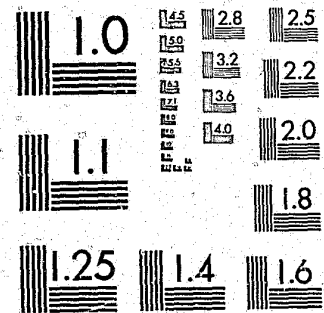


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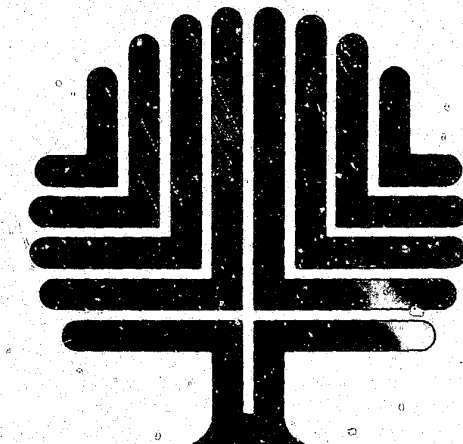
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## The business of state trial courts



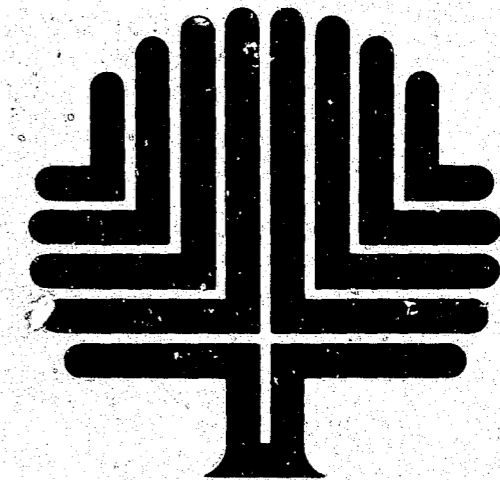
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# The business of state trial courts

The National Court Statistics Project  
of the National Center for State Courts  
&  
The Conference of State Court Administrators

Victor E. Flango  
Robert T. Roper  
Mary E. Elsner



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## THE BUSINESS OF STATE TRIAL COURTS

### Chapter I

#### INTRODUCTION

The bulk of the work of trial and appellate courts continues to have little immediate impact on the lives of most people most of the time. . . . Not surprisingly, when interviewers ask people what they know about what courts do, they learn that people generally know little, and that what people think they know is often wrong, or at least considerably askew. . . .<sup>1</sup>

The above observation of James Willard Hurst was made in 1981, not 50 or 100 years ago. One reason for the lack of public knowledge on the work of courts has been the lack of research on the topic. Without complete and accurate information, the public will rely on whatever information is available. Fifty years ago the Wickersham Commission report noted "the eagerness with which unsystematic, often inaccurate, and more often incomplete statistics available for this country are taken up by text writers, writers in periodicals, newspaper writers, and public speakers . . ."<sup>2</sup> As Hurst illustrates, the situation has not changed much in the last 50 years.

Before 1970, the emphasis of court-related research was on appellate courts in general and on the United States Supreme Court in particular. Not until the 1970s was extensive research conducted on state trial courts. Even these studies are marked by at least four limitations:

---

1. James Willard Hurst, "The Functions of Courts in the United States: 1950-1980," 15 Law and Society Review 1980-81, p. 402. See also Yankelovich, Skelly and White, The Public Image of Courts (Williamsburg, Va.: National Center for State Courts, 1978.)

2. National Commission on Law Observance and Enforcement, Report on Criminal Statistics (Washington, D.C.: Government Printing Office, 1931), p. 3.

1. Most deal with only a very limited number of sites, and these are mostly urban.
2. Few are longitudinal studies that cover a long period of time.
3. Many do not control for variations in court jurisdictions.
4. Most have no standard classification scheme for categorizing, and therefore counting cases according to subject matter.<sup>3</sup>

Since its start in 1977, the National Court Statistics Project (NCSP) has been able to make headway against all but the second of these limitations. The active involvement of the Conference of State Court Administrators (COSCA), the Bureau of Justice Statistics, and the National Center for State Courts in the NCSP ensures a coordinated approach to the collection, analysis, and dissemination of state court statistics. The country-wide compilations of state court caseloads in the State Court Caseload Statistics: Annual Report series is the only comprehensive source of state- and court-level data available.<sup>4</sup> The cooperation of state court administrators in providing and improving the data they already collect has enabled this project to succeed in becoming a national repository for state court statistics, where earlier efforts had failed.<sup>5</sup>

3. Hurst, op. cit., p. 407.

4. National Court Statistics Project, State Court Caseload Statistics: Annual Report, 1976 (Williamsburg, Va.: National Center for State Courts, 1980) and State Court Caseload Statistics: Annual Report, 1977 (Williamsburg, Va.: National Center for State Courts, 1982).

5. For documentation of past efforts to gather state court statistics, see National Court Statistics Project, State Court Caseload Statistics: The State of the Art (Washington, D.C.: National Criminal Justice Information and Statistics Service, 1978), ch. 2.

In addition to serving as a repository and clearinghouse for state court caseload statistics, the NCSP also assists states in improving the accuracy and completeness of their statistics. The subject-matter jurisdiction of each state court is contained in the profile section of the Annual Report series, and data that are comparable are presented together in the summary table section. In addition, the NCSP produced the State Court Model Statistical Dictionary<sup>6</sup>--a reference that creates the basic classification structure necessary for caseload inventory analysis and defines the associated terms. This reference helps resolve problems of case classification and makes case terminology from diverse state courts comparable.

The NCSP has not directly addressed the problem of the lack of historical caseload data. The longer the Annual Report series is continued, however, the more caseload data will be available to measure trends over time.

Since the NCSP serves as a repository for state court caseload and organization statistics, it is often called upon to supply information on caseload composition. Until now, sufficient cross-sectional or longitudinal data on state court caseloads have not been available to justify even the most tentative generalizations.

Although the gaps in caseload data will be readily apparent to the reader of this monograph, enough data are now available to warrant a general description of caseload composition and trends. Even the meager amount of information that is now available, however, may be sufficient

6. National Court Statistics Project, National Center for State Courts, State Court Model Statistical Dictionary (Washington, D.C.: U.S. Department of Justice, 1980).



to dispel some of the myths that have evolved around the work of the courts, in the absence of information.

Generalizations, even those at a high level of abstraction, can be informative. For example, a spate of articles and books discussing the hypothesized "litigation explosion" appeared in the sixties.<sup>7</sup> One commentator characterized the caseload increases as "hyperlexis--our national disease,"<sup>8</sup> while another called the number of cases "legal pollution."<sup>9</sup> A 1983 issue of Changing Times illustrates the tone of these articles:

Outraged by a referee's call, several Washington Redskins football fans file a lawsuit in federal court demanding that it be overturned. A young girl breaks her finger catching a fly ball in a school softball game; her parents sue the gym teacher, charging that she wasn't properly coached. The University of Michigan is sued for \$853,000 by a student who received a low grade in German. A convict whose sentence is increased for escaping sues the county and its sheriff, accusing them of negligence in failing to prevent the getaway. A 9-year-old girl sues the makers of Cracker Jack because her box contains no prize. Welcome to the age of litigation.<sup>10</sup>

7. See, e.g., Maurice Rosenberg, "Court Congestion: Status, Causes, and Proposed Remedies" in H.W. Jones, ed., The Courts, the Public, and the Law Explosion (Englewood Cliffs: Prentice-Hall, 1965). Only recently Chief Justice Burger referred to this "litigation explosion during this generation" in his article, "Isn't There a Better Way?" 68 American Bar Association Journal (1982), pp.274-77.

8. Christopher Manning, "Hyperlexis: Our National Disease" 71 Northwestern Law Review (1977) p. 767; Thomas Ehrlich, "Legal Pollution," 6 New York Times Magazine (1976) p. 17.

9. "Everybody Is Suing Everybody," Changing Times (April 1983), p. 76.

10. Marc Galanter, "Reading the Landscape of Disputes: What We Know and Don't Know (and Think We Know) about our Allegedly Contentious and Litigious Society," paper prepared for the National Conference on the Lawyer's Changing Role in Resolving Disputes, Harvard Law School, October 14-16, 1982, p. 5.

According to Galanter, the evidence normally cited for the existence of a litigation explosion has consisted of several developments:

- the growth in filings in federal courts
- the growth in size of the legal profession
- accounts of monster cases (A.T.&T., IBM, etc.) and the vast amounts of resources they consumed
- atrocity stories--i.e., citation of "outlandish" cases that seem petty or extravagant or both: "A woman has sued community officials for half-a-million dollars for forbidding her to breastfeed her child by the community wading pool." (Buffalo Courier-Express, Jan. 21, 1979, p. E-1.); a child sues his parents for "mal-parenting"; a disappointed suitor brings suit for being stood up on a date; Marvin vs. Marvin and its progeny; sports fans sue officials; players sue management; Indians claim vast tracts of land, etc.
- war stories--i.e., accounts of personal experiences by business and other managers about how litigation impinges on their institutions, ties their hands, impairs efficiency, runs up costs, etc.<sup>11</sup>

Even those who would deny basic rights to others, such as the Ku Klux Klan, use the courts to protect their own freedom of association. More recently, observers of courts have wondered whether the litigation explosion has reached a plateau or whether it ever really existed.<sup>11</sup>

Substantive data from state trial courts, where 98 percent of all court cases are filed, are seldom cited as evidence in the litigation explosion literature. Extrapolations based upon federal caseload data may not be appropriate because the reported federal caseload is influenced by national policy considerations. A change in federal civil rights law,

11. Jethro K. Lieberman, The Litigious Society (New York: Basic Books, 1981). See Charles D. Breitel, "The Quandary in Litigation," 25 Missouri Law Review (1960) pp. 225-38, for a discussion of the paradox of court congestion coupled with a decline in volume of litigation.

for example, may have an immediate and direct impact on federal court caseload but a more delayed, indirect effect on the work of state trial courts.

Even if the state trial court data are used, both geographical and jurisdictional variations among the states can influence the conclusions. For example, caseload may be increasing in sun-belt states at the same time it is declining in snow-belt states. Alternatively, medical malpractice and auto accident litigation could be increasing while filings in contract and non-auto-torts cases are declining. Stating that case filings have increased 50 percent in one state is misleading if parking violations account for much of the increase. It is not enough to assert that case filings are increasing. We must also be able to specify the dimensions of the problem by pinpointing the source of the increase. In this monograph, we describe the typical mix of cases filed in state courts in recent years and examine these data for clues to future trends.

Chapter II of this monograph discusses the methodology of the State Court Caseload Statistics: Annual Report series and the continuing problems of data comparability. Chapter III explores caseload composition by using the data presented in the annual reports to test common myths concerning court caseloads. Chapter IV relates patterns of caseload composition to population size and growth. This last chapter contains conclusions reached in this monograph.

## Chapter II

### CASELOAD DATA FROM STATE COURT ANNUAL REPORTS

From its inception, the NCSP has used data generated by existing state court statistical reporting systems. The states already use these systems to support their operational, management, planning, and research functions, and to provide data that these systems generate in their court annual reports. The NCSP compiles and summarizes these data to obtain national caseload totals. The advantage of this approach to data collection is that courts are not burdened with additional reporting requirements to meet the needs of an external agency, but continue to report the statistics that they currently use for their own local-level caseload management to the state administrative office of courts. The fact that these statistics are used by the courts themselves reassures us that the data reported are as complete and accurate as possible. Another major advantage of this approach is that data elements added and format improvements made in state court annual reports are likely to be carried over to succeeding years.

Therefore, basing the NCSP State Court Caseload Statistics: Annual Report series on state court annual reports yields the most accurate, comprehensive, and detailed statistics available.

Data for each Annual Report are collected through a comprehensive analysis of each state's annual report and other materials provided to the NCSP by state court administrators and appellate court clerks. After these data have been put into the NCSP reporting format, they are returned to state court administrators and appellate court clerks for verification. Although this methodology should yield accurate and



complete data, it depends upon timely receipt of annual reports from the state courts. Even with the cooperation of state court administrators, differences in reporting periods and publication schedules for each state court annual report, plus the time necessary to compile statistics into national totals, make a two- or three- year delay in producing the Annual Report series inevitable. This problem of timeliness can be mitigated by supplementing this series with the Advance Report series (a summary of current court caseloads obtained through a yearly survey of state court administrators). Preliminary data from the Advance Report are made available to those who need timely and basic aggregate figures on state court caseloads. These figures may be compared with those published in the states' annual reports when the corresponding volume of the NCSP's Annual Report series is published. The two methodologies of the Annual Report series and the Advance Report series thus complement each other.

It should be emphasized that generalizations based on caseload data should be viewed cautiously. Regardless of whether data are collected from state court annual reports or through a survey instrument, comparability is limited by variations in court organization and their associated differences in subject-matter jurisdiction, definitions of court statistical terms, reporting periods, and completeness of data reported.

Some states have intermediate appellate courts and courts of limited jurisdiction; others do not. Variations in court organization are associated with variations in subject matter jurisdiction. For example, data from a general jurisdiction trial court in a state with a unified trial court will include all types of cases from parking violations to felonies, and from small claims to large product-liability

torts. Data from a general jurisdiction court in another state may consist of data from a criminal division that hears only felony cases and data from a civil division whose jurisdiction involves sums of at least \$10,000--leaving misdemeanors, preliminary hearings, civil cases under \$10,000, and all other case types to limited jurisdiction courts. Therefore, caseloads of the general jurisdiction courts in those two types of states cannot be compared. The latter court will obviously have many fewer cases than the former. It would be more accurate to compare the caseloads of the unified trial courts with caseloads of both the general and limited jurisdiction courts in the second type of state. Another approach would divide the caseloads of the two states by subject matter, comparing filing rates for a specific case type in the unified trial court with filing rates for that same case type in general and limited jurisdiction courts of the second state-type. In order to compensate for differences in the size of the states, a further refinement, comparing filings per unit of population, might be introduced.

Definitions also affect comparisons. Particular drug offenses, for example, may be defined as felonies in one state and as misdemeanors in another. In fact, definitions within states do not remain consistent over time. An offense classified as a felony one year may be re-classified by statute as a misdemeanor the following year.

Comparisons may also be affected by differences in the periods for which data are reported. Most states report data by calendar year, but a sizable number use fiscal years with different starting dates. Yearly totals of filings and dispositions are relatively insensitive to the choice of start and end points for the reporting period since they include case volume for an entire year (i.e., a complete cycle of data).

Data are included for every month, so it makes little difference whether the data go from July through June or from January through December. If the caseload of a particular state or court is increasing each year, the caseload reported for a specific calendar year will be slightly larger than that which would have been reported for the associated fiscal year (which would have started six months earlier). But as long as the court maintains the same reporting period for successive years, the yearly change in filings or dispositions will not be distorted by the choice of reporting period. The size of the reported pending caseload, on the other hand, is sensitive to the selection of the start and end points of the reporting period.

Most courts have an established cycle of business that is reflected in the growth and decline of the size of the pending caseload during the year. This cycle, which may not be the same for all courts, is affected by the schedule of vacations, holidays, judicial conferences, and political events. To use an extreme example, consider a court that does not conduct trials for one month during the summer while its judges are on vacation. The clerk's office remains open all summer, so parties continue to file suits, but no trials are scheduled during the vacation month. Filings for some types of cases, criminal and juvenile matters in particular, may even increase during the summer. A modest number of cases may be disposed of during the vacation month without the action of a judge. Parties to civil suits may settle their cases, and the prosecutor may dismiss some criminal charges. These few dispositions probably would not be enough to offset the number of cases filed during the month, so during that month the number of cases pending will increase. At the end of the month, the court returns to its full

schedule of activity. The extra-large pending caseload at the end of the month is gradually reduced during the next eleven months. In this court, the choice of the start and end points for the reporting period will affect the size of the reported pending caseload. If the reporting period begins at the beginning of the vacation month, the pending caseload will be small. If this period starts at the end of the vacation month, it will be large.

Finally, incomplete data are a continuing problem. Sometimes data are not really "missing," but are simply reported in less detail than we would like. Medical malpractice, product liability, and all other types of cases will, of course, be heard in some court in every state, but may be aggregated into a "miscellaneous" or "other" category when the data are reported. For a person interested in statistics on medical malpractice or product-liability cases, the total number of civil cases filed, disposed, or pending is not helpful. The figures needed are included in the total data, but are not available separately. Another problem is the lack of complete information on caseload inventories. Most often, pending caseload statistics are not available, so there is no indication of how well the court is keeping up with its business. Pending data are less important for courts of limited jurisdiction, where cases are processed quickly with little delay between filing and disposition.

These two causes of missing data are really reflections of the way data are collected. The consequence of these types of missing data is a lack of information about specific case categories (e.g., medical malpractice cases) or portions of the caseload inventory (e.g., cases pending). The other cause of missing data, absence of some or all data



from specific court locations, affects all categories of data. This is a more difficult problem than can be solved in the short run. Inevitably, most missing data occur in limited jurisdiction courts. Under the best of conditions, these data can only be estimated from the relationships between population served, geographic area covered, or jurisdiction of the court and similar data reported for other locations of the same court. For those courts that report no data from any location, estimates must be based on the data from other courts in the same state or from similar courts in other states. The accuracy of estimates of caseload statistics is directly related to the quality of the data used in their calculation and the relevance of these data to the statistics being estimated.

Putting aside the inevitable problems of completeness and accuracy common to all data sets, case composition is as important as case volume in determining court workload. Different types of cases require different types and amounts of court resources for their resolution. For effective court management, we need information on both the number and type of cases to be disposed.

### Chapter III

#### MYTHS ABOUT COURT BUSINESS

In the popular image of courts, an adult is arrested for a crime, retains Perry Mason, and goes to trial before a jury in a dignified, wood-paneled and marble-floored courtroom.<sup>1</sup> As academic research becomes more sophisticated, it becomes fashionable to ridicule the myths the public believes about court business. The purpose of this chapter is to test empirically a series of these "myths" about courts.

#### Defining court business

Whether or not common myths about courts have a basis in reality depends upon the definition of "court" and "court business" being employed. Some of the misunderstandings about courts and their workloads are undoubtedly caused by different conceptions of courts. To illustrate how definitions influence the conclusions drawn, the myths will be tested using three perspectives of court business. Court business will be defined first as the total number of case filings, second as the total number of "serious" cases, and third as the total number of contested cases.

#### Court business as cases filed

In the broadest sense, court business is the disposition of all cases filed. Total filings reveal both the number of cases and the variety of cases courts are called upon to resolve. On the other hand,

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1. See Charles E. Silberman, Criminal Violence, Criminal Justice (New York: Vintage Books, 1978), p. 375.

several considerations must be taken into account before using total case filings as a measure of court business. The most serious problem is that case types are defined differently in each state. The State Court Model Statistics Dictionary recommends that traffic cases be separated from criminal cases in data reported.<sup>2</sup> In some states, a distinction is made between criminal cases and traffic cases, while in others all traffic offenses are considered criminal cases. In yet a third set of states, only serious traffic offenses, such as driving with a revoked or suspended license or driving while intoxicated, are counted as criminal cases. Obviously, comparisons among the three sets of states would be meaningless unless data are adjusted to account for differences in case type definitions.

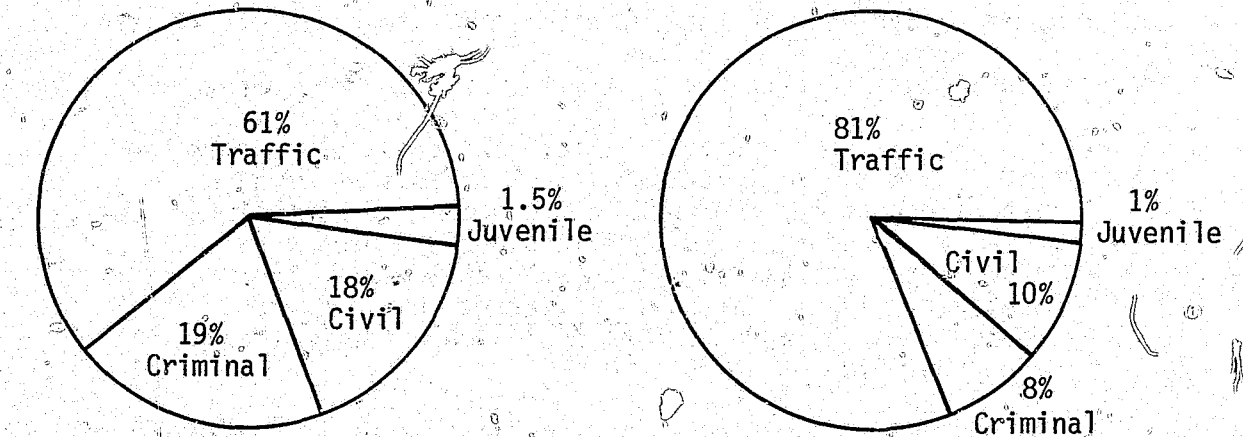
Figure 1 illustrates how the definition of one case category can affect the entire caseload composition. The two pie charts showing caseload composition in state trial courts are based upon data from states where complete data were available for criminal, civil, traffic, and juvenile cases.<sup>3</sup> Traffic cases make up the largest proportion of court caseload regardless of whether or not parking violations are included.

The pie chart on the left shows caseload composition in 20 states that do not count parking violations as traffic filings. In that chart,

2. State Court Model Statistical Dictionary, (Washington, D.C.: U.S. Department of Justice, 1980), p. 101. If states, such as California and Hawaii, which do include parking violations as traffic filings, record parking violations separate from other traffic filings, parking violations can be subtracted from traffic cases and thus make traffic filings comparable among states.

3. Victor E. Flango and Mary E. Elsner, "Advance Report: The Latest State Court Caseload Data" 7 State Court Journal (Winter 1983), pp. 16-23.

Figure 1. Impact of including parking violations as traffic filings on composition of state trial court filings, 1981/82



Data from 20 states reporting complete data that did not count parking violations as traffic filings.

Data from 7 states reporting complete data that counted parking violations as traffic filings.

traffic cases made up the 61 percent of the total case volume, criminal cases 19 percent, civil cases 18 percent, and juvenile cases 1.5 percent. The pie chart on the right shows caseload composition in the seven states where parking violations were included in the count of traffic cases bringing the traffic proportion of the total to 81 percent. When parking violations are counted as traffic filings, the proportion of total court case filings that are criminal cases changes from 19 percent to 8 percent, and the proportion of total court case filings that are civil also drops substantially, from 18 percent to 10 percent.

Traffic offenses make 86 percent of total court filings in California, but nearly two thirds of these traffic offenses (8,674,737) are parking violations. Roughly the same proportion of traffic cases were parking violations in Hawaii, Massachusetts, and New Jersey, also.



Another problem with using total case filings as a measure of court business is that filings represent demand for court services, but not the vast differences in the amount of time and resources it takes to process court cases. Derek Bok stated the problem this way:

Contrary to popular belief, it is not clear that we are a madly litigious society. It is true we have experienced a rapid growth in the number of complaints filed in our courts. But filings are often only a prelude to some kind of voluntary settlement. The number of disputes actually litigated in the United States does not appear to be rising much faster than the population as a whole.<sup>4</sup>

As Bok notes, one reason for the differences in the amount of time and resources it takes to process court cases is the number of cases that go to trial rather than being settled before trial. Another reason for the difference is that cases vary in complexity. Traffic cases, although representing a majority of total case filings, do not consume a majority of court time or resources. One way of compensating for the unequal draw on court resources is for each state to adopt some type of weighted caseload system.<sup>5</sup> Most states do not currently have "weighted" filing data available.

#### Court business as serious cases

Just as a researcher might automatically discount parking violations from court filings in Figure 1, members of the general public mentally separate "serious" court cases from the less serious. Although the precise division point between serious and not serious may vary among

4. Derek C. Bok, "A Flawed System," Harvard Magazine (May-June 1983), pp. 38-45.

5. Harry O. Lawson and Barbara J. Gletne, Workload Measures in the Court (Williamsburg, Va.: National Center for State Courts, 1980), pp. 51-59.

individuals, there should be agreement that some cases, e.g., felonies, are serious by definition and others, e.g., parking violations, are not. When a citizen goes to the courthouse to pay a fine or make a child support payment, he doesn't feel that he has been to court. Yet, these transactions may be counted as filings just as felonies and torts are.

Subject matter and level of court, though interrelated, may be used as indicators of serious cases. Serious cases are more likely to require court resources, including full trials before judges or juries.<sup>6</sup> To the extent that some types of cases, e.g., traffic and probate, could be subtracted from total caseloads, we would have a measure of serious cases. To do this, of course, would also be to eliminate from analysis caseloads from certain types of courts of special jurisdiction. In some states, indeed, courts can be divided into courts of general jurisdiction that hear serious cases, as defined by the amount of money in controversy in civil litigation and by maximum punishment in criminal cases, and courts of limited jurisdiction that hear "minor" cases. Most of these "minor" cases are traffic cases and lesser criminal cases, including felony preliminary hearings and ordinance violations. This division is easy to document and is an advantage for that reason. Unfortunately, the exact division of responsibilities among courts of general jurisdiction and courts of limited jurisdiction is different in each state.

The total criminal caseload of states, for example, may be pictured as a continuum with serious felonies at the left end and

6. Harry Kalven, Jr., and Hans Zeisel, The American Jury (Chicago: University of Chicago Press, 1966), ch. 2.

ordinance violations at the other. Courts of limited jurisdiction tend to decide cases at the right end of the continuum, and courts of general jurisdiction at the left end. The precise location of the line that divides all criminal jurisdiction between the two levels of courts, however, varies from state to state. Indeed, the jurisdiction of limited jurisdiction courts and general jurisdiction courts overlaps in some states. In other states, the jurisdiction of courts of limited jurisdiction is very narrow, with responsibilities restricted to ordinance violations and perhaps preliminary hearings. For these courts the dividing line would be drawn near Point C in Figure 2. Courts with limited jurisdiction over criminal cases may be assigned additional duties such as issuance of search warrants or gun licenses. In other states, such as Vermont, courts of limited jurisdiction hear all criminal cases except homicides and cases where the sentence may be life imprisonment. For these courts the dividing line belongs somewhere around Point A in Figure 2.

Figure 2. Division of jurisdiction for criminal cases

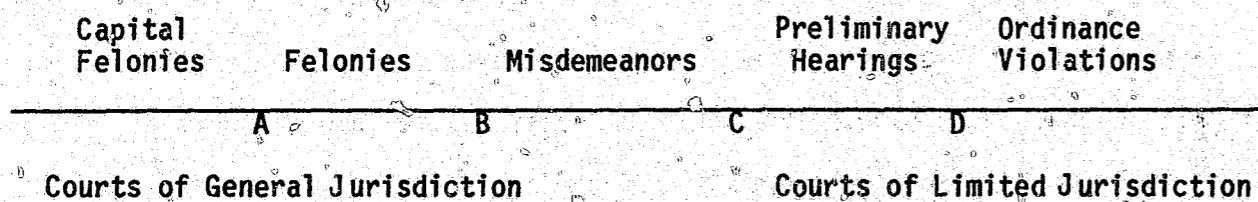


Table 1 demonstrates the consequences of operationally defining "serious cases" as those heard by courts of general jurisdiction. Table 1 and related Tables A (for 1976) and B (for 1977) in the appendix show that general jurisdiction courts hear about 8 percent of the cases heard in trial courts. By definition, these 8 percent are the most serious

Table 1. Filings in general jurisdiction courts by case category as a percent of total cases filed in general and limited jurisdiction courts, 1978

State	Percent of total caseload	Proportion by case category			
		Civil	Criminal	Traffic	Juvenile
Hawaii	11.8*	67.5	5.2	0.1	100.0
Alaska	10.5	47.6	5.9	0.0	100.0
California	9.4*	40.0	7.3	0.0	100.0
Washington	8.2	58.9	10.3	0.0	100.0
North Carolina	7.8	21.2	12.9	0.0	0.0
Virginia	6.6	13.6	15.7	0.0	0.0
Vermont	6.1	30.8	0.4	0.0	0.0
Connecticut	5.0	13.5	4.2	0.0	0.0
New Jersey	4.8*	16.0	7.2	0.0	0.0

\* Proportions calculated exclude parking violations.

cases. Even this percentage is on the high side, because some general jurisdiction courts hear juvenile cases and some do not. Therefore, by defining a court's workload by the seriousness of the offense, we are excluding more than 90 percent of the filings.

Table 2 shows that, almost without exception, states where more than 8 percent of the cases were filed in general jurisdiction courts were states whose general jurisdiction courts had exclusive jurisdiction over juvenile cases. This clearly demonstrates the impact of case type on the overall workload of general jurisdiction courts, and represents yet another control that must be exercised when trying to compare state data.

Table 1 further shows that general jurisdiction courts hear a small proportion (less than 16 percent) of criminal cases--the most serious cases. The pattern for civil cases, however, is mixed. In some states, as little as 5 percent of the civil caseload is handled in



Table 2. Filings in general jurisdiction courts  
as a percent of total cases filed in  
general and limited jurisdiction courts,  
1976, 1977, and 1978

State	Percent of total caseload			Percent of juvenile cases heard in general jurisdiction courts for all three years
	1976	1977	1978	
Hawaii	10.2*	11.8*	11.8*	100
Alaska	12.6	10.8	10.5	100
California	9.2*	9.4*	9.4*	100
Washington	11.6	--	8.2	100
North Carolina	4.6	8.1	7.8	0
Virginia	6.3	6.6	6.6	0
Vermont	--	7.8	6.1	0
Connecticut	5.5	5.3	5.0	0
New Jersey	5.0*	--	4.8*	0

\*Proportions calculated exclude parking violations.  
-- = Data were unavailable

general jurisdiction courts, while in others as much as 68 percent of the total civil cases are filed in general jurisdiction courts. In nearly all cases, however, a greater proportion of civil cases than criminal cases are filed in general jurisdiction courts. General jurisdiction courts hear virtually no traffic cases, another indicator that less serious cases are not heard in general jurisdiction courts. Once again, the limitation of defining cases by their seriousness, however, is that defining serious cases as those heard by general jurisdiction courts excludes serious cases heard by courts of limited jurisdiction.

#### Court business as contested cases

The public may already sense that courts are the focus of many activities other than dispute-resolution, and "weights" these activities accordingly. Perhaps the eradication of myths surrounding courts

requires a better definition of what constitutes a court and what is unique about court business. Cases are filed in agencies called courts, but how many "cases" are disposed without dispute or without adversaries meeting before the bench? Further, are other governmental agencies doing "judicial work," and how much "nonjudicial work" do courts do when they resolve disputes?

The settlement of disputes--the authoritative resolution of genuine differences between parties--is the function that most clearly fits the traditional definition of a court.<sup>7</sup> According to the Council on the Role of Courts, "despite the great variety of ways in which human disputes can be resolved over time courts have emerged as the most powerful, prominent, and influential institution for doing so."<sup>8</sup> The disputes settled involve a variety of parties and substantive areas of law. Courts perform a multitude of functions other than dispute settlement. They are frequently called upon to authorize arrests, to grant warrants for searches and seizures, and to perform other activities related to the adjudication process. One of these activities was defined by Friedman and Percival as "routine administration"--the processing of undisputed matters.

Courts make and keep records, register formalities, stamp their approval on claims or on changes of status; they handle uncontested divorces; render judgment in cases of petty debt; probate uncontested wills; handle petitions for change of

7. See Richard L. Abel, "A Comparative Theory of Dispute Institutions in Society," 8 Law and Society Review (1973), p. 217, for definition of a dispute.

