

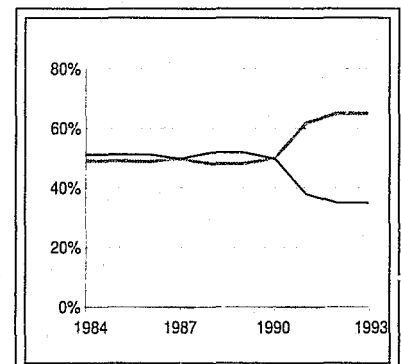
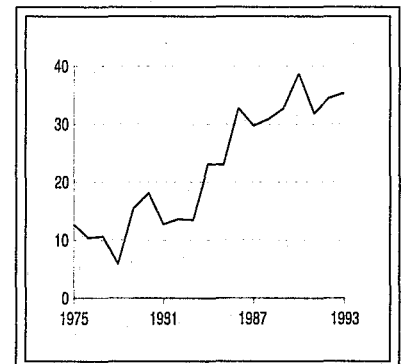
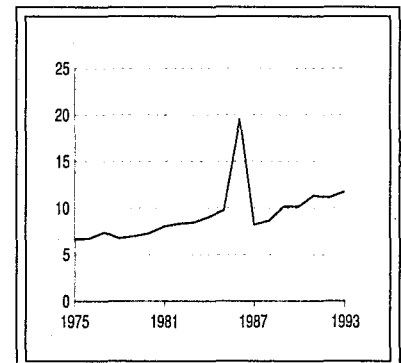
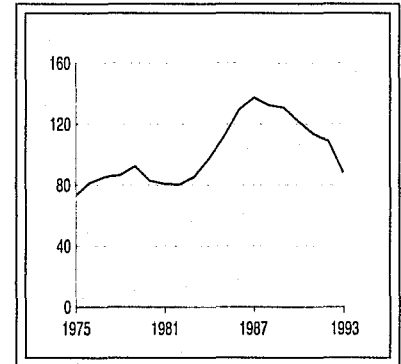
# Examining the Work of State Courts, 1993

A National Perspective  
from the Court Statistics Project

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Focus on:  
Tort Litigation, Domestic Violence,  
Civil, Criminal, and Appellate Dispositions

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# Examining the Work of State Courts, 1993

*A National Perspective from the Court Statistics Project*

*By*

**Brian J. Ostrom**

**Neal B. Kauder**

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A joint project of the Conference of State Court Administrators,  
the State Justice Institute, the Bureau of Justice Statistics,  
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The members of the Court Statistics Project gratefully acknowledge assistance and guidance from throughout the state court community. Our main debt of gratitude is to the state court administrators, the appellate court clerks, and their staffs who have provided the bulk of the information included in *Examining the Work of State Courts, 1993* and *State Court Caseload Statistics, 1993*. They have been consistently patient and helpful in answering written and telephone inquiries for more data or for explanations of the data provided. We owe a special debt of gratitude to the staff members of the administrative offices of the courts and of the appellate courts who serve as contact persons between their offices and the Court Statistics Project.

The content and design of all products produced by the CSP benefit greatly from the guidance of the 12 members of the Conference of State Court Administrators' Court Statistics Committee. The committee members have given generously of their time, talent, and experience, and their participation has been invaluable to the project staff.

The past year was a period of transition for the Court Statistics Project. Two long-time members of the project, Steven E. Hairston and Natalie B. Davis, ended their formal association with the CSP in 1994. Their strong commitment to the work and quality of the CSP is greatly appreciated, and their unflinching good cheer will be missed.

The Court Statistics Project is funded through the generous support of the State Justice Institute and the Bureau of Justice Statistics. It should be noted that the points of view stated in *Examining the Work of State Courts, 1993* are those of the authors and do not necessarily represent the policies of the State Justice Institute.

A special debt is owed to the advice and editorial skills of our colleagues Roger A. Hanson, David B. Rottman, Susan L. Keilitz, and Victor E. Flango, who offered a range of constructive input that considerably improved the final product. Both *Examining the Work of State Courts, 1993* and *State Court Caseload Statistics, 1993* benefited greatly from the careful editing of Bill Fishback, while the page design and preparation for publication was managed skillfully by Hisako Sayers. Judy Sullivan designed the covers and assisted with the chart layout, and Pam Petrakis ensured that the volumes were published.

Responsibility for the information and the analysis reported in this document nevertheless rests fully with the Court Statistics Project staff. The more general responsibility for the development of the CSP products and promoting improvements to court statistics is shared with the National Center for State Courts management, working under the policy direction of the COSCA Court Statistics Committee.

## Foreword

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This report offers a full and clear portrait of the work of the nation's state courts. Reading the litigation landscape requires an understanding of the current business of state trial and appellate courts, as well as how it is changing over time. Although our primary audience is the state court community, the information presented in this report is also valuable to legislative and executive branch policy makers.

*A judicious man looks at statistics not to get knowledge but to save himself from having ignorance foisted on him.*

Thomas Carlyle

The Court Statistics Project (CSP) has redesigned the presentation of its research and analysis. Previous compilations of caseload statistics were contained in a single document. The new format uses two different volumes with two distinct purposes.

*Examining the Work of State Courts, 1993* provides a comprehensive analysis of the business of state trial and appellate courts in a nontechnical fashion. Accurate, objective, and comparable data across states provide a relative yardstick against which states can consider their performance, identify emerging trends, and measure the possible impact of legislation. Without baseline data from each state, many of the most important questions facing the state courts will go unanswered. This volume facilitates a better understanding of the state courts by making use of illustrations and text to describe plainly and directly the work of state trial and appellate courts.

The second volume, *State Court Caseload Statistics, 1993*, is a basic reference that contains detailed information and descriptions of state court systems. Individuals requiring more complete information, such as state specific information on the organization of the courts, total filings and dispositions, the number of judges, factors affecting comparability between states, and a host of other jurisdictional and structural issues will find this volume useful.

Taken together, the information in these volumes is the most complete research and reference source available on the work of the nation's state courts. The reports are a joint project of the Conference of State Court Administrators (COSCA) and the National Center for State Courts. COSCA, through the work of the Court Statistics Committee, hopes this information will better inform local, state, and national discussions about the operation of state courts.

## Executive Summary

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The state courts are the primary institutions for adjudicating disputes in the United States. Understanding the business of the nation's state courts, however, requires compiling information from 52 distinct court systems. A central role of the Court Statistics Project is translating diverse state court caseload statistics into a common framework to analyze and identify national trends in court activities. Some of the basic findings that emerge from analyzing data from 1984 to 1993 are:

- State courts received 90 million new cases in 1993. The total includes nearly 20 million civil and domestic relations cases, 13 million criminal cases, and close to 2 million juvenile cases. The remaining caseload consists of approximately 55 million traffic and ordinance violations.
- State general jurisdiction courts handle 85 times as many criminal and 27 times as many civil cases as the U.S. District Courts, with only 14 times as many judges.
- Some good news for the nation is that total civil and criminal case filings dipped between 1992 and 1993. This respite is timely given that in the past ten years civil and criminal caseloads rose 30 percent, juvenile caseloads rose 40 percent, and domestic relations caseloads rose 60 percent. The United States population increased roughly 8 percent over the same time period.
- There is no evidence of a tort litigation "explosion" in state courts. Although the trend in tort filings fluctuates from state to state, the national total of tort filings declined by 6 percent since 1991.
- The most dramatic change in the civil arena has been the collapse in contract filings. Because contract cases are primarily business matters, a likely explanation for the 37 percent decline since 1990 is the economic recession that ran from mid-1990 to mid-1992.
- The most rapid growth in domestic relations cases occurred in the area of domestic violence, with filings increasing over 70 percent since 1989. For the period 1991 to 1993, domestic violence filings increased in all but 1 of the 32 states reporting such information.
- Total felony filings, which are the largest part of criminal caseloads in courts of general jurisdiction, increased 68 percent since 1984. This means that the nation has faced consistent increases of about 8 percent per year over the last decade. Falling felony filing rates in several populous states, however, were sufficient to achieve a 2 percent drop in felonies at the national level from 1992 to 1993.

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- Most general jurisdiction trial courts failed to keep pace with the flow of civil and criminal cases over the past three years. Courts must, by state statutes, give criminal caseloads priority. To meet this requirement, courts sometimes shift resources from the civil side to the criminal side; therefore, maintaining high criminal clearance rates is necessary to ensure timely civil case disposition as well.
  - Jury trials are used in civil and criminal cases more frequently on television than in reality. Over 90 percent of these cases are disposed by nontrial means, such as guilty pleas, dismissals, and settlements.
  - The number of appeals filed in 1993 decreased slightly from the record number of appeals that were filed in the preceding year. The decrease, however, was not uniform across the country. In fact, the appellate court caseloads in most states is continuing to increase.
  - Appellate courts continue to have difficulties in keeping up with the steady inflow of cases. Half of the courts of last resort and half of the intermediate appellate courts were unable to clear their dockets completely by resolving as many cases each year as come through the front door.

To summarize, while the trend for many types of cases turned down in 1993, these small declines follow a decade of often rapid increases. Resources for handling this long-term growth have not kept pace. This fact makes the accomplishments of the courts all the more significant. It must be stressed, however, that expanding caseloads pose a direct challenge to the ability of courts to perform at a high level of effectiveness. Most courts are currently experiencing difficulty in keeping up with the flow of incoming cases. The result is an increase in pending cases and a consequent delay in case resolution.



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# **O**verview of State Trial Court Caseloads

## Caseload Filings and Trends

To understand litigation in America, one must examine the work of the state courts. Simply stated, the 90 million cases adjudicated in the state courts represent 98 percent of the nation's total volume of cases. This means that state judiciaries are where the average person is most likely to come in contact with the courts. These experiences with judges, lawyers, and other litigants are a key factor in shaping public perception of the viability and quality of our legal system.

When one begins to examine the work of state courts, the most immediate impression is one of enormous volume.

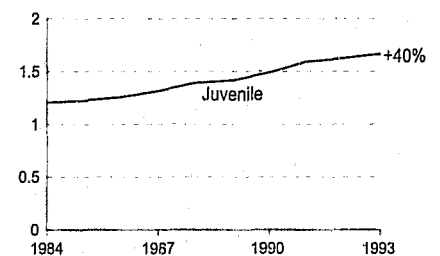
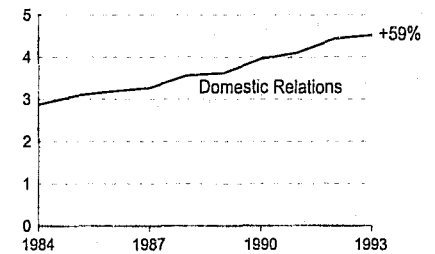
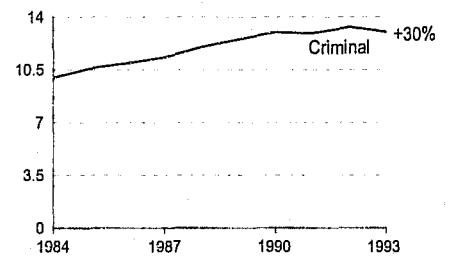
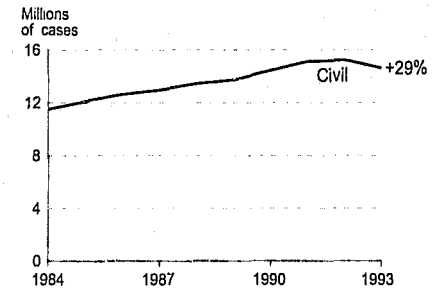
Cases Filed in State Courts, 1993

Case Type	Number (in millions)
Traffic	55.6
Civil	14.6
Criminal	13.0
Domestic	4.5
Juvenile	1.7
<b>Total</b>	<b>89.4</b>

These numbers illustrate the magnitude of state court activity, and reinforce that it is at the state and local level that notions of law and justice are given meaning to most people. State courts are where most individuals have their first, and perhaps only, interaction with the judicial system.

To many judges, court administrators, and others who have more frequent contact with the courts, the critical dimension of caseload is not so much the volume, but how volume is changing over time. And in state courts, the direction of change is up. Civil, criminal, domestic relations, and juvenile caseloads have all shown substantial growth since 1984. Ten-year growth rates of 30 percent (civil and criminal), 40 percent (juvenile), and 60 percent (domestic relations) mean that cases are increasing at least four times faster than the national population. Given that the resources necessary to process cases in a timely fashion, such as judges, court support staff, and automation, seldom keep pace, courts must constantly search for more efficient ways to conduct business.

Types of Cases Filed in State Courts, 1984-1993

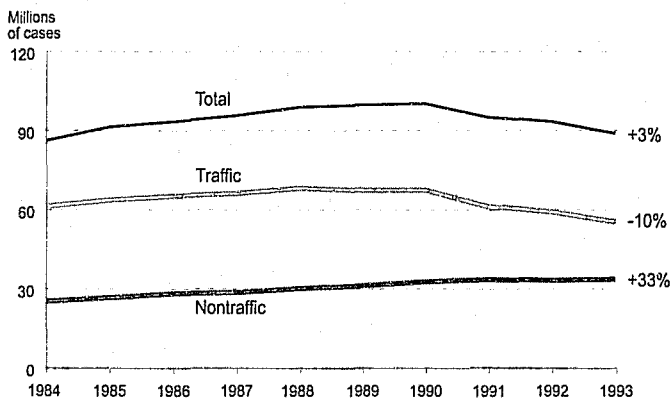


Note: Over the time period shown in the graphs (1984-93), the nation's population increased 6 percent.

## Caseload Filing Trends

While civil, criminal, domestic relations, and juvenile caseloads are characterized by rapid growth, the trend for *total* state court caseloads has turned down over the last three years. Declining traffic caseloads are the reason. We see that the rising proportion of nontraffic cases became increasingly evident in the late 1980s. By 1993, civil, criminal, and juvenile cases made up nearly 40 percent of total caseloads.

Types of Cases Filed in State Courts, 1984-1993



Traffic cases impose a serious burden on many courts. In numerous large courts, court personnel schedule hundreds of cases each day, deal with large volumes of paperwork, and cope with shortages of courtroom space. Traditionally, traffic offenses were classified and processed as criminal offenses. With the increase in most types of cases over the past ten years, many courts are moving to decriminalize less-serious traffic cases and to shift a substantial part of the traffic caseload to an executive branch agency. With the latter option, fines for minor traffic offenses are paid to a traffic bureau or agency, rather than the court. In other states, the judiciary has retained jurisdiction over traffic offenses, but now classifies them as civil rather than criminal infractions. The adjacent table shows the recent steep decline in parking cases—the least serious traffic offense.

The main result of decriminalizing minor traffic cases or transferring jurisdiction outside the court is that the mix of cases handled by the courts becomes relatively more serious. The remaining traffic cases now consist largely of more-serious criminal traffic offenses, such as DWI, hit-and-run, and reckless driving. Moreover, as the total number of traffic cases falls, the work of the court becomes increasingly oriented toward the more serious and time consuming civil, criminal, and domestic relations cases.

Number of Parking Filings in 14 States, 1989-1993

Year	Number (in millions)
1989	26.3
1990	18.6
1991	14.0
1992	13.5
1993	12.3

## Caseload Composition

The major distinction at the trial court level is between courts of general and courts of limited jurisdiction. All states have at least one court of general jurisdiction, the highest trial court in the state, where felony and high-stakes civil cases are heard. These courts can typically handle any type of case, unless prohibited by some specific statutory or constitutional provision.

In 1993, 44 states and Puerto Rico also had courts of limited or special jurisdiction. These courts usually hear only a narrow range of matters, often only one particular type of case. Criminal caseloads are typically limited to misdemeanors and preliminary hearings in felony cases, while jurisdiction over civil matters is usually restricted to small claims, where damages do not exceed some fixed amount. A number of states have instituted special "family courts" to coordinate and integrate the handling of family-related cases involving juvenile and a wide range of domestic relations matters.

State Trial Court Filings by Court Jurisdiction, 1993

Case Type	Number of Cases (in millions)	
	General Jurisdiction	Limited Jurisdiction
Traffic	7.9	47.7
Civil	6.0	8.6
Criminal	4.0	9.0
Domestic	3.4	1.1
Juvenile	1.1	.6
Total	22.4	67.0

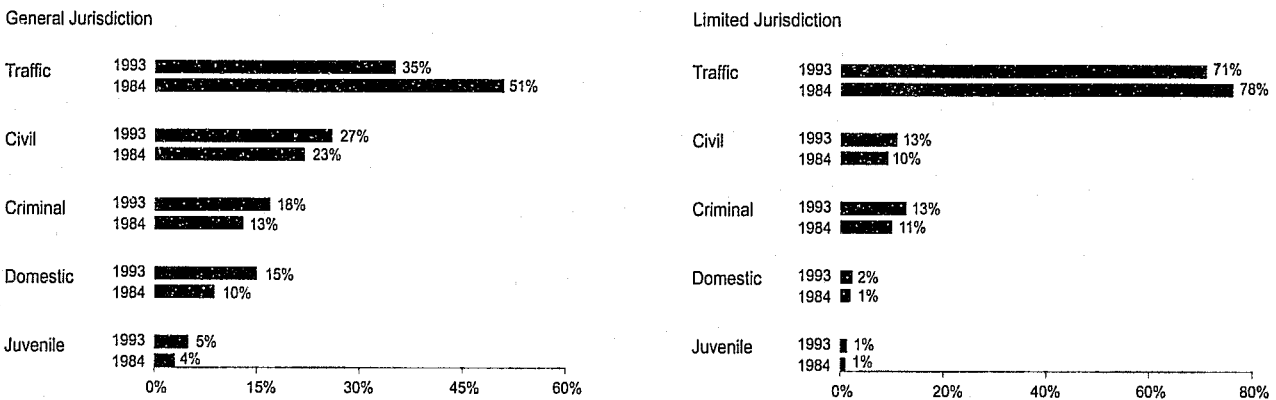
The focus on crime and violence in the media might lead one to believe that criminal cases account for the majority of court business. In reality, general jurisdiction court workload is dominated by civil (including domestic relations) cases. The civil side of the docket is nearly two and a half times the size of the criminal caseload.

The term limited jurisdiction does not necessarily mean that the matters handled by these courts are small-scale or less important than that of general jurisdiction courts. By processing more than 18 million civil, domestic relations, and criminal cases, limited jurisdiction courts are not merely "traffic courts."

### Caseload Composition

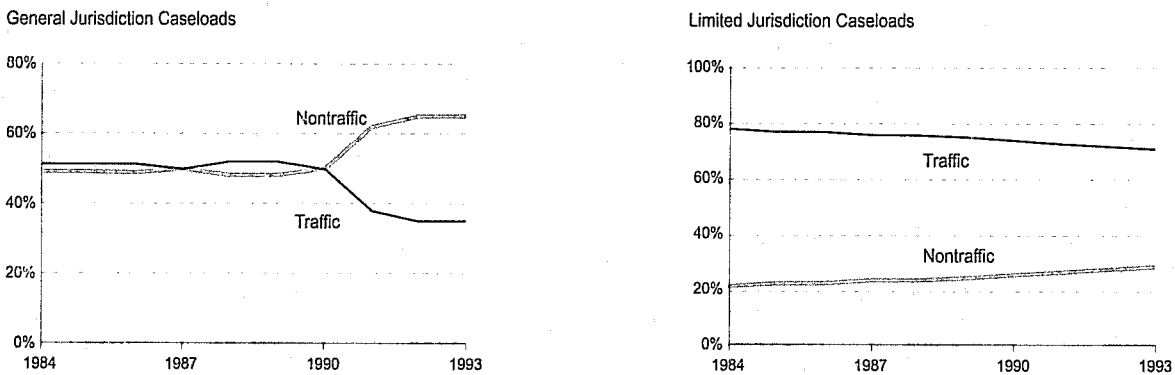
The decline in traffic caseloads has occurred as the rest of the state court caseload continues to grow. This trend is most apparent in general jurisdiction courts, with traffic cases falling from 51 percent of total filings in 1984 to 35 percent in 1993.

Types of Cases Filed in State Courts, 1984 vs. 1993



Has the decline in traffic caseloads occurred gradually or is there evidence of a more abrupt shift? The answer is, in fact, both. Two distinct patterns emerge if the change in traffic and nontraffic trends is compared between general and limited jurisdiction courts. Nontraffic filings jumped substantially in courts of general jurisdiction after 1990, rising from half of the caseload to about two-thirds today. The change toward smaller traffic caseloads has been steady, but more gradual in limited jurisdiction courts. Even with this change, however, traffic cases still account for a majority of these courts' caseloads.

State Trial Court Caseload Composition, 1984-1993



## State Courts and Trial Judges

Nearly 16,400 state trial courts processed the 90 million cases filed in the state courts in 1993.

13,832 limited jurisdiction courts  
2,550 general jurisdiction courts

In 1993, there were 27,164 trial judges in the nation's state trial courts. The number of general jurisdiction judges increased 3 percent and the number of limited jurisdiction judges increased less than 1 percent since 1990. The table below shows the number of judges per year by court jurisdiction.

