

**Thomas E. Fairchild & James E. Doyle**  
**American Inns of Court**  
**Annual Meeting**

Wednesday, April 14, 2011  
Nashotah, WI

**The Vanishing Trial:  
Professional Consequences and Responses**

Moderator: Scott W. Hansen, Reinhart Boerner Van Deuren S.C.

Panel: Hon. Charles N. Clevert, Jr., United States District Court, Eastern  
District of Wisconsin  
Daniel D. Blinka, Marquette University Law School  
Laura A. Brenner, Reinhart Boerner Van Deuren S.C.  
William J. Mulligan, Davis & Kuelthau S.C.

*Sherlock Holmes and Dr. Watson go camping. After pitching their tent, they make a fire and enjoy a pleasant dinner and turn in for a good sleep before the next day's exertions.*

*In the middle of the night, Holmes shakes Watson awake and says: "Watson, look up and tell me what you deduce!" Shaking himself awake, Watson says "I see God's handiwork! The moon, millions of stars. If only a tiny fraction of them have planets like Earth, surely there must be life out there. What do you think it all means, Holmes?"*

*Watson, you fool! It means someone has stolen our tent!<sup>1</sup>*

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<sup>1</sup> Marc Galanter, *The Vanishing Trial: An Examination of Trials and Related Matters in Federal and State Courts*, p. 103 (2004).

## I. Is the Trial Vanishing as a Means of Dispute Resolution?

A. See the following data (attached):

- Year-end Disposition Summary (Wisconsin state court cases), 2009 (A-1 to A-3).
- U.S. District Court Judicial Caseload Profile (Wisconsin Eastern, 2004 to 2009) (A-4).
- U.S. District Court Judicial Caseload Profile (Wisconsin Western, 2004 to 2009) (A-5).
- Nature of Suit/Offense Codes (A-6).
- Table T-1. U.S. District Courts – Civil and Criminal Trials by District (2009) (A-7 to A-9).
- Table T-1. U.S. District Courts – Civil and Criminal Trials by District (1999) (A-10 to A-12).

B. The seminal study is Marc Galanter, *The Vanishing Trial: An Examination of Trials and Related Matters in Federal and State Courts* (2004).<sup>2</sup>

C. Galanter concludes that the “absolute number of trials has undergone a sharp decline,” particularly when weighed against the overall growth of the “legal world” (e.g., the number of lawyers, the financial resources devoted to law).<sup>3</sup> See Galanter, Table 1 (attached, A-13).

D. Galanter provides additional quantitative support for his conclusions, including a study of civil trials in federal district courts between 1962 and 2002:<sup>4</sup>

- “[D]ispositions have increased by a factor of five—from 50 to 258 thousand cases. But the number of civil trials in 2002 was more than 20% lower than the number in 1962—some 4,569 now to 5,802 then. So the portion of dispositions that were by trial was less than one sixth of what it was in 1962—1.8% now as opposed to 11.5% in 1962.”
- “The drop in civil trials has not been constant over the forty-year period, but recent and steep. . . . [T]here was an increase in trials, peaking in 1985, when there were 12,529. From then to now, the number of trials in federal court has dropped by more than 60% and the portion of cases disposed of by trial has fallen from 4.7% to 1.8%.”
- “The decline in the rate of civil trials in the post-World War II federal courts continues and accentuates a long historic trend away from trial as the mode of disposing of civil cases.”
- “In the course of the rise and then fall in the number of federal civil trials, the make-up of these trials changed. More of them are before juries and fewer are bench trials . . . . In 1962, there was a slight preponderance of bench trials, which grew until the early 1980s. Starting in 1990 the number of bench trials fell sharply, so that by 2002, jury trials made up almost two thirds (65.8%) of all civil trials. Indeed, measuring against 1962, the

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<sup>2</sup> Published at 1 J. Empirical Studies 459 (2004) and available on-line. Page citations are to the on-line version.

<sup>3</sup> Galanter, p. 1.

<sup>4</sup> Galanter, p. 3, p. 7, p. 8, p. 9 (notes omitted).

number of bench trials has fallen by 49% from 3,037 to 1,563, while the number of jury trials has increased by 8.7% from 2,765 to 3,006. Jury trials fell precipitously in 2002 (by 17% from the 3,632 in 2001), nearing their 1962 level. In 2003 jury trials numbered 2603, 5.9% below the 1962 total.”

- In 1962 most federal civil trials involved torts (55 percent of all trial and 81 percent of all jury trials). By 2002 torts had dropped to 23.4 percent of all trials and 26 percent of jury trials. Galanter asserts that this “steady and prolonged” drop antedates mass tort settlements and is reflected in comparable decreases in other types of cases; thus, “it presumably reflects other facts in addition to mass settlements.”
- Even bankruptcy trials have declined (37 per year per bankruptcy judge in 1985 to 10 per year in 2002).<sup>5</sup>
- A study of thirteen states found that felony jury trial rates declined from 5 percent in 1976 to 2 percent in 2002.<sup>6</sup>

E. The same declines seem to appear in state court litigation.

See the Year-end Disposition Summary (Wisconsin), 2009 (A-1 to A-3).

For Galanter’s data, see Table 4 (civil) and Table 7 (criminal), attached (A-14 and A-15).

- Table 4: Civil jury trials decline from 1.8 percent to 0.6 dispositions.
- Table 7: “It might be supposed that the decline in the percentage of criminal trials reflects an increase in the proportion of lesser crimes and a decline in the presence of felonies, but table 8, shows that in the 13 states that provide separate figures for felonies, trials as a portion of felony dispositions fell from 8.9% in 1976 to 3.2 % in 2002. The absolute number of felony jury trials remained fairly constant, but in 2002 they made up only 2.2% of the larger number of felony dispositions compared to 5.2% in 1976. The number of bench trials dropped substantially: in 2002, bench trials were only 1% of felony dispositions, down from 3.7% in 1976.”<sup>7</sup>

F. Galanter also addresses changes in the “character” of trials.

1. Time and “complexity” (i.e., length of trials?).<sup>8</sup>
2. Median time to disposition.

1963: filing time to disposition by trial, 16 months.

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<sup>5</sup> See also Elizabeth Warren, *Vanishing Trials: The Bankruptcy Experience*, 1 J. Empirical Legal Stud. 913 (2004).

<sup>6</sup> Frank O. Bowman III, *American Buffalo: Vanishing Acquittals and the Gradual Extinction of the Federal Criminal Trial Lawyer*, 156 U. Pa. L. Rev. PENumbra n. 1(2007) (citation omitted).

<sup>7</sup> Galanter, p. 74.

<sup>8</sup> Galanter p. 26.

2002: 20 months.

3. “Higher investment” in tried cases (e.g., jury selection experts, mock trials)?<sup>9</sup>

G. Galanter’s assessment of possible “causes”<sup>10</sup> include:

- “Diminished supply”? (triable cases that never reached court): Weak support.
- “Diversion”? Decline not clearly attributable to ADR.
- Economics (expense)? The problem of perception versus reality (i.e., fears about the “litigation” explosion, runaway juries, etc. influence settlement postures).
- Institutional factors, i.e., the courts themselves. E.g.,
  - Lack of judicial resources?
  - Changing judicial ideology (“managerial judging”)?

