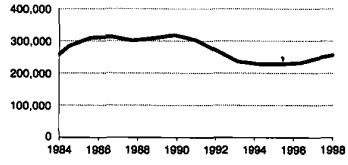
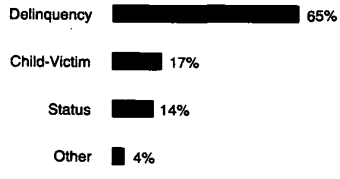
Examining the Work of State Courts, 1998

A National Perspective from the Court Statistics Project

Measuring the Pace of Felony Litigation





Year	Number (in millions)
1989	20.6
1990	16.8
1991	13.7
1992	13.2
1993	12.0
1994	8.1
1995	6.7
1996	6.5
1997	6.2
1998	6.3

Examining the Work of State Courts, 1998

A National Perspective from the Court Statistics Project

Edited by

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

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Acknowledgments

The members of the Court Statistics Project (CSP) gratefully acknowledge assistance and guidance from throughout the state court community. At the heart of this national effort is the strong and continuing support of the state and trial court administrators, the appellate court clerks, and their staffs, who have provided most of the information included in *Examining the Work of State Courts, 1998* and *State Court Caseload Statistics, 1998*. They have been consistently patient and helpful in answering written and telephone inquiries for more data or for explanations of the data provided. We owe a special debt of gratitude to the staff members of the administrative offices of the courts and of the appellate courts who serve as contact persons between their offices and the Court Statistics Project.

This year, the staff of the CSP has been fortunate to have felony data collected from 17 large, urban trial courts to enhance this volume and its discussion of timeliness and quality in felony case processing. We would like to express our gratitude to the judges, administrators, and staff of those 17 courts. The jurisdictions that participated in the study are located in: Austin, TX; Baltimore City, MD; Baltimore County, MD; Birmingham, AL; Cincinnati, OH; Des Moines, IA; Fort Worth, TX; Grand Rapids, MI; Hackensack, NJ; Oakland, CA; Omaha, NE; Portland, OR; Sacramento, CA; Santa Clara, CA; Seattle, WA; St. Petersburg, FL; Tucson, AZ. Without their help and cooperation, Part II of this book would not have been possible.

The content and design of all products produced by the CSP benefit greatly from the guidance of the 14 members of the Court Statistics Committee of the Conference of State Court Administrators. The committee members have given generously of their time, talent, and experience, and their participation has been invaluable to project staff.

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

A special debt is owed to the advice and editorial skills of our colleagues Victor E. Flango, Roger A. Hanson, and Susan L. Keilitz, who offered a range of valuable input that considerably improved the final product. The publications of the Court Statistics Project benefit greatly from the careful editing of David Morrill. Judith Ann Sullivan skillfully managed design and coordinated the printing of this publication.

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Foreword

"Yet to calculate is not in itself to analyze"

– Edgar Allen Poe
The Murders in the Rue Morgue

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

Publications produced and disseminated by the Court Statistics Project (CSP) are the prime source of information on the work and organization of the state courts.

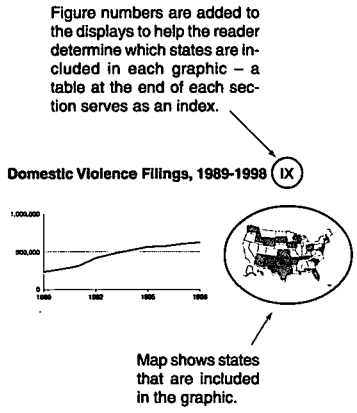
Examining the Work of State Courts, 1998, provides a comprehensive analysis of the business of state trial and appellate courts in a nontechnical fashion. Accurate, objective, and comparable data across states provide a relative yardstick against which states can consider their performance, identify emerging trends, and measure the possible impact of legislation. Without baseline data from each state, many of the most important questions facing the state courts will go unanswered. This volume facilitates a better understanding of the state courts by making use of closely integrated text and graphics to describe plainly and succinctly the work of state trial and appellate courts.

A second volume, *State Court Caseload Statistics, 1998,* is a basic reference that contains detailed information and descriptions of state court systems. Individuals requiring more complete information, such as state-specific information on the organization of the courts, total filings and dispositions, the number of judges, factors affecting comparability between states, and a host of other jurisdictional and structural issues, will find this volume useful.

A third series, *Caseload Highlights,* recognizes that informed judges and court managers want comparative information on a range of policy-relevant topics, but they want it in a timely fashion and in a condensed readable format. Whereas other project publications take a comprehensive look at caseload statistics, *Caseload Highlights* targets specific and significant issues and disseminates the findings in short reports. Because they fill the gaps in distribution cycles between the two annual reports, *Caseload Highlights* are also timely in terms of the data and subject matters covered.

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

Executive Summary



The primary function of the Court Statistics Project (CSP) is to collect and analyze data relating to the work of our nation's state courts. This requires the ongoing compilation of data from all 50 states, the District of Columbia, and Puerto Rico, and also gathering case-level information from trial courts through other special data collection efforts. Since the judiciaries are closely linked to other parts of the justice system, such as law enforcement and corrections, the work of the CSP also involves collecting and analyzing data from outside the judiciary.

Examining the Work of State Courts, 1998 has two primary goals. The first is to provide a broad-based framework for examining court workload and to provide a clear picture of historical and emerging caseload trends. The main body of this volume is devoted to that effort. The second goal is to conduct a more in-depth analysis of case-processing and court performance—the results of which are published in Part II of this volume. This year, Part II looks at the pace of felony litigation in 17 large trial courts.

Incorporated into this edition of *Examining the Work of State Courts* are two new design features. The first is a series of maps accompanying the charts and graphs (where appropriate) that provide visual recognition of the states whose data are included within the graphic. The appropriate states are indicated by solid colors on the maps. Second, an index is provided at the end of each section summarizing the states included in each graphic. Figure numbers in the chart title tie the graphic to the index. Unless otherwise noted, all information on the data displays comes from CSP national databases. Some of the highlights from this year's analysis include:

- The 50 states, the District of Columbia, and Puerto Rico reported over 91 million new cases filed in our nation's state courts in 1998—the largest amount since 1992. Most of the recent state court caseload growth is due to a rise in traffic cases, with close to 1.6 million new traffic cases filed over the previous year.

- In 1998, there were 28,793 trial judges and quasi-judicial officers in the nation's state trial courts. General jurisdiction courts added about 150 judges and limited jurisdiction courts added roughly 80 new judges nationwide.

- Nearly 15.5 million civil (nondomestic relations) cases were filed in state courts during 1998. Since 1984, limited and general jurisdiction cases have increased 38 percent and 29 percent, respectively. Civil filings (in both limited and general jurisdiction courts) per 100,000 population have increased 17 percent, or an average of 1.2 percent per year, since 1984.

- Tort filings in 16 states rose 43 percent between 1975 and 1998; however, the number of tort filings decreased 16 percent since 1996. Contract filings decreased slightly since 1984, however, this decrease was slightly offset by a 12 percent rise in contract cases between 1996 and 1998.

- Of the general civil (i.e., tort, contract, and real property) cases that were disposed by a jury or bench trial in the nation's 75 largest counties in 1996, nearly two-thirds involved tort claims. Contract disputes accounted for all but 3 percent of the remaining general civil trial caseload. Automobile liability claims accounted for one-half of all tort trials, while seller and buyer plaintiff cases comprised half of all contract disputes.

- On average, plaintiffs won nearly half of all general civil trials in the 75 largest counties in 1996. Plaintiffs obtained favorable outcomes in about half the automobile, asbestos, and intentional tort cases, while in contract cases, almost two-thirds of plaintiffs were victorious. The overall median jury awards were $30,000 for tort and $80,000 for contract cases.

- Most civil cases that go to trial are resolved within two years: 56 percent of tort trials are disposed within two years and 88 percent are disposed within four years. In contract cases tried before a jury, 54 percent are resolved within two years and 91 percent are disposed within four years.

- The total number of domestic relations filings decreased 2 percent between 1997 and 1998. Steady decreases in paternity and interstate support filings continue, due in part to enactment of the Welfare Reform Act and the Uniform Interstate Family Support Act (UIFSA).

- Juvenile filings in state courts reached an historic high of nearly 2.1 million in 1998, a 3 percent increase over 1997. Between 1984 and 1998, juvenile filings increased every year yielding a cumulative increase of 73 percent. About two-thirds of juvenile filings were delinquency cases, 14 percent status offenses, and 17 percent child-victim cases.

- While juvenile violence remains a critical concern, the latest FBI data show significant decreases in juvenile violent arrest rates. After peaking in 1994, juvenile arrest rates for violent crime dropped 23 percent in 1997. Victimization surveys also indicate that crimes occurring at school have declined in recent years (1992–1997).

- Despite falling arrest rates, younger adults are still disproportionately involved with violent crime compared to the general population. In 1997, persons ages 10 to 17 comprised 11 percent of the general population but accounted for 17 percent of those arrested for violent crime.

- Criminal case filings in the state courts reached an all-time high of 14.6 million in 1998. After remaining relatively stable from 1990 to 1993, criminal filings have increased fairly rapidly over the last five years.

- In 1998, guilty pleas were involved in roughly two-thirds of criminal case dispositions. One criminal case in five is dismissed, and about 4 percent of criminal cases went to trial. Of those cases disposed by trial, 55 percent involve a jury.

- Felony filings grew steadily until 1992, and after a brief dip in 1993, they resumed an uninterrupted increase, reaching an all-time high of 1.93 million in 1998. The total growth in felony filings (82 percent) outpaced the growth of all other filings in the courts.

- The U.S. correctional population numbered 5.9 million people in 1998, consisting predominately of people sentenced to probation. Of the four sanction types shown, the number of people in prison has increased most rapidly since 1980 (+286 percent), and now stands at a record high of 1,232,900.

- In 1998, the total number of appellate filings was just under 300,000—68 percent of the caseload consisted of mandatory appeals and 32 percent consisted of discretionary petitions.

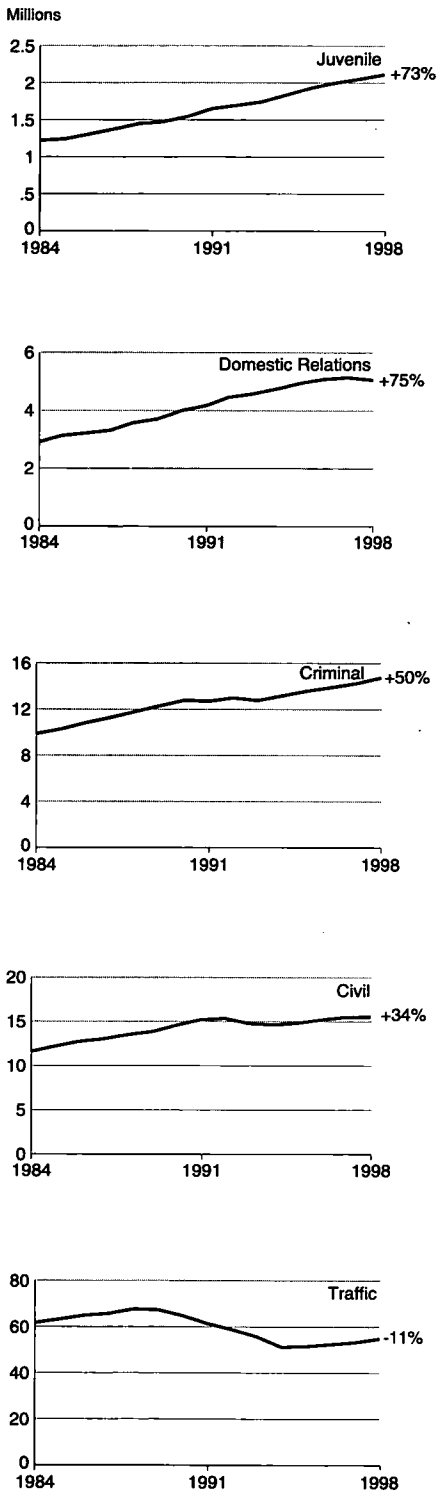
- In 1998, over half of the nation's intermediate appellate courts (IAC) processed 145 mandatory appeals per judge, and over half of the courts of last resort (COLR) handled 125 discretionary petitions per judge.

- Intermediate appellate courts are having moderate success in keeping up with their mandatory caseloads: 22 of the 39 states with IACs have three-year clearance rates of 100 percent or greater, and an additional 13 states cleared 94 percent or more of their cases.

- Mandatory civil appeals grew 1 percent from 1996 to 1998; however, in 17 states mandatory filings actually decreased. For the period 1996 to 1998, 22 states were able to report the number of discretionary petitions filed in state supreme courts—for these courts, criminal petitions increased 8 percent and civil petitions 2 percent.

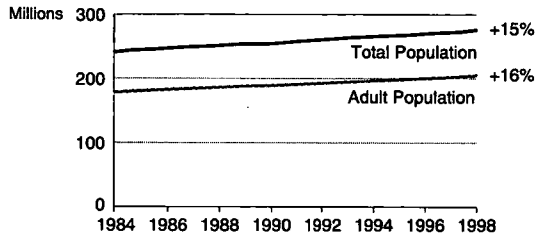
Overview of State Trial Court Caseloads

Cases Filed in State Courts, 1984-1998 (I)



Offices of the state court administrator in the 50 states, the District of Columbia, and Puerto Rico reported to the Court Statistics Project over 91 million new cases filed in our nation's state courts in 1998—the largest amount since 1992. Most of the recent state court caseload growth is due to a rise in traffic cases, with close to 1.6 million new traffic cases filed over the last year. Since 1997, filings also increased for juvenile, criminal and civil cases, while domestic caseloads decreased for the first time since 1984. The filing trends also show that cases are increasing at a much faster rate than our nation's adult (18 and over) population—in some cases, three to five times as fast.

United States Population, 1984-1998 (II)

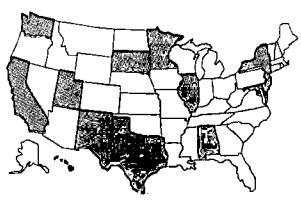


The continual rise in court caseloads has significant implications for how the courts will operate as we move into the next millennium. The resources necessary to process the work of the courts do not always keep pace with the demand for judges and court support staff or the need for improved case flow management and technology. Clearly, courts will continue to be challenged to develop and search for more efficient ways to conduct business.

The table below shows that the number of parking cases over the last couple of years was less than one-third of the figure for 1989. Though they represent the least serious traffic offense, parking cases account for a large proportion of traffic caseloads. Efforts to decriminalize less serious traffic offenses and to shift much of the traffic caseload to an executive branch agency appear to have worked. In 1998, the number of parking cases edged up about 100,000—indicating that the court systems that were successful in transferring or diverting many traffic cases to a traffic bureau or other agency may now be left with a core set of cases that will remain under the court's jurisdiction.

Number of Parking Filings in 13 States, 1989-1998 (III)

Year	Number (in millions)
1989	20.6
1990	16.8
1991	13.7
1992	13.2
1993	12.0
1994	8.1
1995	6.7
1996	6.5
1997	6.2
1998	6.3



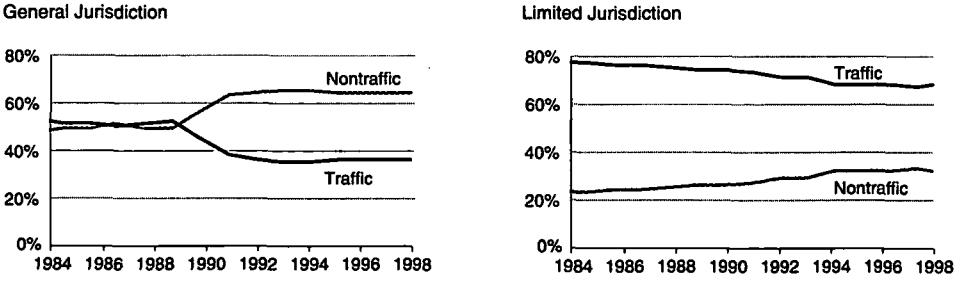
State trial court systems are traditionally organized into courts of general and limited jurisdiction. (Note: This report may refer to the District of Columbia and Puerto Rico as states for the sole purpose of simplifying the text and titling of tables and figures.) All states have at least one court of general jurisdiction, the highest trial court in the state, where the most serious criminal and civil cases are handled. In addition, general jurisdiction courts may handle appeals arising from cases heard at the limited jurisdiction court level or from administrative agencies. Filings in general jurisdiction courts accounted for 26 percent of state court caseloads in 1998. While 74 percent of state court caseloads were filed in limited jurisdiction courts, these courts usually hear a narrower range of matters, often only one particular type of case. Criminal caseloads in limited jurisdiction courts typically are limited to misdemeanor filings and to preliminary hearings in felony cases, whereas civil caseloads usually are restricted to small claims cases in which damages do not exceed some fixed amount.

Types of Cases Filed in State Courts, 1998 (In millions) (IV)

		— Jurisdiction —	
Case Type	Total Number	General	Limited
Traffic	54.4	8.6	45.8
Civil	15.4	6.3	9.1
Criminal	14.6	4.4	10.2
Domestic	5.0	3.5	1.5
Juvenile	2.1	1.3	0.8
Total	**91.5**	**24.1**	**67.4**

The number of traffic cases substantially affects total state court filings. And, as mentioned earlier, the number of traffic cases processed by state courts has fallen over the past decade. The percentage of nontraffic filings in courts of general jurisdiction has shifted from half of the caseload in 1989 to over two-thirds in 1998. The change toward smaller traffic caseloads has been steady but more gradual in limited jurisdiction courts. In 1998, traffic filings comprised 67 percent of state court caseloads in limited jurisdiction courts and 36 percent in general jurisdiction courts. The bottom line is that state court caseloads are now composed of a larger proportion of more serious civil and criminal cases.

State Trial Court Caseloads - *Traffic* vs. *Nontraffic*, 1984-1998 (V)



State Courts and Trial Judges

The 91 million cases filed in 1998 were processed through 16,288 state trial courts. Limited jurisdiction courts outnumber their general jurisdiction counterparts five to one.

13,788 limited jurisdiction courts
2,500 general jurisdiction courts

In 1998, there were 28,793 trial judges and quasi-judicial officers in the nation's state trial courts. Both general and limited jurisdiction courts gained judges in 1998. General jurisdiction courts added about 150 judges and limited jurisdiction courts added roughly 80 new judges nationwide.

Judicial Officers in State Trial Courts by Court Jurisdiction, 1990-1998 (VI)

	Number of Judicial Officers		
Year	General Jurisdiction	Limited Jurisdiction	Total
1990	8,586	18,234	26,820
1991	8,649	18,289	26,938
1992	8,700	18,272	26,972
1993	8,859	18,316	27,175
1994	8,877	18,317	27,194
1995	9,214	17,974	27,188
1996	10,114	18,301	28,415
1997	10,007	18,553	28,560
1998	10,163	18,630	28,793

The table to the right shows the number of general jurisdiction court judges in the states. The number of judges does not include quasi-judicial personnel such as magistrates or referees. Eleven states have a unified court structure in which trial courts are consolidated into a single general jurisdiction court level. These consolidated courts have jurisdiction over all cases and procedures. Because there is no distinction between trial levels in these states, it often appears that these states have more general jurisdiction court judges than states with multilevel court systems. Two alternative measures of judicial staffing levels are also provided in the table. The middle column, judges per 100,000 population, standardizes the number of judges across the states by adjusting for differences in population. The result is a dramatic narrowing in the range of judges (1.2 in South Carolina to 11.3 in D.C.). In fact, almost 70 percent of the states with non-unified courts have between two and four judges per 100,000 population. Unified states have an average of six judges per 100,000 population.

The last column shows the number of civil (including domestic relations) and criminal filings per general jurisdiction judge. More than half (57 percent) of the states report between 1,000 and 2,000 filings per judge. Nine states report more than 2,000, and 12 states report less than 1,000.

Number and Rate of Judges in Unified and General Jurisdiction Courts in 49 States, 1998 (VII)

State	Number of Judges	Judges per 100,000 Population	Filings per Judge
Unified Courts			
Illinois	865	7.2	1,580
Puerto Rico	315	8.2	802
Missouri	310	5.7	1,544
Minnesota	254	5.4	1,912
Wisconsin	234	4.5	1,743
Iowa	186	6.5	1,537
Connecticut	167	5.1	1,845
Kansas	156	5.9	1,658
District of Columbia	59	11.3	2,728
North Dakota	44	6.9	1,718
South Dakota	37	5.0	2,584
General Jurisdiction Courts			
California	807	2.5	1,149
New York	546	3.0	857
Florida	468	3.1	2,090
Texas	396	2.0	1,531
Pennsylvania*	386	3.2	1,304
New Jersey	384	4.7	2,654
Ohio	372	3.3	1,299
Indiana	279	4.7	2,069
Louisiana	222	5.1	1,509
Michigan	210	2.1	1,316
Georgia	169	2.2	1,781
Washington	167	2.9	1,153
Oregon	161	4.9	1,894
Virginia	147	2.2	1,744
Maryland	140	2.7	1,657
Arizona	134	2.9	1,214
Alabama	131	3.0	1,312
Tennessee	118	2.2	2,048
Colorado	115	2.9	1,225
Arkansas	106	4.2	1,523
North Carolina	99	1.3	2,872
Kentucky	97	2.5	975
Massachusetts	80	1.3	496
New Mexico	72	4.1	1,135
Utah	70	3.3	3,120
West Virginia	62	3.4	881
Nebraska	53	3.2	722
South Carolina	46	1.2	3,763
Montana	45	5.1	710
Idaho	37	3.0	473
Alaska	32	5.2	569
Vermont	29	4.9	1,979
New Hampshire	28	2.4	1,692
Hawaii	27	2.3	1,371
Rhode Island	22	2.2	691
Delaware	17	2.3	1,225
Wyoming	17	3.5	812
Maine	16	1.3	868

* This figure is based upon preliminary caseload figures supplied by the PA AOC.

Mississippi and Nevada are not included because criminal data were not available. No data were available for Oklahoma for 1998.

Judge Selection

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

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

Method of Judge Selection in the States (VIII)

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

State and Federal Trial Court Trends

A comparison of the yearly growth in state and federal trial court filing rates is shown in the adjacent charts. The cases included in this comparison come from courts of general jurisdiction on the state side and from the U.S. District Courts on the federal side in order to maximize comparability between the state and federal systems. With respect to criminal cases, both the U.S. District Courts and the state trial courts of general jurisdiction primarily handle felonies; on the civil side, the dollar limits and case types of the state trial courts of general jurisdiction resemble the $50,000 jurisdictional limit of private civil suits faced by the U.S. District Courts. With 1984 as the base year, the charts show the growth rates in total civil, tort, total criminal, and felony filings.

Civil filings in state trial courts of general jurisdiction have grown by 29 percent since 1984, while civil filings in the U.S. District Courts have decreased 2 percent over the same period. At the state level, most of the growth in tort filings occurred in the mid-1980s, with an overall increase of 11 percent. The change in tort filings shows an erratic pattern in the federal courts during the late 1980s, followed by substantial growth until 1996. The growth in federal tort filings has declined sharply since 1996, with most of that decrease occurring in 1998.

Criminal caseloads have increased steadily in both federal (62 percent) and state (65 percent) court systems since 1984. The most dramatic increases in filings occurred in felony caseloads. Similar growth rates in the mid-1980s diverged in 1987 as state felony filing rates began to outpace federal filing rates. The growth in federal felony caseloads exceeded the growth rate for state caseloads in 1998 for the first time since 1985.

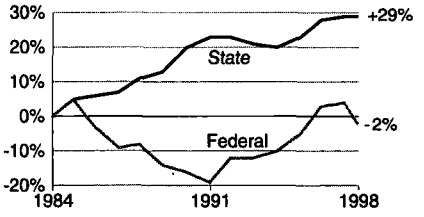
Federal and State Court Filings, 1998 (IX)

		Filings	Percent Change Since 1997
Federal Courts			
	Criminal	57,691	14.6%
	Civil	256,787	-5.6
	Bankruptcy	1,436,964	5.1
	Magistrates	627,688	8.3
	Total	**2,379,130**	**4.8**
State Courts			
	Criminal	14,623,330	3.4
	Civil	15,416,649	0.2
	Domestic	5,023,831	-1.6
	Juvenile	2,097,025	2.9
	Traffic	54,325,712	3.0
	Total	**91,486,547**	**2.3**

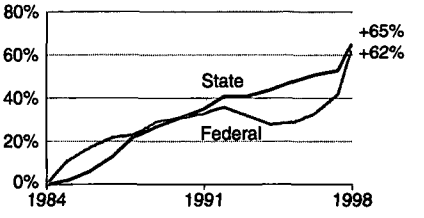
Data Source: Judicial Business of the United States, Annual Report of the Director, 1998

Caseload Growth Rates of U.S. District and State General Jurisdiction Courts, 1984-1998

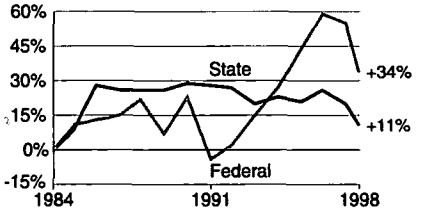
Civil (X)



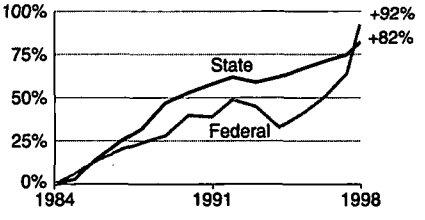
Criminal (XI)



Tort (XII)



Felony (XIII)



Overview Section - Index of states included in graphics

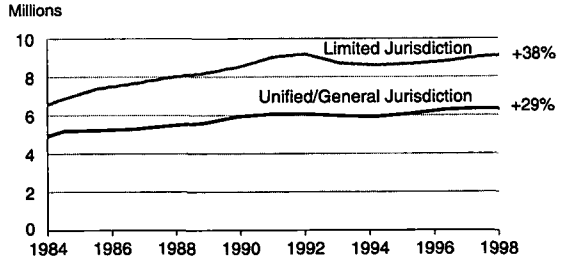
State	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
Alabama	■	■	■	■	■	■	■	■	■	■	■		
Alaska	■	■		■	■	■	■	■	■	■	■	■	■
Arizona	■	■		■	■	■	■	■	■	■	■	■	■
Arkansas	■	■		■	■	■	■	■	■	■	■	■	■
California	■	■	■	■	■	■	■	■	■	■	■	■	■
Colorado	■	■		■	■	■	■	■	■	■	■	■	■
Connecticut	■	■		■	■	■	■	■	■	■	■	■	■
Delaware	■	■		■	■	■	■	■	■	■	■		
District of Columbia	■	■		■	■	■	■		■	■	■		■
Florida	■	■		■	■	■	■	■	■	■	■	■	■
Georgia	■	■		■	■	■	■	■	■	■	■		■
Hawaii	■	■	■	■	■	■	■	■	■	■	■	■	■
Idaho	■	■		■	■	■	■	■	■	■	■	■	■
Illinois	■	■	■	■	■	■	■	■	■	■	■		■
Indiana	■	■		■	■	■	■	■	■	■	■		■
Iowa	■	■		■	■	■	■	■	■	■	■		■
Kansas	■	■		■	■	■	■	■	■	■	■	■	■
Kentucky	■	■		■	■	■	■	■	■	■	■		■
Louisiana	■	■		■	■	■	■	■	■	■	■		
Maine	■	■		■	■	■	■	■	■	■	■	■	■
Maryland	■	■	■	■	■	■	■	■	■	■	■	■	■
Massachusetts	■	■		■	■	■	■	■	■	■	■	■	■
Michigan	■	■		■	■	■	■	■	■	■	■	■	
Minnesota	■	■	■	■	■	■	■	■	■	■	■	■	■
Mississippi	■	■		■	■	■		■	■	■	■		
Missouri	■	■		■	■	■	■	■	■	■	■		■
Montana	■	■		■	■	■	■	■	■	■	■		
Nebraska	■	■		■	■	■	■	■	■	■	■		■
Nevada	■	■		■	■	■		■	■	■	■		
New Hampshire	■	■		■	■	■	■	■	■	■	■		■
New Jersey	■	■	■	■	■	■	■	■	■	■	■		■
New Mexico	■	■	■	■	■	■	■	■	■	■	■		
New York	■	■	■	■	■	■	■	■	■	■	■		■
North Carolina	■	■		■	■	■	■	■	■	■	■	■	■
North Dakota	■	■		■	■	■	■	■	■	■	■	■	■
Ohio	■	■		■	■	■	■	■	■	■	■	■	■
Oklahoma	■	■		■	■	■		■	■	■	■		■
Oregon	■	■		■	■	■	■	■	■	■	■		■
Pennsylvania	■	■		■	■	■	■	■	■	■	■		■
Puerto Rico	■	■		■	■	■	■	■	■	■	■	■	■
Rhode Island	■	■		■	■	■	■	■	■	■	■		■
South Carolina	■	■		■	■	■	■	■	■	■	■		
South Dakota	■	■	■	■	■	■	■	■	■	■	■		■
Tennessee	■	■		■	■	■	■	■	■	■	■	■	■
Texas	■	■	■	■	■	■	■	■	■	■	■	■	■
Utah	■	■	■	■	■	■	■	■	■	■	■	■	■
Vermont	■	■		■	■	■	■	■	■	■	■		■
Virginia	■	■		■	■	■	■	■	■	■	■		■
Washington	■	■	■	■	■	■	■	■	■	■	■	■	■
West Virginia	■	■		■	■	■	■	■	■	■	■		■
Wisconsin	■	■		■	■	■	■	■	■	■	■	■	■
Wyoming	■	■		■	■	■	■	■	■	■	■		■
Total number of states	**52**	**52**	**13**	**52**	**52**	**52**	**49**	**51**	**52**	**52**	**52**	**24**	**43**

Civil Caseloads in State Trial Courts

Civil Filing Trends and Caseload Composition

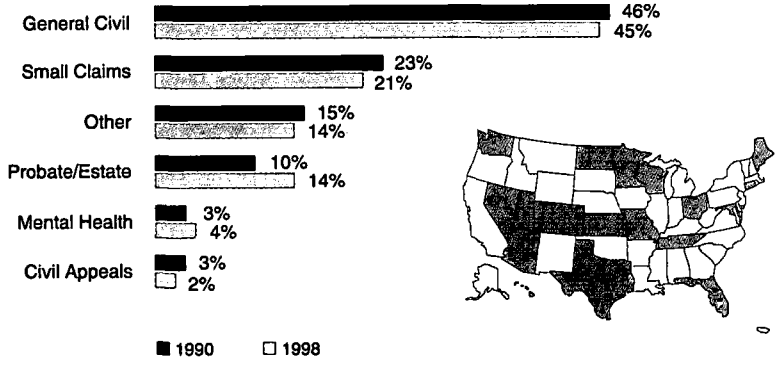
Nearly 15.5 million civil (nondomestic relations) cases were filed in state courts during 1998. After reaching a previous high in 1992 and then dropping for two years, civil filings in the state courts have been on the increase for four years. In 1998, limited jurisdiction courts handled 59 percent of the state court civil caseload, or 9.1 million cases. This figure represents a 38 percent increase since 1984. General jurisdiction courts, where filings have risen 29 percent since 1984, reported an all-time high of 6.3 million new cases filed in 1998. Both of these trends have outpaced the U.S. population, which increased 15 percent over the same period.

