STATE APPELLATE COURT ADAPTATION TO CASELOAD GROWTH

Final Report

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INTRODUCTION

This report is intended to be a thorough documentation of our research concerning adaptations to rising caseloads made by state appellate courts since 1968. Its primary purpose is to document the research procedure and the data gathered for scholars who desire information beyond that contained in published accounts of the research. That is, the report provides information that is far more detailed than that typically found in articles and books presenting research results, but that is necessary for full understanding of the research. This lengthy documentation is also necessary for scholars wishing to use the data set.

Part I - the first three chapters - gives the basic substance of the research: the reasons for the research, the findings concerning what changes state appellate courts have made, and the regression analysis to determine which changes have helped the courts increase decision output. Chapter 1 of this Part is based on findings from 41 states, and does not include for states - Alabama, Michigan, Pennsylvania, and South Carolina - that were added later.

Part II gives detailed information about the variables used in the research - including the variable coding, definitions of the variables, sources of the data, and problems encountered when constructing the variables. This is the key part for anyone wishing to use the data set.

Part III contains further analysis of the data, going beyond that done in Part I. It explores different regression designs and tests the impact of using different combinations of independent variables. This analysis, unlike that in Chapter 3, does not include the four states added later.

Part IV specifies the content of the data gathered in each of the 45 states in the analysis; it gives the sources of the data and contains tables presenting statistics for the key variables.

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CHAPTER 1

THE ISSUES: APPELLATE COURT ADAPTATIONS TO CASELOAD INCREASES

1.1 Introduction.

Appellate caseloads have increased dramatically in recent years. They more than doubled in the 1973-83 decade[1], and they probably grew just as rapidly in the 1960's.[2] This created extreme pressures on appellate courts to increase output, and they have adopted a wide variety of measures in response, often radically changing their structure and procedures. Another result of the caseload pressures has been an enormous body of literature about how the appellate courts might adapt, more than 700 articles, books, and reports since the late 1960's.[3] These writings propose a wide variety of remedies, and they frequently speculate concerning the effectiveness of the various remedies proposed.

The purpose of this research is to document and evaluate the changes made by appellate courts in response to the caseload explosion. Simply stated, the research addresses three overlapping questions: Exactly what changes have appellate courts made since 1968? What has been the impact of each change on the courts' outputs (the number of cases

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[1] The Growth of Appeals, 1973-83 Trends (Bureau of Justice Statistics Bulletin, February 1985). Filings grew by 112 percent in the 43 states with information.

[2] Thomas Marvell, "Appellate Court Caseloads: Historical Trends," 4 Appellate Court Ad. Rev. 3 (1983); Thomas Marvell, "Court Caseloads Are Increasing Greatly," 24 Judges' J. __ (forthcoming, Winter 1985). This information is based on filing data from fourteen states. This growth follows a dramatic decline in filings during the Depression and World War II.

[3] See the bibliography prepared for this research: Thomas Marvell, "Bibliography: State Appellate Court Adaptation to Caseload and Delay Problems," (Court Studies, 1985).

decided) and productivity (cases decided per judge)? And have appellate courts been able to increase output in proportion to the increased caseload demands?

The last question is the easiest to answer, and the answer is clearly yes. The appellate courts have been increasing output at roughly the same pace as filings have increased.[4]

The issue then becomes: how have the courts been able to increase output? This chapter describes the various techniques used and documents the extent to which they have been adopted by the courts. The techniques are organized into seven categories: 1) adding judges, including the use of temporary judges, 2) employing law clerks and staff attorneys, 3) curtailing opinion practices by deciding cases without opinion or by unpublished and memorandum opinions, 4) creating or expanding intermediate appellate courts, 5) reducing panel size, 6) curtailing oral argument, and 7) using summary procedures.

The information concerning the adaption of procedures was gathered for 41 states for the period 1968-84,[5] and the following discussion is imited to these states and years.

There are several reasons why it is important to document and evaluate the adaptations. The simple documentation will provide judges and other judicial system decision-makers with a range of alternative means for adapting to rising caseloads. Also, the extent that a practice is adopted nationwide provides helpful information concerning its merit; one can usually assume that an innovation widely adopted is more acceptable to the judges and bar. Although much has been written on the topic, information about what courts have done and are now doing is widely scattered and often inaccurate.[6]

A more important issue is the effectiveness of the various changes. Although a moderate amount of empirical research has addressed changes made to increase appellate

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[4] See Section 1.3 below.

[5] These states are those for which decision data are available, although in one state, Vermont, the decision data was later found to be inadequate and was not used in the regression analysis. For five states the data was not available for one to five years after 1968. See Table 6.1.

[6] These writings are listed in Marvell, supra note 3. See especially the surveys of appellate procedure listed in Chapter 12.

court output, the research has not provided much more than common sense knowledge concerning whether the changes have had an impact and, if so, which changes have the most impact. An important 1933 research effort[7] obtained information about the number of published opinions in 1900-30 for most appellate courts, and it explored the impact of various changes, such as using commissioners, on opinion output. Research methodologies available at the time, however, did not enable the researchers to distinguish the impact of several changes made in a court. More recent research has been even less sophisticated. Several scholars have tried to determine impacts by obtaining judges' opinions on the merits of the changes.[8] Least informative have been studies that explore the impact of single changes in single courts. These studies are discussed in the sections of this chapter that pertain to the particular change evaluated. The studies employ the before-and-after evaluation technique, a discredited research design for determining the impact of changes.[9] The major purpose of the present research is to evaluate the changes using acceptable research techniques (as described in Chapter 2), thus enabling judges and court administrators to evaluate the impact of specific changes on the output of their appellate courts.

An important qualification is that the impact of the changes on output can provide only some of the information needed to evaluate the changes. The impact on output must be balanced against monetary costs and quality considerations. Although the costs of changes depend on factors particular to individual courts, court managers can easily estimate the relative costs of different changes by calculating the cost of additional judges, staff personnel, and office space needed. Other monetary costs are comparatively small.

Quality considerations are extremely important; many judges and commentators have complained that some changes appellate courts are making reduce the quality of appellate

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[7] Curren and Sunderland, "The Organization and Operation of Courts of Review, An Examination of the Various Methods Employed to Encrease the Operating Capacity and Efficiency of Appellate Courts," in Third report of the Judicial Council of Michigan 52-246 (1933).

[8] For example, Osthus and Shapiro, Congestion and Delay in State Appellate Courts (American Judicature Society 1974).

[9] This point is explained in Chapter 2, Section 1.

justice.[10] Equally damaging, the changes may lead lawyers and litigants to fear that the judges do not give full consideration to their appeals. The present study does not research quality considerations because they are extremely difficult to research.[11] When making changes designed to meet the caseload growth, judges must, besides using information about whether the changes will actually accomplish that purpose, incorporate concerns about the impact on quality. By and large these concerns can only be, based on intuitive feelings - for example, do unpublished opinions or decisions without opinion represent a drastic reduction in the services that appellate courts provide citizens and the bar? Such questions can only be answered through the feelings of the judges, bar, and litigants concerning the merit of opinions or published opinions.

The next section is an introductory description of appellate courts, designed for readers who are not specialists in the study of such courts. The remaining sections describe the various adaptations that appellate courts have made to meet the caseload pressures.[12] They also summarize the

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[10] See especially, Paul Carrington, "Ceremony and Realism: Demise of Appellate Procedure," 66 ABA J. 860 (1980).

[11] We did attempted a crude measure of the impact on quality of the various efficiency measures by combing the literature for views about the impact on decision quality. This task was abandoned, however, because the views expressed were usually so qualified or so specific to the particular court being discussed that a compilation of views would not provide meaningful information.

[12] The discussion is based on the large volume of literature on appellate court responses to caseload pressures found Marvell, supra note 3. Especially important are: Standards Relating to Appellate Courts (Chicago, American Bar Association, 1977); Paul Carrington, Daniel Meador, and Maurice Rosenberg, Justice on Appeal (St. Paul: West Pub. Co., 1976); Daniel Meador, Appellate Courts, Staff and Process in the Crisis of Volume (St. Paul: West Pub. Co., 1974); Robert Leflar, Internal Operating Procedures of Appellate Courts (Chicago: American Bar Foundation, 1976). The discussion draws upon privious writings by the project director: Thomas Marvell, "Appellate Capacity and Caseload Growth," 16 Akron L. Rev. 43 (1982); Subcommittee on the Workload of the District of Columbia Court of Appeals, District of Columbia Court of Appeals: Workload Problems and Possible Solutions (District of Columbia Judicial Planning Committee, 1979).

prevailing thinking about the merits and drawbacks of the changes, emphasizing quality considerations as well as impacts on decision output, and they discuss the limited empirical research that has been conducted with respect to the various topics.

1.2 Description of Appellate Courts.

The function of appellate courts, of course, is to review decisions by trial courts and administrative tribunals. All states have a "court of last resort", the highest court in the state, usually called the supreme court. Except in cases where federal court review is possible, these courts make the final decision in litigation started in the state. As of 1985, 36 states also have "intermediate appellate courts," usually called the court of appeals, situated between the trial courts and the supreme court. Appeals decided by the intermediate courts, except in Florida, can be reviewed by the supreme court. In some of the 36 states almost all appeals from the trial courts go first to the intermediate courts; in other states the jurisdiction over initial appeals is divided between the two court layers. Intermediate courts vary greatly in size, from 3 judges in several states to 80 in Texas. Most intermediate courts are single courts with state-wide jurisdiction, but eleven are divided into territorial districts, each hearing appeals from one to several county trial courts. Supreme courts usually sit en banc; that is, all judges hear the case. Intermediate courts generally decide cases in panels of three judges.

Appellate courts serve two basic functions: 1) to correct errors made by trial courts and administrative tribunals, and 2) to develop the law of the jurisdiction. All cases involve the first function, but only a small minority have an important law making impact. As a rough rule of thumb, intermediate courts concentrate on the error correcting function, while supreme courts, especially in states with intermediate courts that hear almost all initial appeals, have a much bigger role in the development of the law. Consequently, the caseloads per judge are usually higher in intermediate courts.

In the typical appeal, the appellant files a notice of appeal a few weeks after losing in the lower tribunal, and then orders the record, which contains the papers filed in court and transcripts of any trial or hearings held. The reporter prepares the transcripts, and the trial court clerk sends it, along with the case file, to the appellate court. Next the appellant writes a brief, and the opponent, the appellee, prepares a responding brief. Attorneys on each side generally take some 5 to 15 weeks to prepare the briefs, and the briefs are generally about 10 to 30 pages long.

At this point procedures vary greatly between courts. Under the traditional practice, used when caseload pressure was slight, judges heard lengthy oral arguments, typically 30 minutes a side, and then decided the appeal with a published opinion, some two to ten pages long in the "case reporters," the volumes containing appellate court opinions.

In the past few decades these procedures have been curtailed, especially in intermediate courts and especially in cases falling only within the error correcting function. The departures from the traditional procedure are the major topics of the present research, and they will be described later in more detail. In short, the most common departures pertain to oral argument and opinion preparation. Many courts have restricted oral arguments by reducing the time allowed to 10 or 15 minutes a side and by requiring or encouraging attorneys to "submit cases on the briefs" - i.e., to forgo arguments. The effort required for opinions has been reduced by three mechanisms: 1) preparing short opinions, typically called memorandum or per curiam opinions, 2) not publishing opinions, and 3) deciding cases without opinions. Another, less common, efficiency measure is to reduce the number of judges participating in decisions, either by adopting the panel system in supreme courts or by reducing panel size in intermediate courts. A drastic, but increasingly common, measure is the summary judgment procedure, whereby cases are decided without full briefing and sometimes with greatly abbreviated records.

1.3 Caseload and Decision Growth.

The focus of this research is trends in the number of appellate court decisions, which are defined as cases decided on the merits.[13] Table 1.1 presents the supreme court and intermediate court decision output in 1984, and Table 1.2 presents the total decision output in the state.[14] The latter is the best measure of decision output, because it is little affected by the variations in appellate court structure. As would be expected from the variation in state size, the number of appeals decided varies greatly among states, from 10,614 in New York to 135 in Wyoming. But there is also extreme variation in the number of decisions per judge, from 206 in Virginia to 27 in Wyoming. For the 39 states in Table 1.2, the mean number of cases decided per judge is 85; the

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[13] Decisions are further defined in Chapter 6.

[14] These tables do not include New Hampshire, because 1984 statistics for that state have not been received.

median state is Utah, with 74 decisions per judge.

The present research is primarily interested in the growth of decision output. The growth has been substantial: the average 10 year growth among the 39 state with information is 117 percent, and the 16 year growth in the 34 states with information is 233 percent. Virtually all the growth, especially in the past ten years, has occurred at the intermediate court level, as can be seen in Table 1.1. The extent of growth differs substantially in the various states. Decision output more than tripled in Alaska, Hawaii, Kansas, and Oregon; but it remained almost static in Mississippi and grew by less than 50 percent in Georgia, Virginia, and the District of Columbia.

A key issue in this research is the relationship between decision output and filings. Are the courts keeping up with the caseload demands? What impact does the number of filings have on the number of decisions? The answer to the first question, if one takes an overall perspective, is clearly yes. For the 34 states with information on both filing[15], and decision growth in the past 10 years, the growth in filings is 121 percent and the growth in decisions is 115 percent. The correspondence between appeal growth and opinion growth is also fairly close in individual states, as can be seen in Table 1.3.

The second question is the impact of filing volume on the number of decisions. It seems rather obvious that appellate court output is greatly affected by the input. However, whether filings actual do have an impact depends largely on whether they are analogous to demands for service, which the court strives to meet, or as raw materials, to be used when the judges wish to decide the case. To put it another way, filing volume would have little or no impact on output if the court should exercise flexibility in increasing and decreasing its backlog, such that the volume of decisions can be expanded by reducing backlog even in the absence of increased filings, and the volume of decisions can remain constant in the face of rising filings, resulting in greater backlogs. The last two columns in Table 1.3 indicate whether the court

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[15] Filings, as defined in Chapter 11, are initial appeals of right filed in either the supreme court or intermediate court. Since appellate courts take roughly a year to decide cases, the period for filing growth in Table 1.3 is 1973-83. The measures for appeals and decisions do not correspond exactly. Appeals exclude discretionary writs, while decisions include such writs if granted and decided on the merits. Decisions do not include appeals dismissed without decision on the merits.

Table 1.1

Appeals Decided by Supreme and Intermediate Courts

	Supreme Courts			Intermediate Courts		
	Decisions 1984	Per Judge 1984	Ten Yr. Percent Growth	Decisions 1984	Per Judge 1984	Ten Yr. Percent Growth
01 Ala	.	.	.	.	.	.
02 Aka	257	52	92	402	134	*
03 Ariz	170	34	-47	1564	104	162
04 Ark	354	52	-15	650	108	*
05 Cal	126	19	-19	8509	117	82
06 Col	217	31	-28	954	96	183
07 Conn	218	36	41	182	51	*
08 Del	314	63	75	*	*	*
09 D.C.	864	103	36	*	*	*
10 Fl	450	64	16	8572	186	148
11 Ga	537	77	-13	1659	184	66
12 Ha	219	45	126	115	38	*
13 Id	152	30	-16	161	54	*
14 Ill	200	29	-17	4570	106	106
15 Ind	353	71	174	1121	93	198
16 Iowa	443	49	-2	528	88	*
17 Kan	276	39	-8	634	93	*
18 Ky	339	48	-61	1955	140	*
19 La	218	31	-45	2979	63	104
20 Me	295	42	122	*	*	*
21 Md	177	25	-11	1419	110	71
22 Mass	301	43	51	861	87	215
23 Mich	.	.	.	.	.	.
24 Minn	.	.	.	.	.	*
25 Miss	489	54	5	*	*	*
26 Mo	121	17	-63	1567	48	163
27 Mont	364	52	160	*	*	*

Table 1.1 (continued)

		Supreme Courts			Intermediate Courts		
		Decisions 1984	Per Judge 1984	Ten Year Growth	Decisions 1984	Per Judge 1984	Ten Year Growth
28	Neb	725	104	91	*	*	*
29	Nev	.	.	.	*	*	*
30	NH	.	.	.	*	*	*
31	NJ	100	14	-21	4580	199	87
32	NM	215	43	109	450	64	69
33	NY	711	102	24	9903	211	73
34	NC	185	26	37	1306	109	54
35	ND	219	44	77	*	*	*
36	Ohio	.	.	.	.	.	.
37	Okl	.	.	.	.	.	.
38	Or	188	27	-24	2720	272	347
39	Penn	.	.	.	.	.	.
40	RI	354	71	91	*	*	*
41	SC	.	.	.	*	*	*
42	SD	256	51	188	*	*	*
43	Tenn	.	.	.	.	.	.
44	Tex	808	45	-58	7360	92	495
45	Utah	359	74	78	*	*	*
46	Vt	.	.	.	*	*	*
47	Va	1439	206	43	*	*	*
48	Wash	201	22	33	1335	85	149
49	WVa	.	.	.	*	*	*
50	Wisc	145	21	-73	1429	119	*
51	Wy	135	27	53	*	*	*

* No intermediate court in 1974.

Table 1.2

Appeals Decided by the Appellate System

	Appeals Decided			Appeals Decided Per Judge		
	1984	10 Yr. Percent Growth	16 Yr. Percent Growth	1984	10 Yr. Percent Growth	16 Yr. Percent Growth
01 Ala	.	.	.	.	.	.
02 Aka	659	392	815	83	209	245
03 Ariz	1734	90	275	87	47	106
04 Ark	1004	140	166	78	31	45
05 Cal	8635	78	185	109	21	65
06 Col	1171	83	265	69	35	48
07 Conn	400	158	182	42	35	48
08 Del	314	75	214	63	-2	88
09 D.C.	864	36	.	103	35	.
10 Fl	9022	135	265	170	18	84
11 Ga	2196	36	.	137	35	.
12 Ha	334	244	358	43	103	192
13 Id	313	72	163	39	7	64
14 Ill	4770	94	.	95	67	.
15 Ind	1474	192	.	87	140	.
16 Iowa	971	114	236	65	28	102
17 Kan	910	202	274	66	97	144
18 Ky	2294	167	280	109	40	99
19 La	3197	·73	149	59	2	47
20 Me	295	122	228	42	65	144
21 Md	1596	55	129	80	29	37
22 Mass	1162	146	239	69	89	40
23 Mich	.	.	.	.	.	.
24 Minn	.	.	.	.	.	.
25 Miss	489	5	27	54	5	27
26 Mo	1688	82	162	42	36	83
27 Mont	364	160	206	52	86	118

Table 1.2 (continued)

	Appeals Decided			Appeals Decided Per Judge		
	1984	10 Yr. Growth	16 Yr. Growth	1984	10 Yr. Growth	16 Yr. Growth
28 Neb	725	91	225	104	84	225
29 Nev	.	.	.	.	.	.
30 NH	.	.	.	.	.	.
31 NJ	4680	81	300	156	50	154
32 NM	665	80	150	55	50	88
33 NY	10614	68	94	197	40	26
34 NC	1491	52	169	78	27	77
35 ND	219	77	278	44	79	282
36 Ohio	.	.	.	.	.	.
37 Okl	.	.	.	.	.	.
38 Or	2908	240	743	171	160	247
39 Penn	.	.	.	.	.	.
40 RI	354	91	61	71	91	61
41 SC	.	.	.	.	.	.
42 SD	256	188	224	51	188	224
43 Tenn	.	.	.	.	.	.
44 Tex	8168	159	284	84	59	120
45 Utah	359	78	86	74	84	93
46 Vt	.	.	.	.	.	.
47 Va	1439	43	54	206	43	54
48 Wash	1536	124	357	62	90	66
49 WVa	.	.	.	.	.	.
50 Wisc	1574	192	.	83	8	.
51 Wy	135	53	85	27	52	48

Table 1.3

Appeals Filed and Decided in the Appellate System

	Appeals Filed in 1983	Ratio of Decisions to Appeals 1984	1974	Percent Change in Prior Ten Years Decision	Appeal	Existence of a Delay Problem# 1984	1974
01 Ala	2737	.	.	.	156	.	.
02 Aka	778	.85	.70	392	305	1	1
03 Ariz	2371	.73	.95	90	145	0	1
04 Ark	1326	.76	.	140	.	0	0
05 Cal	10174	.85	.90	78	89	0	1
06 Col	1573	.74	.85	83	108	0	1
07 Conn	766	.52	.74	158	265*	1	1
08 Del	413	.76	.72	75	67	0	0
09 D.C.	1536	.56	.65	36	57	1	0
10 Fl	13765	.66	.80	135	186	0	0
11 Ga	2739	.80	.88	36	48	0	0
12 Ha	479	.70	.61	244	201	1	1
13 Id	439	.71	.75	72	81	1	1
14 Ill	6959	.69	.81	94	129*	0	0
15 Ind	.	.	.	192	.	0	1
16 Iowa	1332	.73	.57	114	68	1	1
17 Kan	1122	.81	.56	202	108	0	0
18 Ky	2747	.84	.89	167	186*	1	1
19 La	3899	.82	1.1	73	139	0	0
20 Me	486	.61	.72	122	161*	0	0
21 Md	1777	.90	.89	55	53	0	0
22 Mass	1572	.74	.76	146	154	0	0
23 Mich	4961	.	.	.	167	.	.
24 Minn	1689	.	.	.	172	.	.
25 Miss	857	.57	.75	5	38	1	0
26 Mo	2753	.61	.66	82	97	0	0
27 Mont	442	.82	.91	160	187	0	0
28 Neb	915	.79	.70	91	68	0	0
29 Nev	694	.	.	.	159	.	.

Table 1.3 (continued)

	Appeals Filed in 1983	Ratio of Decisions to Appeals 1984	1974	Percent Change in Prior Ten Years Decision	Appeal	Existence of a Delay Problem# 1984	1974
30 NH	517	.	.91	.	144*	0	0
31 NJ	6438	.73	.66	81	64	1	1
32 NM	839	.79	.82	80	86	0	0
33 NY	10606	1.0	1.1	68	87	0	0
34 NC	1398	1.1	1.2	52	69	0	1
35 ND	310	.71	.	77	.	0	0
36 Ohio	9571	.	.	.	95	.	.
37 Okl	2171	.	.	.	85	.	.
38 Or	3714	.78	.72	240	212	0	0
39 Penn	9397	.	.	.	94	.	.
40 RI	499	.71	.78	91	110	1	0
41 SC	2262	.	.	.	.	.	.
42 SD	.	.	.72	188	.	1	0
43 Tenn	2019	.	.	.	62	.	.
44 Tex	7111	1.1	1.1	159	140*	0	1
45 Utah	691	.52	.63	78	116	1	0
46 Vt	559	.	.	.	137	1	0
47 Va	1698	.85	.95	43	60	0	0
48 Wash	2356	.65	.57	124	96	1	1
49 WVa	.	.	.	.	.	.	.
50 Wisc	2043	.77	.	192	.	0	0
51 Wy	233	.58	.77	53	103	0	0

* Docketing changes artificially increased filing growth.
\# A "1" signifies that the court had a delay problem.

had a backlog and delay problem, measured by whether the average time to decision was more or less than a year.[16]

In practice, as suggested by the close correspondence between filings and decisions Table 1.3, the decision output of a state appellate system is mostly determined by the filings.[17] The implication is that courts seldom radically change the amount of delay and backlog, and that by and large they are responding to litigant demands for resolution of their claims.

The following sections describe the techniques that courts use to increase decision output in response to the the caseload demands, concentrating on the 41 states (including the District of Columbia) included in the present research. The discussion summarizes the arguments for and against the various techniques, including arguments about the impact on quality; although the present research only evaluates the impact on decision output, it is necessary to stress that quality considerations are always important. The discussion, in addition, only covers changes in court size, procedure, and structure; other factors, especially increased work hours of judges, also affect appellate court decision volume.

1.4 Adding Judges.

1.4.1 Increasing judgeships in supreme courts.

An overloaded appellate court, theoretically, can always handle its caseload if given more judges, assuming that dispositions per judge do not fall precipitously. This response to caseload growth, however, faces many practical problems, especially at the supreme court level. Increasing the number of supreme court justices to nine or more suffers from a considerable weight of negative commentary and a lack of precedential models in the country. Intermediate courts, on the other hand, appear to have no upper limit in size although extremely large courts suffer from several practical problems. The following pages will first discuss supreme courts then intermediate courts.

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[16] This issue is addressed more fully in Chapter 16.

[17] See Chapter 3.

All 53 states high courts[18] have nine or fewer active judges. As seen in Table 1.4, eight have nine judges, twenty-five have seven, one has six, eighteen have five, and one has three.[19] More than nine judges seems to be out of the question for supreme courts. The available information indicates that during the nation's history only two state courts of last resort, New Jersey and Virginia, have ever had more than nine judges.[20] Adding judgeships, moreover, has not been a favored means of increasing supreme court capacity in recent years; only six states have enlarged their top courts since 1968 in spite of the tremendous caseload increases. The ABA Standards Relating to Court Organization support the existing state practices; Standard 1.13(a) states that the highest court "should have not less than five nor more than nine members." The commentary to this Standard suggests seven

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[18] The fifty-three courts include the supreme courts in the fifty states, plus the District of Columbia Court of Appeals and the Oklahoma and Texas Courts of Criminal Appeals, which are courts of last resort. In Table 1.4 the judges on the two courts in Oklahoma and Texas are combined.

[19] The procedure for counting judges is described in Chapter 7.

[20] A history of the number of state supreme court judges to 1933 in 34 states can be found in Curran & Sunderland, supra note 7, at 52, 61-62. Comprehensive historical information is apparently not available about the other fourteen states. It is unlikely that the number of judges increased between 1933 and the early 1950's because caseloads decreased greatly during that period. The Council of State Governments has conducted regular surveys of the number of judges since 1950, beginning with The Courts of Last Resort (Council of State Governments, 1950) and continued in the Book of the States for every other year thereafter. For the 1970 to 1984 period the number of judges is documented in Marvell and Dempsey, "Growth in State Judgeships," 68 Judicature 274 (1985). These sources indicate that no state court of last resort has had more than nine judges since 1950. The Virginia court of last resort had eleven judges from 1779 to 1788 when the Court was mainly a trial court. Note,"The Virginia Special Court of Appeals: Constitutional Relief for an Overburdened Court," 8 Wm. & Mary L. Rev. 224, 228 (1967). The New Jersey Court of Errors and Appeals had fifteen to sixteen judges from 1844 until 1948. See, Harrison, "New Jersey's New Court System," 2 Rutgers L. Rev. 60, 65 (1948). Several appellate courts have employed commissioners, who as explained below were quasi-judges, and the number of judges plus commissioners has exceeded nine in a few high courts. See the note at the end of Table 1.4.

as the preferred number.[21]

Judges and others advance many objections to large courts, especially courts with more than seven judges. The mechanics of internal decision procedure become overly cumbersome and time consuming. Communication becomes more difficult, and dissenting and concurring opinions may well proliferate unnecessarily.[22] Perhaps the most frequent argument against enlarging high courts is that there are diminishing returns in a court's capacity to handle its caseload. The addition of two judges to a seven-judge court, for example, may not increase productivity by a full two-sevenths. The relief afforded lies in writing majority opinions, because this work can be apportioned among the judges. But, additional judges do not necessarily relieve each judge of other decisional tasks, such as reading the briefs, hearing arguments, studying draft opinions, and discussing cases in conference. The time required to maintain a collegial climate increases.[23]

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[21] Standards Relating to Court Organization 332, 334 (Chicago: American Bar Association, 1974).

[22] See e.g., Stuart, "Iowa Supreme Court Congestion: Can We Avert A Crisis?" 55 Iowa L. Rev. 594, 597 (1970); Lilly & Scalia, "Appellate Justice: A Crisis in Virginia?" 57 Va. L. Rev. 3, 21, 27-28 (1971).

[23] An often quoted comment about the diminishing returns from additional judges is this statement a supreme court justice in Dethmers, "Delay in State Appellate Courts of Last Resort," 328 Annals 153, 158 (1960):

> The time-saving advantage of increasing court membership is that it reduces the number of opinions each judge must write. It does not lesson the work of each judge necessary for the study of records and briefs, legal research, and examination of opinions in cases which the other members write. This he must do, of course, in order to decide whether he agrees and will sign such opinions or write dissents. Enlarging a court does not decrease the amount of time required for listening to oral arguments of counsel or for conference, consultation, and discussion by the judges. In fact, increase of numbers increases the man-hours thus consumed and, perhaps, the number of court hours as well, because of a resultant increase in the number of questions addressed to counsel from the bench and more arguments and discussion by the

Table 1.4

Numbers and Growth of Judges

	Appellate System			Supreme Court			Intermed. Courts		
		Percent Growth			Percent Growth			Percent Growth	
	1984	10 yr.	16 yr.	1984	10 yr.	16 yr.	1984	10 yr.	16 yr.
01 Ala	.	.	.	9	.	.	.	.	.
02 Aka	8	59	166	5	0	66	3	*	*
03 Ariz	20	29	82	5	0	0	15	43	150
04 Ark	13	83	83	7	0	0	6	*	*
05 Cal	79	48	73	7	0	0	73	56	87
06 Col	17	36	147	7	0	0	10	81	.
07 Conn	10	91	91	6	20	20	4	*	*
08 Del	5	79	67	5	79	67	*	*	*
09 D.C.	9	0	.	9	0	.	*	*	*
10 Fl	53	99	98	7	0	0	46	133	133
11 Ga	16	0	0	7	0	0	9	0	0
12 Ha	8	70	57	5	0	0	3	*	*
13 Id	8	60	60	5	0	0	3	*	*
14 Ill	50	16	56	7	0	0	43	19	72
15 Ind	17	22	32	5	0	0	12	34	51
16 Iowa	15	67	67	9	0	0	6	*	*
17 Kan	14	53	53	7	-22#	-22#	7	*	*
18 Ky	21	91	91	7	-36#	-36#	14	*	*
19 La	54	69	69	7	0	0	47	89	87
20 Me	7	34	34	7	34	34	*	*	*
21 Md	20	20	67	7	0	0	13	31	159
22 Mass	17	30	142	7	0	0	10	66	*
23 Mich	.	.	.	7	.	.	.	.	.
24 Minn	.	.	.	7	.	.	.	.	.
25 Miss	9	0	0	9	0	0	*	*	*
26 Mo	40	34	43	7	-36#	-46#	33	74	121
27 Mont	7	40	40	7	40	40	*	*	*

Table 1.4 (continued)

	Appellate System			Supreme Court			Intermed. Courts		
		Percent Growth			Percent Growth			Percent Growth	
	1984	10 yr.	16 yr.	1984	10 yr.	16 yr.	1984	10 yr.	16 yr.
28 Neb	7	0	0	7	0	0	*	*	*
29 Nev	.	.	.	5	.	.	*	*	*
30 NH	5	0	0	5	0	0	*	*	*
31 NJ	30	21	58	7	0	0	23	29	92
32 NM	12	20	33	5	0	0	7	40	75
33 NY	54	20	54	7	0	0	47	24	68
34 NC	19	19	52	7	0	0	12	34	118
35 ND	5	0	0	5	0	0	*	*	*
36 Ohio	.	.	.	7	.	.	.	.	.
37 Okl	.	.	.	12	.	.	.	.	.
38 Or	17	31	143	7	0	0	10	67	.
39 Penn	.	.	.	7	.	.	.	.	.
40 RI	5	0	0	5	0	0	*	*	*
41 SC	.	.	.	5	.	.	.	*	*
42 SD	5	0	0	5	0	0	*	*	*
43 Tenn	.	.	.	5	.	.	.	.	.
44 Tex	98	63	74	18	0#	29	80	90	90
45 Utah	5	0	0	5	0	0	*	*	*
46 Vt	5	0	0	5	0	0	*	*	*
47 Va	7	0	0	7	0	0	*	*	*
48 Wash	25	18	175	9	0	0	18	31	.
49 WVa	5	.	.	5	.	.	*	*	*
50 Wisc	19	171	171	7	0	0	12	*	*
51 Wy	5	0	25	5	0	25	*	*	*

* No intermediate court.

Courts in Kansas, Kentucky, Missouri, and Texas had commissioners, who are counted as judges.

An exception is possible when the court sits in panels. Additional judges can be employed to form more panel sittings, and the output per judge can remain constant as long as decisions are not regularly reviewed by non-panel members. Consequently the impact of enlarging a court is closely connected with the panel system, which is discussed later.

1.4.2 Increasing judgeships in intermediate courts.

Unlike supreme courts, intermediate courts have experienced very large judgeship increases, more than doubling in the past sixteen years. The cost of new judgeships is probably the major factor limiting the expansion of intermediate courts. There may also be an upper limit at which the multiplicity of intermediate court panels would exceed the supreme court's ability to monitor the consistency of rulings below. The largest intermediate court systems, with more than 40 judges, are in Texas, California, Ohio, Florida, New York, Illinois, and Louisiana. However, these court systems are still considerably smaller than the federal system, where the issue of monitoring intermediate court decisions has been long debated.

1.4.3 Judgeship growth in the state appellate systems.

Overall the growth in appellate judges has averaged 60 percent over the past 16 years in the 40 states (exluding D.C.) in this study, and 36 percent over the past 10 years. The growth varies greatly from state to state (see Table 1.4). Several states without intermediate courts added no new appellate judgeships, while six states more than doubled them. The greatest growth, as could be expected, occurred in states that created intermediate courts during the period.[24]

The growth in judges, however great, is far less than the growth in number of cases decided by appellate courts. As was discussed in Section 1.3, decision output more than doubled in the past decade, more than three times as the growth rate of

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larger number of judges in conference. Enlargement of court membership is, therfore, not necessarily one hundred percent gain.

[24] For a more detailed discussion of appellate court judgeship growth and the relationship between intermediate courts see Marvell and Dempsey, supra note 20. That study differs slightly from the present study in that it counted "judgeships" and the present study counted the number of sitting judges. The two measures differ when there are vacancies.

the number of judges. Consequently, the output per judge increased by over 60 percent. In other words, the appellate courts have dealt with the rising caseloads more by increasing the productivity of the judges than by increasing the number of judges.

1.4.4 Retired and Temporary Judges.

Most appellate courts are helped by retired judges and temporarily assigned lower court judges, but their use is limited. These extra judges typically sit only when a regular judge is unavailable because of illness or conflict of interest.

The frequent use of extra judges can lead to the same problems encountered when adding judgeships. In addition, there are two other problems that may be encountered when trial court judges to help solve appellate court caseload problems. First, the lower courts themselves are often congested; more assignments to the appellate courts would, in effect, rob Peter to pay Paul. Second, no matter how competent trial judges are, most have little appellate experience and, thus, are less likely to prepare appellate opinions as proficiently as appellate judges.[25]

Table 1.5 describes the use of extra judges in the courts studied here. The "any use" column indicates courts that make even minimal use of extra judges, either at present or in the recent past. The "major use" column indicates courts that in 1984 used extra judges to supplement the judicial manpower of the court. Only a handful of courts do so. The final column gives estimates, when available data permit, of the number of judge equivalents added through the use of extra judges in 1984.[26] Overall, extra judges provide a rather minuscule addition to appellate court judicial resources.

1.5 Attorney Aides

1.5.1 Introduction.

A potential way to increase the capacity of decision mak-

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[25] See expecially Rosellini, "Crisis in the Supreme Court," 3 Gonz. L. Rev. 8, 14-15; Marvell, supra note 12, at 52, 53.

[26] The method of calculating the judge equivalents described in Chapter 7.

Table 1.5

Use of Extra Judges In 1984

	Intermediate Courts			Supreme Courts		
	Any Use#	Major Use#	Number of Judge Equiv-alents	Any Use#	Major Use#	Number of Judge Equiv-alents
01 Alabama	.	.	.	.	.	.
02 Alaska	X	0	0.0	X	0	0.0
03 Arizona	X	0	.	X	0	.
04 Arkansas	X	0	0.0	X	0	0.1
05 California	X	X	5.5	X	0	0.0
06 Colorado	X	X	1.0	X	0	0.0
07 Conn.	X	0	0.0	X	0	0.0
08 Delaware	*	*	*	X	0	0.0
09 Dist. Col.	*	*	*	X	X	1.6
10 Florida	X	X	1.9	X	0	.
11 Georgia	0	0	0.0	X	0	0.0
12 Hawaii	X	0	.	X	0	.
13 Idaho	X	X	0.2	X	0	0.0
14 Illinois	X	0	0.0	0	0	0.0
15 Indiana	0	0	0.0	0	0	0.0
16 Iowa	X	0	.	X	0	.
17 Kansas	X	X	1.1	X	0	0.0
18 Kentucky	X	0	0.0	X	0	0.0
19 Louisiana	X	0	.	X	0	.
20 Maine	*	*	*	X	X	0.5
21 Maryland	X	X	0.0	X	X	0.0
22 Mass.	X	X	1.6	0	0	0.0
23 Michigan	.	.	.	.	.	.
24 Minnesota	.	.	.	.	.	.
25 Miss.	*	*	*	X	.	.
26 Missouri	X	X	.	X	0	.
27 Montana	*	*	*	X	0	0.1

Table 1.5 (continued)

	Intermediate Courts			Supreme Courts		
	Any Use#	Major Use#	Number of Judge Equiv-alents	Any Use#	Major Use#	Number of Judge Equiv-alents
28 Nebraska	*	*	.	X	X	0.2
29 Nevada	*	*	*	.	.	.
30 New Hamp.	*	*	.	X	0	.
31 New Jersey	X	0	0.0	X	0	0.0
32 New Mexico	X	0	0.0	X	0	0.0
33 New York	X	0	.	X	0	0.0
34 North Car.	X	0	.	X	0	.
35 North Dak.	*	*	.	X	0	.
36 Ohio	.	.	.	.	.	.
37 Oklahoma	.	.	.	.	.	.
38 Oregon	X	0	0.0	X	0	0.0
39 Penn.	.	.	.	.	.	.
40 Rhode Is.	*	*	.	0	0	0.0
41 South Car.	.	.	.	.	.	.
42 South Dak.	*	*	.	X	0	0.3
43 Tennessee	.	.	.	.	.	.
44 Texas	X	0	0.0	X	0	0.0
45 Utah	*	*	.	X	0	.
46 Vermont	*	*	.	X	0	.
47 Virginia	*	*	*	X	X	.
48 Washington	0	0	.	X	0	.
49 West Va.	.	.	.	.	.	.
50 Wisconsin	X	0	.	0	0	.
51 Wyoming	*	*	.	X	0	0.1

* No intermediate court.

ers in any organization is to provide them with staff aid. Appellate judges have traditionally employed law clerks; during the past two decades most appellate courts have also established central staffs of attorneys. The impact of attorney aides on the volume of cases decided depends primarily on whether the staff preforms tasks that the judges formerly preformed. To the extent that attorneys are employed to do research beyond that which was preformed earlier, their input goes towards increasing the quality of the work, rather than the decision volume.

There are several advantages to increasing court capacity through adding attorney aides rather than judges. One advantage is cost; attorney aides receive lower salaries than judges and they do not require large offices. Comparisons of law clerk salaries, for example, to judge salaries show that law clerks usually earn about a third the judges' salaries.[27] Career staff earn about half to two-thirds as much as judges. Another advantage is that the danger of inconsistent decisions is less than that caused by adding more judges. But there is an upper limit to the amount of staff help commonly thought advisable.

The use of attorney aides is one of the few areas where empirical research has attempted to evaluate the appellate court adaptations to caseload increases. Professor Meador helped four courts establish central staffs in the early 1970's, and he attempted to measure the impact of the staff by determining whether decision output increased after the staff was established. He found that, indeed, decision output increased, and suggested that the staff was largely responsible.[28] This conclusion, however, is questionable; many other factors, in particular increases in filings, may have been responsible for the increased decision output.

The remaining parts of this section will 1) describe the functions of staff aides in appellate courts, 2) compare the

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[27] Figures for law clerk and judge salary can be found in Council of Chief Judges of Courts of Appeals, Chief Judges as Administrators, a Survey (American Bar Association, 1984). The salary of career staff aides is higher than that of law clerks, but most still receive well less than half the judges' salaries ((to checkk))

[28] Meador, supra note 12. In one intermediate court Meador was able to estimate the impact of staff by comparing decision growth in three divisions that used staff with a decision that did not. This sample is far too small, however, base any conclusions.

number of aides in the different courts, and 3) consider the advisability of enlarging a court's staff. Final determination of whether an enlarged staff is a viable solution to caseload problems depends mainly on a concurrent decreased attention given each case by the judges.

1.5.2 Functions of staff aides.

Appellate court attorney aides fall into two basic categories, law clerks and staff attorneys. A law clerk is the personal employee of a judge and is under his or her direct supervision. A staff attorney works for the whole court or division of the court. Most staff attorneys and the great majority of law clerks are recent law graduates and remain at the court for a year or two. Judges in a few states, especially California and Georgia, prefer career law clerks. Central staffs in most courts include some experienced attorneys, especially as supervisors.

Law clerks and staff attorneys perform much the same duties.[29] Their overall function is to supply information to the judges by condensing and analyzing the parties' arguments and often by reading the record and conducting independent research. Typically, this involves writing memoranda or draft opinions. Staff attorneys' work is usually performed before the case is argued or submitted, and their memoranda or opinion drafts are circulated to all judges hearing the appeal. Law clerks at some courts perform this same function; at other courts they do not work on a case until after the argument stage, and their memoranda and draft opinions are not circulated to other judges.

Other duties of staff attorneys and law clerks are usually offshoots of the basic function just described. They may prepare memoranda on motions, original writs, or petitions to appeal. They may, in the process of studying cases, advise the court whether the case should be given summary treatment, such as by eliminating oral argument or by issuing an unpublished opinion. A valuable function of law clerks, but rarely of staff attorneys, is to discuss cases with their judges and to criticize draft opinions before circulation to the court.

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[29] In depth discussions of law clerks' and staff attorenys' functions can be found in John Oakley and Robert Thompson, Law Clerks and the Judicial Process (U. California Press 1980); Thomas Marvell, Appellate Courts and Lawyers (Westport: Greenwood, 1978); Daniel Meador, Appellate Courts, Staff and Process in the Crisis of Volume (St. Paul: West, 1974); Directory of Appellate Central Staff Counsel (Appellate Judges Conference, American Bar Association, 1985).

The duties of staff attorneys can be illustrated by describing two well documented staff systems: an extreme model in the Michigan Court of Appeals, and the more typical system used in the Minnesota Supreme Court. The Michigan Court of Appeals judges decided in 1968 that their productivity was increased little by the addition of a second law clerk; so they pooled the second clerks into a central research staff headed by a seasoned lawyer.[30] The court believes that this change permitted it to keep abreast of its greatly increasing caseload. The duty of the central staff is to prepare pre-hearing reports in all cases. These reports are lengthy memoranda that fully discuss the facts and analyze the legal arguments. Staff attorneys go beyond briefs; they read the record and usually conduct a great deal of independent legal research. They may discuss issues not mentioned by counsel. After a quick review by a supervisor, the report is circulated to the three panel members hearing the case. The judges read the report before oral arguments, and use it as a basis for deciding whether the case will be decided by a published or unpublished opinion. The staff attorney also prepares a brief per curiam opinion for possible acceptance by the Court. If a full opinion is to be written, the assigned judge and his law clerk use the pre-hearing report as a starting point for their research and opinion drafting.

The benefits claimed for the central staff in Michigan, as opposed to increasing the number of law clerks, are that staff attorneys can prepare the pre-hearing reports without interference from other demands on their time and that the judges are spared the duty of supervising preparation of the reports. In addition, staff attorneys can more easily establish important central files.

Most other courts with central staff do not receive staff memoranda in all cases. A typical example is the Minnesota Supreme Court,[31] one of the busier supreme courts until it received discretionary jurisdiction is 1984. Under a procedure established in 1972 and then abandoned in 1981, all appeals were forwarded to the staff and screened by the head staff attorney. He recommended whether the cases should be decided without argument, should be argued before a panel of three judges, or should be argued before the full court. His recommendations were usually accepted, but any judge could order a case placed on the en banc calendar. A staff memo-

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[30] Lesinski and Stockmeyer, "Prehearing Research and Screening in the Michigan Court of Appeals: One Court's Method for Increasing Judicial Productivity," 26 Vand. L. Rev. 1211 (1973).

[31] See especially Meador, supra, note 12 at 225-29.

randum was prepared only in cases submitted without oral argument, and it was accompanied by a recommended per curiam opinion. The full court discussed these cases in conference and often used the staff's per curiam opinion.

1.5.3 Number of Attorney Aides.

Increased employment of staff aides is a major long-term trend in appellate courts. Law clerks were first used in the late 19th century, and their numbers has steadily increased, rapidly so in recent years. At present all appellate courts employ law clerks at the rate of at least one per judge (see Tables 1.6 and 1.7). Fourteen of the 27 intermediate courts and 27 of the 41 high courts in the states studied have more than one law clerk per judge. All but six intermediate courts and a bare majority of the supreme courts use central staff attorneys. Staff attorneys number as many as 60 in California and 86 in New York.

The apportionment of staff between law clerks and central staff is flexible, and courts often shift positions from one to the other. Hence, the total number of attorney aides is the most meaningful measure of staff resources. These figures are presented in Table 1.8. The average number of attorney aides in the states studied is 44, and the average number of aides per judge is exactly 2. This represents a doubling since 1968, and a growth of 0.8 aides per judge, or a 60 percent increase, since 1974. More of the increase is due to additional law clerks (0.5 per judge more, on the average, since 1974) than staff attorneys (0.3 per judge more).

The number of attorney aides per judge does not differ drastically from state to state; Table 1.8 shows a range from 1.0 in several states to a little over 3 in California and Indiana. The growth of attorney aides, however, has varied tremendously from state to state, as has the respective growth of law clerks and staff attorneys within individual states (see Table 1.8).

The foregoing discussion suggests that appellate courts are reluctant to create large staffs. There is no limit in theory to the maximum feasible size. But judges and commentators fear that staffs leads to too much reliance on staff aids. Carrington, Meador and Rosenberg state:

> As a sound rule of thumb, we propose that no central staff be enlarged to include more professionals than there are judges to be served by the staff. To place this rule in relation to one previously suggested, we propose as a rule that not less than one professional of four serving in a high volume court should be a full

> fledged judge; such a judge may be appropriately assisted by as many as two personal law clerks and the equivalent of one additional clerk serving in the central staff. To surround a judgeship in such a court with more supporting personnel would create risks we regard as excessive to the imperatives of appellate justice. As long as this rule is observed, there need be little concern about staff usurpation or the "bureaucratization" or the judiciary.[32]

The ABA Appellate Standards are more liberal in this regard, stating that busy appellate judges should be authorized as many as three law clerks each[33] in addition to a centralized staff of unspecified size. But the Standards warn that the court "must be continually alert to the risk of internal bureaucratization and against any tendency to rely on staff for decisions that should be made only be judges personally."[34]

The number of attorney aides in state appellate courts, as evidenced by Table 1.8, has not exceeded the limits suggested by these authorities; although the bare figures do not indicate whether judges delegate their decision-making function to an excessive extent. As stressed earlier, the addition of attorney aides cannot be expected to increase the number of cases decided by each judge unless the staff does, indeed, preform some of the decision making tasks previously conducted by the judge.[35] If the attorney aides are only broadening the scope of the information search, their efforts go towards increasing quality of decision. The net impact, in fact, could be to reduce the judges decision capacity by increasing the information that the judges must absorb (e.g., the judges have the attorneys' memoranda to read). In all it is likely that the attorney aides' functions fall into both categories; they preform some duties that judges previously preformed (such as writing first drafts of opinions), and they also gather additional information for the judges to consider when deciding.

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[32] Carrington, Meador, and Rosenberg, supra note 12, at 48.

[33] Standards Relating to Appellate Courts 96-97 (Chicago: American Bar Association, 1977).

[34] Id. at 86.

[35] The central conclusion of Meador's research was that staff attorneys can only increase court output if judges spend less time on each case by delegating to the staff some duties now preformed by judges. Meador, supra note 12, at 97-107.

Table 1.6

Attorney Aides in Intermediate Appellate Courts in 1984

	Law Clerks per judge	extra for chief judges	Staff attorneys	Total attorneys	Attorneys per judge
01 Alabama	.	.	.	.	.
02 Alaska	2	0	1	7	2.3
03 Arizona	1.1	0	13	30	2.0
04 Arkansas	1	0	0	6	1.0
05 California	2	0	60	206	2.8
06 Colorado	1	0	12	22	2.2
07 Conn.	1	0	3	7	1.8
08 Delaware	*	*	*	*	*
09 Dist. Col.	*	*	*	*	*
10 Florida	2	0	0	92	2.0
11 Georgia	3	0	1	28	3.1
12 Hawaii	2	0	0	6	2.0
13 Idaho	1.3	0	0	4	1.3
14 Illinois	2	0	30	116	2.7
15 Indiana	3.3	0	1	4.1	3.4
16 Iowa	1	0	0	6	1.0
17 Kansas	1	0	6	13	1.9
18 Kentucky	1	0	8	22	1.6
19 Louisiana	1.8	5	28	118	2.5
20 Maine	*	*	*	*	*
21 Maryland	1.4	1	3	22	1.7
22 Mass.	1.4	1	8	23	2.3
23 Michigan	.	.	.	.	.
24 Minnesota	.	.	.	.	.
25 Miss.	*	*	*	*	*
26 Missouri	1.2	0	7	46	1.4
27 Montana	*	*	*	*	*

Table 1.6 (continued)

	Law Clerks per judge	extra for chief judge	Staff attorneys	Total attorneys	Attorneys per judge
28 Nebraska	*	*	*	*	*
29 Nevada	*	*	*	*	*
30 New Hamp.	*	*	*	*	*
31 New Jersey	1	8	15	46	2.0
32 New Mexico	1	0	5	12	1.7
33 New York	1	0	86	133	2.8
34 North Car.	1	0	11	23	1.9
35 North Dak.	*	*	*	*	*
36 Ohio	.	.	.	.	.
37 Oklahoma	.	.	.	.	.
38 Oregon	1	0	7	17	1.7
39 Penn.	.	.	.	.	.
40 Rhode Is.	*	*	*	*	*
41 South Car.	.	.	.	.	.
42 South Dak.	*	*	*	*	*
43 Tennessee	.	.	.	.	.
44 Texas	1	1	28	109	1.4
45 Utah	*	*	*	*	*
46 Vermont	*	*	*	*	*
47 Virginia	*	*	*	*	*
48 Washington	2	0	9	41	2.6
49 West Va.	*	*	*	*	*
50 Wisconsin	1	0	10	22	1.8
51 Wyoming	*	*	*	*	*

* No intermediate court.

Table 1.7

Attorney Aides in Supreme Courts in 1984

	Law Clerks per judge	Law Clerks extra for chief judge	Staff attorneys	Total attorneys	Attorneys per judge
01 Alabama	.	.	.	.	.
02 Alaska	2	0	1	11	2.2
03 Arizona	2	0	6	16	3.2
04 Arkansas	1	0	0	7	1.0
05 California	4	1	14	41	6.3
06 Colorado	2	0	0	14	2.0
07 Conn.	1	1	4	11	1.8
08 Delaware	1	0	0	5	1.0
09 Dist. Col.	2.2	1	4	23	2.8
10 Florida	2	1	0	15	2.1
11 Georgia	2	0	2	16	2.3
12 Hawaii	2	1	1	12	2.4
13 Idaho	2	0	1	11	2.2
14 Illinois	2.6	0	4	22	3.2
15 Indiana	2	0	3	13	2.6
16 Iowa	1	0	7	16	1.8
17 Kansas	1	0	0	7	1.0
18 Kentucky	1	1	3	11	1.6
19 Louisiana	3	0	6	27	3.9
20 Maine	1.6	0	0	11	1.6
21 Maryland	1.4	1	0	11	1.5
22 Mass.	2	0	4	18	2.6
23 Michigan	.	.	.	.	.
24 Minnesota	.	.	.	.	.
25 Miss.	1.3	0	0	12	1.3
26 Missouri	2	0	0	14	2.0
27 Montana	2	0	0	14	2.0

Table 1.7 (continued)

	Law Clerks per judge	Law Clerks extra for chief judge	Staff attorneys	Total attorneys	Attorneys per judge
28 Nebraska	1.4	1	0	11	1.5
29 Nevada	.	.	0	.	.
30 New Hamp.	2	0	0	10	2.0
31 New Jersey	2.1	1	0	16	2.2
32 New Mexico	2	1	0	11	2.2
33 New York	2	1	8	23	3.3
34 North Car.	1	1	0	8	1.1
35 North Dak.	1	0	4	9	1.8
36 Ohio	.	.	.	.	.
37 Oklahoma	.	.	.	.	.
38 Oregon	1	0	2	9	1.3
39 Penn.	.	.	.	.	.
40 Rhode Is.	2	1	4	15	3.0
41 South Car.	.	.	.	.	.
42 South Dak.	1	0	2	7	1.4
43 Tennessee	.	.	.	.	.
44 Texas	2	0	12	48	2.7
45 Utah	2	0	3	13	2.6
46 Vermont	1	0	0	5	1.0
47 Virginia	1	0	9	16	2.3
48 Washington	1.4	1	5	19	2.1
49 West Va.	.	.	.	.	.
50 Wisconsin	1	0	3	10	1.4
51 Wyoming	1	0	0	5	1.0

Table 1.8

Total Attorney Aides in the Appellate System

	Total Attorney Aides 1984	Attorney Aides Per Judge in 1984	Increase 10 yr.	Increase 16 yr.	Law Clerks Per Judge Increase 10 year	Staff Atty Per Judge Increase 10 year
01 Alabama	.	.	.	.	.	.
02 Alaska	18	2.3	.3	1.3	0	.3
03 Arizona	46	2.3	.8	1.0	.3	.5
04 Arkansas	13	1.0	0	0	0	0
05 California	247	3.1	1.1	1.5	.9	.2
06 Colorado	36	2.1	1.1	1.1	.4	.7
07 Conn.	18	1.8	.8	.8	.1	.7
08 Delaware	5	1.0	0	.7	0	0
09 Dist. Col.	23	2.8	1.1	.	.7	.4
10 Florida	107	2.0	.9	1.0	1.0	-.2
11 Georgia	44	2.8	1.7	1.8	1.6	.1
12 Hawaii	18	2.3	1.3	1.3	1.1	.1
13 Idaho	15	1.9	.7	.9	.5	.1
14 Illinois	138	2.8	.6	1.5	.1	.5
15 Indiana	54	3.2	1.3	1.9	1.7	-.3
16 Iowa	22	1.5	0	.5	0	0
17 Kansas	20	1.4	.4	1.2	0	.4
18 Kentucky	33	1.6	.6	1.1	0	.5
19 Louisiana	145	2.7	1.4	1.6	.7	.6
20 Maine	11	1.6	.6	1.6	.6	0
21 Maryland	33	1.7	.7	.7	.5	.2
22 Mass.	41	2.4	.9	1.4	.6	.3
23 Michigan	.	.	.	.	.	.
24 Minnesota	.	.	.	.	.	.
25 Miss.	12	1.3	.3	.3	.3	0
26 Missouri	60	1.5	.5	1.5	.5	0
27 Montana	14	2.0	1.0	1.0	1.0	0

Table 1.8 (continued)

	Total Attorney Aides 1984	Attorney Aides Per Judge in 1984	Increase 10 yr.	Increase 16 yr.	Law Clerks Per Judge Increase 10 year	Staff Atty Per Judge Increase 10 year
28 Nebraska	11	1.5	.5	1.5	.5	0
29 Nevada	.	.	.	.	.	.
30 New Hamp.	10	2.0	1.0	1.8	1.0	0
31 New Jersey	62	2.1	.5	1.0	.2	.3
32 New Mexico	23	1.9	.9	.9	.5	.4
33 New York	156	2.9	.	.	0	.
34 North Car.	31	1.6	.6	.6	.1	.5
35 North Dak.	9	1.8	.8	1.4	0	.8
36 Ohio	.	.	.	.	.	.
37 Oklahoma	.	.	.	.	.	.
38 Oregon	26	1.5	.3	.5	0	.3
39 Penn.	.	.	.	.	.	.
40 Rhode Is.	15	3.0	1.8	1.8	1.2	.6
41 South Car.	.	.	.	.	.	.
42 South Dak.	7	1.4	.6	1.4	.2	.4
43 Tennessee	.	.	.	.	.	.
44 Texas	157	1.6	.9	1.4	.5	.3
45 Utah	13	2.6	1.6	1.6	1.0	.6
46 Vermont	5	1.0	-.2	1.0	0	-.2
47 Virginia	16	2.3	.6	1.1	0	.6
48 Washington	60	2.4	1.2	1.0	.8	.5
49 West Va.	.	.	.	.	.	.
50 Wisconsin	32	1.7	.3	.7	0	.3
51 Wyoming	5	1.0	1.0	1.0	1.0	0

1.6 Opinion Practices.

1.6.1 Introduction.

In appellate decision-making, the amount of time a judge spends on each case is flexible. Appellate decisions theoretically can be, although they should not be, based on a cursory review of the parties' contentions or on presentations by the court's staff. Thus, appellate judges facing an increasingly large caseload can select among several strategies. The judges can continue to expend the traditional effort on each appeal and thereby permit a large backlog to accumulate, or they can spend less time on each case by eliminating some of the traditional elements of the appellate process. Most such appellate courts adopt efficiency measures that somewhat increase the court's output per judge but do not enable it to keep abreast of its workload. Some courts, however, do dispose of huge caseloads by adopting extreme departures from traditional appellate procedure.

The traditional appellate decision-making process includes lengthy study of the issues by all judges hearing the case. The judges read the briefs and relevant portions of the record, and they listen to and question counsel during hour-long oral arguments. After arguments the judges discuss the case at length, reaching a tentative conclusion. Thereafter, the assigned judge and his clerk carefully study the record and briefs, conduct independent research for legal authority missed by counsel, and write and opinion fully explaining the reasons for the court's ruling on each issue raised. The non-assigned judges closely read the draft opinion and frequently suggest changes. The opinion is then published in the state reports.

This is a description of how most appellate courts operated until the recent caseload increases. Courts with wide discretionary jurisdiction, which are able to limit their caseloads, still generally follow this procedure in cases heard on the merits. But most other appellate courts have curtailed important elements of the traditional procedure.

This and the following sections will outline changes that high-volume courts, generally intermediate courts, have made in recent years. The most important changes are probably those dealing with opinion practices. Studies have shown that a large proportion of appellate judges' time is consumed in

preparing opinions.[36] Therefore, this aspect of the appellate process is a prime candidate for changes that could lead to major relief. Three types of changes are discussed here: 1) restrictions on publication of opinions, 2) memo opinions and 3) decisions without opinion.

1.6.2 Opinion publication.

Limiting opinion publication can save judges' time because the unpublished opinions need not be as polished as regular published opinions.[37] The audience is limited to the parties, their lawyers, the trial judge, and the judges deciding the appeal; the opinion is not written for prosperity, and it will not be used by lawyers and citizens to guide their affairs in future years. Because unpublished opinions usually cannot be cited as precedent, the judges need not spend as much effort ensuring that in legal analysis is correct. The facts need not be as thoroughly stated, and the writing style need not be as polished. Further, there is less need to check thoroughly for non-substantive mistakes, such as inexact citations. One appellate court expert has estimated that unpublished opinions take about half the judicial time published opinions take.[38] ABA Appellate Standard 3.37 recommends that opinions be published only if they meet specific, quite restrictive, criteria.[39]

Decision efficiency is not the only rationale given for limiting publication. It is often argued, for example, that selective publication helps the bar by limiting the cost of court reporters and by reducing the amount of material that must be reviewed when researching an issue.

Nevertheless, unpublished opinions are the subject of

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[36] See especially, Summary of the Third Circuit Time Study (Federal Judicial Center, 1974); Osthus aand Shapiro, Congestion and Delay in State Appellate Courts 25 (American Judicature Society, 1974); Arthur England and Michael McMahon, "Quantity Discounts in Appellate Justice," 60 Judicature 442 (1977).

[37] Justice Smith, of the Arkansas Supreme Court, gives a lengthy explanation of the reasons why time is saved in Smith, "The Selective Publication of Opinions: One Court's Experience," 32 Ark. L. Rev. 26, 29-30 (1978).

[38] John Frank, quoted in Comment, "Do Unpublished Opinions Hamper Justice?" 64 ABA J. 318 (1978).

[39] Standards Relating to Appellate Courts 62-63 (Chicago: American Bar Association, 1977).

Table 1.9

Percent of Opinions Unpublished

	App. System Percent Unpub.			Int. Courts Percent Unpub.		Sup. Courts Percent Unpub.	
	1984	1974	1968	1984	1974	1984	1974
01 Alabama	.	.	.	.	.	.	.
02 Alaska	49	0	0	63	*	26	0
03 Arizona	70	45	0	77	51	8	34
04 Arkansas	33	17	0	51	*	0	17
05 California	84	82	47	85	85	0	0
06 Colorado	39	0	0	48	0	0	0
07 Conn.	0	0	0	0	*	0	0
08 Delaware	77	42	0	*	*	77	42
09 Dist. Col.	56	49	.	*	*	56	49
10 Florida	0	0	0	0	0	0	0
11 Georgia	0	5	.	0	0	0	14
12 Hawaii	56	33	0	45	*	62	33
13 Idaho	0	0	0	0	*	0	0
14 Illinois	64	20	11#	67	22	5	0
15 Indiana	46	0	.	60	0	0	0
16 Iowa	49	0	0	80	*	12	0
17 Kansas	53	0	0	65	*	25	0
18 Kentucky	85	65	15	89	*	65	65
19 Louisiana	17	0	0	19	0	0	0
20 Maine	0	0	0	*	*	0	0
21 Maryland	75	62	14	82	72	10	20
22 Mass.	47	0	0	63	0	0	0
23 Michigan	.	.	.	.	.	.	.
24 Minnesota	.	.	.	.	.	.	.
25 Miss.	11	0	0	*	*	11	0

Table 1.9 (continued)

	App. System Percent Unpub.			Int. Courts Percent Unpub.		Sup. Courts Percent Unpub.	
	1984	1974	1968	1984	1974	1984	1974
26 Missouri	3	0	0	3	0	0	0
27 Montana	0	0	0	*	*	0	0
28 Nebraska	0	0	0	*	*	0	0
29 Nevada	.	.	.	.	.	.	.
30 New Hamp.	.	0	0	*	*	.	0
31 New Jersey	74	84	65	76	89	0	0
32 New Mexico	57	17	0	63	18	44	15
33 New York	0	0	0	0	0	0	0
34 North Car.	31	0	0	35	0	0	0
35 North Dak.	0	0	0	*	*	0	0
36 Ohio	.	.	.	.	.	.	.
37 Oklahoma	.	.	.	.	.	.	.
38 Oregon	0	0	0	0	0	0	0
39 Penn.	.	.	.	.	.	.	.
40 Rhode Is.	0	0	0	*	*	0	0
41 South Car.	.	.	.	.	.	.	.
42 South Dak.	0	0	0	*	*	0	0
43 Tennessee	.	.	.	.	.	.	.
44 Texas	72	46	21#	74	24	54	60
45 Utah	13	13	0	*	*	13	13
46 Vermont	.	.	.	*	*	0	0
47 Virginia	0	0	0	*	*	0	0
48 Washington	61	35	0	70	44	0	0
49 West Va.	.	.	.	*	*	.	.
50 Wisconsin	76	37	20#	84	*	0	37
51 Wyoming	0	0	0	*	*	0	0

* No intermediate court that year.

These figures are for 1969.

considerable criticism. The major reason is the lack of accountability. A blunt statement of this position is found in the following passage from a synopsis of an A.B.A. conference discussion:

> Some appeals judges duck difficult rulings or try to hide faulty logic by ruling in secret, said (Arizona Chief Justice) Cameron. Even when those factors are not present, he said, the practice encourages the growing public mistrust of the courts.[40]

Professors Carrington, Meador and Rosenberg also believe that unpublished opinions reduce visibility of appellate decision-making, may undermine the integrity of the legal process, and may lead to inconsistent decisions also.[41]

The present research found that restricting opinion publication is a very common efficiency measure. As seen in Table 1.9, courts in only a half dozen of the states studied issued unpublished opinions in 1968. By 1974 the number grew to 16, and by 1984 it was 25. (Of the remaining 15 states, as will be seen below, courts in six decide many cases without opinion.) Overall, in 1984 appellate courts in the average state decided 33 percent of their cases with unpublished opinion, up from 16 percent in 1974.

1.6.3 Memo opinions.

The second opinion-writing efficiency measure that many courts have adopted is to issue very short opinions in the less important cases. Because quantitative information about opinion length is not available,[42] this research studies the use of per curiam and memorandum opinions, opinions that are not signed by an authoring judge. Such opinions, called "memo opinions" here, are generally short opinions, less than a printed page, much shorter than the typical signed opinion. A few courts, however, curtail opinion writing by issuing very short signed opinions, and these are not included in the

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[40] Comment, supra note 38, at 318.

[41] Carrington, Meador, and Rosenberg, supra note 12, at 35-41. A number of other scholars have questioned the unpublished opinion practice, especially because of the danger of inconsistent decisions. E.g., Gardner, "Ninth Circuit's Unpublished Opinions: Denial of Equal Justice?" 61 ABA J. 1124 (1975).

[42] It is not practical to calculate the nelgth of each opinion issued by forty courts over 17 years.

Table 1.10

Memo Opinions - Percent of Opinions

	Appellate System			Intermediate Courts		Supreme Courts	
	1984	1974	1968	1984	1974	1984	1974
01 Alabama	.	.	.	.	.	.	.
02 Alaska	.	9	.	.	.	.	9
03 Arizona	0	0	0	0	0	0	0
04 Arkansas	7	2	1	5	*	12	2
05 California	7	24	0	7	25	0	0
06 Colorado	0	0	0	0	0	0	0
07 Conn.	0	0	0	0	0	0	0
08 Delaware	81	52	10	*	*	81	52
09 Dist. Col.	56	49	.	*	*	56	49
10 Florida	25	34	15	24	34	53	28
11 Georgia	.	.	.	A	*	B	.
12 Hawaii	.	.	.	B	*	C	.
13 Idaho	0	8	1	0	*	0	8
14 Illinois	64	11	.	67	12	0	5
15 Indiana	0	0	.	0	0	0	0
16 Iowa	13	6	0	14	*	12	6
17 Kansas	.	.	.	*	*	.	.
18 Kentucky	.	53	0	0	*	.	53
19 Louisiana	0	0	0	0	0	0	0
20 Maine	16	5	3	*	*	16	5
21 Maryland	75	61	37	82	72	10	14
22 Mass.	61	31	32	78	46	11	11
23 Michigan	.	.	.	.	.	.	.
24 Minnesota	.	.	.	.	.	.	.
25 Miss.	0	0	0	*	*	0	0
26 Missouri	A	A	A	A	A	A	A
27 Montana	0	0	0	*	*	0	0
28 Nebraska	18	0	0	*	*	18	0

Table 1.10 (continued)

	Appellate System			Intermediate Courts		Supreme Courts	
	1984	1974	1968	1984	1974	1984	1974
29 Nevada	.	.	.	.	.	.	.
30 New Hamp.	.	19	23	*	*	.	19
31 New Jersey	73	89	67	74	91	24	46
32 New Mexico	58	18	1	63	18	46	17
33 New York	59	44	.	60	47	44	15
34 North Car.	.	.	.	B	.	14	3
35 North Dak.	0	0	0	*	*	0	0
36 Ohio	.	.	.	.	.	.	.
37 Oklahoma	.	.	.	.	.	.	.
38 Oregon	6	8	0	7	11	0	0
39 Penn.	.	.	.	.	.	.	.
40 Rhode Is.	4	9	9	*	*	4	9
41 South Car.	.	.	.	.	.	.	.
42 South Dak.	A	A	8	*	*	A	A
43 Tennessee	.	.	.	.	.	.	.
44 Texas	31	36	.	29	5	53	57
45 Utah	27	1	1	*	*	27	1
46 Vermont	.	.	.	*	*	.	.
47 Virginia	.	.	.	*	*	.	.
48 Washington	.	.	.	.	.	.	.
49 West Va.	.	.	.	.	.	.	.
50 Wisconsin	39	40	.	43	*	0	40
51 Wyoming	0	5	17	*	*	0	5

Note - A "0" means that there were no or very few memo opinions.

* No intermediate court that year.

A - less than 15% of the decisions are by memo opinion.
B - 15% to 50% of the decisions are by memo opinion.
C - 50% to 85% of the decisions are by memo opinion.

variable here. Both memo opinions and signed opinions, it should be added, can be either published or unpublished, although many courts publish memo opinions less frequently.

Information about the exact number of memo opinions is not available for several states studied. Table 1.10 gives the percent of cases decided with memo opinion when that information is available; when it is not, the table gives only a percentage range for the amount of memo opinion use. Here, again, appellate courts are cutting back on their opinion work, but the changes have not been as dramatic as the changes in publication practices. Only half a dozen states appreciably increased the portion of memo opinions, and several actually reduced their use.

1.6.4 Decisions Without Opinions.

A drastic way to decrease the time spent on opinions is simply to decide cases without written opinions. The litigants and the attorneys are given no explanation for the decision, other than comments the judges may have made during oral arguments. As might be expected, many commentators have objected to this practice and listed many evils.[43] If judges do not give reasons for decisions, losing parties may not be satisfied that sufficient attention was given to their contentions; the court may seem arbitrary. This belief may spread beyond those immediately connected with the case and reach the legal community and even the general public. The act of writing opinions is also an important part of the decision process since tentative ideas may not survive the test of putting them in writing. Finally, opinions are absolutely necessary under the common law tradition whenever the decisions create new law or change existing law.

Table 1.11 shows the percent of cases decided without opinion in the states studied here. Nearly half, 18 of the 40, now decide at least some cases without opinion,[44] a substantial increase from 4 in 1968 and 11 in 1974. Most courts that decide cases without opinions, however, do not use the practice frequently. The average percent of cases decided without opinion among the states is 11 percent (up from 7

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[43] See especially, Standards Relating to Appellate Courts 60 (Chicago: American Bar Association 1977); Carrington, Meador, and Rosenberg, supra note 12, at 9-10, 31-32; Carrington, supra note 10.

[44] For Virginia and New Hampshire cases decided by denying review are treated as cases decided without opinion. See Chapter 6.

Table 1.11

Percent Of Decisions Without Opinions

	Appellate System			Intermediate Court		Supreme Court	
	1984	1974	1984	1984	1974	1984	1974
01 Alabama	.	.	.	.	.	.	.
02 Alaska	0	0	0	0	*	0	0
03 Arizona	2	0	0	2	0	0	0
04 Arkansas	11	0	0	17	*	0	0
05 California	0	0	0	0	0	0	0
06 Colorado	0	0	0	0	0	0	0
07 Conn.	0	0	0	0	*	0	0
08 Delaware	0	0	0	*	*	0	0
09 Dist. Col.	7	11	.	*	*	7	11
10 Florida	44	31	21	46	35	0	0
11 Georgia	13	0	.	10	0	20	0
12 Hawaii	0	0	0	0	*	0	0
13 Idaho	0	0	0	0	*	0	0
14 Illinois	0	0	0	0	0	0	0
15 Indiana	0	0	0	0	0	0	0
16 Iowa	12	21	13	0	*	27	21
17 Kansas	12	0	0	17	*	0	0
18 Kentucky	0	0	0	0	*	0	0
19 Louisiana	1	0	0	0	0	17	0
20 Maine	0	0	0	*	*	0	0
21 Maryland	0	0	0	0	0	0	0
22 Mass.	0	0	0	0	0	0	0
23 Michigan	.	.	.	.	.	.	.
24 Minnesota	.	.	.	.	.	.	.
25 Miss.	28	35	28	*	*	28	35
26 Missouri	0	0	0	0	0	0	0

Table 1.11 (continued)

	Appellate System			Intermediate Court		Supreme Court	
	1984	1974	1984	1984	1974	1984	1974
27 Montana	0	0	0	*	*	0	0
28 Nebraska	31	11	0	*	*	31	11
29 Nevada	.	.	.	*	*	.	.
30 New Hamp.	.	0	0	*	*	.	0
31 New Jersey	17	0	0	17	0	0	0
32 New Mexico	0	18	0	0	26	0	0
33 New York	35	48	.	36	47	30	63
34 North Car.	0	0	0	0	0	0	0
35 North Dak.	0	0	0	*	*	0	0
36 Ohio	.	.	.	.	.	.	.
37 Oklahoma	.	.	.	.	.	.	.
38 Oregon	57	17	0	61	24	0	0
39 Penn.	.	.	.	.	.	.	.
40 Rhode Is.	48	3	0	*	*	48	3
41 South Car.	.	.	.	.	.	.	.
42 South Dak.	8	0	0	*	*	8	0
43 Tennessee	.	.	.	.	.	.	.
44 Texas	0	0	0	0	0	0	0
45 Utah	15	0	0	*	*	15	0
46 Vermont	.	.	.	*	*	.	.
47 Virginia	88	84	85	*	*	88	84
48 Washington	0	0	0	0	0	0	0
49 West Va.	.	.	.	.	.	.	.
50 Wisconsin	0	1	.	0	*	0	1
51 Wyoming	0	0	0	*	*	0	0

* No intermediate court.

Table 1.12

Percent Decided Without Published Opinions

	Appellate System			Intermediate Court		Supreme Court	
	1984	1974	1968	1984	1974	1984	1974
01 Alabama	.	.	.	.	.	.	.
02 Alaska	49	0	0	63	*	26	0
03 Arizona	72	45	0	79	51	8	34
04 Arkansas	44	17	0	68	*	0	17
05 California	84	82	47	85	85	0	0
06 Colorado	39	0	0	48	0	0	0
07 Conn.	0	0	0	0	*	0	0
08 Delaware	77	42	0	*	*	77	42
09 Dist. Col.	63	60	.	*	*	63	60
10 Florida	44	31	21	46	35	0	0
11 Georgia	13	5	.	10	0	20	14
12 Hawaii	56	33	0	45	*	62	33
13 Idaho	0	0	0	0	*	0	0
14 Illinois	64	20	.	67	22	0	5
15 Indiana	46	0	.	60	0	0	0
16 Iowa	61	21	13	80	*	39	21
17 Kansas	65	0	0	82	*	25	0
18 Kentucky	85	65	15	89	*	65	65
19 Louisiana	19	0	0	19	0	17	0
20 Maine	0	0	0	*	*	0	0
21 Maryland	75	62	14	82	72	10	20
22 Mass.	47	0	0	63	0	0	0
23 Michigan	.	.	.	.	.	.	.
24 Minnesota	.	.	.	.	.	.	.
25 Miss.	39	35	28	*	*	39	35
26 Missouri	3	0	0	3	0	0	0
27 Montana	0	0	0	*	*	0	0

Table 1.12 (continued)

	Appellate System			Intermediate Court		Supreme Court	
	1984	1974	1968	1984	1974	1984	1974
28 Nebraska	31	11	0	*	*	31	11
29 Nevada	.	.	.	*	*	.	.
30 New Hamp.	.	0	0	*	*	.	0
31 New Jersey	92	84	65	94	89	0	0
32 New Mexico	57	36	0	63	44	44	15
33 New York	35	48	.	36	47	30	63
34 North Car.	31	0	0	35	0	0	0
35 North Dak.	0	0	0	*	*	0	0
36 Ohio	.	.	.	.	.	.	.
37 Oklahoma	.	.	.	.	.	.	.
38 Oregon	63	18	0	68	25	0	0
39 Penn.	.	.	.	.	.	.	.
40 Rhode Is.	48	3	0	*	*	48	3
41 South Car.	.	.	.	.	.	.	.
42 South Dak.	8	0	0	*	*	8	0
43 Tennessee	.	.	.	.	.	.	.
44 Texas	72	46	.	74	24	54	60
45 Utah	28	13	0	*	*	28	13
46 Vermont	.	.	.	*	*	0	0
47 Virginia	88	84	85	*	*	88	84
48 Washington	61	35	0	70	44	0	0
49 West Va.	.	.	.	*	*	.	.
50 Wisconsin	76	39	.	84	*	0	39
51 Wyoming	0	0	0	*	*	0	0

* No intermediate court.

percent in 1974). Only in eight states are more than a fifth of the cases decided without opinion. These include states with extremely high outputs per judge: Virginia, Florida, and New York (see Table 1.2), suggesting that limiting opinion writing can help judges to decide large numbers of cases.

The decisions without opinion are, in addition, decisions without published opinions. Hence, when they are added to decisions made by unpublished opinions, the result is a more comprehensive measure of opinion curtailment. This is shown in Table 1.12. Appellate courts in only six of the states studied now publish opinions in all cases. Most are states without intermediate courts; and the two exceptions, Connecticut and Idaho, acquired intermediate courts in the past few years. Appellate courts in almost half the states in the study now decide most cases without published opinions; only six states fell in that category in 1974.

1.7 Intermediate Appellate Courts.

1.7.1 Introduction.

The most drastic relief for a supreme court is the creation of an intermediate appellate court or the expansion of the jurisdiction of an existing one. Thirty-six states now have intermediate courts, and 28 of these were included in this research.[45] Of these, 17 created intermediate courts during the period of the study, and eleven greatly increased the jurisdiction of existing courts. This section will outline the numerous arguments for and against intermediate courts, and it will describe the various arrangements for dividing jurisdiction between intermediate and supreme courts.

1.7.2 Benefits Intermediate Courts.[46]

The major reason for having an intermediate court is to increase the appellate judicial capacity in the state without adding judges to the supreme court. It enables the appellate system to decide more appeals, and it enables the supreme

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[45] Virginia, one of the 36 states, received its intermediate court in 1985, after the period covered by the present research.

