U.S. Department of Justice
Bureau of Justice Statistics

Bureau of Justice Statistics
Bulletin

1973-83 Trends

The Growth of Appeals

America's State appellate courts had a faster growing workload than most other components of the Nation's criminal justice system throughout the past decade. The number of State court appeals more than doubled during 1973-83 in the 43 jurisdictions able to measure the growth. This growth overshadows the growth in trial court caseloads, in the number of judges, in the crime rate, in the arrest rate, and in almost all other factors usually associated with appellate caseload.

Rising numbers of arrests during the 1960's and 1970's have resulted in more criminal trials and clogged criminal trial calendars as courts struggled with rising caseloads and growing backlogs. As the number of civil suits has increased, media accounts have debated whether ours has become a more litigious society, in which we are more inclined to seek judicial resolution of disputes by bringing civil suit against one another than to seek less formal ways of dispute resolution.

The rapid increase in court caseloads has raised serious questions as to whether public safety is jeopardized when the outcome of criminal cases can be delayed for many months and whether justice is being served when it can take years to resolve a civil court case.

Although delays do occur at the trial court level where the criminal or civil case begins, further delays are introduced when appeals are made to a higher State court. This bulletin examines the dramatic increases in appellate court caseloads from 1973 to 1983 and some of the circumstances surrounding those increases.

February 1985

Criminal justice statistics have been used extensively in the past to document changes in the work loads of the various components of the criminal justice system, both at the national level and in individual States and local jurisdictions. Media accounts of these statistics have informed the public of increases in the crime rate, numbers of arrests, numbers of jailed inmates and prisoner populations. Similar data describing the workloads of the courts have been much more difficult to obtain for a variety of reasons. This report is the first containing appellate case trend data for a large number of States for an extended period of time.

These numbers are important because they show that appellate court caseloads have grown at a greater rate than other components of the justice system during most of the past decade.

These numbers do not show why appellate court caseloads have increased. Additional research is needed to determine what factors in our society or in our justice system drive such growth. Such research should focus on the impact of establishing an intermediate appellate court, changes in the economy, growth in appealable outcomes from trial courts, prisoner populations, reported crime rates, trial court judgeships, and court structure and procedure.

We wish to express our appreciation to the National Center for State Courts and The Appellate Justice Center for their efforts in assembling this data base and to the many individuals in State court administrators' offices and State appellate courts for providing these data.

Steven R. Schlesinger
Director

Appellate caseload trends

Historical data depicting overall national trends in State appellate court caseloads are not available. However, studies of long-term trends in various States show a steady increase until the early 1930's followed by a rapid drop during the Depression and World War II. By the late 1940's appellate caseloads were less than half their previous high.[1] After several years of gradual growth, caseloads began to increase rapidly in the mid-1960's, and growth has continued to the present. The availability and quality of appellate court caseload statistics improved sufficiently by the 1970's to permit detailed analysis of caseload trends over the past decade for most States. Statistics on total State court appeals for 1973-83 were obtained from 43 jurisdictions (42 States and the District of Columbia), 38 of which could also show criminal appeals and civil appeals separately.[2]

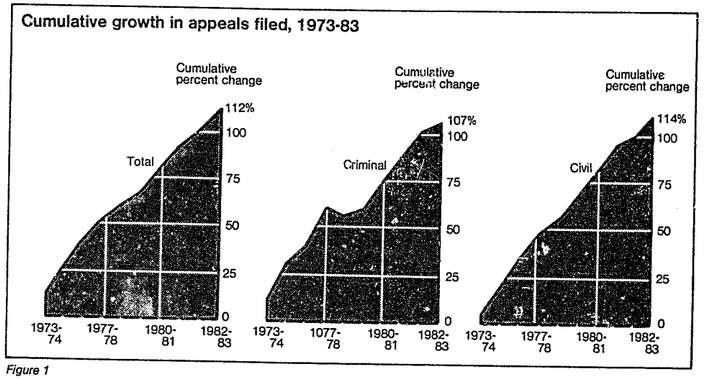

Figure 1

The total number of appeals in the 43 jurisdictions grew by 112% over the decade (figure 1). This is somewhat greater than the 90% increase for the U.S. Courts of Appeal in the same period.[3]

In the 38 States in which civil and criminal appellate filings are available separately, criminal filings grew by 107%; civil filings, by 114%.[4] Although both civil and criminal filings grew dramatically over the 10-year period, year-to-year changes in criminal filings were somewhat more uneven than those for civil filings (figure 2). For example, annual growth in criminal appeals exceeded 20% in 1975, but the number of criminal appeals filed actually dropped between 1977 and 1978. On the civil side, the highest annual rate of growth was also during 1975, when filings increased 14.7%, but the lowest growth period was during 1982, when filings increased 2.6%.

