

Civil Case Trends

October 2024

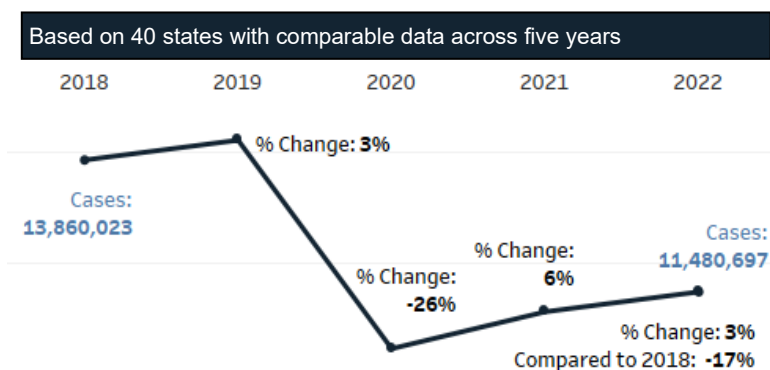
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Overview

Total civil case filings increased in 2022 compared to previous years, though they remain well below pre-pandemic levels. Nationally, an estimated 13,705,000 civil cases were filed, accounting for about 21% of the total state court caseload. This report explores the civil caseload trends over the past five years, breaking down trends by individual case type. The 5-year span is short enough to provide representative state samples with comparable data for the major case categories, yet long enough to show short trends leading up to the pandemic.¹

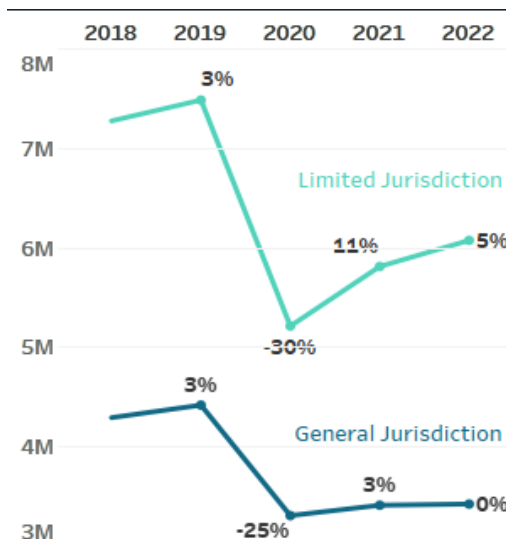
Figure 1. Incoming Total Civil Cases



Based on 40 states and territories with comparable data, the general civil trend shows slightly increased filings from 2018 to 2019, a sharp drop of 26% in 2020, and mostly rising filings in 2021 and 2022 – varying by individual case type. However, the 2022 total remained 17% lower than in 2018. Most of the 40 states show a similar trend, with nearly all reported filings below 2018 levels.

Civil case filings in limited jurisdiction and general jurisdiction courts were similar, as shown in Figure 2.² However, civil caseloads in general jurisdiction courts did not drop as much in 2020 and have been slower to recover. Limited jurisdiction caseloads remain 16% below 2018 levels, while general jurisdiction filings remain 20% lower.

Figure 2. Total Civil Cases by Tier

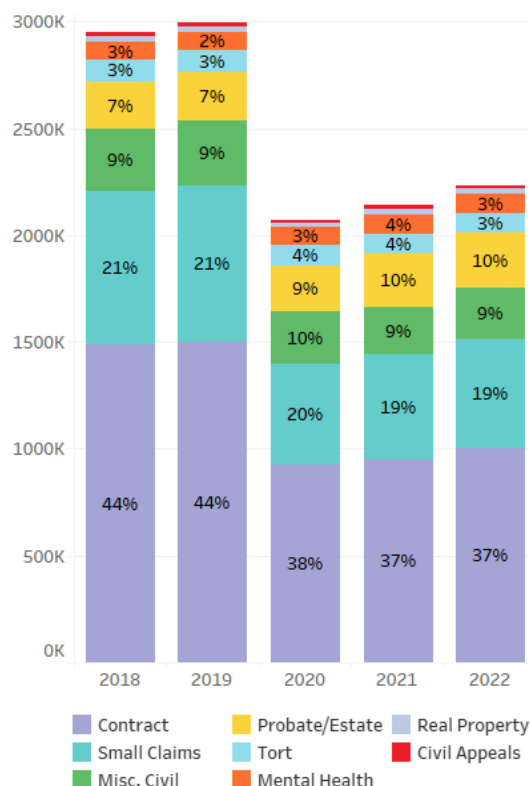


Although filings for most civil case categories increased after the pandemic, small claims and tort cases continued to decline. The largest gap compared to 2018 levels was in **small claims**, down 32%, followed by **civil appeals** (22% decrease), **contract** cases (20% decrease), **miscellaneous civil** cases (15% decrease), **tort** cases (13% decrease), **real property**