II. Are Trial Lawyers Going the Way of the Buffalo? How Does the Decline of Trials Affect the Profession?

Suggested Reading: Frank O. Bowman III, *American Buffalo: Vanishing Acquittals and the Gradual Extinction of the Federal Criminal Trial Lawyer*, 156 U. Pa. L. Rev. PENNumbra n. 1(2007)

A. Declining numbers of trials diminish “the fund of trial experience of both judges and lawyers.”<sup>11</sup>

B. The decline in the number of trials is accompanied by a rise in the number of programs for ‘training lawyers through simulations,’ which suggests “shrinkage” of actual opportunities to try cases.<sup>12</sup>

C. This may affect the quality of our “legal information” as well. Cases and commentary focus more on legal doctrine and policy in a way that is “detached from the texture of facts.” “Contests of interpretation replace contests of proof.”<sup>13</sup>

D. Diffusion and privatization of legal disputes?<sup>14</sup>

E. Do we see this trends reflected in law school curriculums and instruction? (Should we blame American legal education?)

F. Is our legal culture changing? In his work on the vanishing federal criminal trial, Frank Bowman distinguishes between the leverage used by federal prosecutors to obtain guilty pleas (e.g., the “guidelines”) and the “motive.” Bowman, *American Buffalo*, p. 8.

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<sup>9</sup> Galanter, p. 31.

<sup>10</sup> Galanter, p. 79.

<sup>11</sup> Galanter, p. 87.

<sup>12</sup> Galanter, p. 92.

<sup>13</sup> Galanter, p. 102.

<sup>14</sup> Galanter, p. 103.

- Bowman dismissed caseload pressure: “The most tempting explanation would be rising caseload pressure--i.e., a perception among prosecutors that unless the government was willing to “buy” convictions with ever-higher plea discounts, the system would be overwhelmed, or at least they themselves would be crushingly overworked. But AUSA caseloads remained essentially unchanged during the 1990s. Moreover, Professor Wright’s multivariate analysis found that “prosecutors’ caseloads in a district did not affect either the guilty plea or acquittal rate.” And my own experience as both a federal and state prosecutor tells me that, with the possible exception of some of the Mexican border districts, federal prosecutors have very modest caseloads relative to state prosecutors, and certainly do not face the kind of caseload pressure that would force a perennial choice between rising plea discounts or an unmanageable federal criminal docket.”<sup>15</sup>
- Conceding that there may be no “entirely satisfactory explanation for the federal system’s affinity for negotiated pleas rather than trials,” Bowman “strongly suspect[s] that part of the answer lies in changing institutional values in the judiciary and the Justice Department.”
  - Case management attitudes by judges.
  - “Output” assessment by the DOJ.
- Or is it our professional culture, as Bowman suspects (note the shot at Wisconsin)?

“The public image and self-conception of federal prosecutors is of a select cadre of veteran trial lawyers. Yet current statistics belie the image and suggest that the lives of federal prosecutors increasingly resemble the “litigators” of civil practice who spend their lives processing cases, but never actually trying them. The numbers are striking. In 2002, there were 5,304 AUSAs, but fewer than 2,000 trials. Even making the generous assumption that every trial was staffed by two or more AUSAs, fewer than four out of five AUSAs had so much as a single trial in 2002. Over time, numbers this low mean that the average AUSA will go to trial less than once a year. The situation in many districts is even starker. In 2002, thirty-one out of the ninety-four federal districts saw fewer than ten trials. *The two districts covering the state of Wisconsin boasted eleven trials between them.* Vermont reported zero trials in 2002 and only two in 2001.

“In an environment like this, over time *U.S. Attorneys’ Offices will contain fewer and fewer real trial lawyers--those with the skills, judgment, and self-confidence born only of long courtroom experience.* Becoming a real trial lawyer takes years of practice and constant exposure to the cut-and-thrust of many trials. Once the skills are acquired, they have to be used to be maintained. With trial rates at their current nadir, lawyers who come to a U.S. Attorney’s Office with no trial experience won’t get any. Those who had some can’t hone it. Those who once had lots are losing their edge.

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<sup>15</sup> Bowman, p. 9 (notes omitted).

In an office where trials are frequent and valued for their own sake, winning and losing matters less than willingness to accept battle. *But as the number of trials decreases, the attention each trial receives within the office increases, as does the potential professional risk to any lawyer involved. In an office staffed mostly with trial novices and out-of-practice veterans, rare trials loom as daunting events, pregnant with the potential for embarrassment and failure. I think it likely that lawyers in such an office will shy away from trial, even in cases that ought to be tried, preferring the less risky and now institutionally ordinary practice of buying a plea with a little extra sentencing concession. And the fewer cases an office tries, the higher the psychological barriers become.*<sup>16</sup>

### III. Where Do We Go From Here?

A. Frank Bowman's laments that the "gradual disappearance of the federal trial lawyer has ill effects beyond trial and acquittal rates." Consider his concluding thoughts:<sup>17</sup>

- "Those who know and relish trials are not afraid of them. They like a fair forensic fight. They believe a defendant ought to have his day in court if he wants it. They understand that there is usually something to be said on both sides of any case and that judging human behavior inevitably involves shades of grey. They tend to be confident that the ordinary citizens who make up juries, while not perfect factfinders, generally sort things out pretty well. Perhaps for these reasons, trial lawyers are disposed to trust ordinary criminal processes to deal with even extraordinary cases."
- "Trial lawyers have faith that truth must be sought and justice done without official brutality or oppression. But they have the realist's understanding that the cost of foregoing police-state methods, the cost of preserving the liberties enshrined in the Constitution, is some tragedies unprevented and some crimes unpunished. And, although I may be too sanguine, a long career among them suggests that trial lawyers are less inclined than those who have never addressed a jury to view criminal justice through a political lens. Rather, they tend to view themselves as apolitical inheritors of an Anglo-American tradition of adversarial justice that has value independent of partisan interests."
- "People who see the world this way have been in perilously short supply in the higher counsels of American government in recent years. As their number dwindles, so too does the number of defenders of the values of adversarial fair play essential to the American idea of justice. In the long run, the extinction of those values would be the greatest tragedy of all.?"

B. Is Bowman's lament limited to federal prosecutors? Are the roles of criminal defense lawyers and civil "litigators" substantially different?

C. At least one firm has gone to a "barrister/solicitor" model.

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<sup>16</sup> Bowman, p. 11 (notes omitted) (emphasis added).

<sup>17</sup> Bowman, pp. 14-15.

## Appendix

- Year-end Disposition Summary (Wisconsin), 2009 (A-1 to A-3)
- U.S. District Court Judicial Caseload Profile (Wisconsin Eastern, 2004 to 2009) (A-4)
- U.S. District Court Judicial Caseload Profile (Wisconsin Western, 2004 to 2009) (A-5)
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- Table T-1. U.S. District Courts – Civil and Criminal Trials by District (2009) (A-7 to A-9).
- Table T-1. U.S. District Courts – Civil and Criminal Trials by District (1999) (A-10 to A-12).
  
