

EXAMINING THE WORK OF STATE COURTS

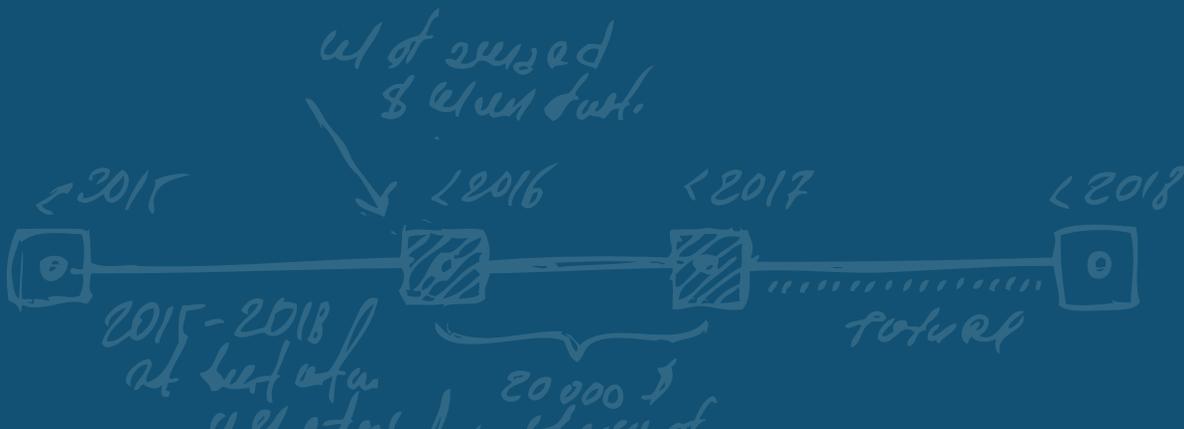
AN OVERVIEW of 2013 STATE COURT CASELOADS

Court Statistics Project
National Center for State Courts



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*A joint project of the Conference of State Court
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Reporting Excellence Awards

Each year the Court Statistics Project (CSP) recognizes states that have taken the time and applied the resources necessary to improve the quantity and quality of their reported caseload data. This year the CSP would like to recognize states that have improved the number of case types and status categories reported as well as states that have sustained excellent reporting over multiple years.

Alaska – First Award

Alaska was the first state to submit caseload data through an XML submission generated by its case management system. This accomplishment not only represents the Administrative Office's dedication to investing in technological advancement, but also the value placed on data quality. The reported data included 38 new case types and additional status categories resulting in a 53 percent increase in publishable data from 2012 to 2013.

Kansas – Third Award

Since first being recognized for the submission of their 2007 Civil and Juvenile data, Kansas has continued to report detailed case type data in all 5 categories. Kansas also reports the newly-introduced cases with self-represented litigants and manner of disposition categories of data. This year Kansas is being recognized for 6 years of detailed and publishable data.

Maryland – First Award

Through a collaborative effort with IT staff, Maryland's Administrative Office of the Courts conducted a review of the *State Court Guide to Statistical Reporting*, resulting in 17 new case types for the general jurisdiction tier and 10 case types for the limited jurisdiction tier. Maryland also established a framework to continue to improve reporting as the state moves to a statewide electronic case management system.

Nebraska – First Award

After making the investment to review and map available data to the *State Court Guide to Statistical Reporting*, Nebraska greatly improved its caseload reporting with the addition of 27 new case types in both the general and limited tiers. Nebraska also now reports all status categories, case characteristics, and manners of disposition.

Texas – First Award

Texas is being recognized for sustaining years of prompt and detailed case type data submission in many of the status categories. Additionally, Texas recently expanded the number of case types reported in the four major categories of Civil, Domestic Relations, Criminal and Juvenile, as well as increasing status category data and manners of disposition reporting.

West Virginia – First Award

In 2011, West Virginia's Supreme Court of Appeals implemented the appellate case types recommended in the *State Court Guide to Statistical Reporting*. This doubled the number of case types reported, greatly increasing the Court's ability to describe its caseload. As stated in the 2011 Annual Report of the Supreme Court of Appeals of West Virginia, "use of the case types set forth in the Guide modernizes West Virginia's appellate case reporting and brings West Virginia into parity with the growing number of states who seek to understand their appellate caseload better."

Wyoming – First Award

Wyoming's Supreme Court reports the appellate case types, manners of disposition, and case outcomes found in the *State Court Guide to Statistical Reporting*, providing data for all of the case types over which the Court has jurisdiction. The Court has reported this level of detail for many years and, this year, is being recognized for its efforts to provide complete and detailed appellate statistics over a sustained period of time.

A Comment from the Chair

More than 94 million cases were filed in the courts of our fifty states, the District of Columbia, and Puerto Rico in calendar year 2013. The Court Statistics Project (CSP) is the only source of comprehensive and reliable national data on the caseloads of the state courts, essential information for court managers, policy makers, and the public.

These data are provided by the state court administrators whose willingness to organize and share empirical data about their courts demonstrates their commitment to transparency and accountability.

The experienced staff of the National Center for State Courts' Court Statistics Project provide informed and thoughtful analysis of these data. Their analyses include comparisons of incoming and outgoing cases over the course of years and among different states. The informed analysis of these data in this publication and on the CSP web site www.courtstatistics.org provides court officials with information that is essential to the efficient and effective management of fair and impartial courts. Likewise, this publication invites policy makers to base policy on the highest quality data and the most informed analysis of those data. Finally, *Examining the Work of State Courts* provides members of the public with information about the work of the third branch of government, information that is essential to the freedoms we cherish.

The staff of the Court Statistics Project and the members of the Conference of State Court Administrators' Court Statistics Committee invites you to review *Examining the Work of State Courts*. We also urge you to encourage others to give the publication a careful read and to use the CSP DataViewer tool on the web site for additional detailed analyses of state court caseloads. Wide readership and critical analysis will lead to stronger and better managed courts.



Don Goodnow

Chair, Court Statistics Committee

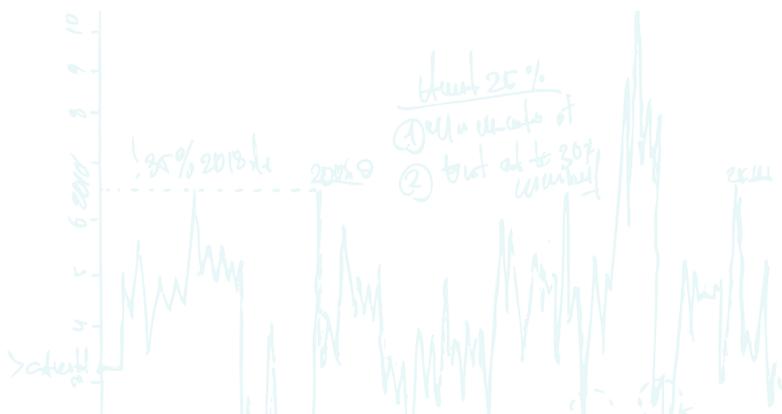
Conference of State Court Administrators

Introduction

The purpose of the Court Statistics Project is to provide comprehensive and comparable national-level data on state trial and appellate court caseloads. In order to accomplish this goal, a set of reporting guidelines are outlined in the *State Court Guide to Statistical Reporting* to standardize the unit of count, case type definitions, and structure of data collected for reporting state caseload statistics to the CSP. This standardization allows for cross-state analysis; however, because a state's data is necessarily transformed in the process at least in part, it may also result in information that appears inconsistent with statistics from a state's annual report or official record. While the CSP statistical reports provide the authoritative source for national caseload statistics, the official and authoritative version of any single state's data can only be provided by that state. States may have specific reporting mandates that vary from the purposes of the CSP and they organize their data to meet those mandates and for the administration of the courts within their state. At the same time, many states have redesigned their statistical reporting systems to maximize consistency with the reporting guidelines recommended by the CSP for national reporting.

In 2013, with help from the Conference of State Court Administrators' Court Statistics Committee, the state Administrative Offices of the Courts and their court data specialists, the CSP redesigned its trial court reporting infrastructure to enhance comparability and improve the efficiency of statistical reporting. As a result of this process, no trial court data was systematically collected for 2011 (appellate court data for 2011 was collected). For the trial court trends displayed here, straight-line projections were used to impute the values for 2011. Beginning with the 2012 trial court statistics, the Administrative Offices of the Court took full responsibility to report their data for each case type and status category and designate the data as "Publishable" or "Not Publishable," depending on their assessment of its completeness and consistency with respect to CSP reporting guidelines. As of this report, no significant changes have been made to the appellate court reporting infrastructure or practices.

