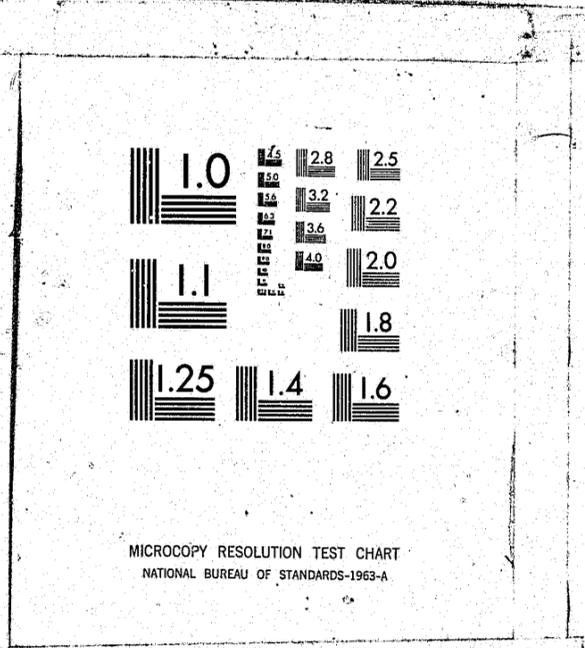


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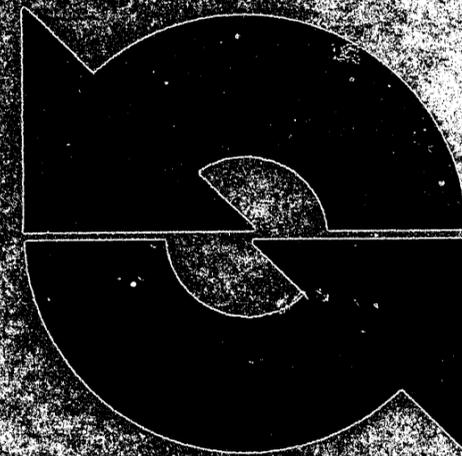


U.S. Department of Justice
Office for Improvement in the Administration of Justice
Federal Justice Research Program

A Longitudinal Study of the Judicial Role in Family and Commercial Disputes

FJRP-81/001

by Jolanta Juskiewicz Perlstein



March 1981

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A LONGITUDINAL STUDY OF THE JUDICIAL ROLE
IN FAMILY AND COMMERCIAL DISPUTES*

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Jolanta Juszkwicz Perlstein, Ph.D.

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National Institute of Justice

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TABLE OF CONTENTS

	<u>PAGE</u>
I. INTRODUCTION	I - 1
II. QUANTITATIVE INDICATORS OF THE WORK OF THE COURTS	II - 1
1. Site Selection	II - 3
2. Sample Design	II - 4
3. Data Collection	II - 7
III. SITE SELECTION AND DESCRIPTION	III - 1
1. Introduction	III - 1
2. The Counties - Population	III - 4
3. The Economy	III - 5
4. Jurisdictional History	III - 6
a. Montgomery County, Maryland	III - 7
b. Ingham County, Michigan	III - 9
c. King County, Washington	III - 11
d. Leon County, Florida	III - 12
e. Ross County, Ohio	III - 13
IV. DATA ANALYSIS	IV - 1
1. Trend in Type of Cases Brought to Courts	IV - 6
2. Trends in the Kinds of Parties Who Use the Courts	IV - 13
3. Trend in the Disposition of Cases	IV - 17
a. Percent of Cases Brought to Trial	IV - 22
b. Proportion of Plaintiff Victories	IV - 25
c. Trend in the Time Taken to Process Cases	IV - 34
d. Summary	IV - 43
V. CONCLUSION	V - 1
VI. APPENDIX	
1. List of Tables and Graphs	

INTRODUCTION

Early studies of courts concentrated on the appellate level. The work of state trial courts, in particular, has long been neglected. Despite a few, and in some instances, ambitious, attempts to fill the gaps of knowledge, the information obtained about their activities remains limited and sparse. Determining what courts do and assessing whether their activities have changed over the years have met with only qualified success.

Four factors that contribute to this lack of useful data have been identified.^{1/} First, most studies involve select courts that do not necessarily represent the geographic and demographic characteristics of the entire country. Aside from a few studies of federal district (Dolbeare, 20 district courts in large cities, 1969) and circuit (Baum, Grossman and Sarat, 5 circuit courts of Appeal, 1978) courts and intermediate state appellate courts (Kagan, 16 state appellate courts, 1978), state trial courts in such metropolitan areas as Baltimore, Cleveland, Milwaukee (Wanner, 1974-1975), St. Louis (McIntosh, 1978), and Oakland (Friedman and Percival, Alameda County, 1976), as well as one rural California court (Friedman and Percival, Benito County, 1976) have been studied recently. A study of 15 small claims courts is also noteworthy (Ruhnka and Weller, 1978).^{2/}

Another limitation concerns the utility of conducting cross-sectional studies that trace what courts do across diverse geographic areas. They cannot detect, for instance, long-term patterns or changes in the rates and types of litigation. Longitudinal profiles of even a single or two courts are rarely compiled. (See McIntosh

study of St. Louis courts, 1890-1970 and the two California courts study by Friedman and Percival that covered the 1890-1970 period).^{3/} Studies of several courts spanning over many years are even scarcer.

Many of the court studies have also been remiss in reporting the differences in the caseload and jurisdiction of courts within the borders of a state as well as across states. To facilitate broader generalizations, an attempt should be made to trace changes in the subject-matter and geographic jurisdictions of courts, as well as whether new courts have been established. In addition, attention should be paid to changes in dollar-amount requirements and the geographic expansion or contraction of the courts' jurisdiction. Finally, failure to devise a standard subject-matter classificatory scheme has curtailed the usefulness of the recent court studies.

This paper, based on research conducted by Arthur Young & Company and Public Sector Research, Inc. for the Department of Justice represents an attempt to broaden our knowledge of state trial courts. It seeks, among other things, to inventory the civil caseload of five state trial courts of general jurisdiction over an 80-year span. The five courts selected do not represent a true cross-section of the roughly 1,500 state trial courts of general jurisdiction located throughout the 50 states.^{4/} At least 5 percent of the courts or about 75 courts would necessarily constitute a base for a statistically representative sample. Lack of sufficient resources precluded such an effort to be undertaken. The courts selected instead, met the requirement of having enjoyed, throughout this century, substantially unaltered geographic and subject-matter jurisdiction. (Changes that did occur, however, were duly noted.)

They constitute "mainstream" judicial districts which nonetheless represent both extremes of a reasonable spectrum of: (1) population; (2) racial composition; (3) average income; (4) urban-rural ratio; and (5) production versus service-oriented employment. Although generalizations in the strictest statistical sense cannot be made from this study's findings, there are no reasons to believe that the five courts are in any apparent or systematic way unique or distinct from other state trial courts of general jurisdiction.

The objective of this study, specifically, is to trace changes in the frequency of filings over an eighty-year period in selected categories of cases in five state trial courts and to test two hypotheses about the nature of court activities. The first hypothesis is that commercial and family litigation has recently lost its adversariness. Evidence of this transformation is the increase in uncontested judgments and petitions for relief. No-fault divorces and default judgments in the plaintiff's favor exemplify this trend.

The study is also designed to test the hypothesis that the kinds of cases brought for judicial resolution increasingly depart from those that the courts have typically been best-suited and competent to handle. The growing attractiveness of alternative mechanisms of dispute resolution may account for the decline in litigation involving contract disputes between business enterprises. The reverse trend appears to be surfacing in the family law area. Courts are increasingly sought to handle such unconventional matters as enforcing children's rights within the family unit and settling disputes between unmarried "spouses."

This study examines the nature of judicial involvement in select categories of civil litigation and how it has changed over time. Has the dispute resolution function of courts progressively diminished as the Friedman and Percival study reports? Or alternatively, as Lempert suggests, has it remained an important and vital aspect of court business? Is the demand for judicial resolution of disputes involving intimate relationships increasing? Or are the few but visible cases exaggerating the burden imposed on the courts?

The state of knowledge of judicial functions needs to be bolstered by reliable information on the volume, type, and disposition of business conducted by the courts. Part II consists of the research design used in this study including the sampling technique and method of data collection. The characteristics of the sites selected for the study are described in Part III. Findings of the study are reported in Part IV. In the final section the contribution of this report to the state of knowledge of court functions is summarized and assessed.

II. QUANTITATIVE INDICATORS OF THE WORK OF COURTS

Although courts perform various kinds of work, this study focuses on dispute resolution and administration. Courts resolve disputes through adjudication. Adjudication involves the imposition on opposing parties of an unilateral decision by an authoritative third-party. This process entails presenting narrowly-focused issues, reasoning on the basis of past fact, and rendering a zero-sum outcome. Dispute resolution that stresses restoring harmony, on the other hand, typically relies on informal proceedings and de-emphasizes strict adherence to technical rules and procedures. Friedman and Percival hypothesized that in the urban context dispute resolution would take the former form (adjudication) and the latter form (informal proceedings) in the smaller and less populated rural areas.

Courts in both contexts handle matters of administration that do not involve a disputed question of law or fact. Administration refers to such nonadversarial activities as recordkeeping, approving claims or changes of status and name, processing uncontested divorces, deciding petty debt cases (when one party defaults), and administering uncontested wills. The parties in some cases have reached an agreement before approaching the court; in others, only a single party is involved.

Aside from making cross-court observations and comparisons, this research attempts to trace across time changes in the nature and extent of court's work. How well courts perform can only be evaluated if what courts do can be adequately measured. It is difficult to define precise, quantitative indicators that will unambiguously measure whether the court's role is becoming more

administrative and less adjudicatory. Although total precision cannot be obtained, certain factors may be used to measure changes in the processing of cases that are brought to the courts over the century. Foremost, the volume and type of litigation will be noted. Inferences about what courts do can also be drawn from the type of litigants and whether or not they are represented. Cases involving a corporate or government litigant or many litigants on each side may be indicative of more complex cases. Actions that do not require attorney representation are more likely to involve simple or routine matters. Another indicator of courts' work is the outcome of cases. Case disposition data can respond to such questions as: How many actions that were filed resulted in a trial, were settled out of court, or were voluntarily dismissed; what is the percentage of plaintiff's victories, and, are some sort of cases more likely to become resolved outside of the court than others or proceed to trial? A high rate of default judgments or plaintiffs' victories -- reflecting a low level of defendants' resistance -- may signal a court's involvement in routine matters. Demonstrative of the nature of court involvement are such factors as length of case and complexity of the proceedings which are defined in terms of the number of motions decided, rulings, hearings and conferences.

None of the quantitative measures alone will clearly depict the changing role of the courts. Each factor must be examined separately and in combination to determine if any changes occurred during the studied period. An increase in defaulted consumer debt cases and a concomitant decrease in traditionally disputed debt cases may, for example, signify a change in the proceedings. The courts may be

sought to decide cases that are progressively less adversarial and those that offer one-sided presentations. If the litigants have a lower rate of representation over time, the courts' posture in a case will be affected.

Care must be exercised in using any of the above quantitative measures of court work or functions. Changes in court caseload trends may not only be explained by modifications in the role of the courts but by the enactment of new statutes and procedures. It may be as likely that new procedures account for changes in judicial proceedings as judicial involvement. Increasing numbers of plaintiffs' victories may exemplify a change in substantive law rather than a growing number of defaulting debtors.

SITE SELECTION

Six time periods were chosen to measure the changes in the type and number of cases filed in the five state courts: 1903-04, 1918-19, 1933-34, 1948-49, 1963-64 and 1976-77. Approximately 6000 cases were sampled; this allowed roughly 200 cases to be examined for every period or "window" at each site.

The location and number of time periods that were selected are intentionally more or less evenly spread across the century to provide snapshots of court activity since 1900. A particular rationale was devised for the selection of each window. The first window, 1903-04, captures the turn of the century. No social, economic, or political upheavals are evident and the automobile is far from pervasive. The second window, 1918-19 represents the era of World War I. The Depression years of 1933-34 are also included in the study and 1948 and 1949 depict the post-World War II period. The last two windows mark periods before and after no-fault laws

(divorce and automobile laws) were instituted. It is certainly possible that court caseloads and the nature of judicial involvement are affected by external events. The constraint of having only six periods makes it difficult to observe whether changes are occurring smoothly or the courts are subject to rapid, aberrant peaks and valleys in the quantitative measures on which data have been collected. To minimize the possibility of selecting an unusual or extraordinary year, data were collected for two consecutive years in each window.

The state trial courts chosen for this study are situated in the following counties:

- Montgomery County, Maryland
- Ingham County, Michigan
- King County, Washington
- Leon County, Florida
- Ross County, Ohio

The judicial districts selected represent, although not in a strict statistical sense, the major regions and demographic features of the whole nation. The range of counties include King, a West Coast county that encompasses the sprawling megalopolis of Seattle; two counties, Ingham from the Midwest and Leon from the South, that host the seat of state government and a major university (Lansing, Michigan and Tallahassee, Florida); Montgomery, an Eastern county whose courts are located in Rockville is primarily composed of suburbs surrounding the the large city of Washington, D. C.; and finally, Ross, a rural Midwestern county where the court is situated in Chilicothe, Ohio. A more detailed description of each county and court system is provided later in this section. In addition, the courts are located in states that have enacted no-fault divorce laws.

SAMPLE DESIGN

The total number of cases sampled in five sites and in six

time periods was 6,000. An average number of 200 cases for each window in each site was sampled. The basic sampling problem was therefore identifying the 200 cases to be studied. The total number of cases in each county and each window were obtained by a census count of all cases by type using docket books. This produced a population count of cases by type. The 200 sample cases selected had the same proportion of each type of case as the total number of cases in a particular window and county. If, for instance, 10 percent of all the 1903-04 cases in Montgomery County were divorces, then 10 percent of the sample of 200, or 20 cases, would be divorces. To obtain the sample, cases at each site and window were stratified by case type. The selection strategy was to take every Nth case in the docket book within each case category.

$$N = \frac{\text{Population}}{\text{Sample}} \frac{N}{N} \text{ for cases of this type}$$

This had the effect of spreading the sample across the entire window. There were several exceptions to this general approach. In King County, Washington, the number of filings was too large to allow a census to be undertaken in its entirety, therefore an alternative method was employed. For purposes of a census count, 500 cases were selected by taking every Nth case, where N equals the numbers of cases filed (total filings) divided by 500. Two hundred cases were then chosen from the 500 in the proportional fashion described above.

The converse problem existed in Leon County, Florida, in the first window. There were fewer than 200 cases in that period. All of the cases in the first window were consequently included in the sample. The difference between the window count and the

200 case target was distributed across other windows in that site.

Certain categories of cases that numbered only a few were over-sampled to broaden the diversity of the sample. This was done to compensate for the fact that a 200 case sample in each window was too low to permit randomness. That in turn, generated cases that are truly representative of those in the docket books. Finally, in Ingham County, Michigan, the census and sampling was done on a systematic basis without benefit of a prior census. Population counts were then inferred from the census.

The samples derived from the various sampling methods must be integrated to produce comparable figures. Samples were weighted to achieve comparable samples. If the sample of cases of certain types was precisely proportionate to the population, the weight was the same. For case types that were disproportionately sampled (e.g., when the population was small), the sample was weighted to correct for the disproportions. The weight that converts sample N's to estimated population N's is produced by dividing the population N of a given type by the sample N of cases of the same type. If the census showed, for instance, that there were 300 divorce cases in a particular window and site, but the sample N of divorce cases from the same window and site was 100, the weight was 300/100 or 3.0. If all the cases of a particular type were contained in the sample, the weight was 1.0. The weights are used in calculating the estimates of the number of cases in the sample to reflect the size of the caseload in each county and time period and to permit comparisons between the relative sizes of the caseloads across counties. Procedures for obtaining estimated frequencies of cases

necessarily result in sampling errors. The estimated range of the proportion of cases (generally, of a certain type, or disposition) differs depending on the confidence interval chosen. If, for example, the proportion of a particular type of case is .2 in Maryland in 1903-04 and the number of sampled cases of this type is 25, then at the 90 percent confidence interval the estimated range for the percentage of cases in that category is calculated to be between 11 and 29 percent. See attached Tables a and b.