- Table 1 (Galanter), Civil Trials in U.S. District Courts at Ten-Year Intervals, 1962-2002 (A-13)
- Table 4 (Galanter), Civil Trials in Courts of General Jurisdiction in Twenty-Two States, 1976-2002 (A-14)
- Table 7 (Galanter), Criminal Trials in Courts of General Jurisdiction in Twenty-Two States (and D.C. and Puerto Rico), 1976-2002 (A-15)

**Yearend Caseload Summary  
Statewide Report**

**Begin Date: 01-01-2009  
End Date: 12-31-2009**

**Statewide**

CATEGORIES	Filed Complaint	Begin Pending	Opened	Disposed	Transferred In	Transferred Out	Adjust	End Pending
Felony	32334	16468	31866	37687	21871	21881	5653	16290
Misdemeanor	60368	20498	60459	65985	30580	30588	3617	18581
Criminal Traffic	41404	14319	42021	45700	28611	28595	937	11593
<b>TOTAL CRIMINAL</b>	134106	51285	134346	149372	81062	81064	10207	46464
Traffic (Contested)		13777	66713	66892	24778	24780	432	14028
Traffic (Uncontested)			321819	321819				
Traffic (Uncontested w/Appearance)			33246	33246				
Forfeiture (Contested)		3477	14754	14866	5146	5151	103	3463
Forfeiture (Uncontested)			50882	50882				
Forfeiture (Uncontested w/Appearance)			12507	12507				
<b>TOTAL FORFEITURE</b>		17254	499921	500212	29924	29931	535	17491
Civil		28378	89800	88780	9239	9243	3174	32568
Divorce		14607	21314	21176	6293	6299	120	14859
Paternity		5096	14916	14348	3406	3407	240	5903
Other Family		2207	12146	12282	2264	2265	382	2452
Small Claims (Contested)		2933	15764	15782	5498	5481	72	3004
Small Claims (Uncontested)			147858	147858				
Small Claims (Uncontested w/Appearance)			17504	17504				
<b>TOTAL CIVIL</b>		53221	319302	317730	26700	26695	3988	58786
Estates		1542	829	1021	365	369	19	1365
Informal		8465	6996	7202	1007	1006	198	8458
Trusts		206	385	542	275	275	166	215
Guardianships		881	4600	5927	3455	3458	1236	787
Commitments		822	17888	17404	1344	1346	102	1406
Adoptions		168	1482	1471	83	83	(3)	176
Other Probate		1909	3539	3394	238	238	18	2072
<b>TOTAL PROBATE</b>		13993	35719	36961	6767	6775	1736	14479
Delinquency		4406	10527	11146	3735	3728	(1687)	2107
CHIPS		1300	4261	4439	3066	3063	12	1137
Termination of Parental Rights (TP)		672	1733	1782	366	368	16	637
Juv.-Ordinance (Contested)		223	1027	1056	164	164	42	236
Juv.-Ordinance (Uncontested)			8117	8117				
Juv.-Ordinance (Uncontested w/Appearance)			3309	3309				
Other Juvenile		526	4367	4340	651	651	57	610
<b>TOTAL JUVENILE</b>		7127	33341	34189	7982	7974	(1560)	4727
<b>GRAND TOTAL</b>		142880	1022629	1038464	152435	152439	14906	141947



**Yearend Disposition Summary  
Statewide Report**

**Begin Date: 01-01-2009  
End Date: 12-31-2009**

**Statewide**

CATEGORIES	Total Disposed	Jury Trial	Court Trial	Stip/Pled Before Trial	Dismissed Before Trial	Other
Felony	37687	904	58	29495	6228	1002
Misdemeanor	65985	316	87	50598	14889	95
Criminal Traffic	45701	184	32	36493	8932	60
<b>TOTAL CRIMINAL</b>	<b>149373</b>	<b>1404</b>	<b>177</b>	<b>116586</b>	<b>30049</b>	<b>1157</b>
Traffic (Contested)	66892	275	3683	41113	21721	100
Forfeiture (Contested)	14830	33	1733	7278	5748	38
<b>TOTAL FORFEITURE</b>	<b>81722</b>	<b>308</b>	<b>5416</b>	<b>48391</b>	<b>27469</b>	<b>138</b>
Civil -- Total	88780	356	732	53797	31771	2124
Pers. Injury/Prop. Damage	7062	248	57	2478	4017	262
Contracts/Real Estate	60962	75	437	42362	17171	917
Other Civil	20756	33	238	8957	10583	945
Divorce	21176	0	2875	10917	3577	3807
Paternity	14348	2	1043	9852	3010	441
Other Family	7908	0	364	2638	1569	3337
Small Claims (Contested)	15782	11	5114	4724	5352	581
<b>TOTAL CIVIL</b>	<b>147994</b>	<b>369</b>	<b>10128</b>	<b>81928</b>	<b>45279</b>	<b>10290</b>
Estates	1021	0	11	0	0	1010
Informal	7202	0	18	0	0	7184
Trusts	542	0	1	0	0	541
Guardianships	5927	1	132	0	1	5793
Commitments	17404	13	940	0	8074	8377
Adoptions	1471	0	1	1354	61	55
Other Probate	3394	0	5	0	0	3389
<b>TOTAL PROBATE</b>	<b>36961</b>	<b>14</b>	<b>1108</b>	<b>1354</b>	<b>8136</b>	<b>26349</b>
Delinquency	11142	1	694	7376	2307	764
CHIPS	4443	58	223	1826	846	1490
Termination of Parental Rights (TP)	1782	147	48	0	361	1226
Juv.-Ordinance (Contested)	1056	0	118	463	391	84
Other Juvenile	4340	0	76	522	963	2779
<b>TOTAL JUVENILE</b>	<b>22763</b>	<b>206</b>	<b>1159</b>	<b>10187</b>	<b>4868</b>	<b>6343</b>
<b>GRAND TOTAL</b>	<b>438813</b>	<b>2301</b>	<b>17988</b>	<b>258446</b>	<b>115801</b>	<b>44277</b>

A-2

Yearend Civil Disposition Summary  
Statewide Report

Begin Date: 01-01-2009  
End Date: 12-31-2009

Statewide

CATEGORIES	Total Opened	Total Disposed	Jury Trial	Court Trial	Settlement	Uncontested Judgment	Dismissed Before Trial	Other	Median Age at Disposition
Products Liability	104	119	3	5	17	8	79	7	312
Personal Injury, Auto	4059	4356	144	16	947	495	2624	130	362
Medical Malpractice	137	167	36	0	30	5	83	13	540
Wrongful Death	80	87	1	2	18	9	52	5	447
Intentional Tort	301	335	11	20	48	53	180	23	332
Other Personal Injury	1237	1201	43	5	270	88	725	70	391
Asbestos	20	12	2	0	2	0	8	0	817
Property Damage	779	785	8	9	73	415	266	14	164
Total PI/PPD	6717	7062	248	57	1405	1073	4017	262	352
Minor Settlement	513	511	0	6	9	457	24	15	46
Money Judgment	27506	26456	33	220	1272	18354	6208	369	72
Other Contracts	2234	2260	19	50	278	951	856	106	114
Other Debtor Actions	626	619	1	6	24	316	201	71	87
Condemnation Review	108	124	5	3	17	3	68	28	303
Foreclosure of Mortgage	30668	30165	1	87	780	19536	9493	268	85
Other Real Estate	839	824	16	65	105	257	321	60	208
Total Contracts/Real Estate	62494	60959	75	437	2485	39874	17171	917	81
Appeal Muni. Court Judgment	174	150	15	30	38	8	34	25	131
Administrative Agency Review	340	337	0	3	15	34	172	113	180
Declaratory Judgment	411	414	7	27	46	77	204	53	229
Incarcerated Person	260	221	0	0	0	81	134	6	16
Unclassified	1920	1897	11	49	114	806	491	426	66
Other TRO	174	193	0	7	17	36	115	18	129
Writ of Habeas Corpus	77	74	0	0	0	3	59	12	25
Other Writs	249	271	0	3	6	20	178	64	219
Name Change	2000	1923	0	22	1	1587	123	190	43
Domestic Abuse TRO	7103	7403	0	47	3	2912	4428	13	15
Child Abuse TRO	842	810	0	4	3	247	550	6	13
Harassment TRO	6901	6922	0	44	4	2825	4032	17	14
Combined Action TRO	1	1	0	0	0	0	1	0	13
Vulnerable Adult TRO	136	140	0	2	1	73	62	2	14
Total Other Civil	20588	20756	33	238	248	8709	10583	945	15
TOTAL CIVIL	89799	88777	356	732	4138	49656	31771	2124	70
Divorce	20532	20513	0	2805	1513	9114	3341	3740	202
Annul/Legal Separation	782	663	0	70	33	257	236	67	212
UI/FA-Incoming	1225	1264	0	8	33	102	256	865	1
Support & Maint. Actions	5638	5603	0	322	1180	1214	1163	1924	46
UI/FA-Outgoing	394	450	0	2	7	3	64	374	1
Paternity	14916	14348	2	1043	1533	8319	3010	441	111
Paternity Acknowledgement	4485	4374	0	574	891	795	221	1893	34
Action Mod./Enf. Judgment	120	108	0	7	6	8	16	71	40
Unclassified	284	283	0	25	28	57	70	103	67
TOTAL FAMILY	48376	47806	2	4856	5224	19869	8377	9478	135
Claim Under Dollar Limit	12286	12232	11	3913	529	2957	4326	486	87
Replevin	706	719	0	247	50	207	174	41	62
Eviction	2749	2803	0	947	74	902	838	42	38
Other Small Claims	2	4	0	0	0	1	2	1	421
TOTAL CONTESTED SMALL CLAIMS	15743	15758	11	5107	653	4067	5340	580	79