8. National Conference of the Council on the Role of Courts, Final Report (St. Louis, May 7-9, 1982).

name. In these matters there is almost never any real dispute--at least none that comes before the court.<sup>9</sup>

Calling these matters routine is not to denigrate them. They are a substantial part of court workload because of their sheer numbers alone, but this type of administrative work is not adjudication and certainly does not involve the adversary process. Of course, serious issues sometimes do arise in "routine" cases--a traffic citation or a will may be contested--but most of these cases no longer reflect the once hotly contested areas of law, such as divorce and debt collection, that have now become routine. The definition of routine may also be expanded to cover cases with narrow and specific legal and factual issues that lend themselves to, or require, speedy disposition. One study found that 72 percent of observed cases took less than one minute of open court time.<sup>10</sup> In fact, routinized decisions may be a function of high case volume. The most highly routinized decisions are probably found in traffic courts,<sup>11</sup> although traffic cases are being routed more and more to administrative agencies for expedited, nonadversary disposition.

Should we be as alarmed about dramatic increases in traffic cases and other non-contested filings as we are about lesser increases in cases requiring adjudication? Or, since these routinized cases require more

9. Lawrence M. Friedman and Robert V. Percival, "A Tale of Two Courts: Litigation in Alameda and San Benito Counties," 10 Law and Society Review (1976), p. 210.

10. Maureen Mihelski, "Courtroom Encounters: An Observational Study in a Lower Criminal Court," 5 Law and Society Review (1971), p. 473.

11. Thomas Henderson et al., The Significance of Judicial Structure: The Effect of Unification on Trial Court Operations (Alexandria, Va.: Institute for Economic and Policy Studies, 1983), p.116.

administrative services than do cases that follow the full adjudication process, is it sufficient to increase the administrative staff in order to increase dispositions?

If court work could be neatly divided into non-contested cases and cases requiring adjudication, the implications for court resources would be clear. Unfortunately, court data are not yet available in enough detail to make the suggested division with any precision. Realistically speaking, however, the use of a measure based upon dispute resolution is just as appropriate as the use of raw filings for allocating judicial, personnel, and financial resources.

Counting trials is a direct way to measure contested cases. They are certainly the heart of court business and are one good indicator of contested cases. Like case filings, trials may vary in complexity and their demands for court time and resources. Some trials are long and others are short. Cases not culminating in a verdict or judgment are not counted as trials in some states. In addition, care must be taken to eliminate guilty pleas from criminal trials in these states that count guilty pleas as part of their trial disposition data. Another problem is that the number of trials is not readily available in a large number of states. Trial data are frequently missing in limited jurisdiction courts, and are not consistently available for some case-types even in general jurisdiction courts. These limitations make comparisons among states very difficult. For these reasons most trial-oriented analysis must be conducted at the court rather than on a statewide level.

With the various perspectives on court business defined, it is possible to examine some popular myths about court business.



Examining the myths

Myth 1. Criminal cases make up the bulk of court business

The focus on criminal cases in the media might lead a naive observer to conclude that criminal cases account for the majority of court business. A survey done for the National Center for State Courts showed that most people obtain their information about courts either through formal education or the media.<sup>12</sup> In that survey, the public viewed street crime as the most serious problem and regarded the inability of courts to play a key role in reducing crime as the most serious of all court problems.<sup>13</sup>

Myth 1 will be tested using data from the 1976, 1977 and 1978

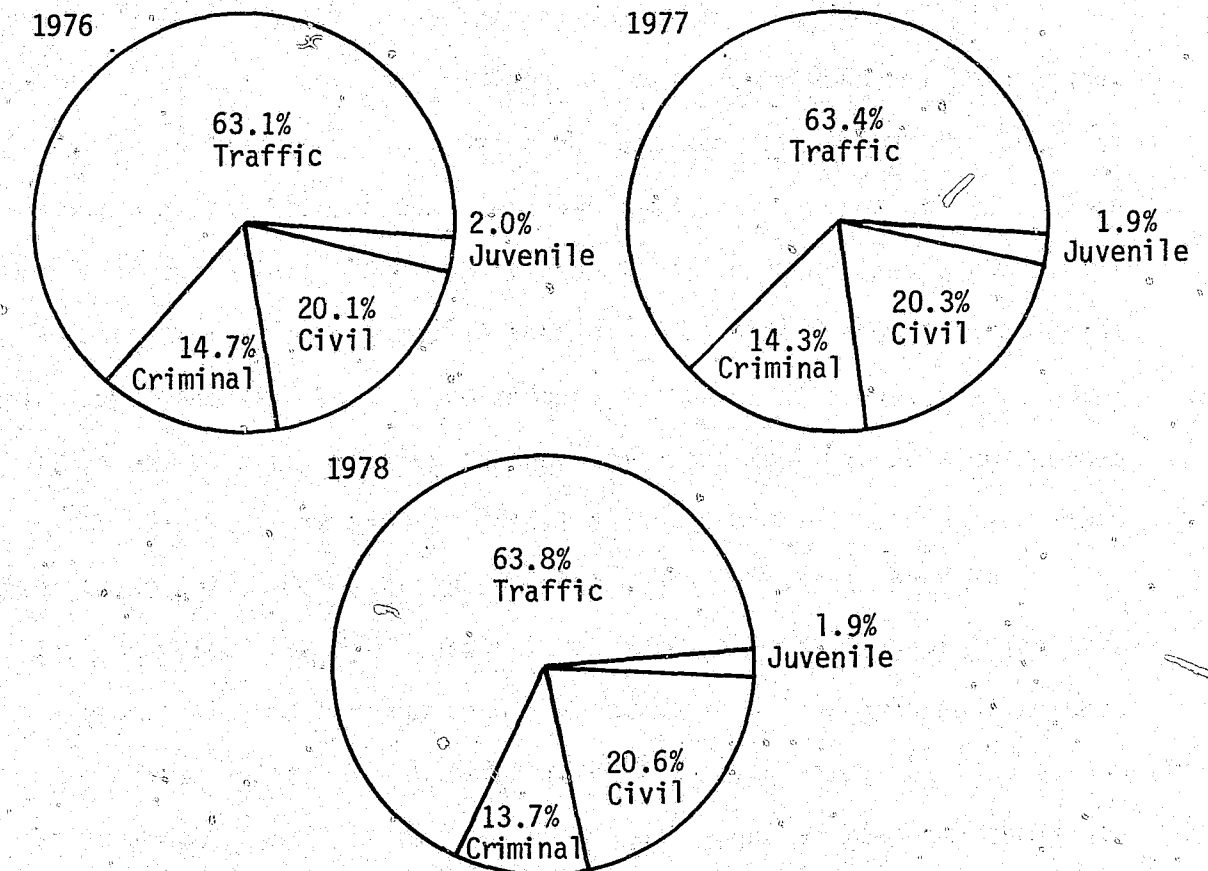
State Court Caseload Statistics: Annual Report series. Pie charts in Figure 3 present data from only those nine states that reported complete data on civil, criminal, traffic, and juvenile filings for all three years. Data from the remaining states were not included because each had some data missing from limited jurisdiction courts. Incomplete data from even one municipal, probate, or traffic court would change the relationship among caseload composition categories. Therefore, even if data from only one limited jurisdiction court in one court location were missing, all data from the state were excluded from the pie charts.

The fact that complete data were available from so few states was disappointing at first. On the other hand, no other data series comes close to having as much data, and most published research on state trial

12. Yankelovich, Skelly and White, Inc., "The Public Image of Courts" in State Courts: A Blueprint for the Future (Williamsburg, Va.: National Center for State Courts, 1978), p. 9.

13. Ibid., p. 32.

Figure 3. Composition of state trial court filings (excluding parking violations): 1976, 1977, and 1978



Data are from the same nine states (listed in Tables 1 and 2) reporting complete data in all three years. These states represented 23.1 percent of the total U.S. population in 1978. Raw data for these states and for others that have complete data for any one or two of these years can be found in Tables C, D, and E in the appendix.

courts is based on much less data. For example, Friedman and Percival based their classic study of litigation on two California counties between 1870 and 1980; Laurent's book used a hundred years of data from one rural Wisconsin county; McIntosh's findings were derived from St. Louis courts between 1882 and 1980; and Wanner's research was on civil

litigation in Baltimore, Cleveland, and Milwaukee for the years 1965 and 1970.<sup>14</sup>

Figure 3 shows consistency in the proportion of total caseload represented for each major case category for the years studied. In all three years, traffic filings made up approximately 63 percent of the total case filings. Civil cases represent the second largest category with a 20 percent share of total case volume. Criminal cases were the third largest case category, 14 percent of total case filings, and juvenile cases were the smallest proportion of the total caseload. The perception that criminal cases make up the bulk of court business, if court business is defined as cases filed, is only a myth.

Although recent evidence from the Advance Report indicates that criminal filings increased 31 percent between 1977 and 1981, the fact remains that composition of court caseloads appears to remain fairly consistent from year to year.<sup>15</sup> In other words, the total pie (caseload) is getting larger each year, but the slices (proportion of filings by category) are remaining constant. Despite the fact that from 1976 to 1978 the criminal slice of the pie actually decreased slightly,

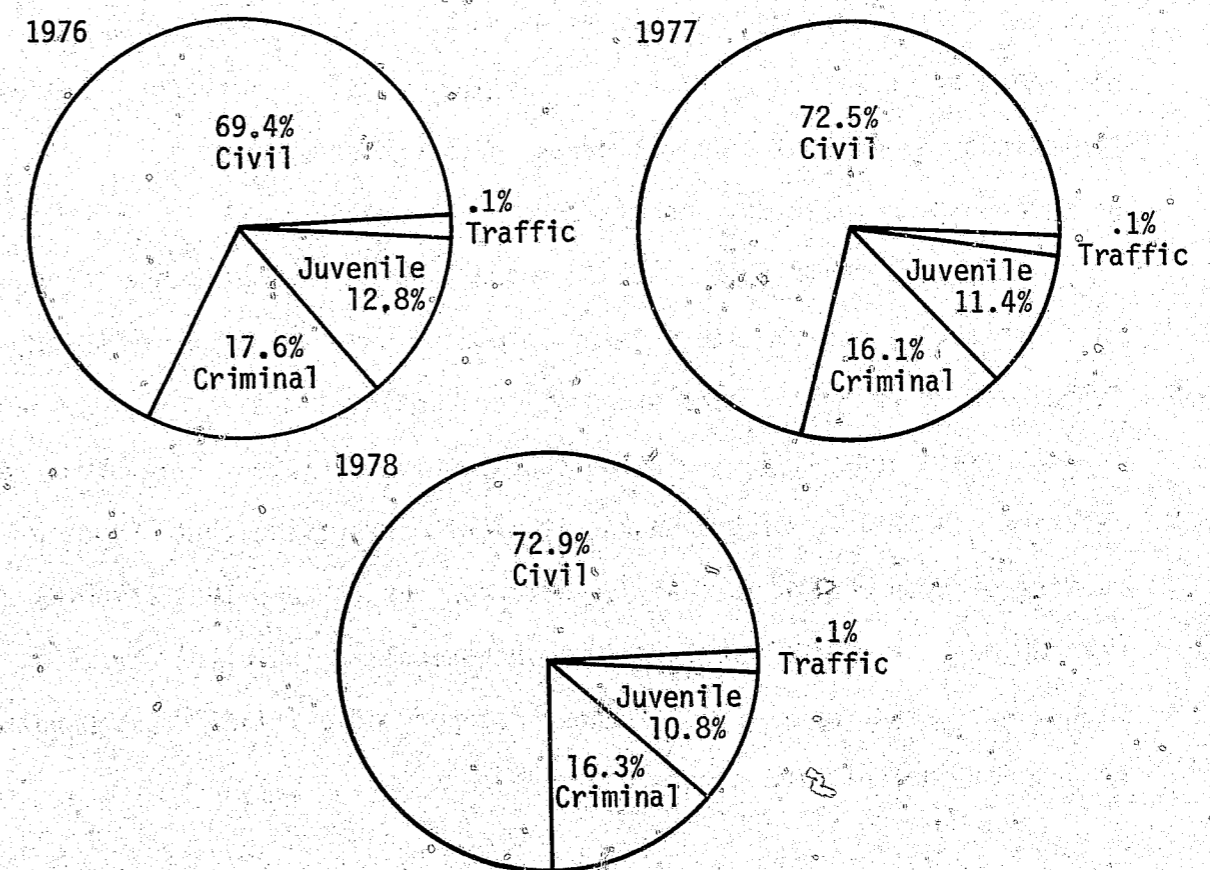
14. Friedman and Percival, op. cit., p. 267. Craig R. Wanner, "The Public Ordering of Private Relations, Part Two: Winning Civil Court Cases," 9 *Law and Society Review* (1975), p. 293; Wayne McIntosh, "150 Years of Litigation and Dispute Settlement," 15 *Law and Society Review* (1981), p. 823; Francis W. Laurent, *The Business of a Trial Court* (Madison: University of Wisconsin Press, 1959). The National Center for State Courts' study on delay used empirical data from 21 cities and its study of small claims courts was based on 15 courts. See John C. Ruhnka and Steven Weller, *Small Claims Courts: A National Examination* (Williamsburg, Va.: National Center for State Courts, 1978); and Thomas Church, Jr., A. Carlson, J. Lee, and T. Tan, *Justice Delayed: The Pace of Litigation in Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1978).

15. Flango and Elsner, loc. cit.

from 14.7 percent to 13.7 percent of the pie, the actual number of criminal filings increased from 2,250,591 to 2,274,653 in the nine states studied.

The pie charts in Figure 4 illustrate the composition of caseload in general jurisdiction courts. Using data from Alaska, California, Connecticut, Hawaii, North Carolina, and Virginia, we see that the criminal filings constitute approximately the same slice of the pie in general jurisdiction courts as they did when criminal filings in all trial courts were used (see Figure 3). The slice of the pie occupied by civil filings, however, greatly increases. In brief, while traffic cases make up the bulk of all trial court business, civil cases constitute the bulk of business in general jurisdiction courts.

Figure 4. Caseload composition in courts of general jurisdiction: 1976, 1977, and 1978





Defining adjudication as cases that require trials would put yet a third perspective on the myth. As discussed earlier, however, comparable state trial data are unavailable. Because only Idaho provides complete trial data for all case types across all courts, comparisons among states are not possible.

Myth 2. Most criminal cases filed are serious crimes (i.e., felonies)

A corollary to the myth that the bulk of court business consists of criminal cases is the myth that most criminal cases are serious offenses. One reason for this may be the publicity associated with the FBI crime index, along with the media's emphasis on criminal law in both entertainment and news.

Courts are part of the criminal justice system and as such are agencies concerned with public wrongs. The types of cases brought to criminal courts include not only felonies but also the more numerous misdemeanors, preliminary hearings of felony cases, non-traffic ordinance violations, appeals of criminal cases, extraordinary writs, post-conviction remedies, and sentence review cases.

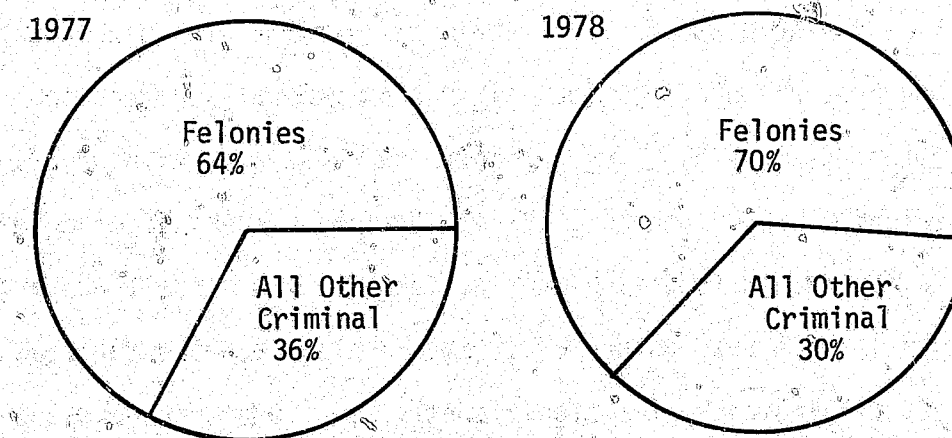
Table 3 shows felonies as a proportion of criminal case filings in seven states and the District of Columbia. For the states studied, felonies made up only 7 percent of all criminal filings.

Since general jurisdiction courts, by definition, hear almost all felonies and serious misdemeanors, it is not surprising that Figure 5, a testing of Myth 2 with general jurisdiction data, shows that felonies make up most of the criminal filings in general jurisdiction courts. Misdemeanors make up the next largest category of criminal cases handled by general jurisdiction courts.

Table 3. Felonies as a proportion of total criminal filings, 1976, 1977, and 1978

State	1976		1977		1978	
	Number of felonies	Percent of total criminal filings	Number of felonies	Percent of total criminal filings	Number of felonies	Percent of total criminal filings
Alaska	782	3	752	4	778	4
California	54,906	7	54,653	7	55,369	7
Dist. of Col.	4,227	13	3,417	12	3,415	12
Hawaii	1,551	4	1,551	4	1,729	4
Idaho	2,620	9	2,937	10	2,845	10
Illinois	30,645	6	31,663	6	34,260	7
North Carolina	29,010	7	29,584	7	30,576	7
Virginia	23,772	8	27,762	8	29,354	9
Total Percentage		6.9%		6.9%		7.3%

Figure 5. Composition of criminal case filings in general jurisdiction courts: 1977 and 1978



Note: Complete data for these years can be found in Tables F and G in the appendix.

Table 4 illustrates a third test of Myth 2. Only four states provide criminal trial data for all case types across all courts, and distinguish between felony and other criminal trials. Table 4 shows the proportion of criminal trials that were felony trials in 1978.

Table 4. Felony trials as proportion of criminal trials, 1978

State	Criminal Trials	Felony Trials	Percent Felony
California	26,002	7,493	29
District of Columbia	1,497	710	47
Florida*	14,578*	4,292	29
Idaho	18,071	2,052	13
Totals	58,148	14,547	25

Note: Data do not include preliminary hearings.

\*This figure does not include 479 appeals.

Measured as a proportion of criminal filings, felonies equal 7 percent; as proportion of criminal filings in general jurisdiction courts, felonies equal about 64 percent; and as a proportion of criminal trials, felonies are 25 percent. Except for the percentage of criminal filings in general jurisdiction courts, felonies are a small proportion of the courts' criminal business. It should also be noted that the importance of felonies varies significantly among states regardless of measures of court workload.

Myth 3. Civil case workload is mostly torts

Except for the occasional sensational trial, civil cases usually attract less attention from the media than do criminal cases. When civil cases are covered, however, they usually bring to mind the resolution of some sort of personal injury dispute. Such disputes are encompassed by

the tort case type.<sup>16</sup> In fact, torts usually call for more interpretation than other civil case types. The Civil Litigation Research Project, a large-scale, federally funded investigation of the costs of civil litigation, found that four of the five state courts in their sample were heavily dominated by tort cases, the largest component of which were motor vehicle injury cases.<sup>17</sup> Tort cases also make up most of the jury trials in civil cases and are used as the prototype of civil cases in studies of court delay and litigation costs.<sup>18</sup>

Table 5 presents data to test Myth 3 by the first dimension of workload, i.e., the number of filings in all courts. Alaska, California, Florida, and Washington also presented some tort data for 1976, 1977, and 1978; however, the data were incomplete across all court levels. Nevertheless, even those four states showed that torts comprised only 4 to 6 percent of total civil filings. This small share of the pie closely resembles the 4 to 10 percent of the pie illustrated by the four states presenting data in Table 5.

16. The State Court Model Statistical Dictionary defines torts as injuries to a person's body, property, reputation, or privacy. They include auto torts, malpractice, product liability, and alienation of affection cases. The civil case category, as defined by the National Court Statistics Project, includes not only torts and contracts but also the more numerous small claims, domestic relations, and probate cases. It also includes real property rights, mental health, civil appeals, extraordinary writs, and other civil cases.

17. Joel B. Grossman et al., "Dimensions of Institutional Participation: Who Uses the Courts and How?" 44 Journal of Politics (February 1982), p. 101. Tort cases made up between 18 and 76 percent of the caseload of the five federal courts in their sample.

18. Thomas Church, Jr., et. al., Justice Delayed: The Pace of Litigation in Urban Trial Courts (Williamsburg, Va.: National Center for State Courts, 1978), p. 9, and James S. Kalsklik and Abby Eisenshtat Robyn, Costs of the Civil Justice System (Santa Monica: Rand Corporation, 1982).

Table 5. Torts as a percentage of total civil filings:  
1976, 1977, and 1978

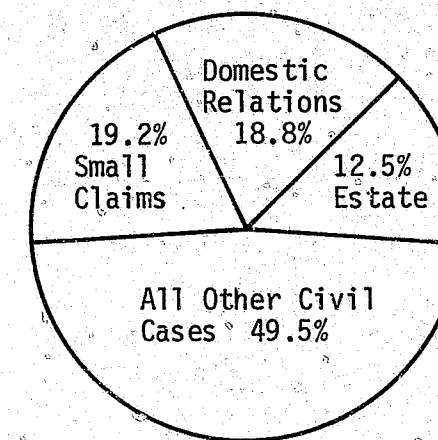
State	1976		1977		1978	
	Number	Percent	Number	Percent	Number	Percent
Hawaii	2,111	7	1,928	6	2,032	6
Idaho	1,484	4	1,608	4	1,728	4
Ohio	--	--	38,419	7	39,645	6
Wisconsin	8,281	4	--	--	18,584	10

If torts do not make up the bulk of civil filings, what civil cases do? The pie chart in Figure 6 displays the composition of civil filings. It is based on data from the four states reported in Table 5 for 1978 where civil filings could be separated into their components. Data for other states and years can be found in Tables H, I, and J in the appendix.

Figure 6 shows that small claims cases make up approximately 20 percent of the civil case filings. Small claims cases may be handled by special small claims courts, by the small claims division of general jurisdiction courts, or by non-specialized limited jurisdiction courts. In most states, special summary procedures dispensing with written pleadings, legal counsel, strict rules of evidence, or juries, are employed in small claims cases. Accordingly, they are less formal, less costly, and less protracted than most civil cases.

For those states examined, domestic relations cases made up nearly 19 percent of total civil filings. The domestic relations category includes cases involving family actions such as divorce, separation, annulment, support, custody, paternity, adoption, and termination of parental rights. Estate or probate cases comprise approximately 12 percent of the civil docket in the states studied.

Figure 6. Total civil case composition, 1978



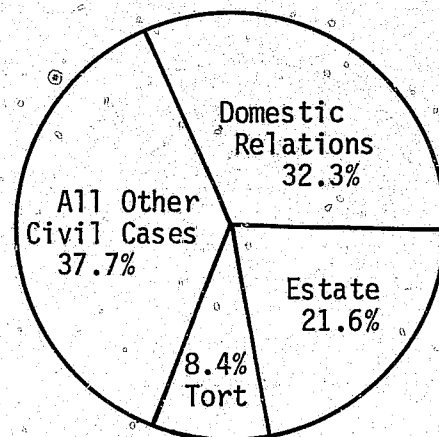
The remaining cases were not broken down further because the states used in Figure 6 were not consistent in their reporting of the remaining case categories. For this reason, torts were included in the "All Other Civil Cases" category.

One reason torts may have dominated filings in the Civil Litigation Research Project but not in this study is that the former research was based upon general jurisdiction data alone. Testing the proposition that torts dominate civil case workload with our general jurisdiction data yielded similar results. The percentage of total civil filings that were torts and estates did double when only courts of general jurisdiction were considered, but torts hardly dominate civil filings.

Figure 7 portrays the 1978 composition of civil case filings in general jurisdiction courts for the same four states reported in Table 5. Data for 1977 can be found in Tables K and L in the appendix.



Figure 7. Civil case composition in courts of general jurisdiction, 1978.



Comparing Figure 7, with Figure 6 and Table 5, we find that the occurrence of small claims in all courts is replaced in general jurisdiction courts by an increased role for domestic relations and estate cases. This wholesale replacement is attributed to the lack of small claims jurisdiction in courts of general jurisdiction.

The 1978 civil trial figures are broken down by case type in Table M in the appendix. California, Idaho, Oklahoma, and Wisconsin broke down court trials into the three civil categories: domestic relations, estate, and small claims. Data from these four states are illustrated in Figure 8.

Figure 8. Composition of civil trials, 1978

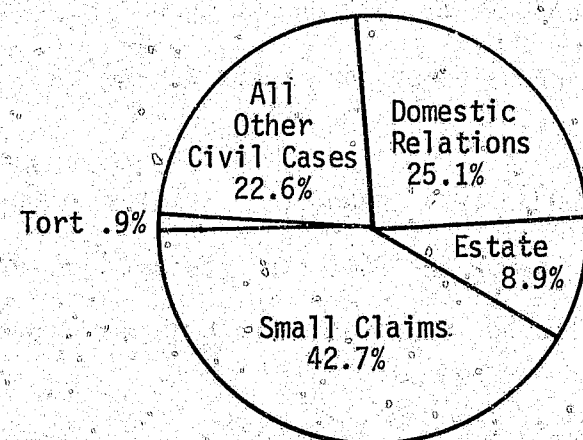


Figure 8 shows that the trial data approach to describing contested cases presents a composite picture of civil case filings in all trial courts (Figure 6) and civil case filings in courts of general jurisdiction (Figure 7). Small claims cases dominate civil trials as they dominate civil filings, but domestic relations trials are an important component of civil case trials, as they are of civil filings in general jurisdiction courts. Less than one percent of the civil trials in California and Idaho are torts, but five percent of the civil trials in Oklahoma are tort cases. As one possible explanation for this low trial rate, the Civil Litigation Research Project suggest in their report that tort cases can be singled out as a category of cases primarily terminated by settlement. Settlements were 88 percent in Milwaukee and 96 percent in Los Angeles.<sup>19</sup> The reader should also be reminded that the large number of civil trials in California tends to overwhelm data from the other states.

Myth 4. Most cases go to trial

Criminal Dispositions. There has always been conflict between the behavior of some individuals and general rules of law enacted by society or its representatives. Resolution of this conflict has assumed a variety of forms throughout history, ranging from personal retribution to trial by ordeal.

In the pursuit of resolving criminal disputes, the American judicial system has promulgated certain standards of procedural due process. These standards (e.g., the right to counsel and confrontation) were designed to protect the alleged criminal from harassment and false

19. Grossman et al. op. cit., p. 106.

prosecution by the state, while at the same time trying to attain truth in a criminal prosecution. The courts are often viewed as the guardian of these rights. In fact, despite the intrinsic political nature of conflict resolution, as a society we like to champion our courts as objective decision-makers immune from the usual political biases. Therefore, we believe that courts decide criminal cases fairly because they adequately ensure procedural due process.

The media have further contributed to the development of the notion that most criminal cases go to trial. The entertainment media's portrayal of courtroom practice through such popular programs as "Perry Mason," "Judd for the Defense," or "The Verdict" not only emphasizes the courtroom component of criminal justice but distorts the real procedures. From exposure to such programs, the layman must develop a sense that the right to counsel is implemented by polished attorneys who rarely err in style, that the right to confrontation is managed with a set of witnesses who are usually truthful and cooperative, and that, generally speaking, due process and the adversary system ensure that the truth will win out. As a result of recent U.S. Supreme Court decisions that have opened their access to the courtroom, the news media have furthered this portrayal of criminal justice in the courts by broadcasting edited tapes of real criminal trials. That these types of exposure to criminal trials are the only contact most laymen have with the criminal courts may artificially enhance the perceived central role of the trial as the primary means of resolution of criminal cases.

Table 6 presents summary data on the manner by which criminal cases were disposed in 1976, 1977 and 1978. These figures are from only those state courts that reported data for this entire three-year period.

**Table 6: Criminal dispositions for general and limited jurisdiction courts: 1976, 1977, and 1978**

	1976						1977						1978								
	Case type disposition	Pleas		Dismissals		Trials		Case type disposition	Pleas		Dismissals		Trials		Case type disposition	Pleas		Dismissals		Trials	
		#	%	#	%	#	%		#	%	#	%	#	%		#	%	#	%	#	%
<b>General jurisdiction courts*</b>																					
1. Totals for courts reporting data <sup>a</sup> .....	732,331			79,601	11%			744,936			71,171	10%			702,985			71,700	10%		
2. Totals for courts reporting data in states with limited jurisdiction courts <sup>b</sup> .....	497,065			56,410	11%			495,274			52,218	11%			467,696			54,222	12%		
3. Totals for courts reporting pleas, dismissals and trial data in states with limited jurisdiction courts <sup>c</sup> .....	376,861	207,012	55%	86,537	23%	44,625	11%	372,393	218,291	59%	88,088	24%	39,975	11%	375,365	220,204	59%	85,760	23%	37,669	10%
<b>Limited jurisdiction courts*</b>																					
1. Totals for courts reporting data <sup>d</sup> .....	1,659,092			132,469	8%			1,724,178			120,444	7%			1,789,939			124,736	7%		
2. Totals for courts reporting pleas, dismissals and trial data <sup>e</sup> .....	1,461,838	742,839	51%	321,427	22%	114,284	8%	1,471,904	742,587	50%	345,446	23%	104,124	7%	1,548,982	787,312	51%	363,001	23%	110,829	7%

\*Figures include only those state courts that reported data for this entire three-year period. Care was also taken to ensure case type comparability over this period. All the reported data for each of these years can be found in appendices N through S.

<sup>a</sup>Data were available from general jurisdiction courts in the following states: Alabama, Alaska, Arizona, California, Connecticut, District of Columbia, Georgia, Hawaii, Illinois, Indiana, Iowa, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming.

<sup>b</sup>Data were available for all of the general jurisdiction courts reported in footnote "a" except the following states: District of Columbia, Illinois, Iowa, and Vermont.

<sup>c</sup>Data were available from general jurisdiction courts in the following states: Alaska, Arizona, California, Connecticut, Georgia, Hawaii, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Texas, Utah, and Wyoming.

<sup>d</sup>Data were available from some limited jurisdiction courts in the following states: California, Florida, Georgia, Indiana, Minnesota, Ohio, Pennsylvania, and Texas.

<sup>e</sup>Data were available for all states reported in footnote "d" except Florida and Indiana.



More complete data for each of the individual years are available in Tables N through S in the appendix. Although the total figures presented in Table 6 are not nationwide totals, they do represent a good cross-section of states, based on size and geographic region. It should also be noted that care was taken to ensure case-type comparability over the entire three-year period. For example, a general jurisdiction court reporting felony trial data for all three years, but misdemeanor trial data for 1978 only, would have only its felony-related data included in the summary data. Therefore, the data may not be all-inclusive for a limited number of states.

Table 6 clearly illustrates the fallacy of any myth that most criminal cases are disposed of by formal trial proceedings. For the years 1976 through 1978, only 10 percent to 11 percent of all criminal cases were disposed of by trial in general jurisdiction courts in those states that have a two-tier trial court system. The distinction between general and limited jurisdiction courts was made because different types of cases are heard by the two levels of courts, and because of the expectation that felonies go to trial much more often than misdemeanors. However, even that expectation was not borne out by these data. As the state breakdowns in Tables N through S illustrate, although the trial disposition rate for felony cases is a few percentage points higher than for misdemeanors in general jurisdiction courts of some states, on the whole the differences are not noteworthy. One might argue that this similarity exists because most misdemeanors tried in general jurisdiction courts are of a more serious nature than those tried in the lower courts, and are therefore somewhat comparable with the less serious felonies that probably make up the bulk of the general jurisdiction courts' caseloads.

When we compare the trial disposition rate of limited jurisdiction courts (which rarely handle felonies) with that of general jurisdiction courts (which handle most of the felonies), however, we find the rates approximate each other in much the same way that the trial rates of felonies and misdemeanors in general jurisdiction courts did.

Although it is hard to escape the conclusion that trial rates are relatively unaffected by case type, a careful examination of Tables N through S suggests two explanations for variation among the state trial rates. The first explanation is that states use different standards to count trials. From an administrative perspective the choice of trial definition will affect the size of a jurisdiction's reported trial caseload data. Depending upon the state, a trial can be counted at any point from the voir dire to the delivering of a verdict. Obviously, every trial that is begun does not necessarily continue through to a verdict. Therefore, the trial disposition rate is lower if a state counts trials when a verdict is rendered than it would be if the state counted trials at any an earlier time such as the beginning of voir dire.

