

Examining the Work of State Courts, 2003

A National Perspective from the
Court Statistics Project



With State Profiles of Trial and Appellate Court Systems



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the Court Statistics Project

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BJS

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those of the authors and do not necessarily represent the
official position or policies of the Bureau of Justice Statistics.

Cover photo by Judith Sullivan Phillips, 1999

The sculpture is one of two massive statues located outside the United States
Supreme Court in Washington D.C. Created by James Earle Fraser and titled
"Contemplation of Justice", the female subject rests one arm on a book of laws and
holds a figure of Justice in the other hand. The sculpture was carved in Maryland
and placed on the steps of the United States Supreme Court in November, 1935.

Acknowledgments

The members of the Court Statistics Project (CSP) gratefully acknowledge assistance and guidance from throughout the state court community. At the heart of this national effort is the strong and continuing support of the state and trial court administrators, the appellate court clerks, and their staffs, who have provided most of the information included in *Examining the Work of State Courts, 2003* and *State Court Caseload Statistics, 2003*. They have been consistently patient and helpful in answering written and telephone inquiries for additional data or for explanations of the data provided. We owe a special debt of gratitude to the staff members of the administrative offices of the courts and of the appellate courts who serve as contact persons between their offices and the Court Statistics Project.

The content and design of all products produced by the CSP benefit greatly from the guidance of the 14 members of the Court Statistics Committee of the Conference of State Court Administrators (COSCA). The committee members have given generously of their time, talent, and experience, and their participation has been invaluable to project staff.

The Court Statistics Project is funded through the generous support of the Bureau of Justice Statistics. The authors wish to acknowledge the guidance and constructive advice provided by Steven Smith and Thomas Cohen of the Bureau of Justice Statistics. Nevertheless, the points of view stated in this document are those of the authors and do not necessarily represent the policies of that agency. The more general responsibility for developing the CSP products and promoting improvements to court statistics is shared with the National Center for State Courts management, working under the policy direction of the COSCA Court Statistics Committee.

A special debt is owed to our colleague Paula Hannaford-Agor, who offered a range of valuable input that considerably improved the final product. This publication benefited greatly from the careful editing of Sara E. Lewis. Judith Sullivan Phillips skillfully managed page design and coordinated the printing of this publication.

The COSCA Court Statistics Committee was diminished by the departure of three key members in 2003, all of whom retired from their positions as principal court administrative officers in their respective states. Joseph Steele, the former state court administrator in Nebraska, departed after serving the committee since 1999. William O'Brien of Iowa has been a member of the committee since 1994 and served as vice-chair during the last three years. Denis Moran, who was a member of the committee for over 20 years and chairman for most of his tenure, leaves after making an indelible mark on the project and its publications. His insight and familiarity with the inner workings of the state courts has been invaluable to the committee and staff and his input will be sorely missed. We wish all of our colleagues the best in their new endeavors.

Finally, with the 10th anniversary of this report, Dr. Brian Ostrom steps down as Project Director. Guided by his commitment to improving judicial administration through analysis of court data, the CSP has evolved from a rudimentary archiving effort to a sophisticated information resource. CSP publications that he initiated are used and cited internationally as a model for how to analyze and present court information. Most notable are his efforts related to the project's annual report, *Examining the Work of State Courts*, and *Caseload Highlights*, our very successful research-in-brief series. Dr. Ostrom has also been instrumental in developing and initiating the *State Court Guide to Statistical Reporting*, which will provide the framework for state court data collection and analysis over the next decade. We are pleased that he will remain closely involved with the project's data, publications, and Web strategies as a senior CSP staff member and advisor.

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Table of Contents

Foreword	8
Overview	9
State courts processed 96.2 million new cases in 2002	10
Two-thirds of state trial court cases are filed in courts of limited jurisdiction	11
15,588 individual state trial courts and 29,428 judicial officers handled the caseload	11
On average, states have four trial court judges per 100,000 population	12
Data from 10 states showed that the jury trial rate in general civil cases decreased	13
The general civil jury trial rate dropped dramatically for 6 of the 10 states examined	14
Thirteen states reported felony dispositions steadily increased while felony jury trial rates fell	15
Eight states witnessed decreases in felony jury trial rates of over 60 percent	16
Civil	17
Civil case filings rose for the second straight year	18
Population size had no apparent affect on civil filing rates	19
All but 5 of 38 states saw civil caseloads grow in the last three years	21
Jury trials accounted for less than 1 percent of all civil dispositions	22
Tort filings declined as contract disputes continued to increase	23
Two-thirds of states reporting saw a decrease in population-adjusted tort filings	24
Automobile claims and debt collections dominated the tort and contract landscapes	26
Defendants defaulted in one-third of contract cases	27
Automobile tort filings fell 14 percent from their recent high in 1996	27
Medical malpractice filings increased for the second straight year	28
Domestic Relations	29
Future Domestic Relations Case Reporting in the <i>State Court Guide to Statistical Reporting, 2003</i>	29
Domestic relations filings increased 14 percent in the last ten years	30
Growth rates varied widely among domestic relations case types	31
States varied in the amount of detail reported for domestic relations cases	33
Divorce filings comprised more than 40 percent of domestic relations caseloads	34
The previous domestic relations case reporting matrix made few distinctions among case types	35
New case type distinctions allow for better reporting of domestic relations caseloads	36

Table of Contents, continued

Criminal	37
15.5 million criminal cases were reported in 2002, up almost 4 percent from 2001	38
Court structure plays an important role in determining criminal caseload composition	39
Population size does not determine criminal filing rates	40
Domestic violence filing rates were equally high in less populous states	41
Several states had felony caseload growth rates in excess of 20 percent	42
Seven states reduced pending felony caseloads	43
Very few felony cases are ultimately resolved by a trial	44
Thirty-eight states and the federal government use the death penalty	45
On average, inmates remain on death row for more than nine years	46
More persons were sentenced to death than were executed	47
States vary widely in execution and commutation rates	49
Death penalty cases cost far more to adjudicate	50
Juvenile	51
Total juvenile filings have been slowly declining over the last four years	52
Drug offenders and females accounted for a growing percentage of cases	53
The odds increased that a juvenile delinquency case will be processed formally	54
Juveniles who are detained were more likely to be placed out-of-home	55
Traffic	57
Filings were almost constant despite more vehicles, more drivers, and more miles driven	58
DWI filings increased for the fifth straight year in 2002	59
Traffic fatality and injury rates are declining	60
Seat belt usage is up, especially where the seat belt law is strictly enforced	61
Appellate	63
Appellate court filings show a slight increase for the first time since 1998	64
Intermediate appellate courts handle most mandatory appeals	64
Appellate court filing rates vary widely across the states	65
State appellate courts issued over 38,000 opinions	66
Memoranda/orders are the most common disposition in state courts of last resort	67

Appellate, continued

Mandatory appeals in intermediate appellate courts continued to decline	68
Criminal petitions in courts of last resort decreased for second consecutive year	68
The majority of states expedite dependency appeals to speed permanent placement	69
Termination of parental rights is the most common of expedited dependency appeals	69
Appellate courts are beginning to use alternative dispute resolution	70
Administrative agency appeals have decreased 18 percent over the last five years	71
Ten models for taking a trial court appeal through the appellate system	72

State Profiles	75
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Appendix	91
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Index of states included in section graphics	92
Court Statistics Project Methodology	94
State Court Caseload Statistics, 2003	95
The NCSC Court Statistics Project	96
The State Court Guide to Statistical Reporting	97
The Caseload Highlights Series	98
The National Center for State Courts	99

Foreword

This report offers a detailed picture of the work of the nation's state courts. Although our primary audience is the state court community, the information presented in this report is also valuable to legislative and executive branch policymakers.

Examining the Work of State Courts, 2003, 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 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 plainly and succinctly describe the work of state trial and appellate courts.

A second volume, *State Court Caseload Statistics, 2003*, 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 publication, the *Caseload Highlights* series, targets specific and significant issues and disseminates the findings in short reports. The Court Statistics Project (CSP) 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. *Caseload Highlights* fills the gaps in distribution cycles between the two annual reports and are also timely in terms of the data and subject matter covered.

These three publications are developed with generous support from the Bureau of Justice Statistics (BJS). Detailed descriptive information on court structure is provided by another National Center for State Courts (NCSC) and BJS joint project, *State Court Organization*. Topics covered include: the number of courts and judges; judicial selection; jury qualifications and verdict rules; and processing and sentencing procedures of criminal cases. Court structure diagrams summarize the key features of each state's court organization. The current edition is available through BJS at: www.ojp.usdoj.gov/bjs/abstract/sco98.htm. A new, updated edition is scheduled for publication in fall 2004.

Finally, 2003 saw the introduction of the new *State Court Guide to Statistical Reporting*. The CSP, supported by the State Justice Institute, and with close guidance from the Conference of State Court Administrators' (COSCA) Court Statistics Committee, created the *Guide* as a tool for improving court administration by providing new and more concise case filing and disposition categories. The *Guide* helps courts account for the significant amount of judicial time and effort required in the post-judgment activities associated with some types of cases, such as juvenile and domestic relations cases. The *Guide*, along with its accompanying reporting matrices, is available on the NCSC web site at: www.ncsconline.org/d_research/statistical_reporting_2003/index.html.

Taken together, these publications constitute the most complete research and reference sources available on the work of the nation's state courts. All of the publications are joint projects of COSCA and NCSC, who, along with BJS, hope that this information will better inform local, state, and national discussions about the operation of state courts.

Overview

*. . . the caseload of
the state courts vastly
exceeds that of the
federal courts for
both criminal
and civil cases.*

The court system of the United States arose out of unique historical circumstances. The system is based upon the principle of federalism; individual states developed their own judicial structure at the same time a federal court system was established. The guiding principle was that states needed to retain significant autonomy from the federal government. This parallel evolution gives rise to complexity with respect to jurisdiction of the federal and state courts. There is significant overlap between legal cases handled by state and federal courts; state courts can hear cases involving constitutional matters, although this is commonly thought of as the business of the federal courts; federal courts can hear criminal and civil cases (e.g., bank robbery, mass torts) that could also be prosecuted as violations of state rather than federal law. That said, it should be understood that the caseload of the state courts vastly exceeds that of the federal courts for both criminal and civil cases.

Structurally, the court system is also complex. In addition to the federal system of trial and appellate courts, there are multiple levels of courts in each state. State designs range from a unified trial court and a single appellate court of last resort (e.g., North Dakota or the District of Columbia) to as many as nine different trial courts combined with multiple appellate courts (e.g., Georgia or Indiana).

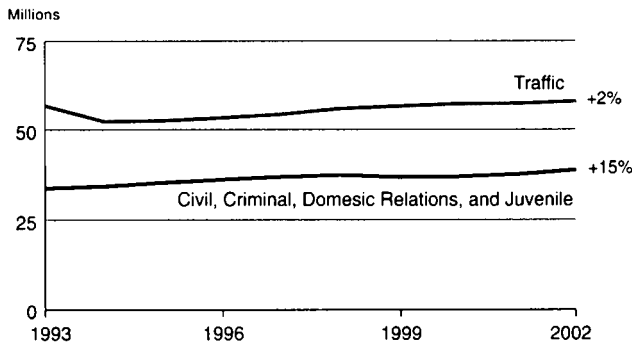
Variation in size is another important factor distinguishing the state courts. The state of California has the largest court system in the world – the Superior Court of Los Angeles County alone is larger in terms of population served and number of judicial officers than the entire court system of many countries. At the opposite end of the spectrum, the courts of Wyoming serve the smallest state population in the United States.

This volume endeavors to compare these often strikingly different states in such a way as to make the comparisons meaningful. When appropriate, adjustments are made for population and distinctions are noted between different types of systems (e.g., general jurisdiction versus unified). Finally, for the sake of simplicity, this text will refer to the District of Columbia and the Commonwealth of Puerto Rico as states. All references to total populations and caseloads will include data from those two jurisdictions, unless otherwise noted.

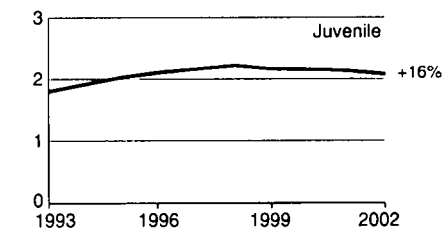
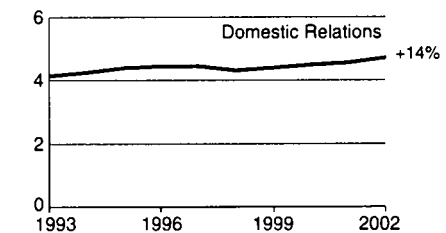
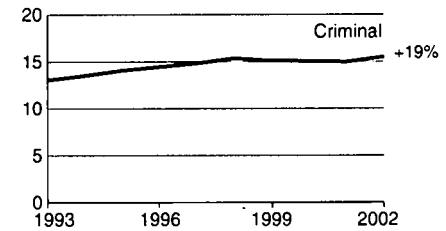
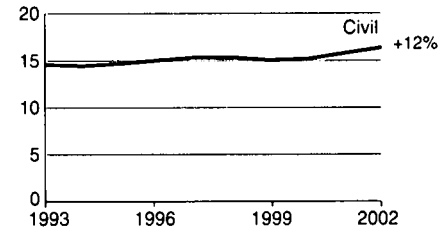
State courts processed 96.2 million new cases in 2002

- The Court Statistics Project reports the filing of 96.2 million cases in our nation's state courts in 2002; 60 percent (57.7 million) of those cases were traffic related.
- Combined civil, criminal, domestic relations, and juvenile filings (38.5 million in 2002) have grown 15 percent in the 10 years since 1993 with each category individually showing increases from 12 to 19 percent. Traffic filings, on the other hand, have remained fairly stable, increasing only 2 percent during the period shown.
- From 2001 to 2002, civil, criminal, and domestic relations caseloads all had notable increases. However, juvenile caseloads dropped almost 3 percent from 2001 to 2002—the most significant decrease since 1999.

Total State Trial Court Filings, 1993-2002



State Trial Court Filings by Case Type, 1993-2002 (in millions)



Two-thirds of state trial court cases are filed in courts of limited jurisdiction

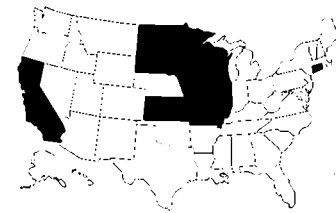
- Forty state trial court systems are separated into courts of general and limited jurisdiction. Ten states, the District of Columbia, and Puerto Rico have unified court systems in which trial courts are consolidated into a single general jurisdiction court level.
- Nationally, one-third of state trial court filings are submitted in courts of unified or general jurisdiction. The remaining two-thirds are processed in limited jurisdiction courts, where caseloads are largely comprised of misdemeanor filings, preliminary hearings in felony cases, traffic cases, and small claims cases.
- State trial courts comprise 13,544 limited jurisdiction courts and 2,044 unified and general jurisdiction courts.

Cases Filed in State Trial Courts by Jurisdiction, 2002 (in millions)

Case Type	Total	Jurisdiction	
		Unified/General	Limited
Traffic	57.6	14.1	43.5
Civil	16.3	7.7	8.6
Criminal	15.4	5.5	9.9
Domestic	4.6	3.3	1.3
Juvenile	2.0	1.3	0.7
Total	95.9	31.9	64.0

Note: Totals may not sum due to rounding.

States with Unified Court Systems



15,588 individual state trial courts and 29,428 judicial officers handled the caseload

Judicial Officers in State Trial Courts by Court Jurisdiction, 1993-2002

Year	Number of Judicial Officers			Growth from Prior Year
	Unified / General Jurisdiction	Limited Jurisdiction	Total	
1993	9,751	18,316	28,067	—
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
2002	11,390	18,038	29,428	0.6

- The total number of limited and general jurisdiction courts in the United States, as well as the number of judicial officers associated with them, can vary as a result of the creation or closing of courts and from changes in court system classification.
- In 2002, there were 29,428 trial judges and quasi-judicial officers (i.e., commissioners, magistrates, and referees) in the nation's state trial courts. The growth in state judgeships has averaged just over one-half of 1 percent per year; the annual growth in the four major non-traffic categories of cases has averaged between two and three times that amount.

On average, states have four trial court judges per 100,000 population

D This table shows the number of *general jurisdiction* court judges reported in 2002 by state. (*Note:* these figures do not include quasi-judicial officers such as magistrates and referees.) Due to the nature of their court structures, states with unified courts—where there is no distinction between trial levels—logically tend to have more judges when compared to only the general jurisdiction courts in states with multilevel court systems.

D In the aggregate, state court systems employ an average of just under four general jurisdiction trial judges per 100,000 population. When comparing court structures, general jurisdiction courts in states with multitiered courts have an average of three judges for every 100,000 residents while states with unified courts have double that amount. Also displayed here is the total number of general jurisdiction filings per judge. States averaged over 1,500 filings per judge in 2002.

Number and Rate of Judges in Unified and General Jurisdiction Trial Courts in 49 States, 2002

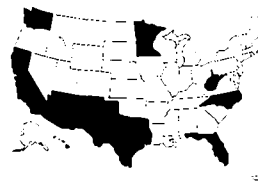
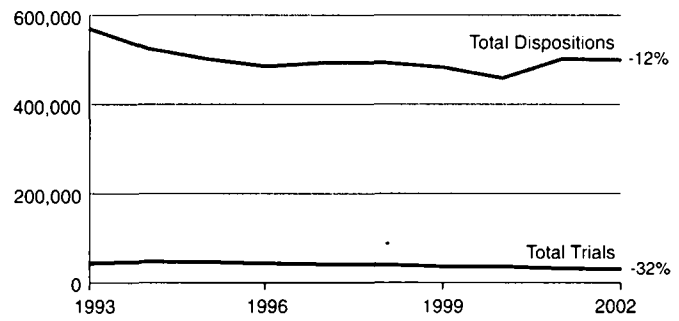
State	Number of Judges	Judges per 100,000 Population	Filings per Judge
Unified Courts			
California	1,498	4.3	1,546
Illinois	852	6.8	1,493
Puerto Rico	328	8.5	853
Missouri	309	5.4	1,637
Minnesota	263	5.2	1,940
Wisconsin	241	4.4	1,886
Iowa	192	6.5	1,526
Connecticut	180	5.2	1,594
Kansas	160	5.9	1,764
District of Columbia	58	10.2	2,404
North Dakota	42	6.6	1,982
South Dakota	38	5.0	2,492
Unified Jurisdiction Average	347	6.2	1,760
General Jurisdiction Courts			
New York	524	2.7	954
Florida	509	3.0	2,206
Texas	418	1.9	1,701
Pennsylvania*	409	3.3	1,569
New Jersey	394	4.6	2,810
Ohio	376	3.3	1,490
Indiana	295	4.8	2,283
Louisiana	211	4.7	1,631
Michigan	210	2.1	1,356
Georgia	188	2.2	1,772
Washington	175	2.9	1,152
Oregon	166	4.7	1,902
Arizona	159	2.9	1,061
Virginia	150	2.1	1,878
Maryland	146	2.7	1,730
Alabama	142	3.2	1,307
Colorado	132	2.9	1,070
Tennessee	116	2.0	1,912
Arkansas	115	4.2	1,485
Kentucky	114	2.8	979
North Carolina	106	1.3	2,986
Massachusetts	80	1.2	391
New Mexico	72	3.9	1,244
Utah	70	3.0	3,089
West Virginia	65	3.6	576
Nevada	56	2.6	1,433
Nebraska	54	3.1	755
Hawaii	49	3.9	686
South Carolina	48	1.2	3,790
Montana	40	4.4	779
Idaho	39	2.9	500
Alaska	34	5.3	455
New Hampshire	29	2.3	1,113
Rhode Island	22	2.1	770
Vermont	20	3.2	2,900
Delaware	19	2.4	1,220
Maine	16	1.2	790
General Jurisdiction Average	156	3.0	1,506
Overall Average	203	3.8	1,568

* The data for Pennsylvania are preliminary figures provided by the PA AOC. No data were available for Mississippi, Oklahoma, or Wyoming for 2002..

Data from 10 states showed that the jury trial rate in general civil cases decreased

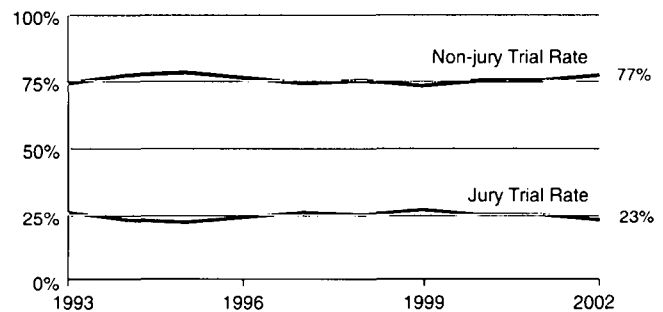
- D Ten states were able to provide comparable data with which to examine trial rates among general civil dispositions. Those states included: Arkansas, California, Florida, Hawaii, Minnesota, New Mexico, North Carolina, Texas, Washington, and West Virginia. General civil cases involve tort, contract, and real property issues.
- D These 10 states reported, on average, just under 500,000 general civil dispositions per year for the time period shown; about 7 percent of these dispositions resulted in a jury or bench trial.

Total General Civil Dispositions and Trials in General Jurisdiction Trial Courts in 10 States, 1993-2002



- D In the same 10 states, roughly 76 percent of all general civil trials during the early and mid-1990s were non-jury (bench) trials. That proportion increased to 77 percent in 2002.
- D The percentage of trials decided by jury dropped from 26 percent in 1993 to 23 percent in 2002. These ten states reported 10,500 jury trials in 1993, or 19 per 1,000 general civil dispositions. In 2002, there were 6,300 jury trials, or 13 for every 1,000 general civil dispositions. However, for most of the decade, the rate of general civil jury trials remained fairly stable between 18 and 20 trials per 1,000 general civil dispositions.

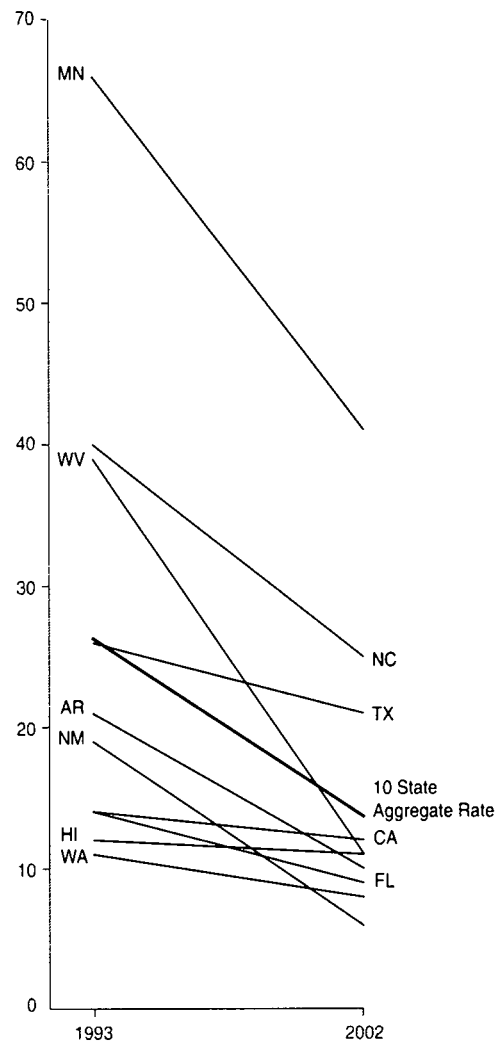
Percentage of Jury v. Non-Jury Trials in General Jurisdiction Trial Courts in 10 States, 1993-2002



The general civil jury trial rate dropped dramatically for 6 of the 10 states examined

- From 1993 to 2002, Arkansas, Florida, Minnesota, New Mexico, North Carolina, and West Virginia all experienced a drop in jury trial rates between 35 and 75 percent. West Virginia, in fact, experienced the greatest decline with a drop of 72 percent over the 10 years.
- Jury trial rates for a few states changed less dramatically. The rates in California, Hawaii, and Texas, for example, dropped 20 percent or less.
- Variation in jury trial rates was more pronounced at the beginning of the series (Minnesota, North Carolina, and West Virginia had the highest rates), but has tended to become more concentrated over time. Most states now cluster between 8 and 12 jury trials per 1,000 general civil dispositions.

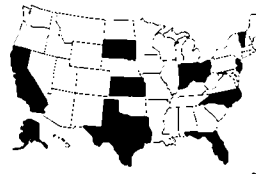
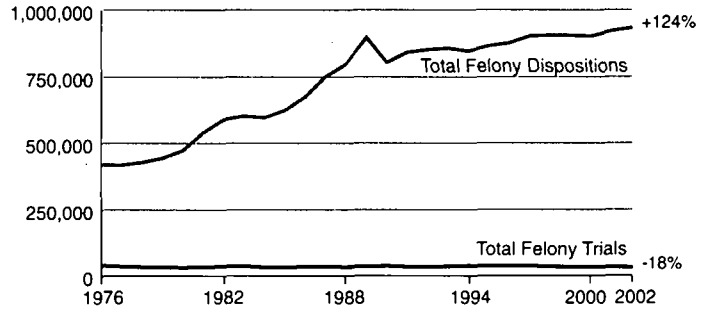
Jury Trial Rates per 1,000 General Civil Dispositions in General Jurisdiction Trial Courts in 10 States, 1993 v. 2002



Thirteen states reported felony dispositions steadily increased while felony jury trial rates fell

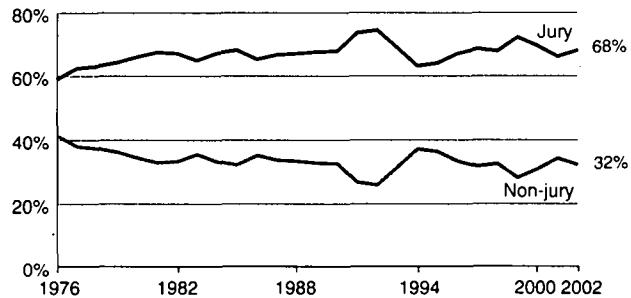
- Thirteen states were able to provide comparable data for an examination of felony trial rates. The states included are: Alaska, California, Florida, Indiana, Kansas, New Jersey, North Carolina, Ohio, Puerto Rico, South Dakota, Texas, Vermont, and the District of Columbia.
- Felony dispositions increased nearly 125 percent in the states examined, beginning with 417,000 dispositions in 1976 and ending with just over 933,000 dispositions in 2002. The number of trials fell from about 37,000 to 30,200 (-18 percent) over the 27-year period.

Total Felony Dispositions and Trials in General Jurisdiction Trial Courts in 13 States, 1976-2002



- Defendants, and the attorneys who represent them, have shown a consistent preference for having their cases decided by a jury rather than a judge. In the 13 states that provided the felony trial data for this time series, the proportion of felonies decided by juries increased from 59 percent in 1976 to 68 percent in 2002.

