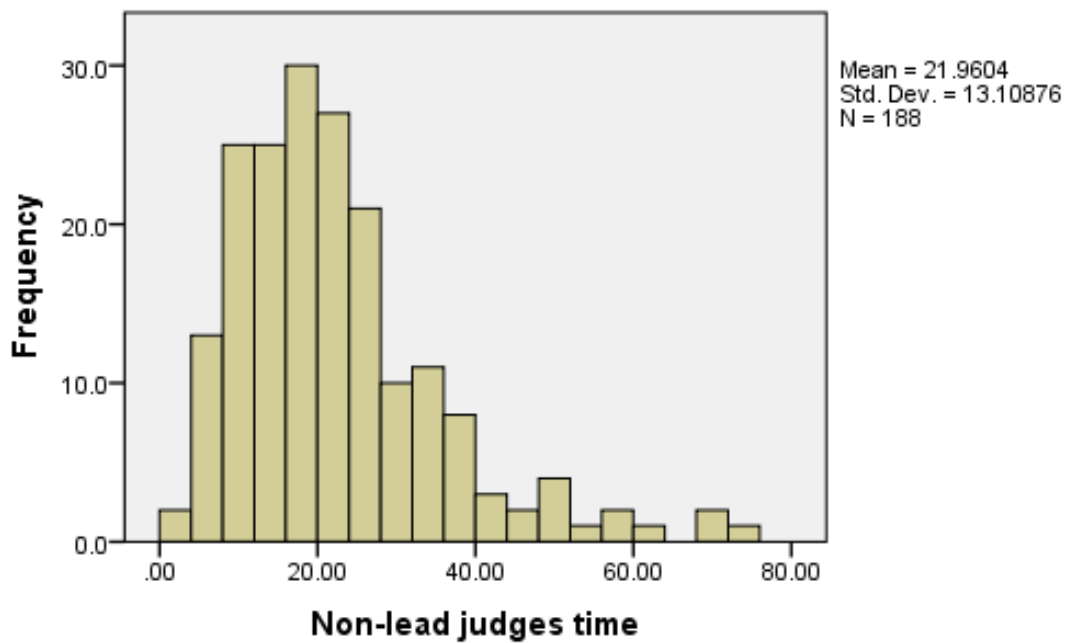


Figure 3. The distribution of time spent on (non-linked) full appeals by non-lead judges

Looking at all appeals (linked and non-linked cases), overall lead judges spent 5,938 hours on appeals compared to 4,801 for (generally two) non-lead judges. This equated to 55.3 per cent of all time being spent by lead judges and 44.7 per cent by non-lead judges (Figure 4).

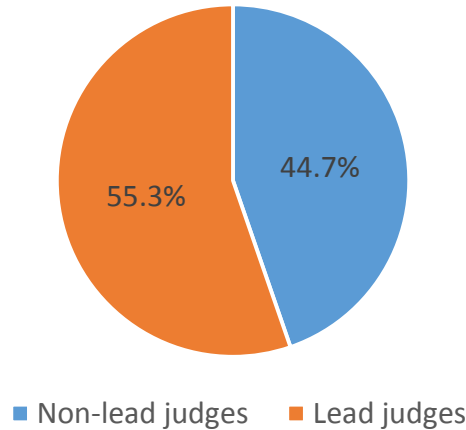


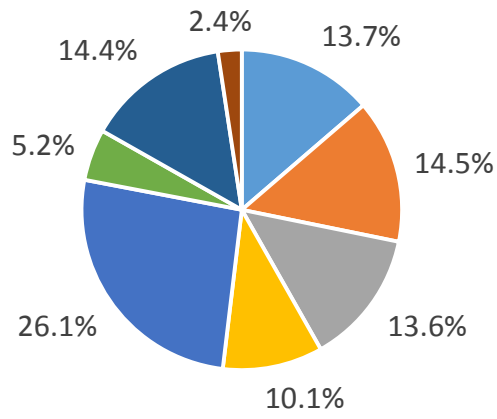
Figure 4. Total time spent by lead and non-lead judges on all appeals (linked and non-linked cases)

3. Total time taken in relation to subject area

Comparison of time taken on appeals in different subject areas showed that commercial cases had the longest mean times (82 hours on average, although the number of cases here is relatively small). Looking at the final two columns of Table 4, while (non-linked) commercial cases make up 10 per cent of appeals, they account for 17 per cent of all time spent by judges. Figure 5 shows the percentage of all time spent on different subject areas, but includes both linked and non-linked appeals.

Table 4. Total time spent by all judges on (non-linked) full appeals by subject area

Subject area	All Time							
	Count	Mean	Median	Min	Max	Sum	Col N %	Col Sum %
Public law	26	51.64	53.75	20.00	83.00	1342.68	13.8%	14.6%
Commercial	19	81.99	65.34	23.00	180.00	1557.81	10.1%	17.0%
Family	45	30.39	26.00	6.69	77.30	1367.43	23.9%	14.9%
Immigration/Asylum	24	35.38	34.63	6.75	80.25	849.24	12.8%	9.2%
Chancery	32	66.09	60.75	19.00	139.11	2114.73	17.0%	23.0%
Clin. neg/PI/Other Prof. neg.	9	57.56	55.50	21.50	92.00	518.00	4.8%	5.6%
County Court/HighCourt QB	29	44.34	39.50	11.00	105.10	1285.73	15.4%	14.0%
Employment	4	38.25	37.00	13.00	66.00	153.00	2.1%	1.7%



- Public law
- Family
- Chancery
- County Court/HighCourt QB
- Commercial
- Immigration/Asylum
- Clin. neg/PI/Other Prof. neg.
- Employment

Figure 5. Total time spent by all judges on all appeals (linked and non-linked cases) by subject area

4. Time taken by lead and non-lead judges in relation to subject area

Tables 5 and 6 show the time spent on full appeals by lead and non-lead judges by subject area (non-linked appeals only). Figures 6 and 7 show the percentage of all time spent on different subject areas by lead and non-lead judges, including both linked and non-linked cases.

Table 5. Total time spent on (non-linked) full appeals by lead judges

Subject area	Lead Judge Time							Table Sum %	Col N %
	Count	Mean	Median	Min	Max	Sum			
Public law	26	25.77	26.50	9.00	42.00	669.98	13.2%	13.8%	
Commercial	19	44.34	30.50	8.00	122.00	842.52	16.6%	10.1%	
Family	45	16.35	14.50	3.00	43.50	735.79	14.5%	23.9%	
Immigration/Asylum	24	18.52	18.13	2.75	38.75	444.47	8.8%	12.8%	
Chancery	32	40.86	37.75	9.75	116.00	1307.61	25.8%	17.0%	
Clin. neg/PI/Other Prof. neg.	9	30.33	31.75	10.50	58.00	273.00	5.4%	4.8%	
County Court/HighCourt QB	29	24.33	22.00	4.50	72.65	705.44	13.9%	15.4%	
Employment	4	23.25	19.50	8.00	46.00	93.00	1.8%	2.1%	

Table 6. Total time spent on (non-linked) full appeals by non-lead judges

Subject area	Non-lead judges time							Table Sum %	Col N %
	Count	Mean	Median	Min	Max	Sum			
Public law	26	25.87	24.00	8.00	46.00	672.70	16.3%	13.8%	
Commercial	19	37.65	30.00	15.00	74.00	715.29	17.3%	10.1%	
Family	45	14.30	12.16	4.50	43.00	643.38	15.6%	23.9%	
Immigration/Asylum	24	16.87	16.00	3.00	41.50	404.77	9.8%	12.8%	
Chancery	32	25.22	23.55	6.11	52.00	807.13	19.5%	17.0%	
Clin. neg/PI/Other Prof. neg.	9	27.22	22.00	11.00	50.00	245.00	5.9%	4.8%	
County Court/HighCourt QB	29	20.01	20.00	2.98	49.00	580.29	14.1%	15.4%	
Employment	4	15.00	17.50	5.00	20.00	60.00	1.5%	2.1%	

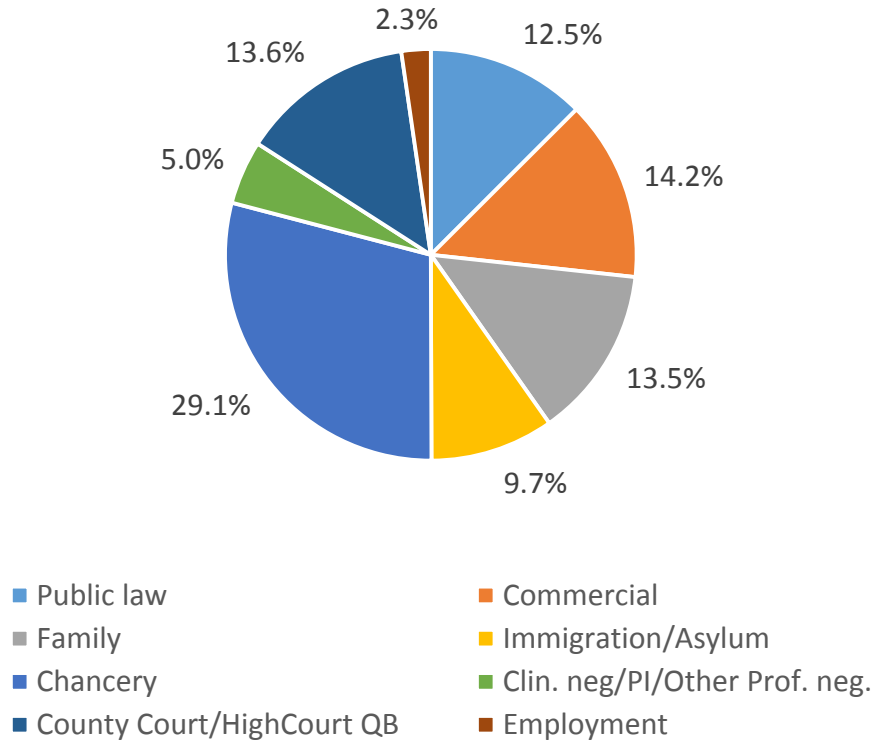


Figure 6. Total time spent by lead judges on all appeals (linked and non-linked cases) by subject area

