

TABLE 6: Opinions Reported by State Appellate Courts, 1993

State/Court name:	Opinion count is by:		Composition of opinion count:			Total dispositions by signed opinion	Number of authorized justices/judges	Number of lawyer support personnel
	case	written document	signed opinions	per curiam opinions	memos/orders			
States with one court of last resort and one intermediate appellate court								
ALASKA								
Supreme Court	X	O	X	O	O	132	5	11
Court of Appeals	X	O	X	O	O	70	3	8
ARIZONA								
Supreme Court	X	O	X	X	O	NA	5	16
Court of Appeals	X	O	X	X	some	247	21	48
ARKANSAS								
Supreme Court	X	O	X	X	X	424	7	15
Court of Appeals	X	O	X	X	O	652	6	16
CALIFORNIA								
Supreme Court	X	O	X	X	some	102	7	50
Courts of Appeal	X	O	X	X	some	12,075	88	206
COLORADO								
Supreme Court	X	O	X	X	O	181	7	14
Court of Appeals	X	O	X	O	some	406	16	32
CONNECTICUT								
Supreme Court	X	O	X	X	some	185	7	9
Appellate Court	X	O	X	X	some	449	9	10
FLORIDA								
Supreme Court	X	O	X	X	O	202	7	15
District Courts of Appeal	X	O	X	X	O	343	57	102
GEORGIA								
Supreme Court	X	O	X	X	O	316	7	17
Court of Appeals	X	O	X	O	O	2,501	9	28
HAWAII								
Supreme Court	X	O	X	X	some	125	5	14
Intermediate Court of Appeals	X	O	X	X	X	81	3	6
IDAHO								
Supreme Court	O	X	X	X	X	NA	5	11
Court of Appeals	O	X	X	X	O	NA	3	6
ILLINOIS								
Supreme Court	X	O	X	X	O	79	7	24
Appellate Court	X	O	X	X	some	2,195	42	88
IOWA								
Supreme Court	O	X	X	O	O	306	9	16
Court of Appeals	X	O	X	O	O	593	6	6
KANSAS								
Supreme Court	X	O	X	X	some	208	7	7
Court of Appeals	X	O	X	X	some	1,023	10	21
KENTUCKY								
Supreme Court	X	O	X	X	some	83	7	11
Court of Appeals	X	O	X	X	some	1,662	14	22

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TABLE 6: Opinions Reported by State Appellate Courts, 1993 (continued)

Court name:	Opinion count is by:		Composition of opinion count:			Total dispositions by signed opinion	Number of authorized justices/judges	Number of lawyer support personnel
	case	written document	signed opinions	per curiam opinions	memos/orders			
<b>LOUISIANA</b>								
Supreme Court	O	X	X	X	some	120	7	32
Courts of Appeal	O	X	X	X	X	3,258	53	158
<b>MARYLAND</b>								
Court of Appeals	X	O	X	O	O	NA	7	14
Court of Special Appeals	X	O	X	O	O	217	13	29
<b>MASSACHUSETTS</b>								
Supreme Judicial Court	O	X	X	O	O	234	7	20
Appeals Court	O	X	X	X	X	203	14	31
<b>MICHIGAN</b>								
Supreme Court	X	O	X	X	O	90	7	15
Court of Appeals	X	O	X	X	some	331	24	84
<b>MINNESOTA</b>								
Supreme Court	X	O	X	O	O	120	7	10
Court of Appeals	X	O	X	O	O	1,345	16	36
<b>MISSOURI</b>								
Supreme Court	X	O	X	X	some	NA	7	15
Court of Appeals	X	O	X	X	some	1,727	32	54
<b>NEBRASKA</b>								
Supreme Court	X	O	X	X	X	389	7	14
Court of Appeals	X	O	X	X	X	611		
<b>NEW JERSEY</b>								
Supreme Court	O	X	X	O	O	NA	7	24
App. Div. of Super. Ct.	X	O	X	X	X	3,675	30	60
<b>NEW MEXICO</b>								
Supreme Court	X	O	X	O	some	129	5	10
Court of Appeals	O	X	X	O	O	683	10	20
<b>NORTH CAROLINA</b>								
Supreme Court	X	O	X	O	some	99	7	19
Court of Appeals	X	O	X	O	X	984	12	28
<b>NORTH DAKOTA</b>								
Supreme Court	X	O	X	X	O	225	5	11
Court of Appeals	X	O	O	O	O	7	3	1
<b>OHIO</b>								
Supreme Court	X	O	X	O	X	NA	7	20
Courts of Appeals	X	O	X	O	X	7,353	65	varies
<b>OREGON</b>								
Supreme Court	X	O	X	X	O	117	7	10
Court of Appeals	X	O	X	O	O	693	10	18
<b>SOUTH CAROLINA</b>								
Supreme Court	X	O	X	X	O	206	5	19
Court of Appeals	X	O	X	X	O	569	6	11

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TABLE 6: Opinions Reported by State Appellate Courts, 1993 (continued)

State/Court name:	Opinion count is by:		Composition of opinion count:			Total dispositions by signed opinion	Number of authorized justices/judges	Number of lawyer support personnel
	case	written document	signed opinions	per curiam opinions	memos/orders			
<b>UTAH</b>								
Supreme Court	X	O	X	X	O	NA	5	12
Court of Appeals	X	O	X	X	O	NA	7	9
<b>VIRGINIA</b>								
Supreme Court	X	O	X	X	O	142	7	23
Court of Appeals	X	O	X	X	O	755	10	15
<b>WASHINGTON</b>								
Supreme Court	X	O	X	X	some	134	9	23
Court of Appeals	X	O	X	X	some	1,582	17	32
<b>WISCONSIN</b>								
Supreme Court	X	O	X	X	O	118	7	10
Court of Appeals	X	O	X	O	O	1,777	15	25
<b>States with no intermediate appellate court</b>								
<b>DELAWARE</b>								
Supreme Court	X	O	X	O	O	54	5	5
<b>DISTRICT OF COLUMBIA</b>								
Court of Appeals	X	O	X	X	O	418	9	27
<b>MAINE</b>								
Supreme Judicial Court	O	X	X	O	O	310	7	11
<b>MISSISSIPPI</b>								
Supreme Court	X	O	X	O	X	226	9	38
<b>MONTANA</b>								
Supreme Court	X	O	X	O	O	437	7	14
<b>NEVADA</b>								
Supreme Court	O	X	X	X	O	177	5	22
<b>NEW HAMPSHIRE</b>								
Supreme Court	X	O	X	X	O	182	5	12
<b>RHODE ISLAND</b>								
Supreme Court	X	O	X	O	O	86	5	17
<b>SOUTH DAKOTA</b>								
Supreme Court	X	O	X	X	O	204	5	1
<b>VERMONT</b>								
Supreme Court	X	O	X	O	O	125	5	8
<b>WEST VIRGINIA</b>								
Supreme Court of Appeals	X	O	X	X	some	220	5	20
<b>WYOMING</b>								
Supreme Court	X	O	X	X	some	188	5	12

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**TABLE 6: Opinions Reported by State Appellate Courts, 1994**

State/Court name:	Opinion count is by:		Composition of opinion count:			Total dispositions by signed opinion	Number of authorized justices/judges	Number of lawyer support personnel
	case	written document	signed opinions	per curiam opinions	memos/orders			
<b>States with one court of last resort and one intermediate appellate court</b>								
<b>ALASKA</b>								
Supreme Court	X	O	X	O	O	145	5	11
Court of Appeals	X	O	X	O	O	77	3	8
<b>ARIZONA</b>								
Supreme Court	X	O	X	X	O	71	5	16
Court of Appeals	X	O	X	X	some	236	21	48
<b>ARKANSAS</b>								
Supreme Court	X	O	X	X	X	448	7	15
Court of Appeals	X	O	X	X	O	558	6	16
<b>CALIFORNIA</b>								
Supreme Court	X	O	X	X	some	99	7	50
Courts of Appeal	X	O	X	X	some	12,090	88	206
<b>COLORADO</b>								
Supreme Court	X	O	X	X	O	192	7	14
Court of Appeals	X	O	X	O	some	442	16	32
<b>CONNECTICUT</b>								
Supreme Court	X	O	X	X	some	185	7	12
Appellate Court	X	O	X	X	some	454	9	12
<b>FLORIDA</b>								
Supreme Court	X	O	X	X	O	187	7	15
District Courts of Appeal	X	O	X	X	O	301	61	102
<b>GEORGIA</b>								
Supreme Court	X	O	X	X	O	401	7	17
Court of Appeals	X	O	X	O	O	2,315	9	28
<b>HAWAII</b>								
Supreme Court	X	O	X	X	some	167	5	14
Intermediate Court of Appeals	X	O	X	X	X	111	4	8
<b>IDAHO</b>								
Supreme Court	O	X	X	X	X	NA	5	11
Court of Appeals	O	X	X	X	O	NA	3	6
<b>ILLINOIS</b>								
Supreme Court	X	O	X	X	O	138	7	24
Appellate Court	X	O	X	X	some	1,678	52	88
<b>IOWA</b>								
Supreme Court	O	X	X	O	O	NA	9	16
Court of Appeals	X	O	X	O	O	537	6	6
<b>KANSAS</b>								
Supreme Court	X	O	X	X	some	210	7	7
Court of Appeals	X	O	X	X	some	1,234	10	21
<b>KENTUCKY</b>								
Supreme Court	X	O	X	X	some	100	7	13
Court of Appeals	X	O	X	X	some	1,565	14	22