This volume is designed to be a high-level overview of the caseloads reported by state trial and appellate courts. For more in-depth and state-level statistics, we encourage you to look into the interactive CSP *Data-Viewer* available on our Web site at: www.courtstatistics.org.

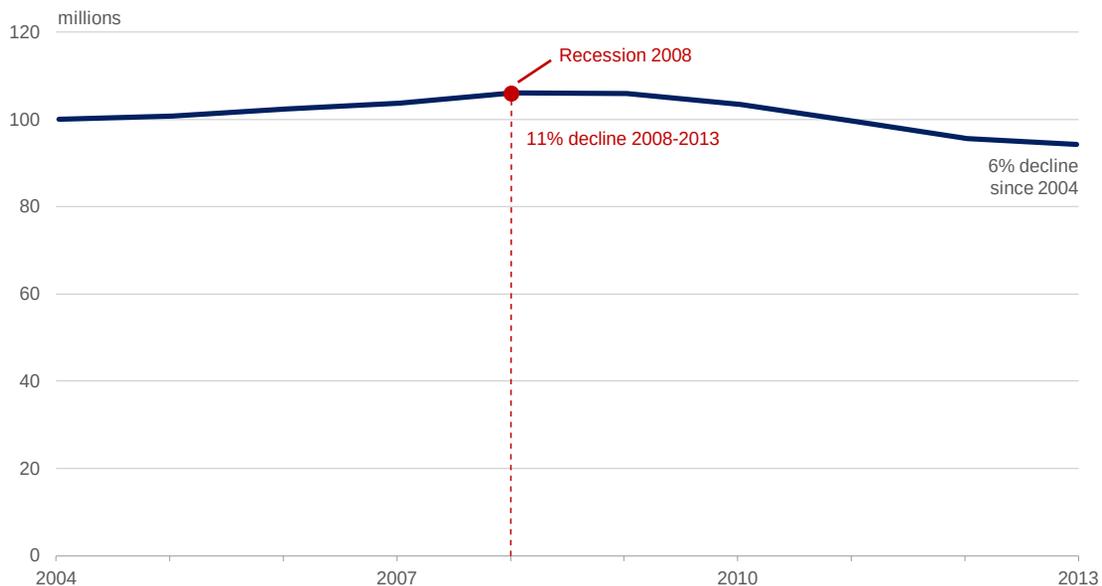


Trial Courts

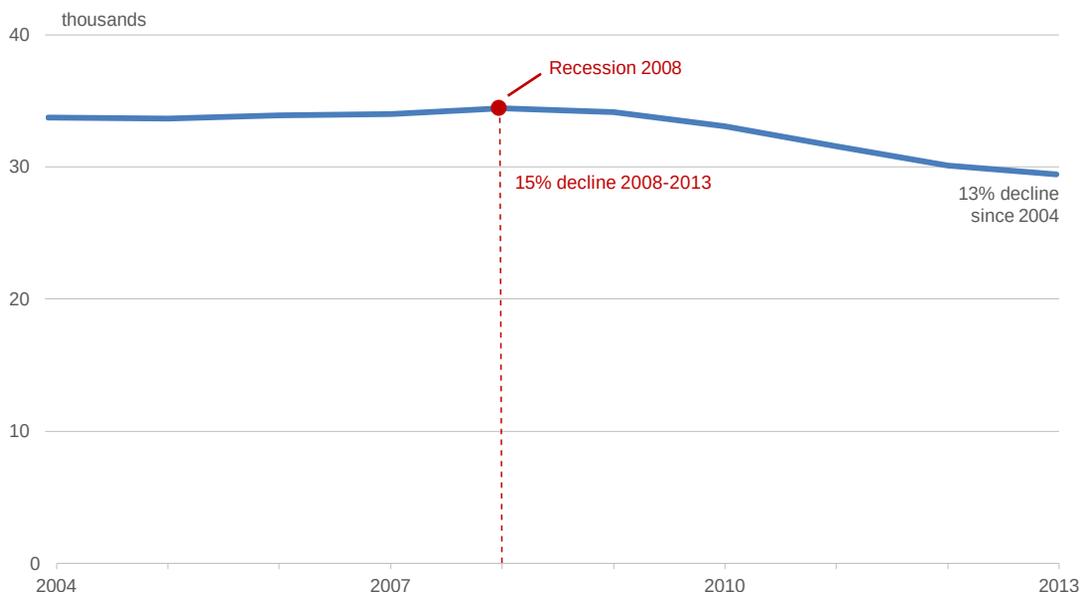
Caseload Trends

Trial courts in the 50 states, the District of Columbia, and Puerto Rico reported a combined total of 94.1 million incoming cases for 2013. Beginning in 2004, aggregate state trial court caseloads (i.e., the sum of all incoming Civil, Domestic Relations, Criminal, Juvenile, and Traffic/Violations cases) rose at an average annual rate of about 1.5 percent until the onset of the economic recession in 2008. During that four-year period, total incoming caseloads increased from 100 million to 106 million cases. Incoming caseloads remained at that level for 2009 and then began a three-year decline, averaging -3.4 percent, until 2012. The annual rate of decline slowed in 2013 to -1.6 percent. The steadily increasing U.S. population (+0.8% average, per annum) has had a compounding influence on the population-adjusted rate of total caseloads during the decade. The 8 percent rise in population over this period, combined with the recent decrease in caseloads, resulted in a drop of 13 percent in the population-adjusted rate of incoming cases, most of which occurred over the last five years.

Total Incoming Cases in State Courts, 2004-2013

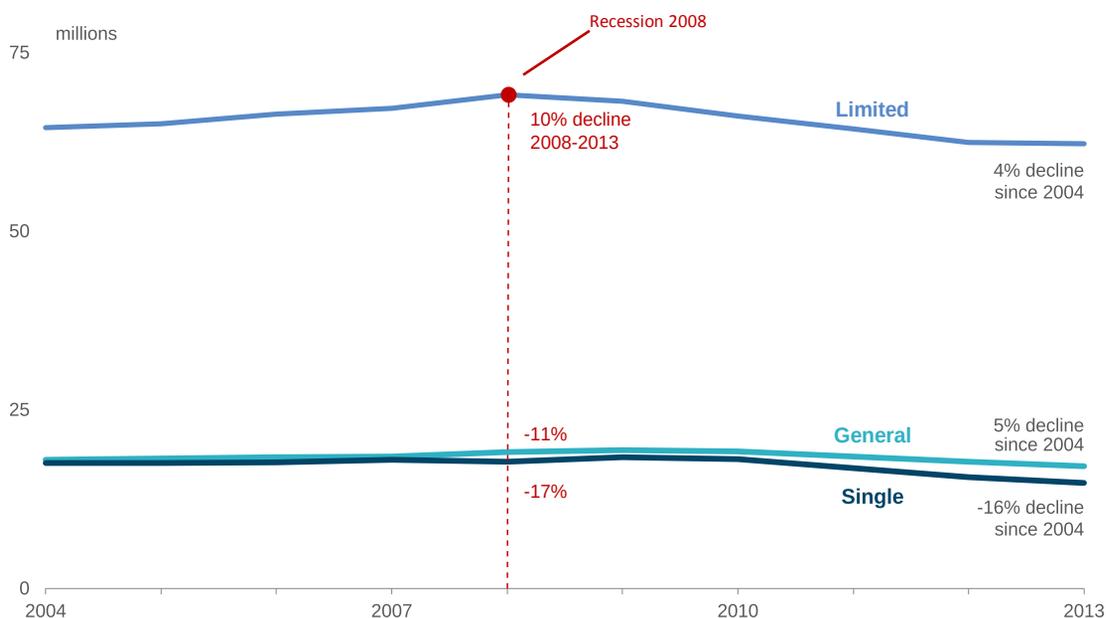


Total Incoming Cases in State Courts, per 100,000 Population, 2004-2013



For the purposes of statistical reporting, and to enhance the level of comparability among state trial court caseloads, the Court Statistics Project (CSP) classifies court structures into two basic groups: 1) single-tiered courts, where a state’s entire caseload is processed in a single, statewide trial court (e.g., Minnesota’s District Court); and 2) two-tiered courts, where states divide their caseloads between one or more general jurisdiction and one or more limited jurisdiction court. Currently there are seven states (CA, IA, ID, IL, ME, MN, VT, plus the District of Columbia and Puerto Rico) classified by the CSP as single-tiered court systems; the remaining 43 states report separate general- and limited-tier caseloads.

