

*Examining the Work of State Courts, 2002*  
*A National Perspective from the Court Statistics Project*

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## Foreword

*USA Today has come out with a new survey—apparently, three out of every four people make up 75% of the population.*

— David Letterman

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 policymakers.

Publications produced and disseminated by the Court Statistics Project (CSP) are the prime source of information on the work and organization of the state courts.

*Examining the Work of State Courts, 2002*, provides a comprehensive analysis of the business of state trial and appellate courts in a non-technical 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 closely integrated text and graphics to describe plainly and succinctly the work of state trial and appellate courts.

A second volume, *State Court Caseload Statistics, 2002*, 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.

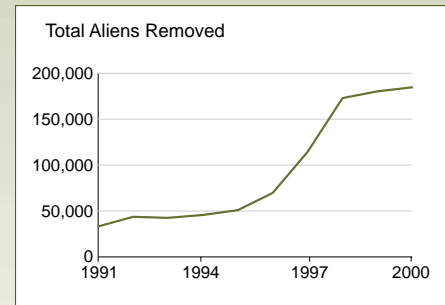
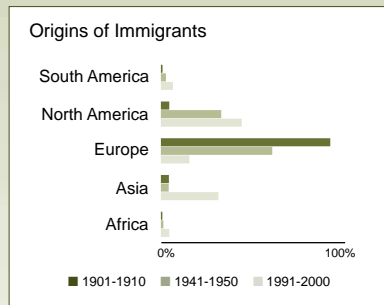
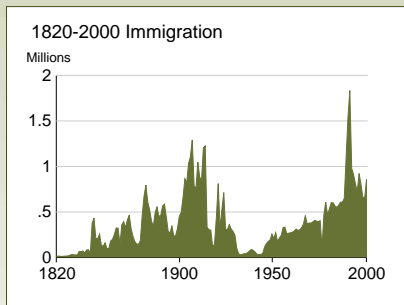
A third series, *Caseload Highlights*, recognizes that informed judges and court managers want comparative information on a range of policy-relevant topics, but they want it in a timely fashion and in a condensed, readable format. Whereas other project publications take a comprehensive look at caseload statistics, *Caseload Highlights* targets specific and significant issues and disseminates the findings in short reports. Because they fill the gaps in distribution cycles between the two annual reports, *Caseload Highlights* are also timely in terms of the data and subject matter covered.

Taken together, these publications constitute the most complete research and reference source available on the work of the nation's state courts. The publications 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.



# OVERVIEW

The United States has a diverse population mix.



Source: U.S. Immigration and Naturalization Service, 2000 Statistical Yearbook.

Immigration levels have fluctuated greatly over the past 180 years, with current levels close to those of the early 1900s

...however immigrant populations have shifted from a European to an Asian and North American mix.

The number of aliens removed from the U.S. has increased dramatically since 1995.

# Overview of State Trial Court Caseloads

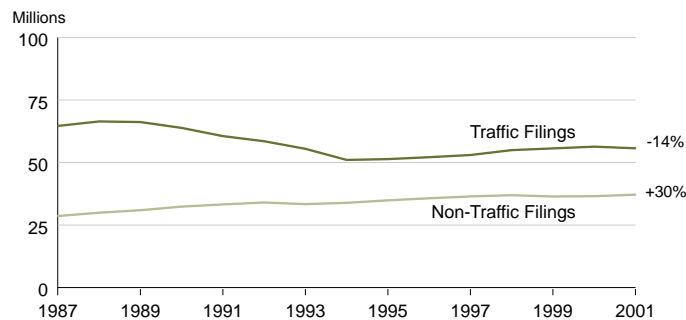
**State Court Filings by Type of Case, 1987-2001 (in millions)**



## 93 million state court filings in 2001

The National Court Statistics Project reports the filing of 93 million new cases in our nation's state courts in 2001—about the same number of cases recorded in 2000. Since not all cases exert the same amount of pressure on the courts, it is constructive to separate traffic from non-traffic filings when looking at general trends. Non-traffic filings, those cases requiring more justice system resources, have grown, on average, about 2 percent per year. Traffic filings, on the other hand, experienced a decline of 23 percent between 1988 and 1994. Since then, traffic filings have, on average, increased by about 1 percent per year. Over the last year, juvenile and criminal caseloads saw slight decreases, while domestic and civil caseloads saw slight increases.

**Total State Court Caseloads, 1987- 2001**



Traditionally, state trial court systems are organized into courts of general and limited jurisdiction. All states have at least one court of general jurisdiction and, in 2001, 34 percent of state court filings were in general jurisdiction courts, the highest trial court in the state, handling the most serious criminal and civil cases. In 2001, 66 percent of state court filings were processed in limited jurisdiction courts, where caseloads are typically comprised of misdemeanor filings and preliminary hearings in felony cases, and the civil docket is primarily small claims cases.

**Types of Cases Filed in State Courts, 2001 (in millions)**

Case Type	Total	Jurisdiction	
		General	Limited
Traffic	55.7	14.1	41.6
Civil	15.8	7.4	8.4
Criminal	14.1	4.8	9.2
Domestic	5.3	3.8	1.5
Juvenile	2.0	1.3	0.7
<b>Total</b>	<b>92.8</b>	<b>31.4</b>	<b>61.4</b>

Note: Totals may not sum due to rounding.

*There are more than 15,500 state courts in the United States with just over 29,000 judicial officers*

The 93 million cases filed in 2001 were processed through 15,555 individual state trial courts. Limited jurisdiction courts outnumbered their general jurisdiction counterparts six to one.

13,515 limited jurisdiction courts  
2,040 general jurisdiction courts

Changes in the total number of limited and general jurisdiction courts in the United States often occur as a result of changes in court system classification rather than from actually creating or closing courts. This occurred in California when court unification was completed in 1999; all limited jurisdiction courts are now classified as general jurisdiction courts.

In 2001, there were 29,266 trial judges and quasi-judicial officers (e.g., commissioners, magistrates, and referees) in the nation's state trial courts. The number of state court judges has averaged about 1 percent growth each year from 1990 until 2000. In 2001, new judgeships were very rare, with only about 25 general jurisdiction judges added nationwide.

The table on the following page shows the number of general jurisdiction court judges in each state for 2001. The number does not represent quasi-judicial officers such as magistrates or referees. Ten states, the District of Columbia, and Puerto Rico have unified court structures in which trial courts are consolidated into a single general jurisdiction court level. Because there is no distinction between trial levels in these states, it often appears that they have more general jurisdiction court judges than the 40 remaining states with multilevel court systems.

**Judicial Officers in State Trial Courts by Court Jurisdiction, 1990-2001**

Year	Number of Judicial Officers		Total	Growth Rate
	General Jurisdiction	Limited Jurisdiction		
1990	9,325	18,234	27,559	0.0%
1991	9,502	18,289	27,791	0.8
1992	9,602	18,272	27,874	0.3
1993	9,751	18,316	28,067	0.7
1994	9,793	18,317	28,110	0.2
1995	10,153	17,974	28,127	0.1
1996	10,114	18,301	28,415	1.0
1997	10,007	18,553	28,560	0.5
1998	10,163	18,630	28,793	0.8
1999*	11,118	17,905	29,023	0.8
2000	11,300	17,943	29,243	0.8
2001	11,323	17,943	29,266	0.1

\* Most of the shift between the general and limited jurisdiction courts was caused by the unification of the California trial courts in 1999.

## Number and Rate of Judges in Unified and General Jurisdiction Courts in 49 States, 2001

State	Number of Judges	Judges per 100,000 Population	Filings per Judge
<b>Unified Courts</b>			
California	1,498	4.3	1,501
Illinois	834	6.7	1,492
Puerto Rico	328	8.6	750
Missouri	314	5.6	1,533
Minnesota	260	5.2	1,845
Wisconsin	241	4.5	1,807
Iowa	192	6.6	1,448
Connecticut	180	5.3	1,581
Kansas	159	5.9	1,571
District of Columbia	58	10.1	2,501
North Dakota	42	6.6	1,807
South Dakota	38	5.0	2,540
<b>General Jurisdiction Courts</b>			
New York	524	2.8	926
Florida	493	3.0	2,210
Texas	418	2.0	1,606
New Jersey	407	4.8	2,620
Pennsylvania*	386	3.1	1,527
Ohio	376	3.3	1,466
Indiana	289	4.7	2,308
Louisiana	224	5.0	1,529
Michigan	210	2.1	1,375
Georgia	188	2.2	1,658
Washington	175	2.9	1,136
Oregon	164	4.7	1,871
Arizona	160	3.0	1,019
Virginia	150	2.1	1,832
Maryland	143	2.7	1,742
Alabama	142	3.2	1,294
Colorado	126	2.9	1,056
Tennessee	118	2.1	1,986
Arkansas	115	4.3	1,387
Kentucky	111	2.7	928
North Carolina	105	1.3	2,880
Massachusetts	80	1.3	379
New Mexico	72	3.9	1,202
Utah	70	3.1	3,198
West Virginia	65	3.6	942
Nevada	56	2.7	1,375
Nebraska	55	3.2	717
South Carolina	51	1.3	3,378
Montana	46	5.1	677
Hawaii	45	3.7	734
Idaho	39	3.0	484
Alaska	32	5.0	472
New Hampshire	29	2.3	2,095
Vermont	29	4.7	1,968
Rhode Island	22	2.1	686
Delaware	19	2.4	1,134
Maine	16	1.2	758

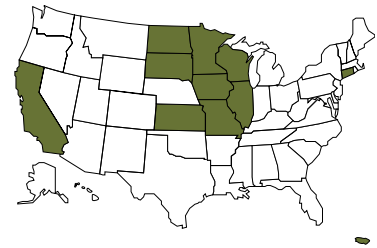
\*This figure is based upon preliminary numbers supplied by the Pennsylvania Administrative Office of the Courts. No data were available for Mississippi, Oklahoma, or Wyoming for 2001.

*Only 10 states have more than five judges per 100,000 population*

The center column in the adjacent table adjusts for differences in population across the country by showing the number of judges per 100,000 population. The result is a dramatic narrowing in the range of judges (1.2 in Maine to 10.1 in D.C.). In fact, states with non-unified courts average three judges per 100,000 population, whereas states with unified courts have an average of six judges per 100,000 population.

The last column shows the number of civil (including domestic relations) and criminal filings per general jurisdiction judge. More than half (57 percent) of the states report between 1,000 and 2,000 filings per judge.

**States with Unified Court Systems**



*In federal courts, bankruptcy filings increased 14 percent in 2001*

The table below compares caseload sizes across the state and federal court systems. Criminal filings barely dropped for both federal and state courts (-.1 percent), while civil filings decreased on the federal level (just over 3 percent) and increased on the state level (almost 6 percent). A sign of our economic times, bankruptcy filings in the federal courts jumped 14 percent from 2000 to 2001.

**Federal and State Court Filings, 2001**

		<b>Filings</b>	<b>Change Since 2000</b>
<b>Federal Courts</b>	Criminal	62,708	-0.1%
	Civil	250,907	-3.3
	Bankruptcy	1,437,354	13.9
	Magistrates	873,948	8.2
	Total	2,624,917	9.7
<b>State Courts</b>	Criminal	14,054,945	-0.1
	Civil	15,792,277	5.6
	Domestic	5,300,114	2.2
	Juvenile	1,997,403	-0.4
	Traffic	55,685,616	-0.1
	Total	92,830,355	0.9

Source for federal court data: Judicial Business of the United States, Annual Report of the Director, 2001

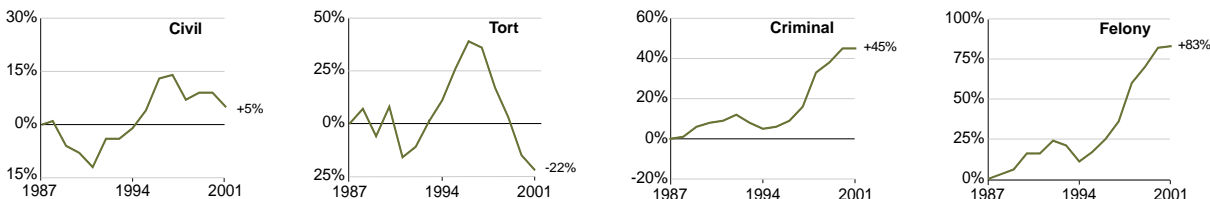
A comparison of the yearly growth in state and federal trial court filing rates is shown below. The cases included in this comparison come from courts of general jurisdiction on the state side and from the U.S. district courts on the federal side in order to maximize comparability between the two systems. With respect to criminal cases, both the U.S. district courts and the state trial courts of general jurisdiction primarily handle felonies; on the civil side, the dollar limits and case types of the state trial courts of general jurisdiction resemble the \$50,000 jurisdictional limit of private civil suits faced by the U.S. district courts. With 1987 as the base year, the charts show the growth rates in total civil, tort, total criminal, and felony filings.

Civil filings in state trial courts of general jurisdiction have grown by 17 percent since 1987, while civil filings in the U.S. district courts rose 5 percent over the same period. At the state level, tort filings stayed fairly flat until 1996, at which time they began steadily decreasing; on the federal side, growth occurred in the early 1990s, with a sharp decline since 1996.

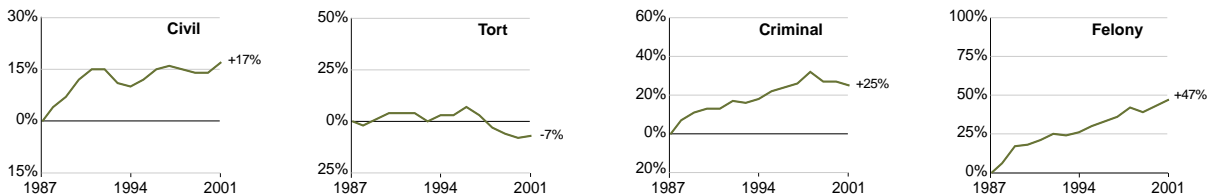
Criminal caseloads have increased steadily in both federal (45 percent) and state (25 percent) court systems since 1987. The most dramatic increases in filings occurred in felony caseloads. Similar growth rates in the mid-1980s diverged in 1987 as state felony filing rates began to outpace federal filing rates. Beginning in the mid-1990s, however, growth rates in federal felony caseloads began to climb quickly, with the sharpest increases occurring between 1998 and 2001.

**Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1987-2001**

**Federal Filings**



**State Filings**



Source for federal data: Judicial Business of the United States, Annual Report of the Director, 2001

# CIVIL

## Top 10 civil jury awards in 2002 . . .

Largest Verdicts of 2002			
Amount	Type	Industry	Outcome
\$28,000,000,000	Fraud, products liability	Tobacco	Both parties appealing
2,225,000,000	Personal injury	Medical	Pending motions
520,770,000	Antitrust	Hospital Supply	Settled
505,000,000	Breach of agreement, unfair competition	Technology	Pending appeal
500,200,000	Breach of contract	Bio-Technology	On appeal
276,000,000	Breach of contract, fraudulent inducement	Financial	Pending appeal
270,050,000	Personal injury	Natural Resources	Settled
261,700,000	Breach of fiduciary duty	Financial	Pending motions
225,000,000	Product liability	Automobile	Pending motions
185,090,000	Securities fraud	Financial	In motions

Source: The National Law Journal's largest verdicts of 2002.

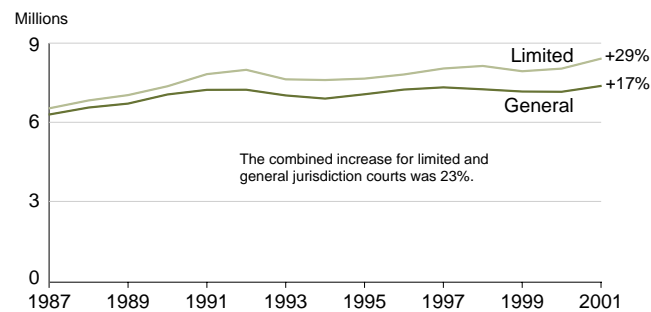
The largest jury awards are primarily found in tort and contract cases; however, trial court outcomes are often modified through appellate review or post-verdict settlements.

# Civil Caseloads in State Trial Courts

## Civil caseloads increased slightly in 2001

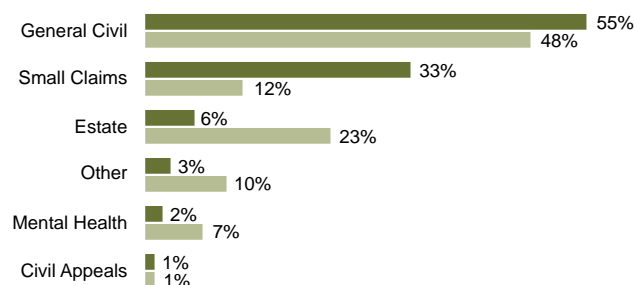
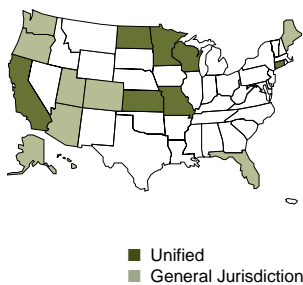
The national 15-year civil filing trends below show substantial increases (29 percent and 17 percent in limited and general jurisdiction state courts, respectively) despite the fact that aggregate filings rose only about 5 percent during the 1990s. After realizing most of their total increases between 1987 and 1992, both jurisdictions have reported only modest gains. In fact, the increase in filings between 2000 and 2001 in limited jurisdiction courts (5 percent) and general jurisdiction courts (2 percent) was essentially the same as those occurring between 1992 and 2001.

**Civil Cases Filed in State Trial Courts by Jurisdiction, 1987-2001**



The following chart compares the caseload composition of unified versus general jurisdiction courts. In unified courts, the full spectrum of civil cases is heard, whereas in most general jurisdiction courts, civil cases must exceed a certain amount in controversy before they may be heard. Consequently, unified court systems tend to see a greater proportion of general civil (i.e., tort, contract, and real property) cases as well as small claims. The combination of general civil and small claims cases comprised 88 percent of the civil caseload in unified courts, compared to only 60 percent in general jurisdiction courts. Conversely, probate/estate cases represented nearly one-quarter of the caseload in general jurisdiction courts while, in unified courts, those cases accounted for only 6 percent of the caseload.

**Civil Caseload Composition in Unified vs. General Jurisdiction Courts in 16 States, 2001**

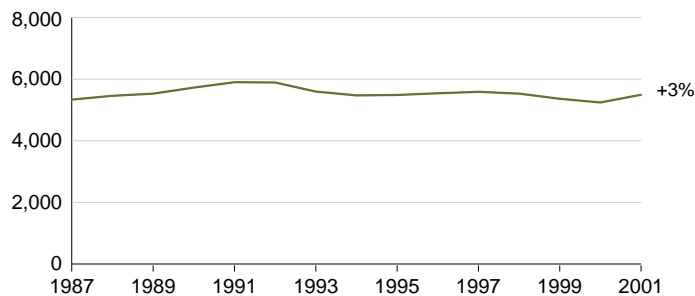




### *Has civil litigation outpaced the growth of population?*

At the beginning of this section, the examination of civil filings over time revealed that a relatively substantial increase had occurred in the state courts over the last 15 years. The question arises: do these figures overstate the situation by not taking into account the changes in population that have taken place during the same period? The chart below shows that, nationally, population-adjusted total civil filings have increased only 3 percent in the last 15 years. However, this was not the case throughout the entire period. Civil filings per 100,000 population shot up sharply in the four years following our benchmark year of 1987, from 5,337 to about 5,900 in 1991. From that point until 2000, the adjusted figures moved contrary to the steady increase in population and fell by roughly 11 percent. The 5 percent increase in unadjusted civil filings reported for 2001 was sufficient to return the adjusted trend to positive territory.

**Total Civil Filings (Excluding Domestic Relations Filings) per 100,000 Population, 1987-2001**



### *Which states have the most civil litigation?*

This question can be answered in more than one way. Simply comparing the number of filings in each state court in a given year can yield one result. However, more populous states will typically experience a greater number of filings. Thus, figures that account for variations in population provide a more telling answer. The table on the following page ranks 49 states by the total number of civil filings in both limited and general jurisdiction courts per 100,000 population and indicates no apparent connection between a state's population and its civil filing rate. Population-adjusted civil filings range from a low of about 2,600 in Hawaii and Maine (population ranks 43 and 41, respectively) to a high of 16,350 in the District of Columbia (population rank 51). Although Tennessee appears to have the lowest population-adjusted rate of civil filings, it was unable to provide data from its limited jurisdiction court. California, the nation's most populous state, actually reported fewer unadjusted civil filings than New York and was ranked 37<sup>th</sup> overall in civil filings per 100,000 population.

## Total Civil Filings (Excluding Domestic Relations Filings), 2001

State	Filings per 100,00 Population			Filings			Population Rank
	Total	General Jurisdiction	Limited Jurisdiction	Total	General Jurisdiction	Limited Jurisdiction	
District of Columbia*	16,348	16,348	—	93,482	93,482	—	51
Maryland	15,476	1,347	14,128	831,850	72,427	759,423	19
Virginia	14,470	1,010	13,460	1,040,066	72,612	967,454	12
New Jersey	8,591	8,534	57	728,895	724,099	4,796	9
Georgia	7,548	736	6,812	632,802	61,707	571,095	10
Indiana	7,542	5,950	1,591	461,166	363,857	97,309	14
New York	7,494	1,920	5,575	1,424,782	364,991	1,059,791	3
South Carolina	7,214	1,582	5,632	293,110	64,280	228,830	26
South Dakota*	7,141	7,141	—	54,029	54,029	—	47
North Carolina	7,032	2,022	5,010	575,695	165,528	410,167	11
Michigan	6,648	784	5,864	664,169	78,292	585,877	8
Utah	6,543	6,206	336	148,502	140,866	7,636	35
Connecticut*	6,370	4,301	2,069	218,167	147,311	70,856	30
Kansas*	6,169	6,169	—	166,243	166,243	—	33
Delaware	6,147	1,634	4,513	48,941	13,009	35,932	46
Ohio	6,098	1,968	4,130	693,570	223,843	469,727	7
Massachusetts	5,908	396	5,512	376,908	25,285	351,623	13
Florida	5,766	2,585	3,181	945,475	423,835	521,640	4
Arkansas	5,679	1,636	4,043	152,897	44,052	108,845	34
Nevada	5,598	1,244	4,354	117,902	26,196	91,706	36
Louisiana	5,517	3,608	1,909	246,367	161,135	85,232	22
Colorado	5,269	1,224	4,046	232,782	54,058	178,724	24
Iowa*	5,148	5,148	—	150,475	150,475	—	31
Idaho	5,140	521	4,619	67,905	6,888	61,017	40
Kentucky	4,991	1,051	3,940	202,915	42,736	160,179	25
Montana	4,922	1,660	3,261	44,516	15,018	29,498	45
Rhode Island	4,784	855	3,929	50,661	9,054	41,607	44
Nebraska	4,652	451	4,200	79,698	7,735	71,963	39
Oregon	4,407	4,407	n/a	153,041	153,041	n/a	28
Alaska	4,370	1,033	3,336	27,743	6,560	21,183	48
Wisconsin*	4,327	4,327	—	233,751	233,751	—	18
Alabama	4,293	1,105	3,188	191,674	49,348	142,326	23
Illinois*	4,283	4,283	—	534,580	534,580	—	5
Arizona	4,207	1,092	3,114	223,264	57,972	165,292	20
West Virginia	4,186	1,622	2,564	75,424	29,224	46,200	38
New Hampshire	4,065	876	3,189	51,181	11,030	40,151	42
California*	3,916	3,916	—	1,350,917	1,350,917	—	1
Washington	3,696	1,493	2,203	221,324	89,396	131,928	15
New Mexico	3,695	1,889	1,807	67,596	34,545	33,051	37
Vermont	3,619	2,867	752	22,190	17,577	4,613	50
North Dakota*	3,526	3,526	—	22,373	22,373	—	49
Pennsylvania**	3,472	585	2,887	426,634	71,904	354,730	6
Missouri*	3,401	3,401	—	191,456	191,456	—	17
Puerto Rico*	3,278	3,278	—	124,838	124,838	—	27
Minnesota*	3,060	3,060	—	152,168	152,168	—	21
Texas	2,849	759	2,091	607,613	161,754	445,859	2
Maine	2,608	264	2,344	33,560	3,402	30,158	41
Hawaii	2,594	798	1,796	31,761	9,771	21,990	43
Tennessee	1,195	1,195	n/a	68,600	68,600	n/a	16

\*These states have a unified court system (others have a two-tiered system).

