

Examining the Work of State Courts, 1997

A National Perspective from the Court Statistics Project

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Over the past several years, the CSP and the National Association for Court Management have been cooperating to build the “NACM” Trial Court Network. The purpose of this network is to create a practical method for individual trial courts to compare their work to other courts of similar size and structure. CSP staff wish to express our gratitude to the many trial court administrators around the country who are helping build the network into a timely and workable means of information exchange. This year we would like to specifically thank the representatives of the six trial courts who provided the monthly data featured in the felony section of this report: Barry Goldstein of the Los Angeles Superior Court, Los Angeles, California; Pamela Baxter of the Administrative Office of the Courts, Gwinnett Judicial Circuit, Lawrenceville, Georgia; Fran Arnsdorff of the Office of the Court Administrator, Eastern Judicial Circuit, Savannah, Georgia; Gail Miller of the Office of Court Administration, New York, New York; Kim Bohannon of the Harris County Administrative Office of the District Courts, Houston, Texas; and Shiquan Liao of the King County Department of Judicial Administration, Seattle, Washington. They are always prompt and obliging in their response to our requests for data, and we are indebted to them and their courts for the assistance they have provided.

The content and design of all products produced by the CSP benefit greatly from the guidance of the 12 members of the Court Statistics Committee of the Conference of State Court Administrators. 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 State Justice Institute and the Bureau of Justice Statistics. The authors wish to acknowledge the guidance and constructive advice provided by Pam Bulloch, the project monitor at the State Justice Institute. Nevertheless, the points of view stated in this document are those of the authors and do not necessarily represent the policies of either 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 the advice and editorial skills of our colleagues Victor E. Flango, Roger A. Hanson, and Susan L. Keilitz, who offered a range of valuable input that considerably improved the final product. The publications of the Court Statistics Project benefit greatly from the careful editing of Dawn Spinozza. Judith Ann Sullivan skillfully managed page design and coordinated the printing of this publication.

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Foreword

Our beliefs may predispose us to misinterpret the facts, when ideally the facts should serve as the evidence upon which we base beliefs.

— Alan M. MacRobert and Ted Schultz

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

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

- *Examining the Work of State Courts, 1997* provides a comprehensive analysis of the business of state trial and appellate courts in a nontechnical fashion. Accurate, objective, and comparable data across states provide a relative yardstick against which states can consider their performance, identify emerging trends, and measure the possible impact of legislation. Without baseline data from each state, many of the most important questions facing the state courts will go unanswered. This volume facilitates a better understanding of the state courts by making use of closely integrated text and graphics to describe plainly and succinctly the work of state trial and appellate courts.
- A second volume, *State Court Caseload Statistics, 1997*, is a basic reference that contains detailed information and descriptions of state court systems. Individuals requiring more complete information, such as state-specific information on the organization of the courts, total filings and dispositions, the number of judges, factors affecting comparability between states, and a host of other jurisdictional and structural issues, will find this volume useful.
- A third series, *Caseload Highlights*, recognizes that informed judges and court managers want comparative information on a range of policy-relevant topics, but they want it in a timely fashion and in a condensed readable format. Whereas other project publications take a comprehensive look at caseload statistics, *Caseload Highlights* targets specific and significant issues and disseminates the findings in short reports. Because they fill the gaps in distribution cycles between the two annual reports, *Caseload Highlights* are also timely in terms of the data and subject matters covered.

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

Executive Summary

The primary function of the Court Statistics Project (CSP) is to collect and analyze data relating to the work of our nation's state courts. These tasks require not only compiling data from nearly 16,300 state trial courts, but also examining information obtained from other components of the justice system. The goal is to provide a broad-based framework for examining court workload and bringing national trends to light.

A fundamental issue for courts is determining how many judges and court staff are needed to efficiently resolve the immense volume of cases entering the state courts. This year we delve once again into the area of judicial workload in the section entitled "Judicial Workload Assessment" (see also "*Exploring Workload Measures in the Courts*," *Examining the Work of State Courts*, 1995). This section offers an overview of the concept of weighted caseload, a discussion of its implementation in selected states, and clarification of the rationale for moving from a focus on court *caseload* to a focus on court *workload*. Unless otherwise noted, all information on the data displays comes from CSP national databases. Some of the more interesting findings include the following:

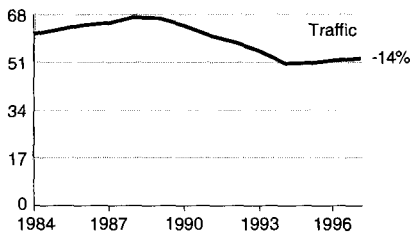
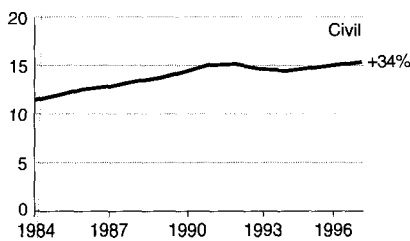
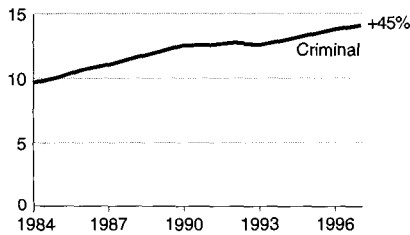
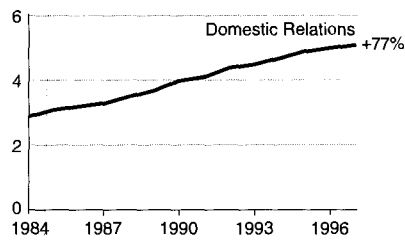
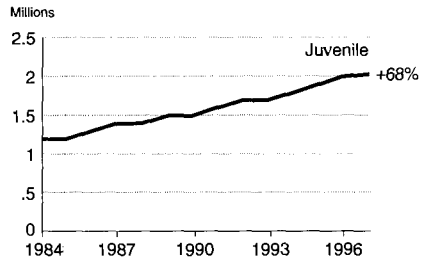
- ◆ More than 89 million new cases were filed in state courts in 1997. The caseload consisted of over 15 million civil cases, five million domestic relations cases, 14 million criminal cases, two million juvenile cases, and nearly 53 million traffic and ordinance violations. There was one case filed in the state courts for every third person living in the United States and Puerto Rico.
- ◆ Between 1984 and 1997, civil filings increased by 34 percent, criminal filings by 45 percent, juvenile filings by 68 percent, and domestic relations filings by 77 percent. Traffic filings dropped 14 percent during this period. Overall caseload growth during the 13-year period significantly exceeded the growth of the U.S. population, which was 13 percent.
- ◆ Federal court case filings increased 14 percent between 1996 and 1997 to a total of 2.3 million. The growth in federal caseloads was in large part due to a 23 percent increase in bankruptcy filings.
- ◆ Although limited jurisdiction courts reported an increase of 252 judges in 1997, the number of judges in courts of general jurisdiction actually decreased by 107, largely because of the de-unification of state court structures in Idaho and Massachusetts. The states therefore realized a net increase of 145 judges in 1997.
- ◆ One-third of the states kept up with the flow of criminal and civil filings, as indicated by 1995-1997 average clearance rates of 100 percent or higher. Because courts typically must give criminal cases priority on the docket, many courts have had to shift resources from the civil side to the criminal side.

- ◆ Non-domestic civil case filings increased 2 percent between 1996 and 1997. When adjusted for the effect of population, civil filings increased only 1 percent.
- ◆ In the 14 states that were able to provide data, small claims filings in general jurisdiction courts grew 41 percent from 1984 to 1997. For the same period, small claims filings in limited jurisdiction courts increased only 4 percent in the 22 states that reported data.
- ◆ Although tort filings increased 58 percent in the 16 states that reported data between 1975 and 1997, tort activity has shown an aggregate decrease of 9 percent since 1986.
- ◆ Nationwide, automobile tort filings account for over 60 percent of all tort cases. Even though the number of auto torts in 12 states has decreased by 8 percent since 1989, eight of the 12 states reported an increase of auto tort filings during the same period.
- ◆ Of the 15 states that reported tort and contract data from 1984 to 1997, torts increased 40 percent while contract cases decreased 4 percent. Population increased 21 percent in the same states.
- ◆ Seller plaintiff (debt collection) cases constitute 52 percent of the contract caseload in large urban courts. Employment cases, at the other end of the spectrum, represent only 2 percent of all contract cases.
- ◆ The domestic relations caseload grew 1.6 percent between 1996 and 1997, the smallest increase since 1985.
- ◆ The impact of the Welfare Reform Act of 1996 was evident in the decline of paternity and interstate support filings between 1996 and 1997. For states able to provide data, paternity and interstate support filings decreased 6 percent and 10 percent, respectively.
- ◆ Juvenile filings in state courts exceeded two million cases in 1997. This figure represents an increase of 68 percent since 1984 and a 2 percent increase since 1996.
- ◆ The composition of the delinquency caseload has changed considerably between 1986 and 1995. Crimes against the person represent the offense whose share of the caseload has grown the most—from 16 percent in 1986 to 22 percent in 1995.
- ◆ Criminal cases filed in the state courts reached an all-time high of 14 million in 1997. Following a brief period of stability in the early 1990s, criminal caseloads grew 12 percent from 1993 to 1997.

- ◇ FBI data indicate that DUI arrests decreased 28 percent from 1.9 million in 1983 to 1.4 million in 1994 before turning upward over the past three years. DUI court caseloads also have decreased (17 percent) since 1985, but unlike DUI arrests, court caseloads did not increase during the mid-1990s.
- ◇ Alcohol consumption, the number of related traffic fatalities, and blood alcohol levels (BAC) in fatal accidents are declining.
- ◇ Felony filings grew steadily from 1984 until 1992 and reached an all-time high in 1997 (almost 1.9 million).
- ◇ The size of pending felony caseloads is determined by the cumulative difference between filings and dispositions. Monthly data from large urban courts show that the resolution of only slightly more cases than are filed often has a dramatic effect on pending caseload.
- ◇ The volume of appeals reached a new high in 1997. The total number of appellate filings was 295,275, representing a 3 percent increase since 1996. In 1997, ten states (California, Florida, Texas, New York, Pennsylvania, Ohio, Louisiana, Illinois, New Jersey, and Michigan) accounted for 61 percent of the nation's appellate filings while representing only 52 percent of the U.S. population.
- ◇ Between 1996 and 1997, discretionary petitions in the courts of last resort increased 6 percent. The states' intermediate appellate courts continued to handle most of the appellate caseload (69 percent) and, with 170,728 appeals of right, maintained a heavy workload.

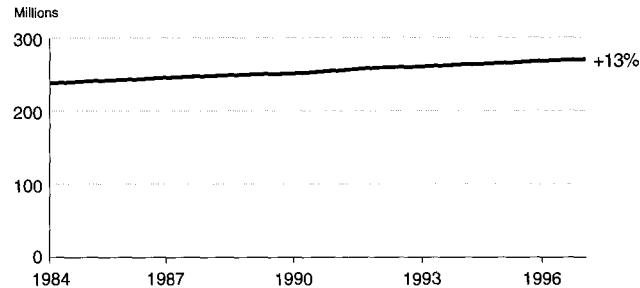
Overview of State Trial Court Caseloads

Cases Filed in State Courts, 1984-1997



In 1997, there were close to 90 million new cases filed in our nation's state judiciaries—a single statistic that alone gives one an immediate understanding of the magnitude of state court activity. Moreover, filings for every major case type increased since 1996, and the largest segments of state court workload—criminal, civil, juvenile, and domestic caseloads—have now reached their highest levels for the period 1984 to 1997. The filing trends also show that cases are increasing at a much faster rate than our nation's population—in some cases, three to five times as fast.

United States Population, 1984-1997



Source: United States Bureau of the Census.

This continued rising tide has significant implications for how the courts will operate through the year 2000. The resources necessary to process the work of the courts do not always keep pace with the demand for judges and court support staff or the need for improved automation. Clearly, courts will continue to be challenged to develop and search for more efficient ways to conduct business.

The table below shows that the number of parking cases in 1997 was less than one-third of the figure for 1989. Though they represent the least serious traffic offense, parking cases account for a large proportion of traffic caseloads. However, efforts to decriminalize less serious traffic offenses and to shift much of the traffic caseload to an executive branch agency appear to be working. In these instances, fines for minor traffic offenses are paid to a traffic bureau or agency rather than to the court.

Number of Parking Filings in 13 States, 1989-1997

Year	Number (in millions)
1989	20.6
1990	16.8
1991	13.7
1992	13.2
1993	12.0
1994	8.1
1995	6.7
1996	6.5
1997	6.2

State trial court systems are traditionally organized into courts of general and limited jurisdiction. (Note: This report may refer to the District of Columbia and Puerto Rico as states for the sole purpose of simplifying the text and titling of tables and figures.) All states have at least one court of general jurisdiction, the highest trial court in the state, where the most serious criminal and civil cases are handled. In addition, general jurisdiction courts may handle appeals arising from cases heard at the limited jurisdiction court level or from administrative agencies. Filings in general jurisdiction courts accounted for 26 percent of state court caseloads in 1997. While 74 percent of state court caseloads were filed in limited jurisdiction courts, these courts usually hear a narrower range of matters, often only one particular type of case. Criminal caseloads typically are limited to misdemeanor filings and to preliminary hearings in felony cases, whereas civil caseloads usually are restricted to small claims cases in which damages do not exceed some fixed amount.

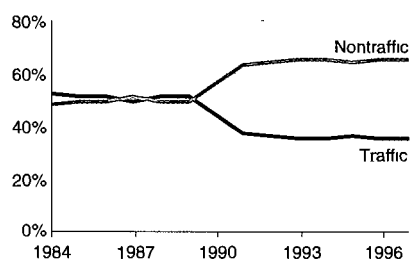
Types of Cases Filed in State Courts, 1997
(in millions)

Case Type	Total Number	Jurisdiction	
		General	Limited
Traffic	52.6	8.2	44.4
Civil	15.4	6.2	9.2
Criminal	14.1	4.0	10.1
Domestic	5.1	3.6	1.5
Juvenile	2.0	1.2	0.8
Total	89.2	23.2	66.0

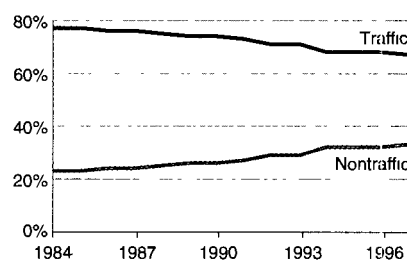
State courts are affected by the proportion of their caseload that is devoted to traffic cases vs. nontraffic cases. The percentage of nontraffic filings in courts of general jurisdiction has shifted from half of the caseload in 1989 to just over two-thirds in 1997. The change toward smaller traffic caseloads has been steady but more gradual in limited jurisdiction courts. In 1997, traffic filings comprised 67 percent of state court caseloads in limited jurisdiction courts and 35 percent in general jurisdiction courts.

State Trial Court Caseloads — Traffic vs. Nontraffic, 1984-1997

General Jurisdiction



Limited Jurisdiction



State Courts and Trial Judges

The nearly 90 million cases filed in 1997 were processed through 16,293 state trial courts. Limited jurisdiction courts outnumber their general jurisdiction counterparts five to one.

13,797 limited jurisdiction courts

2,496 general jurisdiction courts

In 1997, there were 28,560 trial judges and quasi-judicial officers in the nation's state trial courts. General jurisdiction courts have lost or shifted about 100 judges and quasi-judicial officers since 1996, while limited jurisdiction courts have gained roughly 250 such officials.

Judges in State Trial Courts by Court Jurisdiction, 1990-1997

Year	Number of Judicial Officers		
	General Jurisdiction	Limited Jurisdiction	Total
1990	8,586	18,234	26,820
1991	8,649	18,289	26,938
1992	8,700	18,272	26,972
1993	8,859	18,316	27,175
1994	8,877	18,317	27,194
1995	9,214	17,974	27,188
1996	10,114	18,301	28,415
1997	10,007	18,553	28,560

The table to the right shows the number of general jurisdiction court judges in the states. The number of judges does not include quasi-judicial personnel such as magistrates or referees. Ten states have a unified court structure in which trial courts are consolidated into a single general jurisdiction court level. These consolidated courts have jurisdiction over all cases and procedures. Because there is no distinction between trial levels in these states, these states often appear to have more general jurisdiction court judges than states with multilevel court systems. Two alternative measures of judicial staffing levels are also provided in the table. The middle column, judges per 100,000 population, standardizes the number of judges across the states by adjusting for differences in population. The result is a dramatic narrowing in the range of judges (1.1 in South Carolina to 11.2 in D.C.). In fact, over 60 percent of the states with non-unified courts have between two and four judges per 100,000 population. Unified states have an average of 6.7 judges per 100,000 population.

The last column shows the number of civil (including domestic relations) and criminal filings per general jurisdiction judge. More than half (56 percent) of the states report between 1,000 and 2,000 filings per judge. Nine states report more than 2,000, and 12 states report less than 1,000.

Number and Rate of Judges in Unified and General Jurisdiction Courts in 48 States, 1997 (Revised)

State	Number of Judges	Judges per 100,000 Population	Filings per Judge
Unified Courts			
Illinois	865	7.3	1,386
Puerto Rico	315	8.3	728
Minnesota	254	5.4	1,880
Wisconsin	233	4.5	1,814
Iowa	213	7.5	1,292
Connecticut	174	5.3	1,821
Kansas	156	6.0	1,615
District of Columbia	59	11.2	2,741
North Dakota	45	7.0	1,434
South Dakota	37	5.0	2,752
General Jurisdiction Courts			
California	806	2.5	1,227
New York	524	2.9	889
Florida	461	3.1	2,091
Texas	396	2.0	1,586
New Jersey	374	4.6	2,727
Ohio	372	3.3	1,378
Pennsylvania*	366	3.0	1,350
Missouri	311	5.8	1,513
Indiana	279	4.8	1,892
Louisiana	218	5.0	1,467
Michigan	210	2.1	1,284
Washington	163	2.9	1,181
Oklahoma	148	4.5	2,453
Virginia	145	2.2	1,732
Maryland	134	2.6	1,687
Alabama	131	3.0	1,242
Colorado	115	3.0	1,117
Tennessee	112	2.1	2,134
Arkansas	106	4.2	1,575
North Carolina	99	1.3	2,728
Oregon	98	3.0	1,455
Kentucky	97	2.5	957
Massachusetts	76	1.2	535
New Mexico	72	4.2	1,127
Utah	70	3.4	3,045
West Virginia	62	3.4	923
Nebraska	52	3.1	983
Montana	45	5.1	727
South Carolina	43	1.1	3,780
Idaho	37	3.1	450
Alaska	33	5.4	562
Vermont	29	4.9	1,967
New Hampshire	29	2.5	1,621
Hawaii	27	2.3	1,341
Rhode Island	22	2.2	671
Wyoming	17	3.5	815
Delaware	17	2.3	1,175
Maine	16	1.3	867

* This figure is based upon preliminary caseload figures supplied by the PA AOC.

Note: Mississippi and Nevada are not included because criminal data were not available. No data were available for Arizona or Georgia for 1997.

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* This figure is based upon preliminary caseload figures supplied by the PAAOC.

Note: Mississippi and Nevada are not included because criminal data were not available. No data were available for Arizona or Georgia for 1997.

Judge Selection

States employ a number of different methods to choose judges—elections, appointments, or some combination of the two. The four primary judicial selection models used in the state trial courts are displayed in the table below. The majority of the states use elections to select trial court judges, generally through a nonpartisan process. Most states that use an appointment process have some type of commission plan to aid the governor in selecting all or certain types of judges. Some states require legislative approval of gubernatorial appointments, while others require legislative approval only for high court positions.

One interpretation of why four distinct methods of judicial selection survive is that no system has proven best in terms of choosing the finest talent, removing the influence of partisan politics, and achieving the right balance between judicial independence and accountability. The impact of the judicial selection process on the administration of justice may be small, however, because the judiciary is becoming increasingly professional. Nearly all judges are now legally trained, and the work of lay judges is restricted to relatively minor civil and criminal matters.

Method of Judge Selection in the States

	Election			Appointment	
	Partisan	Nonpartisan		Gubernatorial	Legislative
Alabama	X		Alaska	X	
Arkansas	X		Arizona	X	
California		X	Colorado	X	
Florida		X	Connecticut		X
Georgia		X	Delaware	X	
Idaho		X	Hawaii	X	
Illinois	X		Iowa	X	
Indiana	X		Kansas	X	
Kentucky		X	Maine	X	
Louisiana		X	Maryland	X	
Michigan		X	Massachusetts	X	
Minnesota		X	Missouri	X	
Mississippi		X	Nebraska	X	
Montana		X	New Hampshire	X	
Nevada		X	New Jersey	X	
New Mexico	X		Puerto Rico	X	
New York	X		Rhode Island	X	
North Carolina	X		South Carolina		X
North Dakota		X	Utah	X	
Ohio		X	Vermont	X	
Oklahoma		X	Virginia		X
Oregon		X	Wyoming	X	
Pennsylvania	X				
South Dakota		X			
Tennessee	X				
Texas	X				
Washington		X			
West Virginia	X				
Wisconsin		X			

State and Federal Trial Court Trends

A comparison of the yearly growth in state and federal trial court filing rates is shown in the adjacent charts. The cases included in this comparison come from courts of general jurisdiction on the state side and from the U.S. District Courts on the federal side in order to maximize comparability between the state and federal systems. With respect to criminal cases, both the U.S. District Courts and the state trial courts of general jurisdiction handle primarily felonies; on the civil side, the dollar limits and case types of the state trial courts of general jurisdiction resemble those of private civil suits faced by the U.S. District Courts. With 1984 as the base year, the charts show the growth rates in total civil, tort, total criminal, and felony filings.

Civil filings in state trial courts of general jurisdiction have grown by 28 percent since 1984, while civil filings in the U.S. District Courts have increased 4 percent over the same period. At the state level, most of the growth in tort filings occurred in the mid-1980s, with an overall increase of 23 percent. The change in tort filings shows an erratic pattern in the federal courts during the late 1980s, followed by substantial growth until 1996. The growth in federal tort filings finally dipped in 1997.

Criminal caseloads have increased steadily in both federal (42 percent) and state (55 percent) court systems since 1984. The most dramatic increases in filings occurred in felony caseloads. Similar growth rates in the mid-1980s diverged in 1987 as state felony filing rates began to outpace federal filing rates. The 1992-93 decline in state felony filings, and to a lesser extent criminal filings, was not sustained: felony filing growth increased again in the mid-1990s.

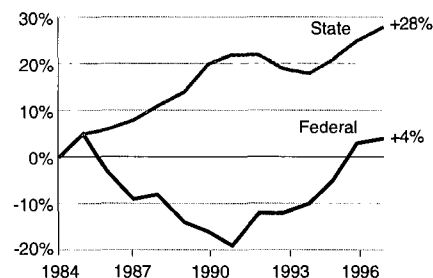
Federal and State Court Filings, 1997

	Filings	Percent change since 1984
Federal Courts		
Criminal	50,363	5.2%
Civil	272,027	1.1
Bankruptcy	1,367,364	23.0
Magistrates	579,450	4.6
Total	2,269,204	14.4
State Courts		
Criminal	14,074,166	2.3
Civil	15,398,546	2.1
Domestic	5,099,044	1.6
Juvenile	2,030,346	2.3
Traffic	52,580,727	1.3
Total	89,182,829	1.7

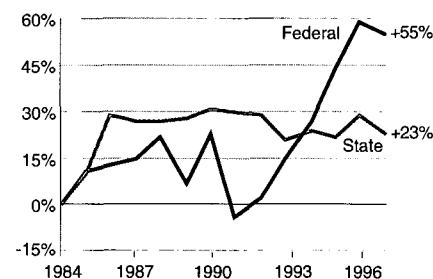
Source: Report of the Proceedings of the Judicial Conference of the United States, Administrative Office of the United States Courts, 1997.

Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1984-1997

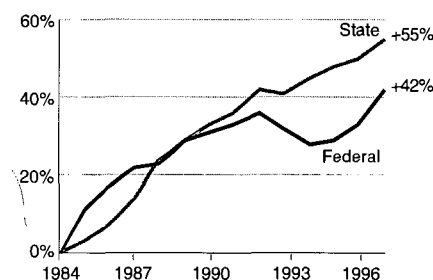
Civil Filings



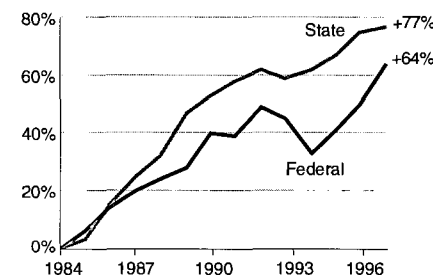
Tort Filings



Criminal Filings



Felony Filings

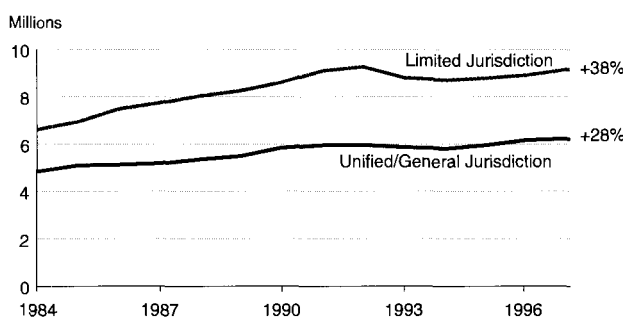


Civil Caseloads in State Trial Courts

Civil Filing Trends and Caseload Composition

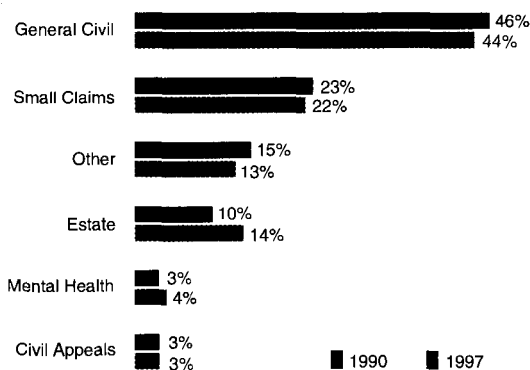
A record 15.4 million civil (non-domestic relations) cases were filed in state courts during 1997. After reaching a high in 1992 and then dropping for two years, civil filings in the state courts have been on the increase for three years. In 1997, limited jurisdiction courts handled 60 percent of the state court caseload, or 9.2 million cases. This figure represents a 38 percent increase since 1984. General jurisdiction courts, where filings have risen 28 percent since 1984, reported an all-time high of 6.2 million new cases filed in 1997. Both of these trends have outpaced the U.S. population, which increased 13.4 percent over the same period.

Civil Cases Filed in State Trial Courts by Jurisdiction, 1984-1997



Only modest changes have occurred in the composition of the general jurisdiction court caseload between 1990 and 1997. Based on data from 17 states, general civil (tort, contract, and real property) filings have declined from 46 to 44 percent of all civil filings, while probate/estate cases have increased from 10 to 14 percent. The latter trend may be a reflection of the aging population in the U.S.

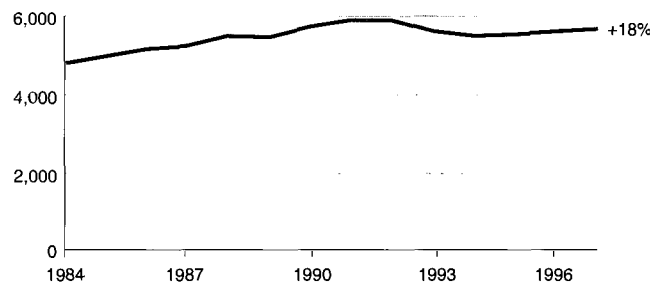
Civil Caseload Composition in Unified and General Jurisdiction Courts in 17 States, 1990 vs. 1997



Civil Case Filing Rates Among States

One of the most frequently asked questions about civil justice is: Which states have the most civil litigation? Examining a state's aggregate filing data is one way to answer this question, but more populous states naturally will tend to have more filings than less populous states. A more meaningful answer requires controlling for the effect of population size. The national trend, displayed in the small chart below, shows that total civil filings (in both limited and general jurisdiction courts) per 100,000 population have increased 18 percent, or an average of 1.4 percent per year, since 1984. The peak occurred in 1991 and 1992, when there were about 5,900 state court civil filings per 100,000 population. In 1997, there were 5,673 civil filings per 100,000 population.

**Total Civil Filings (Excluding Domestic Relations Cases)
per 100,000 Population, 1984-1997**



As one would expect, however, the volume of civil cases per 100,000 varies substantially across the states. The table that follows ranks 48 states, the District of Columbia, and Puerto Rico according to the total number of civil filings (in both limited and general jurisdiction courts) per 100,000 population. Civil litigation per 100,000 population ranges from a low of 2,360 in Mississippi to a high of 19,648 in the District of Columbia (Nevada and Tennessee appear to have fewer filings, but their totals do not include data from limited jurisdiction courts). The median is between 5,099 and 5,197 civil cases per 100,000 population. (Note: The median is the middle score—half of the states have higher rates than the median and half have lower rates.)

The District of Columbia stands out with the largest number of civil filings per 100,000 population. However, almost 90 percent of the nearly 104,000 civil filings, from which the population-adjusted rate is derived, stem from either small claims or landlord-tenant disputes. Also, D.C. is somewhat unusual in that its population increases substantially during the day as it is inundated with commuters from Virginia and Maryland. These suburban, out-of-District residents are frequently involved in some of the civil litigation in D.C., but they are not included in the underlying population that produces the population-based statistic.