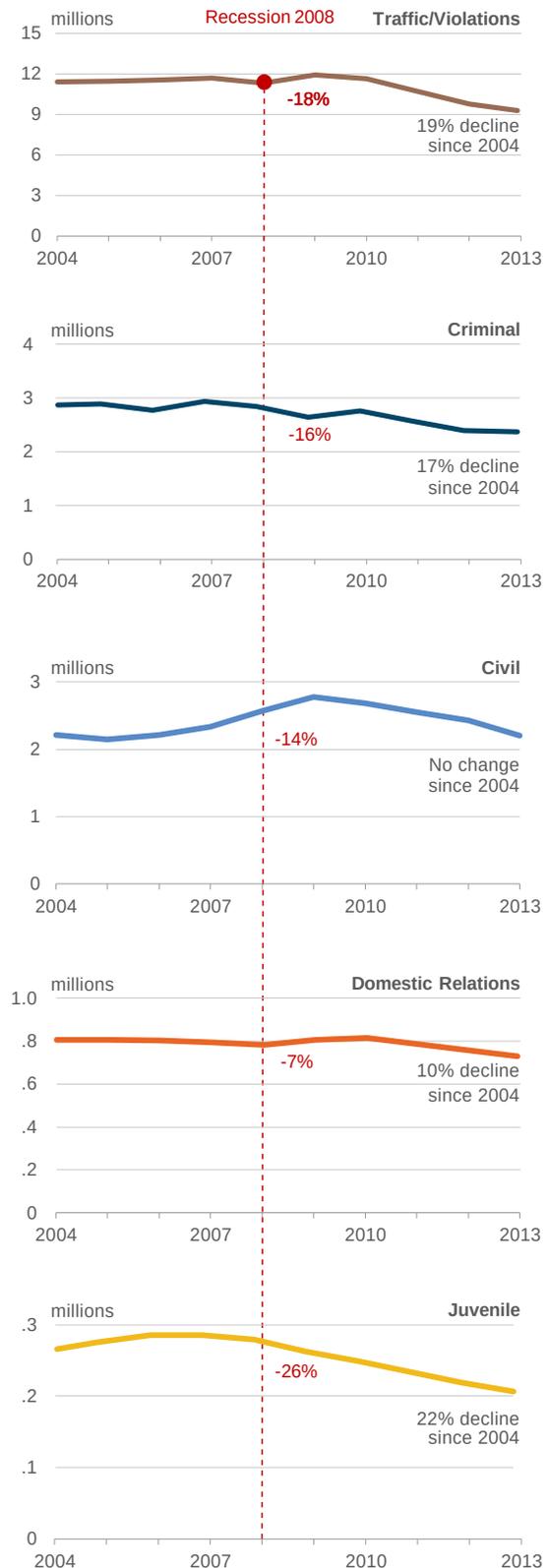
Total Incoming Cases in State Courts, by tier, 2004-2013



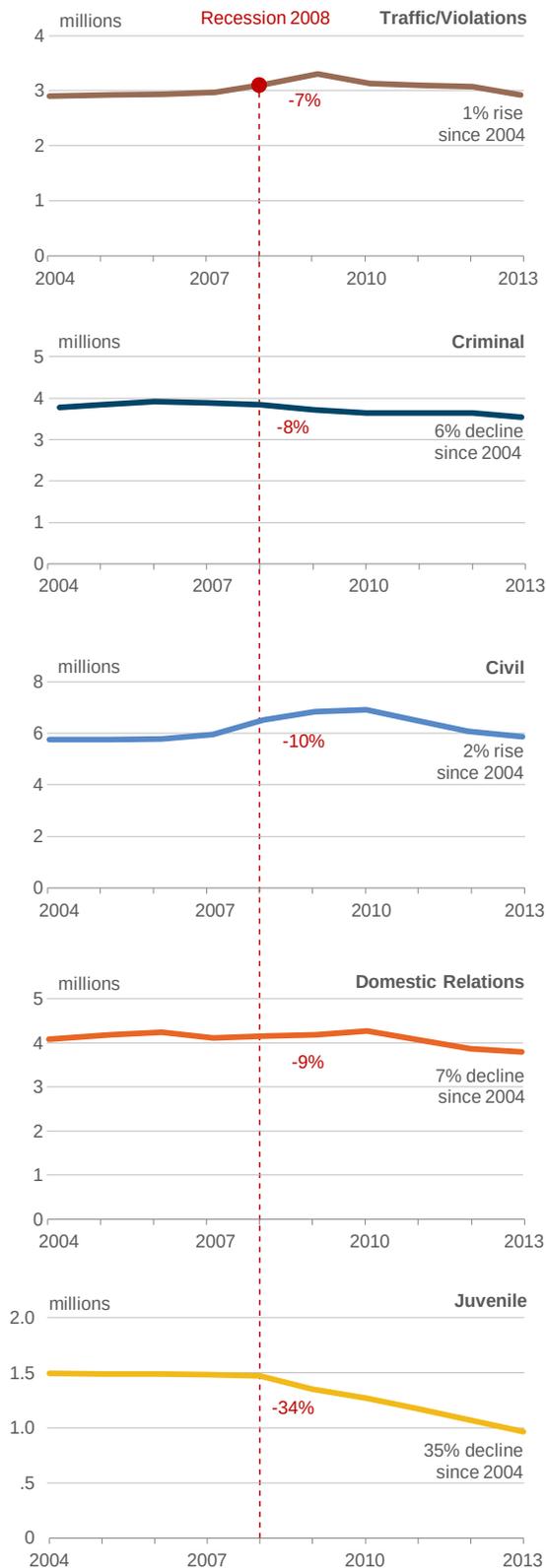
Caseloads by Tier

Individual examination of case-category trends from two-tiered general, two-tiered limited, and single-tiered courts reveals a relatively steady volume of cases during the first four years (2004-2007). However, beginning in 2008 caseloads became somewhat erratic. Civil caseloads began to increase briefly, most noticeably in the general-tier courts, while other caseloads wavered. Except for the Juvenile caseloads that have declined throughout, most other categories of cases in all three court types began or were already experiencing a decline by 2010.

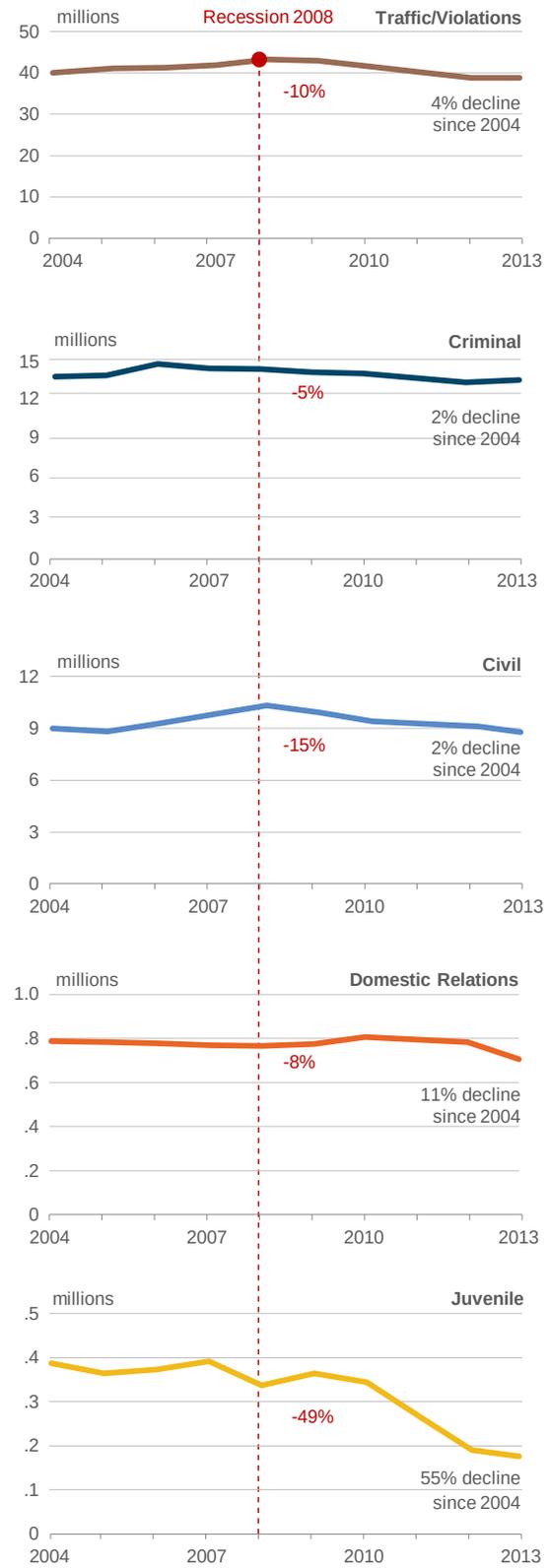
Incoming Caseloads in 9 Single-Tier Courts, by Case Category, 2004-2013



Incoming Caseloads in 43 General Jurisdiction Tiers, by Case Category, 2004-2013



Incoming Caseloads in 43 Limited Jurisdiction Tiers, by Case Category, 2004-2013



Caseload Composition

Single-tiered states reported 14.8 million Civil, Domestic Relations, Criminal, Juvenile, and Traffic/Violations cases, representing 16 percent of the total 94.1 million incoming cases reported for 2013. The general jurisdiction tiers of the 43 remaining states reported an aggregate 17.1 million cases (18%). Court structure in many of these states provide that some entire categories of cases—most often misdemeanor and Traffic/Violations cases—are processed only in the limited tier, thereby removing those caseloads from their general tier dockets. Additionally, some two-tiered states conduct preliminary hearings in felony cases in their limited tier, further distinguishing them from other general jurisdiction tiers.

