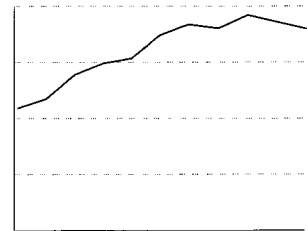
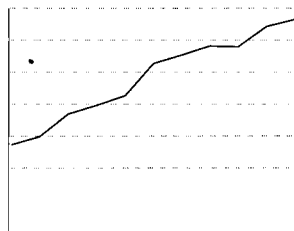
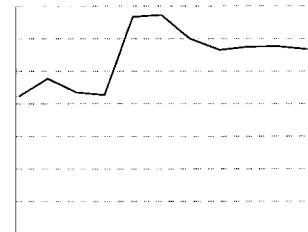
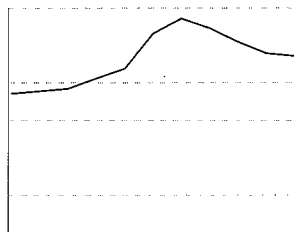
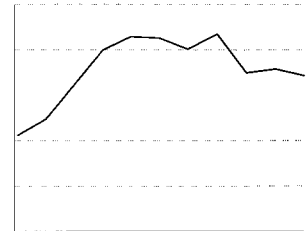
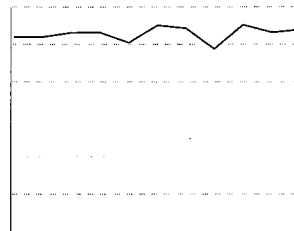


Examining the Work of State Courts, 1994

A National Perspective from the Court Statistics Project

Merging State Court Data with Other Justice System Measures



1984 1989 1994

1984 1989 1994

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Examining the Work of State Courts, 1994
A National Perspective from the Court Statistics Project

by Brian J. Ostrom and Neal B. Kauder

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



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ISBN 0-89656-158-5

National Center Publication Number R-178

Suggested Citation:

B. Ostrom & N. Kauder

Examining the Work of State Courts, 1994:

A National Perspective from the Court Statistics Project

(National Center for State Courts 1996)

This report was developed under Grant SJI-91-07X-O-B-007-P95-1 from the State Justice Institute and the Bureau of Justice Statistics. Points of view are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute or the Bureau of Justice Statistics.

Abstract for *Examining the Work of State Courts, 1994*

The National Center for State Courts (NCSC) recently published *Examining the Work of State Courts, 1994* by Brian J. Ostrom and Neal B. Kauder. This report provides a comprehensive analysis of the business of state trial and appellate courts in a nontechnical fashion. Accurate, objective, and comparable data across states provide a relative yardstick against which states can consider their performance, identify emerging trends, and measure the possible impact of legislation. By incorporating data from NCSC's Court Statistics Project as well as other sources, the report places the work of state courts within the context of the entire justice system.

Among the principal findings of the report is the continued growth in the more serious segments of state court caseloads. Between 1984 and 1994, civil caseloads increased 24 percent; criminal caseloads, 35 percent; juvenile caseloads, 59 percent; and domestic relations caseloads, 65 percent. Many general jurisdiction courts and appellate courts had difficulty keeping up with the steady inflow of cases in 1994.

Although tort cases are currently center stage in the civil litigation debate, the report finds no evidence of an increase in tort cases and indicates that high-profile cases, such as medical malpractice and products liability, accounted for only 10 percent of all tort claims in 1994.

The report also indicates that total criminal caseloads have grown more slowly in recent years, as total arrests declined between 1989 and 1993. The report predicts, however, that with the increase in arrests in 1994, state courts will experience an upsurge in criminal filings in the coming year.

The majority of juvenile filings in 1994 involved an allegation of delinquent behavior, according to the report. While most delinquency cases involved property offenses, the fastest growth is occurring in filings for crimes against the person. Similarly, the report indicates that the most rapid growth in domestic relations cases is occurring in the area of domestic violence.

Examining the Work of State Court, 1994 is a joint project of the Conference of State Court Administrators, the State Justice Institute, the Bureau of Justice Statistics, and the National Center for State Courts.

Acknowledgments

The members of the Court Statistics Project (CSP) gratefully acknowledge assistance and guidance from throughout the state court community. Our main debt of gratitude is to the state court administrators, the appellate court clerks, and their staffs who have provided the bulk of the information included in *Examining the Work of State Courts, 1994* and *State Court Caseload Statistics, 1994*. They have been consistently patient and helpful in answering written and telephone inquiries for more data or for explanations of the data provided. We owe a special debt of gratitude to the staff members of the administrative offices of the courts and of the appellate courts who serve as contact persons between their offices and the Court Statistics Project.

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

Robert Barnoski, a great colleague and friend, is ending his tenure as a member of the COSCA Court Statistics Committee. New opportunities have led him away from the Office of the Administrator of the Courts in Washington. His dedication, insight, and common sense will be missed. We wish him well.

The Court Statistics Project is funded through the generous support of the State Justice Institute and the Bureau of Justice Statistics. The authors wish to acknowledge the guidance and constructive advice provided by Daina Farthing-Capowich, the project monitor at the State Justice Institute. Nevertheless, the points of view stated in this document are those of the authors and do not necessarily represent the policies of either agency. The more general responsibility for developing the CSP products and promoting improvements to court statistics is shared with the National Center for State Courts management, working under the policy direction of the COSCA Court Statistics Committee.

A special debt is owed to the advice and editorial skills of our colleagues Roger A. Hanson, David B. Rottman, Susan Keilitz, and Victor E. Flango, who offered a range of valuable input that considerably improved the final product. Melissa Sickmund and Jeffrey Butts with the National Center for Juvenile Justice provided national level juvenile justice data. Victoria Major with the Federal Bureau of Investigation Uniform Crime Reporting Center provided crime and arrest data. National data on traffic fatalities were provided by Jim Fell, National Highway and Traffic Safety Administration. The publications of the Court Statistics Project benefit greatly from the careful editing of Dawn Spinozza. Judith Ann Sullivan skillfully managed page design and coordinated the printing of this publication with the faithful help of Daniel E. Phillips.

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Foreword

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

Examining the Work of State Courts, 1994 provides a comprehensive analysis of the business of state trial and appellate courts in a nontechnical fashion. Accurate, objective, and comparable data across states provide a relative yardstick against which states can consider their performance, identify emerging trends, and measure the possible impact of legislation. Without baseline data from each state, many of the most important questions facing the state courts will go unanswered. This volume facilitates a better understanding of the state courts by making use of illustrations and text to describe plainly and succinctly the work of state trial and appellate courts.

A second volume, *State Court Caseload Statistics, 1994*, is a basic reference that contains detailed information and descriptions of state court systems. Individuals requiring more complete information, such as state specific information on the organization of the courts, total filings and dispositions, the number of judges, factors affecting comparability between states, and a host of other jurisdictional and structural issues, will find this volume useful.

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

"It is a capital mistake to theorize before one has data. Insensibly one begins to twist facts to suit theories instead of theories to suit facts."

Sherlock Holmes

Executive Summary

The state courts are the primary institution for adjudicating disputes in the United States. Understanding the business of the state courts requires compiling data and information from over 16,000 state trial courts operating in the 50 states, the District of Columbia, and Puerto Rico. A central role of the Court Statistics Project (CSP) is to translate diverse state court caseload statistics into a common framework in order to identify and analyze national trends in court activities. This year, we have incorporated data from a variety of other sources to help place the work of state courts within the context of the entire justice system. Unless otherwise noted on the data displays, all information comes from the CSP national databases. Some of the principal findings to emerge include:

- ◆ 87 million new cases were filed in state courts in 1994. The total includes 19 million civil and domestic relations cases, nearly 14 million criminal cases, and close to 2 million juvenile cases. The remaining caseload consists of approximately 52 million traffic and ordinance violations.
- ◆ State courts of general jurisdiction handled 90 times as many criminal and 26 times as many civil cases as the U.S. District Courts with only 14 times as many judges.
- ◆ Growth continued to characterize the more serious segments of state court caseloads. Between 1984 and 1994, civil caseloads rose 24 percent, criminal caseloads rose 35 percent, juvenile caseloads rose 59 percent, and domestic relations caseloads rose 65 percent. In contrast, the U.S. population increased roughly 10 percent over the same time period.
- ◆ Traffic caseloads were the one area of decline—dropping 23 percent between 1990 and 1994. Increasingly, less serious traffic cases are being decriminalized or transferred to an executive branch agency.
- ◆ Many general jurisdiction courts failed to keep pace with the flow of civil and criminal cases over the past three years. Courts must, by state statutes, give criminal caseloads priority. To meet this requirement, courts sometimes shift resources from the civil side to the criminal side; therefore, maintaining high criminal clearance rates is necessary to ensure timely civil case dispositions as well.
- ◆ With tort reform brewing in the U.S. Congress and many state legislatures, civil justice issues remain front-page news. Although torts are currently center stage in the civil litigation debate, there is no evidence that the number of tort cases is increasing. In fact, the volume of tort litigation has declined steadily since 1990.

- ◆ About 815,000 tort cases were filed in state courts of general jurisdiction in 1994. Most are automobile accident torts (60 percent) and premises liability (17 percent); high-profile cases such as medical malpractice and products liability account for only 10 percent of all tort claims. The typical tort case is resolved within 14 months of filing.
- ◆ Of the less than 3 percent of tort cases that are resolved by jury trial, plaintiffs won 49 percent of the time and received a median award of \$51,000. Million dollar awards occurred in 8 percent of jury trials won by plaintiffs.
- ◆ Juries awarded punitive damages in 4 percent of tort cases in which the defendant was found liable. The median punitive damage award was \$38,000; the mean award, \$590,000.
- ◆ The most rapid growth in domestic relations cases occurred in the area of domestic violence, with filings increasing over 83 percent since 1989. For the period 1992 to 1994, domestic violence filings increased in all but one of the 32 states reporting such information.
- ◆ The majority (64 percent) of juvenile filings involved an allegation of delinquent behavior. While the majority of delinquency cases involved property offenses, the fastest growth is occurring in crimes against the person.
- ◆ 11,700 juveniles were transferred to adult court in 1992, representing less than 1 percent of the juvenile court dispositions. The rate of transfers has, however, been increasing slowly but steadily since 1986.
- ◆ There is a close parallel between the trend in arrests and criminal filings in the state courts. Growth in total criminal caseloads has slowed in recent years, as total arrests declined between 1989 and 1993. With arrests back up in 1994, state courts will likely experience an upsurge in criminal filings in the coming year.
- ◆ The number of DWI filings in state courts has dropped 11 percent since 1985, and dropped to its lowest level in 1994. Decreases have also been observed in the number of people arrested for DWI offenses and in the number of alcohol-related traffic fatalities.

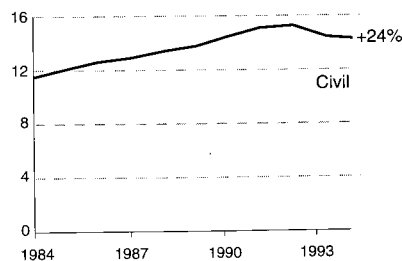
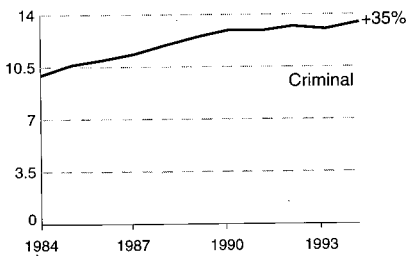
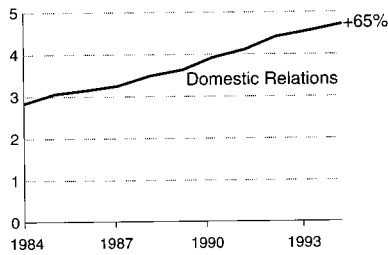
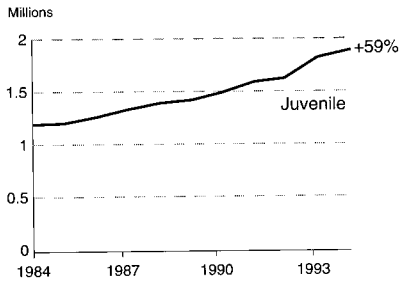
- ◆ Changes in felony filing rates are closely watched because serious crime is never far from the public's number one concern. The number of felony filings has increased 70 percent since 1984. At the same time, arrests for serious crimes (offenses involving violent, property, or drug crime) are also up. Most notable is the doubling in the number of persons arrested for drug offenses since 1982.
- ◆ State courts reported close to 900,000 convictions for felonies in 1992 (the latest year for which this information is available). There were more convictions for drug trafficking than for any other single offense category.
- ◆ From 1983 to 1992, state court prison commitments increased 27 percent for property offenders, 56 percent for violent offenders, and 560 percent for drug offenders. Roughly 300,000 persons received prison sentences in 1992. On average, offenders served 38 percent of their court-imposed sentence.
- ◆ A record 263,000 appeals were filed in the state appellate courts in 1994. Ten states (California, Florida, New York, Texas, Pennsylvania, Michigan, Ohio, Louisiana, Illinois, and New Jersey) account for a sizable majority (61 percent) of the nation's appellate filings.
- ◆ Many appellate courts continued to have difficulties in keeping up with the steady inflow of cases. Half of the intermediate appellate courts were unable to clear their dockets completely by resolving as many cases as were filed each year.

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

Overview of State Trial Court Caseloads

Caseload Filings and Trends

Cases Filed in State Courts, 1984-1994



The state courts are the core of the administration of justice in America:

It is the part of the system that is the most venerable, the most formally organized, and the most elaborately circumscribed by law and tradition. It is the institution around which the rest of the system has developed and to which the rest of the system is in large measure responsible.... It is expected to articulate the community's most deeply held, most cherished views about the relationship of individual and society. (President's Commission on Law Enforcement and the Administration of Justice, *Challenge of Crime*, p. 125)

When one begins to examine the work of the state courts, the most immediate impression is one of enormous volume. In 1994, the state courts reported the filing of 86.5 million new cases. Accounting for 98 percent of the nation's total volume of cases, the state judiciaries are where the average person is most likely to come into contact with the courts.

These experiences with judges, lawyers, and other litigants are a key factor in shaping public perception of the viability and quality of our legal system.

To many judges, court administrators, and others who have more frequent contact with the courts, the critical dimension of caseload is not so much the volume, but

how volume is changing over time. Critical segments of the caseload have shown consistent and significant growth since 1984: criminal filings are up 35 percent; juvenile are up 59 percent; and domestic relations are up 65 percent. These cases are increasing at least four times faster than the national population. Despite the recent downturn in civil caseloads, the 1994 total is still 24 percent higher than the level in 1984. Given that the resources necessary to process cases in a timely fashion, such as judges, court support staff, and automation, seldom keep pace, courts must constantly search for more efficient ways to conduct business.

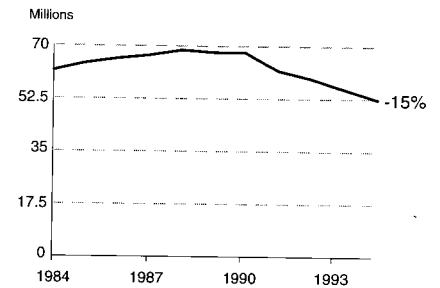
Types of Cases Filed in State Courts, 1994

Case Type	Number (in millions)
Traffic	52.1
Civil	14.3
Criminal	13.5
Domestic	4.7
Juvenile	1.9
Total	86.5

Growth characterizes all types of caseloads but traffic. Having declined rapidly since 1990, total traffic caseloads in the state courts are now 15 percent lower than in 1984. Most of the downturn is due to ongoing efforts to decriminalize less serious traffic cases and to shift much of the traffic caseload to an executive branch agency. With the latter option, fines for minor traffic offenses are paid to a traffic bureau or agency, rather than the court. In other states, the judiciary has retained jurisdiction over traffic offenses, but now classifies them as civil rather than criminal infractions. The adjacent table shows the recent steep decline in parking cases—the least serious traffic offense. Parking filings in California courts showed the most dramatic change, plunging from 5.2 million in 1993 to 1.4 million in 1994.

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

Traffic Cases Filed in State Courts, 1984-1994



Number of Parking Filings in 13 States, 1989-1994

Year	Number (in millions)
1989	20.6
1990	16.8
1991	13.7
1992	13.2
1993	12.0
1994	8.1

Caseload Composition

The major distinction at the trial court level is between courts of general and limited jurisdiction. All states have at least one court of general jurisdiction, the highest trial court in the state, where most serious criminal and civil cases are handled. These courts typically handle any type of case, unless prohibited by some specific statutory or constitutional provision. In addition, general jurisdiction courts may handle appeals arising from cases heard at the limited jurisdiction level or administrative agencies.

In 1994, 44 states and Puerto Rico had courts of limited or special jurisdiction. These courts usually hear a narrower range of matters, often only one particular type of case. Criminal caseloads are typically limited to misdemeanor filings and to preliminary hearings in felony cases, while civil caseloads are usually restricted to small claims, where damages do not exceed some fixed amount. A number of states have special jurisdiction courts that handle only certain types of cases. Several states, for example, have instituted “family courts” to coordinate and integrate the handling of family-related cases, while other jurisdictions have developed “drug courts” in an effort to more effectively process those charged with drug offenses.

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

Limited jurisdiction courts do not necessarily handle small-scale or less important cases. Having processed almost 19 million civil, domestic relations, and criminal cases in 1994, limited jurisdiction courts are not merely “traffic courts.”

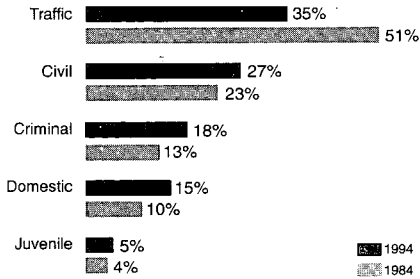
State Trial Court Filings by Court Jurisdiction, 1994

Case Type	Number of Filings (in millions)	
	General Jurisdiction	Limited Jurisdiction
Traffic	8.0	44.1
Civil	6.1	8.2
Criminal	4.1	9.4
Domestic	3.5	1.2
Juvenile	1.2	0.7
Total	22.9	63.6

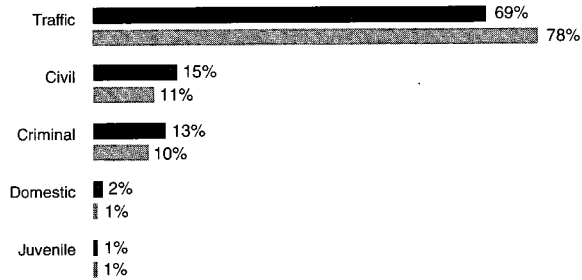
Traffic caseloads have declined as the rest of the state court caseload continues to grow. This trend is most apparent in general jurisdiction courts, where traffic cases fell from 51 percent of total filings in 1984 to 35 percent in 1994.

Caseload Composition in State Courts, 1984 vs. 1994

General Jurisdiction



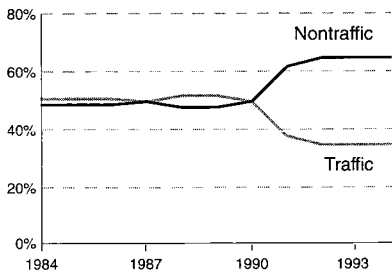
Limited Jurisdiction



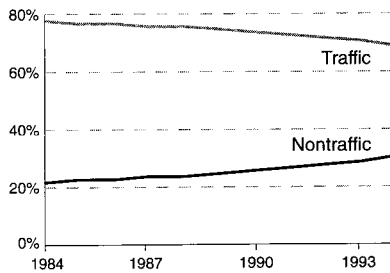
Nontraffic filings jumped substantially in courts of general jurisdiction after 1990, rising from half of the caseload to about two-thirds of the 1994 caseload. The change toward smaller traffic caseloads has been steady, but more gradual in limited jurisdiction courts. Even with this change, however, traffic cases still account for a majority of these courts' caseloads.

State Trial Court Caseload Composition - Traffic vs. Nontraffic, 1984-1994

General Jurisdiction



Limited Jurisdiction



State Courts and Trial Judges

Nearly 16,400 state trial courts processed the 86.5 million cases filed in the state courts in 1994.

13,874 limited jurisdiction courts

2,513 general jurisdiction courts

In 1994, there were 27,194 trial judges in the nation's state trial courts. The number of general jurisdiction judges increased 3 percent and the number of limited jurisdiction judges increased less than 1 percent since 1990. The table below shows the number of judges per year by court jurisdiction.

Judges in State Trial Courts by Court Jurisdiction, 1990-1994

Year	General Jurisdiction	Limited Jurisdiction
1990	8,586	18,234
1991	8,649	18,289
1992	8,700	18,272
1993	8,859	18,316
1994	8,877	18,317

The table to the right shows the number of general jurisdiction court judges in the states. It is important to note that this table reflects the number of actual judges and does not include quasi-judicial personnel such as magistrates or referees. Two alternative measures of judicial staffing levels are also provided in the table. The first measure, judges per 100,000 population, standardizes the number of judges across the states by adjusting for differences in population. The result is a dramatic narrowing in the range of judges (1.1 in South Carolina to 10.3 in D.C.). In fact, 75 percent of the states report five or fewer judges per 100,000 population. Ten states (shown in bold) report having consolidated their court structures into a single court with jurisdiction over all cases and procedures, thereby abolishing the distinction between the two trial levels. In these consolidated systems, all trial court business is heard in the general jurisdiction court. Therefore, states with consolidated court systems will appear to have more general jurisdiction court judges per 100,000 population than states with multilevel court systems.

