

STATE COURT CASELOAD DIGEST

2018 DATA

DEDICATION

This edition of the CSP Digest is dedicated to Neil LaFountain. Neil has devoted his career (over 35 years) to the National Center for State Courts and much of that time to the Court Statistics Project. Neil, as a gentleman and scholar, would humbly prefer that we dedicate this issue to the court data specialists who make this publication possible. The data specialists in the court community continually strive to deliver accurate and complete data that enable the CSP staff to paint a national picture of the work of the state courts as displayed in this annual publication.

Neil, we will all miss you and wish you well in retirement! Your contributions and legacy will live on for many years to come.

National Center for State Courts

STATE COURT CASELOAD DIGEST

2018 DATA



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ABOUT THE DATA

The national totals reported here may include estimates for states that were unable to report caseload data in time for publication or whose data do not strictly conform to the reporting guidelines set forth in the *State Court Guide to Statistical Reporting*. States for whom estimates were used will not appear in any state-level tables in this document or any displays available on the CSP DataViewer. While the CSP statistical reports endeavor to provide the authoritative source for national caseload statistics, the official version of any state's data can only be provided by that state. The underlying data can be found on the CSP DataViewer at [courtstatistics.org](https://www.courtstatistics.org).

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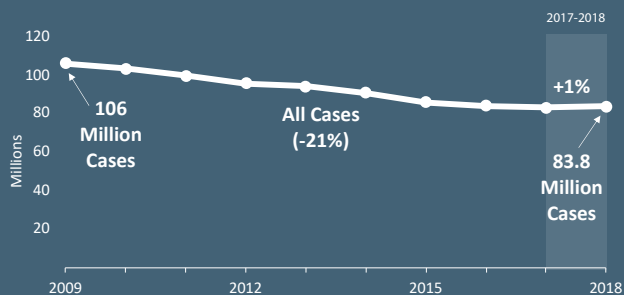
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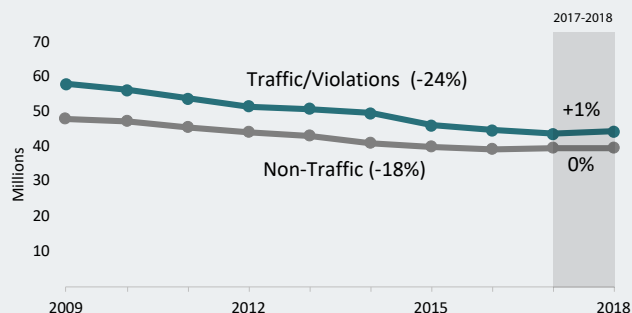
NATIONAL

Total Incoming Caseloads Reported by State Trial Courts



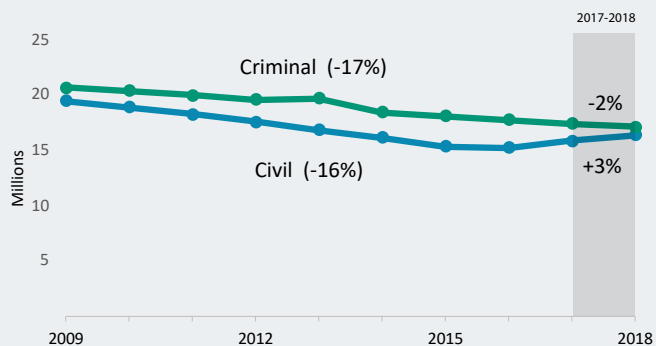
After years of increasing caseloads reported by state trial courts that reached an apex of just over 106.1 million cases in 2008 (not shown), the most recent 10-year period of state trial court caseloads shows an overall decline of 21 percent since 2009. However, the downward trend began to slow in 2016 and even resulted in a slight increase between 2017 and 2018.

Total Incoming Cases Reported by State Trial Courts, Traffic vs. Non-Traffic



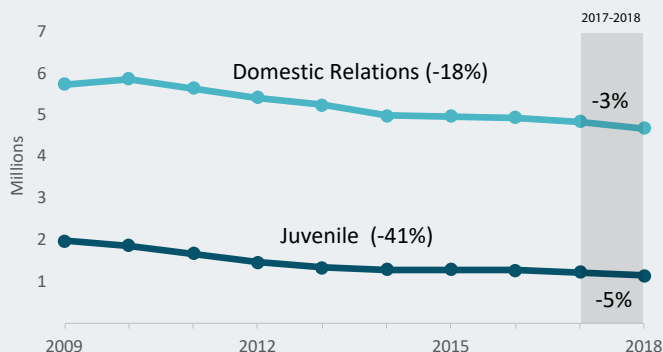
Although several states have removed specific traffic-related caseloads (e.g., parking) from the purview of the courts and placed them under the control of administrative agencies, Traffic/Violations cases continue to exceed the combined total of all other trial court caseloads at the national level. Aggregate non-Traffic caseloads (i.e., Civil, Domestic Relations, Criminal, and Juvenile cases) have remained flat since 2015.

Incoming Civil and Criminal Caseloads



Disaggregating the non-Traffic caseloads shows some interesting differences despite overall declines in all four categories over the last 10 years. Criminal and Civil caseloads are 17 percent and 16 percent lower, respectively, than in 2009. However, unlike any of the other three categories, Civil saw a 3 percent increase in 2018, continuing the upward trend that began in 2017.

Incoming Domestic Relations and Juvenile Caseloads



Domestic Relations and Juvenile caseloads together account for less than 8 percent of all incoming cases in state trial courts (see following display). Despite their relatively low volume, these cases can often be the most complex and resource intensive among a court's caseload. Both caseloads dropped precipitously between 2010 and 2014, leveled off, then began to decline again in 2016.

NATIONAL

Number of Incoming Cases by Case Category and Tier

In Millions

| Case Category | Single-Tier | Two-Tier | | Total | Percent of Total |
|-----------------------|-------------|-------------|-------------|-------------|------------------|
| | | General | Limited | | |
| Traffic/Violations | 8.2 | 2.5 | 33.7 | 44.4 | 53% |
| Criminal | 2.2 | 3.4 | 11.5 | 17.0 | 20% |
| Civil | 2.3 | 5.3 | 8.9 | 16.4 | 20% |
| Domestic Relations | 0.8 | 3.3 | 0.6 | 4.7 | 6% |
| Juvenile | 0.2 | 0.8 | 0.2 | 1.2 | 1% |
| Total Incoming | 13.6 | 15.3 | 54.9 | 83.8 | 100% |

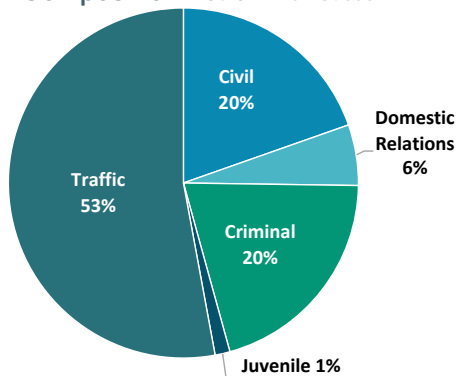
| | | | |
|---------------------------------------|------|-------|-------|
| Number of States* | 11 | 42 | 53 |
| Population (in Millions) ¹ | 75.0 | 255.5 | 330.5 |
| Percent of Population | 23% | 77% | 100% |

* Includes District of Columbia, Guam, and Puerto Rico

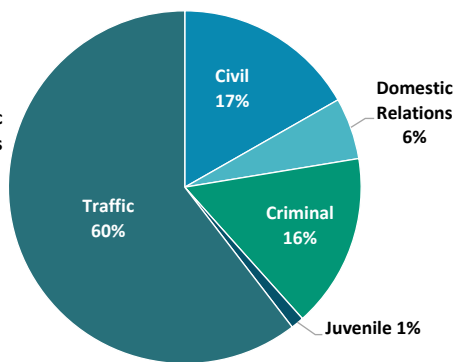
Note: Single-tier states include: CA, DC, GU, ID, IL, IA, ME, MN, MO, PR, VT