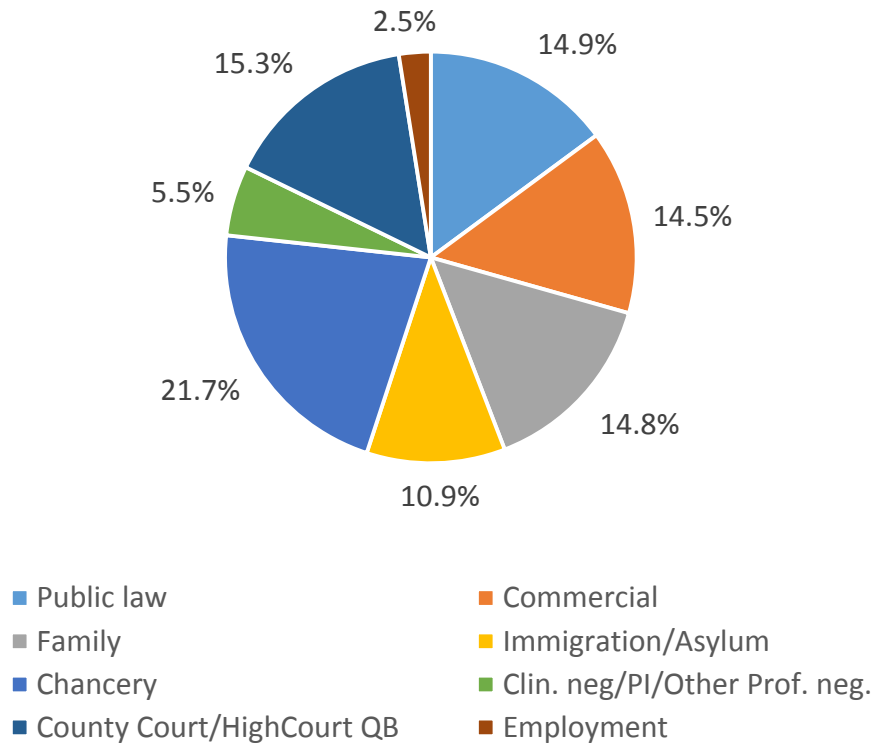


Figure 7. Total time spent by non-lead judges on all appeals (linked and non-linked cases) by subject area

5. Time taken in relation to LIP applicants vs. represented applicants

Of the 188 non-linked appeals, LIP information was available for 164 and analysis for this section is restricted to these cases. Non-linked cases with LIPs made up only 6.7 per cent of appeal cases and 7.1 per cent of all time spent (Table 7). Differences in mean/median time spent on cases involving LIPs and those without LIPs was relatively small (and non-significant). Table 8 and 9 show time spend by lead and non-lead judges on (non-linked) LIP and non-LIP cases. Figures 8, 9 and 10 show percentage of time spent on LIP and non-LIP full appeals (including linked and non-linked cases) by all judges, lead judges and non-lead judges respectively.

Table 7. Total time spent by all judges on (non-linked) full appeals involving/not involving LIPs

LIP	All Judges Time							
	Count	Mean	Median	Minimum	Maximum	Sum	Table Sum%	Column Sum %
N	153	49.12	45.25	6.75	180.00	7514.79	93.3%	92.9%
Y	11	51.91	49.00	13.00	120.53	571.04	6.7%	7.1%

Table 8. Total time spent by lead judges on (non-linked) full appeals involving/not involving LIPs

LIP	Lead Judge Time							
	Count	Mean	Median	Minimum	Maximum	Sum	Table Sum %	Column N %
N	153	27.31	22.00	2.75	122.00	4178.26	93.2%	93.3%
Y	11	27.89	27.50	8.00	51.25	306.75	6.8%	6.7%

Table 9. Total time spent by non-lead judges on (non-linked) full appeals involving/not involving LIPs

LIP	Non-lead judges time							
	Count	Mean	Median	Minimum	Maximum	Sum	Table Sum %	Column N %
N	153	21.81	20.00	2.98	74.00	3336.52	92.7%	93.3%
Y	11	24.03	18.00	5.00	69.28	264.29	7.3%	6.7%

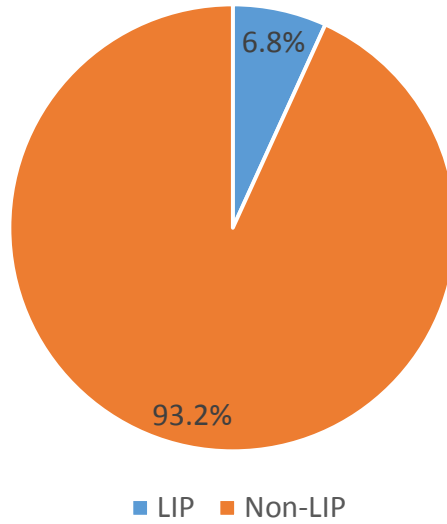


Figure 8. Percentage of time spent on LIP and non-LIP full appeals (linked and non-linked) by all judges

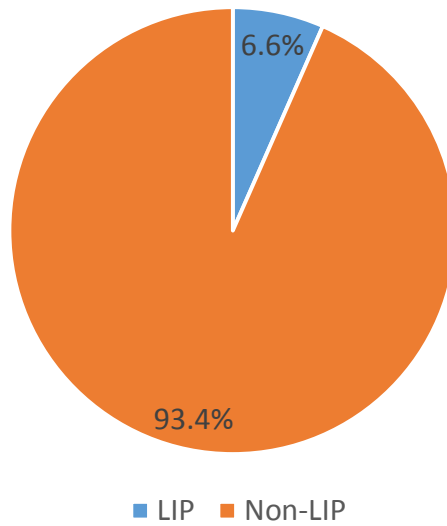


Figure 9. Percentage of time spent on LIP and non-LIP full appeals (linked and non-linked) by lead judges

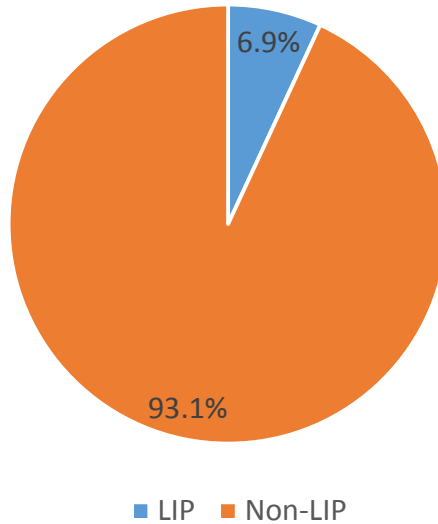


Figure 10. Percentage of time spent on LIP and non-LIP full appeals (linked and non-linked) by non-lead judges

6. Elements of time taken

Since this section is dealing with each element that makes up total time taken by lead and non-lead judges, analysis reverts to only appeals with questionnaire data (rather than using imputed values). It also includes all cases, both linked and non-linked. Essentially, this section sums each of the elements of time taken for lead and non-lead judges for all valid questionnaire entries and examines the percentage of total time each of these elements makes up. Table 10 and Figure 11 present elements of time taken for lead judges, with similar information for non-lead judges in Table 11 and Figure 12.

Table 10. Time spent on different activities by lead judges on full appeals (linked and non-linked cases)

Lead judge activities	Sum of time	% time
Pre-hearing preparation - Reading day	764	14.5%
Pre-hearing preparation - Other times	550	10.5%
Preparing judgment - standard working day	1421	27.0%
Preparing judgment - outside these hours	707	13.5%
Preparing judgment - during court vacation	625	11.9%
Consequential time	263.0	5.0%
Hearing time	926.67	17.6%

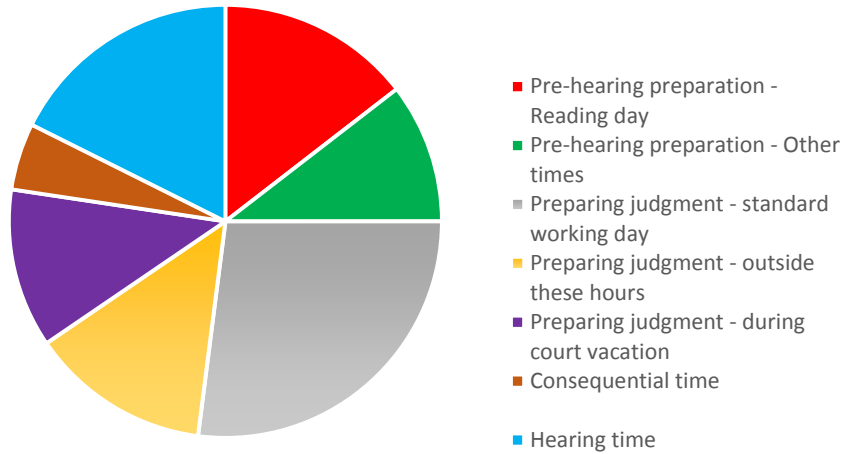


Figure 11. Time spent on different activities by lead judges on full appeals (linked and non-linked cases)

Table 11. Time spent on different activities by non-lead judges on full appeals (linked and non-linked cases)

Non-lead judges activities	Sum of time	% time
Pre-hearing preparation - Reading day	1165	26.5%
Pre-hearing preparation - Other times	565	12.8%
Preparing judgment - standard working day	211	4.8%
Preparing judgment - outside these hours	52	1.2%
Preparing judgment - during court vacation	17	0.4%
Draft of judgment time	557	12.7%
Hearing time	1835	41.7%

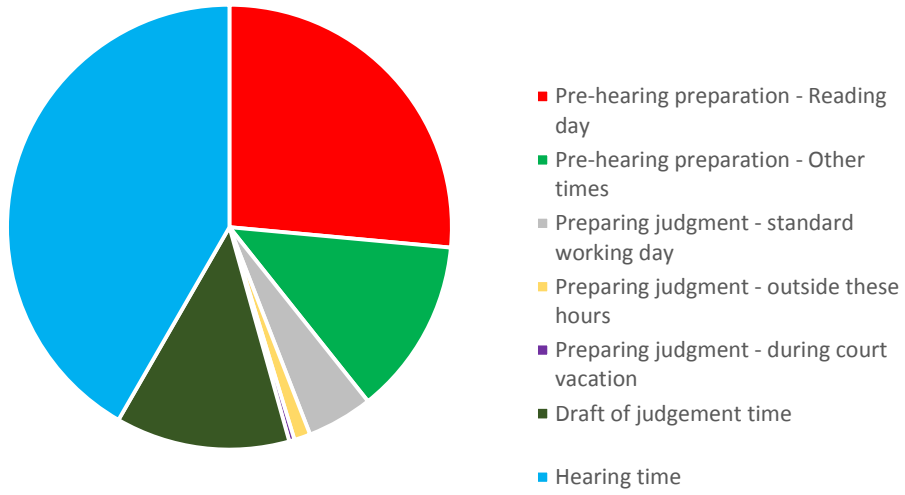


Figure 12. Time spent on different activities by non-lead judges on full appeals (linked and non-linked cases)

Analysis of Oral PTAs

Analysis of questionnaire data

There were 349 oral cases of which 308 were non-linked cases. The majority of analysis uses these 308 cases, though if linked cases are included, this will be marked clearly. Questionnaires were missing for a subset of cases/judges, with time taken by judges imputed in these cases (as previously discussed).

