

# Bureau of Justice Statistics Special Report

1977 to 1981

## State Court Caseload Statistics

This special report is the first effort designed to provide selected data on current State court caseloads as well as a base year's data for comparisons of national caseload trends. The data contained in this report can only provide a preliminary indication of the current volume of cases processed by State courts and general estimates of changes in the national picture.

In 1981, the 50 States<sup>1</sup> and the District of Columbia reported over 82 million cases filed in their respective trial courts. Between 1977 and 1981 the number of civil case filings increased by 22%; criminal case filings increased by 31%.

Based on the data presented, criminal filings are increasing at about 1 1/2 times the rate of civil filings, with traffic filings representing a large percentage of total filings.

Thirty-six States and the District of Columbia reported increases in criminal filings between 1977 and 1981, ranging from 6% to 132%. Four States reported decreases and the remaining States were unable to provide comparable data for the 2 years.

On the civil side, 38 States reported increases in filings ranging from a low of 2% to a high of 64%. Two States and the District of Columbia reported a decrease in civil filings. In the District of Columbia, the overall decrease of 9% is due entirely to a decrease in small claims and landlord/tenant matters; the remainder of the civil caseload showed a 13% increase in filings.

Of the 40 States and the District of Columbia reporting data for both years, the three States with the largest percentage increase in criminal filings were Massachusetts (132%), South Carolina (127%), and Oregon (78%). The three States with the largest decreases in criminal filings were West Virginia (-27%), Iowa (-14%), and Vermont (-8%). The largest increase in civil filings occurred in Virginia (64%), Michigan (58%), and Maryland (51%). The only States reporting

<sup>1</sup>The data reported from Mississippi were not in a form usable for this report.

February 1983  
NCJ-87587

When the Bureau of Justice Statistics launched the State Court Caseload Statistics program in cooperation with the National Center for State Courts, we had a central objective—to document the workload, caseload, and backlog confronting State courts individually and collectively. Initiated in 1977, the program was intended to provide a measure of State court caseloads, a measure that had not been available since 1946 when the Bureau of the Census discontinued an earlier statistical series on State adjudicatory activity.

This special report is our first attempt to provide selected data on reasonably current court caseloads and to show comparisons between 1977 and 1981 in State criminal and civil court caseloads. In reestablishing a State court statistical series and in publishing these data, we are necessarily dealing with enormous diversity in State law and practice. Efforts to derive national estimates

confront State variations in (1) trial and appellate case definitions and classifications, (2) court organization and case jurisdiction by type of court, (3) annual reporting periods, (4) completeness in coverage of courts, and (5) accuracy of State submissions. We have worked with the National Center to arrive at some degree of consistency and comparability in our estimates; however we acknowledge that the data presented provide only a preliminary indication of case processing by individual State courts and an approximation of State court caseload trends. Methodological improvements are still an imperative.

We wish to express our appreciation to the Conference of State Court Administrators for their continuing guidance of the effort to establish a State court statistical series and to the individual Chief Justices and Court Administrators for providing these data.

Steven R. Schlesinger  
Acting Director, BJS

a decrease in civil filings were Rhode Island (-1%) and Wyoming (-1%).

Overall, the State reports indicate that civil and criminal case filings have increased well over 20% in 4 years. If this trend continues, by the year 2000 civil and criminal court filings may more than double their 1977 levels, including neither traffic filings (which account for an overwhelming majority of filings at the trial court level) nor juvenile filings.

Based on the data received from the States for appellate level caseloads, the increases are even more dramatic. Between 1977 and 1981, States reported an 18% increase in filings in courts of last resort and a 35% increase in intermediate appellate courts for an overall increase of

32% in all appellate filings. By 1990, appellate courts could experience more than a 100% increase in case filings from the base year of 1977.

### General discussion

The base-year data included in this report were drawn from *State Court Caseload Statistics: Annual Report, 1977*,<sup>2</sup> produced by the National Center for State Courts in conjunction with the Conference of State Court Administrators. Data for current caseload estimates

<sup>2</sup>For some States the numbers in the 1977 Annual Report had to be adjusted to provide a comparable 4-year period for the later year data.

were collected through a special survey, conducted in August 1982, of State Court Administrative Offices. In most States the data are reported for either fiscal year 1981-82 or calendar year 1981. This report does not include caseflow or workload data that are provided in the regular Annual Report series prepared for the Bureau by the National Center. Although the 1977 full report contains data on the 50 States, the District of Columbia, Guam, and Puerto Rico, this special edition concerns only the 50 States and the District of Columbia, hereafter referred to as the "States" or jurisdictions.

The figures represented in Table 1 account for virtually all cases filed in general jurisdiction courts and between 70% and 80% of cases filed in limited jurisdiction courts. Total filings are divided into four major categories: civil, criminal, juvenile, and traffic. Because some States include parking violations in traffic filings and this tends to inflate the traffic category, total filings were computed both with and without traffic cases. The 1981 data show that despite recent efforts to divert traffic cases from the formal court system, traffic remains the most overwhelming category in case type estimates.

Of the more than 82 million<sup>3</sup> civil, criminal, juvenile, and traffic filings reported for 1981, approximately 67% were traffic-related. Criminal and civil filings were relatively equal in number, 15% and 16%, respectively, while juvenile cases represented less than 2% of the total cases filed. The relative proportion

<sup>3</sup>This number does not include statistics from Oklahoma and Louisiana.