¹Source: U.S. Census Bureau

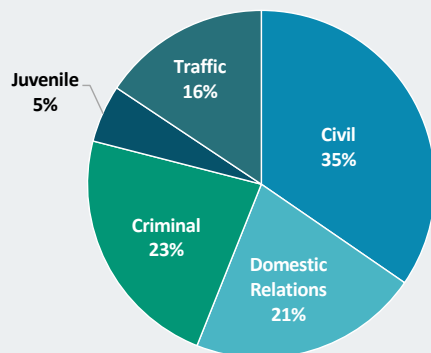
Total Incoming Caseload Composition
83.8 Million Cases



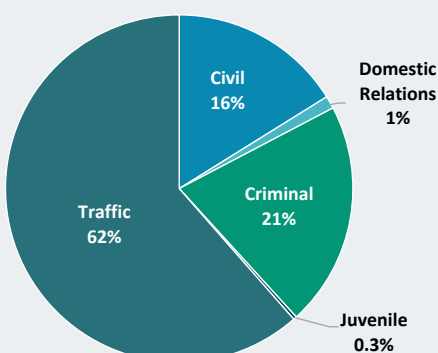
Single-Tier Courts
13.6 Million Cases



General Jurisdiction Courts
15.3 Million Cases



Limited Jurisdiction Courts
54.8 Million Cases

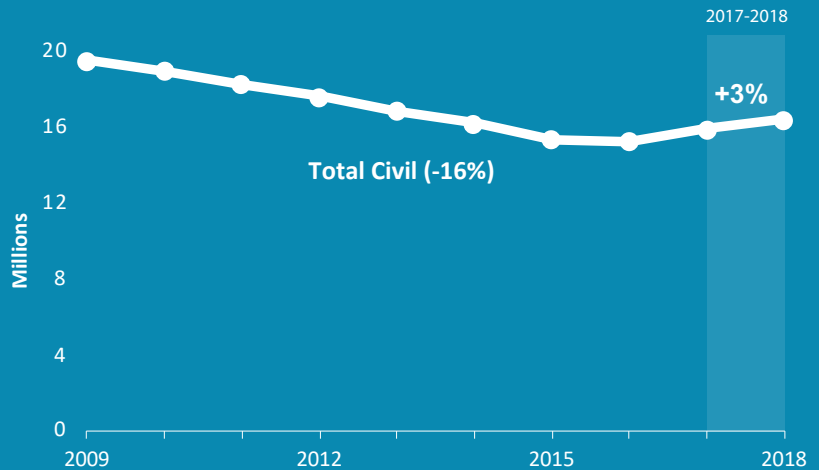


State trial courts reported over 83.5 million cases in 2018. These cases are distributed between the general and limited jurisdiction courts of the 42 states and territories with two-tier court systems and the 11 states with a single-tier system. The differences in composition between the national total and each of the three distinct kinds of courts are shown in the charts [left].

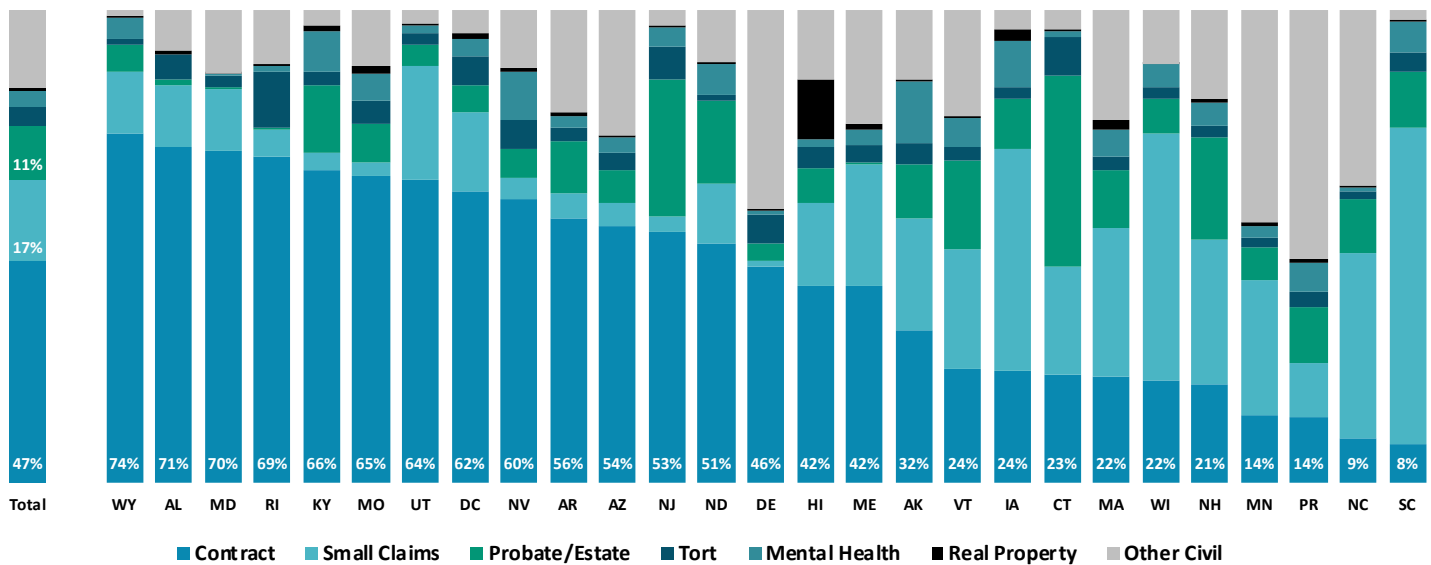
CIVIL

Total Incoming Civil Cases in State Trial Courts

After a sustained decline, aggregate Civil caseloads began to trend upward in 2017. The underlying 2018 data for this trend shows that 38 states and territories reported an increase in their incoming civil caseloads from 2017 to 2018, with 25 states and territories reporting an increase of 4 percent or more (not shown). Despite the increases of the last two years, civil caseloads maintain an overall decrease of 16 percent from 2009 to 2018.



Civil Caseload Composition in 27 States

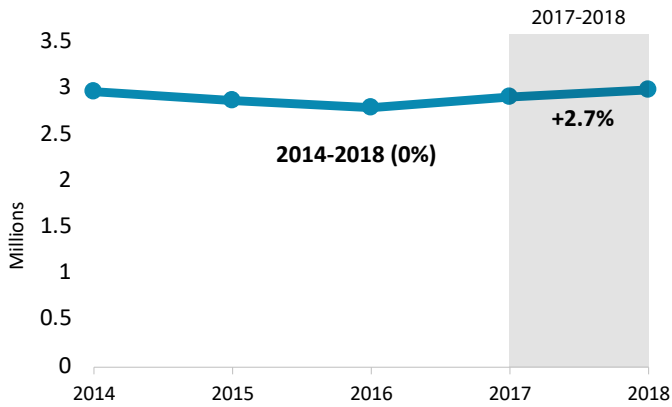


An examination of Civil caseload composition in 27 states clearly shows how distinct their Civil caseloads can be. In the aggregate, contract cases represent nearly half (47%) of the Civil caseload, while small claims cases—which are often contractual in nature—contribute an additional 17 percent. When combined, contract and small claims cases represent over half of the Civil caseload in 21 of these 27 states and over two-thirds of the caseload in 12 states.

