

## Summary

- State court civil caseloads comprise tort, contract, real property, small claims, mental health, probate, and civil appeals cases.
- Approximately 18 million incoming civil cases were reported in state courts in 2007, an increase of about 800,000 cases (4.6%) from the previous year.
- Civil cases represented about 18 percent of all incoming cases in state trial courts in 2007.
- Monetary disputes (contract and many small claims cases) typically account for 70 percent of civil caseloads, but can range from 60 to 85 percent depending on the state.
- Contract caseloads rose sharply in 2007, whereas torts continued a prolonged decrease.
- Many states are struggling to clear their civil caseloads, possibly as a result of increased contract filings and tightening resources.
- Several states, chief among them Kansas, are leading the way in reporting near-complete civil caseload data. Others include Wisconsin, Missouri, and New Jersey.



**Special Recognition:**  
**The Case for a Civil Cover Sheet: Spotlight on Kansas**

**IN RECOGNITION OF REPORTING EXCELLENCE**

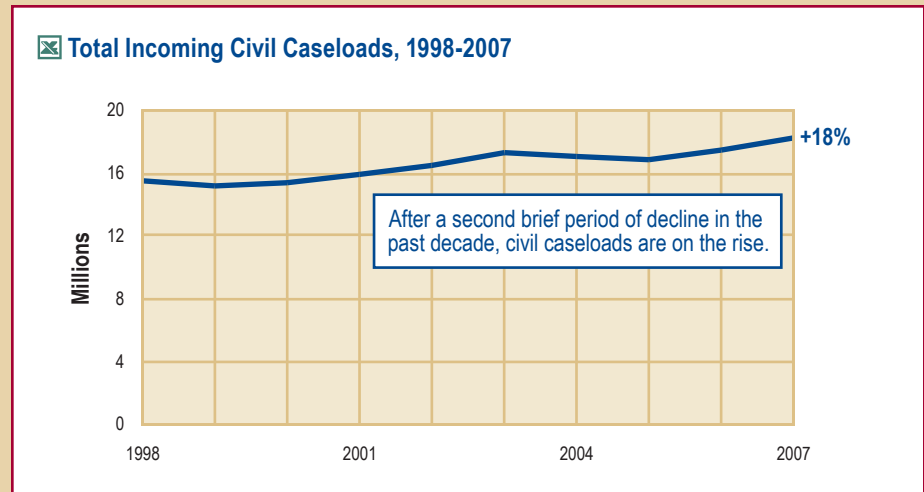
**Special Recognition: The Case for a Civil Cover Sheet: Spotlight on Kansas**

**IN RECOGNITION OF REPORTING EXCELLENCE**

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**Table 1: Total cases comprise only 2 percent of the Kansas civil caseload**

Case Type	2007	2006	% of Total	Change	% of Total
Contract	12,500,000	11,800,000	70.0%	+6%	68.0%
Tort	3,500,000	4,200,000	21.0%	-16%	22.0%
Real Property	1,500,000	1,800,000	9.0%	-17%	10.0%
Small Claims	1,000,000	1,200,000	6.0%	-17%	6.0%
Mental Health	500,000	600,000	3.0%	-17%	3.0%
Probate	400,000	500,000	2.0%	-20%	2.0%
Civil Appeals	300,000	400,000	2.0%	-25%	2.0%
Other	200,000	300,000	1.0%	-33%	1.0%
<b>Total</b>	<b>18,000,000</b>	<b>17,200,000</b>	<b>100.0%</b>	<b>+5%</b>	<b>100.0%</b>



