

State Court Model Statistical Dictionary

1989

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

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U.S. Department of Justice
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Foreword

This new edition of the *State Court Model Statistical Dictionary* is offered as a resource for those concerned about the quality of statistics generated by and about the state courts. The recommended classifications, definitions, and methods for counting cases reflect 12 years of collaborative effort by the Conference of State Court Administrators and the National Center for State Courts. However, this is by no means a final product. As the state of the art of court statistical reporting advances, changes will doubtlessly be required. Those who review or implement the model approach outlined here are invited to provide feedback in the form of criticisms, comments, suggestions, or alternative approaches.

The COSCA Court Statistics and Technology Committee wishes to record its gratitude to the state court administrators and their staff who reviewed the new edition when it was in draft form. Their comments and suggestions were incorporated into the final version. Our appreciation is extended to the staff of the Court Statistics Project for preparing the initial draft of the new edition, compiling comments and suggestions, and incorporating the resulting changes into the final version. The role of Mary Louise Clifford and Robert Roper, former members of the Court Statistics Project staff, is also greatly acknowledged. Penny Clifford's wealth of experience and keen attention to detail were invaluable throughout the process of revising, consolidating, and expanding the dictionary into a new edition. Bob Roper's participation in the early stages of that work and willingness to subsequently offer advice and suggestions also made a substantial contribution to the completion of the dictionary. Finally, we record our thanks to the State Justice Institute for its financial support.

— William Bohn
Chairman
State Court Model Statistical Dictionary Subcommittee

The *State Court Model Statistical Dictionary* is an essential part of the effort by the Conference of State Court Administrators and the National Center for State Courts to improve the quality and usefulness of information on the work of the state courts. The first edition of the dictionary was published in 1980, followed by a supplement in 1984 that offered a partial revision to the original contents and a substantial expansion of the entries describing juvenile cases in particular and case processing events in general. A grant from the State Justice Institute provided a welcome opportunity to rethink, revise, and consolidate the dictionary. The new edition is timely, becoming available during a period in which many states and courts are installing automated information systems or upgrading existing ones.

We are grateful to the State Justice Institute for its financial support and to the members of the Conference of State Court Administrators for their comments and suggestions during preparation of the new edition. We are particularly indebted to the members of the Subcommittee of the COSCA Court Statistics and Technology Committee that supervised work on the new edition: William Bohn (Chairman), Sue Dosal, Jane Hess, and David Lampen.

— Edward B. McConnell
President
National Center for State Courts

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Karen Gillions Way, Staff Associate
Carol R. Flango, Staff Associate
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Introduction

The statistical and related terms in this dictionary are generic terms that are sufficiently broad that caseload from all of the state courts can be subsumed into these categories. The definitions of the terms represent an attempt to remove ambiguity from the usage of these terms, at least for statistical reporting purposes.

The first edition, 1980

The need for this dictionary became apparent as the National Court Statistics Project (NCSP) at the National Center for State Courts (NCSC) attempted to compile the first (1975) annual report of state court caseload statistics. The data contained in both published and unpublished materials from the 50 states and the District of Columbia were analyzed with the intention of compiling national totals, but an immediate problem resulted from the multitude of terms being used by the states to report their caseloads. The need for both a *State Court Model Annual Report* (published in 1980) and a *State Court Model Statistical Dictionary* (first published in 1980) became obvious.

In preparing the model statistical dictionary, a choice had to be made between (1) defining terms broadly so that they encompassed the ways that most states are using them; or (2) choosing a specific definition that would be precise and most useful for statistical reporting purposes. The first edition of the dictionary drew on the extensive experience and depth of knowledge of the Conference of State Court Administrators' (COSCA) NCSP Committee to pick terms and shape definitions that would make possible uniform and comparable statistics for both intra- and interstate statistical reporting purposes.

Whenever possible, definitions from the *Dictionary of Criminal Justice Data Terminology* (compiled in 1981 by SEARCH Group, Inc., of Sacramento, California, under a grant from the Bureau of Justice Statistics of the U.S. Department of Justice) were used in this dictionary.

The 1984 supplement

The scope of the original dictionary was confined to the essential data elements for classifying court caseload inventory and manner of disposition in appellate courts and trial courts. In 1984 the *Supplement to the State Court Model Statistical Dictionary* was published, which provided four kinds of data terminology to be integrated into the first edition:

- Revisions to entries in the first edition, which subsequent use indicated were more appropriate than the earlier classifications.
- Data sets for juvenile petitions types and juvenile adjudication outcomes, which were not included in the first edition of the dictionary.

- Classification schemes for events in court case processing, which evolved as the result of the publication of the *Court Case Management Information Systems Manual* by the National Court Statistics Project and the State Judicial Information Systems Project.
- New entries for additional related terms, needed to explain terms used in the new definitions.

The 1989 edition

This new revised edition of the statistical dictionary draws on the work done by the NCSC's Court Statistics Project (CSP) in conjunction with COSCA's Court Statistics and Technology Committee (CSTC) in compiling *State Trial Court Jurisdiction Guide, 1984* and *State Appellate Court Jurisdiction Guide, 1984*. These guides matched every term used in each state in reporting its caseload statistics with the model classification scheme outlined in this dictionary. Although they are not published every year, the working jurisdiction guides that CSP staff use in compiling nationwide annual reports are updated every time an unfamiliar term appears in any state's annual statistical report.

In preparing the jurisdiction guides, the CSP staff found that further revisions were needed in the model classification scheme to reflect the reality of the statistics that are being reported across the country. This was particularly true of unit of count in criminal cases and in appellate court case terminology. All instructions for counting criminal cases and traffic/other violations have been rewritten in this new edition, and a completely revised classification scheme for appellate court caseload and manner of disposition appears herein.

In short, this new edition reflects a decade of work by NCSC's CSP in conjunction with COSCA's CSTC in improving the collection of accurate and comparable nationwide state court caseload statistics. All terms that were included in the first edition and the supplement will be found here, revised as necessary to reflect their usage in *State Court Caseload Statistics: Annual Report*, which is published annually by the National Center for State Courts. New terms have been added when needed. The contents of this dictionary have been reviewed and revised by the COSCA Court Statistics and Technology Committee.

The complete classification schemes for trial court caseload, appellate court caseload, and events in case processing will be found in the section entitled "Contents."

For those readers who seek information on court organization, court staffing, numbers and qualifications of judges, and related material, the National Center for State Courts also published a new edition of *State Court Organization* in 1988. Readers seeking criminal justice definitions should see the terminology proposal in the *Dictionary of Criminal Justice Data Terminology: Second Edition*.

Format

The terms defined in the dictionary are in boldface type. When these terms appear within other entries in the dictionary, they also are in boldface whenever appropriate to indicate that the definition of that term will be found in its alphabetical position in the dictionary. This permits an already defined term to be used in other definitions without redefining the term.

Each entry in the dictionary is arranged as follows, and will include part or all of the following segments.

1. *Indication of kind of term.* # indicates a court statistical term. Two kinds of terms are defined, court statistical and related terms. Court statistical terms are words or phrases representing quantitative concepts or basic reporting units in court usage. They should be sufficiently clear and uniformly defined to be used in the collection and analysis of statistics within and among states. Related terms are those that are needed to clarify the definition of the statistical terms.
2. The **term** itself in boldface.
3. *The definition of the term.* Each statistical term is explained for court reporting purposes. It may have synonyms listed after the definition, as well as an annotation containing supplementary material that helps explain a term, a variant of a term, or a closely related term.
4. An instruction to see other, closely related terms.
5. Synonyms, if any.
6. *Court statistical usage.* All statistical term entries as well as some related terms contain a subheading, *Court Statistical Usage*, where instructions will be found that permit consistent and unambiguous usage of the term in data reporting systems. These instructions have been made complete for

every court statistical term, so that it is not necessary to look elsewhere in the dictionary for reporting instructions. This repetition of instructions for terms in the same categories may seem redundant, but the assumption is that this dictionary will be used primarily by data suppliers (e.g., clerks) rather than for general reading.

7. *Annotation.* Explanatory information is provided where it is deemed helpful.

A distinction in meaning is made in all dictionary entries when the terms "classify," "count," and "report" are used:

1. *Classify:* for statistical reporting purposes, an instruction to classify indicates where a term belongs in the model classification schemes.
2. *Count:* for statistical reporting purposes, an instruction to count indicates that a tally should be kept by the court for internal purposes and in order to report related statistics. (Count is also used as a noun in the general sense throughout this dictionary.)
3. *Report:* for statistical reporting purposes, an instruction to report indicates that the data being discussed should be published in the state's annual report and will be used for nationwide statistics.

Also included in the dictionary are cross-referenced terms that are not defined and are not in boldface. These terms are not synonyms. They are contained in the entries to terms that are defined, and these entries provide sufficient information to classify the undefined cross-referenced terms.

Contents

This 1989 edition of *State Court Model Statistical Dictionary* contains recommended data terminology for reporting state court caseload statistics—caseload inventory, manner of disposition, and status of pending cases—and for reporting state court caseload—events in case processing. (Sample prototype tables for displaying caseload inventory, manner of disposition, and status of pending cases are displayed in the Appendix.)

In order to devise categories that are both inclusive and exclusive, the COSCA Court Statistics and Technology Committee chose caseload terminology that indicates the subject matter at issue in the case—that is, the nature of the question the court is asked to decide. There are, of course, other schema that could be followed, but subject matter provides a practical framework within which to compile caseloads that are comparable from jurisdiction to jurisdiction.

The classification scheme for caseload is as follows (complete caseload inventory for each case category should be reported under beginning pending, filings, dispositions, and end pending):

Appellate court case:

- **Mandatory jurisdiction:**
 - Appeal of final judgment:**
 - Civil
 - Criminal:
 - Automatic review of final judgment/sentence
 - Other criminal
 - Juvenile
 - Administrative agency
 - Other mandatory case:**
 - Disciplinary matter:**
 - Attorney disciplinary matter
 - Judge disciplinary matter
 - Original proceeding (e.g., writs)
 - Interlocutory decision
 - Advisory opinion:**
 - Intrastate (legislature, executive, courts)
 - Federal court (i.e., certified question)
- **Discretionary jurisdiction:**
 - Petition of final judgment:**
 - Civil
 - Criminal
 - Juvenile
 - Administrative Agency

Other discretionary petition:

- Disciplinary matter:**
 - Attorney disciplinary matter
 - Judge disciplinary matter
 - Original proceeding (e.g., writs)
 - Interlocutory decision
 - Advisory opinion:**
 - Intrastate (legislature, executive, courts)
 - Federal court (i.e., certified question)

Other proceedings:

- Rehearing/reconsideration requests
- Motions
- Other matters (e.g., bar admissions)

Trial court case:

- **Civil case:**
 - Tort case:**
 - Auto tort case
 - Medical malpractice case
 - Other professional malpractice case
 - Product liability tort case
 - Miscellaneous tort case
 - Contract case**
 - Real property rights case
 - Small claims case
 - Domestic relations case:**
 - Marriage dissolution case (contested/uncontested)
 - Support/custody case (contested/uncontested)
 - URESA case
 - Adoption case
 - Paternity/bastardy case
 - Miscellaneous domestic relations case
- Mental health case**
- Estate case:**
 - Probate/wills/Intestate case
 - Guardianship/conservatorship/trusteeship case
 - Miscellaneous estate case
- Appeal case:**
 - Appeal of administrative agency case
 - Appeal of trial court case
 - Miscellaneous civil case

- **Criminal case:**
 - Felony case**
 - Misdemeanor case**
 - DWI/DUI case**
 - Appeal of trial court case**
 - Miscellaneous criminal case**

- **Traffic/other violation:**
 - Moving traffic violation** (contested/uncontested)
 - Ordinance violation** (contested/uncontested)
 - Parking violation** (contested/uncontested)
 - Miscellaneous traffic violation** (contested/uncontested)

- **Juvenile petition:**
 - Criminal-type juvenile petition**
 - Status petition**
 - Child victim petition**
 - Miscellaneous juvenile petition**

- Other proceedings:**
- Extraordinary writs**
 - Preliminary hearings**
 - Postconviction remedy**
 - Sentence review only**

The disposition of cases should be reported by case category in caseload inventory, but further information is needed. Terminology for reporting the manner of disposition was chosen to include the kinds of information that are useful for court management purposes, such as the procedural manner in which cases are disposed and the significant types of decisions in appellate court cases and in criminal cases and traffic/other violations in trial courts.

The manner of disposition and type of decision schemes are outlined below:

Manner of disposition, appellate court cases:

- **Predecision disposition** (dismissed/withdrawn/settled)
- **Opinion:**
 - Signed opinion**
 - Per curiam opinion**
- **Decision without opinion** (memo/order)
- **Transferred**
- **Other**

Type of decision:

- **Type of decision in appeal of final judgment/granted petition of final judgment:**
 - Affirmed**
 - Modified**
 - Reversed**
 - Remanded**
 - Mixed**
 - Other**

- **Type of decision in other discretionary petition:**
 - Petition granted**
 - Petition denied**
 - Other**

Manner of disposition, trial courts cases:

- **Civil case manner of disposition:**
 - Jury trial**
 - Non-jury trial**
 - Uncontested/default**
 - Dismissed** (before trial)
 - Withdrawn** (before trial)
 - Settled** (before trial)
 - Transferred** (before/during trial)
 - Arbitration**
 - Other manner of disposition**

- **Criminal case manner of disposition:**
 - Jury trial**
 - Conviction**
 - Guilty plea**
 - Acquittal**
 - Dismissed**
 - Non-jury trial**
 - Conviction**
 - Guilty plea**
 - Acquittal**
 - Dismissed**
 - Dismissed** (before trial)
 - Nolle prosequi**
 - Bound over**
 - Transferred** (before/during trial)
 - Diverted**
 - Guilty plea** (before trial)
 - Bail forfeiture**
 - Other manner of disposition**

- **Traffic/other violation manner of disposition:**
 - Jury trial**
 - Conviction**
 - Acquittal**
 - Non-jury trial**
 - Conviction**
 - Acquittal**
 - Transferred** (before/during trial)
 - Guilty plea** (before trial)
 - Bail forfeiture**
 - Dismissed** (before trial)
 - Nolle prosequi**
 - Diverted**
 - Parking fines**
 - Other manner of disposition**

- **Juvenile petition adjudication outcome:**
 - Dismissed prior to factfinding**
 - Dismissed after fact finding begun**
 - Waiver/certification/transfer for criminal prosecution**
 - Transfer to other jurisdiction** (not judicial waiver)
 - Petition granted**

The classification schemes for **status of pending cases** are as follows:

Status of pending cases, appellate courts:

- Awaiting court reporter's transcript
- Awaiting appellant's brief
- Awaiting respondent's brief
- Ready for hearing
- Under advisement

Status of pending cases, trial courts:

Civil case processing

- Awaiting filing of first answer
- Awaiting scheduled date for completion of discovery
- Awaiting the date the case is ready for trial
- Awaiting first pretrial conference
- Awaiting first scheduled trial date
- Awaiting commencement of trial
- Awaiting conclusion of trial

Criminal case processing

- Awaiting initial appearance or arraignment
- Awaiting preliminary hearing
- Awaiting indictment (or information)
- Awaiting conference
- Awaiting first scheduled trial date
- Awaiting commencement of trial
- Awaiting conclusion of trial
- Awaiting sentencing

Contested traffic/other violations processing

- Awaiting first scheduled trial date
- Awaiting commencement of trial
- Awaiting conclusion of trial
- Awaiting sentencing

Juvenile petition processing

- Awaiting juvenile hearing (first, second hearing, etc.)
- Awaiting adjudication outcome

In the *Supplement*, classification schemes for events in case processing were added to the model statistical dictionary, along with a number of new unrelated term entries that help to explain how these sets of events can be used by court managers to assess the pace of litigation, as well as to set standards for case processing and to monitor court adherence to those standards.

The classification scheme that follows includes the maximum set of data elements that was presented in the *Court Case Management Informations Systems Manual*. For those courts that are in the early stages of developing an information system, the minimum data elements—the first events that should be recorded—are indicated with a double asterisk (**), while the additional data elements needed by a court in a transition stage are indicated with a single asterisk (*). For a discussion of data elements, the reader is referred to Chapter III of the *Manual*. Part II of the *Manual* shows how these data elements are used to produce output reports for case management purposes.

Events in appellate court case processing:

Appeal of final judgment cases

- Date of first filing in trial court
- ** • Date of filing of notice of appeal
- Date appellate case went on alternate track
- Date of appellate alternate disposition conference
- Date court reporter's transcript ordered
- Extensions granted to court reporters
- * • Date court reporter's transcript received
- * • Date court record received
- * • Date first appellant's brief received
- * • Date first respondent's brief received
- Date ready to be scheduled for oral argument
- * • Date under advisement (date of oral argument or submission)
- ** • Date of decision (disposition)
- Request for en banc hearing or rehearing

Petitions of final judgment

- Date of first filing in trial court
- ** • Date appellate petition filed
- ** • Date of decision (disposition)

Other mandatory cases and other discretionary petitions

- ** • Date of filing
- ** • Date of decision (disposition)

Events in trial court case processing:

Events in civil cases

- ** • Date of filing
- Date of service of summons
- * • Date first answer filed
- Date civil case put on alternate track (mediation, arbitration)
- Scheduled date for completion of discovery
- Date case is ready for trial (certificate of readiness, note of issue, or certain pretrial orders)
- Date of first pretrial conference
- * • First scheduled trial date (number of continuances)
- * • Date trial commenced
- Date trial concluded
- ** • Date of adjudication
- Date of hearing on a post-disposition motion
- Date of decision on a post-disposition motion
- Date judgment entered
- Date of order for stay of proceedings

Events in criminal case processing

- * • Date of filing of complaint
- Date of arrest
- Date of initial appearance
- Date of diversion
- Date of preliminary hearing
- * • Date of indictment or information
- Date of arraignment

- Date of conference
- * • First scheduled trial date (number of continuances)
- * • Date trial commenced
- Date trial concluded
- * • Date of adjudication
- Date of hearing on a post-trial motion
- Date of decision on a post-trial motion
- Date judgment entered
- ** • Date of sentencing or charges disposed
- Date of order for stay of proceedings
- Date of petition for reconsideration of sentence

Events in traffic/other violations case processing

- ** • Date of filing of complaint
- Date of diversion
- * • First scheduled trial date (number of continuances)

- * • Date trial commenced
- Date trial concluded
- * • Date of adjudication
- Date of hearing on a post-trial motion
- Date of decision on a post-trial motion
- Date judgment entered
- ** • Date of sentencing or charges disposed
- Date of order for stay of proceedings
- Date of petition for reconsideration of sentence

Events in juvenile petition processing

- ** • Date petition filed
- * • Date of juvenile hearings (first, second hearing, etc.)
- ** • Date of adjudication outcome

Entries

Entries

ABATEMENT BY DEATH OF DEFENDANT see **other manner of disposition, criminal case**

ABSCONDED see **other manner of disposition, criminal case**

#ACQUITTAL A judgment of a court, based on the verdict of either a jury or a judicial officer, that the defendant is not guilty of any offense(s) of which he has been charged.

Court Statistical Usage:

- Classify as a **type of decision in a criminal case manner of disposition (trial courts)** as a subheading under either **jury trial** or **non-jury trial**.
- Classify as a **type of decision in a traffic/other violation manner of disposition (trial courts)** as a subheading under either **jury trial** or **non-jury trial**.
- **Acquittals** should indicate a count of defendants.
- **Dismissal** after trial begins should be reported as a subcategory under **acquittal**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

ACTION (court) The judicial remedy for the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense.

Synonym: **court case**

Court Statistical Usage:

- Count and report all **court cases** by the subject matter at issue in the case.
- See **appellate court case** and **trial court case**.

Annotation: A completed **action** results in a **judgment**.

ACTION AT LAW see **law case**

ACTIVE CALENDAR see **calendar**

ADJUDICATION A finding, verdict, or other resolution in a **trial court case**. (See also **juvenile petition adjudication outcome**.)

Court Statistical Usage:

- For statistical reporting purposes, the **date of adjudication** is recommended as the point at which a **disposition** should be counted in a **civil case** for **caseload inventory** purposes. (See **date of adjudication**.)

- For statistical reporting purposes, it is recommended that a **disposition** in a **criminal case** should be counted at **date of sentencing or charges disposed** for **caseload inventory** purposes. (See **date of sentencing or charges disposed**.)

ADJUDICATION WITHHELD see **conviction**

ADMINISTRATION OF ESTATES see **probate/wills/Intestate case**

ADMINISTRATIVE AGENCY A non-judicial unit of government that is charged with overseeing the implementation, execution, and administration of particular legislation.

Court Statistical Usage:

- Decisions of a judicial nature rendered by an **administrative agency** after a hearing on the matter may be appealed in the state **courts**.
- See also **appeal of administrative agency case**.

Annotation: The following are examples of administrative agencies: workers' compensation boards, licensing boards, zoning boards, public utility commissions, environmental protection agencies, tax assessment councils, rent control boards, disciplinary review boards of various corrections agencies, parole boards.

#ADMINISTRATIVE AGENCY APPEAL OF FINAL JUDGMENT A case filed in an **appellate court** having **mandatory jurisdiction** to review the **judgment** reached in an **administrative agency case** by an **administrative agency**, a **trial court** sitting as an **appellate court** of initial review, or an **intermediate appellate court**.

Court Statistical Usage:

- Classify under **mandatory jurisdiction in appellate court caseload** as a subcategory of **appeals of final judgment**:
 - **Appeal of final judgment**
 - Civil
 - Criminal
 - Automatic review of final judgment/sentence
 - Other criminal
 - Juvenile
 - Administrative agency
- Report **administrative agency appeals of final judgment** separately from **civil appeals of final judgment**.

- In addition to reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **administrative agency appeals of final judgment** should be reported as indicated under **manner of disposition, appellate court case**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The decision of the administrative agency, generally of a quasi-judicial nature, is handed down in a hearing held on the matter. The following are examples of state administrative agencies, the decisions of which can be appealed: workers' compensation boards, licensing boards, zoning boards, public utility commissions, environmental protection agencies, tax assessment councils, rent control boards, disciplinary review boards of various corrections agencies, parole boards.

#ADMINISTRATIVE AGENCY PETITION OF FINAL JUDGMENT An **appellate court case** category in which a **petition** is presented to an **appellate court** asking the court to review the **judgment** of an **administrative agency**.

Court Statistical Usage:

- **Petition of final judgment** is a subcategory of the larger classification **discretionary jurisdiction**.
- Separate the **caseload inventory** of petitions of final judgment into the following subcategories:
 - **Civil**
 - **Criminal**
 - **Juvenile**
 - **Administrative agency**
- The usual method of filing a petition of final judgment is a **petition**, which may be **granted** or **denied** at the discretion of the court.
- Report in caseload inventory both the total number of **filings of petitions of final judgment**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of petitions of final judgment** and the number of **petitions granted** that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- The **manner of disposition** and **type of decision** should be reported for **granted petitions of final judgment**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#ADOPTION CASE A subcategory of **domestic relations case** that includes cases involving a request for the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **URESA case**
 - **Adoption case**
 - **Paternity/bastardy case**
 - **Miscellaneous domestic relations case**
- If adoptions are handled by a probate court, they should be reported as **adoption cases**, separate from **estate cases**, so they can be included in nationwide domestic relations **caseload inventory**.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **adoption cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The result of a granted adoption **action** is usually to take a person formally and permanently into one's family and legally confer on him the rights, privileges, and duties of a child or heir.

ADVISORY JURY see **jury trial**

#ADVISORY OPINION A subcategory of **other mandatory cases** and of **other discretionary petitions** in which a government organization or a public official, not a litigant, asks the appellate justices to render an opinion on some legal question.

Court Statistical Usage:

- Indicate whether the **appellate court's** jurisdiction is **mandatory** or **discretionary**.
- Classify in **appellate court caseload inventory** under **other mandatory cases** or **other discretionary petitions** as follows:
 - **Other mandatory case:**
 - Disciplinary:**
 - Attorney**
 - Judge**
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate** (legislature, executive, courts)
 - Federal court** (i.e., certified question)
 - **Other discretionary petition:**
 - Disciplinary:**
 - Attorney**
 - Judge**
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate** (legislature, executive, courts)
 - Federal court** (i.e., certified question)

- Report in caseload inventory both the total number of **filings of other discretionary petitions**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of other discretionary petitions** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#AFFIRMED A decision by an **appellate court** that sustains the **judgment of a trial court** or an **administrative agency**, or the **decision of an intermediate appellate court**.

Court Statistical Usage:

- Indicate the **manner of disposition** under each of the following categories:
 - **Opinion**
 - **Decision without opinion**
- Indicate the **type of decision in mandatory cases** and in **granted petitions of final judgment** as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Remanded**
 - **Mixed**
 - **Other**
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: An appellate court can either affirm, reverse, or modify the trial court or administrative agency judgment or intermediate appellate court decision, or portions thereof. It can also remand the case back to the trial court for further action.

The affirmance of a judgment, decree, or order declares that it is valid and right, and must stand as rendered.

Because they require no further action by the trial court or agency rendering judgment, decisions that "affirm and modify" or "affirm in part, modify in part" should be classified as **affirmed**.

Because they may require further action by the trial court or agency rendering judgment, decisions that "affirm in part, reverse in part" should be classified as **mixed**.

AFFIRMED AND MODIFIED see **affirmed**

AFFIRMED AND REMANDED see **remanded**

AFFIRMED IN PART, REVERSED IN PART see **mixed**

#AGE OF PENDING CASELOAD (appellate courts) For statistical reporting purposes, a frequency count of the number of cases falling into each of a specified set of time intervals, separated according to the processing of specific events (see **status of pending caseload**); the inclusion of a case in a given time interval is determined by the age of that case from its date of filing.

Court Statistical Usage:

- Report **age of pending caseload** data at the end of a reporting period according to a scale such as the following, which is used in the *State Court Model Annual Report*:
 - **Awaiting court reporter's transcript**
 - **Awaiting appellant's brief**
 - **Awaiting respondent's brief**
(In the above categories, use pending 0 to 60 days; 61 to 120 days; and over 120 days.)
 - **Ready for hearing**
 - **Under advisement**
(In the above categories use pending 0 to 90 days; 91 to 180 days; and over 180 days.)

Annotation: To provide maximum flexibility for court management purposes, courts should calculate the actual number of days a case is pending between various steps in case processing. The categories recommended here from the *State Court Model Annual Report* are intended to permit comparability of data for nationwide statistics.

#AGE OF PENDING CASELOAD (trial courts) For statistical reporting purposes, a frequency count of the number of cases falling into each of a specified set of time intervals; the inclusion of a case in a given time interval is determined by the age of that case from its date of filing.

Court Statistical Usage:

- Report **age of pending caseload** data at the end of a reporting period according to a scale such as the following, which is used in the *State Court Model Annual Report*:
 - Cases pending 0 to 90 days.
 - Cases pending 91 days to 180 days.
 - Cases pending 181 days to 360 days.
 - Cases pending 361 days to 720 days.
 - Cases pending over 720 days.
- Court rules regulating the time that elapses before a **defendant** must be brought to **trial** will require that the 0-to-90-day segment of the above scale be separated into short segments for **criminal cases**. Cases that run for periods of years, such as **guardianships, conservatorships, and trusteeships**, should be reported separately in **age of pending caseload** data because they would skew the totals. When they are subtracted, an explanation should accompany the statistics so that the reader will know whether pending estate case statistics differ from total pending cases in **caseload inventory**.

Annotation: To provide maximum flexibility for court management purposes, courts should calculate the actual number of days a case is pending between various steps in case processing. The scale recommended here from the *State Court Model Annual Report* is intended to permit comparability of data for nationwide statistics.

AGENCY APPEAL see **appeal of administrative agency case**

ALCOHOL, ALCOHOLICS see **DWI/DUI case, mental health case**

ALIENATION OF AFFECTION see **miscellaneous tort case**

ALIMONY see **support/custody case, miscellaneous domestic relations case**

ANNULMENT see **marriage dissolution case**

#APPEAL CASE (appellate court) see **appellate court case, mandatory jurisdiction, discretionary jurisdiction**

#APPEAL CASE (trial court) A case category in a **court** having **incidental appellate jurisdiction** in which a **notice of appeal** or a **complaint** is filed to initiate the review of a **judgment** of a **trial court** or an **administrative agency**. (See **appeal of trial court case, appeal of administrative agency case**.)

#APPEAL OF ADMINISTRATIVE AGENCY CASE (trial court) An **appeal case** in which a **court** having **incidental appellate jurisdiction** reviews the decision of an **administrative agency**. (See **appeal case, incidental appellate jurisdiction**.)

Court Statistical Usage:

- Report appeals heard in trial courts as follows:
 - **Appeal of administrative agency case**
 - **Appeal of trial court case**
- Indicate whether these appeals are heard
 - **De novo**
 - **On the record**
 - **De novo on the record**
- For statistical reporting purposes, the filing in a trial court having incidental appellate jurisdiction of a **notice of appeal** or of a **complaint** should be considered the beginning of an appeal case—the unit being counted. (See **unit of count**.) If the reviewing court uses some other event, such as filing of record to determine the number of appeals, it should explain that it does so.
- If the notice of appeal in an **appellate court case** is filed in the trial court, do not count an appeal case in the trial court.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **appeals of administrative agency cases** heard in trial courts should be reported in the appropriate category in the **manner of disposition, trial court case** classification scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition,

tion, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: State statutes determine whether appeals of administrative agency cases are heard in **trial courts** or in **appellate courts**.

#APPEAL OF FINAL JUDGMENT A case category in a **court** having appellate jurisdiction in which a **notice of appeal** is filed to initiate the **mandatory** review of a judgment of a **trial court** or an **administrative agency**, or the decision of an **intermediate appellate court**.

Court Statistical Usage:

- **Appeal of final judgment** is a subcategory of the larger classification **mandatory jurisdiction**.
- Indicate clearly the **jurisdiction** of the appellate court(s).
- Identify the subject matter at issue in the original case.
- In **appellate court caseload inventory** use the following classification scheme for **appeals of final judgment**:
 - **Civil**
 - **Criminal:**
 - Automatic review of final judgment/sentence**
 - Other criminal**
 - **Juvenile**
 - **Administrative agency**
- For statistical reporting purposes, the filing of a **notice of appeal** in an appellate court should be considered the beginning of an **appeal of final judgment**. If the reviewing court uses some other event, such as filing of record, to determine the number of appeals of final judgment, it should explain that it does so.
- If the notice of appeal in an **appellate court case** is filed initially in the trial court, do not count an appellate case until the notice is also docketed in the appellate court.
- In addition to reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **appeals of final judgment** should be reported as indicated under **manner of disposition, appellate court case**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

APPEAL OF RIGHT see **mandatory jurisdiction**

#APPEAL OF TRIAL COURT CASE (heard in a trial court) An **appeal case** in which a **trial court**, in those states where statutes give those courts that authority, reviews the **judgment** of another trial court. (See **appeal case, incidental appellate jurisdiction**.)

