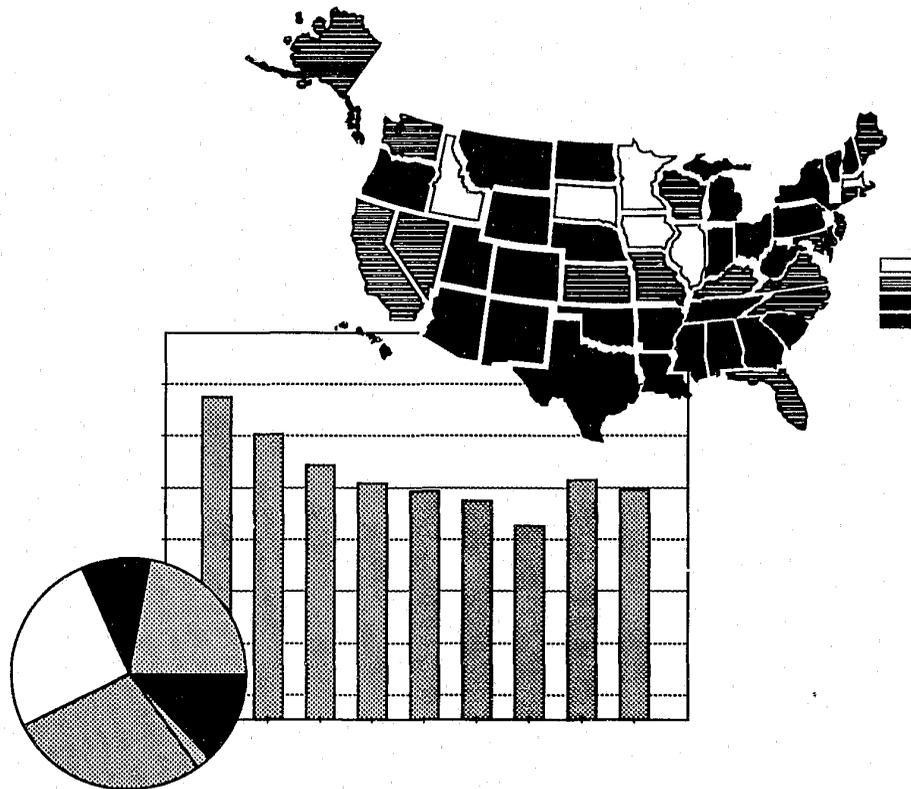


Guidebook to the Use of State Court Caseload Statistics



1-20-92
MPX

131416



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

©1991 National Center for State Courts
ISBN 0-89656-106-2

Funding Provided by the
STATE JUSTICE INSTITUTE
Grant Number SJI-90-07X-B-018

The opinions expressed herein represent the views of the authors
and do not represent the official views of the State Justice Institute,
which only speaks through its Board of Directors.

131416

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the
person or organization originating it. Points of view or opinions stated
in this document are those of the authors and do not necessarily
represent the official position or policies of the National Institute of
Justice.

Permission to reproduce this copyrighted material in mi-
crofiche only has been granted by

National Center for State
Courts

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permis-
sion of the copyright owner.

GUIDEBOOK TO THE USE OF STATE COURT CASELOAD STATISTICS

The secret language of statistics, so appealing in a fact-minded culture, is employed to sensationalize, confuse, and oversimplify. Statistical methods and statistical terms are necessary in reporting the mass data of social and economic trends, business conditions, "opinion" polls, the census. But without writers who use the words with honesty and understanding and readers who know what they mean, the result can be ... nonsense.¹

This is a guide to using court caseload statistics. Emphasis is placed on information describing court activities at the state level, but the general line of argument also applies to individual trial and appellate courts. The guide is offered at a time of significant improvements to the quality of court statistics in general and to the comparability of those statistics across the states in particular. To help realize the potential of caseload statistics, three main questions are considered: Why are caseload statistics useful? What are their ingredients? How can they address practical problems?

When addressing these questions, the *Guidebook* assumes the reader has an interest in what courts are doing but that he or she has no statistical expertise. Moreover, virtually all courts and states currently possess the basic information required to use caseload statistics. A count of the number of cases filed and disposed by month, quarter, or year is all that is needed to get started. Part of the message, however, is that with a small additional investment in effort, the potential exists to appreciably enhance a court's capacity to identify and solve emerging problems and to authoritatively present the case for the court system's achievements and resource needs.

Why Are Caseload Statistics Useful?

Argued in the abstract, caseload statistics are important because they are analogous to the financial information business firms use to organize their operations. Because a court case is the one common unit of measurement available to all court managers, caseload statistics are the single best way to describe what courts are doing currently and to predict what they will do.

The pragmatic justification for caseload statistics is more compelling. Few would argue that the state courts are currently funded at a generous level. State budget offices routinely cast a cold eye on requests for additional judgeships, court support staff, or court facilities. Because the executive and legislative branches of government are sophisticated producers and consumers of statistics, comparable expertise is needed by the judicial branch. Skillfully deployed caseload statistics are powerful evidence for justifying claims to needed resources.

Occasionally, information on the combined caseload of all the state courts becomes imperative. State courts as a whole are disadvantaged in debates over where to draw the jurisdictional boundaries between the federal and state court systems. Current controversies include diversity-of-citizenship in civil matters and drug cases, which the recent *Report of the Federal Courts Study Committee* proposed be transferred out of the federal courts and into the state courts.² What would be the impact of such proposals? Only comprehensive state court caseload statistics can answer this question.

In response to perceived difficulties in using caseload statistics, it can be noted that they are simply counts of court activity. They are not inherently complex or obscure. The day-to-day activities of most court systems can generate the basic information that translates into caseload statistics. No extraordinary effort is required.

Like other statistics, however, caseload statistics are susceptible to twists and turns that can mislead or distort. Those twists and turns become particularly troublesome when comparisons are made across courts in any one state or among states. Yet, valid comparisons are potentially powerful tools for managing a court system, for determining and justifying the need for additional resources, and for planning.

1. Darrell Huff, *How to Lie with Statistics*. New York: W. W. Horton, 1954, p. 8.

2. Judicial Council of the United States, Federal Courts Study Committee. *Report of the Federal Courts Study Committee: April 2, 1990*. Philadelphia: Federal Courts Study Committee, 1990.

