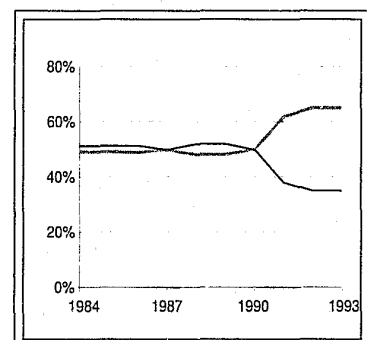
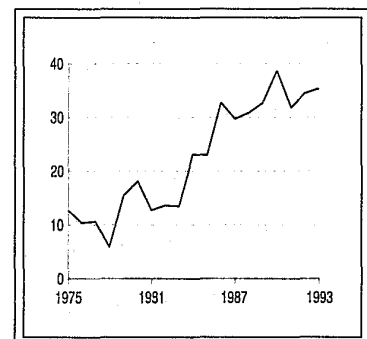
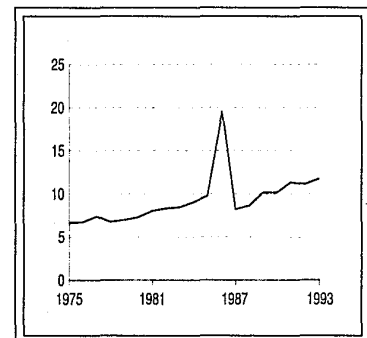
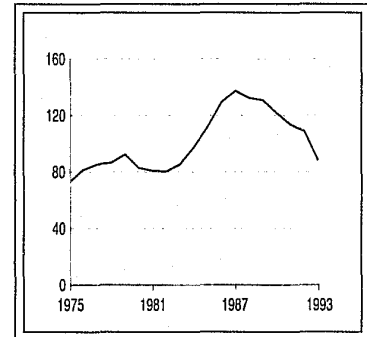


Examining the Work of State Courts, 1993

A National Perspective
from the Court Statistics Project

Focus on:
Tort Litigation, Domestic Violence,
Civil, Criminal, and Appellate Dispositions



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Examining the Work of State Courts, 1993

A National Perspective from the Court Statistics Project

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A joint project of the Conference of State Court Administrators,
the State Justice Institute, the Bureau of Justice Statistics,
and the National Center for State Courts' Court Statistics Project

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The members of the Court Statistics Project gratefully acknowledge assistance and guidance from throughout the state court community. Our main debt of gratitude is to the state court administrators, the appellate court clerks, and their staffs who have provided the bulk of the information included in *Examining the Work of State Courts, 1993* and *State Court Caseload Statistics, 1993*. They have been consistently patient and helpful in answering written and telephone inquiries for more data or for explanations of the data provided. We owe a special debt of gratitude to the staff members of the administrative offices of the courts and of the appellate courts who serve as contact persons between their offices and the Court Statistics Project.

The content and design of all products produced by the CSP benefit greatly from the guidance of the 12 members of the Conference of State Court Administrators' Court Statistics Committee. The committee members have given generously of their time, talent, and experience, and their participation has been invaluable to the project staff.

The past year was a period of transition for the Court Statistics Project. Two long-time members of the project, Steven E. Hairston and Natalie B. Davis, ended their formal association with the CSP in 1994. Their strong commitment to the work and quality of the CSP is greatly appreciated, and their unfailing good cheer will be missed.

The Court Statistics Project is funded through the generous support of the State Justice Institute and the Bureau of Justice Statistics. It should be noted that the points of view stated in *Examining the Work of State Courts, 1993* are those of the authors and do not necessarily represent the policies of the State Justice Institute.

A special debt is owed to the advice and editorial skills of our colleagues Roger A. Hanson, David B. Rottman, Susan L. Keilitz, and Victor E. Flango, who offered a range of constructive input that considerably improved the final product. Both *Examining the Work of State Courts, 1993* and *State Court Caseload Statistics, 1993* benefited greatly from the careful editing of Bill Fishback, while the page design and preparation for publication was managed skillfully by Hisako Sayers. Judy Sullivan designed the covers and assisted with the chart layout, and Pam Petrakis ensured that the volumes were published.

Responsibility for the information and the analysis reported in this document nevertheless rests fully with the Court Statistics Project staff. The more general responsibility for the development of the CSP products and promoting improvements to court statistics is shared with the National Center for State Courts management, working under the policy direction of the COSCA Court Statistics Committee.

Foreword

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

A judicious man looks at statistics not to get knowledge but to save himself from having ignorance foisted on him.

Thomas Carlyle

The Court Statistics Project (CSP) has redesigned the presentation of its research and analysis. Previous compilations of caseload statistics were contained in a single document. The new format uses two different volumes with two distinct purposes.

Examining the Work of State Courts, 1993 provides a comprehensive analysis of the business of state trial and appellate courts in a nontechnical fashion. Accurate, objective, and comparable data across states provide a relative yardstick against which states can consider their performance, identify emerging trends, and measure the possible impact of legislation. Without baseline data from each state, many of the most important questions facing the state courts will go unanswered. This volume facilitates a better understanding of the state courts by making use of illustrations and text to describe plainly and directly the work of state trial and appellate courts.

The second volume, *State Court Caseload Statistics, 1993*, is a basic reference that contains detailed information and descriptions of state court systems. Individuals requiring more complete information, such as state specific information on the organization of the courts, total filings and dispositions, the number of judges, factors affecting comparability between states, and a host of other jurisdictional and structural issues will find this volume useful.

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

Executive Summary

The state courts are the primary institutions for adjudicating disputes in the United States. Understanding the business of the nation's state courts, however, requires compiling information from 52 distinct court systems. A central role of the Court Statistics Project is translating diverse state court caseload statistics into a common framework to analyze and identify national trends in court activities. Some of the basic findings that emerge from analyzing data from 1984 to 1993 are:

- State courts received 90 million new cases in 1993. The total includes nearly 20 million civil and domestic relations cases, 13 million criminal cases, and close to 2 million juvenile cases. The remaining caseload consists of approximately 55 million traffic and ordinance violations.
- State general jurisdiction courts handle 85 times as many criminal and 27 times as many civil cases as the U.S. District Courts, with only 14 times as many judges.
- Some good news for the nation is that total civil and criminal case filings dipped between 1992 and 1993. This respite is timely given that in the past ten years civil and criminal caseloads rose 30 percent, juvenile caseloads rose 40 percent, and domestic relations caseloads rose 60 percent. The United States population increased roughly 8 percent over the same time period.
- There is no evidence of a tort litigation "explosion" in state courts. Although the trend in tort filings fluctuates from state to state, the national total of tort filings declined by 6 percent since 1991.
- The most dramatic change in the civil arena has been the collapse in contract filings. Because contract cases are primarily business matters, a likely explanation for the 37 percent decline since 1990 is the economic recession that ran from mid-1990 to mid-1992.
- The most rapid growth in domestic relations cases occurred in the area of domestic violence, with filings increasing over 70 percent since 1989. For the period 1991 to 1993, domestic violence filings increased in all but 1 of the 32 states reporting such information.
- Total felony filings, which are the largest part of criminal caseloads in courts of general jurisdiction, increased 68 percent since 1984. This means that the nation has faced consistent increases of about 8 percent per year over the last decade. Falling felony filing rates in several populous states, however, were sufficient to achieve a 2 percent drop in felonies at the national level from 1992 to 1993.

-
- Most general jurisdiction trial courts failed to keep pace with the flow of civil and criminal cases over the past three years. Courts must, by state statutes, give criminal caseloads priority. To meet this requirement, courts sometimes shift resources from the civil side to the criminal side; therefore, maintaining high criminal clearance rates is necessary to ensure timely civil case disposition as well.
 - Jury trials are used in civil and criminal cases more frequently on television than in reality. Over 90 percent of these cases are disposed by nontrial means, such as guilty pleas, dismissals, and settlements.
 - The number of appeals filed in 1993 decreased slightly from the record number of appeals that were filed in the preceding year. The decrease, however, was not uniform across the country. In fact, the appellate court caseloads in most states is continuing to increase.
 - Appellate courts continue to have difficulties in keeping up with the steady inflow of cases. Half of the courts of last resort and half of the intermediate appellate courts were unable to clear their dockets completely by resolving as many cases each year as come through the front door.

To summarize, while the trend for many types of cases turned down in 1993, these small declines follow a decade of often rapid increases. Resources for handling this long-term growth have not kept pace. This fact makes the accomplishments of the courts all the more significant. It must be stressed, however, that expanding caseloads pose a direct challenge to the ability of courts to perform at a high level of effectiveness. Most courts are currently experiencing difficulty in keeping up with the flow of incoming cases. The result is an increase in pending cases and a consequent delay in case resolution.

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Overview of State Trial Court Caseloads

Caseload Filings and Trends

To understand litigation in America, one must examine the work of the state courts. Simply stated, the 90 million cases adjudicated in the state courts represent 98 percent of the nation's total volume of cases. This means that state judiciaries are where the average person is most likely to come in contact with the courts. These experiences with judges, lawyers, and other litigants are a key factor in shaping public perception of the viability and quality of our legal system.

When one begins to examine the work of state courts, the most immediate impression is one of enormous volume.

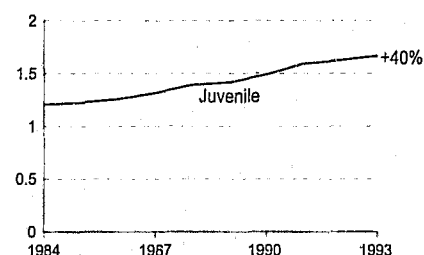
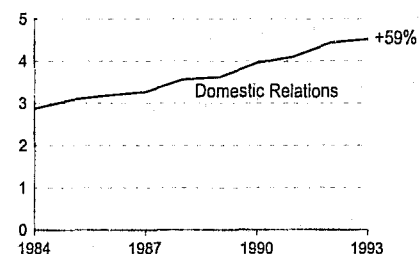
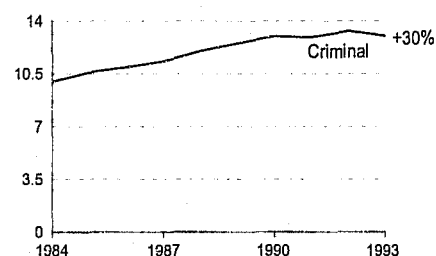
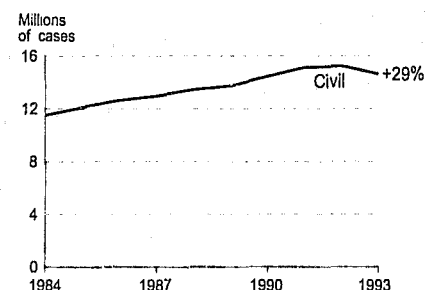
Cases Filed in State Courts, 1993

| Case Type | Number (in millions) |
|--------------|----------------------|
| Traffic | 55.6 |
| Civil | 14.6 |
| Criminal | 13.0 |
| Domestic | 4.5 |
| Juvenile | 1.7 |
| Total | 89.4 |

These numbers illustrate the magnitude of state court activity, and reinforce that it is at the state and local level that notions of law and justice are given meaning to most people. State courts are where most individuals have their first, and perhaps only, interaction with the judicial system.

To many judges, court administrators, and others who have more frequent contact with the courts, the critical dimension of caseload is not so much the volume, but how volume is changing over time. And in state courts, the direction of change is up. Civil, criminal, domestic relations, and juvenile caseloads have all shown substantial growth since 1984. Ten-year growth rates of 30 percent (civil and criminal), 40 percent (juvenile), and 60 percent (domestic relations) mean that cases are increasing at least four times faster than the national population. Given that the resources necessary to process cases in a timely fashion, such as judges, court support staff, and automation, seldom keep pace, courts must constantly search for more efficient ways to conduct business.

Types of Cases Filed in State Courts, 1984-1993

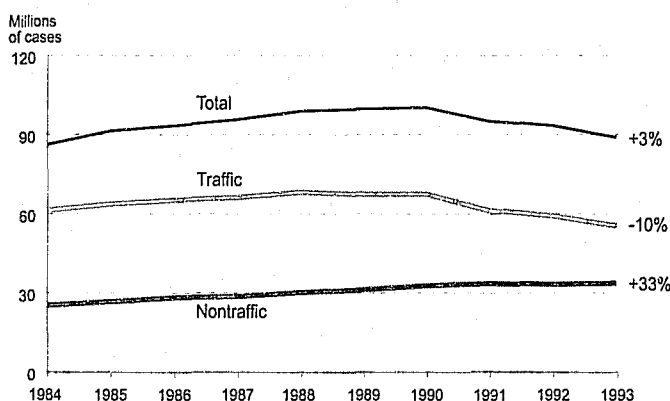


Note: Over the time period shown in the graphs (1984-93), the nation's population increased 6 percent.

Caseload Filing Trends

While civil, criminal, domestic relations, and juvenile caseloads are characterized by rapid growth, the trend for *total* state court caseloads has turned down over the last three years. Declining traffic caseloads are the reason. We see that the rising proportion of nontraffic cases became increasingly evident in the late 1980s. By 1993, civil, criminal, and juvenile cases made up nearly 40 percent of total caseloads.

Types of Cases Filed in State Courts, 1984-1993



Traffic cases impose a serious burden on many courts. In numerous large courts, court personnel schedule hundreds of cases each day, deal with large volumes of paperwork, and cope with shortages of courtroom space. Traditionally, traffic offenses were classified and processed as criminal offenses. With the increase in most types of cases over the past ten years, many courts are moving to decriminalize less-serious traffic cases and to shift a substantial part of the traffic caseload to an executive branch agency. With the latter option, fines for minor traffic offenses are paid to a traffic bureau or agency, rather than the court. In other states, the judiciary has retained jurisdiction over traffic offenses, but now classifies them as civil rather than criminal infractions. The adjacent table shows the recent steep decline in parking cases—the least serious traffic offense.

The main result of decriminalizing minor traffic cases or transferring jurisdiction outside the court is that the mix of cases handled by the courts becomes relatively more serious. The remaining traffic cases now consist largely of more-serious criminal traffic offenses, such as DWI, hit-and-run, and reckless driving. Moreover, as the total number of traffic cases falls, the work of the court becomes increasingly oriented toward the more serious and time consuming civil, criminal, and domestic relations cases.

Number of Parking Filings in 14 States, 1989-1993

| Year | Number (in millions) |
|------|----------------------|
| 1989 | 26.3 |
| 1990 | 18.6 |
| 1991 | 14.0 |
| 1992 | 13.5 |
| 1993 | 12.3 |

Caseload Composition

The major distinction at the trial court level is between courts of general and courts of limited jurisdiction. All states have at least one court of general jurisdiction, the highest trial court in the state, where felony and high-stakes civil cases are heard. These courts can typically handle any type of case, unless prohibited by some specific statutory or constitutional provision.

In 1993, 44 states and Puerto Rico also had courts of limited or special jurisdiction. These courts usually hear only a narrow range of matters, often only one particular type of case. Criminal caseloads are typically limited to misdemeanors and preliminary hearings in felony cases, while jurisdiction over civil matters is usually restricted to small claims, where damages do not exceed some fixed amount. A number of states have instituted special "family courts" to coordinate and integrate the handling of family-related cases involving juvenile and a wide range of domestic relations matters.

State Trial Court Filings by Court Jurisdiction, 1993

| Case Type | Number of Cases (in millions) | |
|-----------|-------------------------------|----------------------|
| | General Jurisdiction | Limited Jurisdiction |
| Traffic | 7.9 | 47.7 |
| Civil | 6.0 | 8.6 |
| Criminal | 4.0 | 9.0 |
| Domestic | 3.4 | 1.1 |
| Juvenile | 1.1 | .6 |
| Total | 22.4 | 67.0 |

The focus on crime and violence in the media might lead one to believe that criminal cases account for the majority of court business. In reality, general jurisdiction court workload is dominated by civil (including domestic relations) cases. The civil side of the docket is nearly two and a half times the size of the criminal caseload.

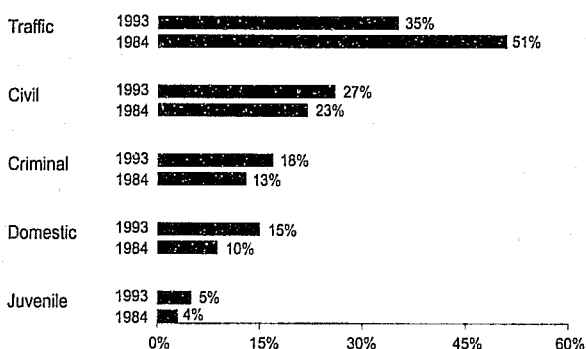
The term limited jurisdiction does not necessarily mean that the matters handled by these courts are small-scale or less important than that of general jurisdiction courts. By processing more than 18 million civil, domestic relations, and criminal cases, limited jurisdiction courts are not merely "traffic courts."

Caseload Composition

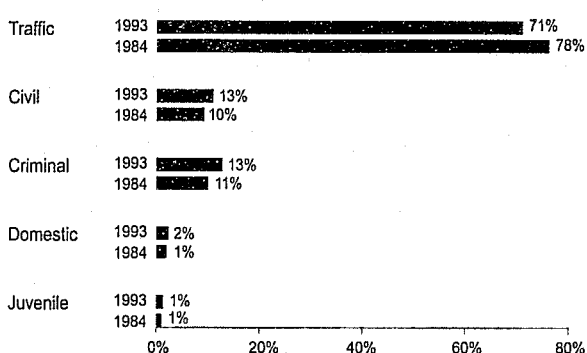
The decline in traffic caseloads has occurred as the rest of the state court caseload continues to grow. This trend is most apparent in general jurisdiction courts, with traffic cases falling from 51 percent of total filings in 1984 to 35 percent in 1993.

Types of Cases Filed in State Courts, 1984 vs. 1993

General Jurisdiction



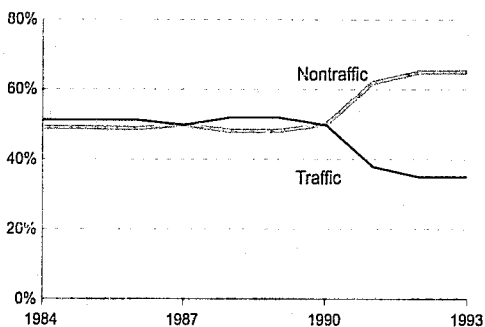
Limited Jurisdiction



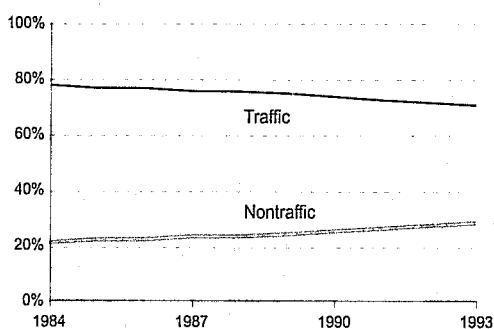
Has the decline in traffic caseloads occurred gradually or is there evidence of a more abrupt shift? The answer is, in fact, both. Two distinct patterns emerge if the change in traffic and nontraffic trends is compared between general and limited jurisdiction courts. Nontraffic filings jumped substantially in courts of general jurisdiction after 1990, rising from half of the caseload to about two-thirds today. The change toward smaller traffic caseloads has been steady, but more gradual in limited jurisdiction courts. Even with this change, however, traffic cases still account for a majority of these courts' caseloads.

State Trial Court Caseload Composition, 1984-1993

General Jurisdiction Caseloads



Limited Jurisdiction Caseloads



State Courts and Trial Judges

Nearly 16,400 state trial courts processed the 90 million cases filed in the state courts in 1993.

13,832 limited jurisdiction courts
2,550 general jurisdiction courts

In 1993, there were 27,164 trial judges in the nation's state trial courts. The number of general jurisdiction judges increased 3 percent and the number of limited jurisdiction judges increased less than 1 percent since 1990. The table below shows the number of judges per year by court jurisdiction.

Judges in State Trial Courts by Court Jurisdiction

| Year | Number of Judges | |
|------|----------------------|----------------------|
| | General Jurisdiction | Limited Jurisdiction |
| 1990 | 8,587 | 18,234 |
| 1991 | 8,658 | 18,289 |
| 1992 | 8,692 | 18,272 |
| 1993 | 8,848 | 18,316 |

The table to the right shows the number of general jurisdiction court judges and the number of judges per 100,000 population. The District of Columbia, Idaho, Illinois, Iowa, Massachusetts, Minnesota, and South Dakota, have consolidated their court structures into a single court with jurisdiction over all cases and procedures, thereby abolishing the distinction between the two trial levels. In these consolidated systems, all trial court business is heard in the general jurisdiction court. Therefore, when comparing the number of general jurisdiction judges per 100,000 population, it must be kept in mind that states with consolidated court systems will appear to have more judges per 100,000 population than states with multilevel court systems.

Number of General Jurisdiction Judges in State Courts, 1993

| State | Number of Judges | Judges per 100,000 Population |
|----------------------|------------------|-------------------------------|
| Illinois | 881 | 7.53 |
| California | 789 | 2.53 |
| New York | 597 | 3.28 |
| Florida | 421 | 3.08 |
| Texas | 386 | 2.14 |
| New Jersey | 372 | 4.72 |
| Pennsylvania | 366 | 3.04 |
| Ohio | 362 | 3.26 |
| Massachusetts | 320 | 5.32 |
| Missouri | 309 | 5.90 |
| Indiana | 246 | 4.31 |
| Minnesota | 242 | 5.36 |
| Wisconsin | 223 | 4.43 |
| Louisiana | 209 | 4.87 |
| Michigan | 208 | 2.19 |
| Iowa | 185 | 6.57 |
| Georgia | 159 | 2.30 |
| Washington | 157 | 2.99 |
| Connecticut | 150 | 4.58 |
| Kansas | 149 | 5.89 |
| Oklahoma | 148 | 4.58 |
| Virginia | 141 | 2.17 |
| Alabama | 127 | 3.03 |
| Arizona | 126 | 3.20 |
| Maryland | 123 | 2.48 |
| Colorado | 114 | 3.20 |
| Puerto Rico | 111 | 3.15 |
| Tennessee | 109 | 2.14 |
| Arkansas | 100 | 4.13 |
| Oregon | 93 | 3.07 |
| Kentucky | 93 | 2.45 |
| North Carolina | 83 | 1.20 |
| West Virginia | 62 | 3.41 |
| New Mexico | 61 | 3.77 |
| District of Columbia | 59 | 10.21 |
| Nebraska | 50 | 3.11 |
| Nevada | 46 | 3.31 |
| Montana | 45 | 5.36 |
| Mississippi | 40 | 1.51 |
| South Carolina | 40 | 1.10 |
| Hawaii | 39 | 3.33 |
| Utah | 39 | 2.10 |
| South Dakota | 36 | 5.03 |
| Idaho | 34 | 3.09 |
| Rhode Island | 32 | 3.20 |
| Alaska | 32 | 5.34 |
| Vermont | 31 | 5.38 |
| New Hampshire | 29 | 2.58 |
| North Dakota | 24 | 3.78 |
| Wyoming | 17 | 3.62 |
| Delaware | 17 | 2.43 |
| Maine | 16 | 1.29 |
| Total | 8,848 | 3.38 |

Note: States in bold type hear all cases in general jurisdiction courts.

State Court Filings per Judge

Although there are more than 27,000 judges currently working in state courts, the total has not kept pace proportionately with the increase in the number of cases that judges typically hear. The change in the average number of filings per judge in courts of general jurisdiction is shown below. The range in general jurisdiction filings per judge across states is displayed in the adjacent table.