¹ The unit of analysis in this report is the state/territory. Caseloads refer to the aggregated total of limited and general jurisdiction tiers, and states are included in the samples only if each tier with jurisdiction over the given case type(s) provided publishable (comparable) data for all relevant case types and years. The figures reported here may thus differ from those reported in the other Caseload Highlight reports and/or public dashboards.

² 10 states report data as a single trial tier and are thus not included in either the limited or general jurisdiction trend in Figure 2.

Figure 3. Civil Caseload Composition Trend



cases (4% decrease), and **mental health** cases (3% decrease compared to 2019³). Only **probate/estate** caseloads were above 2018 levels, with filings up by 3%.

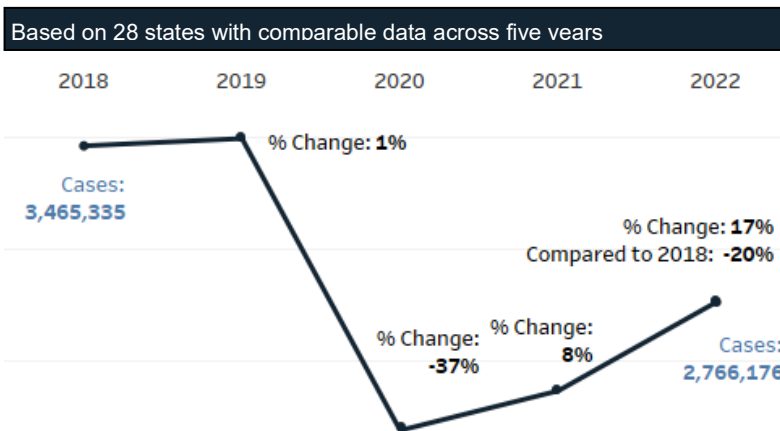
The composition of the civil caseload has undergone minor changes in recent years, based on 16 states with comparable data for all categories and years, as shown in Figure 3. **Contract** cases, which made up 44% of the total civil caseload⁴ in 2018, declined to 37% in 2022. **Small claims** cases, which were 21% of the caseload in 2018, now make up 19%. In contrast, the proportion of **probate/estate** cases has notably grown from 7% in 2018/2019 to 10% in 2022. The report’s remaining sections further describe trends in each of these case categories.

Contract Cases

In 28 states with consistently comparable data, the largest category of civil cases – contract cases – dropped by 37% in 2020 data, but rebounded in 2022 with a 17% increase, as shown in Figure 4. However, overall filings remained well below pre-pandemic levels.

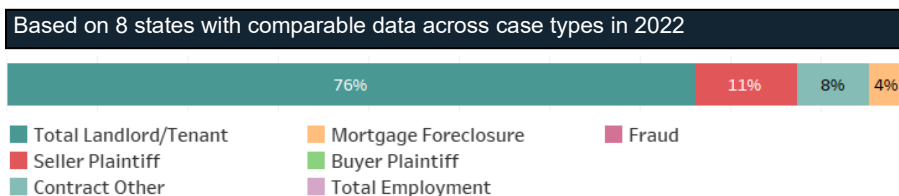
As illustrated in the [state-level chart](#), most states experienced increased filings in 2021 and again in 2022. Despite this, contract cases remained below 2018 levels in nearly all states. Maryland and Delaware recorded the most significant declines, with filings 46% lower than in 2018. Only four of the 28 states saw filings above 2018 levels, most notably Indiana, with a 35% increase.

Figure 4. Incoming Contract Caseloads



In 2022, landlord/tenant cases constituted over three-quarters of all contract cases, based on just 8 states (Figure 5). This represents an increase from 2021 and 2020, when they accounted for 72% (based on

Figure 5. Contract Case Composition in 2022



³ California, a large contributor to the overall caseload, updated reporting methods in July 2018, and, likely consequently, reported a drastic increase in caseloads in 2019. Thus, 2018 is not a good baseline for comparison for this case type.