Over the decade, in the States for which statistics are available, 379,000 civil appeals were filed compared with 296,000 criminal appeals. Criminal cases accounted for 43 to 46% of total appellate volume. Criminal appeals had composed only 10 to 15% of total appeals until the 1960's, when a rapid increase in criminal filings occurred, probably because of the 1963 U.S. Supreme Court ruling in Douglas v. California that provided indigent defendants with counsel on appeal, as well as other Court decisions establishing "new rights" that could then be the basis of appeals.[5]

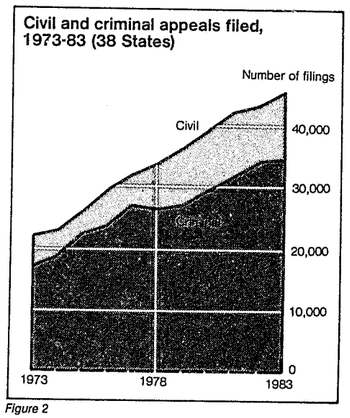

Figure 2

The high rate of growth for both civil and criminal filings in 1975 (the only year in which both case types simultaneously exceeded their annual average growth rate for the period) combined to make 1975 the year with the highest annual percent increase in total filings.

Appellate caseload growth has slowed from the sharp increases of the mid 1970's, but it now appears to be increasing somewhat more rapidly than it did in the late 1970's.

State trend variability

Although all 43 jurisdictions experienced substantial growth, appellate growth rates differed significantly from State to State. Overall, growth in total appeals filed from 1973 to 1983 ranged from 38% in Mississippi and 53% in Maryland to 305% in Alaska. Appellate case filings also grew exceptionally fast in Connecticut, Oregon, and Hawaii, where total appellate caseload growth exceeded 200% over the decade (table 1).

Several States with exceptionally large increases in appellate case filings expanded appellate jurisdiction during the period, accounting for part of the increase in filings. In addition, six States changed their system of docketing cases during the period, artificially increasing the number of filings.

Table 1. Percent change in appeals filed, by State, 1973-83

State	Total appeals	Criminal appeals	Civil appeals
Alaska	305[a,b]	914[b]	91
Connecticut	265[c,d]	454[c]	227[c,d]
Oregon	212[b]	253[b]	181
Hawaii	201[a]	483	103
Montana	187	217	180
Florida	186	—	—
Kentucky	186[a,c]	200[c]	180[c]
Minnesota	172[a,b]	219[b]	160[b]
Michigan	167[b]	157	180[b]
Maine	161[c,d]	39	343[c,d]
Nevada	159	203	131
South Dakota	156	—	—
Alabama	156	137	182
Massachusetts	154[a]	191	138
Arizona	145	273	70
New Hampshire	144[c]	178[c]	133[c]
Texas	140[c]	147[c]	132
Louisiana	139	454	94
Vermont	137	170	126
Illinois	129[c]	80[c]	184[c]
Utah	116	69	130
Rhode Island	110[d]	41	135[d]
Colorado	108	88	118
Kansas	108[a,b]	214[b]	81[b]
Wyoming	103	196	74
Missouri	97	80	105
Washington	96[d]	148[d]	74[d]
Ohio	95	—	—
Pennsylvania	94	—	—
California	89	66	120
New York	87	—	—
New Mexico	86	50	111
Oklahoma	85	16	122
Idaho	72[a]	125	53
Iowa	68[a]	35	91
Nebraska	68	23	109
Delaware	67	81	59
New Jersey	62	72	55
Tennessee	62	48	74
Dist. of Columbia	57	40	80
Virginia	60	39	99
Maryland	53[d]	52[d]	55
Mississippi	38	51	31

Note: Comparable data were not available for Arkansas, Georgia, Indiana, North Carolina, North Dakota, South Carolina, West Virginia, and Wisconsin.
— Sub detail data were not available.
[a] An intermediate appellate court began operation during the period. (See **Methodology** section.)
[b] Appellate jurisdiction was increased substantially, sometimes in conjunction with the establishment of a new intermediate appellate court.
[c] Docketing systems changed, artificially increasing the number of filings.
[d] Appellate jurisdiction was reduced substantially.