Civil Cases Filed in State Trial Courts by Jurisdiction, 1984-1998 (I)



Only modest changes have occurred in the composition of the general jurisdiction court caseload between 1990 and 1998. Based on data from 17 states, general civil (tort, contract, and real property) filings have declined from 46 to 45 percent of all civil filings, while probate/estate cases have increased from 10 to 14 percent. The latter trend may reflect the aging population in the U.S.

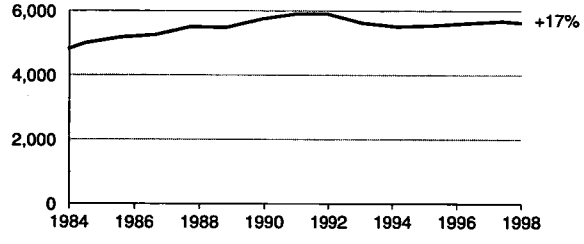
Civil Caseload Composition in Unified and General Jurisdiction Courts in 17 States, 1990 vs. 1998 (II)



Civil Case Filing Rates Among States

One frequently asked question is: Which states have the most civil litigation? Examining a state's aggregate filing data is one way to answer this question, but more populous states naturally will tend to have more filings than less populous states. A more meaningful answer requires controlling for the effect of population size. The national trend, displayed in the chart below, shows that total civil filings (in both limited and general jurisdiction courts) per 100,000 population have increased 17 percent, or an average of 1.2 percent per year, since 1984. The peak occurred in 1991 and 1992, when there were about 5,900 state court civil filings per 100,000 population. In 1998, there were 5,623 civil filings per 100,000 population.

Total Civil Filings (Excluding Domestic Relations Filings) per 100,000 Population, 1984-1998 (III)



The adjacent table ranks 49 states, the District of Columbia, and Puerto Rico according to the total number of civil filings (in both limited and general jurisdiction courts) per 100,000 population. Civil litigation per 100,000 population ranges from a low of 2,637 in Mississippi to a high of 20,352 in the District of Columbia (Nevada and Tennessee appear to have fewer filings, but their totals do not include data from limited jurisdiction courts). The median is 4,830 civil cases per 100,000 population. (Note: The median is the middle value—half of the states have higher rates than the median and half have lower rates).

The District of Columbia stands out with the largest number of civil filings per 100,000 population. However, almost 90 percent of the over 106,000 civil filings from which the population-adjusted rate is derived stem from either small claims or landlord-tenant disputes. The District of Columbia has more characteristics similar to a large urban city than a state—including higher litigation rates.

Total Civil Filings (Excluding Domestic Relations Filings), 1998 (IV)

State	Filings per 100,000 Population			Filings			Population Rank
	Total	General Jurisdiction	Limited Jurisdiction	Total	General Jurisdiction	Limited Jurisdiction	
District of Columbia*	20,352	20,352	—	106,468	106,468	—	51
Maryland	17,716	1,413	16,303	909,666	72,560	837,106	19
Virginia	15,406	1,032	14,374	1,046,248	70,085	976,163	12
New Jersey	8,531	8,443	88	692,311	685,187	7,124	9
South Carolina	7,576	1,420	6,156	290,618	54,471	236,147	27
Georgia	7,525	805	6,720	575,082	61,522	513,560	10
New York	7,406	1,880	5,526	1,346,139	341,689	1,004,450	3
Arkansas	7,169	2,019	5,151	181,977	51,240	130,737	34
Indiana	7,157	5,143	2,014	422,226	303,425	118,801	14
North Carolina	7,151	1,918	5,233	539,622	144,722	394,900	11
Delaware	6,828	1,746	5,082	50,774	12,985	37,789	46
Connecticut*	6,703	4,648	2,054	219,452	152,195	67,257	30
South Dakota*	6,592	6,592	—	48,663	48,663	—	47
Utah	6,501	6,215	286	136,498	130,491	6,007	35
Kansas*	6,486	6,486	—	170,517	170,517	—	33
Massachusetts	6,260	509	5,750	384,796	31,319	353,477	13
Michigan	6,019	780	5,239	590,853	76,547	514,306	8
Louisiana	5,590	3,658	1,932	244,246	159,819	84,427	22
Colorado	5,388	1,445	3,943	213,959	57,372	156,587	24
Ohio	5,362	1,736	3,626	601,046	194,566	406,480	7
Wyoming	5,316	1,112	4,204	25,564	5,348	20,216	52
Rhode Island	5,203	870	4,333	51,433	8,603	42,830	44
New Hampshire	5,021	901	4,120	59,505	10,677	48,828	43
Florida	5,000	2,366	2,634	745,798	352,930	392,868	4
Nebraska	4,965	446	4,519	82,557	7,422	75,135	39
Idaho	4,830	472	4,358	59,349	5,804	53,545	41
Iowa*	4,786	4,786	—	137,001	137,001	—	31
California	4,713	1,826	2,888	1,539,644	596,368	943,276	1
Montana	4,640	2,052	2,589	40,857	18,066	22,791	45
Oregon	4,531	4,531	n/a	148,717	148,717	n/a	29
Alabama	4,499	1,023	3,477	195,809	44,503	151,306	23
Illinois*	4,490	4,490	—	540,798	540,798	—	5
Kentucky	4,477	962	3,516	176,245	37,852	138,393	25
Arizona	4,444	1,386	3,058	207,480	64,726	142,754	21
Wisconsin*	4,219	4,219	—	220,377	220,377	—	18
West Virginia	4,159	1,475	2,684	75,325	26,714	48,611	36
Alaska	4,105	956	3,149	25,205	5,867	19,338	49
Washington	3,892	1,485	2,407	221,441	84,494	136,947	15
Vermont	3,780	3,022	758	22,334	17,855	4,479	50
New Mexico	3,775	1,935	1,840	65,564	33,608	31,956	38
Pennsylvania**	3,554	412	3,142	426,486	49,400	377,086	6
North Dakota*	3,468	3,468	—	22,132	22,132	—	48
Hawaii	3,420	1,103	2,317	40,798	13,153	27,645	42
Missouri*	3,410	3,410	—	185,454	185,454	—	16
Minnesota*	3,252	3,252	—	153,668	153,668	—	20
Puerto Rico*	2,992	2,992	—	115,412	115,412	—	26
Texas	2,935	795	2,141	579,993	156,991	423,002	2
Maine	2,726	348	2,378	33,917	4,328	29,589	40
Mississippi	2,637	799	1,838	72,575	21,982	50,593	32
Nevada	1,431	1,431	n/a	25,001	25,001	n/a	37
Tennessee	1,310	1,310	n/a	71,158	71,158	n/a	17

* These states have a unified court system (others have a two-tiered system).
** Pennsylvania general jurisdiction caseload is based upon preliminary figures supplied by the PA AOC.
Notes: n/a signifies not available. No data were available for Oklahoma for 1998.

Virginia and Maryland also rank high on this measure of litigiousness. A very large proportion of Virginia's and Maryland's civil filings consist of small-claims-type cases and postjudgment actions including attachments, mechanics liens, and garnishments in the limited jurisdiction court. Virginia counts each petition filed that relates to a single case as a new filing, while in Maryland, 69 percent of its civil caseload consists of landlord-tenant cases. In most states, petitions and postjudgment collection actions are not counted as new filings and the percentage of landlord-tenant cases is not as high. Thus, it is likely that Virginia's and Maryland's statistics overstate the number of new cases relative to other states.

There is essentially no relationship between the size of a state's population and filings per 100,000 population. For example, Texas, the second most populous state, ranks very low both in terms of the total number of civil filings per 100,000 population (2,935) and in terms of the total number of civil filings in the general jurisdiction court per 100,000 population (795). California is the most populous state, but ranks only 28th. On the other hand, Arkansas is the 34th most populous state, but ranks 8th in filings per 100,000 population.

Examining filing data in the general jurisdiction courts reveals that, among the states with two-tiered court systems, New Jersey reports a significantly higher rate of civil case filings per 100,000 (8,443) than most states. Moreover, New Jersey's population-adjusted rate of civil filings exceeds the rates for states with unified court systems (excluding D.C.). The superior court in New Jersey has a nearly unified civil jurisdiction, including no minimum jurisdiction amount. The state's high population density and its proximity to New York City and Philadelphia may contribute to the disproportionately larger volume of civil cases.

This table should be read carefully to identify states that are missing data from their limited jurisdiction courts. Tennessee and Nevada, the states with the lowest rates of total civil case filings per 100,000 population, could not report data from their limited jurisdiction courts, so their total filings statistics underrepresent their actual total filings. Every state reports statistics on filings in its general jurisdiction court, but states vary on the minimum dollar amount required to obtain jurisdiction at that court level. In some states, the minimum jurisdiction amount is small ($0-$1,000), while in others, such as California, it can be quite high ($25,000). Courts with lower minimum jurisdiction limits are likely to have a larger number of civil cases in the general jurisdiction court. States that have unified trial courts (noted with an asterisk in the table) typically report all of their case filings under the general jurisdiction court category, so they often have more cases per 100,000 population filed in the general jurisdiction court than similar states with two-tiered court systems. South Dakota and Kansas are examples of states with unified courts and high filing rates, reporting filing rates of 6,592 and 6,486 per 100,000 population respectively.

Civil Case Clearance and Growth Rates

One basic measure of court performance is the clearance rate, which is the total number of cases disposed divided by the number filed during a given time period. This measure provides an assessment of whether the court is keeping up with its work. For example, a clearance rate of 100 percent indicates that the court disposed of as many cases as were filed during the time period. A clearance rate of less than 100 indicates that the court did not dispose of as many cases as were filed, suggesting that the pending caseload grew during the period.

The three-year clearance rates shown in the table on the following page reveal that between 1996 and 1998, clearance rates of 100 percent or more characterized three of eight states with unified trial court systems and 13 of 34 states with general jurisdiction courts. A total of six states had clearance rates of 90 percent or less for the past three years (1996 through 1998). Pennsylvania led the nation with a three-year clearance rate of 109 percent.

It has been suggested that one reason why courts are unable to keep up with their civil filings is that their civil caseloads have grown significantly during this three-year period. This table does not support that presumption. Only five states reported growth rates in excess of 15 percent: Colorado (37 percent), Arkansas (28 percent), South Carolina (18 percent), Maryland (16 percent), and Kentucky (16 percent), and three of these states (Colorado, Arkansas, and South Carolina) cleared over 90 percent of their cases. Five states had clearance rates below 85 percent between 1996-1998; three of these states saw their caseload activity decline, while two saw a rise in their caseloads.

Civil Caseload Clearance and Growth Rates in General Jurisdiction Courts in 42 States, 1996-1998 (V)

State	Clearance Rates 1996-1998	1996	1997	1998	Caseload Growth 1996-1998
Unified Courts					
Illinois	101%	95%	96%	111%	4%
Iowa	100	98	105	99	3
District of Columbia	100	99	102	99	-5
Kansas	98	98	96	99	10
Missouri	97	94	96	100	4
Puerto Rico	95	95	96	94	11
Minnesota	94	97	95	92	-2
South Dakota	87	92	74	94	3
General Jurisdiction Courts					
Pennsylvania*	109	119	90	118	3
Texas	106	105	108	107	-5
Maine	106	108	105	107	-4
Massachusetts	106	106	106	106	-5
Hawaii	105	127	80	108	4
New York	104	104	104	106	11
Michigan	104	83	115	114	-20
New Hampshire	104	100	106	106	3
Colorado	103	107	100	102	37
Vermont	103	98	103	106	-6
New Jersey	101	102	101	102	-12
Utah	101	91	103	109	6
Arizona	101	98	101	103	9
Oregon	99	100	98	99	-1
Ohio	99	97	96	103	-1
West Virginia	98	103	98	94	11
Alabama	98	101	96	97	4
North Carolina	96	95	96	97	12
Washington	95	100	90	96	4
Alaska	95	98	92	94	-10
Arkansas	95	90	95	100	28
Delaware	94	95	96	91	15
Indiana	94	92	94	96	14
Idaho	93	96	87	97	4
South Carolina	93	94	88	97	18
Georgia	92	90	90	97	6
New Mexico	91	94	90	90	-2
Tennessee	90	88	91	91	-8
Kentucky	85	83	86	86	16
Virginia	84	83	86	85	-4
Rhode Island	84	81	86	85	-5
California	77	69	76	87	-15
Maryland	72	71	71	73	16
Florida	67	66	66	68	8

*Pennsylvania's general jurisdiction caseload is based upon preliminary figures supplied by the PA AOC.

Civil Section - Index of states included in graphics

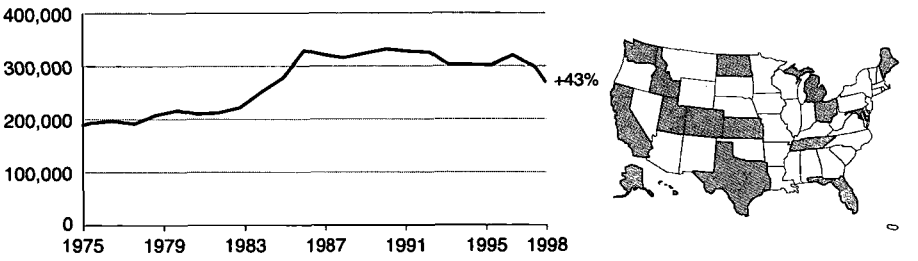
State	I	II	III	IV	V
Alabama	■		■	■	■
Alaska	■		■	■	■
Arizona	■	■	■	■	■
Arkansas	■		■	■	■
California	■		■	■	■
Colorado	■	■	■	■	■
Connecticut	■	■	■	■	
Delaware	■		■	■	■
District of Columbia	■		■	■	■
Florida	■	■	■	■	■
Georgia	■		■	■	■
Hawaii	■	■	■	■	■
Idaho	■		■	■	■
Illinois	■		■	■	■
Indiana	■		■	■	■
Iowa	■		■	■	■
Kansas	■	■	■	■	■
Kentucky	■		■	■	■
Louisiana	■		■	■	
Maine	■	■	■	■	■
Maryland	■	■	■	■	■
Massachusetts	■		■	■	■
Michigan	■		■	■	■
Minnesota	■	■	■	■	■
Mississippi	■		■	■	
Missouri	■	■	■	■	■
Montana	■		■	■	
Nebraska	■		■	■	
Nevada	■	■	■	■	
New Hampshire	■		■	■	■
New Jersey	■		■	■	■
New Mexico	■		■	■	■
New York	■		■	■	■
North Carolina	■		■	■	■
North Dakota	■	■	■	■	
Ohio	■		■	■	■
Oklahoma	■		■		
Oregon	■		■	■	■
Pennsylvania	■		■	■	■
Puerto Rico	■		■	■	■
Rhode Island	■		■	■	■
South Carolina	■		■	■	■
South Dakota	■		■	■	■
Tennessee	■	■	■	■	■
Texas	■	■	■	■	■
Utah	■	■	■	■	■
Vermont	■		■	■	■
Virginia	■		■	■	■
Washington	■	■	■	■	■
West Virginia	■		■	■	■
Wisconsin	■	■	■	■	
Wyoming	■		■	■	
Total number of states	**52**	**17**	**52**	**51**	**42**

Tort and Contract Caseloads in State Trial Courts

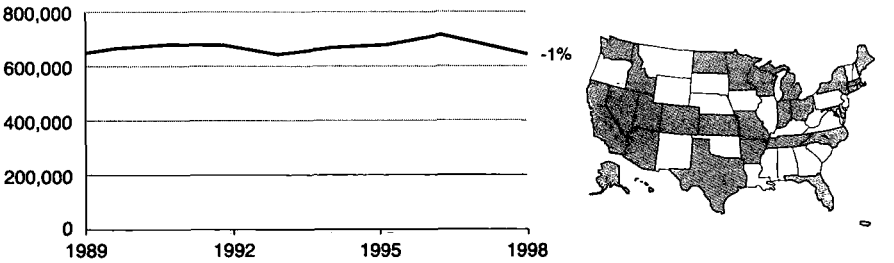
General civil cases (i.e., tort, contract, and real property cases) comprise the largest portion of the overall nondomestic civil caseload in state courts of general jurisdiction. The resolution of these cases radiates far from the courthouses and law offices to affect the operational and strategic business decisions made by corporate executives, small business owners, healthcare providers, and government employees. The law, and the law as experienced in practice, provides the framework within which contracts are drafted, new products are developed, and services and goods are marketed. As a consequence, trends in the types of general civil cases being litigated, as well as their outcomes, provide an important context for legislative reform efforts. For example, proposed legislation in several states seeks to revamp the role of the civil jury and expand the use of alternative dispute resolution in deciding tort and contract cases. In addition, all state legislatures have experimented with tort reform during the last two decades, and tort reform continues to be the focus of legislative bills in the 1990s.

National trends on the number and types of general civil filings are not compiled comprehensively, but extrapolating from data available in selected states and courts can make accurate national estimates. Hence, we examine aggregate tort and contract data in a variety of courts in order to assess the different types of national trends occurring in these types of cases. Data from these courts also enhance our understanding of the impact of various reforms on national tort and contract trends.

Tort Filings in General Jurisdiction Courts in 16 States, 1975-1998 (I)



Tort Filings in General and Limited Jurisdiction Courts in 28 States, 1989-1998 (II)



Trends in Tort Filings

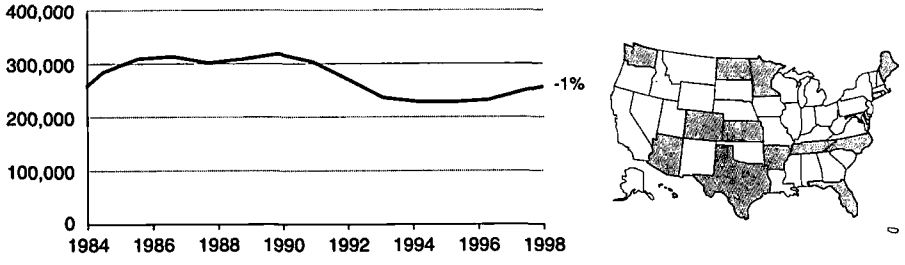
The chart on the previous page shows that total tort filings rose 43 percent for the 23 years between 1975 and 1998 in the 16 states for which data are available. After having increased rapidly between 1975 and 1986, tort filings changed minimally until 1996. Since that year, the number of tort filings has decreased by 16 percent. One possible explanation for this abrupt flattening and decline of the tort filing trend is widespread tort reform among the states.

Limiting our focus to the past ten years (1989-1998), we can expand the number of states in our analysis to 28. The addition of twelve states mollified the sharp decline seen during 1997 and 1998 in the long-term trend and yielded a net decrease of 1 percent. Hence, in these 28 states, representing over 68 percent of the nation's total population, there has been essentially no change in the number of torts filed since 1989.

Trends in Contract Filings

Based on data available from general jurisdiction courts in 15 states, the chart below shows that contract filings have decreased slightly (1 percent) between 1984 and 1998. Recent increases in contract filings (12 percent between 1996 and 1998) have partially offset the sharp decline between 1990 and 1993.

Contract Filings in General Jurisdiction Courts in 15 States, 1984-1998 (III)



Individual State Tort and Contract Filings

The following two tables rank the states according to the percentage change in tort and contract filings per 100,000 population between 1990 and 1998. Both tort and contract filing trends reached a peak in 1990, so choosing 1990 as the base year in this comparison allows one to examine whether the national decline is representative of changes occurring across all states or is being driven by some set of large courts.

The first table reveals that tort filings per 100,000 population have declined in 18 of the 29 states over the past eight years. Filings dropped 20 percent or more in six of these states, including California, where tort filings decreased 49 percent.

Growth Rates of Tort Filings in 29 States, 1990 vs. 1998 (IV)

State	Filings per 100,000 Population 1990	1998	Percent Change
Unified Courts			
Kansas	162	242	49%
Connecticut	501	612	22
Puerto Rico	244	280	15
North Dakota	116	112	-4
Missouri	424	382	-10
Minnesota	163	143	-12
Wisconsin	198	167	-15
General Jurisdiction Courts			
Indiana	122	210	72
New York	361	450	25
North Carolina	123	142	15
Nevada	441	492	12
Alaska	150	167	11
New Jersey	937	1,021	9
Washington	208	216	4
Idaho	112	113	1
Florida	315	308	-2
Hawaii	186	176	-5
Utah	95	88	-7
Tennessee	276	255	-7
Maryland	312	288	-8
Ohio	318	279	-12
Texas	233	204	-12
Massachusetts	223	189	-15
Arkansas	215	171	-20
Arizona	421	321	-24
Maine	153	111	-27
Colorado	179	126	-30
Michigan	417	242	-42
California	410	209	-49

Of the 11 states that experienced increases, four saw the rate rise by more than 20 percent, including Indiana, where filings increased 72 percent. Overall, of the states listed, New Jersey, Connecticut, and Nevada had the largest number of tort filings per 100,000 population in 1998 (1,021, 612, and 492, respectively). The states with the smallest number of population-adjusted filings in 1998 were Utah (88), Maine (111), and North Dakota (112).

The next table presents contract filings per 100,000 population. For the 23 states listed, all but three experienced declines in contract filings between 1990 and 1998. Fifteen of these states experienced declines of more than 25 percent, including Wisconsin, Florida, Maine, Colorado, Arizona, and Maryland, where contract filings decreased more than 50 percent. Only Kansas (45 percent), North Dakota

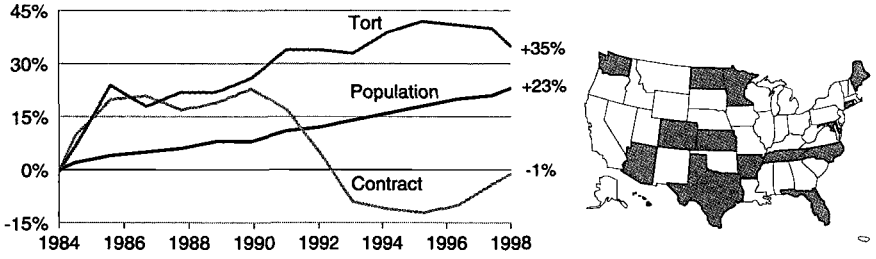
Growth Rates of Contract Filings in 23 States, 1990 vs. 1998 (V)

State	Filings per 100,000 Population 1990	1998	Percent Change
Unified Courts			
Kansas	2,577	3,736	45%
North Dakota	1,067	1,143	7
Missouri	1,380	1,339	-3
Minnesota	184	120	-35
Connecticut	912	576	-37
Puerto Rico	1,648	832	-50
Wisconsin	412	200	-52
General Jurisdiction Courts			
Washington	290	297	2
New Jersey	3,100	2,680	-14
North Carolina	107	84	-22
Hawaii	161	123	-24
Massachusetts	94	71	-25
Arkansas	585	390	-33
New York	129	85	-34
Tennessee	196	119	-39
Nevada	477	282	-41
Texas	183	106	-42
Alaska	127	66	-48
Florida	555	251	-55
Maine	125	52	-58
Colorado	486	190	-61
Arizona	721	279	-61
Maryland	344	112	-68

(7 percent), and Washington (2 percent) witnessed an increase in contract cases between 1990 and 1998. Overall, of the states listed, Kansas, New Jersey, and Missouri had the largest number of contract filings per 100,000 population in 1998 (3,736, 2,680, and 1,339, respectively). The states with the smallest number of population-adjusted filings were Maine (52), Massachusetts (71), and Alaska (66).

The following graphic depicts the annual percentage change in tort filings, contract filings, and population for each year between 1984 and 1998 in 15 states. Since 1984, tort filings have grown 35 percent, but have been on the decline since 1995. Overall, total contract filings in 1998 were 1 percent lower than they were in 1984, but they increased 9 percent between 1996 and 1998.

Percentage Change in Tort Filings, Contract Filings, and Population in 15 States, 1984-1998 (VI)



Tort/Contract Section - Index of states included in graphics

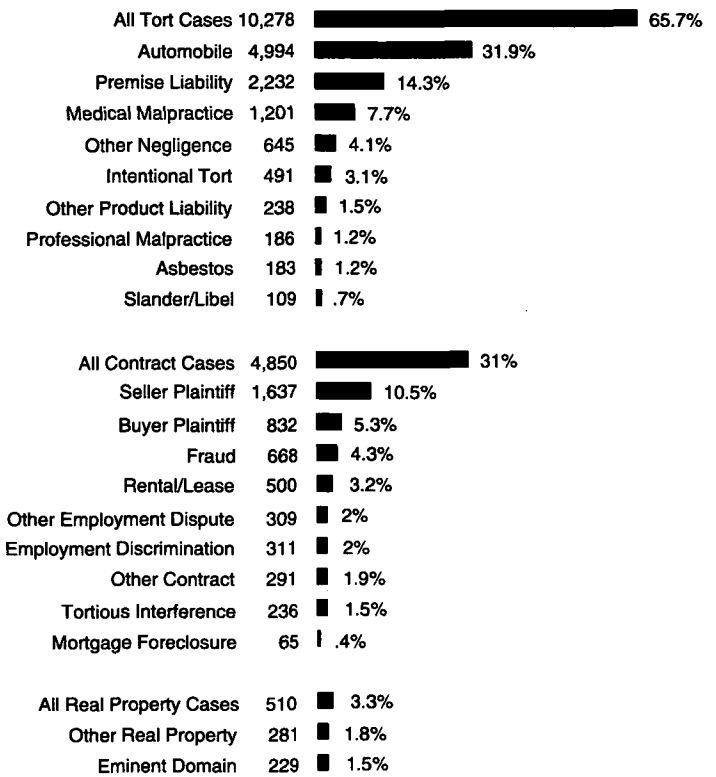
State	I	II	III	IV	V	VI
Alabama						
Alaska	■	■		■	■	
Arizona		■	■	■	■	■
Arkansas		■	■	■	■	■
California	■	■		■		
Colorado	■	■	■	■	■	■
Connecticut		■	■	■	■	■
Delaware						
District of Columbia						
Florida	■	■	■	■	■	■
Georgia						
Hawaii	■	■	■	■	■	■
Idaho	■	■		■		
Illinois						
Indiana		■		■		
Iowa						
Kansas	■	■	■	■	■	■
Kentucky						
Louisiana						
Maine	■	■	■	■	■	■
Maryland	■	■	■	■	■	■
Massachusetts		■		■	■	
Michigan	■	■		■		
Minnesota		■	■	■	■	■
Mississippi						
Missouri		■		■	■	
Montana						
Nebraska						
Nevada		■		■	■	
New Hampshire						
New Jersey				■	■	
New Mexico						
New York		■		■	■	
North Carolina		■	■	■	■	■
North Dakota	■	■	■	■	■	■
Ohio	■	■		■		
Oklahoma						
Oregon						
Pennsylvania						
Puerto Rico		■		■	■	
Rhode Island						
South Carolina						
South Dakota						
Tennessee	■	■	■	■	■	■
Texas	■	■	■	■	■	■
Utah	■	■		■		
Vermont						
Virginia						
Washington	■	■	■	■	■	■
West Virginia						
Wisconsin		■		■	■	
Wyoming						
Total number of states	**16**	**28**	**15**	**29**	**23**	**15**

Civil Cases Resolved by Trial

While the vast majority of general civil (tort, contract, and real property) cases are resolved outside the courtroom, there remains considerable interest in the trial process. A good deal of this attention focuses on the amounts of punitive damages awarded by juries and the effect that these awards have on the function of businesses in this country and around the world. Many argue for placing monetary caps on punitive damages to keep jury awards in check, and some state legislatures have adopted tort reforms that limit the jury's ability to compensate injured plaintiffs.

Understanding the characteristics of civil cases helps inform the debate over jury awards, punitive damages, tort reform, and civil trials generally. In order to enhance our knowledge of civil cases that proceed through trial, the National Center for State Courts and the Bureau of Justice Statistics collected data representative of 15,000 trials in the nation's 75 largest counties in 1996.

Composition of Civil Trials in the Nation's 75 Largest Counties, 1996



Note: All figures for this section are derived from data collected for the Civil Trial Court Network, a project funded by the Bureau of Justice Statistics.

Only a small number of civil cases are resolved by trial. The CSP has estimated, based upon a similar study of civil cases disposed of in any manner in 1992, that 3.7 percent of tort cases and 2.8 percent of contract cases were disposed of by trial. In the following discussion, a case is defined as a trial only if a judgment or jury verdict has been reached. Because our focus is on cases that were tried to completion, cases that settled during a trial are not included.

Of the cases that were disposed of by a jury or bench trial in 1996, nearly two-thirds (65.7 percent) involved tort claims. Contract disputes accounted for all but 3 percent of the remaining trial caseload. As the bar chart on the left demonstrates, automobile liability claims constituted the largest segment of civil trials, accounting for almost one-third of all general civil trials and one-half of all tort trials. Less than one in 12 civil trials involved medical malpractice. Perhaps most surprising, given their notoriety, is the relatively small number of trials involving product liability claims. Seller plaintiff and buyer plaintiff contract cases, trials involving a dispute over the collection of a debt or the failure of a seller to make good on a promise of delivery, together constituted one-half of all contract disputes.

Types of Plaintiffs in Civil Trials

Tort cases most often arise from acts of negligence that result in damage or injury to a person, property, or reputation. Therefore, it is not surprising to find that 96 percent of plaintiffs in tort cases were individuals. In contrast, contract case plaintiffs were closely split between individuals and nonindividuals (businesses and government). Looking at specific contract case types, the percentage of plaintiffs that were individuals varied from a low of 32 percent in seller plaintiff cases to a high of 94 percent in employment discrimination cases.

