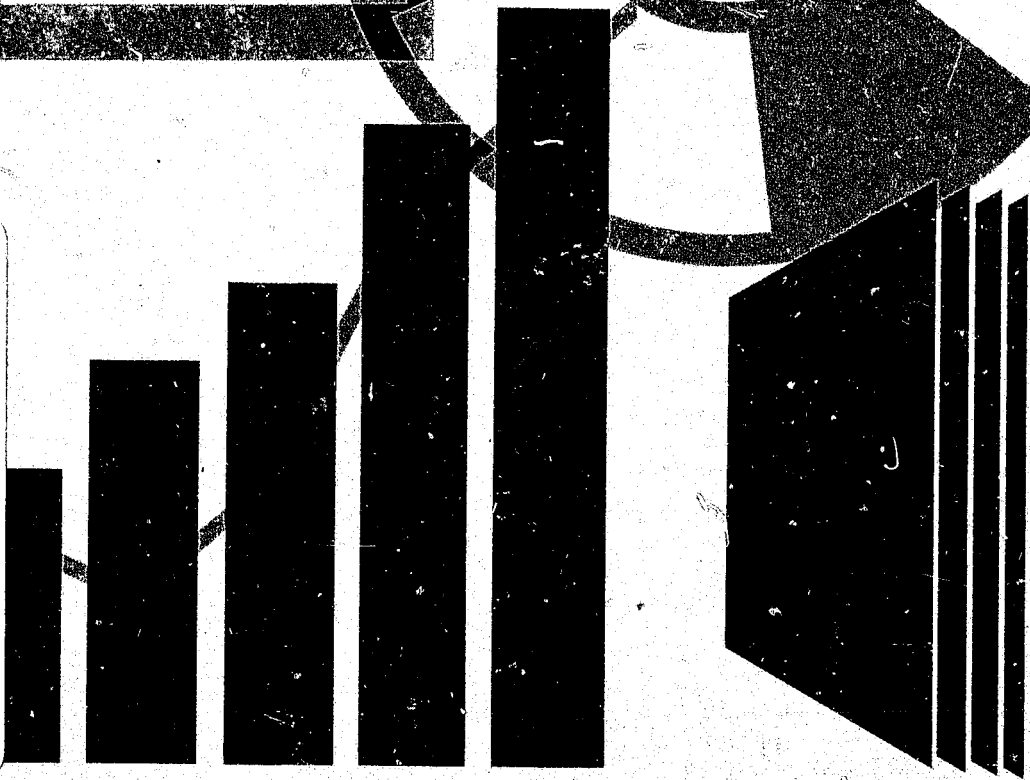
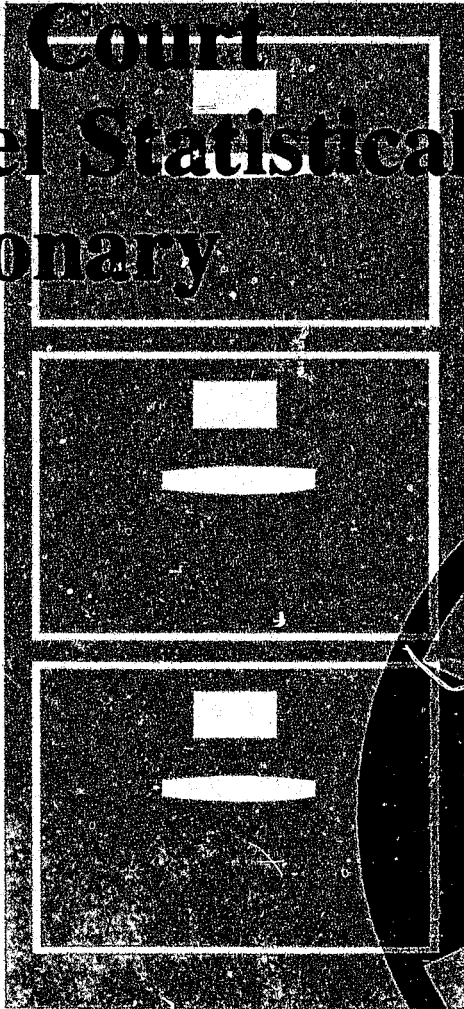




State Court Model Statistical Dictionary



62320

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State Court Model Statistical Dictionary

A joint effort of

Conference of State Court Administrators

and

National Center for State Courts

National Court Statistics Project
300 Newport Avenue
Williamsburg, Virginia 23185

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July 1980

U.S. DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

Benjamin H. Renshaw
Acting Director

Report of work performed by the National Court Statistics Project, National Center for State Courts

This project was supported by grant number 79-SS-AX-0010, awarded to the National Center for State Courts, Williamsburg, Virginia, by the Bureau of Justice Statistics, formerly the National Criminal Justice Information and Statistics Service, Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The National Court Statistics Project is directed by Francis J. Taillefer for the National Center for State Courts and monitored by Sue A. Lindgren for BJS. Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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This State Court Model Statistical Dictionary has been produced by the National Center for State Courts (NCSC) and the Conference of State Court Administrators (COSCA) as part of a continuing effort to develop within the National Center a national data base of state court statistics, and to help state courts to collect more comprehensive, accurate statistics.

This dictionary identifies the need for uniform terminology and definitions in reporting state court caseloads, and presents a model reporting scheme for caseload inventory and manner of disposition that can be used as preferred terminology and meanings for nationwide comparison purposes. These model classification schemes have also been incorporated into the State Court Model Annual Report, a companion volume to this document.

The preparation of the dictionary has been supervised and greatly assisted by the National Court Statistics Project Committee of COSCA, chaired by James R. James from 1977 to 1979 and by Bert M. Montague since 1979. The committee members have given generously of their time, talent, and experience. The control exerted by COSCA through this committee, following a review and approval process, has been invaluable in enhancing the quality of this volume by providing guidance to project staff. The success of the joint NCSC/COSCA relationship underscores the need for, and benefits to be derived from, state judicial control over the design and development of systems that collect state court statistical information.

In addition to the committee, the entire COSCA membership has assisted in the review process that has been vital to the completion of this dictionary, and they will continue to be the crucial element in the production of high-quality statistics. The extent to which the caseload classification and counting structure suggested herein are adopted will determine the degree of comparability of state court caseload statistics for years to come. The suggested model reporting scheme will facilitate commonality in terms used and consistency in their application. Much of the present guesswork will be removed from state court statistical compilation, both for in-state reporting and national statistical series purposes.

On behalf of the National Court Statistics Project (NCSP) staff and the COSCA NCSP Committee, we wish to recognize and thank all the many individuals who have contributed to this model statistical dictionary.

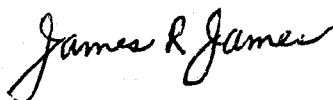


Edward B. McConnell
Director
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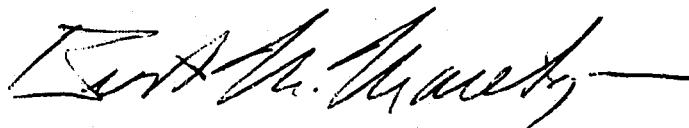
The Conference of State Court Administrators has given its support to the National Court Statistics Project, which will establish in the National Center for State Courts the capability of gathering, analyzing, and disseminating statistical information on each state court system in the nation.

The NCSP project has produced this court statistical dictionary to serve as a model reporting system for the compilation of caseload statistics that contain uniform classification categories for all caseload inventory and manner of disposition. This model should be viewed as a first effort--a working tool for states to try and to evaluate. Comments and contributions from the states are welcome. As states use this document, useful ideas can be identified for the improvement and expansion of the reporting scheme.

Future annual statistical reports to be published by the National Court Statistics Project will permit an ongoing assessment of the extent to which states have improved their data collection efforts. As state court statistics improve, so will the validity of using and comparing caseload data among jurisdictions and among states. I recommend that court administrators everywhere carefully review this dictionary and make as much use as possible of the classification schemes, definitions, and reporting instructions that it contains.



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Bert M. Montague, Chairman 1979-
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Dear Reader:

This is the first edition of the State Court Model Statistical Dictionary. The terms contained herein comprise a classification scheme for reporting court caseload inventory and manner of disposition, and are viewed as a logical first step in promoting comparable court statistics by the COSCA NCSP Committee that guides the National Court Statistics Project.

Future editions will expand the reporting scheme and will update and revise as necessary the definitions and reporting instructions contained in this first edition. We need your comments to make future editions as useful as possible. We also need some feedback from you as to the adequacy and utility of the terms and definitions in this edition for your current and planned information system and statistical activities.

To aid you in transmitting your opinions and recommendations to us, we have provided a self-mailing, postage-free "user response form" in the back of this edition. If this form has been used, or if you wish to comment in letter form, please write to:

Court Statistics Program Manager
Bureau of Justice Statistics
U.S. Department of Justice
Washington, D.C. 20531

or

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300 Newport Avenue
Williamsburg, VA 23185

Your comments will be greatly appreciated.

Table of contents

Preface	iii
COSCA NCSP Committee, NCSC Board of Directors, NCSP staff	v
Introduction	1
Format	3
Contents	5
Suggested prototype for display of caseload inventory and manner of disposition	9
Entries	11
Foldout of prototypes for display of caseload inventory and manner of disposition	111
Bibliography	113
Index	115
User response form	131

Introduction

The definitions provided in this dictionary for both court statistical and related terms represent an attempt to remove ambiguity from the usage of these terms, at least for statistical reporting purposes in state courts.

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

In preparing the model statistical dictionary, a choice had to be made between (1) defining terms broadly so that they encompassed the ways that most states are using them; or (2) choosing a specific definition that would be precise and most useful for statistical reporting purposes. Obviously, all the courts in every state could not be consulted to find out what each meant in using a particular term. The most viable alternative was for the Conference of State Court Administrators NCSP Committee to rely on its extensive experience and depth of knowledge in order to pick the terms and shape the definitions that would make possible uniform and comparable statistics for both intra- and interstate statistical reporting purposes. In tackling this difficult task, the staff first surveyed all the terms being used by the state court systems across the nation. From these the COSCA NCSP Committee chose the most suitable terms for broad statistical categories and subcategories, and developed a definition of each term for inclusion in the model statistical dictionary and in the model annual report. These terms and definitions are offered here as models or as preferred terminology and meanings for statistical reporting purposes.

In using this dictionary, courts that prefer to use a term defined herein to mean something else, or use some other term in its place, should indicate this with their statistics so that their data can be correctly classified in future national annual reports.

The scope of this first edition of the statistical dictionary is confined to the essential data elements for classifying court caseload inventory and manner of disposition. Even in these areas a much finer level of detail is already reported by some states and could be addressed in a later expansion of the classification schemes. Case categories such as felony and misdemeanor, for example, are further subdivided in many states into specific kinds of offenses, and the addition of such refinements may be appropriate after the current schemes have been tested.

There are other significant statistical terms that could be added to future editions of the dictionary. A scheme for reporting important events in case processing is an obvious example, and could be regarded as a necessary step in measuring caseload and in assessing the court resources needed to handle caseload. Event reporting would also provide useful information about the manner in which the defendant is handled and justice is dispensed.

Some states report sentencing data, trend data, time to process cases, and the like. These are significant subjects for statistical analysis. This edition does not address terminology for court workload other than caseload, but at some future date an accounting of the whole array of judicial responsibilities could prove very useful. An indication of reader interest in adding the data elements needed to provide all or any of these kinds of information to the dictionary would be very helpful.

It would be possible, although not particularly useful, to cross reference to the appropriate term in the classification schemes all the terms being used frequently in the annual reports of all the states. These terms are not now included in the body of this dictionary, but appear instead in the separate, unpublished annex to this dictionary, where they can be referenced for classification purposes. This annex is available on request from the National Court Statistics Project, National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23185.

Interested readers will find a great deal of useful related information in the second edition of the Dictionary of Criminal Justice Data Terminology, compiled by SEARCH Group, Inc., of Sacramento, California, under a grant from the Bureau of Justice Statistics in the U.S. Department of Justice. That dictionary is much more comprehensive in that it includes terminology for all the segments of the criminal justice system, and is not limited to statistical reporting terms. It includes in its court terminology the classification schemes contained in this model statistical dictionary, offering them as models for court usage.

Wherever possible, definitions from the Dictionary of Criminal Justice Data Terminology have been used and cited within this dictionary. Both dictionaries can be obtained at no cost from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Format

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

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

1. Indication of kind of term:
 - # indicates a court statistical term.
 - A related, nonstatistical term has no symbol.
2. The **term** itself in boldface.
3. The definition of the term.
4. An instruction to see other, closely related terms.
5. Synonyms, if any.
6. Court statistical usage.
7. Annotation.

Two kinds of terms are defined, court statistical and related terms. Court statistical terms are words or phrases representing quantitative concepts or basic reporting units in court usage. They should be sufficiently clear and uniformly defined to be used in the collection and analysis of statistics within and among states. Related terms are those that are needed to clarify the definitions of the statistical terms.

Each statistical term is explained for court reporting purposes. It may have synonyms listed after the definition, as well as an annotation containing supplementary material that helps explain a term, a variant of a term, or a closely related term.

All statistical term entries as well as some related terms contain a subheading, court statistical usage, where instructions will be found that permit consistent and unambiguous usage of the term in data reporting systems. These instructions have been made complete for every court statistical term, so that it is not necessary to look elsewhere in the dictionary for reporting instructions. This repetition of instructions for terms in the same categories may seem redundant, but the assumption is that this dictionary will be used primarily by data suppliers (e.g., clerks) rather than for general reading.

4 **Format**

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

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

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

Contents

This first edition of the state court model statistical dictionary contains data terminology for reporting state court caseload statistics: a complete scheme for classifying **court caseload inventory--beginning pending** (cases), **filings, dispositions, end pending** (cases), and another scheme for displaying the **manner of disposition** of court cases. (Sample prototype tables for displaying caseload inventory and manner of disposition are located on pages 9 and 10, as well as on a foldout at page 111.)

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

The Committee also chose for caseload inventory purposes to count cases rather than defendants, because counting cases is consistent with the internal procedures of the courts. (A count of defendants should be kept, however, because manner of disposition statistics will indicate outcomes for defendants in criminal and traffic cases. A suggested prototype for displaying a defendant count in caseload inventory is shown on page 10.)

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

Appellate court case

Request to appeal

Civil case request to appeal (by subject matter of case; see **civil case**)

Criminal case request to appeal (by subject matter of case; see **criminal case**)

Postconviction remedy case request to appeal

Request to **appeal of administrative agency case**

Juvenile case request to appeal (by subject matter of case; see **juvenile case**)

Sentence review only case

Appeal case

Civil case appeal (by subject matter of case)

Criminal case appeal (by subject matter of case)

Postconviction remedy case

Appeal of administrative agency case

Juvenile case appeal (by subject matter of case)

Original proceeding case

Original jurisdiction case

Disciplinary matter

Advisory opinion case

6 Contents

Trial court case

Civil case

Tort case

Auto tort case

Professional tort case

Product liability tort case

Other tort case

Contract case

Real property rights case

Small claims case

Domestic relations case

Marriage dissolution case

Support/custody case

Adoption case

Other domestic relations case

Mental health case

Estate case

Probate/wills/intestate case

Guardianship/conservatorship/trusteeship case

Other estate case

Appeal case

Appeal of administrative agency case

Appeal of trial court case

Extraordinary writ case

Postconviction remedy case

Other civil case

Criminal case

Felony case

Misdemeanor case

Preliminary hearing (limited jurisdiction court only)

Ordinance (non-traffic) violation case

Appeal case

Appeal of trial court case

Extraordinary writ case

Postconviction remedy case

Sentence review only case

Other criminal case

Traffic case

DWI/DUI case

Other traffic violation case

Parking violation case

Juvenile case

Criminal-type offender case

Status offender case

Non-offender case

Other juvenile matters

The disposition of cases should be reported by case category in **caseload inventory**, but further information is needed. Terminology for reporting the **manner of disposition** was chosen to include the kinds of information that are useful for court management purposes, such as the procedural manner in which cases are disposed, the significant judicial decisions, and a tally of the outcomes for **defendants in criminal cases and traffic cases**. There should be a place for every kind of case termination.

The **manner of disposition** scheme for **appellate court cases** outlined below permits a count of the important ways of issuing appellate court decisions, with a case count to be reported under the types of decision in each category.

Manner of disposition, appellate court cases

Opinion

- Affirmed
- Modified
- Reversed
- Reversed and remanded
- Remanded
- Granted/denied

Memorandum decision

- Affirmed
- Modified
- Reversed
- Reversed and remanded
- Remanded
- Granted/denied

Order (decision without opinion)

- Affirmed
- Modified
- Reversed
- Reversed and remanded
- Remanded
- Granted/denied

Dismissed/withdrawn/settled

Transferred

Other manner of disposition

The distinction should be made in the manner of disposition of appellate cases, whenever possible, between cases that are civil or criminal.

8 Contents

In the following manner of disposition scheme for trial court cases, a case count should be reported under civil case manner of disposition. Criminal case manner of disposition and traffic case manner of disposition provide for a count of trials and a count of defendant dispositions (see the prototype on page 10).

Manner of disposition, trial court cases

Civil case manner of disposition

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

Criminal case manner of disposition

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

Traffic case manner of disposition

- Jury trial
 - Conviction
 - Acquittal
- Non-jury trial
 - Conviction
 - Acquittal
- Transferred (before/during trial)
- Guilty plea (before trial)
- Bail forfeiture
- Dismissed/nolle prosequi (before trial)
- Parking fine
- Other manner of disposition

The scheme above provides for an accounting of the manner of disposition in all cases except juvenile. Because the handling of juvenile cases in the state trial courts is in a transition status, no manner of disposition scheme has been included. The aggregate reporting of juvenile caseload inventory as well as of defendant dispositions is all that is suggested at this time.

In order to display caseload inventory and manner of disposition statistics, a suggested prototype for appellate courts is displayed below. The prototype for trial courts is on the following page. For your convenience these same prototypes are also found on a foldout at page lll of this document.