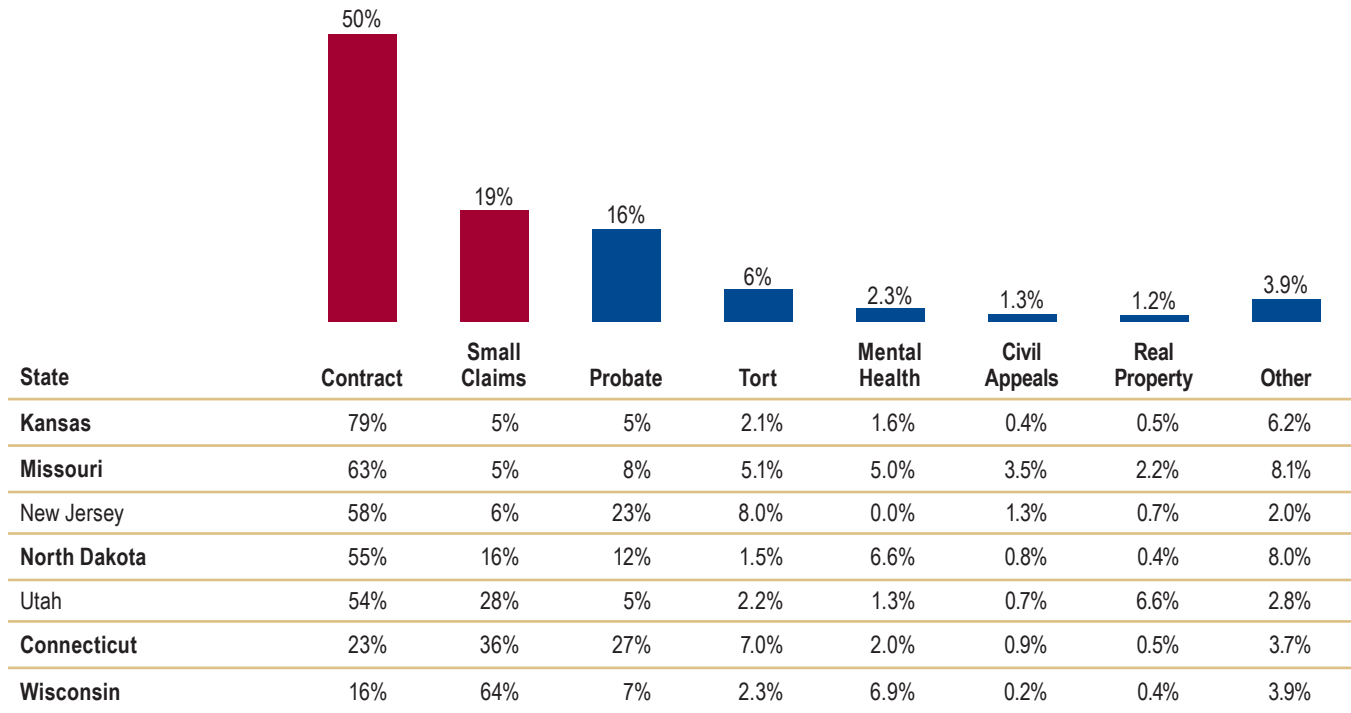
## Over 18 million civil cases were processed in state trial courts in 2007

☒ Total Incoming Cases in State Courts, by Jurisdiction, 2007 (in millions)

Case Type	Jurisdiction				Total	Percent of Total
	Unified	General	Unified & General	Limited		
Traffic	12.4	1.8	14.3	42.0	56.3	54.2%
Criminal	3.3	3.4	6.7	14.7	21.4	20.7%
<b>Civil</b>	3.2	4.7	7.9	10.2	18.1	17.5%
Domestic Relations	1.0	3.1	4.1	1.6	5.7	5.5%
Juvenile	0.4	1.0	1.4	0.7	2.2	2.1%
<b>All Cases</b>	<b>20.3</b>	<b>14.0</b>	<b>34.3</b>	<b>69.3</b>	<b>103.7</b>	<b>100.0%</b>

## Small claims and contract disputes represent 70 percent of civil caseloads

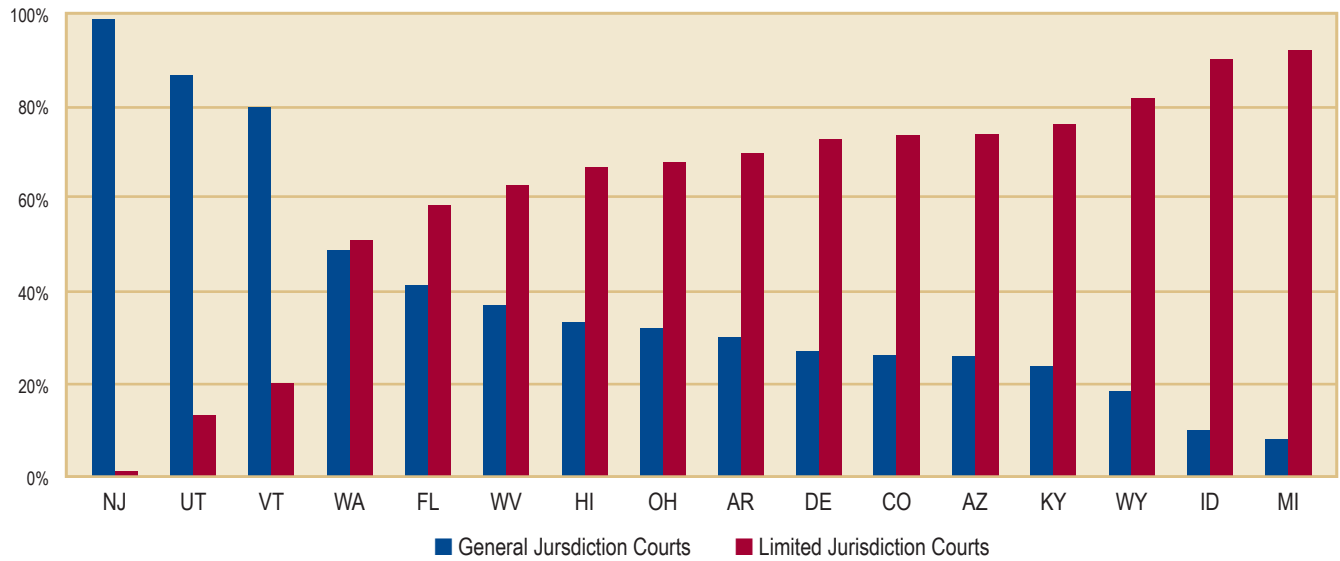
☒ Civil Caseload Composition in 7 States, 2007



Note: States in **Bold** have a unified court system.