Total Civil Filings (Excluding Domestic Relations Filings), 1997

State	Filings per 100,000 Population			Filings			Population Rank
	Total	General Jurisdiction	Limited Jurisdiction	Total	General Jurisdiction	Limited Jurisdiction	
District of Columbia*	19,648	19,648	—	103,931	103,931	—	51
Maryland	17,662	1,350	16,312	899,753	68,771	830,982	19
Virginia	15,867	1,077	14,790	1,068,498	72,519	995,979	12
New Jersey	8,520	8,421	99	686,083	678,129	7,954	9
New York	7,527	1,854	5,673	1,365,253	336,308	1,028,945	3
South Dakota*	7,397	7,397	—	54,585	54,585	—	46
Indiana	7,076	4,981	2,095	414,953	292,073	122,880	14
North Carolina	7,059	1,834	5,224	524,109	136,187	387,922	11
South Carolina	7,033	1,335	5,698	264,462	50,208	214,254	27
Connecticut*	6,777	4,738	2,040	221,608	154,915	66,693	29
Delaware	6,559	1,630	4,930	47,987	11,923	36,064	47
Kansas*	6,376	6,376	—	165,438	165,438	—	33
Utah	6,316	6,078	238	130,049	125,158	4,891	35
Massachusetts	6,297	532	5,765	385,232	32,560	352,672	13
Oklahoma	6,125	6,125	—	203,183	203,183	—	28
Arkansas	5,985	1,759	4,226	150,989	44,380	106,609	34
Michigan	5,846	767	5,079	571,353	74,933	496,420	8
Louisiana	5,658	3,732	1,925	246,211	162,422	83,789	22
Nebraska	5,645	1,264	4,381	93,527	20,936	72,591	39
Colorado	5,320	1,312	4,008	207,091	51,081	156,010	25
New Hampshire	5,277	902	4,375	61,879	10,575	51,304	43
Wyoming	5,261	1,145	4,116	25,238	5,494	19,744	52
Rhode Island	5,218	866	4,353	51,526	8,547	42,979	44
Ohio	5,197	1,893	3,305	581,407	211,719	369,688	7
California	5,099	2,039	3,059	1,645,244	658,087	987,157	1
Florida	5,018	2,363	2,655	735,403	346,330	389,073	4
Idaho	4,994	487	4,507	60,436	5,896	54,540	41
Montana	4,854	2,108	2,746	42,660	18,528	24,132	45
Oregon	4,842	1,591	3,250	157,036	51,608	105,428	30
Kentucky	4,681	915	3,765	182,921	35,769	147,152	24
Iowa*	4,575	4,575	—	130,508	130,508	—	31
Alabama	4,429	1,003	3,427	191,303	43,301	148,002	23
Illinois*	4,371	4,371	—	519,949	519,949	—	6
Wisconsin*	4,369	4,369	—	225,887	225,887	—	18
Alaska	4,144	973	3,171	25,247	5,928	19,319	49
New Mexico	4,063	1,916	2,146	70,272	33,146	37,126	37
West Virginia	3,969	1,487	2,482	72,062	26,994	45,068	36
Vermont	3,933	3,180	752	23,150	18,722	4,428	50
Washington	3,908	1,490	2,417	219,231	83,608	135,623	15
Pennsylvania**	3,732	498	3,234	448,615	59,841	388,774	5
Missouri*	3,505	3,505	—	189,335	189,335	—	16
Minnesota*	3,380	3,380	—	158,382	158,382	—	20
Hawaii	3,175	1,059	2,116	37,672	12,561	25,111	42
North Dakota*	3,153	3,153	—	20,208	20,208	—	48
Texas	2,992	833	2,160	581,720	161,890	419,830	2
Puerto Rico*	2,729	2,729	—	103,873	103,873	—	26
Maine	2,657	359	2,298	33,006	4,461	28,545	40
Mississippi	2,360	707	1,654	64,449	19,293	45,156	32
Nevada	1,474	1,474	n/a	24,716	24,716	n/a	38
Tennessee	1,343	1,343	n/a	72,108	72,108	n/a	17

* This state has a unified trial court system (others have a two-tiered system).

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

Notes: n/a signifies not available. No data were available for Arizona or Georgia for 1997.

Virginia and Maryland also rank high on this measure of litigiousness. A very large proportion of Virginia's and Maryland's civil filings, however, consist of small claims-type cases and post-judgment actions including attachments, mechanics liens, and garnishments in the limited jurisdiction court. In most states, post-judgment collection actions are not counted as new filings. Thus, it is very likely that Virginia's and Maryland's statistics overstate the number of "new" civil cases.

There is essentially no relationship between the size of a state's population and filings per 100,000 population. For example, Texas, the second most populous state, ranks very low both in terms of the total number of civil filings per 100,000 population (2,992) and in terms of the total number of civil filings in the general jurisdiction court per 100,000 population (833). California is the most populous state, but ranks only 25th. On the other hand, Delaware is the 47th most populous state, but it ranks number 11. Because of its especially attractive incorporation laws, Delaware is the corporate headquarters for thousands of corporations that do business throughout the U.S. This situation probably attracts a disproportionate amount of civil litigation to Delaware.

Examining data on filings in the general jurisdiction courts reveals that among the states with two-tiered court systems, New Jersey reports a significantly higher rate of civil case filings per 100,000 (8,421) than any other state. Moreover, New Jersey's population-adjusted rate of civil filings exceeds the rates for states with unified court systems (excluding D.C.). The superior court in New Jersey has a nearly unified civil jurisdiction, including no minimum jurisdiction amount. The state's high population density may contribute to the proportionately larger volume of civil cases.

This table should be read carefully to identify states that are missing data from their limited jurisdiction courts. Tennessee and Nevada, the states with the lowest rates of total civil case filings per 100,000 population, could not report data from their limited jurisdiction courts, so their total filings statistics underrepresent their actual total filings. Every state reports statistics on filings in its general jurisdiction court, but states vary on the minimum dollar amount required to obtain jurisdiction at that court level. In some states, the minimum jurisdiction amount is small (\$0-\$1,000), while in others, such as California, it can be quite high (\$25,000). Courts with lower minimum jurisdiction limits are likely to have a larger number of civil cases in the general jurisdiction court. States that have unified trial courts (noted with an asterisk in the table) report all of their case filings under the general jurisdiction court category, so they typically have more cases filed in the general jurisdiction court than similar states with two-tiered court systems.

Civil Case Clearance and Growth Rates

One very basic measure of court performance is the clearance rate, which is the total number of cases disposed divided by the number filed during a given time period. This measure provides an assessment of whether the court was able to keep up with the incoming caseload during the stated time period. For example, a clearance rate of 100 percent indicates that the court disposed of as many cases as were filed during the time period. A clearance rate of less than 100 indicates that the court did not dispose of as many cases as were filed, suggesting that the pending caseload grew during the period.

The three-year clearance rates shown in the adjacent table reveal that between 1995 and 1997, clearance rates of 100 percent or more characterized two of eight states with unified trial court systems and 11 of 33 states with general jurisdiction courts. A total of seven states had clearance rates of less than 90 percent for the past three years (1995 through 1997). Conversely, Massachusetts led the nation with a three-year clearance rate of 108 percent.

California and Florida are among three states that had three-year clearance rates of less than 80 percent. Part of the reason for the low rate in California may be that the state's mandatory "three strikes" law for certain repeat offenders became effective in March 1994. This law increased pressure on the state's courts to transfer judicial resources from civil cases to felony cases to handle the increase in trials arising from the new sentencing law. The Florida legislature also has increased the severity of mandatory sentences for violent offenders. A similar transfer of judicial resources from civil cases to felony cases, in addition to a large increase in civil filings (31 percent), might help explain Florida's very low clearance rate.

As suggested above, one reason why state courts might be unable to keep up with incoming civil filings is that their civil caseloads have grown significantly during the period. The table shows that in 17 of the 41 states, civil filings either remained constant or decreased over the past three years. However, 14 states had civil case filing growth rates of 10 percent or more; five of those states, in addition to Florida, reported growth rates in excess of 20 percent: Oklahoma (30 percent), Colorado (30 percent), South Dakota (23 percent), Pennsylvania (21 percent), and Indiana (21 percent). Colorado and Pennsylvania are the only two states among this group to maintain three-year clearance rates above 100 percent. In contrast, Nebraska experienced a 25 percent decrease in civil case filings, yet had a clearance rate of only 93 percent.

**Civil Caseload Clearance and Growth Rates for General Jurisdiction Courts
in 41 States, 1995-1997**

State	Clearance Rates				— Caseload Growth —
	1995-1997	1995	1996	1997	1995-1997
Unified Courts					
District of Columbia	101%	102%	99%	102%	-11%
Iowa	100	96	98	105	-1
Missouri	98	104	94	96	12
Kansas	98	99	98	96	9
Minnesota	96	97	97	95	-1
Illinois	96	96	95	96	6
Puerto Rico	96	96	95	96	-2
South Dakota	86	92	92	74	23
General Jurisdiction Courts					
Massachusetts	108	111	106	106	-7
Pennsylvania*	106	110	119	90	21
Maine	106	107	108	105	-4
Colorado	104	107	107	100	30
New York	104	104	104	104	14
Texas	102	94	105	108	-9
New Jersey	101	102	102	101	-13
Michigan	101	106	83	115	7
West Virginia	101	103	103	98	-8
Vermont	101	100	98	103	-3
Delaware	100	109	95	96	9
New Hampshire	99	92	100	106	0
Oklahoma	99	107	94	95	30
Utah	99	102	91	103	0
Ohio	98	100	97	96	15
Alaska	97	101	98	92	-16
Oregon	97	95	100	96	11
Alabama	97	93	101	96	-4
North Carolina	95	93	95	96	5
Washington	95	94	100	90	1
Indiana	94	96	92	94	21
Hawaii	94	74	127	80	2
Nebraska	93	103	95	82	-25
New Mexico	93	95	94	90	-3
South Carolina	92	95	94	88	14
Arkansas	92	93	90	95	13
Idaho	92	94	96	87	10
Tennessee	87	83	88	91	2
Kentucky	85	87	83	86	16
Virginia	85	85	83	86	-13
California	74	77	69	76	3
Maryland	72	74	71	71	9
Florida	70	78	66	66	31

Note: Pennsylvania's general jurisdiction caseload is based upon preliminary figures supplied by the PA AOC.

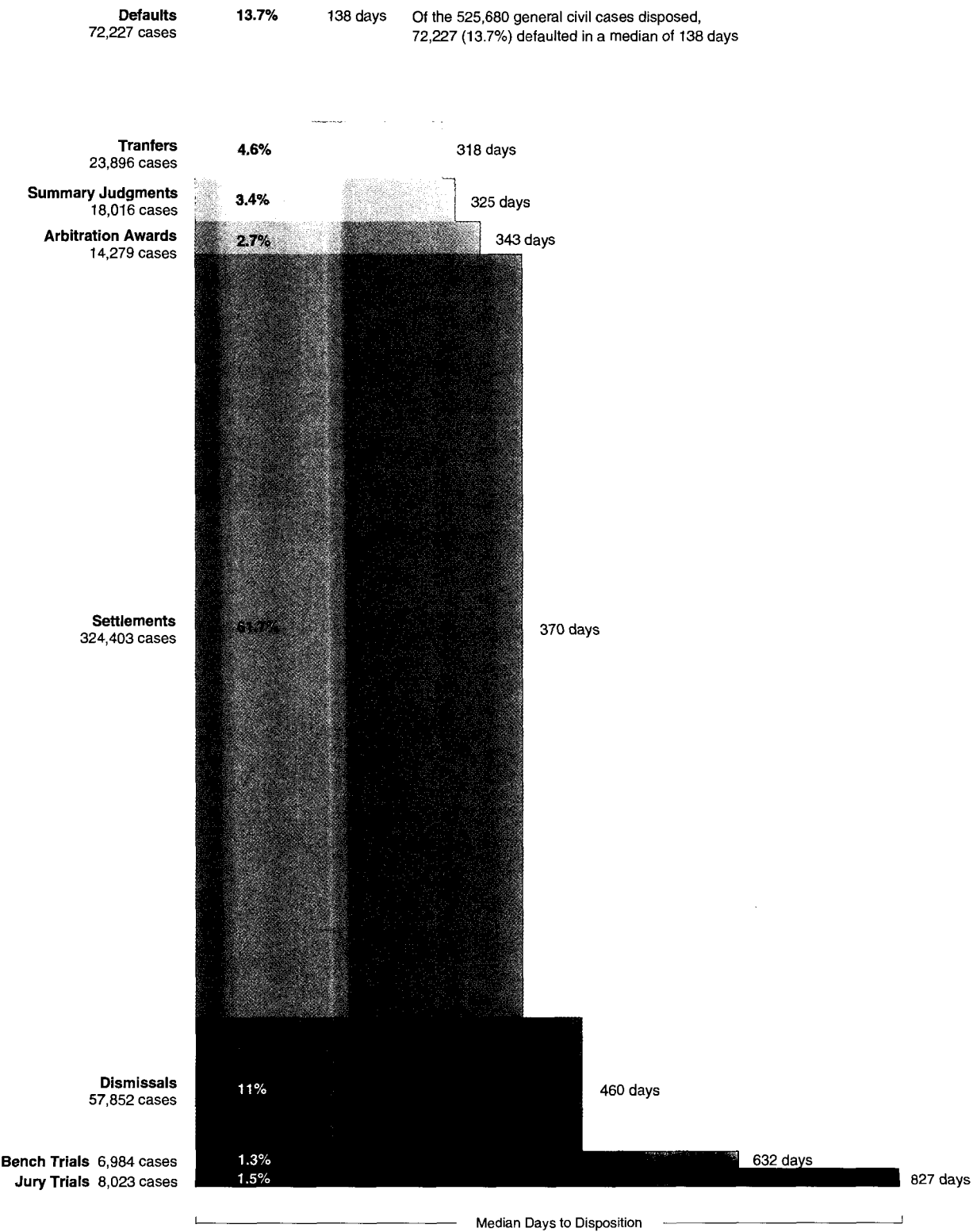
Civil Case Resolution and Time to Disposition in State General Jurisdiction Courts

How are civil cases resolved or concluded in state courts? Do judges actually have to handle or manage all of these civil cases? How long does it take for a case to reach disposition? Unfortunately, no national aggregate data from state courts exists to help answer these questions. Accurate estimates of how cases are disposed and how long they take to reach disposition, however, can be derived from the NCSC's Civil Trial Court Network (CTCN) Project. The CTCN Project examined general civil (tort, contract, and real property) cases disposed in state general jurisdiction trial courts in 45 of the 75 largest counties in the U.S. in 1992.

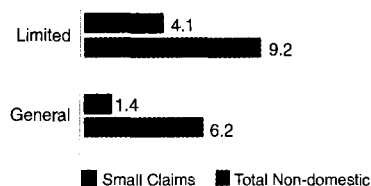
The adjacent chart indicates that more than six out of ten general civil cases were disposed by a settlement or voluntary dismissal. The median number of days it took to reach a settlement was just over one year (370 days). Many cases that settle require little judicial intervention, although some settlements occur only after significant judicial effort. The fastest resolutions in general civil cases occur overwhelmingly in default judgments. Nearly 14 percent of the cases in this study were concluded by a default judgment in a median of 138 days. Cases that were dismissed for lack of prosecution or failure to serve the defendant accounted for 11 percent of dispositions and required 460 days. Default judgments require very little judge time, and dismissals for lack of prosecution or service may require no judicial time at all. Conversely, jury trials, which occupy a great deal of a judge's time, accounted for 1.5 percent of all dispositions and required a median 827 days to reach a verdict.

Alternative dispute resolution is becoming increasingly common as state courts try to encourage resolution of more cases in a less costly manner. Thus, in the past 15 years, arbitration or mediation programs have become regular features of the civil case process in many jurisdictions. Data indicate that only about 3 percent of all civil cases are concluded by an arbitration award, but many litigants who appeal the arbitrator's decisions eventually settle, and the settlement often is strongly influenced by the arbitrator's decision. Mediation programs, which are not captured in the CTCN data, also assist many other litigants in achieving a settlement.

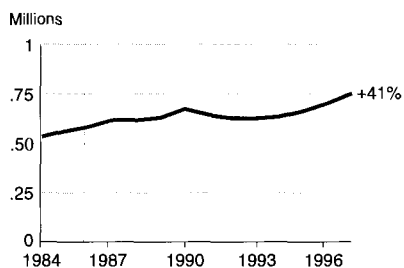
The Path to Disposition in 45 Large Urban Courts, 1992



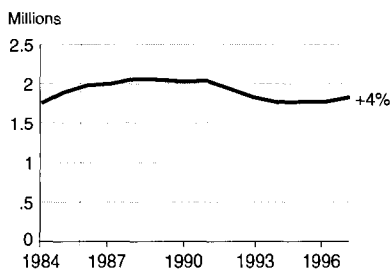
Small Claims Filings in Limited and General Jurisdiction Courts, 1997 (estimated in millions)



Small Claims Filings in General Jurisdiction Courts in 14 States, 1984-1997



Small Claims Filings in Limited Jurisdiction Courts in 22 States, 1984-1997



Small Claims Cases in State Courts

In the general jurisdiction courts that are able to provide data on all categories of their (non-domestic relations) civil caseloads, small claims cases comprise over one-fifth (22 percent) of civil cases filed. In 1997, 1.4 million of the 6.2 million civil cases filed in general jurisdiction courts were small claims cases. However, the vast majority of small claims cases are disposed of in limited jurisdiction courts. Approximately 45 percent of non-domestic relations civil cases filed in limited jurisdiction courts are small claims cases. In 1997, there were 4.1 million small claims cases filed in limited jurisdiction courts, or roughly three times the number of cases filed in general jurisdiction courts.

A number of general and limited jurisdiction courts have provided long-term data for small claims cases starting in 1984. As the adjacent charts indicate, having peaked during the late 1980s and early 1990s, small claims cases in limited jurisdiction courts dropped rather significantly between 1991 and 1994. Since then, filings have risen slightly to yield a modest gain of 4 percent across the time period. General jurisdiction courts, conversely, experienced a marked increase in filings of 41 percent since 1984. As in limited jurisdiction courts, filings in general jurisdiction courts have been moving upward since 1994. However, over the last three years (1994 to 1997), small claims filings in general jurisdiction courts have increased an average of 6 percent per year.

Although there is a huge disparity among total small claims filings in the states (California has 428,936 and Montana has 2,799), one expects to see more filings in the more populous states. Showing the number of filings per 100,000 people levels the playing field for the states and allows for a more meaningful comparison of states with different populations. The table on the right displays filings per 100,000 population for 1995, 1996, and 1997, the total number of small claims filings for 1997, and the percentage growth in filings between 1995 and 1997.

As discussed earlier, the influx of people into the District of Columbia each day from surrounding states makes the population-adjusted figures for D.C. appear deceptively high when compared to the figures for other states with unified courts. The total number of filings for D.C., however, is a relatively modest 32,893. South Dakota, which also has a unified court system, has nearly identical total filing figures for 1997 but only about two-thirds as many filings per 100,000 population. Population-adjusted filings in limited jurisdiction courts range from a high of 3,663 in North Carolina to a low of 238 in Utah. Indiana, one of only two states that provide data for both general and limited jurisdiction courts, is interesting in that filings in its general jurisdiction courts have increased 27 percent since 1995, while filings in its limited jurisdiction courts have decreased 12 percent.

Small Claims Filings per 100,000 Population in 36 States, 1995-1997

	Filings per 100,000 Population			Total Filings 1997	Percent Change 1995-1997
State	1995	1996	1997		
Unified Courts					
District of Columbia	7,234	7,188	6,218	32,893	-14%
South Dakota	3,627	4,267	4,412	32,556	22
Wisconsin	3,002	2,706	3,030	156,664	1
Iowa	2,727	2,775	2,911	83,047	7
Connecticut	2,045	2,098	2,257	73,785	10
Minnesota	1,815	1,780	1,773	83,097	-2
Illinois	994	961	1,066	126,800	7
North Dakota	982	1,014	1,079	6,912	10
Kansas	625	615	593	15,395	-5
Missouri	396	411	434	23,470	10
General Jurisdiction Courts					
Oklahoma	2,445	2,579	3,341	110,808	37
Indiana	2,349	2,709	2,993	175,496	27
Utah	1,791	2,037	1,914	39,413	7
New Jersey	780	762	776	62,465	-1
Limited Jurisdiction Courts					
North Carolina	3,529	3,597	3,663	271,994	4
Alabama	2,507	2,525	2,598	112,219	4
Massachusetts	2,246	2,088	2,275	139,148	1
Indiana	2,045	1,831	1,805	105,836	-12
Oregon	1,980	1,980	2,009	65,177	1
Alaska	1,610	1,708	1,882	11,469	17
Rhode Island	1,508	1,542	1,804	17,814	20
New Hampshire	1,481	1,575	1,597	18,733	8
California	1,369	1,351	1,329	428,936	-3
Idaho	1,242	1,289	1,414	17,118	14
Michigan	1,044	1,055	1,021	99,827	-2
Arkansas	960	979	1,565	39,481	63
Florida	910	930	1,202	176,146	32
Maine	828	786	814	10,113	-2
Ohio	789	803	803	89,778	2
Kentucky	729	732	679	26,550	-7
Nebraska	669	666	655	10,849	-2
New York	667	690	624	113,207	-6
Colorado	539	528	522	20,337	-3
Washington	532	515	489	27,407	-8
Hawaii	480	467	470	5,573	-2
Texas	371	340	319	61,984	-14
Montana	358	267	318	2,799	-11
Utah	199	178	238	4,891	19

Tort and Contract Caseloads in State Trial Courts

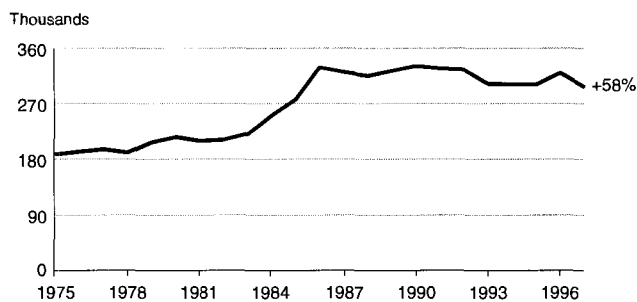
General civil cases (i.e., tort, contract, and real property cases) comprise the largest portion of the overall non-domestic civil caseload in state courts of general jurisdiction. The resolution of these cases radiates far from the courthouse and law offices to affect the operational and strategic business decisions made by corporate executives, small-business owners, health care providers, and government employees. The law, and the law as experienced in practice, provides the framework within which contracts are drafted, new products are developed, and services and goods are marketed. As a consequence, trends in the types of general civil cases being litigated, as well as their outcomes, provide an important context for legislative reform efforts. For example, proposed legislation in several states seeks to revamp the role of the civil jury and expand the use of alternative dispute resolution in deciding tort and contract disputes.

Composition of General Civil Caseloads in General Jurisdiction Courts, 1992 (estimated)



National trends on the number and types of general civil filings are not compiled comprehensively, but accurate national estimates can be made by extrapolating from data available in selected states and courts. To begin with, data on general civil filings from the Civil Trial Court Network (CTCN) Project show that the vast majority of cases in 1992 were either tort (e.g., automobile, medical malpractice, product liability, toxic) or contract (e.g., seller plaintiff, buyer plaintiff, employment) cases. Hence we are taking a closer look at tort and contract cases.

Tort Filings in General Jurisdiction Courts in 16 States, 1975-1997



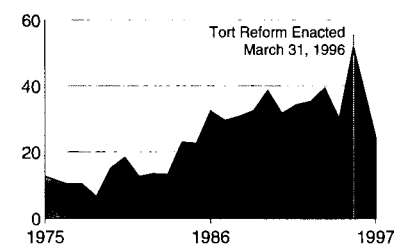
Trends in Tort Filings

The chart on the previous page shows that total tort filings rose 58 percent between 1975 and 1997 in the 16 states for which data are available. After having increased rapidly between 1975 and 1986, tort filings have changed minimally from year to year since then. In fact, between 1986 and 1997, the total volume of tort filings declined by 9 percent. One possible explanation for this abrupt flattening of the tort filing trend is widespread tort reform among the states.

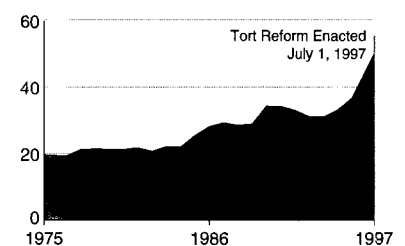
All state legislatures have experimented with tort reform during the last two decades, and tort reform continues to be the focus of legislative bills in the 1990s. Many of the legislative tort reform “packages” have included some or all of the following elements: abolition or modification of the rule of joint and several liability, reform of product liability law, limits on and/or prohibition of punitive damage awards, limits on non-economic damage (e.g., pain and suffering) awards, introduction of contributory negligence, and expert witness reform. Michigan experienced a 307 percent increase in the volume of tort cases from 1975 to 1996. The dramatic spike in 1996 was largely attributable to a rush to file before the implementation of new legislation that, among other things, fundamentally abolished joint and several liability, placed a cap on awards for product liability cases, and limited non-economic damages. The new law became effective March 31, 1996, and tort filings dropped dramatically (52 percent) in 1997. Similarly, Texas has experienced a smaller but noticeable drop in tort filings (17 percent) since implementation of tort reform legislation that became effective September 15, 1995. Texas continues to enact tort reform, including legislation restricting lawsuits arising outside of Texas or brought by persons who reside outside of the state (SB 220). As another example, tort filings in Ohio rose 37 percent between 1996 and 1997, following the adoption of the Ohio comprehensive tort reform package (HB 350) in July 1997. Among other things, this tort reform restricts joint and several liability and places limits on punitive and non-economic damages. Given that the reforms became effective in 1997, a drop in tort filings is expected in 1998.

Tort Filings in Selected State Courts, 1975-1997 (in thousands)

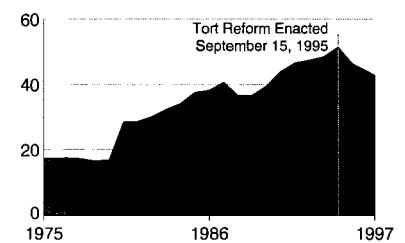
Michigan Circuit



Ohio Court of Common Pleas



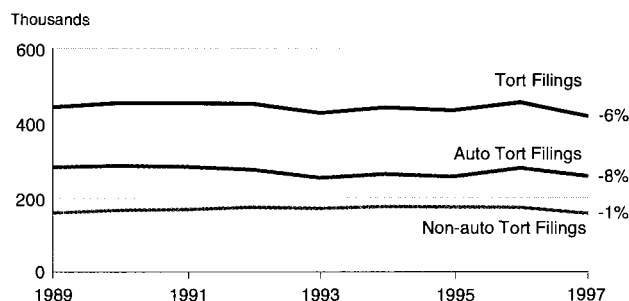
Texas District



Trends in Automobile Accident Torts

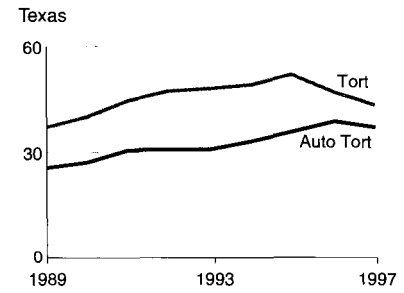
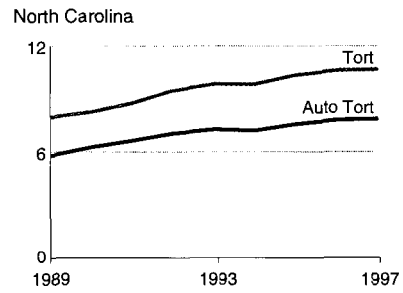
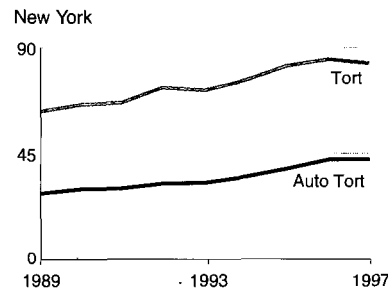
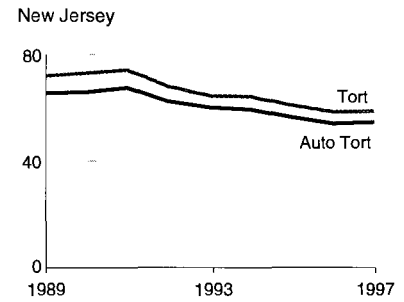
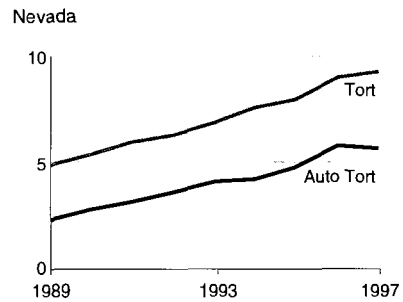
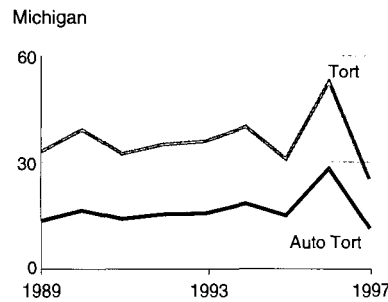
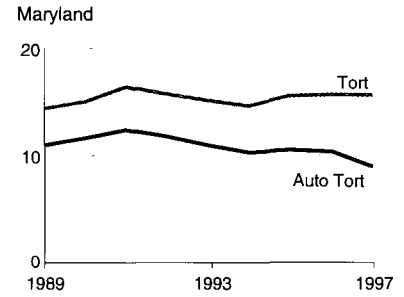
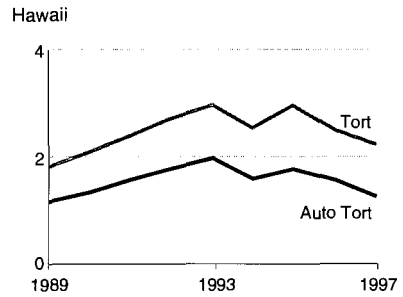
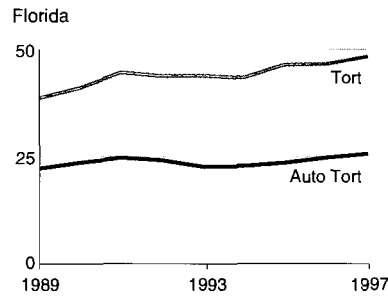
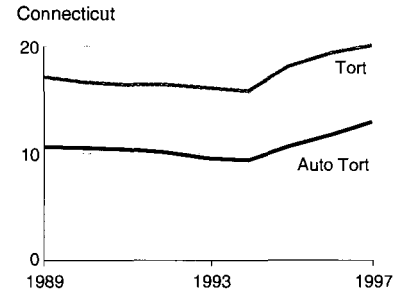
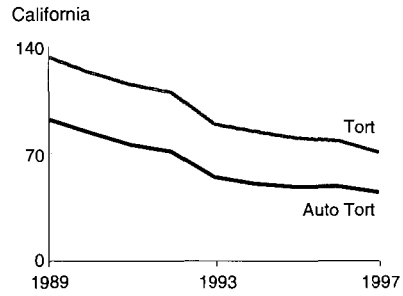
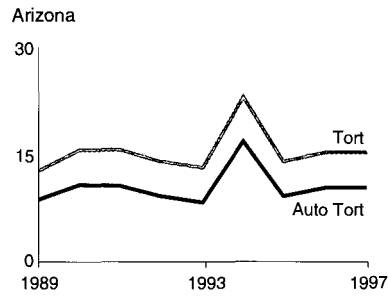
Cases related to automobile accidents constitute the largest share of all tort filings in the state courts. Based on data from 12 states for the period 1989 to 1997, automobile torts consistently comprise about 60 percent of tort filings. As a result, the automobile tort trend closely tracks the total tort trend. This relationship exists at the aggregate and individual state level. The drop in overall tort cases in Michigan, due to the enactment of tort reform measures in 1996, corresponds to a similar drop in auto tort cases. A similar peak in the two trend lines can be seen in Arizona between 1993 and 1995. Specifically, auto tort filings doubled in 1994 as people rushed to file their cases under the old law.