1. Overall time taken, preparation time and hearing time – all cases

Taking oral cases together (excluding linked cases), Table 11 shows the time taken on oral PTAs overall, and split into preparation, hearing and reserved judgment time. Figures 13 to 16 show the distribution of time taken (again excluding linked cases) overall and for preparation, hearing and reserved judgment time. Of the total time taken on oral PTAs, **preparation time** is the largest component (making up 73 per cent of all time), with a mean of 2.45 hours and median of 2.00 hours. **Hearing time** constitutes 24% of total time taken on oral PTAs, with a mean hearing time of 0.83 hours and a median of 0.68 hours. The maximum hearing time was 11.50 hours. Time spent on **reserved judgments** constitutes 3% of total time on oral PTAs with a mean of .10 hours.

Table 11. Time spent by judges on oral PTAs overall, and split into preparation, hearing and reserved judgment time (linked cases excluded).

	Total time taken on oral PTA						% time
	Count	Mean	Median	Minimum	Maximum	Sum	
Total Time	308	3.36	2.75	.00	29.25	1035.75	100%
Preparation Time	308	2.45	2.00	.00	14.25	751.54	72.5%
Hearing Time	308	.83	.68	.00	11.50	253.27	24.4%
Reserved Judgment Time	308	.10	.00	.00	10.50	30.94	2.9%

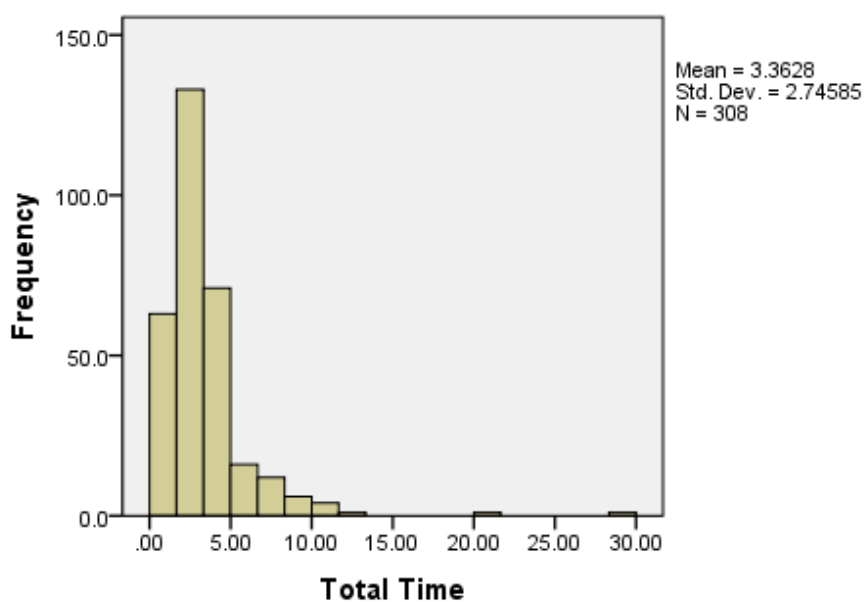


Figure 13. The distribution of time spent by judges on (non-linked) oral PTAs

ANALYSIS OF ORAL PTAs

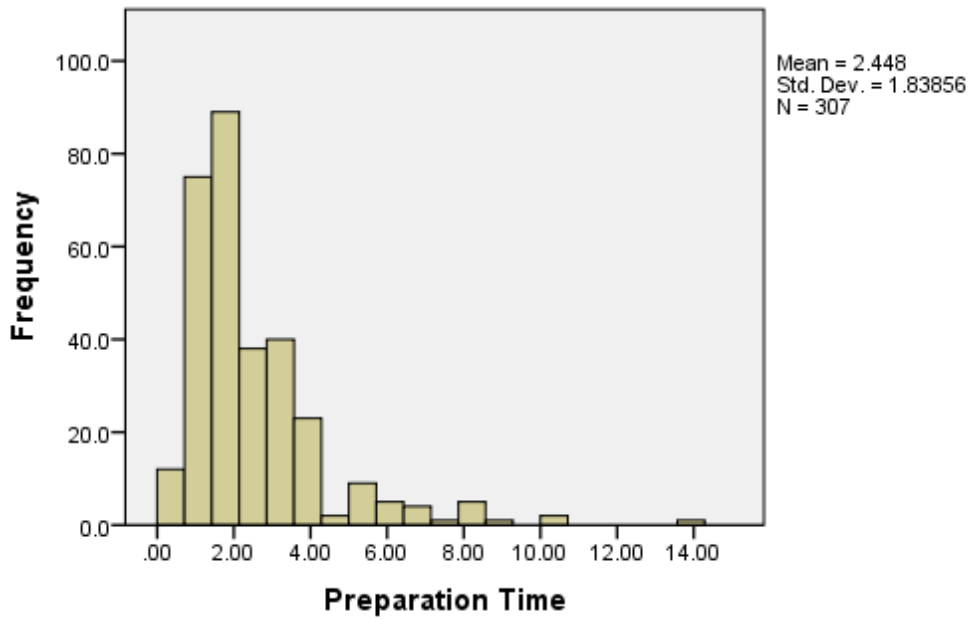


Figure 14. The distribution of preparation time spent by judges on (non-linked) oral PTAs

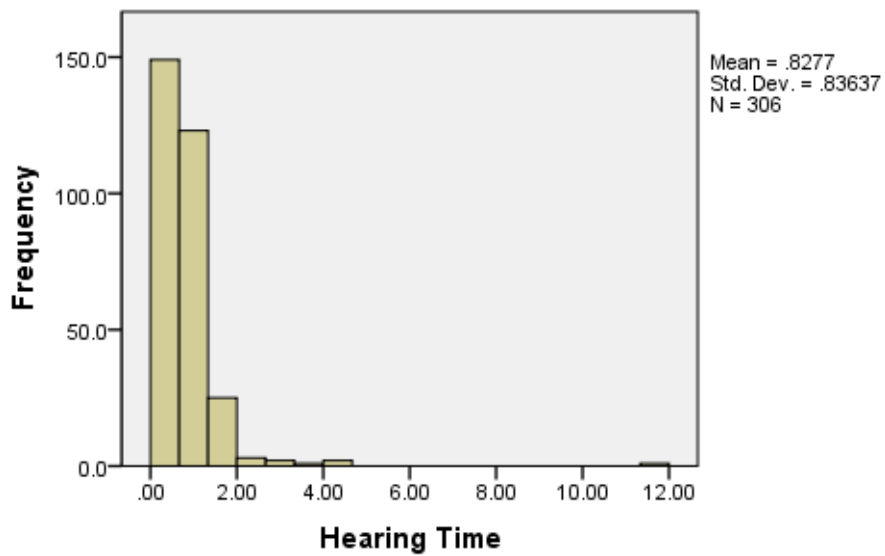


Figure 15. The distribution of hearing time spent by judges on (non-linked) oral PTAs

ANALYSIS OF ORAL PTAs

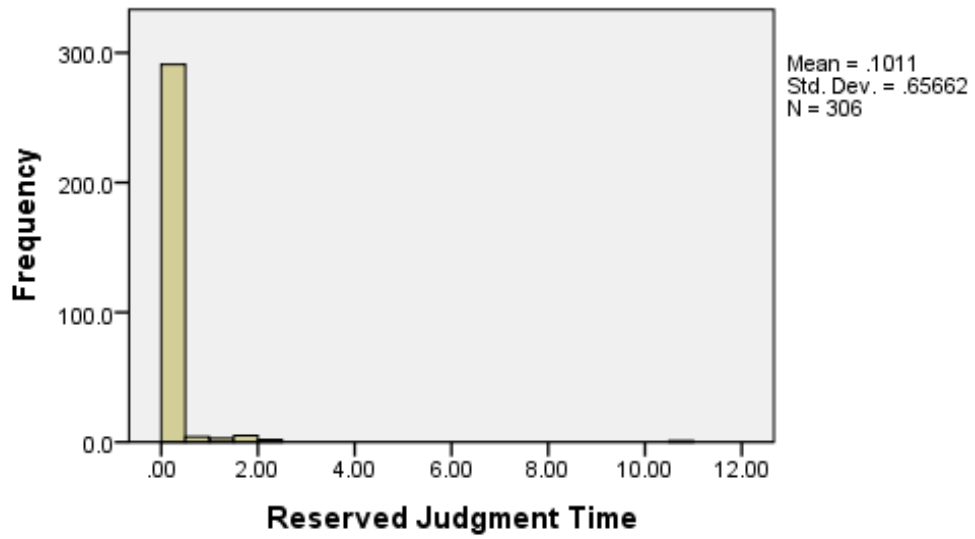


Figure 16. The distribution of reserved judgment time spent by judges on (non-linked) oral PTAs

ANALYSIS OF ORAL PTAs

2. Time taken in relation to subject area

There were notable differences in average time taken between different subject areas. The highest means are for commercial (though there were only twelve commercial cases), chancery and county court/HC, although these subject groups represent a relatively small proportion of total time spent on oral PTAs (commercial 8% of total time; county court 15%; and Chancery 14% of total time taken). Because of the volume of cases, family and immigration together represent 43% of all time taken on oral PTAs, despite lower mean time times. Table 12 illustrates total time spent by judges on (non-linked) oral PTAs, split by subject area. Tables 13, 14 and 15 present similar information, looking solely at preparation, hearing and reserved judgment time (and all using non-linked cases only). The pattern was broadly similar for preparation time by subject area, with immigration and family cases accounting for about 43% of all preparation time spent on oral PTAs.