Suggested prototype for display of caseload inventory and manner of disposition in appellate courts

STATE NAME, COURT NAME
 Court of last resort or intermediate appellate court
 Number of court divisions, Number of judges
 Time period covered

Court caseload inventory	Beginning pending	Filed	Disposed	End pending
Cases:				
Request to appeal case				
Civil case request to appeal				
Criminal case request to appeal				
Postconviction remedy case request to appeal				
Request to appeal of administrative agency case				
Juvenile case request to appeal				
Total				
Sentence review only case				
Total				
Appeal case				
Civil case appeal (mandatory)				
Requests to appeal granted that became civil appeals				
Criminal case appeal (mandatory)				
Requests to appeal granted that became criminal appeals				
Postconviction remedy case (mandatory)				
Requests to appeal granted that became postconviction remedy cases				
Appeal of administrative agency case (mandatory)				
Requests to appeal granted that became appeals of administrative agency cases				
Juvenile case appeal (mandatory)				
Requests to appeal granted that became juvenile case appeals				
Total				
Original proceeding case				
Original jurisdiction case				
Disciplinary matter				
Advisory opinion case				
Total				
Total cases				

Manner of disposition, appellate court cases--civil/criminal

Opinion [number of opinions]	00
Affirmed [number of cases]	00
Modified [number of cases]	00
Reversed [number of cases]	00
Reversed and remanded [number of cases]	00
Remanded [number of cases]	00
Granted/denied [number of cases]	00/00
Memorandum decision [number of memorandum decisions]	00
Affirmed [number of cases]	00
Modified [number of cases]	00
Reversed [number of cases]	00
Reversed and remanded [number of cases]	00
Remanded [number of cases]	00
Granted/denied [number of cases]	00/00
Order (decision without opinion) [number of orders]	00
Affirmed [number of cases]	00
Modified [number of cases]	00
Reversed [number of cases]	00/00
Reversed and remanded [number of cases]	00
Remanded [number of cases]	00
Granted/denied [number of cases]	00/00
Dismissed/withdrawn/settled [number of cases]	00
Transferred [number of cases]	00
Other manner of disposition [number of cases]	00

Suggested prototype for display of caseload inventory
and manner of disposition in trial courts

Court caseload inventory	STATE NAME, COURT NAME Court of general jurisdiction or court of limited jurisdiction Number of circuits or districts, Number of Judges Time period covered			
	Beginning pending	Filed cases	Disposed cases	End pending
Civil case				--
Tort case				--
Auto tort case				--
Professional tort case				--
Product liability tort case				--
Other tort case				--
Contract case				--
Real property rights case				--
Small claims case				--
Domestic relations case				--
Marriage dissolution case				--
Support/custody case				--
Adoption case				--
Other domestic relations case				--
Mental health case				--
Estate case				--
Probate/wills/intestate case				--
Guardianship/conservatorship/trusteeship case				--
Other estate case				--
Appeal case				--
Appeal of administrative agency case				--
Appeal of trial court case				--
Extraordinary writ case				--
Postconviction remedy case				--
Other civil case				--
Total civil				--
Criminal case				
Felony case				
Misdemeanor case				
Preliminary hearing (limited jurisdiction court only)				
Ordinance violation case				
Appeal case				
Appeal of trial court case				
Extraordinary writ case				
Postconviction remedy case				
Sentence review only case				
Other criminal case				
Total criminal				
Traffic case				
DWI/DUI				
Other traffic violation				
Parking violation				
Total traffic				
Juvenile case				
Criminal-type offender case				
Status offender case				
Non-offender case				
Other juvenile matters				
Total juvenile				
Grand total				

Manner of disposition, trial court cases

Civil case manner of disposition	Criminal manner of disposition	Traffic manner of disposition
Jury trial [cases]	Jury trial [cases]	Jury trial [cases]
Non-jury trial [cases]	Conviction [defendants]	Conviction [defendants]
Uncontested/default [cases]	Guilty plea	Acquittal [defendants]
Dismissed/withdrawn/settled [cases] ..	Acquittal [defendants]	Non-jury trial [defendants]
Transferred [cases]	Dismissed	Conviction [defendants]
Arbitration [cases]	Non-jury trial [cases]	Acquittal [defendants]
Other manner of disposition [cases] ..	Conviction [defendants]	Transferred [defendants]
	Guilty plea	Guilty plea [defendants]
	Acquittal [defendants]	Bail forfeiture [defendants]
	Dismissed	Dismissed/nolle prosequi [defendants]
	Dismissed/nolle prosequi [defendants]	Parking fines [defendants]
	Bound over [defendants]	Other manner of disposition [defendants] .
	Transferred [defendants]	
	Guilty pleas [defendants]	
	Bail forfeiture [defendants]	
	Other manner of disposition [defendants] ...	

Entries

ABATEMENT BY DEATH OF DEFENDANT

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

ABSCONDED

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

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

Court statistical usage:

- Classify as a **criminal case manner of disposition (trial courts)** as a subheading under either **jury trial and non-jury trial**.
- Classify as a **traffic case manner of disposition (trial courts)** as a subheading under either **jury trial and non-jury trial**.
- **Acquittals** should indicate a count of **defendants**.
- **Dismissal** after **trial** begins should be reported as a subcategory under **acquittal**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

Synonym: **court case**

Court statistical usage:

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

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

ACTION AT LAW

see **law case**

ACTIVE CALENDAR

see **calendar**

12 Entries

ADJUDICATION WITHHELD
see **conviction**

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

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

Court statistical usage:

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

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

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

Court statistical usage:

- Classify in **trial court caseload inventory** as a subheading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **Adoption case**
 - **Other domestic relations case**
- If **adoptions** are handled by a probate court, they should be reported as **adoption cases**, separate from **estate cases**, so they can be included in nationwide domestic relations **caseload inventory**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **adoption cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

ADVISORY JURY
 see jury trial

ADVISORY OPINION CASE A subcategory of **original proceeding case** that includes cases in which a government organization or a public official, not a litigant, asks the appellate judges to render an opinion on some legal question.

Court Statistical Usage:

- Classify in **appellate court caseload inventory** as a subcategory under **original proceeding case**, as follows:
 - **Original jurisdiction case**
 - **Disciplinary matter**
 - **Advisory opinion case**
- Report in caseload inventory as **dispositions** both those requests for **advisory opinions** that are **granted** and those requests that are **denied** by the appellate judges. Indicate the number of requests granted and denied under **manner of disposition, appellate court case**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: The category **advisory opinion case** includes two types of cases: In some states a government official or body, typically a governor or legislature, can request the state **court of last resort** justices to give their opinion on a legal question. Also in some states the court of last resort will entertain requests, called certified questions, from federal courts to answer legal issues involving state law pending before the federal court. Although certified questions may not be technically advisory opinions, **filed, disposed, and pending** cases should be reported separately for interstate comparison purposes.

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

Court Statistical Usage:

- Indicate the kind of appellate decision under each of the following categories of **manner of disposition, appellate court case**, as appropriate:
 - **Opinion**
 - **Memorandum decision**
 - **Order**

14 **Entries**

- Indicate the type of decision in each case as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Reversed and remanded**
 - **Remanded**
 - **Granted/denied**
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

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

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

AFFIRMED AND MODIFIED
see **affirmed**

AFFIRMED AND REMANDED
see **remanded**

AFFIRMED IN PART, REVERSED IN PART
see **reversed**

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

Court Statistical Usage:

- Report **age of pending caseload** data at the end of a reporting period according to a scale such as the following, which is used in the State Court Model Annual Report:

- Awaiting court reporter's transcript
 - Awaiting appellant's brief
 - Awaiting respondent's brief
- } Cases pending 0 to 60 days.
 } Cases pending 61 to 120 days.
 } Cases pending over 120 days.
- Ready for oral argument or submission
 - Under advisement
- } Cases pending 0 to 90 days.
 } Cases pending 91 to 180 days.
 } Cases pending over 180 days.

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

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

Court Statistical Usage:

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

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

16 **Entries**

AGENCY APPEAL

see **appeal of administrative agency case**

ALCOHOL, ALCOHOLICS

see **DWI/DUI case**
mental health case

ALIENATION OF AFFECTION

see **other tort case**

ALIMONY

see **support/custody case**
other domestic relations case

ANNULMENT

see **marriage dissolution case**

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

Court Statistical Usage:

- **Appeal case** is a subcategory of the larger classification, **appellate court case**. It requests direct review of the judgment of a trial court, an administrative agency, or an intermediate appellate court.
- Appeal cases should identify the subject matter at issue in the original case.
- In **appellate court caseload inventory** use the following classification scheme for appeals pending, filed, and disposed:
 - **Civil case appeal**
 - Tort case appeal
 - Contract case appeal
 - Real property rights case appeal
 - Small claims case appeal
 - Domestic relations case appeal
 - Mental health case appeal
 - Estate case appeal
 - Other civil case appeal
 - **Criminal case appeal**
 - Felony case appeal
 - Misdemeanor case appeal
 - Ordinance violation case appeal
 - Traffic case appeal
 - Other criminal case appeal
 - **Postconviction remedy case** (mandatory)

• **Appeal of administrative agency case**

• **Juvenile case appeal**

- For statistical reporting purposes, the filing of a **notice of appeal** in an appellate court should be considered the beginning of an appeal case--the unit being counted. (See **unit of count**.) If the reviewing court uses some other event, such as filing of record, to determine the number of appeals, it should explain that it does so.
- If the notice of appeal in an **appellate court case** is filed in the trial court, do not count an appellate case until the notice is also docketed in the appellate court.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **appeals** at the appellate level should be reported as indicated under **manner of disposition, appellate court case**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: In appellate courts appeals consist of (1) cases falling within the court's **mandatory jurisdiction**, and (2) cases falling within the court's **discretionary jurisdiction** (when a **request to appeal** has been **granted**).

Some appellate courts screen cases to ensure that the appellant is correct in claiming that the case falls within the mandatory jurisdiction of the court. These screening procedures may be similar to the procedures used to rule on requests to appeal. Nevertheless, these mandatory jurisdiction cases are appeals; the court should explain this practice and should indicate the number of cases it has ruled to be outside the mandatory jurisdiction. The disposition of these mandatory cases should be reported under **dismissed/withdrawn/settled**.

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

Court Statistical Usage:

- **Appeal case** is a subcategory of the larger classification, **trial court case**. It requests direct review of the judgment of a trial court or an administrative agency.
- Appeal cases should identify the subject matter at issue in the original case.

- In **trial court caseload inventory** use the following classification for appeals **pending, filed, and disposed**:
 - **Civil case appeal**
 - Appeal of **administrative agency case**
 - Appeal of **trial court case**
 - **Criminal case appeal**
 - Appeal of **trial court case**
- For statistical reporting purposes, the filing in a trial court having incidental appellate jurisdiction of a **notice of appeal** or of a complaint should be considered the beginning of an appeal case--the unit being counted. (See **unit of count**.) If the reviewing court uses some other event, such as filing of record, to determine the number of appeals, it should explain that it does so.
- If the notice of appeal in an **appellate court case** is filed in the trial court, do not count an appeal case in the trial court.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **appeals** at the trial court level should be reported as indicated under **manner of disposition, trial court case**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

Court Statistical Usage:

- **Appeal of administrative agency case** is a subcategory of **appeal cases**. Classify appeals of administrative agency cases separately from **criminal appeals, civil appeals, and juvenile appeals**. (Do not report as cases administrative matters that do not require adjudication. These matters are properly part of **workload, not caseload**.)
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **appeals of administrative agency cases** heard in appellate courts should be reported in the appropriate category under **manner of disposition, appellate court case**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: The decision of the administrative agency, generally of a quasi-judicial nature, is handed down in a hearing held on the matter.

The following are examples of state administrative agencies, the decisions of which can be appealed: workmen's compensation boards, licensing boards, zoning boards, public utility commissions, environmental protection agencies, tax assessment councils, rent control boards, disciplinary review boards of various corrections agencies, parole boards.

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

Court Statistical Usage:

- Report appeals heard in trial courts as follows:
 - Appeal of administrative agency case
 - Appeal of trial court case
- In addition to the reporting of filings, dispositions, and pending cases in caseload inventory, the termination of appeals of administrative agency cases heard in trial courts should be reported in the appropriate category in the manner of disposition, trial court case classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

Court Statistical Usage:

- Appeal case is a subcategory of the broad classifications civil case and criminal case in trial court caseload inventory.
- Distinguish between civil case appeals and criminal case appeals.
- Report civil case appeals heard in trial courts as follows:
 - Appeal of administrative agency case
 - Appeal of trial court case
- Report criminal case appeals heard in trial courts as follows:
 - Appeal of trial court case

- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **appeals of trial court cases** heard in trial courts should be reported in the appropriate category in the **manner of disposition, trial court case** classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111. *

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

APPEAL OF RIGHT/DISCRETIONARY REVIEW For statistical reporting purposes, the distinction between those **appeals** that an **appellate court** is required to hear (appeal of right), and those in which the court decides whether to grant the **petition** requesting that an appeal be heard (discretionary review).

Court Statistical Usage:

- For statistical reporting purposes, identification of the **mandatory and discretionary jurisdiction** of the appellate court(s) is important if **caseloads** are to be compared among states.

Annotation: Practice varies from state to state, but the functional distinction between mandatory and discretionary review is blurred. The decisional processes are not significantly different in that the material examined by the judges is much the same. The internal appellate process for deciding whether an appeal of right has sufficient merit to receive a full hearing and a written opinion does not differ greatly from the discretionary decision as to whether to grant or deny a petition for appeal. Both situations require the examination of briefs (the petition for appeal includes essentially the same information) and record, and an initial decision by the court as to whether there is any arguable error or possibility of injustice. In each situation, a decision is rendered on the merits.

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

Court Statistical Usage:

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

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

APPELLATE COURT CASE A major classification category for **caseload** in **courts of last resort** and **intermediate appellate courts** that includes any **appeal**, **request to appeal**, **original proceeding**, or **sentence review only** filed in an appellate court. (See **appeal case**, **request to appeal case**, **original proceeding case**, **sentence review only case**.)

Court Statistical Usage:

- Classify **appellate court caseload inventory** according to the subject matter at issue in the original case, using the following subcategories:
 - **Request to appeal**
 - Civil case request to appeal
 - Criminal case request to appeal
 - Postconviction remedy case request to appeal
 - Request to appeal of administrative agency case
 - Juvenile case request to appeal
 - **Sentence review only case**
 - **Appeal case**
 - Civil case appeal
 - Criminal case appeal
 - Postconviction remedy case
 - Appeal of administrative agency case
 - Juvenile case appeal
 - **Original proceeding case**
 - Original jurisdiction case
 - Disciplinary matter
 - Advisory opinion case
- The **notice of appeal** filed in the appellate court is the unit being counted in **appeal cases**, and the **petition** is the unit being counted in **request to appeal cases**, **sentence review only cases**, and **original proceeding cases**.
- Other matters such as motions should not be reported as **appellate cases**, but may be identified separately as part of **court caseflow**.
- In addition to the reporting of **filings**, **dispositions**, and **pending cases** in **caseload inventory**, the termination of **appellate court cases** should be reported in the appropriate category under **manner of disposition**, **appellate court case**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

22 **Entries**

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

APPLICATION FOR APPEAL/REVIEW
see **request to appeal case**

APPLICATION FOR LEAVE TO APPEAL
see **request to appeal case**

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

Court Statistical Usage:

- Classify as a **trial court manner of disposition in civil cases**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.
- If a case is filed for judicial action after an arbitration hearing, a new filing should be counted. (See **reopened case**.)

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

AUTOMOBILE NEGLIGENCE
see **auto tort case**

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

Synonym: motor vehicle tort, automobile negligence

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **tort case** as follows:
 - **Auto tort case**
 - **Professional tort case**
 - **Product liability tort case**
 - **Other tort case**

- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **auto tort cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: Vehicles involved in auto tort cases include autos, trucks, buses, vans, motorcycles, mopeds, etc., but not vehicles being used for air or water transportation. The latter should be classified under **other tort**.

"Negligent operation" of a motor vehicle can be either careless or deliberate.

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

Court Statistical Usage:

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

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

Court Statistical Usage:

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

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

Court Statistical Usage:

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

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

Court Statistical Usage:

- Classify in **trial courts** as a **criminal case manner of disposition** or a **traffic case manner of disposition**.
- **Bail forfeiture** should indicate a count of **defendants**.
- Do not include under bail forfeiture any cases disposed by voluntary payment of fines. These should be reported as **guilty pleas**, except for **parking violations cases**, the disposition of which should be reported as **parking fines**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

BASTARDY

see **other domestic relations case**

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

Court Statistical Usage:

- Report **caseload inventory** statistics in each case category for a reporting period as **beginning pending** (cases), **filings, dispositions, end pending** (cases). (See **court caseload inventory**.)
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

BENCH TRIAL

see **non-jury trial**

BIND OVER

see **bound over**

BOUND OVER For statistical reporting purposes, the **manner of disposition** category for **preliminary hearings** held in **limited jurisdiction courts** when the **defendant** is removed to a **general jurisdiction court** for trial. (See **preliminary hearing (limited jurisdiction court only)** and **probable cause**.)

Court Statistical Usage:

- When **probable cause** is found in a **preliminary hearing** held in a court other than that in which the **defendant** will be tried, the binding over of the **defendant** to the **general jurisdiction court** is a **disposition** in the limited jurisdiction court.
- **Bound over** should indicate a count of **defendants**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

BREACH OF CONTRACT

see **contract case**

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

Court Statistical Usage:

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

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

26 **Entries**

CASE

see **court case**

CASEFLOW

see **court caseflow**

CASELOAD

see **court caseload**

CASELOAD INVENTORY

see **court caseload inventory**

CERTIFIED QUESTION

see **advisory opinion case**

CERTIFIED TO AN ADULT COURT

see **criminal-type offender case**

CERTIORARI, WRIT OF

see **request to appeal case**
writ

CHANCERY

see **equity**

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

Court Statistical Usage:

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

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

CHARGING DOCUMENT

see **complaint, criminal**
complaint, traffic
filing
information
indictment
unit of count

CHILD ABUSE, ABANDONMENT

see **non-offender case**

CHILD BEYOND CONTROL
 see **status offender case**

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

CHILD MARRIAGE
 see **other juvenile matter**

CHINS, CINS, PINS, JINS, MINS
 see **status offender case**

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

Synonym: **civil action**

Court Statistical Usage:

- The other broad trial court case classifications are **criminal case, traffic case, and juvenile case.**
- Report the **caseload inventory** of civil cases according to the subject matter at issue, using the following categories:
 - **Tort case**
 - Auto tort case
 - Professional tort case
 - Product liability tort case
 - Other tort case
 - **Contract case**
 - **Real property rights case**
 - **Small claims case**
 - **Domestic relations case**
 - Marriage dissolution case
 - Support/custody case
 - Adoption case
 - Other domestic relations case
 - **Mental health case**
 - **Estate case**
 - Probate/wills/intestate case
 - Guardianship/conservatorship/trusteeship case
 - Other estate case
 - **Appeal case**
 - Appeal of administrative agency case
 - Appeal of trial court case
 - **Extraordinary writ case**
 - **Postconviction remedy case**
 - **Other civil case**
- The **complaint** or **petition** that begins an **action** is the unit being counted in each civil case. (See **unit of count.**)

- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **civil cases** should be reported in the appropriate category under **civil case manner of disposition**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

Annotation: Civil cases are concerned with private rights while criminal cases are concerned with public wrongs.