Types of Plaintiffs in Civil Trials in the Nation's 75 Largest Counties, 1996

Case Type	Individual	Nonindividual
All Trial Cases	**82%**	**18%**
Tort Cases	**96**	**4**
Automobile	96	4
Premise Liability	97	3
Asbestos	99	1
Other Product Liability	89	11
Intentional Tort	95	5
Medical Malpractice	99	1
Professional Malpractice	88	12
Slander/Libel	91	9
Other Negligence	89	11
Contract Cases	**55**	**45**
Fraud	68	32
Seller Plaintiff	32	68
Buyer Plaintiff	73	27
Mortgage Foreclosure	42	58
Employment Discrimination	94	6
Other Employment Dispute	82	18
Rental/lease	47	53
Tortious Interference	44	56
Other Contract	55	45
Real Property Cases	**43**	**57**
Eminent Domain	7	93
Other Real Property	72	28

Types of Defendants in Civil Trials

The trial data show tort defendants being almost evenly divided between individuals and businesses. Businesses accounted for a majority of defendants in product and premises liability cases because they were most likely to be the manufacturers of defective products or the owners of property where injuries occurred. Individuals were represented as defendants more often in automobile suits, as most automobile accidents involve individual car owners. Conversely, contract cases revealed slightly less variation among defendant type: businesses accounted for almost two-thirds of contract defendants, and individuals most of the remaining third. Of specific contract case type categories, buyer plaintiff cases generated the greatest number of business defendants (82 percent) while rental/lease agreement cases produced the fewest (49 percent).

Types of Defendants in Civil Trials in the Nation's 75 Largest Counties, 1996

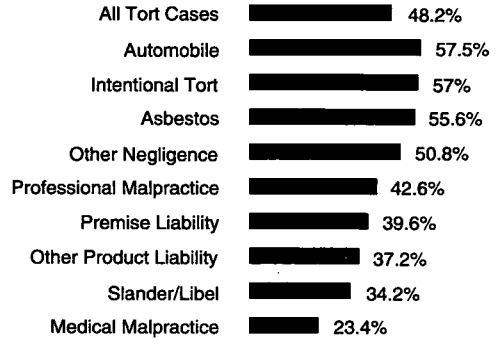
Case Type	Individual	Government	Business	Hospital
All Trial Cases	**40%**	**7%**	**48%**	**6%**
Tort Cases	**43**	**7**	**42**	**8**
Automobile	63	6	31	
Premise Liability	14	10	71	4
Asbestos	—	—	100	—
Breast Implant	—	—	85	15
Other Product Liability	1	—	97	2
Intentional Tort	47	13	38	2
Medical Malpractice	41	1	3	56
Professional Malpractice	45	2	47	6
Slander/Libel	34	3	63	—
Other Negligence	27	16	56	2
Contract Cases	**32**	**4**	**63**	**1**
Fraud	33	1	66	
Seller Plaintiff	43	1	55	1
Buyer Plaintiff	16	1	82	
Mortgage Foreclosure	30	—	67	3
Employment Discrimination	5	25	66	5
Other Employment Dispute	14	10	69	7
Rental/lease	47	3	49	
Tortious Interference	25	1	74	
Other Contract	38	9	51	2
Property Cases	**43**	**21**	**36**	—
Eminent Domain	25	26	49	—
Other Real Property	58	17	26	—

Plaintiff Winners

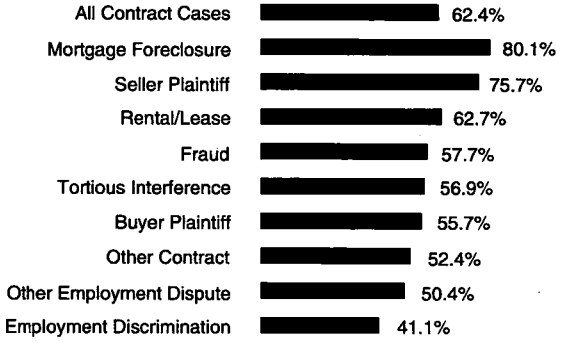
On average, plaintiffs won in nearly half of all trials held in the 75 largest counties in 1996. Plaintiffs were able to prove negligence and obtain favorable outcomes in slightly over half the automobile, asbestos, and intentional tort cases. However, plaintiffs in medical malpractice, slander/libel, and other product liability cases were less successful in proving negligence. Plaintiffs are probably more successful in automobile and intentional tort cases because of the direct and easily provable connection between causation and injury.

Plaintiffs in contract cases generally faired better than those in tort cases: almost two-thirds were victorious in their cases. As one might imagine, plaintiffs won a vast majority of mortgage foreclosure and seller plaintiff (debt collection) cases. Relatively few plaintiffs succeeded in winning employment discrimination suits.

Plaintiff Winners in Tort Cases in the Nation's 75 Largest Counties, 1996



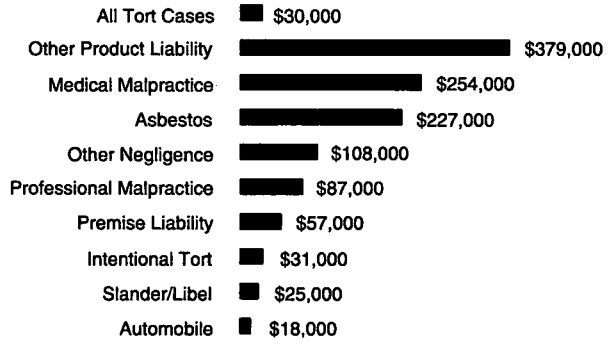
Plaintiff Winners in Contract Cases in the Nation's 75 Largest Counties, 1996



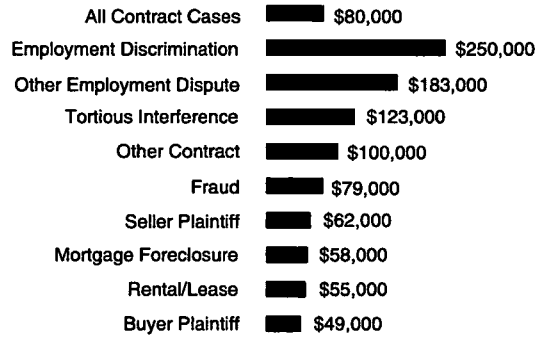
The amount of money awarded to successful plaintiffs is central to the debate over tort reform. Some argue that juries award too much money to plaintiffs while others believe compensatory and punitive damage awards are a necessary check on big business and a valid means to compensate injured parties.

Median jury awards provide a benchmark with which to examine plaintiff compensation. The overall median for tort awards was $30,000, reflecting the typical award structure in automobile ($18,000) and premises liability ($57,000) cases that make up 70 percent of all tort trials. At the other end of the spectrum, median jury awards in nonasbestos product liability, medical malpractice, and asbestos cases were $379,000, $254,000, and $227,000, respectively. Contract cases generated higher overall median jury awards ($80,000) than tort disputes. Employment discrimination and other employment disputes are rarely tried before juries, but successful plaintiffs received median awards of $250,000 and $183,000, respectively. In comparison, buyer and seller plaintiff trials constituted one-half of all contract disputes, and their median jury awards were $49,000 and $62,000, respectively.

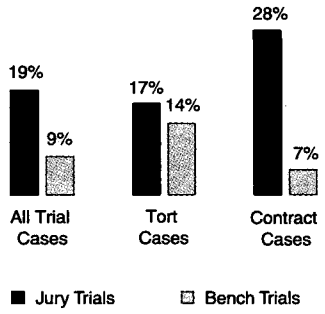
Median Jury Awards in Tort Cases in the Nation's 75 Largest Counties, 1996



Median Jury Awards in Contract Cases in the Nation's 75 Largest Counties, 1996



Percentage of Awards Over $250,000 - Jury vs. Bench Trials



One can also compare differences in awards in cases resolved by a judge versus a jury. The percentage of plaintiff winners receiving over $250,000 was used to assess monetary differences between judge and jury verdicts. In all general civil trials, juries awarded 19 percent of prevailing plaintiffs $250,000 or more. Judges compensated plaintiff winners with awards above $250,000 in 9 percent of bench trials. Differences between judge and jury awards were less pronounced among tort cases. Plaintiff winners recovered over $250,000 in 17 percent of tort cases disposed of by a jury and 14 percent of tort cases tried before a judge. The greatest disparities between judge and jury awards occurred in contract disputes. Jurors awarded plaintiffs over $250,000 in 28 percent of contract cases, while judges awarded over $250,000 in 7 percent of contract cases. Of the 7,892 general civil cases resolved by trial with plaintiff winners, 16 percent resulted in a verdict of over $250,000.

Percentage of Awards Over $250,000 in Jury Trial Cases in the Nation's 75 Largest Counties, 1996

Case Type	Jury Cases With a Plaintiff Winner	Percent of Awards Over $250,000	Number of Plaintiffs Winning Over $250,000
Tort Cases	**4,107**	**17%**	**706**
Automobile	2,526	8	212
Premise Liability	677	22	150
Asbestos	79	49	39
Other Product Liability	56	57	32
Intentional Tort	197	23	45
Medical Malpractice	249	50	125
Professional Malpractice	40	31	12
Slander/Libel	28	23	7
Other Negligence	254	34	86
Contract Cases	**941**	**28**	**262**
Fraud	164	28	46
Seller Plaintiff	228	22	50
Buyer Plaintiff	185	19	36
Employment Discrimination	98	48	47
Other Employment Dispute	72	39	28
Rental/lease	60	22	13
Tortious Interference	72	35	25
Other Contract	56	30	17

Percentage of Awards Over $250,000 in Bench Trial Cases in the Nation's 75 Largest Counties, 1996

Case Type	Bench Cases With a Plaintiff Winner	Percent of Awards Over $250,000	Number of Plaintiffs Winning Over $250,000
Tort Cases	**713**	**14%**	**98**
Automobile	299	12	36
Premise Liability	177	18	32
Other Product Liability	24	4	1
Intentional Tort	81	9	8
Medical Malpractice	20	55	11
Professional Malpractice	37	16	6
Slander/Libel	9	22	2
Other Negligence	66	3	2
Contract Cases	**1,963**	**7**	**137**
Fraud	207	6	12
Seller Plaintiff	983	8	77
Buyer Plaintiff	257	5	12
Employment Discrimination	17	12	2
Other Employment Dispute	78	9	7
Rental/lease	241	6	15
Tortious Interference	53	2	1
Other Contract	83	14	11

Punitive damages are reserved for tort claims in which the defendant's conduct was intentional or grossly negligent. When punitive damages are awarded in a contract case, the principal claim is breach of contract, but there is an additional tort claim involved (most are contract/fraud cases). A total of 4.5 percent of all civil trials with plaintiff winners involved punitive damages. The median punitive damage award was $40,000. Twenty-one percent of punitive damage awards were over $250,000, and 7 percent exceeded $1 million. Plaintiffs were awarded punitive damages in 6 percent of contract cases while 3 percent of tort cases produced a punitive damage award.

Delay can often increase the cost of litigation, threaten the quality of evidence, and erode public confidence in the courts. The extent of delay in a court can only be measured against reasonable estimates of how long cases should take to reach fair dispositions. The American Bar Association's (ABA) civil disposition standards suggest that 90 percent of all civil cases should be resolved within one year, 98 percent should be concluded in 18 months, and 100 percent should be disposed within two years.

Punitive Damage Awards to Plaintiff Winners in the Nation's 75 Largest Counties, 1996

Case Type	Percent of Plaintiff Winners Receiving Punitive Damages	Median Award Amounts (thousands of $)	Percent Over $250,000
All Trial Cases	**5%**	**40**	**21%**
Tort Cases	**3**	**38**	**21**
Automobile	1	25	25
Premise Liability	5	75	14
Asbestos	3	1,100	100
Other Product Liability	13	462	81
Intentional Tort	24	16	8
Medical Malpractice	1	2,500	100
Professional Malpractice	5	75	—
Slander/Libel	17	15	—
Other Negligence	2	148	39
Contract Cases	**6**	**40**	**22**
Fraud	15	39	11
Seller Plaintiff	1	27	26
Buyer Plaintiff	9	30	25
Mortgage Foreclosure	—	—	—
Employment Discrimination	19	205	49
Other Employment Dispute	13	88	26
Rental/lease	2	38	—
Tortious Interference	12	54	8
Other Contract	6	15	23
Real Property Cases	**8**	**1**	**18**

By the ABA standards, there is substantial delay in tort litigation disposed through trial: 56 percent are disposed within two years and 88 percent are disposed within four years. Even among automobile tort cases, which have one of the shortest median case-processing times, only 67 percent are resolved within two years. The more complex tort litigation takes much longer to resolve, with 57 percent of asbestos cases and 30 percent of other product liability cases taking more than four years to reach a disposition.

Contract cases also take a fairly long time to dispose when they are tried before a jury. Among contract cases, 54 percent are disposed of within two years and 91 percent are disposed of within four years. Mortgage foreclosure cases take the longest time to resolve; only 39 percent of mortgage cases are disposed within two years. In comparison, 69 percent of rental/lease cases reach a verdict within the two-year period.

Case-processing Time in Jury Trials in the Nation's 75 Largest Counties, 1996

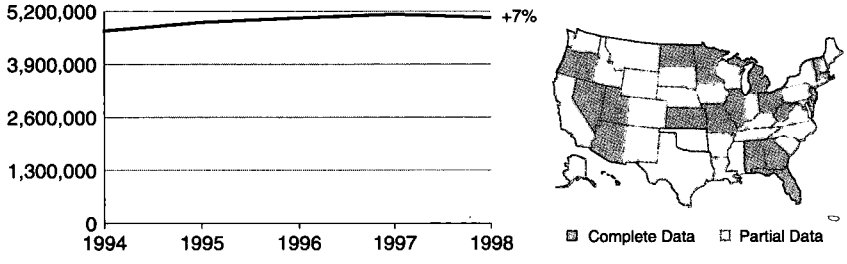
Case Type	Median Months from Filing to Disposition	% Disposed Less Than 2 Years	% Disposed 4 Years or More
All Trial Cases	**22**	**56%**	**12%**
Tort Cases	**22**	**56**	**12**
Automobile	19	67	7
Premise Liability	24	49	14
Asbestos	50	22	57
Breast Implant	39	29	—
Other Product Liability	30	30	30
Intentional Tort	23	52	7
Medical Malpractice	29	37	22
Professional Malpractice	26	45	24
Slander/Libel	23	56	10
Other Negligence	24	52	15
Contract Cases	**23**	**54**	**9**
Fraud	24	51	11
Seller Plaintiff	22	55	8
Buyer Plaintiff	22	55	9
Mortgage Foreclosure	27	39	—
Employment Discrimination	24	52	12
Other Employment Dispute	22	54	11
Rental/lease	19	69	7
Tortious Interference	23	54	8
Other Contract	24	45	11
Real Property Cases	**26**	**47**	**10**
Eminent Domain	26	43	11
Other Real Property	23	54	10

Domestic Relations Caseloads in State Trial Courts

Recent federal and state legislation have focused national attention on domestic relations caseload in the state courts. In particular, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), better known as the Welfare Reform Act, and the Adoption and Safe Families Act of 1997 have had a direct effect on state administrative offices and the judiciary. Nonfederal reporting requirements have led many state courts to reexamine policies and procedures designed to promote the collection of accurate and timely data in the area of domestic relations. One result has been a steady improvement in domestic relations data quality; and as a consequence, we restrict our analysis to the most recent five-year trend.

Based on data reported by 48 states, the District of Columbia, and Puerto Rico, there has been a 7 percent rise in domestic relations case filings between 1994 and 1998. The annual rate of change for domestic relations filings has slowed from an increase of 4.4 percent between 1994 and 1995 to 1.8 percent between 1996 and 1997 and the total number of domestic relations filings now appears to be declining. Specifically, the total number of domestic relations filings decreased 2 percent between 1997 and 1998.

Domestic Relations Filings in General and Limited Jurisdiction Courts, 1994-1998 (I)



Domestic relations filings consist of six types of cases: divorce, support/custody, domestic violence, paternity, interstate child support, and adoption. The adjacent trend lines track recent changes in domestic relations caseloads for each case type except domestic violence, which will be examined separately. Between 1994 and 1998, caseloads grew for three of the five case types for the states represented. Both paternity and interstate support filings declined during the five-year time span.

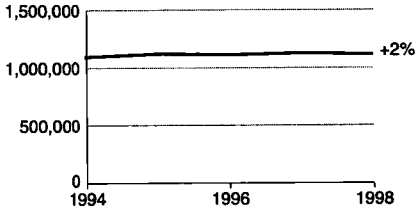
Of most interest to court managers is evidence showing a considerable slowdown in total domestic relations filings between 1997 and 1998, when there was little change in the number of divorce and custody filings (-.1 percent and -.7 percent, respectively). Adoption filings increased slightly (+2 percent) between 1997 and 1998, and the steady decline in paternity (-11 percent) and interstate support (-21 percent) filings observed between 1996 and 1997 continued. These steady decreases can be attributed in part to the enactment of the Welfare Reform Act and the Uniform Interstate Family Support Act (UIFSA), both of which reduced the need to involve the state courts in processing routine interstate support, intra-state support, and paternity cases.

The payoff for improved data collection procedures is that states collect more accurate data. In 1998, the New York Family Court was able to measure more accurately their actual caseload composition than in previous years. For example, in 1997 the miscellaneous domestic relations case type was 45 percent of the total domestic relations caseload in New York, and in 1998 the category of miscellaneous comprised 4 percent.

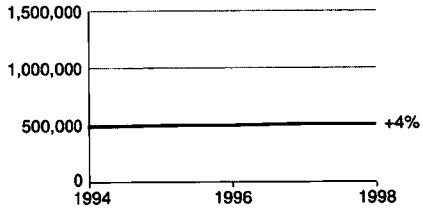
New York Family Court Domestic Relations Caseload Composition, 1998

Custody	57.1%
Paternity	15.1
Divorce	10.4
Domestic Violence	9.8
Miscellaneous	4.1
Interstate Support	2.1
Adoption	1.5

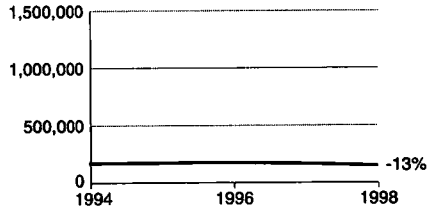
Divorce Filings, 1994-1998 (II)



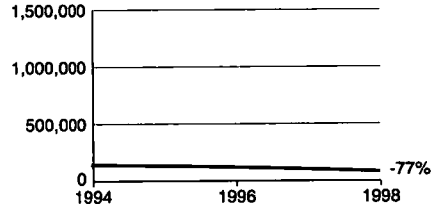
Custody Filings, 1994-1998 (III)



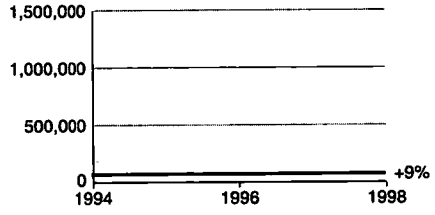
Paternity Filings, 1994-1998 (IV)



Interstate Support Filings, 1994-1998 (V)

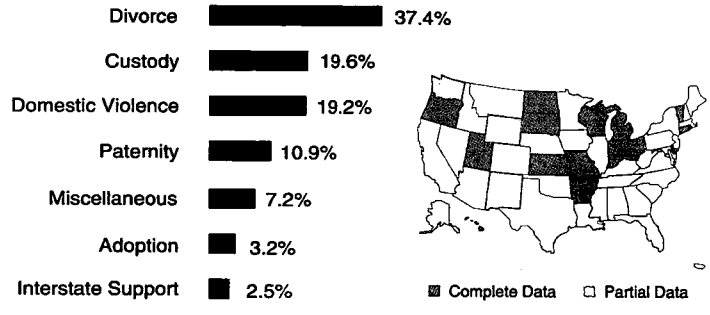


Adoption Filings, 1994-1998 (VI)



The chart below presents the overall 1998 domestic relations caseload composition for the 23 states with the most accurate information for all domestic relations case types. For these states, divorce cases comprise the largest portion of domestic relations caseloads (37.4 percent). Custody and domestic violence filings were the second and third largest categories constituting 19.6 and 19.2 percent, respectively. Paternity filings accounted for 10.9 percent of the total domestic relations case filings, while miscellaneous (7.2 percent), adoption (3.2 percent), and interstate support (2.5 percent) made up the smallest portion of the domestic relations caseload.

Domestic Relations Caseload Composition in 23 States, 1998 (VII)



The following table offers more information concerning domestic relations caseload composition at the individual state level. As might be expected, there is great variation in the percentage breakdown for the various domestic relations case types. For example in the selected states, divorce filings comprise between 10 and 59 percent of the total domestic relations caseload for individual states, while there is much less variation in the size of adoption filings (<1 percent to 7 percent). Some variation in composition is due to the different ways states classify domestic case types. For example, the variation in divorce and custody filings among the individual states may result from some states classifying part of their custody proceedings with divorce filings, while other states consistently distinguish the two case types. The case type of domestic violence is a clear illustration of different counting strategies used by the states. Specifically, Michigan includes some domestic violence filings in the miscellaneous domestic relations category, Puerto Rico reports domestic violence with felony filings, and Wisconsin counts domestic violence with misdemeanor filings. As efforts to refine domestic case type definitions and reporting strategies continue, state court data will present a clearer picture of domestic relations caseload.

Domestic Relations Caseload Composition by State, 1998 (VIII)

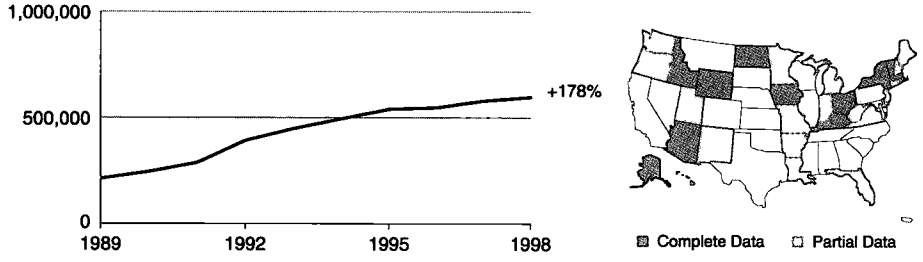
State	Total filings per 100K pop.	Total filings	Percentage of Caseload						
			Divorce	Adoption	Paternity	Custody	Domestic Violence	Interstate Support	Misc.
Delaware[1]	5,297	39,391	13%	<1%	2%	65%	8%	0%	11%
Vermont	3,602	21,282	34	2	5	38	19	<1	2
District of Columbia	3,409	17,834	16	1	16	10	53	5	0
New York	3,321	603,687	10	2	15	57	10	2	4
North Dakota[1]	2,960	18,894	22	2	8	62	6	0	<1
New Mexico[11]	2,192	38,076	37	2	4	6	50	<1	1
Arkansas	2,138	54,267	43	3	10	21	15	2	7
Ohio	2,003	224,537	27	2	10	47	5	2	8
Missouri[3]	1,913	104,026	32	3	9	<1	38	2	17
Wyoming[10]	1,588	7,637	45	5	12	7	17	10	4
Oregon	1,584	51,983	38	4	6	6	28	<1	19
Kansas[2]	1,570	41,278	44	5	13	0	21	4	13
Tennessee[12]	1,494	81,154	50	3	2	29	8	5	4
Rhode Island	1,478	14,606	32	4	13	0	26	23	3
Indiana[4]	1,449	85,504	51	4	16	0	24	4	2
Washington[13]	1,441	81,980	42	3	13	3	36	<1	2
South Dakota[6]	1,389	10,251	39	4	0	28	19	8	1
Michigan[5]	1,369	134,402	39	5	15	11	23	3	5
Hawaii[2]	1,210	14,433	43	5	19	0	23	3	7
Utah	1,114	23,389	52	7	5	3	32	2	<1
Connecticut[7]	1,072	35,103	39	3	25	12	15	<1	7
Wisconsin[9]	913	47,668	46	5	32	9	0	3	5
Puerto Rico[8]	891	34,361	59	1	1	24	0	<1	15
Louisiana[14]	199	8,702	22	7	7	37	6	9	13

[1] Interstate support counted in custody.
[2] Custody counted in divorce.
[3] Custody filings are under-represented.
[4] Custody counted in miscellaneous juvenile.
[5] Some domestic violence filings may be counted in miscellaneous domestic relations.
[6] Paternity counted in unclassified civil.
[7] Interstate support filings are under-represented.
[8] Domestic violence counted in felony.
[9] Domestic violence counted in misdemeanor.
[10] Some custody cases counted in unclassified civil.
[11] Missing DV filings from municipal courts.
[12] Missing custody, divorce, DV, interstate support and misc. filings from general sessions courts.
[13] Some interstate support filings counted in paternity.
[14] Reflects filings from family and juvenile courts only.

Domestic Violence Cases

Over the last decade, domestic violence filings have increased dramatically as illustrated in the trend line for domestic violence filings between 1989 and 1998. By 1993, nearly all of the states had enacted statutes that greatly improved availability and accessibility of protection orders. Since that time, courts have turned more attention to improving data collection and reporting procedures for domestic and family violence cases. As a result, a more accurate picture of the trend in domestic violence case filings can be presented by examining the five-year time span between 1994 and 1998 for the represented states. In this time period, domestic violence filings increased 20 percent and a greater number of states present data representative of the entire state. Similar to other domestic relations case types, the increase in domestic violence filings has slowed, growing 2 percent between 1997 and 1998 for the states represented.

Domestic Violence Filings, 1989–1998 (IX)



The 40 states able to provide three years of comparable data are ranked in the adjacent table by their domestic violence filing rate per 100,000 population in 1998. The table also includes a population rank and a three-year growth index, which is the percentage change in the number of domestic violence filings between 1996 and 1998. Domestic violence is a problem common to all states, not just those that are urban and populous. For example, population-adjusted filing rates in Alaska and Vermont greatly exceed the rates in Florida and New York. States experiencing the greatest increase in domestic violence filings over the three-year period include the District of Columbia, Virginia, and New Mexico. Overall, eight of the 40 states presented had an increase of 20 percent or more over the three-year period. This number is down from 1997, when 10 of 38 states had an increase of 20 percent or greater over a three-year period. The states reporting the largest decreases in the number of domestic violence filings include Louisiana, Rhode Island, and Vermont.

Domestic Violence Caseloads in 40 States, 1996-1998 (X)

State	Filings per 100,000 Pop.	Number of filings 1996	1997	1998	Percent Growth 1996-98	Population Rank	1998 Population
District of Columbia*	1,812	4,967	8,816	9,481	90.9%	51	523,124
New Mexico	1,089	13,547	17,133	18,912	39.6	38	1,736,931
Alaska	936	4,627	5,357	5,750	24.3	49	614,010
New Jersey	881	72,907	72,861	71,518	-1.9	9	8,115,011
West Virginia	816	14,178	15,570	14,774	4.2	36	1,811,156
Massachusetts	758	50,261	49,353	46,609	-7.3	13	6,147,132
Kentucky	730	26,684	27,907	28,732	7.7	25	3,936,499
Missouri*	728	35,502	37,911	39,574	11.5	16	5,438,559
Colorado	694	n/a	26,242	27,573	n/a	24	3,970,971
Vermont	692	4,473	4,224	4,091	-8.5	50	590,833
New Hampshire	691	7,604	7,721	8,184	7.6	43	1,185,048
Montana	651	n/a	5,530	5,729	n/a	45	880,453
Minnesota*	630	31,646	30,656	29,785	-5.9	20	4,725,419
Florida	580	79,723	83,347	86,442	8.4	4	14,915,980
Maine	568	6,680	6,600	7,062	5.7	40	1,244,250
Washington	522	30,555	31,454	29,715	-2.7	15	5,689,263
Idaho	512	6,677	6,980	6,286	-5.9	41	1,228,684
Arizona	479	22,967	22,268	22,371	-2.6	21	4,668,631
Delaware	447	3,124	3,477	3,327	6.5	46	743,603
Oregon	445	14,451	15,650	14,598	1.0	29	3,281,974
Virginia	437	9,516	19,677	29,659	211.7	12	6,791,345
Maryland	422	18,805	20,489	21,685	15.3	19	5,134,808
Rhode Island	382	4,137	4,066	3,779	-8.7	44	988,480
Utah	351	6,833	7,493	7,370	7.9	35	2,099,758
Illinois*	345	41,525	44,082	41,549	0.1	5	12,045,326
Indiana	343	16,676	19,505	20,228	21.3	14	5,899,195
New York	324	51,818	50,799	58,958	13.8	3	18,175,301
Kansas*	323	6,895	7,716	8,503	23.3	33	2,629,067
Arkansas	315	6,988	7,587	8,001	14.5	34	2,538,303
Michigan	310	n/a	n/a	30,411	n/a	8	9,817,242
Wyoming	279	1,310	1,445	1,343	2.5	52	480,907
Hawaii	275	2,553	2,859	3,275	28.3	42	1,193,001
South Dakota*	259	1,616	1,604	1,911	18.3	47	738,171
Iowa*	197	4,979	5,518	5,638	13.2	31	2,862,447
North Dakota*	182	1,100	1,174	1,164	5.8	48	638,244
Connecticut*	163	5,289	5,256	5,328	0.7	30	3,274,069
Tennessee	120	n/a	n/a	6,493	n/a	17	5,430,621
Ohio	94	7,444	8,292	10,495	41.0	7	11,209,493
Louisiana	12	628	459	510	-18.8	22	4,368,967
Mississippi	4	n/a	80	95	n/a	32	2,752,092

* This state has a unified trial court system (others have a two-tiered system).
Note: n/a signifies not available.

Some of the variation in domestic violence caseloads is attributable to differences in how states define, identify, and collect domestic violence data. For example, some states include civil protection orders in the domestic violence category, while others do not. Some states report child abuse separately, while others include these cases in a general category of family violence. A further complicating factor is that domestic violence cases can originate in several different jurisdictions or divisions of a state's court system, such as civil, criminal, juvenile, and family jurisdictions. This lack of consistency can lead to inflated filing data (e.g., a protection order could be counted both as a filing for a temporary order and a filing for a final order). Without common definitions of case categories and methods for counting cases, courts will have difficulty providing comparable and accurate measures of domestic violence filings. To help with this problem, the Court Statistics Project has developed a family violence data reporting prototype under a grant from the State Justice Institute and the Bureau of Justice Statistics. The prototype is designed to promote greater consistency in reporting and to assist courts in categorizing their domestic violence caseloads.