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TABLE 6: Opinions Reported by State Appellate Courts, 1994 (continued)

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	case	written document	signed opinions	per curiam opinions	memos/orders			
<b>LOUISIANA</b>								
Supreme Court	O	X	X	X	some	150	8	32
Courts of Appeal	O	X	X	X	X	3,604	54	158
<b>MARYLAND</b>								
Court of Appeals	X	O	X	O	O	NA	7	14
Court of Special Appeals	X	O	X	O	O	216	13	29
<b>MASSACHUSETTS</b>								
Supreme Judicial Court	O	X	X	O	O	234	7	20
Appeals Court	O	X	X	X	X	270	14	31
<b>MICHIGAN</b>								
Supreme Court	X	O	X	X	O	108	7	15
Court of Appeals	X	O	X	X	some	6,332	24	84
<b>MINNESOTA</b>								
Supreme Court	X	O	X	O	O	156	7	10
Court of Appeals	X	O	X	O	O	1,381	16	36
<b>MISSOURI</b>								
Supreme Court	X	O	X	X	some	NA	7	15
Court of Appeals	X	O	X	X	some	2,039	32	54
<b>NEBRASKA</b>								
Supreme Court	X	O	X	X	X	276	7	14
Court of Appeals	X	O	X	X	X	459	6	9
<b>NEW JERSEY</b>								
Supreme Court	O	X	X	O	O	111	7	24
Appellate Div. of Super. Ct.	X	O	X	X	X	3,927	32	60
<b>NEW MEXICO</b>								
Supreme Court	X	O	X	O	some	90	5	10
Court of Appeals	O	X	X	O	O	747	10	20
<b>NORTH CAROLINA</b>								
Supreme Court	X	O	X	O	some	126	7	15
Court of Appeals	X	O	X	O	X	1,378	12	28
<b>NORTH DAKOTA</b>								
Supreme Court	X	O	X	X	O	292	5	11
Court of Appeals	X	O	O	O	O	6	3	1
<b>OHIO</b>								
Supreme Court	X	O	X	O	X	NA	7	20
Courts of Appeals	X	O	X	O	X	7,462	65	Varies
<b>OREGON</b>								
Supreme Court	X	O	X	X	O	94	7	10
Court of Appeals	X	O	X	O	O	591	10	18
<b>SOUTH CAROLINA</b>								
Supreme Court	X	O	X	X	O	503	5	19
Court of Appeals	X	O	X	X	O	475	6	11

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	case	written document	signed opinions	per curiam opinions	memos/orders			
<b>UTAH</b>								
Supreme Court	X	O	X	X	O	95	5	12
Court of Appeals	X	O	X	X	O	106	7	5
<b>VIRGINIA</b>								
Supreme Court	X	O	X	X	O	168	7	23
Court of Appeals	X	O	X	X	O	712	10	15
<b>WASHINGTON</b>								
Supreme Court	X	O	X	X	some	151	9	23
Court of Appeals	X	O	X	X	some	1,628	18	32
<b>WISCONSIN</b>								
Supreme Court	X	O	X	X	O	88	7	10
Court of Appeals	X	O	X	O	O	944	16	25
<b>States with no intermediate appellate court</b>								
<b>DELAWARE</b>								
Supreme Court	X	O	X	O	O	66	5	5
<b>DISTRICT OF COLUMBIA</b>								
Court of Appeals	X	O	X	X	O	294	9	27
<b>MAINE</b>								
Supreme Judicial Court	O	X	X	O	O	431	7	11
<b>MISSISSIPPI</b>								
Supreme Court	X	O	X	O	X	236	9	38
<b>MONTANA</b>								
Supreme Court	X	O	X	O	O	368	7	14
<b>NEVADA</b>								
Supreme Court	O	X	X	X	O	164	5	22
<b>NEW HAMPSHIRE</b>								
Supreme Court	X	O	X	X	O	144	5	13
<b>RHODE ISLAND</b>								
Supreme Court	X	O	X	O	O	NA	5	17
<b>SOUTH DAKOTA</b>								
Supreme Court	X	O	X	X	O	196	5	8
<b>VERMONT</b>								
Supreme Court	X	O	X	O	O	108	5	8
<b>WEST VIRGINIA</b>								
Supreme Court of Appeals	X	O	X	X	some	275	5	20
<b>WYOMING</b>								
Supreme Court	X	O	X	X	some	167	5	12

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TABLE 6: Opinions Reported by State Appellate Courts, 1994 (continued)

State/Court name:	Opinion count is by:		Composition of opinion count:			Total dispositions by signed opinion	Number of authorized justices/judges	Number of lawyer support personnel
	case	written document	signed opinions	per curiam opinions	memos/orders			
<b>States with multiple appellate courts at any level</b>								
<b>ALABAMA</b>								
Supreme Court	X	O	X	X	some	501	9	18
Court of Civil Appeals	X	O	X	X	X	479	3	6
Court of Criminal Appeals	X	O	X	O	some	374	5	15
<b>INDIANA</b>								
Supreme Court	X	O	X	X	O	147	5	13
Court of Appeals	X	X	X	X	X	1,933	15	10
Tax Court	X	X	X	X	X	0	1	2
<b>NEW YORK</b>								
Court of Appeals	O	X	X	O	O	128	7	28
Appellate Div. of Sup. Ct.	O	X	X	X	some	NA	48	25
Appellate Terms of Sup. Ct.	O	X	X	X	some	NA	15	171
<b>OKLAHOMA</b>								
Supreme Court	X	O	X	X	O	1,543	9	16
Court of Criminal Appeals	X	O	X	X	O	NA	5	12
Court of Appeals	X	O	X	X	X	1,360	12	12
<b>PENNSYLVANIA</b>								
Supreme Court	X	O	X	O	O	165	7	NA
Superior Court	X	O	X	X	X	529	15	NA
Commonwealth Court	O	X	X	X	X	1,840	9	58
<b>TENNESSEE</b>								
Supreme Court	X	O	X	X	some	254	5	12
Court of Criminal Appeals	X	O	X	X	some	827	9	9
Court of Appeals	X	O	X	X	some	777	12	12
<b>TEXAS</b>								
Supreme Court	O	X	X	O	O	146	9	44
Court of Criminal Appeal	X	O	X	O	O	156	9	30
Courts of Appeals	X	O	X	O	O	5,634	80	217

**CODES:**

- X - Court follows this method when counting opinions.
- O - Court does not follow this method when counting opinions.
- NA - Data are not available.

**QUALIFYING FOOTNOTES:**

- B: The following courts' data are overinclusive:  
Ohio—Courts of Appeals—Signed opinions include decisions.

1995

38

State	Inter-med.	TOTAL JUDGES*
AL	9	8
AK	5	3
AZ	5	21
AR	7	6
CA	7	88
CO	7	16
CN	7	9
DE	5	0
DC	9	0
FL	7	57
GA	7	9
HI	5	3
ID	5	3
IL	7	42
IN	5	16
IA	9	6
KS	7	10
KY	7	14
LA	7	55
MA	7	14
ME	7	0
MD	7	13
MI	7	24
MN	7	16
MS	9	10
MO	7	32
MT	7	0
NE	7	6
NV	5	0
NH	5	0
NJ	7	28
NM	5	10
NY	7	63
NC	7	12
ND	5	3*
OH	7	65
OK	14	12
OR	7	10
PA	7	24
RI	5	0

State	Inter-med.	TOTAL JUDGES
SC	5	6
SD	5	0
TN	5	21
TX	18	80
UT	5	7
VT	5	0
VA	7	10
WA	9	23
WV	5	0
WI	7	15
WY	5	0
349		857
		1,206

% OF TOTAL EACH YEAR

\*These are authorized positions per NOL

*Judge*  
*But*  
*was*

*So it*

*on your*

\* Case report. A



## Appellate Caseload Filings and Trends Nationwide

Appeals offer litigants the opportunity to modify an unfavorable trial court decision by convincing an appellate court that the lower court judgment was based on a reversible error. The party bringing the appeal might contend that the trial court erred when it allowed inadmissible testimony, the jury was given improper instructions, or the trial court misinterpreted the correct meaning of a state statute or the state constitution.