Frequent reference is made in the *Guidebook* to a model approach for collecting and using caseload information.³ The Conference of State Court Administrators and the National Center for State Courts jointly developed that approach over the last 13 years. The key to the approach is comparison: comparison among states and comparison over time. The COSCA/NCSC approach makes comparison possible, although at times it highlights some aspects that remain problematic when building a comprehensive statistical profile of the work of state appellate and trial courts nationally.

The second section of the *Guidebook* describes five types of information that are essential for making accurate and meaningful use of caseload statistics. The third section explains how each of the five types of information is made available in the COSCA/NCSC model approach for collecting and reporting caseload statistics. Directions are given as to where the needed information can be found in the *State Court Caseload Statistics: Annual Report* series. This section further demonstrates the use of caseload statistics by assessing (a) the differences among states in the volume of civil and criminal trial court cases, (b) the relative caseloads currently before the federal and state judiciaries, and (c) the degree to which trial courts are keeping pace with their civil caseloads.

What Are the Ingredients of Caseload Statistics?

Five types of information are required for efficient caseload statistics: (1) *counts* of pending, filed, and disposed cases; (2) the *method* by which count is taken (i.e., the unit of count that constitutes a case and the point at which the count is taken); (3) the *composition* of the counting categories (the specific types of cases that are included); (4) *court structure and the jurisdiction to decide cases*; and (5) *statistical adjustments* that enhance the comparability and usefulness of case counts.

Counts are taken of the number of cases that are pending at the start of a reporting period, the number of cases filed during the period, the number of cases disposed of during the period, and the number of cases left pending at the end of the period. Counts of caseloads are typically organized according to the major types of cases (civil, criminal, juvenile, traffic/other ordinance violations). However, there is still only limited uniformity among the states in the degree of detail or the specific case categories used despite the direction offered by the *State Court Model Statistical Dictionary*.

Methods for taking counts vary. The greatest variation occurs in what, precisely, a court counts as a case. Some courts actually count the number of a particular kind of document, such as an indictment in a criminal case. In other courts, each defendant or perhaps even each individual charge is counted as a criminal case. There is also variation in the point in the litigation process when the count is taken. For example, some appellate courts count cases when the notice of appeal is filed,

others when the trial court record is filed, and still others when both the trial court record *and* briefs are filed with the court.

Composition refers to the construction of caseload-reporting categories that contain similar types of cases for which counts are taken of pending, filed, or disposed-of cases. Once a standard is defined for the types of cases that belong in a category, it becomes possible to compare court caseloads. The standard for the *State Court Caseload Statistics: Annual Report* series is defined in the *State Court Model Statistical Dictionary*.

A count can be complete, meaning that it includes all of the types of cases in the definition; incomplete in that it omits some case types that should be included; overinclusive in that it includes some case types that should not be included; or both incomplete and overinclusive. For instance, the model approach treats an accusation of driving while intoxicated (DWI/DUI) as a part of a court's criminal caseload. If a state includes such offenses with traffic cases rather than criminal cases, the criminal caseload statistics will be incomplete, and the traffic caseload statistics will be overinclusive.

Court structure and jurisdiction to decide cases indicate whether a count includes all of the relevant cases for a given locality or state. Two or more courts in a jurisdiction may share the authority to decide a particular type of case. Thus, in many states, both a court of general jurisdiction and a court of limited jurisdiction may hear misdemeanor cases. Similarly, complaints in torts or contracts below a set maximum dollar amount can often be filed in either court.

In some courts, jurisdiction is restricted to specific proceedings. An example is a preliminary hearing in a lower court to determine whether a defendant should be bound over for trial in the court of general jurisdiction.

Information on court structure and jurisdiction is therefore essential to the use of any state's caseload statistics. Each state has established various levels and types of courts. The lack of uniformity in court structure and jurisdiction even extends to the names given to the courts at various levels. The supreme court in most states is the court of last resort, the appellate court with final jurisdiction over all appeals within the state. In New York, however, the title supreme court denotes the main general jurisdiction trial court. A knowledge of court structure and jurisdiction is necessary before one can determine whether like is being compared to like.

Adjustments help make counts of cases more interpretable. Case-filings-per-100,000-population provides a standard measure of caseload levels that adjusts for differences in population among the states. The number of case dispositions as a percentage of case filings in a given time period offers a clearance rate, a summary measure of whether a court or a state is keeping up with its incoming caseload. The number of case filings or case dispositions per judge is a useful expression of the workload confronting a court.

Such simple adjustments transform counts of cases into comparable measures of court activity. It is also possible to make adjustments to counts of cases to

3. The current status of that approach is elaborated in the *State Court Model Statistical Dictionary* (1989 edition).

estimate the impact of missing information or to make allowances for differences in methods of count used by state courts. Other calculations reveal important aspects of court activity. For example, the percentage of petitions granted by an appellate court indicates how many cases will be heard on the merits, which requires briefing and oral arguments or other steps that create substantial demands on court time and resources.

How Should Caseload Statistics Be Used to Solve Problems?

Caseload statistics can form a response to certain types of problems that courts face. One set of problems relates to the volume of cases that a court must hear and to the composition of that caseload. Drug cases offer an example. Did drug filings during the 1980s rise more rapidly than other types of criminal cases? How does the trend in one section of the country compare with trends in other regions?

A related set of problems revolves around the adequacy of court resources. How does the number of criminal case filings per judge in the U.S. district courts compare to the caseload per judge in the state courts? Is the provision of judicial support staff in one state adequate when compared to the staff in another state with comparable filings or dispositions per judge?

A third set of problems relates to the pace of litigation. Are more new cases being filed annually than the court is disposing of during the year, thus increasing the size of the pending caseload?

The model approach COSCA and NCSC developed answers such questions. Virtually all states, as well as many individual trial courts, publish their caseload statistics in annual reports. Yet the diverse methods that states employ to collect information on caseloads restricts the usefulness of the resulting information. It may seem as if courts in one state use the mark, others the yen, and still others the dollar. This section looks at how caseload information can be organized nationally to address problems facing state court systems and individual courts.

Comparability

The caseload statistics of each state are collated into a coherent, comprehensive summary of all state court activity and published annually as part of the *State Court Caseload Statistics: Annual Report* series. The report contains tables, charts, and figures that are often lengthy and crowded with symbols and explanatory matter. This does not negate the underlying simplicity or usefulness of caseload statistics as counts of court activity.