DATA COLLECTION

Information was gathered from docket books because they were more readily accessible than case files. Docket books, however, contained inconsistent nonmenclature among sites. A case file search was not conducted for the census count. It was considered to be prohibitively time-consuming and expensive without greatly adding to the value of stratification process. All of the information contained in the docket books was collected and coded^{5/} including the nature of the claim, identification of the parties, indication of whether the parties were represented, disposition or outcome, method of resolution, and a listing of hearings conferences and other events. Case files were examined in every case to verify the docket book data and particularly to acquire a more precise classification of case type. Many states during the early part of the century, for example, used assumpsit to categorize several groups or types of cases. Upon examining the case file, an assumpsit case may have been found to refer to a contract or simple debt action. Despite certain unique features of the filing systems, the courts' docket books recorded each document filed with the clerk's office and maintained it in the case file.

III. SITE SELECTION AND DESCRIPTION

INTRODUCTION

This study attempts to replicate, update, and elaborate on a national scale the research conducted by Lawrence Friedman and Robert Percival in the Superior Courts in two California counties, Alameda and San Benito.^{6/} The counties are located at opposite ends of several demographic dimensions. Sparsely-populated San Benito County relies primarily on an agricultural economy. Alameda County on the other hand, is a densely-populated, large urban center with an industrial economy and boasts of a substantially higher per capita income than San Benito.

The five state trial courts were also selected on the basis of their relatively stable geographic and subject-matter jurisdiction. In considering changes over time in the type and number of cases, it is important to be aware of the possible impact of jurisdictional changes. If, for instance, cases of a particular type disappeared from the docket of one of the study courts between one window and the next, a conclusion that this reflected a concomitant cessation of such disputes or resolution of them by means of adjudication would be premature. First, it would have to be established that the change was not simply due to a transfer of filings from one court to another. To make this assessment, knowledge of the subject-matter jurisdiction of the five selected courts and the way it has evolved between 1900 and 1977 is necessary. Boundary changes of a court's jurisdiction could also have an influence on the number and nature of cases filed.

The discussion of jurisdictional adjustments focuses on four areas: (1) whether or not the geographical boundaries of the area

served by the general trial court have changed; (2) whether statutory or constitutional re-definitions of the subject-matter jurisdiction have occurred; (3) whether changes have taken place in the dollar amount requirement for filing in the trial court of general jurisdiction; and finally, (4) whether the concurrent jurisdiction between the general and lower trial courts has changed.^{7/}

Four of the five sites -- Leon County, Florida, Ingham County, Michigan, Ross County, Ohio, and King County, Washington -- have been single county judicial districts experiencing no changes in their geographical boundaries since the turn of the century. The only exception is the circuit court for Montgomery County, Maryland which has included an adjacent county, Frederick, throughout this century. None of the courts have undergone major changes in their subject-matter jurisdiction. The five courts have been the trial courts of general jurisdiction and authorized to hear both law and equity cases subject to a gradually increasing dollar requirement and concurrent jurisdiction with lower trial courts.

The effect of no-fault divorce laws can only be detected in the final window because they were not enacted until the early 1970's in the five states. Two different types of divorce statutes can be categorized as no-fault. One type of statute requires that, first, a simple declaration be made by one or both parties that the marriage has irretrievably broken down and second, a waiting period of - most commonly, 90 days - be completed before the divorce decree can be entered. The second type of statute requires a voluntary separation of usually one to two years. In the case of Maryland, a time period of three years is set if the separation is based on a unilateral

decision. Moreover, the state may not grant a divorce until the execution of a signed separation agreement and a court hearing that at times involves a witness testifying about the couple's living apart. The differences in the specific provisions notwithstanding, these are no-fault divorce statutes because neither party need sue the other for a travesty of marital obligations, insanity, or on the basis of some other legally-defined grounds.^{8/}

Whether or not states have enacted no-fault automobile insurance statutes bears directly on the interpretation of the trends in auto-tort actions which comprise a large percentage of the total number of tort cases. A clear presentation of the no-fault statutes in effect in each of the states is therefore in order. Only Florida, Maryland, and Michigan have passed some form of no-fault auto insurance law. Ohio and Washington did not have no-fault auto insurance law statutes in effect for any of the windows examined in the study. The three basic categories of no-fault auto insurance statutes described in an American Bar Association study (Special Committee on Automobile Insurance Legislation, February 1978) are each represented by the statutes passed in the three study states. The three categories are:

1. Little or no interference with tort law. Monetary award (if tort action) reduced by amount of no-fault benefits received.
2. Significant restrictions on tort liability. Prohibition of specific types of tort claims. Limited no-fault benefits provided.
3. Severest restrictions on tort liability. Extensive no-fault benefits.

Michigan's statute most closely fits in category 3;^{9/} Florida in category 2 and Maryland in category 1.^{10/}

THE COUNTIESPOPULATION

Bordering Washington, D. C., Montgomery County, Maryland has grown from a completely rural area of 31,000 in population in 1903-04 to a suburban county numbering 511,000 in 1976-77. In 1977, 89 percent of the population lived in urban areas (See Table 1). During this century Montgomery County has experienced the largest increase in population of the five counties (1,800%). The racial composition of the county changed from being fairly diverse (69% white in 1903-04) to mostly white (94% in 1976-77).

Lansing, Michigan's state capital is located in Ingham County whose population has grown 600 percent from 45,000 in 1903-04 to 270,000 in the last window. At the turn of the century, 50 percent of the population lived in rural areas. In 1977 only 15 percent of Ingham's inhabitants remain in the rural sector. The proportion of the black population has increased from one percent in 1903-04 to roughly six percent in 1976-77.

King County, Washington, has been largely urban for most of this century: the borders of King County and the city limits of Seattle nearly coincide. The 642 percent growth in the population has resulted in 1.2 million inhabitants, mostly white, (93-96%) residing in King County. Although King County has the largest population of the five counties, its population density of 543 people per square mile is less than one-half that of Montgomery County which is the densest.

Leon County, the site of Florida's capital, Tallahassee, has grown from a population of 20,000 to 128,000. Only one out of every

five persons lived in urban areas at the beginning of the century, but three-quarters of the population did so in 1976-77. Of the five counties, Leon is the most racially mixed in the last time period studied. The population is 74 percent white and 26 percent nonwhite. The population density (191 people per square mile) ranks fourth among the counties exceeding only Ross County.

Ross County, Ohio, has remained predominantly rural in this century, growing at a much slower rate than the other counties in the study. In 1903-04 the population was 41,000 compared with 62,000 in 1976-77. This 50 percent growth rate can be contrasted with growth rates of 1800 percent for Montgomery County and roughly 600 percent from the other three sites. Ross County with 90 people per square mile in 1976-77, is also the least densely populated of the five counties.

THE ECONOMY

Income figures demonstrate the difference in the economies of the counties (See Table 2). In 1976-77, Montgomery County's average per capita income was \$9,470. King County ranked second with \$7,445 per person. Montgomery County's prosperity is primarily due to a high concentration of government and other white-collar employees and service-oriented industries in nearby Washington, D.C. Seattle's urban industrial economy accounts for the high income figure for King County. Although Ingham and Leon Counties share many similar attributes, a considerable disparity exists between their per capita annual income. Aside from the fact that traditionally, Southern states have experienced lower wages and a lower cost/standard of living than their northern neighbors, Leon County has a greater pro-

portion of rural residents than Ingham County. Ross County, Ohio, has the distinction of having the lowest per capita annual income of \$4,652 in 1976-77. Montgomery County's income is more than twice as large as that of Ross County.

JURISDICTIONAL HISTORY

A brief history of the state court systems follows along with a detailed discussion of the evolution of the jurisdiction of the trial court of general jurisdiction. In every judicial district except King County (where it remained at \$100 over the entire period studied), the jurisdictional minimum amount in controversy reached its peak in one of the last two windows (See Table 3). The increase in the jurisdictional minimum amount in controversy is roughly consistent with the inflationary trends experienced over the past 80 years. Typically though, the minimum amounts in controversy were maintained in most counties from the beginning of the century until either the fifth (1960's) or sixth time period (1970's). In Montgomery County, for example, it was not until the 1970's that a jurisdictional minimum amount in controversy was established at \$2,500 for law cases. In equity cases the \$20 jurisdictional minimum set since the turn of the century was increased to \$2,500 in 1976-1977. A constantly set \$100 jurisdictional minimum amount in controversy rose to \$10,000 in Ingham County during the last time period. No minimum amount existed in Leon County until it was established at \$2,500 in the 1970's. In Ross County a \$100 jurisdictional minimum amount in controversy set in 1948-49 was raised to \$2,000 in 1963-64 and has remained at that figure through 1976-77.

A constantly-held, non zero dollar minimum amount over a span of years accounts for progressively lower valued cases being brought to the court. Figures in Table 3 expressed in 1976 dollars for each time period illustrate this phenomenon. For example, in King County, calculated on the basis of 1976 figures, the jurisdictional minimum amount actually decreased from \$625 in 1903-04 to \$100 in 1976-1977.

The effect of an increasing jurisdictional minimum amount which in constant dollars is actually decreasing, on court case-loads cannot be easily isolated from other factors. Factors that may influence the nature and types of cases brought to the trial court of general jurisdiction include the perceived cost of going to court, the nature of the claim, the availability and costs of other courts (e.g., lower state court or federal district court) or other forums (e.g. dispute resolution mechanisms such as arbitration, "action lines," Better Business Bureaus, etc.), and statutory changes. It is likewise difficult to assess the effect of expanding concurrent jurisdiction on the trial court's caseload (see especially Montgomery and Ross Counties in 1976-1977). Factors such as the time from filing to trial, whether jury trial is permitted, and the availability of certain practices and procedures also influence which types and the volume of cases that are brought to the trial courts of general jurisdiction.

The remainder of this section provides an overview of the jurisdictional development and organization of the five court systems.

MONTGOMERY COUNTY, MARYLAND

In Montgomery County, the Circuit Court is the trial court of general jurisdiction. Since 1900, Montgomery and Frederick Counties

have been located in the sixth judicial district. Judgeships in the sixth district have increased along with the population. Three judges served on the court during the 1903-04, 1918-19, 1933-34, and 1948-49 periods. In 1963-64 the number of judges grew to five, eleven in 1968-69 and currently 13 judges preside on the court.

A variety of lower courts have existed in Montgomery County over the past 80 years (See Table 4). Examples include the Orphans' Court, Justices of the Peace, Trial Magistrates, People's Court, and the District Court. The state system underwent a major reorganization in 1971 when a constitutional amendment created the District Court. It replaced the Magistrate's Court, the People's Court and the Municipal Court. A court of limited jurisdiction, the District Court, was authorized to hear landlord-tenant, replevin, motor vehicle, misdemeanors and certain enumerated felony cases. The District Court has concurrent jurisdiction with the circuit court over cases that have a claim between \$2,500 and \$5,000 and exclusive jurisdiction over claims below \$2,500 (i.e., the Circuit Court competes for cases that fall between \$2,500 and \$5,000). Unlike the other counties, in Montgomery County, the District and not the Circuit Court has jurisdiction over juvenile cases. Moreover, a faster-moving calendar and absence of jury trials may provide incentives to choose the District Court.

The Circuit Court has original and exclusive jurisdiction over all equity cases that meet the \$20 jurisdictional minimum amount requirement and law cases subject to the original amount specified in Table 3. According to the table, the current dollar value of the jurisdictional minimum amount has steadily decreased from \$125 in

1903-04 to \$37 in 1963-64 and then increased to \$2,600 in 1976-77. The Circuit Court has been conferred jurisdiction over appeals from the District Court and certain administrative agencies including the County Commissioners.

The graphic representation of the Maryland court system shows that it has been relatively stable over time and only experienced a major change in 1971. It should be noted that the Baltimore City court system is not represented in the tables depicting the Maryland court system.

INGHAM COUNTY, MICHIGAN

The present unified structure of Michigan courts is captured in the 1963 version of the state constitution. It stated that:

The judicial power of the state is vested exclusively in one court of justice which shall be divided into one Supreme Court, one Court of Appeals, one trial court of general jurisdiction known as the Circuit Court, one Probate Court, and courts of limited jurisdiction that the legislature may establish . . .

The Circuit Court is the trial court of general jurisdiction. Historically, as the volume of circuit cases increased, a number of more specialized courts were created within each of the judicial circuits to alleviate the burden on the Circuit Court and allow for the development of judicial expertise and sensitivity in dealing with certain types of cases.

The Circuit Court in Michigan dates back to 1824 when three of the Supreme Court justices held annual sessions in six counties. The 1850 Constitution established positions of circuit court judges from corresponding jurisdictions. The Constitution of 1908

formally divided the State into judicial circuits. There are at present 48 judicial circuits in Michigan which compose from one to four counties.

The Circuit Court has jurisdiction over matters not specifically conferred by statute to other courts. Its present original jurisdiction includes all civil cases involving claims of \$10,000 or more, equity, divorce, and criminal cases in which the offense involves a felony or a certain kind of misdemeanor. The jurisdictional minimum amount defined in 1976 dollars ranged from \$65 in 1903-04 to \$185 in 1963-64. The Circuit Court also hears appeals from lower courts and some state administrative agencies. In addition, the Circuit Court exercises administrative control over lower courts within the circuit.

In 1818 the Probate Court was established (See Table 5). Aside from its original jurisdiction over the administration of wills and estates, the probate court is also authorized to hear cases involving condemnation of land, guardianship, and the commitment of the mentally ill, handicapped and addicted individuals. Noteworthy also is the Probate Court's jurisdiction over juvenile matters such as juvenile delinquency and dependency.

The District Court, a limited jurisdiction court, was created by a legislative act in 1968 in many counties including Ingham to replace the Justice of the Peace, Municipal and Police courts. The District Court has exclusive jurisdiction over all civil actions involving \$10,000 or less, land contract foreclosures, evictions, and all misdemeanor offenses that carry a penalty of one year or less. Initial arraignment, bail setting, and preliminary hearings in felony cases are also conducted by the District Court. Also relegated to the

District Court are small claims cases involving amounts under \$300 which had previously been heard by a justice of the peace. In cases involving between \$100 and \$300 in controversy, the parties have the option of initiating action in the Circuit Court.

KING COUNTY, WASHINGTON

The Superior Court is the court of general jurisdiction that operates in each judicial district in Washington. Though the ultimate intention of the state was to establish one Superior Court in each county, several of the less populated counties that did not require individual courts clustered under a common Superior Court. In 1950, Washington's 34 counties were organized into 11 judicial districts. By 1977 its 38 counties were re-organized into 28 judicial districts. King County, whose seat is Seattle, was the largest county as far back as 1898 and was a single-county district throughout this century.

Between 1900 and 1978 there were few changes made in the structure of the judicial system (See Table 6). Only one new court, the City Police Court, was created before 1955. This was a type of justice court designed to handle city-oriented violations in larger metropolitan areas. In 1955, the jurisdiction of the city police courts in King County was transferred to the Municipal Courts whose major distinguishing feature was the election of its judges.

Though the subject-matter jurisdiction of the Justice Court was essentially unchanged during the studied period, it did assume a larger percentage of minor civil and misdemeanor cases as its jurisdictional minimum amount rose. Following varying schemes to regulate the number of justice courts, the Justice Court Reorganization Law of 1961 rearranged county-level judicial districts and established a

standard for the number of Justices of the Peace per district. The law also created Municipal Department of Justice Courts which were given exclusive jurisdiction over ordinances (a separate Municipal Court could be established to handle ordinance violations in small towns or cities). In 1971, justice courts within districts were renamed District Courts.

LEON COUNTY, FLORIDA

The Circuit Court is Florida's trial court of general jurisdiction in law and equity cases. The number of circuits increased from seven in 1900 to twenty-eight in 1934. In an attempt to reapportion and reduce the number of judicial districts the State Constitution was amended in 1934. The 28 judicial districts were reduced to fifteen. During the next thirty-five years, five more judicial districts were added. There have been no subsequent additions. Though many counties were shuffled between judicial circuits during the century, Leon, a single-circuit county, has escaped virtually any geographic jurisdictional changes.

