### EXAMINING THE WORK OF STATE COURTS AN OVERVIEW OF 2012 STATE TRIAL COURT CASELOADS

Court Statistics Project National Center for State Courts



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### EXAMINING THE WORK OF STATE COURTS AN OVERVIEW OF 2012 STATE TRIAL COURT CASELOADS



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A joint project of the Conference of State Court Administrators and the National Center for State Courts.

### **Reporting Excellence Awards**



Each year in *Examining the Work of State Courts*, the Court Statistics Project (CSP) recognizes states that have taken the time and applied the resources necessary to improve the quantity or quality of their reported caseload data. This year, after a major transition in the content and methodology of the data collection process, the CSP would like to recognize states that embraced the challenge of improving data quality and comparability for 2012.

### Georgia

The introduction of the *Georgia Court Guide to Statistical Reporting* and online data submission capability highlights the value and effort placed on improving court data by the Administrative Office of the Courts. In 2012, Georgia increased the number of case types reported in both general and limited jurisdiction courts as well as allowed more data to be included in analysis.

### New Jersey

For multiple years, New Jersey has reported detailed caseload information. In addition to reporting many case types, New Jersey also reports all status categories for incoming cases in the general jurisdiction Superior Court. For 2012 data, New Jersey expanded probate and juvenile dependency reporting, further increasing the detailed reporting of quality data that is able to be published in analysis.

### Pennsylvania

Pennsylvania implemented a civil cover sheet in 2010 allowing for cases to be categorized in a way that is compatible with the *State Court Guide to Statistical Reporting*. In 2010, Pennsylvania only reported 4 Civil case types, increasing to 23 case types for 2012. In addition, the overall quality of all case category data improved, allowing for all categories from both general and limited jurisdiction courts to be included in analysis.

### South Carolina

South Carolina Administrative Office staff completed a thorough review of data available and as a result greatly expanded case types reported in four of the five major categories: Civil, Domestic Relations, Criminal, and Juvenile. In 2010, all case types were reported in "Other" case types, and for 2012 over 35 case types were added.

### Washington

As part of the transition to a new reporting methodology, Washington substantially revised reports generated for CSP to comply with the *State Court Guide to Statistical Reporting*. This revision resulted in significant improvements in the number of case types reported for Civil and Criminal case categories as well as introducing new status category information and more publishable data.

# A Comment from the Chair

More than 96 million cases were filed in the courts of our fifty states, the District of Columbia, and the Territory of Puerto Rico in calendar year 2012. The Court Statistics Project (CSP) is the only source of comprehensive and reliable national data on the caseloads of the state courts, essential information for court managers, policy makers, and the public.

These data are provided by the state court administrators whose willingness to organize and share empirical data about their courts demonstrates their commitment to transparency and accountability.

The experienced staff of the National Center for State Courts' Court Statistics Project provide informed and thoughtful analysis of these data. Their analyses include comparisons of incoming and outgoing cases over the course of years and among different states. The informed analysis of these data in this publication and on the CSP web site www.courtstatistics.org provides court officials with information that is essential to the efficient and effective management of fair and impartial courts. Likewise, this publication invites policy makers to base policy on the highest quality data and the most informed analysis of those data. Finally, *Examining the Work of State Courts* provides members of the public with information about the work of the third branch of government, information that is essential to the freedoms we cherish.

The staff of the Court Statistics Project and the members of the Conference of State Court Administrators' Court Statistics Committee invite you to review *Examining the Work of State Courts*. We also urge you to encourage others to give the publication a careful read and to use the CSP DataViewer tool on the web site for additional detailed analyses of state court caseloads. Wide readership and critical analysis will lead to stronger and better managed courts.