[46] Examples of the many writings that have discussed this topic are: Intermediate Appellate Courts (Chicago: American Judicature Society, 1968); M. Osthus and R. Shapiro, Congestion and Delay in State Appellate Courts (Chicago: American Judicature Society, 1974); Marvell, supra note 12, at 84-98.

court justices to spend more time on cases important to the law making function. The extent of relief, of course, depends on now many cases are routed to the intermediate court - that is, on the jurisdiction arrangement, the topic of the next section. Supreme court justices consider intermediate courts an important way to reduce backlog.[47] Several studies have estimated the relief afforded and found it substantial.[48]

Since appeals decided by the intermediate court can be reviewed by the supreme court (except in Florida and, for a few cases, in Texas), the relief to the supreme court derives largely from three factors: 1) the portion of cases decided by the intermediate court that result in petitions for review, 2) the difference in the amount of work required to decide appeals on the merits and the work required to decide the petitions for review, and 3) the percent of the petitions accepted and, thus, granted full scale review. The evidence is that a sizeable portion of appeals end after the intermediate court decision, that the petitions require relatively little work by the judges, and a very small percentage of the petitions are granted.[49] This issue is discussed in considerable depth in Chapter 11.

An important additional benefit is that intermediate courts relieve supreme court justices of most of the dispute deciding duties, such that they can concentrate on the more important law making duties - that is, on the minority of cases that have major significance beyond the litigants. As a practical matter, however, the actual impact on the quality of law-making is probably impossible to estimate except through crude criteria such as opinion length.[50]

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[47] Osthus and Shapiro, supra note 46, at 42-43.

[48] Clark, "American Supreme Court Caseloads: A Preliminary Inquiry," 26 Am. J.Comp. L. 217,218 (1978); Marvell, supra note 12, at 86; John Stookey, "Creating an Intermediate Court of Appeals: Workload and Policymaking Consequences," in Philip Debois, ed., The Analysis of Judicial Reform (1982). But see, Eugene Flango and Nora Blair, "Creating an Intermediate Court: Does It Reduce the Caseload of the State's Highest Court," 64 Judicature 75 (1980).

[49] See especially Stooky, supra; Thomas Marvell, "The Problem of Double Appeals," 2 Appellate Ct. Ad. Rev. 23 (1979); England and McMahon, supra note 36.

[50] See, e.g., Groot, "The Effects of an Intermediate Appellate Court on the Supreme Court Work Product: The North Carolina Experience," 7 Wake Forest L.Rev. 548 (1971).

1.7.3 Drawbacks of intermediate courts.

These benefits of intermediate courts, especially the enhanced decision capacity, must be balanced against the drawbacks of extra expense and delay for litigants and extra cost to the state. The impact on the litigant largely depends on the number of double appeals. Petitions for review add slightly to the expense and delay of appellate litigation, and if review is accepted the time required for final decision and the attorney expense can be substantial.[51] As discussed above, this issue is also key to whether creation of an intermediate court can reduce supreme court workload; and the topic will be addressed at length later in Chapter 11.

The second major drawback is the expense of the intermediate court, especially salaries of judges and staff and the cost of more office space. A further drawback, difficult to evaluate, is the possible unattractiveness of intermediate appellate court judgeships.

1.7.3 Division of jurisdiction.

The importance of the drawbacks and benefits depends largely on the jurisdictional arrangement to divide initial appeals between the supreme and intermediate courts. There are three basic systems for apportioning first appeals between the two court levels: 1) all, or virtually all, appeals are routed to the intermediate court, with discretionary review thereafter in the supreme court,[52] 2) initial appeals are filed in the supreme or intermediate court, according to subject matter jurisdiction specified in statutes or court rules, and 3) the supreme court screens initial appeals and apportions them between itself and the intermediate court. States often shift from the second or third system to the first as caseloads increase.

In the present study, the variety of jurisdiction arrangements is important for two reasons. First, it is difficult to compare supreme court or intermediate caseloads output across states, because the type of appeals received differs; and comparisons over years in a single state are not meaningful when a court's jurisdiction changes. Chapter 6 discusses this topic in more detail. Second, the number

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[51] See Marvell supra note 12, at 88-89.

[52] In several states litigants have a righty to mandatory review of some intermediate court decisions by the supreme courts, for example when there is a dissent in the former.

Table 1.13

Court Structure: Use of Intermediate Courts and Panels

	Percent of Appeals Decided by the Intermediate court			Average Decision Unit (Panel) Size				
				Intermed. Court	Supreme Court	Appellate System		
	1984	1974	1968	1984	1984	1984	1974	1968
01 Ala	.	.	.	.	.	.	.	.
02 Aka	61	0	0	3.0+	5.0	3.8	5#	3#
03 Ariz	90	65	65	3.0	5.0	3.2	3.5	3.5
04 Ark	65	0	0	3.0	7.0	4.4	7#	7#
05 Cal	99	97	94	3.0	7.0	3.1	3.1	3.2
06 Col	81	53	0	3.0	7.0	3.7	3.9	5.0
07 Conn	46	0	0	3.0	5.0@	4.1	5.0	5.0
08 Del	0	0	0	*	3.0@	3.0	3#	3#
09 D.C.	0	0	.	*	3.0@	3.0	3.0	.
10 Fl	95	90	83	3.0	7.0	3.2	3.2	3.3
11 Ga	76	62	.	3.0	7.0	4.0	4.5	.
12 Ha	34	0	0	3.0+	5.0	4.2	4.6	5.0
13 Id	51	0	0	3.0+	5.0	4.0	5.0	5.0
14 Ill	96	90	.	3.0	7.0	3.2	3.4	.
15 Ind	76	74	.	3.0	5.0	3.5	3.5	.
16 Iowa	54	0	0	3.1	4.9@	3.9	5.0	6.5
17 Kan	70	0	0	3.0	7.0	4.2	9#	9#
18 Ky	85	0	0	3.0	7.0	3.6	3.0	4.0
19 La	93	79	90	3.0	7.0	3.3	3.9	3.4
20 Me	0	0	0	*	6.0@	6.0	5.5	5.5
21 Md	89	81	59	3.0	7.0	3.4	3.7	4.0
22 Mass	74	58	0	3.0	5.0@	3.5	3.8	5.0
23 Mich	.	.	.	.	.	.	.	.
24 Minn	.	.	.	.	.	.	.	.
25 Miss	0	0	0	*	7.3@	7.3	7.6	7.9
26 Mo	93	64	48	3.0	7.0	3.3	3.7	4.6
27 Mont	0	0	0	*	6.0@	6.0	5#	5#

Table 1.13 (continued)

	Percent of Appeals Decided by the Intermediate court			Average Decision Unit (Panel) Size				
				Intermed. Court	Supreme Court	Appellate System		
	1984	1974	1968	1984	1984	1984	1974	1968
28 Neb	0	0	0	*	6.7@	6.7	6.7	7#
29 Nev	.	.	.	.	.	.	.	.
30 NH	.	0	0	*	5.0	*	5#	5#
31 NJ	98	95	85	2.2	7.0	2.3	3.2	3.6
32 NM	68	72	38	3.0	3.0@	3.0	2.9	3.0
33 NY	93	91	90	4.6	7.0	4.8	5.2	5.2
34 NC	88	86	71	3.0	7.0	3.5	3.5	4.2
35 ND	0	0	0	*	5.0	5#	5#	5#
36 Ohio	.	.	.	.	.	.	.	.
37 Okl	.	.	.	.	.	.	.	.
38 Or	94	71	0	3.0	7.0	3.3	3.6	5.0
39 Penn	.	.	.	.	.	.	.	.
40 RI	0	0	0	*	4.2@	4.2	5#	5#
41 SC	.	.	.	.	.	.	.	.
42 SD	0	0	0	*	5.0	5#	5#	5#
43 Tenn	.	.	.	.	.	.	.	.
44 Tex	90	39	54	3.0	9.0	3.6	6.6	4.1
45 Utah	0	0	0	*	5.0	5#	5#	5#
46 Vt	.	.	.	*	5.0	.	.	.
47 Va	0	0	0	*	3.5@	3.5	3.6	3.6
48 Wash	87	78	0	3.0	9.0	3.8	4.3	5.0
49 WVa	.	.	.	.	.	.	.	.
50 Wisc	91	0	.	2.6	7.0	3.0	7#	.
51 Wy	0	0	0	*	5.0	5#	5#	4#

* No intermediate court

+ Only three judges on the intermediate court.

This figure represents supreme courts sitting en banc.

@ Supreme courts sitting in panels.

double appeals depends largely on the method for dividing jurisdiction between the two courts. The first model, with nearly all initial appeals filed in the intermediate court, leads to the most double appeals; and the third arrangement, with pour over jurisdiction in the intermediate court, usually results in the fewest double appeals. This will be discussed further in Chapter 11.

1.7.4 Extent of intermediate courts.

As explained in Chapter 10, the present research measures the use of intermediate courts by the percent of cases decided there. This measure permits one to take account both of the existence of intermediate courts and of the varying jurisdictional splits between the two court levels. The resulting figures are shown in Table 1.13: there has been a substantial shift of caseload from supreme courts to intermediate courts in most states. The average percent decided in intermediate courts for the states with data has grown from 22 in 1968 to 34 in 1974 to 54 in 1984. A major issue for this research is whether this shift has increased the productivity of the state appellate systems.

1.8 Use of Panels and Reducing Panel Size.

1.8.1 Panels in supreme courts.

As was discussed earlier, decision by panels theoretically permits court expansion without substantial loss of productivity per judge. Supreme Courts use panels less often than intermediate courts do and then usually only as expediency measures to be abandoned after other relief, such as creation of an intermediate court, is received. Panel size varies from three to six. Most supreme courts using panels require that a majority of judges concur in each decision; hence panel size is usually larger than half the court, and the case is heard en banc whenever those concurring in the panel decision do not constitute a majority of the whole court. For example, a seven-judge court may sit in five-judge panels with en banc review whenever two judges dissent. On the other hand, two nine-judge supreme courts, in Mississippi and the District of Columbia, sit in three-judge panels permitting decision by substantially less than half the court.

Panels in supreme courts are the subject of considerable

commentary.[53] The arguments why panels increase a court's efficiency are many. The judges hear fewer arguments, read fewer briefs, and review fewer draft opinions. Panel hearings do not, however, reduce the number of majority opinions written by each judge. On the other hand, the drawbacks of the panel system in a court of last resort are substantial. The court's decisions may not be consistent, leading to uneven justice to litigants and to disharmonious law in the jurisdiction. The panel judges may make overly fine distinctions to avoid precedent created by prior panel decisions. The knowledge and experience of all the court's judges are not available when the court performs its law-making function. The probability of a panel representing all significant points of view that the full court would consider in a complex case is small. This narrow viewpoint presents major problems in the court's law-making function. As a practical matter, the full implications of the panel system cannot be measured accurately.

ABA Appellate Standard 3.01 states absolutely that high courts should not sit in panels for the following reasons:

> In some states having no intermediate appellate court, the supreme court sits in divisions in order to cope with a caseload that would be too large to handle if the court were to sit en banc in every case. The is arrangement has often been used as a means of transition to the establishment of an intermediate appellate court. The result of such an arrangement is that the court functions simultaneously as a court of intermediate review when it sits in divisions and as a court of subsequent review when it sits en banc. If the court's docket in such a system is carefully administered so that important or difficult cases are identified before heard and assigned directly for en banc hearing, a single supreme court can handle the system's appellate responsibilities in an effective way. Experience indicates, however, that such an arrangement may persist long after the point has been reached when an intermediate appellate court should have been established. Moreover, internal inconsistency in the court's decisions may be ignored or tolerated to an excessive degree in the hope of avoiding the cost of establishing an intermediate court.[54]

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[53] See especially, Lilly and Scalia, supra note 17, at 22-25, 34-42; Subcommittee on the Workload of the District of Columbia Court of Appeals, supra note 12, at 21-24, 157-72.

[54] Standards Related to Appellate Courts 53 (Chicago: American Bar Association, 1977).

The panel procedure noted in the above passage as an effective answer to large caseloads is not the procedure generally used. High courts using panels usually hear the great majority of cases initially in panels and schedule extremely few for later review by the full court.

Table 1.13 shows the extent of panel use in 1984. Of the 41 states covered in this study, supreme courts in 12 sat in panels that year: Connecticut, Delaware, District of Columbia, Iowa, Maine, Massachusetts, Mississippi, Montana, Nebraska, New Mexico, Rhode Island, and Virginia. Another 10 supreme courts sat in panels at some period between 1968 and 1984, abandoning the practice after intermediate courts were created or expanded. These states are Arizona, Arkansas, Colorado, Florida, Kentucky, Maryland, Missouri, Oregon, Texas (Court of Criminal Appeals), and Washington.

1.8.2 Panels in intermediate courts.

Nearly all intermediate courts either have only three judges or hear cases in panels of three (see Table 1.13). Two intermediate courts hear cases in panels larger than three: The New York Appellate Division sits on 4 or 5 judge panels, and five judges hear cases in the Alabama Court of Civil Appeals. Also, intermediate courts in Arkansas, Iowa, and Oregon sat en banc for the first one to six years of their existence.

Only two courts hear cases in panels smaller than three: 1) The New Jersey Appellate Division hears many cases in two-judge panels; but three judges hear cases that the presiding judge believes contain issues of public importance, of special difficulty, or of precedential value. Of course, a third judge also must be brought in when the two judges disagree. 2) At the Wisconsin Court of Appeals, a single judge hears appeals in several categories of minor cases. Litigants can request a three-judge panels. These rather extreme measures may increase appellate court productivity, because only one or two judges need review the parties' contentions in each case. But the arguments against their use are substantial. Decisions by one or two judges increase the danger of inconsistent decisions. The decisions also may be made with insufficient deliberation. ABA Appellate Standard 3.01 states that decisions should be made by at least three judges in intermediate courts: "The basic concept of an appeals is that it submits the questions involved to collective judicial judgement, and does not merely substitute the opinion of a single appellate judge for that of a single trial judge. A panel of three performs this function without entailing the costs involved in panels composed of a larger number of

judges."[55]

The number of judges sitting on the average supreme court decisions is 5.9, almost double the average in intermediate courts. The fact that intermediate courts are growing much faster than supreme court caseloads, means that the average number of judges participating in appellate decisions has declined from 4.8 in 1968 to 4.6 in 1974 to 4.0 in 1984.

1.9 Restrictions on Oral Argument.

One of the first workload reduction measures often taken by intermediate courts and supreme courts with mandatory jurisdiction is limiting the number of oral arguments. There are two basic ways to limit the judge time required for oral arguments. One is to limit argument length, which is regulated by court rule. The time limits are set forth in Table 1.14. In 1968, the beginning period if the study, the time at nearly all courts varied between one and two hours. Almost half the states reduced the time limits by 1984; few courts now permit more than an hour, and a dozen courts have reduced the time to 40 minutes or less.[56]

The second mechanism is to decide cases without arguments. At the beginning of the research period, attorneys argued nearly all cases decided. Appellate courts have reduced the number of arguments through several mechanisms. First, judges can indicate through court rule or informally that attorneys should not argue unless they have a good reason, such as to present arguments not already in the briefs. Second, the courts can screen cases and, when argument is not believed to be important, request that counsel waive arguments. Finally, the court can limit arguments by simply not allowing attorneys to argue, either after screening or across the board, unless they make a strong showing that argument is necessary.

A typical example of oral argument limitation is the summary calendar procedure in the District of Columbia Court

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[55] Id. at 7.

[56] The time limits discusssed here are the sum of the times allowed by the appellant and appellee. As discussed in Chapter 10, the time limits are not the same as the actual argument time used, because attorneys may not use all the time allowed.

Table 1.14

Oral Argument Length Under the Rules

	1968		1984			1968		1984	
	Sup C	IAC	Sup C	IAC		Sup C	IAC	Sup C	IAC
01 Ala	.	.	.	.	27 Mont	70	*	70	*
02 Aka	60	*	60	60	28 Neb	60	*	60	*
03 Ariz	30	40	30	40	29 Nev	.	.	.	.
04 Ark	60	*	40	60	30 NH	120	*	40	*
05 Cal	60	60	60	60	31 NJ	90	60	90	60
06 Col	60	*	60	30	32 NM	90	90	60	60
07 Conn	120	*	60	60	33 NY	60	45	60	45
08 Del	60	*	60	*	34 NC	70	60	60	60
09 D.C.	*	*	50	*	35 ND	105	*	50	*
10 Fl	60	40	40	40	36 Ohio	.	.	.	.
11 Ga	60	60	40	40	37 Okl	.	.	.	.
12 Ha	60	*	60	60	38 Or	60	*	60	60
13 Id	60	*	60	60	39 Penn	.	.	.	.
14 Ill	70	70	70	70	40 RI	60	*	40	*
15 Ind	60	60	60	60	41 SC	.	.	.	.
16 Iowa	75	*	35	25	42 SD	75	*	50	*
17 Kan	60	*	60	60	43 Tenn	.	.	.	.
18 Ky	90	*	60	60	44 Tex	100	120	40	50
19 La	60	60	60	40	45 Utah	60	*	40	*
20 Me	120	*	40	*	46 Vt	60	*	60	*
21 Md	120	120	60	60	47 Va	15	*	10	*
22 Mass	60	*	30	30	48 Wash	60	*	60	40
23 Mich	.	.	.	.	49 WVa	.	.	.	.
24 Minn	.	.	.	.	50 Wisc	60	*	60	60
25 Miss	60	*	60	*	51 Wy	90	*	60	*
26 Mo	70	70	70	45					

of appeals.[57] The summary calendar was adopted late in 1974 to eliminate oral argument when the judges do not believe it would help in their decision-making. A staff attorney or a retired judge screens appeals for placement on the summary calendar, scheduling six summary calendar cases and three regular calendar cases for panel hearing in one morning or afternoon. The panels are rotated to apportion each active judge an equal number of summary calendar sessions. Counsel in summary calendar cases are notified of the calendar placement and are told that oral arguments will not be held unless requested in writing within ten days of the notification. The court's practice is to grant virtually all such requests, which are received in about one case in five. Roughly two of every five appeals are placed on the summary calendar, and about eighty percent of them are decided without oral argument. In all, the court hears arguments in about seventy percent of all appeals decided.

Table 1.14 presents the available information on oral argument frequency in the states studied here. In the average state roughly 50 to 60 percent of the cases are argued; a more precise figure is not available because percentage estimates are not possible for all courts. Also, we cannot give an overall figure to represent trends in the limitation of arguments, but most appellate systems in Table 1.14 have substantially reduced the portion of cases argued, while only a couple have increased the use of argument. Delaware, Indiana, Montana, New Mexico, South Dakota, and Wisconsin stand out as states that have greatly curtailed oral arguments.

The advisability of curtailing oral arguments depends primarily on two factors: the amount of time saved by judges and the value of oral argument to judges and to lawyers. The time savings may well depend on the amount of travel required for judges to attend arguments, which in turn depends on where arguments are held and where the judges maintain their offices. If arguments are held in one location and the all judges maintain their offices there, the judge-time required for oral arguments is simply the time spent on the bench. In states where the judges travel to various locations around the state, time loss due to arguments must include the travel time. Whenever judges maintain offices far from the court seat, in addition, the argument time must include any travel there to hear arguments, although most such trips are probably necessary to attend court conferences.

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[57] Subommittee on the Workload of the District of Columbia Court of Appeals, supra note 12, at 17-20.

Table 1.15

Percent of Cases Argued

	Appellate System			Intermediate Courts		Supreme Court	
	1984	1974	1968	1984	1974	1984	1974
01 Alabama	.	.	.	.	.	.	.
02 Alaska	.	.	.	C	*	C	C
03 Arizona	.	.	.	B	B	A	A
04 Arkansas	13	16	20	11	*	18	16
05 California	.	.	.	C	C	A	A
06 Colorado	68	89	95	65	95	80	83
07 Conn.	95	95	95	95	*	95	95
08 Delaware	28	80	95	*	*	28	80
09 Dist. Col.	70	95	.	0	*	70	95
10 Florida	.	.	.	C	B	C	B
11 Georgia	.	.	.	C	C	B	B
12 Hawaii	60	.	.	81	*	49	A
13 Idaho	91	95	95	87	*	95	95
14 Illinois	57	72	.	55	70	95	95
15 Indiana	4	34	.	2	40	10	15
16 Iowa	54	56	85	54	*	54	56
17 Kansas	84	89	95	79	*	95	89
18 Kentucky	40	0	0	37	*	60	0
19 Louisiana	.	.	.	B	A	A	A
20 Maine	95	95	95	*	*	95	95
21 Maryland	.	.	.	B	B	A	A
22 Mass.	71	94	90	63	94	95	94
23 Michigan	.	.	.	.	.	.	.
24 Minnesota	.	.	.	.	.	.	.
25 Miss.	44	66	66	*	*	44	66
26 Missouri	.	.	.	B	A	A	A
27 Montana	44	95	95	*	*	44	95

Table 1.15 (continued)

	Appellate System			Intermediate Courts		Supreme Court	
	1984	1974	1968	1984	1974	1984	1974
28 Nebraska	65	85	95	*	*	65	85
29 Nevada	.	.	.	*	*	.	.
30 New Hamp.	.	95	95	*	*	B	95
31 New Jersey	43	47	95	42	45	95	95
32 New Mexico	37	67	78	16	58	80	90
33 New York	53	62	63	52	59	69	95
34 North Car.	.	95	95	B	95	91	95
35 North Dak.	95	95	95	*	*	95	95
36 Ohio	.	.	.	.	.	.	.
37 Oklahoma	.	.	.	.	.	.	.
38 Oregon	93	93	94	93	92	93	94
39 Penn.	.	.	.	.	.	.	.
40 Rhode Is.	95	95	95	*	*	95	95
41 South Car.	.	.	.	.	.	.	.
42 South Dak.	33	95	95	*	*	33	95
43 Tennessee	.	.	.	.	.	.	.
44 Texas	.	.	.	B	A	B	C
45 Utah	60	60	94	*	*	60	60
46 Vermont	.	.	.	*	*	95	94
47 Virginia	.	.	.	*	*	B	B
48 Washington	.	.	.	B	A	A	A
49 West Va.	.	.	.	*	*	.	.
50 Wisconsin	11	37	.	3	*	95	37
51 Wyoming	95	95	95	*	*	95	95

Note - The figure "95" is used to indicate courts that hear oral arguments in nearly all cases.

* No intermediate court.

A - 85% or more of the cases are argued.
B - 50% to 85% of the cases are argued.
C - less then 50% of the cases are argued.

The actual judge-time required for oral arguments is moderate, at most an hour per case, or about 250 hours, a rough estimate of the number of cases a typical judge participates in each year. The time is probably about twice as much when the judges must travel.

No matter what the time savings, one must address the question whether discouraging oral arguments is advisable. Appellate Standard 3.35 states that parties should be permitted oral argument unless the court concludes "that its deliberation would not be significantly aided by oral argument," but the commentary forcefully summarizes the reasons for retaining argument in most cases:

> Oral argument is normally an essential part of the appellate process. It is a medium of communication that is superior to written expression for many appellate counsel and many judges. It provides a fluid and rapidly moving method of getting at essential issues. It contributes to judicial accountability, enlarges the public visibility of appellate decision-making, and is a safeguard against undue reliance on staff work. Oral argument should not ordinarily be allowed on applications for discretionary review or on motions or other procedural matters.[58]

1.10 Summary Judgment Procedures.

In the past decade several appellate courts have adopted summary judgment procedures that greatly curtail the decision process beyond restricting argument and opinions practices. These procedures limit the amount of briefing and, in some courts, the amount of material in the record. (The term "summary procedure" is often used by appellate courts to describe procedures that simply limit opinions or arguments, as evidenced by the description of the District of Columbia summary procedures given in the prior section. The courts usually call the procedures described in this section "summary procedures" also. To avoid confusing, the term "summary judgment procedures" is used here; an appropriate name because the procedures are similar to the summary judgment procedures

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[58] Standards Relating to Appellate Courts 56. Also, see especially, Advisory Council on Appellate Justice, "Report and Recommendations on Improvements of Appellate Practices," Volume 5, Appellate Justice (National Center for State Courts, 1975).

in the trial courts.)

The most straight forward summary judgement procedure is to encourage, in lieu of briefs, motions by appellants for summary reversal and motions by appellees for summary affirmance. In other courts, the judges or staff screen cases for possible summary disposition. An extreme example can be found in New Mexico where a large percent of the criminal appeals are summarily dismissed (i.e., affirmed). When filing an appeal, defendants must submit docket statements that contain brief outlines of the facts and issues. Before the record or briefs are prepared, the prosecution then commonly files a motion to dismiss based on information in the docket statement. These motions are regularly granted. The New Hampshire Supreme Court also decides a large portion of its caseload with a drastic summary judgment procedure that limits both briefing and record preparation.[88]

As indicated in Table 1.16, few state appellate courts make much use of summary judgment procedures. Only five decide more than ten percent of there cases with such procedures, and only three decide more than a fourth. Nevertheless, this moderate use is a substantial increase from the situation 10 years ago, when the summary judgment procedures were just being initiated, and used extensively only in New Mexico.

The effectiveness of summary judgment procedures in increasing appellate court decision output is quite uncertain, because the procedures are always used in conjunction with other efficiency measure, such as limiting arguments or deciding cases without opinions. Any benefit of the summary judgment procedures, in themselves, lies in the reduced briefing and record production. The present research is able to distinguish this aspect and estimate the impact of the summary judgment procedures from the other efficiency measure taken at the same time.

The summary judgment procedures represent an extreme curtailing of the traditional appellate process, and as such they may be criticized for restricting the amount of attention the judges pay to the cases. The New Hampshire procedure, for example, has been attacked in the federal courts for denying due process. Evaluations of summary procedures by the ABA Action Commission to Reduce Court Costs and Delay, however, concluded that the judiciary and the bar supported the

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[88] Charles Douglas, "Innovative Apppellate Court Processing: New Hampshire's Experience with Summary Affirmance," 69 Judicature 147 (1985).

Table 1.16

Percent of Cases Decided With Summary Judgment Procedures

	Appellate System		Intermediate Courts		Supreme Court	
	1984	1974	1984	1974	1984	1974
01 Alabama	0	0	0	0	0	0
02 Alaska	0	0	0	*	0	0
03 Arizona	0	0	0	0	0	0
04 Arkansas	0	0	0	*	0	0
05 California	0	0	0	0	0	0
06 Colorado	0	0	0	0	0	0
07 Conn.	0	0	0	*	0	0
08 Delaware	#	#	*	*	#	#
09 Dist. Col.	0	0	*	*	0	0
10 Florida	0	0	0	0	0	0
11 Georgia	0	0	0	0	0	0
12 Hawaii	0	0	0	*	0	0
13 Idaho	0	0	0	*	0	0
14 Illinois	0	0	0	0	0	0
15 Indiana	0	0	0	0	0	0
16 Iowa	0	0	0	*	0	0
17 Kansas	0	0	0	*	0	0
18 Kentucky	0	0	0	*	0	0
19 Louisiana	0	0	0	0	0	0
20 Maine	0	0	*	*	0	0
21 Maryland	0	0	0	0	0	0
22 Mass.	0	0	0	0	0	0
23 Michigan	.	.	.	.	.	.
24 Minnesota	.	.	.	.	.	.
25 Miss.	0	0	*	*	0	0
26 Missouri	0	0	0	0	0	0
27 Montana	0	0	*	*	0	0
28 Nebraska	6	3	*	*	6	3

Table 1.16 (continued)

	Appellate System		Intermediate Courts		Supreme Court	
	1984	1974	1984	1974	1984	1974
29 Nevada	.	.	*	*	.	.
30 New Hamp.	.	0	*	*	.	0
31 New Jersey	17	0	17	0	0	0
32 New Mexico	18	18	26	25	0	0
33 New York	2	0	0	0	27	0
34 North Car.	0	0	0	0	0	0
35 North Dak.	0	0	*	*	0	0
36 Ohio	.	.	.	.	.	.
37 Oklahoma	.	.	.	.	.	.
38 Oregon	0	0	0	0	0	0
39 Penn.	.	.	.	.	.	.
40 Rhode Is.	48	3	*	*	48	3
41 South Car.	.	.	.	.	.	.
42 South Dak.	8	0	*	*	8	0
43 Tennessee	.	.	.	.	.	.
44 Texas	0	0	0	0	0	0
45 Utah	15	0	*	*	15	0
46 Vermont	.	.	*	*	0	0
47 Virginia	0	0	*	*	0	0
48 Washington	5	0	6	0	0	0
49 West Va.	.	.	*	*	.	.
50 Wisconsin	0	0	0	*	0	0
51 Wyoming	0	0	*	*	0	0

* No intermediate court.

Delaware used summary judgment procedures.

innovations.[80] Also, the Commission concluded that the cases subjected to the summary procedures are decided considerably faster than normal cases.

The effectiveness of summary judgment procedures in increasing appellate court decision output is quite uncertain, because the procedures are always used in conjunction with other efficiency measure, such as limiting arguments or deciding cases without opinions. Any benefit of the summary judgment procedures, in themselves, lies in the reduced briefing and record production. The present research is able to distinguish this aspect and estimate the impact of the summary judgment procedures from the other efficiency measure taken at the same time.

The next chapter will describe the research design that is used here and that is able to answer such questions. The following chapter presents the basic results of the research, including the finding concerning the impact of summary judgment procedures.

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[80] Lynae Olson and Joy Chapper, "Screening and Tracking Criminal Appeals: The Rhode Island Experience," 8 Justice Sys. J. 20 (1983); Joy Chapper and Roger Hanson, "Expedited Procedures for Appellate Courts: Evidence from California's Third District Court of Appeal," 42 Maryland L. Rev. 696 (1983); Joy Chapper, "Oral Argument and Expeding Appeals: A Compatible Combination," 16 J. L. Reform 517 (1983). These studies do not expore the effects on judge decision output.

CHAPTER 2

METHOD OF ANALYSIS

This research is a study of what causes higher output in appellate courts, and the study of causation in society is notoriously difficult. Therefore, care was taken to use a research design adequate to the task and to apply statistical methodologies appropriate to the design. The first two sections of this chapter explain the research design and the statistical techniques. The third section describes the application of these to the data here.

2.1 Time Series Cross Sectional Analysis.

Social science research texts generally consider three research designs acceptable when studying social causation, provided that they are executed correctly.[1] These are the pure experiment, the long time series, and the time series cross sectional analysis. Other research designs are typically considered adequate for only quick and dirty studies; these include such common designs as the short time series (the "before and after" study) and the cross section study (the survey encompassing only one time period). Probably the two most important problems encountered in these studies are 1) one often cannot tell whether a relationship discovered is actually caused by other occurrences taking place at the same time, and 2) if a relationship between variables is established, the causal relationship remains ambiguous and one cannot tell whether the change made causes the supposed

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[1] Some of the major textbooks explaining this point are Donald Campbell and James Stanley, Experimental and Quasi-Experimental Designs for Research (Chicago: Rand McNally, 1967); Thomas Cook and Donald Campbell, Quasi Experimentation, Design, and Analysis for Field Settings (Chicago: Rand McNally, 1979); Peter Rossi, et al., Evaluation: A Systematic Approach (Beverly Hills: Sage Pub.). With respect to court research see especially Mary Lee Luskin, "Building a Theory of Case Processing Time," 62 Judicature 114 (1978); E. Allan Lind, John E. Shapard, and Joe S. Cecil, "Methods for Empirical Evaluation of Innovations in the Justice System," in Experimentation in the Law: Report of the Federal Judicial Center Advisory Committee on Experimentation in the Law (D.C.: Federal Judicial Center, 1981); John Monahan and Lawrence Walker, Social Science in Law (N.Y.: Foundation Press, 1985).

impact, or the impact the change made.

These problems apply to the studies of appellate courts, as they do to any social science study. The first problem prevents one from obtaining answers solely by studying the impact of a change in one or a few courts. A finding, for example, that a court decides more appeals after oral arguments are limited does not mean that the limitations caused the greater output. The increased output may have been caused by other occurrences; the court may have made other changes to increase efficiency, or - as the present research suggests is very likely - the court may have increased output simply because more cases were filed.

A cross-section study would not give informative results because the causal direction cannot be determined. That is, if one find, for example, that courts that limit opinion publication decide more cases, the results cannot be said to show that publication limitations increase output; the causal direction might be in the opposite direction: courts with high caseloads limit publication (because, perhaps, the judges believe - without evidence - that it will increase their caseloads, or because the bar complains about the expense of law reporters).

The three designs generally recommended for researching social science causation are apparently the only three that can address these problems. The designs accept the reality that the researcher cannot account for all possible factors that may affect court output, because there are so many and because not all are known. This problem is addressed by obtaining large samples for analysis and by assuming that any important factors not entered into the research design are more or less randomly distributed with respect to the factors studied and, hence, are part of the general statistical uncertainty, which can be limited by using a large sample.

The causal ambiguity is handled either by applying an innovation to only one group or by studying the impact of changes over several time periods. The preferred research design for causal analysis is probably the pure experiment in which cases are divided randomly into control and experimental groups. The change is applied to the experimental groups, and the result is compared to that in the control group. The strength of this design is based on the assumptions that the two groups differ systematically in one respect only, the application of the experiment to one group, and that all other differences are random. The sample size requirements are substantial (typically several hundred, depending on the magnitude of the impact found); so a true experiment concerning the impact of appellate procedures may require several years.

As a practical matter one cannot research the impact of appellate court efficiency measures by using the pure experimental design. By far the most important problem with pure experiments in court research is the inability to keep the experimental and control groups independent. With respect to experiments designed to increase output such a segregation is probably impossible; it is hard to imagine for example, an appellate court accepting a research plan whereby half the judges, receiving a random assignment of cases, limit publication, while the other half does not. The only way around this problem is to make the court, rather than the case, the unit of analysis. That is, one must conduct the experiment by assigning courts randomly to experimental and control groups, which, of course, is equally unlikely to obtain the acquiesence of the judges.

The other generally acceptable research designs for social science exploration of causation are based on time differences between variables. It is assumed that a change in court operations in one year can cause, but cannot be caused by, the decision output in the following years. The time--series design, for example, determines whether there is a systematic relationship between court changes and delay over a substantial period of time. This is the discredited before--and-after design extended through enough time periods to help control for the chance that other factors might have caused any association between the changes made and delay. The time series design requires substantial data; the rule of thumb is measurements for 50 time periods. This design is not feasible for appellate courts. The time period used must be the year because yearly data is generally the only output data compiled, and because monthly or similar information is difficult to analyze due to the extreme seasonable variations resulting from fact that the appellate courts seldom sit in the summer. Fifty years of information about output, changes of procedure, and number of judges is not obtainable, to the best of our knowledge, from any court.

The final acceptable design, and the design used here, is the time series cross sectional design (also called the multiple time series design), which uses data from many states over a period of several years. One respected text considers this "an excellent quasi-experimental design, perhaps the best of the more feasible designs."[2] Rossi recommends it as the preferred design when the pure experiment is not feasible.[3]

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[2] Campbell and Stanley, supra note 1, at 55-57; see also Cook and Campbell, supra note 1, at 214-218.

[3] Rossi, et al., supra note 1, at 221.

Although frequently recommended, the time series cross section design is seldom used for court studies. It is more the province of economists than of the disciplines that typically study courts, and the economists have developed the standard statistical techniques for this kind of research, as is discussed in the next section.

2.2 Statistical Analysis.

The regression model is the fixed effects model, a standard model for pooled time series cross section data, using a Cobb-Douglas production function. The following paragraphs will first discuss the fixed effect model, then the production function, and finally the trouble-shooting procedures used.

2.2.1 Fixed effects model.

The fixed effects model, which is an analysis of covariance, creates a dummy variable for each state, and the coefficient associated with the dummy is an estimate of the influence of the specific factors ("fixed effects") unique to the court.[4] Omission of these fixed effects, when they are significant as they are in the present research, causes the estimates of other variables to be biased.[5] The fixed effects, of course, reduce the degrees of freedom by the number of states included, but the impact is limited because the sample size is large.

The fixed effects model combines the time series data from the several states into one regression, but ignores within-year, across-court variations. A benefit of the model, therefore, is that it avoids problems causal ambiguity resulting from cross section studies.[6] Explanation of the

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[4] For descripitons of the fixed effect model see especially Richard Berk, et al. "Estimation Procedures for Pooled Cross-Sectional and Time Series Data," 3 Evaluation Q. 385 (1979); Yair Mundlak, "On the Pooling of Time Series and Cross Section Data," 46 Econometrics 69 (1978).

[5] The model also calls for dummies for each year in the analysis, but the dummies are exluded if, as was the case in the present analysis, they are not statistically significant.

[6] The only common alternative to the fixed effects model for time series cross sectional analysis is the random effects model, which incorporates across-sectional comparisons. The results of a random effects analysis on the data are described in

actual equation used for the fixed effects model is given below, where it is incorporated into the production function equation.

2.2.2 The Cobb-Douglas production function.

Because an increase in productivity refers to an increase in the output corresponding to a given amount of input, we must first analyze the production process itself. Production is analyzed using a relationship known as a production function which shows the amount of output corresponding to each distinct combination of inputs. In general we write,

(1) $Q = f(x_1, x_2, \ldots, x_n)$

where Q is output and $x_1, \ldots, x_n$ are inputs (factors of production such as capital and labor), and f is the production function. The inputs are conveniently grouped into the four main input categories: capital (K), labor (L), energy (E), and materials (M). Thus (1) becomes

(2) $Q = f(K,L,E,M)$.

For estimation purposes, (2) is too general, we must specify a functional form. The production function most widely used in empirical work is the Cobb-Douglas function developed by Charles Cobb and Paul H. Douglas.[7] The Cobb-Douglas version of (2) is:

(3) $Q = AK^aL^bE^cM^d$.

This functional form has several desirable properties in that it exhibits diminishing returns to all inputs, yet allows nonconstant returns to scale and substitution among the various inputs. It also has the convenient property that it is linear in logarithms and the theoretical property that it is a linear approximation to any production function expressible in logarithms. Taking logs of (3) yields,

(4) $\log(Q) = \log(A) + a\log(K) + b\log(L) + c\log(E) + d\log(M)$.

Chapter 14, but for reasons explained there that model is considerably inferior to the fixed effects model for the current research.

[7] Michael Intriligator, Econometric Models, Techniques, and Applications 262-80, 288-92 (Englewood Cliffs, Prentice-Hall, 1978); A. Walters, An Introcution to Econometrics 269-339 (New York: Norton, 1970).

In order to adapt this analytic framework to the problem at hand, we assume that the rendering of decisions on appellate cases is a production process and can therefore be analyzed using production function techniques. In this case, the output is taken to be the number of decisions. There are no appreciable capital or energy inputs. However, there are two types of labor: the judges themselves and their attorney aides. The raw materials on which the judges work are the cases appealed. Thus the relevant Cobb-Douglas production function takes the form,

$$(5) \quad Q = AL_1^a L_2^b M^c$$

where Q is the number of decisions, L_1 is the number of judges, L_2 is the number of attorney aides, and M is the number of filings.

An interesting question concerns returns to scale. If we double the number of judges, staff attorneys, and filings, will we double the number of decisions? If so, we characterize the industry as one showing constant returns to scale. If, on the other hand, we find the that the number of decisions increases by less than 2, then we have decreasing returns to scale. If decisions increase by more than 2, we have increasing returns to scale. Most production processes exhibit constant returns to scale, however decreasing returns have been observed in certain extractive industries and increasing returns sometimes characterize public utilities.

For the moment, we assume constant returns to scale. In the Cobb-Douglas this is implied by the coefficients summing to one (a+b+c=1). Thus a=1-b-c, and we can write (5) as

$$(6) \quad Q = AL_1^{1-b-c} L_2^b M^c.$$

Dividing both sides by L_1,

$$(7) \quad Q/L_1 = A_1^{1-b-c-1} L_2^b M^c$$

$$= AL_1^{-b-c} L_2^b M^c$$

$$= A(L_2/L_1)^b (M/L_1)^c.$$

We have now expressed output per judge as a function of the number of staff attorneys per judge and the number of filings per judge. This relationship is also conveniently expressed in logs:

$$(8) \quad \log(Q/L_1) = \log(A) + b\log(L_2/L_1) + c\log(M/L_1).$$

We now relax our assumption of constant returns to scale. Suppose we allow the sum of the coefficients to be

equal to p where p can be greater, equal or less than one. Thus a+b+c=p, a=p-b-c, and

(9) $Q = AL_1^{p-b-c}L_2^{b}M_c$.

Dividing both sides by L1 yields

(10) $Q/L_1 = AL_1^{p-b-c-1}L_2^{b}M^{c}$

$= A(L_2/L_1)^{b}(M/L_1)^{c}L_1^{d}$

where d=p-1. Taking logs,

(11) $\log(Q/L_1) = \log(A) + b\log(L_2/L_1) + c\log(M/L_1) + d\log(L_1)$.

The coefficient d measures the degree of nonconstant returns to scale. If d is significantly less than zero then we have decreasing returns to scale. If d is significantly greater than zero we have increasing returns to scale. If d is not significantly different from zero, we have constant returns to scale.

Up to now we have limited our analysis to inputs, and we must generalize the function to allow for other sources of variation in output per judge. We do this by expanding the A term in the above equations as follows:

(12) $A = \exp(h_c + h_1z_1 + h_2z_2 + \ldots + h_mz_m + e)$

where $z_1, \ldots, z_m$ are factors that cause the productivity of judges to vary (e.g., panel size, percentage oral argument, percentage of cases decided with opinions, and organizational structure). These factors are not inputs; rather they define the environment within which production takes place. The error term e also causes output per judge to vary in that it accounts for other, unmeasured factors which can cause productivity to change.

The Cobb-Douglas function is concave, illustrating the property of diminishing returns. (If we double the number judges while holding the number of attorney aides and appeals constant, we do not expect a commensurate doubling of decisions; and similar conclusions would be expected concerning increases in the number of appeals and the number of attorney aides, while hold the remaining inputs constant.) However, an increase in productivity can occur for a variety of reasons, shifting the function upward (yielding increases in A), so that the same number of attorneys, judges, and appeals can nevertheless yield more decisions per time period. As stated above, this could happen because the court takes efficiency measures such as using panels are deciding cases without opinions. Also, some judges and attorneys are

simply very efficient so that they can deal with more cases than the typical appellate judge and attorney. Also, judges might find that at times they are faced with a string of unusually straightforward cases that do not require as much time and energy as usual. Finally, certain states may have organized their appellate court system in a relatively efficient manner or selected particularly efficient judges to serve on the appellate courts.

In this research, as discussed earlier, we use a pooled time series and cross section data set. This implies that the error term will have a cross section component and a time series component, as well as a purely random component. Thus if we let

$$(13) \quad e_{it} = u_i + v_t + w_{it}$$

where $i = 1, \ldots, n$ (the State index), $t = 1, \ldots, T$ (the time index), u_i is the "state effect", v_t is the "year effect", and w_{it} is the overall random error term.

There are essentially two assumptions we can make concerning the error term e. If we assume that the u_i and v_t are constants, then we are adopting the "fixed effects" model and we estimate the function using dummy variables for each state and each year in the sample.[8] On the other hand, if we regard the u_i and v_t as random variables, then this implies the "random effects" model and we estimate the equation using variance components analysis.

Since we have reason to believe that different states can have persistently more or less efficient or productive appellate court systems due to their organization, tradition, appellate judge selection process, etc. and we can further identify the v_t with pure technical progress over time, we adopt the fixed effects model in this application. The random effects model suffers omitted variable bias in the presence of these cross section or time series effects if they are correlated with any of the included variables. Substituting (12) and (13) into (11) yields the estimating equation

$$\begin{aligned}(14) \quad \log(Q/L_1)_{it} = {} & h + b\log(L_2/L_1)_{it} + c\log(M/L_1)_{it} + \\ & d\log(L^1) + h_1 z_{1it} + \ldots + h_m z_{mit} + \\ & u_1 S_{2it} + \ldots + u_n S_{nit} + \\ & v_2 y_{2it} + \ldots + v_T y_{Tit} + w_{it}\end{aligned}$$

where $S_{2it}, \ldots, S_{nit}$ are n-1 State dummy variables and $Y_{2it}, \ldots, Y_{Tit}$ are T-1 year dummy variables. This is the equation estimated below.

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[8] Mundlak, supra note 4.

2.3 Application to the Present Study.

In the present research, the cross section aspect of the time series cross section design is the state, and the time series aspect is years. Data was gathered for 45 states; the time period was 17 years (1968-84), although for a few states the period begins a few years later.[9]

The regression was done on the Statistical Analysis System, using the PROC REG regression program. The regression was checked for outlier, collinearity, autocorrelation, and heteroskedasticity problems. The only major problem area was autocorrelation, which was corrected using standard procedures.[10]

As explained earlier, dummy variables were entered for each state to form the fix effects mode. Year dummy variables, which are traditionally used in the fixed effect model if significant, were found to be not significant and were not included in the analysis.

As with any statistical analysis, there are several alternative ways that the data can be analyzed. Chapter 3 presents the results according to the preferred model described in this section, which is the preferred model because it is the standard model for studies of this nature. Other models, even though they less justifiable, can help test the robustness of the results. These are presented in Chapter 14.

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[9] The states in the study and the time periods covered are shown in Table 3.1. Data was gathered for 45 states, including the District of Columbia. Since there was no filing data for Indiana, it was not included in the regression analysis. Five states - Alabama, Michigan, Pennsylvania, South Carolina, and Vermont - were added late, and they are included only in Chapter 3 analysis.

[10] Robert Pindyck and Daniel Rubinfeld, Econometric Models and Economic Forecasts 258-259 (New York: McGraw-Hill, 1981). The autocorrelation probem is only moderate (Durbin-Watson = 1.4 in the main analysis and generally above 1.7 for other analyses) and only the analyses reported in Chapter 3 contained the autocorrelation correction.

CHAPTER 3

RESULTS

3.1 Introduction.

The purpose of this chapter is to present the basic results of the regression analysis, using the research design and analysis methods described in Chapter 2. This chapter is limited to the core analysis, using a single regression model and presenting only the most important variations of the independent variables. Chapter 14 presents the results of different regression models, and Chapter 15 presents the results when using different versions of the variables and when adding variables that have missing data for substantial numbers of observations.

As shown in Table 3.1, the regression includes 44 states, with 5 to 17 years for each state. The total sample size is 605 observations. (The effective sample size, however, is 561 because autocorrelation corrections delete the first year for every state.) An observation cannot be entered into the regression if there is missing data for any of the variables. Hence, the sample size depends on the availability of data for all variables used in the regression. Data for the dependent variable, decision output per judge, were obtained for 745 observations: 17 years for all but a few of the 45 states. Of the 140 observations lost to the analysis because of missing data for independent variables, all but 11 are due to missing data for filings in the prior year.[1]

The regression uses continuous variables whenever possible, but in four instances dummy variables were used because numerical data were not available for several states in the analysis. The dummy variables are coded "0" when the procedure is closest to the traditional procedures (e.g., regularly holding oral arguments, or deciding few cases with memo opinions) and coded "1" for practices undertaken to increase decision output. Table 3.2 presents the results using the full sample and dummy variables. Whenever the dummy variables are used, a separate regression was conducted with states having sufficient data for continuous variables. Table 3.3 incorporates the results of these regressions.

The core regression uses the appellate system of each state as the unit of analysis, joining supreme courts and

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[1] Techniques for estimating missing data are not appropriate when so many observations are missing for a key variable.

Table 3.1

Data in Basic Analysis

	number of years	years	limiting variable
01 Alabama	13	71-84	decisions
02 Alaska	14	71-84	filings
03 Arizona	17	68-84	
04 Arkansas	10	75-84	filings
05 California	17	68-84	
06 Colorado	12	73-84	filings
07 Conn.	17	68-84	
08 Delaware	17	68-84	
09 Dist. Col.	11	74-84	decisions
10 Florida	15	70-84	filings
11 Georgia	14	71-84	decisions
12 Hawaii	14	71-84	filings
13 Idaho	17	68-84	
14 Illinois	12	73-84	filings
15 Indiana	0		filings
16 Iowa	11	74-84	filings
17 Kansas	11	74-84	filings
18 Kentucky	17	68-84	
19 Louisiana	17	68-84	
20 Maine	11	74-84	filings
21 Maryland	17	68-84	
22 Mass.	14	71-84	filings
23 Michigan	16	69-84	filings
24 Minnesota	0		decisions
25 Miss.	14	71-84	filings
26 Missouri	15	70-84	filings
27 Montana	14	71-84	filings

Table 3.1 (continued)

	number of years	years	limiting variable
28 Nebraska	17	68-84	
29 Nevada	0		decisions
30 New Hamp.	16	69-84	decisions
31 New Jersey	17	68-84	
32 New Mexico	16	69-84	filings
33 New York	7	78-84	staff attorneys
34 North Car.	15	70-84	filings
35 North Dak.	5	80-84	filings
36 Ohio	0		decisions
37 Oklahoma	0		decisions
38 Oregon	17	68-84	
39 Penn.	13	72-84	filings
40 Rhode Is.	14	71-84	filings
41 South Car.	5	80-84	filings
42 South Dak.	13	72-84	filings
43 Tennessee	0		decisions
44 Texas	16	69-84	unpub. opinions
45 Utah	11	74-84	filings
46 Vermont	15	70-84	filings
47 Virginia	11	74-84	filings
48 Washington	17	68-84	
49 West Va.	0		decisions
50 Wisconsin	5	80-84	filings
51 Wyoming	17	68-84	

intermediate courts, because the varying jurisdictions of individual courts make comparisons difficult.[2]

3.2 Outline of Variables.

Before describing and analyzing the results of the analysis, which are presented in Table 3.2, it is necessary to describe the variables used. The description here is just a short summary of the discussions in Chapters 6 to 11. The dependent variable is the number of appeals decided per judge. The following two paragraphs define appeals decided and judges.

Appeals decided are cases decided on merits--cases actually decided by the court, with or without opinion. Decisions do not include writs and petitions for review denied and appeals withdrawn or dismissed for lack of progress. Nor do they include decisions on motions or rehearing petitions. However, decisions do include: cases dismissed if by opinion, disciplinary cases given full review, appeals summarily decided (e.g., cases decided without briefs and Anders petitions granted), and discretionary appeals or writs granted and decided in the manner of ordinary appeals. The number of decisions is derived from two types of statistics published by the courts, cases decided and opinions or orders deciding cases. The latter are the number of opinions deciding cases plus the number of cases decided on the merits by order rather than opinion. It differs from the number of decisions mainly in that it excludes cases consolidated for decision in one opinion.

The number of judges is the number of sitting appellate judges. It excludes vacancies, and it excludes temporarily assigned trial judges or retired judges.

The analysis contains 17 independent variables, which fall into eight categories:

1) The variable, filings (prior year), logged, is the logarithm of the number of initial appeals per judge filed in the intermediate or supreme courts.[3] This measure includes only appeals, and it excludes writs and petitions for review,

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[2] This point is discussed at length in Chapter 6. Chapter 16 presents the results of regressions using only supreme courts or intermediate courts in states where the division of jurisdiction between courts remained stable.

[3] This variable is explained more fully in Chapter 11, Section 1.

most of which are dismissed without decision on the merits.

2) There are three variables pertaining to judges. The judges logged variable is the logarithm of the number of appellate judges in the state. In this analysis it signifies the returns to scale from adding additional judges. The extra judges variable refers to use of trial judges or retired judges assigned to the court to supplement the regular judicial capacity. In Table 3.2 this is a dummy variable signifying whether the court makes such use of extra judges, and in Table 3.3 the variable (which is logged) is an estimate of the judge equivalents added when extra judges are used to supplement judicial resources. The percent new judges is the percent of judges starting their tenure that year or in the last month of the prior year.

3) The attorney aides per judge, logged is the logarithm of the number of attorney aides (law clerks plus staff attorneys) per judge. Here, as elsewhere in this chapter, the variable is for the whole appellate system, and it is the total number of attorney aides in the supreme court and intermediate court divided by the total number of judges in the two courts.

4) The analysis includes variables pertaining to three types of opinion practices. The percent unpublished is the percent of opinions written but not published in the case reporters. In Table 3.2 the dummy variable memo opinion (15%) signifies whether memo opinions (per curiam or memorandum opinions) constitute 15 percent of the total number of opinions, and the dummy variable memo opinions (50%) signifies whether the courts uses memo opinions half the time. In Table 3.3 the variable percent memo opinions is the percent opinions that are memo opinions. This analysis includes only states with information concerning the number of memo opinions. The percent decided without opinion is the percent of appeals decided on the merits without any opinion.

5) The intermediate court percent is the percent of appellate system decisions made by the intermediate court. The percent, of course, is zero in states without intermediate courts, and it generally varies from 50 to 95 percent for states with intermediate courts.

6) The average size of panels is the average number of judges deciding cases. If a court decides all cases en banc, the variable is the number of judges on the court. The average panel size for states with intermediate courts is based on the panel size for the supreme and intermediate court, weighed for the relative decision output of each.

7) In Table 3.2 the extent of oral arguments is represented by two dummy variables; oral arguments (15%) signifies whether or not 15 percent of the cases are decided without argument, and oral argument (50%) signifies whether over 50 percent are decided without argument. In Table 3.3 the variable oral arguments percent is an estimate of the percent of cases argued, which is not available for all states. The length of arguments is the time limit specified in court rules; since many attorneys do not use their allotted time, this variable is a very rough approximation of the time required for arguments.

8) Summary procedures are also represented by a dummy variable in Table 3.2 and a continuous variable in 3.3. The dummy variable summary procedures (10%) indicates whether the state's appellate system decides 10% or more of its cases with summary procedures. The continuous variable summary procedures percent is the percent of cases decided using summary procedures.

9) The remaining variables are "nuisance" variables that control for jurisdiction changes and changes in procedures for counting appeals. Jurisdiction changes were entered as dummy variables to control for the addition of less difficult cases to the jurisdiction of the appellate system. The influx of easier cases, one would expect, increases the output per judge. The first such variable, jurisdiction expansion, signifies that the appellate system received jurisdiction over a substantial body of cases that previously went to the general jurisdiction trial courts. This occurred in six states in the analysis. These are either appeals from limited jurisdiction courts or appeals from administrative agencies. These are typically less complicated than most appeals. Appeals from limited jurisdiction courts are usually minor criminal matters or civil cases involving small sums.

Since the jurisdiction expansion usually occurs when an intermediate court is created or expanded, without this control variable, the analysis would overstate the impact of intermediate courts on productivity.

The second nuisance variable controls for changes in methods of counting appeals filed. In some states, appeals are "docket" - i.e., counted - when the notice of appeal is filed, and in others appeals are docketed when the record is received. The record arrives several months after the notice of appeal, during which many civil cases are dropped and, thus, not counted as filings in the second category of courts. Several states changed docketing systems for criminal or civil case, or both, docketing at the notice of appeal instead of record arrival, thus artificially increasing the count of filings. To control for this the analysis includes

an interaction variable, which is filings per judge logged times a dummy variable indicating the type of docketing (0 = when the record arrives; 1 = at notice of appeal).

3.3 Regression Analysis Results.

The regression analysis results are given in Tables 3.2 and 3.3, which contain slightly different variables and different measures of the impact of variables. Table 3.2 gives the results using dummy variables whenever data are not sufficient for continuous variables for all states in the analysis. Table 3.3 presents the results of the regression represented in Table 3.2, except that for variables that are dummy variables in Table 3.2 it shows the results of separate regressions, one for each variable, that include only those states with information for the continuous variables. (In each of these analyses, the results for the remaining independent are very similar to those in Table 3.2.)

Table 3.2 contains the bare statistics resulting from the regression. Because the dependent variable is expressed as a logarithm, the parameter estimate is difficult to interpret; but the T ratio indicates which variables are statistically significant.

Table 3.3 presents more useful information. The elasticity is the percent increase in decision output per judge expected from a one percent increase in the independent variable.[4] It is generally the most convenient measure of the impact of changes. It is not a meaningful measure, however, if a court is considering the adoption of a new procedure or expansion of a procedure now rarely used, because the percent change is not meaningful if taken from zero or a low number. In this situation, the best measure is the parameter estimate, which is a unit increase in the dependent variable (the number of decisions per judge) resulting from a unit increase the particular independent variable (for example, one percent more cases decided without opinion). The parameter estimate in Table 3.2 is difficult to interpret because it is based on a logged dependent variable. Hence, the coefficient was converted to represent an increase in the number of decisions

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[4] Elasticities in Table 3.3 for independent variables that are expresed as logarithms are the same as the parameter estimates. For unlogged independent variables it is the parameter estimate divided by the mean of the independent variable.

per judge;[5] these adjusted coefficients are given in Table 3.3.

The regression analysis results, like the results of any statistical analysis, must be rather imprecise. This fact is expressed by the confidence intervals given in Table 3.3. The confidence intervals measure the statistical uncertainty of the regression results; there is a 95 percent chance that the "true" result falls within plus or minus the confidence interval percentage of the elasticity or parameter figure. This measures the statistical uncertainty only, and does not include uncertainty due to measurement errors or omission of variables.

This uncertainty is further evident from the fact that alternate approaches to analyzing the data produce results somewhat different from those expressed in Tables 3.2 and 3.3 (see Chapters 14 to 16).[6] The variables that loom important in these two tables, however, generally remain important in the alternate analyses. But the efficiency measures that only appear moderately important in the two tables change erratically in the alternate analyses.

The following paragraphs discuss first the input variables - appeals filed, judge variables, and attorney aides - and then the changes in appellate court procedure designed to increase output - opinion practices, panel size, limiting oral arguments, and summary procedures. To summarize what was said in Chapter 2, the two types of variables have different sorts of impact on the production function. The graph of the production function is a concave curve, with the decision output as the vertical axis and one of the inputs (e.g., filings) on the horizontal axis. The outputs and inputs are both expressed as logarithms. A change in an input variable is represented as a movement along the curve. A change in a non-input (unlogged) variable represents a shift in the entire curve; these variables are the efficiency measures, such as deciding cases without opinion, and their adoption represents a vertical rise in the curve.

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[5] The adjusted coefficient of logged independent variables is the coefficient (see Table 3.2) times the mean of the dependent variable and divided by the mean of the independent variable (unlogged). The adjusted coefficient of unlogged independent variables is the coefficient times the mean of the dependent variable.

[6] These alternate analyses, however, were not corrected for autocorrelation. The major impact of the correction was to increase the importance of attorney aides and deciding without published opinions.

The variables included in this analysis, it bears repeating, do not encompass all factors that affect appellate court output and productivity. In particular, the work hours and degree of concentration of judges is not included. Moreover, it should also be stressed that the results from the regression are only reliable if the variables have been measured accurately. The variable measurement is described in Chapters 6 through 11 and in the state by state descriptions in Part IV. In summary, we believe most variables to be very accurate, especially the variables pertaining to decisions, judges, appeals filed, panels, unpublished opinions, and decisions without opinion. Other variables are quite frequently based on estimates, but are still sufficiently accurate for the regression analysis and are more accurate than variables used in court research generally; these include variables pertaining to attorney aides, memo opinions, summary procedures, extra judges, and oral arguments. Least accurate, of course, are the dummy variables used in the absence of statistics for continuous variables; they are only gross measures of the extent of the practices involved.

Another assumption is that the efficiency measures and other independent variables have the same impact along the range of courts in the analysis - that is, the same impact for different sized courts and courts having adopted varying degrees of the efficiency measures. As a partial test of this assumption, we divided the states into those with the half with the highest output and the half with the lowest output (with few exceptions, this division is also for those with the highest and lowest output per judge). We applied the Chow test, which tests the similarly of coefficients, and the results showed a barely significant ($F = 2.15$) difference. The only two independent variables showing a difference are the judge logged variable (which indicates return to scale) and the dummy variable for arguments.

3.3.1 The impact of filings.

The clearest finding is that filings have an extremely strong impact on the decision output[7]. This means that the judges are generally very responsive to the demands made on

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[7] The regression analysis in Tables 3.2 and 3.3 include two variables not listed in these tables: dummy variables which the stage at which civil and criminal appeals are docketed and, therefore, counted. These variables are not directly important to the results here, and they are not significant, but they may mediate the relationship between filings and decisions. This point is discussed further in Chapter 11.

Table 3.2

Regression Analysis Results

	Coef-ficient	T Ratio
1) Filings (prior year), logged	.532	15.19
2) Judge variables:		
a) judges, logged	-.061	-1.06
b) extra judges Dum.	.059	2.77
c) percent new judges	-.0007	-2.27
3) Attorney aides per judge, logged	.142	3.04
4) Opinion variables:		
a) pct. unpublished	.0033	4.89
b) memo op (15%) Dum.	.018	.95
memo op (50%) Dum.	.025	.90
c) pct. w/o opinion	.0051	5.02
5) Intermediate court percent	.0022	2.90
6) Average size of panels	-.014	-1.12
7) Oral arguments		
a) curtail (15%) Dum.	.040	2.25
curtail (50%) Dum.	.032	1.40
b) length	0	.39
8) Summary decisions (10%) Dum.	.0012	.04
9) Control variables		
a) additional jur.	.053	1.38
b) docket changes	.015	1.56

N=561 DF=500 RSQ=.99 F=1539 DW=2.07
State dummies are included, and their F Value=15.40
Year dummies are not included because they are not significant (F Value=1.02).

Table 3.3

Regression Results: Elasticities and Adjusted Parameters

	elast-icity	adjusted coefficient	confidence interval
1) Filings (prior year)	.53	.40	13%
2) Judge variables:			
a) judges, logged	--	ns	ns
b) extra judges*	.69	38.14	68%
c) percent new judges	--	-.04	72%
3) Attorney aides per judge*	.14	3.49	65%
4) Opinion variables:			
a) pct. unpublished	--	.20	40%
b) pct. memo opinion	--	.13	78%
c) pct. w/o opinion	--	.30	39%
5) Intermediate court percent	--	.13	69%
6) Average size of panels	--	ns	ns
7) Oral arguments:			
a) percent argued	--	.13	60%
b) length	--	ns	ns
8) Summary procedures percent	--	ns	ns
9) Control variables			
a) juris. change	--	ns	ns
b) docket change	--	ns	ns

* These variables are the log of: the number of attorneys (or judge equivalents) divided by the number of regular judges, plus one.

The regression is the same as that in Table 3.2, except that the entries for extra judges, memo opinions, oral arguments, and summary procedures are based on continuous variables and on separate regressions that include only states with data for the continuous variables (the sample sizes for the four regressions are 516, 461, 354, and 545 respectively). The elasticity is the percent change in the number of decisions per judge expected from a one percent change in the independent variable (in its unlogged state). This is the best measure of the impact of the input (logged) independent variables. The adjusted coefficient applies to the dependent variable in its unlogged state. For unlogged variables is derived by multiplying the coefficient in the regression by the mean of dependent variable, decisions per judge. For logged variables it is the coefficient times the mean of the dependent variable divided by the mean of the independent variable.

them; that is, the output per judge -- the appellate court productivity -- increases in response to the cases brought to the court irrespective of any efficiency measures taken. The average output of appellate judges, however, does not fully respond to the input demand. The elasticity for the filings (expressed as filings per judge) is .53; decision output increases only 53 percent for each one percent growth in filings (in the absence of other changes that would stimulate output, such as adding more judges or using one of the efficiency measures studied here).

3.3.2 Judge variables.

The "judges logged" variable indicates whether there are increasing, decreasing, or constant returns to scale in the appellate system. The coefficient is not significant, indicating that state appellate systems show essentially constant returns to scale.[e] Doubling the number of judges, cases, and staff attorneys can be expected to approximately double the number of cases decided, everything else being the same.

The increase in decision output that results from the addition of more judges is .47[e]. That is, all else equal, 10 percent more judges would result in roughly 4 to 5 percent more cases decided. This assumes that other variables do not change -- in particular, that filings per judge remain constant. In practice, of course, the filings generally increase steadily, so adding new judges can be expected to increase output at a rate corresponding to the increase in judges.

The study shows that using extra judges to supplement regular judges does have a major impact. When expressed as a dummy variable the results are significant. Since extra judges are labor imput, the continuous variable is the log of (one plus) the judge equivalents of extra judges per regular judge per regular judge. The results (with the smaller

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[e] However, this result varies with subsamples of states or courts. As indicated above, the impact of the judge logged variable varies with overall output of the court. Also, when supreme courts and intermediate courts are analyzed separately, the results show a slight negative return to scale in both instances (T = -2.39 and -2.02 respectively).

[e] This is calculated by substracting the elasticity for filings-per-judge from one. If the "judges logged" variable had been significant, the elasticity for judgeship additions would be calculated by substracting, in addition, the elasticity for that variable. See the discussing in Chapter 2, Section 2, where we derived a=d-b-c.

sample) show an elasticity of .69. This suggests that extra judges may not be as productive as regular judges, but the margin of error is too large to form a definite conclusion.

Judge turnover has little impact on appellate court productivity. Judge turnover is expressed as the percent of appellate judges who are sworn in that year (or in the last month of the prior year). Its relationship with decision output is statistically significant, but the coefficient is extremely small. One can conclude that appellate court efficiency does not suffer greatly because judges must undergo a learning period in their freshman year.

3.3.3 Attorney aides.

The research suggests that adding law clerks and staff attorneys has a moderate impact on appellate court productivity. The elasticity of the variable attorney aides per judge is .14; this means, for example, that if the number of staff is doubled, one can expect roughly a 10 to 20 percent increase in the number of appeals decided, assuming no other changes are made. To put the results another way, the average court will decide 3 or 4 additional appeals a year for each new attorney aide per judge. The impact is due solely to law clerks, as opposed to staff attorneys. When entered as separate independent variables, staff attorneys per judge (logged) showed no impact ($T = -.86$), and law clerks had an elasticity of .17 ($T = 3.55$). This research, as has been stressed before, does not evaluate the impact of attorney aides on the quality of the appellate court decisions; that impact may be much greater than the impact on quantity of output.

3.3.4 Opinion practices.

Two of the three decision practices studied had major impacts on decision output. These are deciding cases without opinion or deciding with unpublished opinions. The best measure of the impact of decision practices is the adjusted coefficient. The value of .29 for decisions without opinions indicates that, for example, if a court decides to initiate the practice deciding cases without opinion and to do so in 20 percent of its cases, the decision output per judge will increase by roughly 6 cases. If half the cases are decided without opinion, which so far is the upper limit of what appellate courts are doing, the court can expect to increase output by roughly 15 more decisions per judge. The impact of deciding cases with unpublished opinions is similar: 20 percent more cases without published opinions lead to roughly 4 percent more cases decided; and 50 percent more, to 10 percent more cases decided.

The use of memo opinions also has a slight impact. When measured by dummy variables in Table 3.2, the use of memo opinions is not statistically significant. When expressed as a continuous variable, however, in a regression containing the states with that information, the use of memo opinions produced a statistically significant result, although the impact is moderate, with an adjusted parameter estimate of .13, about a third as great as deciding cases without opinions.

3.3.5 Intermediate courts.

The regression analysis found that decisions per judge tended to increase as the portion of cases in intermediate courts increased. The impact in rather small: state appellate systems decide roughly one additional case per judge for every 10 percentage points increase in the portion of cases decided by intermediate courts. On the other hand, the analysis provides strong evidence against the contention that adding or expanding intermediate courts reduces the productivity of appellate courts because, for example, the two-tiered system has more discretionary writs than supreme courts alone have.

3.3.6 Average size of panels.

The use of intermediate courts is closely associated with use of three-judge panels. It was noted above that the impact of the intermediate court occurred irrespective of the reduction in average panel size often associated with creating or expanding intermediate courts. In fact, the regression analysis indicates that reducing panel size has little or no impact on productivity. The relationship between average panel size and output is negative, as one would expect, but it does not reach a statistically significant level. This is not to say, however, that large intermediate courts would maintain their productivity if they sat en banc; the research here only analyzes effects of decision units in the range between about 2.5 and 9 (and only a few states have average decision unit size of less than 3 or above 7). The results do suggest, however, that the few intermediate courts that use decision units larger than three are probably not sacrificing efficiency. Also, supreme courts above intermediate courts can gain little by sitting in panels.

3.3.7 Oral arguments.

Reducing the number of cases argued has a fairly substantial impact on decision output. One dummy variable used with the full sample show results that are statistically significant, but barely so (see Table 3.2). The results using statistics for the percent of cases argued on the states where that information is available, show a more definite

impact. The adjusted coefficient of -.13 (see Table 3.3) means that, for example, if the court reduces the percent of cases argued from 95 to 50 percent, each judge should decide roughly 6 more cases a year, on average. On the other hand, the analysis found that reducing the length of time attorneys are permitted to argue does not affect output per judge.

3.3.8 Summary Procedures.

The final efficiency measure evaluated is the use of summary procedures, which curtail the decision process by reducing the amount of briefing and record preparation. The results clearly show that these procedures do not enhance productivity. Both the dummy variable and the continuous variable, percent of cases decided with summary procedures,[10] lead to results that are far from statistically significant. The adoption of summary procedures by appellate courts, it should be added, are typically accompanied by substantial growth in decision output. The present research indicates that this growth is the result of other changes, such as limiting arguments and opinion writing, made along with the adoption of the restrictions on briefing and record production. The regression analysis is able to differentiate the impact of the various changes.

3.4 Conclusions and Policy Implications.

The research shows that several appellate court adaptations increase output per judge to varying degrees. A few, however, have little or no discernable impact.

Opinion practices are the most important area of change. Deciding cases without opinion has the greatest impact of all changes studied. Deciding with unpublished opinions also has a strong impact. Using memo opinions appears to have only a moderate impact, but this variable suffers measurement problems.

Reducing the percent of cases argued also has a moderate impact, although rule changes reducing time limits for arguments have no effect. Summary judgment procedures (restricting briefing and record production) also have no impact. Creating or expanding intermediate courts increases productivity slightly, even after controlling for jurisdiction and other changes that typical take place at the

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[10] Statistics for the continuous variable were obtained for all but one state, Delaware. As discussed in Chapter 1, only a few states make substantial use of summary procedures.

same time. On the other hand, using smaller decision units contribute modestly if at all to productivity.

Adding judges, of course, increases output. More important, the research found that there is generally a return to scale - that is, increasing the number of judges by a given percent will increase output by about the same percent, as long as the number of filings per judge increase correspondingly. Adding attorney aides has a moderate impact on output, as does bringing in temporary judges to supplement the normal compliment of appellate judges.

The greatest stimulus to more decisions is more filings; appellate judges, on the whole, adapt their decision output to the caseload demands, partly by using measures analyzed in this research and partly by other means, such as working longer hours.

PART II VARIABLE DESCRIPTIONS

CHAPTER 5

LISTS AND CODING OF VARIABLES

The purpose of this chapter is to outline the variables in the data set, to explain how they are coded, and to explain how the variables used in the analysis were derived from the variables originally entered into the analysis. Chapters 6 through 11 give more precise definitions of the variables and Chapter 12 explains the sources of the data.

This chapter, therefore, consists of three long tables: Table 5.1 presents all variables according to subject matter, gives a short definition of each variable, and describes the scheme for labeling variables.

Table 5.2 presents all the variables in alphabetical order and gives descriptive statistics: the frequency (N), mean, standard deviation, and range.

Table 5.3 describes the coding of the variables originally entered into the data set. All other variables are derived from those listed in Table 5.3, and thus their coding derives from the coding described in Table 5.3.

There are several reasons for the large number of variables, and thus the length of these tables: 1) For many variables, data was gathered both as continuous variables and as dummy variables because when research began it was not known which variables would have sufficient data for continuous variables. 2) The statistics were gathered separately for intermediate and supreme courts to permit separate analysis of each. 3) Criminal and civil statistics were gathered, even though they are very incomplete, for descriptive purposes only; this use was not included in the current report. 4) Data were gathered for varying interpretation of variables, and variables were constructed reflecting various interpretations, so that specific issues could be explored in several manners. This is most evident in the area of oral arguments.

The variable frequencies are far less than the total data set entries (1020) for several reasons: 1) States with no data are in the data set because for many data will be entered later. 2) The years 1965-67 are in the data set although data were not gathered for those years because the cross sect-

ion time series analysis with lagged variables requires several years of empty data between states. 3) Many variables, especially criminal and civil variables, were gathered for descriptive purposes, as discussed above, even though there was considerable missing data. 4) Some of the data, most notably decision output, was gathered under different variable headings for different states in order to maintain distinctions between slight differences in definition of variables, although combined in the final analysis.

Tables 5.1 and 5.3 are organized in the same manner as chapter 6 through 11, discussing topics in the following order: decisions, judges, opinions, attorney aides, procedural and organizational matters, and filings.

Table 5.1

Variables Listed by Subject Area

general label key: IC=intermediate appellate court,
SC=supreme court, Z=both levels;
KR=criminal, CI=civil;
D=dummy variable, or precursor to a dummy variable;
PCT=variable expressed as a percentage.

* variables that were originally entered (all other variables are derived from these).
variables used in the basic analysis
variables used in the alternate analysis pertaining to that particular area.
@ the variable was gathered from prior research (on appellate court filings)

1) DECISIONS

label key: DC=appeals decided, OP=opinions;
OUT=output (decisions or opinions)

a. Intermediate Appellate Courts.

ICKRDC*	IAC CRIMINAL DECISIONS
ICKROP*	IAC CRIMINAL OPINIONS
ICCIDC*	IAC CIVIL DECISIONS
ICCIOP*	IAC CIVIL OPINIONS
ICDC*	IAC TOTAL DECISIONS
ICOP*	IAC TOTAL OPINIONS
ICOUT	IAC APPEAL OUTPUT (ICDC if output is measured by decisions, ICOP if measured by opinions; see OUTT)
ICOUTJ#	IAC OUTPUT PER JUDGE (ICOUT/ICJ)
ICKROUT	IAC CRIMINAL APPEAL OUTPUT (ICKROP or ICKRDC) (See above.)
ICCIOUT	IAC CIVIL APPEAL OUTPUT (ICCIOP or ICCIDC) (See above.)

Table 5.1 (continued)

b. Supreme Courts.

FYEAR*	FISCAL YEAR FOR DECISION DATA
SCKRDC*	SUPREME COURT CRIMINAL DECISIONS
SCKROP*	SUPREME COURT CRIMINAL OPINIONS
SCCIDC*	SUPREME COURT CIVIL DECISIONS
SCCIOP*	SUPREME COURT CIVIL OPINIONS
SCDC*	SUPREME COURT DECISIONS
SCOP*	SUPREME COURT OPINIONS
SCOUT	SUPREME COURT APPEAL OUTPUT (see ICOUT)
SCOUTJ#	SUPREME COURT OUTPUT PER JUDGE (SCOUT/SCJ)
SCKROUT	SUPREME COURT CRIMINAL APPEAL OUTPUT (See ICKROUT)
SCCIOUT	SUPREME COURT CIVIL APPEAL OUTPUT (See ICCIOUT)

c. Appellate System (IAC & Sup. Ct.).

OUTT*	OUTPUT TYPE (see Table 5.3)
ZOUT#	TOTAL APPELLATE SYSTEM OUTPUT (ICOUT + SCOUT)
ZOUTJ##	APP. SYS. OUTPUT PER JUDGE (ZOUT/ZJ)
ZDC	APP. SYS. DECISIONS (ICDC + SCDC)
ZOP	APP. SYS. OPINIONS (ICOP + SCOP)
ZKROUT	APP. SYS. CRIMINAL OUTPUT (ICKROUT + SCKROUT)
ZCIOUT	APP. SYS. CIVIL OUTPUT (ICCIOUT + SCCIOUT)

2) JUDGES

label key: JDG=regular judges X 100, J=regular judges;
EXJ=extra judges, statistics originally entered (see Table 5.3);
EXJADJ=extra judges adjusted (number of full time judge equivalents);
TRJ=use of trial judge, RETJ=use of retired judges;
NEWJ=new judges sworn in that year.

a. Number of Judges.

ICJDG*	INTERMEDIATE COURT JUDGES (X100)
ICJ#	IAC JUDGES
SCJDG*	SUPREME COURT JUDGES (X100)
SCJ#	SUP. CT. JUDGES
ZJDG	TOTAL APPELLATE SYSTEM JUDGES (X100)
ZJ#	TOTAL APPELLATE SYSTEM JUDGES (ICJ+SCJ)

Table 5.1 (continued)

b. Extra Judges.

ICEXJ*	IAC EXTRA JUDGES (See Table 5.3)
ICEXJADJ#	IAC EXTRA JUDGES - JUDGE Equivalent (adjusted by using EXJM. See Table 5.3)
SCEXJ*	SUPREME COURT EXTRA JUDGES (See Table 5.3)
SCEXJADJ#	SUP. CT. EXTRA JUDGES - JUDGE EQUIVALENT (adjusted using EXJM)
ZEXJADJ#	APP. SYS. EXTRA JUDGES (ICEXJADJ +SCEXJADJ)
EXJM*	METHOD OF CALCULATING EXTRA JUDGES (See Table 5.3)
ICTRJ*	IAC USE OF TRIAL JUDGES (see Table 5.3)
ICRETJ*	IAC USE OF RETIRED JUDGES (see Table 5.3)
SCTRJ*	SUPREME COURT USE OF TR. JUDGES (see Table 5.3)
SCRETJ*	SUPREME COURT USE OF RETIRED JUDGES (see Table 5.3)
ICEXJD12#	IAC ANY USE OF EXTRA JUDGES (dummy)
SCEXJD12#	SUP. CT. ANY USE OF EXTRA JUDGES (dummy)
ZEXJD12#	APP. SYS. ANY USE OF EXTRA JUDGES (ICEXJD12 or SCEXJD12, whichever court has the higher caseload)
ICEXJD2#	IAC MAJOR USE OF EXTRA JUDGES (dummy)
SCEXJD2#	SUP. CT. MAJOR USE OF EXTRA JUDGES (dummy)
ZEXJD2##	APPELLATE SYSTEM MAJOR USE OF EXTRA JUDGES (see ZEXJD12)
ICEXJ2	IAC EXTRA JUDGES, JUDGE EQUIVALENT, WHEN THERE IS MAJOR USE OF EXTRA JUDGES (ICEXJADJ when ICTRJ or ICRETJ = 2, and zero otherwise)
SCEXJ2	SUP. CT. EXTRA JUDGES, JUDGE EQUIVALENT, WHEN THERE IS MAJOR USE OF EXTRA JUDGES (See ICEXJ2)
ZEXJ2	APP. SYS. EXTRA JUDGES, JUDGE EQUIVALENT, WHEN THERE IS MAJOR USE OF EXTRA JUDGES (See ICEXJ2)

c. New Judges.