CIVIL CASE APPEAL (appellate court) A case filed in a court having appellate jurisdiction to review the **judgment** of a **trial court** or the decision of an **intermediate appellate court** in a **civil case**.

Court Statistical Usage:

- **Civil case appeal** is a subcategory of **appeal case in appellate court caseload**. In reporting the **caseload inventory** of civil case appeals, identify the subject matter at issue in the original case, using the following subcategories:
 - Tort case appeal (see **tort case**)
 - Contract case appeal (see **contract case**)
 - Real property rights case appeal (see **real property rights case**)
 - Small claims case appeal (see **small claims case**)
 - Domestic relations case appeal (see **domestic relations case**)
 - Mental health case appeal (see **mental health case**)
 - Estate case appeal (see **estate case**)
- Do not include **juvenile case appeals** in this category (see **juvenile case appeal**).
- Do not include **appeals of administrative agency cases** in this category (see **appeal of administrative agency case**).
- Do not include **requests to appeal** in this category (see **request to appeal**).
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **civil case appeals** should be reported in the appropriate category under **manner of disposition, appellate court case**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

Annotation: In many states appeals in all or certain of the above case categories are heard in **trial courts** rather than in appellate courts. (See **appeal of trial court case**.)

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

Court Statistical Usage:

- Report total civil case dispositions in **caseload inventory: beginning pending** (cases), **filings, dispositions, end pending** (cases).
- Report the **manner of disposition** of **civil cases** in **trial courts** as follows:
 - **Jury trial**
 - **Non-jury trial**
 - **Uncontested/default**
 - **Dismissed/withdrawn/settled** (before trial)
 - **Transferred** (before/during trial)
 - **Arbitration**
 - **Other manner of disposition**
- The statistics in the subcategories under **civil case manner of disposition** should indicate a count of **cases**, not of **defendants**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

CLAIMANT

see **plaintiff**

CO-DEFENDANT

see **defendant**

COMPLAINANT

see **plaintiff**

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

Court Statistical Usage:

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

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

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

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

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

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

Court Statistical Usage:

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

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

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

Court Statistical Usage:

- Report the type of **case** initiated by the complaint. (See **criminal case, juvenile case**.)
- Count the original charging document filed in criminal cases and in juvenile cases of a criminal nature in **trial courts**. The charging document may include multiple **defendants**. If it does, also count the defendants for internal purposes. Report both case and defendant dispositions in **caseload inventory**. (See prototype on page 111.)
- Statistical reports should specify how cases are being counted. (See **unit of count**.)

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

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

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

Court Statistical Usage:

- Report the type of **case** initiated by the complaint. (See **traffic case**.)
- Count the original charging document filed in **traffic cases**, with the day the **court** receives the charging document as the beginning of the case. If there is more than one defendant on the charging document, also count the **defendants** for internal purposes. Report both case and defendant dispositions in **caseload inventory**.
- Statistical reports should specify how cases are being counted. (See **unit of count**).

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

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

CONDEMNATION

see **real property rights case**

CONSERVATOR, CONSERVATORSHIP

see **guardianship/conservatorship/trusteeship case**

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

Court Statistical Usage:

- In reporting trial court dispositions in **caseload inventory**, all the cases except the one into which the cases were consolidated for **trial** should be reported as disposed at the time of consolidation and reported under **other manner of disposition**. When that case too has been decided, it should be reported as disposed.
- In reporting **trial court case manner of disposition**, the consolidated case will account for only one trial, but an accounting of what happened to the **defendants** in **criminal** or **traffic cases** will appear in the appropriate subcategories under trial (**conviction, acquittal**). (See prototype on page 111.)

- In reporting appellate court dispositions in **caseload inventory**, all the cases except the one into which the cases were consolidated for opinion should be reported as disposed at the time of consolidation and reported under **other manner of disposition, appellate cases**. When that case too has been decided, it should be reported as disposed.
- In reporting **appellate court case manner of disposition**, the consolidated case will account for only one **opinion, memorandum decision, or order**, and the type of decision in the consolidated case will appear in the appropriate subcategory (**affirmed, modified, reversed, reversed and remanded, remanded**). (See prototype on page 111.)

CONSTITUTIONAL ISSUE

see **original jurisdiction case**

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

Court Statistical Usage:

- **Contract case** is a subcategory of the broad **trial court** classification **civil case**. See **unit of count** for instructions on counting cases.
- Contract cases include those arising under the Uniform Commercial Code.
- For statistical purposes, contract cases involving real property rights should be reported under **real property rights case**.
- Breach of contract involving negligence should be reported under **tort case**.
- The determination of when a contract case should be reported as a real property rights case or as a tort case will have to be made according to local law at the time the case is **filed**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of a **contract case** should be reported under the appropriate subcategory in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

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

CONTRIBUTING TO DELINQUENCY

see **criminal case**

CONTRIBUTING TO DEPENDENCY AND NEGLECT

see **criminal case**

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

Court Statistical Usage:

- Classify as a **criminal case manner of disposition (trial courts)** as a subheading under both **jury trial** and **non-jury trial**.
- Classify as a **traffic case manner of disposition (trial courts)** as a subheading under both **jury trial** and **non-jury trial**.
- **Conviction** should indicate a count of **defendants**.
- "Adjudication withheld" after trial begins and "sentence withheld" after trial begins should be reported as a **conviction**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

CORAM NOBIS

see **extraordinary writ case**

CORPORATE TRUSTS

see **other probate case**

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

Court Statistical Usage:

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

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

The state courts may be arranged under two main classifications:

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

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

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

Court Statistical Usage:

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

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

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

COURT CASEFLOW The process by which cases move through the **court** from **filing** until court **jurisdiction** is **terminated**.

Court Statistical Usage:

- Do not use as a synonym for court **caseload** or **workload**.
- Although this dictionary has not yet addressed any scheme for reporting court caseload, each state will need to plan an appropriate format for reporting the steps in case processing that are significant for court management purposes.

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

Court Statistical Usage:

- In each reporting period, report complete statistics for each case category to display **caseload inventory: beginning pending (cases), filings, dispositions, end pending (cases)**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.
- Case-related matters such as hearings and motions should not be counted as **caseload** statistics, but rather as steps in **caseflow**.

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

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

Court Statistical Usage:

- Report complete statistics in each case category to display **caseload inventory**.
- See **unit of count** for instructions on counting **cases**.
- Do not confuse caseload inventory and caseflow. **Caseload inventory** is a statistical count of cases being processed by the court, whereas **caseflow** pertains to the actual steps in the case processing.
- A count of **defendants in criminal cases, traffic cases, and juvenile cases** should also be kept for internal purposes. The number of defendant dispositions should be reported in caseload inventory.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

Synonym: major trial court.

Court Statistical Usage:

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

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

Subject matter jurisdiction of courts of general jurisdiction varies from state to state. In some states the trial courts are unified and hear all matters. In others the general jurisdiction courts that try criminal cases are completely separate from those that hear civil actions. Some states have classified as general jurisdiction courts those that try only a special class(es) of cases (such as chancery and probate in Arkansas or the tax court in Oregon).

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

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

Court Statistical Usage:

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

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

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

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

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

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

Court Statistical Usage:

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

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

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

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

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

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

COURT TRIAL

see **non-jury trial**

COURT WORKLOAD

see **workload, court**

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

Synonym: criminal action

Court Statistical Usage:

- The other broad trial court case classifications are **civil case, traffic case, and juvenile case.**
- Report **caseload inventory** for criminal cases according to the subject matter at issue, as follows:
 - **Felony case**
 - **Misdemeanor case**
 - **Preliminary hearing (limited jurisdiction court only)**
 - **Ordinance (non-traffic) violation case**
 - **Appeal case**
 - **Appeal of trial court case**
 - **Extraordinary writ case**
 - **Postconviction remedy case**
 - **Sentence review only case**
 - **Other criminal case**
- Count each original charging document filed (**complaint, information, or indictment**) as one criminal case (see **unit of count**). If the charging document contains multiple **defendants**, then also count the defendants for internal purposes. Report both case and defendant dispositions in caseload inventory. (See the prototype on page lll.)
- Count multiple charges against one defendant as one case.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the number and type of **trials** and the disposition of the **defendants** should be reported in the appropriate category under **criminal case manner of disposition**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

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

Included in criminal cases will be such actions as criminal nonsupport, contributing to delinquency, and contributing to dependency and neglect. State statutes will determine the subcategory of criminal case in which to classify them.

CRIMINAL CASE APPEAL (appellate court) A **case filed** in a court having appellate jurisdiction to review the **judgment** of a **trial court** or the decision of an **intermediate appellate court** in a **criminal case**.

Court Statistical Usage:

- Criminal case appeal is a subcategory of **appeal case** in **appellate court caseload inventory**. In criminal case appeals identify the subject matter at issue in the original case, using the following subcategories:

- Felony case appeal (see **felony case**)
- Misdemeanor case appeal (see **misdemeanor case**)
- Ordinance violation case appeal (see **ordinance violation case**)
- Traffic case appeal (see **traffic case**)
- Other criminal case appeal (see **other criminal case**)
- Do not include **postconviction remedy cases** under criminal case appeal (see **postconviction remedy case**).
- Do not include **juvenile case appeals** in this category (see **juvenile case appeal**).
- Do not include **appeal of a trial court case** (heard in a trial court) in this category (see **appeal of a trial court case**).
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **criminal case appeals** should be reported under the appropriate category in the **appellate court case manner of disposition** classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

Court Statistical Usage:

- Report total criminal case dispositions in **caseload inventory: beginning pending** (cases), **filings, dispositions, end pending** (cases).
- Report the **manner of disposition** of criminal cases in trial courts and the outcome for the **defendants** as follows:
 - **Jury trial**
 - Conviction
 - Guilty Plea
 - Acquittal
 - Dismissed
 - **Non-jury trial**
 - Conviction
 - Guilty Plea
 - Acquittal
 - Dismissed
 - **Dismissed/nolle prosequi** (before trial)
 - **Bound over**
 - **Transferred** (before/during trial)
 - **Guilty plea** (before trial)
 - **Bail forfeiture**
 - **Other manner of disposition**
- The statistics in the subcategories under **criminal case manner of disposition** should indicate the number and type of **trials** and the disposition of the **defendants**. (See prototype on page 111).

- "Adjudication withheld" after trial begins or "sentence withheld" after trial begins should be reported as a **conviction**.
- Diversion after trial begins should be counted as a **trial**, and the number of defendants indicated.
- **Guilty pleas** before trial begins should be reported separately from guilty pleas after trial begins, where they should be reported as a subcategory under **conviction**.
- **Dismissal** after trial begins should be reported as a subcategory under **acquittal**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

CRIMINAL NON-SUPPORT
see **criminal case**

CRIMINAL-TYPE OFFENDER CASE A **juvenile case** category that includes behavior of a juvenile that would be a crime if committed by an adult.

Court Statistical Usage:

- **Criminal-type offender case** is a subcategory of the broad **trial court** classification **juvenile case**.
- Report the **caseload inventory** of **juvenile cases** according to the following subcategories:
 - **Criminal-type offender case**
 - **Status offender case**
 - **Non-offender case**
 - **Other juvenile matters**
- See **unit of count** for instructions on counting cases.
- Classify any delinquent behavior subject to court hearing as a criminal-type offender case.
- Include as criminal-type offender cases those pretrial hearings requesting waiver or transfer of a juvenile to an adult criminal court, and report "certified to an adult court" as the disposition, if granted.
- Report posttrial hearings in criminal-type offender cases as new cases, by case subcategory. Examples are hearings on petitions for probation revocation and commitment, review of status, modification or revocation of original commitment, transfer to a more restrictive correctional institution, and so forth. (See **reopened case**.)
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

Annotation: This case category is adopted from the classifications for juvenile cases used by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the Department of Justice.

CUSTODY

see **support/custody case**

DEBT

see **contract case**

DECEDENT'S ESTATE

see **probate/wills/intestate case**

DEFAULT

see **uncontested/default**

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

Synonym: respondent

Court Statistical Usage:

- In **criminal cases** and in **traffic cases** a count for internal purposes at both time of filing and time of disposition of both charging documents and defendants should be kept. The **filing** and **disposition** of the charging documents should be reported in **caseload inventory**; the number of **defendants** disposed in **caseload inventory**; the **disposition** of the **defendants** under **manner of disposition**.
- If a defendant is tried on multiple charging documents in a single trial, the manner of disposition that should be reported would be the most serious manner of disposition (i.e., conviction or guilty plea).
- If a defendant is tried on different charges in separate trials, a defendant manner of disposition should be reported for each trial.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

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

DELINQUENCY

see **criminal-type offender case**

DENIED

see **granted/denied**

DEPENDENCY AND NEGLECT

see **non-offender case**

DIRECTED VERDICT TRIAL

see **jury trial**

DISCIPLINARY MATTER A subcategory of **original proceeding case** that includes cases involving the supervisory jurisdiction of an **appellate court** over any conduct of judges or attorneys that affects the performance of their official or professional duties.

Court Statistical Usage:

- Classify in appellate court **caseload inventory** as a subcategory under **original proceeding case**, as follows:
 - **Original jurisdiction case**
 - **Disciplinary matter**
 - **Advisory opinion case**
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **disciplinary matters** should be reported under the appropriate category in the **appellate court case manner of disposition** classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

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

DISCRETIONARY JURISDICTION
 see **mandatory jurisdiction/discretionary jurisdiction**

DISCRETIONARY REVIEW
 see **appeal of right/discretionary review**

DISMISSED A category for reporting a **manner of disposition** that terminates the **jurisdiction** of an **appellate court** or of a **trial court** before a judgment is reached.

Court Statistical Usage:

- Dismissals in **appellate court cases** should be classified as **dismissed/withdrawn/settled**.
- In **trial courts**, dismissals that occur before **trial** begins should be reported separately from those that occur during trial.
- Dismissals before trial in **civil cases** should be classified as **dismissed/withdrawn/settled**.
- Dismissals before trial in **criminal cases** and in **traffic cases** should be classified as **dismissed/nolle prosequi**, which should indicate a count of **defendants**.
- Dismissal during trial in criminal cases should be reported as a subcategory under **acquittals**, and should indicate a count of **defendants**. Traffic case dismissals during trial can be reported in the same way.
- In preliminary hearings the manner of disposition of cases in which no **probable cause** is found should be reported as **dismissed/nolle prosequi**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: Reasons for dismissal may include lack of jurisdiction, procedural irregularities, etc.

Dismissals may be with or without prejudice, the latter permitting the **plaintiff** to file another **action** arising out of the same subject matter.

DISMISSED/NOLLE PROSEQUI For statistical reporting purposes, a category for reporting the **manner of disposition** of a **criminal case** or a **traffic case** in which the **jurisdiction** of the **court** is terminated before **trial**, or in which the prosecutor declares that he will not proceed with the case.

Court Statistical Usage:

- Classify as a **trial court case manner of disposition** in **criminal cases** and in **traffic cases**.
- **Dismissed/nolle prosequi** should indicate a count of **defendants**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

DISMISSED/WITHDRAWN/SETTLED For statistical reporting purposes, a category for reporting the **manner of disposition** of any **case** in any appellate court or of a **civil case** in a trial court, in which the **jurisdiction** of the court is terminated before decision or **trial**, or which is removed from the court by the **plaintiff** before a decision or **judgment** is reached, or which is **settled** by the parties involved before a decision or judgment is reached.

Court Statistical Usage:

- Classify as an **appellate court case manner of disposition**.
- Classify as a **trial court case manner of disposition** in **civil cases**.
- **Dismissed/withdrawn/settled** should indicate a **case count**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

DISPOSED

see **disposition**

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

Court Statistical Usage:

- Report dispositions as part of **caseload inventory: beginning pending (cases), filings, dispositions, end pending (cases)**.
- Report the termination of each case as indicated under **manner of disposition**.
- The total dispositions figure in each case category in **caseload inventory** should be an aggregate count of the total number of cases in that category disposed by the court during the reporting period. The statistics in the **manner of disposition** classification scheme provide, in addition, an accounting of what happened to the **defendants** involved in **criminal cases** and **traffic cases**. Under **criminal case manner of disposition**, for example, **jury trial** and **non-jury**

trial will indicate how many cases were disposed by trial, but **conviction** and **acquittal** will indicate what happened to the defendant(s). The same is true of **dismissed/nolle prosequi, bound over, transferred, guilty plea, bail forfeiture**; these statistics will indicate what happened to the defendant(s) rather than a case count.

- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

DIVERSION

- see **criminal case manner of disposition**
 other manner of disposition, criminal cases

DIVORCE

- see **marriage dissolution case**

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

Synonym: domestic and family (SJIS data element), family action.

Court Statistical Usage:

- **Domestic relations case** is a subcategory of the broad **trial court** classification **civil case**. See **unit of count** for instructions on counting cases.
- Classify the **caseload inventory** of domestic relations cases using the following subcategories:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **Adoption case**
 - **Other domestic relations case**
- Even though in some states **juvenile cases** are handled in the same court as domestic relations cases, juvenile cases should be reported separately (see **juvenile case** and **non-offender case**). Child support and custody cases are part of domestic relations caseload in nationwide statistics. Classify them separately from juvenile cases.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **domestic relations cases** should be reported under the appropriate category in the **civil case manner of disposition** classification scheme.