The Court Response to Domestic Violence

Courts across the country are stepping up efforts to address difficult challenges presented by domestic violence. How can the court promote victim safety, hold perpetrators accountable for their actions, and administer justice fairly in high-volume and often interrelated domestic violence cases? Courts are integrally involved in the changes sweeping through the entire justice system and are learning to adapt to mandatory and pro-arrest policies for domestic violence offenses, no-drop or evidence-based prosecution policies, specialized police and prosecutor domestic violence units, and full faith and credit for protection orders. The judicial system has instituted its own changes, including increased access to, and enforcement of, civil protection orders, more vigorous monitoring of compliance with court-ordered batterer treatment, and greater use of supervised visitation.

In particular, there are two additional innovations that have been gaining momentum. The first is the development of data systems that can identify domestic violence cases and track events and outcomes. The second is the use of specialized processes for managing and adjudicating domestic violence cases. These specialized processes have collectively come to be called "domestic violence courts."

Identifying and Counting Cases Involving Domestic Violence

Domestic violence is considered one of the most significant issues that state courts face today, and domestic violence cases constitute a substantial portion of state court domestic relations caseload. Determining the amount of court resources expended in cases involving domestic violence is difficult for many reasons, including problems with case identification, tracking, and scope of services involved. First, the majority of state courts lack a consistent method for identifying and flagging cases where domestic violence is present in criminal and civil caseloads. Second, courts have difficulty tracking the various case types that may be related to an individual domestic violence case, including civil protection orders, misdemeanor and felony prosecutions, divorce, child custody and support, and dependency and juvenile delinquency petitions. Third, the scope of domestic violence cases extends beyond the courtroom as the court interacts with other components of the justice system, social service systems, and community service providers that offer an array of programs and services addressing the complex problems encountered by domestic violence victims, perpetrators, and their families.

Recently the National Center for State Courts (NCSC) concluded a project to develop and pilot test a Family Violence Data Reporting Prototype with funding from the State Justice Institute (SJI-96-18E-B-24).[1] The prototype was conceived by the Court Statistics Project (CSP) as a tool that allows state courts to identify, classify, count, and report family violence cases. The prototype offers a broad definition of family violence and outlines four basic case type categories:

- felonies
- misdemeanors
- protection orders
- civil damage claims

The prototype also provides a breakdown of associated subcategories of case types (e.g., misdemeanor physical assaults within the misdemeanor case category), manner of case disposition, trial outcomes, and sentencing types. These features combine to offer a "drill-down" design that accommodates the various levels of court data system development.

During the pilot testing period, 12 courts ultimately were able to use the reporting prototype to provide at least some data. For example, each court was able to provide filing data for at least one of three primary family violence case categories (felony, misdemeanor, and protection orders).[2] Misdemeanor and protection order filings were more commonly available than felony filings. Very few courts could provide complete, detailed information on filings for specific case types (e.g., physical assaults, sexual assaults, property crimes, and stalking). On the other hand, six courts were able to report figures for the three sentence types in the prototype (probation, probation with incarceration, and incarceration). Data from these courts illustrate the drill-down nature of the prototype, which allows a more complete view of the adjudication process.

[1] For a copy of the research report and Family Violence Data Reporting Prototype, please contact the NCSC at (800) 616-6109 and request "Tracking and Understanding Family Violence Caseloads." Caseload Highlights Volume 5, Number 2, April 1999.

[2] The demonstration revealed that civil damage claims related to family violence are rare events.

The major impediments to full reporting by individual courts include the lack of jurisdiction for all of the case types, overlapping jurisdiction of courts or divisions over the prototype case types, the lack of integration of data from each court or division, and the inability of the case information system to distinguish the case types in the prototype or capture the event or outcome data it specifies. At a minimum, the prototype can help courts address the last impediment by guiding the design or revision of data collection systems to identify family violence case types and to capture the information needed to track cases through the entire adjudication process. The prototype also provides a standardized, yet flexible, framework for reporting and comparing data across and within jurisdictions. Finally, the drill-down characteristics of the prototype provide a model for identifying and analyzing family violence caseload trends.

Management of Cases Involving Domestic Violence: Processes and Procedures

The number of state courts experimenting with specialized procedures to manage and adjudicate cases involving domestic violence is on the rise. This trend represents a movement by the courts toward an integrated and systemic approach to processing cases involving domestic violence that ranges from the implementation of specialized case processing mechanisms (e.g., specialized intake units, screening for pending and past cases involving the same parties or families, domestic violence calendars, and exclusive judicial assignment to domestic violence cases) to fully developed domestic violence courts. In a preliminary examination of these specialized practices, the NCSC has found substantial jurisdictional, organizational, and procedural variation.

In early 1998, the NCSC began a study of the jurisdiction, organization, and performance goals of domestic violence courts, funded by the National Institute of Justice (98-WT-VX-0002). The goal of this study is to build a common understanding of the goals, operations, and management of the various models of domestic violence courts and the methods used to assess their performance. This goal is being accomplished by identifying and describing domestic violence courts in operation or under development, and synthesizing opinions from practitioners and professionals about the structures and resources necessary for effective management and adjudication of cases. In January 1999, 160 courts that had reported or been identified as having some type of specialized process for handling cases involving domestic violence were surveyed. One hundred and five of the 160 courts responded to the mail survey.

Selected Survey Findings

Of these 105 courts:

- 66 have an intake unit for at least one type of case:
  - 49 for protection orders
  - 36 for misdemeanors
  - 23 for felonies
  - 13 for custody
  - 10 for child support
  - 9 for divorce
- 66 screen cases to coordinate case processing
- 58 have an automated system to facilitate case tracking
- 64 have an automated system to identify related cases
- 83 have some type of specialized calendar for domestic violence cases:
  - 53 for all protection orders
  - 43 for all domestic violence misdemeanors
  - 20 for all domestic violence felonies
- 35 assign some or all of both protection orders and domestic violence misdemeanors to a specialized calendar
- 33 assign judges exclusively to domestic violence cases
- 50 courts do not assign judges exclusively to domestic violence cases, but the court has a domestic violence calendar
- 85 order batterer treatment
- 47 of the 85 courts that order batterer treatment have a judicial review calendar to monitor compliance with orders
- 22 have four basic components of a domestic violence court: intake, case screening, a specialized calendar, and a judicial review calendar to monitor compliance with court-ordered batterer treatment
- 6 of the 22 courts with the basic components also have additional components of a domestic violence court: an automated system to identify related cases, and exclusive assignment of judges to hear domestic violence cases

Phase two of the NCSC study of domestic violence courts is underway. Currently, a Delphi study with court practitioners and domestic violence professionals is being conducted to gain consensus concerning the structural and theoretical components necessary to successfully manage and adjudicate cases involving domestic violence.

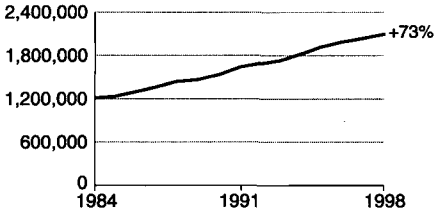
Domestic Relations - Index of states included in graphics

State	I	II	III	IV	V	VI	VII	VIII	IX	X
Alabama	■									
Alaska	○	○		■	■	■			■	■
Arizona	■	■				■			■	■
Arkansas	○	■	○	■	■	■	■	■	○	■
California	○									
Colorado	○	■	■			■				■
Connecticut	○	■	■	■		■	■	■	○	■
Delaware	○	■		■		■	■	■	○	■
District of Columbia	■	■	■	■	■	■	■	■	■	■
Florida	■	■	■		■				○	■
Georgia	■									
Hawaii	■	■		■	■	■	■	■	○	■
Idaho	○	■				■			■	■
Illinois	■	■								■
Indiana	○	■		■	■	■	■	■	○	■
Iowa	○	■							■	■
Kansas	■			■	■	■	■	■		■
Kentucky	○								■	■
Louisiana	○	○	○	○	○	■	○	■	○	■
Maine	○	■							○	■
Maryland	○									■
Massachusetts	■	■	■	■	■	■			■	■
Michigan	■	■	■	■	■	■	■	■	○	■
Minnesota	■	■			■	■			○	■
Mississippi										■
Missouri	■	■		■	■	■	■	■	○	■
Montana	○					■				■
Nebraska	○					■				
Nevada	■	■		■		■				
New Hampshire	○					■			○	■
New Jersey	■	■				■			○	■
New Mexico	○	■	■	■	■	■	○	■	○	■
New York	○	■			■	■		■	■	■
North Carolina	○		■		■					
North Dakota	■	■		■		■	■	■	■	■
Ohio	■	■	■	■	■	■	■	■	■	■
Oklahoma										
Oregon	■	■	■	■	■	■	■	■	○	■
Pennsylvania	○	■	■			■				
Puerto Rico	○	■	■	■	■	■	■	■		
Rhode Island	○	■			■	■	■	■	○	■
South Carolina	○									
South Dakota	○	■			■	■	■	■		■
Tennessee	○		■	○	○	■	○	■		■
Texas	○	○			○					
Utah	■	■	■	■	■	■	■	■	○	■
Vermont	■				■	■	■	■	■	■
Virginia	○	■							○	■
Washington	○	■	■			■	○	■	○	■
West Virginia	■	■				■			○	■
Wisconsin	○	■		■		■	■	■		
Wyoming	○	○	○	○	○	○	○	■	■	■
Total number of states	**50**	**37**	**18**	**22**	**25**	**37**	**23**	**24**	**32**	**40**

○ = partial data for that state

Juvenile Caseloads in State Trial Courts

Juvenile Filings in State Courts, 1984-1998 (I)



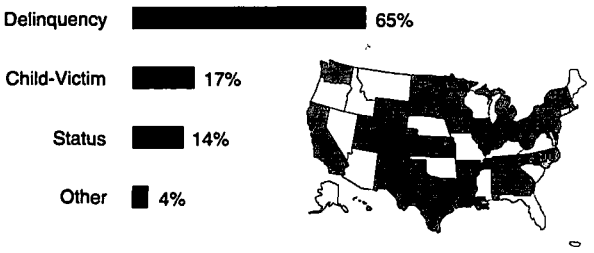
Juvenile Caseloads

The juvenile court celebrates its centennial anniversary in 1999 as many people debate the viability of this uniquely American invention. Although juvenile crime rates declined during the mid-nineties, recent high-profile juvenile homicides and school violence cases have propelled legislative action. Most states have moved to narrow and restrict the scope of juvenile court jurisdiction and to experiment with sentencing reforms that blur the traditional boundaries between the juvenile and adult criminal justice systems. The juvenile court is clearly at a crossroads, struggling to balance its historical emphasis on individualized sentencing in an informal court environment against calls by the courts' critics for increased accountability and punishment. To clarify the work of juvenile courts, this section examines the volume, composition, trends, and outcomes of juvenile cases in the state courts. Court data are placed in context by also presenting information on trends in juvenile violence, the changing sociodemographic character of juveniles, and state legislative responses to violent juvenile crime.

Juvenile filings in state courts reached a historic high of nearly 2.1 million in 1998, a 3 percent increase over the number of filings in 1997. Between 1984 and 1998, juvenile filings increased every year, yielding a cumulative increase of 73 percent. Juvenile court filings are among the fastest-growing category of cases in state courts today. As the children of the baby boomers move through adolescence, some experts predict continued pressure on juvenile court resources well into the next century.

The majority (65 percent) of juvenile cases in 1998 were for some type of delinquent act. Delinquency cases involve offenses that are considered crimes if committed by an adult. Increasingly, these cases are processed like those in adult court, with the presence of a prosecutor and defense attorney and the use of evidentiary and disposition hearings. Though juveniles, like adults, are subject to a range of sentences from community service to secure confinement, their adjudication may also involve special conditions not typically granted to adults (e.g., special placements, living arrangements, or victim compensation).

Juvenile Caseload Composition in 33 States, 1998 (II)



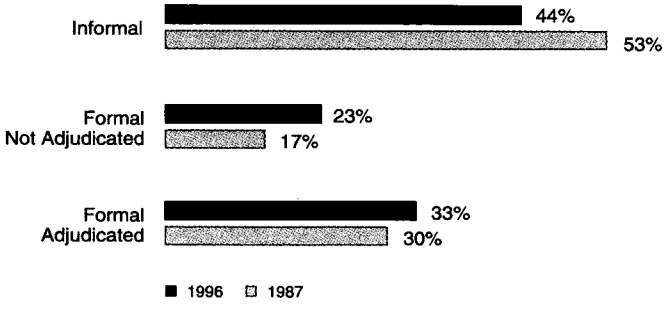
Another 14 percent of juvenile filings were for status offenses, which are non-criminal misbehaviors that are illegal only for juveniles (e.g., truancy, runaway). Cases involving status offenders can be disposed of in a number of ways, including custody changes or foster care placement, counseling, and probation or community service referral.

Child-victim cases, in which the court provides protection to children who are allegedly abused or neglected, accounted for 17 percent of the caseload. Child-victim cases may be handled by removing the child from the home or by prosecuting the accused parent or adult in criminal proceedings.

State Court Delinquency Caseloads and Dispositions

After a juvenile complaint has been filed, the court must decide whether the case will be petitioned. If petitioned, the case may be handled informally or made the subject of more formal processing by the juvenile court, including trial, adjudication, and sentencing. As shown in the bar chart, juvenile courts have moved more toward handling delinquency cases formally as opposed to informally. In 1987, 53 percent of delinquency cases were handled informally, as compared to 44 percent in 1996. But formal processing does not mean that the case will end up being adjudicated. In fact, the proportion of cases formally adjudicated in 1996 (33 percent) has increased little since 1987 (30 percent).

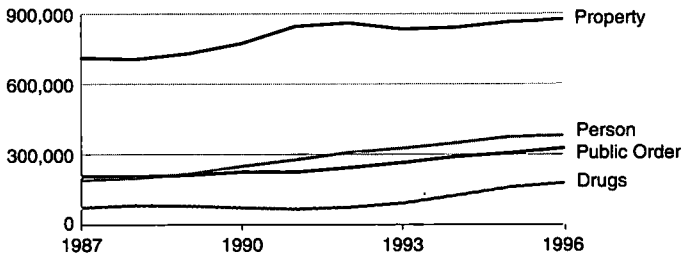
Manner of Handling Delinquency Cases, 1987 vs. 1996 (III)



Data Source: Snyder, H., Finnegan, T., Stahl,A., and Poole, R. Easy Access to Juvenile Court Statistics: 1987-1996. Pittsburgh, PA: National Center for Juvenile Justice [producer]. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention [distributor], 1998.

The trend lines below show the types of delinquency cases being handled in state juvenile courts. There were 381,500 crimes-against-the-person cases filed in 1996. The last decade has seen a doubling of these serious cases filed in state courts so that they now make up 22 percent of the delinquency caseload as compared to 16 percent in 1987. Drug cases have also increased substantially, rising from 72,001 cases in 1987 to 176,300 cases in 1996. Property cases still comprise the largest share of state court dockets, making up half of the delinquency caseload in 1996, and the number of public order offenses grew 58 percent between 1987 and 1996.

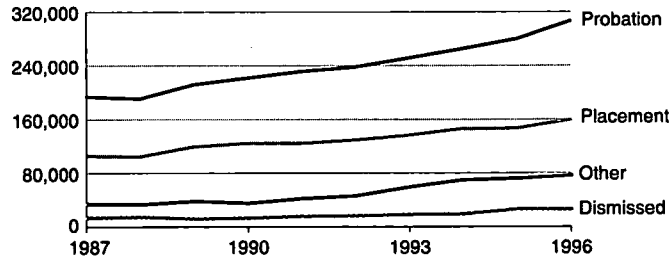
Delinquency Cases by Offense, 1987-1996 (IV)



Data Source: Snyder, H., Finnegan, T., Stahl,A., and Poole, R. Easy Access to Juvenile Court Statistics: 1987-1996. Pittsburgh, PA: National Center for Juvenile Justice [producer]. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention [distributor], 1998.

The most frequent juvenile court disposition is probation. In 1996, there were 306,900 juveniles placed on probation, representing over half of all adjudications for delinquency cases. Dismissal of the charges is relatively rare (4 percent of the cases), and can be contingent on the juvenile successfully completing a court-ordered program. Of those adjudicated delinquent in 1996, 28 percent received a residential placement. The less traditional "other" (or alternative) dispositions, including fines, restitution, community service, and various types of referrals to treatment or social service providers, have shown the greatest increase since 1990.

Adjudicated Delinquency Cases by Disposition, 1987-1996 (V)



Note: Cases are categorized according to their most severe disposition.

Data Source: Snyder, H., Finnegan, T., Stahl, A., and Poole, R. Easy Access to Juvenile Court Statistics: 1987-1996. Pittsburgh, PA: National Center for Juvenile Justice [producer]. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention [distributor], 1998.

Juvenile Section - Index of states included in graphics

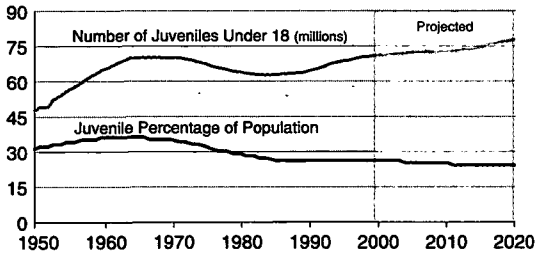
State	I	II
Alabama	■	■
Alaska	■	
Arizona	■	
Arkansas	■	■
California	■	■
Colorado	■	■
Connecticut	■	
Delaware	■	■
District of Columbia	■	■
Florida	■	
Georgia	■	■
Hawaii	■	■
Idaho	■	
Illinois	■	■
Indiana	■	■
Iowa	■	■
Kansas	■	■
Kentucky	■	
Louisiana	■	■
Maine	■	
Maryland	■	■
Massachusetts	■	■
Michigan	■	■
Minnesota	■	■
Mississippi	■	
Missouri	■	
Montana	■	
Nebraska	■	
Nevada	■	
New Hampshire	■	■
New Jersey	■	■
New Mexico	■	■
New York	■	■
North Carolina	■	■
North Dakota	■	■
Ohio	■	■
Oklahoma	■	
Oregon	■	
Pennsylvania	■	■
Puerto Rico	■	
Rhode Island	■	
South Carolina	■	
South Dakota	■	■
Tennessee	■	■
Texas	■	■
Utah	■	■
Vermont	■	■
Virginia	■	
Washington	■	■
West Virginia	■	■
Wisconsin	■	
Wyoming	■	■
Total number of states	**52**	**33**

Serious Juvenile Violent Crime: Changing Crime and Offender Patterns

The April 1999 shootings at Columbine High School in Littleton, Colorado, generated fear among parents nationwide. A Gallup Poll conducted one month after the incident showed over half (52 percent) of all parents surveyed feared for their children's safety at school. The same Gallup Poll conducted in September 1999 showed the number of parents fearing for their children's safety remained high, dropping only slightly to 47 percent. This tragedy, as well as other recent incidents of school violence, led federal and state lawmakers to offer new crime and firearms legislation and school officials to initiate additional school security and disciplinary policies.

New policies and laws intended to deal with serious juvenile offenders will affect the operation of state juvenile courts. The work associated with these cases is considerable, given that, as noted earlier, delinquency filings for person offenses increased 100 percent between 1987 and 1996. The following pages use a number of juvenile justice measures to describe the relationship between juveniles and serious violent crime. We first examine some recent and forecasted trends in juvenile populations and demographics.

Juvenile Population and Percentage of Total Population, 1950-1998, and Projected 1999-2020



Data Source: Poe-Yamagata, Eileen. "The Number of Youth Under Age 18 and Their Proportion of the Population, 1950-2020." Adapted from Federal Interagency Forum on Child and Family Statistics. America's Children: Key Indicators of Well-Being, 1998. Washington, D.C. OJJDP Statistical Briefing Book. U.S. Bureau of the Census, Population Estimates and Projections.

Sociodemographic Examination of the Juvenile Population

The number of juveniles under age 18 reached a high of 69.9 million during 1966-1968, a level not exceeded until 1998 (70.2 million). Forecasts indicate that the number of juveniles will increase to 77.6 million by 2020. Some people speculate that juvenile crime rates will increase dramatically during the first decade of the new millennium, fueled not only by growing numbers of juveniles but also by the inclusion in this group of large numbers of youth with a high propensity toward crime and violence (called "temporary sociopaths" by James Fox and "superpredators" by John DiIulio). Other scholars such as Howard Snyder, Michael Tonry, and Franklin Zimring seriously dispute these conclusions and view them as "alarmist."

While the number of people under 18 is increasing, juveniles as a share of total population are actually declining. The percentage of juveniles in the population increased from 31 percent in 1950 to a high of 36 percent in the early 1960s, before declining to a new low of 26 percent in 1998. This downward trend is expected to continue through 2020, when only 24 percent of the population will be under 18 years of age. In contrast, adults 65 and older have increased as a percentage of the total population from 8 percent in 1950 to 13 percent in 1998. By 2020, older Americans are projected to comprise 16 percent of the total population. Therefore, while the number of juveniles will increase through 2020, their share of total population will decline, tempering speculation about looming juvenile crime waves.

The following summarize some key population, economic, and health indicators taken from *America's Children: Key National Indicators of Well-Being, 1999* (Federal Interagency Forum on Child and Family Statistics, 1999). The data, compiled from multiple sources and from different years, show a juvenile population that is ethnically and racially diverse. Although children are now more likely to come from single-parent families, it appears that poverty rates have stabilized and that teenage birth rates are declining.

Population and Family Characteristics

- America's children continue to grow in racial and ethnic diversity. In 1998, 65 percent were white, non-Hispanic; 15 percent were black, non-Hispanic; 15 percent were Hispanic; 4 percent were Asian/Pacific Islander; and 1 percent were American Indian/Alaska Native. Hispanic children slightly outnumber black, non-Hispanic children.
- The percentage of children living with two parents declined from 77 percent in 1980 to 68 percent in 1996, and has remained stable since then. There are large differences across racial and ethnic groups, however. In 1998, 76 percent of white, non-Hispanic children lived with two parents, compared to 36 percent of black children and 64 percent of Hispanic children.

Economic Security Indicators

- The poverty rate of children was at 19 percent in 1997, about the same as it has been since 1980. The proportion of children living in families with high income increased from 17 percent in 1980 to 25 percent in 1997, while the proportion of children living in extreme poverty grew slightly from 7 to 8 percent over the same period.

Health Indicators

- Death rates among adolescents, particularly among black males, have dropped dramatically after rising rapidly during the early 1990s. In 1996, the firearm mortality rate was at the lowest point since 1989 for both black and white adolescents. The rate among black males dropped from 120.3 per 100,000 in 1995 to 108.7 in 1996, and the rate among white males dropped from 27.9 per 100,000 in 1995 to 23.1 in 1996.
- The birth rate for teenagers aged 15 to 17 dropped from 1991 to 1997, after rising during the late 1980s. In 1997, the rate was 32.1 live births per 1,000 females aged 15 to 17, down from 38.7 in 1991.

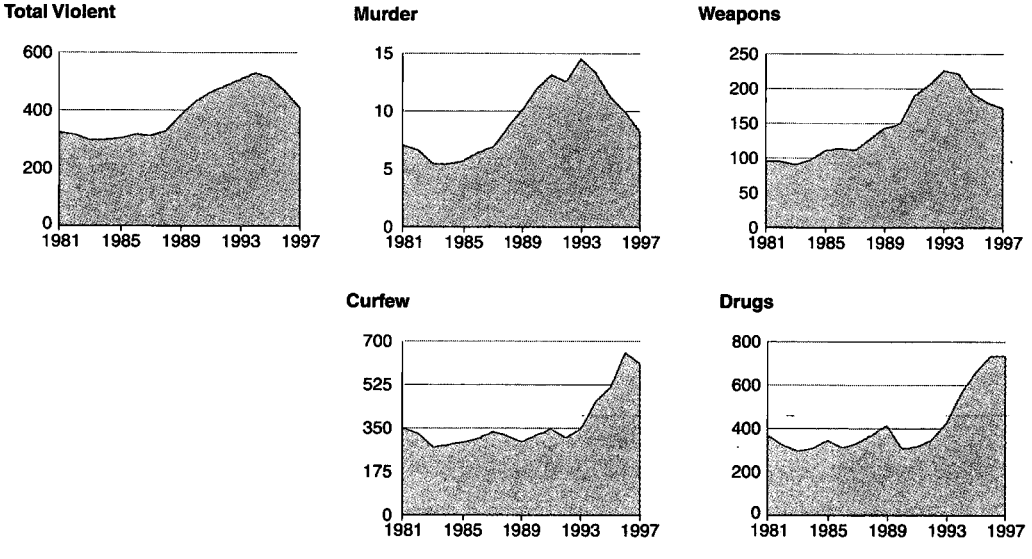
Data Source: Federal Interagency Forum on Child and Family Statistics. *America's Children: Key National Indicators of Well-Being, 1999.* Federal Interagency Forum on Child and Family Statistics, Washington, D.C.: U.S. Government Printing Office.

Serious Violent Juvenile Crime

Violence may be a "hot button" issue dominating most conversations about problems in the schools, but we are now seeing significant decreases in juvenile violent arrest rates. After peaking in 1994 at 528 arrests per 100,000 persons aged 10 to 17, arrests for total violent crime dropped 23 percent, ending at 407 arrests per 100,000 juveniles in 1997. This is the opposite trend compared to the data series "person" filings in the previous chart *Delinquency Offenses by Offense, 1987-1996.* "Person" filings in the previous graphic include a large number of simple assaults (57 percent) as well as a number of other lesser person offenses. In the display below, juvenile violent crime only includes murder, rape, robbery, and aggravated assault. The graphics here show how murder arrest rates have decreased even more significantly than total violent crime. Arrests involving weapons offenses have also decreased since the early 1990s.

In comparison, the country is now experiencing very dramatic increases in juvenile arrest rates for some nonviolent offenses. For example, arrests for curfew and drug violations have doubled since the late 1980s. Unlike violent crimes, arrests for nonviolent offenses are more sensitive to changes in police policies or shifts in resources; recent increases may reflect the current focus on low-level offenses targeted by community justice and several other delinquency prevention initiatives (e.g., Weed and Seed, Youth Violence Interdiction, etc.). Some feel that the decline in juvenile violent crime is due in part to the success of these new community-based justice programs, a healthy economy, and reduced gang violence in "crack" cocaine markets.

Juvenile Arrest Rates, 1981-1997 (per 100,000 persons ages 10 to 17)



The Violent Crime Index includes the offenses of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault.

Data Source: Federal Bureau of Investigation, unpublished arrest data from 1981-1994, and Crime in the United States for 1995, 1996 and 1997. Bureau of the Census Population Reports.

Percent of U.S. Population vs. Percent of Violent Crime Arrestees, 1997

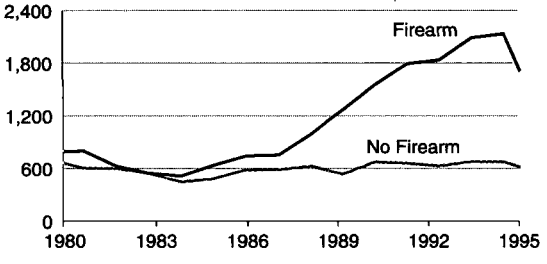
State	% of Population Age 10-17	Violent Crime by Persons Under Age 18 Crimes	% of Total	% of Juv. Crime is Twice % of Juv. Pop.
Alabama	11%	992	10%	
Alaska	14	171	17	
Arizona	12	2,013	23	
Arkansas	12	781	13	
California	11	20,552	14	
Colorado	12	832	17	
Connecticut	10	1,464	20	x
Delaware	11	301	20	
Georgia	12	1,494	13	
Hawaii	11	424	28	x
Idaho	14	367	28	x
Illinois	12	3,234	29	x
Indiana	12	1,888	22	
Iowa	12	733	19	
Kentucky	12	636	18	
Louisiana	13	2,286	16	
Maine	12	181	24	x
Maryland	11	4,057	30	x
Massachusetts	10	2,818	18	
Michigan	12	2,855	15	
Minnesota	13	1,222	30	x
Mississippi	13	363	16	
Missouri	12	1,570	15	
Montana	13	47	23	
Nebraska	13	262	18	
Nevada	11	357	21	
New Jersey	11	4,685	24	x
New Mexico	13	463	16	
New York	11	2,938	20	
North Carolina	11	3,457	12	
North Dakota	13	47	24	
Ohio	12	2,618	17	
Oklahoma	12	1,194	20	
Oregon	12	877	23	
Pennsylvania	11	1,854	23	
Rhode Island	11	425	19	
South Carolina	11	1,835	14	
South Dakota	13	98	20	
Tennessee	11	935	11	
Texas	13	6,932	20	
Utah	15	679	37	x
Virginia	11	1,646	15	
Washington	12	1,670	25	x
West Virginia	11	150	11	
Wisconsin	12	1,974	25	x
Wyoming	14	85	13	
United States Total	**11**	**86,462**	**17**	

Data Source: Federal Bureau of Investigation, Crime in the United States, 1997. Bureau of the Census Population Reports.

Despite falling arrest rates, younger adults are still disproportionately involved with violent crime compared to the general population. In 1997, persons ages 10 to 17 comprised 11 percent of the general population, while accounting for 17 percent of those arrested for violent crime. The table on the previous page shows how these percentages vary from state to state. The percentage of the general population age 10 to 17 was lowest in Connecticut (10 percent) and highest in Utah (15 percent). The percentage of violent crime committed by juveniles was lowest in Alabama, North Carolina, Tennessee, and West Virginia; and highest in Utah, Maryland, Minnesota, and Illinois. The proportion of juveniles involved in violent crime was twice the proportion of juveniles represented in the general population for 11 states (states shown with X's).

The potential for the most serious types of juvenile violence occurs when firearms are used during a crime. In 1983, half of juvenile homicide offenders used a firearm in the commission of their crime. As the number of juvenile homicide offenders increased during the late 1980s and early 1990s, the proportion of homicides involving firearms increased sharply. The peak was reached in 1994 when juvenile offenders used a firearm in 76 percent of homicides, which also coincides with the high point in the juvenile murder arrest rate shown earlier. A sharp decrease in the number of homicides involving firearms and juveniles occurred between 1994 and 1995, as shown in the top trend line in the graphic below. The number of juvenile homicide offenders not using a firearm has remained remarkably constant over the 16-year period shown.