Table 12. Total time spent by judges on (non-linked) oral PTAs, split by subject area (non-linked cases only)

Subject Area	Total Time							
	Count	Mean	Median	Min	Max	Sum	% caseload	% time
Public Law	30	3.92	3.37	1.00	10.00	117.46	9.7%	11.3%
Commercial	12	6.94	5.79	1.50	21.50	83.32	3.9%	8.0%
Family	69	2.49	2.40	.00	8.25	172.00	22.4%	16.6%
Immigration/Asylum	102	2.67	2.45	.75	9.25	272.05	33.1%	26.3%
Chancery	33	4.38	3.50	1.50	11.50	144.38	10.7%	13.9%
Clinical negl./PI/Other prof. negl.	6	2.79	2.63	1.50	4.50	16.73	1.9%	1.6%
County Court/High Court QB	35	4.41	3.50	1.00	29.25	154.46	11.4%	14.9%
Employment	21	3.59	3.07	1.25	8.50	75.35	6.8%	7.3%

Table 13. Total preparation time spent by judges on (non-linked) oral PTAs, split by subject area (non-linked cases only)

Subject Area	Preparation Time							
	Count	Mean	Median	Min	Max	Sum	% caseload	% time
Public Law	30	3.07	2.65	1.00	8.00	92.20	9.7%	12.3%
Commercial	12	4.32	3.61	1.00	10.00	51.83	3.9%	6.9%
Family	69	1.81	1.74	.00	7.75	123.20	22.4%	16.4%
Immigration/Asylum	102	1.96	1.50	.50	8.00	200.02	33.1%	26.6%
Chancery	33	3.28	3.00	.50	10.00	108.39	10.7%	14.4%
Clinical negl./PI/Other prof. negl.	6	2.25	2.13	1.00	4.00	13.48	1.9%	1.8%
County Court/High Court QB	35	3.04	2.50	.75	14.25	106.47	11.4%	14.2%
Employment	21	2.66	2.24	1.00	6.00	55.95	6.8%	7.4%

Table 14. Total hearing time spent by judges on (non-linked) oral PTAs, split by subject area (non-linked cases only)

ANALYSIS OF ORAL PTAs

Subject Area	Hearing Time							
	Count	Mean	Median	Min	Max	Sum	% caseload	% time
Public Law	30	.79	.75	.25	2.00	22.86	9.7%	9.0%
Commercial	12	2.19	1.58	.25	11.50	26.32	3.9%	10.4%
Family	69	.69	.75	.00	1.75	46.80	22.4%	18.5%
Immigration/Asylum	102	.68	.50	.25	3.00	69.01	33.1%	27.2%
Chancery	33	.99	.75	.25	2.50	32.66	10.7%	12.9%
Clinical negl./PI/Other prof. negl.	6	.54	.50	.49	.75	3.24	1.9%	1.3%
County Court/High Court QB	35	1.05	.75	.25	4.50	36.68	11.4%	14.5%
Employment	21	.75	.69	.25	1.75	15.70	6.8%	6.2%

Table 15. Total reserved judgment time spent by judges on (non-linked) oral PTAs, split by subject area (non-linked cases only)

Subject Area	Reserved Judgment Time							
	Count	Mean	Median	Min	Max	Sum	% caseload	% time
Public Law	30	.09	.00	.00	2.00	2.64	9.7%	8.5%
Commercial	12	.42	.20	.00	1.50	5.06	3.9%	16.4%
Family	69	.03	.00	.00	2.00	2.15	22.4%	6.9%
Immigration/Asylum	102	.03	.00	.00	1.50	3.02	33.1%	9.8%
Chancery	33	.09	.00	.00	1.50	3.08	10.7%	10.0%
Clinical negl./PI/Other prof. negl.	6	.00	.00	.00	.00	.00	1.9%	0.0%
County Court/High Court QB	35	.32	.00	.00	10.50	11.29	11.4%	36.5%
Employment	21	.18	.00	.00	1.50	3.70	6.8%	12.0%

3. Time taken in relation to LIP applicants vs. represented applicants

Information on LIPs was available for 275 of 308 non-linked oral PTAs. The tables and charts below suggest that overall, taking all cases together the average time taken on oral PTA work is **higher** where the applicant is **represented** than when the applicant is a litigant in person (3.58 for represented applicants as compared with 2.94 for LIPs). **As a note of caution**, further detailed analysis would be needed to properly interpret these findings. Issues to do with weight of case, representation on the respondent side, and other factors need to be considered. Table 16 shows total time spent by judges on oral PTAs (non-linked cases only) by representation. Figure 17 shows the distribution of time spent by representation (non-linked cases only). This is followed by similar information for preparation time (Table 17 and Figure 18), hearing time (Table 18 and Figure 19) and reserved judgment time (Table 19 and Figure 20).

Looking at these elements in turn, average preparation time was **higher** for **represented** applicants (2.62) than for LIPs (2.13), with a few represented cases involving long preparation time (maximum of 14.25 hours for represented applicants as compared with a maximum of 10.00 hours for LIPs). LIPs account for 42% of oral PTA caseload and just over one third (37%) of preparation time for oral PTAs. Average hearing times at oral PTAs was somewhat longer where the applicant was represented (.85) than when the applicant was a LIP (.76). Average time taken for reserved judgments again showed that the time for represented applicants was somewhat longer than for LIPs.

Table 16. Total time spent by judges on oral PTAs (non-linked cases only) by representation

		Total Time by representation							
		Count	Mean	Median	Minimum	Max	Sum	% caseload	% time
LIP	N	160	3.58	2.75	.75	29.25	572.75	58.2%	62.9%
	Y	115	2.94	2.50	.00	21.50	338.25	41.8%	37.1%

ANALYSIS OF ORAL PTAs

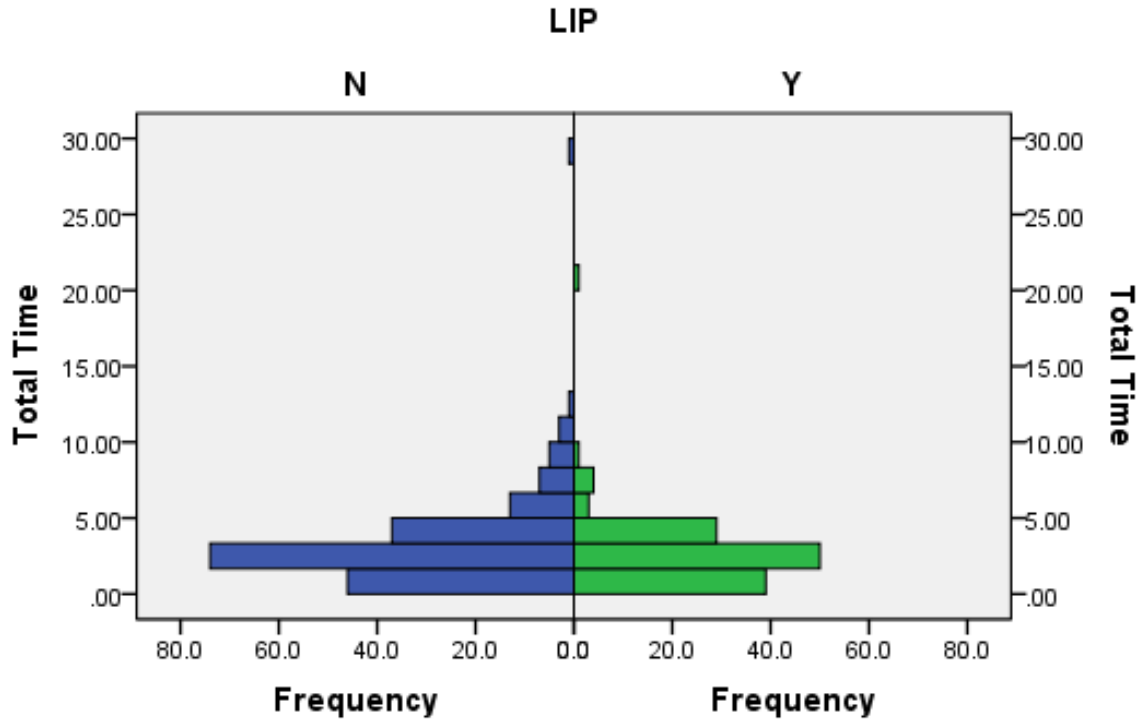


Figure 17. The distribution of time spent by judges on oral PTAs by representation (non-linked cases only)

Table 17. Total preparation time spent by judges on oral PTAs (non-linked cases only) by representation

		Preparation Time by representation							
		Count	Mean	Median	Minimum	Maximum	Sum	% of caseload	% time
LIP	N	160	2.62	2.00	.50	14.25	418.75	58.2%	63.3%
	Y	115	2.13	2.00	.00	10.00	243.25	41.8%	36.7%

ANALYSIS OF ORAL PTAs

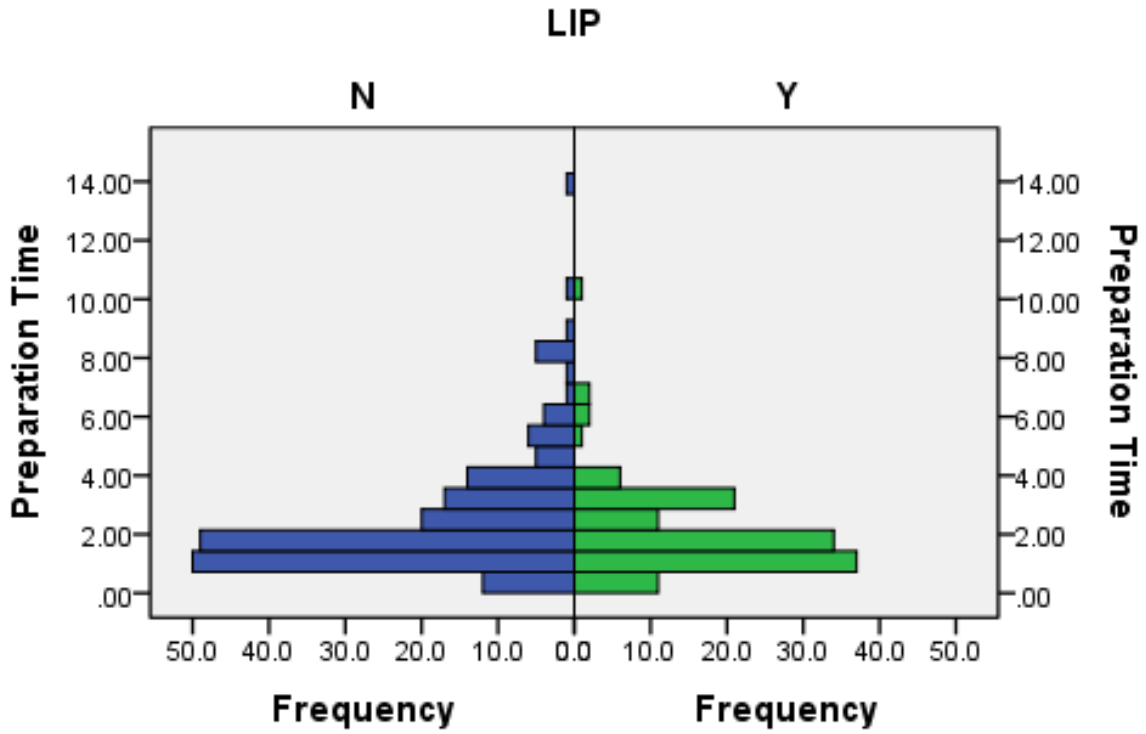


Figure 18. The distribution of preparation time spent by judges on oral PTAs by representation (non-linked cases only)

Table 18. Total hearing time spent by judges on oral PTAs (non-linked cases only) by representation

		Hearing Time by representation							
		Count	Mean	Median	Min	Max	Sum	% of caseload	% time
LIP	N	160	.85	.75	.25	4.50	134.75	58.2%	60.8%
	Y	115	.76	.50	.00	11.50	87.00	41.8%	39.2%

