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State Court Organization, 1987-2004

Lynn Langton
Thomas H. Cohen, Ph.D.
BJS Statisticians

From 1987 to 2004, state courts nationwide experienced a variety of structural and staffing changes, ranging from increased judicial staffing levels to consolidated court administration. These changes can be partially attributed to growing caseload pressures at the trial and appellate court levels. Over the 18-year period, total non-traffic case filings in state appellate and trial courts increased by almost 45%, from approximately 31.3 million in 1987 to 45.2 million in 2004.

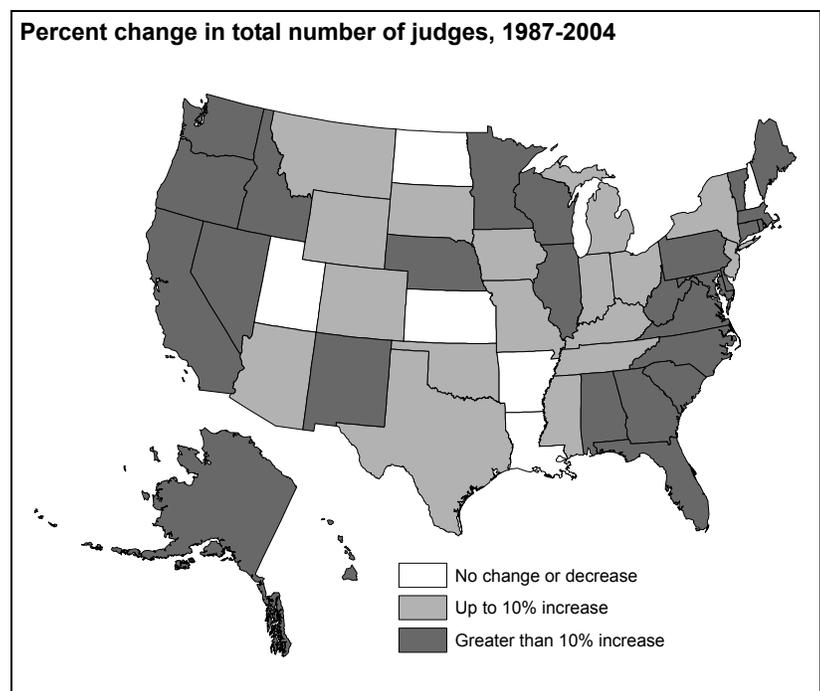
In addition to caseload pressures, growing numbers of state courts sought to consolidate and professionalize court systems that were highly fragmented. In terms of organization and structure, many state court systems traditionally had multiple trial courts which evolved as local institutions at the county or municipal level. Administratively, funding and rule-making authority were either split between state and local governments or fully assumed at the local level.

The court reform movement, initiated early in the Twentieth Century, was aimed at reducing the fragmentation and disparity inherent in many state court systems. The movement focused on consolidating state trial courts, creating state-centralized court administrations for budgetary and regulatory purposes, and increasing professionalism among court judicial, clerical, and administrative staff.¹

These efforts produced gradual and modest changes in state courts nationwide. By 2004, 10 states had consolidated their court systems by merging general and limited jurisdiction trial courts. Some of the responsibility for trial court expenses was also shifted from the county to the state.

¹Baum, Lawrence (2001), *American Courts: Process and Policy*, Boston: Houghton Mifflin Company.

Percent change in total number of judges, 1987-2004



Since 1987 state courts have also become increasingly professionalized. Over half of all states have mandated that their trial court judges hold law degrees and take judicial education classes during their time of service on the bench.

Some states have sought to professionalize the judicial selection process by moving away from party-driven elections. By 2004 four states at the appellate level and three states at the trial court level were no longer using partisan elections to retain judges.

Increasing difficulties with obtaining qualified jury pools have also resulted in changes in state court regulations. During the 18-year period, the number of states allowing jury duty exemptions for professional, clerical, or governmental reasons decreased by 12.

State court organization trend data examined

From 1987 to 2004, the Bureau of Justice Statistics (BJS) and the National Center for State Courts released four comprehensive reports, *State Court Organization, 1987, 1993, 1998, and 2004*. These reports examined the organization and operations of state court systems in all 50 states.² They included within-year, state-level data, such as court types in a state, jurisdictional levels of state courts, number of judges and support staff, use of expedited appellate procedures, funding sources, jury regulations, judicial education standards, and procedures for selecting judges.³

These prior reports on state court organization do not individually provide information on how state court systems have changed over time. This report combines *State Court Organization* data collected from 1987 to 2004 to examine change and stability in state court systems on a national level. It explores the major issues related to state court organization, including growing caseloads, court consolidation, increasing professionalism, the role of politics in the selection of judges, and the need for obtaining qualified jurors.