Tort, Auto Tort, and Non-auto Tort Filings in 12 States, 1989-1997



While tort litigation often is presented as a uniform process, statutes and regulations vary greatly from state to state. In particular, the national discussion of tort reform often overlooks the nuances of individual state law. Automobile accident litigation rates may reflect important differences in tort laws related to the recovery of personal damages (*fault* vs. *no-fault* and various plaintiff negligence defenses). Traditionally, automobile accident cases have been litigated under a *fault-based* system in which the injured party is free to seek economic and non-economic damages based upon the extent to which the other party was at fault. *No-fault* systems impose thresholds, typically based upon the severity of injury, that dictate the types of damages (economic, non-economic, and punitive) that can be sought. These thresholds range from high to low. If the threshold is high, claims for losses can be sought only in instances of death, serious impairment, or permanent disfigurement; if the threshold is low, case damages can be sought for any losses that are not covered by personal injury protection insurance.

Tort and Auto Tort Filings, 1989-1997
(in thousands)



¹ Modified comparative negligence reduces proportionally the plaintiff's recovery as long as the plaintiff's share of the total fault is less than 50 percent. If the plaintiff is found to be more than 50 percent at fault, no damages are recovered.

Tort systems also contain rules for the reduction of the amount of damages to be recovered if the plaintiff is found to have some degree of fault. Historically, a defendant was liable if he or she was negligent and the plaintiff was not negligent. Negligence rules have evolved to include various levels, such as pure contributory, modified comparative, and pure comparative negligence. For purposes of this discussion, pure contributory negligence means that any negligence on the part of the plaintiff bars recovery of any damages, while modified comparative and pure comparative negligence rules involve proportional recovery of damages based on the degree of negligence on the part of the plaintiff.¹

Auto Tort Filings in 21 Large Urban Courts, 1996

State	Filings per 100,000 Population	Total Filings	Percent of All Tort Cases	Fault/No Fault (threshold)	Plaintiff's Negligence Defenses
Arizona					
Phoenix	280	7,311	63%	Fault	Pure comparative
Tucson	273	2,094	67		
Kingman	99	125	60		
California					
San Francisco	285	2,093	51	Fault	Pure comparative
Santa Ana	171	4,522	63		
San Jose	145	2,322	66		
Los Angeles	130	11,896	38		
Missouri					
Kansas City	130	842	43	Fault	Pure comparative
St. Louis	71	711	52		
Washington					
Seattle	209	3,386	62	Fault	Pure comparative
Illinois					
Wheaton	157	1,347	60	Fault	Modified comparative
Texas					
Dallas	164	3,282	42	Fault	Modified comparative
Houston	112	3,512	38		
Wisconsin					
Milwaukee	184	1,699	60	Fault	Modified comparative
Florida					
Fort Lauderdale	183	2,633	48	No fault/high	Pure comparative
Miami	176	3,656	47		
Orlando	160	1,217	57		
Tallahassee	77	259	58		
Georgia					
Savannah	63	143	42	No fault/high	Modified comparative
Hawaii					
Honolulu	11	93	5	No fault/low	Modified comparative
Massachusetts					
Salem	65	448	46	No fault/low	Modified comparative

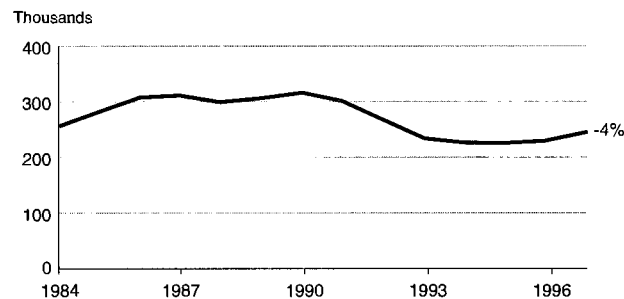
It has been hypothesized that states with no-fault laws should have fewer auto tort filings because plaintiffs cannot automatically pursue non-economic damages and most injured parties receive adequate compensation from first-party insurance. This supposition is generally supported by data from courts in three (Georgia, Hawaii, and Massachusetts) of the four no-fault states shown in the adjacent table. Also, it has been suggested that states using the less stringent bar to recovery of pure comparative negligence may experience the filing of a greater number of auto tort cases than states with modified comparative negligence standards. In general, this prediction holds true for both fault and no-fault states.²

² For a longer discussion, see R. Hanson, B. Ostrom, and D. Rottman, "What is the Role of State Doctrine in Understanding Tort Litigation?" *Michigan Law & Policy Review* 1 (1996).

Trends in Contract Filings

Based on data available from general jurisdiction courts in 15 states, the chart below indicates that contract filings have decreased slightly (4 percent) between 1984 and 1997. Earlier in the period, contract filings increased fairly consistently, but then turned sharply downward between 1990 and 1993. Having increased 9 percent between 1995 and 1997, filings are on the rise again.

Contract Filings in General Jurisdiction Courts in 15 States, 1984-1997



Individual State Tort and Contract Filings

Unadjusted caseload data are useful for examining trends, but data adjusted for state population help further our understanding of the relative level of litigation in each state. The two tables on the following pages rank the states according to the percentage change in tort and contract filings per 100,000 population between 1990 and 1997. Both tort and contract filing trends reached a peak in 1990, so choosing 1990 as the base year in this comparison allows one to examine whether the national decline is representative of changes occurring across all states or is being driven by some set of large courts.

The first table reveals that tort filings per 100,000 population have declined in 15 of the 28 states over the past seven years. Filings dropped more than 20 percent in five of these states, including California, where tort filings decreased 47 percent. Of the 12 states that experienced increases (Hawaii had no change), six saw the rate rise by more than 20 percent, including Indiana, where filings increased 82 percent. Overall, of the states listed, New Jersey, Connecticut, and Nevada had the largest number of tort filings per 100,000 population in 1997 (720, 609, and 547, respectively). The states with the smallest number of population-adjusted filings in 1997 were North Dakota (88), Utah (89), and Idaho (113).

Growth Rates of Tort Filings in 28 States, 1990 vs. 1997

State	Filings per 100,000 Population		Percent Change
	1990	1997	
Unified Courts			
Kansas	162	239	47%
Connecticut	501	609	21
Puerto Rico	244	271	11
Minnesota	163	156	-4
Missouri	424	358	-15
Wisconsin	198	164	-17
North Dakota	116	88	-25
General Jurisdiction Courts			
Indiana	122	222	82
Ohio	318	451	42
New York	361	455	26
Nevada	441	547	24
North Carolina	123	143	16
Alaska	150	172	15
Washington	208	224	7
Florida	315	328	4
Idaho	112	113	1
Hawaii	186	186	0
Tennessee	276	270	-2
Maryland	312	305	-2
Texas	233	221	-5
Utah	95	89	-6
Massachusetts	223	201	-10
Arkansas	215	182	-15
Maine	153	127	-17
New Jersey	937	720	-23
Colorado	179	128	-28
Michigan	417	255	-39
California	410	217	-47

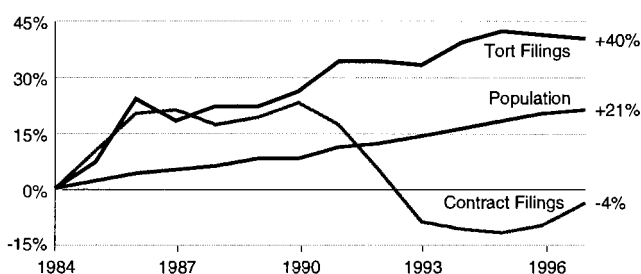
The second table presents contract filings per 100,000 population. For the 22 states listed, all but two experienced declines in contract filings between 1990 and 1997. Fifteen of these states experienced declines of more than 25 percent, including Puerto Rico, Maine, Florida, Colorado, and Maryland, where contract filings decreased more than 50 percent. Only Kansas witnessed an increase in contract cases (38 percent) between 1990 and 1997. Overall, of the states listed, Kansas, New Jersey, and Missouri had the largest number of contract filings per 100,000 population in 1997 (3,549, 2,247, and 1,370, respectively). The states with the smallest number of population-adjusted filings were Maine (57), Massachusetts (68), and Alaska (80).

Growth Rates of Contract Filings in 22 States, 1990 vs. 1997

State	— Filings per — 100,000 Population		Percent Change
	1990	1997	
Unified Courts			
Kansas	2,577	3,549	38%
Missouri	1,380	1,370	-1
North Dakota	1,067	908	-15
Minnesota	184	131	-29
Connecticut	912	567	-38
Wisconsin	412	216	-48
Puerto Rico	1,648	784	-52
General Jurisdiction Courts			
Washington	290	290	0
Hawaii	161	137	-15
Arkansas	585	487	-17
North Carolina	107	88	-18
New Jersey	3,100	2,247	-28
Massachusetts	94	68	-28
New York	129	92	-29
Tennessee	196	135	-31
Alaska	127	80	-37
Texas	183	104	-43
Nevada	477	264	-45
Maine	125	57	-55
Florida	555	250	-55
Colorado	486	188	-61
Maryland	344	123	-64

The following graphic depicts the annual percentage change in tort filings, contract filings, and population between 1984 and each year since for 15 states. Since 1984, population and tort filings have grown 21 percent and 40 percent, respectively. Overall, total contract filings in 1997 were 4 percent lower than they were in 1984, but they increased 7 percent between 1996 and 1997. Hence, the slight increase in contract filings from 1995 to 1996 and more pronounced increase in 1997 may reflect the beginning of a reversal of the downward trend that began in 1990.

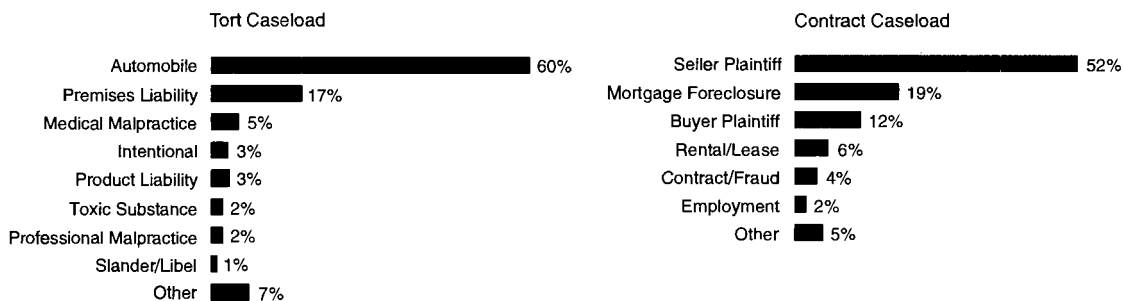
Percentage Change in Tort Filings, Contract Filings, and Population in 15 States, 1984-1997



Tort and Contract Litigation in Urban Trial Courts

Tort litigation is the primary concern of civil justice reformers. An estimated 378,000 tort cases were disposed in the 75 most populous counties in 1992. The largest proportion of these cases were automobile accident cases (60 percent), followed by claims for injuries sustained because of the alleged dangerous condition of residential or commercial property (17 percent)—that is, premises liability cases, often referred to as “slip-and-fall.” High-profile medical malpractice cases, product liability cases, and toxic torts accounted for 10 percent of all tort claims.

Composition of Tort and Contract Caseloads in 75 Large Urban Courts, 1992



Although not as focused upon as tort cases in civil justice reform efforts, contract filings constitute a large portion of the general civil caseload in the state courts. Of the estimated 365,000 contract cases disposed in the largest 75 counties in 1992, more than half (52 percent) were initiated by sellers seeking payment for goods or services. Mortgage foreclosures comprise the next largest portion of contract filings (19 percent).

Despite media attention on jury trials, people familiar with state or federal courts know that the vast majority of tort cases are resolved by means other than a trial. Fewer than three out of 100 tort cases went to jury trial in the 75 urban courts presented in the table below, and less than 1 percent were resolved by bench trial. Disposition patterns, however, varied by case type. Less than 2 percent of automobile accident cases, almost 7 percent of toxic substance cases, and 8 percent of medical malpractice cases went to a jury trial. Similarly, very few contract cases went to trial (2.8 percent). More contract cases were disposed by bench trial (2.1 percent) than by jury trial (0.7 percent).

Regardless of the tort case type, disposition was typically through settlement or dismissal (73.4 percent). The majority of contract cases also were resolved through settlement or dismissal, but to a lesser extent (49.4 percent). If the plaintiff fails to serve the complaint on the defendant or if neither party acts to advance a case in the litigation process, the court can dismiss the case for lack of prosecution or lack of service (LOP/S). Overall, only 9.4 percent of tort cases and 12 percent of contract cases were disposed in this manner. When the litigant (usually the defendant) fails to respond to the opponent's pleadings or scheduled hearings, the court can enter a default judgment against the party who fails to respond. Default judgments were relatively rare in tort cases (3.1 percent), but common in contract cases (26 percent).

Manner of Disposition in Tort and Contract Cases in 75 Large Urban Courts, 1992

	Number of Cases	Percentage of Cases Disposed by:							
		Jury Trial	Bench Trial	Settlement ¹ / Dismissal	Dismissed LOP/S ²	Transfer	Arbitration Award	Default Judgment	Summary Judgment
Automobile	227,087	1.9%	0.7%	74.6%	9.4%	4.4%	4.0%	4.2%	1.0%
Medical Malpractice	18,396	8.2	0.5	69.4	12.9	3.5	1.4	0.8	3.3
Product Liability	12,763	2.9	0.7	76.5	6.0	6.1	2.7	0.5	4.5
Toxic Substance	6,045	6.5	0.8	83.3	2.3	4.2	0	0	2.7
Other Tort	113,129	3.7	1.2	71.0	9.7	6.8	3.1	1.9	2.6
All Tort Cases	377,420	2.9	0.8	73.4	9.4	5.1	3.5	3.1	1.7
All Contract Cases	365,112	0.7	2.1	49.4	12.0	2.6	1.7	26.0	5.5

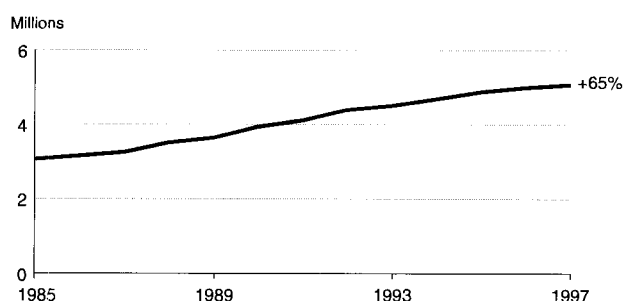
¹ Includes trials that settled before a verdict or judgment was reached.

² Dismissed for lack of prosecution or failure to serve complaint.

Domestic Relations Caseloads in State Trial Courts

In recent years, federal and state legislation have focused national attention on domestic relations caseloads in the state courts. In particular, the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA), better known as the Welfare Reform Act, and the Adoption and Safe Families Act of 1997 have had a direct effect on state administrative offices and the judiciary. As a result, many state courts are reexamining policies and procedures designed to promote the collection of accurate and timely data in the area of domestic relations.

Domestic Relations Filings in General and Limited Jurisdiction Courts, 1985-1997



Based on data reported by 49 states, the District of Columbia, and Puerto Rico, there has been a 65 percent rise in domestic relations filings between 1985 and 1997. During the final year of this 12-year period, filings increased by 1.6 percent, reflecting a slowdown in the annual growth rate.

Annual Growth Rate in Domestic Relations Filings, 1985-1997

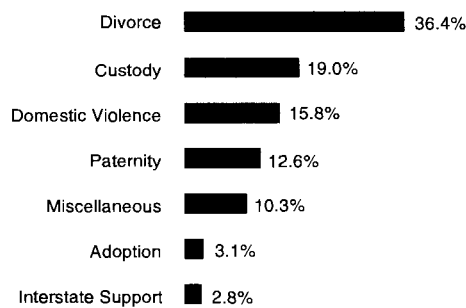
Years	Growth Rate
1985-86	2.9%
1986-87	3.2
1987-88	7.7
1988-89	3.8
1989-90	8.0
1990-91	4.3
1991-92	6.8
1992-93	2.7
1993-94	3.9
1994-95	4.2
1995-96	2.3
1996-97	1.6

Domestic relations filings consist of six types of cases: divorce, support/custody, domestic violence, paternity, interstate child support, and adoption. The trend lines to the right track recent changes in domestic relations caseloads for each case type except domestic violence, which will be examined separately. Between 1985 and 1997, caseloads grew for four of the five case types in the states represented. Interstate support filings declined during the 12-year period.

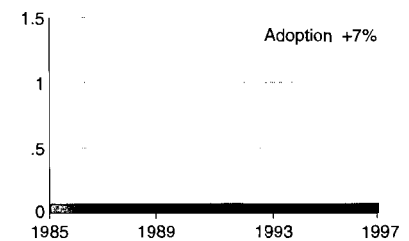
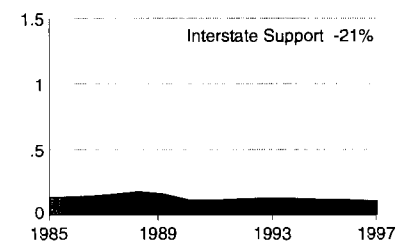
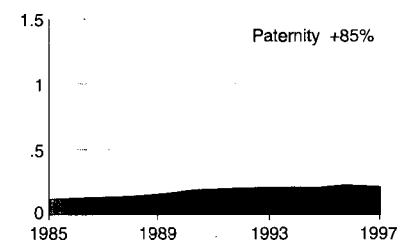
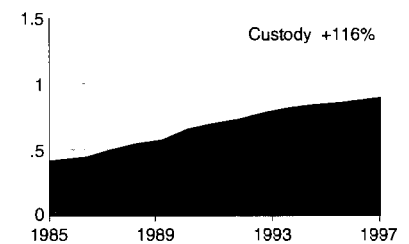
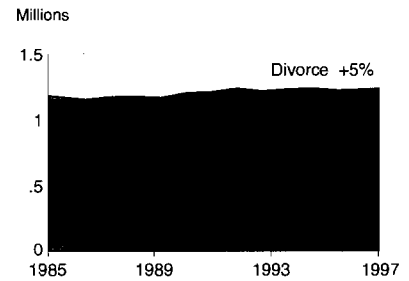
While significant increases in caseloads have occurred in the represented states over the last 12 years, growth slowed for most domestic relations case types between 1996 and 1997. For example, between 1995 and 1996, divorce increased very slightly (1 percent) and custody and adoption filings increased modestly (4 percent and 5 percent, respectively). In contrast, there was a 6 percent decline in paternity filings and a 10 percent decline in interstate support filings between 1996 and 1997. This decrease was due in part to the enactment of the Welfare Reform Act and the Uniform Interstate Family Support Act (UIFSA).

The chart below presents the overall composition of the domestic relations caseload for 1997 in the 20 states with the most accurate information for all domestic relations case types. For these states, divorce cases comprise the largest portion of the domestic relations caseload (36.4 percent). Custody and domestic violence filings were the second and third largest categories, constituting 19 percent and 15.8 percent, respectively, of the overall caseload. Paternity filings accounted for 12.6 percent of all domestic relations filings, while miscellaneous (10.3 percent), adoption (3.1 percent), and interstate support (2.8 percent) filings made up the smallest portion of the domestic relations caseload.

Domestic Relations Caseload Composition in 20 States, 1997



Domestic Relations Cases by Type, 1985-1997



The following table offers more information about the composition of domestic relations caseloads at the individual state level. As one might suspect, the percentage breakdown of the domestic relations caseload by case type varies greatly from state to state. For example, divorce filings comprise between 14 and 61 percent of the total domestic relations caseload, whereas there is much less variation in the range for adoption filings (1 to 6 percent). The great variation in some categories may reflect differences in how states classify cases. For instance, the ratios for divorce and custody filings for individual states may be different because some states report certain custody proceedings with divorce filings. Examining the way states classify domestic violence cases reveals even more clearly the differences in counting strategies. Specifically, Michigan and Colorado include some domestic violence cases in the miscellaneous domestic relations category, Puerto Rico reports domestic violence cases with felony filings, and Wisconsin counts domestic violence filings with misdemeanor filings. As efforts to refine definitions of domestic relations case types and improve reporting strategies continue, state court data will present a clearer picture of the domestic relations caseload.

Domestic Relations Caseload Composition in Selected States, 1997

State	Filings per 100,000 Pop.	Total Filings	Percentage of Caseload						
			Divorce	Adoption	Paternity	Custody	Domestic Violence	Interstate Support	Misc.
Delaware ¹	7,167	39,717	14%	1%	2%	64%	9%	0%	11%
Vermont	4,719	20,859	34	2	6	36	20	1	2
District of Columbia	4,661	19,659	16	3	19	11	45	6	0
Arkansas	3,957	73,607	31	2	13	35	10	2	6
Ohio	2,854	238,220	26	2	12	46	3	3	7
North Dakota ¹	2,790	13,270	22	2	9	58	9	0	<1
Oklahoma ²	2,618	63,859	50	3	8	0	28	2	8
Missouri ³	2,574	102,855	33	2	9	<1	37	2	17
Oregon	2,311	56,225	36	3	8	3	28	1	21
Kansas ²	2,092	39,897	46	4	14	0	19	5	11
Indiana ⁴	1,855	85,216	51	4	17	0	23	4	1
Michigan ⁵	1,816	131,998	40	5	14	10	<1	2	29
Utah	1,758	24,103	51	6	4	2	31	5	<1
South Dakota ⁶	1,677	9,069	36	4	0	30	18	11	1
Hawaii ²	1,584	13,999	42	5	19	0	20	4	10
Colorado ⁵	1,513	69,776	37	3	13	2	38	4	2
Connecticut ⁷	1,443	35,744	39	3	27	12	15	<1	5
Puerto Rico ⁸	1,254	33,046	61	1	1	25	0	<1	11
Wisconsin ⁹	1,220	46,635	47	5	32	7	0	3	5
Wyoming ¹⁰	415	7,638	47	5	11	6	19	8	4

¹ Interstate support counted in custody.

² Custody counted in divorce.

³ Custody filings are underrepresented.

⁴ Custody counted in miscellaneous juvenile.

⁵ Some domestic violence filings may be counted in miscellaneous domestic relations.

⁶ Paternity counted in unclassified civil.

⁷ Interstate support filings are underrepresented.

⁸ Domestic violence counted in felony.

⁹ Domestic violence counted in misdemeanor.

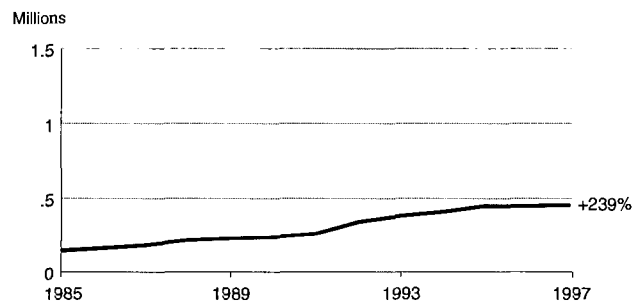
¹⁰ Some custody cases counted in unclassified civil.

Note: Totals may not sum to 100% due to rounding.

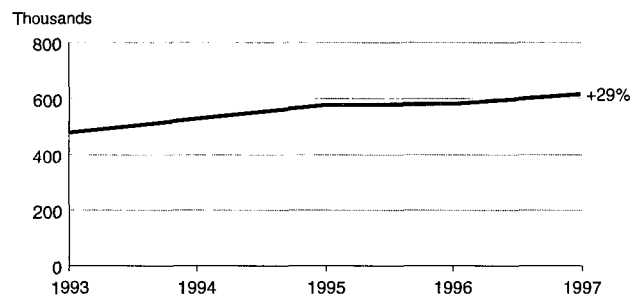
Domestic Violence Cases

Over the last decade, the most rapid growth in domestic relations caseloads has occurred in the area of domestic violence. This phenomenon is illustrated by the trend line below that tracks domestic violence filings between 1985 and 1997. By 1993, nearly all of the states had enacted statutes that greatly improved availability and accessibility of protection orders. Since that time, courts have turned more attention to improving data collection and reporting procedures for domestic and family violence cases. As a result, a more accurate picture of the trend in domestic violence filings in 34 states can be presented for the five-year period from 1993 to 1997. During this period, domestic violence filings increased 29 percent; between 1996 and 1997, they grew 6 percent.

Domestic Violence Filings in 21 States, 1985-1997



Domestic Violence Filings in 34 States, 1993-1997



The states able to provide three years of comparable data are ranked in the adjacent table by their domestic violence filing rate per 100,000 population in 1997. The table also includes a population rank and a three-year growth index, which is the percentage change in the number of domestic violence filings between 1995 and 1997. Domestic violence is a problem common to all states, not just those that are urban and populous. For example, population-adjusted filing rates in Alaska and Vermont greatly exceed the rates in Florida and New York. States experiencing the greatest increase in domestic violence filings include the District of Columbia, Virginia, Utah, and Delaware. Overall, filings increased 20 percent or more over the three-year period in 10 of the 38 states listed. The states reporting the largest decreases in the number of domestic violence filings include Kansas, Louisiana, and Michigan.

What accounts for the wide variation in both the number of domestic violence filings per 100,000 and the percentage change in filings from 1995 to 1997? Some of this variation is attributable to differences in how states categorize and count domestic violence-related cases. For example, some states include civil protection orders in the domestic violence category, while others do not. Some states report child abuse separately, while others include these cases in a general category of family violence. A further complicating factor is that domestic violence cases can originate in several different jurisdictions or divisions of a state's court system, such as civil, criminal, juvenile, and family jurisdictions. This lack of consistency can lead to inflated filing data (e.g., a protection order could be counted both as a filing for a temporary order and as a filing for a final order). Without common definitions of case categories and methods for counting cases, courts will have difficulty providing comparable and accurate measures of domestic violence filings. To help with this problem, the Court Statistics Project has developed a family violence data reporting prototype under a grant from the State Justice Institute and the Bureau of Justice Statistics. The prototype is designed to promote greater consistency in reporting and to assist courts in categorizing their domestic violence caseloads. Also, it appears that in the near future, the discretionary grant program associated with the Violence Against Women Act of 1994 (VAWA) will be setting aside funds to be utilized by state courts to improve the utility and accuracy of data collection systems.

Domestic Violence Caseloads in 38 States, 1995-1997

State	Filings per 100,000 Pop.	Number of Filings			Percent Growth 1995-97	Population Rank	Total 1997 Population
		1995	1996	1997			
Unified Courts							
District of Columbia	1667	3,906	4,967	8,816	126%	51	528,964
Missouri	702	33,407	35,502	37,911	13	16	5,402,058
Minnesota	654	31,484	31,646	30,656	-3	20	4,685,549
Illinois	371	n/a	41,525	44,082	n/a	6	11,895,849
Kansas	297	11,830	6,895	7,716	-35	33	2,594,840
South Dakota	217	1,923	1,616	1,604	-17	46	737,973
North Dakota	183	1,055	1,100	1,174	11	48	640,883
Connecticut	161	5,450	5,289	5,256	-4	29	3,269,858
General Jurisdiction Courts							
New Mexico	990	12,994	13,547	17,133	32	37	1,729,751
New Jersey	905	75,650	72,907	72,861	-4	9	8,052,849
Alaska	879	4,497	4,627	5,357	19	49	609,311
West Virginia	857	13,992	14,178	15,570	11	36	1,815,787
Massachusetts*	807	54,694	50,261	49,353	-10	13	6,117,520
Vermont	718	4,633	4,473	4,224	-9	50	588,654
Kentucky	714	27,002	26,684	27,907	3	24	3,908,124
Colorado	674	n/a	n/a	26,242	n/a	25	3,892,644
New Hampshire	658	7,459	7,604	7,721	4	43	1,172,709
Montana	629	n/a	n/a	5,530	n/a	45	878,810
Idaho	577	7,833	6,677	6,980	-11	41	1,210,232
Florida	569	69,175	79,723	83,347	20	4	14,653,945
Washington	561	31,555	30,555	31,454	0	15	5,610,362
Oklahoma	546	n/a	17,243	18,120	n/a	28	3,317,091
Maine	531	7,026	6,680	6,600	-6	40	1,242,051
Oregon	483	16,785	14,451	15,650	-7	30	3,243,487
Delaware	475	2,575	3,124	3,477	35	47	731,581
Rhode Island	412	4,519	4,137	4,066	-10	44	987,429
Maryland	402	16,537	18,805	20,489	24	19	5,094,289
Utah	364	4,980	6,833	7,493	50	35	2,059,148
Indiana	333	14,955	16,676	19,505	30	14	5,864,108
Wyoming	301	1,212	1,310	1,445	19	52	479,743
Arkansas	301	5,833	6,988	7,587	30	34	2,522,819
Virginia	292	8,886	9,516	19,677	121	12	6,733,996
New York	280	50,717	51,818	50,799	0	3	18,137,226
Hawaii	241	2,928	2,553	2,859	-2	42	1,186,602
Iowa	193	5,379	4,979	5,518	3	31	2,852,423
Ohio	74	6,573	7,444	8,292	26	7	11,186,331
Louisiana	11	691	628	459	-34	22	4,351,769
Michigan	3	360	326	247	-31	8	9,773,892

* In 1997, jurisdiction for all domestic relations cases was transferred to limited jurisdiction courts.

Note: n/a signifies not available.

The Welfare Reform Act and the Domestic Relations Caseload

Passage of the Welfare Reform Act represents a major policy shift for the United States in its administration of welfare benefits and child support enforcement. The Welfare Reform Act dissolves Aid to Families with Dependent Children (AFDC), the federal assistance program for children that had been in place since 1935,¹ and in its place supplies the states with block grants to develop and operate their own welfare programs through the Temporary Assistance for Needy Families (TANF) program.

¹ 42 USC § 601-617, the Social Security Act of 1935.

To comply with mandates of the Welfare Reform Act, states must enact and monitor a host of new policies. The new legislation likewise has important consequences for state courts, particularly in the following domestic relations areas: (1) interstate child support (child support cases in which parents reside in different states), (2) intrastate child support (child support cases in which both parents live in the same state), and (3) paternity (cases establishing male parentage of a child for purposes of determining and enforcing legal support obligations).

Interstate Child Support

A clear effect of the Welfare Reform Act on domestic relations caseloads is evident in the area of interstate child support. In particular, PRWORA mandated that all states adopt the Uniform Interstate Family Support Act (UIFSA) by January 1, 1998. UIFSA was developed to replace the Uniform Reciprocal Enforcement of Support Act (URESAs) and its revised version (RURESAs). UIFSA provides criteria for determining the controlling child support order if multiple orders exist and requires states to enforce each other's child support orders regardless of any conflicts of laws between the issuing and enforcing states.

² The seven states examined are those that have reported complete and comparable data between 1991 and 1996.

The adjacent trend lines show interstate child support filings for seven states.² The three states on the right (Tennessee, Ohio, and New York) had not implemented UIFSA before the January 1, 1998 federal deadline, while the four states on the left (Oregon, Texas, Arkansas, and Minnesota) implemented UIFSA at various times between 1993 and 1995. For the states that did not enact UIFSA before the deadline, the trend in interstate filings has remained relatively stable. In contrast, after implementing UIFSA, the four states shown on the left experienced an immediate and substantial drop in interstate filings. These declines continued through 1996 and ranged from 21 percent in Minnesota to 87 percent in Oregon.

