Judge Mark R. Kravitz
Inaugural Symposium

"Exploring the Vanishing Trial Phenomenon"

Judge William G. Young Handouts:

- Case 1:09-cv-11623-WGY: Addendum
- America's Most Productive Calendar Year 2010
- America's Most Productive Calendar Year 2011

ADDENDUM

This case is an example of managing for trial. Throughout this opinion, I have detailed the management decisions made by the Court to manage for trial. By "managing for trial," I mean only that I conceive of trial as the primary means provided by our constitution and laws for the fair and impartial resolution of legal disputes and that all litigants come to court seeking a prompt trial or the credible threat of a trial. See D. Brock Hornby, The Business of the U.S. District Courts, 10 Green Bag 2d 453, 461-62 (2007). This is called the trial model of district court business.

This is, however, the minority view. Today, it is the administrative model of the business of the district courts that holds sway. See Patrick E. Higginbotham, The Present Plight of the United States District Courts, 60 Duke L.J. 745, 747 (2010). The administrative model seeks the speedy, inexpensive (to the courts), and cost-efficient resolution of every case. Trials, being costly and inefficient, are disfavored. See generally Judith Resnik, Trial as Error, Jurisdiction as Injury: Transforming the Meaning of Article III, 113 Harv. L. Rev. 924 (2000).

Both models require hands-on judicial management, of course, but their goals are significantly different. Under the trial model, the judge makes management decisions with an eye toward

how the case is going to be tried. Settlement and mediation are constantly encouraged but the judicial function is seen as steering the case toward a prompt and fair trial. The choice to opt-out is left to the litigants. Under the administrative model, the primary goal is case resolution. Trial is an option, but usually a last resort.

These are not theoretical differences in management style. They are actual, palpably different approaches that lead to different institutional competencies and outcomes. The issue is **not** judicial management. Everyone agrees judicial management is necessary and beneficial. The issue, rather, is – as one astute commentator has so ably observed – how should district court judges be spending their time? Steven S. Gensler, Judicial Case Management: Caught in the Crossfire, 60 Duke L.J. 669, 689-697 (2010).

Today, the measures used by the Judicial Conference of the United States publicly to evaluate the performance of the 94 district courts all emphasize the administrative model. By omission (and in the case of one district, by direct action, see Judicial Conference of the United States, Preliminary Report: Judicial Conference Actions 4, March 15, 2011, (recommending that the President and the Senate not fill the next judgeship vacancy in the District of Massachusetts "based on the three-year low weighted caseload in that district"), these measures tend to

undermine the operations of those courts that are actually the most productive of America's district courts.

It is appropriate, therefore, briefly to analyze how district judges are actually spending their time today and what the supremacy of the administrative model has wrought.

In short, how are we doing?

The answer: not very well at all.

Unfortunately, the administrative model of the district judge now in vogue places little or no value on the trial itself. Yet this aspect of our work – the trial itself (especially the American jury trial) – is the central and unique societal benefit that the district court judiciary contributes to our nation. Consider the views of three of the most knowledgeable judicial observers of our work:

The brilliant Judge Richard S. Arnold cuts directly to the bone:

> I think in the 20 years since I was a district court judge, we've seen a tremendous increase in volume, tremendous pressure to decide cases without thinking very much about them, tremendous pressures to avoid deciding cases. I mean, some judges will do almost anything to avoid deciding a case on the merits and find some procedural reason to get rid of it, coerce the parties into settling or whatever it might be.

Judge Richard Arnold, Mr. Justice Brennan and the Little Case, 32 Loy. L.A. L. Rev. 663, 670 (1999).

> How might reality television portray a federal "trial" judge in civil lawsuit garb? In an office setting without the robe, using a computer and court

> administrative staff to monitor the entire caseload and individual case progress; conferring with lawyers (often by telephone or videoconference) in individual cases to set dates or limits; in that same office at a computer, poring over a particular lawsuit's "facts," submitted electronically as affidavits, documents, depositions, and interrogatory answers; structuring and organizing those facts, rejecting some or many of them; finally, researching the law (at the computer, not a library) and writing (at the computer) explanations of the law for parties and lawyers in light of the sorted facts.[25] For

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[25] "Fact sorting" is a new concept. As Judge Hornby explains it, most fact sorting occurs in the summary judgment context. "Typically, [lawyers] present . . . information electronically, through the courts' electronic case filing system. The district judge or magistrate judge sorts these electronically-provided facts and determines which are undisputed and which facts matter, thus discarding other facts. . . ." Hornby, supra, at 460.