General Jurisdiction Courts, 1990-1993

| Year | Filings per Judge | | |
|------|-------------------|----------|--------------------|
| | Total | Criminal | Civil and Domestic |
| 1990 | 1,390 | 406 | 984 |
| 1991 | 1,391 | 405 | 986 |
| 1992 | 1,412 | 417 | 995 |
| 1993 | 1,529 | 450 | 1,079 |

Total civil and criminal filings per judge in general jurisdiction courts have risen 10 percent since 1990. General jurisdiction judges handle, on average, more than three times as many cases per judge as U.S. district court judges. State courts are and will continue to be the primary arena for the resolution of legal disputes in the United States.

The sheer volume of the cases handled by the state courts means that the state courts are a more meaningful indicator of the health of the nation's judicial future than the federal courts. Facing rising caseloads and static funding levels, courts have been creative in stretching their resources by developing new case processing techniques such as differentiated case management. But efficiency measures can be pushed only so far. Even the most productive judge can decide only so many cases each day. Bottlenecks at the bench will become more pervasive unless resources expand to meet the growing need for staff, services, and facilities at all court levels.

Number of Case Filings per General Jurisdiction Judge, 1993

| State | Filings per Judge | | |
|----------------------|-------------------|--------------------|------------|
| | Total | Civil and Domestic | Criminal |
| Idaho | 4,407 | 2,118 | 2,289 |
| South Carolina | 4,073 | 1,211 | 2,863 |
| North Carolina | 2,943 | 1,451 | 1,492 |
| District of Columbia | 2,907 | 2,199 | 708 |
| Massachusetts | 2,862 | 1,740 | 1,122 |
| New Jersey | 2,836 | 2,700 | 136 |
| Mississippi | 2,554 | 2,115 | 439 |
| Connecticut | 2,103 | 1,179 | 924 |
| South Dakota | 2,067 | 1,278 | 789 |
| Wisconsin | 1,937 | 1,521 | 415 |
| Oklahoma | 1,886 | 1,339 | 547 |
| Maryland | 1,852 | 1,287 | 565 |
| Florida | 1,825 | 1,424 | 401 |
| Minnesota | 1,776 | 933 | 843 |
| Tennessee | 1,767 | 1,163 | 604 |
| Indiana | 1,677 | 1,191 | 486 |
| Texas | 1,616 | 1,166 | 450 |
| Vermont | 1,614 | 1,101 | 513 |
| Virginia | 1,611 | 816 | 796 |
| New Hampshire | 1,512 | 1,055 | 456 |
| Oregon | 1,451 | 1,148 | 303 |
| Louisiana | 1,426 | 897 | 528 |
| Kansas | 1,407 | 1,133 | 275 |
| Arkansas | 1,402 | 993 | 409 |
| Illinois | 1,377 | 704 | 672 |
| Iowa | 1,303 | 894 | 410 |
| Ohio | 1,282 | 1,106 | 176 |
| Missouri | 1,280 | 831 | 450 |
| Pennsylvania | 1,242 | 860 | 382 |
| Michigan | 1,231 | 909 | 322 |
| Alabama | 1,230 | 793 | 436 |
| Washington | 1,159 | 969 | 190 |
| New Mexico | 1,158 | 939 | 219 |
| California | 1,108 | 905 | 203 |
| Hawaii | 1,103 | 827 | 276 |
| Nebraska | 1,047 | 914 | 132 |
| Delaware | 1,013 | 584 | 429 |
| West Virginia | 1,009 | 865 | 144 |
| Arizona | 1,008 | 780 | 228 |
| Maine | 992 | 363 | 629 |
| Utah | 951 | 759 | 192 |
| Colorado | 936 | 730 | 206 |
| North Dakota | 904 | 808 | 96 |
| Kentucky | 891 | 677 | 214 |
| Rhode Island | 888 | 691 | 197 |
| Wyoming | 817 | 709 | 108 |
| New York | 714 | 592 | 122 |
| Alaska | 587 | 504 | 83 |
| Montana | 573 | 485 | 88 |
| Total | 1,529 | 1,079 | 450 |

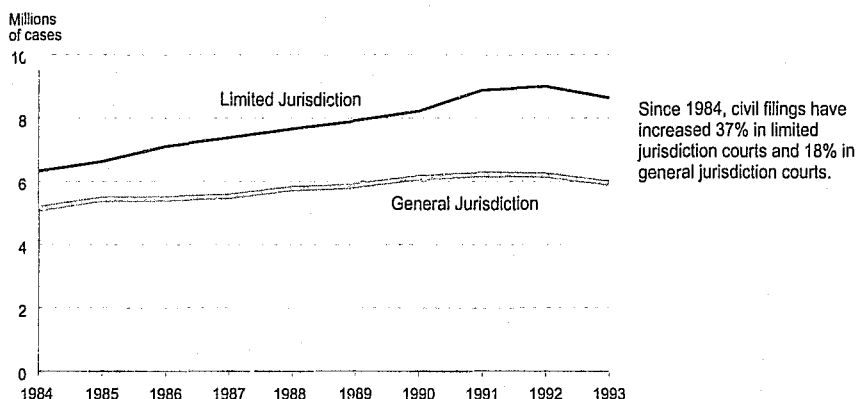
Note: States indicated in bold type have consolidated court systems.

Civil Cases

Civil Filing Trends and Caseload Composition

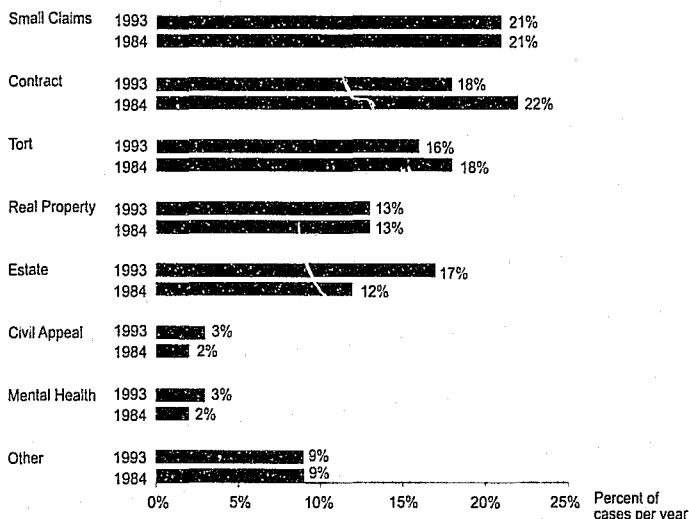
States reported the filing of 14.6 million civil cases (excluding domestic relations) in 1993, with 8.6 million of those cases filed in limited jurisdiction courts. The long-term growth in civil caseloads has been slowing recently, and for the first time in ten years, total civil filings turned downward (2 percent from 1992 to 1993).

Civil Cases Filed in State Courts, 1984-1993



The composition of civil filings in state courts of general jurisdiction is changing. Between 1984 and 1993, the proportion of contract and tort cases declined while the proportion of estate, civil appeal, and mental health cases increased. Two-thirds of civil cases in limited jurisdiction courts are either small claims or real property rights filings.

Civil Caseload Composition in General Jurisdiction Courts in 23 States, 1984 vs. 1993



Civil Caseload Composition in Limited Jurisdiction Courts in 13 States, 1993

| Case Type | Percent of Caseload |
|----------------------|---------------------|
| Small Claims | 32 % |
| Real Property | 31 |
| Contract | 7 |
| Tort | 4 |
| Domestic Relations | 2 |
| Estate/Mental Health | 2 |
| Other | 20 |

Civil Caseloads and Filing Rates

We introduce two different measures to compare civil caseloads between states in the table on the right. The first measure, total filings, reveals the size of civil caseloads across states. One immediately notes that the range is wide. New York reports five times as many civil filings as South Carolina and 60 times as many as Wyoming. Another pattern is that civil filings are highly concentrated. The eight states with the largest civil caseloads account for more than 50 percent of the nation's 14.8 million civil cases. Further, these states tend to be among the states with the largest populations, underscoring the direct correspondence between population levels and total civil filings.

Even a cursory review shows that the more heavily populated a state is, the more civil filings it tends to have. This raises the question of whether the states with the highest number of civil filings (e.g., California) really differ from the states with the lowest number of civil filings (e.g., Montana) in terms of litigiousness.

The second measure, filings per 100,000 population, shows whether people tend to file civil cases at similar rates around the country. Controlling for population reduces the variation between states considerably. Taking the example above, New York and South Carolina have similar population-adjusted filing rates, while Wyoming has a rate roughly two-thirds that of New York.

Although civil filing rates are broadly consistent across states, there are sufficient differences to suggest that various other factors also influence civil filing rates. Differences in civil caseloads across states may reflect a wide range of cultural, social, and economic factors. The method by which states classify and count civil cases will also affect filing rates.

Total Civil Filings (excluding domestic relations cases) in 50 States, 1993

| State | Total Cases | Filings per 100,000 Population | |
|----------------------|-------------|--------------------------------|----|
| | | Population Rank | |
| California | 1,615,417 | 5,176 | 1 |
| New York | 1,239,765 | 6,813 | 2 |
| Virginia | 1,094,280 | 16,858 | 12 |
| Maryland | 867,564 | 17,474 | 19 |
| New Jersey | 779,625 | 9,895 | 9 |
| Florida | 588,612 | 4,303 | 4 |
| Michigan | 566,546 | 5,977 | 8 |
| Texas | 559,130 | 3,101 | 3 |
| Ohio | 555,773 | 5,011 | 7 |
| Illinois | 499,487 | 4,270 | 6 |
| North Carolina | 467,134 | 6,726 | 10 |
| Massachusetts | 374,366 | 6,227 | 13 |
| Indiana | 353,969 | 6,196 | 14 |
| Wisconsin | 290,658 | 5,769 | 18 |
| South Carolina | 241,632 | 6,633 | 25 |
| Louisiana | 223,581 | 5,206 | 21 |
| Colorado | 212,572 | 5,961 | 27 |
| Connecticut | 203,109 | 6,198 | 28 |
| Washington | 198,605 | 3,779 | 15 |
| Alabama | 193,541 | 4,622 | 22 |
| Kentucky | 178,874 | 4,721 | 24 |
| Arizona | 177,951 | 4,521 | 23 |
| Pennsylvania | 171,516 | 1,424 | 5 |
| Missouri | 169,653 | 3,241 | 16 |
| Minnesota | 161,523 | 3,576 | 20 |
| Oklahoma | 149,555 | 4,629 | 29 |
| Oregon | 138,086 | 4,554 | 30 |
| Kansas | 133,885 | 5,290 | 33 |
| Iowa | 131,872 | 4,686 | 31 |
| Utah | 128,619 | 6,915 | 35 |
| District of Columbia | 117,456 | 20,321 | 50 |
| Mississippi | 114,579 | 4,335 | 32 |
| Arkansas | 97,222 | 4,011 | 34 |
| Nebraska | 92,730 | 5,770 | 38 |
| West Virginia | 69,753 | 3,833 | 36 |
| New Hampshire | 61,145 | 5,435 | 42 |
| Tennessee | 59,498 | 1,167 | 17 |
| Rhode Island | 53,462 | 5,346 | 44 |
| New Mexico | 52,349 | 3,239 | 37 |
| Idaho | 51,927 | 4,725 | 43 |
| Delaware | 44,959 | 6,423 | 47 |
| South Dakota | 40,874 | 5,717 | 46 |
| Hawaii | 36,767 | 3,137 | 41 |
| Maine | 34,949 | 2,821 | 40 |
| Vermont | 24,510 | 4,255 | 51 |
| Alaska | 24,237 | 4,046 | 49 |
| North Dakota | 21,458 | 3,379 | 48 |
| Wyoming | 21,296 | 4,531 | 52 |
| Nevada | 20,120 | 1,449 | 39 |
| Montana | 15,305 | 1,824 | 45 |

The median number of civil filings among the states is 155,539 cases. The median filing rate per 100,000 population is 4,704. The median is the value at which half of the states are above and half are below.

Civil Case Clearance and Growth Rates

Whether the trend in civil filings is up or down, a primary concern to judicial administrators is the timely disposition of cases. Courts often measure their performance by examining fluctuations in the size of their pending civil caseload. A reduction in pending caseload occurs when a court disposes more cases than are filed during a given year.

The table on the right includes the clearance rates for selected general jurisdiction courts for 1993 and a three-year average for 1991 to 1993. The clearance rate is the number of dispositions divided by the number of filings. If a state court receives 100,000 case filings and disposes of 95,000 cases that year, the clearance rate is 95,000/100,000, or 95 percent. While the cases disposed in 1993 were not necessarily filed that same year, the clearance rate is a useful measure of the responsiveness of courts to the demand for court services. The table also indicates the growth rate in civil cases from 1991 to 1993, which is displayed as a percentage increase or decrease. For example, the value of -6 for Pennsylvania indicates that the civil filings fell by 6 percent between 1991 and 1993.

More than half of the states have three-year clearance rates at 99 percent or above. Only five states have three-year clearance rates below 90 percent. Of the states with the top twelve clearance rates, nine benefited from a decline in civil filings between 1991 and 1993. However, negative growth rates for civil filings are not uncommon. Of the 43 states shown, 30 experienced drops in their civil caseloads between 1991 and 1993.

Stable or declining civil caseloads helped some states improve their clearance rates. In 17 of 30 states with a negative growth rate for civil filings, the 1993 clearance rate exceeds the three-year rate. Because the three-year rate reflects the average success that a particular court has had in disposing cases over the past three years, 17 states disposed a higher percentage of cases than is typical over this three-year period.

General Jurisdiction Court Civil Caseload Clearance and Growth Rates in 43 States

| State | Rates | | |
|----------------------|-----------|-------|---------|
| | Clearance | | Growth |
| | 1991-93 | 1993 | 1991-93 |
| New Hampshire | 118 % | 129 % | -15 % |
| Alaska | 112 | 102 | 2 |
| Pennsylvania | 109 | 112 | -6 |
| Hawaii | 106 | 97 | 6 |
| Missouri | 105 | 113 | -11 |
| Texas | 105 | 102 | -9 |
| Vermont | 104 | 112 | -14 |
| Alabama | 103 | 103 | -6 |
| Utah | 102 | 93 | -28 |
| Connecticut | 102 | 110 | -10 |
| Illinois | 102 | 106 | -14 |
| Oregon | 102 | 98 | 7 |
| Oklahoma | 101 | 101 | -3 |
| Maine | 101 | 110 | -13 |
| New Mexico | 100 | 99 | -10 |
| Michigan | 100 | 101 | -2 |
| Ohio | 100 | 102 | -7 |
| Arizona | 100 | 105 | -23 |
| West Virginia | 99 | 96 | 16 |
| Idaho | 99 | 99 | 5 |
| Kansas | 99 | 100 | -1 |
| Minnesota | 99 | 98 | -7 |
| South Carolina | 99 | 98 | -17 |
| Iowa | 98 | 97 | 3 |
| Nebraska | 98 | 99 | -22 |
| District of Columbia | 97 | 100 | -9 |
| Colorado | 97 | 93 | -24 |
| Indiana | 96 | 95 | 6 |
| New York | 95 | 102 | 74 |
| Arkansas | 95 | 95 | -2 |
| New Jersey | 93 | 103 | 11 |
| North Carolina | 93 | 94 | 3 |
| Montana | 92 | 89 | -8 |
| Tennessee | 91 | 94 | -6 |
| Washington | 91 | 95 | -17 |
| Kentucky | 91 | 102 | -12 |
| Delaware | 90 | 97 | 2 |
| Wisconsin | 90 | 68 | -2 |
| South Dakota | 89 | 93 | 6 |
| Florida | 88 | 84 | -13 |
| Massachusetts | 87 | 86 | -12 |
| Virginia | 85 | 89 | -6 |
| Maryland | 81 | 87 | 19 |

Note: To make allowances for year-to-year fluctuations in clearance rates, a three-year clearance rate is computed by summing all filings and dispositions during 1991-1993 and then dividing the three-year sum of dispositions by the corresponding sum of filings.

Civil Trial Rates

Civil cases handled by general jurisdiction courts, including tort and contract cases, but also divorce and real estate, involve sums of money above a certain minimum. In the popular image of these courts, this is where the litigation process is played out before the judge or jury. Yet, as can be seen below, trials (particularly jury trials) are infrequent. The table below ranks states according to their overall trial rate and compares jury and bench trial rates.

Overall, 7.6 percent of the civil filings across the states are disposed by trial. Of those, 6.4 percent are disposed by bench trial and 1.2 percent by jury. Unlike bench trial rates, which range from .2 percent to 19.2 percent, there is little variation in jury trial rates, with all states reporting jury rates under 6 percent. One reason for the greater number of bench trials is that jury trials may not be suitable or permitted for the most common civil cases, such as small claims and domestic relations cases. Another reason is that definitions of what constitutes a bench trial vary between states.

Trial Rates for Civil Cases in General Jurisdiction Courts in 27 States, 1993

| State | Total General Civil Dispositions | Trial Rates | | |
|----------------------|-------------------------------------|-------------|------------|------------|
| | | Total Trial | Bench | Jury |
| Indiana | 50,606 | 20.3% | 19.2% | 1.1% |
| Oklahoma | 58,480 | 19.6 | 18.5 | 1.2 |
| Virginia | 64,710 | 18.5 | 16.3 | 2.1 |
| North Carolina | 19,794 | 17.2 | 13.4 | 3.9 |
| Texas | 55,835 | 14.6 | 11.4 | 3.2 |
| Ohio | 47,875 | 14.2 | 11.8 | 2.4 |
| Massachusetts | 38,113 | 13.7 | 12.0 | 1.7 |
| Pennsylvania | 43,468 | 12.6 | 8.1 | 4.5 |
| Nebraska | 10,499 | 12.5 | 10.7 | 1.8 |
| Vermont | 10,258 | 12.3 | 11.3 | 0.9 |
| South Carolina | 46,126 | 11.9 | 9.6 | 2.2 |
| Missouri | 159,297 | 9.5 | 9.0 | 0.6 |
| Arkansas | 16,677 | 7.8 | 5.7 | 2.1 |
| Wisconsin | 21,102 | 6.9 | 4.8 | 2.2 |
| South Dakota | 12,094 | 6.6 | 0.9 | 5.8 |
| California | 241,321 | 6.4 | 4.9 | 1.6 |
| Rhode Island | 3,242 | 6.2 | 2.7 | 3.6 |
| New Mexico | 19,550 | 5.5 | 4.8 | 0.8 |
| Minnesota | 34,831 | 5.5 | 3.0 | 2.5 |
| West Virginia | 19,154 | 5.4 | 1.5 | 3.9 |
| New Jersey | 587,552 | 4.9 | 4.5 | 0.4 |
| Alaska | 3,602 | 3.9 | 2.9 | 1.0 |
| Kansas | 103,757 | 3.8 | 3.5 | 0.3 |
| Michigan | 61,825 | 2.8 | 1.0 | 1.8 |
| Florida | 116,427 | 2.7 | 1.4 | 1.4 |
| Hawaii | 4,980 | 2.1 | 0.9 | 1.2 |
| District of Columbia | 85,632 | 0.5 | 0.2 | 0.3 |
| Total | 1,936,807 | 7.6 | 6.4 | 1.2 |

Nontrial Outcomes in Civil Cases

Rising civil caseloads prompt a shift in resources and decision mechanisms away from formal trial proceedings and toward pretrial settlements. Encouraging settlement, where appropriate, is a principal tool of civil case management in many states and in individual trial courts. The table below shows that 94 percent of cases are not disposed by trial.

Settlement and dismissal are the primary methods of civil case disposition. Despite the large number of cases that are resolved through an out-of-court agreement between the parties, settlement is an area that we know far too little about. Simply to state that "most cases settle" is not very revealing because some settlements involve considerable expense and involvement by the bench, while others are obtained with minimal cost and judicial involvement. Secondly, some of these cases are disposed by granting a litigant's request for summary judgment or through dismissal—both of which may involve substantial cost and effort by the litigants.

About one-third of civil cases end in a default judgment, and there is some question where these cases fit in the debate over the "litigiousness" of the American people. While these cases are filed with the court, they are quickly terminated or never fully pursued by the parties. Due to variation in reporting practices, many states include some defaults (as well as settlements, transferred cases, and alternative dispute resolution hearings) in the "other" category.

Nontrial Dispositions for General Civil Cases in General Jurisdiction Courts
in 15 States, 1993

| State | Total General Civil Dispositions | Total Nontrial | Nontrial Dispositions | | |
|----------------------|-------------------------------------|-------------------|-----------------------|---------|-------|
| | | | Dismissed/ Settled | Default | Other |
| District of Columbia | 85,632 | 99.5% | 50.2% | 23.9% | 25.3% |
| Hawaii | 4,980 | 97.9 | 80.9 | 6.8 | 10.2 |
| Washington | 61,186 | 97.4 | 74.8 | 21.6 | 1.1 |
| Florida | 116,427 | 97.3 | 23.4 | 10.1 | 63.7 |
| Michigan | 61,825 | 97.2 | 62.2 | 27.6 | 7.3 |
| Kansas | 103,757 | 96.2 | 31.8 | 46.4 | 18.0 |
| Alaska | 3,602 | 96.1 | 44.8 | 4.6 | 46.8 |
| New Jersey | 595,280 | 95.0 | 49.8 | 41.7 | 3.4 |
| Arkansas | 16,677 | 92.2 | 49.4 | 25.4 | 17.5 |
| South Carolina | 46,126 | 88.1 | 51.5 | 26.2 | 10.4 |
| Vermont | 10,258 | 87.7 | 48.1 | 37.9 | 1.7 |
| Nebraska | 10,499 | 87.5 | 31.0 | 50.0 | 6.5 |
| Ohio | 47,875 | 85.8 | 57.9 | 17.0 | 10.9 |
| Texas | 55,835 | 85.4 | 55.1 | 10.9 | 19.4 |
| Virginia | 64,710 | 81.5 | 56.4 | 4.1 | 21.0 |
| Total | 1,284,669 | 94.0 | 48.6 | 31.3 | 14.1 |

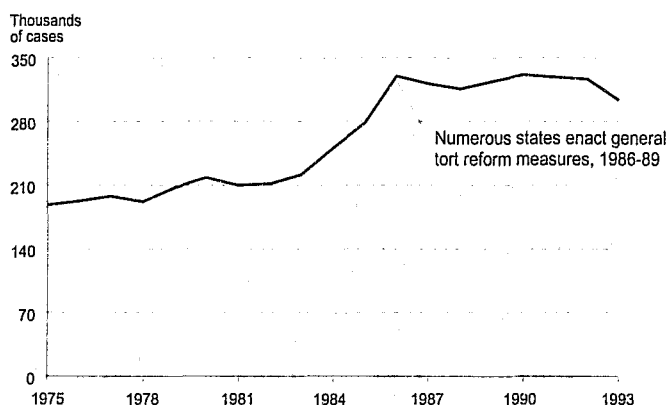
Tort and Contract Cases

State Trends in Tort Filings

Torts are part of the debate over civil justice system reform. Tort cases include claims against doctors for malpractice, against manufacturers for dangerous products, and against motorists involved in accidents. An estimated 1 million tort cases were filed in state courts in 1993.

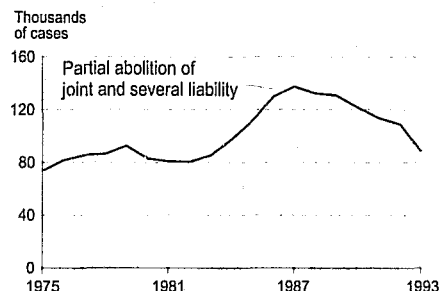
The graph below shows that tort filings in general jurisdiction courts remained essentially constant during the late 1970s and early 1980s, followed by sustained growth between 1983 and 1986. Growth has slowed since then and may be associated with tort reform legislation that many states enacted in the latter half of the 1980s.