More appeals were filed in the state appellate courts in 1994 than in any preceding year. The total number of appellate filings was 263,693, an increase of 3 percent over the previous year. In those courts where the number of cases is rising but the size of the judiciary or court staff is not, appellate judges have less time to review the record, to read the briefs, to hear oral argument, to discuss the case, and to prepare an order or opinion resolving the case. Increased demands on the available work time mean that judicial and court support staffing levels must be assessed and the search continued for more efficient and productive ways of handling cases.

Most of the quarter million appeals were filed in intermediate appellate courts (IAC) and fall within their mandatory jurisdiction. Mandatory appeals (189,553) are cases appellate courts must hear as a matter of right. For every discretionary petition that an IAC is asked to review, there are 7.5 appeals of right that IACs must accept.

Discretionary appeals are the largest segment of caseload in most courts of last resort (COLR). In 1994, COLRs heard 52,922 discretionary appeals, an increase of 6 percent over the level in 1993.

### Total Appellate Caseloads, 1994

IAC - Mandatory		160,737
COLR - Discretionary		52,922
COLR - Mandatory		28,816
IAC - Discretionary		21,218

## Appellate Caseloads in the States

Ten states (California, Florida, New York, Texas, Pennsylvania, Michigan, Ohio, Louisiana, Illinois, and New Jersey) account for a sizable majority (61 percent) of the nation's appellate filings. Fluctuations in the volume of appeals in these states affect the national picture significantly.

At the other end of the spectrum, 15 states had fewer than 1,400 appeals filed in their appellate courts in 1994. In ten of these states, the COLR is the only court of review.

COLRs without an IAC tend to process primarily mandatory appeals. In this respect, first-level appellate courts, whether they are IACs or COLRs without an IAC, are similar in caseload composition: they tend to have virtually all mandatory jurisdiction, and they handle the bulk of their respective state's appeals.

The size of appellate caseloads varies dramatically across the states, with Wyoming reporting as few as 300 and California as many as 28,000 appeals in 1994. The adjacent table ranks the states according to their number of filings, and separates caseloads into mandatory and discretionary categories. Because appellate caseloads are highly correlated with population, the adjacent table also shows the volume of appeals per 100,000 population.

Taking population into account reduces the variation in appellate filing rates considerably, with most states falling between 64 filings per 100,000 population and 150 appeals per 100,000. Louisiana has an unusually high rate of appeals, and the Carolinas have an unusually low rate of appeals. On the other hand, larger states, such as California and Texas, though having large numbers of appeals, actually have filing rates near the median (Montana with 87 filings per 100,000 population). Eight of 12 states with a COLR but no IAC have appellate filing rates below the median.

## Total Appellate Court Filings, 1994

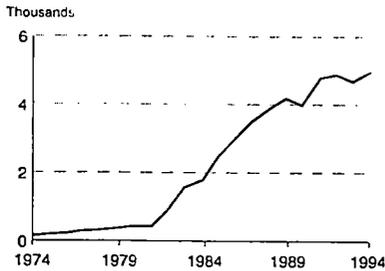
State	Total Filings	Type of Filing		Population Rank	Appeals per 100,000 Population
		Mandatory	Discretionary		
California	28,171	14,294	13,877	1	90
Florida	20,951	16,474	4,477	4	150
New York	18,087	13,499	4,588	3	100
Texas	15,771	12,900	2,871	2	86
Pennsylvania	15,145	12,299	2,846	5	126
Michigan	14,682	11,500	3,182	8	146
Ohio	13,801	11,844	1,957	7	124
Louisiana	12,325	4,213	8,112	21	286
Illinois	12,010	10,115	1,895	6	102
New Jersey	10,511	7,558	2,953	9	133
Georgia	5,865	4,008	1,857	11	83
Missouri	5,518	4,737	781	16	105
Oregon	5,442	4,641	801	29	176
Washington	5,157	3,616	1,541	15	97
Alabama	5,032	4,324	708	22	119
Virginia	4,892	734	4,158	12	75
Arizona	4,885	3,466	1,419	23	120
Oklahoma	4,774	4,262	512	28	147
Wisconsin	4,503	3,345	1,158	18	89
Kentucky	4,225	3,393	832	24	110
Massachusetts	3,891	2,191	1,700	13	64
Tennessee	3,850	2,584	1,266	17	74
Colorado	3,564	2,449	1,115	26	97
Minnesota	3,438	2,588	850	20	75
Maryland	3,255	2,217	1,038	19	65
Indiana	3,051	2,379	672	14	53
Kansas	2,656	2,131	525	32	104
West Virginia	2,442	NJ	2,442	35	134
North Carolina	2,410	1,531	879	10	34
Iowa	2,154	2,154	NA	30	76
District of Columbia	1,707	1,689	18	50	299
New Mexico	1,669	984	685	36	101
Arkansas	1,658	1,658	NA	33	66
Utah	1,552	1,416	136	34	81
Nebraska	1,445	1,253	192	37	89
Connecticut	1,400	1,221	179	27	43
Nevada	1,256	1,256	NJ	36	86
Alaska	1,090	840	250	48	180
Mississippi	1,073	1,013	60	31	40
Maine	1,038	1,038	NA	39	84
South Carolina	954	904	50	25	26
Hawaii	943	905	38	40	80
New Hampshire	880	NJ	880	41	77
Idaho	787	660	127	42	69
Rhode Island	760	463	297	43	76
Montana	744	633	111	44	87
Vermont	657	634	23	49	113
Delaware	488	488	0	46	69
South Dakota	408	351	57	45	57
North Dakota	391	366	25	47	61
Wyoming	335	335	NJ	51	70
<b>Totals</b>	<b>263,693</b>	<b>189,553</b>	<b>74,140</b>		

NJ = No jurisdiction      NA = Not available

Note: States in bold have no intermediate appellate court. Data are for all appellate courts—COLRs and IACs.

### Appellate Caseload Filing Trends

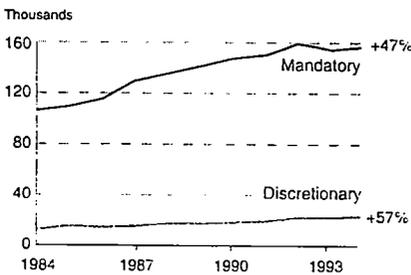
Louisiana IAC Discretionary Caseload, 1974-1994



Mandatory appeals in IACs have grown at an average rate of nearly 5 percent per year between 1984 and 1994. IAC discretionary caseloads, while smaller in number, have grown at an even faster rate. The IAC discretionary filing trend is strongly shaped by the dramatic increases in Louisiana's Court of Appeals. In fact, the national growth rate falls about 16 percent if Louisiana is removed from the analysis.

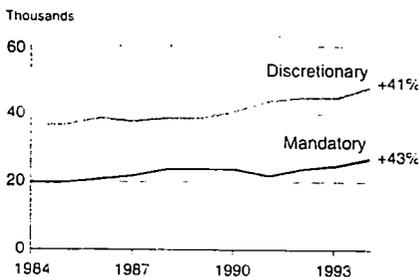
COLR caseloads have grown steadily over the past decade. This rising tide of appeals causes unique problems for COLRs because the number of justices remains fixed.

Intermediate Appellate Court Caseloads, 1984-1994



Undoubtedly, there are many reasons why the volume of appeals changes over time, including the opportunity for indigent criminal defendants to file appeals with the support of publicly appointed counsel and the effects of changing economic conditions (e.g., a recession may depress particular types of litigation and stimulate other types). Continued growth has led to two key developments in appellate courts. A central staff of lawyers on a career track within the court, as opposed to a one- or two-year clerkship with a specific judge or justice, is one mechanism used by appellate courts to cope with rising caseload volume. This central staff screens incoming appeals, prepares memoranda, and sometimes drafts proposed opinions. A second development, exercised primarily in IACs, is the use of expedited procedures for selected cases. These typically involve routing less complex appeals through a shortened process that may involve, for example, preargument settlement conferences, advance queue or fast tracking, and the elimination of oral argument.