Limited tier caseloads comprise over 62 million cases and 66 percent of all incoming trial court caseloads. This enormous volume of cases is generated in large part by the roughly 39 million Traffic/Violations cases (not shown).

Total Incoming Cases in State Courts, by Tier, 2013

16% of all cases are reported in Single Jurisdiction tiers...



18% of all cases are reported in General Jurisdiction tiers...



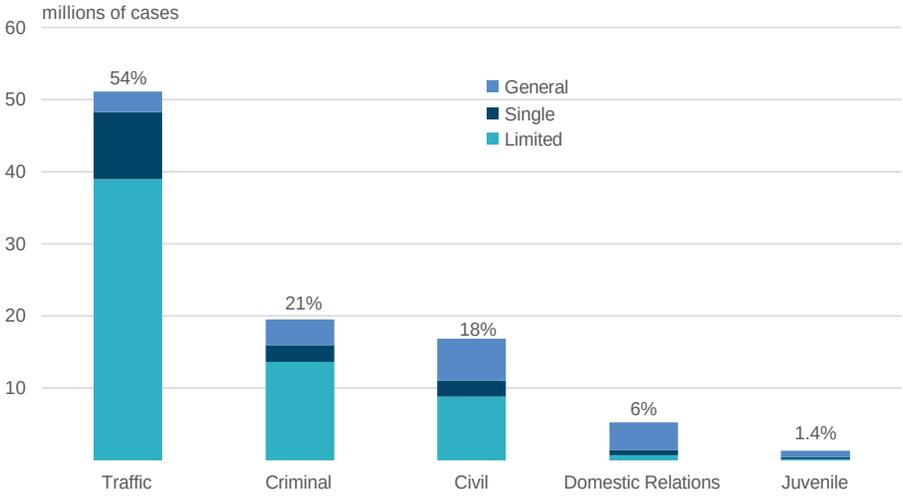
66% of all cases are reported in Limited Jurisdiction tiers...





The chart below shows the distribution of cases in state trial courts in multiple dimensions. For example, Criminal matters comprise about 19.5 million cases nationwide and represent 21 percent of the aggregate national incoming caseload. Within that bar we can also see the relative proportions that each tier comprises of the total. Of particular note are the small percentages of Domestic Relations and Juvenile cases, very few of which are processed in the limited tiers. Nonetheless, these are some of the most resource-intensive cases processed in state trial courts.

Aggregate Caseload Distribution by Case Category and Tier, 2013



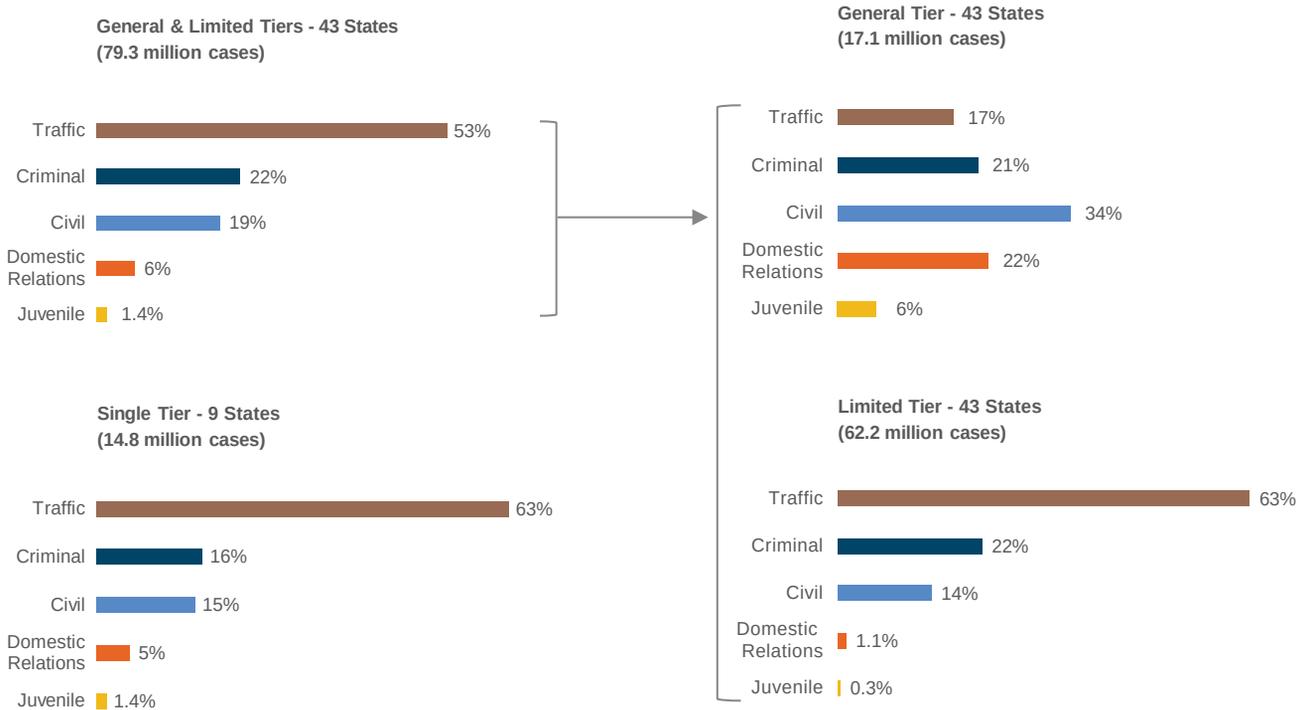
This table displays the numbers of incoming cases (in millions) that underlie the previous chart. It is important to note that the 14.8 million cases reported by single-tiered courts comprise the incoming caseloads of 9 states. The 43 two-tiered states contributed the remaining 79.3 million cases.

Total Incoming Cases in State Courts, by Case Category and Tier, 2013 (in millions)