A second explanation for variation in trial disposition rates among the states is the size of the caseload of the courts. For courts that use the same trial definition, those with larger total caseloads have lower trial disposition rates. This is probably the result of limited space and resource constraints in the higher-volume courts. Unlike other forms of dispositions, trials call for access to some limited resources, such as courtrooms and judges. This implies that prosecutors may consider resource constraints in their decisions whether to go to trial.

The nature of trials may vary from state to state or from court to court within a state. Trials may also have become more complex over time. Friedman and Percival found a higher proportion of trials in California and Florida at the turn of the century than there are today, but the nature of these trials was different. In their words:

. . . Trial to most of us conjurs up a definite image: a real courtroom battle, with two sides struggling like young stags and the judge acting as umpire, applying fair and honorable rules. Reality was quite different. In many places, the normal case was nasty and short. We examined the minute books of a Florida county from the 1890's. Here trials lasted a very short time, half an hour at most. A jury was hurriedly thrown together. Case after case paraded before them.<sup>20</sup>

Other unmeasured explanations for the variation in trial disposition rates may involve various idiosyncracies relevant to state laws, prosecutorial philosophies and case screening policies, state legal cultures and norms, and the formal involvement of judges in the pretrial resolution stage.

Since it is established that approximately one out of every ten cases goes to trial, how are the remaining cases resolved? Moley demonstrated that negotiated pleas had replaced jury trials as the primary means of disposing of criminal cases by the middle of the nineteenth century.<sup>21</sup> Plea-bargaining is the process by which a defendant waives his right to trial in exchange for a reduction in the

20. Laurence N. Friedman and Robert V. Percival, The Roots of Justice (Chapel Hill: University of North Carolina Press, 1981), p. 193.

21. Raymond Moley, Politics and Criminal Prosecution (New York: Minton, Balch & Co., 1929), ch. 7. See also, Donald J. Newman, Conviction: The Determination of Guilt or Innocence Without Trial (Boston: Little, Brown & Co., 1978).

sentence, number of counts or charges, or the nature of the charge(s). Table 6 shows that more than half of the criminal dispositions in both limited and general jurisdiction courts were guilty pleas. Most of these guilty pleas resulted from plea bargains.

Recent U.S. Supreme Court rulings have done much to formally institutionalize the plea bargaining process by recognizing its value in the administration of justice as well as the need to protect a defendant's due process rights by bringing the entire process into the open. As with any bargain, the negotiated plea benefits both parties. While on the one hand it provides the defendant with a more lenient treatment than he expects he would receive if he went to trial, it also facilitates the conviction of guilty suspects where the prosecution has flimsy evidence, frees some trial time so the prosecutor can direct more of his energies and resources to the more serious cases, and provides the system with the flexibility to adjust to burgeoning local jail and state prison populations.

Heavy caseloads have long been viewed as the culprit that causes plea bargaining and hence the large number of guilty pleas.<sup>22</sup> Will lighter caseloads result in a greater proportion of dispositions by trial? Recent evidence indicates that caseloads are not necessarily the

22. See, e.g., Albert Alschuler, "The Prosecutor's Role in Plea Bargaining," 36 University of Chicago Law Review (1968) p. 51, and "Restructuring the Plea Bargain," 82 Yale Law Journal (1972), p. 286.

cause of plea bargaining.<sup>23</sup> Milton Heumann calculated the percentage of trials in total dispositions for the Connecticut Superior Court between 1880 and 1954 and found the average trial rate over this period was 8.7 percent.<sup>24</sup> This indicates that few cases went to trial 75 years ago when case pressures were much lighter than they are now.

Data presented in Tables N through S show no relationship between the workload of a court and guilty plea rates. For example, in 1978 Florida's 82,069 criminal dispositions were accompanied by the lowest proportion of guilty pleas (22 percent) of states reporting data, while Alaska (a state that has supposedly eliminated plea bargaining by state law) has more than double the guilty pleas of Florida (46 percent) with only 905 felony dispositions. Although these preliminary findings need to be controlled for the staffing level of prosecutors' offices, they do call into serious question the myth that guilty pleas are a result of heavy caseloads.

In addition to cases that are disposed by guilty pleas, a large percentage of criminal cases are disposed before trial. Nolle prosequi is a decision by the prosecutor not to pursue any or all charges against the defendant. A dismissal is a decision by the court to dismiss charges

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23. Milton Heumann, Plea Bargaining: The Experiences of Prosecutors, Judges, and Defense Attorneys (Chicago: University of Chicago Press, 1978); Malcolm M. Feeley, The Process is the Punishment: Handling Cases in a Lower Criminal Court (New York: Russell Sage Foundation, 1979); Peter Nardulli, "The Caseload Controversy and the Study of Criminal Courts," 70 Journal of Criminal Law and Criminology (1979), p. 125; Arthur Rosett and Donald Cressey, Justice by Consent (Philadelphia: Lippincott, 1976); Vera Institute, Felony Arrests: Their Prosecution and Disposition in New York City (New York: Longman, Inc. 1980).

24. Milton Heumann, "A Note on Plea Bargaining and Case Pressure," 9 Law and Society Review (Spring 1975), p. 520.

against a defendant. The results of both of these measures are the same--the charges against the defendant are dismissed, but the difference in the source of the dismissal sets these two dispositions apart. Table 6 shows that nearly one-fourth of the criminal dispositions between 1976 and 1978 were dismissals by either judges or prosecutors. From an administrative perspective this figure can be interpreted to mean that 25 percent of the cases disposed, for one reason or another, were improperly placed in the system. Some dismissals, of course, may be a result of plea bargaining. The dismissal rate appears to be approximately 25 percent regardless of whether we are talking about general or limited jurisdiction courts. The noteworthy dimension of this figure is that more than twice as many criminal cases are dismissed than go to trial. This fact certainly highlights the small percentage of criminal dispositions that are handled through trials.

Civil Dispositions. Like criminal cases, most civil cases are settled out of court. Professor Robert Fisher, chairman of the Harvard Negotiations Project, suggested that law firms should consider establishing settlement departments since more than 90 percent of all civil cases do not go to trial.<sup>25</sup>

In contrast, our Table 7 shows that slightly less than one-third of civil dispositions are by trial; this figure is significantly higher than trial dispositions rates for criminal cases. This higher trial rate in civil cases may result from the fact that there is less management incentive for civil attorneys to settle during the pretrial phase than

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25. Quoted in Joan M. Hall, "Chairman's Corner" 8 Litigation (Winter 1983), p. 14.



**Table 7: Civil dispositions for general and limited jurisdiction courts: 1976, 1977, and 1978**

General Jurisdiction courts*	1976				1977				1978			
	Case type disposition	Settlements/ dismissal #	%	Trials # %	Case type disposition	Settlements/ dismissal #	%	Trials # %	Case type disposition	Settlements/ dismissal #	%	Trials # %
1. Totals for courts reporting data <sup>a</sup> .....	2,159,181			554,299 26%	2,402,537			675,188 28%	2,497,959			685,177 27%
2. Totals for courts reporting data in states with limited jurisdiction courts <sup>b</sup> .....	1,975,684			520,897 26%	2,214,182			634,866 29%	2,319,834			643,424 28%
3. Totals for courts reporting settlement/dismissal and trial data in states with limited jurisdiction courts <sup>c</sup> ..	1,238,552	260,415	21%	419,847 34%	1,388,986	307,471	22%	444,479 32%	1,439,004	283,810	20%	448,487 31%
<b>Limited Jurisdiction courts*</b>												
1. Totals for courts reporting data <sup>d</sup> .....	2,439,656			729,127 30%	2,436,787			737,800 30%	2,680,993			845,430 32%
2. Totals for courts reporting settlement/dismissal and trial data <sup>e</sup> .....	1,709,651	636,382	37%	455,629 27%	1,678,936	536,747	32%	451,347 27%	1,834,962	511,862	28%	549,139 30%

\*Figures include only those state courts that reported data for this entire three-year period. Care was also taken to ensure case-type comparability over this period. All the reported data for each of these years can be found in appendices T through Y.

<sup>a</sup>Data were available from general jurisdiction courts in the following states: Arizona, California, Connecticut, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming.

<sup>b</sup>Data were available for all of the states reported in footnote "a" except District of Columbia, Idaho, Iowa, and Vermont.

<sup>c</sup>Data were available from general jurisdiction courts in the following states: Arizona, California, Hawaii, Minnesota, Ohio, Pennsylvania, South Carolina, Texas, Utah, and Wyoming.

<sup>d</sup>Data were available from some limited jurisdiction courts in the following states: Alaska, California, Hawaii, Indiana, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, and Utah.

<sup>e</sup>Data were available for all states reported in footnote "c" except Alaska, Hawaii, Indiana, Michigan, Minnesota, North Carolina, and Rhode Island.

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there is for prosecutors. There is probably a much higher caseload per prosecutor than per civil attorney. In short, the civil attorneys have much less to lose and perhaps more to gain financially by at minimum letting a case begin the trial process. In many instances, filing a complaint is only a notice that the plaintiff is serious. Legal action leads to negotiations. This tactic probably yields a higher dollar settlement. In fact, the plaintiffs' attorneys may be using the initiation of a trial as a sign of their clients' commitment to a pre-trial offer made to the respondent. In addition, like criminal cases, type of case does not explain statewide variation in trial disposition rates. Tables T through Y in the appendix show the individual state breakdown for those states reporting civil disposition data.

In conclusion, according to data from 1976 through 1978, most cases, civil as well as criminal, disposed in general jurisdiction and limited jurisdiction courts do not go to trial. This finding is consonant with the results of the Friedman and Percival study, which cited increases in the proportions of uncontested judgments and plaintiff victories and decreases in the proportion of matters brought to trial as evidence of "a strong trend away from dispute settlement."<sup>26</sup>

Myth 5. Most trials are conducted before juries

Criminal trials. The framers of the U.S. Constitution took great care to guarantee a right to trial by jury.<sup>27</sup> The U.S. Supreme Court has watched over and reinforced the strong jury tradition in the federal

26. Friedman and Percival, op. cit., 287.

27. Art. III, §2, cl. 3, USC; Amendment 6, USC.

courts with great vigilance. However, it was not until Duncan v. Louisiana, 1968 (one hundred years to the day after the passage of the Fourteenth Amendment) that the U.S. Supreme Court endorsed the jury in criminal cases as so "... fundamental to the American scheme of justice," that it was subsequently incorporated into the due process clause of the Fourteenth Amendment, making that right applicable to non-petty criminal cases in state courts.<sup>28</sup> In fact, two years later the U.S. Supreme Court expanded the scope of this right by holding that states must provide trial by jury for all persons charged with offenses that are punishable by a possible sentence of six months in prison.<sup>29</sup>

The Court's emphasis on the importance of the jury has not ended with Duncan v. Louisiana. It has further concerned itself with four dimensions of jury decision-making: the jury's decision-making structure;<sup>30</sup> the extent to which the jury is a representative body;<sup>31</sup> the controlling of extraneous influences on a jury's deliberations;<sup>32</sup>

28. Duncan v. Louisiana, 391 U.S. 145, 149 (1968).

29. Baldwin v. N.Y., 399 U.S. (1970).

30. See: Williams v. Florida, 399 U.S. 78 (1970); Colgrove v. Battin, 413 U.S. 149 (1973), and Ballew v. Georgia, 435 U.S. 223 (1978) are relevant to the size of juries; Johnson v. Louisiana, 406 U.S. 356 (1972) and Apodaca v. Oregon, 406 U.S. 404 (1972), are relevant to the size of the majority needed to reach a decision; and Burch v. Louisiana, 441 U.S. 130 (1979), is relevant to the interactive effect of jury size and decision-rule.

31. E.g., the juror selection cases of Ham v. Carolina, 409 U.S. 524 (1973); Murphy v. Florida, 421 U.S. 794 (1975); Taylor v. Louisiana, 419 U.S. 522 (1975); and Duren v. Missouri 439 U.S. 357 (1979).

32. E.g., the prejudicial pretrial publicity cases starting with Nebraska Press Association v. Stuart, 427 U.S. 539 (1976); and other external bias cases, e.g., Smith v. Phillips, 102 S. Ct. 940 (1982).

and the significance of the judge's instructions just prior to deliberations.<sup>33</sup> All of this attention might lead one to the conclusion that the jury plays a significant role in the administration of justice. In fact, Silberman called jury trials "the focal point of the whole legal process--its very essence and reason for being."<sup>34</sup>

Furthermore, mentioning a trial conjurs up an image of an adversarial proceeding acted out before a jury. Perhaps this too is a by-product of the media's treatment of trials. The rebroadcasting of sensational trials almost always includes the scanning of a jury. This image is enhanced by the entertainment industry's emphasis on the protective role of juries in such movies as "Twelve Angry Men," "And Justice For All," and more recently, "The Verdict." This protective role is also mentioned by the U.S. Supreme Court. In Duncan the Court wrote: "Those who wrote our Constitution knew from history and experience that it was necessary to protect against unfounded criminal charges brought to eliminate enemies and against judges too responsive to the voice of higher authority. . . . Providing an accused with this right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge."<sup>35</sup>

Therefore, it is not beyond the realm of possibility that the public would develop the impression that most trials are conducted before

33. E.g., Lakeside v. Oregon, 98 S.Ct. 1091 (1978); Taylor v. Kentucky 98 S.Ct. 1930 (1978); and Carter v. Kentucky 101 S.Ct. 1112 (1981).

34. Silberman, op. cit., 375.

35. Duncan v. Louisiana, 391 U.S. 145, 156 (1968).



juries. This impression might be reinforced by the likelihood that the public's most frequent encounter with trial courts would come in the form of jury duty.

Table 8 presents summary data for the method of criminal trial dispositions during the years 1976, 1977, and 1978. These figures are from only those state courts that reported data for the entire three-year period. More complete data from each of these years can be found in Tables Z through BB. Although the national figures presented in Table 8 are incomplete, they are once again a good representation of the states based on size and geographic location.

Examining the jury trial rate for all general and limited jurisdiction courts reporting data in 1978, one finds that only 32,576 of the 194,999 trials (or 17 percent) were jury trials. This finding tends to support the notion that it is a myth that most trials are conducted before juries. In fact, this paucity of jury trials is an often-cited assumption by academicians. Kalven and Zeisel, in their classic study of jury behavior, The American Jury, suggest that, "A fundamental fact about the jury trial is that it is the mode of final disposition for only a small fraction of all criminal prosecutions."<sup>36</sup> Although this is an empirical fact, it is often used to support allegations about the insignificance of the American jury.

Table 6 shows that in 1978 only 10 percent of all dispositions were trials of any kind. Therefore, even if all trials were conducted before juries, they would only be a small proportion of all trials. The

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36. Harry Kalven, Jr. and Hans Zeisel, The American Jury (Chicago: University of Chicago Press, 1971), p. 14.

**Table 8: Criminal jury dispositions: 1976, 1977, and 1978**

	1976			1977			1978		
	Total trials	Jury trials #	%	Total trials	Jury trials #	%	Total trials	Jury trials #	%
<b>General Jurisdiction courts*</b>									
1. Totals for all courts reporting data <sup>a</sup> .....	76,307	30,758	40%	67,729	31,052	46%	63,580	29,645	47%
2. Totals for courts reporting data in states with limited jurisdiction courts <sup>b</sup> .....	53,116	27,330	51%	48,776	27,495	56%	46,195	26,340	57%
3. Felony totals for courts reporting data in states with limited jurisdiction courts <sup>c</sup> .....	20,379	11,882	58%	19,875	12,791	64%	18,299	12,003	66%
<b>Limited Jurisdiction courts*</b>									
1. Totals for all courts reporting data <sup>d</sup> .....	130,092	2,476	2%	127,070	2,799	2%	131,419	2,931	2%

\*Figures include only those state courts that reported data for this entire three-year period. Care was also taken to ensure case-type comparability over this period. All the reported data for each of these years can be found in appendices Z, AA, and BB. Trials include only those that ended in a verdict (including directed verdicts). Guilty pleas, mistrials, dismissals, etc., that occurred after a trial began were excluded from this analysis where possible. The unit of count is the defendant in most cases. Three additional caveats were required to make the data comparable over three years: data from the Recorder's Court of Detroit were excluded; data from Vermont's Superior Court and District Court were combined; and the County Court Function data in Indiana were included with the Superior Court and Circuit Court data.

<sup>a</sup>Data were available from general jurisdiction courts in the following states: Alaska, Arizona, California, Connecticut, District of Columbia, Georgia, Hawaii, Illinois, Indiana, Iowa, Michigan, Minnesota, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming.

<sup>b</sup>Data were available for all the courts reported in footnote "a" except District of Columbia, Illinois, Iowa, and Vermont.

<sup>c</sup>Data were available from general jurisdiction courts in the following states: Alaska, California, Georgia, Michigan, Ohio, Oregon, and Wyoming. Case-type breakdowns were unavailable for the other states reporting data in footnotes "a" and "b."

<sup>d</sup>Data were available from some limited jurisdiction courts in the following states: Indiana, Michigan, Minnesota, Ohio, and Texas.

real worth of the jury comes into play when conflicts are of such a magnitude that both sides to the dispute want an impartial judgment of either a jury or a bench trial. Our 1978 data suggest that in such circumstances, the jury is called upon to resolve conflict in almost one out of every five trials in general and limited jurisdiction courts--this hardly portends the demise of the jury system. Between 1976 and 1978, 63 percent of all felony trials in courts reporting trial data were conducted before juries. During that same period, 61 percent of criminal trials in the Federal District Courts were also conducted before juries.<sup>37</sup> In fact, these figures approximate the 60 percent jury trial rate in 1945 for major crime controversies reported in The American Jury.<sup>38</sup>

The jury trial rate is 17 percent overall because most trials are conducted in limited jurisdiction courts, but only 2 percent of the limited jurisdiction trials are jury trials. Since such a small percentage of limited jurisdiction courts, as compared with general jurisdiction courts, reported trial data, even the 17 percent estimate of the national figure is probably highly inflated.

Nevertheless, since the stakes in limited jurisdiction courts are significantly less than those in their general jurisdiction counterparts, there is less reason to expect parties to invest the resources necessary to conduct a jury trial. The large variance in jury trial rates between the two types of courts may also be explained by the fact that some

37. Annual Report of the Director (Washington, D.C.: Administrative Office of the U.S. Courts, 1981), p. 127.

38. Kalven and Zeisel, op. cit., p. 18.

states require approval of the prosecutor and judge for a defendant to waive his right to a jury trial, and such approval may be withheld for a variety of reasons.<sup>39</sup> In fact, there is not even a right to a jury trial in cases where the possible sentence is less than six months.<sup>40</sup>

Most people probably view criminal trials as those assuming the form of trials in general jurisdiction courts. In this sense, the myth that most criminal trials in general jurisdiction courts are conducted before juries is not a myth at all. Between 1976 and 1978, more than half of the criminal trials were conducted before juries. In addition, although we cannot measure the impact of a jury trial "threat" on a defendant's propensity to plea-bargain--the impact may be significant.<sup>41</sup> Defendants seek to avoid trial because they fear harsher sentences if convicted and fear that the state's witnesses, especially police officers, will have more credibility, and fear their lawyer's reluctance to go to trial.<sup>42</sup> Kalven and Zeisel were correct in their assertion that ". . . the jury, like the visible cap of an iceberg, exposes but a fraction of its true volume."<sup>43</sup>

Civil Trials. Although Tables 6 and 7 showed that civil cases go to trial significantly more often than criminal cases, Tables 8 and 9 provide evidence that in general jurisdiction courts, criminal cases are

39. Baldwin v. N.Y. (1970).

40. Kalven and Zeisel, op. cit., pp. 22-30.

41. Ibid, p. 31.

42. Jonathan D. Casper, American Criminal Justice: A Defendant's Perspective (Englewood Cliffs, N.J.: Prentice-Hall, 1972).

43. Kalven and Zeisel, op. cit., p. 32.



**Table 9: Method of civil trial dispositions: 1976, 1977, and 1978**

	1976			1977			1978		
	Total trials	Jury trials #	Jury trials %	Total trials	Jury trials #	Jury trials %	Total trials	Jury trials #	Jury trials %
<b>General jurisdiction courts*</b>									
1. Totals for all courts reporting data <sup>a</sup> .....	482,934	21,457	4%	509,843	19,820	4%	512,754	19,083	4%
2. Totals for courts reporting data in states with limited jurisdiction courts <sup>b</sup> .....	465,638	20,757	4%	491,467	18,949	4%	492,341	18,352	4%
<b>Limited jurisdiction courts*</b>									
1. Totals for all courts reporting data <sup>c</sup> .....	317,174	5,541	2%	328,163	5,688	2%	295,728	4,767	2%

\*Figures include only those states that reported data for the entire three-year period. Care was also taken to ensure case-type comparability over this period. All the reported data for each of these years can be found in appendices CC, DD, and EE.

<sup>a</sup>Data were available from general jurisdiction courts in the following states: Alaska, Arizona, California, Connecticut, District of Columbia, Hawaii, Iowa, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming.

<sup>b</sup>Data were available for all of the courts reported in footnote "a" except District of Columbia, Iowa, and Vermont.

<sup>c</sup>Data were available from some limited jurisdiction courts in the following states: Alaska, Connecticut, Indiana, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, South Carolina, Texas, and Utah.

conducted before juries at a much greater rate than are civil cases.

Table 9 demonstrates that merely 4 percent of all civil trials in general jurisdiction courts between 1976 and 1978 were conducted before juries, as compared with almost 50 percent of criminal trials.

The difference in criminal and civil jury trial rates in general jurisdiction courts can be attributed to the inclusion of a large percentage of the civil component case types that are not conducive to jury trials. Table EE, which illustrates the state breakdowns for states reporting civil trial data in 1978, clearly shows that domestic relations and estate cases (which make up a clear majority of the civil workload of general jurisdiction courts) have a jury trial rate of less than 1 percent (e.g., Arizona, California, New Jersey, Ohio and Texas). This large volume of cases tends to drag down the rather high jury trial rate for auto and other torts (e.g., 63 percent in Hawaii, and 76 percent in Michigan). This simply means that the jury trial rate in civil trials varies by case type as it does in criminal trials but that the distribution of such civil case types by general and limited jurisdiction courts is not as neatly distributed as it is in criminal trials.

Thus far we have focused on a description of the workloads of state courts, and how those workloads are managed. The final myth devotes some attention to the decisions of courts.

Myth 6. Most defendants are acquitted

One clear by-product of the criminal due process decisions of the United States Supreme Court under Chief Justice Earl Warren is a belief that the courts are acquitting (or at least releasing) criminals. Results of one survey support the notion that the public thinks courts are, at minimum, too lenient with criminals. In 1980, 83 percent of

those surveyed said the courts are not dealing harshly enough with criminals.<sup>44</sup> This, coupled with news stories about crime committed by recidivists who are released by the courts, creates an impression that most (or at least a substantial minority of) defendants are being set free.

The fact is that most criminal dispositions between 1976 and 1978 resulted in defendants' admissions of guilt. In sum, most defendants were not acquitted, but were convicted of their own choice. Table 6 illustrates that between 1976 and 1978, 50 percent to 59 percent of criminal dispositions, in both general and limited jurisdiction courts, were guilty pleas. The problem then becomes one of identifying what happens to defendants at the trial stage.

A corollary to Myth 6 is that trials courts acquit defendants more than they convict. Some logic supports this expectation. If the "easy" cases are resolved by plea, can one assume that the remaining cases are based on more tenuous evidence, and thus go to trial? These are the cases where defense counsel estimates that there is a chance for acquittal. In fact, the defense must calculate that the chance is sufficiently large to risk the likelihood of receiving a higher sentence upon conviction than if they had entered a guilty plea. Therefore, at worst, defense counsel might estimate a 50-50 chance of acquittal before going to trial. Some defendants may insist on a trial regardless of the probability of acquittal. Of course, some people arrested and charged with crimes are indeed innocent. These innocent defendants may be

44. Sourcebook of Criminal Justice Statistics-1981 (Washington, D.C.: U.S. Government Printing Office, 1982), pp. 204-205.

willing to risk the stiffer potential sentence if convicted at trial for the possibility of being acquitted rather than accept the certain punishment they would receive if they pled guilty.

Table 10 illustrates that for most defendants any expectation of acquittal is unfounded (based on the limited number of states reporting such data). Two-thirds of all defendants who went to trial in general jurisdiction courts during 1977 and 1978 were convicted. An even higher percentage of those tried in limited jurisdiction courts (78 percent) met a similar fate. These figures are not significantly different from the figures of the 1977 and 1978 trial conviction rate of 77 percent in the federal district courts,<sup>45</sup> nor from those of three classic case studies. Eisenstein and Jacob found a felony defendant trial conviction rate that varied from 68 percent to 76 percent among the three cities of Baltimore, Chicago, and Detroit.<sup>46</sup> The Vera Institute of Justice found a trial conviction rate in New York City of 63 percent in 1977.<sup>47</sup> Finally, Blumberg describes the jury trial conviction rate for serious crimes in his Metropolitan Court as ranging from 75 percent to 92 percent between 1950 and 1964.<sup>48</sup> In short, it is a myth that courts acquit defendants more often than they convict them. Perhaps Blumberg put it best by saying, "It would appear at least tentatively that once one is

45. Ibid, p. 404.

46. James Eisenstein and Herbert Jacob, Felony Justice (Boston: Little, Brown, 1977).

47. Vera Institute of Justice, Felony Arrests (New York: Longman, Inc., 1981).

48. Abraham S. Blumberg, Criminal Justice (Chicago: Quadrangle Books, 1970).



**Table 10: Trial conviction rates: 1977 and 1978**

	1977			1978		
	Trials #	Convictions #	Convictions as a % of trials	Trials #	Convictions #	Convictions as a % of trials
General Jurisdiction*						
Totals for courts reporting data <sup>a</sup> ...	23,768	16,452	69%	23,005	15,610	68%
Limited Jurisdiction*						
Totals for courts reporting data <sup>b</sup> ....	134,955	105,341	78%	144,946	112,603	78%

\*Figures include only those state courts that reported data for this entire two-year period. Data from 1976 were not included to ensure case-type comparability over this period. All the reported data for each of these years can be found in appendices GG and HH. Trials include only those trials that ended in a verdict (including directed verdicts). Guilty pleas, mistrials, dismissals, etc., that occurred after a trial began were excluded from this analysis where possible. The unit of count was the defendant in all states except North Dakota and Alaska.

<sup>a</sup>Data were available from courts in the following states: Alaska, California, Connecticut, Delaware, Florida, Illinois, New Jersey, North Dakota, and Texas.

<sup>b</sup>Data were available from courts in the following states: Alaska, California, Florida, and Texas.

caught up in the system as an accused (indicted) individual, there is little chance of escaping conviction."<sup>49</sup>

Trials Before Judges and Before Juries

Another interesting corollary to Myth 6 revolves around what one defines as a court. Court behavior is usually associated with the behavior of judges. Yet, Table 8 has already documented the fact that in the years 1976-1978 inclusive, in approximately 51 percent to 57 percent of all trials and two-thirds of felony trials in general jurisdiction courts, prosecutors and defendants consciously chose to resolve their disputes before juries rather than judges.

To date there are very few studies that compare the behavior of judges and juries in criminal trials. In The American Jury, Kalven and Zeisel focused specifically on a description and explanation of differences in judge and jury decision making. The findings of their national survey sample of 3,576 trials indicate a disagreement rate of some 22 percent between what the jury decided and what the judge would have done if the decision had been left to the judge.<sup>50</sup> The jury convicted where the judge would have acquitted in 3 percent of the cases; however, the judge would have convicted where the jury acquitted in 19 percent of the cases. The conclusion was that judges were much more willing to convict than were juries.

Kalven and Zeisel admit "a common-sense expectation that the sources of disagreement must have something to do with the particular

49. Ibid, p. 31.

50. Kalven and Zeisel, op. cit., p. 58.

crime."<sup>51</sup> That is to say, juries may be more lenient than judges on defendants who have committed crimes for which they can empathize (e.g., commercial vice, gambling, or traffic offenses) and therefore do not view as serious. On the other hand, they may be less lenient than judges on the more serious offenses that invoke a fear of crime (e.g., murder and rape). Kalven and Zeisel contended, however, that their data failed to support such expectations, saying: "The reasons for disagreement are on the whole not crime specific."<sup>52</sup> They then proceeded to test other important variables that might account for judge-jury disagreement.

Although not suggesting that other variables, such as evidence facts only the judge knows, disparity of counsel, and jury sentiments about the individual defendant are unimportant in explaining judge-jury disagreement, more recent data coupled with a re-examination of their own data suggest that Kalven and Zeisel reached an "analytical impasse" on the value of case type as an explanation for jury-judge disagreement too hastily.<sup>53</sup> A re-examination of just the difference in conviction rates between juries and judges (their Table 19, Verdict Pattern for Various Crimes) shows that the juries were much more lenient than judges in what they might perceive as the "less serious" offenses (e.g., gambling; indecent exposure; game law violations), and became less lenient as the offenses became "more serious" (e.g., murder; forcible rape; robbery; and auto theft). Indeed, Kalven and Zeisel's emphasis on the notion of

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51. Ibid, p. 76.

52. Ibid, p. 77.

53. Ibid, p. 76.

"unpopular laws" resurrects the question of whether crime types influence jury-judge disagreements.<sup>54</sup> They cite one judge who suggests that in the "less serious" cases, some jurors might think, "There but for the Grace of God go I."<sup>55</sup>

Table 11, Jury and Bench Trial Conviction Rates: 1977 and 1978, sheds more light on judge-jury behavior differences. If the dispositions are not separated by case type, these data support the Kalven and Zeisel finding that judges convict at a higher rate than juries. For these two years, the bench trials conviction rate ranged from 78 percent to 79 percent, while juries convicted at rates ranging from 65 percent to 67 percent. The conviction rates for both judges and jurors are high, with the jurors being slightly more lenient.

An interesting phenomenon occurs, however, when case-types are separated into felonies and non-felonies. In both 1977 and 1978, juries convicted felons at a much higher rate than did judges; while judges convicted non-felons at a much higher rate than did juries. Although these tendencies certainly are consistent with trends noted in our re-examination of the Kalven and Zeisel data, these new data differ from their findings in one important respect--in none of the verdict patterns for serious crimes reported in The American Jury were the judges' leniency scores higher than the juries' leniency scores. This can be interpreted to mean that Kalven and Zeisel did not find judges to be more lenient than juries in trials of serious criminal activity, as was found in our more recent 1977 and 1978 data.

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54. Ibid, pp. 286-297.

55. Ibid, p. 296.

**Table 11: Jury and bench trial conviction rates: 1977 and 1978**

	1977						1978					
	Jury trials			Bench trials			Jury trials			Bench trials		
	Trials #	Convictions #	Convictions as a % of trials	Trials #	Convictions #	Convictions as a % of trials	Trials #	Convictions #	Convictions as a % of trials	Trials #	Convictions #	Convictions as a % of trials
1. Felonies <sup>a</sup> .....	14,454	10,745	74%	8,280	5,090	61%	14,289	10,321	72%	7,710	4,504	58%
2. Felonies, appeals and misdemeanors <sup>b</sup> .....	444	335	75%	327	274	84%	970	589	61%	128	79	62%
3. Non-felonies <sup>c</sup> .....	19,577	6,012	31%	124,518	99,334	80%	10,395	5,630	54%	134,568	106,982	80%
4. Totals for courts reporting data.....	25,475	17,092	67%	133,125	104,698	79%	25,393	16,540	65%	142,406	111,565	78%

Note: Jury and bench trials included only those trials which ended in a verdict (including directed verdicts). Guilty pleas, mistrials, dismissals, etc., that occurred after a trial began were excluded from this analysis where possible, regardless of the states' trial definition. This procedure made the data comparable across states. In addition, the unit of count was the defendant in all states except North Dakota and Alaska.