\*\*Pennsylvania general jurisdiction caseload is based upon preliminary figures provided by the PA AOC.

Notes: n/a signifies not available. No data were available for Mississippi, Oklahoma, or Wyoming for 2001.

Population-adjusted civil filings in the District of Columbia have consistently ranked it first among all other states, but its non-domestic civil caseload is dominated by small claims and landlord-tenant disputes. The District of Columbia is also unique due to its large commuter population. The suburban, non-residents of D.C. are frequently embroiled in civil litigation filed in the District, even though they are not included in the underlying population figures that generate the statistic.

It is important to note differences in the way courts handle various case types when comparing states. For instance, Maryland and Virginia report the second and third largest number of total civil filings per 100,000 population. However, the vast majority of their civil caseload is filed in their limited jurisdiction courts and also consists mainly of small claims cases and post-judgment actions. In most states, post-judgment collection actions are not counted as new filings. Therefore, it is likely that their filings are inflated as compared to other states.

Examining filings in only the general jurisdiction courts reveals that New Jersey reports a significantly higher rate of civil filings per 100,000 population than any other two-tiered court system state. The Superior Court in New Jersey has a nearly unified civil jurisdiction (only 57 filings per 100,000 population at the limited jurisdiction level) and no minimum jurisdiction amount. Its dense population, in addition to its proximity to New York City and Philadelphia, may contribute to the disproportionately large volume of civil cases.

The adjacent table includes two states that were unable to provide data from their limited jurisdiction courts. Oregon and Tennessee could not report data from their limited jurisdiction courts, so the total filings statistic underrepresents the actual total filings.

Every state reports statistics on filings in its general jurisdiction court, but, as noted above, states vary on the minimum dollar amount required to obtain jurisdiction at that court level. In some states, the minimum jurisdiction amount is small (\$0-\$1,000), while in others, such as Michigan, it can be relatively high (\$25,000). Courts with lower minimum jurisdiction limits are likely to have a larger number of civil cases in the general jurisdiction court.

States that have unified trial courts (noted with an asterisk in the table) typically report all of their case filings under the general jurisdiction court category, so they often have more cases per 100,000 population filed in the general jurisdiction court than similar states with two-tiered court systems. For example, South Dakota and Kansas have unified court systems, and both states reported high filing rates in their general jurisdiction courts, 7,141 and 6,169 per 100,000 population, respectively.

## Civil Caseload Clearance and Growth Rates in General Jurisdiction Courts in 40 States, 1999-2001

State	Clearance Rates				Caseload Growth 1999-2001
	1999	2000	2001	1999-2001	
<b>Unified Courts</b>					
Illinois	102%	100%	101%	101%	2%
North Dakota	102	99	101	101	5
District of Columbia	100	102	99	101	-5
Wisconsin	102	101	99	100	8
Minnesota	99	101	95	98	8
Kansas	96	95	101	97	-6
Iowa	95	98	98	97	9
Puerto Rico	97	100	94	97	12
Missouri	96	97	97	97	2
South Dakota	94	94	90	93	8
California	94	90	89	91	-7
<b>General Jurisdiction Courts</b>					
New York	106	110	107	108	1
Massachusetts	105	120	97	107	-13
Utah	94	133	94	107	13
Texas	102	105	102	103	5
Alaska	101	103	105	103	11
New Jersey	102	103	103	103	2
Hawaii	95	123	86	101	-15
Delaware	92	97	112	100	-4
Oregon	98	102	98	99	8
Arizona	101	92	103	99	-8
Michigan	103	98	95	99	5
Vermont	101	98	97	99	7
South Carolina	98	97	100	98	18
Tennessee	94	99	100	98	1
New Hampshire	102	97	94	98	7
New Mexico	91	99	102	98	-5
Washington	96	97	96	96	4
Idaho	97	98	93	96	12
Ohio	98	99	89	95	20
Alabama	98	92	96	95	7
Arkansas	98	94	91	94	8
Montana	98	95	90	94	-12
Indiana	95	93	95	94	22
West Virginia	93	91	93	92	9
Maryland	81	96	100	92	-6
Georgia	95	96	81	91	3
Kentucky	88	90	89	89	11
Virginia	88	88	82	86	2
Rhode Island	79	79	74	77	4

*All but three states cleared over 90 percent of their civil caseload between 1999 and 2001*

One basic measure of court performance is the clearance rate, which is the total number of cases disposed divided by the number of cases filed during a given time period. This measure provides a basic assessment as to whether the court is keeping up with its workload. For example, an annual clearance rate of 100 percent indicates that the court disposed of as many cases as were filed during the year. A clearance rate of less than 100 indicates that the court did not dispose of as many cases as were filed, suggesting that the pending caseload grew during the period. A court with a clearance rate greater than 100 percent has disposed of as many cases as were filed in that year and has disposed of some of its pending caseload. Clearance rates are influenced by, among other things, the manner in which cases are disposed, the efficiency with which courts process cases, and the rate of caseload growth.

The three-year civil clearance rates shown in the adjacent table reveal that, between 1999 and 2001, rates of 95 percent or more were reported in nine of 11 unified trial courts and 21 of 30 general jurisdiction courts. Only three states (Kentucky, Virginia, and Rhode Island) cleared less than 90 percent of their cases over the past three years. Thirteen states disposed of at least 100 percent of their caseload. New York's general jurisdiction courts led the nation with a three-year clearance rate of 108 percent followed closely by Massachusetts' and Utah's general jurisdiction courts at 107 percent.

Compared to the previous year (2000), civil caseload clearance rates in 2001 declined. With the exception of New York, the five states with exceptionally high clearance rates (110 percent and higher) in 2000 no longer show the same high clearance rates this year. For example, although Utah's clearance rate remained high at 94 percent, it is a significant drop from 133 percent in 2000. Hawaii dropped from 123 percent in 2000 to 86 percent in 2001. During 2000, both of these states purged stagnant pending cases from their dockets.

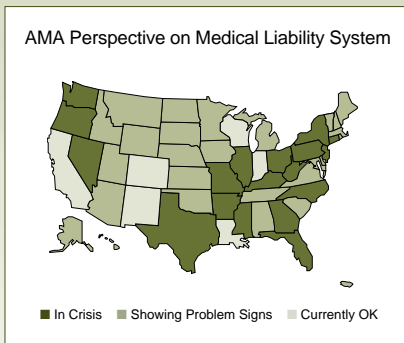
A decline in civil filings might explain some of the high clearance rates being reported. The table indicates that caseloads declined in 10 of the 41 states between 1999 and 2001. Among those 10 states, Hawaii (-15 percent) and Massachusetts (-13 percent) showed two of the largest declines. However, caseload decline does not always equate to high civil clearance rates. Such was the case for Maryland, which reported a 6 percent decline in caseload growth but cleared 92 percent of its pending docket.

On the other hand, several states reported considerable increases in caseload growth rates. Indiana reported a caseload growth of 22 percent yet retained a relatively high clearance rate of 95 percent. Likewise, South Carolina reported an 18 percent increase in caseload and a three-year clearance rate of 98 percent.

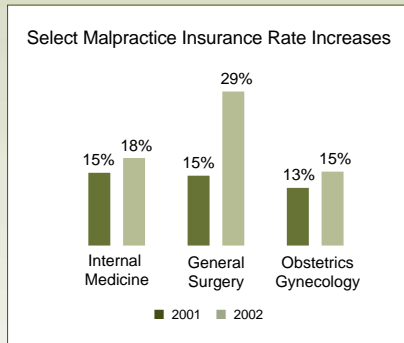


# TORT AND CONTRACT

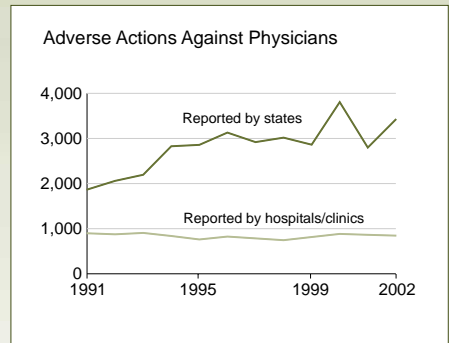
Issues related to medical malpractice are back in the news.



Source: American Medical Association, March 2003.



Source: American Medical Association.



Source: National Practitioner Data Bank.

The AMA uses multiple measures such as insurance rates, legislative activity, and reduced physician access to gauge medical system liability.

Medical malpractice premiums are rising across a number of specialty areas...

and reported adverse actions against physicians show recent fluctuations.

# Tort and Contract Caseloads in State Trial Courts

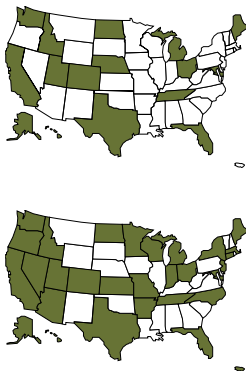
## *Tort cases garner the most interest of all state court cases*

Contrary to what many believe, the terms “tort” and “personal injury” are not interchangeable. Although personal injury is an *attribute* of some tort cases (e.g., assault, medical malpractice, premises liability), other types of torts, such as defamation or professional malpractice, may instead involve damage to one’s reputation, personal property, or livelihood. Nonetheless, much attention is paid to the resolution of tort cases, particularly notorious ones involving personal injury, as they may dramatically affect the operational and strategic business decisions made by corporate executives, small business owners, healthcare providers, insurance companies, and government employees.

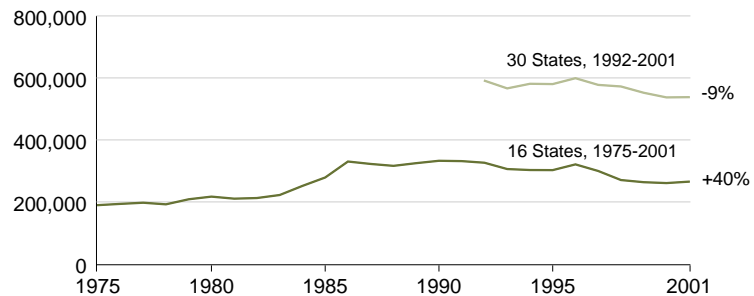
It is primarily for those reasons that requests for information to the Court Statistics Project (CSP) regarding the filings and dispositions of tort cases regularly exceed those for any other kind of case—civil or criminal. And, despite the fact that tort case filings have declined in the last 10 years, interest in these cases remains high, with significant debate continuing in the area of tort reform policy and law. Consequently, filing trends in these cases, the types of litigants involved, and, most importantly, the outcomes of tort trials, provide vital baseline information for court personnel, legislators, academics, and the media.

## *Tort filings in 30 states have decreased since 1992*

The longest trend of state court filing data that the CSP reports is tort filings from 16 states for the period 1975 to 2001. These data, including filings from three of the four most populous states (California, Texas, and Florida), indicate a 40 percent rise in tort filings during that time. In 1990, when filings had increased 75 percent over 1973, the trend reached its apex. Since then, tort filings have, with the exception of an anomalous spike in 1996 caused by the enactment of tort legislation in Michigan, shown a continual decline. The downward trend is confirmed by the inclusion of data from 14 additional states (representing a total of 73 percent of the U.S. population) that reported data since 1992.



**Tort Filings in General Jurisdiction Courts in 16 States and 30 States, 1975-2001**





### *Population-adjusted tort filings declined in 22 of 30 states examined*

The table below ranks states according to changes in tort filings per 100,000 population between 1992 and 2001. These population-adjusted figures eliminate the disparity caused by states of varying population sizes and allow for a more meaningful comparison of caseloads. The table reveals that tort filings per 100,000 population declined in 22 of the 30 states examined. Population-adjusted filings dropped 25 percent or more in 11 of these states and had a median decline of 19 percent. The largest declines occurred in Texas and Massachusetts, where tort filings fell by 41 percent.

#### **Growth Rates of Tort Filings in 30 States, 1992 vs. 2001**

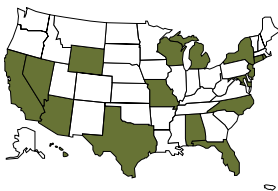
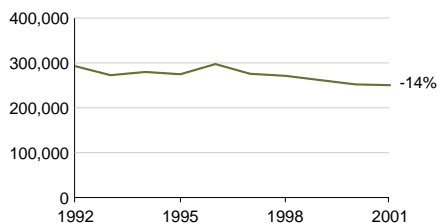
<b>State</b>	<b>Filings per 100,000 Population</b>		<b>Percent Change</b>
	<b>1992</b>	<b>2001</b>	<b>1992-2001</b>
<b>Unified Courts</b>			
North Dakota	65	89	37%
Puerto Rico	243	268	10
Kansas	172	180	5
Connecticut	495	513	4
Missouri	385	331	-14
Wisconsin	176	147	-17
Minnesota	167	119	-29
California	354	224	-37
<b>General Jurisdiction Courts</b>			
Indiana	146	207	42
Alaska	139	174	25
Idaho	106	122	15
New York	398	424	6
New Jersey	865	819	-5
Ohio	301	282	-6
Florida	322	289	-10
Utah	109	97	-11
Arkansas	213	180	-16
North Carolina	137	116	-16
Tennessee	261	218	-16
Washington	217	181	-16
Oregon	254	209	-18
Nevada	466	347	-26
Maine	133	90	-32
Maryland	318	206	-35
Colorado	177	112	-37
Michigan	366	226	-38
Arizona	361	223	-38
Hawaii	232	139	-40
Texas	265	157	-41
Massachusetts	233	138	-41
<b>Average</b>	<b>269</b>	<b>228</b>	<b>-15</b>
<b>Median</b>	<b>238</b>	<b>193</b>	<b>-19</b>

Only eight states reported an increase in their filing rates since 1992. Of those, the rates in three states (Indiana, North Dakota, and Alaska) increased by 25 percent or more. New Jersey and Connecticut ranked first and second, respectively, among all 30 states in both 1992 and 2001. And although New Jersey's adjusted tort filings declined by 5 percent since 1992, its rate of 819 filings per 100,000 population remains the highest of the 30 states, more than four times higher than the 2001 median of 193. In both years, population-adjusted tort filings for North Dakota and Utah ranked the states among the three lowest. Despite reporting the largest increase (37 percent) in the last 10 years, North Dakota's adjusted tort filings (89) remain the lowest among the 30 states examined here.

### *Automobile tort filings are down but still dominate the tort caseload*

A 1992 case-level study of tort cases disposed of in the nation's 75 largest counties (conducted by the National Center for State Courts and the Bureau of Justice Statistics [BJS]) determined that automobile cases comprised 60 percent of torts disposed in general jurisdiction courts that year. Hundreds of thousands of these cases are filed annually in the United States. Since so much of the national tort caseload is comprised of automobile torts, it is fair to expect that overall tort trends would be "driven" by automobile tort filings, and such would appear to be the case.

**Automobile Tort Filings in 17 States, 1992-2001**



Seventeen states, representing 53 percent of the U.S. population, were able to provide automobile tort filings for the period between 1992 and 2001. Automobile tort filings declined 14 percent over this period, but the trend indicates a moderate fluctuation. After falling 6 percent between 1992 and 1995, filings returned to very near the starting point of approximately 300,000 in 1996, only to decline another 16 percent to their present level of just over 250,000.

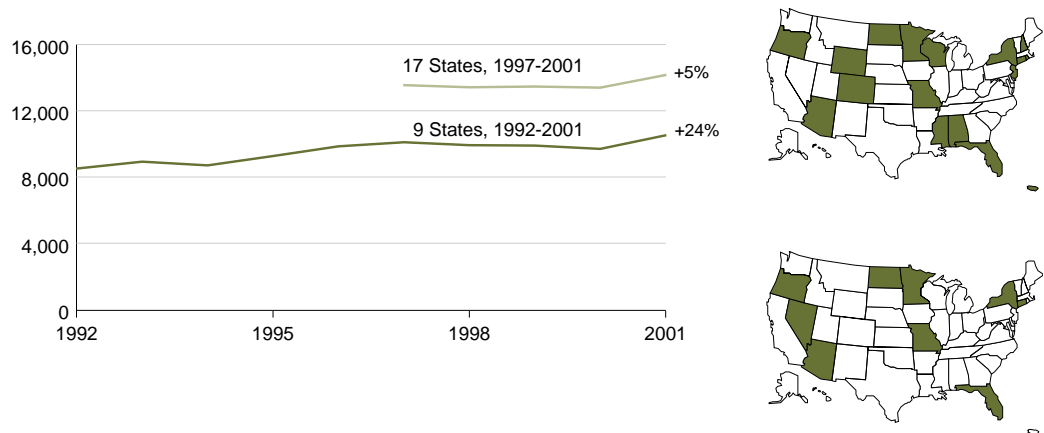
Since most states require drivers to purchase insurance that covers damage to their vehicle as well as all but the most serious injury to themselves and others, automobile torts that enter the court system typically claim an injury that exceeds the coverage of the insurance or that is not covered by the policy at all. Therefore, one possible explanation for the decrease in automobile filings is that automobiles are safer now than ever before and the occupants of cars are not as severely injured as they had been previously. The advent of seatbelts, crumple zones, and front and side airbags have undoubtedly contributed to this welcome change.

*In 2001, raw medical malpractice filings increased for the first time in five years*

As prevalent as automobile cases are in the civil landscape, they do not seize as much of the public interest as do the less frequently filed medical malpractice cases. From a court’s perspective, medical malpractice, product liability (e.g., asbestos), and other “complex” cases require more resources than other types of cases. They typically have more pre-trial hearings, thereby creating more work for both judges and clerks’ offices. At trial, expert witnesses, numerous exhibits, and technology requirements for evidentiary display, all add to the time and monetary cost of a trial. The outcomes of medical malpractice cases, whether settled or resolved by trial, not only affect tort reform and legislation, but also may dramatically affect malpractice insurance rates paid by doctors and hospitals. As important as these cases are to the courts, the public, and related industries, the most recent available data suggest medical malpractice cases comprised only 5 percent of total tort dispositions.

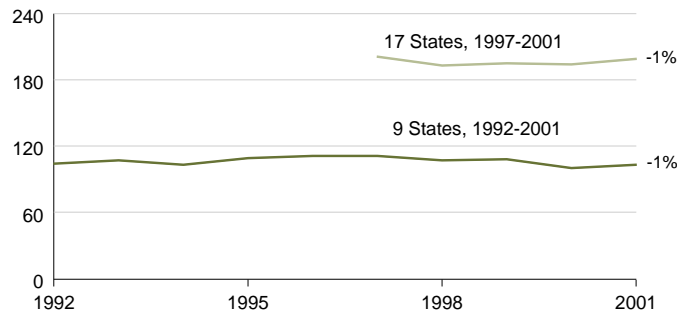
In the chart below, data from nine states indicate a 24 percent increase in medical malpractice filings over the past 10 years (from 8,500 to 10,500), with the greatest number of filings occurring in 2001. However, the trend has not always been upward—from 1997 to 2000 filings dropped 4 percent. This chart also shows filings for 17 states for the past five years. Besides the expected gain in volume due to the addition of eight more states, these data confirm the decrease between 1997 and 2000 as well as the increase experienced in 2001.

**Medical Malpractice Filings in Nine and 17 States, 1992-2001**



Adjusting the trend for changes in population over time provides an alternative, if not more accurate, way to view this information. A “flat” trend line in population-adjusted filings would indicate that filings grew at the same *rate* as the population. If adjusted filings showed an increase, it would indicate that filings outpaced the growth in population. The following graph shows that the 1992 to 2001 trend in medical malpractice filings per 100,000 population has only fluctuated minimally, with an overall 1 percent decrease in *per capita* filings.

**Medical Malpractice Filings per 100,000 Population in Nine and 17 States, 1992-2001**



*Medical malpractice filings vary across states*

The table below indicates that medical malpractice filings comprised a relatively small proportion (5 percent) of the tort caseload in 2001. In the 17 states able to provide comparable medical malpractice data for 2001, the *percent* of tort caseload ranged from a low of 1 percent in Oregon to highs of 8 percent in Mississippi and Florida. However, changes in the *number* of filings between 1997 and 2001 among these 17 states cover a wide range, from a -44 percent change in Minnesota to a +41 percent change in North Dakota.

**Medical Malpractice Filings in 17 States, 1997 vs. 2001**

State	Filings		Percent Change 1997-2001	Percent of Tort Caseload
	1997	2001		
North Dakota	29	41	41%	7%
Colorado	171	231	35	5
Mississippi	332	443	33	8
Puerto Rico	502	634	26	6
Florida	3,266	3,980	22	8
Alabama	310	340	10	3
Wisconsin	232	253	9	3
Wyoming	70	76	9	2
Rhode Island	158	163	3	5
Arizona	641	641	0	5
Missouri	794	777	-2	4
New York	4,467	4,337	-3	5
Connecticut	382	366	-4	2
New Jersey	1,775	1,613	-9	2
New Hampshire	80	68	-15	3
Oregon	101	64	-37	1
Minnesota	237	132	-44	2
<b>Total</b>	<b>13,547</b>	<b>14,159</b>	<b>5%</b>	<b>5%</b>

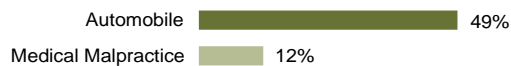
### *Contrasting automobile and medical malpractice trials*

Medical malpractice and automobile torts both typically involve personal injury and allege some form of negligence on the part of the defendant(s). However, similarities in the two types of cases essentially end there. Aside from the enormous difference in the *volume* of cases filed in the state courts, the characteristics of medical malpractice and automobile torts begin to diverge when examining cases disposed of by trial. According to the 1996 NCSC/BJIS follow-up study of civil trials in the nation's 75 largest counties, nearly one-half of all tort trials involved automobile claims, whereas about 12 percent involved claims of medical malpractice. Automobile and medical malpractice trials also differed substantially in the rates at which plaintiffs prevailed. Plaintiff win rates in automobile trials were 57 percent, whereas plaintiffs won less than one out of four medical malpractice trials (23 percent).

As interesting as these facts may be, these are not the statistics capturing the public's attention. Although many more automobile cases go to trial than medical malpractice cases, and even though plaintiffs prevail at a much higher rate in automobile cases, it is the awards to plaintiffs in medical malpractice cases that attract the spotlight. The median award of \$286,000 in medical malpractice trials was roughly 16 times greater than that in automobile trials (\$18,000) and second in magnitude only to awards in asbestos trials.