ANALYSIS OF ORAL PTAs

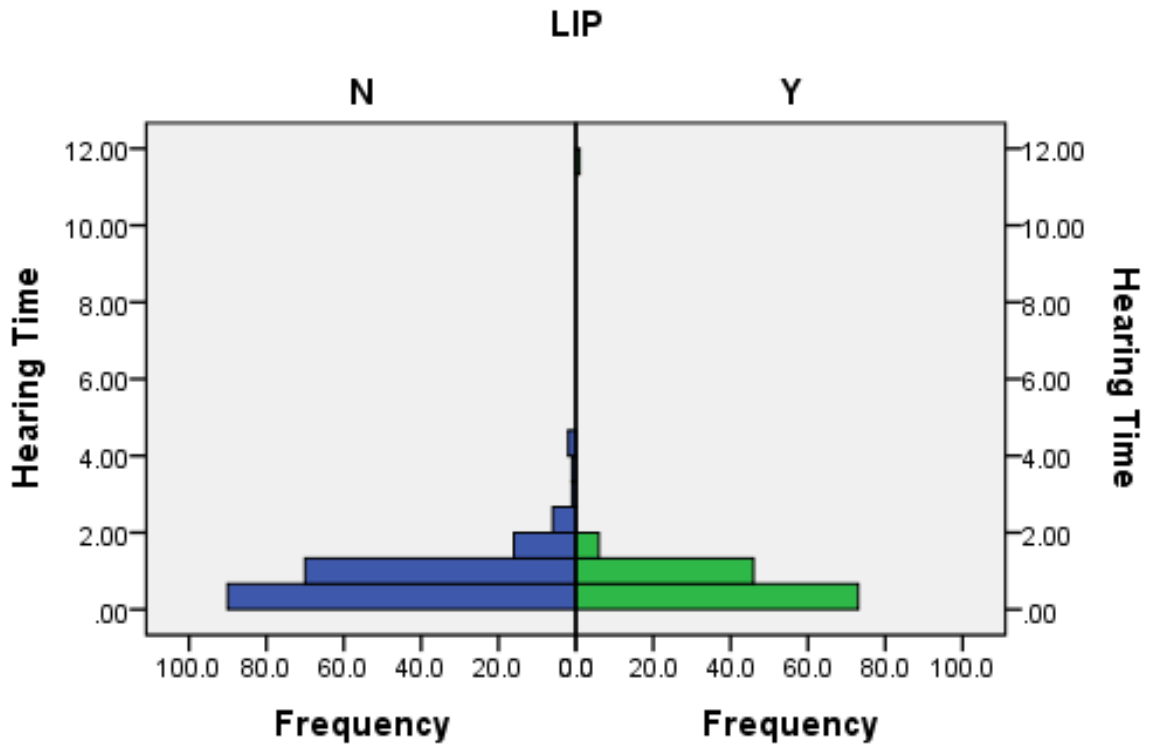


Figure 19. The distribution of hearing time spent by judges on oral PTAs by representation (non-linked cases only)

Table 19. Total reserved judgment time spent by judges on oral PTAs (non-linked cases only) by representation

		Reserved Judgment Time by representation							
		Count	Mean	Median	Minimum	Maximum	Sum	% of caseload	% time
LIP	N	160	.12	.00	.00	10.50	19.00	58.2%	70.4%
	Y	115	.07	.00	.00	2.00	8.00	41.8%	29.6%

ANALYSIS OF ORAL PTAs

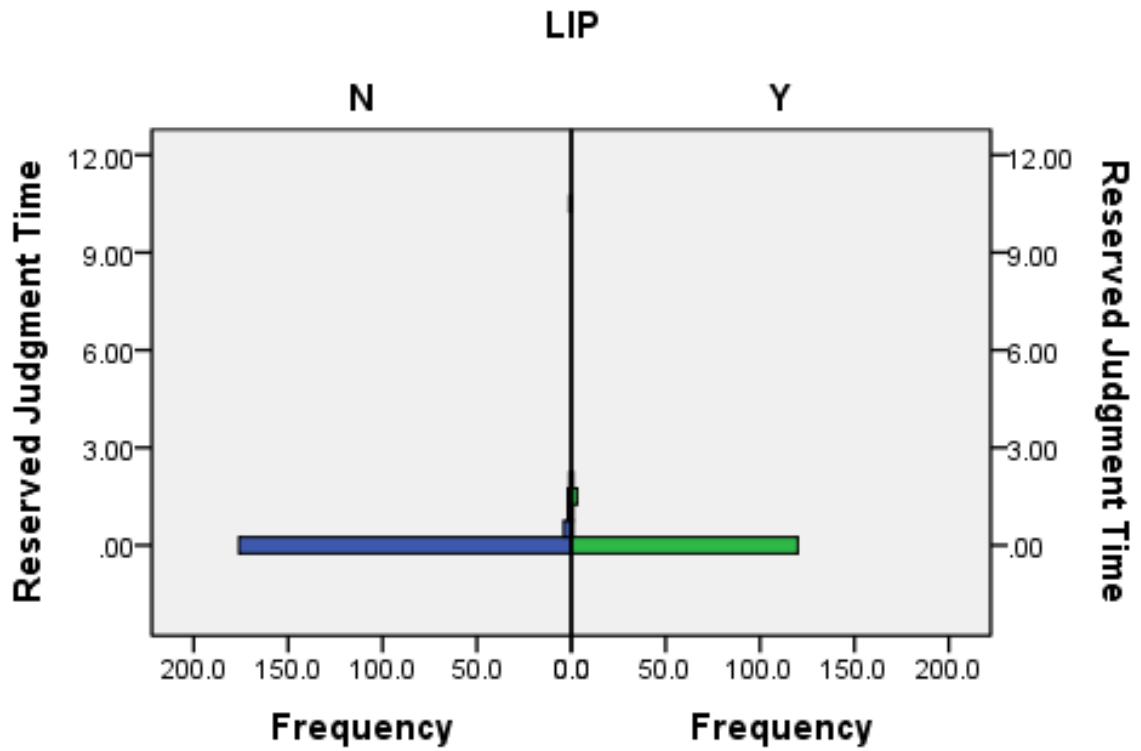


Figure 20. The distribution of reserved judgment time spent by judges on oral PTAs by representation (non-linked cases only)

ANALYSIS OF ORAL PTAs

4. Time taken in relation to judicial expertise

Table 20 shows total time taken on oral PTAs (non-linked cases only) by the expertise of the lead judge. Similar information follows for preparation time (Table 21), hearing time (Table 22) and reserved judgment time (Table 23). Table 24 then split the information in Table 21 by subject area (again non-linked cases only), though this information should be interpreted with some caution, given the very small numbers of cases for some combinations of subject area and lead judge expertise.

Table 20. Time taken on oral PTAs (non-linked cases only) by the expertise of the lead judge

Expertise	Total Time in relation to expertise							
	Count	Mean	Median	Min	Max	Sum	% caseload	% time
Missing	30	3.75	3.07	2.23	11.16	112.50	9.7%	10.9%
Expertise to be a sole specialist on a constitution	183	3.03	2.50	.00	21.50	553.75	59.4%	53.5%
Sufficient expertise to be lead judge but only with expert on the constitution	49	4.60	3.25	1.00	29.25	225.50	15.9%	21.8%
Expertise to do oral PTAs (and paper PTAs) only	30	2.97	2.50	1.00	7.75	89.00	9.7%	8.6%
Expertise to do paper PTAs only	9	3.19	3.50	1.50	4.50	28.75	2.9%	2.8%
No Experience / Expertise	7	3.75	4.25	1.25	7.50	26.25	2.3%	2.5%

Table 21. Preparation time taken on oral PTAs (non-linked cases only) by the expertise of the lead judge

Expertise	Preparation Time in relation to expertise							
	Count	Mean	Median	Min	Max	Sum	% caseload	% time
Missing	30	2.72	2.24	1.73	7.11	81.54	9.7%	10.8%
Expertise to be a sole specialist on a constitution	183	2.21	2.00	.00	10.00	402.25	59.4%	53.5%
Sufficient expertise to be lead judge but only with expert on the constitution	49	3.30	2.50	.50	14.25	161.75	15.9%	21.5%
Expertise to do oral PTAs (and paper PTAs) only	30	2.10	2.00	.50	5.00	63.00	9.7%	8.4%
Expertise to do paper PTAs only	9	2.50	2.50	1.00	4.00	22.50	2.9%	3.0%
No Experience / Expertise	7	2.93	3.50	1.00	6.00	20.50	2.3%	2.7%

ANALYSIS OF ORAL PTAs

Table 22. Hearing time on oral PTAs (non-linked cases only) by the expertise of the lead judge

Expertise	Hearing Time in relation to expertise							
	Count	Mean	Median	Min	Max	Sum	% caseload	% time
Missing	30	.91	.68	.49	3.16	27.27	9.7%	10.8%
Expertise to be a sole specialist on a constitution	183	.81	.50	.00	11.50	147.25	59.4%	58.1%
Sufficient expertise to be lead judge but only with expert on the constitution	49	.99	.75	.25	4.50	48.50	15.9%	19.1%
Expertise to do oral PTAs (and paper PTAs) only	30	.66	.50	.25	1.50	19.75	9.7%	7.8%
Expertise to do paper PTAs only	9	.53	.50	.50	.75	4.75	2.9%	1.9%
No Experience / Expertise	7	.82	.75	.25	1.50	5.75	2.3%	2.3%

Table 23. Reserved judgment on oral PTAs (non-linked cases only) by the expertise of the lead judge

Expertise	Reserved Judgment Time in relation to expertise							
	Count	Mean	Median	Min	Max	Sum	% caseload	% time
Missing	30	.13	.08	.00	.78	3.94	9.7%	12.7%
Expertise to be a sole specialist on a constitution	183	.02	.00	.00	1.50	4.00	59.4%	12.9%
Sufficient expertise to be lead judge but only with expert on the constitution	49	.31	.00	.00	10.50	15.25	15.9%	49.3%
Expertise to do oral PTAs (and paper PTAs) only	30	.21	.00	.00	2.00	6.25	9.7%	20.2%
Expertise to do paper PTAs only	9	.17	.00	.00	1.50	1.50	2.9%	4.8%
No Experience / Expertise	7	.00	.00	.00	.00	.00	2.3%	0.0%

ANALYSIS OF ORAL PTAs

Table 24. Time taken on oral PTAs (non-linked cases only) by the expertise of the lead judge and subject area

Subject Area	Expertise groups LJ														
	No Experience / Expertise			Expertise to do paper PTAs only			Expertise to do oral PTAs (and paper PTAs) only			Sufficient expertise to be lead judge but only with expert on the constitution			Expertise to be a sole specialist on a constitution		
	Total Time			Total Time			Total Time			Total Time			Total Time		
	Count	Mean	Median	Count	Mean	Median	Count	Mean	Median	Count	Mean	Median	Count	Mean	Median
Public Law	0	.	.	1	3.50	3.50	2	5.13	5.13	6	6.13	5.38	15	2.67	2.25
Commercial	0	.	.	0	.	.	1	4.50	4.50	3	5.83	6.00	5	7.80	6.00
Family	0	.	.	1	4.50	4.50	7	2.93	2.25	4	2.44	2.63	52	2.41	2.00
Immigration/Asylum	2	2.88	2.88	5	2.70	2.50	12	2.35	1.88	12	2.85	2.25	64	2.63	2.25
Chancery	1	2.25	2.25	0	.	.	3	3.25	3.00	6	3.17	2.88	22	4.97	4.13
Clinical negl./PI/Other prof. negl.	1	1.50	1.50	1	3.25	3.25	0	.	.	0	.	.	3	3.25	2.75
County Court/High Court QB	2	6.25	6.25	0	.	.	2	1.75	1.75	12	6.73	4.50	17	2.96	2.50
Employment	1	4.25	4.25	1	4.00	4.00	3	4.08	4.25	6	4.58	3.50	5	2.40	2.25

Analysis of Paper PTAs

Paper PTAs

The analysis was based on data from 1,033 non-linked cases (of a total of 1,103 cases). As previously, time was imputed for a small number of cases.