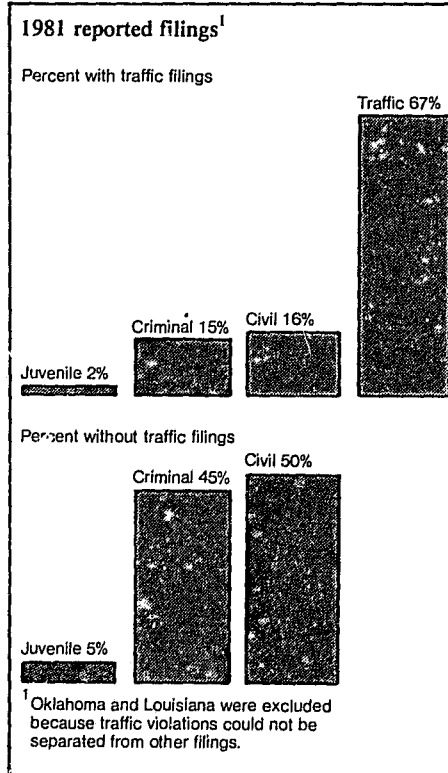


Figure 1

Table 1. Filings in courts of general and limited jurisdiction, CY 1981 or FY 1981/82

	Civil	Criminal	Juvenile	Total excluding traffic	Traffic	Total including traffic
Alabama*	216,408	140,170	46,866	403,444	227,722	631,166
Alaska	30,728	22,355	1,270	54,353	86,729	141,082
Arizona	138,621	148,395	1,076	288,092	1,153,217	1,441,309
Arkansas	99,452	147,428	13,907	260,787	479,106	739,893
California	1,639,518	923,834	102,333	2,665,685	15,599,845 <sup>a</sup>	18,265,530 <sup>a</sup>
Colorado*	202,775	59,578	26,153	288,506	181,873	470,379
Connecticut	212,240	109,539	14,255	336,034	303,281	639,315
Delaware	49,728	56,822	9,870	116,420	128,225	244,845
Dist. of Columbia	145,911	36,597	4,765	187,273	10,403	197,676
Florida	553,574	447,754	113,841	1,115,169	2,287,888	3,403,057
Georgia*	257,173	45,286	34,482	436,941	361,167	798,108
Hawaii	47,382	52,537	8,913	108,832	871,916 <sup>a</sup>	980,748 <sup>a</sup>
Idaho	52,347	32,632	7,661	92,640	209,904 <sup>a</sup>	302,544 <sup>a</sup>
Illinois	647,096	712,379	32,642	1,392,117	6,582,043 <sup>a</sup>	7,974,160 <sup>a</sup>
Indiana	388,301	144,960	26,315	559,576	354,232	913,808
Iowa	133,484	113,667	5,570	252,721	661,254	913,975
Kansas*	118,187	30,093	10,607	158,887	275,828 <sup>a</sup>	434,715
Kentucky	187,210	217,193	36,445	440,848	274,788	715,636
Louisiana*	238,609	536,856 <sup>b</sup>	30,117	805,582	467,506	1,273,088
Maine*	57,938	96,449	13,404	167,791	88,372	256,163
Maryland*	590,887	171,781	29,750	792,418	646,313 <sup>a</sup>	1,438,731 <sup>a</sup>
Massachusetts*	465,987	657,551	118,876	1,242,414	3,243,585 <sup>a</sup>	4,485,999 <sup>a</sup>
Michigan*	263,863	538,014	22,131	824,008	1,313,532 <sup>a</sup>	2,137,540 <sup>a</sup>
Minnesota	251,062	114,986	44,672	410,720	1,448,626 <sup>a</sup>	1,859,346 <sup>a</sup>
Mississippi						
Missouri	220,643	148,155	14,935	383,733	656,011	1,039,744
Montana*	6,533	1,340	576	8,449	NA	NA
Nebraska*	81,199	173,844	3,118	258,161	189,089	447,250
Nevada*	81,874	52,822	2,777	137,473	225,953	363,426
New Hampshire	65,476	39,175	7,287	111,938	202,218	314,156
New Jersey*	573,166	31,719	109,881	714,766	NA	NA
New Mexico*	66,325	69,355	4,342	140,022	382,177 <sup>a</sup>	522,199 <sup>a</sup>
New York*	793,896	1,209,061	37,005	2,039,962	460,260	2,500,222
North Carolina	378,688	487,783	19,900	886,371	677,247	1,563,618
North Dakota	25,765	21,719 <sup>c</sup>	1,249	48,733 <sup>c</sup>	119,662 <sup>ac</sup>	168,395 <sup>ac</sup>
Ohio*	619,043	406,403	202,835	1,228,281	1,598,165 <sup>a</sup>	2,826,446 <sup>a</sup>
Oklahoma*	208,088	(d)	8,063	NA	(d)	483,691
Oregon	155,362	149,695	NA	NA	671,893	NA
Pennsylvania	515,014	745,308	47,979	1,308,301	4,540,269 <sup>a</sup>	5,848,570 <sup>a</sup>
Rhode Island*	40,175	38,940	7,275	86,390	NA	NA
South Carolina	182,336	469,894	9,633	661,863	416,184	1,078,047
South Dakota	35,911	136,471	NA	NA	NA	NA
Tennessee*	94,631	37,213	NA	131,844	NA	NA
Texas	679,107	1,316,709	11,761	2,007,577	4,226,529	6,234,106
Utah*	92,894	37,366	34,848	165,108	444,421	609,529
Vermont	24,856	16,599	1,616	43,071	85,750	128,821
Virginia	770,693	399,209	133,471	1,303,373	1,014,304 <sup>a</sup>	2,317,677 <sup>a</sup>
Washington	218,446	170,557	24,424	413,427	1,650,194 <sup>a</sup>	2,063,621 <sup>a</sup>
West Virginia*	89,608	117,493	7,514	214,615	114,787 <sup>a</sup>	329,402 <sup>a</sup>
Wisconsin	326,920	161,645	28,336	516,901	230,680	747,581
Wyoming*	11,513	1,772	975	14,260	NA	NA

\*These figures represent virtually all cases filed in general jurisdiction courts and between 70% and 80% of cases filed in limited jurisdiction courts. The following courts reported no data:  
Alabama—Probate and municipal courts  
Colorado—Municipal court  
Georgia—Justice of the peace, small claims, municipal, magistrate, civil, criminal, municipal, recorder's, mayor's, city council, and police courts<sup>3</sup>  
Kansas—Municipal court  
Louisiana—Justice of the peace and mayor's courts  
Maine—probate court  
Maryland—Orphan's court  
Massachusetts—Probate and family court department  
Michigan—Court of claims, Common Pleas Court of Detroit, and municipal and probate courts  
Montana—Justice of the peace, city, and municipal courts  
Nebraska—Separate juvenile court, workmen's compensation court  
New Jersey—Surrogate's and municipal courts  
New Mexico—Municipal and probate courts  
New York—Town and village justice courts

Ohio—Mayor's court  
Oklahoma—Municipal court  
Rhode Island—Municipal and probate courts  
Tennessee—County, general sessions, probate, juvenile, trial justice, and municipal courts  
Utah—Juvenile and justice of the peace courts  
West Virginia—Municipal court  
Wyoming—County, justice of the peace, and municipal courts