#### **Automobile vs. Medical Malpractice Trials: Percentage of Tort, Plaintiff Win, and Median Award**

##### **Proportion of All Tort Trials, 1996**



##### **Percent of Trials in which Plaintiff Prevailed, 1996**



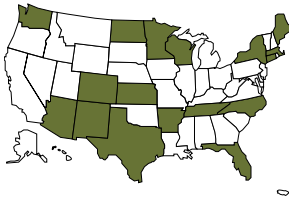
##### **Median Award to Prevailing Plaintiffs, 1996**



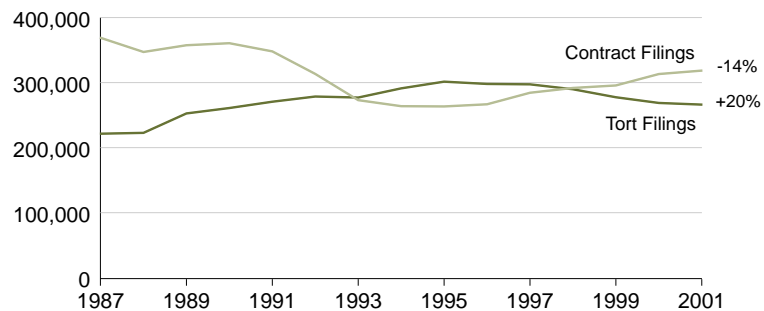
### *Contract filings once again outpace tort filings in 2001*

As a result of occasional large awards in tort trials and the high-profile nature of certain product liability cases such as tobacco and asbestos, tort cases tend to dominate discussions of civil litigation. However, in all but four of the last 15 years, contract case filings equaled or exceeded tort filings in the general jurisdiction courts of 17 states. In 1987, our benchmark year, contract filings were at their highest point (369,000) and torts at their lowest point (221,000). From 1987 until 1995, both case filings moved in contrary directions until they converged; contract cases were then surpassed by torts for the next four years. In 1995, tort filings reached their maximum (eclipsing contract filings by 13 percent) then slowly declined through 2001.

After attaining their lowest point at about the same time as torts reached their pinnacle (1995), contract filings are once again increasing. But despite the nearly 21 percent increase in contract filings since 1995, filings are still down 14 percent from their starting point in 1987. Conversely, tort filings have dropped 12 percent since 1995, yet still show an overall increase of 20 percent since 1987.



**Tort and Contract Filings in General Jurisdiction Courts in 17 States, 1987-2001**



### *Contract filings decline in 15 of 19 states*

Erratic movement in filing trends, such as those shown in the previous graph, likely indicates the influence of things other than population, such as changes in laws or the economy. However, some upward movement in court filings may be simply explained by an increase in the underlying population. The following table shows population-adjusted contract filings in 19 states for two years: 1992 and 2001.

It is important to note that filing rates in states with unified court systems generally appear higher than the general jurisdiction filings in other states because all contract cases are filed in the same court. In states with two-tiered court systems, limited jurisdiction courts handle many of the cases involving nominal amounts of money, so the general jurisdiction caseloads tend to appear smaller.

#### **Growth Rates of Contract Filings in 19 states, 1992 vs. 2001**

State	Filings per 100,000 Population		Percent Change 1992-2001
	1992	2001	
<b>Unified Courts</b>			
Kansas	2,968	3,853	30%
North Dakota	971	1,239	28
Missouri	1,354	1,405	4
Minnesota	155	112	-28
Wisconsin	415	261	-37
Connecticut	848	486	-43
<b>General Jurisdiction Courts</b>			
Washington	287	315	10
North Carolina	94	90	-4
Arkansas	569	506	-11
Oregon	721	629	-13
New Mexico	730	633	-13
Massachusetts	83	71	-14
Texas	145	117	-19
Alaska	93	75	-20
New York	126	98	-22
Tennessee	153	112	-26
Colorado	281	193	-31
Arizona	371	215	-42
Maine	89	51	-42

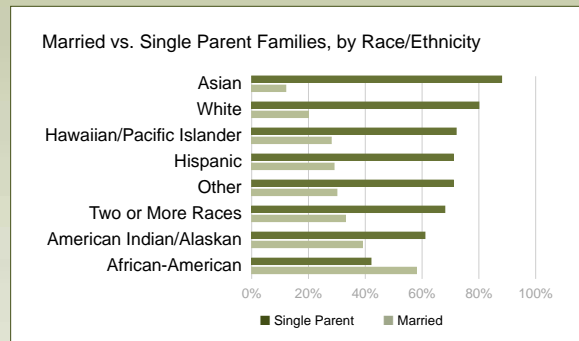
Gains and losses were evenly split between the six states with unified court systems. Among those whose caseloads increased faster than the population, Kansas was highest with an increase of 30 percent. The district court of Kansas uniquely counts any debt collection case with an amount in controversy exceeding \$1,800 as a contract filing, helping to explain the relatively high number of filings, if not the increase. At the other end of the spectrum, Connecticut realized a net decrease of 43 percent.

Unlike the relative equilibrium seen among the unified courts, changes in general jurisdiction courts were overwhelmingly downward, as only one state, Washington, reported an increase (10 percent). Eleven of the 13 general jurisdiction courts experienced a decline of more than 10 percent, and six courts saw decreases of 20 percent or more.

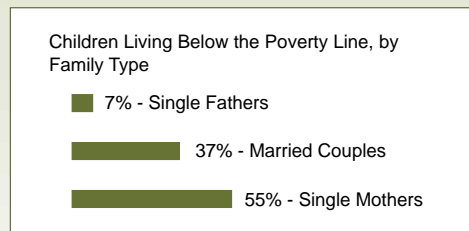
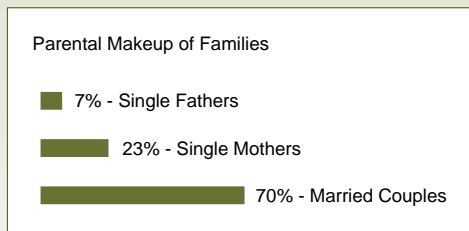


# DOMESTIC RELATIONS

For families with children, the 2000 census shows ...



Source: U.S. Census Bureau, 2000.



Single parent families are common across many racial & ethnic groups.

Roughly 30% of all families are headed by a single parent.

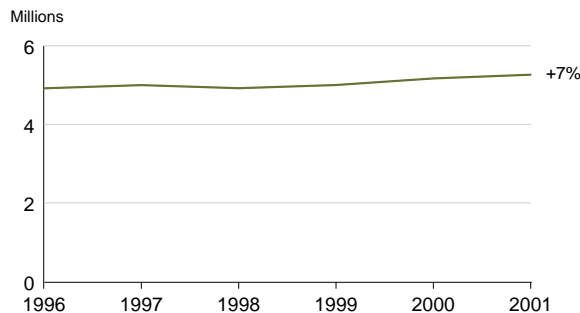
Children in single mother families are more likely to be poor.

# Domestic Relations Caseloads in State Trial Courts

## *Domestic relations filings increased seven percent between 1996 and 2001*

Long-term domestic relations caseload trends are difficult to obtain. However, when restricting the time frame to 1996-2001, data from 47 states (plus D.C. and Puerto Rico) can be merged to show the most general information—total domestic relations filings. The chart below shows that the number of domestic relations filings reached its highest level over the six-year period in 2001, with over 5.2 million case filings reported. With the exception of 1998, domestic relations case filings have increased each year. Case filings increased by almost 2 percent between 2000 and 2001.

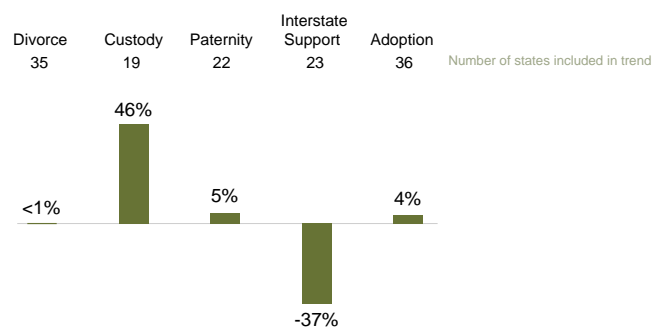
**Domestic Relations Filings in General and Limited Jurisdiction Courts in 49 States, 1996-2001**



## *Between 1996 and 2001, custody filings rose dramatically, while interstate support filings declined*

The bar graph below shows percentage change in domestic relations caseloads for each case type except domestic violence, which will be examined separately. Between 1996 and 2001, custody filings in 19 states increased 46 percent. In 2001, custody case filings rose to over 925,000 filings, compared to a low of nearly 634,000 filings in 1996.

**Percentage Change in Case Filings from 1996 to 2001, by Case Type**

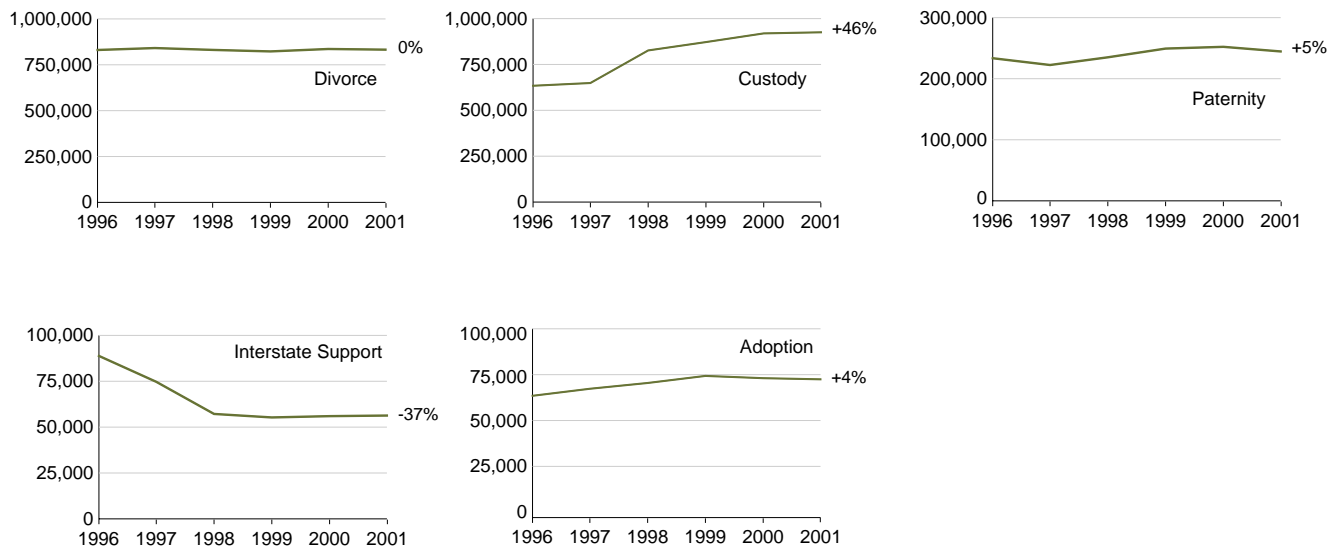


Interstate support filings declined by 37 percent in 23 states over the same six-year period. The steady decrease in interstate support filings can be attributed in part to the enactment of the Welfare Reform Act and the Uniform Interstate Family Support Act (UIFSA). These acts reduced the need to involve the state courts in processing routine interstate support, intrastate support, and paternity cases. In 1996, there were 88,928 interstate support filings, compared to 56,316 in 2001.

The adjacent trend lines demonstrate annual changes in each domestic relations case type from 1996 to 2001. Some of the highlights are:

- Adoption filings rose 11 percent from 1996 to 1998. Since 1999, the number of adoption filings remained stable.
- Divorce filings remained steady throughout the six-year period, with a slight decrease noted between 2000 and 2001.
- Paternity case filings increased 5 percent between 1996 and 2001. However, the number of paternity case filings declined in 2001.

**Domestic Relations Cases by Type, 1996-2001**



## Domestic Relations Caseload Composition in 27 States, 2001

	Filings per 100,000 Population	Total DR Filings	Percent of Caseload					
			Divorce	Custody	Paternity	Interstate Support	Adoption	Misc.
Delaware <sup>2</sup>	4,867	38,751	13%	61%	2%	0%	1%	16%
Vermont <sup>2</sup>	3,448	21,137	35	37	5		2	2
New York	3,378	642,200	11	60	13	2	1	4
District of Columbia	3,018	17,260	24	4	13	6	4	
Pennsylvania <sup>2,3</sup>	2,847	349,787	12	72			1	2
North Dakota <sup>1,2</sup>	2,594	16,457	25	55	10		2	
New Mexico <sup>1,2</sup>	2,230	40,785	33	5	5		2	4
Ohio	2,202	250,399	23	46	11	2	2	9
Massachusetts	2,010	128,199	17	1	24		3	21
Arkansas	1,963	52,837	42	19	12		4	7
Missouri <sup>1,5</sup>	1,773	99,808	32	1	9	2		15
Alaska <sup>1</sup>	1,770	11,236	33		5	1	5	5
South Dakota <sup>3</sup>	1,560	11,806	37	21		14	4	1
Tennessee	1,544	88,640	40	35	5	3	3	6
Indiana <sup>1</sup>	1,538	94,070	44		17	3	4	2
Oregon	1,538	53,405	37	7	5	1	4	19
Michigan	1,449	144,771	36	14	14	3	4	4
Washington <sup>2,3</sup>	1,329	79,575	41	4	12		4	3
Kansas <sup>1,4</sup>	1,301	35,068	48		9	2	5	11
Minnesota <sup>1,3</sup>	1,296	64,458	27			20	3	5
Rhode Island <sup>1</sup>	1,274	13,492	32		10	29	4	2
Hawaii <sup>1</sup>	1,169	14,310	39		16	3	5	8
Utah	996	22,604	56	3	6	1	7	
Connecticut <sup>2</sup>	996	34,103	42	24	8		3	6
Wisconsin	983	53,104	41	16	29	4	5	5
Puerto Rico	881	33,827	59	35	1		1	4
Louisiana	619	27,651	6	53	25	3	5	3

<sup>1</sup>Custody filings are underrepresented and may be counted in other categories.

<sup>2</sup>Interstatesupport filings are underrepresented and may be counted in other categories.

<sup>3</sup>Paternity filings are underrepresented and may be counted in other categories.

<sup>4</sup>Divorce filings are underrepresented and may be counted in other categories.

<sup>5</sup>Adoption filings are underrepresented and may be counted in other categories.

Note: Totals may not sum due to rounding.

### *Most states have difficulty reporting more detailed domestic relations data*

The adjacent table presents the composition of domestic relations cases for the states that provided information by case type. However, differences in reporting practices impact the comparability of domestic relations data across states and over time. This lack of consistent reporting practices makes it difficult to accurately differentiate the types of domestic relations cases processed. In some types of cases that frequently involve modification hearings, such as custody, a number of states report each hearing as a separate case. Although this practice helps in the understanding of court *workload*, it tends to exaggerate the *caseload* of those types of cases. Another practice that impacts the consistency of national domestic relations trend data is the way in which cases are classified. For example, the variation in divorce and custody filings may result from some states classifying part of their custody proceedings with divorce filings, while other states consistently distinguish the two case types.

### *Variations in state reporting practices call for uniform data collection*

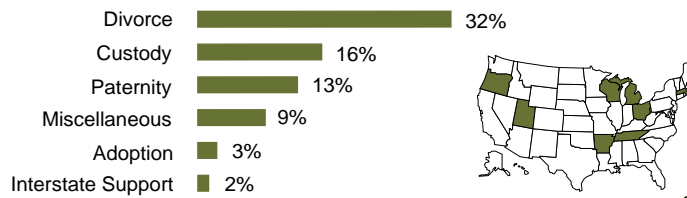
This variation in domestic relations caseloads is illustrated in several states, such as Minnesota, Kansas, and Alaska, where custody cases are subsumed under other categories, such as divorce. In fact, six of the 27 states reporting domestic relations data could not provide separate custody data. Of the remaining states, the percentage of custody cases as a proportion of the domestic relations caseload varies from one percent (Massachusetts, Missouri) to 72 percent (Pennsylvania).

As domestic relations case type definitions and reporting strategy refinements continue, a clearer picture of domestic relations caseloads will emerge. Positive changes are occurring. For example, the Welfare Reform Act of 1996 and the Adoption and Safe Families Act of 1997 encourage states to develop more detailed and comparable reporting procedures. Still, for the period 1996 to 2001, only 10 states could report complete data for each of the five key domestic relations categories: divorce, custody, paternity, interstate support, and adoption.

### *Divorce cases comprise 32 percent of domestic relations caseloads*

In the 10 states reporting data for all categories, divorce comprises three of every 10 domestic relations cases filed, custody accounts for 16 percent, and paternity 13 percent of cases. These three types of cases together accounted for 61 percent of the domestic relations caseload.

#### **Domestic Relations Caseload Composition in 10 States, 2001**



### *Domestic violence data will be refined in future data collection practices*

The reporting of national domestic violence data has suffered from similar levels of inconsistency in data collection practices across states. Moreover, the category has historically encompassed both civil acts, such as protection orders, and criminal acts, including misdemeanors and felonies. For this reason, the forthcoming *State Court Guide to Statistical Reporting* will delineate criminal domestic violence filings and civil/criminal protection order filings.

### *Courts are often unable to provide complete statewide data, despite an improvement in data collection efforts*

In 1994, Congress enacted the Violence Against Women Act (VAWA), which provided states with funds to address domestic violence, sexual assault, and stalking issues. The Act prompted legislative activity—many states reformed their criminal codes by labeling domestic violence a separate crime and increasing criminal penalties. At the same time, the Act emphasized the importance of civil protection orders and their interstate enforcement.

As a result of VAWA and the availability of federal funding, states have increasingly automated their protection order process. For instance, Louisiana's Protective Order Registry has recorded almost 61,000 protection orders since its inception in 1997, with the number of filings increasing each year. Similarly, Pennsylvania's Protection from Abuse Database, operational in 45 of 67 counties, has increased the quality of data on protection from abuse filings within the state.

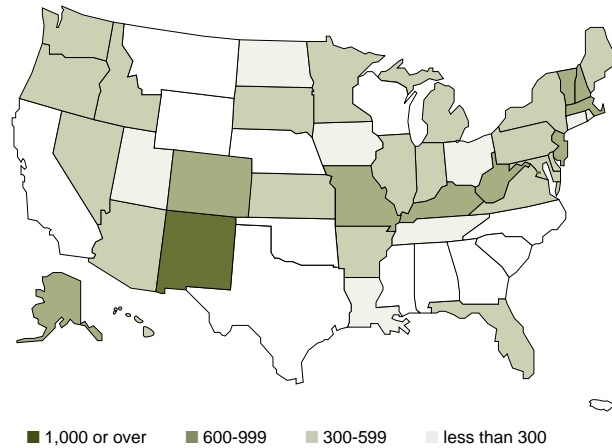
## Domestic Violence Caseloads in 36 States, 1998-2001

State	Filings per 100,000 population	Domestic Violence Filings				Population Rank
		1998	1999	2000	2001	
<b>Unified Courts</b>						
District of Columbia	1,484	9,481	8,771	9,093	8,485	51
Missouri	730	39,574	38,264	40,409	41,095	17
Minnesota	583	29,785	28,438	28,510	28,964	21
Illinois	411	41,549	47,450	50,205	51,241	5
South Dakota	346	1,911	2,204	2,562	2,616	47
Kansas	309	8,503	7,488	7,660	8,325	33
North Dakota	211	1,164	1,300	1,336	1,341	49
Iowa	202	5,638	5,137	5,359	5,907	31
Connecticut	175	5,328	5,502	5,538	6,002	30
<b>General Jurisdiction Courts</b>						
New Mexico	1,145	18,912	19,601	19,914	20,951	37
West Virginia	931	14,774	14,307	16,563	16,775	38
Alaska	905	5,750	5,856	5,997	5,746	48
New Jersey	840	71,518	71,647	71,977	71,252	9
Kentucky	716	28,732	27,452	27,980	29,102	25
Colorado	687	27,573	26,463	28,350	30,355	24
New Hampshire	676	8,184	7,715	7,955	8,511	42
Massachusetts	670	46,609	44,516	44,011	42,757	13
Vermont	649	4,091	4,182	4,238	3,978	50
Florida	593	86,442	86,944	90,262	97,288	4
Maryland	570	21,145	21,420	22,126	30,665	19
Maine	554	7,062	6,980	7,489	7,127	41
Arizona	498	22,371	22,721	23,160	26,444	20
Virginia	476	29,659	33,978	32,947	34,200	12
Washington	472	29,715	29,233	29,557	28,263	15
Indiana	446	20,228	21,131	24,487	27,242	14
Idaho	433	6,286	5,700	5,508	5,723	40
Oregon	421	14,598	13,995	14,528	14,622	28
Delaware	393	3,327	3,362	3,361	3,125	46
Michigan	360	30,411	31,812	35,027	35,925	8
Hawaii	329	3,275	3,055	3,570	4,027	43
Arkansas	316	8,001	8,052	8,578	8,513	34
New York	311	58,958	56,073	56,937	59,137	3
Rhode Island	297	3,779	3,565	3,498	3,140	44
Utah	267	7,370	6,254	6,183	6,052	35
Ohio	135	10,495	11,649	13,295	15,401	7
Tennessee	123	6,493	7,112	7,734	7,083	16

Nonetheless, some state court systems, including Louisiana and Pennsylvania, are not able to provide complete statewide data on domestic violence filings. The 36 states providing four years of comparable domestic violence data are divided by type of jurisdiction and then ranked in the preceding table by their population-adjusted filing rate in 2001.<sup>1</sup> Domestic violence caseloads ranged from a high of 1,484 filings per 100,000 population in the District of Columbia, to 123 filings per 100,000 population in Tennessee. The wide range of differences is likely due, at least in part, to a combination of differences in local and statewide reporting practices.

<sup>1</sup> In this report, domestic violence is a broad category that includes both criminal and civil cases, such as domestic violence felonies and misdemeanors, civil protection orders, and civil claims. While the data cannot yet distinguish between types of domestic violence cases, the trend data indicate changes in the overall levels of domestic violence filing activity.

**Domestic Violence Filings, 2001**



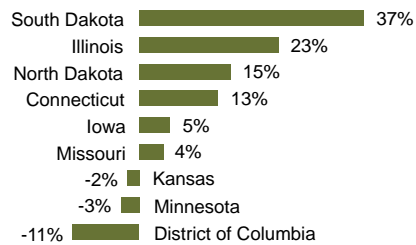


### *Domestic violence filings increased 16 percent over the last six years*

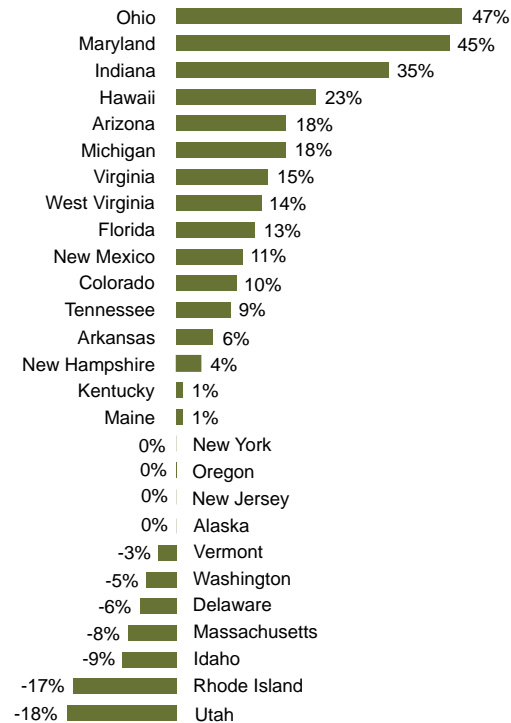
Between 1996 and 2001, the number of domestic violence filings in the 34 states reporting complete data for that period rose from about 521,000 to 606,000, an increase of 16 percent. A closer examination of state trends since 1998 shows that domestic violence filings increased in the vast majority of reporting states (22 of 34 states). Ohio and Maryland reported the highest increases (47 and 45 percent, respectively). Utah recorded the largest decline in domestic violence filings (-18 percent).