Court Statistical Usage:

- **Appeal case** is a subcategory of the broad classifications **civil case** and **criminal case** in **trial court caseload inventory**.
- Distinguish between **civil case appeals** and **criminal case appeals**.
- Report civil case appeals heard in trial courts as follows:
 - **Appeal of administrative agency case**
 - **Appeal of trial court case**
- Report criminal case appeals heard in trial courts as follows:
 - **Appeal of trial court case**
- Indicate whether these appeals are heard
 - **De novo**
 - **On the record**
 - **De novo on the record**
- For statistical reporting purposes, the filing in a trial court having incidental appellate jurisdiction of a **notice of appeal** or of a complaint should be considered the beginning of an appeal case—the unit being counted. (See **unit of count**.) If the reviewing court uses some other event, such as filing of record, to determine the number of appeals, it should explain that it does so.
- If the notice of appeal in an **appellate court case** is filed in the trial court, do not count an appeal case in the trial court.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **appeals of trial court cases** heard in trial courts should be reported in the appropriate category in the **manner of disposition, trial court case** classification scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Generally **appeals of trial court cases** are appeals from **limited** or **special jurisdiction courts** heard in **general jurisdiction courts**. In a very few states, however, appeals are heard in limited jurisdiction courts, or in-house appeals of trial court cases are heard in the same trial court.

APPELLANT see **party**

#APPELLATE COURT A **court**, the primary function of which is to review **judgments of trial courts** and **administrative agencies** (or in the case of a **court of last resort**, also to review decisions of **intermediate appellate courts**).

Court Statistical Usage:

- Classify **courts of last resort** and **intermediate appellate courts** as appellate courts.

Annotation: In some states **trial courts** are given authority to review **judgments** of other trial courts or of administrative agencies. These courts have **incidental appellate jurisdiction**, but are not appellate courts.

#APPELLATE COURT CASE A major classification category for **caseload in courts of last resort** and **intermediate appellate courts** that includes both **mandatory jurisdiction** and **discretionary jurisdiction** cases. (See **mandatory jurisdiction, discretionary jurisdiction**.)

Court Statistical Usage:

- Classify appellate **court caseload inventory** according to the subject matter at issue in the original case, using the following subcategories:

- **Mandatory jurisdiction:**
 - Appeal of final judgment:**
 - Civil**
 - Criminal:**
 - Automatic review of final judgment/sentence**
 - Other criminal**
 - Juvenile**
 - Administrative agency**
 - Other mandatory case:**
 - Disciplinary matter:**
 - Attorney**
 - Judge**
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate** (legislature, executive, courts)
 - Federal court** (i.e., certified question)
- **Discretionary jurisdiction:**
 - Petition of final judgment**
 - Civil**
 - Criminal**
 - Juvenile**
 - Administrative agency**
 - Other discretionary petition:**
 - Disciplinary matter:**
 - Attorney**
 - Judge**
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate** (legislature, executive, courts)
 - Federal court** (i.e., certified question)

- The **notice of appeal** filed in the appellate court is the unit being counted in **appeals of final judgment**, and the **petition** is the unit being counted in **petitions of final judgment, other mandatory cases, and other discretionary petitions**.

- Other matters such as motions should not be reported as **appellate cases**, but may be identified separately as **other proceedings**.

- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **appellate court cases** should be reported in the appropriate category under **manner of disposition, appellate court case**.

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience, the prototypes for displaying statistics are found in the Appendix.

APPELLATE COURT CASELOAD INVENTORY see **court caseload inventory, appellate court case**

APPLICATION FOR APPEAL/REVIEW see **petition of final judgment**

APPLICATION FOR LEAVE TO APPEAL see **petition of final judgment**

#ARBITRATION For statistical reporting purposes, a category for reporting the **manner of disposition** of a civil case that is submitted to the judgment of an impartial party appointed by the **court** rather than decided through regular court process.

Court Statistical Usage:

- Classify as a **trial court manner of disposition of civil cases**.
- If a case is filed for judicial action after an arbitration hearing, a new filing should be counted. (See **reopened case**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Arbitration is made mandatory by statute in some states.

ARRAIGNMENT The hearing before a **court** having **jurisdiction** at that stage in a **criminal case**, in which the identity of the **defendant** is established, the defendant is informed of the charge(s) and of his or her rights, and the defendant is required to enter a plea.

Court Statistical Usage:

- Record the **date of arraignment** as one of the **events in criminal case processing**. (See **date of arraignment**.)

ARREST Taking an adult or juvenile into physical custody by authority of law, for the purpose of charging the person with a criminal offense or a delinquent act or status offense, terminating with the recording of a specific offense. (From *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Record the **date of arrest** as one of the events in **criminal case processing**.

#ATTORNEY DISCIPLINARY MATTER A subcategory of **disciplinary matter** that includes cases involving the supervisory jurisdiction of an **appellate court** over any conduct of attorneys that affects the performance of their official or professional duties.

Court Statistical Usage:

- Indicate whether the **jurisdiction** of the appellate court is mandatory or discretionary.

- Classify in appellate court **caseload inventory** as a subcategory under **disciplinary matter** as follows:

- **Disciplinary matter:**

- **Attorney**

- **Judge**

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#AUTOMATIC REVIEW OF FINAL JUDGMENT/SENTENCE

Appeals of final judgment or sentence review only cases in which the sentence the **defendant** has received is either the death penalty or life imprisonment and state statutes or court decisions make an appeal automatic, without further action by the defendant.

Court Statistical Usage:

- Classify **automatic review of final judgment/sentence** as a subcategory of **criminal appeal of final judgment** in **appellate court caseload**, as follows:

- **Appeal of final judgment:**

- **Civil**

- **Criminal:**

- **Automatic review of final judgment/sentence**

- **Other criminal**

- **Juvenile**

- **Administrative agency**

- Separate **appeals of final judgment** that are taken automatically from those involving **other criminal appeals of final judgment**. (See **other criminal appeals of final judgment**)

Annotation: Statutes or court decisions in most states with capital punishment provide for the automatic review of both the conviction and the sentence. Such appeals are typically heard in the **court of last resort**. Some states without the death penalty have similar provisions for defendants convicted of certain offenses or who receive the maximum sentence allowed. A few states provide only for the automatic review of the sentence.

AUTOMOBILE NEGLIGENCE see **auto tort case**

#AUTO TORT CASE A subcategory of **tort case** that includes cases resulting from personal injury, property damage, or wrongful death arising out of a **party's** alleged negligent operation of a motor vehicle.

Synonym: motor vehicle tort, automobile negligence

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **tort case** as follows:

- **Auto tort**

- **Medical malpractice case**

- **Other professional malpractice case**

- **Product liability tort case**

- **Miscellaneous tort case**

- In addition to the reporting of **filings, disposition, and pending cases in caseload inventory**, the termination of **auto tort cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Vehicles involved in auto tort cases include autos, trucks, buses, vans, motorcycles, mopeds, etc., but not vehicles used for air or water transportation. The latter should be classified under **miscellaneous tort**. "Negligent operation" of a motor vehicle can be either careless or deliberate.

#AWAITING ADJUDICATION OUTCOME For statistical reporting purposes, the status of the **juvenile petitions** in the **pending caseload** when the petition has been filed but an **adjudication outcome** has not yet been decided.

Court Statistical Usage:

- In reporting **status of pending caseload for juvenile petitions**, the following points in case processing should be indicated:
 - **Awaiting juvenile hearing**
 - **Awaiting adjudication outcome**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING APPELLANT'S BRIEF For statistical reporting purposes, the **status of the pending caseload** when the court reporter's transcript has been filed, but the attorney for the appellant has not filed his brief with the clerk of the **appellate court**.

Court Statistical Usage:

- In reporting appellate court **status of pending caseload** data, the following points in case processing should be indicated:
 - **Awaiting court reporter's transcript**
 - **Awaiting appellant's brief**
 - **Awaiting respondent's brief**
 - **Ready for hearing**
 - **Under advisement**
- See **age of pending caseload** (appellate courts) for a suggested time scale for measuring processing time.

#AWAITING COMMENCEMENT OF TRIAL For statistical reporting purposes, the status of those **civil, criminal, or contested traffic/other violation cases** in the **pending caseload** when the **trial date** has been scheduled but the trial has not yet begun.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **civil cases**, the following points in case processing should be indicated:

- **Awaiting filing of first answer**
- **Awaiting scheduled date for completion of discovery**
- **Awaiting the date the case is ready for trial**
- **Awaiting first pretrial conference**
- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**

In reporting **status of pending caseload** data for **criminal cases**, the following points in case processing should be indicated:

- **Awaiting initial appearance or arraignment**
- **Awaiting preliminary hearing**
- **Awaiting indictment (or information)**
- **Awaiting conference**
- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**
- **Awaiting sentencing**

In reporting **status of pending caseload** data for contested **traffic/other violations**, the following points in case processing should be indicated:

- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**
- **Awaiting sentencing**

- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING CONCLUSION OF TRIAL For statistical reporting purposes, the status of those **civil, criminal, or contested traffic/other violation cases** in the **pending caseload** when the trial has begun but has not yet been completed.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **civil cases**, the following points in case processing should be indicated:

- **Awaiting filing of first answer**
- **Awaiting scheduled date for completion of discovery**
- **Awaiting the date the case is ready for trial**
- **Awaiting first pretrial conference**
- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**

In reporting **status of pending caseload** data for **criminal cases**, the following points in case processing should be indicated:

- **Awaiting initial appearance or arraignment**
- **Awaiting preliminary hearing**
- **Awaiting indictment (or information)**
- **Awaiting conference**
- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**
- **Awaiting sentencing**

- In reporting **status of pending caseload** data for contested **traffic/other violations**, the following points in case processing should be indicated:

- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**

- **Awaiting conclusion of trial**
 - **Awaiting sentencing**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING CONFERENCE For statistical reporting purposes, the status of the **criminal cases** in the **pending caseload** data when an **indictment** (or **information**) has been handed down but no pretrial conference has yet been held.

Court Statistical Usage:

- In reporting **status of pending caseload** for **criminal cases**, the following points in case processing should be indicated:
 - **Awaiting initial appearance or arraignment**
 - **Awaiting preliminary hearing**
 - **Awaiting indictment (or information)**
 - **Awaiting conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
 - **Awaiting sentencing**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING COURT REPORTER'S TRANSCRIPT For statistical reporting purposes, the **status of the pending caseload** when the **notice of appeal** has been filed, but the court reporter's transcript of the trial proceedings has not been filed with the court clerk.

Court Statistical Usage:

- In reporting appellate court **status of pending caseload** data, the following points in case processing should be indicated:
 - **Awaiting court reporter's transcript**
 - **Awaiting appellant's brief**
 - **Awaiting respondent's brief**
 - **Ready for hearing**
 - **Under advisement**
- See **age of pending caseload** (appellate courts) for a suggested time scale for measuring processing time.

#AWAITING FILING OF FIRST ANSWER For statistical reporting purposes the status of those civil cases in the **pending caseload** that have been filed but the attorney for the respondent has not filed his answer with the clerk of the trial court.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **civil cases**, the following points in case processing should be indicated:
 - **Awaiting filing of first answer**
 - **Awaiting scheduled date for completion of discovery**
 - **Awaiting the date the case is ready for trial**
 - **Awaiting first pretrial conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING FIRST PRETRIAL CONFERENCE For statistical reporting purposes the status of those **civil cases** in the **pending caseload** where the first answer has been filed but the first pretrial conference has not yet been held.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **civil cases**, the following points in case processing should be indicated:
 - **Awaiting filing of first answer**
 - **Awaiting scheduled date for completion of discovery**
 - **Awaiting the date the case is ready for trial**
 - **Awaiting first pretrial conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING FIRST SCHEDULED TRIAL DATE For statistical reporting purposes, the status of those **civil, criminal, or contested traffic/other violation cases** in the **pending caseload** when issues for trial have been agreed on but the trial date has not yet been scheduled.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **civil cases**, the following points in case processing should be indicated:
 - **Awaiting filing of first answer**
 - **Awaiting scheduled date for completion of discovery**
 - **Awaiting the date the case is ready for trial**
 - **Awaiting first pretrial conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
- In reporting **status of pending caseload** data for **criminal cases**, the following points in case processing should be indicated:
 - **Awaiting initial appearance or arraignment**
 - **Awaiting preliminary hearing**
 - **Awaiting indictment (or information)**
 - **Awaiting conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
 - **Awaiting sentencing**
- In reporting **status of pending caseload** data for **contested traffic/other violations**, the following points in case processing should be indicated:
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
 - **Awaiting sentencing**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING INDICTMENT (OR INFORMATION) For statistical reporting purposes, the status of the **criminal cases** in the **pending caseload** when a preliminary hearing has been held but an indictment (or information) has not yet been handed down.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **criminal cases**, the following points in case processing should be indicated:
 - **Awaiting initial appearance or arraignment**
 - **Awaiting preliminary hearing**
 - **Awaiting indictment (or information)**
 - **Awaiting conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
 - **Awaiting sentencing**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING INITIAL APPEARANCE OR ARRAIGNMENT For statistical reporting purposes, the status of **criminal cases** in **pending caseload** when an arrest has been made but the accused has not yet appeared before a judicial officer.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **criminal cases**, the following points in case processing should be indicated:
 - **Awaiting initial appearance or arraignment**
 - **Awaiting preliminary hearing**
 - **Awaiting indictment (or information)**
 - **Awaiting conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
 - **Awaiting sentencing**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING JUVENILE HEARING (first, second hearing, etc.) For statistical reporting purposes, the status of the **juvenile petitions** in the **pending caseload** when the petition has been filed but an **adjudication hearing** has not yet been held.

Court Statistical Usage:

- In reporting **status of pending caseload** for **juvenile petitions**, the following points in case processing should be indicated:
 - **Awaiting juvenile hearing**
 - **Awaiting adjudication outcome**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING PRELIMINARY HEARING For statistical reporting purposes, the status of the **criminal cases** in the **pending caseload** when an initial appearance has been completed but the **preliminary hearing** has not yet been held.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **criminal cases**, the following points in case processing should be indicated:
 - **Awaiting initial appearance or arraignment**
 - **Awaiting preliminary hearing**
 - **Awaiting indictment (or information)**
 - **Awaiting conference**

- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**
- **Awaiting sentencing**

- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING RESPONDENT'S BRIEF For statistical reporting purposes, the **status of the pending caseload** when the appellant's brief has been filed, but the attorney for the respondent has not filed his brief with the clerk of the **appellate court**.

Court Statistical Usage:

- In reporting appellate court **status of pending caseload** data, the following points in case processing should be indicated:
 - **Awaiting court reporter's transcript**
 - **Awaiting appellant's brief**
 - **Awaiting respondent's brief**
 - **Ready for hearing**
 - **Under advisement**
- See **age of pending caseload** (appellate courts) for a suggested time scale for measuring processing time.

#AWAITING SCHEDULED DATE FOR COMPLETION OF DISCOVERY For statistical reporting purposes, the status of those **civil cases** in the **pending caseload** that have been filed but activities such as depositions and interrogatories have not yet been completed.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **civil cases**, the following points in case processing should be indicated:
 - **Awaiting filing of first answer**
 - **Awaiting scheduled date for completion of discovery**
 - **Awaiting the date the case is ready for trial**
 - **Awaiting first pretrial conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting completion of trial**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING SENTENCING For statistical reporting purposes, the status of the **criminal cases** and **contested traffic/other violation cases** in the **pending caseload** when a trial has been concluded or a guilty plea entered but the penalty has not yet been imposed on the accused.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **criminal cases**, the following points in case processing should be indicated:
 - **Awaiting initial appearance or arraignment**
 - **Awaiting preliminary hearing**
 - **Awaiting indictment (or information)**
 - **Awaiting conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
 - **Awaiting sentencing**

- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#AWAITING THE DATE THE CASE IS READY FOR TRIAL For statistical reporting purposes, the status of those **civil cases** in the **pending caseload** when discovery has been completed but the certificate of readiness, note of issue, or pretrial order has not yet been issued.

Court Statistical Usage:

- In reporting **status of pending caseload** data for **civil cases**, the following points in case processing should be indicated:
 - **Awaiting filing of first answer**
 - **Awaiting scheduled date for completion of discovery**
 - **Awaiting the date the case is ready for trial**
 - **Awaiting first pretrial conference**
 - **Awaiting first scheduled trial date**
 - **Awaiting commencement of trial**
 - **Awaiting conclusion of trial**
- See **age of pending caseload** (trial courts) for a suggested time scale for measuring processing time.

#BAIL FORFEITURE For statistical reporting purposes, a **manner of disposition** classification for minor **criminal cases** (minor **misdemeanors**) and for **traffic/other violation cases** (**moving traffic** and **ordinance violations**) in which a **defendant's** failure to appear in **court** causes the money or property deposited to secure release on bail not to be returned to the defendant.

Court Statistical Usage:

- Classify in **trial courts** as a **criminal case manner of disposition** or a **traffic/other violations manner of disposition**.
- **Bail forfeiture** should indicate a count of **defendants**.
- Do not include under bail forfeiture any cases disposed by voluntary payment of fines. These should be reported as **guilty pleas**, except for **parking violations cases**, the disposition of which should be reported as **parking fines**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: In many states, bail forfeiture as defined here is the equivalent of "guilty plea by waiver."

Bail or bond may be posted to secure release in other kinds of **criminal cases**, but in those cases the defendant who "skips bail" is regarded as a fugitive, and the case will be **reopened** if he can be found. (See **other manner of disposition, criminal case**.) In a minor criminal case or traffic/other violation the forfeiture of bail is regarded as the equivalent of payment of fine, and the case is considered permanently **disposed**.

BAR ADMISSIONS see **other proceedings** (appellate court).

BASTARDY see **paternity/bastardy case**

#BEGINNING PENDING (cases) For statistical reporting purposes, the number of **cases** awaiting **disposition** in a particular **court** at the beginning of a reporting period.

Court Statistical Usage:

- Report **caseload inventory** statistics in each case category for a reporting period as **beginning pending** (cases), **filings, dispositions, end pending** (cases). (See **court caseload inventory**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

BENCH TRIAL see **non-jury trial**

BIND OVER see **bound over**

#BOUND OVER For statistical reporting purposes, the **manner of disposition** category for **felonies** held in **limited jurisdiction courts** when the **defendant** is removed to a **general jurisdiction court** for **trial**. (See **felony case, probable cause**.)

Court Statistical Usage:

- When **probable cause** is found in a **preliminary hearing** held in a court other than that in which the **defendant** will be tried, the binding over of the **defendant** to the **general jurisdiction court** is a **disposition** in the limited jurisdiction court.
- **Bound over** should indicate a count of **defendants**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

BREACH OF CONTRACT see **contract case**

CALENDAR A list of **cases** that are scheduled to be heard by a **court**.

Court Statistical Usage:

- All cases that are on the active court calendar should be reported in **court caseload** statistics.

Annotation: Court calendars may be for various periods of time—a court term, a week, a day. There may also be special calendars for particular proceedings such as hearings or arguments.

CASE see **court case**

CASE-BY-CASE DATA Operational **output reports** that display data from each individual case file, such as **status of pending cases**.

Court Statistical Usage:

- Operational reports deal with court cases on a case-by-case basis. They make possible the calculation of time intervals between **events in court case processing** and **exception reports** for management purposes.

Annotation: Output reports on a case-by-case basis (such as **status of pending cases**), unless the caseload is very small, require automation to be cost-effective because they require extensive data manipulation.

CASEFLOW see **court caseflow**

CASEFLOW MANAGEMENT DATA For statistical reporting purposes, data collected and analyzed to indicate what kinds of **cases** are being processed by a **court**, how long it takes to process the cases, and at what stage of processing each **pending case** may be found.

Court Statistical Usage:

- Caseload management data can include both **summary statistics (age of pending caseload)** and **case-by-case data** (age of pending cases on a case-by-case basis).
- Caseload management data include **age of cases (pending and disposed)**, **status of cases**, **exception reports**, time intervals between **events in court case processing**, and next scheduled **event in court case processing**.

CASELOAD see **court caseload**

CASELOAD INVENTORY see **court caseload inventory**

CASELOAD MANAGEMENT DATA For statistical reporting purposes, data collected and analyzed to tell how many cases were processed by a court during a specified period and how these cases were disposed.

Court Statistical Usage:

- Caseload management data are **summary statistics**, and include **caseload inventory**, **manner of disposition**, trend analysis of caseload inventory and manner of disposition, and projections based on trend analyses.

CASE PROCESSING For statistical reporting purposes, the transactions involved in moving a case through the **court** from **filing** until court **jurisdiction** is terminated. (See **court caseflow**.)

CASE TRANSACTION see **events in trial court case processing**

CERTIFIED QUESTION see **advisory opinion**

CERTIFIED TO AN ADULT COURT see **criminal-type juvenile petition**

CERTIORARI, WRIT OF see **petition of final judgment, writ**

CHANCERY see **equity**

CHANGE OF VENUE The movement of a **case** from one **court** to another court that has the same jurisdictional authority but is in a different geographic location. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Classify as a **manner of disposition** under **transferred**.

Annotation: An example of a change of venue is a case that is transferred from a court in one city, county, or district to a court in a different city, county, or district within a given state. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

CHARGING DOCUMENT see **complaint, criminal; complaint, traffic/other violation; filing; information; indictment; unit of count**

CHILD ABUSE, ABANDONMENT see **child victim petition**

CHILD BEYOND CONTROL see **status petition**

CHILD IN NEED OF SUPERVISION (CHINS, CINS) see **status petition**

CHILD MARRIAGE see **miscellaneous juvenile petition**

#CHILD VICTIM PETITION A **juvenile petition** category involving a juvenile where the behavior of someone other than the juvenile causes the **court** to concern itself with the well-being of the juvenile.

Synonym: dependency and neglect

Court Statistical Usage:

- **Child victim petition** is a subcategory of the broad **trial court** classification **juvenile petition**.
- Report the **caseload inventory** of juvenile petitions according to the following subcategories:
 - **Criminal-type juvenile petition**
 - **Status petition**
 - **Child victim petition**
 - **Miscellaneous juvenile petition**
- Count the **filing** with the clerk of court of a **petition** as the beginning of a **juvenile petition** in trial courts.
- Report under **child victim petitions** all matters that have previously been classified under dependency or neglect. Guardianship petitions involving juveniles should be reported separately to permit comparable **guardianship/conservatorship/trusteeship** caseload nationwide.
- Court actions that are directed against adults as the result of adult relationships to juveniles should not be classified as juvenile petitions. (**Support/custody cases** and termination of parental rights are examples.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: This petition category is recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

Dependency and neglect actions on behalf of a child allege that the parent, guardian, or person with whom the

child lives failed to give proper care; or that the juvenile has suffered from unlawful holding out from school, inadequate medical care, lack of proper supervision, or the like.

Note that child abuse, abandonment, and contributing to delinquency or to dependency and neglect are classified as **criminal actions** on the part of the adult involved and charged, and should be reported as part of **criminal caseload**. Such actions are often grounds as well for **juvenile petitions** on behalf of the child.

CHINS, CINS, PINS, JINS, MINS see **status petition**

#CIVIL APPEAL OF FINAL JUDGMENT A case filed in an **appellate court** having **mandatory jurisdiction** to review the **judgment** of a **trial court** or the decision of an **intermediate appellate court** in a **civil case**.

Court Statistical Usage:

- Classify under **mandatory jurisdiction** in **appellate court caseload** as a subcategory of **appeals of final judgment**:

- **Appeal of final judgment:**

- **Civil**

- **Criminal:**

- **Automatic review of final judgment/sentence**

- **Other criminal**

- **Juvenile**

- **Administrative agency**

- Do not include **juvenile appeals of final judgment** in this category (see **juvenile appeal of final judgment**).
- Do not include **administrative agency appeals of final judgment** in this category (see **administrative agency appeal of final judgment**).
- In addition to reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **civil appeals of final judgment** should be reported as indicated under **manner of disposition, appellate court case**.
- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#CIVIL CASE A broad classification category for **trial court caseload** that includes cases requesting the enforcement or protection of a right, or the redress or prevention of a wrong.

Synonym: **civil action**

Court Statistical Usage:

- The other broad trial court case classifications are **criminal case, traffic/other violation, and juvenile petition**.
- Report the **caseload inventory** of civil cases according to the subject matter at issue, using the following categories:

- **Tort case:**

- **Auto tort case**

- **Medical malpractice case**

- **Other professional malpractice case**

- **Product liability tort case**

- **Miscellaneous tort case**

- **Contract case**

- **Real property rights case**

- **Small claims case**

- **Domestic relations case:**

- **Marriage dissolution case**

- **Support/custody case**

- **URESA case**

- **Adoption case**

- **Paternity/bastardy case**

- **Miscellaneous domestic relations case**

- **Mental health case**

- **Estate case:**

- **Probate/wills/intestate case**

- **Guardianship/conservatorship/trusteeship case**

- **Miscellaneous estate case**

- **Appeal case:**

- **Appeal of administrative agency case**

- **Appeal of trial court case**

- **Miscellaneous civil case**

- The **complaint** or **petition** that begins an **action** is the unit being counted in each civil case. (See **unit of count**.)

- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **civil cases** should be reported in the appropriate category under **civil case manner of disposition**. The type of decision in civil cases has not been included in this classification scheme.

- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#CIVIL CASE MANNER OF DISPOSITION The manner in which a **civil case pending** before a **trial court** is **disposed**.

Court Statistical Usage:

- Report total civil case dispositions in **caseload inventory**: **beginning pending** (cases), **filings, dispositions, and pending** (cases).

- Report the **manner of disposition** of **civil cases** in **trial courts** as follows:

- **Jury trial**

- **Non-jury trial**

- **Uncontested/default**

- **Dismissed** (before trial)

- **Withdrawn** (before trial)

- **Settled** (before trial)

- **Transferred** (before/during trial)

- **Arbitration**

- **Other manner of disposition**

- The statistics in the subcategories under **civil case manner of disposition** should indicate a count of **cases**, not of **defendants**.

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#CIVIL PETITION OF FINAL JUDGMENT An appellate court case category in which a **petition** is presented to an **appellate court** asking the court to review the **judgment** in a **civil case** of a **trial court** or the **decision** of an **intermediate appellate court**.

Court Statistical Usage:

- **Petition of final judgment** is a subcategory of the larger classification **discretionary jurisdiction**.
- Separate the **caseload inventory** of petitions of final judgment into the following subcategories:
 - **Civil**
 - **Criminal**
 - **Juvenile**
 - **Administrative agency**
- The usual method of filing a petition of final judgment is a **petition**, which may be **granted** or **denied** at the discretion of the court.
- Report in caseload inventory both the total number of **filings of petitions of final judgment**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of petitions of final judgment** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- The **manner of disposition** and **type of decision** should be reported for granted **petitions of final judgment**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

CLAIMANT see **plaintiff**

CLEARANCE RATE A statistic which measures, at the end of a reporting period, the number of cases disposed during that time period as a percent of filings.

Annotation: Clearance rates in excess of 100 percent indicate that a court is clearing its pending docket, while clearance rates below 100 percent indicate the court is adding to its pending docket. It should also be pointed out that cases disposed of during a specific time period may have been filed during previous time periods.

CO-DEFENDANT see **defendant**

COMPLAINANT see **plaintiff**

COMMON LAW A system of jurisprudence that is based upon principles of justice derived from old and accepted legal customs, usages, precedents, and court judgments recognizing, affirming, and enforcing such precedents, rather than upon constitutional mandates or legislative enactments.

Court Statistical Usage:

- Classify cases by the subject matter at issue in the **case** rather than by the kind of remedy sought.

Annotation: Some states report **law cases**, but comparable interstate **caseload** cannot be compiled without knowing the subject matter of the cases. (See **law case**.)

Actions at law (based on common law) and suits in equity are now merged in most states and are heard in **trial courts**.

Common law is invalid if it conflicts with federal or state constitutions or statutes.

COMMITMENT, COMMITMENT REVIEW see **mental health case**

COMPLAINT, CIVIL For statistical reporting purposes, the initial written pleading on the part of the **plaintiff** in a **civil case**.

Court Statistical Usage:

- Report the type of case initiated by the complaint.
- A **petition** or a **civil complaint** that begins an **action** is the **unit of count** for civil cases in most **trial courts**.
- Statistical reports should specify how cases are being counted. (See **unit of count**.)

Annotation: The purpose of a civil complaint is to inform the **defendant** of the facts and legal grounds upon which the plaintiff bases his claim for legal redress and to request the **court** to act thereon.

COMPLAINT, CRIMINAL For statistical reporting purposes, a formal written document submitted to a **court** by a prosecutor, law enforcement officer, or other person, alleging that a specified person(s) has committed a specific offense(s), and requesting prosecution. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Report the type of **case** initiated by the complaint. (See **criminal case**, **juvenile petition**.)
- Statistical reports should specify how cases are being counted. (See **unit of count**.)
- In a **criminal case**, count each **defendant** and all the charges involved in a single incident as a single case. If the charging document contains multiple defendants involved in a single incident, count each defendant as a single case. If cases are being counted differently, indicate how cases are being counted.
- In **juvenile petitions** of a criminal nature, count as one case the original charging document filed in the **trial court**.

Annotation: A complaint is a type of charging document and initiates a criminal case. Most jurisdictions call the charging document filed in a misdemeanor case or at the first step of a felony case a "complaint," and the document filed to initiate trial proceedings at the second step of a felony case an "'information' In some jurisdictions the document filed to bind over a defendant until a grand jury decides whether or not to issue an indictment is also called a "complaint." (from *Dictionary of Criminal Justice Data Terminology*, second edition)

For internal purposes, a record of the date a trial begins or a defendant is bound over is important in calculating **age of pending caseload** data.

COMPLAINT, TRAFFIC/OTHER VIOLATION For statistical reporting purposes, a formal written document alleging that a specific person has committed a specific traffic offense, and requesting prosecution.

Court Statistical Usage:

- Report the type of **case** initiated by the complaint. (See **traffic/other violation**.)
- Statistical reports should specify how cases are being counted. (See **unit of count**.)
- Count the original charging document filed in **traffic/other violations**, with the day the **court** receives the charging document as the beginning of the case.
- Indicate how many defendants are included on a charging document.
- Indicate how many charges are included on a charging document.

Annotation: A traffic complaint is usually a uniform traffic citation.

CONCURRENT JURISDICTION Jurisdiction conferred upon two or more **courts** over the same class of **cases** or matters.

Annotation: Court system charts of each state in the *State Court Caseload Statistics: Annual Report* indicate which courts have exclusive subject matter jurisdiction. Where this indication is missing, the court has concurrent jurisdiction with another court.

CONDEMNATION see **real property rights case**

CONSERVATOR, CONSERVATORSHIP see **guardianship/conservatorship/trusteeship case**

CONSOLIDATED CASE For statistical reporting purposes, a **case** in a **trial court** in which two or more **defendants** named in separate filing documents (charging documents in criminal or traffic/other violation cases; petitions or complaints in civil cases) are tried together, or where a given defendant is tried on matters contained in two or more filing documents; a case in an **appellate court** where two or more **appeals** are decided together.

Court Statistical Usage:

- In reporting trial court dispositions in **caseload inventory**, all the cases except the one into which the cases were consolidated for **trial** should be reported

as disposed at the time of consolidation and reported under **other manner of disposition**. When that case too has been decided, it should be reported as disposed.

- In reporting **trial court case manner of disposition**, the consolidated case will account for only one trial, but an accounting of what happened to the **defendants in criminal or traffic/other violation cases** will appear under **trial** in the appropriate subcategories for **type of decision (conviction, acquittal)**.
- In reporting appellate court dispositions in **caseload inventory**, all the cases except the one into which the cases were consolidated for hearing should be reported as disposed at the time of consolidation and reported under **other manner of disposition, appellate cases**. When that case too has been decided, it should be reported as disposed.
- In reporting **appellate case manner of disposition**, the consolidated case will account for only one **opinion or decision without opinion** and the type of decision in the consolidated case will appear in the appropriate subcategory under **type of decision (affirmed, modified, reversed, remanded, mixed, dismissed, other)**.