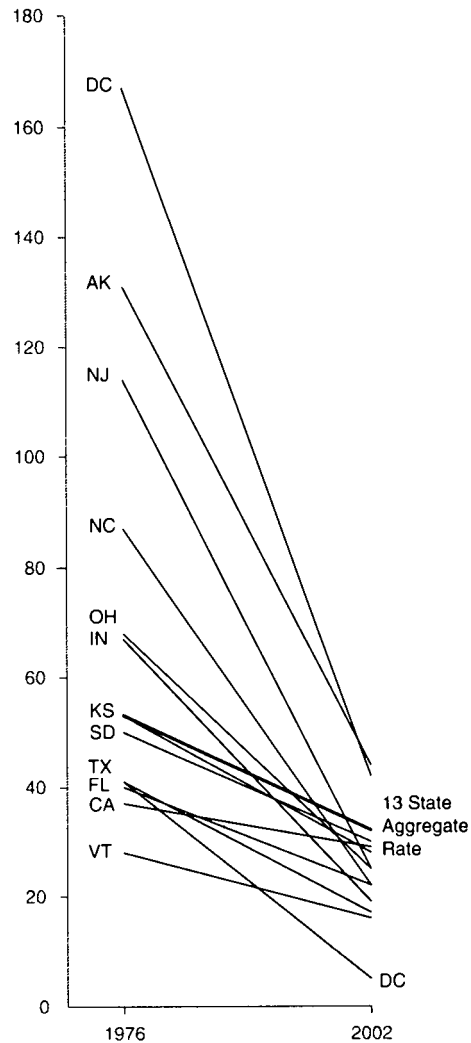
Proportion of Jury v. Non-Jury Felony Trials in General Jurisdiction Trial Courts in 13 States, 1976-2002



Eight states witnessed decreases in felony jury trial rates of over 60 percent

- Large declines in felony jury trial rates were seen between 1976 and 2002; states with the most notable drops were Puerto Rico (-88 percent), New Jersey (-78 percent), North Carolina (-75 percent), the District of Columbia (-75 percent), and Indiana (-72 percent).
- Felony jury trial rates varied dramatically in the benchmark year of 1976, from a high of 167 jury trials per 1,000 felony dispositions in the District of Columbia, to a low of 28 per 1,000 in Vermont. The adjacent lines show a noticeable reduction in the range of rates in 2002, with the majority of states ending with between 20 and 40 jury trials per 1,000 dispositions.
- The blue line shows the aggregate rates for the 13 states being examined. The line is relatively low, reflecting the influence of the three largest states in the sample: Texas, California, and Florida.

Jury Trial Rates per 1,000 Felony Dispositions in General Jurisdiction Trial Courts in 13 States, 1993 v. 2002



Civil

*State Court Guide to
Statistical Reporting,
2003, provides detailed
descriptions of civil case
and disposition types*

A civil case is filed when a court is called upon to be the arbiter of a non-criminal dispute between individuals, businesses, or government agencies. These cases run the gamut from arguments between neighbors over a broken fence to presiding over the estate of a deceased family member to multibillion dollar class action suits such as the tobacco cases recently in the news. Domestic relations cases, although of a civil nature, are examined separately in the Domestic Relations section and are not included in these analyses.

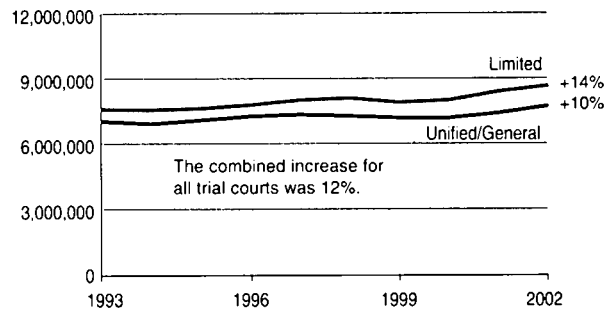
The final pages of this section focus on tort law, the area of civil law that protects individuals and businesses against the negligent or intentionally harmful acts of others. There are many kinds of tort cases, including those that allege personal injury (e.g., medical malpractice) and those that allege property damage (e.g., vandalism). Contract cases encompass everything from small claims, typically worth a few hundred dollars, to multibillion dollar anti-trust suits.

The recently released *State Court Guide to Statistical Reporting, 2003*, provides detailed descriptions of civil case and disposition types, as well as recommended formats for court data reporting. For more information and downloads of the *Guide*, please go to the National Center for State Courts Web site at: www.ncsc.org/d_research/statistical_reporting_2003/index.html.

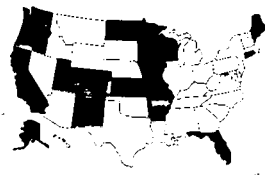
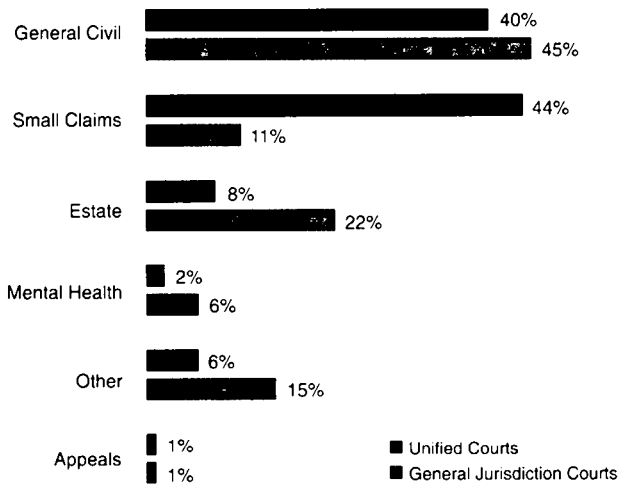
Civil case filings rose for the second straight year

- Civil cases are more numerous than criminal cases and second only to traffic in sheer volume, as over 16 million civil cases were filed in state courts in 2002.
- After fluctuations during the first eight years of this trend, civil filings in both limited and general jurisdiction courts have risen steadily in the past two years.

Civil Cases Filed in State Trial Courts by Jurisdiction, 1993-2002



Civil Caseload Composition in Unified v. General Jurisdiction Trial Courts in 18 States, 2002



- Most states have two-tiered court systems divided into courts of limited jurisdiction and courts of general jurisdiction. About one-fourth of the states have unified court systems that hear and dispose of all cases regardless of the amount or issues in controversy. Limited jurisdiction courts in states with two-tiered systems typically process a substantial number of civil cases (such as small claims), and the remaining civil caseloads are heard in the general jurisdiction courts.
- General civil cases, i.e., tort, contract, and real property cases, together comprise 45 percent of the civil caseload in general jurisdiction courts and are second only to small claims cases in unified courts (40 percent).
- The proportion of small claims cases filed in unified court systems (44 percent) is four times greater than that of their general jurisdiction counterparts (11 percent).

Population size had no apparent affect on civil filing rates

The following page provides a detailed listing of civil filings in the states.

- ▶ The calculation of civil filings per 100,000 population takes into account the population variance among states. Population-adjusted civil filings range from a high of about 15,300 in the District of Columbia to a low of approximately 2,400 in Hawaii. Tennessee appears to have a lower rate than Hawaii, but data from their limited jurisdiction courts were not available.
- ▶ Differences in state court dollar amount jurisdictional limits are reflected in the rates of filings in the general versus limited jurisdiction columns. States with fewer filings in the general jurisdiction court typically have higher minimum dollar amounts (e.g., Michigan's minimum is \$25,000) whereas the reverse is true in states with a low minimum, such as New Jersey (\$2,000).
- ▶ Case counting methods and court structure also influence civil filing rates. For example, Maryland and Virginia both report a substantially higher civil filing rate than most other states. However, most of these cases are filed in the limited jurisdiction courts and arise from small claims or post-judgment actions that are counted as new filings.
- ▶ The District of Columbia perennially ranks first on this population-adjusted list. It is likely that their civil caseload is inflated by the vast numbers of commuters who work (and file civil cases) in the District, but who are not counted in the underlying population figures. Adjusting the District's rate by adding the U.S. Census Bureau's estimate of commuters into the city (481,112) to the permanent population (570,898) generates a rate between those of New York and Indiana (8,302).

Total Civil Filings (Excluding Domestic Relations Filings), 2002

State	Filings per 100,000 Population			Filings			Population Rank
	Total	Unified/General Jurisdiction	Limited Jurisdiction	Total	Unified/General Jurisdiction	Limited Jurisdiction	
District of Columbia*	15,298	15,298	—	87,337	87,337	—	51
Maryland	15,158	1,442	13,716	827,341	78,726	748,615	18
Virginia	14,004	1,012	12,992	1,021,374	73,794	947,580	12
New Jersey	8,844	8,775	69	759,741	753,801	5,940	9
New York	8,620	1,970	6,649	1,651,347	377,497	1,273,850	3
Indiana	7,534	5,878	1,657	464,051	362,021	102,030	14
South Carolina	7,373	1,813	5,560	302,821	74,475	228,346	25
Kansas*	7,263	7,263	—	197,261	197,261	—	33
Michigan	7,221	750	6,471	725,744	75,361	650,383	8
South Dakota*	6,989	6,989	—	53,191	53,191	—	47
Georgia	6,929	799	6,131	593,179	68,372	524,807	10
Delaware	6,644	1,763	4,881	53,643	14,237	39,406	46
Ohio	6,496	2,106	4,390	741,922	240,540	501,382	7
Colorado	6,455	1,304	5,150	290,886	58,783	232,103	22
Utah	6,380	6,009	371	147,781	139,186	8,595	35
Connecticut*	6,307	4,184	2,123	218,245	144,791	73,454	30
North Carolina	6,256	2,119	4,137	520,490	176,279	344,211	11
Massachusetts	5,993	399	5,595	385,227	25,619	359,608	13
Florida	5,878	2,639	3,239	982,423	441,007	541,416	4
Nevada	5,835	1,264	4,570	126,815	27,482	99,333	36
Louisiana	5,529	3,647	1,882	247,838	163,490	84,348	24
Idaho	5,441	551	4,890	72,971	7,384	65,587	40
Montana	5,314	1,691	3,622	48,325	15,382	32,943	45
Kentucky	5,242	1,167	4,074	214,533	47,783	166,750	26
Rhode Island	5,086	991	4,095	54,402	10,599	43,803	44
Nebraska	4,953	419	4,534	85,651	7,250	78,401	39
Arkansas	4,889	1,843	3,045	132,483	49,948	82,535	34
Iowa*	4,823	4,823	—	141,650	141,650	—	31
Wisconsin*	4,663	4,663	—	253,735	253,735	—	20
Oregon	4,516	4,516	n/a	159,040	159,040	n/a	28
Arizona	4,484	1,141	3,343	244,647	62,262	182,385	19
Alabama	4,430	1,121	3,309	198,744	50,286	148,458	23
Illinois*	4,429	4,429	—	558,128	558,128	—	5
Alaska	4,149	1,011	3,138	26,711	6,507	20,204	48
West Virginia	4,086	1,584	2,502	73,627	28,544	45,083	38
Puerto Rico*	4,017	4,017	—	154,994	154,994	—	27
California*	4,012	4,012	—	1,408,818	1,408,818	—	1
North Dakota*	3,900	3,900	—	24,729	24,729	—	49
New Hampshire	3,819	596	3,223	48,694	7,602	41,092	42
Washington	3,742	1,505	2,237	227,097	91,326	135,771	15
Missouri*	3,628	3,628	—	205,829	205,829	—	17
Vermont	3,559	2,816	743	21,947	17,364	4,583	50
New Mexico	3,549	1,853	1,696	65,834	34,370	31,464	37
Pennsylvania**	3,401	623	2,778	419,494	76,843	342,651	6
Minnesota*	3,080	3,080	—	154,631	154,631	—	21
Texas	2,985	811	2,174	650,050	176,651	473,399	2
Maine	2,807	257	2,550	36,336	3,324	33,012	41
Mississippi	2,789	922	1,867	80,107	26,479	53,628	32
Hawaii	2,398	720	1,678	29,848	8,960	20,888	43
Tennessee	1,167	1,167	n/a	67,676	67,676	n/a	16

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

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

Notes: n/a signifies not available. No data were available for Oklahoma or Wyoming for 2002.

All but 5 of 38 states saw civil caseloads grow in the last three years

- D** A clearance rate is the total number of cases disposed divided by the number of cases filed during a given time period. Rates of over 100 percent (as reported in nine states in 2002) indicate that the court disposed of more cases than were filed, thus reducing their pending caseload.
- D** All but four states cleared 90 percent or more of their aggregate civil caseload between 2000 and 2002.
- D** Caseload growth is one factor that may influence clearance rates. Two states with low clearance rates between 2000 and 2002, Arkansas and Rhode Island, reported significant increases in their contract case filings (102 percent and 68 percent, respectively) over the same period.
- D** Only three states (the District of Columbia, Hawaii, and New Mexico) reported a decline in civil caseloads between 2000 and 2002.

Civil Caseload Clearance and Growth Rates for Unified and General Jurisdiction Trial Courts in 38 States, 2000-2002

State	Clearance Rates			2000-2002	Growth Rate 2000-2002
	2000	2001	2002		
Unified Courts					
Wisconsin	101%	99%	100%	100%	18%
District of Columbia	102	99	97	100	-4
North Dakota	99	101	98	99	14
Minnesota	101	95	99	98	7
Illinois	100	101	91	97	8
Kansas	95	101	93	96	13
Missouri	97	97	91	95	10
South Dakota	94	90	94	93	9
California	90	89	87	89	3
General Jurisdiction Courts					
Massachusetts	120	97	105	107	15
New York	110	107	103	107	1
Utah	133	94	93	107	5
Colorado	113	100	103	105	5
Hawaii	123	86	100	103	-14
Delaware	97	112	99	103	2
Alaska	103	105	98	102	11
New Jersey	103	103	101	102	6
New Mexico	99	102	101	101	-8
Texas	105	102	93	100	12
Tennessee	99	100	99	99	0
Oregon	102	98	97	99	6
Vermont	98	97	99	98	2
Maryland	96	100	97	98	4
Ohio	99	96	96	97	16
Michigan	98	95	97	97	3
South Carolina	97	100	93	96	20
Washington	97	96	94	96	4
Alabama	92	96	99	96	18
New Hampshire	97	94	95	95	5
Idaho	98	93	94	95	21
Indiana	93	95	96	94	14
Arizona	92	103	87	94	1
West Virginia	91	93	96	93	0
Arkansas	94	91	87	91	19
Montana	95	90	86	90	8
Kentucky	90	89	83	87	15
Virginia	88	82	82	84	4
Rhode Island	79	74	66	73	22

Jury trials accounted for less than 1 percent of all civil dispositions

- ▶ The highest non-jury (bench) trial rates appear in Tennessee where nearly one in five (17.2 percent) civil cases is reported disposed of by non-jury trial. The District of Columbia, New Jersey, and Florida each report bench trial rates of less than 1 percent.
- ▶ Ratios of non-jury trials to jury trials also vary dramatically: Tennessee reports a 33 to 1 ratio while Michigan reports equal proportions (1:1).
- ▶ Overall, about 8 percent of civil cases were disposed of by trial in these 21 states. The greatest proportion of civil cases (42 percent) were settled and/or dismissed by the court.

Manner of Disposition for Civil Cases Filed in 21 Unified and General Jurisdiction Trial Courts, 2002

State	Total Dispositions	Trials			Non-Trial		
		Total	Jury	Non-jury	Default	Settle/Dismiss	Other
Unified Courts							
Missouri	188,722	10.3%	0.3%	10.0%	48%	38%	3%
Kansas	163,707	2.2	0.1	2.1	54	29	15
District of Columbia	80,212	0.8	0.3	0.5	17	52	30
Iowa	25,317	13.3	1.3	12.0	24	10	53
South Dakota	11,853	6.9	0.9	5.9	58	18	17
General Jurisdiction Courts							
Indiana	368,460	11.4	0.2	11.2	37	31	20
Texas	164,837	15.5	1.0	14.5	14	43	27
Florida	162,056	1.4	0.9	0.5	10	49	39
Ohio	140,901	2.0	0.8	1.2	24	43	31
Tennessee	128,967	17.2	0.5	16.6	11	61	10
New Jersey	114,435	2.0	1.6	0.4	8	80	10
Washington	110,530	1.5	0.5	1.1	15	26	57
Michigan	51,445	2.2	1.1	1.1	34	58	6
New Mexico	32,469	12.0	0.4	11.6	21	27	41
Arkansas	31,675	8.6	0.8	7.8	25	38	28
North Carolina*	25,314	11.2	2.1	9.1	n/a	62	27
Hawaii*	7,584	1.9	0.5	1.4	n/a	58	40
Delaware**	6,902	1.9	n/a	n/a	22	50	26
Vermont	6,633	15.6	1.0	14.6	46	38	n/a
Alaska	3,373	3.9	1.4	2.4	4	60	32
Rhode Island	2,460	9.8	4.2	5.5	n/a	72	18
Overall	1,827,892	7.6%	0.6%	7.0%	27%	42%	23%

n/a = not available

* Defaults in North Carolina and Hawaii cannot be distinguished from settle/dismiss and other dispositions.

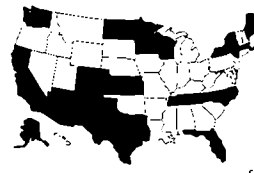
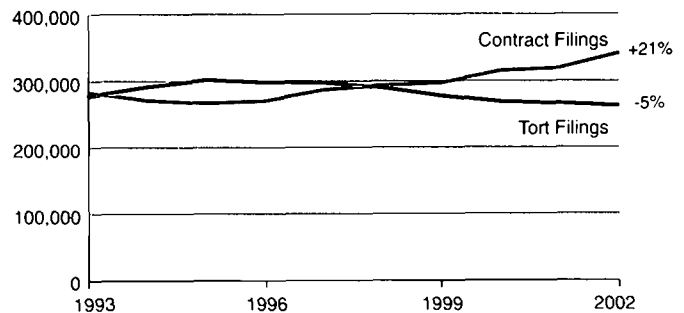
** Delaware does not report separate jury and bench trial statistics.

Note: totals may not sum due to rounding.

Tort filings declined as contract disputes continued to increase

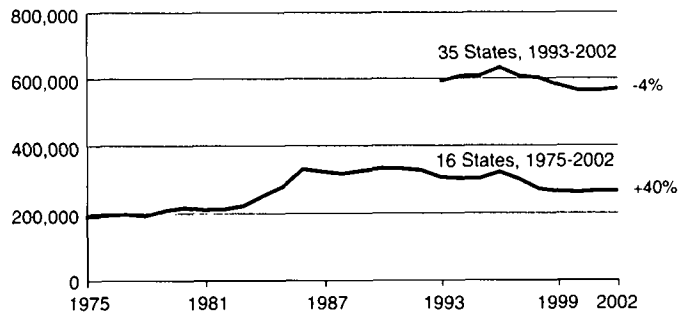
- Data from the 17 states able to provide comparable tort and contract filing data for the 10-year period from 1993 to 2002 indicate a 5 percent drop in tort filings while contract filings increased by 21 percent.
- While the number of tort filings in the 17 states exceeded those of contract filings during the first five years shown, contract cases have since overtaken tort cases and have continued to rise steadily.

Tort and Contract Filings in General Jurisdiction Trial Courts in 17 States, 1993-2002

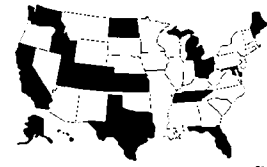


- Although data from 16 states indicate a 40 percent increase in tort filings since 1975, filings peaked in 1990 and have actually shown a generally downward movement since that time.
- The addition of 19 more states beginning in 1993 verifies the downward trend and reveals a 4 percent decrease in tort filings over the last 10 years.
- The 35 states included in the 10 year trend represent about 77 percent of the U.S. population. Total population in those states rose 13 percent during that time, indicating no discernable relationship between tort filings and population growth.

Tort Filings in General Jurisdiction Trial Courts in 16 States and 35 States, 1975-2002



35 States, 1993-2002



16 States, 1975-2002

Two-thirds of states reporting saw a decrease in population-adjusted tort filings

- States with unified court systems hear all tort cases regardless of the amount of damages sought by the plaintiff. General jurisdiction courts in states with two-tiered court systems only hear tort cases valued over a statutory amount (ranging up to \$50,000).
- New Jersey had the highest population-adjusted filing rates in both years shown on the table. Its low jurisdictional limit, combined with its proximity to New York City and Philadelphia, likely contribute to the higher rates there.
- North Dakota had the lowest rate in 1993, but has increased 17 percent over 10 years.

Growth Rates of Tort Filings in Unified and General Jurisdiction Trial Courts in 31 States, 1993 v. 2002

State	Filings per 100,000 Population		Percent Change 1993-2002
	1993	2002	
Unified Courts			
North Dakota	83	97	17%
Puerto Rico	247	266	8
Connecticut	487	503	3
Kansas	174	179	3
Missouri	342	342	0
California	283	233	-18
Wisconsin	179	146	-19
Minnesota	152	117	-23
General Jurisdiction Courts			
Indiana	190	217	14
Idaho	101	111	10
New York	391	428	10
Alaska	156	167	7
New Jersey	809	835	3
Ohio	282	290	3
Alabama	275	269	-2
Utah	97	93	-4
Arkansas	216	195	-9
Tennessee	237	210	-12
Oregon	246	212	-14
Washington	226	189	-16
Colorado	140	117	-16
North Carolina	140	114	-19
Florida	318	239	-25
Maryland	302	218	-28
Nevada	489	339	-31
Arizona	329	224	-32
Maine	130	86	-34
Texas	264	159	-40
New Mexico	356	205	-43
Michigan	374	213	-43
Hawaii	251	135	-46

- D** This table is divided into states with unified court systems and states with separate general jurisdiction courts. States with unified court systems will hear and count contract cases that would be disposed of in limited jurisdiction courts in other states (i.e., small claims cases) in addition to the higher-stakes cases typically heard in courts of general jurisdiction. Hence, contract filings per 100,000 population tend to be higher in unified courts.
- D** New Jersey has no minimum limit for contract cases filed in their general jurisdiction court and the maximum amount allowable for small claims cases in their limited jurisdiction court is only \$2,000. Functionally, New Jersey is more similar to a unified court system than are the other states with two-tiered systems.
- D** The 25 states shown were nearly evenly split between those whose population-adjusted contract caseloads increased over the last 10 years and those whose decreased. Kansas led all states with a 77 percent increase in their contract caseload. Puerto Rico, another unified jurisdiction, reported the largest decrease at -49 percent.

Growth Rates of Contract Filings in Unified and General Jurisdiction Trial Courts in 25 States, 1993 v. 2002

State	Filings per 100,000 Population		Percent Change 1993-2002
	1993	2002	
Unified Courts			
Kansas	2,755	4,875	77%
North Dakota	825	1,426	73
Missouri	1,249	1,613	29
California	344	343	0
Minnesota	136	123	-10
Wisconsin	374	259	-31
Connecticut	678	446	-34
Puerto Rico	1,383	708	-49
General Jurisdiction Courts			
Wyoming	160	222	38
Arkansas	497	670	35
Washington	264	322	22
New Jersey	2,421	2,797	16
North Carolina	82	91	11
Oregon	653	694	6
Massachusetts	77	80	5
Texas	123	127	4
Alabama	298	287	-4
New York	100	88	-12
Tennessee	127	106	-16
Colorado	230	183	-20
New Mexico	698	548	-21
Arizona	284	221	-22
Alaska	89	66	-26
Florida	265	189	-28
Maine	75	39	-47

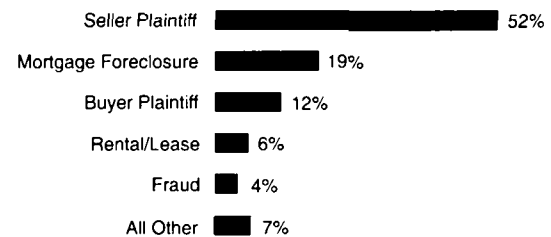
Automobile claims and debt collections dominated the tort and contract landscapes

- D A study of general civil cases conducted by the National Center for State Courts (NCSC) and the Bureau of Justice Statistics (BJS) entitled the *Civil Justice Survey of State Courts, 1992* still provides the most accurate picture of tort caseload composition available.¹ Automobile accident torts clearly dominated the types of torts disposed of, exceeding all other tort cases combined by 20 percent.
- D Premises liability (“slip and fall”) cases constituted the second largest share of tort dispositions at 17 percent.
- D Only one in twenty tort dispositions involved a claim of medical malpractice. Product liability cases, actions that also garner considerable public interest, were equally rare.
- D The *Civil Justice Survey of State Courts, 1992* also provided data regarding contract case composition.² More than half (52 percent) of all contract cases in this sample were seller plaintiff cases. These actions are typically debt collections where the seller is demanding payment on goods or services previously delivered.
- D Mortgage foreclosure cases, a more specific kind of seller plaintiff action between a financial institution and a borrower, comprised about one-fifth of the contract caseload.
- D These data suggest that 7 of every 10 contract cases are some form of debt collection.
- D Buyer plaintiff cases, where the plaintiff seeks a refund or the honoring of a warranty for a faulty, incomplete, or undelivered product, represented 12 percent of the contract caseload.
- D In the civil arena, fraud—which is generally considered tortious in nature—most often arises from contractual disputes. In this sample, 4 percent of all contract cases alleged some form of contractual fraud.

Composition of Tort Cases Disposed of in the Nation's 75 Largest Counties, 1992



Composition of Contract Cases Disposed of in the Nation's 75 Largest Counties, 1992

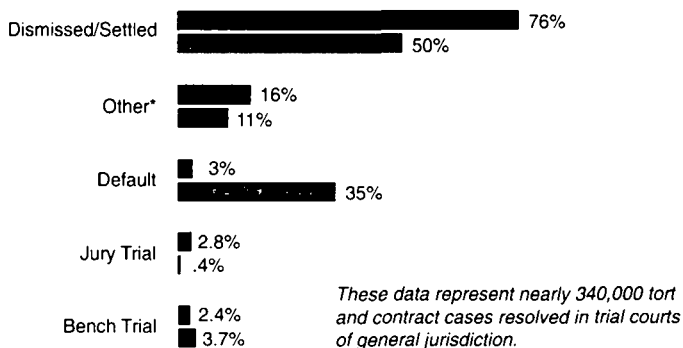


¹ See the BJS Special Report: *Tort Cases in Large Counties* (BJS, April 1995)

² See the BJS Special Report: *Contract Cases in Large Counties* (BJS, February 1996)

Defendants defaulted in one-third of contract cases

Manner of Disposition in Tort v. Contract Cases in General Jurisdiction Trial Courts in Seven States, 2002



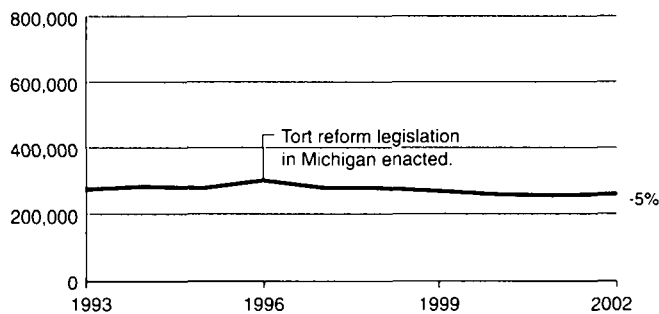
* "Other" includes changes of venue, transfers, post-judgment activity, etc.

