

INTRODUCING THE TENTH CIRCUIT DATABASE PROJECT

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ABSTRACT

This Article introduces a new empirical project collecting data on the decisions of the U.S. Court of Appeals for the Tenth Circuit. The Article provides a brief overview of empirical study of judicial behavior, focusing on the role of databases collecting information on decisions of the U.S. Supreme Court and federal courts of appeals. The Article then explains the new project's methods, noting the project's goal of filling gaps in existing data collected on the federal courts of appeals. Specifically, this project will collect data on all written decisions of the Tenth Circuit, including unpublished decisions. The Article then concludes with a short discussion of expectations for and limitations of the project.

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INTRODUCTION

The purpose of this Article is to introduce a new project collecting data on the decisions of the U.S. Court of Appeals for the Tenth Circuit. There are two main goals for this piece: (1) demonstrate how this project fills a gap in existing research on decision-making in the federal courts of appeals, and (2) let readers know that this project will be contributing regularly to the *Denver Law Review*. Part I provides a brief background on the empirical study of judicial behavior, focusing on data collection and some existing gaps in data on the decisions of the federal courts of appeals. Part II describes this project's methodology, highlighting how the project seeks to fill some of these gaps. Part III identifies what to expect from the project and highlights some of its limitations.

I. A VERY BRIEF INTRODUCTION TO COLLECTING DATA ON JUDICIAL BEHAVIOR

Empirical study of judicial behavior has developed into a rich and varied field, and I do not attempt a comprehensive introduction here.¹ Rather, the goal is to provide a brief sketch of the field, with a focus on the role of data collection and databases to provide context for this project.

A. Foundations in American Legal Realism

Empirical study of judicial behavior can trace its theoretical foundations to American legal realism and the movement's interest in the difference between the "law in books" and the "law in action."² American legal realism, like most any intellectual movement, was more varied and diverse than most think.³ But realists generally shared a skepticism of formal legal reasoning written in judicial opinions.⁴ The realists advanced claims, familiar today, that legal materials are indeterminate; meaning that, given a set of facts, one could not predict the outcome of a case by looking only to the relevant statutes, cases, and other legal materials.⁵ Rather, *something else* contributes to the outcome of cases, something unwritten in formal legal reasoning like politics, economics, or the judge's breakfast.⁶ One legacy of American legal realism is the quest to discover what that *something*

1. For more fulsome introductions to the field, see, e.g., Lee Epstein, *Some Thoughts on the Study of Judicial Behavior*, 57 WM. & MARY L. REV. 2017 (2016), and Michael Heise, *The Past, Present, and Future of Empirical Legal Scholarship: Judicial Decision Making and the New Empiricism*, 2002 U. ILL. L. REV. 819 (2002).

2. See Roscoe Pound, *Law in Books and Law in Action*, 44 AM. L. REV. 12, 14–15 (1910); see also Heise, *supra* note 1, at 831 (discussing, among the influence of other realists, Pound's distinction).

3. See Brian Leiter, *American Legal Realism*, in THE BLACKWELL GUIDE TO PHILOSOPHY OF LAW AND LEGAL THEORY 50, 58–63 (Martin P. Golding & William A. Edmundson eds., 2005) (discussing diversity among realist views).

4. See *id.* at 52–53 (discussing the "core claim" of American legal realism).

5. See *id.*

6. See *id.*

else is, and much empirical scholarship on judicial behavior advances that legacy.

One more point of context is helpful: American legal realism fostered an interdisciplinary approach to legal scholarship that laid the groundwork for the methodological and disciplinary diversity in the modern study of judicial behavior.⁷ The realists were primarily law teachers who were, in part, reacting to the dominant teaching method in American law schools at a time when law schools had gained sufficient purchase in the American legal profession that academics could begin questioning established norms.⁸ The dominant teaching method at the time is associated with Christopher Langdell, which required law students to read appellate decisions to discern general legal principles.⁹ This may sound familiar to your own experience in law school, and you would be right.¹⁰ But Langdell's method is also associated with a formalist approach to law as an independent and self-contained discipline that felt outdated in the academic culture of the early twentieth century.¹¹ The realists sought to reveal the influence of context and other nonlegal factors on judicial decision-making by leveraging empirical methods and other lessons from different disciplines, including the burgeoning social sciences.¹² Furthermore, realists bridged these disciplinary gaps in the law reviews; giving a character and relevance to legal scholarship distinct from prevailing norms of legal practice.¹³ Think Oliver Wendell Holmes Jr.'s proverb: "[T]he black-letter man may be the man of the present, but the man of the future is the man of statistics and the master of economics."¹⁴ It is important to avoid overstressing this point: empirical study is only one note of the chord that was American legal realism, and empirical approaches fell in and out of favor since then.¹⁵ But the movement's theoretical, methodological, and cultural