The available statistics reflect the varied responses individual trial courts and states have made to such practical problems as what constitutes a case, whether to count a reopened case as a new filing, and whether a preliminary hearing binding a defendant over to a court of general jurisdiction is a case or merely an event equivalent to a motion.

Comparability is a more substantial issue than completeness. Six main reporting categories are used in the

State Court Caseload Statistics: Annual Report series. Appellate caseloads are divided into mandatory and discretionary cases. Trial court caseloads are divided into criminal, civil, juvenile, and traffic/other ordinance violation cases. Abbreviated definitions of these categories are:

APPELLATE COURT

mandatory case: appeals of right that the court must hear and decide on the merits

discretionary case: petitions requesting court review that, if granted, will result in the case being heard and decided on its merits

TRIAL COURT

civil case: requests for an enforcement or protection of a right or the redress or prevention of a wrong

criminal case: charges of a state law violation

juvenile petition: cases processed through the special procedures that a state established to handle matters relating to individuals defined as juveniles

traffic/other ordinance violation: charges that a traffic ordinance or a city, town, or village ordinance was violated

These categories represent the lowest common denominator: what one can reasonably expect most states to provide.

The advent of automated information systems means that states increasingly collect more detailed information, distinguishing tort cases from other civil filings and personal injury cases from other tort filings. Similarly, some states distinguish between various types of felonies and misdemeanors within their criminal caseloads, including the separation of drug cases from others.

Another aspect of comparability is whether the caseload count from a particular court includes all the relevant cases for a given locality or state. In some states, one court may have complete jurisdiction over a particular type of case, while in others the jurisdiction is shared between two or more courts. For example, to get a complete count of discretionary filings at the appellate level, one may only have to check the count in the COLR (states without an intermediate appellate court (IAC) or states where the IAC has only mandatory jurisdiction) or it may be necessary to examine both the COLR and the IAC (states that allocate discretionary jurisdiction to both the COLR and IAC). Therefore, when making comparisons with state court caseload statistics, it is essential to have an awareness of the variation in court structure and jurisdiction.

Part IV of the *State Court Caseload Statistics: Annual Report* contains charts that summarize in a one-page diagram the key features of each state's court organization. The format meets two objectives: (1) it is

comprehensive, indicating all court systems in the state and their interrelationships; and (2) it describes the jurisdiction of the court systems using a comparable set of terminology and symbols. The court structure charts employ the common terminology developed by the NCSC Court Statistics Project for reporting court statistics. An example is shown below.

The charts identify all the state courts in operation during the year and describe each court system's geographic and subject matter jurisdiction. The charts also provide basic descriptive information, such as the number of authorized judicial posts and whether funding is primarily local or state. Routes of appeal are indicated by lines, with an arrow showing which court receives the appeal or petition.

Making Use of Caseload Statistics

Examples may be the most helpful way to demonstrate the range of issues and problems that caseload statistics address.

DIFFERENCES IN STATE CIVIL AND CRIMINAL CASELOADS. States report the filing of 17,321,125 civil cases and 12,533,207 criminal cases during 1989. How were these cases distributed across the states?

There are several key considerations to bear in mind when answering that question. First, and most important, states differ in how closely their data comply with the model definitions for civil and criminal caseloads. Second, comparing caseload levels across the states requires an adjustment to accommodate differences in state population. Recording filings per 100,000 population is the simplest adjustment. Third, states differ in whether their courts of limited jurisdiction and courts of

general jurisdiction have overlapping authority to decide specific types of cases.

The comparisons can be shown graphically. Graph 1 reviews civil filing rates by state and Graph 2 (p. 7) similarly reviews criminal filing rates.⁴ Both graphs distinguish between cases filed in general jurisdiction and limited jurisdiction courts.

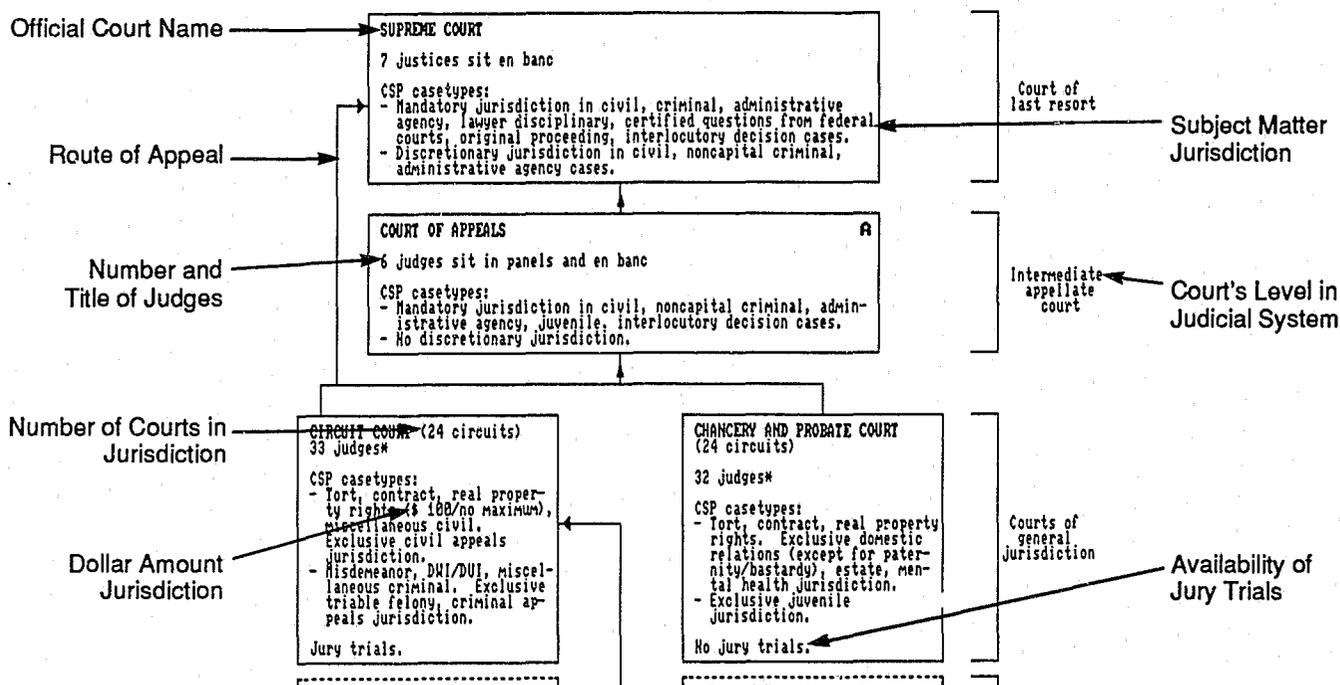
Looking first at the civil filing rates in Graph 1, the overall impression is consistency. States cluster around the median (half of the states are above the median rate and half are below it) of 6,309 filings per 100,000 population. Some caveats need mention. Only 33 states, the District of Columbia, and Puerto Rico report civil caseload data suitable for inclusion. In other states, the data are incomplete, overinclusive, or both.

