

Examining the Work of State Courts, 2001

A National Perspective from the Court Statistics Project

Edited by
Brian J. Ostrom
Neal B. Kauder
Robert C. LaFountain

Court Statistics Project Staff and Contributors

Brian J. Ostrom, Director
Melissa T. Cantrell, Court Research Analyst
Fred Cheesman, Court Research Associate
Carol R. Flango, Senior Court Research Associate
Neal B. Kauder, Consultant, VisualResearch, Inc.
Robert C. LaFountain, Court Research Analyst
Nicole L. Mott, Court Research Associate
Brenda K. Uekert, Senior Court Research Associate
Karen Gillions Way, Court Research Analyst

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



© Copyright 2001
National Center for State Courts
ISBN 0-89656-213-1

Suggested Citation:

B. Ostrom, N. Kauder, & R. LaFountain
*Examining the Work of State Courts, 2001: A National Perspective from
the Court Statistics Project*
(National Center for State Courts 2001)

This report was developed under Grant SJI-91-N-007-O01-1 from the State Justice Institute and the Bureau of Justice Statistics. Points of view are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute or the Bureau of Justice Statistics.

Acknowledgments

The members of the Court Statistics Project (CSP) gratefully acknowledge assistance and guidance from throughout the state court community. At the heart of this national effort is the strong and continuing support of the state and trial court administrators, the appellate court clerks, and their staffs, who have provided most of the information included in *Examining the Work of State Courts, 2001 and State Court Caseload Statistics, 2001*. They have been consistently patient and helpful in answering written and telephone inquiries for additional data or for explanations of the data provided. We owe a special debt of gratitude to the staff members of the administrative offices of the courts and of the appellate courts who serve as contact persons between their offices and the Court Statistics Project.

The content and design of all products produced by the CSP benefit greatly from the guidance of the 16 members of the Court Statistics Committee of the Conference of State Court Administrators (COSCA). The committee members have given generously of their time, talent, and experience, and their participation has been invaluable to project staff.

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

A special debt is owed to the advice and editorial skills of our colleagues Victor E. Flango, Roger A. Hanson, and John Rockwell who offered a range of valuable input that considerably improved the final product. This publication benefited greatly from the careful editing of Sara Lewis. Judith Ann Sullivan skillfully managed the design and coordinated the printing of this publication.

Conference of State Court Administrators Court Statistics Committee

J. Denis Moran, Chairman (1983 to present), Director of State Courts, Wisconsin
William J. O'Brien, Vice-Chairman (1994 to present), State Court Administrator, Iowa
Frank Broccolina (2000-2001), State Court Administrator, Maryland
Michael L. Buenger (2000-2001), State Court Administrator, Missouri
John A. Clarke (1988 to present), Executive Officer/Clerk, Los Angeles Superior Court
Hugh M. Collins (1982 to present), Judicial Administrator, Louisiana
Howard W. Conyers (1990 to present), Administrative Director of the Courts, Oklahoma
Marc Galanter (1986 to 2001), Evjue-Bascom Professor of Law, University of Wisconsin
Donald D. Goodnow (2000-present), State Court Administrator, New Hampshire
Daniel J. Hall (1990 to 2001), Director of Planning and Analysis, Office of the State Court Administrator, Colorado
Judge Aaron Ment (1991 to present), Chief Court Administrator (retired), Connecticut
John T. Olivier (1991 to present), Clerk, Supreme Court of Louisiana
Howard P. Schwartz (1992 to present), Judicial Administrator, Kansas
Joseph C. Steele (1999 to present), State Court Administrator, Nebraska
Patricia Tobias (1999 to 2001), Administrative Director of the Courts, Idaho
Robert Wessels (1995 to present), Court Manager, County Criminal Courts at Law, Houston, Texas

National Center for State Courts Board of Directors

Chief Judge Annice M. Wagner, Chairperson, District of Columbia Court of Appeals
Chief Judge Judith S. Kaye, Chairperson-Elect, New York Court of Appeals
Mercedes M. Bauermeister, Vice-Chairperson, Administrative Director, Supreme Court of Puerto Rico
Judge Roberto A. Arias, Duval County, Jacksonville, Florida
Curtis (Hank) Barnette, Chair Emeritus, Bethlehem Steel Corporation, Bethlehem, Pennsylvania
Frank Broccolina, State Court Administrator, Maryland
Michael L. Buenger, State Court Administrator, Missouri
David K. Byers, Administrative Director, Supreme Court of Arizona
Justice William Cousins, Illinois Appellate Court
Judge Gerald T. Elliott, Division 4, Tenth Judicial District of Kansas, Olathe, Kansas
Gordon M. Griller, Court Administrator, Maricopa County Superior Court, Phoenix, Arizona
Judge Elizabeth Keever, 12th Judicial District, Fayetteville, North Carolina
Presiding Judge Gary L. Lumpkin, Court of Criminal Appeals of Oklahoma, Oklahoma City, Oklahoma
Jack B. Middleton, McLane, Graf, Rauleron, & Middleton, Manchester, New Hampshire
Presiding Judge Gayle A. Nachtigal, Circuit Court of Washington County, Hillsboro, Oregon
Dwight Opperman, Key Investment, Inc., Minneapolis, Minnesota
Louise M. Parent, Executive Vice-President and General Counsel, American Express Company, Jersey City, New Jersey
Judge Michael S. Spearman, King County Superior Court, Seattle, Washington
Carroll D. Stevens, Associate Dean, Yale Law School, New Haven, Connecticut
Patricia Tobias, Administrative Director of the Courts, Idaho
Judge Sandra Ann Thompson, Los Angeles Municipal Court, Torrance, California
Chief Justice Gerald W. VandeWalle, Supreme Court of North Dakota
Ruth Walsh McIntyre, Seattle, Washington
Roger K. Warren, President, National Center for State Courts, Williamsburg, Virginia
Robert Wessels, Court Manager, County Criminal Courts at Law, Houston, Texas

Table of Contents

- Foreword**..... 8

- Overview of State Trial Court Caseloads**..... 10
 - 92 million state court filings in 2000 represent an eight-year high 10
 - There are 16,300 state courts in the U.S. with just over 29,000 judicial officers 11
 - Most states have two to six judges per 100,000 persons 13
 - Criminal filings decreased slightly in state courts while growing by almost 5 percent in federal courts 13

- Civil Caseloads in State Trial Courts**..... 16
 - Civil caseloads dropped for the second consecutive year in 2000 16
 - Which states have the most civil litigation?..... 17
 - Filing rates are affected by variances in how states count cases 17
 - Most states cleared 90 percent or more of their civil caseloads 21
 - One in five civil cases in general jurisdiction courts is an estate case 22

- Tort and Contract Caseloads in State Trial Courts**..... 26
 - Tort and contract cases make up the largest share of nondomestic civil caseloads 26
 - Tort filings in 30 states have decreased 10 percent since 1991 26
 - Population-adjusted tort filings declined in 22 of 30 states examined 27
 - Automobile tort filings are down over the last ten years 28
 - The trend in product liability cases is down, while medical malpractice cases remain steady 30
 - Contract filings have wavered since 1984 in 14 comparable states 31
 - Contract filings per 100,000 population declined in most states examined 32
 - There were over 50 percent more contract than tort cases in 2000 33

- Domestic Relations Caseloads in State Trial Courts**..... 36
 - Federal and state legislative mandates have helped improve domestic relations data 36
 - Domestic relations filings increased 5 percent between 1996 and 2000 36
 - Between 1996 and 2000, adoption and custody filings rose dramatically 37
 - Divorce cases comprise over one-third of domestic relations caseloads 39
 - Variations in state reporting practices call for uniform data collection 39
 - Domestic violence filings increased 11 percent over the last five years 40

Table of Contents, continued

| | |
|--|----|
| Juvenile Caseloads in State Trial Courts | 44 |
| Juvenile filings declined 3 percent from 1998 to 2000 | 44 |
| Child Abuse and Neglect | 46 |
| 2.8 million children reported abused and neglected in 1998 | 47 |
| On average, 30 percent of abuse and neglect cases are substantiated | 50 |
| Nearly one million children were confirmed victims of maltreatment | 52 |
| Criminal Caseloads in State Trial Courts | 56 |
| Criminal arrests and court filings are down in 2000 | 56 |
| Felonies are typically handled in general jurisdiction courts and misdemeanors in limited jurisdiction courts | 56 |
| DWI filings rose 9 percent between 1997 and 2000 | 58 |
| Fifteen states account for 73 percent of total criminal filings | 58 |
| Clearance rates show if courts are reducing their pending caseloads | 61 |
| Eighteen states had three-year clearance rates of 100 percent or more | 61 |
| Very few criminal cases are resolved at trial | 63 |
| Felony Caseloads in State Trial Courts | 66 |
| Felony filings increased slightly in 2000 | 66 |
| Felony filing rates varied from a high of 1,830 in Arkansas to a low of 79 in Massachusetts | 68 |
| Clearance rates improved in most general jurisdiction courts between 1998 and 2000 | 68 |
| Felony Conviction, Sentencing, and Time Served in the 1990s | 70 |
| State Court Appellate Case Filings | 76 |
| The number of cases filed with state appellate courts has grown modestly in recent years | 76 |
| Growth in criminal appellate cases is now noticeably greater than the growth in civil appellate case filings | 76 |
| In 2000, there were nearly 300,000 appellate cases filed | 76 |
| Mandatory cases in intermediate appellate courts constitute the largest share of state appellate system caseloads | 78 |
| Criminal and civil cases account for the vast majority of discretionary and mandatory appellate cases | 78 |
| The majority of intermediate appellate courts are keeping up with their incoming caseloads | 79 |
| The number of criminal petitions filed in supreme courts has increased substantially | 80 |

State Court Appellate Case Filings, *continued*

The number of criminal appeals in intermediate appellate courts varied widely by state 81

Trends in civil appeals in intermediate appellate courts vary to a lesser degree than the trends in criminal appeals 82

The number of applications for writs and original proceedings has increased nationally 83

State supreme courts grant about 13 percent of the discretionary petitions for review that are filed 84

State supreme courts resolve cases in a variety of ways—most commonly by denying discretionary petitions 85

Part II: The Role of Juries in State Courts 88

Introduction 88

Jury duty experiences vary by state 88

Reforming the structure of the jury: size and unanimity requirements 90

The Civil Jury 91

Four of five general civil jury trials are tort cases; half of tort jury trials involve autos 92

Pro se representation is extremely rare in civil jury trials 93

Who wins tort and contract trials? 94

Awards in tort jury trials are modest 95

Punitive damages are awarded to about 4 percent of plaintiff winners 96

Case processing time is shortest in automobile accident trials and longest in product liability cases 97

The Criminal Jury 98

Jury sentences are rendered almost 9 months after defendants' arrests 99

Jurors are responsible for deciding capital cases in 38 states 100

Juries convict defendants in criminal cases approximately 75 percent of the time 101

Hung jury rates vary, but remain low in state courts 101

Approximately 88,000 jury trials were held nationwide in 1999 102

Appendix 105

Index of states included in section graphics 106

Court Statistics Project Methodology 108

State Court Caseload Statistics, 2001 109

The NCSC Court Statistics Project 110

The Caseload Highlights Series 111

Foreword

“Our beliefs are not automatically updated by the best evidence available. They often have a life of their own, and fight tenaciously for their own survival.”

– D. Marks and R. Kammann

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

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

Examining the Work of State Courts, 2001, provides a comprehensive analysis of the business of state trial and appellate courts in a nontechnical fashion. Accurate, objective, and comparable data across states provide a relative yardstick against which states can consider their performance, identify emerging trends, and measure the possible impact of legislation. Without baseline data from each state, many of the most important questions facing the state courts will go unanswered. This volume facilitates a better understanding of the state courts by making use of closely integrated text and graphics to describe plainly and succinctly the work of state trial and appellate courts.

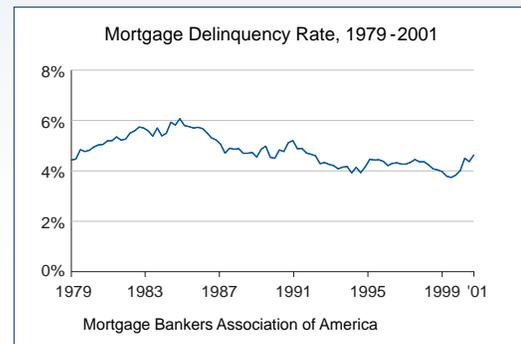
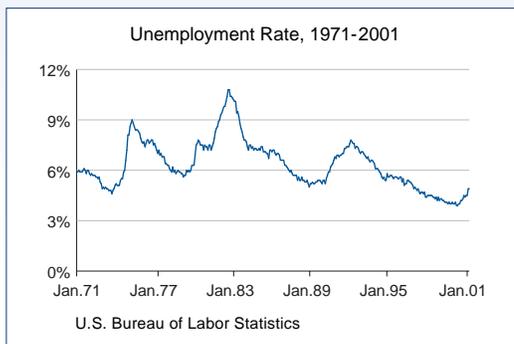
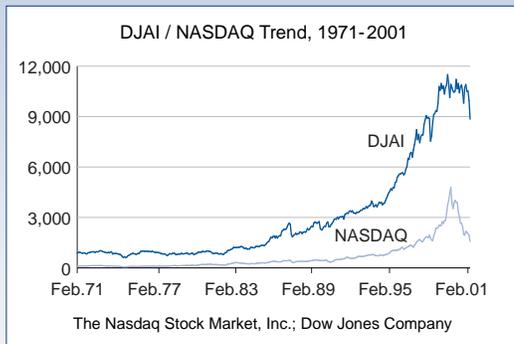
A second volume, *State Court Caseload Statistics, 2001*, is a basic reference that contains detailed information and descriptions of state court systems. Individuals requiring more complete information, such as state-specific information on the organization of the courts, total filings and dispositions, the number of judges, factors affecting comparability between states, and a host of other jurisdictional and structural issues, will find this volume useful.

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

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

CIVIL

The recent economic downturn affects individuals and businesses alike.



With the end of the 1990s economic boom, the unemployment rate has begun to rise...

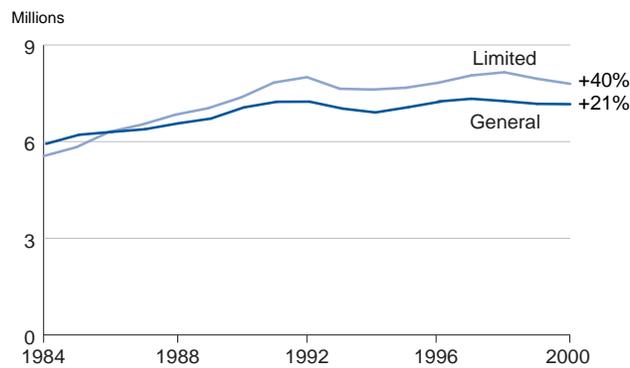
along with corresponding increases in bankruptcies and delinquent mortgage payments.

Civil Caseloads in State Trial Courts

Civil caseloads dropped for the second consecutive year in 2000

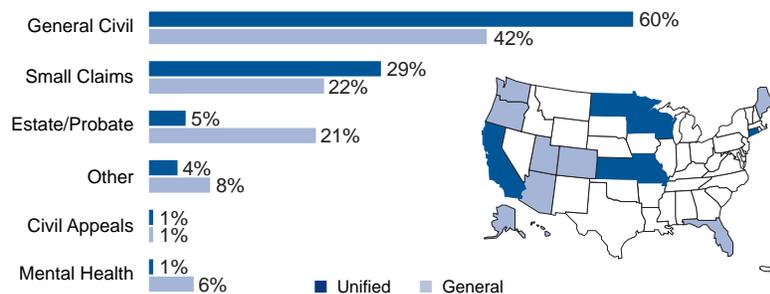
Since 1984, civil filings have increased by 40 percent in the limited jurisdiction courts and by 21 percent in the general jurisdiction courts. However, civil case filings have decreased in the general jurisdiction courts for the last three years and in the limited jurisdiction courts for the last two. In 2000, nearly 15 million civil cases were filed, with 7.8 million cases in the limited jurisdiction courts and 7.2 million new cases filed in general jurisdiction courts.

Civil Cases Filed in State Trial Courts by Jurisdiction, 1984-2000



The following chart compares the caseload composition of unified and general jurisdiction courts. In unified courts, the full spectrum of civil cases is heard; in most general jurisdiction courts, only civil cases where the amount in controversy exceeds a certain limit are heard. Consequently, unified court systems tend to see a greater proportion of general civil (tort, contract, and real property) cases as well as small claims. Together, general civil and small claims comprised 89 percent of the civil caseload in unified courts, compared to only 64 percent in general jurisdiction courts. Conversely, general jurisdiction courts heard four times as many estate or probate cases and six times as many mental health cases, proportionately, than did the unified courts.

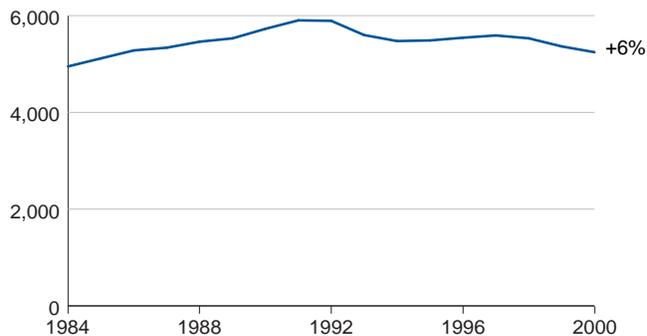
Civil Caseload Composition in Unified vs. General Jurisdiction Courts in 16 States, 2000



Which states have the most civil litigation?

Examining a state's aggregate filing data is one way to answer this question, but more populous states naturally tend to have more filings than less populous states. A more meaningful answer requires controlling for population. The national trend, displayed in the chart below, shows that total civil filings (in both limited and general jurisdiction courts) per 100,000 population have increased 6 percent since 1984. The peak occurred in 1991 when there were about 5,900 state court civil filings per 100,000 population. In 2000, there were 5,244 civil filings per 100,000 population—a 12 percent decrease in the ten years since 1991.

**Total Civil Filings (Excluding Domestic Relations Filings)
per 100,000 Population, 1984-2000**



Filing rates are affected by variances in how states count cases

The following table ranks 48 states, the District of Columbia, and Puerto Rico by the total number of civil filings in both limited and general jurisdiction courts per 100,000 population. Population-adjusted civil litigation rates range from a high of 16,360 in Maryland to a low of 2,640 cases filed in Maine. (Tennessee was unable to provide data from their limited jurisdiction court and therefore appears to have a lower rate than Maine.) The median, or midpoint, is 4,723 civil cases per 100,000 population.

Maryland, Virginia, and the District of Columbia historically tend to appear at the top of this list for a variety of reasons. The District of Columbia is inundated each day with workers who reside in surrounding Maryland and Virginia. Although their presence undoubtedly adds to the number of cases filed in the District, their numbers are not represented in the underlying population upon which this rate is calculated. Case counting methods are mostly responsible for the seemingly high rates in Virginia and Maryland. A large proportion of civil filings in Virginia and Maryland consist of small claims-type cases and postjudgment

Total Civil Filings (Excluding Domestic Relations Filings), 2000

| State | Filings per 100,000 Population | | | Filings | | | Population Rank |
|-----------------------|--------------------------------|----------------------|----------------------|-----------|----------------------|----------------------|-----------------|
| | Total | General Jurisdiction | Limited Jurisdiction | Total | General Jurisdiction | Limited Jurisdiction | |
| Maryland | 16,360 | 1,433 | 14,928 | 866,524 | 75,884 | 790,640 | 19 |
| District of Columbia* | 15,845 | 15,845 | — | 90,640 | 90,640 | — | 51 |
| Virginia | 14,315 | 1,003 | 13,312 | 1,013,293 | 71,028 | 942,265 | 12 |
| New Jersey | 8,525 | 8,461 | 64 | 717,302 | 711,916 | 5,386 | 9 |
| New York | 7,248 | 1,979 | 5,269 | 1,375,362 | 375,567 | 999,795 | 3 |
| South Carolina | 7,240 | 1,544 | 5,696 | 290,478 | 61,939 | 228,539 | 26 |
| Indiana | 7,155 | 5,209 | 1,946 | 435,059 | 316,741 | 118,318 | 14 |
| North Carolina | 6,992 | 1,986 | 5,006 | 562,834 | 159,894 | 402,940 | 11 |
| South Dakota* | 6,475 | 6,475 | — | 48,875 | 48,875 | — | 47 |
| Kansas* | 6,466 | 6,466 | — | 173,826 | 173,826 | — | 33 |
| Connecticut* | 6,409 | 4,308 | 2,101 | 218,263 | 146,713 | 71,550 | 30 |
| Delaware | 6,397 | 1,782 | 4,615 | 50,130 | 13,965 | 36,165 | 46 |
| Utah | 6,317 | 5,944 | 373 | 141,077 | 132,740 | 8,337 | 35 |
| Michigan | 6,129 | 734 | 5,395 | 609,174 | 72,981 | 536,193 | 8 |
| Massachusetts | 5,793 | 351 | 5,441 | 367,786 | 22,308 | 345,478 | 13 |
| Louisiana | 5,521 | 3,617 | 1,904 | 246,712 | 161,645 | 85,067 | 22 |
| Nevada | 5,443 | 1,326 | 4,117 | 108,763 | 26,490 | 82,273 | 36 |
| Florida | 5,282 | 2,490 | 2,791 | 844,154 | 398,030 | 446,124 | 4 |
| Ohio | 5,130 | 1,825 | 3,305 | 582,449 | 207,189 | 375,260 | 7 |
| Idaho | 5,053 | 471 | 4,582 | 65,383 | 6,100 | 59,283 | 40 |
| Colorado | 5,042 | 1,305 | 3,737 | 216,868 | 56,131 | 160,737 | 24 |
| Kentucky | 4,985 | 1,029 | 3,956 | 201,496 | 41,589 | 159,907 | 25 |
| Wyoming | 4,865 | 1,177 | 3,688 | 24,022 | 5,812 | 18,210 | 52 |
| Iowa* | 4,784 | 4,784 | — | 140,005 | 140,005 | — | 31 |
| Nebraska | 4,744 | 430 | 4,314 | 81,188 | 7,366 | 73,822 | 39 |
| Rhode Island | 4,701 | 827 | 3,874 | 49,286 | 8,670 | 40,616 | 44 |
| Arkansas | 4,490 | 1,568 | 2,923 | 120,048 | 41,906 | 78,142 | 34 |
| Oregon | 4,385 | 4,385 | n/a | 150,045 | 150,045 | n/a | 29 |
| Alabama | 4,242 | 960 | 3,283 | 188,656 | 42,679 | 145,977 | 23 |
| West Virginia | 4,181 | 1,573 | 2,608 | 75,615 | 28,452 | 47,163 | 38 |
| Alaska | 4,167 | 932 | 3,235 | 26,125 | 5,842 | 20,283 | 49 |
| Illinois* | 4,165 | 4,165 | — | 517,276 | 517,276 | — | 5 |
| Arizona | 4,143 | 1,202 | 2,941 | 212,575 | 61,678 | 150,897 | 20 |
| Montana | 4,075 | 1,585 | 2,489 | 36,761 | 14,302 | 22,459 | 45 |
| California* | 4,046 | 4,046 | — | 1,370,306 | 1,370,306 | — | 1 |
| Wisconsin* | 4,015 | 4,015 | — | 215,341 | 215,341 | — | 18 |
| New Hampshire | 3,970 | 850 | 3,119 | 49,060 | 10,510 | 38,550 | 42 |
| Georgia | 3,880 | 717 | 3,163 | 317,618 | 58,716 | 258,902 | 10 |
| Washington | 3,776 | 1,491 | 2,286 | 222,590 | 87,864 | 134,726 | 15 |
| New Mexico | 3,654 | 2,051 | 1,603 | 66,468 | 37,311 | 29,157 | 37 |
| Vermont | 3,575 | 2,786 | 789 | 21,765 | 16,963 | 4,802 | 50 |
| North Dakota* | 3,364 | 3,364 | — | 21,605 | 21,605 | — | 48 |
| Missouri* | 3,354 | 3,354 | — | 187,659 | 187,659 | — | 17 |
| Pennsylvania** | 3,252 | 347 | 2,906 | 399,430 | 42,575 | 356,855 | 6 |
| Minnesota* | 2,949 | 2,949 | — | 145,062 | 145,062 | — | 21 |
| Texas | 2,808 | 753 | 2,055 | 585,498 | 157,034 | 428,464 | 2 |
| Hawaii | 2,756 | 856 | 1,899 | 33,384 | 10,376 | 23,008 | 43 |
| Puerto Rico* | 2,668 | 2,668 | — | 101,606 | 101,606 | — | 27 |
| Maine | 2,640 | 305 | 2,335 | 33,664 | 3,891 | 29,773 | 41 |
| Tennessee | 1,194 | 1,194 | n/a | 67,938 | 67,938 | n/a | 16 |

*These states have a unified court system (others have a two-tiered system).

** Pennsylvania general jurisdiction caseload is based upon preliminary figures provided by the PA AOC.

Notes: n/a signifies not available. No data were available for Mississippi and Oklahoma for 2000.

actions, including attachments, mechanic's liens, and garnishments, in the limited jurisdiction court. Virginia also counts each petition filed relating to an existing case as a new filing. In most states, petitions and postjudgment collection actions are not counted as new filings. Thus, civil filing statistics from Virginia and Maryland are not fully comparable with most other states.

New Jersey reports a higher rate of civil case filings (8,525) than most states. Its population-adjusted rate of civil filings generally exceeds those of states with unified court systems (excluding D.C.). However, the Superior Court in New Jersey has a nearly unified civil jurisdiction, including no minimum jurisdiction amount. The state's proximity to New York City and Philadelphia may also contribute to the disproportionately large volume of civil cases.

The previous table includes states that are missing data from their limited jurisdiction courts. Oregon and Tennessee (the state with the lowest rate of total civil case filings per 100,000 population) could not report data from their limited jurisdiction courts, so the total filings statistic underrepresents the actual total filings. In 1999, Nevada was ranked near the bottom of this list because of its inability to report civil filings from the limited jurisdiction courts. After reporting the limited jurisdiction civil caseload for 2000, Nevada is ranked number 17.

Every state reports statistics on filings in its general jurisdiction court, but states vary on the minimum dollar amount required to obtain jurisdiction at that court level. In some states, the minimum jurisdiction amount is small (\$0-\$1,000), while in others, such as Michigan, it can be relatively high (\$25,000). Courts with lower minimum jurisdiction limits are likely to have a larger number of civil cases in the general jurisdiction court.