46 **Entries**

- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

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

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

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

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

Court Statistical Usage:

- Classify the **caseload inventory** of traffic violations as follows:
 - **DWI/DUI case**
 - **Other traffic violation case**
 - **Parking violation case**The first two categories generally come into a **trial court** on a **complaint** or **information**.
- See **unit of count** for instructions on counting cases.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **DWI/DUI cases** should be reported under the appropriate category in the **traffic case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

EMINENT DOMAIN
see **real property rights case**

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

Court Statistical Usage:

- Report **caseload inventory** statistics in each case category for a reporting period as **beginning pending** (cases), **filings, dispositions, end pending** (cases). (See **court caseload inventory**.)
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

ENVIRONMENTAL PROTECTION AGENCY

see **administrative agency**

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

Synonym: chancery

Court Statistical Usage:

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

Annotation: See **equity case**.

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

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

Synonym: equitable action, suit in equity

Court Statistical Usage:

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

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

ERROR, WRIT OF

see **request to appeal case writ**

ESTATE CASE A major classification category for **civil cases** that includes cases dealing primarily with the following civil matters:

- Administration of estates of deceased persons who died testate or intestate, including settling legal disputes concerning wills.
- Guardianships and conservatorships.
- Administration of trusts.

Court Statistical Usage:

- **Estate case** is a subcategory of the broad **trial court** classification **civil case**. See **unit of count** for instructions on counting cases.
- Classify the **caseload inventory** of estate cases under the following subcategories:
 - **Probate/wills/intestate case**
 - **Guardianship/conservatorship/trusteeship case**
 - **Other estate case**
- **Guardianships, conservatorships, and trusteeeships** should be reported separately in **age of pending caseload** data because they run for periods of years that would skew age of pending caseload data.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **estate cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

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

Probate of wills is not reported in some states as a court case, but rather as a ministerial action. The distinction should be made in **caseload inventory** between informal proceedings ("those conducted without notice to interested persons by an officer of the court acting as a registrar for the probate of a will or appointment of a personal representative," Uni-

form Probate Code) and formal proceedings ("those conducted before a judge with notice to interested parties," Uniform Probate Code). Some states do not report informal proceedings as cases.

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

EXECUTORS OF ESTATES

see **probate/wills/intestate case**

EXTRADITION

see **other criminal case**

EXTRAORDINARY REMEDY/RELIEF

see **extraordinary writ case**
original jurisdiction case

EXTRAORDINARY WRIT (appellate court)

see **original jurisdiction case**

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

Synonym: prerogative writ case

Court Statistical Usage:

- **Extraordinary writ case** is a subcategory of the broad **trial court** classifications **civil case** and **criminal case**. Indicate whether the case is civil or criminal.
- The extraordinary writs issued by trial courts that should be included in this classification are habeas corpus, mandamus, quo warranto, coram nobis, and prohibition. Report the extraordinary writs as filed cases only when they are the subject of the original case. Other **actions** in which the writ is only one proceeding in the case should be classified according to the subject matter of the case. An **injunction**, which is a writ, should not be counted separately from the case in which it is granted unless it is the subject of the case.
- Writ of certiorari and writ of error should be classified as **requests to appeal**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **extraordinary writ cases** at the trial court level should be reported under **other manner of disposition**.

- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

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

FAMILY ACTIONS

see **domestic relations case**

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

Court Statistical Usage:

- **Felony case** is a subcategory of the broad **trial court** classification **criminal case**.
- Court each original charging document filed as one criminal case. If the charging document contains multiple defendants, then also count the defendants for internal purposes. Report both case and defendant dispositions in **caseload inventory**.
- Report the **caseload inventory** of **felonies** and **misdemeanors** separately, and define the limits of punishment as set by constitution or statute.
- In addition to the reporting of **filings**, **dispositions**, and **pending cases** in **caseload inventory**, termination of **felony cases** should be reported under the appropriate category in the **criminal case manner of disposition** classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.
- Report felony **preliminary hearings** separately if they are held in a **court** other than that which will try the felony case. See **preliminary hearing (limited jurisdiction court only)**.

Annotation: **Courts of general jurisdiction** have jurisdiction to try all criminal offenses, not only felonies. It is their unlimited felony trial jurisdiction, however, which sets them

apart from **courts of limited jurisdiction**. There are states in which courts of limited jurisdiction have no felony jurisdiction. In those states where they do have felony trial jurisdiction, it is restricted. In a few states, they have jurisdiction over those felonies where the penalty prescribed falls below a certain statutorily specified limit. In these cases, the courts of general jurisdiction maintain concurrent jurisdiction over those felonies which the courts of limited jurisdiction are also empowered to try. (adapted from the Dictionary of Criminal Justice Data Terminology, first edition)

FELONY PRELIMINARY HEARING
 see **preliminary hearing**
felony

FILED
 see **filing**

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

Court Statistical Usage:

- Report **caseload inventory** statistics in each category for a reporting period as **beginning pending** (cases), **filings, dispositions, end pending** (cases).
- Count **filings** as indicated under **unit of count** in order to establish **court caseload**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

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

52 **Entries**

FILING DOCUMENT

see **complaint, civil**
complaint, criminal
complaint, traffic
filing
indictment
information
notice of appeal
petition
unit of count

FORECLOSURE

see **real property rights case**

FUGITIVE

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

FULL OPINION

see **opinion**

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

Court Statistical Usage:

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

GENERAL JURISDICTION COURT

see **court of general jurisdiction**

GIFTS TO MINORS

see **other estate case**

GRANTED/DENIED For statistical reporting purposes, the decision of a **court** to accept or reject a **petition** made to the court.

Court Statistical Usage:

- Classify under **manner of disposition** in **appellate courts**.
- In appellate courts report whether **request to appeal** petitions were **granted** or **denied**. Report a new filing under **appeals** for those requests that were granted.

- In appellate courts report whether petitions requesting **postconviction remedy** were **granted** or **denied**. Report a new filing under **appeals** for those requests that were granted.
- In appellate courts report whether petitions requesting extraordinary relief (**original jurisdiction cases**) were **granted** or **denied**.
- Report whether requests for **advisory opinions** were **granted** or **denied**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

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

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

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **estate case**, as follows:
 - **Probate/wills/intestate case**
 - **Guardianship/conservatorship/trusteeship case**
 - **Other estate case**
- Cases involving guardianship, conservatorship, or trusteeship continue under the jurisdiction of the court over a period of years, and should be reported as a separate subcategory of estate cases in **end pending** and **age of pending caseload** statistics.
- In some states guardianships may be reported as part of **juvenile caseload** because they involve juveniles. Report them separately as guardianship cases so they can be included with estate cases in nationwide caseload statistics.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **guardianship/conservatorship/trusteeship cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.

- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

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

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

GUILTY PLEA BY WAIVER
see **bail forfeiture**

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

Court Statistical Usage:

- Classify as a **trial court manner of disposition** in **criminal cases** and in **traffic cases** if the guilty plea occurs before **trial** begins. After trial begins, a guilty plea should be classified as a subcategory under **conviction**.
- Guilty pleas should indicate a count of **defendants**.
- Include pleas to a lesser included offense, less than all charges, substituted charge, etc.
- Include nolo contendere and non vult contendere cases under **guilty plea**.
- Do not include in this category those guilty pleas by waiver that can be classified as **bail forfeiture**.
- Voluntary payment of fine in all **traffic cases** except **parking violation cases** should be included under **guilty pleas**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

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

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

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

INACTIVE STATUS

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

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

Court Statistical Usage:

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

INCOMPETENCY

see **mental health case**

INCORRIGIBLE CHILD

see **status offender case**

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

Court Statistical Usage:

- Statistical reports should specify how cases are being counted (see **unit of count**).
- Count the original charging document in criminal cases in **trial courts**. The charging document may include multiple **defendants**. If it does, also count the defendants for internal purposes. Report both case and defendant dispositions in **caseload inventory**.

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

In some jurisdictions all felony cases must be tried through indictment by a grand jury, but in others felony trials will ordinarily be initiated by the filing of an **information** by a

prosecutor. (from the Dictionary of Criminal Justice Data Terminology, second edition)

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

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

Court Statistical Usage:

- Statistical reports should specify how **cases** are being counted (see **unit of count**).
- Count the original charging document in **criminal cases** and **juvenile cases** in **trial courts**. The charging document may include multiple defendants. If it does, also count the defendants for internal purposes. Report both case and defendant dispositions in caseload inventory. If a non-felony traffic offense is charged on an **information**, count a **traffic case** for each charging document. If both criminal and traffic charges appear on the same charging document, the case should be classified according to the most serious charge. (Traffic cases regarded as felonies should be reported as criminal cases.)

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

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

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

Court Statistical Usage:

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

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

INHERITANCE

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

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

Court Statistical Usage:

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

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

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

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

Court Statistical Usage:

- In states that permit interlocutory appeals, classify as a **request to appeal** or an **appeal** according to the subject matter at issue in the case. (See **appeal case**.)

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

Some states permit interlocutory appeals, others do not.

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

Court Statistical Usage:

- Classify intermediate appellate courts and courts of last resort as **appellate courts**. Indicate the **subject matter jurisdiction** of each.

Annotation: Intermediate appellate courts have been established in over half the states.

INTESTATE

see **probate/wills/intestate case**

INVENTORY

see **court caseload inventory**

JUDGE TRIAL

see **non-jury trial**

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

Court Statistical Usage:

- For statistical reporting purposes, **judgment** is used here in very broad terms to include any court decision, and embraces all of the case terminations indicated under **manner of disposition**.
- Although **judgment** is frequently used as a **disposition** term, in this classification scheme the terms included under **manner of disposition** reflect the kinds of judgments that should be reported (see pages 7 and 8).

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

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

Court Statistical Usage:

- Classify as a **trial court manner of disposition** in **civil cases, criminal cases, and traffic cases**.

- Report complete trial data when the **judgment** is reached, including the **verdict** reached in **criminal cases** and **traffic cases**.

Trial data will apply to cases (civil, criminal, traffic), whereas verdict data will give a **defendant** count in **criminal cases** and **traffic cases**.

- Specify the type of trial: **jury** or **non-jury**.
- A jury trial should be counted as beginning when the jury has been sworn and the first evidence introduced.
- For internal purposes, count trials once they are begun, regardless of whether a **verdict** is reached.
- A mistrial should not be reported as a jury trial if the case is to be retried, until the new trial is terminated. If the case is **dismissed** after mistrial, count as a subcategory under **acquittal**.
- Report directed verdict trials under **jury trial**.
- **Trials de novo** should be reported as a subcategory of jury trial or non-jury trial.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

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

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

Synonym: juvenile action

Court Statistical Usage:

- The other broad trial court case classifications are **civil case**, **criminal case**, and **traffic case**.
- See **unit of count** for instructions on counting cases.
- Report the **caseload inventory** of **juvenile cases** as follows:
 - **Criminal-type offender case**
 - **Status offender case**
 - **Non-offender case**
 - **Other juvenile matters**

- The filing document in a juvenile case is generally a **petition**. In a criminal case involving a juvenile, the filing document can be a **complaint** or **information**. Statistical reports should indicate how cases are being counted. (See **unit of count**.)
- If child support cases are handled in juvenile caseload, report them separately so that they can be included with **domestic relations cases** in nationwide statistics.
- If juvenile traffic cases are handled in juvenile caseload, report them separately so that they can be included with **traffic cases** in nationwide statistics.
- Report total **juvenile case dispositions** in trial court **caseload inventory**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: The case subcategories above are adopted from those used by the OJJPD in the Department of Justice.

Court actions that are directed against adults as the result of adult behavior toward juveniles should not be classified as juvenile cases. (For examples, see **domestic relations case** and **guardianship/conservatorship/trusteeship case**.)

JUVENILE CASE APPEAL (appellate court) An **appeal case** involving review of a **judgment** of a **trial court** in a **juvenile case**.

Court Statistical Usage:

- **Juvenile case appeal** is a subcategory of **appeal case** in **appellate courts**. Report the **caseload** of juvenile case appeals separately from **criminal case appeals**, **civil case appeals**, **postconviction remedy case appeals**, and **appeals of administrative agency cases**.
- In addition to the reporting of **filings**, **dispositions**, and **pending cases** in **caseload inventory**, the termination of **juvenile case appeals** should be reported under the appropriate category in the **appellate court case manner of disposition** classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

JUVENILE CASE DISPOSITION For statistical reporting purposes, the termination of a juvenile case **pending** before a **trial court**.

Court Statistical Usage:

- **Juvenile case dispositions** in trial courts should be reported in the same case categories as cases filed, as part of **caseload inventory**. The number of defendant dispositions should also be displayed in caseload inventory.
- Juvenile case **manner of disposition** has not yet been classified in this dictionary.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

JUVENILE IN NEED OF SUPERVISION (JINS)

see **status offender case**

LANDLORD AND TENANT

see **real property rights case**

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

Synonym: action at law

Court Statistical Usage:

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

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

LEGISLATIVE APPORTIONMENT CASE

see **original jurisdiction case**

LICENSING BOARDS

see **administrative agency**

LIEN

see **real property rights case**

LIMITED JURISDICTION COURT

see **court of limited or special jurisdiction**

LOSS OF CONSORTIUM

see **other tort case**

62 **Entries**

MAJORITY OPINION
see **opinion**

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

MALPRACTICE
see **professional tort case**

MANDAMUS, WRIT OF
see **extraordinary writ case**

MANDATORY JURISDICTION/DISCRETIONARY JURISDICTION The distinction between the obligation placed by constitution or statute on an **appellate court** to consider **appeals of right** and decide if they have sufficient merit to receive a full hearing and a decision, and the authority of an appellate court to decide whether it will grant a **request to appeal**.

Court Statistical Usage:

- Indicate clearly the **jurisdiction** of the appellate court(s).

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

Synonym: termination

Court Statistical Usage:

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

- **Opinion**

- Affirmed
- Modified
- Reversed
- Reversed and remanded
- Remanded
- Granted/denied

- **Memorandum decision**

- Affirmed
- Modified
- Reversed
- Reversed and remanded
- Remanded
- Granted/denied

- Order (decision without opinion)
 - Affirmed
 - Modified
 - Reversed
 - Reversed and remanded
 - Remanded
 - Granted/denied
 - Dismissed/withdrawn/settled
 - Transferred
 - Other
- The statistics reported for opinion, memorandum decision, and order should indicate the number of opinions, memorandum decisions, or orders issued--not the number of cases disposed in this manner. The aggregate statistics under the type of decision (**affirmed, modified, etc.**) should sum to the total number of cases settled by opinion, by memorandum decision, or by order. (See prototype on page 111.)
 - The distinction should be made in **appellate court case manner of disposition** categories, whenever possible, between **civil cases** and **criminal cases**.
 - See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

MANNER OF DISPOSITION, TRAFFIC CASE
 see **traffic case manner of disposition**

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

Synonym: termination

Court Statistical Usage:

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

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

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

- **Traffic case manner of disposition**
 - Jury trial
 - Conviction
 - Acquittal
 - Non-jury trial
 - Conviction
 - Acquittal
 - Transferred (before/during trial)
 - Guilty plea (before trial)
 - Bail forfeiture
 - Dismissed/nolle prosequi (before trial)
 - Parking fines
 - Other manner of disposition

- The aggregate statistics under **criminal case** and **traffic case manner of disposition** will not add up to the total **case** dispositions in **caseload inventory** because the subcategories under those headings are **defendant** dispositions, and some cases may have more than one defendant.
- Juvenile case manner of disposition has not yet been classified in this dictionary. Report total **juvenile case dispositions** in **caseload inventory**.

- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **Adoption case**
 - **Other domestic relations case**
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **marriage dissolution cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

MEAN

see **time interval data**

MEDIAN

see **time interval data**

MEDICAL MALPRACTICE

see **professional tort case**

MEMORANDUM DECISION For statistical reporting purposes, a very brief written statement of the decision in an **appellate case**.

Court Statistical Usage:

- Classify under **manner of disposition, appellate court case.**
- Report the total number of memorandum decisions, which may differ from the total number of cases settled by memorandum decision. One memorandum decision can settle more than one case. Consequently, the total number of cases settled by the total number of memorandum decisions should also be reported.
- Indicate the type of decision in each case as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Reversed and remanded**
 - **Remanded**
 - **Granted/denied**
- The aggregate statistics for type of decision (**affirmed, modified, etc.**) should sum to the total number of cases settled by memorandum decision (see prototype on page lll).
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

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

MENTAL COMMITMENT OF A MINOR
see **other juvenile matter**

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

Court Statistical Usage:

- **Mental health case** is a subcategory of the broad **trial court** classification **civil case**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **mental health cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

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

MENTAL ILLNESS

see **mental health case**

MINOR IN NEED OF SUPERVISION (MINS)

see **status offender case**

MISCREANT

see **status offender case**

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

Court Statistical Usage:

- **Misdemeanor case** is a subcategory of the broad **trial court** classification **criminal case**.
- Count each original charging document filed as one criminal case. If the charging document contains multiple defendants, then also count the defendants for internal purposes. Report both case and defendant dispositions in **caseload inventory**.
- Report the **caseload inventory** of **felonies** and **misdemeanors** separately, and define the limits of punishment as set by constitution or statutes.
- Traffic cases that are misdemeanors should be reported separately as **traffic cases** (DWI/DUI or **other traffic violations**).
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **misdemeanor cases** should be reported under the appropriate category in the **criminal case manner of disposition** classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

MISTRIAL

see **jury trial**

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

Court Statistical Usage:

- Indicate the kind of appellate decision under each of the following categories of **manner of disposition, appellate court case**, as appropriate:
 - **Opinion**
 - **Memorandum decision**
 - **Order**
- Indicate the type of decision in each case as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Reversed and remanded**
 - **Remanded**
 - **Granted/denied**
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

MOTOR VEHICLE TORT

see **auto tort case**

NAME CHANGE

see **other civil case**

NEGLECT

see **non-offender case**

NEGLIGENCE

see **tort case**

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

Court Statistical Usage:

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

NOLLE PROSEQUI A formal entry upon the record by the prosecutor in which he declares that he will not proceed further in a **criminal** or **traffic case**.