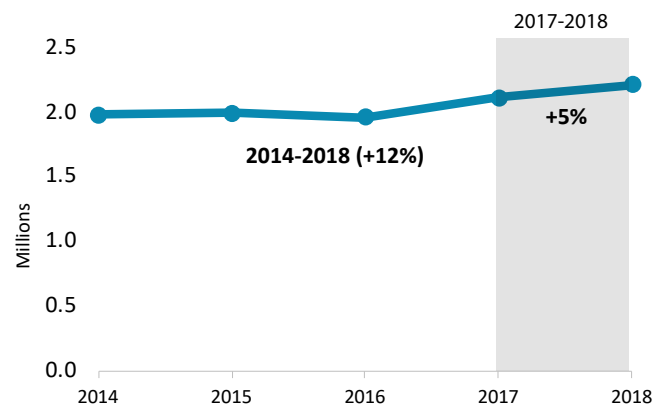
CIVIL

Overall, state trial courts reported over 500,000 more Civil cases in 2018 than the previous year. The available data suggest that caseloads for all Civil case types increased for the second year straight, defying a trend of decline seen since 2009.

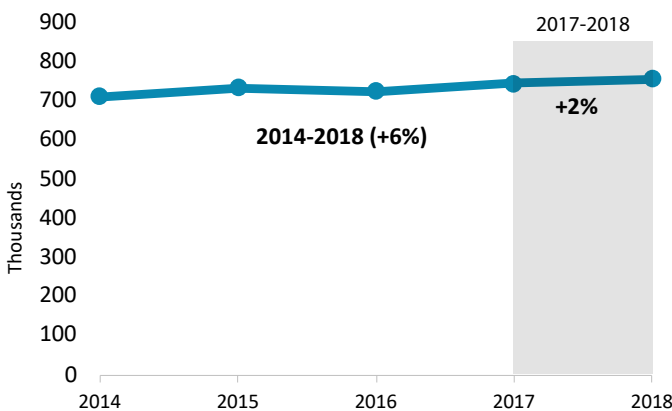
Contract Caseloads in 22 States



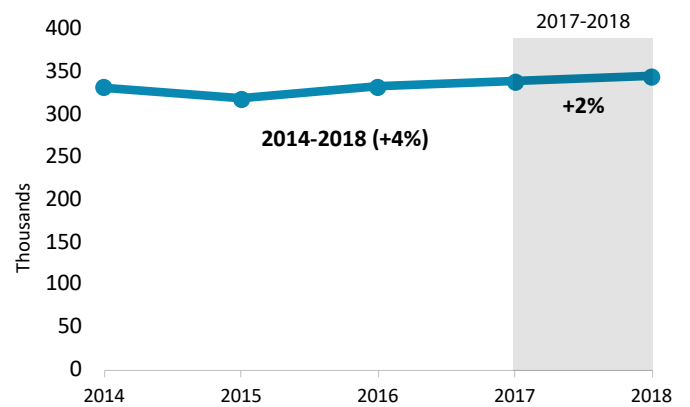
Small Claims Caseloads in 36 States



Probate/Estate Caseloads in 30 States



Tort Caseloads in 24 States



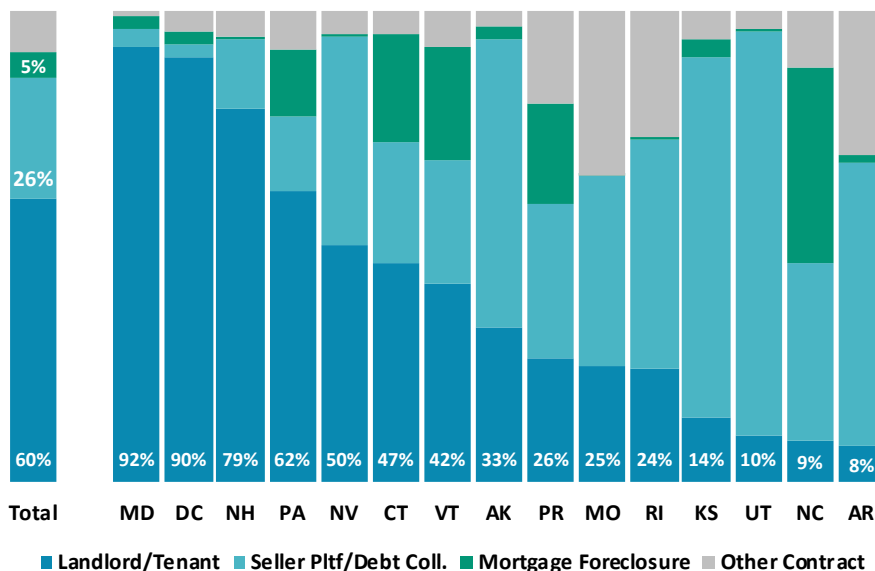
Contract, small claims, probate/estate, and tort cases together comprise the majority (80%) of Civil caseloads. In an effort to reveal what is driving the increase in Civil caseloads, the individual trends for those four case types are shown here using data from states able to report this level of specificity for the latest five years.

Prior to 2017, the caseloads for these four case types had been either in decline or flat, with the exception of tort cases which began trending higher in 2016. By 2017, all four case types were showing increases with 2018 caseloads continuing this upward trajectory. Contracts, which could account for as many as 8 million cases nationally, increased in these 22 states by over 75,000 cases (2.7%) in 2018. Small claims, the next most common type of Civil case, increased by 5 percent in 36 states, followed by probate at +2 percent and torts at +2 percent.

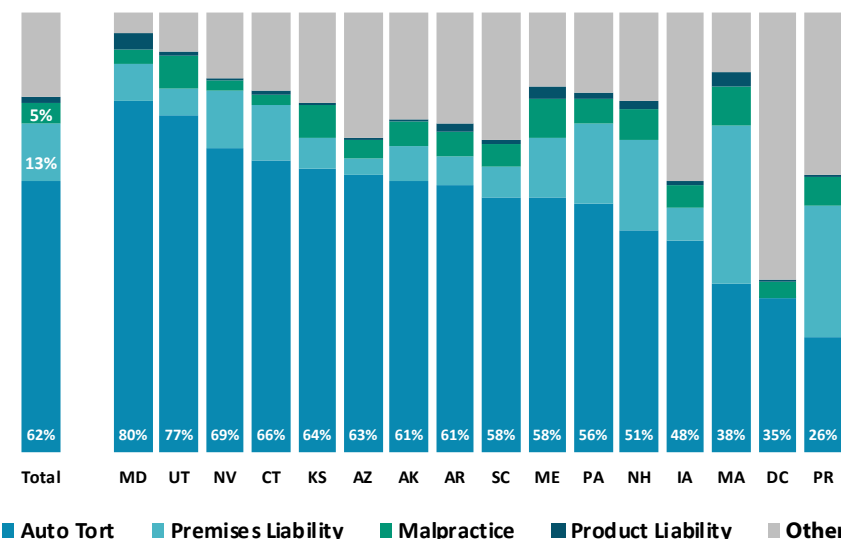
CIVIL

Contract Caseload Composition in 15 States

In a more detailed look at contract cases, data from 15 states show a breakdown of the three case types that constitute the majority of contract caseloads: landlord/tenant disputes, seller plaintiff (debt collection) cases, and mortgage foreclosure, plus a residual “other” category. Overall, landlord/tenant and seller plaintiff cases combine for 86 percent of all contract cases, but composition varies dramatically from state to state. In some states, many landlord/tenant and seller plaintiff cases may be filed as small claims cases. This may explain some of the variation.