- Over three-quarters of tort cases were resolved by some form of settlement or dismissal. Exactly half of contract cases had a similar disposition.
- Trials are rare in both tort and contract cases. Non-jury trials are the most prevalent (3.7 percent) in contract cases, but tort cases are slightly more likely to be disposed of by trial (bench or jury) than are contract cases (5.2 percent versus 4.1 percent, respectively).

Automobile tort filings fell 14 percent from their recent high in 1996

- After increasing 10 percent from 1993 to 1996, automobile tort filings fell steadily until 2002, when they showed a modest increase of about 1.5 percent over 2001.
- The spike in filings in 1996 resulted mostly from a rush to file before the enactment of tort reform legislation in Michigan that year.
- Safety features such as air bags, anti-lock brakes, and safety restraints have no doubt contributed to the decline in automobile torts.

Automobile Tort Filings in 19 States, 1993-2002

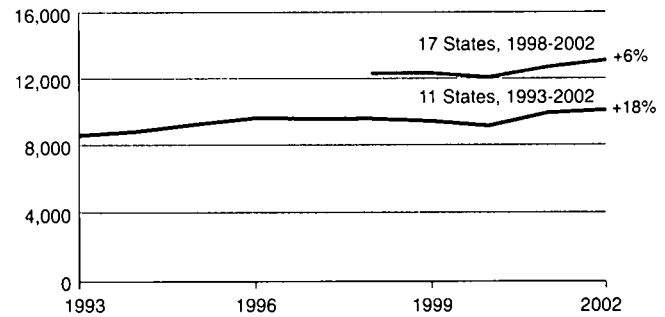


- The aforementioned NCSC/BJIS studies indicate that over half of all contract cases were seller plaintiff or debt collection cases. This undoubtedly explains the disproportionately high percentage of default judgments in contract cases (35 percent). Defendants who fail to answer and dispute the allegations in tort cases run the risk of a having awards levied against them. In debt collection cases, the amount is known and often indisputable.

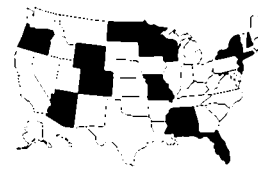
Medical malpractice filings increased for the second straight year

- D** Data from 11 states indicate an 18 percent increase in medical malpractice filings in the 10 years from 1993 to 2002. The addition of five states for the last five years shows medical malpractice filings increasing, on average, by just over 1 percent annually.
- D** By 1996, filings in the 11 states had increased 12 percent, where they remained essentially unchanged for three years. Following two years of decline in 1999 and 2000, the latest two years of data show filings rising substantially (10 percent).
- D** Data from two states, Florida and New York, dominate the trend shown here. In the 10-year trend, the two states represent 67 percent of the filings. In the five-year trend, they account for just over half (53 percent).

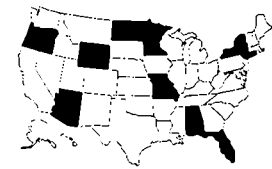
Medical Malpractice Filings in 11 and 17 States, 1993-2002



Note: Florida, which represents 25% of the 10 year trend and 19% of the five year trend, does not distinguish medical from other types of professional malpractice.



17 States, 1998-2002



11 States, 1993-2002

Medical Malpractice Filings in 17 States, 1998 v. 2002

State	Filings		Percent Change 1998-2002	Percent of 2002 Tort Caseload
	1998	2002		
Colorado	157	297	89%	6%
Wyoming	44	76	73	15
Mississippi	356	549	54	8
New Hampshire	79	103	30	5
North Dakota	22	44	19	7
Florida*	2,179	2,530	16	6
Wisconsin	230	253	10	3
Arizona	630	690	10	6
Connecticut	337	368	9	2
Puerto Rico	573	614	7	6
Missouri	817	873	7	5
New York	4,316	4,400	2	5
Alabama	315	306	-3	3
New Jersey	1,776	1,656	-7	2
Rhode Island	149	135	-9	4
Oregon	133	64	-24	1
Minnesota	208	133	-36	2
Total	12,321	13,091	6%	4%

* Note: Florida does not distinguish medical from other types of professional malpractice.

- D** This table shows medical malpractice filing data for each of the 17 states included in the line chart above, as well as the individual percentage change over five years and the proportion of medical malpractice cases among all torts.
- D** Colorado's five year caseload increase was the highest at 89 percent. However, that represented only 140 additional cases. Minnesota reported the largest decrease at 36 percent but, again, their caseload dropped by only 75 cases.
- D** Medical malpractice cases ranged from 15 percent (Wyoming) to 1 percent (Oregon) of total tort caseloads. The average for the 17 states shown here was 4 percent.

Domestic Relations

Domestic relations cases include divorce, custody, paternity, interstate support, and adoption.

Domestic relations cases represent approximately one-quarter of the total state trial court civil caseload. However, these cases differ from other civil cases in that they must, by definition, involve actions between family members or persons considered to be involved in a domestic relationship. For this reason, domestic relations caseloads are discussed independently of state court civil caseloads.

Domestic violence, which was previously reported as a domestic relations case type, is now reported as a criminal case type. A new case type, civil protection/restraining order, has been added to the domestic relations caseload. These changes provide for more specific reporting of the criminal versus civil nature of domestic violence.

Future Domestic Relations Case Reporting in the State Court Guide to Statistical Reporting, 2003

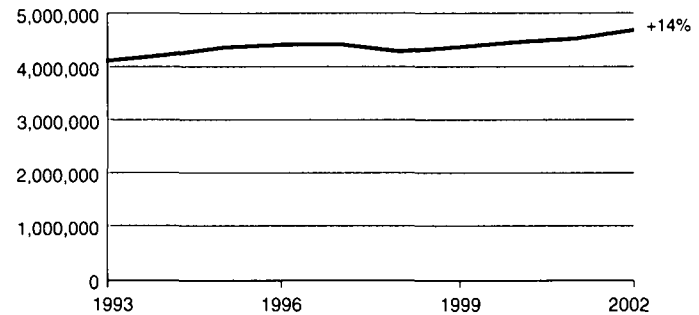
Consistent reporting of domestic relations caseloads can be difficult due to the unique characteristics of domestic relations cases. For example, custody issues may be decided during divorce proceedings or through the post-judgment activity of a divorce case. Custody decisions may also be made without divorce proceedings if the parties involved are not married. Due to these types of variations within domestic relations cases, the *State Court Guide to Statistical Reporting, 2003* includes a domestic relations case reporting section that is much more detailed and, for the first time, separate from the civil case reporting section.

For additional information on the *Guide*, please refer to the NCSC website at: www.ncsconline.org/d_research/statistical_reporting_2003/index.html.

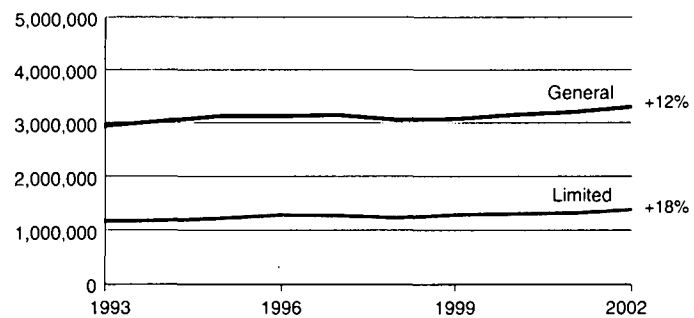
Domestic relations filings increased 14 percent in the last ten years

- Domestic relations caseloads are currently divided into five case types: divorce, custody, paternity, interstate support, and adoption. In 2002, state courts reported a record high of 4.7 million domestic relations filings.
- Total filings in 2002 represent a 4 percent increase over the 4.5 million filings reported in 2001, and a 9 percent increase from the 4.3 million filings reported in 1998.
- Approximately 70 percent of domestic relations cases are filed in general jurisdiction courts. In 2002, this equaled just over 3.3 million filings.
- Limited jurisdiction courts experienced a higher growth rate than general jurisdiction courts. In 4 of the 10 years shown in the trend, limited jurisdiction courts reported filing increases of 4 or 5 percent while general jurisdiction courts reported increases of 1 to 3 percent.
- Domestic relations filings decreased in both general and limited jurisdiction courts in 1998. Since that year, filings have increased by 12 percent in limited jurisdiction courts and 8 percent in general jurisdiction courts (a total increase of 9 percent).

Domestic Relations Filings in State Trial Courts, 1993-2002

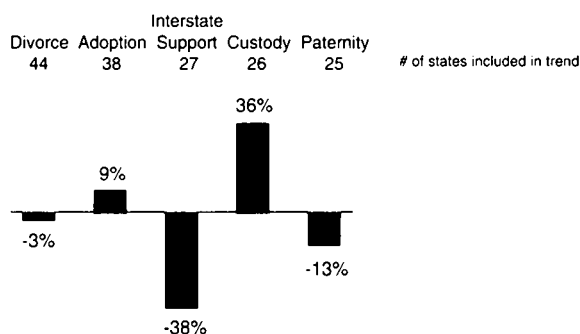


Domestic Relations Cases Filed in State Trial Courts by Court Jurisdiction, 1993-2002



Growth rates varied widely among domestic relations case types

Percent Change in Domestic Relations Filings by Case Type, 1993 v. 2001

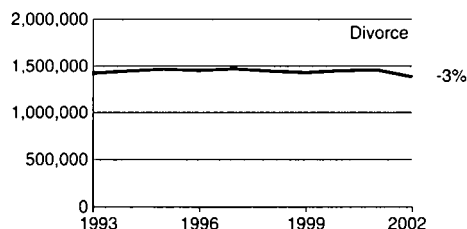


- The greatest increase in filings among all domestic relations case types occurred in custody cases (36 percent) while interstate support filings fell by an almost equivalent percentage.
- Adoption cases increased moderately (9 percent) from 1993 to 2002.
- Filings in both divorce and paternity cases have decreased by 3 percent and 13 percent, respectively, over the past ten years.

Divorce

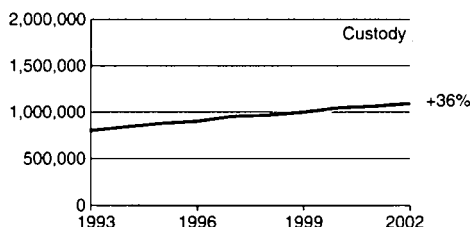
- Divorce cases (including annulments) are actions that result in the dissolution of a marriage. The most dramatic decrease was seen recently when total filings in 44 states fell 5 percent from nearly 1.5 million in 2001 to just under 1.4 million in 2002.
- After edging up slightly in the first four years shown here, divorce filings reached their highest level of about 1,480,000 in 1997, but have since decreased by 6 percent.

Domestic Relations Cases by Case Type, 1993-2002



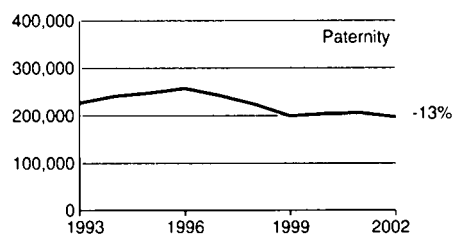
Custody

- In addition to child custody cases, the custody caseload described here includes cases involving issues of visitation and support. However, custody issues that were decided as part of a divorce case are not counted in the custody caseload.
- In the twenty-six states reporting separate custody caseloads, filings increased by 36 percent, from approximately 810,000 in 1993 to 1.1 million in 2002.
- Custody filings have increased at an average of 3 percent a year for the last ten years. The greatest increase (6 percent) occurred in 1997.



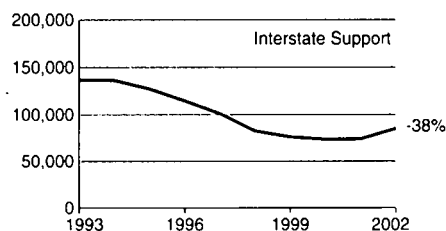
Paternity

- ▶ A paternity case is one in which the identity or responsibilities of the father of a minor child are established. Paternity cases were reported by 25 states for the time period 1993 to 2002.
- ▶ The decline in paternity filings began in 1996. Between 1996 and 1999, filings decreased by 22 percent. After increasing slightly in 2000 and 2001, paternity filings have again decreased, with states reporting fewer filings in 2002 than in any other year in the trend.



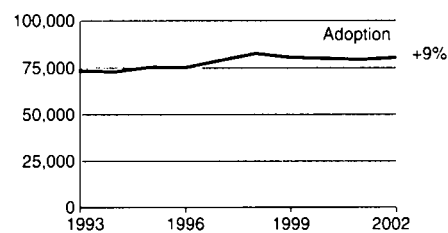
Interstate Support

- ▶ Interstate support cases involve requests for support from a person living in a different state who is required by Title IV-D of the Social Security Act of 1973 to provide such support. Data from 27 states show a decrease that started in 1995 and continued through 2000 at an average rate of 10 percent per year.
- ▶ Interstate support filings began increasing in 2001. After reaching a low of 74,000 cases in 2000, filings have increased 15 percent to 85,000 in 2002.



Adoption

- ▶ Adoption cases request the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally. As reported by 39 states, adoption filings increased by 9 percent from 1993 to 2002, with most of the increase occurring between 1996 and 1998.
- ▶ Since reaching a high of 82,600 filings in 1998, adoption caseloads have experienced an overall decrease 3 percent overall despite the 1 percent increase in filings reported in 2002.



States varied in the amount of detail reported for domestic relations cases

For 2002, 14 states were able to report filings for each of the domestic relations case types (indicated with state names in bold type). Of these states, Ohio reported the most filings per 100,000 population (1,959) while Louisiana reported the fewest (555).

Divorce filings, the only case type reported by all 37 states listed, range from 92 percent of the domestic relations caseload in Montana to 7 percent of the caseload in Louisiana. (Montana, however, does not report separate custody or interstate support filings, and these cases may be included in divorce caseloads.)

Interstate support filings are the least reported of the domestic relations case types and rarely comprise more than 10 percent of a state's domestic relations caseload. However, in 2002, both Iowa and Rhode Island reported interstate support caseloads of more than 40 percent.

Adoption filings were reported by 35 states in 2002. While 15 states reported that adoption comprised more than 5 percent of their domestic relations caseloads, Alaska reported the highest percentage of adoption filings (11 percent).

Domestic Relations Caseload Composition in 37 States, 2002

State	Filings per 100,000 Population	Total DR Filings	Percent of Caseload					
			Divorce	Custody	Paternity	Interstate Support	Adoption	Other
Delaware ^{2,3}	4,423	35,708	14%	63%	0%	0%	1%	22%
North Dakota ³	2,955	18,736	23	48	9		2	19
Pennsylvania ^{2,3*}	2,838	350,055	13	85			1	1
Vermont ³	2,720	16,773	44	44	7		3	3
New Jersey ^{2,3}	2,625	225,535	28	69			1	1
Ohio	1,959	223,775	23	54	9	2	3	10
Iowa ¹	1,944	57,102	35		9	49	3	3
Mississippi	1,696	48,706	36	34	7	1	2	21
Maryland ³	1,665	90,895	40	25	31		5	
Arkansas ³	1,649	44,685	49	28	13		4	7
North Carolina ^{2,4}	1,583	131,730	58	40		0		2
Dist. of Columbia	1,517	8,662	45	10	29	10	7	
Nevada	1,407	30,575	60	4	1	26	3	6
Tennessee	1,398	81,069	42	39	4	4	4	7
Massachusetts	1,380	88,713	25	2	37	1	3	31
South Dakota ²	1,259	9,579	44	26		23	5	1
West Virginia ³	1,226	22,084	58	18	8		4	12
New Mexico ³	1,221	22,650	59	16	16		3	7
Idaho ^{2,3}	1,120	15,027	84	10			7	
Oregon	1,102	38,814	49	10	7	1	5	28
Indiana ¹	1,064	65,554	61		25	5	6	3
Missouri ⁴	1,053	59,710	52	2	17	3		26
Kansas ¹	1,039	28,223	59		14	5	7	16
Michigan	1,039	104,374	49	15	17	5	6	7
Wisconsin	969	52,735	42	16	29	4	4	5
Colorado	960	43,261	61	6	19	2	7	6
Montana ^{1,3}	958	8,717	92		1		7	
New Hampshire	934	11,913	57	19	4	1	6	13
Puerto Rico ³	909	35,091	58	36	1		1	4
Alaska ¹	887	5,713	65		8	7	11	9
Hawaii ¹	863	10,746	53		24	5	6	12
Washington	857	52,040	63	6	18	1	6	6
Rhode Island ^{1,2}	849	9,082	48			42	6	4
Connecticut ³	846	29,290	50	31	8		4	6
Minnesota ^{1,2}	756	37,965	47			38	6	9
Utah	718	16,641	75	6	7	1	9	
Louisiana	555	24,901	7	55	26	4	6	2

Bolded states reported data in all categories.

¹Custody support filings are underrepresented and may be counted in other categories.

²Paternity filings are underrepresented and may be counted in other categories.

³Interstate support filings are underrepresented and may be counted in other categories.

⁴Adoption filings are underrepresented and may be counted in other categories.

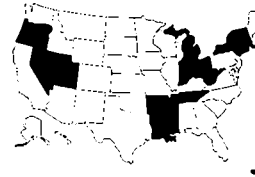
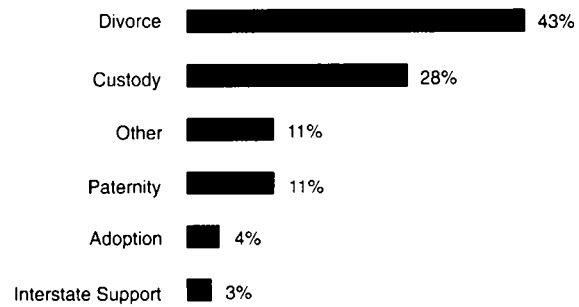
*The data for Pennsylvania are preliminary figures provided by the PA AOC.

Note: Totals may not sum due to rounding.

Divorce filings comprised more than 40 percent of domestic relations caseloads

- In 2002, 23 courts in 18 states reported complete filing data for each of the domestic relations case types.
- Divorce and custody filings comprised close to three-quarters of the 2002 domestic relations caseload with divorce cases being filed almost twice as often as custody cases.
- Paternity and other domestic relations cases each comprised 11 percent of the domestic relations caseload. Other domestic relations filings include such cases as termination of parental rights and permission for minors to marry.
- Adoption and interstate support cases together represented 7 percent of the domestic relations caseload. For 2002, this equaled more than 57,000 filings.

Domestic Relations Caseload Composition in 23 Courts, 2002



The previous domestic relations case reporting matrix made few distinctions among case types

- ▶ Domestic relations cases were previously reported as part of the civil caseload.
- ▶ Despite the different nature of the cases, support and custody filings were combined as one case type.
- ▶ Interstate support cases were identified separately from other support cases, but total support cases could not be determined due to the inclusion of custody filings.
- ▶ Domestic violence, while actually a criminal case, was reported as part of the civil domestic relations caseload.
- ▶ The original matrix did not distinguish between cases that involved divorce versus cases that did not.

**Domestic Relations Prototype
(State Court Model Statistical Dictionary, 1989)**

CIVIL

Tort

Auto tort
Product liability
Medical malpractice
Unclassified tort
Miscellaneous tort

Contract

Real property rights

Small claims

Domestic relations

Marriage dissolution
Support/custody
Interstate support
Adoption
Paternity
Domestic violence
Miscellaneous
Unclassified

Estate

Probate/wills/intestate
Guardianship/conservatorship/trusteeship
Miscellaneous estate
Unclassified estate

Mental health

Appeal

Appeal of administrative agency case

Appeal of trial court case

Total civil appeals

Miscellaneous civil

Unclassified civil

New case type distinctions allow for better reporting
of domestic relations caseloads

- D** The domestic relations section now provides for the identification of custody, support, and visitation filings that occur either in the absence of divorce proceedings or as post-judgment divorce proceedings.
- D** Support cases are now divided between Title IV-D, private, or other filings. This change allows courts to accurately record and analyze support caseloads that may qualify for federal government financial support.
- D** Visitation has been added as a case type separate from custody to further refine the nature of cases that are filed with the state courts.
- D** Domestic violence cases have been removed from the domestic relations section and moved into criminal. Civil protection/restraining order cases have been added.

Domestic Relations - Caseload Summary Matrix
(State Court Guide to Statistical Reporting, 2003)

Newly Filed or Reopened Cases

Marriage Dissolution/Divorce

Paternity

Custody (non-divorce)

Support (non-divorce)

IV-D Intrastate

IV-D UIFSA

IV-D Other

Private (non-IV-D)

Other Support (non-divorce)

Visitation (non-divorce)

Adoption

Civil Protection/Restraining Order

Other Domestic Relations

Reopened Cases

Custody (divorce)

Support (divorce)

IV-D Intrastate

IV-D UIFSA

IV-D Other

Private (non-IV-D)

Other Support (divorce)

Visitation (divorce)

Criminal

*... about 15 percent
of the total state trial
court filings during
2002 involved
criminal cases*

For many, the perception of our court system is based largely upon what takes place in the criminal courts, despite the fact that only about 15 percent of the total state trial court filings during 2002 involved criminal cases. The criminal caseload in state trial courts consists of felonies, misdemeanors, domestic violence, Driving While Intoxicated (DWI, also referred to as Driving Under the Influence (DUI)), and other miscellaneous case types. Except in states with unified court systems, felonies and domestic violence cases are typically filed in general jurisdiction courts, while preliminary hearings, DWIs, and misdemeanors are usually handled in limited jurisdiction courts. By far, the majority of criminal cases are processed in state rather than federal trial courts.

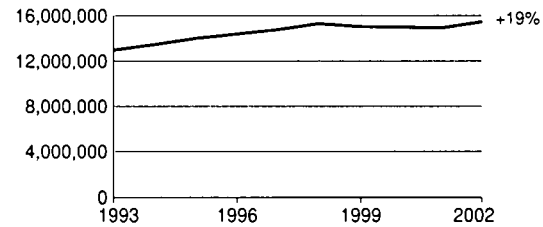
This year, as a result of a reorganization prompted by the recently released *State Court Guide to Statistical Reporting, 2003*, domestic violence cases will be examined along with the criminal cases in this section rather than in conjunction with the domestic relations caseloads. For more information and downloads of the *Guide*, please go to the National Center for State Courts Web site at: www.ncsconline.org/d_research/statistical_reporting_2003/index.html.

The most high profile and time-consuming cases in state courts involve capital punishment, almost all of which are cases in which defendants are charged with specific types of murder. These cases demand tremendous amounts of time from judges, juries, court staff, and witnesses. Capital cases are relatively rare compared to other types of felony cases. The final pages of this section examine twenty-five years of capital punishment data collected by the Bureau of Justice Statistics, complemented by other sources.

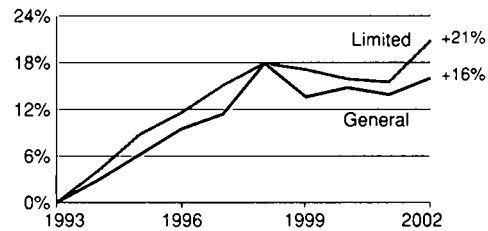
15.5 million criminal cases were reported in 2002, up almost 4 percent from 2001

- ▶ Total criminal filings in the state courts grew by 19 percent over the past 10 years. However, the growth in criminal filings between 2001 and 2002 represents the first increase since 1998.
- ▶ Most of the increase in criminal filings from 2001 to 2002 was due to an increase in limited jurisdiction court filings. The top line in this chart shows a sharp increase (up 3.6 percent) compared to general jurisdiction courts, although general jurisdiction court filings also increased from 2001 to 2002 (up 1.9 percent).
- ▶ For the 46 states able to report comparable data, felony filings increased 22 percent from 1993 to 2002. The total number of felony filings in these states during 2002 was roughly 2.3 million.
- ▶ Over the 10-year period shown, domestic violence filings were up in both limited and general jurisdiction courts for the 40 states able to report comparable data.

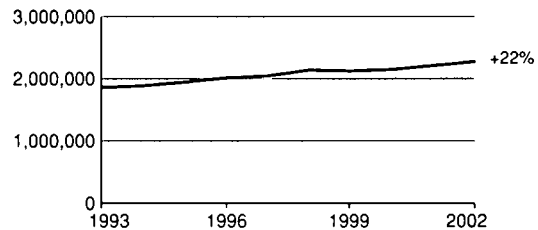
Total Criminal Cases Filed in State Trial Courts, 1993-2002



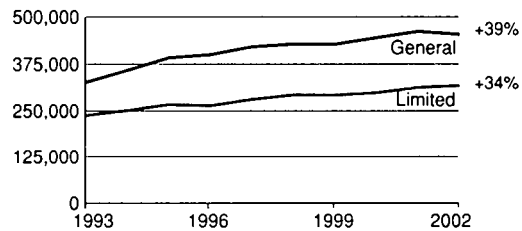
Percent Growth in Criminal Filings by Court Jurisdiction, 1993-2002



Felony Filings in Unified and General Jurisdiction Courts in 46 States, 1993-2002



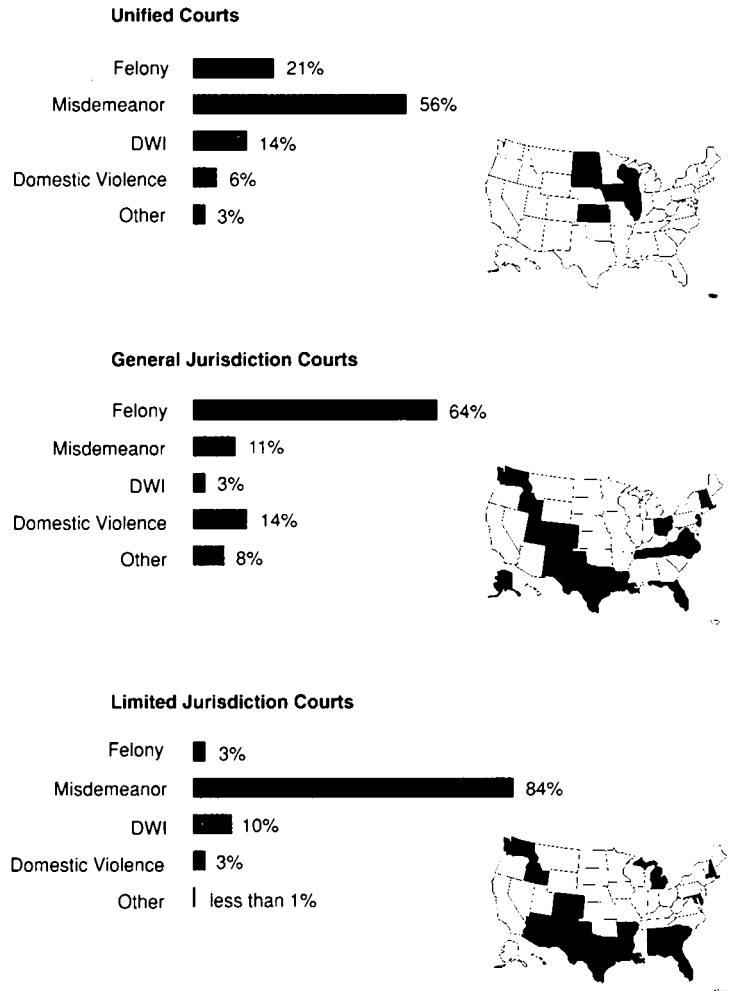
Domestic Violence Filings in General and Limited Jurisdiction Courts in 40 States, 1993-2002



Court structure plays an important role in determining criminal caseload composition

- By definition, the composition of criminal filings differs among unified, general, and limited jurisdiction courts. Unified court systems are those in which trial courts are consolidated into a single general jurisdiction court level.
- Because unified courts have jurisdiction over all criminal cases, misdemeanors dominate their caseloads and represented over half of the criminal cases filed. Felonies comprised about 20 percent, while Driving While Intoxicated (DWI) cases and domestic violence cases combined for another 20 percent.
- Due to the inherent structural differences between unified and general jurisdiction courts, 64 percent of the criminal cases filed in general jurisdiction courts were felony cases, while only 11 percent were misdemeanors. Domestic violence cases ranked second to felonies and accounted for 14 percent of the caseload.
- Misdemeanor and DWI cases together represented almost the entire criminal caseload in the limited jurisdiction courts (94 percent). Felony and domestic violence cases made up the remainder.