Caseloads in Courts of Last Resort, 1984-1994

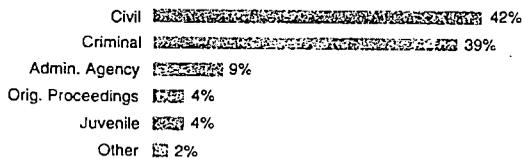


## Composition of Appellate Caseloads

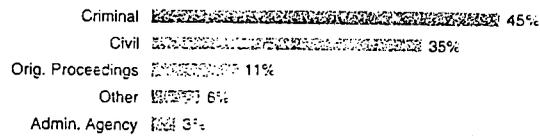
The charts below show the composition of appeals. Criminal and civil appeals dominate the workload of both appellate levels. Criminal appeals are usually brought by a defendant convicted at trial. These individuals most often allege trial court error, ineffective assistance of counsel, or incorrect sentencing. However, about one-quarter to one-third of criminal appeals stem from nontrial proceedings (e.g., guilty pleas and probation revocation hearings).

Civil appeals also allege trial court error, such as improper jury instructions, allowing inadmissible evidence, and misinterpretation, and hence misapplication, of the law. These appeals generally arise from dispositions on motions (e.g., summary judgment) and, in a smaller number of cases, from jury and bench trials.

Composition of Mandatory Appeals in IACs, 1994



Composition of Discretionary Petitions in COLRs, 1994



## Original Proceedings and Disciplinary Matters in Appellate Courts, 1994

State	Original Proceedings	State	Disciplinary Matters
California	8,794	Florida	514
Texas	3,734	California*	433
Florida	2,366	New Jersey	191
Illinois	1,489	Georgia	169
Alabama	1,281	<b>D.C.</b>	111
Missouri	1,048	Arizona	105
Pennsylvania	944	Ohio	100
Arizona	638	Kentucky	97
<b>West Virginia</b>	571	Indiana	89
Washington	564	Colorado	82
Virginia	552	<b>West Virginia*</b>	69
Oregon	550	Missouri	58
Tennessee	483	Maryland	57
Colorado	376	Louisiana	53
Indiana	352	Michigan*	50
Georgia	316	<b>Nevada</b>	46
Ohio	284	Idaho	43
Kentucky	278	Oregon*	43
Maryland	266	Minnesota	34
<b>Montana</b>	222	Wisconsin*	33
<b>Nevada</b>	187	Kansas	26
Kansas	171	New Mexico	25
New Mexico	143	Wyoming	25
Wisconsin	102	Delaware	19
Arkansas	101	Alaska	18
Minnesota	89	Rhode Island	18
Hawaii	82	New York	15
Mississippi	69	Alabama	14
Louisiana	62	<b>Vermont</b>	14
Idaho	56	Washington*	11
Alaska	51	North Dakota	10
North Dakota	48	South Carolina	8
Wyoming	48		
Rhode Island	47	<b>Total</b>	<b>2,580</b>
D.C.	32		
<b>South Dakota</b>	27		
Utah	27		
South Carolina	26		
Delaware	19		
Michigan	15		
Vermont	13		
<b>Total</b>	<b>26,523</b>		

\* Indicates discretionary filings.  
 Note: States in bold do not have an IAC.

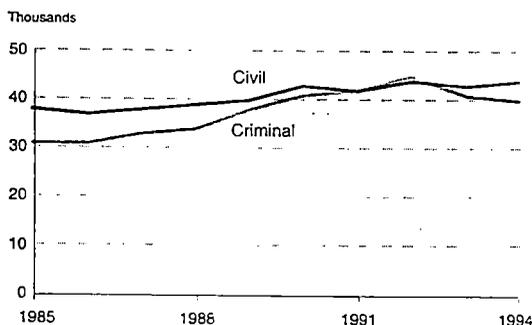
Focusing strictly on appeals does not provide a comprehensive picture of the work of appellate courts. Of course the review of lower court decisions is central, but in some instances appellate courts exercise original jurisdiction and act upon a case from its beginning. Examples of original proceedings are cases such as postconviction remedy, sentence review, and disputes over elections that are brought originally to the appellate court. The table here shows how the more than 26,000 original proceedings were spread across states in 1994.

Another category of appellate cases involves the supervisory jurisdiction of appellate courts over any conduct of judges or attorneys that affects their official duties. The table also shows disciplinary filings that were reported from 32 states. Florida heads this list with its 514 disciplinary cases, and the District of Columbia is notably high (111 filings) in comparison to other states listed.

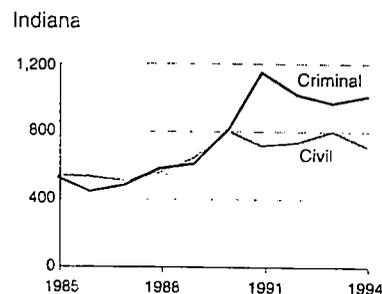
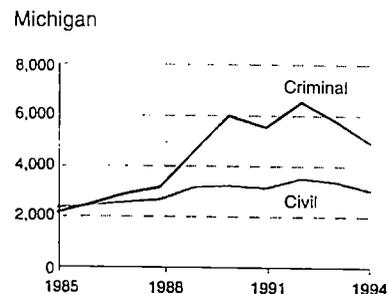
## Trends in Civil and Criminal Appeals

This analysis focuses on the growth in civil and criminal appeals in COLRs and IACs for the largest portions of their respective caseloads—discretionary petitions for COLRs and mandatory appeals for IACs.

Mandatory Appeals in IACs, 1985-1994



Mandatory Appeals in IACs in Selected States, 1985-1994

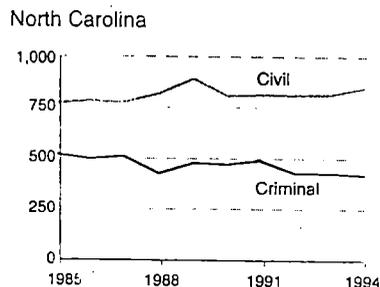
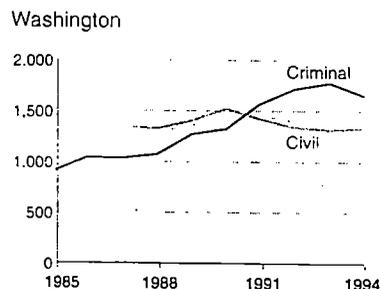


## Mandatory Appeals in Intermediate Courts of Appeal

In state intermediate appellate courts, the volume of mandatory civil appeals increased by 14 percent and the volume of criminal appeals grew by 28 percent between 1985 and 1994. A more complete understanding of these aggregate growth patterns emerges by examining the connection between the national patterns and the patterns in individual states.

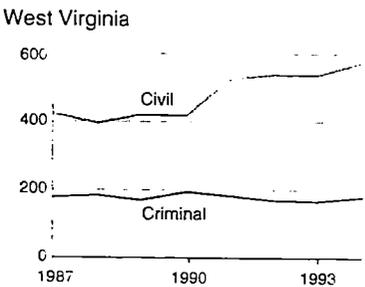
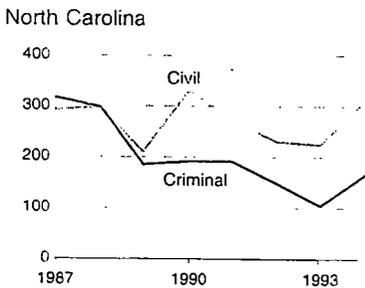
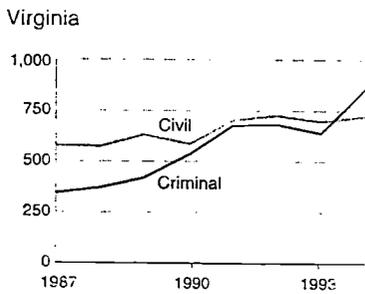
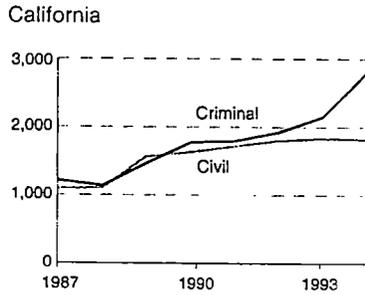
First, there are states where the growth rate in the number of appeals filed each year is extraordinary. In Michigan and Indiana, for example, the number of criminal appeals nearly tripled between 1985 and 1991, before slowing in recent years. Civil appeals also showed substantial growth in both states.