A 1914 constitutional amendment authorized the legislature to establish inferior courts and make such changes in the jurisdictional minimum amount requirement as it deemed necessary (See Table 7). Pursuant to this amendment the legislature created Juvenile Courts in 1914, Courts of Crimes in 1937, and Small Claims Courts in 1951. It also enacted county-specific variations in the jurisdictional minimum amount in law cases within circuits. Circuit Court jurisdiction over all equity cases, however, remained exclusive since 1900.

A further consequence of Florida's court re-organization was the proliferation of trial courts at different levels. In some circuits

there were as many as 16 different trial courts. A major restructuring of the state's court system occurred in 1972. With the exception of Municipal Courts (at least until 1977), the sixteen different trial courts were abolished and replaced by Circuit and County Courts that were to have specialized divisions. Unscathed by this legislative upheaval was Leon County, which has maintained the Circuit Court as the primary trial court throughout the century.

The 1972 legislation expanded the jurisdiction of the Circuit and County Courts. Circuit Courts now have exclusive jurisdiction over general probate matters in addition to all law cases not cognizable by County courts. The jurisdiction of the County Court was substantially increased to subsume the powers of the former inferior courts.

ROSS COUNTY, OHIO

Ohio's trial court of general jurisdiction, the Court of Common Pleas, has had substantially unchanged jurisdiction since 1900. Its jurisdiction was conferred by legislation, and not by the state constitution. Judges were first assigned to districts, but by 1912, the population had grown sufficiently to have at least one judge sit in each county. Prior to 1951, Municipal Courts were established in thirty-seven counties by special acts of the legislature. This resulted in differences among the courts in those counties including Ross. In 1951 the legislature enacted a Composite Municipal Court Act that united the municipal courts (See Table 8).

County Courts created in 1957 to replace Justice of the Peace Courts did not exist in Ross County, which did have a Probate Court. The Probate Court has jurisdiction over probate and testamentary

matters; the appointment of administrators and guardians; the settlement of executors', administrators', and guardians' accounts; habeas corpus; issuance of marriage licenses; and sale of executors' land. In Ross County the juvenile court is attached to the Probate Court and not to the Domestic Relations Division of the Court of Common Pleas.

In the first three time periods studied, the Court of Common Pleas had original jurisdiction over all civil matters. In 1948-49, a jurisdictional minimum amount requirement of \$100 was imposed; in the last windows it was increased to \$2,000. The court has original jurisdiction over all major criminal offenses and appellate jurisdiction over County and other inferior court decisions. Although most probate matters were handled in the Probate Court, certain cases that pertain to the administration of estates were under the purview of the Court of Common Pleas. Beginning with the 1948-49 period, Municipal Courts had concurrent jurisdiction with the Court of Common Pleas if the amount in controversy was between \$300 and \$3,000. The Court of Common Pleas had exclusive jurisdiction over all matters in excess of \$3,000 and \$10,000 in 1976-77.

IV. DATA ANALYSIS

The primary objective of this study is to test the hypothesis that the trend in the mix of cases brought to courts has changed in the past eighty years. The second hypothesis attempts to respond to whether family and commercial law cases have lost some of their traditional adversarial character. Useful measures of the role and work of courts include the volume and types of litigation, the types of litigants and contests, and the nature of case dispositions. This section presents the major findings of the study.

The trend in the composition and volume of the courts' workload is measured by the changes in the distribution of different categories of cases in each of the five state trial courts of general jurisdiction and six time periods. Changes in the number of cases, however, do not necessarily reflect the flow and ebb of disputes. Therefore, the rate of cases per 1,000 adult population will be calculated in lieu of the number of actual disputes. Admittedly, adult population may be an inadequate surrogate for the number of disputes. Nonetheless, it is reasonable to assume that a positive relationship exists between the number of potential disputants and disputes in the community. This relationship may take different shapes for certain kinds of disputes or cases. Inferences about judicial functions from population figures, particularly with respect to dispute settlement, should therefore be cautiously drawn. In a critique of the work of Friedman and Percival, Lempert contends that:

the fact that the mix of judicial business involves proportionately less dispute settlement than it once did does not necessarily mean that the extent to which courts function as dispute settlers for society has diminished over time. When types of cases are viewed against a base consisting of all cases, our information is limited to that which is intrinsic to the judicial system. Hence, we must be cautious about reaching conclusions concerning a court's role in the larger society. 11/

To measure changes in court procedures and administrative activities, data on a number of different factors were tabulated including the outcome, means of reaching outcome, length of case, and other case events and filings.

Analytic consistency requires that the data collected from the jurisdictions must be consistent and comparable over time. This was, to a great degree, achieved. The geographic area of each of the five selected counties remained unchanged during the studied period. Further, each county was contained in the same judicial district. The subject-matter jurisdiction of the five courts did not change substantially during the 80 years under scrutiny. Only the jurisdictional minimum dollar amount requirement has exhibited considerable change. Discernible jurisdictional changes were duly noted and reported. Apparent changes in the nature and volume of courts' work may be explained by revisions in their recordkeeping systems, replacement or addition of judges, or other factors that were not documented in this study. Consequently, the task of explaining why changes occurred is considerably more arduous than stipulating what happened in the courts. Further, tabulations broken down by site and window may produce numbers from which generalizations, at best, will be made with considerable risk. The sampling errors for such estimates are extremely high.

Several studies of state trial courts have noted a substantial growth in the absolute volume of cases filed since the turn of the century.^{12/} This increase in case filings is most evident in metropolitan courts. Friedman and Percival's study of an urban and a rural court discloses for both a steady but not uniform increase in the volume of cases.^{13/} The percentage increase between 1890 and 1970

in case filings captures the most telling difference between rural and urban communities. The increase in the number of cases filed in San Benito, a rural county between 1890 and 1970 was almost 300 percent (284.3%). During the same time period, the growth in the volume of cases filed in the urban county of Alameda had exceeded 1100 percent (1114.3%).

Does the increase in the volume of cases necessarily reflect a concurrent growth in the number of disputes? Increases in the number of cases filed per 1,000 adult population between 1890 and 1970 were indicated by some data and for some state courts. In San Benito County, for example, the number of cases per 1,000 population grew steadily for the early part of the century and levelled off between 1950 and 1970. The rate of filings for Alameda County was more erratic. Although the number of cases per population in Alameda County was greater in 1979 (11.0) than in 1890 (7.6), it was not greater than in 1910 (13.5).

This study found that the increase in cases filed in the five counties has exceeded the growth in adult population. A graph of the total number of sampled cases in the five state trial courts of general jurisdiction illustrates this finding. (See Graph 1 and Table 9). The number of cases filed per 1,000 population has risen from 36.8 1903-04 to 55.2 in 1976-77. Interestingly, the number of cases per 1,000 population remained fairly stable during the first half of the century. After inching upward during the decade of the 1960's, the rate of filings proceeded to balloon in the next years.

Similar trends of a rising number of cases per 1,000 adult population emerged in each county (See Graph 2 and Table 9). Of the five counties, King consistently had the largest caseload and generally

the highest number of cases per adult population. Its having been throughout this period largely urban can account for these figures. The other counties were, on the other hand, mostly rural during the early windows and their considerably lower caseloads reflected it. The caseload in most counties mounted after World War II, but in Ross County it remained fairly stable. A large proportion of Ross County's population still resides in rural areas.

Unlike the volume of cases, the trend in cases per 1,000 adult population does not differentiate as well between urban and rural counties. With the exception of the Depression years, the number of cases per 1,000 population in Montgomery, very much a suburban county, resembles that of Ingham and even Ross County. The rate of cases per 1,000 population in the two demographically distinct California counties examined by Friedman and Percival converged in the second part of the century. A similar pattern surfaces for King and Ross, the counties which approach most closely the characteristics of the two in California. Throughout the eighty-year span, urban King County has been more litigious than rural Ross County.

Neither subject-matter nor geographic jurisdictional changes can account for the fluctuations in King County's rate of cases per 1,000 population. The jurisdictional minimum amount requirement in terms of "real" money was the lowest in the last window. Although \$100 has been the constant jurisdictional minimum amount in 1903-04, that sum could be translated in 1976 dollars to \$625 (in 1918-19 the amount was calculated to be \$325) but in 1976-77 it was simply \$100. Compared with the other four counties, King's \$100 jurisdictional floor was the lowest in the 1970s. It would be mere speculation to suggest that this factor explains the sudden surge in case filings.

The steady increase in the rate of filings in the early windows of Ross County can be attributed to the absence of a jurisdictional minimum amount requirement and competition for cases by other courts. Sometime between 1933-34 and 1948-49, a requirement was imposed and concurrent jurisdiction conferred to a lower court; accordingly, the rate of case filings declined. Despite a constant jurisdictional minimum amount requirement over the last 15 years and an expansion in concurrent jurisdiction in Ross County, a rise in cases per 1,000 population, similar to that in King County, is evident in the last window.

The rate of case filings differ from the litigation rate and according to Friedman and Percival, it is too crude to be used even as its indicator.^{14/} Defined by Friedman and Percival litigation means "a proceeding containing elements of disputes, that were not resolved before one party filed a complaint, or perhaps not resolved resolved without the intervention of a judge."^{15/} Uncontested matters do not fit neatly into this definition of litigation. It is difficult to ascertain, however, whether there is judicial intervention in cases that are terminated short of trial. Lempert observes that judges often participate in pretrial conferences to encourage settlement. The litigation rate should consist of the cases in which a judicial action, however informal, involves dispute settlement. Without resorting to an in-depth case-by-case analysis of post-filing and pre-trial proceedings, the only other measures of rate of litigation include contested judgments and cases reaching trial.

The term "litigiousness" is often construed to mean the propensity to file a matter in court. A more accurate definition would be the proclivity to file a disputed matter in court. The

first portion of the data analysis section describes who uses the courts and the nature of their business. There are no distinctions made between uncontested and contested cases. In the second part of the data analysis, an attempt is made to differentiate between matters that involve a dispute and those that are routine.

TREND IN TYPE OF CASES BROUGHT TO COURTS

Are cases of a certain type(s) mainly responsible for the increasing propensity to file cases in the last five years? Has the caseload composition change overtime? Several studies show that property and contracts cases have declined during the second half of the twentieth century while family and tort cases have increased. 16/ Findings of this study tend to confirm previous research on court business. Table 10 and graph 3 depict changes in the mix of cases brought to courts. The great preponderance of cases that the courts have handled throughout this century are family/domestic relations, commercial, and increasingly tort cases. During the first three windows family and commercial cases accounted for at least 91 percent of the civil caseload. In 1948-49 their combined percentage declined to just under 87 percent. The decline continued over the next decade. The last window showed a very slight increase. The commercial cases are responsible for the decline, while the domestic cases actually increased during this period.

Family cases which mainly involve divorces rose from 20.7 percent of the total caseload in 1903-04 to 43.4 percent in 1918-19. The Depression era saw divorce filings decline. The upward spiral which continued after the Depression was reflected in the 1948-49 window. Family-related cases during the last three periods constitute a relatively stable percentage ranging between 40 and 47 percent.

The number of divorces per 1,000 adult population, however, increased in the last window to 25.6 compared with roughly 17.0 during the preceding two decades and a 1903-04 low of 7.6 (See Table 11 and graph 4). No-fault divorce laws which were enacted in each of the states just prior to the last window may have indirectly enhanced divorce filings. Those who did not seek divorce because of the real or perceived legal complexities and cost associated with initiating such proceedings may be encouraged by the simplified procedures of no-fault divorce laws. The credibility of this explanation cannot be adequately determined by this study.

Individual counties generally conform to the overall trend in divorce filings (See Tables 12a, b, c, d and e). Montgomery County exhibits a consistently lower rate of divorce filings (See Table 12d). In 1976-77, the rate of divorces per 1,000 adult population was 12.8, or just under one-half the overall rate. Maryland's conservative no-fault divorce statute requiring a one-year voluntary separation (or 3 years if it involved a unilateral decision) may explain the lower rate were it not for considerable evidence to the contrary. Ohio has a very similar law yet its rate of divorce is comparable to that of other states which have more liberal laws. Montgomery County also has the lowest volume of divorce actions. Montgomery can be distinguished as the most densely populated with the highest average income of the five counties. These features, however, are not typically associated with low divorce rates. Montgomery County's low rate of divorce may be explained by its peculiar geographic location. Bordering on Washington, D.C., it may have a high resident turnover rate. An unstable environment may lead to divorce but a highly transient

one may provide opportunities to bring divorce actions elsewhere. Government employees affiliated with a particular administration or aides to elected officials may reside in Montgomery County but only for a definite period of time. The access to other jurisdictions that Montgomery County residents possess may also have an influence on the divorce rate.

Commercial cases have declined since their peak of 69.4 percent in 1903-04 to 31.3 percent in the last window. The trend was disrupted during the Depression era when commercial cases rose to 60.4 percent of the civil caseload (See Table 10). Debt collection cases contributed to this surge. Commercial cases include a hodge-podge of security interest, debt collection, contract, and corporate or business association actions. All of these categories showed a decrease, although not necessarily uniform, during this century. The rate of contract law cases filed per 1,000 population, for example, has not altered much since the turn of the century (10.0 in 1903-04 and 11.5 in 1976-1977) (See Table 11). The same can be said of debt-collection on note cases. Secured debt cases with the exception of the Depression, and business association actions have both declined since the turn of the century. Cases involving business transactions and corporation functions have decreased in absolute terms as well as relative to other commercial cases. These figures may indicate a movement by businesses to seek alternative forums for dispute resolution. The low rate of commercial cases in King County has remained stable, accounting for the overall trend. Ingham and Ross Counties, on the other hand, experienced lower than the overall volume and rate per 1,000 adult population of commercial cases. Ross is a rural county, which may explain the

low rate of commercial cases. Why are differences in commercial case filings apparent between such similarly situated counties as Ingham and Leon? In the last window, Ingham County's jurisdictional minimum amount requirement was established at \$10,000. In Leon County the requirement was set at only \$2,500. Many cases that in the past would have been litigated in the trial court of general jurisdiction in Ingham County are excluded on the basis of failing to meet the minimum amount. Commercial cases which typically involve money damages are very susceptible to changes in the jurisdictional minimum amount requirement or in concurrent jurisdiction. Many cases that are not eligible for this court may have been taken to a lower court or an alternative dispute resolution mechanism. Perhaps arbitration hearings (or a myriad of other than court processes) were made available in Ingham County. Such inquiry goes beyond the realm of this study.

The increase in tort cases, while not uniform, was extremely gradual in the first three decades, rose substantially in 1948-49, reached its peak in the 1960's, and declined slightly in the last window. Automobile tort cases constitute approximately two-thirds of the total tort caseload. The pattern of tort cases, at least since the post-Depression period, reflects changes in automobile case filings. Automobile tort cases steadily increased until 1963-64 and then plunged by almost one-half in the last window (from 13.7 percent of the total civil caseload to 7.4 percent). This may be attributed to the enactment of no-fault automobile insurance laws. Non-automobile tort cases, on the other hand, increased considerably during the same period.

Three of the five states in the study have passed no-fault auto insurance legislation. It is useful to compare automobile tort case filings in the three states that have no-fault laws and the two states that do not. Michigan has enacted legislation that most closely approaches a strong no-fault law. The difference in automobile case filings before and after the institution of the no-fault auto insurance laws is staggering. Michigan, it appears, was prompted to institute the no-fault insurance law after an incredibly large increase in these cases. Automobile tort cases in Florida, which has a somewhat less encompassing law, followed a similar pattern. After a protracted increase in the volume of automobile tort cases, a no-fault insurance law was passed in Florida. Not surprisingly, a noteworthy reduction in such cases occurred in the last window. Of the three states with no-fault insurance laws, only Maryland exhibits opposite tendencies. The climb in automobile tort cases was gradual and uninterrupted, even following the passage of the no-fault insurance law. Least broad of the no-fault statutes, there was no real inducement not to litigate under the Maryland system; the no-fault law had virtually no effect on the filing of automobile tort cases.

In King County, Washington, which has not enacted no-fault automobile insurance legislation, a steady increase of automobile tort case filing shows a decline in the last window. No immediate explanation can be posited. Almost no automobile tort cases were found on Ross County's civil docket or in case files. The curious absence of automobile tort cases is probably more indicative of inadequately kept records than driving habits of Ohio residents.