CONSTITUTIONAL ISSUE see **advisory opinion**

CONTESTED Those cases in which the respondent/**defendant** responded to or defended him/herself against the allegations in the **plaintiff's petition/complaint/charge**. (See **uncontested**.)

#CONTRACT CASE A major classification category for **civil cases** that includes cases involving a dispute over a promissory agreement between two or more individuals or organizations.

Court Statistical Usage:

- **Contract case** is a subcategory of the broad **trial court classification civil case**. See **unit of count** for instructions on counting cases.
- Contract cases include those arising under the Uniform Commercial Code.
- For statistical purposes, contract cases involving real property rights should be reported under **real property rights case**.
- Breach of contract involving negligence should be reported under **tort case**.
- The determination of when a contract case should be reported as a real property rights case or as a tort case will have to be made according to local law at the time the case is **filed**.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of a **contract case** should be reported under the appropriate subcategory in the **civil case manner of disposition** scheme.
- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: A contract is not the basis for a case until a dispute over its terms or their fulfillment leads to the initiation of a **civil action** in court.

The term contract is also used for the written document, if any, that contains the terms and conditions of the agreement and that serves as a legal proof of the agreement. A contract does not require court approval or action.

Contract disputes may involve either (1) promissory agreements between two or more competent adults or organizations that create, modify, or terminate a legal relation (contract); or (2) recovery of a certain specific sum of money or a sum that can readily be reduced to a certainty, as provided by common law, where there is only an implied contract to pay it (debt).

CONTRIBUTING TO DELINQUENCY see **criminal case**

CONTRIBUTING TO DEPENDENCY AND NEGLECT see **criminal case**

#CONVICTION A judgment of a court, based either on the verdict of a jury or the decision of a judicial officer or on the **guilty plea** of the **defendant**, that the defendant is guilty of the offenses(s) (or a lesser included offense) of which he has been charged. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Classify as a **type of decision in criminal case manner of disposition (trial courts)** as a subheading under both **jury trial** and **non-jury trial**.
- Classify as a **type of decision in traffic/other violation manner of disposition (trial courts)** as a subheading under both **jury trial** and **non-jury trial**.
- **Conviction** should indicate a count of **defendants**.
- "Adjudication withheld" after trial begins and "sentence withheld" after trial begins should be reported as a **conviction**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

CORAM NOBIS see **extraordinary writ**

CORPORATE TRUSTS see **miscellaneous estate case**

COURT A unit of the judicial branch of government, authorized or established by constitution or statute, which has the legal authority to decide **cases** or controversies brought before it.

Court Statistical Usage:

- Do not use court as a statistical term for **caseload inventory** purposes without identifying the particular court involved and its subject matter jurisdiction.

Annotation: In order to compare **caseload**, the **subject matter jurisdiction** of the courts being compared must be the same.

The state courts may be arranged under two main classifications:

1. **appellate courts:**
 - court(s) of last resort**
 - intermediate appellate court(s)**
2. **trial courts:**
 - court(s) of general jurisdiction**
 - court(s) of limited or special jurisdiction**

Because the names of the courts at the various levels vary widely from state to state, caseload compilation is simplified when the **subject matter jurisdiction** of each court is identified.

COURT CASE For reporting purposes, a statistical construct of **court** activity that is used to monitor court operations and aid in management decisions.

Court Statistical Usage:

- Do not use **court case** as a statistical term in reporting **caseload**. Cases should be identified according to the subject matter at issue in the cases. (See **appellate court case** and **trial court case**.)

Annotation: The construct of a court case is the complete sequence of events or court proceedings between the initial **filing** of a case and its **disposition**.

In compiling caseload statistics for comparison purposes, it is essential to know what constitutes a case in each **jurisdiction** and what **unit of count** is being used. If the point of counting or the units of count differ from state to state, caseload cannot be compared. (See **unit of count**.)

COURT CASE MANAGEMENT For statistical reporting purposes, a conceptual framework for increasing the efficiency of **case processing** by organizing the court's information needs into three analytical levels: **caseload management**, **caseflow management**, and **workload management**.

COURT CASEFLOW The process by which cases move through the **court** from **filing** until court **jurisdiction** is **terminated**. (See **events in court case processing**.)

Court Statistical Usage:

- Do not use as a synonym for court **caseload** or **workload**.
- A model for reporting court caseflow is presented in this dictionary under **events in appellate court case processing** and **events in trial court case processing**.

#COURT CASELOAD The total number of **cases** that a court reports in any reporting period, arranged as efficiently as possible for management purposes.

Court Statistical Usage:

- In each reporting period, report complete statistics for each case category to display **caseload inventory: beginning pending (cases), filings, dispositions, end pending (cases)**.
- Case-related matters such as hearings and motions should not be counted as **caseload** statistics, but rather as steps in **caseflow**. If they are reported in

caseload statistics, they should be classified as **other proceedings**.

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Caseload is not a synonym for **workload**, which includes all other matters in addition to caseload that must be attended to by the court.

#COURT CASELOAD INVENTORY For statistical reporting purposes, four uniform **caseload** counts that should be reported for each reporting period: **beginning pending** (cases), **filings, dispositions, end pending** (cases).

Court Statistical Usage:

- Report complete statistics in each case category by subject matter to display caseload inventory.
- See **unit of count** for instructions on counting **cases**.
- Do not confuse caseload inventory and caseload. **Caseload inventory** is a statistical count of cases being processed by the court, whereas **caseload** pertains to the actual steps in the case processing.
- If **defendants** are not the unit of count in **criminal cases, traffic/other violations, and juvenile petitions**, then a count of defendants should also be kept for internal purposes. The number of defendant dispositions should be reported in caseload inventory.
- See the section entitled, CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

COURT, INTERMEDIATE APPELLATE see **intermediate appellate court**

COURT OF GENERAL JURISDICTION A **trial court** that has **original jurisdiction** over all subject matter or persons within its geographical limits except those that may be assigned by law to a **special or limited jurisdiction court**. (See **trial court, court of limited or special jurisdiction**.)

Synonym: major trial court

Court Statistical Usage:

- Identify the **subject matter jurisdiction** of each court.

Annotation: General jurisdiction courts are **courts of record**. In the criminal area, general jurisdiction courts have jurisdiction to try **felonies** and the authority to impose maximum sentence or fine. (See **felony case**.) In the civil area, they have unlimited jurisdiction in equity and at law, except over those matters specifically assigned to a limited or special jurisdiction court.

Subject matter jurisdiction of courts of general jurisdiction varies from state to state. In some states the trial courts are unified and hear all matters. In others the general jurisdiction courts that try criminal cases are

completely separate from those that hear civil actions. Some states have classified as general jurisdiction courts those that try only a special class(es) of cases (such as chancery and probate in Arkansas or the tax court in Oregon).

Many states give the general jurisdiction courts the authority to hear **appeals of administrative agency cases** and of **appeals of trial court cases**. These courts have **incidental appellate jurisdiction**.

COURT OF LAST RESORT An **appellate court** that has final **jurisdiction over appeals** within a state.

Court Statistical Usage:

- Identify the **subject matter jurisdiction** of each court.
- Specify the name of the court of last resort.
- Identify the **mandatory jurisdiction** and the **discretionary jurisdiction** of the court.

Annotation: Court names vary from state to state and do not always clearly indicate by themselves which is the highest court. (In New York, for example, the supreme court is the general jurisdiction court, while the court of last resort is called the court of appeals, a name used in many other states for an intermediate appellate court.)

There is a single court of last resort in every state except Oklahoma and Texas, which have separate courts for **civil** and **criminal appeals**.

In a state that has an **intermediate appellate court**, the highest court serves primarily to develop law and supervise the judiciary, the latter sometimes referred to as superintending control.

There is no further review within the state's judicial system beyond the court of last resort of a **trial court judgment**, an **administrative agency** decision, or an **intermediate appellate court** decision, although an issue of law may exist that permits a further review by a federal court.

COURT OF LIMITED OR SPECIAL JURISDICTION A **trial court** that has legal jurisdiction over only the specific subject matter or persons (as opposed to all subject matter or persons) assigned by law or statute to that court. (See **trial court**.)

Court Statistical Usage:

- Identify the **subject matter jurisdiction** of each court.

Annotation: Many states have courts with special original jurisdiction over one type of case—**probate cases** or **small claims cases** or **traffic/other violations** or **juvenile petitions**.

Limited jurisdiction courts may have a wide range of jurisdiction, but be limited in dollar amount handled or severity of penalty levied. Civil jurisdiction may be limited, for example, to civil cases with a maximum dollar amount in controversy; criminal jurisdiction may be limited by amount of fine or sentence imposed. As a result, criminal jurisdiction is generally limited to petty offenses and **misdemeanors**, and the holding of **preliminary hearings for felony cases**.

Courts of general jurisdiction may exercise jurisdiction concurrently with **courts of limited jurisdiction**, depending on the state constitution or statutes. (See **concurrent jurisdiction**.)

COURT OF RECORD A court in which a complete and permanent record of all or specified types of proceedings is kept. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition) (See **on the record**.)

Annotation: Trial proceedings are generally recorded verbatim. The record, usually in the form of either a stenotype or shorthand representation of what has been said and done, or an audio-tape, is not necessarily transcribed. The court reporter may store such material in the original form and it will not be converted into a typed transcript unless the record pertaining to a case is requested. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

COURT TRIAL see **non-jury trial**

COURT WORKLOAD see **workload, court**

#CRIMINAL APPEAL OF FINAL JUDGMENT A case filed in an **appellate court** having **mandatory jurisdiction** to review the **judgment** of a **trial court** or the decision of an **intermediate appellate court** in a **criminal case**.

Court Statistical Usage:

- Classify under **mandatory jurisdiction in appellate court caseload** as a subcategory of **appeals of final judgment**:
 - **Appeal of final judgment**:
 - Civil
 - Criminal:
 - Automatic review of final judgment/sentence
 - Other criminal
 - Juvenile
 - Administrative agency
- Separate **appeals of final judgment involving automatic review of final judgment/sentence** from those involving **other criminal** appeals of final judgment. (See **automatic review of final judgment/sentence** and **other criminal appeals of final judgment**.)
- Do not include **postconviction remedy cases** or **sentence review only** in this category (see **original proceedings**).
- Do not include **juvenile appeals of final judgment** in this category (see **juvenile appeal of final judgment**).
- In addition to reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **criminal appeals of final judgment** should be reported as indicated under **manner of disposition, appellate court case**.
- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#CRIMINAL CASE A broad classification category for **trial court caseload** that includes cases in which a **defendant(s)** is charged with the violation of a state law(s).

Court Statistical Usage:

- The other broad **trial court case** classifications are **civil case, traffic/other violation, and juvenile petition**.
- Report **caseload inventory** for criminal cases according to the **subject matter** of the case at issue, as follows:
 - **Felony case**
 - **Misdemeanor case**
 - **DWI/DUI case**
 - **Appeal of trial court case**
 - **Miscellaneous criminal case**
- Criminal cases should be counted at the time of filing of the original charging document—**criminal complaint, information, or indictment**.
- Count each defendant and all the charges involved in a single incident as a single case. If the charging document includes multiple defendants involved in a single incident, count each defendant as one case. If cases are being counted differently (multiple defendants/single incident, single defendant/limited number of charges, etc.), indicate how cases are being counted. (See **unit of count**.)
- Report the following criminal actions as **other proceedings**:
 - **Postconviction remedy**
 - **Preliminary hearing** (limited jurisdiction court)
 - **Sentence review only**
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the number and type of **trials** and the disposition of defendants should be reported in **manner of disposition and type of decision**, criminal cases.

Annotation: Criminal cases are concerned with public wrongs, while civil cases are concerned with private rights.

Caseload is not comparable among states if cases are not counted at the same point in case processing. At present states are variously counting cases at filing of complaint, at filing of the information/indictment, when the defendant enters a plea/initial appearance, when docketed, and at issue of a warrant.

Caseload is not comparable among states if the unit counted on the charging document varies. At present states are variously counting single defendant/single charge; single defendant/single incident (one or more charges); single defendant/single incident (with a maximum number of charges); single defendant/one or more incidents; single defendant/content varies with prosecutor; one or more defendants/single charge; one or more defendants/single incident (maximum number of charges); one or more defendants/content varies with prosecutor).

Included in criminal cases will be such actions as criminal non-support, contributing to delinquency, and contributing to dependency and neglect. State statutes will determine whether these offenses are felonies or misdemeanors.

#CRIMINAL CASE MANNER OF DISPOSITION The manner in which a **criminal case pending** before a **trial court** is disposed.

Court Statistical Usage:

- Report total criminal case dispositions in **caseload inventory: beginning pending** (cases), **filings, dispositions, end pending** (cases).
- Report the **manner of disposition** of criminal cases in trial courts and the outcome for the **defendants** as follows:
 - **Jury trial**
 - Conviction**
 - Guilty Plea**
 - Acquittal**
 - Dismissed**
 - **Non-jury trial**
 - Conviction**
 - Guilty Plea**
 - Acquittal**
 - Dismissed**
 - **Dismissed** (before trial)
 - **Nolle prosequi**
 - **Bound over**
 - **Transferred** (before/during trial)
 - **Diverted**
 - **Guilty plea** (before trial)
 - **Bail forfeiture**
 - **Other manner of disposition**
- The statistics in the subcategories under **criminal case manner of disposition** should indicate the number and type of **trials** and the disposition of the **defendants**.
- "Adjudication withheld" after trial begins or "sentence withheld" after trial begins should be reported as a **conviction**.
- Diversion after trial begins should be counted as a **trial**, and the number of defendants indicated.
- **Guilty pleas** before trial begins should be reported separately from guilty pleas after trial begins, where they should be reported as a subcategory under **conviction**.
- **Dismissal** after trial begins should be reported as a subcategory under **acquittal**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

CRIMINAL NON-SUPPORT see **criminal case**

#CRIMINAL PETITION OF FINAL JUDGMENT An **appellate court case** category in which a **petition** is presented to an **appellate court** asking the court to review the **judgment** in a **criminal case** of a **trial court** or the decision of an **intermediate appellate court**.

Court Statistical Usage:

- **Petition of final judgment** is a subcategory of the larger classification **discretionary jurisdiction**.
- Separate the **caseload inventory** of petitions of final judgment into the following subcategories:

- **Civil**
- **Criminal**
- **Juvenile**
- **Administrative agency**

- The usual method of filing a petition of final judgment is a **petition**, which may be **granted** or **denied** at the discretion of the court.
- Report in caseload inventory both the total number of **filings of petitions of final judgment**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of petitions of final judgment** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- The **manner of disposition** and **type of decision** should be reported for granted **petitions of final judgment**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#CRIMINAL-TYPE JUVENILE PETITION A **juvenile petition** category that includes behavior of a juvenile that would be a crime if committed by an adult.

Court Statistical Usage:

- **Criminal-type juvenile petition** is a subcategory of the broad **trial court** classification **juvenile petition**.
- Report the **caseload inventory of juvenile petitions** according to the following categories:
 - **Criminal-type juvenile petition**
 - **Status petition**
 - **Child victim petition**
 - **Miscellaneous juvenile petition**
- Count the **filing** with the clerk of court of a **petition** as the beginning of a **juvenile petition** in trial courts.
- Classify any delinquent behavior subject to court hearing as a criminal-type juvenile petition.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: These petition classifications are recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

CUSTODY see **support/custody case**

DATA ANALYSIS The organization, aggregation, arrangement, and sorting of data so that they can be subjected to mathematical calculations and statistical interpretation to produce **output reports** that can be used for **court operational and management purposes**.

Annotation: Data analysis permits the preparation of output reports such as **caseload inventory, events in case processing, status of pending cases, age of pending cases, exception reports**, etc.

DATA COLLECTION The recording by the court of essential information on all its activities (**case processing, finances, personnel, facilities, etc.**) so that these data can be organized for analysis and the production of **output reports** that will be used as a basis for decision making, both in day-to-day operations and for longer-term **case management**. (See **data analysis**.)

DATE APPELLATE CASE WENT ON ALTERNATE TRACK The date on which an appellate case is submitted to a summary process whereby settlement is attempted by shortening some of the steps (such as briefs or arguments) in full **appellate case processing**.

Court Statistical Usage:

- Record this date to maintain an inventory of those cases handled this way and the length of time this alternate processing method takes.

DATE APPELLATE PETITION FILED (appellate case) For statistical reporting purposes, the date on which the petition in a **petition of final judgment, other mandatory case, or other discretionary petition** is filed in the **appellate court**.

Court Statistical Usage:

- This date should be recorded as the first **event in appellate court case processing of petitions of final judgment, other mandatory cases, and other discretionary petitions**.

Annotation: The recording of this date makes it possible for the court manager to analyze **age of pending cases**.

Petitions of final judgment are generally initiated by a petition for a writ of certiorari or a writ of error. **Original proceedings cases** are also initiated by a petition.

DATE CASE IS READY FOR TRIAL (certificate of readiness, note of issue, or certain pretrial orders) The date on which the issues of fact in a **civil case** in a **trial court** are completely drawn, so that the case can come before a trier of fact, whether **court** or **jury**.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **civil case processing**.

Annotation: The pretrial order that is the equivalent to a note of issue or certificate of readiness should not be confused with other pretrial orders.

The recording of the **date of filing** and dates of subsequent **events in civil case processing** permits the trial court manager to determine the time intervals that are elapsing in a civil case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE CIVIL CASE PUT ON ALTERNATE TRACK (mediation, arbitration) The date on which a **civil case** is submitted by the contending parties to one or more persons selected for that purpose for decision and award, in lieu of or as an interim step in a judicial proceeding.

Court Statistical Usage:

- For statistical reporting purposes, this date is a **disposition** date in those courts for which mediation or arbitration is binding, and should be so recorded.
- Report the manner of disposition of these cases as **arbitration**.

Annotation: Arbitration is not used in all courts, nor is it always binding in those that do use it.

The recording of this date makes it possible for the trial court manager to analyze **age of disposed cases** as well as time intervals between **events in civil case processing** in order to set standards for the timely completion of civil cases and to measure performance against standards already set.

DATE COURT RECORD RECEIVED For statistical reporting purposes, the date on which the **trial court** clerk submits to the **appellate court** the record of a **trial court case** being appealed.

Court Statistical Usage:

- This date should be recorded so that the court can determine whether the trial court record in a case being appealed is submitted to the appellate court within a reasonable length of time.

Annotation: This date is the third of several events in an appellate case that must be completed before the appellate court can take the appellate case **under advisement**. A record of the dates of these events is necessary for the appellate court manager to determine whether unnecessary delay is being caused by the individuals responsible for preparing the materials that the appellate court will review in considering an appeal of final judgment.

DATE COURT REPORTER'S TRANSCRIPT ORDERED For statistical reporting purposes, the date that the appellant's attorney officially requests the court reporter to prepare a verbatim transcript of the proceedings in a **trial court case** being appealed.

Court Statistical Usage:

- This date should be recorded so that the court can determine whether the court reporter's transcript is submitted within the time limit required by the appellate court.

Annotation: This date is the first of several events in an appellate case that must be completed before the appellate court can take the appellate case **under advisement**. A record of the dates of these events is necessary for the appellate court manager to determine whether unnecessary delay is being caused by the individuals responsible for preparing the materials that the appellate court will review in considering an appeal of final judgment.

DATE COURT REPORTER'S TRANSCRIPT RECEIVED For statistical reporting purposes, the date on which the court reporter submitted the verbatim transcript of a **trial court case**, ordered by a **party's** attorney for review by an **appellate court**.

Court Statistical Usage:

- This date should be recorded so that the court can determine whether the court reporter's transcript is submitted within the time limit required by the appellate court.

Annotation: This date is the second of several events in an appellate case that must be completed before the appellate court can take the appellate case **under advisement**. A record of the dates of these events is necessary for the appellate court manager to determine whether unnecessary delay is being caused by the individuals responsible for preparing the materials that the appellate court will review in considering an appeal of final judgment.

DATE FIRST ANSWER FILED For statistical reporting purposes, the date in a **civil case** on which the **trial court** receives the pleading in response to a **complaint**, which either denies the allegations of the complaint or interposes affirmative matter intended to defeat the **action** or delay it.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **civil case processing**.

Annotation: The recording of the **date of filing** and dates of subsequent **events in civil case processing** permits the court manager to determine the time intervals that are elapsing in a civil case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE FIRST APPELLANT'S BRIEF RECEIVED For statistical reporting purposes, the date on which the appellant's attorney submits to an **appellate court** a formal presentation of the points and questions involved in an **appeal of final judgment**, together with the authorities relied upon, for the assistance of the appellate court in arriving at a just and proper **decision** in the case.

Court Statistical Usage:

- This date should be recorded so that the court can determine whether the appellant's brief in a case being appealed is submitted to the appellate court within a reasonable length of time.

Annotation: This date is the fourth of several events in an appellate case that must be completed before the appellate court can take the appellate case **under advisement**. A record of the dates of these events is necessary for the appellate court manager to determine whether unnecessary delay is being caused by the individuals responsible for preparing the materials that the appellate court will review in considering an appeal of final judgment.

DATE FIRST RESPONDENT'S BRIEF RECEIVED For statistical reporting purposes, the date on which the respondent's attorney submits to an **appellate court** a formal refutation of the points and questions involved in an **appeal of final judgment**, together with the authorities relied upon for the assistance of the appellate court in arriving at a just and proper **decision** in the case.

Court Statistical Usage:

- This date should be recorded so that the court can determine whether the respondent's brief in a case being appealed is submitted to the appellate court within a reasonable length of time.

Annotation: This date is the fifth of several events in an appellate case that must be completed before the appellate court can take the appellate case **under advisement**. A record of the dates of these events is necessary for the appellate court manager to determine whether unnecessary delay is being caused by the individuals responsible for preparing the materials that the appellate court will review in considering an appeal of final judgment.

DATE JUDGMENT ENTERED The date on which the official determination by the **trial court** regarding the rights and obligations of the **parties** to a **civil case**, **criminal case**, or **contested traffic/other violation** is entered on the record.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing**.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

In some jurisdictions the **date judgment entered** in a **criminal case** will not be the same as the **date trial concluded** or the **date of adjudication** because judgment is not entered until the sentencing hearing.

DATE JUVENILE PETITION FILED For statistical reporting purposes, the date on which the **petition** in a juvenile action is filed in a **trial court**.

Court Statistical Usage:

- This date should be recorded as the first **event in juvenile petition processing**.

Annotation: The recording of this date makes it possible for the court manager to analyze **age of pending cases**.

Juvenile actions are initiated by petitions requesting the court to make a determination as to the juvenile's status.

DATE OF ADJUDICATION The date on which a finding, verdict, or other resolution in a **trial court case** is reached. (See also **date of adjudication outcome**.)

Court Statistical Usage:

- This date should be recorded as the **event in civil case processing** that is used for counting **dispositions in caseload inventory**.
- The **manner of disposition** should be recorded in **caseload inventory**. (See **civil case manner of disposition**.)

Annotation: The recording of this date makes it possible for the trial court manager to analyze **age of disposed cases** as well as time intervals between **events in case processing** in order to set standards for the timely completion of trial court cases and to monitor adherence to those standards.

DATE OF ADJUDICATION OUTCOME (juvenile petition) The date on which the **trial court** determines whether there is sufficient evidence to sustain the allegations in a **juvenile petition**.

Court Statistical Usage:

- This date should be recorded as the **event in juvenile petition processing** that is used for counting **court dispositions in caseload inventory**.

Annotation: The recording of this date makes it possible for the trial court manager to analyze **age of disposed cases** as well as time intervals between **events in juvenile petition processing** in order to set standards for the timely completion of juvenile petitions and to monitor adherence to those standards.

DATE OF APPELLATE ALTERNATE DISPOSITION CONFERENCE The date on which a conference attempts to reach a settlement of an appellate case without resorting to all the steps in **appellate case processing**.

Court Statistical Usage:

- Record this date to determine the pace of litigation in appellate case processing.
- If a settlement is reached, report the **manner of disposition** as a **predecision disposition (dismissed/withdrawn/settled)**.

DATE OF ARRAIGNMENT The date of the hearing before a **trial court** having **jurisdiction** in a **criminal case**, in which the identity of the **defendant** is established, the defendant is informed of the charge(s) and of his or her rights, and the defendant is required to enter a plea (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Record this date to determine the pace of litigation in **criminal case processing**.
- If an arraignment occurs in both a **limited** and a **general jurisdiction court**, the **date of initial appearance** in the limited jurisdiction court should be identified in the general jurisdiction court.

Annotation: The recording of the **date of filing** and dates of subsequent **events in criminal case processing** permits the trial court manager to determine the time inter-

vals that are elapsing in a criminal case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

In **felony cases** the arraignment occurs after proceedings are begun in the **trial court** by filing of an **information** or **indictment**. In jurisdictions where **probable cause** is determined in a limited jurisdiction court and **trial** takes place in a general jurisdiction court, there may be a preliminary arraignment in the lower court. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

DATE OF ARREST The date on which the **defendant** in a **criminal case** is taken into custody by law enforcement officers.

Court Statistical Usage:

- This date should be recorded by the **trial court** to monitor conformance to speedy trial rules.

Annotation: Speedy trial rules often set a time limit to the number of days that can elapse between arrest and trial.

DATE OF CONFERENCE The date of a meeting of the opposing parties in a case with the judicial officer before **trial**, for the purposes of discovery, reduction of charges, narrowing of issues, scheduling of trial date, and the like.

Court Statistical Usage:

- Record this date to determine the pace of litigation in the processing of **criminal cases in trial courts**.
- In those states that hold **omnibus hearings**, record the date of the omnibus hearing in place of the date of conference.

Annotation: The conference is a mechanism that permits the trial court to avoid attorney delay in preparing the case for trial until the last minute before the scheduled trial, and then wasting court time and resources by settling at that point or asking for continuances. The "speedy trial" clock is stopped by continuances requested by the defense attorney.

The recording of the **date of filing** and dates of subsequent **events in case processing** permits the trial court manager to determine the time intervals that are elapsing in a case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF DECISION (disposition) For statistical reporting purposes, the date on which an **appellate court** enters a final decision in an **appellate court case**.

Court Statistical Usage:

- This date should be recorded as the **event in appellate court case processing** that is used for counting **dispositions in caseload inventory**.

Annotation: The recording of this date makes it possible for the appellate court manager to analyze **age of disposed cases** as well as time intervals between **events in appellate case processing** in order to set standards for the timely completion of appellate cases and to monitor adherence to those standards.

DATE OF DECISION ON A POST-DISPOSITION MOTION The date on which a decision is made by the trial court on a post-disposition motion in a **civil case**.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing** and to measure demands on judicial time.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF DECISION ON A POST-TRIAL MOTION The date on which a decision is made by the trial court on a post-trial motion in a **criminal case**.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing** and to measure demands on judicial time.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF DIVERSION The date at any point after a recorded justice system intake but before the entering of a **judgment** on which **criminal** proceedings against an alleged offender are suspended and that person is referred to a treatment or care program. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Record this date to determine the pace of litigation in **criminal case processing** in trial courts.
- For statistical reporting purposes, this date is a **disposition** date and should be so recorded.

Annotation: The recording of the **date of filing** and dates of subsequent **events in case processing** permits the trial court manager to determine the time intervals that are elapsing in a case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF FILING For statistical reporting purposes, the date in a **civil case** of the formal acceptance by the **trial court** of a document alleging the facts forming a basis for a **civil case**.

Court Statistical Usage:

- This date should be recorded as the first **event in case processing** of all **civil cases in trial courts**.

Annotation: The recording of this date makes it possible for the trial court manager to analyze **age of pending cases**. It is also an essential date in preparing **status of pending caseload** reports.

DATE OF FILING OF COMPLAINT For statistical reporting purposes, the date of the formal entry in its records by the **trial court** of a **complaint** alleging the facts and requesting relief in a **criminal case** or in a **traffic/other violation**.

Court Statistical Usage:

- This date should be recorded as the first **event in case processing** of all **criminal cases and traffic/other violations in trial courts**.

Annotation: The recording of this date makes it possible for the trial court manager to analyze **age of pending cases**. It is also an essential date for the preparation of **status of pending caseload** reports.

DATE OF FILING OF NOTICE OF APPEAL For statistical reporting purposes, the date of filing of the document that informs a **court** having appellate jurisdiction that a **party** wants a **trial court's judgment** reviewed.

Court Statistical Usage:

- This date should be recorded as the first **event in appellate case processing** of **appeals of final judgment cases**.

Annotation: The recording of this date makes it possible for the appellate court manager to analyze **age of pending cases**. It is an essential date in preparing **status of pending caseload** reports.

DATE OF FIRST FILING IN TRIAL COURT (appellate case) For statistical reporting purposes, the date a case first entered the **trial court**. (See **date of filing**, (civil case); **date of filing of complaint** (criminal case or traffic/other violation); **date juvenile petition filed**.)

Court Statistical Usage:

- This date should be transferred from the trial court case record to the appellate court case record.

Annotation: The recording of this date can be used by trial court managers to measure the pace of litigation and to assist in setting reasonable standards for **case processing** time spans.

DATE OF HEARING ON A POST-DISPOSITION MOTION The date on which a request is made to a **trial court** that the court order a new trial of a **civil case**.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing** and to measure demands on judicial time.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and

whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF HEARING ON A POST-TRIAL MOTION The date on which a request is made to a **trial court** that the court order a new trial of a **criminal case**.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing** and to measure demands on judicial time.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF INDICTMENT OR INFORMATION The date in a **criminal case** on which a formal written accusation is made and submitted to a **trial court** with **felony jurisdiction** by a prosecutor or grand jury, alleging that a specified person(s) has committed a specified offense(s). (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Record this date to determine the pace of litigation in **criminal case processing** in trial courts.
- Count the filing of the original charging document as the beginning of a **criminal case** or a **contested traffic/other violation**.

Annotation: In a **limited jurisdiction court** and in a **single-tier trial court** the **complaint** will be the original charging document. In a **two-tier trial court**, the complaint will be the original charging document in the limited jurisdiction court, but in the general jurisdiction court the original charging document will be the **indictment** or **information**.

The recording of the **date of filing** and dates of subsequent **events in court case processing** permits the court manager to determine the time intervals that are elapsing in a case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF INITIAL APPEARANCE In criminal proceedings, the date of the first appearance of an accused person in the first **trial court** having **jurisdiction** over his or her case. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Record this date to determine the pace of litigation in **criminal case processing** in trial courts.

DATE(S) OF JUVENILE HEARING(S) (**first, second hearing, etc.**) The date(s) on which a petition in a juvenile action is heard in a **trial court**.

Court Statistical Usage:

- Record the date of each hearing of a **juvenile petition**.

- Record the date of the adjudication hearing separately as **date of adjudication outcome** (see **date of adjudication outcome**).

Annotation: The recording of the **date petition filed** and dates of subsequent **events in court case processing** of a juvenile petition permits the trial court manager to determine the time intervals that are elapsing in juvenile petition processing, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

These dates do not, however, measure delay that takes place before the filing of the juvenile petition, during the referral process.