Judges in State Trial Courts by Court Jurisdiction

Year	Number of Judges	
	General Jurisdiction	Limited Jurisdiction
1990	8,587	18,234
1991	8,658	18,289
1992	8,692	18,272
1993	8,848	18,316

The table to the right shows the number of general jurisdiction court judges and the number of judges per 100,000 population. The District of Columbia, Idaho, Illinois, Iowa, Massachusetts, Minnesota, and South Dakota, have consolidated their court structures into a single court with jurisdiction over all cases and procedures, thereby abolishing the distinction between the two trial levels. In these consolidated systems, all trial court business is heard in the general jurisdiction court. Therefore, when comparing the number of general jurisdiction judges per 100,000 population, it must be kept in mind that states with consolidated court systems will appear to have more judges per 100,000 population than states with multilevel court systems.

Number of General Jurisdiction Judges in State Courts, 1993

State	Number of Judges	Judges per 100,000 Population
Illinois	881	7.53
California	789	2.53
New York	597	3.28
Florida	421	3.08
Texas	386	2.14
New Jersey	372	4.72
Pennsylvania	366	3.04
Ohio	362	3.26
Massachusetts	320	5.32
Missouri	309	5.90
Indiana	246	4.31
Minnesota	242	5.36
Wisconsin	223	4.43
Louisiana	209	4.87
Michigan	208	2.19
Iowa	185	6.57
Georgia	159	2.30
Washington	157	2.99
Connecticut	150	4.58
Kansas	149	5.89
Oklahoma	148	4.58
Virginia	141	2.17
Alabama	127	3.03
Arizona	126	3.20
Maryland	123	2.48
Colorado	114	3.20
Puerto Rico	111	3.15
Tennessee	109	2.14
Arkansas	100	4.13
Oregon	93	3.07
Kentucky	93	2.45
North Carolina	83	1.20
West Virginia	62	3.41
New Mexico	61	3.77
District of Columbia	59	10.21
Nebraska	50	3.11
Nevada	46	3.31
Montana	45	5.36
Mississippi	40	1.51
South Carolina	40	1.10
Hawaii	39	3.33
Utah	39	2.10
South Dakota	36	5.03
Idaho	34	3.09
Rhode Island	32	3.20
Alaska	32	5.34
Vermont	31	5.38
New Hampshire	29	2.58
North Dakota	24	3.78
Wyoming	17	3.62
Delaware	17	2.43
Maine	16	1.29
<b>Total</b>	<b>8,848</b>	<b>3.38</b>

Note: States in bold type hear all cases in general jurisdiction courts.

### State Court Filings per Judge

Although there are more than 27,000 judges currently working in state courts, the total has not kept pace proportionately with the increase in the number of cases that judges typically hear. The change in the average number of filings per judge in courts of general jurisdiction is shown below. The range in general jurisdiction filings per judge across states is displayed in the adjacent table.

General Jurisdiction Courts, 1990-1993

Year	Filings per Judge		
	Total	Criminal	Civil and Domestic
1990	1,390	406	984
1991	1,391	405	986
1992	1,412	417	995
1993	1,529	450	1,079

Total civil and criminal filings per judge in general jurisdiction courts have risen 10 percent since 1990. General jurisdiction judges handle, on average, more than three times as many cases per judge as U.S. district court judges. State courts are and will continue to be the primary arena for the resolution of legal disputes in the United States.

The sheer volume of the cases handled by the state courts means that the state courts are a more meaningful indicator of the health of the nation's judicial future than the federal courts. Facing rising caseloads and static funding levels, courts have been creative in stretching their resources by developing new case processing techniques such as differentiated case management. But efficiency measures can be pushed only so far. Even the most productive judge can decide only so many cases each day. Bottlenecks at the bench will become more pervasive unless resources expand to meet the growing need for staff, services, and facilities at all court levels.

Number of Case Filings per General Jurisdiction Judge, 1993

State	Filings per Judge		
	Total	Civil and Domestic	Criminal
Idaho	4,407	2,118	2,289
South Carolina	4,073	1,211	2,863
North Carolina	2,943	1,451	1,492
District of Columbia	2,907	2,199	708
Massachusetts	2,862	1,740	1,122
New Jersey	2,836	2,700	136
Mississippi	2,554	2,115	439
Connecticut	2,103	1,179	924
South Dakota	2,067	1,278	789
Wisconsin	1,937	1,521	415
Oklahoma	1,886	1,339	547
Maryland	1,852	1,287	565
Florida	1,825	1,424	401
Minnesota	1,776	933	843
Tennessee	1,767	1,163	604
Indiana	1,677	1,191	486
Texas	1,616	1,166	450
Vermont	1,614	1,101	513
Virginia	1,611	816	796
New Hampshire	1,512	1,055	456
Oregon	1,451	1,148	303
Louisiana	1,426	897	528
Kansas	1,407	1,133	275
Arkansas	1,402	993	409
Illinois	1,377	704	672
Iowa	1,303	894	410
Ohio	1,282	1,106	176
Missouri	1,280	831	450
Pennsylvania	1,242	860	382
Michigan	1,231	909	322
Alabama	1,230	793	436
Washington	1,159	969	190
New Mexico	1,158	939	219
California	1,108	905	203
Hawaii	1,103	827	276
Nebraska	1,047	914	132
Delaware	1,013	584	429
West Virginia	1,009	865	144
Arizona	1,008	780	228
Maine	992	363	629
Utah	951	759	192
Colorado	936	730	206
North Dakota	904	808	96
Kentucky	891	677	214
Rhode Island	888	691	197
Wyoming	817	709	108
New York	714	592	122
Alaska	587	504	83
Montana	573	485	88
<b>Total</b>	<b>1,529</b>	<b>1,079</b>	<b>450</b>

Note: States indicated in bold type have consolidated court systems.

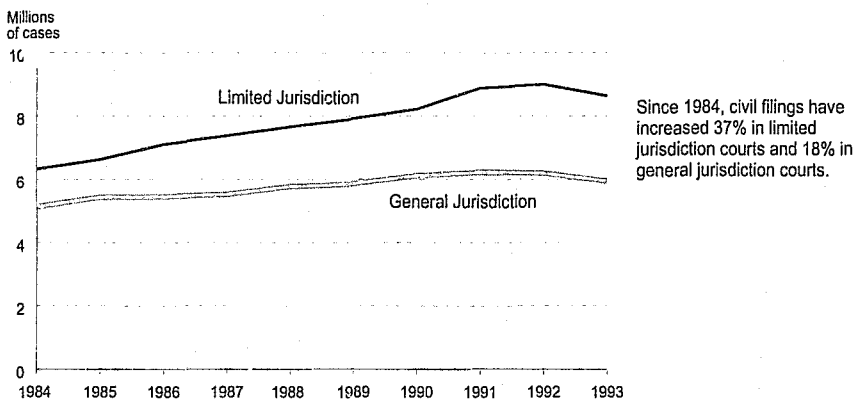


# Civil Cases

## Civil Filing Trends and Caseload Composition

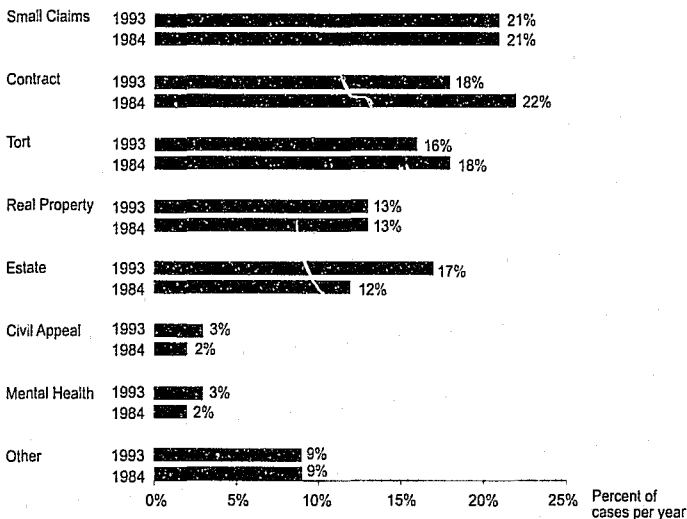
States reported the filing of 14.6 million civil cases (excluding domestic relations) in 1993, with 8.6 million of those cases filed in limited jurisdiction courts. The long-term growth in civil caseloads has been slowing recently, and for the first time in ten years, total civil filings turned downward (2 percent from 1992 to 1993).

Civil Cases Filed in State Courts, 1984-1993



The composition of civil filings in state courts of general jurisdiction is changing. Between 1984 and 1993, the proportion of contract and tort cases declined while the proportion of estate, civil appeal, and mental health cases increased. Two-thirds of civil cases in limited jurisdiction courts are either small claims or real property rights filings.

Civil Caseload Composition in General Jurisdiction Courts in 23 States, 1984 vs. 1993



Civil Caseload Composition in Limited Jurisdiction Courts in 13 States, 1993

Case Type	Percent of Caseload
Small Claims	32%
Real Property	31
Contract	7
Tort	4
Domestic Relations	2
Estate/Mental Health	2
Other	20

## Civil Caseloads and Filing Rates

We introduce two different measures to compare civil caseloads between states in the table on the right. The first measure, total filings, reveals the size of civil caseloads across states. One immediately notes that the range is wide. New York reports five times as many civil filings as South Carolina and 60 times as many as Wyoming. Another pattern is that civil filings are highly concentrated. The eight states with the largest civil caseloads account for more than 50 percent of the nation's 14.8 million civil cases. Further, these states tend to be among the states with the largest populations, underscoring the direct correspondence between population levels and total civil filings.

Even a cursory review shows that the more heavily populated a state is, the more civil filings it tends to have. This raises the question of whether the states with the highest number of civil filings (e.g., California) really differ from the states with the lowest number of civil filings (e.g., Montana) in terms of litigiousness.

The second measure, filings per 100,000 population, shows whether people tend to file civil cases at similar rates around the country. Controlling for population reduces the variation between states considerably. Taking the example above, New York and South Carolina have similar population-adjusted filing rates, while Wyoming has a rate roughly two-thirds that of New York.

Although civil filing rates are broadly consistent across states, there are sufficient differences to suggest that various other factors also influence civil filing rates. Differences in civil caseloads across states may reflect a wide range of cultural, social, and economic factors. The method by which states classify and count civil cases will also affect filing rates.

Total Civil Filings (excluding domestic relations cases) in 50 States, 1993

State	Total Cases	Filings per 100,000 Population	Population Rank
California	1,615,417	5,176	1
New York	1,239,765	6,813	2
Virginia	1,094,280	16,858	12
Maryland	867,564	17,474	19
New Jersey	779,625	9,895	9
Florida	588,612	4,303	4
Michigan	566,546	5,977	8
Texas	559,130	3,101	3
Ohio	555,773	5,011	7
Illinois	499,487	4,270	6
North Carolina	467,134	6,726	10
Massachusetts	374,366	6,227	13
Indiana	353,969	6,196	14
Wisconsin	290,658	5,769	18
South Carolina	241,632	6,633	25
Louisiana	223,581	5,206	21
Colorado	212,572	5,961	27
Connecticut	203,109	6,198	28
Washington	198,605	3,779	15
Alabama	193,541	4,622	22
Kentucky	178,874	4,721	24
Arizona	177,951	4,521	23
Pennsylvania	171,516	1,424	5
Missouri	169,653	3,241	16
Minnesota	161,523	3,576	20
Oklahoma	149,555	4,629	29
Oregon	138,086	4,554	30
Kansas	133,885	5,290	33
Iowa	131,872	4,686	31
Utah	128,619	6,915	35
District of Columbia	117,456	20,321	50
Mississippi	114,579	4,335	32
Arkansas	97,222	4,011	34
Nebraska	92,730	5,770	38
West Virginia	69,753	3,833	36
New Hampshire	61,145	5,435	42
Tennessee	59,498	1,167	17
Rhode Island	53,462	5,346	44
New Mexico	52,349	3,239	37
Idaho	51,927	4,725	43
Delaware	44,959	6,423	47
South Dakota	40,874	5,717	46
Hawaii	36,767	3,137	41
Maine	34,949	2,821	40
Vermont	24,510	4,255	51
Alaska	24,237	4,046	49
North Dakota	21,458	3,379	48
Wyoming	21,296	4,531	52
Nevada	20,120	1,449	39
Montana	15,305	1,824	45

The median number of civil filings among the states is 155,539 cases. The median filing rate per 100,000 population is 4,704. The median is the value at which half of the states are above and half are below.

## Civil Case Clearance and Growth Rates

Whether the trend in civil filings is up or down, a primary concern to judicial administrators is the timely disposition of cases. Courts often measure their performance by examining fluctuations in the size of their pending civil caseload. A reduction in pending caseload occurs when a court disposes more cases than are filed during a given year.

The table on the right includes the clearance rates for selected general jurisdiction courts for 1993 and a three-year average for 1991 to 1993. The clearance rate is the number of dispositions divided by the number of filings. If a state court receives 100,000 case filings and disposes of 95,000 cases that year, the clearance rate is 95,000/100,000, or 95 percent. While the cases disposed in 1993 were not necessarily filed that same year, the clearance rate is a useful measure of the responsiveness of courts to the demand for court services. The table also indicates the growth rate in civil cases from 1991 to 1993, which is displayed as a percentage increase or decrease. For example, the value of -6 for Pennsylvania indicates that the civil filings fell by 6 percent between 1991 and 1993.

More than half of the states have three-year clearance rates at 99 percent or above. Only five states have three-year clearance rates below 90 percent. Of the states with the top twelve clearance rates, nine benefited from a decline in civil filings between 1991 and 1993. However, negative growth rates for civil filings are not uncommon. Of the 43 states shown, 30 experienced drops in their civil caseloads between 1991 and 1993.

Stable or declining civil caseloads helped some states improve their clearance rates. In 17 of 30 states with a negative growth rate for civil filings, the 1993 clearance rate exceeds the three-year rate. Because the three-year rate reflects the average success that a particular court has had in disposing cases over the past three years, 17 states disposed a higher percentage of cases than is typical over this three-year period.

General Jurisdiction Court Civil Caseload Clearance and Growth Rates in 43 States

State	Rates		Growth 1991-93
	Clearance 1991-93	1993	
New Hampshire	118%	129%	-15%
Alaska	112	102	2
Pennsylvania	109	112	-6
Hawaii	106	97	6
Missouri	105	113	-11
Texas	105	102	-9
Vermont	104	112	-14
Alabama	103	103	-6
Utah	102	93	-28
Connecticut	102	110	-10
Illinois	102	106	-14
Oregon	102	98	7
Oklahoma	101	101	-3
Maine	101	110	-13
New Mexico	100	99	-10
Michigan	100	101	-2
Ohio	100	102	-7
Arizona	100	105	-23
West Virginia	99	96	16
Idaho	99	99	5
Kansas	99	100	-1
Minnesota	99	98	-7
South Carolina	99	98	-17
Iowa	98	97	3
Nebraska	98	99	-22
District of Columbia	97	100	-9
Colorado	97	93	-24
Indiana	96	95	6
New York	95	102	74
Arkansas	95	95	-2
New Jersey	93	103	11
North Carolina	93	94	3
Montana	92	89	-8
Tennessee	91	94	-6
Washington	91	95	-17
Kentucky	91	102	-12
Delaware	90	97	2
Wisconsin	90	68	-2
South Dakota	89	93	6
Florida	88	84	-13
Massachusetts	87	86	-12
Virginia	85	89	-6
Maryland	81	87	19

Note: To make allowances for year-to-year fluctuations in clearance rates, a three-year clearance rate is computed by summing all filings and dispositions during 1991-1993 and then dividing the three-year sum of dispositions by the corresponding sum of filings.

## Civil Trial Rates

Civil cases handled by general jurisdiction courts, including tort and contract cases, but also divorce and real estate, involve sums of money above a certain minimum. In the popular image of these courts, this is where the litigation process is played out before the judge or jury. Yet, as can be seen below, trials (particularly jury trials) are infrequent. The table below ranks states according to their overall trial rate and compares jury and bench trial rates.

Overall, 7.6 percent of the civil filings across the states are disposed by trial. Of those, 6.4 percent are disposed by bench trial and 1.2 percent by jury. Unlike bench trial rates, which range from .2 percent to 19.2 percent, there is little variation in jury trial rates, with all states reporting jury rates under 6 percent. One reason for the greater number of bench trials is that jury trials may not be suitable or permitted for the most common civil cases, such as small claims and domestic relations cases. Another reason is that definitions of what constitutes a bench trial vary between states.

Trial Rates for Civil Cases in General Jurisdiction Courts in 27 States, 1993

State	Total General Civil Dispositions	Trial Rates		
		Total Trial	Bench	Jury
Indiana	50,606	20.3%	19.2%	1.1%
Oklahoma	58,480	19.6	18.5	1.2
Virginia	64,710	18.5	16.3	2.1
North Carolina	19,794	17.2	13.4	3.9
Texas	55,835	14.6	11.4	3.2
Ohio	47,875	14.2	11.8	2.4
Massachusetts	38,113	13.7	12.0	1.7
Pennsylvania	43,468	12.6	8.1	4.5
Nebraska	10,499	12.5	10.7	1.8
Vermont	10,258	12.3	11.3	0.9
South Carolina	46,126	11.9	9.6	2.2
Missouri	159,297	9.5	9.0	0.6
Arkansas	16,677	7.8	5.7	2.1
Wisconsin	21,102	6.9	4.8	2.2
South Dakota	12,094	6.6	0.9	5.8
California	241,321	6.4	4.9	1.6
Rhode Island	3,242	6.2	2.7	3.6
New Mexico	19,550	5.5	4.8	0.8
Minnesota	34,831	5.5	3.0	2.5
West Virginia	19,154	5.4	1.5	3.9
New Jersey	587,552	4.9	4.5	0.4
Alaska	3,602	3.9	2.9	1.0
Kansas	103,757	3.8	3.5	0.3
Michigan	61,825	2.8	1.0	1.8
Florida	116,427	2.7	1.4	1.4
Hawaii	4,980	2.1	0.9	1.2
District of Columbia	85,632	0.5	0.2	0.3
<b>Total</b>	<b>1,936,807</b>	<b>7.6</b>	<b>6.4</b>	<b>1.2</b>

## Nontrial Outcomes in Civil Cases

Rising civil caseloads prompt a shift in resources and decision mechanisms away from formal trial proceedings and toward pretrial settlements. Encouraging settlement, where appropriate, is a principal tool of civil case management in many states and in individual trial courts. The table below shows that 94 percent of cases are not disposed by trial.

Settlement and dismissal are the primary methods of civil case disposition. Despite the large number of cases that are resolved through an out-of-court agreement between the parties, settlement is an area that we know far too little about. Simply to state that “most cases settle” is not very revealing because some settlements involve considerable expense and involvement by the bench, while others are obtained with minimal cost and judicial involvement. Secondly, some of these cases are disposed by granting a litigant’s request for summary judgment or through dismissal—both of which may involve substantial cost and effort by the litigants.

About one-third of civil cases end in a default judgment, and there is some question where these cases fit in the debate over the “litigiousness” of the American people. While these cases are filed with the court, they are quickly terminated or never fully pursued by the parties. Due to variation in reporting practices, many states include some defaults (as well as settlements, transferred cases, and alternative dispute resolution hearings) in the “other” category.

Nontrial Dispositions for General Civil Cases in General Jurisdiction Courts  
in 15 States, 1993

State	Total General Civil Dispositions	Total Nontrial	Nontrial Dispositions		
			Dismissed/ Settled	Default	Other
District of Columbia	85,632	99.5%	50.2%	23.9%	25.3%
Hawaii	4,980	97.9	80.9	6.8	10.2
Washington	61,186	97.4	74.8	21.6	1.1
Florida	116,427	97.3	23.4	10.1	63.7
Michigan	61,825	97.2	62.2	27.6	7.3
Kansas	103,757	96.2	31.8	46.4	18.0
Alaska	3,602	96.1	44.8	4.6	46.8
New Jersey	595,280	95.0	49.8	41.7	3.4
Arkansas	16,677	92.2	49.4	25.4	17.5
South Carolina	46,126	88.1	51.5	26.2	10.4
Vermont	10,258	87.7	48.1	37.9	1.7
Nebraska	10,499	87.5	31.0	50.0	6.5
Ohio	47,875	85.8	57.9	17.0	10.9
Texas	55,835	85.4	55.1	10.9	19.4
Virginia	64,710	81.5	56.4	4.1	21.0
<b>Total</b>	<b>1,284,669</b>	<b>94.0</b>	<b>48.6</b>	<b>31.3</b>	<b>14.1</b>

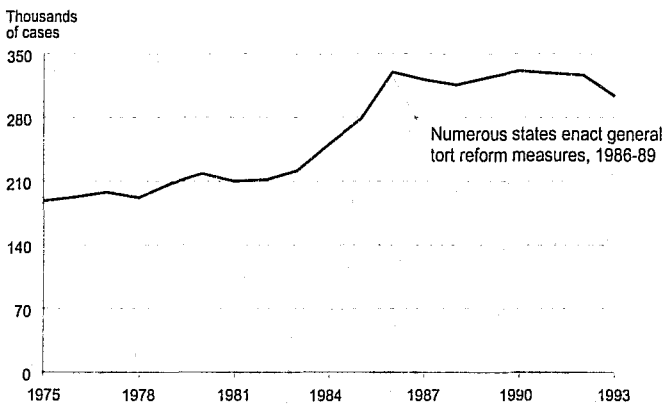
# **T**ort and Contract Cases

## State Trends in Tort Filings

Torts are part of the debate over civil justice system reform. Tort cases include suits against doctors for malpractice, against manufacturers for dangerous products, and against motorists involved in accidents. An estimated 1 million tort cases were filed in state courts in 1993.