ICNEWJ*	IAC NEW JUDGES THAT YEAR
SCNEWJ*	SUPREME COURT NEW JUDGES THAT YEAR
ZNEWJ##	APP. SYS. NEW JUDGES (ICNEWJ+SCNEWJ)
ICNEWJPC	IAC NEW JUDGES PERCENT (% of ICJ)
SCNEWJPC	SUP. CT. NEW JUDGES PERCENT (% of SCJ)
ZNEWJPCT	APPELLATE SYSTEM NEW JUDGES (% of ZJ)

Table 5.1 (continued)

d. Judge Salary.

IACPAY	IAC JUDGES' SALARY
SCPAY	SUP. CT. JUDGES' SALARY
CPI	CONSUMER PRICE INDEX

3) OPINIONS.

label key: UN=unpublished; ME=memo opinion; WO=decision without opinion.

a. Unpublished Opinions.

BASE*	BASE INDICATOR FOR UNPUBLISHED AND MEMO OPINIONS (See Table 5.3)
ICBASE	BASE FOR IAC UNPUB. & MEMO (ICDC or ICOP depending on BASE.)
SCBASE	BASE FOR SUP. CT. UNPUB. & MEMO (See ICBASE)
ZBASE	BASE FOR APP. SYS. (See ICBASE)
ICKRUN*	IAC CRIMINAL UNPUBLISHED OPINIONS
ICCIUN*	IAC CIVIL UNPUB. OPINIONS
ICUN*	IAC UNPUB. OPINIONS
ICUNPCT#	IAC UNPUB. OPINIONS PERCENT (ICUN as a percent of ICBASE)
SCKRUN*	SUP. CT. CRIMINAL UNPUB. OPINIONS
SCCIUN*	SUP. CT. CIVIL UNPUB. OPINIONS
SCUN*	SUP. CT. UNPUB. OPINIONS
SCUNPCT#	SUP. CT. UNPUB. OPINIONS PERCENT (SCUN as a percent of SCBASE)
ZUNPCT##	APP. SYS. UNPUB. OP. PERCENT (ICUN + SCUN as a percent of ZDC or ZOP, according to BASE)
ICUND*	IAC UNPUB. OPINION (See Table 5.3)
SCUND*	SUPREME CT. UNPUB. OP. (See Table 5.3)
ZUND	UNPUB. INDICATOR FOR APP. SYS. (ICUND or SCUND depending on which court has the higher caseload. Used to construct dummy variables below)
ZUND1	APP. SYS. UNPUB. DUM (equals zero if 15% or less are unpublished according to ZUND)
ZUND2	APP. SYS. UNPUB. DUM (50% or less unpublished)
ZUND3	APP. SYS. UNPUB. DUM (85% or less unpublished)

Table 5.1 (continued)

b. Memo Opinions.

MEMO*	TYPE OF MEMO OPINION (See Table 5.3)
ICKRME*	IAC CRIMINAL MEMO OPINIONS
ICCIME*	IAC CIVIL MEMO OPINIONS
ICME*	IAC MEMO OPINIONS
ICMEPCT#	IAC MEMO OPINION PERCENT (ICME as a percent of ICBASE. See above in section on unpublished opinions.)
SCKRME*	SUP. CT. CRIMINAL MEMO OPINIONS
SCCIME*	SUP. CT. CIVIL MEMO OPINIONS
SCME*	SUP. CT. MEMO OPINIONS
SCMEPCT#	SUP. CT. MEMO OPINIONS PERCENT (See ICMEPCT)
ZMEPCT#	APP. SYS. MEMO OP. (ICME + SCME, as a percent of ZBASE)
ICMED*	IAC MEMO OPINION (See Table 5.3)
SCMED*	SUP. CT. MEMO OPINION (See Table 5.3)
ZMED	MEMO DUMMY INDICATOR FOR APP. SYS. (ICMED or SCMED depending in whether the intermediate court or supreme court caseload is larger)
ICMED1#	IAC MEMO DUM (equals zero if 15% or less of opinions are memo opinions)
ICMED2#	IAC MEMO DUM (50% or less memos)
ICMED3#	IAC MEMO DUM (85% or less memos)
SCMED1#	SUP CT MEMO DUM (15% or less memos)
SCMED2#	SUP CT MEMO DUM (50% or less memos)
SCMED3#	SUP CT MEMO DUM (85% or less memos)
ZMED1##	APP. SYS. MEMO DUM (if ZMED is 15% or less memos then ZMED1=0)
ZMED2##	APP. SYS. MEMO DUM (50% or less memos)
ZMED3	APP. SYS. MEMO DUM (85% or less memos)

c. Cases Decided Without Opinion.

ICWO*	IAC CASES DECIDED W/O OPINION
SCWO*	SUP. CT. CASES DECIDED W/O OPINION
CWOPCT#	IAC CASES DECIDED W/O OPINION PERCENT (ICWO as a percent of ICOUT)
SCWOPCT#	SUP. CT. CASES DECIDED W/O OPINION PERCENT (SCWO as a percent of SCOUT)
ZWOPCT##	APP. SYS. CASES DECIDED W/O OPINION PERCENT (ICWO + SCWO, as a percent of ZOUT)

Table 5.1 (continued)

ICWOD*	IAC DECIDED W/O OP. (See Table 5.3)
SCWOD*	SUP. CT. CASES W/O OP. (See Table 5.3)
ZWOD	W/O OP. DUMMY INDICATOR FOR APP. SYS. (ICWOD or SCWOD depending on whether the IAC or Sup Ct has the higher caseload)
SCWOD1	SUP. CT. W/O OP. DUM (zero if SCWOD is 15% or less)
SCWOD2	SUP. CT. W/O OP. DUM (50% or less)
SCWOD3	SUP. CT. W/O OP. DUM (85% or less)
ZWOD1	APP. SYS. W/O OP. DUM (15%)
ZWOD2	APP. SYS. W/O OP. DUM (50%)
ZWOD3	APP. SYS. W/O OP. DUM (85%)

b. Combinations.

ICUNWO	IAC UNPUB. OR W/O OPINION (ICUN + ICWO)
ICUNWOP#	IAC PERCENT UNPUB. OR W/O OPINION (ICUNWO as a percent of ICBASE)
SCUNWO	SUP. CT. UNPUB OR W/O OPINION (SCUN + SCWO)
SCUNWOP#	SUP. CT. PERCENT UNPUB. OR W/O OPINION (SCUNWO as a percent of SCBASE)
ZUNWO	APP. SYS. UNPUB OR W/O OPINION (ICUNWO + SCUNWO)
ZUNWOPCT#	APP. SYS. PERCENT UNPUBLISHED OR W/O OPINION (ZUNWO as a percent of ZBASE)
ICMEWO	IAC MEMO OR W/O OPINION (ICME + ICWO)
ICMEWOP#	IAC PERCENT MEMO OR W/O OPINION (ICMEWO as a percent of ICBASE)
SCMEWO	SUP. CT. MEMO OR W/O OPINION (SCME + SCWO)
SCMEWOP#	SUP. CT. PERCENT MEMO OR W/O OPINION (SCMEWO as a percent of SCBASE)
ZMEWO	APP. SYS. MEMO OR W/O OPINION (ICMEWO + SCMEWO)
ZMEWOPCT#	APP. SYS. PERCENT MEMO OR W/O OPINION (ZMEWO as a percent of ZBASE)

4) ATTORNEY AIDES.

label key: LC=law clerks; SA=staff attorneys;
LCCJ=extra law clerks for the chief judge.
LCTOT=total law clerks;
ATTY=total attorney aides
P=permanent staff, T=temporary

Table 5.1 (continued)

a. Intermediate Courts.

ICLC*	IAC LAW CLERK PER JUDGE
ICLCCJ*	IAC EXTRA L.C. FOR CHIEF JUDGE
ICSA*	IAC STAFF ATTORNEYS
ICPLC*	IAC PERM. L.C.
ICPSA*	IAC PERM. STAFF ATTORNEYS
ICLCTOT	IAC TOTAL LAW CLERKS (ICLC times the number of judges plus ICLCCJ)
ICATTY#	IAC TOTAL ATTORNEY AIDES (ICLCTOT + ICSA)
ICPATTY#	IAC TOTAL PERM. ATTORNEY AIDES (ICPLC + ICPSA).

b. Supreme Courts.

SCLC*	SUPREME COURT LAW CLERK PER JUDGE
SCLCCJ*	SUP. CT. EXTRA L.C. FOR CHIEF JUDGE
SCSA*	SUP. CT. STAFF ATTORNEYS
SCPLC*	SUP. CT. PERM. L.C.
SCPSA*	SUP. CT. PERM. STAFF ATTY
SCLCTOT	SUP. CT. TOTAL LAW CLERKS (See ICLCTOT)
SCATTY#	SUP. CT. TOTAL ATTORNEY AIDES (SCLCTOT + SCSA)
SCPATTY#	SUP. CT. TOTAL PERM. ATTORNEY AIDES (SCPLC + SCPSA)

c. Appellate System.

ZLCTOT#	TOTAL APP. SYS. LAW CLERK (ICLCTOT + SCLCTOT)
ZSA#	TOTAL APP. SYS. STAFF ATTY (ICSA + SCSA)
ZATTY#	APPELLATE SYSTEM ATTORNEY AIDES (ZLC + ZSA)
ZATTYJ##	TOTAL ATTY AIDE PER JUDGE (ZATTY/ZJ)
ZSAJ	APP. SYS. STAFF ATTORNEYS PER JUDGE (ZSA/ZJ)
ZLCTOTJ#	APP. SYS. LAW CLERKS PER JUDGE (ZLCTOT/ZJ)
ZPATTY#	TOTAL PERMANENT ATTY AIDES (ICPATTY + SCPATTY)
ZPATTYJ#	TOTAL PERMANENT ATTY AIDES PER JUDGE
ZTATTY#	TOTAL TEMP. ATTY AIDES PER J. (ZATTY - ZPATTY)

5) PROCEDURE AND ORGANIZATION.

label key: PANEL=panel as entered (see Table 5.3);
PAN=size of panel (or number of judges, if en banc);
ARG=oral arguments;
SUM=summary procedures.

Table 5.1 (continued)

a. Intermediate Courts.

IACPCT##	EXISTENCE AND EXTENT OF INTERMEDIATE COURT (ICOUT as a percent of ZOUT)
A@	INTERMEDIATE COURT DUMMY VARIABLE (zero is no intermediate court)
B@	INT. CT. WITH BROAD JURISDICTION, DUMMY VARIABLE (zero when there is no IAC or IAC does not receive nearly all initial appeals)

b. Panels.

ICPANEL*	IAC PANEL SIZE (See Table 5.3)
SCPANEL*	SUP. CT. PANEL SIZE (See Table 5.3)
ICPAN#	IAC PANEL SIZE (Actual panel size or, if panels are not use, the number of judges)
SCPAN#	SUP. CT. PANEL SIZE (See ICPAN)
ZPAN##	AVERAGE APP. SYS. PANEL SIZE (weighed average of ICPAN and SCPAN)

c. Oral Arguments.

Label key: ARG=oral arguments;
T=total arguments in year;
X=estimates.

ICARG*#	IAC CASES ARGUED (%)
SCARG*#	SUPREME COURT CASES ARGUED (%)
ZARGPCT#	APP. SYS. PERCENT OF CASE ARGUED (ICARG*ICOUT + SCARG*SCOUT, as a percent of ZOUT)
ICLOC*	IAC ARGUEMENT LOCATION (See Table 5.3)
SCLOC*	SUPREME COURT ARGUMENT LOCATION (See Table 5.3)
ICARGL*#	IAC ORAL ARGUMENT LENGTH (In minutes. See Table 5.3)
SCARGL*#	SUPREME COURT ORAL ARG. LENGTH (In minutes. See Table 5.3)
ZARGL##	APP. SYS. WEIGHTED ARGUMENTS LENGTH (ICARGL and SCARGL weighed for output in the two court levels)

Table 5.1 (continued)

ICARGT	IAC TOTAL ARG. TIME (Hours in the year)
SCARGT	SUPREME COURT TOTAL ARG. TIME (Hours in the year)
ZARGT#	APP. SYS. TOTAL ARG. TIME (ICARGT + SCARGT)
ZARGTJ#	APP. SYS. ARG. TIME PER JUDGE (ZARGT/ZJ)
ICARGD*	IAC CASES ARGUED DUMMY PRECURSOR (See Table 5.3)
SCARGD*	SUP. CT. CASES ARGUED DUMMY PRECURSOR (See Table 5.3)
ZARGD	ARG. DUMMY PRECURSOR FOR APP. SYS. (ICARGD or SCARGD depending on whether the IAC or Sup. Ct. has higher caseload)
ICARGD1#	IAC ARG. DUM (zero if 15% or less of cases are decided without argument)
ICARGD2#	IAC ARG. DUM (50%)
ICARGD3#	IAC ARG. DUM (85%)
SCARGD1#	SUP. CT. ARG. DUM (15%)
SCARGD2#	SUP. CT. ARG. DUM (50%)
SCARGD3#	SUP. CT. ARG. DUM (85%)
ZARGD1##	APP. SYS. ARG. DUM (zero if 15% or less are decided without oral argument)
ZARGD2##	APP. SYS. ARG. DUM (50%)
ZARGD3	APP. SYS. ARG. DUM (85%)
ICARGTX	IAC EST. TOTAL ARG. TIME (Hours per year if all cases were argued)
SCARGTX	SUP. CT. EST. TOT. ARG. TIME (Hours per year if all cases were argued)
ICARGX	IAC ARG. EST. (Based on ICARGD)
SCARGX	SUP. CT. ARG. EST. (Based on SCARGD)
ZARGX	APP. SYS. ARG. EST. (Based on ZARGD)
ZARGXJ#	TOT. ARG. EST. PER J. (BASED ON DUM)

D. Summary Procedures.

label key: SUM=summary procedures

ICSUMD*	IAC SUMMARY PRO DUMMY PRECURSOR (See Table 5.3)
ICSUMD1#	IAC SUM. PRO. DUMMY (zero = less than 10% of cases decided with summary pro.)
ICSUM*#	IAC SUMMARY PRO (% of cases decided with summary procedure)

Table 5. (continued)

SCSUMD*	SUP. CT. SUMMARY PRO. DUMMY PRECURSOR See Table 5.3)
SCSUMD1#	SUP. CT. SUM. PRO. DUMMY (See ICSUMD1)
SCSUM*#	SUP. CT. SUMMARY PRO. (%)
ZSUMD	SUMMARY DUMMY FOR APP. SYS.
ZSUMD1##	APP. SYS. SUM. PRO. DUMMY (ICSUMD1 or SCSUMD1 depending on whether the IAC or Sup. Ct. has the higher caseload)
ZSUMPCT#	TOTAL SUMMARY DEC. (%)

6) CASELOAD CHARACTERISTICS.

a) Filings and backlog.

label key: FI = filing; EX = extra;
TOT = total criminal and civil filings.

FICIT@	CRIMINAL APPEALS FILED
FIKRT@	CIVIL APPEALS FILED
EXAPP@	OTHER FILINGS (not included in FICIT or FIKRT because of adjustments made to compensate for jurisdiction changes)
EXAPPKR@	EXAPP FOR CRIMINAL APPEALS
EXAPPCI@	EXAPP FOR CIVIL APPEALS
TOTAPP@	TOTAL APPEALS (when criminal/civil breakdown is not avilable)
ALLAPP	TOTAL APPEALS (FICIT + FIKRT + EXAPP, or TOTAPP)
ALLAPP1#	ALLAPP, PRIOR YEAR
ALLAPP1J##	ALLAPP1 divided by XJ (prior year filings divided by current year judges)
DC1@	DOCKETING TIME, CIVIL (See Table 5.3)
DC1LAG##	DOCKETING TIME, CIVIL, PRIOR YEAR
DK1@	DOCKETING TIME, CRIMINAL (See Table 5.3)
DK1LAG##	DOCKETING TIME, CRIMINAL, PRIOR YEAR
SCDELAY*#	SUP. CT. DELAY (DUMMY)
ICDELAY*#	IAC DELAY (DUMMY)
BKLOGKR	BACKLOG INDEX (pending divided by disposed)
BKLOGCI	BACKLOG INDEX, CIVIL (differs from BKLOGKR only when civil and criminal cases are processed by different courts).

Table 5.1 (continued)

b) Criminal Appeal Workload.

FIKRTPC	PERCENT CRIMINAL APPEALS FILED (FIKRT + EXAPPKR, as a percent of ALLAPP)
FIKRTPC1	PERCENT CRIMINAL APPEALS FILED, PRIOR YEAR
FIKROUT	PERCENT CRIMINAL APPEALS DECIDED (ZKROUT as a percent of ZOUT)
ZKROUT	CRIMINAL APPEALS DECIDED (ICKROUT + SCKROUT)
ZKROUTPC	PERCENT CRIMINAL APPEALS DECIDED (ZKROUT as a percent of ZOUT)
ZKRPCT#	PERCENT CRIMINAL APPEALS (based on FIKRTPC1 but if missing data, ZKROUTPC is used).

c) Writs.

label key: PET=petition for review of IAC decision;
WR=other petitions are writs;
FI=filed, DC=disposed, GR=granted;

KRPETFI*	CRIMINAL PER. FOR REVIEW FILED
KRPETDC*	CR. PET. FOR REVIEW DECIDED
KRPETGR*	CR. PET. FOR REVIEW GRANTED
CIPETFI*	CIVIL PET. REVIEW FILED
CIPETDC*	CIVIL PET FOR REVIEW DECLARED
CIPETGR*	CIVIL PET FOR REVIEW GRANTED
PETFI*	PET. FOR REVIEW FILED
PETDC*	PET. FOR REVIEW DECIDED
PETGR*	PET. FOR REVIEW GRANTED
PET	SUP. CT. PET. FOR REVIEW (PETDC when statistics are available, otherwise PETFI)
ZPETJ#	PET. FOR REVIEW PER JUDGE (PET/ZJ)
ICWR	IAC WRITS
SCWR	SUP. CT. WRITS
ZWRITS	ALL WRITS AND PETITIONS (ICWR + SCWR + PET)
ZWRITSJ#	ALL WRITS AND PET. PER JUDGE (ZWRITS/ZJ)

Table 5.2 Descriptive.Statistics

CONTENTS PROCEDURE
CONTENTS OF SAS MEMBER OUT.CSI

TAPE FORMAT DATASET

NUMBER OF OBSERVATIONS: (UNKNOWN) NUMBER OF VARIABLES: 260
MEMTYPE: DATA

----ALPHABETIC LIST OF VARIABLES AND ATTRIBUTES-----

#	VARIABLE	TYPE	LENGTH	POSITION	FORMAT	INFORMAT	LABEL
114	A	NUM	8	908			EXISTENCE OF INTERMEDIATE COURT
170	ALLAPP	NUM	8	1356			ALL APPEALS FILED
172	ALLAPP1	NUM	8	1372			TOTAL APPEALS FILED (PRIOR YEAR)
258	ALLAPP1J	NUM	8	2060			APPEALS FILED, PRIOR YEAR, PER JDG
115	B	NUM	8	916			EXPANSION OF INTERMEDIATE COURT
68	BASE	NUM	8	540			BASE FOR UNPUB. & MEMO OP.
92	BKLOGCI	NUM	8	732			CIVIL BACKLOG INDEX
91	BKLOGKR	NUM	8	724			CRIMINAL BACKLOG INDEX
116	C	NUM	8	924			SENTENCE REVIEW BY APPELLATE CT
98	CIDOCK	NUM	8	780			WHEN CIVIL APPEALS DOCKETED
41	CIPETDC	NUM	8	324			CIVIL PET. REVIEW DECIDED
40	CIPETFI	NUM	8	316			CIVIL PET. REVIEW FILED
42	CIPETGR	NUM	8	332			CIVIL PET. REVIEW GRANTED
95	CPI	NUM	8	756			CONSUMER PRICE INDEX
117	D	NUM	8	932			SENTENCE REVIEW OTHER THAN APPELLATE CT
110	DC1	NUM	8	876			DOCKETING TIME (CIVIL APPEALS)
256	DC1LAG	NUM	8	2044			DOCKETING TIME (CIVIL, PRIOR YEAR)
109	DK1	NUM	8	868			DOCKETING TIME (KR APPEALS)
257	DK1LAG	NUM	8	2052			DOCKETING TIME (KR, PRIOR YEAR)
118	E	NUM	8	940			RECORD CONDENSING, CRIMINAL
119	EE	NUM	8	948			RECORD CONDENSING, CIVIL
101	EXAPP	NUM	8	804			ADJUSTMENTS FOR JUR. CHANGES
6	EXAPPCI	NUM	8	44			CIVIL FILINGS ADJUST FOR JUR. CHANGE
5	EXAPPKR	NUM	8	36			CRIM. FILINGS ADJUST FOR JUR. CHANGE
72	EXJM	NUM	8	572			METHOD OF CALCULATING EX. JUDGES
104	FICIIAC	NUM	8	828			FILINGS,CIVIL,INT APP CT
105	FICISUP	NUM	8	836			FILINGS,CIVIL,SUPREME CT
106	FICIT	NUM	8	844			CIVIL FILINGS
107	FIKRIAC	NUM	8	852			FILINGS,CRIM,INT APP CT
108	FIKRSUP	NUM	8	860			FILINGS,CRIM,SUPREME CT
103	FIKRT	NUM	8	820			CRIMINAL FILINGS
252	FIKRTPC	NUM	8	2012			% CRIMINAL APPEALS FILED
253	FIKRTPC1	NUM	8	2020			% CRIMINAL APPEALS (PRIOR YEAR)
96	FYAPP	NUM	8	764			MONTH OF YEAR END
19	FYEAR	NUM	8	148			FISCAL YEAR FOR DECISION DATA
4	IACPAY	NUM	8	28			IAC JUDGE SALARY
142	IACPCT	NUM	8	1132			IAC % (BASED ON DECISIONS)
94	IACPCTCI	NUM	8	748			IAC % (CIVIL, BASED ON FILINGS)
93	IACPCTKR	NUM	8	740			IAC % (KR, BASED ON FILINGS)
47	ICARG	NUM	8	372			IAC CASES ARGUED (%)
75	ICARGD	NUM	8	596			IAC CASES ARGUED (DUMMY)
236	ICARGD1	NUM	8	1884			IAC ARGUMENT DUMMY (15%)
237	ICARGD2	NUM	8	1892			IAC ARGUMENT DUMMY (50%)
238	ICARGD3	NUM	8	1900			IAC ARGUMENT DUMMY (85%)
74	ICARGL	NUM	8	588			IAC ORAL ARG. LENGTH
126	ICARGT	NUM	8	1004			IAC TOTAL ARG. TIME (HR.)
130	ICARGTX	NUM	8	1036			IAC EST. TOT. ARG. TIME (HR)
132	ICARGX	NUM	8	1052			IAC ARG. EST. (BASED ON DUMMY)

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#	VARIABLE	TYPE	LENGTH	POSITION	FORMAT	INFORMAT	LABEL
226	ICATTY	NUM	8	1804			IAC TOTAL ATTORNEY AIDES
203	ICBASE	NUM	8	1620			IAC BASE FOR UNPUB & MEMO OPINIONS
9	ICCIDC	NUM	8	68			IAC CIVIL DECISIONS
27	ICCIME	NUM	8	212			IAC CIVIL MEMO OPINIONS
10	ICCIOP	NUM	8	76			IAC CIVIL OPINIONS
176	ICCIOUT	NUM	8	1404			IAC CIVIL OUTPUT
21	ICCIUN	NUM	8	164			IAC CIVIL UNPUB. OPINIONS
11	ICDC	NUM	8	84			INTERMEDIATE CT DECISIONS
86	ICDELAY	NUM	8	684			IAC DELAY (DUMMY)
49	ICEXJ	NUM	8	388			IAC EXTRA JUDGES (%)
189	ICEXJADJ	NUM	8	1508			IAC EX. JUG. - JUDGE EQUIVALENT
195	ICEXJD2	NUM	8	1556			IAC EX. JDG. DUMMY (MAJOR USE)
192	ICEXJD12	NUM	8	1532			IAC EX. JDG. DUMMY (ANY USE)
198	ICEXJ2	NUM	8	1580			IAC EX. JDG. EQUIV. (WHEN A MAJOR USE)
181	ICJ	NUM	8	1444			IAC JUDGES
89	ICJDG	NUM	8	708			INTER. CT. JUDGES
7	ICKRDC	NUM	8	52			IAC CR. DECISIONS
26	ICKRME	NUM	8	204			IAC CR. MEMO OPINIONS
8	ICKROP	NUM	8	60			IAC CR. OPINIONS
175	ICKROUT	NUM	8	1396			IAC CRIMINAL OUTPUT
20	ICKRUN	NUM	8	156			IAC CR. UNPUB. OPINIONS
81	ICLC	NUM	8	644			IAC LAW CLERK PER JUDGE
82	ICLCCJ	NUM	8	652			IAC EXTRA L.C. FOR C.J.
224	ICLCTOT	NUM	8	1788			IAC TOTAL LAW CLERKS
70	ICLOC	NUM	8	556			IAC ARGUMENT LOCATION
28	ICME	NUM	8	220			INTER. CT. MEMO OPINIONS
77	ICMED	NUM	8	612			IAC MEMO OPINION (DUMMY)
243	ICMED1	NUM	8	1940			IAC MEMO OP. DUMMY (15%)
244	ICMED2	NUM	8	1948			IAC MEMO OP. DUMMY (50%)
245	ICMED3	NUM	8	1956			IAC MEMO OP. DUMMY (85%)
208	ICMEPCT	NUM	8	1660			IAC DECISIONS BY MEMO OP (%)
218	ICMEWO	NUM	8	1740			IAC DECISIONS - MEMO + W/O OPINION
219	ICMEWOP	NUM	8	1748			IAC MEMO + W/O OPINION (%)
90	ICNEWJ	NUM	8	716			IAC NEW JUDGES THAT YEAR
187	ICNEWJPC	NUM	8	1492			IAC PERCENT NEW JUDGES (TURNOVER)
12	ICOP	NUM	8	92			INTERMEDIATE CT OPINIONS
121	ICOUT	NUM	8	964			IAC DECISION OUTPUT
184	ICOUTJ	NUM	8	1458			IAC OUTPUT PER JUDGE
139	ICPAN	NUM	8	1108			IAC PANEL SIZE (ACTUAL)
34	ICPANEL	NUM	8	268			IAC PANEL SIZE
228	ICPATTY	NUM	8	1820			IAC PERM. ATTY AIDES
84	ICPLC	NUM	8	668			IAC PERM. L.C.
85	ICPSA	NUM	8	676			IAC PERM. STAFF ATTY
80	ICRETJ	NUM	8	636			IAC USE OF RETIRED JUD.
83	ICSA	NUM	8	660			IAC STAFF ATTORNEYS
88	ICSUM	NUM	8	700			IAC SUMMARY PRO (%)
87	ICSUMD	NUM	8	692			IAC SUMMARY PRO (DUMMY)
250	ICSUMD1	NUM	8	1996			IAC SUMMARY DECISION DUMMY (10%)
79	ICTRJ	NUM	8	628			IAC USE OF TRIAL JUDGES
22	ICUN	NUM	8	172			INTER. CT. UNPUBLISHED OPINIONS
78	ICUND	NUM	8	620			IAC UNPUB. OPINION (DUMMY)
206	ICUNPCT	NUM	8	1644			IAC DECISIONS WITH UNPUB. OP. (%)
212	ICUNWO	NUM	8	1692			IAC DECISIONS - UNPUB + W/O OP.
213	ICUNWOP	NUM	8	1700			IAC UNPUB. OP + W/O OP (%)
32	ICWO	NUM	8	252			IAC CASES DECIDED W/O OPINION
76	ICWOD	NUM	8	604			[illegible]

#	VARIABLE	TYPE	LENGTH	POSITION	FORMAT	INFORMAT	LABEL
210	ICWOPCT	NUM	8	1676			IAC DECISIONS W/O OPINION (%)
36	ICWR	NUM	8	284			IAC WRITS
259	JCHANGE	NUM	8	2068			INCREASE IN APPELLATE JURISDICITION
97	KRDOCK	NUM	8	772			WHEN CRIM APPEALS DOCKETED
38	KRPETDC	NUM	8	300			CR. PET. FOR REVIEW DECIDED
37	KRPETFI	NUM	8	292			CR. PET. FOR REVIEW FILED
39	KRPETGR	NUM	8	308			CR. PET. FOR REVIEW GRANTED
69	MEMO	NUM	8	548			TYPE OF MEMO OPINION
100	NOSENTAP	NUM	8	796			NUMBER OF SENTENCE APPEALS
67	OUTT	NUM	8	532			OUTPUT TYPE
148	PET	NUM	8	1180			SUP. CT. PET. FOR REVIEW
44	PETDC	NUM	8	348			PET. FOR REVIEW DECIDED
43	PETFI	NUM	8	340			PET.FOR REVIEW FILED
45	PETGR	NUM	8	356			PET. FOR REVIEW GRANTED
99	PHSC	NUM	8	788			PRE-HEARING SETTLEMENT CONFERENCE
102	POP	NUM	8	812			POPULATION
48	SCARG	NUM	8	380			SUP CT. CASES ARGUED (%)
52	SCARGD	NUM	8	412			SUP CT. CASES ARGUED (DUMMY)
239	SCARGD1	NUM	8	1908			SUP CT ARGUMENT DUMMY (15%)
240	SCARGD2	NUM	8	1916			SUP CT ARGUMENT DUMMY (50%)
241	SCARGD3	NUM	8	1924			SUP CT ARGUMENT DUMMY (85%)
51	SCARGL	NUM	8	404			SUP CT. ORAL ARG. LENGTH
127	SCARGT	NUM	8	1012			SUP CT. TOTAL ARG. TIME (HR.)
131	SCARGTX	NUM	8	1044			SUP CT EST. TOT. ARG. TIME (HR)
133	SCARGX	NUM	8	1060			SUP CT ARG. EST. (BASED ON DUMMY)
227	SCATTY	NUM	8	1812			SUP CT TOTAL ATTY AIDES
204	SCBASE	NUM	8	1628			SUP CT BASE FOR UNPUB & MEMO OP.
15	SCCIDC	NUM	8	116			SUP CT. CIVIL DECISIONS
30	SCCIME	NUM	8	236			SUP CT. CIVIL MEMO OPINIONS
16	SCCIOP	NUM	8	124			SUP CT. CIVIL OPINIONS
178	SCCIOUT	NUM	8	1420			SUP CT CIVIL DECISION OUTPUT
24	SCCIUN	NUM	8	188			SUP CT. CIVIL UNPUB. OPINIONS
17	SCDC	NUM	8	132			SUPREME CT. DECISIONS
63	SCDELAY	NUM	8	500			SUP CT. DELAY (DUMMY)
50	SCEXJ	NUM	8	396			SUP CT. EXTRA JUDGES (%)
190	SCEXJADJ	NUM	8	1516			SUP CT EX JUDGE EQUIVALENT
196	SCEXJD2	NUM	8	1564			SUP CT EX JDG DUM (MAJOR USE)
193	SCEXJD12	NUM	8	1540			SUP CT EX JDGE DUM (ANY USE)
199	SCEXJ2	NUM	8	1588			SUP CT EX JDG EQUIV (WHEN MAJOR USE)
182	SCJ	NUM	8	1452			SUPREME COURT JUDGES
66	SCJDG	NUM	8	524			SUPREME COURT JUDGES
13	SCKRDC	NUM	8	100			SUP CT. CR. DECISIONS
29	SCKRME	NUM	8	228			SUP CT. CR. MEMO OPINIONS
14	SCKROP	NUM	8	108			SUP CT. CR. OPINIONS
177	SCKROUT	NUM	8	1412			SUP CT CRIMINAL DECISION OUTPUT
23	SCKRUN	NUM	8	180			SUP CT. CR. UNPUB. OPINIONS
58	SCLC	NUM	8	460			SUP CT. LAW CLERK PER JUDGE
59	SCLCCJ	NUM	8	468			SUP CT. EXTRA L.C. FOR C.J.
225	SCLCTOT	NUM	8	1796			SUP CT TOTAL LAW CLERKS
71	SCLOC	NUM	8	564			SUP CT. ARGUMENT LOCATION
31	SCME	NUM	8	244			SUPREME COURT MEMO OPINIONS
54	SCMED	NUM	8	428			SUP CT. MEMO OPINIONS (DUMMY)
246	SCMED1	NUM	8	1964			SUP CT MEMO DUMMY (15%)
247	SCMED2	NUM	8	1972			SUP CT MEMO DUMMY (50%)
248	SCMED3	NUM	8	1980			SUP CT MEMO DUMMY (85%)
209	SCMEPCT	NUM	8	1668			SUP CT MEMO OP (%)

#	VARIABLE	TYPE	LENGTH	POSITION	FORMAT	INFORMAT	LABEL
220	SCMEWO	NUM	8	1756			SUP CT DECISIONS - MEMO + W/O OP
221	SCMEWOP	NUM	8	1764			SUP CT MEMO & W/O OP (%)
73	SCNEWJ	NUM	8	580			SUP CT. NEW JUDGES THAT YEAR
188	SCNEWJPC	NUM	8	1500			SUP CT % NEW JUDGES (TURNOVER)
18	SCOP	NUM	8	140			SUPREME CT. OPINIONS
120	SCOUT	NUM	8	956			SUPREME COURT OUTPUT
185	SCOUTJ	NUM	8	1476			SUPREME COURT OUTPUT PER JDG
140	SCPAN	NUM	8	1116			SUP CT PANEL SIZE (ACTUAL)
35	SCPANEL	NUM	8	276			SUP CT. PANEL SIZE
229	SCPATTY	NUM	8	1828			SUP CT PERM. ATTY AIDES
3	SCPAY	NUM	8	20			SUP. CT. JUSTICE SALARY
61	SCPLC	NUM	8	484			SUP CT. PERM. L.C.
62	SCPSA	NUM	8	492			SUP CT. PERM STAFF ATTY
57	SCRETJ	NUM	8	452			SUP CT. USE OF RETIRED JUD.
60	SCSA	NUM	8	476			SUP CT. STAFF ATTORNEYS
65	SCSUM	NUM	8	516			SUP CT. SUMMARY PRO (%)
64	SCSUMD	NUM	8	508			SUP CT. SUMMARY PRO. (DUMMY)
251	SCSUMD1	NUM	8	2004			SUP CT SUMMARY DUMMY (10%)
56	SCTRJ	NUM	8	444			SUP CT. USE OF TR. JUDGES
25	SCUN	NUM	8	196			SUPREME CT. UNPUBLISHED OPINIONS
55	SCUND	NUM	8	436			SUP CT. UNPUB. OP. (DUMMY)
207	SCUNPCT	NUM	8	1652			SUP CT UNPUB. OPINION S (%)
214	SCUNWO	NUM	8	1708			SUP CT DECISIONS - UNPUB + W/O OP
215	SCUNWOP	NUM	8	1716			SUP CT UNPUB & W/O OP (%)
33	SCWO	NUM	8	260			SUP CT. CASES DECIDED W/O OPINION
53	SCWOD	NUM	8	420			SUP CT. CASES W/O OP. (DUMMY)
211	SCWOPCT	NUM	8	1684			SUP CT W/O OPINION (%)
46	SCWR	NUM	8	364			SUP. CT. OTHER WRITS
250	SENTREV	NUM	8	2076			APP. JURISDICTION OVER SENTENCE REVIEW
1	STATE	NUM	8	4			STATE(NUMBERED IN ORDER, D.C. IS 9)
111	TOTAPP	NUM	8	884			TOTAL APPEALS (WHEN KR/CI NA)
171	TOTAPP1	NUM	8	1364			TOTAL FILINGS ADJUST FOR JUR. CHANGE
112	XIACJ	NUM	8	892			IAC JUDGESHIPS (PRIOR DATA)
113	XSUPCJ	NUM	8	900			SUP CT JUDGESHIPS (PRIOR DATA)
2	YEAR	NUM	8	12			YEAR
152	ZARGD	NUM	8	1212			ARG DUMMY FOR APP. SYS.
158	ZARGD1	NUM	8	1260			APP.SYS. ARG. DUM (15%)
159	ZARGD2	NUM	8	1268			APP.SYS. ARG. DUM (50%)
160	ZARGD3	NUM	8	1276			APP.SYS. ARG. DUM (85%)
202	ZARGL	NUM	8	1612			APP SYS AVG. ARGUMENT LENGTH
125	ZARGPCT	NUM	8	996			TOTAL ARGUMENTS (%)
128	ZARGT	NUM	8	1020			APP SYS TOTAL ARG.TIME (HR.)
129	ZARGTJ	NUM	8	1028			APP SYS ARG. TIME PER JUDGE
201	ZARGX	NUM	8	1604			APP SYS ARG EXTIMATE
134	ZARGXJ	NUM	8	1068			TOT. ARG. EST. PER J. (BASED ON DUM)
232	ZATTY	NUM	8	1852			APPELLATE SYSTEM ATTORNEY AIDES
145	ZATTYJ	NUM	8	1156			TOT. ATTY AIDE PER J.
205	ZBASE	NUM	8	1636			APP SYS BASE FOR MEMO & UNPUB OP
180	ZCIOUT	NUM	8	1436			APP SYS CIVIL DECISION OUTPUT
174	ZDC	NUM	8	1388			APP SYS, NUMBER OF DECISIONS
242	ZEMD1	NUM	8	1932			
191	ZEXJADJ	NUM	8	1524			APP SYS EX JDG. EQUIV.
197	ZEXJD2	NUM	8	1572			APP SYS EX. JDG DUMMY (MAJOR USE)
194	ZEXJD12	NUM	8	1548			APP SYS EX. JDG DUMMY (ANY USE)
200	ZEXJ2	NUM	8	1596			APP SYS EX. JDG. EQUIV. (MAJ. USE)
183	ZJ	NUM	8	1460			APPELLATE SYSTEM TOTAL JUDGES

#	VARIABLE	TYPE	LENGTH	POSITION	FORMAT	INFORMAT	LABEL
123	ZJDG	NUM	8	980			TOTAL APP SYS JUDGE
179	ZKROUT	NUM	8	1428			APP SYS CRIMINAL DECISION OUTPUT
254	ZKROUTPC	NUM	8	2028			APP SYS PERCENT CRIMINAL OUTPUT
255	ZKRPCT	NUM	8	2036			APP SYS KR (% ESTIMATE)
143	ZLCJ	NUM	8	1140			TOTAL APP SYS LAW CLERK PER J.
230	ZLCTOT	NUM	8	1836			APP SYS TOTAL LAW CLERKS
235	ZLCTOTJ	NUM	8	1876			APPELLATE SYSTEM LAW CLERKS
155	ZMED	NUM	8	1236			MEMO DUMMY FOR APP. SYS.
164	ZMED1	NUM	8	1308			APP.SYS. MEMO DUM (15%)
165	ZMED2	NUM	8	1316			APP.SYS. MEMO DUM (50%)
166	ZMED3	NUM	8	1324			APP.SYS. MEMO DUM (85%)
136	ZMEPCT	NUM	8	1084			APP SYS MEMO (%)
222	ZMEWO	NUM	8	1772			APP SYS DECISIONS - MEMO + W/O OP.
223	ZMEWOPCT	NUM	8	1780			APP SYS MEMO & W/O OP. (%)
186	ZNEWJ	NUM	8	1484			APPELLATE SYSTEM NEW JUDGES IN YEAR
157	ZNEWJPCT	NUM	8	1252			APP SYS. NEW JUDGES (%)
173	ZOP	NUM	8	1380			APP SYS OPINIONS
122	ZOUT	NUM	8	972			TOTAL APP SYS OUTPUT
124	ZOUTJ	NUM	8	988			APP SYSTEM DECISION OUTPUT PER JDG
141	ZPAN	NUM	8	1124			AVERAGE APP SYS PANEL SIZE
233	ZPATTY	NUM	8	1860			APP SYS PERM ATTY AIDES
146	ZPATTYJ	NUM	8	1164			TOTAL PERM. ATTY AIDES PER J.
149	ZPETJ	NUM	8	1188			PET. REV. PER J.
231	ZSA	NUM	8	1844			APPELLATE SYSTEM STAFF ATTORNEYS
144	ZSAJ	NUM	8	1148			TOT. APP SYS STAFF ATTY PER J.
156	ZSUMD	NUM	8	1244			SUMMARY DUMMY FOR APP.SYS.
249	ZSUMD1	NUM	8	1988			APP SYS SUMMARY DEC. DUMMY (10%)
138	ZSUMPCT	NUM	8	1100			TOTAL SUMMARY DEC. (%)
234	ZTATTY	NUM	8	1868			APPELLATE SYSTEM TEMP. ATTY. AIDES
147	ZTATTYJ	NUM	8	1172			TOTAL TEMP. ATTY AIDES PER J.
154	ZUND	NUM	8	1228			UN PUB. DUMMY FOR APP.SYS.
167	ZUND1	NUM	8	1332			APP.SYS.UNPUB DUM (15%)
168	ZUND2	NUM	8	1340			APP.SYS.UNPUB DUM (50%)
169	ZUND3	NUM	8	1348			APP.SYS.UNPUB DUM (85%)
135	ZUNPCT	NUM	8	1076			APP SYS UNPUB. OP. (%)
216	ZUNWO	NUM	8	1724			APP SYS DECISIONS - UNPUB + W/O OP.
217	ZUNWOPCT	NUM	8	1732			APP SYS UNPUB & W/O OP. (%)
153	ZWOD	NUM	8	1220			W/O OP DUMMY FOR APP. SYS.
161	ZWOD1	NUM	8	1284			APP.SYS. W/O OP. DUM (15%)
162	ZWOD2	NUM	8	1292			APP.SYS. W/O OP. DUM (50%)
163	ZWOD3	NUM	8	1300			APP.SYS. W/O OP. DUM (85%)
137	ZWOPCT	NUM	8	1092			APP SYS DEC. W/O OP. (%)
150	ZWRITS	NUM	8	1196			ALL WRITS & PET.
151	ZWRITSJ	NUM	8	1204			WRITS & PET. PER J.

VARIABLE	LABEL	N	MEAN	STANDARD DEVIATION	MINIMUM VALUE	MAXIMUM VALUE
STATE	STATE(NUMBERED IN ORDER, D.C. IS 9)	1020	26.00000	14.72682	1.0000	51.0000
YEAR	YEAR	1020	74.50000	5.76911	65.0000	84.0000
SCPAY	SUP. CT. JUSTICE SALARY	913	40408.28431	14419.05746	16500.0000	88818.0000
IACPAY	IAC JUDGE SALARY	913	22266.01961	23541.96118	0.0000	83268.0000
EXAPPKR	CRIM. FILINGS ADJUST FOR JUR. CHANGE	969	5.25593	45.51485	-156.0000	554.0000
EXAPPCI	CIVIL FILINGS ADJUST FOR JUR. CHANGE	969	3.31476	33.09835	-74.0000	473.0000
ICKRDC	IAC CR. DECISIONS	532	192.45489	507.36785	0.0000	4740.0000
ICKROP	IAC CR. OPINIONS	414	28.50725	102.35561	0.0000	570.0000
ICCIDC	IAC CIVIL DECISIONS	536	260.35821	549.67674	0.0000	3035.0000
ICCIOP	IAC CIVIL OPINIONS	413	81.51816	274.27184	0.0000	1963.0000
ICDC	INTERMEDIATE CT DECISIONS	670	862.06269	1675.55832	0.0000	9903.0000
ICOP	INTERMEDIATE CT OPINIONS	596	782.64933	1569.38330	0.0000	8999.0000
SCKRDC	SUP CT. CR. DECISIONS	240	215.47500	441.71634	5.0000	2634.0000
SCKROP	SUP CT. CR. OPINIONS	98	370.00000	640.65437	21.0000	2714.0000
SCCIDC	SUP CT. CIVIL DECISIONS	240	179.87500	114.72332	33.0000	570.0000
SCCIOP	SUP CT. CIVIL OPINIONS	99	158.30303	84.31361	36.0000	372.0000
SCDC	SUPREME CT. DECISIONS	644	348.28416	349.46320	54.0000	2748.0000
SCOP	SUPREME CT. OPINIONS	424	315.28538	348.42690	52.0000	2828.0000
FYEAR	FISCAL YEAR FOR DECISION DATA	765	10.03791	2.59931	6.0000	12.0000
ICKRUN	IAC CR. UNPUB. OPINIONS	498	43.99197	218.00653	0.0000	2034.0000
ICCIUN	IAC CIVIL UNPUB. OPINIONS	497	31.27163	131.63945	0.0000	1307.0000
ICUN	INTER. CT. UNPUBLISHED OPINIONS	764	342.26047	919.39070	0.0000	7238.0000
SCKRUN	SUP CT. CR. UNPUB. OPINIONS	545	37.39633	226.98959	0.0000	2222.0000
SCCIUN	SUP CT. CIVIL UNPUB. OPINIONS	546	2.89927	23.51769	0.0000	435.0000
SCUN	SUPREME CT. UNPUBLISHED OPINIONS	759	50.32806	203.83749	0.0000	2222.0000
ICKRME	IAC CR. MEMO OPINIONS	355	1.47606	10.13922	0.0000	122.0000
ICCIME	IAC CIVIL MEMO OPINIONS	431	18.35963	115.37364	0.0000	1307.0000
ICME	INTER. CT. MEMO OPINIONS	677	341.92171	871.55209	0.0000	5221.0000
SCKRME	SUP CT. CR. MEMO OPINIONS	231	83.76623	337.69109	0.0000	2208.0000
SCCIME	SUP CT. CIVIL MEMO OPINIONS	231	7.62771	24.78376	0.0000	154.0000
SCME	SUPREME COURT MEMO OPINIONS	634	69.01735	218.31299	0.0000	2225.0000
ICWO	IAC CASES DECIDED W/O OPINION	757	155.92074	598.91658	0.0000	4252.0000
SCWO	SUP CT. CASES DECIDED W/O OPINION	755	50.82275	179.09809	0.0000	1635.0000
ICPANEL	IAC PANEL SIZE	765	17.23660	17.42494	0.0000	70.0000
SCPANEL	SUP CT. PANEL SIZE	765	82.69935	24.71822	30.0000	99.0000
ICWR	IAC WRITS	702	221.59402	713.65547	0.0000	5918.0000
KRPETFI	CR. PET. FOR REVIEW FILED	465	86.31330	307.81260	0.0000	2561.0000
KRPETDC	CR. PET. FOR REVIEW DECIDED	492	124.16260	356.67638	0.0000	2291.0000
KRPETGR	CR. PET. FOR REVIEW GRANTED	509	12.91552	36.03403	0.0000	319.0000
CIPETFI	CIVIL PET. REVIEW FILED	455	111.22151	261.81221	0.0000	1723.0000
CIPETDC	CIVIL PET. REVIEW DECIDED	490	139.88776	332.28956	0.0000	1853.0000
CIPETGR	CIVIL PET. REVIEW GRANTED	509	19.24558	38.63560	0.0000	186.0000
PETFI	PET.FOR REVIEW FILED	644	298.65373	579.59330	0.0000	3338.0000
PETDC	PET. FOR REVIEW DECIDED	682	332.94428	596.81576	0.0000	3366.0000
PETGR	PET. FOR REVIEW GRANTED	669	37.73094	62.54801	0.0000	438.0000
SCWR	SUP. CT. OTHER WRITS	581	226.90361	362.24336	0.0000	2346.0000
ICARG	IAC CASES ARGUED (%)	544	21.97794	33.87654	0.0000	95.0000
SCARG	SUP CT. CASES ARGUED (%)	536	77.44216	25.03262	0.0000	98.0000
ICEXJ	IAC EXTRA JUDGES (%)	570	1.03509	3.27940	0.0000	36.000
SCEXJ	SUP CT. EXTRA JUDGES (%)	520	5.56346	19.97165	0.0000	175.000
SCARGL	SUP CT. ORAL ARG. LENGTH	761	62.07622	17.98280	10.0000	120.000
SCARGD	SUP CT. CASES ARGUED (DUMMY)	760	1.59737	0.79424	1.0000	4.000
SCWOD	SUP CT. CASES W/O OP. (DUMMY)	757	1.21004	0.54869	1.0000	4.000
SCMED	SUP CT. MEMO OPINIONS (DUMMY)	757	1.38838	0.60838	1.0000	3.000
SCUND	SUP CT. UNPUB. OP. (DUMMY)	751	1.24573	0.55612	1.0000	3.000

VARIABLE	LABEL	N	MEAN	STANDARD DEVIATION	MINIMUM VALUE	MAXIMUM VALUE
SCTRJ	SUP CT. USE OF TR. JUDGES	761	0.82129	0.53026	0.0000	2.0000
SCRETJ	SUP CT. USE OF RETIRED JUD.	761	0.81735	0.62155	0.0000	2.0000
SCLC	SUP CT. LAW CLERK PER JUDGE	761	1.30670	0.68401	0.0000	4.5000
SCLCCJ	SUP CT. EXTRA L.C. FOR C.J.	751	0.25624	0.44579	0.0000	2.0000
SCSA	SUP CT. STAFF ATTORNEYS	761	1.60447	2.70622	0.0000	14.0000
SCPLC	SUP CT. PERM. L.C.	741	0.61673	2.67146	0.0000	17.0000
SCPSA	SUP CT. PERM STAFF ATTY	761	1.07227	2.05036	0.0000	14.0000
SCDELAY	SUP CT. DELAY (DUMMY)	761	0.49803	0.50032	0.0000	1.0000
SCSUMD	SUP CT. SUMMARY PRO. (DUMMY)	761	1.04336	0.20381	1.0000	2.0000
SCSUM	SUP CT. SUMMARY PRO (%)	748	0.84492	4.70068	0.0000	48.0000
SCJDG	SUPREME COURT JUDGES	761	669.44547	222.07563	259.0000	1867.0000
OUTT	OUTPUT TYPE	765	4.95556	2.64290	1.0000	9.0000
BASE	BASE FOR UNPUB. & MEMO OP.	765	3.64444	3.39604	1.0000	8.0000
MEMO	TYPE OF MEMO OPINION	765	1.04444	0.66562	0.0000	2.0000
ICLOC	IAC ARGUMENT LOCATION	765	1.16340	0.99513	0.0000	3.0000
SCLOC	SUP CT. ARGUMENT LOCATION	765	1.34510	0.63586	1.0000	3.0000
EXJM	METHOD OF CALCULATING EX. JUDGES	765	1.01046	1.13829	0.0000	5.0000
SCNEWJ	SUP CT. NEW JUDGES THAT YEAR	761	0.61104	0.93103	0.0000	5.0000
ICARGL	IAC ORAL ARG. LENGTH	761	29.84231	31.29615	0.0000	120.0000
ICARGD	IAC CASES ARGUED (DUMMY)	761	1.05256	1.18093	0.0000	4.0000
ICWOD	IAC DECIDED W/O OPINION (DUMMY)	755	0.64815	0.72460	0.0000	3.0000
ICMED	IAC MEMO OPINION (DUMMY)	761	0.86728	1.02828	0.0000	4.0000
ICUND	IAC UNPUB. OPINION (DUMMY)	761	1.05782	1.27396	0.0000	4.0000
ICTRJ	IAC USE OF TRIAL JUDGES	762	0.46982	0.64010	0.0000	2.0000
ICRETJ	IAC USE OF RETIRED JUD.	762	0.46850	0.64004	0.0000	2.0000
ICLC	IAC LAW CLERK PER JUDGE	761	0.62168	0.73174	0.0000	3.3000
ICLCCJ	IAC EXTRA L.C. FOR C.J.	755	0.10850	0.50130	0.0000	8.0000
ICSA	IAC STAFF ATTORNEYS	755	4.07020	11.20317	0.0000	86.0000
ICPLC	IAC PERM. L.C.	731	0.40219	2.68322	0.0000	27.0000
ICPSA	IAC PERM. STAFF ATTY	731	1.49795	3.42568	0.0000	28.0000
ICDELAY	IAC DELAY (DUMMY)	765	0.29281	0.45535	0.0000	1.0000
ICSUMD	IAC SUMMARY PRO (DUMMY)	765	0.61046	0.52418	0.0000	2.0000
ICSUM	IAC SUMMARY PRO (%)	765	0.34379	2.51190	0.0000	26.0000
ICJDG	INTER. CT. JUDGES	765	953.82614	1417.54794	0.0000	7984.0000
ICNEWJ	IAC NEW JUDGES THAT YEAR	765	1.14118	2.54611	0.0000	32.0000
BKLOGKR	CRIMINAL BACKLOG INDEX	445	0.98746	0.42170	0.3247	4.0181
BKLOGCI	CIVIL BACKLOG INDEX	471	0.99021	0.45299	0.2969	4.0181
IACPCTKR	IAC % (KR, BASED ON FILINGS)	643	43.52833	46.82700	0.0000	100.0000
IACPCTCI	IAC % (CIVIL, BASED ON FILINGS)	647	46.25602	45.55729	0.0000	100.0000
CPI	CONSUMER PRICE INDEX	1020	1.74660	0.71659	0.9450	3.1110
FYAPP	MONTH OF YEAR END	610	10.04262	2.71192	6.0000	14.0000
KRDOCK	WHEN CRIM APPEALS DOCKETED	759	0.49802	0.62674	0.0000	3.0000
CIDOCK	WHEN CIVIL APPEALS DOCKETED	759	0.49012	0.53094	0.0000	2.0000
PHSC	PRE-HEARING SETTLEMENT CONFERENCE	682	0.78446	2.36510	0.0000	9.0000
NOSENTAP	NUMBER OF SENTENCE APPEALS	406	1.84975	10.23162	0.0000	127.0000
EXAPP	ADJUSTMENTS FOR JUR. CHANGES	592	63.87331	303.61711	-156.0000	3626.0000
POP	POPULATION	1020	4205.38529	4468.39448	271.0000	25622.0000
FIKRT	CRIMINAL FILINGS	564	620.62411	879.61883	9.0000	5433.0000
FICIIAC	FILINGS,CIVIL,INT APP CT	640	517.54688	884.59136	0.0000	5003.0000
FICISUP	FILINGS,CIVIL,SUPREME CT	572	216.52273	219.53078	0.0000	1072.0000
FICIT	CIVIL FILINGS	563	816.02113	829.00409	50.0000	5003.0000
FIKRIAC	FILINGS,CRIM,INT APP CT	638	383.88245	833.48037	0.0000	5399.0000
FIKRSUP	FILINGS,CRIM,SUPREME CT	575	176.55826	370.73879	0.0000	3267.0000
DK1	DOCKETING TIME (KR APPEALS)	857	0.43991	0.49667	0.0000	1.0000
DC1	DOCKETING TIME (CIVIL APPEALS)	857	0.46558	0.49910	0.0000	1.0000

VARIABLE	LABEL	N	MEAN	STANDARD DEVIATION	MINIMUM VALUE	MAXIMUM VALUE
TOTAPP	TOTAL APPEALS (WHEN KR/CI NA)	152	3506.90132	3282.75268	124.0000	12174.0000
XIACJ	IAC JUDGESHIPS (PRIOR DATA)	918	9.59804	14.37520	0.0000	80.0000
XSUPCJ	SUP CT JUDGESHIPS (PRIOR DATA)	915	6.81421	2.20215	3.0000	18.0000
A	EXISTENCE OF INTERMEDIATE COURT	680	0.50735	0.50031	0.0000	1.0000
B	EXPANSION OF INTERMEDIATE COURT	680	0.24706	0.43162	0.0000	1.0000
C	SENTENCE REVIEW BY APPELLATE CT	680	0.74265	0.43750	0.0000	1.0000
D	SENTENCE REVIEW OTHER THAN APPELLATE CT	680	0.85441	0.35295	0.0000	1.0000
E	RECORD CONDENSING, CRIMINAL	680	0.86324	0.34385	0.0000	1.0000
EE	RECORD CONDENSING, CIVIL	680	0.85441	0.35295	0.0000	1.0000
SCOUT	SUPREME COURT OUTPUT	753	337.90704	326.82018	54.0000	2748.0000
ICOUT	IAC DECISION OUTPUT	753	988.77822	1771.85989	0.0000	9903.0000
ZOUT	TOTAL APP SYS OUTPUT	748	1333.91979	1841.48373	54.0000	10614.0000
ZJDG	TOTAL APP SYS JUDGE	472	9.41250	6.96276	2.6900	40.7600
ZOUTJ	APP SYSTEM DECISION OUTPUT PER JDG	748	66.64967	41.87456	11.6000	265.4466
ZARGPCT	TOTAL ARGUMENTS (%)	509	72.48341	26.07302	0.0000	97.0000
ICARGT	IAC TOTAL ARG. TIME (HR.)	543	328.19976	738.44158	0.0000	4074.0750
SCARGT	SUP CT. TOTAL ARG. TIME (HR.)	529	211.48781	113.55736	0.0000	623.2000
ZARGT	APP SYS TOTAL ARG. TIME (HR.)	509	562.70258	813.35010	0.0000	4518.6750
ZARGTJ	APP SYS ARG. TIME PER JUDGE	509	39.61316	21.85295	0.0000	159.0847
ICARGTX	IAC EST. TOT. ARG. TIME (HR)	753	894.07791	1545.00925	0.0000	8509.0000
SCARGTX	SUP CT EST. TOT. ARG. TIME (HR)	753	312.64708	255.72827	54.0000	2363.3333
ICARGX	IAC ARG. EST. (BASED ON DUMMUY)	753	547.27956	943.37278	0.0000	5278.6800
SCARGX	SUP CT ARG. EST. (BASED ON DUMMY)	753	211.02866	121.89620	9.6000	779.9000
ZARGXJ	TOT. ARG. EST. PER J. (BASED ON DUM)	748	40.10389	21.77169	4.6286	159.0847
ZUNPCT	APP SYS UNPUB. OP. (%)	747	19.45025	26.65513	0.0000	89.0859
ZMEPCT	APP SYS MEMO (%)	619	20.04601	23.38959	0.0000	91.7412
ZWOPCT	APP SYS DEC. W/O OP. (%)	747	8.74117	17.85656	0.0000	90.2742
ZSUMPCT	TOTAL SUMMARY DEC. (%)	735	0.98220	4.63547	0.0000	48.0000
ICPAN	IAC PANEL SIZE (ACTUAL)	765	1.72366	1.74249	0.0000	7.0000
SCPAN	SUP CT PANEL SIZE (ACTUAL)	765	5.67353	1.42914	2.6900	9.0000
ZPAN	AVERAGE APP SYS PANEL SIZE	748	4.45530	1.22370	2.3026	9.0000
IACPCT	IAC % (BASED ON DECISIONS)	748	39.37034	40.16632	0.0000	98.5408
ZLCJ	TOTAL APP SYS LAW CLERK PER J.	472	1.12226	0.53633	0.0000	2.6250
ZSAJ	TOT. APP SYS STAFF ATTY PER J.	751	0.25092	0.38455	0.0000	2.4400
ZATTYJ	TOT. ATTY AIDE PER J.	747	1.44452	0.72421	0.0000	4.0000
ZPATTYJ	TOTAL PERM. ATTY AIDES PER J.	707	0.17618	0.31055	0.0000	2.4375
ZTATTYJ	TOTAL TEMP. ATTY AIDES PER J.	472	1.16618	0.57872	0.0000	2.6875
PET	SUP. CT. PET. FOR REVIEW	707	332.15276	587.32360	0.0000	3366.0000
ZPETJ	PET. REV. PER J.	703	11.55484	15.58343	0.0000	99.8000
ZWRITS	ALL WRITS & PET.	536	814.72201	1520.89597	0.0000	9945.0000
ZWRITSJ	WRITS & PET. PER J.	535	31.78146	32.31082	0.0000	175.3713
ZARGD	ARG DUMMY FOR APP. SYS.	761	1.83049	0.86384	0.0000	4.0000
ZWOD	W/O OP DUMMY FOR APP. SYS.	760	1.26053	0.59689	0.0000	4.0000
ZUND	UN PUB. DUMMY FOR APP.SYS.	761	1.64915	0.94821	0.0000	4.0000
ZMED	MEMO DUMMY FOR APP. SYS.	761	1.54665	0.77170	0.0000	4.0000
ZSUMD	SUMMARY DUMMY FOR APP.SYS.	765	1.05098	0.24273	0.0000	2.0000
ZNEWJPCT	APP SYS. NEW JUDGES (%)	751	10.52510	13.92276	0.0000	120.4819
ZARGD1	APP.SYS. ARG. DUM (15%)	763	0.59895	0.49043	0.0000	1.0000
ZARGD2	APP.SYS. ARG. DUM (50%)	763	0.20183	0.40163	0.0000	1.0000
ZARGD3	APP.SYS. ARG. DUM (85%)	763	0.04849	0.21495	0.0000	1.0000
ZWOD1	APP.SYS. W/O OP. DUM (15%)	759	0.21212	0.40908	0.0000	1.0000
ZWOD2	APP.SYS. W/O OP. DUM (50%)	759	0.05138	0.22092	0.0000	1.0000
ZWOD3	APP.SYS. W/O OP. DUM (85%)	759	0.01976	0.13928	0.0000	1.0000
ZMED1	APP.SYS. MEMO DUM (15%)	763	0.41415	0.49290	0.0000	1.0000
ZMED2	APP.SYS. MEMO DUM (50%)	763	0.13630	0.34334	0.0000	1.0000

VARIABLE	LABEL	N	MEAN	STANDARD DEVIATION	MINIMUM VALUE	MAXIMU VALUE
ZMED3	APP.SYS. MEMO DUM (85%)	763	0.01835	0.13430	0.0000	1.000
ZUND1	APP.SYS.UNPUB DUM (15%)	760	0.38158	0.48609	0.0000	1.000
ZUND2	APP.SYS.UNPUB DUM (50%)	760	0.23684	0.42542	0.0000	1.000
ZUND3	APP.SYS.UNPUB DUM (85%)	760	0.05395	0.22606	0.0000	1.000
ALLAPP	ALL APPEALS FILED	708	1904.68362	2279.08806	69.0000	12174.000
TOTAPP1	TOTAL FILINGS ADJUST FOR JUR. CHANGE	159	3409.05660	3299.89757	124.0000	13765.000
ALLAPP1	TOTAL APPEALS FILED (PRIOR YEAR)	707	1906.97030	2279.88867	69.0000	12174.000
ZOP	APP SYS OPINIONS	409	1445.49878	1861.97651	52.0000	9379.000
ZDC	APP SYS, NUMBER OF DECISIONS	603	1275.71382	1808.73897	54.0000	10614.000
ICKROUT	IAC CRIMINAL OUTPUT	546	197.30586	502.36343	0.0000	4740.000
ICCIOUT	IAC CIVIL OUTPUT	550	268.35455	546.25957	0.0000	3035.000
SCKROUT	SUP CT CRIMINAL DECISION OUTPUT	273	201.27839	416.36486	5.0000	2634.000
SCCIOUT	SUP CT CIVIL DECISION OUTPUT	273	177.26740	110.12145	33.0000	570.000
ZKROUT	APP SYS CRIMINAL DECISION OUTPUT	238	476.65546	759.11091	8.0000	5941.000
ZCIOUT	APP SYS CIVIL DECISION OUTPUT	238	555.26471	578.96293	51.0000	3067.000
ICJ	IAC JUDGES	765	9.53826	14.17548	0.0000	79.840
SCJ	SUPREME COURT JUDGES	761	6.69445	2.22076	2.6900	18.670
ZJ	APPELLATE SYSTEM TOTAL JUDGES	761	16.28285	15.34294	2.6900	97.840
ICOUTJ	IAC OUTPUT PER JUDGE	389	97.71591	53.57091	17.3913	272.000
SCOUTJ	SUPREME COURT OUTPUT PER JDG	753	47.94369	32.61978	9.6542	265.440
ZNEWJ	APPELLATE SYSTEM NEW JUDGES IN YEAR	761	1.75821	2.88314	0.0000	35.000
ICNEWJPC	IAC PERCENT NEW JUDGES (TURNOVER)	400	19.32386	61.76357	0.0000	700.000
SCNEWJPC	SUP CT % NEW JUDGES (TURNOVER)	761	9.21733	12.58415	0.0000	80.000
ICEXJADJ	IAC EX. JUG. - JUDGE EQUIVALENT	310	0.54119	1.51605	0.0000	9.540
SCEXJADJ	SUP CT EX JUDGE EQUIVALENT	503	0.13664	0.30645	0.0000	2.390
ZEXJADJ	APP SYS EX JDG. EQUIV.	503	0.47017	1.21969	0.0000	9.540
ICEXJD12	IAC EX. JDG. DUMMY (ANY USE)	762	0.41207	0.49253	0.0000	1.000
SCEXJD12	SUP CT EX JDGE DUM (ANY USE)	761	0.84625	0.36094	0.0000	1.000
ZEXJD12	APP SYS EX. JDG DUMMY (ANY USE)	762	0.84121	0.36572	0.0000	1.000
ICEXJD2	IAC EX. JDG. DUMMY (MAJOR USE)	1020	0.09510	0.29349	0.0000	1.000
SCEXJD2	SUP CT EX JDG DUM (MAJOR USE)	1020	0.10490	0.30658	0.0000	1.000
ZEXJD2	APP SYS EX. JDG DUMMY (MAJOR USE)	1020	0.17843	0.38306	0.0000	1.000
ICEXJ2	IAC EX. JDG. EQUIV. (WHEN A MAJOR USE)	975	0.16104	0.88672	0.0000	9.540
SCEXJ2	SUP CT EX JDG EQUIV (WHEN MAJOR USE)	990	0.04890	0.22214	0.0000	2.390
ZEXJ2	APP SYS EX. JDG. EQUIV. (MAJ. USE)	963	0.21026	0.91096	0.0000	9.540
ZARGX	APP SYS ARG EXTIMATE	748	762.22637	1000.26998	34.0000	5792.820
ZARGL	APP SYS AVG. ARGUMENT LENGTH	748	60.32939	18.24035	10.0000	120.000
ICBASE	IAC BASE FOR UNPUB & MEMO OPINIONS	752	979.79255	1762.34638	0.0000	9903.000
SCBASE	SUP CT BASE FOR UNPUB & MEMO OP.	752	335.93750	325.91269	54.0000	2828.000
ZBASE	APP SYS BASE FOR MEMO & UNPUB OP	747	1322.90094	1830.99618	54.0000	10614.000
ICUNPCT	IAC DECISIONS WITH UNPUB. OP. (%)	387	33.67082	32.99986	0.0000	99.080
SCUNPCT	SUP CT UNPUB. OPINION S (%)	752	8.00130	17.41747	0.0000	83.200
ICMEPCT	IAC DECISIONS BY MEMO OP (%)	312	27.62645	29.12444	0.0000	94.450
SCMEPCT	SUP CT MEMO OP (%)	634	13.49968	19.37540	0.0000	80.890
ICWOPCT	IAC DECISIONS W/O OPINION (%)	389	8.15022	15.84052	0.0000	60.620
SCWOPCT	SUP CT W/O OPINION (%)	752	6.96786	17.22975	0.0000	90.270
ICUNWO	IAC DECISIONS - UNPUB + W/O OP.	756	501.88360	1079.15730	0.0000	7238.000
ICUNWOP	IAC UNPUB. OP + W/O OP (%)	387	41.98248	30.70815	0.0000	99.080
SCUNWO	SUP CT DECISIONS - UNPUB + W/O OP	754	101.61936	265.21526	0.0000	2222.000
SCUNWOP	SUP CT UNPUB & W/O OP (%)	751	14.98909	23.02950	0.0000	90.270
ZUNWO	APP SYS DECISIONS - UNPUB + W/O OP.	750	606.12133	1113.61684	0.0000	7238.000
ZUNWOPCT	APP SYS UNPUB & W/O OP. (%)	746	28.28815	28.34629	0.0000	92.200
ICMEWO	IAC DECISIONS - MEMO + W/O OPINION	669	521.59492	1370.67487	0.0000	9474.000
ICMEWOP	IAC MEMO + W/O OPINION (%)	312	37.67063	32.94495	0.0000	95.940
SCMEWO	SUP CT DECISIONS - MEMO + W/O OP	634	125.37539	287.97737	0.0000	2225.000

Table 5.3

Coding of Variables Originally Entered

Note - missing data is represented by "."

1) DECISIONS (see generally Chapter 6)

ICKRDC	Number of IAC criminal decisions
ICKROP	Number of IAC criminal opinions
ICCIDC	Number of IAC civil decisions
ICCIOP	Number of IAC civil opinions
ICDC	Number of IAC decisions
ICOP	Number of IAC opinions
SCKRDC	Number of Sup. Ct. criminal decisions
SCKROP	Number of Sup. Ct. criminal opinions
SCCIDC	Number of Sup. Ct. civil decisions
SCCIOP	Number of Sup. Ct. civil opinions
SCDC	Number of Sup. Ct. decisions
SCOP	Number of Sup. Ct. opinions
FYEAR	Fiscal year for data, coded as the last month in the fiscal year (i.e., 12 means a calendar year).
OUTT	The type of decision or opinion data used: 1 = number of decisions. 2 = sum of dispositions types (affirmed, reversed, including cases dismissed by opinion). 4 = cases decided by opinion. 6 = number of opinions deciding cases plus cases decided without opinion. 8 = number of opinions deciding cases. 9 = other (see Table 6a). Note - if OUTT is 1, 2, 4, or 9, then the output variable is the number of decisions; if OUTT is 6 or 8, then the output variable is the number of opinions deciding cases.

Chapter 5.3 (continued)

2) JUDGES (See Chapter 7).

ICJDG	Number of IAC judges (times 100)
SCJDG	Number of Sup. Ct. judges (times 100)
ICEXJ	IAC extra judges (see EXJM)
SCEXJ	Sup. Ct. extra judges (see EXJM)
EXJM	The type of ICEXJ and SCEXJ data: 0 = no ICEXJ or SCEXJ data. 1 = percent of opinions written by extra judges (the judge equivalent variable, ICEXJADJ, is derived from the formula: ICJ*(ICEXJ*ICOUT/100)/(ICOUT-ICEXJ*ICOUT/100) The formula for SCEXJADJ is similar.) 2 = percent of the year assigned (the judge equivalent variable, ICEXJADJ, is derived from the formula: ICEXJ/100. 3 = percent of judge participating in hearings (uses the same formula as 1).
ICTRJ	IAC use of trial judges as extra judges: 0 = on use (or no intermediate court) 1 = limited use, to fill in when regular judges are absent or disqualified. 2 = major use, supplementing the regular judges.
ICRETJ	IAC use of retired appellate judges as extra judges (see ICTRJ for coding).
SCTRJ	Sup. Ct. use of trial judges as extra judges (see ICTRJ for coding).
SCRETJ	Sup. Ct. use of retired appellate judges as extra judges (see ICTRJ for coding).
ICNEWJ	Number of new IAC judges taking office that year (or in the last month of the prior year).
SCNEWJ	Number of new Sup. Ct. judges taking office that year (or in the last month of the prior year).
ICPAY	salary of IAC judges (as of December of the year).
SCPAY	salary of Sup. Ct. judges (December).
CPI	consumer price index (1967=1).

Table 5.3 (continued)

3) OPINIONS (See Chapter 8).

BASE	Signifies the bases used for calculating percent unpublished and memo opinions: 1 = the base to be used is decisions (e.g., ZDC). 8 = the base to be used is opinions (e.g., ZOP).
ICKRUN	Number of unpublished opinions in IAC criminal cases.
ICCIUN	Number of unpublished opinions in IAC civil cases.
ICUN	Number of unpublished opinions in the IAC.
SCKRUN	Number of unpublished opinions in Sup. Ct. criminal cases
SCCIUN	Number of unpublished opinions in Sup. Ct. civil cases
SCUN	Number of unpublished opinions in the Sup. Ct.
ICUND	Indicates the percent range of opinions that are unpublished in the IAC: 0 = no court. 1 = less than 15% of opinions are unpublished 2 = over 15% to 50% unpublished 3 = over 50% to 85% unpublished 4 = over 85% unpublished Note - when a the percent unpublished moves from one category to another for a year or two and then returns to the former category, the variable remains in for former category except in the rare situation where the temporary change was a substantial change.
SCUND	See ICUND
MEMO	Average length of memo opinions: 0 = no memo opinions, no information, or no court 1 = averages one printed page or less (or two typed double-spaced letter-sized page or less) 2 = averages longer than number 1.
ICKRME	Number of memorandum opinions in IAC criminal cases.
ICCIME	Number of memorandum opinions in IAC civil cases.
ICME	Number of memorandum opinions in the IAC.
SCKRME	Number of memorandum opinions in Sup. Ct. criminal cases
SCCIME	Number of memorandum opinions in Sup. Ct. civil cases
SCME	Number of memorandum opinions in the Sup. Ct.

Table 5.3 (continued)

ICMED	Indicates the percentage range of opinions that are memo opinions in the IAC. Coded in the same manner as ICUND.
SCMED	See ICMED.
ICWO	Number of IAC cases decided without opinion.
SCWO	Number of Sup. Ct. cases decided without opinion.
ICWOD	Indicates the percentage range of cases decided without opinions. Coded in the same manner as ICUND (near beginning of this opinion section).
SCWOD	See ICWOD.

4) ATTORNEY AIDES (See Chapter 9)

ICLC	Average number of law clerks per judge in the IAC.
ICLCCJ	Number of extra law clerks for IAC chief judges.
ICSA	Number of staff attorneys in the IAC.
ICPLC	Number of permanent law clerks in the IAC.
ICPSA	Number of permanent staff attorneys in the IAC.
SCLC	Average number of law clerks per judge in the Sup. Ct.
SCLCCJ	Number of extra law clerks for the chief justice.
SCSA	Number of staff attorneys in the Sup. Ct.
SCPLC	Number of permanent law clerks in the Sup. Ct.
SCPSA	Number of permanent staff attorneys in the Sup. Ct.

5) PROCEDURE AND ORGANIZATION (See Chapter 10)

A	Intermediate court dummy: 0 = no IAC; 1 = IAC.
B	IAC with broad jurisdiction: 0 = supreme court receives an appreciable number of direct appeals from the trial court, whether or not there is an intermediate court; 1 = almost all initial appeals go to the IAC.
ICPANEL	Average IAC panel size (times 10). If the court sits en banc, then ICPANEL is the number of judgeships times 10.
SCPANEL	Average SC panel size (times 10). If the court sits en banc, SCPANEL is coded 99 (and SCPAN, the panel variable used in the analysis, is the number of judges when SCPANEL is 99).

Table 5.3 (continued)

ICARG	Percent of cases argued in the IAC.
SCARG	Percent of cases argued in the Sup. Ct.
ICARGL	Argument length in the IAC (in minutes, adding the time allowed the appellant, the appellee, and the appellant on rebuttal).
SCARGL	Argument length in the Sup. Ct. (see ICARGL).
ICARGD	Indicates the percent range of cases argued (as opposed to being submitted on the briefs) in the IAC, coded: 0 = no court. 1 = 85% or more of cases are argued. 2 = 50% up to 85% argued. 3 = 15% up to 50% argued. 4 = up to 15% argue.
SCARGD	Indicates the percent range of cases argued in the Sup. Ct. (See ICARGD for coding).
ICLOC	IAC location of oral arguments: 0 = no court. 1 = no location. 2 = regularily more than only location. 3 = seldom more than one location.
SCLOC	Sup. Ct. location of arguments (see ICLOC for coding).
ICSUMD	Indicates the percent range of cases decided by summary procedure in the IAC, coded: 0 = no court. 1 = less than 10 percent. 2 = 10 percent or over.
SCDUMD	Indicates the percent range of cases decided by summary procedure in the Sup. Ct. (See ICSUMD).
ICSUM	Percent of cases decided with summary procedures in the IAC.
SCSUM	Percent of cases decided with summary procedures in the Sup. Ct.

6) CASELOAD CHARACTERISTICS (See chapter 11).

FICIT	Number of civil appeals filed (initial appeals filed in either the IAC or Sup. Ct.), adjusted for jurisdiction changes.
FIKRT	Number of criminal appeals filed (See FICIT).
EXAPP	Additional appeals deleted from filings because jurisdiction was increased (negative numbers signify numbers added to filings when jurisdiction is decreased).

