

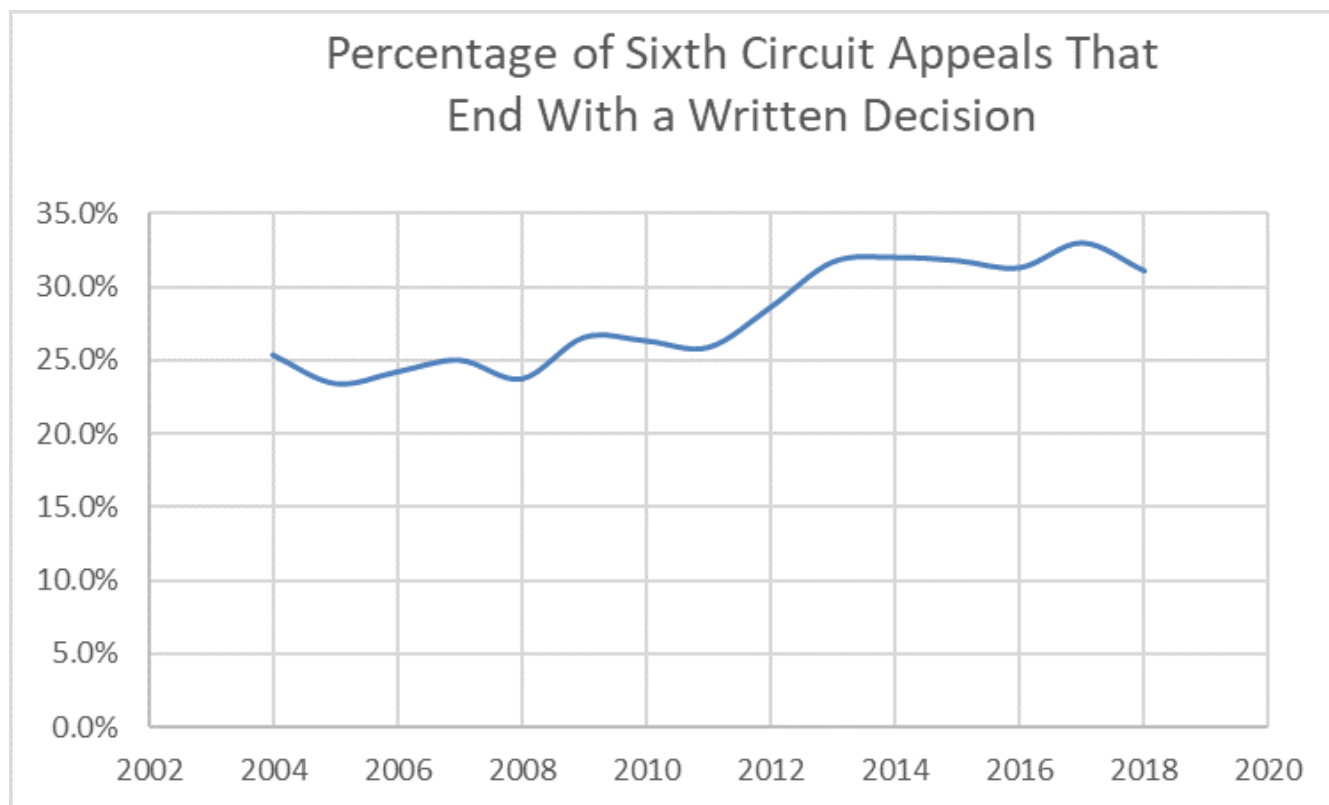
Trends in the Sixth Circuit – A Substantial Increase In Written Decisions

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Recently we discussed academic criticism claiming that circuit courts may respond to increased caseload pressure by spending less time per case or lengthening the appeals process. We found evidence suggesting that [this is not occurring](#) at the Sixth Circuit. One interesting side note that our analysis showed is that the percentage of written decisions has increased significantly over the past decade. We have calculated that the percentage of total appeals that end in a written decision has increased to 31% in 2018 from 25% in 2004.



Note that appeals ending without a written decision do not indicate an unwritten judicial decision because the judiciary's statistics include cases that end with settlements and other voluntary

dismissals. We know that the Sixth Circuit's excellent mediation program resolves around 400 appeals each year—which are resolutions agreed to by all parties that do not result in a written decision. Given those numbers, the 20% increase in written opinions since the mid-2000s, and our own experience, we suspect that almost all litigants may now be receiving a reasoned, written decision when their appeal is decided.

This is a very welcome development. Some appellate courts give one-line (or even one-word) decisions in appeals that may be critically important to the parties. Litigants (and their lawyers!) may tend to chafe at the impression—whether or not it reflects the reality of the court's internal decision-making process—that their appeal and arguments were rejected without actual consideration. And written opinions have obvious benefits for the development and transparency of caselaw in our common-law system.

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