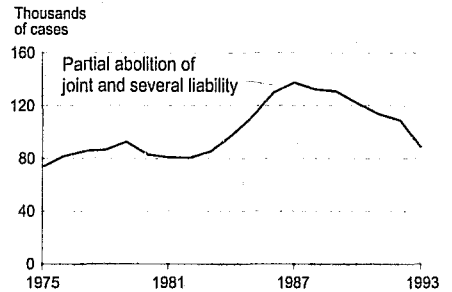
The graph below shows that tort filings in general jurisdiction courts remained essentially constant during the late 1970s and early 1980s, followed by sustained growth between 1983 and 1986. Growth has slowed since then and may be associated with tort reform legislation that many states enacted in the latter half of the 1980s.

Tort Filings in General Jurisdiction Courts in 16 States, 1975-1993

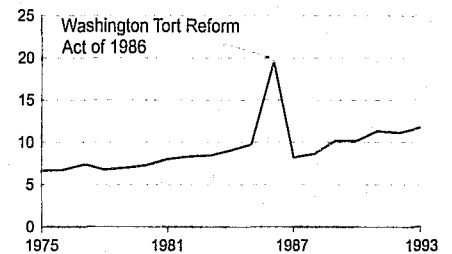


The national trend strongly reflects the trend in California, which accounts for roughly 30 percent of the tort filings in the 16 states examined. Colorado and Washington tort filing trends reflect the initiation of far-reaching tort reform that appears to have caused substantial increases in tort filings in the year before enactment of reform statutes. This is especially notable in Washington, where litigants compressed a year of filings into the month preceding the Tort Reform Act of 1986. In 1986, Michigan partially abolished joint and several liability and established a case evaluation panel that screens civil cases to identify and eliminate frivolous suits. This may explain the large number of tort filings in 1986 (the last year before the reforms came into effect), and the subsequent drop in filings in 1987. However, the trend has again moved upward through 1993.

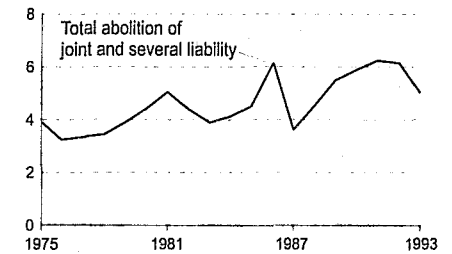
### California



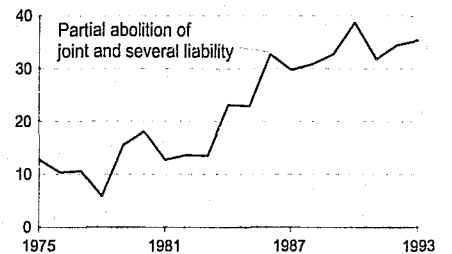
### Washington



### Colorado



### Michigan





## **Tort Reform in the States**

Tort reform remains an area of vigorous public policy debate at the national level. As originally envisioned, tort law provides fair compensation to people and businesses for injury and damages caused by others. Which modifications to tort law will offer adequate recourse to compensation—at reasonable cost—for injury resulting from negligent behavior? Because more than 95 out of every 100 tort claims are filed in the nation's state courts, broad brush reforms may be inherently unsound.

The tort landscape is complicated. Our federal system of government leads to 50 state tort systems, each with its own array of laws on negligence and liability. Further, the states have been active in the area of reform, with all 50 states adopting some type of tort reform during the past 10 years. Examining the states' experiences before and after tort reforms should provide policy makers with critical insight for developing precise and well-targeted reform measures.

Which states enacted tort reform within four selected areas? Thirty-one states made significant changes to joint and several liability in either 1986 or 1987.

### Recent Tort Reforms in the States

State	Joint/Several Liability	Products Liability	Punitive Damages	Compensatory Damages
Alabama	1987	1987		
Alaska	1988	1986	1986	
Arizona	1987	1989	1993	
Arkansas				
California	1986	1987	1987	
Colorado	1986	1986	1986	1986
Connecticut	1986	1986		
Delaware	1987			
D.C.				
Florida	1986	1986	1986	1986
Georgia	1987	1987	1987	
Hawaii	1986	1986		
Idaho	1987	1987	1990	
Illinois	1986	1986	1986	
Indiana	1986			
Iowa	1985	1986	1986	1987
Kansas	1986	1988		
Kentucky	1988	1988	1988	
Louisiana	1987	1988		
Maine				
Maryland				
Massachusetts				
Michigan	1986	1986		
Minnesota	1988	1990	1986	
Mississippi	1989	1987/1993	1993	
Missouri	1987	1987	1987	1987
Montana	1987	1987	1987	1987
Nebraska	1991			
Nevada	1987	1989		
New Hampshire	1989	1988/1993	1986	
New Jersey	1987	1987	1987	1987
New Mexico	1987	1987		
New York	1986	1992	1986	
North Carolina				
North Dakota	1987	1987/1993	1987/1993	1987
Ohio	1987	1987	1987	1987
Oklahoma	1986			
Oregon	1987	1987	1987	1987
Pennsylvania				
Rhode Island				
South Carolina	1988			
South Dakota	1987	1986		
Tennessee	1992			
Texas	1987	1987/1993	1987	
Utah	1986	1989	1989	
Vermont	1985			
Virginia	1987			
Washington	1986	1986		
West Virginia				
Wisconsin				
Wyoming	1986			

**Abolition or modification to the rule of joint and several liability.** Under joint and several liability, two or more defendants are held liable for a plaintiff's injuries, and each defendant may be held financially responsible for the entire judgment. Modifications typically involve abolishing joint liability for low fault defendants (e.g., 50 percent liability or less).

**Reform of products liability law.** Refers to the legal liability of producers and businesses for damages or injuries caused by the use of a defective product. Reforms include introducing a statute of limitations on products liability suits, and establishing a defense for manufacturers who did not know of the product defect.

**Reform of punitive damages.** Punitive damages are designed to punish intentional or grossly negligent wrongdoing by a defendant. Reforms include the complete elimination of punitive damages, requiring "clear and convincing" evidence, and limiting the punitive damage award to no more than three times the compensatory portion.

**Reduction of compensatory awards by collateral sources.** If an injured plaintiff receives money from a source other than the defendant (e.g., insurance), this rule forbids the payment being deducted from the damages owed by the defendant. Reforms include allowing some offset of collateral source benefits.

Source: American Tort Reform Association, 1994

## State Trends in Tort Filings

Tort filings decreased 6 percent, on average, since 1991 for the states shown below. However, considerable differences in growth rates are apparent, from a 24 percent increase (Hawaii) to a 23 percent decrease (California). Although this table represents a wide variety of states in terms of population and geographic location, the states with the five largest tort caseloads in 1993 account for 60 percent of the total tort filings (California, Florida, New Jersey, New York, Texas). Rates of growth in these states contribute heavily to the national trend.

The table to the right displays tort filing rates per 100,000 population in general jurisdiction courts for 29 states. This analysis provides a way to examine whether the rate of tort litigation is similar or different between states—regardless of their population size. While more populous states tend to have higher than average tort filing rates, two of the least populated states, Nevada and Connecticut, appear near the top of the table.

Tort Filings per 100,000 Population  
in General Jurisdiction Courts in 29  
States, 1993

State	Filings per 100,000 Population
New Jersey	819
Massachusetts	712
Nevada	512
Connecticut	486
New York	392
Michigan	376
Missouri	344
Arizona	338
Florida	323
Maryland	305
California	286
Ohio	283
Texas	270
Hawaii	254
Tennessee	241
Washington	231
Arkansas	218
Oregon	189
Wisconsin	176
Kansas	174
Indiana	167
Alaska	159
Minnesota	153
Colorado	144
North Carolina	143
Maine	131
Idaho	121
Utah	100
North Dakota	83

Growth Rates for Tort Filings in General Jurisdiction Courts  
in 27 States, 1991-1993

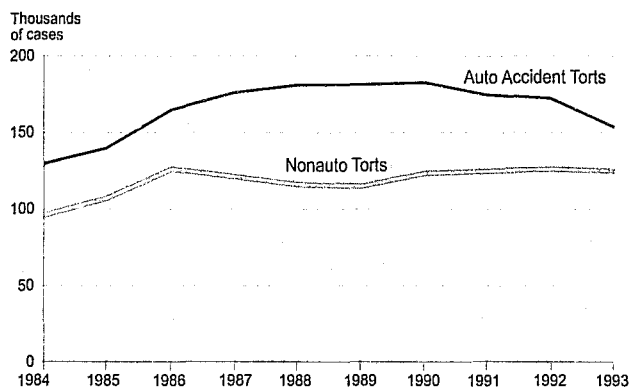
State	Percent Growth 1991-93	Number of Tort Filings		
		1993	1992	1991
Hawaii	24%	2,941	2,689	2,365
Indiana	19	9,452	8,043	7,910
Nevada	16	6,788	6,185	5,871
North Carolina	13	9,754	9,361	8,656
Alaska	12	935	815	838
Michigan	11	35,450	34,497	31,869
New York	8	71,113	72,189	65,767
Texas	8	47,586	46,762	44,088
Kansas	8	4,395	4,338	4,076
Utah	4	1,804	1,979	1,729
Washington	4	11,856	11,142	11,375
Idaho	3	1,292	1,325	1,257
Arkansas	3	5,228	5,098	5,099
Wisconsin	2	9,043	8,835	8,865
North Dakota	-1	525	411	531
Florida	-2	43,536	43,458	44,257
Connecticut	-2	15,947	16,250	16,266
Maine	-4	1,615	1,643	1,686
Minnesota	-5	6,861	7,460	7,252
Maryland	-8	14,989	15,612	16,270
Tennessee	-8	12,106	13,100	13,223
Ohio	-9	31,229	33,196	34,422
New Jersey	-13	63,776	67,380	73,614
Missouri	-16	17,883	19,999	21,245
Arizona	-16	12,940	13,842	15,442
Colorado	-21	5,001	6,151	6,295
California	-23	88,346	109,219	114,298
Total	-6	532,391	560,979	564,566

Note: The states exhibit a fair degree of uniformity in per capita filing rates, with 24 of the 29 states falling between 100 and 400 tort filings per 100,000 population.

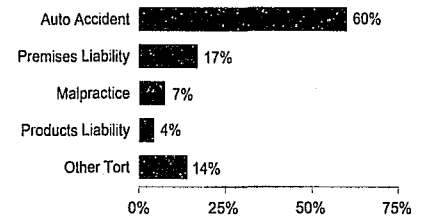
## Trends in Auto Accident Torts

The vast majority of tort filings are automobile accident cases. These torts do not require as much time to litigate as other types of liability cases, although they consume a considerable amount of court resources. The filing trend lines below compare auto accident torts to that of nonauto torts. Auto accident filings decreased 19 percent since 1990, following a gradual increase of 41 percent from 1984 to 1989. Nonauto torts increased sharply from 1984 to 1986 and then leveled off.

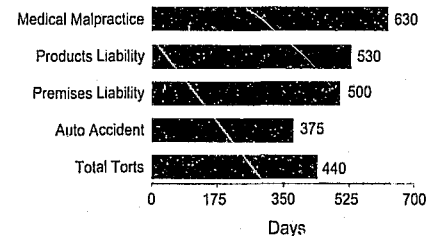
Auto and Nonauto Tort Filings in General Jurisdiction Courts in 10 States, 1984-1993



Composition of Tort Caseloads in General Jurisdiction Courts



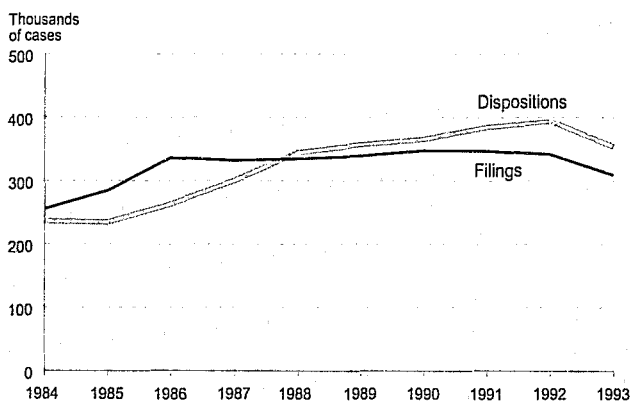
Median Case Processing Time



## Comparing Tort Filings and Dispositions

The 10-year trend in tort filings and dispositions indicates that dispositions have exceeded the total number of filings since 1988. The rapid growth in tort filings during the mid-1980s appears to have created backlogs that have been slowly clearing. Previous research shows the typical time to disposition in tort cases is from 1.5 to 4 years, which helps explain how dispositions can outpace filings over several years.

Tort Filings and Dispositions in General Jurisdiction Courts in 14 States, 1984-1993

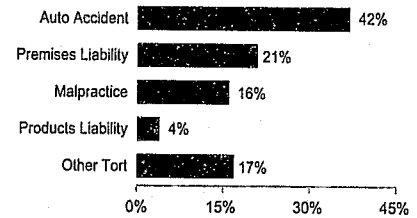


## Tort Trial Rates

Automobile accident torts remain the most common tort case at trial, although not as dominant as at the filing stage. Trials involving malpractice and products liability, the focus of most attention, are substantially fewer in number.

The table below displays trial rates for tort cases in 11 states. The overall trial rate is 7.7 percent in tort cases, similar to that of total civil dispositions. The rate of trials is split almost evenly between bench (3.9 percent) and jury (3.8 percent), unlike total civil cases, where juries account for only 1 percent of trials. Of course, there is some variation in how states count trials. This is particularly true for bench trials and helps explain the wide range in these rates among states.

Composition of Tort Cases Disposed by Trial



Tort Trial Rates in General Jurisdiction Courts in 11 States, 1993

State	Total Tort Dispositions	Total Trial	Jury	Bench
Texas	32,899	17.0%	4.6%	12.3%
Indiana	7,122	12.6	3.7	8.9
Minnesota	6,536	11.4	10.2	1.2
Arkansas	4,813	10.7	5.6	5.1
Wisconsin	4,397	9.7	7.6	2.1
New Mexico	5,684	7.8	2.5	5.3
Ohio	28,426	7.8	4.0	3.8
Florida	32,550	4.0	3.7	0.4
Michigan	30,954	3.1	2.8	0.3
Hawaii	2,667	1.9	1.5	0.4
District of Columbia	19,733	1.9	1.4	0.4
<b>Total</b>	<b>175,781</b>	<b>7.7</b>	<b>3.8</b>	<b>3.9</b>

From our general knowledge of the civil litigation process, we expect that most cases will be decided outside the courtroom. And this is indeed the case, with about 93 percent of torts being disposed by nontrial methods. It is estimated that about 10 percent of tort cases are dismissed because one or both parties fail to advance the case in the litigation process; another 10 percent are disposed through alternative dispute resolution; and nearly three-quarters of all tort cases are disposed through settlement or other form of dismissal.

## Outcomes in Tort Trials

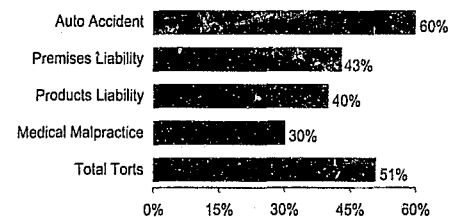
Jury trials in tort cases are rare in the state courts, yet there is a widespread belief that full-blown litigation has an impact that goes far beyond the relatively few cases decided in this fashion. Trials are said to be a source of basic information that helps frame the bargaining process during settlement negotiation. Information from jury trials provides both sides of a dispute with information about what might happen if a given case goes to trial, and what the expected outcome and award might be.

Overall, plaintiffs win about 50 percent of the time, although the adjacent bars show that plaintiff success rates at jury trial vary considerably by type of tort. Plaintiff success is greatest in automobile accident torts (60 percent). In contrast, plaintiffs are least likely to win in medical malpractice cases, with only 30 percent of verdicts in their favor.

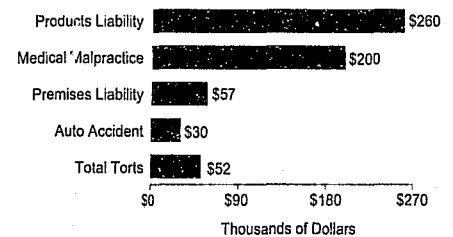
The next set of bars show that the median award for all tort cases is approximately \$52,000. The highest awards are observed in medical malpractice (\$200,000) and products liability (\$260,000) cases. These compare with median awards of \$30,000 in automobile accident cases and \$57,000 in premises liability cases.

The inclusion of punitive damage awards appears to be a rarity in state courts: only 6 percent of the cases in which a defendant was found liable include punitive damages as part of the total award. These awards are most common in intentional torts, such as slander, libel, and fraud. The median punitive damage award is \$50,000.

Proportion of Plaintiffs Winning in Tort Cases



Median Jury Award by Type of Tort Case



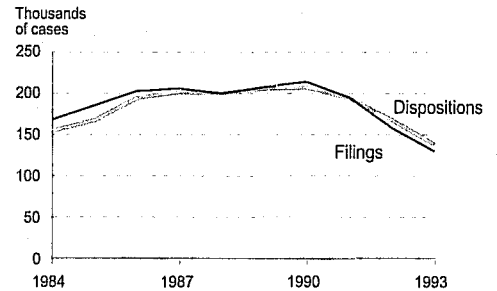
## State Trends in Contract Filings

Promises between individuals, businesses, and other organizations are often defined through contract. When differences arise over whether a contract should be enforced, the dispute can wind up in court. The trend line to the right shows contract filings have fallen dramatically since 1990. Other large segments of court caseloads, including criminal, total civil, and domestic relations cases, are either remaining steady or increasing.

The data show that 1993 filings are 37 percent less than the 1990 total. Despite the fluctuation in contract case filings over the past 10 years, courts have been very successful keeping their contract caseload current.

The table below displays the number of contract filings and each state's ranking by percent growth. All but Hawaii have experienced declines in contract filings, with almost one-third experiencing a drop of 30 percent or more.

Contract Filings and Dispositions in General Jurisdiction Courts in 10 States, 1984-1993



Contract cases have decreased at a faster rate than any other civil case type since 1990.

Growth Rates for Contract Filings in General Jurisdiction Courts in 16 States, 1991-1993

State	Percent Growth 1991-93	Number of Contract Filings		
		1993	1992	1991
Hawaii	15%	1,940	1,787	1,685
Kansas	-1	69,723	74,893	70,718
Washington	-10	13,895	14,733	15,440
Maryland	-15	14,252	15,374	16,741
Arkansas	-15	12,053	13,644	14,174
Minnesota	-18	6,161	6,947	7,493
North Carolina	-20	5,708	6,443	7,099
North Dakota	-23	2,239	2,908	2,925
Texas	-26	22,162	25,532	29,890
Tennessee	-28	6,461	7,666	8,921
Connecticut	-28	22,232	27,825	30,863
Colorado	-35	8,190	9,739	12,635
Florida	-36	36,191	44,321	56,207
Utah	-39	1,472	2,108	2,416
Maine	-39	931	1,093	1,535
Arizona	-52	11,164	14,211	23,299
<b>Total</b>	<b>-22</b>	<b>234,774</b>	<b>269,224</b>	<b>302,041</b>

Research indicates that fluctuations in the number of contract filings is linked to changes in economic performance—a contracting economy leads to fewer contract filings over the next several years. Thus, the most recent recession in the early 1990s may underlie the current decline in contract cases.

# **D**omestic Relations Cases

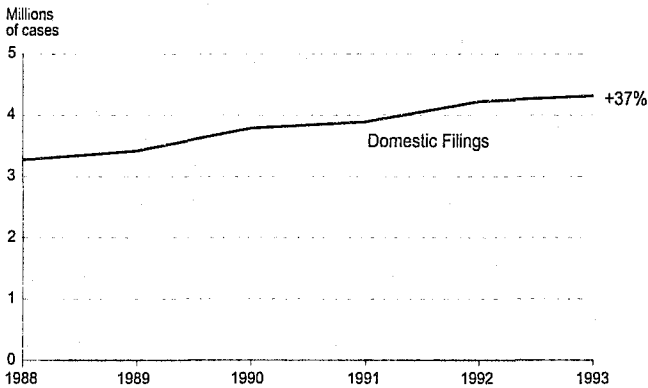


### Trends in Domestic Relations Filings

Domestic relations cases are the largest and fastest growing segment of state court civil caseloads. Ongoing federal legislation makes it imperative that domestic relations cases be effectively managed and processed. The Family Support Act of 1988, for example, requires that the majority of child support cases (i.e. Title IV-D) be reviewed every three years to assess the adequacy of current support.