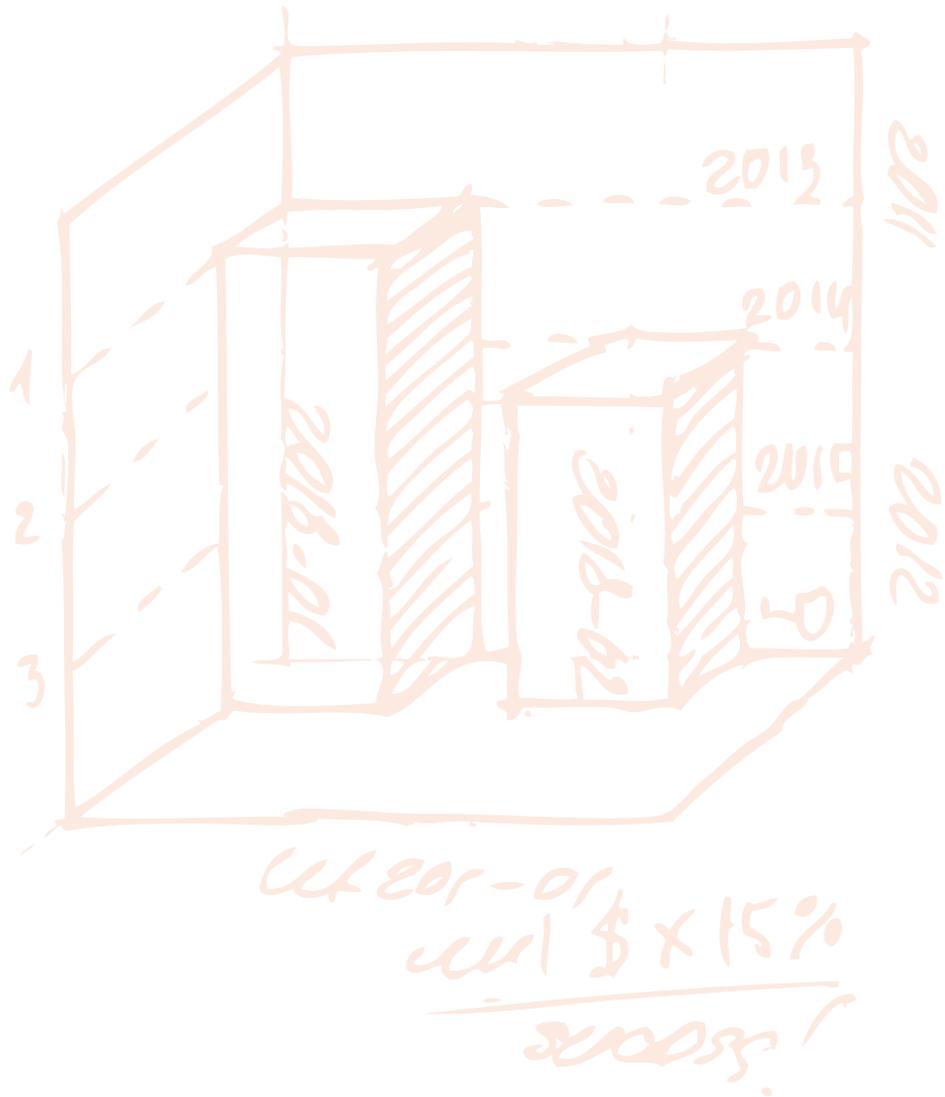
Case Type	Single Tiered (9 States)	Two Tiered (43 States)		Grand Total
	Total	General	Limited	
Traffic/Violations	9.3	2.9	38.9	51.1
Criminal	2.4	3.5	13.6	19.5
Civil	2.2	5.9	8.8	16.9
Domestic Relations	0.7	3.8	0.7	5.2
Juvenile	0.2	1.0	0.2	1.4
All Cases	14.8	17.1	62.2	94.1

The data in the preceding table is displayed below in individual composition charts to illustrate the proportions of each major case category for each of the three court types as well as the combined general/limited proportions for the 43 two-tiered states. One of the characteristics that distinguishes many two-tiered systems from their single-tiered counterparts is the way in which they count criminal cases. As mentioned above, some states conduct preliminary hearings for felony cases in their limited-tier courts to determine whether sufficient evidence exists to bind over the matter to the general tier for trial. When this occurs, each tier (correctly) counts the case in their criminal caseloads, resulting in a higher proportion of criminal cases in two-tiered systems versus single-tiered systems.

Incoming Caseload Composition in State Trial Courts, by Tier, 2013



Appellate Courts



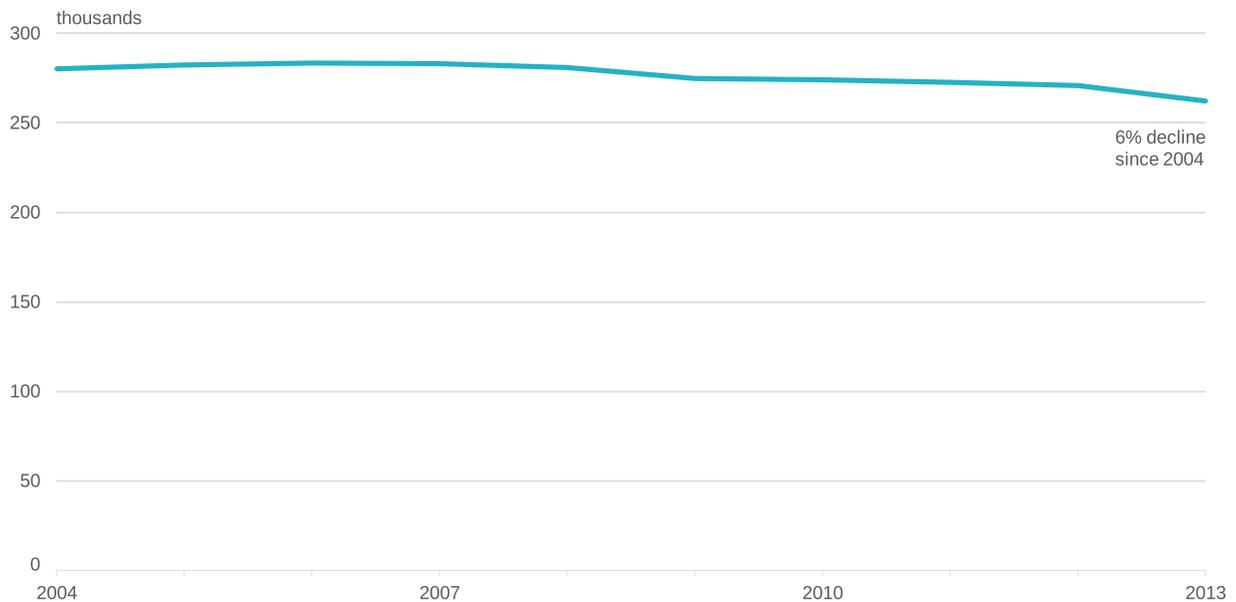
Appellate Courts

Caseload Trends

State appellate courts reported 262,230 incoming cases in 2013. These cases include appeals of cases from lower tribunals (i.e., trial courts and administrative agencies) as well as original proceedings, which are cases filed in the appellate courts in the first instance (e.g., writs of mandamus, certified questions).

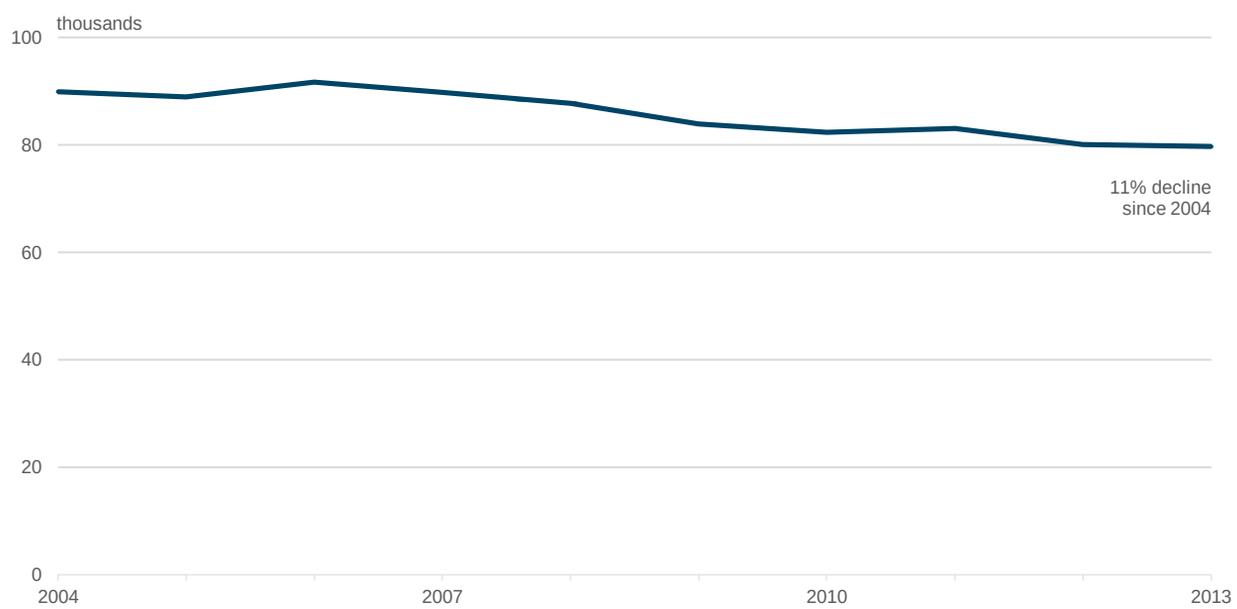
State appellate court caseloads dropped 3 percent between 2012 and 2013, continuing a decline that began in 2007. Over the ten-year period from 2004 to 2013, total appellate caseloads declined 6 percent.