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

12-MONTH PERIOD ENDING SEPTEMBER 30

Numerical Standing	U.S. Circuit	WISCONSIN EASTERN																			
		2004	2005	2006	2007	2008	2009	2009	2008	2007	2006	2005									
		Filing*	1,738	1,554	1,665	1,740	1,744	1,906	U.S.	Circuit											
		Terminations	1,566	1,656	1,777	1,719	1,740	1,738													
		Pending	1,548	1,383	1,483	1,664	1,637	1,621													
		% Change in Total Filings	Over Last Year		Over Earlier Years																
		Number of Judgments		5	5	5	5	5													
		Vacant Judgeship Months**		.0	.0	.0	.0	.0													
		ACTIONS PER JUDGESHIP	FILINGS	Total	348	311	333	347	349	381	72	7									
				Civil	263	231	246	279	279	310	65	65	7								
				Criminal Felony	62	61	67	56	54	56	53	53	4								
				Supervised Release Hearings**	23	19	20	12	16	15	48	3									
				Pending Cases	310	277	297	333	327	324	71	6									
		Weighted Filings**	402	376	387	423	397	437	54	5											
		Terminations	313	331	356	344	348	348	75	7											
		Trials Completed	15	9	6	8	11	7	65	6											
		MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	11.0	10.1	8.8	8.9	9.5	8.1	63	5									
				Civil**	7.2	8.0	8.2	8.8	9.1	7.8	23	3									
		From Filing to Trial** (Civil Only)	Number	28.0	24.0	-	28.0	20.3	22.0	49	3										
				46	55	46	116	131	48												
		Civil Cases Over 3 Years Old**	Percentage	5.2	5.3	4.1	8.6	9.6	3.5	58	4										
				1.7	1.9	1.8	1.7	1.6	1.5												
		OTHER		Average Number of Felony Defendants Filed Per Case		49.85	46.00	52.75	41.45	38.52	41.23										
		Jurors		Avg. Present for Jury Selection		34.3	41.6	42.9	33.7	28.9	27.5										
				Percent Not Selected or Challenged																	

2009 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	1317	79	20	330	31	13	128	158	90	60	241	3	164
Criminal*	307	9	86	14	102	31	19	22	1	6	5	4	8

\* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

\*\* See "Explanation of Selected Terms."

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U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

12-MONTH PERIOD ENDING  
SEPTEMBER 30

WISCONSIN WESTERN	2009	2008	2007	2006	2005	2004	U.S.	Circuit	OVERALL CASELOAD STATISTICS		
									Filings*	Terminations	Pending
	1,022	1,009	996	980	1,109	1,135					
	950	826	1,018	941	1,190	1,070					
	634	555	373	380	343	435					
	1.3										
	Over Last Year										
	Over Earlier Years										
	2	2	2	2	2	2					
	8.3	.0	.0	.0	.0	.0					
	Vacant Judgeship Months**										
ACTIONS PER JUDGESHIP	Total	511	505	498	490	555	568	24	2		
	Civil	413	399	391	369	431	461	18	2		
	Criminal Felony	81	87	91	108	110	93	36	3		
	Supervised Release Hearings**	17	19	16	13	14	14	64	5		
PENDING CASES	Pending Cases	317	278	187	190	172	218	67	5		
	Weighted Filings**	557	570	556	527	568	602	18	2		
	Terminations	475	413	509	471	595	535	30	2		
	Trials Completed	20	19	22	20	22	20	45	4		
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	6.3	5.9	5.5	4.9	5.0	5.4	12	1	
	Civil**	5.3	4.6	4.6	4.4	4.4	5.5	5	1		
OTHER	From Filing to Trial** (Civil Only)	15.0	12.3	10.4	13.4	11.3	10.5	2	1		
	Civil Cases Over 3 Years Old**	Number	0	4	0	0	0	0			
	Percentage	.0	1.1	.0	.0	.0	.0	1	1		
Jurors	Average Number of Felony Defendants Filed Per Case	1.3	1.3	1.2	1.2	1.2	1.2				
	Avg. Present for Jury	22.75	25.18	23.82	27.48	22.03	29.77				
	Percent Not Selected or Challenged	16.9	17.0	13.0	22.6	12.0	17.2				

2009 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	826	40	12	326	35	8	60	73	22	58	126	2	64
Criminal*	161	6	63	18	34	13	6	7	2	-	2	3	7

\* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

\*\* See "Explanation of Selected Terms."

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Nature of Suit/Offense Codes

CIVIL CODES	CRIMINAL FELONY CODES
A Social Security	A Immigration
B Recovery of Overpayments and Enforcement of Judgement	B Embezzlement
C Prisoner Petitions	C Weapons and Firearms
D Forfeitures and Penalties and Tax Suits	D Escape
E Real Property	E Burglary and Larceny
F Labor Suits	F Drugs
G Contracts	G (Not In Use)**
H Torts	H Forgery and Counterfeiting
I Copyright, Patent, and Trademark	I Fraud
J Civil Rights	J Homicide and Assault
K Antitrust	K Robbery
L All Other Civil	L All Other Criminal Felony Cases

Table T-1.  
U.S. District Courts—Civil and Criminal Trials, by District,  
During the 12-Month Period Ending September 30, 2009