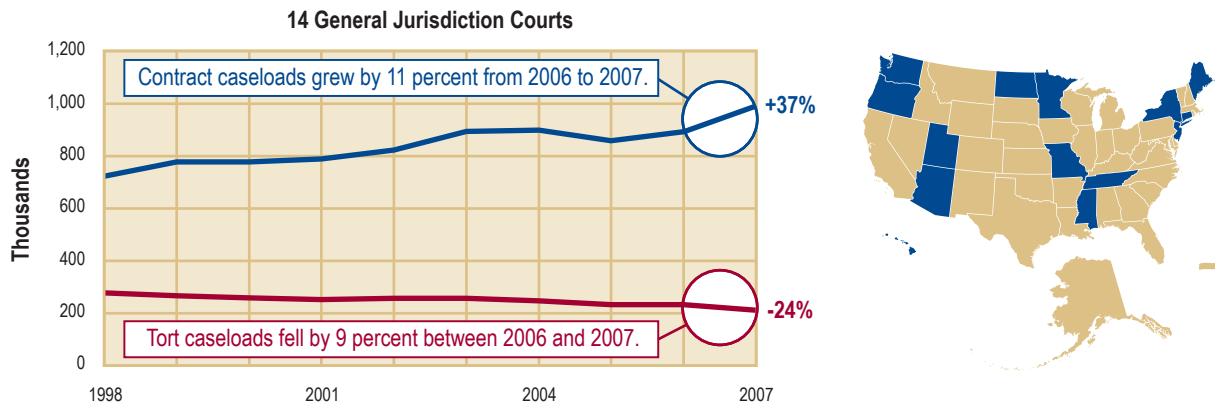
## Court structure and caseload composition affect how civil cases are processed

☒ Distribution of Civil Caseloads in 16 States with Two-tiered Court Systems, 2007



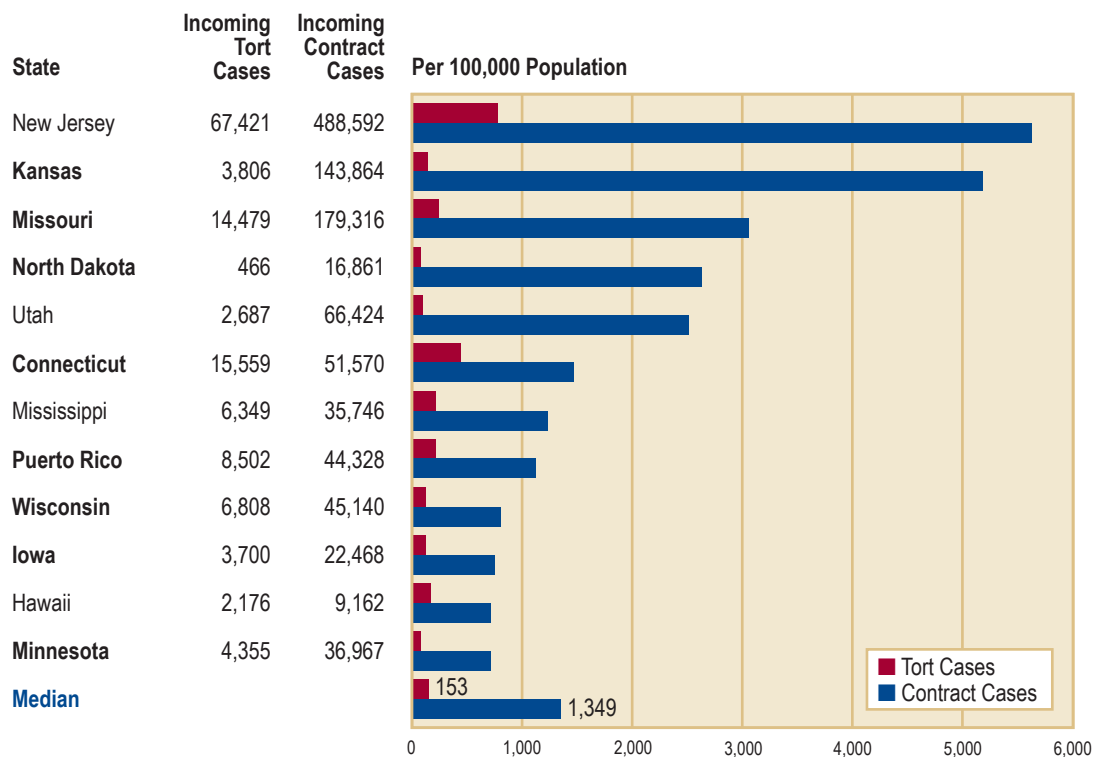
## Contracts are up, torts are down

☒ Contract and Tort Caseloads, 1998-2007



## Contract rates were nearly 9 times greater than tort rates in 2007

☒ Incoming Tort and Contract Rates in 12 States, 2007



Note: States in **Bold** have a unified court system.