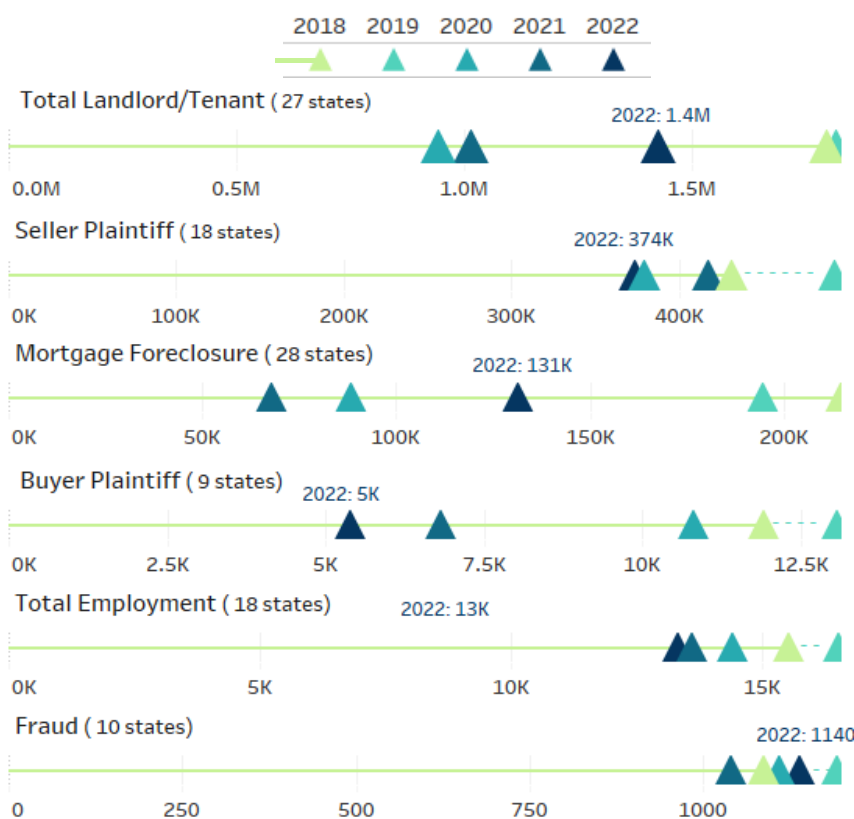
⁴ This includes “Other” civil cases not shown here. The proportion of additional, other case types, not mapped to these broader categories, increased from 13% in 2018 to 15% in 2022.

seven and six states, respectively), and is similar to pre-pandemic proportions with 75% in 2018 and 80% in 2019 (both based on five states). Seller plaintiff (debt collection) cases make up the second largest category of contract cases, constituting 11% of the contract caseload in 2022. Additional case types with smaller proportions include mortgage foreclosure, buyer plaintiff, employment, and fraud cases, as well as other contract cases that cannot be specified.

In 27 states, incoming **landlord/tenant** cases dropped by 48% in 2020 compared to the prior year, increased in 2021, and surged by 40% in 2022. However, landlord/tenant cases remain 21% below 2018 levels (see Figure 6). Much of the sudden drop in 2020 can be attributed to federal and state moratoria that prohibited the filing of most new eviction cases. While the federal moratoria were in place through July 2021, many states extended their moratoria well into 2022.⁵ As shown in the [state-level chart](#), all included states saw the 2020 drop. Most reported growing case numbers in 2021, and all experienced increased filings in 2022. However, only 8 out of 27 states recorded filings above 2018 levels, most notably North Carolina, where filings more than doubled compared to 2018.

Seller plaintiff (debt collection) caseloads fluctuated in recent years, with a significant 23% decline in 2020. In 2022, total cases in the 18 states with comparable data were down 13% compared to 2018. This

Figure 6. Contract Case Types Trends



pattern holds for [most states](#), with Arizona as the only outlier, experiencing growth between 2018 and 2021, followed by a 24% drop in 2022. Only Alaska and Utah saw consistent declines between 2018 and 2022.

Among contract types, **mortgage foreclosure** filings saw the sharpest decline – 55% in 2020 – followed by a further 23% decrease in 2021, before a strong 94% increase in 2022. Despite this rebound, filings in 2022 were 39% lower than in 2018. [Most of the 28 states](#) continued to see drops in mortgage foreclosure filings in 2021 and all but one (Arizona) experienced a strong increase in 2022. Case filings exceeded 2018 levels in only 2 of 28 states: Arizona and Missouri.