Tort Filings in General Jurisdiction Courts in 16 States, 1975-1993

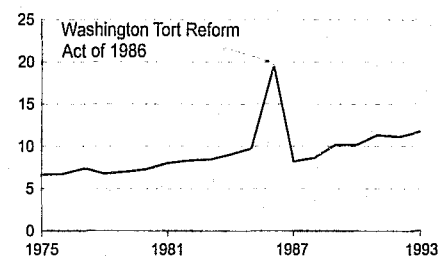


The national trend strongly reflects the trend in California, which accounts for roughly 30 percent of the tort filings in the 16 states examined. Colorado and Washington tort filing trends reflect the initiation of far-reaching tort reform that appears to have caused substantial increases in tort filings in the year before enactment of reform statutes. This is especially notable in Washington, where litigants compressed a year of filings into the month preceding the Tort Reform Act of 1986. In 1986, Michigan partially abolished joint and several liability and established a case evaluation panel that screens civil cases to identify and eliminate frivolous suits. This may explain the large number of tort filings in 1986 (the last year before the reforms came into effect), and the subsequent drop in filings in 1987. However, the trend has again moved upward through 1993.

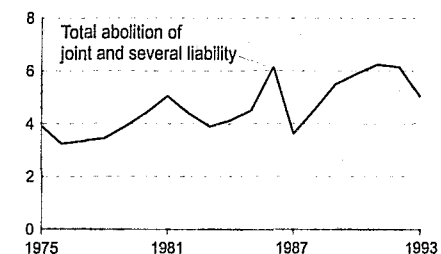
California



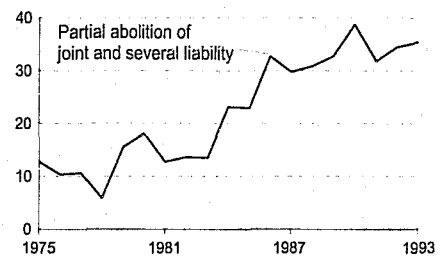
Washington



Colorado



Michigan



Tort Reform in the States

Tort reform remains an area of vigorous public policy debate at the national level. As originally envisioned, tort law provides fair compensation to people and businesses for injury and damages caused by others. Which modifications to tort law will offer adequate recourse to compensation—at reasonable cost—for injury resulting from negligent behavior? Because more than 95 out of every 100 tort claims are filed in the nation's state courts, broad brush reforms may be inherently unsound.

The tort landscape is complicated. Our federal system of government leads to 50 state tort systems, each with its own array of laws on negligence and liability. Further, the states have been active in the area of reform, with all 50 states adopting some type of tort reform during the past 10 years. Examining the states' experiences before and after tort reforms should provide policy makers with critical insight for developing precise and well-targeted reform measures.

Which states enacted tort reform within four selected areas? Thirty-one states made significant changes to joint and several liability in either 1986 or 1987.

Recent Tort Reforms in the States

| State | Joint/Several Liability | Products Liability | Punitive Damages | Compensatory Damages |
|----------------|-------------------------|--------------------|------------------|----------------------|
| Alabama | 1987 | 1987 | | |
| Alaska | 1988 | 1986 | 1986 | |
| Arizona | 1987 | 1989 | 1993 | |
| Arkansas | | | | |
| California | 1986 | 1987 | 1987 | |
| Colorado | 1986 | 1986 | 1986 | 1986 |
| Connecticut | 1986 | 1986 | | |
| Delaware | 1987 | | | |
| D.C. | | | | |
| Florida | 1986 | 1986 | 1986 | 1986 |
| Georgia | 1987 | 1987 | 1987 | |
| Hawaii | 1986 | 1986 | | |
| Idaho | 1987 | 1987 | 1990 | |
| Illinois | 1986 | 1986 | 1986 | |
| Indiana | 1986 | | | |
| Iowa | 1985 | 1986 | 1986 | 1987 |
| Kansas | 1986 | 1988 | | |
| Kentucky | 1988 | 1988 | 1988 | |
| Louisiana | 1987 | 1988 | | |
| Maine | | | | |
| Maryland | | | | |
| Massachusetts | | | | |
| Michigan | 1986 | 1986 | | |
| Minnesota | 1988 | 1990 | 1986 | |
| Mississippi | 1989 | 1987/1993 | 1993 | |
| Missouri | 1987 | 1987 | 1987 | 1987 |
| Montana | 1987 | 1987 | 1987 | 1987 |
| Nebraska | 1991 | | | |
| Nevada | 1987 | 1989 | | |
| New Hampshire | 1989 | 1988/1993 | 1986 | |
| New Jersey | 1987 | 1987 | 1987 | 1987 |
| New Mexico | 1987 | 1987 | | |
| New York | 1986 | 1992 | 1986 | |
| North Carolina | | | | |
| North Dakota | 1987 | 1987/1993 | 1987/1993 | 1987 |
| Ohio | 1987 | 1987 | 1987 | 1987 |
| Oklahoma | 1986 | | | |
| Oregon | 1987 | 1987 | 1987 | 1987 |
| Pennsylvania | | | | |
| Rhode Island | | | | |
| South Carolina | 1988 | | | |
| South Dakota | 1987 | 1986 | | |
| Tennessee | 1992 | | | |
| Texas | 1987 | 1987/1993 | 1987 | |
| Utah | 1986 | 1989 | 1989 | |
| Vermont | 1985 | | | |
| Virginia | 1987 | | | |
| Washington | 1986 | 1986 | | |
| West Virginia | | | | |
| Wisconsin | | | | |
| Wyoming | 1986 | | | |

Abolition or modification to the rule of joint and several liability. Under joint and several liability, two or more defendants are held liable for a plaintiff's injuries, and each defendant may be held financially responsible for the entire judgment. Modifications typically involve abolishing joint liability for low fault defendants (e.g., 50 percent liability or less).

Reform of products liability law. Refers to the legal liability of producers and businesses for damages or injuries caused by the use of a defective product. Reforms include introducing a statute of limitations on products liability suits, and establishing a defense for manufacturers who did not know of the product defect.

Reform of punitive damages. Punitive damages are designed to punish intentional or grossly negligent wrongdoing by a defendant. Reforms include the complete elimination of punitive damages, requiring "clear and convincing" evidence, and limiting the punitive damage award to no more than three times the compensatory portion.

Reduction of compensatory awards by collateral sources. If an injured plaintiff receives money from a source other than the defendant (e.g., insurance), this rule forbids the payment being deducted from the damages owed by the defendant. Reforms include allowing some offset of collateral source benefits.

Source: American Tort Reform Association, 1994

State Trends in Tort Filings

Tort filings decreased 6 percent, on average, since 1991 for the states shown below. However, considerable differences in growth rates are apparent, from a 24 percent increase (Hawaii) to a 23 percent decrease (California). Although this table represents a wide variety of states in terms of population and geographic location, the states with the five largest tort caseloads in 1993 account for 60 percent of the total tort filings (California, Florida, New Jersey, New York, Texas). Rates of growth in these states contribute heavily to the national trend.

The table to the right displays tort filing rates per 100,000 population in general jurisdiction courts for 29 states. This analysis provides a way to examine whether the rate of tort litigation is similar or different between states—regardless of their population size. While more populous states tend to have higher than average tort filing rates, two of the least populated states, Nevada and Connecticut, appear near the top of the table.

Growth Rates for Tort Filings in General Jurisdiction Courts
in 27 States, 1991-1993

| State | Percent Growth 1991-93 | Number of Tort Filings | | |
|----------------|------------------------------|------------------------|---------|---------|
| | | 1993 | 1992 | 1991 |
| Hawaii | 24 % | 2,941 | 2,689 | 2,365 |
| Indiana | 19 | 9,452 | 8,043 | 7,910 |
| Nevada | 16 | 6,788 | 6,185 | 5,871 |
| North Carolina | 13 | 9,754 | 9,361 | 8,656 |
| Alaska | 12 | 935 | 815 | 838 |
| Michigan | 11 | 35,450 | 34,497 | 31,869 |
| New York | 8 | 71,113 | 72,189 | 65,767 |
| Texas | 8 | 47,586 | 46,762 | 44,088 |
| Kansas | 8 | 4,395 | 4,338 | 4,076 |
| Utah | 4 | 1,804 | 1,979 | 1,729 |
| Washington | 4 | 11,856 | 11,142 | 11,375 |
| Idaho | 3 | 1,292 | 1,325 | 1,257 |
| Arkansas | 3 | 5,228 | 5,098 | 5,099 |
| Wisconsin | 2 | 9,043 | 8,835 | 8,865 |
| North Dakota | -1 | 525 | 411 | 531 |
| Florida | -2 | 43,536 | 43,458 | 44,257 |
| Connecticut | -2 | 15,947 | 16,250 | 16,266 |
| Maine | -4 | 1,615 | 1,643 | 1,686 |
| Minnesota | -5 | 6,861 | 7,460 | 7,252 |
| Maryland | -8 | 14,989 | 15,612 | 16,270 |
| Tennessee | -8 | 12,106 | 13,100 | 13,223 |
| Ohio | -9 | 31,229 | 33,196 | 34,422 |
| New Jersey | -13 | 63,776 | 67,380 | 73,614 |
| Missouri | -16 | 17,883 | 19,999 | 21,245 |
| Arizona | -16 | 12,940 | 13,842 | 15,442 |
| Colorado | -21 | 5,001 | 6,151 | 6,295 |
| California | -23 | 88,346 | 109,219 | 114,298 |
| Total | -6 | 532,391 | 560,979 | 564,566 |

Tort Filings per 100,000 Population
in General Jurisdiction Courts in 29
States, 1993

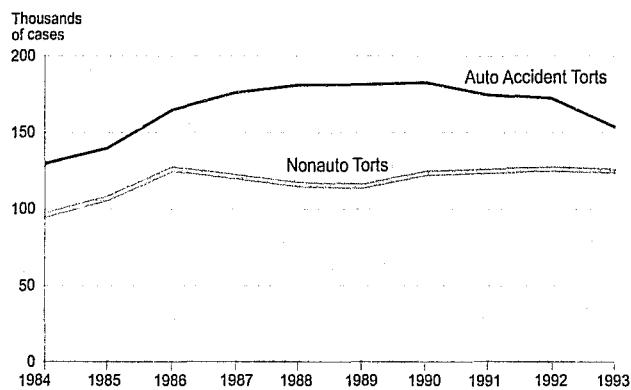
| State | Filings per 100,000 Population |
|----------------|--------------------------------------|
| New Jersey | 819 |
| Massachusetts | 712 |
| Nevada | 512 |
| Connecticut | 486 |
| New York | 392 |
| Michigan | 376 |
| Missouri | 344 |
| Arizona | 338 |
| Florida | 323 |
| Maryland | 305 |
| California | 286 |
| Ohio | 283 |
| Texas | 270 |
| Hawaii | 254 |
| Tennessee | 241 |
| Washington | 231 |
| Arkansas | 218 |
| Oregon | 189 |
| Wisconsin | 176 |
| Kansas | 174 |
| Indiana | 167 |
| Alaska | 159 |
| Minnesota | 153 |
| Colorado | 144 |
| North Carolina | 143 |
| Maine | 131 |
| Idaho | 121 |
| Utah | 100 |
| North Dakota | 83 |

Note: The states exhibit a fair degree of uniformity in per capita filing rates, with 24 of the 29 states falling between 100 and 400 tort filings per 100,000 population.

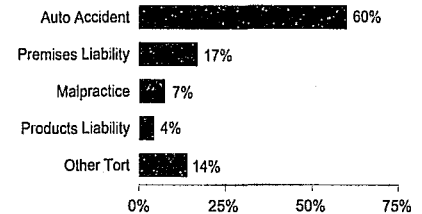
Trends in Auto Accident Torts

The vast majority of tort filings are automobile accident cases. These torts do not require as much time to litigate as other types of liability cases, although they consume a considerable amount of court resources. The filing trend lines below compare auto accident torts to that of nonauto torts. Auto accident filings decreased 19 percent since 1990, following a gradual increase of 41 percent from 1984 to 1989. Nonauto torts increased sharply from 1984 to 1986 and then leveled off.

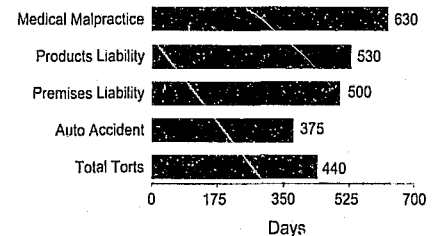
Auto and Nonauto Tort Filings in General Jurisdiction Courts in 10 States, 1984-1993



Composition of Tort Caseloads in General Jurisdiction Courts



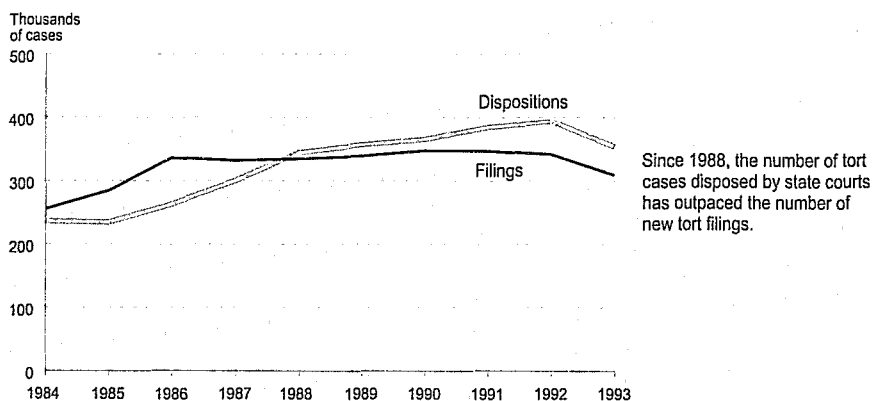
Median Case Processing Time



Comparing Tort Filings and Dispositions

The 10-year trend in tort filings and dispositions indicates that dispositions have exceeded the total number of filings since 1988. The rapid growth in tort filings during the mid-1980s appears to have created backlogs that have been slowly clearing. Previous research shows the typical time to disposition in tort cases is from 1.5 to 4 years, which helps explain how dispositions can outpace filings over several years.

Tort Filings and Dispositions in General Jurisdiction Courts in 14 States, 1984-1993

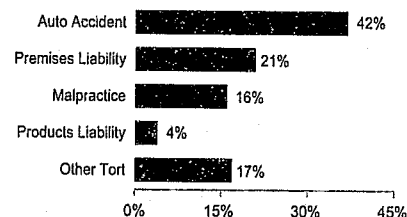


Tort Trial Rates

Automobile accident torts remain the most common tort case at trial, although not as dominant as at the filing stage. Trials involving malpractice and products liability, the focus of most attention, are substantially fewer in number.

The table below displays trial rates for tort cases in 11 states. The overall trial rate is 7.7 percent in tort cases, similar to that of total civil dispositions. The rate of trials is split almost evenly between bench (3.9 percent) and jury (3.8 percent), unlike total civil cases, where juries account for only 1 percent of trials. Of course, there is some variation in how states count trials. This is particularly true for bench trials and helps explain the wide range in these rates among states.

Composition of Tort Cases Disposed by Trial



Tort Trial Rates in General Jurisdiction Courts in 11 States, 1993

| State | Total Tort Dispositions | Total Trial | Jury | Bench |
|----------------------|-------------------------|-------------|------|-------|
| Texas | 32,899 | 17.0% | 4.6% | 12.3% |
| Indiana | 7,122 | 12.6 | 3.7 | 8.9 |
| Minnesota | 6,536 | 11.4 | 10.2 | 1.2 |
| Arkansas | 4,813 | 10.7 | 5.6 | 5.1 |
| Wisconsin | 4,397 | 9.7 | 7.6 | 2.1 |
| New Mexico | 5,684 | 7.8 | 2.5 | 5.3 |
| Ohio | 28,426 | 7.8 | 4.0 | 3.8 |
| Florida | 32,550 | 4.0 | 3.7 | 0.4 |
| Michigan | 30,954 | 3.1 | 2.8 | 0.3 |
| Hawaii | 2,667 | 1.9 | 1.5 | 0.4 |
| District of Columbia | 19,733 | 1.9 | 1.4 | 0.4 |
| Total | 175,781 | 7.7 | 3.8 | 3.9 |

From our general knowledge of the civil litigation process, we expect that most cases will be decided outside the courtroom. And this is indeed the case, with about 93 percent of torts being disposed by nontrial methods. It is estimated that about 10 percent of tort cases are dismissed because one or both parties fail to advance the case in the litigation process; another 10 percent are disposed through alternative dispute resolution; and nearly three-quarters of all tort cases are disposed through settlement or other form of dismissal.

Outcomes in Tort Trials

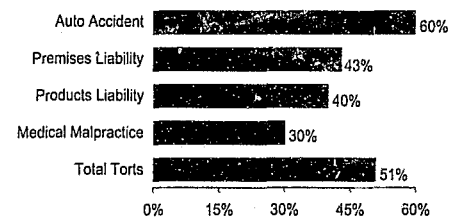
Jury trials in tort cases are rare in the state courts, yet there is a widespread belief that full-blown litigation has an impact that goes far beyond the relatively few cases decided in this fashion. Trials are said to be a source of basic information that helps frame the bargaining process during settlement negotiation. Information from jury trials provides both sides of a dispute with information about what might happen if a given case goes to trial, and what the expected outcome and award might be.

Overall, plaintiffs win about 50 percent of the time, although the adjacent bars show that plaintiff success rates at jury trial vary considerably by type of tort. Plaintiff success is greatest in automobile accident torts (60 percent). In contrast, plaintiffs are least likely to win in medical malpractice cases, with only 30 percent of verdicts in their favor.

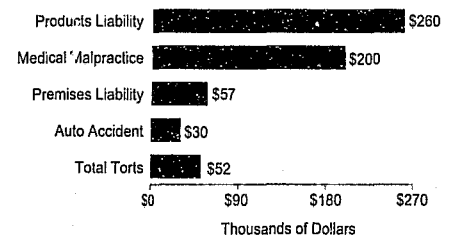
The next set of bars show that the median award for all tort cases is approximately \$52,000. The highest awards are observed in medical malpractice (\$200,000) and products liability (\$260,000) cases. These compare with median awards of \$30,000 in automobile accident cases and \$57,000 in premises liability cases.

The inclusion of punitive damage awards appears to be a rarity in state courts: only 6 percent of the cases in which a defendant was found liable include punitive damages as part of the total award. These awards are most common in intentional torts, such as slander, libel, and fraud. The median punitive damage award is \$50,000.

Proportion of Plaintiffs Winning in Tort Cases



Median Jury Award by Type of Tort Case



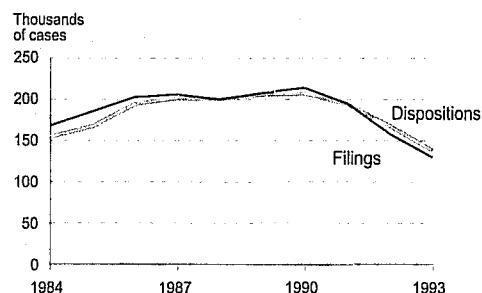
State Trends in Contract Filings

Promises between individuals, businesses, and other organizations are often defined through contract. When differences arise over whether a contract should be enforced, the dispute can wind up in court. The trend line to the right shows contract filings have fallen dramatically since 1990. Other large segments of court caseloads, including criminal, total civil, and domestic relations cases, are either remaining steady or increasing.

The data show that 1993 filings are 37 percent less than the 1990 total. Despite the fluctuation in contract case filings over the past 10 years, courts have been very successful keeping their contract caseload current.

The table below displays the number of contract filings and each state's ranking by percent growth. All but Hawaii have experienced declines in contract filings, with almost one-third experiencing a drop of 30 percent or more.

Contract Filings and Dispositions in General Jurisdiction Courts in 10 States, 1984-1993



Contract cases have decreased at a faster rate than any other civil case type since 1990.

Growth Rates for Contract Filings in General Jurisdiction Courts in 16 States, 1991-1993

| State | Percent Growth 1991-93 | Number of Contract Filings | | |
|----------------|------------------------|----------------------------|---------|---------|
| | | 1993 | 1992 | 1991 |
| Hawaii | 15 % | 1,940 | 1,787 | 1,685 |
| Kansas | -1 | 69,723 | 74,893 | 70,718 |
| Washington | -10 | 13,895 | 14,733 | 15,440 |
| Maryland | -15 | 14,252 | 15,374 | 16,741 |
| Arkansas | -15 | 12,053 | 13,644 | 14,174 |
| Minnesota | -18 | 6,161 | 6,947 | 7,493 |
| North Carolina | -20 | 5,708 | 6,443 | 7,099 |
| North Dakota | -23 | 2,239 | 2,908 | 2,925 |
| Texas | -26 | 22,162 | 25,532 | 29,890 |
| Tennessee | -28 | 6,461 | 7,666 | 8,921 |
| Connecticut | -28 | 22,232 | 27,825 | 30,863 |
| Colorado | -35 | 8,190 | 9,739 | 12,635 |
| Florida | -36 | 36,191 | 44,321 | 56,207 |
| Utah | -39 | 1,472 | 2,108 | 2,416 |
| Maine | -39 | 931 | 1,093 | 1,535 |
| Arizona | -52 | 11,164 | 14,211 | 23,299 |
| Total | -22 | 234,774 | 269,224 | 302,041 |

Research indicates that fluctuations in the number of contract filings is linked to changes in economic performance—a contracting economy leads to fewer contract filings over the next several years. Thus, the most recent recession in the early 1990s may underlie the current decline in contract cases.

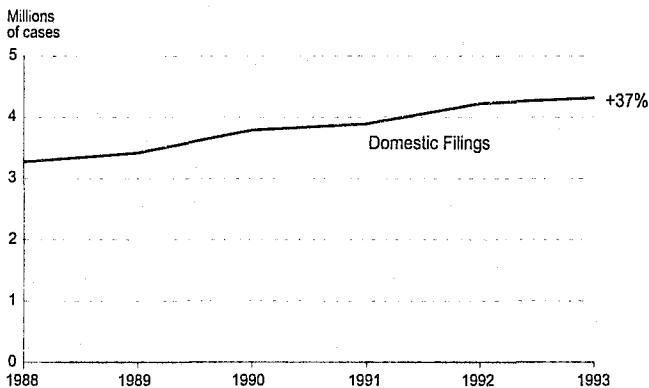
Domestic Relations Cases

Trends in Domestic Relations Filings

Domestic relations cases are the largest and fastest growing segment of state court civil caseloads. Ongoing federal legislation makes it imperative that domestic relations cases be effectively managed and processed. The Family Support Act of 1988, for example, requires that the majority of child support cases (i.e. Title IV-D) be reviewed every three years to assess the adequacy of current support.

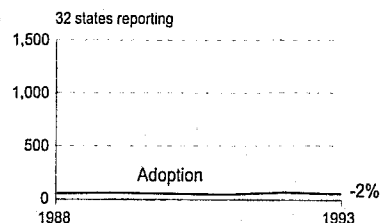
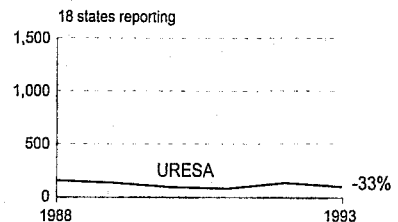
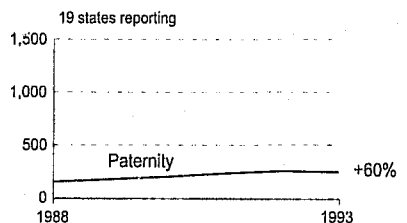
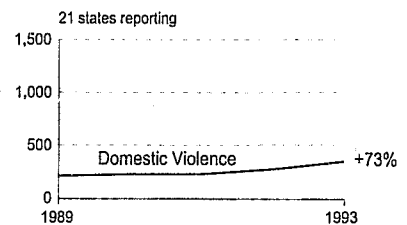
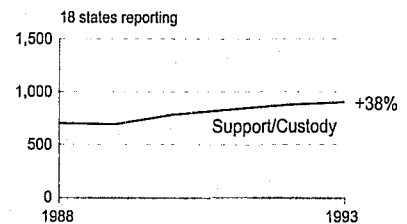
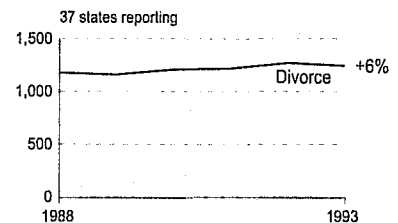
In 1993, 38 percent of total civil filings, over 4.5 million cases, were domestic relations filings. As seen below, the national total of domestic relations cases grew by 37 percent between 1988 and 1993, although the rate of growth slowed somewhat from 1992 to 1993.