A civil case is a request for the enforcement or protection of a right or the redress or prevention of a wrong. The *State Court Model Statistical Dictionary* defines civil cases as all torts, contracts, real property rights, small claims, domestic relations, mental health, and estate cases within a court's jurisdiction. It also includes all appeals of administrative agency decisions filed in a court and appeals from lower court decisions. States, to varying degrees, report data that meet that definition.

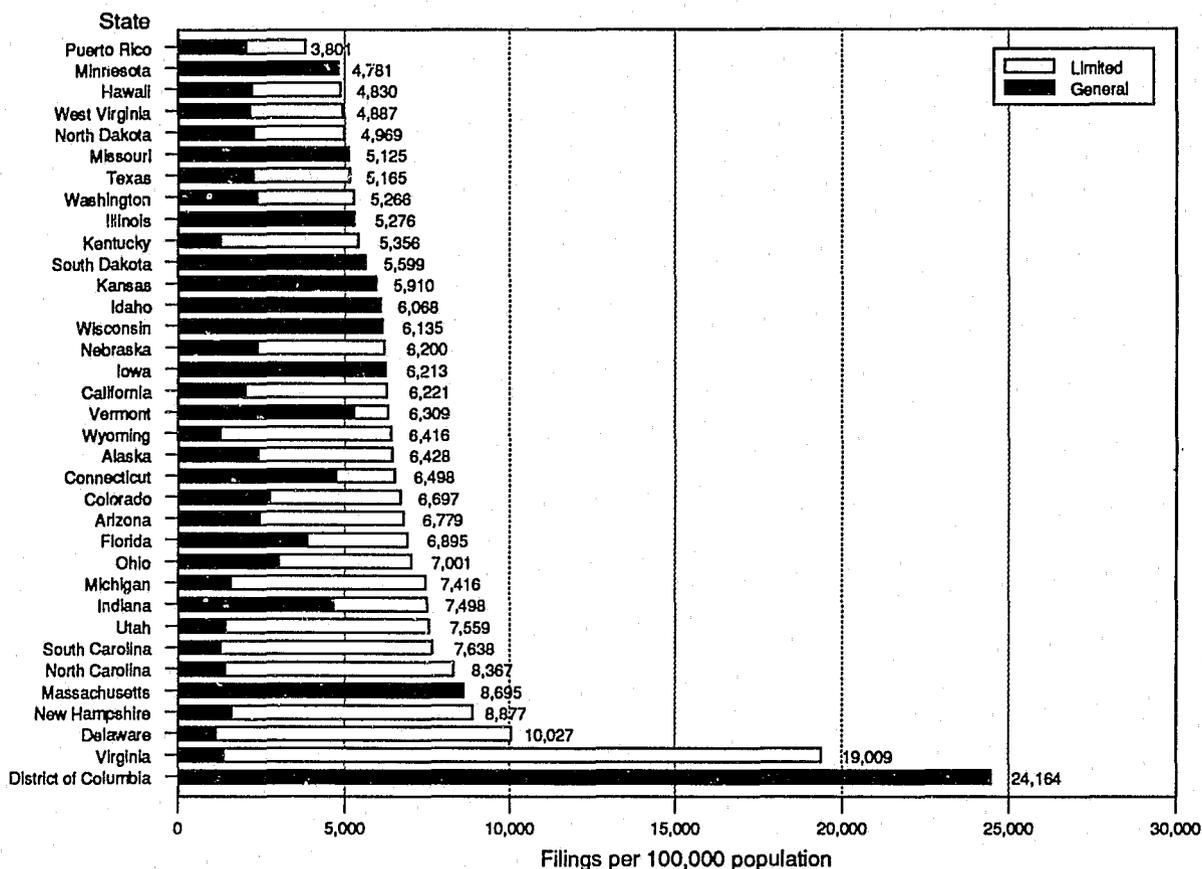
The point at which filings are counted, whether reopened cases are treated as new filings, and the manner in which support/custody proceedings are incorporated into court statistics on marriage dissolution cases

4. Graph 1 and Graph 2 are taken from *State Court Caseload Statistics: Annual Report 1989*.

SAMPLE COURT STRUCTURE CHART



GRAPH 1: Civil Case Filings per 100,000 Population in State Trial Courts, 1989



The following states are not included: AL, AR, GA, LA, ME, MD, MS, MT, NV, NJ, NM, NY, OK, OR, PA, RI, TN.

affect state filing rates. In *State Court Caseload Statistics: Annual Report 1989*, the information needed to assess the impact of these factors is shown in Table 9 (Part III), the main caseload table for reporting civil data, and in Figure H (Part V), where the method each court uses to count civil cases is described. The entries for three states are shown on page 6.

This information is important. For example, the limited jurisdiction court of Virginia (the district court) regards all reopened civil cases as new filings. Additionally, the district court counts support/custody proceedings separately from the original marriage dissolution case. Most states (and the general jurisdiction court in Virginia (the circuit court)) do not count reopened civil cases as new filings and count support/custody proceedings as part of the original marriage dissolution filing, unless issues that arise at a later point in time or postdecree actions are involved.

Thus, the allocation of subject matter jurisdiction becomes relevant here. The Circuit Court of Virginia has exclusive domestic relations jurisdiction, with the exception of support/custody cases, which can be heard in the district court. Thus, the relatively high rate of civil filings

in Virginia, and the atypical concentration of civil cases in the state's limited jurisdiction courts, are attributable, in part, to choices made in designing court recordkeeping procedures.