Court Statistical Usage:

- Classify as a **criminal case manner of disposition** or **traffic case manner of disposition** in trial courts, as follows:
 - **Dismissed/nolle prosequi**
- **Dismissed/nolle prosequi** should indicate a count of **defendants**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: A procedural disposition used only in criminal or traffic cases in trial courts.

Include cases "withdrawn by the prosecutor" and "no information."

NOLO CONTENDERE
see **guilty plea**

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

Synonym: court trial, bench trial, judge trial

Court Statistical Usage:

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

- Specify the type of trial: **jury** or **non-jury**.
- A non-jury trial should be counted as beginning when the first evidence is introduced.
- For internal purposes, count trials once they are begun, regardless of whether a **verdict** is ever reached.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

NON-OFFENDER CASE A **juvenile case** category involving a juvenile where the behavior of someone other than the juvenile causes the **court** to concern itself with the well-being of the juvenile.

Synonym: dependency and neglect

Court Statistical Usage:

- **Non-offender case** is a subcategory of the broad trial court classification **juvenile case**.
- Report the **caseload inventory** of juvenile cases according to the following subcategories:
 - **Criminal-type offender case**
 - **Status offender case**
 - **Non-offender case**
 - **Other juvenile matters**
- See **unit of count** for instructions on counting cases.
- Report under **non-offender cases** all matters that have previously been classified under dependency or neglect. Guardianship cases involving juveniles should be reported separately in order to permit comparable **guardianship/conservatorship/trusteeship** caseload nationwide.
- Court actions that are directed against adults as the result of adult behavior toward juveniles should not be classified as juvenile cases. (See **other domestic relations case** for examples.)
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: This case category is adopted from the classifications for juvenile cases adopted by OJJDP in the Department of Justice.

Dependency and neglect actions on behalf of a child allege, that the parent, guardian, or person with whom the child lives fails to give proper care; or that the juvenile has suffered from unlawful holding out from school, inadequate medical care, lack of proper supervision, or the like.

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

NON-SUPPORT

see **support/custody case**
other criminal case
domestic relations case

NON VULT CONTENDERE

see **guilty plea**

NO PROBABLE CAUSE

see **preliminary hearing**
probable cause

NOTICE OF APPEAL A document that informs a **court** having appellate jurisdiction that a **party** wants a court's **judgment** reviewed.

Court Statistical Usage:

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

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

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

Court Statistical Usage:

- Classify all **appellate court opinions** together under **manner of disposition**.
- Report the total number of opinions, which may differ from the total number of cases settled by opinion. Count no more than one opinion per case. However, one opinion can settle more than one case. Consequently, the total number of cases settled by the total number of opinions should also be reported.

- Indicate the type of decision in each case as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**
 - **Reversed and remanded**
 - **Remanded**
 - **Granted/denied**
- The aggregate statistics for type of decision (**affirmed, modified, etc.**) should sum to the total number of cases settled by opinion. (See prototype on page 111).
- Report **advisory opinion cases** as **original proceeding cases**; advisory opinion case is a case category, whereas opinion is a manner of disposition. (See **advisory opinion case.**)
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: Opinions of the court are usually presented in writing and published in a court report. The states are reporting a number of kinds of opinions, but arriving at a consensus as to the meaning of each term poses problems. For example, a "full" opinion may be signed or unsigned, a "signed" opinion may be a full opinion or a majority opinion or something else. For statistical reporting purposes, distinctions between the kinds of opinions are not of great importance, except perhaps to note that per curiam opinions are often used for sensitive social issues that the court regards as better left unsigned, or for short opinions where the entire court is in agreement on the decision and the legal basis for the decision is well defined.

ORDER (appellate) For statistical reporting purposes, a manner of disposing of an **appellate case** that is decided without **opinion**.

Court Statistical Usage:

- Classify under **manner of disposition**.
- Report the total number of orders, which may differ from the total number of cases settled by order. One order can settle more than one case. Consequently, the total number of cases settled by the total number of orders should also be reported.
- Indicate the type of decision in each case as follows:
 - **Affirmed**
 - **Modified**
 - **Reversed**

- Reversed and remanded
 - Remanded
 - Granted/denied
- The aggregate statistics for type of decision (**affirmed, modified, etc.**) should sum to the total number of cases settled by order. (See prototype on page 111).
 - If the court order dismisses the case before a decision is reached, classify under **dismissed/withdrawn** rather than under **order**.
 - See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

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

ORDINANCE (NON-TRAFFIC) VIOLATION CASE A **criminal case** category that includes cases involving violations of local regulations passed by county, city, municipal, or other local governing bodies.

Court Statistical Usage:

- **Ordinance (non-traffic) violation case** is a subcategory of the broad **trial court** classification **criminal case**.
- Count each original charging document as one case. If the charging document contains multiple defendants, then also count the defendants for internal purposes. Report both cases and defendants dispositions in **caseload inventory**.
- The **caseload inventory** of **traffic cases** and of **ordinance violation cases** should be reported separately from **felonies** and **misdemeanors** in order to permit an accurate accounting of the more serious criminal offenses.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **ordinance violation cases** should be reported under the appropriate category in the **criminal case manner of disposition** classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: Ordinance violations are called infractions in some states. Include with ordinance (non-traffic) violations those cases that are being called civil infractions in some states.

ORIGINAL JURISDICTION The lawful authority of a court to hear or act upon a case from its beginning. (adapted from the Dictionary of Criminal Justice Data Terminology, second edition)

ORIGINAL JURISDICTION CASE A subcategory of **original proceeding case** that includes **cases filed** under statutory or constitutional provisions that authorize an **appellate court** to hear such cases in the first instance, but does not include **disciplinary matters** or **advisory opinions**.

Court Statistical Usage:

- Classify in appellate court **caseload inventory** as a subcategory under **original proceeding case**, as follows:
 - **Original jurisdiction case**
 - **Disciplinary matter**
 - **Advisory opinion case**
- Include as **original jurisdiction cases** those **petitions** that request the appellate court to use its discretionary power to issue prerogative **writs**, thereby granting extraordinary relief, if such petitions are the subject of the case. If the writ is only one proceeding in an appeal case, do not count it separately from the **appeal case**.
- Also include under **original jurisdiction cases** those cases involving constitutional issues, legislative apportionment, contested elections, public interest matters, and similar issues filed initially in the appellate court.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **original jurisdiction cases** should be reported under the appropriate category in the **manner of disposition, appellate court case** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

ORIGINAL PROCEEDING CASE An appellate court case category in which a special action is brought in the first instance in an appellate court and considered a case, including **original jurisdiction cases, disciplinary matters, and advisory opinion cases**. (See **original jurisdiction case, disciplinary matter, advisory opinion case**).

Court Statistical Usage:

- **Original proceeding case** is a subcategory of the larger classification, **appellate court case**.
- The **caseload inventory of original proceeding cases** should identify the subject matter of each case, using the following subcategories:
 - **Original jurisdiction case**
 - **Disciplinary matter**
 - **Advisory opinion case**
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **original proceeding cases** should be reported under the appropriate category in the **manner of disposition, appellate court case** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

Court Statistical Usage:

- **Other civil case** is a subcategory of the broad **trial court** classification **civil case**. Classify the **caseload inventory** of civil cases by the subject matter at issue whenever possible.
- Use **other civil** only for cases that cannot be classified elsewhere, such as name change or replevin. Include only those court **actions** that meet the definition of **court case**.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **other civil cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

OTHER CRIMINAL CASE For statistical reporting purposes, a residual category in which to place criminal cases that cannot be identified as belonging in the other major criminal classifications (**felony, misdemeanor, ordinance violation, appeal,**

extraordinary writ, postconviction remedy, or sentence review only case).

Court Statistical Usage:

- **Other criminal case** is a subcategory of the broad **trial court classification criminal case**. Classify cases by the subject matter at issue whenever possible.
- Use **other criminal** only for cases that cannot be classified elsewhere, such as extradition. Include only those court actions that meet the definition of **court case**.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **other criminal cases** should be reported under the appropriate category in the **criminal case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **domestic relations case**, as follows:
 - **Marriage dissolution case**
 - **Support/custody case**
 - **Adoption case**
 - **Other domestic relations case**
- Under **other domestic relations case** classify cases such as those involving paternity or bastardy, and termination of parental rights.
- Divorce cases in which provisions are made for custody, support, or alimony may be **reopened** if the parties seek to change these provisions. Count such actions as new cases and classify them as **support/custody cases**.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **other domestic relations cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

Court Statistical Usage:

- Classify **estate cases** by the subject matter at issue where possible.
- Classify in **trial court caseload inventory** as a subheading under **estate case**, as follows:
 - **Probate/wills/intestate case**
 - **Guardianship/conservatorship/trusteeship case**
 - **Other estate case**
- Under **other estate case** classify cases such as gifts to minors or corporate trusts (if they are within the jurisdiction of the court).
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **other estate cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

OTHER JUVENILE MATTERS For statistical reporting purposes, a residual category in which to classify **juvenile cases** that cannot be identified as belonging in the other major juvenile classifications (**criminal-type offender, status offender, or non-offender case**).

Court Statistical Usage:

- **Other juvenile matters** is a subcategory of the broad trial court classification **juvenile case**.
- Report the **caseload inventory** of juvenile cases according to the following subcategories:
 - **Criminal-type offender case**
 - **Status offender case**
 - **Non-offender case**
 - **Other juvenile matters**
- Examples of cases that should be classified as **other juvenile matters** are child marriage or mental commitment of a minor.
- Do not include cases involving behavior of an adult, which should be classified under **other domestic relations case, guardianship/conservatorship/trusteeship case, etc.**

- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

OTHER MANNER OF DISPOSITION, APPELLATE CASES For statistical reporting purposes, a residual category to include those outcomes that cannot be classified in the other categories outlined under **manner of disposition**.

Court Statistical Usage:

- Classify under **manner of disposition, appellate court case**.
- Report under **other manner of disposition** only dispositions that cannot be classified elsewhere, such as cases that have been consolidated.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

OTHER MANNER OF DISPOSITION, CIVIL CASES For statistical reporting purposes, a residual category to include those outcomes that cannot be classified in the other categories outlined under **civil case manner of disposition**.

Court Statistical Usage:

- Classify as a **trial court manner of disposition in civil cases**.
- Under **other manner of disposition, civil cases**, include the termination of **extraordinary writ cases** and **postconviction remedy cases**. Also include cases that have been **consolidated**.
- Cases that are treated as terminated for statistical purposes may not in fact be removed from the jurisdiction of the court. These should be subtracted from **pending caseload** and reported under **other manner of disposition**. Such cases include those that are transferred to an inactive status. The state should report how long cases are carried on the calendar before they are put on inactive status.
- If the case is reactivated or **reopened**, report as a new case, classified by the subject matter of the case. (See **reopened case**.)
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

OTHER MANNER OF DISPOSITION, CRIMINAL CASES For statistical reporting purposes, a residual category to include those outcomes that cannot be classified in the other categories outlined under **criminal case manner of disposition**.

Court Statistical Usage:

- Classify as a **trial court manner of disposition in criminal cases**.
- **Other manner of disposition, criminal cases**, should indicate a **defendant** count.
- Under **other manner of disposition, criminal cases**, include the termination of **extraordinary writ cases, postconviction remedy cases, and sentence review only cases**. Also include cases that have been **consolidated**.
- Cases that are treated as terminated for statistical purposes may not in fact be removed from the jurisdiction of the court. These should be subtracted from **pending caseload** and reported under **other manner of disposition**. Include under this classification criminal cases in which the **defendant** has absconded or is a fugitive, if these cases are considered disposed, as well as abatement by death of defendant. Include also cases such as those that are transferred to an inactive status, or to a diversion status (in those states where the case is filed in court before diversion). The state should report how long cases are carried on the calendar before they are put on inactive status.
- If the case is reactivated or **reopened**, report as a new case, classified by subject matter of the case. (See **reopened case**.)
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

OTHER MANNER OF DISPOSITION, TRAFFIC CASES For statistical reporting purposes, a residual category to include those outcomes that cannot be classified in the other categories outlined under **traffic case manner of disposition**.

Court Statistical Usage:

- Classify as a **trial court manner of disposition in traffic cases**.
- **Other manner of disposition, traffic cases**, should indicate a **defendant** count.
- Include only those traffic cases that cannot be classified under the other traffic case manner of disposition categories.

- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

OTHER TORT CASE For statistical reporting purposes, a residual category used to include tort cases other than auto tort, professional tort, and product liability tort.

Court Statistical Usage:

- Classify in trial court caseload inventory as a subheading under tort case, as follows:
 - Auto tort case
 - Professional tort case
 - Product liability tort case
 - Other tort case
- Classify tort cases whenever possible according to specific tort case subcategories. Use other tort case only for those cases that cannot be classified as auto tort, professional tort, or product liability tort. Examples are alienation of affection and loss of consortium, as well as tort cases involving air and water transportation.
- In addition to the reporting of filings, dispositions, and pending cases in caseload inventory, the termination of other tort cases should be reported under the appropriate category in the civil case manner of disposition scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

OTHER TRAFFIC VIOLATION CASE For statistical reporting purposes, a category in which to place traffic cases that do not belong in the other major traffic classifications (DWI/DUI or parking violations).

Court Statistical Usage:

- Classify the caseload inventory of traffic violations as follows:
 - DWI/DUI case
 - Other traffic violation case
 - Parking violation caseThe first two categories generally come into a trial court on a complaint or information.
- Include under other traffic violations all non-moving violations other than parking violations.

- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **other traffic violation cases** should be reported under the appropriate category in the **traffic case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

PARKING FINES One manner in which **parking violations** are **disposed**.

Court Statistical Usage:

- If parking violations are reported as part of **traffic caseload**, count and report them separately in **caseload inventory**. Also report separately their termination by voluntary payment of fine as **parking fines**. The statistic will indicate a **defendant** count.
- Voluntary payment of fine in traffic cases other than parking violations should be reported under **guilty pleas**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

PARKING VIOLATION CASE A subcategory of **traffic cases** that involves the parking of a motor vehicle in violation of a traffic ordinance.

Court Statistical Usage:

- Classify **parking violations** in **trial court caseload inventory** separately from all other traffic cases as follows:
 - **DWI/DUI case**
 - **Other traffic violation case**
 - **Parking violation case**
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of uncontested **parking violation cases** should be reported as **parking fines**. The termination of contested **parking violations** should be reported under the appropriate category in the **traffic case manner of disposition** classification scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

82 **Entries**

PAROLE BOARD

see **administrative agency**

PARTITION

see **real property rights case**

PARTY A person or legal entity with standing to bring an **action** or respond to an action before a **court**.

Annotation: In a court action, a **party** may be either **plaintiff**, **defendant**, third party, or intervenor.

PATERNITY

see **other domestic relations case**

PAYMENT OF FINE

see **guilty plea**
parking fines

PENDING The status of a **case** that has not been terminated or **disposed** by the **court** in which it was **filed**.

Court Statistical Usage:

- Report **caseload inventory** statistics in each case category for a reporting period as **beginning pending** (cases), **filings**, **dispositions**, **end pending** (cases). (See **beginning pending**, **filing**, **disposition**, **end pending**.)
- Report current **pending caseload** as the number of cases at any given time that have been filed in a given court, or are before a given judicial officer, but have not reached disposition.
- Cases that are treated as terminated for statistical purposes may not in fact be removed from the **jurisdiction** of the court. These should be subtracted from pending caseload and their termination reported under **other manner of disposition**. Such cases include those that are transferred to an inactive status or diversion status (in those states where the case is filed in court before diversion).
- **Guardianship**, **conservatorship**, and **trusteeship** cases, because they remain under the jurisdiction of the court for unusually long periods of time, should be reported separately in order that they can be subtracted from pending caseload when **age of pending caseload** is being computed.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

PER CURIAM OPINION A written, unsigned **opinion**.

Court Statistical Usage:

- Classify under **opinion** (see **manner of disposition, appellate court case**, page 7).

Annotation: **Per curiam** and **memorandum decision** are not synonyms, although the terms are frequently used interchangeably. A **per curiam** includes an **opinion**, but a **memorandum** should not.

Per curiam opinions are often used for sensitive social issues that the court regards as better left unsigned, or for short opinions where the court is in agreement on the decision and the legal basis for the decision is well-defined.

PERSONAL INJURY

- see **tort case**
 - auto tort case**
 - professional tort case**
 - product liability tort case**

PERSON IN NEED OF SUPERVISION (PINS)

- see **status offender case**

PETITION For statistical reporting purposes, a written document filed in a **court**, initiating a **case** and requesting a decision in a matter described therein.

Court Statistical Usage:

- Report the type of case initiated by the petition.
- A **petition** or a **civil complaint** that begins an **action** is the **unit of count** for civil cases in most trial courts.
- A **juvenile case** is generally initiated by a petition.
- At the appellate level, a petition is the usual method of filing a **request to appeal** or an **original jurisdiction case**.
- Statistical reports should specify how cases are being counted. (See **unit of count**.)

Annotation: Other kinds of petitions can be filed, but do not initiate cases. They may be counted as part of court **caseload**, but should not be included in **caseload**.

PETITIONER

- see **plaintiff**

PETITION FOR APPEAL/REVIEW

- see **request to appeal case**

PETITION FOR WRIT OF CERTIORARI

- see **request to appeal case**

PLAINTIFF A person who initiates a court **action**. (from the Dictionary of Criminal Justice Data Terminology, second edition)

Synonyms: complainant, claimant, petitioner, appellant

Annotation: Plaintiff is the customary name for the person who initiates a civil **action**. In some states the prosecution in a criminal case (that is, "the people," as represented by government) is called the "plaintiff." (from the Dictionary of Criminal Justice Data Terminology, second edition)

POSTCONVICTION REMEDY CASE A procedure whereby the lawfulness of the **conviction** of an offender may be challenged.