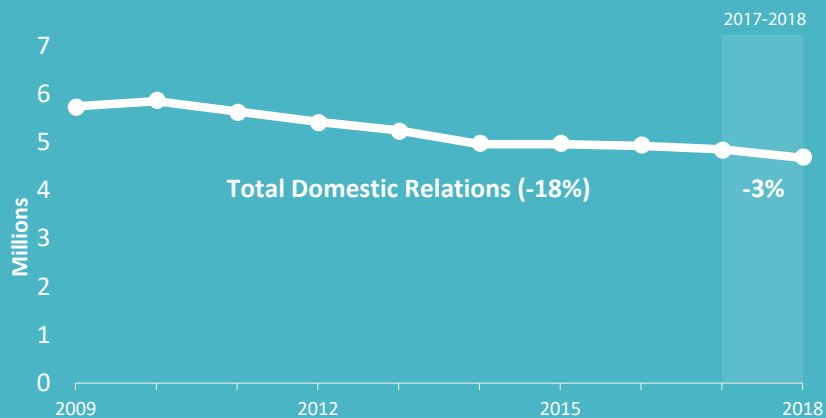
Tort Caseload Composition in 16 States



Tort cases garner a great deal of public interest but generally account for only about 4 percent of Civil caseloads and about 1.5 percent of all non-traffic caseloads. In the 16 states who provided a composition of tort case types, [i.e., auto, premises liability/slip & fall, malpractice, product liability, and other torts (which include slander, and intentional acts)], most are dominated by automobile accident cases. Premises liability, in the aggregate the second most common type of tort, can range from as little as 0.1 percent (PR) to as much as 36 percent (MA) among these 16 states' tort caseloads.

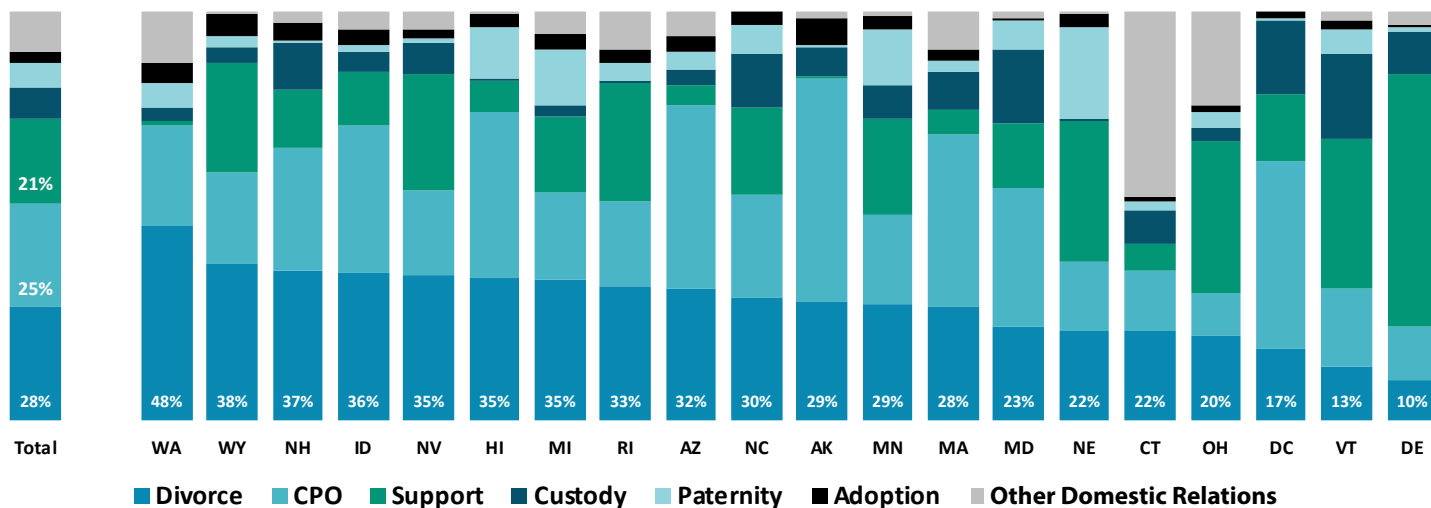
DOMESTIC RELATIONS

Total Incoming Domestic Relations Caseloads in State Trial Courts



Domestic Relations (DR) cases account for a little more than 5.5 percent of all trial court cases nationally or about 12 percent of the non-Traffic caseload. DR includes divorce, civil protection orders (CPO), child support, custody, paternity, adoption, and other domestic issues. The Domestic Relations caseload peaked in 2010 at about 5.9 million cases, but by 2018 had declined by over 1.1 million cases.

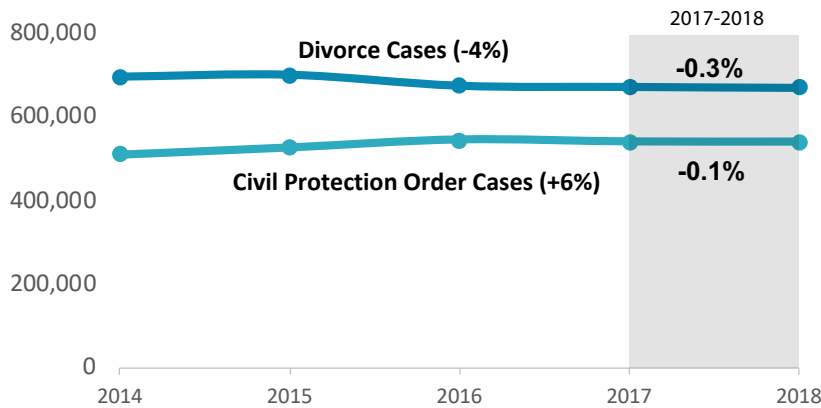
Domestic Relations Caseload Composition in 20 States



This bar chart shows the composition of DR caseloads in the 20 states able to report this level of detail. In the aggregate, about 28 percent of cases involve divorce/dissolution and about 25 percent are filings of civil protection orders. Nonetheless, the range of percentages for these two case types is quite large: 10 percent to 48 percent for divorce and 10 percent to 55 percent for CPOs.

DOMESTIC RELATIONS

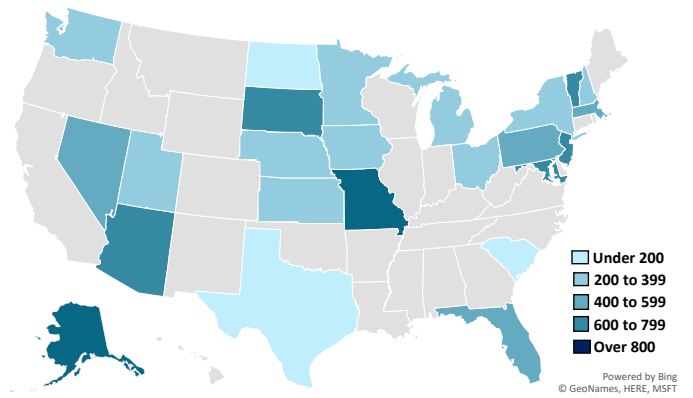
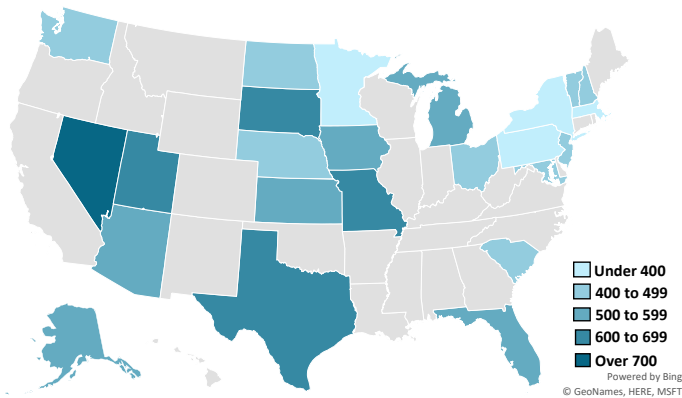
Incoming Divorce and Civil Protection Order Caseloads in 24 States



Divorce/dissolution and civil protection order cases together account for approximately half of the Domestic Relations caseload. In the 24 states able to report data for both case types for the last 5 years, the two caseloads appeared to be heading toward a convergence as recently as 2016, but have since leveled off with virtually no change in the last two years.