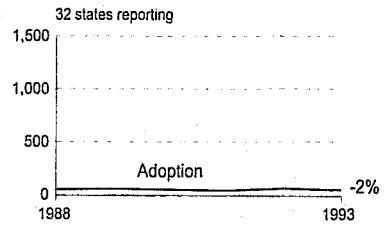
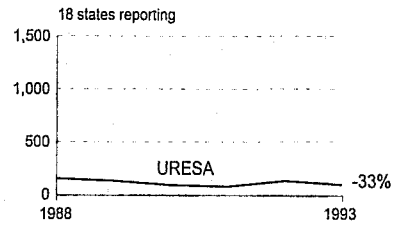
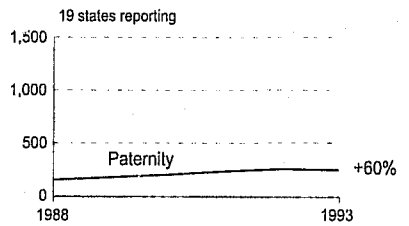
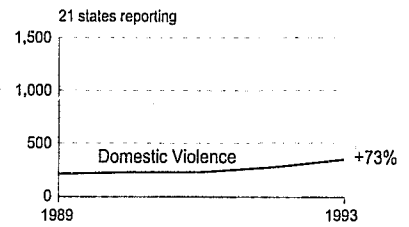
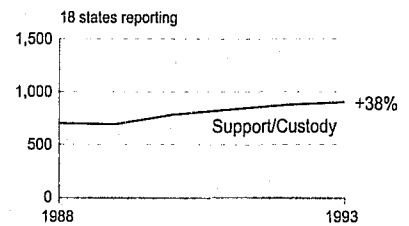
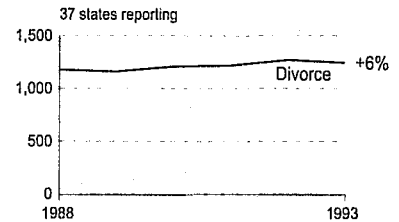
In 1993, 38 percent of total civil filings, over 4.5 million cases, were domestic relations filings. As seen below, the national total of domestic relations cases grew by 37 percent between 1988 and 1993, although the rate of growth slowed somewhat from 1992 to 1993.

Domestic Relations Filings in General Jurisdiction Courts in 46 States, 1988-1993



Domestic relations filings consist of six types of cases—divorce, support/custody, domestic violence, paternity, the Uniform Reciprocal Enforcement of Support Act (URESA or interstate child support), and adoption. The trend lines to the right track recent changes in domestic relations caseloads by case type.

Domestic Relations Filings (in millions) in State Courts by Type of Case, 1988-1993

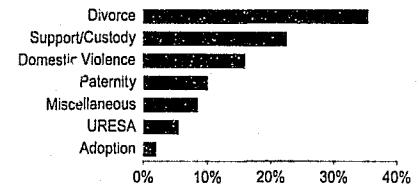


### Caseload Composition for Domestic Relations Filings

The bar chart to the right defines the domestic relations caseload composition for 1993. Divorce cases make up the largest portion of domestic relations cases (35 percent). Support/custody filings are the second largest category at 22 percent, and domestic violence cases comprise 16 percent of the filings.

The table below provides a domestic relations caseload comparison by state. States that handle these types of cases in family or limited jurisdiction courts are listed separately. It should be noted that some states hear domestic cases in both general and limited jurisdiction courts.

Domestic Relations Caseload Composition in 27 States, 1993



Domestic Relations Filings by State and Court Jurisdiction, 1993

	Total	Divorce	Support/ Custody	URESAs	Adoption	Paternity	Domestic Violence	Misc.
<b>General Jurisdiction</b>								
Florida	343,265	144,851	46,317	28,738	*	*	57,070	66,289
New Jersey	239,889	54,064	120,652	*	2,274	*	62,517	382
Ohio	217,791	65,407	88,479	9,034	4,895	25,600	4,983	19,393
Massachusetts	99,749	20,142	2,570	2,314	2,773	12,332	55,601	4,017
Michigan	110,509	56,865	13,752	4,407		27,114		8,371
Missouri	86,268	33,050	*	3,027	2,353	10,290	24,694	12,854
Tennessee	67,309	58,768		5,077	2,678	*	*	786
Minnesota	64,273	17,247	*	15,233	1,898	*	28,313	1,582
New York	60,832	60,832						
Arkansas	60,610	24,649	17,239	2,528	1,792	7,022	3,676	3,704
Oregon	60,605	21,441	1,874	5,918	1,816	5,825	14,828	8,903
Wisconsin	48,633	21,997	6,398	*	1,710	16,793	*	1,735
Arizona	43,959	27,685	*	*	1,734	*	3,113	11,427
Colorado	40,162	25,396	1,054	3,713	1,737	5,301	*	2,961
Kansas	34,909	18,488		2,950	1,785	2,940	8,746	
Connecticut	29,993	13,980	3,048	56		7,839	4,420	650
Puerto Rico	28,356	18,889		2,557	508	*	*	6,402
New Mexico	27,167	10,229	3,849	1,758	500	1,967	4,759	4,105
Utah	20,131	11,334	173	1,747	1,217	2,883	2,704	73
Hawaii	19,758	6,461	*	738	567	1,897	2,812	7,283
North Dakota	14,725	3,177	9,335	*	301	1,231	620	61
District of Columbia	12,280	3,167	1,780	1,366	353	2,398	3,216	
Alaska	10,088	4,092		991	590	1,112	3,303	
<b>Family and Limited Jurisdiction</b>								
New York	300,493		137,865	16,932	4,963	64,076	49,448	27,209
North Carolina	97,787	51,684	41,286	3,678		*		1,139
Michigan	35,127				5,679	27,187	359	1,902
Rhode Island	15,906	4,502		5,248	471	1,256	4,097	332
Arizona	15,265						15,265	
Vermont	14,635	7,969		206	466	*	4,057	1,937
Louisiana	11,174	2,124	4,901	2,458	802	195	603	91
Connecticut	3,501		913		1,009	217		1,362
Alaska	1,234						952	282
<b>Grand Total</b>	<b>2,236,383</b>	<b>788,490</b>	<b>501,485</b>	<b>120,674</b>	<b>44,871</b>	<b>225,475</b>	<b>360,156</b>	<b>195,232</b>

Notes: Blanks = no jurisdiction.

\* = case type counted in miscellaneous.

Bold divorce #'s = includes support/custody cases.

## Domestic Relations Trial Rates

The table below displays the trial rates in domestic relations cases for states that report disposition information. The overall trial rate for domestic relations cases is 16.8 percent, with states reporting rates as high as 35.7 percent (California) and as low as .3 percent (New Jersey). Interpretation of this table should be made with caution, since the definition of a trial varies among states. For example, some states count a bench trial each time a defendant appears before a judge or magistrate, while other states may count these appearances as hearings.

The table to the right shows which states allow jury trials in domestic relations cases. When the states are subdivided into geographical regions, a pattern emerges revealing that states in the Northeast are least likely to allow jury trials while all states in the Midwest allow trial by jury. Although approximately 80 percent of the states permit jury trials in domestic relations cases, trials are rarely used in practice.

Domestic Relations Trial Rate Ranking for  
General Jurisdiction Courts in 21 States, 1993

State	Trial Rate	Total Domestic Relations Dispositions
California	35.7%	136,742
Texas	31.6	267,782
Oklahoma	30.3	43,565
Ohio	26.3	216,746
Pennsylvania	25.2	261,825
Missouri	22.7	83,993
New Mexico	21.8	25,979
Wisconsin	20.3	34,273
Kansas	16.6	34,132
Virginia	9.1	34,738
South Dakota	8.9	5,001
Alaska	8.6	10,176
Nebraska	8.6	23,506
Florida	4.1	210,387
New York	3.4	62,478
Minnesota	2.6	61,882
Washington	2.4	58,121
West Virginia	1.3	19,284
Hawaii	1.1	18,396
Michigan	1.1	108,413
New Jersey	0.3	240,920
<b>Total</b>	<b>16.8</b>	<b>1,958,339</b>

Though the table indicates many states allow juries in domestic relations cases, preliminary data show that jury trials are rare—most states dispose of less than 1% of their cases by jury.

States Allowing Jury Trials in  
Domestic Relations Cases, by Region

	Allow Juries	Disallow Juries
<b>Northeast</b>		
Delaware		X
Connecticut		X
Maine	X	
Massachusetts		X
New Hampshire	X	
New Jersey		X
New York	X	
Pennsylvania	X	
Rhode Island	X	
Vermont		X
<b>Midwest</b>		
Illinois	X	
Indiana	X	
Iowa	X	
Kansas	X	
Michigan	X	
Minnesota	X	
Missouri	X	
Nebraska	X	
North Dakota	X	
Ohio	X	
South Dakota	X	
Wisconsin	X	
<b>South</b>		
Alabama	X	
Arkansas		X
Dist. of Columbia		X
Florida	X	
Georgia	X	
Kentucky	X	
Louisiana		X
Maryland	X	
Mississippi	X	
North Carolina	X	
Oklahoma	X	
South Carolina	X	
Tennessee	X	
Texas	X	
Virginia	X	
West Virginia	X	
<b>West</b>		
Alaska		X
Arizona	X	
California	X	
Colorado	X	
Hawaii	X	
Idaho	X	
Montana	X	
Nevada	X	
New Mexico	X	
Oregon		X
Utah	X	
Washington		X
Wyoming	X	
<b>Total</b>	<b>40</b>	<b>11</b>

## Focus on Domestic Violence Cases

The most rapid growth in domestic relations caseloads is occurring in domestic violence filings. States able to provide three years of comparable data are ranked below by their domestic violence filing rates per 100,000 population in 1993. The table also includes a population rank and a three-year growth index, which is the percentage change in the number of domestic violence filings between 1991 and 1993.

States with large populations are not more likely to experience heightened levels of domestic violence filings than states with smaller populations. For example, population adjusted filing rates in Alaska and Vermont greatly exceed the rates in Florida and New York. All states except one (New York) have experienced growth in their domestic violence caseloads since 1991. Of the 24 states listed with three-year filing figures, 18 reported an increase of 20 percent or more.

Domestic Violence Caseloads in 32 States, 1991-1993

State	Filings per 100,000 Population	Number of Filings			Percent Growth 1991-93	Population Rank
		1993	1992	1991		
Massachusetts	925	55,601	52,485	44,278	26 %	13
New Jersey	793	62,517	56,658			9
Alaska	710	4,255	4,065	3,368	26	49
Vermont	704	4,057	3,654	3,921	3	51
West Virginia	658	11,969	10,011	7,242	65	36
Minnesota	627	28,313	26,653			20
Kentucky	557	21,115	12,268	9,013	134	24
District of Columbia	556	3,216	3,012	2,654	21	50
Idaho	552	6,069	5,488	4,427	37	43
Washington	513	26,975	24,957			15
Oregon	489	14,828	13,163	12,323	20	30
Missouri	472	24,694	23,195	20,353	21	16
New Hampshire	472	5,313	4,970	4,741	12	42
Arizona	467	18,378	14,977	12,900	42	23
Maine	467	6,069	5,994	5,462	11	40
Florida	417	57,070	48,700	37,306	53	4
Rhode Island	410	4,097	3,838	3,841	7	44
New Mexico	294	4,759				37
New York	272	49,448	50,377	51,492	-2	2
Hawaii	240	2,812	2,404	1,886	49	41
Indiana	235	13,428	9,211			14
Wyoming	224	1,055	882	814	30	52
Maryland	204	10,113	6,164	5,665	79	19
Arkansas	152	3,676	2,584	624	489	34
Utah	145	2,704	2,385	2,019	34	35
Connecticut	135	4,420				28
Virginia	112	7,240	6,020	4,753	52	12
North Dakota	98	620	479	503	23	48
Iowa	96	2,689	1,678	470	472	31
Ohio	45	4,983	4,962	4,720	6	7
Delaware	38	263				47
Louisiana	14	603	695			21

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## Focus on Domestic Violence Cases

What accounts for the wide variation in both the number of domestic violence filings per 100,000 and in the percentage change in filings from 1991 to 1993? Some of this variation is attributable to differences in statutory definitions of domestic violence, police arrest policies, and access to protection orders. Further, recent legislative action to extend and toughen penalties in cases of domestic violence contributes to the large increases in caseloads since 1991.

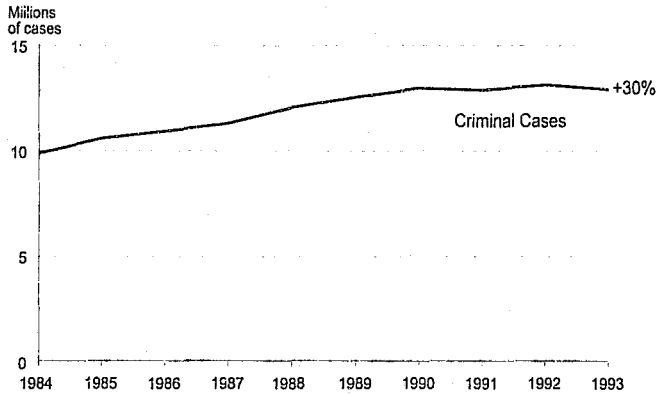
The variation in domestic violence filings across the states will not be fully understood, however, until more consistent ways are developed to define and count domestic violence cases. For example, some states include civil protection orders in the domestic violence category, while others do not. Some states report child abuse separately, while others include these cases in a general category of family violence. A further complicating factor is that domestic violence filings can be found in several different jurisdictions or divisions of a state's court system, e.g., civil, criminal, juvenile, and family. This lack of consistency can lead to inflated filing data (e.g., a single incident could be counted as both a criminal filing and as a civil filing for a protection order) as well as underreporting of cases (e.g., domestic assaults may not be distinguished from other assaults). Without common definitions of case categories and methods for counting cases, courts will have difficulty providing comparable and accurate measures of the incidence of domestic violence.

# **C**riminal Cases

### Criminal Caseload Filing Trends

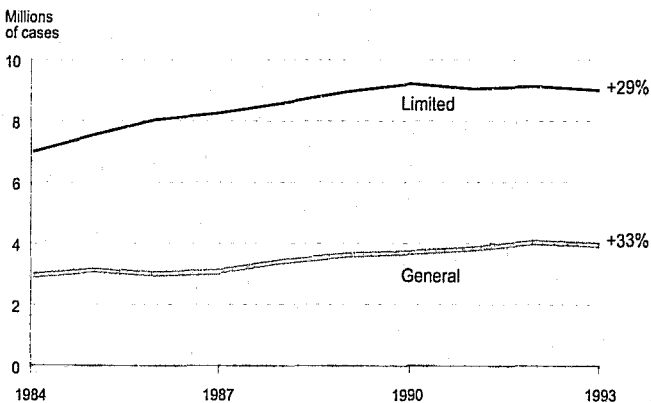
More than 13 million criminal cases were filed in state courts in 1993. This total represents a slight decline of about two percent from 1992. The trend line below shows total criminal filings have plateaued since 1990, following steep increases from 1984 to 1990.

Criminal Cases Filed in State Courts, 1984-1993



The trend lines below compare criminal case filings by court jurisdiction and identify more precisely where criminal cases are handled in the states. Cases filed in the general jurisdiction courts (primarily felonies) peaked in 1992, while criminal filings in limited jurisdiction courts (primarily misdemeanors) have been relatively stable since 1990. Since 1984, criminal caseloads in general jurisdiction courts increased approximately 33 percent, while in limited jurisdiction courts they increased 29 percent.

Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1993



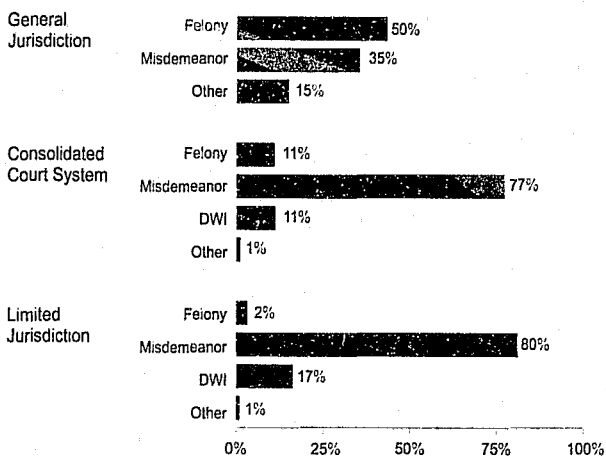
## State Criminal Caseloads

How do criminal caseloads compare across states? The adjacent table breaks down criminal filings by court type for each state reporting general jurisdiction data in 1993. The range in the total number of criminal filings is broad, with Texas reporting close to two million and Wyoming reporting roughly 12,000 cases. When considering only general jurisdiction criminal filings, 40 percent of the states reported between 20,000 and 100,000 filings. A few states, however, heard close to a half-million or more criminal cases in courts of limited jurisdiction.

The median number of criminal filings in courts of general jurisdiction is 55,406, which is represented by Alabama. There is a high concentration of criminal filings in a few states: eight state courts account for more than 50 percent of criminal filings in general jurisdiction courts.

As seen in the bar chart, half of the criminal cases heard in general jurisdiction courts involve felony-level offenses, while 35 percent involve misdemeanors. Another 15 percent are "other" offenses, including appeals and other miscellaneous offenses. Judges in unified or consolidated courts hear all cases regardless of offense. In these court systems, 77 percent of the cases involve misdemeanor offenses, while felony and DWI/DUI cases account for 22 percent of filings. Limited jurisdiction courts handle almost exclusively misdemeanor and DWI/DUI cases (97 percent), with felonies accounting for only 2 percent of their caseload.

Criminal Caseload Composition by Court Jurisdiction, 1993



Total Criminal Filings by State and Court Jurisdiction, 1993

State	General	Limited
Illinois	592,279	
Massachusetts	359,188	
Minnesota	204,049	
Texas	173,527	1,730,306
Florida	168,961	393,498
California	160,033	790,998
Pennsylvania	139,672	41,556
Missouri	138,999	
Connecticut	138,549	
North Carolina	123,835	532,570
Indiana	119,521	110,769
South Carolina	114,501	261,640
Virginia	112,179	411,121
Louisiana	110,395	163,873
Wisconsin	92,647	
Oklahoma	80,940	
Idaho	77,815	
Iowa	75,844	
New York	73,039	444,856
Maryland	69,475	198,232
Michigan	67,049	292,192
Tennessee	65,785	
Ohio	63,744	497,705
Alabama	55,406	239,663
New Jersey	50,586	365,182
Puerto Rico	46,452	44,610
District of Columbia	41,765	
Kansas	40,919	14,181
Arkansas	40,906	275,187
Washington	29,765	207,231
Arizona	28,722	288,585
South Dakota	28,408	
Oregon	28,210	61,843
Colorado	23,487	121,948
Kentucky	19,913	180,134
Mississippi	17,553	5,227
Vermont	15,899	
New Mexico	13,369	125,978
New Hampshire	13,230	32,822
Hawaii	10,756	40,093
Maine	10,061	36,930
West Virginia	8,907	116,505
Utah	7,504	74,898
Delaware	7,295	110,964
Nebraska	6,625	83,327
Rhode Island	6,308	29,092
Montana	3,938	
Alaska	2,660	29,206
North Dakota	2,299	22,189
Wyoming	1,835	12,416
<b>Total</b>	<b>3,884,804</b>	<b>8,385,527</b>

Note: Bold states have consolidated systems.

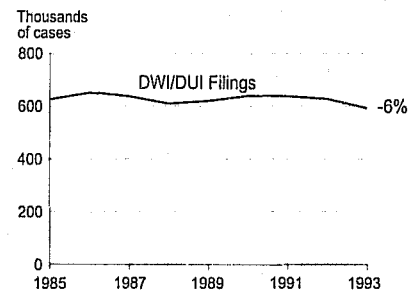


## State Criminal Caseloads

Criminal caseloads are closely associated with a state's population and can be expected to rise simply as a result of population growth. The table below compares criminal filings per 100,000 population. The table also ranks each state by total population. Since all criminal filings are reported as general jurisdiction court filings in states with consolidated court systems, it is not surprising that those states appear at the top of the table. The underlying importance of population as related to criminal caseloads should not, however, obscure other influential factors, such as continuing trends by legislatures to criminalize more behaviors, differences in the prosecutorial charging procedures, differences in underlying crime rate, and even differences in how cases are counted.

The public's attention on DWI/DUI offenses heightened during the 1980s, and some research indicates that alcohol related traffic fatalities have been decreasing over the last 10 years. The trend line to the right shows DWI/DUI filings down 6 percent since 1985. The overall trend has remained stable with the largest decrease in filings occurring in 1993.

DWI Filings in 23 State Courts, 1984-1993



Criminal Filings per 100,000 Population in General Jurisdiction Courts, 1993

State	Filings per 100,000 Population	Population Rank	State (continued)	Filings per 100,000 Population	Population Rank
<b>Idaho</b>	7,293	43	Pennsylvania	1,163	5
<b>District of Columbia</b>	7,091	49	Delaware	1,059	47
<b>Massachusetts</b>	5,988	13	Texas	983	3
<b>Illinois</b>	5,092	6	Oregon	948	30
<b>Minnesota</b>	4,555	20	Hawaii	927	41
Connecticut	4,223	28	New Mexico	846	38
<b>South Dakota</b>	3,995	46	Maine	815	40
South Carolina	3,178	25	Arizona	750	23
Vermont	2,789	51	Michigan	710	8
<b>Iowa</b>	2,697	31	Colorado	677	27
Missouri	2,677	15	Mississippi	671	32
Louisiana	2,575	21	New Jersey	649	9
Oklahoma	2,520	29	Rhode Island	628	44
Indiana	2,111	14	Washington	580	16
Wisconsin	1,850	18	Ohio	579	7
North Carolina	1,810	10	Kentucky	530	24
Virginia	1,759	12	California	518	1
Arkansas	1,705	34	West Virginia	492	36
Kansas	1,622	33	Montana	478	45
Maryland	1,416	19	Alaska	453	50
Georgia	1,405	10	Utah	414	35
Alabama	1,340	22	Nebraska	413	37
Tennessee	1,309	17	New York	403	2
Florida	1,253	4	Wyoming	394	52
New Hampshire	1,191	42	North Dakota	361	48
Puerto Rico	1,169	26			

Note: States in bold type have consolidated systems.