Court Statistical Usage:

- In **trial court caseload inventory**, classify the **caseload** of **postconviction remedy cases** as a separate subcategory under either **civil case** or **criminal case**.
- In **appellate court caseload**, classify the **caseload** of **postconviction remedy cases** as a subcategory of **appeal case** if **jurisdiction** is **mandatory**. If the appellate court has **discretionary jurisdiction**, classify the case as a postconviction remedy case **request to appeal**.
- In those states where the appellate court has discretionary jurisdiction over postconviction remedy cases, report the **petition** under request to appeal, and the manner of disposition as **granted/denied**. If the request is granted, report a separate filing of the resulting appeal.
- The **manner of disposition** of the resulting appeal, as well as of postconviction remedy cases in states where review is mandatory, should be reported according to the same **manner of disposition, appellate court case** scheme as for appeals.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: The procedure in a postconviction remedy case is civil, so that some states may classify these cases as civil. The case in which the remedy is requested, however, is criminal, so that some states may classify postconviction remedy cases as criminal.

A postconviction procedure differs from a **criminal case appeal** in that it is not a direct review of the **judgment** of the trial court. It is a procedure used to contest a conviction after the **defendant's** opportunity for review by means of an **appeal** or **request to appeal** has passed.

Statutes or court rules determine in which court the request for postconviction remedy is presented. In some states the filing must be in a **trial court**.

Some of the procedures available for postconviction remedy are

- writ of habeas corpus,
- motion for a new trial on newly discovered evidence,
- petition to reopen an appeal, and
- petition for extension of time to appeal.

POSTTRIAL HEARING (JUVENILE)

see **criminal-type offender case**

PRELIMINARY HEARING A proceeding before a judicial officer in which evidence is presented so that the **court** can determine whether there is sufficient cause to hold the accused for **trial**. (adapted from the Dictionary of Criminal Justice Data Terminology, second edition)

Court Statistical Usage:

- A preliminary hearing is a step in the processing of a **felony** (or in a very few states, of a serious **misdemeanor**) case.
- When the preliminary hearing takes place in the same court that will try the case, then the hearing is only one step in processing and the case should be reported in **caseload inventory** as a felony (or as a misdemeanor in certain states) case and the **manner of disposition** reported accordingly. However, when the preliminary hearing is held in a **limited jurisdiction court** and the **defendant** is bound over to a **general jurisdiction court** when **probable cause** is found, some other reporting mechanism is needed for manner of disposition.
- See **preliminary hearing (limited jurisdiction court only)**.

Annotation: Three facts must be determined in a preliminary hearing: (1) that there is probable cause to believe that a crime was committed, (2) that it was committed in that jurisdiction, and (3) that there is probable cause to believe that the defendant committed the crime.

PRELIMINARY HEARING (LIMITED JURISDICTION COURT ONLY) For statistical reporting purposes, a category for reporting **preliminary hearings** that are held in a different **court** from that in which the **case** will be tried if the **defendant** is bound over.

Court Statistical Usage:

- Report the **caseload inventory** of **preliminary hearings** held in **limited jurisdiction courts** in this category.
- Count each original charging document filed as one case. If the charging document contains multiple defendants, then for internal purposes also count the defendants. Report both case and defendant dispositions in caseload inventory.

- If no **probable cause** is found, report the termination under **dismissed/nolle prosequi**.
- If the charge is reduced and the defendant pleads, the manner of disposition should be reported under **guilty plea**.
- If the charge is reduced and a trial is held, report the trial outcome under **trial**.
- If probable cause is found and the defendant is bound over from one court to another, these actions should be reported separately (under **bound over**) from other **criminal cases** in statewide statistics in order to permit an accurate count of total criminal cases.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

PREROGATIVE WRIT

see **extraordinary writ case**
original jurisdiction case

PRETRIAL HEARINGS (JUVENILE)

see **criminal-type offender case**

PRIVATE RIGHTS

see **civil case**

PROBABLE CAUSE A set of facts and circumstances that would induce belief that a particular person had committed a specific crime. (adapted from the Dictionary of Criminal Justice Data Terminology, second edition)

Court Statistical Usage:

- In **preliminary hearings** held in a **court** other than that in which the defendant will be tried, report the **manner of disposition** when probable cause is found as **bound over**. This will be a **defendant** count rather than a case count.
- In preliminary hearings the manner of disposition when no probable cause is found should be reported as **dismissed/nolle prosequi** (also a defendant count).

Annotation: The existence of "probable cause" is required to justify prosecution.

In felony cases the existence of probable cause will be established in **court** in a hearing usually called a **preliminary hearing** (see **preliminary hearing**) or by a grand jury, before felony **trial** proceedings begin. (adapted from the Dictionary of Criminal Justice Data Terminology, second edition)

CONTINUED

1 OF 2

PROBATE/WILLS/INTESTATE CASE A subcategory of **estate case** that includes cases involving (1) the determination of whether a will is a valid instrument, (2) the statutory method of establishing its proper execution, and (3) in cases where the decedent did not make a will, the determination of the disposition of the decedent's estate.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **estate cases**, as follows:
 - **Probate/wills/intestate case**
 - **Guardianship/conservatorship/trusteeship case**
 - **Other estate case**
- Include court **actions** providing for estate administration, appointment of executors, inheritances, and so forth.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **probate/wills/intestate cases** should be reported under the appropriate subcategory in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: A will deals with the disposition of property left by a decedent (that is, his estate) according to instructions in an instrument executed by that person before his death, in a manner prescribed by statute. Statutes also require that the validity of the will be established by a legal proceeding called probate.

In cases where the decedent has not made a will (has died intestate), the court determines the disposition of the decedent's estate.

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

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

PRODUCT LIABILITY TORT CASE A subcategory of **tort case** that includes cases involving the alleged responsibility of the manufacturer or seller of an article for an injury caused to person or property by a defect in or condition of the article sold, or an alleged breach of duty to provide suitable instructions to prevent injury.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **tort case**, as follows:
 - **Auto tort case**
 - **Professional tort case**
 - **Product liability tort case**
 - **Other tort case**
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **product liability tort cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

PROFESSIONAL TORT CASE A subcategory of **tort case** that includes cases involving charges of malpractice by a person acting in a professional capacity.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **tort case**, as follows:
 - **Auto tort case**
 - **Professional tort case**
 - **Product liability tort case**
 - **Other tort case**
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **professional tort cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

Annotation: Examples of persons acting in a professional capacity include doctors, lawyers, architects, engineers, teachers, etc.

PROHIBITION, WRIT OF
see **extraordinary writ case**

PROMISSORY AGREEMENT
 see **contract case**

PROPERTY DAMAGE
 see **tort case**

PUBLIC INTEREST CASE
 see **original jurisdiction case**

PUBLIC UTILITY COMMISSION
 see **administrative agency**

PUBLIC WRONGS
 see **criminal case**

QUIET TITLE
 see **real property rights case**

QUO WARRANTO, WRIT OF
 see **extraordinary writ case**

REACTIVATED CASE
 see **reopened case**

READY FOR ORAL ARGUMENT OR SUBMISSION For statistical reporting purposes, the **status of the pending caseload** when the transcript has been filed and the attorneys have completed the preparation of their legal briefs, but the hearing has not been held or the case submitted to the court.

Court Statistical Usage:

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

REAL PROPERTY RIGHTS CASE A major classification category for **civil cases** that includes cases arising out of the ownership, use, or disposition of land or real estate.

Court Statistical Usage:

- **Real property rights** case is a subcategory of the broad **trial court classification civil case**.
- Case types classified under **real property rights** include condemnation, eminent domain, quiet title, landlord and tenant, foreclosure, lien, partition, and so forth.
- Count the filing document as a case, not the number of **defendants** involved.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **real property rights cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: The legal remedies sought to protect real property rights can involve both **actions** at law and suits in **equity**.

RECIPROCAL SUPPORT

see **support/custody case**

REHEARING REQUEST A petition to a **court** calling the court's attention to any alleged error, omission, or oversight occurring during a **trial** or review, or to any newly discovered evidence, requesting the court to reconsider its own decision.

Court Statistical Usage:

- For reporting purposes, such requests should not be counted as **cases** because these requests are addressed to the judges' discretion, usually without a formal hearing.

Annotation: The court has broad discretion whether to grant or deny a request for a rehearing.

REINSTATED

see **reopened case**

* **REMANDED** A decision by an **appellate court** that sends part or all of a **case** back to the original **trial court** or **administrative agency** from which it came, for the purpose of entry of a proper **judgment** or decision, further proceedings, or a **new trial**.

Court Statistical Usage:

- Indicate the kind of appellate decision under each of the following subcategories of **manner of disposition, appellate court case**, as appropriate:

- Opinion
- Memorandum decision
- Order
- Indicate the type of decision in each case as follows:
 - Affirmed
 - Modified
 - Reversed
 - Reversed and remanded
 - Remanded
 - Granted/denied
- For statistical reporting purposes, a remanded case should be considered a **reopened case** in the trial court.

Annotation: Any part or all of the judgment being appealed may be remanded. **Reversed and remanded** is a decision in which the appellate court sets aside the judgment rendered in the trial court or administrative agency and the case must go back to the trial court for further proceedings. Affirmed and remanded is a decision that requires further proceedings by the trial court or administrative agency as directed by the reviewing court; classify under **remanded**.

RENT CONTROL BOARD
see **administrative agency**

REOPENED CASE For statistical reporting purposes, a **case** that has been reported previously as **disposed**, but is resubmitted to a **court**.

Synonym: reinstated case, reactivated case

Court Statistical Usage:

- Count a **reopened case** as a new case. Classify by the subject matter at issue in the case. Refer to page 6 for the **trial court** case classification scheme.

Annotation: Reopened cases can be of several kinds. For example:

1. A dormant case that has been placed on an inactive status can be reactivated. For example, this would happen when an accused fugitive is located and brought into court.
2. A case that has been disposed without judicial action (submitted to arbitration, for example) can be returned to the court for judicial action.
3. A new issue can arise that causes a disposed case to be resubmitted to the court. Marriage dissolution cases, for example, can be reopened in order to consider requests for changes in support or alimony payments; the reopened case should be classified as a support/custody case. In juvenile cases some of the matters that might lead to the reopening of a case include probation revocation and commit-

ment, postdispositional review of status, writ of habeas corpus, modification or revocation of original commitment, transfer to a more restrictive correctional institution.

4. For statistical reporting purposes, a case remanded from an appellate court to a trial court or administrative agency should be considered a reopened case.

See **other manner of disposition**, both **civil cases** and **criminal cases**, for other types of cases that are likely to be reported as disposed, and later reopened.

Individual states will probably want to maintain some count of reopened cases in their internal statistics.

REPLEVIN

see **other civil case**

REQUEST TO APPEAL CASE An appellate court case category in which a **petition** is presented to an **appellate court** asking the court to review the **judgment** of a **trial court**, an **administrative agency**, or an **intermediate appellate court**.

Synonym: application for appeal/review, application for leave to appeal, petition for appeal/review, petition for writ of certiorari, petition for writ of error.

Court Statistical Usage:

- **Request to appeal case** is a subcategory of the larger classification, **appellate court case**.
- As state information needs require, report the **caseload inventory** of requests to appeal according to the subject matter of the case involved, using the following subcategories:
 - **Civil case** request to appeal
 - Tort case request to appeal
 - Contract case request to appeal
 - Real property rights case request to appeal
 - Small claims case request to appeal
 - Domestic relations case request to appeal
 - Mental health case request to appeal
 - Estate case request to appeal
 - Other civil case request to appeal
 - **Criminal case** request to appeal
 - Felony case request to appeal
 - Misdemeanor case request to appeal
 - Ordinance violation case request to appeal
 - Traffic case request to appeal
 - Other criminal case request to appeal
 - **Postconviction remedy case** request to appeal
 - **Request to appeal of administrative agency case**
 - **Juvenile case** request to appeal

- The usual method of filing a request to appeal is a **petition**, which may be **granted** or **denied** at the discretion of the court. Requests denied should be reported separately from requests granted for review as an **appeal**. Additionally, report a new filing under **appeals** for those requests granted.
- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **requests to appeal** should be reported as **granted/denied**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: The authority given to appellate courts determines what kinds of cases must be heard and what kinds of cases may be heard at the discretion of the court. This varies from state to state. A right of appeal differs from a request to appeal. A right of appeal is provided in certain kinds of cases; a request to appeal is granted or denied at the discretion of the court.

Requests to appeal are the method of presenting a case to an appellate court when the case is within the court's discretion. A court's discretion is exercised through a two-stage decisional process. First, the court must decide whether to grant the petition. The criteria used vary greatly: In some courts the major criterion is the correctness of the ruling of the trial court; in others it is the importance of the issues presented.

If the request to appeal is granted, the case generally is subject to the second stage of the decisional process: It becomes an appeal and is decided on the merits. This stage almost always involves a much more extensive study of the case by judges than the request to appeal stage.

RESPONDENT

see **defendant**

REVERSED A decision by an **appellate court** that sets aside a **judgment** or order of a **trial court**, an **administrative agency**, or an **intermediate appellate court**.

Court Statistical Usage:

- Indicate the kind of appellate decision under each of the following subcategories of **manner of disposition, appellate court case**, as appropriate:

- **Opinion**
 - **Memorandum decision**
 - **Order**
- Indicate the type of decision in each case as follows:
- **Affirmed**
 - **Modified**
 - **Reversed**
 - **Reversed and remanded**
 - **Remanded**
 - **Granted/denied**
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

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

A case can be reversed and dismissed, reversed and discharged, reversed in part and affirmed in part, etc. All of these can be classified as reversed.

REVERSED AND DISCHARGED
see **reversed**

REVERSED AND REMANDED A decision by an **appellate court** that sets aside a **judgment** or an order of a **trial court**, an **administrative agency**, or an **intermediate appellate court**, and sends part or all of a **case** back to the original trial court or administrative agency from which it came, for the purpose of entry of a proper judgment, further proceedings, or a **new trial**.

Court Statistical Usage:

- Indicate the kind of appellate decision under each of the following subcategories of **manner of disposition, appellate court case**, as appropriate:
- **Opinion**
 - **Memorandum decision**
 - **Order**
- Indicate the type of decision in each case as follows:
- **Affirmed**
 - **Modified**
 - **Reversed**
 - **Reversed and remanded**
 - **Remanded**
 - **Granted/denied**

- For statistical reporting purposes, a case that is reversed and remanded should be considered a **reopened case** in the **trial court**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

Annotation: Any part or all of the judgment being appealed may be remanded. Reversed and remanded is a decision in which the appellate court sets aside the judgment rendered in the trial court or administrative agency and the case must go back to the trial court or administrative agency for further proceedings.

SENTENCE REVIEW ONLY CASE For statistical reporting purposes, a **case** category for a procedure (other than **appeal** or **request to appeal**) whereby the appropriateness of the sentence given to a convicted offender may be challenged.

Court Statistical Usage:

- At the **appellate court** level, classify the **caseload inventory of sentence review only cases** as a separate case category under **appellate court case**.
- At the **trial court** level, classify the **caseload of sentence review only cases** as a subcategory under **criminal case**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of a **sentence review only case** at the trial court level should be reported under **other manner of disposition**; at the appellate level, under **affirmed** or **modified by order**.
- If the case deals only with sentence review, then classify it as a **sentence review only case**. If the case is an appeal on the merits, then it should be classified as a **criminal case appeal**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

SENTENCE WITHHELD
see **conviction**

SEPARATE MAINTENANCE
see **support/custody case**

SETTLEMENT For statistical reporting purposes, the termination before **trial** of a **case** by agreement between or among the **parties** involved.

Court Statistical Usage:

- Classify under **dismissed/withdrawn/settled** in civil cases in **trial courts** and in **appellate courts**.
- Settlement during trial should be counted under **trial**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

SEVERANCE In trial court criminal proceedings, the separation for purposes of pleading or trial of multiple **defendants** named in a single filing document (charging document in criminal cases; petition or complaint in civil cases), or of multiple complaints or charges against a particular defendant listed in a single filing document.

Court Statistical Usage:

- If severance is ordered in a multiple-defendant case, maintain the original case and count each severed defendant as a new filing in a separate case. If complaints or charges are severed, count each new or severed filing document as a new case filing. (See **criminal case**.)

SIGNED OPINION
see **opinion**

SMALL CLAIMS CASE A major classification category for **civil cases** that includes **cases** governed by special **summary procedures** specified by statute, involving either **tort** or **contract** or **real property rights** claims in which the remedy sought is a specific, limited amount of monetary damages.

Court Statistical Usage:

- **Small claims case** is a subcategory of the broad **trial court** classification **civil case**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the termination of **small claims cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: States generally have special summary procedures to be followed in small claims cases, which dispense with written pleadings, legal counsel, or strict rules of evidence. The procedures are typically informal, and less costly and protracted than ordinary procedures.

Small claims cases may be handled in the regular **general jurisdiction courts**, or in a separate division of a court of general or **limited jurisdiction**, or in a **court of special jurisdiction**.

SPECIAL JURISDICTION COURT

see **court of limited or special jurisdiction**

STATUS OFFENDER CASE A **juvenile case** category that includes **cases** involving a juvenile whom a **court** has determined to need guidance, treatment, or rehabilitation because of non-criminal misbehavior by the child.

Synonym: child in need of supervision case (CINS, CHINS), person in need of supervision case (PINS), juvenile in need of supervision case (JINS), minor in need of supervision case (MINS).

Court Statistical Usage:

- **Status offender case** is a subcategory of the broad **trial court classification juvenile case**. See **unit of count** for instructions on counting cases.
- Report the **caseload inventory** of juvenile cases according to the following subcategories:
 - **Criminal-type offender case**
 - **Status offender case**
 - **Non-offender case**
 - **Other juvenile matters**
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

Annotation: This case category has been adopted from the classifications used by the OJJDP in the Department of Justice.

For reporting purposes this case category subsumes several categories now in use in many states, variously called CHINS or CINS (child in need of supervision), PINS (person in need of supervision), MINS (minor in need of supervision), JINS (juvenile in need of supervision), "child beyond control," "incorrigible," "wayward youth," "miscreant," etc. The category deals with the child who requires guidance, treatment, or rehabilitation because of (a) habitual truancy from school; (b) habitual disobedience, being ungovernable, and beyond control of the person having custody of the child without substantial fault on the part of that person; (c) deportment that is injurious or endangers the child or others; or (d) commitment of an offense applicable only to children.