7. See, e.g., Epstein, *supra* note 1, at 2040–70 (noting diversity in the field and discussing ten areas of interest).

8. Leiter, *supra* note 3, at 60 (noting the realists' disagreement with Langdellian teaching methods); Heise, *supra* note 1, at 822 (noting that, prior to realism, "delineating and maintaining the boundary between legal science and all other academic disciplines was so vital to the professional identity of the law professor, that there was precious little room for or interest in anything resembling empirical legal scholarship.").

9. Leiter, *supra* note 3, at 60.

10. See Heise, *supra* note 1, at 822 (noting that the Langdellian case method "remains enormously influential.").

11. Leiter, *supra* note 3, at 50 (noting that the realists "were reacting against the dominant 'mechanical jurisprudence' or 'formalism' of their day," where "judges decide[d] cases on the basis of distinctly *legal* rules and reasons," and sought to reveal how "courts *really* decide cases").

12. See Heise, *supra* note 1, at 822 ("Concurrent with the development of legal realism, critical events were unfolding outside law schools that, in time, enormously influenced empirical legal research. Prominent among these events was the emergence of the social sciences as discrete fields of study and the development of related methodologies."); see also Leiter, *supra* note 3, at 50 (noting the realists desire to reveal how "courts *really* decide cases").

13. See Heise, *supra* note 1, at 822 ("The legal realism movement provided the first significant and visible forum for the intersection between applied social science and legal scholarship.").

14. Oliver Wendell Holmes, *The Path of the Law*, 10 HARV. L. REV. 457, 469 (1897).

15. See Heise, *supra* note 1, at 822 (stating that realists as "distant relatives" to those engaged in modern empirical legal scholarship).

breakthroughs provide important groundwork for the modern empirical study of judicial behavior.

B. Data on the Supreme Court

Lee Epstein, one of the foremost scholars in empirical legal studies, tells a story about C. Herman Pritchett, a political scientist at the University of Chicago, who began collecting data on the Supreme Court justices' votes in 1940.¹⁶ When reading the *Supreme Court Reporter*, Pritchett was struck by “Lord Kelvin's statement that ‘[w]hen you cannot measure, your knowledge is meager and unsatisfactory.’”¹⁷ Pritchett therefore set out to measure by tallying the votes of the justices.¹⁸ Though derided at the time as closer to collecting baseball stats than scholarship, Epstein wrote that Pritchett's ideas “were much deeper: he wanted to use data to test the hypothesis that the Justices were not only following the ‘law’—text, precedents, and the like—but were also motivated by their own ideological preferences.”¹⁹ In Epstein's eyes, Pritchett was more than “another legal realist” because he had “data to demonstrate that the realists were right.”²⁰ His data-driven approach is why his “small project helped to create a big field” of empirical study of judicial behavior.²¹

Pritchett's story is a helpful illustration of the large influence that collecting data on the ideological preferences of the U.S. Supreme Court has had on the legal field. While modern empirical study of judicial behavior focuses on a broad range of issues and courts, studying the decisions of the U.S. Supreme Court for ideological trends is perhaps the most persistent and visible scholarship in the field.²² In particular, studies showing the influence of political ideology on the U.S. Supreme Court's decisions have shaped both legal scholarship and public discourse—most notably, debates over appointments to the federal judiciary.²³ As a kind of flagship of empirical legal studies, research on the U.S. Supreme Court has also yielded important developments in data collection—two of which are particularly relevant to our purposes here.

16. Epstein, *supra* note 1, at 2019.

17. *Id.*

18. *Id.* at 2019–20.

19. *Id.* at 2020.

20. *Id.* at 2021.

21. *Id.* at 2021–22.

22. See Heise, *supra* note 1, 838–49 (noting that, “as is generally true with much judicial decision-making literature, many of the studies finding ideology as an influential variable focus on the Supreme Court” and noting growing diversity in the field); see also Epstein, *supra* note 1, at 2040 (discussing “the increase in the number of substantive topics now under study”).