Known Juvenile Homicide Offenders by Weapon Type, 1980-1995



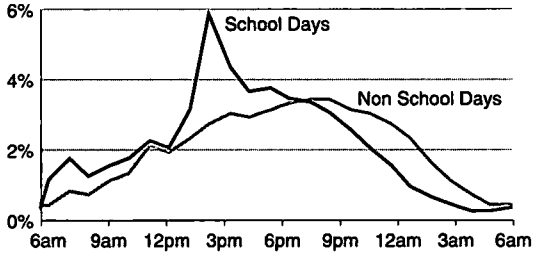
Data Source: Snyder, Howard. "Known Juvenile Homicide Offenders by Weapon Type, 1980-1995," September 1998. FBI's Supplementary Homicide Reports 1980-1995.

Policies and prevention strategies that target youth violence will be most effective if they can anticipate where and at what time violent incidents will occur. For example, a community's response to juvenile crime can involve setting curfews or developing after-school programs to provide children with a more positive and safe environment. At what time should curfews be in effect? How long should after-school programs last each day? Where should after-school programs be initiated and how long should they operate each day? The answers to these questions also have clear implications for the workload of the juvenile courts—expanded curfews may translate into more juvenile apprehensions, and the lack of after-school programs can mean more idle time for children.

Recent analysis by the National Center for Juvenile Justice examined the time of day juveniles were most likely to commit serious violent crime. The analysis uses the FBI's National Incident Based Reporting data (1991–1996) from 12 states including Alabama, Colorado, Idaho, Illinois, Iowa, Massachusetts, Michigan, North Dakota, South Carolina, Utah, Vermont, and Virginia. The graphic below shows the percentage of serious violent offenses committed by young people each hour of the day.

The trend line representing crimes committed on school days shows a spike at 3:00 PM. Higher levels of violent crime were also recorded between 4:00 - 7:00 PM. For nonschool days, there is no peak period of violence. Instead, offenses tend to occur during both day and night time hours—from roughly 12:00 PM- 2:00 AM. With respect to preventing juvenile violent crime on school days, the analysis suggests that programs and prevention strategies may be best targeted for the hours immediately after school.

Time of Day Juveniles are Most Likely to Commit Serious Violent Crime



Note: Serious violent crimes include murder, violent sex assaults, robbery, and aggravated assault.

Data Source: Snyder, Howard. "Juvenile Offenders and Victims: 1999 National Report." FBI's National Incident Based Reporting for 12 States: Alabama, Colorado, Idaho, Illinois, Iowa, Massachusetts, Michigan, North Dakota, South Carolina, Utah, Vermont, and Virginia.

School Violence

Crime occurring at school is of paramount public interest. The figure below shows that 10 percent of public schools reported at least one incident of a serious violent crime during 1996-1997. Furthermore, 43 percent did not report any crimes at all to the police during this period.

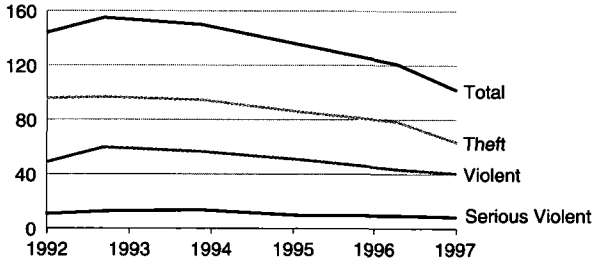
Type of Crime	Percentage of Public Schools Reporting
Serious Violent	10%
None	43
Less serious or nonviolent crime, but no serious violent crime	47

Note: Serious violent crimes include murder, rape, or other type of sexual battery, suicide, physical attack or fight with a weapon, or robbery. Less serious or nonviolent crimes include physical attack or fight without a weapon, theft/larceny, and vandalism. Schools were asked to report crimes that took place in school buildings, on school buses, on school grounds, and at places holding school-sponsored events.

Data Source: U.S. Department of Education, National Center for Education Statistics, Fast Response Survey System, "Principal/School Disciplinarian Survey on School Violence," FRSS 63, 1997.

Despite recent high-profile incidents, victimization surveys indicate that both the number and rates of crimes occurring at school have declined in recent years (1992–1997). The graph below shows that since its peak of 155 crimes per 1,000 students in 1993, the total juvenile crime rate in schools has declined by 34 percent to its lowest level of 102 per 1,000 students in 1997. Serious violent crime rates at schools have fallen by 38 percent from 13 per 1000 students in 1994 to a new low of 8 per 1,000 students in 1997. Likewise, theft and violent crime rates are also down substantially in schools.

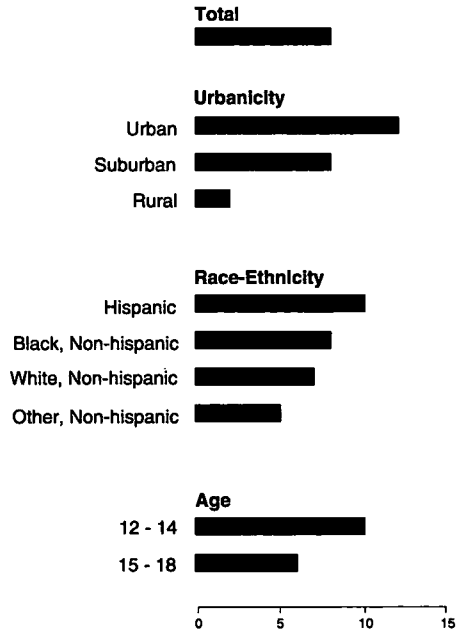
Number of Crimes Against Students Ages 12 through 18 Occurring at School or Going to or from School per 1,000 Students by Type of Crime, 1992-1997



Data Source: U.S. Department of Justice, Bureau of Justice Statistics, National Crime Victimization Survey, 1992 to 1997.

Serious violence in schools is primarily an urban phenomenon, being almost non-existent in rural schools. A serious violent crime is 1.5 times more likely to happen to an urban than to a suburban student, and six times more likely to happen to an urban than a rural student. In addition, Hispanic students are more likely to become victims of serious violent crime than black or white students. Finally, younger students are more likely to become victims as compared to older students—those aged 12-14 were 1.67 times more likely to be a victim than those aged 15-18.

Number of Nonfatal Serious Violent Crimes against Students Ages 12 through 18 Occurring at School or Going to or from School per 1,000 Students by Selected Characteristics, 1997



Data Source: U.S. Department of Justice, Bureau of Justice Statistics, National Crime Victimization Survey, 1992 to 1997.

State Responses to Violent Juvenile Crime

Patricia Torbet and colleagues (1996, 1998) have documented the extensive legal and policy changes that have occurred among the states in response to serious violent juvenile crime. These changes are classified into five categories:

Jurisdictional authority: States continue to modify statutes governing transfer criteria with the result that increasing numbers of serious and violent juveniles are being removed from the jurisdiction of the juvenile court in favor of prosecution in an adult criminal court by means of such mechanisms as judicial waiver, direct filing by the prosecutor, and statutory exclusion. This shift has been accomplished by the addition of a significant number of crimes eligible for criminal prosecution and/or lowering the age at which certain juveniles could be tried in criminal court.

Judicial disposition/sentencing authority: States continue to experiment with new statutes that govern sentencing options for juveniles, including (1) the imposition of mandatory minimum sentences; (2) the extension of juvenile court jurisdiction beyond the age of majority; and (3) the imposition of "blended sentencing" which mixes both juvenile and adult sanctions. These changes are the product of a trend by legislatures to make dispositions more offense-based as opposed to the more traditional, offender-based sanctions, with the goal of punishment or incapacitation rather than rehabilitation.

Corrections programming: As a result of the changes noted above, adult corrections systems have been increasingly challenged to develop programming for younger inmates while juvenile corrections systems have been increasingly burdened by older, more violent offenders who are staying for longer periods of time. In addition to the changes in institutional programming, there has also been an increase in locally administered interventions that stress public safety and offender accountability.

Confidentiality of juvenile courts records and proceedings: States are continuing to de-emphasize traditional confidentiality concerns while emphasizing information sharing. Increasing numbers of states have opened juvenile hearings to the public and juvenile records have been made increasingly available to a wide variety of individuals.

Victims of juvenile crime: Since 1992, 22 states have enacted laws that increase the roles or rights of victims of juvenile crime, particularly victims of serious and/or violent crime.

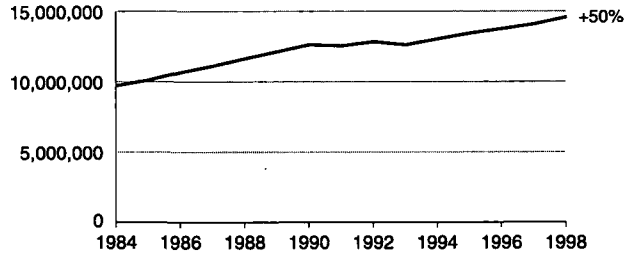
Some argue that state legislatures are "behind the curve" in their reactions to juvenile crime, responding to patterns of violence from the early nineties that no longer exist at the close of the decade. Others state that the largely informal processes of the traditional juvenile court are no longer viable. Whether the increasingly punitive state response to juvenile crime in 1999 signals a "death of optimism" as recently suggested by Hunter Hurst, president of the National Center for Juvenile Justice, or expands to accommodate a more therapeutic and rehabilitative model remains to be seen.

Criminal Caseloads in State Trial Courts

Criminal Caseload Filing Trends

Cases involving crimes that violate state law are normally processed in the state courts. Criminal case filings in the state courts reached an all-time high of 14.6 million in 1998. The trend line below shows that the number of criminal filings increased 50 percent from 1984 to 1998. The chart also shows that after remaining relatively stable from 1990 to 1993, criminal filings have increased fairly rapidly over the last five years.

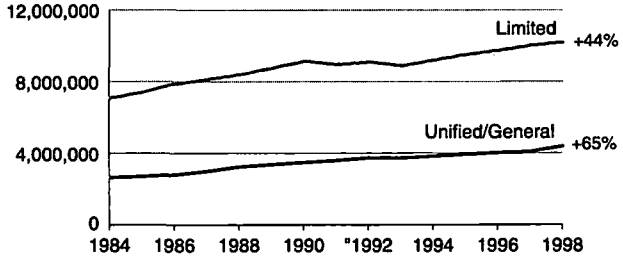
Criminal Cases Filed in State Courts, 1984-1998 (I)



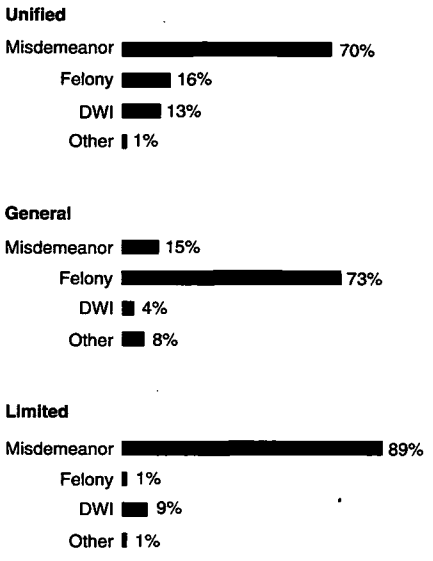
Criminal Caseload Composition: General, Limited, and Unified Courts

The graph below compares criminal case filings by type of court jurisdiction. Felonies are typically filed in general jurisdiction courts, while misdemeanors are usually handled in limited jurisdiction courts. Criminal caseloads in both types of courts reached all-time highs in 1998. Since 1984, criminal caseloads have increased 65 percent in general jurisdiction courts and 44 percent in limited jurisdiction courts.

Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-1998 (II)



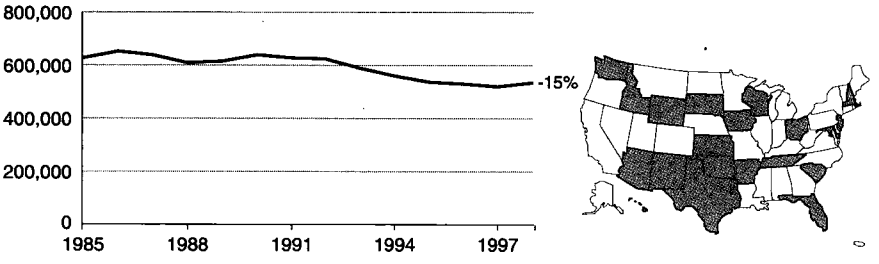
Criminal Caseload Composition by Court Jurisdiction, 1998 (III)



In 1998, 73 percent of the criminal cases filed in general jurisdiction courts were felony cases, while another 15 percent involved misdemeanors. An additional 8 percent were "other" offenses, including appeals and miscellaneous offenses (e.g., extradition), while the remaining cases (4 percent) involved DWI offenses. In contrast, misdemeanor, DWI/DUI, and "other" cases represented 99 percent of the criminal caseload of limited jurisdiction courts, while felonies accounted for only 1 percent. Between 1985 and 1998, DWI filings in state courts decreased 15 percent, reaching their lowest level in the 13-year period during 1997, only to increase by 3 percent between 1997 and 1998. The overall trend may reflect the impact of stricter law enforcement, media attention, and alcohol awareness programs on the incidence of drunk driving.

Judges in unified courts hear all cases regardless of offense type. In 1998, misdemeanor cases represented 70 percent of the criminal caseload in unified courts, while felony and DWI/DUI cases accounted for 29 percent of criminal filings.

DWI Filings in 21 States, 1985-1998 (IV)



State Criminal Caseloads

By listing the reported criminal filings for unified and general jurisdiction courts for each state in 1998, the table on the following page enables one to compare criminal caseloads among the states. The range of criminal filings was broad: Minnesota reported 268,735, while Wyoming reported just over 2,100 filings. Eighteen states each reported over 100,000 criminal filings in unified and general jurisdiction courts, collectively accounting for 74 percent of total criminal filings. The 695,365 criminal filings reported by Illinois reflect a change in counting practices in Cook County from case-based to charge-based, as well as a computer cleanup of old pending cases that resulted in a large increase in the number of reinstated misdemeanors. When sheer size and volume (Illinois is the 5th most populous state) are taken into consideration, the increase in criminal filings in Illinois has a dramatic impact on the nation's caseload.

Criminal caseloads in a state are closely associated with the size of the state's population and can be expected to rise simply as a result of population growth. The table shows the number of criminal filings per 100,000 population and each state's total population rank. New Hampshire's filing rate of 1,293 per 100,000 population represents the median.

Factors other than population size also significantly influence the size of criminal caseloads. These factors include the continuing trend in legislatures to criminalize more behaviors, differences in the prosecutorial charging procedures, and differences in the underlying crime rates. Cross-state comparisons of criminal caseloads also require a working knowledge of differences in state court structure, composition of criminal data, and unit of count. States in which the general jurisdiction court handles all or most of the criminal caseload (e.g., the District of Columbia, Illinois, and Minnesota) have the highest numbers of population-adjusted filings, while states that have one or more limited jurisdiction courts with concurrent criminal jurisdiction (e.g., California and Texas) have much smaller population-adjusted filings. California's limited jurisdiction court processes all misdemeanor cases, some felony cases, and some DWI/DUI cases. Similarly, in Texas, three different statewide limited jurisdiction courts with criminal jurisdiction take much of the burden from the general jurisdiction court.

Criminal Filing Rates *in* Unified and General Jurisdiction Courts in 49 States, 1998 (V)

State	Criminal Filings	Criminal Filings per 100,000 Population	Population Rank
Unified Courts			
Illinois	695,365	5,773	5
Minnesota	268,735	5,687	20
Missouri	189,229	3,479	16
Wisconsin	139,809	2,677	18
Connecticut	124,029	3,788	30
Iowa	107,068	3,740	31
Puerto Rico	102,705	2,663	26
Kansas	46,888	1,783	33
South Dakota	36,700	4,972	47
District of Columbia	36,669	7,010	51
North Dakota	34,569	5,416	48
General Jurisdiction Courts			
Florida	192,269	1,289	4
Indiana	188,865	3,202	14
California	168,795	517	1
Texas	163,333	827	2
Pennsylvania*	155,460	1,295	6
Louisiana	146,838	3,361	22
Virginia	146,579	2,158	12
North Carolina	139,569	1,849	11
South Carolina	118,640	3,093	27
Oregon	104,264	3,177	29
Tennessee	101,033	1,860	17
Georgia	98,396	1,288	10
Michigan	72,395	737	8
Maryland	70,811	1,379	19
Alabama	65,516	1,505	23
Utah	64,504	3,072	35
Ohio	64,219	573	7
New York	63,329	348	3
Arkansas	55,949	2,204	34
New Jersey	51,903	640	9
Arizona	42,422	909	21
Washington	38,834	683	15
Colorado	38,815	977	24
Kentucky	21,202	539	25
Vermont	18,930	3,204	50
New Mexico	18,138	1,044	38
New Hampshire	15,320	1,293	43
Idaho	11,693	952	41
Hawaii	9,441	791	42
Maine	9,231	742	40
Nebraska	8,540	514	39
Massachusetts	8,334	136	13
West Virginia	7,892	436	36
Delaware	7,845	1,055	46
Rhode Island	6,604	668	44
Montana	5,965	677	45
Alaska	3,588	584	49
Wyoming	2,170	451	52

Note: Mississippi, Oklahoma, and Nevada are not included because data were not available for 1998.
* The 1998 data for Pennsylvania are preliminary.

Although the composition of the criminal caseload in courts of general jurisdiction tends to be quite similar across states, some differences exist. For example, criminal filings in Connecticut, Illinois, and Minnesota include ordinance violation cases, which typically are reported in traffic caseloads in other states. Composition also relates to court structure: New York's criminal caseload consists solely of felony and DWI cases, since various limited jurisdiction courts process all misdemeanor cases, some DWI cases, some felony cases, and miscellaneous criminal cases.

Unit of count also affects the size of the caseload. States that count a case at arraignment (e.g., Ohio), rather than at filing of information/indictment, have smaller criminal caseloads. Most states count each defendant as a case, but some states (e.g., New York, Wyoming, and Montana) count one or more defendants involved in a single incident as one case, which will result in smaller numbers of population-adjusted criminal filings in those states.

Criminal Caseload Clearance and Growth Rates for Unified and General Jurisdiction Courts in 43 States, 1996-1998 (VI)

State	Clearance Rates				Caseload Growth
	1996-1998	1996	1997	1998	1996-1998
Unified Courts					
Kansas	106%	106%	104%	109%	3%
Minnesota	101	101	101	103	10
District of Columbia	101	100	102	102	1
North Dakota	100	101	97	103	10
Illinois	100	91	109	100	23
Connecticut	99	100	100	98	-8
Puerto Rico	97	99	98	95	6
Iowa	93	93	92	94	5
Missouri	92	91	93	90	11
General Jurisdiction Courts					
Colorado	115	131	123	94	27
Hawaii	113	116	111	111	3
New York	107	106	109	106	-7
Massachusetts	106	98	100	120	3
Rhode Island	102	101	104	101	-4
West Virginia	101	104	100	100	4
Texas	100	99	101	101	5
New Jersey	100	100	100	100	6
Wyoming	100	110	92	98	9
Indiana	99	101	98	98	5
Ohio	99	99	98	101	-4
Pennsylvania*	99	101	99	97	8
Michigan	98	96	97	101	0
Maine	98	101	98	95	2
Idaho	98	102	95	96	12
South Carolina	97	99	99	95	6
Virginia	97	98	98	96	15
North Carolina	97	99	95	97	10
Vermont	97	95	98	98	9
New Hampshire	97	95	99	95	7
New Mexico	96	87	92	108	8
Kentucky	95	97	94	96	8
Alabama	95	94	99	94	12
Washington	95	97	91	97	19
Maryland	95	96	94	94	2
Arizona	95	95	93	96	27
California	95	100	92	92	8
Arkansas	94	103	94	87	16
Alaska	94	89	98	96	11
Georgia	93	92	92	95	6
Utah	93	87	95	97	-8
Delaware	93	91	92	96	3
Oregon	93	95	89	94	10
Tennessee	88	86	88	90	15

* The 1998 data for Pennsylvania are preliminary.

Clearance Rates for Criminal Cases

The success of states in disposing criminal cases reflects, in part, the adequacy of court resources and has implications for the pace of both criminal and civil litigation. Criminal cases consume a disproportionately large chunk of court resources compared to their overall contribution to the total caseload. Constitutional requirements covering the right to counsel ensure that attorneys, judges, and other court personnel will be involved at all stages in the processing of criminal cases. In addition, criminal cases must be disposed under tighter time standards than other types of cases. Finally, courts are often required by constitution, statute, and court rule to give priority to criminal cases. This mandatory attention to criminal cases may result in slower processing of other types of cases.

The adjacent table shows that only 14 states cleared 100 percent or more of their criminal caseload for the 1996-1998 period. Colorado topped the list with its high clearance rates for two of the three years. At the other end of the scale, only one state (Tennessee) had a clearance rate of less than 90 percent, indicating that it is rapidly adding to an inventory of pending cases.

Statewide clearance rates not only reflect a range of management initiatives at the trial court level, but also are influenced by factors such as caseload growth, time standards, and the consistency with which filings and dispositions are measured. Two of the states with the highest three-year clearance rates (New York and Rhode Island) experienced a decline in caseload growth. All of the 14 states with three-year clearance rates of 100 percent or better have adopted time standards for criminal case processing. Three of the states with high clearance rates (New York, Rhode Island, and West Virginia) have adopted the COSCA/ABA-recommended goal of disposing all felony cases within 180 days from the time of arrest. Time standards for West Virginia and Massachusetts are mandatory, while others are advisory. Finally, it is also important to note whether the filings and dispositions within a state are comparable. Only states that use the same methodology to count filings and dispositions are included in the table.

Manner of Disposition for Criminal Cases Filed in 27 Unified and General Jurisdiction Courts, 1998 (VII)

State	Total Disposed	Percentage of Cases Disposed by: Trial Total	Trial Bench	Trial Jury	Non-trial Total	Non-trial Pleas	Non-trial Dism/ Nolle	Non-trial Other
Unified Courts								
South Dakota	156,325	1.6%	1.4%	0.2%	98.4%	84.9%	13.1%	0.4%
Missouri	144,150	1.6	1.0	0.6	98.4	70.0	25.3	3.1
Wisconsin	126,949	3.0	0.4	2.5	97.0	74.9	20.2	1.9
Kansas	40,896	5.3	3.4	1.9	94.7	51.8	27.2	15.7
D.C.	7,293	9.7	0.3	9.4	90.3	47.3	20.5	22.5
General Jurisdiction Courts								
Texas	211,630	2.7	0.7	2.0	97.3	34.2	15.4	47.7
Indiana	180,425	5.1	4.1	0.9	94.9	58.0	35.2	1.8
Florida	163,699	3.1	0.4	2.7	96.9	79.5	11.5	5.9
California	151,732	4.2	0.7	3.5	95.8	89.9	5.2	0.7
Pennsylvania*	151,284	5.2	3.2	2.0	94.8	57.7	6.9	30.2
North Carolina	135,579	2.4	0.0	2.4	97.6	50.5	32.8	14.2
Tennessee	119,930	3.1	1.7	1.4	96.9	51.4	27.5	18.0
Michigan	72,859	4.6	2.0	2.5	95.4	57.9	9.1	28.5
Alabama	69,980	2.7	0.3	2.3	97.3	41.7	26.5	29.2
New York	66,835	5.7	1.0	4.7	94.3	85.4	7.5	1.4
Ohio	64,565	3.7	1.1	2.6	96.3	70.9	8.1	17.3
Arkansas	62,336	9.7	8.1	1.5	90.3	54.4	30.7	5.2
New Jersey	49,787	3.6	0.4	3.2	96.4	71.4	13.9	11.0
Washington	38,409	6.2	1.6	4.6	93.8	73.9	11.4	8.5
New Mexico	19,635	4.6	2.8	1.9	95.4	31.4	18.4	45.6
Vermont	18,532	1.1	0.2	0.9	98.9	71.3	18.5	9.1
Maine	16,172	2.6	0.4	2.3	97.4	36.1	16.2	45.0
Delaware	7,570	3.4	0.2	3.3	96.6	68.6	15.2	12.7
Idaho	6,683	3.5	0.0	3.5	96.5	63.0	11.4	22.1
Hawaii	5,133	7.0	1.0	6.0	93.0	60.1	24.3	8.6
Alaska	3,430	5.1	0.2	4.9	94.6	72.3	22.3	0.0
Wyoming	2,067	13.1	9.6	3.4	86.9	64.2	17.8	5.0
Total	**2,093,885**	**3.7%**	**1.6%**	**2.1%**	**96.3%**	**63.4%**	**18.4%**	**14.5%**

*The 1998 data for Pennsylvania are preliminary.

Criminal Case Dispositions

Approximately 4 percent of criminal cases were disposed by trial in 1998. Trial rates ranged from about 1.1 percent in Vermont to 13.1 percent in Wyoming. Nationally, jury trials account for about 55 percent of all trials. Guilty pleas disposed of about 63 percent of criminal cases nationally. About one criminal case in five is resolved by a decision by the prosecutor not to continue (nolle prosequi) or by the court to drop all charges (dismissal).

The plea process is certainly swifter than the formal trial process, and given the growth in criminal caseloads, it has become an integral part of the administration of justice. Those who are in favor of plea bargaining argue that the overwhelming prevalence of guilty pleas provides some evidence that the plea process is more desirable to both sides. Prosecutors benefit by securing high conviction rates without incurring the cost and uncertainty of trial. Defendants presumably prefer the outcome of the negotiation to the exercise of their trial right or the deal would not be struck. On the other hand, opponents argue that plea bargaining places pressure on defendants to waive their constitutional rights, which results in inconsistent sentencing outcomes and the possibility that innocent people plead guilty rather than risk the chance of a more severe sentence after conviction at trial. Regardless of one's views, it is unlikely that the prevalence of plea bargaining will change in the near future.

Criminal Section - Index of states included in graphics

State	I	II	III	IV	V	VI	VII
Alabama	▫	▫			▫	▫	▫
Alaska	▫	▫	△		▫	▫	▫
Arizona	▫	▫	◇	▫	▫	▫	
Arkansas	▫	▫	▽	▫	▫	▫	▫
California	▫	▫			▫	▫	▫
Colorado	▫	▫	◇		▫	▫	
Connecticut	▫	▫			▫	▫	
Delaware	▫	▫			▫	▫	▫
District of Columbia	▫	▫			▫	▫	▫
Florida	▫	▫	◇	▫	▫		▫
Georgia	▫	▫			▫	▫	
Hawaii	▫	▫	◇	▫	▫	▫	▫
Idaho	▫	▫	◇	▫	▫	▫	▫
Illinois	▫	▫	○		▫	▫	
Indiana	▫	▫			▫	▫	▫
Iowa	▫	▫	○	▫	▫	▫	
Kansas	▫	▫	○	▫	▫	▫	▫
Kentucky	▫	▫			▫	▫	
Louisiana	▫	▫	◇		▫		
Maine	▫	▫			▫	▫	▫
Maryland	▫	▫	◇	▫	▫	▫	
Massachusetts	▫	▫	◇	▫	▫	▫	
Michigan	▫	▫	▽		▫	▫	▫
Minnesota	▫	▫	○		▫	▫	
Mississippi	▫	▫					
Missouri	▫	▫			▫	▫	▫
Montana	▫	▫	▽		▫		
Nebraska	▫	▫			▫		
Nevada	▫	▫					
New Hampshire	▫	▫	◇	▫	▫	▫	
New Jersey	▫	▫	△	▫	▫	▫	▫
New Mexico	▫	▫	◇	▫	▫	▫	▫
New York	▫	▫			▫	▫	▫
North Carolina	▫	▫	△		▫	▫	▫
North Dakota	▫	▫	○		▫	▫	
Ohio	▫	▫	◇	▫	▫	▫	▫
Oklahoma	▫	▫	△	▫			
Oregon	▫	▫			▫	▫	
Pennsylvania	▫	▫			▫	▫	▫
Puerto Rico	▫	▫	○		▫	▫	
Rhode Island	▫	▫	△		▫	▫	
South Carolina	▫	▫	▽	▫	▫	▫	
South Dakota	▫	▫	○	▫	▫		▫
Tennessee	▫	▫	△	▫	▫	▫	▫
Texas	▫	▫	◇	▫	▫	▫	▫
Utah	▫	▫	△		▫	▫	
Vermont	▫	▫			▫	▫	▫
Virginia	▫	▫	△		▫	▫	
Washington	▫	▫	◇	▫	▫	▫	▫
West Virginia	▫	▫			▫	▫	
Wisconsin	▫	▫	○	▫	▫		▫
Wyoming	▫	▫	◇	▫	▫	▫	▫
Total number of states	**52**	**52**	**34**	**21**	**49**	**43**	**27**

For figure III:

○ = Unified court
△ = Includes general jurisdiction court only
▽ = Includes limited jurisdiction court only
◇ = Includes both general and limited jurisdiction court

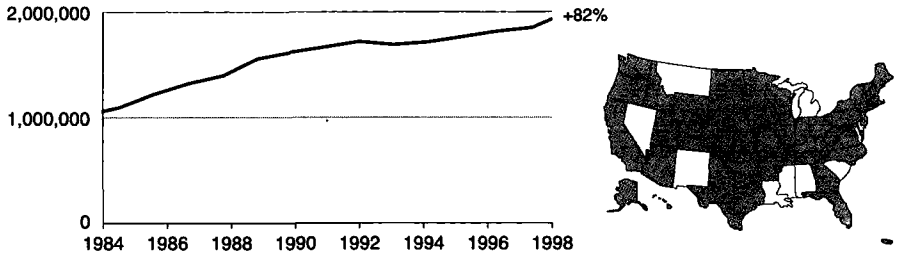
Felony Caseloads in State Trial Courts

Felony Caseload Filing Trends

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

The general jurisdiction trial court systems of 43 states reported comparable felony filing data for the period 1984 to 1998. Felony filings grew steadily until 1992, and after a brief dip in 1993, they resumed an uninterrupted increase, reaching an all-time high of 1.93 million in 1998. The total growth in felony filings (82 percent) outpaced the growth of all other filings in the courts.