### ☒ Incoming Small Claims Cases in 33 States, 2007

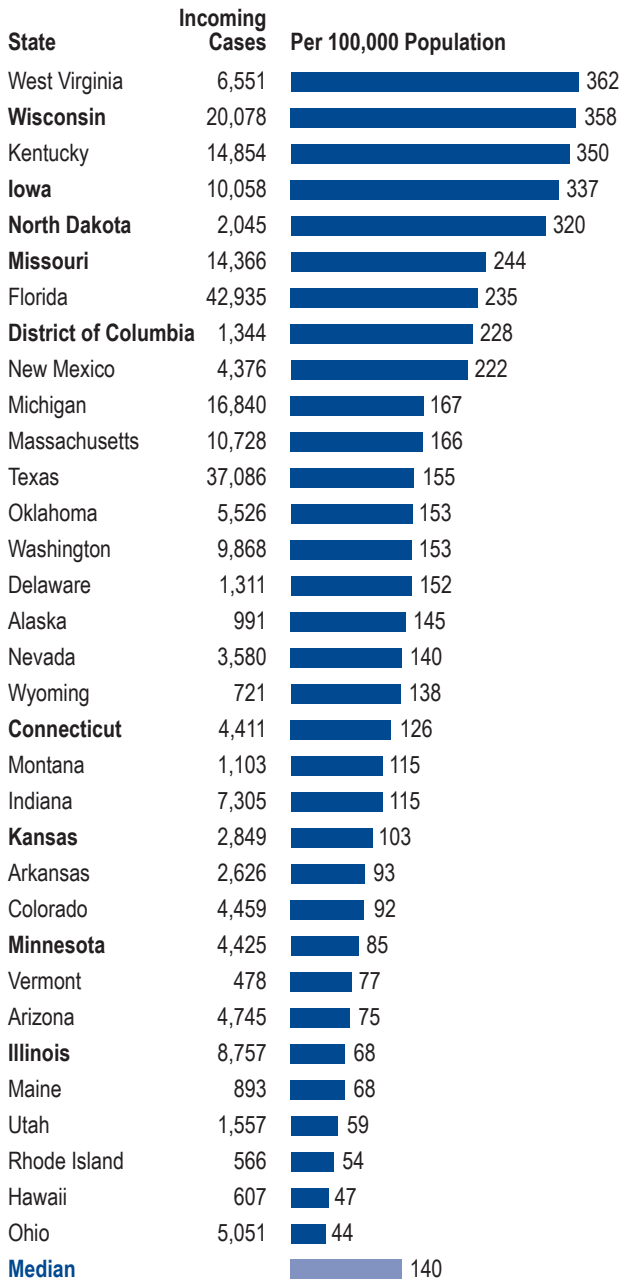
State	Incoming Cases	Per 100,000 Population
Indiana	281,530	4,437
South Carolina	187,554	4,255
<b>Iowa</b>	103,107	3,451
<b>Wisconsin</b>	184,311	3,290
North Carolina	264,194	2,916
West Virginia	49,365	2,724
Oklahoma	98,444	2,721
Alabama	106,596	2,303
<b>Connecticut</b>	79,801	2,279
<b>District of Columbia</b>	12,335	2,097
New Mexico	39,414	2,001
Massachusetts	122,833	1,904
Rhode Island	19,453	1,839
Florida	324,407	1,777
Vermont	9,105	1,466
Utah	34,881	1,319
<b>Illinois</b>	166,855	1,298
Idaho	19,177	1,279
Wyoming	6,680	1,278
<b>Minnesota</b>	59,156	1,138
Arkansas	25,942	915
Michigan	86,370	858
<b>North Dakota</b>	5,094	796
Ohio	88,969	776
Maine	8,880	674
New Jersey	52,920	609
Arizona	25,205	398
Nebraska	6,542	369
Kentucky	15,572	367
Washington	22,411	346
<b>Kansas</b>	9,450	340
Hawaii	3,822	298
<b>Missouri</b>	15,493	264
<b>Median</b>		1,298