Divorce Cases per 100k Adults in 24 States

Civil Protection Order Cases per 100k Adults in 24 States



These maps display the 24 states with available data—representing approximately 41 percent of the U.S. population—into two metrics: divorce cases per 100,000 adults and civil protection order cases per 100,000 adults. Each then divides the states into 5 groups. Divorce rates range from 365 (MA) to 929 (NV) with a regional pattern appearing in the northeast (MA, MD, NH, NJ, NY, OH, PA, and VT) where the divorce rate for each included state is below 500 per 100,000 adults. In contrast, civil protection order cases do not show a strong regional pattern with a range of 141 (ND) to 1,106 (MO) per 100,000 adults. Over half of these 24 states reported less than 400 civil protection order cases per 100,000 adults in 2018.

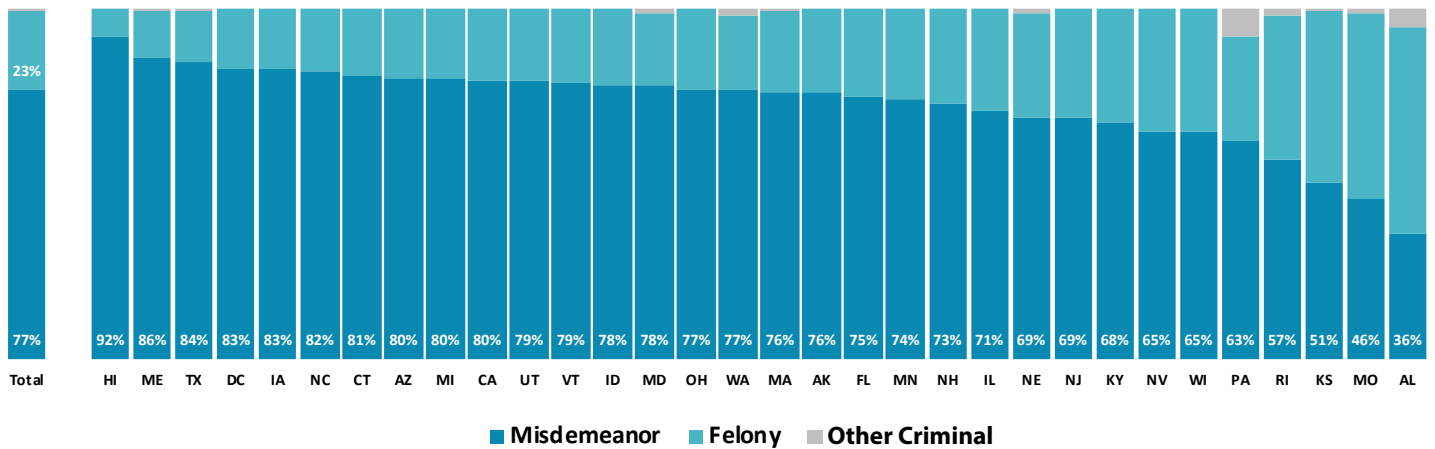
CRIMINAL

Total Incoming Criminal Cases in State Trial Courts



Criminal caseloads comprise person cases (including homicide), property cases, drug cases, weapons cases, DUI/DWI cases, and others. The U.S. has seen state trial court Criminal caseloads drop at an average annual rate of about 2 percent per year. There was a slight increase reported in 2013, but this was followed by a larger than average decrease the following year and a consistent decline of 2 percent since 2014.

Criminal Caseload Composition in 32 States

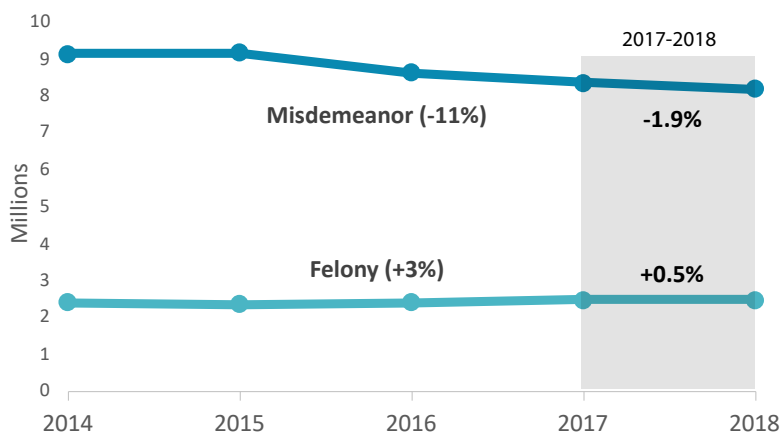


States broadly classify their Criminal caseloads into three subcategories of cases: felonies, misdemeanors, and a residual “other” category that includes appeals from limited jurisdiction courts. This chart shows the composition of Criminal caseloads in the 32 states able to report this level of detail. In the aggregate, misdemeanor cases comprise about 77 percent of incoming Criminal cases in state trial courts and comprise more than half of all Criminal cases in 30 of the 32 states shown.

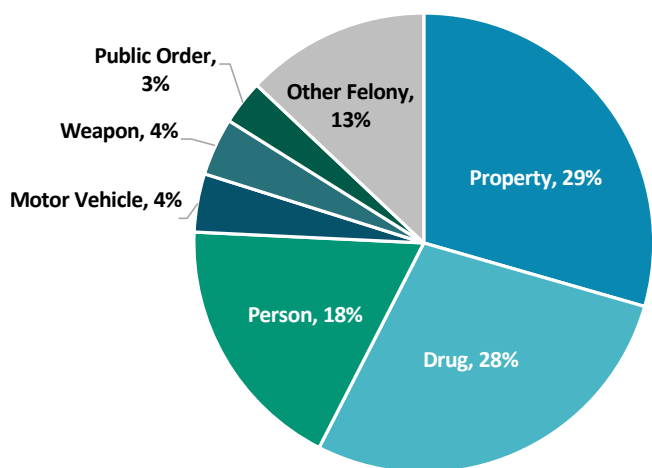
CRIMINAL

Incoming Felony and Misdemeanor Caseloads in 28 States

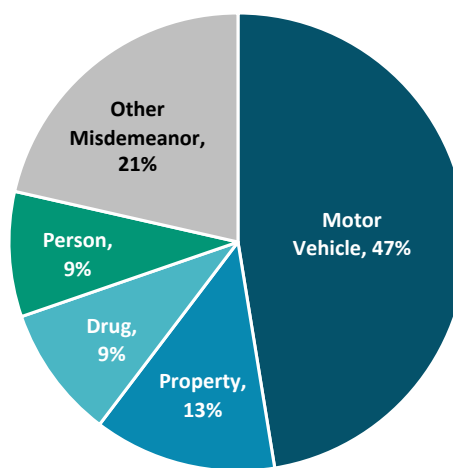
This chart focuses on felony and misdemeanor caseload data from 28 states for the last 5 years. It highlights not only the difference in volume between misdemeanor and felony cases (about 3-to-1 in 2018) but also that the overall decrease observed in Criminal caseloads has been driven almost entirely by a decline in misdemeanor cases. Since 2015, misdemeanor cases have declined each year while felony cases have consistently edged upwards.



Felony Caseload Composition in 21 States



Misdemeanor Caseload Composition in 21 States

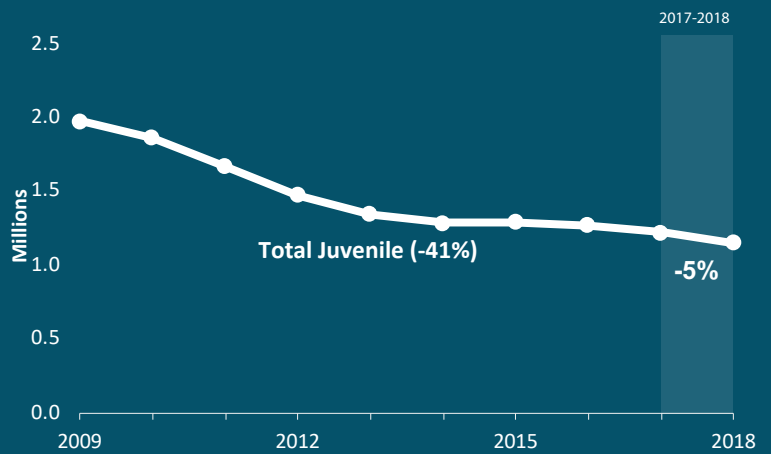


The *State Court Guide to Statistical Reporting* defines 10 different types of felony cases and 11 different types of misdemeanor cases. Felony caseloads are comprised largely of property, drug, and person cases (a combined 75 percent) with smaller portions of the caseload made up of motor vehicle (including DWI/DUI), weapon, public order, and other cases (including domestic violence and elder abuse). Misdemeanor caseloads, in contrast to felony, are composed largely of motor vehicle cases (47%) while property, drug, and person cases make up a noticeable but smaller proportion (a combined 31%) of the caseload. Other misdemeanor cases, including domestic violence, elder abuse, weapon, public order, and protection order violations comprise the remaining 21 percent of the caseload.