#### Domestic Violence Caseload Growth in 36 States, 1998 to 2001

##### Unified Courts

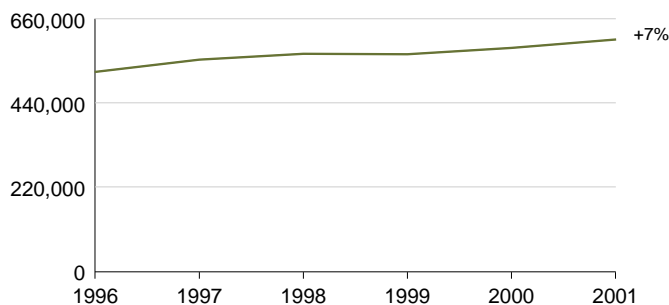


##### General Jurisdiction Courts



Data issues continue to account for much of the wide variation in both the number of domestic violence filings per 100,000 population and the percentage change in filings from 1998 to 2001. As previously noted, states differ in the ways in which they define, identify, and collect domestic violence data. 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 cases can originate in several different jurisdictions or divisions of a state's court system, such as civil, criminal, juvenile, or family jurisdictions. This lack of consistency can lead to inflated filing data (e.g., a protection order could be counted both as a filing for a temporary order and a filing for a final order). Fortunately, the situation should be improved by the introduction and circulation of the new *State Court Guide to Statistical Reporting*. The prototypes contained therein will clarify definitions and include distinct categories of domestic violence criminal caseloads and protection order filings.

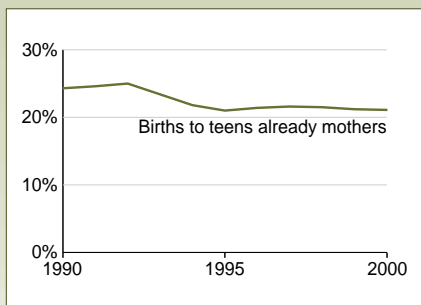
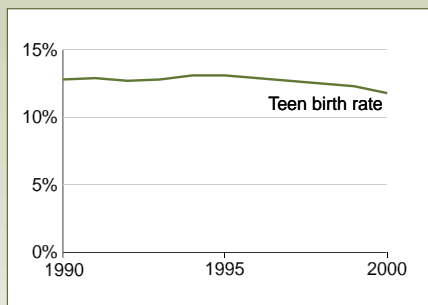
#### Domestic Violence Filings in General and Limited Jurisdiction Courts, 1996-2001



# JUVENILE

Births to teenaged mothers remain a critical social issue

Percent of Total Births to Teen Mothers



Percent of Total Births to Teens, 1999

Top 5 States	
Massachusetts .....	7
New Hampshire .....	7
New Jersey .....	7
Connecticut .....	8
Minnesota .....	8
Bottom 5 States	
Oklahoma .....	16
Louisiana .....	18
Arkansas .....	18
New Mexico .....	18
Mississippi .....	20

Source: The Annie E. Casey Foundation, *The Right Start for America's Newborns*, 2002.

Teen birth rates have been declining;

births to teens who are already mothers account for about 20% of teen births.

Teen birth rates vary considerably by region and state.

# Juvenile Caseloads in State Trial Courts

<sup>1</sup> Precise definitions of these and other components of the juvenile court caseload will soon be available in the revised juvenile case prototype of the *State Court Guide to Statistical Reporting*.

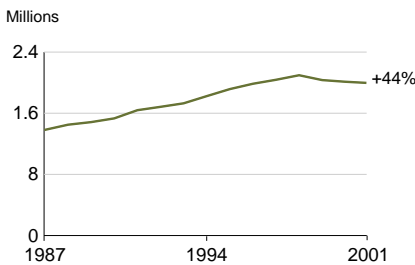
There is considerable variation across states and localities concerning how juvenile courts operate—perhaps more variation than in any other type of court. However, the activity of state juvenile court systems can be broadly summarized using several different caseload measures, each with their own strengths and weaknesses. Three of the most common measures are: (1) number of cases referred, (2) number of cases filed, and (3) number of cases disposed.<sup>1</sup>

Referrals count the number of cases entering the juvenile court and are the most inclusive of the above measures. Cases can be referred to juvenile court intake by a number of sources, including law enforcement agencies, social service agencies, schools, parents, and victims. Consistent counts of referrals are difficult to achieve because different methods are employed by juvenile courts to initially screen cases. In many jurisdictions, an intake unit internal to the juvenile court initially screens all referrals. In other jurisdictions, the initial screening function is performed outside the court by another agency (e.g., the prosecutor's office or a social service agency). There is currently no national system that provides a valid and consistent measure of state-to-state juvenile court referrals. Despite the absence of reliable, easily accessible referral data, filing and disposition data are available and serve as the basis for analysis in this chapter.

## Juvenile filings dropped to less than two million in 2001

If the intake unit (or other screening authority) decides that a case should be handled formally, a petition is *filed* and the case is placed on the juvenile court calendar. A small number of petitions are dismissed for various reasons before an adjudicatory hearing is actually held. Using filings to measure juvenile court activity discounts the work of intake units but, unlike referrals, provides a reliable and more commonly understood measure of juvenile court caseloads. The Court Statistics Project (CSP) provides a reliable source of information about the annual number of filings. CSP data represent all cases filed in the participating states and are not the product of sampling. Data supplied to the CSP by participating courts are often not uniform across jurisdictions and must be restructured into standardized formats to allow for multi-state analysis.

Juvenile Filings in 48 States, 1987-2001



Juvenile filings in the 48 participating state courts declined by just under 1 percent between 2000 and 2001. From their historic high of nearly 2.1 million in 1998, juvenile filings in state courts have dropped about 5 percent to less than two million in 2001. The decline broke an uninterrupted trend of annual increases dating back to 1987. The number of juvenile filings in 2001, though

less than the filings reported for each of the five previous years, was still the sixth highest since 1987 and represents a 44 percent increase over the number of cases filed in that year. The decrease in juvenile court filings appears due, in part, to declining juvenile arrest rates and the ongoing trend of narrowing the jurisdictional authority of juvenile courts.

The majority (61 percent) of juvenile cases filed in 2001 were for some type of delinquent act. Delinquency cases involve offenses that are considered crimes if committed by an adult. Increasingly, these cases are processed like those in adult court, with the presence of a prosecutor and defense attorney and the use of evidentiary and disposition hearings. Though juveniles, like adults, are subject to a range of sentences from community service to secure confinement, their adjudication may also involve special conditions not typically granted to adults (e.g., special placements, living arrangements, or victim compensation).

**Juvenile Caseload Composition in 26 States, 2001**



Child-victim cases, in which the court provides protection to children who are allegedly abused or neglected, accounted for 20 percent of the caseload. Child-victim cases may be handled by removing the child from the home or by prosecuting the accused parent or adult in criminal proceedings.

Another 16 percent of juvenile filings were for status offenses, which are non-criminal misbehaviors that are illegal only for juveniles (e.g., truancy, runaway). Cases involving status offenders can be disposed of in a number of ways, including custody changes or foster care placement, counseling, and referrals to probation or community service.

*Recent delinquency dispositions are less likely to involve property offenses*

A juvenile case is “disposed” when the court takes some definite action on the basis of a petition. Dispositions typically involve a “package” of sanctions or treatment plans designed to both hold the juvenile accountable and to assist in addressing the child’s underlying problems. The only source for national estimates of juvenile court dispositions is the National Center for Juvenile Justice (NCJJ) which produces an annual report summarizing juvenile case dispositions (see also *Easy Access to Juvenile Court Statistics: 1990–1999* <http://www.ojjdp.ncjrs.org/ojstatbb/ezajics> ).

Unlike the CSP data collection, NCJJ disposition estimates are generated using data from a large non-probability sample of juvenile courts. For example, national estimates for 1997 were based on analyses of roughly 900,000 individual case records from 1,500 courts with jurisdiction over 54 percent of the U.S. juvenile population, as well as aggregate court-level data on more than 200,000 cases covering almost 600 jurisdictions. NCJJ data elements allow for a detailed description of juvenile court processing based on disposed cases. The following table and charts show disposition trends of juvenile caseloads for delinquency cases based on data provided by NCJJ.

The table below contains the number of delinquency cases by type of referral offense for 1991 and 1999. Property offenses accounted for a smaller proportion of the total number of cases in 1999 than in 1991, while person, drug, and public order proportions increased.

**Referral Offenses, 1991 vs. 1999**

Type of Referral Offense	1991		1999	
	Total	Percent	Total	Percent
Person	249,542	18.9%	387,067	23.1%
Property	772,797	58.7	706,226	42.2
Drugs	71,049	5.4	191,162	11.4
Public Order	223,625	17.0	388,587	23.2
<b>Total</b>	<b>1,317,013</b>	<b>100.0%</b>	<b>1,673,042</b>	<b>100.0%</b>

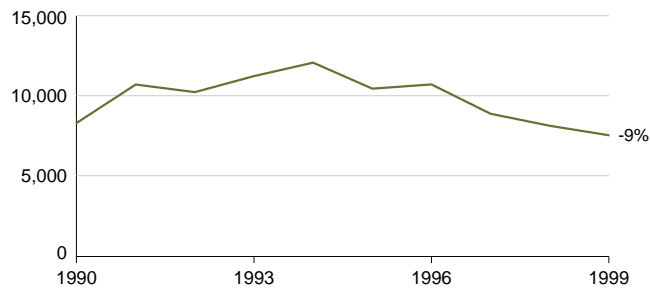
Source: *Easy Access to Juvenile Court Statistics, 1990-1999*. National Center for Juvenile Justice.

*The number of juvenile cases judicially waived to adult court is decreasing*

The intake unit may determine, based on its state’s statutes governing transfer of juveniles to criminal court, that a delinquency case should be removed from the jurisdiction of the juvenile court and handled instead in criminal court. In such cases, a petition is usually filed in juvenile court asking the juvenile court judge to waive jurisdiction over the case. The juvenile court judge then decides whether the case merits criminal prosecution.<sup>2</sup> The graph below shows that the number of judicially waived cases has been declining in recent years as other mechanisms for transfer (e.g., direct filing by the prosecutor and statutory exclusion) are now available in most states.

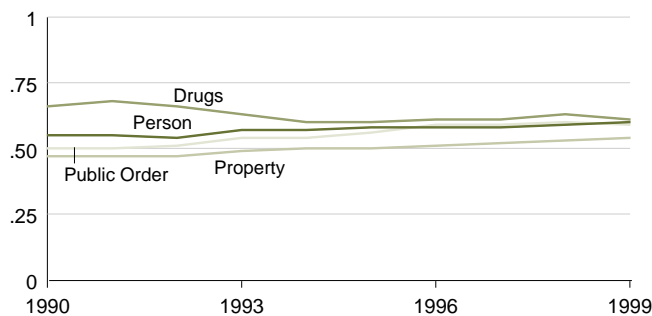
<sup>2</sup> In some states, a prosecutor has the authority to file juvenile cases that meet specified criteria directly in criminal court. In this section, however, only cases that were transferred as a result of judicial waiver are reported.

**Judicially Waived Cases, 1990-1999**



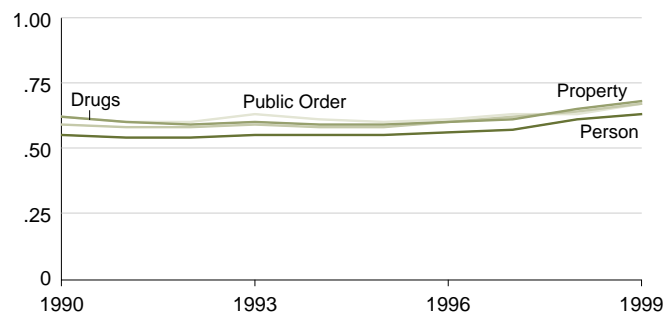
For those cases not transferred, authorities must decide if the case should be petitioned (i.e., handled formally). If the case is petitioned, it will be processed by the juvenile court and can include trial, adjudication, and sentencing. However, many cases are resolved informally or dismissed completely. The graph below shows an increased trend in the formal processing of person, public order, and property offenses; drug cases are increasingly processed informally.

**Proportion of Cases Handled Formally by Type of Referral Offense, 1990-1999**



If a delinquency case has been petitioned, the next step in juvenile court processing is adjudication. If a juvenile is found delinquent at the adjudicatory hearing, the case proceeds to a disposition hearing. Alternatively, a case can be dismissed or continued in contemplation of dismissal. In these cases, the court often recommends a youth take additional action prior to the final adjudication, such as paying restitution or voluntarily attending drug counseling. The graph below shows that the proportion of formally processed cases that are adjudicated delinquent has been increasing for all offense types.

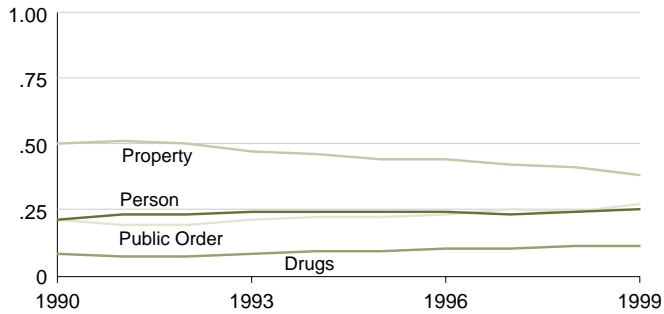
**Proportion of Formally Handled Cases Adjudicated Delinquent by Type of Referral Offense, 1990-1999**



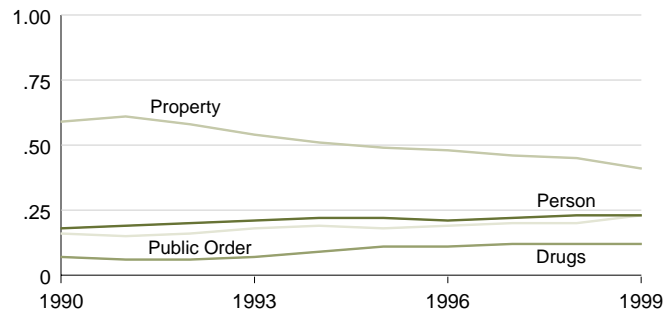
The disposition hearing is used to determine an appropriate sanction. The sanction options available to a judge typically include commitment to an institution, placement in a residential facility, probation, referral to an outside agency, day treatment or mental health program, imposition of a fine, community service, or restitution. The adjacent graphs show the distributions of adjudicated delinquents that were given out-of-home placements or probation and those released or given some "other" disposition. The proportion of property offenders receiving each type of disposition has decreased, while the proportion of person, public order, and drug offenders receiving each disposition has increased. Such a shift in the composition of the type of juveniles receiving out-of-home placements and probation has profound implications for the management of these dispositional alternatives.



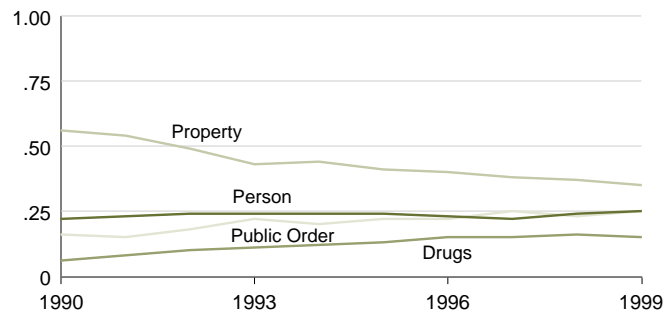
**Proportion of Adjudicated Cases Placed Out-of-Home by Type of Referral Offense, 1990-1999**



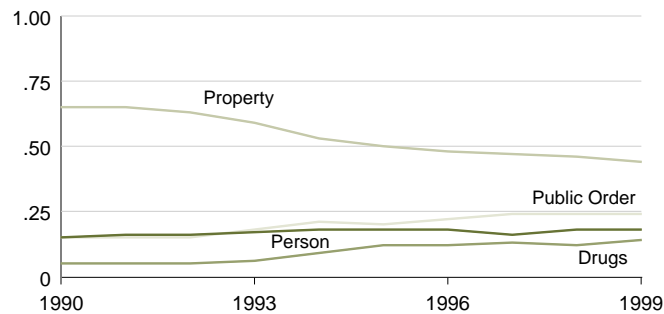
**Proportion of Adjudicated Cases Placed on Probation by Type of Referral Offense, 1990-1999**



**Proportion of Adjudicated Cases Released by Type of Referral Offense, 1990-1999**



**Proportion of Adjudicated Cases with "Other" Dispositions by Type of Referral Offense, 1990-1999**



## Blended Sentencing in Juvenile Courts

<sup>3</sup>Sickmund, M., Snyder, H., and Poe-Yamagata, E. (1997). *Juvenile Offenders and Victims: 1997 update on violence*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

In recent years, a high-profile juvenile sentencing innovation targeted at serious and violent delinquents has emerged as an alternative to outright transfer to criminal court or traditional juvenile court processing. A “blended sentence” combines juvenile and adult sentences. Many states are considering, and several (Iowa, Minnesota, Connecticut, and Montana) have implemented, a “juvenile-inclusive blend” whereby an adult sanction is suspended pending a violation and revocation of the juvenile sentence.<sup>3</sup>

Blended sentencing in Minnesota (referred to as “Extended Jurisdiction Juvenile” or “EJJ”) emerged as a political compromise between those who wanted to emphasize public safety, punishment, and accountability of juvenile offenders, and those who wanted to maintain or strengthen the traditional juvenile justice system. The description of EJJ by the task force that recommended its creation captured the essence of the compromise: “It will give the juvenile *one last chance* at success in the juvenile justice system, with the threat of adult sanctions as an incentive not to re-offend.”

EJJ cases are initially adjudicated and sentenced as juveniles, yet they receive all adult criminal procedural safeguards, including the right to a jury trial. Juveniles disposed EJJ receive a juvenile court disposition and a stayed adult prison sentence. The jurisdiction of the juvenile court lasts until age 21, hence the name “extended jurisdiction” juvenile. A court executes the stayed criminal sentence only if the youth fails in juvenile probation.

The addition of EJJ to traditional disposition options (conventional juvenile dispositions and adult certification) created a triad of dispositional alternatives available to juvenile court judges. The intent of the 1994 Juvenile Crime Act that created EJJ was that each dispositional alternative would match a certain offender profile based primarily on age, offense, and prior record. Conventional dispositions would target the youngest offenders who were charged with less serious offenses and had no serious prior record. EJJ and adult certification clearly targeted older offenders charged with serious offenses who had extensive prior records. EJJs were to be distinguished from adult certifications on the basis of age and concern for “public safety” criteria (primarily offense seriousness and prior record). Adult certification cases were expected to be the most serious cases involving youth who were less amenable to juvenile programs. In short, adult certification cases were to be the “worst of the worst,” while EJJs were to be “less bad of the worst.”

An evaluation team at the National Center for State Courts, in conjunction with staff from the Minnesota Supreme Court, examined the EJJ program in an effort to answer the question: *Are each of the three dispositional alternatives being used effectively to target their intended offender populations?* By posing this question, it was possible to determine whether consistent criteria were being

used to distinguish between adult certifications, EJJ, and youth receiving a traditional juvenile sentence. Data were collected on a sample of cases disposed during 1997 and 1998 in order to evaluate the offender and offense factors associated with the three different dispositional alternatives.

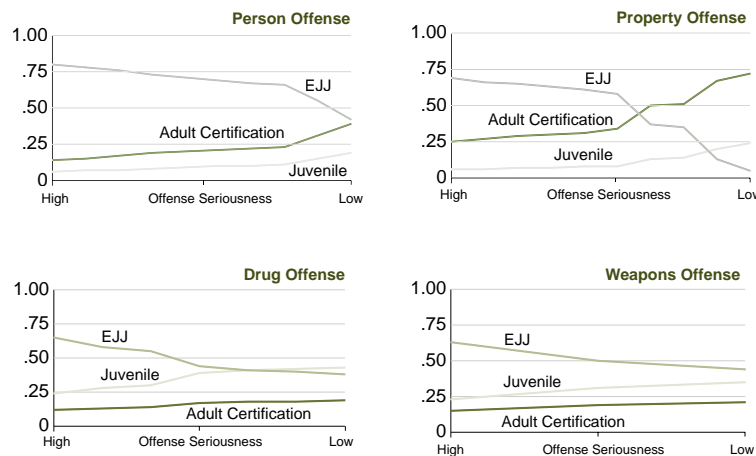
The results from the evaluation showed that both intended (age, offense seriousness, and previous offense seriousness) and unintended (race and judicial district) factors influenced the likelihood of a juvenile receiving an adult certification rather than an EJJ disposition. The influence of the unintended factors was generally stronger. Furthermore, several intended factors, while significant, did not predict outcomes in the most obvious direction.

*Since most current offense and offender culpability factors had little or no influence on the probability of adult certification rather than an EJJ disposition, it was concluded that adult certification and EJJ are not targeting their intended offender populations. In a reversal of intentions, EJJ are apparently the “worst of the worst” while adult certifications are the “less bad of the worst.”<sup>4</sup>*

These results can be seen graphically below. The graphs show the probability of receiving each dispositional alternative (EJJ, adult certification, or juvenile disposition) after having been first motioned for either EJJ or adult certification. The type of offense—person, drug, property, and weapons—are shown. The following conclusions can be drawn: (1) the probability of adult certification was much lower than the probability of an EJJ disposition for more serious offenses; and (2) the probability of adult certification increased as offense seriousness decreased. The study concluded that sometimes the best of legislative intentions do not necessarily translate into effective juvenile court procedures.

<sup>4</sup> Cheesman, F., Green, H., Cohen, T., Dancy, D., Kleiman, M., and Mott, N. (2002). *Blended Sentencing in Minnesota: On Target for Justice and Public Safety? An Evaluation*. Williamsburg, Virginia: National Center for State Courts.