Domestic Relations Filings in General Jurisdiction Courts in 46 States, 1988-1993



Domestic relations filings consist of six types of cases—divorce, support/custody, domestic violence, paternity, the Uniform Reciprocal Enforcement of Support Act (URESA or interstate child support), and adoption. The trend lines to the right track recent changes in domestic relations caseloads by case type.

Domestic Relations Filings (in millions) in State Courts by Type of Case, 1988-1993

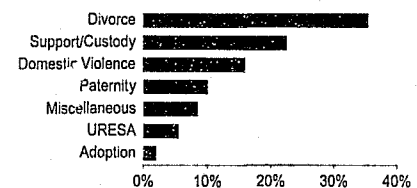


Caseload Composition for Domestic Relations Filings

The bar chart to the right defines the domestic relations caseload composition for 1993. Divorce cases make up the largest portion of domestic relations cases (35 percent). Support/custody filings are the second largest category at 22 percent, and domestic violence cases comprise 16 percent of the filings.

The table below provides a domestic relations caseload comparison by state. States that handle these types of cases in family or limited jurisdiction courts are listed separately. It should be noted that some states hear domestic cases in both general and limited jurisdiction courts.

Domestic Relations Caseload
Composition in 27 States, 1993



Domestic Relations Filings by State and Court Jurisdiction, 1993

| | Total | Divorce | Support/ Custody | URES A | Adoption | Paternity | Domestic Violence | Misc. |
|--|------------------|----------------|---------------------|----------------|---------------|----------------|----------------------|----------------|
| General Jurisdiction | | | | | | | | |
| Florida | 343,265 | 144,851 | 46,317 | 28,738 | * | * | 57,070 | 66,289 |
| New Jersey | 239,889 | 54,064 | 120,652 | * | 2,274 | * | 62,517 | 382 |
| Ohio | 217,791 | 65,407 | 88,479 | 9,034 | 4,895 | 25,600 | 4,983 | 19,393 |
| Massachusetts | 99,749 | 20,142 | 2,570 | 2,314 | 2,773 | 12,332 | 55,601 | 4,017 |
| Michigan | 110,509 | 56,865 | 13,752 | 4,407 | | 27,114 | | 8,371 |
| Missouri | 86,268 | 33,050 | * | 3,027 | 2,353 | 10,290 | 24,694 | 12,854 |
| Tennessee | 67,309 | 58,768 | | 5,077 | 2,678 | * | * | 786 |
| Minnesota | 64,273 | 17,247 | * | 15,233 | 1,898 | * | 28,313 | 1,582 |
| New York | 60,832 | 60,832 | | | | | | |
| Arkansas | 60,610 | 24,649 | 17,239 | 2,528 | 1,792 | 7,022 | 3,676 | 3,704 |
| Oregon | 60,605 | 21,441 | 1,874 | 5,918 | 1,816 | 5,825 | 14,828 | 8,903 |
| Wisconsin | 48,633 | 21,997 | 6,398 | * | 1,710 | 16,793 | * | 1,735 |
| Arizona | 43,959 | 27,685 | * | * | 1,734 | * | 3,113 | 11,427 |
| Colorado | 40,162 | 25,396 | 1,054 | 3,713 | 1,737 | 5,301 | * | 2,961 |
| Kansas | 34,909 | 18,488 | | 2,950 | 1,785 | 2,940 | 8,746 | |
| Connecticut | 29,993 | 13,980 | 3,048 | 56 | | 7,839 | 4,420 | 650 |
| Puerto Rico | 28,356 | 18,889 | | 2,557 | 508 | * | * | 6,402 |
| New Mexico | 27,167 | 10,229 | 3,849 | 1,758 | 500 | 1,967 | 4,759 | 4,105 |
| Utah | 20,131 | 11,334 | 173 | 1,747 | 1,217 | 2,883 | 2,704 | 73 |
| Hawaii | 19,758 | 6,461 | * | 738 | 567 | 1,897 | 2,812 | 7,283 |
| North Dakota | 14,725 | 3,177 | 9,335 | * | 301 | 1,231 | 620 | 61 |
| District of Columbia | 12,280 | 3,167 | 1,780 | 1,366 | 353 | 2,398 | 3,216 | |
| Alaska | 10,088 | 4,092 | | 991 | 590 | 1,112 | 3,303 | |
| Family and Limited Jurisdiction | | | | | | | | |
| New York | 300,493 | | 137,865 | 16,932 | 4,963 | 64,076 | 49,448 | 27,209 |
| North Carolina | 97,787 | 51,684 | 41,286 | 3,678 | | * | | 1,139 |
| Michigan | 35,127 | | | | 5,679 | 27,187 | 359 | 1,902 |
| Rhode Island | 15,906 | 4,502 | | 5,248 | 471 | 1,256 | 4,097 | 332 |
| Arizona | 15,265 | | | | | | 15,265 | |
| Vermont | 14,635 | 7,969 | | 206 | 466 | * | 4,057 | 1,937 |
| Louisiana | 11,174 | 2,124 | 4,901 | 2,458 | 802 | 195 | 603 | 91 |
| Connecticut | 3,501 | | 913 | | 1,009 | 217 | | 1,362 |
| Alaska | 1,234 | | | | | | 952 | 282 |
| Grand Total | 2,236,383 | 788,490 | 501,485 | 120,674 | 44,871 | 225,475 | 360,156 | 195,232 |

Notes: Blanks = no jurisdiction.

* = case type counted in miscellaneous.

Bold divorce #'s = includes support/custody cases.

Domestic Relations Trial Rates

The table below displays the trial rates in domestic relations cases for states that report disposition information. The overall trial rate for domestic relations cases is 16.8 percent, with states reporting rates as high as 35.7 percent (California) and as low as .3 percent (New Jersey). Interpretation of this table should be made with caution, since the definition of a trial varies among states. For example, some states count a bench trial each time a defendant appears before a judge or magistrate, while other states may count these appearances as hearings.

The table to the right shows which states allow jury trials in domestic relations cases. When the states are subdivided into geographical regions, a pattern emerges revealing that states in the Northeast are least likely to allow jury trials while all states in the Midwest allow trial by jury. Although approximately 80 percent of the states permit jury trials in domestic relations cases, trials are rarely used in practice.

Domestic Relations Trial Rate Ranking for
General Jurisdiction Courts in 21 States, 1993

| State | Trial Rate | Total Domestic Relations Dispositions |
|---------------|-------------|---------------------------------------|
| California | 35.7% | 136,742 |
| Texas | 31.6 | 267,782 |
| Oklahoma | 30.3 | 43,565 |
| Ohio | 26.3 | 216,746 |
| Pennsylvania | 25.2 | 261,825 |
| Missouri | 22.7 | 83,993 |
| New Mexico | 21.8 | 25,979 |
| Wisconsin | 20.3 | 34,273 |
| Kansas | 16.6 | 34,132 |
| Virginia | 9.1 | 34,738 |
| South Dakota | 8.9 | 5,001 |
| Alaska | 8.6 | 10,176 |
| Nebraska | 8.6 | 23,506 |
| Florida | 4.1 | 210,387 |
| New York | 3.4 | 62,478 |
| Minnesota | 2.6 | 61,882 |
| Washington | 2.4 | 58,121 |
| West Virginia | 1.3 | 19,284 |
| Hawaii | 1.1 | 18,396 |
| Michigan | 1.1 | 108,413 |
| New Jersey | 0.3 | 240,920 |
| Total | 16.8 | 1,958,339 |

Though the table indicates many states allow juries in domestic relations cases, preliminary data show that jury trials are rare—most states dispose of less than 1% of their cases by jury.

States Allowing Jury Trials in
Domestic Relations Cases, by Region

| | Allow Juries | Disallow Juries |
|-------------------|--------------|-----------------|
| Northeast | | |
| Delaware | | X |
| Connecticut | | X |
| Maine | X | |
| Massachusetts | | X |
| New Hampshire | X | |
| New Jersey | | X |
| New York | X | |
| Pennsylvania | X | |
| Rhode Island | X | |
| Vermont | | X |
| Midwest | | |
| Illinois | X | |
| Indiana | X | |
| Iowa | X | |
| Kansas | X | |
| Michigan | X | |
| Minnesota | X | |
| Missouri | X | |
| Nebraska | X | |
| North Dakota | X | |
| Ohio | X | |
| South Dakota | X | |
| Wisconsin | X | |
| South | | |
| Alabama | X | |
| Arkansas | | X |
| Dist. of Columbia | | X |
| Florida | X | |
| Georgia | X | |
| Kentucky | X | |
| Louisiana | | X |
| Maryland | X | |
| Mississippi | X | |
| North Carolina | X | |
| Oklahoma | X | |
| South Carolina | X | |
| Tennessee | X | |
| Texas | X | |
| Virginia | X | |
| West Virginia | X | |
| West | | |
| Alaska | | X |
| Arizona | X | |
| California | X | |
| Colorado | X | |
| Hawaii | X | |
| Idaho | X | |
| Montana | X | |
| Nevada | X | |
| New Mexico | X | |
| Oregon | | X |
| Utah | X | |
| Washington | | X |
| Wyoming | X | |
| Total | 40 | 11 |

Focus on Domestic Violence Cases

The most rapid growth in domestic relations caseloads is occurring in domestic violence filings. States able to provide three years of comparable data are ranked below by their domestic violence filing rates per 100,000 population in 1993. The table also includes a population rank and a three-year growth index, which is the percentage change in the number of domestic violence filings between 1991 and 1993.

States with large populations are not more likely to experience heightened levels of domestic violence filings than states with smaller populations. For example, population adjusted filing rates in Alaska and Vermont greatly exceed the rates in Florida and New York. All states except one (New York) have experienced growth in their domestic violence caseloads since 1991. Of the 24 states listed with three-year filing figures, 18 reported an increase of 20 percent or more.

Domestic Violence Caseloads in 32 States, 1991-1993

| State | Filings per 100,000 Population | Number of Filings | | | Percent Growth 1991-93 | Population Rank |
|----------------------|--------------------------------------|-------------------|--------|--------|------------------------------|--------------------|
| | | 1993 | 1992 | 1991 | | |
| Massachusetts | 925 | 55,601 | 52,485 | 44,278 | 26 % | 13 |
| New Jersey | 793 | 62,517 | 56,658 | | | 9 |
| Alaska | 710 | 4,255 | 4,065 | 3,368 | 26 | 49 |
| Vermont | 704 | 4,057 | 3,654 | 3,921 | 3 | 51 |
| West Virginia | 658 | 11,969 | 10,011 | 7,242 | 65 | 36 |
| Minnesota | 627 | 28,313 | 26,653 | | | 20 |
| Kentucky | 557 | 21,115 | 12,268 | 9,013 | 134 | 24 |
| District of Columbia | 556 | 3,216 | 3,012 | 2,654 | 21 | 50 |
| Idaho | 552 | 6,069 | 5,488 | 4,427 | 37 | 43 |
| Washington | 513 | 26,975 | 24,957 | | | 15 |
| Oregon | 489 | 14,828 | 13,163 | 12,323 | 20 | 30 |
| Missouri | 472 | 24,694 | 23,195 | 20,353 | 21 | 16 |
| New Hampshire | 472 | 5,313 | 4,970 | 4,741 | 12 | 42 |
| Arizona | 467 | 18,378 | 14,977 | 12,900 | 42 | 23 |
| Maine | 467 | 6,069 | 5,994 | 5,462 | 11 | 40 |
| Florida | 417 | 57,070 | 48,700 | 37,306 | 53 | 4 |
| Rhode Island | 410 | 4,097 | 3,838 | 3,841 | 7 | 44 |
| New Mexico | 294 | 4,759 | | | | 37 |
| New York | 272 | 49,448 | 50,377 | 51,492 | -2 | 2 |
| Hawaii | 240 | 2,812 | 2,404 | 1,886 | 49 | 41 |
| Indiana | 235 | 13,428 | 9,211 | | | 14 |
| Wyoming | 224 | 1,055 | 882 | 814 | 30 | 52 |
| Maryland | 204 | 10,113 | 6,164 | 5,665 | 79 | 19 |
| Arkansas | 152 | 3,676 | 2,584 | 624 | 489 | 34 |
| Utah | 145 | 2,704 | 2,385 | 2,019 | 34 | 35 |
| Connecticut | 135 | 4,420 | | | | 28 |
| Virginia | 112 | 7,240 | 6,020 | 4,753 | 52 | 12 |
| North Dakota | 98 | 620 | 479 | 503 | 23 | 48 |
| Iowa | 96 | 2,689 | 1,678 | 470 | 472 | 31 |
| Ohio | 45 | 4,983 | 4,962 | 4,720 | 6 | 7 |
| Delaware | 38 | 263 | | | | 47 |
| Louisiana | 14 | 603 | 695 | | | 21 |

Focus on Domestic Violence Cases

What accounts for the wide variation in both the number of domestic violence filings per 100,000 and in the percentage change in filings from 1991 to 1993? Some of this variation is attributable to differences in statutory definitions of domestic violence, police arrest policies, and access to protection orders. Further, recent legislative action to extend and toughen penalties in cases of domestic violence contributes to the large increases in caseloads since 1991.

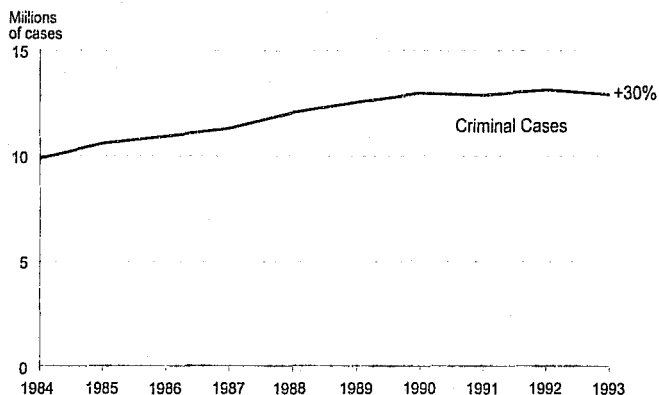
The variation in domestic violence filings across the states will not be fully understood, however, until more consistent ways are developed to define and count domestic violence cases. For example, some states include civil protection orders in the domestic violence category, while others do not. Some states report child abuse separately, while others include these cases in a general category of family violence. A further complicating factor is that domestic violence filings can be found in several different jurisdictions or divisions of a state's court system, e.g., civil, criminal, juvenile, and family. This lack of consistency can lead to inflated filing data (e.g., a single incident could be counted as both a criminal filing and as a civil filing for a protection order) as well as underreporting of cases (e.g., domestic assaults may not be distinguished from other assaults). Without common definitions of case categories and methods for counting cases, courts will have difficulty providing comparable and accurate measures of the incidence of domestic violence.

Criminal Cases

Criminal Caseload Filing Trends

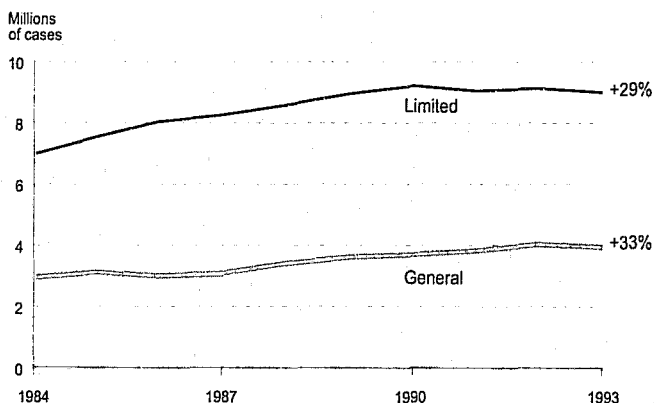
More than 13 million criminal cases were filed in state courts in 1993. This total represents a slight decline of about two percent from 1992. The trend line below shows total criminal filings have plateaued since 1990, following steep increases from 1984 to 1990.

Criminal Cases Filed in State Courts, 1984-1993



The trend lines below compare criminal case filings by court jurisdiction and identify more precisely where criminal cases are handled in the states. Cases filed in the general jurisdiction courts (primarily felonies) peaked in 1992, while criminal filings in limited jurisdiction courts (primarily misdemeanors) have been relatively stable since 1990. Since 1984, criminal caseloads in general jurisdiction courts increased approximately 33 percent, while in limited jurisdiction courts they increased 29 percent.

Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1993



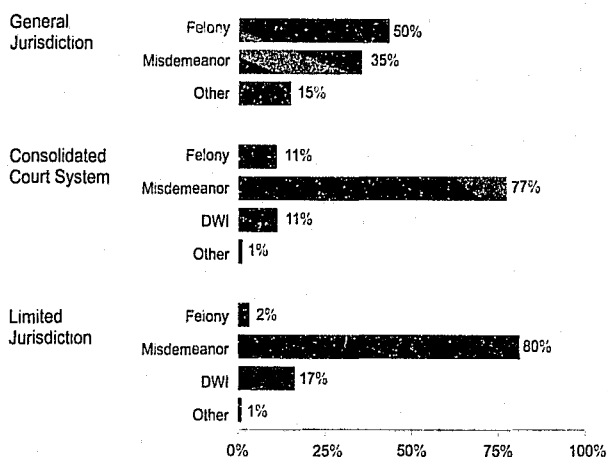
State Criminal Caseloads

How do criminal caseloads compare across states? The adjacent table breaks down criminal filings by court type for each state reporting general jurisdiction data in 1993. The range in the total number of criminal filings is broad, with Texas reporting close to two million and Wyoming reporting roughly 12,000 cases. When considering only general jurisdiction criminal filings, 40 percent of the states reported between 20,000 and 100,000 filings. A few states, however, heard close to a half-million or more criminal cases in courts of limited jurisdiction.

The median number of criminal filings in courts of general jurisdiction is 55,406, which is represented by Alabama. There is a high concentration of criminal filings in a few states: eight state courts account for more than 50 percent of criminal filings in general jurisdiction courts.

As seen in the bar chart, half of the criminal cases heard in general jurisdiction courts involve felony-level offenses, while 35 percent involve misdemeanors. Another 15 percent are "other" offenses, including appeals and other miscellaneous offenses. Judges in unified or consolidated courts hear all cases regardless of offense. In these court systems, 77 percent of the cases involve misdemeanor offenses, while felony and DWI/DUI cases account for 22 percent of filings. Limited jurisdiction courts handle almost exclusively misdemeanor and DWI/DUI cases (97 percent), with felonies accounting for only 2 percent of their caseload.

Criminal Caseload Composition by Court Jurisdiction, 1993



Total Criminal Filings by State and Court Jurisdiction, 1993

| State | General | Limited |
|----------------------|------------------|------------------|
| Illinois | 592,279 | |
| Massachusetts | 359,188 | |
| Minnesota | 204,049 | |
| Texas | 173,527 | 1,730,306 |
| Florida | 168,961 | 393,498 |
| California | 160,033 | 790,998 |
| Pennsylvania | 139,672 | 41,556 |
| Missouri | 138,999 | |
| Connecticut | 138,549 | |
| North Carolina | 123,835 | 532,570 |
| Indiana | 119,521 | 110,769 |
| South Carolina | 114,501 | 261,640 |
| Virginia | 112,179 | 411,121 |
| Louisiana | 110,395 | 163,873 |
| Wisconsin | 92,647 | |
| Oklahoma | 80,940 | |
| Idaho | 77,815 | |
| Iowa | 75,844 | |
| New York | 73,039 | 444,856 |
| Maryland | 69,475 | 198,232 |
| Michigan | 67,049 | 292,192 |
| Tennessee | 65,785 | |
| Ohio | 63,744 | 497,705 |
| Alabama | 55,406 | 239,663 |
| New Jersey | 50,586 | 365,182 |
| Puerto Rico | 46,452 | 44,610 |
| District of Columbia | 41,765 | |
| Kansas | 40,919 | 14,181 |
| Arkansas | 40,906 | 275,187 |
| Washington | 29,765 | 207,231 |
| Arizona | 28,722 | 288,585 |
| South Dakota | 28,408 | |
| Oregon | 28,210 | 61,843 |
| Colorado | 23,487 | 121,948 |
| Kentucky | 19,913 | 180,134 |
| Mississippi | 17,553 | 5,227 |
| Vermont | 15,899 | |
| New Mexico | 13,369 | 125,978 |
| New Hampshire | 13,230 | 32,822 |
| Hawaii | 10,756 | 40,093 |
| Maine | 10,061 | 36,930 |
| West Virginia | 8,907 | 116,505 |
| Utah | 7,504 | 74,898 |
| Delaware | 7,295 | 110,964 |
| Nebraska | 6,625 | 83,327 |
| Rhode Island | 6,308 | 29,092 |
| Montana | 3,938 | |
| Alaska | 2,660 | 29,206 |
| North Dakota | 2,299 | 22,189 |
| Wyoming | 1,835 | 12,416 |
| Total | 3,884,804 | 8,385,527 |

Note: Bold states have consolidated systems.

State Criminal Caseloads

Criminal caseloads are closely associated with a state's population and can be expected to rise simply as a result of population growth. The table below compares criminal filings per 100,000 population. The table also ranks each state by total population. Since all criminal filings are reported as general jurisdiction court filings in states with consolidated court systems, it is not surprising that those states appear at the top of the table. The underlying importance of population as related to criminal caseloads should not, however, obscure other influential factors, such as continuing trends by legislatures to criminalize more behaviors, differences in the prosecutorial charging procedures, differences in underlying crime rate, and even differences in how cases are counted.

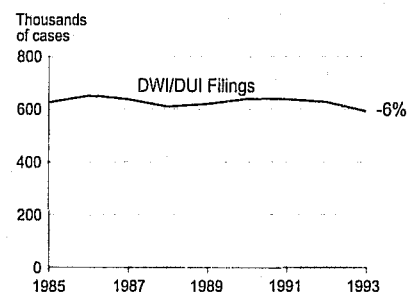
The public's attention on DWI/DUI offenses heightened during the 1980s, and some research indicates that alcohol related traffic fatalities have been decreasing over the last 10 years. The trend line to the right shows DWI/DUI filings down 6 percent since 1985. The overall trend has remained stable with the largest decrease in filings occurring in 1993.

Criminal Filings per 100,000 Population in General Jurisdiction Courts, 1993

| State | Filings per 100,000 Population | Population Rank | State (continued) | Filings per 100,000 Population | Population Rank |
|----------------------|--------------------------------------|--------------------|-------------------|--------------------------------------|--------------------|
| Idaho | 7,293 | 43 | Pennsylvania | 1,163 | 5 |
| District of Columbia | 7,091 | 49 | Delaware | 1,059 | 47 |
| Massachusetts | 5,988 | 13 | Texas | 983 | 3 |
| Illinois | 5,092 | 6 | Oregon | 948 | 30 |
| Minnesota | 4,555 | 20 | Hawaii | 927 | 41 |
| Connecticut | 4,223 | 28 | New Mexico | 846 | 38 |
| South Dakota | 3,995 | 46 | Maine | 815 | 40 |
| South Carolina | 3,178 | 25 | Arizona | 750 | 23 |
| Vermont | 2,789 | 51 | Michigan | 710 | 8 |
| Iowa | 2,697 | 31 | Colorado | 677 | 27 |
| Missouri | 2,677 | 15 | Mississippi | 671 | 32 |
| Louisiana | 2,575 | 21 | New Jersey | 649 | 9 |
| Oklahoma | 2,520 | 29 | Rhode Island | 628 | 44 |
| Indiana | 2,111 | 14 | Washington | 580 | 16 |
| Wisconsin | 1,850 | 18 | Ohio | 579 | 7 |
| North Carolina | 1,810 | 10 | Kentucky | 530 | 24 |
| Virginia | 1,759 | 12 | California | 518 | 1 |
| Arkansas | 1,705 | 34 | West Virginia | 492 | 36 |
| Kansas | 1,622 | 33 | Montana | 478 | 45 |
| Maryland | 1,416 | 19 | Alaska | 453 | 50 |
| Georgia | 1,405 | 10 | Utah | 414 | 35 |
| Alabama | 1,340 | 22 | Nebraska | 413 | 37 |
| Tennessee | 1,309 | 17 | New York | 403 | 2 |
| Florida | 1,253 | 4 | Wyoming | 394 | 52 |
| New Hampshire | 1,191 | 42 | North Dakota | 361 | 48 |
| Puerto Rico | 1,169 | 26 | | | |

Note: States in bold type have consolidated systems.