Data for 1976 were not included in this table because conviction rate breakdowns for jury and bench trials were unavailable. Figures for 1977 and 1978 include only those state courts that reported data for the entire two-year period. Care was also taken to ensure case-type comparability over this period. All the reported data for each of these years can be found in appendices GG and HH.

<sup>a</sup>Data were available from general jurisdiction courts in the following states: California, Florida, Illinois, New Jersey, and Texas.

<sup>b</sup>Data were available from general jurisdiction courts in the following states: Connecticut, Delaware, and North Dakota.

<sup>c</sup>Data were available from some courts in the following states: Alaska, California, Florida, and Texas.



This difference between the Kalven and Zeisel study and our 1977 and 1978 data might be an artifact of different methodological approaches (they used survey methods and this study uses data from state court annual reports), or might be attributed to the twenty-plus years between the two data sets. Our finding that juries are significantly more likely to convict in felony cases than are judges is consistent with those of another recent study, which found that juries convicted defendants accused of felonies more often than judges did.<sup>56</sup> This tendency may be a result of the public's acquired sensitivity to and fear of the serious crime that has developed in recent years. It might also stem from the judge's greater concern with the presumption of innocence and from the care he takes to discard prejudicial yet irrelevant information. In the more serious cases, jurors may assume that the state would not invest resources in a trial unless the defendant was obviously guilty.

Nevertheless, the fact remains that Table 11 clearly illustrates a difference between judge and jury decision-making based on case type.

A criticism of this finding might be that there is a difference in the types of cases brought before juries and judges. One might argue that a lawyer is more likely to have cases where likelihood of guilt is greater heard by a jury in order to play on their emotions--thus, the greater conviction rate for juries is a result of the initially higher likelihood of guilt. If this were true, however, the jury would uniformly have a higher conviction rate across all case types, and Table 11 illustrates that this is not the case. Judges have a significantly higher conviction rate than juries in non-felony cases.

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<sup>56</sup> James P. Levine, "Using Jury Verdict Forecasts in Criminal Defense Strategy," 66 Judicature (May 1983), p. 467.

In conclusion, most defendants are not acquitted. Most defendants are either convicted by their own plea or convicted during a trial.

#### Chapter IV CASELOAD COMPOSITION AND TRENDS

This monograph began with a discussion of the litigation explosion specifically and more broadly the paucity of data that made any empirical discussion of the increase in or composition of state court case filings virtually impossible. The "Advance Report," a survey of state court caseloads for calendar year 1981 or fiscal year 1982 showed that over 82 million cases were filed in the trial courts of the fifty states and the District of Columbia.<sup>1</sup> This is a benchmark from which future changes in caseload can be measured and any future "litigation explosion" documented. For litigation to "explode," cases would have to increase faster than they did before or increase at a faster rate than some other standard variable, such as population.

##### Caseload Composition and Demographic Variables

Before comparing litigation rates of change over time, it may be helpful to discuss the relationship between court filings and population. Demographic variables have long been used as surrogate measures of court caseloads. Indeed, many early state constitutions or older statutes contain provisions for increasing the number of judges according to the population of the state or local jurisdiction.

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1. See Bureau of Justice Statistics, U.S. Department of Justice, "State Court Caseload Statistics," Bureau of Justice Statistics, Special Report, February 1983.

Population growth and density are other surrogate measures used to estimate caseloads, and hence indirectly the need for judges.<sup>2</sup>

Population is often regarded as the driving force behind court caseloads.<sup>3</sup> Data from the "Advance Report" will be used to explore the relationship between population and caseload composition. Although population may be associated with total caseload, it may be more or less closely related to the filings of particular types of cases. For example, population may be related to the number of criminals and hence the number of criminal filings without being as closely related to juvenile filings. In yet another example, the relationship between population and probate cases appears relatively direct. The more people in a location, the more deaths are likely to occur and the more probate cases filed.

On the other hand, the relationship between other types of civil cases and population may be indirect. For example, if population is related to the number of auto purchases, and the number of automobiles is related to the number of auto accidents, then population may be indirectly related to the number of auto tort suits. The high price of gasoline and imposition of a 55-mile-per-hour speed limit may also be mitigating factors on the relationship between auto torts and population. In each of these examples, other unidentified factors may

2. Task Force on Principles for Assessing the Adequacy of Judicial Resources, Assessing the Need for Judicial Resources: Guidelines for a New Process (National Center for State Courts, 1983). See also Beatrice Hoffman, Determination and Justification of Judgeship Needs in the State Courts (Washington, D.C.: The American University, 1981), p. 11.

3. In the absence of other data, population size provides the best estimate of total disputes. See J.W. Hurst, "The Functions of Courts in the United States: 1950-1980," 15 Law and Society Review 1980-81, p. 407.

also affect case filing volumes. Detailed data on each of these case breakdowns are not available over time, however, and so the emphasis in this chapter will be on the broader categories of civil and criminal cases. Because there is a lag period between the time a crime is committed or a civil suit initiated and the time a case is filed or disposed of in court, a one-year lag is built into the data. Population variables are taken from the 1980 Census data and court filings are from the "Advance Report."<sup>4</sup>

Prior studies, including those relating population to filings in federal district court, have found a strong relationship between population and total filings.<sup>5</sup> Table 12 further demonstrates the relationship between population and specific types of filings (civil, criminal, traffic, and juvenile) in 30 states where complete filings were available.

Table 12: Population and caseload composition

<u>Case Type Filings</u>	<u>Demographic Variable</u>	<u>Correlation</u>
Civil	Population	.94
Criminal	Population	.87
Traffic	Population	.91
Juvenile	Population	.59
Juvenile	Population under 18	.56
Juvenile	Population 14-17	.57
Juvenile	Population 15-19	.58
Juvenile	Population 5-13	.56

Population is highly correlated with civil, criminal, and traffic filings and moderately correlated with juvenile filings. Refining the total population measure to encompass various measures of juvenile

4. Flango and Elsner, loc. cit.

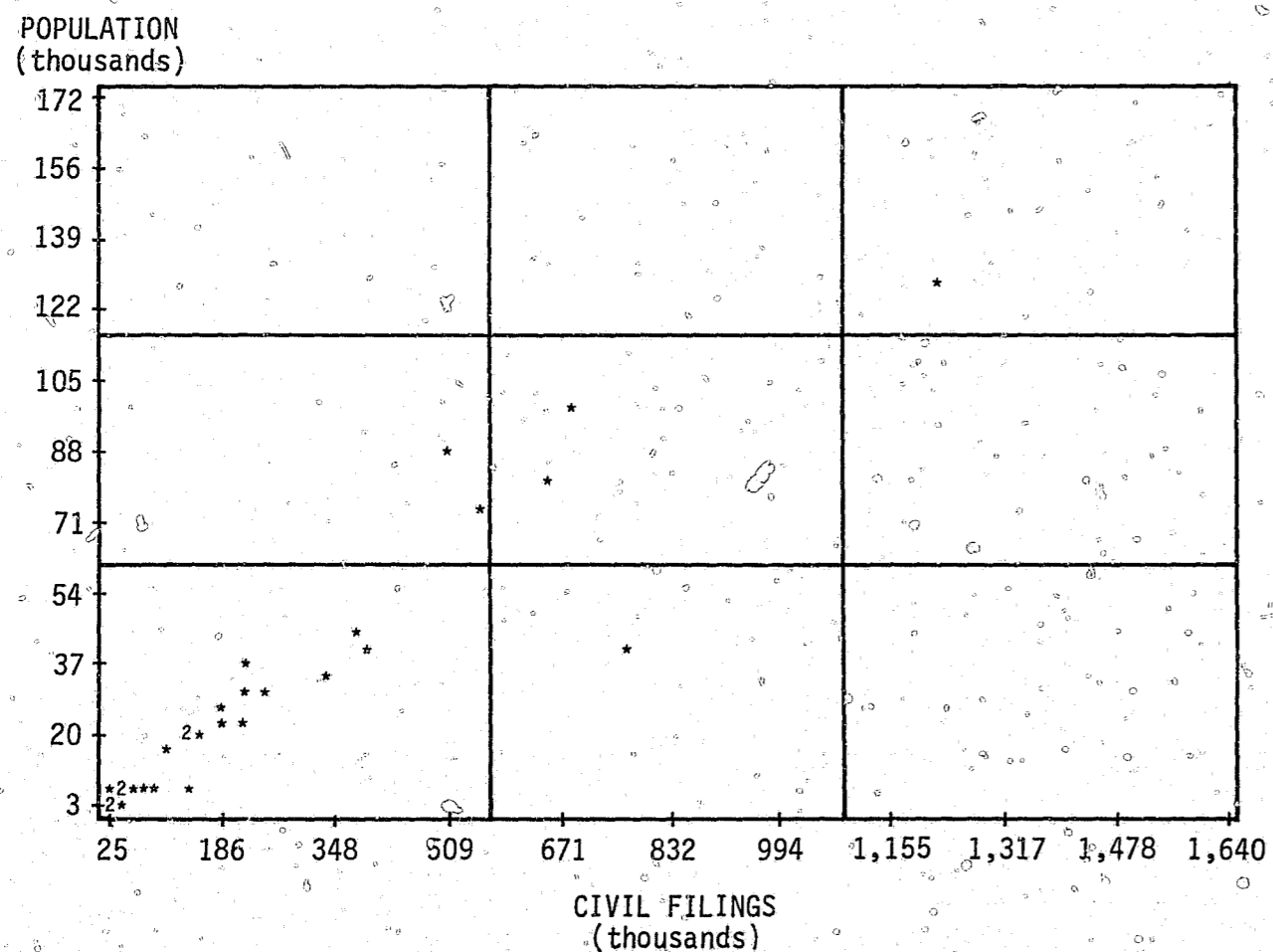
5. Keith D. Harries and Stanley D. Bunn, The Geography of Law and Justice (New York: Praeger, 1978), p. 153.



population does not alter the relationship between juvenile filings and population. Although the close association between population size and non-juvenile filings is not surprising, it is useful and does lend credence to the practice of using population as a measure of case filings when determining the need for additional judgeships.

Figure 9 pictures the relationship between population and civil filings and illustrates usefulness of population as a predictor. It shows that for every additional 1,000 people, an additional 63 civil

Figure 9: Scattergram of population and civil filings, 1981



cases will be filed. Civil filings were used in this illustration because the plaintiff in civil cases must choose to go to court. For criminal cases, this choice is made by the state. Presumably, it is this decision to file suit rather than to settle the dispute in some other way that is at the heart of the litigation increase.

Growth in filings

Table 13 lists the change in population between 1977 and 1981 for each state and the corresponding changes in criminal and civil filings during that four-year period. Population provides a standard against which to evaluate the litigation. An increase in case filings proportionate to the increase in population does not indicate an increase in the propensity to litigate. Table 13 illustrates, however, that total filings are increasing at a much faster rate than population is. Total population in the United States increased about 4 percent between 1977 and 1981 (from 219,760,000 to 229,307,000) while civil filings increased by 23 percent and criminal filings by 29 percent in the same period. In other words, filings are increasing from 5 to 7 times faster than population. Civil cases increased at an average of approximately 5.3 percent per year, and criminal filings at the rate of 6.6 percent per year during the period of this study. If these filings rates of increase were to continue into the future, civil filings would double every 13 or 14 years and criminal filings would double every 11 years. The percentage change in civil and criminal filings is not correlated at all with the percentage change in population for the 24 states where change data were available. Accordingly, even though population size is related

**Table 13: Percentage change in civil and criminal filings in courts of general and limited jurisdiction, by region**

	% change in population	Civil		% change	Criminal		% change
		CY 1977 or FY 1977/78	CY 1981 or FY 1981/82		CY 1977 or FY 1977/78	CY 1981 or FY 1981/82	
<b>Northeast</b>							
Connecticut	+1.5%	207,534	212,240	+2%	91,182	109,539	+20%
Maine <sup>a</sup>	+2.5%	47,128	57,627	+22%	6,138	6,062	-1%
Massachusetts <sup>a</sup>	+0.5%	170,054	295,060	+73%	200,834	237,667	+18%
New Hampshire	+2.3%	59,471 <sup>d</sup>	65,476	+10%	36,990 <sup>d</sup>	39,175	+6%
New Jersey <sup>a</sup>	+0.8%	465,682	571,166	+23%	376,250	462,901	+18%
New York <sup>a</sup>	-1.4%	684,139	793,896	+16%	810,398 <sup>d</sup>	1,146,095 <sup>c</sup>	+41%
Pennsylvania	-0.1%	412,405	515,014	+25%	570,931	745,308	+31%
Rhode Island <sup>a</sup>	-0.2%	40,496	40,175	-1%	33,279	38,940	+17%
Vermont	-4.9%	20,598	24,856	+21%	18,058	16,599	-8%
<b>Region Total</b>				<b>+22%</b>			<b>+31%</b>
<b>North Central</b>							
Illinois	+0.05%	620,732	647,096	+4%	516,092	712,379	+38%
Indiana	+1.1%	276,619	388,301	+40%	122,643	144,960	+18%
Iowa	-0.5%	108,758	133,484	+23%	132,721	113,667	-14%
Kansas <sup>b</sup>	+2.8%	95,333	118,187	+24%	25,211	30,693	+19%
Michigan <sup>a</sup>	+0.5%	166,542	263,863	+58%	207,233	239,119	+15%
Minnesota <sup>b</sup>	+2.9%						
Missouri <sup>b</sup>	+2.0%						
Nebraska <sup>a</sup>	+1.5%	65,756	67,491	+3%	52,099	55,278	+6%
North Dakota	+1.4%	19,717	25,765	+31%	18,779 <sup>d</sup>	21,719 <sup>d</sup>	+16%
Ohio	+0.1%	583,390	619,043	+6%	323,797	406,403	+26%
South Dakota <sup>b</sup>	-0.4%						
Wisconsin <sup>b</sup>	+2.8%						
<b>Region Total</b>				<b>+17%</b>			<b>+23%</b>
<b>South</b>							
Alabama <sup>a</sup>	+3.5%	186,523	216,408	+16%	121,391	140,070	+15%
Arkansas	+4.0%	89,027	99,452	+12%	130,978	147,428	+13%
Delaware	+0.5%	40,015	49,728	+24%	47,920	56,822	+19%
Dist. of Columbia	-7.5%	160,916	145,911	-9%	29,040	36,597	+26%
Florida <sup>e</sup>	+14.6%	472,895	553,574	+17%	348,834	447,754	+28%
Georgia <sup>a</sup>	+6.9%	219,283	257,173	+17%	112,812	145,286	+29%
Kentucky <sup>b</sup>	+2.4%						
Louisiana <sup>a</sup>	+7.2%	195,720	238,629	+22%	346,631	536,856 <sup>f</sup>	+55%
Maryland <sup>a</sup>	+1.6%	390,711	590,887	+51%	154,844	171,781	+11%
Mississippi	+2.9%						
North Carolina	+5.0%	335,341	378,688	+13%	413,679	487,783	+18%
Oklahoma <sup>b</sup>	+8.2%						
South Carolina <sup>a</sup>	+6.0%	173,861	182,336	+5%	107,055	243,079	+127%
Tennessee <sup>b</sup>	+4.8%						
Texas	+11.9%	550,510	679,107	+23%	1,080,899	1,316,709	+22%
Virginia	+4.3%	470,830	770,693	+64%	329,904	399,209	+21%
West Virginia <sup>a</sup>	+2.4%	33,542	34,699	+3%	9,875	7,239	-27%
<b>Region Total</b>				<b>+26%</b>			<b>+28%</b>
<b>West</b>							
Alaska	+4.0%	20,638	30,728	+49%	20,264	22,355	+10%
Arizona <sup>a</sup>	+15.1%	68,635	81,769	+19%	13,231	16,429	+24%
California	+8.3%	1,310,321	1,639,518	+25%	796,367	923,834	+16%
Colorado <sup>a</sup>	+10.0%	154,654	202,775	+31%	42,098	59,578	+42%
Hawaii	+7.1%	33,656	47,382	+41%	40,400	52,537	+30%
Idaho	+8.6%	45,311	52,347	+16%	28,976	32,632	+13%
Montana <sup>b</sup>	+2.9%						
Nevada <sup>b</sup>	+24.6%						
New Mexico <sup>a</sup>	+8.4%	54,844	58,055	+6%	31,178	45,687	+47%
Oregon	+8.7%	123,197	155,362	+26%	84,103	149,695	+78%
Utah	+15.3%	63,251	92,894	+47%	32,198	37,366	+16%
Washington <sup>a</sup>	+11.8%	170,755	218,446	+28%	131,515	170,557	+30%
Wyoming <sup>a</sup>	+19.4%	11,583	11,568	-1%	1,404	1,844	+31%
<b>Region Total</b>				<b>+26%</b>			<b>+24%</b>
<b>Grand Total</b>				<b>+23%</b>			<b>+27%</b>

<sup>a</sup> = To correct for discrepancies in the data because some courts reported data in one reporting year but not in the other, only data from the courts listed were used in the following states:

Alabama (Circuit Court and District Court); Arizona (Superior Court); Colorado (all trial courts except the Municipal Court and the Water Court); Georgia (Superior Court, State Court, Probate Court [criminal only]); Louisiana (all trial courts except the Justice of the Peace Court and Mayor's Court); Maine (Superior Court and District Court [civil only]); Maryland (Circuit Court and District Court); Massachusetts (all trial courts except the Probate and Family Court Department); Michigan (Circuit Court except 1st Circuit, and 90 of 98 locations of the District Court); Nebraska (District Court, County Court, and Municipal Court); New Jersey (Superior Court, County District Court [civil only], Tax Court [1981 only], and Juvenile and Domestic Relations Court); New Mexico (District Court and Magistrate Courts); New York (all trial courts except the Town and Village Justice Courts); Rhode Island (Superior Court, District Court, and Family Court); South Carolina (Circuit Court, Family Court, and Magistrate Court); Washington (all trial courts but the Justice of the Peace Court); West Virginia (Circuit Court); Wyoming (District Court).

<sup>b</sup> = Data were submitted from these states but could not be used in this table because of problems with comparability: Kentucky, Minnesota, Missouri, Montana, Nevada, Oklahoma, South Dakota, Tennessee, and Wisconsin.

<sup>c</sup> = The number of cases disposed is used as an estimate for the number of cases filed during the year in some of the courts included. Disposition figures for criminal cases were used in New York in 1981 because only disposition figures were available in 1977.

<sup>d</sup> = Note that 17,173 cases of the apparent overall decrease (-9%) in the civil caseload of the court in the District of Columbia represent small claims and landlord/tenant matters (court of limited jurisdiction). The remainder of the major caseload shows an increase of 13%.

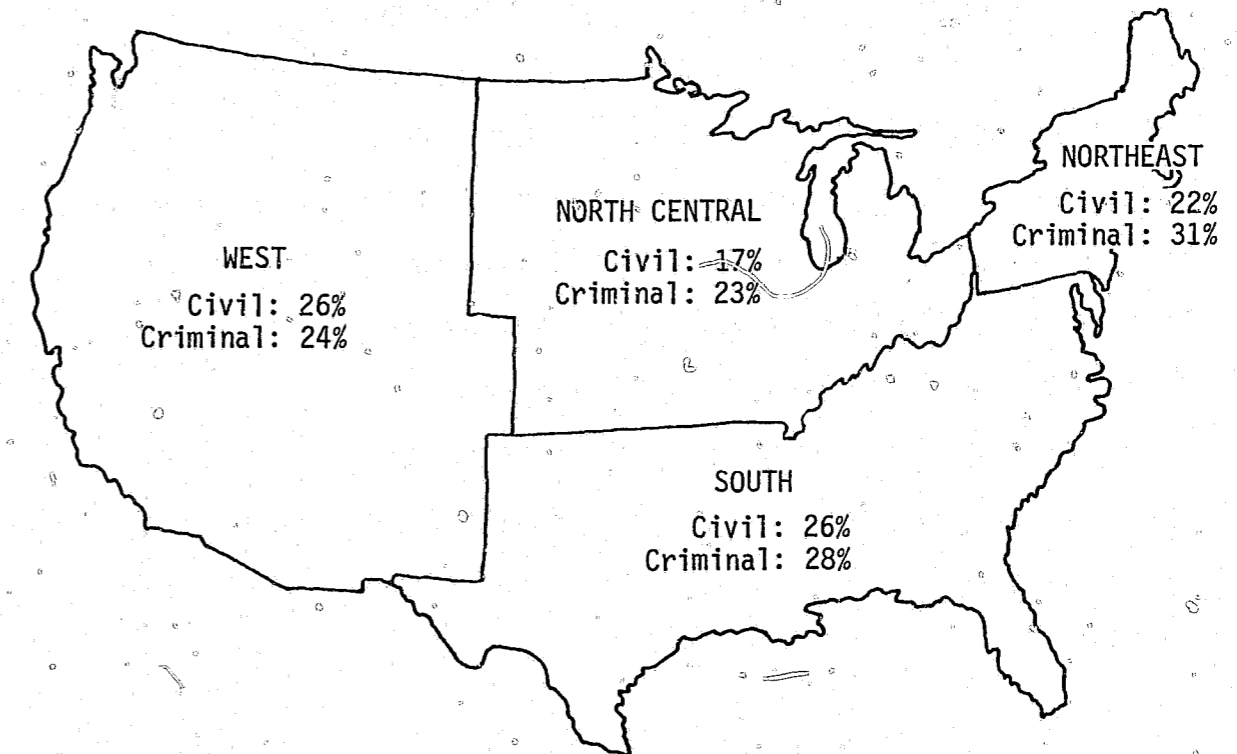
<sup>e</sup> = Florida--1977 data covers only an 11-month period.

<sup>f</sup> = Traffic filings could not be completely separated from criminal and juvenile filings in Louisiana.

to numbers of case filings, increases in population are not correlated with increases in filings.

Figure 10 shows that there are regional patterns to the increases. Civil and criminal filings are increasing at about the same pace in the West and South, but criminal filings are increasing faster than civil in the Northern part of the country.

**Figure 10: Total percentage increases (1977-81 inclusive) in civil and criminal filings by region**



Total National Increases in Civil Litigation: 23%  
Total National Increases in Criminal Litigation: 27%

It has already been established that trial court patterns may be different in general jurisdiction courts from those in limited jurisdiction courts. Table 14 lists the change in civil and criminal filings in courts of general jurisdiction and Figures 11 and 12 picture these changes in a graph. Table 14 shows that civil cases have been increasing three times as fast as population, but that criminal case filings have been increasing at about the same rate as population. The growth in civil case filings in general jurisdiction courts between 1972 and 1977 (5.9 percent) matches closely the average growth in civil filings for all courts between 1977 and 1981 (5.3 percent). Criminal filings in general jurisdiction courts, however, grew at an average of only 1.3 percent between 1972 and 1978--hardly matching the growth in total criminal filings between 1977 and 1981 (6.6 percent). This would indicate that the growth in "serious" criminal cases is not nearly as dramatic as the growth in all criminal cases.

Whether or not these increases in magnitude of case filings constitute a "litigation explosion" in demand for court services depends upon the standard used. This trend in litigation should be monitored to determine how this rate of increase changes over time.



**Table 14: Percentage change in total filings for courts of general jurisdiction**

State	Court	Total civil caseload increase	Average civil caseload increase per year	Total criminal caseload increase	Average criminal caseload increase per year	Total adult population increase	Average population increase per year
California	Superior	52	8.7	-17	-3.7	12	2.3
Michigan	Circuit	30	5.4	38	6.6	7	1.4
Missouri	Circuit, Common Pleas	3	0.6	18	3.4	6	1.2
New Hampshire	Superior	29	5.2	50	8.4	16	3.0
New Jersey	Superior, County	30	5.4	-9.6	-2.0	5	1.0
Pennsylvania	Common Pleas						
Tennessee	Circuit, Law and Equity, Chancery	41	7.1	50	8.4	12	2.3
Utah	District	34	5.9	6.8	1.3	8.6	1.7
Average		33	5.9	6.8	1.3	8.6	1.7

Adult population figures for years 1969 to 1971 and 1973 to 1978 were obtained from the Statistical Abstracts of the United States series. 1972 figures were obtained from the Bureau of the Census, Current Population Reports: Projections and Estimates, series P-25, No. 500.

**CONTINUED**

**1 OF 2**

Figure 11: Growth in general jurisdiction court civil filings, 1972-1978

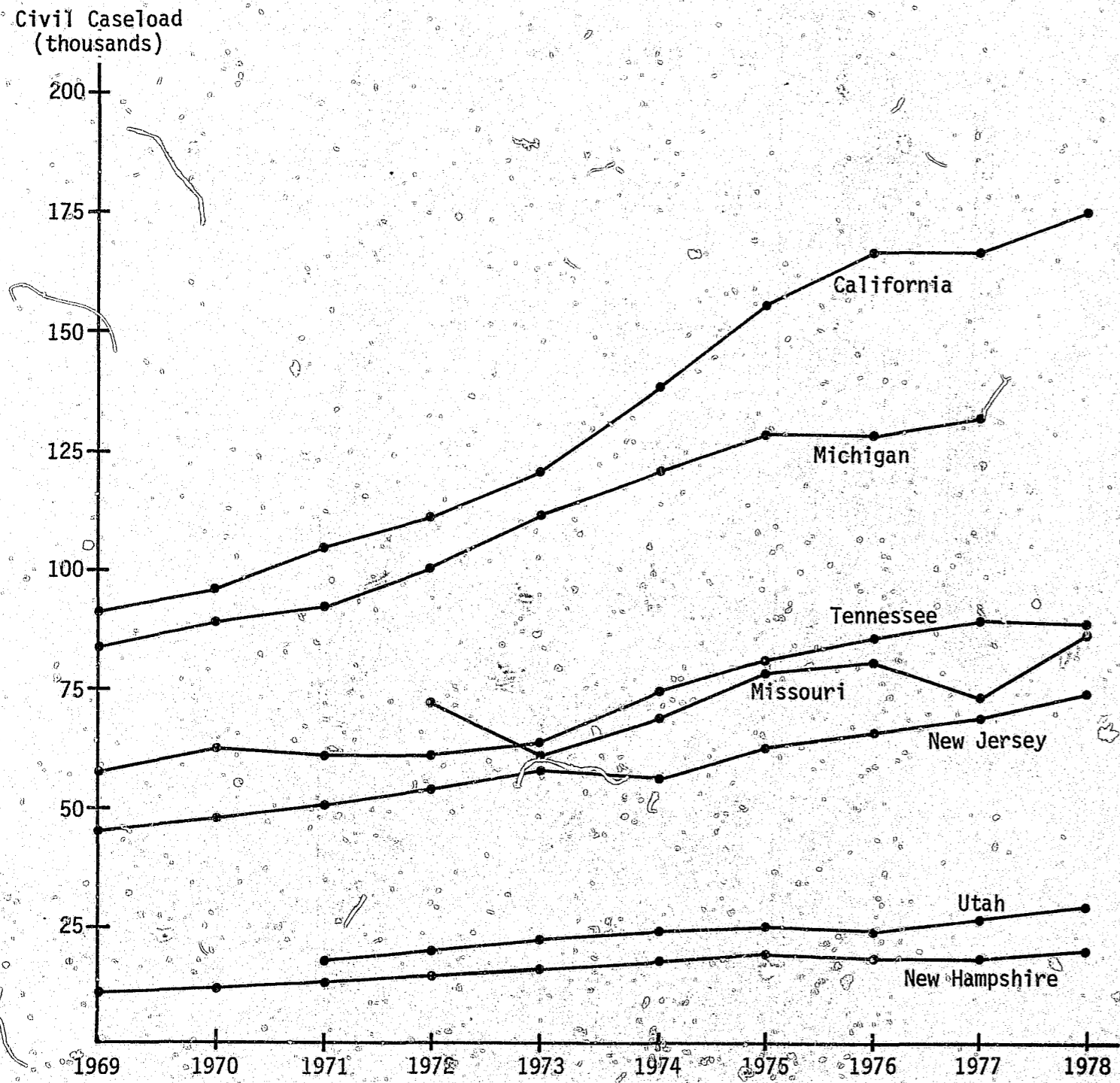
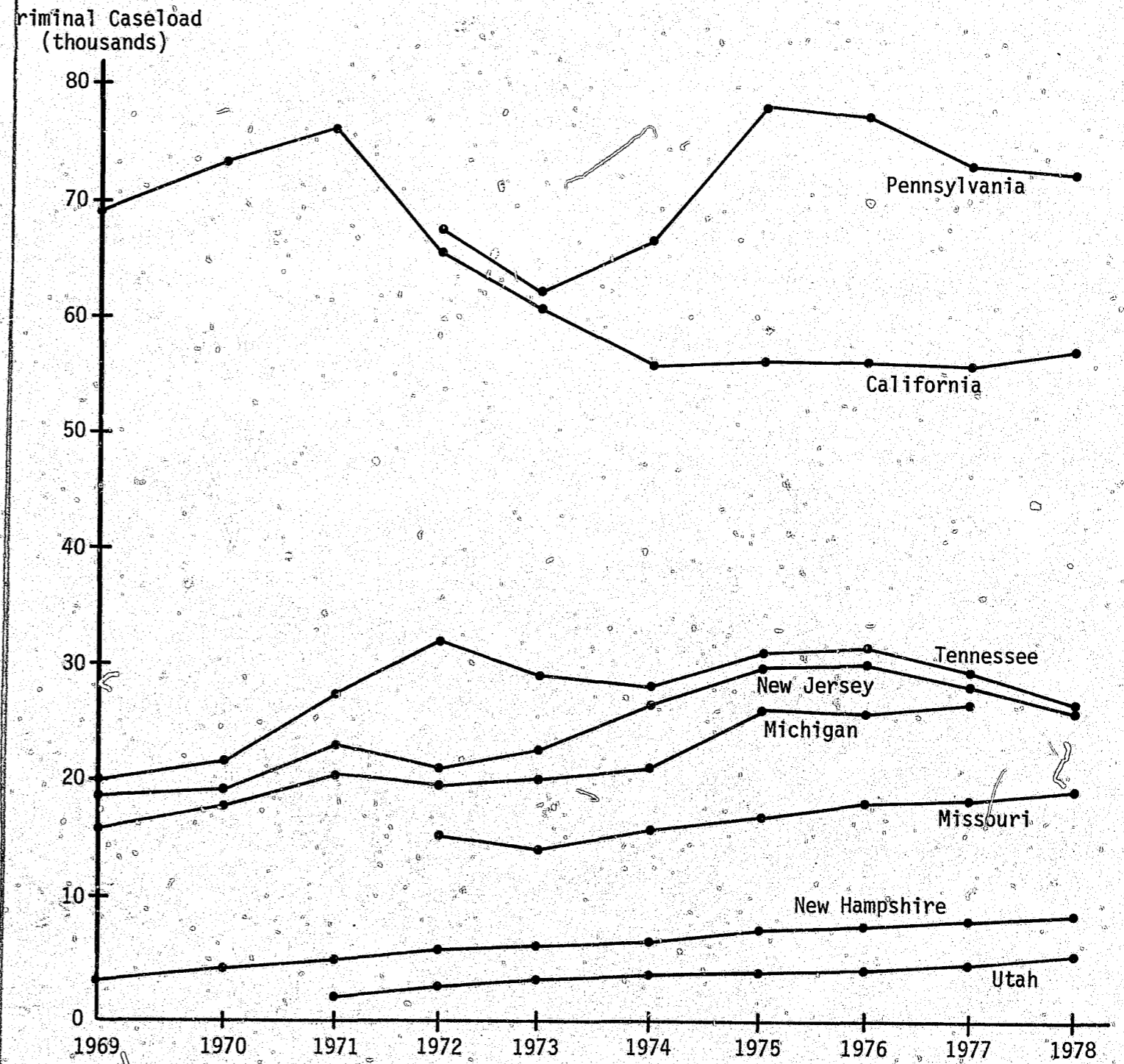


Figure 12: Growth in general jurisdiction court criminal filings, 1972-1978





## Chapter V

### CONCLUSIONS

The essence of this chapter can be expressed in the words of Stephen Daniels, who looked at the relationship between social development and litigation. Daniels said, "Even with the recent interest in court activity, we still know relatively little--particularly about state trial courts. What we do know comes from only a handful of states."<sup>1</sup> He further suggested that a more detailed understanding of trial courts requires an "integrated approach--integrated in that it look at all levels of courts within a state (as much as the availability of source materials allows) over a long period of time."<sup>2</sup> This research has taken the first step--looking at data from all levels of courts within states. More complete data from more states are required to confirm the conclusions reached in this cross-sectional study before they are tested over time.