Circuit and District	Total All Trials <sup>1</sup>	Civil				Criminal				Sentencing Hearings <sup>4</sup>
		Total	On the Issue <sup>2</sup>		Motions, Injunctions, and Other <sup>3</sup>	Total	On Charge(s) <sup>2</sup>		Motions, Orders, and Other <sup>3</sup>	
			Jury	Nonjury			Jury	Nonjury		
TOTAL	18,623	5,309	2,138	1,026	2,145	13,314	3,052	308	4,691	5,263
DC	165	66	10	8	48	99	20	-	61	18
1ST	588	246	122	47	77	342	93	5	129	115
ME	126	10	6	2	2	116	16	4	23	78
MA	228	123	61	33	29	105	32	1	59	13
NH	51	17	4	3	10	34	10	-	11	13
RI	35	16	8	3	5	19	8	-	7	4
PR	148	80	43	6	31	68	27	-	29	12
2ND	824	417	246	96	75	407	222	17	127	41
CT	91	60	42	12	6	31	20	-	7	4
NY,N	81	31	18	5	8	50	22	-	21	7
NYE	271	130	66	23	41	141	89	-	45	7
NY,S	283	163	99	49	15	120	69	16	26	9
NY,W	61	23	14	5	4	38	15	-	20	3
VT	37	10	7	2	1	27	7	1	8	11
3RD	1,592	490	160	77	253	1,102	205	34	460	403
DE	114	51	13	10	28	63	12	3	48	-
NJ	234	114	40	23	51	120	41	5	43	31
PA,E	536	157	49	25	83	379	96	16	157	110
PA,M	327	93	37	8	48	234	19	6	93	116
PA,W	337	61	18	6	37	276	23	4	105	144
VI	44	14	3	5	6	30	14	-	14	2
4TH	2,389	457	117	85	255	1,932	363	41	743	785
MD	224	63	18	12	33	161	56	2	47	56
NC,E	256	63	3	39	21	193	39	10	46	98
NC,M	168	14	2	4	8	154	40	2	52	60
NC,W	193	28	8	2	18	165	39	1	86	39
SC	416	138	38	9	91	278	54	4	113	107
VA,E	534	83	23	15	45	451	79	18	202	152
VA,W	407	30	11	1	18	377	31	2	136	208
WA,W	90	18	6	2	10	72	17	2	18	35
WA,N	101	20	8	1	11	81	8	-	43	30

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Table T-1. (September 30, 2009—Continued)

Circuit and District	Total All Trials <sup>1</sup>	Civil				Criminal				Motions, Orders, and Other <sup>3</sup>	Sentencing Hearings <sup>4</sup>
		Total	On the Issue <sup>2</sup>		Total	On Charge(s) <sup>2</sup>		Total			
			Jury	Nonjury		Jury	Nonjury				
5TH	2,697	781	292	153	336	1,916	357	47	668	844	
LA,E	170	115	30	45	40	55	13	1	35	6	
LA,M	103	14	5	1	8	89	7	1	36	45	
LA,W	218	67	20	24	23	151	30	-	86	35	
MS,N	106	42	22	2	18	64	11	1	29	23	
MS,S	200	64	27	14	23	136	23	1	58	54	
TX,N	404	108	29	17	62	296	44	2	125	125	
TX,E	341	125	49	7	69	216	31	-	21	184	
TX,S	697	158	72	31	55	539	93	27	120	299	
TX,W	458	88	38	12	38	370	105	14	158	93	
6TH	1,689	487	221	61	205	1,202	263	10	388	541	
KY,E	72	22	14	4	4	50	28	2	13	7	
KY,W	79	25	13	4	8	54	12	-	8	34	
MI,E	214	89	59	8	22	125	35	2	51	37	
MI,W	97	33	12	15	6	64	16	1	32	15	
OH,N	218	97	32	8	57	121	34	1	50	36	
OH,S	233	66	26	8	32	167	16	2	81	68	
OH,W	285	36	21	4	11	249	50	1	30	168	
TN,E	183	69	22	6	41	114	19	-	32	63	
TN,M	308	50	22	4	24	258	53	1	91	113	
TN,W	1,198	336	126	72	138	862	172	14	292	384	
IL,N	306	144	48	43	53	162	71	2	38	51	
IL,C	183	39	21	4	14	144	15	6	55	68	
IL,S	147	31	16	5	10	116	20	-	51	45	
IN,N	301	28	7	1	20	273	20	1	91	161	
IN,S	94	42	12	11	19	52	18	1	27	6	
WI,E	96	28	12	4	12	68	22	3	21	22	
WI,W	71	24	10	4	10	47	6	1	9	31	
8TH	1,713	362	147	70	145	1,351	230	21	439	661	
AR,E	186	65	34	15	16	121	15	2	63	41	
AR,W	73	21	5	5	2	52	6	1	14	31	
IA,N	307	34	5	2	27	273	19	-	54	200	
IA,S	281	23	10	7	6	258	48	6	115	89	
MN	112	38	10	5	10	74	22	-	24	28	
MO,E	134	70	29	13	28	64	31	1	6	26	
MO,W	210	54	12	11	31	156	23	2	65	66	
NE	212	36	10	7	19	176	29	-	63	84	
ND	95	5	1	-	4	30	10	6	10	4	
SD	163	16	9	5	2	147	27	3	25	92	

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Table T-1. (September 30, 2009—Continued)

Circuit and District	Total All Trials <sup>1</sup>	Civil				Criminal				Motions, Orders, and Other <sup>2</sup>	Sentencing Hearings <sup>4</sup>
		Total	On the Issue <sup>2</sup>		Motions, Injunctions, and Other <sup>3</sup>	Total	On Charge(s) <sup>2</sup>		Total		
			Jury	Nonjury			Jury	Nonjury			
9TH	2,070	681	305	182	194	1,389	443	63	492	391	
AK	54	5	2	3	-	49	11	1	15	22	
AZ	253	99	28	16	55	154	51	12	50	41	
CA,N	87	58	28	8	8	29	17	3	9	-	
CA,E	120	70	53	12	5	50	28	2	14	6	
CA,C	343	184	99	62	23	159	78	12	63	6	
CA,S	271	44	16	14	14	227	99	14	97	17	
HI	58	23	5	9	9	35	11	-	20	4	
ID	90	10	3	1	6	80	14	1	18	47	
MT	209	16	1	2	13	193	40	9	48	96	
NV	212	71	22	19	30	141	33	1	49	58	
OR	98	38	26	4	8	60	9	3	15	33	
WA,E	113	23	5	6	12	90	16	2	48	24	
WA,W	140	39	17	12	10	101	27	3	44	27	
GUAM	18	1	-	-	1	17	5	-	2	10	
NMI	4	-	-	-	-	4	4	-	-	-	
10TH	1,066	300	129	30	141	766	168	7	371	220	
CO	163	73	32	10	31	90	18	1	51	20	
KS	262	53	20	3	30	209	29	1	107	72	
NM	174	50	30	4	16	124	40	2	73	9	
OK,N	154	24	12	3	9	130	13	-	39	78	
OK,E	42	3	1	-	2	39	11	-	13	15	
OK,W	86	33	19	2	12	53	20	2	20	11	
UT	119	47	8	6	33	72	19	1	49	3	
WY	66	17	7	2	8	49	18	-	19	12	
11TH	2,632	686	263	145	278	1,946	516	49	521	860	
AL,N	267	82	54	6	22	185	77	-	49	59	
AL,M	159	31	14	4	13	128	30	2	25	71	
AL,S	172	22	9	3	10	150	25	2	58	65	
FL,N	236	39	19	9	11	197	33	-	83	81	
FL,M	366	146	50	57	39	220	96	16	48	60	
FL,S	815	184	60	45	79	631	183	21	125	302	
GA,N	435	132	31	13	88	303	54	8	99	142	
GA,M	86	30	12	3	15	56	9	-	19	28	
GA,S	96	20	14	5	1	76	9	-	15	52	

<sup>1</sup> Contested proceedings before a court or jury at which evidence is introduced.  
<sup>2</sup> Proceedings commenced for the purpose of obtaining a judgment in a civil case or a verdict in a criminal case. Includes summary trials.  
<sup>3</sup> Contested hearings on motions for preliminary injunctions, temporary restraining orders, evidence, or other matters not resulting in a final judgment or verdict.  
<sup>4</sup> Hearings under Federal Rule of Criminal Procedure 32 at which contested evidence or testimony is presented concerning sentences imposed on defendants after conviction. Not all sentencing hearings qualify as trials.