States that have unified trial courts (noted with an asterisk in the table) typically report all of their case filings under the general jurisdiction court category, so they often have more cases per 100,000 population filed in the general jurisdiction court than similar states with two-tiered court systems. For example, South Dakota and Kansas are states with unified court systems and both states reported high filing rates in their general jurisdiction courts, 6,475 and 6,466 per 100,000 population, respectively.

Civil Caseload Clearance and Growth Rates in General Jurisdiction Courts in 41 States, 1998-2000

| State | Clearance Rates | | | | Caseload Growth 1998-2000 |
|------------------------------------|-----------------|------|------|-----------|------------------------------|
| | 1998 | 1999 | 2000 | 1998-2000 | |
| Unified Courts | | | | | |
| Illinois | 111% | 102% | 100% | 104% | -4% |
| Wisconsin | 101 | 102 | 101 | 101 | -2 |
| North Dakota | 101 | 102 | 99 | 101 | -2 |
| District of Columbia | 99 | 100 | 102 | 101 | -15 |
| Iowa | 99 | 95 | 98 | 97 | 2 |
| Missouri | 100 | 96 | 97 | 97 | 1 |
| Minnesota | 92 | 99 | 101 | 97 | -6 |
| Kansas | 99 | 96 | 95 | 97 | 2 |
| Puerto Rico | 94 | 97 | 100 | 97 | -12 |
| California | 99 | 94 | 90 | 94 | -11 |
| South Dakota | 94 | 94 | 94 | 94 | 0 |
| General Jurisdiction Courts | | | | | |
| Utah | 109% | 94% | 133% | 112% | 2% |
| Massachusetts | 106 | 105 | 120 | 110 | -29 |
| Pennsylvania* | 118 | 101 | 113 | 110 | -14 |
| Hawaii | 108 | 95 | 123 | 109 | -21 |
| New York | 106 | 106 | 110 | 107 | 10 |
| Michigan | 114 | 103 | 98 | 105 | -5 |
| Texas | 107 | 102 | 105 | 105 | 0 |
| New Jersey | 102 | 102 | 103 | 102 | 4 |
| Vermont | 106 | 101 | 98 | 102 | -5 |
| New Hampshire | 106 | 102 | 97 | 102 | -2 |
| Ohio | 103 | 98 | 99 | 100 | 6 |
| Oregon | 99 | 98 | 102 | 99 | 1 |
| Alaska | 94 | 101 | 103 | 99 | 0 |
| Arizona | 103 | 101 | 92 | 99 | -5 |
| Arkansas | 100 | 98 | 94 | 98 | -3 |
| South Carolina | 97 | 98 | 97 | 97 | 14 |
| Idaho | 97 | 97 | 98 | 97 | 5 |
| Washington | 96 | 96 | 97 | 96 | 4 |
| Georgia | 97 | 95 | 96 | 96 | -5 |
| Montana | 95 | 98 | 95 | 96 | -21 |
| Alabama | 97 | 98 | 92 | 96 | -4 |
| Tennessee | 91 | 94 | 99 | 95 | -5 |
| Indiana | 96 | 95 | 93 | 95 | 4 |
| New Mexico | 90 | 91 | 99 | 94 | 11 |
| Delaware | 91 | 92 | 97 | 93 | 8 |
| West Virginia | 94 | 93 | 91 | 93 | 7 |
| Kentucky | 86 | 88 | 90 | 88 | 10 |
| Virginia | 85 | 88 | 88 | 87 | 1 |
| Maryland | 73 | 81 | 96 | 83 | 5 |
| Rhode Island | 85 | 79 | 79 | 81 | 1 |

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

Most states cleared 90 percent or more of their civil caseloads

One basic measure of court performance is clearance rate, which is the total number of cases disposed divided by the number of cases filed during a given time period. This measure provides an assessment of whether the court is keeping up with its workload. For example, an annual clearance rate of 100 percent indicates that the court disposed of as many cases as were filed during the year. A clearance rate of less than 100 indicates that the court did not dispose of as many cases as were filed, suggesting that the pending caseload grew during the period. A court with a clearance rate greater than 100 percent has disposed of as many cases as were filed in that year as well as disposing of some of its pending caseload. Clearance rates are influenced by, among other things, the efficiency with which courts process cases and the rate of civil case growth.

The three-year clearance rates shown in the adjacent table reveal that, between 1998 and 2000, clearance rates of 95 percent or more were found in nine of 11 unified trial court systems and 23 of 30 general jurisdiction courts. Only four states cleared less than 90 percent of their cases over the past three years, while 15 states disposed of at least 100 percent of their cases. Utah led the nation with a three-year clearance rate of 112 percent.

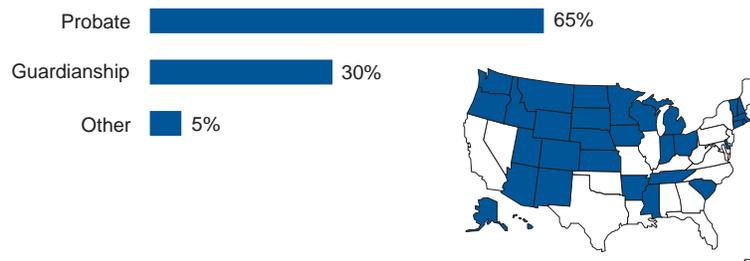
A decline in civil filings might explain the high clearance rates being reported. The table shows that in 22 of the 41 states, civil filings either remained constant or decreased over the past three years. Among these 22 states, 20 reported clearance rates at or above 95 percent. Only four states (Kentucky, New Mexico, New York, and South Carolina) recorded increases in their civil caseloads of 10 percent or more. Caseload decline, however, does not always result in high civil clearance rates. Some states that recorded declines in their civil caseloads (e.g., Alabama, Arizona, Arkansas, and California) also had clearance rates below 95 percent in 2000.

One in five civil cases in general jurisdiction courts is an estate case

The *State Court Model Statistical Dictionary* defines estate cases as “dealing primarily with... the administration of estates of deceased persons who died testate or intestate, including legal disputes concerning wills; guardianships and conservatorships; administration of trusts.” The Court Statistics Project collects data for estate cases in two major categories: probate, which also includes wills and intestate, and guardianship, which also includes conservatorship and trusteeship. Although these cases tend not to get much notoriety, the CSP estimates that they accounted for as many as one in five nondomestic civil cases in general jurisdiction courts in 2000.

The small bar chart below shows the composition of estate caseloads in 32 states. Nearly two-thirds (65 percent) of all estate cases are probate cases, meaning that the majority of estate cases entering the courts are either attempting to prove the validity of a will, properly execute a will, or determine the disposition of the estate of a decedent who had no will. Although there are subtle differences between the various types of cases comprising guardianship cases (30 percent), they ultimately involve the legalities of one person overseeing or handling the affairs of another.

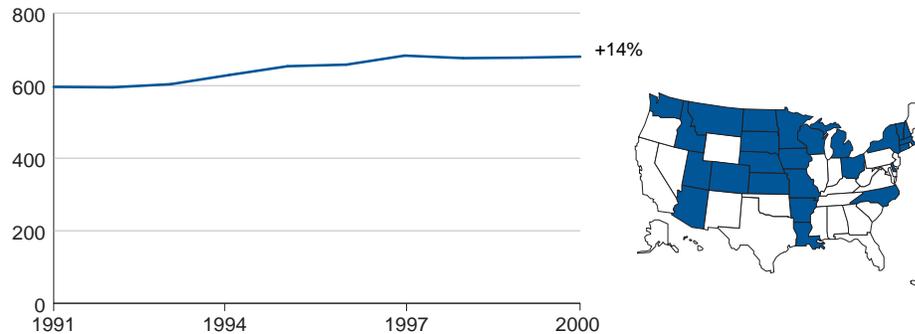
Composition of Estate Caseloads in 32 States, 2000



The 2000 U.S. Census determined that the median age of U.S. citizens increased from 32.9 years in 1990 to 35.3 years in 2000. One might expect that an aging population would affect the rate of estate and probate filings, especially given that parents of the “Baby Boomers” are becoming elderly. But is this the case? There are two ways to look at this question: 1) by examining raw filings to see if they are indeed increasing and, 2) by adjusting for the increase in population and reexamining the filing data.

The chart below shows total estate filings for 26 states from 1991 through 2000. Although filings increased 14 percent since 1991, virtually all of that increase occurred between 1992 and 1997. In fact, there was no appreciable change in estate filings between 1997 and 2000.

Total Estate Filings per 100,000 Population in 26 States, 1991-2000



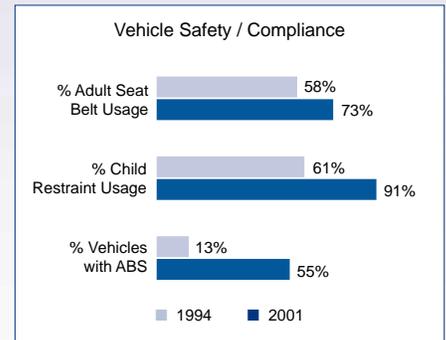
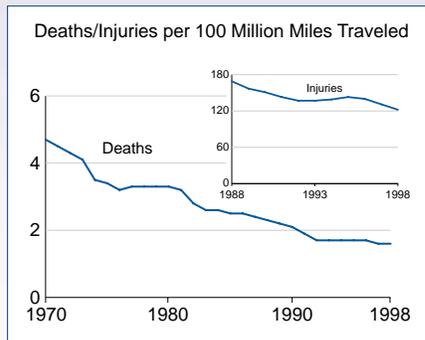
The following table displays total estate filings and filings per 100,000 population in 1991 and 2000 by state for the same 26 states featured above. When adjusted for population, the states are closely split between those whose filings increased and those whose filings decreased. However, the effect of the increasing population over the 10-year period has reduced the aggregate growth to 4 percent from the 14 percent unadjusted figure. This unexpectedly low growth rate may be the result of a combination of probate reform and the use of *inter vivos trusts* and other estate planning techniques that keep some new estate filings out of the court.

TORT AND CONTRACT

Most tort cases result from automobile accidents.

| | Resulting in Death | Resulting in Injury |
|----------------------------|--------------------|---------------------|
| Legal: Lawyers, Crts, etc. | 7.3% | 4.6% |
| Household Productivity | 15.9 | 8.0 |
| Insurance | 3.4 | 9.0 |
| Medical | 1.5 | 22.5 |
| Other | 1.5 | 2.9 |
| Property Damage | 1.1 | 23.9 |
| Lost Wages | 69.3 | 25.8 |
| Workplace Costs | 0.0 | 3.3 |
| | 100.0 | 100.0 |

Source: National Highway Traffic Safety Administration (NHTSA).



Motor vehicle accidents impose economic costs of \$150 billion annually.

Injuries and deaths per 100 million miles traveled continue to fall...

with ongoing improvements to automobile safety.

Tort and Contract Caseloads in State Trial Courts

Tort and contract cases make up the largest share of nondomestic civil caseloads

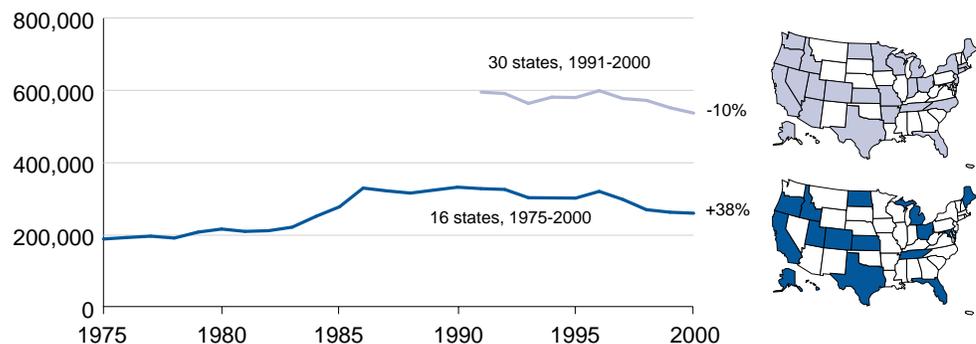
Each year the Court Statistics Project (CSP) receives more requests for information regarding tort cases (e.g., medical malpractice, product liability, automobile, etc.) than any other kind of case. Tort cases, along with contract and real property cases, are collectively known as “general” civil cases. The resolutions of general civil cases radiate far from courthouses and law offices, affecting the operational and strategic business decisions made by corporate executives, small business owners, healthcare providers, insurance companies, and government employees. The law provides the framework within which contracts are drafted, new products are developed, and services and goods are marketed. Even though tort case filings were on the decline in the 1990s, states continue to enact various tort reforms. Consequently, trends in the types of general civil cases litigated, their outcomes, and the types of parties involved provide important baseline information for court personnel, legislators, academics, and the media.

While the actual number and types of general civil filings are not available on a national basis, estimates can be calculated by extrapolating from selected states and courts. These estimates can then be used to identify trends and the impact of various reforms on tort and contract filings.

Tort filings in 30 states have decreased 10 percent since 1991

Data from 16 states reveal a 38 percent rise in tort filings between 1975 and 2000, with a downward trend after 1991. This trend is confirmed by examining data from the 30 states (representing 72 percent of the U.S. population) reporting since 1991. This information shows a 10 percent decrease in tort filings during the last 10 years.

Tort Filings in General Jurisdiction Courts in 16 States and 30 States, 1975-2000



Population-adjusted tort filings declined in 22 of 30 states examined

The following table ranks states according to the change in tort filings per 100,000 population between 1991 and 2000. These population-adjusted figures eliminate the disparity between states due to population and allow for a more meaningful comparison of caseloads. During this period many states enacted some manner of civil reform.

The table reveals that tort filings per 100,000 population declined in 22 of the 30 states between 1991 and 2000. Population-adjusted filings dropped 20 percent or more in 14 of these states, including Arizona, California, and Massachusetts, where tort filings decreased 42, 44, and 45 percent, respectively.

Growth Rates of Tort Filings in 30 States, 1991 vs. 2000

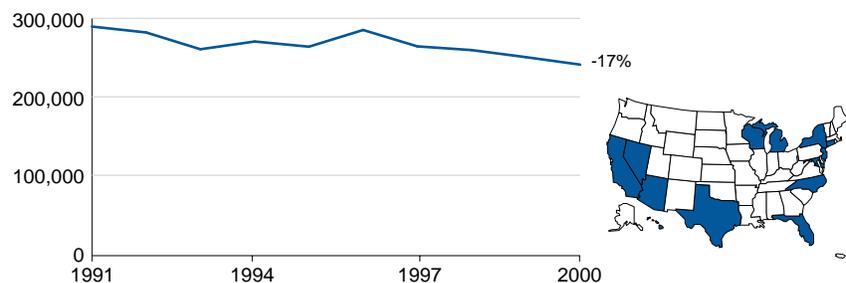
| State | Filings per 100,000 Population | | Percent Change |
|------------------------------------|---------------------------------------|-------------|-----------------------|
| | 1991 | 2000 | 1991-2000 |
| Unified Courts | | | |
| Kansas | 163 | 203 | 24% |
| North Dakota | 84 | 96 | 15 |
| Connecticut | 494 | 543 | 10 |
| Puerto Rico | 242 | 261 | 8 |
| Missouri | 412 | 341 | -17 |
| Wisconsin | 179 | 144 | -20 |
| Minnesota | 164 | 113 | -31 |
| California | 376 | 210 | -44 |
| General Jurisdiction Courts | | | |
| Indiana | 147 | 229 | 55 |
| New York | 364 | 413 | 13 |
| Utah | 98 | 103 | 6 |
| Alaska | 147 | 148 | 0 |
| North Carolina | 128 | 124 | -4 |
| Idaho | 121 | 114 | -6 |
| New Jersey | 949 | 885 | -7 |
| Florida | 333 | 308 | -7 |
| Ohio | 315 | 266 | -15 |
| Washington | 227 | 191 | -16 |
| Nevada | 457 | 374 | -18 |
| Tennessee | 267 | 209 | -22 |
| Arkansas | 215 | 165 | -23 |
| Maine | 137 | 98 | -28 |
| Oregon | 277 | 198 | -29 |
| Hawaii | 208 | 141 | -32 |
| Michigan | 340 | 224 | -34 |
| Maryland | 335 | 220 | -34 |
| Texas | 254 | 164 | -35 |
| Colorado | 186 | 119 | -36 |
| Arizona | 412 | 239 | -42 |
| Massachusetts | 229 | 126 | -45 |
| Average | 275 | 232 | -16 |
| Median | 235 | 201 | -15 |

Only seven states reported increases. Of those, two saw the rate rise by more than 20 percent: Kansas, where population-adjusted tort filings increased by 24 percent; and Indiana, where filings increased by 55 percent. Overall, of the states listed, New Jersey, Connecticut, and New York had the largest number of tort filings per 100,000 population in 2000 (885, 543, and 413, respectively). As discussed below, this is due in large part to the number of automobile tort cases filed in these three states. The states with the smallest number of population-adjusted filings in 2000 were North Dakota (96), Maine (98), and Utah (103).

Automobile tort filings are down over the last ten years

A 1992 study of general civil cases disposed of in the nation's 75 largest counties (conducted by the National Center for State Courts and the Bureau of Justice Statistics) determined that automobile tort cases comprised 60 percent of the tort caseload and 29 percent of the entire general civil caseload in general jurisdiction courts. Hundreds of thousands of these cases are filed annually. Thirteen states, representing 36 percent of the U.S. population, were able to provide automobile tort filings for each year between 1991 and 2000. The trend has fluctuated somewhat. After dropping 10 percent in the first two years, filings returned to very near the starting point in 1996, only to decline another 15 percent to their present level.

Automobile Tort Filings in 13 States, 1991-2000



Is there a direct relationship between population and the number of automobile tort cases filed in the states? By once again adjusting for state population and limiting the data to one year (2000), we can see that there is a wide variance in the number of auto torts filed among the 18 states featured in the table below. New Jersey not only has the highest number of automobile tort filings, it also had the most filings per 100,000 population (567). Interestingly, the three states that comprise the northeast's "Tri-State Area," (New Jersey, Connecticut, and New York) ranked first, second, and third, respectively, in population-adjusted filings. The nation's largest state, California, had fewer filings per 100,000 than did New Mexico and Rhode Island. However, California's automobile tort filings are underrepresented because torts with amounts in dispute under \$25,000 are classified in an "other civil" category and cannot be distinguished from other, low-level torts. In New Jersey, all automobile tort cases, no matter the amount in controversy, are classified as such and filed in the Superior Court.

Automobile Tort Filings in 18 States, 2000

| State | Filings | Filings per 100,000 Population |
|-------------------------|----------------|--------------------------------|
| New Jersey | 47,702 | 567 |
| Connecticut | 11,921 | 350 |
| New York | 41,958 | 221 |
| New Mexico ¹ | 3,228 | 177 |
| Arizona | 8,206 | 160 |
| Rhode Island | 1,612 | 154 |
| Texas | 30,678 | 147 |
| California ² | 45,782 | 135 |
| Florida ² | 21,453 | 134 |
| Maryland ³ | 6,041 | 114 |
| Alabama | 4,657 | 105 |
| Michigan | 9,867 | 99 |
| Wisconsin | 4,744 | 88 |
| North Carolina | 7,036 | 87 |
| Missouri | 4,660 | 83 |
| Hawaii | 906 | 75 |
| Colorado | 2,302 | 54 |
| Wyoming | 213 | 43 |
| Total | 252,966 | |

¹ Some districts unable to distinguish auto torts from "other" torts.

² Several courts reported incomplete data for 2000.

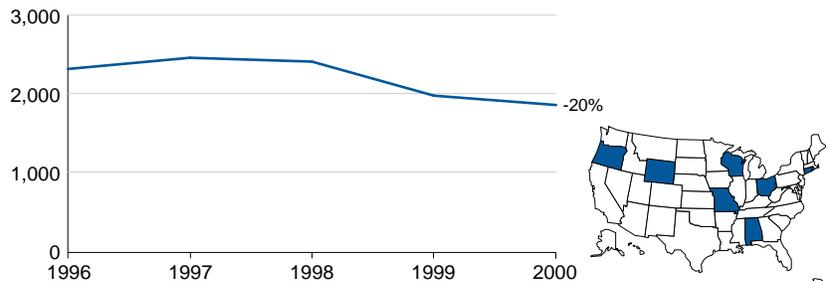
³ A small number of cases reported as "unclassified."

The trend in product liability cases is down, while medical malpractice cases remain steady

Because of the notoriety and public attention that they often garner, few types of cases interest legislators, academics, and the media more than product liability and medical malpractice cases. Although only a small percentage of these cases make it to trial, and a plaintiff's chance of prevailing is relatively low, in those rare instances when there is a verdict or judgment for the plaintiff, the awards can be substantial. In the court community these cases are of interest for an entirely different reason. Considered "complex litigation," product liability and medical malpractice cases create a significant amount of work in the courts. Trials, when they occur, tend to last longer, more expert witnesses are used, there are typically numerous, separately represented parties, and the amount of documentary evidence can be staggering. For these reasons, knowing whether the trends in these types of cases are up or down can help courts prepare for changes in resources and budgetary requirements.

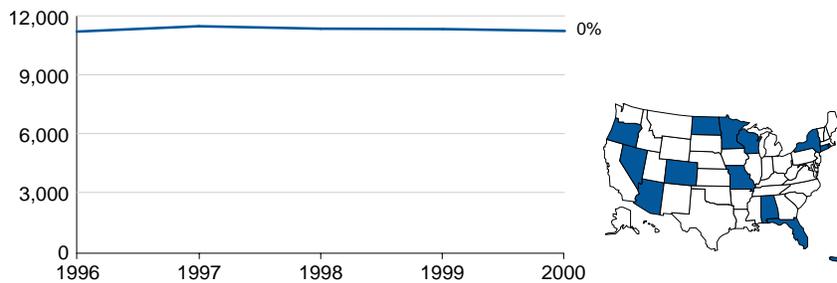
Eight states were able to provide product liability filing data for the five-year period between 1996 and 2000. During the first year, filings increased 6 percent. However, since that time, filings have dropped nearly 25 percent for a net decrease over the period of 20 percent.

Product Liability Filings in Eight States, 1996-2000



Between 1996 and 2000, medical malpractice data were available from 14 states. The chart clearly shows that there has been no change in the volume of medical malpractice cases in the last five years. Although filings crept up slightly (2.5 percent) in the first year, this increase was subsequently erased by a slow, steady decrease over the four remaining years.

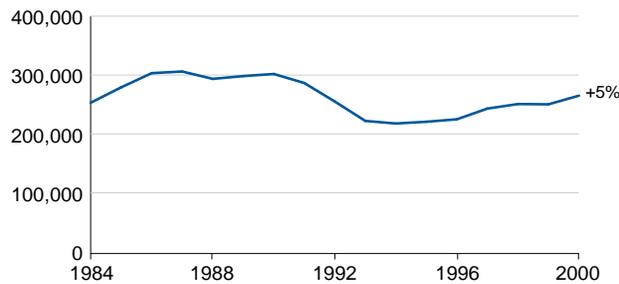
Medical Malpractice Filings in 14 States, 1996-2000



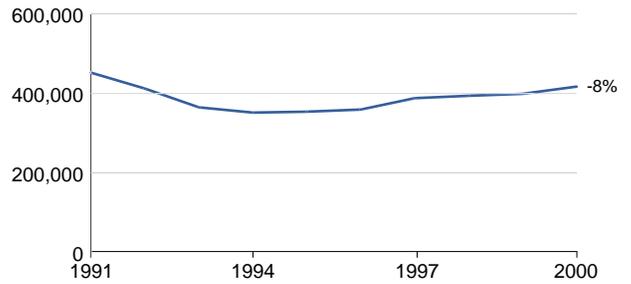
Contract filings have wavered since 1984 in 14 comparable states

Based on data available from general jurisdiction courts in 14 states, the left chart below shows contract filings increased 5 percent between 1984 and 2000. A steady increase in contract filings since 1994 (15 percent) partially offset the sharp decline between 1990 and 1993. In 2000, contract filings increased by 6 percent over the previous year.

Contract Filings in General Jurisdiction Courts in 14 States, 1984-2000



Contract Filings in General Jurisdiction Courts in 23 States, 1991-2000



By limiting the data to the 10-year period between 1991 and 2000, nine more general jurisdiction courts can be added, and a strikingly similar picture of contract filings emerges. In these 23 states, contract filings decreased 8 percent. However, mid-way through the period, by 1995, filings had fallen 22 percent. Since that time, each year has shown an increase from as little as 1 percent to as much as 8 percent over the preceding year.

Contract filings per 100,000 population declined in most states examined

The following table presents contract filings per 100,000 population. Of the 23 states listed, all but five experienced declines in contract filings between 1991 and 2000. Fourteen of the states saw declines of more than 25 percent, including four where contract filings decreased more than 50 percent. Wyoming (47 percent) and Kansas (37 percent) witnessed the largest increases in contract filings. Not only did Kansas see the second-largest growth rate, the state also had the most contract filings per 100,000 population in 2000 (3,876). One reason for the high number of contract filings in Kansas is that any debt collection case with an amount in dispute over \$1,800 is filed as a contract case in general jurisdiction court. In many other states, the jurisdictional limit is \$5,000 and cases under that amount would be classified as small claims cases.