Government cases in which either a government agency or an official is a plaintiff or defendant accounted for two to five percent of the overall caseload during the studied period. An exception was Leon County, Florida, in 1933-34. Government cases made up one-third of the total civil caseload. Two major government actions can explain the sudden increase in cases involving the government. The state sued bankrupt Florida counties that refused to redeem their outstanding bonds held by the state. The state also brought suit against bankrupt insurance companies. Any party with an interest in the action was allowed to join in after the original filing. (These cases also affect the number of litigants involved in a suit because large numbers joined in the actions.) The rate of government cases per 1,000 population has increased for most counties. Growth in administrative and statutory law and generally the expansion of government in society (i.e., unemployment benefits, social security, and other welfare policies) is accordingly reflected in the courts. Prior to World War II, government activity was far less inclusive.

Changes in the composition of the state trial courts' caseload need not reflect actual changes in state courts' functions. The decline in the percentage of property and commercial cases brought to state trial courts, for example, does not mean that the percentage of property or commercial disputes in society at large are not increasing or that in absolute terms, there is no growth in the number of these cases. ^{17/} According to this study, the number of commercial and property cases that the courts process have, in fact, increased

although these cases now constitute a smaller portion of the total caseload.

Clearly, the increase in divorce cases account for much of the rise in case filings. If divorce cases are excluded from calculations of cases per 1,000 adult population, the rise in cases n does not in fact exceed the growth in population. However, if not only divorce actions that are likely to be uncontested, but debt collection cases that often result in default judgments are eliminated from the case filings, the trend in cases filed per 1,000 adult population shows a substantial increase. (See Graph 1b).

In King, Montgomery, and Ross Counties, the increase in case filings is mainly attributable to the rise in divorce actions. Total cases exclusive of divorces per 1,000 adult population in Ingham and Leon Counties, however, rose substantially. (See Graph 2b). Filings of cases other than divorces and simple debt collections increased by at least twofold in Ingham, Leon, and Montgomery Counties, while in King County, despite an increase in the volume of cases, the figures for cases filed per 1,000 adult population remained fairly constant. In Ross County, there was virtually no change in either the volume of other than divorce and debt collection actions filed or per 1,000 adult population. (See Graph 2c and Tables 9a and 9b).

These findings suggest that the rise in cases that are viewed as more likely to be contested (i.e. property, contract, corporate, and government cases) supercede the growth in population. It is also noteworthy that many but not all divorces and debt collection cases are uncontested. Therefore, the rise in case filings is not simply an artifact of an increase in the types of cases that do not contain a real dispute. On the other hand, many of the tort, real property, and contract cases involve routine matters that do not

require an adjudicated resolution. The only reasonable conclusion that can be drawn from these observations is that the rate of case filings however calculated is a poor substitute for the litigation rate.

TRENDS IN THE KINDS OF PARTIES WHO USE THE COURTS

Another aspect of the change in the work of court is the kind of parties who utilize the courts. The question of who and who does not litigate has several components. First, have there been changes in the number of parties involved in lawsuits? In other words, are single party litigants or multi-party litigants involved in lawsuits? Second, have changes occurred in the types of litigants, that is, individuals, corporations, and government who appear as plaintiffs or defendants? Finally, has the extent to which litigants are represented by counsel changed in this century?

Data obtained by Friedman and Percival show that the types of litigating parties have changed very little in the second part of this century from earlier decades.^{18/} Lawsuits involving two corporations, for instance, are as rare in more recent years as they were in the last century.

This study provides additional empirical evidence to this area of inquiry. The ratio of lawsuits involving one party on each side and suits involving multiple parties on one or both sides has changed drastically from the turn of the century to the present (See Table 14). In 1903-04, the proportion of single-party contests (49% of all cases) to multi-party contests (51%) was almost even. By the last window, 1976-77, single-party contests constituted almost two-thirds of all the cases. The increase in single-party suits, however, has not been smooth. The Depression years show the same ratio of litigant contests as the first window. The largest proportion of all multi-party contests and particularly during these years

involved a single plaintiff opposed to several defendants. The growth in tort and domestic relations cases likely to comprise suits between single parties, and a simultaneous decline in commercial cases, may explain the increase in single-party litigation.

Each state deviates somewhat from this general pattern. King and Montgomery Counties experienced a lower proportion of single-party cases than the other counties (See Table 15 for data on King, Montgomery, and Ross Counties). Coincidentally, these two counties have had the smallest percentage of domestic relations cases. In addition, King and Montgomery Counties are situated at the urban end of the urban/rural dimension. Given their demographic features and mix of cases, it is not surprising that King and Montgomery Counties are most likely to have multi-party litigation. Florida during the Depression years represents a unique case. Multiple plaintiffs opposed to multiple defendants rose to over 22 percent primarily because Florida during this period allowed parties to join in an action when the government sued a bankrupt insurance company. In these cases, multiple parties including companies, government agencies, and individuals joined in the suit after the original action was filed. In Leon County during the last two windows the litigant contests have come to resemble those of King and Montgomery Counties.

The mix of cases not only affected the number but kinds of parties most often involved in litigation. Culler from numerous studies, Hurst made several observations about the types of parties involved in litigation in the nineteenth and early part of the twentieth century.^{19/} He reports that individual litigants were most likely to appear as defendants, with the only exceptions being family and tort cases; surprisingly, the same is said to hold true

in small claims actions. Lawsuits between businesses were demonstrably infrequent.^{20/} Businesses appeared most frequently as plaintiffs in commercial cases to collect debts or as defendants in tort actions.

This study's findings with regard to the type of litigant who uses the courts agree with and support other research efforts. Individual versus individual suits have been the most prevalent throughout the studied period (See Table 16). These cases have increased almost imperceptibly from 56.9 percent in 1903-04 to 58.0 percent in 1976-77. Table 16 also shows that after individual versus individual cases, the most common suits are those between individuals and businesses. The percentage of suits with individual plaintiffs opposed to companies or businesses (11.4 percent in 1976-77) and business plaintiffs pitted against individual defendants (9.9 percent) is very similar. While there has been a gradual decline in individual-versus-business cases, the trend for business-versus-individual suits has oscillated during this century, reaching its peak during the Depression years (19.8%). In the first half of the century, individual-versus business suits were more frequent than in more recent decades. There has been a fairly low incidence of suits involving the government throughout the period studied.

With certain variations, the five state trial courts showed similar trends in litigation contests (See Tables 17a, b and c). King and Ross Counties, representing the demographic extremes will illustrate this point. First, the consistently most pervasive litigation contest in both counties involved two individuals. On the average, in Ross County this category constituted 80 percent of all the cases, while they comprised 60 percent in King County. Although the percentage of individual versus individual cases increased in both counties

over the century, the rate of change was different. The increase was only very slight in King County (from 55 to 56 percent between 1903-04 and 1976-77) but substantial in Ross County (from 72 to 85 percent). Suits between individuals were at their nadir in 1933 and reached their zenith in 1948. During the depression years the percentage of suits involving corporations opposed to individuals was at its highest in both counties. An expansion in debt collection cases and foreclosures at this time was most likely responsible for the sudden increase in business-initiated suits against individuals. Not suprisingly, urban King County experienced overall a somewhat greater proportion of these cases (12.7%) and suits between businesses (8.5%) than rural Ross county (6.9% and 2.8%, respectively).

Has the extent to which litigants are represented by attorneys changed over the past 80 years? Hurst described the effect of attorney representation as beneficial to individuals whose opponents were not represented. Attorney representation of either litigant, however, did not seem to matter if one of the parties had prior experience in the small claims court.^{21/} This study did not collect information on litigants' prior court experience. It can, nonetheless, provide data on the incidence of litigant representation. Plaintiffs are only represented in about one-half of the cases (Table 18). During the past 80 years, cases in which only the defendant is represented are rare. In roughly 40 percent of the cases, both litigants have been represented. In three of the five counties (Montgomery, Ingham and Leon), notwithstanding fluctuations, the percentage of both litigants being represented increased over the 80 years (See Table 19). The opposite occurred in the most rural and urban counties, respectively. The

percentage of cases in which only plaintiffs were represented rose in King and Ross Counties. The increase was miniscule in King County (.7 percent). In Ross County, however, by 1976-77 there were 20 percent more cases in which only plaintiffs were represented than in 1903-04.

The drastic changes in Ross County's caseload may account for the discrepancy between the nature of litigant representation in the first and last windows. At the turn of the century, Ross County had a fairly well-mixed caseload. Domestic relations cases constituted one-third of the caseload, commercial cases another one-third, real property roughly one-fifth and government cases just short of one-tenth. In the last window, domestic relations cases had come to occupy three-quarters of the caseload. These cases, in many instances, involve single-party actions such as adoptions, divorce under no-fault divorce statutes, rights of guardians and administrators. Only plaintiffs would have legal counsel in these sorts of cases. Domestic relations cases are also often uncontested and require only administrative action. This would also explain the absence of representation of two parties. How legal representation and the number and type of litigants are related to case disposition or outcome will be discussed in the next section.

TREND IN THE DISPOSITION OF CASES

Friedman and Percival attempted to trace the way in which courts disposed of a changing caseload, while the primary focus of the Hurst paper is the public policy implications of the functions of courts. In this regard, information to supplement the available but limited data on the nature of court operations is desirable.

Hurst asks what courts contribute to the settlement of disputes and the handling of relations. Indicative of judicial involvement in the area of dispute resolution are cases between contesting parties which the court must decide on a disputed question of law or fact. The growth or decline of such contested cases reflects the degree or nature of court involvement in resolving disputes.

The disposition of cases and the procedural steps leading to that outcome can be used to measure the role of courts in processing cases. Indications of a judge's active involvement in resolving disputes (i.e., adversary contests) are suggested by differences observed in the percentage of cases filed that go to trial, settle out of court, or terminate in an uncontested judgment. A high percentage of plaintiff victories is also thought to imply that the cases are routine and do not require active participation of the court in dispute resolution.

Friedman and Percival found that there has been "a marked decline in the number of instances in which the court resolved true differences of fact or law between contesting parties, and a marked rise in the number of instances where the court had no disputed question of law or fact to decide, but only processed or approved outcomes to which the parties had been able to agree or which they consented to accept."^{22/}

The proportion of uncontested judgments in Friedman and Percival's urban California county increased from 47.5 percent in 1890 to 71.9 percent in 1970.^{23/} In the rural county, uncontested judgments in relation to all judgments rose from 65 percent in 1890 to 86.7 percent in 1970. A very different trend emerged

in this study. A decline in the proportion of uncontested judgments across the five counties was observed. At the turn of the century uncontested judgments comprised 65.6 percent of all judgments, but by 1976-77, that proportion fell to 59.4 percent. Uncontested judgments, it should be remembered, still comprise the majority of courts' work.

The overall finding was repeated in the Washington urban county. (See Graph 5 and Table 20.) The proportion of uncontested judgments over the past 80 years declined there by seven percent. There are other noteworthy similarities between the urban county and the general pattern for the combined counties. For instance, the proportion of uncontested judgments peaked during the Depression and has steadily decreased. A sudden increase in foreclosures and other debt collection cases probably account for the Depression years' pinnacle in uncontested judgments.

The Ohio rural County, however, resembled more closely the two California courts than the Washington urban court. Of the five counties in this study, Ross County, Ohio and Ingham County, Michigan, show similar trends in case disposition. Opposite trends are found in the counties in Florida, Maryland and Washington.

Contested judgments as a percentage of all dispositions have with two exceptions fluctuated by around ten percent during the past 80 years. In Leon County the proportion of contested judgments rose by 22.5 percent while in Ross County there was an almost 30 percent (29.3%) decline. Although there are no readily available records of the number of attorneys who practiced in Leon County before the most recent counts, it is not unreasonable to speculate that a growing population, particularly in a State Capital attracts

a large volume of attorneys. The presence of many attorneys per capita may spur case filings and litigation. Ross County has always had a higher percentage of contested judgments than the other studied counties. In earlier years disputants may have pursued matters in court because that was the traditional forum and it was also fairly accessible. The courts have become, even in rural communities, less appealing as court delays and costs associated with litigation rise. In the last window the ratio of contested and uncontested judgments is very similar for most of the counties. As a proportion of all judgments (and percentage of all disposed cases) contested judgments have dropped in Ross and Ingham Counties and increased in the counties in Washington, Maryland and Florida. Although representing only about one-fifth of disposed cases, contested judgments constitute a little less than one half of all the judgments in Montgomery County, Maryland, in the last window. The two demographically extreme counties, King and Ross, apparently have in the last window similar percentages of contested judgments. In King County, this is indicative of an increase, but in Ross County, the finding reflects a decline in contested judgments.

Friedman and Percival contended that their findings evidenced a shift toward administration and away from dispute settlement in the work of the courts.^{24/} Only two out of five counties in this study conformed with the pattern set by the two California courts. Therefore, alternative explanations or refinement of those presented by Friedman and Percival should be sought.

A more precise measure of incidence of litigation than proportion of contested judgments is the number of contested cases per 1,000

adult population. (Graph 5a) Using Lempert's adult population figures for San Benito and Alameda Counties, the litigation rate based on the number of contested cases per 1,000 adult population was calculated. An almost identical trend arose for the litigation rate of both counties. After a steady rate of litigation for the first two decades there was an increase in 1930, followed by a decline in the last two periods.^{25/}

In the five counties studied the number of contested cases per 1,000 population has increased (Graph 5b). The litigation rate thus defined reached its peak in the last window in four of the five counties including King, Leon and Montgomery, and Ross. According to Table 20c looking at the counties combined, the litigation rate has almost doubled during the past 80 years. Interestingly, Ross County, Ohio is with the exception of the last period, very similar to the rural, California county of San Benito. In both counties, the litigation rate climbed until the 1930's then slowly subsided below the turn of the century figure. The litigation rate in Ross County, however, showed a substantial rise in the mid 1970's. It is difficult to explain the differences in the litigation rates found in the two studies.

Explanations for the growth and decline in contested and uncontested judgments can be categorized into three broadly defined groups. First, litigant characteristics may account for the changes in the nature of case disposition. Corporate or multiparty litigants may be more inclined to pursue matters further into the litigation process than individuals or single parties. Changes in the appropriate direction in the types of litigants and litigant

contests during the 80-year span would support this explanation. Alternatively, litigants may be more aware and determined to exercise their legal rights and to do battle in the courthouse. Changes in case disposition may, on the other hand, reflect changes in the types of cases that are brought to the courts. Debt collection cases and divorce cases are more susceptible to routine handling than liability, tort or property cases. Finally, cases may be differently screened before litigation is pursued. Litigant representation may influence the types of cases that are filed and processed. Litigants acting on their own may perhaps be more likely to file suit but less willing to pursue it through the system than an attorney representing the client's interest. The unrepresented litigant, on the other hand, may be motivated to behave in exactly the opposite fashion. These are empirical questions.

Percent of Cases Brought to Trial

The California courts study revealed that the percentage of cases that reach trial has decreased considerably over the years. One of every three cases filed reached trial in the urban county in 1890; in 1970, less than one in six was brought to trial.^{26/} The figure declined in the rural county from one in four in 1890 to one in nine in 1970.

These findings were replicated in some instances in this study. Table 21 and Graph 6 illustrate that the percentage of cases filed that reach trial for all counties has remained substantially stable throughout the 80-year span. The trial figures of three of the counties, Montgomery, Ingham, and Ross, follow the pattern established

by the California courts (See Graph 7). A reverse trend was noted in Leon County, Florida. By the 1960's, the percentage of cases filed that reached trial (32.3%) was two and one half times that in 1903-04 (13.0%). During the next decade, fewer than one out of every five cases filed reached trial; this figure represents only a 5 percent crease since the turn of the century. King County also showed a slight increase in the percentage of cases filed that reached trial. The increase, however, is only evident in the last window; throughout the 80 years no remarkable changes are evident. An increase in the percentage of divorce trials from 23.3 percent in 1903-04 to 36.2 percent in 1976-77 most probably accounts for the growth in trials experienced in Washington.

In the case of Leon County, Florida, with the exception of real property cases, in all other categories of cases the percentage that reach trial have increased. Almost one-third of all family cases that were filed in the last window reached the trial level (32.3%). The figures were even more staggering in the decade of the 1940's (50.3%) and 1960's (47.8%). The decline in the percentage of trials between 1963-64 and 1976-77 can be attributed to the enactment of no-fault divorce legislation.