Felony Filings in Unified and General Jurisdiction Courts in 43 States, 1984-1998 (I)



Felony Filing Rates in Unified and General Jurisdiction Courts in 43 States, 1996-1998 (II)

State	Filings per 100,000 Population 1996	1997	1998	Percent Growth 1996-1998
Unified Courts				
Minnesota	406	433	456	12%
North Dakota	562	503	623	11
Illinois	767	822	842	10
Iowa	610	626	657	8
Missouri	1,089	1,102	1,134	4
Puerto Rico	950	869	982	3
Kansas	667	687	671	1
South Dakota	695	737	688	-1
Wisconsin	550	563	541	-2
Connecticut	110	103	94	-15
District of Columbia	2,842	2,529	2,407	-15
General Jurisdiction Courts				
Oregon	961	1,040	1,206	25
Colorado	785	834	967	23
Arizona	696	761	846	22
Washington	561	608	661	18
Hawaii	360	397	422	17
Arkansas	1,549	1,560	1,809	17
Nebraska	378	406	438	16
Virginia	1,226	1,311	1,411	15
Louisiana	1,115	1,058	1,253	12
Vermont	511	584	570	11
Idaho	769	793	853	11
Alabama	996	1,009	1,100	10
Alaska	486	499	531	9
Wyoming	381	413	414	9
Georgia	903	975	980	9
Pennsylvania*	1,196	1,241	1,295	8
West Virginia	242	265	262	8
North Carolina	1,136	1,190	1,228	8
Kentucky	493	514	527	7
Indiana	812	740	865	7
New Jersey	581	599	614	6
California	481	501	506	5
New Mexico	753	743	784	4
Texas	683	705	710	4
Maryland	1,247	1,221	1,272	2
Massachusetts	133	132	136	2
Maine	279	286	283	1
Utah	1,042	886	1,010	-3
Ohio	598	559	573	-4
New Hampshire	542	546	509	-6
New York	374	349	348	-7
Rhode Island	621	577	577	-7

*The data for Pennsylvania are preliminary.

Felony Filing Rates

The adjacent table displays felony filings per 100,000 population and the growth in felony filings from 1996 to 1998. Felony filing rates increased 10 percent or more in 15 states, and increases of 15 percent or more occurred in Oregon, Colorado, Arizona, Washington, Hawaii, Arkansas, Nebraska, and Virginia. At the other end of the spectrum, nine states have experienced a decrease in the number of felony filings per 100,000 population since 1996. In 1998, felony filing rates across the states varied by a factor of more than 19 when comparing the state with the highest rate (Arkansas at 1,809) to the state with the lowest rate (Connecticut at 94).

States in which all or most of the felony caseload is handled in the general jurisdiction court (e.g., Arkansas and Maryland) report the highest numbers of population-adjusted filings, while states that have one or more limited jurisdiction courts with concurrent felony jurisdiction (e.g., California, Hawaii, and Maine) report much smaller numbers of felony filings per 100,000 population. The manner in which felony cases are counted also affects the size of the caseload. States that count a case at arraignment (e.g., Vermont and Ohio), rather than at filing of information/indictment, report a smaller felony caseload. Lower population-adjusted felony filing rates are also evident for states that count one or more defendants involved in a single incident as one case (e.g., New York and Wyoming) rather than counting each defendant as a case. At the other extreme, states that count each charge as a case, such as Virginia, have higher population-adjusted felony filing rates.

Felony Clearance Rates in Unified and General Jurisdiction Courts in 33 States, 1996-1998 (III)

State	Clearance Rates			
	1996	1997	1998	1996-1998
Unified Courts				
Connecticut	103%	96%	112%	104%
District of Columbia	98	106	104	102
Minnesota	102	96	99	99
Puerto Rico	98	100	93	97
Illinois	94	98	88	93
Iowa	92	93	93	92
Missouri	90	93	91	92
General Jurisdiction Courts				
New York	106	109	106	107
Massachusetts	98	100	120	106
Texas	101	102	101	102
Rhode Island	98	104	103	101
New Jersey	100	100	100	100
Ohio	99	98	101	99
Pennsylvania*	101	99	97	99
West Virginia	100	97	99	99
Idaho	101	95	96	97
New Hampshire	92	100	99	97
Indiana	95	100	96	97
New Mexico	84	90	115	97
Virginia	97	98	95	97
North Carolina	100	94	96	96
Alabama	95	100	94	96
Maryland	97	95	95	96
Kentucky	97	93	96	95
Maine	101	93	93	95
Arizona	95	92	97	95
California	100	92	92	95
Vermont	94	89	101	95
Arkansas	102	93	85	93
Georgia	91	89	94	91
Oregon	99	87	88	91
Hawaii	92	85	92	90
Tennessee	86	87	88	87

* The data for Pennsylvania are preliminary.

Felony Clearance Rates

The accompanying table presents clearance rates in general jurisdiction courts in 33 states for the period 1996 to 1998. The three-year measure smoothes yearly fluctuations and provides a more representative clearance rate, given the possibility of yearly aberrations. In short, felony cases continue to pose considerable problems for courts since the majority of the states had clearance rates in 1998 that were the same as, or lower than, their clearance rates in 1996.

Statewide clearance rates not only reflect a range of management initiatives for trial courts, but also are influenced by caseload growth and time standards. For example, Oregon had one of the lowest three-year clearance rates and experienced the highest growth in caseloads. On the other hand, New York, with the highest three-year clearance rates, experienced one of the largest declines in population-adjusted filings. Of the remaining six states with three-year clearance rates over 100 percent, Connecticut, Rhode Island, and the District of Columbia also witnessed declines in felony filing rates. In addition, all of the seven states with three-year clearance rates of 100 percent or more have adopted formal time standards for criminal case processing (some mandatory, others advisory).

With the continuing rise in felony caseloads over the last decade, it is expected that felony cases will continue to comprise a significant portion of general jurisdiction court caseloads in the future.

Felony Convictions in State Courts

At the end of a felony trial, the judge or jury makes a decision about the guilt or innocence of the defendant. If the verdict is not guilty, the case against the accused is dismissed. If the verdict is guilty, the defendant proceeds to sentencing.

The National Judicial Reporting Program (NJRP), sponsored by the Bureau of Justice Statistics, collects detailed information on felons *convicted* in state courts (cases dismissed or nolle prossed are not included). In 1996, the latest year data were available, there were an estimated 997,970 felony convictions, up 14 percent from 1994. The table on the following page describes the demographic characteristics of this population by revealing variations in gender, race, and age by offense group.

The profile of convicted felons differs significantly from the general population of the United States. In 1996, males comprised 84 percent of convicted felons compared to 48 percent of adults in general. Whites were 84 percent of the adult popu-

lation and 54 percent of the convicted felon group while blacks were 12 percent of the U.S. adult total and 44 percent of the convicted felon group. While persons in their twenties comprised 19 percent of the United States population, they accounted for 41 percent of convicted felons.

Comparing across offenses, women were more likely to be involved in property convictions, especially fraud. Whites were disproportionately overrepresented in sexual assault convictions while blacks were overrepresented in robbery convictions. The average and median ages were lowest for murder, robbery, and burglary convictions, and highest for sexual assault and "other" violent convictions.

Demographic Characteristics of Convicted Felons in State Courts, 1996 (IV)

	Sex		Race			Age	
Offense Group	Male	Female	White	Black	Other	Mean	Median
Drug Offenses	83%	17%	45%	53%	2%	31%	30%
Other Offenses	89	11	69	29	2	32	31
Property Offenses	77	23	59	39	2	30	29
Violent Offenses	92	8	52	46	2	30	28
All Offenses	**84**	**16**	**54**	**44**	**2**	**31**	**30**
Most Serious Conviction							
Aggravated Assault	89	11	55	43	2	31	29
Burglary	93	7	62	36	2	28	26
Drug Possession	81	19	49	49	2	32	32
Drug Trafficking	84	16	43	56	1	31	29
Fraud/Forgery	59	41	60	38	1	32	31
Larceny	77	23	56	41	3	30	29
Murder/Manslaughter	91	9	44	54	2	29	25
Other Violent	90	10	69	29	2	32	31
Sexual Assault	99	1	70	27	3	35	33
Robbery	93	7	32	66	2	26	24
Weapons	96	4	41	58	1	30	27

Notes: Demographic data were available from different subsets of the total 997,970 felony convictions: Sex: 782,079 cases; Race: 602,734 cases; Age: 736,117 cases.
Data Source: Felony Sentences in State Courts, 1996. U.S. Department of Justice, Bureau of Justice Statistics.

In 1996, roughly 17 percent of felony convictions were for a violent offense, 30 percent for property offenses, and 35 percent for drug offenses. "Other" offenses accounted for roughly 15 percent of convictions and include offenses such as receiving stolen property and vandalism. The single largest case type was drug trafficking, with 212,504 convictions comprising 21 percent of the total felony convictions.

Convicted felons most often have their cases disposed by guilty pleas. In 1996, guilty pleas were more likely to occur in property and drug cases and least likely to occur in violent crime cases. The rate of guilty pleas varies considerably by offense, ranging from 94 percent in drug, larceny, and fraud/forgery cases, to 54 percent in murder/manslaughter cases.

As expected, trial rates are higher for more serious offenses. In less serious drug and property cases, defendants often reach a plea agreement in order to avoid the uncertain outcome of a jury or bench trial. Prosecutors can also benefit by quickly disposing these cases and reserving their resources for the more serious cases that require more time to investigate and more time at the trial stage.

Estimated Number of Felony Convictions and Type of Convictions in State Courts, 1996 (V)

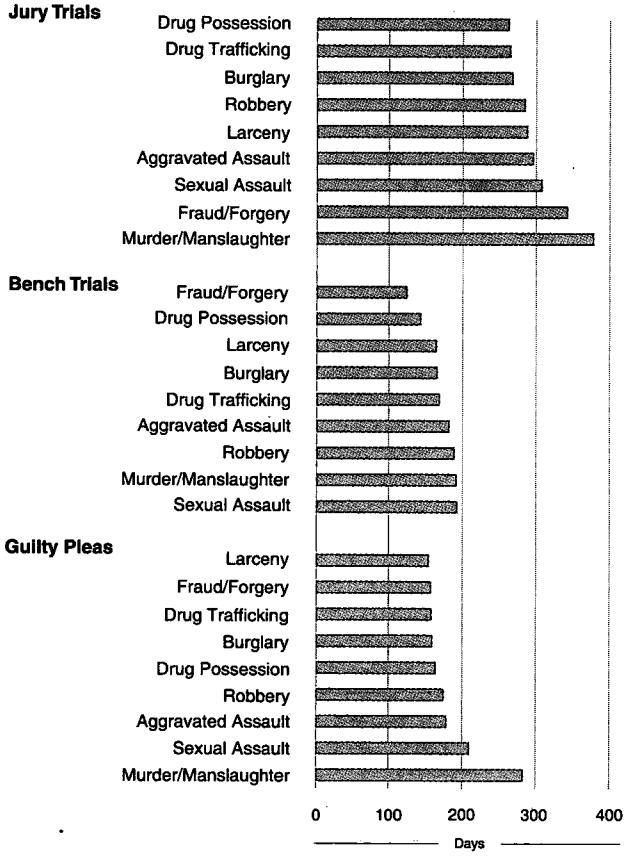
		Percent convicted by:		
Offense Group	Felony Convictions	Jury Trial	Bench Trial	Guilty Plea
Property Offenses	298,631	2%	5%	94%
Drug Offenses	347,774	3	5	92
Violent Offenses	167,824	11	7	83
Other Offenses	150,404	2	6	92
All Offenses	**997,970**	**4**	**5**	**91**
Most Serious Conviction				
Drug Trafficking	212,504	3	4	92
Larceny	123,201	2	4	94
Drug Possession	135,270	2	7	91
Burglary	93,197	3	5	92
Aggravated Assault	69,522	7	7	86
Fraud/Forgery	82,233	1	5	94
Robbery	42,831	10	7	84
Weapons	33,337	4	5	91
Other Violent	13,984	7	8	85
Sexual Assault	30,057	11	7	81
Murder/Manslaughter	11,430	40	7	54

Note: Data on type of conviction (trial vs. guilty plea) were available on 629,593 cases.
Data Source: Felony Sentences in State Courts, 1996. U.S. Department of Justice, Bureau of Justice Statistics.

The state courts are continuously fighting a battle to stay on top of their mounting felony caseloads. There are many factors that affect the time from arrest to sentencing for felony defendants, including existing case backlogs, insufficient court resources and staffing levels, defense and prosecutorial continuances, and preparation of court documents such as pre-sentence investigation reports. How cases are disposed, by trial vs. guilty plea, also has a significant impact on case processing time.

The bars below show which felony offenses take longest to process from arrest to sentencing comparing jury and bench trials to guilty pleas. Regardless of disposition method, murder cases always take longest to process. Rape cases also require longer periods of time to process, although fraud/forgery cases take a relatively long time in jury trial cases. One possible reason for lengthy fraud jury trials is that they include a number of more complex embezzlement cases that involve large sums of money, have occurred over long periods of time, or may have affected multiple victims or parties. Fraud cases that go to trial take the shortest time to move through the system when a bench trial occurs.

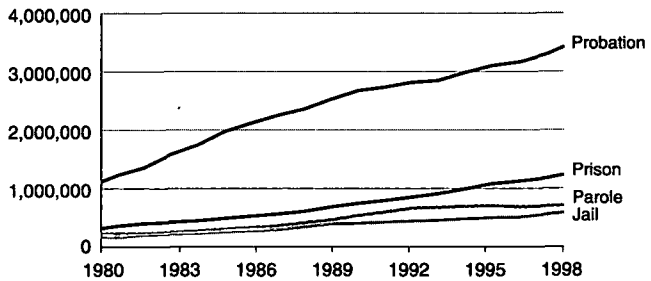
Days Between Arrest and Sentencing for Felony Cases Disposed by State Courts, 1996 (VI)



Dispositions in felony cases can also be described in terms of the court sanction handed down to the defendant. Judges (and on rare occasions juries) have the option of sentencing offenders to probation or community supervision, placing them in secure confinement, or choosing some combination in between. From the public's viewpoint, and from the perspective of the defendant, it is arguable that this decision may be the most important outcome of the trial. The graph below shows the cumulative effect of how offenders have been sentenced by the state courts from 1980-1998.

The U.S. correctional population numbered 5.9 million people in 1998, consisting predominately of people sentenced to probation. Of the four sanction types shown, the number of people in prison has increased most rapidly since 1980 (+286 percent), with the latest estimate of prison population in 1998 a new record high of 1,232,900. The number of persons on parole has grown slowly since 1992, most likely a result of changes in parole laws that many states passed during the early and mid-1990s.

Adults in Jail, on Probation, in Prison, or on Parole in the U.S., 1980-1998 (VII)



Data Source: Corrections Populations in the United States, 1993 and 1995, Bureau of Justice Statistics.

Felony Section - Index of states included in graphics

State	I	II	III
Alabama		■	■
Alaska	■	■	
Arizona	■	■	■
Arkansas	■	■	■
California	■	■	■
Colorado	■	■	
Connecticut	■	■	■
Delaware			
District of Columbia	■	■	■
Florida	■		
Georgia	■	■	■
Hawaii	■	■	■
Idaho	■	■	■
Illinois	■	■	■
Indiana	■	■	■
Iowa	■	■	■
Kansas	■	■	
Kentucky	■	■	■
Louisiana		■	
Maine	■	■	■
Maryland	■	■	■
Massachusetts	■	■	■
Michigan			
Minnesota	■	■	■
Mississippi			
Missouri	■	■	■
Montana			
Nebraska	■	■	
Nevada			
New Hampshire	■	■	■
New Jersey	■	■	■
New Mexico		■	■
New York	■	■	■
North Carolina	■	■	■
North Dakota	■	■	
Ohio	■	■	■
Oklahoma	■		
Oregon	■	■	■
Pennsylvania	■	■	■
Puerto Rico	■	■	■
Rhode Island	■	■	■
South Carolina			
South Dakota	■	■	
Tennessee	■		■
Texas	■	■	■
Utah	■	■	
Vermont	■	■	■
Virginia	■	■	■
Washington	■	■	
West Virginia	■	■	■
Wisconsin	■	■	
Wyoming	■	■	
Total number of states	**43**	**43**	**33**

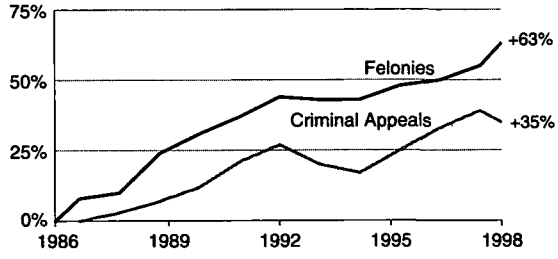
Appellate Caseloads in State Courts

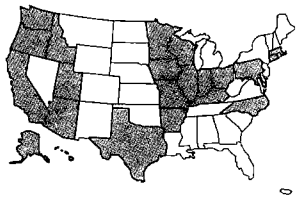
Comparing Caseload Growth in State Trial and Appellate Courts

Over the last eleven years criminal appeals have grown by 35 percent. Decisions in the trial courts are, of course, the basic source of appeals. The graph below displays the percentage change in felony filings in state trial courts and the percentage change in criminal appeals entering intermediate appellate courts. Because it typically takes at least one year for felonies to be appealed, there is a one-year lag for the appeals.[1] While state-to-state differences exist, the overall trend in criminal appeals tracks very closely the trend in felony trial court filings until 1997. Since that year, the relationship between felony filings and criminal appeals has diverged, prompting the question of why the criminal trials are resulting in a smaller proportion of appeals. Does this signal a new relationship, or is it a mere fluctuation in criminal appeals that will require additional years of measurement?

[1] R. Hanson, *Time on Appeal* (Williamsburg, Va.: National Center for State Courts, 1996).

Growth Rates of Felony Filings and Criminal Appeals in 23 States, 1986-1998 (I)





State Courts Appellate Filings, 1998

Based on information from the 50 states, the District of Columbia, and Puerto Rico, the total number of appellate filings was 297,285. The volume of appeals grew 1 percent in 1998.

The table on the following page ranks the states according to their number of filings per 100,000 population, gives total filings, and separates caseloads into mandatory and discretionary categories. Taking population into account reduces the variation in appellate filing rates considerably. Louisiana and the District of Columbia have unusually high appeal rates for their population, while North Carolina and Connecticut have unusually low rates of appeal. On the other hand, despite their large numbers of appeals, heavily populated states such as California and New York actually have filing rates near the median (99 in Washington and Colorado).

Total Appellate Court Filings, 1998 (II)

	Appeals per 100,000 Population	Total Filings	Type of Filing: Percent Mandatory	Type of Filing: Percent Discretionary	Population Rank
States with an Intermediate Appellate Court					
Louisiana	314	13,738	31%	69%	22
Oregon	169	5,552	83	17	29
Florida	162	24,158	73	27	4
Alaska	149	914	69	31	49
Pennsylvania	144	17,263	82	18	6
New Jersey	142	11,486	72	28	9
Alabama	135	5,866	84	16	23
Ohio	129	14,441	87	13	7
Puerto Rico	128	4,930	33	67	26
Kansas	119	3,133	67	33	33
Texas	118	23,302	84	16	2
Oklahoma	117	3,921	87	13	28
Arkansas	114	2,895	66	34	34
Arizona	114	5,319	71	29	21
Kentucky	112	4,409	80	20	25
Illinois	108	13,048	82	18	5
Michigan	106	10,408	43	57	8
Nebraska	106	1,761	79	21	39
New Mexico	104	1,810	57	43	38
South Carolina	104	3,975	75	25	27
California	103	33,707	47	53	1
New York	103	18,698	76	24	3
Washington	99	5,637	72	28	15
Colorado	99	3,932	67	33	24
Wisconsin	91	4,766	75	25	18
Missouri	85	4,648	87	13	16
Virginia	84	5,714	13	87	12
Iowa	80	2,301	100	0	31
Hawaii	80	953	90	10	42
Tennessee	75	4,088	64	36	17
Idaho	72	890	90	10	41
Massachusetts	72	4,405	56	44	13
Georgia	69	5,272	68	32	10
Maryland	65	3,341	66	34	19
Mississippi	65	1,790	100	0	32
Minnesota	64	3,025	75	25	20
Utah	61	1,288	100	0	35
Indiana	57	3,359	78	22	14
Connecticut	53	1,725	73	27	30
North Carolina	37	2,766	59	41	11
States without an Intermediate Appellate Court					
District of Columbia	376	1,968	99	1	51
West Virginia	189	3,415	0	100	36
Nevada	111	1,943	100	0	37
Vermont	98	582	96	4	50
Montana	83	731	80	20	45
Wyoming	79	381	100	0	52
Delaware	75	554	100	0	46
New Hampshire	71	839	0	100	43
Rhode Island	63	623	66	34	44
Maine	63	778	100	0	40
South Dakota	62	457	88	12	47
North Dakota	60	380	95	5	48
Total		**297,285**	**68%**	**32%**	

Note: Bolded states rank in Top 10 for population

At the other end of the spectrum, nine states with comparatively small appellate caseloads (fewer than 1,000 appeals, most of which come to the courts as a matter of right) can dispose of their caseloads without an intermediate appellate court. The District of Columbia and Nevada received more appeals in their one appellate-level court than many states with two-tiered appellate court systems. Two other states without intermediate courts, New Hampshire and West Virginia, have discretionary jurisdiction exclusively. West Virginia with 189 discretionary petitions per 100,000 has a relatively high appellate filing rate for its population.[2]

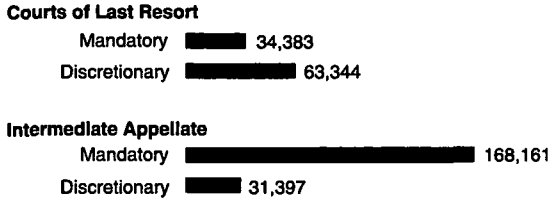
[2] For a classification of state appellate court systems, see V. Flango and C. Flango, "A Taxonomy of Appellate Court Organization," *Caseload Highlights* 3, no.1: (1998).

Total Appellate Caseloads, 1998

Most of the cases in 1998 were appeals of right that the state appellate courts must decide. Specifically, 68 percent (202,544) of the nationwide appellate caseload consisted of mandatory appeals, and discretionary petitions accounted for 32 percent (94,741) of the total caseload. Because courts of last resort (COLRs) and intermediate appellate courts (IACs) have various combinations of mandatory and discretionary authority, it is important to see which courts experienced increases in mandatory appeals and discretionary petitions.

While the volume of mandatory appeals in IACs showed a 1 percent decrease from 1997 to 1998, mandatory appeals increased 6 percent and discretionary petitions increased 4 percent in COLRs.

Total Appellate Caseloads, 1998 (III)



State Courts Appellate Filings per Judge, 1998

The total number of appeals represents an aggregate figure that can hide substantial differences in judicial workload. States with a high appeal rate might have enough judges to adequately handle the task, while states with few appellate filings could lack the necessary judicial personnel and hence, be burdened by heavy judicial workloads. The number of mandatory and discretionary filings per appellate court judge is a method of assessing demand on judge time. The tables below shows appellate filings per judge. Since discretionary petitions represent most of the filings in courts of last resort (COLRs), and mandatory appeals account for most of the filings in state intermediate appellate courts (IACs) the filings per judge are sorted in this way. Only the courts that fall above the median are represented on the tables.[3]

[3] For information on courts below the median, use Table 2 in *State Court Caseload Statistics, 1998* and divide the number of appeals for the court by the number of judges available from Figure G of that volume.

Discretionary petitions among courts of last resort revealed a great variety of filings per judge. COLRs in California and West Virginia were beset by incredibly high caseloads. Discretionary petitions per judge in each of these courts numbered 1,232 and 683, respectively. In comparison, the discretionary filings per judge among courts of last resort in Oregon at 137, Washington at 127, and Arkansas at 125 were far lower.

Appeals per Judge (IV)

Courts of Last Resort	Authorized Judges	Appeals per Judge in Courts of Last Resort — Mandatory Appeals Filed	Discretionary Petitions
CALIFORNIA Supreme Court	7	5	1,232
WEST VIRGINIA Supreme Court	5		683
NEW YORK Court of Appeals	7	50	638
NEW JERSEY Supreme Court	7	64	464
PENNSYLVANIA Supreme Court	7	78	445
LOUISIANA Supreme Court	8	23	380
VIRGINIA Supreme Court	7	18	368
MICHIGAN Supreme Court	7	1	347
FLORIDA Supreme Court	7	14	343
ILLINOIS Supreme Court	7	180	330
ARIZONA Supreme Court	5	18	273
OHIO Supreme Court	7	126	264
TENNESSEE Supreme Court	5	70	227
TEXAS Court of Criminal Appeals	9	879	220
TEXAS Supreme Court	9	2	203
SOUTH CAROLINA Supreme Court	5	407	195
COLORADO Supreme Court	7	29	188
GEORGIA Supreme Court	7	97	175
WISCONSIN Supreme Court	7		170
NEW HAMPSHIRE Supreme Court	5		168
PUERTO RICO Supreme Court	7	8	150
INDIANA Supreme Court	5	56	147
KANSAS Supreme Court	7	33	146
MASSACHUSETTS Supreme Judicial Court	7	22	140
OREGON Supreme Court	7	39	137
WASHINGTON Supreme Court	9	8	127
ARKANSAS Supreme Court*	7	59	125

* Arkansas Supreme Court is at the median

Among the intermediate appellate courts that fell above the median, the number of mandatory appeals per judge ranged widely. Pennsylvania's Commonwealth Court (623) and Alabama's Court of Criminal Appeals (515) had the largest number of appellate filings per judge. Both Pennsylvania and Alabama have two intermediate courts in the top ten and have worked through a tremendous number of mandatory appeals per judge.

In summary, judges in many appellate courts are handling a large number of cases. Twelve intermediate appellate courts saw their mandatory appeals surpass the 200-per-judge mark, and ten courts of last resort saw their discretionary appellate petitions exceed the 300-per-judge mark. Over half the nation's IACs processed at least 145 mandatory appeals per judge and over half of the COLRs handled 125 discretionary petitions per judge. Although these appeals per judge statistics are not precise because some mandatory and discretionary appeals are dropped through attrition and other methods, most appeals are disposed by court action. Increased demands on the available work time mean that judicial and court support staffing levels must continually be assessed and the search continued for more efficient and effective ways of handling appeals.

Appeals per Judge continued

Intermediate Appellate Courts	*Authorized* Judges	– Appeals per Judge in Intermediate Appellate Courts – Mandatory Appeals Filed	Discretionary Petitions
PENNSYLVANIA Commonwealth Court	9	623	
ALABAMA Court of Criminal Appeals	5	515	
OREGON Court of Appeals	10	432	
PENNSYLVANIA Superior Court	20	400	
GEORGIA Court of Appeals	10	291	46
FLORIDA District Courts of Appeal	61	289	67
ALABAMA Court of Civil Appeals	5	287	
WISCONSIN Court of Appeals	16	224	
NEBRASKA Court of Appeals	6	223	
KENTUCKY Court of Appeals	14	220	111
NEW YORK Appellate Div. of Supreme Court	56	210	
INDIANA Tax Court	1	207	
KANSAS Court of Appeals	10	188	
ILLINOIS Appellate Court	52	182	
WASHINGTON Court of Appeals	22	181	20
OHIO Courts of Appeals	66	177	
CALIFORNIA Courts of Appeal	93	171	98
ARIZONA Court of Appeals	22	169	7
MASSACHUSETTS Appeals Court	14	166	67
MICHIGAN Court of Appeals	28	161	124
COLORADO Court of Appeals	16	151	
MARYLAND Court of Special Appeals	13	150	101
TEXAS Courts of Appeals*	80	145	

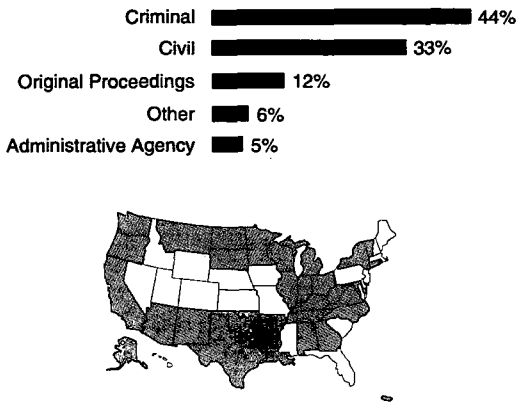
* Texas Courts of Appeals is at the median

Composition of Appellate Caseloads

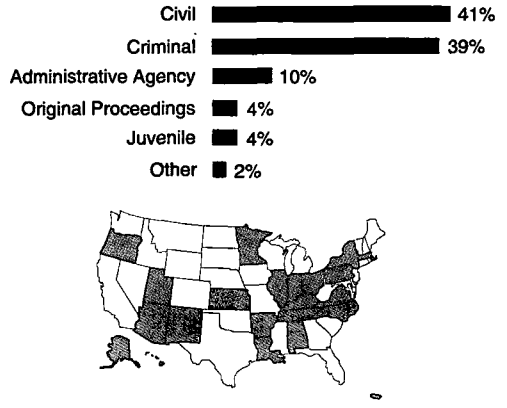
The charts below show the composition of appeals. Criminal and civil appeals dominate the workload of IACs and COLRs. Defendants convicted at trial usually bring criminal appeals. These individuals most often allege trial court error, ineffective assistance of counsel, or incorrect sentencing. About one-quarter to one-third of criminal appeals stem from nontrial proceedings (e.g., guilty pleas and probation revocation hearings).

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

Composition of Discretionary Petitions in 32 Courts of Last Resort, 1998 (V)



Composition of Mandatory Appeals in 23 Intermediate Appellate Courts, 1998 (VI)



Focusing strictly on appeals does not provide a comprehensive picture of the work of appellate courts. Of course, the review of lower-court decisions is a primary function of appellate courts, but in some instances, appellate courts exercise original jurisdiction and act upon a case in the first instance. Examples of original proceedings include postconviction remedy cases, sentence review cases, and disputes over elections that are brought originally to the appellate court. The adjacent table shows how the more than 30,000 original proceedings were spread across 35 states in 1998. The table also shows that the total number of original proceedings has grown 20 percent since 1996, with the District of Columbia and Texas showing very high growth rates.