Table 5.3 (continued)

EXAPPKR	Criminal version of EXAPP.
EXAPPCI	Civil version of EXAPP.
TOTAPP	Number of total appeals where criminal/civil breakdown is not available.
DC1	Docketing time for civil appeals, coded: 0 = docketed with the notice of appeal is filed or soon after. 1 = coded at a later period, generally when the record and transcript arrive.
DK1	Docketing time for criminal appeals (see DC1).
SCDELAY	Indicates whether the Sup. Ct. has a major delay problem. 1 = delay problem; 0 = not.
ICDELAY	Same as SCDELAY for IAC.
BKLOGKR	Backlog index, appellate system, criminal cases; the number of appeals pending divided by the number disposed in the year.
BKLOGCI	same as BKLOGKR, except when criminal and civil appeals are decided by separate courts.
KRPETFI	Number of criminal petitions for review filed in the Sup. Ct.
KRPETDC	Number of criminal petitions for review decided.
KRPETGR	Number of criminal petitions for review granted.
CIPETFI	Number of civil petitions for review filed in the Sup. Ct.
CIPETDC	Number of civil petitions for review decided.
CIPETGR	Number of civil petitions for review granted.
PETFI	Total number of petitions for review filed in the Sup. Ct.
PETDC	Total number of petitions for review decided.
PETGR	Total number of petitions for review granted.
ICWR	Number of writs in the IAC.
SCWR	Number of writs (excluding petitions for review) in the Sup. Ct.

CHAPTER 6

DEFINING DECISION OUTPUT

Appellate courts use several output measures. The goal in this research was to obtain a measure that is comparable from year to year and, to the extent possible, from state to state. The regression design used analyzes the data as time series, without making cross section comparisons in a year.

A second goal for the output measure was to include only aspects of appellate court work that require considerable judge time, and correspondingly to exclude minor matters that involve little work. To do this, the output measure is derived from the function of appellate courts, to decide cases: the output is the number of cases decided on the merits. This definition requires further elaboration, especially to distinguish cases decided from other types of dispositions and from other types of decisions.

6.1 Excluding Non-Decisions.

1) Decisions do not include cases clearly not actually decided by the court. The major examples are cases withdrawn or settled by the parties or dismissed by the court for lack of progress. In the typical court, a large minority of civil appeals and a smaller portion of criminal appeals are disposed in that manner. These cases take virtually no judge time; they are usually ministerial actions preformed by the clerks office. The line between procedural dismissals and actual decisions, however, is inexact in a small portion of the cases. The major examples are:

a) A few cases are dismissed for procedural reasons, but the procedural issue requires a decision by the court. These cases involve something more than a failure to proceed or a failure to file necessary papers. These are considered cases decided.

b) A few cases are dismissed for jurisdictional reasons, especially because the trial court has not made a final decision. These cases, which are far less numerous in state than federal courts, are counted as decisions only if they require consideration by the court - i.e., the jurisdictional issue is not clear cut.

These distinctions, which can be difficult to operationalize, are important in the following discussions.

2) The decision must be the event deciding the case with respect to that court. Excluded are subsidiary decisions made in many cases, such as decisions pertaining to bail, stay pending appeal, and extension of time to file briefs. Also excluded are petitions for rehearing after the decision is announced. These subsidiary decisions rarely involve much work by the judges, and the are simply elements of the overall processing of a case.

6.2 Discretionary Review.

The output measure - cases decided on the merits - does not include decisions in discretionary cases except when the writs are accepted for review. The jurisdiction of almost all appellate courts include some cases that the court can, in its discretion, decide or refuse to decide. These fall into two broad categories: a) discretionary review of lower court decisions, and b) discretionary writs.

a) Discretionary review of lower court decisions - called petitions for review in this report - take several forms:

i) Supreme court review of intermediate court decisions. Whenever an intermediate appellate decides a case, further appeal to the supreme court is, with very few exceptions, discretionary. (In Florida, and to a far lesser extent in Texas, some categories of cases cannot be appealed further, and in several states appeal of right is available from the intermediate court to the supreme court in restricted types of cases, such as when the intermediate court decision is not unanimous.) The petitions that litigants file in supreme courts requesting review of intermediate court decisions have different names in different states. For the sake of convenience they are called "petitions for review" in this report, although most states use other names.

ii) Discretionary review of trial court decisions. In many states the supreme court or the intermediate court has discretionary jurisdiction over some decisions by trial courts. A frequent example is review of decisions by general jurisdiction trial courts in appeals from lower trial courts. These cases seldom amount to more than a small portion of appellate volume. Appeals from trial courts styled discretionary review are counted as regular appeals if it is the dominant mode of review and if the procedure in the cases is similar to that used for appeals. This occurred in two of the states in this

study, Virginia and New Hampshire.

iii) Discretionary review of administrative agencies. Appellate courts in several states have discretionary jurisdiction over administrative agencies, a situation similar to discretionary review of trial court decisions.

When an appellate court denies discretionary review, it is a final decision in the case as much as a decision on the merits. It ends the appeal, at least with respect to that appellate level. But the decision-making character is very different, and discretionary decisions take much less of the judges' time. A discretionary decision typically does not require analysis of whether the appellant's claims are correct; rather it involves a decisions whether the case contains issues that the judges wish to address. The decision whether to accept review, therefore, is typically made after only a quick study of the case.

If the court accepts review and then decides the case, it is included in the definition of cases decided on the merits. An exception to this last statement occurs when an appellate court grants review and at the same time summarily decides the case. The major example of this procedure is when a supreme court decision affects the law involved in several other cases awaiting decision on petition for review, and then the court summarily decides these cases in the pipeline based on the new law announced. Such decisions, which in a few courts are almost as common as regular decisions on the merits, are not counted as decisions on the merits because they are made as part of the petition for review procedure rather than the route used by the courts for decisions on the merits.

b) The second category of discretionary writs is original jurisdiction writs, which in practice are similar to petitions for discretionary review of trial court decisions. These cases are requests for appellate court review of lower court decisions, but they are not direct reviews of such decisions. On the criminal side, original writs are generally prisoner petitions, attacking the conviction after opportunity for regular appellate review no longer exists (either because appellate review has been completed or because the time limit for filing an appeals has long passed). On the civil side, these cases are usually requests to review an interim decision at the trial level - that is, interlocutory appeals. The disposition of the writs depends mainly on whether the court wishes to address the issue now or await an appeal from the final trial court decision (interlocutory appeals are counted as regular appeals in the few states where they are mandatory appeals.

Decisions in original jurisdiction writs, like those in

discretionary reviews, are not counted as decisions on the merits unless the writs are granted and the case is then decided in the manner of a regular appeal.

6.3 Courts Included.

Identification of appellate courts rarely presents a problem. The definition used here is courts whose primary function is to hear appeals from lower courts. Although appellate courts often have authority to hold trials, with one exception they rarely do. The exception is the Pennsylvania Commonwealth Court, which has jurisdiction over suits against the state; most of its caseload is appellate work, and it is typically considered an appellate court.

On the other side of the coin, many general jurisdiction trial courts hear appeals from lower trial courts, and some even have separate appellate divisions for this purpose --e.g., the Appellate Terms of the New York Supreme Court and (before 1983) the Appellate Division of the Connecticut Superior Court. Appeals decided by these courts are not included in this study because they are not decided by appellate courts, but rather by trial courts that have some incidental appellate jurisdiction in addition to their regular trial jurisdiction. On the other hand, the Appellate Division of the New Jersey Superior Court and the Appellate Division of the New York Supreme Court are separate courts, rather than divisions of the trial courts as their names would imply.

The appellate systems studied include the District of Columbia Court of Appeals. Since 1972 this court has had jurisdiction similar to that of state supreme courts elsewhere.

6.4 Decisions by the Appellate System.

The study analyzes decisions by the whole appellate system of a state, not decisions of particular appellate courts. It looks at the appellate system of a state as a single unit that, in many states, has several subparts. The appellate system is synonymous with appellate court only in the 16 states that did not have intermediate courts during the period of the study (Virginia added an intermediate court in 1985). The remaining states have one or more intermediate courts in addition to the supreme court. Texas and Oklahoma have separate courts of last resort for criminal and civil cases. Decisions by all appellate courts in a state are added together to form the independent variable, cases decided.

The reasons for using the appellate system, rather than individual courts, as the research unit arise out of the variety of appellate court jurisdiction and functions found. State appellate courts have two main functions, error correcting and law development. Under the first, appellate judges determine whether the decision below is justified given the facts of this case and the current state of the law. Typically, the issue is whether the trial judge or jury below acted within the sphere of discretion permitted them by law. The second function, development of the law, requires courts to fill in gaps of present law or revise prior judge-made law. In modern times, a common type of law development involves interpretation of statutes. When engaging in law development, appellate courts are creating precedent that will guide lower courts and citizens in the conduct of their affairs generally. For present purposes the distinction is important because law development typically requires much more work for appellate judges than error correction; it involves a broad review of the state of the law in the area and, perhaps, the practical and policy consequences of various decisions. Appeals virtually always have a dispute deciding aspect; how many appeals involve law development is unclear, largely because judges not always agree concerning whether a particular case has law development implications. Most observers, however, believed that only a small minority, roughly 10 to 20 percent, of the appeals involve law development.

The second factor important to the use of the appellate system as the unit of analysis is the division of jurisdiction between supreme courts and intermediate courts. Jurisdictional arrangements differ widely from state to state, especially concerning which appeals from the trial courts go to which appellate court. At one extreme, intermediate courts receive almost all initial appeals in the state, with only a few narrow categories, such as death penalty cases, going directly to the supreme court. In 1984 there were 19 such states: Arizona, California, Colorado, Florida, Illinois, Florida, Louisiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Texas, Washington, and Wisconsin.

In other 16 states with intermediate courts, the supreme courts receive a wide variety of appeals directly from trial courts, such as appeals from major felony convictions or civil cases involving substantial sums. In 6 states the supreme court screens many or all cases, retaining the more important for itself. In all, these 16 states, as well as most of the 19 listed above in prior years, have a bewildering variety of schemes to divide jurisdiction between supreme courts and intermediate courts.

As the volume of appeals increased (nationwide appellate filings increased by more than 100 percent in the 1973-83 decade), states transferred appellate jurisdiction from supreme courts to intermediate courts. During the period of this study, 1968-84, 17 states created intermediate courts (see Chapter 10). Of the 19 states listed above where supreme courts have narrow jurisdiction over initial appeals, only five (California, Michigan, New Jersey, New York, and Ohio) had that jurisdictional arrangement in 1968. Elsewhere, jurisdiction was shifted to the intermediate courts as supreme court caseloads increased.

As a general rule, initial appeals consist mainly of cases that involve only the dispute deciding function. Appellate jurisdiction arrangements typically attempt, with varying degrees of precision, to route appeals involving law development issues to the supreme court, which as the court of last resort is the authoritative body for the state's court-made law. Supreme courts receive greatly varying portions of the error correcting appeals, which as a general rule require less effort to decide.

The important conclusion from this outline of appellate court function and jurisdiction is that the relative importance and difficulty of appeals differs greatly from appellate court to appellate court and often greatly from year to year in any given court as jurisdiction alignment changes. Hence, with limited exceptions it is difficult to compare caseloads between courts or over time for the same court. The caseload of the total appellate system of a state, however, is little affected by the jurisdiction divisions between appellate courts, and the total appellate decisions can be compared. A partial exception to this conclusion is that more appeals are decided twice in states with intermediate courts, especially when the intermediate courts have broad jurisdiction over initial appeals. That is, some cases decided by the intermediate court are decided a second time when the supreme court grants petitions to review. These second decisions, however, constitute only a small portion of state's total appellate decision volume (see Chapter 11, Section 3). Also, when comparing appellate systems with and without intermediate courts, the further review by the supreme court in the former states is roughly comparable to that part of the caseload of supreme courts in the latter states that involves the more time-consuming law development function.

Although, in general, using the appellate system as the unit of analysis is the only feasible way of comparing appellate court decision output, there are two situations where individual court jurisdiction is the same for a minority of states and remains so for the time period of this study. The first is intermediate courts that receive virtually

all initial appeals; the states where this situation has prevailed from 1968-84 or for a substantial portion of that period are listed above. The second is in states without intermediate courts during the period, which number 16 states, including the District of Columbia. Separate analyses are run for these two groups of courts, as described in Chapter 14, Section 1.

6.5 The Relative Difficulty of Cases.

The analysis here assumes that the average difficulty of cases remains approximately the same during the years studied. This assumption is difficult to test because, first, difficulty is hard to measure and, second, there is little available data concerning the categories of cases decided by the courts. These two points are discussed in turn.

1) There is little consensus concerning the relative difficulty of cases. In general, the difficulty of any particular appeal lies in the eyes of the beholder; a case that one judge classifies as routine might well be viewed by another as requiring considerable scrutiny. Such differences may be caused, for example, by whether the judge is willing to develop issues or legal reasoning not supplied in the briefs, the breadth of discretion that the appellate judge believes should be accorded the trial judge, the willingness to question precedents, whether to use multiple lines of reasoning to arrive at the decision or to limit consideration to a single line of reasoning, and how broad to make a particular ruling. Hence, in the end the caseload burden of a court is largely determined by the judges' viewpoints and decision styles, probably much more so than by characteristics of the appeals themselves.

In one area, however, there appears to be substantial agreement concerning differences in case difficulty: criminal appeals are generally less difficult than civil appeals. For example, the California Judicial Conference, when establishing a rough case-weighing scheme, concluded that the average civil appeals involved twice as much work as the average civil appeal. Types of civil appeals sometimes mentioned as being less time consuming are workman compensation and unemployment insurance cases. Criminal appeals, however, are by far the major category thought to involve less work. Hence, the percent criminal cases is used as an independent variable to see if a higher portion of criminal appeals leads to more total decision output. See Chapter 15 below.

One last consideration is changes in overall appellate jurisdiction. As was discussed above, the most common jurisdictional changes affecting appellate courts, the

apportionment of jurisdiction between supreme courts and intermediate courts, is controlled for by using the appellate system as the unit of analysis. However, there is no control for changes in the overall appellate jurisdiction in a state. That is, legislation may route cases to appellate courts that formerly went to trial courts or to administrative agency, or legislation may change jurisdiction from appellate courts to other tribunals. Major changes of this sort affected a few states, mainly placing more reliance on agency decisions in workman compensation cases (e.g., Maine and Rhode Island), or routing appeals to appellate courts that formerly went to trial courts (e.g., Minnesota, Oregon, and Wisconsin). Also, a few states gave their appellate courts jurisdiction to review sentences during the period of this study (Indiana 1970, Louisiana 1969, Michigan 1983, Minnesota 1980, Rhode Island 1975, Tennessee 1982, and Washington 1984). These changes probably increased or decreased the volume of relatively easy appeals in those states. The analysis attempts to evaluate the impact of these changes by determining the impact of a dummy variable indicating the initiation of sentence review, and by conducting a regression analysis with the states receiving major changes deleted (see Chapter 15).

6.6 Measuring Decisions.

Appellate courts compile several versions of decision statistics, which nevertheless are quite similar. The different ways encountered in the states included in this study are listed in Table 6.1. These are:

1) The number of cases decided on the merits. Courts using this classification use the precise definition adopted for this research. It is the preferred statistic and used when available.

2) Disposition types. Some courts present statistics concerning the number of cases affirmed, reversed, remanded, modified, and so on. For this study, the number of decisions is calculated by adding up the various dispositions that actually decided cases, excluding writs refused and other clearly non-decisional dispositions. Only one disposition type presents interpretation problems: cases dismissed. Courts dismiss large numbers of cases for procedural reasons, especially failure to proceed. As discussed earlier, these dispositions are not considered decisions. The dismissal category, however, usually includes a few cases dismissed on grounds that require the court to hear the case, such as when mootness or violation of appellate procedure is found after an adversary hearing. Although these are decisions of the courts, they are excluded when using

Table 6.1

Description of Decision Statistics

	Beginning year of data	Type of data*	Base for Unpub. & memo opinions#	Fiscal last month of FY	Year Changes in FY
01 Alabama	.	4	1	.	
02 Alaska	1968	4	1	6	12(to 1980)
03 Arizona	1968	3	1	12	
04 Arkansas	1968	5	5	6	12(to 1983)
05 California	1968	3	5	6	
06 Colorado	1968	3	1	6	
07 Conn.	1968	3	1	6	9(to 1976)@
08 Delaware	1968	3	1	6	
09 Dist. Col.	1972	4	1	12	
10 Florida	1968	5	5	12	12(to 1969)
11 Georgia	1971	5	5	12	8(to 1979)
12 Hawaii	1968	3	1	6	
13 Idaho	1968	3	1	12	
14 Illinois	1969	3	1	12	
15 Indiana	1970	5	5	12	
16 Iowa	1968	5	5	12	
17 Kansas	1968	1	1	12	6(to 1976)
18 Kentucky	1968	1	1	12	
19 Louisiana	1968	1	1	12	6(to 1974)
20 Maine	1968	5	5	12	
21 Maryland	1968	2	5	6	8(to 1973)
22 Mass.	1968	5	5	8	
23 Michigan	.	.	.	.	
24 Minnesota	.	.	.	.	
25 Miss.	1968	1	1	12	6(to 1974)
26 Missouri	1968	5	5	6	
27 Montana	1968	1	1	12	

Table 6.1 (continued)

	Beginning year of data	Type of data*	Base for Unpub. & memo opinions#	Fiscal last month of FY	Year Changes in FY
28 Nebraska	1968	4	1	8	
29 Nevada	.	.	.	.	
30 New Hamp.	1968	4	1	12	
31 New Jersey	1968	1	5	8	
32 New Mexico	1968	3	1	6	12(to 1979)
33 New York	1968	2	1	12	6(to 1974)
34 North Car.	1968	1	1	6	12(to 1981)
35 North Dak.	1968	5	5	12	
36 Ohio	.	.	.	.	
37 Oklahoma	.	.	.	.	
38 Oregon	1968	1	5	12	
39 Penn.	.	.	.	.	
40 Rhode Is.	1968	2	1	9	
41 South Car.	.	5	5	.	
42 South Dak.	1968	4	1	6	12(to 1977)
43 Tennessee	.	.	.	.	
44 Texas	1968	2	5	12	
45 Utah	1968	4	1	12	
46 Vermont	.	.	.	.	
47 Virginia	1968	4	1	12	
48 Washington	1968	4	1	12	
49 West Va.	.	.	.	.	
50 Wisconsin	1969	2	1	12	8(to 1973)@
51 Wyoming	1968	4	5	12	

* 1 = number of decisions
2 = number affirmed, reversed, remanded, etc.
3 = decided by opinion
4 = decided by opinion plus decided witout opinion
5 = opinions deciding cases

\# 1 = decisions (1 through 4 in note *)
2 = opinions (5 in note *)

@ also, Florida 6(to 1979), Wisconsin 6(to 1978)

this measure of decision output because it was necessary to delete the "dismissal" category, the vast bulk of which consists of non-decisional dispositions. The number of decisions deleted by using this estimation procedure is relatively small, well less than 5 percent of the decisions.

3) Decided by opinion. Many courts publish decision statistics in the form of cases decided by opinion. This measure is the same as cases decided on the merits when all cases so decided are decided with opinion. The measure does not include motions and rehearing petitions decided by opinion.

4) Decided by opinion plus decided without opinion. Courts that decide some cases without opinion often presented such statistics in the form of cased decided by opinion (see 3 above) plus cased decided on the merits but without opinion (see 1 above).

5) Number of opinions. This final measure of output is based not on the number of cases disposed but on the number of opinions that dispose of cases. It is the sum of the number of majority opinions, per curiam opinions, and memoranda that decide cases. It is important not to confuse this measure with the number of opinions, which includes dissenting and concurring opinions. This measure differs from the first four in several respects. First, it usually does not include cases consolidated for decision under a single opinion. The number of consolidations varies between courts, depending largely on how soon in the process of an appeal the cases is docketed. That is, if an appeal is docketed - given a docket number - at the time of notice of appeal, quite a few cases are consolidated when the record is produced and thus result in opinions that decide more than one case. If the court does not docket appeals until after the record is prepared, there is seldom any further consolidation to be done and, hence, single opinions rarely decide more than one case. On the other hand, a few courts actually write separate opinions for cases consolidated, with the opinion in one case simply saying that the decision is controlled by the other opinion. A second possible drawback with using opinions as the measure of decision output is that the opinion statistics often do not exclude opinions that are sometimes written for other than the primary decisions in cases, e.g., decisions on motions and on rehearing. Such opinions, however, are rare.

The biggest differences between measures, therefore, are between the first four on the one hand and the fifth on the

other hand. Statistics were obtained for both measures in XXX states, and the differences averaged 0 percent to XXX percent. The former, of course, were in courts that do not join cases for decision in a single opinion either because consolidating appeals takes place before docket numbers are given or because cases receive separate opinions even though they could be decided with a single opinion. In any event, the differences between the two measures is usually very small, less than XXX percent in most of the states with information, and at the greatest, XXX percent, it is not large. Also, the measure in any one state remains the same over the period encompassed by the research, and the analysis of data is primarily a time series analysis.

A further variation in procedures for counting decisions is whether the decision is counted when announced or when the mandate is issued. Appellate courts first announce decisions when the opinion (or order if no opinion is written) is given to the parties. The decision does not become final, however, until the mandate is issued. The losing party has the right to petition for a rehearing, and the mandate is issued when the time limit for that right has passed or when the rehearing petition is decided. In most courts rehearing petitions are filed in a substantial minority of cases, but they are almost always routinely and quickly denied. In all, the time between announcement of decision and mandate averages one to two months in most appellate courts. Appellate court statistical reports usually do not specify when the decision is counted, but the predominant method is probably to count decisions when announced. In any event, the difference in counting methods results only in a slightly different time period for the statistics.

An additional problem encountered when compiling court statistics is the variation of and changes in fiscal year. Table 6.1 gives the fiscal year used in the various states. Particularly important are the 13 states that changed fiscal years during the period under study. Whenever there is a change from annual to fiscal year statistics, the time periods overlap, typically for six months. Whenever there is a change from fiscal to calendar year, statistics for the intervening period disappear. Other variables used in this study are based on the same fiscal year that is used for the decision statistics, except that on rare occasions the filing statistics are on for a fiscal year different from that for decision statistics.

6.7 Source of Decision Statistics.

The source of the decision statistics in each state is specified in Part IV. By far the most important source is

the annual report of the state court administrator; in the great majority of states appellate court statistics have been published in these reports for many years. The second most important source is unpublished statistical reports prepared by the courts themselves; quite often the state court administrator's report publishes only abbreviated statistics, and the full reports must be obtained from the courts. The third most important source is published opinions; for courts that decided all cases with published opinions one can calculate the number of cases decided by counting the published opinions, adjusting for the number of cases joined for single opinions. These three sources accounted for virtually all the decision data; on rare occasions (see Part IV) statistics were obtained from other sources, especially studies of particular courts.

CHAPTER 7

JUDGES

7.1 Number of Judges.

7.1.2 Definition of judges.

The number of judges, one of the most important variables in the analysis, is the average number of judges on the court each year. In the basic analysis, the judge variable is the number of all appellate judges in a state, combining supreme court and intermediate court judges.

The following paragraphs further explain the measure of judges.

1) It includes only judges actually sitting; therefore, it is often lower than the number of authorized judgeships. Vacant judgeships are not counted, and new judgeship positions were counted when new judges were sworn in, not when the judgeship positions were created. (As discussed below, when a new intermediate court was created, new judgeships were counted after the court began operations.)

2) The measure of judges does not include temporarily assigned trial or appellate judges. But it does include judges who are not regularly appointed appellate judges but who in practice are full time extra judges. This occurred during all or some years in four states - Illinois, Louisiana, Missouri, and New York. Here statutory or constitutional restraints on the number of judgeships are circumvented by assigning retired judges or trial judges to the appellate court. Likewise, retired appellate judges who continue to work full time after "resigning" are included. This did not happen often, and when it did it was usually for only a few months. Elsewhere, retired judges or trial judges assigned to appellate courts are counted as "extra" judges, as described below.

3) The judges include commissioners Kansas, Missouri, Kentucky, and Texas. These commissioners, who numbered up to four, were judges in almost everything but name. They were appointed by the regular judges, rather than through the normal selection process, and they did not vote on appeals. But in all other

respects they were full judges: they heard oral arguments, participated in court conferences, and signed opinions. The commissioner positions were phased out in the late 1970's, as the courts either received regular judges to replace commissioners or received jurisdictional relief. These commissioners should not be confused with staff attorneys who are called "commissioners" in a few courts (see Chapter 9).

4) When judges are temporarily transferred from one appellate court to another, they are counted as members of their original court. The convention was adopted largely because it is often not possible to calculate the extent of the transfer. Also, it is often difficult to distinguish between transferring judges between courts and transferring appeals between courts for decision. In any event, transfers of appellate judges do not affect the judge measure used in the analysis here - the total number of appellate judges in a state. Also, such transfers were generally for only a very few cases, for example when a judge was not available. Major use of the transfers occurred only in four states; Louisiana, New Mexico, Oregon, and Texas. The transfers took place during one or two years in each of these states soon after intermediate courts were created or expanded. On the other hand, if an intermediate court judge is assigned to the supreme court full time for a substantial period, at least a year, than the judge is counted as a supreme court judge. This happened in New Jersey.

Ideally, the measure of judges should exclude judges who are indisposed or disqualified to hear a case. This adjustment, however, is not feasible, and the measure occasionally overstates the judge capacity of the courts, especially when a judge is ill for a long period.

Likewise, the actual work hours of the judges are not available. Nor does the judge variable exclude the time spent on work other than deciding cases; supreme court judges, for example, frequently spend a substantial amount of time on duties pertaining to the supreme court position as the head of the state court system. Time spent on administrative matters varies greatly. A very rough guess is that chief justices average a quarter to a half of their time on administrative matters, and associate justices some 10 to 20 percent. Intermediate court judges, on the other hand, seldom spend much time on matters pertaining to administering the court system. In summary, the judge measure is only a crude indicator of the actual judge hours working on cases.

7.1.2 Sources, counting, and estimates.

The major task in determining the number of judges is locating the dates when judges left and when new judges came on the bench. These dates were necessary to determine how long vacancies existed and to determine when new judgeships were filled. Judge changes are usually accomplished without leaving a vacancy for more than a few days, but occasionally there was a gap of several weeks or months, especially if the incumbent died and, thus, there was not enough time to select an immediate replacement.

The major source of for the dates when judges left or came is the West Publishing Company regional reporters, which publish state court opinions. There are seven regional reporters, each covering several states, plus separate reporters for the New York and California intermediate courts. One year for each reporter contains approximately 10 to 20 volumes. Each volume contains a list of the appellate judges in the states included in the reporter. Footnotes to the lists usually provide the date when judges leave or new judges are sworn in.

The West reporters, however, did not supply dates in approximately a quarter of the judge changes. Hence, several other sources were used to fill in the gaps (as well as to check the information in West, which was virtually never incorrect by more than two or three days). The other sources are:

a) Lists of judges in state reporters (reporters published separately from West reporters in some states).

b) West federal reporters (for dates when state judges moved to the federal courts).

c) State court annual reports (most annual reports contain dates when appellate judges leave and come, but the information is usually not available for all years in the study).

d) Judicial directories (several states publish directories that give dates when appellate judges took office).

e) Bar journals and state court system newsletters (these periodicals contain scattered information about judges' comings and goings).

f) Judicial biographies (the major source of biographies are in state manuals and in The American Bench, published in 1977, 1979, and 1985; it usually contains the date when the judge took office).

g) The report, Members of State Courts of Last Resort and Their Terms of Office (Council of State Governments, 1974) gives the dates when supreme court justices took office.

h) In a few states, the court clerk provided the dates for recent judge changes.

Quite complete information about the number of judges was obtained from these sources for all states in the analysis except New York and Illinois, which use permanent "temporary" judges assigned to the appellate courts. The number of judges in these two states was estimated from the list of judges given in court annual reports and in state reporters, but without using the exact dates that judges came and went.

Excluding these two states, dates when judges came and went were obtained for 92 percent of the judge changes. Most of the remaining changes occurred when a new judge was elected; the date the incumbent took office was available, but the date the old judge left was not. Here it is assumed that the old judge left when the new judge came on. In a few remaining instances, the gap had to be estimated. If the new judge was first listed in the West reporter volume immediately following the volume in which the old judge was last listed, it was estimated that there was no gap (although, when information is available it indicates that name substitution in adjacent volumes occasionally occurred even when there was a gap of a few weeks). When estimates could not be made using these procedures, the size of the gap was estimated by obtaining an average time between West volumes, e.g., by dividing the number of volumes into the number of days in the year. Such estimates were made in about one percent of the judge changes.

The procedure for coding the judge variable is as follows. Whenever judge turnover occurred, the gap in days was calculated and divided by 365 and multiplied by 100 to obtain the percentage of a judge-year that a position was vacant. This was subtracted from the product of the number of judgeships times 100., to obtain a judge measure that could be conveniently entered into the computer without decimals. That measure, once entered, was divided by 100 to obtain the number of judges actually on the court, taken to two decimal points. If the gap between when the old and new judge was 10 days or less, it was treated as being no gap; in this situation, the gap is infinitesimal compared to the total judge measure. The creation of new judgeships was measured in a similar manner, adding the percent of a judge added by the creation to the number of regular judges (times 100). When intermediate courts were created, the new judge positions were deemed to begin 10 days after the first oral arguments or, if

the data of first argument was not available, 20 days after the court began operations. These adjustments were made so not to overstate the judges available to intermediate courts before the courts are ready to begin issuing decisions.

7.2 Extra Judges.

A second element of judicial manpower is the use of retired judges and trial judges temporarily assigned to appellate courts. Such judges are used in two basic ways:

1) Most appellate courts occasionally use extra judges to fill in for regular judges who cannot sit, generally because of illness or recusal (the latter occurs when a judge removes himself from a case because of a potential conflict of interest).

2) A few courts use extra judges to supplement regular judicial manpower. Here, as it is often phrased, retired judges or trial judges are brought in "to form an extra panel" - e.g., a six-judge intermediate court can sit in 3 three-judge panels instead of 2 if each panel has two regular judges and one extra judge. As discussed above, retired or trial judges assigned to appellate courts are considered regular judges if the assignment of full time and permanent. Judges are classified as "extra judges" here only if their assignment is part time or for a short period (a few months or weeks, the exact line is difficult to draw). Also, retired or trial judges were counted as regular judges only if they preformed judicial duties. This excludes the rare situation where they preformed tasks typically preformed by staff attorneys (see the discussion below concerning staff attorneys). This distinction is similar to that between the various types of "commissioners."

The extent of these two uses of extra judges is shown in Table 1.5. While the great majority of appellate courts use extra judges as temporary replacements, courts in a few states used extra judges in the second sense, to supplement judicial capacity. The addition to judicial manpower when extra judges are only used to fill in is minimal, and the data analysis generally ignores this use. The second use, however, can add substantially to the effective number of judges and must be included in the analysis.

Information about the use of extra judges, however, is often incomplete, requiring that it be coded in several ways. A dummy variable was used indicating whether extra judges were used to fill in or to supplement (see Table 1.5). Continuous variables took two forms, the percent of

opinions written by the extra judges and the judge-years on the bench. These are described below.

a) The percent of opinions by extra judges is usually the percent of opinions deciding cases, although in a few courts it excludes memo or per curiam opinions.

b) Measuring the actual time extra judges sit is difficult. The assignment methods vary; a judge can be assigned to hear specific cases, assigned to hear cases submitted during certain period, or simply assigned to the court for a specific period. The period can vary from a few days to several months (if assigned full time for a longer period the judge is counted here as a regular appellate judge). The judge may work full time or part time during the period assigned. Methods of estimating the judge time added by extra judges, therefore, varied from court to court depending on the system of assignment and the information available. For example, the number of days assigned was divided by the number of workdays in the year (or total number of days in a year, if the assignment time included weekends, etc.), or the number of argument sessions assigned was divided by the number of sessions in the year, and so on.

In all, therefore, the measure of the use of extra judges is considerably less exact than the measure of regular judges. Also, the two different ways of measuring extra judges produce incompatible measures: the percent-of-opinions measure is the percent of total work on the court, whereas the percent of time is the percent of a judge. The former measure is adjusted, therefore, to approximate the additional judge time by dividing the number of opinions written that extra judges produced by the average number of opinions that regular judges wrote.

7.3 Judge Turnover.

The new judge variable measures the number of new judges entering a court each year. As a general rule, it is the number of judges newly appointed in a year. A judge is considered to begin his tenure when sworn in or, if there is no swearing in, when appointed. Judges are often elected several months before being sworn in, and appointments of judges often occur several months before being sworn in. Judges not sworn in are typically "temporary" appointments (treated as regular judges in this research because the appointment is actually long term, as described in Section 7.1 above).

Several further details concerning the definition of the new judge variable are:

1) The year of taking office is the fiscal year used for the court statistics. (In a few instances the fiscal year changed to calendar year, and new judges taking office during the gap between years were not included in the new judge variable. Likewise, when the year changed from calendar to fiscal year, new judges taking office during the overlap between years were counted twice.)

2) Judges taking office during the last month of the year are coded as taking office in the following year (e.g., if a judge is sworn in on December 1, 1983, and the court data is calendar year data, then it is counted as a new judge for 1984). The reason for this adjustment is that it takes roughly a month for a new judge to be in a position to start issuing opinions; the judge must first read the briefs, hear arguments usually, and obtain the concurrence of the remaining judges. Relatively few new judges takeover in the final month of the year; January is by far the most common month, because newly elected judges usually take office then.

3) On the rare occasions when a judge left a court and returned later, the judge was not counted as new judges upon returning. Judges moving from the intermediate court to the supreme court are counted as new judges. The appointment of retired or temporarily assigned trial judges was not counted as new judges taking office unless, of course, if the retired or assigned judge was counted as a regular judge because the appointment was long term.

4) When intermediate courts were created or expanded, all new judgeships filled are counted in the new judge variable.

CHAPTER 8

OPINIONS

This chapter and the following two discuss changes designed to increase the judges' productivity - that is, to increase the number of cases decided per judge. These chapters describe the variables, their sources, and their coding. Chapter I described the reasons why the changes might increase productivity.

Traditionally most appellate courts wrote full opinions in each case decided. Opinions were signed by the authoring judge and published in official reporters. Curtailing this process has taken three forms: refraining from publishing, writing memorandum or per curiam opinions, and deciding cases without opinions. The three, it should be emphasized, are not independent; decisions without opinions are necessarily decisions without published opinions, and memorandum opinions are less likely to be published than full opinions. The three changes are described below.

8.1 Unpublished Opinions.

This variable is either the number of cases decided by unpublished opinion or the number of the number of unpublished opinions. As discussed in Chapter 6, the difference between the two is that the number of cases decided includes consolidated cases. In the analysis, the variable is divided by either the total number of cases decided with opinion or the total number of opinions deciding cases. The number of unpublished opinions plus the number of cases decided without opinion equals the number of cases decided without published opinion.

Publication means published in an official reporter. In a few states opinions are published informally or available from computerized legal research companies, even though the opinions are officially classified as unpublished by the courts. These cases are counted as unpublished opinions. Unpublished opinions also include situations where the reporter contains the case name and holding, but the reasoning for the decision is not published.

The primary source of data for unpublished opinions is the state court annual reports, which usually give this information. Unpublished court statistics are another important source. When court statistics are not available the

number of unpublished opinions was estimated, as described in state-by-state descriptions in Part IV. Almost all estimations use West Publishing Company data for the number of opinions received for publication from the various courts each year. That is, the total number of opinions published is subtracted from the total number of opinions deciding cases (-data supplied by the courts). This is only an approximation because the time frame for the West data differs from that for the court data. West counts opinions when they are received from the court, which may be several days after the decision is handed down and counted by the court. Also, in a few instances, as described in Part IV, the court data is fiscal year data, while the West data is for calendar year.

Statistics for unpublished opinions, like statistics for decisions generally, are sometimes the number of majority opinions deciding cases and sometimes the number of cases decided with unpublished opinions. The variable BASE signifies which measure is used. When it is the number of opinions, the portion of cases decided by unpublished opinion is the number of such opinions divided by the decision variable expressed in terms of opinions (that is the total number of majority opinions plus cases decided without opinion). When the unpublished opinion variable is expressed in terms of the number of cases decided by unpublished opinion, than the percent of cases decided by unpublished opinion is that variable divided by the total number of decisions.

8.2 Memo Opinions.

Memo opinions are opinions that are not signed by the authoring judge. They are usually called memorandum or per curiam opinions, but several courts use other names, such as written orders. Other terminology problems abound. Occasionally, what the court calls a "memorandum opinion" is actually a full signed opinion, although not published (and they are not counted as memo opinions here). Also, as discussed in the following section, some courts use the words "per curiam," "order," or "memo" to describe decisions without any opinion. (An exception to the rule that memo opinions include all opinions not signed by the authoring judge is advisory opinions, which are issued by about a dozen supreme courts. The governor or legislature requests the court to answer a question, typically concerning the constitutionality of proposed legislation, and the court usually issues an opinion "by the court." These are counted as full opinions. This is a minor point, however, since advisory opinions rarely amount to more than 5 percent of a supreme court's caseload.)

The memo opinion variable is more difficult to define and measure then most other variables used here. Memo opinions

are generally much shorter than signed opinions, but there are numerous exceptions to that rule. A few courts decide many cases with short opinions signed by the judges, while a few other courts frequently use long unpublished memo opinions. Whether an opinion is signed or in memo form sometimes depends on whether it is originally written by a staff attorney (e.g., in California and Wisconsin). In a few courts, the designation depends on the predilection of individual judges. On very rare occasions per curiam opinions are used for reasons that clearly do not signify an abbreviated opinion process - e.g., when the case is a political "hot potato," when the judge fears revenge by a dangerous criminal, or when the court is split such that no signed opinion is acceptable to a majority of the court.)

Several courts have two or more types of memo opinions. In some courts,for example, "per curiam" opinions are published, and a second category of unsigned opinions (usually called "memorandum" or "order" opinions) are unpublished. Again, all are included in the variable "memo opinions."

The variable MEMO signifies whether the memo opinions are short opinions, averaging less than one page when published (or two pages typed). Memo opinions in most states are short, but in ten states the memo opinions average over more than a page in length and are, usually, quite similar to regular signed opinions.

In sum, when comparing states, the variable memo opinion - and the division between signed and unsigned opinions - is only loosely related to whether the courts have cutback on the length of opinions. Within courts, however, changes in the use of memo opinions do signify major changes in the types of opinions issued; in most states, more memo opinions mean more decisions with much shorter opinions.

Statistics concerning memo opinions are difficult to obtain. Almost the only source of statistics on memo opinions are the state court system annual reports, unpublished statistics from the courts, and counting opinions in the case reporters. The published and unpublished statistics often lacked this information, and it is not available from reporters when not all opinions are published. Statistics suitable for continuous variable, therefore, are available for only 28 states. As a result the analysis in Chapter 3 usually uses dummy variables to indicate the use of memo opinions.

Several state courts, especially supreme courts, issue a very few per curiam opinions, but the exact number is not known. For this research the number is estimated to be zero when the available information, especially estimates by court clerks, indicates that memo opinions amount to no more than

five percent of the opinions.

The dummy variable information is derived from the sources listed in Chapter 12. The initial coding is based on a fourfold break down: 1, 2, 3, 4 according to whether less than 15 percent, 15 to 50 percent, 50 to 85 percent or over 85 percent of opinions are memo opinions.

8.3 Decisions Without Opinion.

The final variable concerning opinion practice is deciding cases without any opinion. Here, the parties simply receive an order that gives the holding and, in some courts, a citation to the rule that permits decisions without opinions.

The number of decisions without opinions is available for all states studied. One state, Nevada, was not included in the analysis because the supreme court did not compile information about the decisions without opinion, and therefore total decisions could not be calculated.

A very few courts issue oral decisions from the bench. The Oregon Court of Appeals is the only state court that has used this practice extensively, but intermediate courts in Illinois and Louisiana have experimented with the procedure. Oral decisions are not counted as opinions, and the cases are categorized as being with or without opinion depending on whether a written opinion is later issued. As a practical matter, when the court gives no reason for its decision from the bench, it seldom issues written opinions later (e.g., Oregon), and when reasons are given from the bench, a written opinion follows.

CHAPTER 9

ATTORNEY AIDES

Attorney aides consist of staff attorneys and the judges' law clerks. This chapter first discusses a few topics common to both, and then further refines the definition of each.

9.1 General Comments.

The attorney aides are lawyers working in the appellate courts' appeal deciding function. They do not include attorneys who work primarily on administrative matters, such as reviewing motions to extend the time for filing briefs, drafting court rules, and administrating the trial court system of the state. As a general rule, therefore, attorney aides do not include attorneys working in the clerk's office or the office of the state court administrator (in a few courts, however, staff attorneys - who work on appeals - are placed in the clerk's or court administrator's office for administrative purposes; they are counted as attorney aides). Also, chief justices in a few states have an extra law clerk to handle administrative duties; these are not counted as attorney aides.

Attorney aides do not include "legal interns", who are law students working part-time for the courts. However, a very few judges use full-time law students as law clerks; the clerks attend law school at night. These are counted as attorney aides.

Statistics were gathered for temporary and career attorney aides. Temporary aides are attorneys who work at the court for a year or two after law school. Career attorney have more experience (often as law clerks) before entering the position, and they are not hired for a specific period. Most probably do not make an actual "career" of working for the courts, but they are rotated in and out of the courts far less quickly than the temporary attorney aides. Law clerks are generally temporary, while staff attorneys are about evenly divided between career and temporary employees.

The sources of information for the number of law clerks and staff attorneys were numerous. Substantial reliance was placed on two dozen surveys of appellate courts that compiled information for individual years in all or most intermediate or supreme courts. These are listed in Chapter 12. Also

in each state, court clerks or head staff attorneys were asked about staff aides. Scattered information was found in court annual reports, law review and other literature, court directories, case reporters, and finally budget reports. The most difficult information to find was the number of staff attorneys in states with decentralized intermediate courts. Court budgets proved an important source here. Whenever there was no information concerning the number of law clerks and staff attorneys for a particular year, but from the available information the number was the same the year before and the year after, it was assumed that the number in the intervening year was the same. As described in Part IV, the number of law clerks or staff attorneys in several states was estimated for one or two years, especially by taking the average number for the prior and succeeding years. Data for attorney aides was obtained for all state in the study, except New York before 1978.

9.2 Law Clerks.

Law clerks are attorneys assigned to individual judges. Typically, a clerk is hired by a specific judge and reports only to that judge. While the most common term for these attorney aides is "law clerks", some courts use names such as "elbow clerks", "research attorneys", "law assistants."

Because law clerks work for individual judges, the law clerk statistics in this study are the number of law clerks per judge. Chief judges often have an extra law clerk; so the number extra for the chief judge is coded separately from the number per judge. Occasionally associate judges on a court have differing numbers of law clerks; here the law clerk measure is the average number per judge. A very few courts have extra law clerks for retired and senior judges (counted here as "extra judges" as described in Chapter 7); in this situation, the extra clerks are measured by pro-rating them among the regular judges - i.e., the extra clerks are added to the number of law clerks for regular judges, then divided by the number of regular judges, to obtain the average number of law clerks per judge.

On rare occasions (in one Illinois and one California intermediate court division) judges have temporarily pooled some of their law clerks into a central pool, approximating a central staff office. These arrangements lasted only a year or two until a the clerks in the central staff were replaced by staff attorneys. These clerks were coded as law clerks.

9.3 Staff Attorneys.

Staff attorneys are attorney aides who do not work for individual judges. They generally work for the whole court or a panel of judges. Often they are actually under the supervision of a single judge, typically the chief judge, but they work on cases assigned to all judges. A few courts use "floating law clerks," assigned to individual judges on a temporary basis to help reduce backlogs or to work on difficult cases. These are counted as staff attorneys.

Appellate courts use a wide variety of names to describe their staff attorneys. Besides "staff attorney" common names are research assistants, staff law clerks, commissioners, writ attorneys, and pre-hearing attorneys. Likewise, the organization and duties of staff attorneys vary greatly from court to court. They may be supervised by the chief justice, a senior staff attorney, or the clerk. Their duties vary from general research on appeals to specialized functions, such as screening petitions for review or prisoner petitions. Also, as mentioned above, they vary from long term employees to young lawyers who work for the court for a year or two after law school.

CHAPTER 10

ORGANIZATION AND PROCEDURE

Several measures taken to increase efficiency are loosely categorized here as matters of appellate court organization and procedure. These are the use of intermediate courts, the size of panels, curtailing oral arguments, and summary procedures. These are the major changes made in appellate court organization and procedure to increase efficiency, although other procedures have been made, such as restricting the length of briefs.

10.1 Intermediate Courts.

Establishing an intermediate court is mainly a procedure to add judicial manpower at the appellate level without enlarging the supreme courts. The existence of intermediate courts is really a continuous variable, since varying portions of the initial appeals are filed there and in the supreme court (see Chapter 6). Hence, intermediate courts are measure by the percent of appellate decisions made at the intermediate court level. That is, the intermediate court variable is the number of cases decided by the intermediate court divided by the total number of appellate decisions, and multiplied by a hundred. This variable probably slightly overstates the portion of workload in the intermediate courts because under must arrangements to divide jurisdiction between intermediate and supreme courts, the more important cases are routed to the supreme court initially or arrive there after a petition to review the intermediate court is granted.

The creation or expansion of intermediate courts is closely associated with several other variables: 1) the number of judges, as discussed above, 2) the average panel size, because intermediate courts sit in panels much more frequently than supreme courts (see Section 10.2), and 3) the extra workload in the Supreme Court represented by petitions for review of intermediate court decisions (see Chapter 11).

10.2 Panel Size.

The panel size is the number of judges that participate in the decision on the merits. Data was collected for both the average panel size of the supreme court and the average

Table 10.1

Starting Date for Intermediate Courts

	Judge-ships	Starting Date	Event Used to Mark Starting Date
Alaska	3	9/18/80	first arguments
Arkansas	6	7/1/79	operations began
Colorado	6	1/1/70	court began
Connecticut	5	10/15/83	first arguments
Hawaii	3	4/28/80	first arguments
Idaho	3	1/4/82	openned doors
Iowa	5	1/15/77	first arguments
Kansas	7	1/10/77	first arguments
Kentucky	14	fall 76	unclear
Mass.	6	11/13/72	first arguments
Minnessota	6	11/1/83	operational
North Car.	6	1/30/68	first arguments
Oklahoma	6	1/1/71	operational
Oregon	5	7/7/69	first arguments
South Car.	6	10/1/83	operational
Virginia	10	Jan.85	first argument
Washington	12	9/8/69	first argument
Wisconsin	12	8/1/78	operational

panel size for the intermediate court.

Most Supreme Courts sit en banc - i.e., they do not sit in panels. Here the panel size is the whole court, measured in terms of sitting judges (the panel size variable is coded "99" in the data set). Intermediate courts, unless they contain only three judges, almost always sit in panels of three. When these courts sit en banc, the panel size variable is the number of judgeships because a variable based on the actual number of judges would be artificially low when the courts were created.

The panel variable is pro-rated when courts hear only some cases in panels, when different sized panels are used, and when the use of panels is initiated or terminated in mid-year. The pro-rating is according to the percent of cases decided by panels or by panels of differing sizes. In several states, the pro-rating required estimating the portion of cases decided with or without panels. When courts sit in panels for nearly all cases, but sit en banc for certain types - such as death penalty cases or cases involving the constitutionality of statutes - it is assumed that all cases are decided by panel.

In several courts, judges hear cases in panels, and the opinions are initially drafted with the participation of panel judges, but the whole court reviews the opinions before the final decision is made. Courts in the District of Columbia, Minnesota, and Mississippi follow this procedure. These cases are considered to be decided by panel.

The panel size variable used for the court system is a pro-rated average of the panel size in the supreme and intermediate courts - the sum of the number of decisions times panel size in each level, divided by the number of total decisions. For the sake of coding convenience the panel size variables are initially coded as ten times the actual panel size.

The panel size was derived from a wide variety of sources. Several surveys, listed in Chapter 12, was of some help. More important were the court annual reports, unpublished reports of the courts, interviews with court staff, and study of opinions in the court reporters.

9.3 Oral Arguments.

The use of oral arguments is represented by several variables that represent looking at how often arguments are held, how long they are, and where they are held. In all, the quality of information here is relatively poor, and the

analysis often relies on dummy variables (see Chapter 3).

Oral arguments are arguments by attorneys before the court or a panel, held in the courtroom. The arguments include only those made in appeals and discretionary writs granted. Arguments, therefore, do not include the following: presentations by attorney on motions and other procedural matters (typically held in chambers or over the phone), arguments before staff attorneys (in Virginia and Washington), and cases "submitted on the briefs."

9.3.1 How often arguments are held.

The most important of these variables is how often appeals are argued, as opposed to being submitted on the briefs. arguments are held. Traditionally, most appellate courts encouraged attorneys to argue in all cases, and nearly all did so. Discouraging arguments takes several forms. The least drastic is to require the attorneys to request argument, usually when the brief is filed. This may or may not dissuade attorneys in many cases. The court can also recommend through rules or otherwise that attorneys argue only if they believe argument will be important in the case. A common further step is to screen cases and send letters to attorneys in some requesting that they waive argument, but still permitting argument if requested. A more drastic step is to screen and then permit arguments in only some cases. The most drastic step is to deny arguments generally, and permit them only upon request of council and upon a strong showing that argument are needed in the case.

The portion of cases in which arguments are held, therefore, varies from nearly zero percent to nearly 100 percent.

Statistics for the exact percent of cases argued are difficult to obtain, and were obtained for only about 28 states, and then not all years in those states. The major sources of statistics were court annual reports and unpublished statistics from the courts. Also, published opinions, which in some states indicated whether the case was argued or submitted, were used in a few states.

Most of these statistics for percentage of cases argued are approximations because they are based on the number of arguments held during a year (the percent argued is derived by dividing the number of arguments by the number of decisions), rather than on the number of cases decided that had been argued. The former measure only approximates the percentage of cases decided that were argued because some of the cases

argued in one year are decided in the next (appellate courts typically decide cases one to three months after arguments).

In other states the percentage of cases argued is estimated from various sources. The most common estimation made is that it is assumed that 95 percent of the cases are argued whenever the court follows the traditional practices concerning oral arguments - that is, when the rules and other literature give no suggestion that arguments are discouraged and when the court personnel interviewed say that very few cases are submitted on the briefs. In practice, the 95 percent figure is a good estimation; whenever statistics are available concerning the percent argued in courts that do not discourage arguments, the figures fall between 90 and 100 percent.

Other estimations of the percent argued are explained in the state-by-state descriptions in Part IV. Generally, they are based on information about the number of arguments scheduled month the court is in session, the number of cases decided in special calenders where arguments are seldom held in the court, or estimates given by court clerks.

For the states where there is not enough information to estimate the percent argued, the analysis resorts to dummy variables, using the regular 15, 50, and 85 percent distinctions. (See Chapter 8, Section 2. The 85% level was not used in the analysis because very few courts reached it.) The construction of the dummy variables is based on widely scattered information, as described in Chapter 12.

9.3.2 Length of Arguments.

The length of arguments is crudely measured by using the maximum length specified in the rules. The variable is the total number of minutes allowed for appellant and the appellee, including extra time allowed the appellant for rebuttal. The most common time is 30 minutes per side, for a total of 60 minutes. The highest is 60 minutes per side, fairly common in the 1960's, but no longer used. Courts that have restricted argument the most hear only 10 or 15 minutes.

This variable very inexactly measures the actual length of arguments. On rare occasions, appellate courts allow arguments longer than that specified by the rules. Far more often, the attorneys do not use all, or even most, of their allotted time. However, changes in argument length specified in the rules (always reductions, in practice) generally indicate major reductions in argument time. Hence, in a gross manner, the argument time variable does measure the courts' attempts to limit argument time.

Several appellate courts screen cases and allot less argument time to some. The argument time variable, in these situations, is the time permitted the majority of cases that are argued. Generally, the vast majority of cases fall in one category or the other.

9.3.3 Argument Location.

The final variable concerning oral arguments is their location. Most courts hear arguments in only one location, the court's headquarters. Several courts, however, travel around the state or court district and hear arguments in local court houses. There is a strong possibility that arguments are more time consuming when the judges must travel.

The information about argument location was obtained primarily from the sources listed in Chapter 12. This supplemented by study of the court rules and court annual reports.

The variable is a dummy variable, distinguishing between courts that: 1) hear all cases in one location, 2) often sit in two or more locations, and 3) sit outside the headquarters in rare occasions. Intermediate courts organized on a district basis are considered to sit in one location when each district holds arguments in one location only; in this situation, the judges do not have to travel to hear arguments.

Courts are counted as sitting in two or more locations if that practice is at all regular, although exact figures concerning the amount of argument in various locations are rarely available. The third category, courts that sit outside headquarters on rare occasions, is limited to courts that sit one or two days a year elsewhere, typically in law schools for the benefit of the students.

This variable, it should be added, does not measure travel time required for judges who live far from the court headquarters. In some states, appellate judges maintain their chambers in their home towns, rather than move to the court seat, necessitating considerable travel to hear arguments and attend court conferences. Ideally, the argument location variable should include information about whether the judges' chambers are at the seat of the court. As a practical matter, however, information on this issue is too incomplete.

9.4 Summary Procedures.

The term "summary procedures" as used here means procedures that restrict the amount of material submitted in certain cases. The major papers received by appellate courts are the

record and the briefs. The record consists of the papers filed in the court below and a transcript of the trial court proceedings. The latter, of course, is not included in the minority of case decided without trial. The briefs consist of the appellant's brief, the appellee's, and occasionally a reply brief by the appellant.

The most common summary procedure is the motion to affirm. The appellee claims that the appeal should be affirmed simply on the basis of the record and the appellant's brief. If granted, this motion means the case is decided without a brief from the appellee and, typically without arguments.

Other varieties of summary procedure involve more drastic curtailment of traditional appellate procedures. The most drastic is the procedures used in New Hampshire and New Mexico whereby cases are decided on the basis of docket statements - one or two page memoranda - submitted by the parties, and the court does not receive the record, briefs, or oral argument. Less drastic varieties of summary procedure include decisions on the basis of the record only and decisions on the basis of oral arguments only.

The use of summary arguments is shown in Chapter I, Section 10. In general, few courts use these procedures extensively, but their use has increased in recent years. The information about summary procedures was obtained primarily from annual reports and unpublished court statistical reports, supplemented especially by study of court rules and conversations with court staff.

It should be stressed that courts use the term "summary procedures" to refer to a wide assortment of procedures that depart from traditional appellate procedure. The procedures described here, curtailing briefing and record preparation, are commonly called summary procedures, but so are a wide array of other procedures, which generally curtail arguments or opinion writing. When gathering data, of course, these procedures were included under arguments or opinion practices, not summary procedure.

The term "fast track" is similarly used to describe a wide variety of procedures, generally giving priority to litigants who are willing to forgo aspects of the traditional appellate procedure, such as arguments and full opinions. The fast track systems, therefore, are included in this study under these various other variables.

When appellate courts adopt summary procedures, as defined here, they often also curtail other aspects of the appellate process - especially limiting arguments and opinion

writing. As such, then the summary procedure variable overlaps with these other variables, but in the analysis the impact of the other aspects is differentiated by the unique aspect of the summary variables, the restriction on material submitted.

CHAPTER 11

CASELOAD CHARACTERISTICS

This chapter encompasses several variables that pertain to the caseload size and composition. The first is the volume of filings - the "demand" for court services. The second topic is the portion of criminal appeals, and the third is the number of writs handled by the courts.

11.1 Filings and Backlog.

11.1.1 Definition of Filings.

The number of filings are the number of initial appeals to the appellate courts of the state. This measure and the data entered was obtained in research prior to the present study, and the technical explanation of the content of appeals can be found in the reports of that research.[1] In summary, it is the number of appeals from trial courts or administrative agencies filed directly in the supreme or intermediate court. It excludes discretionary writs, because they require much less of the judges' time than appeals, and it excludes appeals from intermediate to supreme court to prevent the double counting of cases. In the latter respect, the measure of appeals differs from the measure of decisions used in the current research, for decisions include cases granted review by the supreme court after an intermediate court decision. The absence of these cases from the filing statistics, however, have a minimal impact on the analysis here because they are constitute a very small part of the total cases decided by the appellate courts of a state.[2] In the analysis, the filing variable is the filings in the previous year, since it takes courts on the average about a year to decide cases. This is discussed more fully later in this section.

The filing statistics consist of data from the prior study supplemented with filings data for 6 additional states.

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[1] The Growth of Appeals, 1973-83 Trends (Bureau of Justice Statistics, 1985); Thomas Marvell and Carl Moody, State Appellate Caseload Growth, Documentary Appendix (Bureau of Justice Statistics, 1985).

[2] See Table 11.1.

Statistics were found for Georgia and North Carolina that were not found for the past study (the North Carolina statistics are for the Court of Appeals only; in the original study statistics for intermediate courts, leaving out the supreme court, were used when at least 95 percent of the filings went to the intermediate court. The North Carolina statistics deviate from this in that only about 90 percent of the filings are in the intermediate court. In the remaining four states the available filing statistics began after 1973, the cutoff date for the earlier research. These states and the beginning year for filing data are: Arkansas (1974), North Dakota (1979), South Carolina (1979), and Wisconsin (1979).

In all, filing statistics are available for 39 of the 40 states with decision data, although there are usually not available for the first few years of the time period covered. Three states listed above, of course, have filings statistics only back to 1979. The limits that the unavailability of filing statistics place on the analysis are shown in Table 3.1.

11.1.2 Time of filing.

The filing data consist of two quite different types of statistics. Most court count filings when the notice of appeal is filed; this occurs a few weeks or months after the trial court decision. Almost half the states, however, count filings at some later date, generally when the record is filed. This typically occurs about one to three months after the notice of appeal, since it takes that long for the trial court reporter to prepare the transcript of testimony and for the trial court clerk to compile the papers in the case and transmit them to the appellate court. During this interval many civil appeals settle; therefore, filings are comparatively lower in courts that count filings later in the proceedings. This is not important for the present analysis, since the variables in the regression are taken as their differences from their mean.

However, it is important when conceptualizing the relationship between filings and decisions. The impact of the filings can be seen as the demand for services, which push the court to supply services. First, the demand is more immediate when it is counted at a point in the appellate procedure closer when the services are to be given. That is, statistics concerning the number of cases with records already prepared are more exact and immediate forecasts of the number of cases that will be presented to the court than cases with notices of appeal just filed that may never reach the judges.

Second, the timing of filing might make a difference because courts facing unmanageable caseloads may let backlogs

accumulate in the record preparation stage (e.g., by freely granting extensions of time to court reporters). That is, if filings are measured at the time the record arrives, the number of filings might be partly a function of how many cases the court thinks it can decide in the near future.

Therefore, the regression was run separately for states with each type of filings, as described in Chapter 16. The results, contrary to expectations, are that filings are slightly more closely associated with opinion when counted at the notice of appeal stage. Hence, there appears to be no cause to worry that the different methods of counting filings affect their relationship with appeals.

8.1.3 The impact of backlog and delay.

The relationships between filings and decisions is affected, of course, by what happens at the court from the time of filing to the time of decision. This is true in two respects. The first, more obvious, impact is that the filing figures should be compared to the decision statistics for a later period, however long it takes to decide cases. As a practical matter, the time from filing to decision varies in a range of about 6 to 18 months in the courts.[3] The typical court takes about 12 or 13 months to decide. The analysis, therefore, compares decisions to filings the year before. But this comparison is only approximate, and some cases filed in the current year and two years earlier are included in the measure of cases decided. Moreover, it is possible that current year filings affect decision output even when the cases would not be presented for decision until the following year: the judges may adjust their work habits to what they expect will be presented to them later. More cases in the pipeline, for example, might prompt judges to work harder to dispose of appeals already submitted and awaiting opinions. For these reasons, the number of filings for the current year and for two years earlier were also entered into the analysis, which is discussed in Chapter 15.

A second impact of time period between filing and decision is conceptually complex. As suggested earlier, the amount of delay and backlog in appellate courts varies greatly. Courts should be able to decide appeals within a year (the ABA Standards for Appellate Courts suggest 6 months, which is feasible if a court makes a concerned effort to reduce delay), but many have substantial backlogs and take considerably longer. The impact of filings on decision output is probably more immediate in courts with little delay in that an appeal filed, unless dropped, is placed into the pipeline

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[3] See Marvell and Moody, supra note 1.

for presentation to the court and decision. In courts with substantial delay, on the other hand, there is a cushion between filings and decisions. The court may let the backlog accumulate instead of deciding more cases as filings rise; or the court may reduce backlogs and thus increase decision output at a far greater rate than filings are received.

In order to explore this possible difference between courts, a "delay variable" was entered into the analysis. This variable is a dummy variable, simply indicating whether the court had a major delay problem. Whether there was a problem is based on whether the average time from notice of appeal to decision is over or under a year. Delay statistics are widely available for appellate courts, through published statistics in annual reports, unpublished court statistics, or the dozens of research studies of appellate courts.

Whenever time lapse information was not available, the value of the dummy variable was estimated from a large number of sources. The most important is the "backlog index" - the number of pending cases divided by the number of disposition in a year.[4] As a rule of thumb, a court was considered to have a delay problem if the backlog index was 0.8 or greater (which is comparable to a year or more, because the backlog index includes some cases dropped or dismissed and, hence, disposed of sooner than cases decided).

Information about delay for the delay dummy variable was also obtained from numerous comments in the literature about whether specific courts were current or not (although statements that courts were current because all or nearly all argued cases were decided - or all briefed cases were argued - were ignored because such statements say nothing about backlogs earlier in the system).

The dummy variable was "smoothed" in the sense that a single year with a delay problem according to these measures, surrounded by several years without a delay problem, was counted as not having a delay problem (and the same was done for single years without delay problems).

The delay variable enables an analysis of the impact of filings on decision in courts with and without substantial delay. The results, presented in Chapter 16, are that filings do have a stronger impact on decisions in courts with less delay, but the impact is still very large.

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[4] The pending and disposition statistics used for the backlog index are in Marvell and Moody, supra note 1.

11.2 Criminal Appeal Workload.

As discussed in Chapter 6, the measure of decision output used here does not adjust for the varying difficulty of cases, partly because the data necessary to do so are sometimes scarce and partly because the relative difficulty of appeals is mainly not a element intrinsic to the cases, but rather it is largely a function of how judges view cases.

This section explores the most important area where some cases can be said to be less difficult. Appellate judges generally consider criminal appeals to be less difficult than civil appeals. The variable is the percent criminal appeals filed. Filing statistics, rather than decisions statistics, were used because filing statistics more often contain a criminal/civil breakdown.[5] The percent of criminal cases filed is generally smaller than the percent decided because more civil cases settle or are otherwise dropped before reaching the decision stage. Nevertheless the important factors is the change in percent criminal, and the filing figure reflect such changes. The results of the analysis including this criminal appeal variable are presented in Chapter 15.

11.3 Writs.

The measure of decision output, as explained in Chapter 6, is limited to cases decided on the merits. It excludes writs denied without a merits review because such decisions take much less effort by the judges. In some states, however, the writ volume is so large that it may have a noticeable impact on judges' productivity. Hence, statistics were gathered for the number of writs. The writs, as discussed in Chapter 6, fall into three categories: petitions to review intermediate court decisions, discretionary review of trial court or administrative agency decisions, and discretionary writs in cases not brought directly to the appellate court from a final decision in the case below (this latter category includes post conviction writs).

Statistics for the first category were gathered separately from the other two categories, so the research could explore the impact of creating an intermediate court. The purpose of exploring the impact of all writs, the different categories were added. The following paragraph describes the construction of the variable.

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[5] The definition of criminal filings can be found in the sources cited in note 1.

1) The writs include writs filed in intermediate courts as well as supreme courts.

2) The statistics are for writs disposed, except that when this information was not available, statistics for the number filed was substituted. There was rarely much difference between the number of writs filed and the number disposed because the vast majority are decided within a matter of weeks.

3) The writs include those carried on to a merits review. The writ variable represents a decision upon a preliminary screening of the writ, to determine whether to grant or deny. When writs granted are subjected to two decision points, one is counted here as a decision on the merits and the other a writ decision.

4) In a few courts what are technically called writs are actually treated as appeals on the merits. That is, they are seldom if ever denied without full review. These cases are not counted as writs.

5) The "discretionary reviews" in ordinary appeals in Virginia and New Hampshire are counted as appeals, not writs (as discussed in Chapter 6).

The analysis including the writ variable can be found in Chapter 15.

CHAPTER 12

DATA SOURCES AND RESEARCH PROCEDURES

The data sources are organized here into two categories: sources specific to individual states and surveys of appellate courts in several or all states. The former are by far the more important source of information, especially statistics used for the continuous variables. These are the topics of the first two sections here, and the third section describes the procedures for gathering information from the sources.

Chapters 6 through 11 described the types of sources used for the various variables. Part IV lists the specific sources used in each state for decision data. The purpose of the present chapter is to supplement those descriptions, especially by listing the documents used for non-decision data.

12.1 Local Sources.

The following paragraphs describe the sources specific to individual states:

1) State Court Annual Reports. These reports, published by the state court administrator's office, give varying statistics for appellate courts and described the courts operations with varying degrees of details. The reports are available for most of the states and time periods studies, and they are the most important source of information. This is particularily true of decision data. Also, in most states they contain information about publication practices, judgeship turnovers, use of panels, and use of summary procedures. Also, they frequently contained scattered information about the number of law clerks and staff attorneys, the use of memo opinions, the use of extra judges, and the frequency of oral arguments.

2) Unpublished Statistical Reports. Most appellate courts prepare statistical reports for internal use that contain more information than is published in the annual reports. Also, in states and years when annual reports are not published, the internal reports are usually the only source of statistics prepared by the courts.

3) Court Rules. State rules of appellate procedure give

varying degrees of information relevant to the study; the most valuable concerns pocedures to restrict arguments or opinion writing and publication. A few appellate courts have internal operating rules, which give more detail concerning such topics. In addition appellate handbooks prepared for attorneys were consulted when available, but most were not available in local libraries and they are too expensive to purchase.

4) Literature. There is an enormous body of literature describing appellate court operations. This is listed the bibliography propared for the project and available from Court Studies. In only a few states, however, was this a major source of information, and then primarily as data for the dummy variables when statistics on, for example, use of memo opinions were not available.

5) Case Reporters. The published opinions of appellate courts in all states are published in the West regional reporters, and many states have separate reporters prepared, usually under the direction of the supreme court, by local publishing companies. These books contain varying degrees of information in the states. As seen in Chapter 6, they are a source of decision volume information if all opinions are published or if the cases decided without published opinion are listed. The reporters were provided information about the numbers of judges (see Chapter 7) and occasionally about opinion practices, oral argument, and numbers of staff attorneys.

These sources of information are very difficult to use because the terminology is not standard. There was seldomn any reason to question the accuracy of the information presented, but the meaning of the information often is not clear from the face of the documents. The major problem is that administrators and judges understand their courts and see no need to report information in a manner that people elsewhere can easily comprehend. Words like "appeals," "decisions," "petitions", "motions", "dismissals", "opinions," "orders," and so on, have very different meanings in different courts. Unstanding the material required close study and considerable questioning of court personnel.

12.2 Multi-State Sources.

The second category of sources consists of surveys and other writings that cover more than one state. This is a mixed bag of material, listed below with information about the topics covered, the time period, and breadth of the information. The material was especially valuable for compiling the number of staff attorneys and law clerks. Otherwise, it was

used largely for information to compile dummy varialbes when statistics for continuous variables were not available.

The quality of the information in the studies is fair at best. A rough guess is that 5 to 15 percent of the information given was wrong when compared to information obtained from state-specific materials. The reason for the mistakes was almost always traceable to terminology problems: the words used in the surveys for a particular topic ment one thing to the person composing the questionnaire and something quite different to the judge or court official answering the surveys. Another common problem was that successive waives of surveys sometimes published results from prior years when new information was not received, without informing the reader. Often, things had changed. Unfortunately, the quality of the studies has not improved over the years, but more studies have been undertaken in later years permitting more cross-checking of information.

The following pages list the sources, along with codes to indicate the topic, years, and court levels covered. The key to the codes is as follows:

Topic areas:

- Arg - portion of cases argued
- ALen - argument length
- ALoc - argument location
- D - decision statistics
- Del - delay information
- ExJ - extra judges
- LC - number of law clerks
- Op - opinion practices (publication, memos)
- Pan - use of panels
- SA - number of staff attorneys
- WO - decisions without opinions
- Wr - writ and petition statistics

Year: The years given are those for most of the information; some information is often available for other years, and the years listed often do not have information for all topics.

Limits on Scope of Survey:

- SC - information for supreme courts only
- IAC - information for intermediate courts only
- Pt. - information for only part of the country (not used unless the information is for less than 75% of the type of court surveyed)
- Few - information for 20 percent or less.

Pan 61-67 SC	Cannon & Jaros, "State Supreme Courts - Some Comnparative Data," 42 St. Gov. 260 (1969)
SA 81,82 83,85	Committee of Appellate Staff Attorneys, Directory of Appellate Central Staff Counsel (Appellate Judges Conference, American Bar Association, 1981, 1982, 1983, 1985)
D,LC Op,Pan SA,WO 81 IAC	Council of Chief Judges of Courts of Appeal, Intermediate Appellate Court Survey Questionaire (Appellate Judges' Conference, American Bar Association, 1981)
ALoc,D LC,Op Pan,SA WO 83 IAC	Council of Chief Judges of Courts of Appeal, Chief Judges as Administrators, A Survey (Appellate Judges' Conference, American Bar Association, 1984)
LC,SA 83-85 Pt.	Federal and State Judicial Clerkship Directory (National Association for Law Placement, 1983-85)
Arg ALen 67 SC Pt.	"Hearing of Oral Arguments by State Courts of Last Resort" (Council of State Governments, 1967)
Pan 75 SC	Huie, "Sitting in Divisions - Help or Hinderence?" (Arkansas Judicial Department, 1975)
D,SA 81 IAC	Institute of Judicial Administration, 14 IJA Report 5 (Spring 1982)
D,ALen ALoc,Op LC,SA,Wr 74,76,77 81,82	Kramer, Comparative Outline of Basic Appellate Court Structures and Procedures (West Pub. Co, 1975, 1978, 1983)
SA 81 IAC Pt.	James, "A Study for the Court of Appeals, 5th Supreme Judicial District, Texas" (National Center for State Courts, 1981)
LC 68	Law Clerks in State Appellate Courts (Chicago: American Judicature Society, 1968)
ExJ,Pan 69 SC	Lilly & Scalia, "Appellate Justice: A Crisis in Virginia," 57 Va.L.Rev. 3 (1971)

Arg,Del SA 77 Few	Martin & Prescott, Appellate Court Delay, Structural Responses to the Problems of Volume And Delay (National Center for State Courts, 1981)
Arg,D Del,LC Op,Pan,SA WO,WR 78	Marvell & Kuykendall, "Appellate Courts - Facts and Figures," 4 State Court J. 9 (1980)
Del,LC SA 73,74 Few	Meador, Appellate Courts, Staff and Process in the Crisis of Volume (West Pub. Co. 1974, 1975)
Arg ALoc Op 73 SC	McConkie, "Decision-Making in State Supreme Courts," 59 Judicature 337 (1976), and Evironmental, Institutional, and Procedural Influences in Collegial Decision-making: A Comparative Analysis of State Supreme Courts (Unpublished discertation, Washington State University, 1974)
D,Del,Op Wr 75-81	National Center for State Courts, State Court Caseload Statistics: Annual Report 1975 through 1981 (National Center for State Courts, 1978-85)
D,Op 82 Pt.	Overton, "A Perspective for the Appellate Caseload Explosion," 12 Fl.St.U.L.Rev. 206 (1984)
Arg,ExJ Op,LC Pan,SA 84	Roper, 1984 State Appellate Court Jurisdiction Guide for Statistical Reporting, Summary Tables (National Center for State Courts, 1985)
D,LC Pan 79 SC Pt.	South Dakota Office of Court Administrator, "Survey of State Supreme Courts," (unpublished report, 1980)
LC,SA 68,70,74 76,78 SC	State Court Systems (Council of State Governments, 1968, 1970, 1974, 1976, 1978)
Arg,D LC,Del Op,Pan SA,WO 1978	Subcommittee on the Workload of the District of Columbia Court of Appeals, District of Columbia Court of Appeals: Workload Problems and Possible Solutions (District of Columbia Judicial Planning Committee, 1979)
Arg,D LC,OP SA,WR 80 SC Pt.	Survey of State Supreme Courts with Intermediate Appellate Courts (National Center for State Courts, 1980)

D,Arg 65-67 SC Workload of State Courts of Last Resort 1965-67 (Council of State Governments, 1968)

12.3 Procedure for Gathering Data.

The data were gathered by the principal investigator, aided by law student researchers. The process took roughly a year's worth of the principal investigator's time and about one law-student-year of research. The process for compiling the statistics is as follows:

The first source of data was the court annual reports. The principal investigator defined for each state what particular data elements were to be used for the variables (see the state-by-state lists in Part IV) and completed the data gathering for several years. Law student researchers then finished the data gathering from the annual reports. The principal investigator checked all figures against the annual reports, supplemented the data when necessary from other sources listed here, and in many states revised the definitions of the data elements as more was learned about the state appellate court operations.

The law students did the initial research in the court rules and literature, stating where the various topics delt with in this research were located in the rules and literature. The principle investigator then checked the sources for the various topics. The principle investigator also gathered information from the surveys listed above.

Then the principal investigater telephoned staff at the courts, usually the clerk or head staff attorney, and often staff in the state court administrators office for additional information (averaging about two interviews per state). Finally, a computer printout of the most important variables was sent to the state officials and they were asked to check it. (This contained, for the supreme court and intermediate court separately, the number of cases decided, the number of law clerks and staff attorenys, the use of panels, the percent argued, the number decided without opinion, with unpublished opinion, and with memo opinion.) About half responded, usually making one or two minor questions. But responses from two states led to major corrections.

PART III ALTERNATE ANALYSES

CHAPTER 14

DIFFERENT METHODS OF ANALYSIS

14.1 Random Effects Model.

There are two commonly accepted econometric models for analyzing pooled time series cross section data. The fixed effect model, used here, combines time series data from several states into one regression, but ignores within year across state variables (see Chapter 2). The random effects model, on the other hand uses both within and between state variables, but it is based on the assumption that the residuals in the analysis are not correlated with any of the independent variables.[1] We use the fixed effects model because we have no basis upon which we can be assured that the assumption holds.[2] Also, by using cross state comparisons, the random effects model may lead to problems of causal interpretation. For example, high decision output may lead courts to increase judgeships (to lighten the load on the present judges), a causal direction opposite to that assumed in the model - i.e., that more judges means more decisions. Finally, the random effects model requires data for each variable in each year for each state in the analysis; because data were not available back to 1968 for all states, random effects model requires a substantial loss of degrees of freedom (although this may be counterbalanced by the fact that the significance of the findings can increased somewhat by the addition of the across state comparisons).

In practice, as is seen Table 14.1, the results using the two regression models are very similar. The random effects model used 34 states over 11 years, the largest sample size

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[1] Maddala, Econometrics 326-331 (1977).

[2] Actually, the only way to be assured that the assumption holds is if the results of the random effects model are the same as the results of the fixed effects model. Mundlak, "On the Pooling of Time Series and Cross Section Data," 46 Econometrica 69 (1978).

Table 14.1

Analysis Using the Random Effects Model

	Ramdom Effects Model (N=374)		Fixed Effects Model (N=374)	
	Coef.	T	Coef.	T
1) Filings (prior year), logged	.52	13.2	.47	10.6
2) Judge variables:				
a) judges, logged	-.05	-1.2	-.15	-2.0
b) extra judges Dum.	.09	3.4	.09	3.4
c) percent new judges	0	-.6	0	-.7
3) Attorney aides per judge, logged	.06	1.9	.09	2.5
4) Opinion variables:				
a) pct. unpublished	.001	1.8	.002	1.9
b) memo op (15%) Dum.	.02	.8	.03	1.1
memo op (50%) Dum.	.10	2.5	.12	3.0
c) pct. w/o opinion	.006	5.3	.005	3.0
5) Intermediate court percent	.004	4.7	.005	4.9
6) Average size of panels	-.02	-1.6	-.03	-1.8
7) Oral arguments				
a) curtail (15%) Dum.	.09	3.5	.09	3.4
curtail (50%) Dum.	.06	2.2	.07	2.1
b) length	.001	1.1	.001	.9
8) Summary decisions (10%) Dum.	0	.1	.05	1.0

Table 14.2

Analysis Without Logged and Without Perjudge Variables

	With Unadjusted Variables		With Perjudge Variables	
	Coef.	T	Coef.	T
1) Filings (prior year)	.59	39.1	.55	27.0
2) Judge variables:				
a) number of judges	60.8	12.8	--	--
b) extra judges Dum.	19.2	.6	1.4	1.1
c) percent new judges	.3	.6	0	0
3) Attorney aides	-2.7	-2.2	-.6	-.5
4) Opinion variables:				
a) pct. unpublished	1.1	1.4	.07	2.1
b) memo op (15%) Dum.	22.4	.8	1.1	.9
memo op (50%) Dum.	-59.1	-1.4	1.7	.9
c) pct. w/o opinion	4.1	3.0	.39	6.0
5) Intermediate court percent	-2.3	-3.4	.13	4.9
6) Average size of panels	12.0	.7	-.3	-.4
7) Oral arguments				
a) curtail (15%) Dum.	-76.8	-2.9	1.1	.9
curtail (50%) Dum.	71.1	2.2	4.4	3.2
b) length	-.1	-.2	0	-.7
8) Summary decisions (10%) Dum.	9.4	.2	.2	.1

given the data available (see Table 3.1). Table 14.1 presents the results of that regression, alongside a fixed effects regression using the same sample. Except the for "judges, logged" variable, which indicates return to scale, the results almost exactly coincide. The one exception may be due to the causal problems discussed in the previous paragraph.