1. Overall time taken – all cases

Table 25 shows the time taken by judges on (non-linked) paper PTAs, with the distribution of time taken shown in Figure 21. The mean time taken for paper PTAs was 1.11 hours with a relatively wide range from a minimum of 0.00 (value entered on some questionnaires) to a maximum of 16 hours.

Table 25. Time taken by judges on (non-linked) paper PTAs

Time Taken					
Count	Mean	Median	Minimum	Maximum	Sum
1032	1.14	1.00	.00	16.00	1173.84

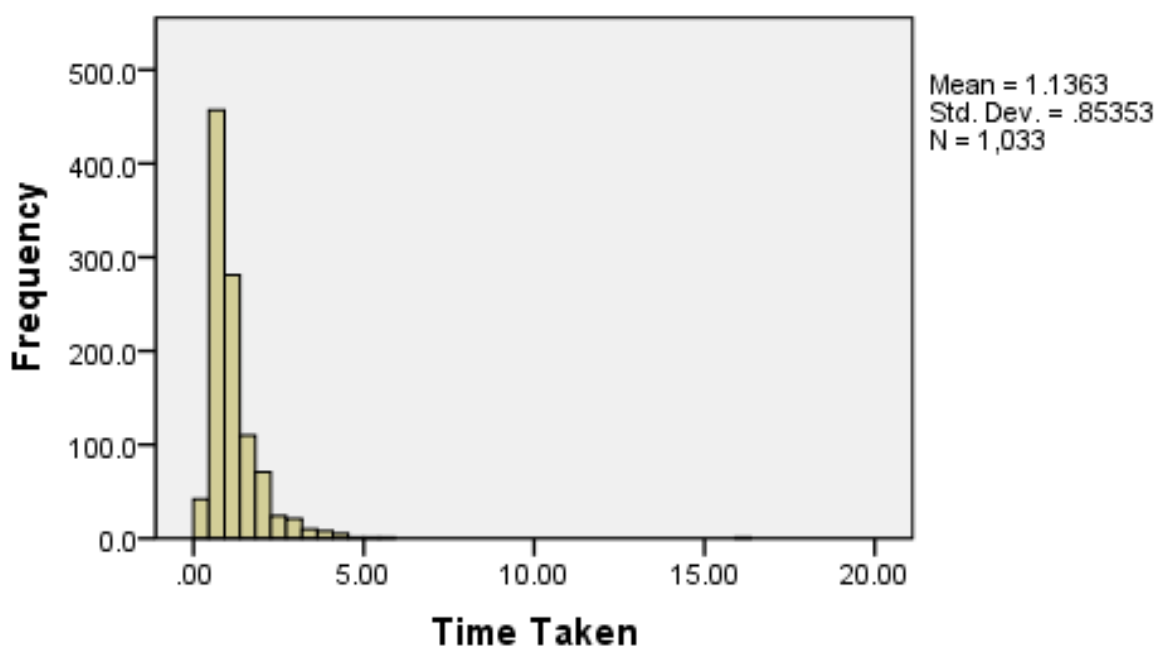


Figure 21. The distribution of time by judges on (non-linked) paper PTAs

2. Time taken in relation to subject area

Table 26 shows the variation in time spent on (non-linked) paper PTAs by subject area. The longest average time was in clinical/prof neg cases, followed by commercial. Immigration cases had a somewhat lower mean time (1.01 hours), but because of their volume constituted a high proportion of the total amount of time taken on paper PTAs (41% of total time spent on paper PTAs).

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Table 26. The time spent on (non-linked) paper PTAs by subject area

Subject area	Time Taken							
	Count	Mean	Median	Min	Max	Sum	Col N %	Col Sum %
Public law	138	1.22	1.00	.17	4.33	168.02	13.4%	14.3%
Commercial	54	1.32	1.00	.50	4.33	71.33	5.2%	6.1%
Family	101	1.34	1.00	.25	5.50	135.42	9.8%	11.5%
Immigration/Asylum	466	1.03	.85	.17	4.00	481.30	45.2%	41.0%
Chancery	95	1.26	1.00	.00	4.00	119.28	9.2%	10.2%
Clinical negligence/PI/Other prof. negl.	30	1.72	1.00	.33	16.00	51.50	2.9%	4.4%
County Court and High Court QB	88	1.03	.75	.25	5.00	90.92	8.5%	7.7%
Employment	57	.95	.79	.17	3.00	53.99	5.5%	4.6%
Missing (incl 1 trusts)	3	.69	.75	.58	.75	2.08	0.3%	0.2%

3. Time taken in relation to LIP applicants vs. represented applicants– all cases

Table 27 shows the time taken by judges on (non-linked) paper PTAs by representation. Figure 22 shows the distribution of time spent by representation. Overall, the average time taken on paper PTAs appeared to be higher where the applicant was **represented** than when the applicant was a litigant in person (1.18 for represented applicants as compared with 1.05 for LIPs) and represented cases accounted for about three-quarters of time spent on paper PTAs. The interpretation of these data will require some care and it would be worth looking in more detail at the cases in relation to outcome of PTA.

Table 27. Time taken by judges on (non-linked) paper PTAs by representation

LIP	Time Taken							
	Count	Mean	Median	Minimum	Maximum	Sum	Column N %	Column Sum %
N	725	1.18	1.00	.17	16.00	856.37	72.7%	74.9%
Y	272	1.05	.83	.00	4.17	286.68	27.3%	25.1%

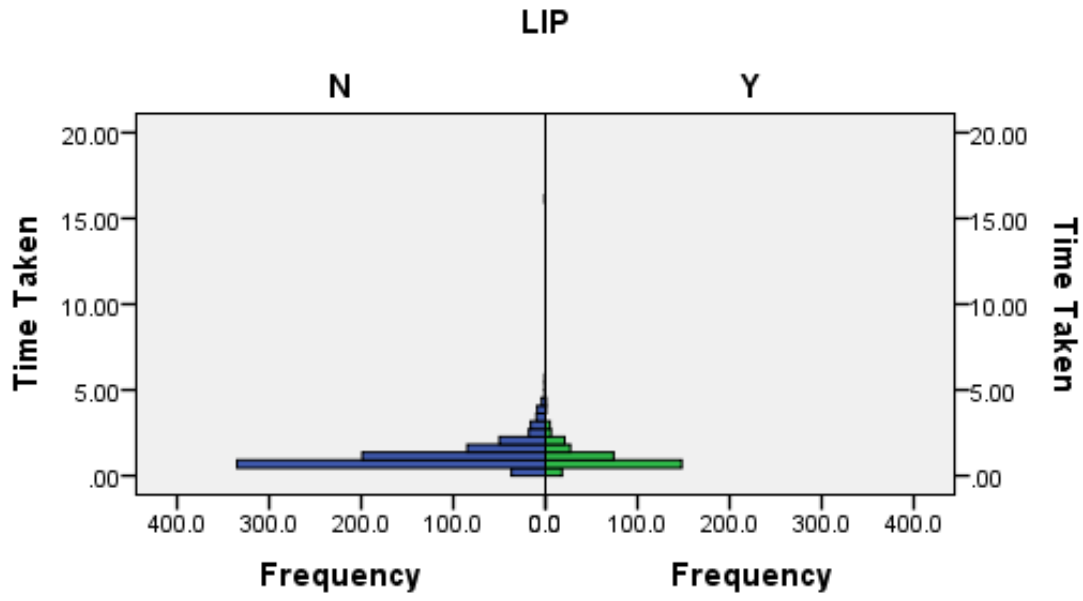


Figure 22. Distribution of time taken by judges on (non-linked) paper PTAs by representation

ANALYSIS OF PAPER PTAs – GENN & BALMER

4. The interaction between subject area and representation in time taken

Table 28 shows the time taken by judges on (non-linked) paper PTAs by representation and subject area. In all subject areas except clinical negligence etc. and employment, the mean time taken on paper PTAs appears to be higher for cases involving represented applicants than for LIPs. The difference is greatest in family cases with a mean of 1.59 hours for represented cases as compared with mean of 1.11 hours for LIPs.

Table 28. Time taken by judges on (non-linked) paper PTAs by representation and subject area

Subject Area	LIP															
	N								Y							
	Time Taken								Time Taken							
	Count	Mean	Median	Min	Max	Sum	Column N %	Column Sum %	Count	Mean	Median	Min	Max	Sum	Column N %	Column Sum %
Public law	77	1.27	1.00	.33	4.33	97.58	10.6%	11.4%	59	1.16	1.00	.17	4.17	68.43	21.7%	23.9%
Commercial	45	1.37	1.00	.50	4.33	61.83	6.2%	7.2%	5	1.10	1.00	.75	2.00	5.50	1.8%	1.9%
Family	49	1.59	1.00	.33	5.50	78.00	6.8%	9.1%	51	1.11	.83	.25	3.00	56.50	18.8%	19.7%
Immigration/Asylum	375	1.06	1.00	.17	4.00	396.62	51.7%	46.3%	90	.93	.75	.25	2.50	83.85	33.1%	29.2%
Chancery	69	1.30	1.00	.50	4.00	89.75	9.5%	10.5%	23	1.15	1.00	.00	3.00	26.53	8.5%	9.3%
Clinical negl./PI/Other prof. negl.	23	1.89	1.00	.33	16.00	43.50	3.2%	5.1%	1	2.00	2.00	2.00	2.00	2.00	0.4%	0.7%
County Court and High Court QB	58	1.10	.75	.25	5.00	63.58	8.0%	7.4%	25	.94	.75	.33	2.50	23.58	9.2%	8.2%
Employment	27	.89	.75	.17	1.58	24.00	3.7%	2.8%	17	1.16	1.00	.50	3.00	19.70	6.3%	6.9%
Missing (incl 1 trusts)	2	.75	.75	.75	.75	1.50	0.3%	0.2%	1	.58	.58	.58	.58	.58	0.4%	0.2%

5. Time taken on paper PTAs by judicial expertise

Table 29 shows the time taken by judges on (non-linked) paper PTAs by judicial expertise. The majority of paper PTAs were dealt with by judges with the expertise to be a sole specialist (66%) and only a very small minority had either no experience (1%) or expertise only to undertake paper PTAs (6%). Comparison of average time taken on paper PTAs in relation to expertise showed that those with no experience spent around double the average time compared with those with expertise to be sole specialist or expertise to do oral and paper PTAs. However, the number of cases involving no expertise was rather small and the difference less notable when comparing median time taken. On the whole, the mean and median difference in time between the more experienced and less experienced judges was not particularly large.