(See the **Methodology** section for a discussion of these changes.)

Aggregated nationwide, criminal and civil appeals grew at almost the same rate during the decade. In individual States, however, one type often grew much faster than the other. For example, in Hawaii criminal appeals increased by nearly five times, while civil appeals doubled. Criminal appeals grew nearly four times as fast as civil appeals in Arizona and nearly five times as fast in Louisiana.

In 17 of the 38 States, increases in civil appellate filings exceeded increases in criminal appellate filings. For example, civil case growth in Utah was nearly double criminal case growth. Rhode Island, even with a substantial reduction in civil appellate jurisdiction, experienced a civil filing growth three times the growth in criminal filings. Many other States showed similar disparate growth rates between civil and criminal filings during the period.

In each State, the year-to-year caseload growth demonstrated greater unevenness than occurred at the national level. The States with the greatest variations tended to be those where caseloads were relatively small, such as Alaska, Hawaii, Maine, Mississippi, Montana, New Mexico, and Vermont. In these States, an unusually high number of cases filed in a single year will produce a large percentage change. Despite the large increases experienced over the 10-year period by all of the States, every State except Florida experienced a decline in the total number of filings in at least 1 year.

Factors associated with caseload growth

The 112% increase in appeals between 1973 and 1983 was much greater than the increase in most factors to which it might be related. It is more than 10 times the population growth and it is 7 times the growth in personal income adjusted for inflation. Appeals grew more than three times faster than appellate judgeships and more than four times faster than trial court judgeships (figure 3).

Because appellate court judgeships have grown at a slower rate than case filings, the number of appeals filed per appellate judgeship in the 43 jurisdictions grew from 85 in 1973 to 133 in 1983. Each jurisdiction experienced an increase in appellate filings per judgeship ranging from less than 1 case per judge in Delaware, where the supreme court was expanded from 3 to 5 judges,

The appeal process

An appeal occurs when the defendant in a criminal case (or either party in a civil case) requests that a court with appellate jurisdiction rule on a decision that has been made by a trial court or administrative agency.

Appellate courts receive two basic categories of cases, appeals and writs. Appeals, by far the most time-consuming and important, occur when a litigant's case receives a full-scale review after losing at the trial level (or, in several States, after losing in certain administrative proceedings).

The appeal begins when the party losing the case in the trial court, the "appellant," files a notice of appeal, usually a month or two after the trial court decision. Then within a few months the appellant files the trial court record in the appellate court. The record, often bulky, consists of the papers filed in the trial court along with a transcript of the trial testimony. Next the appellant and the opposing party, the "appellee," file briefs that argue for their respective positions. The briefs are usually followed by short oral presentations to the judge. Finally, the judges decide the case and issue a written opinion. An increasing number of courts, but still a minority, decide some appeals without written opinions.

State supreme court decisions are usually issued by the full court; intermediate court decisions are generally issued by three-judge panels. The whole decision process takes roughly a year, although it ranges from 6 months in some courts to several years in courts with large backlogs.

In making its final disposition of the case, an appellate court may—
- "affirm," or uphold, the lower court ruling,
- "modify" the lower court ruling by changing it in part, but not totally reversing it,
- "reverse," or set aside, the lower court ruling and not require any further court action,
- "reverse and remand" the case by overturning the lower court ruling but requiring further proceedings at the lower court that may range from conducting a new trial to entering a proper judgment,
- "remand" all or part of the case by sending it back to the lower court without overturning the lower court's ruling but with instructions for further proceedings that may range from conducting a new trial to entering a proper judgment.

Thus, the termination of an appellate court case may or may not be the end of the case from the perspective of the parties involved in the case. They may be required to go back to the lower court for further proceedings. If Federal law is involved, a party can petition for review in the U.S. Supreme Court. In criminal cases, defendants can file further petitions in a Federal court or a State court.