23. For influence on legal scholarship, see Heise, *supra* note 1, at 836–39 (discussing the role of Supreme Court research on the development of the attitudinal model). For its role in public debates, see Gregory C. Sisk & Michael Heise, *Judges and Ideology: Public and Academic Debates About Statistical Measures*, 99 NW. U. L. REV. 743, 753–59, 793 (2005) (discussing the role of empirical research on judicial behavior in congressional debates over judicial nominees).

The first development was the *Harvard Law Review*'s annual tradition of collecting statistics on the year's U.S. Supreme Court term.²⁴ In 1949, the *Harvard Law Review* began publishing annual collections of statistics that tabulated "some of the more significant features of the Court's activity."²⁵ Laid out in graphs alongside discussions of the year's cases, the review collected information on the types and outcomes of cases, the votes of the individual justices over the term, and other variables "to furnish a basis for comparing the work of the Court during the last term with that of previous years."²⁶ The review continues the practice to this day and has expanded the data they collect and present. For example, it now includes the frequency of agreement and disagreement among the justices.²⁷

The second development was the Supreme Court Database and the concept of the multiuser datasets for studying judicial behavior.²⁸ Most early empirical scholarship was conducted using limited datasets collected by the researcher.²⁹ In the 1980s, Harold Spaeth received funding from the National Science Foundation to create a dataset "so rich in content that multiple users—even those with vastly distinct projects and purposes in mind—could draw on it."³⁰ By the late 1980s, Spaeth's project completed a dataset containing detailed information on every U.S. Supreme Court decision dating back to 1953.³¹ Since then, the project has been updated annually and backdated to 1946.³² It is now accessible through a user-friendly website.³³ The dataset itself, and its ambition to create a centralized set of data for many researchers, has had an immense influence on legal scholarship. In Epstein's words, "it continues to serve as a foundation for virtually all empirical analyses of the Court."³⁴ The Supreme Court Database set the standard for data collection on judicial decisions.

24. Heise, *supra* note 1, at 848 (noting the *Harvard Law Review*'s statistics as an important development).

25. *The Supreme Court, 1948 Term*, 63 HARV. L. REV. 119, 119 (1949).

26. *The Supreme Court, 1949 Term*, 64 HARV. L. REV. 114, 157 (1950).

27. See, e.g., *The Supreme Court, 2017 Term*, 132 HARV. L. REV. 447, 449–50 (2018).

28. Epstein, *supra* note 1, at 2036 ("The United States Supreme Court Database, the brainchild of Harold J. Spaeth, was among the first of these efforts [to create multiuser databases], and it continues to serve as a foundation for virtually all empirical analyses of the Court"); Heise, *supra* note 1, at 848 (also noting the importance of the Supreme Court Database).

29. Heise, *supra* note 1, at 848 ("Until the 1980s, however, most of the empirical work on judicial decision making used discrete datasets typically designed for a limited and fixed set of research questions.").

30. Sara Benesh et al., *The Genesis of the Database*, WASH. U. L. SCH.: SUPREME COURT DATABASE, <http://scdb.wustl.edu/about.php> (last visited Dec. 9, 2019).

31. Heise, *supra* note 1, at 848.

32. *Id.* The Supreme Court Database also includes data on decisions all the way back to 1791, so-called "legacy cases," although these decisions are coded slightly differently to try to maintain consistency. See *Introduction*, WASH. U. L. SCH.: SUPREME COURT DATABASE, <http://scdb.wustl.edu/documentation.php> (last visited Dec. 9, 2019).

33. Benesh et al., *supra* note 30.

34. Epstein, *supra* note 1, at 2036.

C. Data on the Federal Courts of Appeals

Following the lead of the Supreme Court Database, Donald Songer set out in 1988 to build a multiuser database of decisions from the federal courts of appeals with another grant from the National Science Foundation. The result was the Courts of Appeals Database, sometimes simply called the Songer Database.³⁵ The initial dataset collected detailed information on samples of court of appeals decisions from every circuit for the years between 1925 and 1996.³⁶ The Courts of Appeals Database coded for 229 variables, including basic information about a case, case type, issue type, outcomes for each issue, which judges decided the case, the vote of each judge, and much more.³⁷ The issue and outcome variables paralleled those collected by Spaeth in the Supreme Court Database, allowing collaboration between the two datasets.³⁸ Songer eventually led a “Phase II” of the project intended to “bridge” the Supreme Court Database with the Courts of Appeals Database by coding all court of appeals decisions that were subsequently reviewed by the U.S. Supreme Court.³⁹ Ashlyn Kuersten and Susan Haire then updated the initial Courts of Appeals Database to include samples of decisions from between 1997 and 2002.⁴⁰ Haire and other colleagues are continuing to update the Courts of Appeals Database, most recently with samples of decisions from 2003 to 2010.⁴¹