A second cluster of states shows dramatic change in one type of appeal and relative stability in the other. In Washington state, criminal appeals increased more than 81 percent, while civil appeals increased just 4 percent from 1985 to 1994. A third cluster of states, typified by North Carolina, shows long-term stability in filing rates, if not actual declines in the number of appeals.



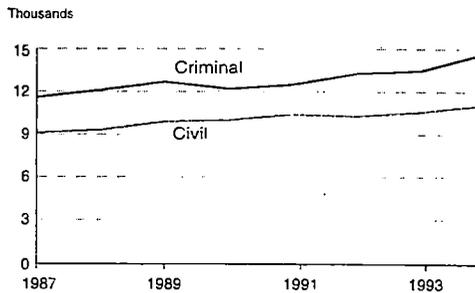
## Discretionary Petitions in Courts of Last Resort

**Discretionary Petitions in COLRs for Selected States, 1987-1994**



In 30 states, the majority of the workload of COLRs is deciding cases brought through discretionary petitions. For the period 1987 to 1994, 13 states were able to provide statistics on the number of discretionary civil petitions filed in their state supreme courts and 14 courts provided similar information for discretionary criminal appeals.

**Discretionary Petitions in COLRs, 1987-1994**



Trends at the national level are strongly influenced by the volume and growth in California. There is a good deal of variation, however, among the individual states. Virginia, for example, with a 152 percent increase in discretionary criminal appeals since 1987, mirrored California, with a growth rate of 133 percent. On the other hand, the North Carolina COLR has shown a steady decline in criminal appeals (-47 percent) and only slight growth in civil appeals (7 percent). Virginia and North Carolina are neighboring states with similar populations, and both have an IAC and seven supreme court justices. Yet, Virginia shows the biggest increase and North Carolina the greatest decrease in discretionary criminal appeals for the period 1987 to 1994.

West Virginia, a state without an intermediate appellate court and where the jurisdiction of the COLR is entirely discretionary, continued to register growth in its civil caseload (36 percent) and experienced essentially no change in the number of criminal appeals accepted for review. Notably, the number of workers' compensation appeals also grew by 34 percent, and this growth trend is expected to continue.

As appeals of right increase in intermediate appellate courts, the caseloads of COLRs will also likely rise unless they lower the percentage of petitions granted. Rising workload is a critical issue for courts of last resort in that they are fixed in size by state constitution; additional justices are rarely added to these courts.

## Discretionary Review in Courts of Last Resort

State COLRs granted, on average, 11 percent of the discretionary petitions filed in 1994. This selection process is shown by comparing the number of petitions filed with the number granted for the COLRs of 22 states.

The number of justices needed to grant review and the percentage of petitions granted are shown in the adjacent table. In states that require a majority of justices to grant certiorari, courts grant, on average, 6.8 percent of petitions; in states that allow a minority of the court to accept a petition for review, courts grant an average of 15.9 percent. In other words, if a larger proportion of COLR justices is needed to accept a case for review, fewer petitions tend to be granted.

Although discretionary jurisdiction enables appellate courts to control their dockets, it does not necessarily resolve the problem of workload. The process of reviewing discretionary petitions is resource-intensive and takes an increasing amount of time as the number of discretionary petitions continues to rise. The number of discretionary petitions has increased by 53 percent since 1984.

Discretionary Petitions Granted in 22 Courts of Last Resort, 1994

Majority	Share of Petitions Granted	Number of Petitions Filed	Number of Petitions Granted	Number Needed to Grant Review
West Virginia	27.8%	2,442	679	3 of 5
Alaska	19.1	199	38	3 of 5
South Dakota	8.8	57	5	3 of 5
Indiana	6.0	672	40	3 of 5
Louisiana	17.1	3,028	517	4 of 7
Illinois	6.9	1,895	130	4 of 7
Georgia	6.7	1,246	83	4 of 7
Missouri	6.4	781	50	4 of 7
Montana	5.4	111	6	4 of 7
Michigan	3.6	3,182	116	4 of 7
California	1.4	6,760	97	4 of 7
Ohio	7.6	1,957	148	5 of 9
<b>Median</b>	<b>6.8</b>			
<b>Minority</b>				
Texas	10.8%	2,871	309	4 of 9
Massachusetts	29.1	684	199	3 of 7
North Carolina	22.3	489	109	3 of 7
Minnesota	18.0	774	139	3 of 7
Maryland	15.0	686	103	3 of 7
Oregon	14.2	801	114	3 of 7
Kansas	6.7	525	35	3 of 7
Tennessee	9.7	828	80	2 of 5
Connecticut	27.5	247	66	2 of 7
Mississippi	16.7	60	10	Varies
<b>Median</b>	<b>15.9</b>			

## Intermediate Appellate Court Clearance Rates

One measure of whether an appellate court is keeping up with its caseload is the court's clearance rate. A rate below 100 percent indicates that fewer cases were disposed than were accepted for review in that year. The adjacent table includes clearance rates for intermediate appellate courts and distinguishes between mandatory appeals and discretionary petitions.

IACs are having moderate success in keeping up with their mandatory caseloads: 18 of the 37 states have a three-year clearance rate of 100 percent or greater, with an additional nine states clearing 95 percent or more. Michigan and New York have very high three-year clearance rates (137 percent and 113 percent, respectively) and apparently are starting to cut into their backlog of cases. The remaining ten states, however, show a backlog that is growing by at least 3 percent each year. This backlog is cause for concern because the bulk of the nation's appeals are mandatory cases handled by IACs.

Intermediate appellate courts are experiencing some difficulties in disposing of their discretionary petitions. Only three of the 14 states for which discretionary data are available achieved three-year clearance rates of 100 percent or more.

Clearance Rates in Intermediate Appellate Courts, 1992-1994

State	Clearance Rates			
	1992-94	1992	1993	1994
<b>Mandatory Appeals</b>				
Michigan	137%	115%	141%	159%
New York	113	106	113	120
Oregon	109	99	128	103
Arizona	106	87	129	114
South Carolina	108	110	103	112
Alaska	107	119	107	96
Idaho	107	90	112	125
Louisiana	107	109	107	105
California	106	113	102	101
Ohio	104	105	103	105
Oklahoma	103	122	84	109
Georgia	102	102	104	102
Utah	102	92	102	113
Iowa	102	102	98	107
Colorado	101	106	103	96
Maryland	101	103	101	100
Minnesota	100	97	103	100
Florida	100	96	100	104
Illinois	99	93	96	107
Arkansas	98	110	94	91
Washington	98	95	99	101
Alabama	97	102	98	92
Texas	97	87	102	103
New Jersey	97	94	98	98
Pennsylvania	96	93	101	94
Wisconsin	96	92	98	98
Missouri	95	95	94	96
North Carolina	94	84	87	111
Kentucky	94	93	97	92
Tennessee	93	100	94	86
Indiana	91	98	85	92
Kansas	91	93	91	89
Connecticut	89	90	89	87
Massachusetts	87	81	97	83
North Dakota	81	57	117	100
Nebraska	68	43	105	76
Hawaii	50	67	42	43
<b>Discretionary Petitions</b>				
Virginia	119	123	125	110
Alaska	102	95	104	110
Massachusetts	100	100	100	100
Louisiana	96	98	98	98
Georgia	98	100	99	91
California	96	83	101	102
Washington	95	90	104	92
North Carolina	94	100	85	97
Kentucky	93	77	104	95
Minnesota	93	99	80	99
Florida	91	91	94	88
Maryland	89	100	100	73
Arizona	87	84	86	91
Tennessee	65	77	50	74

FIGURE F: State Trial Courts with Incidental Appellate Jurisdiction, 1994

State/Court name:	Jurisdiction	Administrative Agency Appeals	Trial Court Appeals		Type of Appeal	Source of Trial Court Appeal
			Civil	Criminal		
ALABAMA: Circuit Court	G	X	X	X	de novo	District, Probate, Municipal Courts
ALASKA: Superior Court	G	X	O	O	de novo	
		X	X	X	on the record	District Court
ARIZONA: Superior Court	G	X	X	X	de novo (if no record)	Justice of the Peace, Municipal Court
ARKANSAS: Circuit Court	G	O	X	X	de novo	Court of Common Pleas, County, Municipal, City, and Police Courts, and Justice of the Peace
CALIFORNIA: Superior Court	G	X	X	X	de novo on the record	Justice Court, Municipal Court
COLORADO: District Court	G	X	X	O	on the record	County and Municipal Court of Record
County Court	L	O	X	X	de novo not of record	Municipal Court
CONNECTICUT: Superior Court	G	X	X	O	de novo or on the record	Probate Court
DELAWARE: Superior Court	G	O	X	X	de novo	Municipal Court of Wilmington, Alderman's, Justice of Peace Courts
		O	(arbitration) O	X	on the record	Family Court
		O	X	O		Superior Court
		O	(arbitration) X	X		Court of Common Pleas
DISTRICT OF COLUMBIA: Superior Court	G	X	O	O	on the record	Office of Employee Appeals, Administrative Traffic Agency
FLORIDA: Circuit Court	G	O	X	O	de novo on the record	County Court
		O	O	X	on the record	County Court