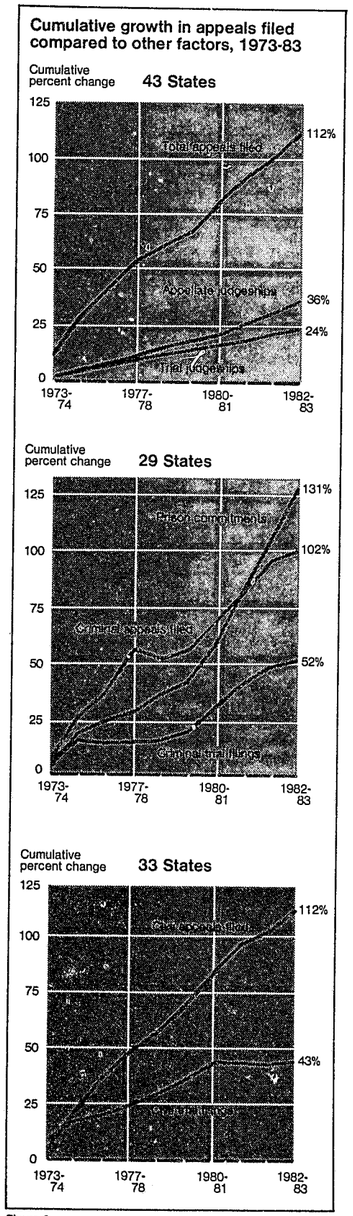

Figure 3

to 119 cases per judge in Oregon (table 2). In terms of percent increase, Nevada had the highest, 157%, followed closely by Alabama, Alaska, and South Dakota each with 156%, 155%, and 152% respectively.

Increases in the number of appellate judgeships almost kept pace with rising filings in Delaware, Iowa and Idaho, where the filings per judgeship increased by less than 10% over the decade. In all other States the increase was 29% or more.

Table 2. Number of appeals filed per judgeship, 1983 and 1973, and percent change, by State

State	Appeals filed per judgeship 1983	1973	Percent increase
South Carolina[a]	323	—	—
Pennsylvania	303	231	31
Florida	260	178	46
Virginia[b]	243	151	61
New Jersey	224	155	44
Oregon	218	99	120
Michigan	198	98	102
New York[b]	193	129	50
Minnesota[a]	188	78	141
Georgia	174	—	—
Dist. of Columbia	171	109	57
Ohio	162	109	49
Alabama	161	63	156
Illinois[c]	145	74	96
Nevada[b]	139	54	157
Utah	138	64	116
Kentucky[c]	131	87	51
Nebraska	131	78	68
California[b]	126	98	29
West Virginia	123	—	—
Arizona[b]	119	69	72
Vermont	112	47	138
Arkansas	105	—	—
Wisconsin	105	—	—
New Hampshire[c]	103	42	145
Rhode Island[b]	100	48	108
Alaska	97	38	155
Iowa	95	88	8
Mississippi[b]	95	69	38
Colorado[b]	91	57	60
Massachusetts[b]	92	48	92
Washington	94	57	65
Oklahoma[b]	90	65	38
Maryland[b]	89	68	31
Connecticut[c]	85	35	143
North Carolina[b]	85	—	—
Delaware	83	82	1
Kansas	80	60	33
Tennessee[b]	78	59	32
Texas[b,c]	73	51	43
Louisiana[b]	71	49	45
Missouri	71	47	51
New Mexico	70	45	56
Maine[c]	69	31	123
Montana[b]	63	31	103
South Dakota	63	25	152
North Dakota	62	—	—
Hawaii[b]	60	32	88
Idaho	52	49	6
Wyoming[b]	47	23	104

Note: No filing data were available for Indiana.
— Comparable data were not available.
[a] Because an intermediate appellate court was added late in the year, the number of judges was prorated for additions during the year. The number of filings per judge will decrease when the new court begins hearing cases.
[b] All or most appeals are counted by the court at a point later than the filing of a notice to appeal, understating the State's caseload compared to States that count the notice to appeal.
[c] Docketing systems changed, artifically increasing the number of filings.

Criminal appeals grew more than twice as fast as the FBI Crime Index statistics and twice as fast as trial court criminal filings in the 29 jurisdictions with trial court statistics.[6] Only prison commitments, which grew 131% during the decade in the 29 States outpaced the growth in criminal appellate filings. However, the growth in prison commitments lagged behind criminal appellate filings until the large increases in prison population of 1981-83.