The third column shows the number of civil (including domestic relations) and criminal filings per general jurisdiction judge. Four out of five states show between 408 and 1,825 filings per judge. General jurisdiction judges handle, on average, more than three times as many such cases per judge as U.S. District Court judges, who average 416 filings each.

Number and Rate of Judges in State Courts, 1994

	Number of Judges	Judges per 100,000 Population	Filings per Judge
Illinois	852	7.2	1,490
California	789	2.5	1,150
New York	597	3.3	720
Florida	434	3.1	1,824
Texas	386	2.1	1,597
New Jersey	372	4.7	2,845
Pennsylvania	366	3.0	1,242
Ohio	362	3.3	1,318
Massachusetts	327	5.4	2,852
Missouri	309	5.9	1,286
Indiana	246	4.3	1,765
Minnesota	242	5.3	1,816
Wisconsin	223	4.4	1,600
Louisiana	213	4.9	1,375
Michigan	208	2.2	1,238
Iowa	190	6.7	1,301
Georgia	159	2.3	1,742
Washington	157	2.9	1,193
Connecticut	152	4.6	2,023
Kansas	149	5.8	1,507
Oklahoma	148	4.5	1,941
Virginia	141	2.2	1,662
Alabama	127	3.0	1,237
Arizona	126	3.1	1,158
Maryland	125	2.5	1,805
Puerto Rico	111	3.0	963
Colorado	111	3.0	954
Tennessee	109	2.1	1,825
Arkansas	100	4.1	1,474
Oregon	93	3.0	1,737
Kentucky	93	2.4	886
North Carolina	92	1.3	2,670
New Mexico	64	3.9	1,166
West Virginia	62	3.4	888
District of Columbia	59	10.3	2,891
Nebraska	50	3.1	1,036
Mississippi	48	1.8	2,140
Montana	45	5.3	620
Utah	42	2.2	1,184
Hawaii	41	3.5	1,001
South Carolina	40	1.1	3,703
Idaho	36	3.2	408
South Dakota	36	5.0	2,181
Rhode Island	33	3.3	795
Alaska	32	5.3	595
Vermont	31	5.3	1,572
New Hampshire	29	2.6	1,551
North Dakota	24	3.8	945
Delaware	17	2.4	1,041
Wyoming	17	3.6	809
Maine	16	1.3	933

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

Judge Selection

States employ a number of different methods to choose judges—elections, appointments, or some combination of the two. The four primary judicial selection models used in the state trial courts are displayed in the accompanying table. The majority of states use elections to select trial court judges, mostly through a nonpartisan process. The majority of states using an appointment process have some type of commission plan to aid the governor in selecting all or certain types of judges. Some states require legislative approval of gubernatorial appointments, while others require legislative approval only for high court positions.

One interpretation of why four distinct methods for judicial selection survive is that no system has proven best in terms of choosing the finest talent, removing the influence of partisan politics, and achieving the right balance between judicial independence and accountability. The impact of the judicial selection process on the administration of justice may be small, however, because the judiciary is becoming increasingly professional. Nearly all judges are now legally trained, with the work of lay judges being restricted to relatively minor civil and criminal matters.

Method of Judge Selection in the States

	Election		Appointment	
	Partisan	Nonpartisan	Gubernatorial	Legislative
Alabama	X		Alaska	X
Arkansas	X		Arizona	X
California		X	Colorado	X
Florida		X	Connecticut	
Georgia		X	Delaware	X
Idaho		X	Hawaii	X
Illinois	X		Iowa	X
Indiana	X		Kansas	X
Kentucky		X	Maine	X
Louisiana		X	Maryland	X
Michigan		X	Massachusetts	X
Minnesota		X	Missouri	X
Mississippi	X		Nebraska	X
Montana		X	New Hampshire	X
Nevada		X	New Jersey	X
New Mexico	X		Puerto Rico	X
New York	X		Rhode Island	X
North Carolina	X		South Carolina	
North Dakota		X	Utah	X
Ohio		X	Vermont	X
Oklahoma		X	Virginia	X
Oregon		X	Wyoming	X
Pennsylvania	X			
South Dakota		X		
Tennessee	X			
Texas	X			
Washington		X		
West Virginia	X			
Wisconsin		X		

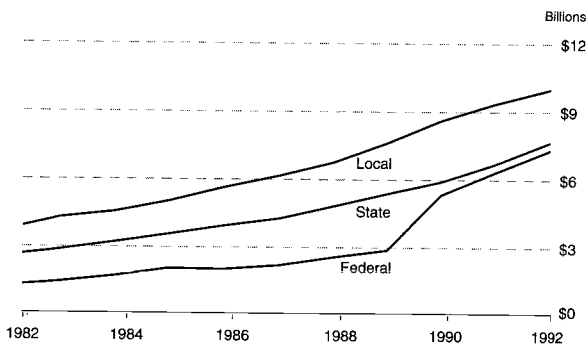
Note: District of Columbia judges are appointed by the President.
North Carolina also has a provision for the gubernatorial appointment of special judges.

Judicial Branch Expenditures

The rising workload in the state judiciaries means that the adequacy of funding is always a top concern. Determining whether existing resources are adequate hinges on many factors, including changing caseload volume, case processing time standards or expectations, and acceptable levels of pending or backlogged cases. Creating a thoughtful and informed response to pressure throughout the judicial branch for better and more cost-effective service is hampered by the absence of accurate data on the costs of state judicial systems and the number of people working in the state courts. Although a statistical series on state court expenditures does not yet exist, the Bureau of Justice Statistics offers a set of broader measures that compares the costs of “legal service” (court, prosecutorial, defense, and other legal services) to other justice system functions (e.g., police and corrections).

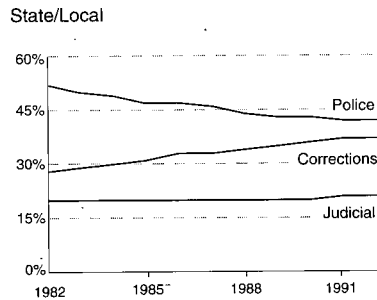
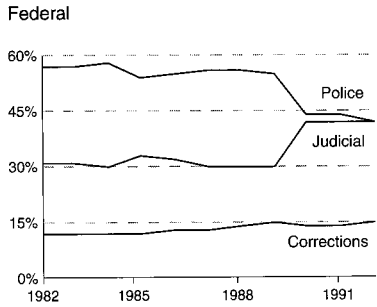
From 1982 to 1992, combined state and local expenditures for legal services have increased 172 percent. The latest available data (1990) indicate that about 60 percent of judicial and legal expenditures are allocated to the courts. Federal judicial expenditures were well below state outlays through 1989, but the gap has since narrowed considerably to less than 5 percent.

Government Expenditures for Judicial and Legal Services, 1982-1992



Source: Bureau of Justice Statistics, Justice Expenditure and Employment Extracts: 1992.

Shares of Justice System Expenditures by Source, 1982-1992



Source: Bureau of Justice Statistics, Justice Expenditure and Employment Extracts: 1992.

While dollars dedicated to judicial and legal services have increased substantially over the time period shown, a different picture emerges when one examines total judicial expenditures in relation to the dollars spent on police and corrections over time. At the federal level, the proportion of dollars used for police functions has been decreasing while the proportion of dollars expended for correctional purposes has increased gradually. The police decrease is offset by the jump in money dedicated to judicial functions. In fact, the portion of justice expenditures dedicated to federal judicial services moved from 30 to 42 percent during the two-year period 1989 to 1990. On the state and local side, the proportion of money allocated to judicial and legal services has remained flat throughout the 11 years shown. The significant increases in correctional spending at the state and local levels are counterbalanced by the decreasing segment of money expended for policing purposes.

The table to the right lists the expenditures for judicial services by state and by payroll allocation. The range in spending is quite wide, largely reflecting differences in population and degree of urbanization across states. On average, states dedicated 5 percent of their expenditures to payroll, with no state allocating more than 7 or less than 3 percent to payroll.

**State and Local Government Judicial and Legal Services
Expenditures and Payroll, 1992**

	Expenditures	Payroll
California	\$3,190,000,000	\$133,000,000
New York	1,821,000,000	97,000,000
Florida	978,000,000	48,000,000
Texas	822,000,000	43,000,000
Pennsylvania	670,000,000	35,000,000
Ohio	651,000,000	35,000,000
New Jersey	638,000,000	46,000,000
Michigan	604,000,000	29,000,000
Illinois	598,000,000	35,000,000
Massachusetts	346,000,000	16,000,000
Maryland	339,000,000	18,000,000
Washington	322,000,000	18,000,000
Arizona	320,000,000	17,000,000
Georgia	294,000,000	16,000,000
Virginia	293,000,000	15,000,000
Wisconsin	286,000,000	13,000,000
Minnesota	270,000,000	13,000,000
North Carolina	259,000,000	14,000,000
Tennessee	210,000,000	11,000,000
Missouri	209,000,000	12,000,000
Connecticut	204,000,000	11,000,000
Louisiana	203,000,000	11,000,000
Colorado	201,000,000	13,000,000
Indiana	197,000,000	10,000,000
Oregon	189,000,000	9,100,000
Alabama	188,000,000	9,500,000
Kentucky	157,000,000	8,700,000
Iowa	148,000,000	7,600,000
Hawaii	136,000,000	7,900,000
District of Columbia	128,000,000	5,900,000
Kansas	126,000,000	6,600,000
South Carolina	124,000,000	5,800,000
Nevada	120,000,000	6,600,000
Oklahoma	112,000,000	6,700,000
Alaska	106,000,000	4,400,000
Utah	87,000,000	4,300,000
New Mexico	84,000,000	4,700,000
Rhode Island	72,000,000	3,100,000
New Hampshire	71,000,000	2,300,000
Arkansas	68,000,000	3,400,000
Mississippi	65,000,000	4,300,000
Nebraska	62,000,000	3,600,000
West Virginia	61,000,000	3,100,000
Montana	54,000,000	1,700,000
Delaware	52,000,000	3,500,000
Idaho	50,000,000	2,800,000
Maine	44,000,000	1,900,000
Wyoming	37,000,000	1,600,000
Vermont	30,000,000	1,500,000
North Dakota	29,000,000	1,600,000
South Dakota	25,000,000	1,700,000

Note: Includes direct expenditures for the courts, prosecution, public defense, and legal services.
Source: Adapted from State Crime Rankings, 1995, Morgan Quitno Corporation, Lawrence, KS. United States Bureau of the Census, Government Finances: 1991-92 (preliminary report), (August 1994, GF/92-5P).

State and Federal Trial Court Caseload Comparison

A basic comparison of state and federal trial court caseloads is shown in the table below. The cases included in this comparison come from courts of general and limited jurisdiction on the state side and from U.S. District Courts, U.S. Magistrate Courts, and U.S. Bankruptcy Courts on the federal side. Briefly stated, about 98 percent of the nation's total volume of cases are heard in state courts. This comparison is too simplistic, since state court caseloads are dominated by traffic and local ordinance violation cases that have no counterpart in the federal system. Although the sheer volume of these cases has substantial impact on court support staff and information systems, they typically require little, if any, judicial attention.

Aggregate Filings in Federal and State Courts, 1994

	Filings
Federal Courts	
Criminal	45,473
Civil	236,391
Bankruptcy	837,797
Magistrates	517,397
Total	1,637,058
State Courts	
Criminal	13,481,778
Civil	14,281,360
Domestic	4,723,302
Juvenile	1,897,469
Traffic	52,072,396
Total	86,456,305

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

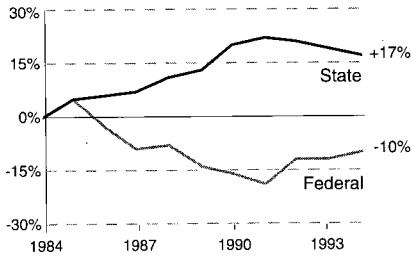
Filings per judge provide a direct means to compare the relative caseloads of the state and federal courts. With only 14 times as many judges as the federal judiciary, the state general jurisdiction judiciary handles 90 times as many criminal cases and 26 times as many civil cases. On average, a judge in a state court of general jurisdiction handles six times as many criminal and three times as many civil cases as a U.S. District Court judge.

**Case Filings per Judge:
General Jurisdiction Courts vs. U.S. District Courts, 1990-1994**

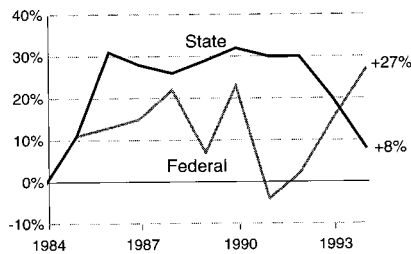
Year	— General Jurisdiction —			— U.S. District —		
	Total	Criminal	Civil	Total	Criminal	Civil
1990	1,390	406	984	462	81	381
1991	1,391	405	986	398	73	325
1992	1,412	417	995	430	75	355
1993	1,381	407	974	426	72	354
1994	1,396	417	979	416	74	342

Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1984-1994

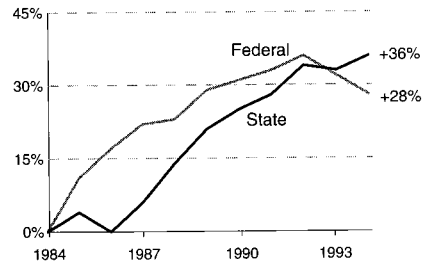
Civil Filings



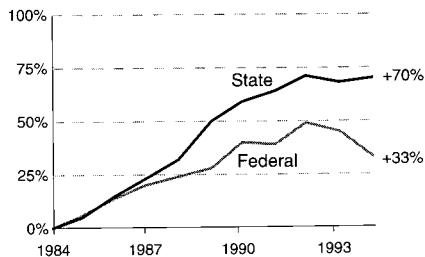
Tort Filings



Criminal Filings



Felony Filings



State and Federal Trial Court Trends

The adjacent charts compare the growth in total civil, tort, total criminal, and felony filings in state trial courts of general jurisdiction and U.S. District Courts. Taking 1984 as the base year, the charts show the growth rate in civil and criminal filings for state and federal courts.

Civil filings (excluding domestic relations filings) in state trial courts of general jurisdiction have grown by 17 percent since 1984, while civil filings in the U.S. District Courts declined 10 percent over the same period.

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

Steep increases characterize criminal caseloads in both federal (28 percent) and state (36 percent) court systems since 1984, although criminal filings dip between 1992 and 1993 in both state and federal courts.

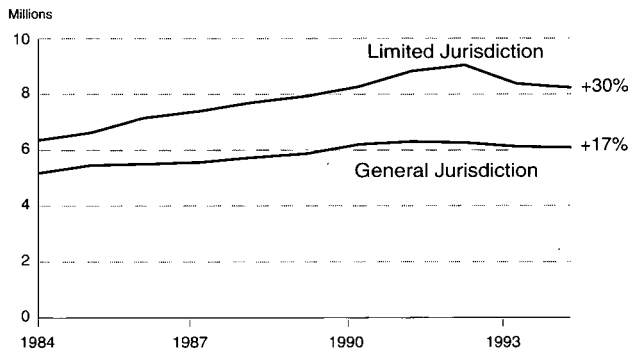
The most dramatic increases in filings occur in felony caseloads. Similar growth rates in the mid-1980s diverge in 1987 as state felony filing rates began to out pace federal filing rates. The decline in felony filings between 1992 and 1994 is consistent with the decrease in the nation's reported crime rate during that period.

Civil Caseloads in State Trial Courts

Civil Filing Trends and Caseload Composition

States report the filing of 14.3 million civil cases (excluding domestic relations cases) in 1994, of which 8.2 million were handled in limited jurisdiction courts. The long-term growth in civil caseloads is slowing, and 1994 marks the second consecutive year of decline (1 percent decline from 1993 to 1994).

Civil Cases Filed in State Trial Courts, 1984-1994

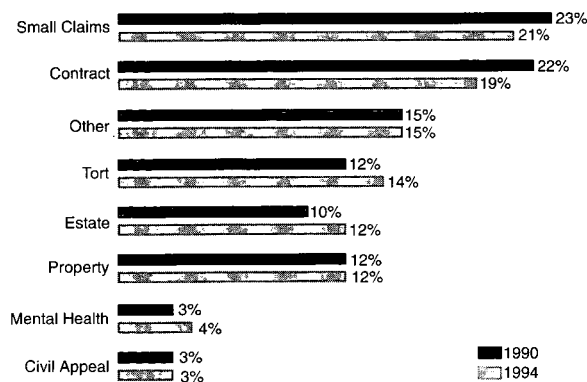


The composition of civil filings in state trial courts of general jurisdiction is changing. Between 1990 and 1994, the proportion of contract cases declined while the proportion of tort cases increased. Estate and mental health cases have also shown an increase since 1990. Turning to limited jurisdiction courts, two-thirds of civil cases are either small claims or real property rights filings.

Civil Caseload Composition in Limited Jurisdiction Courts in 13 States, 1994

Case Type	Share of Caseload
Small Claims	32%
Real Property	31
Contract	6
Tort	4
Domestic Relations	3
Estate/Mental Health	2
Other	22

Civil Caseload Composition in General Jurisdiction Courts in 17 States, 1990 vs. 1994



Civil Caseloads and Filing Rates

On the right, two different measures are introduced to compare civil caseloads by state. The first measure, total filings, reveals the size of civil caseloads across states. One immediately notes that the range is wide. General jurisdiction courts in New York report more than five times as many civil filings as South Carolina and 56 times as many as Wyoming. Another characteristic is that civil filings are highly concentrated. The eight states with the largest civil caseloads account for more than 50 percent of the nation's 14.3 million civil cases. Further, these states tend to be among those with the largest populations, underscoring the direct correspondence between population and total civil filings.

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

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

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

Total Civil Filings (Excluding Domestic Relations Filings) in All States, 1994

State	General Jurisdiction		Limited Jurisdiction		Population Rank
	Total Cases	Filings per 100,000 Population	Total Cases	Filings per 100,000 Population	
New Jersey	761,086	9,629	15,223	193	9
California	582,064	1,852	990,757	3,152	1
Illinois	490,377	4,173			6
Massachusetts	372,139	6,160			13
New York	293,771	1,617	957,836	5,272	3
Florida	259,250	1,858	346,337	2,482	4
Indiana	228,350	3,970	141,099	2,453	14
Wisconsin	209,750	4,128			18
Ohio	186,090	1,676	351,904	3,170	7
Texas	172,070	936	384,120	2,090	2
Missouri	163,987	3,107			16
Minnesota	158,933	3,480			20
Oklahoma	153,170	4,701			29
Louisiana	148,592	3,444	76,879	1,782	21
Kansas	143,302	5,611			33
Connecticut	143,294	4,375	60,644	1,852	28
Iowa	130,325	4,606			31
North Carolina	121,599	1,720	351,135	4,967	10
District of Columbia	111,805	19,609			51
Mississippi	90,517	3,391	35,663	1,336	32
Virginia	79,908	1,220	1,029,299	15,711	12
Michigan	79,434	836	467,877	4,927	8
Washington	78,646	1,472	126,736	2,372	15
Maryland	73,179	1,462	822,986	16,439	19
Arizona	64,292	1,578	125,441	3,078	23
Tennessee	62,479	1,207			17
Georgia	54,839	777	468,616	6,642	11
Idaho	53,463	4,719			43
Pennsylvania	49,073	407	122,448	1,016	5
South Carolina	45,293	1,236	183,952	5,021	26
Oregon	45,068	1,460	98,684	3,198	30
South Dakota	43,841	6,079			46
Alabama	43,002	1,019	145,260	3,443	22
Colorado	40,516	1,108	161,291	4,412	27
Arkansas	37,920	1,546	63,303	2,581	34
New Mexico	31,862	1,927	23,466	1,419	37
Kentucky	28,593	747	150,829	3,941	24
West Virginia	27,966	1,535	41,076	2,254	36
Puerto Rico	26,376	716	75,084	2,037	25
Nebraska	25,876	1,594	66,093	4,073	38
Nevada	21,130	1,450			39
Rhode Island	20,042	2,011	30,934	3,103	44
Utah	18,321	960	117,073	6,136	35
Vermont	18,273	3,149	4,244	731	50
Montana	16,606	1,940			45
Hawaii	11,649	988	23,392	1,985	41
New Hampshire	10,909	960	46,629	4,102	42
Delaware	10,457	1,480	35,213	4,985	47
North Dakota	6,838	1,072	14,739	2,310	48
Alaska	6,731	1,110	16,432	2,710	49
Maine	4,872	393	28,386	2,289	40
Wyoming	4,807	1,010	17,501	3,677	52

Note: Blank cells indicate court has no jurisdiction over civil filings, or did not report data.

Civil Case Clearance and Growth Rates

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

The table on the right includes the clearance rates for general jurisdiction courts for 1994 and a three-year average for 1992 to 1994. The clearance rate is the number of dispositions divided by the number of filings. If a state court receives 100,000 case filings and disposes of 95,000 cases that year, the clearance rate is $95,000/100,000$, or 95 percent. While the cases disposed in 1994 were not necessarily filed that same year, the clearance rate is a useful measure of the responsiveness of courts to the demand for court services. The table also indicates the growth rate in civil cases from 1992 to 1994, which is displayed as a percentage increase or decrease. For example, the value of -7 for Maine indicates that civil filings fell by 7 percent between 1992 and 1994.