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**Don Goodnow** Chair, Court Statistics Committee Conference of State Court Administrators

# Introduction

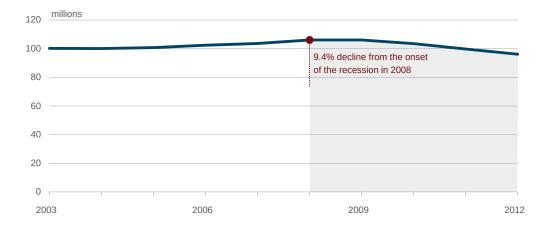
The purpose of the Court Statistics Project (CSP) is to provide comprehensive and comparable national-level data on state court caseloads. In order to accomplish this goal, a set of reporting guidelines are outlined in the *State Court Guide to Statistical Reporting* to standardize the unit of count, case type definitions, and structure of caseload data collected for reporting state caseload statistics to the CSP. This standardization allows for cross-state analysis; however, because a state's data is necessarily transformed in the process at least in part, it may also result in information that appears inconsistent with statistics from a state's annual report or official record. While the CSP statistical reports provide the authoritative source for national caseload statistics, the official and authoritative version of any single state's data can only be provided by that state. States may have specific reporting mandates that vary from the purposes of CSP and they organize their data to meet those mandates and for the administration of the courts within their state. At the same time, many states have redesigned their statistical reporting systems to maximize consistency with the reporting guidelines recommended by CSP for national reporting.

To enhance comparability and improve the efficiency of statistical reporting, the CSP and the states spent 2013 redesigning the CSP reporting infrastructure. For this reason, no data was systematically collected or published for 2011. In the trends published here, we have used simple straightline projections to impute the values for 2011. For the 2012 statistical reporting published here, the Administrative Offices of the Court took full responsibility to designate their data for each case type as "Publishable" or "Not Publishable," depending on their assessment of its completeness and consistency with respect to CSP reporting guidelines. These changes, along with the addition of new data elements that are just being implemented for counting trial and non-trial dispositions, cases with self-represented litigants, and cases with interpreters, will ensure a national picture of the work of the state courts that is more complete and more comparable going forward.

# **Trial Court Caseload Trends**

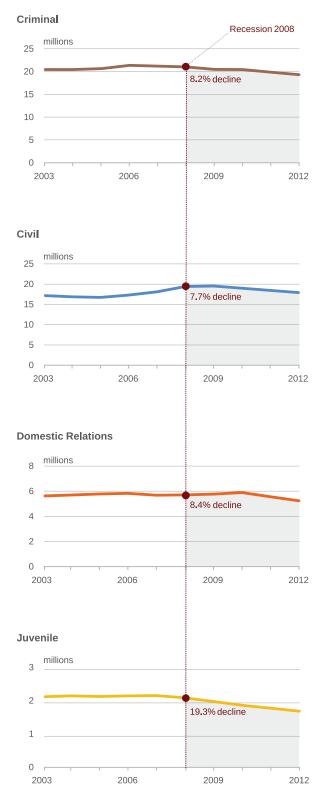
State trial court caseloads declined significantly between 2008 and 2012. The 9.4 percent drop in total incoming cases during this period reported by state trial courts represents 10 million fewer incoming cases in four years. While an explanation for this decline would require specific state-by-state analyses, certainly some of this decline can be attributed to the recent recession, generally dated December 2007 to June 2009. Although the effects of the recession varied by state and continue to persist long after its officially described end point, these caseload data suggest that the effects of the recession are reflected in caseload declines starting in 2008. In many states, the recession resulted in state and local budget cuts, fee increases, and the reduction of access through reduced hours and closure of courthouses.

Whether a recovering economy will result in a return to a closer approximation of earlier caseloads remains to be seen. These trends clearly show that the peak years of 2008 and 2009, when aggregate incoming state trial court caseloads reached the highest level ever recorded—106 million cases, have fallen in each successive year to their 2012 total of 96 million cases, a decline of 9.4 percent. The 10-year trend from 2003-2012 reveals a 4.2 percent decline in total incoming cases in all state trial courts. Post-recession (2008-2012) caseload declines are noted in the graph below and throughout this volume.



#### Total Incoming Cases Reported by State Trial Courts, All States, 2003-2012

### Total Incoming Non-Traffic/Violations Caseloads in State Trial Courts, by Case Category, 2003-2012



For the trial courts, disaggregating the total caseload into its constituent parts reveals differences in the extent and pattern of caseload decline; these data are shown at left.

Juvenile cases declined most seriously over the 10-year period. Although the number of Civil cases has increased during this decade while the number of Criminal cases has declined, the post-recession declines of the two caseloads are similar (7.7% and 8.2%, respectively). No doubt a number of external factors shaped these patterns.