NA These data were not available and therefore are not included in the total filing figures.  
<sup>a</sup>Parking tickets are included in the traffic caseload reported for these States.  
<sup>b</sup>Traffic filings could not be completely separated from criminal and juvenile filings in Louisiana.  
<sup>c</sup>The number of cases disposed was used here as an estimate of the number of cases filed during the year for case types for which filing data were not available. In the Annual Report series, dispositions were found to be similar in number to case filings.  
<sup>d</sup>Oklahoma reported 26,076 felonies and 241,464 misdemeanors. The misdemeanor figure included traffic violations.

of case types did not change dramatically between the two reference points. Data from the 1977 annual report showed traffic to comprise approximately 71% of the total reported cases filed, while criminal represented 12%, civil filings 15%, and juvenile 2%. If comparisons of the 1981 data are limited to those States (all States listed on table without footnotes) that reported for all courts, the percentages reflect only a slight difference. Traffic accounts for approximately 60% of the cases while criminal, civil, and juvenile account for 20%, 19%, and 1%, respectively.

Table 2 contains civil and criminal data from general and limited jurisdiction courts for both 1977 and 1981. Between 1977 and 1981, taking into account only courts that provided data for both years, criminal filings increased by 31% and civil filings showed a 22% increase. After eliminating those States with comparability problems and/or incomplete data, the percent increase for filings over the 4-year period is still substantial. The percentage increase of 23% in civil case filings for 21 States was about the same as the national estimate. On the criminal side, however, the percentage increase was only 23% rather than the national estimate of 33%.<sup>4</sup>

Civil case filings appear to be increasing at a slightly faster pace but at the same rate in the Western States and Southern States (26%), followed by the Northeast and North Central also showing an equal increase (17%). Criminal case filings, on the other hand, experienced greater percentage increases in the Northeast (49%) followed by the South

<sup>4</sup>In States where all courts did not report for both years, only the data from courts reporting the 2 years were used for comparisons.

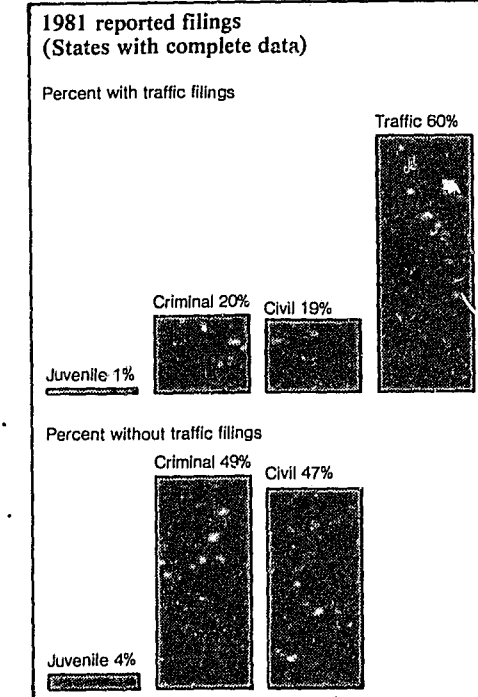


Figure 2

Table 2. Percent change in civil and criminal filings in courts of general and limited jurisdiction, 1977-81

	Civil			Criminal		
	CY 1977 or FY 1977/78	CY 1981 or FY 1981/82	% change	CY 1977 or FY 1977/78	CY 1981 or FY 1981/82	% change
Alabama	186,523	216,408	+16%	121,391	140,070	+15%
Alaska	20,638	30,728	+49%	20,264	22,355	+10%
Arizona <sup>a</sup>	68,635	81,769	+19%	13,231	16,429	+24%
Arkansas	89,027	99,452	+12%	130,978	147,428	+13%
California	1,310,321	1,639,518	+25%	796,367	923,834	+16%
Colorado <sup>a</sup>	154,654	202,775	+31%	42,098	59,578	+42%
Connecticut	207,534	212,240	+2%	91,182	109,539	+20%
Delaware	40,015	49,728	+24%	47,920	56,822	+19%
Dist. of Columbia	160,916	145,911	-9%	29,040	36,597	+26%
Florida <sup>c</sup>	472,895	553,574	+17%	348,834	447,754	+28%
Georgia <sup>a</sup>	219,213	257,173	+17%	112,812	145,286	+29%
Hawaii	33,656	47,382	+41%	40,400	52,537	+30%
Idaho	45,311	52,347	+16%	28,976	32,632	+13%
Illinois	620,732	647,096	+4%	516,092	712,379	+38%
Indiana	276,619	388,301	+40%	122,643	144,960	+18%
Iowa	108,758	133,484	+23%	132,721	113,667	-14%
Kansas	95,333	118,187	+24%	25,211	30,093	+19%
Kentucky <sup>d</sup>				346,631	536,856 <sup>e</sup>	+55%
Louisiana <sup>a</sup>	195,720	238,609	+22%	6,138	6,062	-1%
Maine <sup>a</sup>	47,128	57,627	+22%	154,844	171,781	+11%
Maryland <sup>a</sup>	390,711	590,887	+51%	283,518	657,551	+132%
Massachusetts <sup>a</sup>	411,467	465,987	+13%	207,233	239,119	+15%
Michigan <sup>a</sup>	166,542	263,863	+58%			
Minnesota <sup>d</sup>						
Mississippi						
Missouri <sup>d</sup>						
Montana <sup>d</sup>						
Nebraska <sup>d</sup>	65,756	67,491	+3%	52,099	55,278	+6%
Nevada <sup>d</sup>						
New Hampshire	59,471 <sup>f</sup>	65,476	+10%	36,990 <sup>f</sup>	39,175	+6%
New Jersey <sup>a</sup>	465,682	573,166	+23%	27,084	31,719	+17%
New Mexico <sup>a</sup>	54,844	58,035	+6%	31,178	45,687	+47%
New York <sup>a</sup>	684,139	793,896	+16%	810,398 <sup>g</sup>	1,146,095 <sup>g</sup>	+41%
North Carolina	335,341	378,688	+13%	413,679	487,783	+18%
North Dakota	19,717	25,765	+31%	18,779 <sup>f</sup>	21,719 <sup>f</sup>	+16%
Ohio	583,390	619,043	+6%	323,797	406,403	+26%
Oklahoma <sup>d</sup>				84,103	149,695	+78%
Oregon	123,197	155,362	+26%	570,931	745,308	+31%
Pennsylvania	412,405	515,014	+25%	33,279	38,940	+17%
Rhode Island <sup>a</sup>	40,496	40,175	-1%	107,055	243,079	+127%
South Carolina <sup>a</sup>	173,861	182,336	+5%			
South Dakota <sup>d</sup>						
Tennessee <sup>d</sup>						
Texas	550,510	679,107	+23%	1,080,899	1,316,709	+22%
Utah	63,251	92,894	+47%	32,198	37,366	+16%
Vermont	20,598	24,856	+21%	18,058	16,599	-8%
Virginia	470,830	770,693	+64%	329,904	399,209	+21%
Washington	170,755	218,446	+28%	131,515	170,557	+30%
West Virginia <sup>a</sup>	33,542	34,699	+3%	9,875	7,239	-27%
Wisconsin <sup>d</sup>						
Wyoming <sup>a</sup>	11,583	11,513	-1%	1,404	1,772	+26%
Total change for States reporting both years			+22%			+31%