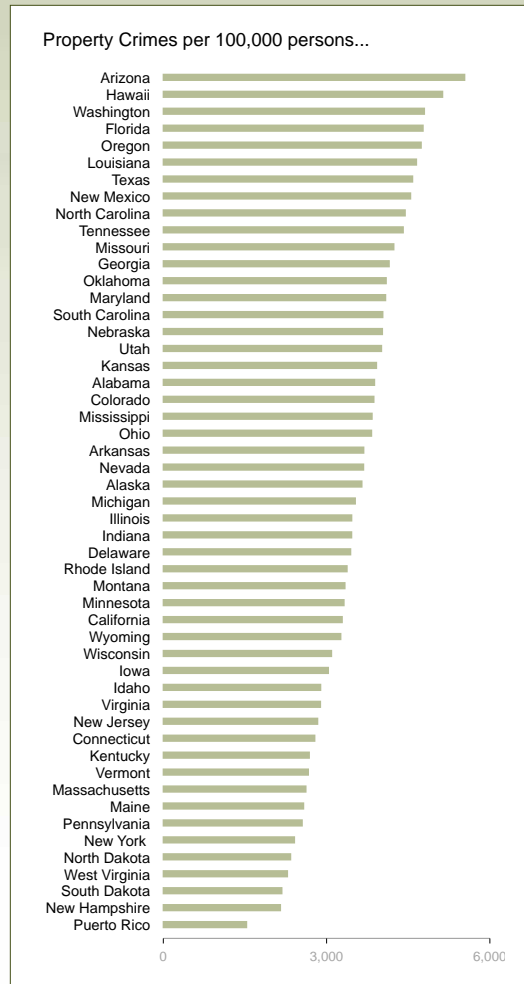
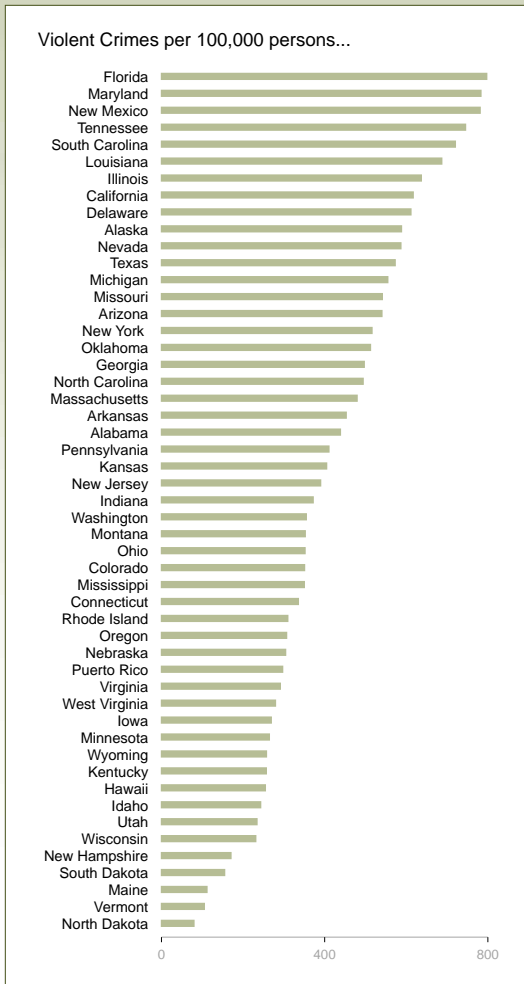
**Probability of Dispositional Alternatives by Offense Seriousness by Type of Offense**





# CRIMINAL

## State Violent & Property Crime Rate Rankings, 2001

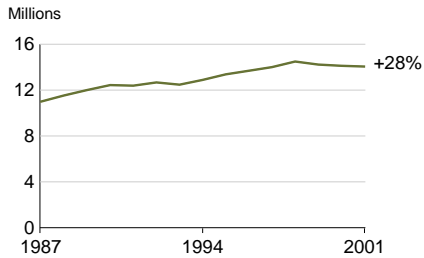


Source: Uniform Crime Report, Federal Bureau of Investigation, 2001.

# Criminal Caseloads in State Trial Courts

*The number of criminal cases in 2001 was just over 14 million*

**Criminal Cases Filed in State Courts, 1987-2001**



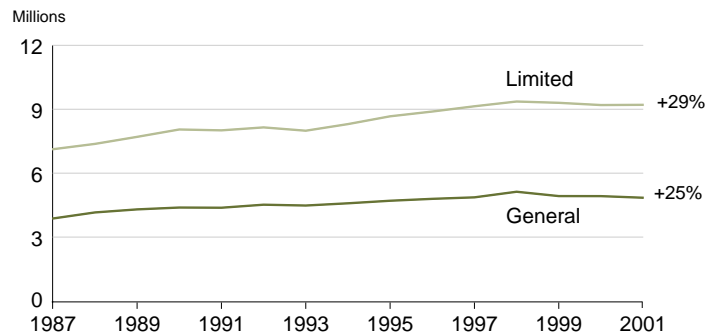
The vast majority of criminal cases are processed in state rather than in federal courts. The most recent trend in criminal filings shows a decline of about 3 percent since 1998. The trend since 1987 is somewhat recurring, with filings increasing then leveling every three to five years. Overall, the data shows that the number of criminal filings rose by about 2 percent per year.

The recent drop in filings could be related to a number of factors, but the most likely explanations take into account the corresponding drop in crime. More directly, arrest rates, which are predictive of criminal case filings, have been declining since the early 1990s. In fact, 2001 marks the first year in which crime rates have flattened or have begun edging up slightly (depending on type of crime).

*Courts of limited jurisdiction processed almost twice the amount of cases as general jurisdiction courts*

The graph below compares criminal case filings by type of court jurisdiction. There were consistently more criminal filings in limited jurisdiction courts than in general jurisdiction courts. Filings in both courts increased almost every year from 1987 until their peak in 1998. Criminal filings in general jurisdiction courts declined in 2001, continuing the trend that began in 1999. Limited jurisdiction court caseloads in 2001 stayed even at about 9.2 million cases. Overall, criminal caseloads increased 25 percent in general jurisdiction courts and 29 percent in limited jurisdiction courts between 1987 and 2001.

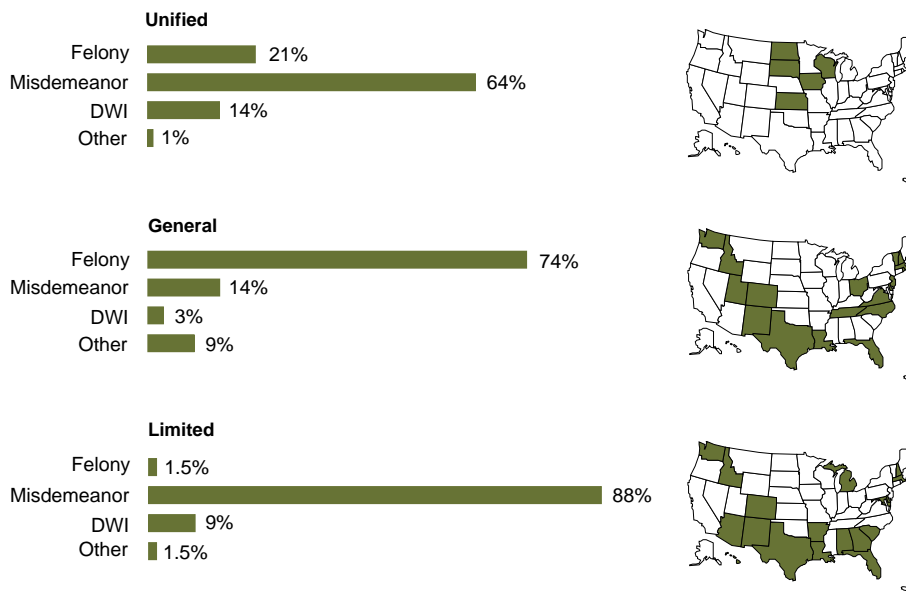
**Criminal Cases Filed in State Courts by Court Jurisdiction, 1987-2001**



The composition of criminal filings differs significantly between unified, general jurisdiction, and limited jurisdiction courts. In 2001, misdemeanor cases represented 64 percent of the criminal caseload in unified courts, while felony and Driving While Intoxicated (DWI, also referred to as Driving Under the Influence) cases accounted for 35 percent of criminal filings.

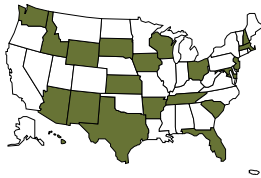
In two-tiered court systems, felonies are typically filed in general jurisdiction courts, while misdemeanors are usually handled in limited jurisdiction courts. In 2001, 74 percent of the criminal cases filed in general jurisdiction courts were felony cases, while 14 percent involved misdemeanors. Of the remaining cases, 3 percent involved DWI offenses. In contrast, misdemeanor and DWI cases together represented 97 percent of the criminal caseload in limited jurisdiction courts, whereas felonies accounted for less than 2 percent of their caseload.

**Criminal Caseload Composition by Court Jurisdiction, 2001**

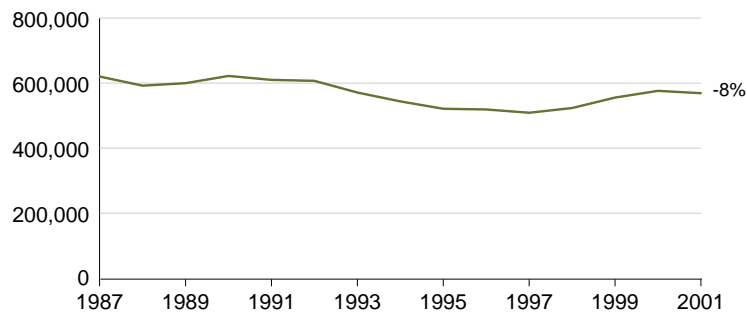


*DWI filings are down from 2000*

Between 1987 and 1997, DWI filings in state courts decreased almost every year, reaching their lowest levels in 1997. After that year, DWI cases began to rise again, reaching their highest levels since 1992 in 2000. In 2001, DWI filings dropped to a total of 569,000 filings in the 27 reporting courts, down from 576,000 in 2000. The overall decrease in DWI filings in state courts was 8 percent. This trend may reflect the impact of stricter law enforcement, media attention, and alcohol awareness programs on the incidence of drunk driving.



**DWI Filings in 27 Courts, 1987-2001**



*Fifteen states account for nearly three-fourths of the total general jurisdiction criminal caseload*

The table on the following page compares criminal filings in unified and general jurisdiction courts during 2001. The range of criminal filings was broad: California reported the largest number of filings (742,582) while Alaska reported the smallest number (3,337 filings). Fifteen states each reported over 100,000 criminal filings, collectively accounting for three-fourths of the total general jurisdiction criminal filings.

Criminal caseloads in a state are closely associated with the size of the state's population and may be expected to rise simply as a result of population growth. The center column shows the number of criminal filings per 100,000 population and the third column shows each state's total population rank. Maryland's filing rate of 1,441 per 100,000 population is the median for the nation. Note that states reporting the largest numbers of criminal case filings are not necessarily states reporting the largest population-adjusted rates of criminal case filings. For example, North Dakota reported the second highest rate of criminal filings (5,845 per 100,000 population) but ranks 31<sup>st</sup> among the states with regard to number of criminal filings.



**Criminal Filing Rates in Unified and General Jurisdiction Courts in 49 States, 2001**

State	Criminal Filings	Criminal Filings per 100,000 Population	Population Rank
<b>Unified Courts</b>			
California	742,582	2,152	1
Illinois	559,712	4,484	5
Minnesota	263,199	5,293	21
Missouri	189,950	3,374	17
Wisconsin	148,667	2,752	18
Connecticut	106,770	3,117	30
Puerto Rico	87,387	2,294	27
Iowa	85,466	2,924	31
Kansas	48,506	1,800	33
North Dakota	37,084	5,845	49
District of Columbia	34,341	6,006	51
South Dakota	30,700	4,058	47
<b>General Jurisdiction Courts</b>			
Indiana	209,440	3,425	14
Florida	200,258	1,221	4
Texas	170,845	801	2
Pennsylvania*	167,773	1,365	6
Virginia	161,648	2,249	12
Louisiana	153,725	3,443	22
North Carolina	136,869	1,672	11
South Carolina	108,010	2,658	26
Oregon	100,449	2,892	28
Tennessee	98,521	1,716	16
Georgia	97,688	1,165	10
Maryland	77,472	1,441	19
Ohio	76,830	676	7
Alabama	69,998	1,568	23
Michigan	66,076	661	8
Arkansas	62,623	2,326	34
Utah	60,365	2,659	35
New Jersey	52,824	623	9
New York	52,500	276	3
Arizona	47,380	893	20
Washington	42,390	708	15
Colorado	36,860	834	24
Kentucky	23,283	573	25
New Hampshire	22,003	1,747	42
New Mexico	20,419	1,116	37
Vermont	18,983	3,096	50
Idaho	11,955	905	40
Nevada	11,782	559	36
Nebraska	9,140	533	39
Hawaii	8,937	730	43
Maine	8,639	671	41
Delaware	8,531	1,072	46
West Virginia	8,121	451	38
Montana	7,215	798	45
Rhode Island	6,044	571	44
Massachusetts	5,009	79	13
Alaska	3,337	526	48

\*The data for Pennsylvania are preliminary figures provided by the PA AOC.

Note: Mississippi, Oklahoma, and Wyoming are not included because data were not available for 2001.

Factors other than population size also significantly influence the size of criminal caseloads. These factors include the continuing trend in legislatures to criminalize new behaviors, differences in the prosecutorial charging procedures, and differences in the underlying crime rates. Cross-state comparisons of criminal caseloads also require a working knowledge of differences in state court structure, composition of criminal data, and unit of count. States in which the general jurisdiction court handles all or most of the criminal caseload (e.g., the District of Columbia, Illinois, and Minnesota) have the highest numbers of population-adjusted filings, while states that have one or more limited jurisdiction courts with concurrent criminal jurisdiction (e.g., Texas) have much smaller population-adjusted filings.

The composition of the criminal caseload in courts of general jurisdiction tends to be quite similar across states, although some differences exist. For example, criminal filings in Connecticut, Illinois, and Minnesota include ordinance violation cases, which typically are reported in traffic caseloads in other states. Composition also relates to court structure: New York's criminal caseload consists solely of felony and DWI cases, since various limited jurisdiction courts process all misdemeanor cases, some DWI cases, some felony cases, and miscellaneous criminal cases.

Unit of count also affects the size of the caseload. States that count a case at arraignment (e.g., Ohio), rather than at filing of an information/indictment, have smaller criminal caseloads. Most states count each defendant as a case, but some states (e.g., New York, Wyoming, and Montana) count one or more defendants involved in a single incident as one case. This results in smaller numbers of population-adjusted criminal filings in those states. See *State Court Caseload Statistics, 2002* for more information regarding case counting practices.

### *Clearance rates reflect reductions in a court's pending caseload*

The success of states in disposing criminal cases reflects, in part, the adequacy of court resources and has implications for the pace of both criminal and civil litigation. Criminal cases consume a disproportionately large chunk of court resources compared to their overall contribution to the total caseload. 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. In addition, 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. This mandatory attention to criminal cases may result in slower processing of other types of cases.

### *Seventeen states had three-year clearance rates of 100 percent or more*

The table on the following page shows that 17 states cleared 100 percent or more of their criminal caseload for the period from 1999 to 2001. Rhode Island and New York topped the list with the highest clearance rates for all three years. At the other end of the scale, Florida reported the lowest clearance rate of 85 percent, indicating that its courts are likely adding to an inventory of pending cases.

Statewide clearance rates not only reflect a range of management initiatives at the trial court level, but also are influenced by factors such as caseload growth, time standards, and the consistency with which filings and dispositions are measured. Of the 17 states that cleared 100 percent or more of their criminal caseload for the 1999-2001 period, nine experienced a decline in the number of cases filed. All of the 17 states with three-year clearance rates of 100 percent or more have adopted time standards for criminal case processing. Three of the states with high clearance rates (New York, Rhode Island, and West Virginia) have adopted the COSCA/ABA-recommended goal of disposing all felony cases within 180 days from the time of arrest. Time standards for West Virginia and Massachusetts are mandatory, while others are advisory. Finally, it is also important to note whether the filings and dispositions within a state are comparable. Only states that use the same methodology to count filings and dispositions are included in the table.

## Criminal Caseload Clearance and Growth Rates for Unified and General Jurisdiction Courts in 44 States, 1999-2001

State	Clearance Rates				Caseload Growth 1999-2001
	1999	2000	2001	1999-2001	
<b>Unified Courts</b>					
Kansas	101%	103%	108%	104%	-3%
Iowa	103	111	98	104	- 8
Illinois	105	104	101	103	- 4
Minnesota	98	100	108	102	- 6
District of Columbia	102	103	100	101	5
Wisconsin	100	102	99	100	7
Connecticut	101	97	101	99	- 9
Puerto Rico	97	96	96	96	- 7
North Dakota	98	94	94	96	6
Missouri	96	93	91	93	3
California	92	93	93	93	-13
<b>General Jurisdiction Courts</b>					
Rhode Island	117	101	103	107	7
New York	108	108	105	107	-5
Massachusetts	105	114	98	105	-43
Utah	89	113	115	105	-9
South Carolina	103	102	109	104	-5
Alabama	106	103	99	102	3
New Jersey	105	102	99	102	4
Indiana	100	103	101	102	9
Texas	101	101	100	101	7
Georgia	96	104	100	100	0
Colorado	104	101	95	100	-2
Pennsylvania*	98	99	101	99	8
Tennessee	97	101	100	99	0
Vermont	97	98	103	99	-11
Virginia	99	96	99	98	9
Washington	98	98	98	98	8
Oregon	99	97	98	98	0
Ohio	98	99	96	98	15
West Virginia	100	99	94	98	8
Idaho	97	98	96	97	5
North Carolina	96	98	97	97	-3
Alaska	94	97	100	97	-3
Michigan	101	94	93	96	6
Maryland	98	95	94	96	9
Arkansas	97	93	97	96	14
Delaware	101	94	92	96	11
Arizona	100	91	95	95	16
New Hampshire	93	96	94	94	16
Kentucky	94	96	90	93	5
Montana	103	93	85	93	22
Hawaii	105	92	82	93	2
New Mexico	90	93	93	92	19
Florida	83	82	89	85	1

\*The data for Pennsylvania are preliminary figures provided by the PA AOC.

### *Very few criminal cases are resolved at trial*

Approximately 3 percent of criminal cases were resolved by trial in 2001. Trial rates ranged from 0.9 percent in Vermont to 8 percent in New Mexico. Nationally, jury trials account for 46 percent of all trials. Guilty pleas disposed of about 65 percent of criminal cases. About one criminal case in four is resolved when the prosecutor decides not to continue (*nolle prosequi*) or all charges are dropped (dismissal).

#### Manner of Disposition for Criminal Cases Filed in 17 Unified and General Jurisdiction Courts, 2001

State	Total Disposed	Percentage of Cases Disposed by:						
		Trial			Non-trial			
		Total	Bench	Jury	Total	Pleas	Dism/Nolle	Other
<b>Unified Courts</b>								
Minnesota	282,468	1.0%	0.6%	0.4%	99.0%	74.1%	24.8%	0.0%
Missouri	146,228	1.7	1.2	0.4	98.3	66.8	30.5	3.3
Wisconsin	137,438	1.7	0.3	1.4	98.3	77.4	20.5	0.4
Iowa	83,805	2.0	1.4	0.6	98.0	68.2	29.8	0.0
Puerto Rico	75,792	9.6	9.3	0.3	90.4	44.2	43.5	2.7
Kansas	41,940	3.3	1.8	1.5	96.7	53.9	26.1	16.7
Dist. of Columbia	40,713	2.4	1.5	0.9	97.6	19.9	26.6	51.1
<b>General Jurisdiction Courts</b>								
Florida	179,133	2.4	0.2	2.1	97.6	74.7	10.4	12.6
North Carolina	133,374	2.2	0.0	2.2	97.8	49.5	35.9	12.4
Pennsylvania*	119,623	6.8	4.6	2.2	93.2	81.9	9.5	1.9
South Carolina	117,790	1.0	n/a	n/a	99.0	42.2	42.3	16.2
Michigan	60,917	4.5	1.7	2.7	95.5	62.7	10.2	22.6
Washington	41,690	5.9	1.9	4.0	94.1	75.4	15.2	9.3
Vermont	19,508	0.9	0.2	0.7	99.1	68.4	29.8	0.8
New Mexico	18,593	8.0	5.6	2.5	92.0	36.9	25.1	37.9
Delaware	7,891	2.6	0.3	2.4	97.4	65.3	17.0	15.1
Alaska	3,326	5.8	0.4	5.5	94.2	73.7	20.0	0.4
<b>Total</b>	<b>1,227,761</b>	<b>2.8</b>	<b>1.5</b>	<b>1.3</b>	<b>97.2</b>	<b>64.7</b>	<b>24.8</b>	<b>8.0</b>

\*The data for Pennsylvania are preliminary.

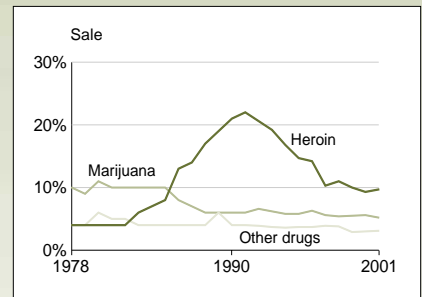
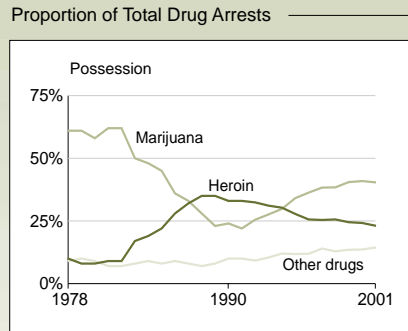
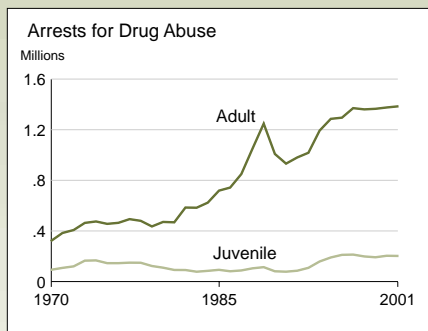
n/a = not available

Note: totals may not sum due to rounding.

The plea process is certainly swifter than the formal trial process, and given the growth in criminal caseloads, it has become an integral part of the administration of justice. Those who are in favor of plea bargaining argue that 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 right to trial or the deal would not be struck. On the other hand, opponents argue that plea bargaining places pressure on defendants to waive their constitutional rights, which results in inconsistent sentencing outcomes and the possibility that innocent people plead guilty rather than risk the chance of a more severe sentence after conviction at trial. Regardless of one's views, it is unlikely that the prevalence of plea bargaining will change in the near future.

# FELONY

What have been the trends in drug arrests?



Source: Uniform Crime Reports, Federal Bureau of Investigation, 1978-2001.

Arrests for drug crimes have increased steadily for adults during the past 30 years.

Drug arrests are more likely to involve possession than sale. Arrests for drug possession are now more likely to involve marijuana.

Arrests for drug sales are generally decreasing.