DATE OF ORDER FOR STAY OF PROCEEDINGS The date on which a **court** orders the postponement of proceedings in a **case** until the occurrence of a contingency, regardless of the time or the term of court at which such contingency happens.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing**.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF PETITION FOR RECONSIDERATION OF SENTENCE The date on which a **petition** is filed in a **trial court** requesting that the penalty decided on by the judge or jury should be reconsidered.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing**.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF PRELIMINARY HEARING The date in a **criminal case** of a proceeding before a judicial officer in which evidence is presented so that the **court** can determine whether there is sufficient cause to believe a crime has been committed and that the accused may have committed the crime.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **criminal case processing** in trial courts.
- If the **preliminary hearing** is held in a **limited jurisdiction court**, the case should be reported as a **felony case, disposed** in that court when the case is **bound over**, a guilty plea accepted, or the complaint is dismissed. If the case is **bound over** to a **general jurisdiction court**, a new **felony case** will be **filed** in the general jurisdiction court.

Annotation: The recording of the **date of filing** and dates of subsequent **events in court case processing** permits the trial court manager to determine the time intervals that are elapsing in a case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF PRETRIAL CONFERENCE The date of a major hearing before a judge in a **civil case** that occurs before **trial** begins, in which the judge encourages settlement or limits the issues for trial.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **civil case processing** in trial courts.
- If there is more than one hearing, use only the date of the first for measuring time intervals elapsed between **events in civil case processing**.

Annotation: The recording of the **date of filing** and dates of subsequent **events in civil case processing** permits the trial court manager to determine the time intervals that are elapsing in a civil case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE READY TO BE SCHEDULED FOR ORAL ARGUMENT For statistical reporting purposes, the date in an **appellate case** on which the case is ready to be placed on the calendar (scheduled for oral argument) for action by the appellate justices.

Court Statistical Usage:

- This date should be recorded as the date when an **appeal** is ready to be placed on the calendar for action by the appellate justices.

Annotation: The recording of the **date of filing of the notice of appeal** and the **date ready to be scheduled for oral argument** permits the court manager to determine the time interval that is elapsing before an **appeal of final judgment** is ready to be heard by the appellate court, and whether that time interval is acceptable to the court, to the parties involved, and to the public.

DATE OF SENTENCING OR CHARGES DISPOSED The date on which the penalty is imposed by a **trial court** upon a person convicted of a crime or the charges against him are in some other way disposed (dismissed, nolle prosequi, etc.).

Court Statistical Usage:

This date should be recorded as the **event in criminal case processing** that is used for counting **dispositions in caseload inventory**.

Record this date to determine the pace of litigation in **trial court case processing**.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE OF SERVICE OF SUMMONS The date in a **civil case** on which a summons is delivered or communicated to the opposite **party** or other person entitled to receive it, in such manner that, as provided by law, he is charged with having received it.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **civil case processing** in trial courts.

Annotation: The recording of the **date of filing** and dates of subsequent **events in civil case processing** permits the court manager to determine the time intervals that are elapsing in a civil case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE TRIAL COMMENCED The date when the first evidence in a **trial court case** is introduced before a judge or a **jury**.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing**.
- Record this date in order to maintain a count of how many cases went to trial, an important **output report for case management** purposes.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE TRIAL CONCLUDED The date in a trial when a **judgment** is reached in a **case** before a court.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing**.
- Record this date to maintain a count of trials concluded, an important **output report for case management** purposes.
- This date will coincide with the **date of adjudication** in those **trial court cases** that went to trial.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

DATE UNDER ADVISEMENT (date of oral argument or submission) For statistical reporting purposes, the date in an **appellate case** when the oral argument or hearing has been held or the case has been submitted to the court, but the **court** has not disposed of the case.

Court Statistical Usage:

This date should be recorded as the date when an **appeal of final judgment** is actually submitted to an appellate court for consideration of the issues involved.

Annotation: The recording of the **date of filing of the notice of appeal** and the **date under advisement** permits the court manager to determine the time interval that is elapsing before an appeal of final judgment is heard by the appellate court, and whether that time interval is acceptable to the court, to the parties involved, and to the public.

DEBT COLLECTION see **contract case**

DECISION see **type of decision (appellate court case), type of decision (trial court case)**

#DECISION WITHOUT OPINION For statistical reporting purposes, a decision in an **appellate court case** issued without a written statement indicating the legal reasons for the decision.

Court Statistical Usage:

- Manner of disposition of appellate court cases should be reported according to the **subject matter** of the case filed.
- The following classification scheme is suggested for reporting the manner in which appellate court cases are disposed:
 - **Predecision disposition** (dismissed/withdrawn/settled)
 - **Opinion:**
 - Signed opinion**
 - Per curiam opinion**
 - **Decision without opinion** (memo/order)
 - **Transferred**
 - **Other**
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Every appellate action is embodied in an order. Only orders that terminate cases should be included in this manner of disposition category.

Memorandum decision and **order** are two ways of issuing appellate decisions without opinion. The difference is largely a matter of usage in the particular state.

Decision without opinion may include cases transferred from one court to another, for jurisdictional or other reasons; cases in which the court issues a minute order granting jurisdiction and summarily remanding, reversing, or taking some other step, etc.

DECEDENT'S ESTATE see **probate/wills/intestate case**

DEFAULT see **uncontested/default**

#DEFENDANT A person required to answer an accusation in a **criminal case** or **traffic/other violation**, or a **complaint** in a **civil case**.

Synonym: respondent

Court Statistical Usage:

- Statistical reports should indicate how cases are being counted.

- In **criminal cases** and in **traffic/other violations**, indicate how many defendants are included on a charging document (single defendant/single incident, multiple defendants/single incident, etc.). (See **unit of count** for recommended method for counting cases.)
- In **criminal cases** and in **traffic/other violations**, indicate how many charges are included on a charging document (single charge, maximum of two charges, all the charges in a single incident, etc.).
- The **filing** and **disposition** of the charging documents should be reported in **caseload inventory**; the **disposition** of the **defendants** under **type of decision**.
- If a defendant is tried on multiple charging documents in a single trial, the manner of disposition that should be reported would be the most serious manner of disposition (i.e., conviction or guilty plea).
- If a defendant is tried on different charges in separate trials, a defendant type of decision should be reported for each trial.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: For statistical purposes, a person becomes a defendant in a criminal case when the formal accusation is entered into the record of the **court** and remains a defendant until the prosecutor withdraws the prosecution, or the court **dismisses** the case or otherwise determines that **judgment** will not be pronounced, or until the court pronounces judgment (**acquittal** or **conviction**).

A codefendant is one of two or more persons named in a single charging document or tried in the same **trial** proceeding.

In civil proceedings, the defendant is the person against whom relief or recovery is sought in a civil action or suit, the one who defends against or denies a complaint or charge. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

DELINQUENCY see **criminal-type juvenile petition**

DENIED see **petition denied**

#DE NOVO A trial court's review of the **judgment** in a **trial court case** or **administrative agency case** in which the case is heard again from the beginning with no reference to the earlier trial or hearing.

Court Statistical Usage:

- Indicate whether **appeals in trial court cases** and **appeals in administrative agency cases** are heard **de novo**, **de novo on the record**, or **on the record**.
- Trials de novo should be counted at the time of the filing of the appeal in the trial court having **incidental appellate jurisdiction**.

Annotation: Trial de novo is not a synonym for **new trial** or retrial.

Generally a trial de novo takes place in a trial court that is empowered by statute to review **judgments** of

courts of limited jurisdiction. The lower court in some states is not a **court of record** and so has no transcript to submit as the basis for appellate review. In this situation, an appeal heard in the trial court becomes a trial de novo.

Trials de novo may be provided in other states from **courts of record**. (See **court of record, on the record, de novo on the record**.) When trials de novo are provided in this situation, a verbatim transcript of the first trial is not generally used, even though the first trial took place in a court of record. Still, the transcript of the **judgment** from the first court can be used by the trial court hearing the appeal on the basis of its being accepted as a record.

Some states have abolished trials de novo.

#DE NOVO ON THE RECORD A trial court's review of the judgment in a **trial court case** or an **administrative agency case** is which the case is heard again based on the record of the earlier trial or hearing.

Court Statistical Usage:

- Indicate whether **appeals in trial court cases** and **appeals in administrative agency cases** are heard **de novo, de novo on the record, or on the record**.
- Trials de novo on the record should be counted at the time of the filing of the appeal in the trial court having **incidental appellate jurisdiction**.

DEPENDENCY AND NEGLECT see **child victim petition**

DIRECTED VERDICT TRIAL see **jury trial**

#DISCIPLINARY MATTER A subcategory of **other mandatory cases** and **other discretionary petitions** that includes cases involving the supervisory jurisdiction of an **appellate court** over any conduct of judges or attorneys that affects the performance of their official or professional duties.

Court Statistical Usage:

- Classify in appellate court **caseload inventory** as a subcategory under **other mandatory cases** when jurisdiction is mandatory, and under **other discretionary petitions** when jurisdiction is discretionary, as follows:
 - **Other mandatory case:**
 - Disciplinary matter:**
 - Attorney
 - Judge
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate (legislature, executive, courts)
 - Federal court (i.e., certified question)
 - **Other discretionary petition:**
 - Disciplinary matter:**
 - Attorney
 - Judge
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate (legislature, executive, courts)
 - Federal court (i.e., certified question)

- Report in caseload inventory both the total number of **filings of other discretionary petitions**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of other discretionary petitions** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **disciplinary matters** should be reported under the appropriate category in the **appellate court case manner of disposition** classification scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Supervisory jurisdiction varies from state to state, and is conferred on the appellate court by constitution, statute, or case law (inherent power).

Disciplinary matters arise generally from alleged violations of the judicial code of conduct or of the bar's code of ethics. They typically involve an **action** to censure or remove a judge, or to disbar an attorney.

DISCIPLINARY REVIEW BOARD OF A CORRECTIONS AGENCY see **administrative agency**

#DISCRETIONARY JURISDICTION The authority of an appellate court to decide whether it will grant a **petition of final judgment** or **other discretionary petition** so that a case can be decided on its merits.

Court Statistical Usage:

- Indicate whether the jurisdiction of the **appellate court** is **mandatory or discretionary**.
- Identify the **subject matter** at issue in the original case.
- In **appellate caseload inventory** use the following classification scheme for **discretionary jurisdiction petitions**:
 - **Petition of final judgment:**
 - Civil
 - Criminal
 - Juvenile
 - Administrative agency
 - **Other discretionary petition:**
 - Disciplinary matter:**
 - Attorney
 - Judge
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate (legislature, executive, courts)
 - Federal court (i.e., certified question)
- Report in caseload inventory both the total number of **filings of discretionary jurisdiction cases**, and the

number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.

- Report both the total number of **dispositions of discretionary jurisdiction cases** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.

Annotation: The functional distinction between mandatory and discretionary jurisdiction is that mandatory cases are "appeals of right," which the appellate court must hear and decide on the merits. In discretionary jurisdiction matters, the appellate court must first decide whether to grant a petition for review. Discretionary petitions that are granted by the appellate court are then given full plenary consideration in the same manner as mandatory cases. Most intermediate appellate courts have mandatory jurisdiction, while most courts of last resort have both discretionary and mandatory jurisdiction.

DISCRETIONARY REVIEW see **discretionary jurisdiction**

#DISMISSED (before trial) For statistical reporting purposes, a category for reporting the **manner of disposition** of a **civil case**, a **criminal case**, or a **contested traffic/other violation** in which the **jurisdiction** of the **trial court** is terminated by the court before **trial**.

Court Statistical Usage:

- Classify as a **manner of disposition in civil cases**.
- Classify as a **type of decision under manner of disposition in criminal cases** and in **contested traffic/other violations**.
- **Dismissed** (before trial) should indicate a count of **defendants**.

#DISMISSED AFTER FACT FINDING BEGUN For statistical reporting purposes, a category for reporting the **adjudication outcome** that terminates the **jurisdiction** of a **juvenile court** (or a court that hears juvenile petitions) after fact finding begins.

Court Statistical Usage:

- Classify as an **adjudication outcome in juvenile petitions** in trial courts.

Annotation: The juvenile petition adjudication outcome categories in the model classification scheme are recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

DISMISSED/INACTIVE PETITIONS A statistical reporting category recommended by the National Juvenile Information Systems Task Force for reporting those petitions that have been assigned an inactive status.

Court Statistical Usage:

- This is an additional juvenile petition type used for keeping track of **workload**.

#DISMISSED PRIOR TO FACT FINDING For statistical reporting purposes, a category for reporting the **adjudication outcome** that terminates the **jurisdiction** of a **juvenile court** (or a court that hears juvenile petitions) before fact finding begins.

Court Statistical Usage:

- Classify as an **adjudication outcome of juvenile petitions** in trial courts.
- Include petition denied and petition withdrawn under this outcome category.
- Include under this category those juvenile petitions that have for any reason been placed on an inactive status (such as fugitive defendant, death of defendant, etc.). These petitions should be counted separately for **workload** purposes as **dismissed/inactive petitions**.

Annotation: The juvenile petition adjudication outcome categories in the model classification scheme are recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

#DISMISSED/WITHDRAWN/SETTLED (appellate court case) see **predecision disposition**

DISPOSED see **disposition**

#DISPOSITION For statistical reporting purposes, the termination of a **case pending** before a **court**.

Court Statistical Usage:

- Report dispositions as part of **caseload inventory: beginning pending** (cases), **filings, dispositions, end pending** (cases).
- Report the termination of each case as indicated under **manner of disposition**.
- The total dispositions figure in each case category in **caseload inventory** should be an aggregate count of the total number of cases in that category disposed by the court during the reporting period.
- In **appellate courts**, the statistics in the **manner of disposition** classification scheme provide, in addition, an accounting of the **type of decision** arrived at by the appellate justices.
- In trial courts, the statistics in the **manner of disposition** classification scheme provide, in addition, an accounting of what happened to the **defendants** involved in **criminal cases** and **traffic/other violations**. Under **criminal case manner of disposition**, for example, **jury trial** and **non-jury trial** will indicate how many cases were disposed by trial, while **conviction** and **acquittal** will indicate what happened to the defendant(s). The same is true of **dismissed/noile prosequi, bound over, transferred, diverted, guilty plea, bail forfeiture**; these statistics will indicate what happened to the defendant(s).
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

DIVERSION see **diverted**

#DIVERTED The official suspension of **criminal** proceedings against an alleged offender at any point after a recorded justice system intake but before the entering of a **judgment**, and referral of that person to a treatment or care program. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Classify as a **trial court case manner of disposition** in **criminal cases** and **contested traffic/other violations**.

DIVORCE see **marriage dissolution case**

DOLLAR AMOUNT JURISDICTION In a **civil case** in which damages are requested by the plaintiff, the minimum and maximum dollar amounts that can be awarded by a particular court as determined by statute or constitution.

Annotation: Court system profiles of each state in *State Court Caseload Statistics: Annual Report* indicate the dollar amount jurisdiction of each court.

#DOMESTIC RELATIONS CASE A major classification category for **civil cases** that includes cases involving family actions such as divorce, separation, annulment, **custody**, **paternity**, **adoption**, **support**, **reciprocal support**, and termination of parental rights.

Synonym: domestic and family, family action

Court Statistical Usage:

- **Domestic relations case** is a subcategory of the broad **trial court** classification **civil case**.
- Classify the **caseload inventory** of domestic relations cases using the following subcategories:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **URESAs case**
 - **Adoption case**
 - **Paternity/bastardy case**
 - **Miscellaneous domestic relations case**
- When a marriage is dissolved, a case **disposition** should be reported. If the same case is reopened for the consideration of **support** or **custody** matters, a new **filing** should be reported.
- Even though in some states **juvenile petitions** are handled in the same court as domestic relations cases, juvenile petitions should be reported separately (see **juvenile petition** and **child victim petition**). Child support and custody cases are part of domestic relations caseload in nationwide statistics. Classify them separately from juvenile petitions.
- In addition to the reporting of **filings**, **dispositions**, and **pending cases** in **caseload inventory**, the termination of **domestic relations cases** should be reported under the appropriate category in the **civil case manner of disposition** classification scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case

processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

DRIVING UNDER THE INFLUENCE see **DWI/DUI case**

DRIVING WHILE IMPAIRED see **DWI/DUI case**

DRIVING WHILE INTOXICATED see **DWI/DUI case**

DRUGS see **felony, misdemeanor, DWI/DUI case**

#DWI/DUI CASE A subcategory of **criminal cases** that involves a charge of driving while intoxicated, driving under the influence (of either alcohol or drugs), or driving while impaired.

Court Statistical Usage:

- Indicate whether **DWI/DUI cases** are **felonies** or **misdemeanors**.
- Statistical reports should indicate how cases are being counted. Count each charging document as one case. (See **unit of count**.)
- Include a single **defendant** on a charging document. Include all the charges in a single incident on a charging document. If cases are being counted differently, indicate how they are being counted.
- Report all **DWI/DUI cases** separately, whether they are classified locally as **moving traffic violations** or as **criminal cases**.
- In addition to the reporting of **filings**, **dispositions**, and **pending cases** in **caseload inventory**, the termination of **DWI/DUI cases** should be reported under the appropriate category in the **criminal case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

EMINENT DOMAIN see **real property rights case**

#END PENDING (cases) For statistical reporting purposes, the number of **cases** awaiting **disposition** in a particular **court** at the end of a reporting period.

Court Statistical Usage:

- Report **caseload inventory** statistics in each case category for a reporting period as **beginning pending (cases)**, **filings**, **dispositions**, **end pending (cases)**. (See **court caseload inventory**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

ENVIRONMENTAL PROTECTION AGENCY see **administrative agency**

EQUITY A system of civil justice, distinct from the system based on **common law**, which provides discretionary remedies for wrongs not redressable under the legal strictures of **common law**.

Synonym: chancery

Court Statistical Usage:

- Report **cases** by the subject matter at issue rather than by the kind of remedy sought.

Annotation: See **equity case**. Some states report equity and chancery cases. Other states report **injunctions**, which are a remedy in a suit in equity. (See **injunction**).

EQUITY CASE A category of civil court **cases** in which civil wrongs are redressed by applying the rules of **equity** as distinguished from cases decided according to **common law**.

Synonym: equitable action, suit in equity

Court Statistical Usage:

- Report cases by the subject matter at issue; do not report the type of remedy sought.

Annotation: Some states have separate equity and law divisions in their **trial courts**. Some states report **equity cases**, **law cases**, **injunctions**, and the like, but comparable interstate **caseload** cannot be compiled without knowing the subject matter of the cases.

ERROR, WRIT OF see **petition of final judgment, writ**

#ESTATE CASE A major classification category for **civil cases** that includes cases dealing primarily with the following civil matters: administration of estates of deceased persons who died testate or intestate, including settling legal dispute concerning wills; **guardianships and conservatorships**; administration of trusts.

Court Statistical Usage:

- **Estate case** is a subcategory of the broad **trial court** classification **civil case**. See **unit of count** for instructions on counting cases.
- Classify the **caseload inventory** of estate cases under the following subcategories:
 - **Probate/wills/intestate case**
 - **Guardianship/conservatorship/trusteeship case**
 - **Miscellaneous estate case**
- **Guardianships, conservatorships, and trusteeships** should be reported separately from other estate cases in **age of pending caseload** data because they run for periods of years that would skew age of pending caseload data.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **estate cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition,

status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Legal disputes over wills can involve either the determination of the legality of the will itself or disputes over the provisions of the will.

Estate cases in some states are handled in separate **special jurisdiction courts** (usually called probate court, but sometimes called surrogates court); other states have separate divisions in their **trial courts** to hear estate cases; in others, estate cases are heard as part of the **general jurisdiction court caseload** or the **limited jurisdiction court caseload**.

Some probate courts handle **adoption cases**, but these should be reported separately in order to include them with **domestic relations cases** in nationwide **caseload inventory**.

Probate of wills is not reported in some states as a court case, but rather as a ministerial action. The distinction should be made in **caseload inventory** between informal proceedings ("those conducted without notice to interested persons by an officer of the court acting as a registrar for the probate of a will or appointment of a personal representative," Uniform Probate Code) and formal proceedings ("those conducted before a judge with notice to interested parties," Uniform Probate Code). Some states do not report informal proceedings as cases.

Statistics should also indicate contested court hearings as opposed to uncontested probate actions. These will appear under **manner of disposition** as **default** (uncontested) or **trial** (contested).

EVENTS IN APPELLATE COURT CASE PROCESSING Those events in the processing of an appellate case between **filing** and **disposition** that need to be recorded because they are significant in the management of **case processing**.

Court Statistical Usage:

- In reporting **appellate court caseload** data for **appeal of final judgment** cases, the following **events in court case processing** should be indicated for case management purposes:
 - **Date of first filing in trial court**
 - **Date of filing of notice of appeal**
 - **Date appellate case went on alternate track**
 - **Date of appellate alternate disposition conference**
 - **Date court reporter's transcript ordered**
 - **Extensions granted to court reporters**
 - **Date court reporter's transcript received**
 - **Date court record received**
 - **Date first appellant's brief received**
 - **Date first respondent's brief received**
 - **Date ready to be scheduled for oral argument**
 - **Date under advisement** (date of oral argument or submission)
 - **Date of decision (disposition)**
 - **Request for en banc hearing or rehearing**
- In reporting **appellate court caseload** data for **petitions of final judgment**, the following **events in case**

processing should be indicated for court management purposes:

- **Date of first filing in trial court**
- **Date appellate petition filed**
- **Date of decision (disposition)**

In reporting **appellate court caseload data** for other **mandatory cases** and other **discretionary petitions**, the following **events in case processing** should be indicated for case management purposes:

- **Date of filing**
- **Date of decision (disposition)**

Annotation: This list does not include all the events in case processing, but is rather a suggested model for the major events. Each court will track those events that have particular significance in case processing and case management.

The record of these events is needed for both operational case processing and to produce management reports such as **status of pending caseload**.

EVENTS IN CIVIL CASE PROCESSING Those events in the processing of a **civil case** that need to be recorded because they are significant in the management of **trial court case processing**.

Court Statistical Usage:

- In reporting **caseload data** for **civil cases**, the following **events in case processing** should be indicated for case management purposes:

- **Date of filing**
- **Date of service of summons**
- **Date first answer filed**
- **Date civil case put on alternate track (mediation, arbitration)**
- **Scheduled date for completion of discovery**
- **Date case is ready for trial (certificate of readiness, note of issue, or certain pretrial orders)**
- **Date of first pretrial conference**
- **First scheduled trial date (number of continuances)**
- **Date trial commenced**
- **Date trial concluded**
- **Date of adjudication**
- **Date of hearing on a post-disposition motion**
- **Date of decision on a post-disposition motion**
- **Date judgment entered**
- **Date of order for stay of proceedings**

Annotation: This list does not include all the events in case processing, but is rather a suggested model for the major events. Each court will track those events that have particular significance in case processing and case management.

The record of these events is needed for both operational case processing and to produce management reports such as **status of pending caseload**.

EVENTS IN CONTESTED TRAFFIC/OTHER VIOLATION PROCESSING Those events in the processing of a **contested traffic/other violation** that need to be recorded because they are significant in the management of **case processing**.

Court Statistical Usage:

- In reporting **caseload data** for **contested traffic/other violation cases**, the following **events in case processing** should be indicated for case management purposes:

- **Date of filing of complaint**
- **Date of diversion**
- **First scheduled trial date (number of continuances)**
- **Date trial commenced**
- **Date trial concluded**
- **Date of adjudication**
- **Date of hearing on a post-trial motion**
- **Date of decision on a post-trial motion**
- **Date judgment entered**
- **Date of sentencing or charges disposed**
- **Date of order for stay of proceedings**
- **Date of petition for reconsideration of sentence**

Annotation: This list does not include all the events in case processing, but is rather a suggested model for the major events. Each court will track those events that have particular significance in case processing and case management.

The record of these events is needed for both operational case processing and to produce management reports such as **status of pending caseload**.

EVENTS IN COURT CASE PROCESSING Those events in the processing of a court case between **filing** and **disposition** that need to be recorded because they are significant in the management of **case processing**.

Synonym: Case transactions, register of actions

Court Statistical Usage:

- The recording of **events in court case processing** is essential both for operational case processing and for **caseload management** purposes.

- See **events in appellate court case processing** and **events in trial court case processing** for instructions.

Annotation: The record of these events is needed for both operational case processing and to produce management reports such as **status of pending caseload**.

EVENTS IN CRIMINAL CASE PROCESSING Those events in the processing of a **criminal case** in **trial courts** that need to be recorded because they are significant in the management of **case processing**.

Court Statistical Usage:

- In reporting **caseload data** for **criminal cases**, the following **events in case processing** should be indicated for **case management** purposes:

- **Date of filing of complaint**
- **Date of arrest**
- **Date of initial appearance**
- **Date of diversion**
- **Date of preliminary hearing**
- **Date of indictment or information**
- **Date of arraignment**

- **Date of conference**
- **First scheduled trial date (number of continuances)**
- **Date trial commenced**
- **Date trial concluded**
- **Date of adjudication**
- **Date of hearing on a post-trial motion**
- **Date of decision on a post-trial motion**
- **Date judgment entered**
- **Date of sentencing or charges disposed**
- **Date of order for stay of proceedings**
- **Date of petition for reconsideration of sentence**

Annotation: This list does not include all the events in case processing, but is rather a suggested model for the major events. Each court will track those events that have particular significance in case processing and case management.

The record of these events is needed for both operational case processing and to produce management reports such as **status of pending caseload**.

EVENTS IN JUVENILE PETITION PROCESSING Those events in the processing of a **juvenile petition in trials courts** between **filing** and **adjudication** that need to be recorded because they are significant in the management of **case processing**.

Court Statistical Usage:

- In reporting **caseflow** data for **juvenile petitions**, the following **events in court case processing** should be indicated for case management purposes:
 - **Date petition filed**
 - **Date of juvenile hearings** (first, second hearing, etc.)
 - **Date of adjudication outcome**

Annotation: This list does not include all the events in case processing, but is rather a suggested model for the major events. Each court will track those events that have particular significance in case processing and case management.

The record of these events is needed for both operational case processing and to produce management reports such as **status of pending caseload**.

The **events in juvenile petition processing** are recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

EVENTS IN TRIAL COURT CASE PROCESSING Those events in the processing of a **trial court case** between **filing** and **disposition** that need to be recorded because they are significant in the management of **case processing**.

Court Statistical Usage:

- The recording of **events in court case processing** is essential both for operational case processing and for **caseflow management** purposes.
- See **events in civil case processing, events in criminal case processing, events in contested traffic/other violation processing, and events in juvenile petition processing** for instructions.

#EXCEPTION REPORTS For statistical reporting purposes, a **case management** report listing each **pending case** that has been pending longer than the acceptable **case processing** time interval set by the court.

Court Statistical Usage:

- An exception report is a **status of pending cases** report that includes only those cases that have been pending longer than the acceptable case processing time interval set by the court.

Annotation: Exception reports permit the court manager to identify those cases that need immediate attention.

EXECUTORS OF ESTATES see **probate/wills/intestate case**

EXCLUSIVE JURISDICTION A term to denote that subject matter jurisdiction over a case rests with a single court, as determined by statute or constitution.

Annotation: Court system charts of each state in the *State Court Caseload Statistics: Annual Report* series indicate which courts have exclusive subject matter jurisdiction. Where this indication is missing, the court has concurrent jurisdiction with another court.

EXTENSIONS GRANTED TO COURT REPORTERS For statistical reporting purposes, a record of any extensions granted in the time limit within which a court reporter is supposed to prepare a transcript of the **trial court case** being appealed.

Court Statistical Usage:

- These extensions should be recorded so that the court can determine whether the court reporter's transcript is submitted within the time limit required by the appellate court.

Annotation: Submission of the transcript by the court reporter is the second of several events in an appellate case that must be completed before the appellate court can take the appellate case **under advisement**. A record of the date the transcript is completed is necessary for the appellate court manager to determine whether unnecessary delay is being caused by the individuals responsible for preparing the materials that the appellate court will review in considering an appeal of final judgment.

EXTRADITION see **miscellaneous criminal case**

EXTRAORDINARY REMEDY/RELIEF see **extraordinary writ, original proceedings**

#EXTRAORDINARY WRIT (trial court) A classification category for **cases** (either civil or criminal) involving any one of a group of prerogative writs requested by a **party**, which if granted, provides an extraordinary remedy to the petitioner.

Synonym: prerogative writ

Court Statistical Usage:

- In **trial court caseload**, classify extraordinary writs as **other proceedings**. (See **other proceedings**.)
- In **appellate court caseload** classify extraordinary writs as **original proceedings**. (See **original proceedings**.)
- The extraordinary writs issued by trial courts that should be included in this classification are habeas corpus, mandamus, quo warranto, coram nobis, and prohibition. An **injunction**, which is a writ, should not be counted separately from the case in which it is granted unless it is the subject of the case.
- Writ of certiorari and writ of error should be classified as **petition of final judgment**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Some states have merged the extraordinary writs into a single catch-all category, e.g., in New York they are called simply Article 78 cases.

FAMILY ACTIONS see **domestic relations case**

#FEDERAL COURT ADVISORY OPINION A subcategory of **advisory opinion** in which a state **court of last resort** entertains requests, called certified questions, from federal courts to answer legal issues involving state law pending before the federal court.

Court Statistical Usage:

- Indicate whether the jurisdiction of the **appellate court** is **mandatory** or **discretionary**.
- Classify in **appellate court caseload inventory** as a subcategory under **advisory opinion**, as follows:
Advisory opinions:
 Intrastate (legislature, executive, courts)
 Federal court (i.e., certified question)
- Report in caseload inventory both the total number of **filings of other discretionary petitions**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of other discretionary petitions** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#FELONY CASE A major **criminal case** category that involves an offense punishable by death, or by incarceration in a confinement facility for a period of which the lower limit in a given jurisdiction is prescribed by statute, typically one year or more (from *Dictionary of Criminal Justice Data Terminology*, first edition)

Court Statistical Usage:

- **Felony case** is a subcategory of the broad **trial court** classification **criminal case**.
- Count each **defendant** and all the charges involved in a single incident as a single case. If the charging document includes multiple defendants involved in a single incident, count each defendant as a single case. If cases are counted differently (multiple defendants/single incident, single defendant/limited number of charges, etc.), indicate how they are counted. (See **unit of count**.)
- Report the **caseload inventory of felonies and misdemeanors** separately, and define the limits of punishment as set by constitution or statute.
- Report **preliminary hearings** only if they are held in a **court** other than that which will try the case.
- If probable cause is found and the **defendant** is bound over from one court to another, the disposition of these **felony cases** should be reported separately (under **bound over**) from other **criminal cases** in statewide statistics in order to permit an accurate count of total felony cases.
- If a **preliminary hearing** is held and no **probable cause** is found, report the termination under **dismissed**.
- If the charge is reduced and the defendant pleads, the manner of disposition should be reported under **guilty plea**.
- If the charge is reduced and a trial is held, report the trial outcome under **trial**.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, termination of **felony cases** should be reported under the appropriate category in the **criminal case manner of disposition** classification scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience prototypes for displaying statistics are found in the Appendix.

Annotation: **Courts of general jurisdiction** have jurisdiction to try all criminal offenses, not only felonies. It is their unlimited felony trial jurisdiction, however, which sets them apart from **courts of limited jurisdiction**. There are states in which courts of limited jurisdiction have no felony jurisdiction. In those states where they do have felony trial jurisdiction, it is restricted. In a few states, they have jurisdiction over those felonies where the penalty prescribed falls below a certain statutorily specified limit. In these cases, the courts of general jurisdiction maintain concurrent jurisdiction over those felonies that the courts of limited jurisdiction are also empowered to try. (adapted from the *Dictionary of Criminal Justice Data Terminology*, first edition)

Those **felony cases** that are adjudicated and reported by **limited jurisdiction courts** cannot be correctly classified in statewide or nationwide statistics without **manner of disposition** data. Essential information includes whether cases were disposed by **trial** in the limited jurisdiction court, were **bound over** to a general jurisdiction court, were **dismissed**, or were disposed by **guilty plea**.