This study has shown that when court business is defined as court filings,

- traffic cases make up the bulk of the court activity
- felony cases make up about 7 percent of criminal filings
- tort cases make up about 5 percent of civil filings
- small claims cases and domestic relations cases make up nearly 40 percent of civil filings
- most filings, civil or criminal, are not disposed by trial
- most trials are conducted before a judge, not a jury

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1. Stephen Daniels, "Social Development and Litigation Studies: A Critique." Paper presented at the annual meeting of the Law and Society Association, Denver, Colorado, June 2-5, 1983, p. 21.

2. *Ib*d. p. 22.

- most defendants plead guilty rather than go to trial
- about three-quarters of criminal defendants who go to trial are convicted
- jurors convict proportionately more felons than judges, while judges convict a higher proportion of non-felons

Filings in limited jurisdiction courts include many "minor" cases, such as parking violations, where a dispute doesn't really exist but a case is filed and a fine paid. The caseload composition of general jurisdiction courts was examined separately to give a picture of more "serious" court cases. General jurisdiction courts hear about 8 percent of the cases filed in state trial courts. The percentage is slightly higher in those states where the general jurisdiction court has juvenile jurisdiction. The cases heard in general jurisdiction courts include felonies, civil cases over specified dollar amounts, but very few, if any, traffic cases.

When court business is defined as filings in general jurisdiction courts,

- civil cases make up the bulk of the court activity
- felonies make up the majority of criminal filings
- tort cases make up about 8 percent of civil filings
- domestic relations and estate cases make up half of the civil filings
- most filings, civil or criminal, are not disposed by trial
- about half of the criminal trials are conducted before a jury and half are conducted before a judge
- nearly 95 percent of civil trials are conducted before a judge
- most defendants plead guilty rather than go to trial
- about two-thirds of the defendants who go to trial are convicted

If the primary function of courts is to settle disputes, court business may be defined as cases requiring adjudication. Using trials as a measure of contested cases,

- felonies make up a quarter of criminal trials

- small claims cases make up about 40 percent of civil trials and domestic relations cases make up another 25 percent of trials
- jurors convict proportionately more felons than judges, while judges convict a higher proportion of non-felons

The question of what courts do has led us to define court business in different ways. Each definition leads to different conclusions about the nature of courts themselves, since courts are at least partially defined by what they do. Indeed, "because courts depend so heavily on the actions of others to shape their dockets, an understanding of the shaping of the docket is especially important to any full understanding of the role of courts."<sup>3</sup>

This monograph has also noted that filings are increasing disproportionately to population growth. Total court filings are increasing as much as five times faster than population. Between 1972 and 1977, civil filings in general jurisdiction courts increased more than three times as fast as population, but criminal filings have increased more slowly than did population. Determination of precisely what constitutes a "litigation explosion," however, is left to the reader.

3. Joel B. Grossman et al., "Dimensions of Institutional Participation: Who Uses the Courts and How?" 44 Journal of Politics (February 1982).

Appendix  
Tables A through HH

Table A. Filings in general jurisdiction courts by case category as a percent of total cases filed in general and limited jurisdiction courts, 1976

State	% of Total Case Load	Distribution by case category			
		Civil	Criminal	Traffic	Juvenile
Alaska	12.6	54.5	4.1	0.0	100.0
California	9.2*	39.6	7.4	0.0	100.0
Connecticut	5.5	11.9	4.8	0.0	0.0
Hawaii	10.2*	60.8	4.6	0.1	100.0
Massachusetts	5.3*	7.4	14.7	0.0	0.0
New Jersey	5.0*	15.4	8.7	0.0	0.0
North Carolina	4.6	4.5	12.5	0.0	0.0
Virginia	6.3	13.8	13.9	0.0	0.0
Washington	11.6	58.2	11.1	0.0	100.0

\*Proportions calculated exclude parking violations.



Table B. Filings in general jurisdiction courts by case category as a percent of total cases filed in general and limited jurisdiction courts, 1977

State	% of Total Caseload	Distribution by case category			
		Civil	Criminal	Traffic	Juvenile
Alaska	10.8	52.5	5.4	0.0	100.0
California	9.4*	41.5	7.0	0.0	100.0
Connecticut	5.3	12.3	4.9	0.0	0.0
Hawaii	11.8*	65.4	5.1	0.1	100.0
North Carolina	8.1	22.0	12.4	0.0	0.0
Pennsylvania	7.8	43.6	12.7	0.0	100.0
Vermont	7.8	30.4	3	0.0	0.0
Virginia	6.6	14.3	15.0	0.0	0.0

\*Proportions calculated exclude parking violations.

Table C. Caseload composition (excluding parking violations), 1976

State	Court Type	Civil	Criminal	Traffic	Juvenile	Total
Alaska	GJ	10,749	991	NH	1,510	13,250
	LJ	8,954	22,895	59,682	NH	91,531
	Total	19,703 (.19)	23,886 (.23)	59,682 (.57)	1,510 (.01)	104,781
California	GJ	501,775	57,430	NH	107,917	667,122
	LJ	765,892	720,573	5,085,113	NH	6,568,578
	Total	1,267,667 (.18)	778,003 (.11)	5,085,113 (.70)	107,917 (.01)	7,238,700
Connecticut	GJ	26,004	4,555	NH	NH	30,559
	LJ	191,344	91,191	227,207	14,452	524,194
	Total	217,348 (.39)	95,746 (.17)	227,207 (.41)	14,452 (.03)	554,753
District of Columbia	GJ	170,059 (.55)	31,956 (.10)	97,903 (.32)	7,391 (.02)	307,309
Hawaii	GJ	18,098	2,028	650	7,363	28,139
	LJ	11,633	42,088	194,431	NH	248,152
	Total	29,731 (.11)	44,116 (.16)	195,081 (.70)	7,363 (.03)	276,291
Idaho	GJ	40,245 (.15)	30,490 (.12)	183,974 (.70)	7,927 (.03)	262,636
Illinois	GJ	633,246 (.18)	520,112 (.15)	2,305,483 (.66)	25,731 (.01)	3,484,572
Massachusetts	GJ	31,085	37,508	NH	NH	68,593
	LJ	387,515	217,869	519,094	49,467	1,173,945
	Total	418,600 (.34)	255,377 (.21)	519,094 (.42)	49,467 (.04)	1,242,538
North Carolina	GJ	10,774	52,547	NH	NH	63,321
	LJ	224,810	366,335	678,855	22,757	1,292,757
	Total	235,584 (.17)	418,882 (.31)	678,855 (.50)	22,757 (.02)	1,356,078
Virginia	GJ	63,976	42,843	NH	NH	106,819
	LJ	400,925	264,557	820,859	111,675	1,598,016
	Total	464,901 (.27)	307,400 (.18)	820,859 (.48)	111,675 (.06)	1,704,835
Washington	GJ	94,325	14,053	NH	13,433	121,811
	LJ	67,611	112,064	746,510	NH	926,235
	Total	161,936 (.15)	126,117 (.12)	746,510 (.71)	13,433 (.01)	1,048,046
Figure 3 Totals*		3,078,484 (.20)	2,250,591 (.15)	9,654,157 (.63)	306,723 (.02)	15,289,955
Grand Totals		3,659,070 (.21)	2,632,085 (.15)	10,919,761 (.62)	369,623 (.02)	17,580,539

NH = This case type is not handled by this court type.  
 GJ = General jurisdiction courts.  
 LJ = Limited jurisdiction courts.

\*These totals are based only on data from states that had complete data in 1976, 1977, and 1978. The figures from Massachusetts and Washington were not used in the compilation of Figure 3 totals (page 25).

Table D. Caseload composition (excluding parking violations), 1977

State	Court Type	Civil	Criminal	Traffic	Juvenile	Total
Alaska	GJ	11,375	1,082	NH	1,483	13,940
	LJ	10,263	18,625	86,636	NH	115,524
	Total	21,638 (.17)	19,707 (.15)	86,636 (.67)	1,483 (.01)	129,464
California	GJ	548,933	57,161	NH	107,786	713,880
	LJ	771,388	750,203	5,316,016	NH	6,837,607
	Total	1,320,321 (.17)	807,364 (.11)	5,316,016 (.70)	107,786 (.01)	7,551,487
Connecticut	GJ	26,891	4,522	NH	NH	31,413
	LJ	190,598	86,878	262,872	13,329	553,677
	Total	217,489 (.37)	91,400 (.16)	262,872 (.45)	13,329 (.02)	585,090
District of Columbia	GJ	161,944 (.51)	29,040 (.09)	120,526 (.38)	6,289 (.02)	317,799
Hawaii	GJ	20,850	1,992	108	8,075	31,025
	LJ	11,014	36,585	183,522	NH	231,121
	Total	31,864 (.12)	38,577 (.15)	183,630 (.70)	8,075 (.03)	262,146
Idaho	GJ	45,537 (.16)	29,444 (.11)	193,277 (.70)	7,733 (.03)	275,991
Illinois	GJ	635,666 (.18)	519,334 (.15)	2,343,770 (.67)	25,686 (.01)	3,524,456
North Carolina	GJ	69,299	51,264	NH	NH	120,563
	LJ	244,655	361,492	721,048	22,622	1,349,817
	Total	313,954 (.21)	412,756 (.28)	721,048 (.49)	22,622 (.02)	1,470,380
Pennsylvania	GJ	180,206	73,058	NH	35,614	288,878
	LJ	232,199	497,873	2,661,937	NH	3,392,009
	Total	412,405 (.11)	570,931 (.16)	2,661,937 (.72)	35,614 (.01)	3,680,887
Vermont	GJ	6,601	71	NH	NH	6,672
	LJ	15,067	17,988	43,893	1,038	77,986
	Total	21,668 (.26)	18,059 (.21)	43,893 (.52)	1,038 (.01)	84,658
Virginia	GJ	67,685	49,666	NH	NH	117,351
	LJ	403,145	280,238	844,365	115,745	1,643,493
	Total	470,830 (.27)	329,904 (.19)	844,365 (.48)	115,745 (.07)	1,760,844
Figure 3 Totals*		3,219,243 (.20)	2,277,526 (.15)	10,072,150 (.63)	308,748 (.02)	15,877,657
Grand Totals		3,653,316 (.19)	2,866,516 (.15)	12,777,970 (.65)	345,400 (.02)	19,643,202

NH = This case type is not handled by this court type.  
 GJ = General jurisdiction courts.  
 LJ = Limited jurisdiction courts.

\*These totals are based only on data from states that had complete data in 1976 1977, and 1978. The figures from Pennsylvania and Vermont were not used in the compilation of Figure 3 totals (page 25).

Table E. Caseload composition (excluding parking violations), 1978

State	Court Type	Civil	Criminal	Traffic	Juvenile	Total
Alaska	GJ	11,370	1,190	NH	1,296	13,856
	LJ	12,531	19,074	86,546	NH	118,151
	Total	23,901 (.18)	20,264 (.15)	86,546 (.66)	1,296 (.01)	132,007
California	GJ	563,355	58,077	NH	105,227	726,659
	LJ	828,501	736,602	5,429,419	NH	6,994,522
	Total	1,391,856 (.18)	794,679 (.10)	5,429,419 (.70)	105,227 (.01)	7,721,181
Connecticut	GJ	28,089	3,871	NH	NH	31,960
	LJ	179,445	87,311	322,748	14,854	604,358
	Total	207,534 (.33)	91,182 (.14)	322,748 (.51)	14,854 (.02)	636,318
District of Columbia	GJ	158,286 (.64)	28,332 (.12)	53,359 (.22)	6,384 (.03)	246,361
Hawaii	GJ	22,716	2,097	81	7,756	32,650
	LJ	10,940	38,303	195,963	NH	245,206
	Total	33,656 (.12)	40,400 (.15)	196,044 (.71)	7,756 (.03)	277,856
Idaho	GJ	48,172 (.16)	29,219 (.10)	213,358 (.71)	7,915 (.03)	298,664
Illinois	GJ	689,701 (.18)	517,975 (.13)	2,656,359 (.68)	29,183 (.01)	3,893,218
New Jersey	GJ	74,337	27,084	NH	NH	101,421
	LJ	391,345	349,166	1,150,347	92,380	1,983,238
	Total	465,682 (.22)	376,250 (.18)	1,150,347 (.55)	92,380 (.04)	2,084,659
North Carolina	GJ	71,221	53,278	NH	NH	124,499
	LJ	264,120	360,401	815,857	21,629	1,462,007
	Total	335,341 (.21)	413,679 (.26)	815,857 (.51)	21,629 (.01)	1,586,506
Vermont	GJ	6,892	82	NH	NH	6,974
	LJ	15,475	19,186	171,121	1,097	106,879
	Total	22,367 (.10)	19,268 (.09)	171,121 (.80)	1,097 (.01)	213,853
Virginia	GJ	71,975	53,083	NH	NH	125,058
	LJ	456,511	285,840	903,646	126,709	1,772,706
	Total	528,486 (.28)	338,923 (.18)	903,646 (.48)	126,709 (.07)	1,897,764
Washington	GJ	103,946	14,278	NH	17,406	135,630
	LJ	72,479	124,995	1,330,390	NH	1,527,864
	Total	176,425 (.11)	139,273 (.08)	1,330,390 (.80)	17,406 (.01)	1,663,494
Figure 3 Totals*		3,416,933 (.20)	2,274,653 (.14)	10,677,336 (.64)	320,953 (.02)	16,689,875
Grand Totals		4,081,407 (.20)	2,809,444 (.14)	13,329,194 (.66)	431,836 (.02)	20,651,881

NH = This case type is not handled by this court type.  
 GJ = General jurisdiction courts.  
 LJ = Limited jurisdiction courts.

\*These totals are based only on data from states that had complete data in 1976 1977, and 1978. Figures from New Jersey, Vermont and Washington were not used in the compilation of Figure 3 totals (page 25).

Table F. Composition of criminal case filings in general jurisdiction courts, 1977

State and court title	Criminal cases filed						Total Criminal Filings	% Felony
	Felony	Misdemeanor	Pre-liminary Hearings	Ordinance Violation	Appeal	Other		
Alaska--Superior Court .....	752	32	NH	NH	130	168	1,082	70
Arizona--Superior Court .....	10,320	2,911j	NH	NH	(j)	NH	13,231	78
Arkansas--Circuit Court .....	8,041	5,733j	NH	NH	(j)		13,774	58
California--Superior Court .....	54,653	NH	NH	NH	2,508		57,161	96
Colorado--District Court, Denver Superior Court, Denver Juvenile Court, and Denver Probate Court ..	10,882	NH		NH	385	4,423	15,690	69
Florida--Circuit Court .....	91,901	NH		NH	625	NH	92,526	99
Georgia--Superior Court .....	30,291	15,698		NH	NH	NH	45,989	66
Hawaii--Circuit Court .....	1,656	297	NH	NH	NH	39	1,992	83
Idaho--District Court .....	2,937	291	NH	NH	96	NH	3,324	88
Kansas--District Court .....	9,444	9,350	NH	NH	1,041		19,835	48
Michigan--STATE TOTAL .....	37,787	6,783		79,668	558		124,796	30
Circuit Court .....	25,614	NH	NH	NH	558		26,172	
Recorder's Court of Detroit .....	12,173	6,783		79,668	NH		98,624	
Nebraska--District Court .....	3,804j	(j)		NH	2,757k		6,561	58
New Jersey--Superior Court (Law Division and Chancery Division) and County Court .....	25,748	NH		NH	3,063	227	29,038	89
North Carolina--Superior Court .....	29,584	NH	NH	NH	21,680	NH	51,264	58
Ohio--Court of Common Pleas .....	30,835	NH	NH	NH	NH	NH	30,835	100
Oklahoma--District Court .....	20,819	37,456		NH	636	378	59,289	35
Puerto Rico--Superior Court .....	12,209	10,400	899	NH	(j)		23,508	52
Rhode Island--Superior Court .....	2,267	601		NH	285		3,153	72
Virginia--Circuit Court .....	27,762	21,482	NH	NH		422	49,666	56
Wyoming--District Court .....	1,284	NH	NH	NH			1,284	100
<b>TOTAL</b>	<b>412,976</b>						<b>643,998</b>	<b>64%</b>

NH = This case type is not handled by this court.

Explanation of data included in the category:

Arizona--Appeal data are included in the misdemeanor figures.

Arkansas--Appeal data are included in the misdemeanor figures.

Nebraska--The felony category may include a few misdemeanor cases.

Puerto Rico--Appeal data are included in all the other listed categories by case type. There were

306 criminal appeals filed. These are not listed separately to avoid double counting.

Additional information:

Nebraska--Figures for criminal appeals include some civil appeals cases.

Table G. Composition of criminal case filings in general jurisdiction courts, 1978

State and court title	Criminal cases filed						Total Criminal Filings	% Felony
	Felony	Misdemeanor	Pre-liminary Hearings	Ordinance Violations	Appeal	Other		
Alaska--Superior Court .....	778	96	NH	NH	151	165	1,190	65
Arizona--Superior Court .....	10,390	568	NH	NH	2,290	757	14,005	74
Arkansas--Circuit Court .....	8,997	5,287j	NH	NH	(j)		14,284	63
California--Superior Court .....	55,369	NH	NH	NH	2,708		58,077	95
Colorado--District Court, Denver Superior Court, Denver Juvenile Court, and Denver Probate Court ..	10,604j	(j)		NH	399	4,022	15,025	71
Florida--Circuit Court .....	95,202	NH		NH	640	NH	95,842	99
Georgia--Superior Court .....	26,293	15,730		NH	NH	NH	42,023	63
Hawaii--Circuit Court .....	1,729	308	NH	NH	NH	60	2,097	82
*Idaho--District Court .....	2,845	201	NH	NH	67	NH	3,113	91
Kansas--District Court .....	10,303	14,193	NH	NH	715		25,211	41
Maine--Superior Court .....	2,79j	1,979	NH	(j)		675j	5,444	51
Nebraska--District Court .....	3,918j	(j)		NH	2,253j		6,171	63
New Jersey--Superior Court (Law Division and Chancery Division) and County Court .....	24,311	NH		NH	2,554	219	27,084	90
North Carolina--Superior Court .....	30,576	NH	NH	NH	22,702	NH	53,278	57
North Dakota--District Court .....	916	22	NH	NH	56	63	1,057	87
Ohio--Court of Common Pleas .....	31,575	NH	NH	NH	NH	NH	31,575	100
Oklahoma--District Court .....	22,165	36,069		NH	589	525	59,348	37
Oregon--Circuit Court .....	16,097	NH		NH			16,097	100
Puerto Rico--Superior Court .....	10,212j	9,001j	731	NH	(j)		19,944	51
Rhode Island--Superior Court .....	2,396	494		NH	291		3,181	75
Tennessee--Circuit Court and Criminal Court .....	20,177	7,971					28,148	72
Utah--District Court .....	2,812	NH	NH	NH	632		3,444	82
Vermont--Superior Court .....	33	4		NH		45	82	40
Virginia--Circuit Court .....	29,354	23,267	NH	NH		462	53,083	55
Washington--Superior Court .....	11,168	NH	NH	NH	3,110	NH	14,278	78
Wisconsin--Circuit Court and County Court .....	15,855	19,624				7,498	42,977	37
Wyoming--District Court .....	1,404	NH	NH	NH			1,404	100

X = The data for this casetype are known to be included in the total but were not available by category.

NH = This casetype is not handled by this court.

\*Idaho has a single-tier trial court. It has no limited jurisdiction courts under it, so included in its caseload are cases that would be heard by limited jurisdiction courts elsewhere.

Explanation of data included in the category:

Arkansas--Appeal data are included in the misdemeanor figures.

Colorado--Data reported include felonies, as well as cases filed as felonies but reduced to misdemeanors.

Maine--Ordinance violation data are included in the other criminal figures.

Nebraska--The felony category may include a few misdemeanor cases.

Puerto Rico--Appeal data are included in all the other listed categories by casetype.



Table H. Civil case filings composition, 1976

State	Small Claims	Domestic Relations	Estate	Other Civil	Total
California	434,642 (.34)	168,887 (.13)	62,590 (.05)	601,548 (.47)	1,267,667
Connecticut	94,595 (.44)	18,568 (.09)	42,462 (.20)	61,723 (.28)	217,348
District of Columbia	38,044 (.22)	6,731 (.04)	2,568 (.02)	122,716 (.72)	170,059
Hawaii	1,388 (.05)	10,276 (.35)	2,141 (.07)	15,926 (.54)	29,731
Idaho	10,150 (.25)	11,623 (.29)	4,044 (.10)	14,419 (.36)	40,245
Illinois	185,811 (.29)	90,441 (.14)	33,533 (.05)	323,461 (.51)	633,246
Nebraska	23,263 (.38)	12,221 (.20)	11,059 (.18)	14,499 (.24)	61,042
New Hampshire	18,159 (.32)	12,542 (.22)	11,941 (.21)	14,100 (.25)	56,742
New Jersey	37,132 (.09)	85,265 (.20)	584 (.01)	297,687 (.71)	420,668
Ohio	84,837 (.15)	97,419 (.17)	77,925 (.14)	313,746 (.55)	573,927
Vermont	8,896 (.37)	5,155 (.21)	2,796 (.12)	7,235 (.30)	24,082
Washington	20,911 (.13)	38,608 (.24)	16,329 (.10)	86,138 (.53)	161,986
Totals	957,828 (.26)	557,745 (.15)	267,972 (.07)	1,873,198 (.51)	3,656,743

Table I. Civil case filings composition, 1977

State	Small Claims	Domestic Relations	Estate	Other Civil	Total
Alaska	6,101 (.28)	6,666 (.31)	811 (.04)	8,060 (.37)	21,638
California	427,224 (.32)	172,211 (.13)	64,910 (.05)	655,976 (.50)	1,320,321
Connecticut	95,002 (.44)	18,973 (.09)	12,137 (.06)	91,377 (.42)	217,489
District of Columbia	33,735 (.21)	7,430 (.05)	2,502 (.02)	118,277 (.73)	161,944
Hawaii	1,279 (.04)	12,605 (.40)	2,035 (.06)	15,945 (.50)	31,864
Idaho	11,810 (.26)	12,918 (.28)	4,169 (.09)	16,640 (.37)	45,537
Iowa	65,434 (.50)	915 (.01)	23,202 (.18)	40,219 (.31)	129,770
Illinois	172,792 (.27)	87,213 (.14)	33,929 (.05)	341,732 (.54)	635,666
North Carolina	160,439 (.51)	46,996 (.15)	31,742 (.10)	74,777 (.24)	313,954
Ohio	86,780 (.15)	93,968 (.16)	77,793 (.13)	324,890 (.56)	583,431
Pennsylvania	31,744 (.08)	102,795 (.25)	19,375 (.05)	258,491 (.63)	412,405
Vermont	6,454 (.30)	4,493 (.20)	3,129 (.14)	7,592 (.35)	21,668
Washington	21,074 (.20)	39,974 (.37)	16,164 (.15)	30,543 (.28)	107,755
Totals	1,119,868 (.28)	607,157 (.15)	291,898 (.07)	1,984,519 (.50)	4,003,442

Table J. Civil case filings composition, 1978

State	Small Claims	Domestic Relations	Estate	Other Civil	Total
Alaska	7,948 (.33)	6,227 (.26)	851 (.04)	8,875 (.37)	23,901
California	453,662 (.33)	175,160 (.13)	63,774 (.05)	699,260 (.50)	1,391,856
Colorado	10,294 (.07)	45,475 (.29)	7,267 (.05)	94,486 (.60)	157,522
Connecticut	84,968 (.41)	19,701 (.09)	42,736 (.21)	60,129 (.29)	207,534
District of Columbia	32,797 (.21)	7,281 (.05)	2,440 (.02)	115,768 (.73)	158,286
Hawaii	1,313 (.04)	14,656 (.44)	1,912 (.06)	15,775 (.47)	33,656
Idaho	13,504 (.28)	13,517 (.28)	3,891 (.08)	17,260 (.36)	48,172
Illinois	175,454 (.25)	93,965 (.14)	34,154 (.05)	386,128 (.56)	689,701
Iowa	72,054 (.50)	947 (.01)	24,218 (.07)	46,598 (.32)	143,817
Kentucky	27,585 (.17)	30,384 (.18)	34,856 (.21)	73,269 (.44)	166,094
Ohio	90,615 (.15)	97,126 (.16)	77,480 (.13)	350,014 (.57)	615,235
North Carolina	171,612 (.51)	49,311 (.15)	32,602 (.10)	81,816 (.24)	335,341
Pennsylvania	26,043 (.06)	110,870 (.26)	19,616 (.05)	262,846 (.63)	419,375
Vermont	6,252 (.28)	5,109 (.23)	3,131 (.14)	7,875 (.35)	22,367
Washington	21,456 (.12)	44,805 (.25)	13,539 (.08)	96,625 (.55)	176,425
Wisconsin	64,925 (.34)	40,946 (.22)	27,551 (.15)	54,984 (.29)	188,406
Totals	1,260,482 (.26)	755,480 (.16)	390,018 (.08)	2,371,708 (.50)	4,777,688
Totals for Figure 6	170,357 (.19)	166,245 (.19)	110,834 (.13)	438,033 (.50)	885,469

Table K. Composition of civil case filings in general jurisdiction courts, 1977

State	Tort	Domestic Relations	Estate	All Other Civil Cases	Total
Alaska	910	6,666	811	2,988	11,375
California	95,604	172,211	64,910	226,208	548,933
Florida	23,612	78,355	40,113	108,000	250,080
Hawaii	1,069	12,605	2,035	5,141	20,850
Idaho	1,608	12,918	4,169	26,842	45,537
Maryland	7,724	34,136	441	23,725	66,026
New Jersey	39,143	24,112	986	4,130	68,371
North Dakota	773	4,295	41	3,897	9,006
Ohio	21,357	93,968	77,793	56,471	249,589
Oklahoma	6,899	38,782	13,543	113,182	172,406
Tennessee	11,262	49,422	1,563	24,100	86,347
Washington	7,321	39,974	16,164	35,541	99,000
Totals	207,282 (12.7)	567,444 (34.9)	222,569 (13.7)	630,225 (38.7)	1,627,520

Table L. Composition of civil case filings in general jurisdiction courts, 1978

State	Tort	Domestic Relations	Estate	All Other Civil Cases	Total
Alaska	921	6,227	851	3,371	11,370
California	86,729	175,160	63,774	237,692	563,355
Colorado	3,481	45,475	7,267	36,954	93,177
Florida	21,761	81,985	42,941	115,668	262,355
Hawaii	1,155	14,656	1,912	4,993	22,716
Idaho	1,728	13,517	3,891	29,036	48,172
Maryland	7,902	39,065	632	27,121	74,720
New Jersey	40,233	29,103	978	4,023	74,337
North Dakota	732	4,944	35	4,264	9,975
Ohio	21,587	97,126	77,480	58,565	254,758
Oklahoma	7,062	39,644	13,904	120,410	181,020
Tennessee	10,457	47,265	1,639	26,548	85,909
Utah	872	10,371	3,426	13,873	28,542
Washington	6,882	44,805	13,539	38,720	103,946
Wisconsin	18,584	40,946	27,551	101,325	188,406
Totals	230,086 (11.5)	690,289 (34.5)	259,820 (13.0)	822,563 (41.1)	2,002,758
Totals for Figure 7	43,054 (8.4)	166,245 (32.3)	110,834 (21.6)	193,919 (37.7)	514,052

Table M. Civil trials by case type, 1978

State	Court	Case type	Number	Case type as a percent of civil trials
California:	Superior Court	Tort	4,228	0.7%
		Dom. Rel.	142,189	23.6%
		Estate	55,447	9.2%
		Small Claims	262,047	43.6%
		Total trials	601,397	
Idaho:	District Court	Tort	332	1.5%
		Dom. Rel.	8,686	39.7%
		Estate	1,997	9.1%
		Small Claims	7,525	34.4%
		Total trials	21,903	
Oklahoma:	District Court	Tort	1,251	5.2%
		Dom. Rel.	5,481	22.7%
		Estate	237	1.0%
		Small Claims	11,265	46.7%
		Total trials	24,121	
Wisconsin:	Circuit and County Court	Dom. Rel.	10,474	56.8%
		Estate	1,351	7.3%
		Small Claims	3,143	17.1%
		Total trials	18,436	
Totals for Figure 8		Tort	5,811	0.9%
		Dom. Rel.	166,830	25.1%
		Estate	59,032	8.9%
		Small Claims	283,980	42.7%
		Total trials	665,857	



Table N. Criminal dispositions for general jurisdiction courts, 1976

State, Court Title	Case type	Total case type disposed*	PLEA		NOLLE PROSEQUI		DISMISSAL		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
Alabama: Circuit Ct.	FMA	25,451	15,136	59%			7,513	30%	2,716	11%
Alaska: Superior Ct.	F	898	429	48%			244	27%	136	15%
Arizona: Superior Ct.	FMA	13,765	7,031	51%			4,992	36%	1,655	12%
Arkansas: Circuit Ct.										
California: Superior Ct.	F	50,094	34,958	70%			6,136	12%	8,488	17%
Colorado: District Ct.										
Connecticut: Superior Ct.	FMA	4,100	3,148	77%			100	2%	133	3%
Delaware: Superior Ct.	FMA									
Dist. of Col.: Superior Ct.	FMO	22,232	6,789	31%	5,888	26%	1,511	7%	1,909	9%
Florida: Circuit Ct.	FA	23,263	15,494	67%			4,766	20%	2,856	12%
Georgia: Superior Ct.	M	16,959	7,334	43%			5,291	31%	788	5%
Hawaii: Circuit Ct.	FMO+	1,683	653	39%	486	29%	92	5%	312	19%
Idaho: District Ct.	F	2,451							303	12%
	M	706							65	9%
	A	49							10	20%
- Magistrates Div.	M	21,523							1,800	8%
Illinois: Circuit Ct.	F	33,595	17,032	51%			13,996	42%	2,567	8%
Indiana: Superior Ct. and Circuit Ct.	FM	49,769							6,417	13%
- Criminal Court of Marion County	FM	2,423	766	32%			436	18%	533	22%
Iowa: District Ct.	FMO	162,609							18,489	11%
Kansas: District Ct.	FM									
Kentucky: Circuit Ct.	FM									
Louisiana: District Ct.										
Maine: Superior Ct.	FM	6,339							604	10%
Maryland: Circuit Ct.	FMA	33,073							17,179	52%
Massachusetts: Superior Ct.	F	17,057							2,013	12%
	A	16,747							1,425	9%
Michigan: Circuit Ct.	FMA	25,575							2,512	10%
- Records Ct. of Detroit										
Minnesota: District Ct.	FMA	8,634	5,715	66%			2,250	26%	569	8%
Mississippi: Circuit Ct.	FA									
Missouri: Circuit Ct. and Ct. of Common Pleas	FMA	17,964	10,807	60%	2,184	12%	2,734	15%	2,239	12%
Montana: District Ct.										
Nebraska: District Ct.										
Nevada: District Ct.										
New Hampshire: Superior Ct.	FMA	5,771	2,785	48%			1,241	22%	544	9%