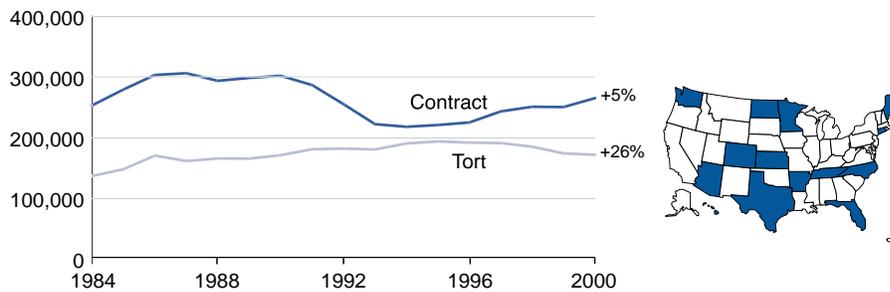
Growth Rates of Contract Filings in 23 States, 1991 vs. 2000

| State | Filings per 100,000 Population | | Percent Change |
|------------------------------------|--------------------------------|-------|----------------|
| | 1991 | 2000 | |
| Unified Courts | | | |
| Kansas | 2,834 | 3,876 | 37% |
| North Dakota | 1,028 | 1,188 | 16 |
| Missouri | 1,435 | 1,334 | -7 |
| Connecticut | 938 | 604 | -36 |
| Minnesota | 169 | 108 | -36 |
| Wisconsin | 431 | 220 | -49 |
| General Jurisdiction Courts | | | |
| Wyoming | 152 | 224 | 47 |
| New Mexico | 711 | 747 | 5 |
| Washington | 308 | 315 | 2 |
| Oregon | 753 | 660 | -12 |
| New York | 135 | 107 | -21 |
| North Carolina | 105 | 80 | -24 |
| Tennessee | 180 | 121 | -33 |
| Texas | 172 | 112 | -35 |
| Alaska | 109 | 66 | -39 |
| Florida | 423 | 250 | -41 |
| Arkansas | 598 | 335 | -44 |
| Massachusetts | 98 | 52 | -47 |
| Nevada | 477 | 243 | -49 |
| Colorado | 374 | 180 | -52 |
| Arizona | 621 | 268 | -57 |
| Maine | 124 | 52 | -58 |
| Hawaii | 148 | 61 | -59 |

There were over 50 percent more contract than tort cases in 2000

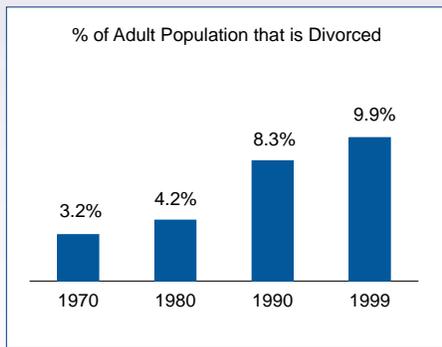
Tort cases take the spotlight in the discussion of civil litigation due in large part to the occasional large jury award. These rare, but often well-publicized, occurrences may lead some to believe that tort cases dominate the civil landscape. However, data from 14 states indicate that in 1984, there were 85 percent more contract filings than tort filings. Torts edged up steadily for the next 11 years while contracts increased until 1990 when they began a dramatic decline. In 1994 and 1995, when contract filings were at their lowest and torts at their highest, contract filings exceeded torts by only 14 percent. Since that time, an increase in contract filings and a decrease in tort filings have once again created a significant gap (54 percent) between the two case types.

Tort and Contract Filings in 14 States, 1984-2000



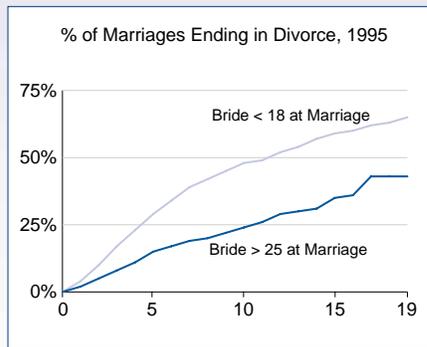
DOMESTIC RELATIONS

Divorce and child custody proceedings make up the largest share of the domestic caseload.



Source: U.S. Census Bureau.

The share of the population that is divorced is rising...



Source: National Center for Health Statistics.

while the odds of divorce are higher for those marrying earlier.

| Amount of Current Child Support | \$ Billions |
|--|-------------|
| Payments Due | 23.0 |
| Collected by Various Legal Means That Escapes Legal Collection | 12.9 |
| 10.1 | |
| Percentage Collected By Various Legal Means | |
| Wage Withholdings | 62.0% |
| Federal Tax Intercept | 6.3 |
| Unemployment Intercept | 1.2 |
| State Tax Intercept | 1.0 |
| Other (including direct payment to child support agencies). | 29.5 |

Source: U.S. Department of Health and Human Services.

Successfully collecting child support involves the collaboration of courts, employers, and other agencies.

Domestic Relations Caseloads in State Trial Courts

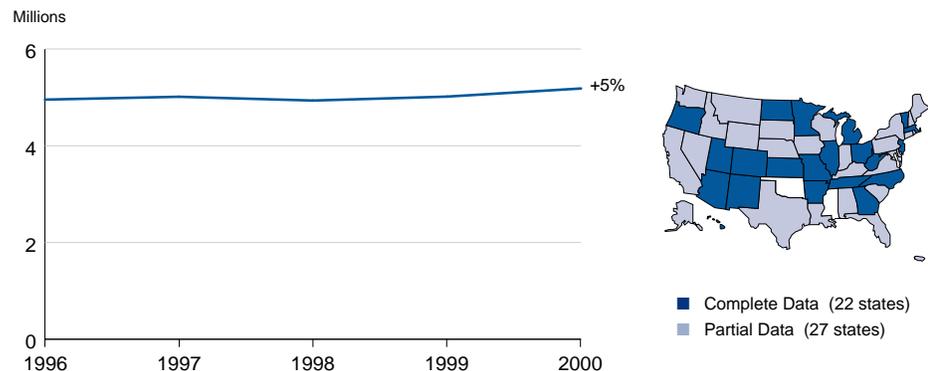
Federal and state legislative mandates have helped improve domestic relations data

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), better known as the Welfare Reform Act, and the Adoption and Safe Families Act of 1997, have had a direct effect on state administrative offices and the judiciary. Also, nonfederal reporting requirements have led many state courts to reexamine data collection practices in the area of domestic relations and to implement policies and procedures designed to promote the collection of accurate and timely data. As a result, the accuracy of domestic relations data continues to gradually improve.

Domestic relations filings increased 5 percent between 1996 and 2000

Data reported by 48 states, the District of Columbia, and Puerto Rico, revealed a 5 percent rise in domestic relations case filings between 1996 and 2000. In 2000, the number of domestic relations filings reached its highest level over the five-year period, with nearly 5.2 million case filings. With the exception of 1998, domestic relations case filings have increased each year. Between 1999 and 2000, the number of case filings increased by 3 percent.

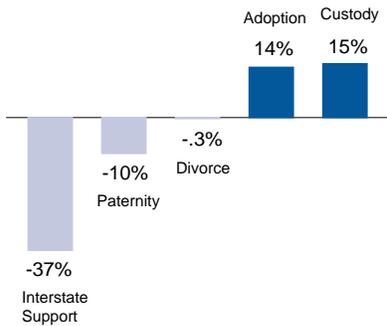
Domestic Relations Filings in General and Limited Jurisdiction Courts, 1996-2000



Between 1996 and 2000, adoption and custody filings rose dramatically

The bar graph below shows changes in domestic relations caseloads for each case type except domestic violence, which will be examined separately. Between 1996 and 2000, adoption and custody caseloads grew in the states represented, while interstate support, paternity, and divorce filings declined.

Changes in Case Filings from 1996 to 2000, by Case Type

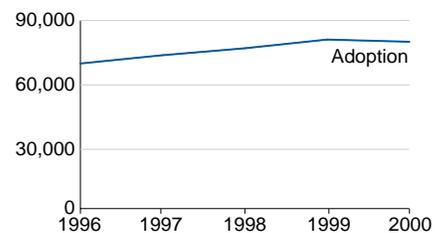
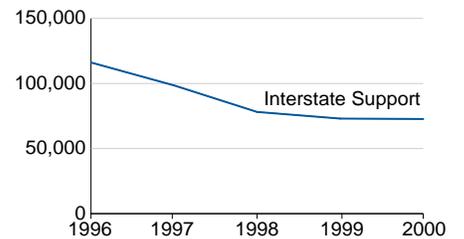
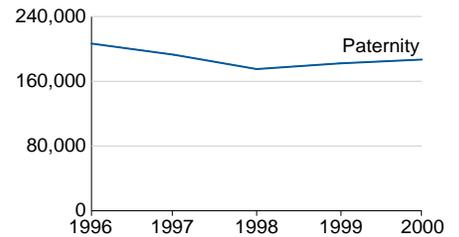
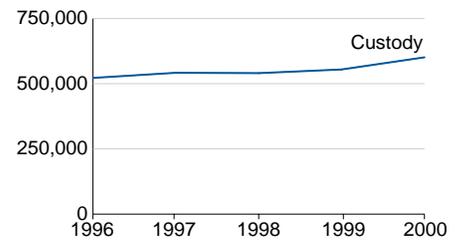
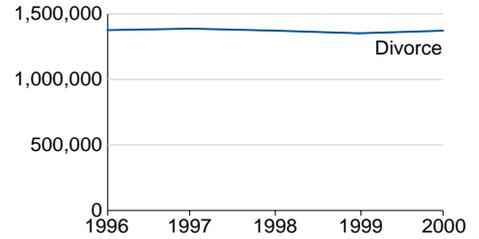


The trend lines demonstrate annual changes in each case type from 1996 to 2000. Highlights include:

- In 2000, the courts were particularly active in custody cases, recording an increase of 8 percent in custody filings over the previous year, and 15 percent since 1996.
- The rise in adoption filings that occurred in large part between 1996 and 1999 appeared to be leveling off in 2000.
- Divorce filings remained relatively steady throughout the five-year time period, with a slight decrease noted between 1999 and 2000.
- Paternity and interstate support case filings declined between 1996 and 2000. The decline was most dramatic in interstate support cases, which accounted for 37 percent fewer cases in 2000 when compared to 1996.¹ In 2000, the number of interstate support filings appeared to stabilize, while the number of paternity case filings rose (paternity case filings increased 7 percent between 1998 and 2000).

¹ The steady decrease in interstate support filings can be attributed in part to the enactment of the Welfare Reform Act and the Uniform Interstate Family Support Act (UIFSA). These acts reduced the need to involve the state courts in processing routine interstate support, intrastate support, and paternity cases.

Domestic Relations Cases by Type, 1996-2000



Domestic Relations Caseload Composition in 27 States, 2000

| | Total DR Filings per 100,000 Population | Total DR Filings | Percent of Caseload | | | | | | |
|---------------------------|--|---------------------|---------------------|----------|-----------|---------|----------------------|-----------------------|-------|
| | | | Divorce | Adoption | Paternity | Custody | Domestic Violence | Interstate Support | Misc. |
| Delaware ² | 5,025 | 39,374 | 13% | 1% | 2% | 61% | 9% | 0% | 15% |
| Vermont ² | 3,603 | 21,934 | 36 | 2 | 5 | 36 | 19 | | 2 |
| New York | 3,382 | 641,698 | 10 | 1 | 15 | 59 | 9 | 2 | 4 |
| Pennsylvania ³ | 3,047 | 374,241 | 12 | 1 | | 75 | 11 | | 2 |
| District of Columbia | 2,753 | 15,747 | 15 | 3 | 16 | 6 | 58 | 3 | |
| North Dakota ² | 2,563 | 16,462 | 26 | 2 | 10 | 53 | 8 | | |
| Arkansas | 2,059 | 55,057 | 43 | 4 | 11 | 19 | 16 | 1 | 7 |
| Ohio | 2,044 | 232,024 | 25 | 2 | 10 | 47 | 6 | 1 | 8 |
| Nevada ⁵ | 2,000 | 39,969 | 43 | 2 | 1 | 2 | 27 | 18 | 6 |
| Missouri ¹ | 1,841 | 103,020 | 32 | 3 | 9 | 1 | 39 | 2 | 14 |
| New Mexico ^{2,4} | 1,730 | 31,461 | 42 | 2 | 6 | 8 | 37 | | 6 |
| Oregon | 1,585 | 54,241 | 36 | 4 | 5 | 6 | 27 | 1 | 20 |
| South Dakota ³ | 1,527 | 11,526 | 39 | 3 | | 22 | 22 | 12 | 1 |
| Tennessee ⁵ | 1,501 | 85,424 | 44 | 3 | 3 | 31 | 9 | 4 | 6 |
| Indiana ¹ | 1,495 | 90,920 | 47 | 4 | 17 | | 27 | 3 | 2 |
| Wyoming ⁴ | 1,467 | 7,243 | 48 | 6 | 11 | 10 | 20 | 6 | |
| Rhode Island | 1,423 | 14,919 | 33 | 4 | 12 | | 23 | 25 | 3 |
| Michigan | 1,417 | 140,781 | 37 | 4 | 16 | 11 | 25 | 3 | 4 |
| Washington ² | 1,395 | 82,200 | 41 | 4 | 12 | 4 | 36 | | 3 |
| Kansas ¹ | 1,377 | 37,014 | 50 | 5 | 9 | | 21 | 2 | 12 |
| Hawaii ¹ | 1,143 | 13,845 | 40 | 5 | 17 | | 26 | 4 | 8 |
| Connecticut ² | 1,028 | 35,013 | 42 | 3 | 13 | 20 | 16 | | 6 |
| Utah | 1,028 | 22,957 | 55 | 7 | 7 | 3 | 27 | 1 | |
| Wisconsin ⁴ | 955 | 51,215 | 43 | 5 | 29 | 15 | | 3 | 4 |
| Puerto Rico ⁴ | 926 | 35,270 | 60 | 1 | 1 | 34 | | | 4 |
| Alaska ¹ | 880 | 5,517 | 67 | 11 | 16 | | | 1 | 5 |
| Louisiana ⁵ | 178 | 7,958 | 23 | 7 | 7 | 40 | 12 | 11 | 2 |

¹ Custody filings are underrepresented and may be counted in other categories.² Interstate support filings are underrepresented and may be counted in other categories.³ Paternity filings counted in unclassified civil.⁴ Domestic violence filings are underrepresented and may be counted in other categories.⁵ Incomplete or partial data.

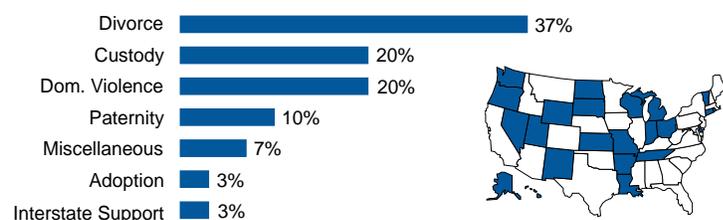
Note: Totals may not sum due to rounding.

Divorce cases comprise over one-third of domestic relations caseloads

The adjacent table and chart below present the composition of domestic relations cases in the states providing complete information on case types.² In these states, divorces comprise over one-third (37 percent) of all domestic relations cases. Custody and domestic violence cases were the second and third most common case types. These three types of cases accounted for 77 percent of all domestic relations caseloads.

² The table includes data from 27 states, while the graph relies on data from the 25 states that provide the most comparable data.

Domestic Relations Caseload Composition in 25 States, 2000



Variations in state reporting practices call for uniform data collection

The data on domestic relations show considerable variation across states. This variance is demonstrated by reviewing custody filings as a percentage of caseloads. While a dozen states recorded fewer than 10 percent custody cases in their domestic relations caseloads, in four states custody filings accounted for more than half of the total domestic relations caseload. For instance, in New York and Pennsylvania custody cases accounted for 59 percent and 75 percent of the caseload, respectively. The wide differential in custody caseloads is largely a result of some states counting custody cases as part of divorce proceedings, and other states counting each hearing as a separate custody case.

In general, differences in reporting practices impact the comparability of domestic relations data across states and over time. In particular, three data issues affect domestic relations data:

1. Case counting practices.

A number of states choose not to count individual cases and instead, record each hearing as a separate case. This practice tends to exaggerate the number of those types of cases, such as custody, that frequently involve modification hearings.

Variations in Custody Caseloads, 2000

| State | Custody as Percent of Domestic Relations Caseload | Range |
|----------------------|---|-------------|
| Pennsylvania | 75% | 50% or more |
| Delaware | 61 | |
| New York | 59 | |
| North Dakota | 53 | |
| Ohio | 47 | 30 to 49% |
| Louisiana | 40 | |
| Vermont | 36 | |
| Puerto Rico | 34 | |
| Tennessee | 31 | |
| South Dakota | 22 | 10 to 29% |
| Connecticut | 20 | |
| Arkansas | 19 | |
| Wisconsin | 15 | |
| Michigan | 11 | |
| Wyoming | 10 | |
| New Mexico | 8 | |
| Oregon | 6 | |
| District of Columbia | 6 | |
| Washington | 4 | |
| Utah | 3 | |
| Nevada | 2 | |
| Missouri | 1 | |
| Indiana | 0 | |
| Rhode Island | 0 | |
| Kansas | 0 | |
| Hawaii | 0 | |
| Alaska | 0 | |

Domestic Violence Caseloads in 38 States, 1998-2000

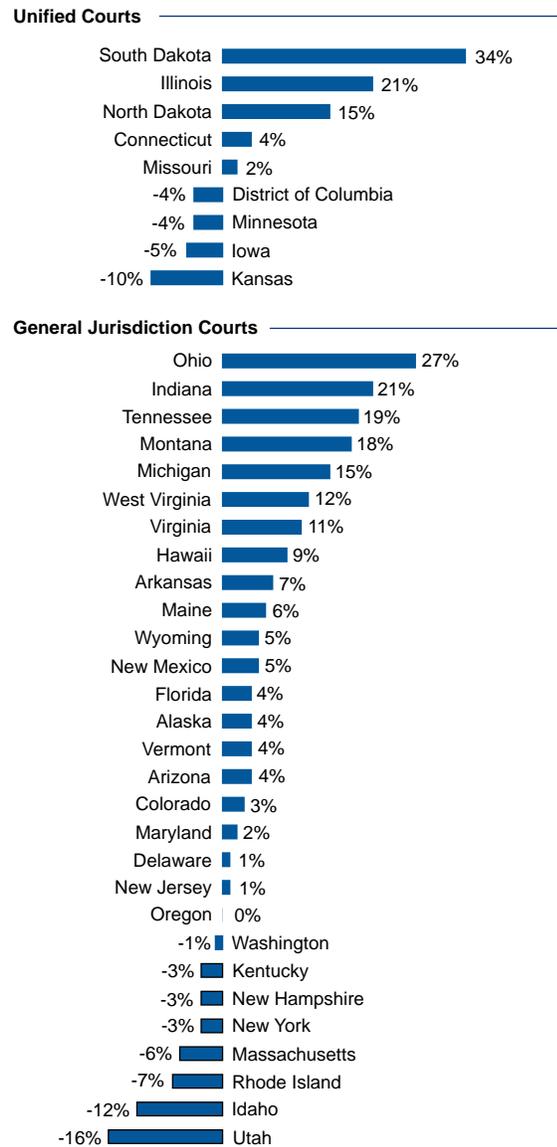
| State | Filings per 100,000 Population | Number of Filings | | | Population Rank |
|------------------------------------|-----------------------------------|-------------------|--------|--------|--------------------|
| | | 1998 | 1999 | 2000 | |
| Unified Courts | | | | | |
| District of Columbia | 1,590 | 9,481 | 8,771 | 9,093 | 51 |
| Missouri | 722 | 39,574 | 38,264 | 40,409 | 17 |
| Minnesota | 580 | 29,785 | 28,438 | 28,510 | 21 |
| Illinois | 404 | 41,549 | 47,450 | 50,205 | 5 |
| South Dakota | 339 | 1,911 | 2,204 | 2,562 | 47 |
| Kansas | 285 | 8,503 | 7,488 | 7,660 | 33 |
| North Dakota | 208 | 1,164 | 1,300 | 1,336 | 48 |
| Iowa | 183 | 5,638 | 5,137 | 5,359 | 31 |
| Connecticut | 163 | 5,328 | 5,502 | 5,538 | 30 |
| General Jurisdiction Courts | | | | | |
| New Mexico | 1,095 | 18,912 | 19,601 | 19,914 | 37 |
| Alaska | 957 | 5,750 | 5,856 | 5,997 | 49 |
| West Virginia | 916 | 14,774 | 14,307 | 16,563 | 38 |
| New Jersey | 855 | 71,518 | 71,647 | 71,977 | 9 |
| Montana | 750 | 5,729 | 5,405 | 6,769 | 45 |
| Vermont | 696 | 4,091 | 4,182 | 4,238 | 50 |
| Massachusetts | 693 | 46,609 | 44,516 | 44,011 | 13 |
| Kentucky | 692 | 28,732 | 27,452 | 27,980 | 25 |
| Colorado | 659 | 27,573 | 26,463 | 28,350 | 24 |
| New Hampshire | 644 | 8,184 | 7,715 | 7,955 | 42 |
| Maine | 587 | 7,062 | 6,980 | 7,489 | 41 |
| Florida | 565 | 86,442 | 86,944 | 90,262 | 4 |
| Washington | 501 | 29,715 | 29,233 | 29,557 | 15 |
| Virginia | 465 | 29,659 | 33,978 | 32,947 | 12 |
| Arizona | 451 | 22,371 | 22,721 | 23,160 | 20 |
| Delaware | 429 | 3,327 | 3,362 | 3,361 | 46 |
| Idaho | 426 | 6,286 | 5,700 | 5,508 | 40 |
| Oregon | 425 | 14,598 | 13,995 | 14,528 | 29 |
| Maryland | 418 | 21,685 | 21,420 | 22,126 | 19 |
| Indiana | 403 | 20,228 | 21,131 | 24,487 | 14 |
| Michigan | 352 | 30,411 | 31,812 | 35,027 | 8 |
| Rhode Island | 334 | 3,779 | 3,565 | 3,498 | 44 |
| Arkansas | 321 | 8,001 | 8,052 | 8,578 | 34 |
| New York | 300 | 58,958 | 56,073 | 56,937 | 3 |
| Hawaii | 295 | 3,275 | 3,055 | 3,570 | 43 |
| Wyoming | 287 | 1,343 | 2,088 | 1,415 | 52 |
| Utah | 277 | 7,370 | 6,254 | 6,183 | 35 |
| Tennessee | 136 | 6,493 | 7,112 | 7,734 | 16 |
| Ohio | 117 | 10,495 | 11,649 | 13,295 | 7 |

Domestic violence filings, which increased overall by 12 percent between 1996 and 2000, have risen dramatically in a large number of states. The following bar graph shows that two-thirds of reporting states experienced an increase in domestic violence filings between 1998 and 2000, with 10 of the 38 reporting states (26 percent) documenting a substantial increase in filings (10 percent increase or greater).

Comparing Domestic Violence Across States

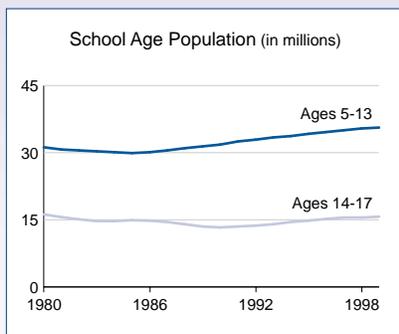
Data issues account for much of the wide variation in both the number of domestic violence filings per 100,000 population and the percentage change in filings from 1998 to 2000. As previously noted, states differ in the ways in which they define, identify, and collect domestic violence data. For example, some states include civil protection orders in the domestic violence category, while others do not. Some states report child abuse separately, while others include these cases in a general category of family violence. A further complicating factor is that domestic violence cases can originate in several different jurisdictions or divisions of a state's court system, such as civil, criminal, juvenile, or family jurisdictions. This lack of consistency can lead to inflated filing data (e.g., a protection order could be counted both as a filing for a temporary order and a filing for a final order). Without common definitions of case categories and methods for counting cases, courts will continue to have difficulty providing comparable and accurate measures of domestic violence filings.

Domestic Violence Caseload Growth Rate, 1998 to 2000

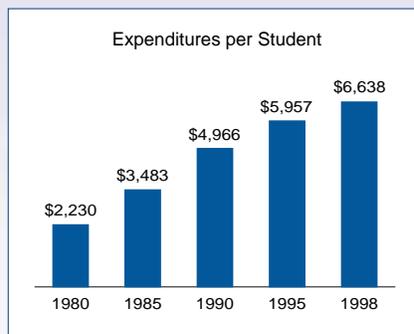


JUVENILE

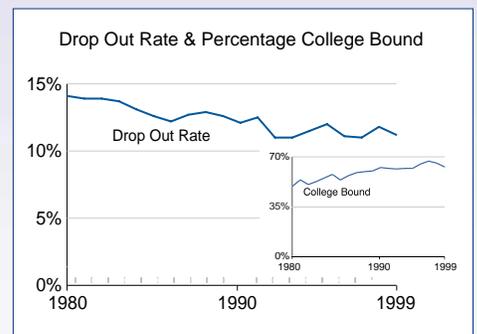
Education spending is at record levels...



Source: U.S. Bureau of the Census.



Source: U.S. Bureau of the Census.



Source: U.S. Department of Education, NCES.

as the number of school age children continues to increase.

Expenditures per student are at an all time high...

while high school drop out rates continue to fall and more students are attending college.

Juvenile Caseloads in State Trial Courts

Demographic, jurisdictional, and crime-related factors have a considerable influence on the number of filings in the juvenile courts. For example, the high school age population (ages 14 to 17) is projected to grow from 15.8 million in 2000 to 16.9 million in 2010, leading to a likely increase in juvenile court filings. Contrary to the population trend, however, juvenile arrests (ages 10-17) dropped 41 percent from their peak of 2,172,545 in 1994 to 1,537,748 in 2000 (*Uniform Crime Report*, 1994, 2000).

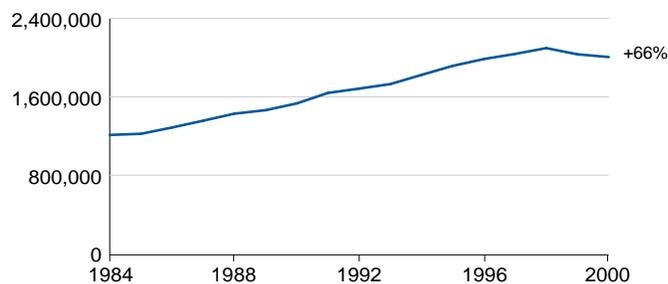
In addition, jurisdictional changes during the past two decades have acted to limit the coverage of the juvenile court. States continue to modify statutes governing transfer so that an increasing number of serious and violent juveniles are now being prosecuted in adult court by using judicial waiver, direct filing by the prosecutor, or statutory exclusion. There has also been a significant increase in the number of crimes eligible for criminal prosecution and the age at which certain juveniles can be tried as adults is continuously being lowered. Between 1992 and 1997, all but six states expanded their statutory provisions to make it easier to transfer juveniles to adult court.

This section examines the volume, composition, and trends of juvenile cases in the state courts. Also in this year's juvenile section, data are presented that take a closer look at child abuse and neglect cases.

Juvenile filings declined 4.4 percent from 1998 to 2000

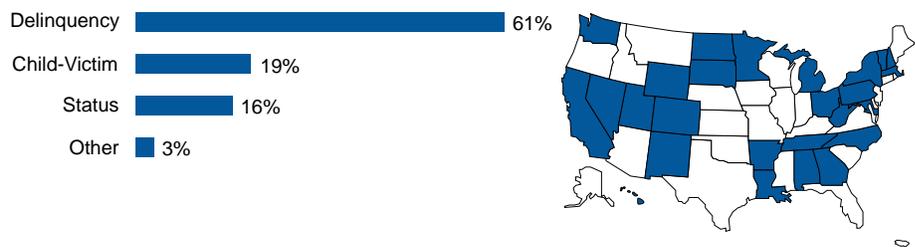
Juvenile filings in state courts declined by 1.4 percent between 1999 and 2000, continuing a decline that began in 1998. From their historic high of nearly 2.1 million in 1998, juvenile filings in state courts have declined by 4.4 percent to just over 2 million in 2000. The number of juvenile filings in 2000, though smaller than the numbers for 1997, 1998, and 1999, was still the fourth highest on record and represents a 66 percent increase over the number of cases filed in 1984. It appears that the decline in juvenile crime rates and the narrowing of the jurisdictional authority of the juvenile court are finally being reflected in juvenile court filing rates.