JUVENILE

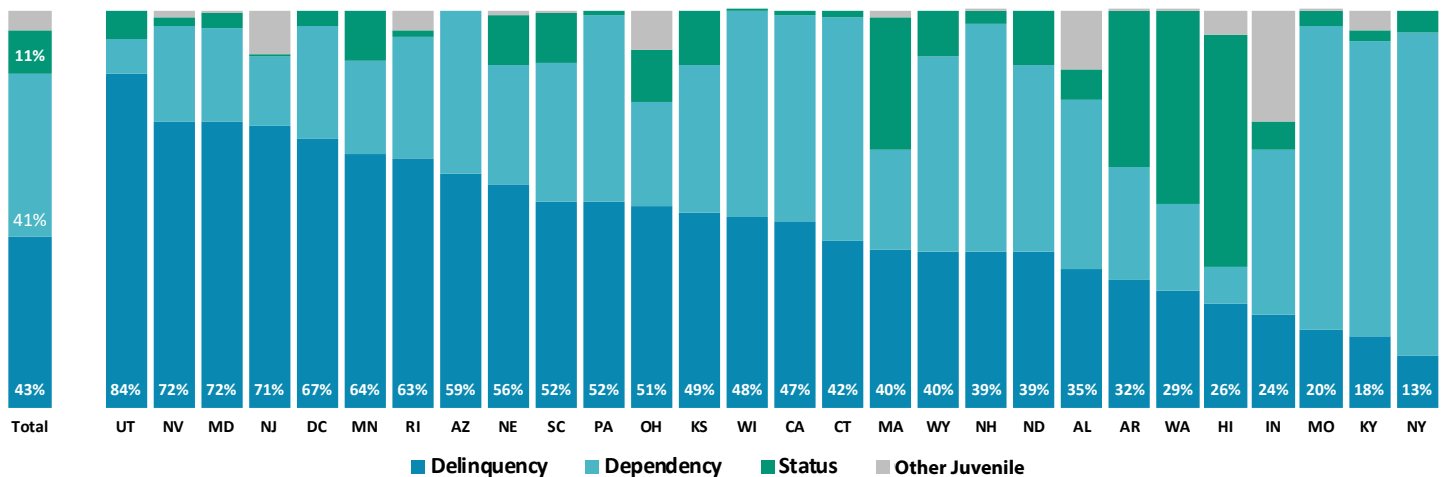
Total Incoming Juvenile Cases in State Trial Courts

In 2018, Juvenile caseloads accounted for just under 1.5 percent of all incoming cases in state trial courts and nearly 3 percent of total non-Traffic cases. Juvenile cases, while relatively small in volume, are among the most important and resource-intensive cases processed by state courts. The decline of Juvenile cases over the previous 10 years is not surprising given the overall decline in trial court caseloads, but what is striking is the rate of decline. Among the 5 major case categories, Juvenile caseloads shows the largest 10 year decline (41%) as well as the largest decline between 2017 and 2018 (5%).



Juvenile Caseload Composition in 28 States

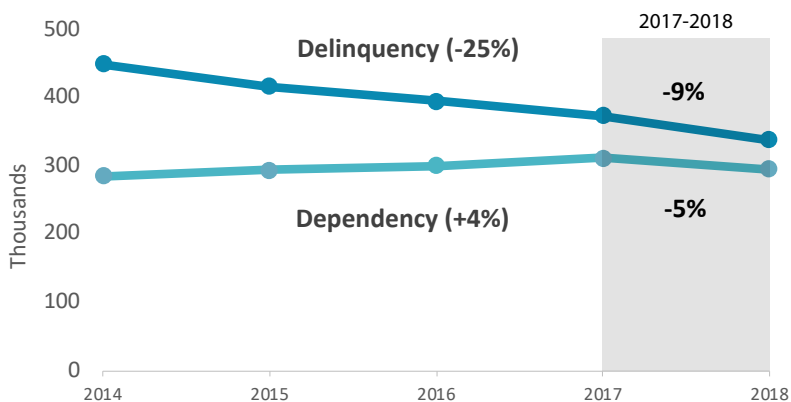
Juvenile caseloads are divided primarily into four subcategories: delinquency (cases that would be considered criminal were it not for the defendant's age), dependency (cases alleging abuse or neglect, or children without proper adult supervision), status offense (misbehavior only by virtue of the defendant's minor status, such as curfew violation or truancy), and other. In the 28 states able to report this level of specificity for 2018, delinquency represents the largest share of the aggregate at 43 percent, followed closely by dependency at 41 percent.



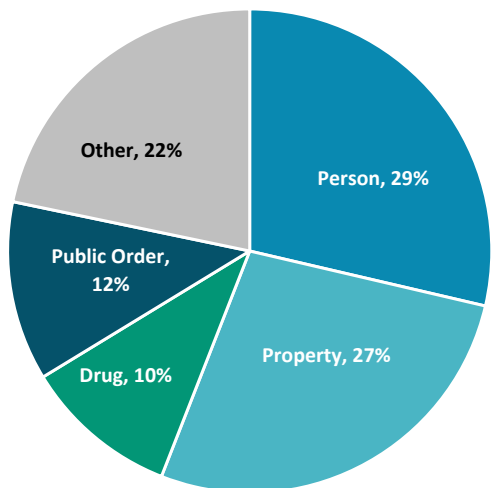
JUVENILE

Delinquency and Dependency Caseloads in 29 States

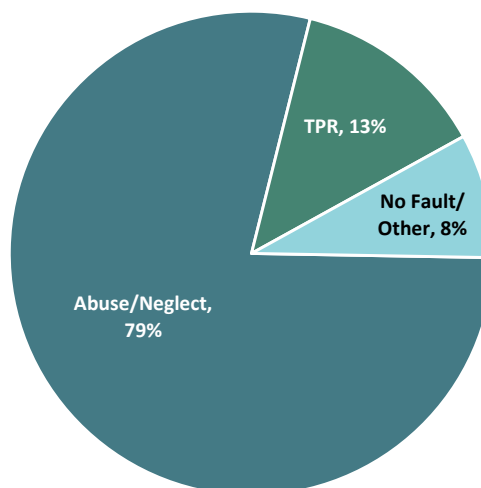
Delinquency cases have historically accounted for the clear majority of Juvenile caseloads, but there are signs this may be changing. In the 29 states able to provide a delinquency/dependency breakdown for the last 5 years, delinquency caseloads have fallen 25 percent, including 9 percent in 2018. Dependency caseloads, while decreasing 5 percent from 2017 to 2018, increased 4 percent over the last 5 years. Even with both case types presently trending downward, the ratio of delinquency to dependency cases continues to decline (from 1.58:1 in 2014 to 1.15:1 in 2018). Dependency may overtake delinquency as the dominant Juvenile case category if these trends continue.