DWI Filings in 23 State Courts, 1984-1993



Many of the nation's largest cities that have reputations for high crime levels (e.g., Los Angeles, New York, Houston, Detroit, Newark) are in states that lie below the median of 1,163 filings per 100,000 population.

Clearance Rates for Criminal Cases

The success of states in disposing criminal cases is an important indicator of the overall sufficiency of court resources and an important factor influencing not only the pace of criminal litigation, but civil litigation as well. Criminal cases consume a disproportionately large amount of court resources. Constitutional requirements covering the right to counsel ensure that attorneys, judges, and other court personnel will be involved at all stages in the processing of criminal cases. Additionally, criminal cases must be disposed under tighter time standards than other types of cases. Finally, courts are often required by constitution, statute, and court rule to give priority to criminal cases. Because courts must deal with criminal cases expeditiously, the processing of other types of cases may be slowed.

Only nine of the states shown cleared 100 percent of their criminal caseload for the three-year period. Seven states have clearance rates of 90 percent or less, indicating that these states are rapidly adding to the inventory of pending cases.

Overall, only 11 states have negative criminal caseload growth rates from 1991 to 1993. Of these 11 states, 5 are in the list of states with the 10 highest clearance rates. The extent to which increases or decreases in caseload filings relates to clearance rates is not known for certain. However, courts will have more difficulty disposing cases quickly if resources are not supplied to meet increased filings.

General Jurisdiction Court Criminal
Caseload Clearance and Growth Rates
in 44 States

| State | Rates | | Growth |
|----------------|-----------|------|---------|
| | Clearance | | |
| | 1991-93 | 1993 | 1991-93 |
| New Hampshire | 109% | 115% | 3% |
| New Jersey | 107 | 102 | -13 |
| Rhode Island | 105 | 104 | 1 |
| West Virginia | 104 | 100 | 27 |
| Kansas | 104 | 105 | -4 |
| New York | 104 | 105 | -8 |
| Vermont | 102 | 103 | -19 |
| Pennsylvania | 101 | 99 | 2 |
| Montana | 100 | 91 | -3 |
| Ohio | 99 | 102 | 3 |
| Michigan | 99 | 99 | 4 |
| Texas | 98 | 100 | 4 |
| Virginia | 98 | 99 | 7 |
| Maine | 97 | 98 | -6 |
| Colorado | 97 | 96 | 9 |
| South Carolina | 96 | 103 | 4 |
| Arkansas | 96 | 93 | 16 |
| Iowa | 96 | 97 | 16 |
| North Carolina | 96 | 99 | 8 |
| Wyoming | 96 | 89 | 29 |
| Alaska | 96 | 90 | 9 |
| Minnesota | 96 | 99 | 15 |
| New Mexico | 96 | 94 | 11 |
| Delaware | 95 | 93 | 4 |
| Illinois | 95 | 87 | 19 |
| Missouri | 95 | 100 | -1 |
| Idaho | 95 | 91 | 12 |
| Oregon | 95 | 94 | 6 |
| Arizona | 94 | 100 | 0 |
| Nebraska | 93 | 107 | -18 |
| Tennessee | 93 | 91 | 2 |
| Maryland | 93 | 95 | 1 |
| Indiana | 93 | 93 | 7 |
| California | 93 | 90 | -4 |
| Washington | 92 | 96 | 4 |
| Alabama | 92 | 91 | 11 |
| Wisconsin | 91 | 74 | 3 |
| North Dakota | 90 | 87 | 20 |
| Florida | 89 | 89 | -10 |
| Oklahoma | 89 | 89 | 1 |
| Kentucky | 88 | 95 | 30 |
| Utah | 83 | 66 | 74 |
| South Dakota | 80 | 89 | -9 |
| Hawaii | 73 | 73 | 17 |

Criminal Case Dispositions

The overwhelming majority of criminal cases are disposed by either a guilty plea or a dismissal, not by trial. Overall, approximately 7 percent of criminal cases were disposed by trial in 1993, with trial rates ranging from about 2 percent in Vermont to nearly 33 percent in Virginia. Some of this variation is attributable to inconsistencies in the criminal case types included and the definition of a trial. In fact, the trial rate drops to below 5 percent if the two states with the highest trial rates (Virginia and Hawaii) are excluded. Focusing on the remaining 18 states reveals a virtually even split between jury and bench trials.

Guilty pleas typically dispose about two-thirds of criminal cases in most states. About one criminal case in five is resolved by a decision by the prosecutor not to continue (*nolle prosequi*) or by the court to drop all charges (dismissal). The plea process is certainly swifter than the formal trial process, but it need not be less fair. The overwhelming prevalence of guilty pleas provides some evidence that the plea process is more desirable to both sides. Prosecutors benefit by securing high conviction rates without incurring the cost and uncertainty of trial. Defendants presumably prefer the outcome of the negotiation to the exercise of their trial right, or the deal would not have been struck.

Note: Since state reporting and definitions vary widely when measuring manner of disposition, calculations were provided that exclude Virginia and Hawaii data. Virginia and Hawaii both count single charges rather than the entire disposition event.

Manner of Disposition for Criminal Filings in 20 General Jurisdiction Courts, 1993

| State | Total Criminal Dispositions | Trial Rates | | | Total Nontrial | Nontrial Rates | | |
|-----------------------|-----------------------------|-------------|-------|------|----------------|----------------|------------------|-------|
| | | Total Trial | Bench | Jury | | Plea | Dismiss/Prosequi | Other |
| Virginia | 111,030 | 32.9% | 29.3% | 3.5% | 67.1% | 40.0% | 19.7% | 7.5% |
| Hawaii | 7,841 | 23.9 | 20.0 | 3.9 | 76.1 | 34.8 | 29.1 | 12.3 |
| Wyoming | 1,634 | 11.6 | 8.4 | 3.1 | 88.4 | 62.7 | 17.6 | 8.1 |
| Alaska | 2,392 | 9.9 | 2.3 | 7.7 | 90.1 | 68.0 | 20.2 | 1.8 |
| Michigan | 66,498 | 8.2 | 4.2 | 4.0 | 91.8 | 58.7 | 10.6 | 22.5 |
| Indiana | 110,961 | 8.0 | 6.8 | 1.2 | 92.0 | 59.6 | 31.0 | 1.4 |
| New Mexico | 12,524 | 7.5 | 3.8 | 3.8 | 92.5 | 53.7 | 14.1 | 24.6 |
| Pennsylvania | 121,620 | 6.5 | 3.8 | 2.7 | 93.5 | 61.0 | 8.7 | 23.7 |
| D.C. | 42,556 | 6.0 | 3.3 | 2.7 | 94.0 | 24.8 | 58.3 | 10.9 |
| California | 139,213 | 4.9 | 3.8 | 1.1 | 95.1 | 88.9 | 1.2 | 5.0 |
| Kansas | 42,830 | 4.6 | 2.9 | 1.7 | 95.4 | 54.7 | 24.3 | 16.4 |
| Ohio | 64,701 | 4.5 | 1.6 | 2.9 | 95.5 | 70.8 | 10.3 | 14.5 |
| New Jersey | 51,812 | 4.3 | 0.4 | 3.9 | 95.7 | 64.2 | 16.0 | 15.5 |
| Texas | 172,900 | 3.5 | 1.0 | 2.5 | 96.5 | 48.7 | 21.1 | 26.7 |
| Maine | 9,861 | 3.5 | 0.7 | 2.8 | 96.5 | 50.9 | 25.4 | 20.2 |
| Florida | 150,970 | 3.4 | 0.3 | 3.1 | 96.6 | 79.6 | 11.6 | 5.3 |
| Delaware | 6,771 | 3.4 | 0.3 | 3.1 | 96.6 | 74.3 | 19.8 | 2.5 |
| Oklahoma | 72,258 | 2.8 | 1.9 | 1.0 | 97.2 | 67.0 | 30.1 | 0.0 |
| Missouri | 139,617 | 2.7 | 2.0 | 0.7 | 97.3 | 60.8 | 31.6 | 4.9 |
| Vermont | 16,343 | 1.7 | 0.5 | 1.2 | 98.3 | 67.8 | 22.1 | 8.4 |
| Total | 1,344,332 | 7.2 | 4.9 | 2.3 | 92.8 | 61.9 | 19.2 | 11.8 |
| Total (w/out VA & HI) | 1,225,461 | 4.7 | 2.5 | 2.2 | 95.3 | 64.0 | 19.1 | 12.2 |

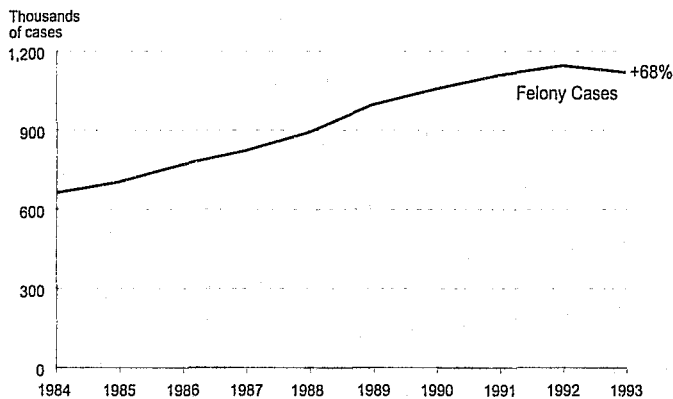
Felony Cases

Felony Caseload Filing Trends

Felonies are serious criminal offenses most often involving property, violence, and drug crimes. Typically, a felony carries a minimum prison sentence of one year or more. Changes in felony filing rates are closely watched because serious crime is never far from the public's number one concern. In addition, those who work within the criminal justice system know that the processing of felony caseloads is an important factor in the overall pace of both criminal and civil litigation.

Thirty-two states' general jurisdiction trial court systems report comparable felony filing data for the period 1984 to 1993. After nine years of rapid increases, felony filings turned down in 1993. This 2 percent decline dampens only slightly the substantial growth in felony filings of 68 percent since 1984.

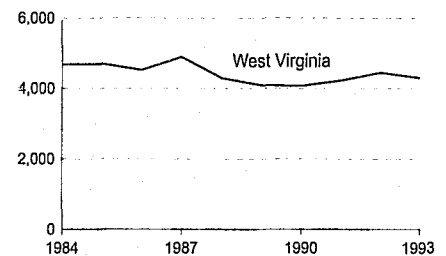
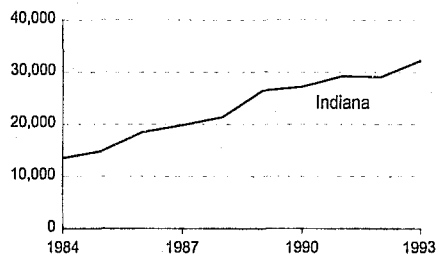
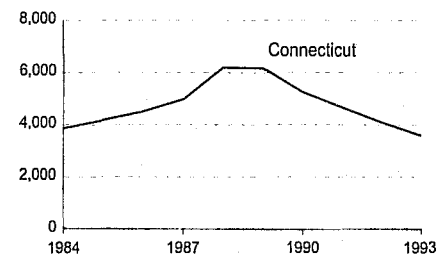
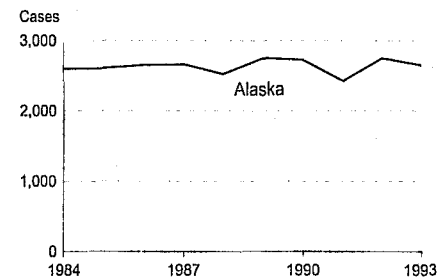
Felony Cases Filed in General Jurisdiction Courts in 32 States, 1984-1993



The aggregate picture above masks the different patterns of growth experienced by individual states, some of which are displayed to the right. Some states, such as Alaska, have maintained a stable rate of felony filings. Although there is some fluctuation in filing activity, the long-term rate is rather constant.

Connecticut, similar to several other states, saw felony filings rise rapidly during the mid-to-late 1980s before turning downward in the early 1990s. Another pattern states exhibit is continuous growth throughout the 10-year period; Indiana, for example, experienced a 136 percent growth in felony filings between 1984 and 1993. West Virginia is the only state to experience a gradual decrease in felony filings over the 10-year period, ending with 9 percent fewer filings.

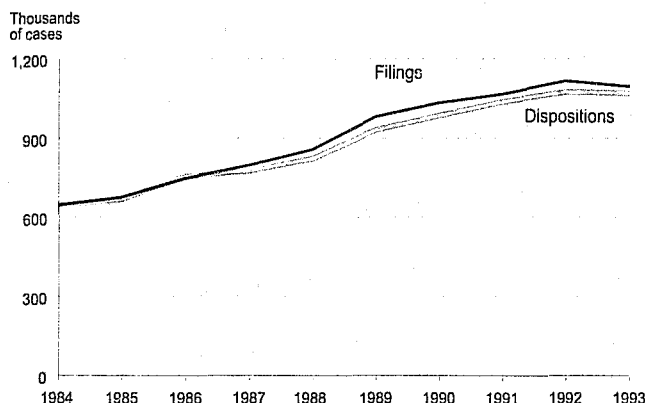
Felony Cases Filed in Selected States, 1984-1993



Felony Caseload Filing Trends

The trend line below tracks felony filings and dispositions for the period 1984 to 1993. The data show that in the aggregate, state courts were reasonably successful in keeping up with the rapid rise in felony filings over the past ten years. In 1993, the nation's state courts, taken together, disposed of roughly 100 percent of their total felony filings.

Comparing Felony Filings to Dispositions, 1984-1993



Two techniques that illuminate the aggregate felony filing and disposition numbers are (i) comparing state-to-state differences in felony filing rates per 100,000 population and (ii) examining felony clearance rates across the states.

The table to the right displays felony filings per 100,000 population, and ranks the states by the change in population adjusted filing rates from 1991 to 1993. The majority of states experienced an increase in the number of felonies filed per 100,000 population since 1991. Falling felony filing rates in several populous states (e.g. California, Florida, New York), however, were sufficient to achieve a drop in felonies at the national level.

Ten states have increases in felony filing rates of over 5 percent per year, with several states, such as Massachusetts and Kentucky, experiencing increases of over 10 percent per year.

There is some evidence that the growth in felony filings may be slowing. Only 14 states had higher filing rates in 1993 than in 1992. Large increases in the mid-1980s tapered off to relatively slight increases since 1991 in many states.

Growth Rates for Felony Filings in General Jurisdiction Courts in 38 States, 1991-1993

| State | Growth 91-93 | Filings per 100,000 Population | | |
|----------------------|-----------------|-----------------------------------|-------|-------|
| | | 1993 | 1992 | 1991 |
| Massachusetts | 30.4% | 126 | 96 | 97 |
| Kentucky | 27.7 | 519 | 454 | 406 |
| Hawaii | 24.8 | 349 | 403 | 280 |
| South Dakota | 19.3 | 624 | 625 | 523 |
| Wyoming | 18.5 | 352 | 275 | 297 |
| Arkansas | 18.3 | 1,384 | 1,325 | 1,170 |
| North Dakota | 17.1 | 339 | 307 | 289 |
| Vermont | 16.5 | 476 | 453 | 409 |
| Kansas | 14.4 | 524 | 532 | 458 |
| North Carolina | 11.8 | 1,227 | 1,253 | 1,097 |
| Indiana | 9.5 | 568 | 511 | 519 |
| Idaho | 9.1 | 686 | 666 | 629 |
| Louisiana | 7.9 | 739 | 636 | 685 |
| Oklahoma | 7.1 | 955 | 930 | 892 |
| Virginia | 6.6 | 1,190 | 1,159 | 1,116 |
| Alaska | 5.8 | 453 | 471 | 428 |
| Minnesota | 5.7 | 388 | 363 | 367 |
| Colorado | 4.0 | 636 | 650 | 612 |
| Iowa | 3.9 | 478 | 498 | 460 |
| Oregon | 3.0 | 918 | 912 | 892 |
| Illinois | 2.7 | 693 | 677 | 674 |
| Tennessee | 2.5 | 1,150 | 1,170 | 1,122 |
| Ohio | 2.4 | 579 | 593 | 565 |
| West Virginia | 1.5 | 238 | 245 | 234 |
| Pennsylvania | 1.5 | 1,163 | 1,169 | 1,146 |
| Texas | 1.4 | 844 | 871 | 832 |
| New Hampshire | 0.8 | 670 | 684 | 665 |
| Missouri | 0.5 | 861 | 913 | 857 |
| Maryland | 0.4 | 1,300 | 1,382 | 1,295 |
| Washington | -0.4 | 546 | 555 | 548 |
| Arizona | -0.9 | 691 | 722 | 697 |
| Nebraska | -4.7 | 320 | 357 | 336 |
| California | -5.2 | 505 | 533 | 533 |
| New York | -8.6 | 396 | 424 | 434 |
| Florida | -11.4 | 1,246 | 1,314 | 1,406 |
| New Jersey | -12.7 | 616 | 655 | 705 |
| Maine | -15.9 | 311 | 352 | 370 |
| District of Columbia | -16.3 | 3,046 | 2,975 | 3,641 |

Note: The median felony filing rate in 1993 was 620 cases per 100,000 population.

Felony Clearance Rates

Most states face large and increasing felony caseloads, which presents a number of challenges to state courts. Felony case processing is subject to more stringent time standards than civil case processing. Directing additional resources to the backlog of felony cases is one solution, but it may simply displace the problem by imposing delay on civil litigants who want and are entitled to court adjudication of their disputes. The clearance rate of felony caseloads is a key measure of the sufficiency of court resources for responding to rising crime rates.

The accompanying table presents clearance rates in general jurisdiction courts in 39 states for 1991 to 1993. Clearance rates over the three years are similar in some general jurisdiction courts but vary widely in others. The three-year measure smooths year-to-year fluctuations in clearance rates. Half of the states have the same or lower clearance rates in 1993 than in 1991.

Only seven states have three-year clearance rates over 100 percent. At the other extreme, seven states have clearance rates ranging from 54 to 88 percent. Many of the states with high clearance rates, such as West Virginia, New York, Wisconsin, and the District of Columbia, experienced decreases in their total felony filings from 1991 to 1993. The two other states with high clearance rates, New Hampshire and Rhode Island, show only a 1 and 2 percent growth rate respectively in felony filings.

The states with the lowest clearance rates, South Dakota and Hawaii, had significant increases in the number of felony filings from 1991 to 1993. Given the general pattern of rising felony filings, the expectation is that for the future felony cases will continue to be a significant portion of general jurisdiction court caseloads. This projection has substantial implications for planning and allocating court resources.

Felony Clearance Rates in General
Jurisdiction Courts in 39 States, 1993

| State | Clearance Rates | | | |
|----------------------|-----------------|------|------|------|
| | 1991-93 | 1993 | 1992 | 1991 |
| New Hampshire | 118% | 127% | 120% | 106% |
| West Virginia | 105 | 100 | 110 | 103 |
| New York | 104 | 105 | 103 | 105 |
| Rhode Island | 103 | 100 | 110 | 98 |
| Wisconsin | 102 | 102 | 102 | 102 |
| Pennsylvania | 101 | 99 | 102 | 101 |
| District of Columbia | 101 | 102 | 104 | 96 |
| Georgia | 99 | 101 | 101 | 97 |
| Ohio | 99 | 102 | 99 | 97 |
| Minnesota | 99 | 99 | 101 | 98 |
| Texas | 99 | 101 | 96 | 101 |
| Vermont | 99 | 102 | 101 | 92 |
| Maine | 99 | 98 | 105 | 93 |
| Colorado | 98 | 98 | 97 | 100 |
| Virginia | 98 | 99 | 98 | 96 |
| Nebraska | 98 | 100 | 95 | 98 |
| Illinois | 97 | 98 | 96 | 98 |
| Massachusetts | 97 | 90 | 94 | 107 |
| Arkansas | 96 | 93 | 97 | 98 |
| Idaho | 96 | 97 | 94 | 97 |
| Alaska | 96 | 90 | 99 | 99 |
| North Carolina | 96 | 99 | 93 | 94 |
| Puerto Rico | 95 | 96 | 96 | 94 |
| Maryland | 95 | 97 | 94 | 95 |
| Iowa | 95 | 94 | 98 | 91 |
| Oregon | 94 | 95 | 94 | 95 |
| Missouri | 94 | 100 | 92 | 90 |
| Arizona | 93 | 99 | 88 | 93 |
| Alabama | 93 | 93 | 93 | 94 |
| California | 93 | 89 | 95 | 95 |
| Indiana | 92 | 92 | 92 | 92 |
| Florida | 90 | 90 | 89 | 91 |
| Kentucky | 88 | 95 | 81 | 88 |
| Tennessee | 87 | 84 | 89 | 89 |
| Connecticut | 85 | 80 | 99 | 113 |
| Utah | 85 | 74 | 92 | 104 |
| Oklahoma | 85 | 88 | 83 | 83 |
| Hawaii | 75 | 79 | 70 | 79 |
| South Dakota | 54 | 49 | 48 | 67 |

Felony Trial Rates

The process for handling felony cases at the trial stage is quite similar across states. In minor criminal cases the trial is usually held before a judge, while in more serious felony cases the defendant can choose to go before a judge or have the case decided by a jury. Overall, trials occur in 7.5 percent of the felony cases, with jury and bench rates comprising 3.3 and 4.2 percent of trials, respectively. However, once Virginia is removed from the average, bench trials account for 1.8 percent and juries 3.2 percent of the dispositions. The method in which Virginia counts trials (charge based) differs from other states in the analysis.

For states that count trials comparably, felony trial rates range from a low of 2.6 percent in Missouri to a high of 9.9 percent in Alaska. Overall, jury trial rates occupy a range between 2 and 7.7 percent. The frequency of bench trials has an even narrower range, with all states reporting rates between .1 and 4.4 percent.

How trials are defined offers a likely explanation for the variation in trial disposition rates among states. Some states count a case as disposed by jury trial only if the case is tried to verdict. This contrasts with the practice of other states that count a case as disposed by jury trial once a jury is empaneled. Variation in trial rates may also be related to differences in state laws, prosecutorial policies, case screening practices, and local legal culture.