Caseloads increased in state court systems nationwide

State courts nationwide experienced increased caseloads over the 18-year period.⁴ Total trial court case filings increased by approximately 45% in limited jurisdiction courts and 43% in general jurisdiction courts (table 1). (See adjacent box for definitions.) In limited jurisdiction courts, domestic relations case filings nearly doubled from 1987 to 2004 while in general jurisdiction trial courts, the largest increase was in criminal case filings (67%). Case filings also increased 32% in appellate courts over the 18-year period.

State court judges and support staff increased

From 1987 to 2004, courts adapted to growing caseload pressures by increasing staffing levels. State trial courts increased judicial staffing by 11% overall, adding 2,600 judges in courts across the country (table 2). In intermediate appellate courts, the number of judges grew by 25% or 195 judges. For courts of last resort, the number of judges has remained relatively stable.

²BJS and the National Center for State Courts also produced a *State Court Organization* report in 1980. Due to changes in the data collection methodology, the 1980 data were not included in this report. Information on obtaining the full text of each of the reports is available at <<http://www.ojp.usdoj.gov/bjs/abstract/sco04.htm>>.

³Throughout the report, the term “judge” is used to encompass all judicial officers.

⁴All caseload data were provided by the National Center for State Courts, Courts Statistics Project.

Jurisdictional levels of state courts

The organization of state courts varies widely, but each system combines some or all of the following four jurisdictional levels.

Courts of Last Resort (COLR) —

Courts with final authority over all appeals. These courts exercise both mandatory and discretionary review. Most states have only one COLR. The exceptions are Oklahoma and Texas which have one COLR for civil cases and one for criminal cases.

Intermediate Appellate Courts (IAC) —

Courts that hear appeals from general jurisdiction and limited jurisdiction trial courts as well as administrative agencies. These courts exercise both mandatory and discretionary review, depending on the state.

General Jurisdiction Trial Courts —

Major trial courts hearing serious criminal or civil cases. Cases are designated to general jurisdiction courts based on the severity of punishment or the allegation/dollar value of the case.

Limited Jurisdiction Trial Courts —

Trial courts with primary jurisdiction over lesser criminal and civil matters, including misdemeanors, small claims, traffic, parking, and infractions. These courts can also handle the preliminary stages of felony cases.

Similar increases occurred among support staff for judges in state appellate courts. About 700 additional law clerks were employed in intermediate appellate courts in 2004, an increase of 55% from 1987. In courts of last resort, the number of law clerks increased by 27%.

Ratio of judges per 100,000 persons dropped slightly

Despite increases, the number of state court judges has not kept up with population growth. From 1987 to 2004, the ratio of trial judges to the population nationwide decreased slightly from 10 to 9 judges per 100,000 persons.

Table 1. State court case filings by jurisdictional level of court, 1987-2004

Level of court	Number of filings				
	Total	Criminal	Civil	Domestic relations	Juvenile
Limited jurisdiction trial courts^a					
1987	17,804,494	10,067,000 ^c	6,488,402	835,608	413,484
1993	21,000,047	11,680,000 ^c	7,546,716	1,160,339	612,992
1998	24,163,331	13,567,183	8,350,431	1,453,139	792,578
2004	25,866,226	14,156,458	9,341,679	1,601,016	767,073
General jurisdiction trial courts^a					
1987	13,334,573	3,790,948	6,079,950	2,513,273	950,402
1993	15,490,282	4,642,247	6,781,323	2,911,311	1,155,401
1998	17,953,010	6,035,379	6,766,420	3,731,757	1,419,454
2004	19,050,192	6,326,869	7,329,406	4,026,954	1,366,963
Appellate courts^b					
1987	207,366				
1993	253,258				
1998	291,569				
2004	272,983				

Note: Includes all 50 states. Total number of case filings includes criminal, civil, domestic relations, and juvenile cases. Traffic cases are excluded. For definitions of court jurisdictional levels see box on page 2.

^aTrial court statistics from prior years have been adjusted to reflect the court structures current in 2004. Changes in caseload filings in this table are not a product of trial court consolidation.