14.2 Without Perjudge and Without Logged Variables.

As discussed in Chapter 2, the Cobb-Douglas production function was used because it is the standard model for this type of research. The basic features of the model are that the input and output variables are perjudge variables and are logged. The purpose of this section is to explore the impact of using other variations - i.e., not using logged variables and not using perjudge variables. The results using logged variables without the perjudge transformation are the same as the standard model (see Table 3.2) - all the coefficients are exactly the same - except that "judges, logged" variable no longer indicates return to scale, but the impact of adding judgeships. The coefficient for the "judges, logged" variable is .24, with a T Ratio of 3.6. This model, unlike the Cobb-Douglas function does not assume constant returns to scale; hence, the elasticity (which is the same as the coefficient) is lower than the elasticity figure for adding judges given in Chapter 3.

The analyses without logged variables is presented in Table 14.2, one analysis with unadjusted variables, and one using perjudge variables whenever the standard model (Table 3.1) uses perjudge variables (i.e., for the input variables). An important practical implication of these different regressions is that each is dominated by a different set of states. This differences shows up in the influence analysis (the SAS "influence" procedure for checking outliers and particular observations that greatly affect the results). The analysis with unadjusted variables is dominated by states with high appellate court outputs, California, Florida, Illinois, Louisiana, New York, and Texas. The analysis with perjudge variables is greatly affected by states with high perjudge decision rates, especially Florida, Georgia, New Jersey, New York, Oregon, and Virginia. When the variables are logged, the impact of the states is spread among the states more evenly, with perhaps more impact from the low productivity states.

14.3 Conclusions.

The results with the random effects model are very close to the results given in Table 3.2 using the random effects model. The results with the per judge variables (Table 14.2)

are similar to the analysis using the Cobb-Douglas function (Table 3.2) in that the variables that are strongly significant remain so. These are the volume of filings, the number of judges, curtailing oral argument, and deciding cases without opinion. Elsewhere, there is some shifting from marginally significant to not significant, or visa versa, such as the use of extra judges and attorney aides. The regression using unadjusted variables, however, leads to some quite different, and counter-intuitive results, especially the negative impact of attorney aides, and intermediate court percentage. These results, it turns out, are due to only a few observations in the outlying states.

A basic question in any statistical analysis is whether the results stand up under different views of the data. There are numerous statistical techniques and numerous ways of arranging the data, and often the research has a wide selection of results. One way to address this problem is to use standard operating procedure - the most common model and regression technique. This was done in the basic analysis (Chapter 3). Additional steps are to compare results with other, less acceptable procedures; to explore different versions of variables; and compare results from separate analyses of subunits of the data. The first was done in this chapter, the other two are done in Chapters 15 and 16. In general, the results of the different approaches to the data lead to the same conclusions arrived at in this chapter: several variables consistently appear important, several variables are consistently unimportant, and several are sometimes marginally significant and sometimes not significant or even appear with the opposite sign.

CHAPTER 15

ANALYSIS VARIATIONS PERTAINING TO INDEPENDENT VARIABLES

15.1 Appeals Filed.

15.1.1 Filings from different years.

In the basic analysis (see Chapter 3) the filing variable is the number of filings in the prior year; that is the year for which filings most closely correspond to decisions (see Chapter 11). Filings in other years might also have an impact, however. A few courts take significantly more or less than a year to decide cases; and the judges might adjust output to current year filings, anticipating future demands on their time. The analysis (comparable to that in Table 3.2) was run using three variables for filings: the current year, the prior year, and two years prior. The results were that the prior year showed the greatest relationship (coefficient = .43, T Ratio = 6.64), and the current year also showed a sizeable relationship (coefficient = .16, T Ratio = 3.03). The relationship for filings two years earlier was not significant (T Ratio = 1.00). The result for the other variables in the analysis changed little when these extra filing variables were added.

15.1.2 Variations in types of appeals filed.

This section explores several questions raised earlier, especially in Chapter 6, about the content of the caseloads.

1) It was speculated in Chapter 6 that, because criminal cases are generally considered easier, a higher porportion of criminal cases in a state might cause the number of decisions per judge to increase. A variable, the percent criminal cases filed in the prior year (as defined in Chapter 11, section 2), was entered into the basic analysis (see Table 3.2). It has no effect on output, as can be seen in Table 15.1. In other words, there is no evidence that increasing the percent criminal cases does leads to greater productivity in appellate courts.

2) It was also speculated in Chapter 6 that the addition of sentence appeals would increase productivity because sentence appeals are typically much less time-consuming than regular appeals. To test this assumption, a dummy variable signifying the existence of sentence appeals was entered into the regress-

Table 15.1

Regression Analyses with Percent Criminal Appeals and without Appeals Filed

	Regression with Percent Criminal Appeals (N=445)		Regression without Appeals Filed (N=618)	
	Coef.	T	Coef.	T
1) Filings (prior year), logged	.57	14.4	--	--
2) Judge variables:				
a) judges, logged	-.11	-1.5	--	--
b) extra judges Dum.	.08	.2	.05	1.8
c) percent new judges	0	-.2	0	-1.5
3) Attorney aides per judge, logged	.06	2.3	.05	2.3
4) Opinion variables:				
a) pct. unpublished	.002	2.9	.001	1.7
b) memo op (15%) Dum.	.03	1.0	.07	2.7
memo op (50%) Dum.	.06	1.6	.07	1.8
c) pct. w/o opinion	.005	3.9	.008	6.4
5) Intermediate court percent	.003	3.6	0	-1.6
6) Average size of panels	-.02	-1.5	-.03	-2.0
7) Oral arguments				
a) curtail (15%) Dum.	.03	1.3	.06	2.4
curtail (50%) Dum.	.05	1.6	.06	1.7
b) length	0	.4	-.001	-1.7
8) Summary decisions (10%) Dum.	.03	.7	-.02	-.6
9) Percent Criminal Appeals	0	.3	--	--

ion.[1] The dummy variable, of course, is a cruder measure of the number of sentence appeals than a continuous variable would be, but information is not available for the latter in many states. The dummy variable only measures major changes, which occurred in very few states in the sample. In any event, the variable showed a slight positive relationship with decision output, but the results are not statistically significant (T Ratio = 1.4).

3) Overall appellate jurisdiction changed in several states in the analysis, Alaska, Arkansas, Connecticut, Oregon, and Wisconsin. The changes gave appellate courts jurisdiction over substantial numbers of appeals that formerly went to the general jurisdiction trial courts. These are appeals from limited jurisdiction trial courts and administrative agencies, and they are probably less complicated and require less judge time than most other cases filed in the appellate courts. In all but Oregon the changes were made when intermediate courts were created, and in Oregon there were many changes most of which were probably associated with the creation and expansion of the intermediate court. Hence, the impact of the intermediate court percent variable (see Chapter 3.2) may be spurious, the result of increased productivity because the caseload is less difficult. When the analysis is done without these states, the results do indeed show that the intermediate court variable has much less, and statistically not significant, impact (coefficient = .0015, T = 1.77).

15.1.5 Petitions for review granted.

As discussed in chapter 11, the filings variable is the number of initial filings and does not double count second reviews. As discussed below, when discussing petitions for review, adding the number of petitions for review granted to the analysis does not affect the results.

15.1.4 Analysis without filings.

As was seen in Chapter 3, the number of filings dominate the analysis of appellate court decision output, and other variables have at most moderate impact. What happens when this variable is left out? One can conceptualize the issue as one of how appellate courts dispose of the volume of cases, Filings supply the input but are not directly related to the basic issue addressed here, the effectiveness of the changes made. This model is not the preferred model for two reasons: 1) It does not accord with

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[1] This information was gathered for an earlier study, and the variable is described in Thomas Marvell and Carlisle Moody, State Appellate Caseload Growth Documentary Appendix, Chapter 10 (1985).

standard procedure in the analysis of productivity (see Chapter 2). 2) Leaving out a dominating variable may well lead to spurious results because the relationships found may actually be caused by the fact that the dominating variable affects both the independent and dependent variables. In the present research, an example of the latter is that filings increases may stimulate the judges both to step up their efforts in the face of the increased workload and to add attorney aides or to adopt other efficiency measures.

Nevertheless, it may be instructive to explore the results of the analysis without filings as an independent variable. The results are given in Table 15.1. The analysis includes more observations than the basic analysis in Table 3.2, and it excludes the "judges, logged" variable, the measure of returns to scale, which makes no sense in an analysis that excludes filing input. It also includes year dummy variables because in this analysis, unlike the analysis in Table 3.2, they were found to be significant (they probably represent mainly the yearly variations in filings). The results are very similar to those in Table 3.2, the only major difference is that the intermediate court percentage is no longer positively associated with output per judge.

15.3 Attorney Aides.

This section discusses two topics concerning attorney aides: the impact of Missouri on the variable in the regression analysis and the distinction between law clerks and attorney aides.

The influence analysis showed that the initiation of law clerks by the Missouri intermediate courts in 1973 had a powerful impact on the attorney aid variable. Decision output fell well below the filing volume that year and the next, and the regression attributed this largely to the addition of law clerks. If these observations are deleted from analysis, the attorney aide variable has a larger impact: the T Ratio increases from 2.09 to 2.93, and the coefficient from .041 to .068.

Attorney aides, as discussed in Chapter 9, consist of law clerks, who work for individual judges, and staff attorneys, who work for the whole court or a division of the court. Attorney aides can also be divided into temporary aides, who work for a year or two right out of law school, and career staff, who are more experienced attorneys and who stay longer than temporary aides, although in practice they do not stay permanently. In the vast majority of courts, the law clerk are temporary. Staff attorneys are about half career and half temporary.

Which types of attorney aides have a greater impact on

decision output? Attorney aides as a whole have only a moderate impact, as was discussed above; therefore, no particular type is likely to have much impact either. Two regression analyses were run; one had separate variables for temporary and career attorneys, and the other had separate variables for law clerks and staff attorneys. The regression is the same as that in Table 3.1, except that statistics are not available for the career and temporary staff attorneys for 24 of the 542 observations. The results were clear: law clerks, in one regression, and temporary attorneys in the other showed significant relationships with output to the same extent that total attorneys did in Table 3.2, while staff attorneys and permanent attorneys showed no relationship.[2] It is not feasible to determine whether the important factor is the use of law clerks or temporary aides, because the two are so closely connected.

The results, nevertheless, are strong evidence against the assertions that employment of large professional staffs by appellate courts causes bureaucratization of decision making. The fact that the central staff size has little, if any, impact on the volume of output strongly suggests that they are not deciding the cases. This result, however, does not suggest that the central staff is unimportant. As explained in Section 5 of Chapter 1, the prime function of the staff is to gather information for the judges, a task that adds primarily to the quality, rather than quantity, of output.

15.4 Opinion Practices.

The variations on independent variables concerning opinion practices (unpublished opinions, memo opinion, and decisions without opinion) take several forms: using continuous variables when dummy variables were used in the basic analysis (Table 3.2), using different versions of the continuous variables, and exploring the impact of opinion practices in courts with specific procedures.

The results of the first alternate analysis, using continuous variables for memo opinions is reported in Table 3.3. This regression had 415 observations, instead of the 542 in the basic regression. Dummy variables were also prepared for the use of unpublished opinions and deciding cases without opinions, in the event that continuous variables could not be obtained. Since they were obtained, however, there is no sense in using the

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[2] For temporary and career staff attorneys the coefficients are .05 and -.01 and the T Ratios are 2.3 and -.7; for law clerks and staff attorneys the coefficients are .04 and -.01 and the T Ratios are again 2.3 and -.7.

dummies.

Perhaps combinations of the three opinion practices are more important than the three separately. The data gathered permitted constructions of variables for 1) the sum of memo opinions and decisions without opinion and 2) the sum of unpublished opinions and decisions without opinions. Because memo opinions overlap unpublished opinions, a variable could not be constructed using the sum of these two. The analysis in Tables 3.2 and 3.3 found that decisions without opinion have a major impact, and that memo opinion have a statistically significant, but lesser, impact. Limits on publication have little or no impact. The regression analysis using the variable "percent either unpublished or without decision" (instead of variables pertaining to these two practices) found that the impact was less than that for decisions without opinion alone (Coefficient = .002, T Ratio = 2.84). This provides further evidence that limiting publication adds litte to judicial productivity.

The regression analysis using a variable indicating the percent of cases decided either without opinion or by memo opinion showed a strong impact (Coefficient = .0032, T Ratio = 4.73). This analysis includes only the 415 observations with information about the number of memo opinions. However, this variable, the percent decided either without opinion or with memo opinion, is less discriminating than the analysis, with these 415 observations, using the two separately (percent memo: coefficient = .0021, T Ratio = 2.66; percent without opinion: coefficient = .0055, T Ratio = 5.07).

The impact of memo opinions may be greater in states where the memos are vary short. A regression analysis that includes only states where the memo opinions are typically less than a page did, indeed, find a stronger impact (coefficient = .0030, T Ratio = 3.18, compared with the figures of .0021 and 2.66 given in the previous paragraph).[3]

15.6 Oral Arguments.

In the basic analysis (Tables 3.2 and 3.2) the percent of cases argued is a moderately important variable, but the length of argument (as established by court rule) did not have a statistically significant impact. The impact of the variable was greater when expressed as a percent of cases then when expressed

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[3] The sample size of the analysis that includes only states with short memo opinions is 320, as oppossed to 415 states in all with memo opinion data. It is not feasible to do a regression using only states with longer memo opinions because the number of observations is small.

as dummy variables.

The impact of argument curtailment may be greater in states where the arguments are held in several location, because of the time required to travel (see Chapter 10, Section 3). When the analysis includes only states where the judges travel,[4] however, the impact of the argument variable is quite close to the impact when all states are included.

15.6 Petitions for Review.

As discussed in Chapters 6 and 11, the decision output variable includes only cases decided on the merits. Most appellate courts also pass on numerous writs, which are generally dismissed without full review (see chapter 11). The bulk of these writs are petitions to supreme courts for review of intermediate court decisions.

Table 15.2 shows the volume of petitions for review and the volume in relation to intermediate court decisions. In the 24 states with available information, petitions for review are filed, on the average, in 35 percent of the intermediate court decisions. An average of 14 percent are granted by the supreme court. In all, in the average state, 5 percent of the intermediate court decisions are accepted for review on the merits by the supreme court. This discussion does not include appeals taken by right from the intermediate to the supreme court, but in all but a few states such appeals are far outnumbered by cases taken upon discretionary review.

Table 15.2, however, shows that these averages can be misleading because the figures for individual states vary greatly. Petitions for review in Arkansas are only 7 percent of the intermediate court decisions, while in Colorado and Maryland they are over half. The percent given a second review varies from one percent in Arizona to almost 10 percent in Maryland.

Another interesting difference is the ratio of cases granted review by supreme courts to the number of cases decided there on the merits. The California Supreme Court granted review in a lot more cases than it decided (probably because it developed a backlog). A few other supreme courts receive most of their cases through the petition for review process, but usually the great bulk of the supreme court business comes directly from the trial courts or administrative agencies (or upon mandatory review of the intermediate court, especially in New York). This review is

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[4] If judges travel in one court and not another in the state, the state was included if the court where they travel had the higher caseload.

Table 15.2

Petitions for Review of Intermediate Court Decisions

	Petitions filed				Petitions granted					
	Number		Percent of IAC Decisions		Percent of those filed		Percent of IAC Decisions		Percent of Sup Ct Decisions	
	1984	1974	1984	1974	1984	1974	1984	1974	1984	1974
01 Ala	.	.	.	.	.	.	.	.	.	.
02 Aka	110	*	27	*	14	*	3.7	*	6	*
03 Ariz	687	287	44	48	11	14	4.7	6.5	44	12
04 Ark	48	*	7	*	15	*	1.1	*	2	*
05 Cal	3321	2571	39	55	10	8	3.7	4.2	252	128
06 Col	502	143	53	42	.	.	.	.	.	.
07 Conn	.	*	.	*	.	*	.	*	.	*
08 Del	*	*	*	*	*	*	*	*	*	*
09 D.C.	*	*	*	*	*	*	*	*	*	*
10 Fl	.	779	.	23	.	.	.	.	.	.
11 Ga	406	335	24	34	18	.	4.5	.	14	.
12 Ha	35	*	30	*	14	*	4.3	*	2	*
13 Id	37	*	23	*	27	*	6.2	*	7	*
14 Ill	1468	644	32	29	11	21	3.6	6.2	83	57
15 Ind	350	.	31	.	10	.	3.2	.	10	.
16 Iowa	246	*	47	*	18	*	8.3	*	10	*
17 Kan	256	*	40	*	12	*	4.7	*	11	*
18 Ky	718	*	37	*	13	*	4.7	*	27	*
19 La	1208	.	41	.	8	.	3.2	.	44	.
20 Me	*	*	*	*	*	*	*	*	*	*
21 Md	785	505	55	61	17	12	9.6	7.2	77	30
22 Mass	289	*	34	*	14	*	4.8	7.3	14	10
23 Mich	.	.	.	.	.	.	.	.	.	.
24 Minn	.	.	.	.	.	.	.	.	.	.
25 Miss	*	*	*	*	*	*	*	*	*	*
26 Mo	498	.	32	.	10	.	3.2	6.2	41	11
27 Mont	*	*	*	*	*	*	*	*	*	*
28 Neb	*	*	*	*	*	*	*	*	*	*

Table 15.2 (continued)

	Petitions filed				Petitions granted					
	Number		Percent of IAC Decisions		Percent of those filed		Percent of IAC Decisions		Percent of Sup Ct Decisions	
	1984	1974	1984	1974	1984	1974	1984	1974	1984	1974
29 Nev	*	*	*	*	*	*	*	*	*	*
30 NH	*	*	*	*	*	*	*	*	*	*
31 NJ	.	817	.	33	.	14	.	4.5	.	88
32 NM	168	83	37	31	29	18	11	5.6	23	15
33 NY	2935	1492	30	26	6	16	2	4.3	23	43
34 NC	469	273	36	32	15	.	5	.	38	.
35 ND	*	*	*	*	*	*	*	*	*	*
36 Ohio	.	.	.	.	.	.	.	.	.	.
37 Okl	.	.	.	.	.	.	.	.	.	.
38 Or	879	300	32	49	12	11	4	5.4	56	13
39 Penn	*	*	*	*	*	*	*	*	*	*
40 RI	*	*	*	*	*	*	*	*	*	*
41 SC	.	.	.	.	.	.	.	.	.	.
42 SD	*	*	*	*	*	*	*	*	*	*
43 Tenn	.	.	.	.	.	.	.	.	.	.
44 Tex	1966	586	27	47	20	15	5	6.9	48	4
45 Utah	*	*	*	*	*	*	*	*	*	*
46 Vt	*	*	*	*	*	*	*	*	*	*
47 Va	*	*	*	*	*	*	*	*	*	*
48 Wash	545	210	41	39	14	15	6	6.0	39	21
49 WVa	*	*	*	*	*	*	*	*	*	*
50 Wisc	627	*	44	*	10	*	4	*	41	*
51 Wy	*	*	*	*	*	*	*	*	*	*

* No intermediate court.

sometimes accomplished by the supreme court reaching down to take cases filed in the intermediate court before it has reviewed them (especially in Maryland, Wisconsin, and Washington).

The analysis attempted to determine whether writ volume affects judge productivity. That is, if the number of writs increases, does this work detract from the judges work on appeals and, thus, reduce the decision output per judge? The analysis, however, was not able to answer this question. When the number of writs per judge was placed in the analysis it showed an very large positive relationship to decision output, apparently because the number of writs is based largely on the number of petitions for review which, in turn, is largely determined by the number of cases decided in the intermediate court. The causal uncertainty, therefore, rendered the analysis uninterpretable.

A second analysis explored the impact of petitions for review granted. As discussed in Chapter 11 the measure of filings used here includes only cases filed initially in either the supreme or intermediate courts, and it does not include petitions for review excepted (this was done to prevent double-counting of appeals when analyzing the reasons for growth of appeals filed). To compensate for this, the number of petitions for review granted was entered into the analysis as an additional input variable.[5] In the analysis, the variable has a very slight impact which is not statistically significant (coefficient = .01, T Ratio = .70, as opposed to .61 and 17.27 for the number of initial appeals). This is a slightly incomplete measure of the impact of double appeals because it does not take into consideration mandatory appeals from the intermediate courts to supreme courts. These, however, are rare in the great majority of the states studied.

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[5] Information for this variable was not available for all years in all states, and the analysis included 479 observations, as opposed to 542 for the basic analysis in Table 3.2. The number of petitions granted is, like the number of filings and decisions, the logarithm of the number of cases per judge.

CHAPTER 16

ANALYSIS OF SUBSETS OF DATA

16.1 Intermediate Courts and Supreme Courts.

The purpose of this chapter is to present the results of several analyses that divided courts into separate groups. Different results for different subsets of data can suggest that the means for increasing appellate court productivity differ between the types of courts, although the impacts of many variables are so weak that such interpretations must be made cautiously. The analysis of different subsets of data also offer evidence concerning whether the findings are broadly applicable; the general conclusion here is that, most are, but some results are quite unstable.

The unit of analysis in the basic anslysis is the appellate system, combining the intermediate and supreme courts in a state. The reason, as described in Chapter 6, is that changes in the division of jurisdiction between appellate courts makes analysis of individual court levels difficult. Also, the analysis of the appellate system contains an independent variable, percent intermediate court, that controls for the existence and extent of intermediate courts in a particular year in each state.

Limited analysis of supreme courts and intermediate courts separately, without running in to problems of jurisdiction change, is possible by selecting courts that did not encounter such change and whose jurisdictions are comparable between states. There are two such groups of courts: intermediate courts with broad jurisdiction and supreme courts in states without intermediate courts. The intermediate courts are in Arizona, California, Florida, Illinois, Kentucky, Maryland, Missouri, New Jersey, New York, North Carolina, Oregon, Washington, and Wisconsin. These courts, for at least five consecutive years decided more than 80 percent of the cases in the state appellate system. That is, they received the vast bulk of appeals, and the supreme courts in those states heard mainly appeals taken upon petition for review. Most of these intermediate courts fall within the definition for only some years of the study, and the analysis includes only those years.

The supreme courts are those in states without intermediate courts for at least five of the years in the study (some are in states that later obtained intermediate courts, and

Table 16.1

Separate Analysis of Intermediate and Supreme Courts

	Intermediate Courts (N=140)		Supreme Courts (N=228)	
	coef.	T	coef.	T
1) Filings (prior year), logged	.61	10.5	.57	9.6
2) Judge variables:				
a) judges, logged	-.18	-2.5	-.37	-2.5
b) extra judges Dum.	.09	2.4	.20	4.4
c) percent new judges	0	.6	.001	-1.6
3) Attorney aides per judge, logged	.05	.6	.04	1.2
4) Opinion variables:				
a) pct. unpublished	0	-.1	.007	3.7
b) memo op (15%) Dum.	.05	1.9	.01	.3
memo op (50%) Dum.	.05	.7	-.05	-.5
c) pct. w/o opinion	0	-.3	.005	1.7
5) Intermediate court percent	.01	3.5	na	na
6) Average size of panels	-.16	-2.5	.01	.3
7) Oral arguments				
a) curtail (15%) Dum.	.01	.4	.13	3.2
curtail (50%) Dum.	.07	2.4	.04	.7
b) length	0	.2	.004	-3.9
8) Summary decisions (10%) Dum.	.03	.5	.01	.1

these courts are included in the analysis only for the years when the intermediate courts did not exist). These states are Alaska, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Kentucky, Maine, Mississippi, Nebraska, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota, Utah, Virginia, and Wyoming.

The results of the two analyses, presented in Table 16.1, are fairly similar. As elsewhere, the strongest variable by far is the number of filings, and most of the efficiency measures do not show statistically significant impacts. The major differences are that curtailing opinions and shortening argument time have sizeable impacts at the supreme court level, but apparently no impact in the intermediate courts. Also, smaller panel size appears to have an impact in the intermediate courts, but not in the supreme courts.

The practical significance of the differences between the two court types shown in Table 16.1 is limited because the number of states covered is far smaller than the basic analysis. This permits single observations to dominate the results. Influence analysis revealed, for example, that the strong impact of argument length results from the Connecticut Supreme Court's reduction of argument time from 120 to 60 minutes in 1980. The difference in impact of unpublished opinions can be similarly explained by the fact that decision output in the North Carolina Court of Appeals dropped sharply for one year, soon after the court began to limit publication of opinions. The full analysis, as discussed in Chapter 3, is much less affected by such unusual events because the number of observations is much larger.

Also, the significant impact of panel size in the intermediate court analysis must be interpreted carefully because it is based on only two courts that changed panel size: the Oregon Court of Appeals sat in four-judge panels for parts of 1977 and 1978, and the New Jersey Appellate Division has heard most cases in two-judge panels since 1979.

16.2 Variations in Backlog and Filing Method.

The most important variable by far in the analysis is the number of filings, and its relationship to decision output should be explored further. The impact is mediated by two factors: the amount of backlog and the time when cases are docketed.

As discussed in Chapter 11, Section 1, the courts that are at least fairly current were distinguished from courts with substantial backlogs, using average time to

Table 16.2

Separate Analysis of Current and Backlogged Appellate Systems

	Current (N=255)		Backlogged (N=286)	
	Coef.	T	Coef.	T
1) Filings (prior year), logged	.69	16.9	.55	10.4
2) Judge variables:				
a) judges, logged	-.01	-.1	-.08	-.7
b) extra judges Dum.	.08	2.0	.04	1.1
c) percent new judges	0	.7	0	1.0
3) Attorney aides per judge, logged	.04	1.4	.03	.8
4) Opinion variables:				
a) pct. unpublished	0	-.4	.002	1.8
b) memo op (15%) Dum.	.02	.7	.04	1.2
memo op (50%) Dum.	.03	.5	.13	2.4
c) pct. w/o opinion	.004	3.4	.03	1.1
5) Intermediate court percent	0	-.4	.003	2.6
6) Average size of panels	0	.2	-.02	-.8
7) Oral arguments				
a) curtail (15%) Dum.	0	-.1	.10	2.8
curtail (50%) Dum.	0	.1	.08	2.1
b) length	0	-.8	0	.1
8) Summary decisions (10%) Dum.	.11	2.4	.06	.7

decision of a year as a rough dividing line. One would expect filings to have a more impact on output volume in the former category of courts. A backlog of cases cushions the impact of filings on decisions; the court can increase output without a corresponding increase in input simply by reducing the backlog. (Whether or not there is a backlog, the impact of filing volume on decision volume can also be cushioned by the fact that the court can accumulate a larger backlog.) Table 16.2 presents the results separate regressions analyses (comparable to the regression in Table 3.2) for states where the appellate courts are current and where they are backlogged. (In states with two court levels, the distinction is according to the state of the docket in the court level with the highest decision output.) Filings do, indeed, have a greater impact on decision output when courts are current, although the relationship is still vary large in backlogged courts.

Table 16.2 shows other interesting differences. Decision output in backlogged appellate systems seems to be helped by curtailing oral argument and creating or expanding intermediate courts. On the other hand the more drastic departures from the traditional appellate procedure, summary procedurs and decisions without opinion, appear more effective in courts without a major delay problem. These differences, however, and not substantial enough to support firm policy recommendations; results not far above the threshold of statistical significance quite often change between subsamples. Nevertheless, the results jibe with the realities of appellate court operations. Quite likely curtailing oral argument restrictions has a greater impact on backlogged courts because oral argument scheduling is often a bottleneck there. Some courts use an inflexible method for scheduling arguments: a certain number of cases are put on the calendar each month. As more cases come in, the waiting line for argument because longer. Curtailing arguments, then, is a procedure for bypassing this bottleneck and, therefore, increasing decision output. The impact of intermediate court creation or expansion can be explained by the fact that backlogged courts are often supreme courts maintaining the traditional modes of decision.

Courts that are current, on the other hand, seem to be helped by the most extreme measures, deciding cases with summary procedures and without opinion. These procedures are, in effect, squeezing the last drop after having adopted more limited efficiency measures.

The final distinction explored is between counting cases when the notice of appeal or the record is filed. About half the appellate courts studied here docket cases at the notice

Table 16.3

Separate Analysis of States With Different Docketing Systems

	When the Notice of Appeal is Filed (N=254)		When the Record is Filed (N=288)	
	Coef.	T	Coef.	T
1) Filings (prior year), logged	.71	15.8	.54	9.9
2) Judge variables:				
a) judges, logged	-.01	-.1	-.19	-1.8
b) extra judges Dum.	.10	3.1	.03	.8
c) percent new judges	0	0	0	-.3
3) Attorney aides per judge, logged	-.01	-.6	.10	2.9
4) Opinion variables:				
a) pct. unpublished	0	.6	.001	.7
b) memo op (15%) Dum.	.04	1.4	.04	1.1
memo op (50%) Dum.	.06	1.1	.08	1.6
c) pct. w/o opinion	.003	2.4	.004	2.0
5) Intermediate court percent	.003	2.5	.003	2.3
6) Average size of panels	-.07	-2.7	.01	.3
7) Oral arguments				
a) curtail (15%) Dum.	.09	2.8	.07	2.0
curtail (50%) Dum.	.09	2.7	0	0
b) length	.002	1.9	-.002	-1.9
8) Summary decisions (10%) Dum.	-.03	-.7	.01	.2

of appeal, and the other half docket cases when and transcript arrives. The notice of appeal is filed a month or two after the trial court decision, and the record arrives one to three months after that. One would expect a closer relationship between filings and decisions in the latter courts because the filings are counted at a stage in the appellate process closer to the decision stage. That is, filings represent a more immediate demand for decision. Actually, as can be seen in Table 16.3, the relationship is stronger when appellate courts count filings at the notice of appeal.

It is instructive to notice some of the other differences between courts in Table 16.3, especially in the importance of extra judges, attorney aides, panel size, and argument length. There is no reason to believe that the docketing system accounts for the difference in the two samples, and the differences indicate the extent of uncertainty surrounding the impact of the variables that were at most marginly significant in the basic regression in Chapter 3.

PART IV

STATE BY STATE DESCRIPTIONS

The purpose of this part of the report is to describe in detail the data and their sources. Chapters 6 through 12 gave the general definitions for the variables and describe the types of sources used. This part provides more specific information.

The description for each state begins with the fiscal year used for the statistics gathered. The rest of the material is divided into four sections:

1) The sources are the sources of caseload statistics (including decisions and writs) and statistics concerning opinions practices and percent of cases argued. The other variables are derived from these sources, as well as the sources discussed in chapters 6 through 12.

2) The definitions are the terms used in the statistical reports (listed in the sources section) for the caseload and opinion categories. "NA" means that statistics are not available for that category, and "none" means that the category does not exist in the state.

3) The comments section gives further description of the data categories and explains estimates made.

4) Each state description is followed by a computer printout of the more important variables. These are:

ZOUT	TOTAL APPELLATE SYSTEM OUTPUT
ICDC	IAC DECISIONS
ICOP	IAC OPINIONS
SCDC	SUPREME COURT DECISIONS
SCOP	SUPREME COURT OPINIONS
ZJ	TOTAL APPELLATE SYSTEM JUDGES
ICJ	IAC JUDGES
SCJ	SUP. CT. JUDGES
ICEXJADJ	IAC EXTRA JUDGES - JUDGE EQUIVALENT
SCEXJADJ	SUP. CT. EXTRA JUDGES - JUDGE EQUIVALENT

ICNEWJ	IAC NEW JUDGES THAT YEAR
SCNEWJ	SUPREME COURT NEW JUDGES THAT YEAR
ICUN	IAC UNPUB. OPINIONS
SCUN	SUP. CT. UNPUB. OPINIONS
ICME	IAC MEMO OPINIONS
ICMED	IAC MEMO OPINION
SCME	SUP. CT. MEMO OPINIONS
SCMED	SUP. CT. MEMO OPINION
ICWO	IAC CASES DECIDED W/O OPINION
SCWO	SUP. CT. CASES DECIDED W/O OPINION
ZATTY	APPELLATE SYSTEM ATTORNEY AIDES
ICLC	IAC LAW CLERK PER JUDGE
ICSA	IAC STAFF ATTORNEYS
SCLC	SUPREME COURT LAW CLERK PER JUDGE
SCSA	SUP. CT. STAFF ATTORNEYS
ICPATTY	IAC TOTAL PERMANENT ATTORNEY AIDES
SCPATTY	SUP. CT. TOTAL PERM. ATTORNEY AIDES
IACPCT	EXISTENCE AND EXTENT OF INTERMEDIATE COURT (PERCENT OF CASES DECIDED BY IAC)
ZPAN	AVERAGE APP. SYS. PANEL SIZE (ROUNDED)
ICPAN	IAC PANEL SIZE (ROUNDED)
SCPAN	SUP. CT. PANEL SIZE (ROUNDED)
ZARGPCT	APP. SYS. PERCENT OF CASE ARGUED
ICARG	IAC CASES ARGUED (%)
ICARGD	IAC CASES ARGUED DUMMY PRECURSOR
SCARG	SUPREME COURT CASES ARGUED (%)
SCARGD	SUP. CT. CASES ARGUED DUMMY PRECURSOR
ZSUMPCT	TOTAL SUMMARY DEC. (%)
ICSUM	IAC SUMMARY PROCEDURE (%)
ICSUMD	IAC SUMMARY PRO. DUMMY PRECURSOR
SCSUM	SUP. CT. SUMMARY PRO. (%)
SCSUMD	SUP. CT. SUMMARY PRO. DUMMY PRECURSOR
ALLAPP	TOTAL APPEALS FILED
SCDELAY	SUP. CT. DELAY (DUMMY)
ICDELAY	IAC DELAY (DUMMY)
ICWR	IAC WRITS
SCWR	SUP. CT. WRITS
PETFI	PET. FOR REVIEW FILED
PETDC	PET. FOR REVIEW DECIDED
PETGR	PET. FOR REVIEW GRANTED

In the printout several of the variables are rounded, including the percentage variables and the variables for extra judges and total attorney aides. "N" means that the data are

not available. (In the computer missing data is coded ".") When the supreme court does not sit in panels, SCPAN is coded "0".

1 ALABAMA (FY9/31)

Sources: Annual reports; statistics from the clerk of the courts; Bloodworth, "Remodeling the Appellate Courts," 23 Alabama L.Rev. 353, 359 (1971); Halpern, Report on the Appellate Process in Alabama (National Center for State Courts, 1973); Tyson, "Alabama Court of Criminal Appeals Ten Year Survey," 43 Alabama Lawyer 39 (1982).

Definitions:

Decisions--IAC: Ct. Crim. App.: number decided with and without opinion. Ct. Civ. App: number decided with opinion. SupC: cases disposed with written opinion.

Opinions--IAC: na SupC: na.

Definition of Criminal: cases in Ct. Crim. App. Civil: cases in Ct. Civ. App.

IAC Writs: en banc cases.

SupC Petitions for Review: petitions for certiorari denied plus those decided by opinion.

SupC Writs: miscellaneous docket (filings).

Unpublished Opinion IAC: none SupC: none.

Memo Opinion IAC: none. SupC: none.

Decisions w/o Opinion IAC: cases in Ct. Crim. App. decided without opinion. SupC: none.

Comments:

Alabama has separate intermediate courts for criminal and civil cases.

The Court of Criminal Appeals decisions are cases decided by opinion and cases decided without opinion. These cases include some dismissals for procedural reasons, roughly ten percent of the decisions.

The year that the Court of Civil Appeals received a second law clerk per judge is based on an estimate by the clerk. The year the Supreme Court received an additional two law clerks is not known; information is available for mid-1978 (11 clerks) and 1976 (9 clerks), and it is estimated that there were 10 clerks in 1977.

The number of judgeships includes retired trial judges who sat full time or nearly full time on the court, one each in the two intermediate courts.

STATE=1

OBS	YEAR	ZOIP	ICDC	ICCP	SCDC	SCOP	EJ	ICCJ	SCCJ	ICCMJADJ	SCCMJADJ	ICCMEJ	SCCMEJ	ICMM	SCMM	ICME	SCME	SCMED	ICWO	SCWO	ZAFFY	ICCC	HCSA
1	68	NNNM	NNNN	NNNNNNNNNN	259	NNNNNNNNNN	9.97	3.00	6.97	NNNNNNNNNN	N .69	01304001300000121	1121120311000010000	1111111111111111111	0000000000000000000	1111111111111111111	0000000000000000000	1111111111111111111	NNNN 33	0000000000000000000	7 15	0.00	0000041000033333455
2	69	NNNM	NNNN	NNNNNNNNNN	277	NNNNNNNNNN	9.92	2.92	7.00	NNNNNNNNNN	.68	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	15	0.00	0000000000000000000
3	70	NNNM	NNNN	NNNNNNNNNN	247	NNNNNNNNNN	14.56	5.51	8.95	NNNNNNNNNN	.67	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	15	0.00	0000000000000000000
4	71	NNNM	NNNN	NNNNNNNNNN	176	NNNNNNNNNN	15.01	5.01	9.00	NNNNNNNNNN	.66	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	16	0.00	0000000000000000000
5	72	567	323	NNNNNNNNNN	239	NNNNNNNNNN	16.01	7.26	8.75	NNNNNNNNNN	.65	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	22	0.00	0000000000000000000
6	73	1010	743	NNNNNNNNNN	267	NNNNNNNNNN	18.00	9.00	9.00	NNNNNNNNNN	.64	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	19	0.00	0000000000000000000
7	74	1088	654	NNNNNNNNNN	237	NNNNNNNNNN	18.00	9.00	9.00	NNNNNNNNNN	.63	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	18	0.00	0000000000000000000
8	75	1167	732	NNNNNNNNNN	230	NNNNNNNNNN	18.00	9.00	9.00	NNNNNNNNNN	.62	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	19	0.00	0000000000000000000
9	76	1136	955	NNNNNNNNNN	280	NNNNNNNNNN	18.00	9.00	9.00	NNNNNNNNNN	.61	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	23	0.00	0000000000000000000
10	77	1222	847	NNNNNNNNNN	381	NNNNNNNNNN	18.00	9.00	9.00	NNNNNNNNNN	.60	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	25	0.00	0000000000000000000
11	78	1433	1004	NNNNNNNNNN	428	NNNNNNNNNN	17.80	8.80	9.00	NNNNNNNNNN	.59	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	26	0.00	0000000000000000000
12	79	1315	879	NNNNNNNNNN	436	NNNNNNNNNN	18.46	9.50	8.96	NNNNNNNNNN	.58	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	26	0.00	0000000000000000000
13	80	1581	1108	NNNNNNNNNN	473	NNNNNNNNNN	18.95	10.00	8.95	NNNNNNNNNN	.57	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	27	0.00	0000000000000000000
14	81	1641	1189	NNNNNNNNNN	453	NNNNNNNNNN	18.89	9.89	9.00	NNNNNNNNNN	.56	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	37	0.00	0000000000000000000
15	82	1712	1249	NNNNNNNNNN	463	NNNNNNNNNN	18.97	9.97	9.00	NNNNNNNNNN	.55	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	37	0.00	0000000000000000000
16	83	1812	1393	NNNNNNNNNN	552	NNNNNNNNNN	19.00	10.00	9.00	NNNNNNNNNN	.54	00000000000000000000	00000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	0000000000000000000	37	0.00	0000000000000000000

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZAGGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	SCSUM	ICSUMD	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
1	1.00	0000000000000000000	0000000000000000000	0000000000000000000	NNNNNNNNNN	NNNN	3.00	4455555555555555555	NNNNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNNNN	3333333333333333333	NNNNN1NNNNNNNNNNNNN	2222222222222222333	NNNN0000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	NNN8 9668	1	1	NNNN 47	NNNN 28	NNN 63	NNNN 94	NNNN 18	68
2	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	15	225	90	9	N	69
3	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	28	258	160	18	N	70
4	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	34	334	167	167	32	71
5	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	47	449	217	201	274	72
6	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	39	447	292	292	265	76
7	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	71	771	263	248	236	77
8	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	77	771	310	306	306	78
9	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	86	864	351	331	331	79
10	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	99	1104	394	377	377	80
11	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	99	1104	394	377	377	81
12	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	99	1104	394	377	377	82
13	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	99	1104	394	377	377	83
14	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	99	1104	394	377	377	84
15	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	99	1104	394	377	377	84
16	1.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	99	1104	394	377	377	84
17	2.00	0000000000000000000	0000000000000000000	0000000000000000000	5	4555555555555555555	3.00	0000097666666554445	20	20	3333333333333333333	5	2222222222222222333	0000000000000000000	0000000000000000000	0000000000000000000	1111111111111111111	1111111111111111111	9668	1	1	99	1104	394	377	377	84

2 ALASKA (FY 6/30, calendar before 1981)

Sources: Annual reports; statistics from the clerk of the Alaska Supreme Court; and counts of published opinions (1968-75).

Definitions:

Decisions--IAC: Dispositions on the merits. SupC: Dispositions on the merits.

Opinions--IAC: "Opinions published" plus "memorandum opinion & judgements." SupC: opinions and "memorandum opinions and judgements," plus summary dispositrions.

Definition of Criminal: "criminal." Civil: all other.

IAC Writs: "Petitions" & "originals" disposed.

SupC Petitions for Review: "petitions for hearing seeking review of decisions of the court appeals."

SupC Writs: "petitions for review" and "original."

Unpublished Opinion IAC: "memorandum opinion" & "judgements and summary dispositions." SupC: "memorandum opinion and judgements."

Memo Opinion IAC: NA. SupC: NA.

Decisions w/o Opinion IAC: none. SupC: none.

Comments:

Data for the intermediate court in calendar 1980 is excluded. The intermediate court began operations on Sept. 18, 1980, and decided 5 cases by the end of the year. The court's statistics changed to fiscal year in 1981, so the first few months of operations are included in the 1981 data.

The statistics after 1976 for the Supreme Court include "summary dispositions" of petitions for review and original jurisdiction cases. These numbered 11, 26, 23, and 13 from 1977 to 1980 and from 10 to 20 in later years - that is, about 3 to 9 percent of the decisions. The summary decisions are short memorandum opinions (unpublished). These opinions may not have been published in earlier years and thus not included in the number of decisions obtained from the published reports.

With the addition of the intermediate court in 1980, the appellate system was given jurisdiction over criminal appeals filed from the limited jurisdiction court (these appeals formerly went to the general jurisdiction court). Also, a 1980 presumptive sentencing law prompted more sentence appeals. Both developments greatly added to the portion of criminal appeals, and the additional cases are probably less time consuming than the average appeal in

earlier years.

The dummy variable for proportion of cases argued in the supreme court is based primarily on estimates of court staff. For most of the period under study the estimates were close to 50%, and the actual argument amount may have been slightly below the 50%-or-more cases argued indicated by the dummy variable.

A retired judge sat on the Supreme Court from his retirement in 1971 to 1983. Information about the number of opinions he wrote is available from 1978 on. A survey of opinions in earlier years indicated that he seldom sat until mid-1977. His opinion output in 1977 is estimated at half the output for the following two years.

STATE=2

OBS	YEAR	ZCEF	HCBC	HCCP	HCCC	SCCP	SJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUCM	SCJM	HCME	HCMED	SCME	SCMED	ICWJ	SCWJ	PEIGR	PEIDC	PEIFI	YEAR
18	68	72	0	0	72	69	3.00	0.00	3.00	N	N	0	0	0	3	0	3	0	1	3	0	0	0	0	68
19	69	87	0	0	87	87	3.77	0.00	3.77	N	N	0	0	0	3	0	3	4	1	3	0	0	0	0	69
20	70	103	0	0	109	99	4.71	0.00	4.71	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	70
21	71	109	0	0	113	103	4.92	0.00	4.92	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	71
22	72	113	0	0	113	113	4.92	0.00	4.92	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	72
23	73	113	0	0	113	113	4.92	0.00	4.92	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	73
24	74	113	0	0	113	113	4.92	0.00	4.92	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	74
25	75	113	0	0	113	113	4.92	0.00	4.92	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	75
26	76	113	0	0	113	113	4.92	0.00	4.92	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	76
27	77	123	0	0	123	123	5.35	0.00	5.35	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	77
28	78	128	0	0	128	128	5.57	0.00	5.57	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	78
29	79	128	0	0	128	128	5.57	0.00	5.57	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	79
30	80	128	0	0	128	128	5.57	0.00	5.57	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	80
31	81	123	0	0	123	123	5.35	0.00	5.35	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	81
32	82	88	0	0	88	88	3.83	0.00	3.83	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	82
33	83	84	0	0	84	84	3.65	0.00	3.65	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	83
34	84	88	0	0	88	88	3.83	0.00	3.83	N	N	0	0	0	3	0	3	11	1	3	0	0	0	0	84

OBS	YEAR	ICER	SCER	ICDELAY	SCDELAY	ALLAPP	ICSUMD	SCSUMD	ICSUM	SCSUM	ICSUMED	SCSUMED	ICSUMCH	SCSUMCH	ICPAR	SCPAR	ICPARED	SCPARED	ICPARG	SCPARG	ICPARPCH	SCPARPCH	ICPAY	SCPAY	ICSAFETY	SCSAFETY	ICSAFETY	SCSAFETY	ICHC	SCHC
18	68	0	0	0	1	N	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
19	69	0	0	0	1	172	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
20	70	0	0	0	1	189	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
21	71	0	0	0	1	183	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
22	72	0	0	0	1	192	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
23	73	0	0	0	1	209	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
24	74	0	0	0	1	366	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
25	75	0	0	0	1	470	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
26	76	0	0	0	1	447	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
27	77	0	0	0	1	478	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
28	78	0	0	0	1	461	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
29	79	0	0	0	1	552	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
30	80	0	0	0	1	622	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
31	81	0	0	0	1	778	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
32	82	0	0	0	1	762	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
33	83	0	0	0	1	1361	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	1
34	84	0	0	0	1	1412	0	1	0	0	0	2	0	0	0	0	0	3	N	N	N	N	3	5	0	0	0	0	0	2

3 ARIZONA (calendar)

Sources: Annual reports.

Definitions:

Decisions--IAC: "termination by:" "written opinion" or "memo decision." SupC: "termination by:" "written opinion" or "memo decision."

Opinions--IAC: NA. SupC: NA.

Definition of Criminal: "criminal," "post conviction relief," and "habeas corpus." Civil: all others.

IAC Writs: "terminations" in "delayed appeals," "special actions" and "unemployment insurance."

SupC Petitions for Review: "petitions for review" (petitions granted are those terminated by opinion or memo).

SupC Writs: "termination" in "special actions," "delayed appeals," "habeas corpus," "state bar matters" and "miscellaneous."

Unpublished Opinion IAC: memo decision. SupC: memo decision.

Memo Opinion IAC: none. SupC: none.

Decisions w/o Opinion
IAC: none. SupC: none.

Comments:

In September 1984 Division One of the Court of Appeals began using panels of two attorneys and one judge in civil cases. Three cases a week are submitted to such panels. This extra judicial resource was not included in the extra judge category because it occurred very near the end of the year, which is the last year included in the study.

The number of staff attorneys in the Court of Appeals is not available between 1974 and 1977. It is assumed that the number progressed evenly from 4 to 9. The number of summary dispositions in the Court of Appeals (First Division) is not available between 1978 and 1983. It is assumed that there were 10 a year, an estimate made by the clerk.

The unpublished opinions, called "memo" opinions are actually signed opinions and are not counted as memo opinions. There are a very few exceptions, and these are not included.

The panel size in the Supreme Court is estimated from a sample of published cases. After 1977 the court is considered to sit en banc even though it heard a very few cases in panels.

STATE=3

OBS	YEAR	ZONE	ZI	ICOP	SCOP	ICEXJADJ	SCEXJADJ	ICNEBEJ	SCNEBEJ	ICOE	SCOE	ICMED	SCMED	ICWO	SCWO	ZAFTY	ICEC
35	68	63	11.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	14	1.0
36	69	65	12.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	16	1.0
37	70	66	13.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	18	1.0
38	71	67	14.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	19	1.0
39	72	68	14.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	20	1.0
40	73	69	14.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	23	1.0
41	74	70	15.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	31	1.0
42	75	71	16.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	34	1.0
43	76	72	16.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	36	1.0
44	77	73	17.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	37	1.0
45	78	74	17.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	37	1.0
46	79	75	17.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	37	1.0
47	80	76	16.73	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	40	1.0
48	81	77	18.42	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	43	1.0
49	82	78	20.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	45	1.0
50	83	79	20.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	45	1.0
51	84	80	20.00	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	NNNNNNNNNNNNNNNNNN	0	0	0	0	1	1	0	0	45	1.0

OBS	YEAR	ZPAFFR	ICPDC	SCPDC	ICPEI	SCPEI	ICWR	SCWR	ICDELAY	SCDELAY	ICDELAYP	SCDELAYP	ICSUMD	SCSUMD	ICSUM	SCSUM	ZSUMPCT	ICARGD	SCARGD	ICARG	SCARG	ICAPGD	SCAPGD	ICPAFTY	SCPAFTY	ICPAPCT	SCPAPCT	ZPAPCT	ICPAN	SCPAN	ICSA	SCSA	SCLC	ICLC
35	68	35	186	186	185	185	64	N	0	0	89	89	1	1	0	0	0	1	1	N	N	1	1	2	1	55	55	44	33	.	1	1	1
36	69	56	215	215	222	222	82	N	0	0	69	69	1	1	0	0	0	1	1	N	N	1	1	3	1	56	56	44	33	.	1	1	1
37	70	51	304	304	301	301	112	266	1	1	81	81	1	1	0	0	0	1	1	N	N	1	1	3	1	66	66	44	33	.	1	1	1
38	71	52	290	290	302	302	117	198	1	1	81	81	1	1	0	0	0	1	1	N	N	1	1	3	1	67	67	44	33	.	1	1	1
39	72	53	305	305	308	308	128	278	1	1	86	86	1	1	0	0	0	1	1	N	N	1	1	3	1	68	68	44	33	.	1	1	1
40	73	54	303	303	298	298	158	207	1	1	86	86	1	1	0	0	0	1	1	N	N	1	1	3	1	69	69	44	33	.	1	1	1
41	74	55	287	287	303	303	175	217	1	1	96	96	1	1	0	0	0	1	1	N	N	1	1	3	1	70	70	44	33	.	1	1	1
42	75	56	474	474	499	499	121	241	1	1	134	134	1	1	0	0	0	1	1	N	N	1	1	3	1	71	71	44	33	.	1	1	1
43	76	57	603	603	592	592	182	259	1	1	166	166	1	1	0	0	0	1	1	N	N	1	1	3	1	72	72	44	33	.	1	1	1
44	77	58	610	610	620	620	185	264	1	1	185	185	1	1	0	0	0	1	1	N	N	1	1	3	1	73	73	44	33	.	1	1	1
45	78	59	655	655	664	664	172	308	1	1	203	203	1	1	0	0	0	1	1	N	N	1	1	3	1	74	74	44	33	.	1	1	1
46	79	60	682	682	668	668	166	326	1	1	185	185	1	1	0	0	0	1	1	N	N	1	1	3	1	75	75	44	33	.	1	1	1
47	80	61	583	583	559	559	297	399	1	1	166	166	1	1	0	0	0	1	1	N	N	1	1	3	1	76	76	44	33	.	1	1	1
48	81	62	577	577	607	607	325	432	1	1	220	220	1	1	0	0	0	1	1	N	N	1	1	3	1	77	77	44	33	.	1	1	1
49	82	63	570	570	585	585	242	376	1	1	241	241	1	1	0	0	0	1	1	N	N	1	1	3	1	78	78	44	33	.	1	1	1
50	83	64	704	766	642	642	305	395	1	1	237	237	1	1	0	0	0	1	1	N	N	1	1	3	1	79	79	44	33	.	1	1	1
51	84	74	687	687	642	642	305	395	1	1	237	237	1	1	0	0	0	1	1	N	N	1	1	3	1	80	80	44	33	.	1	1	1

OBS	ICSA	SCSA	SCLC	ICLC
35	2	1	1	1
36	3	1	1	1
37	3	1	1	1
38	3	1	1	1
39	3	1	1	1
40	3	1	1	1
41	3	1	1	1
42	3	1	1	1
43	3	1	1	1
44	3	1	1	1
45	3	1	1	1
46	3	1	1	1
47	3	1	1	1
48	3	1	1	1
49	3	1	1	1
50	3	1	1	1
51	3	1	1	1

Source: Annual reports; statistics from court administrator.

Definitions:

Decisions-IAC: "written opinions - majority", "per curium opinions," and "affirmed without opinions." SupC: "written opinions -- majority" and "per curium."
Opinions-IAC: see below. SupC: see below.
Definition of Criminal: "post conviction," "felony," "misdemeanor." Civil: "law," "equity," "probate."
IAC Writs: "certiorari," "Habeas Corpus," "Mandamus," "Review."
SupC Petitions for Review: "Petitions - review."
SupC Writs: "Post-conviction," "Certiorari," "Prohibition," "mandamus," "Habeas Corpus."
Unpublished Opinion IAC: unpublished opinions. SupC: unpublished opinions.
Memo Opinion IAC: "per curium opinions." SupC: "per curium opinions."
Decisions w/o Opinion IAC: "affirmed without opinion." SupC: none.

Comments.

Court statistics switched from the calendar year in 1982 to the fiscal year for 1984, and statistics for 1983 were not issued. The data for 1983 is the average of the data for calendar 1982 and fiscal 1984.

Very few cases, according to the clerk, are decided by consolidation, and it is estimated that the number of cases decided is the number decided by opinion (and the number decided without opinion).

The number of unpublished opinions is estimated by using West statistics on the number of published opinions for the Supreme Court in 1974, and for the intermediate court in 1981-82.

The number of criminal and civil decisions are for appeals only and do not add to the total number of decisions, including writs.

The increase in filings and decisions after 1979 is largely due to appeals from the Employment Security Administration, which were added to the appellate courts' jurisdiction in 1979, the same year the intermediate court was created. These appeals are probably easier than most other civil appeals.

5 CALIFORNIA (FY 6/30)

Sources: Annual reports.

Definitions:

Decisions--IAC: appeals and original proceedings decided "by written opinion." SupC: appeals and original proceedings, "written opinion."

Opinions--IAC: "majority opinions written." SupC: appeals and original proceedings, "written opinion."

Definitions of Criminal: NA. Civil: NA.

IAC Writs: original proceedings.

SupC Petitions for Review: "petitions for hearings."

SupC Writs: "original proceedings," "executive clemency applications," "attorney disciplinary proceedings filed."

Unpublished Opinion IAC: percent of "majority opinions unpublished" times the number of majority opinions. SupC: none.

Memo Opinion IAC: "by the court' opinions." SupC: none.

Decisions w/o Opinion IAC: none. SupC: none.

Comments:

Information about when the Court of Appeals first restricted oral arguments is incomplete, and the estimate here is based on only two of five districts.

Information about the number of law clerks and staff attorneys was difficult to categorize. For most years the central staff of the Supreme Court were considered law clerks of the chief justice (the chief justice had 14 law clerks in 1977, for example). These are counted as four clerks, with the rest staff attorneys (the non-permanent staff are considered staff attorneys), because this was the situation after a central staff was created outside the chief justice's offices.

The number of staff attorneys in the Courts of Appeal are estimated, using the number of positions budgeted from 1968-73, and 1982-4, and using scattered references in the literature for intervening years (when the staff increased slowly). The apportionment of attorney aides between law clerks and staff attorneys is not always clear. In several years there are up to five positions that could be law clerks or staff attorneys; they are classified as each by assuming that each judge has one law clerk (until 1982).

STATE=5

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICMED	ICMED	SCMED	ICWD	SCWD	ZAREA
69	68	3028	2856	2811	172	172	45.00	39.30	7.00	5.3	.00	0	0	1414	0	0	1	1	0	0	75
70	69	3403	3203	3148	206	206	49.10	42.10	7.00	6.3	.00	0	0	1721	0	57	1	1	0	0	82
71	70	3647	3442	3384	205	205	52.42	45.66	6.76	5.6	.00	0	1	2054	0	225	1	1	0	0	90
72	71	4015	3813	3745	202	202	54.55	47.55	7.00	3.6	.00	0	1	2657	0	532	1	1	0	0	94
73	72	4489	4318	4259	162	162	54.09	47.09	7.00	4.1	.00	0	1	3365	0	872	1	1	0	0	105
74	73	4346	4167	4120	179	179	54.12	47.34	6.78	5.2	.00	0	1	3463	0	990	2	2	0	0	109
75	74	4840	4685	4605	155	155	53.84	46.84	7.00	5.7	.00	0	1	3915	0	1138	2	2	0	0	111
76	75	5750	5571	5449	189	189	55.81	48.85	6.96	6.7	.00	0	1	4578	0	1369	2	2	0	0	119
77	76	6134	5943	5815	191	191	55.14	48.14	7.00	6.6	.00	0	2	4902	0	1708	2	2	0	0	119
78	77	6147	6003	5905	144	144	56.30	49.78	6.52	6.2	.00	1	2	4907	0	1792	2	2	0	0	120
79	78	6223	6093	5959	130	130	55.87	48.91	6.96	7.3	.00	1	1	5191	0	1707	2	2	0	0	121
80	79	6351	6164	6031	187	187	58.97	51.97	7.00	3.9	.00	1	0	4979	0	1130	2	2	0	0	124
81	80	6799	6659	6510	140	140	60.06	53.06	7.00	7.6	.00	1	0	5397	0	1390	2	2	0	0	126
82	81	7260	7166	7023	114	114	61.94	55.78	6.16	7.6	.00	1	0	5935	0	1317	2	2	0	0	126
83	82	7909	7786	7772	123	123	60.86	54.08	6.78	9.5	.00	1	0	6793	0	1328	2	2	0	0	147
84	83	7838	7705	7615	133	133	71.79	64.83	6.96	5.6	.00	1	20	6625	0	1143	2	2	0	0	186
85	84	8635	8509	8515	126	126	79.49	72.91	6.58	5.5	.00	1	4	7238	0	630	1	0	1	0	247

OBS	ICLC	ICSA	SCLC	SCSA	SCPATEY	ICPATEY	IAREAP	ZPAN	ICPAN	SCPAN	ZAREAPCT	ICARGD	SCARGD	ICARGD	SCAEGD	ZSUMPCT	ICSUM	SCSUM	ICSUMD	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETPI	PETDC	PETGR	YEAR
69	1.0	3	3	5	18	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	3743	1	0	2279	1134	N	1769	169	68
70	1.0	13	3	8	18	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	3886	1	0	2624	1282	N	1874	158	69
71	1.0	15	3	8	20	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	4560	1	0	3118	1258	N	2064	191	70
72	1.0	16	3	8	20	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	4984	1	0	3244	1039	N	2198	204	71
73	1.0	23	3	8	20	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	4966	1	0	3223	998	N	2417	230	72
74	1.0	31	3	9	21	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	5383	1	0	3351	724	N	2386	181	73
75	1.0	32	3	10	21	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	5680	1	0	3751	1004	2571	2571	198	74
76	1.0	38	3	10	21	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	5933	1	0	3978	1078	2566	2566	172	75
77	1.0	39	3	11	22	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	6483	1	0	3799	949	2894	2894	229	76
78	1.0	39	3	11	22	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	7350	1	0	4140	767	2927	2927	231	77
79	1.0	39	3	11	22	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	7468	1	0	4628	749	3140	3140	273	78
80	1.0	40	3	11	22	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	7956	1	0	4772	797	3006	3006	216	79
81	1.0	40	3	11	21	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	8857	1	0	5325	648	3183	3183	217	80
82	1.0	40	3	11	21	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	9221	1	0	5735	695	3179	3179	267	81
83	1.3	44	3	11	21	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	9003	1	0	5222	586	3338	3366	280	82
84	1.3	60	3	13	25	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	10174	1	0	5767	641	3205	3266	286	83
85	2.0	63	4	14	29	N	4	3	3	0	N	2	N	2	1	0	0	0	1	1	10151	1	0	5918	706	3244	3321	318	84

6 COLORADO (FY 6/30)

Source: Annual reports

Definitions:

Decisions-IAC: "cases closed by opinion." SupC: "disposed of by written opinion."

Opinions-IAC: NA. SupC: NA.

Definition of Criminal: NA. Civil: NA.

IAC Writs: "nonadversary sentence review."

SupC Petitions for Review: Petitions in certiorari.

SupC Writs. "original proceedings," "interlocutories," "nonadversary sentence review," "judicial qualifications review," "unorthodox practice," original proceedings (in discipline). All are filings.

Unpublished Opinion-IAC: cases "closed by opinion (unpublished)." SupC: none.

Memo Opinion IAC: memorandum opinion. SupC: none.

Decisions w/o Opinion IAC: none. SupC: none.

Comments.

The number of unpublished opinions in the Court of Appeals during 1976-78 is not available from court statistics. It is estimated by subtracting the number of published opinions (supplied by West Pub. Co.) in the calendar year from the number of cases decided by opinion in the court's fiscal year. This estimation, when applied to later years, obtained results always within 5% of the actual number of unpublished opinions.

The percent of cases argued is obtained by dividing the number of cases pending after submission without argument by the sum of that number and the number awaiting argument and the number pending after argument. The court clerk said that nearly all awaiting argument are eventually argued. Data for the portion of cases argued in 1983-84 is not available, and it is assumed to be the average of the prior three years, except that the Court of Appeals argument percent is based on estimates of the clerk. The percent declined because of a 1984 rule change designed to discourage argument.

For the number of extra judges used in the IAC in 1982-84, it was assumed, as the court clerk stated, that each retired judge worked up to the statutory maximum of 60 working days allowed for retired judges. There were four judges in 1984 (equivalent to 1 extra judge), 2 in 1983 and 1 in 1981.

The Supreme Court sat in 4-judge panels before 1978 for a sizeable portion of its cases, but the exact portion is not known. A review of published reports revealed that

about two-thirds of the decisions are by panel, so it is estimated that the average number of judges sitting is 5 during this period.

It is not known whether the chief judge received a second law clerk in 1975 or 1976.

STATE=6

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWC	SCWC	ZAITY
86	68	321	0	N	321	N	6.88	0.00	6.88	N	-.36	0	1	0	0	0	0	0	1	0	0	7
87	69	299	0	N	299	N	7.00	0.00	7.00	N	-.61	0	1	0	0	0	0	0	1	0	0	7
88	70	369	139	N	230	N	9.67	2.67	7.00	.00	-.14	0	1	0	0	0	1	0	1	0	0	10
89	71	736	336	N	346	N	12.75	5.00	6.75	.00	-.67	0	1	0	0	0	1	0	1	0	0	13
90	72	720	357	N	352	N	13.00	5.00	7.00	.00	-.69	0	1	0	0	0	1	0	1	0	0	13
91	73	648	357	N	291	N	13.00	5.00	7.00	.00	-.00	0	1	0	0	0	1	0	1	0	0	13
92	74	640	337	N	303	N	12.50	5.50	7.00	.00	-.00	0	1	0	0	0	1	0	1	0	0	13
93	75	810	467	N	343	N	16.44	9.44	7.00	.00	-.00	0	1	0	0	0	1	0	1	0	0	17
94	76	852	559	N	293	N	17.00	10.00	7.00	.00	-.00	0	1	381	0	157	1	0	1	0	0	18
95	77	878	593	N	285	N	16.93	10.00	6.93	.00	-.00	0	1	369	0	148	1	0	1	0	0	18
96	78	973	551	N	322	N	17.00	10.00	7.00	.00	-.00	0	1	425	0	97	1	0	1	0	0	20
97	79	1021	745	N	284	N	17.00	10.00	7.00	.00	-.00	0	1	437	0	0	1	0	1	0	0	20
98	80	1011	720	N	291	N	16.78	9.98	6.80	.00	-.00	1	1	436	0	0	1	0	1	0	0	20
99	81	1085	791	N	294	N	17.00	10.00	7.00	.00	-.00	1	1	465	0	0	1	0	1	0	0	22
100	82	1187	908	N	279	N	17.00	10.00	7.00	.20	-.00	1	1	574	0	0	1	0	1	0	0	22
101	83	1192	881	N	311	N	16.84	9.84	7.00	.52	-.00	1	1	508	0	0	1	0	1	0	0	24
102	84	1171	954	N	217	N	16.96	9.96	7.00	.99	-.00	1	0	461	0	0	1	0	1	0	0	36

OBS	YEAR	ICWR	SCWR	PEFSI	PEFDC	PEISR	ICDELAY	SCDELAY	ALLAPP	ICARG	SCARG	ICARGD	SCARGD	ZSJMPST	ICSUM	SCSUM	ICSUMD	SCSUMD	ZAPSPCT	SCPAN	ZPAN	IACPCT	ICPARTY	SCPARTY	SCSA	ICSA	SCLC	ICLC
85	68	0	N	N	N	N	0	1	N	0	95	0	1	0	0	0	1	1	95	5	5	0	0	0	0	0	1	0
87	69	0	N	N	N	N	0	1	N	0	95	0	1	0	0	0	1	1	95	5	5	0	0	0	0	0	1	1
88	70	0	N	N	N	N	1	1	N	95	93	1	1	0	0	0	1	1	94	5	5	38	0	0	0	0	1	1
89	71	0	N	N	N	N	1	1	N	95	90	1	1	0	0	0	1	1	93	5	5	55	1	0	0	0	1	1
90	72	0	N	N	N	N	1	1	649	95	87	1	1	0	0	0	1	1	91	5	5	55	1	0	0	0	1	1
91	73	0	159	127	N	N	1	1	757	95	83	1	2	0	0	0	1	1	89	5	5	53	1	0	0	0	1	1
92	74	0	177	126	N	N	1	1	725	95	78	1	2	0	0	0	1	1	88	5	5	58	1	0	0	0	1	1
93	75	0	165	143	N	N	1	1	973	95	80	1	2	0	0	0	1	1	89	5	5	66	1	0	0	0	1	1
94	76	0	227	198	N	N	1	1	1015	93	65	1	2	0	0	0	1	1	91	5	5	68	1	0	0	0	1	1
95	77	0	204	274	N	N	1	1	1250	91	69	1	2	0	0	0	1	1	93	5	5	67	1	0	0	0	1	1
96	78	0	259	284	N	N	1	1	1260	93	72	1	2	0	0	0	1	1	85	5	5	72	1	0	0	0	1	1
97	79	0	306	353	N	N	1	1	1373	85	72	1	2	0	0	0	1	1	76	5	5	71	1	0	0	0	1	1
98	80	0	337	375	N	N	1	1	1330	86	85	1	2	0	0	0	1	1	86	5	5	73	1	0	0	0	1	1
99	81	13	358	347	N	N	1	1	1350	81	84	1	2	0	0	0	1	1	92	5	5	76	1	0	0	0	1	1
100	82	47	379	417	N	N	1	1	1608	75	73	2	2	0	0	0	1	1	75	5	5	74	1	0	0	0	1	1
101	83	71	381	451	N	N	1	1	1573	80	75	2	2	0	0	0	1	1	79	5	5	74	1	0	0	0	1	1
102	84	17	399	394	N	N	1	1	1725	65	75	2	2	0	0	0	1	1	67	5	5	81	1	0	0	0	1	1
		0	398	502	N	N	1	0	1725	65	75	2	2	0	0	0	1	1	67	5	5	81	1	0	0	0	1	1

7 CONNECTICUT (FY 6/30, 9/30 before 1977)

Sources: Annual reports; statistics supplied by the clerk.

Definitions:

Decisions-IAC: "appeals disposed by opinion." SupC: "appeals disposed by opinion."
Opinions-IAC: N/A. SupC: N/A.
Definition of Criminal: "criminal." Civil: "civil."
IAC Writs: none.
SupC Petitions for Review: NA.
SupC Writs: motions for certification considered.
Unpublished Opinion-IAC: none. SupC: none.
Memo Opinion IAC: none. SupC: none.
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The number of staff attorneys fluctuated in 1983 and 1984, and they were assigned to both courts. In 1984, when the IAC existed, the staff averaged 7 attorneys. These are apportioned in the statistics to the two courts in proportion to the number of judges.

The number of judgeships on the Supreme Court was 6 throughout most of the period; however, until 1982 one judge was designated the state court administrator, and he rarely sat on appeals. Therefore, the number of judges is assumed to be 5 until a separate state court administrator was appointed.

Information is lacking about the length of vacancies in 7 of the 17 turnovers on the courts. For the other 10 there was no gap, and it is assumed that there were no gaps in the seven instances with missing information.

When the intermediate court was created in 1983, the appellate courts were given jurisdiction over appeals formerly heard by the general jurisdiction courts. (The Appellate Session of the trial court was not considered an appellate court because its judges were not full time appellate judges.) These appeals are probably less difficult than the average appeal.

STATE=7

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	IJ	SJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
103	68	142	0	0	142	N	5.0	0.0	5.0	.00	.00	0	0	0	0	0	0	0	1	0	0	5	0	0
104	69	133	0	0	133	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	5	0	0
105	70	123	0	0	123	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	5	0	0
106	71	131	0	0	131	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	5	0	0
107	72	166	0	0	165	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	5	0	0
108	73	137	0	0	137	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	5	0	0
109	74	155	0	0	155	N	5.0	0.0	5.0	.00	.00	0	0	0	0	0	0	0	1	0	0	5	0	0
110	75	203	0	0	203	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	5	0	0
111	76	195	0	0	195	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	5	0	0
112	77	176	0	0	176	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	5	0	0
113	78	186	0	0	185	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	6	0	0
114	79	238	0	0	238	N	5.0	0.0	5.0	.00	.00	0	0	0	0	0	0	0	1	0	0	6	0	0
115	80	304	0	0	304	N	5.0	0.0	5.0	.00	.00	0	1	0	0	0	0	0	1	0	0	6	0	0
116	81	255	0	0	255	N	5.0	0.0	5.0	.00	.00	0	3	0	0	0	0	0	1	0	0	6	0	0
117	82	213	0	0	213	N	5.5	0.0	5.5	.00	.00	0	0	0	0	0	0	0	1	0	0	7	0	0
118	83	233	0	0	233	N	6.0	0.0	6.0	.00	.00	0	1	0	0	0	0	0	1	0	0	11	0	0
119	84	400	182	N	218	N	9.4	3.4	6.0	.00	.00	5	0	0	0	0	1	0	1	0	0	17	1	3

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZSPAN	ICSPAN	SCSPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
103	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	185	0	1	0	15	0	0	0	68
104	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	169	0	1	0	19	0	0	0	69
105	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	200	0	1	0	19	0	0	0	70
106	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	199	0	1	0	14	0	0	0	71
107	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	201	0	1	0	25	0	0	0	72
108	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	210	0	1	0	57	0	0	0	73
109	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	238	0	1	0	54	0	0	0	74
110	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	261	0	1	0	44	0	0	0	75
111	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	297	0	1	0	49	0	0	0	76
112	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	409	0	1	0	57	0	0	0	77
113	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	474	0	1	0	65	0	0	0	78
114	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	515	0	1	0	95	0	0	0	79
115	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	558	0	1	0	118	0	0	0	80
115	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	637	0	1	0	106	0	0	0	81
117	1	0	0	0	0	5	3	0	95	0	0	95	1	0	0	0	0	1	596	0	1	0	97	0	0	0	82
118	1	4	0	0	0	5	3	5	95	0	0	95	1	0	0	0	0	1	766	0	1	0	74	0	0	0	83
119	1	4	3	4	45	4	3	5	95	95	1	95	1	0	0	1	0	1	1239	1	1	0	61	N	M	N	84

8 DELAWARE (FY 6/30)

Sources: Annual reports; opinion count.

Definitions:

Decisions-IAC: none. SupC: Cases decided by signed opinion, per curiam opinion, and written order (excludes cases voluntarily dismissed).
Opinions-IAC: none. SupC: NA.
Definition of Criminal: "criminal." Civil: "civil" and "miscellaneous."
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: see below.
Unpublished Opinion-IAC: none. SupC: disposition by written order.
Memo Opinion IAC: none. SupC: per curium plus disposition by written order.
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The number of cases decided with unpublished opinions is not available from 1970, when the practice began, through 1974. It is estimated that the total number of decisions is 72 percent of the total dispositions in these years. (The percentages were 71 and 72 for 1968-9 and 72 for 1975 and 1976. In 1977 and later years the percentages were higher, 80 or 81 percent, after a stepped up program to decide with with unpublished memorandum.)

The number of unpublished opinions (all memo opinions) for 1970-4, therefore, is estimated by subtracting the total number of published opinions (obtained by counting opinions) from the number of decisions which were estimated as described above.

The percent of cases argued is approximated by assuming that before 1982, when arguments were cut back, 95 percent were argued until the advent of the summary disposition procedure, and 80 percent after. For 1982, the number of arguments in the calendar year is applied to the number of fiscal year decisions to estimate the percentage argued.

The use of extra judges is based on published opinions only. It is estimated to be zero after 1980, since the court apparently stopped using extra judges when it received 5 members.

The number of writs is estimated to be zero; the court receives a few writs, but they are generally granted.

STATE=8

OBS	YEAR	ICLC	ZAFFY	SCWO	ICWO	SCMED	ICMED	SCME	ICME	SCUN	ICUN	SCNEEJ	ICNEEJ	SCEXJADJ	ICEXJADJ	SCJ	ICJ	ZJ	SCOP	SCDC	ICDC	ICCP	ICDP	ESUT
120	68	0	1	0	0	1	0	10	0	0	0	0	0	-.00	N	3.00	0	3.00	N	100	0	0	0	100
121	69	0	2	0	0	1	0	43	0	38	0	0	0	-.06	N	3.00	0	3.00	N	89	0	0	0	89
122	70	0	2	0	0	2	0	54	0	43	0	0	0	-.23	N	3.00	0	3.00	N	124	0	0	0	124
123	71	0	2	0	0	2	0	54	0	33	0	0	0	-.06	N	3.00	0	3.00	N	156	0	0	0	156
124	72	0	2	0	0	2	0	75	0	52	0	0	0	-.09	N	3.00	0	3.00	N	139	0	0	0	139
125	73	0	2	0	0	3	0	93	0	76	0	0	0	-.35	N	2.80	0	2.80	N	174	0	0	0	174
126	74	0	3	0	0	3	0	110	0	81	0	1	0	-.20	N	2.69	0	2.69	N	179	0	0	0	179
127	75	0	3	0	0	3	0	96	0	74	0	0	0	-.06	N	3.00	0	3.00	N	184	0	0	0	184
128	76	0	3	0	0	3	0	205	0	180	0	0	0	-.06	N	3.00	0	3.00	N	179	0	0	0	179
129	77	0	3	0	0	3	0	186	0	172	0	0	0	-.00	N	3.00	0	3.00	N	281	0	0	0	281
130	78	0	3	0	0	3	0	214	0	206	0	0	0	-.00	N	4.32	0	4.32	N	257	0	0	0	257
131	79	0	3	0	0	3	0	206	0	140	0	0	0	-.00	N	5.00	0	5.00	N	293	0	0	0	293
132	80	0	3	0	0	3	0	198	0	165	0	0	0	-.00	N	5.00	0	5.00	N	295	0	0	0	295
133	81	0	3	0	0	3	0	221	0	209	0	0	0	-.00	N	4.84	0	4.84	N	277	0	0	0	277
134	82	0	3	0	0	3	0	278	0	254	0	0	0	-.00	N	4.94	0	4.94	N	287	0	0	0	287
135	83	0	3	0	0	3	0	254	0	241	0	0	0	-.00	N	5.00	0	5.00	N	386	0	0	0	386
136	84	0	3	0	0	3	0	254	0	241	0	0	0	-.00	N	5.00	0	5.00	N	314	0	0	0	314

OBS	YEAR	ALLAPP	SCUSUMD	SCUSUM	ICUSUMD	ICUSUM	ESUMPCT	SCARGD	SCARG	ICARGD	IEARG	ZARGPCT	SCPANP	ICPAN	SCPATTY	ICPATTY	IACPCT	ZPAN	SCLC	SCSA	ICSA	SCDELAY	ICDELAY	SCWR	ICWR	PETFI	PETDC	PETGR
120	68	126	1	0	0	0	0	1	95	0	0	95	0	0	0	0	0	3	0.3	0	0	0	0	0	0	0	0	0
121	69	180	1	0	0	0	0	1	95	0	0	95	0	0	0	0	0	3	0.7	0	0	0	0	0	0	0	0	0
122	70	193	1	0	0	0	0	1	95	0	0	95	0	0	0	0	0	3	0.7	0	0	0	0	0	0	0	0	0
123	71	176	1	0	0	0	N	1	90	0	0	95	0	0	0	0	0	3	0.7	0	0	0	0	0	0	0	0	0
124	72	250	1	N	0	0	N	2	90	0	0	90	0	0	0	0	0	3	0.7	0	0	0	0	0	0	0	0	0
125	73	247	2	N	0	0	N	2	80	0	0	80	0	0	0	0	0	3	1.0	0	0	0	0	0	0	0	0	0
125	74	255	2	N	0	0	N	2	80	0	0	80	0	0	0	0	0	3	1.0	0	0	0	0	0	0	0	0	0
127	75	273	2	N	0	0	N	2	80	0	0	80	0	0	0	0	0	3	1.0	0	0	0	0	0	0	0	0	0
128	76	341	2	N	0	0	N	2	80	0	0	80	0	0	0	0	0	3	1.0	0	0	1	0	0	0	0	0	0
129	77	362	2	N	0	0	N	2	80	0	0	80	0	0	0	0	0	3	1.0	0	0	1	0	0	0	0	0	0
130	78	361	2	N	0	0	N	2	80	0	0	80	0	0	0	0	0	3	1.0	0	0	1	0	0	0	0	0	0
131	79	339	2	N	0	0	N	2	80	0	0	80	0	3	0	0	0	3	1.0	0	0	1	0	0	0	0	0	0
132	80	332	2	N	0	0	N	2	80	0	0	80	0	3	0	0	0	3	1.0	0	0	1	0	0	0	0	0	0
133	81	337	2	N	0	0	N	2	80	0	0	80	0	3	0	0	0	3	1.0	0	0	1	0	0	0	0	0	0
134	82	388	2	N	0	0	N	2	68	0	0	68	0	0	0	0	0	3	1.0	0	0	1	0	0	0	0	0	0
135	83	413	2	N	0	0	N	3	31	0	0	31	0	0	0	0	0	3	1.0	0	0	0	0	0	0	0	0	0
135	84	329	2	N	0	0	N	3	28	0	0	28	3	0	0	0	0	3	1.0	0	0	0	0	0	0	0	0	0

9 DISTRICT OF COLUMBIA (calendar)

Source: Annual reports.