Courts hearing child support/custody cases in Florida, South Dakota, Vermont, and Wyoming also count cases in a fashion that increases their total civil filing rate relative to other states and thus heightens their ranking in civil filings per 100,000 population. Consequently, a uniform method of counting would affect the ranking of states found in Graph 1, but on balance it seems unlikely that the change would be substantial.

Turning to the criminal caseloads shown in Graph 2, substantial differences emerge among the states. In part, this is the inevitable result of the diverse methods the states use to decide which cases are prosecuted and in which courts and, of course, differences in the level of crime. However, much of the difference can be attributed to the type of data that are available about criminal case filings. Data are available from 34 states, the District of Columbia, and Puerto Rico.

For those jurisdictions, information on criminal caseloads is less adaptable to the model classification

Detailed Caseload Statistics Are Shown in the Tables in Part III

Codes Explain Whether Support/Custody and URESA Cases Are Counted Separately from Marriage Dissolution Cases

Codes Describe How a Court Counts a Change in the Original Decree

TABLE 9: Reported Total State Trial Court Civil Caseload, 1989

State Name	State/Court name:	Jurisdiction	Support/custody:		Total civil filings and qualifying footnotes	Total civil dispositions and qualifying footnotes	Dispositions as a percentage of filings	Filings per 100,000 total population
			(a) method of count code	(b) decree change counted as				
VERMONT	District	G	4***	NC	19,469	19,669	101	3,440
	Superior	G	5	NC	11,316	10,501	93	1,999
	Probate	L	1		4,926	4,347	88	870
	State Total				35,711	34,517	97	6,309
VIRGINIA	Circuit	G	3	R	95,129	90,376	95	1,560
	District	L	4	R	1,063,856 A	1,078,952 A	101	17,449
	State Total				1,158,985 *	1,167,328 *	101	19,009
WASHINGTON	Superior	G	6	R	140,703 B	127,864 B	91	2,956
	District	L	1		108,102	82,771	77	2,271
	Municipal	L	1		1,837	1,096	60	39
	State Total				250,642 *	211,731 *	74	5,266

Official Names of All Courts that Hear the Type of Case Described in the Table

Jurisdiction of Each Court

The Figures in Part V Show the Statute and Recordkeeping Practices that may Affect Comparability Between States

Codes Describe How Reopened Civil Cases Are Counted

Describes How Key Proceedings Are Counted

FIGURE H: Method of Counting Civil Cases in State Trial Courts, 1989

State Name, Court Name	State/Court name:	Jurisdiction	Are reopened cases counted as new filings, or identified separately as reopened cases?	Qualifications or Conditions	Are enforcement/collection proceedings counted? If yes, are they counted separately from new case filings?	Are temporary injunctions counted? If yes, are they counted separately from new case filings?
VERMONT:	Superior Court	G	NC		No	Yes/No
	District Court	G	NC		No	Yes/No
	Probate Court	L	NC		No	N/A
VIRGINIA:	Circuit Court	G	Reopened	Reinstated cases	Yes/Yes	Yes/No
	District Court	L	New filing		Yes/No	No
WASHINGTON:	Superior Court	G	Reopened		No	Yes/No
	Municipal Court	L	New filing		NA	NA
	District Court	L	New filing		Yes/No	NA

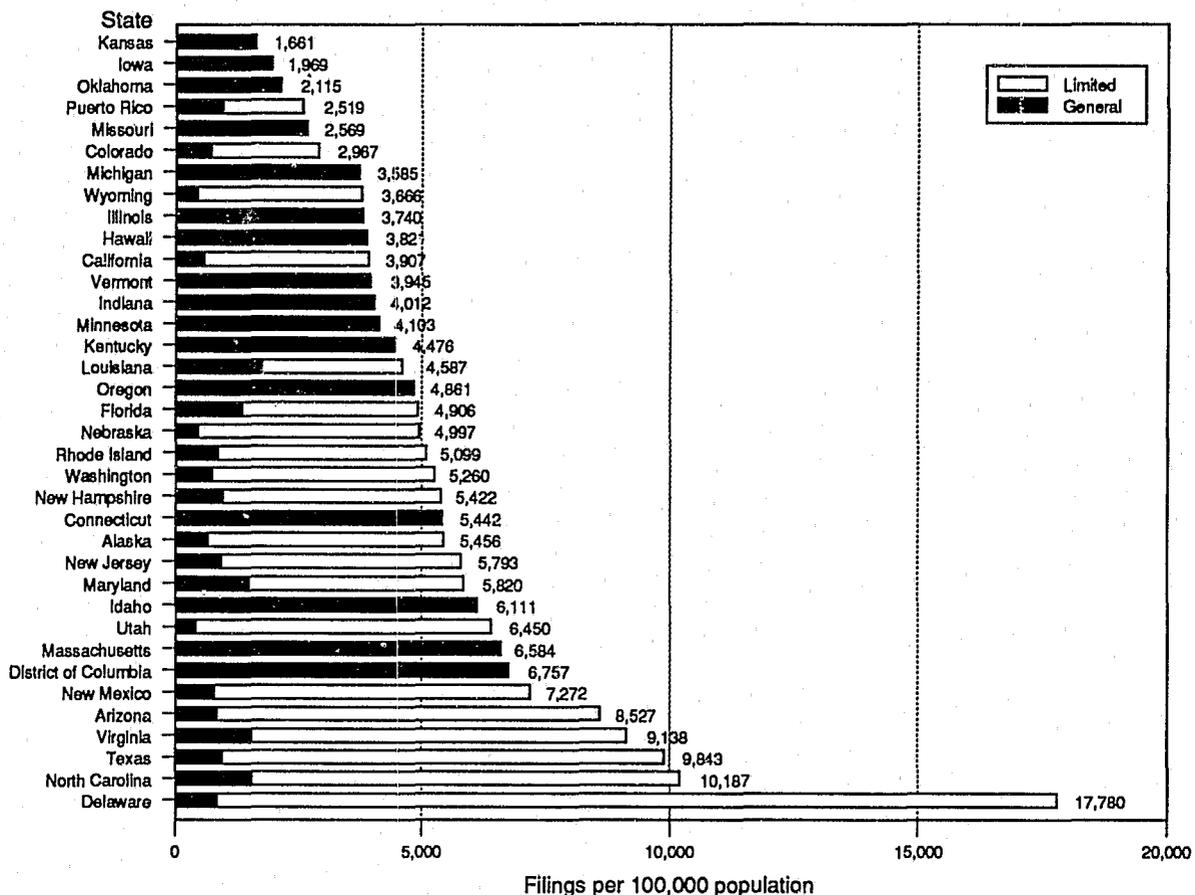
Notes If Any Conditions Exist for the Counting of Reopened Cases