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Table T-1.  
U.S. District Courts—Civil and Criminal Trials, by District,  
During the 12-Month Period Ending September 30, 1999

Circuit and District	Total All Trials <sup>1</sup>	Civil				Criminal				Motions, Orders, and Other <sup>3</sup>	Sentencing Hearings <sup>4</sup>
		Total	On the Issue <sup>2</sup>		Motions, Injunctions, and Other <sup>3</sup>	Total	On Charge(s) <sup>2</sup>		Total		
			Jury	Nonjury			Jury	Nonjury			
TOTAL	19,244	8,532	3,795	1,929	2,808	10,712	3,686	453	2,322	4,251	
DC	180	86	27	24	35	94	53	10	27	4	
ME	498	285	145	59	81	213	98	4	64	47	
MA	44	26	18	5	3	18	9	1	6	2	
MA	191	134	72	30	32	57	43	1	7	6	
NH	77	34	16	2	16	43	11	-	9	23	
RI	51	30	14	9	7	21	9	1	8	3	
PR	136	61	25	13	23	74	26	1	34	13	
2ND	1,528	943	468	273	202	585	276	29	180	100	
CT	204	151	82	34	35	53	21	5	7	20	
NY,N	101	65	38	24	3	36	21	2	6	7	
NY,E	474	279	130	74	75	195	94	11	59	31	
NY,S	591	378	181	122	75	213	111	11	76	15	
NY,W	78	44	26	11	7	34	19	-	11	4	
VT	80	26	11	8	7	54	10	-	21	23	
3RD	1,158	775	409	138	228	383	189	19	76	99	
DE	59	44	18	7	19	15	6	1	1	7	
NJ	299	202	96	40	66	97	62	2	10	23	
PA,E	323	240	159	43	38	83	63	5	3	12	
PA,M	244	122	58	13	51	122	25	3	49	45	
PA,W	191	152	76	31	45	39	16	5	6	12	
VI	42	15	2	4	9	27	17	3	7	-	
4TH	1,884	809	327	156	326	1,075	383	61	264	367	
MD	248	126	62	33	31	122	61	2	24	35	
NC,E	86	35	18	7	10	51	32	12	1	6	
NC,M	111	28	11	3	14	29	8	-	10	44	
NC,W	176	83	41	9	63	93	40	1	47	5	
SC	357	204	100	24	80	153	59	6	20	68	
VA,E	529	158	60	50	48	371	110	35	120	106	
VA,W	161	57	30	13	14	104	30	5	14	55	
WV,N	114	70	14	-	56	44	7	-	8	29	
WV,S	102	48	21	17	10	54	15	-	20	19	

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Table T-1. (September 30, 1999—Continued)

Circuit and District	Total All Trials <sup>1</sup>	Civil				Criminal				Sentencing Hearings <sup>6</sup>
		Total	On the Issue <sup>2</sup>		Motions, Injunctions, and Other <sup>3</sup>	Total	On Charge(s) <sup>2</sup>		Motions, Orders, and Other <sup>3</sup>	
			Jury	Nonjury			Jury	Nonjury		
5TH	4,088	1,307	413	301	593	2,781	523	115	407	1,736
LA,E	219	155	47	82	26	64	20	5	26	13
LA,M	45	14	3	10	1	31	6	11	10	4
LA,W	133	92	36	31	25	41	25	2	2	12
MS,N	74	49	34	4	11	25	13	2	5	5
MS,S	159	93	55	16	22	66	30	2	23	11
TX,N	347	219	61	38	120	128	44	2	40	42
TX,E	197	102	47	13	42	95	34	2	21	38
TX,S	2,431	417	89	80	248	2,014	204	67	191	1,552
TX,W	483	166	41	27	98	317	147	22	89	59
6TH	1,533	754	373	119	262	779	329	14	176	260
KY,E	106	43	28	7	8	63	35	2	19	7
KY,W	174	65	28	4	33	109	28	-	36	45
MI,E	241	140	67	27	46	101	74	6	6	15
MI,W	118	39	18	9	12	79	24	3	33	19
OH,N	183	126	69	19	38	57	45	-	9	3
OH,S	224	98	33	11	54	126	24	-	11	91
TN,E	180	95	42	10	43	85	34	2	14	35
TN,M	158	87	52	16	19	71	19	-	22	30
TN,W	149	61	36	16	9	88	46	1	26	15
7TH	1,145	540	271	133	136	605	197	20	134	254
IL,N	370	215	97	73	45	155	60	10	35	50
IL,C	125	65	34	13	18	60	21	-	12	27
IL,S	201	72	41	14	17	129	33	-	51	45
IN,N	162	51	24	8	19	111	33	1	15	62
IN,S	174	75	26	16	33	99	22	3	19	55
WI,E	69	28	20	6	2	41	20	6	2	13
WI,W	44	34	29	3	2	10	8	-	-	2
8TH	1,626	676	310	148	218	950	263	33	157	497
AR,E	221	124	61	23	40	97	33	6	34	24
AR,W	107	70	44	17	9	37	9	1	3	24
IA,N	176	20	14	1	5	156	20	-	1	135
IA,S	189	33	11	5	17	156	33	1	66	56
MN	109	59	34	11	14	50	35	3	2	10
MO,E	172	108	47	17	44	64	27	2	11	24
MO,W	205	152	47	41	64	53	28	1	7	17
NE	208	66	27	23	16	142	32	8	21	81
ND	29	14	9	5	-	15	8	1	3	3
SD	210	30	16	5	9	180	38	10	9	123

Table T-1. (September 30, 1999—Continued)

Circuit and District	Total All Trials <sup>1</sup>	Civil				Criminal				
		Total	On the Issue <sup>2</sup>		Motions, Injunctions, and Other <sup>3</sup>	Total	On Charge(s) <sup>2</sup>		Motions, Orders, and Other <sup>3</sup>	Sentencing Hearings <sup>4</sup>
			Jury	Nonjury			Jury	Nonjury		
9TH	2,148	877	364	283	230	1,271	575	87	434	175
AK	50	13	5	6	2	37	13	2	4	18
AZ	239	87	40	31	16	152	76	10	63	3
CA,N	198	115	46	48	21	83	50	18	13	2
CA,E	135	64	53	8	3	71	39	5	20	7
CA,C	329	168	91	64	13	161	119	10	24	8
CA,S	386	40	24	13	3	346	130	15	187	14
HI	59	25	12	6	7	34	17	-	16	1
ID	69	35	12	19	4	34	10	1	6	17
MT	51	13	7	6	-	38	23	4	1	10
NV	155	68	20	20	28	87	36	-	9	42
OR	122	46	26	7	13	76	13	8	30	25
WA,E	193	106	6	12	88	87	13	4	48	22
WA,W	144	94	21	41	32	50	22	10	12	6
GUAM	16	3	1	2	-	13	12	-	1	-
NMI	2	-	-	-	-	2	2	-	-	-
10TH	1,127	505	250	99	156	622	190	34	222	176
CO	180	114	63	24	27	66	18	15	20	13
KS	207	82	29	12	41	125	41	2	57	25
NM	199	68	33	18	17	131	43	5	51	32
OK,N	110	51	25	8	18	59	22	1	18	18
OK,E	86	44	20	4	20	42	12	-	16	14
OK,W	157	78	48	12	18	79	25	3	27	24
UT	71	33	14	14	5	38	18	6	13	1
WY	117	35	18	7	10	82	11	2	20	49
11TH	2,329	975	438	196	341	1,354	610	27	181	536
AL,N	214	159	70	28	61	55	34	2	6	13
AL,M	66	37	21	4	12	29	9	2	4	14
AL,S	144	88	16	3	69	56	32	-	7	17
FL,N	256	43	19	14	10	213	87	3	53	70
FL,M	364	126	72	28	26	238	118	6	20	94
FL,S	638	256	125	84	47	382	250	7	31	94
GA,N	411	146	58	20	68	265	47	3	44	171
GA,M	90	47	31	7	9	43	19	4	14	6
GA,S	146	73	26	8	39	73	14	-	2	57