> Whatever happened to fact-**finding**?
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> [F]act-finding is difficult. Exacting and time consuming it inevitably falls short of absolute certainty. More than any society in history, the United States entrusts fact-finding to the collective wisdom of the community. Our insistence on procedural safeguards, application of evidence rules, and our willingness to innovate are all designed to enhance impartial fact-finding.
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> Judicial fact-finding is equally rigorous. Necessarily detailed, judicial fact-finding must draw logical inferences from the record, and, after lucidly presenting the subsidiary facts, must apply the legal framework in a transparent written or oral analysis that leads to a relevant conclusion. Such fact-finding is among the most difficult of judicial tasks. It is tedious and demanding, requiring the entirety of the judge's attention, all her powers of observation, organization, and recall, and every ounce of analytic common sense he possesses. Moreover, fact-finding is the one judicial duty that may never be delegated to law clerks or court staff. Indeed, unlike legal analysis, many judges will not even discuss fact-finding with staff, lest the resulting conclusions morph into judgment by committee rather than the personal judgment of the duly constituted

> federal civil cases, the black-robed figure on the bench, presiding publicly over trials and instructing juries, has become an endangered species, replaced by a person in business attire at an office desk surrounded by electronic assistants.
> . . . .

> judicial officer.
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> Fair and impartial fact-finding is supremely important to the judiciary.
> . . . .
> While trial court legal analysis is appropriately constrained by statutes and the doctrine of stare decisis, the true glory of our trial courts, state and federal, is their commitment to fair and neutral fact-finding. Properly done, facts found through jury investigation or judicial analysis truly are "like flint."
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> Yet there has been virtual abandonment by the federal judiciary of any sense that its fact-finding processes are exceptional, or due any special deference. Federal district court judges used to spend their time on the bench learning from lawyers in an adversarial atmosphere, and overseeing fact-finding by juries or engaging in it themselves. This was their job and they were proud of it. Today, judges learn more reflectively, reading and conferring with law clerks in chambers. Their primary challenge is the proper application of the law to the facts – facts that are either taken for granted, or sifted out of briefs and affidavits, and, in the mode of the European civil justice systems, scrutinized by judges and clerks behind closed doors. While judges do talk to lawyers in formal hearings, these hearings can be short, and usually serve to test and confirm a judge's understanding rather than develop it.

William G. Young, A Lament For What Was Once and Yet Can Be, 32 B.C. Int. & Comp. L. Rev. 305, 312-314 (2009) (footnotes omitted). Truly, the eclipse of fact-finding foreshadows the twilight of judicial independence. See Seitz, 2011 WL 1377881 *1 n.2.

The affidavit is the Potemkin Village of today's litigation landscape. Purported adjudication by affidavit is like walking down a street between two movie sets, all lawyer-painted façade and no interior architecture.

> Trials have gone the way of landline telephones – useful backups, not the instruments primarily relied upon.
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> Trials as we have known them . . . are not coming back.

Hornby, supra, at 462, 467-68 (footnotes omitted); see generally, Arnaud Lucien, Staging and the Imaginary Institution of the Judge, 23 Int'l J. for the Semiotics of L. 185 (2010).

> The faces of the United States district courts are fading. . . . Grants of summary judgment without any live appearance by counsel [are] commonplace, depriving trial attorneys of the opportunity to bring papers to life with oral argument. Instead, the papers [are] filed, and, some time later, a written order [is] issued. This is no lonely pixel. The phenomenon is fueled by the centrality of the motion for summary judgment, which has displaced the trial as the destination point for litigation. Today it is unlikely that a trial date will ever be set, and rarer still that a trial date will have any meaning to the court and hence to the parties. . . . On average, a U.S. district judge tries fourteen cases, civil and criminal, per year, which last an average of between four and five days. Therefore, the average district judge has nearly three hundred days each year with no trials. I highlight these figures not to suggest that these judges are not working but rather to inquire as to what type of work they are doing.
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> In reality, trials are an increasingly small part of the daily routine of the federal trial courts. Most district courts now try very few civil or criminal cases – a documented phenomenon I will not rehearse here. One must keep this picture ever in mind because it is the most salient feature of the federal trial courts today – and as I see it, the manifestation of the illness I will discuss.
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> I will argue that federal trial courts are now more like administrative agencies than trial courts in their present efforts to discharge their duty to decide cases or controversies, and that we are witnessing the death of an institution whose structure is as old as the Republic.
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> . . . .