Total Incoming Cases in State Appellate Courts, 2004-2013

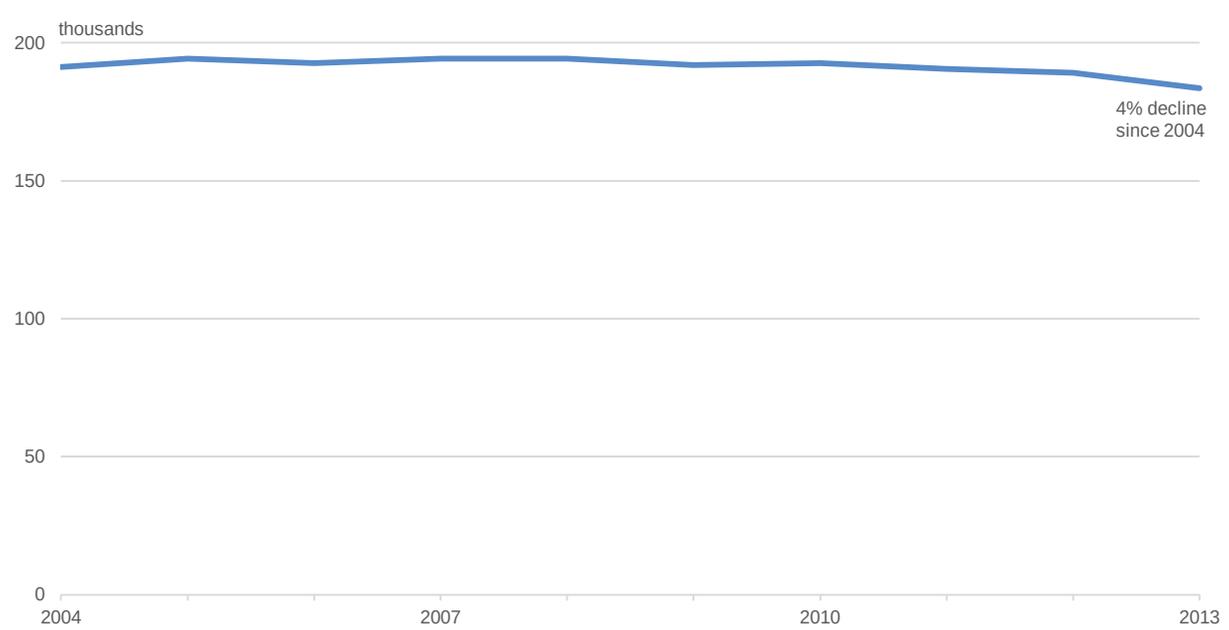


While caseloads in the two types of appellate courts have fallen by approximately the same number of cases since the start of the decline in 2007 (10,071 cases for courts of last resort and 10,850 cases for intermediate appellate courts), the pattern of decline is different for each. Courts of last resort (COLR) had two large single-year declines (4 percent in 2009 and again in 2012), contributing to a total decline of 11 percent since 2007. Intermediate appellate courts (IAC) experienced a steadier 1 percent per year decrease in cases until 2013, when IACs show a 3 percent drop in caseloads from 2012.

Total Incoming Cases in State Courts of Last Resort, 2004-2013



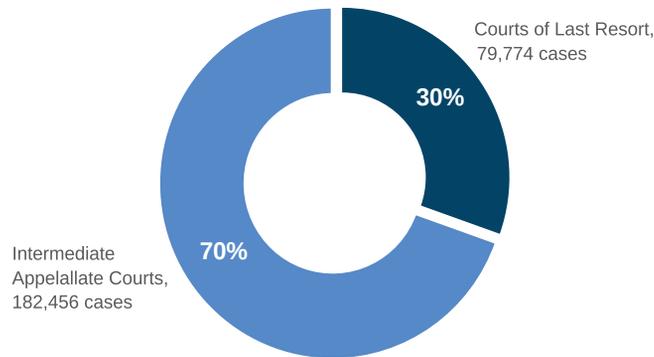
Total Incoming Cases in State Intermediate Appellate Courts, 2004-2013



As seen in the above graphs, intermediate appellate courts have a much higher volume of cases than do courts of last resort. In fact, only 30 percent of the total appellate caseload—approximately 80,000 of the 262,000 cases filed in 2013—were filed in courts of last resort.

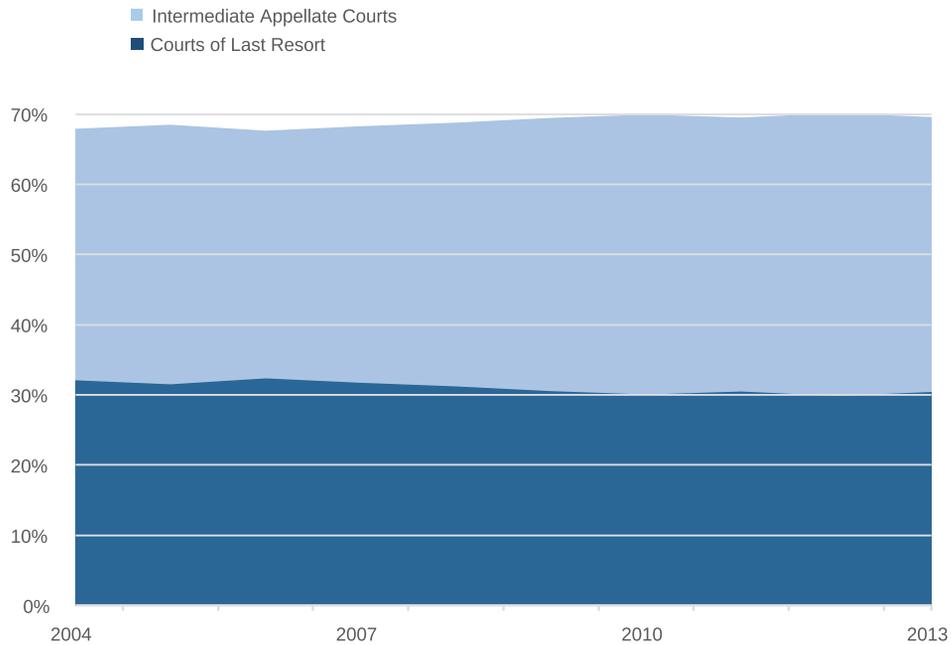
Distribution of Incoming Appellate Caseload, 2013

Total Caseload = 262,230



This division of the total appellate caseload between COLRs and IACs has remained consistent over the 10-year trend.

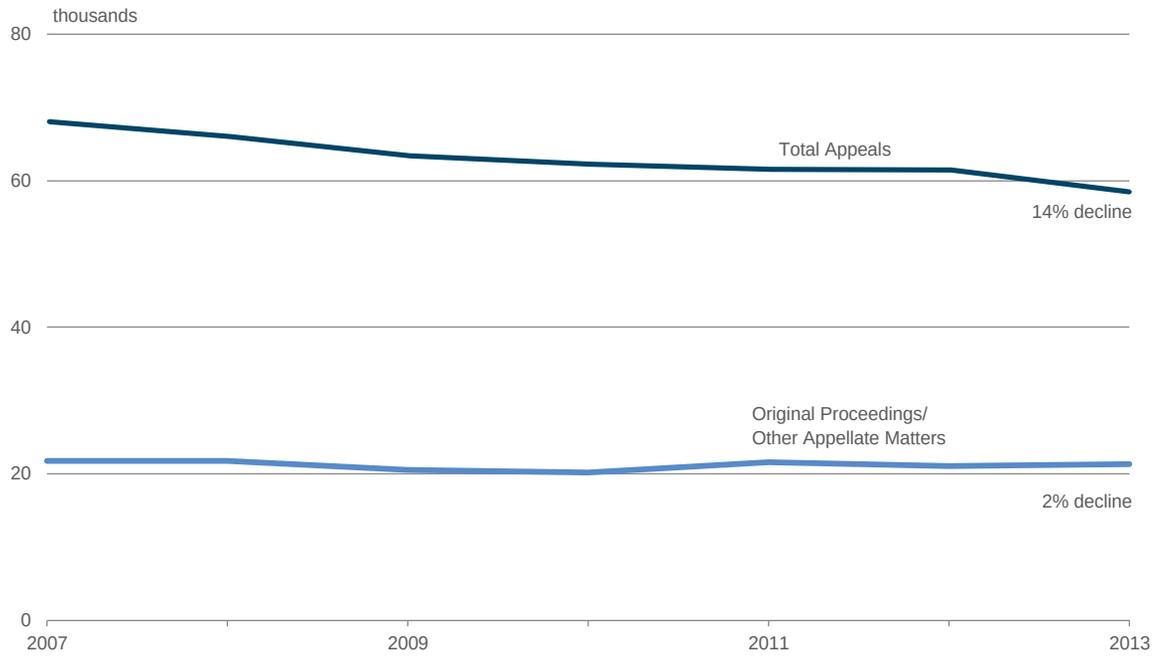
Caseload Distribution, by Court Type, 2004-2013



As seen on the next page, separating the COLR caseload into appeals and original proceedings makes it clear that the majority of the decline in courts of last resort is due to the number of appeals filed each year. Since 2007, appeals have declined by 14 percent, from 68,073 cases filed to 58,490 cases filed.