Table 29. Time taken by judges on (non-linked) paper PTAs by judicial expertise

Expertise	Time Taken							
	Count	Mean	Median	Min	Max	Sum	Col N %	Col Sum %
Expertise to be a sole specialist on a constitution	684	1.09	.83	.03	5.50	745.58	68.6%	65.2%
Sufficient expertise to be lead judge but only with expert on the constitution	147	1.27	1.00	.33	5.00	187.25	14.7%	16.4%
Expertise to do oral PTAs (and paper PTAs) only	93	1.13	.85	.00	4.00	104.88	9.3%	9.2%
Expertise to do paper PTAs only	61	1.27	1.00	.17	4.00	77.25	6.1%	6.8%
No Experience / Expertise	12	2.34	.75	.50	16.00	28.08	1.2%	2.5%

ANALYSIS OF PAPER PTAs – GENN & BALMER

6. The interaction between subject area and expertise in time taken

Table 30 shows the time taken by judges on (non-linked) paper PTAs by judicial expertise and subject area.

Table 30. Time taken by judges on (non-linked) paper PTAs by judicial expertise and subject area.

Subject area	Expertise														
	Expertise to be a sole specialist on a constitution			Expertise to do oral PTAs (and paper PTAs) only			Expertise to do paper PTAs only			No Experience / Expertise			Sufficient expertise to be lead judge but only with expert on the constitution		
	Time Taken			Time Taken			Time Taken			Time Taken			Time Taken		
	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median
Public law	100	1.25	1.00	9	.84	.75	9	1.06	1.00	1	4.33	4.33	17	1.16	1.00
Commercial	31	1.35	.75	2	1.58	1.58	1	2.00	2.00	0	.	.	16	1.27	1.08
Family	86	1.38	1.00	1	2.00	2.00	0	.	.	0	.	.	13	1.07	.75
Immigration/Asylum	324	.99	.83	52	1.15	.85	38	1.33	1.08	5	.73	.75	46	1.01	.83
Chancery	58	1.03	.75	7	1.58	1.42	5	1.57	1.42	2	.96	.96	20	1.79	1.58
Clinical negligence/PI/Other prof. negl.	13	1.03	1.00	2	.88	.88	0	.	.	3	5.83	.75	6	2.15	2.50
County Court and High Court QB	58	.97	.75	5	.90	.75	1	1.00	1.00	1	.67	.67	18	1.36	1.25
Employment	13	.79	.75	15	1.01	.75	7	.89	1.00	0	.	.	9	1.34	1.00
Missing (incl 1 trusts)	1	.75	.75	0	.	.	0	.	.	0	.	.	2	.67	.67

Miscellaneous figures

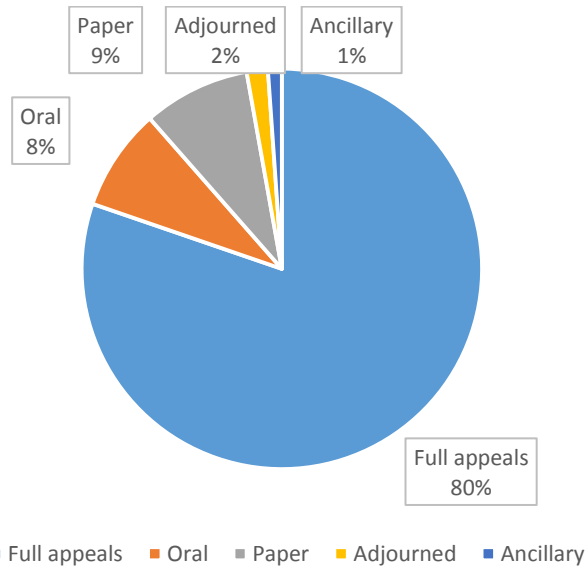


Figure 23. Breakdown of time taken on all cases (PTA+A included in appeals) excluding admin and sitting in other Divisions in hours (linked and non-linked cases)

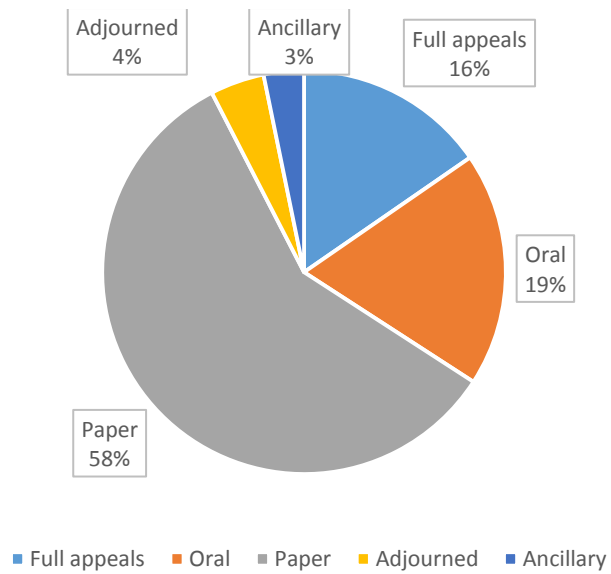


Figure 24. Percentage of cases (PTA+A included in appeals) excluding admin and sitting in other Divisions (linked and non-linked cases)

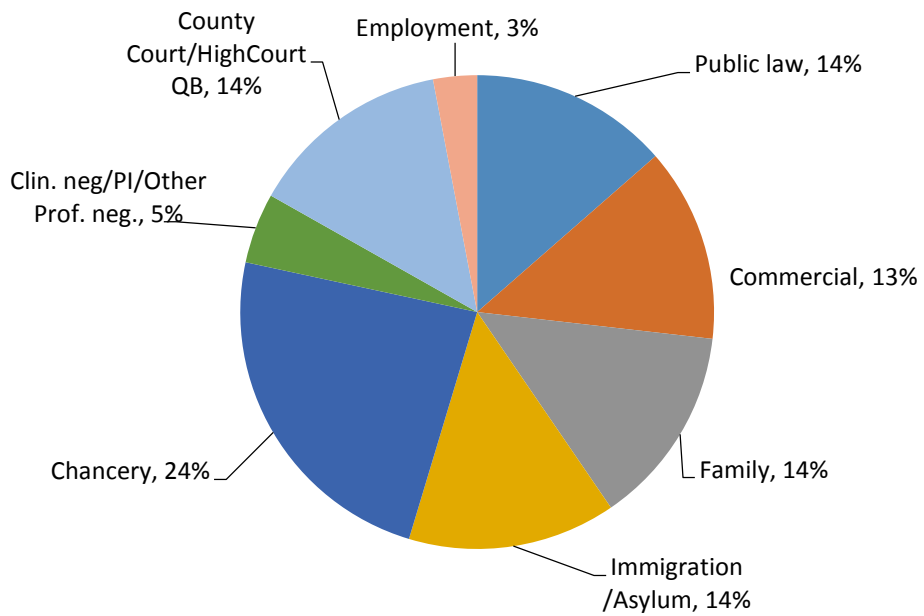


Figure 25. Total time spent on subject areas (paper, oral and full appeals), including linked and non-linked cases

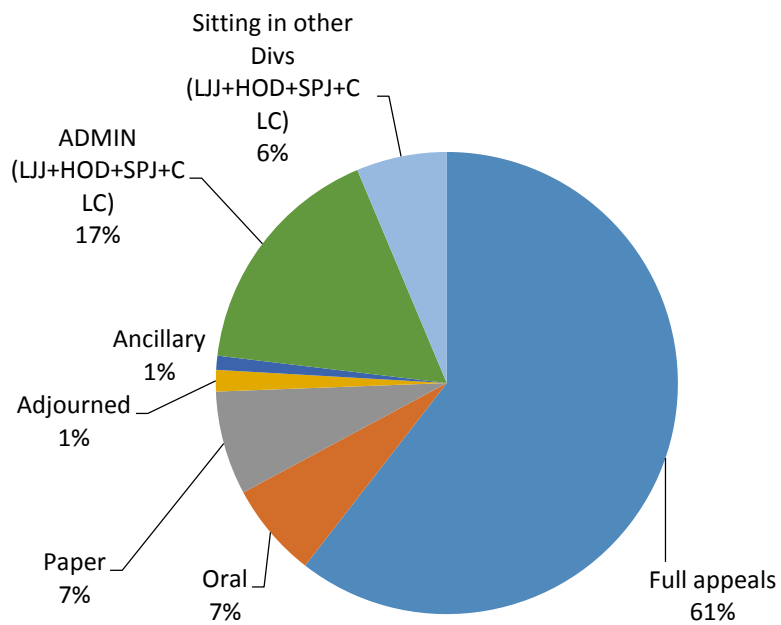


Figure 26. Breakdown of total time spent including admin time and sitting in other divisions (including linked and non-linked cases)