Declines in Criminal caseloads may be associated with budget and service level reductions of justice system partners (e.g., law enforcement, probation and parole, prosecutor's offices and public defenders) as well as declining crime rates. Civil caseload declines may be associated with increased filing fees imposed to offset budget reductions. Domestic Relations and Juvenile caseloads implicate social service agencies, whose ability to monitor current cases and initiate new cases may have been constrained during this period.

Filings of all types of cases are negatively affected by courthouse closures and reduced hours of business that may have occurred during this period. Traffic and violations cases comprise over half of all state court cases, and these cases have also declined significantly since the onset of the recession in 2008. The 10.1 percent decline translates into 5.9 million fewer traffic and violations cases in the state courts.



#### Total Incoming Traffic/Violations Caseloads in State Trial Courts, All States, 2003-2012

The declines in caseloads become even more apparent when adjusted for population, as shown in the charts on the following page. In the same 10-year span from 2003 to 2012, the population increased by over 23 million persons while caseloads declined by over 4 million cases (not shown). The relatively flat population-adjusted trend line that appears between 2003 and 2008 in the chart on the following page indicates that caseloads were increasing at a rate commensurate with the growth of the U.S. population during that period. However, as aggregate caseloads began their decline around 2008, the population continued to grow and a population-adjusted percentage decrease in the rate of incoming cases resulted. The total decline in the rate of incoming cases for all case categories was -11 percent; declines by case category are also indicated in the charts. The most striking result of adjusting for population is

that the apparent 10-year increase in the number of incoming Civil cases, when adjusted for population growth, becomes a decline in the rate of incoming Civil cases. In other words, Civil cases have not kept up with population. The decline in the populationadjusted rate of Juvenile cases matches the rate of decline in the number of Juvenile cases, while the decline of population-adjusted Criminal and Domestic Relations rates is steeper.

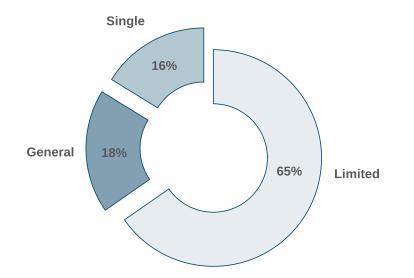
### Total Incoming Cases per 100,000 Population, by Case Category, All States, 2003-2012

	 11.3% decline	
 12.5% decline		12.6% decline
· · · · · · · · · · · · · · · · · · ·		
3.3% decline		21.0% decline
· · · · · · · · · · · ·		
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### **Distribution of Caseloads**

For the purposes of national caseload reporting, the Court Statistics Project (CSP) aggregated the caseloads of the three basic types of state trial courts-single-tiered, general jurisdiction, and limited jurisdiction—to make the caseloads as comparable as possible. Single-tiered state courts (sometimes referred to as unified courts) process all case types in a single trial court. Fitting naturally into this category are seven states (for the sake of editorial simplicity, CSP refers to the District of Columbia and Puerto Rico as states): California, the District of Columbia, Illinois, Iowa, Minnesota, Puerto Rico, and Vermont. Two other states, Idaho and Maine, were added to this group as a result of the caseload aggregation process used by the CSP for this 2012 data collection cycle. The remaining 43 states divide their court systems into a two-tiered structure with at least one type of general jurisdiction court and one type of limited jurisdiction court.

Utah provides an example of a two-tiered trial court structure that was aggregated to make caseloads more comparable for CSP. In Utah there are three court types: a general jurisdiction court (the District Court) and two limited jurisdiction courts (the Juvenile Court and the Justice Court). The Juvenile Court was limited only in the scope of its jurisdiction, in that the court has original, exclusive jurisdiction over juvenile cases and appeals proceed directly to the intermediate appellate court. When considering the CSP national reporting framework, this juvenile caseload is more typical of a juvenile caseload from a general jurisdiction court. For reporting 2012 CSP data, Utah's Juvenile caseload is reported as part of its general jurisdiction caseload.



#### Distribution of Total Incoming Caseloads in State Trial Courts, by Tier, 2012

As the chart above clearly shows, the vast majority of all caseloads in state trial courts (65%) occur in the limited jurisdiction tier of two-tiered trial court systems, where high-volume and less complex case types, such as traffic violations, small claims, and misdemeanors are processed. A court's jurisdiction is described as "limited" by one or more of the following factors: the range, severity, or economic value of cases it processes; the geographic area it serves; or the qualifications of its judicial officers. Courts of general jurisdiction typically hear the more complex or higher-valued civil cases, felony cases, domestic relations cases, and juvenile cases.