In nine states, **buyer plaintiff** cases increased by 10% in 2019 before sharply decreasing by 17% in 2020, 37% in 2021, and another 21% in 2022, resulting in a total decrease of 55% compared to 2018. However, this decline was largely driven by Maryland, Pennsylvania, and Rhode Island, while [other states showed](#)

⁵ Of course, the affordable housing crisis and widespread housing insecurity, which is the concern of [various eviction diversion initiatives](#), predates the pandemic.

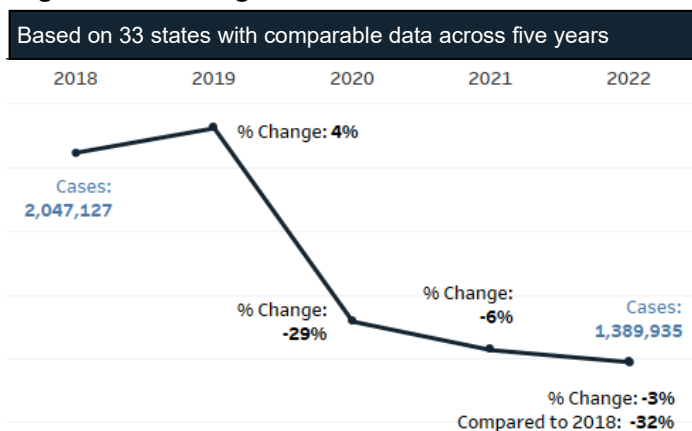
[divergent trends](#). Arizona, especially, experienced a different pattern, with 3.5 times more filings in 2021 than in 2020, followed by another 49% increase in 2022.

Similarly, **employment** cases increased by 6% in 2019 but have been trending downward since then, with filings 14% lower in 2022 than in 2018. This consistent trend of decreasing filings is evident in many of the [18 states](#) with comparable data.

Only 10 states provided comparable data on **fraud** filings across the five years. After a recent increase, the total caseload recovered to pre-pandemic levels, even growing by 5% compared to 2018. However, there was significant variation at the [state level](#), with only 4 of 10 states recording caseloads higher than in 2018.

Small Claims Cases

Figure 7. Incoming Small Claims Caseloads

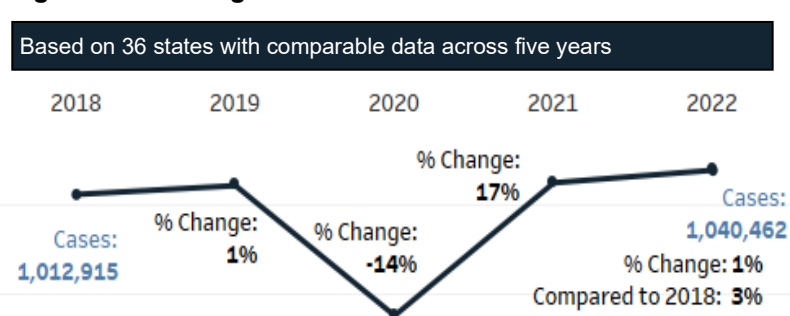


Small claims cases are primarily lower-value contract cases but can also include tort or real property claims.⁶ In the [33 states with comparable data](#), all but New Hampshire experienced a significant decline (29% overall) during the 2020 pandemic. Since then, a third of the states saw continued declines, while the others saw limited increases. Nevertheless, 2022 caseloads in all states were below 2018 levels, ranging from a 4% decrease in Texas to a 77% decrease in Hawai'i, resulting in a 32% total decrease across the included states.

Probate/Estate Cases

Total filings for probate/estate cases rebounded in 2021, recovering from a 14% drop during the pandemic (Figure 8). The growing number of filings in 2021 and 2022 resulted in a 3% increase over the past five years. Unlike many other case types, probate/estate case filings did not universally drop during the pandemic; about one-third of the [36 states](#) reported increased filings during that time. In 2022, 28 of 36 states reported caseloads higher than in 2018, with Puerto Rico and Utah experiencing filings over 60% higher than their 2018 caseloads.

Figure 8. Incoming Probate/Estate Caseloads

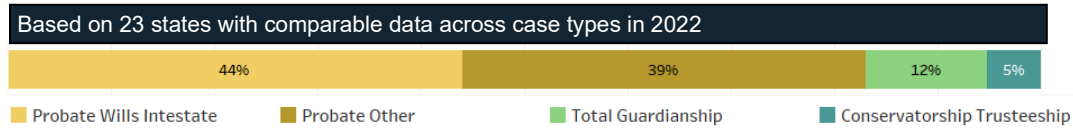


The overall increase was largely driven by the growth in probate/wills/intestate cases, which made up 44% of the probate/estate caseload in 2022.