More than half of the states have three-year clearance rates of 99 percent or above. Only six states have three-year clearance rates below 90 percent. Of the states with the top ten clearance rates, eight benefited from a decline in civil filings between 1992 and 1994. However, negative growth rates for civil filings are not uncommon. Of the 43 states shown, 20 experienced drops in their civil caseloads between 1992 and 1994.

**Civil Caseload Clearance and Growth Rates for
General Jurisdiction Courts in 43 States, 1992-1994**

	Clearance Rate		Caseload Growth Rate
	1992-94	1994	
New Hampshire	120%	97%	-20%
Pennsylvania	114	112	0
Utah	114	86	93
Missouri	111	109	-3
Maine	111	112	-7
Vermont	110	106	-9
Connecticut	107	104	-2
Illinois	106	95	-2
Texas	105	103	-5
Nebraska	105	89	-9
South Carolina	104	100	-6
Arizona	103	92	18
New Mexico	103	97	6
Ohio	102	100	2
West Virginia	102	117	-16
Alabama	102	96	5
Michigan	101	96	1
District of Columbia	101	97	-5
Minnesota	100	98	-2
Kansas	100	98	7
Alaska	100	95	11
Oklahoma	99	98	2
Idaho	98	95	3
Oregon	98	98	-2
Hawaii	98	84	-7
Colorado	97	87	-6
Iowa	97	99	-1
Kentucky	97	92	3
Delaware	96	102	5
Arkansas	96	94	-2
New Jersey	94	101	-0
Tennessee	93	89	5
North Carolina	93	95	1
Indiana	93	93	7
Washington	92	91	3
South Dakota	91	90	7
Massachusetts	90	88	-1
Montana	89	91	9
Virginia	88	84	4
Wisconsin	88	93	-28
Florida	87	81	1
New York	86	101	0
Maryland	82	81	-8

The Civil Trial Court Network

The National Center for State Courts (NCSC) recently concluded the Civil Trial Court Network (CTCN) project, a study of general civil litigation (defined here as tort, contract, and real property cases) in 45 of the 75 most populous U.S. counties in fiscal year 1992. It is estimated that about half of all civil cases filed in the state courts are handled in these 75 general jurisdictions. This is the most comprehensive look at civil litigation to date, casting light on such areas as numbers and types of litigants, pro se litigation, how cases are disposed, time to trial or disposition, verdict amounts in cases that were decided by a jury, and the scope of punitive damage awards.

Trial vs. Nontrial Dispositions

General civil cases handled in general jurisdiction courts involve sums of money above a certain minimum. In the popular image of these courts, this is where the litigation process is played out before the judge or jury. Yet, as can be seen below, trials are infrequent.

Overall, 3.3 percent of the general civil filings across the counties are disposed by trial. Of those, 1.5 percent are disposed by bench trial and 1.8 percent by jury. None of the jurisdictions included in the CTCN project demonstrated a bench or jury trial rate above 6 percent. The range for combined bench and jury trial rates within any one jurisdiction was 0.5 to 9.3 percent.

General Civil Dispositions in 45 Large Urban Courts

Type of Disposition	Percent	Range
Jury Trial Verdict	1.8%	.3 - 5.9%
Bench Trial Verdict	1.5	0 - 5.3
Summary Judgment	3.5	0 - 15.2
Arbitration or Transfer	7.3	0 - 28.4
Default Judgment	13.7	2.6 - 43.9
Settled or Dismissed*	72.3	47.5 - 90.9

* Dismissed for lack of prosecution or service of complaint upon the defendant.
Source: Civil Trial Court Network (CTCN), National Center for State Courts, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

Rising civil caseloads prompt a shift in resources and decision mechanisms away from formal trial proceedings and toward pretrial settlements. Encouraging settlement, when appropriate, is a principal tool of civil case management in many states and individual trial courts. The table shows that more than 96 percent of cases are not disposed by trial.

Settlement and dismissal are the primary methods of civil case disposition. Despite the large number of cases that are resolved through an out-of-court agreement between the parties, settlement is an area that we know far too little about. Simply to state that “most cases settle” is not very revealing because some settlements involve considerable expense and involvement by the bench, while others are obtained with minimal cost and judicial involvement.

Cases in which the defendant fails to answer the complaint brought by the plaintiff are eligible for a default judgment. This type of disposition is most likely to occur in cases involving a contract/debt collection claim because the defendant is often unable to dispute the failure to pay outstanding debt. Almost 14 percent of general civil cases end in a default judgment.

An increasing number of voices are calling for new tools and methods to handle disputes outside the traditional litigation process. Arbitration is the most common form of alternative dispute resolution used in tort cases, although it accounted for only 3.5 percent of all tort dispositions. Indeed, in a growing number of states, arbitration is now required as a prelude to formal litigation.

Tort Caseloads in State Trial Courts

The Volume of Tort Litigation in the State Courts

With tort reform legislation pending in the U.S. Congress and in many state legislatures, civil justice is very much in the news. Issues that involve civil justice can be more contentious and conspicuous than those associated with criminal justice. Proposed legislation at the federal and individual state levels would change the ground rules for filing and pursuing tort claims in the courts. Related proposals would revamp the role of the civil jury and expand the use of alternative dispute resolution in deciding tort, contract, and real property disputes. Combined, these endeavors offer the prospect for a greatly altered system of civil justice by the century's close.

Arriving at a policy consensus in civil justice may, in fact, prove more difficult than in criminal justice. While few would argue over the goal of reducing crime, the objective of reducing the volume of civil litigation or redirecting civil disputes away from the courts may not garner consensus from judges, plaintiffs' attorneys, the civil defense bar, or citizens' groups.

Although torts currently are at center stage in the civil litigation debate, national totals on the number and type of tort filings are not compiled in a comprehensive fashion. Accurate national estimates, however, can be made by extrapolating the data gathered in the Civil Trial Court Network (CTCN).

Estimates of Total Tort Cases Filed and Total Jury Trials Held in State Courts of General Jurisdiction, 1992

Case Type	Tort Filings	Percent of Caseload	Jury Trials	Jury Trial Rate
All Torts	815,225	100%	20,046	2.5%
Automobile	490,508	60	8,339	1.7
Premises Liability	141,204	17	4,942	3.5
Medical Malpractice	39,735	5	2,702	6.8
Intentional	23,499	3	634	2.7
Product Liability	27,568	3	717	2.6
Toxic Substance	13,057	2	522	4.0
Professional Malpractice	14,746	2	472	3.2
Slander/Libel	6,823	1	150	2.2
Other Torts	58,085	7	1,568	2.7

*Jury trials include cases settled after a jury trial verdict and cases concluded by a directed verdict. Source: Civil Trial Court Network (CTCN), National Center for State Courts, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

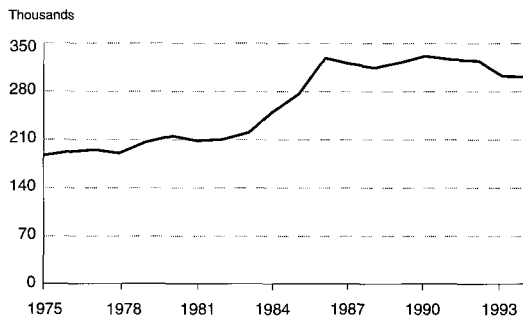
The CTCN, maintained by the NCSC and representing litigation in the largest 75 counties, is the most ambitious investigation to date of civil justice in America. Taking into account differences in litigation rates across the country, the adjacent table shows estimates of total tort filings and total cases disposed by jury trial in state courts in 1992. Thus, while there were close to 20 million total civil cases (including domestic relations cases) filed in the state courts in 1992, less than 5 percent were tort cases filed in general jurisdiction courts. Examining the tip of the litigation pyramid shows that approximately 20,000 tort jury trials were held in 1992.

Naturally, tort cases vary in their complexity and seriousness. Tort case categories offer a broad indication of the potential economic stakes and legal complexity involved. In medical malpractice and product liability cases, for example, the stakes are often high regarding potential damages and harm to the reputation of a physician, hospital, or business if a jury finds negligence by the defendant. These tort cases also are likely to involve the most difficult legal issues (e.g., proof of negligence, causation of harm) and the presentation of scientific evidence. High-profile medical malpractice cases and product liability cases (including toxic substance cases like asbestos) account for 10 percent of all tort claims. Auto accident cases dominate tort filings (60 percent of all torts), and claims for injuries sustained due to the alleged dangerous condition of residential or commercial property (premises liability cases, often referred to as “slip-and-fall” cases) comprise the second most common tort (17 percent). These two categories (auto and premises liability cases) account for more than three-quarters of all torts in urban state courts.

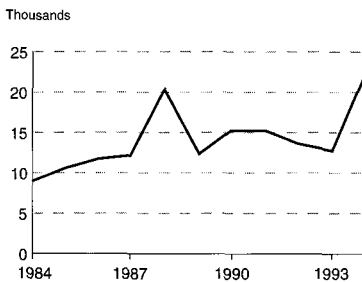
State Trends in Tort Filings

Data on the volume of tort cases filed over the past 20 years are available from 16 states. The graph below shows that tort filings in general jurisdiction courts remained essentially constant during the late 1970s and early 1980s, followed by sustained growth between 1983 and 1986. Growth has slowed since then and may be associated with tort reform legislation that many states enacted in the latter half of the 1980s. In summary, there is no evidence of a recent escalation in the volume of tort filings.

Tort Filings in General Jurisdiction Courts in 16 States, 1975-1994



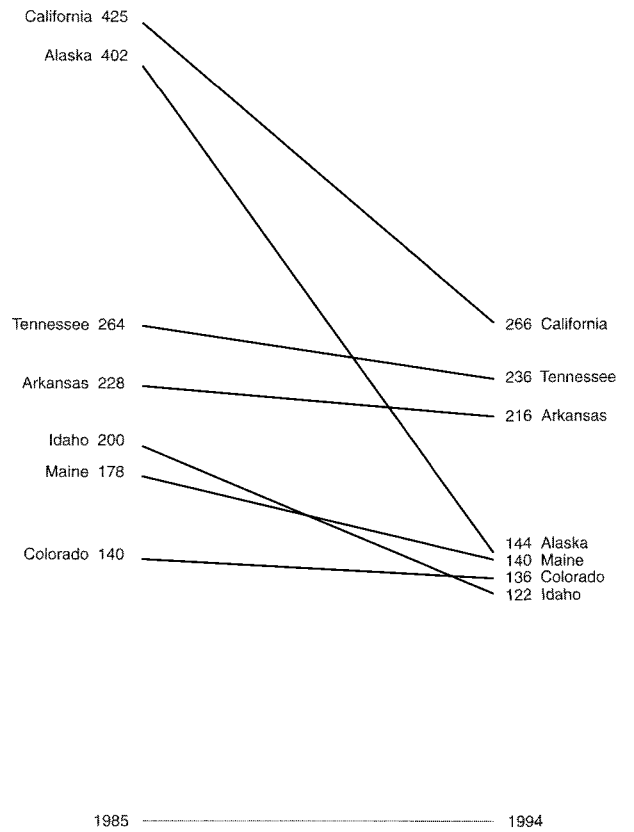
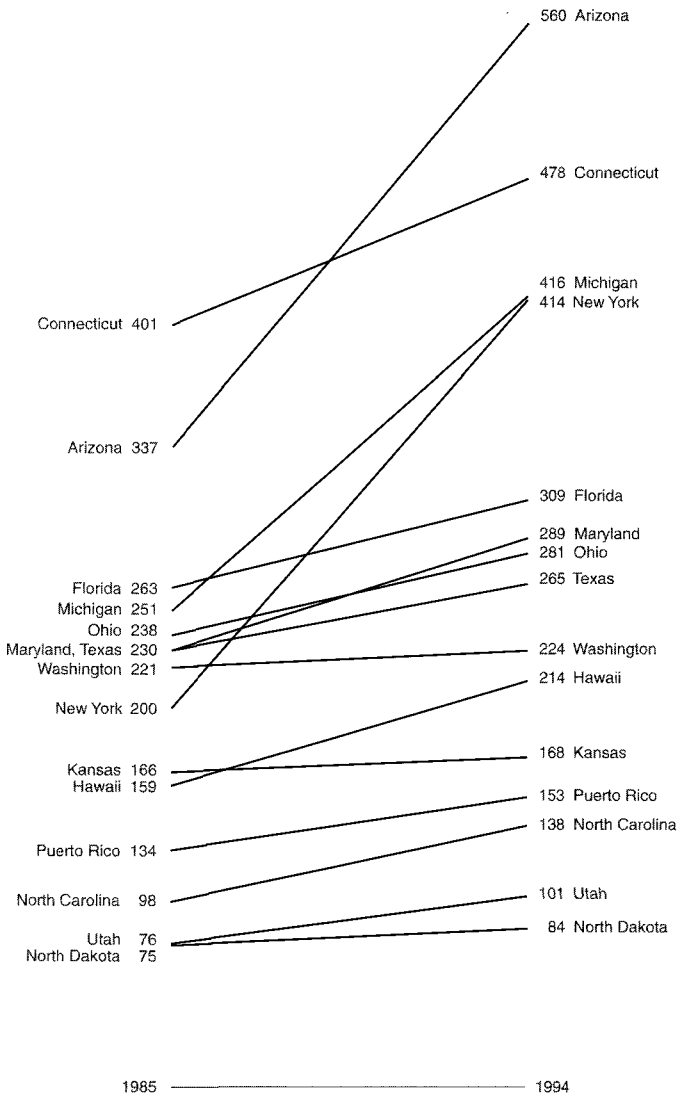
Tort Filings in Arizona General Jurisdiction Courts, 1984-1994



The tort filing trend in Arizona clearly reflects the tort reform efforts in that state. In 1988 and 1994, state filings showed a dramatic increase of 67 and 76 percent, respectively, from the previous years. In both instances, the sudden rise in tort filings can be attributed to impending tort reform legislation. Joint and several liability was abolished in 1988, and litigants filed 48 percent of all tort cases in December to beat the filing deadline. In 1993, Arizona enacted legislation that imposed a 12-year limit on filing a suit. In response, the number of auto torts doubled from 8,112 in 1993 to 16,625 in 1994.

Moving beyond the raw or unadjusted filing data to examine the frequency of tort litigation against changes in population, the adjacent display shows the change in the tort filing rate per 100,000 persons over the past 11 years in 22 states. In 15 states, the population-adjusted filing rate has risen, though dramatic growth (increases of more than 100 tort filings per 100,000 population) occurred in only three states. The largest downturns in population-adjusted filings since 1985 occurred in Alaska and California.

Tort Filing Growth Rates (per 100,000 persons), 1985 vs. 1994



Manner of Disposition

An extraordinary amount of attention is focused on cases disposed by trial, though people familiar with state or federal courts know that the vast majority of tort cases are concluded without a jury or bench trial. Less than three out of every 100 tort cases go to jury trial, and less than 1 percent are resolved by a nonjury trial.

Some civil justice reform proposals encourage greater use of summary judgments to dispose of civil cases. After completion of discovery, a judge can render a summary judgment, but only if there is no dispute about the facts in the case. Although motions for summary judgment are common in civil litigation and can be used to dispose of at least some of the issues in a case, summary judgments that dispose of all claims in a tort case are rare (less than 2 percent) in urban courts.

In some cases, litigants (usually defendants) fail to respond to the opponent's formal pleadings or scheduled hearings. When this occurs, the court can enter a default judgment against the party who fails to respond. Default judgments are relatively rare (3 percent) in tort cases and are least likely to occur in toxic substance cases (less than 0.1 percent).

If the plaintiff fails to serve the complaint on the defendant, or if neither party acts to advance a case in the litigation process, the court can dismiss the case for lack of service or lack of prosecution. Medical malpractice cases are the most likely (13 percent), and toxic substance claims are the least likely (2 percent), to be dismissed for lack of prosecution.

Manner of Disposition in Tort Cases, 1992

	Number of Cases	Percentage of Cases Disposed by:							
		Jury Trial	Bench Trial	Settlement/ Dismissal	Dismissed: LOP/S*	Transfer	Arbitration Award	Default	Summary Judgment
Automobile	227,087	1.9%	.7%	74.6%	9.4%	4.4%	4.0%	4.2%	1.0%
Medical Malpractice	18,396	8.2	.5	69.4	12.9	3.5	1.4	.8	3.3
Product Liability	12,763	2.9	.7	76.5	6.0	6.1	2.7	.5	4.5
Toxic Substance	6,045	6.5	.8	83.3	2.3	4.2	0	0	2.7
Other Torts	113,129	3.7	1.2	71.0	9.7	6.8	3.1	1.9	2.6
All Tort Cases	377,420	2.9	.8	73.4	9.4	5.1	3.5	3.1	1.7

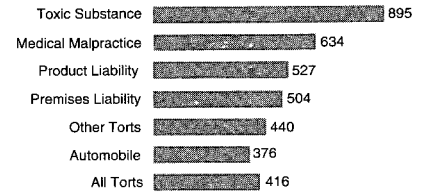
* Dismissed for lack of prosecution or failure to serve the complaint on the defendant.

Source: Civil Trial Court Network (CTCN), National Center for State Courts, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

Time to Disposition

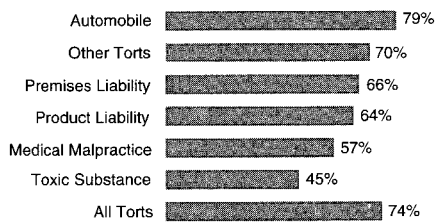
The median time from filing to disposition (entry of a judgment or dismissal) for all tort cases is 416 days. Auto accident cases are concluded most expeditiously (median of 376 days), while cases involving alleged injuries from toxic substances and medical malpractice cases require the longest time from filing to disposition. Taking all dispositions together, 74 percent of torts are disposed within 2 years and 8 percent take longer than 4 years.

Median Case Processing Time in Tort Cases (in days)

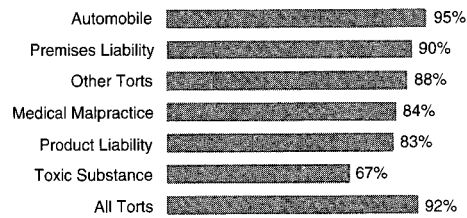


Percent of Tort Cases Disposed

Within 2 Years



Within 4 Years



Source: Civil Trial Court Network (CTCN), National Center for State Courts, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

Plaintiff Win Rates in Tort Jury Trials, 1992

Case Type	Plaintiff Win Rate
Toxic Substance	73%
Automobile	60
Professional Malpractice	50
Intentional	46
Premises Liability	43
Slander/Label	41
Product Liability	40
Medical Malpractice	30
All Torts	49

Jury Awards in Tort Cases, 1992 (in thousands)

Case Type	Mean Award	Median Award
Product Liability	\$1,484	\$260
Medical Malpractice	1,057	201
Professional Malpractice	727	156
Toxic Substance	530	101
Other Torts	526	65
Premises Liability	391	57
Intentional	232	54
Automobile	229	29
Slander/Label	220	25
All Torts	408	51

Source: Civil Trial Court Network (CTCN), National Center for State Courts, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

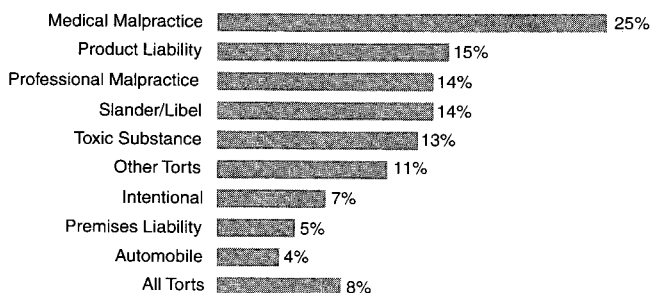
Outcomes in Tort Trials

Overall, plaintiffs are able to convince a jury that the defendants are liable in 49 percent of the trials. Plaintiff success, however, varies substantially among different types of cases. Generally, plaintiffs fare less well in tort cases than in contract or real property cases. Among tort cases, plaintiff success is most likely in automobile cases (60 percent) and toxic substance cases (73 percent). Plaintiffs are least successful when medical malpractice is alleged: 30 percent of the verdicts are in favor of the plaintiff. Plaintiff success rates are also relatively low in premises liability, product liability, intentional tort, and slander/libel actions.

Juries in the 75 most populous counties awarded an estimated \$1.9 billion to successful plaintiffs in tort cases in 1992. The median value of tort awards (the value where 50 percent of the awards are smaller and 50 percent are higher) was \$51,000. How one measures the “average” award, however, has considerable impact on the conclusions one draws. The arithmetic mean award is \$408,000, reflecting the presence of some very high awards at the upper end of the award spectrum. Not only is this value substantially higher than the median award, 85 percent of all jury awards are less than the mean amount.

Given the concern about large jury awards, which types of cases are most likely to produce awards in excess of \$1 million? Among jury awards in medical malpractice cases, 25 percent exceed \$1 million. However, between 10 and 15 percent of awards are greater than \$1 million for all tort categories except automobile, premises liability, and intentional tort cases. Employment cases are the only contract cases in which \$1 million awards are as prevalent. Because many of these employment cases involve allegations of age, gender, or race discrimination, they actually include an underlying tort claim and often qualify for double or treble damages.

