

HOW LOW CAN THEY GO?

STATE CIVIL AND TORT CASELOADS AND JURY TRIALS; PANDEMIC, YEAR 1

Many states (but not all) compile annual civil case filing and jury trial statistics and provide their data to the National Center for State Courts (NCSC). Together, these data present the most accurate overview of our nation's state-based civil justice system. According to NCSC's data for 2020 – the first year of the COVID 19 pandemic:

CIVIL CASES

- Civil cases represented 21 percent of incoming cases in state trial courts in 2020.¹
- Civil caseloads in state trial courts fell by 26 percent between 2019 and 2020.²

TORT CASES

- Tort caseloads in state trial courts dropped by nearly 5 percent between 2019 and 2020.³

TORT vs. CONTRACT CASES

- Tort cases accounted for only 7 percent of incoming state trial court civil caseloads in 2020.⁴ This rate has remained low for the past nine years for which data are available (*i.e.*, 2012-2020).⁵
- Contract cases represented 41 percent of incoming state trial court civil caseloads in 2020.⁶ This high rate has been even higher over the previous eight years, with contract cases ranging from 45-50 percent of state trial court civil caseloads from 2012-2019.⁷

JURY TRIALS

- Juries resolved a tiny percentage of state *civil* cases in 2020, with rates ranging from 0.0 to 0.15 percent.⁸ This rate has remained tiny for the past nine years.⁹

- Juries resolved an extremely low percentage of state *tort* cases in 2020, with rates ranging from 0.0 to 1.59 percent (with the outlier exception of Utah at 53.33 percent, where there were only 8 cases).¹⁰ This rate has remained extremely low for the past nine years.¹¹

NOTES

¹ This percentage comes from NCSC’s examination of incoming caseload data from state trial courts in 34 states plus the District of Columbia. National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Incoming Caseload Composition – Overview,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-overview>

² National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Incoming Trends, 2012-2020,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-overview>

³ This percentage comes from NCSC’s examination of incoming tort caseload data from state trial courts in 23 states who had publishable data across 2016-2020. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Tort,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁴ National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁵ 7 percent (2020), 5 percent (2019), 6 percent (2018), 5 percent (2017), 5 percent (2016), 5 percent (2015), 7 percent (2014), 5 percent (2013) and 5 percent (2012). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁶ National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁷ 48 percent (2019), 47 percent (2018), 47 percent (2017), 46 percent (2016), 46 percent (2015), 45 percent (2014), 50 percent (2013) and 50 percent (2012). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁸ Seventeen states reported publishable data for total civil dispositions and jury trials in 2020. Their rates were as follows: Alaska (0.0 percent), California (0.15 percent), Florida (0.07 percent), Georgia (0.05 percent), Hawai’i (0.06 percent), Indiana (0.02 percent), Michigan (0.01 percent), Minnesota (0.06 percent), Missouri (0.03 percent), Nevada (0.06 percent), New Jersey (0.03 percent), North Carolina (0.02 percent), Ohio (0.06 percent), Rhode Island (0.02 percent), Texas (0.08 percent), Vermont (0.09 percent) and Wisconsin (0.05 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil, 2020 Jury Trial Rate,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁹ See National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil, 2020 Jury Trial Rate,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>; National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil” (publishable data for total civil dispositions and jury trials in 2012-2019), December 9, 2020.

¹⁰ Seventeen states reported publishable data for total tort dispositions and jury trials. Their rates were as follows: Alaska (0.0 percent), Georgia (0.89 percent), Hawai’i (0.42 percent), Indiana (0.4 percent), Michigan (0.19 percent), Minnesota (1.59 percent), Missouri (0.4 percent), Nevada (0.67 percent), New Jersey (0.32 percent), North Carolina (0.26 percent), Ohio (0.28 percent), Oregon (0.91 percent), Rhode Island (0.21 percent), South Carolina (1.37 percent), Texas (0.63 percent), Utah (53.33 percent) and Vermont (1.44 percent). Utah resolved 8 tort cases by jury trial in 2020. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Tort, 2020 Jury Trial Rate,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹¹ See National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Tort, 2020 Jury Trial Rate,” January 6, 2022, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>; National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil” (publishable data for total tort dispositions and jury trials in 2012-2019), December 9, 2020.