### ☒ Incoming Probate Caseloads in 33 States, 2007

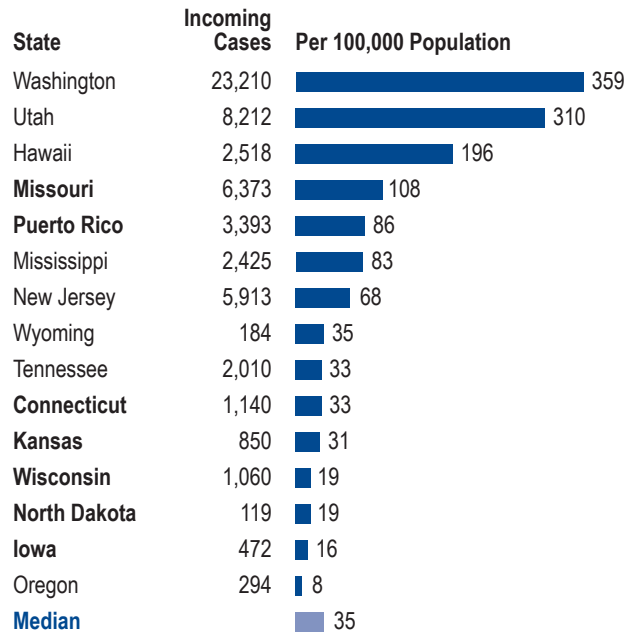
State	Incoming Cases	Per 100,000 Population
New Jersey	195,718	2,253
<b>Connecticut</b>	60,514	1,728
Massachusetts	52,019	807
Vermont	4,767	767
Florida	136,766	749
New York	144,013	746
South Carolina	32,011	726
North Carolina	62,028	685
Ohio	74,969	654
<b>North Dakota</b>	3,578	559
Michigan	47,311	470
<b>District of Columbia</b>	2,735	465
Nebraska	8,152	459
Mississippi	12,286	421
Arkansas	11,732	414
Montana	3,695	386
Delaware	3,314	383
<b>Missouri</b>	22,085	376
<b>Wisconsin</b>	20,727	370
Oklahoma	12,905	357
<b>Kansas</b>	9,595	346
Indiana	21,444	338
Wyoming	1,671	320
<b>South Dakota</b>	2,480	311
Washington	19,283	298
Alaska	1,819	266
Nevada	6,351	248
<b>Minnesota</b>	12,290	236
Colorado	11,198	230
Utah	5,687	215
Hawaii	2,642	206
Arizona	12,652	200
West Virginia	924	51
<b>Median</b>		383

Note: States in **Bold** have a unified court system.

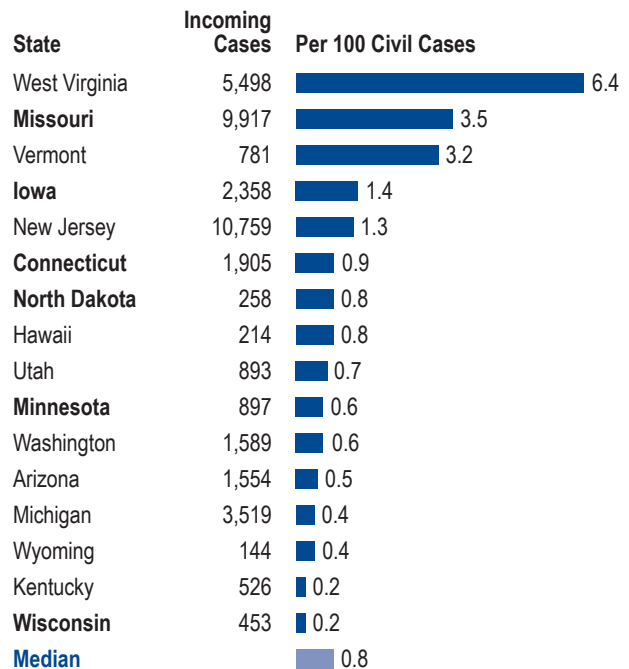
### ☒ Incoming Mental Health Cases in 33 States, 2007



### ☒ Incoming Real Property Cases in 15 States, 2007



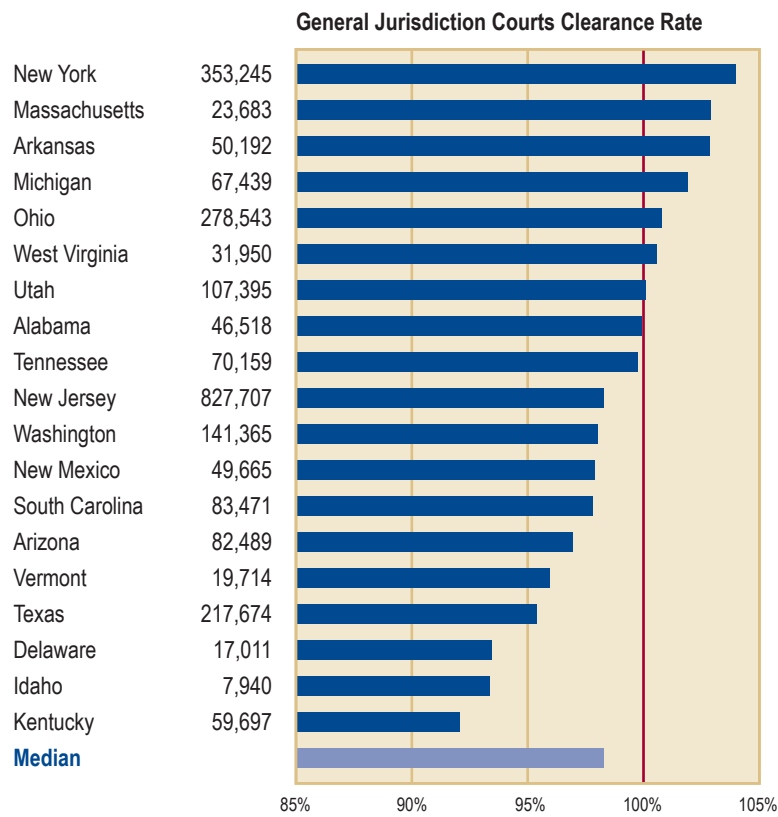
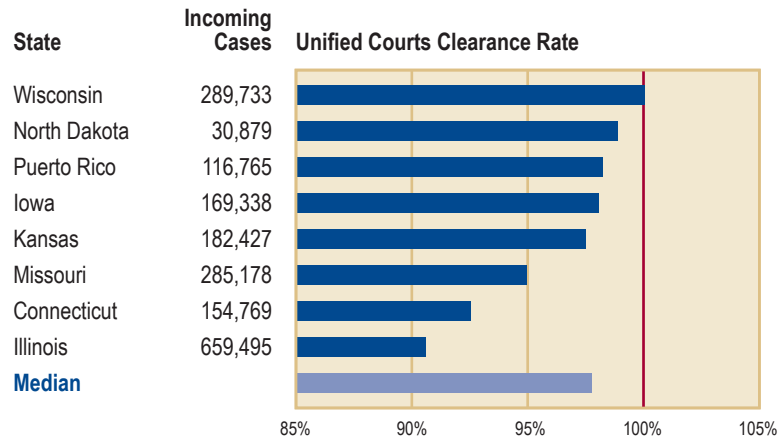
### ☒ Incoming Civil Appeals Cases in 16 States, 2007