Percent of Jury Awards in Tort Cases Over \$1 Million, 1992



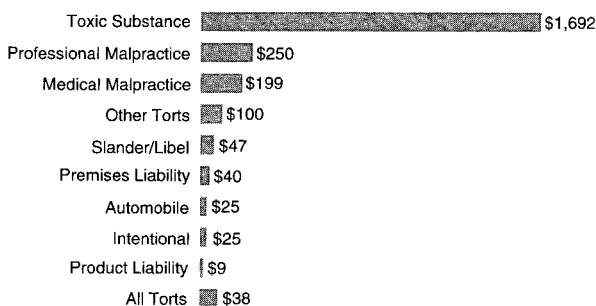
Punitive Damages

Punitive damages are reserved for tort claims in which the defendant's conduct was intentional or grossly negligent. When punitive damages are awarded in a contract case, the principal claim is breach of contract, but there is an additional tort claim involved (most are contract/fraud cases).

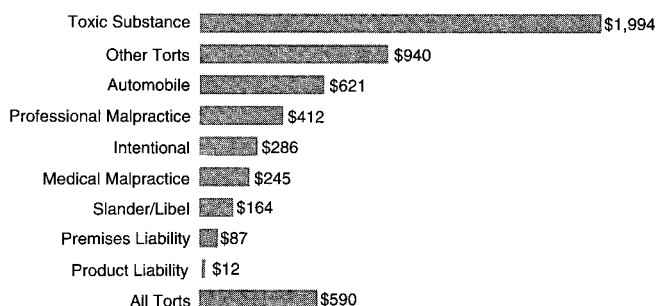
Juries in the 75 largest urban areas granted punitive damages as part of the award in 4 percent (or in a total of 194 cases) of the tort cases in which the defendant was found liable. The median punitive damage award was \$38,000 and the average stands at \$590,000. The high average suggests a concentration of very large punitive damage awards for some case types.

Punitive damages are most frequently observed in intentional torts, professional malpractice, slander/libel, fraud, and employment-related cases. Very large punitive damage awards are concentrated in fraud and employment cases. Employment-related cases, which almost always include an associated tort claim (e.g., discrimination, harassment), account for 41 percent of all punitive damages awarded. Fraud, which is a tort that arises almost exclusively in contract/commercial relations, accounts for 8 percent of all punitive damage awards.

Median Punitive Damage Awards in Tort Jury Trials, 1992
(in thousands)

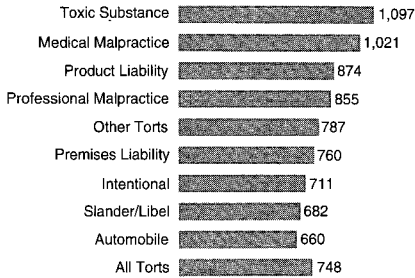


Mean Punitive Damage Awards in Tort Jury Trials, 1992
(in thousands)



Source: Civil Trial Court Network (CTCN), National Center for State Courts, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

**Median Case Processing Time
in Tort Jury Trials, 1992
(in days)**



Time to Disposition in Cases Disposed by Jury Trial

Delay is often asserted to increase costs to litigants, threaten the quality of evidence, and erode public confidence in the courts. The median case processing time for jury trial cases is 748 days. Slightly more than half (51 percent) require more than two years to reach a verdict, and therefore exceed the American Bar Association's disposition time standard which recommends that *all* civil cases be disposed within two years. A substantial proportion of jury trials, almost one out of ten, take more than five years to reach a verdict.

Case Disposition Time in Tort Jury Trials, 1992

Case Type	Percent Disposed	
	After 2 Years	After 5 Years
Toxic Substance	65%	23%
Medical Malpractice	70	17
Product Liability	64	8
Professional Malpractice	63	13
Other Torts	57	7
Premises Liability	53	10
Intentional	48	10
Slander/Libel	43	2
Automobile	43	6
All Torts	51%	9%

Source: Civil Trial Court Network (CTCN), National Center for State Courts, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

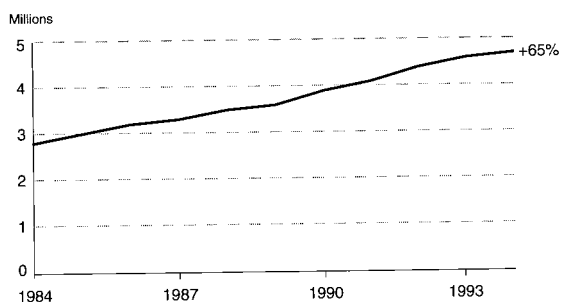
Domestic Relations Caseloads in State Trial Courts

Domestic Relations Filing Trends and Caseload Composition

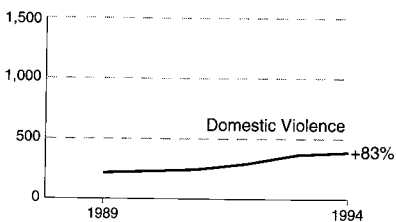
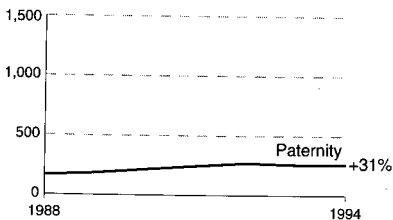
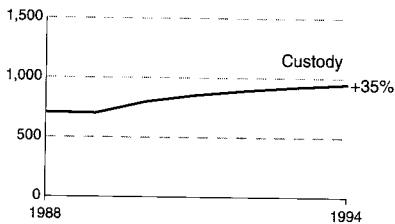
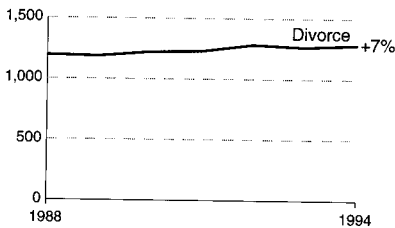
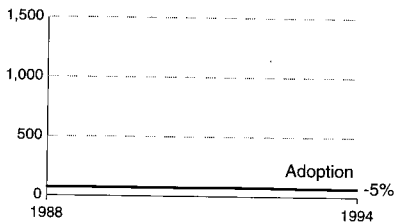
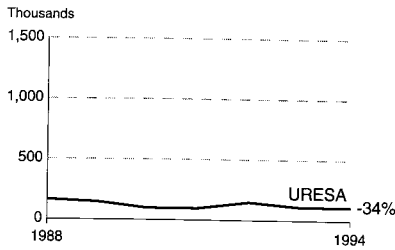
There is currently rejuvenated interest in courts that handle the particular needs of families. Ongoing federal legislation in areas such as child support enforcement, domestic violence, and juvenile crime is expanding the responsibility and workloads of state courts. While only seven states have implemented statewide family courts (Delaware, District of Columbia, Hawaii, New Jersey, Rhode Island, South Carolina, and Vermont), the need to better coordinate an array of juvenile and family proceedings is unquestioned. Nowhere is this more apparent than in the area of domestic relations.

Domestic relations cases are the largest and fastest-growing segment of state court civil caseloads. In 1994, 25 percent of total civil filings, over 4.7 million, were domestic relations cases. The total number of domestic relations cases increased 3.5 percent since 1993 and 65 percent since 1984.

Domestic Relations Filings in General and Limited Jurisdiction Courts, 1984-1994



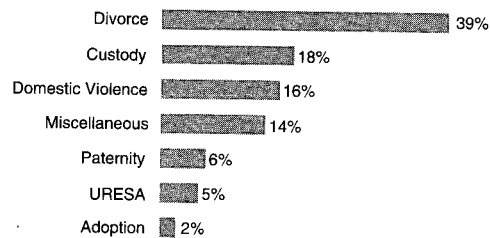
Domestic Relations Cases by Type, 1988-1994



Domestic relations filings consist of six types of cases: divorce, support/custody, domestic violence, paternity, the Uniform Reciprocal Enforcement of Support Act (URES A, or interstate child support), and adoption. The trend lines to the left track recent changes in domestic relations caseloads by case type. Between 1988 and 1994, four of these case types show an increase, while URES A and adoption show declines. Adoption caseloads are almost certainly undercounted, because these cases are often included with other categories of cases (e.g., probate) and thus not identifiable.

The chart below defines the domestic relations caseload composition for 1994. Divorce cases make up the largest portion of domestic relations caseloads (39 percent). Support/custody filings are the second-largest category at 18 percent, and domestic violence cases comprise 16 percent of the filings.

Domestic Relations Caseload Composition, 1994



Domestic Violence Cases

The most rapid growth in domestic relations caseloads is occurring in domestic violence filings.

States able to provide three years of comparable data are ranked by their domestic violence filing rate per 100,000 population in 1994. The table also includes a population rank and a three-year growth index, which is the percentage change in the number of domestic violence filings between 1992 and 1994.

Domestic violence is a problem common to all states, not just those that are urban and populous. For example, population-adjusted filing rates in Alaska and Vermont greatly exceed the rates in Florida and New York. All states, except New York, have experienced growth in their domestic violence caseloads since 1992. Of the 29 states that report three-year filing figures, 17 reported an increase of 20 percent or more.

What accounts for the wide variation in both the number of domestic violence filings per 100,000 and in the percentage change in filings from 1992 to 1994? Some of this variation is attributable to differences in statutory definitions of domestic violence, police arrest policies, and access to protection orders.

Domestic Violence Caseloads in 32 States, 1992-1994

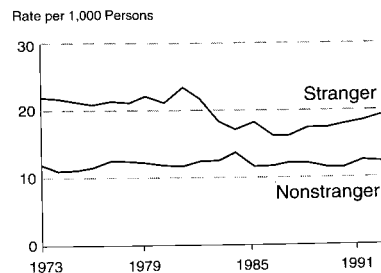
State	Filings per 100,000 Population	Number of Filings			Percent Growth 1992-94	Population Rank
		1994	1993	1992		
Massachusetts	904	54,618	55,601	52,485	4%	13
New Jersey	829	65,508	62,517	56,658	16	9
Alaska	735	4,459	4,255	4,065	10	49
New Mexico	709	11,721	4,759			37
Vermont	709	4,114	4,057	3,654	13	50
West Virginia	707	12,889	11,969	10,011	29	36
Minnesota	655	29,898	28,313	26,653	12	20
Idaho	635	7,197	6,069	5,488	31	43
District of Columbia	613	3,496	3,216	3,012	16	51
Kentucky	612	23,419	21,115	12,268	91	24
Washington	563	30,099	26,975	24,957	21	15
Oregon	555	17,122	14,828	13,163	30	30
Missouri	543	28,647	24,694	23,195	24	16
Arizona	518	21,094	18,378	14,977	41	23
Maine	512	6,346	6,069	5,994	6	40
New Hampshire	497	5,651	5,313	4,970	14	42
Florida	454	63,284	57,070	48,700	30	4
Rhode Island	418	4,166	4,097	3,838	9	44
Maryland	290	14,513	10,113	6,164	135	19
Indiana	276	15,897	13,428	9,211	73	14
New York	274	49,802	49,448	50,377	-1	3
Wyoming	264	1,258	1,055	882	43	52
Hawaii	232	2,732	2,812	2,404	14	41
Arkansas	195	4,790	3,676	2,584	85	34
Utah	188	3,590	2,704	2,385	51	35
Connecticut	157	5,147	4,420			28
Iowa	152	4,288	2,689	1,678	156	31
Virginia	124	8,115	7,240	6,020	35	12
Delaware	122	860	263			47
North Dakota	113	720	620	479	50	48
Louisiana	56	2,400	603	695	245	21
Ohio	50	5,506	4,983	4,962	11	7

Further, recent legislative action to extend and toughen penalties in cases of domestic violence contributes to the large increases in caseloads since 1992. Fourteen states and the District of Columbia currently have laws mandating arrests in crimes of domestic violence. Warrantless probable-cause arrests in cases of domestic violence are authorized in 47 states and the District of Columbia.

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

Domestic violence cases are also underreported to law enforcement and the courts. Violence between intimates (assaults committed by spouses, ex-spouses, boyfriends, or girlfriends) is often difficult to measure because it occurs between parties who may be reluctant to file charges. According to the National Crime Victimization Survey (NCVS), from 1987 to 1991, intimates committed an average of 621,015 rapes, robberies, or assaults per year.

Violent Crime Victimization Rates for Persons 12 Years or Older, 1973-1992



Source: National Crime Victimization Survey, Bureau of Justice Statistics.

When considering violent crime between nonstrangers (family members, friends, acquaintances, etc.), the NCVS shows victimization rates have remained relatively stable for the 20-year period 1973-1992. Violent victimizations are more likely to be between strangers than between people who know each other.

Civil Protection Orders

Although inconsistent methods of counting and reporting domestic violence cases mean we cannot produce estimates of civil protection order (CPO) caseloads, the volume of CPOs is almost certainly on the rise. CPOs are now available in every state and the District of Columbia, and the trend is toward increased access to and use of this remedy to domestic violence. A current NCSC study is examining the effectiveness of civil protection orders in deterring future acts of domestic violence and in helping victims remove themselves and their children from an abusive environment.

In the NCSC study, nearly 300 women who obtained either a CPO or a temporary restraining order (TRO) in three sites (Delaware, District of Columbia, and Denver) were interviewed one month after they obtained the TRO or CPO, and again six months later. The vast majority of the women interviewed reported suffering serious abuse (85 percent had been slapped, shoved, or kicked) and nearly half of these women (47 percent) reported suffering this abuse at least monthly.

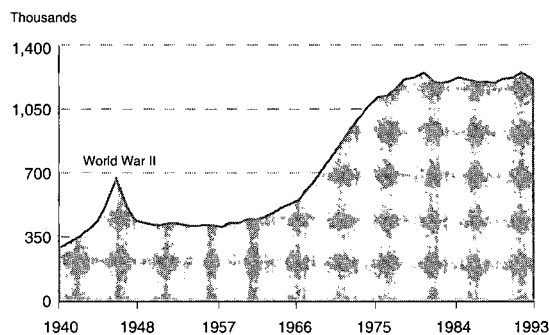
For a large majority of the women in the study, the TRO or CPO had a positive effect on their life. In the initial interviews, 72 percent of the women reported that their life had improved, 73 percent felt better about themselves, and 71 percent felt safer. Although a small proportion of the women reported suffering further psychological (5 percent) or physical abuse (3 percent), 95 percent of the women interviewed said they would seek a protection order again.

Divorce and Custody Cases

High divorce rates have significant social consequences, and also have a marked effect on the workload of courts that handle divorces and decide related child custody, support, and visitation cases. Unlike other civil suits in which the agreement of the parties abrogates the need for judicial relief, even an uncontested divorce may require a court hearing and a judge's time to issue a decree.

The National Center for Health Statistics (NCHS) has compiled and reported data on divorce since 1940. The chart below shows that the number of divorces spiked at the end of World War II, then dropped off during much of the 1950s and 1960s before rising sharply to a peak in 1980. The number of divorces has remained relatively constant since then.

Divorce in the United States, 1940-1993



Source: NCHS, "Monthly Vital Statistics Report, Annual Summary of Births, Marriages, Divorces, and Deaths, U.S." 1993.

Divorces represent the largest proportion of domestic relations cases in three-quarters of the states. In the 39 states in which jurisdiction over marriage dissolution resides in a general jurisdiction court, the proportion of divorce cases ranges from 10 percent in Massachusetts to 66 percent in West Virginia. These percentages illustrate the importance of clearly defining the statistical unit of count. In Massachusetts, divorce, support/custody, URESA, and paternity are each counted as separate case types, whereas in West Virginia, support/custody is considered a component of the divorce and, thus, not counted separately.

Marriage dissolution affects not only the couple involved, but their children as well. A NCSC study shows that over half of all reported divorces involve children (Goerdt, 1992). These cases spawn proceedings related to visitation, support, and custody, which may link courts and families together for decades. The Family Support Act of 1988, for example, requires that the majority of child support cases be reviewed every three years (i.e., Title IV-D) to assess the adequacy of current support.

Although custody cases comprise the second-largest proportion of the domestic relations caseload, they may not consume a commensurate level of court resources. An ongoing NCSC study of custody cases involving domestic violence suggests that the parties typically do not contest custody or visitation. In a survey of 123 courts with custody jurisdiction, court officials in 41 of the courts estimate that less than a quarter of the custody cases involve a dispute, while another 41 courts estimate between 25 and 50 percent.

Relationship of Custody Cases to Domestic Violence Cases, 1995

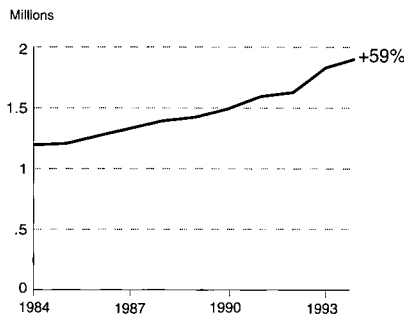
Percentage of Custody Cases That Are Contested	Number of Surveyed Courts
Less than 25%	41
25% to 50%	41
51% to 75%	22
More than 75%	19

Source: NCSC study jointly funded by the State Justice Institute and the National Institute of Justice.

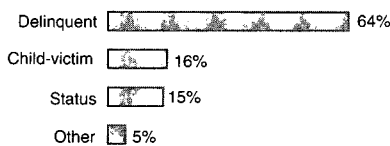
Juvenile Caseloads in State Trial Courts

Juvenile Caseloads

Juvenile Filings in State Courts, 1984-1994



Juvenile Caseload Composition in State Courts, 1994



Much attention currently focuses on the functioning and adequacy of the juvenile justice system. This comes at a time when juvenile arrest rates have reached record levels for violent crime, weapon offenses, and drug abuse violations. Juvenile and domestic court consolidation, juvenile transfer statutes, and newly designed sanctioning options have been considered by many states as ways to improve juvenile and family court operations.

Juvenile filings reached a record high of nearly 1.9 million in 1994. This total represents an increase of 4 percent since 1993 and 59 percent since 1984. Unlike other types of cases, such as adult criminal filings and civil matters, the increase in juvenile court filings has not slowed during the early 1990s. Given the current trend in juvenile filings and the predicted increase in the “at risk” juvenile population (10- to 17-year-olds) over the next decade, the pressures on juvenile court resources will likely continue to tighten.

One way to assess the work of the juvenile state courts is to examine the composition of juvenile caseloads. The vast majority (64 percent) of juvenile cases reported by the states involve a filing for some type of delinquent act. Delinquency cases involve offenses that are considered crimes if committed by an adult. In many instances, these cases are processed similarly to those in adult court, with a prosecutor and defense attorney present and the use of evidentiary and disposition hearings. Though juveniles are subject to a wide range of sentences, ranging from community service to secure confinement, their adjudication may involve other special conditions not typically granted to adults (e.g., special placements or living arrangements).

The remaining one-third of juvenile filings involve status offenses or child-victim cases. Status offenses are acts that are not considered crimes if committed by an adult (e.g., truancy, runaway). Child-victim cases may involve neglect, physical abuse, and, in some jurisdictions, sex offense cases. Cases involving status offenders can be disposed of in a number of ways, including custody changes or foster care placement, counseling, and probation or community service referral. Child-victim cases may also be handled by removing the child from the home or by sentencing the accused parent or adult to a criminal sanction.

Juvenile Delinquency

There are a number of factors related to court structure and procedure that influence the rate of juvenile case filings. For example, the age that juveniles may be tried as adults will impact a state’s juvenile court filing rate. Some states have relatively low ages for juvenile transfer, as is the case in New York, where juveniles can be transferred as early as age 13 if accused of certain violent crimes. Other states, such as Wyoming, have transfer provisions beginning at age 19. The point at which states consider a case a “filing” will also affect their respective filing rate. Some states count filings at the time a petition is filed with the court, whereas others count cases only when the case is certified by an intake officer and becomes part of the court docket. (A list of case counting procedures is found in *State Court Caseload Statistics, 1994*). The adjacent table lists the delinquent filing rates among states that could report data for this case category.

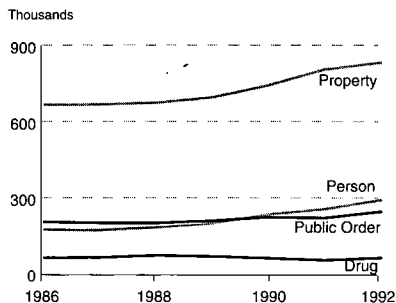
The range in filings is dramatic, with Utah at the high end (6,418 delinquent cases per 100,000 juveniles) and New York at the low end (394 per 100,000 juveniles). Utah has experienced significant increases in juvenile crime, with much of the increase related to gang activity. Utah recently added five new juvenile judges and 31 new probation officers and court support staff, and has plans to expand the number of secure juvenile detention facilities across the state. Some of the largest states in terms of population, such as New York and Texas, have the lowest rates of juvenile filings. In New York, a 16-year-old is automatically tried as an adult for delinquent offenses, which possibly explains the state’s relatively low number of delinquent filings. In 1994, Texas began transferring juveniles at a record pace, nearly tripling the numbers certified to adult court over the previous year. The median filing rate across all states shown is 2,132 delinquency cases per 100,000 juveniles.

Meaningful reform in the juvenile justice system requires specific and accurate information that allows officials to monitor treatment programs and to aid judges in making difficult decisions about the best use of juvenile sanctioning and placement options. National estimates of the types of delinquency cases processed through the courts are available from the National Center for Juvenile Justice (NCJJ). Data describing trends in person, property, public order, and drug cases are displayed for the period 1986-1992. The NCJJ data collection effort is the only primary source for individual- or case-based juvenile data at the national level.