Individuals interested in analyzing interstate felony data should consult Table 16 in *State Court Organization*,

1987 for the characteristics of felony jurisdiction in each of the state trial courts. In some states certain classes of felonies can be filed and tried to completion in a limited jurisdiction court. A larger number of states permit a limited jurisdiction judge to dismiss a case or accept a guilty plea.

FELONY PRELIMINARY HEARING see **preliminary hearing, felony case**

FILED see **filing**

#**FILING** For statistical reporting purposes, the beginning of a **court case** by formal submission of a document to the court alleging the facts and requesting relief. (See **unit of count**.)

Court Statistical Usage:

- Report **caseload inventory** statistics in each category for a reporting period as **beginning pending** (cases), **filings, dispositions, end pending** (cases).
- Count **filings** as indicated under **unit of count** in order to establish **court caseload**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: For statistical reporting purposes, **filing** pertains solely to the commencement of a court case. (Other documents, such as motions, etc., can be filed in the court at other points in the proceedings, but are not counted by courts as filings for caseload inventory purposes.)

The document (**complaint, petition, indictment, information, notice of appeal**) that is filed and its generic contents should be specified in order to establish the **unit of count** for internal and nationwide statistics. Caseload statistics that do not count the same units are not comparable. (See **unit of count**.)

The point at which a case is considered to be filed, if it differs from the recommendations under **unit of count**, should also be specified in order to permit comparable **caseload** and **time interval data**.

FILING DOCUMENT see **complaint, civil; complaint, criminal; complaint, traffic/other violation; filing; indictment; information; notice of appeal; petition; unit of count**

FIRST SCHEDULED TRIAL DATE The first date on which a **trial** in a **civil case, criminal case, or contested traffic/other violation** is scheduled to begin.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **trial court case processing**.
- Record the **number of continuances** granted in order to explain why the **scheduled trial date** does not coincide with the **date trial commenced**, as well as to assess court **workload** and calendar management proficiency.

Annotation: The recording of the date of filing and dates of subsequent events in trial court case processing permits the court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

FORECLOSURE see **real property rights case**

FUGITIVE see **other manner of disposition, criminal cases**

FULL OPINION see **opinion**

GARNISHMENT A statutory proceeding whereby a person's property, money, or credits in possession or under control of, or owing by, another are applied to the payment of the former's debt to a third person.

Court Statistical Usage:

- Garnishment is a supplementary or post-judgment remedy in cases when money is owed, such as **contracts, torts, domestic relations, small claims**, etc. Report those cases according to the subject matter at issue in the case. Do not count garnishment or other supplementary proceedings as separate cases because no new issue of merit is involved in such proceedings.

GENERAL JURISDICTION COURT see **court of general jurisdiction**

GEOGRAPHIC JURISDICTION The geographic area over which lawful authority may be exercised by a **court**, as determined by statute or constitution.

GIFTS TO MINORS see **miscellaneous estate case**

#**GUARDIANSHIP/CONSERVATORSHIP/TRUSTEESHIP CASE** A subcategory of **estate case** that includes cases involving the establishment of or a controversy over

guardianship—the relation existing between a person (guardian) lawfully invested with the power and charged with the duty of taking care of the rights of another person (ward) who is considered by the **court** as incapable of caring for himself/herself;

conservatorship—the relation existing between a person (conservator) lawfully invested with the power and charged with the duty of taking care of the property of another person who is considered by the court as incapable of managing his own affairs; or cases involving a controversy over a

trusteeship—the legal possession of real or personal property held by one person for the benefit of another.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **estate case**, as follows:
 - **Probate/wills/intestate case**
 - **Guardianship/conservatorship/trusteeship case**
 - **Miscellaneous estate case**

- Cases involving guardianship, conservatorship, or trusteeship continue under the jurisdiction of the court over a period of years, and should be reported as a separate subcategory of estate cases in **end pending** and **age of pending caseload** statistics.
- In some states guardianships may be reported as part of **juvenile caseload** because they involve juveniles. Report them separately as guardianship cases so they can be included with estate cases in nationwide caseload statistics.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **guardianship/conservatorship/ trusteeship cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Some states include the management of property (conservatorship) as part of guardianship. This will not affect case count if the **estate** classification is maintained.

A trusteeship is not a court case unless a civil action is initiated in court relating to the establishment of the trust relationship.

#GUILTY PLEA A **disposition** classification for those **cases** in which the **defendant** admits having committed an offense with which he is charged, or a lesser included offense.

Court Statistical Usage:

- Classify as a **type of decision in trial court manner of disposition in criminal cases** and in **traffic/other violations** if the guilty plea occurs before **trial** begins. After trial begins, a guilty plea should be classified as a subcategory under **conviction**.
- Guilty pleas should indicate a count of **defendants**.
- Include pleas to a lesser included offense, less than all charges, substituted charge, etc.
- Include nolo contendere and non vult contendere cases under **guilty plea**.
- Do not include in this category those guilty pleas by waiver that can be classified as **bail forfeiture**.
- Voluntary payment of fine in all **traffic/other violation cases** except **parking violation cases** should be included under **guilty pleas**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Nolo contendere is not an admission of guilt, but exposes the defendant to the same punishment as if convicted by the court.

In some jurisdictions the defendant must appear before a judge to plead guilty. This should not be counted as a trial because no evidence is introduced.

GUILTY PLEA BY WAIVER see **bail forfeiture**

HABEAS CORPUS, WRIT OF see **extraordinary writ, original proceedings, postconviction remedy, writ**

HEARING A proceeding in which arguments, witnesses, or evidence are heard by a judicial officer or administrative body but no final decision disposing of the case is made by the **court**.

Court Statistical Usage:

- Hearings may be counted to indicate court **workload**.
- The dates of certain hearings should be recorded, as indicated under **events in civil case processing, events in criminal case processing, events in contested traffic/other violation processing, and events in juvenile petition processing**.

Annotation: Hearings can be formal or informal. The manner of disposition of a case disposed immediately after the completion of a hearing would be **dismissal, nolle prosequi, guilty plea, etc.**

INACTIVE STATUS see **other manner of disposition, civil and criminal**

INCIDENTAL APPELLATE JURISDICTION The authority given in many states to **trial courts** to review the **judgments of trial courts** or of **administrative agencies**.

Court Statistical Usage:

- Distinguish between an **appellate court** and a trial court having **incidental appellate jurisdiction**. Trial courts in many states have the authority to review the judgments of trial courts or of administrative agencies, including completely rehearing an already decided case (see **de novo**). Therefore, these courts are said to have incidental appellate jurisdiction. They report a case category called **appeals**. They are not, however, called appellate courts. (See **appeal of trial court case, appeal of administrative agency case**.)

INCOMPETENCY see **mental health case**

INCORRIGIBLE CHILD see **status petition**

INDICTMENT A formal written accusation submitted to a **court** by a grand jury, alleging that a specified person(s) has committed a specified offense(s), usually a **felony**. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Statistical reports should specify how cases are being counted (see **unit of count**).
- Count each defendant and all the charged involved in a single incident as a single case. If the charging document includes multiple defendants involved in a single incident, count each defendant as a single case. If cases are counted differently (multiple defendants/single incident, single defendant/limited number of charges, etc.), indicate how they are counted. (See **unit of count**.)

Annotation: An indictment is a type of charging document and initiates the trial stage of a felony case after grand jury consideration. The usual procedure is for a prosecutor to present allegations and evidence to a grand jury and for the grand jury, if it agrees that there is sufficient evidence to sustain an accusation(s), to return an indictment. The indictment delivered to the court states the facts about the alleged crime as found by the grand jury and cites the penal code sections believed to have been violated.

In some jurisdictions all felony cases must be tried through indictment by a grand jury, but in others felony trials will ordinarily be initiated by the filing of an **information** by a prosecutor. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

For internal purposes, a record of the date the grand jury presents an indictment is important in calculating **age of pending caseload** data.

INFORMATION A formal written accusation made and submitted to a **court** by a prosecutor, alleging that a specified person(s) has committed a specified offense(s). (from the *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Statistical reports should specify how **cases** are being counted (see **unit of count**).
- Count each defendant and all the charges involved in a single incident as a single case. If the charging document includes multiple defendants involved in a single incident, count each defendant as a single case. If cases are counted differently (multiple defendants/single incident, single defendant/limited number of charges, etc.), indicate how they are counted. (See **unit of count**.)
- If a **non-felony** traffic offense is charged on an **information**, count a **traffic/other violation** for each charging document. If both criminal and traffic charges appear on the same charging document, the case should be classified according to the most serious charge. (Traffic cases regarded as felonies should be reported as criminal cases.)

Annotation: An information is a type of charging document and initiates a criminal case. This term is usually the name for the accusation filed by the prosecutor to initiate the trial stage of a felony case.

In some jurisdictions the prosecutor does not formally initiate felony trials; all felony cases reach the trial court by way of grand jury **indictment**. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

INFRACTION In some states, a category created by statute for an offense other than a **felony** or **misdemeanor**, punishable by a fine or other penalty, but not by incarceration. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Most infractions are **traffic violations**. Classify these under **miscellaneous traffic violations**. The other infractions will probably be **ordinance violations**, and should be so classified.

Annotation: This term is a name for the type of offense, often a traffic violation that is not punishable by incarceration, and is sometimes disposed by administrative hearing. Some state codes define a specific, named class of offenses not punishable by incarceration; others do not. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

INHERITANCE see **probate/wills/intestate case, estate case**

INITIAL APPEARANCE In criminal proceedings, the first appearance of an accused person in the first court having **jurisdiction** over his or her case. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- The **date of initial appearance** should be recorded as one of the **events in criminal case processing**. (See **date of initial appearance**.)

Annotation: Various procedural steps may be taken during a first appearance. In minor misdemeanor cases the first appearance may be the only one, and judgment and penalty, if any, will be determined at that time. When the charge(s) is more serious, the accused at initial appearance may be informed of the charges, a plea may be entered and bail set, or the accused may merely be informed of his or her rights and of the general nature of the proceedings and it may be determined whether he or she has counsel. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

INJUNCTION A **writ** issued by a **court** that commands, instructs, or requires a **party** to perform or to abstain and desist from performing, some act.

Court Statistical Usage:

- Cases should be classified by the **subject matter** at issue, whenever possible. When a petition for an injunction is the sole subject of a case, classify it as an **extraordinary writ**. When a petition for an injunction is only one step in the proceedings of a case, do not count the petition as a separate case.

Annotation: A **party** petitions a court and requests that it award an injunction when it appears that the remedy provided by the law (damages) is not adequate or may come too late to provide relief.

Injunctions are preliminary, provisional, or interlocutory if they are granted on the **filing** of a **complaint** or while the suit is **pending**, to restrain the **party** enjoined from doing or continuing to do the acts complained of, until final hearing or the further order of the court. They are final, perpetual, or permanent, if they are awarded after full hearing on the merits, and as a final determination of the rights of the parties.

#INTERLOCUTORY DECISION A request, made at some point before **judgment** in **trial court** proceedings, that a court having appellate jurisdiction review a decision of the trial court before final judgment is reached. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Indicate whether the **appellate court's** jurisdiction is **mandatory** or **discretionary**.
- Classify **interlocutory decision** as a subcategory of **other mandatory cases** or of **other discretionary petitions** as follows:
 - **Other mandatory case:**
 - Disciplinary:**
 - Attorney
 - Judge
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate** (legislature, executive, courts)
 - Federal court** (i.e., certified question)
 - **Other discretionary petition:**
 - Disciplinary:**
 - Attorney
 - Judge
 - Original proceeding**
 - Interlocutory decision**
 - Advisory opinion:**
 - Intrastate** (legislature, executive, courts)
 - Federal court** (i.e., certified question)
- Report in caseload inventory both the total number of **filings of other discretionary petitions**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of other discretionary petitions** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- In addition to reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **interlocutory decisions** should be reported as indicated under **manner of disposition, appellate court case**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Unlike appeals following completion of trial court proceedings, interlocutory appeals do not challenge the trial court's decision as a whole, but only the correctness of some particular prejudgment decision. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Examples of interlocutory decisions are bail decisions, right-to-attorney issues, speedy trial concerns, etc. Some states permit interlocutory decisions, others do not.

INTERMEDIATE APPELLATE COURT An appellate court that hears appeals from trial courts and administrative agencies as specified by state law or at the discretion of the court of last resort in the state. Decisions of an intermediate appellate court are generally subject to review by the court of last resort.

Court Statistical Usage:

- Classify intermediate appellate courts and courts of last resort as **appellate courts**. Indicate the **subject matter jurisdiction** of each. (See **appellate court case**.)

Annotation: Intermediate appellate courts have been established in the majority of states.

INTESTATE see **probate/wills/intestate case**

#INTRASTATE ADVISORY OPINION A subcategory of **advisory opinion** in which a state government official or body requests the state **court of last resort** to give its opinion on a legal question.

Court Statistical Usage:

- Indicate whether the jurisdiction of the **appellate court** is **mandatory** or **discretionary**.
- Classify in **appellate court caseload inventory** as a subcategory under **advisory opinion**, as follows:
 - Advisory opinion:**
 - Intrastate** (legislature, executive, courts)
 - Federal court** (i.e., certified question)
- Report in caseload inventory both the total number of **filings of other discretionary petitions**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of other discretionary petitions** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

INVENTORY see **court caseload inventory**

JUDGE TRIAL see **non-jury trial**

JUDGMENT An official determination by the **court** regarding the rights and obligations of the **parties to a case**.

Court Statistical Usage:

- For statistical reporting purposes, **judgment** is used here in very broad terms to include any court decision, and embraces all of the case terminations indicated under **manner of disposition**.
- Although **judgment** is frequently used as a **disposition** term, in this classification scheme the terms included under **type of decision** reflect the kinds of judgments that should be reported in **criminal cases** and **traffic/other violations**.

JUDICIAL INTAKE Among juvenile **courts**, those courts in which the court controls the intake procedure that refers juveniles to an intake officer or unit, which determines what further **action** should be taken, including the submission of a **petition** to the court.

Court Statistical Usage:

- In courts that control judicial intake, count **referrals received** and **referral outcomes** as part of court **workload** but not as court **caseload**.
- Do not count **referrals** as **case filings**.

Annotation: The National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges recommends that juvenile court statistics be aggregated only for those courts that perform similar functions, and that caseload data from juvenile courts that control intake not be aggregated with those of juvenile courts that do not control intake.

JINS see **status petition**

#JUDGE DISCIPLINARY MATTER A subcategory of **disciplinary matter** that includes cases involving the supervisory jurisdiction of an **appellate court** over any conduct of judges that affects the performance of their official or professional duties.

Court Statistical Usage:

- Indicate whether the jurisdiction of the **appellate court** is **mandatory** or **discretionary**.
- Classify in appellate court **caseload inventory** as a subcategory under **disciplinary matter** as follows:
 - **Disciplinary matter:**
 - Attorney**
 - Judge**
- See the section entitled, CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

JURISDICTION The territory, subject matter, or persons over which lawful authority may be exercised by a **court**, as determined by statute or constitution. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition) (See **subject matter jurisdiction**, **geographic jurisdiction**, **original jurisdiction**, **exclusive jurisdiction**, **concurrent jurisdiction**.)

#JURY TRIAL A trial in which a group of citizens are impaneled to determine the issues of fact in a **case**.

Court Statistical Usage:

- Classify as a **trial court manner of disposition** in **civil cases**, **criminal cases**, and **traffic/other violations**.
- Report complete trial data when the **judgment** is reached, including the **verdict** reached in **criminal cases** and **traffic/other violations**.
- Trial data will apply to cases (civil, criminal, traffic/other violation), whereas verdict (**type of decision**) data will give a **defendant** count in **criminal cases** and **traffic/other violations**.

- Specify the type of trial: **jury** or **non-jury**.
- A jury trial should be counted as beginning when the jury has been sworn and the first evidence introduced.
- For internal purposes, count trials once they begin, regardless of whether a **verdict** is reached.
- A mistrial should not be reported as a jury trial if the case is to be retried, until the new trial is terminated. If the case is **dismissed** after mistrial, count as a subcategory under **acquittal**.
- Report directed verdict trials under **jury trial**.
- **Trials de novo** should be reported as a subcategory of jury trial or non-jury trial. (See **de novo**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: In current practice the point at which states are counting jury trials varies widely. Some states count trials when the first juror is examined; some when the jury is sworn; some when the first witness is sworn; some at verdict; others at intervening points.

A large number of states permit variations in the traditional use of 12-member juries.

The use of advisory juries occurs when a judge impanels an advisory jury to advise as to a fact finding. (Condemnation cases or divorce cases where custody is an issue are examples.) These are not counted as jury trials.

#JUVENILE APPEAL OF FINAL JUDGMENT A case filed in an **appellate court** having **mandatory jurisdiction** to review the **adjudication outcome** of a **trial court** or the decision of an **intermediate appellate court** in a **juvenile petition**.

Court Statistical Usage:

- Classify under **mandatory jurisdiction** in **appellate court caseload** as a subcategory of **appeals of final judgment**:
 - **Appeal of final judgment:**
 - Civil**
 - Criminal:**
 - Automatic review of final judgment/sentence**
 - Other criminal**
 - Juvenile**
 - Administrative agency**
- The issue in the **juvenile petition outcome** being appealed may have been either **civil** or **criminal**. Report the **caseload** of **juvenile appeals of final judgment** separately from **civil appeals of final judgment**, **criminal appeals of final judgment**, and **administrative agency appeals of final judgment**.
- In addition to reporting of **filings**, **dispositions**, and **pending cases** in **caseload inventory**, the termination of **juvenile appeals of final judgment** should be reported as indicated under **manner of disposition**, **appellate court case**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case

processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

JUVENILE CASE see **juvenile petition**

JUVENILE CASE MANNER OF DISPOSITION see **juvenile petition adjudication outcome**

JUVENILE IN NEED OF SUPERVISION (JINS) see **status petition**

#JUVENILE PETITION A broad classification category for **court caseload** involving **juveniles in trial courts**, the processing of which follows the special procedures that each state has for handling matters pertaining to individuals who are defined as juveniles.

Court Statistical Usage:

- The other broad trial court case classifications are **civil case**, **criminal case**, and **traffic/other violation**.
- See **unit of count** for instructions on counting cases.
- Report the **caseload inventory** of **juvenile petitions** as follows:
 - **Criminal-type juvenile petition**
 - **Status petition**
 - **Child victim petition**
 - **Miscellaneous juvenile petition**
- The filing document in a **juvenile action** is generally a **petition**. In a criminal case involving a juvenile, the filing document can be a **complaint** or **information**. Statistical reports should indicate how cases are being counted. (See **unit of count**.)
- If the following actions are handled in a juvenile court, they should be counted separately so that they can be reported in categories other than **juvenile petitions**:
 - **Juvenile traffic cases** should be reported separately in order that they can be included in the **traffic/other violation** category in statewide **caseload inventory**.
 - **Child support cases, paternity/bastardy cases, and termination of parental rights cases** should be included in **domestic relations cases** in statewide **caseload inventory**.
 - **Adult criminal cases involving molesting or abuse of children** should be included in **criminal cases** in statewide **caseload inventory**.
- Report total **juvenile petition adjudication outcomes** in trial court **caseload inventory**.

Annotation: A juvenile petition is the equivalent to a case filing in an adult trial court case.

These juvenile petition categories are recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

#JUVENILE PETITION ADJUDICATION OUTCOME The finding, verdict, or other resolution that adjudicates a **juvenile petition** in a **trial court**.

Court Statistical Usage:

- Report juvenile petition adjudication outcomes in **caseload inventory**: **beginning pending** (petitions),

petitions filed, petitions adjudicated, end pending (petitions).

- Report the **adjudication outcome** of **juvenile petitions in trial courts** as follows:
 - **Dismissed prior to fact finding**
 - **Dismissed after fact finding begins**
 - **Waiver/certification/transfer for criminal prosecution**
 - **Transfer to other jurisdiction** (not judicial waiver)
 - **Petition granted**

Annotation: Juvenile petition adjudication outcome is the equivalent of a disposition in adult trial court cases. The term disposition is not used for juvenile petitions because the general usage of the term disposition in juvenile courts refers to the result of a disposition hearing and the treatment provided to the juvenile.

These juvenile petition adjudication outcome categories are recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

JUVENILE PETITION APPEAL (appellate court) see **juvenile petition of final judgment**

#JUVENILE PETITION OF FINAL JUDGMENT An **appellate court case** category in which a **petition** is presented to an **appellate court** asking the court to review the **judgment** of a **trial court** in a **juvenile petition** or the **decision** of an **intermediate appellate court**.

Court Statistical Usage:

- **Petition of final judgment** is a subcategory of the larger classification **discretionary jurisdiction**.
- Separate the **caseload inventory** of petitions of final judgment into the following subcategories:
 - **Civil**
 - **Criminal**
 - **Juvenile**
 - **Administrative agency**
- The usual method of filing a petition of final judgment is a **petition**, which may be **granted** or **denied** at the discretion of the court.
- The issue in the **juvenile petition outcome** being appealed may have been either **civil** or **criminal**. Report the **caseload** of **juvenile petitions of final judgment** separately from **civil petitions of final judgment, criminal petitions of final judgment, and administrative agency petitions of final judgment**.
- Report in caseload inventory both the total number of **filings of petitions of final judgment**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of petitions of final judgment** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- The **manner of disposition** and **type of decision** should be reported for granted **petitions of final judgment**.

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

LANDLORD AND TENANT see **real property rights case**

LAW CASE The hearing of a **civil case** on the basis of **common law** and case law, in contrast to a suit in **equity**. (See **common law**.)

Synonym: action at law

Court Statistical Usage:

- Report cases by the subject matter at issue; do not report the type of remedy sought.

Annotation: Some states have separate equity and law divisions in their **trial courts**. Some states report **equity cases, law cases, injunctions**, and the like, but comparable interstate **caseload** cannot be compiled without knowing the subject matter of the cases.

LEGISLATIVE APPORTIONMENT CASE see **original proceedings**

LICENSING BOARD see **administrative agency**

LIEN see **real property rights case**

LIMITED JURISDICTION COURT see **court of limited or special jurisdiction**

LOSS OF CONSORTIUM see **miscellaneous tort case**

MAJORITY OPINION see **opinion**

MAJOR TRIAL COURT see **court of general jurisdiction**

MALPRACTICE see **medical malpractice case, other professional malpractice case, tort case**

MANDAMUS, WRIT OF see **extraordinary writ**

#MANDATORY JURISDICTION The obligation placed by constitution or statute on an **appellate court** to consider the merits of a case.

Court Statistical Usage:

- Indicate clearly the **jurisdiction** of the appellate court(s).
- Identify the **subject matter** at issue in the original case.
- In **appellate caseload inventory** use the following classification scheme for **mandatory jurisdiction** cases:
 - **Appeal of final judgment;**
 - Civil**
 - Criminal:**
 - Automatic review of final judgment/sentence**
 - Other criminal**
 - Juvenile**
 - Administrative agency**

- **Other mandatory case:**

- Disciplinary matter:**

- Attorney**

- Judge**

- Original proceeding**

- Interlocutory decision**

- Advisory opinion:**

- Intrastate** (legislature, executive, courts)

- Federal court:** (i.e., certified question)

- In addition to reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **mandatory jurisdiction cases** should be reported as indicated under **manner of disposition, appellate court case**,

Annotation: The functional distinction between mandatory and discretionary jurisdiction is that mandatory cases are "appeals of right" which the appellate court must hear and decide on the merits. In discretionary jurisdiction matters, the appellate court must first decide whether to grant a **petition of final judgment**. Discretionary petitions that are granted by the appellate court are then given full plenary consideration in the same manner as mandatory cases. Most intermediate appellate courts have mandatory jurisdiction, while most courts of last resort have both discretionary and mandatory jurisdiction.

#MANNER OF DISPOSITION, APPELLATE COURT CASE The manner in which a case pending before an **appellate court** is disposed.

Synonym: Termination

Court Statistical Usage:

- The following classification scheme is suggested for reporting the manner in which appellate court cases are disposed:
 - **Predecision disposition (dismissed/with drawn/settled)**
 - **Opinion:**
 - Signed opinion**
 - Per curiam opinion**
 - **Decision without opinion** (memo/order)
 - **Transferred**
 - **Other**
- Also indicate the **type of decision in appellate court cases**. (See **type of decision**.)
- The manner of disposition of **appellate court cases** should be reported according to the **subject matter** of the cases.
- The statistics reported under **manner of disposition** for **opinions** and **decisions without opinion** should indicate the number of opinions, memorandum decisions, or orders issued—not the number of cases disposed in this manner. The aggregate statistics under **type of decision** should sum to the total number of cases settled by opinion, by memorandum decision, or by order.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

MANNER OF DISPOSITION, CIVIL CASE see **civil case manner of disposition**

MANNER OF DISPOSITION, CRIMINAL CASE see **criminal case manner of disposition**

MANNER OF DISPOSITION, TRAFFIC CASE see **traffic/other violation manner of disposition**

#MANNER OF DISPOSITION, TRIAL COURT CASE The manner in which a **case pending** before a **trial court** is disposed.

Synonym: termination

Court Statistical Usage:

- Total trial court case dispositions should be reported according to the subject matter of the case filed, as part of **caseload inventory**: **beginning pending** (cases), **filings, dispositions, end pending** (cases).
- The following classification scheme is suggested for reporting the manner in which trial court cases were disposed:

- **Civil case manner of disposition:**

- Jury trial
- Non-jury trial
- Uncontested/default
- Dismissed (before trial)
- Withdrawn (before trial)
- Settled (before trial)
- Transferred (before/during trial)
- Arbitration
- Other manner of disposition

- **Criminal case manner of disposition:**

- Jury trial
 - Conviction
 - Guilty plea
 - Acquittal
 - Dismissed
- Non-jury trial
 - Conviction
 - Guilty plea
 - Acquittal
 - Dismissed
- Dismissed (before trial)
- Nolle prosequi
- Bound over
- Transferred (before/during trial)
- Diverted
- Guilty plea (before trial)
- Bail forfeiture
- Other manner of disposition

- **Traffic/other violation manner of disposition:**

- Jury trial
 - Conviction
 - Acquittal
- Non-jury trial
 - Conviction
 - Acquittal
- Transferred (before/during trial)
- Guilty plea (before trial)
- Bail forfeiture
- Dismissed (before trial)

Nolle prosequi

Diverted

Parking fines

Other manner of disposition

- The aggregate statistics under **criminal case** and **traffic/other violation manner of disposition** will not add up to the total **case** dispositions in **caseload inventory** unless each charging document contains a single **defendant**. Indicate how cases are being counted. (See **unit of count**.)
- The disposition of **juvenile petitions** should be reported under **juvenile petition adjudication outcomes**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#MARRIAGE DISSOLUTION CASE A subcategory of **domestic relations case** that includes cases involving either divorce or annulment.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **URES A case**
 - **Adoption case**
 - **Paternity/bastardy case**
 - **Miscellaneous domestic relations case**
- Indicate whether **marriage dissolution cases** are contested or uncontested.
- Indicate whether **marriage dissolution cases** include **support/custody** matters, or whether these are counted as separate cases.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **marriage dissolution cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: **Marriage dissolution cases** will include provisions for custody, support, alimony, and the like in the decree or judgment. If later issues arise and are brought back into the court, the **reopened case** should be classified as a new case according to subject matter, such as **support/custody**, a separate subcategory of domestic relations case.

MEAN see **time interval data**

MEDIAN see **time interval data**

MEDIATION see **arbitration**

#MEDICAL MALPRACTICE A subcategory of **tort case** that includes cases involving charges of malpractice by a person in the medical profession acting in a professional capacity.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **tort case**, as follows:
 - **Auto tort case**
 - **Medical malpractice case**
 - **Other professional malpractice case**
 - **Product liability tort case**
 - **Miscellaneous tort case**
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **medical malpractice cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

MEMORANDUM DECISION For statistical reporting purposes, a very brief written statement of the decision in an **appellate case**. (See **decision without opinion**.)

MENTAL COMMITMENT OF A MINOR see **miscellaneous juvenile petition**

#MENTAL HEALTH CASE A major classification category for **civil cases** that includes cases in which a **court** is requested to make a legal determination as to whether an individual is mentally ill or incompetent and should be placed or should remain under care, custody, and treatment.

Court Statistical Usage:

- **Mental health case** is a subcategory of the broad **trial court** classification **civil case**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **mental health cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Courts are reporting cases variously called alcoholics and mental, guardianships, conservatorships, incompetency, mental illness, and so forth. **Mental health cases** should be limited to mental illness categories involving commitment or commitment review, and should not include guardianships, conservatorships, incompetency hearings, or alcoholics that do not request institutional commitment. (See **estate case**.)

MENTAL ILLNESS see **mental health case**

MINOR IN NEED OF SUPERVISION (MINS) see **status petition**

#MISCELLANEOUS CIVIL CASE For statistical reporting purposes, a residual category in which to place **civil cases** that cannot be identified as belonging in the other major civil classifications (**tort, contract, real property rights, small claims, domestic relations, mental health, estate, or appeal case**).

Court Statistical Usage:

- **Miscellaneous civil case** is a subcategory of the broad **trial court** classification **civil case**. Classify the **caseload inventory** of civil cases by the subject matter at issue whenever possible.
- Use **miscellaneous civil case** only for cases that cannot be classified elsewhere, such as name change or replevin. Include only those court actions that meet the definitions of a **court case**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **miscellaneous civil cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The use of "miscellaneous" and "other" case categories should be avoided whenever possible because this classification does not indicate the nature of the issue to be decided. The *State Court Caseload Statistics: Annual Report* series uses the heading "Unclassified" for those cases that jurisdictions report as "other" when these are case types that could be classified according to subject matter.

#MISCELLANEOUS CRIMINAL CASE For statistical reporting purposes, a residual category in which to place **criminal cases** that cannot be identified as belonging in the other major criminal classifications (**felony, misdemeanor, DWI/DUI, or appeal case**).

Court Statistical Usage:

- **Miscellaneous criminal case** is a subcategory of the broad **trial court** classification **criminal case**. Classify cases by the subject matter at issue whenever possible.
- Statistical reports should indicate how cases are being counted. (See **unit of count**.)
- Count each defendant and all the charges involved in a single incident as a single case. If the charging document includes multiple defendants involved in a single incident, count each defendant as a single case. If cases are counted differently (multiple defendants/single incident, single defendant/limited number of charges, etc.), indicate how they are counted. (See **unit of count**.)
- Use **miscellaneous criminal case** only for cases that cannot be classified elsewhere, such as extradition. Include only those court actions that meet the definition of **court case**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termi-

nation of **miscellaneous criminal cases** should be reported under the appropriate category in the **criminal case manner of disposition** scheme.

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The use of "miscellaneous" and "other" case types categories should be avoided whenever possible because this classification does not indicate the nature of the issue to be decided. The *State Court Caseload Statistics: Annual Report* series uses the heading "Unclassified" for those cases that jurisdictions report as "other" when these are case types that could be classified according to subject matter.