⁶ For a more in-depth examination of such cases, see Hannaford-Agor, P. (2019). [The Landscape of Civil Litigation in State Courts: Examining Debt Collection, Landlord/Tenant and Small Claims Cases \[Caseload Highlights\]](#). National Center for State Courts.

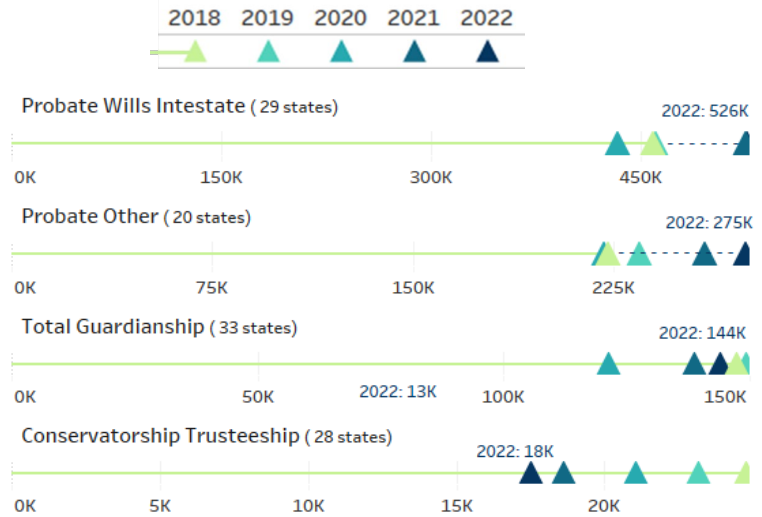
The remaining caseload comprised 39% probate-other cases (cases that could not be disaggregated), 12% guardianship cases, and 5% conservatorship/trusteeship cases (see Figure 9).

Figure 9. 2022 Probate/Estate Cases Composition



Probate/Wills/Intestate filings dropped only by 6% in 2020, which is less than other probate case types. The overall growing trend resulted in 2022 caseloads being 15% above pre-pandemic levels. Additionally, the 2020 decline was reported by only about half of the [29 states](#) reporting comparable data, and most states saw a strong increase in 2021. All but two states (New York and Delaware) had 2022 caseloads above 2018 levels.

Figure 10. Probate/Estate Case Types Trends



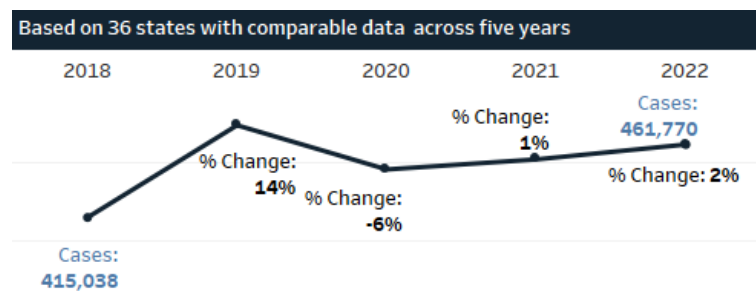
Guardianship caseloads had dropped by 19% in 2020 but have since recovered. By 2022, the total caseload for the 33 states with comparable data was only 1% below the 2018 level. [State-specific trends](#) were similar in 2020 and 2021 but varied in 2022. Only 12 of 33 states had caseloads above 2018 levels, and only two states, Wisconsin and Delaware, saw increased caseloads in 2020.

Unique in this category, **conservatorship** cases have steadily declined over the last five years. In 2022, the total caseload for the 28 states with comparable data was 29% lower than in 2018. However, there is some variation at the [state level](#). Seven of the 28 states had caseloads in 2022 higher than in 2018, most notably New Mexico, where the caseload doubled.

Mental Health Cases

Based on 36 states with comparable data, mental health cases increased by 14% in 2019,⁷ declined by 6% in 2020, and have slightly risen since then. In 2022, the total caseload was 3% below the 2019 caseloads. While [state-specific trends](#) varied considerably, most states saw increased caseloads in 2021, but only 9 of the 36 states continued to experience increases in 2022.

Figure 11. Incoming Mental Health Caseloads



⁷ However, the 2019 increase is in large part due to a shift in California's reported filings, which, in turn, can likely be explained by updated filing and case type definitions in California, which were approved in July 2018.