^bAppellate court filing data cannot be disaggregated by criminal, civil, domestic relations, and juvenile case types.

^cPreliminary hearings, which are a component of limited jurisdiction criminal case filings, were estimated for 1987 and 1993.

Source: National Center for State Courts, Court Statistics Project.

Use of specialized jurisdiction courts expanded

Specialty jurisdiction or problem-solving courts, such as drug, family, mental health, and domestic violence courts, became more common over the 18-year period. States developed and expanded the use of these courts to address the large populations of specific types of offenders revolving through the courts and correctional institutions. These specialty courts were designed to couple case-specific treatment services with the administration of justice.

The drug court movement in particular spread across the country. In 1989 Florida established the very first drug court in the country. By 2004 every state except South Dakota had created a specialized drug court treatment program.

Year	Number of states with specialty drug courts
1987	0
1993	13
1998	41
2004	49

Note: Data were collected from all 50 states.

Table 2. State court judges and clerks by jurisdictional level of court, 1987-2004

Level of court	Number of court staff			
	1987	1993	1998	2004
Courts of last resort				
Total judges	338	340	340	340
Total law clerks	657	744	769	837
Average number law clerks per—				
Chief justice ^a	2.1	2.2	2.4	2.6
Associate justice ^a	1.8	2.0	2.1	2.3
Intermediate appellate courts				
Total judges	769	857	922	964
Total law clerks	1,269	1,552	1,727	1,963
Average law clerks per—				
Chief justice ^b	2.0	2.2	2.3	2.4
Associate justice ^c	1.6	2.0	2.1	2.2
Trial courts				
Total judges ^d	23,913	24,418	25,678	26,557
Number of trial judges per 100,000 persons	9.9	9.5	9.5	9.1

Note: Staffing figures include courts from all 50 states unless otherwise noted. Law clerk refers to an individual who has passed the bar exam and works under a judge, assisting with case research and analysis.

^aData were not available for Pennsylvania (1987, 1993, 1998).

^bData were not available for Ohio (1987) and Texas (1993, 1998).

^cData were not available for Ohio (1987), Texas (1993, 1998), and Oklahoma (1993, 1998, 2004).

^dIncludes general and limited jurisdiction trial court judges.

Majority of state appellate courts embraced expedited procedures

From 1993 to 2004, the percentage of state appellate courts using expedited procedures increased. The percentage of states using expedited procedures in courts of last resort rose from 38% to 82% (table 3). The percentage using expedited procedures in intermediate appellate courts increased from 37% to 85%. Expedited procedures include pre-argument settlement conferences, expedited briefing procedures, oral arguments in lieu of full written briefs, fast tracking, and submission on briefs alone.

Table 3. Percent of state appellate courts using expedited procedures, 1993-2004

Level of court	Number of states reporting	Percentage using expedited procedures
Courts of last resort^a		
1993	50	38%
1998	50	60
2004	49	82
Intermediate appellate courts^b		
1993	38	37%
1998	39	51
2004	39	85

Note: Expedited procedure data were not available prior to 1993.

^aExcludes Florida which did not provide data for 2004.

^bIncludes data on courts in all states with a system of intermediate appellate review.

Intermediate appellate courts established to alleviate caseload burdens on courts of last resort

A century ago about a third of state court systems included an intermediate appellate court (IAC). The majority of states had only one appellate court known as the Court of Last Resort (COLR). As state court caseloads increased, state legislatures began establishing a system of intermediate appellate review to reduce the burden on COLRs.*

Year	States with IACs	Total number of IAC judges	Median number of IAC judges per state
1972*	23	391	12
1980	34	585	12
1987	37	769	13
1993	38	857	14
1998	39	922	14
2004	39	964	15

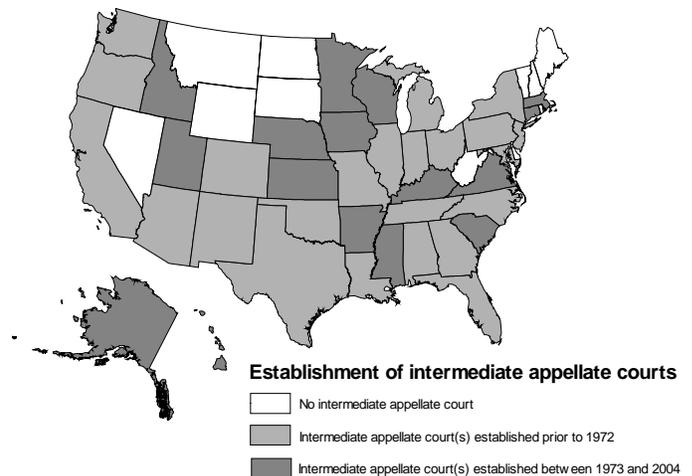
Note: Includes data for all 50 states. Median number of judges per state excludes states that did not have an IAC.