<sup>a</sup>To correct for discrepancies in the data because some courts reported data in one reporting year but not in the other, only data from the courts listed were used in the following States:  
Alabama—Circuit and district courts  
Arizona—Superior court  
Colorado—All trial courts except municipal and water courts  
Georgia—Superior, State, and probate courts (criminal only)  
Louisiana—All trial courts except the justice of the peace and mayor's courts  
Maine—Superior and district courts (civil only)  
Maryland—Circuit and district courts  
Massachusetts—All trial courts except the probate and family court department  
Michigan—Circuit court (except for 1st Circuit) and 90 (of 98) locations of the district court  
Nebraska—District, county, and municipal courts  
New Jersey—Superior, county district (civil only), tax (1981 only), and juvenile and domestic relations courts  
New Mexico—District and magistrate courts  
New York—All trial courts except the town and village justice courts. Town and village courts hear about 2 million cases a year.

Rhode Island—Superior, district, family courts  
South Carolina—Circuit, family, and magistrate courts  
West Virginia—Circuit court  
Wyoming—District court

<sup>b</sup>Note: 17,173 cases of the overall decrease (-9%) in the civil caseload of the District of Columbia are due entirely to a decrease in small claims and landlord/tenant matters (courts of limited jurisdiction). The remainder of the civil caseload shows an increase of 13%.  
<sup>c</sup>1977 data cover only an 11-month period for Florida; the total was not adjusted for this.  
<sup>d</sup>Data were submitted from these States but could not be used in this table because of problems with comparability: Kentucky, Minnesota, Missouri, Montana, Nevada, Oklahoma, South Dakota, Tennessee, and Wisconsin.  
<sup>e</sup>Louisiana—Traffic filings could not be completely separated from criminal and juvenile filings.  
<sup>f</sup>The number of cases disposed is used as an estimate for the number of cases filed during the year in some of the courts included. Disposition figures for criminal cases were used in New York in 1981 because only disposition figures were available in 1977.

(28%), West (24%), and North Central regions (23%). If these data hold true and civil and criminal filings continue to rise at the same pace, some States may wish to assess their court processes to deter-

mine the impact such increases will have on the courts' resources and the pace of justice. For example, Oregon showed a 26% increase in civil filings and a 78% increase in criminal filings at the trial

level, while at the same time overall appellate case filings were up by 30%. While some share of these percentages may be due to definitional or other methodological factors associated with statis-

**Table 2A. Percent change in civil filings in courts of general and limited jurisdiction, 1977-81**

Region and State	1977	1981	% change
<b>NORTHEAST</b>			
Connecticut	207,534	212,240	+2%
Maine	47,128	57,627	+22%
Massachusetts	411,467	465,987	+13%
New Hampshire	59,471	65,476	+10%
New Jersey	465,682	573,166	+23%
New York	684,139	793,896	+16%
Pennsylvania	412,405	515,014	+25%
Rhode Island	40,496	40,175	-1%
Vermont	20,590	24,856	+21%
<b>Total percent change for States reporting both years</b>			<b>+17%</b>
<b>NORTH CENTRAL</b>			
Illinois	620,732	647,096	+4%
Indiana	276,619	388,301	+40%
Iowa	108,758	133,484	+23%
Kansas	95,333	118,187	+24%
Michigan	166,542	263,863	+58%
Minnesota			
Missouri			
Nebraska	65,756	67,491	+3%
North Dakota	19,717	25,765	+31%
Ohio	583,390	619,043	+6%
South Dakota			
Wisconsin			
<b>Total percent change for States reporting both years</b>			<b>+17%</b>
<b>SOUTH</b>			
Alabama	186,523	216,408	+16%
Arkansas	89,027	99,452	+12%
Delaware	40,015	49,728	+24%
District of Columbia	160,916	145,911	-9%
Florida	472,895	553,574	+17%
Georgia	219,283	257,173	+17%
Kentucky			
Louisiana	195,720	238,609	+22%
Maryland	390,711	590,887	+51%
Mississippi			
North Carolina	335,341	378,688	+13%
Oklahoma			
South Carolina	173,861	182,336	+5%
Tennessee			
Texas	550,510	679,107	+23%
Virginia	470,830	770,693	+64%
West Virginia	33,542	34,699	+3%
<b>Total percent change for States reporting both years</b>			<b>+26%</b>
<b>WEST</b>			
Alaska	20,638	30,728	+49%
Arizona	68,635	81,769	+19%
California	1,310,321	1,639,518	+25%
Colorado	154,654	202,775	+31%
Hawaii	33,656	47,382	+41%
Idaho	45,311	52,347	+16%
Montana			
Nevada			
New Mexico	54,844	58,035	+6%
Oregon	123,197	155,362	+26%
Utah	63,251	92,894	+47%
Washington	170,755	218,446	+28%
Wyoming	11,583	11,513	-1%
<b>Total percent change for States reporting both years</b>			<b>+26%</b>

\*The same footnotes apply to this table as in Table 2.