Tort Cases

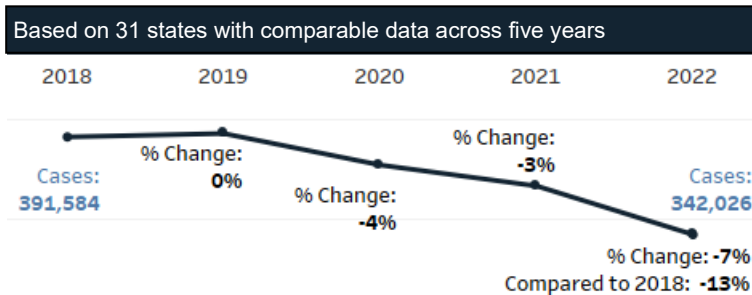
In 2022, nearly two-thirds of all tort cases were automobile torts (Figure 12). Premises liability cases comprised 13% of total torts in the 11 states with comparable data across case types in 2022, malpractice cases 5%, intentional torts 2%, slander/libel/defamation 1.3%, and product liability 0.9%.

Figure 12. 2022 Tort Cases Composition



In 31 states with comparable data for the past five years, torts decreased steadily. Interestingly, the biggest decline of 7% occurred not in 2020, but in 2022. That year, there were 13% fewer tort filings than in 2018, as shown in Figure 13.

Figure 13. Incoming Tort Caseloads



This pattern, which may be a delayed pandemic effect, is consistent for most individual tort case types. Automobile tort, premises liability, malpractice, and intentional tort filings have all experienced consecutive declines since 2019, following a slight increase before then. Over the five years, **Automobile Tort** cases decreased by 14%, **Premises Liability** cases by

14%, **Malpractice cases** by 9%, and **Intentional Tort** cases by 15%.

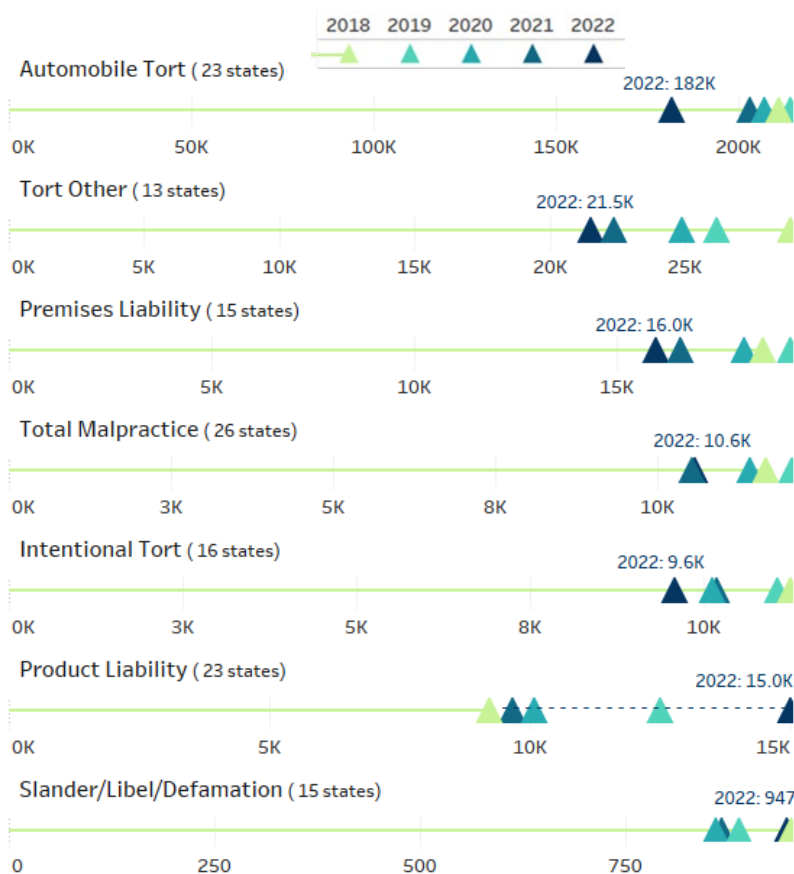
Among these, the **automobile tort** trend was the most uniform across states (Figure 14). [All states with comparable data](#) except Michigan and Utah reported a decreasing trend in automobile tort filings, with caseloads 5% to 36% lower compared to 2018.

Premise liability filings increased by 4% in 2019, but have declined since then. While year-to-year changes are inconsistent [across states](#), most experienced a drop in 2021, and only 4 of 15 states reported 2022 filing higher than in 2018.