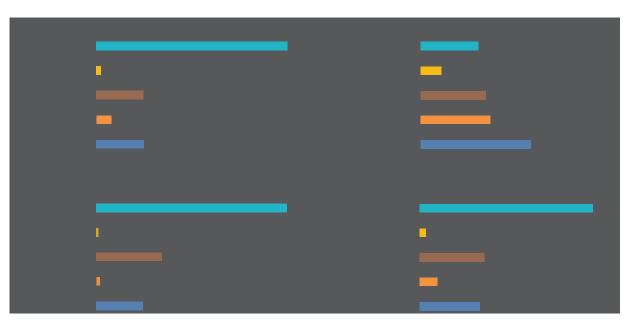
# **Caseload Composition**

The table below shows that Civil and Criminal caseloads comprise almost equal shares of the total caseload of the state trial courts. Domestic Relations and Juvenile cases, while much fewer in number, often involve complex issues and may have a life span of many years.



Total Incoming Caseloads, by Case Category and Tier, 2012 (in Millions)

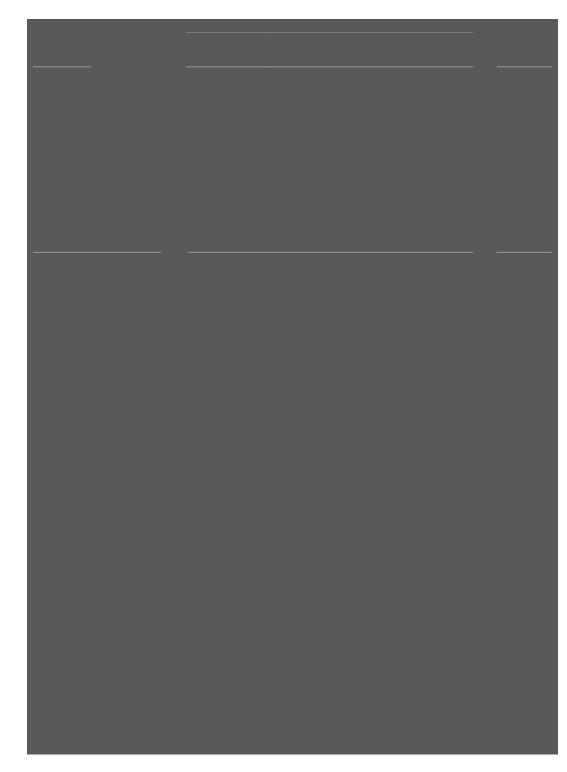
Owing to the fact that single-tiered court systems process all traffic, ordinance violations, small claims, and other cases typically counted in the limited jurisdiction caseloads of two-tiered systems, single-tiered caseload composition tends to appear more similar to the limited jurisdiction caseload. However, the severity and complexity of the remainder of the single-tiered caseloads are much more comparable to general jurisdiction caseloads in two-tiered systems. The distinctions between the general jurisdiction and limited jurisdiction courts in each state largely account for the differences in the composition of the caseloads of these two court types.



Incoming Caseload Composition in State Trial Courts, by Tier, All States, 2012

# Non-Traffic Caseloads and Rates

The table on the following page shows incoming non-Traffic (i.e., combined Civil, Domestic Relations, Criminal, and Juvenile) single-tiered and general jurisdiction caseloads and population-adjusted rates for 37 states. The median population-adjusted rate for single-tiered courts (9,399 per 100,000 population) is roughly 50 percent higher than that of general jurisdiction courts. However, given that the singletiered courts are processing all non-Traffic cases, versus some portion of the non-Traffic cases in the other states, this disparity is to be expected. An incoming caseload comprises newly filed, reopened, and reactivated cases. The absence of a figure under the "Reopened/Reactivated" column in this table indicates that the state either does not count those cases among its incoming caseload or is unable to distinguish those cases from new filings in their reporting.