Definitions:

Decisions-IAC: none. SupC: disposed "by opinion" and "by judgement."
Opinions-IAC: none. SupC: NA.
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: applications for allowance of appeal filed and petitions by bar counsel of disciplinary board to conduct formal hearing.
Unpublished Opinion-IAC: none. SupC: disposed "by judgement."
Memo Opinion IAC: none. SupC: disposed by memorandum "opinion and judgement" (does not include per curiam opinions).
Decisions w/o Opinion IAC: none. SupC: disposed by "judgement without opinion."

Comments:

The number of unpublished opinions is assumed to be the number of "memorandum opinion and judgements," even though a very few of these are published upon application of an attorney in the case.

The number of decisions without opinions before 1976 is not available, although the number of memorandum decisions plus decisions without opinions is available. It is assumed that 18 percent of this category is decisions without opinions, the average percentage for 1976-79 (range of 17 to 20 percent).

The number of extra judges is estimated by assuming that each active retired judge works 40 percent, which is a rough estimate of the time spent based on conservation with court staff.

The staff attorneys may have increased from one to three in 1976 instead of 1977 as indicated here.

The argument percentage is estimated by assuming that 45 percent of the cases are placed on the summary calendar (which began in November 1974 and for which argument must be specifically requested) and that 35 percent on the summary calendar are argued, while 95 percent of others are. These figures are based on estimates made by court officials and several studies of the court.

STATE=9

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
137	68	N	0	0	N	N	N	0	N	.00	N	0	N	0	N	0	0	N	N	0	0	N	0
138	69	N	0	0	N	N	N	0	N	.00	N	0	N	0	N	0	0	N	N	0	0	N	0
139	70	N	0	0	N	N	N	0	N	.00	N	0	N	0	N	0	0	N	N	0	0	N	0
140	71	N	0	0	N	N	N	0	N	.00	N	0	N	0	N	0	0	N	N	0	0	N	0
141	72	384	0	0	384	N	8.35	0	8.85	.00	.80	0	0	0	135	0	0	135	2	0	30	11	0
142	73	505	0	0	505	N	8.30	0	9.00	.00	.80	0	0	0	233	0	0	233	2	0	51	11	0
143	74	633	0	0	633	N	8.30	0	8.30	.00	.80	0	0	0	313	0	0	313	3	0	69	14	0
144	75	741	0	0	741	0	8.34	0	8.34	.00	.80	0	0	0	405	0	0	405	3	0	89	19	0
145	76	680	0	0	680	0	8.95	0	8.95	.00	.80	0	0	0	297	0	0	297	3	0	76	20	0
146	77	753	0	0	753	0	9.00	0	9.00	.00	1.2	0	0	0	393	0	0	393	3	0	81	22	0
147	78	792	0	0	792	0	9.00	0	9.00	.00	1.2	0	0	0	376	0	0	376	3	0	64	24	0
148	79	719	0	0	719	0	8.73	0	8.73	.00	.80	0	0	0	334	0	0	334	3	0	66	23	0
149	80	671	0	0	671	0	8.67	0	9.00	.00	.80	0	0	0	373	0	0	373	3	0	58	24	0
150	81	671	0	0	671	0	8.42	0	8.67	.00	.80	0	0	0	412	0	0	412	3	0	35	23	0
151	82	881	0	0	881	0	8.42	0	8.42	.00	1.2	0	0	0	507	0	0	507	3	0	69	24	0
152	83	875	0	0	875	0	8.55	0	8.55	.00	1.6	0	0	0	505	0	0	505	3	0	72	24	0
153	84	864	0	0	864	0	8.40	0	8.40	.00	1.6	0	0	0	485	0	0	485	3	0	57	23	0

OBS	YEAR	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACCCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
137	68	0	N	N	0	N	N	N	0	3	N	0	0	95	N	N	0	0	N	N	N	0	N	0	N	0	0	0	68
138	69	0	N	N	0	N	N	N	0	3	N	0	0	95	N	N	0	0	N	N	N	0	N	0	N	0	0	0	69
139	70	0	N	N	0	N	N	N	0	3	N	0	0	95	N	N	0	0	N	N	N	0	N	0	N	0	0	0	70
140	71	0	N	N	0	N	N	N	0	3	N	0	0	95	N	N	0	0	N	N	N	0	N	0	N	0	0	0	71
141	72	0	1.0	N	0	N	N	N	0	3	95	0	0	95	N	N	0	0	N	N	N	0	N	0	N	0	0	0	72
142	73	0	1.0	N	0	N	N	N	0	3	95	0	0	95	N	N	0	0	N	N	980	0	N	0	N	0	0	0	73
143	74	0	1.5	N	0	N	N	N	0	3	95	0	0	95	N	N	0	0	N	N	1128	0	N	0	N	0	0	0	74
144	75	0	2.0	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1221	0	N	0	N	0	0	0	75
145	76	0	2.0	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1342	0	N	0	N	0	0	0	76
146	77	0	2.0	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1327	0	N	0	N	0	0	0	77
147	78	0	2.2	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1269	0	N	0	N	0	0	0	78
148	79	0	2.2	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1196	0	N	0	N	0	0	0	79
149	80	0	2.2	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1369	0	N	0	N	0	0	0	80
150	81	0	2.2	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1585	0	N	0	N	0	0	0	81
151	82	0	2.2	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1585	0	N	0	N	0	0	0	82
152	83	0	2.2	N	0	N	N	N	0	3	70	0	0	70	N	N	0	0	N	N	1536	0	N	0	N	0	0	0	83
153	84	0	2.2	4	0	1	0	3	0	3	70	0	0	70	2	0	0	0	0	1	N	0	1	0	N	0	0	0	84

10 FLORIDA (calendar: 1968-9, 1980-4; FY 6/30: 1971-9)

Sources: Annual reports; statistics from the courts.

Definitions:

Decisions--IAC: NA. SupC: "written opinion" and "per curiam opinion."

Opinions--IAC: opinions written by judges, per curiam opinions, and per curiam decisions. SupC: "written opinion" and "per curiam opinions."

Definition of Criminal: NA. Civil: NA.

IAC Writs: "Certiorari," "Original writs," and "other."

SupC Petitions for Review: "Petitions for Writs of Certiorari" from the District Courts of Appeal ("Discretionary Review" after 1980).

SupC Writs: "Petitions for writs of Certiorari" not from the Court of Appeals, and "Original proceedings."

Unpublished Opinion IAC: none. SupC: none.

Memo Opinion IAC: per curiam opinions. SupC: per curiam opinions

Decisions w/o Opinion IAC: per curiam decisions. SupC: none.

Comments:

The dummy variable for arguments in the Court of Appeals is inexact. Most of the divisions have been steadily reducing arguments for many years, and the year that the portion became less than 50 percent could be anywhere from 1976 to 1979.

The oral argument length in the Court of Appeals is not clear before 1978. A rule effective in 1978 shortened oral argument, but in practice the Courts limited the length before that time.

The number of staff attorneys is probably not exact; it is estimated from many scattered references and from recollections of court personnel. It is not clear when the extra law clerk for the chief judge started or ended in the Court of Appeals.

Supreme Court panel size before 1978 is set at five although a minority of cases - death penalty and constitutionality of statutes cases - were heard en banc.

The estimate for extra judges in the Court of Appeals is based on signed opinions only; these constitute only about a third of the decisions.

STATE=10

OBS	YEAR	ZOJT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZARTY
154	68	2470	N	2048	422	422	25.75	19.75	7.00	1	.00	2	1	0	0	83	1	286	3	515	0	27
155	69	2687	N	2257	430	430	27.00	20.00	7.00	.83	.00	1	2	0	0	349	1	246	3	590	0	27
156	70	2850	N	2531	319	319	27.00	20.00	7.00	.62	.00	0	2	0	0	438	2	133	2	789	0	27
157	71	3009	N	2642	367	367	25.89	20.00	6.89	.62	.00	1	2	0	0	426	2	179	2	820	0	27
158	72	3022	N	2721	301	301	27.00	20.00	7.00	1.1	.00	1	0	0	0	958	2	139	2	940	0	27
159	73	3513	N	3115	398	398	26.88	19.88	7.00	1.3	.00	1	1	0	0	1213	2	182	2	1068	0	28
160	74	3844	N	3456	388	388	25.65	19.72	6.93	2.2	.00	4	1	0	0	1191	2	109	2	1197	0	31
161	75	4247	N	3957	290	290	26.61	19.72	6.89	3.2	.00	3	1	0	0	1214	2	114	2	1391	0	33
162	76	5002	N	4641	361	361	26.84	19.84	7.00	3.2	.00	1	2	0	0	1387	2	131	2	1902	0	33
163	77	5625	N	5231	395	395	30.07	23.17	6.90	3.8	.00	7	1	0	0	1399	2	152	2	2493	0	42
164	78	6503	N	6144	359	359	34.27	27.27	7.00	4.1	.00	6	1	0	0	1450	2	159	2	2975	0	49
165	79	6479	N	6011	468	458	34.75	28.00	6.75	3.5	.00	3	1	0	0	1279	2	206	2	3095	0	52
166	80	7571	N	7179	392	392	45.78	38.78	7.00	3.4	.00	5	1	0	0	1368	2	184	2	3517	0	69
167	81	8910	N	8447	463	463	49.36	42.68	6.68	2.7	.00	5	1	0	0	1917	2	247	2	4133	0	78
168	82	9223	N	8821	402	402	51.59	44.59	7.00	2.3	.00	1	0	0	0	2061	2	203	2	4152	0	103
169	83	9379	N	8999	380	380	52.83	45.83	7.00	.94	.00	3	1	0	0	1970	2	192	2	4252	0	107
170	84	9022	N	8572	450	450	53.00	46.00	7.00	1.9	.00	2	0	0	0	2031	2	240	2	3936	0	107

OBS	ICLC	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IAPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG3	ICARGD	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
154	1.0	0	1	0	0	0	93	3	3	5.0	N	N	2	2	0	0	1	1	N	0	0	214	480	591	556	N	68
155	1.0	0	1	0	0	0	89	3	3	5.0	N	N	2	2	0	0	1	1	3350	0	0	292	512	556	564	N	69
156	1.0	0	1	0	0	0	88	3	3	5.0	N	N	2	2	0	0	1	1	3920	0	0	442	520	579	578	N	70
157	1.0	0	1	0	0	0	89	3	3	5.0	N	N	2	2	0	0	1	1	3923	0	0	526	619	587	614	N	71
158	1.0	0	1	0	0	0	90	3	3	5.0	N	N	2	2	0	0	1	1	4415	0	0	391	398	644	611	N	72
159	1.0	0	1	0	0	0	93	3	3	5.0	N	N	2	2	0	0	1	1	4809	0	0	478	557	721	719	N	73
160	1.0	1	1	1	0	0	93	3	3	5.0	N	N	2	2	0	0	1	1	5994	0	0	508	651	857	779	N	74
161	1.0	2	1	3	0	0	93	3	3	5.0	N	N	2	2	0	0	1	1	7132	0	0	653	658	986	760	N	75
162	1.0	2	1	3	0	0	93	3	3	5.0	N	N	2	2	0	0	1	1	8161	0	0	771	802	1062	1053	N	76
163	1.0	4	2	3	0	0	93	3	3	5.0	N	N	2	2	0	0	1	1	8465	0	1	827	816	1094	1072	N	77
164	1.0	7	2	2	0	0	94	3	3	6.5	N	N	2	2	0	0	1	1	8756	0	1	1106	729	1330	1268	N	78
165	1.0	6	2	2	0	0	93	3	3	0.0	N	N	3	3	0	0	1	1	10322	0	1	1161	738	1356	1225	N	79
166	1.0	13	2	2	0	0	95	3	3	0.0	N	N	3	3	0	0	1	1	10496	0	0	1233	673	804	1214	N	80
167	1.1	16	2	2	0	0	95	3	3	0.0	N	N	3	3	0	0	1	1	11611	0	0	1916	499	670	638	N	81
168	1.8	8	2	2	0	0	96	3	3	0.0	N	N	3	3	0	0	1	1	12174	0	0	1646	508	799	784	N	82
169	2.0	0	2	0	0	0	96	3	3	0.0	N	N	3	3	0	0	1	1	11969	0	0	1596	529	961	835	N	83
170	2.0	0	2	0	0	0	95	3	3	0.0	N	N	3	3	0	0	1	1	N	0	0	N	N	N	N	N	84

11 GEORGIA (calendar)

Sources: Annual reports; statistics from the clerks' offices; state of the judiciary speeches.

Definitions:

Decisions-IAC: NA. SupC: Number of Opinions, cases decided without opinion, and number of cases disposed in consolidated opinions.

Opinions-IAC: Number of opinions. SupC: Number of Opinions, plus cases decided without opinion.

Definition of Criminal: NA. Civil: NA.

IAC Writs: Interlocutory and discretionary appeals filed.

SupC Petition for Review: petitions for certiorari.

SupC Writs: Habeas, interlocutory, and discretionary applications.

Unpublished Opinions-IAC: none. SupC: Number of opinions not printed.

Memo Opinion IAC: none. SupC: none.

Decisions w/o Opinion IAC: Rule 36 affirmed without opinion. SupC: Rule 59 affirmed without opinion.

Comments:

The Court of Appeals statistics for opinion is from West Pub. Co. statistics for number of opinions published in 1972-5. The West statistics are similar to statistics received from the court for most other years. However, in 1979-80 and 1983-84 the West figuress are 8 to 14% lower.

In September 1984 the Court of Appeals stopped publishing all opinions, but less than one percent were unpublished and it is estimated here that all are published in 1984.

Although the decision statistics for the supreme court are on a calendar year, the other caseload data, such as decisions without opinions, are on a fiscal year ending on August 31.

It is assumed that all Court of Appeals law clerks were permanent types during the course of the study, although firm information is available only for recent years. The number of permanent law clerks in the Supreme Court is calculated from the turnover in law clerks as listed in the Georgia Reporter.

The proportion of cases argued in the Supreme Court remained roughly 50 percent during the period, though changing somewhat from year to year. The dummy variable for argument percent is set at "2" for the entire period,

even though the percent argued fell slightly below 50% in some years.

The increase in Court of Appeals law clerks from 2 to 3 took place in stages. Available information shows 2 in 1977, 2.6 in 1981, and 3 in 1983. It is assumed that the increase occurred in progression in the intervening years. It is now known when the Court of Appeals first hired its staff attorney (called a "floating law clerk"). The earliest record is in 1978, and it is assumed that the position started in 1977 because it is not mentioned in earlier accounts of the court staffing.

STATE=11

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWJ	SCWJ	ZATTY
171	68		N	N	N	N	16.00	9.00	7.00	.00	N	0	0	0	0	N	1	N	2	0	0	16
172	69		N	N	N	N	15.93	9.00	6.93	.00	N	1	1	0	0	N	1	N	2	0	0	16
173	70		N	N	N	N	16.00	9.00	7.00	.00	N	0	1	0	0	N	1	N	2	0	0	16
174	71	1114	N	597	460	417	16.00	9.00	7.00	.00	N	0	1	0	0	N	1	N	2	0	0	16
175	72	1207	N	744	493	463	15.99	9.00	6.99	.00	N	1	2	0	0	N	1	N	2	0	0	17
176	73	1317	N	780	584	537	16.00	9.00	7.00	.00	N	1	1	0	0	N	1	N	2	0	0	17
177	74	1618	N	998	666	619	15.95	9.00	6.95	.00	N	1	1	0	0	N	1	N	2	0	0	26
178	75	1720	N	981	786	739	16.00	9.00	7.00	.00	N	2	1	0	0	N	1	N	2	0	0	33
179	75	2066	N	1336	796	730	15.99	8.99	7.00	.00	N	3	1	0	0	N	1	N	2	0	0	35
180	77	2130	N	1372	818	758	15.88	8.95	6.93	.00	N	0	1	0	0	N	1	N	2	0	0	35
181	78	2284	N	1520	729	664	16.00	9.00	7.00	.00	N	2	1	0	0	N	1	N	2	0	0	38
182	79	2279	N	1567	800	712	15.88	8.96	6.92	.00	N	1	0	0	0	N	1	N	2	0	0	40
183	80	2270	N	1626	719	644	15.98	8.98	7.00	.00	N	1	1	0	0	N	1	N	2	0	0	96
184	81	2161	N	1517	618	544	16.00	9.00	7.00	.00	N	0	1	0	0	N	1	N	2	0	0	76
185	82	2337	N	1733	663	604	16.00	9.00	7.00	.00	N	1	1	0	0	N	1	N	2	0	0	101
186	83	2202	N	1707	546	495	16.00	9.00	7.00	.00	N	0	1	0	0	N	1	N	2	0	0	131
187	84	2165	N	1528	607	537	16.00	9.00	7.00	.00	N	1	0	0	0	N	1	N	2	0	0	108

OBS	YEAR	ICLC	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAE	SCPAN	ZAPGPCT	ICARG	ICARGD	SCARG	SCAPGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLADP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
171	68	1.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	N	0	0	N	N	N	N	N	68
172	69	1.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	N	0	0	N	N	N	N	N	69
173	70	1.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	N	0	0	N	N	N	N	N	70
174	71	1.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	1373	0	0	N	N	157	N	N	71
175	72	1.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	1450	0	0	187	N	153	153	28	72
176	73	1.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	1471	0	0	N	N	154	N	N	73
177	74	1.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	1845	0	0	N	N	205	N	N	74
178	75	2.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2073	0	0	N	N	335	N	N	75
179	75	2.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2436	0	0	N	N	288	N	N	76
180	77	2.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2426	0	0	163	249	348	316	53	77
181	78	2.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2629	0	0	296	226	366	362	73	77
182	79	2.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2766	0	0	N	255	N	417	52	78
183	80	2.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2707	0	0	N	216	471	476	86	79
184	81	2.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2737	0	0	416	311	536	567	114	80
185	82	2.0	0	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2681	0	0	456	353	516	492	76	81
186	83	3.0	1	1	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2823	0	0	494	364	467	446	64	82
187	84	3.0	1	2	0	9	N	N	N	3	0	N	N	3	N	2	N	0	1	0	1	2739	0	0	551	342	555	509	88	83
																						2697	0	0	629	416	513	406	74	84

12 HAWAII (FY 6/30)

Sources: Annual reports; statistics supplied by the courts; Kramer; opinion count (1968-70).

Definitions:

Decisions--IAC: Appeals and original proceedings "termination" by "opinion filed." SupC: Appeals and original proceedings "termination" by "opinion filed."

Opinions--IAC: NA. SupC: NA.

Definition of Criminal: "criminal." Civil: "civil," "other appeals," and "original proceedings."

IAC Writs: "Original Proceedings."

SupC Petitions for Review: "Applications for Certiorari."

SupC Writs: "Original proceedings."

Unpublished Opinion IAC: see below. SupC: see below.

Memo Opinion IAC: see below. SupC: see below.

Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The number of unpublished opinions is estimated (except for 1976-7) by using statistics from West Pub. Co. The cases decided by published opinion in a fiscal year are assumed to be the average of the two overlapping calendar years.

After 1978 the memo opinions are those considered memorandum opinions under the rules. The number in 1978-84 are the same as the number of unpublished (by court rule the two are the same), and they are estimated in the same manner as the unpublished opinions. A very few per curiam opinions are published. These are not included in the count of memo opinions here.

STATE=12

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	SCME	ICMED	SCMED	ICWO	SCWO	ZAFTY
188	68	73	0	0	73	71	5.00	0.00	5.00	N	N	0	0	0	0	0	13	0	1	0	0	5
189	69	54	0	0	54	52	4.00	0.00	4.00	N	N	0	0	0	0	0	3	0	1	0	0	4
190	70	70	0	0	70	69	4.95	0.00	4.95	N	N	0	0	0	0	0	14	0	2	0	0	5
191	71	98	0	0	98	.	5.00	0.00	5.00	N	N	0	0	0	33	0	30	0	2	0	0	5
192	72	82	0	0	82	.	5.00	0.00	5.00	N	N	0	0	0	19	0	24	0	2	0	0	5
193	73	104	0	0	104	.	5.00	0.00	5.00	N	N	0	0	0	32	0	37	0	2	0	0	5
194	74	97	0	0	97	.	4.61	0.00	4.61	N	N	0	0	0	32	0	25	0	2	0	0	5
195	75	96	0	0	96	.	4.17	0.00	4.17	N	N	0	0	0	41	0	22	0	2	0	0	5
196	76	89	0	0	89	.	5.00	0.00	5.00	N	N	0	0	0	19	0	23	0	2	0	0	6
197	77	87	0	0	87	.	5.00	0.00	5.00	N	N	0	0	0	12	0	28	0	2	0	0	12
198	78	97	0	0	97	.	5.00	0.00	5.00	N	N	0	0	0	15	0	35	0	2	0	0	12
199	79	193	0	0	193	.	4.17	0.00	4.17	N	N	0	0	0	90	0	120	0	2	0	0	10
200	80	169	28	0	141	.	4.15	0.44	3.71	N	N	3	2	11	36	11	66	2	2	0	0	10
201	81	328	183	0	145	.	8.00	3.00	5.00	N	N	0	2	34	47	34	77	2	2	0	0	15
202	82	351	160	0	191	.	7.15	2.64	4.51	N	N	0	2	47	86	37	115	2	2	0	0	14
203	83	397	119	0	278	.	7.50	3.00	4.50	N	N	1	2	37	168	37	198	2	2	0	0	14
204	84	334	115	0	219	.	7.83	3.00	4.83	N	N	0	1	52	135	52	165	2	3	0	0	18

OBS	ICLC	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARSPCT	ICARS	ICARGD	SCARS	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
188	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	N	1	1	0	N	0	0	0	68
189	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	N	1	1	0	N	0	0	0	69
190	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	97	1	1	0	N	0	0	0	70
191	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	151	1	1	0	N	0	0	0	71
192	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	116	1	1	0	18	0	0	0	72
193	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	159	1	1	0	7	0	0	0	73
194	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	172	1	1	0	10	0	0	0	74
195	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	189	1	1	0	5	0	0	0	75
196	0	0	1	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	253	1	1	0	13	0	0	0	76
197	0	0	2	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	303	1	1	0	9	0	0	0	77
198	0	0	2	0	0	0	0	5	0	0	N	0	0	N	1	0	0	1	0	1	358	1	1	0	21	0	0	0	78
199	0	0	2	0	0	0	0	5	0	0	N	0	0	N	2	0	0	1	0	1	303	1	1	0	31	0	0	0	79
200	1	0	2	0	0	0	17	4	3	0	N	0	0	N	2	0	0	1	0	1	397	1	1	0	29	0	0	0	80
201	1	0	2	1	1	1	56	4	3	0	N	0	0	N	2	0	0	1	0	1	325	1	1	0	24	31	N	6	81
202	1	0	2	1	1	1	46	4	3	0	N	0	0	N	2	0	0	1	0	1	346	1	1	0	29	34	36	12	82
203	1	0	2	1	1	1	30	4	3	0	N	0	0	N	2	0	0	1	0	1	479	1	1	0	33	32	28	5	83
204	2	0	2	1	0	1	34	4	3	0	N	60	81	2	49	2	0	0	1	0	1	528	1	1	1	37	32	35	5	84

13 IDAHO (calendar)

Sources: Annual reports; reports sent by clerk's office; information from published opinions.

Definitions:

Decisions--IAC: disposition by majority opinion. SupC: disposition by majority opinion.
Opinions--IAC: NA. SupC: NA.
Definition of Criminal: "criminal." Civil: "civil," "agency," and "extraordinary writ."
IAC Writs: none.
SupC Petitions for Review: petition for review.
SupC Writs: "original actions," "disciplinary proceedings."
Unpublished Opinion of IAC: none. SupC: none.
Memo Opinion IAC: none. SupC: "per curiam."
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The statistics for writs before 1973 are the number of filings; afterwards it is the number of dispositions.

Decisions by special panels of trial court judges and supreme court justices are counted as decisions by the court of appeals, as they are technically classified by the courts (There were 8 such decisions in 1984, the first year of the panel use.).

The contribution of trial judges temporarily assigned to the supreme court in 1976 is estimated by dividing the number of signed opinions written by these judges (as evidenced in the published opinions), by the number of decisions less the number of per curiam decisions.

STATE=13

OBS	YEAR	ZONE	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZAFFY	ICLC
205	68	119	0	0	119	N	5.00	0.0	5.00	N	.00	0	0	0	0	0	0	1	1	0	0	5	0.0
206	69	110	0	0	110	N	5.00	0.0	5.00	N	.00	0	2	0	0	0	0	1	1	0	0	5	0.0
207	70	92	0	0	92	N	5.00	0.0	5.00	N	.00	0	0	0	0	0	0	2	1	0	0	5	0.0
208	71	125	0	0	125	N	4.82	0.0	4.82	N	.00	0	0	0	0	0	0	8	1	0	0	5	0.0
209	72	123	0	0	123	N	5.00	0.0	5.00	N	.00	0	1	0	0	0	0	6	1	0	0	5	0.0
210	73	115	0	0	115	N	5.00	0.0	5.00	N	.00	0	0	0	0	0	0	6	1	0	0	6	0.0
211	74	182	0	0	182	N	5.00	0.0	5.00	N	.00	0	0	0	0	0	0	1	1	0	0	1	0.0
212	75	176	0	0	176	N	5.00	0.0	5.00	N	.00	0	0	0	0	0	0	4	1	0	0	1	0.0
213	76	136	0	0	136	N	4.87	0.0	4.87	N	.31	0	1	0	0	0	0	20	1	0	0	1	0.0
214	77	169	0	0	169	N	5.00	0.0	5.00	N	.26	0	0	0	0	0	0	34	1	0	0	1	0.0
215	78	157	0	0	157	N	5.00	0.0	5.00	N	.26	0	0	0	0	0	0	46	1	0	0	1	0.0
216	79	188	0	0	188	N	5.00	0.0	5.00	N	1.4	0	0	0	0	0	0	18	1	0	0	1	0.0
217	80	198	0	0	198	N	5.00	0.0	5.00	N	.32	0	0	0	0	0	0	45	1	0	0	1	0.0
218	81	141	0	0	141	N	5.00	0.0	5.00	N	.00	0	3	0	0	0	0	39	1	0	0	1	0.0
219	82	225	68	0	137	N	7.72	2.8	4.92	.00	.00	0	1	0	0	0	1	23	1	0	0	1	1.0
220	83	285	100	N	185	N	8.00	3.0	5.00	.00	.00	3	0	0	0	0	1	3	1	0	0	1	1.0
221	84	313	161	N	152	N	8.00	3.0	5.00	.16	.00	0	0	0	0	0	1	0	1	0	0	1	1.3

OBS	ICSA	SCLC	SCSA	ICPAFFY	SCPAFFY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	AILAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETPI	PETDC	PETGR	YEAR
205	0	1	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	188	0	1	0	9	0	0	0	68
206	0	1	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	252	0	1	0	22	0	0	0	69
207	0	1	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	256	0	1	0	30	0	0	0	70
208	0	1	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	182	0	1	0	18	0	0	0	71
209	0	1	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	155	0	1	0	44	0	0	0	72
210	0	1	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	243	0	1	0	53	0	0	0	73
211	0	1	1	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	252	0	1	0	25	0	0	0	74
212	0	2	2	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	307	0	1	0	34	0	0	0	75
213	0	2	2	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	295	0	1	0	21	0	0	0	76
214	0	2	2	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	345	0	1	0	37	0	0	0	77
215	0	2	2	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	323	0	1	0	23	0	0	0	78
216	0	2	2	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	380	0	1	0	23	0	0	0	79
217	0	2	2	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	402	0	1	0	35	0	0	0	80
218	0	2	2	0	0	0	5	0	0	95	0	0	95	1	0	0	1	0	1	381	0	1	0	68	0	0	0	81
219	0	2	2	0	0	39	4	3	0	92	87	1	95	1	0	0	1	0	1	419	1	1	0	35	30	27	6	82
220	0	2	2	0	0	35	4	3	0	92	87	1	95	1	0	0	1	0	1	439	1	1	0	35	28	21	2	83
221	0	2	2	0	0	51	4	3	0	91	87	1	95	1	0	0	1	0	1	N	1	1	0	44	41	37	10	84

Sources: Annual reports.

Definitions:

Decisions--IAC: "cases disposed of by opinion" and "cases disposed of by Rule 23 order." SupC: "cases decided with full opinion."

Opinions--IAC: "majority" opinions and "Rule 23 orders." SupC: "cases decided with full opinion".

Definition of Criminal: "criminal" ("people" for Supreme Court). Civil: "civil."

IAC Writs: "leave to appeal denied."

SupC Petitions for Review: "petitions for leave to appeal."

SupC Writs: "original actions" and "attorney discipline."

Unpublished Opinion IAC: "rule 23 order." SupC: none.

Memo Opinion IAC: "rule 23 order." SupC: none.

Decisions w/o Opinion IAC: none. SupC: none.

Comments.

The number of judges on the Appellate Court could not be determined exactly because trial and retired judges were frequently assigned to the court (to sit as regular judges), and the date of the assignments was not available before the mid 70's. The number of judges is estimated from the list of judges given in the reporter, using the data of last opinion in the reporter as the data of change.

The Appellate Court decided a small number of cases without written opinion in the early and mid 70's (roughly one percent of the decisions). These are not included.

The number of opinions in the Supreme Court is assumed to be the number decided by opinion even though a few are consolidated.

During 1974 the Appellate Court 4th District assigned one-half of each law clerk's time to central staff duties. The law clerks, however, are counted only as law clerks here.

The Appellate Court cases decided by memo opinions in 1972 and 1974 are the number for the First District plus an estimated 20 for the other districts (the number in 1973).

The number of permanent staff attorneys is inexact because the courts do not classify the attorneys as permanent or short term, although as a practical matter some stay

longer than others. The number of permanent staff are those staying for several years.

The percentage of cases argued is estimated from a large number of scattered sources and may be off by as much as 10 percentage points in any one year.

The memo opinions after 1976 exclude published per curiam opinions, of which there are very few.

STATE=14

OBS	YEAR	ZJT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICTN	SCTN	ICME	ICMED	SCME	SCMED	ICWD	SCWD	ZATTY
222	68	N	N	NNNNNNN	263	263	32.44	25.44	7.00	N	.00	0	0	107	0	0	1	0	1	0	0	40
223	69	1291	1059		232	232	32.51	26.00	6.51	.00	.00	3	0	148	0	0	1	0	1	0	0	40
224	70	1424	1079		345	345	33.25	26.25	7.00	.00	.00	3	0	113	0	0	1	0	1	0	0	41
225	71	1619	1410		208	208	37.00	30.00	7.00	1.2	.00	8	3	184	0	0	1	0	1	0	0	60
226	72	2081	1763		318	318	39.00	32.00	7.00	.32	.00	2	0	254	72	40	1	72	2	0	0	80
227	73	2272	2049	1942	223	223	43.30	36.30	7.00	.00	.00	5	0	481	16	274	1	16	1	0	0	94
228	74	2461	2220	2005	241	241	43.70	36.70	7.00	.00	.00	5	0	482	13	264	1	13	1	0	0	96
229	75	2917	2734	2579	183	183	45.96	39.00	6.96	.00	.00	5	0	679	0	408	2	0	1	0	0	101
230	76	3196	2960	2840	236	236	46.50	39.50	7.00	.00	.00	3	0	1008	0	1008	2	0	1	0	0	103
231	77	3747	3528	3309	219	219	47.30	40.30	7.00	.00	.00	11	3	1326	0	1326	2	0	1	0	0	108
232	78	3519	3324	3177	195	195	47.39	40.50	6.89	.00	.00	1	0	1237	0	1237	2	0	1	0	0	108
233	79	3824	3605	3419	219	219	47.90	40.90	7.00	.00	.00	8	0	1513	0	1513	2	0	1	0	0	110
234	80	4564	4333	3908	231	231	48.00	41.00	7.00	.00	.00	1	0	1810	0	1810	2	0	1	0	0	117
235	81	4847	4639	4353	208	208	48.80	41.80	7.00	.42	.00	6	1	2523	0	2523	3	0	1	0	0	123
236	82	4750	4551	4308	199	199	49.00	42.00	7.00	.42	.00	1	0	3105	0	3105	3	0	1	0	0	127
237	83	5121	4864	4511	257	257	50.00	43.00	7.00	.00	.00	0	0	3341	0	3341	3	0	1	0	0	130
238	84	4770	4570	4285	200	200	50.00	43.00	7.00	.00	.00	3	0	3067	0	3067	3	0	1	0	0	138

OBS	ICLC	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARS	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
222	1.0	0	2.0	1	0	1	N	N	3	0	N	90	1	75	2	N	0	1	0	1	N	1	0	N	N	N	303	48	68
223	1.0	0	2.0	1	0	1	82	4	3	0	87	90	1	75	2	0	0	1	0	1	N	1	0	N	N	N	348	45	69
224	1.0	0	2.0	1	1	1	76	4	3	0	86	90	1	75	2	0	0	1	0	1	N	1	0	N	N	N	344	24	70
225	1.5	0	2.0	1	1	1	97	4	3	0	88	90	1	75	2	0	0	1	0	1	N	1	0	N	N	N	335	72	71
226	2.0	1	2.0	1	1	1	85	4	3	0	88	90	1	75	2	0	0	1	0	1	N	1	0	N	N	N	447	83	72
227	2.0	5	2.0	1	1	1	90	4	3	0	75	75	2	75	2	0	0	1	0	1	3020	1	0	N	N	N	555	104	73
228	2.0	8	2.0	1	1	1	90	4	3	0	72	70	2	95	1	0	0	1	0	1	3044	1	0	N	N	N	644	138	74
229	2.0	8	2.0	1	1	1	94	4	3	0	72	70	2	95	1	0	0	1	0	1	3259	1	0	36	N	N	655	117	75
230	2.0	9	2.0	1	1	1	93	4	3	0	72	70	2	95	1	0	0	1	0	1	4135	1	0	40	68	780	781	157	76
231	2.0	12	2.0	1	1	1	94	4	3	0	71	70	2	95	1	0	0	1	0	1	3973	1	0	53	70	918	880	138	77
232	2.0	13	2.0	1	1	1	94	4	3	0	67	65	2	95	1	0	0	1	0	1	4381	1	0	36	78	1005	1002	159	78
233	2.0	20	2.0	1	1	1	95	4	3	0	62	60	2	95	1	0	0	1	0	1	4411	1	0	50	82	1100	1073	130	79
234	2.0	22	2.0	1	1	1	96	4	3	0	62	60	2	95	1	0	0	1	0	1	5732	1	0	54	82	1100	1073	130	79
235	2.0	25	2.0	1	1	2	96	4	3	0	61	60	2	95	1	0	0	1	0	1	6603	1	0	58	79	1182	1160	164	80
236	2.0	26	2.0	1	2	2	95	4	3	0	57	55	2	95	1	0	0	1	0	1	6594	1	0	81	103	1378	1380	143	81
237	2.0	30	2.6	4	2	2	96	4	3	0	57	55	2	95	1	0	0	1	0	1	6803	1	0	75	90	1462	1468	216	82
238	2.0	30	2.6	4	2	2	96	4	3	0	57	55	2	95	1	0	0	1	0	1	6959	1	0	126	87	1491	1362	231	83
																					N	0	0	122	94	1476	1468	166	84

15 INDIANA (calendar)

Sources: Annual reports; criminal justice plans; opinion count. West opinion data is used for the IAC in 1969-70 and the Supreme court in 1974-75.

Definitions:

Decisions--IAC: "cases handed down by majority opinion" plus "orders granting consolidation of appeals." SupC: "Total Maj. Opin." plus disciplinary matters decided by per curiam opinion.

Opinions--IAC: "majority opinions written." SupC: same as decisions.

Definition of Criminal: none. Civil: none.

IAC Writs: none.

SupC Petitions for Review: "opinions in petitions to transfer (crim.)," and "petitions to transfer (civil) completed."

SupC Writs: "applicant's seeking writs of mandate and/or prohibition," "applicant's bar examination review petitions," and "disciplinary matters."

Unpublished Opinion IAC: none. SupC: none.

Memo Opinion IAC: none. SupC: "per curiam opinions" in "disciplinary matters."

Decisions w/o Opinion IAC: none. SupC: none.

Comments.

The Supreme Court and Court of Appeals are estimated to decide no cases with memo opinions, although a few such opinions are issued. The Supreme Court uses per curiam for disciplinary cases, which number 5 percent or less of the decisions.

The statistics for Supreme Court decisions before 1976 are the number of opinions given in the West data.

The unpublished opinions in the Court of Appeals are estimated by subtracting the total number of opinions from the number published according to the West data.

The law clerks in the 1960's and 70's were often law students attending night school. They worked full time for the courts, however. At the Supreme Court level, the staff attorneys do not include attorneys under the state court administrator who work primarily on rules and other matters of court administration.

The number of law clerks in the Court of Appeals varies somewhat from year to year according to the desire of individual judges (they use from 2 to 5 clerks). The number has remained at approximately 39 since the late 1970's. It

is not known whether law clerks increased in 1976 or 1977, and it assumed to be the middle. The number of law clerks is not known between 1968, when it was one per judge, and 1974 when it averaged 1.4 per judge. It is estimated that the increase occurred gradually. The number of staff attorneys in 1973 is estimated to be the average of the number in 1972 and 1974.

Information about the percent of cases argued in the Supreme Court is incomplete. Present staff estimate that about 10 percent were argued for the past 10 years. A study in 1973 found that about 15 percent were argued, and another in 1967 found that about 40 percent were argued.

The jurisdiction of the Indiana appellate system increased in January 1976. The County courts were created to replace town and justice courts; appeals from the county courts go to the IAC, whereas appeals from the town and juistice courts went to the general jurisdiction trial court.

STATE=15

OBS	YEAR	ZOUT	ICDC	ICCP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY
239	68	429	N	225	N	204	12.89	7.93	4.96	.00	.00	0	1	0	0	0	1	0	1	0	0	16
240	69	307	N	171	N	135	13.00	8.00	5.00	.00	.00	0	1	0	0	0	1	0	1	0	0	16
241	70	381	N	176	N	205	13.00	8.00	5.00	.00	.00	1	0	0	0	0	1	0	1	0	0	17
242	71	399	N	189	N	210	13.00	8.00	5.00	.00	.00	3	1	0	0	0	1	0	1	0	0	18
243	72	534	N	327	N	207	14.00	9.00	5.00	.00	.00	0	0	0	0	0	1	0	1	0	0	21
244	73	595	N	410	N	185	13.84	8.84	5.00	.00	.00	0	1	0	0	0	1	0	1	0	0	22
245	74	505	N	376	N	129	13.96	8.96	5.00	.00	.00	1	0	0	0	0	1	0	1	0	0	26
246	75	592	N	472	N	120	14.00	9.00	5.00	.00	.00	0	0	0	0	0	1	0	1	0	0	30
247	76	810	676	639	N	171	14.00	9.00	5.00	.00	.00	0	0	257	0	0	1	0	1	0	0	30
248	77	907	769	737	N	170	14.00	9.00	5.00	.00	.00	0	1	390	0	0	1	0	1	0	0	41
249	78	1115	840	833	N	282	15.25	10.25	5.00	.00	.00	4	0	436	0	0	1	0	1	0	0	47
250	79	1375	1127	1108	N	267	16.73	11.73	5.00	.00	.00	1	0	624	0	0	1	0	1	0	0	52
251	80	1417	1144	1137	N	280	17.00	12.00	5.00	.00	.00	1	0	498	0	0	1	0	1	0	0	53
252	81	1414	1109	1096	N	318	16.62	11.62	5.00	.00	.00	1	0	475	0	0	1	0	1	0	0	52
253	82	1449	1130	1101	N	348	17.00	12.00	5.00	.00	.00	0	0	596	0	0	1	0	1	0	0	54
254	83	1548	1232	1207	N	341	17.00	12.00	5.00	.00	.00	0	0	718	0	0	1	0	1	0	0	54
255	84	1474	1138	1121	N	353	17.00	12.00	5.00	.00	.00	0	0	671	0	0	1	0	1	0	0	54

OBS	ICLC	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAP	ICPAN	SCPAN	ZAPGPCT	ICARG	ICARSD	SCARG	SCARSD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETSR	YEAR
239	1.0	1	1.0	2	1	1	52	4	4	0	N	N	2	N	3	0	0	1	0	1	N	1	0	0	N	N	N	N	68
240	1.1	1	1.0	2	1	1	56	4	5	0	N	N	2	N	3	0	0	1	0	1	N	1	0	0	N	N	N	N	69
241	1.1	1	1.0	2	1	1	47	5	4	0	43	8	2	2	3	0	0	1	0	1	N	1	0	0	N	N	N	N	70
242	1.2	1	1.0	2	1	1	61	4	4	0	40	52	2	3	3	0	0	1	0	1	N	1	0	0	N	N	N	N	71
243	1.3	2	1.0	2	1	1	69	4	4	0	35	40	3	4	4	0	0	1	0	1	N	1	0	0	N	N	N	N	72
244	1.3	4	1.0	2	1	1	74	4	4	0	34	40	3	4	4	0	0	1	0	1	N	1	0	0	N	N	N	N	73
245	1.4	6	1.0	2	1	1	80	4	3	0	25	29	3	4	4	0	0	1	0	1	N	1	0	0	N	N	N	N	74
246	1.4	10	1.0	2	1	1	79	3	3	0	12	12	4	4	4	0	0	1	0	1	N	1	0	0	59	228	18	N	75
247	2.4	1	1.6	2	1	1	81	3	3	0	5	4	4	4	4	0	0	1	0	1	N	1	0	0	71	195	19	N	76
248	3.3	1	2.0	2	1	1	75	4	3	0	5	3	4	4	4	0	0	1	0	1	N	1	0	0	58	223	36	N	77
249	3.3	1	2.0	2	1	1	81	4	3	0	8	7	4	4	4	0	0	1	0	1	N	1	0	0	80	315	37	N	78
250	3.3	1	2.0	2	1	1	80	3	3	0	8	7	4	4	4	0	0	1	0	1	N	1	0	0	112	320	30	N	79
251	3.3	1	2.0	3	1	2	78	3	3	0	8	7	4	4	4	0	0	1	0	1	N	1	0	0	79	395	50	N	80
252	3.3	1	2.0	3	1	2	76	3	3	0	8	7	4	4	4	0	0	1	0	1	N	1	0	0	95	351	45	N	81
253	3.3	1	2.0	3	1	2	78	3	3	0	5	3	4	4	4	0	0	1	0	1	N	1	0	0	100	360	29	N	82
254	3.3	1	2.0	3	1	2	76	3	3	0	4	2	4	4	4	0	0	1	0	1	N	1	0	0	101	350	36	N	83

Sources: Annual reports; statistical reports supplied by the clerk's office; opinion count (1968-72).

Definitions:

Decisions--IAC: cases disposed by opinion. SupC: cases disposed by opinion, plus consolidations and cases dismissed as frivolous.

Opinions--IAC: cases disposed by opinion. SupC: cases disposed by opinion or dismissed as frivolous.

Definition of Criminal: Direct appeals from final judgements in criminal cases. Civil: "civil" and "discipline" (excluding post-conviction).

IAC Writs: none.

SupC Petitions for Review: applications for further review.

SupC Writs: inlerlocutory, certiorari, and discretionary review.

Unpublished Opinion IAC: see below. SupC: "per curiam."

Memo Opinion IAC: "per curiam." SupC: "per curiam."

Decisions w/o Opinion IAC: none. SupC: criminal cases dismissed as frivolous (also in 1974-6 there were some cases decided without opinion under Rule 24).

Comments:

The number of decisions is the number of cases decided by opinion plus the number of consolidations. The consolidations are counted when they occur, rather than at the time of decision.

The number of cases decided without opinions (criminal frivolous appeals) is not available before 1974. The average ratio of such decisions to decisions by opinion for 1974-81 (.15, with a range of .12 to .18, with no evident trend) was applied to the number of decisions by opinion in 1968-1974.

The number of per curiam opinions by the Court of Appeals in 1978 is estimated to be the average percent of decisions as that in 1977 and 1979 (60 percent, the average of 52 and 68).

The number of unpublished opinions in the supreme court is considered to be the number of per curiam opinions since 1976, even though a very few per curiam are published. The number of unpublished opinions in the Court of Appeals is estimated by using published opinion statistics supplied by West Pub. Co.

The staff attorneys are counted as working for the Supreme Court because they work on cases in that court, although many cases are later transferred to the Court of Appeals.

STATE=16

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO
256	68	289	0	0	289	289	9.00	0.00	9.00	.00	.00	0	0	0	0	0	0	0	1	0	38
257	69	278	0	0	279	278	9.00	0.00	9.00	.00	.00	0	1	0	0	0	0	2	1	0	36
258	70	277	0	0	277	277	9.00	0.00	9.00	.00	.00	0	1	0	0	0	0	3	1	0	36
259	71	276	0	0	281	276	8.92	0.00	8.92	.00	.00	0	1	0	0	0	0	10	1	0	36
260	72	296	0	0	N	296	8.82	0.00	8.82	.00	.00	0	2	0	0	0	0	16	1	0	39
261	73	365	0	0	N	365	9.00	0.00	9.00	.00	.00	0	0	0	0	0	0	19	1	0	48
262	74	454	0	0	N	454	9.00	0.00	9.00	.00	.00	0	0	0	0	0	0	29	1	0	94
263	75	427	0	0	N	427	9.00	0.00	9.00	.00	.00	0	0	0	0	0	0	44	1	0	91
264	76	482	0	0	N	482	9.00	0.00	9.00	.00	.00	0	0	0	0	0	0	83	2	0	95
265	77	772	329	329	460	443	13.80	4.80	9.00	N	N	0	5	326	87	171	2	87	2	0	69
266	78	806	382	382	443	424	13.68	4.75	8.93	N	N	0	3	372	45	229	2	45	2	0	67
267	79	711	377	377	354	334	14.00	5.00	9.00	N	N	0	1	367	25	256	2	25	2	0	44
268	80	720	390	390	354	330	14.00	5.00	9.00	N	N	0	1	381	25	256	2	25	2	0	55
269	81	949	501	501	461	448	14.00	5.00	9.00	N	N	0	1	464	105	351	2	105	2	0	65
270	82	984	415	415	612	569	13.67	4.78	8.89	N	N	1	1	353	178	250	2	178	2	0	102
271	83	1102	548	548	577	554	14.17	5.20	8.97	N	N	2	1	476	174	178	2	174	2	0	99
272	84	971	528	528	501	443	15.00	6.00	9.00	N	N	0	0	424	53	73	1	53	1	0	120

OBS	ZATTY	ICLC	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWP	SCWR	PETFI	PETDC	PETGR	YEAR
256	9	0	0	1	0	0	0	0	7	0.0	5.5	85	0	0	85	1	0	0	0	0	1		0	1	0		0	0	0	68
257	9	0	0	1	1	0	0	0	7	0.0	6.5	85	0	0	85	1	0	0	0	0	1		0	1	0		0	0	0	69
258	9	0	0	1	1	0	0	0	7	0.0	6.5	85	0	0	85	1	0	0	0	0	1		0	1	0		0	0	0	70
259	9	0	0	1	1	0	0	0	7	0.0	6.5	85	0	0	85	1	0	0	0	0	1		0	1	0		0	0	0	71
260	11	0	0	1	1	0	0	0	7	0.0	5.5	85	0	0	85	1	0	0	0	0	1		0	1	0		0	0	0	72
261	13	0	0	1	1	0	0	0	7	0.0	5.4	69	0	0	69	2	0	0	0	0	1	793	0	1	0	175	0	0	0	73
262	13	0	0	1	1	0	0	0	7	0.0	5.0	56	0	0	56	2	0	0	0	0	1	778	0	1	0	111	0	0	0	74
263	13	0	0	1	1	0	0	0	7	0.0	5.1	59	0	0	59	2	0	0	0	0	1	877	0	1	0	77	0	0	0	75
264	13	0	0	1	1	0	0	0	7	0.0	4.8	51	0	0	51	2	0	0	0	0	1	955	0	1	0	102	0	0	0	76
265	19	1	0	1	1	0	0	43	7	0.0	5.0	58	55	2	69	2	0	0	1	0	1	1033	1	1	0	117	80	80	10	77
266	21	1	0	1	1	0	0	47	7	0.0	5.5	56	48	2	63	2	0	0	1	0	1	1173	1	1	0	144	N	137	21	78
267	21	1	0	1	1	0	0	53	7	0.0	5.2	66	57	2	67	2	0	0	1	0	1	1218	1	1	0	214	140	144	12	79
268	21	1	0	1	1	0	0	53	7	0.0	4.6	51	63	2	70	2	0	0	1	0	1	1326	1	1	0	199	155	160	13	80
269	21	1	0	1	1	0	0	42	5	4.6	4.5	47	46	2	56	2	0	0	1	0	1	1411	1	1	0	198	153	136	16	81
270	21	1	0	1	1	0	0	50	4	4.3	4.4	51	50	2	45	3	0	0	1	0	1	1503	1	1	0	203	174	193	19	82
271	21	1	0	1	1	0	0	54	4	3.1	4.9	54	54	2	47	3	0	0	1	0	1	1332	1	1	0	184	245	199	23	83
272	22	1	0	1	1	0	0	58	4	3.1	4.9	54	54	2	54	2	0	0	1	0	1	N	1	1	0	251	220	246	44	84

17 KANSAS (calendar; FY 6/30 before 1977)

Sources: Annual Reports; statistics from the Supreme Court clerk and from the chief judge of the court of appeals.

Definitions:

Decisions--IAC: dispositions by opinion. SupC: dispositions by opinion.
Opinions--IAC: NA. SupC: NA.
Definition of Criminal: "criminal." Civil: "civil" (includes 60-1507 cases).
IAC Writs: none.
SupC Petitions for Review: "petitions for review" of Court of Appeals decisions.
Unpublished Opinion IAC: See below. SupC: See below.
Memo Opinion IAC: NA. SupC: NA.
Decisions w/o Opinion IAC: Affirmed by summary opinion. SupC: none.

Comments.

Unpublished opinions in the supreme court and for 1977-79 in the court of appeals are estimated by using opinion data from West Pub. Co. The number of unpublished opinions and decisions without opinion in 1981 for the Court of Appeals are estimated by using ten month data, which was supplied by the court (i.e., the figures were divided by the fraction of the cases decided in the 10 months).

The portions of cases argued is estimated from the number of summary calendar cases, assuming that 80 percent of these cases are not argued, and that 95 percent of the remainder are. Also, for the court of appeals it is assumed that the summary calendar use during 1978-80 (when information is not available) was the same as in 1981-84, for which estimated numbers of summary calendar cases were supplied by the court.

The figures for cases decided in 1968-76 are the number of appeals decided on the merits. They exclude writs disposed, even though a few writs were probably decided on the merits after a full review. From 1977 on the decision data are the number decided by opinion (or "summary opinion"), and probably include a few writs. Writs disposed constituted about 10 percent of the dispositions before 1975, and about 5 percent thereafter, although most were dismissed without opinion.

The 1977-79 criminal/civil statistics are for the fiscal year while the total decision statistics are for the calendar year.

The extra judges in the Court of Appeals in 1981 include Supreme Court justices. Under the rules for counting extra judges, they should not be included, but information is not available concerning how many Court of Appeals cases they decided as opposed to cases decided by trial judges temporarily assigned.

A very small number of the Supreme Court decisions before 1978 were without opinion or with unpublished opinion, and these are not included in the decision statistics.

STATE=17

OBS	YEAR	ZONE	ICDC	ICOP	SCDC	SCOP	ZJ	TCJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
273	68	243	0	0	243	N	9.00	0.00	9.00	N	.00	0	0	0	0	N	0	N	1	0	0	2	0
274	69	230	0	0	230	N	9.00	0.00	9.00	N	.00	0	0	0	0	N	0	N	1	0	0	3	0
275	70	246	0	0	246	N	9.00	0.00	9.00	N	.00	0	0	0	0	N	0	N	1	0	0	4	0
276	71	239	0	0	239	N	8.94	0.00	8.94	N	1.41	0	2	0	0	N	0	N	1	0	0	6	0
277	72	274	0	0	274	N	9.00	0.00	9.00	N	1.41	0	2	0	0	N	0	N	1	0	0	9	0
278	73	332	0	0	332	N	9.00	0.00	9.00	N	1.41	0	2	0	0	N	0	N	1	0	0	9	0
279	74	301	0	0	301	N	9.00	0.00	9.00	N	1.41	0	2	0	0	N	0	N	1	0	0	9	0
280	75	290	0	0	290	N	9.00	0.00	9.00	N	1.41	0	2	0	0	N	0	N	1	0	0	9	0
281	76	276	0	0	276	N	9.00	0.00	9.00	N	1.41	0	2	0	0	N	0	N	1	0	0	9	0
282	77	475	2248	N	251	N	14.56	6.42	8.14	.00	1.41	0	2	55	0	N	0	N	1	0	0	15	0
283	78	663	3588	N	305	N	14.00	7.00	7.00	.00	1.41	0	2	218	45	N	0	N	1	0	0	14	1
284	79	699	4377	N	262	N	13.75	7.00	6.75	.00	1.41	0	2	272	66	N	0	N	1	0	0	16	1
285	80	708	4455	N	263	N	14.00	7.00	7.00	.14	1.41	0	2	262	67	N	0	N	1	0	0	17	1
286	81	947	7690	N	178	N	14.00	7.00	7.00	1.9	1.41	0	2	417	40	N	0	N	1	158	0	17	1
287	82	963	6600	N	303	N	13.82	7.00	6.82	1.2	1.41	0	2	374	111	N	0	N	1	156	0	19	1
288	83	902	6033	N	299	N	13.88	7.00	6.88	.59	1.41	0	2	375	77	N	0	N	1	125	0	19	1
289	84	904	6340	N	270	N	13.81	6.81	7.00	1.1	1.41	1	2	414	62	N	0	N	2	105	0	20	1

OBS	YEAR	ICSA	SCLC	SCSA	ICPAFTY	SCPAFTY	IACPCT	ZPAN	ICPAN	SCPAN	ZAFGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
273	68	0	0.2	0	0	0	0	99	0	0	95	0	0	95	1	0	0	0	0	1	N	0	1	0	41	0	0	0	68
274	69	0	0.3	0	0	0	0	99	0	0	95	0	0	95	1	0	0	0	0	1	N	0	1	0	38	0	0	0	69
275	70	0	0.7	0	0	0	0	99	0	0	95	0	0	95	1	0	0	0	0	1	N	0	1	0	51	0	0	0	70
276	71	0	1.0	0	0	0	0	99	0	0	89	0	0	89	1	0	0	0	0	1	N	0	1	0	44	0	0	0	71
277	72	0	1.0	0	0	0	0	99	0	0	79	0	0	79	1	0	0	0	0	1	N	0	1	0	41	0	0	0	72
278	73	0	1.0	0	0	0	0	99	0	0	89	0	0	89	1	0	0	0	0	1	539	0	1	0	50	0	0	0	73
279	74	0	1.0	0	0	0	0	99	0	0	90	0	0	90	1	0	0	0	0	1	592	0	1	0	29	0	0	0	74
280	75	0	1.0	0	0	0	0	99	0	0	89	0	0	89	1	0	0	0	0	1	630	0	1	0	20	0	0	0	75
281	76	0	1.0	0	0	0	0	99	0	0	89	0	0	89	1	0	0	0	0	1	721	0	1	0	36	0	0	0	76
282	77	0	1.0	0	0	0	0	99	0	0	84	80	0	88	1	0	0	0	0	1	804	0	1	0	22	67	67	14	77
283	78	0	1.0	0	0	0	0	99	0	0	87	80	2	95	1	0	0	0	0	1	919	0	1	0	25	108	108	11	78
284	79	0	1.0	0	0	0	0	99	0	0	86	80	2	95	1	0	0	0	0	1	996	0	1	0	NN	142	142	17	79
285	80	2	1.0	0	0	0	0	99	0	0	86	80	2	95	1	0	0	0	0	1	1038	0	1	0	NN	138	138	17	80
286	81	3	1.0	0	0	0	0	99	0	0	85	83	2	95	1	0	0	0	0	1	1133	0	1	0	NN	219	219	22	81
287	82	5	1.0	0	0	0	0	99	0	0	85	80	2	95	1	0	0	0	0	1	1162	0	1	0	NN	247	242	23	82
288	83	5	1.0	0	0	0	0	99	0	0	84	78	2	95	1	0	0	0	0	1	1122	0	1	0	NN	248	270	22	83
289	84	6	1.0	0	0	0	0	99	0	0	84	79	2	95	1	0	0	0	0	1	1146	0	0	0	NN	260	222	26	84

18 KENTUCKY (calendar)

Sources: Annual reports; statistics supplied by the courts.

Definitions:

Decisions--IAC: "disposed of by opinion." SupC: "disposed of by opinion."
Opinions--IAC: opinions. SupC: opinions.
Definition of Criminal: "criminal." Civil: "civil."
IAC Writs: "original actions," "motions for injunctive relief" and "discretionary review."
SupC Petitions for Review: "motions for discretionary review."
SupC Writs: "motions for injunctive relief," "original actions," and "motions for transfer" (does not include bar matters).
Unpublished Opinion IAC: cases decided with opinions, less number of published opinions. SupC: see below.
Memo Opinion IAC: NA. SupC: NA.
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

Data for Supreme Court unpublished opinions is available for only 1976-7 and 1981-4. For the remaining years it is estimated to be the number of decisions less the number of opinions published (supplied from West Pub. Co.).

The new intermediate court is considered to have started early in December 1976. It actually began operations in August 1976. A few judges were appointed them, but they had to run for election in that year; most judges were not appointed until late in November, and the court was not in full operation until December. New judges, for the new judge variable, are apportioned half to 1976 and half to 1977.

The Supreme Court before 1977 sat in three or four panels for a preliminary conference and decision; the opinions were circulated to the full court, and, if any justice wished, discussed in a conference the full court. The court is considered to sit in panels.

The petition for review data for 1980 is for the fiscal year ending in June.

The number of staff attorneys in the intermediate court during its first two years, 1976 and 1977, is based on an estimate by the present chief staff attorney.

The portion of Supreme Court cases argued is derived from estimates given by the court clerk. The court heard only about ten arguments a year until the IAC was created;

then it heard arguments in nearly all cases, but cut back over the years.

The number of law clerks for 1971 and 1972 is not known. There were 5 in 1970 and 10 in 1973 (for the 11 judges, including commissioners). It is assumed new law clerk positions were filled as new judges came in.

A substantial minority of the Supreme Court unpublished opinions prior to 1976 included some opinions were very short, just 3 or 4 lines with virtually no explanation of the reasons. These are counted as unpublished opinions rather than decisions without opinion.

STATE=18

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWD	SCWD
290	68	604	0	0	504	N	11.00	0.0	11.00	.00	NNNNNNNNN	0	0	0	90	0	0	0	1	0	0
291	69	618	0	0	618	N	10.98	0.0	10.98	.00	NNNNNNNNN	0	2	0	120	0	0	0	1	0	0
292	70	627	0	0	627	N	11.00	0.0	11.00	.00	NNNNNNNNN	0	1	0	114	0	0	0	1	0	0
293	71	586	0	0	586	N	11.00	0.0	11.00	.00	NNNNNNNNN	0	1	0	78	0	0	0	1	0	0
294	72	619	0	0	619	N	11.00	0.0	11.00	.00	NNNNNNNNN	0	1	0	200	0	0	0	1	0	0
295	73	677	0	0	677	N	10.86	0.0	10.86	.00	NNNNNNNNN	0	2	0	298	0	0	228	2	0	0
296	74	850	0	0	850	N	11.00	0.0	11.00	.00	NNNNNNNNN	0	2	0	561	0	0	455	3	0	0
297	75	857	0	0	857	N	11.00	0.0	11.00	.00	NNNNNNNNN	0	2	0	675	0	0	N	3	0	0
298	75	790	40	38	750	N	10.00	1.0	9.00	.00	.00	7	0	36	624	0	1	N	3	0	0
299	77	1689	1259	1202	430	N	21.00	14.0	7.00	.00	.00	7	0	932	239	0	1	N	3	0	0
300	78	1557	1330	1272	227	N	21.00	14.0	7.00	.00	.00	0	0	1054	76	0	1	N	2	0	0
301	79	1527	1279	1131	258	224	20.80	13.8	7.00	.00	.00	1	1	1072	145	0	1	N	3	0	0
302	80	1746	1455	1362	281	240	21.00	14.0	7.00	.00	.00	1	1	1284	183	0	1	N	3	0	0
303	81	1833	1508	1358	325	N	20.93	14.0	6.93	.00	.00	1	0	1369	229	0	1	N	3	0	0
304	82	1917	1596	1429	321	289	20.77	14.0	6.77	.00	.00	0	1	1467	191	0	1	N	3	0	0
305	83	1704	1383	1240	321	280	21.00	14.0	7.00	.00	.00	3	4	1231	190	0	1	N	3	0	0
306	84	2294	1955	1740	339	302	21.00	14.0	7.00	.00	.00	2	0	1733	222	0	1	N	3	0	0

OBS	ZATTY	ICLC	ICSA	SCLC	SCSA	ICPARTY	SCPARTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETSR	YEAR
290	6	0	0	0.5	0	0	0	0	4	0	4	0	0	0	0	4	0	0	0	0	1	672	0	0	0	63	0	0	0	68
291	5	0	0	0.5	0	0	0	0	4	0	4	0	0	0	0	4	0	0	0	0	1	687	0	0	0	57	0	0	0	69
292	6	0	0	0.6	0	0	0	0	4	0	4	0	0	0	0	4	0	0	0	0	1	768	0	0	0	67	0	0	0	70
293	7	0	0	0.8	0	0	0	0	4	0	4	0	0	0	0	4	0	0	0	0	1	877	0	0	0	50	0	0	0	71
294	9	0	0	0.9	0	0	0	0	4	0	4	0	0	0	0	4	0	0	0	0	1	932	0	1	0	40	0	0	0	72
295	10	0	0	1.0	0	0	0	0	4	0	4	0	0	0	0	4	0	0	0	0	1	961	0	1	0	42	0	0	0	73
296	11	0	0	1.0	0	0	0	0	3	0	3	0	0	0	0	4	0	0	0	0	1	957	0	1	0	52	0	0	0	74
297	11	0	0	1.0	0	0	0	0	3	0	3	0	0	0	0	4	0	0	0	0	1	1051	0	1	0	52	0	0	0	75
298	14	1	0	1.0	0	0	0	5	3	0	3	32	70	2	30	3	0	0	0	1	1	1257	1	1	0	35	0	0	0	76
299	30	1	6	1.0	3	1	3	75	4	3	3	76	70	2	95	1	0	0	1	0	1	1582	1	1	121	32	304	198	34	77
300	33	1	8	1.0	3	1	4	85	4	3	3	73	70	2	85	1	0	0	1	0	1	1579	1	0	80	29	486	473	123	78
301	33	1	8	1.0	3	1	4	83	4	3	3	73	70	2	85	1	0	0	1	0	1	2031	1	0	123	20	470	443	123	79
302	33	1	8	1.0	3	1	4	84	4	3	3	72	70	2	80	2	0	0	1	0	1	2316	1	0	189	19	527	433	117	80
303	33	1	8	1.0	3	1	4	82	4	3	3	65	63	2	75	2	0	0	1	0	1	2481	1	0	233	22	679	757	N	81
304	33	1	8	1.0	3	1	4	83	4	3	3	72	73	2	70	2	0	0	1	0	1	2617	1	1	273	47	752	710	187	82
305	33	1	8	1.0	3	1	4	81	4	3	3	65	65	2	65	2	0	0	1	0	1	2747	1	1	258	32	643	668	76	83
306	33	1	8	1.0	3	1	4	85	4	3	3	40	37	3	60	2	0	0	1	0	1	N	1	1	235	36	915	718	91	84

19 LOUISIANA (calendar, FY 6/30 before 1975)

Sources: Annual reports; statistics sent by the Supreme Court.

Definitions:

Decisions--IAC: "judgements rendered." SupC: "total opinion rendered" less "opinions rendered" in rehearings.
Opinions--IAC: NA. SupC: NA.
Definition of Criminal: "criminal." Civil: "civil."
IAC Writs: none.
SupC Petitions for Review: "writs for review" of Court of Appeals decisions.
SupC Writs: "original jurisdiction" and all other writs.
Unpublished Opinion IAC: see below. SupC: none.
Memo Opinion IAC: none. SupC: none.
Decisions w/o Opinion IAC: none. SupC: "per curiam" decisions.

Comments:

The number of judges in the Court of Appeals includes trial and retired judges assigned to the court in 1968-75 (up to 5.5 judgeships).

The number of unpublished opinions in the Court of Appeals is estimated by subtracting the number of unpublished statistics (obtained from West Pub. Co.) from the number of decisions.

There were a very few memorandum opinions in the Court of Appeals during the late 1970's. The exact number is not known, and it is estimated to be zero.

Information for the number of staff attorneys in the intermediate court was estimated for one of the five divisions to 1982-3. Also, the number of extra law clerks for chief justices is not known for 1969-71 and 1979. It is assumed that increases occurred at the middle of periods without information.

A few law clerks in the Supreme Court may have been long term employees, but they were paid the same as other law clerks, and are not counted as permanent law clerks.

Information about the number of cases argued in the intermediate court is based primarily on recollections of clerks.

STATE=19

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
307	68	1284	1162	N	122	N	32.16	25.27	6.89	N	N	6	1	0	0	0	1	0	1	0	0	33	1.0	0
308	69	1284	1147	N	137	N	33.01	26.01	7.00	N	N	6	0	0	0	0	1	0	1	0	0	34	1.0	0
309	70	1369	1204	N	165	N	32.26	25.26	7.00	N	N	1	0	0	0	0	1	0	1	0	0	33	1.0	0
310	71	1324	1143	N	181	N	31.01	24.01	7.00	N	N	10	2	0	0	0	1	0	1	0	0	34	1.0	0
311	72	1652	1367	N	285	N	33.00	26.00	7.00	N	N	9	2	0	0	0	1	0	1	0	0	36	1.0	0
312	73	1713	1374	N	339	N	32.85	25.90	6.95	N	N	4	2	0	0	0	1	0	1	0	0	36	1.0	0
313	74	1853	1458	N	395	N	32.07	25.07	7.00	N	N	5	2	0	0	0	1	0	1	0	0	42	1.0	0
314	75	2012	1505	N	507	N	36.93	30.19	6.74	N	N	5	0	0	0	0	1	0	1	0	0	47	1.0	0
315	76	2172	1627	N	545	N	35.53	28.53	7.00	N	N	5	1	0	58	0	1	0	1	0	61	47	1.0	0
316	77	2479	1871	N	608	N	36.00	29.00	7.00	N	N	1	0	196	0	0	1	0	1	0	200	47	1.0	0
317	78	2693	1930	N	763	N	35.93	28.93	7.00	N	N	3	0	602	0	0	1	0	1	0	331	50	1.0	0
318	79	2470	1802	N	668	N	37.78	30.90	6.88	N	N	5	2	467	0	0	1	0	1	0	261	63	1.0	0
319	80	2790	2026	N	764	N	38.26	31.47	6.79	N	N	5	1	321	0	0	1	0	1	0	334	64	1.0	0
320	81	2761	1916	N	845	N	39.00	32.00	7.00	N	N	2	0	229	0	0	1	0	1	0	365	71	1.0	5
321	82	3252	2396	N	866	N	55.63	48.63	7.00	N	N	19	0	250	0	0	1	0	1	0	400	117	1.4	15
322	83	3556	2959	N	597	N	56.00	49.00	7.00	N	N	2	0	617	0	0	1	0	1	0	299	146	1.8	28
323	84	3197	2979	N	218	N	54.29	47.29	7.00	N	N	1	0	557	0	0	1	0	1	0	36	145	1.8	28

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
307	1	0	0	0	90	3	3	0	N	N	1	N	1	0	0	1	0	1	1386	0	1	113	N	N	N	N	68
308	1	0	0	0	89	3	3	0	N	N	1	N	1	0	0	1	0	1	1356	0	1	119	N	N	N	N	69
309	1	0	0	0	88	3	3	0	N	N	1	N	1	0	0	1	0	1	1367	0	1	147	N	N	N	N	70
310	1	0	0	0	86	4	3	0	N	N	1	N	1	0	0	1	0	1	1469	0	1	136	N	N	N	N	71
311	1	0	0	0	83	4	3	0	N	N	1	N	1	0	0	1	0	1	1787	0	0	129	N	N	N	N	72
312	1	0	0	0	80	4	3	0	N	N	1	N	1	0	0	1	0	1	1633	0	0	156	N	N	N	N	73
313	2	0	0	0	79	4	3	0	N	N	1	N	1	0	0	1	0	1	1642	0	0	147	N	N	N	N	74
314	2	0	0	0	75	4	3	0	N	N	1	N	1	0	0	1	0	1	2170	0	0	192	N	N	N	N	75
315	2	1	0	0	75	4	3	0	N	N	1	N	2	0	0	1	0	1	2408	0	0	229	N	N	N	N	76
316	2	1	0	1	75	4	3	0	N	N	2	N	2	0	0	1	0	1	2700	0	0	298	N	N	N	N	77
317	2	3	4	5	72	4	3	0	N	N	2	N	2	0	0	1	0	1	2605	0	0	310	N	954	128	N	78
318	3	9	0	0	73	4	3	0	N	N	2	N	2	0	0	1	0	1	2762	0	0	384	N	787	120	N	79
319	3	9	4	5	73	4	3	0	N	N	2	N	2	0	0	1	0	1	3078	0	0	454	1562	822	838	151	80
320	3	10	5	5	69	4	3	0	N	N	2	N	2	0	0	1	0	1	3243	0	0	446	1582	835	808	124	81
321	3	10	12	5	73	4	3	0	N	N	2	N	2	0	0	1	0	1	3333	0	0	889	1285	868	900	125	82
322	3	6	18	5	83	4	3	0	N	N	2	N	2	0	0	1	0	1	3333	0	0	966	1378	1248	93	83
323	3	6	18	5	93	3	3	0	N	N	2	N	1	0	0	1	0	1	3899	0	0	1073	1254	1208	95	84

20 MAINE (Calendar)

Sources: Annual reports; statistics supplied by the court; state plan.

Definitions:

Decisions--IAC: none. SupC: NA.
Opinions--IAC: none. SupC: "Law Court, Written Opinions."
Definition of Criminal: "criminal" and discretionary appeals." Civil: all cases not criminal.
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: NA.
Unpublished Opinion IAC: none. SupC: none.
Memo Opinion IAC: none. SupC: "per curiam" and "memorandum" opinions.
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The Supreme Judicial Court justices had trial court duties that were exercised regularly until 1975. This consisted mainly of hearing equity trials. It is estimated at 13 percent of the justices' time was spent on this work (a retired judge estimated that judges spent 10 to 15% of their time on it), and the number of judges is reduced by 13 percent.

Cases in the Supreme Court Appellate Division, which are sentence reviews, are not counted as apeals because they are generally the same cases as those appealed in the Supreme Court proper and because they are processed in a manner similar to writs. They take very little of the judges' time.

A very few opinions were not published in the middle 1970's, and the number is set a zero here.

The panel size of the court varies. A study of reported cases revealed that the judges sat about equally in 5 and 6 judge panels before 1982 and generally in six judge panels thereafter, although several cases are decided by 4 or 7 judges. The panel size is estimated to average 5.5 before 1982 and 6 afterwards.

The number of per curiam opinions for 1971-4 is not available, and it is assumed to be 7 a year, the average of 8 in 1970 and 6 in 1975.

STATE=20

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZAFFY	ICLC	ICSA
324	68	90	0	0	N	30	5.22	0	5.22	.00	.00	0	0	0	0	0	0	3	1	0	0	0	0	0
325	69	103	0	0	N	103	5.21	0	5.21	.00	.00	0	1	0	0	0	0	2	1	0	0	0	0	0
326	70	110	0	0	N	110	5.01	0	5.01	.00	.00	0	1	0	0	0	0	8	1	0	0	0	0	0
327	71	104	0	0	N	104	5.16	0	5.16	.00	.00	0	1	0	0	0	0	7	1	0	0	0	0	0
328	72	122	0	0	N	122	5.22	0	5.22	.00	.00	0	1	0	0	0	0	7	1	0	0	0	0	0
329	73	125	0	0	N	125	5.13	0	5.13	.00	.00	0	1	0	0	0	0	7	1	0	0	5	0	0
330	74	133	0	0	N	133	5.22	0	5.22	.00	.00	0	1	0	0	0	0	7	1	0	0	5	0	0
331	75	149	0	0	N	149	6.00	0	6.00	.00	.00	0	1	0	0	0	0	6	1	0	0	5	0	0
332	76	168	0	0	N	158	5.76	0	5.76	.00	.00	0	1	0	0	0	0	11	1	0	0	7	0	0
333	77	167	0	0	N	167	6.57	0	6.57	.00	.00	0	1	0	0	0	0	18	1	0	0	11	0	0
334	78	381	0	0	N	331	7.00	0	7.00	.00	.50	0	1	0	0	0	0	48	1	0	0	11	0	0
335	79	277	0	0	N	277	7.00	0	7.00	.00	.50	0	1	0	0	0	0	32	1	0	0	11	0	0
336	80	243	0	0	N	243	6.97	0	6.97	.00	.50	0	2	0	0	0	0	26	1	0	0	11	0	0
337	81	352	0	0	N	352	6.68	0	6.68	.00	.50	0	2	0	0	0	0	37	1	0	0	11	0	0
338	82	280	0	0	N	280	7.00	0	7.00	.00	.50	0	2	0	0	0	0	51	2	0	0	11	0	0
339	83	288	0	0	N	288	6.83	0	6.83	.00	.50	0	2	0	0	0	0	56	2	0	0	11	0	0
340	84	295	0	0	N	295	7.00	0	7.00	.00	.50	0	2	0	0	0	0	47	2	0	0	11	0	0

OBS	SCLC	SCSA	ICPAFFY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARSPCT	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
324	0.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	68
325	0.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	69
326	0.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	70
327	0.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	71
328	1.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	72
329	1.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	186	0	1	0	N	0	0	0	73
330	1.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	223	0	1	0	N	0	0	0	74
331	1.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	268	0	1	0	N	0	0	0	75
332	1.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	269	0	1	0	N	0	0	0	76
333	1.0	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	326	0	1	0	N	0	0	0	77
334	1.5	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	365	0	1	0	N	0	0	0	78
335	1.5	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	356	0	1	0	N	0	0	0	79
336	1.5	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	513	0	1	0	N	0	0	0	80
337	1.6	0	0	0	0	6	0	5.5	95	0	95	1	0	0	0	0	1	521	0	1	0	N	0	0	0	81
338	1.6	0	0	0	0	6	0	6.0	95	0	95	1	0	0	0	0	1	478	0	1	0	N	0	0	0	82
339	1.6	0	0	0	0	6	0	6.0	95	0	95	1	0	0	0	0	1	486	0	1	0	N	0	0	0	83
340	1.5	0	0	0	0	6	0	6.0	95	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	84

21 MARYLAND (FY 6/30, FY 8/31 before 1974)

Sources: Annual reports; data from court administrative office.

Definitions:

Decisions--IAC: "Total Cases disposed" less 1) "Dismissed without opinion," 2) "Dismissed prior to argument or submission," 3) Transferred to Court of Appeals." SupC: "Total cases disposed" less "dismissed without opinion," "dismissed prior to argument of submission," and transferred to Court of Special Appeals.

Opinions--IAC: "majority opinions". SupC: "majority opinions."

Definition of Criminal: "criminal." Civil: "law", "equity" and "juvenile."

IAC Writs: "post conviction," "applications for leave to appeal," and "inmate grievances."

SupC Petitions for Review: "petitions for certiorari". See below.

SupC Writs: "attorney grievance proceedings", "character committee proceedings."

Unpublished Opinion IAC: opinions not reported. SupC: opinions not reported.

Memo Opinion IAC: opinions not reported. SupC: "per curiam" opinion.

Decisions w/o Opinion IAC: none. SupC: none.

Estimations:

The number of unpublished opinions in the Court of Special Appeals (the intermediate court) for 1983 is estimated by using the number of published opinions for calendar 1983 from West Pub. Co. (206 for calendar 1983, as opposed to 200 for calendar 1982).

The number of unpublished opinions for the Court of Appeals (the court of last resort) in 1982-84 is not available, and is estimated to be 15 a year, the average number of 1977-81. Statistics for the number of unpublished opinions in 1968-73 for the Court of Appeals is estimated to be the average difference between published opinions and opinions written during these six years.

The decision statistics for the Court of Appeals include a few dismissals of granted certiorari writs as improvidently granted.

The Court of Appeals sat in five judge panels for the great majority of cases until 1972, then sat mainly en banc. The exact percent of panel use is not available, and

the average panel size is based on a sample of reported cases.

The information about the use of extra judges for 1981-84 does not distinguish between use in the Court of Appeals and the Court of Special Appeals. All have been apportioned to the latter in the data here.

The Court of Appeals petitions for certiorari include certiorari petitions where the Court has discretionary jurisdiction over trial court decisions.