*Data from 1972 come from the National Survey of Court Organization, produced through a collaborative effort between the U.S. Department of Justice, Law Enforcement Assistance Administration (LEAA) and the Governments Division of the Bureau of the Census. In all other years, the data were collected through a joint venture between the Bureau of Justice Statistics and the National Center for State Courts.

*Pound, Roscoe (1940), *Organization of Courts*, Boston: Little, Brown and Company.

Nationwide the largest increase in the establishment of IACs occurred between 1972 and 1980. During that time, the number of courts increased by nearly 50%. Even though no new IACs were created from 1998 to 2004, the number of IAC judges increased by an average of seven judges per year during this period.

Increased use of intermediate appellate review, 1972-2004

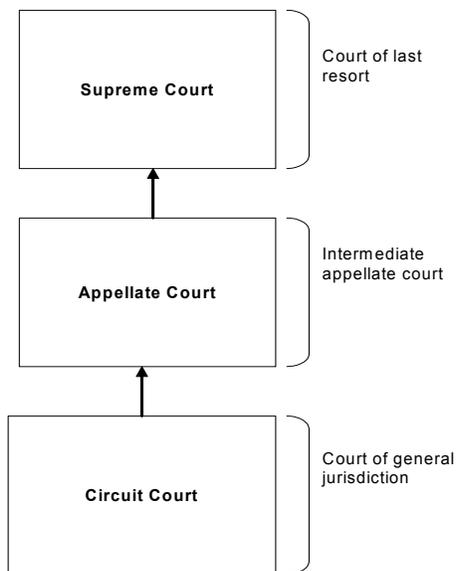


Illinois and New York: opposite ends of trial court unification

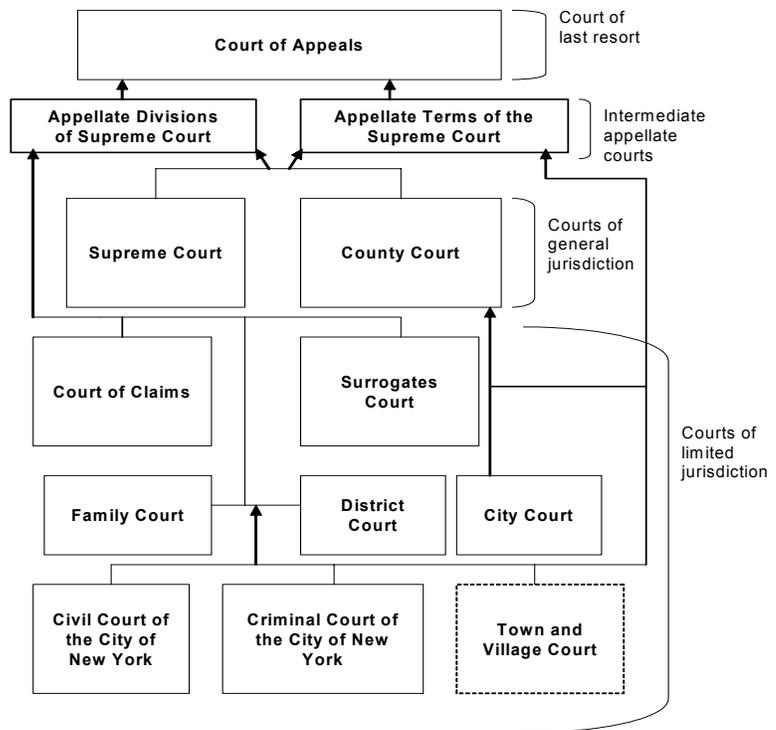
In 1964 Illinois was the first state court system to become unified. All trial courts in Illinois were consolidated into a unified circuit court with one chief judge overseeing the operations and procedures in each division. In 2004 Illinois' state court system included 1 court of last resort, 1 intermediate appellate court divided into 5 districts, and 1 court of general jurisdiction sectioned into 22 trial court divisions. From 1987 to 2004 most trial court expenses in Illinois were funded entirely at the state level. Counties were responsible for funding at least part of the operating and property expenses associated with the courthouse buildings in their jurisdictions.