Criminal Caseload Composition in State Courts, 2002



Population size does not determine criminal filing rates

There is a broad range in the number of criminal filings across the states: California reported the largest number of filings (746,907) while Alaska reported the fewest (3,550). It is important to bear in mind that California and the other 11 unified courts listed here are reporting their entire criminal caseloads (felony and misdemeanor) while most of the filings reported in the general jurisdiction courts are felonies.

Although criminal caseloads in a state are typically proportionate to the size of the state's population, states with the fewest residents are not necessarily reporting the smallest population-adjusted filing rates.

Four states (New Hampshire, Utah, Vermont, and Wisconsin) use charges as their unit of count rather than defendants. This tends to overstate the number of filings, and thus the number of filings per 100,000 population.

Total Criminal Filings and Rates in Unified and General Jurisdiction Courts in 49 States, 2002

State	Filings	Filings per 100,000 Population	Filing Rate Rank	Population Rank
Unified Courts				
District of Columbia	43,431	7,607	1	51
Minnesota	317,737	6,330	2	21
North Dakota	39,773	6,272	3	49
Illinois	610,433	4,844	4	5
Missouri	240,163	4,234	5	17
South Dakota	31,933	4,196	6	47
Connecticut	116,964	3,380	10	30
Iowa	94,201	3,208	12	31
Wisconsin	148,122	2,722	14	20
Puerto Rico	89,588	2,322	17	27
California	746,907	2,127	19	1
Kansas	56,775	2,090	20	33
General Jurisdiction Courts				
Indiana	245,816	3,991	7	14
Vermont	24,549	3,981	8	50
Louisiana	155,818	3,476	9	24
Oregon	117,795	3,345	11	28
Arkansas	76,196	2,812	13	34
South Carolina	107,423	2,615	15	25
Utah	60,431	2,609	16	35
Virginia	166,389	2,281	18	12
New Mexico	32,582	1,756	21	37
Pennsylvania*	214,717	1,741	22	6
Florida	286,266	1,713	23	4
North Carolina	140,228	1,685	24	11
Tennessee	94,626	1,632	25	16
Alabama	70,849	1,579	26	23
Maryland	82,958	1,520	27	18
New Jersey	127,695	1,487	28	9
Georgia	108,255	1,265	29	10
Hawaii	13,930	1,119	30	43
Delaware	8,941	1,107	31	46
New Hampshire	13,965	1,095	32	42
Michigan	104,974	1,044	33	8
Arizona	55,764	1,022	34	19
Nevada	22,175	1,020	35	36
Washington	58,253	960	36	15
Idaho	12,020	896	37	40
Colorado	39,147	869	38	22
Texas	185,713	853	39	2
Ohio	96,070	841	40	7
Montana	7,046	775	41	45
Maine	9,311	719	42	41
Kentucky	25,243	617	43	26
Rhode Island	6,339	593	44	44
Nebraska	10,027	580	45	39
Alaska	3,550	551	46	48
West Virginia	7,451	414	47	38
New York	53,264	278	48	3
Massachusetts	5,621	87	49	13

*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 2002.

Domestic violence filing rates were equally high in less populous states

- ▶ Comparable domestic violence data was available for 26 states for 2000 through 2002. Not surprisingly, the raw number of filings in 2002 tended to be highest for more populous states (e.g., Florida, New Jersey, Illinois, Pennsylvania) and lowest for smaller states (North Dakota, South Dakota, Vermont, Hawaii).
- ▶ From 2000 to 2002, the largest percentage increases in filings were reported by Arizona, Maryland, Hawaii, and Ohio; the largest decreases were reported by the District of Columbia, Florida, Tennessee, and Washington.
- ▶ Domestic violence filing rates ranged from a high of 1,446 filings per 100,000 population in the District of Columbia to a low of 106 per 100,000 population in Maryland. The median number of domestic violence filings per 100,000 population was 372 (the rate for Michigan). The wide range of differences is due, in part, to varying local and statewide reporting practices.
- ▶ A few less populous states, such as New Mexico and Nevada, reported a relatively high domestic violence filing rate.

Domestic Violence Caseloads in Unified and General Jurisdiction Courts in 26 States, 2000-2002

State	— Domestic Violence Filings —			Percent Change 2000-2002	Filings per 100,000 population
	2000	2001	2002		
Unified Courts					
District of Columbia	9,093	8,485	8,253	-9%	1,446
Missouri	40,409	41,095	43,276	7	763
Minnesota	28,510	28,964	28,636	0	570
Illinois	50,205	51,241	50,731	1	403
South Dakota	2,562	2,616	2,899	13	381
Kansas	7,660	8,325	8,859	16	326
North Dakota	1,336	1,341	1,422	6	224
Iowa	5,359	5,907	6,280	17	214
Connecticut	5,538	6,002	5,981	8	173
General Jurisdiction Courts					
New Jersey	71,977	71,252	73,005	1	850
Vermont**	4,238	3,978	4,005	-5	650
New Mexico	11,553	11,766	11,933	3	643
Florida	90,262	97,288	80,624	-11	482
Nevada	9,176	9,299	9,984	9	459
Indiana	23,687	26,796	26,532	12	431
Oregon	14,528	14,622	14,341	-1	407
Michigan	34,646	35,447	37,413	8	372
Hawaii	3,570	4,027	4,623	29	371
Pennsylvania*	39,582	42,430	41,576	5	337
Arkansas	8,578	8,513	8,764	2	323
Utah**	6,183	6,052	6,105	-1	264
Washington	16,535	15,740	15,410	-7	254
Ohio	13,295	15,401	17,007	28	149
Arizona	4,735	6,496	7,960	68	146
Tennessee	7,734	7,083	6,872	-11	119
Maryland	4,048	4,738	5,768	42	106

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

** Both Vermont and Utah use charges as the criminal unit of count.

Several states had felony caseload growth rates in excess of 20 percent

Since 2000, felony caseload growth has averaged 9 percent. The largest increase occurred in the District of Columbia (45 percent) and the greatest decrease occurred in Tennessee (-11 percent).

Each state with a unified court system experienced some level of growth while 6 of the 32 states with a two-tiered system reported decreases in their felony caseloads.

Felony Caseloads in 44 States, 2000-2002

State	Felony Filings			Percent Change 2000-2002
	2000	2001	2002	
Unified Courts				
District of Columbia	10,308	14,896	14,902	45%
North Dakota	4,500	5,084	5,937	32
Minnesota	22,262	24,448	27,785	25
Iowa	20,396	21,767	24,654	21
Missouri	58,728	60,337	67,726	15
South Dakota	5,049	4,826	5,631	12
Puerto Rico	35,327	36,906	39,333	11
Wisconsin	28,390	30,069	30,564	8
Connecticut	33,745	33,762	36,286	8
Illinois	97,077	101,463	103,642	7
California	238,685	237,491	242,760	2
Kansas	17,234	16,876	17,437	1
General Jurisdiction Courts				
New Hampshire	6,680	7,914	7,902	18%
Indiana	55,371	60,381	64,626	17
New Jersey	46,000	51,225	53,295	16
Georgia	73,897	74,326	84,980	15
Ohio	68,923	76,830	79,063	15
Nebraska	7,642	7,786	8,678	14
Arizona	40,208	43,462	45,322	13
Kentucky	22,041	22,934	24,788	12
Massachusetts	5,018	5,009	5,621	12
West Virginia	4,349	5,042	4,871	12
Arkansas	48,930	50,903	53,986	10
Hawaii	4,294	4,561	4,724	10
New Mexico	15,581	17,522	17,125	10
Colorado	35,767	36,859	39,146	9
Texas	148,347	145,143	160,525	8
North Carolina	93,602	95,953	100,729	8
Pennsylvania*	162,414	167,773	173,141	7
Idaho	10,074	10,694	10,738	7
Vermont	3,447	3,243	3,654	6
Virginia	105,909	108,164	112,107	6
Washington	39,694	41,387	41,908	6
Maryland	67,633	71,511	70,853	5
Alabama	34,707	35,451	36,173	4
Oregon	35,727	35,712	36,411	2
Rhode Island	5,551	5,594	5,621	1
Louisiana	53,584	54,012	53,482	0
New York	53,932	52,500	53,264	-1
Utah	17,665	16,415	17,269	-2
Nevada	10,284	9,950	9,856	-4
Alaska	3,281	2,964	3,100	-6
Florida	193,845	198,822	179,757	-7
Tennessee	62,076	63,152	55,501	-11

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

Seven states reduced pending felony caseloads

Clearance rates provide a basic measure of how well the court is keeping up with its workload. A clearance rate of 100 percent indicates a court disposed of as many cases as were filed during the year. A court with a clearance rate greater than 100 percent has disposed of more cases than were filed in that year, thereby reducing 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 last column in the table shows a three-year clearance rate in order to smooth yearly fluctuations and to provide a more representative clearance rate.

At the high end, seven states appear to be reducing pending caseloads: Alabama, Idaho, New Jersey, New York, Rhode Island, Utah, and Wisconsin each had rates at or above 101 percent. At the other end of the spectrum, six states had clearance rates below 90 percent: Connecticut, North Dakota, Missouri, California, Florida, and Hawaii.

Felony Clearance Rates in Unified and General Jurisdiction Courts in 35 States, 2000-2002

State	Clearance Rates			2000-2002
	2000	2001	2002	
Unified Courts				
Wisconsin	105%	103%	102%	103%
District of Columbia	103	99	100	100
Illinois	94	90	116	100
Puerto Rico	105	96	95	98
Minnesota	94	95	93	94
Connecticut	89	86	83	86
North Dakota	92	87	81	86
Missouri	92	88	78	85
California	84	81	77	80
General Jurisdiction Courts				
New York	108	105	105	106
Utah	105	114	99	106
Rhode Island	100	104	104	103
Alabama	106	100	101	102
Idaho	98	95	112	102
New Jersey	102	98	102	101
Texas	102	102	97	100
Pennsylvania*	99	101	100	100
Indiana	101	99	97	99
Tennessee	100	99	97	99
Massachusetts	114	98	85	98
Ohio	99	96	98	98
Virginia	95	99	99	98
Oregon	99	98	95	97
West Virginia	100	91	102	97
North Carolina	98	97	97	97
Maryland	96	95	95	95
Arkansas	94	96	92	94
New Mexico	94	93	95	94
Arizona	90	95	96	94
Vermont	91	101	87	93
Kentucky	96	90	89	91
New Hampshire	99	88	88	91
Washington	89	89	91	90
Florida	82	90	94	89
Hawaii	97	83	84	88

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

Very few felony cases are ultimately resolved by a trial

- ▶ For the 21 states that could report, approximately 3 percent of felony cases were resolved by trial in 2002. The vast majority of cases were disposed of without a trial, primarily through the entering of negotiated guilty pleas or dismissals.
- ▶ Rates at which juries disposed of felony cases typically ranged from 2 to 4 percent across the states examined. Non-jury (bench) trial rates ranged from about 1 percent in Vermont to 9 percent in Puerto Rico.
- ▶ The majority (65 percent) of felony cases were resolved by guilty pleas. About one in three cases ends with a dismissal or is disposed of through some other method (including deferred adjudication and transfers to other court jurisdictions).

Manner of Disposition for Felony Cases Filed in 21 Unified and General Jurisdiction Courts, 2002

State	Total Disposed	Total Trials	Percent Trial		Total Non-Trials	Percent Non-Trial		
			Jury	Non-Jury		Guilty Plea	Dismiss	Other
Unified Courts								
California	185,881	7,898	3%	1%	177,983	73%	21%	2%
Puerto Rico	37,739	3,606	1	9	34,133	65	13	13
Missouri	33,521	935	2	1	32,586	81	1	15
Minnesota	26,030	929	3	1	25,101	61	18	17
Iowa	21,862	865	1	3	20,997	70	20	6
Kansas	18,290	622	3	1	17,668	65	21	11
District of Columbia	9,884	438	4	0	9,446	35	24	37
South Dakota	4,315	149	3	0	4,166	46	29	21
General Jurisdiction Courts								
Texas	213,114	4,791	2	1	208,323	41	14	43
Florida	169,870	4,091	2	0	165,779	79	11	8
North Carolina	97,691	2,143	2	N/J	95,548	61	35	1
Ohio	77,848	2,452	2	1	75,396	68	7	22
New York	62,604	2,888	4	1	59,716	87	6	2
Indiana	57,905	2,258	2	2	55,647	67	19	11
New Jersey	54,271	1,573	2	0	52,698	69	16	12
Arkansas	49,564	2,929	1	5	46,635	60	6	28
Washington	38,378	2,426	4	2	35,952	76	16	2
New Mexico	17,564	1,481	2	6	16,083	37	5	50
Rhode Island	5,848	74	n/a	n/a	5,774	90	8	1
Alaska	3,320	151	4	0	3,169	74	20	1
Vermont	3,191	50	2	0	3,141	78	2	18
Total	1,188,690	42,749	2%	1%	1,145,941	65%	16%	16%

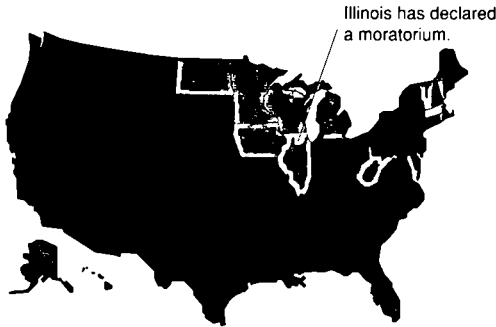
N/J = no jurisdiction

n/a = not available

Note: Totals may not sum due to rounding.

Thirty-eight states and the federal government use the death penalty

Death Penalty States

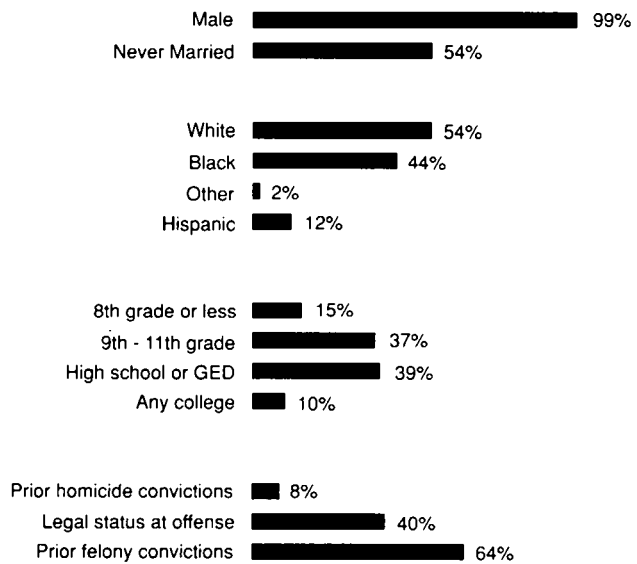


■ States with a Death Penalty
 ■ States without a Death Penalty

- ▶ Almost all death row inmates are male, and just over half have never been married.
- ▶ A slight majority are white (54 percent) while 44 percent are black. Hispanics, both black and white, make up 12 percent of all death row inmates.
- ▶ Over half had less than a high school education, 39 percent were high school graduates (or had GEDs) and about 10 percent had at least some college education.
- ▶ Most death row inmates had been involved in past serious crime; two-thirds had a prior felony conviction. About four in 10 were under some form of legal status (e.g., parole, probation, pending charges, incarcerated) at the time of offense, and 8 percent had a prior homicide conviction.

- ▶ Although no state enacted new legislation authorizing capital punishment during 2002, 11 states revised statutes relating to the death penalty.
- ▶ Illinois is the only state to have declared a moratorium on the death penalty. In the last three years, legislation proposing a moratorium on the death penalty has been introduced in 21 states. Some of these bills were defeated or deferred, and others are still pending.
- ▶ Thirty-seven of 38 states with the death penalty provide for automatic review of all death sentences, with the highest state appellate court usually conducting the review. In South Carolina, a defendant can waive review of their sentence of death if found competent by the court.
- ▶ The federal court system does not provide for automatic review of death sentences.

Prisoners on Death Row, 2002

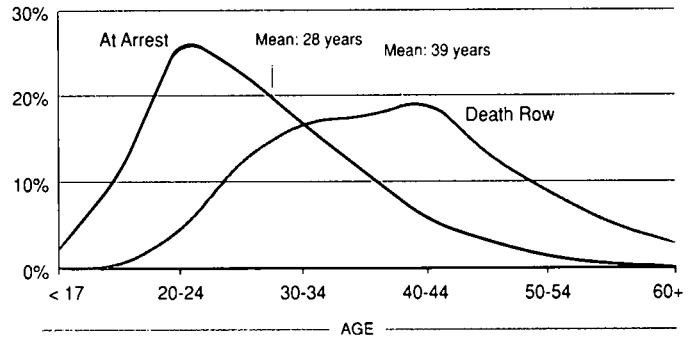


Source: Capital Punishment, 2001, Bureau of Justice Statistics

On average, inmates remain on death row for more than nine years

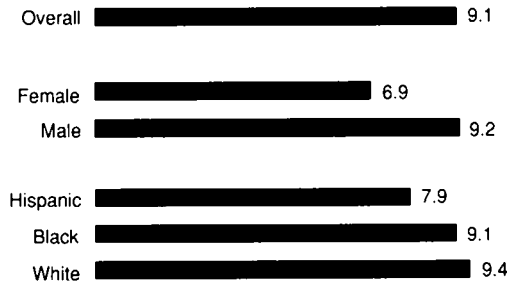
- ▶ The average age of death row inmates was 39 years old; the average age of these death row inmates at time of arrest was 28.
- ▶ The adjacent graph clearly shows the difference in age distributions and the aging death row population. At the end of 2002, the youngest person on death row was 18, the oldest was 87.

Age at Time of Arrest v. Age of Death Row Inmates, 2002



- ▶ The average elapsed time since sentencing for inmates under sentence of death at the end of 2002 was just over 9 years; 6.9 years for women and 9.2 years for men.
- ▶ The average elapsed time since sentencing was highest for whites at 9.4 years and lowest for Hispanics at 7.9 years.

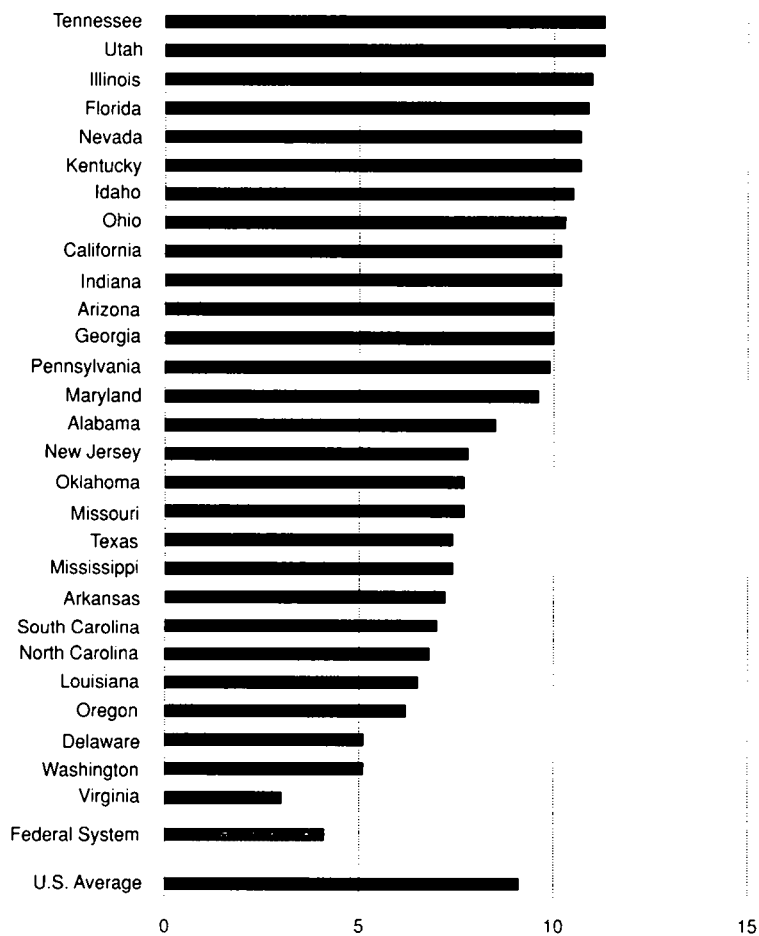
Average Elapsed Time on Death Row (in Years) since Sentencing, 2002



Source: Capital Punishment, 2001, Bureau of Justice Statistics

- ▶ The average years under death sentence ranged from a high of 11.3 years in Tennessee and Utah to a low of 3 years in Virginia.
- ▶ Ten other states have average times of 10 years or more. An additional six jurisdictions (including the Federal system) show inmates spend between four and seven years on death row.

Average Years Under Sentence of Death by State, 1973-2002



Source: Capital Punishment, 2001, Bureau of Justice Statistics

More persons were sentenced to death than were executed

- D The number of persons sentenced to death in the United States began rising in the late 1970s following the reinstatement of the death penalty.
- D The number of persons executed increased through the 1980s, then climbed dramatically through the 1990s, followed by a sharp drop over the last few years.
- D The latest Gallup Poll (October 2003) finds that 64 percent of Americans support the death penalty, the lowest level since 1978. The highest level of support (80 percent) was in 1990 and the lowest was in 1966 (42 percent).
- D Gallup found that, when given a choice between the death penalty and life without the possibility of parole (LWOP) as the appropriate punishment for murder, public support for the death penalty declines to 53 percent, compared to 44 percent support for LWOP. These numbers have remained fairly constant since the 1980s.
- D Possible explanatory factors for the decline in executions and shift in public opinion about capital punishment include the 13 highly publicized DNA-based exonerations of innocent death row inmates, public opposition to the execution of mentally retarded defendants, and publication of studies questioning the fairness of the application of the death penalty and possible bias in its use.

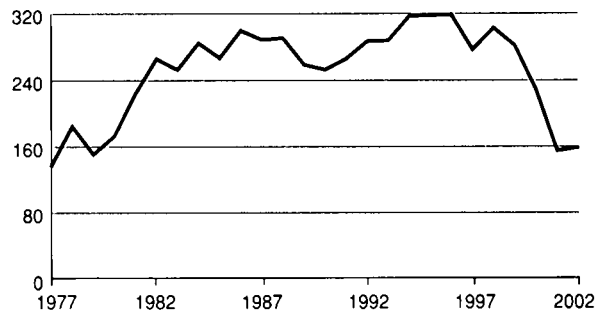
- D Although some states authorize more than one method of execution, roughly 80 percent of executions are carried out by lethal injection.

Method of Execution, 1977-2002

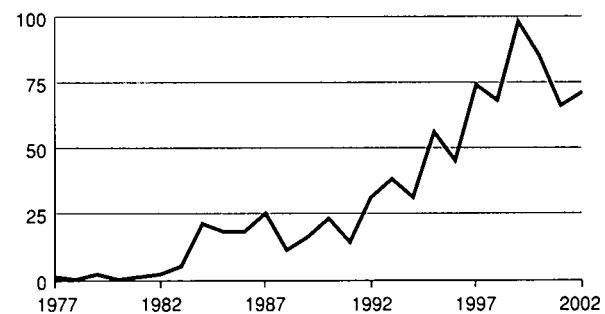
Lethal Injection	654	79.8%	37 States, U.S. Military, U.S. Government
Electrocution	150	18.3	8 States; sole method in Nebraska
Lethal Gas	11	1.3	4 States; all have lethal injection as an alternative
Hanging	3	.4	3 States; all have lethal injection as an alternative
Firing Squad	2	.2	3 States; all have lethal injection as an alternative
Total	820		

Source: Death Penalty Information Center, State Web sites.

Total Sentenced to Death in the United States, 1977-2002



Total Executions in the United States, 1977-2002



Source: Capital Punishment, 2001, Bureau of Justice Statistics

States vary widely in execution and commutation rates

- The table shows which states are ranked in the top 5 for number of offenders on death row, executions, commutations, and overturned death sentences.

- From 1973 to 2002, California and Pennsylvania, with very low execution and commutation rates, have left the largest percent of persons on death row. Ohio, Alabama, Illinois, and Nevada also have large percentages of persons remaining on death row.

- Virginia is the most likely state to carry out executions (64 percent) for those who receive death penalty sentences. The execution rate in Missouri is next highest at 35 percent, followed by Texas, Delaware, and Arkansas.

- States in which 50 percent or more of those sentenced to death have had their sentences overturned are Colorado, New Jersey, New Mexico, North Carolina, Maryland, Mississippi, Washington and Wyoming.

- Commutation of a death sentence is rare. The sole exception to this pattern in the last twenty-five years is New Mexico, where 5 of the 28 death sentences were commuted by then-Governor Anaya in 1986.

Result of Death Sentences in 33 States, 1973-2002

State	Total Sentenced to Death, 1973-2002	Remaining on Death Row	Executed	Overturned	Commuited
Texas	925	49%	31%	12%	5%
Florida	872	42	6	46	2
California	795	77	1	15	2
North Carolina	504	41	5	50	2
Ohio	367	56	1	37	3
Pennsylvania	352	68	1	25	1
Alabama	342	56	7	31	1
Oklahoma	313	36	18	43	0
Georgia	299	37	10	46	2
Illinois	294	54	4	33	1
Arizona	239	50	9	33	3
Louisiana	214	40	13	42	3
Tennessee	204	47	0	46	1
South Carolina	179	40	16	40	2
Mississippi	173	38	3	55	0
Missouri	167	40	35	19	1
Virginia	137	17	64	9	7
Nevada	135	61	7	21	3
Arkansas	99	40	24	31	2
Indiana	97	37	9	47	2
Kentucky	75	48	3	44	1
Maryland	52	29	6	54	8
New Jersey	51	27	0	51	0
Oregon	51	51	4	43	0
Delaware	48	29	27	44	0
Idaho	40	50	3	38	8
Washington	38	26	11	61	0
New Mexico	28	7	4	68	18
Nebraska	27	26	11	44	7
Utah	26	42	23	31	4
Colorado	19	26	5	53	5
Montana	15	40	13	40	7
Wyoming	11	18	9	64	0

Numbers in blue are the top five percentages for each death sentence result.