Many of the nation's largest cities that have reputations for high crime levels (e.g., Los Angeles, New York, Houston, Detroit, Newark) are in states that lie below the median of 1,163 filings per 100,000 population.

## Clearance Rates for Criminal Cases

The success of states in disposing criminal cases is an important indicator of the overall sufficiency of court resources and an important factor influencing not only the pace of criminal litigation, but civil litigation as well. Criminal cases consume a disproportionately large amount of court resources. Constitutional requirements covering the right to counsel ensure that attorneys, judges, and other court personnel will be involved at all stages in the processing of criminal cases. Additionally, criminal cases must be disposed under tighter time standards than other types of cases. Finally, courts are often required by constitution, statute, and court rule to give priority to criminal cases. Because courts must deal with criminal cases expeditiously, the processing of other types of cases may be slowed.

Only nine of the states shown cleared 100 percent of their criminal caseload for the three-year period. Seven states have clearance rates of 90 percent or less, indicating that these states are rapidly adding to the inventory of pending cases.

Overall, only 11 states have negative criminal caseload growth rates from 1991 to 1993. Of these 11 states, 5 are in the list of states with the 10 highest clearance rates. The extent to which increases or decreases in caseload filings relates to clearance rates is not known for certain. However, courts will have more difficulty disposing cases quickly if resources are not supplied to meet increased filings.

General Jurisdiction Court Criminal  
Caseload Clearance and Growth Rates  
in 44 States

State	Rates		Growth 1991-93
	1991-93 Clearance	1993	
New Hampshire	109%	115%	3%
New Jersey	107	102	-13
Rhode Island	105	104	1
West Virginia	104	100	27
Kansas	104	105	-4
New York	104	105	-8
Vermont	102	103	-19
Pennsylvania	101	99	2
Montana	100	91	-3
Ohio	99	102	3
Michigan	99	99	4
Texas	98	100	4
Virginia	98	99	7
Maine	97	98	-6
Colorado	97	96	9
South Carolina	96	103	4
Arkansas	96	93	16
Iowa	96	97	16
North Carolina	96	99	8
Wyoming	96	89	29
Alaska	96	90	9
Minnesota	96	99	15
New Mexico	96	94	11
Delaware	95	93	4
Illinois	95	87	19
Missouri	95	100	-1
Idaho	95	91	12
Oregon	95	94	6
Arizona	94	100	0
Nebraska	93	107	-18
Tennessee	93	91	2
Maryland	93	95	1
Indiana	93	93	7
California	93	90	-4
Washington	92	96	4
Alabama	92	91	11
Wisconsin	91	74	3
North Dakota	90	87	20
Florida	89	89	-10
Oklahoma	89	89	1
Kentucky	88	95	30
Utah	83	66	74
South Dakota	80	89	-9
Hawaii	73	73	17

## Criminal Case Dispositions

The overwhelming majority of criminal cases are disposed of by either a guilty plea or a dismissal, not by trial. Overall, approximately 7 percent of criminal cases were disposed of by trial in 1993, with trial rates ranging from about 2 percent in Vermont to nearly 33 percent in Virginia. Some of this variation is attributable to inconsistencies in the criminal case types included and the definition of a trial. In fact, the trial rate drops to below 5 percent if the two states with the highest trial rates (Virginia and Hawaii) are excluded. Focusing on the remaining 18 states reveals a virtually even split between jury and bench trials.

Guilty pleas typically dispose about two-thirds of criminal cases in most states. About one criminal case in five is resolved by a decision by the prosecutor not to continue (*nolle prosequi*) or by the court to drop all charges (dismissal). The plea process is certainly swifter than the formal trial process, but it need not be less fair. The overwhelming prevalence of guilty pleas provides some evidence that the plea process is more desirable to both sides. Prosecutors benefit by securing high conviction rates without incurring the cost and uncertainty of trial. Defendants presumably prefer the outcome of the negotiation to the exercise of their trial right, or the deal would not have been struck.

Note: Since state reporting and definitions vary widely when measuring manner of disposition, calculations were provided that exclude Virginia and Hawaii data. Virginia and Hawaii both count single charges rather than the entire disposition event.

Manner of Disposition for Criminal Filings in 20 General Jurisdiction Courts, 1993

State	Total Criminal Dispositions	Trial Rates			Nontrial Rates			
		Total Trial	Bench	Jury	Total Nontrial	Plea	Dismiss/Prosequi	Other
Virginia	111,030	32.9%	29.3%	3.5%	67.1%	40.0%	19.7%	7.5%
Hawaii	7,841	23.9	20.0	3.9	76.1	34.8	29.1	12.3
Wyoming	1,634	11.6	8.4	3.1	88.4	62.7	17.6	8.1
Alaska	2,392	9.9	2.3	7.7	90.1	68.0	20.2	1.8
Michigan	66,498	8.2	4.2	4.0	91.8	58.7	10.6	22.5
Indiana	110,961	8.0	6.8	1.2	92.0	59.6	31.0	1.4
New Mexico	12,524	7.5	3.8	3.8	92.5	53.7	14.1	24.6
Pennsylvania	121,620	6.5	3.8	2.7	93.5	61.0	8.7	23.7
D.C.	42,556	6.0	3.3	2.7	94.0	24.8	58.3	10.9
California	139,213	4.9	3.8	1.1	95.1	88.9	1.2	5.0
Kansas	42,830	4.6	2.9	1.7	95.4	54.7	24.3	16.4
Ohio	64,701	4.5	1.6	2.9	95.5	70.8	10.3	14.5
New Jersey	51,812	4.3	0.4	3.9	95.7	64.2	16.0	15.5
Texas	172,900	3.5	1.0	2.5	96.5	48.7	21.1	26.7
Maine	9,861	3.5	0.7	2.8	96.5	50.9	25.4	20.2
Florida	150,970	3.4	0.3	3.1	96.6	79.6	11.6	5.3
Delaware	6,771	3.4	0.3	3.1	96.6	74.3	19.8	2.5
Oklahoma	72,258	2.8	1.9	1.0	97.2	67.0	30.1	0.0
Missouri	139,617	2.7	2.0	0.7	97.3	60.8	31.6	4.9
Vermont	16,343	1.7	0.5	1.2	98.3	67.8	22.1	8.4
<b>Total</b>	<b>1,344,332</b>	<b>7.2</b>	<b>4.9</b>	<b>2.3</b>	<b>92.8</b>	<b>61.9</b>	<b>19.2</b>	<b>11.8</b>
<b>Total (w/out VA &amp; HI)</b>	<b>1,225,461</b>	<b>4.7</b>	<b>2.5</b>	<b>2.2</b>	<b>95.3</b>	<b>64.0</b>	<b>19.1</b>	<b>12.2</b>

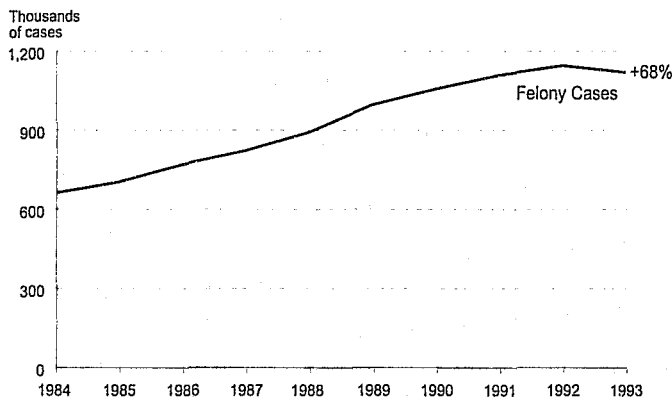
# **F**elony Cases

## Felony Caseload Filing Trends

Felonies are serious criminal offenses most often involving property, violence, and drug crimes. Typically, a felony carries a minimum prison sentence of one year or more. Changes in felony filing rates are closely watched because serious crime is never far from the public's number one concern. In addition, those who work within the criminal justice system know that the processing of felony caseloads is an important factor in the overall pace of both criminal and civil litigation.

Thirty-two states' general jurisdiction trial court systems report comparable felony filing data for the period 1984 to 1993. After nine years of rapid increases, felony filings turned down in 1993. This 2 percent decline dampens only slightly the substantial growth in felony filings of 68 percent since 1984.

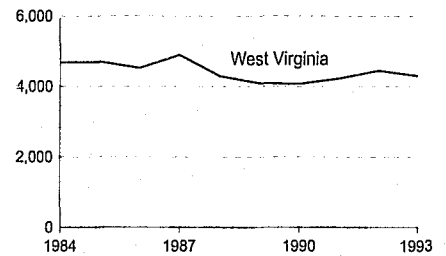
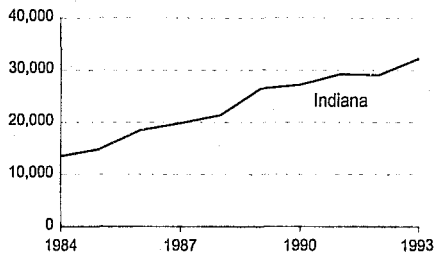
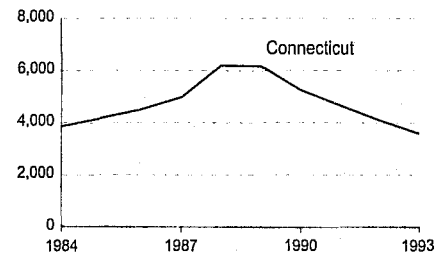
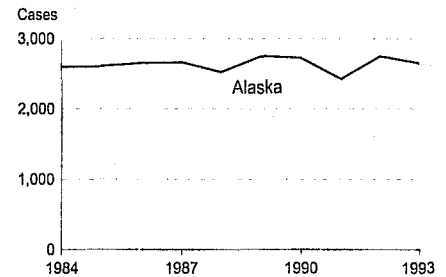
Felony Cases Filed in General Jurisdiction Courts in 32 States, 1984-1993



The aggregate picture above masks the different patterns of growth experienced by individual states, some of which are displayed to the right. Some states, such as Alaska, have maintained a stable rate of felony filings. Although there is some fluctuation in filing activity, the long-term rate is rather constant.

Connecticut, similar to several other states, saw felony filings rise rapidly during the mid-to-late 1980s before turning downward in the early 1990s. Another pattern states exhibit is continuous growth throughout the 10-year period; Indiana, for example, experienced a 136 percent growth in felony filings between 1984 and 1993. West Virginia is the only state to experience a gradual decrease in felony filings over the 10-year period, ending with 9 percent fewer filings.

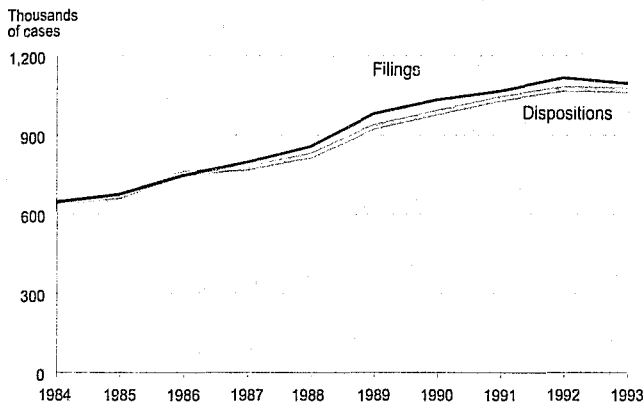
Felony Cases Filed in Selected States, 1984-1993



## Felony Caseload Filing Trends

The trend line below tracks felony filings and dispositions for the period 1984 to 1993. The data show that in the aggregate, state courts were reasonably successful in keeping up with the rapid rise in felony filings over the past ten years. In 1993, the nation's state courts, taken together, disposed of roughly 100 percent of their total felony filings.

Comparing Felony Filings to Dispositions, 1984-1993



Two techniques that illuminate the aggregate felony filing and disposition numbers are (i) comparing state-to-state differences in felony filing rates per 100,000 population and (ii) examining felony clearance rates across the states.

The table to the right displays felony filings per 100,000 population, and ranks the states by the change in population adjusted filing rates from 1991 to 1993. The majority of states experienced an increase in the number of felonies filed per 100,000 population since 1991. Falling felony filing rates in several populous states (e.g. California, Florida, New York), however, were sufficient to achieve a drop in felonies at the national level.

Ten states have increases in felony filing rates of over 5 percent per year, with several states, such as Massachusetts and Kentucky, experiencing increases of over 10 percent per year.

There is some evidence that the growth in felony filings may be slowing. Only 14 states had higher filing rates in 1993 than in 1992. Large increases in the mid-1980s tapered off to relatively slight increases since 1991 in many states.

Growth Rates for Felony Filings in General Jurisdiction Courts in 38 States, 1991-1993

State	Growth 91-93	Filings per 100,000 Population		
		1993	1992	1991
Massachusetts	30.4%	126	96	97
Kentucky	27.7	519	454	406
Hawaii	24.8	349	403	280
South Dakota	19.3	624	625	523
Wyoming	18.5	352	275	297
Arkansas	18.3	1,384	1,325	1,170
North Dakota	17.1	339	307	289
Vermont	16.5	476	453	409
Kansas	14.4	524	532	458
North Carolina	11.8	1,227	1,253	1,097
Indiana	9.5	568	511	519
Idaho	9.1	686	666	629
Louisiana	7.9	739	636	685
Oklahoma	7.1	955	930	892
Virginia	6.6	1,190	1,159	1,116
Alaska	5.8	453	471	428
Minnesota	5.7	388	363	367
Colorado	4.0	636	650	612
Iowa	3.9	478	498	460
Oregon	3.0	918	912	892
Illinois	2.7	693	677	674
Tennessee	2.5	1,150	1,170	1,122
Ohio	2.4	579	593	565
West Virginia	1.5	238	245	234
Pennsylvania	1.5	1,163	1,169	1,146
Texas	1.4	844	871	832
New Hampshire	0.8	670	684	665
Missouri	0.5	861	913	857
Maryland	0.4	1,300	1,382	1,295
Washington	-0.4	546	555	548
Arizona	-0.9	691	722	697
Nebraska	-4.7	320	357	336
California	-5.2	505	533	533
New York	-8.6	396	424	434
Florida	-11.4	1,246	1,314	1,406
New Jersey	-12.7	616	655	705
Maine	-15.9	311	352	370
District of Columbia	-16.3	3,046	2,975	3,641

Note: The median felony filing rate in 1993 was 620 cases per 100,000 population.

## Felony Clearance Rates

Most states face large and increasing felony caseloads, which presents a number of challenges to state courts. Felony case processing is subject to more stringent time standards than civil case processing. Directing additional resources to the backlog of felony cases is one solution, but it may simply displace the problem by imposing delay on civil litigants who want and are entitled to court adjudication of their disputes. The clearance rate of felony caseloads is a key measure of the sufficiency of court resources for responding to rising crime rates.

The accompanying table presents clearance rates in general jurisdiction courts in 39 states for 1991 to 1993. Clearance rates over the three years are similar in some general jurisdiction courts but vary widely in others. The three-year measure smooths year-to-year fluctuations in clearance rates. Half of the states have the same or lower clearance rates in 1993 than in 1991.

Only seven states have three-year clearance rates over 100 percent. At the other extreme, seven states have clearance rates ranging from 54 to 88 percent. Many of the states with high clearance rates, such as West Virginia, New York, Wisconsin, and the District of Columbia, experienced decreases in their total felony filings from 1991 to 1993. The two other states with high clearance rates, New Hampshire and Rhode Island, show only a 1 and 2 percent growth rate respectively in felony filings.

The states with the lowest clearance rates, South Dakota and Hawaii, had significant increases in the number of felony filings from 1991 to 1993. Given the general pattern of rising felony filings, the expectation is that for the future felony cases will continue to be a significant portion of general jurisdiction court caseloads. This projection has substantial implications for planning and allocating court resources.

Felony Clearance Rates in General  
Jurisdiction Courts in 39 States, 1993

State	Clearance Rates			
	1991-93	1993	1992	1991
New Hampshire	118%	127%	120%	106%
West Virginia	105	100	110	103
New York	104	105	103	105
Rhode Island	103	100	110	98
Wisconsin	102	102	102	102
Pennsylvania	101	99	102	101
District of Columbia	101	102	104	96
Georgia	99	101	101	97
Ohio	99	102	99	97
Minnesota	99	99	101	98
Texas	99	101	96	101
Vermont	99	102	101	92
Maine	99	98	105	93
Colorado	98	98	97	100
Virginia	98	99	98	96
Nebraska	98	100	95	98
Illinois	97	98	96	98
Massachusetts	97	90	94	107
Arkansas	96	93	97	98
Idaho	96	97	94	97
Alaska	96	90	99	99
North Carolina	96	99	93	94
Puerto Rico	95	96	96	94
Maryland	95	97	94	95
Iowa	95	94	98	91
Oregon	94	95	94	95
Missouri	94	100	92	90
Arizona	93	99	88	93
Alabama	93	93	93	94
California	93	89	95	95
Indiana	92	92	92	92
Florida	90	90	89	91
Kentucky	88	95	81	88
Tennessee	87	84	89	89
Connecticut	85	80	99	113
Utah	85	74	92	104
Oklahoma	85	88	83	83
Hawaii	75	79	70	79
South Dakota	54	49	48	67

## Felony Trial Rates

The process for handling felony cases at the trial stage is quite similar across states. In minor criminal cases the trial is usually held before a judge, while in more serious felony cases the defendant can choose to go before a judge or have the case decided by a jury. Overall, trials occur in 7.5 percent of the felony cases, with jury and bench rates comprising 3.3 and 4.2 percent of trials, respectively. However, once Virginia is removed from the average, bench trials account for 1.8 percent and juries 3.2 percent of the dispositions. The method in which Virginia counts trials (charge based) differs from other states in the analysis.

For states that count trials comparably, felony trial rates range from a low of 2.6 percent in Missouri to a high of 9.9 percent in Alaska. Overall, jury trial rates occupy a range between 2 and 7.7 percent. The frequency of bench trials has an even narrower range, with all states reporting rates between .1 and 4.4 percent.

How trials are defined offers a likely explanation for the variation in trial disposition rates among states. Some states count a case as disposed by jury trial only if the case is tried to verdict. This contrasts with the practice of other states that count a case as disposed by jury trial once a jury is empaneled. Variation in trial rates may also be related to differences in state laws, prosecutorial policies, case screening practices, and local legal culture.

Trial Rates for Felony Cases in General Jurisdiction Courts in 18 States, 1993

State	Total Criminal Dispositions	Trial Rates		
		Total Trial	Bench	Jury
Virginia	75,447	31.8%	27.3%	4.5%
Alaska	2,392	9.9	2.3	7.7
West Virginia	4,321	9.6	2.8	6.8
Indiana	29,179	8.2	4.4	3.9
New Mexico	7,904	7.4	2.6	4.8
Hawaii	3,191	7.3	1.1	6.2
California	139,213	5.9	1.8	4.1
Pennsylvania	138,678	5.7	3.4	2.3
Kansas	13,474	5.0	1.2	3.8
Maine	3,746	4.9	0.6	4.2
New Jersey	49,227	4.5	0.4	4.1
Ohio	64,701	4.5	1.6	2.9
Minnesota	17,240	4.3	0.6	3.7
District of Columbia	18,343	3.9	0.1	3.9
Texas	151,037	3.9	1.0	2.8
Oklahoma	26,953	3.6	1.6	2.0
Vermont	2,765	3.1	0.2	2.9
Missouri	44,769	2.6	0.6	2.0
<b>Total</b>	<b>792,580</b>	<b>7.5</b>	<b>4.2</b>	<b>3.3</b>
<b>Total (w/out VA)</b>	<b>717,133</b>	<b>5.0</b>	<b>1.8</b>	<b>3.2</b>



## Felony Nontrial Dispositions

The most common method for disposing felony cases is by guilty plea (57 percent). The data below indicate that an additional one-third of all felony filings are dismissed, nolle prossed, or diverted by the prosecutor or judge after filing. Together, guilty pleas and other nontrial means dispose 93 percent of felonies.

That the majority of felony cases are not disposed at trial is the source of ongoing, national debate over the nature and propriety of guilty pleas. At the center of this debate is the interaction between the prosecutor, defense counsel, and judge in obtaining guilty pleas. The conventional view of plea bargaining is that because of caseload pressure or to avoid the cost of trial, prosecutors are willing to reduce the severity of the charges in exchange for a plea of guilty. Although many pleas are the result of negotiation between the prosecutor and defense counsel, a sizable number of charge reductions are made unilaterally by the prosecutor and reflect the belief that the appropriate charge at conviction should be less serious than the charge at arrest. The precise characteristics of the guilty plea process vary between states, but one uniform result is that few of the thousands of people charged with crimes each year will actually go to trial.