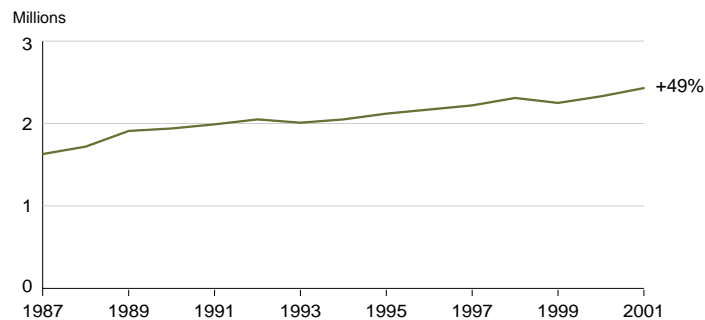
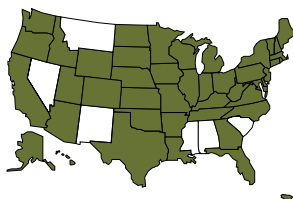
# Felony Caseloads in State Trial Courts

## Felony filings rise for two straight years—2000 and 2001

Felonies are the most serious form of criminal offense, typically punishable by incarceration for a year or more. Felony crimes command a great deal of attention from the general public, impose tremendous burdens on victims (both physical and emotional), and generate substantial costs for taxpayers. In addition, those who work within the criminal justice system know that fluctuations in felony caseloads can have a significant impact on the overall pace of both criminal and civil litigation.

The trend line below shows that felony filings grew quickly until 1989, had a slowed growth rate until 1992, and after a brief dip in 1993, resumed an uninterrupted increase until 1998. A 49 percent overall growth in felony filings makes this one of the fastest growing case types (domestic relations cases increased 56 percent over the same time period). These data come from the general jurisdiction trial court systems of the 45 states able to report felony filings for the period 1987 to 2001 (up from 41 states in last year's issue of *Examining the Work of State Courts*).

### Felony Filings in Unified and General Jurisdiction Courts in 45 States, 1987-2001





## Felony Filing Rates in Unified and General Jurisdiction Courts in 43 States, 1999-2001

State	Filings per 100,000 Population			Percent Growth 1999-2001
	1999	2000	2001	
<b>Unified Courts</b>				
North Dakota	653	701	801	23%
District of Columbia	2,288	1,802	2,605	14
Iowa	657	697	745	13
Wisconsin	504	529	557	11
Minnesota	449	453	492	10
Illinois	751	782	813	8
Missouri	1,043	1,050	1,072	3
Puerto Rico	956	928	961	1
South Dakota	636	669	638	0
Connecticut	1,055	991	986	-7
California	743	705	688	-7
Kansas	716	641	626	-13
<b>General Jurisdiction Courts</b>				
Ohio	592	607	676	14
New Mexico	841	857	958	14
New Hampshire	558	541	629	13
Louisiana	1,102	1,199	1,210	10
Arkansas	1,753	1,830	1,891	8
Indiana	918	911	987	8
Virginia	1,405	1,496	1,505	7
Nebraska	426	447	454	7
West Virginia	263	240	280	6
Rhode Island	499	530	528	6
Pennsylvania*	1,293	1,322	1,365	6
Washington	660	673	691	5
Maryland	1,272	1,277	1,330	5
Kentucky	550	545	564	3
Arizona	801	784	819	2
Hawaii	368	354	373	1
Idaho	802	779	810	1
Texas	677	711	681	0
New Jersey	603	547	604	0
Tennessee	1,128	1,091	1,100	-2
North Carolina	1,235	1,163	1,172	-5
Vermont	558	566	529	-5
Georgia	943	903	887	-6
Florida	1,304	1,213	1,213	-7
Alaska	502	523	467	-7
Utah	791	791	723	-9
Colorado	916	832	834	-9
Oregon	1,130	1,044	1,028	-9
New York	305	284	276	-9
Alabama	992	780	794	-20
Massachusetts	143	79	79	-45

\*Pennsylvania general jurisdiction caseload is based upon preliminary figures provided by the PA AOC.

*Felony filing rates varied from a high of 2,605 in the District of Columbia to a low of 79 in Massachusetts*

The previous table displays felony filings per 100,000 population as well as the growth in felony filings from 1999 to 2001. Felony filing rates either remained constant or decreased in 18 states. Massachusetts' reported drop of 45 percent is due, in large part, to changes in its case management system in late 1999. The previous system counted every case that went to a grand jury as a filing; the new system counts filings for only those cases returned by a grand jury. Eight states reported increases equal to or less than 5 percent, otherwise growth was moderate for the remaining 17 states that reported.

States in which all or most of the felony caseload is handled in the general jurisdiction court (e.g., Arkansas and Maryland) report the highest numbers of population-adjusted filings, while states that have one or more limited jurisdiction courts with concurrent felony jurisdiction (e.g., Hawaii and New York) report much smaller numbers of felony filings per 100,000 population. The manner in which felony cases are counted also affects the size of the caseload. States that count a case at arraignment (e.g., Vermont and Ohio), rather than at the filing of an information/indictment, report a smaller felony caseload. Lower population-adjusted felony filing rates are also evident for states that count one or more defendants involved in a single incident as one case (e.g., New York and Wyoming) rather than counting each defendant as a case. At the other extreme, states that count each charge as a case, such as Virginia, have higher population-adjusted felony filing rates.

*Clearance rates fell in most general jurisdiction courts between 1999 and 2001*

The adjacent table shows clearance rates in general jurisdiction courts in 37 states for the period 1999 to 2001. The three-year measure smoothes yearly fluctuations and provides a more representative clearance rate. Eleven states had clearance rates exceeding 100 percent from 1999 to 2001, likely indicating reductions in pending caseloads. Timely felony case processing continues to be a serious challenge for courts since 26 of 37 states were unable to dispose of as many cases as were filed in the three-year period.

It seems reasonable to speculate that higher clearance rates are related to decreased caseload growth. For example, Alabama, with a high three-year clearance rate of 105, experienced one of the largest declines in population-adjusted filings (from the previous table). Of the remaining 10 states with three-year clearance rates of over 100 percent, four witnessed declines in felony filing rates over the three-year period. At the other end of the spectrum, North Dakota, which has a relatively low three-year clearance rate, experienced the highest growth in filings per 100,000 population.

## Felony Clearance Rates in Unified and General Jurisdiction Courts in 37 States, 1999-2001

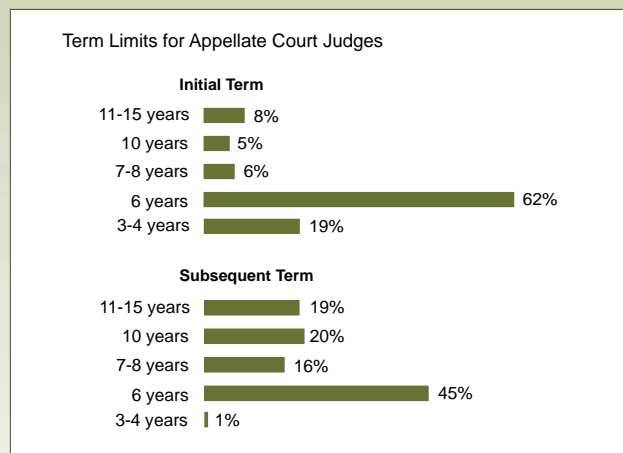
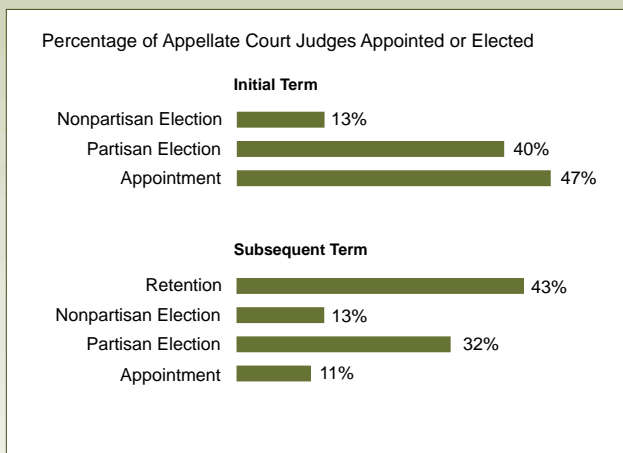
State	Clearance Rates			1999-2001
	1999	2000	2001	
<b>Unified Courts</b>				
Wisconsin	104%	105%	103%	104%
District of Columbia	102	103	99	101
Iowa	93	108	97	99
Puerto Rico	96	105	96	99
Minnesota	90	94	95	93
Illinois	94	94	90	93
Missouri	98	92	88	92
North Dakota	92	92	87	90
California	85	84	81	83
Connecticut	86	89	86	87
<b>General Jurisdiction Courts</b>				
New York	108	108	105	107
Rhode Island	117	100	104	106
Utah	100	105	114	106
Massachusetts	105	114	98	105
Alabama	108	106	100	105
Texas	103	102	102	102
New Jersey	105	102	98	102
Georgia	96	107	102	102
Indiana	104	101	99	101
Oregon	101	99	98	99
Pennsylvania*	98	99	101	99
Tennessee	98	100	99	99
Ohio	98	99	96	98
Vermont	102	91	101	98
Virginia	99	95	99	98
Idaho	98	98	95	97
West Virginia	100	100	91	97
North Carolina	96	98	97	97
Maryland	100	96	95	96
Arkansas	97	94	96	96
Arizona	100	90	95	95
Kentucky	94	96	90	93
New Mexico	91	94	93	93
Hawaii	97	97	83	93
New Hampshire	86	99	88	91
Washington	90	89	89	89
Florida	83	82	90	85

\*Pennsylvania general jurisdiction caseload is based upon preliminary figures provided by the PA AOC.



# APPELLATE

Judicial selection at the appellate level varies from state to state.



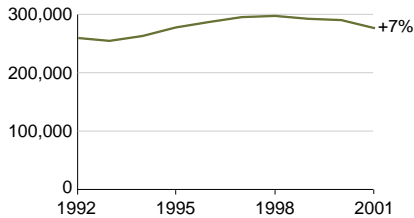
Source: National Center for State Courts, *Statement of the National Summit on Improving Judicial Selection*, 2001.

A large percentage of appellate judicial elections are conducted via partisan elections,

and term lengths of 6 years are most common.

## State Court Appellate Case Filings

**Total Appellate Court Filings,  
1992-2001**



Appellate courts are vital to the pursuit of judicial fairness, equity, and justice in this country. These courts, whether at the intermediate or highest level, allow for remedies to trial court error or omission, decide matters affecting our daily lives, discipline members of the court community when necessary, and render decisions determining life or death. At both the state and federal level, these courts provide the checks and balances upon which we all depend.

So important and plentiful are appeals cases that most states have seen the need to divide their appellate systems into two levels: intermediate appellate courts (IACs) as a first level of review, and courts of last resort (COLRs) to handle the most critical matters and appeals from the IACs. The 1980s saw the proliferation of intermediate appellate courts, and only 12 states presently function without at least one IAC. Interestingly, these 12 states (including the District of Columbia) are among the 17 least populous states. There are also a few larger states, such as Oklahoma and Texas, that have created more than one court of last resort.

### *The number of appeals filed in state appellate courts declined for the third consecutive year*

In 2001, there were 276,408 cases filed in appellate courts. This figure represents the fewest number of case filings since 1994 and nearly a 5 percent decline from 2000. However, after a nearly 17 percent growth between the lowest point in 1993 and a peak in 1998, appellate caseloads are now at roughly the same level as reported in 1995. When using 1992 as a benchmark, the number of filings increased 7 percent over the 10-year period under study.

### *Appellate court filings vary considerably across states*

The adjacent table ranks the states according to their filings per 100,000 population and separates caseloads into mandatory and discretionary categories. The number of filings ranged from a low of 283 in Wyoming to a high of 32,273 in California. When adjusted for population, Louisiana reported a high of 294 appeals for 100,000 population compared to 38 appeals per 100,000 population in North Carolina.

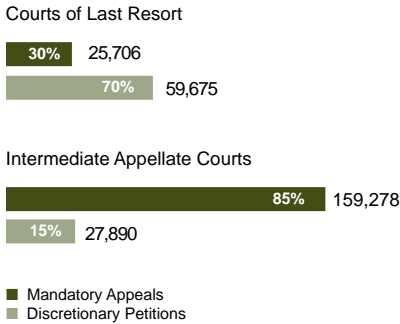
State laws vary on the use of mandatory appeals. West Virginia and New Hampshire do not have mandatory appeals, while seven states reported only mandatory appeals.

## Total Appellate Court Filings, 2001

	Appeals per 100,000 Population	Total Appeals	Percent Mandatory	Percent Discretionary	Population Rank
<b>States with an Intermediate Appellate Court</b>					
Louisiana	294	13,117	30%	70%	22
Oregon	154	5,341	83	17	28
<b>Florida</b>	<b>143</b>	<b>23,379</b>	<b>83</b>	<b>17</b>	<b>4</b>
Puerto Rico	132	5,028	30	70	27
<b>Pennsylvania</b>	<b>126</b>	<b>15,472</b>	<b>82</b>	<b>18</b>	<b>6</b>
Alaska	125	794	71	29	48
<b>New Jersey</b>	<b>124</b>	<b>10,509</b>	<b>73</b>	<b>27</b>	<b>9</b>
<b>Ohio</b>	<b>115</b>	<b>13,044</b>	<b>88</b>	<b>12</b>	<b>7</b>
Kansas	103	2,778	68	32	33
<b>Texas</b>	<b>103</b>	<b>21,870</b>	<b>85</b>	<b>15</b>	<b>2</b>
<b>Illinois</b>	<b>99</b>	<b>12,411</b>	<b>81</b>	<b>19</b>	<b>5</b>
Kentucky	97	3,924	78	22	25
Nebraska	95	1,633	87	13	39
<b>Michigan</b>	<b>94</b>	<b>9,366</b>	<b>44</b>	<b>56</b>	<b>8</b>
<b>California</b>	<b>94</b>	<b>32,273</b>	<b>46</b>	<b>54</b>	<b>1</b>
Washington	93	5,591	68	32	15
Hawaii	92	1,124	94	6	43
Idaho	91	1,208	85	15	40
Alabama	90	4,005	100	0	23
Virginia	89	6,400	11	89	12
Arizona	89	4,711	76	24	20
<b>New York</b>	<b>86</b>	<b>16,419</b>	<b>74</b>	<b>26</b>	<b>3</b>
Wisconsin	86	4,664	74	26	18
Colorado	84	3,702	65	35	24
Missouri	82	4,613	84	16	17
Arkansas	82	2,200	71	29	34
New Mexico	81	1,488	60	40	37
Iowa	71	2,074	100	0	31
South Carolina	69	2,784	63	37	26
Tennessee	66	3,806	65	35	16
<b>Georgia</b>	<b>62</b>	<b>5,169</b>	<b>69</b>	<b>31</b>	<b>10</b>
Minnesota	61	3,049	74	26	21
Maryland	61	3,289	65	35	19
Utah	56	1,262	100	0	35
Massachusetts	55	3,496	57	43	13
Indiana	52	3,163	75	25	14
Connecticut	47	1,614	73	27	30
Mississippi	43	1,225	100	0	32
North Carolina	38	3,108	55	45	11
<b>States without an Intermediate Appellate Court</b>					
District of Columbia	290	1,659	97	3	51
West Virginia	147	2,650	0	100	38
Vermont	101	618	96	4	50
Montana	101	909	62	38	45
Nevada	86	1,803	100	0	36
Delaware	73	582	100	0	46
South Dakota	65	494	88	12	47
Rhode Island	62	654	52	48	44
New Hampshire	61	766	0	100	42
Wyoming	57	283	100	0	52
Maine	56	721	73	27	41
North Dakota	48	307	93	7	49

Notes: Oklahoma was unable to provide data for 2001 and is not included. States in bold are the nation's 10 most populous.

**Total Appellate Caseloads, 2001**



*Mandatory cases in intermediate appellate courts constitute the largest share of state appellate caseloads*

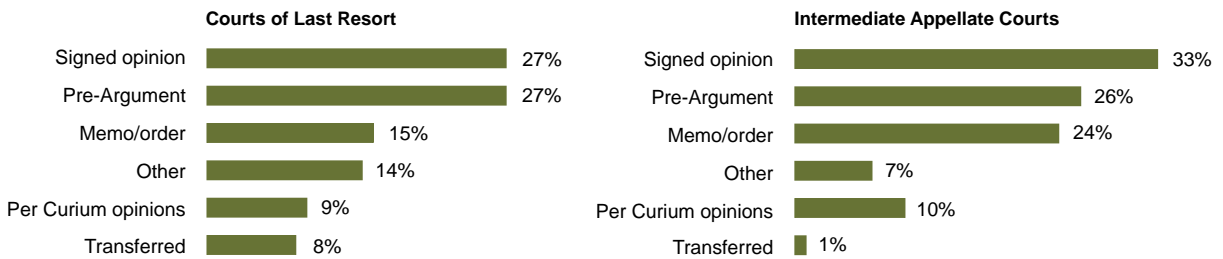
Intermediate appellate courts provide first-level review, while courts of last resort are the final arbiters of disputes. Because of this structure, the intermediate appellate courts handle the majority of appealed cases (IACs handled 69 percent of the total appellate caseload in 2001). In the 11 states (and the District of Columbia) that are without an intermediate appellate court, a state supreme court provides both first and final level review.

The majority of cases filed with the nation's state appellate courts in 2001 were mandatory appeals cases that the courts are required to hear. Specifically, 68 percent of the state appellate caseload consisted of mandatory cases while the remaining 32 percent of the caseload consisted of discretionary appeals that the court decides whether to hear. While the intermediate appellate courts are overwhelmingly likely to hear mandatory cases (85 percent), the work of a state supreme court is primarily discretionary (70 percent).

*The most common dispositions are signed opinions and pre-argument dismissals*

IACs and COLRs commonly dispose of cases by signed opinion and pre-argument dismissals. Opinions typically include statements of fact, points of law, rationale, and dicta, while a pre-argument dismissal is based on a review of briefs rather than oral arguments. A third common disposition is the memorandum/order, which is a simple order based on a unanimous opinion.

**Manner of Disposition, 2001**





## Manner of Disposition in 23 Courts of Last Resort and 15 Intermediate Appellate Courts, 2001

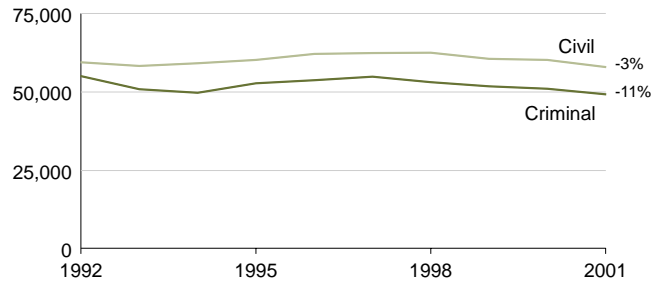
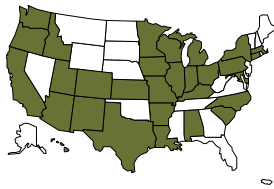
State	Number of Justices	Total Dispositions	Opinions		Non-Opinion Dispositions			
			Signed	Per Curium	Memos/Orders	Pre-Argument	Transferred	Other
<b>Courts of Last Resort</b>								
Iowa	8	2,404	187	16	230	773	1,068	130
District of Columbia	9	2,270	779	502	989			
Ohio	7	2,217	124	324		1,412		357
Indiana	5	1,071	183	25	67	719		77
New York	7	1,062	100	6	39	412		505
Georgia	7	947	403		10	196	133	205
Puerto Rico	7	903	868	14	21			
Mississippi	9	886	331			319		236
Rhode Island	5	721	96	96	81	211	81	156
Maine	7	657	181	2	474			
Louisiana	7	651	112	174	182	87	81	15
Idaho	5	626	127			248		251
Vermont	5	580	64	86	223	176		31
Utah	5	445	112		45	69		219
Maryland	7	389	124	13	48	23		181
Texas Ct. of Crim. Appeals	9	365	120	238		7		
Virginia	7	308	150		110	44		4
Massachusetts	7	295	199					96
Wyoming	5	271	149	1	121			
Minnesota	7	191	176	8	7			
North Carolina	7	167	40	38		74		15
Texas Supreme Court	9	145	110	29		4	2	
New Mexico	5	81	33	7	20	8		13
<b>Intermediate Appellate Courts</b>								
Ohio	68	11,150	7,133			3,763		254
New Jersey	32	7,354	421	3,670	243	3,020		
Michigan	28	5,369	178	86	3,185	1,856		64
Wisconsin	16	3,519	822	576	891			1,230
Georgia	12	3,315	1,313	1	1,062	624	104	211
Kentucky	14	2,963	1,814		1,149			
Alabama Ct. of Crim. Appeals	5	2,688	148		1,594	574		372
Massachusetts	22	2,454	262		773	579	89	751
Colorado	16	2,414	266		1,348	796	4	
Minnesota	16	2,235	1,445		61	609		120
Alabama Ct. of Civ. Appeals	5	1,286	359		489	355	83	
Iowa	9	863	797	44		20		2
Utah	7	762	109	143	161	247		102
Idaho	3	588	195	134	250	8		1
Mississippi	10	567	548			19		

■ Intermediate Appellate Courts

*Mandatory civil and criminal appeals in IACs declined in 2001*

In 2001, the number of mandatory criminal appeals in 32 IACs reached its lowest point (49,265) since 1992—an 11 percent decline. Mandatory civil appeals also declined to their lowest point in 2001 (57,947), representing a 3 percent decline from 1992 to 2001.

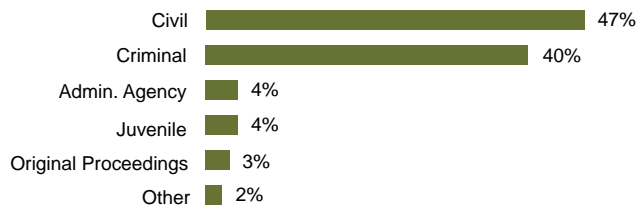
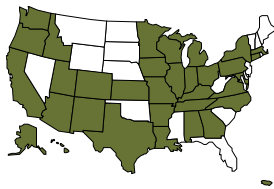
**Mandatory Civil and Criminal Appeals in 32 Intermediate Appellate Courts, 1992-2001**



*Civil cases account for almost half of mandatory appeals in IACs*

Civil cases make up almost half (47 percent) of mandatory appeals in IACs, with criminal cases comprising another 40 percent of the caseload. Other types of mandatory appeals include administrative agency, juvenile, and original proceedings.

**Composition of Mandatory Appeals in 38 Intermediate Appellate Courts, 2001**



*The majority of intermediate appellate courts are keeping up with their incoming caseloads*

One measure of whether an appellate court is keeping up with its caseload is its clearance rate. A clearance rate is the number of appeals resolved by a court opinion or a dismissal in a given year divided by the number of filings in the same year. A rate below 100 percent indicates that fewer cases are disposed of than are filed in that year, possibly contributing to a backlog.

Clearance rates for intermediate appellate courts in 25 states for 2001 show that two-thirds (17) have combined civil and criminal clearance rates greater than 100 percent, with some variation in civil and criminal clearance rates. These figures would likely indicate a decrease in the pending caseloads in those states.