Death penalty cases cost far more to adjudicate

- ▶ Due to constitutional safeguards, established because a sentence of death is irreversible, death penalty cases cost much more than similar cases adjudicated noncapitally (that is, where the maximum sentence is life imprisonment without the possibility of parole).
- ▶ The most rigorous study to date, completed by Duke University for the North Carolina Administrative Office of the Courts, found that the extra cost of imposing a death sentence is over \$250,000 per case, and the extra cost per execution exceeds 2 million dollars per case.
- ▶ Other studies of the cost of execution in Texas, Florida, and California arrive at estimates from 2 to 3 million dollars per case.
- ▶ These costs are the result of higher trial rates for capital cases; in addition, death penalty trials have: a) a more extensive jury selection process; b) a higher number of motions filed; c) a longer, dual trial process involving one trial to establish guilt or innocence and another to impose sentence; d) more extensive use of investigators and experts; and, e) the added cost of mandatory appeals.

Juvenile

*Dispositions are
designed to both
hold the juvenile
accountable and address
the problems that
underlie their behavior.*

For court statistics purposes, a juvenile is defined as a youth at or below the upper age limit for juvenile court jurisdiction. This age limit varies among states, and ranges from 15 years of age to 18 years of age; in the majority of states, the limit is age 17. In most states, there are exceptions to this age criteria that allow juveniles to be adjudicated as adults, but this report deals only with cases adjudicated in juvenile court.

Juvenile cases comprise primarily delinquency, dependency (child-victim), and status offense cases. Juvenile delinquency is defined as an act committed by a juvenile that, if committed by an adult, would result in prosecution in criminal court. Dependency cases (also known as child-victim cases) request the protection of children who are allegedly abused or neglected. Status offense cases are non-criminal misbehaviors that are illegal only for juveniles (e.g., truancy, running away from home).

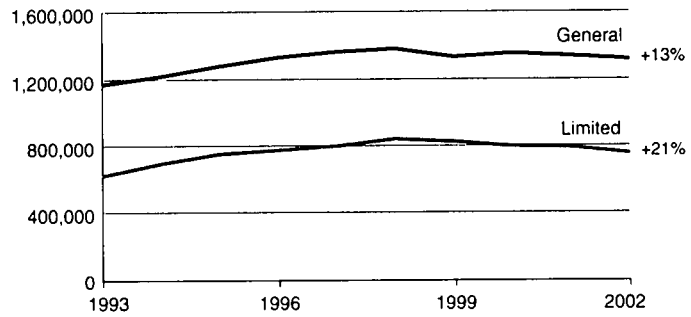
Over the past decade, much attention has been paid to the changing role of juvenile courts. This section summarizes state juvenile court activity using two measures: number of cases filed and number of cases disposed. If a decision is made to formally handle a juvenile case that has been referred to the court, a petition is filed and the case is placed on the juvenile court calendar.

A case becomes disposed when the court takes some definite action on the basis of a referral. Dispositions typically involve a package of sanctions or a treatment plan designed to both hold the juvenile accountable and to address the child's underlying problems. The following pages draw on national juvenile court disposition estimates obtained from the National Center for Juvenile Justice (NCJJ). More detailed juvenile court data and information may be found through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Web site at:
www.ojjdp.ncjrs.org/ojstatbb/ezajcs.

Total juvenile filings have been slowly declining over the last four years

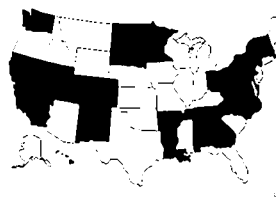
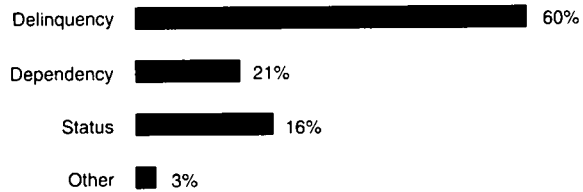
- D Juvenile filings comprise primarily delinquency, dependency, and status offense cases.
- D Most juvenile cases (64 percent) are filed in general jurisdiction courts.
- D The number of filings in both limited and general jurisdiction courts increased without interruption between 1993 and 1998. Since 1999, the number of filings has declined by 4 percent.

Total Juvenile Cases Filed in State Trial Courts by Jurisdiction, 1993-2002



- D Delinquency cases accounted for the overwhelming majority of the 2002 juvenile caseload.
- D Together, dependency and status offense cases made up 37 percent of 2002 juvenile filings.

Juvenile Caseload Composition in 26 States, 2002



Drug offenders and females accounted for a growing percentage of cases

Exact counts of juvenile court delinquency dispositions are not readily available. However, the National Center for Juvenile Justice (NCJJ) does provide national estimates generalized from a sample of courts. More detailed delinquency data and information is found at: www.ojjdp.ncjrs.org/ojstatbb/ezajcs.

Juvenile delinquency dispositions increased by 40 percent between 1986 and 2000, from 1.18 to 1.65 million. The growth in drug cases was the highest at 175 percent. Person and public order cases increased almost 100 percent, while the number of property dispositions declined slightly (4.5 percent) from 710,000 to 680,000.

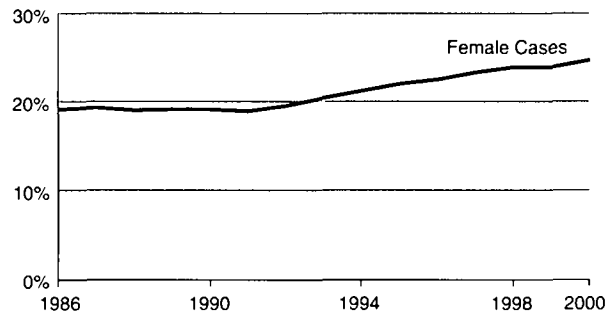
Females account for a growing percentage of delinquency cases disposed in juvenile court, rising from 19 percent in 1986 to nearly 25 percent in 2000.

The trend of increasing female representation in the delinquency caseload may require adjustments in the type of services and sanctions offered by juvenile courts.

Percent Change in Delinquency Cases Disposed by Type of Offense, 1986-2000



Proportion of Female Cases Among Delinquency Cases Disposed, 1986-2000

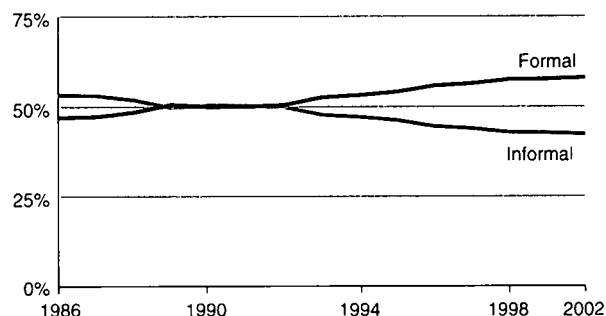


Source: Office of Juvenile Justice and Delinquency Prevention, 1986-2000.

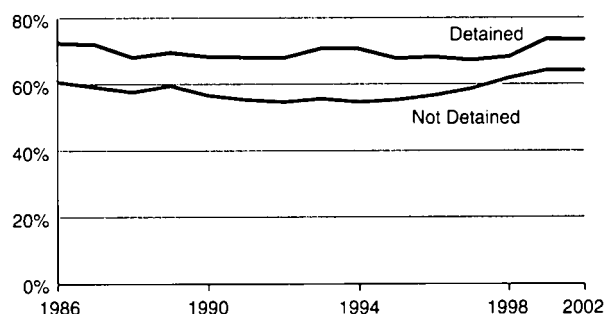
The odds increased that a juvenile delinquency case will be processed formally

- State court juvenile intake units can decide to handle delinquency cases either formally or informally. In a formal case, a petition is filed and the case is placed on the court calendar for an adjudicatory hearing. Informal cases are typically disposed of without going before a judge.
- The proportion of delinquency cases that are handled formally has been increasing steadily since the early 1990s. In 2000, 58 percent of juvenile cases were scheduled for an adjudicatory hearing.
- Formally processed delinquency cases may be adjudicated (judged to be either a delinquent or a status offender) or non-adjudicated (dismissed). Prior to the final adjudication hearing, the court can recommend that the juvenile take actions such as paying restitution or voluntarily attending substance abuse counseling.
- Between 1986 and 2000, the majority (an average of 61 percent) of formally processed delinquency cases resulted in an adjudication of delinquency. NCJJ also reports whether a juvenile was placed in secure detention at some point(s) after intake but before a disposition is given to the case. Juveniles who were placed in secure detention were more likely to be judged delinquent (an average of 70 percent) than juveniles who were not placed in detention facilities (an average of 58 percent).

Manner of Handling Juvenile Delinquency Referrals, Formal v. Informal, 1986-2000



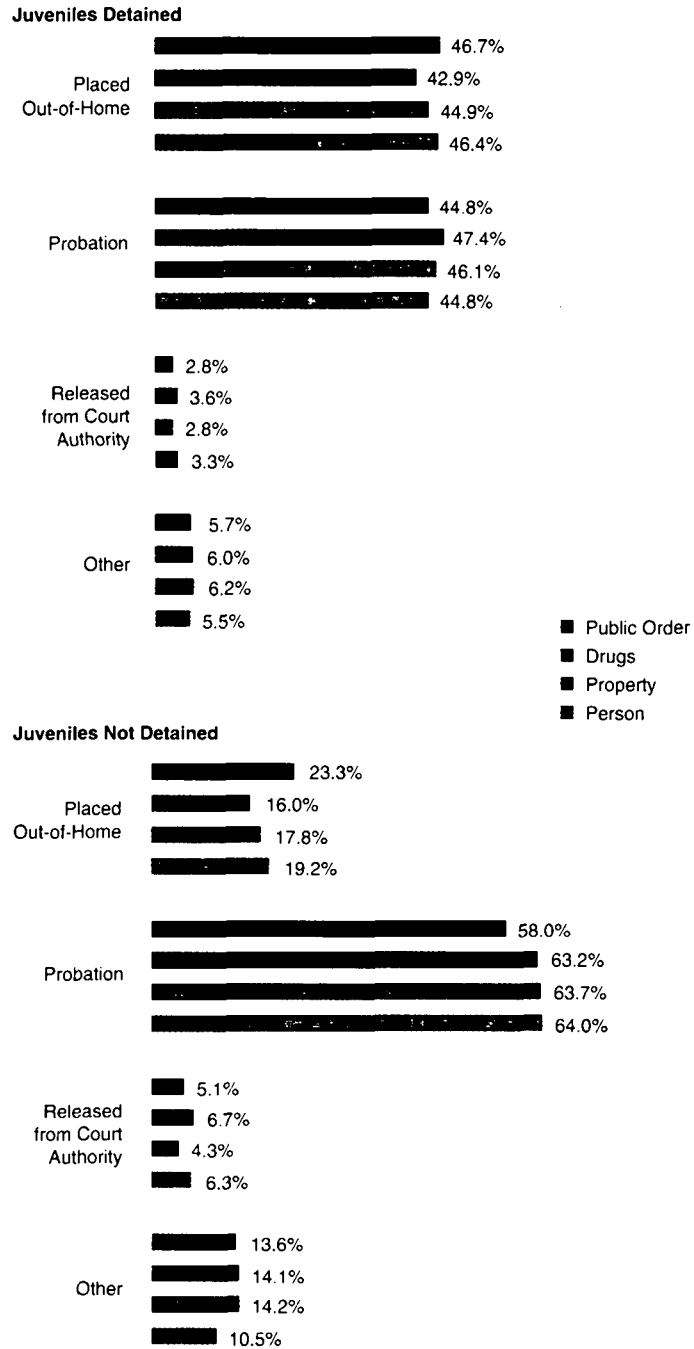
Percentage of Juveniles Adjudicated Delinquent (by Detention Placement), 1986-2000



Juveniles who are detained were more likely to be placed out-of-home

- Following adjudication, a delinquency case is scheduled for a disposition hearing. Case dispositions include out-of-home placements (usually within a residential facility), probation, release from court authority, and "other" dispositions that may require the performance of community service work or the payment of restitution and fines.
- As with juveniles who were judged delinquent, time spent in a detention facility increases the odds of receiving an out-of-home placement. In 2000, detained juveniles were more than twice as likely to receive this disposition regardless of offense type.
- Sixty-two percent of juveniles who were not placed in detention received probation while this disposition was given to only 46 percent of detained juveniles.
- Relatively few juveniles were released from the court's authority with no further sanction or consequence anticipated. While this disposition was used more often for non-detained than detained juveniles, it still only accounted for 3 to 5 percent (depending on offense type) of delinquency dispositions.

Type of Disposition by Type of Offense, 2000



Source: Office of Juvenile Justice and Delinquency Prevention, 1986-2000.

Traffic

*Traffic cases
represented
60 percent
of all filings in
state trial courts.*

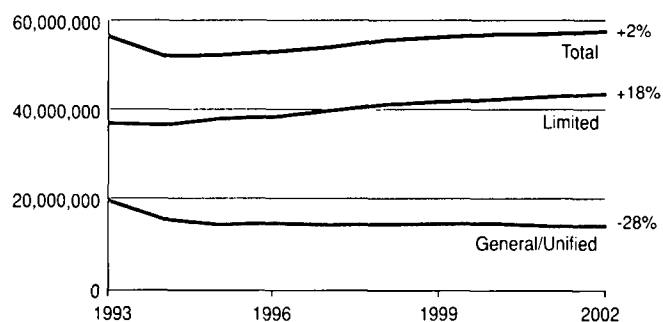
Traffic cases include traffic misdemeanors (e.g., reckless driving, hit-and-run), non-criminal traffic violations (infractions), juvenile traffic violations, parking violations, ordinance violations, and other related cases. These cases represented 60 percent of all filings in state trial courts. The state trial court caseload data is supplemented by data from the National Highway Traffic Safety Administration (NHTSA) and the Federal Bureau of Investigation (FBI).

Cases that result from arrests for Driving While Intoxicated (DWI, also referred to as Driving Under the Influence (DUI)) are criminal cases but, as they result in the impaired operation of a motor vehicle, will be discussed in this section. The recently released *State Court Guide to Statistical Reporting, 2003*, provides detailed descriptions of traffic and criminal case and disposition types, as well as recommended formats for court data reporting. For more information and downloads of the *Guide*, please go to the National Center for State Courts Web site at: www.ncsconline.org/d_research/statistical_reporting_2003/index.html.

Filings were almost constant despite more vehicles, more drivers, and more miles driven

- Overall, the number of traffic cases filed in state trial courts has increased only slightly (2 percent) since 1993, despite a 12 percent increase in the number of licensed drivers, a 20 percent increase in the number of registered vehicles, and a 24 percent increase in vehicle miles traveled over this same 10-year period.
- While 65 percent of all traffic cases were filed in limited jurisdiction courts in 1993, this proportion increased to 76 percent in 2002.

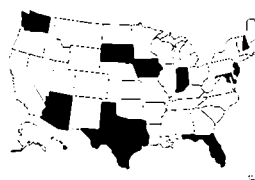
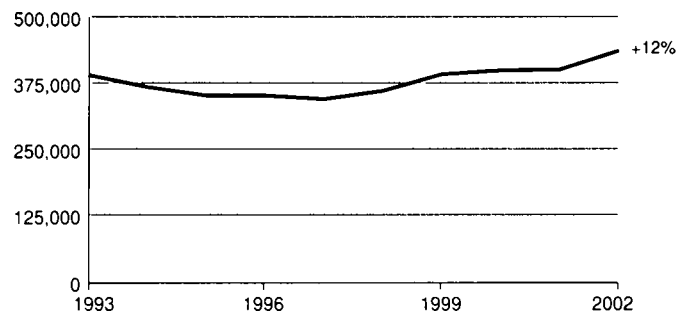
Traffic Cases Filed in State Trial Courts, 1993-2002



DWI filings increased for the fifth straight year in 2002

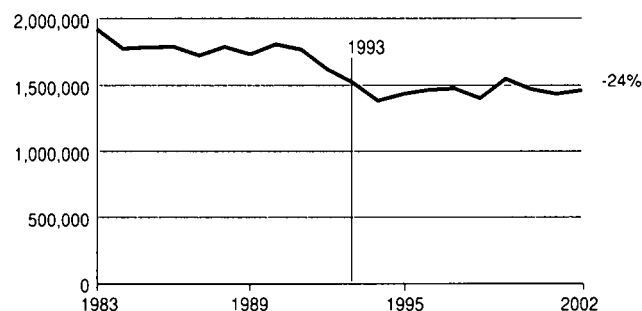
- D
 DWI filings in the 11 states shown on this graph have increased by 12 percent in the last 10 years. Closer inspection shows that the majority of that increase (9 percent) for the reporting states occurred in 2002.
- D
 Two states, Maryland and Arizona, account for most of the increase seen in 2002. In Maryland, post-9/11 funding from the Federal government was used to increase police patrols and roadside checkpoints, resulting in an increase in DWI filings. Concurrently, the Blood Alcohol Concentration (BAC) level in Arizona was reduced from 0.15 in 2000 to 0.08 in 2001. This decrease resulted in over 9,000 more DWI filings in 2002.

DWI Filings in 11 States, 1993-2002



- D
 The FBI estimates that arrests for driving under the influence of alcohol have fallen 24 percent in the 20 years between 1983 and 2002. Nearly all (21 percent) of that decrease occurred during the first 10 years.
- D
 The vertical line on the graph indicates the midpoint point in the FBI data and the point at which the above court data begins. From 1993 to 2002, the FBI data reveal fluctuating numbers of arrests culminating in a 4 percent decrease for the 10-year period.

Estimated Arrests for Driving Under the Influence, 1983-2002

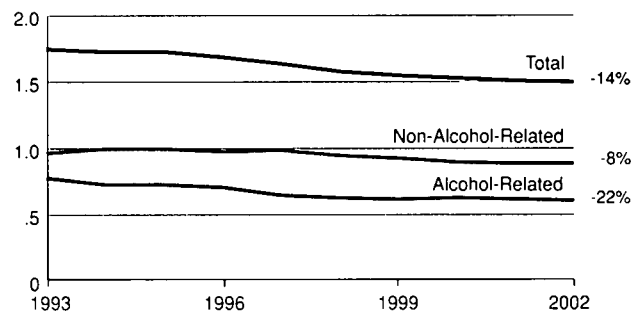


Source: Uniform Crime Reports, 1983-2002, Federal Bureau of Investigation

Traffic fatality and injury rates are declining

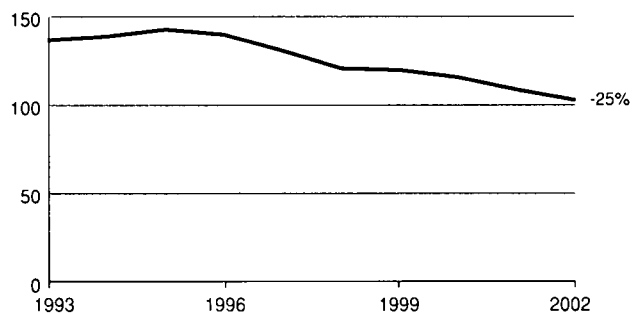
- The rate of traffic fatalities reached a new historic low in 2002 of 1.50 fatalities per 100 million miles driven, down 14 percent from 1.75 per 100 million miles driven in 1993.
- Both alcohol- and non-alcohol-related fatalities showed declines, dropping 22 percent and 8 percent, respectively.

Traffic Fatality Rates per 100 Million Miles Traveled, 1993-2002



- Similarly, the injury rate has fallen substantially (-25 percent), from 137 injuries per 100 million miles driven in 1993 to 103 injuries per 100 million miles driven in 2002.

Traffic Injury Rates per 100 Million Miles Traveled, 1993-2002

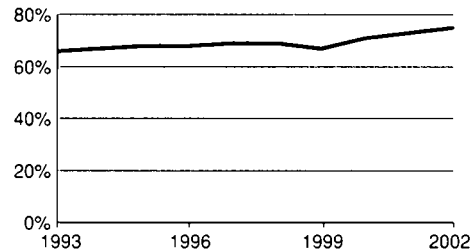


Source: National Highway Traffic Safety Administration

Seat belt usage is up, especially where the seat belt law is strictly enforced

- During this 10-year period, the use of restraints (lap/shoulder safety belts, child seats) rose nearly 10 percent for drivers, passengers, infants, and children.

Safety Belt Usage 1993-2002



- Every state (except New Hampshire, which has no safety belt law) has one of two types of safety belt infraction laws: a *primary* law permits police officers to stop a vehicle simply because the operator or one of the other occupants in the vehicle does not have their safety belt fastened; a *secondary* law requires that the vehicle be stopped for some other offense (e.g., speeding, running a stop sign) before a citation for not wearing a safety belt can be issued.
- Fourteen of the 22 states with a primary safety belt law have use rates above 80 percent. Only 3 of the 29 states with secondary laws have use rates above 80 percent, indicating that primary laws do indeed accomplish their goal of increased safety belt usage.

Safety Belt Usage Rates: States with Primary and Secondary Seat Belt Infraction Laws

Safety Belt Infraction is a Primary Law		Safety Belt Infraction is a Secondary Law	
State	Use Rates	State	Use Rates
Washington	92.6%	Vermont	84.9%
California	91.1	Minnesota	80.1
Puerto Rico	90.5	Utah	80.1
Hawaii	90.4	Montana	78.4
Oregon	88.2	Pennsylvania	75.6
New Mexico	87.6	Florida	75.1
Maryland	85.6	Nevada	74.9
District of Columbia	84.6	Arizona	73.7
North Carolina	84.1	Colorado	73.2
Michigan	82.9	West Virginia	71.6
New York	82.8	Rhode Island	70.8
Iowa	82.4	Virginia	70.4
Texas	81.1	Ohio	70.3
New Jersey	80.5	Nebraska	69.7
Alabama	78.7	Maine	69.4
Connecticut	78.0	Missouri	69.4
Georgia	77.0	Tennessee	66.7
Illinois	73.8	Wyoming	66.6
Indiana	72.2	South Carolina	66.3
Delaware	71.2	Wisconsin	66.1
Oklahoma	70.1	Alaska	65.8
Louisiana	68.6	South Dakota	64.0
Average	77.4	Arkansas	63.7
		North Dakota	63.4
		Idaho	62.9
		Kentucky	62.0
		Mississippi	62.0
		Kansas	61.3
		Massachusetts	51.0
		Average	66.4

Source: National Highway Traffic Safety Administration

Appellate

*Appellate courts,
as the final arbiters
of disputes, shape
and define the law.*

Appellate courts, whether at the intermediate or highest level, provide review of decisions of lower courts and, as the final arbiters of disputes, shape and define the law. In most states, appellate courts are required to review decisions in criminal cases when the defendant is sentenced to death. Appellate courts are also responsible for disciplining attorneys and judges for serious violations of ethics and conduct.

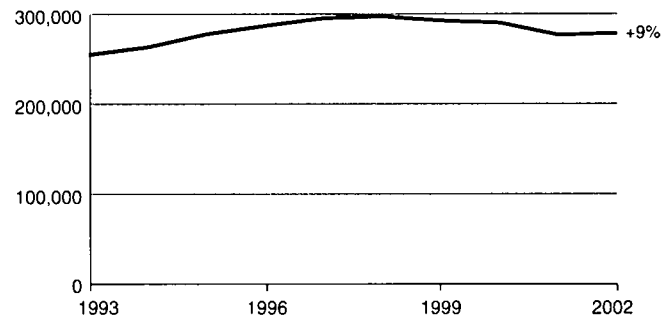
Most states divide their appellate system into two levels: an intermediate appellate court (IAC), which renders a first level of trial court review, and a court of last resort (COLR), which handles the most critical and important matters and appeals from the IACs. Only eleven states and the District of Columbia function without an IAC, while two states, Oklahoma and Texas, have more than one COLR.

Many of the analyses included here make a distinction between mandatory and discretionary caseloads in appellate courts. As the terms imply, mandatory jurisdiction over cases means that an appellate court is obligated by its state constitution or statutes to consider the merits of a case. Discretionary jurisdiction means the court decides whether it will grant review of a case.

Appellate court filings show a slight increase for the first time since 1998

- Total appellate court caseloads include original proceedings and appeals over which the appellate courts have mandatory or discretionary jurisdiction. This trend shows annual filing data for state appellate courts for the last 10 years.
- Between 1993 and 1998 the number of appellate court filings increased 17 percent, from 254,000 to 297,000. Over the next five years, filings declined 6 percent to 278,000.

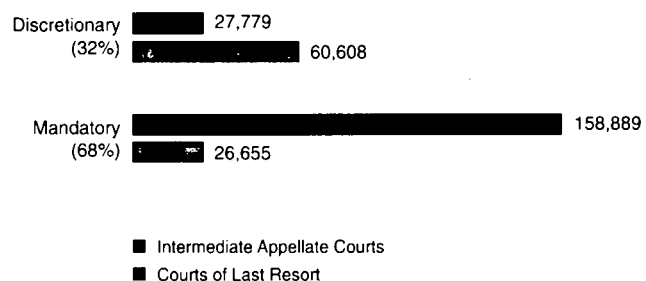
Total Appellate Court Filings, 1993-2002



Intermediate appellate courts handle most mandatory appeals

- Intermediate appellate courts provide first-level review, while courts of last resort are the final arbiters of disputes. This structure results in intermediate appellate courts handling the majority of appeals. Where there is no intermediate appellate court, a state supreme court conducts first and final appellate review.
- The caseloads in IACs and COLRs are reported here as filings of mandatory appeals and discretionary petitions. Mandatory appeals in IACs outnumbered those in COLRs by a margin of 6 to 1. Conversely, there are more than two discretionary petitions filed in COLRs for every one filed in IACs.

Total Mandatory and Discretionary Caseloads in COLRs and IACs, 2002



Appellate court filing rates vary widely across the states

States in this table are divided into those with and without an intermediate appellate court and then ranked according to their number of appeals per 100,000 population. Caseloads are shown as percentages composed of mandatory appeals and discretionary petitions.

When adjusted for population, Louisiana (population rank 24) reported the highest number of appeals (283 per 100,000 population) and North Carolina (population rank 11) reported the lowest (38 per 100,000 population).

Proportions of mandatory and discretionary caseloads vary dramatically, but several states show 100 percent mandatory or discretionary jurisdiction. These proportions were based upon the number of cases reported in each category rather than actual mandated jurisdiction. Hence, a 100 percent designation in one category could simply mean that there were no cases filed in the other category in 2002.