Intrastate Child Support

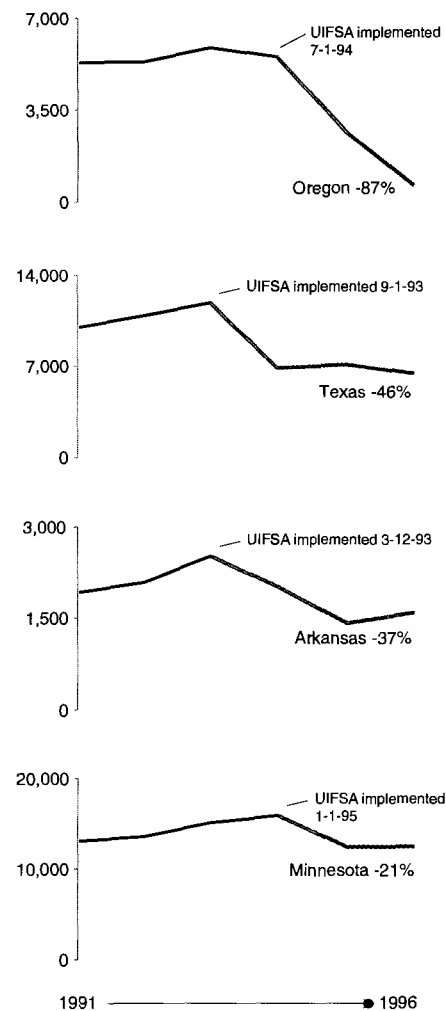
A second area of domestic relations caseloads directly affected by the Welfare Reform Act is the establishment, modification, and enforcement of intrastate child support orders. In recent years, there has been a trend toward developing administrative procedures to establish and enforce child support obligations, which could

“potentially speed adjudication, reduce cost, preserve or even enhance due process, improve access to the adjudicatory process, reduce fragmentation of case processing and free up court time by relieving the court system of routine child support matters.”³ The Welfare Reform Act encourages continuation of this trend by advocating greater autonomy for state child support enforcement agencies and promoting the creation of effective administrative procedures focusing on access to information, mass case processing, and proactive enforcement.

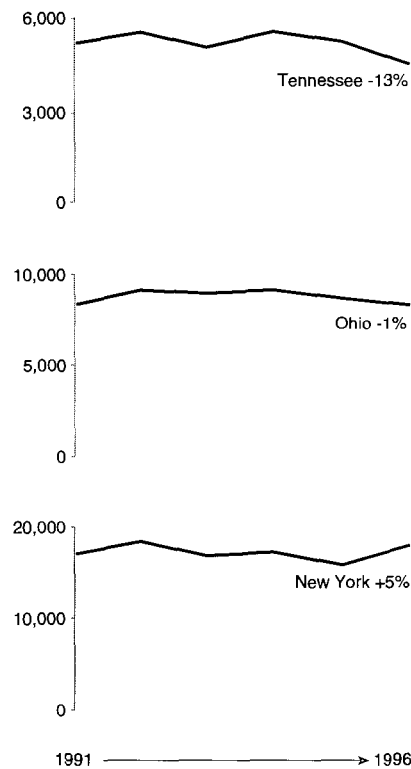
³ P. Legler, “The Coming Revolution in Child Support Policy: Implications of the 1996 Welfare Act,” *Family Law Quarterly* 30, no. 3 (1996): 552.

Interstate Child Support Filings, 1991-1996

Four States With UIFSA



Three States Without UIFSA



Paternity

The passage of the Welfare Reform Act is also intended to facilitate improvements in the establishment of paternity. PRWORA requires states to streamline their processes for establishing paternity, adopt in-hospital acknowledgement programs, and create their own cooperation requirements for welfare recipients and allows state child support agencies to order “up-front” genetic testing in contested paternity cases. Historically, to qualify for full federal funding for services to needy children, states have been required to establish paternity in a specified percentage of AFDC cases. The mandatory paternity establishment percentage is determined using a sliding scale based on the state’s past performance.⁴ The Welfare Reform Act increases the 75 percent paternity establishment rate, mandated by the Omnibus Budget Reconciliation Act of 1993, to 90 percent.⁵ Encouraging and clarifying the legal status of voluntary paternity acknowledgements, dismissing the need to ratify voluntary acknowledgements through administrative or judicial proceedings, and allowing child support agencies to order genetic tests may contribute to a decrease in paternity caseloads.

⁴ 42 USC § 452.

⁵ The states are given several years to reach the 90 percent standard, but must increase their paternity establishment rates by between 2 and 6 percentage points a year, dependent upon their current rates. PL104-193 § 341.

Conclusion

The Welfare Reform Act introduced a number of new policies that directly affect how a large share of domestic relations cases will be handled. The primary changes focus on facilitating interaction between states and expanding the role of administrative agencies and procedures. One key aspect of these reforms is reducing the need to involve the state courts in processing routine interstate support, intrastate support, and paternity cases. A first look at the data suggests that states that have adopted UIFSA, for example, often experience dramatic reductions in the number of interstate support filings. Therefore, we expect that the full implementation of welfare reform legislation in the states will result in a drop in the number of inter- and intrastate support and paternity cases filed in the state courts. However, the impact of this drop in *caseload* on judicial *workload* remains unclear. Future analysis will be needed to examine the specific types of domestic relations cases that continue to be filed in the state courts, as well as to further our understanding of individual court case processing and management techniques.

For a more complete discussion of welfare reform and state court domestic relations caseloads, readers can request the April 1998 issue of Caseload Highlights, “Welfare Reform and the Domestic Relations Caseload,” from the National Center for State Courts.

Juvenile Caseloads in State Trial Courts

Juvenile Caseloads

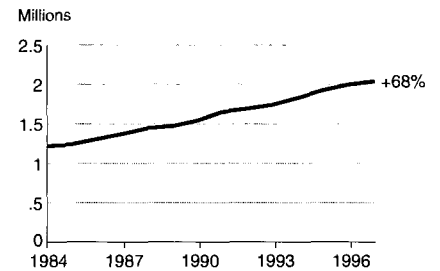
As the uniquely American invention of the juvenile court approaches its 100th anniversary (in 1999), its prospects and directions for the future are the subjects of a vigorous debate. The nation's juvenile courts are responsible for processing a wide variety of cases, including delinquency cases, status offenses, and abuse and neglect cases. Some argue that the juvenile court should operate primarily as a treatment agency, while others argue that juvenile offenders who commit serious crimes should be punished rather than treated and rehabilitated. As states continue to change their laws to make waiver to adult court easier, many observers have come to view this trend as a fundamental challenge to the premises upon which the juvenile court is based. To help inform this debate over the role of the juvenile justice system, this section examines the volume, composition, trends, and outcomes of juvenile cases in the state courts.

Juvenile filings in state courts just exceeded two million cases in 1997. This total represents an increase of 68 percent since 1984 and a 2 percent increase since 1996. Similar to domestic relations caseloads, juvenile filings have increased much more rapidly than criminal and civil caseloads. As the children of the baby boomers continue to age, some experts are predicting there will be continued pressure on juvenile courts' resources well into the next century.

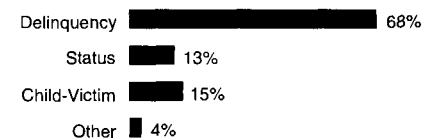
The vast majority (68 percent) of juvenile cases reported by the states in 1997 involved a filing for some type of delinquent act. Delinquency cases involve offenses that are considered crimes if committed by an adult. In many instances, these cases are processed similarly to those in adult court, with the presence of a prosecutor and defense attorney and the use of evidentiary and disposition hearings. Though juveniles are subject to a range of sentences, from community service to secure confinement, that are similar to adult sentences, their adjudication may also entail other special conditions not typically granted to adults (e.g., special placements, living arrangements, or victim compensation).

Another 28 percent of juvenile filings involved status offenses (13 percent) or child-victim cases (15 percent). Status offenses are noncriminal misbehaviors that are illegal only for juveniles (e.g., truancy, runaway). In child-victim cases, the court provides protection to children who are allegedly abused or neglected. Cases involving status offenders can be disposed of in a number of ways, including custody changes or foster care placement, counseling, and probation or community service referral. Child-victim cases may be handled by removing the child from the home or by prosecuting the accused parent or adult in criminal proceedings.

Juvenile Filings in State Courts, 1984-1997

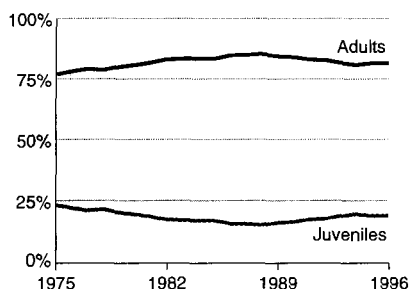


Juvenile Caseload Composition in 32 States, 1997

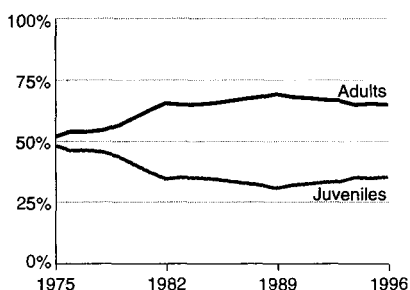


Composition of Arrestees by Type of Crime, 1975-1996

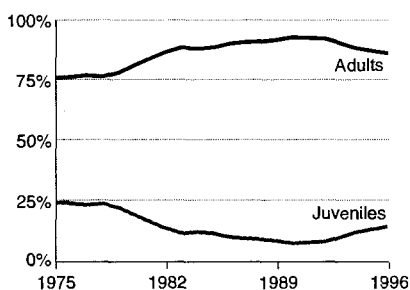
Violent Crimes



Property Crimes



Drug Crimes

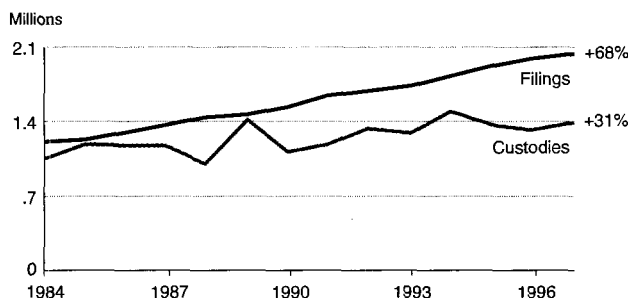


Source: Crime and Justice Atlas, National Institute of Justice. FBI Uniform Crime Reports, 1975-1996.

Juvenile Court Filings and Arrest Measures

A primary determinant of juvenile delinquency caseload growth is the frequency with which juveniles are arrested. Furthermore, variation in local law enforcement practices and discretion contribute heavily to arrest rate patterns in the United States. Longitudinal arrest rate data obtained from the Federal Bureau of Investigation's Uniform Crime Reports (UCR) show how dramatically juvenile arrest patterns have changed over the last three decades. As seen in the chart below, the trend in police custodies of juveniles follows the same general upward trend in juvenile court filings, although this comparison is not perfect since a single juvenile may be represented in several juvenile court cases as well as several custody incidents. Regardless of how closely these two measures track on a yearly basis, further analysis shows that as arrests increase so do juvenile caseloads.

Juvenile Court Filings and Police Custodies of Juveniles, 1984-1997



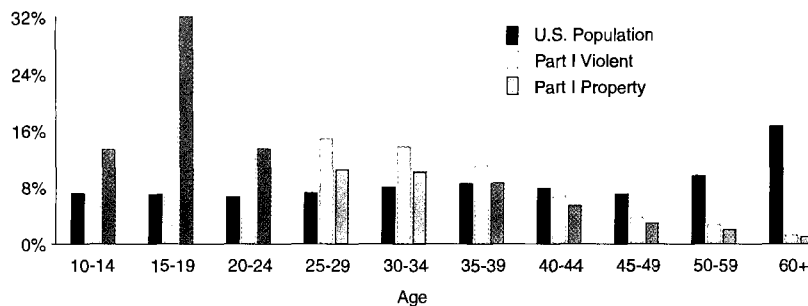
Source: FBI Uniform Crime Reports, 1984-1997.

In discussions of the future of the juvenile court, it is instructive to examine how juveniles and adults contribute to overall arrest patterns. The adjacent figures show that, since 1975, the majority of violent, property, and drug crime arrests have involved adults, though the exact percentage has varied extensively over time. The proportion of arrests for violent crime accounted for by juveniles ranged from a high of 23 percent in 1975 to a low of 15 percent in 1988. This ratio edged forward again during the early 1990s, increasing to 19 percent in 1996. Thus, since 1975, juveniles have consistently accounted for less than one in four arrests for violent crime, and most recently, they have accounted for less than one in five arrests for violent crime.

There have also been changes over time in the proportion of arrests for property crimes that involve juveniles. In 1975, adults and juveniles each accounted for roughly half of the property crime arrests. By 1996, the ratio had declined to 35 percent for juveniles. Thus, only about one in three arrests for property crimes involved a juvenile in 1996, compared to one in two in 1975. Changes in the ratios for drug arrests have also occurred: just over 75 percent of the arrests involved adults in 1975, and this ratio reached a high of 93 percent in 1990. In 1996, juveniles accounted for 14 percent of drug arrests.

It is important to note that even though adults account for the majority of arrests, young adults are disproportionately involved in both violent and property crime. In fact, persons ages 15 to 19 constituted 7 percent of the general population in 1996, but comprised 32 percent of those arrested for property crime and 23 percent of those arrested for violent crime. This disproportionate representation suggests that this age group in particular needs to be the ongoing focus for deterrence and prevention initiatives.

Percent of Arrestees vs. Percent of U.S. Population Within Given Age Groups, 1996

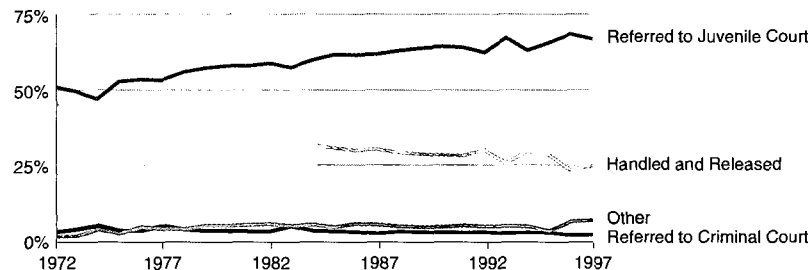


Source: Crime and Justice Atlas, National Institute of Justice. FBI Uniform Crime Reports, 1996. U.S. Census Bureau Web Site for population data.

Law Enforcement Dispositions

The FBI reports data that describe how police dispose cases once an arrest has been made. These data may be of particular interest to court officials who must manage and plan for changes in juvenile caseloads. Evidently, over time, police have become increasingly less inclined to resolve juvenile arrests informally. In 1972, 51 percent of police cases were referred to juvenile court; by 1997, this figure had risen to 67 percent.

Methods of Police Disposition, 1972-1997

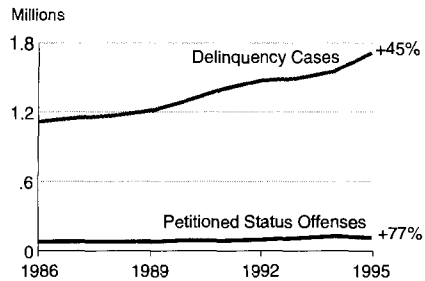


Source: Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses, 1965-1992. FBI Uniform Crime Reports, 1993-1996.

The increase in court referrals reflects law enforcement's shift away from handling cases internally and releasing juveniles through the use of police discretion. In addition, laws or local policies that mandate a court appearance for certain acts (e.g., repeated curfew violations, possession of weapons, etc.) have become more commonplace in an effort to reduce juvenile delinquency.

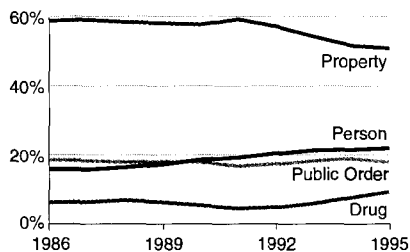
State Court Delinquency Caseloads and Dispositions

Number of Petitioned Status Offenses and Delinquency Cases, 1986-1995



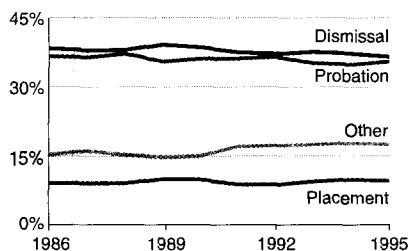
After a juvenile case has been filed, the court must decide whether the case will be petitioned. If the case is petitioned, it will be the subject of additional processing by the juvenile court, including trial, adjudication, and sentencing. Many cases, however, fail to receive a petition (45 percent in 1995) and are resolved informally or dismissed completely. As shown in the top chart on the left, both petitioned status offenses and delinquency cases have grown by large margins since 1986.

Composition of Delinquency Caseload by Offense Type, 1986-1995



The middle figure on the left shows that the composition of the delinquency caseload by offense type has changed considerably between 1986 and 1995. The category with the greatest increase in its share of the delinquency caseload is crimes against the person: this ratio grew from 16 percent in 1986 to 22 percent in 1995. Nonetheless, the majority of delinquency cases processed in state courts still involve property offenses. The percentage of delinquency cases that involve drug offenses has fluctuated between about 5 and 10 percent over the ten-year period, dropping to their lowest level in 1991 and increasing to their highest level in 1995. Public order offenses accounted for between 16 and 20 percent of the delinquency caseload during the time period examined.

Composition of Juvenile Court Dispositions for Delinquency Cases, 1986-1995 (estimated)



Despite the changes in the composition of cases, the make-up of juvenile court dispositions has remained fairly consistent. As shown in the bottom chart on the left, most delinquency cases result in dismissals or probation sanctions. In some instances, the dismissal is contingent upon the juvenile successfully completing a court-ordered program. A relatively small portion of delinquency dispositions (less than 10 percent in 1995) result in a formal placement. "Other" types of dispositions increased most rapidly since 1990, indicating that the juvenile courts are making greater use of alternative sanctions. Some of the less traditional dispositions included in this category include fines, restitution, community service, and various types of referrals to treatment or social service providers.

Source: Juvenile Court Statistics, 1986-1995, National Center for Juvenile Justice.

Juvenile Transfer and Waiver

One of the most controversial topics in juvenile justice is juvenile transfer (also referred to as waiver) to adult court. Policies aimed at reducing the age of transfer eligibility are hotly debated in state legislatures, and many states have lowered the age of transfer eligibility or have increased the number of offense types that trigger a transfer hearing or automatic transfer. While many observers regard the increasing use of transfer provisions as a logical response to the increasing seriousness of juvenile crime, others regard this trend as a “powerful counterreformation” designed to sweep back the reforms of the 1960s and 1970s.

There are three possible routes for a juvenile to end up in adult court:

- *Judicial waiver* involves determination by a juvenile judge, following a hearing, that the case should be tried in adult criminal court.
- *Statutory exclusion or legislative waiver* is based on the exclusion by state statute of certain juvenile offenders from juvenile court jurisdiction and usually is based upon the offense and the age of the offender.
- *Prosecutorial waiver, or “direct file,”* gives the prosecutor, under laws establishing concurrent jurisdiction in some states, the sole authority to charge the minor in juvenile or adult criminal court.

According to the National Council of Juvenile and Family Court Judges, 14 states and the District of Columbia had direct file/prosecutor discretion/prosecutorial waiver statutes by the end of 1997. At that time, 29 states had statutory exclusion statutes and 47 jurisdictions had some form of statutory waiver/certification procedure, either mandatory or discretionary. Most states employ a combination of transfer provisions; the most common arrangement is a combination of judicial waiver and legislative exclusion provisions.

An analysis conducted by the National Center for Juvenile Justice found dramatic change in the jurisdictional authority allotted to juvenile courts between 1992 and 1995. Forty-one states passed laws that remove an increasing number of serious and violent juvenile offenders from the juvenile justice system in favor of criminal court prosecution. Five states established exclusion provisions, 24 states expanded the list of crimes eligible for exclusion, and six states lowered age limits for exclusion. Eleven states lowered waiver provision age limits, ten states expanded the list of crimes eligible for waiver, and nine states established “presumptive waiver” provisions requiring that certain offenders be transferred if there is no evidence that they are good candidates for juvenile rehabilitation.

In 1995, many states (22) had provisions that allow cases to be transferred from criminal to juvenile court. Such “reverse” transfers are seen by many as a potential “safety valve” because they provide the judge one last chance to decide (on a case-by-case basis) that the matter should be handled in juvenile court. A number of states require that once an offender is waived from juvenile court or is convicted in criminal court, all subsequent cases are subject to criminal court jurisdiction. Between 1992 and 1995, three states lowered the upper age of jurisdiction for juvenile courts. The table below lists the oldest age at which juvenile courts have original jurisdiction in delinquency matters as of 1995.

Oldest Age at Which Juvenile Court Has Original Jurisdiction in Delinquency Matters, 1995

Age	States
15 yrs.	Connecticut, New York, North Carolina
16 yrs.	Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, South Carolina, Texas
17 yrs.	All other states and the District of Columbia

As shown in the table below, the number of petitioned delinquency cases resulting in a judicial transfer to the adult system increased nearly every year from 1988 to 1994, then declined in 1995. At no point, however, have judicial transfers ever comprised more than 1.5 percent of petitioned delinquency cases. The data also show that the probability of a delinquency case being petitioned has increased since 1986.

Juvenile Transfers to Adult Court, 1986-1995

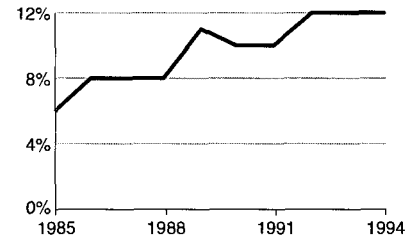
Year	Delinquency Cases	Petitioned Cases	Percent of Cases Petitioned	Judicial Transfer to Adult Court	Transfers as % of Petitioned Cases
1986	1,180,000	545,500	46.2%	7,309	1.3%
1987	1,145,000	547,400	47.8	6,772	1.2
1988	1,170,400	569,800	48.7	6,756	1.2
1989	1,211,900	610,600	50.4	8,086	1.3
1990	1,299,700	656,400	50.5	8,319	1.3
1991	1,413,200	718,100	50.8	10,757	1.5
1992	1,471,200	764,000	51.9	10,329	1.4
1993	1,489,700	796,600	53.5	11,045	1.4
1994	1,555,200	855,200	55.0	11,714	1.4
1995	1,714,400	938,400	54.7	9,715	1.0

Source: Juvenile Court Statistics, 1986-1995, National Center for Juvenile Justice.

The decline in the percentage of petitioned cases in which youth are waived to criminal court in 1995 may be the result of the increasing reliance on direct filing and statutory exclusion as alternative means of waiver. Compared with cases waived in 1985, cases waived in 1995 involved a greater proportion of person offense cases (47 percent vs. 33 percent) and drug cases (13 percent vs. 5 percent). Sickmund et al. speculate that these shifts may, in part, reflect changes in waiver statutes targeting these offense categories for more automatic or presumptive waiver.

The profile of juveniles waived to adult court also has changed over time. The proportion of younger (under age 16) juveniles waived has increased from 6 percent in 1985 to 12 percent in 1994, as shown in the trend chart. This trend may be a byproduct of new laws that lower the minimum waiver age or exclude older juveniles charged with certain crimes from juvenile court altogether.

Percent of Juveniles Under Age 16 Transferred to Criminal Court, 1985-1994



Source: National Survey of Prosecutors, 1994. Juveniles Prosecuted in State Criminal Courts. Bureau of Justice Statistics, March 1997.

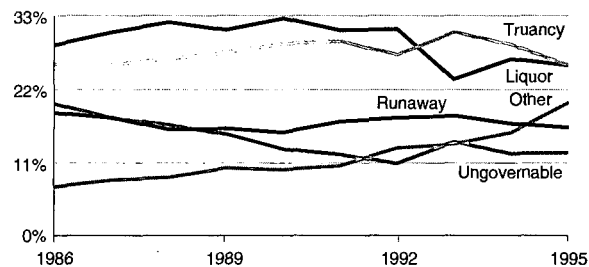
State Court Status Offense Caseloads and Dispositions

Status offenses are acts that are not considered crimes if committed by an adult. Although the offense is usually not as serious as delinquency, the status offender still may be required to appear before a juvenile court judge or quasi-judicial officer.

The National Center for Juvenile Justice (NCJJ) collects data on petitioned status offenses, that is, cases that appear on the court calendar in response to a petition or other legal instrument requesting that the court adjudicate the youth. Petitioned status offense cases increased roughly 77 percent between 1986 and 1995, as shown earlier.

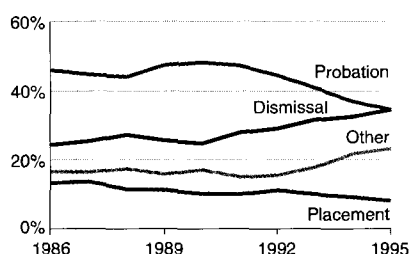
Status offense cases typically include liquor law violations, truancy cases, runaway cases, ungovernable cases, and "other" case types. As shown in the figure below, liquor law violations were the most common petitioned status offense from 1986 to 1992, although truancy cases became the most prevalent type of case in 1993 and 1994. During 1995, they both accounted for the same share (26 percent) of the

Composition of Petitioned Status Offense Caseload in State Juvenile Courts, 1986-1995 (estimated)



Source: Juvenile Court Statistics, 1986-1995, National Center for Juvenile Justice.

Composition of Juvenile Court Dispositions for Petitioned Status Offenses, 1986-1995 (estimated)



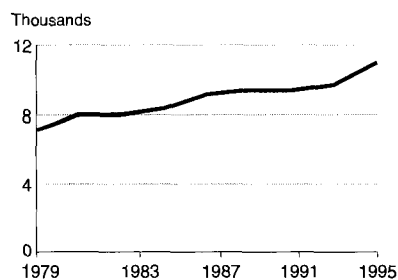
Source: Juvenile Court Statistics, 1986-1995, National Center for Juvenile Justice.

status offense caseload. The portion of the status offense caseload accounted for by ungovernable cases consistently declined between 1986 and 1992, increased slightly in 1993, declined again in 1994, and changed little during 1995. Between 1986 and 1995, the proportion of status offenses accounted for by runaways declined slightly. During this time period, the proportion accounted for by the “other” offense category grew the most.

Status offenders can be placed on probation, be moved to a setting outside the home, or have their case dismissed. Unlike adults, youths may be placed on probation even if their case is dismissed because juvenile courts have traditionally focused on recommending appropriate treatment for the individual rather than emphasizing a finding of guilt or innocence. As shown in the adjacent figure, the percentage of petitioned status offenses resulting in a disposition of probation declined sharply from 46 percent in 1986 to 34 percent in 1995. Similarly, the percentage of petitioned status offenders who were “placed” (out of the home) has declined from about 13 percent in 1986 to 8 percent in 1995. The percentage of petitioned status offenders who were dismissed or received an “other” disposition increased from 1986 to 1995. These results appear to reflect states’ continuing efforts to decriminalize status offenses. Likewise, the increase in “other” dispositions for petitioned status offenders may reflect juvenile courts’ increased reliance on intermediate sanctions to address the needs of status offenders. Using such sanctions enables the court to provide services to status offenders and to monitor their progress while avoiding placement out of the home or formal probation.

Impact on Juvenile Corrections

One-Day Counts of Juveniles in Public and Private Correctional Facilities, 1979-1995



Source: Juveniles Taken into Custody: Fiscal Year, 1993, Office of Juvenile Justice and Delinquency Prevention (OJJDP); 1994-1995 data obtained from OJJDP. Data for 1981 were not available.

As shown in the trend chart on the left, there has been a consistent increase in the number of juveniles in correctional facilities (public and private) since 1979. One-day counts represent the results of a census of juvenile correctional facilities taken on a specific day in February during each year. The consistent increase in juvenile correctional population corresponds to the previously noted increase in juvenile court filings.

The increase in juvenile correctional populations contributes to the overcrowding experienced by many facilities. Research conducted by Abt Associates, Inc., and the National Center for Juvenile Justice on the conditions of confinement in juvenile detention and correctional facilities revealed that the percentage of all confined juveniles who were confined in facilities that exceeded their design population capacity had increased from 36 to 69 percent between 1987 and 1995.

Although the number of youths committed by juvenile courts is not the only determinant of juvenile correctional populations (length of stay is also important), it is probably the most critical. Consequently, it is clear that the growth in the number of juvenile court filings has fueled the increase in juvenile correctional populations.

Conclusions

There has been a remarkably consistent increase in the number of juvenile court filings since 1984, and unless current law enforcement and court intake practices change, juvenile court filings likely will continue to increase into the next century. The most recent increases are due in part to the escalating number of juveniles taken into custody by the police, though this trend was not true for 1995-1996. Arrest statistics show that juveniles account for a disproportionately large share of arrests for property and violent crime in comparison to their representation in the general population. Thus, juveniles are more crime-prone than individuals from other age groups, which explains why the number of police custodies of juveniles has been so large. However, despite their disproportionately large contribution to arrests, their overall contribution to the total number of arrests has remained small.

The data show that policies toward younger offenders have toughened. For example, juveniles are currently more likely to be referred to the juvenile court by police than at any time since 1986, and once referred, delinquency cases are more likely to be petitioned. The number of delinquency cases judicially waived to criminal court increased virtually every year since 1986 until 1995. Delinquency cases likely declined in 1995 because of the increasing use of alternative methods of waiver.

The composition of juvenile court delinquency caseloads has changed over the years, with an increase in person-related cases and a decrease in property-related cases. Despite this change in caseload, the composition of dispositions remained remarkably consistent between 1986 and 1995. One result of this de facto policy has been an increase in juvenile correctional populations. Some courts are adjusting to the new realities of their caseloads by increasing their use of "alternative dispositions," such as restitution, bootcamps, wilderness programs, and house arrest.

Various social and economic indicators that are associated with delinquency can inform speculation about the future caseload of juvenile courts (Federal Inter-agency Forum on Child and Family Statistics, 1998):

- Children under 18 represent 40 percent of the poor population even though they comprise only about one-fourth of the total population. Children under age six living in female-householder families are particularly at risk for living in poverty. In 1995, 59 percent of these children were living below the poverty line.
- Fifteen percent of all children had no health insurance at any time during 1996.
- In 1995, about 65 percent of children in families below the poverty line were in very good or excellent health compared with 85 percent of children in families living at or above the poverty line.
- The percentages of 8th, 10th, and 12th graders who smoked daily, drank heavily, or used illicit drugs have increased during the 1990s.

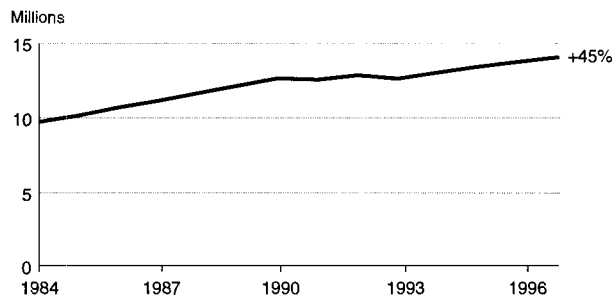
Criminal Caseloads in State Trial Courts

Criminal Caseload Filing Trends

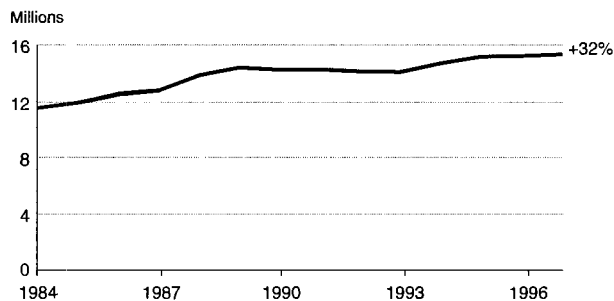
Cases involving crimes that violate state law are normally processed in the state courts. Criminal case filings in the state courts reached an all-time high of 14 million in 1997. The trend line below shows that the number of criminal filings increased 45 percent from 1984 to 1997. The chart also shows that after remaining relatively stable from 1990 to 1993, criminal filings have increased fairly rapidly over the last four years.