Trial Rates for Felony Cases in General Jurisdiction Courts in 18 States, 1993

| State | Total Criminal Dispositions | Trial Rates | | |
|-------------------------|-----------------------------|-------------|------------|------------|
| | | Total Trial | Bench | Jury |
| Virginia | 75,447 | 31.8% | 27.3% | 4.5% |
| Alaska | 2,392 | 9.9 | 2.3 | 7.7 |
| West Virginia | 4,321 | 9.6 | 2.8 | 6.8 |
| Indiana | 29,179 | 8.2 | 4.4 | 3.9 |
| New Mexico | 7,904 | 7.4 | 2.6 | 4.8 |
| Hawaii | 3,191 | 7.3 | 1.1 | 6.2 |
| California | 139,213 | 5.9 | 1.8 | 4.1 |
| Pennsylvania | 138,678 | 5.7 | 3.4 | 2.3 |
| Kansas | 13,474 | 5.0 | 1.2 | 3.8 |
| Maine | 3,746 | 4.9 | 0.6 | 4.2 |
| New Jersey | 49,227 | 4.5 | 0.4 | 4.1 |
| Ohio | 64,701 | 4.5 | 1.6 | 2.9 |
| Minnesota | 17,240 | 4.3 | 0.6 | 3.7 |
| District of Columbia | 18,343 | 3.9 | 0.1 | 3.9 |
| Texas | 151,037 | 3.9 | 1.0 | 2.8 |
| Oklahoma | 26,953 | 3.6 | 1.6 | 2.0 |
| Vermont | 2,765 | 3.1 | 0.2 | 2.9 |
| Missouri | 44,769 | 2.6 | 0.6 | 2.0 |
| Total | 792,580 | 7.5 | 4.2 | 3.3 |
| Total (w/out VA) | 717,133 | 5.0 | 1.8 | 3.2 |

Felony Nontrial Dispositions

The most common method for disposing felony cases is by guilty plea (57 percent). The data below indicate that an additional one-third of all felony filings are dismissed, nolle prossed, or diverted by the prosecutor or judge after filing. Together, guilty pleas and other nontrial means dispose 93 percent of felonies.

That the majority of felony cases are not disposed at trial is the source of ongoing, national debate over the nature and propriety of guilty pleas. At the center of this debate is the interaction between the prosecutor, defense counsel, and judge in obtaining guilty pleas. The conventional view of plea bargaining is that because of caseload pressure or to avoid the cost of trial, prosecutors are willing to reduce the severity of the charges in exchange for a plea of guilty. Although many pleas are the result of negotiation between the prosecutor and defense counsel, a sizable number of charge reductions are made unilaterally by the prosecutor and reflect the belief that the appropriate charge at conviction should be less serious than the charge at arrest. The precise characteristics of the guilty plea process vary between states, but one uniform result is that few of the thousands of people charged with crimes each year will actually go to trial.

Judges dismiss or prosecutors nolle prosequi roughly 20 percent of felonies. This may occur before court proceedings begin, or after a court hears evidence or calls witnesses. "Other" types of dispositions include cases diverted, transferred, or instances where the defendant may have absconded or died.

Felony Nontrial Rates in General Jurisdiction Courts in 20 States, 1993

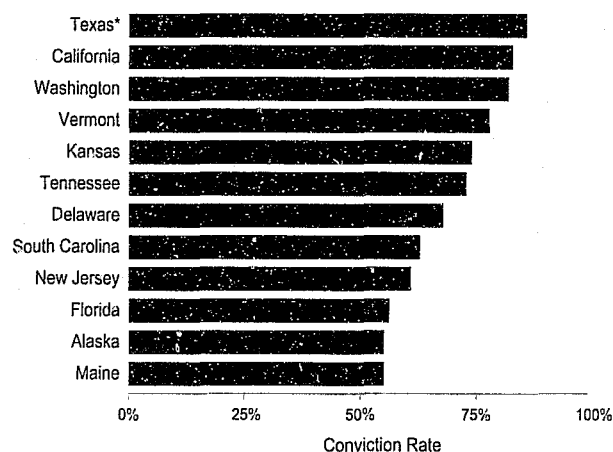
| State | Total Felony Dispositions | Nontrial Rates | | | |
|-------------------------|---------------------------|----------------|-------------|------------------|-------------|
| | | Total Nontrial | Pleas | Dismiss/Prosequi | Other |
| Rhode Island | 5,784 | 97.9% | 87.4% | 9.2% | 1.3% |
| North Carolina | 83,305 | 97.5 | 63.1 | 32.7 | 1.7 |
| Missouri | 44,769 | 97.4 | 55.0 | 32.9 | 9.4 |
| Vermont | 2,765 | 96.9 | 70.1 | 20.1 | 6.7 |
| Oklahoma | 26,953 | 96.4 | 61.7 | 34.7 | 0.0 |
| Texas | 151,037 | 96.1 | 48.9 | 22.7 | 24.6 |
| District of Columbia | 18,343 | 96.1 | 28.0 | 56.9 | 11.3 |
| South Dakota | 2,175 | 95.6 | 46.9 | 48.7 | 0.0 |
| Ohio | 64,701 | 95.5 | 70.8 | 10.3 | 14.5 |
| New Jersey | 49,227 | 95.5 | 67.6 | 16.8 | 11.1 |
| Maine | 3,746 | 95.1 | 73.1 | 20.0 | 2.1 |
| Kansas | 13,474 | 95.0 | 63.1 | 20.7 | 11.2 |
| Delaware | 2,855 | 94.7 | 73.2 | 17.5 | 4.0 |
| Pennsylvania | 138,678 | 94.3 | 53.5 | 7.7 | 33.1 |
| Washington | 29,052 | 94.2 | 73.9 | 15.0 | 5.3 |
| Hawaii | 3,191 | 92.7 | 62.0 | 18.7 | 12.0 |
| New Mexico | 7,904 | 92.6 | 60.8 | 14.0 | 17.8 |
| Indiana | 29,179 | 91.8 | 71.9 | 18.0 | 1.9 |
| Alaska | 2,392 | 90.1 | 68.0 | 20.2 | 1.8 |
| Virginia | 75,447 | 68.2 | 44.6 | 15.5 | 8.1 |
| Total | 754,977 | 92.8 | 57.2 | 20.0 | 15.6 |
| Total (w/out VA) | 679,530 | 95.6 | 58.6 | 20.5 | 16.4 |

Conviction Rates

Criminal trials in state courts adhere to a common format. The first step in cases to be tried before a jury is, of course, the selection of the jurors. The prosecutor begins the trial with an opening statement that summarizes the evidence against the defendant. The defense then responds. As the case proceeds, both the prosecution and defense may call witnesses and introduce evidence. After both sides have presented their case, closing arguments are made by the prosecutor and defense counsel.

With the completion of the trial, the judge or jury makes a decision about the guilt of the accused. If the verdict is not guilty, the case against the defendant is dismissed. If the verdict is guilty, the convicted felon may be released on bail or held in custody until sentencing. Whatever reasoning underlies the decision to proceed to trial, the graph below shows that the rate of acquittal is fairly low. On average, two-thirds of all defendants who went to trial in these 12 states' general jurisdiction courts in 1993 were convicted. The figures are consistent over time, complementing a similar analysis in the Court Statistics Project's Annual Report, 1988.

Felony Conviction Rates in General Jurisdiction Courts in 12 States, 1993



*Texas data only include conviction rates for jury trials.

A recent spate of highly publicized criminal trials has raised the public's awareness of the trial process—and the length of time it may take to serve on a jury. Research shows that the typical nonjury criminal trial lasts between three and four hours. Jury trials, on average, take about three times longer (11 hours). Examining the components of the jury trial shows that the prosecution consumes considerably more time at trial than the defense—about twice as much. The second longest stage in a criminal trial is usually jury selection.

State Appellate Court Caseloads

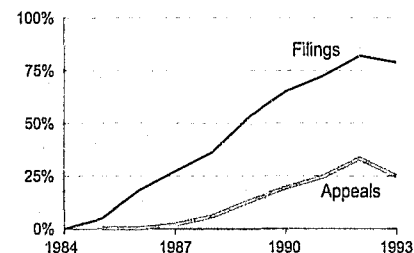
Comparing State Trial Court Filings and Appeals

The volume of appeals directly affects the capacity of appellate courts to correct lower court errors and ensure uniformity in the application of laws. Even in the most efficiently managed courts, the number of cases per judge can reach the point where either quality is diminished or court productivity drops. Hence, it is essential for appellate courts to know their past, current, and estimated caseload volumes, and whether the volume of appeals has stretched available resources and expedited procedures to their limits.

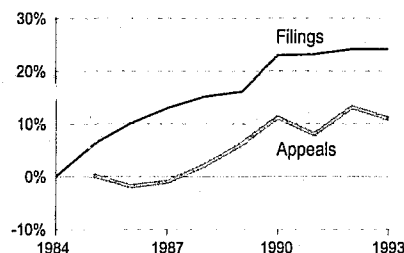
Estimating the growth rate of civil and criminal appeals requires an understanding of the factors causing appellate caseload growth. The basic source of appeals, of course, is the trial courts. The graph to the right displays the percentage change in felony filings in state trial courts and the percentage change in criminal appeals entering intermediate appellate courts for the period 1984 to 1993. While state-to-state differences exist in which felony convictions can be appealed, overall increases in the criminal appeal rate appear to track the felony filing data closely. Moreover, criminal appeal rates seem to be most closely related to the rate of felonies filed in trial courts in the same year.

The adjacent graph offers a similar comparison of the rate of civil filings in trial courts with the rate of civil appeals over ten years. As with the felony filing data, there appears to be a link between civil filings in the trial courts and the number of civil appeals. However, as seen in the graph below, the trial court cases most related to civil appeals are those from two years before. That is, on average, the time from trial court filing to appellate court docketing is approximately two years.

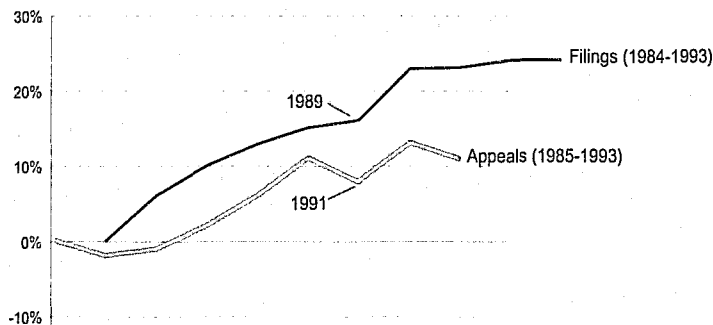
Felony and Criminal Caseload Growth Rates in Trial Courts and Intermediate Appellate Courts, 1984-1993



Civil Caseload Growth Rates in Trial Courts and Intermediate Appellate Courts, 1984-1993



Civil Caseloads with Two-year Time-adjusted Trend Lines

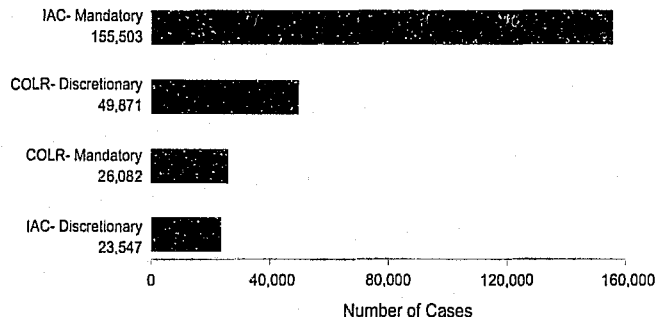


Appellate Caseloads Nationwide

During 1993, approximately the same number of appeals were filed in the 50 states and the District of Columbia as in the preceding year, when the volume reached an all-time high. The total number of appellate filings, 255,003, is about 2 percent less than 1992.

Most of the quarter of a million cases filed in 1993 are appeals of right, which the state appellate courts are mandated to hear. Mandatory appeals numbered 181,585 in 1993, or 71 percent of the nationwide appellate court caseload. Intermediate appellate courts (IACs), which hear most of the mandatory appeals, saw their total mandatory caseload fall from 160,725 to 155,503 between 1992 and 1993.

Total Appellate Caseloads, 1993



Discretionary appeals are the largest segment of caseload in most courts of last resort (COLRs). In 1993, COLRs heard 49,871 discretionary cases compared to 49,785 in 1992.

IACs handle most of the appeals (70 percent). Furthermore, the largest category of appeals is within the mandatory jurisdiction of IACs (61 percent). For every discretionary petition that an IAC is asked to accept, there are nearly seven appeals of right that they must accept.

State Appellate Caseloads

Ten states stand out in terms of appeals and account for a sizable majority of the nation's appellate filings (California, Florida, New York, Texas, Michigan, Pennsylvania, Ohio, Louisiana, Illinois, New Jersey). Fluctuations in the volume of appeals in these states shape the national picture significantly.

At the other end of the spectrum, 15 states had fewer than 1,200 appeals filed in their appellate courts in 1993. These states tend to have appellate systems that consist of a court of last resort only. In fact, 10 of the 12 states that do not have an intermediate appellate court fall within this group.

COLRs without an IAC tend to process primarily mandatory appeals, similar to the prevalence of mandatory appeals among most IACs. This suggests that first-level appellate courts, whether they are IACs or COLRs without an IAC, are similar in caseload composition: they tend to have virtually all mandatory jurisdiction, and they handle all or the bulk of their respective state's appeals.

The size of appellate caseloads varies dramatically across the states, with states reporting as few as 300 (Wyoming) and as many as 27,000 (California) appeals in 1993. The adjacent table ranks the states according to their number of filings, while providing a breakdown of caseloads by mandatory and discretionary classification. The population rank puts cross-state comparisons in proper perspective.

A few states with smaller populations have a higher than expected number of filed appeals. Louisiana for example, has the second largest number of discretionary appeals. By 1993, Louisiana accounted for over 10 percent of the nation's discretionary appeals.

Total Appellate Court Filings, 1993

| State | Total | Type of Filing | | Population Rank |
|----------------------|---------|----------------|---------------|-----------------|
| | | Mandatory | Discretionary | |
| California | 27,319 | 14,346 | 12,973 | 1 |
| Florida | 20,635 | 16,505 | 4,130 | 4 |
| New York | 17,317 | 12,828 | 4,489 | 2 |
| Texas | 15,343 | 12,292 | 3,051 | 3 |
| Michigan | 14,864 | 9,272 | 5,592 | 8 |
| Pennsylvania | 14,224 | 11,461 | 2,763 | 5 |
| Ohio | 13,647 | 11,715 | 1,932 | 7 |
| Louisiana | 11,976 | 4,182 | 7,794 | 21 |
| Illinois | 11,902 | 9,997 | 1,905 | 6 |
| New Jersey | 9,871 | 7,101 | 2,770 | 9 |
| Oregon | 5,455 | 4,582 | 873 | 29 |
| Arizona | 5,330 | 3,816 | 1,514 | 23 |
| Georgia | 5,318 | 3,214 | 2,104 | 11 |
| Missouri | 5,057 | 4,323 | 734 | 15 |
| Washington | 4,954 | 3,542 | 1,412 | 16 |
| Alabama | 4,902 | 4,165 | 737 | 22 |
| Oklahoma | 4,728 | 4,221 | 507 | 28 |
| Virginia | 4,526 | 682 | 3,844 | 12 |
| Wisconsin | 4,446 | 3,290 | 1,156 | 18 |
| Kentucky | 4,098 | 3,213 | 885 | 24 |
| Massachusetts | 3,573 | 1,907 | 1,666 | 13 |
| Tennessee | 3,534 | 2,328 | 1,206 | 17 |
| Colorado | 3,460 | 2,379 | 1,081 | 26 |
| Maryland | 3,381 | 2,284 | 1,097 | 19 |
| Minnesota | 3,358 | 2,559 | 799 | 20 |
| Indiana | 2,808 | 2,204 | 604 | 14 |
| Kansas | 2,197 | 1,689 | 508 | 32 |
| North Carolina | 2,151 | 1,449 | 702 | 10 |
| West Virginia | 2,113 | NJ | 2,113 | 35 |
| Iowa | 1,997 | 1,997 | NA | 30 |
| District of Columbia | 1,745 | 1,724 | 21 | 48 |
| Arkansas | 1,643 | 1,643 | NA | 33 |
| New Mexico | 1,500 | 1,014 | 486 | 37 |
| Utah | 1,467 | 1,422 | 45 | 34 |
| Connecticut | 1,322 | 1,322 | NA | 27 |
| Hawaii | 1,275 | 1,227 | 48 | 40 |
| Mississippi | 1,182 | 1,113 | 69 | 31 |
| Nevada | 1,138 | 1,138 | NA | 38 |
| Nebraska | 1,135 | 1,135 | NA | 36 |
| South Carolina | 1,076 | 1,002 | 74 | 25 |
| Alaska | 1,052 | 776 | 276 | 49 |
| New Hampshire | 864 | NJ | 864 | 41 |
| Idaho | 738 | 637 | 101 | 42 |
| Rhode Island | 737 | 449 | 288 | 43 |
| Montana | 659 | 521 | 138 | 44 |
| Maine | 654 | 654 | NA | 39 |
| Vermont | 649 | 622 | 27 | 50 |
| Delaware | 542 | 542 | NA | 46 |
| South Dakota | 426 | 386 | 40 | 45 |
| North Dakota | 409 | 409 | NJ | 47 |
| Wyoming | 306 | 306 | NA | 51 |
| Totals | 255,003 | 181,585 | 73,418 | |

NJ = No jurisdiction

NA = Not available

Note: States in bold have no intermediate appellate court.

Appellate Caseload Filing Trends

The decline in appellate filings between 1992 and 1993, should be viewed in light of the long-term trend in appellate court filings. From 1984 to 1993, the total number of appellate court filings increased each year. Therefore, while appellate caseloads stabilized between 1992 and 1993, one cannot yet say there is a reversal in the trend of rising caseloads.

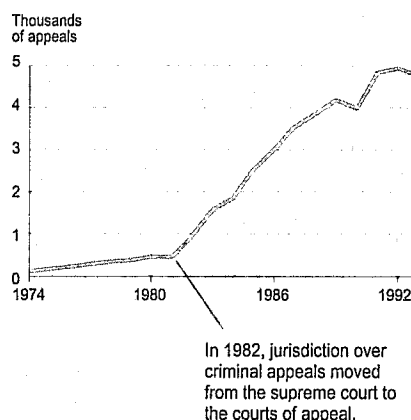
As seen below, mandatory appeals in IACs have grown at a rate of over 3 percent per year between 1984 and 1993. IAC discretionary caseloads, while smaller in number, have averaged growth of over 5 percent per year.

The IAC discretionary filing trend is strongly shaped by the dramatic increases in Louisiana. In fact, the national growth rate falls from 48 to 30 percent if Louisiana is excluded from the analysis.

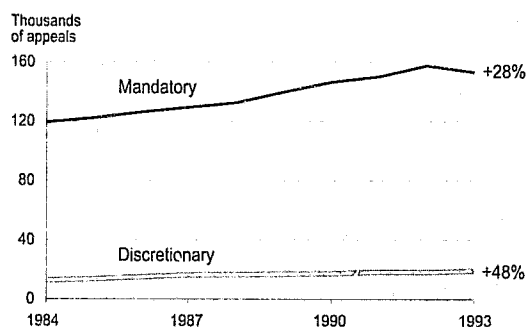
Steady growth has occurred in COLR caseloads over the past decade. While lower than that for IACs, a rising tide of appeals causes unique problems for COLRs because the number of justices remains fixed.

Continued growth in appellate caseloads has led to two developments. One is the use of central staff attorneys working for the court as a whole (as distinguished from law clerks working for individual judges) to screen incoming appeals, prepare memoranda, and sometimes draft proposed opinions. Another development is the use of expedited procedures for selected cases. These typically involve routing less complex appeals through a shortened process that may involve, for example, preargument settlement conferences or the elimination of oral argument.

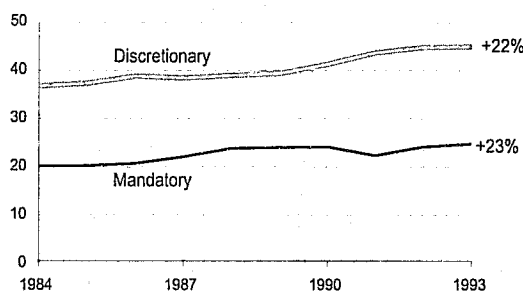
Louisiana IAC Discretionary Caseload, 1974-1993



Intermediate Appellate Court Caseloads, 1984-1993



Courts of Last Resort Caseloads, 1984-1993



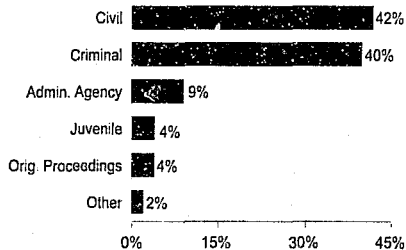
Composition of Appellate Caseloads

Criminal and civil appeals dominate the workload of both appellate levels. Criminal appeals are usually brought by a defendant convicted at trial. These individuals most often allege trial court error, ineffective assistance of counsel or incorrect sentencing. However, about one-quarter to one-third of criminal appeals stem from nontrial proceedings (e.g., guilty pleas and probation revocation hearings).

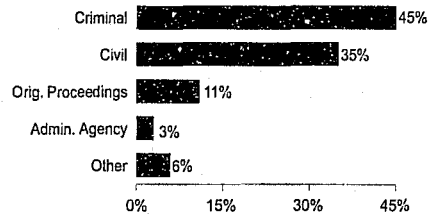
Civil appeals also allege trial court error, such as improper jury instructions, allowing inadmissible evidence, and misinterpretation, and hence misapplication, of the law. These appeals generally arise from dispositions on motions (e.g., summary judgment) and, in a smaller number of cases, from jury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

To understand the demand civil and criminal appeals place on appellate courts, one must examine how the volume has changed over time. As caseloads grow, greater efficiency is required to dispose of the cases. Unless greater efficiency is achieved through the adoption of procedural innovations, backlogs inevitably develop. Even with procedural innovations in place, substantial increases in caseload volume mean that more judges and court staff are needed to maintain quality review.

Type of Mandatory Appeals in Intermediate Appellate Courts, 1993



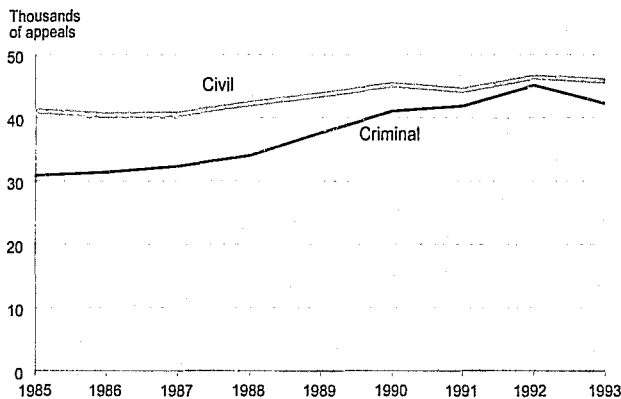
Type of Discretionary Appeals in Courts of Last Resort, 1993



Mandatory Appeals in Intermediate Appellate Courts

This analysis focuses on the growth in civil and criminal appeals in COLRs and IACs for the largest portions of their respective caseloads—discretionary petitions for COLRs and mandatory appeals for IACs. In state intermediate appellate courts, the volume of mandatory civil appeals increased by 11 percent and the volume of criminal appeals grew by 37 percent between 1985 and 1993. A more complete understanding of these aggregate growth patterns emerges by examining the connection between the national patterns and the patterns in individual states.