Civil trial court filings for 1973-83 were obtained from 33 of the 38 jurisdictions with civil appellate data. For these jurisdictions, civil trial court filings increased by 43%, considerably less than half the growth of civil appeals in those States.[7]

Appeals might be expected to be associated primarily with the number of cases decided by trial courts, for with few exceptions only these cases can be appealed. Unfortunately, there is no adequate measure of trial court decisions, only of the number of trials. Although most trials result in decisions, trials can end in dismissals or mistrials. In any case, the number of trials has increased very little. As a result, the ratio of appeals to trials has increased greatly. This may be because more trial dispositions are appealed or because more appeals are made from nontrial dispositions such as civil summary judgments and guilty pleas. It is also possible that the small growth rate shown for trials is the result of widespread problems with the statistics themselves, which reflect disparate judgments by local court officials as to what constitutes a trial.[8]

Appellate decisions

There is substantial variation among the States in judgeship positions and court output (table 3). Most of this variation results, of course, from differences in State size. Judgeship positions ranged from five in several smaller States without intermediate appellate courts to 81 in California and 97 in Texas. Appellate decisions ranged from 200-300 cases decided in smaller States with solitary supreme courts to more than 9,000 in Florida and New York, which have intermediate appellate courts as well as a supreme court.[9]

Although smaller States tend to have fewer filings, cases decided, and judgeships, there is considerable variation in the numbers of cases decided per judgeship across the States. Virginia, which established an intermediate appellate court to relieve the burden on its supreme court in 1985, had the most decisions per judgeship, 226. This number will undoubtedly decrease as the 10 new judges of the intermediate appellate court begin hearing cases. Other high output States are New York, Florida, New Jersey, and Michigan, each with more than 150 cases decided per judge during 1983.

Table 3. Appellate decisions per judgeship, by State, 1983

State	Number of judgeships	Decisions: Number	Decisions: Per judgeship
States with solitary supreme courts			
Virginia[a]	7	1,580	226
West Virginia[a]	5	625	125
Dist. of Columbia	9	875	97
Utah	5	437	87
New Hampshire[a]	5	404	81
Nebraska	7	502	72
Rhode Island[a]	5	304	61
Delaware[a]	5	296	59
Mississippi[a]	9	502	56
South Dakota	5	271	54
North Dakota	5	241	48
Montana	7	320	46
Vermont	5	209	42
Maine	7	288	41
Nevada	5	193	39
Wyoming	5	147	29
States with intermediate appellate courts			
New York[a]	55	10,214	186
Florida[a]	53	9,379	177
New Jersey	28	4,419	158
Michigan	25	3,925	157
Georgia	16	2,331	146
Oregon[a]	17	2,443	144
Pennsylvania	31	3,803	123
Ohio	59	7,362	125
Illinois	48	5,121	107
South Carolina[a,b]	5	499	100
California	81	7,833	97
Indiana	17	1,573	93
Alabama	17	1,530	90
Alaska	8	707	88
Texas	97	8,443	87
Arizona	20	1,696	85
Wisconsin	19	1,600	84
Minnesota[a,b]	9	743	83
Maryland	20	1,647	82
Iowa	14	1,127	81
Kentucky	21	1,701	81
Arkansas	13	1,003	77
Oklahoma	24	1,770	74
Kansas	14	1,002	72
Colorado	17	1,192	70
North Carolina	19	1,283	68
Louisiana	55	3,556	65
Massachusetts[a]	17	1,107	65
Tennessee	26	1,664	64
Washington	25	1,432	57
New Mexico	12	668	56
Hawaii	8	397	50
Missouri	39	1,679	43
Connecticut[b]	6	233	39
Idaho	8	285	36

[a] Courts in the State decide at least a third of the cases without writing opinions.
[b] An intermediate appellate court was established late in the year. Because each new court had decided only a small number of cases by the end of the reporting period, neither the number of judgeships nor the number of decisions is included here.