Similarly, **malpractice** cases increased by 3% in 2019, decreased in 2020 and 2021, and then stagnated in 2022. Trends varied somewhat, but all [states with comparable data](#) experienced decreased filings in 2021. In 2022, 22 out of 26 states reported filings lower than in 2018.

[Most states](#) (12 of 16) also reported consistently lower **intentional tort** cases in 2022, with four exceptions (NH, PR, WI, NJ).

Figure 14. Tort Case Types Trends



Unlike the other tort subtypes, **product liability** filings in 2022 far exceeded pre-pandemic levels, being 63% higher than in 2018. Following a 35% increase in 2019 filings declined notably in 2020 by 19% and further in 2021, but made a dramatic recovery in 2022. However, the 23-state trend was driven mainly by increased filings in Missouri, which accounted for 60% of the 2022 caseload, as most of the other [individual states](#) experienced declining caseloads.⁸ Only six states reported caseloads higher than in 2018.

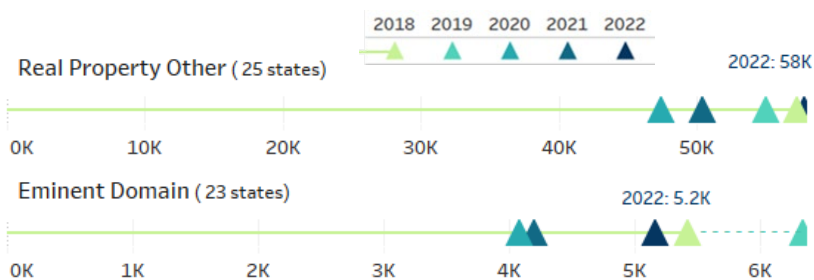
The smallest tort category – **slander/libel/defamation** – is the only tort type that experienced increases in the 15-state total caseload since 2020, nearly recovering to 2018 levels in 2022 after dropping by 7% in 2020 and 3% in 2021. However, year-to-year [trends vary by state](#), with 8 of 15 states reporting higher filing numbers in 2022 compared to 2018.

Real Property

In 2022, real property cases consisted of 7% eminent domain cases and 93% other types of disputes over the ownership, use, boundaries, or value of real property. The other **real property** filings decreased between 2018 and 2020, with a significant 14% drop in 2020. Since then, filings have recovered, with a notable increase in 2022, bringing the total up by 1% compared to 2018. This trend holds true for most of 25 [individual states](#), although there are exceptions – 11 of 25 states reported 2022 filings exceeding 2018 levels.

The **eminent domain** caseload surged by 19% in 2019, largely driven by increased filings in Texas, which accounted for half of the 23 states' total caseload. In 2020, caseloads dropped drastically by 36%, followed by a partial recovery in subsequent years. Nevertheless, [state trends](#) exhibit considerable year-to-year variation.

Figure 15. Real Property Case Types Trends



⁸ Missouri is an extreme outlier. Compared to 2018, filings increased there by 1350% to 9,017 cases in 2022, which can be attributed to an increase in Monsanto/Roundup cases filed in St. Louis County and Cole County. Without Missouri, the 2022 caseload total of the remaining states would be 30% below the 2018 level.

Miscellaneous Civil Cases

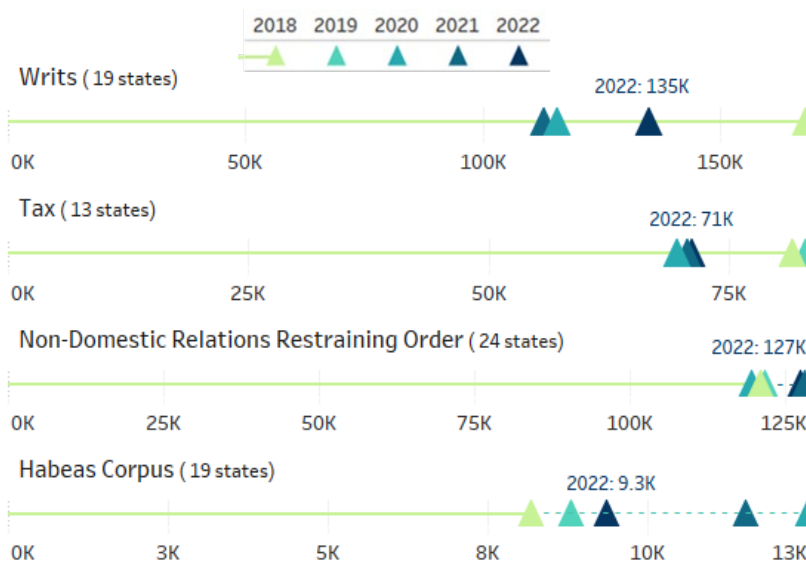
Among the case types typically summarized in the miscellaneous civil case category by the Court Statistics Project, both **writs** and **tax** filings increased in 2019 (by 6% and 2%, respectively), only to drop drastically in 2020 (by 35% and 16%). Despite recent increases, neither has fully recovered by 2022. [All 19 states](#) with comparable data, except Oregon, experienced declining **writs** during the pandemic. Half of those states then saw additional declines in subsequent years, with Delaware and Vermont showing a consistent downward trend across all years. In 2022, total incoming writs cases were still down by 20% compared to 2018 (Figure 16). **Tax** filings also remained 13% below 2018 levels, although [state-specific trends](#) varied.