> The proposition that trial courts should try cases seems a given, yet the reality is that federal district courts have moved so far from this task that it is an open question. At the outset I observed that many judges do not agree that conducting trials ought to be their primary function. Judges who subscribe to this philosophy hold trials only when they cannot persuade the parties to settle their case through mediation or through protracted delays before scheduling a trial. Such attempts at stalling as a means to provoke settlement provide one compelling explanation for the increase in time to trial even as trials have decreased in number. But a return to a model in which the principal work of the trial judge is to try civil and criminal cases need not take away from opportunities for litigants to privately elect methods to settle their disputes. Historically, setting a firm trial date and providing pretrial access to the presiding judge has produced a 90 percent settlement rate with a shorter time from trial to disposition.
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> Conclusion
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> The present state of affairs makes plain that the federal district courts are not on the correct path. Returning to a trial model would be a significant step toward fulfilling the traditional expectations for the federal courts. Much of the present difficulty arose from seductive – but ultimately misguided – notions that there is a better way.
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> The United States district courts are the most vital judicial institution in this country. Their courageous history of protecting the constitutional rights of the disfavored and the downtrodden has earned their great prestige and solidified their venerable role in American governance. Federal trial courts cannot maintain this status if they become indistinguishable from state highway departments; but on the present trajectory, this is their destination. If this bleak picture comes to pass, life tenure cannot be defended, and Article III "trial" courts will become indistinguishable from the thousands of administrative
> law judges. Civil service is just over the horizon.

Patrick E. Higginbotham, The Present Plight of the United States District Courts, 60 Duke L. J. 745, 745-747, 761-762 (2010)

(footnotes omitted). Actually, Judge Higginbotham is being generous in estimating 14 trials per year per active district judge. The most recent available figures reveal that the average active district judge tried 4.4 civil and 5 criminal cases to verdict in the 12 months preceding September 30, 2010. Data derived from Table C-12, "U.S. District Courts Trials and Trial Days Period Ended Sept. 30, 2010" and Table T-2, "U.S. District Courts Length of Civil and Criminal Trials Resulting in a Verdict or Judgment by District, for the 12 Month Period Ended Sept. 30, 2010 Civil Trials of Miscellaneous Cases."

Today the mantra is judicial management: management and more management. This is the distillate from the recent important conference on the Federal Rules of Civil Procedure held at Duke Law School. See Gensler, supra.

As I noted some years ago:

> Of course, most cases ought settle. Of course, we must embrace all forms of voluntary ADR. Of course, we must be skilled managers. But to what end? To the end that we devote the bulk of *our* time to those core elements of the work of the Article III trial judiciary – trying cases and writing opinions. We ought to remember, as the RAND study and all of its progeny confirm, the best case management tool ever devised is an early, firm trial date.
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> The truth of the matter is that good management and traditional adjudication go hand in hand. We ought to confirm that basic truth, study how it is done, trumpet it, budget for it, and fight for it. The district court judiciary ought to be the nation's most vigorous advocates of our adversary system and the American jury. We fail at our own peril.

William G. Young, An Open Letter to U.S. District Judges, The Federal Lawyer, July 2003 at 30, 33.

As an institution, however, the federal judiciary no longer seems to place much value on trial productivity at all. See Leonard Post, Federal Tort Trials Continue a Downward Spiral, Nat'l L.J., Aug. 22, 2005, at 7 (quoting Professor Stephen Burbank as saying "federal judges now give more attention to case management and non-trial adjudication than they give to trials," and "it is quite clear that 'trial' judges ought to spend more time on that activity from which the[ir] name is taken.") Jurors - our constitutional partners in all that is decreed – rate but two passing mentions in the new Strategic Plan for the Federal Judiciary. Judicial Conference of the United States, Strategic Plan for the Federal Judiciary September 14, 2010, available at www.uscourts.gov/uscourts/FederalCourts/Publications/StrategicPlan2010/pdf. Trials are never mentioned. We assiduously measure district court efficiency and yearly rank all 94 district courts against these measures. See Administrative Office of the U.S. Courts, 2010 Federal Court Management Statistics, available at http://www.uscourts.gov/fcmstat/index.html.