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MISSOURI STATE COURT REPORTERS

FIGURE F: State Trial Courts with Incidental Appellate Jurisdiction, 1994 (continued)

State/Court name:	Jurisdiction	Administrative Agency Appeals	Trial Court Appeals		Type of Appeal	Source of Trial Court Appeal
			Civil	Criminal		
<b>GEORGIA:</b>						
Superior Court	G	X	X	O	de novo or on the record	Probate Court, Magistrate Court
		O	O	X	de novo, on the record, or certiorari	Probate Court, Municipal Court, Magistrate Court, County Recorder's Court
State Court	L	O O	X O	O X	certiorari on the record	Magistrate Court County Recorder's Court
<b>HAWAII:</b>						
Circuit Court	G	X	O	O	de novo	
<b>IDAHO:</b>						
District Court	G	X (small claims only) O	X X	X O	de novo on the record	Magistrates Division Magistrates Division
<b>ILLINOIS:</b>						
Circuit Court	G	X	O	O	on the record	
<b>INDIANA:</b>						
Superior Court and Circuit Court	G	X	X	X	de novo	City and Town Courts
Municipal Court of Marion County	L	O	X	O	de novo	Small Claims Court of Marion County
<b>IOWA:</b>						
District Court	G	X O	O X	O X	de novo on the record	Magistrates Division
<b>KANSAS:</b>						
District Court	G	X	X	X	criminal on the record civil on the record	Criminal (from Municipal Court) Civil (from limited jurisdiction judge)
<b>KENTUCKY:</b>						
Circuit Court	G	X	X	X	on the record	District Court
<b>LOUISIANA:</b>						
District Court	G	X	X	X	on the record de novo	City and Parish Justice of the Peace, Mayor's Courts
<b>MAINE:</b>						
Superior Court	G	X	X	X	on the record	District Court, Administrative Court
<b>MARYLAND:</b>						
Circuit Court	G	X	X	X	de novo, on the record	District Court

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FIGURE F: State Trial Courts with Incidental Appellate Jurisdiction, 1994 (continued)

State/Court name:	Jurisdiction	Administrative Agency Appeals	Trial Court Appeals		Type of Appeal	Source of Trial Court Appeal
			Civil	Criminal		
<b>MASSACHUSETTS:</b>						
Superior Court Department	G	X	X	O	de novo, on the record	Other departments
District Court Department and Boston Municipal Court	G	X	X	X	de novo, first instance	Other departments
<b>MICHIGAN:</b>						
Circuit Court	G	X	X	X	de novo on the record	Municipal Court District, Municipal, and Probate Courts
<b>MINNESOTA:</b>						
District Court	G	O	X		de novo	Conciliation Division
<b>MISSISSIPPI:</b>						
Circuit Court	G	X	X	X	on the record	County and Municipal Courts
Chancery Court	G	X	X	X	on the record	Commission
<b>MISSOURI:</b>						
Circuit Court	G	X X	O X	O O	on the record de novo	Municipal Court, Associate Divisions
<b>MONTANA:</b>						
District Court	G	X O	X O	O X	de novo and on the record de novo	Justice of Peace, Municipal, City Courts, and State Boards
<b>NEBRASKA:</b>						
District Court	G	X O	O X	O X	de novo on the record on the record	County Court
<b>NEVADA:</b>						
District Court	G	X O O	X O O	X X X	on the record de novo on the record	Justice Court Municipal Court If Municipal Court is designated court of record
<b>NEW HAMPSHIRE:</b>						
Superior Court	G	X	O	X	de novo	District, Municipal, Probate Courts
<b>NEW JERSEY:</b>						
Superior Court	G	O	O	X	de novo on the record	Municipal Court
<b>NEW MEXICO:</b>						
District Court	G	X	X	X	de novo	Magistrate, Probate, Municipal, Bernalillo County Metropolitan Courts

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FIGURE F: State Trial Courts with Incidental Appellate Jurisdiction, 1994 (continued)

State/Court name:	Jurisdiction	Administrative Agency Appeals	Trial Court Appeals		Type of Appeal	Source of Trial Court Appeal
			Civil	Criminal		
<b>NEW YORK:</b> County Court	G	O	X	X	on the record	City, Town and Village Justice Courts
<b>NORTH CAROLINA:</b> Superior Court	G	X X	O O	X O	de novo de novo on the record	District Court
District Court	L	X O	O X	O X	on the record de novo	Magistrates
<b>NORTH DAKOTA:</b> District Court	G	X	O	O	Varies	Municipal Court
County Court	L	O	X	X	de novo	
<b>OHIO:</b> Court of Common Pleas	G	X	O	O	de novo and on the record	Mayor's Court Mayor's Court
County Court	L	O	O	X	de novo	
Municipal Court	L	O	O	X	de novo	
Court of Claims	L	X	O	O	de novo	
<b>OKLAHOMA:</b> District Court	G	X	O	X	de novo on the record	Municipal Court Not of Record
Court of Tax Review	L	X	O	O	de novo on the record	
<b>OREGON:</b> Circuit Court	G	X	X	X	on the record	County Court, Municipal Court (in counties with no District Court), Justice Court (in counties with no District Court)
Tax Court	G	X	O	O	on the record	
<b>PENNSYLVANIA:</b> Court of Common Pleas	G	X	X	O	on the record	Philadelphia Municipal Court, District Justice, Philadelphia Traffic, Pittsburgh City
Magistrates Court		O	O	X	de novo	
<b>PUERTO RICO:</b> Superior Court	G	X	X	X	on the record	District Court, Municipal Court
<b>RHODE ISLAND:</b> Superior Court	G	X O	O X	O X	on the record de novo	District, Municipal, Probate Courts
District Court	L	X	O	O	on the record	
<b>SOUTH CAROLINA:</b> Circuit Court	G	X	X	X	de novo on the record	Magistrate, Probate, Municipal Courts

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FIGURE F: State Trial Courts with Incidental Appellate Jurisdiction, 1994 (continued)

State/Court name:	Jurisdiction	Administrative Agency Appeals	Trial Court Appeals		Type of Appeal	Source of Trial Court Appeal
			Civil	Criminal		
<b>SOUTH DAKOTA:</b>						
Circuit Court	G	X	O	O	de novo and on the record	Magistrates Division
		O	X	X	de novo	
<b>TENNESSEE:</b>						
Circuit, Criminal and Chancery Courts	G	X	X	X	de novo	General Sessions, Municipal, and Juvenile Courts
<b>TEXAS:</b>						
District Court	G	X	O	O	de novo	Municipal Court not of record, Justice of the Peace Courts Municipal Courts of record
					de novo on the record	
County-level Courts	L	O	X	X	de novo	Municipal Court not of record, Justice of the Peace Courts Municipal Courts of record
					de novo on the record	
<b>UTAH:</b>						
District Court	G	X	X	X	de novo	Justice of the Peace Courts Justice of the Peace Courts
Circuit Court	L	O	X	X	de novo	
<b>VERMONT:</b>						
Superior Court	G	X	X	O	de novo or on the record	Probate Court, Small Claims from District Court
District Court	G	O	X	O	de novo or on the record	Probate Court, Traffic Complaint Bureau
<b>VIRGINIA:</b>						
Circuit Court	G	X	O	O	on the record	District Court
		O	X	X	de novo	
<b>WASHINGTON:</b>						
Superior Court	G	X	X	X	de novo and de novo on the record	District, Municipal Courts
<b>WEST VIRGINIA:</b>						
Circuit Court	G	X	O	O	on the record	Municipal Court Magistrate Court
		O	X	X	de novo	
<b>WISCONSIN:</b>						
Circuit Court	G	X	X	X (first offense DWI/DUI only)	de novo	Municipal Court
<b>WYOMING:</b>						
District Court	G	X	X	X	de novo on the record	Justice of the Peace, Municipal, County Courts

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FIGURE F: State Trial Courts with Incidental Appellate Jurisdiction, 1994 (continued)

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**JURISDICTION CODES:**

- G = General jurisdiction court.
- L = Limited jurisdiction court.
- = Information not available.
- X = Yes
- O = No

**Definitions of types of appeal:**

**certiorari:** An appellate court case category in which a petition is presented to an appellate court asking the court to review the judgment of a trial court or administrative agency, or the decision of an intermediate appellate court.