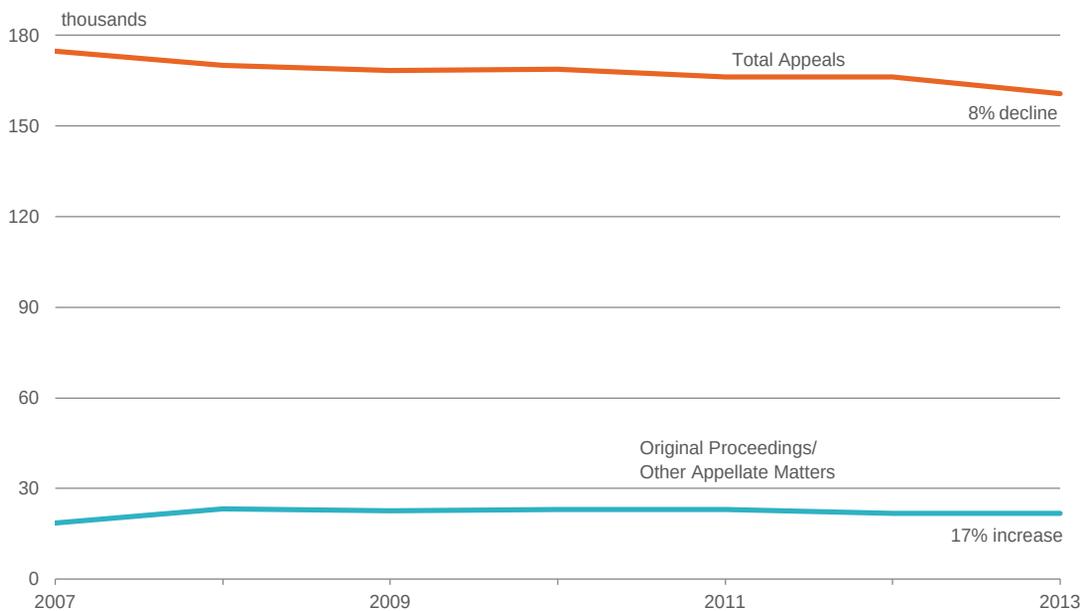


Incoming Caseloads in Courts of Last Resort, by Case Type, 2007-2013



While appeal caseloads in IACs have also been declining since 2007 (-8%), original proceeding caseloads have increased 17 percent during the same period.

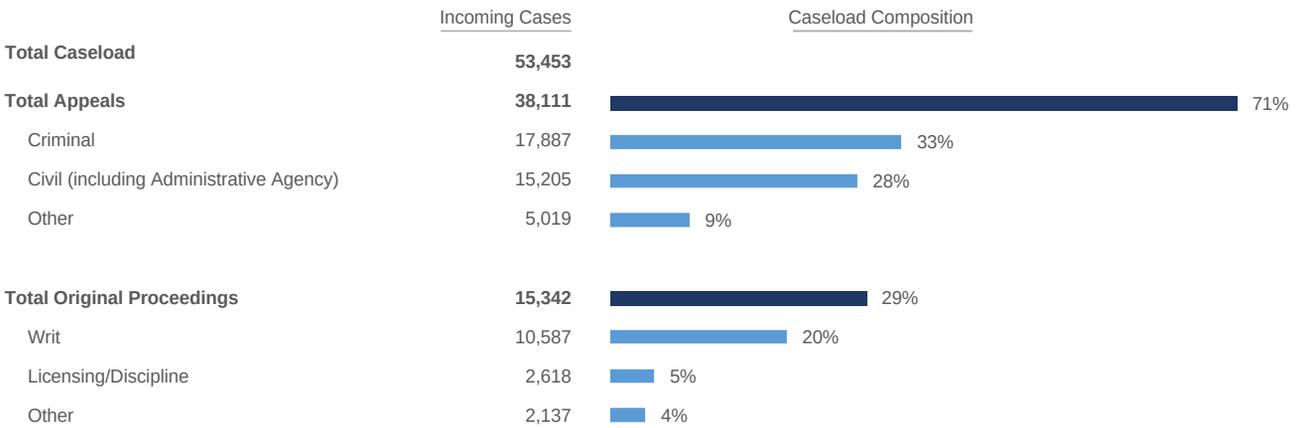
Incoming Caseloads in Intermediate Appellate Courts, by Case Type, 2007-2013



Caseload Composition

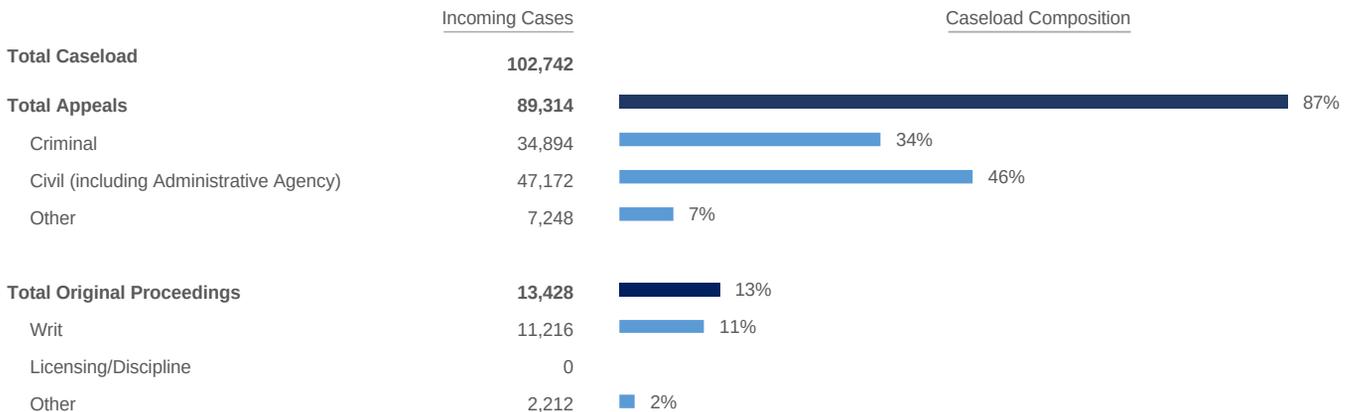
Thirty-seven of fifty-four courts of last resort were able to report complete and comparable caseload composition data for 2013. In these courts, appeals comprise 71 percent of the total caseload, with appeals of criminal cases being filed at a slightly higher rate than appeals of civil cases (33 percent and 28 percent, respectively). As expected, the original proceeding caseload is dominated by applications for writs (e.g., habeas corpus, mandamus, prohibition, etc.), but courts of last resort also hear cases involving the licensing and discipline of professionals such as judges, attorneys, interpreters, and guardians, as well as cases in which the court has been asked by either another court (certified questions) or a state officer (advisory opinions) to interpret or resolve a question of state law. These cases are included in the Other Original Proceeding case type in the table below.

Incoming Caseload Composition in 37 Courts of Last Resort, by Case Type, 2013



Thirty-one of forty-six intermediate appellate courts were able to report complete and comparable caseload composition data for 2013. In these courts, appeals comprise 87 percent of the total caseload, but unlike COLRs, appeals of civil cases are filed at a higher rate than appeals of criminal cases (46 percent and 34 percent, respectively). Intermediate appellate courts are also unlike COLRs in that they do not tend to have jurisdiction over as many types of original proceeding cases, resulting in a smaller proportion of these cases (13 percent of the total IAC caseload in the 31 courts represented below).

Incoming Caseload Composition in 31 Intermediate Appellate Courts, by Case Type, 2013





Clearance Rates

A clearance rate calculation (i.e., outgoing caseload divided by incoming caseload) shows whether a court is disposing of as many cases as are being filed. For the 32 COLRs and 29 IACs that were able to provide complete incoming and outgoing caseloads, the data show that these courts had clearance rates of 96 percent or better for both their appeal and original proceeding cases. While both types of courts cleared about 98 percent of their original proceeding caseload, the intermediate appellate courts did a slightly better job of clearing their appeal caseload (100%) than did the courts of last resort (about 97%).

Clearance Rates of Appellate Caseloads, by Case Category and Court Type, 2013

Courts of Last Resort (32 courts)

	<u>Incoming</u>	<u>Outgoing</u>	Clearance Rate
Appeals	31,919	30,898	96.8%
Original Proceedings	14,372	14,101	98.1%

Intermediate Appellate Courts (29 courts)

	<u>Incoming</u>	<u>Outgoing</u>	Clearance Rate
Appeals	86,690	87,099	100.5%
Original Proceedings	13,298	13,025	97.9%



Jurisdictional Typologies

Appellate courts have two types of jurisdiction: case type and review type. Case type jurisdiction is the more familiar of the two, and it determines which appeals and original proceedings can be filed in each court. For example, an appellate court with case type jurisdiction for criminal appeals, juvenile appeals, and writs of habeas corpus will receive filings for appeals of trial court felony, misdemeanor, delinquency, and status offense cases as well as applications for habeas corpus writs. The analysis of appeal and original proceeding caseloads was an analysis of the state appellate courts' case type jurisdiction.