The volume of criminal cases filed in state courts provides one measure of criminal activity in our society and foreshadows what courts can expect in the near future. Statistics from earlier stages of criminal case processing add further insight into the nation's crime problem. Information collected by the Federal Bureau of Investigation shows that overall arrest patterns have increased 32 percent from 1984 to 1997. In addition, the near 15.3 million arrests reported in 1997 represented the highest number recorded for the period 1984-1997.

Criminal Cases Filed in State Courts, 1984-1997



Estimated Arrests in the United States, 1984-1997



Source: Uniform Crime Reports, 1984-1997, Federal Bureau of Investigation.

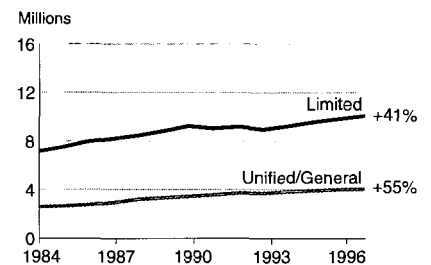
Criminal Caseload Composition: General, Limited, and Unified Courts

The graph to the right compares criminal case filings by type of court jurisdiction. Felonies are typically filed in general jurisdiction courts, while misdemeanors are usually handled in limited jurisdiction courts. Criminal caseloads in both types of courts reached all-time highs in 1997. Since 1984, criminal caseloads have increased 55 percent in general jurisdiction courts and 41 percent in limited jurisdiction courts.

In 1997, 58 percent of the criminal cases filed in general jurisdiction courts were felony cases, while another 29 percent involved misdemeanors. An additional 9 percent were “other” offenses, including appeals and miscellaneous offenses (e.g., extradition), while the remaining cases (4 percent) involved DWI offenses. In contrast, misdemeanor, DWI/DUI, and “other” cases represented 97 percent of the criminal caseload of limited jurisdiction courts, while felonies accounted for only 3 percent.

Judges in unified courts hear all cases regardless of offense type. In 1997, misdemeanor cases represented 68 percent of the criminal caseload in unified courts, while felony and DWI/DUI cases accounted for 32 percent of criminal filings.

Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1997



Criminal Caseload Composition by Court Jurisdiction, 1997

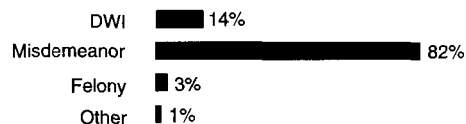
Unified System



General Jurisdiction



Limited Jurisdiction



State Criminal Caseloads

By listing the reported criminal filings for unified and general jurisdiction courts for each state in 1997, the adjacent table enables one to compare criminal caseloads among the states. The range of criminal filings was broad: Illinois reported roughly 539,000, while Wyoming reported just over 2,100 filings. Fifteen states each report over 100,000 criminal filings in unified and general jurisdiction courts, collectively accounting for 70 percent of total criminal filings.

Criminal caseloads in a state are closely associated with the size of the state's population and can be expected to rise simply as a result of population growth. The table shows the number of criminal filings per 100,000 population and each state's total population rank. Pennsylvania's and New Hampshire's filing rates of 1,241 per 100,000 population represent the median.

Factors other than population size also significantly influence the size of criminal caseloads. These factors include the continuing trend in legislatures to criminalize more behaviors, differences in the prosecutorial charging procedures, and differences in the underlying crime rates. Cross-state comparisons of criminal caseloads also require a working knowledge of differences in state court structure, composition of criminal data, and unit of count. States in which the general jurisdiction court handles all or most of the criminal caseload (e.g., the District of Columbia, Illinois, and Connecticut) have the highest numbers of population-adjusted filings, while states that have one or more limited jurisdiction courts with concurrent criminal jurisdiction (e.g., California and Texas) have much smaller population-adjusted filings. California's limited jurisdiction court processes all misdemeanor cases, some felony cases, and some DWI/DUI cases. Similarly, in Texas, three different statewide limited jurisdiction courts with criminal jurisdiction take much of the burden from the general jurisdiction court.

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

Unit of count also affects the size of the caseload. States that count a case at arraignment (e.g., Ohio), rather than at filing of information/indictment, have smaller criminal caseloads. Most states count each defendant as a case, but some states (e.g., New York, Wyoming, and Montana) count one or more defendants involved in a single incident as one case, which will result in smaller numbers of population-adjusted criminal filings in those states.

Criminal Filing Rates in Unified and General Jurisdiction Courts in 48 States, 1997

State	Criminal Filings	Criminal Filings per 100,000 Population	Population Rank
Unified Courts			
Illinois	538,869	4,530	6
Minnesota	255,295	5,449	20
Missouri	178,416	3,303	16
Wisconsin	150,049	2,902	18
Connecticut	129,159	3,950	29
Iowa	102,125	3,580	31
Puerto Rico	92,542	2,432	26
Kansas	46,577	1,795	33
South Dakota	38,153	5,170	46
District of Columbia	38,115	7,206	51
North Dakota	31,056	4,846	48
General Jurisdiction Courts			
Florida	200,888	1,371	4
California	165,117	512	1
Texas	161,207	829	2
Indiana	154,794	2,640	14
Pennsylvania	149,123	1,241	5
Virginia	139,209	2,067	12
North Carolina	133,918	1,804	11
Louisiana	128,402	2,951	22
South Carolina	112,333	2,987	27
Tennessee	97,673	1,819	17
Oklahoma	95,935	2,892	28
Michigan	71,550	732	8
Maryland	67,681	1,329	19
Utah	63,880	3,102	35
New York	63,339	349	3
Ohio	62,530	559	7
Alabama	59,994	1,389	23
New Jersey	50,598	628	9
Arkansas	48,914	1,939	34
Washington	35,785	638	15
Oregon	34,742	1,071	30
Colorado	33,867	870	25
Kentucky	20,627	528	24
Vermont	18,087	3,073	50
New Mexico	17,313	1,001	37
New Hampshire	14,552	1,241	43
Idaho	10,739	887	41
Hawaii	9,638	812	42
Maine	9,074	731	40
Nebraska	8,109	489	39
Massachusetts	8,064	132	13
Delaware	8,056	1,101	47
West Virginia	7,961	438	36
Rhode Island	6,209	629	44
Montana	5,616	639	45
Alaska	3,362	552	49
Wyoming	2,171	453	52

Note: Arizona, Georgia, Mississippi, and Nevada are not included because data were not available for 1997. The 1997 data for Pennsylvania are preliminary.

Clearance Rates for Criminal Cases

The success of states in disposing criminal cases reflects, in part, the adequacy of court resources and has implications for the pace of both criminal and civil litigation. Criminal cases consume a disproportionately large chunk of court resources compared to their overall contribution to the total caseload. Constitutional requirements covering the right to counsel ensure that attorneys, judges, and other court personnel will be involved at all stages in the processing of criminal cases. In addition, criminal cases must be disposed under tighter time standards than other types of cases. Finally, courts are often required by constitution, statute, and court rule to give priority to criminal cases. This mandatory attention to criminal cases may result in slower processing of other types of cases.

The adjacent table shows that only 14 states cleared 100 percent or more of their criminal caseload for the 1995-1997 period. Colorado topped the list with its high clearance rates for all three years. At the other end of the scale, four states had clearance rates of 90 percent or less, indicating that these states were rapidly adding to an inventory of pending cases.

Statewide clearance rates not only reflect a range of management initiatives at the trial court level, but also are influenced by factors such as caseload growth, time standards, and the consistency with which filings and dispositions are measured. To begin with, four of the states with the highest three-year clearance rates (Hawaii, New York, Oregon, and Indiana) experienced a decline in caseload growth, and a fifth state (West Virginia) had no change in its caseload. All of the 14 states with three-year clearance rates of 100 percent or better have adopted time standards for criminal case processing. Three of the states with high clearance rates (New York, South Carolina, and West Virginia) have adopted the COSCA/ABA-recommended goal of disposing all felony cases within 180 days from the time of arrest. West Virginia's time standards are mandatory, while others are advisory. Finally, it is also important to note whether the filings and dispositions within a state are comparable. Only states that use the same methodology to count filings and dispositions are included in the table.

Criminal Caseload Clearance and Growth Rates for Unified and General Jurisdiction Courts in 42 States, 1995-1997

State	Clearance Rates				Caseload Growth 1995-1997
	1995-1997	1995	1996	1997	
Unified Courts					
Kansas	105%	106%	106%	104%	4%
North Dakota	102	108	101	97	9
Minnesota	101	103	101	101	13
District of Columbia	101	101	100	102	8
Puerto Rico	99	98	99	98	-7
Connecticut	98	93	100	100	-8
Iowa	92	89	93	92	15
Missouri	91	90	91	93	13
South Dakota	73	75	67	75	39
General Jurisdiction Courts					
Colorado	122	112	131	123	20
Hawaii	119	130	116	111	-5
New York	107	107	106	109	-7
West Virginia	104	108	104	100	0
New Jersey	101	105	100	100	3
Wyoming	101	103	110	92	11
Texas	101	102	99	101	4
Pennsylvania	100	100	101	99	4
Oregon	100	101	109	90	-23
Indiana	100	99	101	98	-7
North Carolina	99	104	99	95	8
Ohio	99	100	99	98	-7
South Carolina	99	99	99	99	3
Rhode Island	99	92	101	104	-8
New Hampshire	98	100	95	99	-5
Virginia	97	96	98	98	11
Michigan	97	98	96	97	3
Arkansas	97	94	103	94	1
Massachusetts	97	93	98	100	1
Idaho	96	92	102	95	-5
Maine	96	91	101	98	-7
Kentucky	96	99	97	94	7
Vermont	96	96	95	98	3
California	96	96	100	92	2
Alabama	95	93	94	99	10
Washington	95	95	97	91	5
Maryland	94	92	96	94	-1
Alaska	93	93	89	98	21
Delaware	92	93	91	92	11
New Mexico	91	93	87	92	10
Tennessee	89	95	86	88	58
Oklahoma	86	84	90	85	5
Utah	84	68	87	95	5

Note: The 1997 data for Pennsylvania are preliminary.

Criminal Case Dispositions

Approximately 4 percent of criminal cases were disposed by trial in 1997. Trial rates ranged from about 1.4 percent in Vermont to 11.1 percent in Wyoming. Nationally, jury trials account for about 55 percent of all trials. Guilty pleas disposed of about 62 percent of criminal cases nationally. About one criminal case in five is resolved by a decision by the prosecutor not to continue (*nolle prosequi*) or by the court to drop all charges (dismissal).

The plea process is certainly swifter than the formal trial process, and given the growth in criminal caseloads, it has become an integral part of the administration of justice. Those who are in favor of plea bargaining argue that the overwhelming prevalence of guilty pleas provides some evidence that the plea process is more desirable to both sides. Prosecutors benefit by securing high conviction rates without incurring the cost and uncertainty of trial. Defendants presumably prefer the outcome of the negotiation over the exercise of their trial right or the deal would not be struck. On the other hand, opponents argue that plea bargaining places pressure on defendants to waive their constitutional rights, which results in inconsistent sentencing outcomes and the possibility that innocent people plead guilty rather than risk the chance of a more severe sentence after conviction at trial. Regardless of one's views, it is unlikely that the prevalence of plea bargaining will change in the near future.

One case type processed by the criminal courts that is proportionately small, but commands a great deal of public attention, is the DWI/DUI caseload. In the following section, these cases are examined more closely from a law enforcement and public health and safety perspective by accessing a number of outside data sources.

Manner of Disposition for Criminal Filings in 28 Unified and General Jurisdiction Courts, 1997

State	Total Disposed	Percentage of Cases Disposed by:						
		Trial			Non-trials			
		Total	Bench Trial	Jury Trial	Total	Pleas	Dism/Nolle	Other
Unified Courts								
South Dakota	148,711	1.7%	0%	0%	98.3%	83.1%	14.7%	0.4%
Missouri	137,664	2.0	1.4	0.6	98.0	69.0	25.4	3.6
Iowa	94,279	2.9	2.0	0.9	97.1	70.0	27.1	0
District of Columbia	44,679	6.3	4.8	1.4	93.7	36.8	27.5	29.4
Kansas	39,092	6.0	3.6	2.3	94.0	52.2	27.0	14.8
General Jurisdiction Courts								
Texas	209,355	2.8	0.8	2.1	97.2	36.8	16.6	43.8
Indiana	179,327	5.0	4.0	1.0	95.0	55.5	34.5	5.0
Florida	173,892	3.4	0.3	3.1	96.6	78.1	10.9	7.7
California	148,745	4.9	0.9	4.0	95.1	88.9	5.3	0.9
Pennsylvania	148,307	5.5	3.4	2.1	94.5	56.3	7.8	30.3
North Carolina	127,337	2.6	0	2.6	97.4	51.0	31.9	14.6
Tennessee	112,296	3.3			96.7	52.4	27.8	16.5
South Carolina	110,758	1.5			98.5	47.1	35.4	16.0
Oklahoma	84,136	2.3	1.4	0.9	97.7	66.0	31.6	0
Michigan	68,688	5.2	2.3	2.9	94.8	59.2	10.1	25.5
Ohio	61,478	4.2	1.4	2.9	95.8	70.1	9.1	16.6
Alabama	59,195	3.6	0.5	3.1	96.4	48.8	0	47.6
Arkansas	57,674	8.3	6.5	1.9	91.7	54.5	31.5	5.6
New Jersey	47,846	3.9	0.3	3.6	96.1	71.9	13.7	10.4
Kentucky	22,711	3.9	0	3.9	96.1	60.3	12.0	23.8
Vermont	17,643	1.4	0.3	1.1	98.6	69.2	20.7	8.7
Maine	11,163	4.0	0.7	3.3	96.0	54.5	23.0	18.5
Delaware	7,392	3.0	0.2	2.7	97.0	72.5	12.7	11.8
Rhode Island	6,649	2.6			97.4	86.4	9.0	2.0
Idaho	6,096	4.0	0.1	3.8	96.0	63.3	12.0	20.8
Hawaii	4,239	8.4	1.2	7.3	91.6	62.0	10.7	18.8
Alaska	3,285	7.1	0.3	6.8	92.9	72.4	19.8	0.7
Wyoming	2,002	11.1	7.3	3.8	88.9	64.9	16.9	7.1
Total	2,134,639	3.7	1.5	1.8	96.3	61.5	20.0	14.8

Note: Percentage of total dispositions accounted for by jury and bench trials is based only on those states that provided a breakdown between these two; consequently, the sum of these two trial percentages does not total to the percentage of total dispositions accounted for by all trials. The 1997 data for Pennsylvania are preliminary.

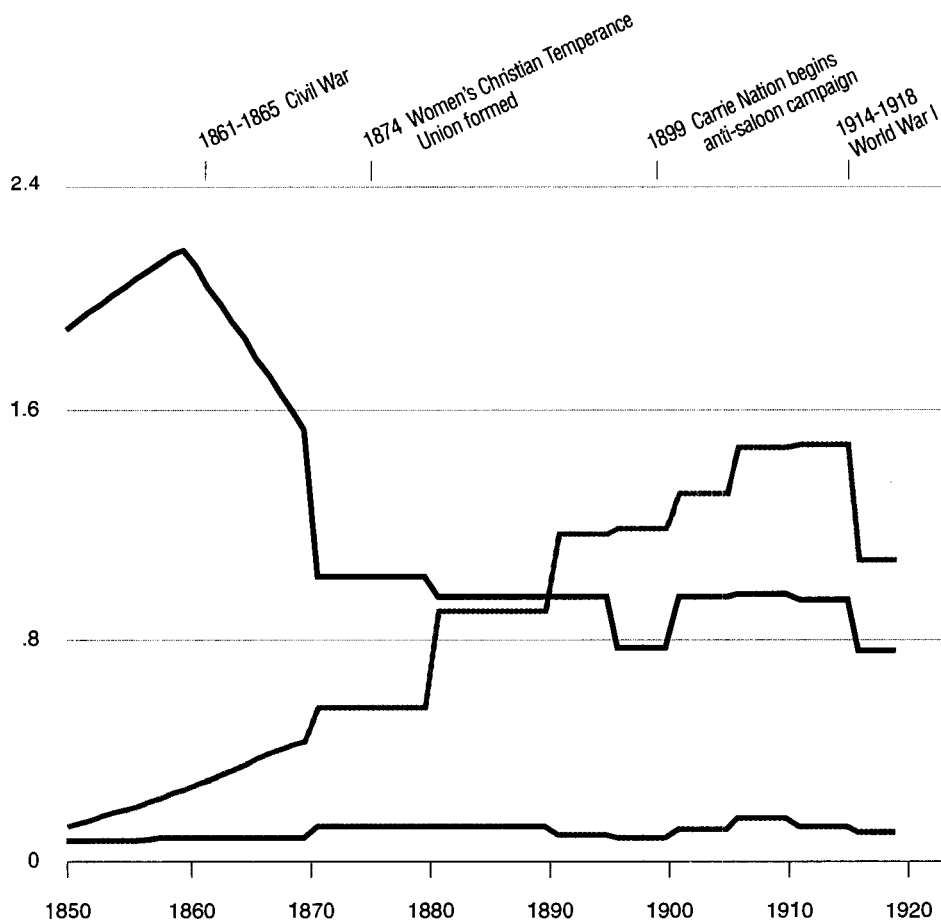
Drunk Driving and the Courts

Reducing alcohol-related traffic arrests, accidents, and fatalities remains a top public policy concern. This attention is hardly surprising given that there were nearly 1,500,000 driving while intoxicated (DWI) arrests and over 17,000 alcohol-related traffic deaths in 1996. About three in every ten adults will be in an alcohol-related accident sometime in their lives, according to the National Highway and Traffic Safety Administration (NHTSA).

Most of these DWI arrests and accidents result in cases that are adjudicated in the nation's state courts. Court workload studies indicate that each DWI case takes, on average, about 30-60 minutes of judge time to dispose (see Part II of this report for additional information). Therefore, the 1.5 million DWI cases entering the state courts in 1997 represent a considerable expenditure of judicial resources. Court managers can gain an edge in planning for this segment of judicial workload by monitoring data that will help them anticipate how the DWI caseload is likely

150 Years of Alcohol Consumption

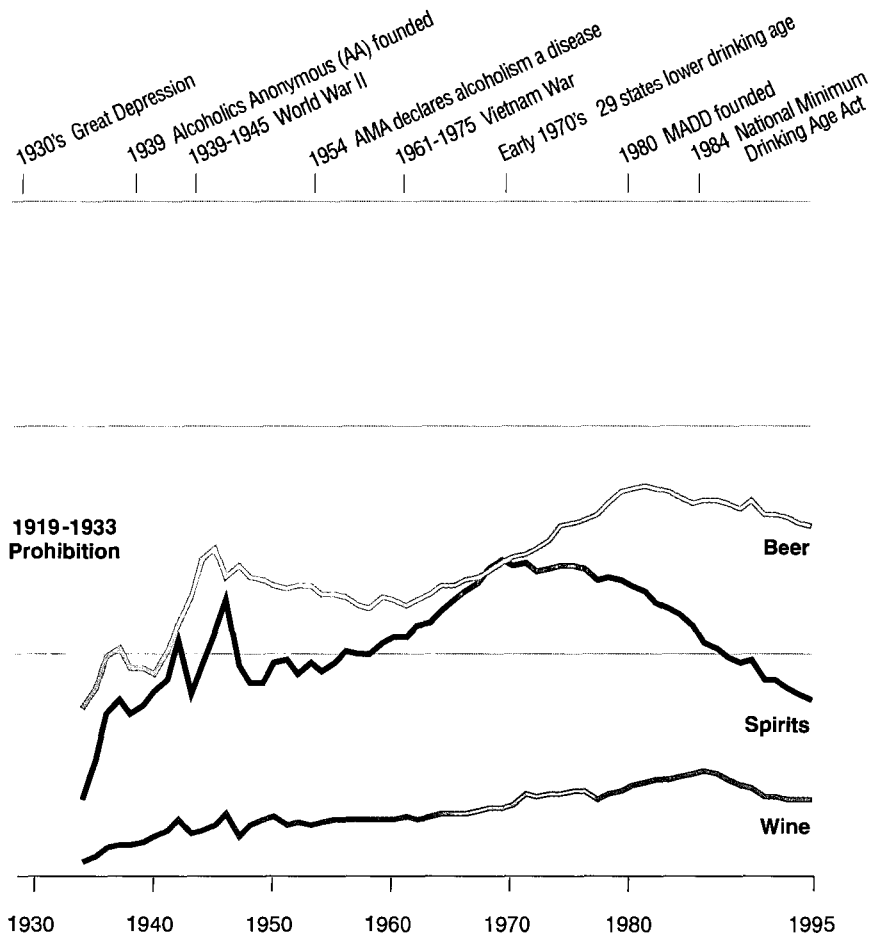
Annual per-capita ethanol consumption, in gallons, 1850-1995



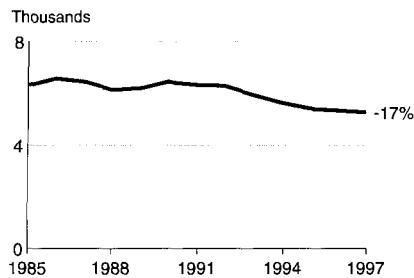
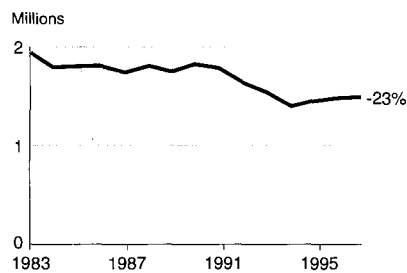
to change over time. For example, are DWI arrest rates rising and thereby likely to generate an increased number of court filings?

More generally, data on topics such as alcohol consumption patterns, trends in alcohol-related fatalities, and changes in the level of blood alcohol concentration (BAC) at time of arrest will help inform court leaders about the effects of current alcohol-related laws and public awareness campaigns on driving behavior. In addition, examining trends in, for example, the relationship between BAC levels and traffic accidents provides context to the national debate over whether to reduce the legal BAC from .10 to .08. From a court management perspective, will lowering the legal BAC increase arrest rates and thereby increase the volume of DWI cases entering the courts?

To place the 1990s in historical perspective, we examine alcohol consumption patterns over the last 150 years. The display below shows per-capita alcohol consumption since 1850 for beer, wine, and spirits as reported by the National Institute on



Sources: G. D. Williams, F. S. Stinson, J. D. Lane, S. L. Tunson, and M. C. Dufour, Surveillance Report #39, Apparent Per Capita Consumption: National, State, and Regional Trends, 1977-94 (Rockville, Md.: National Institute on Alcohol Abuse and Alcoholism, Division of Biometry and Epidemiology, Alcohol Epidemiologic Data System, December 1996). Data updated from M. Hyman, M. Zimmerman, C. Gurioli, and A. Helrich, *Drinkers, Drinking and Alcohol-Related Mortality and Hospitalizations: A Statistical Compendium*, 1980 edition (New Brunswick, N.J.: Rutgers University, 1980). The historical events were obtained from *Substance Abuse: The Nation's Number One Health Problem* (Institute for Health Policy, Brandeis University, October 1993). The data reflect the U.S. population age 15 and older until 1970 and population 14 and older thereafter.

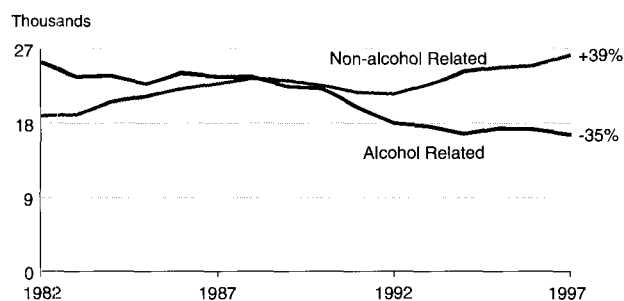
DWI Filings in 24 Courts, 1985-1997**Estimated Arrests for Driving Under the Influence, 1983-1997**

Source: FBI Uniform Crime Reports, 1983-1997.

Alcohol Abuse and Alcoholism (NIAAA). Consumption patterns clearly vary over time. For example, during the most recent five years (since 1990 on the graphic), consumption has decreased for all three types of alcoholic drinks. On the other hand, examining the last 25 years of data reveals that spirits (hard liquor) consumption has decreased dramatically while beer and wine drinking have changed relatively little.

Data from the Federal Bureau of Investigation show that DWI arrests decreased 28 percent from 1.92 million in 1983 to 1.38 million in 1994 before turning upward again over the past three years. Arrest data can be an important leading indicator of expected court caseloads. As the two adjacent graphics show, DWI arrests and court caseloads followed the same general pattern of stability during the 1980s before beginning to fall in 1991. Similar to arrest rates for certain vice and drug crimes, DWI arrest rates can be significantly influenced by new legislation and police resource reallocation. For example, increasing the number of random driver checkpoints is likely to translate into increased apprehensions for impaired driving. Given the relationship between police practices and arrest statistics, any change in the level of law enforcement's response to drunk driving may lead to changes in the DWI workload in the courts.

For 1997, NHTSA estimates that 39 percent of the total 42,560 traffic fatalities in the United States involved alcohol. Moreover, an estimated 327,000 persons were injured in crashes where police report alcohol was present. Still, deaths related to alcohol have been decreasing—as the graph below shows, alcohol-related traffic deaths decreased 35 percent from 1982 (25,165 deaths) to 1997 (16,481 deaths), with the steepest declines occurring in the early 1990s. In contrast, non-alcohol-related traffic deaths increased most rapidly during the 1990s and accounted for 61 percent of traffic fatalities in 1997.

Traffic Fatalities in the United States, 1983-1997

Source: National Highway and Traffic Safety Administration, National Center for Statistics and Analysis.

As seen in the table below, decreases in alcohol-related fatalities are not specific to any particular age group and have decreased for both males and females since 1987. For example, of the 7,670 drivers aged 16-20 who were involved in fatal accidents, 14.3 percent had BAC levels of .10 or greater—down from 21 percent in 1987. Likewise, the percentage of drivers with BAC levels of .10 was down 8 percentage points for drivers aged 21-24 and down 9 percentage points for drivers aged 25-34.

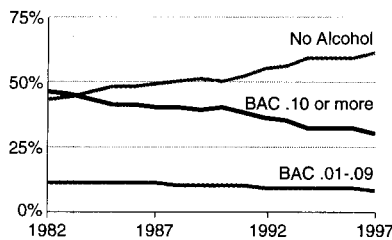
One of the most important factors surrounding the issue of drunk driving is the legal limit placed on blood alcohol concentration levels. Any changes in BAC thresholds likely will impact the courts, because widening the potential pool of arrestees should translate into increased numbers of DWI court cases. Currently, 34 states define drunk driving at the .10 BAC level, while 16 have set the legal limit at .08 (NHTSA, as of August 1998). The U.S. Congress continues to debate the merits of lowering legal BAC levels from .10 to .08 nationally. At the present time, federal legislation offers incentive grants for states that lower their BAC levels from .10 to .08 (Transportation Equity Act, 1998). Supporters of BAC reduction levels cite statistics that show hundreds of lives will be saved each year by lowering the limits; opponents argue that further restrictions are unnecessary because the current laws appear to be achieving their objectives.

Alcohol Involvement for Drivers in Fatal Crashes, 1987 and 1997

	1987		1997		Change in Percentage 1987-1997
	Number of Drivers	Percentage with BAC 0.10 g/dl or Greater	Number of Drivers	Percentage with BAC 0.10 g/dl or Greater	
Total	61,442	25.0%	56,602	17.8%	-7.2%
Age Group					
16-20	9,910	21.0%	7,670	14.3%	-6.7%
21-24	8,808	34.1	5,660	26.3	-7.8
25-34	16,562	32.9	12,378	23.8	-9.1
35-44	9,778	25.4	10,828	22.1	-3.3
45-64	9,693	15.9	11,826	12.8	-3.1
Over 64	5,078	6.7	6,648	4.9	-1.8
Sex					
Male	46,884	27.6	40,658	20.3	-7.3
Female	13,614	15.0	14,846	10.3	-4.7

Source: National Highway and Traffic Safety Administration, National Center for Statistics and Analysis.

Percentage of Traffic Fatalities in the U.S. by Blood Alcohol Concentration (BAC), 1982-1997



Source: National Highway and Traffic Safety Administration, National Center for Statistics and Analysis.

The adjacent graphic shows how the proportion of traffic fatalities varies by BAC level. Since 1982, the most significant decrease in fatalities occurred for deaths involving BAC levels of .10 or more. For the time period shown, the percentage of these deaths dropped 16 percent, whereas the percentage of fatalities involving BAC levels of .01 to .09 decreased 3 percent. The proportion of traffic fatalities that do not involve alcohol increased from 43 percent to 61 percent.

The percent of traffic fatalities involving alcohol varies dramatically by state. For each state, the adjacent table shows traffic fatality counts for alcohol and non-alcohol-related incidents, the percentage of fatalities involving any alcohol (.01 BAC or greater), and the current BAC legal limit. The three states with the lowest number of traffic fatalities are also the three states with the highest percentage of alcohol-involved fatalities (District of Columbia, Rhode Island, and Alaska). Highly populated states such as Texas, Pennsylvania, California, and New York are spread throughout the table. Utah has the lowest rate of alcohol-involved fatalities (20 percent).

A number of explanations have been offered to account for differences in the rate of alcohol-related traffic fatalities. These explanations include differences across states in the use of impaired driver programs that publicize enforcement, demographic and cultural differences, per-capita alcohol consumption, economic and unemployment conditions, and the degree of urbanization. The role played by reduced legal BAC limits remains speculative. However, a recent study by NHTSA concluded that states with .08 per se BAC levels had, on average, lower rates of alcohol-involved traffic fatalities than states with the .10 BAC level (36.1 percent vs. 39.5 percent).

In summary, alcohol consumption in general, DWI arrests, DWI filings in state courts, traffic fatalities related to alcohol, and the BAC of drivers involved in fatal accidents are all declining. Based on these statistics, one would be tempted to surmise that legislation stiffening penalties and lowering BAC thresholds for drunk driving, public education programs concerning alcohol abuse, and other policy initiatives have had an impact on alcohol abuse and DWI behavior.