#MISCELLANEOUS DOMESTIC RELATIONS CASE For statistical reporting purposes, a residual category used to include **domestic relations cases** other than **marriage dissolution, support/custody, URESA cases, adoption cases, and paternity/bastardy cases.**

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **URESAs case**
 - **Adoption case**
 - **Paternity/bastardy case**
 - **Miscellaneous domestic relations case**
- Under **miscellaneous domestic relations case** classify cases such as those involving termination of parental rights.
- Divorce cases in which provisions are made for custody, support, or alimony may be **reopened** if the parties seek to change these provisions. Count such actions as new cases and classify them as **support/custody cases.**
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **miscellaneous domestic relations cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The use of "miscellaneous" and "other" case type categories should be avoided whenever possible because this classification does not indicate the nature of the issue to be decided. The *State Court Caseload Statistics: Annual Report* series uses the heading "Unclassified" for those cases that jurisdictions report as "other" when these are case types that could be classified according to subject matter.

#MISCELLANEOUS ESTATE CASE For statistical reporting purposes, a residual category used to include estate cases other than **probate/wills/intestate cases** and **guardianship/conservatorship/trusteeship cases.**

Court Statistical Usage:

- Classify **estate cases** by the subject matter at issue where possible.
- Classify in **trial court caseload inventory** as a sub-heading under **estate case**, as follows:
 - **Probate/wills/intestate case**
 - **Guardianship/conservatorship/trusteeship case**
 - **Miscellaneous estate case**
- Under **miscellaneous estate case** classify cases such as gifts to minors and corporate trusts (if they are within the jurisdiction of the court).
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **miscellaneous estate cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The use of "miscellaneous" and "other" case type categories should be avoided whenever possible because this classification does not indicate the nature of the issue to be decided. The *State Court Caseload Statistics: Annual Report* series uses the heading "Unclassified" for those cases that jurisdictions report as "other" when these are case types that could be classified according to subject matter.

#MISCELLANEOUS JUVENILE PETITION For statistical reporting purposes, a residual category in which to classify **juvenile petitions** that cannot be identified as belonging to the other major juvenile classifications (**criminal-type juvenile petition, status petition, or child victim petition**).

Court Statistical Usage:

- **Miscellaneous juvenile petition** is a subcategory of the broad **trial court classification juvenile petition.**
- Report the **caseload inventory** of juvenile petitions according to the following subcategories:
 - **Criminal-type juvenile petition**
 - **Status petition**
 - **Child victim petition**
 - **Miscellaneous juvenile petition**
- An example of a petition that should be classified as **miscellaneous juvenile petition** is child marriage.
- Do not include petitions involving relationships of adults to children that should be classified under **domestic relations case.**
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#MISCELLANEOUS TORT CASE For statistical reporting purposes, a residual category used to include **tort cases** other than **auto tort, medical malpractice, other professional malpractice, and product liability tort.**

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **tort case**, as follows:
 - **Auto tort case**
 - **Medical malpractice case**
 - **Other professional malpractice case**
 - **Product liability tort case**
 - **Miscellaneous tort case**
- Classify **tort cases** whenever possible according to specific tort case subcategories. Use **miscellaneous tort case** only for those cases that cannot be classified as auto tort, medical malpractice case, other professional malpractice case, or product liability tort. Examples are alienation of affection and loss of consortium, as well as tort cases involving air and water transportation.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **miscellaneous tort cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The use of "miscellaneous" and "other" case type categories should be avoided whenever possible because this classification does not indicate the nature of the issue to be decided. The *State Court Caseload*

Statistics: *Annual Report* series uses the heading "Unclassified" for those cases that jurisdictions report as "other" when these are case types that could be classified according to subject matter.

#MISCELLANEOUS TRAFFIC/OTHER VIOLATION CASE For statistical reporting purposes, a category in which to place **traffic/other violations** that do not belong in the other major traffic/other violation classifications (**moving traffic violation, ordinance violation, or parking violation**).

Court Statistical Usage:

- Classify the **caseload inventory** of traffic/other violations as follows:
 - **Moving traffic violation** (contested, uncontested)
 - **Ordinance violation** (contested, uncontested)
 - **Parking violation** (contested, uncontested)
 - **Miscellaneous traffic violation** (contested, uncontested)
- Statistical reports should indicate how cases are being counted.
- Indicate how many **defendants** are included on each charging document.
- Indicate how many **charges** are included on each charging document.

- Include under **miscellaneous traffic violations** all non-moving violations other than **parking violations** such as illegal equipment, expired inspection sticker, etc.
- The **disposition of uncontested miscellaneous traffic violation cases** should be reported under **guilty plea** (before trial) in the **traffic/other violation manner of disposition** scheme.

MISCREANT see **status petition**

#MISDEMEANOR CASE A **criminal case** category that involves an offense usually punishable by fine or incarceration or both for an amount of fine and period of time the upper limits of which are prescribed by statute and are generally less than those prescribed for a felony.

Court Statistical Usage:

- **Misdemeanor case** is a subcategory of the broad **trial court** classification **criminal case**.
- Statistical reports should indicate how cases are being counted.
- Count each defendant and all the charged involved in a single incident as a single case. If the charging document includes multiple defendants involved in a single incident, count each defendant as a single case. If cases are counted differently (multiple defendants/single incident, single defendant/limited number of charges, etc.), indicate how they are counted. (See **unit of count**.)
- Report the **caseload inventory of felonies and misdemeanors** separately, and define the limits of punishment as set by constitution or statutes.
- Traffic violations that are misdemeanors should be reported separately as **DWI/DUI or moving traffic violations**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **misdemeanor cases** should be reported under the appropriate category in the **criminal case manner of disposition** classification scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Some states are using the term infraction for those offenses for which incarceration is not a permitted penalty. In this classification scheme, infractions should be classified as **traffic/other violations**.

MISTRIAL see **jury trial**

#MIXED A decision by an **appellate court** that directs more than one outcome regarding a **judgment** or an order of a **trial court** or an **administrative agency**, or the **decision** of an **intermediate appellate court**, and sends part or all of a **case** back to the original trial court or administrative agency from which it came, for the purpose of entry of a proper judgment, further proceedings, or a **new trial**.

Synonyms: reversed and dismissed, reversed and discharged, reversed in part and affirmed in part, etc.

Court Statistical Usage:

- Indicate the **manner of disposition** under each of the following categories:
 - **Opinion**
 - **Decision without opinion**
- Indicate the **type of decision** in **mandatory cases** and in **granted petitions of final judgment** as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Remanded**
 - **Mixed**
 - **Other**
- For statistical reporting purposes, a case any part of which is remanded should be considered a **reopened case** in the **trial court**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Any combination of types of decision by the appellate court may be classified as mixed, except those that remand (which should be classified as **remanded**).

#MODIFIED A decision by an **appellate court** that changes the terms of, rather than reverses, a **judgment** of a **trial court** or an **administrative agency**, or the **decision** of an **intermediate appellate court**.

Court Statistical Usage:

- Indicate the **manner of disposition** under each of the following categories:
 - **Opinion**
 - **Decision without opinion**
- Indicate the **type of decision** in **mandatory cases** and in **granted petitions of final judgment** as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Remanded**
 - **Mixed**
 - **Other**
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: An appellate court can either affirm, reverse, or modify the trial court or administrative agency judgment or intermediate appellate court decision, or portions thereof. It can also remand the case back to the trial court for further action.

MOTION An oral or written request made to a **court** at any time before, during, or after court proceedings, asking the court to make a specified finding, decision, or order. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Motions may be counted to indicate court **workload**.
- Classify appellate motions under **other proceedings** (appellate court).
- The dates of certain motions in **trial courts** should be recorded, as indicated under **events in civil case processing, events in criminal case processing, and events in contested traffic/other violations processing**.

MOTOR VEHICLE TORT see **auto tort case**

#MOVING TRAFFIC VIOLATION A subcategory of **traffic/other violations** that involves offenses such as hit and run, operating after revocation or suspension of license, reckless driving, fleeing and eluding, and breaking other rules of the road.

Court Statistical Usage:

- Classify the **caseload inventory of traffic/other violations** as follows:
 - **Moving traffic violation** (contested, uncontested)
 - **Ordinance violation** (contested, uncontested)
 - **Parking violation** (contested, uncontested)
 - **Miscellaneous traffic violation** (contested, uncontested)
- Statistical reports should indicate how cases are being counted.
- Indicate the number of **defendants** included on a charging document.
- Indicate the number of charges included on a charging document.
- Separate **moving traffic violation** cases that are contested from those that are uncontested. Most moving traffic violation cases are not contested and in many or most jurisdictions are handled by administrative or quasi-judicial bodies or procedures quite separate from the major business of the court. Failure to respond to such citations, however, may result in the issuing of a court order for appearance. Court resources are required if the **defendant** chooses to contest the citation.
- Report the **disposition** of uncontested **moving traffic violations** under **guilty plea** (before trial).

NAME CHANGE see **miscellaneous civil case**

NEGLECT see **child victim petition**

NEGLIGENCE see **tort case**

NEW TRIAL In the broadest sense, any trial in which are examined issues of fact and law that have already been the subject of an earlier trial. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Count under **trial court case manner of disposition** as a **jury trial** or **non-jury trial**.
- A case sent back for a new trial should be counted as a **reopened case**. (See **reopened case**.)

#NOLLE PROSEQUI (before trial) A formal entry upon the record by the prosecutor in which he declares before the start of a trial that he will not proceed further in a **criminal case** or a contested **traffic/other violation**.

Court Statistical Usage:

- Classify as a **manner of disposition** in **criminal cases** and in **contested traffic/other violations**.
- **Nolle prosequi** should indicate a count of **defendants**.

Annotation: In some jurisdictions the judge has discretion to control the prosecutor's right to nolle prosequi.

NOLO CONTENDERE see **guilty plea**

NON-JUDICIAL INTAKE Among juvenile **courts**, those courts in which an agency other than the court controls the intake procedure that refers juveniles to an intake officer or unit, which determines what further **action** should be taken, including the submission of a **petition** to the court.

Court Statistical Usage:

- No count of **referrals received** or **referral outcomes (petition, no petition)** will be available with non-judicial intake.

Annotation: The National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges recommends that juvenile court statistics be aggregated only for those courts that perform similar functions, and that caseload data from juvenile courts that control intake not be aggregated with those of juvenile courts that do not control intake.

#NON-JURY TRIAL A trial in which there is no jury and in which a judicial officer determines both the issues of fact and law in a **case**.

Synonym: court trial, bench trial, judge trial

Court Statistical Usage:

- Classify as a **trial court manner of disposition** in **civil cases, criminal cases, and traffic/other violations**.
- Report complete trial data when the **judgment** is reached, including the **verdict** reached in **criminal and traffic/other violation cases**. Trial data will apply to cases, whereas **verdict (type of decision)** data will give a **defendant** count in **criminal and traffic/other violation cases**.
- Specify the type of trial: **jury or non-jury**.
- A non-jury trial should be counted as beginning when the first evidence is introduced.
- For internal purposes, count trials once they begin, regardless of whether a **verdict** is ever reached.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

NON-SUPPORT see **support/custody case; miscellaneous criminal case; domestic relations case**

NON VULT CONTENDERE see **guilty plea**

NO PROBABLE CAUSE see **preliminary hearing; probable cause; felony case**

NOTICE OF APPEAL A document that informs a **court** having appellate jurisdiction that a **party** wants the **judgment of a court** or an **administrative agency** reviewed.

Court Statistical Usage:

- Count an **appeal of trial court case, appeal of administrative agency case, or appeal of final judgment** as beginning with the **filing of the notice of appeal** in the court where the appeal will be heard.
- If the notice of appeal in an **appellate case** is filed in the **trial court**, do not count an appellate case until the notice is also docketed in the **appellate court**.

Annotation: In many states the notice of appeal is considered the start of an **appeal of final judgment** for reporting purposes. Others use perfection or submission as the starting point. The point at which an appeal case is counted is important for **caseload** statistics that are comparable from state to state, and for **time interval data** that are comparable from state to state.

NUMBER OF CONTINUANCES The number of adjournments in the **scheduled trial date** granted on an application by one of the **parties** or ordered by the court in a **civil case, a criminal case, or a contested traffic/other violation**.

Court Statistical Usage:

- Record the **number of continuances** granted in order to explain why the **scheduled trial date** does not coincide with the **date trial commenced**, as well as to assess court **workload** and calendar management proficiency.
- Record the length of time for which the continuance is granted.

Annotation: The recording of the **date of filing** and dates of subsequent **events in trial court case processing** permits the trial court manager to determine the time intervals that are elapsing in a trial court case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

Courts set their own policies as to the number of continuances permitted. The court's continuance policy is one tool for controlling the pace of litigation in the court.

OMNIBUS HEARING In some states the matters dealt with in a **pretrial conference** may instead be taken up in a proceeding called an omnibus hearing. The name of the proceeding and the precise range of matters included in it depend upon the statutes, rules of court, and customs of a given jurisdiction. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- The date of an omnibus hearing should be recorded as one of the **events in criminal case processing**. (See **date of conference**.)

#ON THE RECORD A trial court's review of the **judgment** of a case decided by a **trial court** or **administrative agency** in which the review of the issue is based on the record of the earlier hearing and no new evidence is accepted.

Court Statistical Usage:

- Indicate whether **appeals in trial court cases** and **appeals in administrative agency cases** are heard **de novo, de novo on the record, or on the record.**
- Trials on the record should be counted at the time of the filing of the appeal in the trial court having **incidental appellate jurisdiction.**

#OPINION For statistical reporting purposes, a written statement, by one or more appellate justices, of the decision in an **appellate court case**, and of the legal reasons for the decision.

Court Statistical Usage:

- Manner of disposition of appellate court cases should be reported according to the **subject matter** of the case filed.
- The following classification scheme is suggested for reporting the manner in which appellate court cases are disposed:
 - **Predecision disposition** (dismissed/withdrawn/settled)
 - **Opinion:**
 - Signed opinion**
 - Per curiam opinion**
 - **Decision without opinion** (memo/order)
 - **Transferred**
 - **Other**
- Report the total number of opinions (which may differ from the total number of cases settled by opinion), as well as the total number of cases settled by opinion. One opinion can settle more than one case.
- Do not include dissenting or concurring opinions in this count of opinions.
- Also indicate the **type of decision in appellate court cases.** (See **type of decision.**)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Opinions of the court are usually presented in writing and published in a court reporter. States are reporting a number of kinds of opinions, but arriving at a consensus as to the meaning of each term poses problems. For example, a "full" opinion may be signed or unsigned, a "signed" opinion may be a full opinion or a majority opinion or something else.

#ORDER (appellate) for statistical reporting purposes, a **manner of disposing** of an **appellate case** that is decided without **opinion.** (see **decision without opinion.**)

#ORDINANCE VIOLATION CASE A **traffic/other violation** case category that includes cases involving violations of local regulations passed by county, city, municipal, or other local governing bodies.

Court Statistical Usage:

- **Ordinance violation case** is a subcategory of the broad **trial court** classification **traffic/other violation.**
- Use the following subcategories to report the **caseload inventory** of traffic/other violations:
 - **Moving traffic violation** (contested, uncontested)
 - **Ordinance violation** (contested, uncontested)
 - **Parking violation** (contested, uncontested)
 - **Miscellaneous traffic violation** (contested, uncontested)
- Statistical reports should indicate how cases are being counted. Count each original charging document as one case.
- Indicate how many **defendants** are included on each charging document.
- Indicate how many charges are included on each charging document.
- The **caseload inventory of traffic/other violations** should be reported separately from **felonies, misdemeanors,** and **DWI/DUI** cases in order to permit an accurate accounting of the more serious criminal offenses.
- In addition to the reporting of **filings, dispositions,** and **pending cases** in **caseload inventory,** the termination of **ordinance violation cases** should be reported under the appropriate category in the **traffic/other violation manner of disposition** classification scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Ordinance violations are called infractions in some states. Include with ordinance violations those cases that are being called civil infractions in some states.

ORIGINAL JURISDICTION The lawful authority of a **court** to hear or act upon a **case** from its beginning. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

#ORIGINAL PROCEEDING A subcategory of **other mandatory cases** and of **other discretionary petitions** in which a special action is brought in the first instance in an **appellate court** and considered a **case.** (See **other mandatory cases, other discretionary petitions.**)

Court Statistical Usage:

- Indicate whether the **appellate court's** jurisdiction is **mandatory or discretionary.**
- Classify **original proceeding cases** as a subcategory of the larger classifications, **other mandatory cases** and **other discretionary petitions,** as follows:
 - **Other mandatory case:**
 - Disciplinary:**
 - Attorney**
 - Judge**

**Original proceeding
Interlocutory decision
Advisory opinion:**

- Intrastate (legislature, executive, courts)
- Federal court (i.e., certified question)
- **Other discretionary petition:**
 - Disciplinary:**
 - Attorney
 - Judge
 - Original proceeding
 - Interlocutory decision
 - Advisory opinion:
 - Intrastate (legislature, executive, courts)
 - Federal court (i.e., certified question)

- Report in caseload inventory both the total number of **filings of other discretionary petitions**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of other discretionary petitions** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- In addition to reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **original proceeding cases** should be reported as indicated under **manner of disposition, appellate court case**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Examples of original proceedings cases are writs brought originally to the appellate court, special types of habeas corpus applications, and other types of applications such as postconviction remedy, sentence review only, and election cases that seek original relief from the appellate court.

Although **advisory opinions** are **original proceedings** by definition, this classification scheme provides a separate category for reporting them. (See **advisory opinion**.)

OTHER see **miscellaneous**

#OTHER CRIMINAL APPEAL OF FINAL JUDGMENT Appeals of **final judgment** in those cases in which the statutes do not provide for **automatic review of final judgment/sentence**.

Court Statistical Usage:

- Classify **other criminal appeal of final judgment** as a subcategory of **criminal appeal of final judgment in appellate court caseload**, as follows:
 - **Appeal of final judgment:**
 - Civil
 - Criminal:
 - Automatic review of final judgment/sentence

**Other criminal
Juvenile
Administrative agency**

- Separate **appeals of final judgment** involving **automatic review of final judgment/sentence** from those involving **other criminal** appeals of final judgment. (See **automatic review of final judgment/sentence**)

#OTHER DISCRETIONARY PETITION A case category in a **court** having appellate jurisdiction that includes all **discretionary jurisdiction** petitions other than **petitions of final judgment**.

Court Statistical Usage:

- Do not include cases in which the **jurisdiction** of the appellate court is **mandatory** in this category.
- **Other discretionary petition** is a subcategory of the larger classification, **discretionary jurisdiction**.
- In **appellate caseload inventory** use the following classification scheme for **other discretionary petitions**:

Other discretionary petition:

- Disciplinary:**
 - Attorney
 - Judge
- Original proceeding
- Interlocutory decision
- Advisory opinion:

- Intrastate (legislature, executive, courts)
- Federal court (i.e., certified question)

- Report in caseload inventory both the total number of **filings of petitions of final judgment**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of petitions of final judgment** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- In addition to reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **other discretionary petitions** should be reported as indicated under **manner of disposition, appellate court case**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#OTHER MANDATORY CASE A case category in a **court** having appellate jurisdiction that includes all **mandatory jurisdiction** cases other than **appeals of final judgment**.

Court Statistical Usage:

- **Other mandatory case** is a subcategory of the larger classification, **mandatory jurisdiction**.
- Do not include cases in which the **jurisdiction** of the appellate court is **discretionary** in this category.
- In **appellate caseload inventory** use the following classification scheme for **other mandatory cases**:

- **Disciplinary:**
 - Attorney
 - Judge
- **Original proceeding**
- **Interlocutory decision**
- **Advisory opinion:**
 - Intrastate (legislature, executive, courts)
 - Federal court (i.e., certified question)

- In addition to reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **other mandatory cases** should be reported as indicated under **manner of disposition, appellate court case**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#OTHER MANNER OF DISPOSITION, APPELLATE CASES For statistical reporting purposes, a residual category to include those outcomes that cannot be classified in the other categories outlined under **manner of disposition**.

Court Statistical Usage:

- Classify under **manner of disposition, appellate court case**.
- Report under **other manner of disposition** only dispositions that cannot be classified elsewhere, such as cases that have been consolidated.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#OTHER MANNER OF DISPOSITION, CIVIL CASES For statistical reporting purposes, a residual category to include those outcomes that cannot be classified in the other categories outlined under **civil case manner of disposition**.

Court Statistical Usage:

- Classify as a **trial court manner of disposition in civil cases**.
- Under **other manner of disposition, civil cases**, include cases that have been **consolidated**.
- Cases that are treated as terminated for statistical purposes may not in fact be removed from the jurisdiction of the court. These should be subtracted from **pending caseload** and reported under **other manner of disposition**. Such cases include those that are transferred to an inactive status. The state should report how long cases are carried on the calendar before they are put on inactive status.
- If the case is reactivated or **reopened**, report as a new case, classified by the subject matter of the case. (See **reopened case**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#OTHER MANNER OF DISPOSITION, CRIMINAL CASES For statistical reporting purposes, a residual category to include those outcomes that cannot be classified in the other categories outlined under **criminal case manner of disposition**.

Court Statistical Usage:

- Classify as a **trial court manner of disposition in criminal cases**.
- **Other manner of disposition, criminal cases**, should indicate a **defendant** count.
- Under **other manner of disposition, criminal cases**, include cases that have been **consolidated**.
- Cases that are treated as terminated for statistical purposes may not in fact be removed from the jurisdiction of the court. These should be subtracted from **pending caseload** and reported under **other manner of disposition**. Include under this classification criminal cases in which the **defendant** has absconded or is a fugitive, if these cases are considered disposed, as well as abatement by death of defendant. Include also cases such as those that are transferred to an inactive status. The state should report how long cases are carried on the calendar before they are put on inactive status.
- If the case is reactivated or **reopened**, report as a new case, classified by subject matter of the case. (See **reopened case**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#OTHER MANNER OF DISPOSITION, TRAFFIC/OTHER VIOLATION CASES For statistical reporting purposes, a residual category to include those outcomes that cannot be classified in the other categories outlined under **traffic/other violation manner of disposition**.

Court Statistical Usage:

- Classify as a **trial court manner of disposition in traffic/other violations**.
- **Other manner of disposition, traffic/other violations**, should indicate a **defendant** count.
- Include in this category only those traffic/other violations whose disposition cannot otherwise be classified.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

OTHER PROCEEDINGS (appellate court) A classification category in which to include actions that are not considered cases, such as **rehearing/reconsideration requests, motions, bar admissions, and the like**.

Court Statistical Usage:

- Report **other proceedings** (appellate court) as follows:

- Rehearing/reconsideration requests.
- Motions
- Other matters (e.g., bar admissions)

OTHER PROCEEDINGS (trial court) A classification category in which to include actions that are not considered cases, such as **postconviction remedy**, **preliminary hearings**, **sentence review**, and **extraordinary writs**.

Court Statistical Usage:

- Report **other proceedings** (trial court) as follows:
 - **Postconviction remedy**
 - **Preliminary hearing**
 - **Sentence review only**
 - **Extraordinary writs**

#OTHER PROFESSIONAL MALPRACTICE CASE A subcategory of **tort case** that includes cases involving charges of malpractice by a person acting in a professional capacity in a profession other than medicine.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **tort case**, as follows:
 - **Auto tort case**
 - **Medical malpractice case**
 - **Other professional malpractice case**
 - **Product liability tort case**
 - **Miscellaneous tort case**
- In addition to the reporting of **filings**, **dispositions**, and **pending cases in caseload inventory**, the termination of **medical malpractice cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Examples of persons other than doctors acting in a professional capacity include lawyers, architects, engineers, teachers, etc.

OUTPUT REPORTS For statistical reporting purposes, those reports produced by a court information system that are used by court managers for operational and management purposes.

Court Statistical Usage:

- Operational reports include
 - Dockets
 - Calendars
 - Case index lists
 - Case jacket labels
 - Case inquiry reports
 - Attorney lists
 - Statistical reports
 - Status of pending cases reports
- Management reports include
 - **Caseload inventory**
 - **Manner of disposition**
 - Trend analysis

- Projections based on trend analysis
- **Age of pending caseload**
- **Age of disposed caseload**
- **Status of pending caseload**
- **Exception reports**
- Inactive case reports
- Time intervals between **events in court case processing**
- Next scheduled **event in court case processing**

#PARKING FINES One manner in which **parking violations** are disposed.

Court Statistical Usage:

- If parking violations are reported as part of **traffic/other violations caseload**, count and report them separately in **caseload inventory**. Also report separately their termination by voluntary payment of fine as **parking fines**. The statistic will indicate a **defendant** count.
- Voluntary payment of fine in traffic violations other than parking violations should be reported under **guilty pleas**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#PARKING VIOLATION CASE A subcategory of **traffic/other violations** that involves the parking of a motor vehicle in violation of a traffic ordinance.

Court Statistical Usage:

- Classify **parking violations** in **trial court caseload inventory** separately from all other traffic violations as follows:
 - **Moving traffic violation** (contested/uncontested)
 - **Ordinance violations** (contested/uncontested)
 - **Parking violation** (contested/uncontested)
 - **Miscellaneous traffic violation** (contested/uncontested)
- Statistical reports should indicate how cases are being counted.
- Indicate how many **defendants** are included on a charging document.
- Indicate how many charges are included on a charging document.
- Parking violations that are contested and require court time and resources should be counted and reported separately.
- The **disposition** of uncontested **parking violation cases** should be reported as **parking fines**. The termination of contested **parking violations** should be reported under the appropriate category in the **traffic/other violation manner of disposition** classification scheme.

PAROLE BOARD see **administrative agency**

PARTITION see **real property rights case**

PARTY A person or legal entity with standing to bring an **action** before a court.

Annotation: In a court action, a **party** may be either **plaintiff**, **defendant**, third party, or intervenor.

PATERNITY see **paternity/bastardy case**

#PATERNITY/BASTARDY CASE A subcategory of **domestic relations case** that includes cases involving either paternity or bastardy issues.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **Adoption case**
 - **Paternity/bastardy case**
 - **Miscellaneous domestic relations case**
- In addition to the reporting of **filings**, **dispositions**, and **pending cases in caseload inventory**, the termination of **paternity** or **bastardy cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

PAYMENT OF FINE see **guilty plea**, **parking fines**

#PENDING The status of a **case** that has not been terminated or **disposed** by the **court** in which it was **filed**.

Court Statistical Usage:

- Report **caseload inventory** statistics in each case category for a reporting period as **beginning**, **pending** (cases), **filings**, **dispositions**, and **end pending** (cases). (See **beginning pending**, **filing**, **disposition**, and **end pending**.)
- Report current **pending caseload** as the number of cases at any given time that have been filed in a given court, or are before a given judicial officer, but have not reached disposition.
- Cases that are treated as terminated for statistical purposes may not in fact be removed from the **jurisdiction** of the court. These should be subtracted from pending caseload and their termination reported under **other manner of disposition**. Such cases include those that are transferred to an inactive status or diversion status (in those states where the case is filed in court before diversion).
- **Guardianship**, **conservatorship**, and **trusteeship** cases, because they remain under the jurisdiction of the court for unusually long periods of time, should be reported separately in order that they can be subtracted from pending caseload when **age of pending caseload** is being computed.
- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case

processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#PER CURIAM OPINION A written, unsigned opinion.

Court Statistical Usage:

- Manner of disposition of appellate court cases should be reported according to the **subject matter** of the case filed.
- Classify **opinions** under **manner of disposition**, **appellate court case**, as follows:
 - **Opinion:**
 - **Signed opinion**
 - **Per curiam opinion**
- Report the total number of opinions (which may differ from the total number of cases settled by opinion), as well as the total number of cases settled by opinion. One opinion can settle more than one case.
- Also indicate the **type of decision** in **appellate court cases**. (See **type of decision**.)
- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: **Per curiam** and **memorandum decision** are not synonyms, although the terms are frequently used interchangeably. A per curiam decision is published, but a memorandum decision is not.

Per curiam opinions are often used for sensitive social issues that the court regards as better left unsigned, or for short opinions where the court is in agreement on the decision and the legal basis for the decision is well-defined.

PER 100,000 POPULATION A statistic used to standardize court caseload for comparison purposes.

Court Statistical Usage:

- Filings per 100,000 population is a standardized measure of a court's caseload that can be used in comparative analysis.

PERSONAL INJURY see **tort case**; **auto tort case**, **medical malpractice case**, **other professional malpractice case**, **product liability tort case**

PERSON IN NEED OF SUPERVISION (PINS) see **status petition**

PETITION For statistical reporting purposes, a written document filed in a **court**, initiating a **case** and requesting a decision in a matter described therein.

Court Statistical Usage:

- Report the type of case initiated by the petition.
- A **petition** or a **civil complaint** that begins an **action** is the **unit of count** for civil cases in most trial courts.
- A **juvenile action** is generally initiated by a petition.
- At the appellate level, a petition is the usual method of filing a **petition of final judgment**, **other mandatory case**, or **other discretionary petition**.

- Statistical reports should specify how cases are being counted. (See **unit of count**.)

Annotation: Other kinds of petitions can be filed, but do not initiate cases. They may be counted as part of court **caseload**, but should not be included in **caseload**.

#PETITION DENIED For statistical reporting purposes, the decision of a court to deny a petition made to the court.

Court Statistical Usage:

- Classify as a **type of decision in other discretionary petitions in appellate courts**, as follows:
 - **Type of decision in other discretionary petitions:**
 - Petition granted**
 - Petition denied**
- The number of petitions denied can be ascertained by subtracting the number of **petitions granted** from the total number of petitions filed. (See **petition granted**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#PETITION GRANTED For statistical reporting purposes, the decision of an **appellate court** to grant the relief requested in a **petition** made to an **appellate court**.

In **trial courts**, the juvenile court **decision** terminating an adjudication hearing, that a **criminal-type offense** or a **status offense** has been committed by the individual charged, or a child victim suffering from dependency or neglect needs the attention of the court. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Classify as a **type of decision in other discretionary petitions in appellate courts**, as follows:
 - **Type of decision in other discretionary petitions:**
 - Petition granted**
 - Petition denied**
- In **appellate court caseload**, report both the total number of **filings of petitions of final judgment** and **other discretionary petitions**, and the number of **petitions granted** in caseload inventory. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Classify as an **adjudication outcome in juvenile petitions in trial courts**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Juvenile petition adjudication outcome categories are those recommended by the National Juvenile

Justice Information Systems Task Force of the National Council of Juvenile and Family Court Judges. The data elements developed by this Task Force for the JISRA information system provide a list of sentences and services that might result from adjudication. For statistical reporting purposes, however, an adjudication outcome term is needed that is the parallel of a conviction in an adult criminal case.

#PETITION OF FINAL JUDGMENT An **appellate court case** category in which a **petition** is presented to an **appellate court** asking the court to review the **judgment of a trial court** or **administrative agency**, or the **decision of an intermediate appellate court**.

Synonym: request to appeal, application for appeal/review, application for leave to appeal, petition for appeal/review, petition for writ of certiorari, petition for writ of error, petition for certification

Court Statistical Usage:

- **Petition of final judgment** is a subcategory of the larger classification **discretionary jurisdiction**.
- Separate the **caseload inventory** of petitions of final judgment into the following subcategories:
 - **Civil**
 - **Criminal**
 - **Juvenile**
 - **Administrative agency**
- The usual method of filing a petition of final judgment is a **petition**, which may be **granted** or **denied** at the discretion of the court.
- Report in caseload inventory both the total number of **filings of petitions of final judgment**, and the number of **petitions granted**. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted appears in parentheses after the filing column.
- Report both the total number of **dispositions of petitions of final judgment** and the number of petitions granted that were disposed. In *State Court Caseload Statistics: Annual Report*, the number of petitions granted that were disposed appears in parentheses in the disposition column.
- The **manner of disposition** and **type of decision** should be reported for granted **petitions of final judgment**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The authority given to appellate courts determines what kinds of cases must be heard and what kinds of cases may be heard at the discretion of the court. A right of appeal differs from a petition of final judgment. A right of appeal is provided in certain kinds of cases; a petition of final judgment is granted or denied at the discretion of the court.