Yet nowhere do we publicly measure **actual** productivity – the core work of the federal district judge, going out on the bench and actually trying our cases and engaging with litigants and the bar in the actual adjudicative process. As Judge Higginbotham

noted years ago, the "Trials Completed" section of our Case Management Statistics is misleading and borders on the disingenuous. Patrick E. Higginbotham, So Why Do We Call Them Trial Courts?, 55 S.M.U. L. Rev. 1405, 1405-06 (2002). I make the same criticism in A Lament For What Was Once and Yet Can Be, supra.

We keep productivity data of course. We just choose not to share it publicly. As noted above, during the 12 months preceding September 30, 2010, the average active district court judge tried 4.4 civil cases and 5 criminal cases. During those same 12 months, that judge presided over evidentiary hearings for an average of 192 hours and was out on the bench in total an average of 372 hours.

> The results of our own indifference toward jury trials are already sadly apparent. Because we no longer seem very interested in using our courtrooms, we are losing them. Further, the institutional judiciary seems bent on dismantling the superb professional teams so essential to sustained trial operations. Somehow, we seem to be forgetting that the very reason for our judicial existence is to afford jury trials to our people pursuant to the United States Constitution. Ironically, our ability to control our dockets to avoid the quotidian details of daily jury trials and save ourselves instead for "really big" constitutional adjudication insures that such cases will come our way less frequently.
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> Having set [our]selves adrift from [our] constitutional partner – the American jury – federal trial judges now find themselves bereft of the central wellspring of [our] moral authority. Public disparagement and Congressional disdain follow in the wake of this trend.

William G. Young, Vanishing Trials, Vanishing Juries, Vanishing Constitution, 40 Suffolk U. L. Rev. 67, 80-81 (2006) (footnotes omitted).

Suppose instead we were to rank our district courts on actual productivity data? At minimum, this would demonstrate that the institutional judiciary cares about such matters. I predict, moreover, that such a ranking would provide an enormous incentive for invigorating the trial model of adjudication and with it, the constitutional values a truly independent judiciary is designed to protect and advance. To that end, I set out here a listing of America's Most Productive Federal District Courts as derived from the official records of the Administrative Office of the United States Courts. These are the courts that occupy the top third (i.e. the top 31 spots out of the 94 district courts) in the composite ranking. We can all learn from these courts. These are the courts most deserving of our support – the courts we all ought be imitating. It is my hope that this exposition will promote genuine discussion addressing the fundamental issue – how ought Article III district judges be spending their time?

AMERICA'S MOST PRODUCTIVE

federal district courts

(ranked by court on the service of an average active district judge in that court)