STATE=21

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICOM	SCOM	ICME	ICMED	SCME	SCMED	ICWO	SCWO
341	68	698	415	413	283	274	11.98	5.00	6.98	.05	-.14	0	1	85	8	238	2	17	1	0	0
342	69	752	427	427	325	319	12.00	5.00	7.00	.00	-.14	0	1	99	8	256	2	19	1	0	0
343	70	855	521	517	334	326	12.09	5.17	6.92	.00	-.14	1	0	329	8	329	2	33	1	0	0
344	71	936	660	648	276	268	14.58	7.58	7.00	.00	-.00	3	0	443	8	443	3	22	1	0	0
345	72	965	681	668	284	280	15.40	8.95	6.45	.00	-.64	0	0	458	8	458	3	32	1	0	0
346	73	971	718	713	253	248	16.56	9.63	6.93	.00	-.14	3	2	534	8	534	3	40	1	0	0
347	74	1028	830	827	193	194	16.62	9.86	6.76	.00	-.07	2	2	599	39	599	3	28	1	0	0
348	75	978	805	804	173	172	18.16	11.16	7.00	-.11	.00	2	0	492	10	492	3	20	1	0	0
349	76	1089	948	938	141	135	18.77	11.94	6.83	-.12	-.21	0	2	633	10	632	3	7	1	0	0
350	77	1149	995	989	154	151	18.98	11.98	7.00	.00	.00	1	2	687	14	687	3	15	1	0	0
351	78	1142	1010	998	132	130	19.66	12.77	6.89	.00	-.00	3	0	790	16	790	3	16	1	0	0
352	79	1057	936	911	121	112	19.28	12.56	6.72	.00	.00	1	1	715	6	713	3	5	1	0	0
353	80	1227	1080	1051	147	140	19.93	13.00	6.93	-.13	.00	0	1	843	17	843	3	11	1	0	0
354	81	1494	1355	1346	139	132	20.00	13.00	7.00	-.13	.00	0	1	1111	21	1111	3	23	1	0	0
355	82	1312	1161	1161	151	140	19.50	12.64	6.86	-.57	.00	1	0	985	15	985	3	12	1	0	0
356	83	1640	1515	1515	125	113	19.69	12.69	7.00	-.39	.00	5	0	1279	15	1279	3	12	1	0	0
357	84	1595	1419	1408	177	152	19.95	12.95	7.00	-.40	.00	0	0	1156	15	1156	3	15	1	0	0

OBS	ZAFFY	ICLC	ICSA	SCLC	SCSA	ICPAFFY	SCPAFFY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETSR	YEAR
341	12	1.0	0	1.0	0	0	0	59	4	3	5.5	N	N	1	N	1	0	0	1	0	1	900	0	0	193	0	134	134	6	68
342	12	1.0	0	1.0	0	0	0	57	4	3	5.5	N	N	1	N	1	0	0	1	0	1	1023	0	0	158	0	242	242	6	69
343	12	1.0	0	1.0	0	0	0	61	4	3	5.5	N	N	1	N	1	0	0	1	0	1	1109	0	0	210	0	287	287	4	70
344	15	1.0	0	1.0	0	0	0	71	4	3	5.5	N	N	1	N	1	0	0	1	0	1	1097	0	0	240	4	325	325	9	71
345	15	1.0	0	1.0	0	0	0	71	4	3	0.3	N	N	1	N	1	0	0	1	0	1	1180	0	0	177	15	405	405	21	72
346	17	1.0	0	1.0	0	0	0	74	4	3	0.0	N	N	1	N	1	0	0	1	0	1	1160	0	0	147	11	346	346	18	73
347	17	1.0	0	1.0	0	0	0	81	4	3	0.0	N	N	2	N	1	0	0	1	0	1	1195	0	0	153	16	479	505	60	74
348	19	1.0	0	1.0	0	0	0	82	4	3	0.0	N	N	2	N	1	0	0	1	0	1	1384	0	0	132	21	518	483	89	75
349	20	1.0	0	1.0	0	0	0	87	4	3	0.0	N	N	2	N	1	0	0	1	0	1	1383	0	0	157	18	539	464	104	76
350	23	1.0	0	2	1.0	0	0	87	4	3	0.0	N	N	2	N	1	0	0	1	0	1	1412	0	0	182	16	477	480	114	77
351	24	1.0	0	2	1.0	0	1	88	3	3	0.0	N	N	2	N	1	0	0	1	0	1	1416	0	0	253	12	478	491	92	78
352	23	1.0	0	2	1.0	0	1	89	3	3	0.0	N	N	2	N	1	0	0	1	0	1	1671	0	0	173	30	483	463	101	79
353	24	1.0	0	2	1.0	0	1	88	3	3	0.0	N	N	2	N	1	0	0	1	0	1	1722	0	0	105	24	555	495	121	80
354	24	1.0	0	2	1.0	0	1	91	3	3	0.0	N	N	2	N	1	0	0	1	0	1	1742	0	0	136	29	628	655	129	81
355	24	1.0	0	3	1.0	0	1	88	3	3	0.0	N	N	2	N	1	0	0	1	0	1	1968	0	0	134	29	646	642	121	82
356	30	1.2	0	3	1.4	0	1	92	3	3	0.0	N	N	2	N	1	0	0	1	0	1	1777	0	0	128	35	648	627	120	83
357	33	1.4	3	1.4	0	1	0	89	3	3	0.0	N	N	2	N	1	0	0	1	0	1	N	0	0	308	18	761	785	136	84

22 MASSACHUSETTS (FY 8/31)

Sources: Annual reports; data from the courts (after 1977).

Definitions:

Decisions--IAC: NA. SupC: NA.
Opinions--IAC: "opinions" and "summary dispositions." SupC: "opinions."
Definition of Criminal: "criminal." Civil: "civil."
IAC Writs: none.
SupC Petitions for Review: applications for further review.
SupC Writs: single justice cases less bar admissions.
Unpublished Opinion IAC: summary dispositions. SupC: none.
Memo Opinion IAC: "rescript opinions" and summary dispositions. SupC: "rescript opinions."
Decisions w/o Opinion IAC: none. SupC: summary dispositions.

Comments:

The statistics for 1968-75 are the number of opinions issued in cases argued during the fiscal year (Sept through August; arguments were not held during the summer). In several years the statistics include cases in which the opinions had not yet been issued as of the end of the fiscal year.

Summary dispositions in the Appeals Court are counted as unpublished memorandum opinions, even though a small minority are simple orders affirming or reversing the appeal.

No information was found concerning when a second staff attorney was hired for the Supreme Judicial Court. There was one in 1970 and 2 by 1974. It is assumed that the second was added in the middle of this period, in 1972.

Statistics for cases argued are not available after 1976. It is assumed that 95% of the cases are argued, except that only 20% of the summary dispositions are argued through 1980 (when only civil cases were on the calendar and seldom argued), and that half of the summary disposition cases are argued after 1980 (when criminal cases were included and are argued 60 to 80 percent of the time because council has the right to argue). The estimates were given by court staff.

No information was obtained about the number of "floating" law clerks (assigned to retired judges) for 1979 and 1980 (there were none in 1978 and 3 in 1981). It is assumed that they started in the middle of the period.

STATE=22

OBS	YEAR	ZOUF	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWD	SCWD	ZATTY
358	68	343	0	0	N	343	7.00	0.00	7.00	N	.00	0	0	0	0	0	0	109	2	0	0	7
359	69	314	0	0	N	314	7.00	0.00	7.00	N	.00	0	1	0	0	0	0	75	2	0	0	7
360	70	329	0	0	N	329	6.84	0.00	6.84	N	.00	0	3	0	0	0	0	96	2	0	0	9
361	71	340	0	0	N	340	6.78	0.00	6.78	N	.00	0	0	0	0	0	0	107	2	0	0	9
362	72	421	0	0	N	421	6.76	0.00	6.76	N	.00	0	0	0	0	0	0	154	2	0	0	9
363	73	407	0	217	N	190	11.46	4.62	6.84	N	.00	0	0	0	0	0	0	37	2	0	0	17
364	74	473	0	2773	N	200	13.00	6.00	7.00	N	.00	0	0	0	0	102	2	21	2	0	0	20
365	75	542	0	2687	N	274	13.00	6.00	7.00	N	.00	0	0	0	0	126	2	24	2	0	0	20
366	76	502	0	2977	N	305	12.71	6.00	6.71	N	.00	0	1	0	0	158	2	42	2	0	0	21
367	77	645	0	3733	N	272	12.91	6.00	6.91	N	.00	0	0	0	0	182	2	20	2	0	0	21
368	78	329	0	3911	N	438	13.00	6.00	7.00	N	.00	0	0	0	0	253	2	18	2	0	0	22
369	79	399	0	5233	N	376	15.74	8.74	7.00	N	.56	0	0	0	0	290	2	20	2	0	0	28
370	80	393	0	6033	N	290	16.79	9.79	7.00	N	.62	0	0	0	0	323	2	19	2	0	0	28
371	81	966	0	6903	N	276	16.74	9.83	6.91	N	1.2	0	0	0	0	366	2	38	2	0	0	28
372	82	1026	0	7373	N	289	16.69	9.95	6.74	N	1.5	0	0	0	0	478	3	41	2	0	0	40
373	83	1107	0	8403	N	257	16.71	9.71	7.00	N	1.6	0	0	0	0	563	3	23	1	0	0	41
374	84	1162	0	9613	N	301	16.93	9.93	7.00	N	1.6	0	0	0	0	619	3	33	1	0	0	41

OBS	YEAR	ICWR	SCWR	ICDELAY	SCDELAY	ALLAPP	PETFI	PETDC	PETER	ICSUM	SCSUM	SCSUMD	ICSUMD	ZSUMPCT	SCARGD	ICARGD	SCARG	ICARG	ZARGPCT	SCPAN	ICPAN	ZPAN	IACPCT	SCPATTY	ICPATTY	SCSA	ICSA	SCLC	ICLC
358	68	0	348	1	1	N	0	0	0	0	0	1	0	0	1	0	90	0	90	5	0	5	0	3	0	0	0	1	0.0
359	69	0	363	1	1	431	0	0	0	0	0	1	0	0	1	0	87	0	87	5	0	5	0	3	0	1	0	1	0.0
360	70	0	372	1	1	459	0	0	0	0	0	1	0	0	1	0	91	0	91	5	0	5	0	3	0	1	0	1	0.0
361	71	0	455	1	1	492	0	0	0	0	0	1	0	0	1	0	95	0	95	5	0	5	0	3	0	1	0	1	0.0
362	72	0	521	1	1	620	0	0	0	0	0	1	0	0	1	0	88	0	88	5	0	5	0	3	0	2	0	1	0.0
363	73	0	599	1	1	679	N	N	N	0	0	1	0	0	1	0	91	0	92	5	0	5	0	3	0	3	0	1	1.0
364	74	0	791	1	1	785	0	N	13	0	0	1	0	0	1	0	94	0	94	5	0	5	0	3	0	4	0	1	1.0
365	75	0	509	1	1	925	N	N	20	0	0	1	0	0	1	0	96	0	93	5	0	5	0	3	0	4	0	1	1.0
366	76	0	711	1	1	1307	N	N	N	0	0	1	0	0	1	0	97	0	89	5	0	5	0	3	0	4	0	1	1.0
367	77	0	701	1	1	1158	N	N	12	0	0	1	0	0	1	0	95	0	88	5	0	5	0	3	0	4	0	1	1.0
368	78	0	N	1	1	1257	N	N	N	0	0	1	0	0	2	0	69	0	80	5	0	5	0	3	0	4	0	1	1.0
369	79	0	N	1	1	1359	N	N	24	0	0	1	0	0	2	0	79	0	71	5	0	5	0	3	0	4	0	1	1.0
370	80	0	N	1	1	1508	N	N	25	0	0	1	0	0	1	0	95	0	79	5	0	5	0	3	0	4	0	1	1.3
371	81	0	N	1	1	1556	N	N	35	0	0	1	0	0	1	0	95	0	77	5	0	5	0	3	0	4	0	2	1.3
372	82	0	N	1	1	1572	N	N	33	0	0	1	0	0	1	0	95	0	73	5	0	5	0	3	0	4	0	2	1.4
373	83	0	502	1	1	N	N	N	24	0	0	1	0	0	1	0	95	0	68	5	0	5	0	3	0	4	0	2	1.4
374	84	0	493	1	1	N	289	N	25	0	0	1	0	0	1	0	95	0	63	5	0	5	0	3	0	4	0	2	1.4

23 MICHIGAN (calendar)

Sources: Annual reports; data from the Court of Appeals (after 1977).

Definitions:

Decisions--IAC: decisions by opinion and by order affirming. SupC: decisions by opinion.
Opinions--IAC: na SupC: na.
Definition of Criminal: "criminal." Civil: "civil."
IAC Writs: filings other than claim of appeal.
SupC Petitions for Review: petitions for leave to appeal.
SupC Writs: see below.
Unpublished Opinion IAC: see below SupC: none.
Memo Opinion IAC: memorandum and per curiam opinions SupC: none
Decisions w/o Opinion IAC: decisions by order affirming. SupC: none.

Comments:

The Supreme Court statistics are for FY 6/30.

The Court of Appeals makes heavy use of temporarily assigned trial judges, and also uses some trial judges. The amount of us of extra judges is estimated from several sources. For 1968-74, 1982-84 it is based on the clerk's records of the full-time equivalents of judges added to the court. The 1977-82 the extra judges are estimated from the number of assignments (published in the annual report), and for 1975-76 it is based on a sample of published opinions.

The number of cases decided without opinion in 1978-80 is not available, and it is estimated to be the average of the numbers for 1976-77 and 1981-84 (723 average, range 584 to 873 with no evident trend).

The Court of Appeals "summary procedures" are not counted as such here. Under these procedures the appellee motions for a summary decision when filing the appellee brief, and if granted the appeal is decided without opinion.

The number of decisions by memo opinion (including per curiam opinions) is estimated from figures for the number of such opinions by multiplying the figures by the ratio of the number of decisions by opinion to the number of opinions. The number in 1977, 78, and 80 is estimated from the number of total decisions by opinion (it is multiplied by .70, the average percent by memo opinion for 1976, 79, 81, and 82).

The petition for review statistics include about 4 percent cases that are not reviews of IAC decisions. They also

include prisoner petitions that attack Court of Appeals decisions but that are not direct reviews of the decisions.

The number of staff attorneys in the Court of Appeals is not available for 1974 and is assumed to be the same as the 1973 figure (there was a big increase in 1975).

STATE=23

OBS	YEAR	ZOUT	ICDC	SCDC	ICOP	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
375	68	799	699	100	N	N	16.51	9.00	7.51	N	N	0	0	0	0	168	2	0	1	0	0	30	1.4
376	69	1017	938	79	N	N	19.00	12.00	7.00	N	N	0	1	0	0	475	2	0	1	0	0	36	1.0
377	70	1264	1168	96	N	N	19.00	12.00	7.00	N	N	0	0	0	0	524	2	0	1	18	0	42	1.0
378	71	1405	1272	133	N	N	19.00	12.00	7.00	N	N	0	2	0	0	610	2	0	1	33	0	44	1.0
379	72	1383	1276	107	N	N	19.00	12.00	7.00	N	N	0	0	245	0	641	2	0	1	24	0	44	1.0
380	73	1611	1521	90	N	N	19.00	12.00	7.00	N	N	1	2	611	0	772	2	0	1	103	0	48	1.0
381	74	1754	1651	103	N	N	19.00	12.00	7.00	N	N	1	1	686	0	826	2	0	1	206	0	50	1.0
382	75	1988	1875	113	N	N	24.78	18.00	6.78	N	N	1	2	628	0	838	2	0	1	206	0	65	1.0
383	76	2961	2826	135	N	N	25.00	18.00	7.00	N	N	2	2	1169	0	1355	2	0	1	873	0	71	1.0
384	77	3056	2927	129	N	N	25.00	18.00	7.00	N	N	2	1	1615	0	1640	3	0	1	584	0	75	1.0
385	78	3369	3273	96	N	N	24.84	17.84	7.00	N	N	1	0	1780	0	1785	3	0	1	723	0	78	1.0
386	79	3640	3513	127	N	N	25.00	18.00	7.00	N	N	1	0	2089	0	2059	3	0	1	723	0	81	1.0
387	80	3494	3380	114	N	N	25.00	18.00	7.00	N	N	1	0	1855	0	1860	3	0	1	723	0	81	1.0
388	81	3949	3869	80	N	N	25.00	18.00	7.00	N	N	0	0	2029	0	2077	3	0	1	817	0	81	1.0
389	82	4079	3975	104	N	N	24.76	17.87	6.89	N	N	1	0	2148	0	2175	3	0	1	729	0	88	1.0
390	83	4594	4460	134	N	N	24.24	17.54	6.70	N	N	3	0	2717	0	2820	3	0	1	669	0	93	1.0
391	84	4504	4434	70	N	N	25.00	18.00	7.00	E	N	0	0	2967	0	2947	3	0	1	659	0	100	1.0

OBS	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	SCARG	ICARGD	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	IWR	SWR	PETFI	PETDC	PETGR	YEAR
375	9	0.3	2	4	2	87	4	3	0	N	N	N	2	1	0	0	1	0	1	1107	1	1	787	0	450	N	N	68
376	15	0.8	3	4	3	92	3	3	0	N	N	N	2	1	0	0	1	0	1	1216	1	1	743	0	544	441	N	69
377	21	0.8	3	4	3	92	3	3	0	N	N	N	2	1	0	0	1	0	1	1412	1	1	802	0	504	618	N	70
378	22	1.0	3	5	3	91	3	3	0	N	N	N	2	1	0	0	1	0	1	1570	1	1	766	0	708	761	N	71
379	22	1.0	3	5	3	92	3	3	0	N	N	N	2	1	0	0	1	0	1	1617	1	1	1182	0	658	693	N	72
380	25	1.1	3	5	3	94	3	3	0	N	N	N	2	1	0	0	1	0	1	1861	1	1	1215	0	811	654	N	73
381	25	1.1	5	6	5	94	3	3	0	N	N	N	2	1	0	0	1	0	1	2467	1	1	1112	0	957	879	N	74
382	35	1.1	5	10	5	94	3	3	0	N	N	N	2	1	0	0	1	0	1	3090	1	1	1345	0	974	786	107	75
383	35	1.9	5	10	5	95	3	3	0	N	N	N	2	1	0	0	1	0	1	3007	1	1	1537	0	991	1060	121	76
384	35	2.3	5	10	5	96	3	3	0	N	N	N	2	1	0	0	1	0	1	3672	1	1	1601	0	1227	1145	110	77
385	36	2.3	7	11	7	97	3	3	0	N	N	N	2	1	0	0	1	0	1	3703	1	1	1545	0	1636	1487	92	78
386	36	2.3	10	11	10	97	3	3	0	N	N	N	2	1	0	0	1	0	1	3862	1	1	1637	0	1470	1508	55	79
387	36	2.3	10	11	10	98	3	3	0	N	N	N	2	1	0	0	1	0	1	4203	1	1	1777	0	1850	1517	84	80
388	36	2.3	10	11	10	98	3	3	0	N	N	N	2	1	0	0	1	0	1	4507	1	1	1845	0	1949	1713	98	81
389	41	2.3	12	11	12	97	3	3	0	N	N	N	2	1	0	0	1	0	1	4806	1	1	2111	0	2083	1813	54	82
390	44	2.6	13	11	13	97	3	3	0	N	N	N	2	1	0	0	1	0	1	4961	1	1	2027	0	2112	2224	138	83
391	47	3.0	14	11	14	98	3	3	0	N	N	N	2	1	0	0	1	0	1	N	1	1	N	0	2352	2495	95	84

25 MISSISSIPPI (calendar)

Sources: Annual reports of the Supreme Court (unpublished).

Definitions:

Decisions--IAC: none. SupC: "cases on the merits disposed of."

Opinions--IAC: none. SupC: "total number with written opinions: cases on the merits; majority opinions; and "total number without written opinions: cases on the merits."

Definition of Criminal: "criminal." Civil: "civil."

IAC Writs: none.

SupC Petitions for Review: none.

SupC Writs: "other petitions" (other than rehearings).

Unpublished Opinion IAC: none. SupC: "total number of written opinions: cases on the merits-majority (unpublished"

Memo Opinion IAC: none. SupC: none.

Decisions w/o Opinion of IAC: none, SupC: "Total number without written opinions: cases on the merits" (also "per curiam").

Comments.

The court hears all cases in panels of three judges, but all judges participate in the decision whenever a written opinion is prepared or when the three-judge panel does not agree. The portion of cases decided by panel is estimated to be the portion decided without opinion.

Exact information about the percent of cases argued is available only after 1979. Information available for 1967 and 1976 indicate that 2/3rds of the cases were argued in those years, and it is assumed that the same portion were argued in the intervening years. It is assumed that the portion dropped to 46% (the average for 1980-84) after the court rules were changed in mid-1978 to discourage oral argument by requiring a specific request.

STATE=25

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICHE	ICMED	SCHE	SCMED	ICWO	SCWO	ZATTY	ICLC
392	68	384	0	0	384	384	9.00	0	9.00	N	.00	0	0	0	0	0	0	0	1	0	109	9	0
393	69	376	0	0	376	375	9.00	0	9.00	N	.00	0	0	0	0	0	0	0	1	0	96	9	0
394	70	399	0	0	399	399	9.00	0	9.00	N	.00	0	0	0	0	0	0	0	1	0	73	9	0
395	71	397	0	0	397	397	9.00	0	9.00	N	.00	0	0	0	0	0	0	0	1	0	71	9	0
396	72	395	0	0	395	395	8.89	0	8.89	N	.00	0	1	0	0	0	0	0	1	0	92	9	0
397	73	397	0	0	397	397	8.94	0	8.94	N	.00	0	2	0	0	0	0	0	1	0	155	9	0
398	74	466	0	0	466	466	9.00	0	9.00	N	.00	0	0	0	0	0	0	0	1	0	163	9	0
399	75	480	0	0	480	480	9.00	0	9.00	N	.00	0	0	0	0	0	0	0	1	0	191	9	0
400	76	491	0	0	491	491	8.90	0	8.90	N	.99	0	1	0	77	0	0	0	1	0	164	10	0
401	77	534	0	0	634	634	9.00	0	9.00	N	1.6	0	1	0	118	0	0	0	1	0	246	12	0
402	78	556	0	0	656	656	8.96	0	8.96	N	1.6	0	1	0	90	0	0	0	1	0	275	12	0
403	79	503	0	0	603	603	9.00	0	9.00	N	.00	0	0	0	107	0	0	0	1	0	207	12	0
404	80	592	0	0	592	592	9.00	0	9.00	N	.00	0	0	0	90	0	0	0	1	0	220	12	0
405	81	517	0	0	617	517	9.00	0	9.00	N	.00	0	1	0	98	0	0	0	1	0	251	12	0
406	82	555	0	0	555	555	8.96	0	8.96	N	.00	0	2	0	62	0	0	0	1	0	218	12	0
407	83	502	0	0	502	502	9.00	0	9.00	N	.00	0	1	0	104	0	0	0	1	0	179	12	0
408	84	489	0	0	489	489	9.00	0	9.00	N	.00	0	1	0	55	0	0	0	1	0	135	12	0

OBS	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
392	0	1.0	0	0	0	0	8	0	7.9	66	0	0	66	2	0	0	0	0	1	N	0	1	0	N	0	0	0	68
393	0	1.0	0	0	0	0	8	0	8.0	66	0	0	66	2	0	0	0	0	1	N	0	1	0	N	0	0	0	69
394	0	1.0	0	0	0	0	8	0	8.3	66	0	0	66	2	0	0	0	0	1	462	0	1	0	N	0	0	0	70
395	0	1.0	0	0	0	0	8	0	8.3	66	0	0	66	2	0	0	0	0	1	455	0	1	0	N	0	0	0	71
396	0	1.0	0	0	0	0	8	0	8.1	66	0	0	66	2	0	0	0	0	1	563	0	1	0	N	0	0	0	72
397	0	1.0	0	0	0	0	7	0	7.4	66	0	0	66	2	0	0	0	0	1	621	0	1	0	103	0	0	0	73
398	0	1.0	0	0	0	0	8	0	7.6	66	0	0	66	2	0	0	0	0	1	598	0	1	0	61	0	0	0	74
399	0	1.0	0	0	0	0	7	0	6.6	66	0	0	66	2	0	0	0	0	1	606	0	1	0	142	0	0	0	75
400	0	1.1	0	0	0	0	7	0	7.0	66	0	0	66	2	0	0	0	0	1	780	0	1	0	157	0	0	0	76
401	0	1.3	0	0	0	0	7	0	6.7	66	0	0	66	2	0	0	0	0	1	658	0	1	0	138	0	0	0	77
402	0	1.3	0	0	0	0	7	0	6.4	56	0	0	56	2	0	0	0	0	1	656	0	1	0	116	0	0	0	78
403	0	1.3	0	0	0	0	7	0	6.9	47	0	0	47	3	0	0	0	0	1	697	0	1	0	140	0	0	0	79
404	0	1.3	0	0	0	0	7	0	6.8	52	0	0	52	3	0	0	0	0	1	748	0	1	0	208	0	0	0	80
405	0	1.3	0	0	0	0	7	0	6.6	45	0	0	45	3	0	0	0	0	1	879	0	1	0	235	0	0	0	81
406	0	1.3	0	0	0	0	7	0	6.5	45	0	0	45	3	0	0	0	0	1	783	0	1	0	283	0	0	0	82
407	0	1.3	0	0	0	0	7	0	6.9	41	0	0	41	3	0	0	0	0	1	857	0	1	0	355	0	0	0	83
408	0	1.3	0	0	0	0	7	0	7.3	44	0	0	44	3	0	0	0	0	1	N	0	1	0	419	0	0	0	84

26 MISSOURI (FY 6/30)

Sources: Annual reports.

Definitions:

Decisions--IAC: NA. SupC: NA.
Opinions--IAC: dispositions "by opinion" (appeals and writs). SupC: dispositions "by opinion".
Definition of Criminal: "criminal." SupC: "civil."
IAC Writs: "writ dispositions."
SupC Petitions for Review: "application for transfer."
SupC Writs: total writs plus "miscellaneous proceedings" disposed.
Unpublished Opinion IAC: see below. SupC: none.
Memo Opinion IAC: NA. SupC: NA.
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

Figures for criminal and civil cases do not include writs.

The number of intermediate court judges includes Judge Clemens, who retired in 1979 but continues to carry a full caseload.

It is assumed that the commissioners were transferred to the Court of Appeals at the beginning of 1975, and they are counted as Court of Appeals judges thereafter. The Supreme Court commissioners sat mainly with the intermediate court judges thereafter, even though they continued to hear some cases with the supreme court.

In January 1983 the intermediate court began a program of deciding some cases with unpublished memorandum opinions, but according to the court clerks there were very few of these. The number is estimated to be 50 a year, which is approximately the difference between the number of opinions given in the court's FY statistics and the average number of published opinions (according to figures from West Pub. Co.) for published opinions in the surrounding years.

The number of staff attorneys between 1973 (when 5 were hired) and 1978 (when there were 10) is estimated to increase at the rate of one per year.

STATE=26

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZAFFY	ICLC	ICSA
409	68	645	N	307	N	338	27.84	14.84	13.00	N	N	1	0	0	0	N	1	N	1	0	0	0	0.0	0
410	69	695	N	304	N	391	27.87	14.87	13.00	N	N	4	1	0	0	N	1	N	1	0	0	0	0.0	0
411	70	659	N	275	N	394	27.88	15.00	12.88	N	N	0	1	0	0	N	1	N	1	0	0	0	0.0	0
412	71	739	N	288	N	451	27.88	14.88	13.00	N	N	1	0	0	0	N	1	N	1	0	0	0	0.0	0
413	72	696	N	301	N	395	27.18	15.18	12.00	N	N	4	0	0	0	N	1	N	1	0	0	0	0.0	0
414	73	910	N	305	N	405	28.27	17.27	11.00	N	N	5	0	0	0	N	1	N	1	0	0	0	0.0	0
415	74	927	N	296	N	331	29.83	18.83	11.00	N	N	3	0	0	0	N	1	N	1	0	0	0	0.0	0
416	75	909	N	724	N	135	32.40	23.40	9.00	N	N	0	0	0	0	N	1	N	1	0	0	0	0.0	0
417	75	1069	N	919	N	150	33.00	26.00	7.00	N	N	0	0	0	0	N	1	N	1	0	0	0	0.0	0
418	77	1172	N	1095	N	77	32.84	25.84	7.00	N	N	1	0	0	0	N	1	N	1	0	0	0	0.0	0
419	73	1121	N	1012	N	109	34.03	27.11	6.92	N	N	2	0	0	0	N	1	N	1	0	0	0	0.0	0
420	79	1155	N	1032	N	133	35.94	28.96	6.98	N	N	2	0	0	0	N	1	N	1	0	0	0	0.0	0
421	80	1318	N	1212	N	106	40.76	33.81	6.95	N	N	1	0	0	0	N	1	N	1	0	0	0	0.0	0
422	81	1515	N	1365	N	150	39.96	32.96	7.00	N	N	3	0	0	0	N	1	N	1	0	0	0	0.0	0
423	82	1546	N	1383	N	156	39.87	32.87	7.00	N	N	3	0	0	0	N	1	N	1	0	0	0	0.0	0
424	83	1606	N	1390	N	216	39.17	32.20	6.97	N	N	3	0	50	0	N	1	N	1	0	0	0	0.0	0
425	84	1638	N	1567	N	121	39.84	32.84	7.00	N	N	0	0	50	0	N	1	N	1	0	0	0	0.0	0

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	SCARG	ICARGD	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PEIFI	PETDC	PETGR	YEAR
409	0.0	0	0	0	48	5	3	6.0	N	N	N	1	1	0	0	1	0	1	N	1	1	68	236	N	N	12	68
410	0.0	0	0	0	44	5	3	6.0	N	N	N	1	1	0	0	1	0	1	1092	1	1	81	188	N	N	17	69
411	0.3	0	0	0	39	5	3	5.5	N	N	N	1	1	0	0	1	0	1	1233	1	1	87	346	N	N	9	70
412	0.6	0	0	0	43	5	3	5.0	N	N	N	1	1	0	0	1	0	1	1451	1	1	91	380	N	N	15	71
413	0.6	0	0	0	55	4	3	5.0	N	N	N	1	1	0	0	1	0	1	1679	1	1	106	280	N	N	20	72
414	0.6	0	0	0	64	4	3	5.0	N	N	N	1	1	0	0	1	0	1	1397	1	1	215	254	N	N	11	73
415	0.6	0	1	0	80	4	3	6.0	N	N	N	1	1	0	0	1	0	1	1498	1	1	215	162	N	N	37	74
416	0.8	0	2	0	86	4	3	6.0	N	N	N	1	1	0	0	1	0	1	1671	1	1	272	141	N	140	34	75
417	1.0	0	3	0	93	3	3	0.0	N	N	N	1	1	0	0	1	0	1	1975	1	0	367	211	N	223	48	76
418	1.0	0	3	0	90	3	3	0.0	N	N	N	2	1	0	0	1	0	1	1955	1	0	337	136	N	315	69	77
419	1.0	0	3	0	89	3	3	0.0	N	N	N	2	1	0	0	1	0	1	2050	1	0	357	181	N	309	61	78
420	1.0	0	3	0	92	3	3	0.0	N	N	N	2	1	0	0	1	0	1	1986	1	0	389	181	N	331	61	79
421	1.0	0	3	0	90	3	3	0.0	N	N	N	2	1	0	0	1	0	1	2360	1	0	460	239	384	377	48	80
422	1.0	0	3	0	89	3	3	0.0	N	N	N	2	1	0	0	1	0	1	2758	1	0	401	248	407	434	39	81
423	1.0	0	3	0	87	3	3	0.0	N	N	N	2	1	0	0	1	0	1	2782	1	0	402	339	440	462	42	82
424	1.0	0	3	0	87	3	3	0.0	N	N	N	2	1	0	0	1	0	1	2753	1	0	438	433	466	497	39	83
425	2.0	0	3	0	93	3	3	0.0	N	N	N	2	1	0	0	1	0	1	2549	1	0	407	314	541	498	50	84

27 MONTANA (calendar)

Sources: Statistics supplied by court administer; opinion count (1968-77;1983-4).

Definitions:

Decisions--IAC: none. SupC: dispositions by opinion.
Opinions--IAC: none. SupC: NA
Definition of Criminal: NA Civil: NA.
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: "original proceedings" filed.
Unpublished Opinion IAC: none. SupC: none.
Memo Opinion IAC: none. SupC: see below.
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The number of memo opinions is estimated to be zero, even though there are a few per curiam opinions each year (no more than 11 for any of the 12 years for which there is information). These opinions are generally more than a page long and, thus, longer than most memo opinions elsewhere.

A very few cases are dismissed by order without published opinions. These number only two or three a year, and are ignored here.

The average panel size in 1983-4 is estimated by taking a sample of published opinions. The panel size for 1981-2 is based on court statistics for the number of cases argued that were submitted on the briefs and the number of cases not argued. The latter were decided in five-judge panels unless two judges dissented, and it is assumed that such cases are few.

STATE=27

OBS	YEAR	ZONI	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
426	68	119	0	0	119	118	5.00	0	5.00	N	.21	0	0	0	0	0	0	0	1	0	0	5	0	0
427	69	114	0	0	114	114	5.00	0	5.00	N	.21	0	1	0	0	0	0	0	1	0	0	5	0	0
428	70	91	0	0	91	91	5.00	0	5.00	N	.15	0	0	0	0	0	0	0	1	0	0	5	0	0
429	71	131	0	0	131	131	5.00	0	5.00	N	.10	0	0	0	0	0	0	0	1	0	0	5	0	0
430	72	137	0	0	137	137	5.00	0	5.00	N	.21	0	0	0	0	0	0	0	1	0	0	5	0	0
431	73	166	0	0	166	165	5.00	0	5.00	N	.43	0	0	0	0	0	0	0	1	0	0	5	0	0
432	74	140	0	0	140	137	5.00	0	5.00	N	.32	0	0	0	0	0	0	0	1	0	0	5	0	0
433	75	200	0	0	200	198	5.00	0	5.00	N	.10	0	0	0	0	0	0	0	1	0	0	5	0	0
434	76	200	0	0	200	199	5.00	0	5.00	N	.43	0	0	0	0	0	0	0	1	0	0	7	0	0
435	77	253	0	0	253	249	5.00	0	5.00	N	.26	0	2	0	0	0	0	0	1	0	0	10	0	0
436	78	269	0	0	269	N	4.75	0	4.75	N	.N	0	1	0	0	0	0	0	1	0	0	10	0	0
437	79	321	0	0	321	N	5.00	0	5.00	N	.N	0	0	0	0	0	0	0	1	0	0	10	0	0
438	80	301	0	0	301	N	5.00	0	5.00	N	.N	0	2	0	0	0	0	0	1	0	0	10	0	0
439	81	307	0	0	307	N	7.00	0	7.00	N	.N	0	0	0	0	0	0	0	1	0	0	14	0	0
440	82	320	0	0	320	N	7.00	0	7.00	N	.N	0	1	0	0	0	0	0	1	0	0	14	0	0
441	83	284	0	0	284	283	7.00	0	7.00	N	.00	0	0	0	0	0	0	0	1	0	0	14	0	0
442	84	364	0	0	364	364	7.00	0	7.00	N	.14	0	0	0	0	0	0	0	1	0	0	14	0	0

OBS	SCLC	SCSA	ICPAFFY	SCPAFFY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
426	1.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	N	0	0	0	N	0	0	0	68
427	1.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	N	0	0	0	N	0	0	0	69
428	1.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	121	0	0	0	68	0	0	0	70
429	1.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	135	0	0	0	62	0	0	0	71
430	1.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	167	0	0	0	69	0	0	0	72
431	1.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	154	0	0	0	85	0	0	0	73
432	1.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	186	0	0	0	83	0	0	0	74
433	1.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	186	0	0	0	113	0	0	0	75
434	1.4	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	291	0	0	0	118	0	0	0	76
435	2.0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	377	0	0	0	92	0	0	0	77
436	2.0	0	0	0	0	5	0	0.0	74	0	0	74	2	0	0	0	0	1	371	0	0	0	146	0	0	0	78
437	2.0	0	0	0	0	5	0	0.0	62	0	0	62	2	0	0	0	0	1	362	0	0	0	110	0	0	0	79
438	2.0	0	0	0	0	5	0	0.0	47	0	0	47	3	0	0	0	0	1	381	0	0	0	113	0	0	0	80
439	2.0	0	0	0	0	5	0	5.3	42	0	0	42	3	0	0	0	0	1	424	0	0	0	150	0	0	0	81
440	2.0	0	0	0	0	5	0	5.3	40	0	0	40	3	0	0	0	0	1	385	0	0	0	136	0	0	0	82
441	2.0	0	0	0	0	6	0	6.0	49	0	0	49	3	0	0	0	0	1	442	0	0	0	N	0	0	0	83
442	2.0	0	0	0	0	6	0	6.0	44	0	0	44	3	0	0	0	0	1	N	0	0	0	N	0	0	0	84

Sources: Statistics supplied by the court; annual reports; Lake, "The Appellate Process and Staff Research Attorneys in the Supreme Court of Nebraska" (National Center for State Courts, 1974 and 1975).

Definitions:

Decisions--IAC: none. SupC: cases disposed of by opinion, plus summary dismissal or affirmance, motions to withdraw, and excessive sentence cases.
Opinions--IAC: none. SupC: NA
Definition of Criminal: NA Civil: NA
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: none (see below).
Unpublished Opinion IAC: none. SupC: none.
Memo Opinion IAC: none. SupC: per curiam
Decisions w/o Opinion IAC: none. SupC: Summary dismissal or affirmance, motions to withdraw, and excessive sentence cases.

Comments.

The court decides three categories of cases without opinion: summary dispositions, Anders petitions (motions to withdraw as counsel because the defendant has no arguable grounds for reversal), and sentence appeals. There is data for these for 1972-4 (in Lake Report) and from 1980 on in the court statistics. For the five intervening years the number is estimated by assuming that 29 criminal dispositions per year were not on the merits (the average of the number of dispositions in 1974 and 1980-82), less the number of decisions without opinions. This assumes that all summary dispositions are criminal (a few are civil but the total number is very small in relation to the number of criminal dispositions).

Before 1972 it is assumed that there were no summary dispositions. The rule providing for these dispositions existed, but its use was very infrequent. Anders petitions were decided in the trial court before 1973.

The court receives very few original writs, roughly 5 a year. The number is estimated to be zero.

The use of panels and extra judges is estimated for some years from the published reports (the average panel size for 1976-78 is assumed to be the same as that for surrounding years).

The percentage of cases argued is estimated by assuming

that 95 percent of the cases with opinions are argued (nearly all are argued). Other cases are not argued.

The number of per curiam opinions after 1981 is estimated from a sample of 100 published opinions a year. Per curiam opinions were rare in prior years and are assumed to be zero.

STATE=28

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
443	68	223	0	0	223	N	7.00	0	7.00	N	.00	0	0	0	0	0	0	0	1	0	0	0	0
444	69	243	0	0	243	N	7.00	0	7.00	N	.00	0	0	0	0	0	0	0	1	0	0	0	0
445	70	238	0	0	238	N	7.00	0	7.00	N	.00	0	0	0	0	0	0	0	1	0	0	0	0
446	71	279	0	0	279	N	7.00	0	7.00	N	.00	0	0	0	0	0	0	0	1	0	0	0	0
447	72	337	0	0	337	N	7.00	0	7.00	N	.22	0	1	0	0	0	0	0	1	0	0	0	0
448	73	339	0	0	339	N	7.00	0	7.00	N	.00	0	0	0	0	0	0	0	1	0	15	1	0
449	74	380	0	0	380	N	6.74	0	6.74	N	.21	0	1	0	0	0	0	0	1	0	40	0	0
450	75	434	0	0	434	N	7.00	0	7.00	N	.22	0	1	0	0	0	0	0	1	0	66	7	0
451	76	525	0	0	525	N	7.00	0	7.00	N	.22	0	1	0	0	0	0	0	1	0	132	7	0
452	77	506	0	0	506	N	7.00	0	7.00	N	.22	0	1	0	0	0	0	0	1	0	100	7	0
453	78	505	0	0	505	N	7.00	0	7.00	N	.22	0	1	0	0	0	0	0	1	0	151	7	0
454	79	547	0	0	547	N	6.66	0	6.66	N	.21	0	2	0	0	0	0	0	1	0	109	7	0
455	80	508	0	0	508	N	7.00	0	7.00	N	.29	0	0	0	0	0	0	0	1	0	152	8	0
456	81	571	0	0	571	N	7.00	0	7.00	N	.29	0	0	0	0	0	0	0	1	0	221	8	0
457	82	682	0	0	682	N	6.97	0	6.97	N	.22	0	1	0	0	0	0	137	2	0	225	8	0
458	83	651	0	0	651	N	6.74	0	6.74	N	.21	0	1	0	0	0	0	92	2	0	193	8	0
459	84	725	0	0	725	N	7.00	0	7.00	N	.22	0	1	0	0	0	0	130	2	0	226	11	0

OBS	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
443	0	0.0	0	0	0	0	7	0	0.0	95	0	0	95	1	0	0	0	0	1	323	0	0	0	0	0	0	0	68
444	0	0.0	0	0	0	0	7	0	0.0	95	0	0	95	1	0	0	0	0	1	320	0	0	0	0	0	0	0	69
445	0	0.0	0	0	0	0	7	0	0.0	95	0	0	95	1	0	0	0	0	1	360	0	0	0	0	0	0	0	70
446	0	0.0	0	0	0	0	7	0	0.7	95	0	0	95	1	0	0	0	0	1	476	0	0	0	0	0	0	0	71
447	0	1.0	0	0	0	0	7	0	0.7	91	0	0	91	1	2	0	0	0	1	446	0	0	0	0	0	0	0	72
448	0	1.0	3	0	3	0	7	0	0.7	85	0	0	85	1	3	0	0	2	1	546	0	0	0	0	0	0	0	73
449	0	1.0	0	0	0	0	7	0	0.7	81	0	0	81	2	3	0	0	3	1	493	0	0	0	0	0	0	0	74
450	0	1.0	0	0	0	0	7	0	0.7	71	0	0	71	2	3	0	0	3	1	572	0	0	0	0	0	0	0	75
451	0	1.0	0	0	0	0	7	0	0.7	76	0	0	76	2	3	0	0	3	1	716	0	0	0	0	0	0	0	76
452	0	1.0	0	0	0	0	7	0	0.7	66	0	0	76	2	3	0	0	3	1	607	0	0	0	0	0	0	0	77
453	0	1.0	0	0	0	0	7	0	0.7	76	0	0	76	2	3	0	0	3	1	546	0	0	0	0	0	0	0	78
454	0	1.0	0	0	0	0	7	0	0.7	76	0	0	76	2	3	0	0	3	1	638	0	0	0	0	0	0	0	79
455	0	1.0	0	0	0	0	7	0	0.7	67	0	0	67	2	4	0	0	4	1	741	0	0	0	0	0	0	0	80
456	0	1.0	0	0	0	0	7	0	0.7	58	0	0	58	2	4	0	0	3	1	929	0	0	0	0	0	0	0	81
457	0	1.0	0	0	0	0	7	0	0.7	64	0	0	64	2	3	0	0	3	1	911	0	0	0	0	0	0	0	82
458	0	1.0	0	0	0	0	7	0	0.7	67	0	0	67	2	3	0	0	3	1	915	0	0	0	0	0	0	0	83
459	0	1.4	0	0	0	0	7	0	6.7	65	0	0	65	2	6	0	0	1	1	N	0	0	0	0	0	0	0	84

30 NEW HAMPSHIRE (calendar)

Sources: Opinion count (1968-78); statistics supplied by the court.

Definitions:

Decisions--SupC: cases decided by opinion, by consolidated opinions, cases summarily affirmed, and cases declined.

Opinions--SupC: cases decided by opinion, cases summarily affirmed, and cases declined.

SupC Writs: original cases entered.

Unpublished Opinions IAC: none; SupC: none.

Memo Opinion IAC: none; SupC: per curiam opinions.

Decisions w/o Opinion IAC: none; SupC: cases summarily affirmed and cases declined.

Comments:

Since 1979 the court has decided many cases summarily in what it calls a descretionary review. These cases are considered appellate decisions here. They are appeals that were formerly decided with regular appellate review and are comparable to appeals elsewhere decided in that manner. Also, the discretionary review procedures are the same as procedures used for appeals decided summarily but not termed discretionary reviews.

Statistics for summary dispositions are not available for 1979 and 1981. The estimate for 1979, 40, is based on information that 30 cases were decided on the summary calendar from July, 1979, when the summary calendar started, through November 1979, and in 1980 the court averaged about 10 summary calendar cases a month. The number of suummary calander cases in 1981, 112, is estimated by assuming that the same portion of decisions that year were on the summary calendar as in 1980 and 1982 (32 and 31 percent respectively).

The percent argued after the court began restricting arguments in 1979 are calculated by assuming that 10 percent of non-summary calendar cases are placed on a no-argument calendar (an estimate made by a judge) and assuming that 5 percent of other cases are not argued. Summary calendar cases also are not argued.

STATE=30

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
460	68	103	0	0	103	103	5.00	0	5.00	N	.00	0	0	0	0	0	0	24	2	0	0	1	0
461	69	105	0	0	105	105	5.00	0	5.00	N	.00	0	0	0	0	0	0	22	2	0	0	1	0
462	70	106	0	0	106	106	5.00	0	5.00	N	.00	0	0	0	0	0	0	15	2	0	0	1	0
463	71	103	0	0	103	103	5.00	0	5.00	N	.00	0	0	0	0	0	0	24	2	0	0	1	0
464	72	128	0	0	128	125	5.00	0	5.00	N	.00	0	0	0	0	0	0	16	2	0	0	1	0
465	73	182	0	0	182	177	5.00	0	5.00	N	.00	0	0	0	0	0	0	22	2	0	0	1	0
466	74	192	0	0	192	191	5.00	0	5.00	N	.00	0	0	0	0	0	0	36	2	0	0	1	0
467	75	210	0	0	210	198	5.00	0	5.00	N	.00	0	0	0	0	0	0	49	2	0	0	1	0
468	76	236	0	0	236	227	5.00	0	5.00	N	.00	0	0	0	0	0	0	58	2	0	0	1	0
469	77	273	0	0	273	258	4.83	0	4.83	N	.10	0	1	0	0	0	0	62	2	0	0	1	0
470	78	225	0	0	225	215	4.57	0	4.57	N	.29	0	1	0	0	0	0	64	2	0	0	1	0
471	79	266	0	0	266	260	4.82	0	4.82	N	.00	0	1	0	0	0	0	53	2	0	40	1	0
472	80	344	0	0	344	325	5.00	0	5.00	N	.00	0	0	0	0	0	0	55	2	0	109	1	0
473	81	360	0	0	360	349	5.00	0	5.00	N	.00	0	0	0	0	0	0	75	2	0	112	1	0
474	82	435	0	0	435	406	5.00	0	5.00	N	.00	0	0	0	0	0	0	78	2	0	134	5	0
475	83	404	0	0	404	371	5.00	0	5.00	N	.00	0	0	0	0	0	0	40	1	0	150	10	0
476	84	423	0	0	423	407	5.00	0	5.00	N	.00	0	1	0	0	0	0	38	1	0	199	10	0

OBS	YEAR	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ISUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETI	PETDC	PETGR	YEAR
460	68	0	0.2	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	133	0	0	0	9	0	0	0	68
461	69	0	0.2	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	134	0	1	0	14	0	0	0	69
462	70	0	0.2	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	127	0	1	0	7	0	0	0	70
463	71	0	0.2	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	160	0	1	0	16	0	0	0	71
464	72	0	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	172	0	1	0	13	0	0	0	72
465	73	0	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	212	0	1	0	18	0	0	0	73
466	74	0	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	245	0	1	0	17	0	0	0	74
467	75	0	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	238	0	1	0	32	0	0	0	75
468	76	0	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	238	0	1	0	28	0	0	0	76
469	77	0	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	266	0	1	0	33	0	0	0	77
470	78	0	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	272	0	1	0	34	0	0	0	78
471	79	0	1.0	0	0	0	0	5	0	0	70	0	0	70	2	15	0	0	15	2	257	0	1	0	30	0	0	0	79
472	80	0	1.0	0	0	0	0	5	0	0	60	0	0	60	2	32	0	0	32	2	350	0	1	0	27	0	0	0	80
473	81	0	1.0	0	0	0	0	5	0	0	60	0	0	60	2	31	0	0	31	2	442	0	1	0	18	0	0	0	81
474	82	0	1.0	0	0	0	0	5	0	0	60	0	0	60	2	31	0	0	31	2	498	0	1	0	36	0	0	0	82
475	83	0	2.0	0	0	0	0	5	0	0	52	0	0	52	2	39	0	0	39	2	517	0	0	0	49	0	0	0	83
476	84	0	2.0	0	0	0	0	5	0	0	45	0	0	45	3	47	0	0	47	2	511	0	0	0	N	0	0	0	84

31 NEW JERSEY (FY 8/30)

Sources: Annual reports; statistics supplied by the court administrator's office and the appellate court clerks.

Definitions:

Decisions--IAC: "Appeals decided." SupC: Appeals and disciplinary actions decided by opinion.

Opinions--IAC: majority opinions and per curiams. SupC: majority opinions and per curiams.

Definitions of Criminal: "criminal." Civil: all other categories.

IAC Writs: "leave to appeal."

SupC Petition for Review: "petitions for certification".

SupC Writs: "disciplinary proceedings," "direct certification" and "leave to appeal."

Unpublished Opinion IAC: majority opinions and curiam opinions less published opinions less summary dispositions.

Memo Opinion IAC: per curiam. SupC: per curiam.

Decisions w/o Opinion IAC: summary dispositions (and oral opinions). SupC: none.

Comments:

Information about the number of opinions and number of per curiam opinions is not available for 1982 and 1984. The number of opinions is estimated by taking the average ratio of opinions to decisions for 1976-81 and 1983 (.953, with a range of .933 to .967, with no evident trend). The number of per curiams (including summary dispositions) is the average ratio of per curiams to cases decided in 1976-81 and 1983 (.875, with a range of .851 to .910, with perhaps a slight rising tendency).

The average panel size for 1982 is estimated to be 2.3, the average of 1979-1984 (range 2.2 to 2.4).

Since 1975 the Appellate Division has issued a substantial number of "rule dispositions" under Rule 2:11-3(e) (a 1981 article said about a third of the decisions were by rule disposition). These are classified as per curiam opinions by the court and in this research, but they are close to being decisions without opinion. According to the clerk interviewed, the rule dispositions generally consist of a list of the issues raised and statements that each had no merit.

The number of intermediate court and supreme court writs for 1982 are estimated to be the average of the 1981 and 1983 figures.

STATE=31

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
477	68	1169	998	931	171	138	19.00	12.00	7.00	-.37	.00	0	0	694	0	651	3	68	2	0	0	20	1	0
478	69	1208	1045	1015	163	131	19.00	12.00	7.00	-.00	.00	0	0	818	0	811	3	72	2	0	0	20	1	0
479	70	1398	1228	1167	170	133	19.00	12.00	7.00	-.00	.00	0	2	952	0	905	3	60	2	0	0	20	1	0
480	71	1771	1615	1572	156	143	21.96	15.00	6.96	-.00	.00	1	4	1337	0	1257	3	69	2	0	0	23	1	0
481	72	2097	1931	1867	156	139	22.16	15.16	7.00	-.00	.00	2	4	1674	0	1736	4	72	2	0	0	23	1	0
482	73	2459	2300	2199	159	150	20.92	14.68	6.24	-.5	.00	3	4	2000	0	2077	4	78	2	0	0	34	1	6
483	74	2579	2453	2251	126	116	24.79	17.87	6.92	-.94	.00	2	4	1993	0	2048	4	53	2	0	0	39	1	6
484	75	2834	2660	2580	174	128	28.22	21.22	7.00	-.66	.00	3	4	2301	0	2365	4	47	2	0	0	45	1	8
485	76	3267	3143	2998	124	114	28.44	21.44	7.00	-.89	.00	3	5	2648	0	2777	4	43	2	0	0	45	1	9
486	77	3176	3091	2891	175	153	27.48	20.48	7.00	1.1	.00	3	1	2456	0	2555	4	71	2	0	0	46	1	11
487	78	3203	3032	2900	171	149	28.00	21.00	7.00	1.3	.00	3	1	2435	0	2600	4	68	2	0	0	48	1	12
488	79	3582	3427	3198	155	128	27.54	20.54	7.00	-.00	.00	0	2	2787	0	2940	4	35	2	0	0	50	1	14
489	80	3871	3738	3500	133	110	27.70	20.70	7.00	-.21	.00	4	2	3216	0	3286	4	18	2	0	0	52	1	15
490	81	3873	3747	3578	126	101	27.72	20.72	7.00	-.64	.00	2	1	3261	0	3269	4	15	2	49	0	52	1	15
491	82	4229	4072	3881	157	115	28.00	21.00	7.00	-.00	.00	2	1	3101	0	3020	3	20	2	543	0	52	1	15
492	83	4415	4301	4158	114	90	27.88	21.00	6.88	-.00	.00	3	1	3201	0	3119	3	24	2	716	0	52	1	15
493	84	4680	4589	4366	100	100	30.00	23.00	7.00	-.00	.00	5	0	3310	0	3215	3	24	2	795	0	62	1	15

OBS	SCLC	SCSA	ICPATTY	SCPATTY	YACPCT	ZPAN	ICPAN	SCPAN	ZAGPCT	ICARG	SCARG	ICARSD	SCARSD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETPI	PETDC	PETSR	YEAR
477	1.0	0	0	0	85	4	3.0	0	95	95	95	1	1	0.0000	0	1	0	1	1898	1	1	299	107	N	284	59	68
478	1.0	0	0	0	88	4	3.0	0	95	95	95	1	1	0.0000	0	1	0	1	2118	1	1	291	100	N	341	47	69
479	1.0	0	0	0	91	3	3.0	0	95	95	95	1	1	0.0000	0	1	0	1	2502	1	1	299	117	424	422	67	70
480	1.0	0	0	0	92	3	3.0	0	95	95	95	1	1	0.0000	0	1	0	1	2815	1	1	349	136	610	575	65	71
481	1.0	0	0	0	92	3	3.0	0	95	95	95	1	1	0.0000	0	1	0	1	3626	1	1	379	148	539	562	86	72
482	2.0	0	0	0	94	3	3.0	0	95	95	95	1	1	0.0000	0	1	0	1	3934	1	1	433	162	681	566	83	73
483	2.0	0	0	0	95	3	3.0	0	95	95	95	1	1	0.0000	0	1	0	1	3851	1	1	455	164	776	817	111	74
484	2.0	0	0	0	94	3	3.0	0	98	95	98	1	1	0.0000	0	1	0	1	4458	1	1	572	168	754	704	105	75
485	2.0	0	0	0	96	3	3.0	0	86	95	86	1	1	0.0000	0	1	0	1	4896	1	1	655	233	837	705	118	76
486	2.0	0	0	0	94	3	3.0	0	91	95	91	1	1	0.0000	0	1	0	1	5283	1	1	647	251	765	967	125	77
487	2.0	0	0	0	95	3	3.0	0	95	95	95	1	1	0.0000	0	1	0	1	5392	1	1	810	269	866	698	82	78
488	2.0	0	0	0	96	3	2.3	0	89	95	89	1	1	0.0000	0	1	0	1	4856	1	1	760	278	931	975	109	79
489	2.0	0	0	0	97	3	2.3	0	96	95	96	1	1	0.0000	0	1	0	1	5153	1	1	969	293	979	1075	109	80
490	2.0	0	0	0	97	3	2.4	0	94	95	94	1	1	0.9675	1	1	0	1	5786	1	1	961	242	986	915	89	81
491	2.0	0	0	0	96	2	2.3	0	95	95	95	1	1	12.5174	13	2	0	1	6149	1	1	939	267	995	972	N	82
492	2.1	0	15	0	97	2	2.2	0	40	39	3	96	1	15.5869	16	2	0	1	6438	1	1	916	294	1083	1031	100	83
493	2.1	0	15	0	98	2	2.2	0	43	42	3	95	1	16.6368	17	2	0	1	6351	1	1	1083	W	N	N	N	84

32 NEW MEXICO (6/30; calendar before 1980)

Sources: Annual reports; state plans.

Definitions:

Decisions--IAC: case dispositions by "opinion." SupC: cases disposed of by "opinions and/or decisions" (excluding those on rehearing).

Opinions--IAC: NA. SupC: "opinions and/or decisions."

Definition or Criminal: "criminal." Civil: "civil."

IAC Writs: none.

SupC Petitions for Review: "certiorari." Those granted are cases where certiorari has been issued and cases handed down i.e. action on writs of certiorari other than quashing.

Unpublished Opinion IAC: memorandum opinions. SupC: memorandum opinions.

Memo Opinion IAC: memorandum opinions. SupC: per curiam and memorandum opinions.

Decisions w/o Opinion IAC: none. SupC: none.

Comments:

For 1980 the number of Supreme Court decisions is estimated from the number of opinions, the only data available. In 1975-84 there were an average of 5 more opinions than decisions; so the number of decisions in 1980 is estimated to be 5 more than the number of opinions.

The number of Supreme Court decisions by unpublished memo opinion is not available after 1976. It is estimated by subtracting the number of opinions published by West from the total number of opinions. After 1979, when the court statistics are on a fiscal year, the number of opinions published is estimated to be the average of the two calendar years that overlap each fiscal year.

The percent of cases argued is estimated for 1968, 1969, 1976, 1980, and 1982-3 for the Supreme Court, and 1980 for the Court of Appeals, by taking the average of surrounding years or preceding or following three years (the percentages differ little, so the estimations cannot be far off).

Petitions for review granted are the number granted and disposed of, excluding those quashed (here the court grants petitions and then later reverses the decision to grant).

The Court of Appeals has discretionary interlocutory appeals, but these are generally granted and are not counted as writs here.

STATE=32

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
494	68	256	102	N	164	N	9.00	4.00	5.00	.00	.10	0	0	0	0	0	1	3	1	0	0	9	1
495	69	279	127	N	152	N	8.87	4.00	4.87	.00	.31	0	2	0	0	0	1	8	1	0	0	9	1
496	70	255	128	N	127	N	8.97	4.00	4.97	.00	.43	0	2	4	0	0	1	7	1	0	0	9	1
497	71	311	191	N	120	N	8.82	3.82	5.00	.00	.30	0	2	4	0	0	1	1	1	0	0	9	1
498	72	266	186	183	80	N	9.79	4.79	5.00	.00	.10	1	1	0	0	0	1	3	1	0	0	10	1
499	73	322	193	192	129	N	10.00	5.00	5.00	.00	.10	1	0	1	32	32	1	2	1	0	0	10	1
500	74	369	266	N	103	N	10.00	5.00	5.00	.00	.15	0	1	0	49	49	2	18	2	67	0	10	1
501	75	585	383	N	202	N	10.00	5.00	5.00	.00	.10	0	1	226	130	226	3	131	3	0	0	11	1
502	76	647	428	N	219	N	10.00	5.00	5.00	.00	.21	0	1	287	138	287	3	139	3	0	0	12	1
503	77	554	367	N	187	N	9.96	5.00	4.96	.00	.37	0	2	217	70	217	3	71	2	0	0	12	1
504	78	572	350	N	222	N	10.00	5.00	5.00	.00	.05	0	0	195	114	195	3	116	3	0	0	12	1
505	79	579	382	N	197	N	11.92	7.00	4.92	.00	.10	2	1	199	90	199	3	92	2	0	0	15	1
506	80	661	443	N	218	N	12.00	7.00	5.00	.00	.15	0	1	238	87	238	3	90	2	0	0	15	1
507	81	680	444	N	236	N	11.96	6.96	5.00	.00	.21	0	1	255	79	255	3	81	2	0	0	16	1
508	82	720	440	N	280	N	11.79	6.79	5.00	.00	.15	2	0	233	111	233	3	114	2	0	0	16	1
509	83	668	423	N	245	N	11.70	7.00	4.70	.00	.15	1	1	253	109	253	3	111	2	0	0	17	1
510	84	655	450	N	215	N	12.00	7.00	5.00	.00	.30	2	1	285	95	285	3	99	2	0	0	23	1

OBS	ICSA	SCLC	SCSA	ICPAIFY	SCPAIFY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARS	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
494	0	1	0	0	0	38	3	3.0	3	78	60	2	90	1	0.0000	0	1	0	1	278	0	0	0	108	N	N	N	68
495	0	1	0	0	0	46	3	3.0	3	82	73	2	90	1	0.0000	0	1	0	1	292	0	0	0	124	N	N	N	69
495	0	1	0	0	0	50	3	3.0	3	82	76	2	89	1	0.0000	0	1	0	1	280	0	0	0	100	N	31	N	70
497	0	1	0	0	0	61	3	3.0	3	82	78	2	88	1	0.0000	0	1	0	1	327	0	0	0	80	47	44	11	71
498	0	1	0	0	0	70	3	3.0	3	83	79	2	93	1	0.0000	0	1	0	1	335	0	0	0	108	61	61	9	72
499	0	1	0	0	0	60	3	3.0	3	69	58	2	86	1	0.0000	0	1	0	1	450	0	1	0	83	61	60	14	73
500	0	1	0	0	0	72	3	2.9	3	67	58	2	90	1	18.0217	25	2	0	1	665	0	1	0	120	84	83	15	74
501	1	1	0	1	0	65	3	3.0	3	51	32	3	86	1	12.4393	19	2	0	1	707	0	1	0	137	128	123	21	75
502	2	1	0	2	0	66	3	3.0	3	43	22	3	85	1	8.5997	13	2	0	1	637	0	0	0	171	184	187	35	76
503	2	1	0	2	0	61	3	3.0	3	42	20	3	77	2	10.5993	16	2	0	1	808	0	0	0	189	167	173	43	77
504	2	1	0	2	0	61	3	3.0	3	42	20	3	77	2	7.9545	13	2	0	1	769	0	0	0	207	174	167	47	78
505	3	1	0	3	0	66	3	3.0	3	49	34	3	78	2	11.8756	18	2	0	1	727	0	0	0	199	182	177	40	79
506	3	1	0	3	0	67	3	3.0	3	46	30	3	80	2	12.7337	19	2	0	1	805	0	0	0	184	208	191	N	80
507	4	1	0	4	0	65	3	3.0	3	46	27	3	81	2	13.0588	20	2	0	1	707	0	0	0	169	204	205	37	81
508	4	1	0	4	0	61	3	3.0	3	49	30	3	80	2	14.0556	23	2	0	1	869	0	0	0	182	190	183	43	82
509	5	1	0	5	0	63	3	3.0	3	49	31	3	80	2	10.7650	17	2	0	1	839	0	0	0	190	167	165	42	83
510	5	2	0	5	0	68	3	3.0	3	37	16	3	80	2	17.5940	26	2	0	1	782	0	0	0	170	171	168	49	84

33 NEW YORK (calendar; FY 6/30 before 1975)

Sources: Annual reports; unpublished statistics sent by the Court of Appeals and the court administrator's office.

Definitions:

Decisions--IAC: dispositions less dismissals. SupC: appeals decided.
Opinions--IAC: NA. SupC: NA.
Definition of Criminal: "criminal." Civil: "civil."
IAC Writs: none.
SupC Petitions for Review: "criminal leave applications" and "motions for leave to appeal."
SupC Writs: NA.
Unpublished Opinion IAC: none. SupC: none.
Memo Opinion IAC: "memo and per curiam opinions." SupC: "memorandum and per curiam opinions."
Decisions w/o Opinion IAC: Decision (see above) less opinions. SupC: Decisions (see above) less opinions.

Comments:

The number of Appellate Division judges is estimated by using the time when judges names began and left the state reporter volumes, using the data of last opinion in each volume.

All but very few opinions are published, and it is estimated here that none are unpublished.

The number of decisions in the Appellate Division (the intermediate court) for 1982 is estimated by subtracting an estimate of the number of dismissals from the number of total dispositions. The number of dispositions is estimated by using the average percent dismissed in 1979-81 and 1983-4 (4.6 percent, with a range of 4.2 to 5.1).

The number of central staff in the Court of Appeals (the court of last resort) in 1975, 1977 and 1981 was estimated by taking the average of the numbers in the surrounding years. The number of central staff in the Appellate Division is not available before 1977.

The number of memo opinions in the Court of Appeals in 1982 is not available, and is estimated to be the average of the surrounding years.

STATE=33

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
511	68	5476	4908	N	568	N	38.50	31.5	7.00	N	N	5	1	0	0	3222	3	N	1	1454	N	N	1	N
512	69	5439	4785	N	654	N	40.50	33.5	7.00	N	N	7	1	0	0	3099	3	57	1	1459	402	N	1	N
513	70	5731	5127	N	604	N	40.50	33.5	7.00	N	N	1	0	0	0	3485	3	63	1	1397	394	N	1	N
514	71	6028	5446	N	582	N	43.00	36.0	7.00	N	N	4	2	0	0	2666	2	61	1	2538	390	N	1	N
515	72	6422	5884	N	538	N	43.00	36.0	7.00	N	N	2	3	0	0	2485	2	59	1	3121	354	N	1	N
516	73	6213	5557	N	656	N	44.50	37.5	7.00	N	N	3	3	0	0	2203	2	126	1	3093	393	N	1	N
517	74	5310	5736	N	574	N	46.46	39.5	6.96	N	N	6	4	0	0	2669	2	86	1	2676	363	N	1	N
518	75	7539	6991	N	548	N	45.50	38.5	7.00	N	N	4	2	0	0	3549	3	162	2	2960	186	N	1	N
519	76	7667	7027	N	640	N	49.00	42.0	7.00	N	N	12	0	0	0	5155	3	239	2	1451	186	N	1	N
520	77	8045	7404	N	641	N	50.00	43.0	7.00	N	N	4	0	0	0	4951	3	238	2	2004	225	N	1	N
521	78	8335	8741	N	594	N	49.50	42.5	7.00	N	N	5	0	0	0	4370	3	245	2	3811	174	148	1	83
522	79	9174	8604	N	570	N	53.00	46.0	7.00	N	N	6	1	0	0	4221	3	261	2	3822	146	151	1	83
523	80	9594	8946	N	648	N	52.50	45.5	7.00	N	N	4	0	0	0	4530	3	295	2	3923	177	151	1	83
524	81	9544	8838	N	706	N	54.50	47.5	7.00	N	N	4	0	0	0	4430	3	256	2	3966	295	156	1	85
525	82	10053	9331	N	722	N	55.00	48.0	7.00	N	N	9	0	0	0	5663	3	277	2	3290	351	157	1	86
526	83	10214	9530	N	584	N	53.62	47.0	6.62	N	N	1	1	0	0	6221	3	297	2	2876	242	155	1	86
527	84	10614	9903	N	711	N	55.00	48.0	7.00	N	N	3	0	0	0	5927	3	315	2	3547	213	157	1	86

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAY	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
511	2	0	N	0	90	5	5.0	0	63	59	2	95	1	0.00000	0	1	0	1	4492	0	1	N	N	N	N	N	68
512	2	0	N	0	88	5	5.0	0	63	59	2	95	1	0.00000	0	1	0	1	4858	0	1	N	N	N	N	N	69
513	2	0	N	0	89	5	5.0	0	62	58	2	95	1	0.00000	0	1	0	1	5015	0	1	N	N	N	N	N	70
514	2	0	N	0	90	5	5.0	0	59	55	2	95	1	0.00000	0	1	0	1	5256	0	1	N	N	N	1798	249	71
515	2	0	N	0	92	5	5.0	0	58	55	2	95	1	0.00000	0	1	0	1	5309	0	1	N	N	N	1534	213	72
516	2	0	N	0	89	5	5.0	0	57	53	2	95	1	0.00000	0	1	0	1	5675	0	1	N	N	N	1495	204	73
517	2	0	N	0	91	5	5.0	0	62	59	2	95	1	0.00000	0	1	0	1	6051	0	1	N	N	N	1492	244	74
518	2	2	N	1	93	5	5.0	0	57	54	2	95	1	0.00000	0	1	0	1	7429	0	1	N	N	N	1541	185	75
519	2	6	N	2	92	5	4.6	0	59	56	2	95	1	0.00000	0	1	0	1	7362	0	1	N	N	N	1624	133	76
520	2	7	N	2	92	5	4.6	0	57	54	2	95	1	0.00000	0	1	0	1	7826	0	1	N	N	2084	1042	154	77
521	2	7	N	2	94	5	4.6	0	54	51	2	95	1	0.00000	0	1	0	1	8384	0	1	N	N	2342	2211	177	78
522	2	7	N	2	94	5	4.6	0	53	50	2	95	1	0.00000	0	1	0	1	8418	0	1	N	N	N	2238	141	79
523	2	7	N	2	93	5	4.6	0	56	53	2	95	1	0.00000	0	1	0	1	8630	0	1	N	N	2577	2374	160	80
524	2	8	N	2	93	5	4.6	0	56	54	2	82	2	1.03562	0	1	14	2	9338	0	0	N	N	2619	2465	141	81
525	2	8	N	2	93	5	4.6	0	52	51	2	67	2	2.29822	0	1	32	2	9465	0	0	N	N	2722	2537	159	82
526	2	8	N	2	93	5	4.6	0	58	57	2	65	2	2.27687	0	1	34	2	10606	0	0	N	N	2757	2559	168	83
527	2	8	N	2	93	5	4.6	0	53	52	2	69	2	1.80865	0	1	27	2	N	0	0	N	N	3277	2935	165	84

34 NORTH CAROLINA (FY 6/30; calendar to 1982)

Sources: Annual reports; reports from the Court of Appeals.

Definitions:

Decisions--IAC: cases decided by written opinion. SupC: disposition with published opinion or per curiam decision.
Opinions--IAC: see decisions. SupC: see decisions.
Definition of Criminal: criminal and post conviction. Civil: all other.
IAC Writs: petitions.
SupC Petitions for Review: petitions for review.
SupC Writs: extraordinary writs.
Unpublished Opinion IAC: see below. SupC: none.
Memo Opinion IAC: NA. SupC: per curiam decision.
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The number of decisions is estimated to be the number of opinions, since there are very few instances where more than one case is decided by one opinion.

The number of unpublished opinions in the Court of Appeals is estimated by subtracting the number of opinions published in West from the number of cases decided by the court. After 1980, however, the court statistics are FY statistics.

The 1981 Supreme Court statistics are for FY 8/31 and the Court of Appeals statistics are for the calendar year.

The Court of Appeals decided a few cases in the 1970's with opinions that simply stated "no error" or the like. Although these are in fact decisions without opinions, they are so few that the number of decisions without opinions is estimated to be zero.

The dummy variable for memorandum opinions is a rough estimate based on the published reports and clerks' estimates.

The dummy variable for arguments may not be exact for the Court of Appeals. The portion of cases argued has been declining for some time, and the year when it fell below 85% is not clear.

The figures for petitions for review include some writs that are not from decisions of the Court of Appeals - petitions to bypass the Court of Appeals and other writs from the trial courts.

STATE=34

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICDN	SCDN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
528	68	554	392	392	152	162	12.33	5.33	7.00	N	N	1	1	0	0	N	1	24	1	0	0	12	1
529	69	603	536	536	67	67	14.23	7.29	6.94	N	N	1	0	0	0	N	1	2	1	0	0	14	1
530	70	703	594	594	109	109	16.00	9.00	7.00	N	N	1	0	0	0	N	1	4	1	0	0	16	1
531	71	816	605	605	211	211	16.00	9.00	7.00	N	N	1	0	0	0	N	1	7	1	0	0	16	1
532	72	948	773	773	175	175	16.00	9.00	7.00	N	N	1	0	0	0	N	1	3	1	0	0	16	1
533	73	810	664	664	146	146	15.58	8.58	7.00	N	N	1	2	0	0	N	1	10	1	0	0	16	1
534	74	983	848	848	135	135	15.95	8.95	7.00	N	N	1	2	0	0	N	1	4	1	0	0	17	1
535	75	955	829	829	136	136	16.00	9.00	7.00	N	N	1	2	0	0	N	1	N	1	0	0	19	1
536	75	1033	944	944	139	139	16.00	9.00	7.00	N	N	1	2	0	0	N	1	N	1	0	0	19	1
537	77	937	787	785	150	150	16.04	9.04	7.00	N	N	1	2	0	0	N	1	N	1	0	0	20	1
538	78	1171	1038	1035	133	133	19.00	12.00	7.00	N	N	1	2	0	0	N	1	N	1	0	0	24	1
539	79	1267	1105	1105	162	162	18.88	11.88	7.00	N	N	1	2	0	0	N	1	N	1	0	0	26	1
540	80	1454	1251	1261	193	193	18.70	11.78	6.92	N	N	1	2	0	0	N	1	N	1	0	0	28	1
541	81	1217	1039	1039	178	178	18.90	12.00	6.90	N	N	1	2	0	0	N	1	N	1	0	0	28	1
542	82	1291	1119	1119	172	172	19.00	12.00	7.00	N	N	1	2	0	0	N	1	21	1	0	0	28	1
543	83	1284	1106	1106	178	178	18.58	11.58	7.00	N	N	1	2	0	0	N	1	36	1	0	0	28	1
544	84	1491	1306	1306	185	185	19.00	12.00	7.00	N	N	1	2	0	0	N	2	25	1	0	0	31	1

OBS	YEAR	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCP	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARGS	ICARGD	SCARGS	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETSR	YEAR
528	68	0	1	0	0	0	71	4	3	0	95	95	1	95	1	0	0	1	0	1	N	0	0	N	0	N	N	N	68
529	69	0	1	0	0	0	89	4	3	0	95	95	1	95	1	0	0	1	0	1	561	0	0	N	0	N	102	N	69
530	70	0	1	0	0	0	84	4	3	0	95	95	1	95	1	0	0	1	0	1	673	0	0	N	0	N	154	N	70
531	71	0	1	0	0	0	82	4	3	0	95	95	1	95	1	0	0	1	0	1	767	0	0	355	0	N	143	N	71
532	72	0	1	0	0	0	82	4	3	0	95	95	1	95	1	0	0	1	0	1	844	0	0	427	0	N	228	N	72
533	73	0	1	0	0	0	86	4	3	0	95	95	1	95	1	0	0	1	0	1	828	0	0	452	0	N	235	N	73
534	74	1	1	0	0	0	86	4	3	0	95	95	1	95	1	0	0	1	0	1	1100	0	0	482	0	N	273	N	74
535	75	3	1	0	3	0	86	4	3	0	95	95	1	95	1	0	0	1	0	1	1078	0	0	N	0	347	274	39	75
536	76	3	1	0	3	0	87	4	3	0	95	95	1	95	1	0	0	1	0	1	1067	0	0	N	0	381	294	47	76
537	77	3	1	0	3	0	88	4	3	0	N	N	1	95	1	0	0	1	0	1	1078	0	0	N	0	332	332	52	77
538	78	4	1	0	4	0	89	4	3	0	N	N	1	95	1	0	0	1	0	1	1174	0	0	N	0	422	400	65	78
539	79	6	1	0	6	0	87	4	3	0	N	N	1	95	1	0	0	1	0	1	1206	0	0	461	0	499	438	65	79
540	80	8	1	0	8	0	87	4	3	0	N	N	2	95	1	0	0	1	0	1	1204	0	0	508	13	604	617	72	80
541	81	8	1	0	8	0	85	4	3	0	N	N	2	95	1	0	0	1	0	1	1222	0	0	639	60	552	612	73	81
542	82	8	1	0	8	0	87	4	3	0	N	N	2	98	1	0	0	1	0	1	1413	0	0	569	56	681	692	75	82
543	83	8	1	0	8	0	86	4	3	0	N	N	2	95	1	0	0	1	0	1	1398	1	0	469	71	538	563	74	83
544	84	11	1	0	11	0	89	4	3	0	N	N	2	91	1	0	0	1	0	1	1314	1	0	423	77	547	469	70	84

35 NORTH DAKOTA (calendar)

Sources: Statistics supplied by the court; annual reports; opinion count (1968-76).

Definitions:

Decisions--IAC: none. SupC: dispositions by opinion.
Opinions--IAC: none. SupC: number of written opinions.
Definition of Criminal: "criminal." Civil: "civil."
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: Application for admission, original jurisdiction, discipline.
Unpublished Opinion IAC: none. SupC: none.
Memo Opinion IAC: none. SupC: see below.
Decisions w/o Opinion IAC: none. SupC: none.

Comments.

The number of writs disposed in 1973, 1974, and 1978 are estimated by taking progressions from adjoining years.

The number of cases decided by per curiam or memorandum opinion is estimated to be zero, although there were one or two such opinions in a few years.