As with the Supreme Court Database, the Courts of Appeals Database was very influential. The project filled a crucial gap in long-term data about the federal courts of appeals, which had gained increasing importance and influence over federal law during the twentieth century.⁴² “[A]n explosion of work on the courts of appeals” resulted, and the Courts of Appeals Database remains a key contributor to empirical scholarship today.⁴³

The Courts of Appeals Database nevertheless has its limitations. Two of these limitations are particularly relevant to this project. First, the Courts of Appeals Database relies on *samples* of decisions from each of the courts of appeals.⁴⁴ The second limitation is that the Courts of Appeals

35. Mark S. Hurwitz & Ashlyn Kuersten, *Changes in the Circuits: Exploring the Courts of Appeals Databases and the Federal Appellate Courts*, 96 JUDICATURE 23, 23 (2012).

36. *Id.* at 23–24.

37. *Id.* at 24.

38. *Id.*

39. Heise, *supra* note 1, at 848; see *U.S. Appeals Courts Database*, JUD. RES. INITIATIVE, U. S.C., <http://artsandsciences.sc.edu/poli/juri/appct.htm> (last visited Dec. 9, 2019) (characterizing Phase II as a “bridge” between Spaeth’s and Songer’s work).

40. Hurwitz & Kuersten, *supra* note 35, at 25.

41. See generally CIRCUIT COURTS DATA, <http://www.circuitcourtsdata.com/> (last visited Dec. 11, 2019) (analyzing a representative sample of U.S. Circuit Courts of Appeals decision “to further political science research”).

42. See Hurwitz & Kuersten, *supra* note 35, at 23 (discussing the “[p]ath from scholarly neglect of [the] court[] [of appeals] to our current comprehension of them”).

43. Epstein, *supra* note 1, at 2037–38.

44. Hurwitz & Kuersten, *supra* note 35, at 23–24.

Database relies on samples of *published* decisions only.⁴⁵ As federal case-loads ballooned over the twentieth century, the federal courts of appeals adopted policies against publishing certain written decisions that the courts deemed less important or influential.⁴⁶ Only important or precedent-setting cases were “published.”⁴⁷ Today, published decisions represent only a small percentage of the work of the courts of appeals.⁴⁸ So while the Courts of Appeals Database remains an important and reliable tool to study of the courts of appeals, it has been criticized for these limitations in particular—relying on samples, and samples of only published decisions—as reflecting only part of the courts of appeals’ work.⁴⁹

II. SCOPE AND METHODOLOGY

This project is designed, in part, to start addressing those limitations. The basic idea behind the project is to code every written decision, both published and unpublished, issued by the U.S. Court of Appeals for the Tenth Circuit using the coding methods developed by Susan Haire and her colleagues to update the Courts of Appeals Database.⁵⁰ The primary goal of the project is to create a more detailed, more comprehensive database for studying judicial behavior on the Tenth Circuit. Using the codebooks developed to update the Courts of Appeals Database will help with a secondary goal of filling gaps in the broader family of multiuser databases, such as the Courts of Appeals Database. But while the project’s design relies heavily on these multiuser projects, it also departs from those methods in important ways. This Part walks through the project’s coding method and highlight places where this project departs from the Courts of Appeals Database updates, starting with differences in scope and then turning to methodology.

A. Scope

In addition to focusing on one circuit, the scope of this project differs from the Courts of Appeals Database in two important ways. First, the project is intended to create a *contemporaneous* dataset, rather than a backwards-looking, historical dataset. The project collects and codes decisions

45. See Harry T. Edwards & Michael A. Livermore, *Pitfalls of Empirical Studies That Attempt to Understand the Factors Affecting Appellate Decisionmaking*, 58 DUKE L.J. 1895, 1922–23 (2009) (noting that “the Songer database does not include unpublished decisions issued by the courts of appeals”).