**Table 2B. Percent change in criminal filings in courts of general and limited jurisdiction 1977-81**

Region or State	1977	1981	% change
<b>NORTHEAST</b>			
Connecticut	91,182	109,539	+20%
Maine	6,138	6,062	-1%
Massachusetts	283,513	657,551	+132%
New Hampshire	36,990	39,175	+6%
New Jersey	27,084	31,719	+17%
New York	810,398	1,146,095	+41%
Pennsylvania	570,931	745,308	+31%
Rhode Island	33,279	38,940	+17%
Vermont	18,058	16,599	-8%
<b>Total percent change for States reporting both years</b>			<b>+49%</b>
<b>NORTH CENTRAL</b>			
Illinois	516,092	712,379	+38%
Indiana	122,643	144,960	+18%
Iowa	132,721	113,667	-14%
Kansas	25,211	30,093	+19%
Michigan	207,233	239,119	+15%
Minnesota			
Missouri			
Nebraska	52,099	55,278	+6%
North Dakota	18,779	21,719	+16%
Ohio	323,797	406,403	+26%
South Dakota			
Wisconsin			
<b>Total percent change for States reporting both years</b>			<b>+23%</b>
<b>SOUTH</b>			
Alabama	121,391	140,070	+15%
Arkansas	130,978	147,428	+13%
Delaware	47,920	56,822	+19%
District of Columbia	29,040	36,597	+26%
Florida	348,834	447,754	+28%
Georgia	112,812	145,286	+29%
Kentucky			
Louisiana	346,631	536,856	+55%
Maryland	154,844	171,781	+11%
Mississippi			
North Carolina	413,679	487,783	+18%
Oklahoma			
South Carolina	107,055	243,079	+127%
Tennessee			
Texas	1,080,899	1,316,709	+22%
Virginia	329,904	399,209	+21%
West Virginia	9,875	7,239	-27%
<b>Total percent change for States reporting both years</b>			<b>+28%</b>
<b>WEST</b>			
Alaska	20,264	22,355	+10%
Arizona	13,231	16,429	+24%
California	796,367	923,834	+16%
Colorado	42,098	59,578	+42%
Hawaii	40,400	52,537	+30%
Idaho	28,976	32,632	+13%
Montana			
Nevada			
New Mexico	31,178	45,687	+47%
Oregon	84,103	149,695	+78%
Utah	32,198	37,366	+16%
Washington	131,515	170,557	+30%
Wyoming	1,404	1,772	+26%
<b>Total percent change for States reporting both years</b>			<b>+24%</b>

The same footnotes apply to this table as in Table 2.

tical reporting and workload measures, certainly these estimates are at the least indicative of some very significant increases in court caseload for the State of Oregon. As the table shows, Oregon is but one of a number of States that experienced significant increases across all levels of State courts. Unless court capacity keeps pace with the caseloads, some States may face difficulties in simply maintaining current levels of efficiency.

On the appellate level, for those States which reported on all courts and have a two-tiered<sup>5</sup> appellate system, an examination of the data in table 3 shows that of the 159,612 appeals filed in these States, intermediate filings account for 77% of the filings and courts of last resort represent 23%. In most States, the number of filings does not differ greatly from the number of dispositions, which might imply that the appellate courts are not adding significantly, if at all, to any current backlog. Of course, it is also possible that the backlog is increasing significantly in that the more complex cases could be remaining in the system and accounting for the positive number of filings over dispositions. The possibility of this type of a contradiction should caution users of the data to have a complete understanding of individual States before assessing court workloads, standards and operations. Also, little is known about pending workload.

From 1977 to 1981, based on States reporting data from all courts for both years, the total percentage increase in appellate court filings is approximately 32%. Intermediate appellate courts show a 35% increase and courts of last resort an 18% increase.

Between 1977 and 1981, four States added an intermediate appellate court, which triggered a decline in the number of filings in the courts of last resort in those States; however, overall filings for these States increased substantially between 1977 and 1981. In fact, two of the States, Arkansas (181%) and Wisconsin (252%) were among the three States with the highest increases. The addition of an intermediate appellate court can be generally viewed as an effort to reduce the workload of the appellate court but the effect may be to make the courts more accessible, thereby encouraging more appeals. The numbers for these States and others that have added courts in the past may suggest that adding more courts is not the answer to judicial overload.

The three States with an overall decrease in appellate filings were Nevada (-33%), New Mexico (-7%), and Delaware (-7%). The large decrease in Nevada may be attributed to the passage in 1979 by the State legislature of a bill that eliminated appeals courts from granting or denying writs of habeas corpus.

<sup>5</sup>States that have both courts of last resort and intermediate appellate courts.

**Table 3. Appellate court filings and dispositions, CY 1981 or FY 1981/82**

	Courts of last resort		Intermediate appellate courts		All appellate courts	
	F	D	F	D	F	D
Alabama <sup>a</sup>	1,018	1,087	496 <sup>a</sup>	495 <sup>a</sup>		
Alaska	417	422	463	335	880	757
Arizona	1,143	1,133	2,436	2,138	3,579	3,271
Arkansas	446	427	1,194	1,230	1,640	1,657
California	4,325	3,914	14,933	14,687	19,258	18,601
Colorado	1,052	1,001	1,512	1,320	2,564	2,321
Connecticut	595	559	191	165	786	724
Delaware	337	348	--	--	337	348
Dist. of Columbia	1,663	1,235	--	--	1,663	1,235
Florida	1,456	1,537	13,795	13,657	15,251	15,194
Georgia	1,617	1,732	2,152	--	3,769	--
Hawaii	387	483	127	176	514	659
Idaho	455	363	--	--	455	363
Illinois	1,803	1,777	6,516	6,333	8,319	8,110
Indiana	409	397	1,095	1,109	1,504	1,506
Iowa	1,733 <sup>b</sup>	1,205	(b)	511	1,733	1,716
Kansas	188	274	1,060	998	1,248	1,272
Kentucky	1,150	894	2,689	2,555	3,839	3,449
Louisiana	3,337	3,020	2,878	2,509	6,215	5,529
Maine	571	620	--	--	571	620
Maryland	867	863	1,983	1,752	2,850	2,715
Massachusetts	773	376	--	--	--	--
Michigan	1,949	1,713	6,318	5,977	8,267	7,690
Minnesota	1,609	1,352	--	--	1,609	1,352
Mississippi	--	1,541	--	--	--	1,541
Missouri	1,059	1,019	2,964	2,792	4,023	3,811
Montana	574	515	--	--	574	515
Nebraska	956	910	--	--	956	910
Nevada	732	--	--	--	732	--
New Hampshire	558	251	--	--	558	251
New Jersey	289	232	5,993	5,212	6,282	5,444
New Mexico	610	594	505	444	1,115	1,038
New York	708	706	11,638	11,011	12,346	11,717
North Carolina	989	947	1,994	1,781	2,983	2,728
North Dakota	309	280	--	--	309	280
Ohio	2,134	2,031	8,915	9,424	11,049	11,455
Oklahoma <sup>c</sup>	2,543	2,427	1,080 <sup>b</sup>	476 <sup>b</sup>	2,543 <sup>b</sup>	2,427
Oregon	812	838	3,403	3,239	4,215	4,077
Pennsylvania	2,254	--	12,830	--	15,084	--
Rhode Island	592	629	--	--	592	629
South Carolina	1,173	613	--	--	1,173	613
South Dakota	363	372	--	--	363	372
Tennessee	885	945	1,723	1,745	2,608	2,690
Texas <sup>c</sup>	3,395	3,329	6,151	3,407	9,546	6,736
Utah	700	577	--	--	700	577
Vermont	601	508	--	--	601	508
Virginia	2,257	1,823	--	--	2,257	1,823
Washington	863	830	2,799	2,476	3,662	3,306
West Virginia	1,549	1,060	--	--	1,549	1,060
Wisconsin	737	817	2,479	2,351	3,216	3,168
Wyoming	198	211	--	--	198	211