In contrast, New York's state court system in 2004 included 1 court of last resort, 2 intermediate appellate courts, 2 types of general jurisdiction trial courts divided into 69 divisions, and 8 types of limited jurisdiction trial courts separated into 1,695 divisions. In New York's numerous Town and Village Justice Courts most expenses, including salaries, travel, building, and property expenses, were funded at the county level.

Illinois Court Structure, 2004



New York Court Structure, 2004



Note: See *State Court Organization, 2004* for more detailed court organization charts that include division and funding information.

Few states adopted unified court systems

The majority of state court systems remained nonunified from 1987 to 2004. The most substantial increase in state court unification occurred during the mid-1990s when the number of states with a unified court system rose from four to nine. By 2004, 10 states had court systems classified as unified: California, Connecticut, Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.⁵

Year	Number of states with unified court systems
1987	4
1993	4
1998	9
2004	10

Note: Includes data for all 50 states.

⁵No state court system actually meets all of the criteria for total unification. In some of the 10 states, unification refers to consolidated trial courts while in others it refers to centralized administration or funding. States self-designated their court systems as unified or not unified.

Trial courts and judges shifted from limited to general jurisdiction

Technically, a unified state court system has no limited jurisdiction courts, one type of general jurisdiction court with few jurisdictional divisions, and all trial court judges serving in a general jurisdictional capacity. A nationwide movement towards unification would involve a decrease in the total number of court types and judges classified as limited rather than general jurisdiction.

From 1987 to 2004, the number of court types decreased, as did the percentage of courts classified as limited rather than general jurisdiction (table 4). While the total number of trial court judges increased from 1987 to 2004, a greater portion of this increase occurred in the general jurisdiction courts. In 1987, 33% of the approximately 24,000 total trial court judges served in general jurisdiction courts, compared to 39% out of about 27,000 total trial court judges in 2004.

Table 4. Trial court types and judges by jurisdictional level, 1987-2004

Court types and judges	Total number	Percent of courts or judges categorized as —	
		General jurisdiction	Limited jurisdiction
Court types*			
1987	206	33%	67%
1993	210	34	66
1998	204	34	66
2004	194	36	64
Trial court judges			
1987	23,913	33%	67%
1993	24,418	35	65
1998	25,678	35	65
2004	26,557	39	61

Note: Includes data for all 50 states.

*The term “types” is used here to refer to the various kinds of general and limited jurisdiction courts that exist within the 50 state court systems. For example, Illinois in 2004 had one type of general jurisdiction court, called the circuit court. By contrast, in 2004 New York had two types of general jurisdiction courts (called the supreme court and the county court) and eight types of limited jurisdiction courts (called court of claims, surrogate’s court, family court, district court, city court, civil court of the city of New York, criminal court of the city of New York, and town and village justice court). For detailed charts of each state’s court structure, see the BJS publication *State Court Organization 2004*, available online at <<http://www.ojp.usdoj.gov/bjs/pub/sco04.pdf>>.

California adopts a statewide system

In 1998 California passed a constitutional amendment (Proposition 220) allowing counties to voluntarily merge their general and limited jurisdiction courts into a single superior court. Proponents of California’s Proposition 220 convincingly argued that court unification could save the state millions of dollars annually, increase judicial efficiency, and improve court administration and record keeping. By 2001 California’s trial courts were fully unified with all 58 counties operating as a single, statewide court system. The unification of California’s court system resulted in municipal court judges becoming superior court judges. This shift was responsible for the majority of the nationwide increase in the percentage of general compared to limited jurisdiction judges from 1998 to 2004.

Number of judges	1998	2004
Total California trial court judges	1,480	1,498
Limited jurisdiction	673	0
General jurisdiction	807	1,498
Total nationwide trial court judges	25,678	26,557
Limited jurisdiction	16,569	16,275
General jurisdiction	9,109	10,282

States slow to fully fund trial courts

Historically, state trial court budgets have been funded at the local level or through some combination of state and local support. From 1987 to 2004, the number of states fully funding both general and limited jurisdiction trial court expenses increased. The largest increase was in the number of states funding general operating expenses in general jurisdiction courts, which increased from 15 to 22 states (table 5).