STATE=35

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEMJADJ	SCEMJADJ	ICNEWJ	SCNEWJ	ICUN	SCUM	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
545	68	58	0	0	60	58	5.00	0	5.00	N	-.15	0	0	0	0	0	0	0	1	0	0	2	0	0
546	69	62	0	0	71	62	5.00	0	5.00	N	-.15	0	0	0	0	0	0	0	1	0	0	2	0	0
547	70	81	0	0	88	81	5.00	0	5.00	N	-.10	0	0	0	0	0	0	0	1	0	0	2	0	0
548	71	96	0	0	98	96	5.00	0	5.00	N	-.62	0	0	0	0	0	0	0	1	0	0	2	0	0
549	72	90	0	0	97	90	5.00	0	5.00	N	-.56	0	0	0	0	0	0	0	1	0	0	2	0	0
550	73	88	0	0	96	88	4.97	0	4.97	N	-.26	0	1	0	0	0	0	0	1	0	0	3	0	0
551	74	124	0	0	133	124	5.00	0	5.00	N	-.56	0	0	0	0	0	0	0	1	0	0	5	0	0
552	75	102	0	0	105	102	5.00	0	5.00	N	-.00	0	1	0	0	0	0	0	1	0	0	5	0	0
553	76	119	0	0	124	119	5.00	0	5.00	N	-.N	0	2	0	0	0	0	0	1	0	0	5	0	0
554	77	143	0	0	N	143	5.00	0	5.00	N	-.26	0	0	0	0	0	0	0	1	0	0	5	0	0
555	78	133	0	0	N	133	5.00	0	5.00	N	-.15	0	0	1	0	0	0	0	1	0	0	5	0	0
556	79	171	0	0	N	171	5.00	0	5.00	N	-.15	0	0	0	0	0	0	0	1	0	0	6	0	0
557	80	172	0	0	N	172	5.00	0	5.00	N	-.N	0	0	0	0	0	0	0	1	0	0	6	0	0
558	81	223	0	0	N	223	5.00	0	5.00	N	-.N	0	0	0	0	0	0	0	1	0	0	7	0	0
559	82	225	0	0	N	225	5.00	0	5.00	N	-.N	0	0	0	0	0	0	0	1	0	0	7	0	0
560	83	223	0	0	241	223	4.93	0	4.93	N	-.N	0	0	0	0	0	0	0	1	0	0	9	0	0
561	84	219	0	0	247	219	4.94	0	4.94	N	-.N	0	0	0	0	0	0	0	1	0	0	9	0	0

OBS	YEAR	PEFGR	PEFDC	PEFPI	ICWR	SCWR	ICDELAY	SCDELAY	ALLAPP	ICSUMD	SCSUM	SCSUMD	ICSUM	ESUMPCT	SCARGD	SCARG	ICARGD	ICARG	ZARGPCT	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	SCSA	SCLC
545	68	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	0.4
546	69	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	0.4
547	70	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	0.4
548	71	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	0.4
549	72	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	0.6
550	73	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	1.0
551	74	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	1.0
552	75	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	1.0
553	76	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	1.0
554	77	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	1.0
555	78	0	0	0	0	N	0	1	N	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	1.0
556	79	0	0	0	0	12	0	1	208	0	0	1	0	0	1	95	0	0	95	0	0	0	5	0	0	0	1.0
557	80	0	0	0	0	15	0	1	294	0	0	1	0	0	1	95	0	0	95	0	0	1	5	0	0	0	1.0
558	81	0	0	0	0	18	0	1	309	0	0	1	0	0	1	95	0	0	95	0	0	1	5	0	0	1	1.2
559	82	0	0	0	0	21	0	1	308	0	0	1	0	0	1	95	0	0	95	0	0	1	5	0	0	1	1.0
560	83	0	0	0	0	18	0	1	310	0	0	1	0	0	1	95	0	0	95	0	0	1	5	0	0	1	1.0
561	84	0	0	0	0	19	0	0	370	0	0	1	0	0	1	95	0	0	95	0	0	1	5	0	0	1	1.0

Sources: Annual reports; reports sent by the courts.

Definitions:

Decisions--IAC: "decision on the merits." SupC: "decisions on the merits."

Opinions--IAC: decisions less cases closed by consolidation. SupC: decisions on the merits.

Definition of Criminal: criminal, habeas, post Conviction, Traffic, Parole. Civil: all others.

IAC Writs: none.

SupC Petitions for Review: petitions for review.

SupC Writs: "original proceedings" and "Bar proceedings" and "judicial fitness" filings.

Unpublished Opinion IAC: none. SupC: none.

Memo Opinion IAC: "per curiam" and "memorandum". SupC: see below.

Decisions w/o Opinion IAC: "bench decisions" and "affirmed without opinion." SupC: none.

Comments:

The supreme court decision statistics are cases decided by opinion excluding consolidations. After 1978 there were virtually no consolidations, according to the clerk, because there were almost no direct appeals. In 1977, the only year with available information, there were 15 consolidations.

The Supreme Court per curiam decisions (issues largely in attorney and judge discipline cases) are counted as regular opinions. They amount to about 10 to 20 percent of the opinions.

The number of per curiam opinions in the Court of Appeals in 1969-72 is not available. It is assumed to be 13 percent of the opinions (the average for 1973-7, range 10 to 17 percent).

The size of the Court of Appeals panel is the usual size for that year. In 1978 and 1979, the chief judge generally sat with each panel, making 4 judges; after Sept 1979, the chief judge seldom sat unless one of the three regular judges could not sit.

The Supreme Court sat in panels until 1980. The panels consisted of three associate justices, the chief justice, and often a trial judge brought in as a fifth judge. The court used panels in most, but not all cases. It is estimated that the average panel size is 5.

The number of staff attorneys in the Court of Appeals

The number of law clerks in the intermediate courts is not available for 1974-76, and it is assumed that the number increased in steps. The figures for clerks in 1977-84 is the number of authorized positions, and some judges did not use the full number authorized.

The number of judges for the Superior Court include retired judges who sat full time since retirement. There were 8 in 1984. Some of these judges work slightly less than full time, but are counted as full time times.

STATE=38

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY
562	68	345	0	0	345	345	7.00	0.00	7.00	N	1.9	0	0	0	0	0	0	0	1	0	0	7
563	69	341	90	84	251	251	9.27	2.27	7.00	.00	.78	0	5	0	0	11	1	0	1	0	0	9
564	70	602	390	348	212	212	11.94	5.00	6.94	.00	.00	3	0	0	0	57	1	0	1	0	0	14
565	71	757	526	468	231	231	12.00	5.00	7.00	.00	.07	1	0	0	0	174	2	0	1	0	0	14
566	72	856	612	557	244	244	12.00	5.00	7.00	.00	.00	1	0	0	0	76	1	0	1	144	0	15
567	73	833	594	560	239	239	12.24	5.24	7.00	.00	.00	1	0	0	0	57	1	0	1	154	0	15
568	74	855	608	575	247	247	13.00	6.00	7.00	.00	.50	1	0	0	0	62	1	0	1	145	0	16
569	75	1150	877	834	273	273	13.00	6.00	7.00	.00	.00	1	0	0	0	97	1	0	1	282	0	17
570	76	1608	1303	1235	305	305	12.92	5.92	7.00	.00	.61	2	5	0	0	159	1	0	1	553	0	18
571	77	1836	1514	1420	322	322	14.33	7.33	7.00	.19	.96	2	5	0	0	246	1	0	1	620	0	19
572	78	2173	1909	1757	264	264	16.96	9.96	7.00	.00	.00	2	0	0	0	373	2	0	1	758	0	25
573	79	2453	2258	2056	195	195	15.68	9.80	6.88	.00	.00	1	1	0	0	265	1	0	1	1104	0	25
574	80	2483	2355	2145	128	128	15.83	9.87	6.96	.00	.00	2	1	0	0	172	1	0	1	1209	0	28
575	81	2373	2231	1985	142	142	17.00	10.00	7.00	.00	.00	2	1	0	0	141	1	0	1	1224	0	26
576	82	2544	2385	2181	159	159	17.00	10.00	7.00	.00	.00	1	2	0	0	145	1	0	1	1405	0	26
577	83	2443	2310	2073	133	133	17.00	10.00	7.00	.00	.00	1	0	0	0	126	1	0	1	1399	0	26
578	84	2908	2720	2413	188	188	17.00	10.00	7.00	.00	.00	1	0	0	0	169	1	0	1	1649	0	26

OBS	ICLC	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARSPCT	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
562	1	0	1	0	0	0	0	5	0.0	5	94	0	94	1	0	0	1	0	1	629	1	1	0	N	0	0	0	68
563	1	1	1	0	0	0	26	5	5.0	5	94	1	94	1	0	0	1	0	1	707	1	1	0	N	8	3	0	69
564	1	1	1	1	1	0	65	4	3.0	5	92	1	96	1	0	0	1	0	1	855	1	1	0	N	138	138	13	70
565	1	1	1	2	1	1	69	4	3.0	5	96	1	97	1	0	0	1	0	1	987	1	1	0	N	195	187	17	71
566	1	1	1	2	1	1	71	4	3.0	5	92	1	97	1	0	0	1	0	1	1119	0	0	0	N	254	247	21	72
567	1	1	1	2	1	1	71	4	3.0	5	95	1	98	1	0	0	1	0	1	1190	0	0	0	N	206	196	18	73
568	1	1	1	3	1	1	71	4	3.0	5	93	1	94	1	0	0	1	0	1	1384	0	0	0	N	288	300	33	74
569	1	1	1	3	1	1	76	3	3.0	5	91	1	96	1	0	0	1	0	1	1944	0	0	0	N	301	282	23	75
570	1	1	1	4	1	2	81	3	3.0	5	93	1	94	1	0	0	1	0	1	2287	0	0	0	N	467	456	43	76
571	1	1	1	5	1	2	82	4	3.3	5	93	1	94	1	0	0	1	0	1	2814	0	0	0	N	311	274	39	77
572	1	3	1	5	1	2	88	4	3.7	5	90	1	96	1	0	0	1	0	1	3134	0	0	0	N	408	384	45	78
573	1	3	1	5	1	2	92	3	3.0	5	90	1	93	1	0	0	1	0	1	3469	0	0	0	N	552	569	104	79
574	1	6	1	5	1	2	95	3	3.0	5	92	1	96	1	0	0	1	0	1	3448	0	0	0	N	628	634	124	80
575	1	6	1	3	1	1	94	3	3.0	5	93	1	94	1	0	0	1	0	1	3427	0	0	0	N	548	563	105	81
576	1	7	1	2	1	1	94	3	3.0	5	93	1	90	1	0	0	1	0	1	3646	0	0	0	N	633	598	86	82
577	1	7	1	2	1	1	95	3	3.0	5	93	1	93	1	0	0	1	0	1	3714	0	0	0	N	895	862	134	83
578	1	7	1	2	1	1	94	3	3.0	5	93	1	93	1	0	0	1	0	1	N	0	0	0	N	870	879	105	84

39 PENNSYLVANIA (calendar)

Sources: Annual reports; reports sent by the courts.

Definitions:

Decisions--IAC: NA SupC: NA.
Opinions--IAC: Superior Court: number of cases with opinion filed. Commonwealth Court: number of majority opinions SupC: Number of opinions (from West data).
Definition of Criminal: na. Civil: na.
IAC Writs: na.
SupC Petitions for Review: petitions for allocatur.
SupC Writs: misc. petitions.
Unpublished Opinion IAC: see below. SupC: none.
Memo Opinion IAC: "per curiam" and "memorandum". SupC: see below.
Decisions w/o Opinion IAC: see below SupC: see below.

Comments:

The state has two intermediate courts: the Superior Court has general jurisdiction, and the Commonwealth Court has jurisdiction over civil cases involving the state government. The intermediate court figures combine the two courts.

The Commonwealth Court has some trial jurisdiction, hearing approximately 200 trials a year. These are included in the figures for appeals decided, counted as decisions by one judge panels and as decisions by unpublished opinions (opinions are written in most, but not all, trials and virtually none are published).

The decision statistics for the Supreme Court are the number of cases with published opinions (supplied by West Pub. Co.). This includes cases without opinion since published opinions include those that simply say "affirmed."

The number of decisions without opinions (per curiam orders) in the Superior and Supreme Courts is based on samples of opinions in the reporters; 75 percent for the Superior court in 1972-76 and 25 percent for the Supreme Court for all years.

The number of per curiam written opinions in the Supreme Court is estimated as zero, although the court issues them in a small percent of its cases.

The number of unpublished opinions in the intermediate courts is the total number of opinions less the number of published opinions in West. In the Superior Court, the number of memo opinions is the number of unpublished opinions.

STATE=39

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCMED	ICWO	SCWO	ZATTY	ELC
579	68	N	N	N	N	N	13.80	7.00	6.80	N	N	1	0	0	0	0	N	N	N	N	N	N
580	69	N	N	N	N	N	14.00	7.00	7.00	N	N	1	1	0	0	0	N	N	N	N	N	N
581	70	N	N	N	N	N	13.92	7.00	6.92	N	N	1	0	0	0	0	N	N	N	N	N	N
582	71	N	N	N	N	N	20.46	13.46	7.00	N	N	0	1	95	0	0	N	N	N	N	N	N
583	72	1925	N	N	N	340	21.00	14.00	7.00	N	N	1	2	106	0	0	1	N	840	85	43	1.6
584	73	2215	N	N	N	420	21.00	14.00	7.00	N	N	1	2	215	0	0	1	1	900	100	43	1.6
585	74	2519	N	N	N	438	21.00	14.00	7.00	N	N	1	2	302	0	0	1	1	950	110	49	2.0
586	75	2773	N	N	N	570	21.00	14.00	7.00	N	N	1	2	263	0	0	1	1	1000	140	55	2.4
587	76	2773	N	N	N	400	21.00	14.00	7.00	N	N	1	2	176	0	0	1	1	1200	100	60	2.8
588	77	2704	N	N	N	450	20.34	14.00	6.34	N	N	0	1	153	0	0	1	2	950	110	64	3.2
589	78	3908	N	N	N	610	23.01	16.12	6.89	N	N	2	1	635	0	435	2	0	1300	150	72	3.2
590	79	4289	N	N	N	412	26.52	20.00	6.52	N	N	3	1	1999	0	1890	2	0	1	100	87	3.2
591	80	3495	N	N	N	447	27.18	20.62	6.56	N	N	3	1	1043	0	774	2	0	1	110	93	3.2
592	81	3784	N	N	N	563	34.34	27.55	6.79	N	N	7	1	1420	0	1192	2	0	1	140	127	3.2
593	82	4445	N	N	N	341	34.16	27.16	7.00	N	N	2	2	2151	0	1879	2	0	1	85	130	3.2
594	83	4124	N	N	N	417	34.60	27.60	7.00	N	N	0	1	1496	0	1203	2	0	1	100	135	3.2
595	84	5551	N	N	N	254	39.00	32.00	7.00	N	N	3	1	3664	0	2802	3	0	1	85	156	3.2

OBS	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	SCARG	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
579	0	2.0	0	N	N	N	N	7.0	0	N	N	N	N	0	1	0	1	N	1	1	N	N	N	N	N	68
580	0	2.0	0	N	N	N	N	7.0	0	N	N	N	N	0	1	0	1	N	1	1	N	810	N	344	91	69
581	0	2.0	0	N	N	N	N	7.0	0	N	N	N	N	0	1	0	1	N	1	1	N	650	N	484	136	70
582	0	2.0	0	N	N	N	N	6.4	0	N	N	N	N	0	1	0	1	408	1	1	N	577	N	702	127	71
583	0	3.0	0	N	N	82	7	6.4	0	71	59	2	N	0	1	0	1	4265	1	1	N	866	N	663	140	72
584	0	3.0	0	N	N	81	6	5.9	0	74	73	2	N	0	1	0	1	4851	1	1	N	1104	N	647	78	73
585	0	3.0	0	N	N	83	6	5.8	0	65	62	2	N	0	1	0	1	4519	1	1	N	1407	N	724	108	74
585	0	3.0	0	N	N	79	6	5.9	0	68	66	2	N	0	1	0	1	5477	1	1	N	1400	N	868	90	75
587	0	3.0	0	N	N	85	6	6.0	0	60	58	2	N	0	1	0	1	6558	1	1	N	1195	N	906	178	76
588	0	3.0	0	N	N	83	6	6.0	0	65	63	2	N	0	1	0	1	6900	1	1	N	1090	N	844	118	77
589	0	3.0	0	N	N	84	6	5.7	0	67	66	2	N	0	1	0	1	8063	1	1	N	1262	N	1126	155	78
590	3	3.0	0	N	N	90	6	5.5	0	68	67	2	N	0	1	0	1	7448	1	1	N	1375	N	1052	215	79
591	3	3.7	0	N	N	87	3	3.0	0	69	68	2	N	0	1	0	1	8375	1	1	N	1311	N	1016	147	80
592	8	4.5	0	N	N	85	3	3.0	0	67	67	2	N	0	1	0	1	8508	1	1	N	1002	N	888	118	81
593	10	4.5	0	N	N	92	3	3.0	0	59	58	2	N	0	1	0	1	9017	1	1	N	1066	N	1245	128	82

40 RHODE ISLAND (FY 9/30)

Sources: Annual reports; opinion counts (1968-78); statistics from the court.

Definitions:

Decisions--IAC: none. SupC: dispositions after oral argument on the merits by reversal, affirming, or modification; dispositions by show cause and 16(g) motions after argument on the motions calander.
Opinions--IAC: none. SupC: NA.
Definition of Criminal: criminal. Civil: all other.
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: Certiorari, Habeas Corpus, and "other" cases filed.
Unpublished Opinion IAC: none. SupC: none.
Memo Opinion IAC: per curiam. SupC: per curiam opinions.
Decisions w/o Opinion IAC: none. SupC: Summary disposition cases.

Comments:

Data for the number of summary dispositions were missing for 1977 and 1978 and are estimated by assuming a steady progression from the 14 in 1976 to the 23 in 1979.

The number of cases disposed without opinion is assumed to be the same as the number of summary dispositions, although a very few (the clerk estimated 5 in 1984) are by per curiam opinions.

The number of per curiams after 1978 are estimated to be 13 a year (the average of 1970-78). (The clerk said that the number was about three percent of opinions over the last several years).

The court began sitting on panels for civil summary procedures in February 1982, mid way through the court year. The average size of the decision unit for 1982 is estimated to be the midpoint for 1981 and 1983 (4.7 -- 5.0 in 1981 and 4.4 in 1983).

STATE=40

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
1	68	220	0	0	220	180	5.00	0	5.00	N	.00	0	0	0	0	0	0	19	1	0	0	6	0	0
2	69	199	0	0	199	176	5.00	0	5.00	N	.00	0	0	0	0	0	0	27	1	0	0	6	0	0
3	70	181	0	0	181	168	5.00	0	5.00	N	.00	0	0	0	0	0	0	15	1	0	0	6	0	0
4	71	189	0	0	189	169	5.00	0	5.00	N	.00	0	0	0	0	0	0	15	1	0	0	6	0	0
5	72	164	0	0	164	155	5.00	0	5.00	N	.00	0	0	0	0	0	0	9	1	0	0	6	0	0
6	73	187	0	0	187	171	5.00	0	5.00	N	.00	0	1	0	0	0	0	11	1	0	0	6	0	0
7	74	185	0	0	185	176	5.00	0	5.00	N	.00	0	0	0	0	0	0	16	1	0	6	6	0	0
8	75	187	0	0	187	182	5.00	0	5.00	N	.00	0	1	0	0	0	0	12	1	0	11	7	0	0
9	76	162	0	0	162	160	4.76	0	4.76	N	.00	0	0	0	0	0	0	10	1	0	14	9	0	0
10	77	214	0	0	214	202	5.00	0	5.00	N	.00	0	1	0	0	0	0	13	1	0	17	15	0	0
11	78	212	0	0	212	201	4.81	0	4.81	N	.00	0	1	0	0	0	0	17	1	0	20	15	0	0
12	79	223	0	0	223	N	4.92	0	4.92	N	.00	0	0	0	0	0	0	13	1	0	23	15	0	0
13	80	242	0	0	242	N	4.89	0	4.89	N	.00	0	1	0	0	0	0	13	1	0	43	15	0	0
14	81	261	0	0	261	N	4.61	0	4.61	N	.00	0	1	0	0	0	0	13	1	0	57	14	0	0
15	82	323	0	0	323	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	13	1	0	96	15	0	0
16	83	293	0	0	293	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	13	1	0	114	15	0	0
17	84	354	0	0	354	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	13	1	0	171	15	0	0

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDFLAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
1	1	1	0	1	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	N	0	0	0	N	0	0	0	68
2	1	1	0	1	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	N	0	0	0	N	0	0	0	69
3	1	1	0	1	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	206	0	0	0	125	0	0	0	70
4	1	1	0	1	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	225	0	0	0	151	0	0	0	71
5	1	1	0	1	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	200	0	0	0	125	0	0	0	72
6	1	1	0	1	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	238	0	1	0	111	0	0	0	73
7	1	2	0	1	0	5	0	0.0	95	0	0	95	1	3	0	0	3	1	213	0	1	0	132	0	0	0	74
8	1	4	0	1	0	5	0	0.0	95	0	0	95	1	6	0	0	6	1	240	0	1	0	115	0	0	0	75
9	1	4	0	1	0	5	0	0.0	95	0	0	95	1	9	0	0	9	1	258	0	1	0	164	0	0	0	76
10	2	4	0	2	0	5	0	0.0	95	0	0	95	1	8	0	0	8	1	292	0	1	0	146	0	0	0	77
11	2	4	0	2	0	5	0	0.0	95	0	0	95	1	9	0	0	9	1	287	0	1	0	173	0	0	0	78
12	2	4	0	2	0	5	0	0.0	95	0	0	95	1	10	0	0	10	2	330	0	1	0	182	0	0	0	79
13	2	4	0	2	0	5	0	0.0	95	0	0	95	1	18	0	0	18	2	420	0	1	0	188	0	0	0	80
14	2	4	0	2	0	5	0	0.0	95	0	0	95	1	22	0	0	22	2	438	0	1	0	205	0	0	0	81
15	2	4	0	2	0	5	0	4.7	95	0	0	95	1	30	0	0	30	2	425	0	1	0	167	0	0	0	82
16	2	4	0	2	0	4	0	4.4	95	0	0	95	1	39	0	0	39	2	499	0	1	0	172	0	0	0	83
17	2	4	0	2	0	4	0	4.2	95	0	0	95	1	48	0	0	48	2	440	0	1	0	171	0	0	0	84

41 SOUTH CAROLINA (calendar)

Sources: Annual reports; statistics from supreme court.

Definitions:

Decisions - IAC: none. SupC: none
Opinions - IAC: opinions: SupC: published opinions and cases disposed by Rule 23 memoranda.
Definition of Criminal: none. Civil: none.
IAC Writs: none.
SupC petitions for review: na.
SupC writs: none.
Unpub. Op. IAC: memorandum opinions. SupC: none.
Memo Opinion IAC: na. SupC: na.
Decisions w/o Opinion: IAC: none. SupC: cases disposed of by Rule 23.

Comments:

Opinion statistics for 1968 are from West Pub. Co. (West data closely corresponds to court data for other years).

Cases decided by Rule 23 orders are counted as cases decided without opinion; the orders are accompanied by a very short narrative which rarely gives reasons for the decision.

The number of decisions before 1975 is the number of published opinions. They may have been a few Rule 23 cases since the rule was in effect for criminal cases (and then extended to civil cases in 1976). Supreme Court statistics give 25 and 126 Rule 23 dispositions in 1975 and 1976, but a blank space (rather than zeros) before 1975.

There is little information about per curiam opinion, and they might be used in slightly more than the 15% suggested by the dummy variable (data for 1975-77 show 14-16% with per curiam opinions.

The number of arguments is estimated by assuming that all Supreme Court cases are argued except Rule 23 cases (which are screened for decision without argument and opinion). In the Court of Appeals and, before Rule 23 was effective, in the Supreme Court it is assumed that all but Rule 29 and post conviction cases are argued (these categories are seldom argued). The court clerks said that virtually all cases not in these categories are argued. Before 1973 the number of Rule 29 and post conviction cases are not available, and it is assumed that the number is the same as in 1973 (before 1972 Rule 29 did not encompass post conviction cases, and they are counted as being argued).

STATE=41

OBS	YEAR	ZSUI	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZAFFY
18	68	115	0	0	N	115	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	0	5
19	69	144	0	0	N	144	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	0	5
20	70	156	0	0	N	155	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	0	5
21	71	199	0	0	N	199	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	0	5
22	72	199	0	0	N	199	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	0	5
23	73	205	0	0	N	205	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	0	5
24	74	136	0	0	N	185	5.00	0.03	5.00	N	N	0	0	0	0	0	0	N	1	0	0	5
25	75	232	0	0	N	232	4.92	0.00	4.92	N	N	0	3	0	0	0	0	N	1	0	25	7
26	76	326	0	0	N	325	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	126	7
27	77	388	0	0	N	388	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	146	9
28	78	445	0	0	N	445	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	171	9
29	79	503	0	0	N	503	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	246	11
30	80	640	0	0	N	640	4.10	0.00	4.10	N	N	0	0	0	0	0	0	N	1	0	387	10
31	81	613	0	0	N	613	4.89	0.00	4.89	N	N	0	1	0	0	0	0	N	1	0	353	13
32	82	614	0	0	N	614	5.00	0.00	5.00	N	N	0	0	0	0	0	0	N	1	0	393	13
33	83	533	0	34	N	499	6.18	1.18	5.00	N	N	6	0	3	0	0	1	N	1	0	283	17
34	84	822	0	397	N	425	10.69	6.00	4.69	N	N	0	1	46	0	0	1	N	1	0	244	22

OBS	YEAR	ICLC	SCLC	ICSA	SCSA	ICPAN	SCPAN	ZPAN	IACPCT	ICPATTY	SCPATTY	ZARPCT	ICAEG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
18	68	0	1	0	0	0	0	5	0	0	0	85	0	0	85	1	0	0	1	0	1	N	0	1	0	N	0	0	0	68
19	69	0	1	0	0	0	0	5	0	0	0	85	0	0	85	1	0	0	1	0	1	N	0	1	0	N	0	0	0	69
20	70	0	1	0	0	0	0	5	0	0	0	85	0	0	85	1	0	0	1	0	1	N	0	1	0	N	0	0	0	70
21	71	0	1	0	0	0	0	5	0	0	0	82	0	0	82	1	0	0	1	0	1	N	0	1	0	N	0	0	0	71
22	72	0	1	0	0	0	0	5	0	0	0	82	0	0	82	2	0	0	1	0	1	N	0	1	0	N	0	0	0	72
23	73	0	1	0	0	0	0	5	0	0	0	84	0	0	84	2	0	0	1	0	1	N	0	1	0	N	0	0	0	73
24	74	0	1	0	0	0	0	5	0	0	0	74	0	0	74	2	0	0	1	0	1	N	0	1	0	N	0	0	0	74
25	75	0	1	0	0	0	0	5	0	0	0	61	0	0	61	2	0	0	1	0	1	N	0	1	0	N	0	0	0	75
26	76	0	1	0	0	0	0	5	0	0	0	62	0	0	62	2	0	0	1	0	1	N	0	1	0	N	0	0	0	76
27	77	0	1	0	0	0	0	5	0	0	0	62	0	0	62	2	0	0	1	0	1	N	0	1	0	N	0	0	0	77
28	78	0	1	0	0	0	0	5	0	0	0	51	0	0	51	2	0	0	1	0	1	N	0	1	0	N	0	0	0	78
29	79	0	1	0	0	0	0	5	0	0	0	40	0	0	40	3	0	0	1	0	1	1816	0	1	0	N	0	0	0	79
30	80	0	1	0	0	0	0	5	0	0	0	42	0	0	42	3	0	0	1	0	1	2071	0	1	0	N	0	0	0	80
31	81	0	1	0	0	0	0	5	0	0	0	36	0	0	36	3	0	0	1	0	1	2172	0	1	0	N	0	0	0	81
32	82	0	1	0	0	0	0	5	0	0	0	46	0	0	43	3	0	0	1	0	1	2378	0	1	0	N	0	0	0	82
33	83	0	1	0	0	0	0	5	0	0	0	86	0	1	43	3	0	0	1	0	1	2262	1	1	0	N	0	0	0	83
34	84	1	1	0	0	0	0	4	0	0	0	86	0	1	43	3	0	0	1	0	1	2332	1	1	0	N	0	0	0	84

42 SOUTH DAKOTA (FY 6/30; calendar before 78)

Sources: Annual reports; statistical reports supplied by the Supreme Court; opinion count (1968-69).

Definitions:

Decisions--IAC: none. SupC: "Dispositions" - "cases" (with opinion) and "expedited appeals granted."
Opinions--IAC: none. SupC: "Dispositions," "opinions" and "expedited appeals granted."
Definition of Criminal: NA. Civil: NA.
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: "orders of denial."
Unpublished Opinion IAC: none. SupC: none.
Memo Opinion IAC: none. SupC: See below.
Decisions w/o Opinion IAC: none. SupC: "expedited appeals granted."

Comments.

The court decides very few cases with per curiam opinions, and the number is estimated to be zero.

STATE=42

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
35	68	79	0	0	79	72	5.00	0	5.00	N	.38	0	0	0	0	0	0	6	1	0	0	0	0	0
36	69	82	0	0	82	71	5.00	0	5.00	N	.00	0	0	0	0	0	0	6	1	0	0	0	0	0
37	70	90	0	0	90	81	5.00	0	5.00	N	.26	0	0	0	0	0	0	N	1	0	0	1	0	0
38	71	65	0	0	65	61	4.71	0	4.71	N	.	N	0	0	0	0	0	N	1	0	0	3	0	0
39	72	99	0	0	99	87	5.00	0	5.00	N	.	N	0	0	0	0	0	N	1	0	0	3	0	0
40	73	105	0	0	105	85	4.98	0	4.98	N	.	N	0	0	0	0	0	N	1	0	0	4	0	0
41	74	89	0	0	89	85	5.00	0	5.00	N	.	N	0	0	0	0	0	N	1	0	0	4	0	0
42	75	122	0	0	122	111	5.00	0	5.00	N	.	N	0	0	0	0	0	N	1	0	0	4	0	0
43	76	152	0	0	152	131	4.63	0	4.63	N	.	N	0	0	0	0	0	N	1	0	0	5	0	0
44	77	130	0	0	130	99	5.00	0	5.00	N	.	N	0	0	0	0	0	N	1	0	0	5	0	0
45	78	170	0	0	170	135	5.00	0	5.00	N	.	N	0	0	0	0	0	N	1	0	0	5	0	0
46	79	233	0	0	233	204	5.00	0	5.00	N	.15	N	0	0	0	0	0	N	1	0	0	6	0	0
47	80	202	0	0	202	173	5.00	0	5.00	N	.32	N	0	0	0	0	0	N	1	0	0	6	0	0
48	81	269	0	0	269	238	5.00	0	5.00	N	.10	N	0	0	0	0	0	N	1	0	0	6	0	0
49	82	246	0	0	246	218	5.00	0	5.00	N	.10	N	0	0	0	0	0	N	1	0	18	7	0	0
50	83	271	0	0	271	235	5.00	0	5.00	N	.10	N	0	0	0	0	0	N	1	0	23	7	0	0
51	84	256	0	0	256	211	5.00	0	5.00	N	.26	N	0	0	0	0	0	N	1	0	21	7	0	0

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICAPJD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PEIGR	YEAR
35	0.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	68
36	0.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	69
37	0.2	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	70
38	0.6	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	144	0	1	0	N	0	0	0	71
39	0.5	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	126	0	1	0	N	0	0	0	72
40	0.6	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	124	0	1	0	N	0	0	0	73
41	0.8	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	172	0	1	0	N	0	0	0	74
42	0.8	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	183	0	1	0	29	0	0	0	75
43	0.8	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	259	0	1	0	25	0	0	0	76
44	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	249	0	1	0	24	0	0	0	77
45	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	228	0	1	0	14	0	0	0	78
46	1.0	0	0	0	0	5	0	0	88	0	0	88	1	0	0	0	0	1	249	0	1	0	42	0	0	0	79
47	1.0	1	0	1	0	5	0	0	58	0	0	58	2	0	0	0	0	1	273	0	1	0	31	0	0	0	80
48	1.0	1	0	2	0	5	0	0	54	0	0	54	2	0	0	0	0	1	261	0	1	0	34	0	0	0	81
49	1.0	2	0	2	0	5	0	0	44	0	0	44	3	0	0	0	0	1	300	0	1	0	42	0	0	0	82
50	1.0	2	0	2	0	5	0	0	39	0	0	39	3	0	0	0	0	1	317	0	1	0	31	0	0	0	83
51	1.0	2	0	2	0	5	0	0	33	0	0	33	3	0	0	0	8	1	296	0	1	0	32	0	0	0	84

Sources: Annual reports.

Definitions:

Decisions--IAC: "cases decided: excluding cases without written opinion" plus "cases consolidated into other cases." SupC: civil- "deciding opinions" (also, "dispositions," less "cases dismissed on joint motions"); criminal- "disposition of cases" less transfers.

Opinions--IAC: "original opinions on merits," "per curiam opinions," and "opinions dismissing appeals." SupC: civil- "opinions deciding causes;" criminal- "original opinions."

Definition of Criminal, Civil: criminal cases, Court of Criminal Appeals; civil cases, Supreme Court. Court of Appeals, "criminal" and "civil".

IAC Writs: none.

SupC Petitions for Review: civil- "applications for writs of error;" criminal- "petitions for discretionary review."

SupC Writs: civil- "mandamus," "habeas corpus," and "writs of prohibition and injunction;" criminal- "writs of habeas corpus."

Unpublished Opinion IAC: see below. SupC: see below.

Memo Opinion IAC: "per curiam opinions." SupC: civil- "rule 485 per curiams." criminal- "per curiam".

Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The number of cases decided by the Court of Criminal Appeals includes cases dismissed and abated (which usually numbered 100 to 300 a year) because these cases are generally actual decisions that require review by the court. See Baker and Green, "Dismissals and Abatements by the Court of Criminal Appeals," Texas Bar J. 53 (Jan. 1978).

The civil/criminal breakdown for 1981 in the Court of Appeals is estimated by assuming that the number of civil decisions is the average of 1980 and 1982 figures.

Unpublished opinions are estimated by subtracting the number of opinions published by West (statistics supplied by West) from the total opinions.

Judges on the court of appeals gradually employed law clerks throughout the 1970's. The number of law clerks is not available for 1969-72 and 1974. It is assumed that additional judges began to use law clerks in accord with the even progression that is evident in years with information.

The number of staff attorneys in the Supreme Court and Court of Appeals before 1978 is based mainly on the recollection of the court clerks.

STATE=44

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICJN	SCJN	ICME	ICMED	SCME	SCMED	ICWO	SCWO
52	68	2128	1151	N	977	N	56.00	42.00	14.00	.00	.00	1	1	N	N	37	1	N	2	0	0
53	69	1953	1080	991	873	873	56.00	42.00	14.00	.00	.00	5	2	29	360	21	1	376	2	0	0
54	70	2145	1080	1050	1065	1063	56.00	42.00	14.00	.00	.00	1	0	130	407	35	1	444	2	0	0
55	71	2427	1230	1116	1197	1209	56.23	41.64	14.59	.00	.00	9	5	96	413	46	1	451	2	0	0
56	72	2716	1298	1182	1418	1447	58.00	42.00	16.00	.00	.00	0	1	188	489	60	1	409	2	0	0
57	73	3090	1275	1213	1815	1774	59.64	41.74	17.90	.00	.00	8	3	227	761	42	1	683	2	0	0
58	74	3154	1238	1255	1916	1901	60.00	42.00	18.00	.00	.00	0	0	302	1138	60	1	1085	3	0	0
59	75	3162	1407	1388	1755	1784	60.00	42.00	18.00	.00	.00	2	2	339	1301	64	1	1288	3	0	0
60	76	3764	1513	1473	2251	2132	59.42	41.53	17.89	.00	.00	1	1	360	1641	82	1	1626	3	0	0
61	77	4314	1679	1642	2635	2677	59.91	42.00	17.91	.00	.00	6	4	463	2143	83	1	2111	3	0	0
62	78	4484	1736	1679	2748	2328	60.69	42.68	18.00	.00	.00	4	2	465	2222	78	1	2225	3	0	0
63	79	4571	1956	1875	2615	2617	68.89	50.89	18.00	.00	.00	11	3	551	1953	97	1	1951	3	0	0
64	80	3576	2032	1963	2544	2603	68.80	50.90	17.90	.00	.00	2	2	629	2010	107	1	2013	3	0	0
65	81	5175	2838	2796	2337	2177	76.82	58.82	18.00	.00	.00	32	3	1746	1690	318	1	1713	3	0	0
66	82	7515	6208	6141	1307	1276	93.54	75.68	17.86	.00	.00	6	1	4445	797	1324	2	819	3	0	0
67	83	8507	7191	7160	1326	1262	97.80	79.13	18.67	.00	.00	21	4	5464	743	1857	2	774	3	0	0
68	84	8168	7360	7349	808	795	97.84	79.84	18.00	.00	.00	2	0	5430	426	2130	2	418	3	0	0

OBS	ZAFFY	ICLC	ICSA	SCLC	SCSA	ICPAFFY	SCPAFFY	IACPCT	ZPAN	ICPAN	SCPAN	ZAGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
52	14	0.0	0	1.0	0	0	0	54	4	3	5.5	N	N	1	N	3	0	0	1	0	1	1944	0	1	0	753	610	635	91	68
53	14	0.0	0	1.0	0	0	0	55	4	3	5.4	N	N	1	N	3	0	0	1	0	1	2046	0	1	0	581	678	651	100	69
54	14	0.0	0	1.0	0	0	0	50	4	3	5.4	N	N	1	N	3	0	0	1	0	1	2285	0	1	0	1183	548	563	97	70
55	19	0.1	0	1.0	0	0	0	51	4	3	5.4	N	N	1	N	3	0	0	1	0	1	2656	0	1	0	785	637	578	93	71
56	25	0.2	0	1.0	2	0	2	48	5	3	7.1	N	N	1	N	3	0	0	1	0	1	2791	0	1	0	1150	598	603	78	72
57	32	0.3	0	1.0	2	0	2	41	7	3	9.0	N	N	1	N	3	0	0	1	0	1	2960	0	1	0	1011	614	611	80	73
58	45	0.4	0	1.3	4	0	0	39	7	3	9.0	N	N	1	N	3	0	0	1	0	1	3048	0	1	0	1043	564	586	85	74
59	49	0.5	0	1.3	4	0	0	44	7	3	9.0	N	N	1	N	3	0	0	1	0	1	3627	0	1	0	1038	668	672	89	75
60	57	0.7	0	1.3	5	0	10	40	7	3	9.0	N	N	1	N	3	0	0	1	0	1	4282	0	1	0	1339	693	667	92	76
61	63	0.8	0	1.3	5	0	10	39	7	3	9.0	N	N	1	N	3	0	0	1	0	1	5236	0	1	0	1624	766	717	102	77
62	68	0.8	0	1.3	9	0	11	39	3	3	3.2	N	N	1	N	3	0	0	1	0	1	5276	0	1	0	1754	869	899	97	78
63	83	0.9	0	1.5	9	0	18	43	3	3	3.2	N	N	1	N	3	0	0	1	0	1	5611	0	1	0	1950	822	766	134	79
64	83	1.0	0	1.5	9	0	18	44	3	3	3.2	N	N	1	N	3	0	0	1	0	1	5693	0	1	0	2275	842	849	99	80
65	112	1.0	5	2.0	12	0	5	55	3	3	3.2	N	N	1	N	3	0	0	1	0	1	6619	0	1	0	2346	909	866	87	81
66	144	1.0	21	2.0	12	21	21	83	4	3	9.0	N	N	2	N	2	0	0	1	0	1	7368	1	1	0	2002	1825	1701	313	82
67	152	1.0	23	2.0	12	23	21	84	4	3	9.0	N	N	2	N	2	0	0	1	0	1	7111	1	1	0	2250	1880	1734	438	83
68	157	1.0	28	2.0	12	28	21	90	4	3	9.0	N	N	2	N	2	0	0	1	0	1	N	1	0	0	1898	2268	1966	387	84

Sources: Annual reports; statistics sent by the court; opinion counts (1968 and 1971); Governor's Task Force on the Judicial Article (1985).

Definitions:

Decisions--IAC: none. SupC: disposition by "opinion or "summary disposition."
Opinions--IAC: none. SupC: "written opinions" and "summary dispositions."
Definitions of Criminal: none. Civil: none.
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: "post conviction," "original writs," "interlocutory orders," and "bar and attorney" (filings).
Unpublished Opinion IAC: none. SupC: see below.
Memo Opinion IAC: none. SupC: per curiam opinions.
Decisions w/o Opinion IAC: none. SupC: "summary disposition" (statistics supplied by the court).

Comments:

The number of unpublished opinions for 1976 to 1984 were supplied by the court clerk. The number of unpublished opinions in 1972-75 was estimated by substracting the total number of cases decided by opinion from the total number of cases decided by opinion as obtained from counting cases in the West Reporter

The central staff was formally started in July 1978, when appropriations were granted for the staff. One and then two retired judges had been performing some duties of the central staff before that date, however, and they continued as two of the three members of the staff. The services of the retired justices are considered to be that of staff attorneys.

Before 1978 the justices had the option of using a full time law clerk or several part time law clerks (usually law students). Each justice is estimated to have one law clerk.

Statistics for the percentage of cases argued are available only through March 1972. The clerk estimated that about 30% and 70% of criminal and civil cases were argued in the past decade without much change. It is estimated, therefore, that 60% of the cases were argued after 1972.

STATE=45

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
69	68	193	0	0	193	N	5.00	0	5.00	N	.21	0	0	0	0	0	0	1	1	0	0	5	0	0
70	69	165	0	0	165	N	5.00	0	5.00	N	.32	0	0	0	0	0	0	2	1	0	0	5	0	0
71	70	178	0	0	178	N	5.00	0	5.00	N	.15	0	0	0	0	0	0	2	1	0	0	5	0	0
72	71	190	0	0	190	N	5.00	0	5.00	N	.15	0	0	0	0	0	0	1	1	0	0	5	0	0
73	72	280	0	0	280	N	5.00	0	5.00	N	.15	0	0	0	0	0	0	4	1	0	0	5	0	0
74	73	264	0	0	264	N	5.00	0	5.00	N	.05	0	0	0	18	0	0	4	1	0	0	5	0	0
75	74	202	0	0	202	N	5.00	0	5.00	N	.05	0	0	0	58	0	0	2	1	0	0	5	0	0
76	75	230	0	0	230	N	5.00	0	5.00	N	.10	0	0	0	27	0	0	4	1	0	0	5	0	0
77	76	265	0	0	265	N	4.95	0	4.95	N	.10	0	0	1	13	0	0	3	1	0	0	5	0	0
78	77	350	0	0	350	N	5.00	0	5.00	N	.N	0	0	1	14	0	0	3	1	0	0	6	0	0
79	78	399	0	0	399	N	5.00	0	5.00	N	.NN	0	0	1	40	0	0	37	1	0	0	9	0	0
80	79	300	0	0	300	N	5.00	0	5.00	N	.NNN	0	0	1	52	0	0	61	1	0	0	12	0	0
81	80	406	0	0	406	N	5.00	0	5.00	N	.NNNN	0	0	1	53	0	0	50	1	0	0	12	0	0
82	81	330	0	0	330	N	4.52	0	4.52	N	.24	0	0	1	72	0	0	65	1	0	42	11	0	0
83	82	390	0	0	390	N	4.91	0	4.91	N	.26	0	0	1	42	0	0	68	1	0	42	11	0	0
84	83	437	0	0	437	N	5.00	0	5.00	N	.NN	0	0	0	43	0	0	97	2	0	30	13	0	0
85	84	359	0	0	359	N	4.82	0	4.82	N	.NN	0	1	0	39	0	0	108	2	0	60	13	0	0
85	84	359	0	0	359	N	4.82	0	4.82	N	.NN	0	1	0	45	0	0	97	2	0	54	13	0	0

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
69	1.0	0	0	0	0	5	0	0	94	0	0	94	1	0	0	0	0	1	N	0	0	0	N	0	0	0	68
70	1.0	0	0	0	0	5	0	0	92	0	0	93	1	0	0	0	0	1	N	0	0	0	N	0	0	0	69
71	1.0	0	0	0	0	5	0	0	93	0	0	70	2	0	0	0	0	1	N	0	0	0	N	0	0	0	70
72	1.0	0	0	0	0	5	0	0	70	0	0	62	2	0	0	0	0	1	N	0	0	0	N	0	0	0	71
73	1.0	0	0	0	0	5	0	0	62	0	0	60	2	0	0	0	0	1	320	0	0	0	N	0	0	0	72
74	1.0	0	0	0	0	5	0	0	60	0	0	60	2	0	0	0	0	1	326	0	0	0	N	0	0	0	73
75	1.0	0	0	0	0	5	0	0	60	0	0	60	2	0	0	0	0	1	406	0	0	0	N	0	0	0	74
76	1.0	0	0	0	0	5	0	0	60	0	0	60	2	0	0	0	0	1	480	0	0	0	N	0	0	0	75
77	1.0	0	0	0	0	5	0	0	60	0	0	60	2	0	0	0	0	1	542	0	0	0	N	0	0	0	76
78	1.0	1	0	0	0	5	0	0	60	0	0	60	2	0	0	0	0	1	538	0	0	0	N	0	0	0	77
79	1.4	2	0	1	0	5	0	0	60	0	0	60	2	0	0	0	0	1	522	0	0	0	79	0	0	0	78
80	1.8	3	0	3	0	5	0	0	60	0	0	60	2	10	0	0	10	2	547	0	0	0	84	0	0	0	79
81	1.8	3	0	3	0	5	0	0	60	0	0	60	2	13	0	0	13	2	588	0	1	0	94	0	0	0	80
82	1.8	3	0	3	0	5	0	0	60	0	0	60	2	8	0	0	8	2	604	0	1	0	106	0	0	0	81
83	2.0	3	0	3	0	5	0	0	60	0	0	60	2	14	0	0	14	2	691	0	1	0	104	0	0	0	82
84	2.0	3	0	3	0	5	0	0	60	0	0	60	2	15	0	0	15	2	583	0	1	0	125	0	0	0	83
85	2.0	3	0	3	0	5	0	0	60	0	0	60	2	15	0	0	15	2	583	0	1	0	125	0	0	0	84

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Sources: Statistics supplied by the court; opinion count.

Definitions:

Decisions--IAC: none. SupC: appeals and original proceedings "closed by opinion" plus cases decided by memo.
Opinions--IAC: none. SupC: NA
Definitions of Criminal: none. Civil: none.
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: original proceedings closed.
Unpublished Opinion IAC: none. SupC: memo opinions not published.
Memo Opinion IAC: none. SupC: appeals and original proceedings "closed per curiam" and memo opinions.
Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The number of decisions, memo opinions and unpublished opinions after 1980 are estimated. In 1976 the court began deciding cases with short memorandum opinions. These were published until late 1980, and selectively published thereafter. The court does not keep separate statistics on cases decided by memo opinion They are part of cases "closed by action of court without written opinion" [written opinions are signed and per curiam opinions], which also includes procedural dismissals. The latter are estimated for 1981-4 by assuming that the procedural dismissals by the court are 16% of all dispositions, which is the average rate from 1969-80 (the range is 12% to 20%, with a slight increasing trend). The number of cases decided by memo opinion in 1981-4 are estimated by subtracting the estimated procedural dismissals from the number of cases closed by the court without opinion.

Information about the use of extra judges in 1972 is not available, and it is assumed to be one percent, the average of 1970-1 and 1973-4.

STATE=46

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZARTFY	ICLC	ICSA
86	68	79	0	0	79	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	11	1	0	0	0	0	0
87	69	79	0	0	79	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	8	1	0	0	0	0	0
88	70	111	0	0	111	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	5	1	0	0	0	0	0
89	71	102	0	0	102	N	5.00	0	5.00	N	.10	0	0	0	0	0	0	9	1	0	0	0	0	0
90	72	96	0	0	96	N	5.00	0	5.00	N	.05	0	0	0	0	0	0	4	1	0	0	0	0	0
91	73	126	0	0	125	N	5.00	0	5.00	N	.05	0	0	0	0	0	0	16	1	0	0	0	0	0
92	74	123	0	0	123	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	8	1	0	0	0	0	0
93	75	137	0	0	137	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	14	1	0	0	0	0	0
94	76	185	0	0	185	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	14	1	0	0	0	0	0
95	77	161	0	0	161	N	4.89	0	4.89	N	.00	0	0	0	0	0	0	11	2	0	0	0	0	0
96	78	156	0	0	156	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	5	2	0	0	0	0	0
97	79	180	0	0	180	N	5.00	0	5.00	N	.00	0	0	0	0	0	0	5	2	0	0	0	0	0
98	80	203	0	0	203	N	5.00	0	5.00	N	.05	0	0	0	17	0	0	6	2	0	0	0	0	0
99	81	255	0	0	255	N	4.69	0	4.69	N	.00	0	0	1	53	0	0	9	2	0	0	0	0	0
100	82	258	0	0	258	N	4.94	0	4.94	N	.00	0	0	1	61	0	0	8	2	0	0	0	0	0
101	83	273	0	0	273	N	4.88	0	4.88	N	.10	0	0	1	53	0	0	8	2	0	0	0	0	0
102	84	273	0	0	273	N	5.00	0	5.00	N	.05	0	0	0	69	0	0	109	2	0	0	0	0	0

OBS	SCLC	SCSA	ICPATFY	SCPATFY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
86	0.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	N	0	1	0	N	0	0	0	68
87	0.0	0	0	0	0	5	0	0	91	0	0	91	1	0	0	0	0	1	144	0	0	0	22	0	0	0	69
88	0.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	151	0	0	0	19	0	0	0	70
89	0.0	0	0	0	0	5	0	0	97	0	0	97	1	0	0	0	0	1	178	0	0	0	10	0	0	0	71
90	0.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	200	0	0	0	9	0	0	0	72
91	0.4	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	236	0	0	0	9	0	0	0	73
92	1.0	0	0	0	0	5	0	0	94	0	0	94	1	0	0	0	0	1	239	0	0	0	7	0	0	0	74
93	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	310	0	0	0	8	0	0	0	75
94	1.0	0	0	0	0	5	0	0	90	0	0	90	1	0	0	0	0	1	355	0	0	0	11	0	0	0	76
95	1.0	0	0	0	0	5	0	0	94	0	0	94	1	0	0	0	0	1	346	0	0	0	10	0	0	0	77
96	1.0	0	0	0	0	5	0	0	94	0	0	94	1	0	0	0	0	1	345	0	0	0	12	0	0	0	78
97	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	413	0	0	0	5	0	0	0	79
98	1.0	0	0	0	0	5	0	0	96	0	0	96	1	0	0	0	0	1	462	0	0	0	12	0	0	0	80
99	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	478	0	0	0	28	0	0	0	81
100	1.0	0	0	0	0	5	0	0	97	0	0	97	1	0	0	0	0	1	538	0	1	0	29	0	0	0	82
101	1.0	0	0	0	0	5	0	0	96	0	0	96	1	0	0	0	0	1	559	0	1	0	47	0	0	0	83
102	1.0	0	0	0	0	5	0	0	95	0	0	95	1	0	0	0	0	1	610	0	1	0	39	0	0	0	84

47 VIRGINIA (calendar)

Sources: Annual reports.

Definitions:

Decisions--IAC: none. SupC: "Appellate cases refused" plus "total opinions rendered."
Opinions IAC: none. SupC: NA.
Definition of Criminal: NA. Civil: NA.
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: original jurisdiction cases awarded and denied.
Unpublished Opinion IAC: none. SupC: see below.
Memo Opinion IAC: none. SupC: NA
Decisions w/o Opinion IAC: none. SupC: appellate cases refused.

Comments.

The Virginia Supreme Court has discretionary jurisdiction over almost all appeals. Appellants file petitions, which the court either denies (and thereby affirms the lower court) or grants for a full scale hearing with decision by opinion. Petitions denied are counted as decisions in appeals because the procedure, although discretionary, is similar to the appeals process in other states. The cases are briefed, short arguments are usually held, and the court considers the decision to be on the merits (i.e., a petition denial means that the court has decided that the lower court decision is correct). Writs denied are counted as decisions on writs rather than decisions in appeals.

The Supreme Court decides a very few cases by unpublished memoranda. The number is estimated to be zero here.

The panel size is the weighed average of the number of dispositions by denying petitions (by 3 judges) and the number decided after full appellate review (7 judges). The court procedures for hearing petitions before 1975 were not uniform. Most petitions were decided by 3 judge panels, but some were decided by 2 judge panels. Some were also decided by single judges, who generally consulted two other judges before denying the petition. It is estimated that the court, overall, used 3 judge panels in these earlier years, as well as later years.

The argument length (10 minutes in 1984 and 15 minutes in earlier years) is that for the petitions. Only the appellant is entitled to argue. This was the typical time for such arguments back to at least the mid-1970's, the earliest point for which documentation exists. It is assumed that time continued back to 1968.

STATE=47

OBS	YEAR	ZONE	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
103	68	934	0	0	934	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	4	2	0	797	8	0
104	69	848	0	0	848	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	5	2	0	693	8	0
105	70	824	0	0	824	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	4	2	0	669	8	0
106	71	1331	0	0	1331	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	59	2	0	1113	9	0
107	72	1075	0	0	1075	N	6.75	0	6.75	.00	N	0	0	0	0	0	0	73	2	0	844	10	0
108	73	1104	0	0	1104	N	7.00	0	7.00	.00	N	0	2	0	0	0	0	58	2	0	929	11	0
109	74	1005	0	0	1005	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	48	2	0	846	12	0
110	75	1256	0	0	1256	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	38	2	0	1085	12	0
111	76	1313	0	0	1313	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	30	2	0	1141	13	0
112	77	1383	0	0	1383	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	31	2	0	1219	14	0
113	78	1532	0	0	1532	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	21	2	0	1383	14	0
114	79	1364	0	0	1364	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	38	2	0	1203	14	0
115	80	1461	0	0	1461	N	6.92	0	6.92	.00	N	0	0	0	0	0	0	26	2	0	1297	15	0
116	81	1453	0	0	1453	N	6.92	0	6.92	.00	N	0	1	0	0	0	0	51	2	0	1268	15	0
117	82	1813	0	0	1813	N	6.83	0	6.83	.00	N	0	1	0	0	0	0	20	2	0	1635	15	0
118	83	1580	0	0	1580	N	6.85	0	6.85	.00	N	0	0	0	0	0	0	15	2	0	1409	15	0
119	84	1439	0	0	1439	N	7.00	0	7.00	.00	N	0	0	0	0	0	0	11	2	0	1263	16	0

OBS	YEAR	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARSPCT	ICARS	ICARGD	SCARGG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
103	68	0	1.00	1	0	1	0	4	0	3.6	N	0	0	N	2	0	0	0	0	1	N	0	1	0	315	0	0	0	68
104	69	0	1.00	1	0	1	0	4	0	3.7	N	0	0	N	2	0	0	0	0	1	N	0	1	0	282	0	0	0	69
105	70	0	1.00	1	0	1	0	4	0	3.7	N	0	0	N	2	0	0	0	0	1	N	0	1	0	274	0	0	0	70
106	71	0	1.00	1	0	1	0	4	0	3.9	N	0	0	N	2	0	0	0	0	1	N	0	1	0	407	0	0	0	71
107	72	0	1.00	1	0	1	0	4	0	3.6	N	0	0	N	2	0	0	0	0	1	N	0	1	0	358	0	0	0	72
108	73	0	1.00	1	0	1	0	4	0	3.6	N	0	0	N	2	0	0	0	0	1	1060	0	1	0	209	0	0	0	73
109	74	0	1.00	1	0	1	0	4	0	3.5	N	0	0	N	2	0	0	0	0	1	1085	0	1	0	168	0	0	0	74
110	75	0	1.00	1	0	1	0	4	0	3.5	N	0	0	N	2	0	0	0	0	1	1408	0	1	0	132	0	0	0	75
111	76	0	1.00	1	0	1	0	4	0	3.5	N	0	0	N	2	0	0	0	0	1	1488	0	1	0	174	0	0	0	76
112	77	0	1.00	1	0	1	0	4	0	3.4	N	0	0	N	2	0	0	0	0	1	1635	0	1	0	261	0	0	0	77
113	78	0	1.00	1	0	1	0	4	0	3.5	N	0	0	N	2	0	0	0	0	1	1534	0	1	0	271	0	0	0	78
114	79	0	1.00	1	0	1	0	4	0	3.4	N	0	0	N	2	0	0	0	0	1	1572	0	1	0	316	0	0	0	79
115	80	0	1.00	1	0	1	0	4	0	3.5	N	0	0	N	2	0	0	0	0	1	1707	0	1	0	330	0	0	0	80
116	81	0	1.00	1	0	1	0	4	0	3.4	N	0	0	N	2	0	0	0	0	1	1874	0	1	0	321	0	0	0	81
117	82	0	1.00	1	0	1	0	4	0	3.4	N	0	0	N	2	0	0	0	0	1	1914	0	1	0	423	0	0	0	82
118	83	0	1.00	1	0	1	0	4	0	3.4	N	0	0	N	2	0	0	0	0	1	1698	0	1	0	263	0	0	0	83
119	84	0	1.0	9	0	1	0	4	0	3.5	N	0	0	N	2	0	0	0	0	1	1720	0	1	0	397	0	0	0	84

Sources: Annual reports; statistics from court commissioners.

Definitions:

Decisions--IAC: appeals and other reviews disposed of by "opinions mandated" and motions on the merits. SupC: appeals granted, petitions for review, and other reviews disposed of by "opinion mandated."

Opinions--IAC: NA. SupC: NA.

Definition of Criminal: "criminal" - includes juvenile offender and juvenile manifest injustice cases. Civil: "civil" - includes civil, domestic, adoption, mental illness and juvenile dependency cases.

IAC Writs: "other reviews" ("personal restraint petitions" and "notices of discretionary review").

SupC Petitions for Review: "petitions for review" filed and disposed (those granted are disposed with "opinion mandated").

SupC Writs: "personal restraint petitions", "notices of discretionary review", "other reviews," and actions against state officers.

Unpublished Opinion IAC: "unpublished opinions." SupC: none.

Memo Opinion IAC: NA. SupC: NA.

Decisions w/o Opinion IAC: none. SupC: none.

Comments:

The decisions are cases mandated each year. The mandate usually comes 30 or 40 days after the decision is announced.

Decisions include cases summarily decided on motions on the merits (2, 11, 2, 75 cases in 1981-84). These are heard by commissioners rather than judges (but can be "appealed" to the judges and, thus, are not summarily decided if the judges disallow the motion). The procedure started in 1981 in the 3rd Division, and in 1984 in the other two divisions. The number so decided in 1984 by the first division is not available and the statistics here are based on the commissioner's estimate of 30 cases. Commissioners write opinions when granting the motions; and the cases are counted as decisions by unpublished memo opinion. They are counted as being without oral argument, since only the commissioners hear arguments on them. The Court of Appeals criminal and civil decisions statistics do not include these cases.

The number of law clerks and staff attorneys in 1978-82 for two court of appeals divisions is based mainly on the recollection of court officials. The clerk in the Third Division is considered to be a half time staff attorney.

STATE=48

OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
120	68	336	0	NNNNNNNNNN	336	NNNNNNNNNN	9.00	0.00	9.00	NNNNNNNNNN	1.3	0	1	0	0	NNNNNNNNNN	0	NNNNNNNNNN	1	0	0	13	0.0	0
121	69	351	60	NNNNNNNNNN	291	NNNNNNNNNN	12.45	3.45	9.00	NNNNNNNNNN	.87	1	0	0	0	NNNNNNNNNN	0	NNNNNNNNNN	1	0	0	16	1.0	0
122	70	559	401	NNNNNNNNNN	158	NNNNNNNNNN	21.00	12.00	9.00	NNNNNNNNNN	.N	1	2	0	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	23	1.0	0
123	71	532	494	NNNNNNNNNN	138	NNNNNNNNNN	20.94	11.97	8.97	NNNNNNNNNN	.15	1	2	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	22	1.0	0
124	72	610	474	NNNNNNNNNN	136	NNNNNNNNNN	20.69	11.97	8.72	NNNNNNNNNN	.09	1	2	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	23	1.0	0
125	73	673	525	NNNNNNNNNN	148	NNNNNNNNNN	21.00	12.00	9.00	NNNNNNNNNN	.09	1	2	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	23	1.0	0
126	74	587	536	NNNNNNNNNN	151	NNNNNNNNNN	21.00	12.00	9.00	NNNNNNNNNN	.09	1	2	1	0	NNNNNNNNNN	2	NNNNNNNNNN	1	0	0	24	1.0	0
127	75	766	605	NNNNNNNNNN	161	NNNNNNNNNN	21.00	12.00	9.00	NNNNNNNNNN	.HNNNNNNNNN	1	1	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	25	1.0	0
128	76	786	630	NNNNNNNNNN	156	NNNNNNNNNN	20.55	12.00	8.55	NNNNNNNNNN	NNNNNNNNNN	1	1	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	26	1.0	0
129	77	852	694	NNNNNNNNNN	158	NNNNNNNNNN	21.00	12.00	9.00	NNNNNNNNNN	NNNNNNNNNN	1	1	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	29	1.0	0
130	78	1224	980	NNNNNNNNNN	244	NNNNNNNNNN	25.00	16.00	9.00	NNNNNNNNNN	NNNNNNNNNN	1	1	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	37	1.0	0
131	79	1325	1136	NNNNNNNNNN	189	NNNNNNNNNN	24.87	15.87	9.00	NNNNNNNNNN	NNNNNNNNNN	1	1	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	43	1.0	1
132	80	1200	997	NNNNNNNNNN	203	NNNNNNNNNN	24.77	15.92	8.85	NNNNNNNNNN	NNNNNNNNNN	1	1	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	52	1.8	1
133	81	1239	1089	NNNNNNNNNN	150	NNNNNNNNNN	25.00	16.00	9.00	NNNNNNNNNN	NNNNNNNNNN	2	1	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	53	1.8	1
134	82	1398	1223	NNNNNNNNNN	175	NNNNNNNNNN	24.92	15.92	9.00	NNNNNNNNNN	NNNNNNNNNN	2	1	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	53	2.0	0
135	83	1434	1242	NNNNNNNNNN	192	NNNNNNNNNN	24.75	15.75	9.00	NNNNNNNNNN	NNNNNNNNNN	2	0	1	0	NNNNNNNNNN	1	NNNNNNNNNN	1	0	0	54	2.0	0
136	84	1536	1335	NNNNNNNNNN	201	NNNNNNNNNN	25.00	16.00	9.00	NNNNNNNNNN	NNNNNNNNNN	2	1	9	3	NNNNNNNNNN	2	NNNNNNNNNN	1	1	0	60	2.0	0

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGSD	SCARG	SCARGSD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETPI	PETDC	PETGR	YEAR
120	1.3	0	0	0	0	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	569	1	1	0	128	0	0	0	68
121	1.3	0	0	0	17	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	680	1	1	28	99	11	6	0	69
122	1.1	0	0	0	72	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	864	1	1	96	106	142	141	20	70
123	1.0	0	0	0	78	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	818	1	1	108	115	165	165	17	71
124	1.0	0	0	0	78	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	1158	1	1	93	122	143	141	20	72
125	1.0	0	0	0	78	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	1201	1	1	133	88	178	171	35	73
126	1.0	0	0	0	78	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	1367	1	1	215	151	205	210	32	74
127	1.0	0	0	0	79	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	1499	1	1	320	119	235	221	29	75
128	1.0	0	1	1	80	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	1569	1	1	254	154	232	187	N	76
129	1.0	0	3	1	81	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	1803	1	1	286	101	291	261	23	77
130	1.0	0	3	1	80	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	1870	1	1	303	147	337	356	76	78
131	1.0	0	3	1	86	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	2031	1	1	293	172	412	408	40	79
132	1.0	0	3	1	83	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	2281	1	1	410	222	400	402	79	80
133	1.0	0	4	2	88	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	2352	1	1	435	273	413	427	67	81
134	1.0	0	5	3	87	5	0	5	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.874820	1	1	0	1	2469	1	1	421	277	478	446	60	82
135	1.0	5	6	3	87	4	3	0	NNNNNNNNNN	NNNNNNNNNN	1	NNNNNNNNNN	1	0.000000	0	1	0	1	2356	1	1	578	287	458	489	74	83
136	1.4	5	7	3	87	4	3	0	NNNNNNNNNN	NNNNNNNNNN	2	NNNNNNNNNN	1	5.214844	6	1	0	1	N	1	1	772	360	526	545	78	84

50 WISCONSIN (Calendar; FY 8/31 through 1973; FY 6/30 through 1978)

Sources: Court Annual reports 1968-77; statistics sent by the court for 1978-84; 1979 figures for the Supreme Court are from case reporters.

Definitions:

Decisions--IAC: "cases terminated" by "opinion" plus "other terminations" by summary affirmance and reversal. SupC: "cases terminated" by "opinion" (before 1978: the number of opinions, cases joined in opinions, and cases decided without opinion).

Opinions--IAC: NA. SupC: NA.

Definition of Criminal: "criminal." Civil: "civil."

IAC Writs: "leave to appeal" and "writs."

SupC Petitions for Review: "petitions for review."

SupC Writs: "petitions for bypass," "certifications," and "actions (actions have filing data only) (before 1978, "post conviction writs," "original jurisdiction, orders to show cause," and "disciplinary").

Unpublished Opinion IAC: total decisions, less "published decisions." SupC: (before 1978) "unpublished opinions".

Memo Opinion IAC: Per cuiriam opinions plus summary affirmances and reversals. SupC: per curiam opinions.

Decisions w/o Opinion IAC: none. SupC: decisions without opinions.

Comments:

The statistics for 1978 do not include the first months of the Court of Appeals, because the court year changed from FY 6/30 to calendar year in 1979.

The supreme court decisions through 1978 include "no merit" decisions - Anders petitions granted - which are decided with per curiam opinion.

The court of appeals uses both per curiam and memorandum opinions. In the court's statistical reports, the per curiam opinions are included in statistics for "opinions," and the number of memorandum opinions, given in summary disposition cases, are given separately. There was some missing data. The number of cases decided by memorandum opinion in 1979 and 1980 is estimated by taking the ratio of cases decided by full opinion in 1978 and 1981 (42 and 52 cases, using the ratio 4.8 to 100; which is based on 4.2 in 1978, when the court began operations, and 4.9 in 1981 - and thereafter increased) and applying it to the number of cases decided by opinion in 1979-80. The number of Court of Appeals decisions in 1979-80 is estimated by adding the estimated number of summary (memorandum) decisions and the

number of cased decided by opinion.

In the Court of Appeals the number of opinions is not broken down into per curiam (i.e. staff authored) and signed opinions in 1979 and 1982. The 1979 number is estimated by applying the percentage of all opinions that are P.C. opinions in 1978 and 1980 (16 percent; 15 percent in 1980 and 16 percent in 1979). The 1982 number is estimated by taking the percent of opinions in 1981 and 1983 (30 average of 32 and 29).

It is assumed that the Supreme Court decided no cases without opinions in 1979 (it decided 46 in 1978, but stopped the practice sometime after the Court of Appeals was created in 1978).

The Court of Appeals sits in one-judge panels for some cases; the average panel size is based on the number of decisions by full opinion (information for summary decisions is not broken down by one and three judge panels).

The percentage of cases decided with oral argument in the Supreme Court in 1969-72 is the percentage decided by published opinion, since almost all such cases were argued (the unpublished opinions are no merit criminal cases, which were not argued). From 1973 through 1979 the percent argued is calculated by using the monthly submission practices of the court (e.g., number scheduled for argument and scheduled for submission on briefs each month of the court term). In 1979 the statistics checked against the published opinions (37 percent were argued, assuming that unpublished opinions were never argued), and the 1980 figure is calculated from the public reports. After 1980 almost all cases were argued.

Figures for the percent of cases decided with oral argument in the Court of Appeals for the first two years of the court, in 1978 and 1979, are not available and are assumed to be the same as 1980.

In 1978, when the Court of Appeals was created, the appellate system received jurisdiction over appeals from limited jurisdiction trial courts (these appeals formerly went to the general jurisdiction trial courts). These appeals are probably simplier than most appeals, and they were usually decided by one-judge panels.

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OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC
137	68	N	0	0	N	N	7.00	0.00	7.00	N	N	0	0	0	N	0	0	N	2	0	N	7	0
138	69	369	0	0	369	N	7.00	0.00	7.00	N	N	0	0	0	75	0	0	75	2	0	7	7	0
139	70	395	0	0	395	N	7.00	0.00	7.00	N	N	0	0	0	96	0	0	96	2	0	6	7	0
140	71	466	0	0	466	N	7.00	0.00	7.00	N	N	0	0	0	148	0	0	148	2	0	8	7	0
141	72	515	0	0	515	N	7.00	0.00	7.00	N	N	0	0	0	199	0	0	199	2	0	10	7	0
142	73	418	0	0	418	N	7.00	0.00	7.00	N	N	0	0	0	111	0	0	111	2	0	7	9	0
143	74	539	0	0	539	N	7.00	0.00	7.00	N	N	0	0	0	200	0	0	216	2	0	8	10	0
144	75	548	0	0	548	N	7.00	0.00	7.00	N	N	0	0	0	185	0	0	193	2	0	22	10	0
145	76	527	0	0	527	N	6.90	0.00	6.90	N	N	0	0	0	183	0	0	193	2	0	22	10	0
146	77	462	0	0	462	N	6.82	0.00	6.82	N	N	0	0	0	127	0	0	144	2	0	20	10	0
147	78	418	0	0	418	N	7.00	0.00	7.00	N	N	0	0	0	94	0	0	115	2	0	46	10	0
148	79	1232	909	0	323	N	19.00	12.00	7.00	N	N	0	1	743	72	181	2	76	2	0	0	26	1
149	80	1374	1127	0	247	N	19.00	12.00	7.00	N	N	1	1	952	43	218	2	43	2	0	0	30	1
150	81	1367	1196	114	171	N	18.73	11.73	7.00	N	N	2	1	1029	0	423	2	0	1	0	0	30	1
151	82	1531	1372	0	159	N	18.95	12.00	6.95	N	N	1	1	1230	0	509	2	0	1	0	0	30	1
152	83	1600	1411	0	189	N	19.00	12.00	7.00	N	N	0	1	1184	0	613	2	0	1	0	0	31	1
153	84	1574	1429	0	145	N	19.00	12.00	7.00	N	N	1	0	1199	0	616	2	0	1	0	0	32	1

OBS	ICSA	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZAESECT	ICARS	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
137	0	1	0	0	0	N	N	0.0	0	N	0	0	N	2	N	0	1	0	1	N	0	1	0	145	0	0	0	68
138	0	1	0	0	0	0	7	0.0	0	80	0	0	80	2	0	0	1	0	1	N	0	1	0	133	0	0	0	69
139	0	1	0	0	0	0	7	0.0	0	76	0	0	76	2	0	0	1	0	1	N	0	1	0	227	0	0	0	70
140	0	1	1	0	0	0	7	0.0	0	68	0	0	68	2	0	0	1	0	1	N	0	1	0	135	0	0	0	71
141	0	1	1	0	0	0	7	0.0	0	61	0	0	61	2	0	0	1	0	1	N	0	1	0	136	0	0	0	72
142	0	1	2	0	0	2	7	0.0	0	50	0	0	50	3	0	0	1	0	1	N	0	1	0	67	0	0	0	73
143	0	1	3	0	0	3	7	0.0	0	37	0	0	37	3	0	0	1	0	1	N	0	1	0	102	0	0	0	74
144	0	1	3	0	0	3	7	0.0	0	38	0	0	38	3	0	0	1	0	1	N	0	1	0	130	0	0	0	75
145	0	1	3	0	0	3	7	0.0	0	40	0	0	40	3	0	0	1	0	1	N	0	1	0	167	0	0	0	76
146	0	1	3	0	0	3	7	0.0	0	40	0	0	40	3	0	0	1	0	1	N	0	1	0	145	0	0	0	77
147	0	1	3	0	0	4	7	2.6	0	40	15	0	40	3	0	0	1	0	1	N	0	1	0	166	0	0	0	78
148	4	1	3	3	3	74	3	2.6	0	22	15	4	60	2	0	0	1	0	1	1674	0	0	299	160	514	419	106	79
149	8	1	3	8	3	82	3	2.6	0	23	15	4	60	2	0	0	1	0	1	1793	0	0	488	153	525	498	107	80
150	8	1	3	8	3	87	3	2.7	0	19	8	4	95	1	0	0	1	0	1	1954	0	0	505	144	593	656	135	81
151	8	1	3	8	3	90	3	2.6	0	13	4	4	95	1	0	0	1	0	1	1943	0	0	427	183	578	575	113	82
152	9	1	3	9	3	88	3	2.6	0	15	4	4	95	1	0	0	1	0	1	2043	0	0	375	198	606	583	101	83
153	10	1	3	10	3	91	3	2.6	0	11	3	4	95	1	0	0	1	0	1	2107	0	0	377	196	620	627	60	84

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OBS	YEAR	ZOUT	ICDC	ICOP	SCDC	SCOP	ZJ	ICJ	SCJ	ICEXJADJ	SCEXJADJ	ICNEWJ	SCNEWJ	ICUN	SCUN	ICME	ICMED	SCME	SCMED	ICWO	SCWO	ZATTY	ICLC	ICSA
154	68	73	0	0	73	69	4.00	0	4.00	N	.00	0	0	0	0	0	0	12	1	0	0	0	0	0
155	69	58	0	0	58	57	4.00	0	4.00	N	.00	0	0	0	0	0	0	15	1	0	0	0	0	0
156	70	66	0	0	66	66	4.00	0	4.00	N	.00	0	0	0	0	0	0	8	1	0	0	0	0	0
157	71	103	0	0	103	95	3.96	0	3.96	N	.08	0	0	0	0	0	0	9	1	0	0	0	0	0
158	72	106	0	0	106	100	4.00	0	4.00	N	.04	0	1	0	0	0	0	12	1	0	0	0	0	0
159	73	69	0	0	69	66	4.50	0	4.50	N	.00	0	1	0	0	0	0	9	1	0	0	0	0	0
160	74	88	0	0	88	84	4.95	0	4.95	N	.05	0	0	0	0	0	0	4	1	0	0	0	0	0
161	75	67	0	0	67	58	4.86	0	4.86	N	.26	0	3	0	0	0	0	1	1	0	0	0	0	0
162	76	94	0	0	94	75	5.00	0	5.00	N	.26	0	0	0	0	0	0	12	1	0	0	0	0	0
163	77	114	0	0	114	104	5.00	0	5.00	N	.32	0	0	0	0	0	0	11	1	0	0	5	0	0
164	78	105	0	0	105	97	5.00	0	5.00	N	.05	0	0	0	0	0	0	9	1	0	0	5	0	0
165	79	165	0	0	165	158	5.00	0	5.00	N	.38	0	1	0	0	0	0	4	1	0	0	5	0	0
166	80	113	0	0	113	105	5.00	0	5.00	N	.05	0	0	0	0	0	0	3	1	0	0	5	0	0
167	81	134	0	0	134	133	5.00	0	5.00	N	.10	0	1	0	0	0	0	2	1	0	0	5	0	0
168	82	140	0	0	140	138	5.00	0	5.00	N	.00	0	0	0	0	0	0	1	1	0	0	5	0	0
169	83	147	0	0	147	133	5.00	0	5.00	N	.10	0	1	0	0	0	0	0	1	0	0	5	0	0
170	84	135	0	0	135	118	5.00	0	5.00	N	.05	0	0	0	0	0	0	0	1	0	0	5	0	0

OBS	SCLC	SCSA	ICPATTY	SCPATTY	IACPCT	ZPAN	ICPAN	SCPAN	ZARGPCT	ICARG	ICARGD	SCARG	SCARGD	ZSUMPCT	ICSUM	ICSUMD	SCSUM	SCSUMD	ALLAPP	ICDELAY	SCDELAY	ICWR	SCWR	PETFI	PETDC	PETGR	YEAR
154	0	0	0	0	0	4	0	0.0	95	0	0	95	1	0	0	0	0	1	82	0	0	0	N	0	0	0	68
155	0	0	0	0	0	4	0	0.0	95	0	0	95	1	0	0	0	0	1	69	0	0	0	N	0	0	0	69
156	0	0	0	0	0	4	0	0.0	95	0	0	95	1	0	0	0	0	1	113	0	0	0	15	0	0	0	70
157	0	0	0	0	0	4	0	0.0	95	0	0	95	1	0	0	0	0	1	104	0	0	0	11	0	0	0	71
158	0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	80	0	0	0	28	0	0	0	72
159	0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	115	0	0	0	31	0	0	0	73
160	0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	125	0	1	0	39	0	0	0	74
161	0	0	0	0	0	4	0	3.5	95	0	0	95	1	0	0	0	0	1	120	0	1	0	10	0	0	0	75
162	0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	128	0	1	0	12	0	0	0	76
163	0	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	135	0	1	0	18	0	0	0	77
164	1	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	147	0	0	0	8	0	0	0	78
165	1	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	168	0	0	0	11	0	0	0	79
166	1	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	183	0	0	0	23	0	0	0	80
167	1	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	186	0	0	0	12	0	0	0	81
168	1	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	198	0	0	0	17	0	0	0	82
169	1	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	233	0	0	0	24	0	0	0	83
170	1	0	0	0	0	5	0	0.0	95	0	0	95	1	0	0	0	0	1	288	0	0	0	28	0	0	0	84

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Sources: Statistics supplied by the court and the court administrator's office; count of opinions in reporters (1968-75).

Definitions:

Decisions--IAC: none. SupC: "dockets disposed by opinions."
Opinions--IAC: none. SupC: "opinions handed down."
Definition of Criminal: "criminal." Civil: "civil."
IAC Writs: none.
SupC Petitions for Review: none.
SupC Writs: "original proceedings."
Unpublished Opinion IAC: none. SupC: none.
Memo Opinion IAC: none. SupC: "per curiam."
Decisions w/o Opinion IAC: none. SupC: see below.

Comments.

The writ disposition information is for original proceedings, which do not include bar and disciplinary matters after 1983 and apparently not in earlier years.

The decision statistics do not include cases dismissed on motions to dismiss - a summary procedure by which cases were decided without opinion. According to the clerk, the court decided seven cases this way in 1978-80, during which the court rules permitted the procedure.