-- These States did not have intermediate appellate courts in 1981.

Note: All available data are included in the table. Blank spaces indicate that the data were not available.

<sup>a</sup>Data are incomplete: Alabama has two intermediate appellate

courts, but only one, the Court of Civil Appeals, reported data in 1981.

<sup>b</sup>All appellate cases in Iowa and Oklahoma are filed in the courts of last resort. A portion of this caseload is transferred to the intermediate appellate court for disposition.

<sup>c</sup>Both Oklahoma and Texas have two courts of last resort.

**Conclusion**

While the data presented herein cannot be used as conclusive evidence of an actual increase in judicial workload, it certainly suggests the need for further inquiry into the state of our Nation's courts and a closer examination of what the numbers portray.

**Definitions**

**Court**—a unit of the judicial branch of government, authorized or established by constitution or statute, which has the legal authority to decide cases or controversies between persons or parties brought before it.

Appellate courts include both courts of

last resort and intermediate appellate courts. Courts of last resort are the final court or courts of appeal within a particular State. Intermediate appellate courts are the court or courts in which the primary work is the disposition of initial appeals received from trial courts of

general jurisdiction or administrative agencies, and in which some decisions are subject to appeal or review by a court of last resort. Some States have intermediate appellate courts and others do not. In some States courts of last resort have almost complete discretion over the cases

that will be heard. In most States without intermediate appellate courts, courts of last resort generally have little or no discretionary jurisdiction.

A court was considered to be a general jurisdiction trial court if it met one of the following criteria:

Table 4. Percent change in filings in appellate courts, 1977-81

	Courts of last resort			Intermediate appellate courts			All appellate courts		
	CY 1977 or FY 1977/78	CY 1981 or FY 1981/82	% change	CY 1977 or FY 1977/78	CY 1981 or FY 1981/82	% change	CY 1977 or FY 1977/78	CY 1981 or FY 1981/82	% change
Alabama <sup>a</sup>	815	1,018	+25%	308 <sup>a</sup>	496 <sup>a</sup>	+61%			
Alaska <sup>b</sup>	630	417	-34%		453	--	630	880	+40% <sup>b</sup>
Arizona	964	1,143	+19%	2,005	2,456	+21%	2,969	3,579	+21%
Arkansas <sup>b</sup>	584	446	-24%		1,194	--	584	1,640	+181% <sup>b</sup>
California	3,881	4,325	+11%	13,018	14,933	+15%	16,881	19,258	+14%
Colorado	854	1,052	+23%	1,119	1,512	+35%	1,973	2,564	+30%
Connecticut									
Delaware	362	337	-7%	--	--	--	362	337	-7%
Dist. of Columbia	1,440	1,663	+15%	--	--	--	1,440	1,663	+15%
Florida <sup>c</sup>	2,758	1,456	-47%	11,409	13,795	+21%	14,167	15,251	+8%
Georgia	1,506	1,617	+7%	2,000	2,647	+32%	3,506	4,264	+22%
Hawaii <sup>b</sup>	374	387	+3%	--	127	--	374	514	+37% <sup>b</sup>
Idaho	374	455	+22%	--	--	--	374	455	+22%
Illinois	1,298	1,803	+39%	4,381	6,516	+49%	5,679	8,319	+46%
Indiana	309	409	+32%	883	1,095	+24%	1,192	1,504	+26%
Iowa <sup>d</sup>	1,231	1,733	+41%	(d)	(d)	--	1,231	1,733	+41%
Kansas	156	188	+21%	792	1,060	+34%	948	1,248	+32%
Kentucky	463 <sup>e</sup>	1,150	+148%	1,922	2,689	+40%	2,385	3,839	+61%
Louisiana	2,266	3,337	+47%	2,407	2,878	+20%	4,673	6,215	+33%
Maine	379	571	+51%	--	--	--	379	571	+51%
Maryland									
Massachusetts									
Michigan	1,227	1,949	+59%	5,274	6,318	+20%	6,501	8,267	+27%
Minnesota	1,065	1,609	+51%	--	--	--	1,065	1,609	+51%
Mississippi									
Missouri	615	1,059	+72%	2,255	2,964	+31%	2,870	4,023	+40%
Montana	469	574	+22%	--	--	--	469	574	+22%
Nebraska	646	956	+48%	--	--	--	646	956	+48%
Nevada <sup>f</sup>	1,092	732	-33%	--	--	--	1,092	732	-33%
New Hampshire	315	558	+77%	--	--	--	315	558	+77%
New Jersey				6,098	5,993	-2%			
New Mexico	654	610	-7%	539	505	-6%	1,193	1,115	-7%
New York				7,826	11,638	+49%		12,346	
N. Carolina	541	989	+83%	1,525	1,994	+31%	2,066	2,983	+44%
N. Dakota	186	309	+66%	--	--	--	186	309	+66%
Ohio	1,516	2,134	+41%	7,992	8,915	+12%	9,508	11,049	+16%
Oklahoma	2,002	2,543	+27%	(d)	(d)	--	2,002	2,543	+27%
Oregon	885	812	-8%	2,348	3,403	+45%	3,233	4,215	+20%
Pennsylvania	1,549	2,254	+46%	6,364	12,830	+102%	7,913	15,084	+91%
Rhode Island	427	592	+39%	--	--	--	427	592	+39%
S. Carolina	487	1,173	+141%	--	--	--	487	1,173	+141%
S. Dakota	279	363	+30%	--	--	--	279	363	+30%
Tennessee							2,351	2,608	+11%
Texas	4,391	3,395	-23%	1,969	6,151	+212%	6,360	9,546	+50%
Utah	634	700	+10%	--	--	--	634	700	+10%
Vermont	364	601	+65%	--	--	--	364	601	+65%
Virginia	1,932	2,257	+17%	--	--	--	1,932	2,257	+17%
Washington	638	863	+35%	1,996	2,799	+40%	2,634	3,662	+39%
W. Virginia	858	1,178	+37%	--	--	--	858	1,178	+37%
Wisconsin <sup>b</sup>	913	737	-19%	--	2,479	--	913	3,216	+252% <sup>b</sup>
Wyoming	157	198	+26%	--	--	--	157	198	+26%
Total for all courts reporting both years of data			+18%			+35%			+32%