Juvenile Delinquency Caseload Composition in 22 States



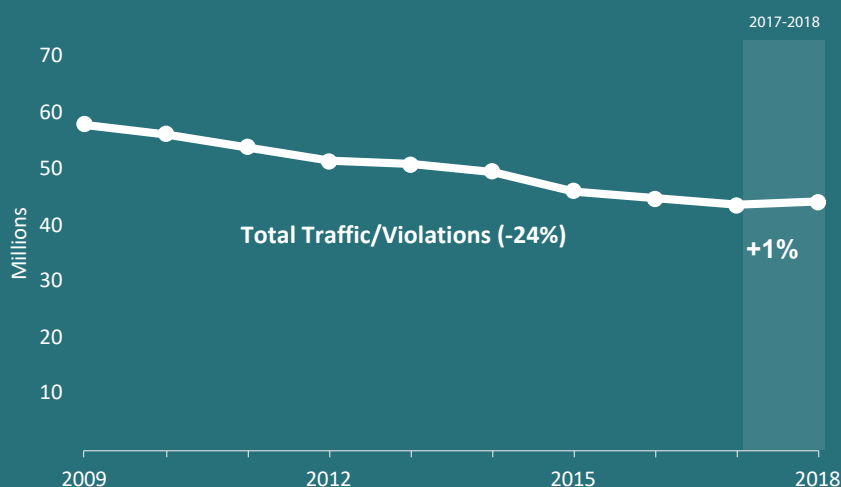
Juvenile Dependency Caseload Composition in 12 states



Juvenile delinquency and dependency each comprise several case types. Similar to Criminal, delinquency is reported in person, property, drug, public order, and a residual “other” category. Unlike Criminal, the *State Court Guide to Statistical Reporting* does not specify individual case types for DUI and weapons cases, both of which are reported here as “other” delinquency cases. The vast majority of dependency cases (79%) result from an allegation of abuse/neglect. Termination of parental rights (TPR) cases comprise 13 percent of dependency caseloads and arise from an abuse/neglect case, but the TPR case is reported as a separate, additional action.

TRAFFIC

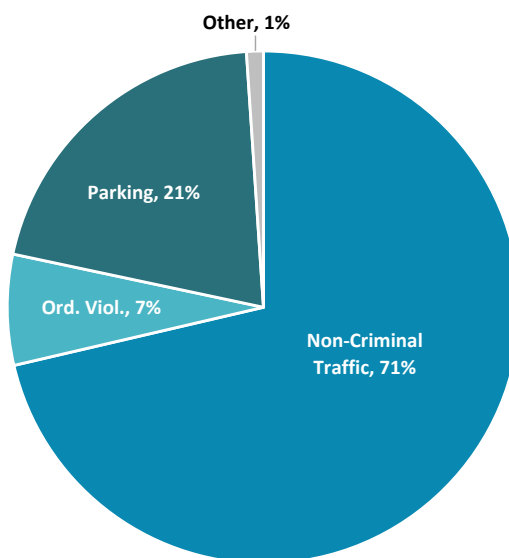
Total Incoming Traffic/Violations Cases in State Trial Courts



State trial court caseloads are dominated by Traffic/Violations cases. Despite a fairly precipitous drop during the last decade (-24%) they still comprised over 50 percent of all cases processed in state courts in 2018. Part of this decrease over time is likely the result of some states removing jurisdiction for all or most of their parking cases from the courts to administrative agencies - caseloads not collected by the CSP.

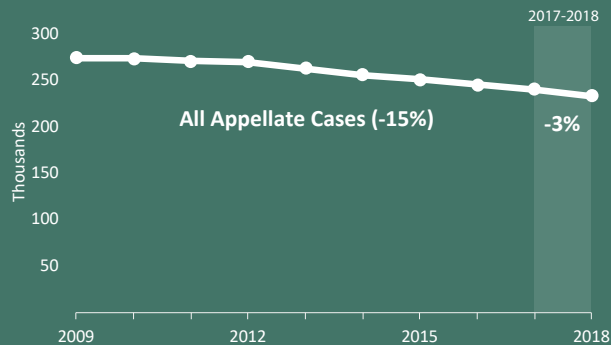
Traffic/Violations Caseload Composition in 22 States

Despite comprising the largest portion of trial court caseloads, the Traffic/Violations category has the fewest constituent case types: Non-Criminal traffic, ordinance violation, parking, and a residual "other" category. Data from the 22 states able to report complete Traffic/Violations caseload compositions suggest that non-criminal traffic cases dominate the Traffic caseload. These cases include moving violations, such as speeding or running a stop light, and driving with an expired license.



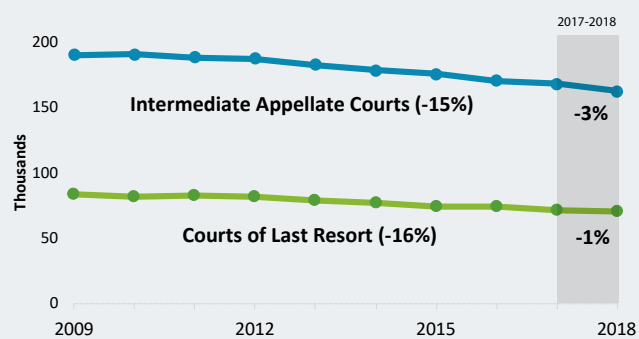
APPELLATE

Total Incoming Cases in State Appellate Courts



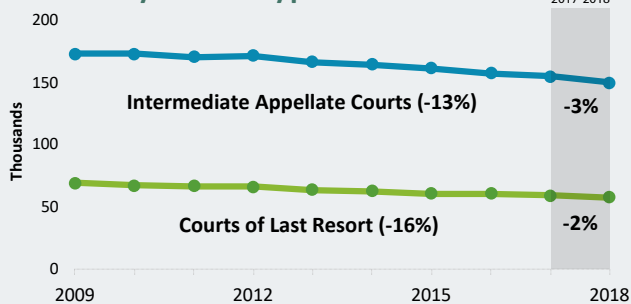
Appellate caseloads are comprised of two main categories: appeals from lower courts and original/other appellate matter. Consistent with the overall decline observed in trial court caseloads over the last decade, appellate court caseloads continue to show a steady downward trend. Reported incoming appellate caseloads show an overall 15 percent decline since 2009, with a consistent annual decline of between 2 and 3 percent since 2012.

Incoming Appellate Caseloads by Court Type



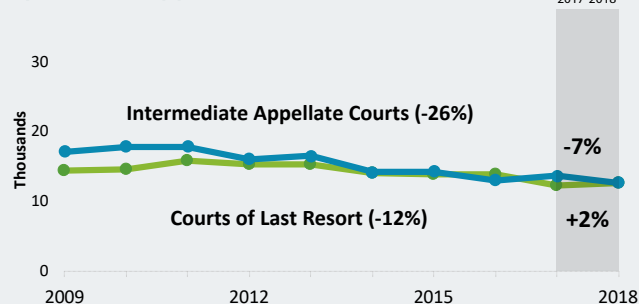
Over the last 10 years, total caseloads in both Courts of Last Resort (COLR) and Intermediate Appellate Courts (IAC) show similar rates of decline even as the rate of decrease for IACs was slightly greater than that of COLRs from 2017 to 2018. Volume ratio between COLRs and IACs has also remained stable with IACs reporting over twice as many incoming appellate cases as COLRs.

Total Incoming Appeals from Lower Courts by Court Type



With appeals from lower courts, both by right and by permission, accounting for nearly 90 percent of all incoming appellate cases in 2018, it is not surprising that the trend lines for total appeals mirror the trend lines for total incoming appellate caseloads shown above. While the rate of decline for IACs was greater between 2017 and 2018, COLRs show a slightly larger overall decline over the last 10 years.