The great differences in decisions per judge do not necessarily reflect differences in the amount of effort expended by the judges. Judges have great discretion concerning how much attention to give each case. Most high-output courts have curtailed traditional features of appellate decision procedure, and, for example, decide many cases without hearing oral arguments and writing full opinions. States with few cases decided per judge tend to be smaller States with solitary supreme courts that hear and decide nearly all their cases using traditional procedures such as oral arguments and full written opinions.

Summary

State appellate court workload grew faster over the past decade than almost all other components of the justice system.

- Appellate case filings grew 112% from 1973 to 1983 in the 43 jurisdictions for which data were available.
- Criminal and civil appellate filings grew at similar rates in the 38 jurisdictions able to supply separate data: criminal filings increased 107% and civil filings increased 114%.
- Appellate caseload growth has slowed from the sharp increases of the mid-1970's, but it now appears to be increasing somewhat more rapidly than during the late 1970's.
- All 42 States and the District of Columbia experienced substantial growth in appellate filings during the period, but the rates of growth differed substantially from State to State, and all States except one experienced a decrease in appellate filings in at least 1 year during the decade.
- The growth in appellate filings over most of the decade was greater than the increase in most factors that might be associated with it. These include population, judgeships, crime rate, arrest rate, trial court filings, and prison commitments. Prison commitment growth, however, surpassed appellate filing growth beginning in 1981.
- Throughout the decade, criminal appeals accounted for 43 to 46% of total appeals. Until as recently as the early 1960's, criminal appeals had accounted for only 10 to 15% of total appeals.

Methodology

The following two sections present a general description of the definitions and procedures used in this study. More detailed information can be found in State Appellate Caseload Growth, Documentary Appendix.[10] The appeals included in this analysis are initial appeals from trial courts and administrative agencies. This definition permits a caseload measure that is comparable from State to State. It excludes writs and petitions, nearly all of which represent little work for the courts.

Appellate court functions

The two basic functions of appellate courts are to determine the correctness of the trial court decisions and to develop the law of the State. The second function arises in relatively few cases, since most appeals do not present new legal issues. Intermediate appellate courts are generally limited to the determination of correctness, whereas most supreme courts, especially those over intermediate courts, concentrate on developing law.

Direct filings in both supreme and intermediate appellate courts are included; but, to avoid double-counting, appeals do not include transfers from one appellate court to another. Also, appeals do not include supreme court review of cases filed initially in intermediate appellate courts. Most courts count juvenile delinquency appeals (which are quite rare) as civil appeals, and that convention is used here as well.

Writs are not included in this report because they take far less judicial time than regular appeals. The few other original matters, such as bar discipline, judicial discipline, and advisory opinions, are also excluded. Appeals from trial court decisions on postconviction writs, however, are counted as criminal appeals, except in those cases where the appellate courts process them in a summary fashion. Some of the statistics collected depart from these rules for defining an appeal, but the departures affect only a small portion of the caseload in any one court, and caseload definition is consistent from year to year in each State.

Virginia and West Virginia are exceptions to the rule that writs for discretionary appeals are not counted as appeals filed; almost all filings are discretionary, but they are counted as appeals because they are briefed and argued in a manner similar to the regular appellate review conducted in other States. The decision statistics for these two States include denials of petitions to review rulings of lower courts or administrative agencies (but not denial of original jurisdiction writs) since these denials are comparable to appeals as counted in other States with solitary supreme courts.

A difficulty encountered when gathering and evaluating appellate statistics is that procedures for docketing appeals are not uniform. Most appellate courts count cases soon after the notice of appeal is filed; but some wait until the trial court record is received, usually 1 to 3 months after the notice of ap-

Appellate court organization

There are three types of appellate courts: supreme courts in States with no intermediate appellate courts (called "solitary supreme courts"), supreme courts in States with intermediate appellate courts, and intermediate appellate courts themselves.

Every State has a supreme court with five to nine judges (Texas and Oklahoma have separate supreme courts for civil and criminal cases).

In addition, 36 States now have lower-level or intermediate appellate courts, often called "courts of appeal." Between 1870 and 1915, 13 States created permanent intermediate appellate courts to relieve the burden on State supreme courts. These new courts heard some or all initial appeals, but their decisions were subject to review by the State supreme court. More intermediate appellate courts were not created until 1957 in Florida and 1963 in Michigan. In the past 20 years, States have created intermediate appellate courts at the rate of one or more a year to relieve State supreme courts as appellate caseloads increase.