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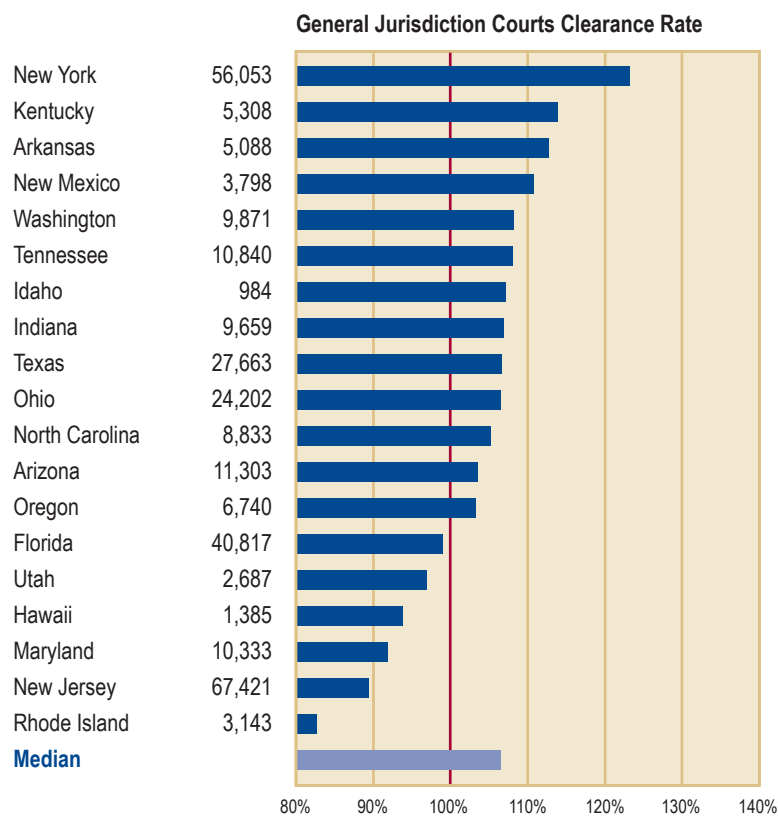
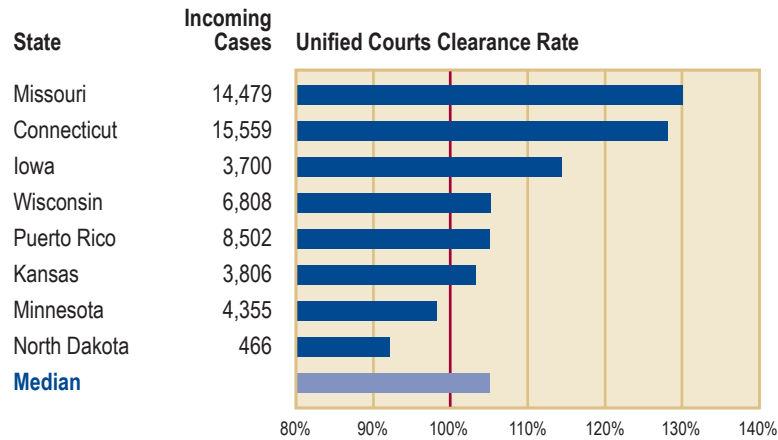
## Increasing caseloads may be making it difficult for some states to clear civil cases

☒ **Civil Caseload Clearance Rates in 27 Unified and General Jurisdiction Courts, 2007**