Juvenile Filings in State Courts, 1984 - 2000



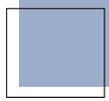
The majority (61 percent) of juvenile cases in 2000 were for some type of delinquent act. Delinquency cases involve offenses that are considered crimes if committed by an adult. Increasingly, these cases are processed like those in adult court, with the presence of a prosecutor and defense attorney and the use of evidentiary and disposition hearings. Though juveniles, like adults, are subject to a range of sentences from community service to secure confinement, their adjudication may also involve special conditions not typically granted to adults (e.g., special placements, living arrangements, or victim compensation).

Juvenile Caseload Composition in 27 States, 2000



Another 16 percent of juvenile filings were for status offenses, which are non-criminal misbehaviors that are illegal only for juveniles (e.g., truancy, runaway). Cases involving status offenders can be disposed of in a number of ways, including custody changes or foster care placement, counseling, probation, or community service referral.

Child-victim cases, in which the court provides protection to children who are allegedly abused or neglected, accounted for 19 percent of the caseload. Child-victim cases may be handled by removing the child from the home or by prosecuting the accused parent or adult in criminal proceedings.



Child Abuse and Neglect

As reported by the Child Welfare League of America (CWLA), the term “child abuse and neglect” means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm to a child under age 18 (CAPTA, Sec.111). Child abuse and neglect cases are counted as “child-victim” filings in the CSP data classification.

It was not until *The Battered Child Syndrome* (Kempe, C., et al., JAMA, 181, 1962) that the public became aware of child abuse and neglect as a significant social problem. Public recognition eventually led Congress to pass the Child Abuse Prevention and Treatment Act (CAPTA) in 1974, which authorizes funding for, among other things, the collection of national statistics.

The National Center on Child Abuse and Neglect (NCCAN) provides summary data on child abuse and neglect cases using the National Child Abuse and Neglect Data System (NCANDS). In addition, the CWLA, in cooperation with state child welfare agencies, has made available the nation's first comprehensive child welfare database: the National Data Analysis System (NDAS). This section primarily draws data from these two sources.

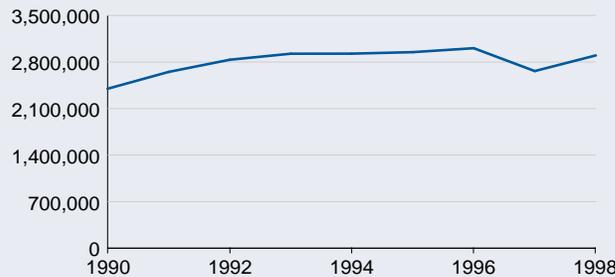
All states require professionals who work directly with children to report suspected child abuse and neglect to the police or appropriate child welfare agency. Many states require citizens to report suspected abuse as well. Child Protective Services (CPS) workers in each state are responsible for determining whether the report constitutes an allegation of abuse or neglect and how urgently a response is needed. The initial investigation involves gathering information about the child and family and, when necessary, removing a child in imminent danger from home (Snyder and Sickmund, 1999). Parents whose children have been removed have the right to a court hearing, usually within 48 hours of the removal. Only the courts are empowered to remove children from their homes for extended periods of time.

Because of differences in state laws, definitions, and data collection processes, direct comparisons of state reporting totals cannot be made easily. States use different definitions of abuse and neglect, and apply different procedures and criteria for screening out and investigating reports. States also have different laws and policies regarding the validation of child abuse and neglect reports. Data included in NDAS is recorded and reported by the states themselves. It should be stressed that direct comparison of states is difficult because of differences in state laws and data collection methods.

2.8 million children reported abused and neglected in 1998

In 1998, 2.8 million children were officially reported as abused and neglected and referred for investigation. Across the United States, the number of these children rose more than 16 percent between 1990 and 1996, while the child population grew only 7.6 percent during the same time period. Most experts agree that while this increase is partially a result of better reporting, there is actually an increase in abuse and neglect occurrences. The following figure provides national counts of the number of children referred for investigation or assessment between 1990 and 1998. After years of gradual increases, the number peaked in 1996, declined in 1997, and increased again in 1998.

Children Reported as Abused and Neglected and Referred for Investigation, 1990-1998



Sources: U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect, Summary Data Component Statistics, 1990-1995. (Washington, DC: National Child Abuse and Neglect Data System, 1997).

U.S. Department of Health and Human Services, Children's Bureau, Child Maltreatment 1996: Reports from the States to the National Child Abuse and Neglect Data System (Washington, DC: U.S. Government Printing Office, 1998).

U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Child Maltreatment 1997: Reports From the States to the National Child Abuse and Neglect Data System (Washington, DC: U.S. Government Printing Office, 1999).

U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Child Maltreatment 1998: Reports From the States to the National Child Abuse and Neglect Data System (Washington, DC: U.S. Government Printing Office, 2000).

Because of database structures, some states report a new case for each report of an abuse and neglect incident, even when related to one victim. According to the CWLA, a few states count a child only once, regardless of the number of cases received during the reporting period. The 1996 data count multiple incidents related to one victim for all states, increasing the number of cases by an undetermined amount. In the future, most states will be able to provide figures in both multiple and single incident formats.

Since the number of children referred for investigation depends, in part, on the number of children in the general population, it is instructive to control for child-age population increases. In 1998, 43 per 1,000 children were the subject of a report. The following table shows that there has been little variation nationally in the rate of reported incidents per 1,000 children between 1990 and 1998. Thus, since the rate of reporting incidents has remained stable, the increase in raw numbers appears to be driven by increases in the number of children in the general population.

Children Reported as Abused and Neglected and Referred for Investigation per 1,000 Population

| <u>Year</u> | <u>Children per 1,000 Population</u> |
|-------------|--------------------------------------|
| 1990 | 41 |
| 1991 | 42 |
| 1992 | 44 |
| 1993 | 44 |
| 1994 | 43 |
| 1995 | 46 |
| 1996 | 44 |
| 1997 | 43 |
| 1998 | 43 |

The following table shows the number, as well as the rate of children who were the subject of a report per 1,000 children. The states with the highest rates are listed first. There is a great deal of variation between states both in terms of raw numbers and rates. Clearly, states with the highest rates of reporting are not necessarily those with the largest number of children referred.

In most states, not all reported cases are referred for investigation, particularly if the allegation does not meet the state's definition of child abuse and neglect. The decision to refer a case for investigation is usually made by intake workers at CPS agencies, based on each state and agency's individual laws and policies.

Variations among states may be influenced by a number of factors including standards for deciding which referrals merit investigation, definitions of abuse and neglect, and methods of data collection. For example, Idaho's high number of abuse and neglect cases reflects the counting of all children within a family referred, whereas most states only count the children within a family for whom a referral was made. In contrast, Pennsylvania's low rate reflects only reports of suspected serious abuse and physical neglect; other neglect reports are counted as a *general* protective services investigation, rather than as a *child* protective services investigation.

Children Subject of a Report for Investigation or Assessment, 1998

| State | Children Subject of a Report Referred for Investigation or Assessment | Children Reported As Abused and Neglected and Referred for Investigation Per 1,000 Children in the Population |
|----------------------|---|---|
| West Virginia | 64,483 | 157 |
| District of Columbia | 9,862 | 100 |
| Montana | 19,004 | 84 |
| Idaho | 26,682 | 76 |
| Oklahoma | 60,340 | 68 |
| Indiana | 102,155 | 67 |
| North Carolina | 125,862 | 66 |
| Kentucky | 63,439 | 65 |
| Arkansas | 42,888 | 65 |
| Michigan | 156,425 | 61 |
| Alaska | 11,202 | 58 |
| Delaware | 9,693 | 54 |
| New York | 240,632 | 54 |
| Missouri | 75,178 | 54 |
| Florida | 187,095 | 53 |
| Nevada | 23,229 | 50 |
| Ohio | 135,628 | 48 |
| Arizona | 60,610 | 47 |
| California | 413,372 | 46 |
| Maryland | 55,964 | 43 |
| Massachusetts | 60,150 | 41 |
| Rhode Island | 9,765 | 41 |
| Connecticut | 32,509 | 40 |
| South Carolina | 38,238 | 40 |
| Iowa | 28,072 | 39 |
| New Jersey | 75,988 | 38 |
| Louisiana | 45,318 | 38 |
| Georgia | 74,180 | 37 |
| Illinois | 110,658 | 35 |
| Oregon | 27,680 | 34 |
| Alabama | 35,912 | 33 |
| Utah | 23,525 | 33 |
| Nebraska | 14,641 | 33 |
| Kansas | 22,751 | 33 |
| Washington | 47,281 | 32 |
| Maine | 9,030 | 31 |
| Texas | 172,718 | 31 |
| New Hampshire | 8,974 | 30 |
| Virginia | 49,299 | 30 |
| New Mexico | 13,403 | 27 |
| South Dakota | 5,313 | 27 |
| Tennessee | 32,286 | 24 |
| Minnesota | 24,844 | 20 |
| Wyoming | 2,209 | 17 |
| Wisconsin | 22,232 | 17 |
| Vermont | 1,973 | 14 |
| Hawaii | 3,568 | 12 |
| Pennsylvania | 22,589 | 8 |
| Total | 2,898,849 | 43 |

Sources: U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Child Maltreatment 1998: Reports From the States to the National Child Abuse and Neglect Data System (Washington, DC: U.S. Government Printing Office, 2000).

On average, 30 percent of abuse and neglect cases are substantiated

As mentioned, states have different definitions of child abuse and neglect and apply different procedures for accepting and investigating reports. A major decision that must be made is whether evidence is sufficient under state law or policy to conclude abuse or neglect occurred—whether a case is “substantiated” or “unsubstantiated.” In some states a classification of “indicated” is used when an allegation cannot be founded but maltreatment or the risk of maltreatment is still suspect. For reporting purposes, children in the “substantiated” and “indicated” categories are counted as child victims.

A few states have begun using a new system to follow up reports of abuse and neglect. This new approach (sometimes known as the “dual track” or “flexible response” system) allows families to receive an assessment of strengths and needs without a traditional investigation. Reports are not categorized as “substantiated” or “unsubstantiated,” but rather a determination is made regarding the need for services.

The following table shows the number of children in each state with completed investigations by type of disposition. States are listed in order of the number of completed investigations. “Other Disposition” includes: in need of services, closed without a finding, other dispositions, and unknown disposition. Variation in the rates of substantiation among the states is clearly shown, ranging from a high of 63 percent for Alaska to a low of 11 percent in New Hampshire.

Children with Completed Investigations by Disposition, 1998

| State | Total | Completed Investigations by Disposition | | |
|----------------------|------------------|---|-------------------|-------------------|
| | | Substantiated* | Not Substantiated | Other Disposition |
| New York | 148,108 | 34% | 66% | 0% |
| North Carolina | 125,862 | 30 | 70 | |
| California | 115,042 | 29 | 57 | 15 |
| Texas | 110,960 | 24 | 48 | 28 |
| Florida | 110,436 | 45 | 46 | 9 |
| Indiana | 102,155 | 19 | 81 | |
| Ohio | 84,657 | 25 | 32 | 43 |
| New Jersey | 75,988 | 13 | 41 | 46 |
| Illinois | 64,357 | 31 | 68 | 1 |
| Kentucky | 63,439 | 36 | 62 | 2 |
| Michigan | 62,659 | 20 | 80 | |
| Missouri | 48,115 | 17 | 50 | 33 |
| Georgia | 47,007 | 32 | 68 | |
| Arizona | 34,930 | 16 | 71 | 12 |
| Oklahoma | 34,790 | 29 | 40 | 31 |
| Washington | 32,880 | 27 | 28 | 45 |
| Virginia | 32,836 | 20 | 74 | 6 |
| Tennessee | 32,286 | 31 | 69 | |
| Massachusetts | 31,794 | 50 | 50 | |
| Connecticut | 31,220 | 45 | 48 | 7 |
| Maryland | 31,091 | 50 | 44 | 6 |
| Colorado | 28,573 | 18 | N/A | 82 |
| Louisiana | 26,588 | 29 | 66 | 5 |
| Alabama | 24,413 | 48 | 47 | 5 |
| Pennsylvania | 22,589 | 24 | 76 | |
| Wisconsin | 22,232 | 37 | 63 | |
| Arkansas | 20,511 | 29 | 64 | 7 |
| South Carolina | 20,000 | 25 | 74 | 1 |
| Iowa | 19,412 | 25 | 75 | |
| Kansas | 18,480 | 23 | 74 | 3 |
| Mississippi | 18,002 | 26 | 74 | |
| Oregon | 17,300 | 43 | 32 | 25 |
| Utah | 16,931 | 32 | 65 | 3 |
| West Virginia | 16,350 | 33 | 58 | 9 |
| Minnesota | 16,197 | 42 | 58 | |
| Nevada | 13,705 | 35 | 59 | 7 |
| New Mexico | 12,781 | 32 | 61 | 7 |
| Alaska | 11,326 | 63 | 7 | 30 |
| Idaho | 10,100 | 29 | 63 | 9 |
| Montana | 9,676 | 16 | 70 | 14 |
| Nebraska | 8,272 | N/A | N/A | N/A |
| Rhode Island | 8,117 | 31 | 66 | 3 |
| Delaware | 6,473 | 27 | 64 | 9 |
| New Hampshire | 6,391 | 11 | 65 | 24 |
| South Dakota | 5,313 | 50 | 44 | 6 |
| Maine | 4,588 | 59 | 38 | 3 |
| North Dakota | 4,221 | N/A | N/A | 100 |
| District of Columbia | 4,077 | 47 | 42 | 12 |
| Hawaii | 3,568 | 61 | 39 | |
| Wyoming | 1,927 | 28 | 48 | 24 |
| Vermont | 1,883 | 43 | 57 | |
| Total | 1,820,608 | 30 | 58 | 13 |

* Includes "Indicated" or "Reason to Suspect."

Sources: U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Child Maltreatment 1998: Reports From the States to the National Child Abuse and Neglect Data System (Washington, DC: U.S. Government Printing Office, 2000).

Nearly one million children were confirmed victims of maltreatment

“Victim” is the terminology used to describe a child involved in a substantiated or indicated incident of abuse or neglect. Nearly one million children were confirmed victims of maltreatment in 1998 (U.S. DHHS, Children’s Bureau, 1998). This count includes multiple incidents involving a single child. The most common categories of maltreatment are neglect, physical abuse, and sexual abuse, listed in order of their prevalence (emotional abuse and medical neglect are additional categories).

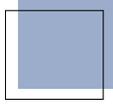
Substantiated reports of abuse and neglect do not necessarily lead to court involvement, especially if the family is willing to participate in an agency’s treatment plan. The agency may, however, file a complaint in juvenile court if the child is to be removed from the home without parental consent, or if the parents are otherwise uncooperative (Snyder and Sickmund). Adjudicatory hearings primarily focus on the validity of the allegations, while dispositional hearings address the case plan (e.g., placement supervision and services to be delivered).

Although not all abuse and neglect cases end up in court, juvenile judges are playing an increasingly significant role in determining case outcomes. The Federal Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) required greater judicial oversight of CPS agency performance. This legislation attempts to keep children from being needlessly placed in foster care, or being left in foster care indefinitely. The ultimate goal is to give children a permanent living arrangement (e.g., return to family, adoption, or placement with other relatives) as soon as possible. Courts often review decisions to remove children from home during emergencies, oversee agency efforts to avoid unnecessary placements and reunite families, approve agency family-specific plans, and decide whether parental rights should be terminated.

The following table shows the number of child “victim” case filings (i.e., abuse and neglect cases) for 37 states in 2000, with the states listed in order of the number of filings. There is generally a good deal of correspondence between completed investigations and the number of cases filed. New York reported the largest number of filings (71,235) followed by California (40,672) and Ohio (27,563). Wyoming reported the smallest number of filings (285).

Child-Victim Filings in 37 States, 2000

| State | Child-Victim Filings |
|----------------------|-----------------------------|
| New York | 71,235 |
| California | 40,672 |
| Ohio | 27,563 |
| Georgia | 17,289 |
| Michigan | 15,638 |
| Maryland | 11,626 |
| Alabama | 10,802 |
| Pennsylvania | 8,896 |
| North Carolina | 8,522 |
| Tennessee | 6,970 |
| Illinois | 5,799 |
| Wisconsin | 5,679 |
| Minnesota | 5,203 |
| Oregon | 5,013 |
| Washington | 4,614 |
| Connecticut | 4,028 |
| Utah | 3,488 |
| Colorado | 3,401 |
| Arkansas | 2,769 |
| Massachusetts | 2,690 |
| New Jersey | 2,605 |
| Louisiana | 2,386 |
| Arizona | 1,973 |
| Hawaii | 1,818 |
| District of Columbia | 1,494 |
| Rhode Island | 1,445 |
| Delaware | 1,371 |
| West Virginia | 1,358 |
| Idaho | 1,305 |
| North Dakota | 1,025 |
| New Hampshire | 998 |
| Montana | 993 |
| Nevada | 834 |
| New Mexico | 709 |
| Vermont | 558 |
| South Dakota | 551 |
| Wyoming | 285 |



As reported by Snyder and Sickmund, the 1996 national summary (NCANDS) data on substantiated or indicated maltreatment revealed the following:

- 52 percent of victims were female.
- 55 percent of victims were white, 28 percent were black, 12 percent were Hispanic, and 5 percent were other races.
- 19 percent of victims were age 2 or younger, 52 percent were age 7 or younger, and 7 percent were age 16 or older.
- 80 percent of the perpetrators were parents of the victim. Females were perpetrators in most cases.
- An estimated 1,077 children died as the result of maltreatment.
- Professionals were the most common source of reports of abuse and neglect (52 percent), followed by family and community (25 percent), and other sources (23 percent).
- About 16 percent of victims in substantiated or indicated cases were removed from their homes.

References

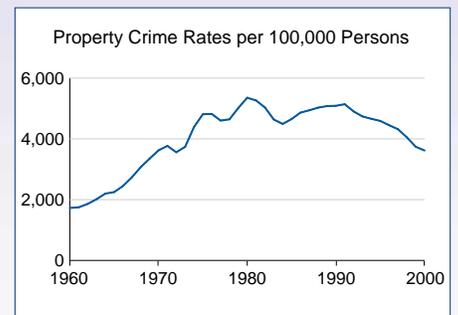
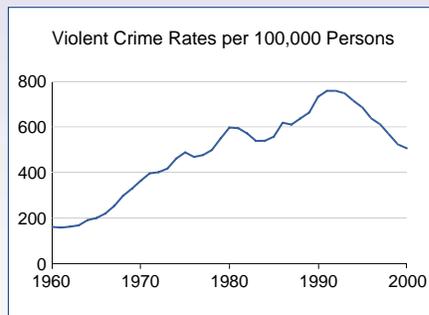
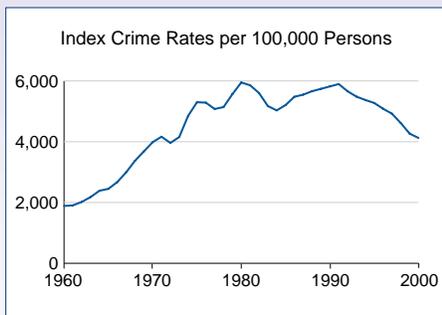
Day, Jennifer Cheeseman. (1996). *Population Projections of the United States by Age, Sex, Race, and Hispanic Origin: 1995 to 2050*. U.S. Bureau of the Census, Current Population Reports, P25-1130. Washington, DC: U.S. Government Printing Office.

Federal Bureau of Investigation. (1994 & 2000). *Crime in The United States*. Uniform Crime Reports. Washington, DC: Federal Bureau of Investigation.

Snyder, H. and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

CRIMINAL

U.S. Crime rates have fallen dramatically over the last decade.



Source: Federal Bureau of Investigation, 1960-2000. *Uniform Crime Reports*.

The overall crime rate dropped
30 percent since 1991...

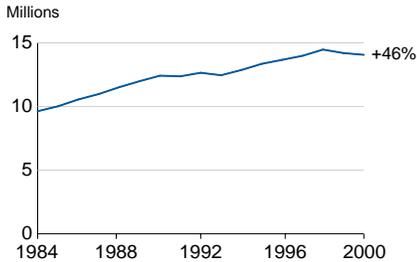
but violent crime and...

property crime rates may
now have bottomed out.

Criminal Caseloads in State Trial Courts

Criminal arrests and court filings are down in 2000

Criminal Cases Filed in State Courts, 1984-2000



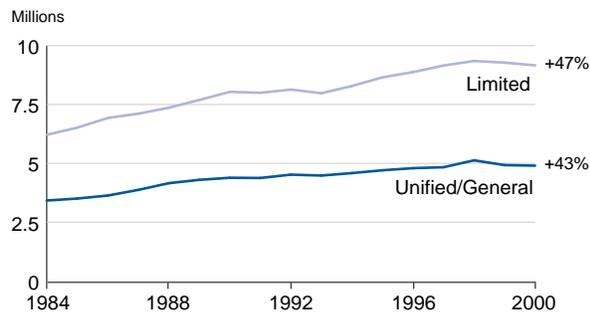
Most criminal cases are processed in state courts. Criminal case filings in the state courts declined by about 1 percent between 1999 and 2000, continuing a trend that commenced in 1998. Criminal case filings decreased to 14.1 million in 2000 from their all-time high of 14.5 million in 1998. The decline of nearly 3 percent between 1998 and 2000 interrupts an almost unbroken period of annual increases in criminal case filings dating back to 1984. Despite the decrease, 2000 still had the third highest number of criminal filings between 1984 and 2000. The adjacent trend line shows that the number of criminal filings rose by 46 percent from 1984 to 2000.

A decrease in criminal filings was expected because arrests, which are predictive of criminal case filings, have been declining. Arrests for violent index crimes and property index crimes for persons 18 years of age or older declined by nearly 9 percent and 17 percent, respectively, between 1996 and 2000.

Felonies are typically handled in general jurisdiction courts and misdemeanors in limited jurisdiction courts

The graph below compares criminal case filings by type of court jurisdiction. There were consistently more criminal filings in limited jurisdiction courts than in general jurisdiction courts. Filings in both courts increased almost every year between 1984 until their peak in 1998. Criminal filings in both types of courts declined in 2000, continuing the trend that began in 1999. Overall, however, criminal caseloads increased 43 percent in general jurisdiction courts and 47 percent in limited jurisdiction courts between 1984 and 2000.

Criminal Cases Filed in State Courts by Court Jurisdiction, 1984-2000

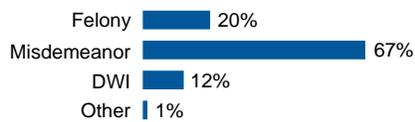


The composition of filings differs significantly between unified, general jurisdiction, and limited jurisdiction courts. In 2000, misdemeanor cases represented 67 percent of the criminal caseload in unified courts, while felony, DWI/DUI, and “other” cases together accounted for 33 percent of criminal filings.

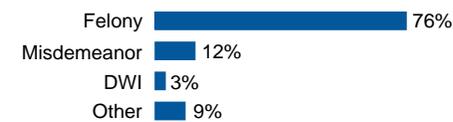
In two-tiered court systems, felonies are typically filed in general jurisdiction courts, while misdemeanors are usually handled in limited jurisdiction courts. In 2000, 76 percent of the criminal cases filed in general jurisdiction courts were felony cases, while 12 percent involved misdemeanors. An additional 9 percent were “other” offenses, including appeals and miscellaneous offenses (e.g., contempt). The remaining cases involved Driving While Intoxicated (DWI) offenses (3 percent). In contrast, misdemeanor, DWI/DUI, and “other” cases represented more than 99 percent of the criminal caseload of limited jurisdiction courts, whereas felonies accounted for only about one half of 1 percent of their caseload.

Criminal Caseload Composition by Court Jurisdiction, 2000

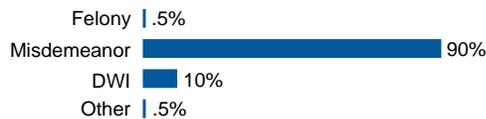
Unified Courts



General Jurisdiction



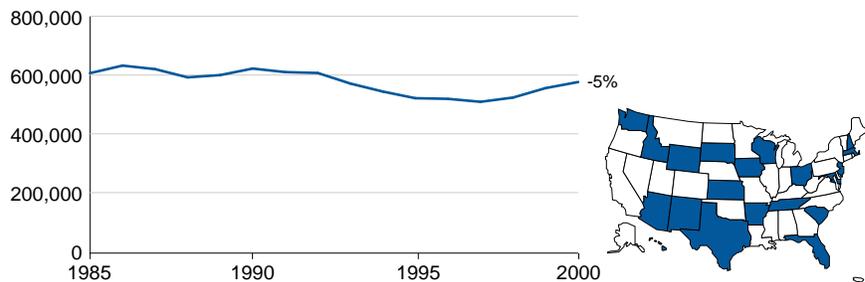
Limited Jurisdiction



DWI filings rose 9 percent between 1997 and 2000

Between 1985 and 1997, DWI filings in state courts decreased almost every year, reaching their lowest levels in 1997. The overall decrease in filings during this period was 15 percent. However, since that time, DWI filings have been on the rise, reaching their highest levels since 1992 in 2000. Overall, between 1985 and 2000, DWI filings in state courts decreased by 5 percent. The long-term trend may reflect the impact of stricter law enforcement, media attention, and alcohol awareness programs on the incidence of drunk driving, but more recent trends emphasize that the fight against drunk driving is far from over.

DWI Filings in 27 Courts, 1985-2000



Fifteen states account for 73 percent of total criminal filings

The adjacent table compares criminal filings in unified and general jurisdiction courts during 2000. The range of criminal filings was broad: California reported the largest number of filings (789,261) while Wyoming reported the smallest number (2,158 filings). Fifteen states each reported over 100,000 criminal filings in unified and general jurisdiction courts, collectively accounting for 73 percent of total criminal filings.

Criminal caseloads in a state are closely associated with the size of the state's population and can be expected to rise simply as a result of population growth. The table shows the number of criminal filings per 100,000 population and each state's total population rank. Maryland's filing rate of 1,380 per 100,000 population is the median for the nation. Note that states reporting the largest numbers of criminal case filings are not necessarily states reporting the largest population-adjusted rates of criminal case filings. For example, South Dakota reported the fourth highest rate of criminal filings (4,945 per 100,000 population) but ranks 31st among the states with regard to number of criminal filings.