More states required judges to have law degrees

Increasing professionalism in state courts is illustrated by the greater percentage of trial courts that required judges to hold a law degree in 2004 compared to 1987. The increase in the percentage of trial courts requiring all judges to have graduated law school and passed the state bar exam was most pronounced in the limited jurisdiction trial courts. In 1987, 44% of these courts required judges to have a law degree compared to 52% in 2004.

Level of trial court	1987	2004
General jurisdiction		
Number reporting	62	67
Percent requiring judges to have a law degree	87%	88%
Limited jurisdiction		
Number reporting	126	125
Percent requiring judges to have a law degree	44%	52%

Note: Includes courts in all 50 states for which law degree requirement data were available. Data were available for 93% of general jurisdiction and 91% of limited jurisdiction trial courts in 1987 and 100% of both categories of trial courts in 2004. Court types that varied the requirements from jurisdiction to jurisdiction were counted as not requiring a law degree for all judges.

Judicial pre-bench and continuing education requirements more common in 2004

An increasing number of states established pre-bench and continuing education requirements for appellate and trial court judges. These requirements refer to any training courses, beyond general state bar membership requirements, that are specifically mandated for judges before taking office (pre-bench) or during their tenure (continuing education). Judicial training typically covers topics such as rules of evidence, criminal law and procedure, ethics, judicial responsibilities, and court and trial management.

From 1993 to 2004, the number of states that instituted pre-bench education requirements for appellate judges rose from five to nine (table 6). For trial court judges, six additional states at the limited jurisdiction level and seven at the general jurisdiction level established pre-bench education requirements during the 18-year period. The largest increase in continuing education requirements was among the appellate courts where 10 additional states began mandating periodic training for judges already serving on the bench.

Table 5. Trial court budgets funded entirely by state government, 1987 and 2004

Trial court expenses	Number of states providing full state funding			
	In all general jurisdiction courts		In all limited jurisdiction courts	
	1987	2004 ^a	1987 ^b	2004 ^c
Judicial salaries	43	44	10	13
Court reporters	31	34	8	11
Capital equipment	21	20	8	11
Building/property expenses	7	9	4	9
General operating expenses	15	22	7	10

Note: Includes trial courts in all 50 states for which data were available.

^aTwo states were missing funding data for the categories of capital equipment, building/property, and general operating expenses. One state either did not have court reporters or could not provide data on the funding of court reporters.

^bStates without limited jurisdiction trial courts are not included. An additional ten states either did not have court reporters or could not provide information on the funding of court reporters.

^cStates without limited jurisdiction trial courts are not included. An additional two states either did not have court reporters or could not provide data on the funding of court reporters. One state did not provide information on capital equipment or building/property expenses

Table 6. State judicial education requirements for trial and appellate courts, 1993, 1998, and 2004

Type of education required	Number of states with educational requirements for —		
	General jurisdiction trial judges	Limited jurisdiction trial judges ^a	Appellate judges
Pre-bench education ^b			
1993	23	22	5
1998	29	29	8
2004	30	28	9
Continuing education ^b			
1993	35	31	29
1998	42	39	37
2004	43	37	39

Note: Data unavailable prior to 1993. Includes data for all 50 states unless otherwise noted.

^aIncludes only those states with limited jurisdiction trial courts.

^bRefers to judicial education requirements beyond general state bar membership. Judicial training typically covers topics such as rules of evidence, criminal law and procedure, ethics, judicial responsibilities, and court and trial management.

Use of active sentencing commissions fluctuated

State sentencing commissions are created by statute and have authority to establish and review sentencing policies and practices.⁶ From 1987 to 2004 the number of states with active sentencing commissions fluctuated. At the lowest point, 15 states had active sentencing commissions in 1987. The number peaked in 1993 when 25 states had these commissions.

Year	Number of states with active sentencing commission
1987	15
1993	25
1998	17
2004	23

Note: Includes data for all 50 states.

Increased use of judicial nominating committees to select judges

Over the 18-year period, an increased number of states used judicial nominating committees, or “merit selection,” to select judges. Judicial nominating committees are non-partisan groups of public officials, attorneys, and private citizens tasked with developing a short list of qualified candidates to fill an open judicial position. The judicial appointing body must then select a judge from the list provided by the committee.

By 2004, 36 states had incorporated judicial nominating committees into the judicial selection process.

Year	Number of states with a judicial nominating committee
1987	33
1993	33
1998	34
2004	36

Note: Data collected from all 50 states.