Judges dismiss or prosecutors nolle prosequi roughly 20 percent of felonies. This may occur before court proceedings begin, or after a court hears evidence or calls witnesses. "Other" types of dispositions include cases diverted, transferred, or instances where the defendant may have absconded or died.

Felony Nontrial Rates in General Jurisdiction Courts in 20 States, 1993

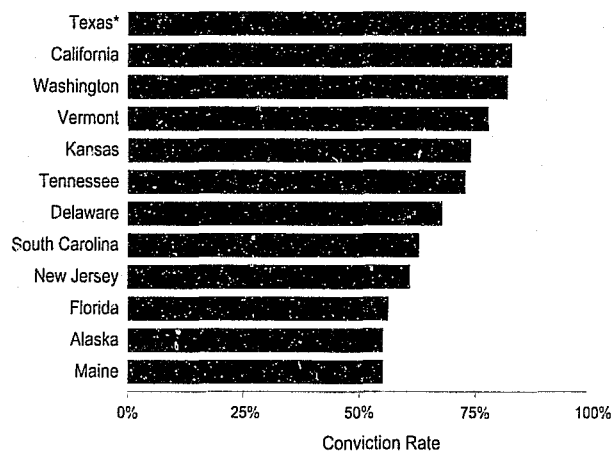
State	Total Felony Dispositions	Nontrial Rates			
		Total Nontrial	Pleas	Dismiss/Prosequi	Other
Rhode Island	5,784	97.9%	87.4%	9.2%	1.3%
North Carolina	83,305	97.5	63.1	32.7	1.7
Missouri	44,769	97.4	55.0	32.9	9.4
Vermont	2,765	96.9	70.1	20.1	6.7
Oklahoma	26,953	96.4	61.7	34.7	0.0
Texas	151,037	96.1	48.9	22.7	24.6
District of Columbia	18,343	96.1	28.0	56.9	11.3
South Dakota	2,175	95.6	46.9	48.7	0.0
Ohio	64,701	95.5	70.8	10.3	14.5
New Jersey	49,227	95.5	67.6	16.8	11.1
Maine	3,746	95.1	73.1	20.0	2.1
Kansas	13,474	95.0	63.1	20.7	11.2
Delaware	2,855	94.7	73.2	17.5	4.0
Pennsylvania	138,678	94.3	53.5	7.7	33.1
Washington	29,052	94.2	73.9	15.0	5.3
Hawaii	3,191	92.7	62.0	18.7	12.0
New Mexico	7,904	92.6	60.8	14.0	17.8
Indiana	29,179	91.8	71.9	18.0	1.9
Alaska	2,392	90.1	68.0	20.2	1.8
Virginia	75,447	68.2	44.6	15.5	8.1
<b>Total</b>	<b>754,977</b>	<b>92.8</b>	<b>57.2</b>	<b>20.0</b>	<b>15.6</b>
<b>Total (w/out VA)</b>	<b>679,530</b>	<b>95.6</b>	<b>58.6</b>	<b>20.5</b>	<b>16.4</b>

## Conviction Rates

Criminal trials in state courts adhere to a common format. The first step in cases to be tried before a jury is, of course, the selection of the jurors. The prosecutor begins the trial with an opening statement that summarizes the evidence against the defendant. The defense then responds. As the case proceeds, both the prosecution and defense may call witnesses and introduce evidence. After both sides have presented their case, closing arguments are made by the prosecutor and defense counsel.

With the completion of the trial, the judge or jury makes a decision about the guilt of the accused. If the verdict is not guilty, the case against the defendant is dismissed. If the verdict is guilty, the convicted felon may be released on bail or held in custody until sentencing. Whatever reasoning underlies the decision to proceed to trial, the graph below shows that the rate of acquittal is fairly low. On average, two-thirds of all defendants who went to trial in these 12 states' general jurisdiction courts in 1993 were convicted. The figures are consistent over time, complementing a similar analysis in the Court Statistics Project's Annual Report, 1988.

Felony Conviction Rates in General Jurisdiction Courts in 12 States, 1993



\*Texas data only include conviction rates for jury trials.

A recent spate of highly publicized criminal trials has raised the public's awareness of the trial process—and the length of time it may take to serve on a jury. Research shows that the typical nonjury criminal trial lasts between three and four hours. Jury trials, on average, take about three times longer (11 hours). Examining the components of the jury trial shows that the prosecution consumes considerably more time at trial than the defense—about twice as much. The second longest stage in a criminal trial is usually jury selection.

# **S**tate Appellate Court Caseloads

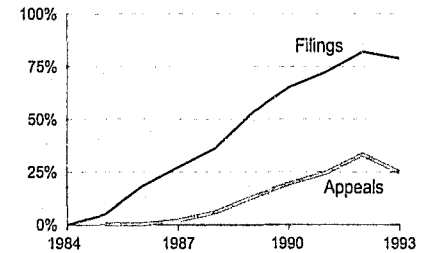
## Comparing State Trial Court Filings and Appeals

The volume of appeals directly affects the capacity of appellate courts to correct lower court errors and ensure uniformity in the application of laws. Even in the most efficiently managed courts, the number of cases per judge can reach the point where either quality is diminished or court productivity drops. Hence, it is essential for appellate courts to know their past, current, and estimated caseload volumes, and whether the volume of appeals has stretched available resources and expedited procedures to their limits.

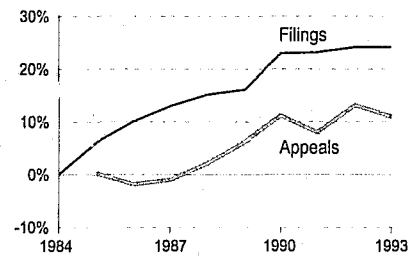
Estimating the growth rate of civil and criminal appeals requires an understanding of the factors causing appellate caseload growth. The basic source of appeals, of course, is the trial courts. The graph to the right displays the percentage change in felony filings in state trial courts and the percentage change in criminal appeals entering intermediate appellate courts for the period 1984 to 1993. While state-to-state differences exist in which felony convictions can be appealed, overall increases in the criminal appeal rate appear to track the felony filing data closely. Moreover, criminal appeal rates seem to be most closely related to the rate of felonies filed in trial courts in the same year.

The adjacent graph offers a similar comparison of the rate of civil filings in trial courts with the rate of civil appeals over ten years. As with the felony filing data, there appears to be a link between civil filings in the trial courts and the number of civil appeals. However, as seen in the graph below, the trial court cases most related to civil appeals are those from two years before. That is, on average, the time from trial court filing to appellate court docketing is approximately two years.

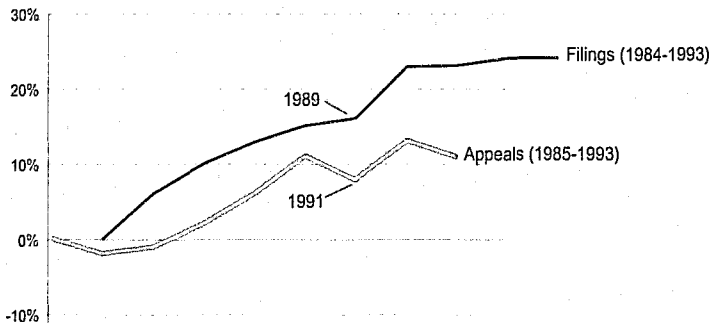
Felony and Criminal Caseload Growth Rates in Trial Courts and Intermediate Appellate Courts, 1984-1993



Civil Caseload Growth Rates in Trial Courts and Intermediate Appellate Courts, 1984-1993



Civil Caseloads with Two-year Time-adjusted Trend Lines

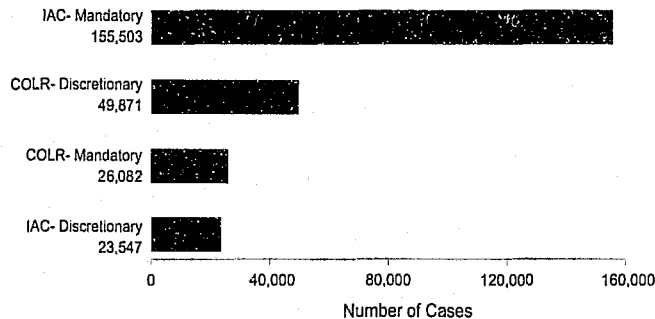


## Appellate Caseloads Nationwide

During 1993, approximately the same number of appeals were filed in the 50 states and the District of Columbia as in the preceding year, when the volume reached an all-time high. The total number of appellate filings, 255,003, is about 2 percent less than 1992.

Most of the quarter of a million cases filed in 1993 are appeals of right, which the state appellate courts are mandated to hear. Mandatory appeals numbered 181,585 in 1993, or 71 percent of the nationwide appellate court caseload. Intermediate appellate courts (IACs), which hear most of the mandatory appeals, saw their total mandatory caseload fall from 160,725 to 155,503 between 1992 and 1993.

Total Appellate Caseloads, 1993



Discretionary appeals are the largest segment of caseload in most courts of last resort (COLRs). In 1993, COLRs heard 49,871 discretionary cases compared to 49,785 in 1992.

IACs handle most of the appeals (70 percent). Furthermore, the largest category of appeals is within the mandatory jurisdiction of IACs (61 percent). For every discretionary petition that an IAC is asked to accept, there are nearly seven appeals of right that they must accept.

## State Appellate Caseloads

Ten states stand out in terms of appeals and account for a sizable majority of the nation's appellate filings (California, Florida, New York, Texas, Michigan, Pennsylvania, Ohio, Louisiana, Illinois, New Jersey). Fluctuations in the volume of appeals in these states shape the national picture significantly.

At the other end of the spectrum, 15 states had fewer than 1,200 appeals filed in their appellate courts in 1993. These states tend to have appellate systems that consist of a court of last resort only. In fact, 10 of the 12 states that do not have an intermediate appellate court fall within this group.

COLRs without an IAC tend to process primarily mandatory appeals, similar to the prevalence of mandatory appeals among most IACs. This suggests that first-level appellate courts, whether they are IACs or COLRs without an IAC, are similar in caseload composition: they tend to have virtually all mandatory jurisdiction, and they handle all or the bulk of their respective state's appeals.

The size of appellate caseloads varies dramatically across the states, with states reporting as few as 300 (Wyoming) and as many as 27,000 (California) appeals in 1993. The adjacent table ranks the states according to their number of filings, while providing a breakdown of caseloads by mandatory and discretionary classification. The population rank puts cross-state comparisons in proper perspective.

A few states with smaller populations have a higher than expected number of filed appeals. Louisiana for example, has the second largest number of discretionary appeals. By 1993, Louisiana accounted for over 10 percent of the nation's discretionary appeals.

Total Appellate Court Filings, 1993

State	Total	Type of Filing		Population Rank
		Mandatory	Discretionary	
California	27,319	14,346	12,973	1
Florida	20,635	16,505	4,130	4
New York	17,317	12,828	4,489	2
Texas	15,343	12,292	3,051	3
Michigan	14,864	9,272	5,592	8
Pennsylvania	14,224	11,461	2,763	5
Ohio	13,647	11,715	1,932	7
Louisiana	11,976	4,182	7,794	21
Illinois	11,902	9,997	1,905	6
New Jersey	9,871	7,101	2,770	9
Oregon	5,455	4,582	873	29
Arizona	5,330	3,816	1,514	23
Georgia	5,318	3,214	2,104	11
Missouri	5,057	4,323	734	15
Washington	4,954	3,542	1,412	16
Alabama	4,902	4,165	737	22
Oklahoma	4,728	4,221	507	28
Virginia	4,526	682	3,844	12
Wisconsin	4,446	3,290	1,156	18
Kentucky	4,098	3,213	885	24
Massachusetts	3,573	1,907	1,666	13
Tennessee	3,534	2,328	1,206	17
Colorado	3,460	2,379	1,081	26
Maryland	3,381	2,284	1,097	19
Minnesota	3,358	2,559	799	20
Indiana	2,808	2,204	604	14
Kansas	2,197	1,689	508	32
North Carolina	2,151	1,449	702	10
<b>West Virginia</b>	2,113	NJ	2,113	35
Iowa	1,997	1,997	NA	30
District of Columbia	1,745	1,724	21	48
Arkansas	1,643	1,643	NA	33
New Mexico	1,500	1,014	486	37
Utah	1,467	1,422	45	34
Connecticut	1,322	1,322	NA	27
Hawaii	1,275	1,227	48	40
Mississippi	1,182	1,113	69	31
Nevada	1,138	1,138	NA	38
Nebraska	1,135	1,135	NA	36
South Carolina	1,076	1,002	74	25
Alaska	1,052	776	276	49
New Hampshire	864	NJ	864	41
Idaho	738	637	101	42
Rhode Island	737	449	288	43
Montana	659	521	138	44
Maine	654	654	NA	39
Vermont	649	622	27	50
Delaware	542	542	NA	46
South Dakota	426	386	40	45
North Dakota	409	409	NJ	47
Wyoming	306	306	NA	51
<b>Totals</b>	<b>255,003</b>	<b>181,585</b>	<b>73,418</b>	

NJ = No jurisdiction

NA = Not available

Note: States in bold have no intermediate appellate court.

## Appellate Caseload Filing Trends

The decline in appellate filings between 1992 and 1993, should be viewed in light of the long-term trend in appellate court filings. From 1984 to 1993, the total number of appellate court filings increased each year. Therefore, while appellate caseloads stabilized between 1992 and 1993, one cannot yet say there is a reversal in the trend of rising caseloads.

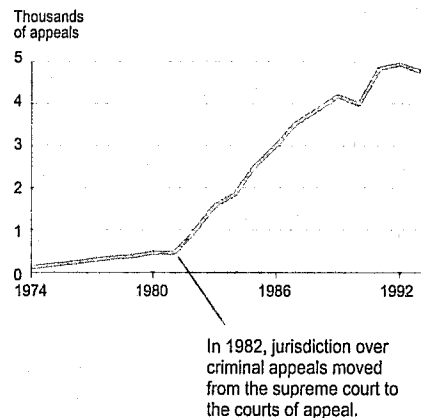
As seen below, mandatory appeals in IACs have grown at a rate of over 3 percent per year between 1984 and 1993. IAC discretionary caseloads, while smaller in number, have averaged growth of over 5 percent per year.

The IAC discretionary filing trend is strongly shaped by the dramatic increases in Louisiana. In fact, the national growth rate falls from 48 to 30 percent if Louisiana is excluded from the analysis.

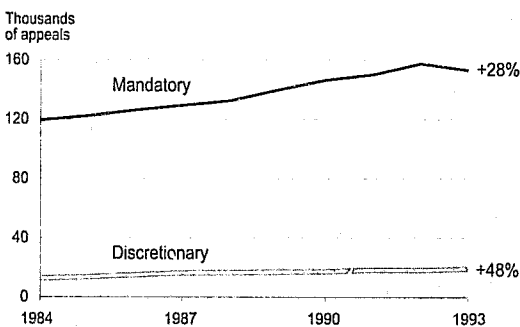
Steady growth has occurred in COLR caseloads over the past decade. While lower than that for IACs, a rising tide of appeals causes unique problems for COLRs because the number of justices remains fixed.

Continued growth in appellate caseloads has led to two developments. One is the use of central staff attorneys working for the court as a whole (as distinguished from law clerks working for individual judges) to screen incoming appeals, prepare memoranda, and sometimes draft proposed opinions. Another development is the use of expedited procedures for selected cases. These typically involve routing less complex appeals through a shortened process that may involve, for example, preargument settlement conferences or the elimination of oral argument.

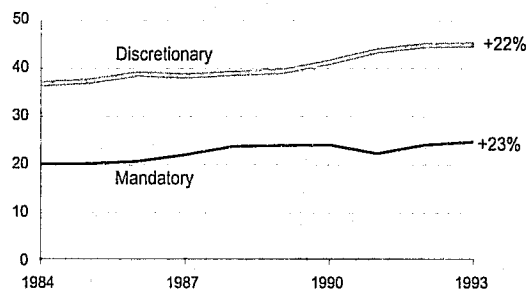
Louisiana IAC Discretionary Caseload, 1974-1993



Intermediate Appellate Court Caseloads, 1984-1993



Courts of Last Resort Caseloads, 1984-1993



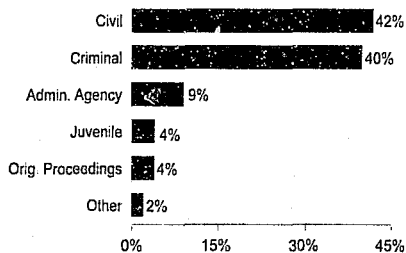
## Composition of Appellate Caseloads

Criminal and civil appeals dominate the workload of both appellate levels. Criminal appeals are usually brought by a defendant convicted at trial. These individuals most often allege trial court error, ineffective assistance of counsel or incorrect sentencing. However, about one-quarter to one-third of criminal appeals stem from nontrial proceedings (e.g., guilty pleas and probation revocation hearings).

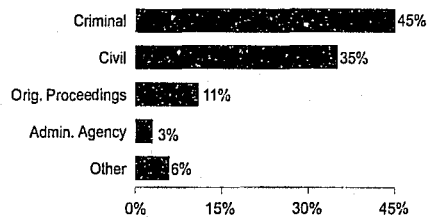
Civil appeals also allege trial court error, such as improper jury instructions, allowing inadmissible evidence, and misinterpretation, and hence misapplication, of the law. These appeals generally arise from dispositions on motions (e.g., summary judgment) and, in a smaller number of cases, from jury and bench trials.

To understand the demand civil and criminal appeals place on appellate courts, one must examine how the volume has changed over time. As caseloads grow, greater efficiency is required to dispose of the cases. Unless greater efficiency is achieved through the adoption of procedural innovations, backlogs inevitably develop. Even with procedural innovations in place, substantial increases in caseload volume mean that more judges and court staff are needed to maintain quality review.

Type of Mandatory Appeals in Intermediate Appellate Courts, 1993



Type of Discretionary Appeals in Courts of Last Resort, 1993

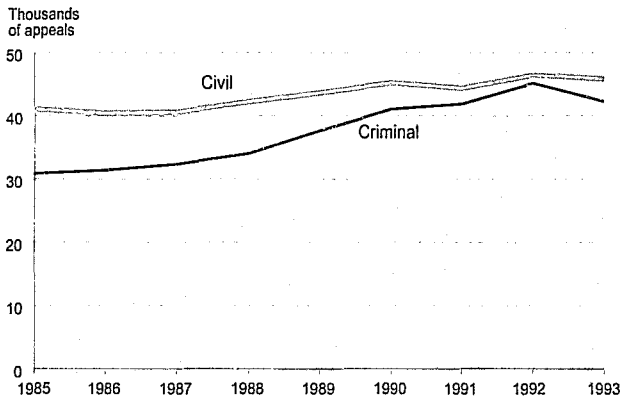




## Mandatory Appeals in Intermediate Appellate Courts

This analysis focuses on the growth in civil and criminal appeals in COLRs and IACs for the largest portions of their respective caseloads—discretionary petitions for COLRs and mandatory appeals for IACs. In state intermediate appellate courts, the volume of mandatory civil appeals increased by 11 percent and the volume of criminal appeals grew by 37 percent between 1985 and 1993. A more complete understanding of these aggregate growth patterns emerges by examining the connection between the national patterns and the patterns in individual states.

Mandatory Appeals in Intermediate Appellate Courts, 1985-1993

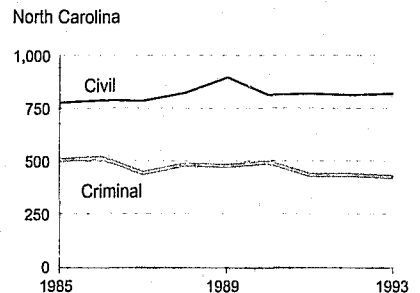
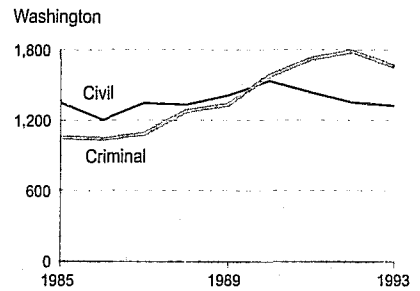
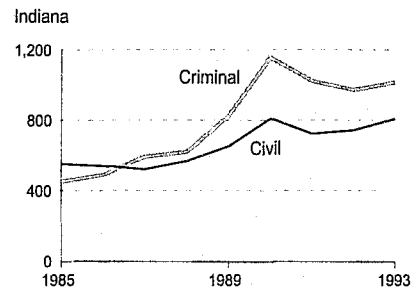
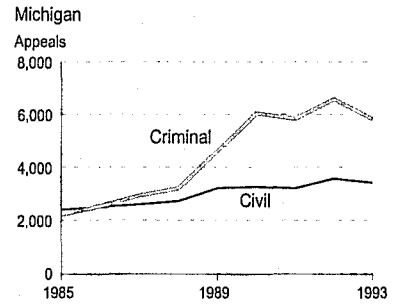


First, there are states where the growth rate in the number of appeals filed each year is extraordinary. In Michigan and Indiana, for example, the number of criminal appeals nearly tripled between 1985 to 1991, before leveling off for the past few years. Civil appeals also showed substantial growth in both states.