**first instance:** If dissatisfied with the de novo verdict of the judge, defendant can go before the jury.

**de novo:** An appeal from one trial court to another trial court that results in a totally new set of proceedings and a new trial court judgment.

**de novo on the record:** An appeal from one trial court to another trial court that is based on the record and results in a new trial court judgment.

**on the record:** An appeal from one trial court to another trial court in which procedural challenges to the original trial proceedings are claimed, and an evaluation of those challenges are made—there is not a new trial court judgment on the case.

Source: State administrative offices of the courts.

TABLE 3: Selected Caseload and Processing Measures for Mandatory Cases in State Appellate Courts, 1994

State/Court name:	Court type	Filed	Disposed	Disposed as a percent of filed	Number of judges	Filed per judge	Filed per 100,000 population
States with one court of last resort and one intermediate appellate court							
ALASKA							
Supreme Court	COLR	469	316	67	5	94	77
Court of Appeals	IAC	371	355	96	3	124	61
State Total		840	671	80	8	105	139
ARIZONA							
Supreme Court	COLR	126	127	101	5	25	3
Court of Appeals	IAC	3,340	3,813	114	21	159	82
State Total		3,466	3,940	114	26	133	85
ARKANSAS							
Supreme Court	COLR	567 C	556 C	98	7	81	23
Court of Appeals	IAC	1,091	997	91	6	182	44
State Total		1,658 *	1,553 *	94	13	128	68
CALIFORNIA							
Supreme Court	COLR	27	16	67	7	4	1
Courts of Appeal	IAC	14,267	14,481	101	88	162	45
State Total		14,294	14,499	101	95	150	45
COLORADO							
Supreme Court	COLR	162 A	(B)		7	23	4
Court of Appeals	IAC	2,287	2,192	96	16	143	63
State Total		2,449 *	2,192		23	106	67
CONNECTICUT							
Supreme Court	COLR	38	(B)		7	5	1
Appellate Court	IAC	1,183	1,033 B		9	131	36
State Total		1,221	1,033 *		16	76	37
FLORIDA							
Supreme Court	COLR	616	629	102	7	88	4
District Courts of Appeal	IAC	15,858	16,465	104	61	260	114
State Total		16,474	17,094		68	242	118
GEORGIA							
Supreme Court	COLR	708	851	120	7	101	10
Court of Appeals	IAC	3,300	3,363	102	9	367	47
State Total		4,008	4,214	105	16	250	57
HAWAII							
Supreme Court	COLR	610	479	79	5	122	52
Intermediate Court of Appeals	IAC	95	127	43	4	74	25
State Total		905	606	67	9	101	77
IDAHO							
Supreme Court	COLR	438 C	438 C	100	5	88	39
Court of Appeals	IAC	222	276	125	3	74	20
State Total		660 *	716 *	108	8	82	58
ILLINOIS							
Supreme Court	COLR	1,226	1,225	100	7	175	10
Appellate Court	IAC	8,889 B	9,526 B	107	52	171	76
State Total		10,115 *	10,751 *	106	59		

TABLE 3: Selected Caseload and Processing Measures for Mandatory Cases in State Appellate Courts, 1994 ( continued)

State/Court name:	Court type	Filed	Disposed	Disposed as a percent of filed	Number of judges	Filed per judge	Filed per 100,000 population
<b>IOWA</b>							
Supreme Court	COLR	1,538 B	1,240 B	81	9	171	54
Court of Appeals	IAC	616	658	107	6	103	22
State Total		2,154 *	1,898 *	88	15	144	76
<b>KANSAS</b>							
Supreme Court	COLR	334	410 B		7	48	13
Court of Appeals	IAC	1,797 B	1,591 B	89	10	180	70
State Total		2,131 *	2,001 *		17	125	83
<b>KENTUCKY</b>							
Supreme Court	COLR	416	408	98	7	59	11
Court of Appeals	IAC	2,977	2,727	92	14	213	78
State Total		3,393	3,135	92	21	162	89
<b>LOUISIANA</b>							
Supreme Court	COLR	143	116	81	8	18	3
Courts of Appeal	IAC	4,070	4,258	105	54	75	94
State Total		4,213	4,374	104	62	68	98
<b>MARYLAND</b>							
Court of Appeals	COLR	243	212	87	7	35	5
Court of Special Appeals	IAC	1,974	1,979	100	13	152	39
State Total		2,217	2,191	99	20	111	44
<b>MASSACHUSETTS</b>							
Supreme Judicial Court	COLR	123	104	85	7	18	2
Appeals Court	IAC	2,068	1,709	83	14	148	34
State Total		2,191	1,813	83	21	104	36
<b>MICHIGAN</b>							
Supreme Court	COLR	6	(B)		7	1	0
Court of Appeals	IAC	8,054	12,824 B	159	24	336	85
State Total		8,060	12,824 *		31	260	85
<b>MINNESOTA</b>							
Supreme Court	COLR	208	174	84	7	30	5
Court of Appeals	IAC	2,380	2,373	100	16	149	52
State Total		2,588	2,547	98	23	113	57
<b>MISSOURI</b>							
Supreme Court	COLR	264	259	98	7	38	5
Court of Appeals	IAC	4,473	4,302	96	32	140	85
State Total		4,737	4,561	96	39	121	90
<b>NEBRASKA</b>							
Supreme Court	COLR	69 B	315 B	457	7	10	4
Court of Appeals	IAC	1,184 B	895 B	76	6	197	73
State Total		1,253 *	1,210 *	97	13	96	77
<b>NEW JERSEY</b>							
Supreme Court	COLR	410	405	99	7	59	5
Appellate Div. of Super. Ct.	IAC	7,148	6,980	98	32	223	90
State Total		7,558	7,385	98	39	194	96
<b>NEW MEXICO</b>							
Supreme Court	COLR	234	194	83	5	47	14
Court of Appeals	IAC	750	936 B		10	75	45
State Total		984	1,130 *		15	66	60

(continued on next page)

TABLE 3: Selected Caseload and Processing Measures for Mandatory Cases in State Appellate Courts, 1994 ( continued)

State/Court name:	Court type	Filed	Disposed	Disposed as a percent of filed	Number of judges	Filed per judge	Filed per 100,000 population
<b>NORTH CAROLINA</b>							
Supreme Court	COLR	131	110	84	7	19	.2
Court of Appeals	IAC	1,400	1,550	111	12	117	20
State Total		1,531	1,660	108	19	81	22
<b>NORTH DAKOTA</b>							
Supreme Court	COLR	360	383	106	5	72	56
Court of Appeals	IAC	6	6	100	-3	2	1
State Total		366	389	106	8	46	57
<b>OHIO</b>							
Supreme Court	COLR	812	819	101	7	116	7
Courts of Appeals	IAC	11,032	11,565	105	65	170	99
State Total		11,844	12,384	105	72	164	107
<b>OREGON</b>							
Supreme Court	COLR	201	296 B		7	29	7
Court of Appeals	IAC	4,440	4,592	103	10	444	144
State Total		4,641	4,888 *		17	273	150
<b>SOUTH CAROLINA</b>							
Supreme Court	COLR	443	503 B		5	89	12
Court of Appeals	IAC	461	515	112	6	77	13
State Total		904	1,018 *		11	82	25
<b>UTAH</b>							
Supreme Court	COLR	631	478	76	5	126	33
Court of Appeals	IAC	785 B	887 B	113	7	112	41
State Total		1,416 *	1,365 *	96	12	118	74
<b>VIRGINIA</b>							
Supreme Court	COLR	71	77	108	7	10	1
Court of Appeals	IAC	66	635	96	10	66	10
State Total		734	712	97	17	43	11
<b>WASHINGTON</b>							
Supreme Court	COLR	113 B	143 B	127	9	13	2
Court of Appeals	IAC	3,503	3,530	101	18	195	66
State Total		3,616 *	3,673 *	102	27	134	68
<b>WISCONSIN</b>							
Supreme Court	COLR	NJ	NJ		7		
Court of Appeals	IAC	3,345 B	3,262 B	98	16	209	66
State Total		3,345 *	3,262 *	98	23	145	66
<b>States with no intermediate appellate court</b>							
<b>DELAWARE</b>							
Supreme Court	COLR	488 B	482 B	99	5	98	69
<b>DISTRICT OF COLUMBIA</b>							
Court of Appeals	COLR	1,689	1,566	93	9	188	296
<b>MAINE</b>							
Supreme Judicial Court	COLR	1,038 B	818 B	79	7	148	84
<b>MISSISSIPPI</b>							
Supreme Court	COLR	1,013	805	79	9	113	38