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New Jersey: Superior Ct. and County Court	FA	29,225	15,329	52%			6,827	23%	3,590	12%
New Mexico: District Ct.										
New York: Supreme Ct. and County Ct.	FM	37,662	26,006	69%			8,440	22%	3,090	8%
North Carolina: Superior Ct.	FM									
North Dakota: District Ct.										
Ohio: Ct. of Common Pleas	F	30,312	16,550	55%	3,783	12%	4,131	14%	4,399	15%
Oklahoma: District Ct.										
Oregon: Circuit Ct.	F	14,909							1,636	11%
Pennsylvania: Ct. of Common Pleas	FMA	74,343	29,811	40%	10,090	14%			10,343	14%
Rhode Island: Superior Ct.	FMA									
South Carolina: Circuit Ct.	FM									
South Dakota: Circuit Ct.	FM	13,278	8,623	65%			1,828	14%	914	7%
Tennessee: Criminal Ct.	FM									
Texas: District Ct. and Criminal District Ct.	FM	76,312	39,970	52%			26,897	35%	3,764	5%
Utah: District Ct.	FMA	2,494	1,268	51%			367	15%	486	19%
Vermont: Superior Ct.	FMA	30	5	17%	2	7%	8	27%	9	30%
- District Ct.	FM	16,800	12,039	72%	3,087	18%	1,394	8%	217	1%
Virginia: Circuit Ct.	FMA									
Washington: Superior Ct.	FMA	14,374							2,569	18%
West Virginia: Circuit Ct.	FMA									
Wisconsin: Circuit Ct.										
- County Ct.										
Wyoming: District Ct.	F	1,346	531	39%			404	30%	352	26%

F = Felony  
 M = Misdemeanor  
 A = Appeal  
 O = Ordinance violation/other criminal

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

Table 0. Criminal dispositions for limited jurisdiction courts, 1976

State, Court Title	Case type	Total case type disposed*	PLEA		NOLLE PROSEQUI		DISMISSAL		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
Alaska: District Ct.	M	17,041	11,463	67%			3,567	21%	938	6%
California: Municipal Ct.	MOP	579,812	311,804	54%			119,002	21%	14,437	3%
Florida: County Ct.	MO	165,100	91,133	55%					6,139	4%
Georgia: State Ct.	M	60,701	31,977	53%			12,792	21%	7,654	13%
Indiana: Juvenile Ct. of Marion County	M	25							10	40%
- Municipal Ct. of Marion County	M	32,129							12,046	37%
Minnesota: County Ct.	M	32,149	18,852	59%			7,153	22%	2,374	7%
- County Municipal Ct.	MO	25,200	11,565	46%			12,699	50%	936	4%
Missouri: St. Louis Ct. of Criminal Corrections	M	4,676	3,859	83%			751	16%	33	1%
Ohio: County Ct.	M	21,796	10,358	48%	1,775	8%	3,105	14%	2,131	10%
- Municipal Ct.	M	228,677	123,373	54%	11,103	5%	46,510	20%	16,998	7%
Pennsylvania: Phil. Municipal Court	M	32,237	1,965	6%	12,755	40%			6,342	20%
- District Court	O	314,198	193,812	62%			44,893	14%	194,815	62%
Texas: County Court at Law and Constitutional County Court	MA	145,516	64,059	44%			67,076	46%	3,003	2%
- Municipal Court	M	360,950	180,451	50%			40,156	11%	61,285	17%

M = Misdemeanor  
A = Appeal  
O = Ordinance violation/other criminal  
P = Preliminary hearing

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

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Table P. Criminal dispositions for general jurisdiction courts, 1977

State, Court Title	Case type	Total case type disposed*	PLEA		NOLLE PROSEQUI		DISMISSAL		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
Alabama: Circuit Ct.	FA	23,443	13,841	59%			6,915	29%	2,687	11%
Alaska: Superior Ct.	F	764	398	52%			182	24%	123	16%
Arizona: Superior Ct.	F	10,268	6,822	66%			2,384	23%	945	9%
	MA	2,975	466	16%			1,830	62%	659	22%
Arkansas: Circuit Ct.	FMA									
California: Superior Ct.	F	49,111	35,089	71%			5,441	11%	8,095	16%
Colorado: District Ct.										
Connecticut: Superior Ct.	FM	4,486	3,380	75%	812	18%	142	3%	152	3%
Delaware: Superior Ct.	FMA	3,860	2,478	64%	856	22%	62	2%	349	9%
Dist. of Col.: Superior Ct.	F	3,045	2,016	59%	30	1%	333	10%	635	19%
	M	13,349	3,353	25%	4,039	30%	769	6%	813	6%
	O	2,997	187	6%	574	19%	175	6%	62	2%
Florida: Circuit Ct.	F	80,162	20,631	26%			28,933	36%	3,684	5%
Georgia: Superior Ct.	F	33,974	24,242	71%			6,756	20%	2,996	9%
	M	15,503	7,905	51%			4,769	31%	356	2%
Hawaii: Circuit Ct.	FM	1,530	620	41%	383	25%	68	4%	337	22%
Illinois: Circuit Ct.	F	38,008	17,969	47%			13,241	34%	3,756	10%
Indiana: Superior Ct. and Circuit Court	FM	28,314							3,992	14%
- Criminal Ct. of Marion County	FM	2,068	838	41%			447	22%	386	19%
Iowa: District Ct.	FA	17,880							1,974	11%
	M	69,624							5,648	8%
	O	86,682							5,862	7%
Kansas: District Ct.	FMA	14,412	8,315	58%			4,927	34%	1,339	9%
Kentucky: Circuit Ct.	FMA									
Louisiana: District Ct.									309	13%
Maine: Superior Ct.	F	2,346							9,981	24%
Maryland: Circuit Ct.	FMA	41,274								
Massachusetts: Superior Ct.										
Michigan: Circuit Ct.	F	25,737							2,415	9%
- Circuit Ct.	A	579							33	6%
- Recorder's Court of Detroit	F	16,245	8,970	55%			4,364	27%	2,470	15%
Minnesota: District Ct.	M	6,161	3,365	55%			1,968	32%	828	13%
Mississippi: Circuit Ct.	FMA	9,821	6,620	67%			2,382	24%	819	8%
Missouri: Circuit Ct.										
- Court of Common Pleas										
Montana: District Ct.										
Nebraska: District Ct.										
Nevada: District Ct.										

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New Hampshire: Superior Ct.	FMA	6,636	2,847	43%	1,621	24%			550	8%
New Jersey: Superior Ct. and County Ct.	F	30,655	17,066	56%			9,760	32%	3,568	12%
New Mexico: District Ct.										
New York: Supreme Ct. and County Court.	FM	35,255	24,895	71%			7,042	20%	3,203	9%
North Carolina: Superior Ct.										
North Dakota: District Ct.	FMA	908	382	42%					270	30%
Ohio: Ct. of Common Pleas	F	31,135	17,502	56%	3,837	12%	438	1%	4,380	14%
Oklahoma: District Ct.	F	18,174	8,705	48%	6,478	36%	2,784	15%	1,578	9%
Oregon: Circuit Ct.	F	14,119							1,550	11%
Pennsylvania: Ct. of Common Pleas	FM	58,606	26,783	46%	8,873	15%			9,270	16%
Rhode Island: Superior Ct.	FMA									
South Carolina: Circuit Ct.	FM									
South Dakota: Circuit Ct.	F	2,398	894	37%			574	24%	214	9%
	M	10,875	7,248	67%			1,632	15%	651	6%
Tennessee: Criminal Ct.	FM									
Texas: District Ct. and Criminal District Ct.	F	72,092	39,321	55%			28,386	39%	3,631	5%
	M	5,211	1,849	35%			2,026	39%	140	3%
Utah: District Ct.	FMA	2,999	1,591	53%			580	19%	435	15%
Vermont: Superior Ct.	FMA	56	11	20%	6	11%	7	12%	9	16%
Vermont: District Ct.	FM	18,021	12,855	71%	3,804	21%	1,038	6%	194	1%
Virginia: Circuit Ct.	FM	47,534	19,737	42%	7,917	17%	1,383	3%	13,847	29%
Washington: Superior Ct.	FA	14,664							2,763	19%
West Virginia: Circuit Ct.										
Wisconsin: County Ct.										
Wyoming: District Ct.	F	1,352	582	43%			376	28%	316	23%

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F = Felony  
M = Misdemeanor  
A = Appeal  
O = Ordinance violation/other criminal

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

Table Q. Criminal dispositions for limited jurisdiction courts, 1977

State, Court Title	Case type	Total case type disposed*	PLEA		NOLLE PROSEQUI		DISMISSAL		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
California: Municipal Ct.	M	509,997	329,699	65%			113,857	22%	14,307	3%
	O	34,468	9,389	27%			11,096	32%	354	1%
	P	80,856	19,398	24%			16,399	20%	3,898	5%
- Justice Ct.	M	51,663	25,172	49%			8,409	16%	3,843	7%
	O	5,376	1,118	21%			835	16%	163	3%
Florida: County Ct.	MO	213,989	106,228	50%			50,499	24%	10,686	5%
Georgia: County Ct. and State Court	M	55,853	34,407	62%			13,286	24%	2,837	5%
- Probate Ct.	M	3,501	1,170	33%			266	8%	27	1%
Indiana: Municipal Ct. of Marion County	M	38,244							5,610	15%
- Juvenile Ct. of Marion County	M	41							24	59%
Minnesota: County Mun. Ct.	MO	26,938	12,461	46%			13,625	51%	852	3%
- County Ct.	M	33,035	19,989	61%			6,772	20%	2,384	7%
New Jersey: County District Ct.	O	3,263	925	28%			370	11%	416	13%
- Municipal Ct.	O	296,250	107,881	36%			90,433	31%	3,729	1%
Ohio: County Ct.	M	23,043	10,032	44%	1,407	6%	3,387	15%	1,799	8%
- Municipal Ct.	M	232,623	120,135	52%	5,835	3%	33,408	14%	15,276	7%
Pennsylvania: Philadelphia Municipal Ct.	M	39,754	2,008	5%	13,688	34%			4,090	10%
Texas: County Ct. at Law and Constitutional County Ct.	MA	182,058	73,868	41%			89,863	49%	2,802	2%
- Municipal Ct.	M	280,217	123,662	44%			36,448	13%	56,377	20%
- Justice of the Peace Ct.	M	215,292	130,697	61%			40,963	19%	40,618	19%

M = Misdemeanor  
A = Appeal  
O = Ordinance violation/other criminal  
P = Preliminary hearing

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

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Table R. Criminal dispositions for general jurisdiction courts, 1978

State, Court Title	Case type	Total case type disposed*	PLEA		NOLLE PROSEQUI		DISMISSAL		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
Alabama: Circuit Ct.	FA	23,273							6,370	27%
Alaska: Superior Ct.	F	905	420	46%			223	25%	152	17%
Arizona: Superior Ct.	F	10,009	6,764	68%			2,119	21%	862	9%
	M	600	382	64%			161	27%	22	4%
	A	2,384	59	2%			521	22%	642	27%
	O	136	10	7%			25	18%	6	4%
Arkansas: Circuit Ct.										
California: Superior Ct.	F	49,003	35,787	73%			5,287	11%	7,493	15%
Colorado: District Ct.										
Connecticut: Superior Ct.	FM	3,750	2,781	74%			820	22%	149	4%
Delaware: Superior Ct.	FMA	3,470	2,176	63%	855	25%	43	1%	318	9%
Dist. of Col.: Superior Ct.	F	3,854	2,287	59%	34	1%	322	8%	661	17%
	M	13,732	3,982	29%	3,713	27%	1,018	7%	659	5%
	O	3,321	377	11%	506	15%	257	8%	93	3%
Florida: Circuit Ct.	F	82,069	18,166	22%			31,091	38%	3,965	5%
Georgia: Superior Ct.	F	38,529	25,345	66%			7,480	19%	3,002	8%
	M	17,399	8,227	47%			4,778	27%	514	3%
Hawaii: Circuit Ct.	FM	1,682	638	38%	308	18%	245	15%	313	19%
	O	50	4	8%	16	32%	9	18%	3	6%
Illinois: Circuit Court	F	55,512							3,340	6%
Idaho: District Ct.	F	2,760							2,052	74%
	M	195							138	71%
	A	65							19	29%
- Magistrates Div. of District Ct.	M	20,271							13,862	68%
	P	4,984							1,820	37%
Indiana: Superior Ct. and Circuit Ct.	FM	27,135							4,858	18%
- Criminal Ct. of Marion County	FM	1,836	1,057	58%			373	20%	212	12%
Iowa: District Ct.	FA	14,573							1,612	11%
	M	68,934							6,786	10%
	O	55,366							4,105	7%
Kansas: District Ct.	FA	10,232	5,152	50%			3,857	38%	707	7%
	MA	14,819	8,827	60%			4,517	30%	1,409	10%
Kentucky: Circuit Ct.										
Louisiana: District Ct.										
Maine: Superior Ct.	FMO+	7,358							752	10%
Maryland: Circuit Ct.	FM	32,875							8,789	27%
Massachusetts: Superior Ct.										
Michigan: Circuit Ct.										
Minnesota: District Ct.	FMA	10,487	7,252	69%			2,472	24%	763	7%
Mississippi: Circuit Ct.										
Missouri: Circuit Ct. and Ct. of Common Pleas	FMA	18,330	9,580	52%	2,863	16%	2,063	11%	3,824	21%
Montana: District Ct.										

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Nebraska: District Ct.										
Nevada: District Ct.										
New Hampshire: Superior Ct.	FMA	6,578	2,897	44%	1,307	20%		620	9%	
New Jersey: Superior Ct. and County Ct.	F	28,779	15,443	54%			10,055	35%	3,098	11%
New Mexico: District Ct.	FM									
New York: Supreme Ct. and County Ct.	FM	33,387	24,192	72%			6,013	18%	3,182	10%
North Carolina: Superior Ct.										
North Dakota: District Ct.	FMA	987	131	13%			159	16%	370	37%
Ohio: Ct. of Common Pleas	F	30,603	17,767	58%	3,885	13%			3,944	13%
Oklahoma: District Ct.	F	20,497	9,712	47%	6,680	33%	2,223	11%	2,266	11%
	M	35,091							3,105	9%
	A	467							83	18%
Oregon: Circuit Ct.	F	14,973							1,878	13%
Pennsylvania: Ct. of Common Pleas	FM	54,343	23,477	43%	8,594	16%			7,905	15%
Rhode Island: Superior Ct.										
South Carolina: Circuit Ct.	F	2,138							173	8%
South Dakota: Circuit Ct.	N	9,159							447	5%
Tennessee: Criminal Ct.										
Texas: District Ct. and Criminal District Ct.	F	76,587	43,862	57%			28,083	37%	4,103	5%
	M	6,108	2,693	44%			2,472	40%	18	1%
Utah: District Ct.	FM	2,691	1,604	60%			521	19%	566	21%
Vermont: Superior Ct.	FM	40							10	25%
- District Ct.		19,957	14,274	72%	4,554	23%	678	3%	212	1%
Virginia: Circuit Ct.	F	27,933	12,057	43%	4,511	16%	1,077	4%	8,697	31%
	M	22,207	8,670	39%	2,874	13%	1,068	5%	6,782	31%
	A	399							80	20%
Washington: Superior Ct.	FA	13,817							2,615	19%
West Virginia: Circuit Ct.										
Wisconsin: Circuit Ct. and County Ct.	F	14,106							1,462	10%
	M	17,490							1,671	10%
	O	6,709							988	15%
Wyoming: District Ct.	F	1,355	600	44%			366	27%	312	23%

F = Felony  
M = Misdemeanor  
A = Appeal  
O = Ordinance violation/other criminal  
P = Preliminary hearing

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

Table S. Criminal dispositions for limited jurisdiction courts, 1978

State, Court Title	Case type	Total case type disposed*	PLEA		NOLLE PROSEQUI		DISMISSAL		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
Arizona: Municipal Ct.	M	47,988	31,916	67%			7,498	16%	7,774	16%
California: Justice Ct.	M	44,591	22,601	51%			6,277	14%	2,921	7%
	P	4,308							608	16%
	O	4,237	911	22%			793	19%	191	5%
- Municipal Ct.	M	491,187	317,000	65%			109,641	22%	14,758	3%
	O	39,395	10,614	27%			12,613	32%	639	2%
	P	84,479	21,270	25%			16,693	20%	4,410	5%
Colorado: County Ct.	M	25,273							1,796	7%
Florida: County Ct.	MO	207,790	96,200	46%			49,852	24%	8,746	4%
Georgia: Probate Ct.	M	5,321	1,633	31%			411	8%	7	1%
- State Ct. and County Ct.	M	68,000	42,928	63%			14,689	22%	2,858	4%
Indiana: Municipal Ct. of Marion County	M	33,159							5,156	16%
- Juvenile Ct. of Marion County	M	8							5	62%
- County Ct.	M	32,348							3,662	11%
Michigan: Municipal Ct.	O	20,876	6,878	33%			3,815	18%	1,908	9%
- Common Pleas Ct. of Detroit	O	80,459					4,488	6%	1,386	2%
Minnesota: County Ct.	M	30,204	17,489	58%			6,762	22%	2,397	8%
New Jersey: County District Ct.	O	3,305					422	13%	496	15%
New York: District Ct. and City Ct.	O	123,578	64,524	52%			47,290	38%	1,675	1%
North Carolina: District Ct.	O	350,589	130,667	37%	72,417	21%			36,738	10%
Ohio: County Ct.	M	22,003	9,209	42%	1,299	6%	3,593	16%	2,029	9%
- Municipal Ct.	M	233,600	123,451	53%	5,598	2%	34,134	15%	12,951	6%
Pennsylvania: Philadelphia Municipal Ct.	M	29,005	2,525	9%	13,139	45%			3,793	13%
- District Ct.	O	365,612							44,369	12%
Texas: County Ct. and Constitutional County Ct.	MA	207,842	79,505	38%			99,428	48%	3,254	2%
- Municipal Ct.	M	343,267	163,321	48%			45,412	13%	63,740	19%
Utah: City Ct.	MPO	23,672	9,141	39%			5,444	23%	3,821	16%
Vermont: District Ct.	FM	19,957	14,274	72%	4,554	23%	678	3%	212	1%

F = Felony  
M = Misdemeanor  
O = Ordinance violation/other criminal  
P = Preliminary hearing

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.



Table T. Civil dispositions for general jurisdiction courts, 1976

State, Court Title	Case type	Total case type disposed*	SETTLEMENT		DISMISSED		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
Alabama: Circuit Ct.	Total Civil	75,052			45,394**	60%	28,764	38%
Alaska: Superior Ct.	Total Civil	8,604			511	6%	291	3%
Arizona: Superior Ct.	Total Civil	62,133			5,871	9%	3,254	5%
Arkansas: Circuit Ct.								
California: Superior Ct.	Appeals All Other Civil	8,478 384,709					9,088	107%
					113,941**	30%	243,576	63%
Colorado: District Ct. - Denver Superior Ct. - Denver Juvenile Ct. - Denver Probate Ct.	Total Civil	25,168					1,847	7%
Connecticut: Superior Ct.								
Delaware: Superior Ct. - Ct. of Chancery	Some Civil	4,065	1,745	43%	690	17%	394	10%
Dist. of Col.: Superior Ct.								
Florida: Circuit Ct.	Total Civil	16,005			1,741	11%	325	2%
Georgia: Superior Ct.								
Hawaii: Circuit Ct. - Land Ct. - Tax Appeal Ct.	Total Civil	8,436					3,175	38%
Idaho: District Ct. - Magistrates Div.	Total Civil	28,227					12,851	46%
Illinois: Circuit Ct.								
Indiana: Circuit Ct. and Superior Ct.	Total Civil	168,710	17,026	10%			16,491	10%
Iowa: District Ct.	Total Civil	118,771					15,241	13%
Kansas: District Ct.	Total Civil	37,059					9,330	25%
Kentucky: Circuit Ct.								
Louisiana: District Ct. - Family Ct. - Juvenile Ct.								
Maine: Superior Ct.	Total Civil	5,024					477	9%
Maryland: Circuit Ct.	Total Civil	54,464					17,786	33%
Massachusetts: Superior Ct.								
Michigan: Circuit Ct.	Total Civil	119,948					3,016	3%
Minnesota: District Ct.	Total Civil	21,234	1,733	8%	9,420	44%	10,081	47%
Mississippi: Circuit Ct. - Chancery Ct.								
Missouri: Circuit Ct. and Ct. of Common Pleas	Total Civil	73,846					10,919	15%
Montana: District Ct.								
Nebraska: District Ct.								
Nevada: District Ct.								

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New Hampshire: Superior Ct.	Total Civil	16,494				2,340	14%	
New Jersey: Superior Ct. and County Ct.	Total Civil	57,393				13,413	23%	
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New Mexico: District Ct.	Total Civil	113,287	37,562	33%	1,002	1%	59,176	52%
New York: Supreme Ct. and County Ct.	Total Civil	9,391					4,444	47%
North Carolina: Superior Ct.	Total Civil	256,271			27,485	11%	13,042	5%
North Dakota: District Ct.	Total Civil	146,131			6,132	4%	23,644	16%
Ohio: Ct. of Common Pleas	Total Civil	45,533					4,890	11%
Oklahoma: District Ct.	Total Civil	177,060	9,156	5%			5,759	3%
Oregon: Circuit Ct.	Total Civil	32,214	1,916	6%	7,280	23%	795	2%
Pennsylvania: Ct. of Common Pleas	Total Civil	17,439					600	32%
Rhode Island: Superior Ct.	Total Civil							
South Carolina: Circuit Ct.	Total Civil							
South Dakota: Circuit Ct.	Total Civil							
Tennessee: Circuit Ct. - Law and Equity Ct. - Chancery Ct.	Total Civil							
<hr/>								
Texas: District Ct., Domestic Relations Ct., Juvenile Ct.	Total Civil	250,555			73,149	29%	130,085	52%
Utah: District Ct.	Total Civil	22,638			6,490	29%	2,034	9%
Vermont: Superior Ct.	Total Civil	6,335			2,036	32%	653	10%
- District Ct.	Total Civil	17,663					1,088	6%
Virginia: Circuit Ct.	Total Civil	79,911					7,662	10%
Washington: Superior Ct.	Total Civil							
West Virginia: Circuit Ct.	Total Civil							
Wisconsin: Circuit Ct. - County Ct.	Total Civil							
Wyoming: District Ct.	Total Civil	7,255			2,233	31%	1,808	25%

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

\*\*The figure given for "dismissed" includes both "settled" and "dismissed" cases.

Table U. Civil dispositions for limited jurisdiction courts, 1976

State, Court Title	Case type	Total case type disposed*	SETTLEMENT		DISMISSED		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
<u>Alaska:</u> District Ct.	Small Claims	3,747					588	16%
	All Other Civil	3,037					217	7%
<u>California:</u> Municipal Ct.	Total Civil	537,908			239,644	45%	298,264	55%
<u>Connecticut:</u> Ct. of Common Pleas	Total Civil	51,625					1,337	3%
<u>Hawaii:</u> District Ct.	Total Civil	10,953			3,188	29%	646	6%
<u>Indiana:</u> County Ct.	Total Civil	34,716	6,842	20%			7,937	23%
- Probate Ct.	Total Civil	5,759					3,680	64%
- Municipal Ct. of Marion County	Total Civil	17,849	306	2%	4,017	23%	6,114	34%
<u>Kansas:</u> Kansas City Ct., Magistrates Ct., Common Pleas Ct.	Total Civil	28,269					2,762	10%
- County Ct.	Total Civil	6,966					1,163	17%
<u>Michigan:</u> Common Pleas Ct. of Detroit	Total Civil	165,177					15,964	10%
- District Ct.	Total Civil	169,108					30,534	18%
- Municipal Ct.	Total Civil	16,049					2,282	14%
<u>Minnesota:</u> Conciliation Ct.	Small Claims	39,446			30,671	78%	8,775	22%
- County Ct.	Total Civil	72,689					21,893	30%
- County Municipal Ct.	Total Civil	13,208			2,018**	15%	771	6%
<u>New Hampshire:</u> District Ct.	Total Civil	22,478	5,797	26%	2,175	10%	3,679	16%
- Municipal Ct.	Total Civil	556	163	29%	38	7%	131	24%
<u>New Jersey:</u> County District Ct.	Total Civil	293,177			27,523**	9%	53,755	18%
<u>New York:</u> Civil Ct. of the City of New York	Total Civil	149,865			102,603**	68%	12,234	8%
<u>North Carolina:</u> District Ct.	Total Civil	212,208					180,916	85%
<u>Ohio:</u> County Ct.	Total Civil	21,168			5,312	25%	899	4%
- Municipal Ct.	Total Civil	325,113			103,442	32%	9,132	3%
- Ct. of Claims	Total Civil	332	31	9%	177	53%	42	13%
<u>Pennsylvania:</u> District Justice Ct.	Total Civil	142,612	33,004	23%			34,241	24%
<u>Rhode Island:</u> District Ct.	Total Civil	21,750					2,947	14%
<u>South Carolina:</u> Civil and Criminal Ct.	Total Civil	22,871	1,237	6%	4,017	18%	587	3%
<u>Texas:</u> County Ct. at Law, Constitutional Ct., Probate Ct.	Total Civil	72,939			31,605	43%	3,790	5%
- Justice of the Peace Ct.	Total Civil	123,282	49,554	40%	33,380	27%	40,348	33%
<u>Utah:</u> City Ct.	Total Civil	20,384			4,803	24%	2,337	11%

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

\*\*The figure given for "dismissed" includes both "settled" and "dismissed" cases.



Table V. Civil dispositions for general jurisdiction courts, 1977

State, Court Title	Case type	Total case type disposed*	SETTLEMENT		DISMISSED		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
<u>Alabama:</u> Circuit Ct.	Total Civil	10,672			873	8%	431	4%
<u>Alaska:</u> Superior Ct.	Law	28,953			5,442	19%	3,147	11%
<u>Arizona:</u> Superior Ct.	Domestic Rel.	28,177			3,131	11%	3,840	14%
	Estate	6,356			0	0%	0	0%
	Mental Health	469			0	0%	0	0%
<u>Arkansas:</u> Circuit Ct.	Auto Tort	41,475			38,244	92%	2,513	6%
- Chancery and Probate Ct.	Other Tort	20,459			18,080	88%	2,059	10%
<u>California:</u> Superior Ct.	Real Property	2,228			1,021	46%	500	22%
	Domestic Rel.	150,317			8,203	5%	142,036	94%
	Estate	62,125			2,604	4%	58,846	95%
	Mental Health	4,925					4,684	95%
	Appeal	9,053					8,027	89%
	"Other Civil"	136,987			54,902	40%	43,590	32%
<u>Colorado:</u> District Ct.	Total Civil	25,040					922	4%
- Denver Superior Ct.								
- Juvenile Ct.								
- Probate Ct.								
<u>Connecticut:</u> Superior Ct.	Law	5,447	1,961	36%	942	17%	479	9%
<u>Delaware:</u> Ct. of Chancery	Small Claims	33,886	0	0%	995	3%	874	3%
- Superior Ct.	Real Property	110,539	44,074	40%	0	0%	56	.1%
<u>Dist. of Col.:</u> Superior Ct.								
<u>Florida:</u> Circuit Ct.	Total Civil	246,394			51,072	21%	139,434	57%
<u>Georgia:</u> Superior Ct.	Domestic Rel.	47,270			9,089**	19%	30,460	65%
	"Other Civil"	43,411			16,910**	39%	9,288	21%
<u>Hawaii:</u> Circuit Ct.	Auto Tort	763			544	71%	39	5%
	Other Tort	444			296	67%	48	11%
	Contract	1,327			530	40%	51	4%
	Real Property	196			36	18%	5	3%
	Domestic Rel.	10,949			--	--	18	.2%
	Other Civil	2,437			691	28%	99	4%
<u>Land Ct.</u>								
<u>Tax Appeal Ct.</u>								
<u>Idaho:</u> District Ct.	Tort	949					211	22%
	Small Claims	0					0	--
	Domestic Rel.	4,024					2,241	56%
	Estate	24					16	67%
	Appeal	175					81	46%
	Extraordinary Writ	140					33	24%
	"Other Civil"	3,733					1,258	34%

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- Magistrates Division

Tort 572  
 Small Claims 11,547  
 Domestic Rel. 8,688  
 Estate 3,772  
 Extraordinary Writ 10  
 "Other Civil" 10,188

79 14%  
 7,100 61%  
 6,482 75%  
 2,066 55%  
 6 60%  
 1,833 18%

Illinois: Circuit Ct.  
 Indiana: Superior Ct. and  
 Circuit Ct.  
 Iowa: District Ct.

Total Civil 186,340  
 Small Claims 64,114  
 Estate 17,213  
 "Other Civil" 39,261  
 Total Civil 50,502

100,882 54%  
 11,827 18%  
 494 3%  
 4,467 11%  
 10,612 21%

15,695 31%

Kansas: District Ct.  
 Kentucky: Circuit Ct.  
 Louisiana: District Ct.  
 Maine: Superior Ct.  
 Maryland: Circuit Ct.

Total Civil 5,254  
 Law 3,391  
 Equity 39,530

393 7%  
 2,539 75%  
 14,408 36%

Massachusetts: District Ct.  
 Michigan: Circuit Ct.

Auto Tort 10,096  
 Marriage Diss. 63,555  
 "Other Civil" 54,149  
 Appeal 594  
 Total Civil 18,814

630 6%  
 2,520 4%  
 2,287 4%  
 19 3%  
 8,564 46%

10,250\*\* 54%

Minnesota: District Ct.  
 Mississippi: Circuit Ct.  
 - Chancery Ct.

Missouri: Circuit Ct.  
 - Ct. of Common Pleas

Montana: District Ct.  
 Nebraska: District Ct.

Nevada: District Ct.

New Hampshire: Superior Ct.

Law 5,886  
 Domestic Rel. 8,779  
 Equity and Appeal 3,113

1,021 17%  
 376 4%  
 2,950 95%

New Jersey: Superior Ct.  
 and County Ct.

Auto Tort 14,886  
 Other Tort 18,125  
 Equity 4,328  
 Marriage Diss. 22,098

1,297 9%  
 2,554 14%  
 1,013 23%  
 8,431 38%

1,738 40% 1,162 27%

New Mexico: District Ct.  
 New York: Supreme Ct. &  
 County Ct.

Total Civil 113,792  
 Total Civil 65,557

61,130 54%  
 3,874 6%

31,999 28% 855 1%

North Carolina: Superior Ct.  
 North Dakota: District Ct.

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Table V. Civil dispositions for general jurisdiction courts, 1977 (continued)

State, Court Title	Case type	Total case type disposed*	SETTLEMENT		DISMISSED		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
Ohio: Ct. of Common Pleas	Personal Injury	20,815	3,914	19%	11,951	57%	2,791	13%
	Domestic Rel.	83,001	--	--	21,352	26%	9,753	12%
	Appeal (Admin.)	1,997	352	18%	967	48%	422	21%
	All Other Civil	139,449	3,457	2%	17,903	13%	9,786	7%
Oklahoma: District Ct.	Total Civil	143,420			6,689	5%	23,217	16%
Oregon: Circuit Ct.	Total Civil	49,401					4,520	9%
Pennsylvania: Ct. of Common Pleas	Total Civil	179,433	7,984	4%			5,175	3%
Rhode Island: Superior Ct.	Total Civil	28,905	1,728	6%	8,301	29%	890	3%
South Carolina: Circuit Ct.	Small Civil	8,196					1,521	19%
South Dakota: Circuit Ct.	Domestic Rel.	2,514					259	10%
	Other Civil	4,702					705	15%
Tennessee: Circuit Ct.								
- Law and Equity Ct.								
- Chancery Ct.								
Texas: District Ct., Domestic Relations Ct., Juvenile Ct.	Auto Tort	15,672			6,795	43%	1,999	13%
	Marriage Diss.	119,070			25,406	21%	92,233	77%
	Other Dom. Rel.	137,966			2,095	2%	13,936	10%
	Appeal	27,427			13,734	50%	3,183	12%
	"Other Civil"	77,198			27,870	36%	21,823	28%
Utah: District Ct.	Total Civil	22,843			6,520	29%	2,050	9%
Vermont: Superior Ct.	Law	3,367			2,013	60%	662	20%
	Appeal	381			191	50%	145	38%
- District Ct.	Civil	14,750					842	6%
Virginia: Circuit Ct.	Law	20,749			12,439**	60%	5,083	25%
	Real Property	1,198			377**	31%	764	64%
	Equity	10,578			3,033**	29%	3,978	38%
	Marriage Diss.	29,748			2,311**	8%	23,765	80%
	Appeal	1,470			660**	45%	609	41%
	Total Civil	85,141					7,957	9%
Washington: Superior Ct.								
West Virginia: Circuit Ct.								
Wisconsin: Circuit Ct.								
- County Ct.								
Wyoming: District Ct.	Total Civil	8,756			3,168	36%	2,372	27%

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

\*\*The figure given for "dismissed" includes both "settled" and "dismissed" cases.