A second cluster of states shows increases in one type of appeal and relative stability in the other. Washington state experienced an increase in excess of 60 percent in criminal appeals, while ending 1993 with approximately the same number of civil appeals as were filed in 1984.

A third cluster of states shows long-term stability in filing rates, if not actual declines in the number of appeals. This situation occurred, for example, in North Carolina.

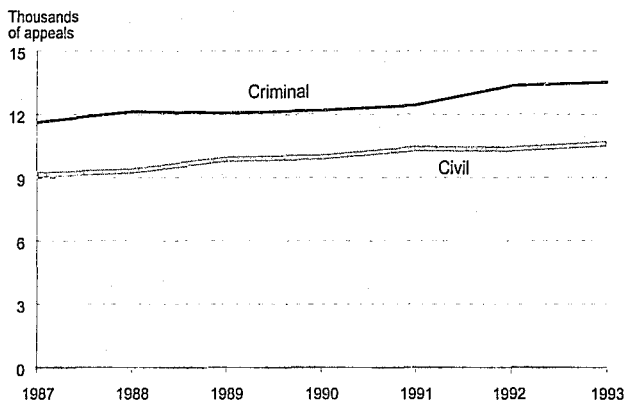
Mandatory Appeals in Intermediate Appellate Courts in Selected States, 1985-1993



## Discretionary Petitions in Courts of Last Resort

Most courts of last resort are able by their jurisdictional nature to decide what types of cases they will hear. From 1987 to 1993, 13 states were able to provide statistics on the number of discretionary civil petitions filed in their state supreme courts and 14 courts provided similar information for discretionary criminal appeals.

Discretionary Appeals in 14 Courts of Last Resort, 1987-1993

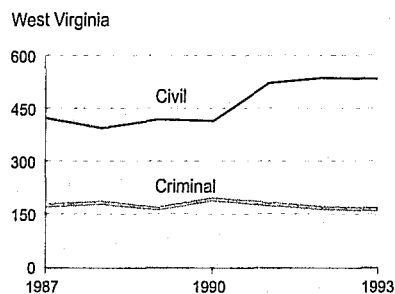
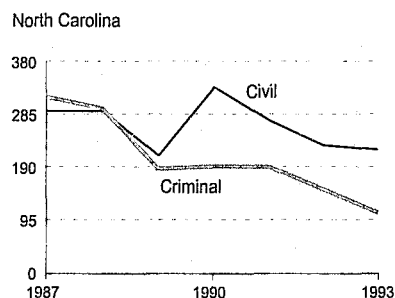
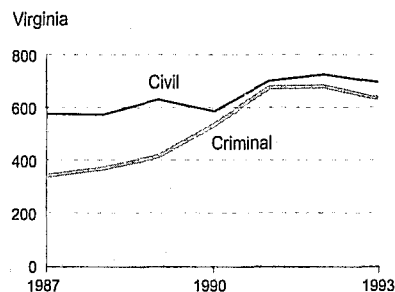
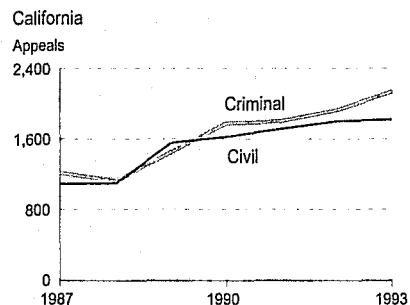


Growth at the national level is strongly shaped by the volume and upward trends observed in California. There is a good deal of variation, however, among the courts underlying the aggregate growth rate. Virginia, for example, registered an 88 percent increase in discretionary criminal appeals, with California showing a similar level of growth (77 percent). On the other hand, the North Carolina COLR experienced a decline in both civil and criminal appeals over the same period (31 percent, and 200 percent, respectively).

West Virginia, a state where the jurisdiction of the court is entirely discretionary and there is no intermediate appellate court, experienced a high growth rate in civil cases of 27 percent.

It is important for states that are experiencing a rise in discretionary caseloads to develop methods to dispose these cases in a timely manner. From casual observation, the amount of time actually allocated to each discretionary appeal is uncertain given that few are granted and actually decided on the merits. However, any increase in appeals reaching a court of last resort is important because these courts are fixed in size by state constitution—additional justices are rarely, if ever, added to these courts.

Discretionary Filings in Courts of Last Resort in Selected States, 1987-1993



## Appellate Filing Rates

Undoubtedly, there are many reasons why the volume of appeals changes over time, including the opportunity for indigent criminal defendants to file appeals with the support of publicly appointed counsel and the effects of changing economic conditions (e.g., a recession may depress particular types of litigation and stimulate other types). The full catalog of reasons why appeals are filed is beyond the scope of this report, but it is possible to show the fundamental importance of state population size as a predictor of litigation.

The table shows the volume of appeals per 100,000 population and differentiates between those states with both a court of last resort and an intermediate court of appeals and those having only a court of last resort. Because population is such an important determinant of the number of appeals, it is not surprising that when all one- and two-tiered systems are combined, the appellate filing rates of most states fall within approximately 50 filings of the median rate of 87 filings per 100,000 population in Texas and Kansas. Thus, while Texas, for example, has the fourth largest absolute number of appeals, its number of filings per 100,000 population actually is the nation's midpoint rate. Focusing on states with a COLR but no IAC reveals that 9 of 12 states fall below the median appellate filing rate.

### Total Appellate Filings per 100,000 Population, 1993

States with an Intermediate Court of Appeals and a Court of Last Resort

State	Appeals per 100,000 Population
Louisiana	279
Oregon	183
Alaska	179
Michigan	158
Florida	153
Oklahoma	147
Arizona	139
New Jersey	127
Ohio	124
Alabama	119
Pennsylvania	118
Hawaii	110
Kentucky	109
Colorado	100
Illinois	99
Missouri	97
Washington	96
New York	96
New Mexico	95
Wisconsin	89
California	89
Kansas	87
Texas	87
Utah	81
Georgia	79
Minnesota	75
Iowa	71
Virginia	71
Nebraska	71
Tennessee	70
Idaho	69
Maryland	69
Arkansas	68
North Dakota	64
Massachusetts	60
Indiana	50
Connecticut	41
North Carolina	31
South Carolina	30

States with only a Court of Last Resort

District of Columbia	296
West Virginia	117
Vermont	114
Nevada	86
Montana	80
Delaware	79
New Hampshire	78
Rhode Island	73
Wyoming	66
South Dakota	60
Maine	53
Mississippi	45

## Intermediate Appellate Court Clearance Rates

Most appellate courts have problems keeping up with caseload volume. One measure of whether an appellate court is keeping up with its caseload is the court's clearance rate. A rate of 100 percent or more indicates that more cases were disposed than were accepted for review in that year. The table below includes clearance rates for intermediate appellate courts, and makes a distinction between mandatory appeals and discretionary petitions.

IACs are having moderate success in keeping up with their mandatory caseloads: 16 of the 36 states have a three-year clearance rate of 100 percent or greater, with an additional 11 states clearing 95 percent or more. In the remaining nine states, however, the backlog is growing by at least three percent each year. This is a cause for concern because the bulk of the nation's appeals are mandatory cases handled by IACs. Intermediate appellate courts are experiencing somewhat greater success in disposing of discretionary petitions. Seven of the 14 states for which data are available achieved three-year clearance rates of 100 percent or more.

### Clearance Rates in Intermediate Appellate Courts, 1991-93

Mandatory Appeals					Discretionary Petitions				
State	Clearance Rates				State	Clearance Rates			
	1991-93	1991	1992	1993		1991-93	1991	1992	1993
New York	113%	121%	106%	113%	Virginia	108%	125%	123%	125%
Louisiana	105	99	109	107	Alaska	104	110	95	104
California	105	99	113	102	California	101	103	83	101
Idaho	104	116	90	112	Kentucky	100	100	76	104
Ohio	104	105	105	103	North Carolina	100	100	100	85
Oregon	104	89	99	128	Massachusetts	100	100	100	100
Colorado	104	102	106	103	Maryland	100	100	100	100
Alaska	103	86	119	107	Florida	98	93	91	91
Alabama	102	107	102	98	Georgia	97	86	100	100
Iowa	101	104	102	98	Louisiana	97	92	98	98
Michigan	101	87	115	104	Arizona	97	88	84	86
Arkansas	101	100	110	94	Tennessee	94	75	77	50
New Mexico	101	100	99	103	Washington	92	76	90	104
Indiana	100	119	98	85	Minnesota	86	82	98	80
South Carolina	100	88	110	103					
Minnesota	100	100	97	103					
Oklahoma	99	95	122	84					
Arizona	99	86	88	129					
New Jersey	98	103	94	98					
Tennessee	98	100	100	94					
Maryland	98	90	103	101					
Florida	98	102	96	96					
Utah	97	96	92	102					
Pennsylvania	97	96	93	101					
Wisconsin	97	100	92	98					
Georgia	96	83	102	102					
Illinois	95	96	93	96					
Texas	94	94	87	102					
Missouri	94	93	95	94					
North Carolina	93	107	84	87					
Connecticut	92	98	90	89					
Kansas	91	90	93	91					
Kentucky	91	81	93	97					
Massachusetts	91	95	81	97					
Washington	90	79	95	99					
Hawaii	62	102	68	42					

### Courts of Last Resort Clearance Rates

Clearance rates for mandatory appeals in COLRs parallel those of IACs, with 14 of the 33 states showing three-year rates of 100 percent or more. Eleven of the remaining 19 COLRs have rates of 95 percent or more.

Discretionary petitions constitute the bulk of the workload for courts of last resort, especially those in a two-tiered appellate system. The three-year clearance rates for 10 of the 32 COLRs for which a three-year rate could be calculated are 100 percent or better. Hence, COLRs are not as successful in keeping up with discretionary petitions as they are in keeping up with mandatory cases.

The success with which appellate courts meet the demands placed on them is mixed. COLRs manage to dispose of mandatory appeals, at least in most courts. However, success is less widespread among these courts in handling discretionary petitions, which are the bulk of their work. For IACs, the situation is reversed. They experience greater difficulties in the mandatory arena, which is where most of their work lies.

Clearance Rates in Courts of Last Resort, 1991-93

Mandatory Appeals					Discretionary Petitions				
State	Clearance Rates				State	Clearance Rates			
	1991-93	1991	1992	1993		1991-93	1991	1992	1993
Arizona	111%	122%	117%	94%	District of Columbia	125%	100%	100%	219%
Connecticut	110	100	91	161	Indiana	105	94	123	98
Vermont	109	121	100	108	Michigan	103	109	110	92
South Dakota	108	117	96	110	Oklahoma	103	106	78	129
Indiana	106	117	104	99	Alaska	102	94	107	107
New Jersey	106	111	104	100	Florida	102	103	103	100
Georgia	104	93	110	111	New Jersey	102	101	104	101
Washington	104	116	108	90	Texas	101	102	95	106
Alabama	103	117	93	103	Maryland	100	102	97	100
Wyoming	103	100	110	100	California	100	98	101	99
Idaho	101	100	100	104	North Carolina	99	101	102	93
Missouri	100	101	100	97	Missouri	99	99	100	97
Delaware	100	93	104	102	Louisiana	98	106	94	94
Ohio	100	110	108	84	Idaho	98	85	116	93
Rhode Island	99	106	102	85	New York	98	88	98	107
Florida	99	99	101	96	Rhode Island	97	94	95	101
District of Columbia	98	110	90	96	Kentucky	97	89	110	94
Arkansas	98	95	102	98	Hawaii	97	100	91	102
Alaska	98	86	129	83	Washington	97	98	92	100
North Dakota	97	90	110	95	Vermont	97	92	104	96
Kentucky	97	91	100	103	West Virginia	96	84	110	99
Illinois	96	75	102	95	Arizona	96	98	96	94
Maryland	96	94	108	88	Illinois	95	93	96	95
Texas	96	104	90	95	Alabama	94	80	106	103
Minnesota	96	81	104	104	Ohio	92	99	90	88
Louisiana	94	95	100	87	Minnesota	92	89	101	86
Hawaii	93	89	143	65	Oregon	88	92	82	91
Maine	91	91	100	83	Montana	87	NJ	89	85
North Carolina	91	87	114	74	Mississippi	86	95	106	55
Nevada	89	96	87	83	Wisconsin	80	91	74	77
Montana	86	91	82	85	New Hampshire	77	91	66	77
Virginia	83	65	92	80	Virginia	75	67	80	78
Mississippi	82	101	85	64					

## Discretionary Petitions Granted by Courts of Last Resort

On average, during 1993, state COLRs granted 11 percent of the discretionary petitions filed. This winnowing process is shown below by comparing the number of petitions filed with the number granted for the COLRs of 18 states. In states with an IAC, the precise boundaries of the COLR's jurisdiction become important to understanding the flow of cases to the COLR and, possibly, the percentage of petitions that are granted. For example, the types of cases that would go to the IAC in Michigan are filed instead in the COLR in West Virginia, where no IAC has been established and the West Virginia Supreme Court has full discretion over its docket.

Although discretionary jurisdiction enables appellate courts to control their dockets, it does not necessarily resolve the problem of workload. The process of reviewing discretionary petitions is resource intensive and takes an increasing amount of time as the number of discretionary petitions continues to rise.

Discretionary Petitions Granted in 18 Courts of Last Resort, 1993

State	Percentage of Petitions Granted	Number of Petitions Filed	Number of Petitions Granted
West Virginia	31.2%	2,113	660
Massachusetts	29.7	670	199
South Dakota	25.0	40	10
North Carolina	20.2	341	69
Louisiana	16.5	3,021	497
Maryland	14.5	765	111
Alaska	14.2	226	32
Georgia	13.7	1,179	162
Texas	12.0	3,051	366
Minnesota	11.7	733	86
Oregon	11.5	873	100
Ohio	8.4	1,932	163
Missouri	8.2	734	60
Tennessee	7.8	782	61
Illinois	7.4	1,572	116
Kansas	5.3	508	27
Michigan	3.2	2,747	87
California	1.4	5,810	84

### Manner of Disposition in Courts of Last Resort

The manner in which cases are disposed is an indication of the kind of work that appellate courts perform. According to the traditional model of the appellate process, the final product is a published opinion that sets forth the court's reasoning for its decision. Yet, very little is known about the nature of appellate court dispositions. Are there alternative types of dispositions? What are their relative frequency? What are the similarities and differences among different appellate courts? The objective of this section is to explore these questions and to present evidence obtained from a survey of courts of last resort. Twenty-six state courts of last resort provided information on the manner of disposition reached in cases terminated during 1993.

As shown below the courts' dispositions are divided into four basic categories: (1) full-written published opinion, (2) memoranda decisions, (3) denials of petitions and writs, and (4) other types of decisions (e.g., dismissals and transfers to other courts).

Manner of Disposition in 26 Courts of Last Resort, 1993

	Full Published Opinions	Memoranda Decisions	Denial of Petition	Other Disposition	Total
Alabama	745	200	707	382	2,034
Arizona	69	2	1,255	9	1,335
Arkansas	347	75	227	84	733
California	102	0	3,814	1,912	5,828
Colorado	150	43	885	73	1,151
Connecticut	189 (a)	21	157	32	399
Florida	428	1,503	n/a	n/a	1,931
Georgia	344	199	956	397	1,896
Hawaii	60	107	55	525	747
Illinois	88 (b)	1,181	1,440	0	2,709
Iowa	306	162	230	1,341	2,039
Kansas	183	25	487	112	807
Kentucky	104	173	617	140	1,034
Louisiana	120	94	2,158	612	2,984
Michigan	90	182	2,201	43	2,516
Minnesota	120	115	540	84	859
New Mexico	67	58	360	70	555
New York	298 (c)	0	3,668	506	4,472
North Dakota	255	n/a	n/a	127	382
Oregon	128 (b)	42 (a)	797	120	1,087
Pennsylvania	188	0	2,015	430	2,633
South Carolina	206	366	304	1,362	2,238
Tennessee	222 (d)	153	660	n/a	1,035
Texas	229	n/a	917	495	1,641
Utah	139	0	134	445	718
Washington	134	1	809	245	1,189

Notes:

- (a) Includes some per curiam opinions; Oregon's dispositions are all published.
- (b) Includes some opinions that are consolidated.
- (c) Includes all dispositions of appeals on the merits, including per curiam and memorandum opinions.
- (d) Of the 222, the number of published opinions is unknown.

## Manner of Disposition in Courts of Last Resort

The first category is written, published opinions, which set forth the issues in the case and indicate how the court resolved those issues. These decisions almost always can be cited as precedent in future litigation. These decisions clarify the meaning of new laws, achieve uniformity in the law by resolving conflicting opinions among lower tribunals, and address legal disputes of important public policy significance. This category places substantial demands on the courts' resources, but is not the most frequent type of disposition. They average approximately 100 per court, with differences in the number of opinions reflecting differences in the size and jurisdiction of the courts. Five-member courts (e.g., Arizona, Hawaii) understandably produce fewer opinions than seven- or nine-member courts. Additionally, courts with an extensive mandatory jurisdiction (e.g., Alabama) are likely to produce more opinions than courts with predominantly discretionary jurisdictions.

The second way that courts dispose of cases includes a variety of different types of decisions (e.g., memoranda decisions, per curiam opinions, orders without opinions) that are not citable, generally. The courts have examined the cases on their merits, but they believe that the cases do not warrant expansive and detailed statements of the issues, the law, and the facts. A more abbreviated manner of disposition is sufficient to inform the parties of the court's decision. However, these cases need to be factored into the measures of the courts' productivity. They require the court to review the record, to read the briefs, and to articulate a clear and understandable decision.

A third way in which cases are disposed is by denying a petition for review. In most instances of petitions for review, courts of last resort examine the petition, but deny the request for full appellate case processing. For almost all of the courts, this is the largest category of dispositions. Yet, neither the respective roles of justices and staff in this process, nor the amount of time taken to achieve these dispositions is fully known.

Finally, there is a fourth category of dispositions in which cases are resolved short of a decision on the merits because they are either dismissed or transferred to another appellate court. Dismissals might occur because the parties have voluntarily settled the case, the case has been abandoned, or one party failed to comply with court procedures. These cases are part of the court's workload even though they do not require a court decision because they do require attention by the judges and court staff. The courts may have encouraged dismissal by conducting settlement conferences and certainly the clerk's office will have spent time handling the initial stages of the appeal. Transfers occur most frequently in courts of last resort that receive all appeals and then transfer some of them to intermediate appellate courts for review (e.g., Hawaii, Iowa, North Dakota, South Carolina, Utah).



# **C**omparing State and Federal Court Caseloads

## State and Federal Trial Court Caseload Comparison

A basic comparison of state and federal trial courts is shown in the adjacent table. The cases included in this comparison come from courts of general and limited jurisdiction on the state side and from U.S. district courts, U.S. magistrate courts, and U.S. bankruptcy courts on the federal side. Briefly stated, about 98 percent of the nation's total volume of cases are heard in state courts. This comparison is likely too simplistic since state court caseloads are dominated by traffic and local ordinance violation cases that have no counterpart in the federal system. Although the sheer volume of these cases impacts substantially on total court resources, they typically require little, if any, judicial attention.

Therefore, to maximize the comparability of the state and federal court systems, the table below compares civil and criminal caseloads in the primary trial courts of each system: the U.S. district courts and the state trial courts of general jurisdiction. This restriction increases confidence that analogous caseloads are being compared. On the criminal side, the U.S. district courts and the state trial courts of general jurisdiction handle primarily felonies with some serious misdemeanor cases. On the civil side, the state general jurisdiction trial courts somewhat approximate the dollar limits and case types faced by the U.S. district courts.

Filings per judge provide a direct means to compare the relative caseloads of the state and federal courts. The state general jurisdiction judiciary handles 85 times as many criminal cases and 27 times as many civil cases with only 14 times as many judges as the federal judiciary. On average, a judge in a state court of general jurisdiction handles six times as many criminal and two times as many civil cases as a U.S. district court judge.

### Aggregate Filings in Federal and State Courts, 1993

	Filings
<b>Federal Courts</b>	
Criminal	46,786
Civil	229,850
Bankruptcy	897,231
Magistrates	510,057
<b>Total</b>	<b>1,683,924</b>
<b>State Courts</b>	
Criminal	12,987,604
Civil	14,808,314
Domestic	4,540,008
Juvenile	1,664,409
Traffic	55,583,666
<b>Total</b>	<b>89,584,001</b>

Case Filings per Judge: General Jurisdiction Courts vs. U.S. District Courts, 1990-1993

Year	Filings per Judge					
	General Jurisdiction			U.S. District		
	Total	Criminal	Civil	Total	Criminal	Civil
1990	1,390	406	984	462	81	381
1991	1,391	405	986	398	73	325
1992	1,412	417	995	430	75	355
1993	1,529	450	1,079	426	72	354

### State and Federal Trial Court Trends

The adjacent charts compare the growth in total civil, tort, total criminal, and felony filings in state courts of general jurisdiction and U.S. district courts. Taking 1984 as the base year, the charts show the percentage growth in civil and criminal cases filed in trial courts at both the state and federal level.