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TABLE 3: Selected Caseload and Processing Measures for Mandatory Cases in State Appellate Courts, 1994 ( continued)

State/Court name:	Court type	Filed	Disposed	Disposed as a percent of filed	Number of judges	Filed per judge	Filed per 100,000 population
<b>MONTANA</b>							
Supreme Court	COLR	633 A	540 A	85	7	90	74
<b>NEVADA</b>							
Supreme Court	COLR	1,256	1,131	90	5	251	86
<b>NEW HAMPSHIRE</b>							
Supreme Court	COLR	NJ	NJ		5		
<b>RHODE ISLAND</b>							
Supreme Court	COLR	463	427	92	5	93	46
<b>SOUTH DAKOTA</b>							
Supreme Court	COLR	351 B	406 B	116	5	70	49
<b>VERMONT</b>							
Supreme Court	COLR	634	610	96	5	127	109
<b>WEST VIRGINIA</b>							
Supreme Court of Appeals	COLR	NJ	NJ		5		
<b>WYOMING</b>							
Supreme Court	COLR	335	282	84	5	67	70
<b>States with multiple appellate courts at any level</b>							
<b>ALABAMA</b>							
Supreme Court	COLR	1,158	1,154	100	9	129	27
Court of Civil Appeals	IAC	906	823	91	3	302	21
Court of Criminal Appeals	IAC	2,260	2,096	93	5	452	54
State Total		4,324	4,073	94	17	254	102
<b>INDIANA</b>							
Supreme Court	COLR	224	220	98	5	45	4
Court of Appeals	IAC	1,867	1,864	10	15	124	32
Tax Court	IAC	288	123	4	1	288	5
State Total		2,379	2,207	93	21	113	41
<b>NEW YORK</b>							
Court of Appeals	COLR	502	249	50	7	72	3
Appellate Div. of Sup. Ct.	IAC	10,788 B	13,508 B	125	48	225	59
Appellate Terms of Sup. Ct.	IAC	2,209 B	2,091 B	95	15	147	12
State Total		13,499 *	15,848 *	117	70	193	74
<b>OKLAHOMA</b>							
Supreme Court	COLR	1,442	1,739	121	9	160	44
Court of Criminal Appeals	COLR	1,571	1,625	103	5	314	48
Court of Appeals	IAC	1,249	1,360	109	12	104	38
State Total		4,262	4,724	111	26	164	13T
<b>PENNSYLVANIA</b>							
Supreme Court	COLR	365	348	95	7	52	3
Superior Court	IAC	7,554	6,971	92	15	504	63
Commonwealth Court	IAC	4,380 A	4,267 A	97	9	487	36
State Total		12,299 *	11,586 *	94	31	397	102

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TABLE 3: Selected Caseload and Processing Measures for Mandatory Cases in State Appellate Courts, 1994 ( continued)

State/Court name:	Court type	Filed	Disposed	Disposed as a percent of filed	Number of judges	Filed per judge	Filed per 100,000 population
<b>TENNESSEE</b>							
Supreme Court	COLR	314 B	391 B	125	5	63	6
Court of Appeals	IAC	1,103 B	1,021 B	93	12	92	21
Court of Criminal Appeals	IAC	1,167 B	937 B	80	9	130	23
State Total		2,584 *	2,349 *	91	26	99	50
<b>TEXAS</b>							
Supreme Court	COLR	13	13	100	9	1	0
Court of Criminal Appeal	COLR	3,590	3,628	101	9	399	20
Courts of Appeals	IAC	9,297	9,543	103	80	116	51
State Total		12,900	13,184	102	98	132	70

**COURT TYPE:**

COLR = Court of Last Resort  
 IAC = Intermediate Appellate Court

**NOTE:**

NA = Data are unavailable. Blank spaces indicate that a calculation is inappropriate.  
 NJ = This case type is not handled in this court.  
 -- = Inapplicable

(B) = Mandatory jurisdiction cases cannot be separately identified and are reported with discretionary petitions. (See Table 4.)

**QUALIFYING FOOTNOTES:**

The absence of a qualifying footnote indicates that data are complete.

\* See the qualifying footnote for each court in the state. Each footnote has an effect on the state total.

**A: The following courts' data are incomplete:**

Colorado—Supreme Court—Total mandatory filed data do not include some reopened cases, some disciplinary matters, and some interlocutory decisions.  
 Montana—Supreme Court—Total mandatory filed and disposed data do not include administrative agency appeals, advisory opinions, and original proceedings.  
 Pennsylvania—Commonwealth Court—Total mandatory filed and disposed data do not include some administrative agency cases and some original proceedings.

**B: The following courts' data are overinclusive:**

Delaware—Supreme Court—Total mandatory filed and disposed data include discretionary petitions that were granted.  
 Illinois—Appellate Court—Total mandatory filed and disposed data include all discretionary petitions.

Iowa—Supreme Court—Total mandatory filed and disposed data include discretionary petitions.

Kansas—Supreme Court—Total mandatory disposed data include discretionary petitions that were disposed.

—Court of Appeals—Total mandatory filed and disposed data include all discretionary petitions.

Maine—Supreme Judicial Court—Total mandatory filed and disposed data include discretionary petitions.

Michigan—Court of Appeals—Total mandatory disposed data include discretionary petitions.

Nebraska—Supreme Court—Total mandatory filed and disposed data include all discretionary petitions.

—Court of Appeals—Total mandatory filed and disposed data include all discretionary petitions:

New Mexico—Court of Appeals—Total mandatory disposed data include all discretionary petitions.

New York—Appellate Divisions of Supreme Court—Total mandatory filed and disposed data include all discretionary petitions that were disposed.

—Appellate Terms of Supreme Court—Total mandatory filed and disposed data include all discretionary petitions that were disposed.

Oregon—Supreme Court—Total mandatory disposed data include all discretionary petitions that were granted.

South Carolina—Supreme Court—Total mandatory disposed data include all discretionary petitions that were disposed.

South Dakota—Supreme Court—Total mandatory filed and disposed data include discretionary advisory opinions.

Tennessee—Supreme Court—Total mandatory filed and disposed data include discretionary petitions filed granted, and disposed.

—Court of Appeals— Total mandatory filed and disposed data include discretionary petitions filed granted, and disposed.

—Court of Criminal Appeals— Total mandatory filed and disposed data include discretionary petitions filed granted, and disposed.

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TABLE 3: Selected Caseload and Processing Measures for Mandatory Cases in State Appellate Courts, 1994 ( continued)

Utah— Court of Appeals—Total mandatory filed and disposed data include all **discretionary petitions**.

Washington—Supreme Court—Total mandatory filed and disposed data include some **discretionary petitions**.

Wisconsin—Court of Appeals—Total mandatory filed and disposed data include all **discretionary petitions**.

C: The following courts' data are both incomplete and overinclusive:  
Arkansas—Supreme Court—Total mandatory filed and disposed data include a few **discretionary petitions**, but do not include **mandatory attorney disciplinary cases and certified questions from the federal courts**.  
Idaho—Supreme Court—Total mandatory filed and disposed data include **discretionary original proceedings, interlocutory decisions and advisory opinions**, but do not include **mandatory interlocutory decisions**.

DATE: 06/09/95

COURT OF APPEALS  
JUDGMENT STATISICAL SUMMARY REPORT

(CRIMINAL & CIVIL)

START MM-YY: 01-94      ENDING MM-YY: 12-94

TOTALS	CODE	JUDGMENT DESCRIPTION
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TOTAL DECISIONS THIS PERIOD 3922

\* TOTAL OPINION: 2315 AVERAGE OPINION PER JUDGE = 257.2

\* TOTAL ORDER: 580 AVERAGE ORDER PER JUDGE = 64.4

\* DIRECT APPEALS ONLY

CERTIORARI: NOI = 0783 APPLICATION = 0655 GRANTED = 0058 DENIED = 0725

REHEARING: TOTAL FILED = 1164 GRANTED = 0036 DENIED = 1128