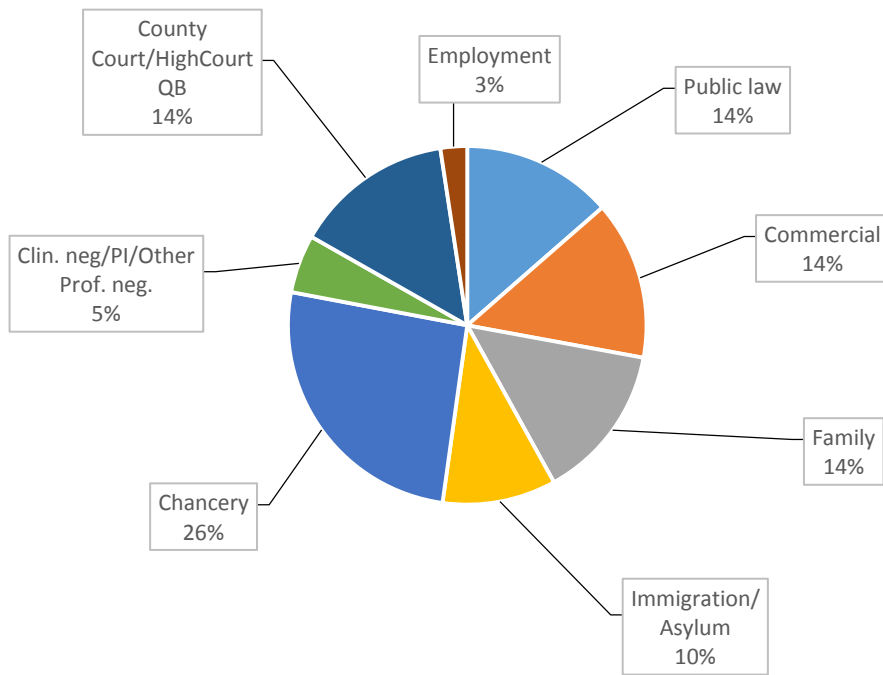


Figure 27. Percentage of time spent on each subject area for full appeals, including linked and non-linked cases

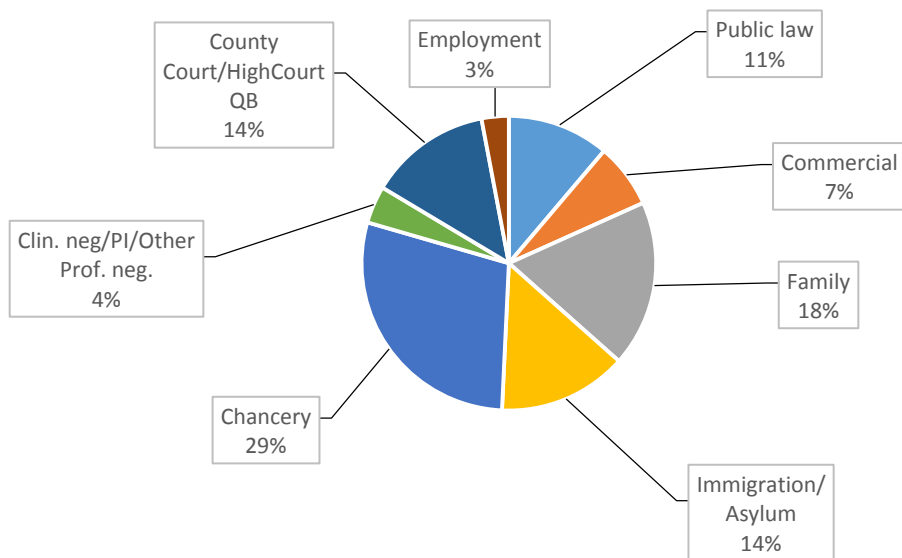


Figure 28. Percentage of cases in each subject area for full appeals, including linked and non-linked cases

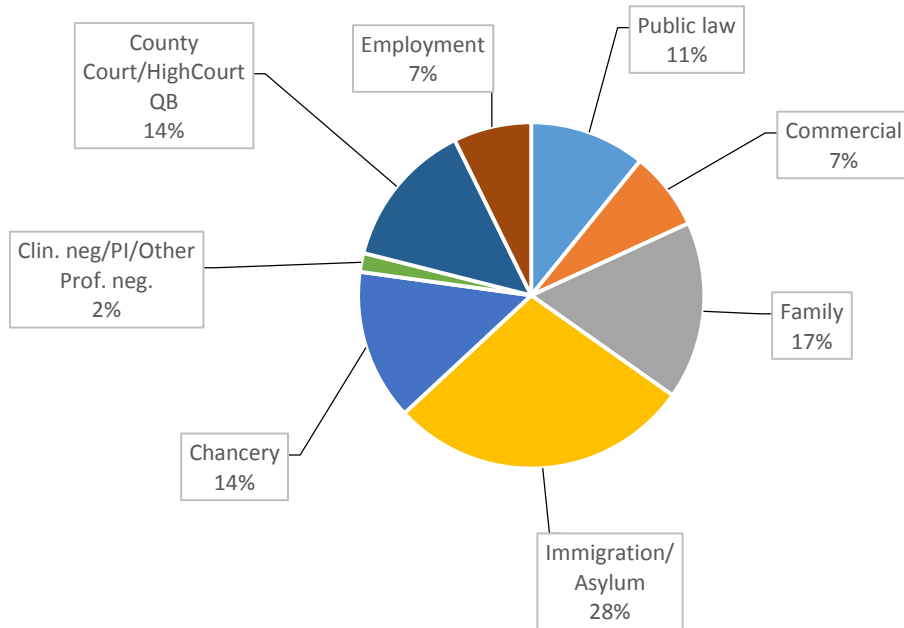


Figure 29. Percentage of time spent on each subject area for oral PTAs, including linked and non-linked cases

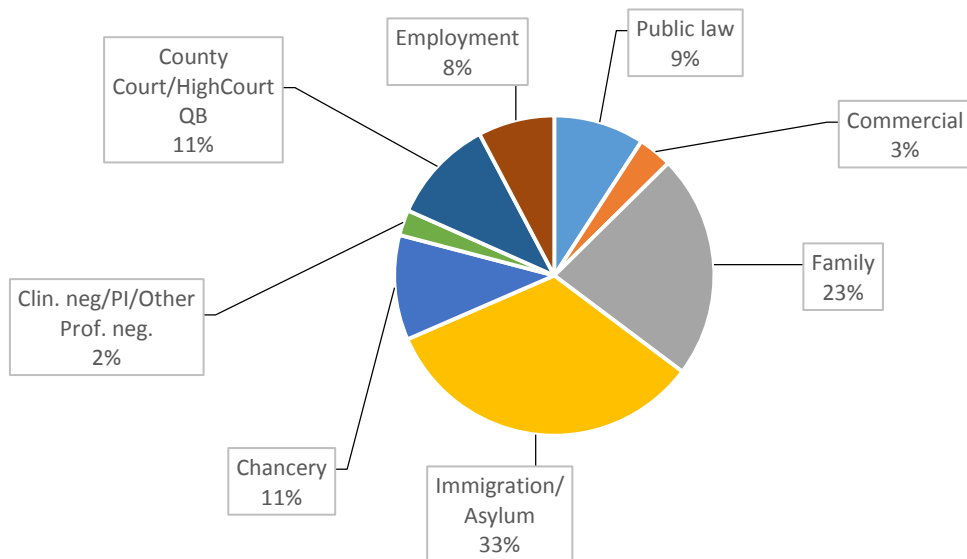


Figure 30. Percentage of cases in each subject area for oral PTAs, including linked and non-linked cases

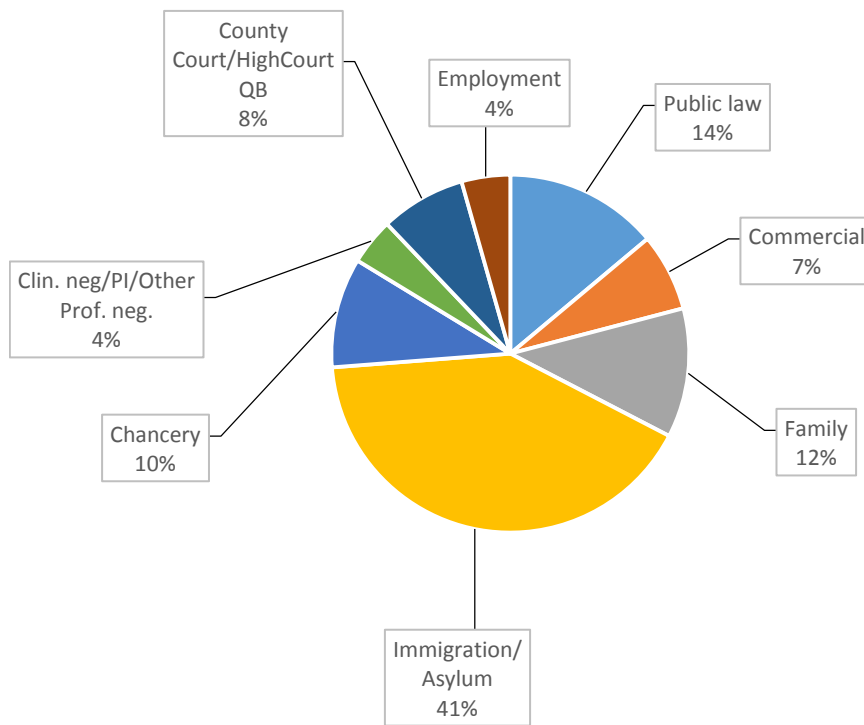


Figure 31. Percentage of time spent on each subject area for paper PTAs, including linked and non-linked cases

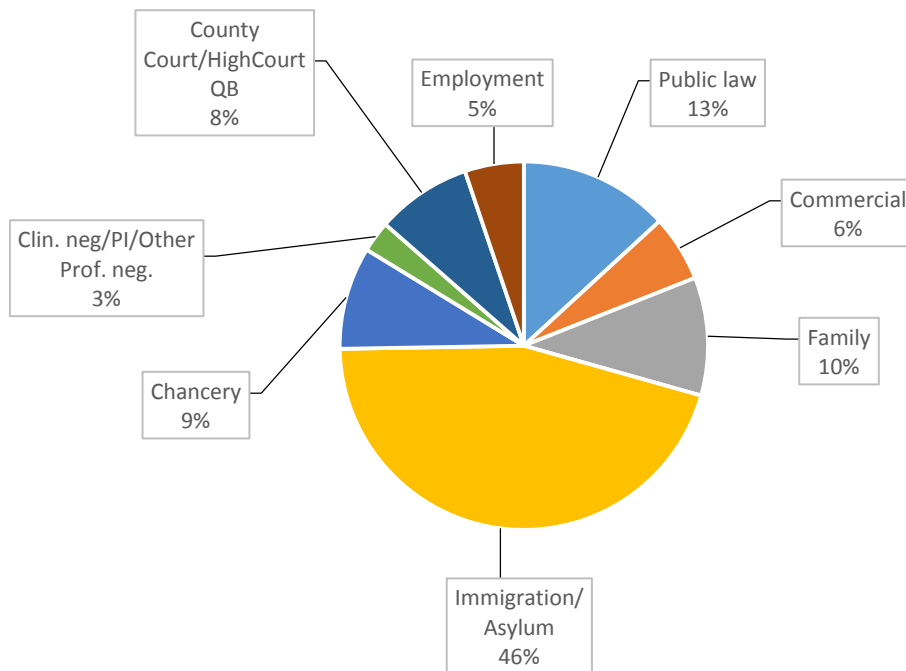


Figure 32. Percentage of cases in each subject area for paper PTAs, including linked and non-linked cases