46. See, e.g., DONNA STIENSTRA, FED. JUD. CTR., UNPUBLISHED DISPOSITIONS: PROBLEMS OF ACCESS AND USE IN THE COURTS OF APPEALS 14 (1985) (“Out of concern for the delay and attendant injustice caused by rising case-loads, the courts adopted limited-publication policies to increase judicial efficiency.”).

47. See Edwards & Livermore, *supra* note 45.

48. See *id.* at 1923 (noting that “in 2007, less than 17 percent of all opinions in the courts of appeals were published”).

49. *Id.* at 1922–26 (critiquing the Courts of Appeals Database for not including unpublished decisions, for its coding insensitivity, and for errors revealed in “spot check”).

50. See Laura Moyer et al., *Ancillary Resources*, CIRCUIT COURTS DATA, <http://www.circuitcourtsdata.com/other-resources/> (last visited Dec. 11, 2019) (providing links to the publicly available codebooks).

soon after they are released by the Tenth Circuit. So rather than pursuing a backwards-looking project with large scale, periodic updates, this project is intended as a forward-looking dataset designed to provide relatively up-to-date data on the Tenth Circuit's decisions. This approach allows for timely updates in the near-term, such as regular statistics on the Tenth Circuit, while also building towards a more comprehensive, longitudinal dataset over the long-term.

The second difference in scope is that this project will also collect *text-file versions* of every opinion issued by the Tenth Circuit to maximize opportunities for text analysis. By collecting data alongside analyzable text of each decision, the project opens opportunities to test variables' influence on the content of decisions and further bridge the growing field of text analysis with more traditional outcome- and issue-based empirical analyses of judicial decisions.⁵¹

B. Methodology

As for the coding process itself, the project first pulls the decisions directly from the court's website as PDF files. Coders then generate a separate, text-based file of the decision and catalogue both versions by date. Each decision is then coded using a slightly modified version of the codebook from the latest update to the Courts of Appeals Database.⁵² The codebook provides instructions for coding a large number of fields across several categories:

- Basic information (case number, date, etc.)
- Case history (nature of case, court or agency below, etc.)
- Litigants (party type, attorneys, amici, etc.)
- Issues (separating out type and number of issues)
- Outcomes (matching issue outcomes with ideological direction)
- Judges and votes (separated for each issue)

The project largely adheres to this method for coding our decisions, skipping a few to better fit the specific goals of the project. However, the project adheres closely to the codebook method when coding the issues, outcomes, and votes of judges. Although these fields could use an update, as this Article touches on briefly below, the project stuck closely to the codebook here to prioritize consistency and opportunities for collaboration with the multiuser databases. Finally, the project also adds two additional

51. See, e.g., Michael A. Livermore, Allen B. Riddell & Daniel N. Rockmore, *The Supreme Court and Judicial Genre*, 59 ARIZ. L. REV. 837, 862–63 (2017) (noting that, “[a]lthough there has been considerable quantitative analysis of the Court’s behavior, focusing especially on how Justices ‘vote’ in individual cases, quantitative analysis of the Court’s opinions at any but the highest level of generality has, to date, been limited,” and proposing an alternative, text-based quantitative method: topic modeling).

52. See Moyer et al., *supra* note 50.

fields in light of to the goal to code unpublished decisions as well as published decisions:

- Publication (whether the decision was published or not)
- Oral argument (whether the decision notes that oral argument occurred or not)

The research team also developed its own method for coding judges appointed to the bench since the recent codebooks were published.

The overall result should be a detailed dataset compatible with the Courts of Appeals Database that encompasses all decisions issued by the U.S. Court of Appeals for the Tenth Circuit, both published and unpublished. This data can be used for independent study of the Tenth Circuit, while also taking a step towards filling gaps in the Courts of Appeals Database that result from its reliance on samples of published decisions. While trying to optimize the method for its specific goals of studying the Tenth Circuit, the research team maintains consistency with the Courts of Appeals Database on important variables such as issue, outcome, and judicial voting. Over time, the project will likely continue to refine its coding method with the overall goal of maintaining compatibility with the Courts of Appeals Database.

III. EXPECTATIONS AND LIMITATIONS

This final Part addresses expectations for the project, while also highlighting some of the project's limitations. Generally, the project seeks to bring earlier innovations in data collection to bear on the Tenth Circuit specifically, while also recognizing the limitations that come with relying on these earlier models.