Delinquent Filings in State Courts, 1994

State	Filings per 100,000 Juveniles	Filings
Utah	6,418	43,125
Delaware	5,505	9,622
New Jersey	4,728	91,275
Virginia	4,603	73,789
Dist. of Columbia	4,264	5,052
North Dakota	3,776	6,478
Tennessee	3,587	46,506
Florida	3,391	110,638
Ohio	3,259	93,015
Hawaii	2,932	8,918
Alabama	2,908	31,402
New Hampshire	2,680	7,815
Massachusetts	2,670	38,011
Maryland	2,639	33,331
Minnesota	2,561	31,761
Michigan	2,337	58,994
Arkansas	1,928	12,348
Washington	1,839	25,883
New Mexico	1,560	7,759
Wisconsin	1,402	18,875
North Carolina	1,392	24,438
Colorado	1,296	12,570
Indiana	1,280	18,861
California	1,148	99,624
Louisiana	1,147	14,168
Vermont	901	1,311
Wyoming	787	1,082
Iowa	785	5,721
Missouri	714	9,844
Oklahoma	665	5,850
Texas	477	25,288
New York	394	17,771
Median Rate	2,132	
Average Delinquent Filings		30,973

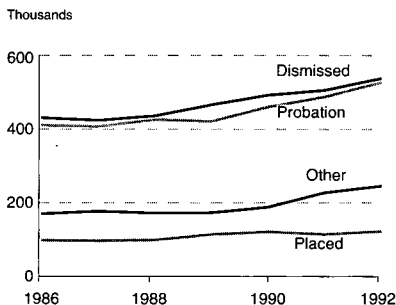
Estimates of Delinquency Cases Processed in State Juvenile Courts, 1986-1992



Source: Juvenile Court Statistics, 1986-1992, National Center for Juvenile Justice.

While the majority of delinquency cases involve property offenses, the fastest growth is occurring in crimes against the person (64 percent over the period examined). The number of juveniles processed for drug offenses has fluctuated over the seven-year period, with drug cases peaking in 1988 and dipping to their lowest level in 1991.

Estimates of Juvenile Court Dispositions for Delinquency Cases, 1986-1992



Source: Juvenile Court Statistics, 1986-1992, National Center for Juvenile Justice.

As seen on the bottom left, most delinquency cases result in dismissals or probation sanctions. In some instances, the dismissal is contingent upon the juvenile successfully completing some form of court instruction. A relatively small number of delinquency dispositions (8.9 percent) result in a formal placement. "Other" types of dispositions increased most rapidly since 1990, indicating that the juvenile courts are making use of alternative sanctions to divert juveniles away from the more traditional sanctions. Some of the dispositions included in the "other" category include fines, restitution, community service, and various types of referrals to treatment or social service providers.

One of the most controversial topics in juvenile justice is juvenile transfer (also referred to as waiver) to adult court. Policies aimed at reducing the age of transfer eligibility are hotly debated in state legislatures, and many states have lowered the age of transfer or have increased the number of offense types that trigger a transfer hearing. The table below indicates the proportion of delinquency cases that result in a transfer to the adult system. Although the overall number of cases transferred is relatively low (less than 1 percent), the number increased steadily from 1986 to 1992.

Estimates of Delinquency Cases and Transfers to Criminal Court Through Judicial Discretion, 1986-1992

	Delinquency Cases	Judicial Transfer to Adult Court	Transfers as % of Delinquency Cases
1986	1,148,000	5,400	.5%
1987	1,145,000	5,900	.5
1988	1,170,400	7,000	.6
1989	1,212,400	8,400	.7
1990	1,299,700	8,700	.7
1991	1,373,600	10,900	.8
1992	1,471,200	11,700	.8

Source: Juvenile Court Statistics, 1986-1992, National Center for Juvenile Justice.

Juvenile Status Offenses

Status offenses are acts that are not considered crimes if committed by an adult. Although the offense is usually not as serious as delinquency, the status offender may still be required to appear before a juvenile court judge or quasi-judicial officer.

The NCJJ collects data on petitioned status offenses, that is, cases that appear on the court calendar in response to a petition or other legal instrument requesting the court to adjudicate the youth. As seen in the table to the right, petitioned status offense cases increased roughly 12 percent between 1986 and 1992.

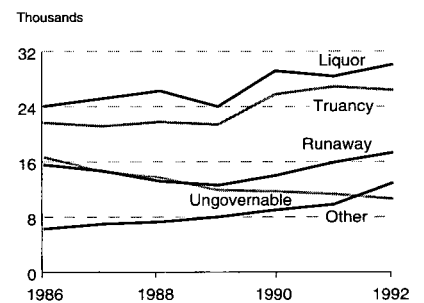
Status offenses typically include liquor, truancy, runaway, ungovernable, and “other” case types. Liquor law violations are most common, followed by truancy cases and runaway. Ungovernable cases are the only status offenses that have been falling over time.

Status offenders can be placed on probation, be moved to a setting outside the home, or have their case dismissed. Unlike adult probation, a juvenile court judge can place a youth on probation even if the case is dismissed. This blend of outcomes arises because juvenile courts have traditionally focused on recommending the best possible treatment for the individual rather than searching for a finding of guilt or innocence. The number of petitioned status offenses resulting in placements slowly increased from 1989 to 1992.

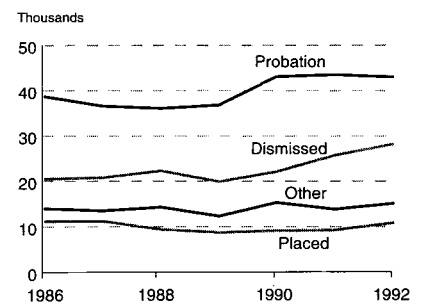
Estimates of Juvenile State Court Petitioned Status Offenses, 1986-1992

Petitioned Status Offenses	
1986	86,900
1987	82,700
1988	82,200
1989	77,900
1990	89,700
1991	92,400
1992	97,300

Estimates of Petitioned Status Offenses in State Juvenile Courts, 1986-1992



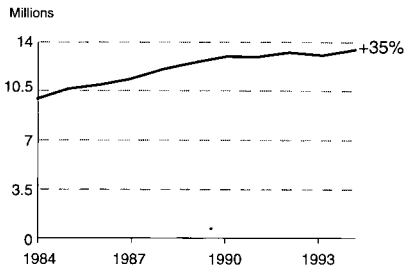
Estimates of Juvenile Court Dispositions for Petitioned Status Offenses, 1986-1992



Source: Juvenile Court Statistics, 1986-1992, National Center for Juvenile Justice.

Criminal Caseloads in State Trial Courts

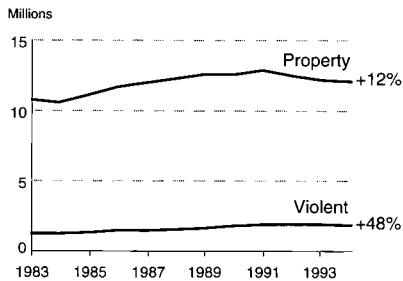
Criminal Cases Filed in State Courts, 1984-1994



Criminal Caseload Filing Trends

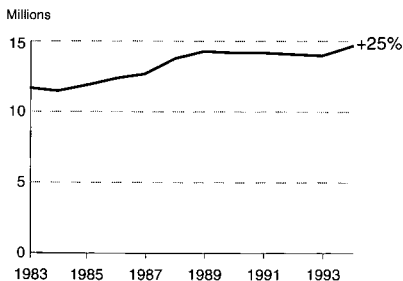
The criminal courts are the center of the loosely organized collection of agencies charged with protecting the public, enforcing the law, determining guilt or innocence, and housing convicted offenders. Cases involving crimes which violate state law are normally processed in the state courts. Criminal caseloads in the state courts reached an all-time high of nearly 13.5 million filings in 1994. This represents a 3 percent increase in filings from 1993 and an overall increase in criminal filings of 35 percent since 1984. The adjacent trend line also shows that criminal filings are again moving upward following several years of relative stability (1990 to 1993).

Crimes Reported to the Police in the United States, 1983-1994



The volume of criminal cases filed in state courts provides one measure of criminal activity in our society. One gains an expanded view of the process and insight into what criminal courts can expect in the near future by bringing together other crime and justice measures from earlier stages of criminal case processing. The Federal Bureau of Investigation collects information on the number and types of crimes reported to the police and the number and types of crimes that result in an arrest. Both are up. Over the past 12 years, the number of property crimes reported has increased 12 percent while reported violent crime has risen 48 percent. The number of criminal arrests, which declined between 1989 and 1993, turned upward in 1994.

Estimated Arrests in the United States, 1983-1994



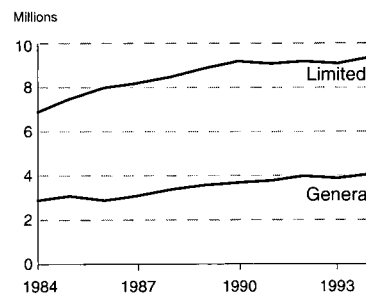
Source: Uniform Crime Reports 1983-1994, Federal Bureau of Investigation.

Criminal Caseload Composition

The adjacent graph compares criminal case filings by court jurisdiction and identifies more precisely where criminal cases are handled in the states. Criminal cases filed in general jurisdiction courts (primarily felonies) and in limited jurisdiction courts (primarily misdemeanors) both reached all-time highs in 1994. Since 1984, criminal caseloads increased 36 percent in general jurisdiction courts while filings rose 35 percent in limited jurisdiction courts.

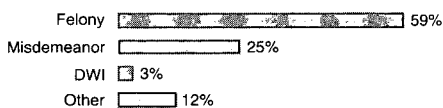
Almost 60 percent of the criminal cases heard in general jurisdiction courts involve felony-level offenses, while 25 percent involve misdemeanors. Another 12 percent are “other” offenses, including appeals and other miscellaneous offenses (e.g., extradition), while the remaining cases involve DWI offenses. Judges in unified or consolidated courts hear all cases regardless of offense type. In these court systems, 75 percent of the cases involve misdemeanor offenses, while felony and DWI/DUI cases account for 24 percent of the filings. Misdemeanor and DWI/DUI cases represent 96 percent of the caseload of limited jurisdiction courts; felonies account for only 3 percent.

Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1994

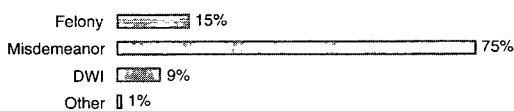


Criminal Caseload Composition by Court Jurisdiction, 1994

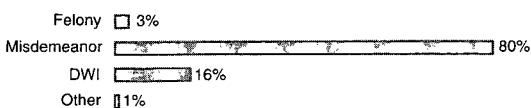
General Jurisdiction



Unified System

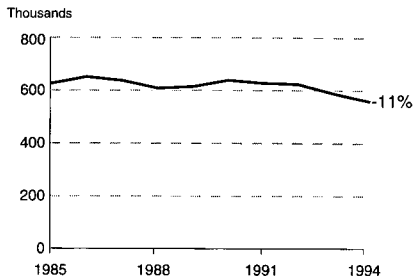


Limited Jurisdiction



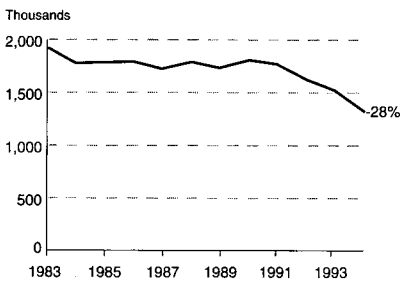
Focus on DWI Caseloads

DWI Filings in 23 States, 1985-1994



The public's attention on DWI/DUI offenses heightened during the 1980s, with states strengthening and more vigorously enforcing drunk driving laws. At the same time, media attention and alcohol awareness programs have continued to focus on the problem of drunk driving. Some evidence suggests that these efforts may be having the intended effect of reducing the incidence of drunk driving. Between 1985 and 1994, DWI filings in state courts decreased 11 percent. Moreover, in 1994 the number of DWI filings dropped to its lowest level in ten years.

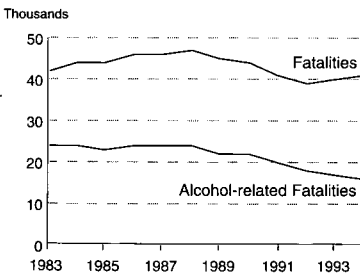
Arrests for Driving Under the Influence, 1983-1994



The drop in DWI caseloads corresponds with a drop in the DWI arrests reported by the FBI. Both trends show stable or slight decreases through the 1980s, with the largest decreases occurring in the early 1990s. Data from the National Highway and Traffic Safety Administration show that alcohol-related traffic fatalities are also down. Taken together, these basic indicators of drinking and driving provide the state courts with an integrated measure for assessing a critical segment of criminal caseloads and dispositions.

Source: Uniform Crime Reports 1983-1994, Federal Bureau of Investigation.

Traffic Fatalities, 1983-1994



Source: National Highway and Traffic Safety Commission, Office of Program Development and Evaluation.

State Criminal Caseloads

How do criminal caseloads compare across states? The adjacent table lists the reported criminal filings by court jurisdiction for each state in 1994. The range of criminal filings is broad, with Illinois reporting roughly 650,000 and North Dakota reporting just under 2,000 filings in courts of general jurisdiction. The top three states listed represent consolidated or unified court systems: all trial court matters are handled in a single general jurisdiction court.

Approximately 40 percent of the states report 100,000 or fewer criminal filings in general and limited jurisdiction courts, while eight states each report over a half million criminal filings. Cases in these eight states, which account for 45 percent of the total population, comprise roughly half of the nation's total state criminal caseload. The median number of criminal filings in general jurisdiction courts is 52,611, which is represented by Alabama. In courts of limited jurisdiction, Louisiana and New Mexico are closest to the median number of filings, which stands at 151,649.

Total Criminal Filings by State and Court Jurisdiction, 1994

	Jurisdiction	
	General	Limited
Illinois	654,505	
Massachusetts	348,015	
Minnesota	213,394	
Florida	178,350	414,071
Texas	168,298	1,785,074
California	158,614	797,844
Missouri	144,170	
Pennsylvania	139,672	41,556
Connecticut	134,962	
North Carolina	124,056	548,669
Indiana	123,245	107,524
Virginia	115,788	410,360
Louisiana	112,268	168,861
South Carolina	102,829	296,742
Wisconsin	95,959	
Georgia	88,854	201,741
Oklahoma	86,566	
Idaho	80,095	
Iowa	79,764	
New York	71,419	518,951
Tennessee	68,690	
Maryland	68,515	203,874
Michigan	67,880	306,506
Ohio	64,766	501,238
Oregon	53,866	38,653
Alabama	52,611	251,840
Puerto Rico	52,354	49,412
New Jersey	49,664	357,158
Arkansas	44,096	288,175
Kansas*	43,047	15,550
District of Columbia	39,822	
Arizona	30,838	335,717
Washington	30,395	204,935
South Dakota	30,155	
Colorado	24,636	126,433
Kentucky	18,268	184,559
Vermont	15,760	
New Hampshire	14,223	35,637
New Mexico	14,030	134,436
Mississippi	12,203	
Hawaii	9,543	36,754
Utah	9,530	81,764
Maine	9,433	36,225
West Virginia	8,778	118,227
Delaware	7,240	96,403
Nebraska	6,896	91,132
Rhode Island	6,203	28,490
Montana	4,186	
Alaska	2,696	30,219
Wyoming	1,934	16,898
North Dakota	1,917	25,148

* Kansas has a consolidated system, but a municipal court handles some of the state's DWI caseload.

Note: States in bold have consolidated court systems.

Criminal Filing Rates in General Jurisdiction Courts, 1994

	Filings per 100,000 Population	Population Rank
District of Columbia	6,984	51
Massachusetts	5,761	13
Illinois	5,569	6
Minnesota	4,672	20
South Dakota	4,181	46
Connecticut	4,121	28
Iowa	2,819	31
South Carolina	2,806	26
Missouri	2,732	16
Vermont	2,716	50
Oklahoma	2,657	29
Louisiana	2,602	21
Indiana	2,143	14
Wisconsin	1,888	18
Arkansas	1,798	34
Virginia	1,767	12
North Carolina	1,755	10
Oregon	1,745	30
Kansas	1,685	33
Puerto Rico	1,420	25
Maryland	1,369	19
Tennessee	1,327	17
Florida	1,278	4
Georgia	1,259	11
New Hampshire	1,251	42
Alabama	1,247	22
Pennsylvania	1,159	5
Delaware	1,025	47
Texas	916	2
New Mexico	848	37
Idaho *	836	43
Hawaii	810	41
Maine	761	40
Arizona	757	23
Michigan	715	8
Colorado	674	27
New Jersey	628	9
Rhode Island	622	44
Ohio	583	7
Washington	569	15
California	505	1
Utah	499	35
Montana	489	45
West Virginia	482	36
Kentucky	477	24
Mississippi	457	32
Alaska	445	49
Nebraska	425	38
Wyoming	406	52
New York	393	3
North Dakota	300	48
Median Filing Rate	1,247	

* Includes criminal caseload handled by district court judges only.
Note: States in bold have consolidated court systems.

Criminal caseloads are closely associated with a state's population and can be expected to rise simply as a result of population growth. The table to the left ranks states by the number of criminal filings per 100,000 population and shows each state's total population rank. The median filing rate is 1,247 criminal cases per 100,000 population, represented by Alabama. Since all criminal filings are reported as general jurisdiction court filings in states with consolidated court systems, it is not surprising that those states appear at the top of the table. Likewise, states that process a large volume of criminal cases in limited jurisdiction courts (e.g., New York, Alaska, and Texas) are found toward the bottom of the table.

The underlying importance of population as related to criminal caseloads should not, however, obscure other influential factors, such as continuing trends by legislatures to criminalize more behaviors, differences in the prosecutorial charging procedures, differences in underlying crime rate, and even differences in how cases are counted.

Clearance Rates for Criminal Cases

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

The table shows only 11 states cleared 100 percent or more of their criminal caseload for the three-year period. At the other end of the scale, six states have clearance rates of 90 percent or less, indicating that these states are rapidly adding to an inventory of pending cases. Of the ten states with the highest clearance rates, eight have experienced a decline in criminal caseloads between 1992 and 1994. At the other extreme, eight of the ten states with the lowest clearance rates experienced growth in criminal filings.

Although positive and negative growth rates are seen scattered throughout the list of states, there is a positive correlation between rising criminal caseloads and lower clearance rates.

Criminal Caseload Clearance and Growth Rates for General Jurisdiction Courts in 41 States

	Clearance Rates		Caseload Growth Rate
	1992-94	1994	
New Hampshire	113%	109%	7%
New Jersey	106	103	-8
Rhode Island	106	103	-5
Vermont	104	99	-5
New York	104	104	-8
West Virginia	104	103	8
Kansas	103	101	-3
South Carolina	101	104	-9
Nebraska	100	100	-5
Ohio	100	98	-1
Minnesota	100	100	8
Maine	99	98	-10
Virginia	99	100	6
Michigan	99	97	1
Texas	98	98	-5
Iowa	97	100	10
Puerto Rico	97	99	27
North Carolina	96	95	-2
Missouri	96	94	-5
Delaware	95	95	-4
Colorado	95	94	5
New Mexico	95	95	15
Alabama	95	95	-5
Indiana	94	94	14
Washington	94	96	1
Arkansas	94	91	13
Maryland	94	93	-7
California	93	96	-6
Arizona	93	90	2
North Dakota	93	104	-8
Alaska	92	89	-2
Idaho	92	90	11
Kentucky	91	97	5
Tennessee	91	88	3
Wisconsin	91	98	-13
Wyoming	90	95	32
Florida	88	85	0.1
Oklahoma	88	85	11
Montana	87	84	3
South Dakota	80	83	4
Hawaii	74	72	-17

Criminal Case Dispositions

Overall, approximately 7.4 percent of criminal cases were disposed by trial in 1994, with trial rates ranging from about 1.4 percent in Vermont to 33 percent in Virginia. A good part of this variation is attributable to differences in the criminal case types included and, more importantly, the definition of a trial. The accepted definition is to count a case as disposed by trial once the first evidence is introduced and, in the case of a jury trial, the jurors are sworn. In fact, the trial rate drops to below 5 percent if the two jurisdictions with the highest trial rates (Virginia and Puerto Rico) are excluded. Focusing on the remaining 19 states reveals a virtually even split between jury and bench trials.

Guilty pleas dispose about two-thirds of criminal cases in most states. About one criminal case in five is resolved by a decision by the prosecutor not to continue (*nolle prosequi*) or by the court to drop all charges (dismissal). The plea process is certainly swifter than the formal trial process, and given the growth in criminal caseloads, it has become an integral part of the administration of justice. Those who are in favor of plea bargaining argue that the overwhelming prevalence of guilty pleas provides some evidence that the plea process is more desirable to both sides.