Incoming Non-Traffic Caseloads and Rates, by Tier, in 37 States, 2012

### **Caseloads in Context**

To make meaningful comparisons of caseloads among states, it is important to understand how state court structure can shape caseload statistics. For some case types (e.g., tort cases and felony cases), structure remains relevant to understanding the meaning of the statistics, while for others (e.g., dissolution cases) structure is not a salient part of the explanation for variance among states. The Court Statistics Project, through its aggregation of caseloads, seeks to disregard structure where it obscures caseload comparisons and retain it where it explains. Once careful attention is shown to these details to ensure appropriate comparison, the differences among states can be assumed to reflect real differences in how the legal system works in these states, and not artifacts of statistical reporting. In addition to court structure, using population data can help identify differences and similarities among states. The examples below illustrate the importance of context for interpreting caseloads.

### **Tort Cases**

Torts, a subcategory of Civil cases, include such case types as automobile negligence, medical malpractice, premises liability ("slip and fall") and other types of negligence. The table on the following page displays aggregate statewide tort caseloads for those states able to report complete data for these cases and groups the states by how tort cases are processed.

The states in the first group process all civil cases—and therefore all tort cases—at the general jurisdiction level. This group naturally includes all of the single-tiered systems as well as those that are functionally equivalent to a single-tiered system in terms of civil case processing. The second group processes civil cases in both general and limited jurisdictional levels but processes torts only at the general jurisdiction level. The third group divides their tort caseloads between the general and limited jurisdictions, typically based on the monetary value or the complexity of the issues in each case.

When interpreting these data it is important to recognize that states impose different minimum limits on the value of tort cases; cases below that threshold are filed as small claims cases. Minimum tort (maximum small claims) limits vary considerably among the states, from a little as several hundred dollars to as much as \$25,000. Further, concurrent jurisdiction for civil claims exists in some states: the plaintiff may choose to file a claim either as a tort or a small claims case, depending on their assessment of the value of the case, weighed against the additional complexity of the legal process and the filing fees and attorney costs associated with each option.

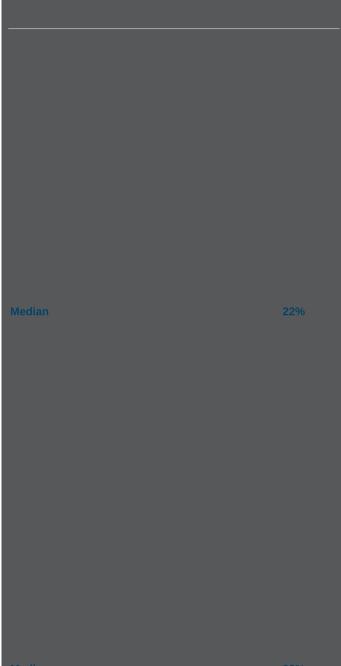
Despite these differences, the states shown here display a similarity in tort cases as a proportion of civil caseloads; nowhere do tort cases exceed 7 percent as a percentage of all civil cases. Differences in population-adjusted rates display a wider range, which may reflect differences in the extent to which such disputes are commonly brought to court for resolution.



Incoming Tort Caseloads and Rates in 18 States, 2012

### **Felony Cases**

### Incoming General Jurisdiction Felony Caseloads in 34 States, 2012



Felony cases are the most serious Criminal cases, punishable by more than a year in prison, and in some instances, death. The table to the left displays general jurisdiction felony caseloads for states able to report complete felony data and groups the states by how these cases are processed.

In many two-tiered court systems, felony cases are filed initially in the limited jurisdiction tier, and then, if they are to proceed, they are bound over to the general jurisdiction tier for further action. Some portion of the cases are disposed at this initial step through pleas, are reduced to misdemeanors, or are dismissed and do not proceed.

The states in the first group do not conduct limited jurisdiction preliminary hearings, either because they are single-tiered systems or because the limited jurisdiction tier does not have jurisdiction over felony cases. The data in the second group of states are from the general jurisdiction tier of those states in which limited jurisdiction preliminary hearings are conducted.

A clear difference emerges from the two groups of states. In states where the limited jurisdiction tier conducts preliminary hearings in felony cases and handles most if not all of the high-volume misdemeanor caseload, felonies represent a larger share of the total general jurisdiction Criminal caseload. In states that do not conduct limited jurisdiction preliminary hearings (either because they have a single-tiered system or because the general jurisdiction tier has exclusive or near exclusive criminal jurisdiction), the percentage of felony cases is much smaller, since it is overshadowed by the large number of misdemeanor cases heard in the general jurisdiction tier.

