

Reversal Rates and Caseload Pressure in the Sixth Circuit

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As appellate attorneys, one of the most frequent questions we are asked is the chances of reversal. The likelihood of obtaining a reversal on appeal is always a very individual question—it requires a close look at the facts of the case and the legal questions raised by the appeal and a host of other factors. One of those factors we look at is the overall reversal rate, which varies between 12% and 16% for civil cases in the Sixth Circuit. As we’ve [previously discussed](#), some would argue the number of pending cases is another factor. The idea is that as the number of cases each judge faces goes up, either the reversal rate will go down because judges spend less time per case and will default to just affirming the trial court or judges will simply take more time to decide each appeal.

For this post, we decided to look at the relationship between reversal rates, various metrics of caseload pressure, and the overall time to a decision. We ran data from the Sixth Circuit to see if there was a correlation between any of those variables for the years 2004 through 2017. Here are the results (along with the coefficient of correlation for those of you mathematically inclined):

Potential Relationship	Is there a correlation?	Correlation Coefficient
reversal rates and caseload pressure	weak or no correlation	0.14 to 0.29
reversal rates and the time to decision	a moderate negative correlation	-0.43
caseload pressure and the time to decision	a moderate negative correlation	-0.35 to -0.83

These are the conclusions we can draw from this quick analysis:

- The Sixth Circuit does not respond to caseload pressure by taking the easy road of affirming more often.
- As caseload pressure increases, the Sixth Circuit responds by issuing decisions more quickly—presumably to keep up with the work.
- As the Sixth Circuit decides cases faster, it may also result in the court reversing cases more often.

Though these conclusions are necessarily tentative, they represent good news for litigants. They imply that the increase caseload pressure that the Sixth Circuit has felt over the years has probably not affected the judges' decisions on the merits, but it has prompted the court to find ways to decide cases more expeditiously.

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