Large proportion of appellate and trial judges were appointed to fill initial terms

From 1987 to 2004 over half of all states appointed appellate judges to their initial full term on the bench (table 7). Forty percent of states also appointed general jurisdiction trial court judges.

⁶Additional information on state sentencing commissions is available at <<http://www.ussc.gov/STATES.htm>>.

Table 7. Methods of state judicial selection to fill initial term positions, 1987-2004

Type of judge	Number of states using —		
	Appointment ^a	Partisan election	Nonpartisan election
Appellate judges			
1987 ^b	27	9	14
1993 ^b	27	10	13
1998	28	8	14
2004	28	7	15
General jurisdiction trial court judges^c			
1987	20	12	18
1993	20	12	18
1998	20	12	18
2004	20	11	19

Note: Data collected from all 50 states.

^aIncludes judicial nominating committee, gubernatorial, legislative, and court appointment.

^bUntil Tennessee began appointing all appellate judges in 1994, the State’s Supreme Court justices were selected through partisan election, while intermediate appellate court judges were appointed to the bench. Because the Supreme Court is the highest state appellate court, Tennessee is counted as using partisan election in 1987 and 1993.

^cFor trial courts in Arizona, Kansas, Indiana, and Missouri, selection methods for judges were not uniform within jurisdictions. For these states, the data reflect the selection method used for the largest proportion of judges.

Methods of judicial selection and retention

Methods of judicial selection vary from state to state and can vary within a state from trial to appellate judges. States have historically used one or more of the following methods to select judges.

Appointment —

Judges can be appointed by the governor, the legislature, or by the chief justice/judge of the court of last resort. In an increasing number of states, a judicial nominating committee provides the appointing body with a limited number of judicial candidates from which to choose.

Partisan election —

The judge runs for office in a contested election with a party’s endorsement and name entered on the ballot.

Nonpartisan election —

The judge runs in a contested election but no political party is declared or entered on the ballot.

Retention election —

A judge who has been serving on the bench is entered on the ballot at the end of the term. The judge does not face an opponent and voters simply vote on whether the judge should be retained in office. If a majority vote “yes,” the judge is retained.

Majority of judges seeking to retain post had to run for election

Approximately 38 states used an election, either partisan, nonpartisan, or retention, to select appellate and trial court judges for retention terms (table 8). Throughout the 18-year period, the most prominent form of election for appellate judges appeared to be retention election. For trial court judges, nonpartisan election was the leading method for retention.

The greatest change in the process for retaining appellate judges was the decline in the number of states using partisan elections, from eight in 1987 to four in 2004. At the trial court level, the number of states using partisan elections decreased from 11 to 8, while the number using nonpartisan elections for judicial retention increased from 16 to 20.

Majority of states continued to use a 12-person, unanimous jury for felony trials

In the 1970s, the U.S. Supreme Court ruled in two separate cases that a jury could be comprised of as few as six jurors without violating a defendant's right to a fair and impartial jury.⁷ The majority of states permit less than a 12-member jury for misdemeanor cases.⁸ However, the number of states adhering to a 12-person jury requirement for all felony cases in general jurisdiction trial courts remained unchanged at 45 (table 9). Nearly all states from 1987 to 2004 required a unanimous jury decision in felony cases.

⁷Williams v. Florida, 399 U.S. 78 (1970); Colgrove v. Battin, 413 U.S. 149 (1973).

⁸Bureau of Justice Statistics, *State Court Organization, 2004* <<http://www.ojp.usdoj.gov/bjs/pub/pdf/sco04.pdf>>.

Table 8. Methods of retention for state court judges, 1987-2004

Type of judge	Number of states using —				
	Appoint-ment ^a	Partisan election	Nonpartisan election	Retention election	Tenure to 70+
Appellate judges					
1987 ^b	9	8	14	16	3
1993 ^b	9	7	13	18	3
1998	9	5	14	19	3
2004	9	4	15	19	3
General jurisdiction trial court judges^c					
1987	9	11	16	11	3
1993	9	9	18	11	3
1998	8	8	20	11	3
2004	8	8	20	11	3

Note: Data collected from all 50 states.

^aIncludes judicial nominating committee, gubernatorial, legislative, and court appointment.