Non-domestic relations restraining order filings remained relatively stable over the past five years.⁹

Unlike most other civil cases, they experienced only a slight decline in 2020 (2%), followed by a 7% increase in 2021, and a slight decrease again in 2022 (see Figure 16). This trend was consistent across [24 states](#), with a few exceptions. Most states saw increased filings in 2022, and all but four reported caseloads exceeding those in 2018, resulting in a 5% overall increase.

Habeas Corpus cases, a small subset in this category, followed a different pattern. [State trends](#) varied significantly, but overall, Habeas Corpus caseloads increased by 8% in 2019 and surged by 42% in 2020 in the 19 states with comparable data. However, this spike was largely driven by Maryland, which accounted for nearly a third of the total caseload that year. Although total incoming cases have been declining since then, 2022 filings still exceeded 2018 levels by 14%.

Figure 16. Miscellaneous Civil Case Types Trends



Civil Appeals

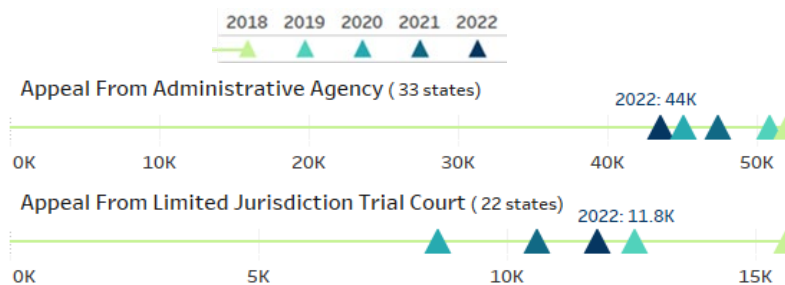
In 2022, at least 87% of civil appeals disputed the ruling or finding of an administrative agency. These are often filed in general jurisdiction courts, though in some states, they may also be brought before courts of limited jurisdiction. Additionally, civil appeals can dispute the ruling or judgment of a limited jurisdiction court. These constitute 8% of the civil appeals caseload¹⁰ in trial courts and are typically brought to the state's court of general jurisdiction but may occasionally be reviewed by another limited jurisdiction court.

⁹ On the other hand, filings for domestic relations civil protection restraining orders had dropped by 12% in 2020, but made a full recovery since then, with 2022 filings exceeding 2018 levels by 2%. Of the states with comparable data, most experienced the 2020 drop in cases. However, the extent to which filings increased afterward varied considerably. In 2022, 15 of 34 states had fewer incoming cases than in 2018.

¹⁰ The remaining 5% of appeals cases in the 18 states with comparable appeals data in both categories could not distinguish between the two.

Administrative agency appeals decreased over the past 5 years. The exception is 2021, when numbers rose by 5%, partially recovering from the 11% drop in 2020. However, they then dropped further, and, in 2022, these appeals were 16% below those in 2018. Most states with comparable data exhibit [similar trends](#), though caseloads had increased in 10 of 33 states.

Figure 17. Civil Appeals Case Types Trends



Appeals cases originating in **limited jurisdiction** courts had already greatly decreased by 19% in 2019 before further dropping by 32% in 2020. Despite significant increases since then, filings were still down by 24% in 2022 compared to 2018. [State-specific trends](#) show a 2020 and 2021 drop in most states, but not all. After that, trends vary by state. Wisconsin is the only state of 22 with comparable data that exhibited a consistent downward trend.

The Court Statistics Project is the only source for comparable annual state court caseload data, with court data published at www.courtstatistics.org/. For more information about 2012-2022 court data, please see our website at www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat. NCSC is available to provide training or assistance! Contact CSP Staff at csp@ncsc.org for more information.