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<sup>1</sup> CONTESTED PROCEEDINGS BEFORE A COURT OR JURY AT WHICH EVIDENCE IS INTRODUCED.  
<sup>2</sup> PROCEEDINGS COMMENCED FOR THE PURPOSE OF OBTAINING A JUDGMENT IN A CIVIL CASE OR A VERDICT IN A CRIMINAL CASE. INCLUDES SUMMARY TRIALS.  
<sup>3</sup> CONTESTED HEARINGS ON MOTIONS FOR PRELIMINARY INJUNCTIONS, TEMPORARY RESTRAINING ORDERS, EVIDENCE, OR OTHER MATTERS NOT RESULTING IN A FINAL JUDGMENT OR VERDICT.  
<sup>4</sup> HEARINGS UNDER RULE 32 F.R.C.P. AT WHICH CONTESTED EVIDENCE OR TESTIMONY IS PRESENTED CONCERNING SENTENCES IMPOSED ON DEFENDANTS AFTER CONVICTION. NOT ALL SENTENCING HEARINGS QUALIFY AS TRIALS.

Table 1

Civil Trials in U.S. District Courts at ten-year intervals, 1962-2002												
Case type as jury	Case type as all bench trials	1962	47.7%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	
		Civil	50320	2765	3037	5802	11.5%	5.5%	6.0%	100.0%	100.0%	47.7%
		Torts	19254	2238	946	3184	16.5%	11.6%	4.9%	54.9%	80.9%	31.1%
		Torts, Diversity	12353	1834	342	2176	17.6%	14.8%	2.8%	37.5%	66.3%	11.3%
		Contracts	14981	303	818	1121	7.5%	2.0%	5.5%	19.3%	11.0%	26.9%
		Contracts, Diversity	4529	279	474	753	16.6%	6.2%	10.5%	13.0%	10.1%	15.6%
		Prisoner	3118	0	96	96	3.1%	0.0%	3.1%	1.7%	0.0%	3.2%
		Civil Rights	317	11	42	53	16.7%	3.5%	13.2%	0.9%	0.4%	1.4%
		Civil Rights	2479	31	199	230	9.3%	1.3%	8.0%	4.0%	1.1%	6.6%
		I.P.	1595	6	163	169	10.6%	0.4%	10.2%	2.9%	0.2%	5.4%
Case type as all jury	Case type as all jury	1972	90177	3361	4807	8168	9.1%	3.7%	5.3%	100.0%	100.0%	41.1%
		Civil	90177	3361	4807	8168	9.1%	3.7%	5.3%	100.0%	100.0%	41.1%
		Torts	25952	2451	1114	3565	13.7%	9.4%	4.3%	43.6%	72.9%	23.2%
		Torts, Diversity	15232	1997	409	2406	15.8%	13.1%	2.7%	29.5%	59.4%	8.5%
		Contracts	18200	507	1203	1710	9.4%	2.8%	6.6%	20.9%	15.1%	25.0%
		Contracts, Diversity	9361	480	821	1301	13.9%	5.1%	8.8%	15.9%	14.3%	17.1%
		Prisoner	15802	27	431	458	2.9%	0.2%	2.7%	5.6%	0.8%	9.0%
		Civil Rights	5023	116	651	767	15.3%	2.3%	13.0%	9.4%	3.5%	13.5%
		Civil Rights	4936	25	353	378	7.7%	0.5%	7.2%	4.6%	0.7%	7.3%
		I.P.	2223	10	183	193	8.7%	0.4%	8.2%	2.4%	0.3%	3.8%
1982	1982	Civil	184835	4771	6509	11280	6.1%	2.6%	3.5%	100.0%	100.0%	42.3%
		Torts	30630	2439	1050	3489	11.4%	8.0%	3.4%	30.9%	51.1%	16.1%
		Torts, Diversity	19085	1913	391	2304	12.1%	10.0%	2.0%	20.4%	40.1%	6.0%
		Contracts	59977	890	1492	2382	4.0%	1.5%	2.5%	21.1%	18.7%	22.9%
		Contracts, Diversity	22457	856	1112	1968	8.8%	3.8%	5.0%	17.4%	17.9%	17.1%
		Prisoner	25864	180	716	896	3.5%	0.7%	2.8%	7.9%	3.8%	11.0%
		Civil Rights	14821	707	1456	2163	14.6%	4.8%	9.8%	19.2%	14.8%	22.4%
		Civil Rights	9836	126	481	607	6.2%	1.3%	4.9%	5.4%	2.6%	7.4%
		I.P.	4305	58	214	272	6.3%	1.3%	5.0%	2.4%	1.2%	3.3%
		1992	1992	230171	4279	3750	8029	3.5%	1.9%	1.6%	100.0%	100.0%
Civil	230171	4279	3750	8029	3.5%	1.9%	1.6%	100.0%	100.0%	53.3%		
Torts	44754	1799	657	2456	5.5%	4.0%	1.5%	30.6%	42.0%	17.5%		
Torts, Diversity	32279	1422	257	1679	5.2%	4.4%	0.8%	20.9%	44.7%	10.4%		
Contracts	52006	745	768	1513	2.9%	1.4%	1.5%	18.8%	17.4%	20.5%		
Contracts, Diversity	22746	679	564	1243	5.5%	3.0%	2.5%	15.5%	15.9%	15.0%		
Prisoner	44247	359	696	1055	2.4%	0.8%	1.6%	13.1%	8.4%	18.6%		
Civil Rights	21136	889	772	1661	7.9%	4.2%	3.7%	20.7%	20.8%	20.6%		
Civil Rights	15557	82	252	334	2.1%	0.5%	1.6%	4.2%	1.9%	6.7%		
I.P.	5491	84	96	180	3.3%	1.5%	1.7%	2.2%	2.0%	2.6%		
2002	2002	258876	3006	1563	4569	1.8%	1.2%	0.6%	100.0%	100.0%	65.8%	
Civil	258876	3006	1563	4569	1.8%	1.2%	0.6%	100.0%	100.0%	65.8%		
Torts	49588	782	289	1071	2.2%	1.6%	0.6%	23.4%	26.0%	18.5%		
Torts, Diversity	27563	639	85	724	2.6%	2.3%	0.3%	15.8%	21.3%	5.4%		
Contracts	38085	371	338	709	1.9%	1.0%	0.9%	15.5%	12.3%	21.6%		
Contracts, Diversity	22285	342	251	593	2.7%	1.5%	1.1%	13.0%	11.4%	16.1%		
Prisoner	56693	292	199	491	0.9%	0.5%	0.4%	10.7%	9.7%	12.7%		
Civil Rights	40881	1234	290	1524	3.7%	3.0%	0.7%	33.4%	41.1%	18.6%		
Civil Rights	15864	69	121	190	1.2%	0.4%	0.8%	4.2%	2.3%	7.7%		
I.P.	7872	120	65	185	2.4%	1.5%	0.8%	4.0%	4.0%	4.2%		

Source: Annual Reports of the Administrative Office of the United States Courts, Table C-4