Criminal Filing Rates in Unified and General Jurisdiction Courts in 49 States, 2000

| State | Criminal Filings | Criminal Filings per 100,000 Population | Population Rank |
|------------------------------------|------------------|--|--------------------|
| Unified Courts | | | |
| California | 789,261 | 2,330 | 1 |
| Illinois | 609,559 | 4,908 | 5 |
| Minnesota | 283,602 | 5,765 | 21 |
| Missouri | 188,115 | 3,362 | 17 |
| Wisconsin | 142,411 | 2,655 | 18 |
| Connecticut | 113,234 | 3,325 | 30 |
| Puerto Rico | 92,040 | 2,417 | 27 |
| Iowa | 82,356 | 2,814 | 31 |
| Kansas | 49,488 | 1,841 | 33 |
| South Dakota | 37,325 | 4,945 | 47 |
| North Dakota | 36,274 | 5,648 | 48 |
| District of Columbia | 30,360 | 5,307 | 51 |
| General Jurisdiction Courts | | | |
| Florida | 194,141 | 1,215 | 4 |
| Indiana | 194,121 | 3,193 | 14 |
| Texas | 174,399 | 836 | 2 |
| Pennsylvania* | 162,414 | 1,322 | 6 |
| Virginia | 159,107 | 2,248 | 12 |
| Louisiana | 152,016 | 3,402 | 22 |
| North Carolina | 136,491 | 1,696 | 11 |
| South Carolina | 114,358 | 2,850 | 26 |
| Oregon | 101,235 | 2,959 | 29 |
| Georgia | 98,749 | 1,206 | 10 |
| Tennessee | 96,744 | 1,700 | 16 |
| Maryland | 73,097 | 1,380 | 19 |
| Ohio | 68,923 | 607 | 7 |
| Alabama | 67,817 | 1,525 | 23 |
| Michigan | 64,084 | 645 | 8 |
| Utah | 62,906 | 2,817 | 35 |
| Arkansas | 60,814 | 2,275 | 34 |
| New York | 53,932 | 284 | 3 |
| New Jersey | 47,917 | 569 | 9 |
| Arizona | 42,573 | 830 | 20 |
| Washington | 40,971 | 695 | 15 |
| Colorado | 35,770 | 832 | 24 |
| Kentucky | 22,432 | 555 | 25 |
| Vermont | 22,166 | 3,641 | 50 |
| New Hampshire | 19,290 | 1,561 | 42 |
| New Mexico | 18,501 | 1,017 | 37 |
| Nevada | 11,477 | 574 | 36 |
| Idaho | 11,274 | 871 | 40 |
| Nebraska | 8,803 | 514 | 39 |
| Delaware | 8,524 | 1,088 | 46 |
| Hawaii | 8,306 | 686 | 43 |
| West Virginia | 6,964 | 385 | 38 |
| Montana | 6,394 | 709 | 45 |
| Rhode Island | 5,939 | 567 | 44 |
| Massachusetts | 5,018 | 79 | 13 |
| Alaska | 3,618 | 577 | 49 |
| Wyoming | 2,158 | 437 | 52 |

Note: Mississippi, Oklahoma, and Maine are not included because data were not available for 2000.

* The data for Pennsylvania are preliminary figures provided by the PA AOC.

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

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

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

Clearance rates show if courts are reducing their pending caseload

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

Eighteen states had three-year clearance rates of 100 percent or more

The table on the following page shows that 18 states cleared 100 percent or more of their criminal caseload for the period from 1998 to 2000. Massachusetts topped the list with high clearance rates for all three years. At the other end of the scale, two states (California and Arkansas) reported the lowest clearance rate of 92 percent, indicating that their courts are continuing to add to an inventory of pending cases.

Statewide clearance rates not only reflect a range of management initiatives at the trial court level, but also are influenced by factors such as caseload growth, time standards, and the consistency with which filings and dispositions are measured. Of the 18 states that cleared 100 percent or more of their criminal caseload for the 1998-2000 period, 12 experienced a decline in the number of cases filed. All of the 18 states with three-year clearance rates of 100 percent or better have adopted time standards for criminal case processing. Three of the states with high clearance rates (New York, Rhode Island, and West Virginia) have adopted the COSCA/ABA-recommended goal of disposing all felony cases within 180 days from the time of arrest. Time standards for West Virginia and Massachusetts are mandatory, while others are advisory. Finally, it is also important to note whether the filings and dispositions within a state are comparable. Only states that use the same methodology to count filings and dispositions are included in the table.

Criminal Caseload Clearance and Growth Rates for Unified and General Jurisdiction Courts in 44 States, 1998-2000

| State | Clearance Rates | | | | Caseload Growth 1998-2000 |
|------------------------------------|-----------------|------|------|-----------|------------------------------|
| | 1998 | 1999 | 2000 | 1998-2000 | |
| Unified Courts | | | | | |
| Kansas | 109% | 101% | 103% | 104% | 6% |
| Illinois | 100 | 105 | 104 | 103 | -12 |
| District of Columbia | 102 | 102 | 103 | 102 | -17 |
| Iowa | 94 | 103 | 111 | 102 | -23 |
| Minnesota | 103 | 98 | 100 | 100 | 6 |
| Wisconsin | 97 | 100 | 102 | 100 | 2 |
| Connecticut | 98 | 101 | 97 | 99 | -9 |
| North Dakota | 103 | 98 | 94 | 98 | 5 |
| Puerto Rico | 95 | 97 | 96 | 96 | -10 |
| Missouri | 90 | 96 | 93 | 93 | -1 |
| California | 90 | 92 | 93 | 92 | -12 |
| General Jurisdiction Courts | | | | | |
| Massachusetts | 120 | 105 | 114 | 113 | -40 |
| New York | 106 | 108 | 108 | 107 | -15 |
| Rhode Island | 101 | 117 | 101 | 106 | -10 |
| Hawaii | 111 | 105 | 92 | 103 | -12 |
| New Jersey | 100 | 105 | 102 | 102 | -8 |
| Wyoming | 98 | 105 | 104 | 102 | -1 |
| Texas | 101 | 101 | 101 | 101 | 7 |
| Alabama | 94 | 106 | 103 | 101 | 4 |
| Indiana | 98 | 100 | 103 | 101 | 3 |
| West Virginia | 100 | 100 | 99 | 100 | -12 |
| Utah | 97 | 89 | 113 | 100 | -2 |
| South Carolina | 95 | 103 | 102 | 100 | -4 |
| Colorado | 94 | 104 | 101 | 99 | -8 |
| Ohio | 101 | 98 | 99 | 99 | 7 |
| Michigan | 101 | 101 | 94 | 99 | -11 |
| Georgia | 95 | 96 | 104 | 99 | 0 |
| Pennsylvania* | 97 | 98 | 99 | 98 | 4 |
| Montana | 97 | 103 | 93 | 98 | 7 |
| Washington | 97 | 98 | 98 | 98 | 6 |
| Vermont | 98 | 97 | 98 | 98 | 17 |
| Idaho | 96 | 97 | 98 | 97 | -4 |
| New Mexico | 108 | 90 | 93 | 97 | 2 |
| Virginia | 96 | 99 | 96 | 97 | 9 |
| North Carolina | 97 | 96 | 98 | 97 | -2 |
| Delaware | 96 | 101 | 94 | 97 | 9 |
| Oregon | 94 | 99 | 97 | 97 | -3 |
| Tennessee | 90 | 97 | 101 | 96 | -4 |
| Maryland | 94 | 98 | 95 | 96 | 3 |
| Kentucky | 96 | 94 | 96 | 96 | 6 |
| Arizona | 96 | 100 | 91 | 96 | 0 |
| Alaska | 96 | 94 | 97 | 95 | 1 |
| New Hampshire | 95 | 93 | 96 | 95 | 26 |
| Arkansas | 87 | 97 | 93 | 92 | 9 |

* The data for Pennsylvania are preliminary figures provided by the PA AOC.

Very few criminal cases are resolved at trial

Approximately 3 percent of criminal cases were resolved by trial in 2000. Trial rates ranged from about 0.9 percent in Vermont to 12.8 percent in Hawaii. Nationally, jury trials account for about 45 percent of all trials. Guilty pleas disposed of about 60 percent of criminal cases. About one criminal case in four is resolved when the prosecutor decides not to continue (*nolle prosequi*) or all charges are dropped (dismissal).

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

Manner of Disposition for Criminal Cases Filed in 22 Unified and General Jurisdiction Courts, 2000

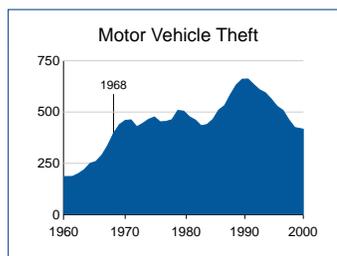
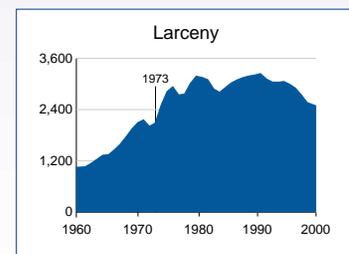
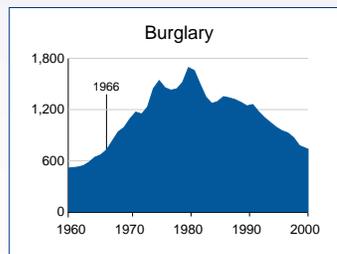
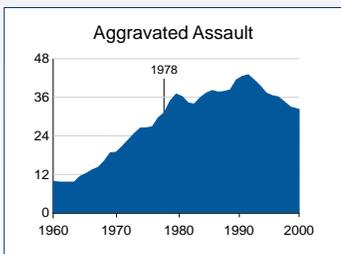
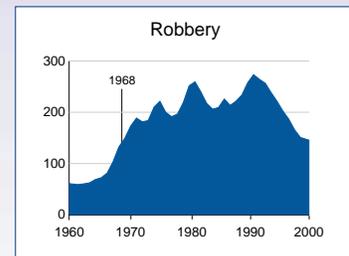
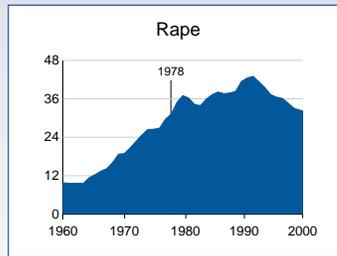
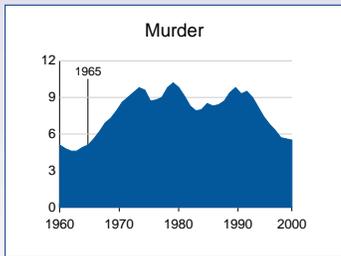
| State | Total Disposed | Percentage of Cases Disposed by: | | | | | | |
|------------------------------------|------------------|----------------------------------|------------|------------|-------------|-------------|-------------|-------------|
| | | Trial | | | Non-trial | | | |
| | | Total | Bench | Jury | Total | Pleas | Dism/Nolle | Other |
| Unified Courts | | | | | | | | |
| Missouri | 147,457 | 2.5% | 2.0% | 0.5% | 97.5% | 67.5% | 24.8% | 5.3% |
| Iowa | 90,986 | 2.1 | 1.4 | 0.7 | 97.9 | 62.4 | 35.5 | 0.0 |
| Puerto Rico | 88,541 | 9.2 | 8.8 | 0.5 | 90.8 | 48.4 | 39.6 | 2.8 |
| District of Columbia | 40,436 | 2.9 | 1.8 | 1.1 | 97.1 | 23.4 | 20.8 | 52.8 |
| Kansas | 40,404 | 3.6 | 1.9 | 1.7 | 96.4 | 55.8 | 25.0 | 15.6 |
| General Jurisdiction Courts | | | | | | | | |
| Texas | 219,655 | 1.8 | 0.3 | 1.5 | 98.2 | 39.0 | 2.6 | 56.6 |
| Indiana | 194,496 | 4.3 | 3.5 | 0.7 | 95.7 | 57.3 | 35.5 | 3.0 |
| Florida | 158,856 | 2.8 | 0.2 | 2.6 | 97.2 | 79.6 | 11.2 | 6.4 |
| Wisconsin | 139,615 | 2.6 | 0.3 | 2.3 | 97.4 | 73.2 | 19.6 | 4.6 |
| North Carolina | 133,532 | 2.3 | 0.0 | 2.3 | 97.7 | 49.8 | 35.2 | 12.8 |
| Tennessee | 130,759 | 3.7 | 2.2 | 1.5 | 96.3 | 52.9 | 26.7 | 16.7 |
| South Carolina | 116,300 | 1.2 | n/a | n/a | 98.8 | 46.0 | 40.4 | 12.4 |
| Michigan | 59,983 | 4.2 | 1.7 | 2.6 | 95.8 | 62.1 | 10.1 | 23.5 |
| New Jersey | 46,736 | 3.9 | 0.4 | 3.5 | 96.1 | 68.4 | 15.2 | 12.4 |
| Washington | 42,007 | 5.9 | 2.0 | 3.9 | 94.1 | 71.5 | 14.5 | 8.2 |
| Vermont | 21,720 | 0.9 | 0.2 | 0.7 | 99.1 | 69.2 | 17.9 | 11.9 |
| New Mexico | 17,119 | 5.5 | 3.3 | 2.3 | 94.5 | 39.7 | 15.0 | 39.9 |
| Delaware | 7,976 | 2.6 | 0.2 | 2.4 | 97.4 | 67.2 | 16.0 | 14.2 |
| Idaho | 7,228 | 3.1 | 0.1 | 3.0 | 96.9 | 58.0 | 15.6 | 23.3 |
| West Virginia | 4,997 | 6.6 | 3.5 | 3.1 | 93.4 | n/a | n/a | 93.4 |
| Hawaii | 7,632 | 12.8 | 9.4 | 3.4 | 87.2 | 54.6 | 13.9 | 18.8 |
| Alaska | 3,495 | 4.2 | 0.2 | 4.0 | 95.8 | 73.1 | 21.9 | 0.8 |
| Total | 1,719,930 | 3.3 | 1.9 | 1.5 | 96.7 | 57.2 | 23.3 | 16.2 |

n/a = not available

FELONY

Crime rates are at their lowest levels in 30 years for four of seven offenses

Crimes per 100,000 persons



Years marked show the last year that the crime rate was lower than in 2000.

Source: Federal Bureau of Investigation.
1960-2000. *Uniform Crime Reports*.

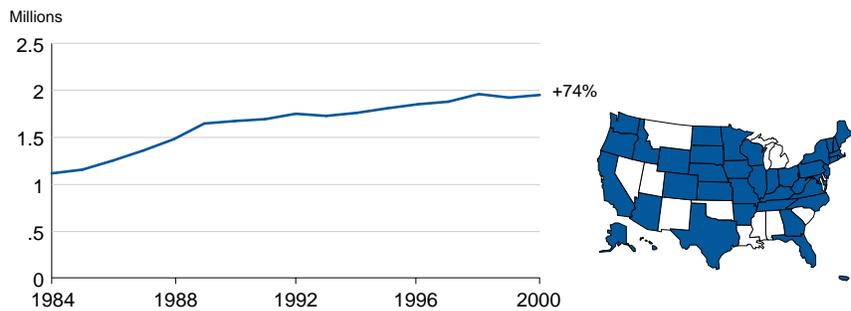
Felony Caseloads in State Trial Courts

Felony filings increased slightly in 2000

Felonies are the most serious kind of criminal offense, typically punishable by incarceration for a year or more. Felony crimes command a great deal of attention from the general public, impose tremendous burdens on victims (both physical and emotional), and generate substantial costs for taxpayers. In addition, those who work within the criminal justice system know that fluctuations in felony caseloads can have a significant impact on the overall pace of both criminal and civil litigation.

The trend line below shows felony filings grew quickly until 1989, had a slowed growth rate until 1992, and after a brief dip in 1993, resumed an uninterrupted increase until 1998. The total growth in felony filings (74 percent) outpaced the growth of all other filings in the courts. This result comes from the general jurisdiction trial court systems of the 41 states able to report comparable felony filing data for the period 1984 to 2000. As was the case with juvenile and criminal filings, the decline in felony filings during 1999 was not unexpected given the sustained decline in arrest rates.

Felony Filings in Unified and General Jurisdiction Courts in 41 States, 1984-2000



Felonv Filing Rates in Unified and General Jurisdiction Courts in 44 States, 1998-2000

| State | Filings per 100,000 Population | | | Percent Growth 1998-2000 |
|------------------------------------|--------------------------------|-------|-------|-----------------------------|
| | 1998 | 1999 | 2000 | |
| Unified Courts | | | | |
| North Dakota | 623 | 653 | 701 | 12% |
| Iowa | 657 | 657 | 697 | 6 |
| Minnesota | 456 | 449 | 453 | -1 |
| Wisconsin | 541 | 504 | 529 | -2 |
| South Dakota | 688 | 636 | 669 | -3 |
| Kansas | 671 | 716 | 641 | -5 |
| Puerto Rico | 982 | 956 | 928 | -6 |
| Illinois | 842 | 751 | 782 | -7 |
| Missouri | 1,134 | 1,043 | 1,050 | -7 |
| Connecticut | 94 | 100 | 84 | -11 |
| California | 797 | 743 | 705 | -12 |
| District of Columbia | 2,407 | 2,288 | 1,802 | -25 |
| General Jurisdiction Courts | | | | |
| New Mexico | 784 | 841 | 857 | 9 |
| New Hampshire | 509 | 558 | 541 | 6 |
| Virginia | 1,411 | 1,405 | 1,496 | 6 |
| Ohio | 573 | 592 | 607 | 6 |
| Indiana | 865 | 918 | 911 | 5 |
| Kentucky | 527 | 550 | 545 | 3 |
| Pennsylvania* | 1,295 | 1,293 | 1,322 | 2 |
| Nebraska | 438 | 426 | 447 | 2 |
| Washington | 661 | 660 | 673 | 2 |
| Arkansas | 1,809 | 1,753 | 1,830 | 1 |
| Maryland | 1,272 | 1,272 | 1,277 | 0 |
| Texas | 710 | 677 | 711 | 0 |
| Vermont | 570 | 558 | 566 | -1 |
| Alaska | 531 | 502 | 523 | -1 |
| Utah | 822 | 791 | 791 | -4 |
| Wyoming | 414 | 302 | 398 | -4 |
| Louisiana | 1,253 | 1,102 | 1,199 | -4 |
| Tennessee | 1,151 | 1,128 | 1,091 | -5 |
| North Carolina | 1,228 | 1,235 | 1,163 | -5 |
| Florida | 1,281 | 1,304 | 1,213 | -5 |
| Arizona | 846 | 801 | 784 | -7 |
| Georgia | 980 | 943 | 903 | -8 |
| West Virginia | 262 | 263 | 240 | -8 |
| Rhode Island | 577 | 499 | 530 | -8 |
| Idaho | 853 | 802 | 779 | -9 |
| New Jersey | 614 | 603 | 547 | -11 |
| Oregon | 1,206 | 1,130 | 1,044 | -13 |
| Colorado | 967 | 916 | 832 | -14 |
| Hawaii | 422 | 368 | 354 | -16 |
| New York | 348 | 305 | 284 | -18 |
| Alabama | 1,100 | 992 | 780 | -29 |
| Massachusetts | 136 | 143 | 79 | -42 |

* Pennsylvania general jurisdiction caseload is based upon preliminary figures provided by the PA AOC

Felony filing rates varied from a high of 1,830 in Arkansas to a low of 79 in Massachusetts

The previous table displays felony filings per 100,000 population as well as the growth in felony filings from 1998 to 2000. Felony filing rates decreased or stayed the same in 32 states; dropping by 10 percent or more in 10 states. Massachusetts' reported drop of 42 percent is due, in large part, to changes in their case management system in late 1999. The previous system counted every case that went to a grand jury as a filing; the new system counts filings for only those cases returned by a grand jury. Increases were modest for the remaining 12 states, with only North Dakota showing an increase above 10 percent for the period 1998-2000. Maryland, Minnesota, Alaska, Arkansas, Texas, and Vermont all saw 2000 felony filing rates within 1 percent of 1998 rates.

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

Clearance rates improved in most general jurisdiction courts between 1998 and 2000

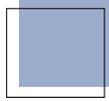
The accompanying table shows clearance rates in general jurisdiction courts in 36 states for the period 1998 to 2000. The three-year measure smoothes yearly fluctuations and provides a more representative clearance rate. The majority of courts appear to have reduced their pending caseloads because their 2000 clearance rates are higher than their 1998 clearance rates. However, timely felony case processing continues to be a challenge for courts since 24 of 36 states had three-year clearance rates less than 100 percent.

It seems reasonable to speculate that higher clearance rates are related to decreased caseload growth. For example, Alabama, with a high three-year clearance rate of 102, experienced one of the largest declines in population-adjusted filings. Of the remaining 11 states with three-year clearance rates of 100 percent or more, eight witnessed declines in felony filing rates. At the other end of the spectrum, North Dakota, which has a relatively low three-year clearance rate, experienced the highest growth in filings per 100,000 population.

Felony Clearance Rates in Unified and General Jurisdiction Courts in 36 States, 1998-2000

| State | Clearance Rates | | | 1998-2000 |
|------------------------------------|-----------------|------|------|-----------|
| | 1998 | 1999 | 2000 | |
| Unified Courts | | | | |
| Wisconsin | 102% | 104% | 105% | 104% |
| District of Columbia | 104 | 102 | 103 | 103 |
| Iowa | 93 | 93 | 108 | 98 |
| Puerto Rico | 93 | 96 | 105 | 98 |
| Minnesota | 99 | 90 | 94 | 94 |
| North Dakota | 99 | 92 | 92 | 94 |
| Missouri | 91 | 98 | 92 | 93 |
| Illinois | 88 | 94 | 94 | 92 |
| Connecticut | 112 | 101 | 89 | 92 |
| California | 82 | 85 | 84 | 83 |
| General Jurisdiction Courts | | | | |
| Massachusetts | 120 | 105 | 114 | 113 |
| New York | 106 | 108 | 108 | 107 |
| Rhode Island | 103 | 117 | 100 | 106 |
| New Jersey | 100 | 105 | 102 | 102 |
| Texas | 101 | 103 | 102 | 102 |
| Alabama | 94 | 108 | 106 | 102 |
| Utah | 99 | 100 | 105 | 101 |
| Indiana | 96 | 104 | 101 | 101 |
| New Mexico | 115 | 91 | 94 | 100 |
| West Virginia | 99 | 100 | 100 | 100 |
| Ohio | 101 | 98 | 99 | 99 |
| Georgia | 94 | 96 | 107 | 99 |
| Pennsylvania* | 97 | 98 | 99 | 98 |
| Vermont | 101 | 102 | 91 | 98 |
| Idaho | 96 | 98 | 98 | 98 |
| Maryland | 95 | 100 | 96 | 97 |
| Virginia | 95 | 99 | 95 | 96 |
| North Carolina | 96 | 96 | 98 | 96 |
| Oregon | 88 | 101 | 99 | 96 |
| Kentucky | 96 | 94 | 96 | 96 |
| Arizona | 97 | 100 | 90 | 96 |
| Tennessee | 88 | 98 | 100 | 95 |
| Hawaii | 92 | 97 | 97 | 95 |
| New Hampshire | 99 | 86 | 99 | 95 |
| Arkansas | 85 | 97 | 94 | 92 |
| Washington | 90 | 90 | 89 | 90 |

* Pennsylvania general jurisdiction caseload is based upon preliminary figures provided by the PA AOC.



Felony Conviction, Sentencing, and Time Served in the 1990s

Over the last decade, state legislatures made significant changes in laws relating to the processing and sentencing of convicted felons. The changes were a response, in part, to increasing crime rates that peaked during the late 1980s and early 1990s. On the police front, agencies adopted new strategies such as community policing, gun reduction initiatives, zero-tolerance policies, and DNA technology advances. The intention was to use police strategies to increase the chances of apprehending offenders and securing felony convictions.

With respect to the judicial branch, state courts were tasked with implementing many new policies intended to deal with those prosecuted for felony crimes. For example, many states passed truth-in-sentencing legislation intending to abolish early parole release and increase time served amounts. The late 1980s and early 1990s were also characterized by the hiring of additional prosecutors and judges to process the increasing number of offenders. A number of uncertainties exist regarding the results of our stepped up law enforcement and judicial policies. Are felony conviction numbers up? Are felony arrests now more likely to result in a felony conviction? Are more offenders being incarcerated as opposed to receiving probation sentences? Are felons receiving longer prison terms or having to spend greater proportions of their sentence in prison?

The following graphics portray a snapshot of some recently collected data that describe the processing and sentencing of convicted felons during the 1990s. The data are drawn from the Bureau of Justice Statistics, *National Judicial Reporting Program (NJRP)* which compiles detailed information on the sentences and characteristics of convicted felons.¹

¹ NJRP survey data are obtained from samples drawn every two years beginning in 1988. The 1998 survey was based on a sample of 344 counties (out of the nation's approximately 3,100 counties) selected to be nationally representative. The 344 included the District of Columbia and at least one county from every state except, by chance, Delaware and Montana. The 1998 survey excluded federal courts and those state or local courts that did not adjudicate adult felony cases.

Felony Convictions in State Courts

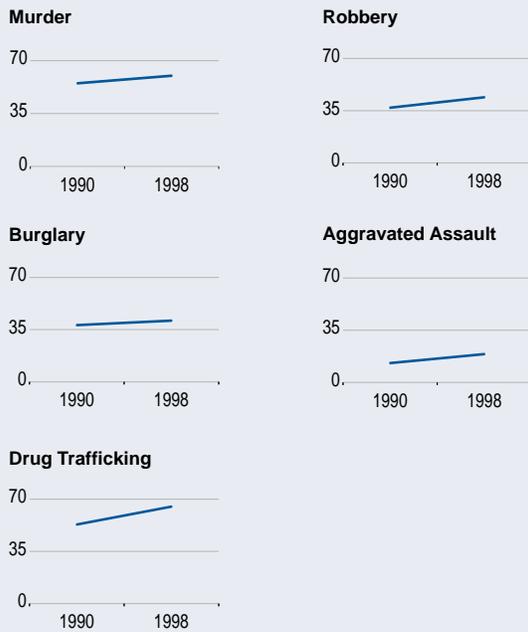
| Year | Convictions |
|------|-------------|
| 1990 | 829,000 |
| 1992 | 894,000 |
| 1994 | 872,000 |
| 1996 | 998,000 |
| 1998 | 928,000 |

Source: Bureau of Justice Statistics, Felony Sentences in State Courts, 1998

- In 1998, state courts convicted nearly 930,000 adults of a felony. Roughly 34 percent were convicted of drug crimes, 18 percent violent crimes, and 31 percent property crimes. The remaining 18 percent were convicted of weapons (3.4 percent) and other felony level offenses. The number of those convicted in 1998 represents a 12 percent increase over 1990.