Petitions of final judgment are the method of presenting a case to an appellate court when the case is within the court's discretion. A court's discretion is exercised through a two-stage decisional process. First, the court

must decide whether to grant the petition. The criteria used vary greatly. In some courts the major criterion is the correctness of the ruling of the preceding court; in others it is the importance of the issue presented.

If the petition of final judgment is granted, the case generally is subject to the second stage of the decisional process and is decided on the merits. This stage almost always involves a much more extensive study of the case by justices than the petition of final judgment stage.

PETITIONER see **plaintiff**

PETITION FOR APPEAL/REVIEW see **petition of final judgment**

PETITION FOR WRIT OF CERTIORARI see **petition of final judgment**

PETITION FOR WRIT OF ERROR see **petition of final judgment**

PLAINTIFF A person who initiates a court **action**. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Synonyms: complainant, claimant, petitioner

Annotation: Plaintiff is the customary name for the person who initiates a civil **action**. In some states the prosecution in a criminal case (that is, "the people," as represented by government) is called the "plaintiff." (from the *Dictionary of Criminal Justice Data Terminology*, second edition)

#POSTCONVICTION REMEDY A procedure whereby the lawfulness of the **conviction** of an offender may be challenged.

Court Statistical Usage:

- In **trial court caseload inventory**, classify **postconviction remedy** separately under **other proceedings (trial court)**.
- In **appellate court caseload**, classify **postconviction remedy** as an **original proceeding**.
- Indicate whether the jurisdiction of the court is **mandatory** or **discretionary**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The procedure in a postconviction remedy case is civil, so that some states may classify these cases as civil appeals. The case in which the remedy is requested, however, is criminal, so that some states may classify postconviction remedy cases as criminal appeals.

A postconviction procedure differs from a **criminal appeal of final judgment** in that it is not a direct review of the **judgment** of the trial court. It is a procedure used to contest a conviction after the **defendant's** opportunity for review by means of an **appeal of final judgment** or **petition of final judgment** has passed.

Statutes or court rules determine in which court the request for postconviction remedy is presented. In some states the filing must be in a **trial court**.

Some of the procedures available for postconviction remedy are: writ of habeas corpus; motion for a new trial on newly discovered evidence; petition to reopen an appeal; and petition for extension of time to appeal.

POSTTRIAL HEARING (JUVENILE) see **criminal-type juvenile petition**

#PREDECISION DISPOSITION (dismissed/withdrawn/settled)

For statistical reporting purposes, a category for reporting the **manner of disposition** of an **appellate court case** in which the **jurisdiction** of the **appellate court** is terminated before decision, or which is removed from the court by the **party** seeking relief before decision, or which is settled by the **parties** involved before a decision is reached.

Court Statistical Usage:

- The following classification scheme is suggested for reporting the manner in which appellate court cases are disposed:
 - **Predecision disposition (dismissed/withdrawn/settled)**
 - **Opinions**
 - Signed opinion
 - Per curiam opinion
 - **Decisions without opinion** (memo/order)
 - **Transferred**
 - **Other**
- The manner of disposition of appellate court cases should be reported according to the **subject matter** of the case filed.
- Also indicate the **type of decision** in **appellate court cases**. (See **type of decision**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

PRELIMINARY HEARING A proceeding before a judicial officer in which evidence is presented so that the **court** can determine whether there is sufficient cause to hold the accused for **trial**. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- A preliminary hearing is a step in the processing of a **felony** (or in a very few states, of a serious **misdemeanor**) **case**.
- When the preliminary hearing takes place in the same court that will try the case, then the hearing is only one step in processing and should not be reported in **caseload inventory** as a separate case. If the preliminary hearings in these courts are reported, classify them as **other proceedings (trial court)**.
- When the preliminary hearings are held in a **limited jurisdiction court**, report their **manner of disposition**. If the **defendant** is bound over to a **general jurisdiction court** when **probable cause** is found, report the manner of disposition as **bound over**. (See **felony case**).

Annotation: Three facts must be determined in a preliminary hearing: (1) that there is probable cause to believe that a crime was committed, (2) that it was committed in that jurisdiction, and (3) that there is probable cause to believe that the defendant committed the crime.

PREROGATIVE WRIT see **extraordinary writ, original proceeding**

PRETRIAL CONFERENCE A meeting of the opposing parties in a case with the judicial officer prior to trial, for the purposes of stipulating those things that are agreed upon and thus narrowing the trial to the things that are in dispute, disclosing the required information about witnesses and evidence, making motions, and generally organizing the presentation of motions, witnesses and evidence. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- The date of a pretrial conference should be recorded as one of the **events in case processing in civil and criminal cases**. (See **date of pretrial conference and date of conferences**.)

PRETRIAL HEARINGS (JUVENILE) see **criminal-type juvenile petition**

PRIVATE RIGHTS see **civil case**

PROBABLE CAUSE A set of facts and circumstances that would induce belief that a particular person had committed a specific crime. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- If **preliminary hearings** are held in a **court** other than that in which the defendant will be tried, report the case **filings as felony cases** and the **manner of disposition** when **probable cause** is found as **bound over**. This will be a **defendant count**.
- In **felony cases** the manner of disposition when no probable cause is found should be reported as **dismissed** (also a defendant count).

Annotation: The existence of "probable cause" is required to justify prosecution.

In felony cases the existence of probable cause will be established in **court** in a hearing usually called a **preliminary hearing** (see **preliminary hearing**) or by a grand jury, before felony trial proceedings begin. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

#PROBATE/WILLS/INTESTATE CASE A subcategory of **estate case** that includes cases involving (1) the determination of whether a will is a valid instrument, (2) the statutory method of establishing its proper execution, and (3) in cases where the decedent did not make a will, the determination of the disposition of the decedent's estate.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **estate cases** as follows:
 - **Probate/wills/intestate case**
 - **Guardianship/conservatorship/trusteeship case**
 - **Miscellaneous estate case**
- Include court **actions** providing for estate administration, appointment of executors, inheritances, and so forth.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **probate/wills/intestate cases** should be reported under the appropriate subcategory in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: A will deals with the disposition of property left by a decedent (that is, his estate) according to instructions in an instrument executed by that person before his death, in a manner prescribed by statute. Statutes also require that the validity of the will be established by a legal proceeding called probate.

In cases where the decedent has not made a will (has died intestate), the court determines the disposition of the decedent's estate.

Probate of wills is not reported in some states as a court case, but rather as a ministerial action. The distinction should be made in **caseload inventory** between informal proceedings ("those conducted without notice to interested persons by an officer of the court acting as a registrar for the probate of a will or appointment of a personal representative," Uniform Probate Code) and formal proceedings ("those conducted before a judge with notice to interested parties," Uniform Probate Code). Some states do not report informal proceedings as cases.

Statistics should also indicate contested court hearings as opposed to uncontested probate actions. These will appear under **manner of disposition as uncontested/default or trial** (contested).

PROCESS see **writ**

#PRODUCT LIABILITY TORT CASE A subcategory of **tort case** that includes cases involving the alleged responsibility of the manufacturer or seller of an article for an injury caused to person or property by a defect in or condition of the article sold, or an alleged breach of duty to provide suitable instructions to prevent injury.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **tort case**, as follows:
 - **Auto tort case**
 - **Medical malpractice case**
 - **Other professional malpractice case**
 - **Product liability tort case**
 - **Miscellaneous tort case**

- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **product liability tort cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

PROHIBITION, WRIT OF see **extraordinary writ**

PROMISSORY AGREEMENT see **contract case**

PROPERTY DAMAGE see **tort case**

PUBLIC INTEREST CASE see **original proceeding**

PUBLIC UTILITY COMMISSION see **administrative agency**

PUBLIC WRONGS see **criminal case**

QUIET TITLE see **real property rights case**

QUO WARRANTO, WRIT OF see **extraordinary writ**

REACTIVATED CASE see **reopened case**

#READY FOR HEARING For statistical reporting purposes, the **status of the pending caseload** when the transcript has been filed and the attorneys have completed the preparation of their legal briefs, but the hearing has not been held or the case submitted to the **appellate court**.

Court Statistical Usage:

- In reporting appellate court **status of pending caseload** data, the following points in case processing should be indicated:
 - **Awaiting court reporter's transcript**
 - **Awaiting appellant's brief**
 - **Awaiting respondent's brief**
 - **Ready for hearing**
 - **Under advisement**
- See **age of pending caseload** (appellate courts) for a suggested time scale for measuring processing time.

#REAL PROPERTY RIGHTS CASE A major classification category for **civil cases** that includes cases arising out of the ownership, use, or disposition of land or real estate.

Court Statistical Usage:

- **Real property rights** case is a subcategory of the broad **trial court** classification **civil case**.
- Case types classified under real property rights include condemnation, eminent domain, quiet title, landlord and tenant, foreclosure, lien, partition, and so forth.
- Count the filing document as a case, not the number of **defendants** involved.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **real property rights cases** should be re-

ported under the appropriate category in the **civil case manner of disposition** scheme.

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: The legal remedies sought to protect real property rights can involve both **actions** at law and suits in **equity**, but cases should be classified according to the subject matter at issue.

RECIPROCAL SUPPORT see **URESA case**

#REFERRAL OUTCOME For statistical reporting purposes, the juvenile referral outcomes that indicate how many referrals became **juvenile petitions**.

Court Statistical Usage:

- Classify all referral outcomes as either **juvenile petition** or **no juvenile petition**.
- Do not count referral outcomes as **case dispositions**.

Annotation: Classification of and terminology for juvenile intake decisions vary greatly among jurisdictions. A typical set of intake decision categories will include: closed at intake, counseled and released, placed on informal probation, referred for testing, referred to another agency, petition filed for formal court action. (from *Dictionary of Criminal Justice Data Terminology*, second edition) For statistical reporting purposes, all of these can be classified as either **no juvenile petition** (the first five options) or **juvenile petition** (the final option).

The National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges recommends that juvenile court statistics be aggregated only for those courts that perform similar functions, and that caseload data from juvenile courts that control intake not be aggregated with those of juvenile courts that do not control intake.

#REFERRALS RECEIVED In those **courts** that control judicial intake, the receipt by an intake officer or unit of a written request in the form of a report or **complaint** alleging a violation(s) of a statute(s) or requesting that **action** be taken concerning a dependent child. These data represent the incoming **workload** of an intake agency, the aggregate of all the referrals to intake made by other agencies and persons. (from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- In courts that control intake, referrals received may be counted to indicate court **workload**, but should not be counted in court **caseload**.
- Do not count referrals as **case filings**.
- Referrals should be classified by case type, as follows:
 - **Criminal-type juvenile referral**
 - **Status referral**
 - **Child victim referral**
- Also count **referral outcomes** (**juvenile petition, no juvenile petition**).

Annotation: The proportion of total referrals that become petitions is a useful statistic for measuring court workload.

The National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges recommends that juvenile court statistics be aggregated only for those courts that perform similar functions, and that caseload data from juvenile courts that control intake not be aggregated with those of juvenile courts that do not control intake.

REGISTER OF ACTIONS see **events in trial court case processing**

REHEARING REQUEST A petition to a **court** calling the court's attention to any alleged error, omission, or oversight occurring during a **trial** or review, or to any newly discovered evidence, requesting the court to reconsider its own decision.

Court Statistical Usage:

- For reporting purposes, such requests in **trial courts** should not be counted as **cases** because these requests are addressed to the judges' discretion, usually without a formal hearing.
- In **appellate courts**, classify under **other proceedings**.

Annotation: The court has broad discretion whether to grant or deny a request for a rehearing.

REINSTATED see **reopened case**

#REMANDED A decision by an **appellate court** that sends part or all of a **case** back to the original **trial court** or **administrative agency** from which it came, for the purpose of entry of a proper **judgment** or decision, further proceedings, or a **new trial**.

Court Statistical Usage:

- Indicate the **manner of disposition** under each of the following categories:
 - **Opinion**
 - **Decision without opinion**
- Indicate the **type of decision** in **mandatory cases** and in **granted petitions of final judgment** as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Remanded**
 - **Mixed**
 - **Other**
- For statistical reporting purposes, a remanded case should be considered a **reopened case** in the **trial court**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Any part or all of the judgment being appealed may be remanded. **Reversed and remanded** is a decision

in which the appellate court sets aside the judgment rendered in the trial court or administrative agency and the case must go back to the trial court for further proceedings; classify this type of decision as **remanded**. Affirmed and remanded is a decision that requires further proceedings by the trial court or administrative agency as directed by the reviewing court; classify as **remanded**.

RENT CONTROL BOARD see **administrative agency**

#REOPENED CASE For statistical reporting purposes, a **case** that has been reported previously as **disposed**, but is resubmitted to a **court**.

Synonym: reinstated case, reactivated case

Court Statistical Usage:

- Count a **reopened case** as a new case. Classify by the subject matter at issue in the case.

Annotation: Reopened cases can be of several kinds. For example:

1. A dormant case that has been placed on an inactive status can be reactivated. This would happen when an accused fugitive is located and brought into court.

2. A case that has been disposed without judicial action (submitted to arbitration, for example) can be returned to the court for judicial action.

3. A new issue can arise that causes a disposed case to be resubmitted to the court. **Marriage dissolution cases**, for example, can be reopened in order to consider requests for changes in support or alimony payments; the reopened case should be classified as a **support/custody case**. In juvenile actions some of the matters that might lead to the reopening of a case include probation revocation and commitment, postdispositional review of status, writ of habeas corpus, modification or revocation of original commitment, transfer to a more restrictive correctional institution.

4. For statistical reporting purposes, a case remanded from an **appellate court** to a **trial court** or administrative agency should be considered a reopened case.

See **other manner of disposition**, both **civil cases** and **criminal cases**, for other types of cases that are likely to be reported as disposed, and later reopened.

Individual states will probably want to maintain some count of reopened cases in their internal statistics.

REPLEVIN see **miscellaneous civil case**

REQUEST FOR EN BANC HEARING OR REHEARING For statistical reporting purposes, the request by a party to an **appellate case** for a hearing in an **appellate court** where there may be presented errors of law or fact, or both, asserted to have been committed by it, to the end that it may revise its own action erroneously or mistakenly taken and modify or set aside its own **judgment**.

Court Statistical Usage:

- A count of such requests should be made to accurately assess the **workload** of the court.

REQUEST TO APPEAL see **petition of final judgment**

RESPONDENT see **defendant**

#REVERSED A decision by an **appellate court** that sets aside a **judgment** or order of a **trial court** or an **administrative agency**, or the **decision** of an **intermediate appellate court**.

Court Statistical Usage:

- Indicate the **manner of disposition** under each of the following categories:
 - **Opinion**
 - **Decision without opinion**
- Indicate the **type of decision** in **mandatory cases** and in **granted petitions of final judgment** as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Remanded**
 - **Mixed**
 - **Other**
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: An appellate court can either affirm, reverse, or modify the trial court or administrative agency judgment or intermediate appellate court decision, or portions thereof. It can also remand the case back to the trial court or administrative agency for further action.

A case can be reversed and dismissed, reversed and discharged, reversed in part and affirmed in part, etc. All of these can be classified as **mixed**.

REVERSED AND DISCHARGED see **mixed**

REVERSED AND DISMISSED see **mixed**

REVERSED IN PART, AFFIRMED IN PART see **mixed**

SCHEDULED DATE FOR COMPLETION OF DISCOVERY The date set by a court by which all activities such as depositions or interrogatories must be completed.

Court Statistical Usage:

- Record this date to determine the pace of litigation in **civil case processing**.

Annotation: The recording of the **date of filing** and dates of subsequent **events in civil case processing** permits the trial court manager to determine the time intervals that are elapsing in a civil case, and whether those time intervals are acceptable to the court, to the parties involved, and to the public.

SENTENCE REVIEW ONLY For statistical reporting purposes, a category for a procedure (other than **appeal of final judgment** or **petition of final judgment**) whereby the appropriateness of the sentence given to a convicted offender may be challenged.

Court Statistical Usage:

- If the sentence review is an issue in an appeal on the merits, then the case should be classified as a **criminal case appeal of final judgment**, not as **sentence review only**. (See **automatic review of final judgment/sentence**)
- In the **appellate court**, if a sentence review that is not an appeal on the merits is the only issue in the case, classify as an **original proceeding**.
- At the **trial court** level, classify **sentence review only** under **other proceedings**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

SENTENCE WITHHELD see **conviction**

SEPARATE MAINTENANCE see **support/custody case**

#SETTLED (before trial) For statistical reporting purposes, a category for reporting the **manner of disposition** of a **civil case** in which an agreement is reached among the parties involved before the case goes to **trial**.

Court Statistical Usage:

- Classify as a **manner of disposition in civil cases** in trial courts.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

SETTLEMENT see **settled**

SEVERANCE In **trial court** criminal proceedings, the separation for purposes of pleading or **trial** of multiple **defendants** named in a single filing document (charging document in **criminal cases**; petition or complaint in **civil cases**), or of multiple complaints or charges against a particular defendant listed in a single filing document.

Court Statistical Usage:

- If severance is ordered in a multiple-defendant case, maintain the original case and count each severed defendant as a new filing in a separate case. If complaints or charges are severed, count each new or severed filing document as a new case filing. (See **criminal case**.)

#SIGNED OPINION A written opinion that has been signed by the justice(s) who wrote it.

Court Statistical Usage:

- Manner of disposition of appellate court cases should be reported according to the **subject matter** of the case filed.
- Classify **opinions** under **manner of disposition, appellate court case**, as follows:
 - **Opinion:**
 - Signed opinion**
 - Per curiam opinion**

- Report the total number of opinions (which may differ from the total number of cases settled by opinion), as well as the total number of cases settled by opinion. One opinion can settle more than one case.
- Do not include dissenting or concurring opinions in this count of opinions.
- Also indicate the **type of decision in appellate court cases**. (See **type of decision**.)
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

SINGLE-TIER TRIAL COURT For statistical reporting purposes, a **trial court** that has **original jurisdiction** over all subject matter or persons within its geographical limits, none of which is assigned to a **limited jurisdiction court**.

Synonym: unified trial court

Court Statistical Usage:

- In **criminal cases**, the number of case dispositions in a single-tier trial court will differ from that in a two-tier trial court. Those **felony cases** that are **bound over** should be indicated in a **limited jurisdiction court**, whereas the **preliminary hearings** in which **probable cause** is determined are only an **event in case processing** in a **single-tier trial court**.
- Count the **filing** of the original charging document as the beginning of a case in trial courts. (See **unit of count**.)

Annotation: In a **limited jurisdiction court** and in a **single-tier trial court** the **complaint** will be the original charging document. In a two-tier trial court, the complaint will be the original charging document in the limited jurisdiction court, but in the general jurisdiction court the original charging document will be the **indictment** or **information**.

#SMALL CLAIMS CASE A major classification category for **civil cases** that includes **cases** governed by special **summary procedures** specified by statute, involving either **tort** or **contract** or **real property rights** claims in which the remedy sought is a specific, limited amount of monetary damages.

Court Statistical Usage:

- **Small claims case** is a subcategory of the broad **trial court** classification **civil case**.
- In addition to the reporting of **filings**, **dispositions**, and **pending cases** in **caseload inventory**, the termination of **small claims cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: States generally have special summary procedures to be followed in small claims cases, which

dispense with written pleadings, legal counsel, or strict rules of evidence. The procedures are typically informal, and less costly and protracted than ordinary procedures.

Small claims cases may be handled in the regular **general jurisdiction courts**, or in a separate division of a court of general or **limited jurisdiction**, or in a **court of special jurisdiction**.

SPECIAL JURISDICTION COURT see **court of limited or special jurisdiction**

STATUS OF PENDING CASELOAD (appellate court) For statistical reporting purposes, a summary statistical report indicating the number of appellate cases that have reached the important processing events between their **filing** and **disposition**.

Court Statistical Usage:

In reporting appellate court **status of pending caseload** data, the following events in case processing should be indicated in each case in order to permit a count of the number of cases in that status:

- **Awaiting court reporter's transcript**
- **Awaiting appellant's brief**
- **Awaiting respondent's brief**
- **Ready for hearing**
- **Under advisement**

- See **age of pending caseload** (appellate courts) for a suggested time scale for case processing time.

#STATUS OF PENDING CASELOAD (trial court) For statistical reporting purposes, a summary statistical report indicating the number of trial court cases that have reached the important processing events between their **filing** and **disposition**.

Court Statistical Usage:

- In reporting trial court **status of pending caseload** data, the following **events in civil case processing** should be indicated in each case to permit a count of the number of cases in that status:

- **Awaiting filing of first answer**
- **Awaiting scheduled date for completion of discovery**
- **Awaiting the date the case is ready for trial**
- **Awaiting first pretrial conference**
- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**

- In reporting trial court **status of pending caseload** data, the following **events in criminal case processing** should be indicated to permit a count of the number of cases in that status:

- **Awaiting initial appearance or arraignment**
- **Awaiting preliminary hearing**
- **Awaiting indictment (or information)**
- **Awaiting conference**
- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**
- **Awaiting sentencing**

- In reporting trial court **status of pending caseload** data, the following events in contested **traffic/other**

violations processing should be indicated to permit a count of the number of cases in that status:

- **Awaiting first scheduled trial date**
- **Awaiting commencement of trial**
- **Awaiting conclusion of trial**
- **Awaiting sentencing**

- In reporting trial court **status of pending caseload** data, the following **events in juvenile petition processing** should be indicated to permit a count of the number of cases in that status:

- **Awaiting juvenile hearing (first, second hearing, etc.)**
- **Awaiting adjudication outcome**

- See **age of pending caseload (trial courts)** for a suggested time scale for measuring processing time.

Annotation: Status of pending caseload reports permit the court manager to assess the pace of litigation in the court and to determine if that pace is acceptable to the court and to the public.

#STATUS OF PENDING CASES For statistical reporting purposes, a case-by-case operational report listing all **pending cases**, the length of time each has been pending, and the last completed **event in court case processing** for each case.

Court Statistical Usage:

- The capability of an information system to produce this operational report makes it possible to also calculate time intervals between **events in court case processing** and to produce **exception reports** showing those cases pending longer than the time intervals acceptable for case processing set by the court.

#STATUS PETITION A **juvenile petition** category that includes **petitions** involving a juvenile whom a **court** has determined to need guidance, treatment, or rehabilitation because of non-criminal misbehavior by the child.

Synonym: child or children in need of supervision petition (CINS, CHINS), person in need of supervision petition (PINS), juvenile in need of supervision petition (JINS), minor in need of supervision petition (MINS), youth in need of supervision petition (YINS)

Court Statistical Usage:

- **Status petition** is a subcategory of the broad **trial court** classification **juvenile petition**.

- Count the **filing** with the clerk of court of a **petition** as the beginning of a **juvenile petition** in trial courts.

- Report the **caseload inventory** of juvenile petitions according to the following subcategories:

- **Criminal-type juvenile petition**
- **Status petition**
- **Child victim petition**
- **Miscellaneous juvenile petition**

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: This petition category is recommended by the National Juvenile Information Systems Task Force of the National Council of juvenile and Family Court Judges.

For reporting purposes this petition category subsumes several categories now in use in many states, variously called CHINS or CINS (child or children in need of supervision), PINS (person in need of supervision), MINS (minor in need of supervision), JINS (juvenile in need of supervision), YINS (youth in need of supervision), "child beyond control," "incorrigible," "wayward youth," "miscreant," etc. The category deals with the child who requires guidance, treatment, or rehabilitation because of (a) habitual truancy from school; (b) habitual disobedience, being ungovernable, and beyond control of the person having custody of the child without substantial fault on the part of that person; (c) deportment that is injurious or endangers the child or others; or (d) commitment of an offense applicable only to children.

STRICKEN One method by which a **court** removes a **case** from the record or docket.

Court Statistical Usage:

- Count under **dismissed** for **civil cases, criminal cases, and traffic/other violations in trial courts**.

SUBJECT MATTER JURISDICTION For statistical reporting purposes, the identification of a **court action** according to the nature of the issue in the case.

Court Statistical Usage:

- Report all court cases according to the subject matter at issue in the case, as indicated in the classification schemes on pages xv-xviii. The kind of remedy sought and the separate procedural steps in case processing are supplementary information that can be reported in addition, if the court desires.

SUIT IN EQUITY see **equity case**

SUMMARY PROCEDURE A method by which a **case** or controversy is decided by a **court** in a prompt, simple manner without the aid of a jury, on an agreed or stipulated set of facts (as in summary judgment).

Court Statistical Usage:

- Classify cases that are settled by **summary procedure** according to the subject matter at issue. (See **civil case**.)

Annotation: Commonly used in cases such as bankruptcy proceedings, landlord-tenant cases, **small claims**, or unlawful entry and detainer, and in cases submitted to **arbitration**.

SUMMARY STATISTICS **Output reports** that display the aggregation of data about all the individual units of a **court** activity, such as **caseload**.

Court Statistical Usage:

- Summary statistics are widely used for management reports (**caseload inventory, manner of disposition, etc.**) because they can be collected, calculated, and analyzed manually.

#SUPPORT/CUSTODY CASE A subcategory of **domestic relations case** that includes **cases** filed to request a **court** to require maintenance of a spouse or child by a person who is required by law to provide such maintenance, or to request a court to make a determination regarding the control, care, or maintenance of a child.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **URESA case**
 - **Adoption case**
 - **Paternity/bastardy case**
 - **Miscellaneous domestic relations case**
- Indicate whether **support/custody** issues in a **marriage dissolution case** are included in the original marriage dissolution or filed as a separate case.
- Indicate whether **support/custody cases** are contested or uncontested.
- Report support/custody cases separately from **URESA cases**.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **support/custody cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Ordinary support cases are those actions involving **parties** residing in the same state. URESA cases involve a **plaintiff** and **defendant** residing in different states. (URESA is the acronym for the Uniform Reciprocal Enforcement of Support Act.)

Marriage dissolution cases will include provisions for custody, support, alimony, and the like in the decree or judgment. If later issues arise and are brought back into the court, these **reopened cases** should be classified as new cases according to subject matter, such as **support/custody**, a separate subcategory of domestic relations case.

TAX ASSESSMENT COUNCIL see **administrative agency**

TERMINATION see **manner of disposition**

TERMINATION OF PARENTAL RIGHTS see **miscellaneous domestic relations case**

TESTATE see **probate/wills/intestate case**

#TIME INTERVAL DATA For statistical reporting purposes, the number of days (mean or median) required to process **disposed cases**, segmented according to important processing events.

Court Statistical Usage:

- The time it takes to process cases should be reported for all cases, by case category. States should also preserve the date of key intermediate steps in case processing, and should define the particular nomenclature used for such intermediate steps. (See **events in case processing, status of pending caseload.**)
- The mean, or average, time to process cases should be reported as well as the median (time it takes to process the "middle" case).

TIME TO DISPOSITION DATA see **time interval data**

#TORT CASE A major classification category for **civil cases** that includes cases involving a **court action** resulting from an injury or wrong committed either against a person or against a person's property by a **party** who either did something that he was obligated not to do, or failed to do something that he was obligated to do.

Synonym: Negligence, personal injury

Court Statistical Usage:

- **Tort case** is a subcategory of the broad **trial court classification civil case**. See **unit of count** for instructions on counting cases.
- Report the **caseload inventory** of tort cases in the following subcategories:
 - **Auto tort case**
 - **Medical malpractice case**
 - **Other professional malpractice case**
 - **Product liability tort case**
 - **Miscellaneous tort case**
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **tort cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Under the law of torts, an individual is entitled to be free from bodily injury, property injury, injury to his reputation, injury to his rights or privacy, or from interference with his business or right to make a living.

Three elements of every tort action are: existence of a legal duty from defendant to plaintiff, breach of duty, and damage as a proximate result.

Alienation of affection and loss of consortium are tort cases, and would be classified under **miscellaneous tort case**.

TRAFFIC ACTION see **traffic/other violation**

#TRAFFIC/OTHER VIOLATION CASE A broad classification category for **trial court caseload** that includes **cases** involving an alleged violation of the traffic laws or of local ordinances.

Synonym: traffic action

Court Statistical Usage:

- **Traffic/other violations** should be reported separately from the other broad **trial court case** categories (**civil, criminal, juvenile**) because of the specialized **case processing** procedures involved, and to avoid inflation of **criminal caseload** figures because of the high volume of traffic/other violations.
- Use the following subcategories to report the **caseload inventory** of traffic/other violations:
 - **Moving traffic violation** (contested, uncontested)
 - **Ordinance violation** (contested, uncontested)
 - **Parking violation** (contested, uncontested)
 - **Miscellaneous traffic violation** (contested, uncontested)
- Count traffic/other violations at the time of **filing** of the original charging document—**complaint** or **information**.
- Statistical reports should indicate how cases are being counted. Count each original charging document filed as one traffic/other violation.
- Indicate how many **defendants** are included on each charging document.
- Indicate how many charges are included on each charging document.
- When a state classifies a traffic/other violation as a **felony**, it should be reported as a **felony case** rather than as a traffic/other violation. Traffic/other violations that are **misdemeanors** should be classified as **traffic/other violations**, under the subheadings above.
- Report **DWI/DUI cases** as **criminal cases**, not as traffic/other violations, and indicate whether the state statutes classify them as felonies or misdemeanors. (See the **criminal case** classification scheme for directions.)
- Report **parking violations** separately from **moving traffic violations** and **miscellaneous traffic violations**. The charging document is typically a citation, and the punishment a fine, usually paid by mail or without a mandatory court appearance.
- Indicate whether **parking violations** are contested or uncontested, and how contested parking violations are handled (by the court or administratively).
- **Juvenile traffic violations** should be classified under **traffic/other violations**, not under juvenile petitions.
- Traffic/other violation appeals should be classified under **criminal cases appeals of final judgment**.
- In addition to the reporting of **filing, dispositions, and pending cases** in **caseload inventory**, the number and type of **trials** and the disposition of **defendants** should be reported under the appropriate category in the **traffic/other violation manner of disposition** and **type of decision** scheme.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

TRAFFIC/OTHER VIOLATION APPEAL see **criminal case appeal of final judgment**

#TRAFFIC/OTHER VIOLATION MANNER OF DISPOSITION The manner in which a **traffic/other violation pending** before a **trial court** is disposed.

Court Statistical Usage:

- Report total traffic/other violation dispositions by case category in **caseload inventory: beginning pending (cases), filings, dispositions, end pending (cases)**.
- Report the **manner of disposition** of traffic/other violations in trial courts as follows:
 - **Jury trial**
 - **Conviction** (include guilty pleas during trial)
 - **Acquittal** (include dismissals during trial)
 - **Non-jury trial**
 - **Conviction** (include guilty pleas during trial)
 - **Acquittal** (include dismissals during trial)
 - **Transferred (before/during trial)**
 - **Guilty plea (before trial)**
 - **Bail forfeiture**
 - **Dismissed (before trial)**
 - **Parking fines**
 - **Nolle prosequi**
 - **Diverted**
 - **Miscellaneous manner of disposition**
- The statistics in the subcategories under **traffic/other violation manner of disposition** should indicate the number and type of **trials** and the disposition of the **defendants**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#TRANSFERRED For statistical reporting purposes, a **manner of disposition** in which a judicial order transfers a **case** from one **court** to another before hearing or **trial in trial courts**, and before a decision in **appellate courts**.