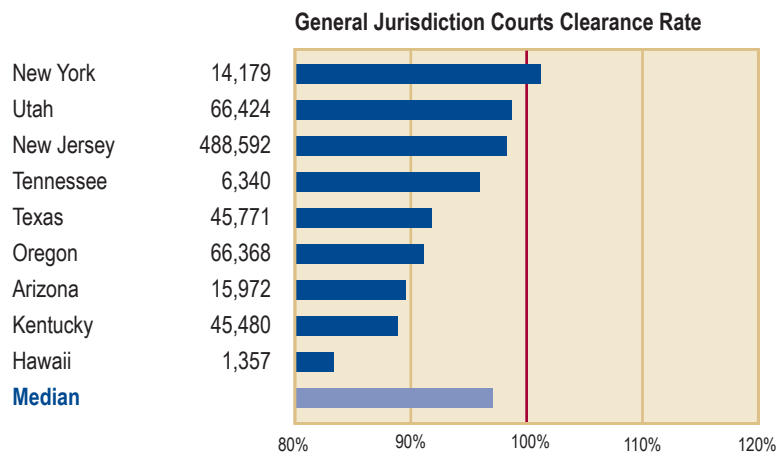
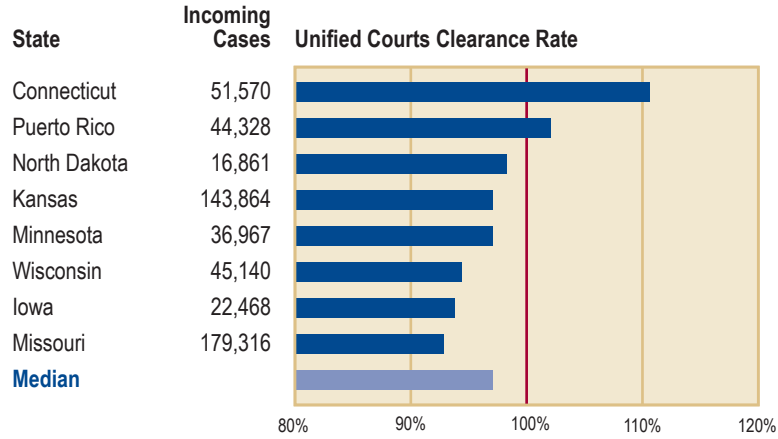


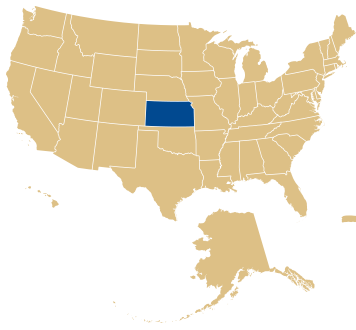
## Declining tort caseloads may be contributing to higher clearance rates

☒ Tort Clearance Rates in 27 Unified and General Jurisdiction Courts, 2007



**Contract Clearance Rates in 17 Unified and General Jurisdiction Courts, 2007**





# Kansas

## The Case for a Civil Cover Sheet: Spotlight on Kansas

State court data have little value for cross-state comparisons if they are not defined and collected consistently everywhere. Since its inception in the mid-1970s, the Court Statistics Project (CSP), with guidance from the Conference of State Court Administrators (COSCA), has championed a national model for state court data collection designed to promote meaningful comparisons. Beginning with the *State Court Model Statistical Dictionary*, first published in 1980, and continuing through the current *State Court Guide to Statistical Reporting*, comprehensive and evolving sets of case types and status categories have been defined and submitted for use by all state trial and appellate courts. To date, virtually every state has implemented at least part of the national model and some states have gone to great lengths to adopt it in its entirety.

Under the leadership of State Court Administrator and former chair of the CSP-COSCA Statistics Committee, Dr. Howard Schwartz, the trial courts of Kansas made a commitment to implement the entire civil component of the *Guide* soon after its release in 2003. This effort was facilitated by a “Civil Information Sheet” mandated by Kansas Supreme Court rule to accompany every civil case filed with the clerks of court. The form permits concise and uniform case-level information about the amount demanded, case type, jury request, and the parties and attorneys involved. The case type portion of the form is essentially verbatim from the *Guide* and in fact permits even greater detail than is outlined therein. To improve case type categorization accuracy and to expedite the filing process, the court asks the attorneys to fill out the form rather than the clerk of court.

Kansas began reporting its *Guide*-compliant civil caseload for data year 2006 (the data featured here are from data year 2007). Presently unsurpassed by any other state, Kansas reports new filings and reopened caseloads for 36 of the 38 civil case types outlined in the *Guide*. It is one of only three states (along with New Jersey and Wisconsin) that reports an intentional tort (e.g., assault, vandalism) caseload and also one of only three states that reports a premises liability caseload. The latter—also known as “slip and fall” cases—were identified in the 2005 Bureau of Justice Statistics/National Center for State Courts collaboration *Civil Justice Survey of State Courts* as the third most common type of tort trial in state courts after automobile and medical malpractice trials. Kansas’ data is consistent with this finding. Yet, despite these relatively high rates of occurrence, Kansas, Iowa, and Mississippi are the only states to report complete premises liability caseloads.