Percent of Felony Arrests Resulting in Felony Convictions

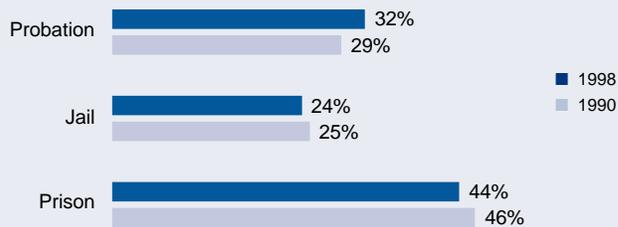
- Since 1990, the likelihood of a felony arrest leading to a felony conviction has generally risen. In 1998, for example, robbery convictions totaled 38,800 and robbery arrests totaled 88,400, indicating about a 44 percent likelihood for robbery. (Estimates are derived by dividing adult felony convictions by adult felony arrests.) Although arrest statistics do not distinguish felonies from misdemeanors, this method is still valid for crimes nearly always classified as felonies under state law.



Source: Bureau of Justice Statistics, Felony Sentences in State Courts, 1998

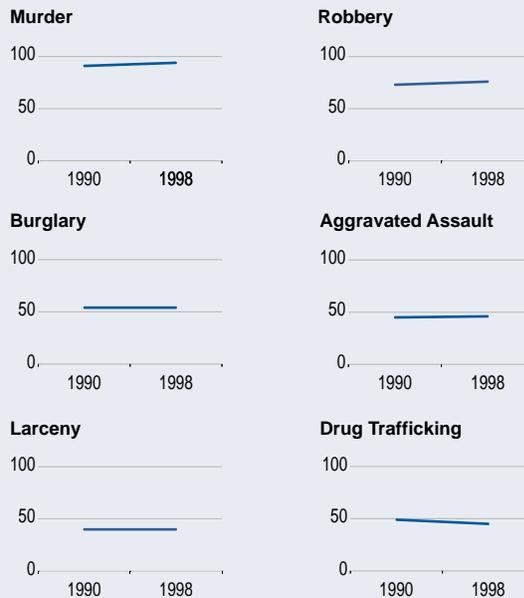
Prison, Jail, & Probation Sentences

- In 1990, 46 percent of convicted felons were sentenced to prison and 25 percent to local jail (usually for a year or less). The remaining 29 percent were sentenced to straight probation. The prison and jail rate dropped slightly in 1998, while the percent sentenced to probation moved to 32 percent.



Percent of Felons Receiving Prison Sentences

- Of all felony offenses shown, drug trafficking had the largest decreases in the percentage sentenced to prison between 1990 and 1998 (from 49 percent in 1990 to 45 percent in 1998). The percent of persons receiving prison for murder and robbery increased slightly during the 1990s, while the percent receiving prison for burglary and larceny remained the same.



Source: Bureau of Justice Statistics, Felony Sentences in State Courts, 1998

Prison Sentences: Average Imposed and Estimated Time Served

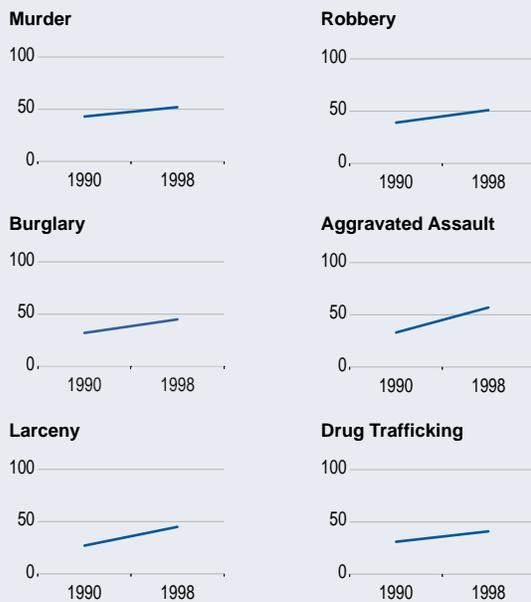
- Although average imposed sentences have decreased, time served amounts have increased. In 1990, felons received on average a six-year sentence and served roughly two years before release. By 1998, felons received a five-year sentence but served roughly 2.3 years.²

| Offense | 1990 | | 1998 | |
|---------------------|-----------|-----------|-----------|-----------|
| | Imposed | Served | Imposed | Served |
| Murder | 243 | 104 | 263 | 136 |
| Robbery | 115 | 45 | 106 | 54 |
| Aggravated Assault | 78 | 26 | 66 | 38 |
| Burglary | 80 | 26 | 52 | 24 |
| Larceny | 49 | 13 | 37 | 17 |
| Drug Trafficking | 74 | 23 | 54 | 22 |
| All offenses | 75 | 25 | 57 | 27 |

Source: Bureau of Justice Statistics, Felony Sentences in State Courts, 1998

Percent of Imposed Sentence Served

- Inmates released from prison in 1990 had served, on average, a third of their court-imposed sentence. By 1998, inmates were serving approximately half of their court-imposed sentence. There were considerable increases in percent of time served for all offenses shown, with time served amounts increasing most (24 percent) for those serving time for aggravated assault.

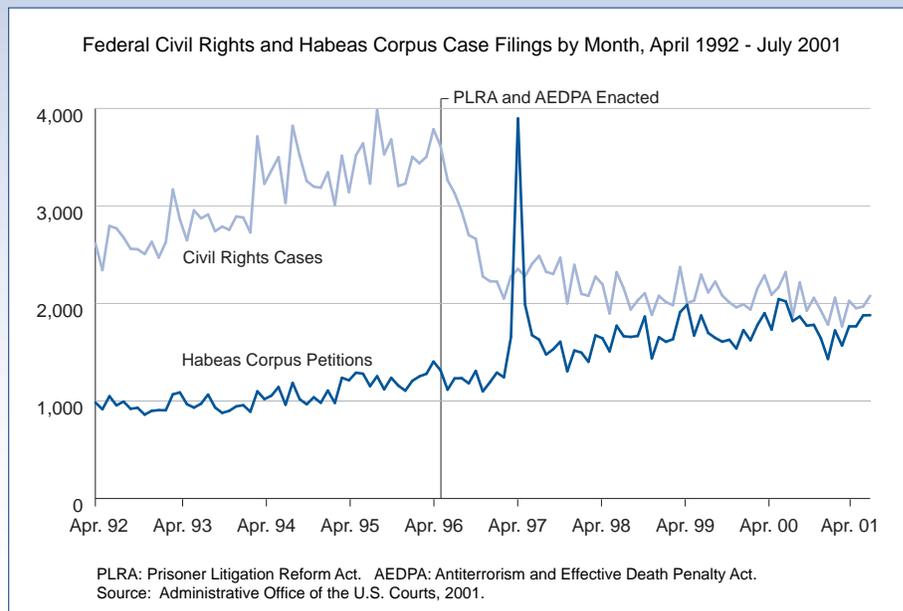


Source: Bureau of Justice Statistics, Felony Sentences in State Courts, 1998

² Time served amounts assume a person sentenced in a given year (1990 or 1998 in this analysis) would serve the same fraction of his/her sentence as was typical among persons *released* in the same year.

APPELLATE

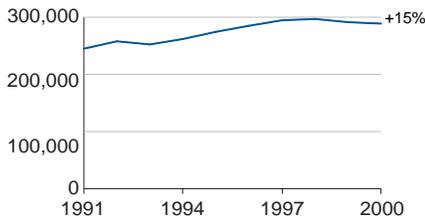
Monthly Habeas Corpus and Section 1983 Lawsuits 1992-2001



State Court Appellate Case Filings

The number of cases filed with state appellate courts has grown modestly in recent years

Total Appellate Court Filings, 1991-2000



Starting in the 1950s, and continuing through the 1980s, the number of cases filed in state appellate court systems grew to the point that caseloads were doubling nearly every 10 years. In response, states established two-tiered appellate court systems in which intermediate appellate courts (IACs) became the first level of review. Supreme courts retained their position as courts of last resort (COLRs), but they abandoned some of their mandatory jurisdiction.

In the 1990s, the annual national growth rate began to taper off, with a decline noted from 1998 to 2000. However, later trends varied considerably by state.

Growth in criminal appellate cases is now noticeably greater than the growth in civil appellate case filings

In the 1990s, many states passed habitual offender statutes and stiffer penalties for many felony crimes. Consequently, more offenders were sentenced to prison and the number of lengthy sentences increased. These changes directly impacted the number of criminal cases appealed to higher courts. For example, many felony convictions that impose prison sentences will be appealed, and as the length of the sentence increases, so does the likelihood of appeal. In contrast, civil appellate case filings have not been directly affected by any national trends in civil codes.

In 2000, there were nearly 300,000 appellate cases filed

From 1999 to 2000, the overall number of cases filed with the nation's state appellate courts decreased from 292,354 to 290,147. On average, this figure represents a caseload of about 230 cases per the 1,300 appellate judges in the nation. This caseload is substantial, as appellate judges are directly responsible for resolving cases in addition to agreeing or disagreeing with opinions rendered in cases assigned to other members of the court.

The adjacent table ranks the states according to their filings per 100,000 population and separates caseloads into mandatory and discretionary categories. When population is taken into account, state-by-state variances in appellate case filings diminish. The most populous states tend to have higher than average appeal rates. However, population size is not the only factor influencing the number of case filings. In particular, the number of appellate cases filed in a state is likely influenced by a variety of demographic and social conditions, such as a state's prison incarceration rate, the extent to which there are manufacturing and heavy industries, and self-insured corporations that provide services to the public (e.g., car rental agencies). These characteristics generate trial court litigation, which in turn is likely to be appealed.

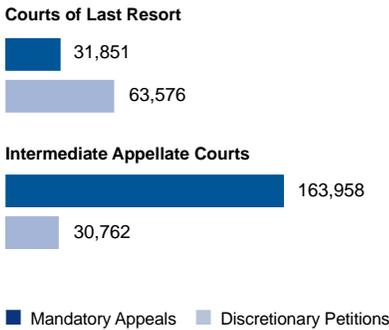
Total Appellate Court Filings, 2000

| | Appeals per 100,000 Population | Total Filings | Percent Mandatory | Percent Discretionary | Population Rank |
|---|-----------------------------------|---------------|----------------------|--------------------------|--------------------|
| States with an Intermediate Appellate Court | | | | | |
| Louisiana | 319 | 14,249 | 33% | 67% | 22 |
| Florida | 160 | 25,615 | 75 | 25 | 4 |
| Oregon | 154 | 5,262 | 80 | 20 | 29 |
| Alabama | 145 | 6,432 | 81 | 19 | 23 |
| Puerto Rico | 137 | 5,226 | 32 | 68 | 27 |
| Alaska | 137 | 858 | 73 | 27 | 49 |
| New Jersey | 129 | 10,885 | 71 | 29 | 9 |
| Pennsylvania | 127 | 15,552 | 81 | 19 | 6 |
| Texas | 118 | 24,708 | 85 | 15 | 2 |
| Kansas | 116 | 3,125 | 64 | 36 | 33 |
| Oklahoma* | 115 | 3,960 | 87 | 13 | 28 |
| Ohio | 112 | 12,749 | 86 | 14 | 7 |
| Kentucky | 104 | 4,206 | 78 | 22 | 25 |
| California | 101 | 34,109 | 47 | 53 | 1 |
| Washington | 97 | 5,709 | 68 | 32 | 15 |
| Michigan | 97 | 9,619 | 43 | 57 | 8 |
| Illinois | 96 | 11,978 | 81 | 19 | 5 |
| Colorado | 96 | 4,119 | 64 | 36 | 24 |
| Arizona | 95 | 4,878 | 70 | 30 | 20 |
| New York | 94 | 17,869 | 75 | 25 | 3 |
| Nebraska | 93 | 1,587 | 84 | 16 | 39 |
| Arkansas | 89 | 2,390 | 74 | 26 | 34 |
| Virginia | 87 | 6,147 | 13 | 87 | 12 |
| Wisconsin | 87 | 4,657 | 75 | 25 | 18 |
| New Mexico | 85 | 1,554 | 59 | 41 | 37 |
| Missouri | 85 | 4,762 | 83 | 17 | 17 |
| Idaho | 80 | 1,035 | 89 | 11 | 40 |
| Hawaii | 80 | 964 | 92 | 8 | 43 |
| Iowa | 72 | 2,115 | 100 | | 31 |
| Tennessee | 70 | 3,991 | 66 | 34 | 16 |
| Georgia | 64 | 5,237 | 69 | 31 | 10 |
| Maryland | 63 | 3,333 | 68 | 32 | 19 |
| Utah | 63 | 1,400 | 100 | | 35 |
| Massachusetts | 62 | 3,905 | 62 | 38 | 13 |
| Minnesota | 58 | 2,862 | 74 | 26 | 21 |
| Indiana | 56 | 3,403 | 76 | 24 | 14 |
| South Carolina | 52 | 2,106 | 49 | 51 | 26 |
| Connecticut | 49 | 1,652 | 76 | 24 | 30 |
| Mississippi | 40 | 1,142 | 100 | | 32 |
| North Carolina | 36 | 2,906 | 57 | 43 | 11 |
| States without an Intermediate Appellate Court | | | | | |
| District of Columbia | 305 | 1,743 | 97 | 3 | 51 |
| West Virginia | 168 | 3,029 | | 100 | 38 |
| Montana | 96 | 868 | 67 | 33 | 45 |
| Vermont | 94 | 545 | 95 | 5 | 50 |
| Nevada | 90 | 1,803 | 100 | | 36 |
| Delaware | 84 | 656 | 100 | | 46 |
| Wyoming | 74 | 364 | 100 | | 52 |
| New Hampshire | 67 | 834 | | 100 | 42 |
| South Dakota | 58 | 438 | 90 | 10 | 47 |
| Maine | 55 | 699 | 63 | 37 | 41 |
| North Dakota | 55 | 350 | 95 | 5 | 48 |
| Rhode Island | 51 | 535 | 70 | 30 | 44 |

*Oklahoma was unable to report appellate court data for 2000. The data above are from 1998.
States in bold are the nation's 10 most populous.

Mandatory cases in intermediate appellate courts constitute the largest share of state appellate system caseloads

Total Appellate Caseloads, 2000



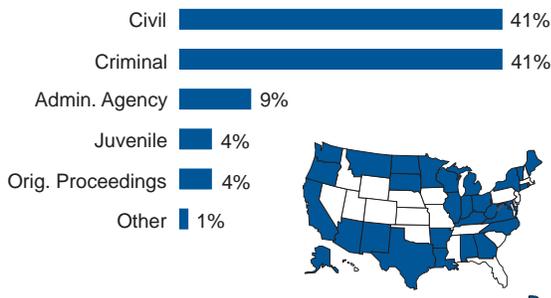
Since intermediate appellate courts provide first-level review while state supreme courts are the final arbiters of disputes, the intermediate appellate courts handle the majority of appealed cases (57 percent of all appellate cases are mandatory cases filed in intermediate appellate courts). In the 10 states and the District of Columbia that are without an intermediate appellate court, a state supreme court provides both first and last level review.

The majority of cases filed with the nation's state appellate courts in 2000 were cases that the courts were required to hear. Specifically, 67 percent of the state appellate caseload consisted of mandatory cases while 33 percent of the total caseload were discretionary cases. While the intermediate appellate courts are likely to hear mandatory cases, the work of state supreme courts is primarily discretionary.

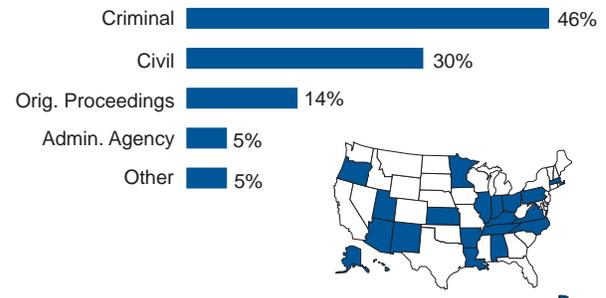
Criminal and civil cases account for the vast majority of discretionary and mandatory appellate cases

In both intermediate appellate and state supreme courts, direct challenges to trial court judgments are the most frequent kinds of cases. Convicted defendants bring criminal appeals frequently alleging some type of trial court error (e.g., insufficient evidence, ineffective counsel, or incorrect sentencing). Individuals filing civil appeals also allege trial court error, such as improper jury instructions or misapplication of the law. Less common among appeals are direct challenges to administrative agency hearings, applications for writs or other original proceedings, or other matters (e.g., bar and judicial disciplinary cases).

Composition of Discretionary Petitions in 31 COLRs, 2000



Composition of Mandatory Appeals in 23 IACs, 2000



The majority of intermediate appellate courts are keeping up with their incoming caseloads

One measure of whether an appellate court is keeping up with its caseload is its clearance rate. A clearance rate is the number of appeals resolved by a court opinion or a dismissal in a given year divided by the number of filings in the same year. A rate below 100 percent indicates that fewer cases are disposed of than are filed in that year, possibly contributing to a backlog.

The table below includes clearance rates for intermediate appellate courts in 2000 and distinguishes between civil and criminal appeals. Of 23 courts, 16 have a combined civil and criminal clearance rate of 100 percent or higher, although there is some variation in civil and criminal clearance rates. In particular, states are more likely to report clearance rates of 100 percent or greater in civil appeals. Nine states show clearance rates of 100 percent or greater for both civil and criminal appellate cases.

Civil and Criminal Clearance Rates in Mandatory Appeals in 23 IACs, 2000

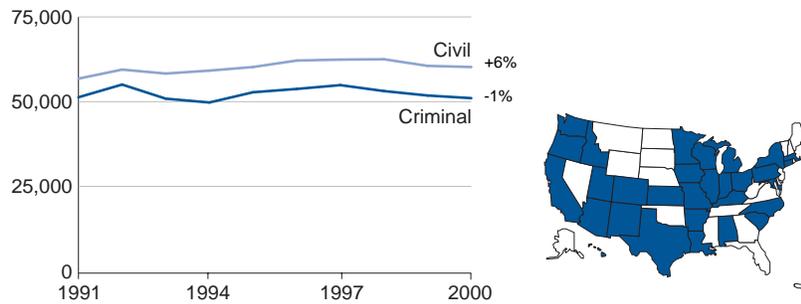
| State | Clearance Rates | | |
|--------------|-----------------|----------|----------|
| | Civil | Criminal | Combined |
| Texas | 111% | 133% | 123% |
| California | 129 | 111 | 120 |
| Arizona | 119 | 117 | 118 |
| Ohio | 115 | 113 | 114 |
| Pennsylvania | 126 | 92 | 110 |
| Puerto Rico | 108 | 108 | 108 |
| Kentucky | 111 | 101 | 108 |
| Iowa | 110 | 101 | 107 |
| Alabama | 110 | 101 | 104 |
| Wisconsin | 107 | 99 | 103 |
| Washington | 95 | 109 | 102 |
| Missouri | 105 | 94 | 102 |
| Georgia | 100 | 102 | 101 |
| Michigan | 95 | 111 | 100 |
| Illinois | 103 | 97 | 100 |
| Arkansas | 101 | 97 | 100 |
| Indiana | 102 | 97 | 99 |
| Maryland | 95 | 105 | 99 |
| Louisiana | 89 | 115 | 98 |
| Minnesota | 100 | 94 | 98 |
| Connecticut | 92 | 97 | 93 |
| Idaho | 80 | 93 | 91 |
| Hawaii | 102 | 77 | 84 |

The number of criminal petitions filed in supreme courts has increased substantially

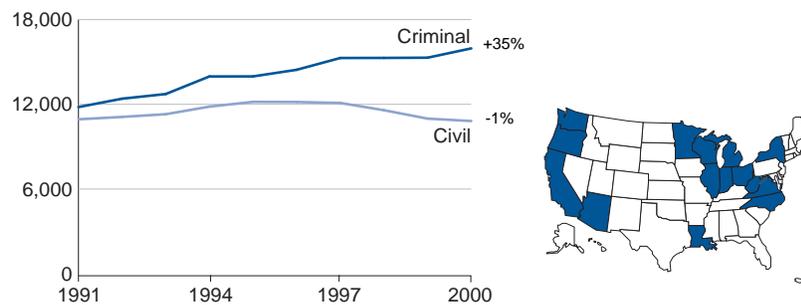
From 1991 to 2000, the number of criminal appeals in 32 state intermediate appellate courts changed marginally, while civil appeals in these same states demonstrated a relatively substantial increase (direct appeals challenging trial court judgments in tort, contract, and property cases rose an average of 6 percent).

In state supreme courts, discretionary petitions for review in criminal cases rose steadily this past decade. There were more cases in which either the offenders or the government were appealing not only the original conviction or sentence, but were also questioning an initial review by an intermediate appellate court. The result is a 35 percent increase in criminal case appeals in 15 supreme courts, as shown below.

Mandatory Civil and Criminal Appeals in 32 Intermediate Appellate Courts, 1991-2000



Discretionary Civil and Criminal Petitions in 15 Courts of Last Resort, 1991-2000



The national trend in civil and criminal appeals reviewed by the supreme courts held true for most states. For example, 13 of the 15 supreme courts exhibited growth in their criminal petitions, and eight of the 15 states had a decline in discretionary civil petitions from 1991 to 2000.

Discretionary criminal petitions increased sharply in a number of states: California (108 percent), Virginia (103 percent), Arizona (91 percent), North Carolina (69 percent), Indiana (55 percent), and Washington (50 percent). In contrast, discretionary civil petitions are marked by steady growth rates in fewer states, including Louisiana (19 percent), Wisconsin (17 percent), Washington (13 percent), and West Virginia (10 percent), and smaller increases in California (9 percent) and Indiana (5 percent).

Percent Changes in Discretionary Criminal and Civil Petitions in 15 Courts of Last Resort, 1991 vs. 2000

| State | Percent Change 1991-2000 | |
|----------------|--------------------------|-----------------|
| | Criminal Petitions | Civil Petitions |
| California | 108% | 9% |
| Virginia | 103 | -11 |
| Arizona | 91 | 0 |
| North Carolina | 69 | -18 |
| Indiana | 55 | 5 |
| Washington | 50 | 13 |
| Wisconsin | 35 | 17 |
| Illinois | 29 | -5 |
| Louisiana | 25 | 19 |
| Minnesota | 24 | -24 |
| West Virginia | 12 | 10 |
| Michigan | 5 | -15 |
| Oregon | 3 | -30 |
| New York | 0 | -2 |
| Ohio | -19 | -15 |

The number of criminal appeals in intermediate appellate courts varied widely by state

From 1991 to 2000, individual state trends in the number of criminal appeals cases filed in intermediate appellate courts varied widely, from a decrease of 77 percent in Michigan to an increase of 162 percent in Idaho. Intermediate appellate courts in Hawaii, Iowa, Kansas, Massachusetts, Colorado, and Wisconsin experienced growth rates in criminal appeals exceeding 50 percent. Their growth contrasts with decreases exceeding 20 percent in Arizona, Maryland, New York, and Oregon.

Trends in civil appeals in intermediate appellate courts vary to a lesser degree than the trends in criminal appeals

Compared to criminal appeals, civil appeal trends from 1991 to 2000 in intermediate appellate courts span a more limited range. This range extends from an 82 percent increase in Alabama to a 28 percent decrease in Utah. However, the Alabama experience is not shared by the other states. The percentage increases closest to Alabama's are increases of 37 percent in New Mexico and 36 percent in Hawaii. Similarly, Utah's experience is not closely shared by other states. Only Ohio with a 25 percent decrease has a proximate pattern. Hence, trends in individual states in civil appeals are varied, but these variances are not as great as in criminal appeals.

Percent Change in Mandatory Civil and Criminal Appeals in 29 Intermediate Appellate Courts, 1991 vs. 2000

| State | Percent Change 1991-2000 | |
|----------------|--------------------------|---------------|
| | Criminal Appeals | Civil Appeals |
| Idaho | 162% | 1% |
| Hawaii | 156 | 36 |
| Iowa | 132 | 5 |
| Kansas | 103 | 4 |
| Massachusetts | 78 | 19 |
| Colorado | 72 | -16 |
| Wisconsin | 60 | -5 |
| Connecticut | 44 | 5 |
| Missouri | 42 | -1 |
| Minnesota | 41 | -18 |
| North Carolina | 40 | 6 |
| Pennsylvania | 39 | 6 |
| Louisiana | 31 | 3 |
| Texas | 30 | 24 |
| Alabama | 19 | 82 |
| New Mexico | 17 | 37 |
| California | 15 | 17 |
| Ohio | 11 | -25 |
| Arkansas | 10 | 19 |
| Utah | 8 | -28 |
| Indiana | 6 | -5 |
| Kentucky | 1 | -13 |
| Illinois | -3 | 2 |
| Washington | -12 | 8 |
| Oregon | -21 | -2 |
| New York | -29 | 26 |
| Maryland | -32 | 33 |
| Arizona | -60 | -15 |
| Michigan | -77 | -13 |

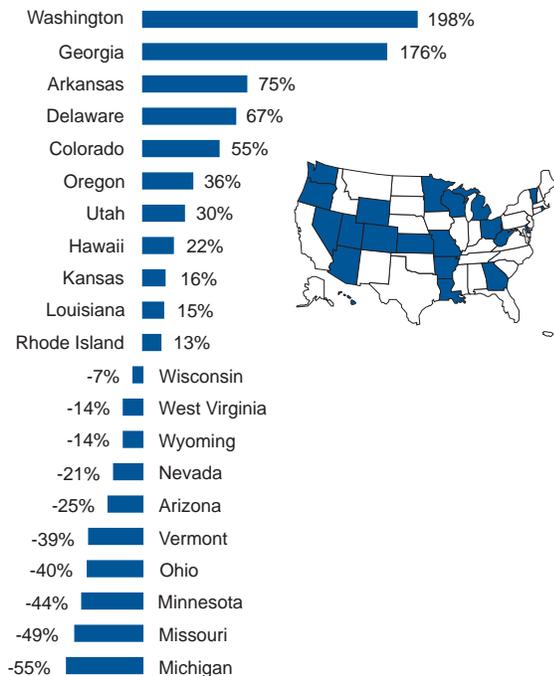
The number of applications for writs and original proceedings has increased nationally

Discretionary petitions for review and mandatory appeals are only part of the work of appellate courts. Appellate courts are also forums for the determination of applications for writs and other original proceedings. Most of these cases involve criminal matters filed by state prisoners, including applications for writs of habeas corpus, mandamus, and prohibition. However, they also can include civil applications for writs, involving election disputes and tax review, and so forth. These cases require both careful and timely deliberation.