category than civil caseload statistics. The *State Court Model Statistical Dictionary* defines a criminal case as one in which a defendant is charged with violating a state law. Subcategories of criminal cases include felonies, misdemeanors, driving while intoxicated (DWI/DUI), and appeals of trial court criminal cases. Felonies that can be tried to completion in the court they are filed in are distinguished from felony cases that must be bound over

to another court. Limited jurisdiction courts in most states hold preliminary hearings for felony cases and, in 26 states, can dismiss a felony case. However, such courts in only 6 of the states can sentence convicted felons.⁵ Graph 2 reveals that filing rates are inconsistent from

5. Alabama, Indiana, Maine, Maryland, Rhode Island, and South Carolina.

GRAPH 2: Criminal Filings per 100,000 Population in State Trial Courts, 1989



The following states are not included: AL, AR, GA, ME, MS, MT, NV, NY, ND, OH, PA, SC, SD, TN, WV, WI.

state to state. Rates substantially exceeding the median are found in five states. Arizona, Virginia, Texas, North Carolina, and Delaware form a cluster of states that report more than 8,000 filings per 100,000 population, as compared to the median of 4,951.

However, the relative position of states in Graph 2 is influenced by the unit of count and the point at which the count is taken when compiling court statistics, as noted in *State Court Caseload Statistics: Annual Report 1989*, Table 10 (Part III). Information is provided on a court-by-court basis for all trial courts with jurisdiction to hear criminal cases. Whether a case filing contains charges against an individual defendant or two or more defendants, and whether the count is based on a charge or charging documents that contain one charge, one incident, or multiple incidents, defines the unit of count.

The point at which a criminal case is counted as a filing varies between states, and sometimes between trial courts within a state. The impact of such variation is considerable. Some states count filings at an early stage, typically the filing of a complaint, information, or indictment. On the other hand, some states only count a

case as filed when the defendant enters a plea, thus reducing their filing counts due to cases that fall out prior to a plea being entered. The number of defendants per case and the number of charges per charging document may also affect the number of cases reported as filed during a year.

Units of count and points of filing are important factors to bear in mind when reviewing Graph 2. Kansas, the state with the lowest filing rate, counts filings at the defendant's first appearance before the court, a point later than the filing of the information or indictment point used by most states. Hawaii (in the district court) is the only other state that follows the Kansas practice, and it too has a relatively low filing rate. By contrast, states with the highest filing rates tend to count each charge against each defendant as a separate filing: Arizona, Delaware (in its courts of limited jurisdiction excluding the family court), Texas, and Virginia. Other states following that practice also tend to be in the top half of the ranking of filings per 100,000 population.

Greater comparability is more attainable for civil than for criminal caseloads. Information that states provide on

Detailed Caseload Statistics Are Shown in the Tables in Part III

Codes Specify What Is Counted as a Filing

TABLE 10: Reported Total State Trial Court Criminal Caseload, 1989

State/Court name:	Jurisdiction	Unit of count	Point of filing	Total criminal filings and qualifying footnotes	Total criminal dispositions and qualifying footnotes	Dispositions as a percentage of filings	Filings per 100,000 adult population
ALABAMA							
Circuit	G	G	A	41,462 B	37,888 B	91	1,007
District	L	B	B	130,477 B	125,675 B	96	3,168
Municipal	L	M	B	100,756 C	91,067 C	90	2,446
State Total				272,695 *	254,630 *	93	6,620
ALASKA							
Superior	G	B	A	2,757 A	2,409 A	87	523
District	L	B	B	25,994 B	23,955 B	92	4,932
State Total				28,751 *	26,364 *	92	5,456
ARIZONA							
Superior	G	D	A	26,993	24,789	92	759
Justice of the Peace	L	Z	B	67,233 A	57,078 A	85	1,890
Municipal	L	Z	B	209,086	210,611	101	5,878
State Total				303,312 *	292,478 *	96	8,527

their civil caseloads fits more easily into the recommended reporting categories. One-half of the states reported general jurisdiction civil caseload data for 1989 that could accommodate the model approach, while only 15 did so for criminal cases. The level of data completeness partially explains why criminal filings per 100,000 population vary among the states and why civil filing rates are broadly similar from state to state.

WORKLOADS OF THE FEDERAL AND STATE JUDICIARIES. A comparison of federal and state caseloads offers a timely example to make these definitions and recommendations concrete. The challenge is to establish meaningful points of comparison between the caseloads of the state and federal courts.⁶

Overall, state courts reported more than 98 million new case filings during 1989. Of these, 229,000 were direct appeals and petitions filed in state appellate courts. Trial courts of general jurisdiction accounted for 27.5 million cases, and trial courts of limited jurisdiction heard the remaining 70.5 million cases. The totals are incomplete. General jurisdiction court civil filings from 49 states, the District of Columbia, and Puerto Rico, and criminal filings from 48 states, the District of Columbia, and Puerto Rico, are included. However, filings in courts of limited jurisdiction are not as readily available, often because they are not required to report statistical totals to a central state authority.

Caseload statistics for the federal courts are based on a uniform method of collection, applied with consistency from district to district and from circuit to circuit.⁷ However, they share some limitations inherent to caseload statistics, such as the treatment of all new filings as equivalent.

Filings in the U.S. district courts include 233,529 new civil cases and 45,995 new criminal cases. U.S. magistrates handled an additional 419,000 cases, while the U.S. bankruptcy courts heard nearly 643,000 petitions.

Here, the size of the population does not offer a useful standard for comparing caseload numbers. Instead, filings-per-judge expresses the relative caseloads of the federal and state courts in a manner directly related to workload.

A crude comparison can be made based on the total caseloads of the state and federal trial courts, as shown in Table 1. Briefly stated, the state courts, in aggregate, handle nearly 75 times as many cases with not quite 21 times as many judges as the federal courts. But that is too simplistic a comparison. After all, the state court caseloads are dominated by traffic and local ordinance violation cases that have no counterpart in the federal system and require little, if any, judicial attention.