Original Proceedings in 35 Appellate Courts, 1996-1998 (VII)

	1996	1997	1998	Percent Change 1996-1998
States with an IAC				
Texas	4,784	6,167	8,817	84%
Utah	36	31	54	50
Wisconsin	80	91	116	45
New Mexico	141	122	178	26
Alabama	701	763	865	23
California	9,872	10,926	11,657	18
Georgia	398	490	457	15
Maryland	327	357	370	13
Oregon	765	851	831	9
Kentucky	238	265	255	7
Washington	656	526	688	5
Arkansas	132	155	137	4
Hawaii	65	79	67	3
Colorado	432	389	445	3
Virginia	761	751	763	0
Illinois	1,597	1,596	1,554	-3
Pennsylvania	1,785	1,633	1,699	-5
Minnesota	89	63	83	-7
Indiana	240	220	221	-8
Missouri	782	889	700	-10
Tennessee	425	545	364	-14
Louisiana	53	80	43	-19
Kansas	155	117	122	-21
Arizona	1,023	911	792	-23
Ohio	366	346	256	-30
Idaho	62	108	39	-37
States without an IAC				
D.C.	53	148	230	334
Delaware	23	32	33	43
Wyoming	48	65	60	25
South Dakota	78	93	76	-3
West Virginia	592	549	523	-12
North Dakota	45	26	37	-18
Nevada	313	203	248	-21
Vermont	13	05	09	-31
Montana	234	267	144	-38
Total	**27,364**	**29,859**	**32,933**	**20%**

Another category of appellate cases involves the supervisory jurisdiction of appellate courts over any conduct of judges or attorneys that affects their official duties. Recent data from the American Bar Association put the total number of practicing attorneys at 1,186,197 nationally. Although a very small number of attorneys face disciplinary charges, an examination of the data shows to what extent misconduct is a problem. The table below shows the number of disciplinary filings in 31 states. Florida heads this list with its 540 disciplinary cases. When appeals per 1,000 attorneys are considered for 1998, New Jersey at 14 and Idaho at 12 show the highest rates on the list. Overall disciplinary filings have remained relatively steady since 1996 with a 2 percent increase.

Attorney Disciplinary Matters Filed in 31 States, 1998 (VIII)

	1996	1997	1998	Percent Change 1996-1998	Disciplinary Matters per 1,000 Attorneys, 1998
States with an IAC					
South Carolina	14	31	40	186%	4.4
Texas	8	5	17	113	0.3
Louisiana	57	46	109	91	6.3
Utah	7	14	13	86	2.0
Maryland	54	88	86	59	3.4
Idaho	31	39	44	42	11.7
Missouri	43	38	61	42	2.6
California	315	309	419	33	2.6
New Mexico	29	41	34	17	6.3
Ohio	125	122	146	17	4.4
Arizona	71	117	78	10	5.3
Georgia	158	223	171	8	6.0
Colorado	107	130	111	4	6.9
Kentucky	106	103	107	1	8.7
Alabama	4	2	4	0	0.3
Florida	556	505	540	-3	9.4
New Jersey	282	322	258	-9	13.9
Minnesota	40	33	36	-10	1.6
Wisconsin	31	37	26	-16	1.4
Indiana	92	64	77	-16	0.7
Kansas	18	21	15	-17	1.9
Washington	13	11	10	-23	0.5
Oregon	65	38	42	-35	3.1
Alaska	23	22	6	-74	1.8
Michigan	61	64	10	-84	0.3
States without an IAC					
Delaware	16	18	24	50	8.8
D.C.	126	123	108	-14	1.6
West Virginia	33	27	24	-27	6.3
Vermont	10	11	7	-30	2.6
Nevada	57	45	39	-32	7.8
North Dakota	27	21	9	-67	5.0
Total	**4,575**	**4,667**	**4,669**	**2%**	**5.7**

Source for Number of Attorneys: American Bar Association, 1998

Intermediate Appellate Court Clearance Rates

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

IACs are having moderate success in keeping up with their mandatory caseloads: 22 of the 39 states have three-year clearance rates of 100 percent or greater, and an additional 13 states cleared 94 percent or more of their cases. Michigan and New York have very high three-year clearance rates (195 percent and 154 percent, respectively) and apparently are starting to cut into their backlog of cases. Michigan's IAC has used several innovative techniques to accomplish its high clearance rates, including increasing the number of central staff attorneys, using visiting trial court judges or retired appellate judges to increase the number of available panels, expediting procedures by using settlement conferences and summary panels, and amending the state constitution to restrict appeals by defendants who have pled guilty. Nebraska and Massachusetts, however, have backlogs that are growing annually. Intermediate appellate courts with jurisdiction over discretionary petitions also have been moderately successful in handling their cases. Only five of the 14 states for which discretionary data are available did not attain a three-year clearance rate of 100 percent or more.

The Courts of Appeal in California have generated a large increase in their disposition of cases (a 104 percent clearance rate for mandatory appeals in 1998 and a three-year clearance rate for discretionary petitions at 127). These clearance rates can be explained, in part, by the provision of five new judgeships in 1997 to help with their burgeoning workload. California also reports that their decisions by written opinions have increased dramatically in recent years, with a 10 percent increase in 1998.

Clearance Rates in Intermediate Appellate Courts, 1996-1998 (IX)

State	1996	1997	1998	1996-1998
Mandatory Appeals in Intermediate Appellate Courts				
Michigan	188	204	193	195
New York	155	154	153	154
Oklahoma	102	117	148	116
Virginia	104	124	96	109
Georgia	107	100	118	108
Arkansas	97	117	103	105
Idaho	105	100	112	105
Missouri	96	108	111	105
Washington	101	121	93	104
Arizona	106	108	98	104
Utah	89	109	113	103
Alaska	95	108	107	103
Mississippi	100	100	108	103
Iowa	97	101	111	103
Ohio	100	100	104	101
Illinois	105	103	97	101
Kentucky	95	99	111	101
Florida	101	100	103	101
Oregon	97	97	111	101
Wisconsin	100	98	106	101
Texas	95	105	101	100
North Carolina	97	100	102	100
Maryland	98	99	101	99
Alabama	94	99	104	99
New Jersey	95	104	98	99
Louisiana	100	98	99	99
Connecticut	98	101	97	99
Minnesota	102	102	92	98
Colorado	101	101	93	98
Pennsylvania	96	96	100	97
California	96	75	121	97
Tennessee	83	91	117	96
New Mexico	95	96	96	96
South Carolina	92	98	93	94
Kansas	82	95	107	94
Indiana	89	84	102	92
Nebraska	92	84	86	87
Puerto Rico	65	83	104	84
Massachusetts	61	95	90	82
Discretionary Petitions in Intermediate Appellate Courts				
California	101	174	104	127
Alaska	106	112	112	110
Washington	91	116	105	103
Kentucky	114	96	100	103
Louisiana	101	104	104	103
Arizona	103	94	114	102
Georgia	104	100	100	101
Maryland	100	100	104	101
Virginia	103	99	97	100
Tennessee	69	143	89	99
Minnesota	100	100	83	94
Puerto Rico	87	78	111	93
Florida	94	90	86	90
North Carolina	87	88	90	88

Trends in Mandatory Civil Appeals in IACs

Mandatory civil appeals grew 1 percent from 1996 to 1998. The reason for the limited growth at the national level is that filings actually decreased in the IACs in 17 states. In some IACs, these declines were substantial. Utah and Idaho are notable at 36 percent and 25 percent respectively. In contrast, South Carolina and Arkansas experienced substantial growth in mandatory civil appeals in their IACs over the past three years (58 percent and 52 percent, respectively). Finally, more moderate increases were recorded in 10 states, where civil caseloads grew 14 percent or less. However, even these moderate increases mean that the courts must be increasingly productive to avoid developing case backlogs.

Trends in Mandatory Civil Appeals in 30 Intermediate Appellate Courts, 1996-1998 (X)

State/Court	1996	1997	1998	Percent Change 1996 - 1998
SOUTH CAROLINA Court of Appeals	335	388	530	58%
ARKANSAS Court of Appeals	499	541	758	52
ARIZONA Court of Appeals	838	799	957	14
WASHINGTON Court of Appeals	1,375	1,450	1,549	13
ALABAMA Court of Civil Appeals	1,323	1,447	1,437	9
NEW MEXICO Court of Appeals	389	450	413	6
TEXAS Courts of Appeals	4,956	4,666	5,191	5
ILLINOIS Appellate Court	4,669	4,812	4,883	5
CALIFORNIA Courts of Appeal	5,628	6,387	5,858	4
NORTH CAROLINA Court of Appeals	818	840	836	2
OREGON Court of Appeals	910	892	927	2
CONNECTICUT Appellate Court	959	1,075	969	1
OHIO Courts of Appeals	3,945	3,880	3,945	0
PENNSYLVANIA Commonwealth Court	2,419	2,120	2,394	-1
WISCONSIN Court of Appeals	2,151	2,131	2,126	-1
LOUISIANA Courts of Appeal	2,483	2,772	2,448	-1
COLORADO Court of Appeals	1,036	1,042	1,000	-3
MICHIGAN Court of Appeals	3,063	2,889	2,895	-5
INDIANA Court of Appeals	734	782	690	-6
MASSACHUSETTS Appeals Court	1,161	1,237	1,088	-6
IOWA Court of Appeals	621	601	577	-7
KENTUCKY Court of Appeals	1,771	1,641	1,633	-8
PENNSYLVANIA Superior Court	3,996	4,143	3,672	-8
GEORGIA Court of Appeals	1,443	1,475	1,320	-9
MINNESOTA Court of Appeals	1,362	1,240	1,180	-13
KANSAS Court of Appeals	733	614	633	-14
MISSOURI Court of Appeals	3,154	2,866	2,641	-16
VIRGINIA Court of Appeals	325	278	266	-18
IDAHO Court of Appeals	56	45	42	-25
UTAH Court of Appeals	403	362	259	-36
Total Civil Mandatory Appeals	**48,884**	**49,700**	**49,276**	**1%**

Trends in Mandatory Criminal Appeals in IACs

Criminal appeals filed in 29 states grew 1 percent from 1996 to 1998. The number of criminal appeals declined in 14 courts and grew in 15 since 1996. Criminal caseload in Arkansas has almost doubled in just three years, and criminal appeals have increased 31 percent in South Carolina and 24 percent in Colorado.

Although there are more routine criminal appeals, on average, than routine civil appeals, courts have to expend time and effort to dispose of criminal appeals properly. Because these cases are mandatory and must be reviewed by the court, there is little hope for relief unless the court adopts some type of expedited procedure. If courts do not find innovative ways to expedite routine criminal appeals, they will find themselves with less time to handle the complex civil and criminal cases, and their backlog will continue to grow.

Trends in Mandatory Criminal Appeals in 29 Intermediate Appellate Courts, 1996-1998 (XI)

State/Court	1996	1997	1998	Percent Change 1996-1998
ARKANSAS Court of Appeals	291	324	426	46%
SOUTH CAROLINA Court of Appeals	316	409	415	31
COLORADO Court of Appeals	715	734	888	24
CONNECTICUT Appellate Court	220	171	254	15
PENNSYLVANIA Superior Court	3,821	4,858	4,328	13
MASSACHUSETTS Appeals Court	965	998	1,068	11
LOUISIANA Courts of Appeal	1,110	1,190	1,209	9
NORTH CAROLINA Court of Appeals	510	576	555	9
ALABAMA Court of Criminal Appeals	1,955	2,062	2,121	8
ILLINOIS Appellate Court	4,165	4,341	4,434	6
GEORGIA Court of Appeals	1,103	1,101	1,156	5
INDIANA Court of Appeals	1,074	1,021	1,117	4
TEXAS Courts of Appeals	6,146	7,626	6,375	4
WASHINGTON Court of Appeals	1,756	1,723	1,816	3
ARIZONA Court of Appeals	1,066	1,088	1,074	1
CALIFORNIA Courts of Appeal	8,087	8,610	7,993	-1
WISCONSIN Court of Appeals	1,477	1,632	1,451	-2
KENTUCKY Court of Appeals	967	979	933	-4
IOWA Court of Appeals	188	196	176	-6
MINNESOTA Court of Appeals	582	542	*542*	-7
OREGON Court of Appeals	2,408	2,651	2,237	-7
MISSOURI Court of Appeals	766	727	711	-7
NEW MEXICO Court of Appeals	419	387	*403*	-4
OHIO Courts of Appeals	5,008	5,178	4,566	-9
UTAH Court of Appeals	313	362	279	-11
ALASKA Court of Appeals	384	327	336	-13
IDAHO Court of Appeals	297	293	258	-13
KANSAS Court of Appeals	1,227	1,003	894	-27
MICHIGAN Court of Appeals	2,354	1,791	1,608	-32
Total Criminal Mandatory Appeals	**47,336**	**51,109**	**48,015**	**1%**

Trends in Discretionary Petitions in Courts of Last Resort: Civil and Criminal

For the period 1996 to 1998, 22 states were able to report the number of discretionary petitions filed in their state supreme courts. For these courts, criminal petitions increased 8 percent and civil petitions 2 percent. Growth at the criminal level is shaped primarily by upward trends in Oregon, Tennessee, North Carolina, and California. Oregon is exceptional in that the state supreme court's discretionary caseload has increased by 44 percent since 1996. In contrast, the number of criminal petitions decreased in Connecticut, Ohio, and Michigan.

Trends in Discretionary Criminal Petitions in 21 Courts of Last Resort, 1996-1998 (XII)

State/Court	1996	1997	1998	Percent Change 1996-1998
OREGON Supreme Court	275	356	493	44%
TENNESSEE Supreme Court	480	549	773	38
NORTH CAROLINA Supreme Court	186	237	248	25
CALIFORNIA Supreme Court	2,875	3,265	3,716	23
ALASKA Supreme Court	81	85	103	21
NEW MEXICO Supreme Court	323	378	373	13
GEORGIA Supreme Court	175	189	191	8
ALABAMA Supreme Court	488	476	525	7
TEXAS Court of Criminal Appeals	1,847	1,677	1,983	7
ILLINOIS Supreme Court	1,066	1,072	1,130	6
VIRGINIA Supreme Court	1,065	1,160	1,127	6
NEW YORK Court of Appeals	2,797	3,064	2,953	5
WASHINGTON Supreme Court	396	455	417	5
LOUISIANA Supreme Court	1,409	1,410	1,432	2
WISCONSIN Supreme Court	499	471	490	-2
INDIANA Supreme Court	408	372	384	-6
WEST VIRGINIA Supreme Court	234	203	207	-13
MINNESOTA Supreme Court	230	222	200	-15
OHIO Supreme Court	642	595	531	-21
MICHIGAN Supreme Court	1,698	1,611	1,371	-24
CONNECTICUT Supreme Court	172	113	105	-64
Total Criminal Discretionary Petitions	**17,174**	**17,847**	**18,647**	**8%**

Of the 22 courts represented in the table below, 15 had decreases in the number of civil petitions. Connecticut had a 28 percent increase in the number of civil petitions.

Trends in Discretionary Civil Petitions in 22 Courts of Last Resort, 1996-1998 (XIII)

State/Court	1996	1997	1998	Percent Change 1996-1998
CONNECTICUT Supreme Court	172	226	220	28%
WASHINGTON Supreme Court	297	358	319	7
CALIFORNIA Supreme Court	1,782	1,898	1,903	7
LOUISIANA Supreme Court	1,496	1,630	1,586	6
OHIO Supreme Court	1,262	1,208	1,283	2
OREGON Supreme Court	173	145	174	1
PUERTO RICO Supreme Court	941	552	938	0
KENTUCKY Supreme Court	349	309	343	-2
ALABAMA Supreme Court	389	437	382	-2
MICHIGAN Supreme Court	993	1,145	973	-2
VIRGINIA Supreme Court	696	673	674	-3
TENNESSEE Supreme Court	379	405	361	-5
ARIZONA Supreme Court	482	557	454	-6
NEW MEXICO Supreme Court	124	092	114	-8
WISCONSIN Supreme Court	607	524	555	-9
NORTH CAROLINA Supreme Court	271	260	243	-10
MINNESOTA Supreme Court	355	379	309	-13
WEST VIRGINIA Supreme Court	646	571	556	-14
INDIANA Supreme Court	399	327	342	-14
NEW YORK Court of Appeals	1,785	1,583	1,513	-15
GEORGIA Supreme Court	512	476	420	-18
ILLINOIS Supreme Court	917	808	707	-23
Total Civil Discretionary Petitions	**9,535**	**9,635**	**9,724**	**2%**

Discretionary Review in Courts of Last Resort

In states with an IAC, the precise boundaries of the COLR's jurisdiction become important to understanding the flow of cases to the COLR and, possibly, the percentage of petitions that are granted. For example, the types of cases that would go to the IAC in Minnesota are filed instead in the COLR in West Virginia, where there is no IAC and the COLR has full discretion over its docket.

The percentage of discretionary petitions granted in 1998 and the number of justices needed to grant review are shown in the table below. State COLRs granted, on average, 8 percent of the discretionary petitions considered in 1998. This selection process is shown by comparing the number of petitions considered to the number of petitions granted. In states that require a majority of justices to grant certiorari, courts grant a median of 4 percent of petitions; in states that allow a minority of the court to accept a petition for review, courts grant a median of 8 percent of petitions. In other words, if greater proportions of COLR justices are needed to accept a case for review, fewer petitions tend to be granted.

Discretionary Petitions Granted in 24 Courts of Last Resort, 1998 (XIV)

State	Number of Petitions Filed	Number of Petitions Granted	Percentage of Petitions Granted	Number of Justices Needed to Grant Review
Majority				
Nebraska	426	130	31%	4 of 7
Idaho	590	68	12	3 of 5
Louisiana	3,223	351	11	1 of 7
Ohio	2,728	173	6	4 of 7
New Mexico	800	42	5	3 of 3
Oregon	1,233	59	5	5 of 9
Missouri	806	36	4	4 of 7
Georgia	1,907	85	4	3 of 5
Michigan	2,436	95	4	4 of 7
New Jersey	3,698	129	3	3 of 5
Illinois	3,567	99	3	4 of 7
South Dakota	457	1	0	3 of 5
Iowa	1,548	2	0	2 of 3
			Median = 4%	
Minority				
Connecticut	502	65	13%	2 of 7
Maryland	962	124	13	3 of 7
North Carolina	631	78	12	3 of 7
Massachusetts	1,132	125	11	3 of 7
Minnesota	786	82	10	3 of 7
Virginia	2,703	216	8	1 of 3
Tennessee	1,483	93	6	2 of 5
South Carolina	3,010	100	3	2 of 5
Kansas	1,249	30	2	3 of 7
Texas	11,736	227	2	4 of 9
Rhode Island	623	9	1	1 of 5
			Median = 8%	

How Do Appellate Courts Dispose of Their Caseloads?

Information on court dispositions is hard to obtain, and definitional differences make comparisons difficult. Yet, the manner in which cases are disposed is an indicator of how appellate courts do their work.

Appellate courts ensure that the law is interpreted and applied correctly and uniformly in lower courts. To accomplish this end, appellate courts analyze the legal issues in each appeal and prepare a written opinion that conveys the reasons for the court's decision. The preparation of full written opinions "has been called the single most time-consuming task in the appellate process."[4] Rising appellate caseloads have led not only to curtailment of the issuance of full opinions to decide the bulk of cases but also to concern over the availability of sufficient judicial time to prepare full opinions in particularly important cases.

[4] Judicial Administration Division, American Bar Association, *Standards Relating to Appellate Delay Reduction* 21 (1988).

Table 6 in *State Court Caseload Statistics, 1998* presents the number of signed opinions issued by state appellate courts during 1998. The table also indicates whether this count is by case or by written document and whether majority opinions, per curiam opinions, and memoranda/orders are included in the count. The number of justices or judges serving on each court, as well as the number of court support staff with legal training also is provided. A new entry to this table for 1998 includes the number of opinions per judge.

In addition to opinions, appellate courts decide appeals in other ways that also state the facts of the case and reasons for the court's decision. These dispositions include memorandum decisions that are signed and per curiam opinions that are not signed and generally are very brief, but some appellate courts state the court's reasoning. What differentiates a signed opinion from a memorandum decision varies among appellate courts. In some courts, all published opinions are designated memorandum decisions and are counted separately from signed opinions. Other courts merge memorandum decisions with signed opinions.

For several years, the Court Statistics Project has been collecting information about dispositions in appellate courts. This information is collected in seven basic categories: (1) full written, published opinions; (2) published per curiam opinions; (3) nonpublished opinions, memorandum decisions, and summary dispositions; (4) denial of discretionary petitions; (5) dismissals/withdrawals; (6) dispositions of original proceedings and disciplinary matters; and (7) other types of decisions (e.g., transfers to other courts).

The following table shows the composition of dispositions in appellate courts for 1996, 1997, and 1998. During this time period, denials of discretionary petitions were the most common method of disposition used by COLRs. Published opinions represented a fairly consistent proportion of dispositions, and the use of unpublished opinions and dismissals varied. For IACs, published opinions also accounted for a consistent share of dispositions, and the most common dispositions were short, unsigned opinions such as memoranda decisions.

Manner of Disposition in Courts of Last Resort and Intermediate Appellate Courts, 1996-1998 (XV)

	1996	1997	1998
Courts of Last Resort			
Discretionary petitions denied	36%	42%	45%
Nonpublished opinions	22	24	25
Published opinions	14	14	13
Dismissed/withdrawn	13	8	9
Other	15	13	8
Intermediate Appellate Courts			
Nonpublished opinions	45%	44%	47%
Published opinions	24	24	23
Dismissed/withdrawn	18	23	17
Discretionary petitions denied	8	7	11
Other	4	3	3

Appellate Section - Index of states included in graphics

State	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
Alabama		■	■	■	■	■	■	■	■	■	■	■	■		■
Alaska	■	■	■	■	■	■		■	■		■	■			
Arizona	■	■	■	■	■	■	■	■	■	■	■		■		
Arkansas	■	■	■	■	■	■	■		■	■	■				■
California	■	■	■	■	■		■	■	■	■	■	■	■	■	
Colorado		■	■	■			■	■	■	■	■				
Connecticut	■	■	■	■	■				■	■	■	■	■	■	■
Delaware		■	■	■			■	■							■
District of Columbia		■	■	■			■	■							■
Florida		■	■	■				■	■						■
Georgia		■	■	■	■		■	■	■	■	■	■	■	■	■
Hawaii	■	■	■	■		■	■							■	■
Idaho	■	■	■	■			■	■	■	■	■			■	
Illinois	■	■	■	■	■	■	■		■	■	■	■	■	■	■
Indiana	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Iowa	■	■	■	■					■	■	■				
Kansas		■	■	■		■	■	■	■	■	■			■	■
Kentucky	■	■	■	■	■	■	■	■	■	■	■		■		
Louisiana		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Maine		■	■	■											
Maryland	■	■	■	■	■		■	■	■					■	
Massachusetts	■	■	■	■		■			■	■	■			■	■
Michigan		■	■	■	■			■	■	■	■	■	■	■	
Minnesota	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Mississippi		■	■	■					■					■	■
Missouri	■	■	■	■			■	■	■	■	■			■	
Montana		■	■	■	■		■								
Nebraska		■	■	■					■					■	■
Nevada		■	■	■			■	■							■
New Hampshire		■	■	■						■					■
New Jersey		■	■	■				■	■						■
New Mexico		■	■	■	■	■	■	■	■		■	■	■		
New York		■	■	■	■	■			■			■	■		■
North Carolina	■	■	■	■	■	■			■	■	■	■	■	■	■
North Dakota		■	■	■	■		■	■							■
Ohio	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Oklahoma		■	■	■	■				■						
Oregon	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Pennsylvania	■	■	■	■		■	■		■	■	■				■
Puerto Rico		■	■	■	■	■			■				■		
Rhode Island		■	■	■	■									■	■
South Carolina		■	■	■				■	■	■	■				
South Dakota		■	■	■	■		■							■	
Tennessee		■	■	■	■	■	■		■			■	■	■	
Texas	■	■	■	■	■		■	■	■	■	■	■		■	
Utah	■	■	■	■		■	■	■	■	■	■				■
Vermont		■	■	■	■		■	■							■
Virginia		■	■	■	■	■	■		■	■		■	■		■
Washington	■	■	■	■	■		■	■	■	■	■	■	■		
West Virginia		■	■	■	■		■	■				■	■	■	■
Wisconsin	■	■	■	■	■		■	■	■	■	■	■	■		■
Wyoming		■	■	■			■								
Total number of states	**23**	**52**	**52**	**52***	**32**	**22**	**35**	**31**	**39**	**29**	**29**	**21**	**22**	**24**	**30**

* Data for states below the median are available from the CSP.

Measuring the Pace of Felony Litigation

One of the important roles of courts in the American adversarial legal system is to balance the sometime competing interests of speed with individual justice. Courts must constrain the conflicts and strategies of prosecutors and defense attorneys while managing their own resources to effectively ensure that the quality of justice is not denigrated by a process that is either too speedy or too slow.

One key measure of court effectiveness is to determine how long it takes to resolve cases entering the court. This section provides an overview of felony case processing times in seventeen large trial courts and the contexts in which they operate. It is intended to achieve three objectives. First, we compare felony case processing times among these representative courts and examine how closely they come to meeting the American Bar Association's (ABA) disposition time standards. Second, we seek to understand whether the differences in case processing time can be traced to differences in basic court and case related characteristics. Third, we present some new strategies for displaying case processing information that can make statistical management reports more useful and understandable to trial court decisionmakers.

This is the first systematic look at time to disposition in multiple jurisdictions since the classic studies of court delay conducted in the 1980s. The results are based on random samples of felony cases disposed in 1994 and 1995 that were provided by each of the participating courts. The data were originally gathered as part of two other NCSC research projects. Eight sites come from the study *Efficiency, Timeliness, And Quality: A New Perspective From Nine State Criminal Trial Courts* and the other nine sites are included in the ongoing study *Impact of State Incarceration Policies on Local Court Felony Case Processing.*

Examining Time to Disposition for Felony Cases

We define "court delay" as case processing time beyond that which is necessary for a fair resolution of a case. Paying attention to case processing time remains a critical issue for court management because delay has a negative effect on the quality of justice and continues to be perceived by the American public as a problem of major importance.

How is delay measured in practice? Three key professional organizations, the ABA, the Conference of Chief Justices (CCJ), and the Conference of State Court Administrators (COSCA)[1] tackled this question in the mid-1980s. They all recognized that what constitutes "delay" is based on the needs of the particular case, in other words, a single disposition time standard could not apply to all cases.[2] All three groups drew on the experience and ideas of seasoned practitioners to formulate estimates of how long it should take to resolve most or all cases, weighing the values of speed and due process. Although these standards are goals toward which courts should aspire, they provide a measure for assessing the effectiveness of local justice systems in the area of expedition and timeliness.

[1] See, American Bar Association (1987), *Standards Relating to Trial Courts, As Amended* (Section 2.5). Chicago: ABA. The Conference of Chief Justices and the Conference of State Court Administrators adopted time standards for criminal cases in 1984: all felony cases should be completed within 180 days after arrest.

[2] The ABA standards define "delay" as any time that is not necessary for a fair preparation and disposition of a case; see ABA (1987), *Standards Related to Trial Courts.* Chicago, ABA; section 2.5.

Court Performance Using Six-and 12-Month Time Standards

City	Number of Cases	Percentage Resolved Within: 180 Days	365 Days	Median Days from Arrest to Disposition
Faster Courts				
Seattle, WA	478	91%	98%	59
Cincinnati, OH	476	87	97	79
Portland, OR	448	89	93	85
Santa Clara, CA	454	78	95	86
Des Moines, IA	371	87	99	100
Moderate Courts				
Grand Rapids, MI	460	78	95	104
St. Petersberg, FL	469	79	94	105
Tucson, AZ	434	75	91	113
Omaha, NE	471	84	99	115
Baltimore County, MD	244	79	98	135
Oakland, CA	381	59	83	143
Slower Courts				
Baltimore City, MD	410	57	95	162
Austin, TX	403	47	79	193
Fort Worth, TX	364	46	77	195
Sacramento, CA	197	41	82	224
Birmingham, AL	457	12	59	304
Hackensack, NJ	405	12	63	314
All Courts Combined	**6,922**	**66**	**88**	126

The adjacent table uses the ABA standards as a measure of delay. These standards suggest that from the date of arrest to the date of disposition (e.g., entry of guilty plea, trial verdict, or dismissal), courts should dispose of 90 percent of their felony cases in 120 days; 98 percent in 180 days; and 100 percent within one year.[3] Please note that our analysis of case processing time removes the time that cases are out on bench warrant from the calculation. Only the time that the defendant is actually under court control is included.

[3] Since 1985, most states have adopted disposition time goals (besides speedy trial rules) for adjudicating all felony cases. The NCSC's Information Service has compiled a report on state disposition time goals for criminal, civil, and other cases; available upon request.

ABA Felony Case Disposition Time Standards
(arrest to entry of judgment or dismissal)

90%	in	120 days
98%	in	180 days
100%	in	365 days

Clearly, there are degrees of delay. We use the median days from arrest to disposition to break the seventeen courts into three relatively distinct clusters: faster courts (median time of 100 days or less), moderate courts (median time between 100 and 150 days), and slower courts (median time greater than 150 days). The faster courts tend to be the best performers on the 180-day standard, with Seattle, Cincinnati, Portland, and Des Moines each disposing of at least 85 percent of their felony cases within six months. On the 365-day standard there is less variation among the faster and moderate courts, with many exceeding a 95% resolution rate. On the other hand, five of the six slower jurisdictions disposed of fewer than 50 percent of their felony cases within six months.

It is interesting to note that no court in this study met the ABA standards. Even the fastest courts have cases that are slow to be disposed. All courts will have cases that exceed the time standard for legitimate reasons such as case complexity (as with a high stakes violent crime case) or unavoidable processing delays (as with witness problems, evidence gathering, etc).

How does the age at disposition of the oldest cases compare between the faster, moderate, and slower courts? The adjacent table shows the percent of cases that are disposed beyond 180 days and 365 days as well as the average age of these cases that do not meet the ABA time standards. The average case processing time across sites for cases older than 180 days is just over one year (369 days). The percentage of these older cases varies considerably among courts, but there is remarkably little variation in their average age at disposition. In fact, the five courts that took more than 400 days to process these cases are found in all three speed groupings.