Median

### **Dissolution Cases**

The Domestic Relations caseload described in the table on the following page includes dissolution (divorce), child custody, child support, termination of parental rights, paternity, and visitation cases. The table displays dissolution as a percentage of the total Domestic Relations caseload and provides the population-adjusted rate—the number of cases filed for every 100,000 persons in the state population.

Comparing the two most populous states, California and Texas, illuminates the value of using population to understand caseloads. While the Domestic Relations caseloads of the two states are very similar in size, and while the share of those caseloads represented by dissolution cases is similar (37% and 36%, respectively), the population-adjusted rates are quite different. At 523 cases per 100,000 population, Texas is well above the median of 439 cases per 100,000 population, while California's 385 cases per 100,000 population is well below the median. In examining certain case types like dissolution, the value of looking at population is that it can also indicate how similar states are, despite differences in the absolute numbers of cases. The range of cases per 100,000 among these states runs from 264 to 746, both of which are obvious outliers in this distribution. Two-thirds of the states occupy the middle of this distribution, above and below the median of 439 cases. This suggests that the structure of the court system does not appear to distort how these cases are counted, and that divorce cases occur in most states at a fairly similar rate.

		Dissol	ution Cases	
State	Incoming Domestic Relations Cases	Total	Percent Domestic Relations Caseload	Dissolution Cases per 100,000 Population
Arkansas	59,578	22,012	37%	746
West Virginia	51,474	11,849	23%	639
Missouri	126,887	37,727	30%	626
Oklahoma	44,124	22,941	52%	601
Maryland	126,040	34,773	28%	591
Alaska	15,178	3,975	26%	543
Texas	383,688	136,359	36%	523
Colorado	38,001	26,435	70%	510
Georgia	175,303	48,470	28%	489
Utah	22,863	13,783	60%	483
Kansas	39,867	13,629	34%	472
New Hampshire	15,644	6,079	39%	460
Vermont*	21,047	2,785	13%	445
lowa*	37,508	13,670	36%	445
Illinois*	149,602	57,202	38%	444
Washington	64,944	30,374	47%	440
Michigan	117,847	43,352	37%	439
Arizona	70,087	28,668	41%	437
Puerto Rico*	32,507	15,512	48%	423
Ohio	233,957	47,466	20%	411
Hawai'i	15,953	5,572	35%	400
California*	392,873	146,583	37%	385
North Carolina	145,458	37,167	26%	381
Connecticut	37,471	13,654	36%	380
South Carolina	54,363	17,869	33%	378
Wisconsin	55,922	20,948	37%	366
South Dakota	13,560	2,985	22%	358
Rhode Island	12,558	3,561	28%	339
New Jersey	279,888	29,648	11%	334
Pennsylvania	399,097	40,617	10%	318
Minnesota*	62,689	16,946	27%	315
New York	647,475	60,854	9%	311
Idaho*	24,301	4,219	17%	264
Median			34%	439

### Incoming Domestic Relations and Dissolution Caseloads and Rates in 33 States, 2012

\* Single-tiered system.

### **Juvenile Cases**

Cases involving juveniles include delinquency, dependency (also known as child abuse and neglect) and lesser matters, including status offenses (e.g., truancy). The caseload composition displays a very wide range, as do the population-adjusted rates of total cases per 100,000 juveniles. The population-adjusted rates again illuminate differences in the extent to which juveniles are implicated in legal matters and may also reflect differences in how juvenile matters are handled by courts, law enforcement, and social service agencies in each state.