Table W. Civil dispositions for limited jurisdiction courts, 1977

State, Court Title	Case type	Total case type disposed*	SETTLEMENT		DISMISSED		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
<u>Alaska: District Ct.</u>	Small Claims	5,322					566	11%
	All Other Civil	3,159					230	7%
<u>California: Municipal Ct.</u>	Small Claims	291,226			70,562	24%	220,664	76%
	Other Civil	252,674			61,443	24%	71,976	28%
- Justice Ct.	Small Claims	28,751			8,109	28%	20,568	72%
	Other Civil	9,047			1,516	17%	1,634	18%
<u>Connecticut: Ct. of Common Pleas</u>	All Civil Except Small Claims	44,874					1,898	4%
<u>Florida: County Ct.</u>	Total Civil	213,371			80,453	38%	132,918	62%
<u>Georgia: State Ct.</u>	Total Civil	107,378			24,550	23%	5,148	5%
<u>Hawaii: District Ct.</u>	Tort	671					70	10%
	Contract	7,644					134	2%
	Small Claims	1,254					331	26%
	Real Property	573					36	6%
	Other Civil	141					9	6%
	Total Civil	56,468					11,790	21%
<u>Indiana: County Ct.</u>	Total Civil	15,209					838	6%
- Municipal Ct. of Marion County								
<u>Kansas: County Ct.</u>	Total Civil	4,559			1,763	39%	512	11%
- City Ct., Magistrate Ct., Common Pleas Ct.	Total Civil	22,363			6,624	30%	2,440	11%
<u>Michigan: Common Pleas Ct. of Detroit.</u>	Total Civil	165,648					16,509	10%
- District Ct.	Law	91,329					9,230	10%
	Small Claims	43,160					11,144	26%
	Real Property	40,700					11,511	28%
- Municipal Ct.	Law	9,646					1,282	13%
	Small Claims	499					24	5%
	Real Property	4,014					735	18%
<u>Minnesota: Conciliation Ct.</u>	Small Claims	37,262			28,917	78%	8,345	22%
- County Municipal Ct.	Total Civil	15,595			2,064**	13%	750	5%
- County Ct.	Law	7,627	613	8%			2,835	37%
	Small Claims	39,599	7,212	18%			17,681	45%
	Marriage Diss.	7,442					1,044	14%
	Support/Custody	3,433					1,566	46%
	Other Dom. Rel.	1,699					250	15%
	Mental Health	1,763					471	27%
<u>New Jersey: County District Ct.</u>	Auto Tort	13,429			1,937**	14%	1,046	8%
	Other Tort	4,109			328**	8%	444	11%
	Contract	154,675			20,178**	13%	5,321	3%
	Small Claims	38,320			2,669**	7%	13,822	36%
	Real Property	88,515			28**	.1%	31,230	35%
<u>New York: Civil Ct. of the City of New York</u>	Tort & Contract	68,771			47,711**	69%	2,632	4%
	Real Property and Other	74,431			46,451**	62%	6,789	9%

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- Surrogate's Ct.  
North Carolina: District Ct.

Ohio: County Ct.

- Municipal Ct.

- Ct. of Claims

Pennsylvania: District  
Justice Ct.

Rhode Island: District Ct.

South Carolina: County Ct.

Texas: County Ct. at

Law, Constitutional  
County Ct., and  
Probate Ct.

- Justice of the Peace Ct.

Utah: City Ct.

Estate	77,189					2,265	3%
Law	35,906					11,747	33%
Small Claims	153,721					146,319	95%
Domestic Rel.	43,138					37,332	87%
Tort	186	5	3%	58	31%	34	18%
Contract	3,456	7	.2%	533	16%	131	4%
Real Property	1,772	4	.2%	571	32%	133	8%
Other Civil	1,840	32	2%	423	23%	184	10%
Tort	16,999	1,024	6%	6,521	38%	1,470	9%
Contract	156,458	3,566	2%	40,585	26%	4,586	3%
Real Property	47,818	321	1%	18,534	39%	887	2%
Other Civil	16,854	468	3%	5,085	30%	1,077	6%
Appeal	1,263	122	10%	186	15%	54	4%
Law	154,077	31,907	21%	6,287	4%	36,059	23%
Total Civil	21,245					2,999	14%
Total Civil	20,711	1,067	5%	3,547	17%	515	2%
Law	48,501			21,336	44%	2,327	5%
Auto Tort	8,909			3,308	37%	595	7%
Contract	25,994			14,503	56%	1,247	5%
Real Property	467			301	64%	25	5%
Law	165,101	58,338	35%	61,195	37%	45,568	28%
Total Civil	22,380			5,586	25%	2,441	11%

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

\*\*The figure given for "dismissed" includes both "settled" and "dismissed" cases.

Table X: Civil dispositions for general jurisdiction courts, 1978

State, Court Title	Case type	Total case type disposed*	SETTLEMENT		DISMISSED		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
Alabama: Circuit Ct.	Law	27,695			4,233	15%	2,158	8%
Alaska: Superior Ct.	Domestic Rel.	38,258			3,306	9%	3,765	10%
Arizona: Superior Ct.	Estate	8,007			0	0%	0	0%
	Mental Health	698			0	0%	0	0%
Arkansas: Circuit Ct.								
- Chancery and Probate Ct.								
California: Superior Ct.	Tort	64,426			58,629	91%	4,228	7%
	Real Property	2,047			865	42%	514	25%
	Domestic Rel.	151,138			8,427	6%	142,189	94%
	Estate	59,780			2,781	5%	55,447	93%
	Mental Health	4,081					3,904	96%
	Appeal	11,014					9,856	89%
	Other Civil	144,539					43,746	30%
Colorado: District Ct.								
- Denver Superior Ct.								
- Denver Juvenile Ct.								
- Denver Probate Ct.								
Connecticut: Superior Ct.	Total Civil	24,487					437	2%
Delaware: Ct. of Chancery	Total Civil	3,631					120	3%
- Superior Ct.	Law	5,012	2,848	57%	1,065	21%	412	8%
Dist. of Col.: Superior Ct.	Small Claims	32,756	0	0%	1,378	4%	733	2%
Florida: Circuit Ct.	Total Civil	243,321			47,487	20%	142,574	59%
Georgia: Superior Ct.	Domestic Rel.	56,947			11,492**	20%	29,607	52%
	Other Civil	46,462			18,057**	39%	12,728	27%
Hawaii: Circuit Ct.	Tort	1,213			912	75%	59	5%
	Contract	1,399			620	44%	76	5%
	Real Property	229			38	17%	6	3%
	Domestic Rel.	12,327			0	0%	67	1%
	Other Civil	2,903			873	30%	91	3%
Idaho: District Ct.	Tort	929					250	27%
	Small Claims	1					1	100%
	Domestic Rel.	2,849					1,561	55%
	Estate	9					5	56%
	Appeal	240					123	51%
	Extraordinary Writs	188					29	15%
	Other	3,690					1,352	37%
- Magistrates Division	Tort	621					82	13%
	Small Claims	12,613					7,024	60%
	Domestic Rel.	9,605					7,125	74%
	Estate	3,156					1,992	63%
	Extraordinary Writ	31					7	23%
	Other	9,746					1,852	19%

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Illinois: Circuit Ct. Indiana: Superior Ct. and Circuit Ct.	Small Claims	25,716				5,930	23%
	All Other Civil	157,358				107,075	68%
Iowa: District Ct.	Small Claims	69,978				12,660	18%
	"Other Civil"	42,392				5,447	13%
Kansas: District Ct.	Domestic Rel.	22,777		5,816		4,022	
Kentucky: Circuit Ct.							
Louisiana: District Ct.							
Maine: Superior Ct.	Total Civil	6,856		3,637	53%	477	7%
Maryland: Circuit Ct.	Law	21,974				2,393	11%
	Equity	40,713				14,730	36%
Massachusetts: Superior Ct.	Tort	6,469		2,784	43%	412	6%
Michigan: Circuit Ct.	Domestic Rel.	88,151		10,920	12%	2,222	3%
	Appeal	520		181	35%	14	3%
	Other Civil	17,539		4,302	25%	880	5%
	Total Civil	17,594		8,236**	47%	7,690	44%
Minnesota: District Ct.							
Mississippi: Circuit Ct. - Chancery Ct.							
Missouri: Circuit Ct. and Court of Common Pleas	Tort	7,674				710	9%
	Domestic Rel.	37,404				9,810	26%
	Extraordinary Writ	332				147	44%
Montana: District Ct.							
Nebraska: District Ct.							
Nevada: District Ct.							
New Hampshire: Superior Ct.	Law	6,350				931	15%
	Equity & Appeal	2,560				1,090	43%
	Domestic Rel.	10,050				401	4%
New Jersey: Superior Ct. and County Ct.	Auto Tort	16,636		14,880**	89%	1,317	8%
	Other Tort	21,031		17,489**	83%	2,523	12%
	Equity	3,704	1,531	882	24%	862	23%
	Marriage Dissolution	26,483	25	443	2%	9,349	35%
New Mexico: District Ct.							
New York: Supreme Ct. - County Ct.							
North Carolina: Superior Ct.	Total Civil	69,023				4,565	7%
North Dakota: District Ct.							
Ohio: Ct. of Common Pleas	Personal Injury	20,239	3,388	11,770	58%	3,055	15%
	Domestic Rel.	95,466	--	21,868	23%	11,048	12%
	Agency Appeals	2,220	448	1,125	51%	421	19%
	All Other Civil	129,587	3,076	19,124	15%	9,627	7%
	Auto Tort	5,077				613	12%
	Other Tort	3,392				638	19%
	Contract	26,190				1,748	7%
	Small Claims	95,425				11,265	12%
	Real Property	7,894				1,906	24%
	Marriage Diss.	38,297				5,018	13%
	Support/Custody	3,705				368	10%
	Adoption	2,443				76	3%
	Other Dom. Rel.	118				19	16%
	Estate	16,295				237	1%
	Mental Health	2,894				143	5%

Table X. Civil dispositions for general jurisdiction courts, 1978 (continued)

	Appeal	1,192				239	20%
	Extraordinary Writ	1,497				418	28%
	"Other Civil"	9,898				1,433	14%
<hr/>							
Oregon: Circuit Ct.	Civil	183,785	9,669	5%		5,615	3%
Pennsylvania: Ct. of Common Pleas							
Rhode Island: Superior Ct.	Small Claims	9,623				1,712	18%
South Dakota: Circuit Ct.	Marriage Diss.	2,604				266	10%
	"Other Civil"	4,725				662	14%
	Total Civil	27,947	1,744	6%	8,783	854	3%
South Carolina: Circuit Ct.							
Tennessee: Circuit Ct.							
- Law and Equity Ct.							
- Chancery Ct.							
Texas: District Ct.	Auto Tort	15,282	4,457	29%	6,845	2,051	13%
	Marriage Diss.	128,987	--	--	31,714	96,489	75%
	Other Dom. Rel.	148,716	896	1%	2,407	15,433	10%
	Agency Appeal	25,588	4,874	19%	11,626	3,210	13%
	"Other Civil"	80,391	9,733	12%	31,422	22,105	27%
<hr/>							
Utah: District Ct.	Civil	24,270			6,609	2,481	10%
Vermont: Superior Ct.	Total Civil	6,733			2,559	694	10%
- District Ct.	Some Civil	10,332				637	6%
Virginia: Civil Ct.	Law	21,726			12,110	4,889	23%
	Real Property	984			394	294	30%
	Equity	10,311			2,867	2,036	20%
	Marriage Diss.	29,956			2,421	16,136	54%
	Appeal	1,738			787	681	39%
	Total Civil	84,067			17,731	8,446	10%
Washington: Superior Ct.							
West Virginia: Circuit Ct.							
Wisconsin: Circuit Ct. and County Ct.	Small Claims	62,308				3,143	5%
	Domestic Rel.	32,775				10,474	32%
	Estate	23,938				1,351	6%
	"Other Civil"	26,306				3,468	13%
	"Other Civil"	9,178			3,312	2,402	26%
Wyoming: District Ct.							

\*The category of data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

\*\*The figure given for "dismissed" includes both "settled" and "dismissed" cases.

Table Y. Civil dispositions for limited jurisdiction courts, 1978

State, Court Title	Case type	Total case type disposed*	SETTLEMENT		DISMISSED		TRIAL	
			Number	As percent of disposed	Number	As percent of disposed	Number	As percent of disposed
<u>Alaska: District Ct.</u>	Small Claims	6,261					658	11%
<u>California: Justice Ct.</u>	Small Claims	24,201			6,934	29%	17,209	71%
	Other Civil	9,189			2,008	22%	1,709	19%
- Municipal Ct.	Small Claims	318,013			73,175	23%	244,838	77%
	Other Civil	271,604			66,311	24%	77,757	29%
	Law	201,511			63,581	32%	137,930	68%
<u>Florida: County Ct.</u>	Total Civil	140,075			19,355**	14%	5,899	4%
<u>Georgia: State Ct. and County Ct.</u>	Tort	726	278	38%	356	49%	59	8%
<u>Hawaii: District Ct.</u>	Contract	7,290	5,388	74%	1,728	24%	141	2%
	Small Claims	1,325	312	24%	503	38%	506	38%
	Real Prop. Rgts.	660	319	48%	266	40%	55	8%
	Other Civil	145	44	30%	76	52%	22	15%
<u>Indiana: County Ct.</u>	Small Claims	62,094					12,917	21%
	Plenary Proc.	2,896					598	21%
- Municipal Ct. of Marion County	Total Civil	16,387					982	6%
<u>Maine: District Ct.</u>	Law	7,116					1,079	15%
	Small Claims	6,693					748	11%
	Marriage Diss.	3,417					1,105	32%
	Mental Health	375					217	58%
<u>Michigan: District Ct.</u>	Law	131,757					5,231	4%
	Small Claims	55,976					8,863	16%
	Real Property	58,584					11,331	19%
- Municipal Ct.	Law	4,883			856	18%	745	15%
	Small Claims	189			50	26%	47	25%
	Real Property	4,460			693	16%	893	20%
- Common Pleas Ct. of Detroit	Law	1,618			179	11%	201	12%
	Small Claims	36,131			7,731	21%	5,605	16%
	Real Property	118,208			12,398	10%	7,192	6%
<u>Minnesota: County Ct.</u>	Law	8,649	1,141	13%			2,513	29%
	Small Claims	36,889	4,326	12%			18,551	50%
	Domestic Rel.	11,588					2,524	22%
	Mental Health	1,536					356	23%
<u>New Jersey: County District Ct.</u>	Auto Tort	13,252			2,019**	15%	778	6%
	Other Tort	4,434			526**	12%	423	10%
	Contract	160,022			23,136**	14%	3,490	2%
	Small Claims	40,535			3,791**	9%	14,555	36%
	Real Property	97,020			687**	1%	35,002	36%
<u>New York: Civil Ct. of the City of New York</u>	Tort and Contract	56,602			38,558**	68%	2,177	4%

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	Real Prop- gts. and "Other Civil"							
- District Ct. & City Ct.	77,545			47,660**	61%	7,027	9%	
- Surrogates Ct.	115,778			100,365	87%	5,221	5%	
	39,159					44	.1%	
	5,839					55	1%	
	2,937					1,608	55%	
<hr/>								
North Carolina: District Ct.	Law	39,796				13,056	33%	
	Small Claims	169,275				161,153	95%	
	Domestic Rel.	45,913				39,351	86%	
Ohio: County Ct.	Tort	179	0	0%	43	24%	20%	
	Contract	3,691	2	0%	694	19%	3%	
	Real Property	2,532	4	.1%	891	35%	5%	
	"Other Civil"	2,307	33	1%	561	24%	7%	
- Ct. of Claims	Appeal	1,989	120	6%		46	2%	
- Municipal Ct.	Tort	17,484	957	5%	6,852	39%	9%	
	Contract	163,578	3,621	2%	42,342	26%	3%	
	Real Property	49,095	504	1%	18,823	38%	2%	
	"Other Civil"	17,300	330	2%	5,418	31%	7%	
Pennsylvania: District Justice Ct.	Civil	158,289	33,341	21%	4,731	3%	23%	
<hr/>								
Rhode Island: District Ct.	Civil	22,795				2,741	12%	
South Carolina: Civil Ct., Criminal Ct., County Ct.	Civil	17,361	933	5%	3,198	18%	2%	
- Magistrate Ct.	Civil	109,443				55,684	51%	
Texas: County Ct. at Law, Constitutional County Ct., Probate Ct.	Law	49,396			20,921	42%	6%	
	Auto Tort	8,639			4,345	50%	7%	
	Contract	23,385			8,915	38%	5%	
	Real Property	441			84	19%	4%	
- Justice of the Peace Ct.	Law	144,763	46,268	32%	45,402	31%	37%	
Utah: City Ct.	Civil	26,063			6,666	26%	10%	

\*The category data do not sum to the total dispositions due to other minor or unreported methods of dispositions.

\*\*The figure given for "dismissed" includes both "settled" and "dismissed" cases.

Table Z. Juries as a method of criminal trial dispositions, 1976

State/Court	Case type	Dispositions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials
<u>Alaska:</u> Superior Ct.	F	898	118	18	13%	88%
District Ct. (L)	M	17,041	447	491	3%	48%
<u>Arizona:</u> Superior Ct.	FMA	13,765	784	871	6%	47%
<u>California:</u> Superior Ct.	F	50,094	4,695	3,793	9%	55%
<u>Connecticut:</u> Superior Ct.	FMA	4,100	102	31	2%	77%
<u>Delaware:</u> Ct. of Common Pleas (L)	M	5,645	75	NA	1%	NA
<u>Dist. Columbia:</u> Superior Ct.	FMO	24,009	1,167	742	5%	61%
<u>Florida:</u> Superior Ct.	FA	63,887	3,564	NA	6%	NA
<u>Georgia:</u> Superior Ct.	F	23,263	2,076	780	9%	73%
Superior Ct.	M	16,595	330	458	2%	42%
State Ct. (L)	M	60,701	1,022	NA	2%	NA
Probate Ct. (L)	M	3,350	---	42	---	---
<u>Hawaii:</u> Circuit Ct.	FMO	1,683	229	83	14%	73%
<u>Illinois:</u> Circuit Court	F	29,412	1,147	1,420	4%	45%
<u>Indiana:</u> Superior & Circuit Ct.	FMO +	48,842	846	5,571	2%	13%
Criminal Court (Marion Cnty)	FM	2,423	366	167	14%	67%
County Court (L)	M	23,715	81	3,944	.4%	2%
Juvenile Ct. (Marion Cnty) (L)	M	25	---	10	---	---
Municipal Ct. (Marion Cnty) (L)	M	32,129	100	11,946	.3%	1%
<u>Iowa:</u> District Court	FMO	162,609	976	17,513	1%	5%
<u>Maryland:</u> Circuit Court	FMO <sub>t</sub>	33,491	1,970	15,209	6%	11%
<u>Michigan:</u> Circuit Court	FA	25,575	1,806	706	7%	72%
Recorder's Ct., Detroit	M	6,870	32	2,919	.5%	1%
District Court (L)	MO	228,547	2,399	23,325	1%	9%
Municipal Court (L)	MO	39,253	69	5,766	.2%	1%
<u>Minnesota:</u> District Court	FMA	8,634	472	197	5%	71%
County Court (L)	M	32,149	227	2,147	1%	10%
County Municipal Court (L)	MO	25,200	214	722	1%	23%
<u>Missouri:</u> Circuit Ct. & Ct. of Common Pleas	FMA	17,964	1,061	1,178	6%	47%
<u>New Hampshire:</u> Superior Ct.	FMA	5,771	379	165	7%	70%
<u>New Jersey:</u> Superior Ct. & County Court	FAO <sub>t</sub>	29,466	2,895	695	10%	80%
County District Ct. (L)	O <sub>t</sub>	2,320	---	379	---	---
Municipal Court (L)	O <sub>t</sub>	29,746	---	5,385	---	---
<u>New Mexico:</u> District Court	FM	4,573	352	NA	8%	NA
<u>Ohio:</u> Ct. of Common Pleas	F	30,312	2,049	2,350	7%	47%
County Court (L)	M	21,796	76	2,055	.3%	4%
Municipal Court (L)	M	228,677	931	16,067	.4%	5%

Oregon: Circuit Court	F	14,909	1,059	577	7%	65%
Pennsylvania: Ct. of Common Pleas	FMAO <sub>t</sub>	74,343	3,272	7,071	4%	32%
District Justice Ct. (L)	OO <sub>t</sub>	314,198	---	194,815	---	---
Phil. Municipal Ct. (L)	M	32,227	---	6,342	---	---
Rhode Island: District Ct. (L)	M	22,081	---	9,420	---	---
South Dakota: Circuit Court	FM	13,278	281	633	2%	31%
Texas: Dist. Ct., Crim. Dist. Ct.	FMO <sub>t</sub>	77,370	3,400	384	4%	90%
Municipal Ct. (L)	M	360,950	550	60,735	.2%	1%
Justice of the Peace Ct. (L)	M	159,483	523	28,819	.3%	2%
Utah: District Court	FMA	2,494	340	146	14%	70%
City Court (L)	MOO <sub>t</sub>	19,152	137	3,445	1%	4%
Vermont: Superior Court	FMAO <sub>t</sub>	53	8	1	15%	89%
District Court (L)	FM	16,800	130	87	1%	60%
Virginia: Circuit Court	FMA	42,250	2,601	39,027	6%	6%
Washington: Superior Court	FMA	14,374	1,752	817	12%	68%
Wyoming: District Court	F	1,346	79	273	6%	22%

F = Felony  
 M = Misdemeanor  
 A = Appeal  
 O = Ordinance Violation  
 O<sub>t</sub> = Other Criminal  
 L = Court of Limited Jurisdiction



Table AA. Juries as a method of criminal trial dispositions, 1977

State/Court	Case type	Dispositions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials
Alabama: Circuit Court	FA	23,443	1,440	1,314	6%	52%
Alaska: Superior Court	F	764	102	21	13%	83%
Arizona: Superior Court	F	10,268	753	192	7%	80%
	M	2,975	17	642	1%	3%
California: Superior Court	F	49,111	5,179	2,916	11%	64%
Municipal Court (L)	M	509,997	5,195	9,112	1%	36%
	O	34,468	5	349	.1%	1%
Justice Court (L)	M	51,663	806	3,037	2%	21%
	O	5,376	0	163	0	0
Colorado: County Court (L)	M	25,506	221	NA	1%	NA
Connecticut: Superior Court	FM	4,486	119	33	3%	78%
Delaware: Superior Court	FMA	3,860	319	79	8%	80%
Court of Common Pleas (L)	M	6,279	47	6,232	1%	1%
Dist. of Columbia: Superior Ct.	F	3,405	593	42	17%	93%
	M	13,349	433	380	3%	53%
	O	2,997	3	59	.1%	5%
Florida: Circuit Court	F	80,162	2,887	1,666	4%	63%
County Court (L)	MO	213,989	1,948	13,400	1%	13%
Georgia: Superior Court	F	27,665	2,638	358	10%	88%
	M	14,549	192	164	1%	54%
State Ct., County Ct. (L)	M	55,853	729	2,108	1%	26%
Probate Court (L)	M	3,501	---	27	---	---
Hawaii: Circuit Court	FM	1,506	239	97	16%	71%
	O <sub>t</sub>	24	0	1	0%	0%
Illinois: Circuit Court	F	31,462	1,275	2,481	4%	34%
Indiana: Superior & Circuit Cts.	FM	16,819	864	3,128	5%	22%
Criminal Ct. (Marion Cnty)	FMO <sub>t</sub>	2,068	198	188	10%	51%
Municipal Ct. (Marion Cnty) (L)	M	38,244	223	5,387	1%	4%
Juvenile Ct. (Marion Cnty) (L)	M	41	0	24	0%	0%
Iowa: District Court	F	17,880	828	1,146	5%	42%
	M	69,624	245	5,403	.3%	4%
	O	86,682	50	5,812	.1%	1%
Kansas: District Court	FMA	14,412	612	727	4%	46%
Maine: Superior Court	F	2,346	230	79	10%	74%
	M	2,042	114	105	6%	52%
	OO <sub>t</sub>	463	22	14	5%	61%

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Maryland: Circuit Court	FMAO <sub>t</sub>	41,274	2,076	7,905	5%	21%
Michigan: Circuit Court	F	25,737	1,883	532	7%	78%
	A	579	16	17	3%	48%
Recorder's Ct. (Detroit)	F	16,202	1,750	720	11%	71%
	M	6,161	40	2,756	1%	1%
Municipal Court (L)	MO	41,396	141	4,865	.4%	3%
Minnesota: District Court	FMA	9,821	518	301	5%	63%
County Municipal Ct. (L)	MO	26,938	215	637	1%	25%
County Court (L)	M	33,035	218	2,166	1%	9%
New Hampshire: Superior Court	FMA	6,636	363	187	5%	66%
New Jersey: Superior Ct. & County Court	F	26,648	2,865	703	11%	80%
County District Court (L)	O <sub>t</sub>	3,263	---	416	---	---
New Mexico: District Court	FM	4,178	457	NA	11%	NA
Ohio: Ct. of Common Pleas	F	31,135	1,990	2,390	6%	45%
County Court (L)	M	23,043	120	1,679	1%	7%
Municipal Court (L)	M	232,623	823	14,453	.4%	5%
Oklahoma: District Court	F	18,174	840	738	5%	53%
Oregon: Circuit Court	F	14,174	921	629	6%	59%
Pennsylvania: Ct. of Common Pleas	FM	58,606	3,127	6,143	5%	34%
District Justice Court (L)	OO <sub>t</sub>	271,202	---	45,112	---	---
Phil. Municipal Court (L)	M	39,754	---	4,090	---	---
Rhode Island: District Court (L)	M	25,881	---	12,404	---	---
South Dakota: Circuit Court	F	2,398	167	47	7%	78%
	M	10,875	184	467	2%	28%
Texas: Dist. Ct., Crim. Dist. Ct.	F	72,092	2,605	1,026	4%	72%
	M	5,211	20	120	.5%	14%
Cnty. Ct. at Law, Const. Cnty. Ct. (L)	M	182,058	1,098	,704	.6%	39%
Municipal Ct. (L)	M	280,217	561	55,816	.2%	1%
Justice of the Peace Court (L)	M	215,292	713	39,905	.3%	2%
Utah: District Court	FMA	2,999	304	131	10%	70%
Vermont: Superior Court	FO <sub>t</sub>	56	3	6	5%	33%
District Court (L)	FM	18,021	127	67	1%	65%
Virginia: Circuit Court	F	27,876	1,283	6,425	5%	17%
	M	19,658	725	5,414	4%	12%
	O <sub>t</sub>	409	0	140	0%	0%
Washington: Superior Court	FMA	14,664	2,153	610	15%	78%
Wyoming: District Court	F	1,352	78	238	6%	25%

F = Felony  
M = Misdemeanor  
A = Appeal

O = Ordinance violation  
O<sub>t</sub> = Other criminal  
(L) = Court of Limited Jurisdiction

Table BB. Juries as a method of criminal trial dispositions, 1978

State/Court	Case type	Dispositions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials
Alabama: Circuit Court	FA	23,273	1,556	4,814	7%	24%
Alaska: Superior Court	F	905	142	10	16%	93%
District Court (L)	M	19,788	749	509	4%	60%
Arizona: Superior Court	F	10,009	763	99	8%	89%
	M	600	13	9	2%	59%
	A	2,384	19	623	1%	3%
	O <sub>t</sub>	136	3	3	2%	50%
Municipal Court (L)	M	47,988	251	7,493	1%	3%
California: Superior Court	F	49,003	4,914	2,579	10%	66%
Justice Court (L)	J	44,591	474	2,447	1%	16%
	O	4,237	0	191	0%	0%
Municipal Court (L)	M	491,187	4,793	9,965	1%	32%
	O	39,395	0	639	0%	0%
Colorado: County Court (L)	M	25,273	242	1,554	1%	13%
Connecticut: Superior Court	FM	3,750	103	46	3%	69%
Delaware: Superior Court	FMA	3,470	332	74	10%	82%
Court of Common Pleas (L)	M	6,394	81	6,313	1%	1%
Dist. of Columbia: Superior Ct.	F	3,854	609	52	16%	92%
	M	13,372	416	243	3%	63%
	O	3,321	0	93	0%	0%
Florida: Circuit Court	F	82,069	2,764	1,528	3%	64%
County Court (L)	MO	207,790	1,957	8,329	1%	19%
Georgia: Superior Court	F	38,529	2,574	428	7%	86%
	M	17,399	254	260	1%	49%
State Court & County Court (L)	M	70,987	948	1,910	1%	33%
Probate Court (L)	M	5,321	---	7	---	---
Hawaii: Circuit Court	FM	1,682	246	67	15%	79%
	O <sub>t</sub>	50	0	3	0%	0%
Illinois: Circuit Court	F	55,512	1,237	2,103	2%	37%
Indiana: Superior & Circuit Cts.	FM	30,020	745	4,113	2%	15%
Crim. Ct. (Marion Cnty)	FM	1,636	132	80	7%	62%
County Court (L)	M	32,348	112	3,550	.4%	3%
Municipal Ct. (Marion Cnty) (L)	M	33,159	129	5,027	.4%	3%
Juvenile Ct. (Marion Cnty)	M	8	0	5	0%	0%
Iowa: District Court	FA	14,573	591	1,021	4%	37%
	M	68,934	275	6,511	.4%	4%
	O	55,366	31	4,074	.1%	1%



<u>Kansas:</u> District Court	FA	10,232	470	237	5%	66%
	MA	14,819	580	829	4%	41%
<u>Maryland:</u> Circuit Court	FMAO <sub>t</sub>	32,875	1,526	7,263	5%	17%
<u>Michigan:</u> Circuit Court	F	18,817	1,255	263	7%	83%
	A	277	1	6	.4%	14%
District Court (L)	O	83,619	364	6,861	.4%	5%
	O <sub>t</sub>	165,664	1,092	5,075	1%	18%
Common Pleas Ct. (Detroit) (L)	O	80,459	255	1,131	.3%	18%
Municipal Court (L)	O	17,096	168	1,609	1%	9%
	O <sub>t</sub>	3,780	23	108	.6%	18%
<u>Minnesota:</u> District Court	FMA	10,487	473	290	5%	62%
County Court (L)	M	30,204	218	1,279	1%	9%
<u>Missouri:</u> Circuit Ct. & Ct. of Common Pleas	FA	13,931	982	1,780	7%	36%
<u>New Hampshire:</u> Superior Court	FMA	6,578	415	205	6%	67%
<u>New Jersey:</u> Superior Ct. & County Ct.	F	22,926	2,595	503	12%	84%
County District Court (L)	O <sub>t</sub>	3,305	---	496	---	---
<u>North Carolina:</u> Superior Court	F	29,113	2,034	NA	7%	NA
	A	21,684	1,457	NA	7%	NA
District Court (L)	O <sub>t</sub>	350,589	---	36,738	---	---
<u>North Dakota:</u> District Court	FMAO <sub>t</sub>	987	355	15	36%	96%
<u>Ohio:</u> Ct. of Common Pleas	F	30,603	1,938	2,006	6%	49%
County Court (L)	M	22,003	89	1,940	.4%	4%
Municipal Court (L)	M	233,600	823	12,128	.4%	6%
<u>Oregon:</u> Circuit Court	F	14,973	1,120	758	8%	60%
<u>Pennsylvania:</u> Court of Common Pleas (L)	FMA	54,343	3,055	4,850	6%	39%
Phil. Municipal Court	M	29,005	---	3,793	---	---
<u>South Dakota:</u> Circuit Court	F	2,138	107	66	5%	62%
	M	9,159	141	306	2%	32%
<u>Texas:</u> District Court & Criminal District Court	F	76,587	2,964	1,139	4%	72%
	M	6,108	16	2	.3%	89%
Municipal Court (L)	M	343,267	893	62,847	.3%	1%
Justice of the Peace (L)	M	270,146	588	42,650	.2%	1%
County Court at Law, Const.						
County Ct., Probate Court (L)	MA	207,842	1,122	2,132	1%	34%
<u>Utah:</u> District Court	FM	2,691	367	199	14%	65%
<u>Vermont:</u> Superior Court	FM	40	9	1	23%	90%
District Court (L)	FM	19,957	137	75	1%	65%