Traffic Fatalities by State, 1997

State	Alcohol Involved Fatalities*	Non-alcohol Involved Fatalities	Total Traffic Fatalities	Percent Alcohol Involved Fatalities	BAC level .08 illegal**
District of Columbia	35	25	60	58%	
Rhode Island	41	34	75	55	
Alaska	41	36	77	53	
Puerto Rico	292	299	592	50	
Texas	1,748	1,762	3,510	50	
New Hampshire	60	65	125	48	x
North Dakota	50	55	105	48	
Massachusetts	209	233	442	47	
Nevada	160	187	347	46	
Louisiana	421	492	914	46	
Arizona	433	518	951	46	
New Mexico	220	264	484	45	x
Wisconsin	329	396	725	45	
Montana	120	145	265	45	
Hawaii	59	72	131	45	x
Connecticut	152	186	338	45	
Washington	300	376	676	44	x
Oregon	228	295	523	44	x
Missouri	509	683	1,192	43	
Delaware	61	82	143	43	
Illinois	587	808	1,395	42	x
South Dakota	61	87	148	41	
Tennessee	496	727	1,223	41	
Pennsylvania	631	926	1,558	41	
Mississippi	344	517	861	40	
Alabama	473	716	1,189	40	x
Idaho	102	157	259	39	x
Virginia	383	601	984	39	x
Michigan	558	888	1,446	39	
West Virginia	146	233	379	39	
Iowa	174	294	468	37	
Georgia	578	999	1,577	37	
New Jersey	282	492	773	36	
Maryland	221	387	608	36	
Oklahoma	302	536	838	36	
California	1,314	2,374	3,687	36	x
North Carolina	528	955	1,483	36	x
Colorado	218	395	614	36	
Vermont	34	62	96	35	x
South Carolina	318	585	903	35	
Nebraska	105	197	301	35	
Florida	934	1,848	2,782	34	x
Maine	64	128	192	33	x
Ohio	476	965	1,441	33	
Indiana	308	627	935	33	
Kentucky	279	578	858	33	
Minnesota	193	407	600	32	
Wyoming	43	94	137	31	
Kansas	142	339	481	30	x
Arkansas	193	467	660	29	
New York	449	1,194	1,643	27	
Utah	75	291	366	20	x
Total	16,481	26,079	42,560	39%	

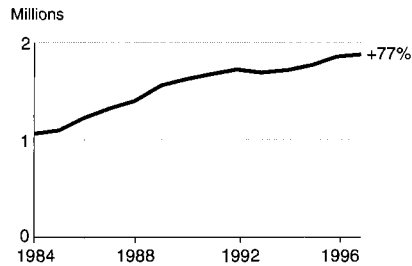
* Alcohol involvement is defined as a blood alcohol content (BAC) of .01 g/dl or greater. ** States without x's have set the illegal BAC level at .10.

Source: National Highway and Traffic Safety Administration, National Center for Statistics and Analysis.

Felony Caseloads in State Trial Courts

Felony Caseload Filing Trends

Felony Filings in Unified and General Jurisdiction Courts in 43 States, 1984-1997



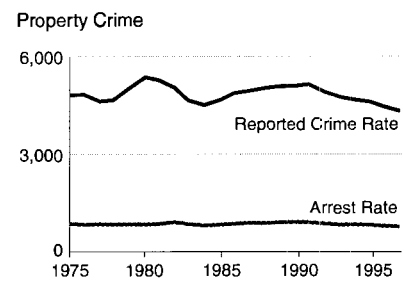
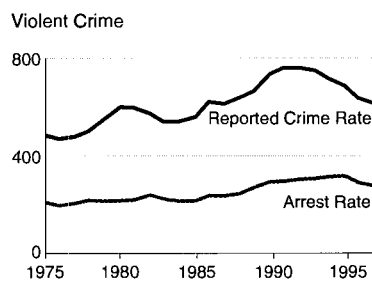
The most serious criminal offenses processed through the state courts are felonies—offenses typically involving violent, property, or drug crime and punishable by incarceration for a year or more. These types of cases command a great deal of attention from the general public, impose tremendous burdens on victims (both physical and emotional), and generate substantial costs for taxpayers. In addition, those who work within the criminal justice system know that fluctuations in felony caseloads can have a significant impact on the overall pace of both criminal and civil litigation.

The general jurisdiction trial court systems of 43 states reported comparable felony filing data for the period 1984 to 1997. Felony filings grew steadily until 1992, and after a brief dip in 1993, they resumed an uninterrupted increase, reaching an all-time high in 1997 (almost 1.9 million). The total growth in felony filings (77 percent) outpaced the growth of all other filings in the courts except for domestic violence filings.

Arrest Rate Trends

Reported violent crime and arrest rates provide firm indicators of the type and volume of felony cases that will be entering the state courts. The trend lines below show that the violent crime rate increased between 1975 and 1992, and then decreased gradually thereafter. The violent crime rate for 1997 (the latest year available) is at its lowest point in ten years. The trend in arrest rates for violent crime follows a pattern similar to the trend in reported violent crime rates. Not all offenses that are reported are cleared by an arrest; consequently, the arrest rate is, on average, about 41 percent of the reported crime rate. Even though reported violent crime and arrest rates have declined since the mid-1990s, they are still much higher than they were in 1975.

Reported Violent and Property Crime and Arrest Rates per 100,000 Population, 1975-1997

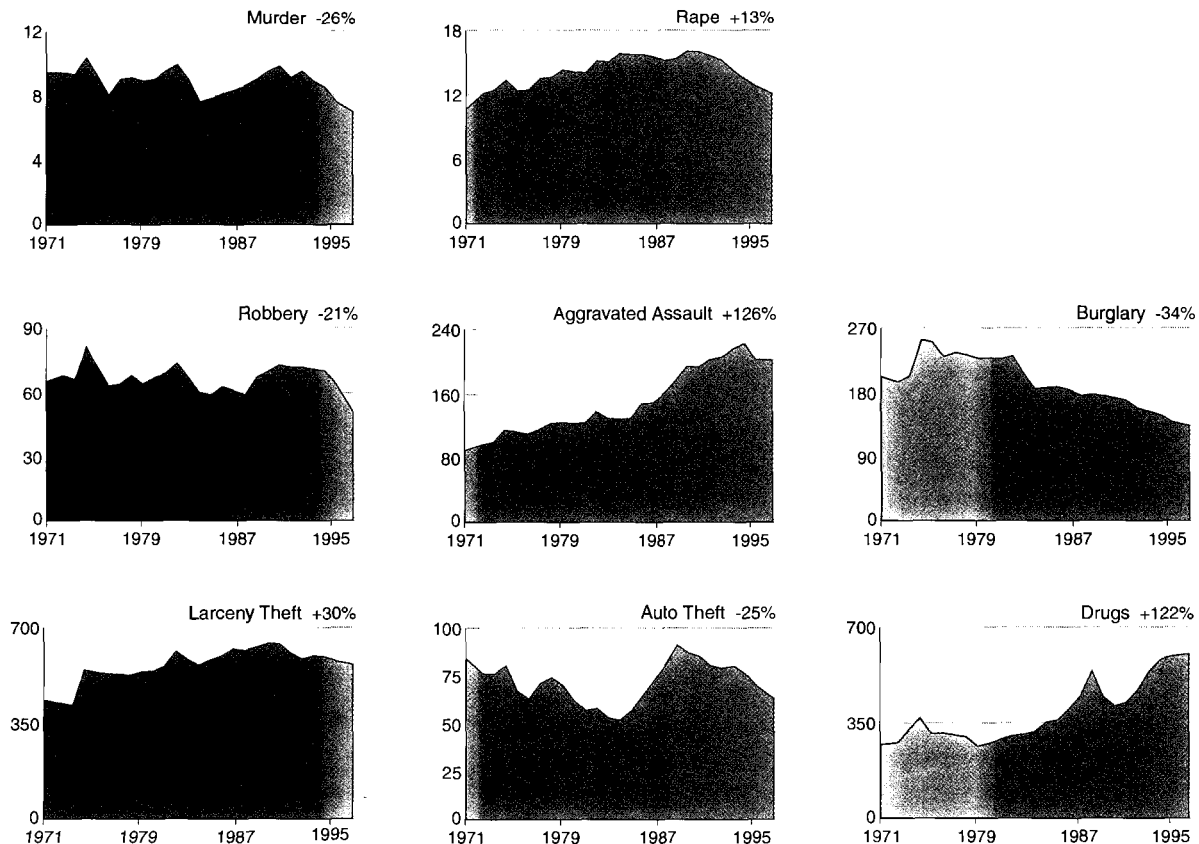


Source: FBI Unified Crime Reports, 1975-1997.

The trend in reported property crime is different from the trend in reported violent crime in that the former showed two noticeable peaks and three valleys over the time period shown. The current property crime rate is at its lowest level since 1975. Given that property crimes are even less likely to result in an arrest, property crime arrest rates are, on average, 17 percent of the reported property crime rate. Although not immediately visible on the graphic, property arrest rates are also at their lowest level since 1975.

The following graphs present the arrest rates for the most serious and most often reported crimes monitored by the FBI's Uniform Crime Reporting Center. These crimes include murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny, and motor-vehicle theft. Although drug abuse violations are not a reportable offense (drug violations cannot be reported officially until an arrest is made), the drug arrest rate is also shown because drug filings contribute significantly to the felony workload of the courts. By viewing such detailed arrest information, court managers who are considering policy or procedural improvements may be able to define diversion strategies more narrowly or target specific types of cases or defendants more accurately.

Arrest Rates per 100,000 Population, 1971-1997



Source: FBI Unified Crime Reports, 1971-1997.

From 1971 to 1997, arrest rates have declined 26 percent for murder, 34 percent for burglary, 25 percent for auto theft, and 21 percent for robbery. More recently, the highest arrest rates are for larceny (564 per 100,000 population in 1997) and drug abuse violations (602 per 100,000 population in 1997), both of which contribute significantly to state court felony caseloads. Arrest rates for aggravated assault are also comparatively high and have increased more rapidly (126 percent) than arrest rates for any other type of crime since 1971.

Felony Filing Rates

The adjacent table displays felony filings per 100,000 population and the growth in felony filings from 1995 to 1997. Felony filing rates increased 10 percent or more in 13 states, and increases of 15 percent or more occurred in North Dakota, Wisconsin, Kansas, Iowa, West Virginia, and Colorado. At the other end of the spectrum, 12 states have experienced a decrease in the number of felony filings per 100,000 population since 1995. In 1997, felony filing rates across the states varied by a factor of more than 15 when comparing the state with the highest rate (Arkansas at 1,560) to the state with the lowest rate (Connecticut at 103).

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

Felony Filing Rates in Unified and General Jurisdiction Courts in 42 States, 1995-1997

	Filings per 100,000 Population			Percent Growth
State	1995	1996	1997	1995-1997
Unified Courts				
North Dakota	379	562	503	33%
Wisconsin	473	550	563	19
Kansas	595	667	687	15
Iowa	545	610	626	15
Illinois	750	767	822	10
Minnesota	400	406	433	8
Missouri	1,021	1,089	1,102	8
South Dakota	703	695	737	5
District of Columbia	2,750	2,842	2,529	- 8
Puerto Rico	960	950	869	-10
Connecticut	117	110	103	-12
General Jurisdiction Courts				
West Virginia	228	242	265	16
Colorado	717	785	834	16
Nebraska	356	378	406	14
Oklahoma	1,133	1,052	1,289	14
Vermont	516	511	584	13
New Mexico	662	753	743	12
Utah	795	1,042	886	11
Wyoming	373	381	413	11
Alaska	460	486	499	8
Alabama	946	996	1,009	7
Virginia	1,229	1,226	1,311	7
Kentucky	485	493	514	6
Hawaii	375	360	397	6
Pennsylvania	1,189	1,196	1,241	4
New Hampshire	526	542	546	4
Florida	1,322	1,370	1,362	3
North Carolina	1,159	1,136	1,190	3
Washington	595	561	608	2
New Jersey	587	581	599	2
Texas	699	683	705	1
Massachusetts	132	133	132	0
California	502	481	501	0
Maryland	1,237	1,247	1,221	- 1
Arkansas	1,581	1,549	1,560	- 1
Maine	292	279	286	- 2
Oregon	1,065	961	1,040	- 2
Indiana	761	812	740	- 3
Idaho	839	769	793	- 6
Rhode Island	611	621	577	- 6
New York	377	374	349	- 7
Ohio	603	598	559	- 7

Note: The 1997 data for Pennsylvania are preliminary.

Felony Clearance Rates

The accompanying table presents clearance rates in general jurisdiction courts in 32 states for the period 1995 to 1997. Clearance rates over the three years were similar in some courts, but varied widely in others. The three-year measure smoothes yearly fluctuations and provides a more representative clearance rate, given the possibility of yearly aberrations. In short, felony cases continue to pose considerable problems for courts since the majority of the states had clearance rates in 1997 that were the same as or lower than their clearance rates in 1995.

Statewide clearance rates not only reflect a range of management initiatives for trial courts but also are influenced by caseload growth and time standards. For example, Oklahoma had the lowest three-year clearance rate and experienced relatively high caseload growth. On the other hand, New York, with the highest three-year clearance rate, experienced one of the largest declines in population-adjusted filings. Of the remaining six states with three-year clearance rates over 100 percent, Connecticut and the District of Columbia also witnessed declines in felony filing rates. In addition, of the ten states with three-year clearance rates of 100 percent or more, only New Hampshire has not adopted formal time standards for criminal case processing, although the state does have local standards and policies related to speedy trials.

Given that arrest rates and felony filings have risen in the last decade, the expectation is that felony cases will continue to comprise a significant portion of general jurisdiction court caseloads in the future.

Felony Clearance Rates in Unified and General Jurisdiction Courts in 32 States, 1995-1997

State	Clearance Rates			1995-1997
	1995	1996	1997	
Unified Courts				
Connecticut	109%	103%	96%	103%
District of Columbia	101	98	106	101
Puerto Rico	103	98	100	100
Minnesota	100	102	96	100
Illinois	95	94	98	96
Iowa	94	92	93	93
Missouri	90	90	93	91
General Jurisdiction Courts				
New York	107	106	109	107
Texas	104	101	102	102
New Jersey	105	100	100	102
West Virginia	108	100	97	102
New Hampshire	112	92	100	101
Pennsylvania	100	101	99	100
North Carolina	105	100	94	99
Ohio	100	99	98	99
Rhode Island	92	98	104	98
Indiana	96	95	100	97
Massachusetts	93	98	100	97
Virginia	95	97	98	96
Kentucky	99	97	93	96
Arkansas	94	102	93	96
Idaho	94	101	95	96
California	95	100	92	96
Alabama	91	95	100	95
Maryland	93	97	95	95
Maine	86	101	93	93
Vermont	97	94	89	93
Oregon	90	99	87	92
New Mexico	96	84	90	90
Tennessee	95	86	87	89
Hawaii	84	92	85	87
Oklahoma	79	91	80	83

Note: The 1997 data for Pennsylvania are preliminary.

National Association for Court Management (NACM)

Since 1995, the National Center for State Courts' Court Statistics Project (CSP) and the National Association for Court Management (NACM) have been recruiting members to assemble the "NACM" Trial Court Network. The purpose of this project is to create a uniform and practical method for permitting the nation's larger state trial courts to compare their work to other courts of similar size and structure. This approach to court performance measurement will help the trial court community (1) assess and respond to a range of national policy initiatives directed at the state courts, (2) obtain and allocate resources by making valid, cross-court comparisons possible, (3) improve communication and information exchange between courts, and (4) create a source of public information on the business of the courts.

NACM Network

One of the most valuable aspects of the NACM Network is the availability of information that is much more detailed than state-level CSP data. The following analysis of *monthly* Network data illustrates how detailed and specific information provided by a handful of Network sites can be used for a very timely assessment of the trends in court workload and performance. In this sense, courts can respond quickly to short-term problems, such as decreasing or slowed disposition rates, while simultaneously holding off any long-term adverse effects, such as an increase in pending caseload.

Several sites participating in the NACM Network can report monthly data for selected felony case processing measures. These measures include filings, dispositions, pending caseloads, and, for some courts, guilty plea rates, dismissal rates, and jury trial conviction rates. The trend analysis presented compares these measures for the Network sites that were able to report some of these measures in a consistent and valid format for the period 1993-1998. These courts include Los Angeles, California; Savannah, Georgia; Lawrenceville, Georgia; Seattle, Washington; Brooklyn, New York; and Houston, Texas.

The Link Between Filings, Dispositions, and Pending Caseloads

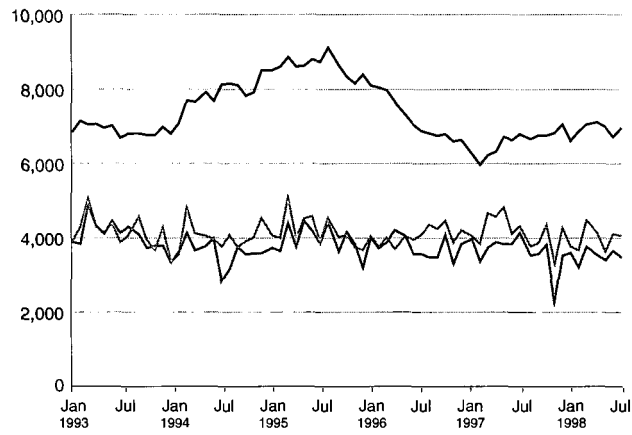
The following series of trend graphs show how even very slight monthly increases in filings over dispositions, if sustained, will affect court backlog. Although the trends for filings and dispositions have remained relatively stable from 1993 to 1998, pending caseloads have fluctuated differently across sites.

An increase in the pending caseload occurs when the number of cases disposed falls short of the number filed, even though monthly filings may exceed dispositions by a relatively small margin. The cumulative impact is made obvious by careful examination of the trend in pending cases (shaded areas in the adjacent charts highlight the relationship between changes in filings and dispositions and pending caseloads). For example, data from Seattle show that the pending caseload increased as filings exceeded dispositions in all but two months from November 1996 until July 1998. A very different pattern is evident in Brooklyn. The pending caseload has fallen from a recent peak in November 1996, as dispositions have tended to exceed filings.

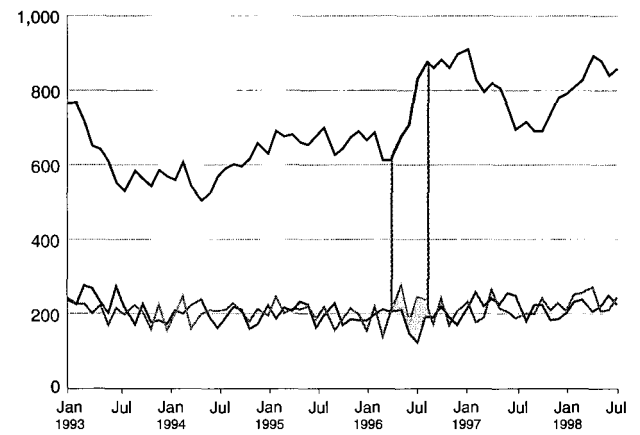
The pending caseload numbers in Los Angeles include both active and inactive pending. Recent management efforts eliminated many of the inactive cases, although the active pending caseload continued to grow. The net result was that the total pending caseload fell between late 1995 and early 1997, before turning upward in subsequent months.

Filings, Dispositions, and Pending Caseloads, 1993-1998

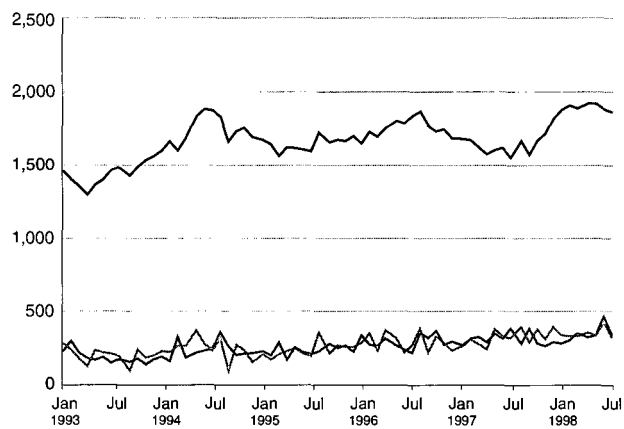
Los Angeles, CA



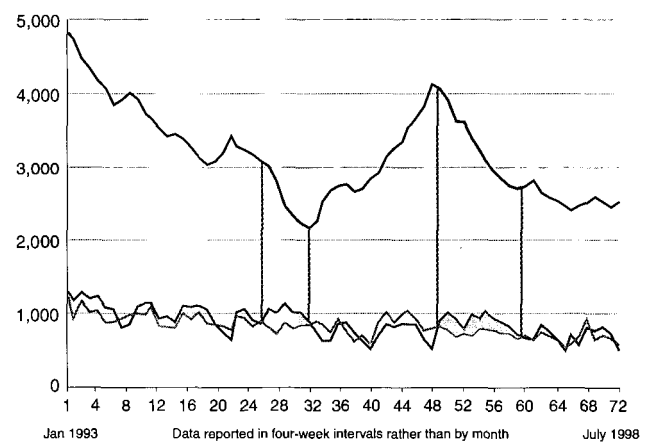
Savannah, GA



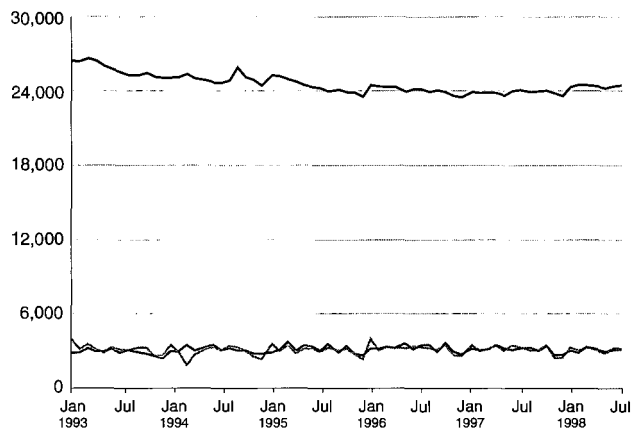
Lawrenceville, GA



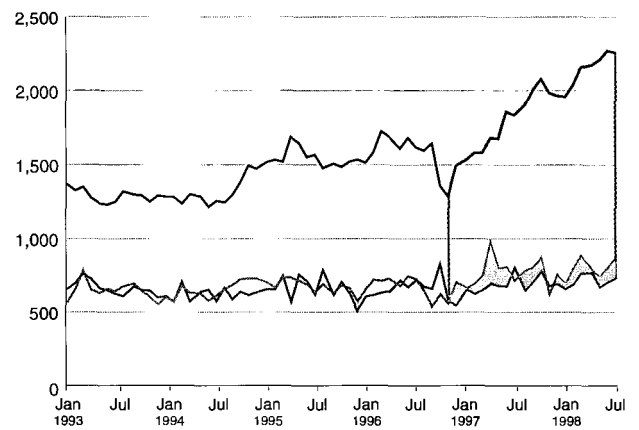
Brooklyn, NY



Houston, TX



Seattle, WA



— End Pending — Filings - - - Dispositions

Method of Disposition

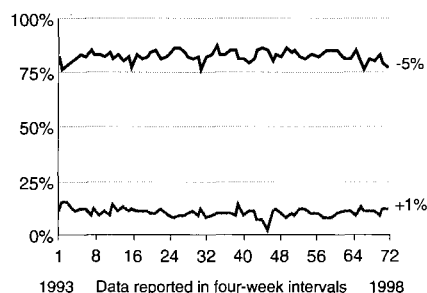
Some NACM sites are also able to provide information about the method of disposition in felony cases. This information allows the tracking of guilty pleas, dismissals, jury trials, and bench trials. Courts that handle criminal matters in the sites included here typically process hundreds of felony cases annually. The most common method of disposition is the guilty plea. Guilty plea rates were high across all sites, ranging on average from 81 percent in Seattle to 86 percent in Savannah. The second most common type of disposition is the dismissal. Average dismissal rates range from 6 percent in Los Angeles to 13 percent in Houston. Overall, guilty plea and dismissal rates have barely changed since 1993. In fact, the site with the most significant change was Houston, where a 5 percent increase in the guilty plea rate was accompanied by a 5 percent decrease in the dismissal rate.

In addition to remaining stable over the long term, guilty plea and dismissal rates seldom vary more than just a few percentage points from month to month. Moreover, there is a strong correlation between guilty plea and dismissal rates across all sites—if guilty plea rates increase, dismissals are almost certain to decrease and vice versa.

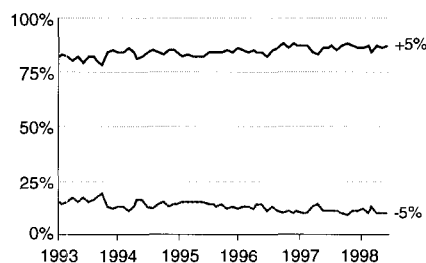
Regardless of whether caseloads are rising or falling, practically all cases are disposed either by guilty plea or by dismissal. One interpretation is that guilty pleas are advantageous to both parties, since the state avoids the expense of trial and the defendant avoids the uncertainty of a trial. On average, bench and jury trials comprise less than 5 percent of dispositions.

Guilty Plea and Dismissal Rates, 1993-1998

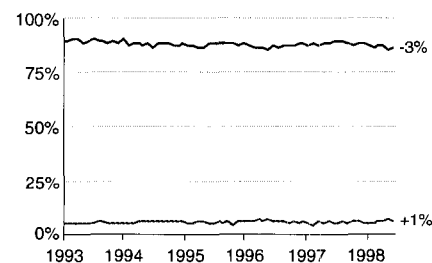
Brooklyn, NY



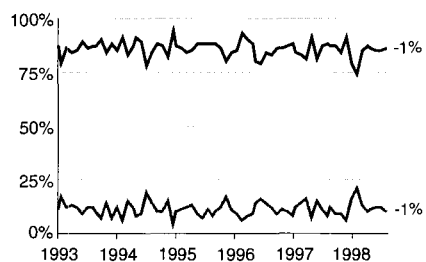
Houston, TX



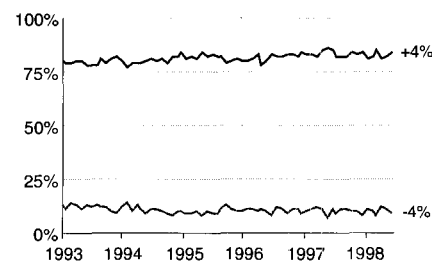
Los Angeles, CA



Savannah, GA



Seattle, WA



Two Network sites, Los Angeles and Houston, were able to report comparable data on the number of felony jury trials for the period 1993-1998. As mentioned previously, the rate of jury trials was consistently low for all Network sites examined. Nonetheless, the resources required for jury trials, particularly in terms of judicial and court support staff time, far exceed the resources needed for other traditional or alternative methods of disposition.

Two of the largest trial court systems in the country, Los Angeles and Houston average 200 and 68 jury trials per month, respectively. From a longitudinal perspective, the number of jury trials per month has remained relatively constant, although month-to-month peaks and valleys are noticeable. The peak that occurred during March 1994 in Los Angeles coincided with the implementation of California's "three strikes" law. The drop in November 1997 was related to an organized labor job action that caused a loss of 21,000 personnel hours due to an employee strike.

Jury Trial Outcomes in Los Angeles and Houston, 1997



Los Angeles

84% of jury trials resulted in convictions

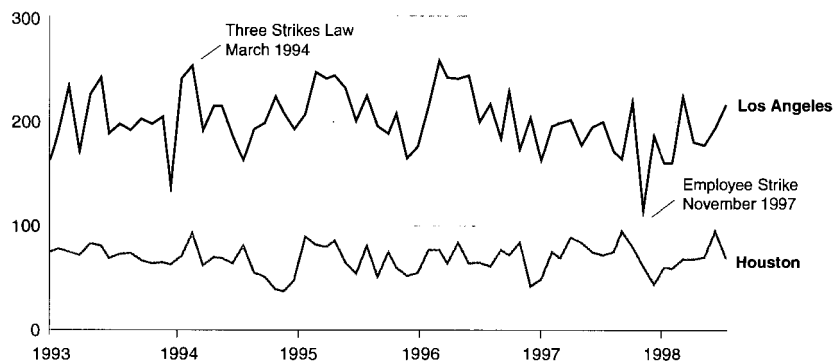
Jury Trials  2,178
Convictions  1,829

Houston

88% of jury trials resulted in convictions

Jury Trials  856
Convictions  757

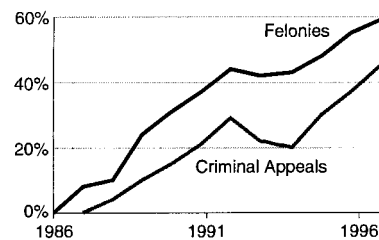
Jury Trials in Los Angeles and Houston, 1993-1998



Appellate Caseloads in State Courts

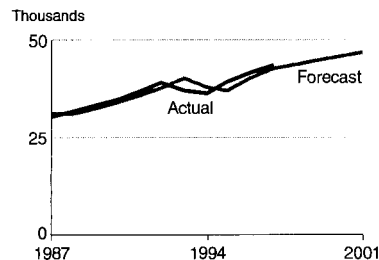
Comparing Caseload Growth in State Trial and Appellate Courts

Growth Rates of Felony Filings and Criminal Appeals, 1986-1997



Estimating the growth rate of civil and criminal appeals requires an understanding of the factors generating appeals. Decisions in the trial courts are, of course, the basic source of appeals. The graph to the left displays the percentage change in felony filings in state trial courts and the percentage change in criminal appeals entering intermediate appellate courts. Since it typically takes at least one year for felonies to be appealed, there is a one-year lag for the appeals.¹ While state-to-state differences exist, the overall trend in criminal appeals tracks very closely the trend in felony trial court filings.

Criminal Appeals Forecasts, 1987-2001



The adjacent graph forecasts the growth of criminal appeals to the year 2001, based on growth over the last ten years. According to the forecast, there will be significant caseload increases for intermediate appellate courts.

State Appellate Court Caseloads and Growth Rates of Total Appellate Caseloads

The volume of appeals reached a new high in 1997. Based on information from the 50 states, the District of Columbia, and Puerto Rico, the total number of appellate filings was 295,275, representing an increase of 3 percent over the previous year. In those courts where the number of cases is rising but the size of the judiciary and court staff is not, appellate judges have less time to review the record, read the briefs, hear oral argument, discuss the case, and prepare an order or opinion resolving the case. Increased demands on the available work time mean that judicial and court support staffing levels must be assessed and the search continued for more efficient and effective ways of handling cases.

Most of the cases in 1997 were appeals of right that the state appellate courts must decide. Specifically, 69 percent (203,077) of the nationwide appellate caseload consisted of mandatory appeals, and discretionary petitions represented 31 percent (92,198) of the total caseload. Because courts of last resort (COLRs) and intermediate appellate courts (IACs) have various combinations of mandatory and discretionary authority, it is important to see which courts experienced increases in mandatory appeals and discretionary petitions.

While the volume of mandatory appeals in IACs remained relatively constant from 1996 to 1997, mandatory appeals increased 5 percent and discretionary petitions increased 6 percent in COLRs. In more than half of the states, the IACs hear most appeals of right and the COLRs have primarily discretionary jurisdiction. California, Florida, Ohio, Illinois, New Jersey, and Michigan are all large states

¹ R. Hanson, *Time on Appeal* (Williamsburg, Va.: National Center for State Courts, 1996).