Review type jurisdiction refers to the mandatory or discretionary jurisdiction of the court, and it applies to each case type for which the court has case type jurisdiction. When a court has mandatory review for a case type, it means that the court is obligated to consider those cases. A court with discretionary review, on the other hand, can decide whether or not to consider the cases that are filed. So, a court with mandatory review for criminal appeals, but discretionary review for juvenile appeals and writs of habeas corpus *must* consider the filings of appeals from trial court felony and misdemeanor cases, *may* decide to consider the filings of appeals from trial court delinquency and status offense cases, and *may* decide whether or not to hear the habeas corpus applications that are filed. When a court decides not to consider a case, it is usually said that the court “denied” review.

For the purpose of national caseload reporting, a court's appeals caseload is divided by review type jurisdiction between those cases that are appeal by right (i.e., the court exercises mandatory review) and appeal by permission (i.e., the court exercises discretionary review).

There are six primary typologies for review jurisdiction in the state appellate courts. The first two typologies apply to the 11 states that have a single court of last resort and no intermediate appellate court, while all remaining states are categorized by one of the remaining four typologies. The typologies consider whether the court has only appeal by right (ABR) jurisdiction, only appeal by permission (ABP) jurisdiction, or a mix of both appeal by right and appeal by permission jurisdiction (Mixed). Courts with mixed jurisdiction vary in the types and volume of cases that fall into each type of review, but in all of these courts the justices/judges have some flexibility over the appeals that they hear.

The majority of appellate courts (74 of 100) have both appeal by right and appeal by permission jurisdiction. This type of jurisdiction appears in four of the six typologies: COLR Mixed, COLR Mixed/IAC ABR, COLR Mixed/IAC Mixed, and COLR ABP/IAC Mixed. Intermediate appellate courts are more likely than courts of last resort to have appeal by right jurisdiction only (18 courts versus 5 courts, respectively), and only 3 courts (all of which are courts of last resort) have appeal by permission jurisdiction only.

While there are nuances to both case type and review type jurisdiction that cannot be captured in a generalized typology, understanding these and other differences among the courts is necessary for comparing appellate caseloads.

Conclusion and Invitation

This brief overview of state court caseload statistic is supplemented by more detailed information and analyses at the Court Statistics Project website, www.courtstatistics.org.

As part of the redesigned CSP reporting infrastructure, detailed caseload data can be accessed at the CSP website using DataViewer. This interactive tool allows users to create custom views of state court statistics.

Using DataViewer, users can filter data by state(s) or caseloads to create their own comparisons. To facilitate comparison, data can also be sorted. These user-defined views of the data can then be exported for use in reports and presentations.



Examine the work of state courts in greater detail with CSP DataViewer at

www.courtstatistics.org

Glossary

Begin Pending - Active: A count of cases that, at the start of the reporting period, are awaiting disposition.

Begin Pending - Inactive: A count of cases that, at the start of the reporting period, have been administratively classified as inactive. Business rules for this classification may be defined by a rule of court or administrative order.

Incoming Cases: The sum of the count of New Filing, Reopened, and Reactivated cases.

New Filing: A count of cases that have been filed with the court for the first time during the reporting period.

Reopened: A count of cases in which a judgment has previously been entered but which have been restored to the court's pending caseload during the reporting period. These cases come back to the court due to the filing of a request to modify or enforce that existing judgment and a hearing before a judicial officer is requested to review the status of the case or initiate further proceedings in the case.

Reactivated: A count of cases that had previously been Placed on Inactive Status, but have been restored to the court's control during the reporting period. Further court proceedings in these cases can now be resumed during the reporting period and these cases can once again proceed toward disposition.

Outgoing Cases: The sum of the count of Entry of Judgment, Reopened Dispositions, and Placed on Inactive Status cases counted during the reporting period.

Entry of Judgment: A count of cases for which an original entry of judgment has been filed during the reporting period. For cases involving multiple parties/issues, the disposition should not be reported until all parties/issues have been resolved.

Reopened Dispositions: A count of cases that were disposed of by a modification to, and/or enforcement of, the original judgment of the court during the reporting period. For cases involving multiple parties/issues, the disposition should not be reported until all parties/issues have been resolved.

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive during the reporting period due to events beyond the court's control. These cases have been removed from court control, and the court can take no further action until an event restores the case to the court's active pending caseload.

End Pending - Active: A count of cases that, at the end of the reporting period, are awaiting disposition.

End Pending - Inactive: A count of cases that, at the end of the reporting period, have been administratively classified as inactive. Business rules for this classification may be defined by rule of court or administrative order.

Set for Review: A count of cases that, following an initial Entry of Judgment, are awaiting regularly scheduled reviews involving a hearing before a judicial officer.

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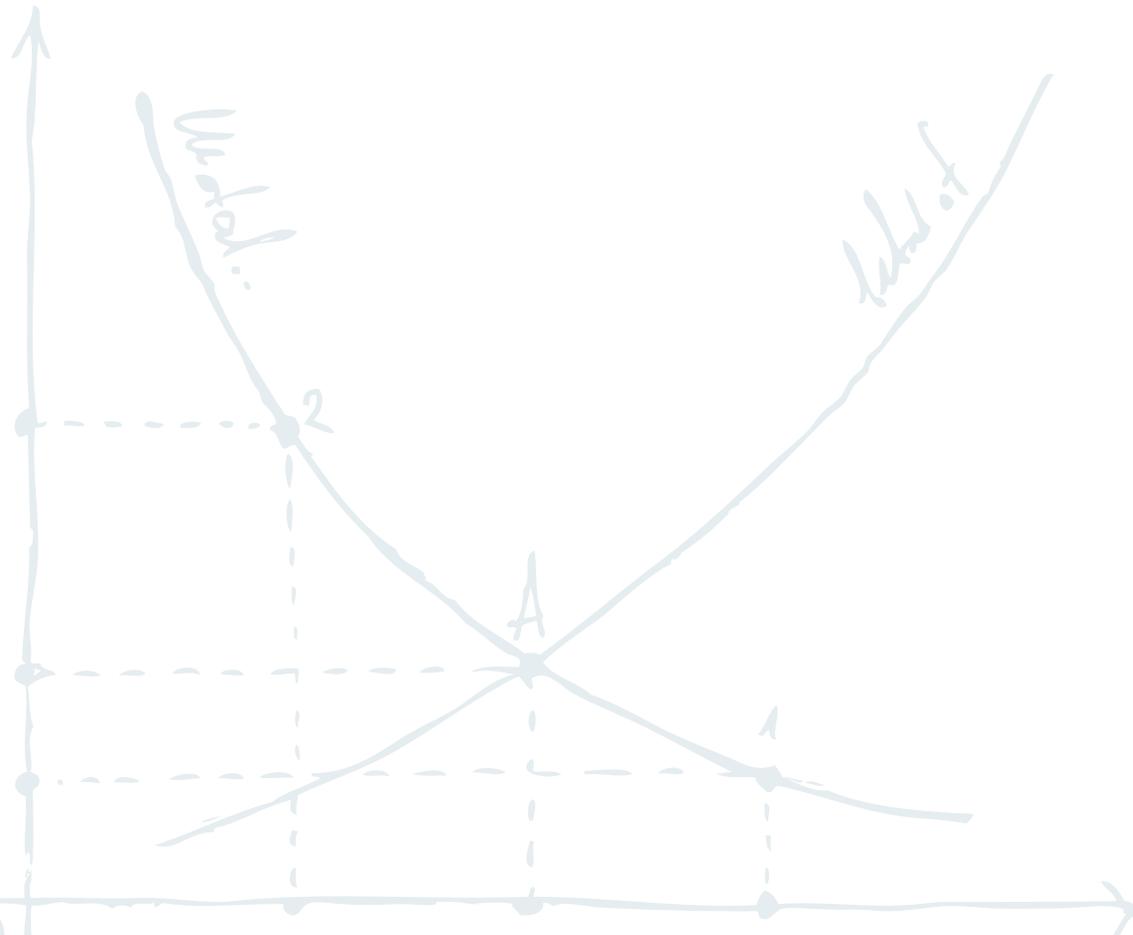
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