The Ohio rural County supports the findings of the two California courts. In 1903-04, one out of every four cases (25.4%) filed reached trial, while in 1976-77, one of every nine cases (11.3%) reached trial. Divorce trials in Ohio plummeted from 60.8 percent in 1903-04 to only 12.3 percent in 1976-77.

Aside from the percentage of cases filed that reach trial, another indicator of changes in the dispute resolution function of

the courts is the trial rate or the number of trials per 1,000 adult population. In Alameda and San Benito the adult population grew by over 1000 and 200 percent, respectively. The number of trials, on the other hand, increased by merely 10 percent in Alameda County and actually declined by 20 percent in San Benito County. The highest number of trials in both counties were held in 1930.^{27/} The trial rate in Alameda County went from 3.9 trials per 1,000 adult population in 1890 to 2.4 in 1970. A similar decline in the trial rate is evident for San Benito County (2.9 trials per 1,000 adult population in 1890 compared with .8 in 1970).^{28/}

For all counties combined the 1087 percent increase between the turn of the century and 1976-77 in the number of trials exceeded the 580 percent growth in population. The trial rate in 1976-77 was in all cases but Montgomery County higher than 1903-04. For Ingham and King Counties the trial rate was the highest in the last window. King County had the next most urban county, Montgomery displayed the lowest number of trials per 1,000 adult population in 1976-77 and most closely resembled the rural Ross County, Ohio. (See Table 21a and Graphs 6a and 7b.)

This study goes beyond previous studies by examining the relationships between case disposition generally and plaintiff victories in particular, and such factors as type of case, type of litigant and type of litigant contest. By closely analyzing for example, the conditions in which plaintiff victories occur most commonly, areas in which judicial involvement has become routine can be more sharply recognized.

Proportion of Plaintiff Victories

Friedman and Percival proposed that the proportion of plaintiff victories is indicative of the extent to which judicial involvement in case handling has become routine. Plaintiffs as initiators of legal actions are expected to win in a preponderance of cases. In 1970, Friedman and Percival found that plaintiffs won 96 percent of the cases in Alameda and 97 percent in San Benito counties.^{29/} It is questionable whether a proportion of plaintiff victories that exceeds 90 to 95 percent can reasonably ensue from cases involving a real dispute.

Friedman and Percival found that the percentage of plaintiff victories ranged between 77 and 96-97 percent. The fewest plaintiff victories occurred in Alameda in 1930 and in San Benito in 1910. The last window, 1970, had the highest percentage of plaintiff victories in both counties. This study's findings are very similar. Except for Leon County, Florida, there were more plaintiff victories evident in the last window than at the turn of the century (See Table 22). No trend in the proportion of plaintiff victories is, however, apparent.

Besides plaintiff victories, voluntary dismissals by plaintiffs are also indicative of the extent of contention of cases. Between 1903-04 and 1963-64, the percentage of voluntary dismissals by plaintiffs has risen in varying degrees in four out of the five counties. Leon County, Florida, witnessed a decline in the percentage of voluntary dismissals during the same period. The trend was reversed completely during the last window. The sharp turnabout in the percentage of voluntary dismissals is closely associated

with the proportion of contested judgments. Increases in the proportion of contested judgments between the fifth (1963-64) and sixth (1976-77) windows coincided with the decline in the percentage of voluntary dismissals. Only Florida experienced a decrease in the proportion of contested judgments and a concomitant rise in the percentage of voluntary dismissals. There does not appear to be a systematic relationship, however, between the percentage of trials and the proportion of voluntary dismissals.

Voluntary dismissals by the plaintiff account for almost twenty-five percent (Ingham County, Michigan) to nearly forty percent (Leon County, Florida; Montgomery County, Maryland; and Ross County, Ohio) of all dispositions in 1976-77 (See Table 23). These figures were even larger in the preceding decade. The discrepancy between the nature of case disposition during the 1960's and 1970's may be better explained by the behavior of litigants rather than the judicial process.

First, in the early 1970's, no-fault divorce legislation was enacted in each of the five states and no-fault auto insurance in three of the five states. Moreover, alternative dispute resolution mechanisms were beginning to sprout, thus providing potential litigants with a choice of forums. Disputants of the 1970's who were faced with more choices than their predecessors may be more prompted to bring suit if there was an intention to pursue the case to completion. A decline in the proportion of voluntary dismissals may reflect a higher degree of routinization or, on the other hand, a greater judicial involvement in dispute resolution. Cases that only require the stamp of court approval, such as uncontested

divorces, are unlikely to be dismissed by the plaintiff. Likewise, cases in which a real dispute exists are apt to progress through the system beyond the point of unilateral action but not necessarily encompassing an actual trial.

Filing suit has been commonly used as a weapon to induce settlement. If there are less formal but nonetheless effective ways of achieving a mutually agreeable resolution of a dispute, then perhaps fewer potential litigants would be motivated to file suit only to voluntarily dismiss the case at a later point. As courts give up their exclusive exercise of the dispute resolution function, screening of cases is less likely to occur at the court level. Unlike Friedman and Percival, we are unwilling to attribute the increase in plaintiff victories and decline in the past decade of voluntary dismissals to a decrease in the dispute settlement function of the courts. In fact, we found that contested judgments have risen in the last window. Although it appears that courts are progressively handling more routine matters, there is no clear evidence that this has resulted in a diminution of their dispute settlement function.

Plaintiff victories have until now referred to that proportion of judgments in which the plaintiffs have won. A court action or judgment determined the winner of a case. Voluntary dismissals were excluded from this definition because who fared better in the settlement was unknown. Transferred cases and those in which the disposition was unavailable were likewise not components of the denominator or basis from which the proportion of plaintiff victories were calculated. To examine the relationship between plaintiff victories and other case-related factors, an

alternative measure of the former was used. Rather than total judgments, all dispositions constituted the base from which the percentage of plaintiff victories was taken. Patterns that may develop in the percentage of plaintiff victories thus defined must be cautiously assessed. The presence or inclusion of voluntary dismissals by plaintiffs, for example, in the proportion measure of plaintiff victories might mask a strong relationship between plaintiff victories and other factors.

An increase in the percentage of plaintiff victories in domestic relations cases has been noted for the combined five counties (see Graph 8 and Table 24). The figure rose from 81.6 percent in 1903-04 to 86 percent in 1976-77. Ninety-seven percent of the domestic relations cases were divorce actions. The percent of all divorce cases in which the plaintiff won increased from 81.9 percent at the turn of the century to 88.5 percent in the last window.

In commercial cases, it appears that plaintiff victories have only slightly risen from a low of 46.4 percent in 1903-04 to 55 percent in 1976-77. The percentage of plaintiff victories in secured debt and contract and debt cases increased during the 80 years, but in debt collection on notes and business association cases, the percentage declined. The seemingly unusual low percentage of plaintiff victories in these and other case type categories is directly related to how the measure is derived. If only judgments formed the basis for calculating the percentage of plaintiff victories, the actual figure would be much higher although the trend is expected to remain stable.

Looking specifically at the urban Washington court and the

rural Ohio court, the same pattern is evident. In King County, for instance, the percentage of plaintiff victories in family cases increased from 84.9 in 1903-04 to 91.1 percent in 1976-77. Although the level of plaintiff victories in family cases in Ross County was lower than in King County, the increase during the 80-year span was greater (55.2% in 1903-04 and 63.8% in 1976-77 with a difference of 8.6%, compared to 6.2% for King county). The percentage of plaintiff victories in divorce cases was fairly stable in Ross County and does not contribute to the overall increase in family cases. That was not the situation in King County.

It should be noted, however, that during the 1940's and 1960's, the percentage of plaintiff victories was considerably lower than for the last window and somewhat less so for the first window in all counties combined, as well as in King and Ross counties. A growth in the divorce rate with no comparable changes in divorce laws may account for these figures. Before no-fault divorce laws were enacted, those seeking divorce were forced to sue on a variety of grounds that were some sometimes conjured up for purposes of litigation. Since the passage of no-fault divorce legislation, contested divorce actions are less likely to arise. In Leon County, Florida, the percentage of plaintiff victories in family cases was at its lowest during the Depression years. The figure recovered somewhat during the later periods but declined surprisingly after a no-fault divorce law was instituted. Given its liberal no-fault divorce law, other factors must explain this phenomenon in Leon County. With relatively few exceptions, the overall trend of the percentage of plaintiff victories for most counties and catego-

ries of cases has been ascending.

How have individuals fared against corporations and vice versa in litigation? The percentage of plaintiff victories in suits between individuals only has increased from 63.7 percent in 1903-04 to 75.0 percent in 1976-77 (see Graph 9 and Table 25). The progressive increase in the percentage of plaintiff victories was halted and temporarily reversed during 1948-49 and 1963-64 for all counties combined and for four out of the five counties, with Leon County again the exception. It showed a different pattern: in 1963-64, the percentage of plaintiff victories was higher than in the succeeding decade.

Individual plaintiffs opposed to businesses (defined as partnerships and corporations) have led a topsy-turvy existence. The percentage of plaintiff victories was 27.1 percent at the turn of the century; it increased to 48.1 percent in 1918-19, dropped again to 41.3 percent during the depression, only to rise again in 1948-49 to 57.9 percent. A decade later it fell to 44.9 percent and fell a further twenty percent in the last window. The highly irregular pattern was repeated across all the counties but with different starting and finishing points. The difference in the percentage of plaintiff victories in individual versus business suits between the first and last windows in Ingham and King Counties was minimal (2.5% and 0.6%, respectively). In Montgomery County, the percentage of plaintiff victories reached its peak during the depression years and thereafter plunged to a low of 7.4 percent in 1976-77. Leon and Ross Counties, to the contrary, experienced an overall increase in the percentage of plaintiff victories. At the turn of the century in Leon County, individual plaintiffs won in one out of nine

cases (11.1%) and in one out of five cases in 1976-77. In Ross County, the individual plaintiff bettered his position from a one-in-three chance of winning to two in five in 1976-77.

When the situation was reversed, the corporate plaintiff victories over individual defendants rose from 33.8 percent in 1903-04 to 66.2 percent in 1976-77. This general pattern was manifested in most of the state trial courts. In the most urban court, situated in King County, corporate plaintiffs were progressively more successful. The percentage of plaintiff victories increased from 28.5 percent in the first window to 70.8 percent in the last window. At the other extreme, in rural Ross County, an increase in the percentage of corporate plaintiff victories was also evident. The peak of corporate victories was reached earlier than in King County (73.7% in 1948-49), and then declined to 47.2 percent in 1976-77, still above the turn-of-the-century figure. The percentage of corporate plaintiff victories fluctuated in Ingham and Leon Counties but there was little difference in the figures between the first and last windows (55.0% and 35.3% in 1903-04 and 59.3% in 1976-77 in Ingham and Leon Counties, respectively). The pattern for Ross County mirrored the latter but there was a better than 10 percent increase in corporate plaintiff victories from 1903-04 (36.7%) to 1976-77 (47.2%).

That businesses are improving their lot vis-a-vis individuals and particularly in an urban county, should come as no surprise. Corporate plaintiffs typically have more legal and other resources to pursue legal actions than individuals. Businesses may bring suits only if they perceive their chances of winning to be good.

Why Montgomery County experienced a different trend may be explained by its unique location. Bordering on Washington, D.C., individuals as well as businesses in Montgomery County may have greater access to legal services. Individual defendants may be more likely to resort to legal assistance to fight the suit than their counterparts in other less endowed counties. Interestingly, in the last window, in only 36.8 percent cases were both litigants represented in King County (the demographically most closely related) compared to 53.2 percent in Montgomery County (the figures for the other counties are: 44.4% Leon; 45.6% Ingham; and, 33.6% Ross).

Further, the percentage of victories for individual plaintiffs in suits against the government has increased, although not uniformly, throughout the past 80 years (28.4% in 1903-04 to 46.5% in 1976-77). The government as plaintiff opposed to an individual defendant has an increased success rate, from 40.0 percent in the first window to 73.3 percent in the last window. There were too few cases at the individual county level to enable fair comparisons.

Finally, the percentage of plaintiff victories in suits between companies (actually, companies and government) has remained steady; in 1903-04 the percentage of plaintiff victories stood at 47.6 while in 1976-77 the figures was 46.4 percent. The urban county conformed to this pattern very closely, but in rural Ross County, business plaintiffs pitted against other businesses generally fared better in more recent years (28.6% in 1903-04 compared to 45.2% in 1963-64 and 56.3% in 1976-77).

For all counties combined, in most categories of contests, the plaintiffs, and particularly businesses and the government, seem to

be more successful now than before. Again, the increase in plaintiff victories need not only be indicative of greater routinization of the judicial process. Litigants with expanded legal wherewithal may be better utilizing the courts' dispute resolution function. Businesses may be culling out cases in which they are likely to win; expending more effort and resources on these than others that can be better and less extravagantly pursued elsewhere.

The relationship between the percentage of plaintiff victories and the number of litigants involved in an action should also be explored. Multiple-party suits may be used as indicators of case complexity. A high proportion of plaintiff victories in multiple party suits could suggest that the suit presented in the case was not highly contested. This being the case, the courts' involvement was more routine than otherwise could be expected from a case of this genre.

This study shows that the percentage of plaintiff victories in suits between single litigants has increased over the last 80 years from 54.4 percent in 1903-04 to 75.5 percent in 1976-77 (see Graph 10 and Table 26). In multi-party suits, the percentage of plaintiff victories has declined slightly. The decline from 44.6 percent to 41.0 percent can be largely attributed to the cases in which multiple plaintiffs sued several defendants (32.1% in 1903-04 and 29.0% in 1977-77). There was also a minute difference between the percentage of plaintiff victories in cases of a single plaintiff opposed to several defendants at the first and last windows (a difference of 1.5%). The urban-rural distinction makes no difference with

respect to the trend but the level of plaintiff victories in single party cases was higher in King than in Ross County (78.3% in 1976-77 in King compared to 58.9% in Ross County). The proportion of plaintiff victories in multi-party suits was similar in both counties. Plaintiffs did not routinely win in multi-party cases. Multiple plaintiffs opposed to one defendant improved their lot but the percentage of this type of plaintiff victory was nearly the lowest (32.9% in 1976-77). Only in suits involving multiple litigants on both sides was the proportion of plaintiff victories lower (29.0% in 1976-77). It appears that such cases do contain contentious elements that are brought to court for resolution.

Another indicator of the extent of dispute settlement used by Friedman and Percival was the proportion of trials with formal opinions. This study did not attempt to collect comparable information.

Trend in the Time Taken to Process Cases

Friedman and Percival suggest that factors such as costs and delays dissuade litigants from seeking redress or resolution of their grievances or disputes in the courts. Their data show that cases arrived at their final outcome in 1970 after a longer period of time than in 1890 in both counties, and particularly so in the urban county^{30/} Cases that proceed to trial experience the longest delays and even the trials were found to be longer in 1970 than in 1890.^{31/}

In this study neither the trial data nor the duration of the trial were recorded. Measures, however, were made of the average

length of cases; these were then categorized into four groups. The first group consists of cases that were adjudicated after issue was joined. Cases in which an answer was filed but no court decision was made comprise group two. Cases in which the court has ruled but have no responsive pleading filed belong to the third group. Finally, cases for which there were no answers filed and received no court intervention constitute the fourth group. Groups 1 and 2 contain contested cases while groups 3 and 4 are composed of uncontested cases. Examples of the first category of cases include those that were disposed of by trial, summary judgment or judgment on the pleadings. Default, confessed, consent and stipulated judgments and ex parte petition are exemplary of group 3 cases. Groups 2 and 4 include cases that have either been dismissed or settled. In group 2 cases an answer was filed prior to dismissal or settlement, but in group 4, the case was removed shortly after filing.

The average length of certain kinds of cases increased while for other cases the duration between filing and termination was reduced (See Table 27). On the whole, cases that undergo formal adjudication (filing followed by answer, judgment and termination) are longer than cases that do not proceed through the entire panoply of the judicial process. Of twelve case types, only four (divorce, contracts and debts, automobile tort, and real property actions) showed an increase in the average length from filing to disposition between 1903-04 and 1976-77. Divorce cases, for instance, were processed in approximately 2.5 months at the turn of the century. Their duration in the court system increased steadily until 1948-49

rose to more than one and a half times that of the first window. The percentage of real property cases filed has been declining throughout the past 80 years. In absolute numbers, however, real property cases when divorce cases averaged 16.9 months in length. By 1963-64 divorce cases were processed in six months less than in the previous window; in the last window however, the average length rose slightly to just longer than one year (12.5 months).