1/1/09 - 12/31/09

District	Hours on Bench	Trial Hours	Civil Trials	Criminal Trials	Average	Productivity Ranking
Virgin Islands	9 th	3 rd	5 th	9 th	6.50	1st
Florida Southern	4 th	2 nd	15 th	7 th	7.00	2nd
Cal. Eastern	1 st	1 st	4 th	25 th	7.75	3rd
Iowa Southern	7 th	4 th	27 th	2 nd	10.00	4th
N.Y. Eastern	2 nd	6 th	13 th	22 nd	10.75	5th
Tennessee Western	8 th	11 th	16 th	12 th	11.75	6th
Nebraska	13 th	12 th	19 th	5 th	12.25	7th
Puerto Rico	5 th	8 th	9 th	32 nd	13.50	8th
Florida Northern	27 th	10 th	8 th	10 th	13.75	9th
N. Carolina East	29 th	29 th	2 nd	3 rd	15.75	10th
Tennessee Eastern	21 st	15 th	21 st	8 th	16.25	11th
Tennessee Middle	10 th	9 th	17 th	29 th	16.25	11th
Idaho	6 th	5 th	42 nd	19 th	18.00	12th
N.Y. Southern	3 rd	7 th	22 nd	40 th	18.00	12th
Illinois Central	20 th	22 nd	6 th	26 th	18.50	13th
Iowa Northern	15 th	14 th	40 th	6 th	18.75	14th
Montana	25 th	17 th	51 st	1 st	23.50	15th
Maryland	19 th	18 th	38 th	20 th	23.75	16th
Washington Western	18 th	16 th	28 th	33 rd	23.75	16th
South Dakota	31 st	24 th	38 th	4 th	24.25	17th
Virginia Eastern	33 rd	23 rd	33 rd	9 th	24.50	18th
Florida Middle	50 th	33 rd	1 st	17 th	25.25	19th
Kansas	28 th	21 st	27 th	29 th	26.25	20th
N.Y. Western	11 th	30 th	29 th	37 th	26.75	21st
New Mexico	35 th	34 th	22 nd	16 th	26.75	21st
Mississippi S.	38 th	13 th	19 th	39 th	27.25	22nd
Penna. Middle	32 nd	36 th	11 th	31 st	27.50	23rd
Texas Western	23 rd	44 th	33 rd	11 th	27.75	24th
Colorado	32 nd	26 th	13 th	42 nd	28.25	25th
Arkansas Eastern	53 rd	20 th	3 rd	38 th	28.50	26th
Illinois Northern	12 th	32 nd	32 nd	38 th	28.50	26th
Massachusetts	34 th	25 th	12 th	45 th	29.00	27th
N.Y. Northern	40 th	19 th	24 th	33 rd	29.00	27th
Illinois Southern	48 th	35 th	10 th	29 th	30.50	28th
Oregon	14 th	47 th	20 th	43 rd	31.00	29th
Penna. Eastern	26 th	38 th	36 th	27 th	31.75	30th
Connecticut	24 th	48 th	14 th	44 th	32.50	31st

	Authorized Judgeships	Total Bench Hours	Average	Total Trial Hours	Average	Civil Trials	Average	Criminal Trials	Average
National Statistics	678	276,594.4	408.0	142,564.9	210.3	3,271	4.8	3,257	4.8

AMERICA'S MOST PRODUCTIVE
federal district courts
(ranked by court on the service of an average district judge in that court)
1/1/2010-12/31/2010

District	Hours on the Bench	Trial Hours	Civil Trials	Criminal Trials	Average	Productivity Ranking
New York Northern	6th	4th	1st	2nd	3.25	1 st
California Eastern	1 st	1 st	2 nd	25 th	7.25	2 nd
Florida Southern	3 rd	2 nd	9 th	16 th	7.5	3 rd
New York Eastern	2nd	3rd	3rd	32nd	10	4 th
Iowa Southern	18th	6th	11th	10th	11.25	5 th
Tennessee Eastern	11th	12th	9th	13th	11.25	5 th
Tennessee Western	10th	22nd	12th	11th	13.75	6 th
Idaho	8 th	13 th	14 th	21 st	14	7 th
Florida Northern	33 rd	11 th	16 th	3 rd	15.75	8 th
Texas Southern	13th	30th	18th	9th	17.5	9 th
Delaware	24 th	7 th	3 rd	42 nd	19	10 th
New York Southern	4th	9th	25th	38th	19	10 th
Arkansas Eastern	27 th	5 th	8 th	43 rd	20.75	11 th
Illinois Northern	5 th	18 th	15 th	45 th	20.75	11 th
Colorado	16 th	10 th	16 th	43 rd	21.25	12 th
Mississippi Southern	29th	8th	8th	40th	21.25	12 th
Virgin Islands	45th	23rd	11th	7th	21.5	13 th
South Dakota	21st	17th	48th	4th	22.5	14 th
Maryland	20th	21st	33rd	24th	24.5	15 th
Connecticut	14 th	25 th	16 th	44 th	24.75	16 th
Florida Middle	46 th	25 th	10 th	18 th	24.75	16 th
Texas Western	23rd	39th	33rd	6th	25.25	17 th
Massachusetts	31st	16th	17th	39th	25.75	18 th
Montana	36th	41st	29th	1st	26.75	19 th
Mississippi Northern	67th	15th	6th	21st	27.25	20 th
California Northern	25 th	14 th	26 th	45 th	27.5	21 st
Oklahoma Western	35th	31st	13th	31st	27.5	21 st
Penn. Eastern	22nd	32nd	28th	32nd	28.5	22 nd
Texas Eastern	60th	20th	5th	29th	28.5	22 nd
Ohio Southern	9th	28th	35th	46th	29.5	23 rd
Puerto Rico	12th	29th	32nd	46th	29.75	24 th
Alabama Southern	59 th	27 th	22 nd	12 th	30	25 th
Utah	7th	38th	26th	49th	30	25 th
Washington Western	30th	33rd	26th	34th	30.75	26 th
Arizona	32 nd	53 rd	32 nd	8 th	31.25	27 th
Kentuky Eastern	42nd	26th	39th	21st	32	28 th
Neveda	43rd	43rd	23rd	20th	32.25	29 th
Illinois Central	34 th	44 th	26 th	26 th	32.5	30 th
New Jersey	28th	24th	27th	51st	32.5	30 th
Kansas	41st	23rd	31st	36th	32.75	31 st
Nebraska	37th	46th	22nd	26th	32.75	31 st