The charts and table show some of the details that become available when a state reports its civil caseload in accordance with the *Guide*.

## Four of five civil cases in Kansas are contract cases

### ☒ Civil Caseload Composition in the Kansas District Court, 2007

Case Type	Incoming Cases	Percent of Civil Caseload
Contract	143,864	78.9%
Probate/Estate	9,595	5.3%
Small Claims	9,450	5.2%
Tort	3,806	2.1%
Mental Health	2,849	1.6%
Real Property	850	0.5%
Other Civil*	12,013	6.6%
<b>Grand Total Civil</b>	<b>182,427</b>	

\* Other Civil includes civil appeals, writs, non-domestic relations restraining orders, and tax cases.

### ☒ Contract Caseload Composition in the Kansas District Court, 2007

Case Type	Incoming Cases	Percent of Contract Caseload
Seller plaintiff (debt collection)	104,742	72.8%
Landlord/tenant - Unlawful det.	14,537	10.1%
Mortgage foreclosure	10,294	7.2%
Landlord/tenant - Other	1,796	1.2%
Fraud	310	0.2%
Buyer plaintiff	216	0.2%
Employment - other	93	0.1%
Employment - discrimination	11	0.0%
Other contract	11,865	8.2%
<b>Total Contract</b>	<b>143,864</b>	

### ☒ Tort Caseload Composition in the Kansas District Court, 2007

Case Type	Incoming Cases	Percent of Tort Caseload
Automobile tort	2,314	60.8%
Malpractice - Total	298	7.8%
Premises liability	188	4.9%
Intentional tort	134	3.5%
Product liability - Total	44	1.2%
Slander/libel/defamation	19	0.5%
Other tort	809	21.3%
<b>Total Tort</b>	<b>3,806</b>	



## Tort cases comprise only 2 percent of the Kansas civil caseload

### ☒ Kansas District Court Civil Caseload, 2007

Civil Case Type	New Filings	Reopened Cases	Total Incoming	Entries of Judgment	Clearance Rate	Percent Reopened
Automobile tort	2,273	41	2,314	2,280	99%	1.8%
Intentional tort	132	2	134	112	84%	1.5%
Malpractice - medical	248	6	254	193	76%	2.4%
Malpractice - legal	29	0	29	18	62%	0.0%
Malpractice - other	15	0	15	11	73%	0.0%
Premises liability	186	2	188	165	88%	1.1%
Product liability - asbestos	20	0	20	22	110%	0.0%
Product liability - tobacco	1	0	1	0	0%	0.0%
Product liability - other	21	2	23	25	109%	8.7%
Slander/libel/defamation	19	0	19	21	111%	0.0%
Other tort	777	32	809	1,081	134%	4.0%
Buyer plaintiff	212	4	216	238	110%	1.9%
Employment - discrimination	11	0	11	10	91%	0.0%
Employment - other	93	0	93	63	68%	0.0%
Fraud	305	5	310	331	107%	1.6%
Landlord/tenant - unlawful detainer	14,481	56	14,537	12,564	86%	0.4%
Landlord/tenant - other	1,776	20	1,796	1,914	107%	1.1%
Mortgage foreclosure	9,698	596	10,294	10,874	106%	5.8%
Seller plaintiff (debt collection)	103,953	789	104,742	107,232	102%	0.8%
Other contract	11,551	314	11,865	6,458	54%	2.6%
Eminent domain	125	0	125	103	82%	0.0%
Other real property	689	36	725	969	134%	5.0%
Small Claims	9,450	n/a	9,450	9,450	100%	n/a
Guardianship - adult	899	0	899	873	97%	0.0%
Guardianship - juvenile	811	0	811	809	100%	0.0%
Conservatorship/trusteeship	331	0	331	260	79%	0.0%
Probate/wills/intestate	4,849	9	4,858	5,058	104%	0.2%
Other probate/estate	2,691	5	2,696	2,311	86%	0.2%
Mental Health	2,849	n/a	2,849	2,849	100%	n/a
Appeals from admin. agency	547	0	547	501	92%	0.0%
Appeals from ltd juris. trial court	n/a	n/a	n/a	n/a	n/a	n/a
Other civil appeals	225	0	225	196	87%	0.0%
Habeas corpus	324	9	333	422	127%	2.7%
Non-dom. rel. restraining order	4,067	9	4,076	3,854	95%	0.2%
Tax cases	n/a	n/a	n/a	n/a	n/a	n/a
Writ involving prison conditions	204	9	213	233	109%	4.2%
Other writs	99	0	99	147	148%	0.0%
Total other civil	6,456	64	6,520	5,900	90%	1.0%
<b>Grand Total Civil</b>	<b>180,417</b>	<b>2,010</b>	<b>182,427</b>	<b>177,547</b>	<b>97%</b>	<b>1.1%</b>

Notes: n/a = not available. — Distinguishes Civil subcategories in the *Guide*.