Mandatory Appeals in Intermediate Appellate Courts, 1985-1993

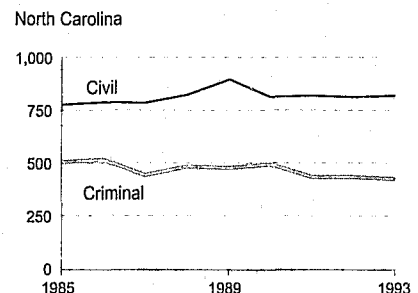
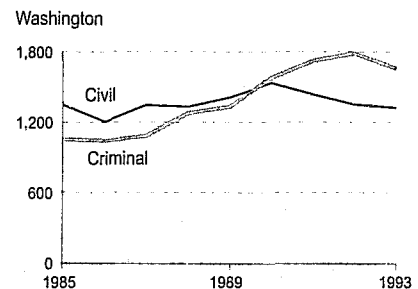
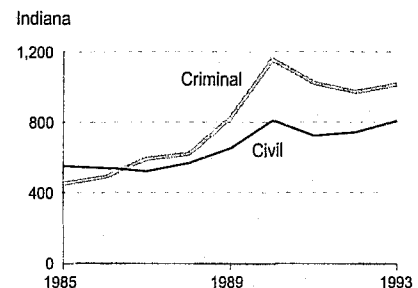
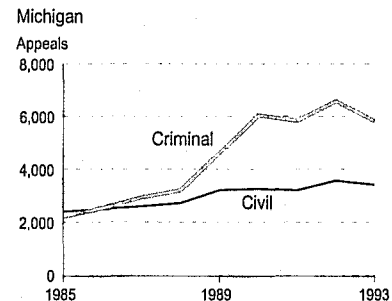


First, there are states where the growth rate in the number of appeals filed each year is extraordinary. In Michigan and Indiana, for example, the number of criminal appeals nearly tripled between 1985 to 1991, before leveling off for the past few years. Civil appeals also showed substantial growth in both states.

A second cluster of states shows increases in one type of appeal and relative stability in the other. Washington state experienced an increase in excess of 60 percent in criminal appeals, while ending 1993 with approximately the same number of civil appeals as were filed in 1984.

A third cluster of states shows long-term stability in filing rates, if not actual declines in the number of appeals. This situation occurred, for example, in North Carolina.

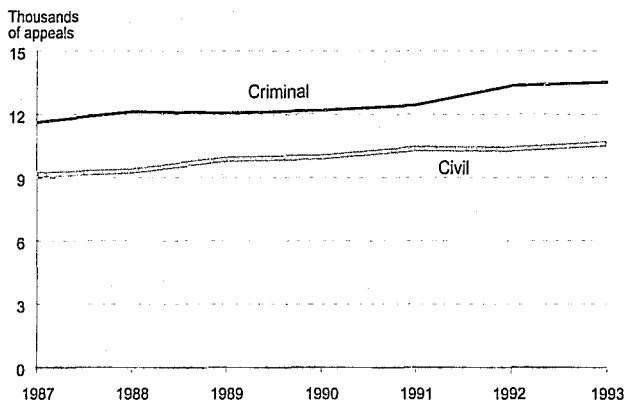
Mandatory Appeals in Intermediate Appellate Courts in Selected States, 1985-1993



Discretionary Petitions in Courts of Last Resort

Most courts of last resort are able by their jurisdictional nature to decide what types of cases they will hear. From 1987 to 1993, 13 states were able to provide statistics on the number of discretionary civil petitions filed in their state supreme courts and 14 courts provided similar information for discretionary criminal appeals.

Discretionary Appeals in 14 Courts of Last Resort, 1987-1993

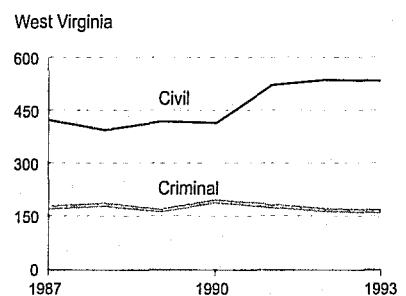
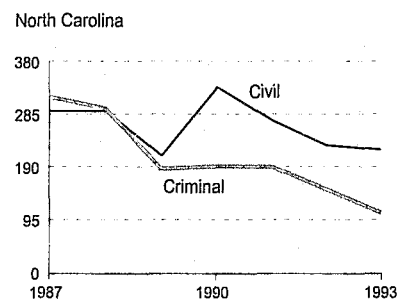
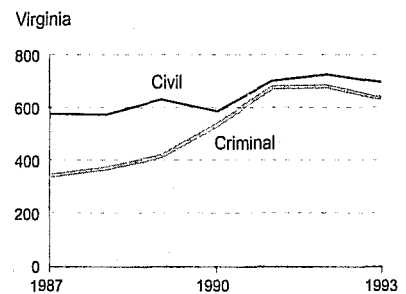
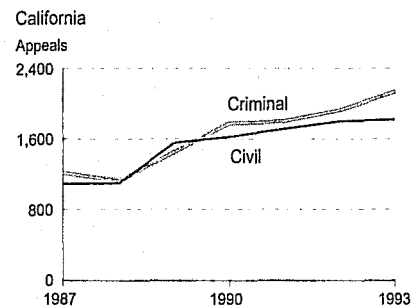


Growth at the national level is strongly shaped by the volume and upward trends observed in California. There is a good deal of variation, however, among the courts underlying the aggregate growth rate. Virginia, for example, registered an 88 percent increase in discretionary criminal appeals, with California showing a similar level of growth (77 percent). On the other hand, the North Carolina COLR experienced a decline in both civil and criminal appeals over the same period (31 percent, and 200 percent, respectively).

West Virginia, a state where the jurisdiction of the court is entirely discretionary and there is no intermediate appellate court, experienced a high growth rate in civil cases of 27 percent.

It is important for states that are experiencing a rise in discretionary caseloads to develop methods to dispose these cases in a timely manner. From casual observation, the amount of time actually allocated to each discretionary appeal is uncertain given that few are granted and actually decided on the merits. However, any increase in appeals reaching a court of last resort is important because these courts are fixed in size by state constitution—additional justices are rarely, if ever, added to these courts.

Discretionary Filings in Courts of Last Resort in Selected States, 1987-1993



Appellate Filing Rates

Undoubtedly, there are many reasons why the volume of appeals changes over time, including the opportunity for indigent criminal defendants to file appeals with the support of publicly appointed counsel and the effects of changing economic conditions (e.g., a recession may depress particular types of litigation and stimulate other types). The full catalog of reasons why appeals are filed is beyond the scope of this report, but it is possible to show the fundamental importance of state population size as a predictor of litigation.

The table shows the volume of appeals per 100,000 population and differentiates between those states with both a court of last resort and an intermediate court of appeals and those having only a court of last resort. Because population is such an important determinant of the number of appeals, it is not surprising that when all one- and two-tiered systems are combined, the appellate filing rates of most states fall within approximately 50 filings of the median rate of 87 filings per 100,000 population in Texas and Kansas. Thus, while Texas, for example, has the fourth largest absolute number of appeals, its number of filings per 100,000 population actually is the nation's midpoint rate. Focusing on states with a COLR but no IAC reveals that 9 of 12 states fall below the median appellate filing rate.

Total Appellate Filings per 100,000 Population, 1993

States with an Intermediate Court of Appeals and a Court of Last Resort

| State | Appeals per 100,000 Population |
|----------------|-----------------------------------|
| Louisiana | 279 |
| Oregon | 183 |
| Alaska | 179 |
| Michigan | 158 |
| Florida | 153 |
| Oklahoma | 147 |
| Arizona | 139 |
| New Jersey | 127 |
| Ohio | 124 |
| Alabama | 119 |
| Pennsylvania | 118 |
| Hawaii | 110 |
| Kentucky | 109 |
| Colorado | 100 |
| Illinois | 99 |
| Missouri | 97 |
| Washington | 96 |
| New York | 96 |
| New Mexico | 95 |
| Wisconsin | 89 |
| California | 89 |
| Kansas | 87 |
| Texas | 87 |
| Utah | 81 |
| Georgia | 79 |
| Minnesota | 75 |
| Iowa | 71 |
| Virginia | 71 |
| Nebraska | 71 |
| Tennessee | 70 |
| Idaho | 69 |
| Maryland | 69 |
| Arkansas | 68 |
| North Dakota | 64 |
| Massachusetts | 60 |
| Indiana | 50 |
| Connecticut | 41 |
| North Carolina | 31 |
| South Carolina | 30 |

States with only a Court of Last Resort

| | |
|----------------------|-----|
| District of Columbia | 296 |
| West Virginia | 117 |
| Vermont | 114 |
| Nevada | 86 |
| Montana | 80 |
| Delaware | 79 |
| New Hampshire | 78 |
| Rhode Island | 73 |
| Wyoming | 66 |
| South Dakota | 60 |
| Maine | 53 |
| Mississippi | 45 |

Intermediate Appellate Court Clearance Rates

Most appellate courts have problems keeping up with caseload volume. One measure of whether an appellate court is keeping up with its caseload is the court's clearance rate. A rate of 100 percent or more indicates that more cases were disposed than were accepted for review in that year. The table below includes clearance rates for intermediate appellate courts, and makes a distinction between mandatory appeals and discretionary petitions.

IACs are having moderate success in keeping up with their mandatory caseloads: 16 of the 36 states have a three-year clearance rate of 100 percent or greater, with an additional 11 states clearing 95 percent or more. In the remaining nine states, however, the backlog is growing by at least three percent each year. This is a cause for concern because the bulk of the nation's appeals are mandatory cases handled by IACs. Intermediate appellate courts are experiencing somewhat greater success in disposing of discretionary petitions. Seven of the 14 states for which data are available achieved three-year clearance rates of 100 percent or more.

Clearance Rates in Intermediate Appellate Courts, 1991-93

Mandatory Appeals

| State | Clearance Rates | | | |
|----------------|-----------------|-------|-------|-------|
| | 1991-93 | 1991 | 1992 | 1993 |
| New York | 113 % | 121 % | 106 % | 113 % |
| Louisiana | 105 | 99 | 109 | 107 |
| California | 105 | 99 | 113 | 102 |
| Idaho | 104 | 116 | 90 | 112 |
| Ohio | 104 | 105 | 105 | 103 |
| Oregon | 104 | 89 | 99 | 128 |
| Colorado | 104 | 102 | 106 | 103 |
| Alaska | 103 | 86 | 119 | 107 |
| Alabama | 102 | 107 | 102 | 98 |
| Iowa | 101 | 104 | 102 | 98 |
| Michigan | 101 | 87 | 115 | 104 |
| Arkansas | 101 | 100 | 110 | 94 |
| New Mexico | 101 | 100 | 99 | 103 |
| Indiana | 100 | 119 | 98 | 85 |
| South Carolina | 100 | 88 | 110 | 103 |
| Minnesota | 100 | 100 | 97 | 103 |
| Oklahoma | 99 | 95 | 122 | 84 |
| Arizona | 99 | 86 | 88 | 129 |
| New Jersey | 98 | 103 | 94 | 98 |
| Tennessee | 98 | 100 | 100 | 94 |
| Maryland | 98 | 90 | 103 | 101 |
| Florida | 98 | 102 | 96 | 96 |
| Utah | 97 | 96 | 92 | 102 |
| Pennsylvania | 97 | 96 | 93 | 101 |
| Wisconsin | 97 | 100 | 92 | 98 |
| Georgia | 96 | 83 | 102 | 102 |
| Illinois | 95 | 96 | 93 | 96 |
| Texas | 94 | 94 | 87 | 102 |
| Missouri | 94 | 93 | 95 | 94 |
| North Carolina | 93 | 107 | 84 | 87 |
| Connecticut | 92 | 98 | 90 | 89 |
| Kansas | 91 | 90 | 93 | 91 |
| Kentucky | 91 | 81 | 93 | 97 |
| Massachusetts | 91 | 95 | 81 | 97 |
| Washington | 90 | 79 | 95 | 99 |
| Hawaii | 62 | 102 | 68 | 42 |

Discretionary Petitions

| State | Clearance Rates | | | |
|----------------|-----------------|-------|-------|-------|
| | 1991-93 | 1991 | 1992 | 1993 |
| Virginia | 108 % | 125 % | 123 % | 125 % |
| Alaska | 104 | 110 | 95 | 104 |
| California | 101 | 103 | 83 | 101 |
| Kentucky | 100 | 100 | 76 | 104 |
| North Carolina | 100 | 100 | 100 | 85 |
| Massachusetts | 100 | 100 | 100 | 100 |
| Maryland | 100 | 100 | 100 | 100 |
| Florida | 98 | 93 | 91 | 91 |
| Georgia | 97 | 86 | 100 | 100 |
| Louisiana | 97 | 92 | 98 | 98 |
| Arizona | 97 | 88 | 84 | 86 |
| Tennessee | 94 | 75 | 77 | 50 |
| Washington | 92 | 76 | 90 | 104 |
| Minnesota | 86 | 82 | 98 | 80 |

Courts of Last Resort Clearance Rates

Clearance rates for mandatory appeals in COLRs parallel those of IACs, with 14 of the 33 states showing three-year rates of 100 percent or more. Eleven of the remaining 19 COLRs have rates of 95 percent or more.

Discretionary petitions constitute the bulk of the workload for courts of last resort, especially those in a two-tiered appellate system. The three-year clearance rates for 10 of the 32 COLRs for which a three-year rate could be calculated are 100 percent or better. Hence, COLRs are not as successful in keeping up with discretionary petitions as they are in keeping up with mandatory cases.

The success with which appellate courts meet the demands placed on them is mixed. COLRs manage to dispose of mandatory appeals, at least in most courts. However, success is less widespread among these courts in handling discretionary petitions, which are the bulk of their work. For IACs, the situation is reversed. They experience greater difficulties in the mandatory arena, which is where most of their work lies.

Clearance Rates in Courts of Last Resort, 1991-93

Mandatory Appeals

| State | Clearance Rates | | | |
|----------------------|-----------------|-------|-------|------|
| | 1991-93 | 1991 | 1992 | 1993 |
| Arizona | 111 % | 122 % | 117 % | 94 % |
| Connecticut | 110 | 100 | 91 | 161 |
| Vermont | 109 | 121 | 100 | 108 |
| South Dakota | 108 | 117 | 96 | 110 |
| Indiana | 106 | 117 | 104 | 99 |
| New Jersey | 106 | 111 | 104 | 100 |
| Georgia | 104 | 93 | 110 | 111 |
| Washington | 104 | 116 | 108 | 90 |
| Alabama | 103 | 117 | 93 | 103 |
| Wyoming | 103 | 100 | 110 | 100 |
| Idaho | 101 | 100 | 100 | 104 |
| Missouri | 100 | 101 | 100 | 97 |
| Delaware | 100 | 93 | 104 | 102 |
| Ohio | 100 | 110 | 108 | 84 |
| Rhode Island | 99 | 106 | 102 | 85 |
| Florida | 99 | 99 | 101 | 96 |
| District of Columbia | 98 | 110 | 90 | 96 |
| Arkansas | 98 | 95 | 102 | 98 |
| Alaska | 98 | 86 | 129 | 83 |
| North Dakota | 97 | 90 | 110 | 95 |
| Kentucky | 97 | 91 | 100 | 103 |
| Illinois | 96 | 75 | 102 | 95 |
| Maryland | 96 | 94 | 108 | 88 |
| Texas | 96 | 104 | 90 | 95 |
| Minnesota | 96 | 81 | 104 | 104 |
| Louisiana | 94 | 95 | 100 | 87 |
| Hawaii | 93 | 89 | 143 | 65 |
| Maine | 91 | 91 | 100 | 83 |
| North Carolina | 91 | 87 | 114 | 74 |
| Nevada | 89 | 96 | 87 | 83 |
| Montana | 86 | 91 | 82 | 85 |
| Virginia | 83 | 65 | 92 | 80 |
| Mississippi | 82 | 101 | 85 | 64 |

Discretionary Petitions

| State | Clearance Rates | | | |
|----------------------|-----------------|-------|-------|-------|
| | 1991-93 | 1991 | 1992 | 1993 |
| District of Columbia | 125 % | 100 % | 100 % | 219 % |
| Indiana | 105 | 94 | 123 | 98 |
| Michigan | 103 | 109 | 110 | 92 |
| Oklahoma | 103 | 106 | 78 | 129 |
| Alaska | 102 | 94 | 107 | 107 |
| Florida | 102 | 103 | 103 | 100 |
| New Jersey | 102 | 101 | 104 | 101 |
| Texas | 101 | 102 | 95 | 106 |
| Maryland | 100 | 102 | 97 | 100 |
| California | 100 | 98 | 101 | 99 |
| North Carolina | 99 | 101 | 102 | 93 |
| Missouri | 99 | 99 | 100 | 97 |
| Louisiana | 98 | 106 | 94 | 94 |
| Idaho | 98 | 85 | 116 | 93 |
| New York | 98 | 88 | 98 | 107 |
| Rhode Island | 97 | 94 | 95 | 101 |
| Kentucky | 97 | 89 | 110 | 94 |
| Hawaii | 97 | 100 | 91 | 102 |
| Washington | 97 | 98 | 92 | 100 |
| Vermont | 97 | 92 | 104 | 96 |
| West Virginia | 96 | 84 | 110 | 99 |
| Arizona | 96 | 98 | 96 | 94 |
| Illinois | 95 | 93 | 96 | 95 |
| Alabama | 94 | 80 | 106 | 103 |
| Ohio | 92 | 99 | 90 | 88 |
| Minnesota | 92 | 89 | 101 | 86 |
| Oregon | 88 | 92 | 82 | 91 |
| Montana | 87 | NJ | 89 | 85 |
| Mississippi | 86 | 95 | 106 | 55 |
| Wisconsin | 80 | 91 | 74 | 77 |
| New Hampshire | 77 | 91 | 66 | 77 |
| Virginia | 75 | 67 | 80 | 78 |

Discretionary Petitions Granted by Courts of Last Resort

On average, during 1993, state COLRs granted 11 percent of the discretionary petitions filed. This winnowing process is shown below by comparing the number of petitions filed with the number granted for the COLRs of 18 states. In states with an IAC, the precise boundaries of the COLR's jurisdiction become important to understanding the flow of cases to the COLR and, possibly, the percentage of petitions that are granted. For example, the types of cases that would go to the IAC in Michigan are filed instead in the COLR in West Virginia, where no IAC has been established and the West Virginia Supreme Court has full discretion over its docket.

Although discretionary jurisdiction enables appellate courts to control their dockets, it does not necessarily resolve the problem of workload. The process of reviewing discretionary petitions is resource intensive and takes an increasing amount of time as the number of discretionary petitions continues to rise.

Discretionary Petitions Granted in 18 Courts of Last Resort, 1993

| State | Percentage of Petitions Granted | Number of Petitions Filed | Number of Petitions Granted |
|----------------|---------------------------------------|---------------------------------|-----------------------------------|
| West Virginia | 31.2% | 2,113 | 660 |
| Massachusetts | 29.7 | 670 | 199 |
| South Dakota | 25.0 | 40 | 10 |
| North Carolina | 20.2 | 341 | 69 |
| Louisiana | 16.5 | 3,021 | 497 |
| Maryland | 14.5 | 765 | 111 |
| Alaska | 14.2 | 226 | 32 |
| Georgia | 13.7 | 1,179 | 162 |
| Texas | 12.0 | 3,051 | 366 |
| Minnesota | 11.7 | 733 | 86 |
| Oregon | 11.5 | 873 | 100 |
| Ohio | 8.4 | 1,932 | 163 |
| Missouri | 8.2 | 734 | 60 |
| Tennessee | 7.8 | 782 | 61 |
| Illinois | 7.4 | 1,572 | 116 |
| Kansas | 5.3 | 508 | 27 |
| Michigan | 3.2 | 2,747 | 87 |
| California | 1.4 | 5,810 | 84 |

Manner of Disposition in Courts of Last Resort

The manner in which cases are disposed is an indication of the kind of work that appellate courts perform. According to the traditional model of the appellate process, the final product is a published opinion that sets forth the court's reasoning for its decision. Yet, very little is known about the nature of appellate court dispositions. Are there alternative types of dispositions? What are their relative frequency? What are the similarities and differences among different appellate courts? The objective of this section is to explore these questions and to present evidence obtained from a survey of courts of last resort. Twenty-six state courts of last resort provided information on the manner of disposition reached in cases terminated during 1993.

As shown below the courts' dispositions are divided into four basic categories: (1) full-written published opinion, (2) memoranda decisions, (3) denials of petitions and writs, and (4) other types of decisions (e.g., dismissals and transfers to other courts).

Manner of Disposition in 26 Courts of Last Resort, 1993

| | Full Published Opinions | Memoranda Decisions | Denial of Petition | Other Disposition | Total |
|----------------|----------------------------|------------------------|-----------------------|----------------------|-------|
| Alabama | 745 | 200 | 707 | 382 | 2,034 |
| Arizona | 69 | 2 | 1,255 | 9 | 1,335 |
| Arkansas | 347 | 75 | 227 | 84 | 733 |
| California | 102 | 0 | 3,814 | 1,912 | 5,828 |
| Colorado | 150 | 43 | 885 | 73 | 1,151 |
| Connecticut | 189(a) | 21 | 157 | 32 | 399 |
| Florida | 428 | 1,503 | n/a | n/a | 1,931 |
| Georgia | 344 | 199 | 956 | 397 | 1,896 |
| Hawaii | 60 | 107 | 55 | 525 | 747 |
| Illinois | 88(b) | 1,181 | 1,440 | 0 | 2,709 |
| Iowa | 306 | 162 | 230 | 1,341 | 2,039 |
| Kansas | 183 | 25 | 487 | 112 | 807 |
| Kentucky | 104 | 173 | 617 | 140 | 1,034 |
| Louisiana | 120 | 94 | 2,158 | 612 | 2,984 |
| Michigan | 90 | 182 | 2,201 | 43 | 2,516 |
| Minnesota | 120 | 115 | 540 | 84 | 859 |
| New Mexico | 67 | 58 | 360 | 70 | 555 |
| New York | 298(c) | 0 | 3,668 | 506 | 4,472 |
| North Dakota | 255 | n/a | n/a | 127 | 382 |
| Oregon | 128(b) | 42(a) | 797 | 120 | 1,087 |
| Pennsylvania | 188 | 0 | 2,015 | 430 | 2,633 |
| South Carolina | 206 | 366 | 304 | 1,362 | 2,238 |
| Tennessee | 222(d) | 153 | 660 | n/a | 1,035 |
| Texas | 229 | n/a | 917 | 495 | 1,641 |
| Utah | 139 | 0 | 134 | 445 | 718 |
| Washington | 134 | 1 | 809 | 245 | 1,189 |

Notes:

- (a) Includes some per curiam opinions; Oregon's dispositions are all published.
- (b) Includes some opinions that are consolidated.
- (c) Includes all dispositions of appeals on the merits, including per curiam and memorandum opinions.
- (d) Of the 222, the number of published opinions is unknown.

Manner of Disposition in Courts of Last Resort

The first category is written, published opinions, which set forth the issues in the case and indicate how the court resolved those issues. These decisions almost always can be cited as precedent in future litigation. These decisions clarify the meaning of new laws, achieve uniformity in the law by resolving conflicting opinions among lower tribunals, and address legal disputes of important public policy significance. This category places substantial demands on the courts' resources, but is not the most frequent type of disposition. They average approximately 100 per court, with differences in the number of opinions reflecting differences in the size and jurisdiction of the courts. Five-member courts (e.g., Arizona, Hawaii) understandably produce fewer opinions than seven- or nine-member courts. Additionally, courts with an extensive mandatory jurisdiction (e.g., Alabama) are likely to produce more opinions than courts with predominantly discretionary jurisdictions.

The second way that courts dispose of cases includes a variety of different types of decisions (e.g., memoranda decisions, per curiam opinions, orders without opinions) that are not citable, generally. The courts have examined the cases on their merits, but they believe that the cases do not warrant expansive and detailed statements of the issues, the law, and the facts. A more abbreviated manner of disposition is sufficient to inform the parties of the court's decision. However, these cases need to be factored into the measures of the courts' productivity. They require the court to review the record, to read the briefs, and to articulate a clear and understandable decision.

A third way in which cases are disposed is by denying a petition for review. In most instances of petitions for review, courts of last resort examine the petition, but deny the request for full appellate case processing. For almost all of the courts, this is the largest category of dispositions. Yet, neither the respective roles of justices and staff in this process, nor the amount of time taken to achieve these dispositions is fully known.