	Authorized Judgeships	Total Bench Hours	Average	Total Trial Hours	Average	Civil Trials	Average	Criminal Trials	Average
National Statistics	678	271,667.80	400.7	140,310.80	206.9	3,013	4.4	3,247	4.8

AMERICA'S MOST PRODUCTIVE
federal district courts
(ranked by court on the service of an average district judge in that court)
Fiscal Year Period Ending September 30, 2011

District	Hours on the Bench	Trial Hours	Civil Trials	Criminal Trials	Average	Productivity Ranking
New York Eastern	2nd	3rd	3rd	20th	7	1st
Florida Southern	3rd	2nd	16th	16th	9.25	2nd
Iowa Southern	11th	5th	18th	7th	10.25	3rd
California Eastern	1st	1st	1st	38th	10.25	3rd
New York Northern	32nd	8th	2nd	4th	11.5	4th
Virgin Island	20th	6th	2nd	18th	11.5	4th
Iowa Northern	7th	7th	27th	18th	14.75	5th
Virginia Eastern	17th	12th	21st	10th	15	6th
Louisiana Middle	27th	9th	12th	12th	15	6th
Arkansas Eastern	33rd	4th	9th	21st	16.75	7th
Utah	5th	14th	19th	30th	17	8th
Illinois Northern	4th	17th	7th	41st	17.25	9th
Washington Western	21st	15th	8th	27th	17.75	10th
Colorado	12th	11th	8th	40th	17.75	10th
Vermont	10th	16th	31st	16th	18.25	11th
Nebraska	30th	19th	15th	14th	19.5	12th
Idaho	15th	36th	18th	14th	20.75	13th
Texas Southern	14th	44th	17th	13th	22	14th
New York Southern	6th	18th	26th	38th	22	14th
Tennessee Western	18th	49th	9th	14th	22.5	15th
Florida Northern	54th	20th	11th	9th	23.5	16th
Pennslyvania Middle	29th	13th	24th	30th	24	17th
Nevada	38th	33rd	18th	9th	24.5	18th
Alabama Middle	53rd	10th	24th	14th	25.25	19th
Connecticut	16th	32nd	14th	40th	25.5	20th
New Mexico	37th	25th	36th	8th	26.5	21st
Florida Middle	52nd	27th	14th	15th	27	22nd
Tennessee Middle	35th	28th	19th	26th	27	22nd
Texas Western	31st	38th	36th	5th	27.5	23rd
Mississippi Southern	47th	21st	6th	36th	27.5	23rd
Wyoming	26th	22nd	24th	38th	27.5	23rd
Kansas	40th	23rd	29th	20th	28	24th
Wisconsin Western	55th	26th	5th	26th	28	24th
Maryland	13th	30th	34th	35th	28	24th
South Dakota	24th	40th	43rd	6th	28.25	25th
Puerto Rico	9th	24th	43rd	37th	28.25	25th
Arizona	23rd	50th	40th	1st	28.5	26th
Minnesota	28th	35th	20th	31st	28.5	26th
Ohio Southern	8th	37th	30th	47th	30.5	27th
Illinois Central	34th	43rd	24th	22nd	30.75	28th
Tennessee Eastern	39th	48th	32nd	10th	32.25	29th
Mississippi Northern	74th	34th	10th	14th	33	30th
California Southern	41st	47th	39th	11th	34.5	31st

	Authorized Judgeships	Total Bench Hours	Average	Total Trial Hours	Average	Civil Trials	Average	Criminal Trials	Average
National Statistics	677	265,758.60	392.6	135,903	200.7	2,967	4.4	3,205	4.7