Disposition Rates for Criminal Cases in 21 General Jurisdiction Courts, 1994

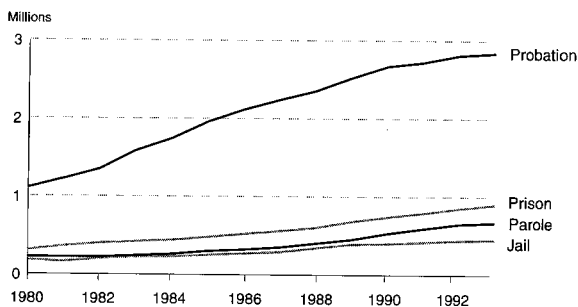
State	Total Criminal Dispositions	Trial Rates			Nontrial Rates			
		Total	Bench	Jury	Total	Plea	Dism/Nolle	Other
Virginia	115,673	33.3%	29.8%	3.5%	66.7%	39.0%	19.7%	8.0%
Puerto Rico	51,992	19.7	18.7	1.0	80.3	53.1	14.0	13.3
Wyoming	1,741	13.0	9.9	3.1	87.0	65.7	17.2	4.2
Alaska	2,386	9.1	1.7	7.4	90.9	66.5	23.8	0.6
Washington	29,145	7.4	1.5	5.9	92.6	75.5	13.9	3.2
Michigan	63,497	7.3	3.7	3.7	92.7	60.2	9.8	22.6
New Mexico	12,943	7.3	3.7	3.6	89.5	52.0	13.7	23.8
Indiana	117,385	6.8	5.9	0.9	93.2	59.0	32.3	1.9
D.C.	40,163	6.7	4.1	2.6	93.3	20.6	54.9	17.8
New York	74,608	5.8	0.8	5.0	94.2	84.1	8.4	1.7
Kansas	33,939	5.2	2.9	2.3	94.8	52.1	29.1	13.6
Tennessee	64,718	5.1	1.3	3.9	94.9	60.8	15.9	18.2
California	148,254	4.5	0.8	3.7	95.5	89.4	0.0	6.1
Ohio	63,461	4.1	1.4	2.7	95.9	70.6	9.7	15.6
Wisconsin*	68,061	4.0	1.2	2.8	96.0	75.1	19.8	1.0
Texas	157,564	3.7	1.0	2.7	96.3	48.7	21.3	26.3
Delaware	6,907	3.6	0.3	3.3	96.4	73.7	20.5	2.2
Florida	152,312	3.1	0.3	2.9	96.9	79.5	11.8	5.6
Oklahoma	73,771	2.7	1.7	1.0	97.3	66.0	31.3	0.0
Missouri	135,386	2.4	1.6	0.8	97.6	62.1	30.3	5.2
Vermont	15,571	1.4	0.4	1.0	98.6	69.1	21.8	7.7
Total	1,429,477	7.4	4.7	2.7	92.6	64.0	18.8	9.8
Without VA, PR	1,261,812	4.5	1.8	2.7	95.5	66.7	19.0	9.8

* Does not include Milwaukee

Sentencing Patterns

Criminal case dispositions can also be described in terms of the court sanction handed down to a defendant. Judges have the option of sentencing offenders to probation or community supervision, placing them in secure confinement, or choosing some type of split sentence. The chart below shows how offenders have been sentenced by the state courts for the period 1980-1993.

Adults in Jail, on Probation, in Prison, or on Parole in the United States, 1980-1993



Source: Correctional Populations in the United States, 1993, U.S. Department of Justice, Bureau of Justice Statistics.

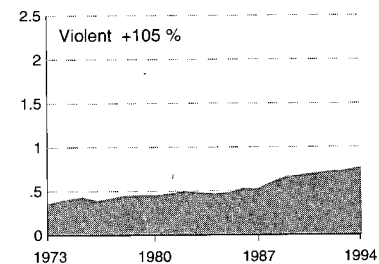
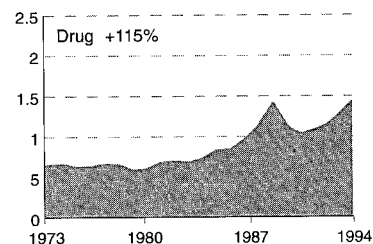
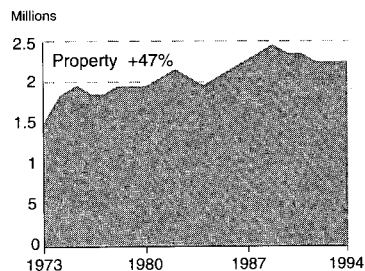
The number of persons sentenced strictly to probation is large. The use of probation has increased roughly 150 percent over the 14 years shown and is the sanction for three in five convicted offenders. Although confinement sanctions are usually reserved for the more serious or repeat offenders, the number of persons sentenced to incarceration (prison, jail) each year has nearly tripled since 1980.

The court's work does not end with the sentencing decision. Probation and parole violations account for a sizable segment of the criminal docket and consume a significant portion of judicial time. In addition, many intermediate sanction and diversion programs require the offender to make periodic visits before the bench. Finally, a workable and cost-effective mix of sentencing options, including diversion programs, intermediate sanctions, and incarceration, requires the ongoing cooperation and coordination of the judiciary.

Felony Caseloads in State Trial Courts

Felony Caseload Filing Trends

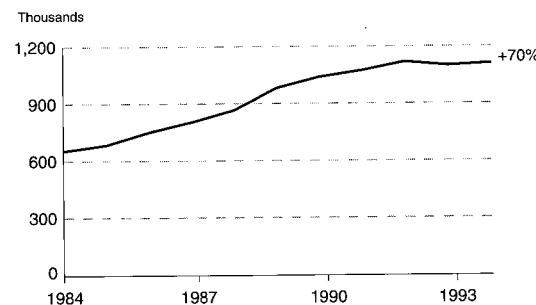
Arrests for Serious Crimes in the United States, 1973-1994



Source: Uniform Crime Reports, 1973-1994, Federal Bureau of Investigation.

The most serious criminal offenses processed through the state courts are felonies—offenses typically involving violent, property, or drug crime, and that are punishable by incarceration for a year or more. These types of cases command a great deal of attention from the general public, impose tremendous burdens on victims (both physical and emotional), and generate substantial costs for taxpayers. In addition, those who work within the criminal justice system know that fluctuations in felony caseloads can have a significant impact on the overall pace of both criminal and civil litigation.

Felony Cases Filed in General Jurisdiction Courts in 32 States, 1984-1994



The general jurisdiction trial court systems of 32 states reported comparable felony filing data for the period 1984 to 1994. After nine years of rapid increases, felony caseloads grew much more slowly during the past two years. Despite the recent slowdown, the 11-year trend in felony filings is up 70 percent since 1984.

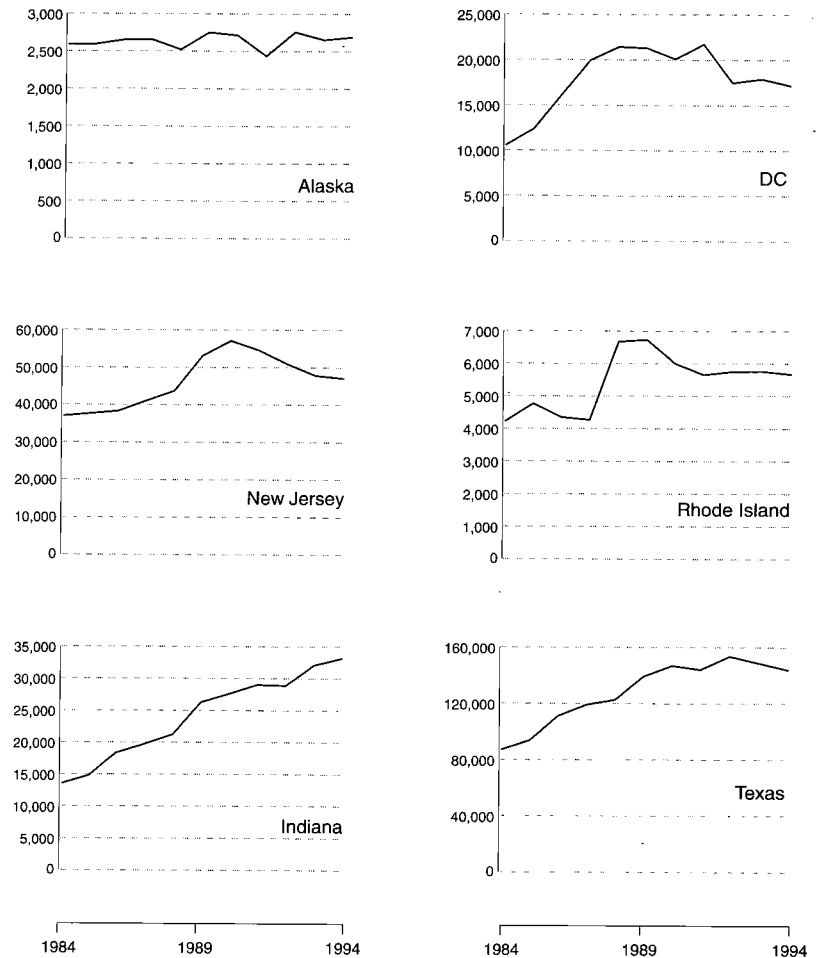
Arrest figures provide a leading indicator of the type and volume of felony cases that will be entering the state courts. It is not difficult to see what underlies the ongoing rise in the number of felony filings. Over the past 22 years, information from the Federal Bureau of Investigation shows increases in arrests for property crime (47 percent), violent crime (105 percent), and drug crime (115 percent).

The recent slowdown in the aggregate number of felony filings can be attributed to a similar moderation in the number of arrests for violent and property crime during the early 1990s. With arrests up for all types of serious criminal offenses in 1994, the state courts will likely experience a parallel upsurge in filings in the coming year.

The national trend in felony caseloads offers one perspective, but can mask differences in filing trends across individual states. A sampling of state trends shows some of the filing patterns observed over the past 11 years. Some states, such as Alaska, have maintained a stable rate of felony filings. The District of Columbia, New Jersey, and Rhode Island are examples of states in which felony filings rose rapidly during the latter half of the 1980s before leveling off or turning downward in recent years. Indiana is one state where felony filings show no sign of slowing, increasing by 144 percent between 1984 and 1994.

Because the rapid growth in felony caseloads has occurred with only modest increases in the funding and hiring of judges and other court-related staff, state courts have searched for more effective and efficient means for disposing these cases. Many trial courts have established a range of diversion programs, special drug courts, and tighter links to social services in an attempt to more quickly dispose cases and to provide more accessible and coordinated avenues for treatment. Other courts have changed or modified their judicial calendaring systems to facilitate the timely processing of cases.

Felony Cases Filed in General Jurisdiction Courts in Selected States, 1984-1994



The table to the right displays felony filings per 100,000 population and ranks the states by the change in population-adjusted filing rates from 1992 to 1994. Slightly more than half of the states experienced a decrease in the number of felonies filed per 100,000 population since 1992. A declining rate of felony filings is apparent in states of all sizes, including some of the more populous states (e.g., California, New York, Texas). Counterbalancing these decreases is a rapid rise in felony filings in less populated states. Taken together, these divergent patterns among the states provide the appearance of stable growth at the national level.

Between 1992 and 1994, the felony filing rates in ten states increased more than 5 percent. Puerto Rico, Utah, and Louisiana experienced increases of 8 percent or more per year. Felony filing rates vary across the states by a factor of nearly six: high of 1,445 in Arkansas to a low of 253 in West Virginia. The District of Columbia had a filing rate of 3,017, reflecting the city's high degree of urbanization.

Felony Filing Rates in General Jurisdiction Courts in 39 States, 1992-1994

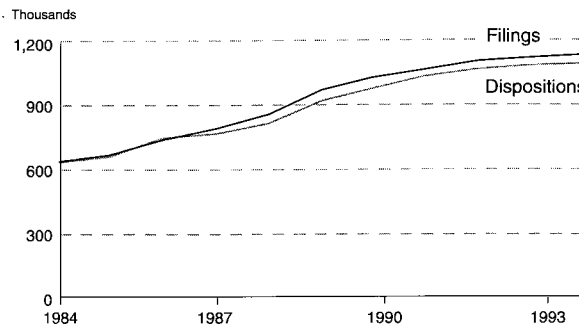
State	Filings per 100,000 Population			Growth 1992-1994
	1994	1993	1992	
Puerto Rico	1,025	911	812	26%
Utah	320	403	267	20
Louisiana	739	738	636	16
Indiana	578	563	511	13
Idaho	732	666	666	10
Minnesota	398	385	363	10
Oregon	996	901	912	9
Arkansas	1,445	1,369	1,325	9
Oklahoma	1,009	949	930	8
Kansas	565	523	532	6
West Virginia	253	237	245	3
Kentucky	466	514	454	3
Virginia	1,177	1,169	1,159	2
South Dakota	634	620	625	2
District of Columbia	3,017	3,104	2,975	1
Tennessee	1,182	1,133	1,170	1
Missouri	919	855	913	1
Rhode Island	570	577	574	-1
Vermont	490	472	493	-1
Colorado	642	619	650	-1
Ohio	583	575	593	-2
Arizona	700	673	722	-3
Florida	1,272	1,229	1,314	-3
Washington	538	533	555	-3
Iowa	481	478	498	-3
North Carolina	1,186	1,209	1,253	-5
Alaska	445	444	471	-6
North Dakota	288	339	307	-6
Alabama	894	926	963	-7
New York	393	395	424	-7
Nebraska	331	320	357	-7
California	492	500	533	-8
New Jersey	598	609	655	-9
Maryland	1,255	1,285	1,382	-9
Wisconsin	370	369	407	-9
Texas	784	826	871	-10
Hawaii	347	345	403	-14
Maine	293	310	352	-17
New Hampshire	538	662	684	-21

Note: The median felony filing rate in 1994 was 583 cases per 100,000 population.

Of central importance in assessing the impact of sustained caseload growth is the ability of courts to dispose cases. The adjacent trend lines track felony filings and dispositions for the period 1984 to 1994.

The data show that in the aggregate, state courts were reasonably successful in keeping up with the rapid rise in felony filings over the past 11 years. In 1994, the nation's state courts disposed of 96 percent of their total felony filings.

Relationship Between Felony Filings and Dispositions, 1984-1994



Felony Clearance Rates

Most general jurisdiction trial courts currently deal with a large number of felony cases, which present a number of challenges to the states. Felony case processing is subject to more stringent time standards than civil case processing. Directing additional resources to the backlog of felony cases is one solution, but it may simply displace the problem by imposing delay on civil litigants who want and are entitled to court adjudication of their disputes. The clearance rate for felony caseloads is a key measure of the sufficiency of court resources for responding to the influx of new felony filings.

The accompanying table presents clearance rates in general jurisdiction courts in 36 states for 1992 to 1994. Clearance rates over the three years are similar in some courts, but vary widely in others. The three-year measure smoothes yearly fluctuations and provides a more representative clearance rate given the possibility of yearly aberrations. In short, felony cases continue to pose considerable problems for the courts in that the majority of states had the same or lower clearance rates in 1994 as they did in 1992.

Only nine states have three-year clearance rates of 100 percent or more. At the other extreme, five states have clearance rates ranging from 78 to 88 percent. Many of the states with high clearance rates, such as New Hampshire, New Jersey, Rhode Island, New York, and Maine, experienced decreases in their total felony filings from 1992 to 1994.

Many of the states with low clearance rates, such as Utah, Oklahoma, and Tennessee, have also had lower clearance rates in past years, in part because of rapid increases in felony filings over the same period. Even though many states have recently experienced a slowing in the number of felony filings, a good many of these same states are still having trouble clearing cases. Given the general pattern of rising arrest rates and rising felony filings over the last decade, the expectation is that felony cases will continue to be a significant portion of general jurisdiction court caseloads in the future. This projection has substantial implications for planning and allocating court resources.

**Felony Clearance Rates in General Jurisdiction Courts
in 36 States, 1992-1994**

State	Clearance Rates			
	1992-1994	1994	1993	1992
New Hampshire	124%	125%	127%	120%
New Jersey	106	103	103	112
Rhode Island	105	103	100	111
New York	104	104	105	103
West Virginia	103	99	100	110
District of Columbia	102	100	102	104
Maine	101	99	98	105
Ohio	100	98	102	99
Minnesota	100	99	99	101
Virginia	99	99	99	98
Texas	99	99	101	96
Vermont	99	93	102	101
Illinois	98	98	98	96
Nebraska	97	95	100	95
Puerto Rico	96	98	95	96
Colorado	96	94	98	97
Alabama	96	96	99	93
North Carolina	96	96	99	93
Iowa	96	94	94	98
Maryland	95	95	97	94
Idaho	94	91	97	94
Missouri	93	89	100	92
California	93	96	89	95
Arkansas	93	89	93	97
Indiana	93	93	92	92
Alaska	92	89	90	99
Arizona	92	90	99	88
Wisconsin	92	95	77	102
Oregon	92	87	95	93
Kentucky	91	97	95	81
Massachusetts	90	91	86	94
Florida	88	86	90	89
Oklahoma	85	84	88	83
Tennessee	83	78	84	89
Utah	81	90	66	92
Hawaii	78	86	79	70

Felony Trial Rates

The process for handling felony cases at the trial stage is quite similar across states. In minor criminal cases the trial is usually held before a judge, while in more serious felony cases the defendant can choose to go before a judge or have the case decided by a jury. Overall, trials occur in 7.9 percent of the felony cases, with bench and jury trials comprising 4.6 and 3.3 percent of trials, respectively. However, once Virginia and Puerto Rico are removed from the average, bench trials account for 1.2 percent and juries 3.3 percent of the dispositions. The method in which Virginia and Puerto Rico count trials (charge based) differs from other states in the analysis.

For states that count trials comparably, felony trial rates range from a low of 2.7 percent in Missouri and Vermont to a high of 10.2 percent in West Virginia. Overall, jury trial rates range between 1.8 and 7.8 percent. The range for bench trials is equally narrow, with comparable states reporting rates between 0.2 and 6.8 percent.

How trials are defined offers a likely explanation for the variation in trial disposition rates among states. Some states count a case as disposed by jury trial only if the case is tried to verdict. In contrast, some jurisdictions count a case as disposed by jury trial once the case is set on the trial docket. Variation in trial rates may also be related to differences in state laws, prosecutorial policies, case screening practices, and local legal culture.

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

Trial Rates for Felony Cases in General Jurisdiction Courts in 21 States, 1994

State	Total Felony Dispositions	Trial Rates		
		Total Trial	Bench	Jury
Virginia	77,231	31.8%	27.2%	4.5%
Puerto Rico	37,806	20.4	19.1	1.3
West Virginia	4,004	10.2	2.4	7.8
Nebraska	5,121	10.0	6.1	3.9
Iowa	12,786	9.9	6.8	3.1
Alaska	2,386	9.1	1.7	7.4
Hawaii	3,525	8.5	1.3	7.2
Indiana	30,379	7.9	4.6	3.3
Kansas	14,427	6.1	1.7	4.4
New York	74,608	5.8	0.8	5.0
Wisconsin	14,406	5.5	0.4	5.1
New Mexico	9,229	5.2	1.8	3.4
Tennessee	35,352	4.7	1.2	3.4
Minnesota	17,949	4.3	0.6	3.7
District of Columbia	17,416	4.2	0.1	4.1
Ohio	63,461	4.1	1.4	2.7
Texas	142,968	3.9	1.1	2.9
Oklahoma	30,818	3.3	1.4	1.8
Florida	152,312	3.1	0.3	2.9
Missouri	43,029	2.7	0.7	2.0
Vermont	2,641	2.7	0.2	2.5
Total	791,854	7.9	4.6	3.3
Without VA, PR	676,817	4.4	1.2	3.3

Felony Nontrial Dispositions

The most common method for disposing felony cases is by guilty plea (64 percent). The adjacent data show that an additional 29 percent of the felony filings are dismissed, nolle prossed, or diverted by the prosecutor or judge after filing. Together, guilty pleas and other nontrial means dispose 93 percent of felony cases.

That the majority of felony cases are not disposed at trial is the source of ongoing, national debate over the nature and propriety of guilty pleas. Because of large felony caseloads and the personal and professional needs of the prosecution and defense to move the caseload, plea bargaining has become an essential yet controversial part of the administration of justice. Although many pleas are the result of negotiation between the prosecutor and defense counsel, a sizable number of charge reductions are made unilaterally by the prosecutor and reflect the belief that the appropriate charge at conviction should be less serious than the charge at arrest. The precise characteristics of the guilty plea process vary across states, but one uniform result is that few of the thousands of people charged with serious crimes actually go to trial.

Judges dismiss or prosecutors enter a nolle prosequi in roughly 19 percent of felony cases. Either action may occur before court proceedings begin or after a court hears evidence or calls witnesses. "Other" types of dispositions include case diversions, transfers, or instances where the defendant may have absconded or died.