In States with intermediate appellate courts, the portion of appeals going directly to the supreme court varies greatly. In large States, almost all appeals go to the intermediate court. Elsewhere, appeals often bypass the intermediate court and go directly to the supreme court. This division of caseload is accomplished either by routing specific categories of cases (for example, murder cases) directly to the supreme court or by permitting the supreme court to screen all appeals and send the less important ones to the intermediate court to be heard.

Except in Florida, litigants losing in an intermediate court can request the State supreme court to grant a review, which is almost always discretionary. The supreme courts decline to hear the vast majority of these cases, agreeing to hear mainly those that a quick screening indicates are concerned with important issues of law.

peal. Caseload figures in the latter courts do not include appeals filed and then dismissed before the record of the trial is prepared. The practical impact on civil appellate statistics is substantial because many cases are settled or withdrawn before the parties incur the cost of preparing the record.

Docketing system changes during the period can artificially increase appellate case growth. Approximately 1,000 of the increased number of civil filings and 800 of criminal filings are attributable to changes in docketing systems. A docketing system change that would artificially increase filings occurs when a State changes from counting the filing of trial court records to counting the "notice to appeal." This is because the notice to appeal occurs a few months earlier than the filing of trial court records and some cases are dropped between these two points. Excluding these cases reduces the 1973-83 growth by approximately 2 to 4 percentage points. The trends for individual States are affected little by this problem if the definition of a filing remains constant over time within the State. But appellate courts in six States changed from counting cases when the record arrived (or when the briefs arrived) to counting all cases in which a notice of appeal was filed. The six States are Connecticut, Illinois, Kentucky, New Hampshire, Maine, and Texas.

Changes in appellate jurisdiction can also affect the trend data. Roughly one to two percentage points of the increase in total appeals results from a net increase in appellate court jurisdiction over the decade. States with changes in appellate court jurisdiction are noted in table 1. Appellate court jurisdiction is established by State constitution and State law. The most common type of expansion of appellate jurisdiction is when appeals from administrative agencies and limited jurisdiction courts formerly filed in trial courts that had what is called incidental appellate jurisdiction are allowed to be filed directly with the appellate court. Before such a change, the cases were the workload of the trial court. Cases originating in limited jurisdiction courts or administrative agencies are also the most common area for reductions in appellate jurisdiction and caseload; that is, the cases become reviewable by discretionary writ rather than appeal.

The establishment of an intermediate appellate court is often accompanied by an increase in appellate case filings. For this reason, table 1 is footnoted to indicate those States where such a court was established during the period being studied. The States that established intermediate appellate courts and the dates those courts began operation are as follows: Massachusetts, August 1972; Kentucky, August 1976; Iowa, January, 1977; Kansas, January 1977; Wisconsin, August 1978; Arkansas, July 1979; Hawaii, April 1980; Alaska, September 1980; Idaho, January 1982; Connecticut, July 1983; South Carolina, October 1983; and Minnesota, November 1983. Virginia has established an intermediate appellate court to begin operation in 1985.

The statistics for roughly half the States are based on the court's fiscal year, ending in June, August, or September; data for the remainder of the States are for the calendar year.

This bulletin presents data aggregated for all appellate courts in each State. Data for the individual courts are available from the Appellate Justice Center.[11]

Bureau of Justice Statistics Bulletins are prepared by the staff of BJS or those commissioned by BJS. This bulletin was written by Thomas B. Marvell of The Appellate Justice Center and Sue A. Lindgren of BJS. Carol B. Kalish, chief of data analysis, edits the bulletins. Marilyn Marbrook, publications unit chief, administers their production, assisted by Millie J. Baldea and Joyce M. Stanford. Special acknowledgment is made of the assistance of Russell Hochman, 1984 BJS Summer Intern.

February 1985, NCJ-96381

Data collection

Appellate caseload information was collected in a 2-year effort designed to document trends in State appellate courts. The major sources of statistics were State court annual reports and unpublished reports furnished by individual appellate courts. These were supplemented by research in court dockets in six States. Appellate clerks in the States and the District of Columbia were interviewed at length about the content of their appellate court statistics. The statistics were also checked against a wide variety of published reports and articles. Trial court caseload statistics were also obtained mainly from State court annual reports and unpublished reports. Much additional information about the courts, such as jurisdiction and docketing system changes, was obtained from legal research into State statutes and rules and from interviews with court clerks.