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Table BB. Juries as a method of criminal trial dispositions, 1978 (continued)

State/Court	Case type	Dispositions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials
Virginia: Circuit Court	F	27,933	2,001	6,696	7%	23%
	M	22,207	718	6,064	3%	11%
	O <sub>t</sub>	399	---	80	---	---
Washington: Superior Court Municipal & Police Court (L)	FA	13,817	1,925	690	14%	74%
	O	NA	96	11,160	NA	1%
Wisconsin: Circuit Court & County Court	F	14,106	315	1,147	2%	22%
	M	17,490	177	1,494	1%	11%
	O <sub>t</sub>	6,709	23	965	.3%	2%
	F	1,355	60	252	4%	19%

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F = Felony  
M = Misdemeanor  
A = Appeal  
O = Ordinance violation  
O<sub>t</sub> = Other criminal  
L = Court of Limited Jurisdiction

Table CC. Juries as a method of civil trial dispositions, 1976

State/Court	Case type	Dispo- sitions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials
Alaska: Superior Court	TC	8,604	48	243	1%	16%
District Court (L)	SC	3,747	---	585	---	---
	AOC	3,037	15	202	.5%	7%
Arizona: Superior Court	TC	52,369	541	2,713	1%	17%
California: Superior Court	C	384,709	3,131	240,445	1%	1%
Colorado: County Court (L)	TC	46,392	56	NA	.1%	NA
Connecticut: Superior Court	TC	25,168	332	1,515	1%	18%
Court of Common Pleas (L)	TC	26,700	251	1,086	1%	19%
Dist. Columbia: Superior Court	L	4,065	230	164	1%	58%
Florida: Circuit Court	TC	234,395	2,314	NA	1%	NA
County Court (L)	TC	223,253	62	NA	.1%	NA
Georgia: Superior Court	DR	45,080	215	NA	.5%	NA
	OC	30,454	1,379	NA	5%	NA
State Court (L)	TC	69,920	1,022	NA	1%	NA
Hawaii: Circuit Court	TC	16,005	127	198	1%	39%
District Court (L)	TC	10,953	---	646	---	---
Illinois: Circuit Court	L	144,890	1,448	NA	1%	NA
Indiana: Superior Ct & Circuit Ct	C	168,710	756	15,735	.4%	5%
County Court (L)	C	34,716	11	7,926	.1%	.1%
Probate Court (L)	C	5,759	3	3,677	.1%	.1%
Municipal Court of Marion Cnty (L)	C	17,849	39	6,075	.2%	1%
Iowa: District Court	C	118,771	384	14,857	.3%	3%
Kansas: District Court	C	37,059	389	8,941	1%	4%
City Ct, Magistrate Ct, & Common Pleas Court (L)	L	28,269	1	2,761	.1%	.1%
County Court (L)	L	6,966	1,162	1	17%	100%
Maryland: Circuit Court	TC	54,464	1,206	16,580	2%	7%
Michigan: Circuit Court	TC	119,948	1,224	1,792	1%	41%
District Court (L)	TC	169,108	773	29,761	.5%	3%
Municipal Court (L)	TC	16,049	3	2,279	.1%	.1%
Minnesota: District Court	TC	21,234	1,015	9,066	5%	10%
Conciliation Court (L)	SC	39,446	---	8,775	---	---
County Court (L)	TC	72,689	153	21,740	.2%	.7%
County Municipal Court (L)	TC	13,208	307	464	2%	40%

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New Hampshire: Superior Court	TC	15,494	202	2,138	1%	9%
District Court (L)	TC	22,478	---	3,679	---	---
Municipal Court (L)	SC & LT	556	---	131	---	---
New Jersey: Superior Ct & County Court	TC	57,393	2,699	10,714	5%	20%
County District Court (L)	TC	293,177	716	53,039	.2%	1%
New York: S.Ct & County Ct	TC	113,287	2,067	57,109	2%	3%
Civ. Ct. of City of NY (L)	TC	149,865	921	11,313	1%	8%
North Carolina: Superior Court	L	9,391	602	3,842	6%	14%
District Court (L)	TC	212,208	609	44,389	.3%	1%
Ohio: Court of Common Pleas	TC	63,293	1,630	11,412	3%	12%
County Court (L)	TC	21,168	7	892	.1%	1%
Municipal Court (L)	TC	325,113	361	8,771	.1%	4%
Court of Claims (L)	TC	332		42	0%	0%
Oklahoma: District Court	TC	146,131	1,203	22,441	1%	5%
Oregon: Circuit Court	TC	39,355	1,158	3,732	3%	24%
Pennsylvania: Ct of Com. Pleas	TC	49,286	1,952	3,807	4%	34%
District Justice Court (L)	TC	142,612	---	34,241	---	---
Rhode Island: District Court (L)	L & SC	21,750	---	2,947	---	---
South Carolina: Magistrate Ct (L)	L	87,272	91	87,181	.1%	.1%
South Dakota: Circuit Court	L	14,565	111	489	2%	18%
Texas: Dis Ct, Domestic Rel Ct	TC	250,555	3,473	125,997	1%	3%
County Ct, Const. County Ct, & Probate Court (L)	TC	72,939	1,040	2,740	1%	28%
Justice of the Peace Court (L)	TC	123,282	529	39,819	.4%	1%
Utah: District Court	TC	22,638	253	1,781	1%	12%
City Court (L)	TC	20,384	33	2,304	.2%	1%
Vermont: Superior Court	L & A	3,600	83	570	2%	13%
District Court (L)	L & SC	16,826	3	1,005	.1%	.3%
Washington: Superior Court	TC	79,911	993	6,669	1%	13%
Wyoming: District Court	TC	7,255	60	1,748	.8%	3%

A = Appeal  
 AT = Auto Tort  
 C = Civil  
 DR = Domestic Relations  
 E = Equity  
 L = Law  
 LT = Landlord/Tenant  
 MD = Marriage Dissolution

MH = Mental Health  
 OC = Other Civil  
 OT = Other Tort  
 PI = Personal Injury  
 RP = Real Property  
 SC = Small Claims  
 T = Tort  
 TC = Total Civil

Table DD. Juries as a method of civil trial dispositions, 1977

State/Court	Case type	Dispositions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials	
Alaska: Superior Court	TC	10,672	50	381	.5%	12%	
	SC	5,322	---	566	---	---	
	AOC	3,159	17	213	.5%	7%	
Arizona: Superior Court	L	28,953	565	2,582	2%	18%	
	DR	28,177	2	3,838	.1%	.1%	
	E	6,356	0	0	0%	---	
	MH	469	0	0	0%	---	
California: Superior Court	AT	41,475	1,177	1,336	3%	47%	
	OT	20,459	1,026	1,033	5%	50%	
	RP	2,228	112	388	1%	22%	
	DR	150,317	19	142,017	.1%	.1%	
	E	62,125	85	58,761	.1%	1%	
	MH	4,925	42	4,642	1%	1%	
	A	9,053	0	8,027	0%	0%	
	OC	136,987	674	42,916	.5%	2%	
	Municipal Court (L)	SC	291,226	0	220,664	0%	0%
	Justice Court (L)	OC	252,674	666	71,310	.3%	1%
Colorado: County Court (L)	SC	28,751	0	20,568	0%	0%	
	OC	9,047	49	1,585	.5%	3%	
Connecticut: Superior Court	TC	55,120	65	NA	.1%	NA	
	TC	25,040	292	630	1%	32%	
Court of Common Pleas (L)	TC	29,862	235	1,663	1%	12%	
	L	5,447	241	238	4%	50%	
Dist. Columbia: Superior Court	SC	33,886	---	874	---	---	
	RP	110,539	2	54	.1%	4%	
Florida: Circuit Court	C	205,406	2,964	136,470	1%	2%	
	C	213,371	62	132,356	.1%	.1%	
Georgia: Superior Court	DR	47,270	321	39,139	1%	1%	
	OC	43,411	1,685	7,603	4%	18%	
	C	107,378	949	4,199	1%	18%	
State Court (L)	T	1,207	56	31	5%	64%	
	C	1,327	6	45	.5%	12%	
Hawaii: Circuit Court	RP	196	1	4	.5%	20%	
	DR	10,949	8	10	.1%	44%	
	OC	2,437	24	75	.1%	24%	

District Court (L)	T	671	---	70	---	---
	C	7,644	---	134	---	---
	SC	1,254	---	331	---	---
	RP	573	---	36	---	---
	OC	141	---	9	---	---
Indiana: County Court (L)	C	56,468	32	11,758	.1%	.3%
Mun. Ct. of Marion County (L)	L	15,209	51	787	.3%	6%
Iowa: District Court	SC	64,114	---	11,827	---	---
	E	17,213	6	488	.1%	1%
	OC	39,261	438	4,029	1%	10%
Kansas: District Court	C	50,502	323	10,269	.6%	3%
County Court (L)	L	4,559	1	511	.1%	.2%
City Ct, Magistrate Ct, & Common Pleas Ct (L)	L	22,363	3	2,437	.1%	.1%
Maine: Superior Court	C	4,519	167	226	4%	42%
Maryland: Circuit Court	L	20,159	985	1,554	5%	39%
	E	39,530	0	14,408	0%	0%
Michigan: Circuit Court	AT	10,096	516	114	5%	82%
	MD	63,555	---	2,520	---	---
	OC	54,149	684	1,603	1%	30%
	A	594	1	18	.2%	5%
Common Pleas Ct. (Detroit) (L)	L & SC	136,691	316	10,066	.2%	3%
	RP	28,957	57	6,070	.2%	1%
District Court (L)	L	91,329	721	8,509	1%	8%
	SC	43,160	0	11,144	0%	0%
	RP	40,700	0	11,451	.1%	.5%
Municipal Court	L	9,646	8	1,274	.1%	1%
	SC	499	0	24	0%	0%
	RP	4,014	2	733	.1%	.3%
Minnesota: District Court	C	18,814	913	7,651	5%	11%
Conciliation Court (L)	SC	37,262	---	8,345	---	---
County Municipal Court	C	15,595	297	453	2%	40%
County Court	L	7,627	199	2,636	3%	7%
	SC	39,599	---	17,681	---	---
	DR	12,574	---	2,860	---	---
	MH	1,763	---	471	---	---
New Hampshire: Superior Court	L	5,886	241	780	4%	24%
	DR	8,779	---	376	---	---
New Jersey: Superior Ct & County Ct	T	33,011	2,572	1,279	.1%	67%
	E	4,328	1	1,012	.1%	.1%
	MD	22,098	---	8,431	---	---
County District Court (L)	T	17,538	267	1,223	2%	18%
	C	154,675	148	5,173	.1%	3%
	SC	38,320	7	13,815	.1%	.1%
	RP	88,515	13	31,217	.1%	.1%



Table DD. Juries as a method of civil trial dispositions, 1977 (continued)

State/Court	Case type	Dispositions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials
<u>New York: Supreme Court &amp; County Court</u>	TC	113,792	1,829	59,301	2%	3%
<u>Civil Court of NYC (L)</u>	T & C	68,771	804	1,828	1%	31%
	OC	74,431	31	6,758	.1%	.5%
<u>North Carolina: Superior Court</u>	TC	65,557	531	3,343	1%	14%
<u>District Court (L)</u>	L	35,906	346	11,401	1%	3%
	SC	153,721	20	962	.1%	2%
	DR	43,138	57	37,275	.1%	.2%
<u>Ohio: Court of Common Pleas</u>	PI	20,815	991	1,800	5%	36%
<u>County Court (L)</u>	DR	83,001	---	9,753	---	---
	T	186	1	33	1%	3%
	C	3,456	2	129	.1%	2%
	RP	1,772	0	133	0%	0%
	OC	1,840	1	183	.1%	1%
<u>Municipal Court (L)</u>	T	16,999	130	1340	1%	9%
	C	156,458	125	4,461	.1%	3%
	RP	47,818	23	864	.1%	3%
	OC	16,854	48	1,029	.3%	4%
<u>Court of Claims (L)</u>	A	1,263	0	54	0%	0%
<u>Oklahoma: District Court</u>	C	143,420	938	22,279	1%	4%
<u>Oregon: Circuit Court</u>	C	43,304	1,147	3,373	3%	25%
<u>Pennsylvania: Ct of Common Pleas</u>	OC	49,164	1,839	3,336	4%	36%
<u>District Justice Court (L)</u>	L	154,077	---	36,059	---	---
<u>Rhode Island: District Court</u>	L	16,970	---	2,999	---	---
<u>South Carolina: Magistrate Court</u>	L	95,320	374	94,946	.4%	.4%
<u>South Dakota: Circuit Court</u>	SC	8,196	---	1,521	---	---
	DR	2,514	---	259	---	---
	OC	4,702	136	569	3%	19%
<u>Texas: Dist Ct, Dom Rel Ct</u>	AT	15,672	726	1,245	5%	37%
	DR	137,966	152	105,899	.1%	.1%
	A	27,427	557	2,570	2%	18%
	O	77,198	1,466	20,142	2%	7%
<u>County Ct at Law, Const. County Ct, &amp; Probate Court (L)</u>	L	48,501	836	1,491	2%	36%
	T	8,909	165	430	2%	28%
	C	25,994	103	1,144	.4%	8%
	RP	467	12	13	3%	48%
<u>Justice of the Peace Court (L)</u>	L	165,101	817	44,751	.5%	2%

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Utah: District Court	C	22,843	246	1,804	1%	12%
City Court (L)	C	22,380	65	2,376	.3%	3%
Vermont: Superior Court	L	3,367	141	521	4%	21%
District Court (L)	A	381	20	125	5%	14%
	L	4,401	8	199	.2%	4%
Virginia: Circuit Court	SC	10,349	17	618	.2%	3%
	L	20,749	1,451	3,632	7%	29%
	RP	1,198	281	483	23%	37%
	E	10,578	34	3,944	.3%	1%
	MD	29,748	23	23,742	.1%	.1%
Washington: Superior Court	A	1,470	159	450	11%	26%
Wyoming: District Court	C	72,786	990	6,967	1%	12%
	C	8,756	33	2,339	.4%	1%

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Table EE. Juries as a method of civil trial dispositions, 1978

State/Court	Case type	Dispositions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials	
<u>Alaska:</u> Superior Court	TC	10,300	36	308	.4%	10%	
	SC	6,261	---	658	---	---	
	AOC	3,308	14	195	.4%	7%	
<u>Arizona:</u> Superior Court	L	27,695	527	1,631	2%	24%	
	DR	38,258	4	3,761	.1%	.1%	
	E	8,007	0	0	0%	---	
	MH	698	0	0	0%	---	
	AT	42,984	1,051	1,120	2%	48%	
<u>California:</u> Superior Court	OT	21,442	991	1,066	5%	48%	
	RP	2,047	55	459	3%	26%	
	DR	151,138	13	142,176	.1%	.1%	
	E	59,780	99	55,348	.2%	.2%	
	MH	4,081	76	3,828	2%	2%	
	A	11,014	0	9,856	0%	0%	
	OC	144,539	769	42,977	1%	2%	
	Justice Court (L)	SC	24,201	---	17,209	---	---
	Municipal Court (L)	OC	9,189	17	1,692	.2%	1%
		SC	318,013	---	244,838	---	---
<u>Colorado:</u> County Court (L)	OC	271,604	621	77,136	.2%	1%	
	SC	9,189	---	3,451	---	---	
<u>Connecticut:</u> Superior Court	OC	51,926	47	4,191	.1%	1%	
	C	24,487	186	251	1%	43%	
Court of Common Pleas (L)	C	45,276	173	1,771	.4%	9%	
	L	5,012	188	224	4%	46%	
<u>Dist. Columbia:</u> Superior Court	SC	32,756	---	733	---	---	
	C	202,810	3,045	139,529	2%	2%	
<u>Florida:</u> Circuit Court	C	201,51	100	137,830	.1%	.1%	
	C	56,947	309	29,298	.5%	1%	
<u>Georgia:</u> Superior Court	DR	46,462	1,752	10,976	4%	14%	
	OC	140,075	945	4,954	1%	16%	
State Court and County Ct. (L)	C	1,213	37	22	3%	63%	
	C	1,399	13	63	1%	17%	
<u>Hawaii:</u> Circuit Court	RP	229	1	5	.3%	16%	
	DR	12,327	20	47	.2%	30%	
	OC	2,903	19	72	1%	21%	

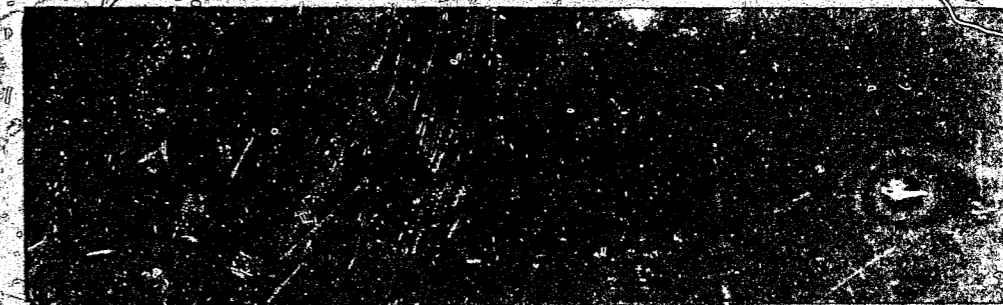


District Court (L)	T	726	---	59	---	---
	C	7,290	---	141	---	---
	SC	1,325	---	506	---	---
	RP	660	---	55	---	---
	OC	145	---	22	---	---
<u>Indiana: County Court (L)</u>	SC	62,094	---	12,917	---	---
	PP	2,896	17	581	1%	3%
Municipal Court of Marion Cnty (L)	L	16,387	52	930	.3%	5%
<u>Iowa: District Court</u>	SC	69,978	---	12,660	---	---
	E	17,136	2	561	.1%	.4%
	OC	42,392	441	5,006	1%	8%
<u>Maine: Superior Court</u>	C	5,811	163	314	3%	34%
<u>District Court (L)</u>	L	7,116	---	1,079	---	---
	SC	6,693	---	748	---	---
	MD	3,417	---	1,105	---	---
	MH	375	---	217	---	---
<u>Maryland: Circuit Court</u>	L	4,220	1,071	1,322	25%	45%
	E	8,246	0	14,730	0%	0%
<u>Michigan: Circuit Court</u>	T	6,469	314	98	5%	76%
	DR	88,151	66	2,156	.1%	3%
	A	520	0	14	0%	0%
	OC	17,539	195	685	1%	22%
<u>District Court (L)</u>	L	131,757	541	4,690	.4%	10%
	SC	55,976	7	8,856	.1%	.1%
	RP	58,584	94	11,237	.2%	1%
<u>Municipal Court (L)</u>	L	4,883	6	739	.1%	1%
	SC	189	0	47	0%	0%
	RP	4,460	4	889	.1%	.4%
<u>Common Pleas Ct. of Detroit (L)</u>	L	1,618	0	201	0%	0%
	SC	36,131	66	5,539	.2%	1%
	RP	118,208	321	6,871	.3%	4%
<u>Minnesota: District Court</u>	C	17,594	959	6,740	5%	12%
<u>County Court (L)</u>	L	8,649	169	2,344	2%	7%
	SC	36,889	---	18,551	---	---
	DR	11,588	---	2,524	---	---
	MH	1,536	---	356	---	---
<u>New Hampshire: Superior Court</u>	L	6,350	227	704	4%	24%
	DR	10,050	---	401	---	---
<u>New Jersey: Sup. Ct. &amp; County Ct.</u>	AT	16,636	1,226	91	7%	93%
	OT	21,031	1,326	1,197	6%	53%
	MD	26,483	---	9,349	---	---
	E	3,704	0	862	0%	0%

Table EE. Juries as a method of civil trial dispositions, 1978 (continued)

State/Court	Case type	Dispositions	Jury trials	Non-jury trials	Jury trials as % of dispositions	Jury trials as % of trials
County District Ct. (L)	AT	13,252	210	568	2%	27%
	OT	4,434	108	315	2%	26%
	C	160,022	151	3,339	.1%	4%
	SC	40,535	18	14,537	.1%	.1%
	RP	97,020	16	34,986	.1%	.1%
New York: Civil Ct. of NYC (L)	T & C	56,602	584	1,593	1%	27%
	RP & OC	77,545	17	7,010	.1%	.2%
North Carolina: Superior Ct. District Court (L)	C	69,023	611	3,954	1%	13%
	L	39,796	331	12,725	1%	3%
	DR	45,913	59	39,292	.1%	.1%
Ohio: Ct. of Common Pleas	PI	20,239	968	2,087	5%	32%
	DR	95,466	---	11,048	---	---
County Court (L)	T	179	2	33	1%	6%
	C	3,691	2	107	.1%	2%
	RP	2,532	4	113	.2%	3%
	OC	2,307	2	152	.1%	1%
Court of Claims (L)	A	989	1	45	.1%	2%
Municipal Court (L)	T	17,484	144	1,466	1%	9%
	C	163,578	188	4,791	.1%	4%
	RP	49,095	39	1,105	.1%	3%
	OC	17,300	33	1,158	.2%	3%
Oregon: Circuit Court	C	45,894	1,227	3,462	3%	26%
Pennsylvania: Ct of Common Pleas District Justice Ct. (L)	C	19,921	1,898	3,717	10%	34%
	C	158,289	---	37,014	---	---
Rhode Island: District Court (L)	C (L)	17,413	---	2,741	---	---
South Carolina: Magistrate Ct. (L)	C	109,443	386	55,298	.4%	1%
South Dakota: Circuit Court	SC	9,623	---	1,712	---	---
	MD	2,604	---	266	---	---
	OC	4,725	137	525	3%	21%
Texas: District Court	AT	15,232	732	1,303	5%	36%
	MD	128,987	113	96,169	.1%	.1%
	ODR	148,716	26	15,364	.1%	.2%
	A	25,588	518	2,679	2%	16%
	OC	80,391	1,445	20,409	2%	7%
County Court at Law, Constitutional County Ct, & Probate Court (L)	L	49,396	671	2,478	1%	21%

**CONTINUED**





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	AT	8,639	149	444	2%	25%
	C	23,385	79	1,111	.3%	7%
	RP	441	9	10	2%	47%
Justice of the Peace Court (L)	L	144,763	458	52,635	.3%	1%
Utah: District Court	C	24,270	275	2,206	1%	11%
City Court (L)	C	26,063	46	2,521	.2%	2%
Vermont: Superior Court	L	3,413	73	489	2%	13%
District Court	A	366	11	121	3%	8%
	L	3,916	16	229	.4%	7%
Virginia: Circuit Court	SC	6,416	0	392	0%	0%
	L	21,726	1,356	3,533	6%	28%
	RP	984	172	122	17%	59%
	E	10,311	25	2,011	.2%	1%
	DR	29,956	74	16,062	.2%	.5%
	A	1,738	135	546	8%	20%
Wisconsin: Circuit Ct & County Court	SC	62,308	18	3,125	.1%	1%
	DR	32,775	76	10,398	.2%	1%
	E	23,938	1	1,350	.1%	.1%
	OC	26,306	494	2,974	2%	14%
Wyoming: District Court	C	9,178	56	2,346	1%	2%
Washington: Superior Court	T-C-RP-A	NA	1,065	7,381	---	13%

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- NA = Not Available
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- T = Tort
- TC = Total Civil

Table FF: Trial conviction rates, 1976

State/Court	Case type	Jury trials			Bench trials			Total trials		
		Number	Number convictions	Conviction as a percent trials	Number	Number convictions	Conviction as a percent trials	Number	Number convictions	Conviction as a percent trials
Alaska: Superior Ct.	F	118	X	--	18	X	--	136	100	74%
District Ct. (L)	M	447	X	--	491	X	--	938	612	65%
California: Superior Ct.	FA	4,695	X	--	6,317	X	--	11,012	6,722	61%
Connecticut: Superior Ct.	FMA	102	X	--	31	X	--	133	78	59%
Illinois: Circuit Ct.	F	1,147	X	--	1,420	X	--	2,567	1,577	61%
Michigan: Recorders Ct. of Detroit	M	32	X	--	2,919	X	--	2,951	815	28%
New Jersey: Superior Ct. & County Ct.	FAE	2,895	X	--	695	X	--	3,590	1,809	50%
New York: S. Ct. & County Ct.	FM	--	--	--	--	--	--	3,090	2,175	70%
Pennsylvania: District Justice Ct. (L)	O,P	--	--	--	194,815	28,012	14%	194,815	28,012	14%
South Dakota: Circuit Ct.	FM	281	X	--	633	X	--	914	726	79%
Texas: County Ct. and Constitutional Ct. (L)	MA	1,137	X	--	1,866	X	--	3,003	1,676	56%
- Municipal Ct. (L)	M	550	X	--	60,735	X	--	61,285	43,205	70%
- Justice of the Peace Ct. (L)	M	523	X	--	28,819	X	--	29,342	26,377	90%

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 (L) = Limited Jurisdiction Court  
 M = Misdemeanor  
 O = Ordinance violation  
 O<sub>c</sub> = Other criminal  
 P = Preliminary hearing

Table GG: Trial conviction rates, 1977

State/Court	Case Type	Jury trials			Bench trials			Total trials		
		Number	Number convictions	Conviction as a percent trials	Number	Number convictions	Conviction as a percent trials	Number	Number convictions	Conviction as a percent trials
Alaska: Superior Ct.	F	127	17	13%	30	--	--	157	103	66%
District Ct. (L)	M	582	312	54%	518	336	65%	1,100	648	59%
California: Superior Ct.	F	5,179	4,318	83%	2,916	2,237	77%	8,095	6,555	81%
Municipal Ct. (L)	M	5,195	3,013	58%	9,112	4,983	55%	14,307	7,996	56%
	P	136	85	63%	44,128	746	2%	44,264	831	2%
	O	5	4	80%	349	225	64%	354	229	65%
- Justice Court (L)	M	806	558	69%	3,037	1,875	62%	3,843	2,433	63%
	P	74	54	73%	3,938	210	5%	4,012	264	7%
	O	0	0	--%	163	103	63%	163	103	63%
Connecticut: Superior Ct.	F/M	119	83	70%	33	9	27%	152	92	61%
Delaware: Superior Ct.	FMA	319	217	68%	79	46	58%	398	263	66%
Florida: Circuit Ct.	F	2,887	1,592	55%	1,666	562	34%	4,553	2,154	47%
County Ct. (L)	MO	1,948	519	27%	13,400	5,435	41%	15,348	5,954	39%
Illinois: Circuit Ct.	F	1,275	903	71%	2,623	1,448	55%	3,898	2,351	60%
Kansas: District Ct.	FMA	612	X	--	727	X	--	1,339	1,053	79%
New Jersey: Superior Ct. & County Ct.	F	2,551	1,429	56%	678	191	28%	3,229	1,620	50%
New York: S. Ct. and County Ct.	FM	X	X	--	X	X	--	3,203	2,254	70%
Crim. Ct. of NYC (L)	MO	X	X	--	X	X	--	827	384	46%
North Dakota: District Ct.	FMAEO	49	35	71%	221	219	99%	270	254	94%
Pennsylvania: District Justice Ct. (L)	O,P,Ot	--	--	--	45,112	26,770	59%	45,112	26,770	59%
South Dakota: Circuit Ct.	F	167	116	69%	47	41	87%	215	157	73%
	M	184	121	66%	467	413	88%	651	534	82%
Texas: District Ct., Crim. District Ct.	F	2,884	2,489	86%	1,026	634	62%	3,939	3,123	79%
	M	24	10	42%	120	0	0%	144	10	7%
- County Ct. at Law, Constitutional County Ct. & Probate Ct. (L)	MA	1,098	650	59%	1,704	793	47%	2,802	1,443	51%
- Municipal Ct. (L)	M	561	329	59%	55,816	48,081	86%	56,377	48,410	86%
- Justice of the Peace Ct. (L)	M	713	483	68%	39,905	36,547	92%	40,618	37,030	91%

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Table HH: Trial conviction rates, 1978

State/Court	Case Type	Jury trials			Bench trials			Total trials		
		Number	Number convictions	Conviction as a percent trials	Number	Number convictions	Conviction as a percent trials	Number	Number convictions	Conviction as a percent trials
Alaska: Superior Ct.	F	156	100	64%	10	8	80%	166	108	65%
District Ct. (L)	M	749	473	63%	509	426	84%	1,258	899	71%
California: Superior Ct.	F	4,914	4,012	82%	2,579	1,900	74%	7,493	5,912	79%
Justice Ct. (L)	M	474	281	59%	2,447	1,499	61%	2,921	1,780	61%
Municipal Ct. (L)	P	38	10	26%	642	151	24%	680	151	24%
Municipal Ct. (L)	M	4,793	2,836	59%	9,965	4,722	47%	14,758	7,558	51%
Municipal Ct. (L)	P	116	61	53%	4,294	964	22%	4,410	1,025	23%
Connecticut: Superior Ct.	FM	103	63	61%	46	10	22%	149	73	49%
Delaware: Superior Ct.	FMA	332	215	65%	74	58	78%	406	273	67%
District of Columbia: Superior Ct.	F	658	450	68%	52	18	35%	710	468	66%
Superior Ct.	M	451	227	50%	243	179	74%	694	406	59%
Florida: Circuit Ct. County Ct. (L)	F	2,764	1,677	61%	1,525	698	46%	4,292	2,375	55%
County Ct. (L)	MO	1,957	791	40%	8,329	4,114	49%	10,286	4,905	48%
Illinois: Circuit Ct.	F	1,237	874	71%	2,103	1,110	53%	3,340	1,984	59%
Maine: Superior Ct.	FM00 <sub>t</sub>	507	337	66%	234	194	83%	741	531	72%
New Jersey: Superior Ct. & County Ct.	F	2,360	1,480	63%	462	159	34%	2,822	1,639	58%
North Dakota: District Ct.	FMAEO	355	355	100%	15	15	100%	370	370	100%
Texas: District Ct. and Criminal District Ct.	F	2,964	2,376	80%	1,139	762	67%	4,103	3,138	76%
Municipal Ct. (L)	M	16	8	50%	2	1	50%	18	9	50%
Justice of the Peace Ct. (L)	M	893	527	59%	62,847	54,448	87%	63,740	54,975	86%
County Ct. at Law, Constitutional County Ct., & Probate Ct. (L)	M	588	308	52%	42,650	40,818	91%	43,238	41,126	95%
County Ct. at Law, Constitutional County Ct., & Probate Ct. (L)	MA	1,122	648	58%	2,132	1,066	50%	3,254	1,714	53%

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## NATIONAL CENTER FOR STATE COURTS

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In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standards of fair and expeditious judicial administration, and finds and disseminates answers to the problems of state judicial systems. In sum, the National Center provides the means for reinvesting in all states the profits gained from judicial advances in any state.

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