**Civil and Criminal Clearance Rates for Mandatory Appeals in IACs in 25 States, 2001**

State	Clearance Rates		
	Civil	Criminal	Combined
Texas	115%	140%	128%
California	138	119	128
Louisiana	121	132	124
New York <sup>1</sup>	116	113	116
Arkansas	111	116	113
Connecticut	110	102	108
Kentucky	115	95	108
Arizona	104	109	107
Puerto Rico	106	114	107
Washington	112	101	107
Indiana	103	108	106
Missouri	105	108	106
Idaho	172	99	105
Wisconsin	106	99	103
Michigan	102	101	102
Ohio	101	102	102
Pennsylvania <sup>2</sup>	102	101	101
Alabama	99	99	99
Hawaii	78	110	99
Georgia	99	98	99
Massachusetts	102	95	98
Minnesota	102	89	97
Maryland	93	95	94
Illinois	98	87	93
Iowa	78	84	80

<sup>1</sup> Includes only the New York Appellate Terms of the Supreme Court

<sup>2</sup> Includes only the Pennsylvania Superior Court

*About half of the IACs reported an increase in the percentage of mandatory criminal appeals*

Of the 27 states reporting civil and criminal data from their IACs, 13 reported an increase in the number of mandatory criminal appeals from 1992 to 2001. North Carolina reported the largest increase (59 percent), while Michigan reported a decrease of 80 percent since 1992. Two states, Kentucky and Illinois, reported no change. The remaining 12 states reported a decline. In comparison, only nine states reported an increase in mandatory civil appeals filed during the same 10-year period.

**Percent Change in Mandatory Civil and Criminal Appeals Filed in Intermediate Appellate Courts in 27 States, 1992–2001**

State	Percent Change 1992-2001	
	Criminal Appeals	Civil Appeals
North Carolina	59%	- 3%
Colorado	58	-21
Minnesota	54	-17
Kansas	52	8
Pennsylvania	33	-36
Wisconsin	32	-7
Missouri	28	-8
Massachusetts	27	-27
New Mexico	21	-5
Ohio	19	-19
Arkansas	16	5
Connecticut	15	-5
Alabama	12	76
Kentucky	0	-13
Illinois	0	4
Louisiana	-1	-13
Indiana	-3	-13
Oregon	-6	20
Utah	-8	-38
California	-8	-7
Texas	-9	1
Washington	-13	4
Maryland	-25	21
Hawaii	-35	-19
New York	-41	10
Arizona	-56	-3
Michigan	-80	-22

## ■ Courts of Last Resort

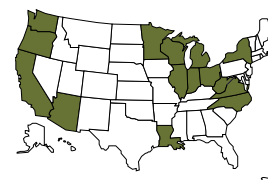
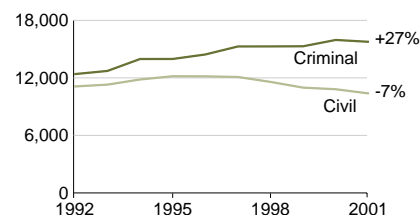
### *Discretionary civil and criminal petitions in COLRs declined in 2001*

Courts of last resort in 15 states were able to provide filing data for discretionary civil and criminal petitions from 1992 to 2001. The number of discretionary criminal petitions in those states increased annually until 2000, when the trend experienced a 1 percent downturn. Nonetheless, for the 10-year period from 1992 to 2001, the number of discretionary criminal petitions increased 27 percent.

The number of discretionary civil petitions in 15 courts of last resort reached its peak in 1995 (12,172). Since then, filings have declined annually. In 2001, there were 10,383 discretionary civil petitions filed in COLRs, a 7 percent decline from 1992.

The 15 COLRs providing data for discretionary petitions since 1992 vary considerably. In North Carolina, for example, discretionary criminal and civil petitions increased 124 percent and 20 percent, respectively. This can be contrasted to Ohio, which reported a decline of 31 percent in discretionary criminal petitions and a drop of 23 percent in discretionary civil petitions. Only three of the 15 COLRs experienced a net decline in criminal petitions filed over the 10 years examined here, whereas two-thirds of the courts saw their civil petition caseloads fall.

**Discretionary Criminal and Civil Petitions in 15 Courts of Last Resort, 1992-2001**



**Percent Change in Discretionary Criminal and Civil Petitions in 15 Courts of Last Resort, 1992-2001**

State	Percent Change 1992-2001	
	Criminal Appeals	Civil Appeals
North Carolina	124%	20%
California	100	- 7
Virginia	85	-14
Indiana	70	-14
Wisconsin	58	20
Illinois	37	- 3
Minnesota	32	-21
Washington	14	30
Arizona	13	- 2
West Virginia	13	-14
Louisiana	4	5
Michigan	4	-22
New York	- 2	7
Oregon	-13	-40
Ohio	-31	-23

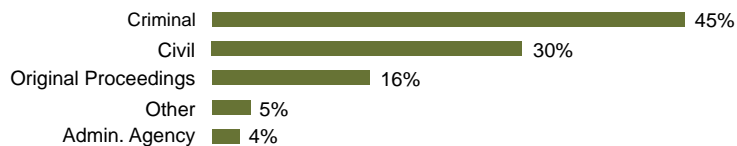
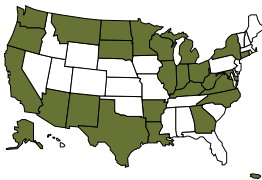
### *Criminal cases comprise 45 percent of the discretionary petitions in COLRs*

Unlike appeals at the intermediate appellate court level where 85 percent of the caseload was comprised of mandatory appeals, the majority of appeals in courts of last resort were discretionary petitions (70 percent). A discretionary petition does not guarantee an appellant that his or her case will be accepted for review, and the focus of a discretionary petition is on questions of law, not of fact. Most of these appeals are based on disputes over the quantum of evidence and the way in which facts were ascertained.

Criminal defendants and civil litigants often appeal alleging some type of trial court error (e.g., insufficient evidence, ineffective counsel, or misapplication of the law). Less common appeals are granted as direct challenges to administrative agency hearings, applications for writs or other original proceedings, and other matters.

The following graph displays the composition of discretionary petitions in 28 courts of last resort. Three-quarters of the petitions filed in these COLRs were either criminal (45 percent) or civil (30 percent) appeals. Sixteen percent of the caseloads were comprised of original proceedings, and the remaining 9 percent of appeals were from administrative agency and juvenile proceedings or other matters (e.g., bar and judicial disciplinary cases).

**Composition of Discretionary Petitions in 28 COLRs, 2001**



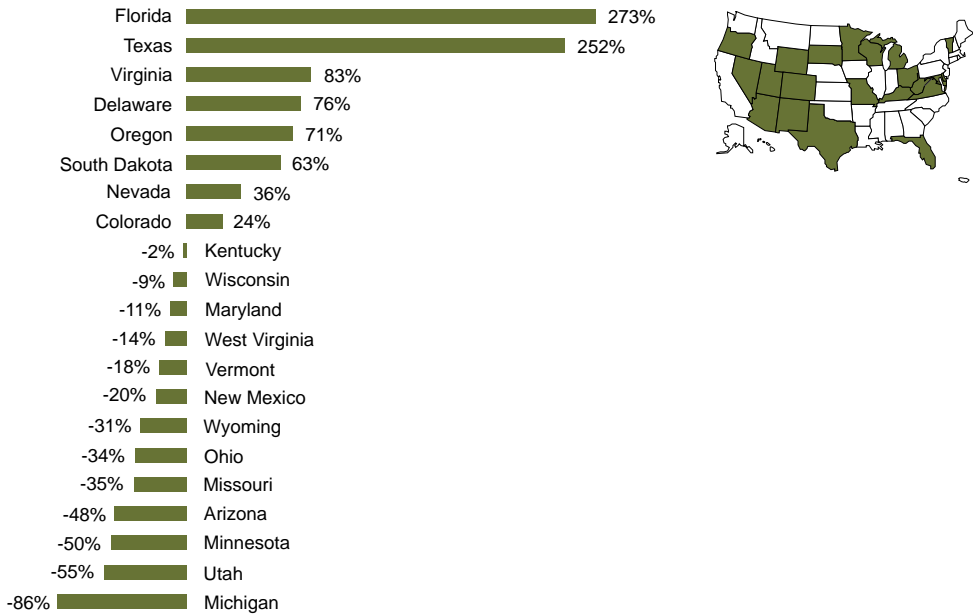
*The number of applications for writs and original proceedings has increased in COLRs*

The courts of last resort hear remedial writs and other original proceedings. Most of these cases involve criminal matters filed by state prisoners, including applications for writs of habeas corpus, mandamus, and prohibition. However, they also can include civil applications for writs such as those involving election disputes or tax review.

Data regarding the filing of writs and original proceedings were available for 21 courts of last resort for the years 1992 through 2001. Of these 21 states, original proceedings increased in just 8 states. However, the three COLRs with the largest percentage increase—Florida (273 percent), Texas (252 percent), and Virginia (83 percent)—also have the three highest caseloads, thereby creating a 51 percent increase in the number of these cases filed over the period. These states also lead the nation in death penalty cases, which may play some role in the large increases.

Thirteen states saw a reduction in their caseload, from -2 percent in Kentucky to -86 percent in Michigan. Yet, despite the fact that five more states reported a decrease in original proceeding filings, the affect of large caseloads in Florida and Texas generated an average increase of 22 percent for the 21 states listed.

**Percent Change in Original Proceedings in 21 Courts of Last Resort, 1992 to 2001**



*About 7 percent of discretionary petitions are granted in COLRs*

Discretionary petitions submitted to appellate courts for review are those not mandated by statute to be heard by the bench. The table below shows that in 2001 there were over 25,000 discretionary petitions filed in 12 COLRs. Yet, fewer than 2,000 (7 percent) were granted. Of these 12 COLRs, Arkansas granted discretionary petitions most often (27 percent). The Supreme Court of California, which accounted for more than one-third of the petitions filed among these 12 courts, granted petitions in only 1 percent of filings.

**Discretionary Petitions Granted in 12 Courts of Last Resort, 2001**

State	Number of Petitions Filed	Number of Petitions Granted	Percent of Petitions Granted		
			Total	Civil	Criminal
Arkansas	477	130	27%	20%	34%
Maryland	700	126	18	22	13
West Virginia	2,650	451	17	2	14
Minnesota	691	89	13	16	11
Connecticut	442	50	11	11	19
Virginia	2,901	308	11	25	4
Louisiana	3,230	290	9	12	6
Ohio	1,609	121	8	10	3
New Mexico	531	32	6	3	4
North Carolina	634	36	6	9	3
Illinois	2,325	125	5	8	4
California	8,860	85	1	3	1
<b>Total</b>	<b>25,050</b>	<b>1,843</b>	<b>7</b>	<b>10</b>	<b>5</b>



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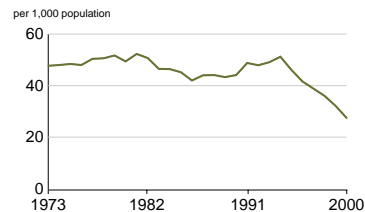
# PART II

## Examining Serious Crime

## Examining Serious Crime

The incidence of violent crime is down. Following a decade of decline, crime rates for some of the most serious criminal offenses are at the lowest levels in a generation. Still, serious crime remains a critical concern to the public and policymakers—and understandably so. High-profile offenses such as murder and kidnapping garner considerable media attention and help shape our general feelings of safety. However, because of the publicity given to notorious criminal cases, it is difficult to gain perspective on larger crime trends and reconcile the news about the drop in crime. The search for a broader context is facilitated by pulling together multiple national-level data sources and viewing them side-by-side. The result is a revealing and often surprising glimpse into the prevalence, circumstances, and criminal justice response to violent crime.

### Violent Crime Victimization Rate



In this year's *Part II*, we draw from multiple sources to profile select and timely segments of serious crime in the United States. Our focus covers violent crime rates, circumstances surrounding homicide and abductions, and the historical trend in felony convictions and the death penalty. The specific issues are:

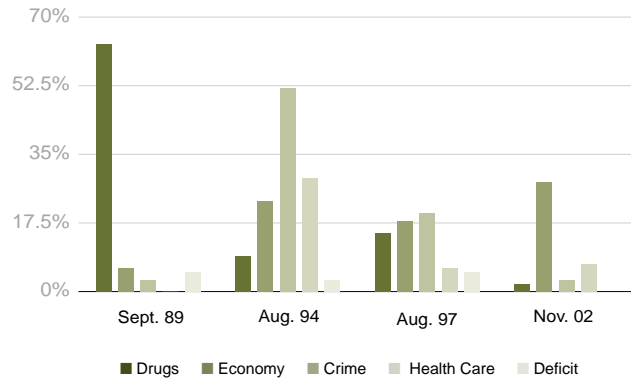
- Public opinion and fear of crime
- Violent crime and arrest trends
- Personal victimization
- Homicide circumstances
- Abduction profiles
- Felony arrests and convictions
- Death sentences and executions

The purpose is not to provide a comprehensive analysis of the incidence and outcomes of serious crime. Rather, we simply display a range of issues related to important aspects of violent crime and let readers draw their own conclusions about the data's significance and implications.

### What issues are of most concern to Americans?

- Public opinion on the most pressing problems confronting our country tends to vary from year to year. This variation is displayed for four illustrative points in time.
- In three of the four years shown, a single issue dominated, although the problem deemed most important differed each year. For example, U.S. citizens were most concerned about drugs in September 1989, crime in August 1994, and the economy in November 2002.
- Drugs and crime are no longer center stage as they were in the late 1980s and early 1990s, with the drop in public concern matching the drop in crime rates that have occurred over the last 10 years.
- Looking at polling data for the last three months of 2002 confirms the intuition of many that the economy, terrorism, and fear of war are now of primary public concern.
- The data also show how individual events can affect month-to-month perceptions. For example, the 2002 bombing of a club in Bali, Indonesia, may have contributed to the October spike in fear of terrorism.

Public Perception of Problems Facing the United States, 1989 - 2002



Public Perception of Most Important Problems Facing the United States September, October, November 2002

	Nov.	Oct.	Sep.
Economy	28%	29%	24%
Terrorism	19	32	19
Fear of war	14	15	10
Unemployment	7	6	8
National security	7	4	5
Healthcare	7	4	5
Ethics/religious	7	4	10
Int'l problems	6	9	8
Education	6	6	6
Politics	4	4	7
Crime/violence	3	10	3
Poverty	3	3	4
Drugs	2	1	1

Source: The Gallup Polls, November 18, 2002; [www.gallup.com/poll/releases/pr021118.asp](http://www.gallup.com/poll/releases/pr021118.asp).

## What are public perceptions about crime and public safety?

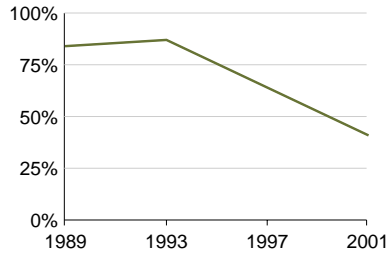
- The trend charts show the results from two polling questions used to gauge public perception about crime and safety:

- *Is there more or less crime in the United States than there was a year ago?*

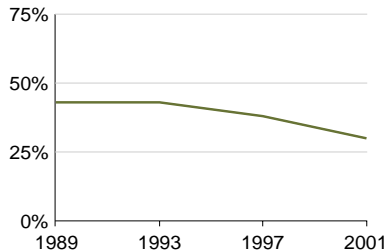
- *Is there any area near where you live – that is, within a mile – where you would be afraid to walk alone at night?*

- Public perception appears to be tracking the recent fall in crime rates. In 1989, 84 percent of people felt that crime had increased from the previous year. By 2001, this number had fallen to 41 percent.
- Likewise, corresponding to the drop in crime rates and a perception that crime is lessening, fewer people indicate they are afraid to be out at night. In fact, the percent of respondents having “fear of walking alone at night” dropped from 43 to 30 percent from 1989 to 2001.

**Percent of citizens saying there is more crime than a year ago**

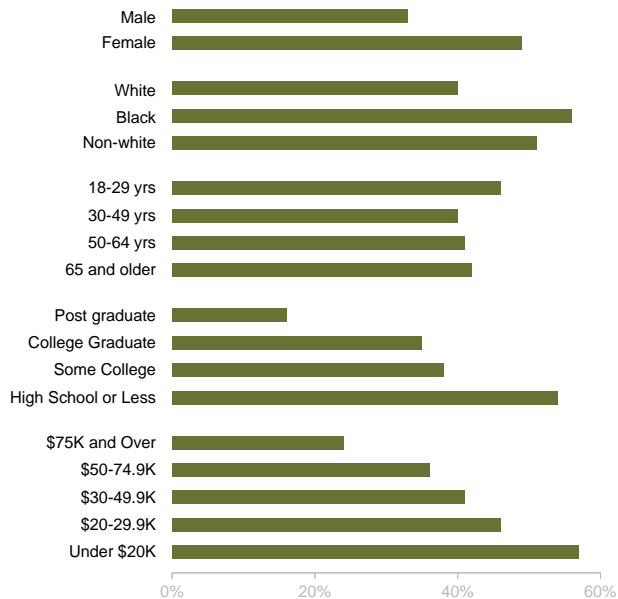


**Percent of citizens saying they are afraid to walk alone at night**



- By disaggregating the survey results, we gain a clearer picture of how different groups feel about the incidence of crime.
- More females than males answered “yes” when asked if there was more crime than a year ago, supporting the notion that females feel more vulnerable to crime. There was no clear pattern when looking at age, however blacks and other non-whites were most likely to feel that crime had recently risen.
- Those with more education and higher incomes felt crime had fallen. A large share of these respondents reside in the suburbs, where violent crime rates tend to be much lower as compared to more urbanized areas.

**Profiles of those who feel there is more crime than a year ago, 2001**

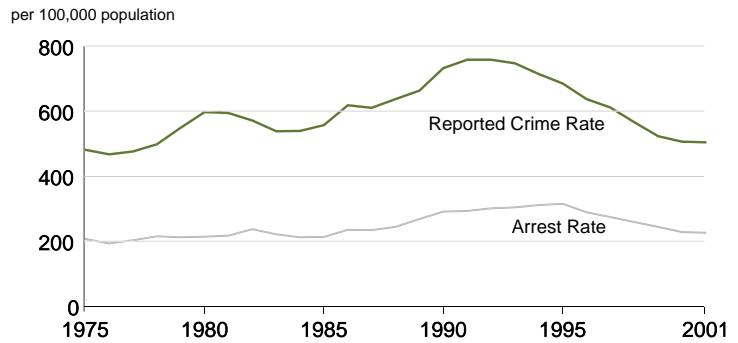


Source: Sourcebook of Criminal Justice Statistics, 1989, 1996, 2001, Bureau of Justice Statistics.

### What are the trends in reported violent crime and arrests over the past three decades?

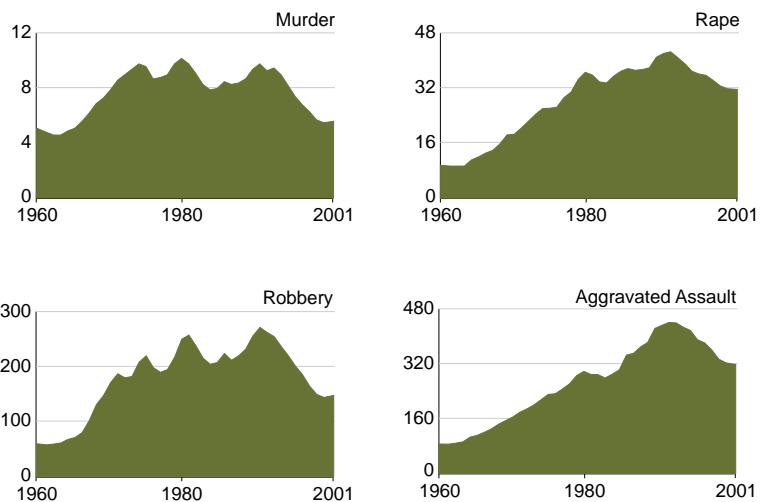
- The public is most concerned about crime that carries the potential for harm. The FBI collects data, Uniform Crime Reports (UCR), on reported violent crime that includes murder, rape, robbery, and aggravated assault.
- After climbing for about 15 years, violent crime peaked in 1992 at 758 crimes per 100,000 population. From 1992 to 2001, the rate dropped 34 percent.
- The FBI also collects data on the number of persons arrested for a violent crime. Although at lower levels, arrest rates for violent crimes tend to track reported crimes.
- Over the past 28 years, there has been an average of 247 arrests per 100,000 population annually.
- The four offense types that comprise the violent crime rate have all declined over the last decade.
- The murder rate in 2001 was at a level last seen during the 1960s. In fact, comparing the 2001 murder rate with the 1960 murder rate shows only a nominal increase (from 5.1 murders per 100,000 population in 1960 to 5.6 murders per 100,000 population in 2001).
- The rape rate declined by 26 percent in the last 10 years, from a record high of 43 rapes per 100,000 in 1992 to 32 in 2001. The robbery rate in 2001 was 149 robberies per 100,000 population, equivalent to rates during the late 1960s.
- The aggravated assault rate increased steadily from 1960 through 1992. Following these steep increases, assault rates were cut by almost one-third between 1993 and 2001.

#### Violent Crime: Reported Crime Rates vs. Arrest Rates



Source: Uniform Crime Reports, 1975-2001, Federal Bureau of Investigation.

#### Reported violent crime rates at lowest level in 20 years for three of four offenses (per 100,000 population)

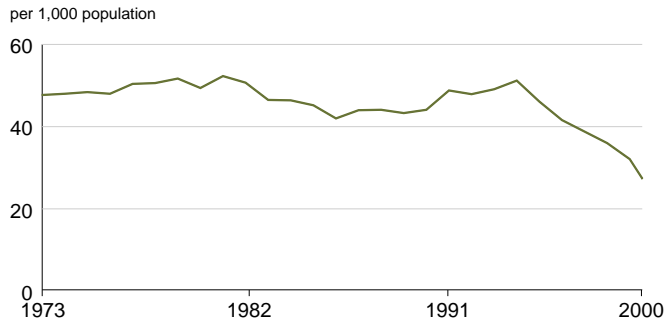


Source: Sourcebook of Criminal Justice Statistics, 2001, Bureau of Justice Statistics. Uniform Crime Reports, 1960-2001, Federal Bureau of Investigation.

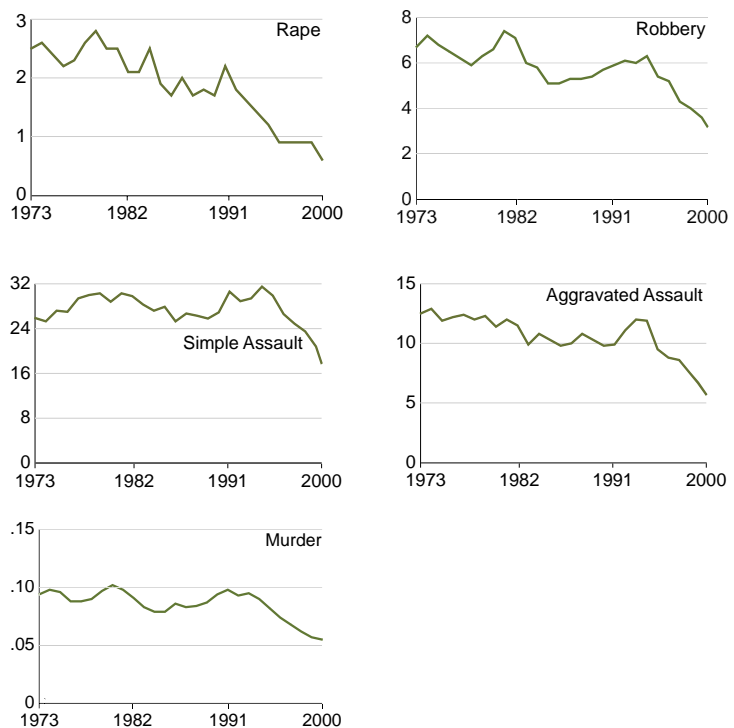
*How have violent crime victimization rates varied over the past 25 years?*

- The National Crime Victimization Survey (NCVS) is another means by which to measure crime suffered by individuals or households. Unlike FBI crime rates (which measure offenses reported to the police), the NCVS seeks to calculate the level of crime based on victimization—regardless of whether the crime was reported to police. The NCVS uses survey data derived from a national representative sample of the U.S. population.
- Overall, violent crime victimization was relatively steady between 1973 and 1994, followed by a 47 percent drop between 1994 and 2000.
- Victimization rates for all major crime categories are at all-time lows. The declines since the early 1990s also match declines in crimes reported to police.
- Rape, robbery, and assault rates all trended downward from 1973 through 2000. The murder trend was fairly even from 1973 through 1991 before dropping steadily through 2000.
- Using both victimization and reported crime rates enhances our knowledge about the extent of crime. In addition, one measure can help confirm the other, especially when crime or victimization rates begin to change.