-- Not applicable.

<sup>a</sup>Data are incomplete: Only data from Alabama's Supreme Court and Court of Civil Appeals are used.

<sup>b</sup>Of the States reporting data, the following added an intermediate appellate court between 1977 and 1981: Alaska, Arkansas, Hawaii, and Wisconsin. Case filings in courts of last resort are expected to decline in years immediately following the creation of an intermediate appellate court. Indeed, in some instances cases filed initially in the court of last resort are transferred to the new intermediate appellate court at its inception.

<sup>c</sup>Florida--1977 data covers only an 11-month period.

<sup>d</sup>All appellate cases in Iowa and Oklahoma are filed in the courts of last resort. A portion of this caseload is transferred to the intermediate appellate court for disposition.

<sup>e</sup>Kentucky--The unusually low number of filings in 1977 resulted from the creation of an intermediate appellate court which became operational in August of 1976.

<sup>f</sup>Nevada--In 1979 the legislature passed a bill which removed appeals granting or denying habeas writs from the jurisdiction of the Nevada Supreme Court.

--the individual State considers it to be a general jurisdiction court;  
--felony cases are tried and felony sentences given for all types of felony cases;  
--the judges of the court are general jurisdiction court judges sitting on temporary assignment.

All other trial courts were classified as limited or special jurisdiction courts. These are trial courts whose legal jurisdiction covers only a particular class of cases, such as probate, juvenile, traffic, or cases where the amount in controversy is below a prescribed sum or is subject to specific exception. For example, civil jurisdiction may be limited to civil cases with a maximum of \$500 in controversy; criminal jurisdiction may be limited to cases with a maximum \$500 fine or 6-month sentence.

**Filing**--for statistical reporting purposes, the beginning of a court case by the formal submission of a document to the court alleging the facts and requesting relief.  
**Disposition**--for statistical reporting purposes, the termination of a case pending before a court.

#### Methods of data collection

Data for the trend tables presented in this Special Report come from the 1977 and 1978 annual reports of State court administrative offices, unpublished statistical material supplied by State court administrators and appellate court clerks, and survey responses on 1981 and 1982 caseload data received from State court administrative offices. In addition to a review of these materials, project staff examined available reporting forms and instructions used by the States to collect caseload statistics from their respective courts. Additional details and pertinent information were secured from appropriate personnel in each State. After the data had been received, telephone contact and follow-up correspondence were used to collect missing items, confirm the accuracy of available data, and determine the legal jurisdiction of each court. Further checks on the validity of the data include the return of materials submitted to the administrative offices of each of the 50 States and the District of Columbia for final verification and to the appropriate clerks of the appellate court in each State. Finally, a review of format, content, and limitations of data tables was undertaken by the Court Statistics and Information Systems Committee of the Conference of State Court Administrators, which serves in an advisory capacity for the National Court Statistics Project.

#### Limitations on use of data

The following discussion of limitations on data usage contains caveats and cautions to readers and other researchers interested in analyzing judicial case-

loads. Despite the difficulties of making inter- and intra-State comparisons, the data in this report are believed to be fairly representative of the national picture and may be used accordingly. Verifications of the data were made at the State level by the National Center for State Courts and also by the Bureau of Justice Statistics. Moreover, the national estimates discussed earlier in this report were minimally affected by the use of only those States reporting all data. In addition, the corrections made during verification stages had little impact on the national estimates. Readers should use caution in dealing with the data; further research, analysis, and ordering of the data should continue in an effort to determine patterns of change, to investigate the underlying causes, and to attempt forecasting of future court caseloads.

#### Variations in definitions/classifications

In addition to the other cautions concerning comparability of data, there also are differences between States over classifications/definitions. During 1977, 46 States defined a civil case by the filing of a petition or a complaint. The District of Columbia and the law and chancery divisions of the New Jersey system start a case when it is placed on the calendar, while Minnesota trial courts use a "note of issue." Trial courts in New Hampshire have no consistent definition for the commencement of a civil case and Oklahoma, in its industrial court, uses either a "new claim" or "ancillary proceeding." On the criminal side, 17 States have courts using an information or indictment to identify a criminal case; 18 States use an information, indictment, or a complaint; 2 States use charges; 1 State uses the case number; and 4 States have no consistent definitions.

Problems also exist in case definitions used by appellate courts. Some courts report only total filings with no breakdown of case types. Other courts classify cases by category. This presents a problem in determining actual appeals. For instance, some courts count as appeals such cases as requests for bail pending appeal, requests for delayed appeal, and petitions to stay the lower court ruling pending appeal. Most States do not classify these cases as appeals. Similarly some courts count cases as soon as a notice of appeal is filed; others wait until a later event such as the filing of the record or the appellant's brief before a court is taken. In an effort to control these differences, the data contained in this report use the following to define an appellate case filing: any appeal, original proceeding, request to appeal, or a sentence-review-only case. However, such a broad definition cannot completely resolve the differences. Any attempt at comparison along the lines of workload and productivity must include a detailed examination of the definitional problem.