Court Statistical Usage:

- Classify as a **manner of disposition in appellate court cases**. A new filing should be reported in the court to which the case is transferred.
- Classify as a manner of disposition in **trial court cases**.
- In order to preserve **trial** data, report two counts for transferred cases: one for those transferred before trial begins, and one for those transferred during trial.
- In **criminal cases** and **traffic/other violations**, transferred should indicate a count of **defendants**.
- A **juvenile petition** moved from a juvenile court to an adult court should be classified as **transfer to other jurisdiction** (not judicial waiver).
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Examples of **transferred** cases are a case shifted from a **limited jurisdiction court** to a general jurisdiction court because the defendant exercises his right to demand a **jury trial**, a **general jurisdiction court** case moved to a federal district court, an **appellate court case** moved from one appellate court to another, etc.

Also included under **transferred** cases are such dispositions as **change of venue**.

#TRANSFER TO OTHER JURISDICTION (not judicial waiver) For statistical reporting purposes, an **adjudication outcome** that transfers a **juvenile petition** from one court to another for reasons other than criminal prosecution.

Court Statistical Usage:

- Classify as an **adjudication outcome in juvenile petitions**.
- Count as a new **juvenile petition** in the court that receives the case.

Annotation: The juvenile petition adjudication outcome categories in the model classification scheme are recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

#TREND DATA For statistical reporting purposes, **caseload** data for periods longer than one reporting period.

Court Statistical Usage:

- Caseload should be reported, by case category, for at least a five- and preferably a ten-year period in order to add perspective to case **filing** and **disposition** data and to help the user identify "bumps" in **time interval data**.

#TRIAL The hearing and determination of issues of fact and law, in accordance with prescribed legal procedures, in order to reach a **judgment** in a **case** before a court. In a **civil case**, the rights and liabilities of the **parties** involved are determined. In a **criminal case**, the guilt or innocence of the **defendant** is determined.

Court Statistical Usage:

- Report complete trial data when the judgment is reached, including the **type of decision** reached, as indicated under **criminal case** and **traffic/other violation manner of disposition**. If a single **defendant** and all the charges in a single incident are included on each charging document in criminal cases, trial data and type of decision will apply to **defendants**. If cases are being counted differently, indicate how they are being counted. (See **unit of count**.)
- Specify the type of trial: **jury** or **non-jury**. In **civil cases** the **type of decision** is not required for nationwide statistics.
- Count the beginning of a jury trial at the point when the jury has been sworn and the first evidence introduced. Count the beginning of a non-jury trial at the point when the first evidence is introduced.
- Count a trial once it is begun, regardless of whether a **judgment** is reached.

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#TRIAL COURT A **court**, the primary function of which is to decide **cases**. (See **trial, court of general jurisdiction, court of limited or special jurisdiction**.)

Court Statistical Usage:

- Classify all **courts of general jurisdiction** and **courts of limited or special jurisdiction** as **trial courts**. Identify each court by name and **subject matter jurisdiction**.

Annotation: For all trial court case categories recommended herein, the term trial court includes both **courts of general jurisdiction** and **courts of limited or special jurisdiction** (unless otherwise indicated).

In addition to having **original jurisdiction**, trial courts in many states also have **incidental appellate jurisdiction** (see **incidental appellate jurisdiction**).

#TRIAL COURT CASE A major classification category for **caseload** in **courts of general jurisdiction** and **courts of limited or special jurisdiction** that includes **civil case, criminal case, traffic/other violation**, and **juvenile petition** as broad subcategories. (See **civil case, criminal case, traffic/other violation, juvenile petition**.)

Court Statistical Usage:

- Classify **trial court caseload inventory** according to the subject matter at issue in the case, using the following categories:
 - **Civil case:**
 - Tort case:**
 - Auto tort case**
 - Medical malpractice case**
 - Other professional malpractice case**
 - Product liability tort case**
 - Miscellaneous tort case**
 - Contract case**
 - Real property rights case**
 - Small claims case**
 - Domestic relations case:**
 - Marriage dissolution case**
 - Support/custody case**
 - URES A case**
 - Adoption case**
 - Paternity/bastardy case**
 - Miscellaneous domestic relations case**
 - Mental health case**
 - Estate case:**
 - Probate/wills/intestate case**
 - Guardianship/conservatorship/trusteeship case**
 - Miscellaneous estate case**
 - Appeal case:**
 - Appeal of administrative agency case**
 - Appeal of trial court case**
 - Miscellaneous civil case**

- **Criminal case:**
 - Felony case:**
 - Misdemeanor case**
 - DWI/DUI case**
 - Appeal of trial court case**
 - Miscellaneous criminal case**
- **Traffic/other violation:**
 - Moving traffic violation**
 - Ordinance violation**
 - Parking violation**
 - Miscellaneous traffic violation**
- **Juvenile petition:**
 - Criminal-type juvenile petition**
 - Status petition**
 - Child victim petition**
 - Miscellaneous juvenile petition**

- See **unit of count** for instructions on counting cases.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **trial court cases** should be reported in the appropriate category under **manner of disposition, trial court case**.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

TRIAL COURT CASELOAD INVENTORY see **court caseload inventory; trial court case**

TRIAL DE NOVO see **de novo, de novo on the record, on the record**

TRUSTEE, TRUSTEESHIP see **guardianship/conservatorship/trusteeship case**

TWO-TIER TRIAL COURT For statistical reporting purposes, a **trial court** system in which **original jurisdiction** over all subject matter or persons within its geographical limits is shared among both **general jurisdiction** and **limited jurisdiction courts**.

Court Statistical Usage:

- In **criminal cases**, the number of case dispositions in a single-tier trial court will differ from that in a two-tier trial court. Those **felony cases** that are **bound over** should be indicated in a **limited jurisdiction court**, whereas the **preliminary hearings** in which **probable cause** is determined are only an **event in case processing** in a **single-tier trial court**.
- Count the **filing** of the original charging document as the beginning of a case in trial courts. (See **unit of count**.)

Annotation: In a **limited jurisdiction court** and in a **single-tier trial court** the **complaint** will be the original charging document. In a two-tier trial court, the complaint will be the original charging document in the limited jurisdiction court, but in the general jurisdiction court the original charging document will be the **indictment** or **information**.

#TYPE OF DECISION (appellate court case) The decision regarding the **judgment** of the lower court or administrative agency or the decision of an intermediate appellate court arrived at by the appellate court justices in an **appellate court case**.

Court Statistical Usage:

- Type of decision in appellate court cases should be reported according to the **subject matter** of the case filed.
- The following classification scheme is suggested for reporting the **type of decision** in **appellate court cases**:
 - **Type of decision in mandatory case/granted petition of final judgment:**
 - Affirmed**
 - Modified**
 - Reversed**
 - Remanded**
 - Mixed**
 - Other**
 - **Type of decision in other discretionary petition:**
 - Petition granted**
 - Petition denied**
 - Other**
- The aggregate statistics under **type of decision** should sum to the total number of cases decided by opinion, by memorandum decisions, or by order.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#TYPE OF DECISION IN MANDATORY CASE/GRANTED PETITION OF FINAL JUDGMENT For statistical reporting purposes, a category for reporting the **type of decision** in **appeals of final judgment** and **other mandatory cases** in which the appellate justices have **mandatory jurisdiction**, and in **petitions of final judgment** that have been granted by the appellate justices.

Court Statistical Usage:

- Type of decision in appellate court cases should be reported according to the **subject matter** of the case filed.
- The following classification scheme is suggested for reporting **decisions in mandatory cases and granted petitions of final judgment**:
 - **Opinions**
 - Affirmed**
 - Modified**
 - Reversed**
 - Remanded**
 - Mixed**
 - Other**
 - **Decisions without opinion**
 - Affirmed**
 - Modified**
 - Reversed**
 - Remanded**
 - Mixed**
 - Other**

- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#TYPE OF DECISION IN OTHER DISCRETIONARY PETITION For statistical reporting purposes, a category for reporting the **type of decision in other discretionary petitions.**

Court Statistical Usage:

- Manner of disposition in appellate court cases should be reported according to the **subject matter** of the case filed.
- The following classification scheme is suggested for reporting **type of decision in other discretionary petitions:**
 - **Petition granted**
 - **Petition denied**
 - **Other**
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#TYPE OF DECISION (trial court case) The decision arrived at by the trial court judge or jury in **trial court criminal cases and traffic/other violations.**

Court Statistical Usage:

- **Manner of disposition** in **trial court cases** should be reported according to the **subject matter** of the case filed.
- The following classification scheme is suggested for reporting the **type of decision** in both **jury trials** and **non-jury trials** in **criminal cases** and **traffic/other violations** in trial courts:
 - **Conviction**
 - Guilty plea
 - **Acquittal**
 - Dismissed
- Report only **manner of disposition** (without type of decision) for **civil cases.**
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: Type of decision for civil cases has not been included in the model classification scheme.

UNCLASSIFIED A category used by the Court Statistics Project at the National Center for State Courts for those case categories used by state courts that embrace more than one case category of the model classification scheme outlined in the front of this dictionary.

UNCONTESTED Those cases in which the respondent **defendant** either chose not to, or failed to respond to the allegations in the **plaintiff's petition/complaint/charge.** (See **contested.**)

Court Statistical Usage:

- The **manner of disposition** category of uncontested **civil cases** is **uncontested/default.**
- The **manner of disposition** categories of uncontested **traffic/other violations** are **guilty** and **parking fines.**

#UNCONTESTED/DEFAULT For statistical reporting purposes, a category for reporting the **manner of disposition** of a **civil case** in which a **defendant** either chose not to, or failed to respond to the **plaintiff's** allegation.

Court Statistical Usage:

- Classify as a **trial court manner of disposition** in **civil cases**
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

#UNDER ADVISEMENT For statistical reporting purposes, the **status of the pending caseload** when the oral argument or hearing has been held or the case has been submitted to the **appellate court**, but the court has not disposed of the case.

Court Statistical Usage:

- In reporting appellate court **status of pending caseload** data, the following points in case processing should be indicated:
 - **Awaiting court reporter's transcript**
 - **Awaiting appellant's brief**
 - **Awaiting respondent's brief**
 - **Ready for hearing**
 - **Under advisement**
- See **age of pending caseload** (appellate courts) for a suggested time scale for measuring case processing time.

UNIFIED TRIAL COURT see **single-tier trial court**

UNIFORM COMMERCIAL CODE see **contract case**

UNIFORM TRAFFIC CITATION see **complaint, traffic/other violation; traffic/other violation**

UNIT OF COUNT Any entity that is the basis for monitoring and reporting statistics by a **court.**

Court Statistical Usage:

- Although **unit of count** is not itself a statistical term, the units being counted determine statistical terms. Statistical reports should indicate how **cases** are being counted.
- Count the **filing** with the clerk of court of a **complaint** or **petition** as the beginning of **civil cases** and of **juvenile petitions** in **trial courts.**
- Count the filing of the original charging document (**complaint, information, or indictment** in **criminal cases** or **traffic/other violations; complaint, petition, or information** in **juvenile petitions** of a criminal nature) as the beginning of the case in **trial courts.**

- Count each defendant and all the charges involved in a single incident as a single **criminal case**. If the charging document includes multiple defendants involved in a single incident, count each defendant as a single case. If **criminal cases** are counted differently (multiple defendants/single incident, single defendant/limited number of charges, etc.), indicate how they are counted.
- Indicate how **traffic/other violations** are being counted (how many defendants, how many charges on each charging document).
- A count of what happened to the **defendant(s)** should appear as **type of decision** under **criminal case manner of disposition** and **traffic/other violations manner of disposition**.
- See **consolidated trial** and **severance** for further instructions.
- In **appellate courts** count the **notice of appeal** in an **appeal of final judgment** when it is filed in the appellate court.
- In **appellate courts** count the petition in a **petition of final judgment, other mandatory case, or other discretionary petition**.
- If motions and other steps in case processing are being counted, they should be reported separately from **caseload inventory** as part of **other proceedings**. (See **other proceedings**.)
- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation Caseload is not comparable among states if the unit counted on the charging document in **criminal cases** and in **traffic/other violations** varies. At present, states are variously counting single defendant/single charge; single defendant/single incident (one or more charges); single defendant/single incident with a maximum number of charges; single defendant/one or more incidents; single defendant/content varies with prosecutor; one or more defendants/single charge; one or more defendants/single incident with maximum number of charges; one or more defendants/content varies with prosecutor.

#URES A CASE A subcategory of **domestic relations case** that includes **cases** filed to request a **court** to require maintenance of a spouse or child by a person who is required by the Uniform Reciprocal Enforcement of Support Act (URES A) to provide such maintenance.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a sub-heading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **URES A case**
 - **Adoption case**
 - **Paternity/bastardy case**
 - **Miscellaneous domestic relations case**
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termi-

nation of **URES A cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.

- See the section entitled **CONTENTS**, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: URES A is the acronym for the Uniform Reciprocal Enforcement of Support Act.

Ordinary support cases are those actions involving **parties** residing in the same state. **URES A cases** involve a **plaintiff** and **defendant** residing in different states, and are of two types: those where the defendant resides within the state and the plaintiff in another (often called "reciprocal support—in,") and those where the plaintiff resides within the state but the defendant resides in another state ("reciprocal support—out").

VERDICT In criminal proceedings, the decision of the jury in a **jury trial** or of a judicial officer in a **non-jury trial**, that the **defendant** is guilty or not guilty of the offense for which he has been tried. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

In civil proceedings, the decision of a jury or of a judicial officer concerning the matters at issue in the trial or a lawsuit.

Synonym: **judgment** (See **type of decision**.)

Court Statistical Usage:

- Report the kinds of **verdicts in criminal cases** and in **traffic/other violations** as indicated under **manner of disposition**. These should indicate a **defendant** count.
- In **civil cases** report only the terminations indicated under **civil case manner of disposition**. These will indicate a **case** count.

#WAIVER/CERTIFICATION/TRANSFER FOR CRIMINAL PROSECUTION The decision by a juvenile **court**, resulting from a transfer hearing, that **jurisdiction** over an alleged **criminal-type juvenile petition** will be waived, and that the defendant should be prosecuted as an adult in a criminal court. (adapted from *Dictionary of Criminal Justice Data Terminology*, second edition)

Court Statistical Usage:

- Classify as an **adjudication outcome in juvenile petitions**.

Annotation: Juvenile courts usually waive jurisdiction over alleged criminal-type juvenile petitions only when a serious felony has been alleged, and when the juvenile is near the statutory age boundary between juvenile and adult. (from the *Dictionary of Criminal Justice Data Terminology*, second edition)

The juvenile petition adjudication outcome categories in the model classification scheme are recommended by the National Juvenile Information Systems Task Force of the National Council of Juvenile and Family Court Judges.

WAYWARD YOUTH see **status petition**

WILLS see **probate/wills/intestate case**

#WITHDRAWN For statistical reporting purposes, a **manner of disposition** for reporting **cases** that were formally filed in a **court**, but were withdrawn from the court by the **plaintiff** before the hearing or **trial** in **trial courts**, and before decision in **appellate courts**.

Court Statistical Usage:

- Classify as a manner of disposition in **appellate court cases** under **predecision disposition (dismissed/withdrawn/settled)**.
- Classify as a **civil case** manner of disposition in trial court cases up to the point the trial begins. After a trial begins, count the **trial** as the manner of disposition.
- See the section entitled CONTENTS, pages xv-xviii, for case category classifications, manner of disposition, status of pending cases, and events in case processing. For your convenience the prototypes for displaying statistics are found in the Appendix.

Annotation: At the trial court level, withdrawn has the same meaning for civil cases as nolle prosequi has for criminal cases.

WITH/WITHOUT PREJUDICE see **dismissed**

WORKERS' COMPENSATION BOARD see **administrative agency**

WORKLOAD, COURT All matters, including **caseload**, handled by a **court** that involve time and effort.

Court Statistical Usage:

- Do not use as a synonym for **caseload**.
- Accurate measures of court workload require the reporting of many activities in addition to, and separate from, court caseload. Although this dictionary has not yet addressed any scheme for reporting court workload, each state will need to plan an appropriate format for reporting the workload handled by the courts.

Annotation: In addition to handling caseload, court time is consumed in a great many other activities related to judicial office, including swearing in of other judges and officials, conferences, research, presiding over marriage ceremonies, correspondence, moot court, addressing civic and school groups, and so on.

WORKLOAD MANAGEMENT DATA For statistical reporting purposes, data collected and analyzed to indicate how much personnel time and effort, both judicial and non-judicial, and other resources are needed to process cases and carry on the other essential business of the **court**.

Court Statistical Usage:

- Workload management data include judicial and non-judicial time spent, events other than **events in case processing**, weighted caseload, outcome frequency, and performance measures.

WRIT A written **court order** directed to a specific person, requiring that person to perform or refrain from performing a specific act.

Synonym: process, court order

Court Statistical Usage:

- If a writ is requested as a step in the processing of a case, it should not be counted in **caseload** statistics.
- If a **petition** for a writ is the subject of an action in a **trial court**, then that action should be classified as an **other proceeding** in **trial court caseload**.
- If a **petition** for a writ is the subject of a case in an **appellate court**, then that case should be classified as an **original proceeding** in **appellate court caseload**, except for writ of certiorari and writ of error, which are classified as **petitions of final judgment**.

WRIT OF CERTIORARI see **petition of final judgment**

WRIT OF ERROR see **petition of final judgment**

WRIT OF ERROR CORAM NOBIS see **extraordinary writ**

WRIT OF HABEAS CORPUS see **extraordinary writ, original proceeding, postconviction remedy**

WRIT OF MANDAMUS see **extraordinary writ, original proceeding**

WRIT OF PROHIBITION see **extraordinary writ, original proceeding**

WRIT OF QUO WARRANTO see **extraordinary writ, original proceeding**

WRONGFUL DEATH see **tort case, auto tort case, medical malpractice case, other professional malpractice case, product liability tort case**

ZONING BOARD see **administrative agency**

Appendix

Prototype of State Appellate Court Statistical Profile Used in 1987 Data Collection

STATE NAME, COURT NAME
 Court of last resort or intermediate appellate court
 Number of divisions/departments, Number of authorized justices/judges
 Time period covered

	Beginning pending	Filed	Disposed	End pending
Cases:				
Mandatory Jurisdiction:				
Appeals of final judgment:				
Civil				
Criminal:				
Capital crimes (death/life)				
Other criminal				
Total criminal				
Juvenile				
Administrative agency				
Unclassified (e.g., constitutional issue)				
Total appeals of final judgment				
Other mandatory cases:				
Disciplinary matters:				
Attorney				
Judge				
Total disciplinary				
Original proceedings (e.g., extraordinary writs, postconviction remedy, sentence review only, election cases)				
Interlocutory decisions				
Advisory opinions:				
Intrastate (legislature, executive, courts)				
Federal courts (i.e., certified question)				
Total advisory opinions				
Total other mandatory cases				
Total mandatory jurisdiction cases				
Discretionary Jurisdiction:				
Petitions of final judgment:				
Civil		()		()
Criminal		()		()
Juvenile		()		()
Administrative agency		()		()
Unclassified (e.g., constitutional issue)		()		()
Total petitions of final judgment		()		()
Other discretionary petitions:				
Disciplinary matters:				
Attorney		()		()
Judge		()		()
Total disciplinary		()		()
Original proceedings (e.g., extraordinary writs, postconviction remedy, sentence review only, election cases)		()		()
Interlocutory decisions		()		()
Advisory opinions:				
Intrastate (legislature, executive, courts)		()		()
Federal courts (e.g., certified question)		()		()
Total advisory opinions		()		()
Total other discretionary petitions		()		()
Total discretionary jurisdiction cases		()		()
Grand total cases		()		()
Other proceedings:				
Rehearing/reconsideration requests				
Motions				
Other matters (e.g., bar admissions)				

Prototype of state appellate court statistical profile

	Manner of Disposition					
	Predecision disposition (dismissed/ withdrawn/ settled)	Opinions		Decision without opinion (memo/ order)	Transferred	Other
		Signed opinion	Per curiam opinion			
Mandatory jurisdiction:						
Appeals of final judgment:						
Civil						
Criminal						
Juvenile						
Administrative agency						
Unclassified (e.g., constitutional issue)						
Other mandatory cases:						
Disciplinary matters						
Original proceedings (e.g., election cases)						
Interlocutory decisions						
Total mandatory jurisdiction cases						
Discretionary jurisdiction (cases granted only):						
Petitions of final judgments:						
Civil						
Criminal						
Juvenile						
Administrative agency						
Unclassified (e.g., constitutional issue)						
Other discretionary petitions						
Disciplinary matters						
Original proceedings (e.g., election cases)						
Total discretionary jurisdiction cases						
Grand total						

Type of decision in mandatory cases/granted petitions of final judgment

	<u>Civil</u>	<u>Criminal</u>	<u>Juvenile</u>	<u>Adminis- trative agency</u>	<u>Other mandatory cases</u>	<u>Total</u>
Opinions:						
Affirmed						
Modified						
Reversed						
Remanded						
Mixed						
Decisions without opinion:						
Affirmed						
Modified						
Reversed						
Remanded						
Mixed						
Other						

Type of decision in other discretionary petitions

	<u>Petition granted</u>	<u>Petition denied</u>	<u>Other</u>
Other discretionary petitions:			
Disciplinary matters			
Original proceedings (e.g., election cases)			
Total discretionary jurisdiction cases			

Prototype of state appellate court statistical profile

	Time Interval data (months/days)											
	Notice of appeal to ready for hearing			Ready for hearing to under advisement (submitted or oral argument completed)			Under advisement (submitted or oral argument completed) to decision			Notice of appeal to decision		
	Number of cases	Mean	Median	Number of cases	Mean	Median	Number of cases	Mean	Median	Number of cases	Mean	Median
Mandatory jurisdiction:												
Appeals of final judgment:												
Civil												
Criminal												
Juvenile												
Administrative agency												
Unclassified (e.g., constitutional issue)												
Other mandatory cases:												
Disciplinary matters												
Original proceedings (e.g., election cases)												
Interlocutory decisions												
Total mandatory jurisdiction cases												
Discretionary jurisdiction:												
Petitions of final judgment:												
Civil												
Criminal												
Juvenile												
Administrative agency												
Unclassified (e.g., constitutional issue) ..												
Other discretionary petitions:												
Disciplinary matters												
Original proceedings (e.g., election cases)												
Interlocutory decisions												
Advisory opinions												
Total discretionary jurisdiction cases												
Grand total												

Prototype of state appellate court statistical profile

	Age of pending caseload (days)															Average age of pending caseload
	Not ready for hearing									Under advisement (submitted or oral argument completed)						
	Awaiting court reporter's transcript			Awaiting appellant's brief			Awaiting respondent's brief			Ready for hearing						
	0-60 days	61-120 days	Over 120 days	0-60 days	61-120 days	Over 120 days	0-60 days	61-120 days	Over 120 days	0-60 days	61-120 days	Over 120 days	0-60 days	61-120 days	Over 120 days	
Mandatory Jurisdiction:																
Appeals of final judgment:																
Civil																
Criminal																
Juvenile																
Administrative agency																
Unclassified (e.g., constitutional issue)																
Other mandatory cases:																
Disciplinary matters																
Original proceedings (e.g., election cases)																
Interlocutory decisions																
Total mandatory jurisdiction cases																
Discretionary Jurisdiction:																
Petitions of final judgment:																
Civil																
Criminal																
Juvenile																
Administrative agency																
Unclassified (e.g., constitutional issue)																
Other discretionary petitions:																
Disciplinary matters																
Original proceedings (e.g., election cases)																
Interlocutory decisions																
Advisory opinions																
Total discretionary jurisdiction cases																
Grand total																

Prototype of state appellate court statistical profile

N/A = The casetype is handled by the court, but the data are unavailable.

X = The data for this casetype are known to be included in the total but are unavailable by category.

— = Data element is not applicable.

() NOTE: Begin pending data filed outside the parentheses, disposed data outside the parentheses, and end pending data reported as discretionary jurisdiction cases represent petitions/motions for review. Filed figures inside the parentheses represent those newly filed petitions/motions that were granted during the time period covered on this profile. For those interested, filed figures inside the parentheses can then be added to total mandatory jurisdiction cases filed to arrive at the number of new cases that the court will ultimately consider "on the merits." Disposed figures inside the parentheses represent the number of discretionary petitions granted that were disposed of "on the merits." This number is rarely available, and is usually included in either the total discretionary petitions disposed, or the mandatory jurisdiction cases. The number of disposed petitions inside the parentheses can be added to total mandatory jurisdiction cases disposed to arrive at the number of cases that the court disposed of "on the merits."

Qualifying Footnotes:

A = The data element is complete with no footnotes.

B = The data element is complete and represents some double counting.

C = The data element is overinclusive.

D = The data element is overinclusive and represents some double counting.

I (enter as lower case) = The data element is at least 75% complete.

J = The data element is at least 75% complete, and represents some double counting.

P = The data element is incomplete and overinclusive.

Q = The data element is incomplete, overinclusive and represents some double counting.

V = The data element is less than 75% complete.

W = The data element is less than 75% complete, and represents some double counting.

X = The data element is less than 75% complete, and overinclusive.

Y = The data element is less than 75% complete, overinclusive, and represents some double counting.

Z = The data are missing for this data element.

R = Judge information.

S = Figure was computed.

T = Additional information.

U = The data element is included in the unclassified category.

Prototype of State Trial Court Statistical Profile Used in 1987 Data Collection

STATE NAME, COURT NAME
 Court of general jurisdiction or court of limited jurisdiction
 Number of circuits or districts, Number of judges
 Time period covered

	Beginning pending	Filed	Disposed	End pending
Civil:				
Tort:				
Auto tort				
Medical malpractice				
Other professional malpractice				
Product liability tort				
Miscellaneous tort				
Total tort				
Contract				
Real property rights				
Small claims				
Domestic relations:				
Marriage dissolution				
Support/custody				
URESAs				
Adoption				
Paternity/bastardy				
Miscellaneous domestic relations				
Total domestic relations				
Estate:				
Probate/wills/intestate				
Guardianship/conservatorship/trusteeship				
Miscellaneous estate				
Total estate				
Mental health				
Appeal:				
Appeal of administrative agency case				
Appeal of trial court case				
Total civil appeals				
Miscellaneous civil				
Total civil				
Criminal:				
Felony				
Misdemeanor				
DWI/DUI				
Appeal				
Miscellaneous criminal				
Total criminal				
Traffic/other violation:				
Moving traffic violation				
Ordinance violation				
Parking violation				
Miscellaneous traffic				
Total traffic/other violation				
Juvenile:				
Criminal-type juvenile petition				
Status offense				
Child-victim petition				
Miscellaneous juvenile petition				
Total juvenile				
Grand total cases				
Other proceedings:				
Postconviction remedy				
Preliminary hearings				
Sentence review only				
Extraordinary writs				
Total other proceedings				

Prototype of state trial court statistical profile

Manner of disposition: trials

	<u>Manner of disposition: trials</u>				<u>Manner of disposition: trials</u>		
	<u>Jury</u>	<u>Trial Non-jury</u>	<u>Total</u>		<u>Jury</u>	<u>Trial Non-jury</u>	<u>Total</u>
Civil:				Criminal:			
Tort:				Felony:			
Auto tort				Misdemeanor			
Other professional malpractice				DWI/DUI			
Product liability tort				Appeal			
Miscellaneous tort				Miscellaneous criminal			
Total tort				Total criminal			
Contract							
Real property rights				Traffic/other violation:			
Small claims				Moving traffic			
Domestic relations:				Ordinance violation			
Marriage dissolution				Parking violation			
Support/custody				Miscellaneous traffic			
URESAs				Total traffic/other violation			
Adoption							
Paternity/bastardy				Juvenile:			
Miscellaneous domestic relations				Criminal-type juvenile petition			
Total domestic relations				Status petition			
Estate:				Child-victim petition			
Probate/wills/intestate				Miscellaneous juvenile petition			
Guardianship/conservatorship/ trusteeship				Total juvenile			
Miscellaneous estate							
Total estate				Grand total trials			
Mental health							
Appeal:							
Appeal of administrative agency case							
Appeal of trial court case							
Total civil appeals							
Miscellaneous civil							
Total civil							

Manner of civil dispositions

	<u>Uncontested/ Default</u>	<u>Dismissed</u>	<u>Withdrawn</u>	<u>Settled</u>	<u>Transferred</u>	<u>Arbitration</u>	<u>Total</u>
	Civil:						
Tort:							
Auto tort							
Medical malpractice							
Other professional malpractice							
Product liability tort							
Miscellaneous tort							
Total tort							
Contract							
Real property rights							
Small claims							
Domestic relations:							
Marriage dissolution							
Support/custody							
URESAs							
Adoption							
Paternity/bastardy							
Miscellaneous domestic relations							
Total domestic relations							
Estate:							
Probate/wills/intestate							
Guardianship/conservatorship/ trusteeship							
Miscellaneous estate							
Total estate							
Mental health							
Appeal:							
Appeal of administrative agency case							
Appeal of trial court case							
Total civil appeal							
Miscellaneous civil							
Total civil							

Prototype of state trial court statistical profile

	Age of pending caseload (days)						Average age of pending cases
	0-30 days	31-60 days	61-90 days	91-180 days	181-360 days	361-720 days	
Criminal:							
Felony							
Misdemeanor							
DWI/DUI							
Appeal							
Miscellaneous criminal							
Total criminal							
Traffic/other violation:							
Moving traffic							
Ordinance violation							
Parking violation							
Miscellaneous traffic							
Total traffic/other violation							
Juvenile:							
Criminal-type juvenile petition							
Status petition							
Child-victim petition							
Miscellaneous juvenile petition							
Total juvenile							

N/A = This casetype is handled by the court, but the data are unavailable.
 X = The data for this casetype are known to be included in the total but are unavailable by category.
 — = Not applicable.

Units of count:
 Civil unit of count.
 Criminal unit of count.
 Traffic/other violation unit of count.
 Juvenile unit of count.

Trial definitions:
 Jury trial definition.
 Nonjury trial definition.

Prototype of state trial court statistical profile

Qualifying Footnotes:

A = The data element is complete with no footnotes.

C = The data element is complete and also includes more information than can be specifically identified in codes E-H below.

E = The data element is complete and also includes all postconviction remedy proceedings.

F = The data element is complete and also includes all ordinance violation cases.

G = The data element is complete and also includes all DWI/DUI cases.

H = The data element is complete and also includes all criminal appeals cases.

I (enter as lower case) = The data element is at least 75% complete, and is missing more information than can be specifically identified in codes K-N below.

K = The data element does not include any limited felony cases.

L = The data element does not include any DWI/DUI cases.

M = The data element does not include any criminal appeal cases.

N = The data element does not include any ordinance violation cases.

O = The data element is incomplete and overinclusive.

V = The data element is less than 75% complete.

X = The data element is less than 75% complete and overinclusive.

Q = Additional court information.

R = Judge information.

S = Figure was computed.

T = Additional information; reopened cases are added to the data element.

U = The data element is included in the unclassified category.

Z = The data are missing for this data element (i.e., the primary data element was coded a "-5" to a "-1").

-1Z = Data not available

-2Z = Casetype does not fall within the jurisdiction of the court.

-3Z = Data are represented in the total, but could not be separated by data element.

-4Z = Data are reported in the unclassified category of the same general casetype.

-5Z = Data are collapsed with another casetype and could not be identified by specific data element.

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