Nontrial Rates for Felony Cases in General Jurisdiction Courts in 25 States, 1994

State	Total Felony Dispositions	Nontrial Rates			
		Total Nontrial	Pleas	Dismiss/ Nolle Prosequi	Other
Rhode Island	5,855	98.3%	89.4%	8.1%	0.8%
North Carolina	80,133	97.5	63.2	32.4	1.9
Vermont	2,641	97.3	75.6	16.4	5.3
Missouri	43,029	97.3	56.4	32.1	8.8
Florida	152,312	96.9	79.5	11.8	5.6
Oklahoma	30,818	96.6	63.3	33.3	0.0
Texas	142,968	96.1	46.3	21.9	27.9
Ohio	63,461	95.9	70.6	9.7	15.6
District of Columbia	17,416	95.8	27.7	64.6	3.5
Kentucky	17,763	95.8	67.3	17.7	10.8
New Jersey	48,522	95.3	68.3	17.2	9.9
New Mexico	9,299	94.9	60.9	11.4	22.6
Wisconsin	14,406	94.5	76.0	16.3	2.2
Maine	3,583	94.4	73.6	18.0	2.8
New York	74,608	94.2	84.1	8.4	1.7
Kansas	14,427	93.9	61.3	21.6	11.0
Washington	29,145	92.6	75.5	13.9	3.2
Indiana	30,379	92.1	70.5	19.4	2.3
Hawaii	3,525	91.5	50.9	24.9	15.8
Delaware	904	91.2	71.3	19.0	0.8
Alaska	2,386	90.9	66.5	23.8	0.6
Tennessee	35,352	90.7	58.2	14.1	18.4
Iowa	12,786	90.1	64.8	25.3	0.0
Puerto Rico	37,806	79.6	59.4	8.2	12.0
Virginia	77,231	68.2	43.5	16.0	8.7
Total	950,755	92.7	63.8	18.7	10.1
Without VA, PR	835,718	95.5	65.9	19.4	10.2

Estimated Number of Felony Convictions in State Courts, 1992

Offense Group	Felony Convictions
Property Offenses	297,494
Drug Offenses	280,232
Violent Offenses	165,099
Other Offenses	124,383
All Offenses	893,630
Most Serious Conviction Offense	
Drug Trafficking	170,806
Larceny	119,000
Burglary	114,630
Drug Possession	109,426
Fraud	63,864
Aggravated Assault	58,969
Robbery	51,878
Weapons	26,422
Rape	21,655
Other Violent	20,049
Murder/Manslaughter	12,548

Source: Felony Sentences in State Courts, 1992, U.S. Department of Justice, Bureau of Justice Statistics.

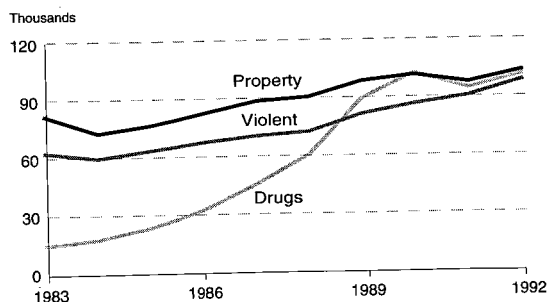
Felony Convictions

At the end of a felony trial, the judge or jury makes a decision about the guilt of the accused. If the verdict is not guilty, the case against the defendant is dismissed. If the verdict is guilty, the convicted felon may be released on bail or held in custody until sentencing. The adjacent table shows the number of felony convictions in state courts for the major crime categories defined by the Bureau of Justice Statistics. In 1992, there were close to 900,000 felony convictions in the state courts, of which roughly two-thirds involved property and drug offenses. Drug trafficking is the largest overall conviction type, comprising 19 percent of total state felony convictions.

Victim harm and the loss of offender liberties obligate the justice system to spend considerable time processing those accused of committing violent crimes. Convictions for violent crimes comprise roughly 18 percent of the state court felony convictions, with most of these involving aggravated assault and robbery cases. Rape offenses constitute 13 percent and murder cases 8 percent of violent felony convictions.

After finding a defendant guilty and investigating a defendant's criminal record and social history, the court typically hands down or sets a date for sentencing. In 1992, state courts sentenced 44 percent of convicted felons to prison, 26 percent to local jails, and 30 percent to probation. The types of defendants receiving prison sentences were divided almost equally among those convicted of property, violent, and drug offenses, although the trend lines show this has not always been the case. In 1983, felony drug offenders comprised just under 10 percent of all new prison commitments. Since that time, the number of drug offenders committed to state prisons has increased over 500 percent. The steep rise in prison sentences for drug offenders has been fueled by increased drug arrests coupled with higher rates of incarceration.

Court Commitments to State Prisons, 1983-1992



Source: Prisoners, 1992, U.S. Department of Justice, Bureau of Justice Statistics.

Felony Sentencing and Time Served

Although the judge or jury is empowered to set the sentence, the responsibility of administering the sentence usually rests with a correctional or other supervising authority. In the case of a prison commitment, the judicial sentence may be later modified through parole release or good time policies established by statute or reflected in correctional agency policy.

The information provided in the table below shows the relationship between prison sentence lengths and the amount of time served by inmates in state prisons in 1992. On average, inmates were projected to serve less than 50 percent of their court-imposed sentence, and nonviolent offenders (those convicted of property and drug crimes) were projected to serve less time than violent offenders. Those convicted of drug possession serve the least amount of time (27 percent), while those convicted of rape serve the most (50 percent).

Comparing felony arrest, caseload, disposition, and state court commitment data provides judicial policymakers with a systemwide picture of the criminal justice system. This broader perspective helps in estimating future increases or decreases in felony filings while also preparing for the changing profile of felony cases entering the state courts. Moreover, state court data can be used to forecast the impact of felony caseloads on later stages of the criminal justice system, such as corrections and parole.

Average Prison Sentences and Estimated Time to Be Served in State Prison, 1992 (in months)

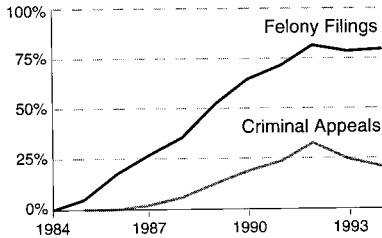
Most Serious Conviction Offense	Average Prison Sentence	Estimated Time to Be Served	Percent of Sentence Served
Murder/Manslaughter	251	110	44%
Rape	164	82	50
Robbery	117	54	46
Other Violent	88	40	46
Aggravated Assault	87	42	48
Burglary	76	27	35
Drug Trafficking	72	24	34
Fraud	69	21	30
Drug Possession	55	15	27
Weapons	55	25	46
Larceny	53	17	33
Other Offenses	53	22	42
Property Offenses	67	23	34%
Drug Offenses	67	21	32
Violent Offenses	125	58	46
All Offenses	79	30	38

Source: Felony Sentences in State Courts, 1992, U.S. Department of Justice, Bureau of Justice Statistics.

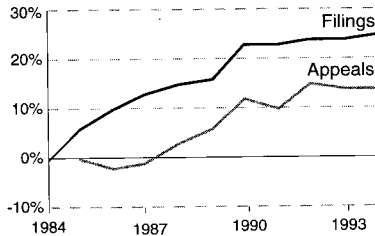
Appellate Caseloads in State Courts

Comparing State Trial Court Filing Rates and Appeals

Growth Rates of Felony Filings and Criminal Appeals, 1984-1994



Growth Rates of Civil Filings and Appeals in 25 States, 1984-1994



The volume of appeals directly affects the capacity of appellate courts to correct lower court errors and ensure uniformity in the application of laws. Even in the best managed appellate courts, the number of cases per judge can reach the point where either the quality of decisions or court productivity is diminished. Hence, it is essential for appellate courts to know their past, current, and estimated future caseload volumes, and how the volume of appeals is influencing the time to decision and the ability of judges to give adequate attention to individual appeals.

Estimating the growth rate of civil and criminal appeals requires an understanding of the factors causing appellate caseload growth. The basic source of appeals, of course, is decisions in the trial courts. The top graph displays the percentage change in felony filings in state trial courts and the percentage change in criminal appeals entering intermediate appellate courts for the period 1984 to 1994. While state-to-state differences exist, overall increases in the criminal appeal rate appear to track the felony filing data closely.

The second graph offers a similar comparison between the annual percentage change in civil filings in trial courts and the annual percentage change in the number of civil appeals filed in intermediate appellate courts over 11 years. There appears to be a relationship over time between civil filings in the trial courts and the number of civil appeals, but with a lag of two years. That is, trial court filing rates of two years ago are driving the size of appellate filing rates today.

Appellate Caseload Filings and Trends Nationwide





Appeals offer litigants the opportunity to modify an unfavorable trial court decision by convincing an appellate court that the lower court judgment was based on a reversible error. The party bringing the appeal might contend that the trial court erred when it allowed inadmissible testimony, the jury was given improper instructions, or the trial court misinterpreted the correct meaning of a state statute or the state constitution.

More appeals were filed in the state appellate courts in 1994 than in any preceding year. The total number of appellate filings was 263,693, an increase of 3 percent over the previous year. In those courts where the number of cases is rising but the size of the judiciary or court staff is not, appellate judges have less time to review the record, to read the briefs, to hear oral argument, to discuss the case, and to prepare an order or opinion resolving the case. Increased demands on the available work time mean that judicial and court support staffing levels must be assessed and the search continued for more efficient and productive ways of handling cases.

Most of the quarter million appeals were filed in intermediate appellate courts (IAC) and fall within their mandatory jurisdiction. Mandatory appeals (189,553) are cases appellate courts must hear as a matter of right. For every discretionary petition that an IAC is asked to review, there are 7.5 appeals of right that IACs must accept.

Discretionary appeals are the largest segment of caseload in most courts of last resort (COLR). In 1994, COLRs heard 52,922 discretionary appeals, an increase of 6 percent over the level in 1993.

Total Appellate Caseloads, 1994

IAC - Mandatory		160,737
COLR - Discretionary		52,922
COLR - Mandatory		28,816
IAC - Discretionary		21,218

Appellate Caseloads in the States

Ten states (California, Florida, New York, Texas, Pennsylvania, Michigan, Ohio, Louisiana, Illinois, and New Jersey) account for a sizable majority (61 percent) of the nation's appellate filings. Fluctuations in the volume of appeals in these states affect the national picture significantly.

At the other end of the spectrum, 15 states had fewer than 1,400 appeals filed in their appellate courts in 1994. In ten of these states, the COLR is the only court of review.

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

The size of appellate caseloads varies dramatically across the states, with Wyoming reporting as few as 300 and California as many as 28,000 appeals in 1994. The adjacent table ranks the states according to their number of filings, and separates caseloads into mandatory and discretionary categories. Because appellate caseloads are highly correlated with population, the adjacent table also shows the volume of appeals per 100,000 population.

Taking population into account reduces the variation in appellate filing rates considerably, with most states falling between 64 filings per 100,000 population and 150 appeals per 100,000. Louisiana has an unusually high rate of appeals, and the Carolinas have an unusually low rate of appeals. On the other hand, larger states, such as California and Texas, though having large numbers of appeals, actually have filing rates near the median (Montana with 87 filings per 100,000 population). Eight of 12 states with a COLR but no IAC have appellate filing rates below the median.

Total Appellate Court Filings, 1994

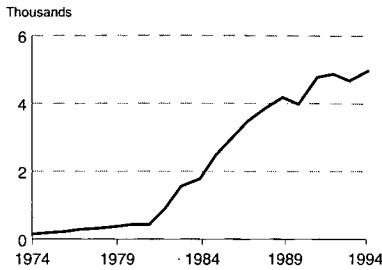
State	Total Filings	Type of Filing		Population Rank	Appeals per 100,000 Population
		Mandatory	Discretionary		
California	28,171	14,294	13,877	1	90
Florida	20,951	16,474	4,477	4	150
New York	18,087	13,499	4,588	3	100
Texas	15,771	12,900	2,871	2	86
Pennsylvania	15,145	12,299	2,846	5	126
Michigan	14,682	11,500	3,182	8	146
Ohio	13,801	11,844	1,957	7	124
Louisiana	12,325	4,213	8,112	21	286
Illinois	12,010	10,115	1,895	6	102
New Jersey	10,511	7,558	2,953	9	133
Georgia	5,865	4,008	1,857	11	83
Missouri	5,518	4,737	781	16	105
Oregon	5,442	4,641	801	29	176
Washington	5,157	3,616	1,541	15	97
Alabama	5,032	4,324	708	22	119
Virginia	4,892	734	4,158	12	75
Arizona	4,885	3,466	1,419	23	120
Oklahoma	4,774	4,262	512	28	147
Wisconsin	4,503	3,345	1,158	18	89
Kentucky	4,225	3,393	832	24	110
Massachusetts	3,891	2,191	1,700	13	64
Tennessee	3,850	2,584	1,266	17	74
Colorado	3,564	2,449	1,115	26	97
Minnesota	3,438	2,588	850	20	75
Maryland	3,255	2,217	1,038	19	65
Indiana	3,051	2,379	672	14	53
Kansas	2,656	2,131	525	32	104
West Virginia	2,442	NJ	2,442	35	134
North Carolina	2,410	1,531	879	10	34
Iowa	2,154	2,154	NA	30	76
District of Columbia	1,707	1,689	18	50	299
New Mexico	1,669	984	685	36	101
Arkansas	1,658	1,658	NA	33	68
Utah	1,552	1,416	136	34	81
Nebraska	1,445	1,253	192	37	89
Connecticut	1,400	1,221	179	27	43
Nevada	1,256	1,256	NJ	38	86
Alaska	1,090	840	250	48	180
Mississippi	1,073	1,013	60	31	40
Maine	1,038	1,038	NA	39	84
South Carolina	954	904	50	25	26
Hawaii	943	905	38	40	80
New Hampshire	880	NJ	880	41	77
Idaho	787	660	127	42	69
Rhode Island	760	463	297	43	76
Montana	744	633	111	44	87
Vermont	657	634	23	49	113
Delaware	488	488	0	46	69
South Dakota	408	351	57	45	57
North Dakota	391	366	25	47	61
Wyoming	335	335	NJ	51	70
Totals	263,693	189,553	74,140		

NJ = No jurisdiction NA = Not available

Note: States in bold have no intermediate appellate court. Data are for all appellate courts—COLRs and IACs.

Appellate Caseload Filing Trends

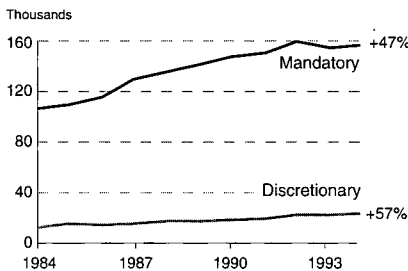
Louisiana IAC Discretionary Caseload, 1974-1994



Mandatory appeals in IACs have grown at an average rate of nearly 5 percent per year between 1984 and 1994. IAC discretionary caseloads, while smaller in number, have grown at an even faster rate. The IAC discretionary filing trend is strongly shaped by the dramatic increases in Louisiana's Court of Appeals. In fact, the national growth rate falls about 16 percent if Louisiana is removed from the analysis.

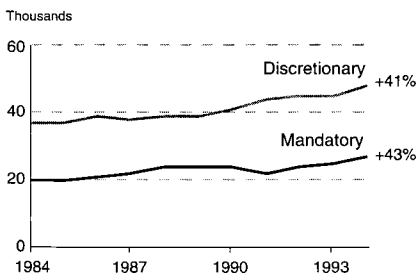
COLR caseloads have grown steadily over the past decade. This rising tide of appeals causes unique problems for COLRs because the number of justices remains fixed.

Intermediate Appellate Court Caseloads, 1984-1994



Undoubtedly, there are many reasons why the volume of appeals changes over time, including the opportunity for indigent criminal defendants to file appeals with the support of publicly appointed counsel and the effects of changing economic conditions (e.g., a recession may depress particular types of litigation and stimulate other types). Continued growth has led to two key developments in appellate courts. A central staff of lawyers on a career track within the court, as opposed to a one- or two-year clerkship with a specific judge or justice, is one mechanism used by appellate courts to cope with rising caseload volume. This central staff screens incoming appeals, prepares memoranda, and sometimes drafts proposed opinions. A second development, exercised primarily in IACs, is the use of expedited procedures for selected cases. These typically involve routing less complex appeals through a shortened process that may involve, for example, preargument settlement conferences, advance queue or fast tracking, and the elimination of oral argument.

Caseloads in Courts of Last Resort, 1984-1994

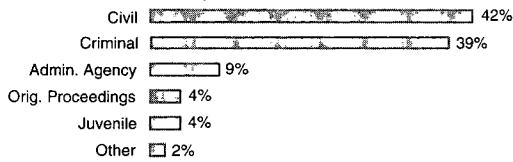


Composition of Appellate Caseloads

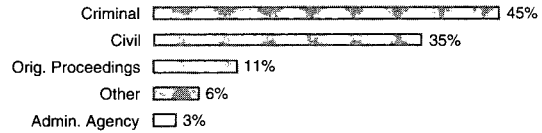
The charts below show the composition of appeals. Criminal and civil appeals dominate the workload of both appellate levels. Criminal appeals are usually brought by a defendant convicted at trial. These individuals most often allege trial court error, ineffective assistance of counsel, or incorrect sentencing.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

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

Composition of Mandatory Appeals in IACs, 1994



Composition of Discretionary Petitions in COLRs, 1994



Original Proceedings and Disciplinary Matters in Appellate Courts, 1994

State	Original Proceedings	State	Disciplinary Matters
California	8,794	Florida	514
Texas	3,734	California*	433
Florida	2,366	New Jersey	191
Illinois	1,489	Georgia	169
Alabama	1,281	D.C.	111
Missouri	1,048	Arizona	105
Pennsylvania	944	Ohio	100
Arizona	638	Kentucky	97
West Virginia	571	Indiana	89
Washington	564	Colorado	82
Virginia	552	West Virginia*	69
Oregon	550	Missouri	58
Tennessee	483	Maryland	57
Colorado	376	Louisiana	53
Indiana	352	Michigan*	50
Georgia	316	Nevada	46
Ohio	284	Idaho	43
Kentucky	278	Oregon*	43
Maryland	266	Minnesota	34
Montana	222	Wisconsin*	33
Nevada	187	Kansas	26
Kansas	171	New Mexico	25
New Mexico	143	Wyoming	25
Wisconsin	102	Delaware	19
Arkansas	101	Alaska	18
Minnesota	89	Rhode Island	18
Hawaii	82	New York	15
Mississippi	69	Alabama	14
Louisiana	62	Vermont	14
Idaho	56	Washington*	11
Alaska	51	North Dakota	10
North Dakota	48	South Carolina	8
Wyoming	48		
Rhode Island	47	Total	2,580
D.C.	32		
South Dakota	27		
Utah	27		
South Carolina	26		
Delaware	19		
Michigan	15		
Vermont	13		
Total	26,523		

* Indicates discretionary filings.
 Note: States in bold do not have an IAC.

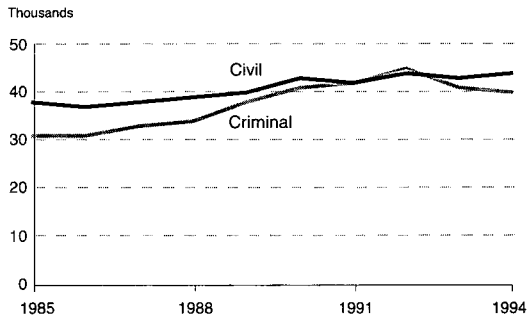
Focusing strictly on appeals does not provide a comprehensive picture of the work of appellate courts. Of course the review of lower court decisions is central, but in some instances appellate courts exercise original jurisdiction and act upon a case from its beginning. Examples of original proceedings are cases such as postconviction remedy, sentence review, and disputes over elections that are brought originally to the appellate court. The table here shows how the more than 26,000 original proceedings were spread across states in 1994.

Another category of appellate cases involves the supervisory jurisdiction of appellate courts over any conduct of judges or attorneys that affects their official duties. The table also shows disciplinary filings that were reported from 32 states. Florida heads this list with its 514 disciplinary cases, and the District of Columbia is notably high (111 filings) in comparison to other states listed.

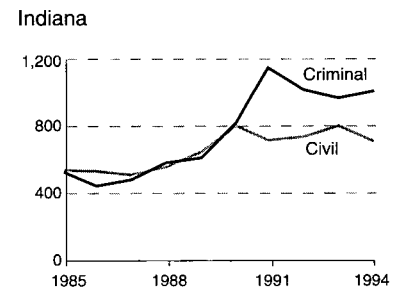
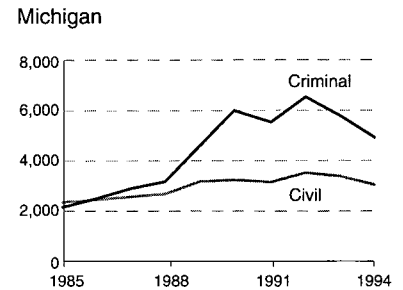
Trends in Civil and Criminal Appeals

This analysis focuses on the growth in civil and criminal appeals in COLRs and IACs for the largest portions of their respective caseloads—discretionary petitions for COLRs and mandatory appeals for IACs.

Mandatory Appeals in IACs, 1985-1994



Mandatory Appeals in IACs in Selected States, 1985-1994

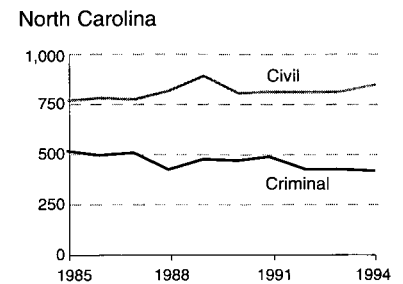
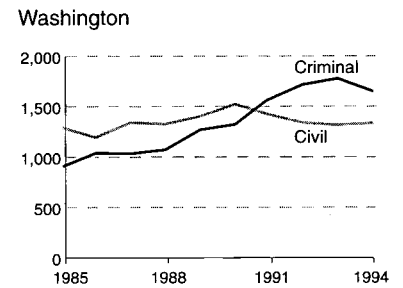


Mandatory Appeals in Intermediate Courts of Appeal

In state intermediate appellate courts, the volume of mandatory civil appeals increased by 14 percent and the volume of criminal appeals grew by 28 percent between 1985 and 1994. A more complete understanding of these aggregate growth patterns emerges by examining the connection between the national patterns and the patterns in individual states.