STATUS OF PENDING CASELOAD (appellate court) For statistical reporting purposes, the number of appellate cases that have reached the important processing events between their **filing** and **disposition**.

Court Statistical Usage:

- In reporting appellate court **status of pending caseload** data, the following events in case processing should be indicated in order to permit a count of the number of cases in that status:
 - **Awaiting court reporter's transcript**
 - **Awaiting appellant's brief**
 - **Awaiting respondent's brief**
 - **Ready for oral argument or submission**
 - **Under advisement**
- See **age of pending caseload** (appellate courts) for a suggested time scale for case processing time.

STATUS OF PENDING CASELOAD (trial court)
see **age of pending caseload** (trial court)

STRICKEN One method by which a **court** removes a **case** from the record or docket.

Court Statistical Usage:

- Count under **dismissed/nolle prosequi** for **criminal cases** and **traffic cases** in **trial courts**, and under **dismissed/withdrawn/settled** for **civil cases** in **trial courts**.

SUBJECT MATTER JURISDICTION For statistical reporting purposes, the identification of a **court action** according to the nature of the issue in the **case**.

Court Statistical Usage:

- Report all court cases according to the subject matter at issue in the case, as indicated in the classification schemes on pages 5 and 6. The kind of remedy sought and the separate procedural steps in case processing are supplementary information that can be reported in addition, if the court desires.

SUIT IN EQUITY
see **equity case**

SUMMARY PROCEDURE A method by which a **case** or controversy is decided by a **court** in a prompt, simple manner without the aid of a jury, on an agreed or stipulated set of facts (as in summary judgment).

Court Statistical Usage:

- Classify cases that are settled by **summary procedure** according to the subject matter at issue. (See **civil case**.)

Annotation: Commonly used in cases such as bankruptcy proceedings, landlord-tenant cases, **small claims**, or unlawful entry and detainer, and in cases submitted to **arbitration**.

SUPPORT/CUSTODY CASE A subcategory of **domestic relations case** that includes **cases** filed to request a **court** to require maintenance of a spouse or child by a person who is required by law (either state statutes or the Uniform Reciprocal Enforcement of Support Act) to provide such maintenance, or to request a court to make a determination regarding the control, care, or maintenance of a child.

Court Statistical Usage:

- Classify in **trial court caseload inventory** as a subheading under **domestic relations case**, as follows:

- **Marriage dissolution case**
- **Support/custody case**
- **Adoption case**
- **Other domestic relations case**

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

- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: URESA is the acronym for the Uniform Reciprocal Enforcement of Support Act.

Ordinary support cases are those actions involving **parties** residing in the same state. URESA cases involve a **plaintiff** and **defendant** residing in different states, and are of two types: those where the defendant resides within the state and the plaintiff in another (often called "reciprocal support--in,") and those where the plaintiff resides within the state but the defendant resides in another state ("reciprocal support--out").

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

100 **Entries**

TAX ASSESSMENT COUNCIL

see **administrative agency**

TERMINATION

see **manner of disposition**

TERMINATION OF PARENTAL RIGHTS

see **other domestic relations case**

TESTATE

see **probate/wills/intestate case**

- # **TIME INTERVAL DATA** For statistical reporting purposes, the number of days (mean or median) required to process **disposed cases**, segmented according to important processing events.

Court Statistical Usage:

- The time it takes to process cases should be reported for all cases, by case category. States should also preserve the date of key intermediate steps in case processing, and should define the particular nomenclature used for such intermediate steps. (See **status of pending caseload**.)
- The mean, or average, time to process cases should be reported as well as the median (time it takes to process the "middle" case).

TIME TO DISPOSITION DATA

see **time interval data**

- # **TORT CASE** A major classification category for **civil cases** that includes cases involving a **court action** resulting from an injury or wrong committed either against a person or against a person's property by a **party** who either did something that he was obligated not to do, or failed to do something that he was obligated to do.

Court Statistical Usage:

- **Tort case** is a subcategory of the broad **trial court** classification **civil case**. See **unit of count** for instructions on counting cases.
- Report the **caseload inventory** of tort cases in the following subcategories:
 - **Auto tort case**
 - **Professional tort case**
 - **Product liability tort case**
 - **Other tort case**

- In addition to the reporting of **filings, dispositions, and pending cases in caseload inventory**, the termination of **tort cases** should be reported under the appropriate category in the **civil case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: Under the law of torts, an individual is entitled to be free from bodily injury, property injury, injury to his reputation, injury to his rights or privacy, or from interference with his business or right to make a living.

Three elements of every tort action are: existence of a legal duty from defendant to plaintiff, breach of duty, and damage as a proximate result.

Alienation of affection and loss of consortium are tort cases, and would be classified under **other tort case**.

TRAFFIC CASE A broad classification category for **trial court caseload** that includes **cases** involving an alleged violation of the traffic laws.

Synonym: **traffic action**

Court Statistical Usage:

- **Traffic cases** should be reported separately from the other broad **trial court case** categories (**civil, criminal, juvenile**) because of the specialized case processing procedures involved, and to avoid inflation of **criminal caseload figures** because of the high volume of traffic cases.
- Use the following subcategories to report the **caseload inventory** of traffic cases:
 - **DWI/DUI case**
 - **Other traffic violation case**
 - **Parking violation case**
- Count each original charging document filed as one traffic case. If the charging document contains multiple defendants, then also count the defendants for internal purposes. Report both case and defendant dispositions in caseload inventory.
- When a state classifies a traffic case as a **felony**, it should be reported as a **felony case** rather than as a traffic case. Traffic cases that are misdemeanors should be classified as **traffic cases**, under the subheadings above.
- Report all traffic violations other than DWI/DUI and parking violations as **other traffic violations**.
- Report **parking violations** separately. The charging document is typically a citation, and the punishment is a fine, usually paid by mail or without a mandatory court appearance.

- Juvenile traffic cases should be classified under **traffic cases**, not under **juvenile cases**.
- Traffic case appeals should be classified under **criminal case appeals**.
- In addition to the reporting of **filings, dispositions, and pending cases** in **caseload inventory**, the number and type of **trials** and the disposition of the **defendants** should be reported under the appropriate category in the **traffic case manner of disposition** scheme.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

TRAFFIC CASE APPEAL

see **criminal case appeal**

- # **TRAFFIC CASE MANNER OF DISPOSITION** The manner in which a **traffic case pending** before a **trial court** is disposed.

Court Statistical Usage:

- Report total traffic case dispositions by case category in **caseload inventory: beginning pending (cases), filings, dispositions, end pending (cases)**.
- Report the **manner of disposition** of traffic cases in trial courts as follows:
 - **Jury trial**
 - Conviction (include guilty pleas during trial)
 - Acquittal (include dismissals during trial)
 - **Non-jury trial**
 - Conviction (include guilty pleas during trial)
 - Acquittal (include dismissals during trial)
 - **Transferred** (before/during trial)
 - **Guilty plea** (before trial)
 - **Bail forfeiture**
 - **Dismissed/nolle prosequi** (before trial)
 - **Parking fines**
 - **Other manner of disposition**
- The statistics in the subcategories under **traffic case manner of disposition** should indicate the number and type of **trials** and the disposition of the **defendants**. (See prototype on page 111).
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

TRANSFERRED For statistical reporting purposes, a **manner of disposition** in which a judicial order transfers a **case** from one **court** to another before hearing or **trial** in **trial courts**, and before a decision in **appellate courts**.

Court Statistical Usage:

- Classify as a manner of disposition in **appellate court cases**. A new filing should be reported in the court to which the case is transferred.
- Classify as a manner of disposition in **trial court cases**.
- In order to preserve **trial data**, report two counts for transferred cases: one for those transferred before trial begins, and one for those transferred during trial.
- In criminal cases and traffic cases, transferred should indicate a count of **defendants**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: Examples of transferred cases are a **juvenile case** moved from a juvenile court to an adult criminal court, a case shifted from a **limited jurisdiction court** to a general jurisdiction court because the defendant exercises his right to demand a jury trial, a **general jurisdiction court** case moved to a federal district court, an **appellate court case** moved from one appellate court to another, etc.

Also included under transferred cases are such dispositions as **change of venue**.

TREND DATA For statistical reporting purposes, **caseload** data for periods longer than one reporting period.

Court Statistical Usage:

- Caseload should be reported, by case category, for at least a five- and preferably a ten-year period in order to add perspective to case **filing** and **disposition** data and to help the user identify "bumps" in **time interval data**.

TRIAL The hearing and determination of issues of fact and law, in accordance with prescribed legal procedures, in order to reach a **judgment** in a **case** before a court. In a civil case, the rights and liabilities of the **parties** involved are determined. In a **criminal case**, the guilt or innocence of the **defendant** is determined.

Court Statistical Usage:

- Report complete trial data when the judgement is reached, including the **verdict** reached, as indicated under **criminal case** and **traffic case manner of disposition**. In criminal cases and traffic cases trial data will apply to cases, whereas verdict data will give a **defendant count**.

- Specify the type of trial: **jury or non-jury**. In **civil cases** this is the only data required for nationwide statistics.
- Count the beginning of a jury trial at the point when the jury has been sworn and the first evidence introduced. Count the beginning of a non-jury trial at the point when the first evidence is introduced.
- Count a trial once it is begun, regardless of whether a **judgment** is reached.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

TRIAL COURT A court, the primary function of which is to decide cases. (See **trial, court of general jurisdiction, court of limited or special jurisdiction**.)

Court Statistical Usage:

- Classify all **courts of general jurisdiction** and **courts of limited or special jurisdiction** as **trial courts**. Identify each court by name and **subject matter jurisdiction**.

Annotation: For all trial court case categories recommended herein, the term trial court includes both **courts of general jurisdiction** and **courts of limited or special jurisdiction** (unless otherwise indicated).

In addition to having **original jurisdiction**, trial courts in many states also have **incidental appellate jurisdiction** (see **incidental appellate jurisdiction**).

TRIAL COURT CASE A major classification category for caseload in **courts of general jurisdiction** and **courts of limited or special jurisdiction** that includes **civil case, criminal case, traffic case, and juvenile case** as broad subcategories. (See **civil case, criminal case, traffic case, juvenile case**).

Court Statistical Usage:

- Classify **trial court caseload inventory** according to the subject matter at issue in the case, using the following categories:

- **Civil case**
 - Tort case**
 - Auto tort case**
 - Professional tort case**
 - Product liability tort case**
 - Other tort case**
 - Contract case**
 - Real property rights case**
 - Small claims case**

- Domestic relations case
 - Marriage dissolution case
 - Support/custody case
 - Adoption case
 - Other domestic relations case
- Mental health case
- Estate case
 - Probate/wills/intestate case
 - Guardianship/conservatorship/trusteeship case
 - Other estate case
- Appeal case
 - Appeal of administrative agency case
 - Appeal of trial court case
- Extraordinary writ case
- Postconviction remedy case
- Other civil case
- Criminal case
 - Felony case
 - Misdemeanor case
 - Preliminary hearing (limited jurisdiction court only)
 - Ordinance (non-traffic) violation case
 - Appeal case
 - Appeal of trial court case
 - Extraordinary writ case
 - Postconviction remedy case
 - Sentence review only case
 - Other criminal case
- Traffic case
 - DWI/DUI case
 - Other traffic violation case
 - Parking violation case
- Juvenile case
 - Criminal-type offender case
 - Status offender case
 - Non-offender case
 - Other juvenile matters
- See **unit of count** for instructions on counting cases.
- In addition to the reporting of **filings, dispositions,** and **pending cases** in **caseload inventory**, the termination of **trial court cases** should be reported in the appropriate category under **manner of disposition, trial court case.**
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

TRIAL COURT CASELOAD INVENTORY
 see **court caseload inventory**
trial court case

TRIAL DE NOVO A trial in which an **appeal** from a **trial court** is heard in a **trial court** as a completely new hearing of the **case**.

Court Statistical Usage:

- Count trial de novo as a **manner of disposition** in **civil cases**, **criminal cases**, and **traffic cases** under **jury trial** or **non-jury trial**. States may report a separate subheading under jury trials and non-jury trials if tracking trials de novo provides useful information.
- Trials de novo should be counted at the time of the filing of the appeal in the trial court having **incidental appellate jurisdiction**.

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

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

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

Some states have abolished trials de novo.

TRUSTEE, TRUSTEESHIP

see **guardianship/conservatorship/trusteeship case**

UNCONTESTED/DEFAULT For statistical reporting purposes, a category for reporting the **manner of disposition** of a **civil case** in which a **defendant** either chose not to, or failed to contest the **plaintiff's** allegation.

Court Statistical Usage:

- Classify as a **trial court manner of disposition** in **civil cases**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page lll.

UNDER ADVISEMENT For statistical reporting purposes, the **status of the pending caseload** when the oral argument or hearing has been held or the case has been submitted to the court, but the court has not disposed of the case.

Court Statistical Usage:

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

UNIFORM COMMERCIAL CODE
see **contract case**

UNIFORM TRAFFIC CITATION
see **complaint, traffic traffic case**

UNIT OF COUNT Any entity that is the basis for monitoring and reporting statistics by a **court**.

Court Statistical Usage:

- Although **unit of count** is not itself a statistical term, the units being counted determine statistical terms.
- Count the filing with the clerk of court of a **complaint or petition** as the beginning of **civil cases** and of **juvenile cases in trial courts**.
- Count the filing of the original charging document (**complaint, information, or indictment in criminal or traffic cases; complaint, petition, or information in juvenile cases** of a criminal nature) as the beginning of the case in trial courts. Count multiple charges against one defendant as one case. Count each charging document.
- If there is more than one **defendant** on a charging document, also count defendants for internal purposes, both at the time of filing and at the time of disposition. Report both case and defendant dispositions in caseload inventory.
- A count of what happened to the **defendant(s)** should appear under **criminal case manner of disposition** and **traffic case manner of disposition**.
- See **consolidated trial** and **severance** for further instructions.

- In **appellate courts** count the **notice of appeal** in an **appeal case** when it is filed in the appellate court.
- Count the petition in a **request to appeal case** or an **original jurisdiction case**.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: If motions and other steps in case processing are being counted, they should be reported separately from **case-load inventory** as part of **caseflow**. (See **court caseflow**.)

URESAs

see **support/custody case**

VERDICT In criminal proceedings, the decision of the jury in a **jury trial** or of a judicial officer in a **non-jury trial**, that the **defendant** is guilty or not guilty of the offense for which he has been tried. (adapted from the Dictionary of Criminal Justice Data Terminology, second edition)

In civil proceedings, the decision of a jury or of a judicial officer concerning the matters at issue in the trial of a lawsuit.

Court Statistical Usage:

- Report the kinds of **verdicts** in **criminal cases** and in **traffic cases** as indicated under **manner of disposition** (page 8). These should indicate a **defendant** count.
- In **civil cases** report only the terminations indicated under **civil case manner of disposition** (page 8). These will indicate a **case** count.

WAYWARD YOUTH

see **status offender case**

WILLS

see **probate/wills/intestate case**

WITHDRAWN For statistical reporting purposes, a **manner of disposition** for reporting **cases** that were formally filed in a **court**, but were withdrawn from the court by the **plaintiff** before the hearing or **trial** in **trial courts**, and before decision in **appellate courts**.

Court Statistical Usage:

- Classify as a manner of disposition in **appellate court cases** as follows:
 - **Dismissed/withdrawn/settled**

- Classify as a **civil case** manner of disposition in trial court cases up to the point the trial begins. After a trial begins, count the **trial** as the manner of disposition.
- See pages 5-10 for case category classifications, manner of disposition, and prototypes for displaying both. For your convenience, these prototypes are also found on a foldout at page 111.

Annotation: At the trial court level, withdrawn has the same meaning for civil cases as nolle prosequi has for criminal cases.

WITH/WITHOUT PREJUDICE
see **dismissal**

WORKLOAD, COURT All matters, including **caseload**, handled by a **court** that involve time and effort.

Court Statistical Usage:

- Do not use as a synonym for **caseload**.
- Accurate measures of court workload require the reporting of these activities in addition to, and separate from, court caseload. Although this dictionary has not yet addressed any scheme for reporting court workload, each state will need to plan an appropriate format for reporting the workload handled by the courts.

Annotation: In addition to handling caseload, court time is consumed in a great many other activities related to judicial office, including swearing in of other judges and officials, conferences, research, presiding over marriage ceremonies, correspondence, moot court, addressing civic and school groups, and so on.

WORKMEN'S COMPENSATION BOARD
see **administrative agency**

WRIT A written **court order** directed to a specific person, requiring that person to perform or refrain from performing a specific act.

Synonym: process, court order

Court Statistical Usage:

- If a writ is requested as a step in the processing of a case, it should not be counted in **caseload** statistics. If a **petition** for a writ is the subject of a case, then that case should be classified as an **extraordinary writ case** in **trial court caseflow**, and as an **original jurisdiction case** in **appellate court caseflow**, except for writ of certiorari and writ of error, which are classified as **requests to appeal**.

110 **Entries**

WRIT OF CERTIORARI

see **request to appeal case**

WRIT OF ERROR

see **request to appeal case**

WRIT OF ERROR CORAM NOBIS

see **extraordinary writ case**

WRIT OF HABEAS CORPUS

see **extraordinary writ case**
original jurisdiction case
postconviction remedy case

WRIT OF MANDAMUS

see **extraordinary writ case**
original jurisdiction case

WRIT OF PROHIBITION

see **extraordinary writ case**
original jurisdiction case

WRIT OF QUO WARRANTO

see **extraordinary writ case**
original jurisdiction case

WRONGFUL DEATH

see **tort case**
auto tort case
professional tort case
product liability tort case

ZONING BOARD

see **administrative agency**

STATE NAME, COURT NAME
Court of last resort or intermediate appellate court
Number of court divisions, Number of judges
Time period covered

Table with 5 columns: Court caseload inventory, Beginning pending, Filed, Disposed, End pending. Rows include Cases: Request to appeal case, Sentence review only case, Appeal case, Original proceeding case, and Total cases.

Manner of disposition, appellate court cases--civil/criminal

Table with 2 columns: Description (Opinion, Affirmed, Reversed, etc.) and Count (00, 00/00, etc.). Rows include Opinion, Memorandum decision, Order, and Dismissed/withdawn/settled.