Total Appellate Court Filings, 1997

	Total Filings	Type of Filing		Population Rank	Appeals per 100,000 Population
		Percent Mandatory	Percent Discretionary		
States with an IAC					
California	33,361	51%	49%	1	103
Florida	25,005	76	24	4	171
Texas	20,096	85	15	2	103
New York	18,891	75	25	3	104
Pennsylvania	17,770	84	16	5	148
Ohio	15,218	88	12	7	136
Louisiana	13,319	31	69	22	306
Illinois	12,906	82	18	6	108
New Jersey	11,395	71	29	9	142
Michigan	11,260	44	56	8	115
Oregon	5,875	84	16	30	183
Arizona	5,806	65	35	21	127
Virginia	5,778	13	87	12	86
Alabama	5,686	83	17	23	132
Georgia	5,632	67	33	10	75
Washington	5,410	69	31	15	96
Missouri	5,086	87	13	16	94
Wisconsin	4,887	77	23	18	95
Kentucky	4,534	81	19	24	116
Puerto Rico	4,503	41	59	26	118
Oklahoma	4,273	90	10	28	129
Tennessee	4,214	69	31	17	78
Arkansas	3,824	44	56	34	152
Colorado	3,756	65	35	25	96
Maryland	3,286	66	34	19	65
Indiana	3,274	78	22	14	56
Massachusetts	3,155	76	24	13	52
Minnesota	3,140	75	25	20	67
Kansas	3,085	75	25	33	119
North Carolina	2,713	61	39	11	37
Iowa	2,371	100		31	83
Mississippi	1,929	100		32	71
South Carolina	1,908	66	34	27	51
Connecticut	1,787	75	25	29	55
New Mexico	1,765	60	40	37	102
Nebraska	1,648	83	17	39	99
Utah	1,357	100		35	66
Idaho	1,004	89	11	41	83
Hawaii	913	91	9	42	77
Alaska	872	70	30	49	144
States without an IAC					
West Virginia	3,114		100	36	171
District of Columbia	2,099	99	1	51	397
Nevada	1,835	100		38	109
New Hampshire	915		100	43	78
Montana	872	84	16	45	99
Maine	724	100		40	58
Rhode Island	686	69	31	44	69
Vermont	582	96	4	50	99
Delaware	551	100		47	75
South Dakota	423	87	13	46	57
North Dakota	402	96	4	48	63
Wyoming	380	100		52	79
Total	295,275	69%	31%		

that follow this pattern. The remaining states with high filing rates have either two IACs (New York and Pennsylvania) or two COLRs (Texas) with different subject matter jurisdiction. Louisiana, which has a very high volume of discretionary petitions in its IAC, ranks seventh in the nation for appellate filings.

At the other end of the spectrum, nine states with comparatively small appellate caseloads (fewer than 1,000 appeals, most of which come to the courts as a matter of right) can dispose of their caseloads without an intermediate appellate court. The District of Columbia and Nevada received more appeals in their one appellate-level court than many states with two-tiered appellate court systems. The two remaining states without an IAC, New Hampshire and West Virginia, have discretionary jurisdiction and relatively high appellate filings for their populations.²

² For a classification of state appellate court systems, see V. Flango and C. Flango, "A Taxonomy of Appellate Court Organization," *Caseload Highlights* 3 (no. 1): 1998.

The table on the previous page ranks the states according to their number of filings and separates caseloads into mandatory and discretionary categories. Because appellate caseloads are highly correlated with population, this table also shows the volume of appeals per 100,000 population. Taking population into account reduces the variation in appellate filing rates considerably: rates fall between 63 and 140 appeals per 100,000 in most states. West Virginia and the District of Columbia have unusually high appeal rates, while the Carolinas have unusually low rates of appeal.



The graphs below show the mandatory and discretionary caseloads for the COLRs and IACs.

Total Appellate Caseloads, 1997

Courts of Last Resort

Mandatory		32,349
Discretionary		60,841

Intermediate Appellate Courts

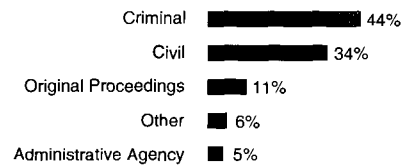
Mandatory		170,728
Discretionary		31,357

Composition of Appellate Caseloads

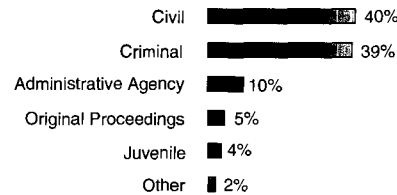
The graphs below show the composition of appeals. Criminal and civil appeals dominate the workload of IACs and COLRs. Defendants convicted at trial usually bring criminal appeals. These individuals most often allege trial court error, ineffective assistance of counsel, or incorrect sentencing. About one-quarter to one-third of criminal appeals stem from nontrial proceedings (e.g., guilty pleas and probation revocation hearings).

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

Composition of Discretionary Petitions in 33 Courts of Last Resort, 1997



Composition of Mandatory Appeals in 21 Intermediate Appellate Courts, 1997



Focusing strictly on appeals does not provide a comprehensive picture of the work of appellate courts. Of course, the review of lower-court decisions is central, but in some instances, appellate courts exercise original jurisdiction and act upon a case from its beginning. Examples of original proceedings include post-conviction remedy cases, sentence review cases, and disputes over elections that are brought originally to the appellate court. The first table on the next page shows how the more than 33,000 original proceedings were spread across 37 states in 1997. The table also shows that the total number of original proceedings has grown 22 percent since 1995. The District of Columbia, Montana, Tennessee, and Idaho have very high growth rates.

Another category of appellate cases involves the supervisory jurisdiction of appellate courts over any conduct of judges or attorneys that affects their official duties. The second table on the next page shows the number of disciplinary filings in 32 states. Florida heads this list with its 505 disciplinary cases. Disciplinary filings have grown 3 percent since 1995.

Original Proceedings in Appellate Courts, 1995-1997

State	1995	1996	1997	Percent Growth 1995-1997
California	8,907	9,872	10,926	23%
Texas	4,373	4,784	6,167	41
Florida	2,750	3,214	3,183	16
Illinois	1,508	1,597	1,596	6
Pennsylvania	1,095	1,785	1,633	49
Missouri	950	782	889	-6
Arizona	837	1,023	911	9
Alabama	670	701	763	14
Oregon	621	765	851	37
Virginia	616	761	751	22
Washington	587	656	526	-10
Colorado	400	432	389	-3
Maryland	393	327	357	-9
Ohio	293	366	346	18
Georgia	287	398	490	71
Kentucky	281	238	265	-6
Tennessee	276	425	545	97
Indiana	234	240	220	-6
Kansas	174	155	117	-33
New Mexico	146	141	122	-16
Arkansas	119	132	155	30
Wisconsin	97	80	91	-6
Hawaii	81	65	79	-2
Minnesota	63	89	63	0
Louisiana	59	53	80	36
Idaho	58	62	108	86
North Dakota	40	45	26	-35
Puerto Rico	39	10	32	-18
Utah	36	36	31	-14

States without an IAC

West Virginia	503	592	549	9
Nevada	203	313	203	0
Montana	134	234	267	99
South Dakota	93	78	93	0
District of Columbia	72	53	148	106
Wyoming	56	48	65	16
Delaware	27	23	32	19
Vermont	13	13	5	-62
Total	27,091	30,588	33,074	22%

Disciplinary Matters in Appellate Courts, 1995-1997

State	1995	1996	1997	Percent Growth 1995-1997
Florida	552	556	505	-9%
California	452	315	309	-32
New Jersey	226	282	322	42
Georgia	114	158	223	96
Colorado	103	107	130	26
Ohio	100	125	122	22
Arizona	68	71	117	72
Kentucky	84	106	103	23
Indiana	79	92	64	-19
Oregon	57	65	38	-33
Michigan	78	61	64	-18
Louisiana	47	57	46	-2
Maryland	45	54	88	96
Puerto Rico	9	52	10	11
Missouri	63	43	38	-40
Minnesota	48	40	33	-31
Wisconsin	27	31	37	37
Idaho	24	31	39	63
New Mexico	29	29	41	41
North Dakota	18	27	21	17
Alaska	17	23	22	29
Kansas	24	18	21	-13
South Carolina	8	14	31	288
Washington	13	13	11	-15
Texas	8	8	5	-38
Utah	7	7	14	100
Alabama	4	4	2	-50

States without an IAC

District of Columbia	126	126	123	-2
Nevada	41	57	45	10
West Virginia	43	33	27	-37
Delaware	14	16	18	29
Vermont	8	10	11	38
Total	4,531	4,627	4,677	3%

Intermediate Appellate Court Clearance Rates

One measure of whether an appellate court is keeping up with its caseload is its clearance rate. The adjacent table includes clearance rates for intermediate appellate courts and distinguishes between mandatory appeals and discretionary petitions.

IACs are having moderate success in keeping up with their mandatory caseloads: 15 of the 38 states have three-year clearance rates of 100 percent or greater, and an additional 14 states cleared 96 percent or more of their cases. Michigan and New York have very high three-year clearance rates and apparently are starting to cut into their backlog of cases. Michigan's IAC has used several innovative techniques to accomplish its high clearance rates, including increasing the number of central staff attorneys, using visiting trial court judges or retired appellate judges to increase the number of available panels, using settlement conferences and summary panels, and amending the state constitution to restrict appeals by defendants who have pled guilty. The remaining nine states, however, have backlogs that are growing annually. This backlog is cause for concern because the bulk of the nation's appeals are mandatory cases handled by IACs. IACs with jurisdiction over discretionary petitions also have been moderately successful in handling their cases. Eight of the 13 states for which discretionary data are available attained a three-year clearance rate of 100 percent or more.

Clearance Rates in Intermediate Appellate Courts, 1995-1997

State	1995	1996	1997	1995-1997
Mandatory Appeals				
Michigan	166%	188%	204%	183%
New York	160	155	154	156
Virginia	94	104	124	107
Washington	97	101	121	106
Arizona	104	106	108	106
Oklahoma	104	102	117	106
Illinois	109	105	103	105
Georgia	105	107	100	104
Louisiana	106	100	98	101
Colorado	99	101	101	101
Ohio	101	100	100	100
Missouri	97	96	108	100
New Jersey	101	95	104	100
Minnesota	98	102	102	100
Mississippi	100	100	100	100
Texas	99	95	105	99
Florida	97	101	100	99
Utah	101	89	109	99
Alaska	96	95	108	99
Arkansas	82	97	117	99
Wisconsin	98	100	98	99
Maryland	99	98	99	99
Connecticut	97	98	101	99
Iowa	96	97	101	98
Oregon	100	97	97	98
North Carolina	96	97	100	98
New Mexico	101	95	96	97
Pennsylvania	98	96	96	96
Kentucky	94	95	99	96
Indiana	108	89	84	93
Tennessee	105	83	91	92
Alabama	84	94	99	92
Idaho	71	105	100	92
South Carolina	77	92	98	90
California	97	96	75	89
Nebraska	82	92	84	86
Kansas	77	82	95	84
Massachusetts	88	61	95	81
Discretionary Petitions				
California	101	102	174	126
Alaska	106	109	112	109
Kentucky	114	111	96	107
Georgia	104	109	100	104
Virginia	103	108	99	103
Arizona	103	108	94	102
Louisiana	101	100	104	102
Minnesota	100	101	100	100
Maryland	100	92	100	97
Washington	91	89	116	99
Florida	94	93	90	92
Tennessee	69	72	143	95
North Carolina	87	92	88	89

The Trend in Mandatory Civil Appeals in IACs

Mandatory civil appeals grew only 5 percent from 1993 to 1997, or about 1 percent per year. The reason for the limited growth at the national level is that filings actually decreased in the IACs in seven states (Indiana, Kentucky, Minnesota, South Carolina, Utah, Ohio, and Michigan). Because the national growth rate was positive, the growth rates for some states were considerably more than the national average. Alabama and New Mexico in particular have experienced substantial growth in mandatory civil appeals in their IACs over the past five years (43 percent and 40 percent, respectively). The rates of growth in these courts are very significant because many of these cases are complex and involve multiple issues, which places appreciable demands on the limited resources available. Finally, more moderate increases were recorded in 17 states, where civil caseloads grew 14 percent or less. However, even these moderate increases mean that the courts must be increasingly productive to avoid the development of case backlogs.

Mandatory Civil Appeals in 26 Intermediate Appellate Courts, 1993-1997

State/Court	1993	1994	1995	1996	1997	Growth Index 1993-1997
ALABAMA Court of Civil Appeals	830	906	1,327	1,323	1,447	143%
NEW MEXICO Court of Appeals	269	321	343	389	450	140
IOWA Court of Appeals	516	493	510	621	601	114
TEXAS Courts of Appeals	4,056	4,226	4,304	4,956	4,666	113
LOUISIANA Courts of Appeal	2,427	2,406	2,324	2,483	2,772	112
CONNECTICUT Appellate Court	950	967	1,041	959	1,075	112
ARKANSAS Court of Appeals	484	483	547	499	541	111
PENNSYLVANIA Commonwealth Court	1,901	1,782	1,971	2,419	2,120	110
PENNSYLVANIA Superior Court	3,742	3,772	3,837	3,996	4,143	110
WASHINGTON Court of Appeals	1,328	1,348	1,355	1,375	1,450	108
MISSOURI Court of Appeals	2,627	2,980	3,010	3,154	2,866	108
MASSACHUSETTS Appeals Court	1,140	1,331	1,291	1,161	1,237	108
MARYLAND Court of Special Appeals	1,076	1,106	1,263	1,218	1,162	107
CALIFORNIA Courts of Appeal	5,934	5,786	5,367	5,628	6,387	107
WISCONSIN Court of Appeals	2,026	2,057	2,179	2,151	2,131	105
ILLINOIS Appellate Court	4,575	4,603	4,489	4,669	4,812	105
ARIZONA Court of Appeals	767	839	745	838	799	104
NORTH CAROLINA Court of Appeals	819	854	801	818	840	103
OREGON Court of Appeals	888	892	929	910	892	100
INDIANA Court of Appeals	809	717	726	734	782	97
KENTUCKY Court of Appeals	1,727	1,655	2,097	1,771	1,641	95
MINNESOTA Court of Appeals	1,370	1,441	1,426	1,362	1,240	90
SOUTH CAROLINA Court of Appeals	431	346	387	335	388	89
UTAH Court of Appeals	408	366	417	403	362	87
OHIO Courts of Appeals	4,392	4,373	4,068	3,945	3,880	87
MICHIGAN Court of Appeals	3,436	3,092	3,084	3,063	2,889	81
Total Mandatory Civil Appeals	48,928	49,142	49,838	51,180	51,573	105%

The Trend in Mandatory Criminal Appeals in IACs

Criminal appeals filed in 24 states grew 14 percent from 1993 to 1997. This rate of growth is almost three times greater than the growth rate for civil appeals, although a limited number of courts (six) experienced a decrease in filings since 1993. Alabama's criminal caseload has doubled in just five years, and criminal appeals have increased more than 40 percent in Kentucky, Ohio, Massachusetts, and Texas. Because they are large states with large numbers of criminal appeals, California and Texas are having a great impact on the overall growth rate.

While there are more routine criminal appeals, on average, than routine civil appeals, courts have to expend time and effort to dispose of criminal appeals properly. Because these cases are mandatory and must be heard by the court, there is little hope for relief unless the court adopts some type of expedited procedure. If courts do not find innovative ways to expedite routine criminal appeals, they will find themselves with less time to handle the complex civil and criminal cases, and their backlog will continue to grow.

Mandatory Criminal Appeals in 24 Intermediate Appellate Courts, 1993-1997

State/Court	1993	1994	1995	1996	1997	Growth Index 1993-1997
ALABAMA Court of Criminal Appeals	1,036	1,151	1,982	1,955	2,062	199%
KENTUCKY Court of Appeals	636	771	815	967	979	154
OHIO Courts of Appeals	3,465	3,391	4,087	5,008	5,178	149
MASSACHUSETTS Appeals Court	674	737	803	965	998	148
TEXAS Courts of Appeals	5,364	5,071	5,430	6,146	7,626	142
NORTH CAROLINA Court of Appeals	425	446	481	510	576	136
UTAH Court of Appeals	270	286	313	313	362	134
NEW MEXICO Court of Appeals	299	245	347	419	387	129
WISCONSIN Court of Appeals	1,264	1,288	1,353	1,477	1,632	129
OREGON Court of Appeals	2,059	2,007	2,220	2,408	2,651	129
CALIFORNIA Courts of Appeal	6,812	6,873	7,884	8,087	8,610	126
IOWA Court of Appeals	157	123	232	188	196	125
MINNESOTA Court of Appeals	435	496	653	582	542	125
LOUISIANA Courts of Appeal	1,065	1,071	1,017	1,110	1,190	112
WASHINGTON Court of Appeals	1,663	1,755	1,844	1,756	1,723	104
INDIANA Court of Appeals	1,016	845	829	1,074	1,021	100
ILLINOIS Appellate Court	4,340	4,129	4,360	4,165	4,341	100
MISSOURI Court of Appeals	730	794	778	766	727	100
ARKANSAS Court of Appeals	328	301	329	291	324	99
MARYLAND Court of Special Appeals	955	868	858	824	842	88
CONNECTICUT Appellate Court	214	216	186	220	171	80
ALASKA Court of Appeals	411	371	371	384	327	80
ARIZONA Court of Appeals	1,809	1,226	1,126	1,066	1,088	60
MICHIGAN Court of Appeals	5,834	4,962	3,999	3,063	3,492	60
Total Mandatory Criminal Appeals	41,261	39,423	42,297	43,744	47,045	114%

Trends in Discretionary Petitions in Courts of Last Resort: Criminal and Civil

For the period 1993 to 1997, 14 states were able to report the number of discretionary petitions filed in their state supreme courts. For these courts, criminal petitions increased 16 percent and civil petitions 4 percent. Growth at the criminal level is shaped primarily by upward trends in California, North Carolina, Virginia, and Washington. North Carolina is exceptional in that the state supreme court's discretionary caseload has more than doubled since 1993. In contrast, the number of criminal petitions decreased in Louisiana, Ohio, and Michigan.

Discretionary Petitions in 14 Courts of Last Resort, 1993-1997

State/Court	1993	1994	1995	1996	1997	Growth Index 1993-1997
CIVIL						
WASHINGTON Supreme Court	282	290	266	297	358	127%
MICHIGAN Supreme Court	961	1,088	1,199	993	1,145	119
NORTH CAROLINA Supreme Court	224	314	270	271	260	116
ILLINOIS Supreme Court	710	736	879	917	808	114
NEW YORK Supreme Court	1,421	1,611	1,683	1,785	1,583	111
LOUISIANA Supreme Court	1,493	1,476	1,538	1,496	1,630	109
WEST VIRGINIA Supreme Court	536	575	649	646	571	107
CALIFORNIA Supreme Court	1,831	1,819	1,724	1,782	1,898	104
WISCONSIN Supreme Court	521	564	558	607	524	101
MINNESOTA Supreme Court	389	385	384	355	379	97
VIRGINIA Supreme Court	696	723	684	696	673	97
TEXAS Supreme Court	1,441	1,394	1,407	1,340	1,378	96
OHIO Supreme Court	1,294	1,310	1,255	1,262	1,208	93
OREGON Supreme Court	263	221	208	173	145	55
Total Civil Discretionary Petitions	12,062	12,506	12,704	12,620	12,560	104%
CRIMINAL						
NORTH CAROLINA Supreme Court	104	167	168	186	237	228
VIRGINIA Supreme Court	639	866	935	1,065	1,160	182
CALIFORNIA Supreme Court	2,145	2,831	2,530	2,875	3,265	152
WASHINGTON Supreme Court	359	362	417	396	455	127
ILLINOIS Supreme Court	858	860	888	1,066	1,072	125
MINNESOTA Supreme Court	178	202	246	230	222	125
WEST VIRGINIA Supreme Court	165	178	209	234	203	123
WISCONSIN Supreme Court	392	459	441	499	471	120
OREGON Supreme Court	301	273	272	275	356	118
TEXAS Court of Criminal Appeals	1,610	1,477	1,439	1,847	1,677	104
NEW YORK Supreme Court	3,056	2,962	3,164	2,797	3,064	100
LOUISIANA Supreme Court	1,425	1,456	1,402	1,409	1,410	99
MICHIGAN Supreme Court	1,696	2,008	1,857	1,698	1,611	95
OHIO Supreme Court	638	629	583	642	595	93
Total Criminal Discretionary Petitions	13,566	14,730	14,551	15,219	15,798	116%

Discretionary Review in Courts of Last Resort

In states with an IAC, the precise boundaries of the COLR's jurisdiction become important to understanding the flow of cases to the COLR and, possibly, the percentage of petitions that are granted. For example, the types of cases that would go to the IAC in Minnesota are filed instead in the COLR in West Virginia, where there is no IAC and the COLR has full discretion over its docket.

The percentage of discretionary petitions granted in 1997 and the number of justices needed to grant review are shown in the table below. State COLRs granted, on average, 10 percent of the discretionary petitions considered in 1997. This selection process is shown by comparing the number of petitions considered to the number of petitions granted. In states that require a majority of justices to grant certiorari, courts grant a median of 5 percent of petitions; in states that allow a minority of the court to accept a petition for review, courts grant a median of 14 percent of petitions. In other words, if a greater proportion of COLR justices are needed to accept a case for review, fewer petitions tend to be granted.

Discretionary Petitions Granted in 22 Courts of Last Resort, 1997

	Number of Petitions Filed	Number of Petitions Granted	Percentage of Petitions Granted	Number of Justices Needed to Grant Review
Majority				
Nebraska	282	54	19%	4 of 7
Idaho	666	119	18	3 of 5
Montana	143	20	14	4 of 7
Georgia	1,362	107	8	3 of 5
Ohio	1,839	103	6	4 of 7
Illinois	2,308	106	5	4 of 7
New Jersey	3,340	149	4	3 of 5
Michigan	2,844	106	4	4 of 7
Missouri	645	19	3	4 of 7
California	7,563	111	1	4 of 7
Hawaii	781	21	3	3 of 5
Median			5%	
Minority				
Connecticut	453	82	18	2 of 7
Minnesota	741	127	17	3 of 7
North Carolina	544	88	16	3 of 7
Massachusetts	768	116	15	3 of 7
Maryland	683	101	15	3 of 7
South Carolina	646	93	14	2 of 5
Louisiana	3,068	351	11	1 of 7
Tennessee	954	93	10	2 of 5
Virginia	2,671	249	9	1 of 3
Texas	3,050	149	5	4 of 9
Kansas	786	26	3	3 of 7
Median			14%	

How Do Appellate Courts Dispose of Their Caseloads?

Information on court dispositions is hard to obtain, and definitional differences make comparisons difficult. Yet, the manner in which cases are disposed is an indication of how appellate courts do their work.

³ Judicial Administration Division, American Bar Association, *Standards Relating to Appellate Delay Reduction* 21 (1988).

The preparation of full written opinions “has been called the single most time-consuming task in the appellate process.”³ Rising appellate caseloads have led not only to curtailment of the issuance of full opinions to decide the bulk of cases but also to concern over the availability of sufficient judicial time to prepare full opinions in particularly important cases.

Table 6 in *State Court Caseload Statistics, 1997* presents the number of signed opinions issued by state appellate courts during 1997. The table also indicates whether this count is by case or by written document and whether majority opinions, per curiam opinions, and memoranda/orders are included in the count. The number of justices or judges serving on each court, as well as the number of court support staff with legal training, also is provided.

In addition to opinions, appellate courts decide appeals in other ways that also state the facts of the case and reasons for the court’s decision. These dispositions include **memorandum decisions** that are signed and **per curiam opinions** that are not signed and generally are very brief, but some appellate courts state the court’s reasoning. What differentiates a signed opinion from a memorandum decision varies among appellate courts. In some courts, all published opinions are designated memorandum decisions and are counted separately from signed opinions. Other courts merge memorandum decisions with signed opinions.

For the past three years, the Court Statistics Project has been collecting information about dispositions in appellate courts. This information is collected in six basic categories: (1) full written, published opinions; (2) nonpublished opinions, memorandum decisions, and summary dispositions; (3) denial of discretionary petitions; (4) dismissals/withdrawals; (5) dispositions of original proceedings and disciplinary matters; and (6) other types of decisions (e.g., transfers to other courts).

The following table shows the composition of dispositions in appellate courts for the years 1995, 1996, and 1997. For all three years, denials of discretionary petitions were the most common method of disposition used by COLRs. Published opinions represented a fairly consistent proportion of dispositions, and the use of unpublished opinions and dismissals varied. For IACs, published opinions also accounted for a consistent share of dispositions, and the most common dispositions were short, unsigned opinions such as memorandum decisions.

Composition of Dispositions in Courts of Last Resort and Intermediate Appellate Courts, 1995-1997

	1995	1996	1997
Courts of Last Resort			
Discretionary Petitions Denied	42%	41%	39%
Short, Unsigned Opinions	18	11	17
Original Proceedings	14	15	15
Published Opinions	14	13	14
Dismissed/Withdrawn	7	10	7
Other	5	10	8
Intermediate Appellate Courts			
Short, Unsigned Opinions	46	46	41
Published Opinions	25	24	23
Dismissed/Withdrawn	18	20	21
Discretionary Petitions Denied	11	10	15

Judicial Workload Assessment

Caseload measures dominate our current knowledge of what courts do. While caseloads are important for determining the demands made on our state judicial systems, they are silent about the judicial resources needed to effectively process this vast array of cases. That is, raw, unadjusted case filing numbers offer only minimal guidance as to the amount of judicial *work* generated by those case filings.

Not all cases are the same. Different types of cases require different amounts of time from judges and court staff. Consequently, there is a real need to shift the focus of what courts do from caseload measures to workload measures. This reorientation will offer firmer ground on which courts can seek to gain a sufficient number of judges, judicial officers, and staff and appropriately allocate those resources to areas where they are most needed.

Two primary reasons underlie the growing interest in workload assessment within the state court community. The first is public accountability. The *Trial Court Performance Standards* (TCPS) recognize the need to balance the interests of independence and accountability if the judicial branch is to preserve its role as a separate branch of government. Asserting and maintaining judicial independence are central to promoting and preserving the rule of law. However, independence without accountability is incompatible with maintaining the confidence, trust, and cooperation of the other branches of government and the public. Accordingly, Standard 4.2 of the TCPS requires that a trial court “responsibly seek the resources needed to meet its judicial responsibilities, use those resources prudently, and account for their use.” The second reason relates to how trial courts can best garner adequate resources and account for their use. A common theme across all states and levels of government is an increased scrutiny of budget requests that seek to add more personnel to the public payroll, whether it be judges or other court staff. “Gut feelings” or rising caseloads in and of themselves are not sufficient to address a number of important policy and funding questions: What is the gap, if any, between the current complement of judges and judgeship need? What are the most accurate indicators for determining whether new judges or more court staff are needed? Is judicial workload well balanced among different jurisdictions in the state? Will fewer judges be needed if court procedures are streamlined or if technology is improved?

This section outlines an analytical approach for measuring the need for judges. Commonly referred to as *weighted caseload*, this model is arguably the most practical and effective method of workload assessment given the current state of court-related data and information systems. This approach involves few, if any, complicated procedures, but is sufficiently rigorous to measure resource needs, evaluate resource allocations, and provide a strong justification for budgetary requests.

We begin with a summary of the weighted caseload measurement process and, in so doing, illustrate the difference between caseload and workload. We next display the average amount of time needed to handle different types of cases in 11 states and conclude with a closer look at determining available judge time. We hope to show that weighted caseload is a flexible tool that can accommodate many different types of resource assessment studies as well as differences in data availability. A more comprehensive description of the weighted caseload methodology is contained in *Assessing the Need for Judges and Court Support Staff*, available from the National Center for State Courts.

Weighted caseload is essentially a study of supply and demand. How does the workload demand generated by the different types of cases entering the court compare to the supply of judge time available to do the work? The answer, shown in the diagram on the next page, is based on three fundamental factors: case filings, case weights, and the judge year standard.

Court cases vary in complexity, and different types of cases require different amounts of time and attention from judges and court staff. As the bar charts on the left side of the diagram show, the mix of *cases* does not necessarily correspond to *workload* requirements. For example, while traffic cases constitute 35 percent of the cases in the hypothetical scenario, these cases make up only 3 percent of the workload. In addition, workload assessment facilitates cross-case comparisons. For example, this scenario not only tells court managers that tort cases typically take more time to process than felony cases, but also shows how *much* more time and resources these cases consume.

The middle panels of the diagram show how the data in the bar charts are actually applied to begin translating caseload numbers into workload. In this sense, the number of raw filings is combined with the case weights (time required to handle cases) to arrive at **Workload**, and eventually to ascertain the time needed to complete all of the court's work for a year (e.g., 5,394,000 minutes). In the scenario presented here, the individual case weights that are multiplied by the caseload are as follows:

Case Type	Case Weight	Cases	Workload
Abuse and Neglect	500 x	2,000	= 1,000,000
Tort	198 x	6,000	= 1,188,000
Felony	107 x	4,000	= 428,000
Delinquency	98 x	4,000	= 392,000
Domestic	60 x	15,000	= 900,000
Other Civil	42 x	21,000	= 882,000
Misdemeanor	33 x	13,000	= 429,000
Traffic	5 x	35,000	= 175,000
Total Workload			5,394,000

The right side of the diagram illustrates how available judge time is calculated for a typical full-time judge. It shows how the number of days and hours available to judges to do work is combined to arrive at

Judge Power: the

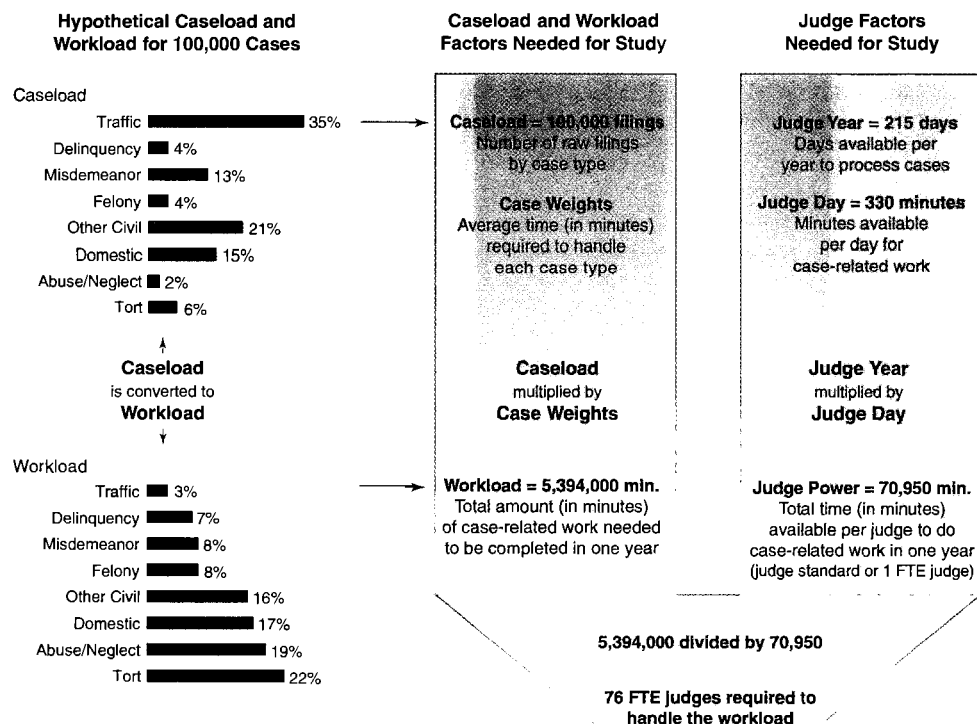
“standard” amount of time a judge has to complete case-related work per year. In this example, judges are assumed to have 70,950 minutes available each year to do case-related work.