Total Appellate Caseloads by State, 2002

States	Appeals per 100,000 Population	Total Appeals	Mandatory Appeals	Discretionary Petitions	Population Rank
With Intermediate Appellate Court					
Louisiana	283	12,706	29%	71%	24
Alabama	141	6,325	82	18	23
Florida	140	23,379	83	17	4
Puerto Rico	132	5,079	33	67	27
Pennsylvania	131	16,178	83	17	6
New Jersey	123	10,546	72	28	9
Oregon	120	4,213	83	17	28
Alaska	114	736	74	26	48
Ohio	113	12,952	88	12	7
Nebraska	106	1,830	82	18	39
Texas	103	22,413	86	14	2
Kansas	99	2,678	67	33	33
Illinois	95	11,985	78	22	5
Michigan	94	9,429	44	56	8
Washington	94	5,692	70	30	15
Idaho	93	1,248	85	15	40
Kentucky	92	3,783	78	22	26
Hawaii	92	1,146	94	6	43
Arizona	91	4,951	76	24	19
Colorado	90	4,041	69	31	22
California	89	31,296	45	55	1
Virginia	88	6,440	11	89	12
New York	86	16,386	76	24	3
Arkansas	83	2,256	74	26	34
Wisconsin	83	4,522	75	25	20
Missouri	80	4,519	86	14	17
New Mexico	78	1,440	58	42	37
Iowa	73	2,137	100	0	31
South Carolina	70	2,856	59	41	25
Tennessee	65	3,784	61	39	16
Maryland	63	3,453	63	37	18
Georgia	60	5,132	68	32	10
Minnesota	59	2,942	74	26	21
Massachusetts	57	3,694	60	40	13
Utah	55	1,264	100	0	35
Indiana	52	3,185	77	23	14
Connecticut	49	1,693	71	29	30
Mississippi	49	1,401	78	22	32
North Carolina	38	3,157	55	45	11
Without an Intermediate Appellate Court					
District of Columbia	266	1,520	96	4	51
West Virginia	147	2,653	0	100	38
Delaware	89	715	100	0	46
Montana	88	798	73	27	45
Vermont	86	530	97	3	50
Nevada	79	1,723	100	0	36
Rhode Island	70	754	45	55	44
New Hampshire	64	813	0	100	42
South Dakota	60	457	84	16	47
North Dakota	57	363	94	6	49
Maine	57	738	76	24	41

Notes: Oklahoma and Wyoming were unable to provide data for 2002. States in blue are the nation's 10 most populous.

State appellate courts issued over 38,000 opinions

- ▶ Most appeals are resolved by opinions, memoranda/orders, or pre-argument dismissals. While opinions can be rendered through a variety of means, the data here capture only two: signed opinions and *per curiam* affirmed opinions. In 2002, 17 courts of last resort issued almost 3,700 such opinions while 24 intermediate appellate courts issued over 34,500.
- ▶ During 2002, these courts also issued more than 23,000 memoranda/orders and dismissed approximately 27,000 cases.

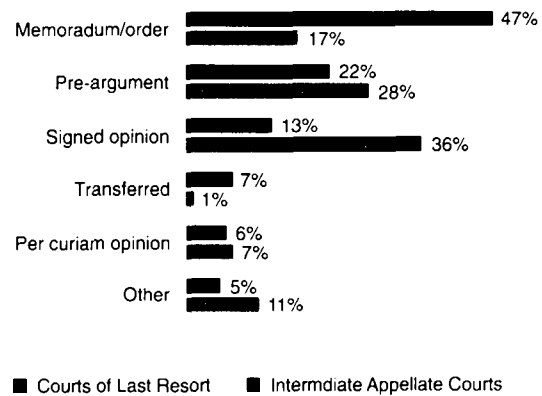
Manner of Disposition in 17 Courts of Last Resort and 24 Intermediate Appellate Courts, 2002

	Number of Justices	Total Dispositions	Opinions		Non-Opinion Dispositions			
			Signed	Per Curiam	Memo/Order	Pre-Argument	Transferred	Other
Courts of Last Resort								
Florida	7	2,977	95	213	2,669			
Nevada	7	2,454	38	61	1,767	588		
Iowa	8	2,180	180	11		928	1,015	46
District of Columbia	9	1,836	339	575	865			57
Colorado	7	1,415	121		1,287		7	
Washington	9	1,328	129		892	70	118	119
Puerto Rico	7	1,240	92	44	129	957		18
Indiana	5	1,103	195	18	190	687		13
Hawaii	5	847	191			257	258	141
Rhode Island	5	818	75	105	70	290		278
Montana	7	792	343		239	210		
Delaware	5	713	71	19	546	77		
Vermont	5	603	68		388	147		
Alaska	5	516	182	68		95		171
South Dakota	5	428	164		167	64		33
Oregon	7	371	60	40	251			20
North Dakota	5	345	189			71		85
Intermediate Appellate Courts								
Ohio	68	10,627	6,992			3,389		246
Pennsylvania Superior Ct.	15	8,152	5,315			2,835	2	
Michigan	28	7,647	212	102	3,636	1,793		1,904
New Jersey	34	7,280	431	3,560	250	3,039		
Pennsylvania Commonwealth Ct.	9	4,753	1,746			2,722	117	168
Washington	22	4,306	1,846		264	1,593	11	592
Oregon	10	3,844	393	118	1,483	1,660		190
Missouri	32	3,661	1,686		103	1,200	92	580
Wisconsin	16	3,486	761	523	867			1,335
Georgia	12	3,389	1,401		643	567	69	709
Massachusetts	22	2,869	363		1,071	618	76	741
Alabama Ct. of Criminal Appeals	5	2,748	122		1,673	578		375
Colorado	16	2,463	291		1,330	834	8	
Maryland	13	2,381	144	1,179		500	41	517
Minnesota	16	2,007	1,324	3	61	609		10
Kansas	10	1,742	1,246		292		204	
Tennessee Ct. of Appeals	12	1,504	843		422	4		235
Alabama Ct. of Civil Appeals	5	1,306	323		574	358	51	
Tennessee Ct. of Criminal Appeals	12	1,304	890		288	17		109
Connecticut	9	1,271	637			262	129	243
Iowa	9	1,231	1,144	70		14		3
Arkansas	12	1,200	629			43	80	448
New Mexico	10	855	152		541	145	8	9
Alaska	3	302	55		172	31		44

Memoranda/orders are the most common disposition in state courts of last resort

- The most common dispositions in intermediate appellate courts are signed opinions and pre-argument dismissals. Together, these two actions comprise about two-thirds of all dispositions in IACs. 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.
- Nearly one-half of cases in appellate courts of last resort are resolved by a memorandum/order, which is a simple order based on a unanimous opinion. Pre-argument dismissals and signed opinions are the next most common at 22 percent and 13 percent, respectively.
- The remaining appeals are disposed of by *per curiam* opinions (usually a short opinion issued in the name of the court rather than specific justices), transfers to another court, or some other method.

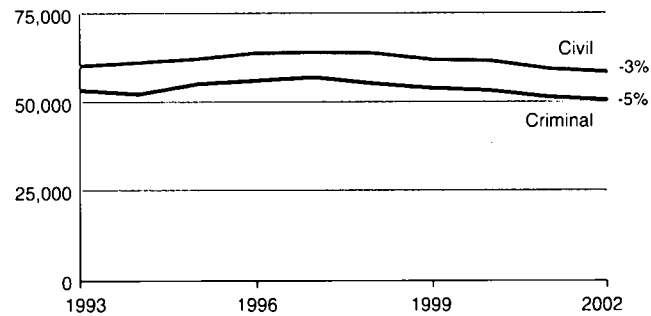
Manner of Disposition in COLRs v. IACs, 2002



Mandatory appeals in intermediate appellate courts continued to decline

- Mandatory civil and criminal appeals in IACs, those cases that the courts are statutorily required to hear, have tracked consistently with one another for the last 10 years with civil appeals averaging about 8,000 more filings per year than criminal appeals.
- In 2002, mandatory civil and criminal appeals in the 36 intermediate appellate courts featured on this chart continued a decline that began in 1998, resulting in a 3 percent decrease in civil appeals and a 5 percent decrease in criminal appeals.

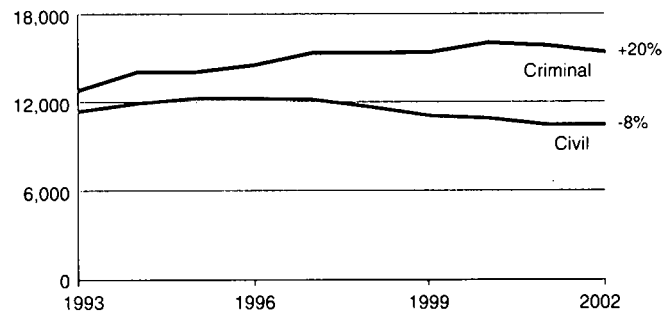
Mandatory Civil and Criminal Appeals in 36 Intermediate Appellate Courts, 1993 - 2002



Criminal petitions in courts of last resort decreased for second consecutive year

- Courts of last resort in 15 states were able to provide filing data for discretionary civil and criminal petitions from 1993 to 2002. For the ten-year period shown here, discretionary criminal petitions are up 20 percent despite a 4 percent decrease over the last two years.
- The number of discretionary civil petitions in the same 15 courts of last resort reached its peak in 1995; the number of filings then remained constant for three years. From 1997 to 2001, filings declined annually. The number of civil petitions filed in 2002 was virtually the same as in 2001. Overall, there has been an 8 percent decline in the last 10 years.

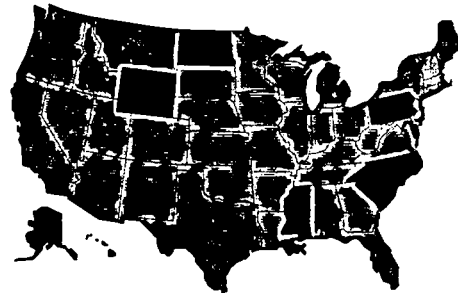
Discretionary Criminal and Civil Petitions in 15 Courts of Last Resort, 1993-2002



The majority of states expedite dependency appeals to speed permanent placement

- ▶ Forty-four states and the District of Columbia report having at least some aspect of an expedited appellate procedure for dependency cases. Only six states report not having any such procedure.
- ▶ Strategies to expedite appeals include developing a tracking system, devising and implementing penalties for delay, reducing briefing schedules, limiting oral argument, and expediting the assembling of the record and transcript preparation.
- ▶ States have formalized expedited processes through court rules (23 states), statutes (15 states), or constitutional amendments (one state). Internal operating procedures may also be used to expedite cases. Often, states have more than one legal process for expediting dependency appeals. For example, Georgia has utilized a constitutional amendment, state statute, and internal operating procedures.

Status of Expedited Procedures as of July 2002



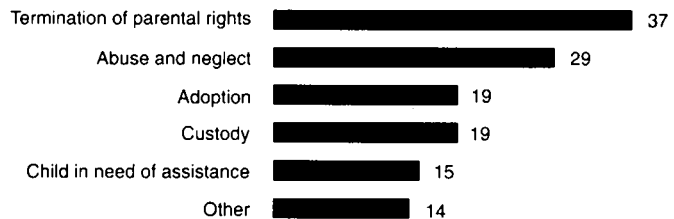
- Does not have any aspects of an expedited appellate procedure (6)
- Reports aspects of an expedited appellate procedure (45)

Source: Dependency Appeals: Strategies to Reduce Delay, 2nd Edition, NCSC, 2003

Termination of parental rights is the most common of expedited dependency appeals

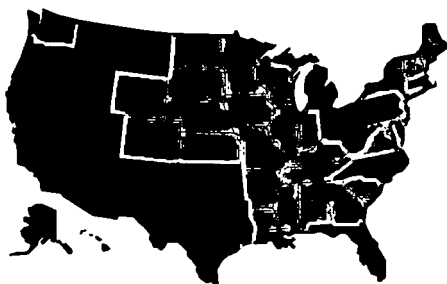
- ▶ Case types that may be classified as dependency appeals include termination of parental rights (TPR), abuse and neglect, adoption, custody, children in need of assistance, domestic violence cases that include custody issues, guardianship of a minor, and visitation appeals.
- ▶ Many states expedite more than one case type. In fact, most states expedite two or more case types, and many expedite any appeal that involves a child-related issue.

Number of States Supporting Expedited Dependency Appeals by Type of Case



Appellate courts are beginning to use alternative dispute resolution

- ▶ Alternative dispute resolution (ADR) consists of dispute resolution processes outside of (or adjacent to) the traditional court case structure. Processes as diverse as mediation, arbitration, early neutral evaluation (ENE), summary jury trials, settlement conferences, parenting classes for divorcing couples, and group or family conferencing are all considered types of ADR.
- ▶ The focus of many appellate court ADR programs is to encourage or require counsel for the parties to discuss settlement at a conference facilitated by a non-judicial court employee or other third-party neutral. Although these attorney-neutrals have different titles depending on the court, their role is primarily that of a mediator. The conferences are usually held before the filing of appellate briefs and, in nearly all cases, before oral argument. Some appellate programs are geared exclusively toward settlement, while other programs also address case management and procedural issues.
- ▶ Local court rules or procedures identify the criteria each court uses to determine whether a case is eligible for the program and whether a conference should be scheduled.
- ▶ In twenty-one states, appellate courts are addressing increasing caseloads by offering alternative dispute resolution before and during the appeal.
- ▶ Case types that are often referred to mediation include general civil (tort, contract, and real property rights), domestic relations, and workers' compensation cases.

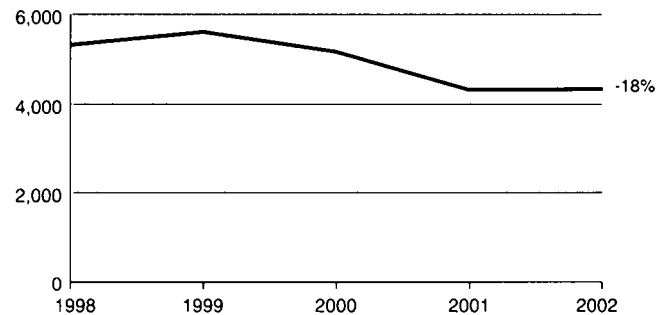
States Using ADR in Appellate Courts

- Appellate ADR or Settlement Conferences (19)
- No Appellate ADR Program (32)

Administrative agency appeals have decreased 18 percent over the last five years

- Administrative agencies are licensing or regulatory bodies that oversee policies regarding worker's compensation, unemployment compensation, public utilities, historic preservation, etc. These agencies typically have a combination of legislative, executive, and judicial functions that they use to carry out legislatively mandated policy. Thus, an administrative agency appeal is an appeal of a decision made by one of these agencies.
- The number of administrative agency appeals in 11 state appellate courts has been declining since 1999. The greatest decline (-16 percent) occurred in 2001 when the number of filings fell by almost 1,000 cases.

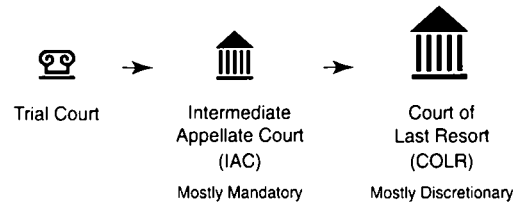
Administrative Agency Appeals in 11 States, 1998-2002



Ten models for taking a trial court appeal through the appellate system

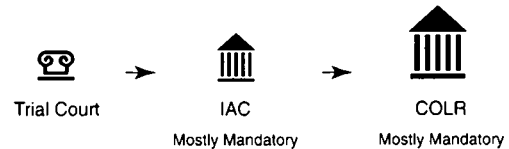
- The most common pattern has one court of last resort with mostly discretionary jurisdiction and one intermediate appellate court with mostly mandatory jurisdiction. Of these states, the Wisconsin COLR has no mandatory jurisdiction while the IACs of Missouri, Nebraska, and Oregon have no discretionary jurisdiction.

AK, AR,
AZ, CA,
FL, GA,
KS, LA,
MA, MN,
MO, NE,
NJ, NC,
OR, VA,
WA, WI



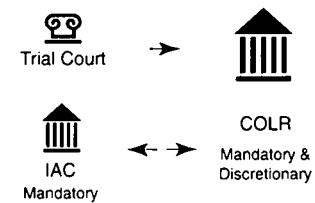
- These states also have one court of last resort and one intermediate appellate court, but both have mostly mandatory jurisdiction. In fact, the IACs in Colorado and Ohio have no discretionary jurisdiction.

CO, CT,
IL, MD,
NM, OH,
PR, UT



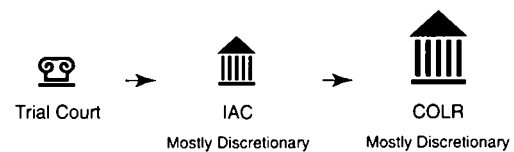
- Appeals in five states are filed in the court of last resort, which retains some appeals and transfers others to the intermediate appellate court. These courts of last resort have both mandatory and discretionary jurisdiction, but the intermediate appellate courts have mandatory jurisdiction only.

HI, ID,
IA, MS,
SC



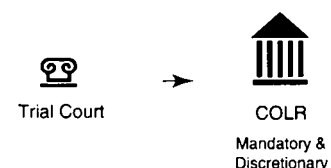
- In two states, both the court of last resort and the intermediate appellate court have discretionary jurisdiction over the majority of their caseload.

KY, MI



- These states handle caseloads without an intermediate appellate court, and the court of last resort has both mandatory and discretionary jurisdiction.

DE, DC,
ME, MT,
NH, RI,
SD, VT,
WY



- Two states, with comparatively small volumes of appeals, handle caseloads without an intermediate appellate court or discretionary jurisdiction.

ND, NV



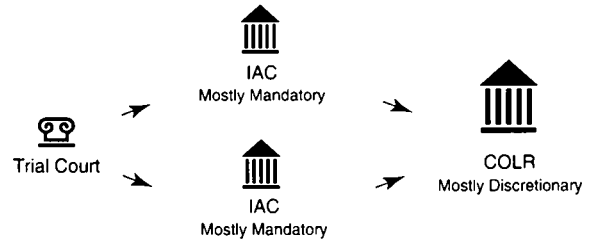
- West Virginia is the only state with a single appellate court that has discretionary jurisdiction only.

WV



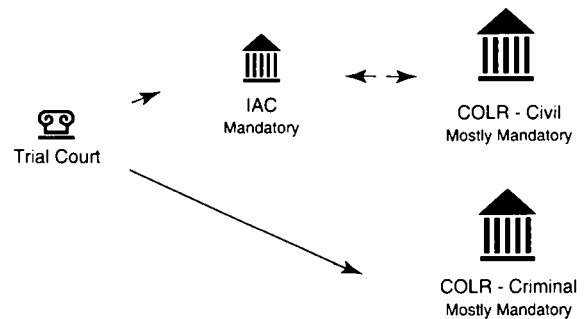
- Five states have two intermediate appellate courts, separated by subject matter jurisdiction (e.g., civil, criminal, tax). In Alabama, the IACs have no discretionary jurisdiction and the Supreme Court assigns cases to the Court of Civil Appeals.

AL, IN, NY, PA, TN



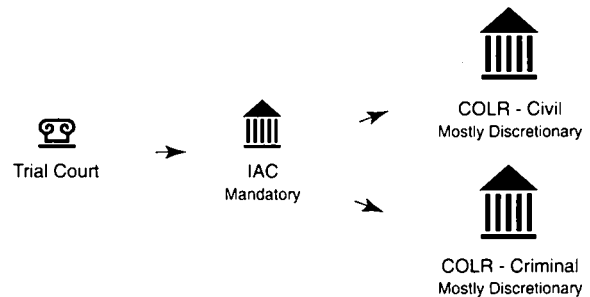
- Oklahoma has one intermediate appellate court, but two courts of last resort with different subject matter jurisdiction – a supreme court with largely civil jurisdiction and a specialized court of last resort for criminal appeals. The intermediate appellate court has no criminal or discretionary jurisdiction, and all cases are assigned to it by the Supreme Court.

OK



- Texas has one intermediate appellate court, but two courts of last resort with different subject matter jurisdiction. The intermediate appellate court has both civil and criminal jurisdiction, but no discretionary jurisdiction.

TX




State Profiles

For each state, the *State Profiles* provide a basic overview of trial and appellate court filing rates, the number of judges, population trends, and court structure. Each state profile has three components: a descriptive table, caseload trend charts, and a set of court structure icons. We hope these profiles will provoke the demand for additional cross-state comparisons.

Descriptive Table

- First, we reference each state in terms of estimated population size and growth. In our sample state, Florida, we see that the population is estimated at 16,713,149, and that the population has increased by 22 percent from 1993 to 2002. We then report the number of appellate and general jurisdiction courts judges per 100,000 residents. In this example, those numbers are 0.4 and 3.0, respectively. Trial court caseloads are reported as criminal and civil filings per 100,000 residents. In this example, those numbers are 3,973 and 8,728, respectively. The data for judges and for filings are expressed as a rate per 100,000 residents to allow comparisons across states.

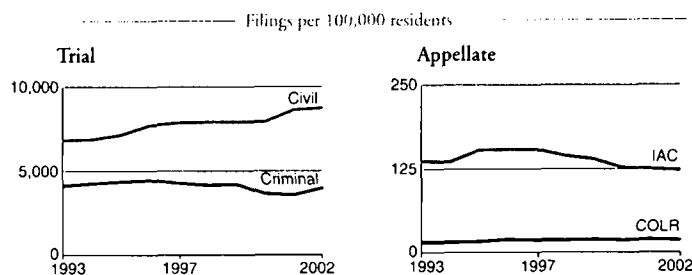


Florida


State Population	
2002 estimate	16,713,149
1993-2002 increase	22%
Judges per 100,000 residents	
Appellate	0.4
General Jurisdiction	3.0
Trial Court Filings per 100,000 residents	
Criminal	3,973
Civil	8,728


Filing Trend Charts


- Each profile contains two trend line charts. The first, pictured on the left side of the figure below, shows trial court filing rates for criminal and civil cases. In this example, the population-adjusted filings show a general upward trend in civil cases, and a slight decline in criminal cases.
- The second trend chart presents case filing rates for Intermediate Appellate Courts (IACs) and Courts of Last Resort (COLRs, more commonly (but not always) known as state supreme courts). In this example we see that filing rates in Florida's IAC rose and declined, while filing rates in the COLR appear flat (Note: the number of filings in COLRs tend to be small, and thus changes in filings can be masked simply due to the scale of the chart).
- Both sets of trend lines can be used to assess at a glance how one state's trends might be similar or different from other states. Note that a small number of charts are incomplete due to the inability of some states to report the necessary data.





Court Structure


-  COLR


 IAC



 GJ


 LJ


 COLR



 IAC


 GJ


 LJ
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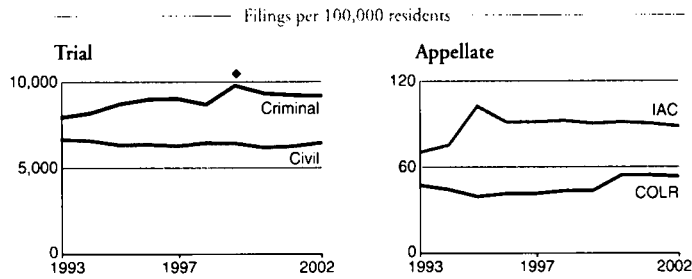
 LJ
-  COLR

Alabama

State Population
2002 estimate 4,486,508
1993-2002 increase 7%

Judges per 100,000 residents
Appellate 0.4
General Jurisdiction 3.2

Trial Court Filings per 100,000 residents
Criminal 9,149
Civil 6,432



● A change in counting practices took place in 1999.

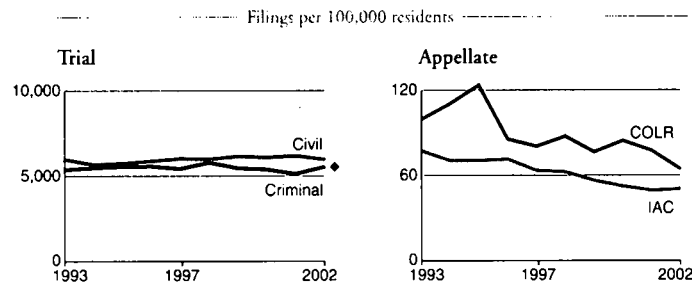
COLR
IAC
GJ
LJ

Alaska

State Population
2002 estimate 643,786
1993-2002 increase 7%

Judges per 100,000 residents
Appellate 1.2
General Jurisdiction 5.3

Trial Court Filings per 100,000 residents
Criminal 5,488
Civil 5,937



● A change in counting practices took place in 2002.

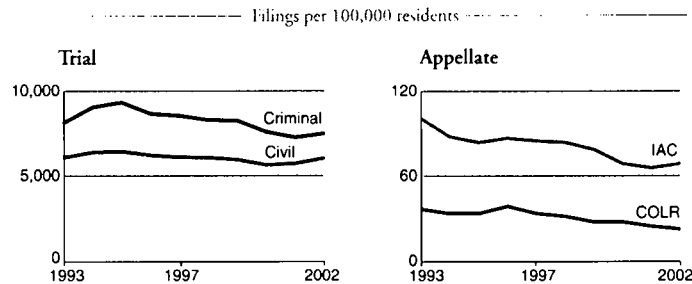
COLR
IAC
GJ
LJ

Arizona

State Population
2002 estimate 5,456,453
1993-2002 increase 39%

Judges per 100,000 residents
Appellate 0.5
General Jurisdiction 2.9

Trial Court Filings per 100,000 residents
Criminal 7,428
Civil 5,978



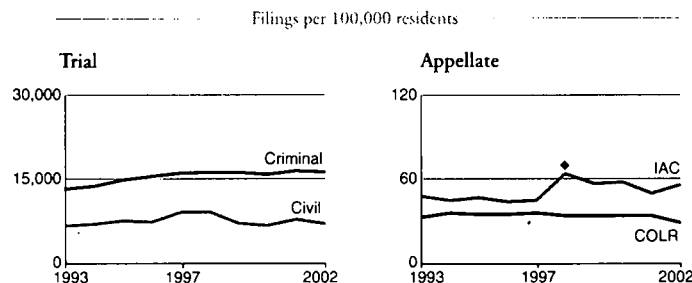
COLR
IAC
GJ
LJ

Arkansas

State Population
2002 estimate 2,710,079
1993-2002 increase 12%

Judges per 100,000 residents
Appellate 0.7
General Jurisdiction 4.2

Trial Court Filings per 100,000 residents
Criminal 16,010
Civil 6,861



● A change in counting practices took place in 1998.

COLR
IAC
GJ
LJ

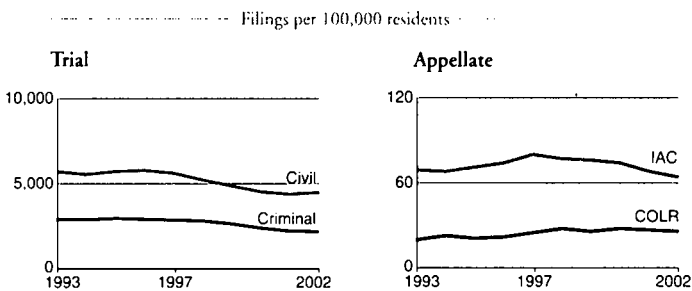


California

State Population
 2002 estimate 35,116,033
 1993-2002 increase 13%

Judges per 100,000 residents
 Appellate 0.3
 General Jurisdiction 4.3

Trial Court Filings per 100,000 residents
 Criminal 2,127
 Civil 4,470



COLR
 IAC
 GJ
 LJ

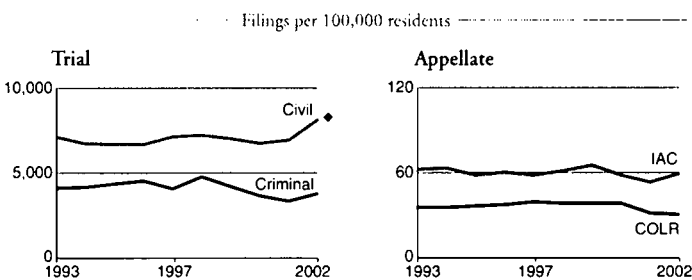


Colorado

State Population
 2002 estimate 4,506,542
 1993-2002 increase 26%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 2.9

Trial Court Filings per 100,000 residents
 Criminal 3,754
 Civil 8,118



● A change in counting practices took place in 2002.