The average length of contract and debt cases peaked in 1963-64 (15.4 months) and dropped to 10 months in the last window, still 1.5 months longer than at the turn of the century. Auto tort cases were adjudicated within a limited range of time throughout the first 70 years of the century and increased in the last window (14.3 months in 1976-77 compared to 10.7 months in 1963-64 and 8.3 months in 1918-19). The enactment of no-fault laws pertaining to divorce and automobile insurance may explain why the average length of adjudicated cases in these categories in 1976-77 deviated from the declining trend. Cases that ordinarily were adjudicated prior to the passage of no-fault laws may have subsequently dropped out. More complex cases that could not be resolved by employing the no-fault divorce laws remained in the system. By their very nature as complex, the cases took longer to process.

Real property cases took 14.1 months on the average to process at the turn of the century. Since that time and until the last window these cases were disposed of in substantially less time (e.g., 8.4 months in 1963-64). By 1976-77, however, the average processing time remained fairly stable until 1976-77. The number of real property

cases filed in 1948-49 was 16.6 percent greater than in 1933-34. The increase in the number of these cases filed between 1948-49 and 1963-64 was 4.4 percent. In 1976-77 there was a 54.9 percent increase in the number of real property cases filed. This dramatic growth in the volume of such cases may account for the expanded time taken to process real property cases.

The differences in the average length of processing for contested and uncontested cases are immediately evident and expected. With few exceptions, contested cases that proceed through litigation take longer to terminate than the uncontested cases that are disposed of by default, confessed or stipulated judgment.

On the whole, cases that were either dismissed or settled prior to any judicial involvement remained in the active file for a shorter duration than their adjudicated counterparts. Debt collections on note and contract and debt cases in which an answer was filed but no further activity was noted were on the average, considerably longer (since 1948-49) than the adjudicated cases. These exemplify cases in which the threat of litigation is an important factor in bargaining to achieve a mutually satisfying resolution. The negotiating process often becomes protracted, especially so if the disputants remain unwilling to resort to actual litigation. Not surprisingly, cases in which no answer is filed and are settled or dismissed were processed more quickly than any other case type throughout the studied period.

The average processing time for filed cases that received any

sort of judicial intervention has generally been longer than for filed cases experiencing no judicial activity. Moreover, contested cases that typically require greater judicial involvement take, on the average, longer to be disposed of than contested cases. In both circumstances, the average length of processing time has increased for some cases but not for others during the 80-year span. Tort and divorce cases took longer to adjudicate in 1976-77 than in the first few windows. The average length of processing time for commercial cases except contracts and debts, has declined over the years. The processing time for uncontested cases that nevertheless require a judicial decision has been mixed. Family cases, other than divorce and some categories of commercial cases (specifically, debt collection on note and business association cases and auto tort actions), have progressively taken longer to process. The picture for the individual states is mixed. A rural-urban distinction cannot be made and there appears to be no consistent rise in the length of time necessary to process cases.

The most consistent increases in the duration between filing and termination has occurred for cases in which an answer was filed but no judicial determination was made except to note a settlement, dismissal or to close the case. The average life span of these cases was in many instances as long as that for fully adjudicated cases. The court resources become utilized or expended to a greater extent not only for dispute resolution in the strictest sense (i.e., adjudication) but monitoring or at least recording the disposition of cases that eventually settle, withdraw or are removed from the system.

The processing of post-judgment actions is another indicator of judicial involvement. Have the number and percent of cases that require post-judgment actions increased during these past 80 years? The duration of processing post-judgment actions has changed very little between 1903-04 and 1976-77 (See Table 28). In most instances the actions take a fraction of a day to process. Changes have been witnessed in number and percentage of post-judgment actions for most categories of cases during the last 80 years.

No automobile tort cases were filed in 1903-04 and no post-judgment actions were taken in any of the other tort cases. In 1918-19 most of auto and non-auto torts (81.2 and 82.0 percent, respectively) had no post-judgment actions (See Table 29b). During later windows a smaller proportion of both types of tort cases required postjudgment actions. In other words, it was more likely during progressive decades to have post-judgment actions. Almost 28 percent of all non-auto tort cases and one in seven auto tort cases required between five to ten post-judgment actions. An additional 21.3 percent of the auto tort cases had between two to four actions. By 1963-64, only 28.3 percent of the tort cases terminated without the need for a post-judgment action (See Table 29e). A smaller majority than during previous years of non-auto tort cases had no post-judgment actions (56.7% compared with 63.7% in 1948-49 and 72.1% in 1933-34) (See Tables 29c and d, respectively). The trend was dramatically reversed in the last window. An overwhelming percentage of both types of tort cases had no post-judgment actions (89.8% of auto and 86.9% of non-auto tort cases).

One plausible explanation for this trend is that during the

early part of the century, tort law, particularly relating to automobiles, was at its neophyte state and fewer demands, such as ruling on post-judgment motions, petitions, and executions, efforts to collect, were placed on the courts. As the law developed or matured, greater use was made of court machinery to enforce the judgment, make appeals, and request delay for payment. Enactment of no-fault auto insurance laws and legislation pertaining to product liability may have influenced attorneys to seek alternative means of achieving the same ends. Perhaps the cases that would have required extraordinary efforts to collect or delay payment were weeded out before they entered the litigation process.

In the family law area, it has been hypothesized that the court might be overtaxed by disputes ensuing out of intimate relationships. An increase in post-judgment actions is a possible indicator of a concomitant increase in judicial involvement. The volume of one or more post-judgment actions has declined over the years. Specifically, there were 212 divorce cases in 1903-04 that required at least one post-judgment action (See Table 29a). This figure declined to 166 in 1918-19 and five in 1933-34 (See Tables 29b and c). In the next two decades the number of cases in which there were post-judgment actions increased slightly to 14 in 1948-49 and 55 in 1963-63 (See Tables 29d and e). In the last window there were no cases requiring a post-judgment action.

Examination of the percentage of cases that had a post-judgment action presents a different picture. Even though the absolute number of cases that had one or more post-judgment actions was the highest at the turn of the century (212), these constituted only 15.1 percent

of all the divorce cases filed in those years. Twice as many cases had post-judgment actions in 1918-19. Following two decades of decline in the percentage of divorce cases that had at least one post-judgment action (11.2% in 1933-34 and 7.7% in 1948-49), almost half the divorce cases (46.8%) were in this category in 1963-64. The post no-fault divorce law years revealed no post-judgment actions. Apparently, the courts' involvement in post-judgment actions in divorce cases has been reduced.

The situation is somewhat different for family cases not related to divorce. In 1976-77 there were more cases, in absolute terms, that had post-judgment actions than at any other time during the past 80 years (See Table 29f). Furthermore, nearly 50 percent (49.8%) of all the cases had a post-judgment action, but during the second decade of the century very few (8.8%) of the cases had post-judgment actions. During the Depression years, both the volume of family cases (656 compared to 441 in 1918-19) that had post-judgment actions and their proportion of all cases increased (66.2%). The bulk of family-related cases during this period involved such matters as petition for appointment or substitution of trustees, setting aside probate, and adoption. Cases requiring post-judgment actions fell drastically in the next two decades (26 in 1948-49 and 8 in 1963-64). The percentage of all family cases that had post-judgment actions declined accordingly (almost a third of the cases in 1948-49 had at least one post-judgment action and only 3.8% in 1963-64). In the last window, there was a staggering growth in the number of cases that had post-judgment actions (711): these consisted of one half of all the cases filed in those years. Paternity suits,

petitions to remove disability of non-age, and petitions to restore judicial sanity represented the majority of cases brought to court in 1976-77.

Undoubtedly, the kinds of suits in the family law area and their high propensity to have post-judgment actions reflect a change in the caseload and nature of judicial involvement. Whether they represent an undue or inappropriate burden on the courts is not very easily assessed.

Commercial cases have experienced a steady, but far from smooth increase in the number that have post-judgment actions. The percentage of commercial cases that have post-judgment actions has oscillated during the 80-year span. At the turn of the century, approximately 30 percent of the commercial cases had one or more post-judgment acts, compared to 45.4 and 41.2 percent in 1918-19 and 1933-34, respectively. The percentage of such cases was reduced by half in the next window (20.6% in 1948-49) and remained at that level during the next window (21.5% in 1963-64). In 1976-77 only twelve percent of all commercial cases had post-judgment actions. The vast majority of commercial cases in 1976-77 that had post-judgment actions involved businesses and other associations (88% of the 3578 cases). Post-judgment actions during other periods were generally not associated with business-related cases. Rather, in the earliest window roughly fifty percent of the post-judgment actions involved contracts and debts and the remainder were almost evenly divided between debt collection on note and secured debt cases. Between the first and last windows, the great majority of post-judgment actions vacillated between debt-collection on note cases and contracts and debts.

Since the Depression years there has been a notable decline in the percentage of cases that have post-judgment actions despite an increase in the number of such actions. Further, the nature of the cases that require post-judgment action has changed from debt collection to business-related cases. In 1976-77, twenty-five percent of business-related cases were contested. Contested cases involving dissolution of corporations and partnerships, accounting practices, and receiverships are probably as complex, if not more so, as contested debt collection cases. The evidence concerning judicial involvement is ambivalent. On the one hand fewer post-judgment actions are demanded (defined in terms of the percentage of cases that require such judicial action) but on the other, the number of such actions has increased and the nature of the cases are, at least on the surface, not merely routine. Before any conclusions can be drawn, all of the indicators of judicial involvement should be appraised in a comprehensive and integrated fashion.

Summary

This study generated several findings, some of which coincide with previous research efforts; others that present a different picture of the role of courts.

. The five-court study found that there has been an increase in family and tort cases with a concomitant decline in commercial and property cases.

. Suits involving single parties are more prevalent today than 80 years ago and multiparty contests have declined.

. While the percentage of suits between individuals has not changed much, these cases constitute the majority of civil cases

verall (58.0 percent). Suits between companies have continuously been rare.

. Attorneys predominately represent plaintiffs and this has not changed over the last 80 years.

. Uncontested judgments have decreased slightly. The number of contested judgments per 1,000 adult population has climbed substantially over the past 80 years in all five counties.

. Although there is some conflicting evidence about the percentage of cases reaching trial, the number of trials per 1,000 adult population has increased. In the Ohio rural court, the percentage of cases reaching trial has decreased and this finding conforms to the two California courts, while the Washington urban court shows the reverse to be so.

. This study discloses that the percentage of plaintiff victories increased in the area of domestic relations (particularly in divorce cases) but decreased in commercial cases. The percentage of plaintiff victories has increased for individuals opposed to individuals and somewhat less for individuals against corporations and the government, while corporations and the government have fared better against individual defendants. Moreover, the percentage of individual plaintiff victories when opposed to several defendants has declined.

From these findings the following conclusions can be drawn:

(1) Cases which are typically construed as involving economic disputes, such as commercial cases have declined, but the frequency of routine cases, such as divorce actions, has increased.

(2) Multi-party contests which may be indicative of more complex actions have decreased. This may be another indication of the courts' handling fewer complex and more routine cases.

(3) Businesses appear to have found forums more acceptable than the courts in which to resolve their disputes. Actions between non-individuals constitute a small percentage of the cases that appear in court.

(4) The slight decrease in uncontested judgments, however, obfuscates the previously clear depiction of the changing nature of the function of the courts. A large portion of the work of courts involves handling routine cases and those that require no decision on a disputed question of law or fact (in 1976-77, 59.4% of all judgments were uncontested; the highest percentage of uncontested judgments occurred during the Depression years, 72.8%, and at the turn of the century, the figure was 65.5%).

(5) The increase in such indicators of the rate of litigation as the number of contested judgments and trials per 1,000 adult population suggests that the courts are still very much in the business of resolving disputes. Although uncontested judgments comprise a larger proportion of the caseload than contested judgments, the increase in the number and rate of the latter are considerably greater than for the uncontested judgments.

(6) The percentage increase in plaintiff victories also suggests that the adversariness of cases has diminished and likewise, the degree of judicial involvement.

(7) Business and government sectors are experiencing a better record of success as plaintiffs than individuals, particularly when pitted against individual defendants.

(8) The average length of contested cases has increased for divorce, automobile tort, contracts and debts, and real property

cases, but for other commercial cases such as secured debt, debt collection on note and business-related cases it has declined.

The finding for uncontested cases is similarly mixed. In almost all case categories where an answer was filed but no judicial decision was warranted (i.e. cases were either settled or dismissed) the duration between filing and termination increased over the last 80 years. In addition, contested cases on the average remained active (i.e. not removed from the docket or terminated) longer than uncontested cases.

(9) With one notable exception, the percentage of cases that require post-judgment actions has declined during the 80-year span. The decrease has occurred most noticeably between 1963-64 and the last window. The reverse situation holds true for family cases not involving divorce (almost fifty percent of the filed cases had post-judgment actions and most of these dealt with paternity suits and petitions to remove disability of non-age or restore judicial sanity). Again, these findings do not provide conclusive evidence about the changing nature of judicial involvement.

The study has used several measures or indicators of judicial involvement and adversariness of cases. The analysis thus far has scratched the surface and exposed many interesting and often telling findings. It would be worthwhile to and examine some other relationships. For example, how are cases of various types disposed of or decided? Does the type of litigant contest matter in determining case outcome? Does legal representation affect the nature of the disposition of cases. Is that effect, if it is found to

exist, universal or selective? In this section, responses to the above questions will be essayed?

Uncontested cases involving an individual opposed to an individual have declined as a proportion of all judgments. At the turn of the century, 69.1 percent of all judgments were uncontested. This figure reached its peak during the Depression years (76.8%) and subsequently declined in a consistent manner. By the last window less than a majority of judgments (49.1%) were uncontested. Dismissals did not fill the void; rather, the percentage of contested judgments nearly doubled during the 80 years (20.5% in 1903-04 and 38.1% in 1976-77). The incidence of trials also increased for this category of litigant contest.

King County, Washington, and Montgomery County, Maryland, showed a decline in the percentage of uncontested judgments in individual-versus-individual cases (change from 71.0% and 72.2% in 1903-04 to 42.2% and 44.1% in 1976-77, respectively). A reverse trend was evident in rural Ross County, Ohio. King County most resembled the all-counties-combined figures.

The percentage of uncontested judgments for other types of litigant contests increased, particularly those in which a business is a party. Suits between an individual plaintiff and business defendant, for example, that terminated in an uncontested judgment increased from 27.5 to 64.5 percent. In cases of a business plaintiff pitted against an individual, the percentage of uncontested judgments also rose (56.1% in 1903-04 compared with 71.0% in 1976-77). Not surprisingly, the incidence of trials in mixed litigant cases (i.e., corporate and individual parties) has declined. Almost one-quarter (23.5%) of all individual-

-versus business suits filed reached trial in 1903-04. In 1976-77, only 3.5 percent of all such cases filed reached trial. Similarly, the percentage of cases involving a company opposed to an individual that reached trial in 1903-04 was 16.1 compared to 10.3 percent in the last window. Since 1933-34, contests between businesses that reach trial has remained steady. There is only a 1.4 percent difference between company-versus-company cases reaching trial in 1933-34 and 1976-77 (20.8% in the former period and 19.4 in the latter). The percentage of these cases terminating with a contested judgment has likewise pivoted very closely to the one-quarter mark. In all three counties, the proportion of uncontested judgments in cases involving an individual opposed to a business increased substantially. The counties were also indistinguishable with respect to the increase in the percentage of uncontested judgments in cases of business opposed to an individual (Montgomery figures were mixed).

The observed differences among various types of litigant contests are probably due to the nature of the suit in which various types of litigants are involved. All individual suits are predominantly divorce but actions between individuals and businesses are most likely to deal with commercial or tort matters. To test this hypothesis, a breakdown of case types and case dispositions must be generated.