Therefore, it is helpful to restrict the comparison to civil and criminal cases in the primary trial courts of each system. For criminal matters, both state courts of general

6. See Brian J. Ostrom and Geoff Gallas, "Case Space: Do Workload Considerations Support a Shift from Federal to State Court Systems?", 14 *State Court Journal* 3, 1990, pp. 15-22.

7. These statistics are compiled in the *Annual Report of the Administrative Office of the United States Courts* and published by the U.S. Government Printing Office.

jurisdiction and the U.S. district courts primarily handle felonies (although both hear some serious misdemeanors).⁸ For civil matters, states can be selected where the general jurisdiction courts hear a range of civil cases analogous to that found in the U.S. district courts.

Table 2 refines the earlier comparison. The combined state general jurisdiction judiciary handles over 43 times as many civil and criminal cases with only 16 times as many judges as the federal judiciary. On average, the workload for a judge in a state court of general jurisdiction is 2.7 times larger than for a U.S. district court judge. These relative workloads have negative implications for recommendations to transfer federal drug and diversity-of-citizenship cases to the state courts.

CLEARANCE RATES: KEEPING UP WITH THE FLOW OF NEW CASES. Trial courts that disposed of more civil cases during 1989 (cases that may have been filed in previous years) than civil cases filed reduced the size of their pending civil caseload. Clearance rates offer a convenient summary of the caseload burden experienced by state courts in 1989. A clearance rate expresses the balance between case filings and dispositions during a year. Where the rate is above 100 percent, the court disposed of more cases than were filed. Rates below 100 percent indicate the court did not keep pace with the inflow of new cases. Text Table 1 from *State Court Caseload Statistics: Annual Report 1989* provides that information for civil caseloads in the general jurisdiction courts of 41 states, the District of Columbia, and Puerto Rico, and the courts of limited jurisdiction of 19 states.

Most states ended 1989 with a larger pending caseload than they had at the start of the reporting year. Looking first at courts of general jurisdiction, only 12 of the 43 reported clearance rates of greater than 100 percent. The courts of Oklahoma reported the highest clearance rate: 108.7 percent. With the exception of Wyoming and Arkansas (with rates of 107.2 and 108.3 percent, respectively), most of the other states with clearance rates of over 100 percent did not greatly reduce the size of their pending caseloads. The general jurisdiction court systems of an additional 17 states reported clearance rates between 95 and 99 percent. Nine states and Puerto Rico reported clearance rates falling between 90 and 94 percent, while four of the 43 court systems reported clearance rates of less than 90 percent.

Clearance rates can also be calculated for the limited jurisdiction courts of 20 states. The courts of four states reported clearance rates of 100 percent or greater, with the highest rate, 107.5 percent, recorded in Texas. In nine states and Puerto Rico, the clearance rate was between 95 and 99 percent, and in another three it was between 90 and 94. Limited jurisdiction courts of three states—California, Washington, and Vermont—reported lower clearance rates. The court systems of California and Washington also reported the lowest rates in 1988,

8. Drunk driving and traffic offenses combined represent 17.5 percent of the U.S. district court 1989 criminal caseload.

TABLE 1: 1989 Aggregate Caseloads: Federal and State Courts

	Filings	Judges	Filings per judge
All U.S. district courts			
Criminal	45,995	575 *	80.0
Civil	233,529	575 *	406.1
Bankruptcy courts	642,993	296	2,172.3
U.S. magistrates	418,711	464	902.4
TOTAL	1,341,228	1,335 *	1,004.7
Total state courts			
Criminal	12,533,207	27,988	447.8
Civil	17,321,125	27,988	618.9
Juvenile	1,463,410	27,988	52.3
Traffic	67,146,819	27,988	2,399.1
TOTAL	98,464,561	27,988	3,518.1

* U.S. district court judges hear both civil and criminal cases. The figure for the total number of federal judges counts each of the 575 U.S. district judges once.

TABLE 2: 1989 Civil and Criminal Filings in U.S. District Courts and State Trial Courts of General Jurisdiction

	Filings	Judges	Filings per judge
All U.S. district courts			
Criminal	45,995	575	80.0
Civil	233,529	575	406.1
TOTAL	279,524	575	486.1
All general jurisdiction state courts			
Criminal	3,582,913	9,250	387.3
Civil	8,543,870	9,250	923.7
TOTAL	12,126,783	9,250	1,311.0

suggesting that long-term rather than short-term factors underlie the difficulty in keeping pace with the flow of new cases in those states.

These examples use information published in *State Court Caseload Statistics: Annual Report 1989*. Table 9 in Part III details civil caseloads for all state trial courts with the jurisdiction to decide such cases. It buttresses the caseload statistics with information describing the status of the information available from each court.

The entries for the first three states are duplicated here. Together, they exemplify the status of the statistics available from the states.

Alabama has three statewide trial courts that hear civil cases. In the circuit court, the court of general jurisdiction (as indicated by the designation of "G" in the far left column), 83,958 new cases were filed and 80,705 cases were disposed during 1989. Both totals bear a "C"