#### Incoming Juvenile Caseload Composition and Rates in 31 States, 2012

	Incoming	Perc	Percent of Juvenile Caseload			
State	Juvenile Cases	Delinquency	Dependency	Status Offense/ Other	Cases per 100,000 Juveniles	
Total	1,060,642	55%	31%	14%	2,033	
North Dakota	7,869	63%	18%	19%	5,090	
Ohio	126,288	62%	16%	21%	4,741	
Arkansas	32,394	31%	14%	55%	4,557	
Utah	38,480	73%	11%	16%	4,333	
Minnesota*	43,865	34%	17%	49%	3,437	
Georgia	82,533	53%	25%	22%	3,314	
Indiana	50,687	38%	28%	34%	3,185	
Rhode Island	6,664	75%	24%	1%	3,078	
Connecticut	24,153	47%	38%	15%	3,044	
District of Columbia*	3,230	88%	12%	0%	2,950	
New York	108,211	14%	81%	5%	2,538	
New Jersey	49,808	75%	13%	12%	2,458	
Kansas	17,169	58%	28%	13%	2,370	
Idaho*	10,012	93%	7%	0%	2,347	
Maryland	30,420	85%	13%	2%	2,264	
Washington	34,897	40%	19%	41%	2,202	
Michigan	45,417	83%	15%	2%	2,004	
Nevada	12,726	69%	28%	2%	1,918	
lowa*	12,596	43%	57%	0%	1,742	
Pennsylvania	46,467	69%	30%	1%	1,696	
Alaska	2,867	35%	65%	0%	1,532	
New Hampshire	4,200	60%	39%	1%	1,528	
Maine*	3,947	77%	23%	0%	1,484	
Florida	58,672	79%	21%	0%	1,466	
Arizona	20,947	57%	31%	12%	1,292	
California*	110,408	57%	41%	2%	1,195	
Wisconsin	15,613	54%	39%	6%	1,185	
Illinois*	27,903	77%	21%	2%	911	
Missouri	12,388	30%	64%	5%	833	
North Carolina	14,509	46%	53%	1%	635	
Puerto Rico*	5,302	83%	17%	0%	624	

\* Single-tiered system.

# Conclusion and Invitation

This brief overview of state court caseload statistics is supplemented by more detailed information and analyses at the Court Statistics Project website, www.courtstatistics.org.

As part of the redesigned CSP reporting infrastructure, detailed caseload data can be accessed at the CSP website using DataViewer. This interactive tool allows users to create custom views of state court statistics.

Using DataViewer, users can filter data by state(s) or caseloads to create their own comparisons. To facilitate comparison, data can also be sorted. These user-defined views of the data can then be exported for use in reports and presentations.



Examine the work of state courts in greater detail with CSP DataViewer at

www.courtstatistics.org

### **Frequently Used Terms**

Begin Pending - Active: A count of cases that, at the start of the reporting period, are awaiting disposition.

Begin Pending - Inactive: A count of cases that, at the start of the reporting period, have been administratively classified as inactive. Business rules for this classification may be defined by a rule of court or administrative order.

Incoming Cases: The sum of the count of New Filing, Reopened, and Reactivated cases.

New Filing: A count of cases that have been filed with the court for the first time during the reporting period.

Reopened: A count of cases in which a judgment has previously been entered but which have been restored to the court's pending caseload during the reporting period. These cases come back to the court due to the filing of a request to modify or enforce that existing judgment and a hearing before a judicial officer is requested to review the status of the case or initiate further proceedings in the case.

Reactivated: A count of cases that had previously been Placed on Inactive Status, but have been restored to the court's control during the reporting period. Further court proceedings in these cases can now be resumed during the reporting period and these cases can once again proceed toward disposition.

Outgoing Cases: The sum of the count of Entry of Judgment, Reopened Dispositions, and Placed on Inactive Status cases counted during the reporting period.

Entry of Judgment: A count of cases for which an original entry of judgment has been filed during the reporting period. For cases involving multiple parties/issues, the disposition should not be reported until all parties/issues have been resolved.

Reopened Dispositions: A count of cases that were disposed of by a modification to, and/or enforcement of, the original judgment of the court during the reporting period. For cases involving multiple parties/issues, the disposition should not be reported until all parties/issues have been resolved.

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive during the reporting period due to events beyond the court's control. These cases have been removed from court control, and the court can take no further action until an event restores the case to the court's active pending caseload.

End Pending - Active: A count of cases that, at the end of the reporting period, are awaiting disposition.

End Pending - Inactive: A count of cases that, at the end of the reporting period, have been administratively classified as inactive. Business rules for this classification may be defined by rule of court or administrative order.

Set for Review: A count of cases that, following an initial Entry of Judgment, are awaiting regularly scheduled reviews involving a hearing before a judicial officer.

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