**Total Violent Crime**



**Victimization rate per 1,000 persons age 12 and older**



Source: National Crime Victimization Survey, Bureau of Justice Statistics, and Uniform Crime Reports, Federal Bureau of Investigation.

## What circumstances surround homicide, and what weapons are used?

- The top four circumstances involving a homicide (excluding other and unknown)
  - 50 percent result from an argument
  - 15 percent occurred during a robbery
  - 12 percent are juvenile gang related
  - 8 percent are related to narcotic drug laws
- The FBI reports that homicides related to arguments have declined, but remain the most frequently cited circumstance. Not included above, many homicide circumstances are unknown (roughly 4,500 in 2001).

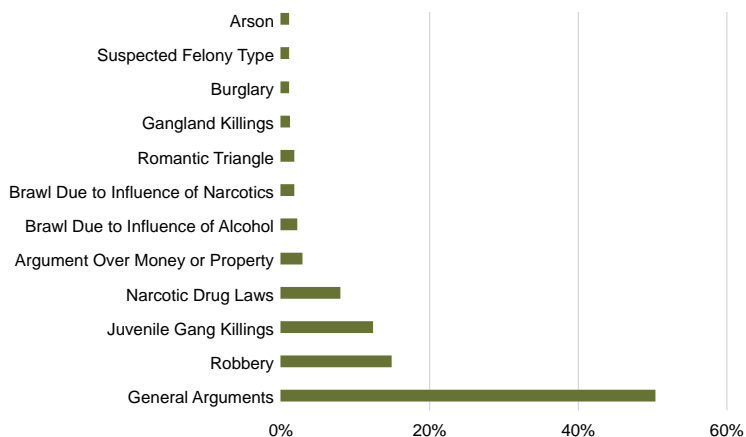
### Less Frequent Homicide Circumstances, 2001

	Total Reported	Percent
Rape	59	.8%
Child Killed By Babysitter	37	.5
Auto Theft	20	.3
Larceny/theft	16	.2
Institutional Gang Killings	8	.1
Sniper Attack	7	.1
Other Sex Offenses	7	.1
Prostitution and Vice	5	.1
Gambling	3	<.1

Note: The above data is for cases where the circumstances were known; in roughly 45 percent of the homicide cases, the circumstances were either other, not known, or not reported.

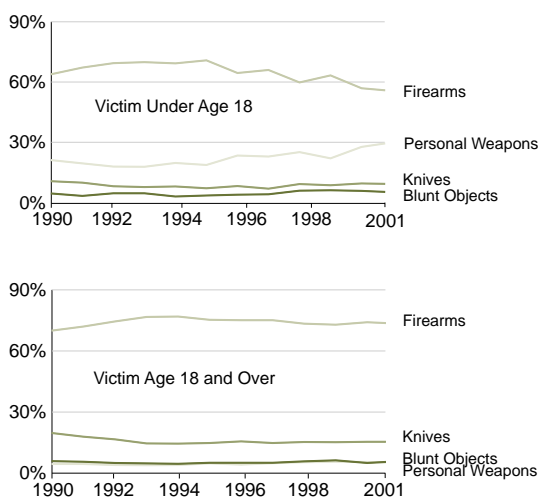
- Violent situations are more likely to result in a fatality when a firearm is involved. The latest available data show use of firearms involved in homicide has decreased in the past decade.
- Type of weapon used in homicide varies somewhat by whether the victim was over or under age 18. In homicides involving juveniles, there has been a reduction in firearm use, while the rate of homicides committed with personal weapons has gone up. This includes hands, fist, and feet.
- For adult victims, weapon use trends over the past 10 years have been relatively steady; about three-fourths of homicides involve firearms, and about 15 percent involve knives.

### Murder Circumstances, 2001



Source: Uniform Crime Reports, 2001, Federal Bureau of Investigation.

### Type of Weapon Used in Murders

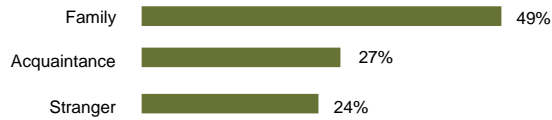


Source: Uniform Crime Reports, 1990-2001, Federal Bureau of Investigation.

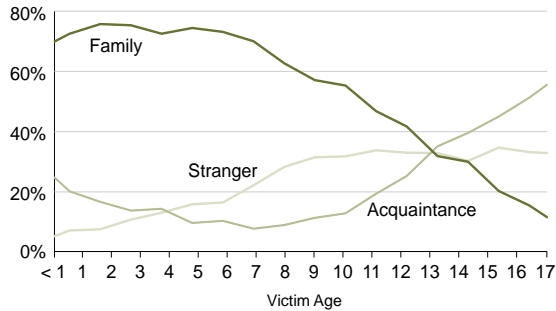
### What are some key characteristics of abductions and kidnappings?

- Data from the National Incident Based Reporting System (NIBRS) is available from 12 states to develop a profile of kidnapping offenses.
- The data cover kidnappings of youth age 17 and younger.
- Nearly 50 percent of kidnappings are committed by a family member and about 25 percent by strangers.
- Over three-quarters of kidnappers know their victims (acquaintance or family).
- Infant kidnappings by strangers rarely occur (5.3 percent).
- Children under the age of seven are most often abducted by family or someone who knows them (>80 percent family or acquaintance).
- Generally, if an abduction involves a stranger, the victim is most likely a teenager or pre-teen.
- Kidnappings by an acquaintance or family usually occurs in the victim's residence.
- Kidnappings by a stranger are most likely to occur outdoors (58 percent of the time).
- Regardless of victim/offender relationship, school is the least likely place where kidnappings occur.

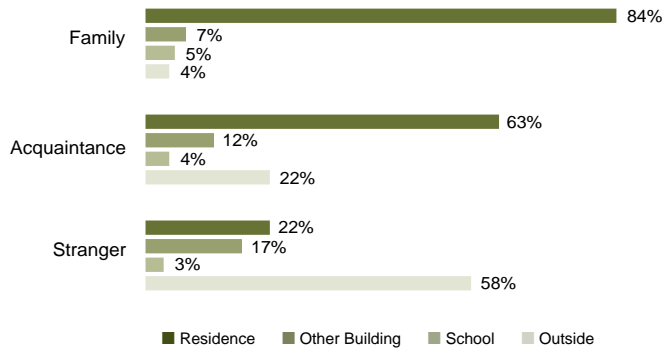
**Kidnapping: Victim-Offender Relationship, 1997**



**Offender Relationship and Victim Age, 1997**



**Locations of Abductions by Offender Relationship, 1997**



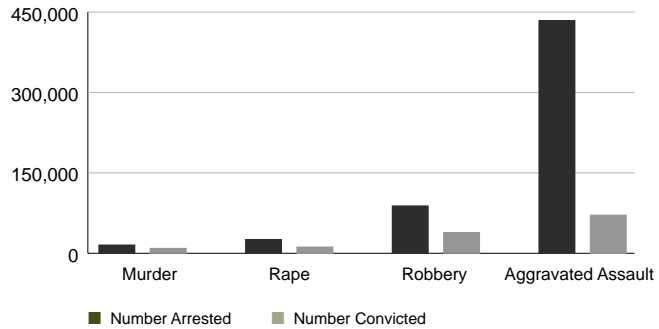
Source: Kidnapping of Juveniles: Patterns from NIBRS, Office of Juvenile Justice and Delinquency Prevention, June 2000, David Finkelhoe and Richard Ormrod.



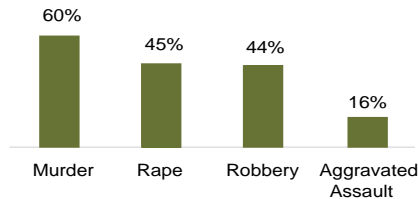
### How do arrest rates compare to conviction rates for serious crime?

- The data shown represent the number of people arrested for a felony who were also convicted of a felony.
- Just over half a million people were arrested for a felony violent crime including homicide, rape, robbery, or aggravated assault.
- The vast majority of these arrests (roughly 430,000) were for aggravated assault. However, those arrested for aggravated assault are most likely convicted of a lesser offense such as misdemeanor assault and battery.
- 60 percent of all arrested homicide suspects are convicted, and 94 percent of those convicted go to prison.
- 45 percent of all arrested rape suspects are convicted, and 70 percent of those convicted go to prison.
- 44 percent of all arrested robbery suspects are convicted, and 76 percent of those convicted go to prison.
- 16 percent of aggravated assault suspects are convicted, and 46 percent of those convicted go to prison.

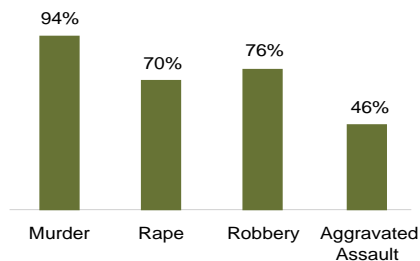
Number of Felony Arrests vs. Felony Convictions, 1998



Percent of Adults Convicted, 1998



Percent of Convicted Adults Receiving Prison Sentences, 1998

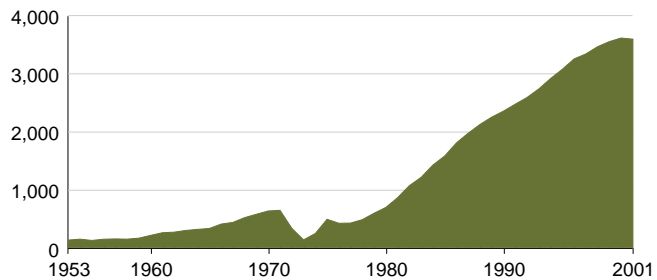


Source: Felony Sentences in State Courts, 1998, Bureau of Justice Statistics.

*What are the trends in death penalty convictions and executions?*

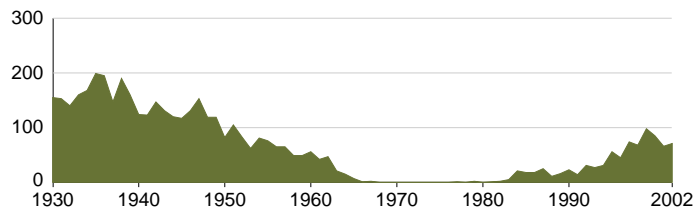
- A moratorium on the death penalty existed between 1973 and 1976. In the years following reinstatement, there has been considerable growth in the number of prisoners on death row.
- In 1973, there were 134 prisoners on death row compared to 3,581 prisoners in 2001.

**Number of Prisoners Under Sentence of Death in the United States 1953-2001**



- A total of 2,951 prisoners were executed between 1930 and 1949, an average of 148 prisoners per year. In contrast, a total of 21 prisoners were executed during the 19-year period of 1965 to 1983.
- Executions have been on the rise in recent years—a total of 798 offenders were put to death during the nineteen-year period from 1984-2002. After a peak of 98 in 1999, the number of executions declined to 66 persons in 2001 and 71 persons in 2002.

**Number of Prisoners Executed in the United States, 1930-2002**



Source: Capital Punishment, 2001, Bureau of Justice Statistics, and [www.ojp.usdoj.gov/bjs/glance/exe.htm](http://www.ojp.usdoj.gov/bjs/glance/exe.htm)

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# APPENDIX

Overview Section	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	
<b>Overview Section</b>																				
Total State Courts Filings, 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
State Court Filings by Type of Case, 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Types of Cases Filed in State Courts, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Judicial Officers in State Trial Courts by Court Jurisdiction, 1990-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Number & Rate of Judges in Unified and Gen. Juris. Cts. in 49 States, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Federal and State Court Filings, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Caseload Growth Rates of U.S. Dist. & State Gen. Juris. Cts., 1987-2001/Civil	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Caseload Growth Rates of U.S. Dist. & State Gen. Juris. Cts., 1987-2001/Criminal	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Caseload Growth Rates of U.S. Dist. & State Gen. Juris. Cts., 1987-2001/Tort	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Caseload Growth Rates of U.S. Dist. & State Gen. Juris. Cts., 1987-2001/Felony	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>Civil Section</b>																				
Civil Cases Filed in State Trial Courts by Jurisdiction, 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Civil Caseload Composition in Unified vs. Gen. Juris. Cts. in 16 States, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Total Civil Filings (Excluding Dom. Rel. Filings) per 100,000 Pop., 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>Tort and Contract Section</b>																				
Tort Filings in General Jurisdiction Courts in 16 States, 1975-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Tort Filings in General Jurisdiction Courts in 30 States, 1992-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Automobile Tort Filings in 17 States, 1992-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Medical Malpractice Filings in 9 States, 1992-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Medical Malpractice Filings in 17 States, 1992-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Tort and Contract Filings in 17 States, 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>Domestic Relations Section</b>																				
Domestic Relations Filings, 1996-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Changes in Case Filings from 1996-2001, by Case Type	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Divorce Filings, 1996-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Custody Filings, 1996-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Paternity Filings, 1996-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Interstate Support Filings, 1996-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Adoption Filings, 1996-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Domestic Relations Caseload Composition in 10 States, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Domestic Violence Filings, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Domestic Violence Filings, 1996-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>Juvenile Section</b>																				
Juvenile Filings in 48 States, 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Juvenile Caseload Composition in 26 States, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>Criminal Section</b>																				
Criminal Cases Filed in State Courts, 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Criminal Cases Filed in State Courts by Court Jurisdiction, 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Criminal Caseload Composition in Unified Courts, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Criminal Caseload Composition in General Jurisdiction Courts, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Criminal Caseload Composition Limited Jurisdiction Courts, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
DWI Filings in 27 Courts (20 States), 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>Felony Section</b>																				
Felony Filings in Unified and Gen. Jurisdiction Courts in 45 States, 1987-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>Appellate Section</b>																				
Total Appellate Court Filings, 1992-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Total Appellate Caseloads, 2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Manner of Disposition, 2001 (28 States)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Mandatory Civil & Criminal Appeals in 32 Inter. Appel. Cts, 1992-2001 (30 States)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Composition of Mandatory Appeals in 38 Inter. Appellate Cts, 2001 (34 States)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Discretionary Civil & Criminal Petitions in 15 Courts of Last Resort, 1992-2001	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Composition of Discretionary Petitions in 28 Cts of Last Resort, 2001 (27 States)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

\*States with unified trial courts are in color.



## *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, 2002* and *State Court Caseload Statistics, 2002* are intended to enhance the potential for meaningful state court caseload comparisons. Because this volume examines 50 states and two territories and thus 52 different state court systems, the biggest challenge is to organize the data for valid state-to-state 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 2001 caseload statistics are provided in the companion volume to this report, *State Court Caseload Statistics, 2002*.

## *State Court Caseload Statistics, 2002*

The analyses presented in *Examining the Work of State Courts, 2002* are derived in part from the data found in *State Court Caseload Statistics, 2002*. 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, 2002* 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 2001, 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 reports 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 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.

**2001 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 1992-2001. 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 data 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 that are 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. Statistics 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, 2002*) reflect the full range of information sought from the states. Most states provide far more detailed caseload information than can be presented in project publications. Information from the CSP is also available on the World Wide Web at [http://www.ncsconline.org/D\\_Research/csp/CSP\\_Main\\_Page.html](http://www.ncsconline.org/D_Research/csp/CSP_Main_Page.html).

Comments, corrections, suggestions, and requests for information from users of *Examining the Work of State Courts, 2002*, *State Court Caseload Statistics, 2002*, and the *Caseload Highlights* series can be sent to:

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# The Caseload Highlights Series

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### National State Court Caseload Trends, 1984-1993

Over the past decade, state courts have experienced a significant increase in caseloads. This growth is primarily driven by the rise in civil litigation, particularly in the areas of personal injury and contract disputes. The increase in caseloads has placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data shows that the rate of increase in caseloads has accelerated in recent years, with a particularly sharp rise in 1993.

Year	Civil Cases	Criminal Cases	Family Cases	Probate Cases
1984	1,200,000	1,000,000	800,000	600,000
1985	1,300,000	1,050,000	850,000	650,000
1986	1,400,000	1,100,000	900,000	700,000
1987	1,500,000	1,150,000	950,000	750,000
1988	1,600,000	1,200,000	1,000,000	800,000
1989	1,700,000	1,250,000	1,050,000	850,000
1990	1,800,000	1,300,000	1,100,000	900,000
1991	1,900,000	1,350,000	1,150,000	950,000
1992	2,000,000	1,400,000	1,200,000	1,000,000
1993	2,100,000	1,450,000	1,250,000	1,050,000

Vol. 1 No. 1: National State Court Caseload Trends, 1984-1993

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### National Criminal Justice Measures Affecting State Courts

The impact of national criminal justice measures on state courts has been significant. The implementation of the Sentencing Reform Act (SRA) in 1984 led to a sharp increase in sentencing appeals, as courts were required to review the appropriateness of sentences imposed by trial courts. This increase in appeals placed a greater burden on the appellate courts, leading to longer wait times for review. The data shows that the rate of increase in sentencing appeals has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	Sentencing Appeals	Other Criminal Cases
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 2 No. 1: National Criminal Justice Measures Affecting State Courts

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### Findings From the National Trial Court Network

The findings from the National Trial Court Network (NTCN) provide a detailed look at the work of trial courts across the country. The data shows that trial courts are experiencing a significant increase in caseloads, particularly in the areas of civil litigation and family law. This increase in caseloads has led to a decline in the number of cases that are resolved through mediation or settlement, as the courts are overwhelmed with cases. The data also shows that the time to trial is increasing, which is a major concern for litigants and the courts alike.

Year	Civil Cases	Family Cases	Criminal Cases
1984	1,200,000	1,000,000	800,000
1985	1,300,000	1,050,000	850,000
1986	1,400,000	1,100,000	900,000
1987	1,500,000	1,150,000	950,000
1988	1,600,000	1,200,000	1,000,000
1989	1,700,000	1,250,000	1,050,000
1990	1,800,000	1,300,000	1,100,000
1991	1,900,000	1,350,000	1,150,000
1992	2,000,000	1,400,000	1,200,000
1993	2,100,000	1,450,000	1,250,000

Vol. 2 No. 2: Findings From the National Trial Court Network

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### A Taxonomy of Appellate Court Organization

The taxonomy of appellate court organization provides a comprehensive overview of the structure and function of appellate courts in the United States. The diagram shows that there are three main types of appellate courts: intermediate appellate courts, state supreme courts, and the U.S. Supreme Court. Each type of court has a specific role in the appellate process, and the structure of the courts varies by state. The diagram also shows the flow of cases from trial courts to the highest appellate court in each state.

Vol. 3 No. 1: A Taxonomy of Appellate Court Organization

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### Welfare Reform and the Domestic Relations Caseload

The implementation of welfare reform has had a significant impact on the domestic relations caseload. The reform led to a sharp increase in the number of cases involving child support and custody disputes, as courts were required to enforce the new welfare rules. This increase in caseloads placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data shows that the rate of increase in domestic relations cases has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	Child Support Cases	Custody Cases
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 4 No. 1: Welfare Reform and the Domestic Relations Caseload

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### Prisoner Litigation in Relation to Prisoner Population

The relationship between prisoner litigation and the prisoner population is a complex one. The data shows that as the prisoner population has increased, the number of cases involving prisoner litigation has also increased. This increase in caseloads has placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data also shows that the rate of increase in prisoner litigation cases has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	Prisoner Litigation Cases	Prisoner Population
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 4 No. 2: Prisoner Litigation in Relation to Prisoner Population

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### Drug Crime: The Impact on State Courts

The impact of drug crime on state courts has been significant. The implementation of the Anti-Drug Abuse Act (ADAA) in 1986 led to a sharp increase in the number of cases involving drug crime, as courts were required to enforce the new drug laws. This increase in caseloads placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data shows that the rate of increase in drug crime cases has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	Drug Crime Cases	Other Criminal Cases
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 5 No. 1: Drug Crime: The Impact on State Courts

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### Tracking and Understanding Family Violence Caseloads

The tracking and understanding of family violence caseloads is a critical issue for the courts. The data shows that as the number of family violence cases has increased, the number of cases involving child abuse and neglect has also increased. This increase in caseloads placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data also shows that the rate of increase in family violence cases has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	Family Violence Cases	Child Abuse Cases
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 5 No. 2: Tracking and Understanding Family Violence Caseloads

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### Trends in Juvenile Violent Crime

The trends in juvenile violent crime are a cause for concern. The data shows that as the number of juvenile violent crime cases has increased, the number of cases involving child abuse and neglect has also increased. This increase in caseloads placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data also shows that the rate of increase in juvenile violent crime cases has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	Juvenile Violent Crime Cases	Child Abuse Cases
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 6 No. 1: Trends in Juvenile Violent Crime

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### A Renewed Interest in Low-Level Crime

The renewed interest in low-level crime is a significant trend in the criminal justice system. The data shows that as the number of low-level crime cases has increased, the number of cases involving child abuse and neglect has also increased. This increase in caseloads placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data also shows that the rate of increase in low-level crime cases has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	Low-Level Crime Cases	Child Abuse Cases
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 6 No. 2: A Renewed Interest in Low-Level Crime

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### Profiling Felony Cases in the NACM Network

The profiling of felony cases in the NACM Network provides a detailed look at the work of the courts. The data shows that as the number of felony cases has increased, the number of cases involving child abuse and neglect has also increased. This increase in caseloads placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data also shows that the rate of increase in felony cases has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	Felony Cases	Child Abuse Cases
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 7 No. 1: Profiling Felony Cases in the NACM Network

## CASELOAD HIGHLIGHTS

Examining The Work of the State Courts

### Caseload and Timeliness in State Supreme Courts

The caseload and timeliness in state supreme courts is a critical issue for the courts. The data shows that as the number of cases in state supreme courts has increased, the number of cases involving child abuse and neglect has also increased. This increase in caseloads placed a greater burden on the courts, leading to longer wait times for trial and increased costs for litigants. The data also shows that the rate of increase in state supreme court cases has continued to rise in recent years, with a particularly sharp rise in 1993.

Year	State Supreme Court Cases	Child Abuse Cases
1984	1,200,000	1,000,000
1985	1,300,000	1,050,000
1986	1,400,000	1,100,000
1987	1,500,000	1,150,000
1988	1,600,000	1,200,000
1989	1,700,000	1,250,000
1990	1,800,000	1,300,000
1991	1,900,000	1,350,000
1992	2,000,000	1,400,000
1993	2,100,000	1,450,000

Vol. 7 No. 2: Caseload and Timeliness in State Supreme Courts

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