As expected, the percentage of uncontested divorce cases declined, particularly since the Depression years (70.0% of all divorce judgments in 1903-04 were uncontested, compared with 79.1% in 1933-34 and 49.9% in 1976-77). As a group, the percentage of commercial cases that were disposed of by uncontested judgment declined very slightly (67.5% in 1903-04, 68.8% in 1933-34 and

62.1%). Contracts and debts contribute a large proportion (63.5%) of all commercial judgments in the last window and an even greater percentage of uncontested cases (78%). In this category the percentage of uncontested judgments grew substantially from 44.0 percent at the turn of the century to more than three-quarters (76.5%) in the last window. A marked increase in the percentage of uncontested tort judgments is noted. The findings are mixed for real property and government cases. Trial incidence figures conforms with the above findings. For example, in 1976-77 one out of four filed divorce cases reached trial. The probability of reaching trial was substantially lower during the Depression years (one out of approximately 6.7) and only slightly lower than at the turn of the century (one out of 4.1 cases). In 1976-77, there was a higher incidence of commercial cases reaching trial (6.99) compared with 1903-04 (7.75). The opposite was observed with respect to tort cases. Almost one out of every 3 tort cases filed reached trial in 1903-04, but one out of about 19 cases reached trial in 1976-77. Again, the government and real property case figures were ambivalent.

This exercise reveals that commercial cases not only involve disputes between businesses and individuals: many are brought by individuals against individuals. Thus, the overall decline in uncontested commercial cases is consistent with the concurrent decrease in such judgments for individual-versus-individual contests.

Contrary to expectations, individuals and not corporate entities are more likely to pursue matters further into the litigation process in the later time periods. Individuals opposed to individuals constitute the litigant contest with an increasing percentage of con-

tested judgments, incidence of trial and a decline in the proportion of cases that are voluntarily dismissed after filing (37.6% in 1903-04 and 23.5% in 1976-77). The proportion of contested judgments has decreased in instances of individuals opposed to businesses. Remarkably, voluntary dismissals by the plaintiff constitute nearly three-quarters of all filed cases in 1976-77. Contests involving a business plaintiff and an individual defendant, on the other hand, show a decline in voluntary dismissals by plaintiff (47.9% in 1903-04 and 32.6% in 1976-77). In addition, the proportion of such cases that are disposed of by contested judgment has increased (9.3% in 1903-04 and 18.9% in 1976-77). The increase in the percentage of contested judgments is not due, however, to a growth in the incidence of trials but rather, summary judgments.

The disposition trends for suits between businesses resembles that of individual-only actions. To reiterate, the percentage of contested corporate versus corporate cases is increasing as is also the incidence of trials, while the proportion of voluntary dismissals is declining. These findings seem to suggest that the dispute resolution function of the courts has not been curtailed but instead, has been directed toward different types of cases and litigant contests. Individual litigants appear to most utilize the courts. They also tend to tap a great diversity of court functions that range from handling routine matters to fullblown adjudication.

Do the counties differ with respect to the disposition or outcome of a variety of case types? There are too few cases except in the divorce category to be able to generalize from individual counties. The proportion of uncontested judgments in divorce cases for all counties dropped from 70.0 percent in 1903-04 to 48.9 percent in

1976-77. King and Montgomery Counties show the same trend but the trend was sharper for King (38.0% in 1976-77 compared with 71.4% in 1903-04) than for Montgomery County (40.7% in 1976-77 in contrast to 72.2% at the turn of the century). In rural Ross County, there was an opposite trend in the outcome of divorce cases. By 1976-77 a majority of the judgments were uncontested (54.3%), but in 1903-04 only 3.3% of all divorce judgments were uncontested. The figures for Ross County mirror those of the two California counties studied by Friedman and Percival.

The most recent figure for Ross County closely resembles those for earlier windows in King and Montgomery Counties and may indicate a congruence of all three counties. No-fault divorce laws may be screening out cases that ordinarily would proceed through to litigation, leaving only the truly contentious cases to be resolved by adjudication. In rural Ohio, divorces may have been difficult to obtain and therefore litigation was almost always necessary. As the county moved away from its traditional mores and beliefs, perhaps the likelihood of handling such matters as divorce routinely became progressively more attractive. Urban King County and suburban Montgomery County probably underwent a different sort of experience. Divorce may have been historically more acceptable and accordingly, handled routinely. No-fault divorce legislation did not so much encourage litigation (note the decrease in uncontested judgments) as permit a more careful separation of cases that could be handled with only minimal court intervention (recording uncontested judgment) and others that required an adjudicated resolution.

In addition to businesses, multi-party litigation is assumed to indicate greater judicial involvement. Are multi-party contests

more or less likely to be disposed of by trial than single-party actions? The percentage of uncontested judgments has decreased for single-party suits and increased for all three categories of multi-party actions (i.e. single plaintiff opposed to several defendants, several plaintiffs against a single defendant, and multiple parties on both sides of the dispute). For all categories of multi-party suits, the percentage of voluntary dismissals by plaintiffs have increased. Voluntary dismissals in contests between several plaintiffs against one defendant and multiple parties on both sides rose to over 60 percent (63.3%) in the last window. Suits involving a single plaintiff opposed to several defendants did not show as great a growth (41.2% in 1903-04 and 47.6% in 1976-77) of voluntary dismissals. A reverse trend in the percentage of dismissals was displayed for single-party suits. In 1903-04 one out of 2.5 filed cases were eventually dismissed by the plaintiff; in 1976-77 that figure rose to one out of every 4.4 cases.

In most of the broad categories of case disposition, multi-party suits can be readily distinguished from single-party actions. The proportion of contested single-party judgments experienced a twofold increase over the past 80 years (17.1% in 1903-04, down from 37.5% in 1976-77). Multi-party suits, on the other hand, to a lesser or greater degree shared a decline in the percentage of contested judgments. Trend figures of the incidence of trials reduce the chasm between single and multi-party contests. Between the first and second windows there was a universal growth in the incidence of trials followed, with one exception, by a decline during the Depression years. The percentage of cases involving multiple parties on both sides and reaching trial attained its peak in

1933-34. At the other extreme, the percentage of single party suits reaching trial during the Depression fell to its lowest point. Subsequently, the incidence of trials increased in single-party actions and declined, although not uniformly, in multiple party suits. The changes that occurred in the incidence of trials during the last 80 years have for the most part been negligible. The increase, for example, in the percentage of cases reaching trial amounted to only 5.4 percent in single-party actions (19.0% in 1903-04 and 24.4% in 1976-77).

Using the above evidence, it does not seem that multiple litigants are more inclined to litigate than single parties: in fact, the opposite is the case. This should not be surprising because it has already been determined that certain types of actions are more likely to be contested and pursued to full adjudication. Single-party suits are most likely to involve family matters and some commercial transactions. Both of these types of cases are associated with an increasing proportion of contested judgments.

Another explanation is that multiple-party suits have become so unwieldy that most cases are settled or dropped without proceeding to trial. The increase in voluntary dismissals suggests that many of the filed cases are removed from the courts before any judicial intervention. Filing itself may be used to encourage settlement. Furthermore, the adversarial system which is designed to handle disputes between two opponents may be less conducive to resolving multi-faceted disputes. Cases in which multiple litigants are involved are more likely to encompass multiple issues and positions.

There was a marked difference in the trends of single versus multi-party suits between urban and rural counties. For example, the proportion of uncontested judgments of single party suits decreased in urban King County (38.1% in 1903-04 compared to 33.1% in 1976-77) but showed an increase in rural Ross County (16.5% in the first window and 55.2% in the last window). The findings for Montgomery County, which encompasses the suburbs of Washington, D.C., mirrored those of King County (a decline from 73.2% in 1903-04 to 38.8% in 1976-77). Although the percentage of uncontested judgments of multi-party suits rose in King County, their level was considerably lower than the other two counties. In other words, on the average, one-third of all the multi-party judgments were uncontested in 1976-77 in King County (an increase from one-fourth or less) but lower than three-fourths of all judgments in 1976-77 in Ross and Montgomery Counties.

Litigant representation was also hypothesized to have an affect on case outcome. Throughout the 80-year span without exception, contested judgments constituted the majority of case dispositions in those actions in which both litigants were represented. When only plaintiffs are represented the proportion of contested judgments never exceeded 40 percent. Default cases alone comprised at least one third and in some instances nearly 60 percent of all dispositions. Similar findings were made with respect to the percentage of filed cases reaching trial. The incidence of trials was consistently low for cases in which only the plaintiff was represented (ranging between 4.0% in 1903-04 to 16.7% in 1976-77) and between 20 and 40 percent of cases in which both sides were represented.

Having made note of the levels of uncontested and contested judgments and trial incidence, the trends of each broad disposition category were also examined. Interestingly, the proportion of uncontested judgments decreased in cases in which both litigants are represented (16.6% in 1903-04 and 32.3% in 1976-77) and increased in cases in which only the plaintiff had counsel (89% in 1903-04 and 64.4% in 1976-77). The incidence of trials rose fourfold in only plaintiff-represented cases from 4.0 percent at the turn of the century to 16.7 percent in the last window. In cases in which both litigants had legal representation, an 18.4 percent decline in the percentage of cases reaching trial was experienced.

Apparently, it is becoming more likely for adversaries who are both represented to either settle or resolve disputes without contention. Litigants may be motivated to retain counsel not so much to argue their position as to expedite proceedings, assure the likelihood of enforcement of judgment, and emphasize the seriousness of the matter being handled. Perhaps the courts have become more amenable to the smooth processing of cases, routine and otherwise. Even if this is the case, it should not necessarily be interpreted as a disinclination of courts to resolve disputes. Rather, courts may be in favor of reducing hurdles in the processing of routine matters to enable them time and resources for the task of dispute settlement.

Plaintiffs may be encouraged to pursue matters to litigation if a good chance of victory exists. This attitude may be reflected in the trial figures. In almost all instances, the plaintiff who was the only party to be represented won both bench (the prevalent type of trial) and jury trials. Why this attitude has gradually become more manifest is difficult to answer.

The effect of legal representation on case outcome was identical for King County and all counties combined. In cases of both litigants having legal representation, there has been during the past 80 years an increase in the percentage of voluntary dismissals and uncontested judgments and a decrease in the proportion of contested judgments. The figures for King County show that the percentage of contested judgments has dropped from 86.7 percent in 1903-04 to 74.7 percent in 1976-77. The downward trend notwithstanding, these figures indicate that three-fourths of all the judgments in cases in which both parties have legal counsel are contested. Voluntary dismissals have come to occupy the predominant proportion of all dispositions (53.4% in 1976-77 compared with 35.8% in 1903-04).

Attorneys who are matched against opposing attorneys appear to have greater proclivity to settle or withdraw cases from litigation, or short of that, have become less inclined to demand the full force of adjudication (i.e., contested judgments) as a means of dispute resolution.

In King County for cases in which only plaintiffs are represented, the percentage of voluntary dismissals and uncontested judgments has declined, but the proportion of uncontested judgments has increased considerably. The percentage of uncontested judgments plunged from 94.2 percent in 1903-04 to 56.6 percent in the last window. Only one-third of the judgments are contested.

The figures for Montgomery County, which is demographically most like King County, are very similar in the last window but the path leading up to it is quite different. Although the proportion of uncontested judgments in cases in which both litigants are represented in 1976-77 is 25.9 percent (compared with 25.3% in King County), it

constituted 62.8 percent at the turn of the century (compared with 13.3% in King County). Montgomery County cases in which only plaintiffs were represented the percentage that were disposed of by voluntary dismissal, contested and uncontested judgment were comparable to that in King County. For these cases the direction of the trend was also the same.

Figures for the rural Ohio county differed only slightly in 1976-77. The proportion of contested judgments in cases in which both parties were represented, however, was larger than for the other two counties (81.6%) and represented an increase from 59.7 percent in 1903-04. Uncontested judgments are predominant for cases in which only the plaintiff has legal counsel (72.9%). This figure constitutes a rise from 28.0 percent at the turn of the century.

Each county displayed a unique trend in case dispositions but in the last window, the figures were virtually identical. When both litigants are represented, whether in an urban, suburban, or rural county, about three quarters of all the judgments are contested. Between one-quarter and one-third of all the judgments are contested when only the plaintiff is represented. It is sound to assume that litigants who are prepared to litigate arm themselves with counsel. Defendants who may be unwilling to defend their position and pursue matters to litigation may accordingly decide not to retain counsel. Obviously, plaintiffs who may themselves be represented would not insist on litigation if the matter could be resolved in a different fashion (i.e., dismissal, settlement, or uncontested judgment). In fact, uncontested judgments are the pervasive mode of disposition of cases in which only the plaintiff is represented. Interestingly,

plaintiffs who are represented but oppose an unrepresented opponent are more hesitant to voluntarily dismiss the case (in 1976-77, 20.3% in King, 23.3% in Montgomery and 32.6% in Ross Counties) than plaintiffs in cases in which both parties are represented (in 1976-77 53.4% in King, 54.2% Montgomery, and 49.3% in Ross Counties). In the former situation, plaintiffs may feel they have the upper hand and push to have the case judicially resolved, but in the latter instance, the even-handedness of the situation promotes negotiation outside of the court setting.

V. CONCLUSION

On the basis of select quantitative indicators of court performance in two counties, Friedman and Percival concluded that "the dispute settlement function in the courts is declining... the routine administrative function has become predominant."^{32/} Using the same data but controlling for population, Lempert draws a very different conclusion than Friedman and Percival. Although he agrees that the nature of court business has changed over the past 80 years, he finds "little reason to believe that courts today are functionally less important as dispute settlers than they were in 1890."^{33/} The findings of this study are mixed. Some data show that much of the courts' work is becoming more routine. There are other instances that support Lempert's contention that the dispute settlement function is not necessarily diminishing.

Several findings are cited by Friedman and Percival to support their view, including a lower incidence of contested judgments and a concomitant increase in the rate of uncontested judgments, a smaller percentage of filed cases that reach trial, and significantly longer court delays today. To counter these, Lempert presents cases filed per 1,000 adult population, figures showing an increase in the use of courts, and rates of trials and hearings that do not attest to a diminution over time.^{34/} This exchange clearly indicates that the data collected by Friedman and Percival can be interpreted in more than one way. This study should contribute some additional insights to this debate.

The composition of the civil caseload of the five trial courts of general jurisdiction has changed considerably over the past 80

years. Each of the courts, for example, displayed growth in the absolute number and percentage of divorce and tort cases and a decline in real property and commercial cases. Family-related cases that involve uncontested divorces and wills, petitions for name changes and other changes of status can be considered routine. Some commercial cases, particularly those dealing with debt collection, also fall into this category, yet these are decreasing. The periodic changes in the jurisdictional minimum amount requirement probably account for the loss of many commercial cases from the caseload of the state courts of general jurisdiction. Some commercial debt-collection cases no doubt are still processed by lower echelon courts. Divorce cases, on the other hand, remain under the authority of the trial court of general jurisdiction whatever the issues involved. It would be difficult to assess whether uncontested divorce cases and other family-related cases can be more routinely handled than debt collection cases. What these data show is that the gain in domestic relations cases requiring routine administration were at least in part offset by the substantial decline in potentially routine commercial actions.

Further, the overall ratio of contested and uncontested judgments in Alameda and San Benito Counties was repeated for some but not all of the counties in this study. The ratio of uncontested and contested judgments for specific types of cases likewise did not conform to the overall increase in the former. As a percentage of all judgments, contested cases rose for automobile tort and other tort cases, actions involving the government, family matters not including divorce, and contracts and debts. Following a peak of the percentage of uncontested divorce judgments in 1933-34,

there has been a steady decline. The same can be said of real property cases. Although not as consistent, there was a decrease in the percentage of uncontested secured debt, debt collection on note and business association related judgments. The increase in the percentage of contested judgments cannot be explained, however, by a simultaneous rise in number of trials. Rather, summary judgments and judgments on the pleadings rose as a proportion of all judgments. The dispute settlement function of courts has not "shriveled to almost nothing"^{35/} as Friedman and Percival conclude, but it has been considerably curtailed. Even "contested" cases appeared not to warrant the full process of adjudication. The courts instead were asked to terminate cases in a truncated fashion, often deciding them on the basis of procedural concerns or "technicalities" rather than disputed issues of law and fact.