Total Incoming Original/Other Appellate by Court Type

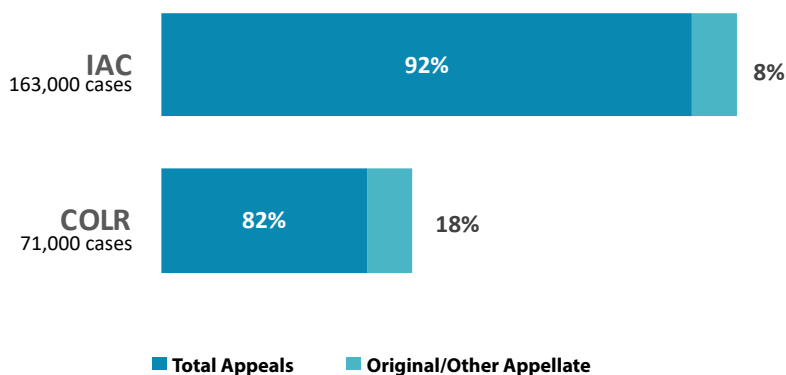


Original proceeding/other appellate cases (i.e., cases that are not appeals from trial courts but originate in the appellate court) made up just over 10 percent of all incoming appellate cases in 2018, and the volume of cases at each court level remains strikingly similar over the last 10 years, especially after 2012. Data quality continues to improve over time as more states are able to provide caseload data and improve the accuracy of the data reported.

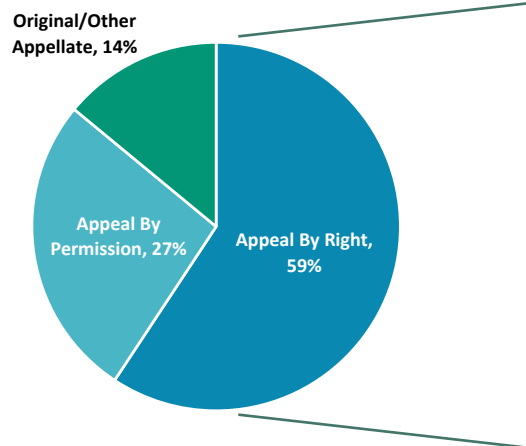
APPELLATE

Distribution of Incoming Appellate Caseloads by Court Type

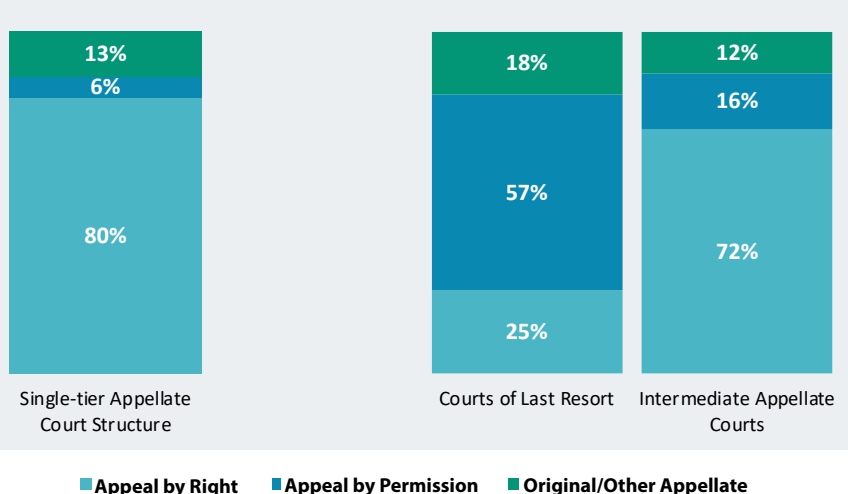
State appellate courts reported roughly 234,000 cases in 2018. In the 42 states with two-tier structures (at least one COLR and one IAC), these cases are distributed between the two appellate court levels while the remaining 11 states and territories, having a single-tier structure, process all appellate cases in the COLR. As seen in the graph to the right, the vast majority of caseloads for both COLRs and IACs consist of appeals (both by right and by permission), although the volume of cases processed by IACs is nearly 2.3 times greater than that of COLRs. Interestingly, the number of original proceedings, while representing a higher proportion of incoming cases in COLRs than IACs, is nearly identical at both court levels (12,600 in COLRs v. 12,700 in IACs).



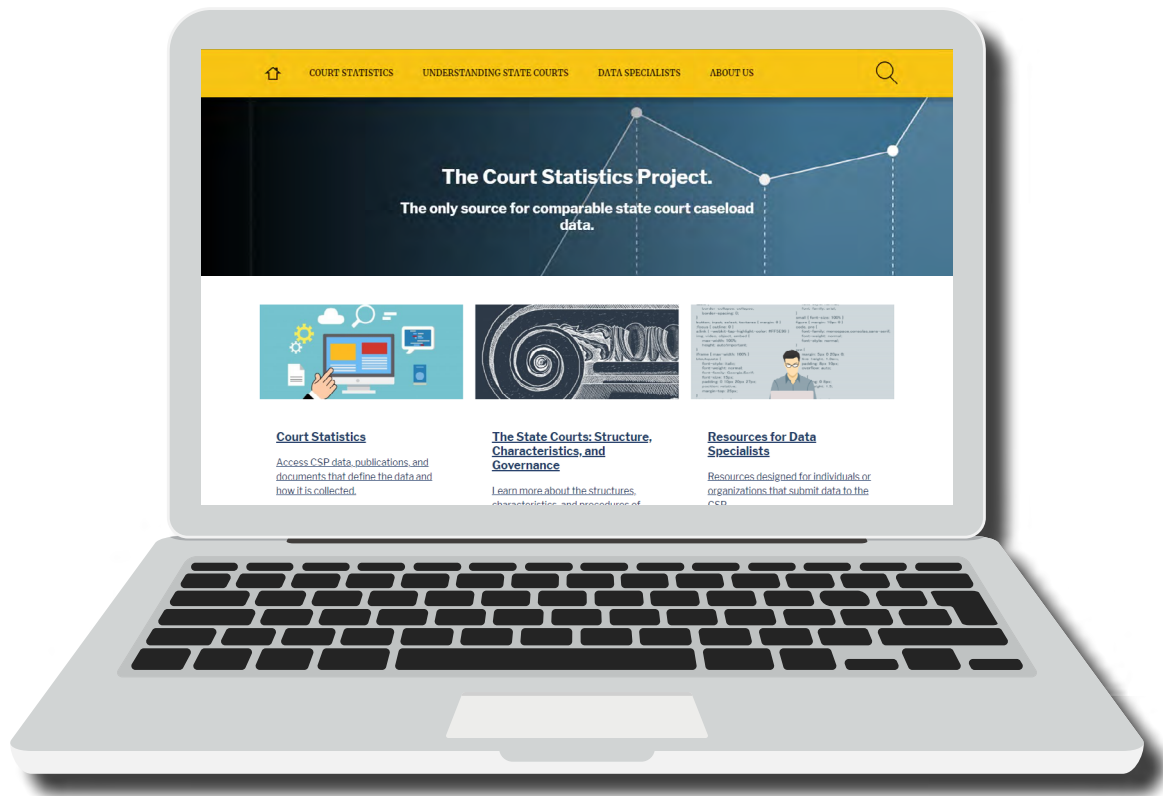
Total Incoming Appellate Caseload Composition



Composition of Appellate Caseloads by Court Structure



Appeals by right are cases that must be accepted for review by an appellate court. Appeals by permission are not guaranteed a review and only accepted into the appellate process if the court chooses to hear it. Appeals by right constitute over half of incoming cases in all appellate courts; however, this proportion changes dramatically when considering whether a state has a single-tier appellate structure (only a COLR) or a two-tier appellate court structure (both COLR(s) and IAC(s)). In states and territories with both a COLR(s) and an IAC(s), appeals by right comprise over two-thirds of incoming cases in IACs while appeal by permission cases comprise over half the caseload in COLRs. States with only a COLR(s) show caseload compositions more similar to IACs in two-tiered states than those of the COLRs.



ACCESS MORE CSP DATA ONLINE

This brief overview of state court caseload statistics is supplemented by more detailed information and analyses online at courtstatistics.org.

As part of the redesigned CSP reporting structure, 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 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.



courtstatistics.org