In a few States, separate civil and criminal caseload data were missing for individual years and were estimated from total filing statistics. The figures also were corrected occasionally for anomalous changes that would render them misleading.[12]

References

[1]Marvell, Thomas B., "Appellate Court Caseloads: Historical Trends," Appellate Court Administration Review, Vol. 4, (1983), p. 3; Kagan, Robert A., et. al., "The Business of State Supreme Courts, 1870-1970" Stanford Law Review, Vol. 30, No. 1 (November 1977), p. 121.

[2]Many adjustments were made to the data supplied by the States to improve the comparability of data between States and across time within the reporting States. A general discussion of these adjustments and the definitions of terms used in this report can be found in the **Methodology** and **Data Collection** sections.

[3]Federal court appeals in the U.S. Circuit Courts of Appeal increased from 15,629 in fiscal year 1973 to 29,630 in fiscal year 1983. Administrative Office of the United States Courts, Annual Report of the Director 1973; and 1983. (Washington, D.C., Administrative Office of United States Courts).

[4]The total trend line for the 38 States is virtually identical to the trend line for the 43 States.

[5]Marvell and Kagan et. al, note 1 above.

[6]Criminal trial court filings are limited to felonies (and major misdemeanors or misdemeanor appeals in several States).

[7]The civil court trial filing statistics include regular civil cases, such as torts and contracts, as well as domestic relations cases, in general jurisdiction courts only. Excluded are probate, juvenile, small claims, and, in most States, child support cases; these are generally minor or routine cases that are almost never appealed.

[8]These problems, which were uncovered in interviews with officials responsible for compiling these statistics, are described in Marvell, Thomas B., et. al, State Appellate Caseload Growth, Documentary Appendix, (Williamsburg, Va: National Center for State Courts, 1985), Section VI, pp. 10-12. See also Adams, Eleanor B., "Statistical auditing: Do the numbers speak for themselves ?" State Court Journal, Vol. 8, No. 4 (Fall 1984), p.16.

[9]The number of decisions is the number of cases decided on the merits. It does not include dismissal of petitions for review and original jurisdiction writs, and it does not include appeals dismissed for lack of progress. Unlike the appellate case filing data where petitions to appeal are not counted, a petition to appeal that is granted is counted as a decision when the case is decided.

[10]Marvell, et. al, note 8 above.

[11]Thomas B. Marvell, The Appellate Justice Center, Southern Bank Building, 306 South Henry Street, Williamsburg, Virginia, 23185, (804) 229-9772.

[12]Marvell, et. al, note 8 above.

To be added to any **BJS mailing list,** copy or cut out this page, fill it in and mail it to:

National Criminal Justice Reference Service
User Services Dept. 2
Box 6000
Rockville, MD 20850

☐ If the name and address on the mailing label attached are correct, check here and don't fill them in again. If your address does not show your organizational affiliation (or interest in criminal justice) please put it here:

If your name and address are different from the label, please fill them in:

Name:

Title:

Organization:

Street or box:

City, State, Zip:

Telephone: ( )

Interest in criminal justice:

Please add me to the following list(s):

☐ **Justice expenditure and employment reports**—annual spending and staffing by Federal, State, and local governments and by function (police, courts, etc.)

☐ **Computer crime reports**—electronic fund transfer system crimes

☐ **Privacy and security of criminal history information and information policy**—new legislation; maintaining and releasing intelligence and investigative records

☐ **BJS Bulletins and Special Reports** —timely reports of the most current justice data

☐ **Courts reports**—State court caseload surveys, model annual State reports, State court organization surveys

☐ **Corrections reports**—results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data

☐ **National Crime Survey reports**—the only regular national survey of crime victims

☐ **Sourcebook of Criminal Justice Statistics** (annual)—broad-based data from 153 sources in an easy-to-use, comprehensive format (433 tables, 103 figures, index)

U.S. Department of Justice
Bureau of Justice Statistics

Official Business
Penalty for Private Use $300

Postage and Fees Paid
U.S. Department of Justice
Jus 436

THIRD CLASS
BULK RATE

Washington, D.C. 20531

Bulletin

END