TEXT TABLE 1: Trial Court Clearance Rates for Civil Cases, 1989

State	General Jurisdiction Courts			State	Limited Jurisdiction Courts		
	1989	1988	Difference		1989	1988	Difference
Maryland	81.8	86.8	-5.0	California	74.7	74.1	.6
Florida	82.5	85.6	-3.1	Washington	76.3	76.8	-.5
Utah	85.1	76.3	8.8	Vermont	88.2	93.3	-5.1
California	89.1	87.5	1.6				
Delaware	90.1	90.1	0	Kentucky	90.8	93.2	-2.4
Tennessee	90.2			Hawaii	92.3	91.3	1.0
Washington	90.9	86.6	4.3	North Dakota	92.5	91.5	1.0
Puerto Rico	91.9	101.1	-9.2				
North Carolina	92.3	93.5	-1.2	Florida	95.0	91.6	3.4
West Virginia	92.3	95.7	-3.3	Nebraska	96.2	98.9	-2.7
Missouri	93.2			Arizona	96.4	93.9	2.5
New Hampshire	93.3	88.1	5.1	Indiana	96.9	93.2	3.6
Kentucky	93.3	97.9	-4.6	North Carolina	96.9	95.8	1.2
Pennsylvania	93.7	98.5	-4.8	Colorado	98.2	102.9	-4.7
				South Carolina	98.2	102.9	-4.7
Virginia	95.0	95.9	-.9	Puerto Rico	98.2	93.0	5.2
Minnesota	95.1	100.8	-5.6	West Virginia	98.4	96.4	2.0
Maine	95.4	93.0	2.3	Delaware	99.0	102.6	-3.6
Alaska	96.1	92.4	3.6				
Alabama	96.1	100.0	-3.9	Virginia	101.2	100.9	.4
New Jersey	96.3	99.6	-3.3	Alaska	101.3	77.8	23.6
Illinois	97.0	91.7	5.3	Ohio	101.9	102.8	-.9
New York	97.5	108.1	-10.6	Texas	107.5	93.1	14.4
Indiana	97.8	98.2	-.4				
Vermont	98.0	99.9	-1.9				
North Dakota	98.3	98.8	-.4				
Rhode Island	98.8	98.3	.5				
Nebraska	98.9	100.7	-1.8				
Idaho	99.3	100.5	-1.2				
Hawaii	99.5	86.0	13.6				
Ohio	99.6	99.7	-.2				
Kansas	99.7	99.5	.3				
Wisconsin	100.2	101.2	-1.0				
South Carolina	100.8	97.2	3.6				
Colorado	101.1	102.3	-1.2				
New Mexico	101.3	104.6	-3.3				
Texas	101.7	96.8	4.9				
Oregon	101.9						
Arizona	102.4						
Michigan	102.9	104.3	-1.4				
District of Columbia	103.4	101.1	2.3				
Wyoming	107.2	120.1	-13.0				
Arkansas	108.3	100.4	7.9				
Oklahoma	108.7	94.9	13.8				

Note: A blank space indicates that a calculation is inappropriate for that year.
 Source: Table 9, Part III
 National Center for State Courts, 1991

footnote, indicating that the number reported is both incomplete (it does not include a count of URESA cases) and overinclusive (postconviction remedy proceedings are included in the count). A clearance rate can be calculated, nonetheless, because the footnote is the same for filings and dispositions. That rate is shown in the column headed "Dispositions as a percentage of filings." However, a state total is not computed because data describing probate court caseloads are not available.

A state total is computed for Alaska. Statistics are available for both the superior and district courts. The asterisk next to the total alerts the user that the state total is affected by the footnote that applies to the superior court caseload, which is overinclusive (a "B" footnote)

because it includes postconviction remedy proceedings, extraordinary writs, orders to show cause, and unfair trade practices.

The data from Arizona conform fully to the definition of civil cases proposed in the model approach, and, therefore, the caseload statistics have no footnotes. Still, the status of the information needs to be qualified. Codes to the left of the filing statistics indicate that only the superior court has jurisdiction over support/custody cases and that such cases are counted as a proceeding of the marriage dissolution rather than as a separate filing, except for URESA cases. A change in a decree is treated as a reopened case and, thus, is counted as part of the caseload. States differ in how they incorporate support/custody matters into their caseloads, thereby affecting

TABLE 9: Reported Total State Trial Court Civil Caseload, 1989

State Name	State/Court name:	Juris-diction	Support/custody: (a) method of count	(b) decrees change counted as	Total civil filings and qualifying footnotes	Total civil dispositions and qualifying footnotes	Dispo-sitions as a per-centage of filings	Clearance Rates	Filings per 100,000 total population
ALABAMA	Circuit	G	6	NF	83,958 C	80,705 C	96	2,039	2,039
	District	L	1		161,903	164,122	101	3,931	
	Probate	L	1		NA	NA			
	State Total								
ALASKA	Superior	G	6	R	14,246 B	13,685 B	96	2,703	2,703
	District	L	5		19,630	19,895	101	3,725	
	State Total				33,876 *	33,580 *	99	6,428	
ARIZONA	Superior	G	6	R	100,445	103,535	103	2,824	2,824
	Justice of the Peace	L	1		129,980	124,921	96	3,654	
	Municipal	L	1		9,869	9,849	100	277	
	Tax	G	1		836	149	18	24	
	State Total				241,130	238,454	99	6,779	

the size of the marriage dissolution component of a state's civil caseload.

Table 9, therefore, shows the five ingredients to caseload statistics for all courts with civil jurisdiction. Such a comprehensive view is necessary if caseload statistics are to be used meaningfully, the goal of this *Guidebook*.

Conclusion

Caseload statistics are less complex and more practical than often imagined. This *Guidebook* illustrates the value of using caseload statistics, particularly when courts or states are viewed comparatively. By following relatively simple steps, courts, state court administrative offices, trial court administrators, and others can more effectively use the statistics that they currently produce. The *Guidebook* also highlights the advantages of upgrading the quality and quantity of information currently being collected by court systems. A useful point of reference for doing so is the *State Court Model Statistical Dictionary*.

The flexibility and power of automated record systems means that the information compiled nationally to describe state court caseloads is becoming more comparable year by year. Caseload data available for the 1990s, however, will be significantly more similar across the states than what has been published in the past. Differences among states in the criminal and juvenile unit of count will continue to make comparisons tentative for

those cases. Still, those differences do not affect comparisons of clearance rates or of trends. Ultimately, differences *within* states in how statistics are collected will become the major barrier to overcome.

What can be done to realize the potential that caseload statistics offer for planning and policymaking? There are three priorities. First, reliable statistics on the size of the active pending caseload are needed. Unless courts routinely review their records to identify inactive cases, an accurate picture of their backlogs is not possible. Second, information on the number of cases that reach key stages in the adjudication process would be an important addition. How many "trial notes of issue" are filed in civil cases? In what percentage of civil cases is no answer ever filed by the defendant? Third, revisions to court record systems should consider the feasibility of including information on the workload burden being imposed on the court through pretrial conferences, hearings, and trial settings.

Accurate and comprehensive statistics are ultimately important because they form part of the currency with which public policy is debated and decided in a "fact-minded culture." Those organizations and interests that master the statistics that describe their work and output are at an advantage in the competition for scarce public resources. The *State Court Caseload Statistics: Annual Report* series offers the state court community a resource for both examining itself and presenting its case to the larger commonwealth.