Finally, there is a fourth category of dispositions in which cases are resolved short of a decision on the merits because they are either dismissed or transferred to another appellate court. Dismissals might occur because the parties have voluntarily settled the case, the case has been abandoned, or one party failed to comply with court procedures. These cases are part of the court's workload even though they do not require a court decision because they do require attention by the judges and court staff. The courts may have encouraged dismissal by conducting settlement conferences and certainly the clerk's office will have spent time handling the initial stages of the appeal. Transfers occur most frequently in courts of last resort that receive all appeals and then transfer some of them to intermediate appellate courts for review (e.g., Hawaii, Iowa, North Dakota, South Carolina, Utah).

Comparing State and Federal Court Caseloads

State and Federal Trial Court Caseload Comparison

A basic comparison of state and federal trial courts is shown in the adjacent table. The cases included in this comparison come from courts of general and limited jurisdiction on the state side and from U.S. district courts, U.S. magistrate courts, and U.S. bankruptcy courts on the federal side. Briefly stated, about 98 percent of the nation's total volume of cases are heard in state courts. This comparison is likely too simplistic since state court caseloads are dominated by traffic and local ordinance violation cases that have no counterpart in the federal system. Although the sheer volume of these cases impacts substantially on total court resources, they typically require little, if any, judicial attention.

Therefore, to maximize the comparability of the state and federal court systems, the table below compares civil and criminal caseloads in the primary trial courts of each system: the U.S. district courts and the state trial courts of general jurisdiction. This restriction increases confidence that analogous caseloads are being compared. On the criminal side, the U.S. district courts and the state trial courts of general jurisdiction handle primarily felonies with some serious misdemeanor cases. On the civil side, the state general jurisdiction trial courts somewhat approximate the dollar limits and case types faced by the U.S. district courts.

Filings per judge provide a direct means to compare the relative caseloads of the state and federal courts. The state general jurisdiction judiciary handles 85 times as many criminal cases and 27 times as many civil cases with only 14 times as many judges as the federal judiciary. On average, a judge in a state court of general jurisdiction handles six times as many criminal and two times as many civil cases as a U.S. district court judge.

Aggregate Filings in Federal and State Courts, 1993

| | Filings |
|-----------------------|-------------------|
| Federal Courts | |
| Criminal | 46,786 |
| Civil | 229,850 |
| Bankruptcy | 897,231 |
| Magistrates | 510,057 |
| Total | 1,683,924 |
| State Courts | |
| Criminal | 12,987,604 |
| Civil | 14,808,314 |
| Domestic | 4,540,008 |
| Juvenile | 1,664,409 |
| Traffic | 55,583,666 |
| Total | 89,584,001 |

Case Filings per Judge: General Jurisdiction Courts vs. U.S. District Courts, 1990-1993

| Year | Filings per Judge | | | | | |
|------|----------------------|----------|-------|---------------|----------|-------|
| | General Jurisdiction | | | U.S. District | | |
| | Total | Criminal | Civil | Total | Criminal | Civil |
| 1990 | 1,390 | 406 | 984 | 462 | 81 | 381 |
| 1991 | 1,391 | 405 | 986 | 398 | 73 | 325 |
| 1992 | 1,412 | 417 | 995 | 430 | 75 | 355 |
| 1993 | 1,529 | 450 | 1,079 | 426 | 72 | 354 |

State and Federal Trial Court Trends

The adjacent charts compare the growth in total civil, tort, total criminal, and felony filings in state courts of general jurisdiction and U.S. district courts. Taking 1984 as the base year, the charts show the percentage growth in civil and criminal cases filed in trial courts at both the state and federal level.

Civil filings (excluding domestic relations) in state courts of general jurisdiction have grown by 18 percent since 1984, while civil filings in the U.S. district courts declined 12 percent over the same period.

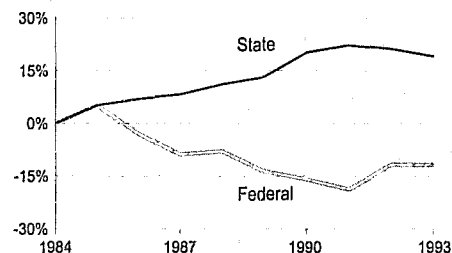
At the state level, the bulk of the growth in tort filings occurs in the mid-1980s. The change in tort filings shows a more erratic pattern in the federal courts, with substantial growth taking place since 1991.

Steep increases characterize criminal caseloads in both federal (+32 percent) and state (+33 percent) court systems since 1984, although criminal filings dip between 1992 and 1993 in both state and federal courts.

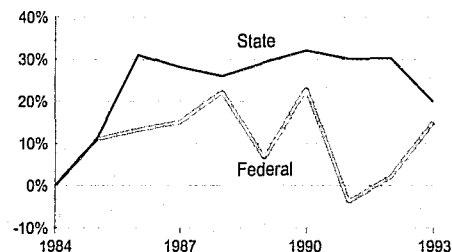
The most dramatic increases in filings occur in felony caseloads. Similar growth rates in the mid-1980s diverge in 1987 as state felony filing rates began to outpace federal filing rates. The decline in felony filings between 1992 and 1993 is consistent with the decrease in the nation's reported crime rate during the same period.

Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1984-1993

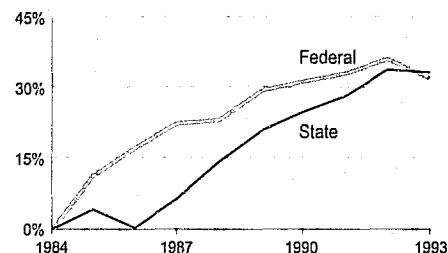
Civil Filings



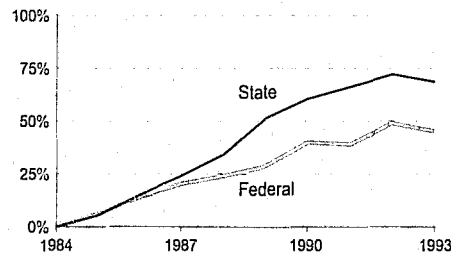
Tort Filings



Criminal Filings



Felony Filings



State and Federal Appellate Court Trends

The chart below compares the growth in appellate caseloads at both the state and federal levels. Appellate filing trends are shown for state intermediate appellate courts and courts of last resort as well as for the U.S. courts of appeals and the U.S. Supreme Court. Since 1984, the most rapid growth occurred in the U.S. courts of appeals, averaging over 6 percent per year, and in the state intermediate appellate courts, averaging more than 3 percent per year. This growth in caseload far outstrips the growth in the number of appellate judges available to decide these cases.

The trends indicate that between 1984 and 1993, appeals at the federal level have grown at a faster rate than filings in the U.S. district courts. Total civil and criminal filings in the U.S. district courts have declined by 7 percent, while the number filed in the courts of appeals has increased 58 percent. In contrast, the increase in appeals entering state intermediate appellate courts has been roughly similar to the growth in civil and criminal filings in state trial courts.

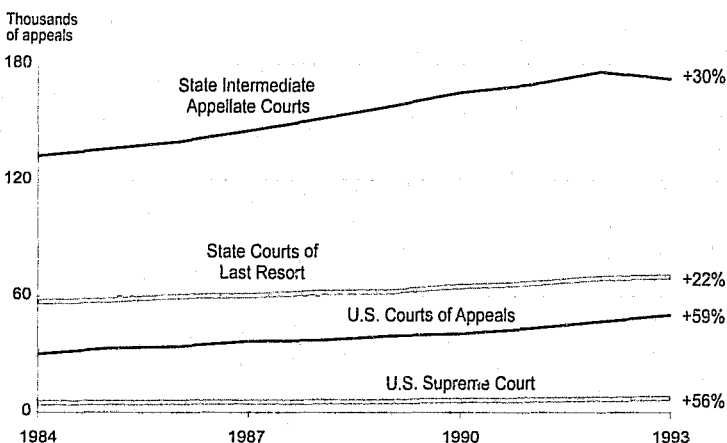
The steady growth in appeals, moreover, threatens the institutional responsibilities of the state courts of last resort and the U.S. Supreme Court. The U.S. Supreme Court seldom grants full review to more than 150 cases per year and most state courts of last resort publish full, written opinions for a similar number of cases.

As seen in the adjacent table, the number of judges serving on courts of last resort tends to remain constant, and rising appellate caseloads mean that these courts must eventually lower the rate at which they accept discretionary petitions.

Number of Justices on Appellate Courts 1991, 1993

| | Number of Justices | |
|-------------------------------|--------------------|------|
| | 1991 | 1993 |
| State Courts of Last Resort | 356 | 356 |
| Intermediate Appellate Courts | 858 | 860 |
| U.S. Courts of Appeals | 167 | 167 |
| U.S. Supreme Court | 9 | 9 |

Comparing Federal and State Appellate Caseloads, 1984-1993



The largest increase in appellate filings is in the U.S. Courts of Appeals. Since 1989, criminal filings in the U.S. Courts of Appeals increased 10 percent per year. Increased appellate filings were driven primarily by the imposition of mandatory sentencing guidelines and the increased attention to drug and weapons offenses. Drug-related cases comprised 50 percent of the criminal appeals filed in 1993. In addition, civil appeals increased 6 percent annually since 1989, due largely to increased civil rights, personal injury/ products liability, and prisoner petition appeals.

Appendix

Appendix

Annotations and Sources

Overview of State Trial Courts

Page 3: Cases Filed in State Courts, 1993

Types of Cases Filed in State Courts, 1984-1993: Civil, Criminal, Domestic Relations, Juvenile

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

Page 4: Types of Cases Filed in State Courts, 1984-1993

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

Number of Parking Filings in 14 States, 1989-1993

Includes AL, CA, HI, IL, MD, MN, NJ, NM, NY, PA, SD, TX, UT, WA.

Page 5: State Trial Court Filings by Court Jurisdiction, 1993

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

Page 6: Types of Cases Filed in State Courts, 1984 vs. 1993

State Trial Court Caseload Composition, 1984-1993

Data were available from all 50 states, the District of Columbia, and Puerto Rico. For more information on the processing of traffic caseloads, see J. Goerdt, *Small Claims and Traffic Courts: Case Management Procedures, Case Characteristics, and Outcomes in 12 Urban Jurisdictions* (National Center for State Courts 1992).

Civil Cases

Page 11: Civil Cases Filed in State Courts, 1984-1993

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

Civil Caseload Composition in General Jurisdiction Courts in 23 States, 1984 vs. 1993

Includes AZ, CA, CO, CT, FL, HI, KS, ME, MD, MN, MO, NV, NJ, NM, ND, OH, OR, TN, TX, UT, WA, WI, WY.

Civil Caseload Composition in Limited Jurisdiction Courts in 13 States, 1993

Includes AL, AK, AZ, FL, HI, IN, KY, NH, NY, ND, OH, OR, TX.

Tort and Contract Cases

Page 19: Tort Filings in General Jurisdiction Courts in 16 States, 1975-1993

Includes AK, CA, CO, FL, HI, ID, KS, ME, MD, MI, ND, OH, TN, TX, UT, WA.

Page 21: Recent Tort Reforms in the States

Source: American Tort Reform Association, 1994.

Page 23: Auto and Nonauto Tort Filings in General Jurisdiction Courts in 10 States, 1984-1993

Includes AZ, CA, CT, FL, HI, MD, MI, NV, NC, TX.

Tort Filings and Dispositions in General Jurisdiction Courts in 14 States, 1984-1993

Includes AZ, CA, CO, CT, FL, HI, ID, ME, MD, MI, OH, PR, TX, WA. Text referencing typical time to disposition in tort cases is derived from J. Goerdt, *Reexamining the Pace of Litigation in 39 Urban Trial Courts* (National Center for State Courts 1991).

Composition of Tort Caseloads in General Jurisdiction Courts

Median Case Processing Time

The data for these charts are derived from the Trial Court Information Network (TCIN). A Bureau of Justice Statistics-sponsored project that includes 27 individual trial courts.

Page 24: Composition of Tort Cases Disposed by Trial

The data were derived from the Trial Court Information Network (TCIN). A Bureau of Justice Statistics-sponsored project that includes 27 individual trial courts. See B. Ostrom et al., *What Are Tort Awards Really Like: The Untold Story from the State Courts*, 14 *Law & Policy* (No. 1, January 1992).

Annotations and Sources

Page 25: Proportion of Plaintiffs Winning in Tort Cases

Median Jury Award by Type of Tort Case

The data for these charts are derived from the Trial Court Information Network (TCIN). A Bureau of Justice Statistics-sponsored project that includes 27 individual trial courts. See R. Hanson, B. Ostrom, & D. Rottman, *The Williamsburg Report: A Dialogue on Tort Litigation in the States*, 18 State Court Journal (No. 2, Fall 1994).

Page 26: Contract Filings and Dispositions in General Jurisdiction Courts in 10 States, 1984-1993

Includes AZ, CO, CT, FL, HI, ME, MD, PR, TX, WA. The text reference linking economic changes to decreases in contract filing rates is derived from B. Ostrom, *The Collapse in Contract Case Filings since 1991*, 17 The Justice System Journal 221 (No.2, 1994).

Domestic Relations Cases

Page 29: Domestic Relations Filings in General Jurisdiction Courts in 46 States, 1988-1993

Excludes GA, LA, MS, NM, SC, WY.

Domestic Relations Filings in General Jurisdiction Courts by Type of Case, 1988-1993

Divorce: Excludes AL, AZ, GA, IL, KY, LA, MS, MO, NE, NH, NM, OR, SC, WA, WY

Support/Custody: Includes AR, CO, CT, DE, DC, FL, ID, MD, MA, MI, NJ, NY, NC, ND, OH, PA, VA, WI.

Domestic Violence: Includes AK, AZ, DC, FL, ID, IA, ME, MD, MA, MI, MN, NH, NJ, NY, ND, OH, RI, VT, VA, WA, WY. Data begin with 1989.

Paternity: Includes AK, CO, CT, DC, HI, IN, KS, LA, MD, MI, MO, NV, NY, ND, OH, OR, RI, UT, WI.

URESA: Includes AK, AR, CO, DC, FL, HI, IA, KS, ME, MA, MI, MN, NC, OH, OK, TN, TX, VT.

Adoption: Excludes AL, CA, FL, GA, IL, IA, LA, ME, MS, NC, NM, OK, PR, RI, SC, TX, UT, VT, VA, WY.

Page 30: Domestic Relations Caseload Composition in 27 States, 1993

Includes AK, AZ, AR, CO, CT, DC, FL, HI, KS, LA, MA, MI, MN, MO, NC, NJ, NM, NY, ND, OH, OR, PR, RI, TN, UT, VT, WI. See H. Rubin & V. Flango, *Court Coordination of Family Cases* (National Center for State Courts 1992) and J. Goerdts, *Divorce Courts: Case Management, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions* (National Center for State Courts 1992).

Domestic Relations Filings by State and Court Jurisdiction, 1993

Includes AK, AZ, AR, CO, CT, DC, FL, HI, KS, LA, MA, MI, MN, MO, NC, NJ, NM, NY, ND, OH, OR, PR, RI, TN, UT, VT, WI. This table does not include unclassified domestic relations cases. These states have family courts: DE, LA, MS, NY, RI, SC, VT (VA—approved by legislature). These states have family divisions: CT, DC, HI, NJ, MA. New Jersey includes URESA and paternity in support, North Dakota includes URESA in support, and North Carolina includes paternity in divorce.

Page 31: States Allowing Jury Trials in Domestic Relations Cases, by Region

Source: Court Statistics Project Jurisdiction Guides and Court Structure Charts, 1993. Regional breakdown categories are those routinely used by the Bureau of Justice Statistics, United States Department of Justice.

Criminal Cases

Page 37: Criminal Cases Filed in State Courts, 1984-1993

Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1993

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

Annotations and Sources

Page 38: Criminal Caseload Composition by Court Jurisdiction, 1993

General Jurisdiction includes AZ, AK, CT, IN, KS, LA, ME, MO, NM, NC, OK, OR, TX, VT, VA, WA, WV, WI, WY. Limited Jurisdiction includes AZ, AK, CO, FL, HI, LA, MO, MI, NH, NM, OH, PA, SC, UT, WA, WY. Unified includes DC, ID, IL, IA, MA, MN, SD.

Page 39: DWI Filings in 23 State Courts, 1984-1993

Includes AZ, AR, FL, HI, ID, IA, KS, MD, MA, OK, NH, NJ, NM, OH, OK, SC, SD, TN, TX, UT, WA, WI, WY.

Felony Cases

Page 45: Felony Cases Filed in General Jurisdiction Courts in 32 States, 1984-1993

Excludes AL, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NC, PA, PR, SC, TN, VT.

Page 46: Comparing Felony Filings to Dispositions, 1984-1993

Excludes AL, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NC, PA, PR, SC, TN, VT. Text referencing typical trial length is derived from D. Sipes et al., *On Trial: The Length of Civil and Criminal Trials* (National Center for State Courts (1988)).

State Appellate Court Caseloads

Page 53: Trial Court Felony and Courts of Appeals Caseload Growth Rates, 1984-1993

Civil includes AL, AK, AR, CA, HI, ID, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, PA, SC, TX, VA, WA, WI. Felony includes AK, AR, CA, HI, ID, IL, IN, IA, KY, MD, MA, MN, MO, NC, OH, OR, TX, WI.

Page 56: Intermediate Appellate Court Caseloads, 1984-1993

Courts of Last Resort Caseloads, 1984-1993
Excludes PR. Louisiana data are derived from the Judicial Council of the Supreme Court of Louisiana, *Annual Reports 1974-1993*. See J. Chapper & R. Hanson, *Intermediate Appellate Courts: Improving Case Processing* (National Center for State Courts 1990).

Page 57: Type of Mandatory Appeals in Intermediate Appellate Courts, 1993

Includes AK, AL (Ct. Crim. App.), AR, AZ, HI, IL, IN (Tax Ct.) KS, KY, LA, MN, NC, NM, OH, OR, PA (Superior), TN (Ct. Crim. App.), UT, VA.

Type of Discretionary Appeals in Courts of Last Resort, 1993

Excludes AR, CO, CT, DE, DC, FL, GA, HI, ID, IA, KS, KY, ME, MD, MA, MI, MO, NE, NH, NJ, PA, PR, SC, TN.

Page 58: Mandatory Appeals in Intermediate Appellate Courts, 1985-1993

Civil includes AL, AZ, AR, CA, HI, ID, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, PA, SC, TX, VA, WA, WI. Criminal includes AL, AK, AZ, AR, CA, HI, ID, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, SC, TX, UT, WA, WI.

Page 59: Discretionary Appeals in Courts of Last Resort, 1987-1993

Includes CA, IL, LA, MI, MN, NY, NC, OH, OR, TX (criminal appeals only), VA, WA, WV, WI.

Comparing State and Federal Court Caseloads

Page 70: Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1984-1993

Civil includes all 50 states, DC, and Puerto Rico. Tort includes AK, CA, CO, FL, HI, ID, KS, ME, MD, MI, ND, OK, TN, TX, UT, WA. Criminal includes all 50 states, DC, and Puerto Rico. Felony excludes AL, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NC, PA, PR, SC, TN, VT. See B. Ostrom & G. Gallas, *Case Space: Do Workload Considerations Support a Shift from Federal to State Court Systems?*, 14 State Court Journal (No. 3, Summer 1990).

Page 71: Comparing Federal and State Appellate Caseloads, 1984-1993

Intermediate Appellate Courts exclude NE, PR, and 12 states do not have an IAC. Courts of Last Resort exclude CT, IN, IA, MO, WY.

Court Statistics Project Methodology

Information for the CSP's national caseload databases comes from published and unpublished sources supplied by state court administrators and appellate court clerks. Published data are typically taken from official state court annual reports, so they take many forms and vary greatly in detail. Data from published sources are often supplemented by unpublished data received from the state courts in many formats, including internal management memoranda and computer-generated output.

The CSP data collection effort to build a comprehensive statistical profile of the work of state appellate and trial courts nationally is underway throughout the year. Extensive telephone contacts and follow-up correspondence are used to collect missing data, confirm the accuracy of available data, and determine the legal jurisdiction of each court. Information is also collected on the number of judges per court or court system (from annual reports, offices of state court administrators, and appellate court clerks); the state population (based on U.S. Bureau of the Census revised estimates); and special characteristics regarding subject matter jurisdiction and court structure.

Examining the Work of State Courts, 1993 and *State Court Caseload Statistics, 1993* are intended to enhance the potential for meaningful state court caseload comparisons. Because there are 50 states and thus 50 different state court systems, the biggest challenge is to organize the data for valid state-to-state comparisons. The Conference of State Court Administrators (COSCA) and the National Center for State Courts (NCSC) have jointly developed a model approach for meeting this challenge over the past 17 years. The results of that work, *State Court Model Statistical Dictionary, 1989*, provides a standard for comparison: among states and over time. The COSCA/NCSC approach also highlights some aspects that remain problematic for collecting comparable state court caseload data.

A discussion of how to use state court caseload statistics, a complete review of the data collection procedures, and the sources of each state's 1993 caseload statistics is provided in the companion volume to this report, *State Court Caseload Statistics, 1993*.

State Court Caseload Statistics, 1993

The analysis presented in *Examining the Work of State Courts, 1993* is derived in part from the data found in *State Court Caseload Statistics, 1993*. The information and tables found in this latter volume are intended to serve as a detailed reference on the work of the nation's state courts. *State Court Caseload Statistics, 1993* is organized in the following manner:

State Court Structure Charts display the overall structure of each state court system on a one-page chart. Each state's chart identifies all the courts in operation in that state during 1993, describes their geographic and subject matter jurisdiction, notes the number of authorized judicial positions, indicates whether funding is primarily local or state, and outlines the routes of appeal between courts.

Jurisdiction and State Court Reporting Practices review basic information that affects the comparability of caseload information reported by the courts. For example, the dollar amount jurisdiction for civil cases, the method by which cases are counted in appellate courts and in criminal, civil, and juvenile trial courts; and identifying trial courts that have the authority to hear appeals are all discussed. Information is also provided that defines what constitutes a case in each court, making it possible to determine which appellate and trial courts compile caseload statistics on a similar basis. Finally, the numbers of judges and justices working in state trial and appellate courts are displayed.

1993 State Court Caseload Tables contain detailed information from the nation's state courts. Six tables detail information on appellate courts and an additional six tables contain data on trial courts (Tables 1-12). Tables 13-16 describe trends in the volume of case filings and dispositions for the period 1984 to 1993. These displays include trend data on mandatory and discretionary cases in state appellate courts and felony and tort filings in state trial courts over the past ten years.

The tables also indicate the extent of standardization in the numbers for each state. The factors that most strongly affect the comparability of caseload information across the states (for example, the unit of count) are incorporated into the tables. Footnotes explain how a court system's reported caseloads conform to the standard categories for reporting such information recommended in the *State Court Model Statistical Dictionary, 1989*. Caseload numbers are noted as incomplete in the types of cases represented, as overinclusive, or both. Numbers without footnotes are in compliance with the *Dictionary's* standard definitions.

The NCSC Court Statistics Project

The Court Statistics Project can provide advice and clarification on the use of the statistics from this and previous caseload reports. Project staff can also provide the full range of information available from each state. The prototype data spreadsheets used by project staff (displayed in the appendix of *State Court Caseload Statistics, 1993*) reflect the full range of information sought from the states. Most states provide far more detailed caseload information than can be presented in this report. Comments, suggestions, and corrections from users of *Examining the Work of State Courts, 1993* and *State Court Caseload Statistics, 1993* are encouraged, and can be sent to:

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National Center for State Courts
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Internet: bostrom@ncsc.dni.us

Also Available from the Court Statistics Project

State Court Caseload Statistics, 1993. The companion to this report.

State Court Organization 1993. An exhaustive compilation of information on state court structure and operations. This volume, the third in the series, complements and extends the information on court jurisdiction and reporting practices provided in *State Court Caseload Statistics, 1993*.

State Court Model Statistical Dictionary, 1989. The NCSC/COSCA model approach for compiling comparable state court caseload statistics.

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