STATE NAME, COURT NAME
Court of general jurisdiction or court of limited jurisdiction
Number of circuits or districts, Number of judges
Time period covered

Table with 6 columns: Court caseload inventory, Beginning pending, Filed cases, Disposed cases, Defendants, n pending. Rows include Civil case, Criminal case, Traffic case, Juvenile case, and Grand total.

Manner of disposition, trial court cases

Table with 3 columns: Civil case manner of disposition, Criminal manner of disposition, Traffic manner of disposition. Rows include Jury trial, Conviction, Acquittal, Guilty plea, etc.

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Index

Defined terms are in boldface.
Court statistical terms are preceded by #.
Cross-referenced terms are in ordinary type.

	<u>Page</u>
ABATEMENT BY DEATH OF DEFENDANT see other manner of disposition, criminal case	
ABSCONDED see other manner of disposition, criminal case	
# ACQUITTAL	11
ACTION (court)	11
ACTION AT LAW see law case	
ACTIVE CALENDAR see calendar	
ADJUDICATION WITHHELD see conviction	
ADMINISTRATION OF ESTATES see probate/wills/intestate case	
ADMINISTRATIVE AGENCY	12
# ADOPTION CASE	12
ADVISORY JURY see jury trial	
# ADVISORY OPINION CASE	13
# AFFIRMED	13
AFFIRMED AND MODIFIED see affirmed	
AFFIRMED AND REMANDED see remanded	
AFFIRMED IN PART, REVERSED IN PART see reversed	
# AGE OF PENDING CASELOAD (appellate courts)	14
# AGE OF PENDING CASELOAD (trial courts)	15
AGENCY APPEAL see appeal of administrative agency case	
ALCOHOL, ALCOHOLICS see DWI/DUI mental health case	
ALIENATION OF AFFECTION see other tort case	
ALIMONY see support/custody case other domestic relations case	

ANNULMENT	
see marriage dissolution case	
# APPEAL CASE (appellate court)	16
# APPEAL CASE (trial court)	17
# APPEAL OF ADMINISTRATIVE AGENCY CASE (appellate courts) . .	18
# APPEAL OF ADMINISTRATIVE AGENCY CASE (trial courts)	19
# APPEAL OF TRIAL COURT CASE (heard in trial court)	19
# APPEAL OF RIGHT/DISCRETIONARY REVIEW	20
# APPELLATE COURT	20
# APPELLATE COURT CASE	21
APPELLATE COURT CASELOAD INVENTORY	
see court caseload inventory	
appellate court case	
APPLICATION FOR APPEAL/REVIEW	
see request to appeal case	
APPLICATION FOR LEAVE TO APPEAL	
see request to appeal case	
# ARBITRATION	22
AUTOMOBILE NEGLIGENCE	
see auto tort case	
# AUTO TORT CASE	22
# AWAITING APPELLANT'S BRIEF	23
# AWAITING COURT REPORTER'S TRANSCRIPT	23
# AWAITING RESPONDENT'S BRIEF	24
# BAIL FORFEITURE	24
BASTARDY	
see other domestic relations case	
# BEGINNING PENDING (cases)	25
BENCH TRIAL	
see non-jury trial	
BIND OVER	
see bound over	
# BOUND OVER	25
BREACH OF CONTRACT	
see contract case	
CALENDAR	25
CASE	
see court case	
CASEFLOW	
see court caseload	
CASELOAD	
see court caseload	
CASELOAD INVENTORY	
see court caseload inventory	
CERTIFIED QUESTION	
see advisory opinion case	
CERTIFIED TO AN ADULT COURT	
see criminal-type offender case	

CERTIORARI, WRIT OF
 see **request to appeal case**
 writ

CHANCERY
 see **equity**

CHANGE OF VENUE 26

CHARGING DOCUMENT
 see **complaint, criminal**
complaint, traffic
filing
information
indictment
unit of count

CHILD ABUSE, ABANDONMENT
 see **non-offender case**

CHILD BEYOND CONTROL
 see **status offender case**

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

CHILD MARRIAGE
 see **other juvenile matter**

CHINS, CINS, PINS, JINS, MINS
 see **status offender case**

CIVIL CASE 27

CIVIL CASE APPEAL 28

CIVIL CASE MANNER OF DISPOSITON 29

CLAIMANT
 see **plaintiff**

CO-DEFENDANT
 see **defendant**

COMPLAINANT
 see **plaintiff**

COMMON LAW 29

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

COMPLAINT, CIVIL 30

COMPLAINT, CRIMINAL 30

COMPLAINT, TRAFFIC 31

CONCURRENT JURISDICTION 31

CONDEMNATION
 see **real property rights case**

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

CONSOLIDATED CASE 31

CONSTITUTIONAL ISSUE
 see **original jurisdiction case**

CONTRACT CASE 32

CONTRIBUTING TO DELINQUENCY
 see **criminal case**

CONTRIBUTING TO DEPENDENCY AND NEGLECT	
see criminal case	
# CONVICTION	33
CORAM NOBIS	
see extraordinary writ case	
CORPORATE TRUSTS	
see other probate case	
COURT	33
COURT CASE	34
COURT CASEFLOW	34
# COURT CASELOAD	35
# COURT CASELOAD INVENTORY	35
COURT, INTERMEDIATE APPELLATE	
see intermediate appellate court	
COURT OF GENERAL JURISDICTION	35
COURT OF LAST RESORT	36
COURT OF LIMITED OR SPECIAL JURISDICTION	37
COURT OF RECORD	37
COURT TRIAL	
see non-jury trial	
COURT WORKLOAD	
see workload, court	
# CRIMINAL CASE	37
# CRIMINAL CASE APPEAL	38
# CRIMINAL CASE MANNER OF DISPOSITION	39
CRIMINAL NON-SUPPORT	
see criminal case	
# CRIMINAL-TYPE OFFENDER CASE	40
CUSTODY	
see support/custody case	
DEBT	
see contract case	
DECEDENT'S ESTATE	
see probate/wills/intestate case	
DEFAULT	
see noncontested/default	
# DEFENDANT	41
DELINQUENCY	
see criminal-type offender case	
DENIED	
see granted/denied	
DEPENDENCY AND NEGLECT	
see non-offender case	
DIRECTED VERDICT TRIAL	
see jury trial	
# DISCIPLINARY MATTER	42

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

DISCRETIONARY JURISDICTION
 see **mandatory jurisdiction/discretionary jurisdiction**

DISCRETIONARY REVIEW
 see **appeal of right/discretionary review**

DISMISSED 43

DISMISSED/NOLLE PROSEQUI 43

DISMISSED/WITHDRAWN/SETTLED 44

DISPOSED
 see **disposition**

DISPOSITION 44

DIVERSION
 see **criminal case manner of disposition**
 other manner of disposition, **criminal cases**

DIVORCE
 see **marriage dissolution case**

DOMESTIC RELATIONS CASE 45

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

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

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

DWI/DUI CASE 46

EMINENT DOMAIN
 see **real property rights case**

END PENDING (cases) 46

ENVIRONMENTAL PROTECTION AGENCY
 see **administrative agency**

EQUITY 47

EQUITY CASE 47

ERROR, WRIT OF
 see **request to appeal case**
writ

ESTATE CASE 48

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

EXTRADITION
 see **other criminal case**

EXTRAORDINARY REMEDY/RELIEF
 see **extraordinary writ case**
original jurisdiction case

EXTRAORDINARY WRIT (appellate court)
 see **original jurisdiction case**

# EXTRAORDINARY WRIT CASE (trial court)	49
FAMILY ACTIONS	
see domestic relations case	
# FELONY CASE	50
FELONY PRELIMINARY HEARING	
see preliminary hearing	
felony	
FILED	
see filing	
# FILING	51
FILING DOCUMENT	
see complaint, civil	
complaint, criminal	
complaint, traffic	
filing	
indictment	
information	
notice of appeal	
petition	
unit of count	
FORECLOSURE	
see real property rights case	
FUGITIVE	
see other manner of disposition, criminal cases	
FULL OPINION	
see opinion	
GARNISHMENT	52
GENERAL JURISDICTION COURT	
see court of general jurisdiction	
GIFTS TO MINORS	
see other estate case	
# GRANTED/DENIED	52
# GUARDIANSHIP/CONSERVATORSHIP/TRUSTEESHIP CASE	53
GUILTY PLEA BY WAIVER	
see bail forfeiture	
# GUILTY PLEA	54
HABEAS CORPUS, WRIT OF	
see extraordinary writ case	
original jurisdiction case	
postconviction remedy case	
writ	
INACTIVE STATUS	
see other manner of disposition, civil and criminal	
INCIDENTAL APPELLATE JURISDICTION	55
INCOMPETENCY	
see mental health case	

INCORRIGIBLE CHILD	
see status offender case	
INDICTMENT	55
INFORMATION	56
INFRACTION	56
INHERITANCE	
see probate/wills/intestate case	
INJUNCTION	57
INTERLOCUTORY APPEAL	57
INTERMEDIATE APPELLATE COURT	58
INTESTATE	
see probate/wills/intestate case	
INVENTORY	
see court caseload inventory	
JUDGE TRIAL	
see non-jury trial	
JUDGMENT	58
JURISDICTION	58
# JURY TRIAL	58
# JUVENILE CASE	59
# JUVENILE CASE APPEAL	60
# JUVENILE CASE DISPOSITION	60
JUVENILE IN NEED OF SUPERVISION (JINS)	
see status offender case	
LANDLORD AND TENANT	
see real property rights case	
LAW CASE	61
LEGISLATIVE APPORTIONMENT CASE	
see original jurisdiction case	
LICENSING BOARDS	
see administrative agency	
LIEN	
see real property rights case	
LIMITED JURISDICTION COURT	
see court of limited or special jurisdiction	
LOSS OF CONSORTIUM	
see other tort case	
MAJORITY OPINION	
see opinion	
MAJOR TRIAL COURT	
see court of general jurisdiction	
MALPRACTICE	
see professional tort case	
MANDAMUS, WRIT OF	
see extraordinary writ case	
MANDATORY JURISDICTION/DISCRETIONARY JURISDICTION	62
# MANNER OF DISPOSITION, APPELLATE COURT CASE	62

MANNER OF DISPOSITION, CIVIL CASE	
see civil case manner of disposition	
MANNER OF DISPOSITION, CRIMINAL CASE	
see criminal case manner of disposition	
MANNER OF DISPOSITION, TRAFFIC CASE	
see traffic case manner of disposition	
# MANNER OF DISPOSITION, TRIAL COURT CASE	63
# MARRIAGE DISSOLUTION CASE	65
MEAN	
see time interval data	
MEDIAN	
see time interval data	
MEDICAL MALPRACTICE	
see professional tort case	
# MEMORANDUM DECISION	65
MENTAL COMMITMENT OF A MINOR	
see other juvenile matter	
# MENTAL HEALTH CASE	66
MENTAL ILLNESS	
see mental health case	
MINOR IN NEED OF SUPERVISION (MINS)	
see status offender case	
MISCREANT	
see status offender case	
# MISDEMEANOR CASE	67
MISTRIAL	
see jury trial	
# MODIFIED	68
MOTOR VEHICLE TORT	
see auto tort case	
NAME CHANGE	
see other civil case	
NEGLECT	
see non-offender case	
NEGLIGENCE	
see tort case	
NEW TRIAL	69
# NOLLE PROSEQUI	69
NOLO CONTENDERE	
see guilty plea	
# NON-JURY TRIAL	69
# NON-OFFENDER CASE	70
NON-SUPPORT	
see support/custody case	
other criminal case	
domestic relations case	

NON VULT CONTENDERE
 see **guilty plea**

NO PROBABLE CAUSE
 see **preliminary hearing**
probable cause

NOTICE OF APPEAL 71

OPINION 71

ORDER (appellate) 72

ORDINANCE (NON-TRAFFIC) VIOLATION CASE 73

ORIGINAL JURISDICTION 74

ORIGINAL JURISDICTION CASE 74

ORIGINAL PROCEEDING CASE 74

OTHER CIVIL CASE 75

OTHER CRIMINAL CASE 75

OTHER DOMESTIC RELATIONS CASE 76

OTHER ESTATE CASE 77

OTHER JUVENILE MATTERS 77

OTHER MANNER OF DISPOSITION, APPELLATE CASES 78

OTHER MANNER OF DISPOSITION, CIVIL CASES 78

OTHER MANNER OF DISPOSITION, CRIMINAL CASES 79

OTHER MANNER OF DISPOSITION, TRAFFIC CASES 79

OTHER TORT CASE 80

OTHER TRAFFIC VIOLATION CASE 80

PARKING FINES 81

PARKING VIOLATION CASE 81

PAROLE BOARD
 see **administrative agency**

PARTITION
 see **real property rights case**

PARTY 82

PATERNITY
 see **other domestic relations case**

PAYMENT OF FINE
 see **guilty plea**
parking fines

PENDING 82

PER CURIAM OPINION 83

PERSONAL INJURY
 see **tort case**
auto tort case
professional tort case
product liability tort case

PERSON IN NEED OF SUPERVISION (PINS)
 see **status offender case**

PETITION 83

PETITIONER
 see **plaintiff**

PETITION FOR APPEAL/REVIEW	
see request to appeal case	
PETITION FOR WRIT OF CERTIORARI	
see request to appeal case	
PLAINTIFF	84
# POSTCONVICTION REMEDY CASE	84
POSTTRIAL HEARING (JUVENILE)	
see criminal-type offender case	
PRELIMINARY HEARING	85
# PRELIMINARY HEARING (LIMITED JURISDICTION COURT ONLY)	85
PREROGATIVE WRIT	
see extraordinary writ case	
original jurisdiction case	
PRETRIAL HEARINGS (JUVENILE)	
see criminal-type offender case	
PRIVATE RIGHTS	
see civil case	
PROBABLE CAUSE	86
# PROBATE/WILLS/INTESTATE CASE	87
# PRODUCT LIABILITY TORT CASE	88
# PROFESSIONAL TORT CASE	88
PROHIBITION, WRIT OF	
see extraordinary writ case	
PROMISSORY AGREEMENT	
see contract case	
PROPERTY DAMAGE	
see tort case	
PUBLIC INTEREST CASE	
see original jurisdiction case	
PUBLIC UTILITY COMMISSION	
see administrative agency	
PUBLIC WRONGS	
see criminal case	
QUIET TITLE	
see real property rights case	
QUO WARRANTO, WRIT OF	
see extraordinary writ case	
REACTIVATED CASE	
see reopened case	
# READY FOR ORAL ARGUMENT OR SUBMISSION	89
# REAL PROPERTY RIGHTS CASE	89
RECIPROCAL SUPPORT	
see support/custody case	
REHEARING REQUEST	90
REINSTATED	
see reopened case	

# REMANDED	90
RENT CONTROL BOARD	
see administrative agency	
# REOPENED CASE	91
REPLEVIN	
see other civil case	
# REQUEST TO APPEAL CASE	92
RESPONDENT	
see defendant	
# REVERSED	93
REVERSED AND DISCHARGED	
see reversed	
# REVERSED AND REMANDED	94
# SENTENCE REVIEW ONLY CASE	95
SENTENCE WITHHELD	
see conviction	
SEPARATE MAINTENANCE	
see support/custody case	
# SETTLEMENT	95
SEVERANCE	96
SIGNED OPINION	
see opinion	
# SMALL CLAIMS CASE	96
SPECIAL JURISDICTION COURT	
see court of limited or special jurisdiction	
# STATUS OFFENDER CASE	97
# STATUS OF PENDING CASELOAD (appellate court)	98
STATUS OF PENDING CASELOAD (trial Court)	
see age of pending caseload (trial court)	
STRICKEN	98
SUBJECT MATTER JURISDICTION	98
SUIT IN EQUITY	
see equity case	
SUMMARY PROCEDURE	98
# SUPPORT/CUSTODY CASE	99
TAX ASSESSMENT COUNCIL	
see administrative agency	
TERMINATION	
see manner of disposition	
TERMINATION OF PARENTAL RIGHTS	
see other domestic relations case	
TESTATE	
see probate/wills/intestate case	
# TIME INTERVAL DATA	100
TIME TO DISPOSITION DATA	
see time interval data	
# TORT CASE	100
# TRAFFIC CASE	101
TRAFFIC CASE APPEAL	
see criminal case appeal	

#	TRAFFIC CASE MANNER OF DISPOSITION	102
#	TRANSFERRED	103
#	TREND DATA	103
#	TRIAL	103
#	TRIAL COURT	104
#	TRIAL COURT CASE	104
	TRIAL COURT CASELOAD INVENTORY	
	see court caseload inventory	
	trial court case	
	TRIAL DE NOVO	106
	TRUSTEE, TRUSTEESHIP	
	see guardianship/conservatorship/trusteeship case	
#	UNCONTESTED/DEFAULT	106
#	UNDER ADVISEMENT	107
	UNIFORM COMMERCIAL CODE	
	see contract case	
	UNIFORM TRAFFIC CITATION	
	see complaint, traffic	
	traffic case	
	UNIT OF COUNT	107
	URES ^A	
	see support/custody case	
	VERDICT	108
	WAYWARD YOUTH	
	see status offender case	
	WILLS	
	see probate/wills/intestate case	
#	WITHDRAWN	108
	WITH/WITHOUT PREJUDICE	
	see dismissed	
	WORKLOAD, COURT	109
	WORKMEN'S COMPENSATION BOARD	
	see administrative agency	
	WRIT	109
	WRIT OF CERTIORARI	
	see request to appeal case	
	WRIT OF ERROR	
	see request to appeal case	
	WRIT OF ERROR CORAM NOBIS	
	see extraordinary writ case	
	WRIT OF HABEAS CORPUS	
	see extraordinary writ case	
	original jurisdiction case	
	postconviction remedy case	
	WRIT OF MANDAMUS	
	see extraordinary writ case	
	original jurisdiction case	

WRIT OF PROHIBITION

see **extraordinary writ case**
original jurisdiction case

WRIT OF QUO WARRANTO

see **extraordinary writ case**
original jurisdiction case

WRONGFUL DEATH

see **tort case**
auto tort case
professional tort case
product liability tort case

ZONING BOARD

see **administrative agency**

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