The percentage of felony cases taking more than one year to resolve is small, but the time can be substantial. For example, Seattle and Des Moines, among the fastest courts in terms of their ability to process cases within the 180- and 365-day time standards, had a small number of cases (2 percent or less) that took an average of nearly two years to dispose. Since there are anomalous cases in even the best managed courts, it is not surprising that no court meets the stringent standard of disposing all felony cases in 365 days.

Average Age of Cases Older Than 180 and 365 Days

	— Cases older than 180 days —		— Cases older than 365 days —	
	Percent of cases	Average age of cases (days)	Percent of cases	Average age of cases (days)
Faster Courts				
Seattle, WA	9%	346	2%	710
Cincinnati, OH	13	310	3	579
Portland, OR	11	450	7	607
Santa Clara, CA	22	321	5	561
Des Moines, IA	13	273	1	727
Moderate Courts				
Grand Rapids, MI	22	339	5	692
St. Petersberg, FL	22	338	6	548
Tucson, AZ	25	379	9	615
Omaha, NE	16	253	2	634
Baltimore County, MD	21	253	2	452
Oakland, CA	42	420	17	660
Slower Courts				
Baltimore City, MD	43	271	5	476
Austin, TX	53	373	21	541
Fort Worth, TX	54	410	23	628
Sacramento, CA	59	341	18	528
Birmingham, AL	88	414	41	596
Hackensack, NJ	88	409	37	598
All Courts Combined	**34**	**369**	**12**	**595**

Knowing that courts vary in the total time from arrest to disposition raises the question, at what stage in felony case processing does delay occur? Is it the same stage for faster and slower courts? In most court systems, the first stage of the felony process is handled in a limited jurisdiction court (e.g., municipal, county), while, following bindover, the case is ultimately resolved in the general jurisdiction court. Therefore, moving from arrest to indictment to disposition requires that the limited and general jurisdiction courts not only operate well separately, but also actively coordinate their work. Moreover, while the ABA time standards focus on the total time from arrest to disposition, a felony case is not fully resolved until the sentencing hearing is held following the disposition of guilt. To better

understand overall case processing time, we display the time to disposition for the stages from arrest to indictment and indictment to disposition as well as measuring the time from disposition to sentence.

Nine courts (two faster, four moderate, and three slower) were able to provide case processing time data by these three primary stages of case processing. Together, these nine courts take an average of 228 days to process a case from arrest to sentence. Of the 228 days, 23 percent of the time is spent in the arrest to indictment stage, 53 percent in the indictment to disposition stage, and 24 percent from disposition to sentence. However, the three groups of courts varied from these proportions considerably. Because the intent is to describe typical court case processing, a 5 percent trimmed mean was used to calculate average days. This technique excludes the "outliers" (the upper and lower 5 percent of the cases) and provides a more representative picture of case processing.

The three courts in the slower group (measuring time from arrest to sentencing) spend a higher proportion of time in the arrest to indictment stage. The faster and moderate courts spent little time in the arrest to indictment stage. This difference may reflect the use of the grand jury process in many of the slower courts, but, on the other hand, the grand jury is also used in Cincinnati. In contrast, for five of the six faster and moderate courts, the time from disposition to sentence accounts for approximately one-quarter or more of total case processing time. Therefore, not only does the total time from arrest to disposition (or arrest to sentence) vary among the courts, but so does the time taken in the primary stages of case processing.

Average Time Spent Across Different Court Stages

City	Number of Cases	Mean Days From Arrest to Sentence*	Percentage of Processing Time
Faster Courts			
Seattle, WA	257	105	5 / 64 / 31
Cincinnati, OH	236	124	14 / 63 / 23
Moderate Courts			
Grand Rapids, MI	382	162	8 / 60 / 32
Tucson, AZ	187	186	8 / 65 / 27
Omaha, NE	267	195	9 / 51 / 40
Oakland, CA	205	235	22 / 59 / 19
Slower Courts			
Austin, TX	159	280	32 / 59 / 9
Birmingham, AL	162	399	41 / 41 / 18
Hackensack, NJ	360	430	37 / 41 / 20
All Courts Combined	**2,215**	**228**	23 / 53 / 24

□ Arrest to Indictment
□ Indictment to Disposition
■ Disposition to Sentence

* 5% trimmed mean is calculated by excluding the highest and lowest 5 percent of all cases.

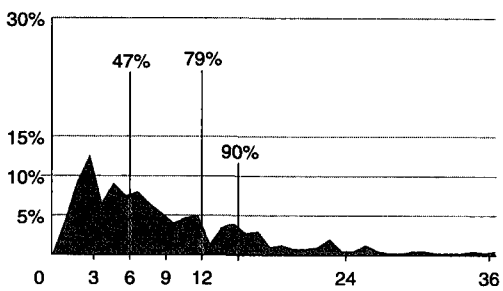
The area charts on the following pages summarize the analysis of case processing times and allow for an overall look at 10 selected courts. Each individual graphic shows five items for each site. First, the average case processing time is indicated at the top of the chart. The percent of cases disposed in six months is shown with the first vertical line and the percent of cases disposed at 12 months is shown with a second vertical line. If a court did not dispose 90 percent of its cases within 12 months, a third line shows the average age at disposition of these older cases. Finally, the area charts show the distribution of cases disposed in one-month intervals spread over a three-year period.

The courts with faster average case processing times (e.g., Cincinnati, Portland, and Santa Clara), all disposed of a considerable share of cases within the first three months. These are also the courts that came closest to meeting the ABA time standards.

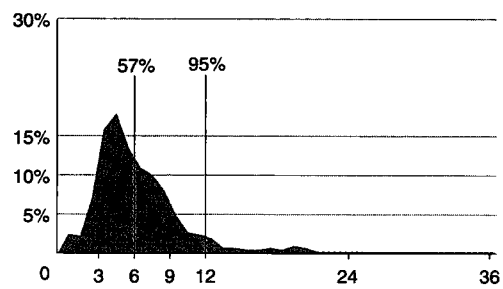
Percentage of Cases Disposed by Month, 1995

The vertical lines show the cumulative percent of cases disposed at the 6 and 12 month mark, time measured is from arrest to disposition.

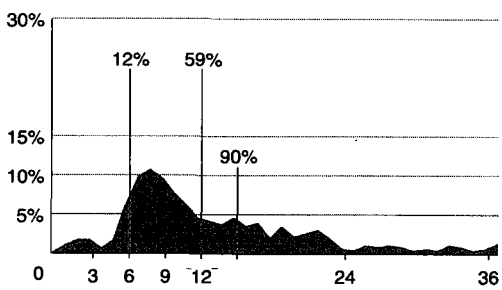
Austin, TX
Mean case processing time = 241 days



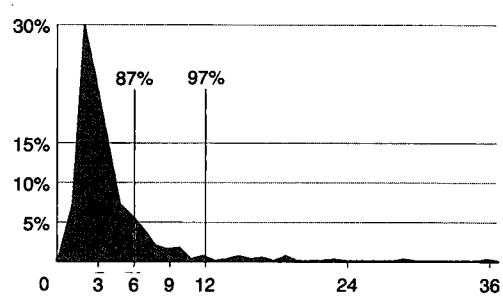
Baltimore City, MD
Mean case processing time = 184 days



Birmingham, AL
Mean case processing time = 379 days

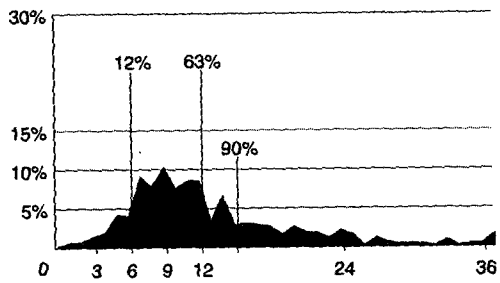


Cincinnati, OH
Mean case processing time = 105 days

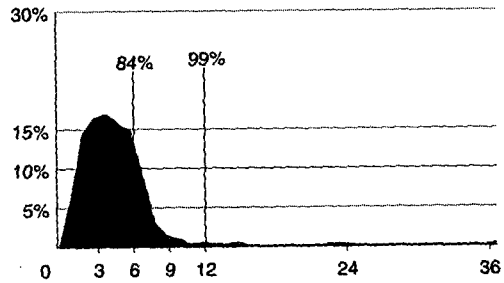


Percentage of Cases Disposed by Month, 1995 continued

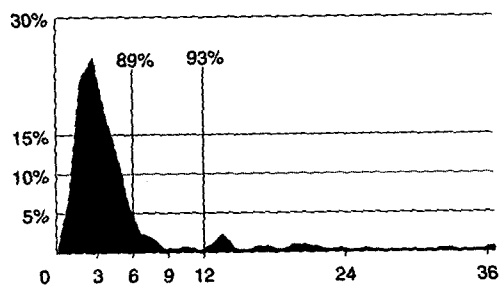
Hackensack, NJ
Mean case processing time = 376 days



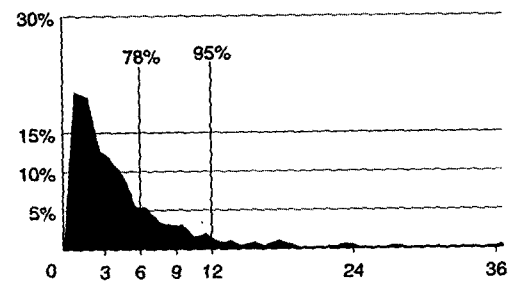
Omaha, NE
Mean case processing time = 124 days



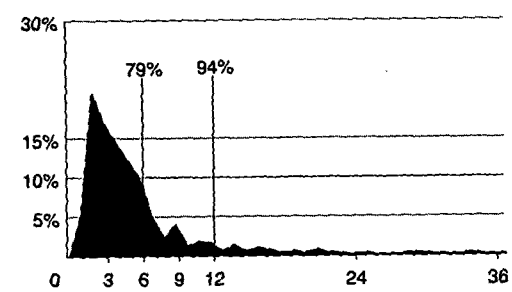
Portland,OR
Mean case processing time = 125 days



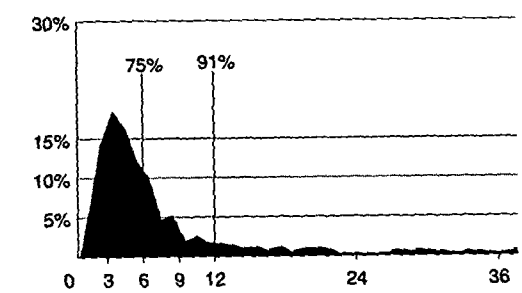
Santa Clara, CA
Mean case processing time = 127 days



St. Petersberg, FL
Mean case processing time = 143 days



Tucson, AZ
Mean case processing time = 165 days



Examining the Context of Felony Adjudication

What accounts for the observed differences in case processing time? Reason, experience, and research literature suggest that numerous court and case-related characteristics influence case processing. We examine four basic measures to facilitate a quick understanding of the similarities and differences among the 17 courts: 1) court setting and case management characteristics; 2) court caseloads; 3) the severity of the charge at conviction; and 4) the manner of case resolution. The utility of this contextual information is that it suggests that virtually every state trial court in the country likely shares some key attributes with one or more of these 17 courts. Consequently, these courts are not an odd sample—the findings should be relevant to a wide range of trial courts and provide a basis against which other courts not included in the analysis can be compared.

Case management characteristics. The court management literature naturally emphasizes the importance of effective court organization and case management for achieving efficient and effective case processing.[4] Although this is a common sense position, simple categories of organization (e.g., grand jury vs. preliminary hearing) or management strategies (e.g., individual vs. master calendars) are seldom sufficient to explain much variation in case processing times among criminal courts. Nevertheless, these beliefs remain strong among practitioners.

[4] See e.g., Zeisel et al., 1959; Friesen et al., 1979; Solomon and Somerlot, 1988.

The adjacent table shows data on population, the number of judges, Part I crime rate,[5] and basic court structure and felony case management characteristics in each county. Population ranges from a low of about 350,000 to just under 1.6 million. The reported number of full-time equivalent (FTE) judges in each county averages about 11 and the Part I crime rate for 1995 averaged around 9,500 (crimes per 100,000 persons). The courts differ on whether they use a grand jury or a preliminary hearing before a judge to determine whether there is probable cause for charging a felony. Six of the courts in this study use a grand jury process, 10 use a preliminary hearing, and one uses both approaches. Eleven of the 17 courts listed use a specialized felony docket, while the other six use a combined docket where judges hear both felony and civil cases. Most courts use either an individual calendar or a master calendar system. In an individual calendar system, a court manager or administrative judge typically assigns felony cases (in some random fashion) to an individual judge soon after the bindover or indictment. The assigned judge handles all motions or other proceedings until the case is concluded. Conversely, in a master calendar system, different judges may handle the arraignment, motions, and trial, depending on who is assigned those duties and who is available on the scheduled date. There is no obvious relationship between any of these factors and the overall pace of litigation.

[5] Crimes reported to the police per 100,000 persons for murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.

Site Factors & Conditions

	County/City Population 1995	Number of FTE Felony Judges	Part I Crime Rate (city) 1995	Primary Felony Charging Procedure	Felony Judges' Docket Type	Primary Calendar System
Faster Courts						
Seattle, WA	1,595,243	22.0	10,529	Preliminary Hearing and Bindover	Combined Docket (Felony & Civil)	Master*
Cincinnati, OH	863,908	7.5	7,597	Grand Jury	Combined Docket (Felony & Civil)	Individual
Portland, OR	614,604	18.0	12,174	Grand Jury	Felony Only	Master hybrid
Santa Clara, CA	1,565,253	26.0	4,946	Preliminary Hearing and Bindover	Combined Docket (Felony & Civil)	Master
Des Moines, IA	349,560	4.5	8,359	Preliminary Hearing and Bindover	Felony Only	Master
Moderate Courts						
Grand Rapids, MI	525,355	5.0	7,660	Preliminary Hearing and Bindover	Felony Only	Individual
St. Petersberg, FL	870,884	10.0	9,508	Preliminary Hearing and Bindover	Felony Only	Individual
Tucson, AZ	752,428	12.0	12,219	Preliminary Hearing and Bindover	Felony Only	Individual and Master
Omaha, NE	434,137	6.0	7,919	Preliminary Hearing and Bindover	Combined Docket (Felony & Civil)	Individual
Baltimore County, MD	692,134	6.0	6,711	Both Grand Jury & Preliminary Hearing	Combined Docket (Felony & Civil)	Master
Oakland, CA	1,323,312	14.0	10,711	Preliminary Hearing and Bindover	Felony Only	Master hybrid
Slower Courts						
Baltimore City, MD	712,209	10.0	13,445	Preliminary Hearing and Bindover	Felony Only	Master
Austin, TX	644,802	4.0	8,226	Grand Jury	Felony Only	Individual
Fort Worth, TX	1,278,606	12.4	8,695	Grand Jury	Combined Docket (Felony & Civil)	Individual
Sacramento, CA	1,103,499	21.0	10,378	Preliminary Hearing and Bindover	Felony Only	Master
Birmingham, AL	657,827	5.0	12,308	Grand Jury	Felony Only	Individual
Hackensack, NJ	845,189	7.0	6,048	Grand Jury	Felony Only	Individual

Note: Des Moines and Sacramento have a unified criminal court structure, all others operate a two-tiered system.
Crime rate calculated for Oakland using 1994 data.

Court caseloads. Probably no other factor seems so clearly connected to the pace of litigation as judicial workload. Most judges, prosecutors and defense attorneys believe they are already working hard and will point to caseload size as a primary cause of delay in felony adjudication. Numerous multi-jurisdiction studies in urban courts, however, have found that there is no correlation between filings or dispositions per judge and overall case processing times.[6] The table below displays information on the filings and dispositions in each jurisdiction, the clearance rate, and the average number of dispositions per judge. As one would expect, there is substantial variation in the number of dispositions per judge, but they do not exhibit a correlation with overall case processing times.

[6] See e.g., Nimmer, 1976; Flanders, 1977 (civil cases only); Church et al., 1978; Mahoney et al., 1988; Goerdt et al., 1991.

Felony Filings, Dispositions, Clearance Rates & Dispositions per Judge

	Felony Caseload, 1995			
	Filed	Disposed	Cleared	Dispositions per Judge
Faster Courts				
Seattle, WA	8,129	8,063	99%	367
Cincinnati, OH	6,830	6,646	97	886
Portland, OR	7,871	7,119	90	396
Santa Clara, CA	7,509	7,609	101	293
Des Moines, IA	3,664	3,099	85	689
Moderate Courts				
Grand Rapids, MI	4,370	3,688	84	738
St. Petersberg, FL	10,530	8,410	80	841
Tucson, AZ	4,089	4,185	102	349
Omaha, NE	2,322	2,145	92	358
Baltimore County, MD	3,000	1,974	66	329
Oakland, CA	4,919	4,823	98	345
Slower Courts				
Baltimore City, MD	6,901	6,064	88	606
Austin, TX	3,244	2,834	87	709
Fort Worth, TX	8,638	8,585	99	692
Sacramento, CA	6,079	6,995	115	333
Birmingham, AL	2,644	2,251	85	450
Hackensack, NJ	2,279	2,367	104	338
Total (average)	**5,472**	**5,109**	**93%**	456

Note: Baltimore County filings are an estimate.

Severity of the charge at conviction. The composition of a court's caseload has been asserted by many practitioners to be a primary determinant of case processing time. Composition may influence case processing if certain types of cases are inherently more complex than others. For example, more motions, a higher trial rate, and greater attention given to victims and witnesses, typically means that serious violent felonies will take more court time to resolve than drug cases. In addition, judges and prosecutors may believe that more serious cases deserve more time and attention from the court so they may establish intentional priorities to meet that goal. For example, establishing a drug court may leave other judges in the court with more time to devote to resolving serious violent cases. Finally, because the expected sentence is typically longer for more serious crimes, defendants may wish to put off the day of reckoning (and perhaps lower the probability of conviction) through delay.

The following table illustrates the similarities and differences in the proportion of serious violent, other violent crimes against the person, burglary and theft, drug, and other felony crimes that were disposed in the 17 courts during 1995. Variation in case processing time does not appear to be linked to variation in felony case mix. The faster courts had the smallest proportions of violent cases among the seventeen counties (typically serious violent and violent together made up less than 20 percent of the felony caseload). But violent crimes also accounted for 20 percent or less of the caseload in Hackensack and Birmingham, which are the two slowest courts.

Composition of Felony Caseload

	Percent of Caseload				
City	Serious Violent	Violent	Burglary/theft	Drugs	Other
Faster Courts					
Seattle, WA	4%	21%	35%	33%	7%
Cincinnati, OH	4	13	28	40	15
Portland, OR	5	12	24	53	6
Santa Clara, CA	5	11	30	41	13
Des Moines, IA	5	11	39	28	17
Moderate Courts					
Grand Rapids, MI	5	14	45	19	17
St. Petersberg, FL	2	17	39	33	9
Tucson, AZ	9	19	29	28	16
Omaha, NE	6	11	31	26	25
Baltimore County, MD	7	39	26	23	5
Oakland, CA	10	21	14	46	9
Slower Courts					
Baltimore City, MD	8	21	11	54	6
Austin, TX	7	17	36	28	12
Fort Worth, TX	9	18	35	28	10
Sacramento, CA	13	25	18	32	12
Birmingham, AL	7	11	36	39	7
Hackensack, NJ	6	14	35	30	15
All courts combined	**6**	**17**	**31**	**34**	**12**

Manner of Case Resolution. Judges typically spend a substantial portion of their time conducting trials. As the trial rate increases in a court, the length of time to reach trial is likely to increase unless the court can shorten the average trial time or reduce the amount of time judges spend on other activities. The time from filing to trial also can affect the average disposition time for cases disposed by other methods. If a court is not realistic and firm in the scheduling of trials, many cases will end in a guilty plea only when the actual occurrence of a trial, as opposed to its scheduling, is imminent. Conventional wisdom suggests that higher trial rates, especially jury trial rates, will be associated with longer overall case processing times.[7] The table below indicates that three faster courts, Seattle, Cincinnati, and Portland, all have trial rates higher than four of the five slower courts. Higher jury trial rates do not necessarily lead to slower case processing times.

[7] Nimmer (1978); Luskin and Luskin (1987); Neubauer and Ryan (1982)

Percentage of Disposition Types

	Guilty Plea	Deferred Adjudication	Trial Guilty	Trial Acquittal	Dismissal
Faster Courts					
Seattle, WA	82.9%	0.0%	7.6%	1.0%	8.5%
Cincinnati, OH	86.5	1.3	6.6	2.5	3.2
Portland, OR	73.0	3.1	11.0	0.7	12.3
Santa Clara, CA	89.7	0.0	7.5	0.4	2.4
Des Moines, IA	80.0	0.3	0.8	0.3	18.7
Moderate Courts					
Grand Rapids, MI	82.9	1.1	3.5	1.1	11.4
St. Petersberg, FL	61.7	29.4	2.2	1.2	5.5
Tucson, AZ	72.6	6.0	13.3	1.8	6.2
Omaha, NE	70.1	1.3	1.3	0.2	27.1
Oakland, CA	78.8	4.2	9.5	0.0	7.4
Slower Courts					
Baltimore City, MD	71.1	7.9	4.6	0.9	15.5
Austin, TX	64.6	17.3	2.2	0.4	15.5
Fort Worth, TX	55.7	33.5	3.4	0.0	7.5
Birmingham, AL	73.4	0.0	11.9	1.5	13.2
Hackensack, NJ	87.4	0.7	4.0	2.0	5.9
All Courts Combined	**75.3**	**7.0**	**6.0**	**1.0**	**10.7**

Conclusion

Three important points can be drawn from the discussion. First, delay is not a yes or no proposition. There are gradations of delay. The time to disposition data in this section show some faster courts coming relatively close to the 180-day standard, but most courts remain some distance from meeting this standard. In addition, the primary source of delay in the slower courts appears to come during the arrest to indictment stage.

Second, an examination of each of the court and case-related characteristics does not reveal any obvious explanation for why some courts are faster than others. One reason for the lack of correspondence between the contextual factors examined here and the pace of litigation may be that the similarities among the jurisdictions overshadow their differences. A related possibility is that the contextual factors tend to be measured in a very blunt manner (e.g., master vs. individual calendar). Elemental measures of management strategies, for example, do not capture what is truly important: the quality or effectiveness of the management system. It is reasonable to assume that there are aspects related to the "quality" of the adjudication environment, rather than the formal organizational structure or management strategies that are most important for understanding differences in the nature and pace of criminal adjudication. It is not just what type of calendar system is used or the nature of the formal charging process that is important for timely case processing. Rather, it is how well these functions are handled.

Third, these results underscore the need to link the measurement of time to disposition with the quality of case processing. How do we measure the quality of case processing? Can courts be both timely and effective? An initial approach to answering these questions appears in the recent NCSC publication *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts.* While the evidence from that study shows well-performing courts are able to excel in terms of both timeliness and quality, verification and refinement of these results will improve greatly our understanding of fundamental functions of the criminal justice system.

Court Statistics Project Methodology

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

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

Examining the Work of State Courts, 1998 and *State Court Caseload Statistics, 1998* are intended to enhance the potential for meaningful state court caseload comparisons. Because there are 50 states and thus 50 different state court systems, the biggest challenge is to organize the data for valid state-to-state comparison among states and over time. The COSCA/NCSC approach also highlights some aspects that remain problematic for collecting comparable state court caseload data.

A discussion of how to use state court caseload statistics, a complete review of the data collection procedures, and the sources of each state's 1998 caseload statistics are provided in the companion volume to this report, *State Court Caseload Statistics, 1998.*

State Court Caseload Statistics, 1998

The analysis presented in *Examining the Work of State Courts, 1998* is derived in part from the data found in *State Court Caseload Statistics, 1998.* The information and tables found in this latter volume are intended to serve as a detailed reference on the work of the nation's state courts. *State Court Caseload Statistics, 1998* is organized in the following manner:

State Court Structure Charts display the overall structure of each state court system on a one-page chart. Each state's chart identifies all the courts in operation in that state during 1998, describes their geographic and subject matter jurisdiction, notes the number of authorized judicial positions, indicates whether funding is primarily local or state, and outlines the routes of appeal between courts.

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

1998 State Court Caseload Tables contain detailed information from the nation's state courts. Six tables detail information on appellate courts, and an additional six tables contain data on trial courts (Tables 1-12). Tables 13-16 describe trends in the volume of case filings and dispositions for the period 1989-1998. These displays include trend data on mandatory and discretionary cases in state appellate courts and felony and tort filings in state trial courts over the past ten years. The tables also indicate the extent of standardization in the data for each state. The factors that most strongly affect the comparability of caseload information across the states (for example, the unit of count) are incorporated into the tables. Footnotes explain how a court system's reported caseloads conform to the standard categories for reporting such information recommended in the *State Court Model Statistical Dictionary, 1989.* Caseload numbers are noted as incomplete in the types of cases represented, as overinclusive, or both. Statistics without footnotes are in compliance with the *Dictionary*'s standard definitions.

The NCSC Court Statistics Project

The Court Statistics Project can provide advice and clarification on the use of the statistics from this and previous caseload reports. Project staff can also provide the full range of information available from each state. The prototype data spreadsheets used by project staff (displayed in the appendix of *State Court Caseload Statistics, 1998*) reflect the full range of information sought from the states. Most states provide far more detailed caseload information than can be presented in project publications. Information from the CSP is also available at HTTP:// NCSC.DNI.US on the World Wide Web. From the NCSC home page click on "NCSC Divisions" and then "Research" and then "Projects" to learn more.

Comments, suggestions, and corrections from users of *Examining the Work of State Courts, 1998, State Court Caseload Statistics, 1998* and the *Caseload Highlights* series are encouraged, and can be sent to:

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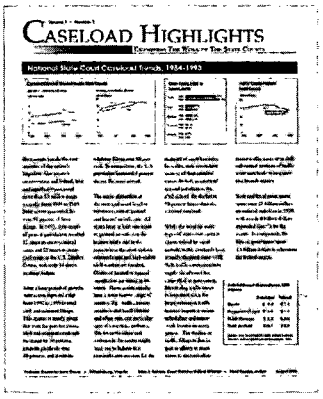

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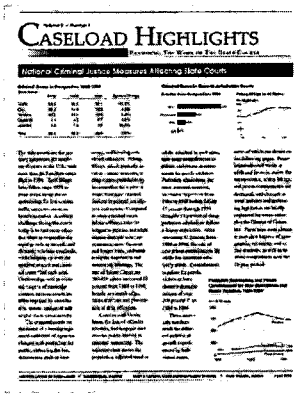

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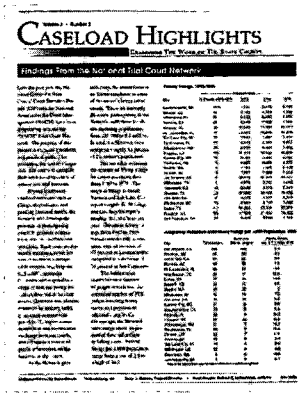

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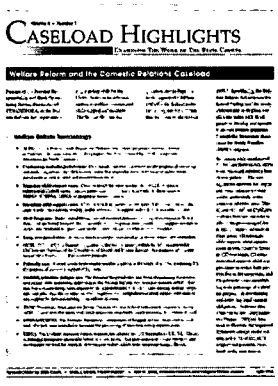

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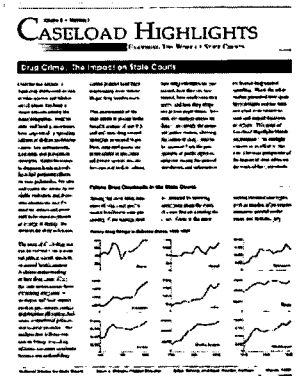

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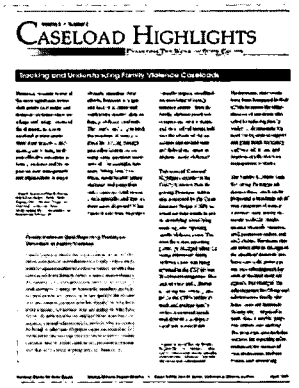

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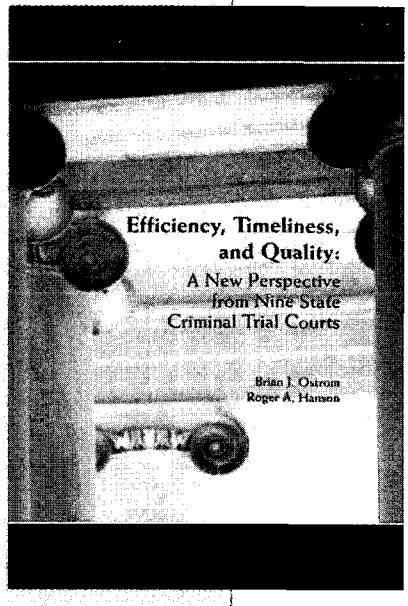

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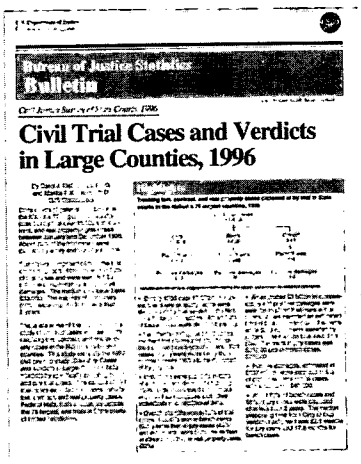

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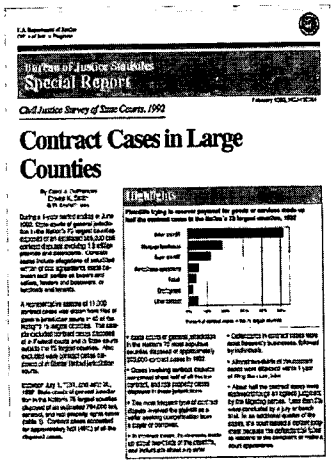

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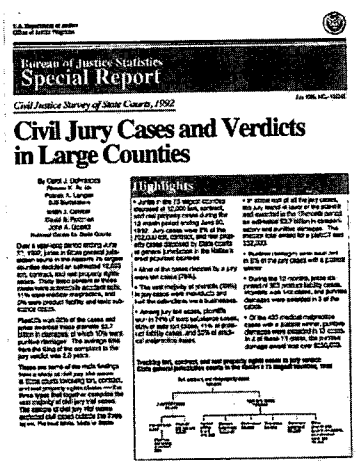

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