As indicated at the bottom of the diagram, 76 full-time equivalent (FTE) judges are needed to handle the caseload for the hypothetical scenario for one year.

Two primary approaches are used to calculate a weight for each case type handled by the court. The first and most accurate method involves *measuring* judicial work through a time study. A carefully selected sample of judges are asked to monitor how much time they spend on each type of case during a two- to three-month study period. The results are used to create an empirical profile of “what is.” That is, the time study answers the question: How much time are judges actually spending, on average, to move different types of cases from filing to resolution? The results can also be used to examine how time spent varies among different geographical areas of the state and between large and small courts.

The second approach, called the Delphi method, draws on expert opinion to *estimate* the average amount of time judges spend processing each type of case to be weighted. This approach is well suited for gathering judicial opinion on “what ought to be.” Judges often feel that the lack of sufficient resources and looming pending caseloads force them to resolve cases too quickly. Whereas a time study documents how much time judges *actually* spend on different types of cases, a Delphi study can clarify how much time judges believe they *ought* to spend to ensure high-quality service to the public.

Judgeship Need Based on a Hypothetical Weighted Caseload Study



Case Weights for General Jurisdiction Courts (in minutes)

<u>Minnesota, 1993</u>	<u>Michigan, 1998</u>	<u>Indiana, 1996</u>	<u>Wisconsin, 1996</u>	<u>Washington, 1986</u>
Criminal	Criminal	Criminal	Criminal	Criminal
Serious Felony 664	Felony 88	Murder A,B,C 155	Felony 116	Person 395
Other Felony 120	Criminal Appeals 206	Felony 75	Misdemeanor 30	Property 113
Gross Misd./DWI 56	Capital Felony 810	Misdemeanor 40	DWI 29	Criminal Appeal 87
Gross Misdemeanor 42		Miscellaneous 4		Other Crimes 82
5th Degree Assault 20	Civil	Infractions 3	Civil	Civil
DWI 11	Civil Appeals 141		Injury/Damage 116	Adm. Law/Rev. 217
Nontraffic Misd. 5	Agency Appeals 105	Civil	Other Civil 21	Tort 172
Petty Misdemeanor 1	Other Appeals 42	Plenary 102	Formal Estate 21	Civil Appeals 145
Parking 0.1	General Civil 119	Tort 118	Other Probate 11	Commercial 76
	Civil Damage-Auto 89	Small Claims 13	Contract 32	Property 42
Civil	Civil Damage-Other 194	Estates 85	Small Claims 25	Other Civil 42
Malpractice 737	Other Civil 3	Mental Health 37		Mental Illness 24
Employment 571	Estate 42	Trusts 40	Domestic	Probate 13
Wrongful Death 335	Trust 186	Miscellaneous 87	Divorce 58	
Personal Injury 292	Mental Ill Petition 28	Domestic	Protect. Action 19	Domestic
Property Damage 254	Guardianship 39	Domestic 139	Other Family 16	Domest./Patern. 51
Commitment 227	Conservator 51	Guardianship 93	Paternity 35	Guardianship 37
Condemnation 211	Protective Orders 58	Adoption 53		Adoption 12
Contract 189	Name Change 15	Reciprocal Support 31	Juvenile	
Trust 143	Waive Parent Consent 61	Protective Orders 34	Delinquency 47	Juvenile
Guardian/Conservator 126	Other Probate 15		Ordinance 15	Dep./ARP 119
Conciliation Appeal 113		Juvenile	CHIPS 158	Offender 47
Other Civil 109	Domestic	CHINS 112	Traffic	
Special Administration 93	Divorce Minor Child 270	Delinquency 62	Traffic 15	
Implied Consent 72	Adoptions 91	Status 39	Ordinance 16	
Supervised Admin. 43	Support 75	Paternity 106		
Harassment 31	Paternity 51	Parental Rights 141		
Unsupervised Admin. 26	Divorce, No Child 38	Miscellaneous 12		
Other Probate 25	Other Domestic 38			
Unlawful Detainer 10	URES A 4			
Conciliation 5	Acknowl. Paternity 1			
Informal Admin. 4	Juvenile			
Default Judgment 4	Delinquency 98			
Transcript Judgment 2	Neglect and Abuse 271			
	Traffic 3			
Domestic				
Other Family 217				
Dissolution w/Child 182				
Dissolution w/out Child 63				
Support 45				
Other Juvenile 45				
Domestic Abuse 37				
Adoption 22				
Juvenile				
Term Parental Rights 150				
Dependency/Neglect 149				
Delinquency Felony 59				
Truancy 55				
Delinquency under 10 46				
Delinquency Gr. Misd. 38				
Runaway 29				
Delinquency Misd. 26				
Status Offense 12				
Juvenile Traffic 5				

The table above shows the case weights for *general jurisdiction* courts from ten states that have used the time study approach, as well as one state employing the Delphi method (i.e., West Virginia).¹ The most noticeable distinction is the considerable difference across states in the number of case types that are weighted. While all major types of cases should be included in a weighted caseload study, the final number is largely a question of balance. The greater the number of case types used in the study, the more detailed and precise a weighting scheme will be. However, as the number of specific cases to be weighted increases, so typically does the amount of effort, time, and cost to complete the study.

¹ The states of Michigan, Nebraska, New Mexico, Washington, and West Virginia also have weights for cases handled in their limited jurisdiction courts. These limited jurisdiction court case weights are not shown in the table, but are available on request.

<u>New Mexico, 1995</u>	<u>North Dakota, 1997</u>	<u>West Virginia, 1998*</u>	<u>Colorado, 1997</u>	<u>South Dakota, 1997</u>	<u>Nebraska, 1996</u>
Criminal	Criminal	Criminal	Criminal	Criminal	Criminal 130
Felony 103	Felony 127	Felony 166	Criminal 113	Felony 132	
DWI 57	Misdemeanor 29	Misdemeanor 127	Homicide 492	Misdemeanor 1 26	Civil 64
Crim. Appeals 50		Crim. Appeals 73	Felony 1 529	Misdemeanor 5	
	Civil				Domestic 81
Civil	Civil 60	Civil	Civil	Civil	
Tort 52	Small Claims 18	Civil 175	Civil 110	Civil 37	Appeals 41
Contract 42	Admin. Appeals 248	Other 55	Probate 65	Small Claims 5	
Other Civil 44			Mental Health 41	Admin. Appeals 563	
	Domestic	Domestic	Rule 120 13		
Domestic	Divorce 91	Review of Family Law Masters 15	Water Rights 76	Domestic 62	
Dom. Relations 38	Child Support 23				
Dom. Violence 81	Other 45		Domestic 58	Juvenile	
	Juvenile	Juvenile	Juvenile 69	Delinquency 75	
Juvenile	Delinquency 118	Abuse/Neglect 585		Dependency 220	
Abuse/Neglect 60	Dependency 172	Delinquency 98			
Delinquency 53					
Appeals 35					

* West Virginia used a Delphi methodology to develop weights; other states used a time study.

Note: The weights described here are stated in minutes. Comparing weights across states should be made with caution, since case definitions can vary widely.

Sources: *Assessing the Need for Judges and Court Support Staff*, National Center for State Courts, 1996.

The variation in the number of general jurisdiction case types weighted underscores that judicial workload assessment studies should be tailored individually for the needs of each state. One size does not fit all. As a consequence, care should be taken when attempting to compare case weights across states. For example, because Minnesota distinguishes between ten different juvenile case types, it is difficult to determine how the workload need for Minnesota compares to the workload need for Colorado, which uses a single juvenile case weight. In addition, even when states use the same case name (e.g., tort), case weights may vary because of differences in how the case is defined or processed (e.g., jurisdictional boundaries or mandatory use of ADR).

A final reason that case weights may not be directly comparable across states is that some states include the time necessary for administration and legal research, typically non-bench activities, in the judge year calculation. Therefore, case weights for similar types of cases may be smaller in some states than others depending on how non-bench activities are counted.

After measuring how much judge time is required, on average, to process the various types of cases being weighted, one must determine how much time judges have available to hear cases. This calculation of available judge time requires a state to clarify (a) the number of days per year a judge is available to hear cases—the “judge year” and (b) the number of hours per day a judge has available for case-related work—the “judge day.” These combined factors determine a “standard” for the total time that judges have available each year to do case-related work—the “judge power.” Judge power may be measured in minutes, hours, or days, but regardless of the metric, available judge time is an essential ingredient in determining the amount of work that can be accomplished.

Reaching consensus on an appropriate judge year requires examining various factors that reduce the days available for a judge to hear cases. To correctly portray a judge year, the number of days actually available to hear cases out of a 365-day calendar year must take into account weekends and holidays, illnesses, vacations, and judicial education. The table below shows how several states have calculated their judge year.

Calculation of Judge Years for Selected States

	Minnesota	No. Dakota	W. Virginia	Nebraska	Wisconsin	Washington	So. Dakota	Colorado
Calendar year in days	365	365	365	365	365	365	365	365
Time expended for:								
Weekends	104	104	104	104	104	104	104	104
Holidays	11	11	13	12	11	11	10	10
Vacation	30*	21	15	20	20	30	15	21
Sick Leave	13	11	10	8	6	6	5	10
Workshops/Education	5	13	10	10	8		15	***
Meetings/Conferences		**	4	**	3		**	***
Total days expended	163	160	156	154	152	151	149	145
Judge year	202	205	209	211	213	214	216	220

* 30 days' vacation includes pro tempore days in Minnesota.

** Included in workshop days.

*** Included when calculating the length of judge day.

Most states estimate that there are between 200 and 224 working days per year. The average across the 25 states in the adjacent table is 215 days.

Though easy to identify in theory, factors affecting the time available may be hard to measure in practice. For example, sick leave may be difficult to calculate since in some courts judges report taking “as much as they need.” In addition, many states have no clear provisions for leave time, making it difficult to set aside days available for vacation, educational leave, or holidays. In these states, courts might estimate the time devoted to leave or non-case-related matters by reviewing leave records or by surveying judges. States also might establish a committee or study group to guide a structured process for determining the factors that should be used for computing the standard judge year.

The other component of the judge power calculation is determining the *judge day*. The judge day is separated into two parts: (1) the amount of judge time devoted to case-related matters and (2) the amount of time devoted to non-case-related matters. A judge may work a nine-hour day, but only part of the day is devoted to hearing cases. Non-case-related time is defined as time spent on judicial functions not directly related to case processing. Although judicial time available to process cases will vary daily, the *typical* day will include the number of hours in the work-day minus deductions for:

- docket management
- administrative time, correspondence, phone calls
- travel time
- waiting or “dead” time
- general and legal research
- opinion writing
- judicial meetings
- public education
- civic activities

Judge Years in Selected States

State	Judge Year (in days)
Kansas	224
Missouri	224
Delaware	222
New York	221
Colorado	220
Florida	220
Georgia	220
Oregon	220
Rhode Island	220
Arkansas	218
Hawaii	218
California	216
South Dakota	216
Michigan	215
New Mexico	214
Washington	214
Connecticut	213
Wisconsin	213
Nebraska	211
Utah	211
Louisiana	209
West Virginia	209
North Dakota	205
Minnesota	202
Alabama	200
25-state average	215

A direct approach for determining the amount of case-related time available each day is to define the number of hours in a workday, then deduct time for non-case-related activities. The table below shows how Wisconsin computes the standard judge day by beginning with an 8.5-hour workday. After time is deducted for lunch, other deductions follow, including 88 minutes for court/calendar management, 47 minutes for legal research, and 45 minutes of unscheduled time. The result is 4.5 hours of case-related time per day (269 minutes). The calculation is somewhat different for the urban setting of Milwaukee.

Judge Day Calculation in Wisconsin

Activity	Minutes	
	Districts 2 thru 10	Milwaukee
8.5 hour workday	510.0	510.0
Lunch	- 60.0	- 60.0
Available workday	= 450.0	450.0
Court/calendar management (e.g., written order, opinions, correspondence)	- 88.5	- 62.5
Unscheduled time - substitutions, travel, temporary assignments (10% of day in Districts 2-10 and 5% of day in Milwaukee)	- 45.0	- 22.5
Legal research	- 47.4	- 47.4
Case-related time per day	= 269.1	317.6

Total case-related time per year (or judge power) is calculated by multiplying the number of judge days available by the number of case-related hours in the day. The table to the right shows how total case-related time varies both across and within selected states depending on factors such as the length of the standard workday, the division between case- and non-case-related time, the judge year, and the geographical location of the court.

Colorado, for example, uses a slightly different figure for case-related time depending on whether the court is classified as urban, county, or rural. Because travel requirements are higher for rural judges in Colorado than their urban counterparts, the rural judges have less time available, on average, for case-related work. Likewise, Nebraska recognizes explicit differences in travel time when determining the time available to process cases.

Some states also find that beneficial economies of scale exist in larger, more urban jurisdictions. For example, larger courts often have a full-time administrator to help reduce each judge's share of court and calendar management. In addition, a multi-judge bench can more easily move cases between courtrooms if one judge's calendar breaks down when, say, a case settles unexpectedly.

The bottom line is that decisions about the various attributes of available judge time matter. This table shows that relatively small differences in available case-related time, in combination with differences in the judge year, can result in large differences in the total case-related time per year.

Comparing Available Judge Time

		Workday (hours)	Non-case- related time (hours)	Case- related time (hours)		Judge year (days)		Total case-related time for one year (minutes)
Colorado District Court	County	8	1.4	6.6	x	220	=	87,120
	Urban	8	1.66	6.33	x	220	=	83,556
	Rural	8	2.5	5.5	x	220	=	72,600
Nebraska District Court	Metro	7	1.33	5.67	x	211	=	71,782
	Low Travel	7	1.5	5.5	x	211	=	69,630
	Hi Travel	7	2.5	4.5	x	211	=	56,970
Wisconsin Circuit Court	Milwaukee	7.5	2.2	5.3	x	213	=	67,734
	Dist. 2-10	7.5	3	4.5	x	213	=	57,510
Washington Superior Court	8+ judge	6.67	1.27	5.4	x	214	=	69,336
	2-7 judge	6.67	1.57	5.1	x	214	=	65,484
	Single	6.67	2.67	4	x	214	=	51,360

Discussion and Conclusions

The weighted caseload approach establishes the baseline criteria for understanding workload and assisting in the effective allocation of resources. A well-designed workload assessment should seek to integrate the work of judges, judicial officers, and court support staff. Moreover, the empirically based estimates of need should be tempered by a *qualitative* assessment of resource need.

Judicial productivity, and hence the need for new judges, depends substantially on the effectiveness of judicial officers and court support staff. Without an objective method of determining the need for judicial officers and court support staff, personnel are allocated on the basis of staffing requests, often to meet short-term needs. In time, the lack of stated criteria can lead to discrepancies between staffing

needs and allocations across courts and court divisions. Validated standards based on workload indicators must be consistently applied within states to promote equity in the allocation of resources. This is especially critical in a time of scarce resources and high public demand for performance and accountability.

While weighted caseload provides a baseline from which to establish the need for judges, no set of statistical criteria will be so complete that it encompasses all contingencies. Each court will have peculiarities in caseload caused by differences in demographics and other factors. In addition to the statistical information, individual characteristics of the courts must be examined before any new judicial positions are recommended.

The outline below describes a general procedure that can be undertaken if the weighted caseload estimates indicate that a particular court meets the criteria for an additional judgeship.

- Determine whether judges and administrative staff believe they need additional judicial resources through a systematic procedure to solicit local opinion. Input also should be sought from the state or local court administrator, members of the bar, and other local leaders. A procedure should be established to obtain local input in writing.
- Examine caseload trends over time to determine whether caseloads are increasing, decreasing, or remaining steady. Attention should also be paid to whether the court has an unusual caseload mix.
- Review court organization to ensure that the court is structured and managed to make the most effective use of the additional resources.
- Explore options other than increasing the number of full-time judges. Options include (1) making greater use of judicial officers; (2) hiring retired judges on a part-time or contractual basis; (3) using alternative dispute resolution; and (4) simplifying the procedures for less complex cases.
- Recognize that judicial productivity also depends on the effectiveness of court staff and technology. Without adequate staff and technology, judges may be performing some tasks that could be handled more appropriately by other court personnel or through automation (e.g., case screening, case clustering, and case tracking).

The weighted caseload approach provides an objective measure of the judges and court staff needed to resolve cases effectively and efficiently. Like any model, it is most effective as a *guide* to workloads, not a rigid formula. The numbers need to be tempered by a qualitative assessment that should be an integral part of any judicial workload assessment.

Appendices

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- 10 **Number of Parking Filings in 13 States, 1989-1997**
States included: AL, CA, HI, IL, MD, MN, NJ, NM, NY, SD, TX, UT, WA
- 11 **Types of Cases Filed in State Courts, 1997**
Data were available from all 50 states, Puerto Rico, and the District of Columbia
- 11 **State Trial Court Caseloads—Traffic vs. Nontraffic, 1984-1997**
Data were available from all 50 states, Puerto Rico, and the District of Columbia
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- 13 **Number and Rate of Judges in Unified and General Jurisdiction Courts in 48 States, 1997**
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- 17 **Total Civil Filings (Excluding Domestic Relations Cases) per 100,000 Population, 1984-1997**
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- 23 **The Path to Disposition in 45 Large Urban Courts, 1992**
The data for this table were derived from the Civil Trial Court Network (CTCN), a Bureau of Justice Statistics sponsored project.

- Page 24 **Small Claims Filings in Limited and General Jurisdiction Courts, 1997**
The data for this graph are estimates based upon the application of a percentage (derived from states who provide small claims data) to the aggregate general/unified and limited jurisdiction court civil caseloads of all 50 states, Puerto Rico, and the District of Columbia.
- 24 **Small Claims Filings in General Jurisdiction Courts in 14 States, 1984-1997**
States included: CT, DC, ID, IN, IA, KS, MN, MO, NJ, ND, OK, SD, UT, VT
- 24 **Small Claims Filings in Limited Jurisdiction Courts in 22 States, 1984-1997**
States included: AL, AK, CA, FL, HI, ID, IN, KY, ME, MA, MI, NE, NH, NY, NC, OH, OR, RI, TX, UT, WA, WY
- 25 **Small Claims Filings per 100,000 Population in 36 States, 1995-1997**
States excluded: AZ, DE, GA, LA, MD, MS, NV, NM, PA, PR, SC, TN, VT, VA, WV, WY

Tort/Contract Section

- Page 26 **Composition of General Civil Caseloads in General Jurisdiction Courts, 1992**
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- 26 **Tort Filings in General Jurisdiction Courts in 16 States, 1975-1997**
States included: AK, CA, CO, FL, HI, ID, KS, ME, MD, MI, ND, OH, TN, TX, UT, WA
- 28 **Tort, Auto Tort, and Non-auto Tort Filings in 12 States, 1989-1997**
States included: AZ, CA, CT, FL, HI, MD, MI, NC, NJ, NV, NY, TX
- 30 **Auto Tort Filings in 21 Large Urban Courts, 1996**
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- 31 **Contract Filings in General Jurisdiction Courts in 15 States, 1984-1997**
States included: AZ, AR, CO, CT, FL, HI, KS, ME, MD, MN, NC, ND, TN, TX, WA
- 32 **Growth Rates of Tort Filings in 28 States, 1990 vs. 1997**
States excluded: AL, AZ, DE, DC, GA, IL, IA, KY, LA, MS, MT, NE, NH, NM, OK, OR, PA, RI, SC, SD, VT, VA, WV, WY
- 33 **Growth Rates of Contract Filings in 22 States, 1990 vs. 1997**
States excluded: AL, AZ, CA, DE, DC, GA, ID, IL, IN, IA, KY, LA, MI, MS, MT, NE, NH, NM, OH, OK, OR, PA, RI, SC, SD, UT, VT, VA, WV, WY
- 34 **Percentage Change in Tort Filings, Contract Filings, and Population in 15 States, 1984-1997**
States included: AZ, AR, CO, CT, FL, HI, KS, ME, MD, MN, NC, ND, TN, TX, WA
- 34 **Composition of Tort and Contract Caseloads in 75 Large Urban Courts, 1992**
The data for this table were derived from the Civil Trial Court Network (CTCN), a Bureau of Justice Statistics sponsored project.
- 35 **Manner of Disposition in Tort and Contract Cases in 75 Large Urban Courts, 1992**
The data for this table were derived from the Civil Trial Court Network (CTCN), a Bureau of Justice Statistics sponsored project.

Domestic Relations Section

Page 36 **Domestic Relations Filings in General and Limited Jurisdiction Courts, 1985-1997**

States excluded: MS

36 **Annual Growth Rate in Domestic Relations Filings, 1985-1997**

States excluded: MS

37 **Domestic Relations Cases by Type, 1985-1997**

Divorce

States included: AK, AR, CA, CO, CT, DC, DE, FL, HI, IA, ID, IN, KS, MA, MD, ME, MI, MN, MO, ND, NJ, NY, OH, OK, PA, PR, RI, SD, TN, TX, UT, VA, VT, WI, WV

Custody

States included: AR, CO, DC, DE, FL, ID, MA, MI, NC, ND, NY, OH, PA, VA, WI

Paternity

States included: AK, AR, CO, CT, DC, HI, IN, KS, MD, MI, ND, NY, OH, WI

Interstate Support

States included: AK, AR, CO, DC, FL, HI, IA, KS, ME, MA, MI, MN, NY, NC, OH, OK, TN, TX, VT

Adoption

States included: AK, AR, AZ, CO, CT, DC, DE, HI, ID, IN, KS, KY, MA, MD, MI, MN, MO, MT, ND, NE, NH, NJ, NY, OH, OR, PA, SD, TN, VT, WA, WI, WV

37 **Domestic Relations Caseload Composition in 20 States, 1997**

States included: AR, CO, CT, DC, DE, HI, IN, KS, MI, MO, ND, OH, OK, OR, PR, SD, UT, VT, WI, WY

38 **Domestic Relations Caseload Composition in Selected States, 1997**

States excluded: AL, AK, AZ, CA, FL, GA, ID, IL, IA, KY, LA, ME, MD, MA, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, PA, RI, SC, TN, TX, VA, WA, WV

39 **Domestic Violence Filings in 21 States, 1985-1997**

States included: AK, AZ, DE, FL, IA, KS, KY, ME, MD, MA, MI, MN, NH, NJ, NY, ND, OH, RI, VT, WA, WY

39 **Domestic Violence Filings in 34 States, 1993-1997**

States included: AK, AR, AZ, CT, DC, DE, FL, HI, IA, ID, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, ND, NH, NJ, NM, NY, OH, OR, RI, UT, VA, VT, WA, WV, WY

41 **Domestic Violence Caseloads in 38 States, 1995-1997**

States excluded: AL, AZ, CA, GA, MS, NE, NV, NC, PA, PR, SC, TN, TX, WI

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Page 45 **Juvenile Filings in State Courts, 1984-1997**

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

45 **Juvenile Caseload Composition in 32 States, 1997**

States included: AL, AR, CA, CO, DE, DC, GA, HI, IL, IN, IA, KS, LA, MD, MA, MI, MN, NH, NJ, NM, NY, NC, ND, OH, OK, PA, TN, TX, UT, VT, WA, WY

Criminal Section

- Page 54 **Criminal Cases Filed in State Courts, 1984-1997**
Data were available from all 50 states, Puerto Rico, and the District of Columbia
- 55 **Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1997**
Data were available from all 50 states, Puerto Rico, and the District of Columbia
- 55 **Criminal Caseload Composition by Court Jurisdiction, 1997**
General jurisdiction courts included: AZ, AR, GA, ID, IN, LA, ME, MA, MO, NM, NC, OK, OR, TN, TX, UT, VT, VA, WA, WV, WY
Unified courts included: CT, DC, IL, IA, KS, MN, ND, PR, SD, WI
Limited jurisdiction courts included: AZ, AR, CO, FL, HI, LA, MD, MA, MI, MT, NH, NM, OH, PA, SC, TX, WA, WY
- 57 **Criminal Filing Rates in Unified and General Jurisdiction Courts in 48 States, 1997**
States excluded: AZ, GA, MS, NV
- 59 **Criminal Caseload Clearance and Growth Rates for Unified and General Jurisdiction Courts in 42 States, 1995-1997**
States excluded: AZ, FL, GA, IL, LA, MS, MT, NE, NV, WI
- 61 **Manner of Disposition for Criminal Filings in 28 Unified and General Jurisdiction Courts, 1997**
States excluded: AZ, CO, CT, GA, IL, LA, MD, MA, MN, MS, MT, NE, NV, NH, NM, NY, ND, OR, PR, UT, VA, WA, WV, WI
- 64 **DWI Filings in 24 Courts, 1985-1997**
General jurisdiction courts included: HI, ID, IA, KS, OK, SD, TN, TX, WI
Limited jurisdiction courts included: AZ, AR, FL, HI, ID, MD, MA, NH, NJ, NM, OH, SC, TX, WA, WY

Felony Section

- Page 68 **Felony Filings in Unified and General Jurisdiction Courts in 43 States, 1984-1997**
States included: AK, AZ, AR, CA, CO, CT, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MA, MN, MO, NE, NH, NJ, NY, NC, ND, OH, OK, OR, PA, PR, RI, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY
- 71 **Felony Filing Rates in Unified and General Jurisdiction Courts in 42 States, 1995-1997**
States excluded: AZ, DE, GA, LA, MI, MS, MT, NV, SC, TN
- 73 **Felony Clearance Rates in Unified and General Jurisdiction Courts in 32 States, 1995-1997**
States excluded: AK, AZ, CO, DE, FL, GA, KS, LA, MI, MS, MT, NE, NV, ND, SC, SD, UT, WA, WI, WY

Appellate Section

- Page 78 **Growth Rates of Felony Filings and Criminal Appeals, 1986-1997**
States included: AK, AZ, AR, CA, CT, HI, ID, IL, IN, IA, KY, MD, MA, MN, MO, NC, OH, OR, PA, TX, UT, WA, WI
- 78 **Criminal Appeals Forecasts, 1987-2001**
States included: AK, AZ, AR, CA, CT, HI, ID, IL, IN, IA, KY, MD, MA, MN, MO, NC, OH, OR, PA, TX, UT, WA, WI
- 79 **Total Appellate Court Filings, 1997**
Data were available from all 50 states, Puerto Rico, and the District of Columbia
- 80 **Total Appellate Caseloads, 1997**
Data were available from all 50 states, Puerto Rico, and the District of Columbia
- 81 **Composition of Discretionary Petitions in 33 Courts of Last Resort, 1997**
States included: AL, AK, AZ, AR, CA, CT, GA, IL, IN, KY, LA, MI, MN, MS, NV, NM, NY, NC, ND, OH, OK, OR, PR, RI, SD, TN, TX, VT, VA, WA, WV, WI, WY
- 81 **Composition of Mandatory Appeals in 21 Intermediate Appellate Courts, 1997**
States included: AL, AK, AZ, AR, HI, IL, IN, KS, KY, LA, MN, NM, NY, NC, OH, OR, PA, PR, TX, UT, VA
- 82 **Original Proceedings in Appellate Courts, 1995-1997**
States excluded: AK, CT, IA, ME, MA, MI, MS, NE, NH, NJ, NY, NC, OK, RI, SC
- 82 **Disciplinary Matters in Appellate Courts, 1995-1997**
States excluded: AR, CT, HI, IL, IA, ME, MA, MS, MT, NE, NH, NY, NC, OK, PA, RI, SD, TN, VA, WY
- 83 **Clearance Rates in Intermediate Appellate Courts, 1995-1997**
All states with an IAC except Puerto Rico are included
- 84 **Mandatory Civil Appeals in 26 Intermediate Appellate Courts, 1993-1997**
States included: AL, AR, AZ, CA, CT, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, PA, SC, TX, UT, WA, WI
- 85 **Mandatory Criminal Appeals in 24 Intermediate Appellate Courts, 1993-1997**
States included: AL, AK, AR, AZ, CA, CT, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, TX, UT, WA, WI
- 86 **Discretionary Petitions in 14 Courts of Last Resort, 1993-1997**
States included: CA, IL, LA, MI, MN, NY, NC, OH, OR, TX, VA, WA, WV, WI
- 87 **Discretionary Petitions Granted in 22 Courts of Last Resort, 1997**
States excluded: AL, AK, AZ, AR, CO, DE, DC, FL, IA, IN, KY, ME, MS, NV, NH, NJ, NM, NY, ND, OK, OR, PA, PR, SD, UT, VT, WA, WI, WV, WY
- 89 **Composition of Dispositions in Courts of Last Resort and Intermediate Appellate Courts, 1995-1997**
For courts of last resort, states include: AL, AK, AR, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OR, PA, PR, RI, SC, SD, TX, UT, VT, VA, WV, WI, WY; for intermediate appellate courts, states include: AL, AZ, AR, CA, CO, CT, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NM, NC, OH, OR, PA, SC, TN, TX, UT, VA, WA, WI


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, 1997 and *State Court Caseload Statistics, 1997* are intended to enhance the potential for meaningful state court caseload comparisons. Because there are 50 states and thus 50 different state court systems, the biggest challenge is to organize the data for valid state-to-state 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 1997 caseload statistics are provided in the companion volume to this report, *State Court Caseload Statistics, 1997*.



State Court Caseload Statistics, 1997

The analysis presented in *Examining the Work of State Courts, 1997* is derived in part from the data found in *State Court Caseload Statistics, 1997*. 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, 1997* 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 1997, 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.

1997 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 1988-1997. 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 such information recommended in the *State Court Model Statistical Dictionary, 1989*. Caseload numbers are noted as incomplete in the types of cases represented, as overinclusive, or both. Statistics without footnotes are in compliance with the *Dictionary's* standard definitions.

The NCSC Court Statistics Project

The Court Statistics Project can provide advice and clarification on the use of the statistics from this and previous caseload reports. Project staff can also provide the full range of information available from each state. The prototype data spreadsheets used by project staff (displayed in the appendix of *State Court Caseload Statistics, 1997*) reflect the full range of information sought from the states. Most states provide far more detailed caseload information than can be presented in project publications. Information from the CSP is also available at www.ncsc.dni.us on the World Wide Web. From the NCSC home page, click on "NCSC Divisions" and then "Research" and then "Projects" to learn more.

Comments, suggestions, and corrections from users of *Examining the Work of State Courts, 1997*; *State Court Caseload Statistics, 1997*, and the *Caseload Highlights* series are encouraged and can be sent to:

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