COLR
 IAC
 GJ
 LJ

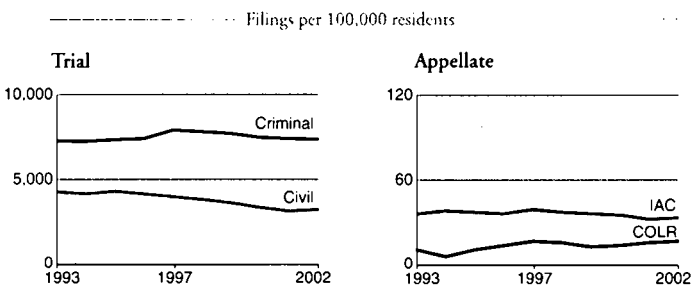


Connecticut

State Population
 2002 estimate 3,460,503
 1993-2002 increase 6%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 5.2

Trial Court Filings per 100,000 residents
 Criminal 3,207
 Civil 7,326



COLR
 IAC
 GJ
 LJ

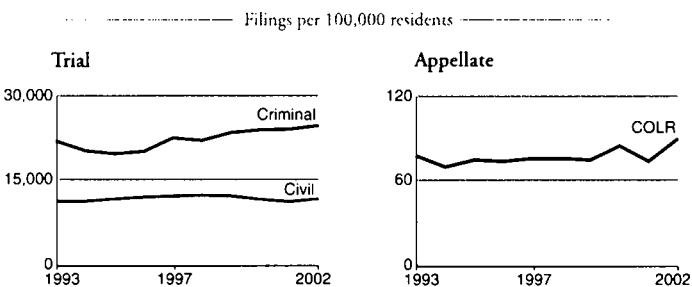


Delaware

State Population
 2002 estimate 807,385
 1993-2002 increase 15%

Judges per 100,000 residents
 Appellate 0.6
 General Jurisdiction 2.4

Trial Court Filings per 100,000 residents
 Criminal 24,522
 Civil 11,476



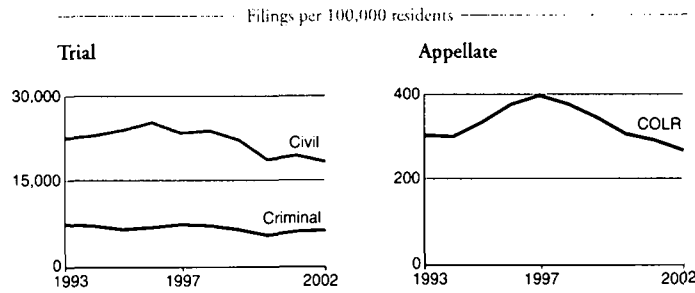
COLR
 IAC
 GJ
 LJ

District of Columbia

State Population
2002 estimate 570,898
1993-2002 increase -1%

Judges per 100,000 residents
Appellate 1.6
General Jurisdiction 10.2

Trial Court Filings per 100,000 residents
Criminal 6,162
Civil 18,261



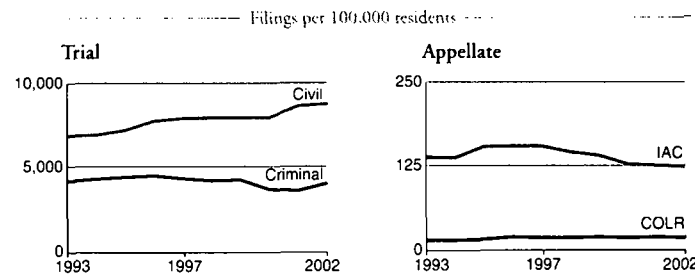
COLR
IAC
GJ
LJ

Florida

State Population
2002 estimate 16,713,149
1993-2002 increase 22%

Judges per 100,000 residents
Appellate 0.4
General Jurisdiction 3.0

Trial Court Filings per 100,000 residents
Criminal 3,973
Civil 8,728



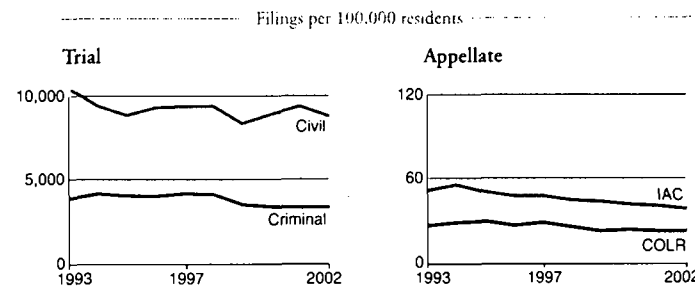
COLR
IAC
GJ
LJ

Georgia

State Population
2002 estimate 8,560,310
1993-2002 increase 24%

Judges per 100,000 residents
Appellate 0.2
General Jurisdiction 2.2

Trial Court Filings per 100,000 residents
Criminal 3,304
Civil 8,757



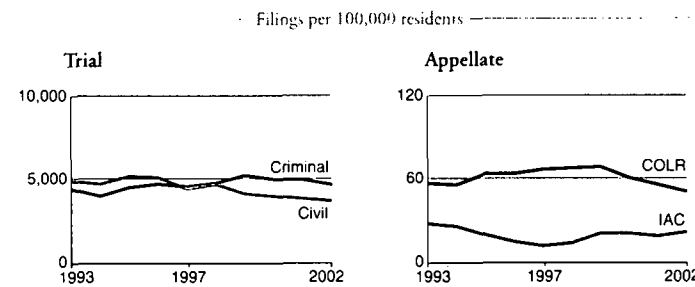
COLR
IAC
GJ
LJ

Hawaii

State Population
2002 estimate 1,244,898
1993-2002 increase 6%

Judges per 100,000 residents
Appellate 0.7
General Jurisdiction 3.9

Trial Court Filings per 100,000 residents
Criminal 4,604
Civil 3,632



COLR
IAC
GJ
LJ

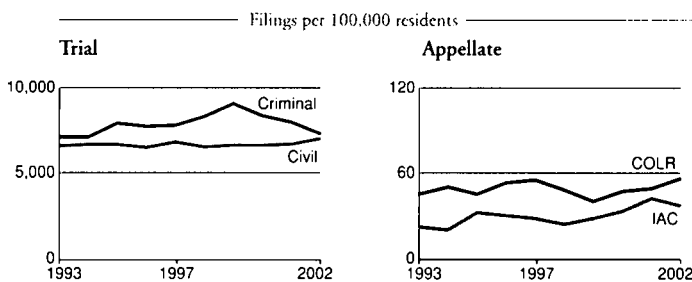


Idaho

State Population
 2002 estimate 1,341,131
 1993-2002 increase 22%

Judges per 100,000 residents
 Appellate 0.6
 General Jurisdiction 2.9

Trial Court Filings per 100,000 residents
 Criminal 7,275
 Civil 6,992



- COLR
- IAC
- GJ
- LJ

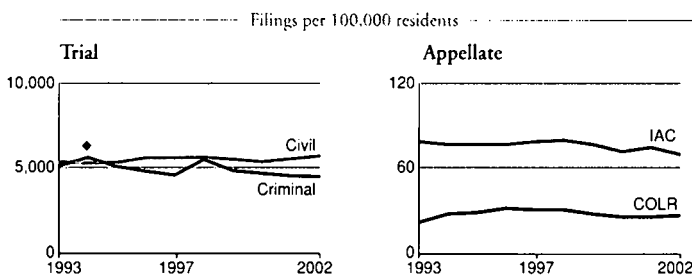


Illinois

State Population
 2002 estimate 12,600,620
 1993-2002 increase 8%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 6.8

Trial Court Filings per 100,000 residents
 Criminal 4,442
 Civil 5,656



● A change in counting practices took place in 1994.

- COLR
- IAC
- GJ
- LJ

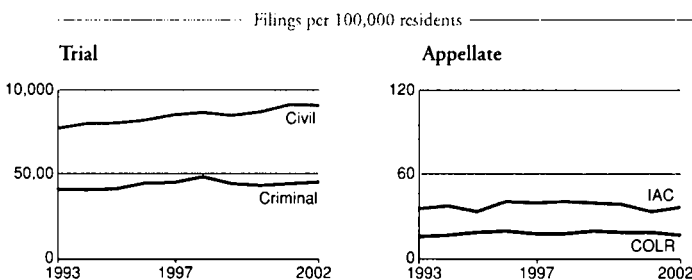


Indiana

State Population
 2002 estimate 6,159,068
 1993-2002 increase 8%

Judges per 100,000 residents
 Appellate 0.3
 General Jurisdiction 4.8

Trial Court Filings per 100,000 residents
 Criminal 4,465
 Civil 9,036



- COLR
- IAC
- GJ
- LJ

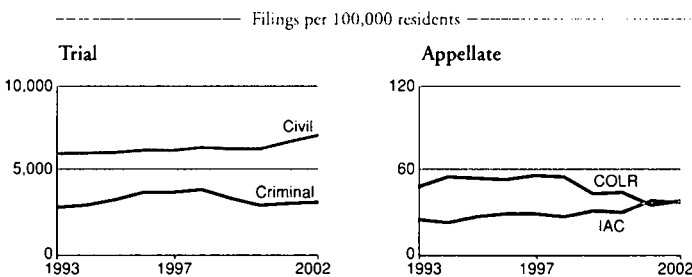


Iowa

State Population
 2002 estimate 2,936,760
 1993-2002 increase 4%

Judges per 100,000 residents
 Appellate 0.6
 General Jurisdiction 6.5

Trial Court Filings per 100,000 residents
 Criminal 2,994
 Civil 6,982



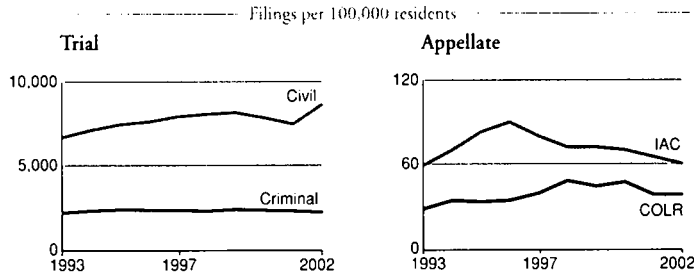
- COLR
- IAC
- GJ
- LJ

Kansas

State Population
 2002 estimate 2,715,884
 1993-2002 increase 7%

Judges per 100,000 residents
 Appellate 0.6
 General Jurisdiction 5.9

Trial Court Filings per 100,000 residents
 Criminal 2,210
 Civil 8,629



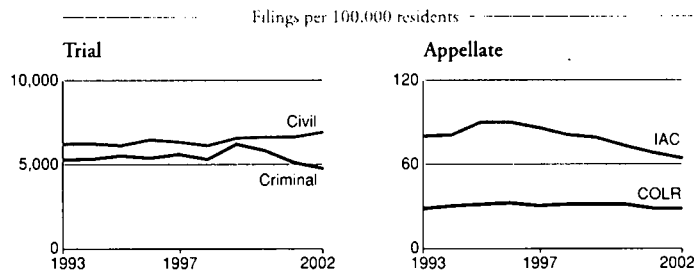
- COLR
- IAC
- GJ
- LJ

Kentucky

State Population
 2002 estimate 4,092,891
 1993-2002 increase 8%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 2.8

Trial Court Filings per 100,000 residents
 Criminal 4,741
 Civil 6,904



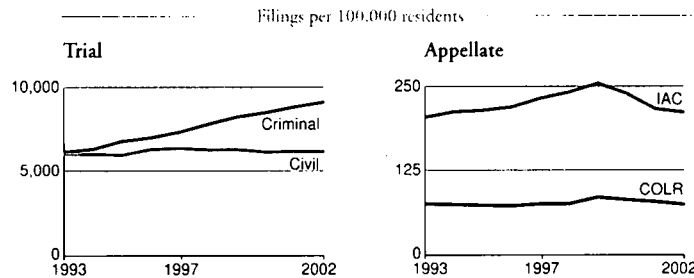
- COLR
- IAC
- GJ
- LJ

Louisiana

State Population
 2002 estimate 4,482,646
 1993-2002 increase 4%

Judges per 100,000 residents
 Appellate 1.3
 General Jurisdiction 4.7

Trial Court Filings per 100,000 residents
 Criminal 9,091
 Civil 6,116



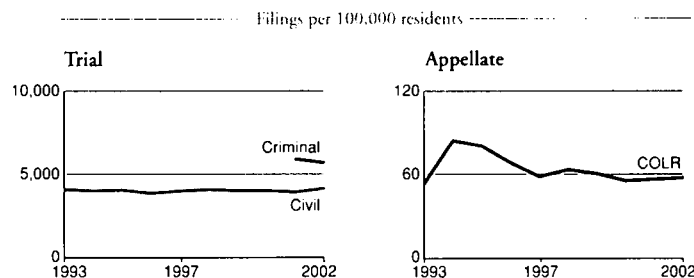
- COLR
- IAC
- GJ
- LJ

Maine

State Population
 2002 estimate 1,294,464
 1993-2002 increase 4%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 1.2

Trial Court Filings per 100,000 residents
 Criminal 5,651
 Civil 4,108



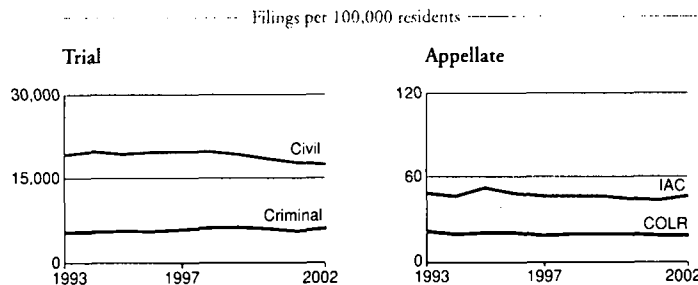
- COLR
- IAC
- GJ
- LJ

Maryland

State Population
 2002 estimate 5,458,137
 1993-2002 increase 10%

Judges per 100,000 residents
 Appellate 0.4
 General Jurisdiction 2.7

Trial Court Filings per 100,000 residents
 Criminal 6,036
 Civil 17,479



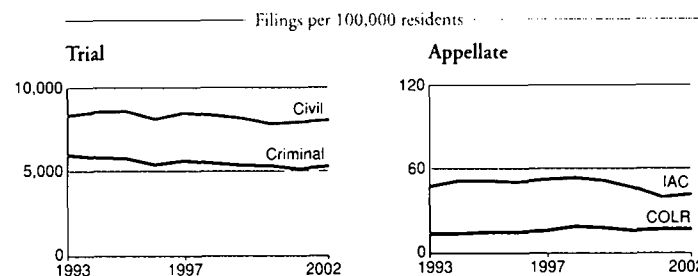
COLR
 IAC
 GJ
 LJ

Massachusetts

State Population
 2002 estimate 6,427,801
 1993-2002 increase 7%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 1.2

Trial Court Filings per 100,000 residents
 Criminal 5,266
 Civil 8,027



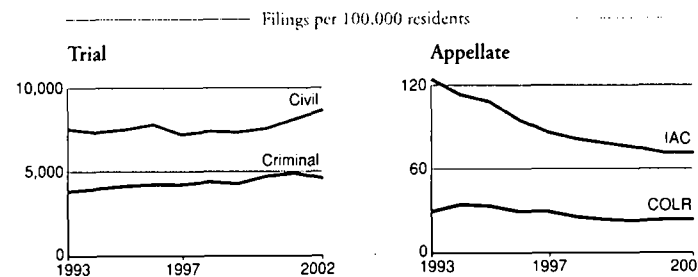
COLR
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Michigan

State Population
 2002 estimate 10,050,446
 1993-2002 increase 6%

Judges per 100,000 residents
 Appellate 0.3
 General Jurisdiction 2.1

Trial Court Filings per 100,000 residents
 Criminal 4,568
 Civil 8,637



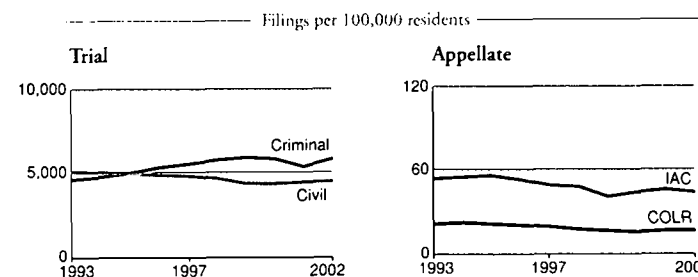
COLR
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 GJ
 LJ

Minnesota

State Population
 2002 estimate 5,019,720
 1993-2002 increase 11%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 5.2

Trial Court Filings per 100,000 residents
 Criminal 5,759
 Civil 4,407

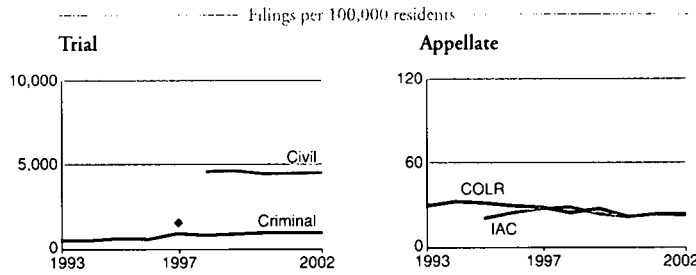


COLR
 IAC
 GJ
 LJ



Mississippi

State Population	
2002 estimate	2,871,782
1993-2002 increase	9%
Judges per 100,000 residents	
Appellate	0.7
General Jurisdiction	1.7
Trial Court Filings per 100,000 residents	
Criminal	898
Civil	4,488



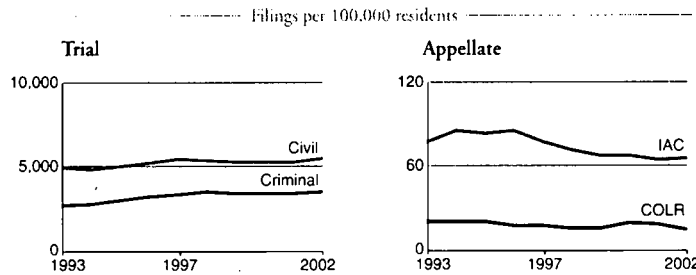
- COLR
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- LJ

Mississippi's criminal and appellate rates are for dispositions, not filings. Mississippi's IAC became operational in 1995.
 ♦ A change in counting practices took place in 1997.



Missouri

State Population	
2002 estimate	5,672,579
1993-2002 increase	8%
Judges per 100,000 residents	
Appellate	0.7
General Jurisdiction	5.4
Trial Court Filings per 100,000 residents	
Criminal	3,471
Civil	5,444

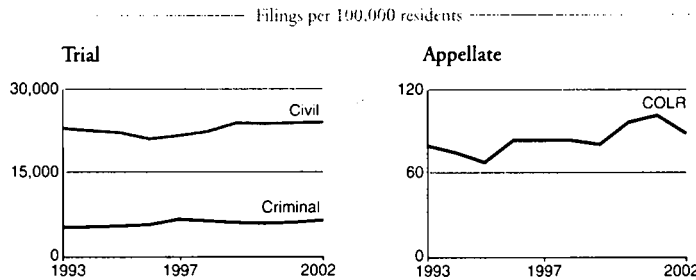


- COLR
- IAC
- GJ
- LJ



Montana

State Population	
2002 estimate	909,453
1993-2002 increase	8%
Judges per 100,000 residents	
Appellate	0.8
General Jurisdiction	4.4
Trial Court Filings per 100,000 residents	
Criminal	23,899
Civil	6,271

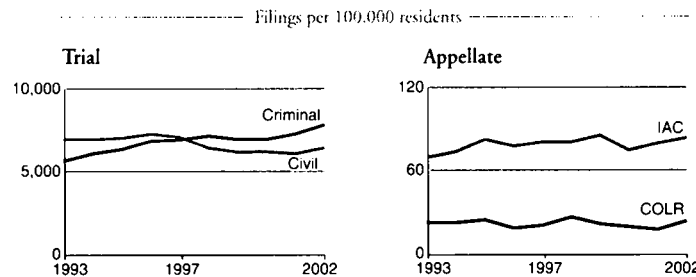


- COLR
- IAC
- GJ
- LJ



Nebraska

State Population	
2002 estimate	1,729,180
1993-2002 increase	8%
Judges per 100,000 residents	
Appellate	0.8
General Jurisdiction	3.1
Trial Court Filings per 100,000 residents	
Criminal	7,781
Civil	6,365



- COLR
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- GJ
- LJ

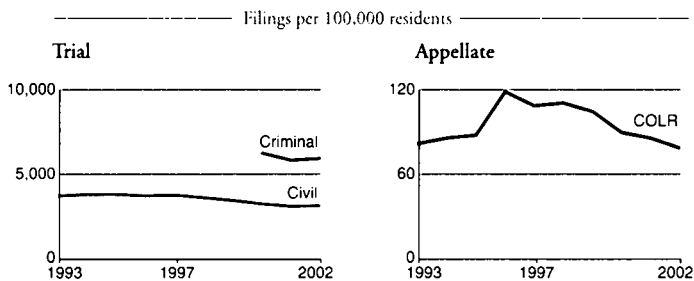


Nevada

State Population
 2002 estimate 2,173,491
 1993-2002 increase 56%

Judges per 100,000 residents
 Appellate 0.3
 General Jurisdiction 2.6

Trial Court Filings per 100,000 residents
 Criminal 5,955
 Civil 3,130



COLR
 IAC
 GJ
 LJ

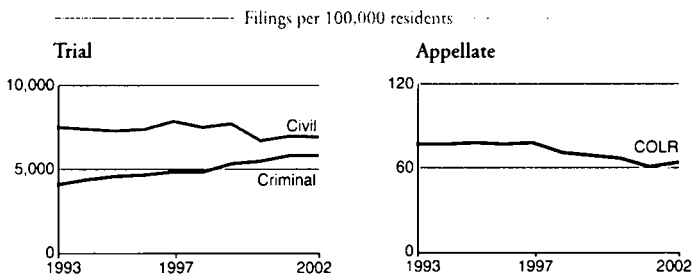


New Hampshire

State Population
 2002 estimate 1,275,056
 1993-2002 increase 13%

Judges per 100,000 residents
 Appellate 0.4
 General Jurisdiction 2.3

Trial Court Filings per 100,000 residents
 Criminal 5,814
 Civil 6,931



COLR
 IAC
 GJ
 LJ

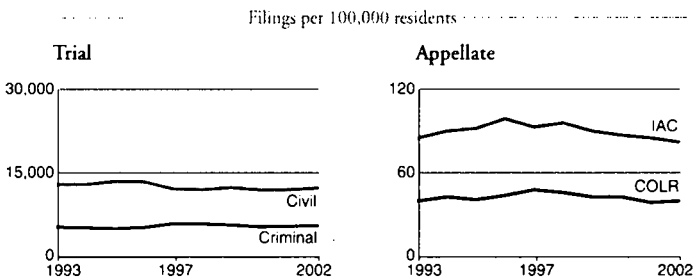


New Jersey

State Population
 2002 estimate 8,590,300
 1993-2002 increase 9%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction -4.6

Trial Court Filings per 100,000 residents
 Criminal 5,549
 Civil 12,319



COLR
 IAC
 GJ
 LJ

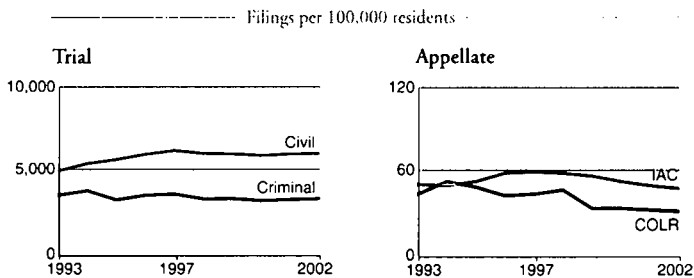


New Mexico

State Population
 2002 estimate 1,855,059
 1993-2002 increase 15%

Judges per 100,000 residents
 Appellate 0.8
 General Jurisdiction 3.9

Trial Court Filings per 100,000 residents
 Criminal 3,253
 Civil 5,965



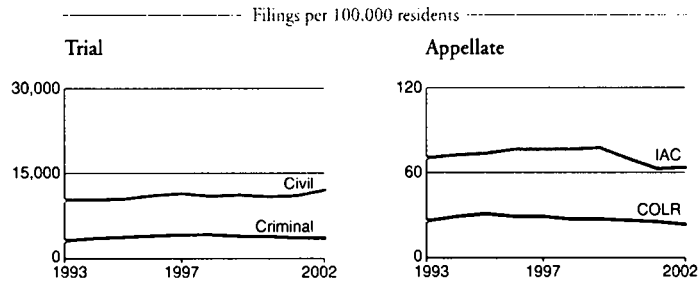
COLR
 IAC
 GJ
 LJ

New York

State Population
 2002 estimate 19,157,532
 1993-2002 increase 5%

Judges per 100,000 residents
 Appellate 0.4
 General Jurisdiction 2.7

Trial Court Filings per 100,000 residents
 Criminal 3,266
 Civil 11,840



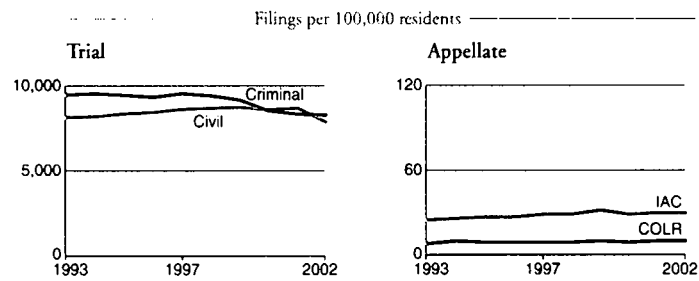
COLR
 IAC
 GJ
 LJ

North Carolina

State Population
 2002 estimate 8,320,146
 1993-2002 increase 20%

Judges per 100,000 residents
 Appellate 0.2
 General Jurisdiction 1.3

Trial Court Filings per 100,000 residents
 Criminal 8,252
 Civil 7,839



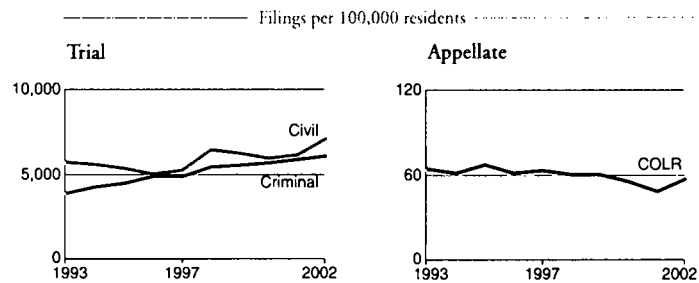
COLR
 IAC
 GJ
 LJ

North Dakota

State Population
 2002 estimate 634,110
 1993-2002 increase 0%

Judges per 100,000 residents
 Appellate 0.8
 General Jurisdiction 6.6

Trial Court Filings per 100,000 residents
 Criminal 6,048
 Civil 7,079



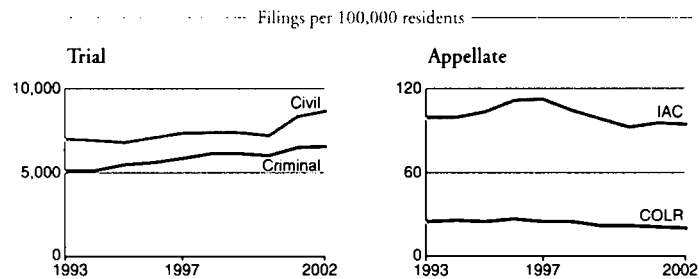
COLR
 IAC
 GJ
 LJ

Ohio

State Population
 2002 estimate 11,421,267
 1993-2002 increase 3%

Judges per 100,000 residents
 Appellate 0.7
 General Jurisdiction 3.3

Trial Court Filings per 100,000 residents
 Criminal 6,515
 Civil 8,628



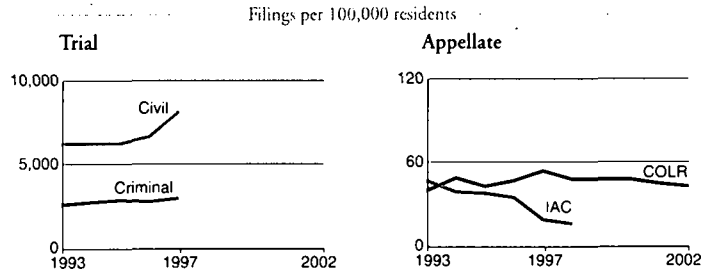
COLR
 IAC
 GJ
 LJ

Oklahoma

State Population
2002 estimate 3,493,714
1993-2002 increase 8%

Judges per 100,000 residents
Appellate 0.7
General Jurisdiction 4.3

Trial Court Filings per 100,000 residents
Criminal Oklahoma did not provide data for 2002.
Civil



COLR
 IAC
 GJ
 LJ

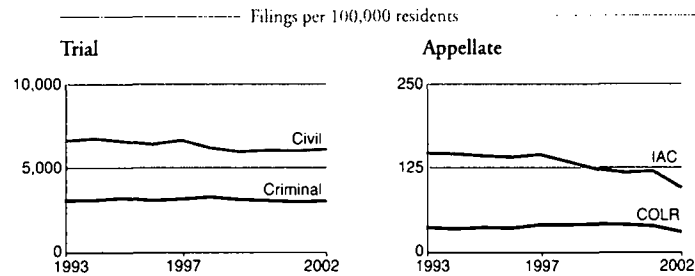
COLR rates are for the Court of Criminal Appeals only; does not include the Supreme Court.