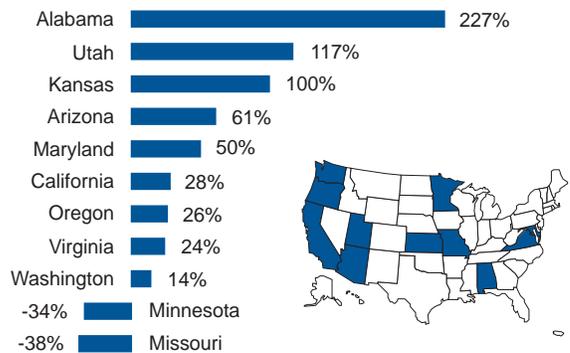
Applications for writs of habeas corpus involve challenges to trial court convictions and to the direct state appellate court reviews of those convictions. In filing applications for writs, prisoners contend that their convictions and sentences are invalid because their federal constitutional rights (e.g., the assistance of effective counsel, prohibition against racial discrimination) were violated. Upon completion of state habeas proceedings a prisoner can subsequently seek relief in federal court. Additionally, some of these cases are within the exclusive jurisdiction of an appellate court and there is no other way for a litigant to seek a remedy. As a result, they require prompt judicial action to avoid possible irreparable harm.

Data on writs and original proceedings are available for 21 state supreme courts and 11 intermediate appellate courts for the years 1991 and 2000. The data indicate that these cases are increasing in most appellate courts. Among supreme

Percent Change in Original Proceedings in 21 Courts of Last Resort, 1991 vs. 2000



Percent Change in Original Proceedings in 11 Intermediate Appellate Courts, 1991 vs. 2000



courts, writs and original proceedings have increased in 11 of the 21 states. A likely reason for the increase in the number of writs and original proceedings is growth in the state prisoner population during the 1990s and an increase in the number of prisoners serving sentences over five years. They have an incentive to file both challenges to their convictions and to their conditions of confinement.

State supreme courts grant about 13 percent of the discretionary petitions for review that are filed

Not all discretionary petitions for review are granted an opportunity for full briefing, oral argument, and an opinion. A major task for supreme courts is to decide what cases will be heard. Generally, courts will take only those cases that have implications for legal policy, present novel issues, involve conflicting decisions by lower courts, or involve egregious procedural errors.

The percentage of discretionary petitions granted in 2000 and the number of justices needed to grant review are shown in the table below. State supreme courts granted about 13 percent of the discretionary petitions considered in 2000.

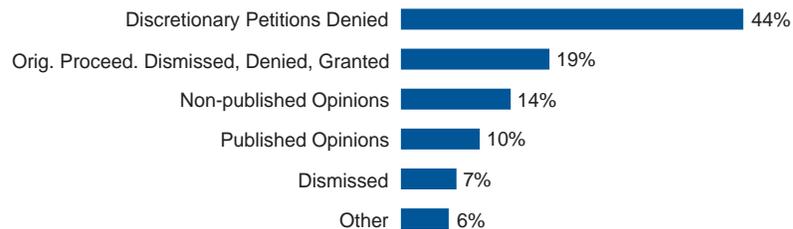
Discretionary Petitions Granted in 25 Courts of Last Resort, 2000

| State | Number of Petitions Filed | Number of Petitions Granted | Percent of Petitions Granted | Number of Justices Needed to Grant Review |
|----------------------------|---------------------------|-----------------------------|------------------------------|---|
| Majority | | | | |
| West Virginia | 3,029 | 1,773 | 59% | 3 of 5 |
| Hawaii | 79 | 34 | 43 | 3 of 5 |
| Arkansas | 453 | 117 | 26 | 4 of 7 |
| Nebraska | 247 | 60 | 24 | 4 of 7 |
| Louisiana | 3,378 | 351 | 10 | 4 of 7 |
| Missouri | 786 | 75 | 10 | 4 of 7 |
| Ohio | 1,735 | 134 | 8 | 4 of 7 |
| Idaho | 114 | 8 | 7 | 4 of 7 |
| New Mexico | 544 | 30 | 6 | 3 of 5 |
| New Jersey | 3,111 | 155 | 5 | 3 of 5 |
| Illinois | 2,245 | 102 | 5 | 4 of 7 |
| Georgia | 1,210 | 53 | 4 | 4 of 7 |
| Alaska | 194 | 5 | 3 | 4 of 7 |
| Minority | | | | |
| Maryland | 741 | 117 | 16 | 3 of 7 |
| Connecticut | 394 | 53 | 13 | 3 of 7 |
| Minnesota | 622 | 79 | 13 | 3 of 7 |
| Virginia | 2,878 | 257 | 9 | 1 of 3 |
| South Carolina | 1,066 | 95 | 9 | 2 of 5 |
| Tennessee | 989 | 83 | 8 | 2 of 5 |
| Texas Ct. of Crim. Appeals | 2,271 | 170 | 7 | 4 of 9 |
| Texas Supreme Court | 1,376 | 103 | 7 | 4 of 9 |
| North Carolina | 577 | 39 | 7 | 3 of 7 |
| District of Columbia | 45 | 2 | 4 | 1 of 9 |
| Rhode Island | 163 | 6 | 4 | 1 of 5 |
| Kansas | 1,087 | 27 | 2 | 3 of 7 |

*State supreme courts resolve cases in a variety of ways—
most commonly by denying discretionary petitions*

The following graph shows that the most common case resolution is denied discretionary petitions (44 percent). This pattern is expected as supreme courts have virtually exclusive discretionary jurisdiction over their caseloads. The next largest category (19 percent) of case resolutions includes original proceedings that have been dismissed, denied, or granted. These cases are applications for writs. Additionally, the data show that supreme courts do not render only published opinions. In fact, they render more unpublished opinions (14 percent) than published opinions (10 percent).

Manner of Disposition in 46 Courts of Last Resort, 2000



In the two-tiered appellate court systems, several state supreme courts render more unpublished opinions than published opinions. They include Alabama, Arizona, Arkansas, Hawaii, Kansas, Louisiana, Michigan, Minnesota, and New Jersey. This pattern is in contrast to conventional wisdom. Additionally, there are several courts where the number of published cases is only slightly greater than the number of unpublished cases. They include Kentucky and Wisconsin.

One explanation for the frequency of unpublished opinions is that supreme courts are not strictly legal policymaking bodies. They also perform the function of error correction. That is, they take cases that do not have policy significance, but that involve some sort of egregious procedural error that requires their attention. Because the decisions in these sorts of cases are of interest almost exclusively to the parties, the courts decide not to publish the decisions. Another contributing factor to the issuance of unpublished opinions is that they may be mandatory criminal cases. Because not all criminal cases involve issues of precedential value, courts frequently issue unpublished opinions in these cases.

Manner of Disposition in 46 Courts of Last Resort, 2000

| State | Number of Justices | Total Opinions | Published Opinions | | Non-Published Opinions |
|-------------------------------|--------------------|----------------|--------------------|------------|------------------------|
| | | | Total | Signed | |
| Alabama | 9 | 1,627 | 473 | 473 | 1,154 |
| Arizona | 5 | 1,281 | 34 | 34 | 1,247 |
| Arkansas | 7 | 657 | 304 | 246 | 353 |
| California | 7 | 123 | 123 | 123 | |
| Colorado | 7 | 93 | 93 | 93 | |
| Connecticut | 7 | 144 | 144 | 144 | |
| Delaware | 5 | 469 | 75 | 62 | 394 |
| District of Columbia | 9 | 1,906 | 386 | 386 | 1,520 |
| Georgia | 7 | 377 | 371 | 371 | 6 |
| Hawaii | 5 | 207 | 59 | 59 | 148 |
| Idaho | 5 | 142 | 139 | 139 | 3 |
| Illinois | 7 | 144 | 144 | 144 | |
| Indiana | 5 | 342 | 288 | 288 | 54 |
| Iowa | 9 | 251 | 210 | 210 | 41 |
| Kansas | 7 | 349 | 154 | 154 | 195 |
| Kentucky | 7 | 389 | 200 | 200 | 189 |
| Louisiana | 8 | 344 | 116 | 62 | 228 |
| Maine | 7 | 402 | 220 | 210 | 182 |
| Maryland | 7 | 180 | 149 | 128 | 31 |
| Massachusetts | 7 | 247 | 247 | 208 | 39 |
| Michigan | 7 | 218 | 83 | 50 | 135 |
| Minnesota | 7 | 148 | 54 | 46 | 94 |
| Mississippi | 9 | 282 | 282 | 282 | 0 |
| Missouri | 7 | 94 | 81 | 81 | 13 |
| Montana | 7 | 389 | 276 | 276 | 113 |
| Nevada | 5 | 2,083 | 141 | 141 | 1,942 |
| New Hampshire | 5 | 550 | 124 | 124 | 426 |
| New Jersey | 7 | 1,706 | 112 | 90 | 1,594 |
| New Mexico | 5 | 59 | 41 | 41 | 18 |
| New York | 7 | 159 | 103 | 97 | 56 |
| North Carolina | 7 | 140 | 101 | 60 | 39 |
| North Dakota | 5 | 246 | 246 | 210 | 36 |
| Ohio | 7 | 448 | 448 | 448 | |
| Pennsylvania | 7 | 284 | 190 | 190 | 94 |
| Puerto Rico | 7 | 285 | 145 | 84 | 140 |
| Rhode Island | 5 | 261 | 196 | 91 | 65 |
| South Carolina | 5 | 347 | 200 | 200 | 147 |
| South Dakota | 5 | 275 | 185 | 173 | 90 |
| Texas Supreme Court | 9 | 99 | 99 | 62 | 37 |
| Texas Ct. of Criminal Appeals | 9 | 569 | 569 | 162 | 407 |
| Utah | 5 | 146 | 101 | 101 | 45 |
| Vermont | 5 | 340 | 167 | 74 | 173 |
| Virginia | 7 | 220 | 159 | 157 | 61 |
| Washington | 9 | 105 | 105 | 105 | |
| West Virginia | 5 | 1,598 | 189 | 80 | 1,409 |
| Wisconsin | 7 | 215 | 112 | 112 | 103 |

Note: States in bold have no Intermediate Appellate Court.

PART II

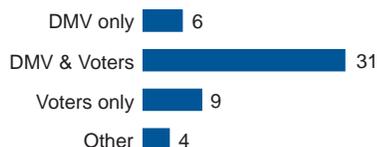
The Role of Juries in State Courts

Part II: The Role of Juries in State Courts

Introduction

Juries are a prominent part of our justice system. Yet, there are many features of the jury system that are not well understood—including how many jury trials are conducted in the state courts. From a practical viewpoint, jury service differs across states in many respects, including how the jury is impaneled, how many people sit on a jury, and jury outcomes. The purpose of Part II is to discuss the basics of jury service, present the results of jury outcomes in both civil and criminal trials, and to provide an estimate of the number of cases resolved by jury trial. The following pages draw on data and information from a variety of sources including the National Center for State Courts and various federal agencies.

State Source Lists for Juror Summons



Note: If there is variation within the state, the most common source is used.

Jury duty experiences vary by state

The goal of making juries representative of the community leads states to randomly select citizens from one or more broad-based source lists. Most states (31) use a combination of voter and Department of Motor Vehicle (DMV) records to summon potential jurors. Another nine states use only voter lists and six use only DMV records. Some states draw from other public record lists such as information from property taxes, unemployment or assistance records, or the state census. Six states use three or more sources to expand the list of potential jurors, and an equal number have permissive statutes that allow jurisdictions or counties within a state the option of choosing which lists are used, thereby creating procedural differences within a state.

Jury service entails some monetary compensation, though juror fees are typically low. Some states or localities (e.g., Wisconsin) compensate for parking, mileage, or meals, in addition to the general state juror fee. According to *State Court Organization, 1998* (BJS, 2000), 10 states increase fees for those who serve on long trials, relative to those who report, but are not selected, for jury duty.

States vary in whether they require employer compensation for jury duty. Five states mandate that an employer continue to pay salary and benefits when an employee reports for jury duty. Colorado does not pay jury fees for less than three days of service, but requires the employer to reimburse the juror. However, the Colorado court does provide monetary compensation for unemployed individuals on jury duty. Most states have statutes that prohibit employers from retaliating against employees who miss work for jury service.

Daily Juror Fees and Exemptions from Jury Duty

| State | Daily Rate for First Day Serving | Automatic Exemptions |
|----------------------|-------------------------------------|----------------------|
| New Mexico | \$ 41.20 ^a | N |
| New York | 40.00 ^b | N |
| Nebraska | 35.00 | Y |
| Hawaii | 30.00 | Y |
| Minnesota | 30.00 | Y |
| Vermont | 30.00 | N |
| Virginia | 30.00 | Y |
| Wyoming | 30.00 ^c | Y |
| Texas* | 28.00 | Y |
| Alaska | 25.00 | Y |
| Mississippi | 25.00 | N |
| Montana | 25.00 | N |
| North Dakota | 25.00 | N |
| Ohio | 25.00 | — |
| Arkansas | 20.00 | N |
| Delaware | 20.00 | N |
| Georgia* | 20.00 | Y |
| Idaho | 20.00 | N |
| New Hampshire | 20.00 | Y |
| Oklahoma | 20.00 | Y |
| Puerto Rico | 20.00 | Y |
| Louisiana* | 18.50 | N |
| Utah | 18.50 ^d | N |
| Washington* | 17.50 | N |
| Wisconsin | 16.00 | N |
| Florida | 15.00 ^e | Y |
| Indiana | 15.00 ^d | Y |
| Maryland* | 15.00 | Y |
| Michigan | 15.00 | N |
| Nevada | 15.00 ^e | Y |
| Rhode Island | 15.00 | Y |
| West Virginia | 15.00 | N |
| Kentucky | 12.50 | N |
| Arizona | 12.00 | N |
| North Carolina | 12.00 ^e | N |
| Alabama | 10.00 | N |
| South Dakota | 10.00 ^d | Y |
| Iowa | 10.00 | N |
| Kansas | 10.00 | Y |
| Maine | 10.00 | Y |
| Oregon | 10.00 | N |
| Tennessee | 10.00 | Y |
| Illinois* | 9.75 | N |
| Pennsylvania | 9.00 ^e | Y |
| South Carolina* | 7.00 | Y |
| Missouri | 6.00 | Y |
| New Jersey | 5.00 ^d | Y |
| California | 0.00 ^e | N |
| Colorado | 0.00 ^{bd} | N |
| District of Columbia | 0.00 ^{bd} | N |
| Connecticut | 0.00 ^{bd} | Y |
| Massachusetts | 0.00 ^{bd} | N |
| Federal | 40.00 ^e | Y |

* Fees were an average of the minimum and maximum reported.

a State simply reported "varies by county."

b Employer pays fees as specified by state statute (unemployed jurors also compensated).

c State increases the fee by less than \$30.00 after a set period of time.

d State increases the fee by \$30.00 or more after a set period of time.

e Daily rate was calculated assuming an eight-hour day paid at minimum wage of \$5.15/ hour.

Historically low jury fees have recently been raised in a number of states. For example, New York recently increased jury pay from \$15 a day to \$40 a day. The highest rate is found in New Mexico, which pays \$41.20 for an eight-hour day. This rate exceeds the current rate for federal jurors of \$40 per day.

The previous table shows juror pay by state. The average pay for jurors for less than five days of service is \$18.53 per day. After five days, the average amount increases to \$24.26 per day. If jury fees vary by county, the average is reported and denoted by an asterisk next to the state name. For instance, South Carolina ranges between \$2 and \$12 per day and Georgia ranges from \$5 to \$35.

Reforming the structure of the jury: size and unanimity requirements

To reduce costs, state and federal courts instituted two major reforms to the structure of the jury itself: reducing the size of the jury from 12 to as few as six, and permitting more non-unanimous verdicts for some types of cases. Thirty-eight state courts have reduced the size of civil juries to six, seven, eight, or 10 persons. Seven states provide reduced juries in felony trials and 33 in misdemeanor trials. The reforms were intended to reduce jury system costs without affecting the validity or reliability of jury verdicts. Yet in civil cases, six-person juries appear to be less predictable and damage awards more variable, perhaps due to the altered dynamics of jury deliberations. Non-unanimous verdicts have been adopted by 34 states for civil trials. Although non-unanimous verdicts were held to be constitutional in criminal cases, only Oregon and Louisiana permit them for felony trials, despite concerns over hung juries. Specific state court verdict rules and jury sizes can be found in *State Court Organization, 1998*.

The Civil Jury

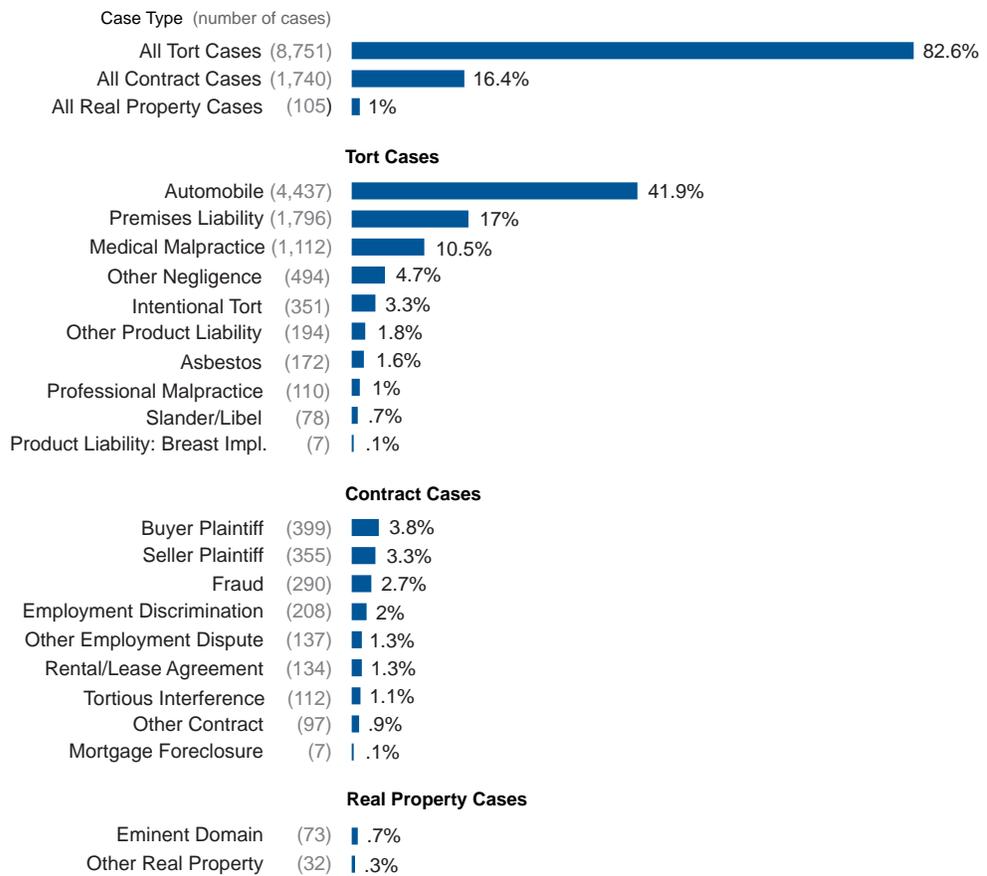
Despite considerable interest in civil cases, civil trials, and their outcomes, little empirical data have historically been collected to enlighten the discussion. Most information has been anecdotal, based on small-scale studies or headlines. For this reason, the National Center for State Courts (NCSC) and the Bureau of Justice Statistics (BJS) undertook the first Civil Trial Court Network Project (CTCN I) in 75 of the nation's largest counties in 1992. The goal of the project was to gather comprehensive case-level general civil data regarding, among other things, the types of tort, contract, and real property cases disposed, types of parties involved in the litigation, manner of disposition, and the amounts awarded by juries.

The second iteration of the project (CTCN II) collected data for cases disposed of in 1996 from the same counties but concentrated exclusively on general civil jury and bench trials. The following analyses, drawing on data from CTCN II, focus on tort and contract cases resolved by jury trial. It is important to note that trials that culminated in a directed verdict or a judgment notwithstanding the verdict, and jury trials for defaulted defendants were excluded from the analysis.

Four of five general civil jury trials are tort cases; half of tort jury trials involve autos

Of the general civil cases disposed of by a jury trial in 1996, over four-fifths (82.6 percent) involved tort claims. Contract disputes accounted for all but 1 percent of the remaining trial caseload. As the bar chart below indicates, automobile liability claims constituted the largest segment of general civil trials—nearly 42 percent of all trials and slightly more than one-half of all tort trials. About one in 10 jury trials involved medical malpractice. Perhaps most surprising, given their notoriety, is the relatively small number of jury trials involving product liability claims (3.5 percent). Cases involving a dispute over the collection of a debt (seller plaintiff) or the failure of a seller to make good on a promise of delivery (buyer plaintiff) together constituted about 43 percent of all contract disputes.

Composition of Plaintiff Claims in General Civil Jury Trials in 75 of the Nation's Largest Counties, 1996

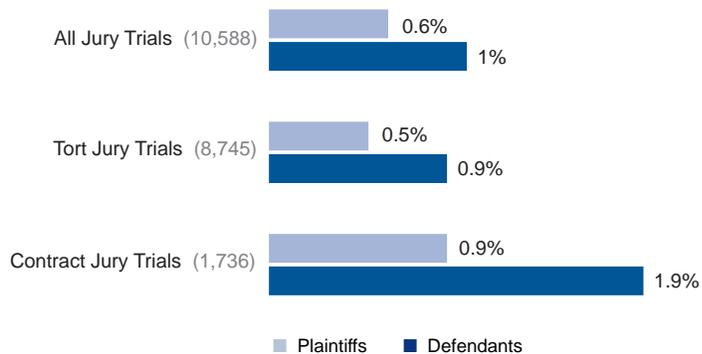


Pro se representation is extremely rare in civil jury trials

More people want to handle their cases without legal representation (*pro se*). This is particularly true for cases such as divorce or small claims. However, in general civil cases resolved by jury trial, only 1 percent involved a *pro se* defendant and less than 1 percent involved a *pro se* plaintiff. The largest proportion of *pro se* litigants are found in contract cases, where almost 2 percent of defendants were unrepresented.

Attorneys often represent plaintiffs in tort cases on a contingency basis, meaning they collect no fee unless they successfully litigate the case. Moreover, most people and businesses carry some type of liability insurance (e.g., automobile or business insurance) that covers the cost of legal counsel, partially explaining the scarcity of *pro se* litigants in tort cases. In contrast, many contract cases involve disputes between a buyer and seller where there is no insurance company or third party willing to pay the attorney fees. These factors likely contribute to the greater proportion of *pro se* litigants in contract disputes.

Percent of General Civil Jury Trials with Known Pro Se Litigants in 75 of the Nation's Largest Counties, 1996



Who wins tort and contract trials?

Central to the discussion of civil jury trials, and a piece of information that is crucial to whether a litigant decides to seek a jury trial, is the likelihood of prevailing. The table below shows how well plaintiffs fared in tort and contract jury trials. Overall, plaintiffs won slightly less than half the time (49 percent). Plaintiffs fared less well in tort cases (48 percent) than they did in contract cases, where the rate of success was about 56 percent.

Individual case type categories on this table are sorted according to the plaintiff win rate. The win rate for plaintiffs in tort cases ranged from a high of 57.3 percent in motor vehicle trials to a low of 23 percent in medical malpractice cases. Plaintiff success rates in contract cases ranged from nearly 86 percent in mortgage foreclosure cases to 47 percent in rental/lease agreement cases.

Plaintiff Win Rates in Tort and Contract Jury Trials in 75 of the Nation's Largest Counties, 1996

| Case Type | Number of Cases | Plaintiff Win Rate |
|---------------------------------|-----------------|--------------------|
| All Tort and Contract Cases | 10,491 | 49% |
| Tort Cases | 8,751 | 48% |
| Automobile | 4,437 | 57% |
| Intentional Tort | 352 | 56% |
| Asbestos | 172 | 55% |
| Other Negligence | 495 | 52% |
| Premises Liability | 1,796 | 38% |
| Professional Malpractice | 110 | 36% |
| Slander/Libel | 78 | 36% |
| Product Liability: Breast Impl. | 6 | 33% |
| Other Product Liability | 194 | 31% |
| Medical Malpractice | 1,112 | 23% |
| Contract Cases | 1,740 | 56% |
| Mortgage Foreclosure | 7 | 86% |
| Tortious Interference | 112 | 67% |
| Seller Plaintiff | 355 | 65% |
| Other Contract Dispute | 98 | 60% |
| Fraud | 290 | 58% |
| Other Employment Dispute | 137 | 53% |
| Buyer Plaintiff | 400 | 49% |
| Employment Discrimination | 208 | 48% |
| Rental/Lease Agreement | 134 | 47% |

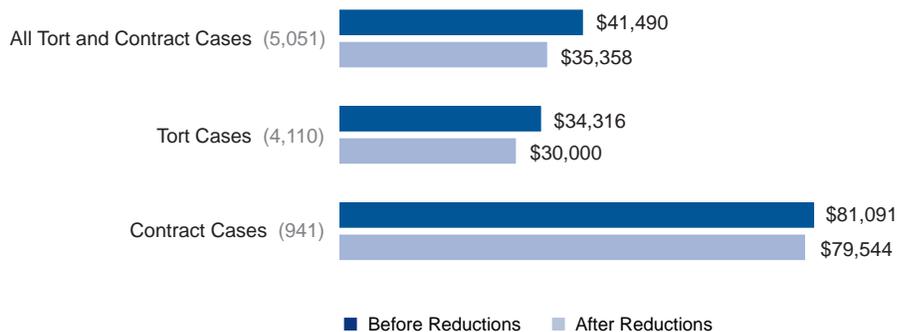
Awards in tort jury trials are modest

More than 5,000 tort and contract jury trials ended with an award to a prevailing plaintiff in the nation's 75 largest counties in 1996 and over 81 percent of those successful plaintiffs were involved in tort trials. Median jury awards (the amount at which half of the awards are higher and half are lower) provide a benchmark for examining civil trial compensation. The following graphic shows median jury awards to prevailing plaintiffs in tort and contract trials before and after any reductions.

Jury awards may be reduced for a number of reasons. In tort cases, the primary reason is contributory negligence on the part of the plaintiff. Most states allow an award reduction by the court if the plaintiffs have in any way contributed to their injury. Contract cases, where reductions are rare, are most often reduced because the parties settled some part of the dispute prior to trial. The overall reduction rate for all cases was about 15 percent. This figure was clearly driven by a reduction rate of 13 percent in tort cases.

The post-reduction median award for all tort and contract jury trials was \$35,358. The median award in tort jury trials was \$30,000 and the median award in contract cases was just in excess of \$79,500.