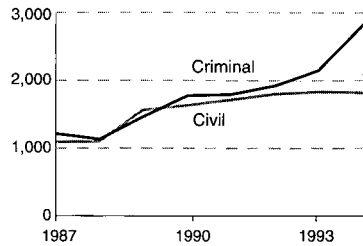
First, there are states where the growth rate in the number of appeals filed each year is extraordinary. In Michigan and Indiana, for example, the number of criminal appeals nearly tripled between 1985 and 1991, before slowing in recent years. Civil appeals also showed substantial growth in both states.

A second cluster of states shows dramatic change in one type of appeal and relative stability in the other. In Washington state, criminal appeals increased more than 81 percent, while civil appeals increased just 4 percent from 1985 to 1994. A third cluster of states, typified by North Carolina, shows long-term stability in filing rates, if not actual declines in the number of appeals.

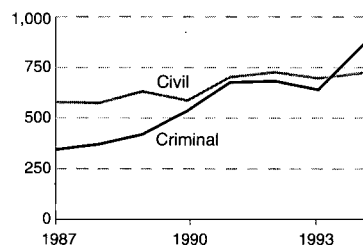


Discretionary Petitions in COLRs for Selected States, 1987-1994

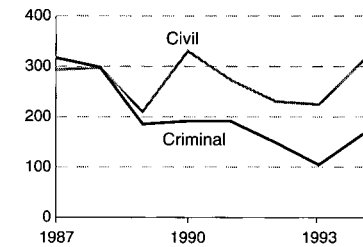
California



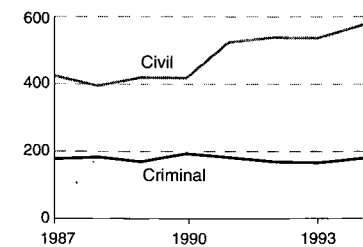
Virginia



North Carolina



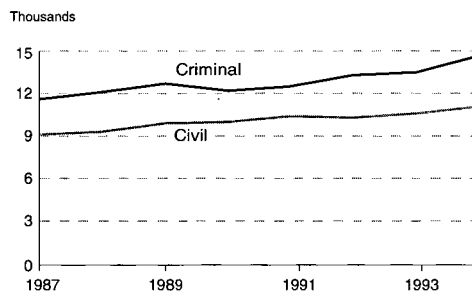
West Virginia



Discretionary Petitions in Courts of Last Resort

In 30 states, the majority of the workload of COLRs is deciding cases brought through discretionary petitions. For the period 1987 to 1994, 13 states were able to provide statistics on the number of discretionary civil petitions filed in their state supreme courts and 14 courts provided similar information for discretionary criminal appeals.

Discretionary Petitions in COLRs, 1987-1994



Trends at the national level are strongly influenced by the volume and growth in California. There is a good deal of variation, however, among the individual states. Virginia, for example, with a 152 percent increase in discretionary criminal appeals since 1987, mirrored California, with a growth rate of 133 percent. On the other hand, the North Carolina COLR has shown a steady decline in criminal appeals (-47 percent) and only slight growth in civil appeals (7 percent). Virginia and North Carolina are neighboring states with similar populations, and both have an IAC and seven supreme court justices. Yet, Virginia shows the biggest increase and North Carolina the greatest decrease in discretionary criminal appeals for the period 1987 to 1994.

West Virginia, a state without an intermediate appellate court and where the jurisdiction of the COLR is entirely discretionary, continued to register growth in its civil caseload (36 percent) and experienced essentially no change in the number of criminal appeals accepted for review. Notably, the number of workers' compensation appeals also grew by 34 percent, and this growth trend is expected to continue.

As appeals of right increase in intermediate appellate courts, the caseloads of COLRs will also likely rise unless they lower the percentage of petitions granted. Rising workload is a critical issue for courts of last resort in that they are fixed in size by state constitution; additional justices are rarely added to these courts.

Discretionary Review in Courts of Last Resort

State COLRs granted, on average, 11 percent of the discretionary petitions filed in 1994. This selection process is shown by comparing the number of petitions filed with the number granted for the COLRs of 22 states.

The number of justices needed to grant review and the percentage of petitions granted are shown in the adjacent table. In states that require a majority of justices to grant certiorari, courts grant, on average, 6.8 percent of petitions; in states that allow a minority of the court to accept a petition for review, courts grant an average of 15.9 percent. In other words, if a larger proportion of COLR justices is needed to accept a case for review, fewer petitions tend to be granted.

Although discretionary jurisdiction enables appellate courts to control their dockets, it does not necessarily resolve the problem of workload. The process of reviewing discretionary petitions is resource-intensive and takes an increasing amount of time as the number of discretionary petitions continues to rise. The number of discretionary petitions has increased by 53 percent since 1984.

Discretionary Petitions Granted in 22 Courts of Last Resort, 1994

Majority	Share of Petitions Granted	Number of Petitions Filed	Number of Petitions Granted	Number Needed to Grant Review
West Virginia	27.8%	2,442	679	3 of 5
Alaska	19.1	199	38	3 of 5
South Dakota	8.8	57	5	3 of 5
Indiana	6.0	672	40	3 of 5
Louisiana	17.1	3,028	517	4 of 7
Illinois	6.9	1,895	130	4 of 7
Georgia	6.7	1,246	83	4 of 7
Missouri	6.4	781	50	4 of 7
Montana	5.4	111	6	4 of 7
Michigan	3.6	3,182	116	4 of 7
California	1.4	6,760	97	4 of 7
Ohio	7.6	1,957	148	5 of 9
Median	6.8			
Minority				
Texas	10.8%	2,871	309	4 of 9
Massachusetts	29.1	684	199	3 of 7
North Carolina	22.3	489	109	3 of 7
Minnesota	18.0	774	139	3 of 7
Maryland	15.0	688	103	3 of 7
Oregon	14.2	801	114	3 of 7
Kansas	6.7	525	35	3 of 7
Tennessee	9.7	828	80	2 of 5
Connecticut	27.5	247	68	2 of 7
Mississippi	16.7	60	10	Varies
Median	15.9			

Intermediate Appellate Court Clearance Rates

One measure of whether an appellate court is keeping up with its caseload is the court's clearance rate. A rate below 100 percent indicates that fewer cases were disposed than were accepted for review in that year. The adjacent table includes clearance rates for intermediate appellate courts and distinguishes between mandatory appeals and discretionary petitions.

IACs are having moderate success in keeping up with their mandatory caseloads: 18 of the 37 states have a three-year clearance rate of 100 percent or greater, with an additional nine states clearing 95 percent or more. Michigan and New York have very high three-year clearance rates (137 percent and 113 percent, respectively) and apparently are starting to cut into their backlog of cases. The remaining ten states, however, show a backlog that is growing by at least 3 percent each year. This backlog is cause for concern because the bulk of the nation's appeals are mandatory cases handled by IACs.

Intermediate appellate courts are experiencing some difficulties in disposing of their discretionary petitions. Only three of the 14 states for which discretionary data are available achieved three-year clearance rates of 100 percent or more.

Clearance Rates in Intermediate Appellate Courts, 1992-1994

State	Clearance Rates			
	1992-94	1992	1993	1994
Mandatory Appeals				
Michigan	137%	115%	141%	159%
New York	113	106	113	120
Oregon	109	99	128	103
Arizona	108	87	129	114
South Carolina	108	110	103	112
Alaska	107	119	107	96
Idaho	107	90	112	125
Louisiana	107	109	107	105
California	106	113	102	101
Ohio	104	105	103	105
Oklahoma	103	122	84	109
Georgia	102	102	104	102
Utah	102	92	102	113
Iowa	102	102	98	107
Colorado	101	106	103	96
Maryland	101	103	101	100
Minnesota	100	97	103	100
Florida	100	96	100	104
Illinois	99	93	96	107
Arkansas	98	110	94	91
Washington	98	95	99	101
Alabama	97	102	98	92
Texas	97	87	102	103
New Jersey	97	94	98	98
Pennsylvania	96	93	101	94
Wisconsin	96	92	98	98
Missouri	95	95	94	96
North Carolina	94	84	87	111
Kentucky	94	93	97	92
Tennessee	93	100	94	86
Indiana	91	98	85	92
Kansas	91	93	91	89
Connecticut	89	90	89	87
Massachusetts	87	81	97	83
North Dakota	81	57	117	100
Nebraska	68	43	105	76
Hawaii	50	67	42	43
Discretionary Petitions				
Virginia	119	123	125	110
Alaska	102	95	104	110
Massachusetts	100	100	100	100
Louisiana	98	98	98	98
Georgia	98	100	99	91
California	96	83	101	102
Washington	95	90	104	92
North Carolina	94	100	85	97
Kentucky	93	77	104	95
Minnesota	93	99	80	99
Florida	91	91	94	88
Maryland	89	100	100	73
Arizona	87	84	86	91
Tennessee	65	77	50	74

Appendices

Annotations and Sources

Overview

- Page 10 **Cases Filed in State Courts, 1984-1994**
Types of Cases Filed in State Courts, 1994
Data were available from all 50 states, the District of Columbia, and Puerto Rico.
- 11 **Number of Parking Filings in 13 States, 1989-1994**
Includes: AL, CA, HI, MD, MN, NH, NJ, NM, NY, SD, TX, UT, WA
- 12 **State Trial Court Filings by Court Jurisdiction, 1994**
Data were available from all 50 states, the District of Columbia, and Puerto Rico.
- 13 **Composition of Case Filings in State Courts, 1984 vs. 1994**
Data were available from all 50 states, the District of Columbia, and Puerto Rico.
- 13 **State Trial Caseload Composition - Traffic vs. Nontraffic, 1984-1994**
For more information on the processing of traffic caseloads, see J. Goerdt, [Small Claims and Traffic Courts: Case Management Procedures, Case Characteristics, and Outcomes in 12 Urban Jurisdictions](#) (National Center for State Courts, 1992).
- 22 **Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1984-1994**
Civil includes all 50 states, DC, and Puerto Rico.
Tort includes: AK, CA, CO, FL, HI, ID, KS, ME, MD, MI, ND, OK, TN, TX, UT, WA
Criminal includes all 50 states, DC, and Puerto Rico
Felony excludes: AL, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NC, PA, PR, SC, TN, VT
See B. Ostrom and G. Gallas, Case Space: Do Workload Considerations Support a Shift from Federal to State Court Systems?, 14 State Court Journal (No. 3, Summer 1990).

Civil

- Page 23 **Civil Cases Filed in State Trial Courts, 1984-1994**
Data were available from all 50 states, the District of Columbia, and Puerto Rico.
- 23 **Civil Caseload Composition in General Jurisdiction Courts in 17 States, 1990 vs. 1994**
Includes: AZ, CO, CT, FL, HI, KS, ME, MD, MN, MO, NV, ND, TN, TX, UT, WA, WI
- 23 **Civil Caseload Composition in Limited Jurisdiction Courts in 13 States, 1994**
Includes: AL, AK, AZ, FL, HI, IN, KY, NH, NY, ND, OH, OR, TX
- 27 **General Jurisdiction Court Civil Caseload Clearance and Growth Rates in 43 States**
Excludes: CA, GA, LA, MS, NV, ND, PR, RI, WY

Torts

- Page 32 **Tort Filings in General Jurisdiction Courts in 16 States, 1975-1994**
Includes: AK, CA, CO, FL, HI, ID, KS, ME, MD, MI, ND, OH, TN, TX, UT, WA
- 32 **Tort Filings in Arizona General Jurisdiction Courts, 1984-1994**
Arizona data are derived from the Data Reports Appellate and General Jurisdiction, 1984-1994.

- Page 34 **Manner of Disposition in Tort Cases, 1992**
 35 **Median Case Processing Time in Tort Cases**
Percent of Tort Cases Disposed
 36 **Plaintiff Win Rates in Tort Jury Trials, 1992**
Jury Awards in Tort Cases, 1992
Percent of Jury Awards in Tort Cases Over \$1 Million, 1992
 37 **Median Punitive Damage Awards in Tort Jury Trials**
Mean Punitive Damage Awards in Tort Jury Trials
 38 **Median Case Processing Time in Tort Jury Trials**
Case Disposition Time in Tort Jury Trials
 The data for all of the above are derived from the Civil Trial Court Network (CTCN), a Bureau of Justice Statistics sponsored project that includes data from 45 of the 75 largest counties

Domestic Relations

- Page 39 **Domestic Relations Filings in General and Limited Jurisdiction Courts, 1984-1994**
 Includes all states, DC, and Puerto Rico.
- 40 **Domestic Relations Cases by Type, 1988-1994**
Divorce: Includes 35 states, Puerto Rico, and DC. Excludes: AL, AZ, GA, IL, KY, LA, MS, MO, NE, NH, NM, OR, SC, WA, WY
Support/Custody: Includes 18 states.
 AR, CO, CT, DE, DC, FL, ID, MD, MA, MI, NJ, NY, NC, ND, OH, PA, VA, WI
Domestic Violence: Includes 21 states.
 AK, AZ, DC, FL, ID, IA, ME, MD, MA, MI, MN, NH, NJ, NY, ND, OH, RI, VT, VA, WA, WY
Paternity: Includes 19 states.
 AK, CO, CT, DC, HI, IN, KS, LA, MD, MI, MO, NV, NY, ND, OH, OR, RI, UT, WI
URESAs: Includes 18 states.
 AK, AR, CO, DC, FL, HI, IA, KS, ME, MA, MI, MN, NC, OH, OK, TN, TX, VT
Adoption: Includes 31 states and DC. Excludes: AL, CA, FL, GA, IL, IA, LA, ME, MS, NC, NM, OK, PR, RI, SC, TX, UT, VT, VA, WY

Domestic Relations Caseload Composition, 1994

- Divorce:** Includes 26 states.
 AK, AZ, AR, CO, CT, DC, FL, HI, KS, LA, MA, MI, MN, MO, NJ, NM, NY, NC, ND, OH, OR, PR, RI, TN, UT, VT
- Custody:** Includes 16 states.
 AR, CO, CT, DC, FL, LA, MA, MI, NJ, NM, NC, ND, OH, OR, PR, UT
- Domestic Violence:** Includes 20 states.
 AK, AZ, AR, CT, DC, FL, HI, KS, LA, MA, MN, MO, NJ, NM, ND, OH, OR, RI, UT, VT
- Miscellaneous:** Includes 22 states.
 AZ, AR, CO, CT, FL, HI, LA, MA, MI, MN, MO, NJ, NM, NC, ND, OH, OR, PR, RI, TN, UT, VT
 Miscellaneous domestic relations for statistical reporting purposes is a residual category used to include domestic relations cases other than marriage dissolution, support/custody, URESAs, adoption, domestic violence, and paternity.

Page 40 **Domestic Relations Caseload Composition, 1994**

Paternity: Includes 17 states.

AK, AR, CO, CT, DC, HI, KS, LA, MA, MI, MO, NM, ND, OH, OR, PR, UT

URESA: Includes 22 states.

AK, AR, CO, CT, DC, FL, HI, KS, LA, MA, MI, MN, MO, NM, NC, OH, OR, PR, RI, TN, UT, VT

Adoption: Includes 20 states.

AK, AZ, AR, CO, DC, HI, KS, LA, MA, MN, MO, NJ, NM, ND, OH, OR, PR, RI, TN, UT

Juvenile

Page 46 **Juvenile Filings in State Courts, 1984-1994**

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

Juvenile Caseload Composition in State Courts, 1994

Includes 20 states: AL, AR, DC, HI, LA, MD, MA, MI, MN, MO, NH, NM, NY, NC, ND, OH, OK, TN, UT, WA

Criminal

Page 50 **Criminal Cases Filed in State Courts, 1984-1994**

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

51 **Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1994**

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

Criminal Caseload Composition by Court Jurisdiction, 1994

General Jurisdiction

Includes: AZ, AK, IN, KS, LA, ME, MO, NM, NC, OK, OR, TX, VT, VA, WA, WV, WY

Unified Systems

Includes: CT, DC, ID, IL, IA, MA, MN, SD, WI

Limited Jurisdiction

Includes: AZ, AK, CO, FL, HI, LA, MO, MI, NH, NM, OH, SC, UT, WA, WY

52 **DWI Filings in 23 States, 1985-1994**

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

Felony

Page 58 **Felony Cases Filed in General Jurisdiction Courts in 32 States, 1984-1994**

Excludes: AL, CT, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NM, PA, PR, SC, TN

61 **Relationship Between Felony Filings and Dispositions, 1984-1994**

Includes 30 states. Excludes: AL, AR, DE, FL, GA, ID, KY, LA, MD, MA, MI, MS, MT, NE, NV, NH, ND, PA, SC, TN, UT, VT

Appellate

There are 12 states that do not have IAC's (DE, DC, ME, MT, MS, NV, NH, RI, SD, VT, WV, WY), and any IAC graphics will not pertain to these states.

Note: Puerto Rico does not report appellate data to CSP.

- Page 70 **Growth Rates of Felony Filings and Criminal Appeals, 1984-1994**
Includes 18 IACs: AK, AZ, CA, HI, ID, IL, IN, IA, KY, MD, MA, MN, MO, NC, OH, OR, TX, WI
- Growth Rates of Civil Filings and Appeals in 25 States, 1984-1994**
Includes 25 IACs: AL, AZ, AR, CA, HI, ID, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, PA, SC, TX, VA, WA, WI
- 71 **Total Appellate Caseloads, 1994**
COLR and IAC mandatory data are from all states and DC.
IAC discretionary data excludes four states that have IACs: IL, KS, NY, UT
- 74 **Louisiana IAC Discretionary Caseload, 1974-1994**
Louisiana data are derived from the Judicial Council of the Supreme Court of Louisiana, Annual Reports 1974-1994.
- Intermediate Appellate Court Caseloads, 1984-1994**
All 39 states that have an IAC are represented on the table. Note some states did not have an IAC for all of the 11 years represented, but these newly created IACs are included from the year they were established.
- Caseloads in Courts of Last Resort, 1984-1994**
All 50 states and DC are represented.
- 75 **Composition of Mandatory Appeals in IACs, 1994**
Includes 19 states: AK, AL, AR, AZ, HI, IL, IN, KS, KY, LA, MN, NC, NM, OH, OR, PA(Superior Court), TN, UT, VA
- Composition of Discretionary Appeals in COLRs, 1994**
Excludes 21 states: AR, CO, CT, DE, DC, FL, HI, ID, IA, KS, ME, MD, MA, MO, MT, NE, NH, NJ, PA, SC, UT
- 77 **Mandatory Appeals in IACs, 1985-1994**
 Civil includes 25 states: AL, AZ, AR, CA, HI, ID, IN (Courts of Appeal and Tax), IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, PA (Superior and Commonwealth) SC, TX, VA, WA, WI
 Criminal includes 26 states: AL, AK, AZ, AR, CA, HI, ID, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, NM, NC, OH, OR, SC, TX, UT, WA, WI
- 78 **Discretionary Petitions in COLRs, 1987-1994**
 Civil includes 13 states: CA, IL, LA, MI, MN, NY, NC, OH, OR, VA, WA, WV, WI
 Criminal includes 14 states: CA, IL, LA, MI, MN, NY, NC, OH, OR, TX, VA, WA, WV, WI

Court Statistics Project Methodology

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

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

Examining the Work of State Courts, 1994, and *State Court Caseload Statistics, 1994* are intended to enhance the potential for meaningful state court caseload comparisons. Because there are 50 states and thus 50 different state court systems, the biggest challenge is to organize the data for valid state-to-state comparison. The COSCA/NCSC approach also highlights some aspects that remain problematic for collecting comparable state court caseload data.

A discussion of how to use state court caseload statistics, a complete review of the data collection procedures, and the sources of each state's 1994 caseload statistics are provided in the companion volume to this report, *State Court Caseload Statistics, 1994*.

State Court Caseload Statistics, 1994

The analysis presented in *Examining the Work of State Courts, 1994* is derived in part from the data found in *State Court Caseload Statistics, 1994*. The information and tables found in this latter volume are intended to serve as a detailed reference on the work of the nation's state courts. *State Court Caseload Statistics, 1994* is organized in the following manner:

State Court Structure Charts display the overall structure of each state court system on a one-page chart. Each state's chart identifies all the courts in operation in that state during 1994, describes their geographic and subject matter jurisdiction, notes the number of authorized judicial positions, indicates whether funding is primarily local or state, and outlines the routes of appeal between courts.

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

1994 State Court Caseload Tables contain detailed information from the nation's state courts. Six tables detail information on appellate courts and an additional six tables contain data on trial courts (Tables 1-12). Tables 13-16 describe trends in the volume of case filings and dispositions for the period 1984-1994. These displays include trend data on mandatory and discretionary cases in state appellate courts and felony and tort filings in state trial courts over the past 11 years.

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

The NCSC Court Statistics Project

The Court Statistics Project can provide advice and clarification on the use of the statistics from this and previous caseload reports. Project staff can also provide the full range of information available from each state. The prototype data spreadsheets used by Project staff (displayed in the appendix of *State Court Caseload Statistics, 1994*) reflect the full range of information sought from the states. Most states provide far more detailed caseload information than can be presented in this report. Comments, suggestions, and corrections from users of *Examining the Work of State Courts, 1994* and *State Court Caseload Statistics, 1994* are encouraged, and can be sent to:

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A joint project of the Conference of State Court Administrators,
the State Justice Institute, the Bureau of Justice Statistics and NCSC