Oregon

State Population
2002 estimate 3,521,515
1993-2002 increase 16%

Judges per 100,000 residents
Appellate 0.5
General Jurisdiction 4.7

Trial Court Filings per 100,000 residents
Criminal 2,938
Civil 6,026



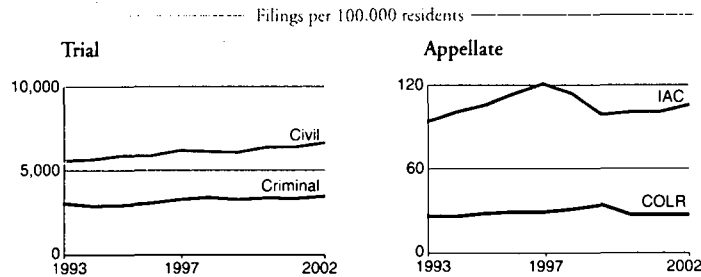
COLR
 IAC
 GJ
 LJ

Pennsylvania

State Population
2002 estimate 12,335,091
1993-2002 increase 2%

Judges per 100,000 residents
Appellate 0.3
General Jurisdiction 3.3

Trial Court Filings per 100,000 residents
Criminal 3,363
Civil 6,576



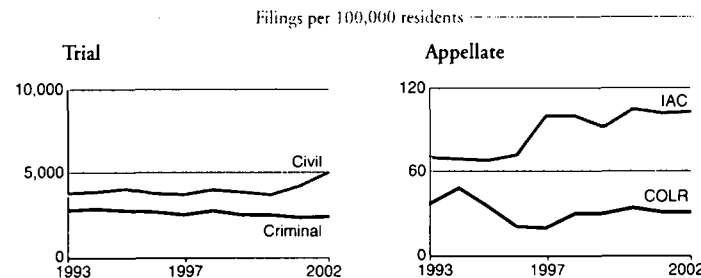
COLR
 IAC
 GJ
 LJ

Puerto Rico

State Population
2002 estimate 3,858,806
1993-2002 increase 7%

Judges per 100,000 residents
Appellate 1.0
General Jurisdiction 8.5

Trial Court Filings per 100,000 residents
Criminal 2,322
Civil 4,926



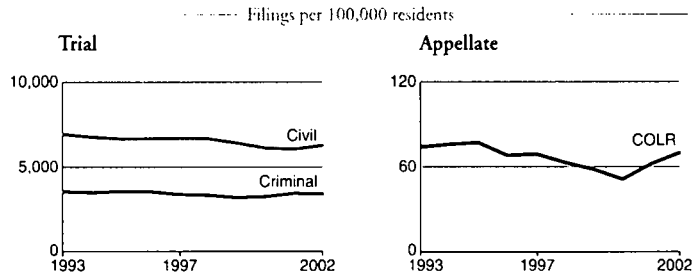
COLR
 IAC
 GJ
— LJ

Rhode Island

State Population
2002 estimate 1,069,725
1993-2002 increase 7%

Judges per 100,000 residents
Appellate 0.5
General Jurisdiction 2.1

Trial Court Filings per 100,000 residents
Criminal 3,395
Civil 6,283



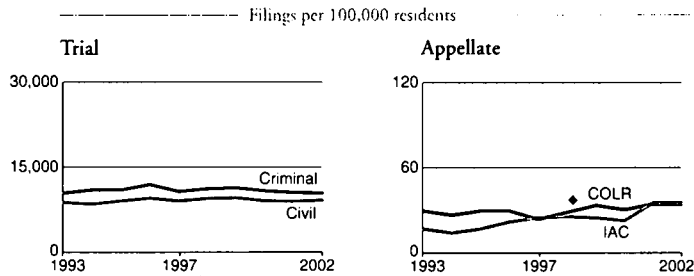
COLR
IAC
GJ
LJ

South Carolina

State Population
2002 estimate 4,107,183
1993-2002 increase 13%

Judges per 100,000 residents
Appellate 0.3
General Jurisdiction 1.2

Trial Court Filings per 100,000 residents
Criminal 10,312
Civil 9,064



COLR
IAC
GJ
LJ

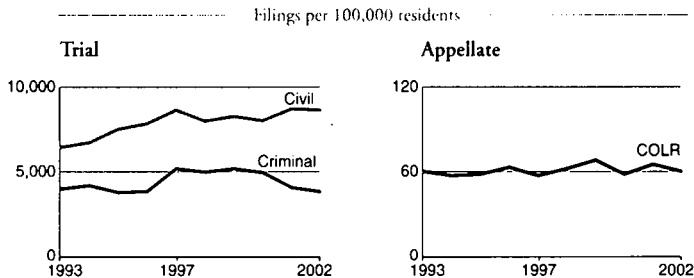
◆ A change in counting practices took place in 1998.

South Dakota

State Population
2002 estimate 761,063
1993-2002 increase 6%

Judges per 100,000 residents
Appellate 0.7
General Jurisdiction 5.0

Trial Court Filings per 100,000 residents
Criminal 3,815
Civil 8,629



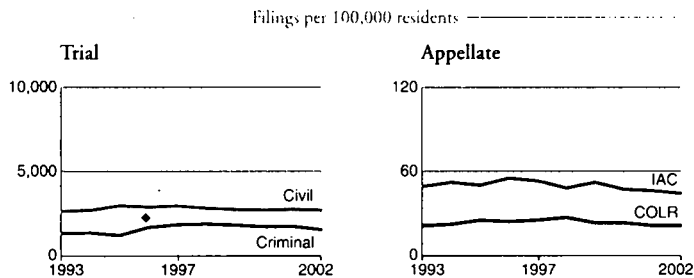
COLR
IAC
GJ
LJ

Tennessee

State Population
2002 estimate 5,797,289
1993-2002 increase 14%

Judges per 100,000 residents
Appellate 0.5
General Jurisdiction 2.0

Trial Court Filings per 100,000 residents
Criminal 1,514
Civil 2,684



COLR
IAC
GJ
LJ

◆ A change in counting practices took place in 1996.

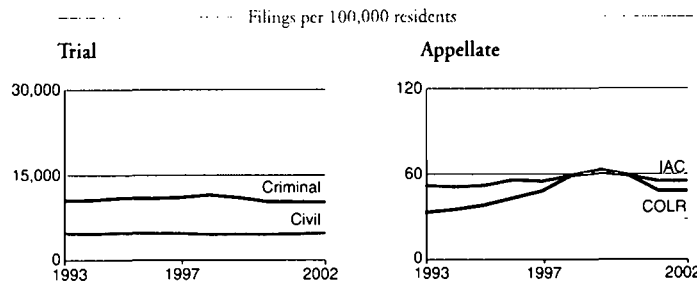


Texas

State Population
 2002 estimate 21,779,893
 1993-2002 increase 21%

Judges per 100,000 residents
 Appellate 0.4
 General Jurisdiction 1.9

Trial Court Filings per 100,000 residents
 Criminal 10,214
 Civil 4,697



COLR
 IAC
 GJ
 LJ

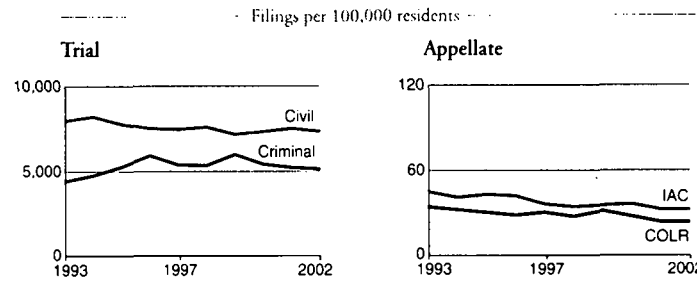


Utah

State Population
 2002 estimate 2,316,256
 1993-2002 increase 25%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 3.0

Trial Court Filings per 100,000 residents
 Criminal 5,160
 Civil 7,362



COLR
 IAC
 GJ
 LJ

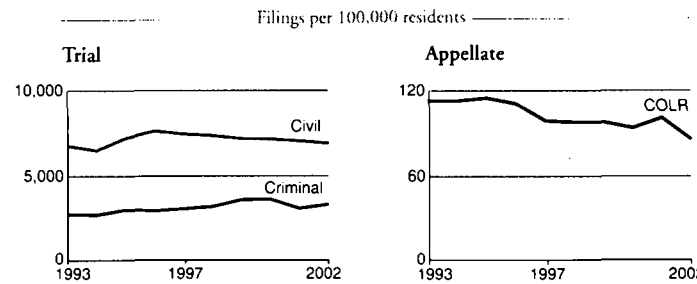


Vermont

State Population
 2002 estimate 616,592
 1993-2002 increase 7%

Judges per 100,000 residents
 Appellate 0.8
 General Jurisdiction 3.2

Trial Court Filings per 100,000 residents
 Criminal 3,332
 Civil 6,929



COLR
 IAC
 GJ
 LJ

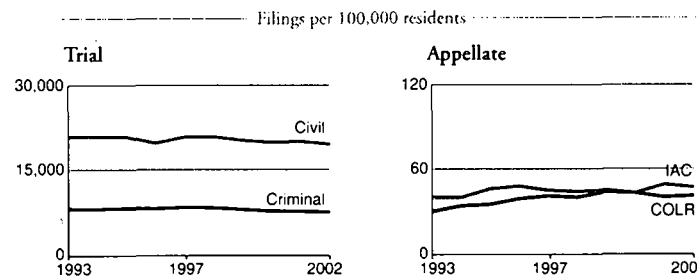


Virginia

State Population
 2002 estimate 7,293,542
 1993-2002 increase 12%

Judges per 100,000 residents
 Appellate 0.2
 General Jurisdiction 2.1

Trial Court Filings per 100,000 residents
 Criminal 7,485
 Civil 19,566



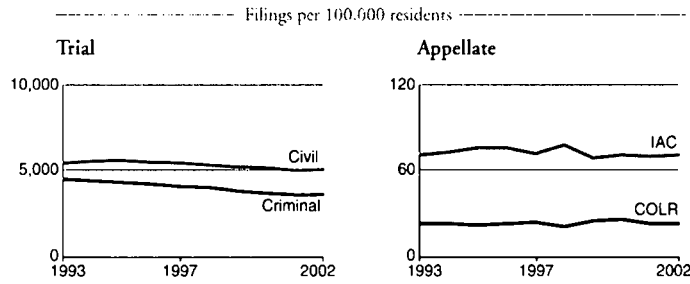
COLR
 IAC
 GJ
 LJ

Washington

State Population
 2002 estimate 6,068,996
 1993-2002 increase 15%

Judges per 100,000 residents
 Appellate 0.5
 General Jurisdiction 2.9

Trial Court Filings per 100,000 residents
 Criminal 3,606
 Civil 5,066



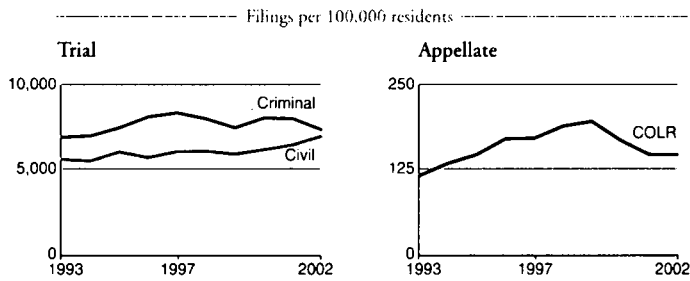
- COLR
- IAC
- GJ
- LJ

West Virginia

State Population
 2002 estimate 1,801,873
 1993-2002 increase -1%

Judges per 100,000 residents
 Appellate 0.3
 General Jurisdiction 3.6

Trial Court Filings per 100,000 residents
 Criminal 7,346
 Civil 6,963



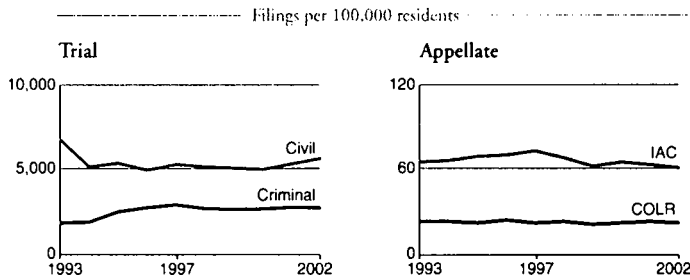
- COLR
- IAC
- GJ
- LJ

Wisconsin

State Population
 2002 estimate 5,441,196
 1993-2002 increase 8%

Judges per 100,000 residents
 Appellate 0.4
 General Jurisdiction 4.4

Trial Court Filings per 100,000 residents
 Criminal 2,722
 Civil 5,632



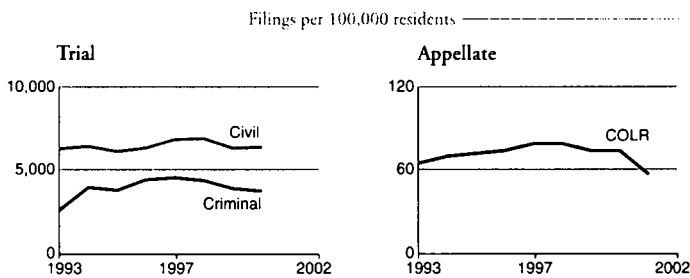
- COLR
- IAC
- GJ
- LJ

Wyoming

State Population
 2002 estimate 498,703
 1993-2002 increase 6%

Judges per 100,000 residents
 Appellate 1.0
 General Jurisdiction 3.4

Trial Court Filings per 100,000 residents
 Criminal Wyoming did not provide data for 2002.
 Civil



- COLR
- IAC
- GJ
- LJ

APPENDIX

	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
Overview Section																	
Total State Trial Court Filings (in millions), 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
State Trial Court Filings (in millions) by Case Type, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Cases Filed in State Trial Courts by Jurisdiction, 2002 (in millions)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Judicial Officers in State Trial Courts by Court Jurisdiction, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total General Civil Dispositions and Trials in General Jurisdiction Trial Courts in 10 States, 1993-2002					*	*				*	*						
Percentage of Jury v. Non-Jury General Civil Trials in GJ Trial Courts in 10 States, 1993-2002					*	*				*	*						
Jury Trial Rates per 1,000 General Civil Dispositions in GJ Trial Courts in 10 States, 1993 v. 2002					*	*				*	*						
Total Felony Dispositions and Trials in General Jurisdiction Trial Courts in 13 States, 1976-2002					*	*				*	*				*	*	*
Proportion of Felony Jury v. Non-Jury Trials in General Jurisdiction Trial Courts in 13 States, 1976-2002					*	*				*	*				*	*	*
Jury Trial Rates per 1,000 Felony Dispositions in GJ Trial Courts in 13 States, 1976 v. 2002					*	*				*	*				*	*	*
Civil Section																	
Civil Cases Filed in State Trial Courts by Jurisdiction, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Civil Caseload Composition in Unified v. General Jurisdiction Trial Courts in 18 States, 2002		*		*	*	*	*	*	*	*	*	*	*	*	*	*	*
Tort and Contract Filings in General Jurisdiction Trial Courts in 17 States, 1993-2002		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Tort Filings in General Jurisdiction Trial Courts in 16 States, 1975-2002		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Tort Filings in General Jurisdiction Trial Courts in 35 States, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Manner of Disposition in Tort v. Contract Cases in General Jurisdiction Trial Courts in Seven States, 2002					*	*				*	*				*	*	*
Automobile Tort Filings in 19 States, 1993-2002	*		*		*	*	*	*	*	*	*	*	*	*	*	*	*
Medical Malpractice Filings in 12 States, 1993-2002	*		*		*	*	*	*	*	*	*	*	*	*	*	*	*
Medical Malpractice Filings in 17 States, 1998-2002	*		*		*	*	*	*	*	*	*	*	*	*	*	*	*
Domestic Relations Section																	
Domestic Relations Filings in State Trial Courts, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Domestic Relations Cases Filed in State Trial Courts by Court Jurisdiction, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Percent Change in DR Filings by Case Type, 1993 v. 2002 and DR Cases by Case Type, 1993-2002																	
Divorce Filings		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Custody Filings		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Paternity Filings		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Interstate Support Filings		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Adoption Filings		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Domestic Relations Caseload Composition in 23 Courts, 2002 (18 States)					*	*	*	*	*	*	*	*	*	*	*	*	*
Criminal Section																	
Total Criminal Cases Filed in State Trial Courts, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Percent Growth in Criminal Filings by Court Jurisdiction, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Felony Filings in Unified and General Jurisdiction Courts in 46 States, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Domestic Violence Filings in General and Limited Jurisdiction Courts in 40 States, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Criminal Caseload Composition, 2002 (Unified Courts)					*	*	*	*	*	*	*	*	*	*	*	*	*
Criminal Caseload Composition, 2002 (General Jurisdiction Courts)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Criminal Caseload Composition, 2002 (Limited Jurisdiction Courts)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Juvenile Section																	
Juvenile Cases Filed in State Trial Courts by Jurisdiction, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Juvenile Caseload Composition in 26 States, 2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Traffic Section																	
Traffic Cases Filed in State Trial Courts, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
DWI Filings in 11 States, 1993-2002		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Appellate Section																	
Total Appellate Court Filings, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total Mandatory and Discretionary Caseloads in COLRs and IACs, 2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Manner of Disposition in COLRs v. IACs, 2002 (COLR - 17 States)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Manner of Disposition in COLRs v. IACs, 2002 (IAC - 21 States)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Mandatory Civil and Criminal Appeals in 36 Intermediate Appellate Courts, 1993-2002 (33 States)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Discretionary Criminal and Civil Petitions in 15 Courts of Last Resort, 1993-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Administrative Agency Appeals in 11 States, 1998-2002	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

*States with unified trial courts are highlighted in blue.

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, 2003 and *State Court Caseload Statistics, 2003* are intended to enhance the potential for meaningful state court caseload comparisons. Because this volume examines 50 states, the District of Columbia, and the Commonwealth of Puerto Rico, and thus 52 different 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 2002 caseload statistics are provided in the companion volume to this report, *State Court Caseload Statistics, 2003*.

State Court Caseload Statistics, 2003

The analysis presented in *Examining the Work of State Courts, 2003* is derived in part from the data found in *State Court Caseload Statistics, 2003*. 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, 2003* 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 2002, 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.

2002 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 1993-2002. 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.

State Court Caseload Statistics is available on the NCSC Web site at:
www.ncsconline.org/d_research/csp/csp_main_page.html.

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. Most states provide far more detailed caseload information than can be presented in project publications. Information from the CSP is also available on the NCSC Web site at: 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, 2003*, *State Court Caseload Statistics, 2003*, and the *Caseload Highlights* series can be sent to:

Director, Court Statistics Project
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
Phone: (800) 616-6109
Fax: (757) 564-2098
www.ncsconline.org/d_research/csp/cspform.htm

The State Court Guide to Statistical Reporting

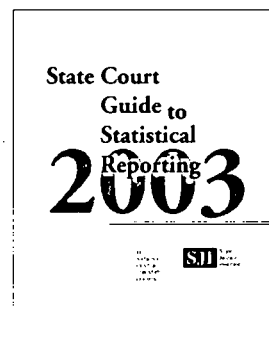
The *Guide* provides a model approach for defining and counting court caseload and workload. It is designed to provide a consistent, nationally accepted framework for compiling accurate and comparable statistical reports, consistent with the Conference of State Court Administrators/National Association for Court Management Joint Technology Committee's Functional Standards.

The Guide is available in full color PDF format on the NCSC Web site at: http://www.ncsconline.org/wc/publications/kis_ctstatreport2003pub.pdf.

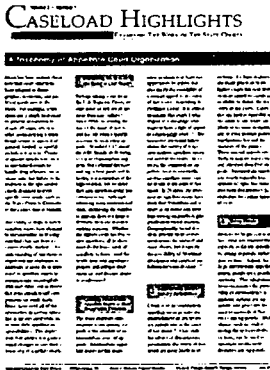
Black and white copies are available from the NCSC Research Division. You will find our Court Statistics Project information request form at: http://www.ncsconline.org/d_research/csp/cspform.htm.

An interactive, Web-based version of the *Guide* will be available at: http://www.ncsconline.org/d_research/csp/csp_main_page.html.

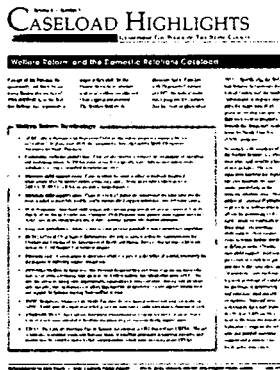
This Web application taps the power of database and Web technology to provide convenient and flexible access to the valuable information contained in the print version of the *Guide*.



The Caseload Highlights Series



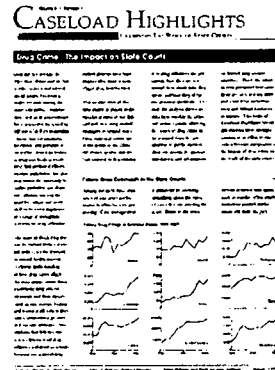
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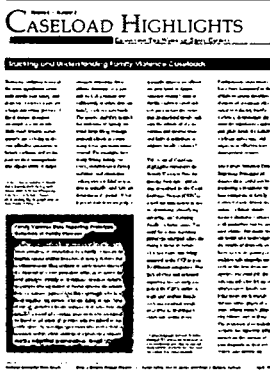
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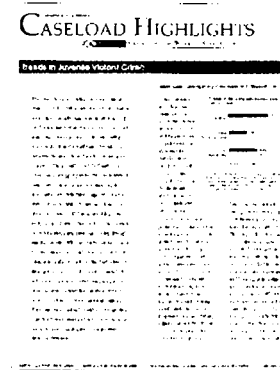
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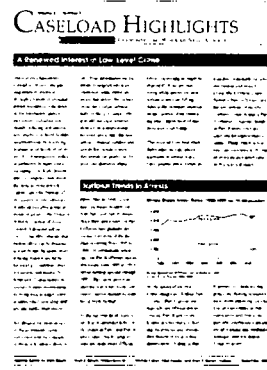
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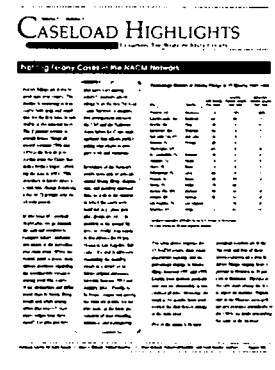
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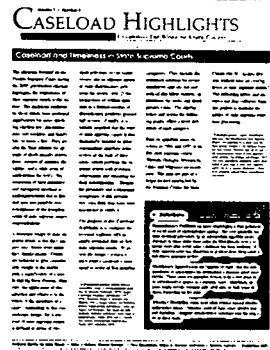
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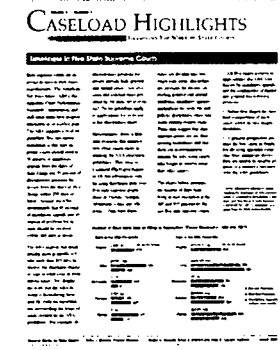
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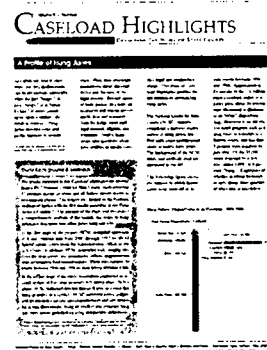
Vol. 7 No. 1: Profiling Felony Cases in the NACM Network



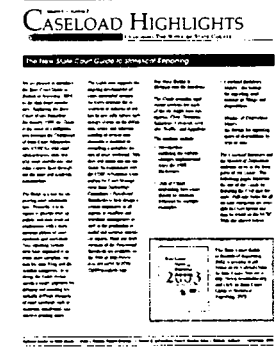
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Vol. 8 No. 1: Timeliness in Five State Supreme Courts



Vol. 9 No. 1: A Profile of Hung Juries



Vol. 9 No. 2: The New State Court Guide to Statistical Reporting

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