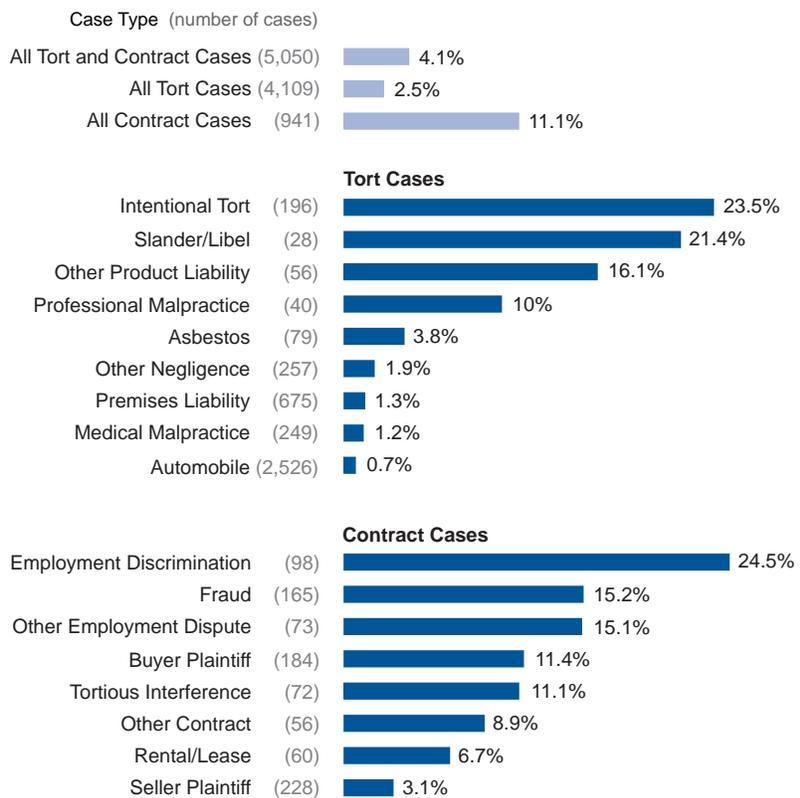
Median Awards to Plaintiff Winners in Jury Trials (Before and After Reductions) in 75 of the Nation's Largest Counties, 1996



Punitive damages are awarded to about 4 percent of plaintiff winners

Punitive damages generally result from tort claims alleging that the defendant's conduct was intentional or grossly negligent. When punitive damages are awarded in a contract case, the principal claim is breach of contract, but there is typically an additional claim of fraud or intent. Punitive damages were awarded to only 2.5 percent of plaintiff winners in tort jury trials. The most common type of tort trials (automobile, premises liability, and medical malpractice) produced few punitive awards. Punitive damages were awarded to prevailing plaintiffs most frequently in intentional tort (23.5 percent) and slander/libel (21.4 percent) trials. Asbestos cases, the most common type of product liability suit, produced relatively few punitive awards (3.8 percent) compared to other product liability cases (16.1 percent).

Percent of Tort and Contract Jury Trials with a Punitive Award for Plaintiff Winners in 75 of the Nation's Largest Counties, 1996



More than one in 10 plaintiff winners in contract jury trials was awarded punitive damages. Employment discrimination cases, which, by definition, include an associated tort claim, produced the largest percentage of punitive damage awards among contract trials at 24.5 percent. Fraud cases—which in the civil arena are torts that arise almost exclusively in contract/commercial relations—and other employment disputes each resulted in about 15 percent of prevailing plaintiffs receiving a punitive award. Seller plaintiff cases, the most common type of contract trial, generated the smallest percentage of punitive awards (3.1 percent).

Case processing time is shortest in automobile accident trials and longest in product liability cases

Delay can often increase the cost of litigation, threaten the quality of evidence, and erode public confidence in the courts. The adjacent figure shows the median number of days from filing to verdict in tort and contract jury trials. Among tort jury trials, automobile cases reached a verdict in the shortest amount of time (583 days). Asbestos, breast implant, and other product liability cases, types of torts that typically involve more complicated legal matters and a greater number of litigants, took a median of 1,506, 1,177, and 903 days, respectively, to reach disposition, but together comprised 4.3 percent of the tort caseload.

In contrast to tort jury trials, time to disposition in contract jury trials does not vary as widely by case type. In fact, only 156 days separate the shortest contract trials from the longest, as compared to 923 days in tort trials. The median number of days from filing to verdict ranged from 576 in rental/lease agreements to 732 and 721 days, or roughly two years, in other contract and fraud cases, respectively. The two most common contract trials were seller and buyer plaintiff cases, together comprising 43.3 percent of the contract jury trial caseload, and each taking approximately 660 days to reach a verdict.

**Median Time to Disposition (in Days)
in Jury Trials, 1996**

| Case Type | Median Days |
|-----------------------------------|-------------|
| All Tort and Contract Cases | 671 |
| All Tort Cases | 668 |
| All Contract Cases | 686 |
| Tort cases | |
| Asbestos | 1,506 |
| Product Liability, Breast Implant | 1,177 |
| Other Product Liability | 903 |
| Medical Malpractice | 888 |
| Professional Malpractice | 780 |
| Premises Liability | 742 |
| Other Negligence | 724 |
| Slander/Libel | 711 |
| Intentional Tort | 693 |
| Automobile | 583 |
| Contract cases | |
| Other Contract | 732 |
| Fraud | 721 |
| Employment Discrimination | 717 |
| Tortious Interference | 708 |
| Other Employment Dispute | 669 |
| Seller Plaintiff | 665 |
| Buyer Plaintiff | 658 |
| Rental/Lease | 576 |

The Criminal Jury

Much of the data available on criminal jury trials were collected through the Bureau of Justice Statistics *National Judicial Reporting Program (NJRP)*. The most recent findings are published in the BJS Bulletin *Felony Sentences in State Courts, 1998*. NJRP survey data were obtained from samples drawn every two years beginning in 1988. The 1998 survey was based on a sample of 344 counties (out of the nation's approximately 3,100 counties) selected to be nationally representative. The 1998 survey excluded federal courts and those state or local courts that did not adjudicate adult felony cases.

Jury trials, as well as bench trials, are relatively rare occurrences in state criminal courts, although they consume significant judicial resources. The data below show jury trials and bench trials each accounting for 3 percent of the convictions in felony cases—the remaining 94 percent of the cases are convicted by guilty pleas. As expected, trial rates are higher for more serious offenses such as sexual assault, robbery, and assault. Trial rates are highest for murder cases, where the jury trial rate approaches 40 percent.

Type of Convictions in State Courts, 1998

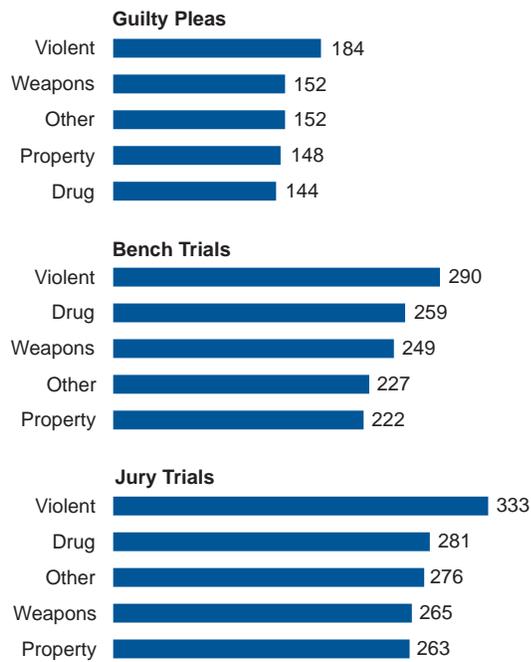
| Offense Group | Percent Convicted by: | | |
|--------------------------------|-----------------------|------------|-------------|
| | Guilty Plea | Jury Trial | Bench Trial |
| Property Offenses | 96% | 2% | 2% |
| Drug Offenses | 95 | 2 | 3 |
| Violent Offenses | 87 | 9 | 4 |
| Other Offenses | 96 | 2 | 2 |
| All Offenses | 94 | 3 | 3 |
| Most Serious Conviction | | | |
| Drug Trafficking | 95 | 2 | 3 |
| Larceny | 95 | 2 | 3 |
| Drug Possession | 95 | 2 | 3 |
| Burglary | 96 | 2 | 2 |
| Aggravated Assault | 90 | 7 | 3 |
| Fraud/Forgery | 96 | 1 | 3 |
| Robbery | 88 | 8 | 4 |
| Weapons | 93 | 4 | 3 |
| Other Violent | 93 | 5 | 2 |
| Sexual Assault | 86 | 11 | 3 |
| Murder/Manslaughter | 55 | 38 | 7 |

Note: Data on type of conviction (trial vs. guilty plea) were available on 598,996 cases.
Source: *Felony Sentences in State Courts, 1998*. U.S. Department of Justice, Bureau of Justice Statistics.

Jury sentences are rendered almost 9 months after defendants' arrests

Many factors affect the time from arrest to sentencing, including case backlogs, continuances, and preparation of court documents. How cases are disposed, by trial versus guilty plea, also has a significant impact on case processing time. The bars show which felony offenses take longest to process from arrest to sentencing, comparing jury and bench trials to guilty pleas. Regardless of disposition method, violent offenses take longest to process on average, ranging from a median 333 days in jury trials to 184 days for defendants who plead guilty.

Time Between Arrest and Sentencing for Felony Cases Disposed by State Courts, 1998
(Median time in days)



Note: Data on time to dispose of felonies were available for 356,822 cases.

Source: Felony Sentences in State Courts, 1998. U.S. Department of Justice, Bureau of Justice Statistics.

Jurors are responsible for deciding capital cases in 38 states

The table below shows which states allow juries to sentence in capital cases. Also shown are the states with unanimous decision rules and whether the judge can alter a jury's recommended sentence. Virtually all states require unanimous decisions by the jury in capital cases. Exceptions are found in Delaware and Florida, where a judge sets the sentence with the jury's recommendation. In about half of the states with the death penalty (18 of 38 states), the judge either sentences the defendant or has the ability to alter the sentence set by the jury.

Jury Participation in Capital Case Sentencing

| State | Sentence Set By: | Capital Cases | |
|------------------------|-----------------------------|-------------------------|----------------------|
| | | Unanimous Jury Required | Judge Alter Sentence |
| Alabama | Judge w/jury recommendation | X | X |
| Arizona | Judge | | |
| Arkansas | Jury | X | X |
| California | Jury | X | X |
| Colorado | 3-judge panel | | |
| Connecticut | Jury | X | |
| Delaware | Judge w/jury recommendation | | X |
| Florida | Judge w/jury recommendation | | X |
| Georgia | Judge w/jury recommendation | X | X |
| Idaho | Trial judge—no jury input | | |
| Illinois | Jury | X | |
| Indiana | Judge w/jury recommendation | X | X |
| Kansas | Jury | X | X |
| Kentucky | Judge w/jury recommendation | X | X |
| Louisiana ¹ | Jury | X | |
| Maryland | Jury | X | |
| Mississippi | Jury | X | |
| Missouri | Jury or judge | X | |
| Montana | Trial judge—no jury input | | |
| Nebraska | Trial judge—no jury input | | |
| Nevada | Jury | X | |
| New Hampshire | Jury | X | |
| New Jersey | Jury | X | |
| New Mexico | Jury or trial judge | X | |
| New York | Jury | X | |
| North Carolina | Jury | X | |
| Ohio | Trial judge—no jury input | | |
| Oklahoma | Jury | X | X |
| Oregon | Jury | X | |
| Pennsylvania | Jury | X | |
| South Carolina | Jury | X | X |
| South Dakota | Jury | X | |
| Tennessee | Jury | X | |
| Texas ² | Jury | X | |
| Utah | Jury | X | |
| Virginia | Jury | X | X |
| Washington | Jury | X | |
| Wyoming | Jury | X | |

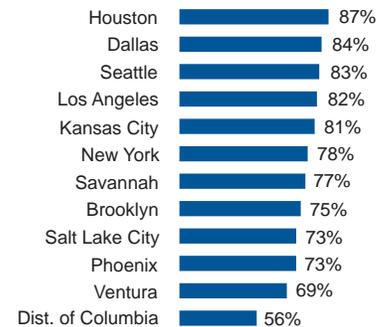
¹Louisiana is the only state with a combined sentencing/verdict hearing (non-capital).

²Texas is the only state in which a jury gives the sentence and a judge cannot alter the sentence (non-capital).

Juries convict defendants in criminal cases approximately 75 percent of the time

The Court Statistics Project (CSP), with cooperation from the National Association for Court Management (NACM), began collecting data in 1993 from large urban trial courts interested in comparing their felony caseloads and workloads with other trial courts. The “NACM Network” comprises 25 courts from around the country. Twelve of the NACM jurisdictions were able to provide comparable information on jury conviction rates for 1999. The conviction rates ranged from 56 percent in the District of Columbia to 87 percent in Houston, Texas. These figures are consistent with recently released national averages that show conviction rates hovering around 68 percent (see BJS, *Felony Defendants in Large Urban Courts, 1998*).

Jury Conviction Rates in 12 Cities, 1999



Hung jury rates vary, but remain low in state courts

Policymakers have expressed concern for the apparent increase in hung jury rates. Suspicion of eccentric or nullifying holdout jurors prompted suggestions designed to reduce the number of hung juries, such as altering the decision rule to allow non-unanimous verdicts. The National Center for State Courts, with funding from the National Institute of Justice, examined reported rates of hung juries in state and federal courts. The data displayed in the adjacent table average the hung jury rates for three years (1996-1998). Since participating states are not subject to uniform reporting guidelines, rankings of the counties cannot be made accurately. The overall average hung jury rate for the 28 jurisdictions was 6.2 percent. This is only slightly higher than the last comprehensive study on hung juries (reporting 5.5 percent) by Kalven and Zeisel in 1966. Generally, the rates are low, with three-fourths of the cities listing hung jury rates below 8 percent. Oakland County, Michigan and Pinellas County, Florida reported rates 2 percent or below. Only four sites had rates above 10 percent: Alameda, and Los Angeles, California; Shelby, Tennessee; and Travis, Texas.

Average Rates of Hung Jury Trials, 1996-1998

| County | State | Average 1996-1998 |
|----------------------------|-------|-------------------|
| Pima | AZ | 5.1% |
| Alameda ¹ | CA | 11.3 |
| Fresno | CA | 8.0 |
| Los Angeles ² | CA | 14.8 |
| Riverside | CA | 8.9 |
| San Francisco ¹ | CA | 4.2 |
| Pinellas | FL | 2.0 |
| Macomb | MI | 3.0 |
| Oakland | MI | 1.5 |
| Wayne | MI | 6.6 |
| Hennepin | MN | 2.7 |
| St. Louis | MO | 3.9 |
| Middlesex | NJ | 6.4 |
| Bronx ³ | NY | 5.0 |
| Erie ³ | NY | 5.4 |
| Kings ³ | NY | 5.8 |
| Monroe ³ | NY | 3.8 |
| Nassau ³ | NY | 3.3 |
| New York ³ | NY | 9.0 |
| Queens ³ | NY | 5.2 |
| Suffolk ³ | NY | 4.3 |
| Westchester ³ | NY | 5.7 |
| Philadelphia | PA | 3.0 |
| Shelby | TN | 14.0 |
| Dallas | TX | 6.3 |
| Harris | TX | 7.3 |
| Travis | TX | 11.1 |
| Pierce | WA | 5.0 |

¹ Based on 1998 data only.

² Based on Jan. 1996 – June 1998 data only.

³ Based on Jan. 1998 – June 1999 data only.

Approximately 88,000 jury trials were held nationwide in 1999

It is estimated that approximately 88,000 jury trials were held in state courts in 1999. Because the number of jury trials is not systematically collected or reported on a national basis, it is necessary to estimate the total.

The number of general civil jury trials was reported by 22 states. The number for the remaining 29 states (excluding Puerto Rico where no civil jury trials are held) was estimated using the number of tort filings, the number of general civil jury trials (when reported) and the U.S. Census Bureau's reported population. These estimates were verified using numbers reported in the CTCN Project by expanding the county numbers proportionately to the entire state. For felonies, 33 states reported the number of jury trials. Estimates were derived in the other 19 states using the number of reported felony dispositions and the U.S. Census Bureau's population estimate. All estimated numbers were rounded to the nearest multiple of 25. The tables below and on the following page are estimates of the number of general civil and felony jury trials held in 1999 nationwide.

33,125 General Civil Jury Trials Estimated, 1999

| Reported | | Estimated | |
|----------------------|-------|----------------|-------|
| California | 2,993 | New York | 1,750 |
| Florida | 1,847 | Pennsylvania | 1,725 |
| Texas | 1,644 | Virginia | 1,525 |
| Missouri | 738 | Illinois | 1,225 |
| Tennessee | 657 | New Jersey | 1,200 |
| Massachusetts | 628 | Ohio | 1,075 |
| Arizona | 608 | Michigan | 1,025 |
| North Carolina | 603 | Connecticut | 925 |
| Washington | 579 | Georgia | 900 |
| Minnesota | 549 | Maryland | 875 |
| Kentucky | 542 | Indiana | 825 |
| Oregon | 542 | Alabama | 800 |
| Louisiana | 517 | Wisconsin | 550 |
| Iowa | 342 | South Carolina | 475 |
| District of Columbia | 321 | Oklahoma | 425 |
| Arkansas | 300 | Colorado | 375 |
| West Virginia | 276 | Nevada | 375 |
| Kansas | 229 | Mississippi | 350 |
| Maine | 163 | New Mexico | 300 |
| South Dakota | 158 | Nebraska | 275 |
| Rhode Island | 142 | Utah | 250 |
| Idaho | 65 | New Hampshire | 200 |
| | | Hawaii | 200 |
| | | Montana | 200 |
| | | Delaware | 200 |
| | | Vermont | 175 |
| | | Alaska | 175 |
| | | North Dakota | 150 |
| | | Wyoming | 150 |

On average, 10 jurors serve on civil jury panels and 12 on felony jury panels. Thus, approximately 312,000 civil jurors and 619,000 felony jurors served in 1999. This is a total of just under a million jurors per year nationwide. Additionally, many more citizens report for jury duty only to leave without serving. Citizens reporting for jury duty play an important role in the justice system, as the jury embodies the essence of participatory democracy.

54,625 Felony Jury Trials Estimated, 1999

| Reported | | Estimated | |
|----------------------|-------|----------------|-------|
| California | 5,793 | Illinois | 2,300 |
| Florida | 4,494 | North Carolina | 1,800 |
| Texas | 3,743 | Georgia | 1,625 |
| New York | 2,749 | Maryland | 1,000 |
| Pennsylvania | 2,627 | Arizona | 925 |
| Virginia | 2,299 | Wisconsin | 900 |
| Ohio | 1,680 | Louisiana | 850 |
| Michigan | 1,680 | Massachusetts | 825 |
| Washington | 1,670 | Colorado | 775 |
| New Jersey | 1,598 | South Carolina | 750 |
| Alabama | 1,410 | Connecticut | 675 |
| Indiana | 1,240 | Mississippi | 525 |
| Tennessee | 1,172 | Utah | 400 |
| Kentucky | 801 | Nevada | 350 |
| Arkansas | 776 | Nebraska | 325 |
| Minnesota | 705 | New Hampshire | 175 |
| Oklahoma | 654 | Montana | 150 |
| Missouri | 615 | Rhode Island | 150 |
| Kansas | 612 | North Dakota | 75 |
| Oregon | 514 | | |
| District of Columbia | 480 | | |
| Maine | 357 | | |
| Iowa | 346 | | |
| New Mexico | 309 | | |
| Puerto Rico | 286 | | |
| Idaho | 274 | | |
| Hawaii | 265 | | |
| West Virginia | 228 | | |
| Delaware | 205 | | |
| Alaska | 172 | | |
| South Dakota | 137 | | |
| Wyoming | 93 | | |
| Vermont | 59 | | |

APPENDIX

Court Statistics Project Methodology

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

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

Examining the Work of State Courts, 2001 and *State Court Caseload Statistics, 2001* are intended to enhance the potential for meaningful state court caseload comparisons. Because there are 50 states and thus 50 different state court systems, the biggest challenge is to organize the data for valid state-to-state comparison among states and over time. The COSCA/NCSC approach also highlights some aspects that remain problematic for collecting comparable state court caseload data.

A discussion of how to use state court caseload statistics, a complete review of the data collection procedures, and the sources of each state's 2000 caseload statistics are provided in the companion volume to this report, *State Court Caseload Statistics, 2001*.

State Court Caseload Statistics, 2001

The analysis presented in *Examining the Work of State Courts, 2001* is derived in part from the data found in *State Court Caseload Statistics, 2001*. The information and tables found in this latter volume are intended to serve as a detailed reference on the work of the nation's state courts. *State Court Caseload Statistics, 2001* is organized in the following manner:

State Court Structure Charts display the overall structure of each state court system on a one-page chart. Each state's chart identifies all the courts in operation in that state during 2000, describes their geographic and subject matter jurisdiction, notes the number of authorized judicial positions, indicates whether funding is primarily local or state, and outlines the routes of appeal between courts.

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

2000 State Court Caseload Tables contain detailed information from the nation's state courts. Six tables detail information on appellate courts, and an additional six tables contain data on trial courts (Tables 1-12). Tables 13-16 describe trends in the volume of case filings and dispositions for the period 1991-2000. These displays include trend data on mandatory and discretionary cases in state appellate courts and felony and tort filings in state trial courts over the past 10 years. The tables also indicate the extent of standardization in the data for each state. The factors that most strongly affect the comparability of caseload information across the states (for example, the unit of count) are incorporated into the tables. Footnotes explain how a court system's reported caseloads conform to the standard categories for reporting such information recommended in the *State Court Model Statistical Dictionary, 1989*. Caseload numbers are noted as incomplete in the types of cases represented, as overinclusive, or both. Statistics without footnotes are in compliance with the *Dictionary's* standard definitions.

The NCSC Court Statistics Project

The Court Statistics Project can provide advice and clarification on the use of the statistics from this and previous caseload reports. Project staff can also provide the full range of information available from each state. The prototype data spreadsheets used by project staff (displayed in the appendix of *State Court Caseload Statistics, 2001*) reflect the full range of information sought from the states. Most states provide far more detailed caseload information than can be presented in project publications. Information from the CSP is also available on the World Wide Web at <http://www.ncsc.dni.us/divisions/research/csp/csp-index.html>.

Comments, suggestions, and corrections from users of *Examining the Work of State Courts, 2001*, *State Court Caseload Statistics, 2001* and the *Caseload Highlights* series are encouraged, and can be sent to:

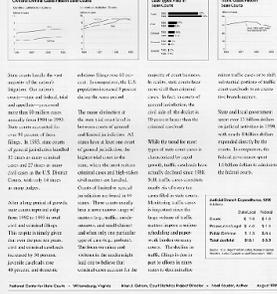
Director, Court Statistics Project
National Center for State Courts
300 Newport Avenue (Zip 23185)
P.O. Box 8798
Williamsburg, VA 23187-8798
Phone: (757) 253-2000
Fax: (757) 220-0449
<http://www.ncsc.dni.us/RESEARCH/CSP/CSPFORM.HTM>

The Caseload Highlights Series

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

National State Court Caseload Trends, 1984-1993



Vol. 1 No. 1: National State Court Caseload Trends, 1984-1993

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

National Criminal Justice Measures Affecting State Courts

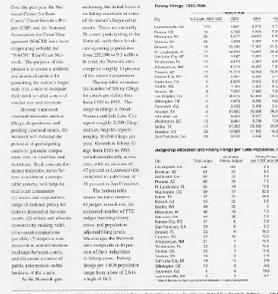


Vol. 2 No. 1: National Criminal Justice Measures Affecting State Courts

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

Findings From the National Trial Court Network



Vol. 2 No. 2: Findings From the National Trial Court Network

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

A Taxonomy of Appellate Court Organization

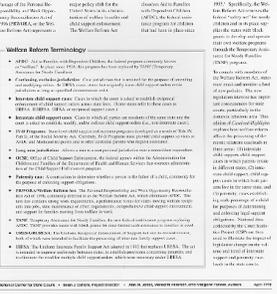


Vol. 3 No. 1: A Taxonomy of Appellate Court Organization

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

Welfare Reform and the Domestic Relations Caseload



Vol. 4 No. 1: Welfare Reform and the Domestic Relations Caseload

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

Prisoner Litigation in Relation to Prisoner Population



Vol. 4 No. 2: Prisoner Litigation in Relation to Prisoner Population

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

Drug Crime: The Impact on State Courts



Vol. 5 No. 1: Drug Crime: The Impact on State Courts

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

Tracking and Understanding Family Violence Caseloads



Vol. 5 No. 2: Tracking and Understanding Family Violence Caseloads

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

Trends in Juvenile Violent Crime



Vol. 6 No. 1: Trends in Juvenile Violent Crime

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

A Renewed Interest in Low-Level Crime

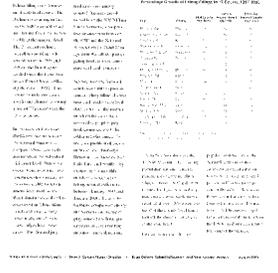


Vol. 6 No. 2: A Renewed Interest in Low-Level Crime

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

Profiling Felony Cases in the NACM Network

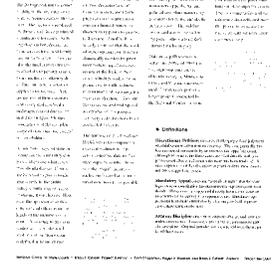


Vol. 7 No. 1: Profiling Felony Cases in the NACM Network

CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF STATE COURTS

Caseload and Timeliness in State Supreme Courts



Vol. 7 No. 2: Caseload and Timeliness in State Supreme Courts

For downloadable versions of the above issues, please visit our web page at www.ncsc.dni.us/divisions/research/csp/highlites.html.

The National Center for State Courts



MAIN OFFICE
300 Newport Avenue (23185)
P. O. Box 8798
Williamsburg, VA 23187-8798
Phone: 757-253-2000
Fax: 757-220-0449
TTY: 757-259-1846

DENVER OFFICE
1331 Seventeenth Street, Suite 402
Denver, CO 80202-1554
Phone: 303-293-3063
Fax: 303-296-9007

WASHINGTON AREA OFFICE
2425 Wilson Boulevard, Suite 350
Arlington, VA 22201
Phone: 703-841-0200
Fax: 703-841-0206

The National Center for State Courts is an independent, nonprofit, tax-exempt organization in accordance with Section 501(c)(3) of the Internal Revenue code. To find out about supporting the work and mission of The National Center, contact The National Center's Development Office at 1-800-616-6110, or development@ncsc.dni.us