^bUntil Tennessee began appointing all appellate judges in 1994, the State's Supreme Court justices were selected through partisan election, while intermediate appellate court judges were appointed to the bench. Because the Supreme Court is the highest state appellate court, Tennessee is counted as using partisan election in 1987 and 1993.

^cFor trial courts in Arizona, Kansas, Indiana, and Missouri, selection methods for judges were not uniform within jurisdictions. For these states, the data reflect the selection method used for the largest proportion of judges.

Fewer persons exempted from jury duty

Jury duty exemptions have historically been allowed for professions, such as doctor, lawyer, elected official, clergymen, and active military personnel. Exemptions were also given for medical or child care reasons. To expand the jury pool, 12 states eliminated exemptions from 1987 to 2004. By 2004 less than half of the states acknowledged any grounds for jury duty exemption.

Table 9. General jurisdiction trial court felony and civil jury trial regulations, 1987-2004

Jury requirement and case type	Number of states			
	1987	1993	1998	2004
General jurisdiction trial court 12-person jury requirement^a				
All felony cases	45	45	45	45
All civil cases	26	28	26	25
General jurisdiction trial court unanimous jury requirement^a				
All felony cases	49	49	49	49
All civil cases	17	18	20	20
Exemptions from jury duty allowed	35	27	27	23

Note: Data collected from all 50 states.

^aStates that use a 12-member, unanimous jury typically allow for a smaller, non-unanimous jury with the consent of both parties.

Judicial terms of office

The term of office for which a judge is being selected can dictate the method of selection used. There are three main judicial terms of office, but not all states have all three terms.

Unexpired term —

When a judicial seat becomes vacant prior to the official end of term, a replacement must be selected to serve the remainder of the term. In almost all states that fill unexpired terms, judges are appointed to the position. In several states, the term ends when the judge departs the bench, leaving no unexpired terms.

Initial/full term —

Depending on the state, a judge serves the first full term either upon initial selection or upon retention following the completion of an unexpired term. Judicial term lengths vary from two years to life depending on the state and whether the judge serves in an appellate or trial court.

Retention term —

Except in the three states appointing judges to serve until age 70 or for life (Massachusetts, New Hampshire, and Rhode Island), a judge must be retained on the bench at the end of each full term. This can be done through either election or appointment.

Methodology

BJS, in conjunction with the National Center for State Courts (NCSC), has produced five State Court Organization reports, covering the years 1980, 1987, 1993, 1998, and 2004. The 1987-2004 reports contain similar information and provide a comprehensive picture of each state's court system. All four reports include data on court system structure, number of judges and support staff, judicial selection and service, funding, jurisdiction of the courts, and jury trial regulations.

For these reports, data were collected through several surveys mailed to state court administrators in all 50 states, the District of Columbia, and Puerto Rico. One data collection was an administrative survey that addressed aspects of court organization and operation. A separate survey was specifically designed to collect descriptive information about the appellate courts. Most of the information in the surveys was self-reported by each state system. Researchers at the NCSC compiled the data on statewide laws and legal procedure. After all of the tables were completed, state court administrators verified that all data for their state were accurate.

This report uses the standardized 1987-2004 data to describe the changes and consistencies in state courts over the 18-year period. It presents nationwide trend information on the general areas covered by the four previous

reports, as well as state court caseload data collected through the NCSC's annual companion series to State Court Organization, State Court Caseload Statistics. The variables compiled for the trend study reflect each of the sections in State Court Organization and reference some of the long-standing issues for state court systems. The District of Columbia and Puerto Rico were excluded from this study.

The State Court Organization reports for 1998 and 2004 are available online at <http://www.ojp.usdoj.gov/bjs/abstract/courts.htm>. For information on obtaining paper copies of any of the reports, visit the BJS web site at <http://www.ojp.usdoj.gov/bjs/>. Additional information and report links can be found on the National Center for State Courts web site at <http://www.ncsconline.org/index.html>.

The Inter-University Consortium for Political and Social Science Research (ICPSR) also warehouses several datasets for the individual 1998 and 2004 State Court Organization reports. These datasets can be downloaded for an in-depth nationwide analysis of state court organization for the individual years 1998 and 2004. The ICPSR web site on State Court Organization also contains the data collection surveys mailed to the state court administrators and appellate court clerks. The State Court Organization reports, datasets, and data collection surveys can be accessed at the ICPSR web site at <http://www.icpsr.umich.edu/>.



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This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/abstract/sco8704.htm>>.

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The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jeffrey L. Sedgwick is the director.

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