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Table 4

Civil Trials in Courts of General Jurisdiction

in Twenty-Two States<sup>98</sup>, 1976-2002

Year	Total Dispositions	Jury Trials	Bench Trials	Total Trials	Trials as % of dispositions	Jury Trials as % of dispositions	Bench trials as % of dispositions	Jury trials as % of all trials	Bench trials as % of all trials
1976	1,464,258	26,018	502,549	528,567	36.1%	1.8%	34.3%	4.9%	95.1%
1977	1,529,250	25,462	499,392	524,854	34.3%	1.7%	32.7%	4.9%	95.1%
1978	1,682,323	24,103	543,893	568,266	33.8%	1.4%	32.3%	4.2%	95.7%
1979	1,769,757	23,239	571,126	594,364	33.6%	1.3%	32.3%	3.9%	96.1%
1980	1,873,462	23,073	603,471	626,544	33.4%	1.2%	32.2%	3.7%	96.3%
1981	1,991,291	23,555	626,188	649,743	32.6%	1.2%	31.4%	3.6%	96.4%
1982	2,064,635	23,849	654,760	678,609	32.9%	1.2%	31.7%	3.5%	96.5%
1983	2,114,228	23,671	667,282	690,953	32.7%	1.1%	31.6%	3.4%	96.6%
1984	2,112,185	24,124	629,572	653,696	30.9%	1.1%	29.8%	3.7%	96.3%
1985	2,019,391	22,663	615,029	637,692	31.6%	1.1%	30.5%	3.6%	96.4%
1986	2,280,859	23,316	604,333	627,649	27.5%	1.0%	26.5%	3.7%	96.3%
1987	2,336,662	24,428	593,130	617,558	26.4%	1.0%	25.4%	4.0%	96.0%
1988	2,460,803	23,182	590,416	613,598	24.9%	0.9%	24.0%	3.8%	96.2%
1989	2,682,834	22,618	612,983	635,601	23.7%	0.8%	22.9%	3.6%	96.4%
1990	2,828,182	22,387	610,741	633,128	22.4%	0.8%	21.6%	3.5%	96.5%
1991	3,015,817	23,089	623,199	646,288	21.4%	0.8%	20.7%	3.6%	96.4%
1992	3,395,382	24,159	688,517	712,676	21.0%	0.7%	20.3%	3.4%	96.6%
1993	3,257,366	24,109	667,480	691,589	21.2%	0.7%	20.5%	3.5%	96.5%
1994	3,128,551	24,055	634,692	658,847	21.1%	0.8%	20.3%	3.7%	96.3%
1995	3,138,796	23,453	613,981	637,435	20.3%	0.7%	19.6%	3.7%	96.3%
1996	3,107,930	23,649	616,557	640,206	20.6%	0.8%	19.8%	3.7%	96.3%
1997	3,208,712	24,565	641,667	666,232	20.8%	0.8%	20.0%	3.7%	96.3%
1998	3,338,543	25,201	627,451	652,652	19.5%	0.8%	18.8%	3.9%	96.1%
1999	3,097,209	24,299	568,954	593,453	19.2%	0.8%	18.4%	4.1%	95.9%
2000	2,999,012	21,937	528,104	550,041	18.3%	0.7%	17.6%	4.0%	96.0%
2001	3,073,153	19,190	508,055	527,225	17.2%	0.6%	16.5%	3.6%	96.4%
2002	3,087,857	17,617	469,547	487,200	15.8%	0.6%	15.2%	3.6%	96.4%

The general jurisdiction court(s) of the following states are included in the yearly data:

Alaska	Hawaii	Maryland	Ohio	Virginia
Arizona	Indiana	Massachusetts	Pennsylvania	Washington
California	Iowa	Michigan	South Dakota	
District of Columbia	Kansas	New Jersey	Texas	
Florida	Maine	North Carolina	Vermont	

<sup>98</sup> For the purposes of Tables 4, 5, 6, 7 and 8 and Figure 32, the District of Columbia and Puerto Rico are treated as states.

Criminal Trials in Courts of General Jurisdiction in Twenty-Two States  
(and D.C. and Puerto Rico), 1976-2002

Table 7

Year	Total Dispositions	Jury Trials	Bench Trials	Total Trials	Trials as % of dispositions	Jury trials as % of dispositions	Bench trials as % of dispositions	Jury trials as % of all trials	Bench trials as % of all trials
1976	1,222,972	42,049	61,382	103,831	8.5%	3.4%	5.0%	40.5%	59.1%
1977	1,270,769	42,593	88,845	131,438	10.3%	3.4%	3.6%	47.9%	52.1%
1978	1,303,583	39,335	47,232	86,567	6.6%	3.0%	3.6%	45.4%	54.6%
1979	1,398,504	38,242	45,071	83,313	6.0%	2.7%	3.2%	45.9%	54.1%
1980	1,549,416	38,703	92,664	131,367	8.5%	2.5%	3.5%	41.8%	58.2%
1981	1,681,439	39,615	92,943	132,558	7.8%	2.4%	3.2%	42.6%	57.4%
1982	1,755,429	40,583	88,681	129,264	7.4%	2.3%	2.7%	45.8%	54.2%
1983	1,798,427	39,921	90,835	130,756	7.3%	2.2%	2.8%	43.9%	56.1%
1984	1,841,318	38,150	87,998	126,148	6.8%	2.1%	2.7%	43.4%	56.6%
1985	1,933,439	38,557	85,243	123,800	6.4%	2.0%	2.4%	45.2%	54.8%
1986	2,031,079	39,019	85,143	124,162	6.1%	1.9%	2.3%	45.8%	54.2%
1987	2,154,238	39,324	85,486	124,810	5.7%	1.8%	2.1%	46.0%	54.0%
1988	2,245,898	39,520	87,428	126,948	5.6%	1.8%	2.1%	45.2%	54.8%
1989	2,402,465	44,971	104,773	149,744	6.2%	1.9%	2.5%	42.9%	57.1%
1990	2,418,363	46,271	109,691	155,962	6.4%	1.9%	2.6%	42.2%	57.8%
1991	2,508,408	47,518	104,061	151,579	6.0%	1.9%	2.3%	45.7%	54.3%
1992	2,503,835	46,722	105,216	151,938	6.1%	1.9%	2.3%	44.4%	55.6%
1993	2,534,210	44,730	109,113	153,843	6.1%	1.8%	2.5%	41.0%	59.0%
1994	2,469,446	43,447	104,554	147,999	6.0%	1.8%	2.5%	41.6%	58.4%
1995	2,527,505	41,794	99,314	141,108	5.6%	1.7%	2.3%	42.1%	57.9%
1996	2,650,122	42,385	100,323	142,708	5.4%	1.6%	2.2%	42.2%	57.8%
1997	2,677,410	43,661	101,467	145,128	5.4%	1.6%	2.2%	43.0%	57.0%
1998	2,786,415	41,646	104,784	146,430	5.3%	1.5%	2.3%	39.7%	60.3%
1999	2,776,537	40,985	103,075	144,060	5.2%	1.5%	2.2%	39.8%	60.2%
2000	2,773,175	38,966	102,735	141,701	5.1%	1.4%	2.3%	37.9%	62.1%
2001	2,762,261	37,438	94,786	132,224	4.8%	1.4%	2.1%	39.5%	60.5%
2002	2,780,440	35,664	55,447	91,111	3.3%	1.3%	2.0%	39.1%	60.9%

The general jurisdiction court(s) of the following states are included in the yearly data:

Alaska	Florida	Maine	North Carolina	Texas
Arizona	Hawaii	Maryland	Ohio	Vermont
California	Indiana	Michigan	Pennsylvania	Virginia
Delaware	Iowa	Missouri	Puerto Rico	
District of Columbia	Kansas	New Jersey	South Dakota	

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