#### Variations in court organization and case type

Any effort to make inter-jurisdictional comparisons must take into account differences in system structure. The State Court Caseload Statistics: Annual Report, 1977 highlights the differences for the 1977 reporting period. At that time, Texas and Oklahoma had two courts of last resort while the remaining States had only one; 27 States had intermediate appellate courts and 4 of these had two intermediate appellate courts; the different kinds of trial courts ranged from 1 (in States with a unified system) to 15; and five jurisdictions--Idaho, Illinois, Iowa, South Dakota, and the District of Columbia--had no limited jurisdiction trial courts. Since 1977, four States have added intermediate appellate courts.

Wide variation also exists in the types of cases over which the various courts have jurisdiction. Some States have a separate appellate route for criminal and civil cases, while in others both criminal and civil appeals are heard by the same court. In States with unified court systems, general jurisdiction courts have jurisdiction over cases ranging from parking violations to felonies and from small claims to the largest civil actions. Other States may have general jurisdiction courts that hear only felony matters (after a preliminary hearing in a limited jurisdiction court) and a civil division that handles cases involving a minimum of \$10,000. On the other hand, in some States, limited and special jurisdiction courts may handle only small claims and others may try civil cases up to \$300,000.

The difficulty in comparability on the appellate level is largely the result of differences in the type and extent of discretionary jurisdiction over initial appeals granted to courts of last resort and to intermediate appellate courts. States with both levels of appellate courts usually have the more difficult appeals heard in the court of last resort, but the types of cases accepted may vary from State to State. Also, in some States general jurisdiction courts have limited appellate responsibility, which means that appeals courts in these States will not have the records for all appeals filed.

The above represent just a few of the many differences in court organization and case types. These few, however, support the conclusion that caseload comparisons that do not take into account variations between and within States on both the organizational and jurisdictional levels will not be valid.

#### Variations in reporting periods

Any attempt to make comparisons between States or within a State over a period of time must also take into account the variations in reporting periods reflected in these data. About half of the States report on a calendar year basis and

the others report on a fiscal year basis. Of those reporting for fiscal years, the most common period runs from July 1 through June 30 for any given year. However, in a few (six) cases the fiscal year may be started on August 1, September 1, October 1, or February 4 and in these cases variations may also be found in reporting periods within the State. Because of these variations the filing figures for the year 1977 contained in this report may not agree with those found in State Court Caseload Statistics: Annual Report, 1977. The numbers here have been adjusted so that the period covered for 1977 is comparable to the period covered in 1981 to ensure a four year span for each State. Of course, the same problem arises with the data reported in the 1981 columns of the tables contained in this report and must be considered upon review of the 1981 Annual Report when it is available.

#### Variations in completeness and accuracy of data

As noted earlier, the data on later year filings contained in this report are the result of a different methodology than used to obtain data for the earlier year. A survey questionnaire was used to collect the requested information from State court administrative offices and as such possesses the limitations of survey methodology. The rate of response was excellent; however, persons at different levels of court structure in each State completed the survey, which may have caused differences in reporting among States. Also, some error may result from the translation of court data from one form to another and there currently exists no means of controlling for this type of error.

The time period covered by the survey period varies. The survey was first sent to court administrators in August 1982 and a verification request was mailed in

Bureau of Justice Statistics Special Reports are prepared by the staff of the bureau. Editorial assistance for this report was provided by Sue Lindgren, Benjamin H. Renshaw, and Ralph Rossum. Marilyn Marbrook, head of the bureau publications unit, administers publication of the reports, assisted by Julie A. Ferguson. This report was written by Carla K. Gaskins based on material developed by Victor E. Flango and Mary Elsner of the National Center for State Courts.

December 1982, both of which asked that data be provided for the most current year available. As a result of this request and the differences in reporting periods used in the various States, the later year data reported in the tables are, for the most part, from either calendar year 1981 or fiscal year 1981-82. Comparisons with data from previous years were not made for those States in which major changes in court structure, jurisdiction, or procedure had occurred during the 4-year period under investigation.

Other questions on the accuracy and completeness of the data stem from the fact that for a number of the States, the data do not include all of the courts. Twenty-one States have data missing from at least one court. Two States did not include all data from appellate courts. For other States, data are missing mostly from courts of limited jurisdiction such as probate, municipal, small claims, and other types of special courts. Given the limitations described in this section and the problems discussed in other parts of this report, it is important to reemphasize the need to obtain more detailed information about each jurisdiction's court structure, operating procedures, and reporting procedures before attempting any comparison of the caseloads and caseload changes between individual States.

#### Further reading

The 1977/78 data in this report were extracted from State Court Caseload Statistics: Annual Report, 1977, published by the National Center for State Courts in Williamsburg, Virginia and the soon-to-be-published State Court Caseload Statistics: Annual Report, 1978. The data for the 1981/82 reporting year will not be available in final form until the Annual Report for 1981 is published in 1984. The Annual Report series includes data on case flow, work load, disposition type breakdowns, time interval data, court organization, and other related data on trial and appellate courts. To obtain information on earlier (1975 and 1976) reports or to be added to the courts mailing list, write to the Bureau of Justice Statistics, Washington, D.C. 20531.

#### Acknowledgments

This report would not have been possible without the cooperation and patience of the many court officials who responded to numerous requests for data verification. Special thanks goes to the National Court Statistics Project's Advisory Committee members:  
The Honorable Alexander F. Barbieri,  
Pennsylvania

Elizabeth D. Belshaw, Oregon

William G. Bohn, North Dakota

Hugh M. Collins, Louisiana

Sue K. Dosal, Minnesota

The Honorable Roy O. Gulley, Illinois

L.M. Jacobs, Michigan

Walter J. Kane, Rhode Island

Larry P. Polansky, Washington, D.C.

Professor Richard J. Richardson,  
University of North Carolina

Francis J. Taillefer, North Carolina

U.S. Department of Justice  
Bureau of Justice Statistics

Official Business  
Penalty for Private Use \$300

Postage and Fees Paid  
U.S. Department of Justice  
Jus 436

THIRD CLASS  
BULK RATE



**END**