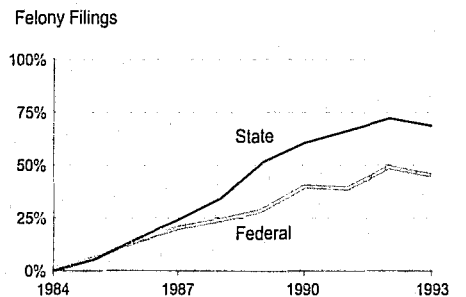
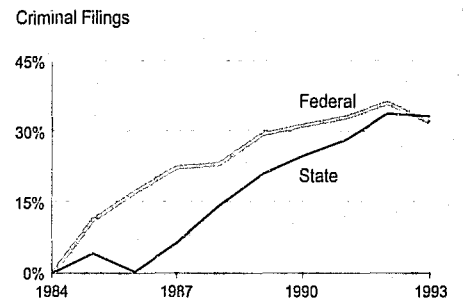
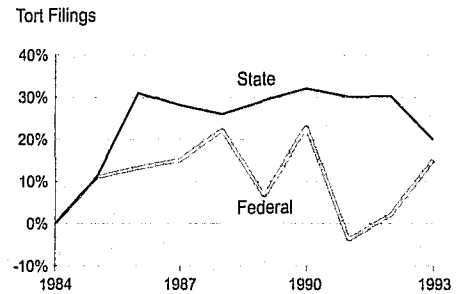
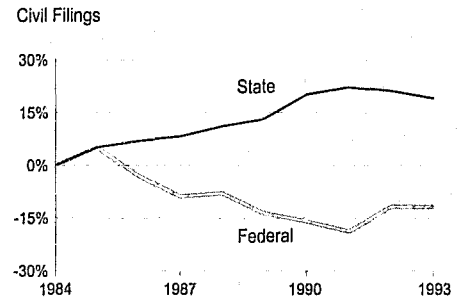
Civil filings (excluding domestic relations) in state courts of general jurisdiction have grown by 18 percent since 1984, while civil filings in the U.S. district courts declined 12 percent over the same period.

At the state level, the bulk of the growth in tort filings occurs in the mid-1980s. The change in tort filings shows a more erratic pattern in the federal courts, with substantial growth taking place since 1991.

Steep increases characterize criminal caseloads in both federal (+32 percent) and state (+33 percent) court systems since 1984, although criminal filings dip between 1992 and 1993 in both state and federal courts.

The most dramatic increases in filings occur in felony caseloads. Similar growth rates in the mid-1980s diverge in 1987 as state felony filing rates began to outpace federal filing rates. The decline in felony filings between 1992 and 1993 is consistent with the decrease in the nation's reported crime rate during the same period.

Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1984-1993



## State and Federal Appellate Court Trends

The chart below compares the growth in appellate caseloads at both the state and federal levels. Appellate filing trends are shown for state intermediate appellate courts and courts of last resort as well as for the U.S. courts of appeals and the U.S. Supreme Court. Since 1984, the most rapid growth occurred in the U.S. courts of appeals, averaging over 6 percent per year, and in the state intermediate appellate courts, averaging more than 3 percent per year. This growth in caseload far outstrips the growth in the number of appellate judges available to decide these cases.

The trends indicate that between 1984 and 1993, appeals at the federal level have grown at a faster rate than filings in the U.S. district courts. Total civil and criminal filings in the U.S. district courts have declined by 7 percent, while the number filed in the courts of appeals has increased 58 percent. In contrast, the increase in appeals entering state intermediate appellate courts has been roughly similar to the growth in civil and criminal filings in state trial courts.

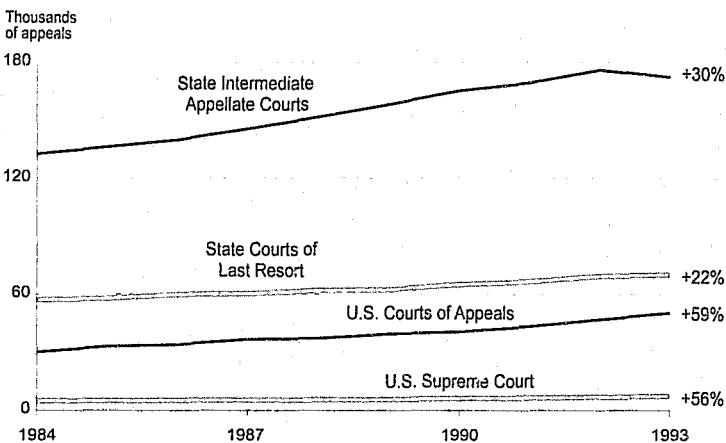
The steady growth in appeals, moreover, threatens the institutional responsibilities of the state courts of last resort and the U.S. Supreme Court. The U.S. Supreme Court seldom grants full review to more than 150 cases per year and most state courts of last resort publish full, written opinions for a similar number of cases.

As seen in the adjacent table, the number of judges serving on courts of last resort tends to remain constant, and rising appellate caseloads mean that these courts must eventually lower the rate at which they accept discretionary petitions.

Number of Justices on Appellate Courts 1991, 1993

	Number of Justices	
	1991	1993
State Courts of Last Resort	356	356
Intermediate Appellate Courts	858	860
U.S. Courts of Appeals	167	167
U.S. Supreme Court	9	9

Comparing Federal and State Appellate Caseloads, 1984-1993



The largest increase in appellate filings is in the U.S. Courts of Appeals. Since 1989, criminal filings in the U.S. Courts of Appeals increased 10 percent per year. Increased appellate filings were driven primarily by the imposition of mandatory sentencing guidelines and the increased attention to drug and weapons offenses. Drug-related cases comprised 50 percent of the criminal appeals filed in 1993. In addition, civil appeals increased 6 percent annually since 1989, due largely to increased civil rights, personal injury/ products liability, and prisoner petition appeals.

# Appendix

# Appendix

## Annotations and Sources

### Overview of State Trial Courts

Page 3: **Cases Filed in State Courts, 1993**  
**Types of Cases Filed in State Courts, 1984-1993: Civil, Criminal, Domestic Relations, Juvenile**  
Data were available from all 50 states, the District of Columbia, and Puerto Rico.

Page 4: **Types of Cases Filed in State Courts, 1984-1993**  
Data were available from all 50 states, the District of Columbia, and Puerto Rico.  
**Number of Parking Filings in 14 States, 1989-1993**  
Includes AL, CA, HI, IL, MD, MN, NJ, NM, NY, PA, SD, TX, UT, WA.

Page 5: **State Trial Court Filings by Court Jurisdiction, 1993**  
Data were available from all 50 states, the District of Columbia, and Puerto Rico.

Page 6: **Types of Cases Filed in State Courts, 1984 vs. 1993**  
**State Trial Court Caseload Composition, 1984-1993**  
Data were available from all 50 states, the District of Columbia, and Puerto Rico. For more information on the processing of traffic caseloads, see J. Goerdt, *Small Claims and Traffic Courts: Case Management Procedures, Case Characteristics, and Outcomes in 12 Urban Jurisdictions* (National Center for State Courts 1992).

### Civil Cases

Page 11: **Civil Cases Filed in State Courts, 1984-1993**  
Data were available from all 50 states, the District of Columbia, and Puerto Rico.  
**Civil Caseload Composition in General Jurisdiction Courts in 23 States, 1984 vs. 1993**  
Includes AZ, CA, CO, CT, FL, HI, KS, ME, MD, MN, MO, NV, NJ, NM, ND, OH, OR, TN, TX, UT, WA, WI, WY.

**Civil Caseload Composition in Limited Jurisdiction Courts in 13 States, 1993**  
Includes AL, AK, AZ, FL, HI, IN, KY, NH, NY, ND, OH, OR, TX.

### Tort and Contract Cases

Page 19: **Tort Filings in General Jurisdiction Courts in 16 States, 1975-1993**  
Includes AK, CA, CO, FL, HI, ID, KS, ME, MD, MI, ND, OH, TN, TX, UT, WA.

Page 21: **Recent Tort Reforms in the States**  
Source: American Tort Reform Association, 1994.

Page 23: **Auto and Nonauto Tort Filings in General Jurisdiction Courts in 10 States, 1984-1993**  
Includes AZ, CA, CT, FL, HI, MD, MI, NV, NC, TX.

**Tort Filings and Dispositions in General Jurisdiction Courts in 14 States, 1984-1993**  
Includes AZ, CA, CO, CT, FL, HI, ID, ME, MD, MI, OH, PR, TX, WA. Text referencing typical time to disposition in tort cases is derived from J. Goerdt, *Reexamining the Pace of Litigation in 39 Urban Trial Courts* (National Center for State Courts 1991).

### Composition of Tort Caseloads in General Jurisdiction Courts

#### Median Case Processing Time

The data for these charts are derived from the Trial Court Information Network (TCIN). A Bureau of Justice Statistics-sponsored project that includes 27 individual trial courts.

Page 24: **Composition of Tort Cases Disposed by Trial**  
The data were derived from the Trial Court Information Network (TCIN). A Bureau of Justice Statistics-sponsored project that includes 27 individual trial courts. See B. Ostrom et al., *What Are Tort Awards Really Like: The Untold Story from the State Courts*, 14 *Law & Policy* (No. 1, January 1992).

## Annotations and Sources

**Page 25: Proportion of Plaintiffs Winning in Tort Cases**

**Median Jury Award by Type of Tort Case**  
The data for these charts are derived from the Trial Court Information Network (TCIN). A Bureau of Justice Statistics-sponsored project that includes 27 individual trial courts. See R. Hanson, B. Ostrom, & D. Rottman, *The Williamsburg Report: A Dialogue on Tort Litigation in the States*, 18 *State Court Journal* (No. 2, Fall 1994).

**Page 26: Contract Filings and Dispositions in General Jurisdiction Courts in 10 States, 1984-1993**

Includes AZ, CO, CT, FL, HI, ME, MD, PR, TX, WA. The text reference linking economic changes to decreases in contract filing rates is derived from B. Ostrom, *The Collapse in Contract Case Filings since 1991*, 17 *The Justice System Journal* 221 (No.2, 1994).

### Domestic Relations Cases

**Page 29: Domestic Relations Filings in General Jurisdiction Courts in 46 States, 1988-1993**

Excludes GA, LA, MS, NM, SC, WY.

**Domestic Relations Filings in General Jurisdiction Courts by Type of Case, 1988-1993**

**Divorce:** Excludes AL, AZ, GA, IL, KY, LA, MS, MO, NE, NH, NM, OR, SC, WA, WY

**Support/Custody:** Includes AR, CO, CT, DE, DC, FL, ID, MD, MA, MI, NJ, NY, NC, ND, OH, PA, VA, WI.

**Domestic Violence:** Includes AK, AZ, DC, FL, ID, IA, ME, MD, MA, MI, MN, NH, NJ, NY, ND, OH, RI, VT, VA, WA, WY. Data begin with 1989.

**Paternity:** Includes AK, CO, CT, DC, HI, IN, KS, LA, MD, MI, MO, NV, NY, ND, OH, OR, RI, UT, WI.

**URESA:** Includes AK, AR, CO, DC, FL, HI, IA, KS, ME, MA, MI, MN, NC, OH, OK, TN, TX, VT.

**Adoption:** Excludes AL, CA, FL, GA, IL, IA, LA, ME, MS, NC, NM, OK, PR, RI, SC, TX, UT, VT, VA, WY.

**Page 30: Domestic Relations Caseload Composition in 27 States, 1993**

Includes AK, AZ, AR, CO, CT, DC, FL, HI, KS, LA, MA, MI, MN, MO, NC, NJ, NM, NY, ND, OH, OR, PR, RI, TN, UT, VT, WI. See H. Rubin & V. Flango, *Court Coordination of Family Cases* (National Center for State Courts 1992) and J. Goerdts, *Divorce Courts: Case Management, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions* (National Center for State Courts 1992).

**Domestic Relations Filings by State and Court Jurisdiction, 1993**

Includes AK, AZ, AR, CO, CT, DC, FL, HI, KS, LA, MA, MI, MN, MO, NC, NJ, NM, NY, ND, OH, OR, PR, RI, TN, UT, VT, WI. This table does not include unclassified domestic relations cases. These states have family courts: DE, LA, MS, NY, RI, SC, VT (VA—approved by legislature). These states have family divisions: CT, DC, HI, NJ, MA. New Jersey includes URESA and paternity in support, North Dakota includes URESA in support, and North Carolina includes paternity in divorce.

**Page 31: States Allowing Jury Trials in Domestic Relations Cases, by Region**

Source: Court Statistics Project Jurisdiction Guides and Court Structure Charts, 1993. Regional breakdown categories are those routinely used by the Bureau of Justice Statistics, United States Department of Justice.

### Criminal Cases

**Page 37: Criminal Cases Filed in State Courts, 1984-1993**

**Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1993**

Data were available from all 50 states, the District of Columbia, and Puerto Rico.

## Annotations and Sources

**Page 38: Criminal Caseload Composition by Court Jurisdiction, 1993**

General Jurisdiction includes AZ, AK, CT, IN, KS, LA, ME, MO, NM, NC, OK, OR, TX, VT, VA, WA, WV, WI, WY. Limited Jurisdiction includes AZ, AK, CO, FL, HI, LA, MO, MI, NH, NM, OH, PA, SC, UT, WA, WY. Unified includes DC, ID, IL, IA, MA, MN, SD.

**Page 39: DWI Filings in 23 State Courts, 1984-1993**

Includes AZ, AR, FL, HI, ID, IA, KS, MD, MA, OK, NH, NJ, NM, OH, OK, SC, SD, TN, TX, UT, WA, WI, WY.

### Felony Cases

**Page 45: Felony Cases Filed in General Jurisdiction Courts in 32 States, 1984-1993**

Excludes AL, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NC, PA, PR, SC, TN, VT.

**Page 46: Comparing Felony Filings to Dispositions, 1984-1993**

Excludes AL, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NC, PA, PR, SC, TN, VT. Text referencing typical trial length is derived from D. Sipes et al., *On Trial: The Length of Civil and Criminal Trials* (National Center for State Courts (1988)).

### State Appellate Court Caseloads

**Page 53: Trial Court Felony and Courts of Appeals Caseload Growth Rates, 1984-1993**

Civil includes AL, AK, AR, CA, HI, ID, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, PA, SC, TX, VA, WA, WI. Felony includes AK, AR, CA, HI, ID, IL, IN, IA, KY, MD, MA, MN, MO, NC, OH, OR, TX, WI.

**Page 56: Intermediate Appellate Court Caseloads, 1984-1993**

**Courts of Last Resort Caseloads, 1984-1993**  
Excludes PR. Louisiana data are derived from the Judicial Council of the Supreme Court of Louisiana, *Annual Reports 1974-1993*. See J. Chapper & R. Hanson, *Intermediate Appellate Courts: Improving Case Processing* (National Center for State Courts 1990).

**Page 57: Type of Mandatory Appeals in Intermediate Appellate Courts, 1993**

Includes AK, AL (Ct. Crim. App.), AR, AZ, HI, IL, IN (Tax Ct.) KS, KY, LA, MN, NC, NM, OH, OR, PA (Superior), TN (Ct. Crim. App.), UT, VA.

**Type of Discretionary Appeals in Courts of Last Resort, 1993**

Excludes AR, CO, CT, DE, DC, FL, GA, HI, ID, IA, KS, KY, ME, MD, MA, MI, MO, NE, NH, NJ, PA, PR, SC, TN.

**Page 58: Mandatory Appeals in Intermediate Appellate Courts, 1985-1993**

Civil includes AL, AZ, AR, CA, HI, ID, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, PA, SC, TX, VA, WA, WI. Criminal includes AL, AK, AZ, AR, CA, HI, ID, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, SC, TX, UT, WA, WI.

**Page 59: Discretionary Appeals in Courts of Last Resort, 1987-1993**

Includes CA, IL, LA, MI, MN, NY, NC, OH, OR, TX (criminal appeals only), VA, WA, WV, WI.

### Comparing State and Federal Court Caseloads

**Page 70: Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1984-1993**

Civil includes all 50 states, DC, and Puerto Rico. Tort includes AK, CA, CO, FL, HI, ID, KS, ME, MD, MI, ND, OK, TN, TX, UT, WA. Criminal includes all 50 states, DC, and Puerto Rico. Felony excludes AL, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NC, PA, PR, SC, TN, VT. See B. Ostrom & G. Gallas, *Case Space: Do Workload Considerations Support a Shift from Federal to State Court Systems?*, 14 *State Court Journal* (No. 3, Summer 1990).

**Page 71: Comparing Federal and State Appellate Caseloads, 1984-1993**

Intermediate Appellate Courts exclude NE, PR, and 12 states do not have an IAC. Courts of Last Resort exclude CT, IN, IA, MO, WY.



## Court Statistics Project Methodology

Information for the CSP's national caseload databases comes from published and unpublished sources supplied by state court administrators and appellate court clerks. Published data are typically taken from official state court annual reports, so they take many forms and vary greatly in detail. Data from published sources are often supplemented by unpublished data received from the state courts in many formats, including internal management memoranda and computer-generated output.

The CSP data collection effort to build a comprehensive statistical profile of the work of state appellate and trial courts nationally is underway throughout the year. Extensive telephone contacts and follow-up correspondence are used to collect missing data, confirm the accuracy of available data, and determine the legal jurisdiction of each court. Information is also collected on the number of judges per court or court system (from annual reports, offices of state court administrators, and appellate court clerks); the state population (based on U.S. Bureau of the Census revised estimates); and special characteristics regarding subject matter jurisdiction and court structure.

*Examining the Work of State Courts, 1993* and *State Court Caseload Statistics, 1993* are intended to enhance the potential for meaningful state court caseload comparisons. Because there are 50 states and thus 50 different state court systems, the biggest challenge is to organize the data for valid state-to-state comparisons. The Conference of State Court Administrators (COSCA) and the National Center for State Courts (NCSC) have jointly developed a model approach for meeting this challenge over the past 17 years. The results of that work, *State Court Model Statistical Dictionary, 1989*, provides a standard for comparison: among states and over time. The COSCA/NCSC approach also highlights some aspects that remain problematic for collecting comparable state court caseload data.

A discussion of how to use state court caseload statistics, a complete review of the data collection procedures, and the sources of each state's 1993 caseload statistics is provided in the companion volume to this report, *State Court Caseload Statistics, 1993*.

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## State Court Caseload Statistics, 1993

The analysis presented in *Examining the Work of State Courts, 1993* is derived in part from the data found in *State Court Caseload Statistics, 1993*. The information and tables found in this latter volume are intended to serve as a detailed reference on the work of the nation's state courts. *State Court Caseload Statistics, 1993* is organized in the following manner:

**State Court Structure Charts** display the overall structure of each state court system on a one-page chart. Each state's chart identifies all the courts in operation in that state during 1993, describes their geographic and subject matter jurisdiction, notes the number of authorized judicial positions, indicates whether funding is primarily local or state, and outlines the routes of appeal between courts.

**Jurisdiction and State Court Reporting Practices** review basic information that affects the comparability of caseload information reported by the courts. For example, the dollar amount jurisdiction for civil cases, the method by which cases are counted in appellate courts and in criminal, civil, and juvenile trial courts; and identifying trial courts that have the authority to hear appeals are all discussed. Information is also provided that defines what constitutes a case in each court, making it possible to determine which appellate and trial courts compile caseload statistics on a similar basis. Finally, the numbers of judges and justices working in state trial and appellate courts are displayed.

**1993 State Court Caseload Tables** contain detailed information from the nation's state courts. Six tables detail information on appellate courts and an additional six tables contain data on trial courts (Tables 1-12). Tables 13-16 describe trends in the volume of case filings and dispositions for the period 1984 to 1993. These displays include trend data on mandatory and discretionary cases in state appellate courts and felony and tort filings in state trial courts over the past ten years.

The tables also indicate the extent of standardization in the numbers for each state. The factors that most strongly affect the comparability of caseload information across the states (for example, the unit of count) are incorporated into the tables. Footnotes explain how a court system's reported caseloads conform to the standard categories for reporting such information recommended in the *State Court Model Statistical Dictionary, 1989*. Caseload numbers are noted as incomplete in the types of cases represented, as overinclusive, or both. Numbers without footnotes are in compliance with the *Dictionary's* standard definitions.

## The NCSC Court Statistics Project

The Court Statistics Project can provide advice and clarification on the use of the statistics from this and previous caseload reports. Project staff can also provide the full range of information available from each state. The prototype data spreadsheets used by project staff (displayed in the appendix of *State Court Caseload Statistics, 1993*) reflect the full range of information sought from the states. Most states provide far more detailed caseload information than can be presented in this report. Comments, suggestions, and corrections from users of *Examining the Work of State Courts, 1993* and *State Court Caseload Statistics, 1993* are encouraged, and can be sent to:

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Phone: (804) 253-2000  
Fax: (804) 220-0449  
Internet: [bostrom@ncsc.dni.us](mailto:bostrom@ncsc.dni.us)

## **Also Available from the Court Statistics Project**

**State Court Caseload Statistics, 1993.** The companion to this report.

**State Court Organization 1993.** An exhaustive compilation of information on state court structure and operations. This volume, the third in the series, complements and extends the information on court jurisdiction and reporting practices provided in *State Court Caseload Statistics, 1993*.

**State Court Model Statistical Dictionary, 1989.** The NCSC/COSCA model approach for compiling comparable state court caseload statistics.

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