A. Expectations

1. Regular Statistics in the *Denver Law Review*

One goal of the project is to provide annual statistics on the decisions of the Tenth Circuit for publication in the *Denver Law Review*, offering a circuit-specific analogue to the *Harvard Law Review*'s annual statistics on the U.S. Supreme Court. Exactly what statistics on the Tenth Circuit's decisions are worth reporting remains to be seen, but the project should provide a sufficient foundation to report information such as the types of cases the court heard and the judges' votes.

2. A Database Focused on the Tenth Circuit

As noted, the primary goal of the project is to provide a more detailed, more comprehensive database for studying judicial behavior on the Tenth Circuit. The hope is that this data will invite closer study of the Tenth Circuit, give the bench and bar a different perspective on the Tenth Circuit's work, and provide a jumping-off point for comparative studies between the circuits.

A second hope is that this project will have influence outside the Tenth Circuit. As has been noted several times, another goal of the project is to begin filling gaps in the Courts of Appeals Database by coding all decisions, including unpublished decisions, for one of the circuits using a method that enables collaboration between the two projects. Along these lines, this project can serve as a model for the development of similar circuit-specific database projects to continue filling these gaps in the Courts of Appeals Database and enable a more detailed study of those individual courts. The remarkable breadth of the Courts of Appeals Database is one of its strengths, and its reliance on samples of published decisions was likely a necessary compromise to achieve the project's vision. This project may be a first step in developing a model to help distribute the overall workload of collecting more comprehensive data on the courts of appeals, while also offering contemporary benefits, such as regular statistics and up-to-date analysis to the bench, bar, and academy.

B. Limitations

The project nevertheless carries many limitations. This Article highlights two specific limitations to foster a better understanding of the project and to preface areas where we hope to improve.

1. Coding Issues and Outcomes

The first limitation of this project is the reliance on the issue- and outcome-coding methods developed for the Courts of Appeals Database. To be clear, reliance on these methods is also a key strength of the project; as this Article notes, consistency between the issue and outcome variables should enable collaboration between this project and the multiuser database. But the issue- and outcome-coding methods designed for the Courts of Appeals Database are not that sensitive in areas important to our specific project—coding, for example, all habeas and direct criminal appeals the same. Lack of sensitivity on this specific issue makes coding unpublished decisions particularly difficult, because the courts of appeals handle a large number of criminal and prisoner appeals with diverse procedural postures and a wide range of issues through unpublished decisions.⁵³ Running these decisions through current issue- and outcome-coding method results in losing a substantial amount of detail and diversity on these cases. Maintaining consistency with the coding method therefore trades some detail for compatibility and limits the overall project. This is an area in which we are brainstorming potential improvements.

53. See David C. Vladeck & Mitu Gulati, *Judicial Triage: Reflections on the Debate Over Unpublished Opinions*, 62 WASH. & LEE L. REV. 1667, 1704, 1704 n.133 (2005) (noting from an “unscientific survey” that “the overwhelming majority of the cases [resulting in unpublished decisions] involved immigration matters, criminal appeals, prisoners’ rights (including habeas appeals), and civil rights cases; few of the cases involved commercial disputes or corporate parties” and noting that in 2005, “criminal and prisoner cases made up the overwhelming majority of the [Tenth Circuit’s] unpublished docket”).

2. Accessibility

Another important limitation of the project, at least in this early stage, is limited access to the data. While the project takes inspiration from the large multiuser databases, the initial stages of this project are focused on building a sustainable, stable process for collecting data over time and providing annual statistics to the *Denver Law Review*. As the project gains momentum, it should enable access to the data for researchers and other interested people.

CONCLUSION

The Tenth Circuit Database Project is designed to serve several purposes. First and foremost, the project will create a more detailed and comprehensive dataset on decision-making on the U.S. Court of Appeals for the Tenth Circuit than currently available. This Tenth Circuit-specific database will serve both the short-term goal of providing regular statistics on the court's decisions to the *Denver Law Review*, and the longer-term goal of enabling deeper research into this court's work. Second, the project is designed to complement continuing updates to the Courts of Appeals Database by maintaining a consistent coding methodology to enable collaboration between this project and the larger multiuser database. Third, the project can serve as a model for similar projects in the other circuits, advancing more detailed research into other courts of appeals and further filling gaps in the Courts of Appeals Database. The project team, in collaboration with *Denver Law Review*, look forward to sharing the results and experiences of this project as it moves forward.