Friedman and Percival also observed that "a smaller percentage of cases are brought to trial today and courts issue formal opinions of findings in far fewer cases."^{36/} These conclusions are partially confirmed by this study. The incidence of trials, defined as the percentage of filed cases that reach trial, has declined for some cases, namely automobile and other tort actions. For other types of cases, however, the incidence of trials has increased, although, it appears, not significantly. The increase in the percentage of filed cases reaching trial ranges between a little over one percent for family cases generally, to just over three percent for divorce cases (2.9% for government and 1.4% for commercial cases). As a percentage of all judgments, trials have changed very little over the past 80 years. There has been virtually no change in the proportion of trials in the domestic relations and commercial law areas since the turn of

the century. Tort and real property cases experienced a substantial decline in the proportion of judgments that are trials. The only category of case that actually experienced an increase in the proportion of trials were government related actions. It seems therefore that the courts' role as dispute resolvers has remained fairly stable for a substantial portion of their caseload (i.e. family and commercial cases) and perfunctory only for tort cases. Litigation has declined in the tort area presumably because, as Friedman and Percival state, it has become "settled." During the later years, the introduction of no-fault automobile insurance laws did not replace the "settled" law with new uncertainties. The same could not be said for government related cases. Since the Depression years the government has increasingly become a formidable part of society, intervening into most aspects of everyday life. Accordingly, new areas of dispute have arisen and now account for the increase in litigation.

Finally, Friedman and Percival found that "court delays have significantly lengthened."^{37/} The findings of this study again do not show a consistent pattern. The time required to adjudicate divorce, contracts and debts, auto torts, real property and some government cases has increased during the past 80 years. For the other categories of cases the processing time has declined. The processing time for uncontested judgments that only demand the courts' stamp of approval or routine administration have likewise increased in some instances and not in others.

Lempert suggested that the findings from the longitudinal survey of the caseloads of two California courts did not really reflect a diminution of the courts' dispute settlement function. He instead

chose to interpret the findings as indicative of a changing dispute resolution role. The courts, Lempert contends, perform as dispute resolvers outside the confines of adjudication. Seven distinct ways of settling disputes or contributing to their settlement are identified by Lempert. Approving uncontested decisions is included in this scheme. Their inclusion is explained in terms of "the courts . . . providing guarantees of compliance without which one or both parties might have been unwilling to reach a private settlement."^{38/} Obviously, Friedman and Percival view the increase in handling uncontested judgments not as contributing to the dispute resolution function of courts but to its routinization.

This study discovered that divorce, other family-related cases, contracts and debts, automobile tort actions and some government cases that were uncontested and eventually voluntarily dismissed or settled stayed in the system longer in the last window than at the turn of the century. The threat or actuality of filing a suit may in some cases induce settlement. It is also taking progressively longer to settle or dispose of these uncontested cases. In addition, with the exception of family cases that exclude divorces and secured debt actions, the other case types that are contested but require no formal judicial involvement are today being processed more slowly than in previous decades. Lempert proposes that when both litigants are represented (more likely in contested cases) there is a greater probability of settlement because of the cost incurred by undertaking discovery. Discovery contributes to settlement in two ways. First, it raises the cost of litigation and by introducing more information

the parties are more likely to settle. That the processing time for contested (i.e. both parties are present and an answer is filed) judgments increased may reflect the role that discovery plays in resolving disputes. Potential litigants are becoming more aware of the uses of discovery which itself takes some time and therefore extends the time in which the case is processed. The courts may be contributing to dispute resolution by their participation in the discovery process. Judges are asked to rule on motions, requests for continuances and other related matters. The longer processing time of contested but not adjudicated cases may indicate the heavier use of discovery and the courts' increasing management authority. The courts in this capacity obviously fall short of actively intervening to resolve disputes.

Litigation may indeed, as Friedman and Percival propose, be too costly. The minimum jurisdictional amount has risen in all the five jurisdictions and the delay has in some instances increased. The courts have to some degree assumed a less direct role in dispute resolution but as the findings of this study show, not to the detriment or more accurately, diminution of their involvement in settling disputes. Trials still constitute approximately the same proportion of all judgments as in the turn of the century in the bulk of cases and the incidence of trials has likewise, remained fairly stable. Routine administration of cases may be more frequent but it has not replaced the courts' function as dispute resolvers.

Footnotes

1. James Willard Hurst, "The Functions of Courts in the United States, 1950-1980," paper prepared for the Council on the Role of Courts, 1980, pp. 3-7.
2. See Kenneth M. Dolbeare, "The Federal District Courts and Urban Public Policy: An Exploratory Study (1960-1967)," in J. Grossman and J. Tanenhaus eds., Frontiers of Judicial Research (New York: John Wiley & Sons, 1969); Larry Baum, Sheldon Goldman and Austin Sarat, "Transformations in Appellate Activity," unpublished manuscript, 1978; Joel Grossman and Austin Sarat, "Litigation in the Federal Courts: A Comparative Perspective," 9 Law and Society Review 321 (1974); Robert Kagan, Bliss Cartwright, Lawrence Friedman, and Stanton Wheeler, "The Business of State Supreme Courts, 1870-1970," 30 Stanford Law Review 121 (1977); Craig Wanner, "The Public Ordering of Private Relations: Part I" 8 Law and Society Review 421 (1974), and Part II in 9 Law and Society Review 293 (1975); Wayne McIntosh, "Litigation in the St. Louis Trial Courts of General Jurisdiction: The Effects of Socio-Economic Change," presented at the 1978 Annual Meeting of the American Political Science Association, New York; Lawrence Friedman and Robert Percival, "A Tale of Two Courts: Litigation in Alameda and San Benito Counties," 10 Law and Society Review 267 (1976); and J. Ruhnka and S. Wheeler, Small Claims Courts: A National Examination (Williamsburg: National Center for State Courts, 1978).
3. See McIntosh and Friedman and Percival.
4. The sources of these figures are K. M. Knab, Limited Jurisdiction Courts: A National Survey, American Judicature Society, N.I.L.E. - C.J., L.E.A.A., U. S. Department of Justice, 1977; and, National Survey of Court Organization, 1972, 1977, U. S. Department of Justice as quoted in Susan S. Silbey, What the Lower Courts Do: The Work and Role of Courts of Limited Jurisdiction, Federal Justice Research Program, Office for Improvements in the Administration of Justice, U. S. Department of Justice, 1979.
5. The data were collected by coders who were hired from and trained at each of the five jurisdictions. The training consisted of a lecture on the purposes of the study and procedures to be used, a visit to and discussion of the duties of the clerk's office, and practice in filling out forms. After training was completed, the site supervisors carefully monitored the first forms completed to assure that problems were identified and corrected quickly. Later, the completed data forms were again manually edited for consistency and completeness before going to keypunch. Finally, the site supervisors randomly selected five to ten percent of the completed forms to be recorded by other coders as an additional check. This process not only helped identify problems early but also helped establish the reliability of coders.

6. Friedman and Percival (1976).

7. The sources of information used in pursuing these questions by Arthur Young and Company included the following:

- . State Year Books (sometimes called 'blue books')
- . Statute Books
- . State Constitutions (usually the Judicial Article)
- . Local Court Personnel.

The most useful among these proved to be the State Year Books and court personnel; the least useful were the statute books. The reason for this is that, in most states, the general trial court is given general jurisdiction over all civil and criminal matters, except as specifically assigned to other courts by constitution or statute. Finding these specific definitions of the jurisdiction of other courts is, however, a difficult matter because the statute books are not adequately indexed for this purpose. Therefore, to determine statutory changes which had been made from one period of time to the next, it would usually be necessary to read through the statutes operative at a given point in time and compare them with those that were operative at another. In the cases where this was attempted, the information derived was usually inconclusive. A judgment was therefore made--after considerable effort had been put into the search--that the statute books would not yield the needed information without an investment of time and money that was beyond the means of the project.

8. The following information was obtained from the State Court Administrative Law Libraries of Maryland (Joan Siminon), Michigan (Martha Meettee), and Ohio (Ginnie Caputti), the Florida Bar Association (Janita Gregory) and the Office of the Director of Law Referral Service in Washington (David Pavlick):

<u>State</u>	<u>Effective Date</u>	<u>Description</u>
Florida	7/1/71	Dissolution of Marriage: statement of marriage breakdown, irretrievable state.
Maryland	7/1/73	1 yr. voluntary separation, 3 yrs. unilateral; separation agreement, witness' testimony in court.
Michigan	1/7/72	Dissolution of Marriage: statement of marriage breakdown, irretrievable state. Without children: 60 days waiting period. With children: 180 days waiting period.

<u>State</u>	<u>Effective Date</u>	<u>Description</u>
Ohio	9/23/74	Dissolution of Marriage: 2 yrs. voluntary separation; separation agreement, court hearing.
Washington	1973	Dissolution Act of 1973: Irreconcilable differences, marriage irretrievable, 90 day waiting period.

9. Michigan's statute most closely resembles the Uniform Motor Vehicle Accident Reparations Act which has been approved by the National Conference of Commissioners on Uniform State Laws and also federal statute 1381, "Standards for No-Fault Motor Vehicle Accident Benefits Act."
10. See the Special Committee on Automobile Insurance Legislation, American Bar Association Study, 1978.
11. Richard Lempert, "More Tales of Two Courts: Exploring Changes in the Dispute Settlement Function of Trial Courts." 13 Law and Society Review 93 (1978).
12. See Hurst, supra note 1 at 10-12; Friedman and Percival, supra note 2 at 257 and 292; Herbert Jacob, Justice in America (Boston: Little, Brown and Company, 1973), pp. 104-105; Kagan supra, note 2 at 967; McIntosh, passim, and Austin Sarat and Ralph Cavanagh, "Thinking About Courts: Toward and Beyond A Jurisprudence of Judicial Competence," 14 Law and Society Review 371 (1980).
13. Friedman and Percival.
14. Ibid., p. 292.
15. Ibid., p. 296.
16. Hurst, supra note 1, at pp. 21-23.
17. Lempert, supra note 10 at pp. 94-95.
18. Friedman and Percival, p. 280.
19. Hurst, pp. 24-25.
20. Ibid., p. 25.
21. Ibid., p. 26 and Austin Sarat, "Alternatives in Dispute Processing: Litigation in a Small Claims Court," 10 Law and Society Review, 346-351, 370-372 (1976).

- 22. Friedman and Percival.
- 23. Ibid., p. 286.
- 24. Ibid., p. 296.
- 25. Ibid., p. 287.
- 26. Ibid.
- 27. Ibid., p. 290.
- 28. Ibid.
- 29. Ibid., pp. 296, 298.
- 30. Ibid., p. 290.
- 31. Ibid.
- 32. Ibid., p. 296.
- 33. Lempert, supra note 10 at 133.
- 34. Ibid.
- 35. Friedman and Percival supra, note 2 at 298.
- 36. Ibid., p. 296.
- 37. Ibid., p. 290.
- 38. Lempert, p. 99

VI. APPENDIX

LIST OF TABLES AND GRAPHS

	<u>PAGE IN WHICH REFERRED</u>
Table a	II - 7
Table b	II - 7
Table 1	Population Statistics for Montgomery, Ingham, King, Leon, and Ross Counties III - 4
Table 2	Economic Statistics for Montgomery, Ingham, King, Leon, and Ross Counties III - 5
Table 3	Jurisdictional Floors and Concurrent Jurisdiction with Lower Courts for the Court of General Jurisdiction in each County III - 6
Table 4	Maryland Court System III - 8
Table 5	Michigan Court System III - 10
Table 6	Washington Court System III - 11
Table 7	Florida Court System III - 12
Table 8	Ohio Court System III - 13
Graph 1	Total Number of Cases per 1,000 Adult population for all Counties, 1903-04 to 1976-77 IV - 3
Table 9	Caseload in the Trial Court of General Jurisdiction for each County, 1903-04 to 1976-77 IV - 3
Graph 2	Total Number of Cases per 1,000 Adult population for each County, 1903-04 to 1976-77 IV - 3
Table 10	Estimated Percent and Number of Cases in all Counties combined, 1903-04 to 1976-77 IV - 6
Graph 3	Percentage of Total Cases for all Counties, 1903-04 to 1976-77 IV - 6
Table 11	Case Type per 1,000 Adult Population for all Counties combined, 1903-04 to 1976-77

PAGE IN WHICH REFERRED

Graph 4	Cases per 1,000 Adult Population for all Counties, 1903-04 to 1976-77	IV - 7
Tables 12a-e	Caseload of the Ingham, King, Leon, Montgomery, and Ross Counties Trial Court of General Jurisdiction by Nature of Suit, 1903-04 to 1976-77	IV - 7
Table 13	Cases per 1,000 Adult Population by Type for each County, 1903-04 to 1976-77	IV - 7
Graph 1b	Total number of cases, all but Divorce Cases and all but Divorce and Debt Collection Cases per 1,000 Adult Population, 1903-04 to 1976-77	IV - 12
Graph 2b	Total Number of Cases (excluding divorces) per 1,000 Adult Population for each County, 1903-04 to 1976-77	IV - 12
Graph 2c	Total Number of Cases (excluding divorces, secured debts debt collections on note and contracts and debts) per 1,000 Adult Population for each County, 1903-04 to 1976-77	IV - 12
Table 9a	Caseload in the Trial Court of General Jurisdiction (excluding all divorce actions) for each County, 1903-04 to 1976-77	IV - 12
Table 9b	Caseload in the Trial Court of General Jurisdiction (excluding all divorces, secured debts, debt collections on Note and contracts and debts) for each County, 1903-04 to 1976-77	IV - 12
Table 14	Percent and Number of Single Party and Multi-party Suits for all Counties, 1903-04 to 1976-77	IV - 13
Table 15	Number and Percentage of Number of Litigants for King, Montgomery and Ross Counties, 1903-04 to 1976-77	IV - 14
Table 16	Number and Percentage of Type of Litigant Contest for all Counties, 1903-04 to 1976-77	IV - 15

PAGE IN WHICH REEFERRED

Table 17a-c	Number and Percentage of Type of Litigant Contest for King, Montgomery, and Ross Counties, 1903-04 to 1976-77	IV - 15
Table 18	Number and Percentage of Litigant Representation for all Counties, 1903-04 to 1976-77	IV - 16
Table 19	Number and Percentage of Litigant Representation for King, Montgomery, and Ross Counties, 1903-04 to 1976-77	IV - 16
Graph 5	Percentage of all judgments for all Counties, 1903-04 to 1976-77	IV - 19
Tables 20a-b	Case dispositions as Percentage of all judgments for all and each County, 1903-04 to 1976-77	IV - 19
Table 20c	Total Number of judgments per 1,000 Adult Population for all Counties and each County, 1903-04 to 1976-77	IV - 20 IV - 21
Graph 5a	Total Number of Contested judgments per 1,000 Adult Population for all Counties, 1903-04 to 1976-77	IV - 20 IV - 21
Graph 5b	Total Number of Contested judgments per 1,000 Adult Population for each County, 1903-04 to 1976-77	IV - 21
Graph 6	Trials as Percentages of all Dispositions for all Counties combined, 1903-04 to 1976-77	IV - 22
Table 21	Percentage of Trial Dispositions and Trials won by Plaintiffs for all Counties and each County, 1903-04 to 1976-77	IV - 22 IV - 23

		<u>PAGE IN WHICH REFERRED</u>
Graph 7	Trials as Percentage of all Dispositions for each County, 1903-04 to 1976-77	IV - 24
Graph 6a	Total Number of Trials per 1,000 Adult Population for all Counties, 1903-04 to 1976-77	IV - 24
Graph 7a	Total Number of Trials per 1,000 Adult Population for each County, 1903-04 to 1976-77	IV - 24
Table 21a	Total Number of Trials per 1,000 Adult Population for all Counties, and each County, 1903-04 to 1976-77	IV - 24
Table 22	Number and Percentage of Cases won by Plaintiff in each County, 1903-04 to 1976-77	IV - 25
Table 23	Percentage of Dispositions for all Counties and for each County 1903-04 to 1976-77	IV - 26
Graph 8	Percent of Plaintiff Victories by Case Type for all Counties, 1903-04 to 1976-77	IV - 28
Table 24	Percentage and Number of Plaintiff Victories by Case Type for each County and Time Period	IV - 28
Graph 9	Percentage of Plaintiff Victories by Type of Litigant Contest for all Counties, 1903-04 to 1976-77	IV - 30
Table 25	Number and Percentage of Plaintiff Victories by Type of Litigant Contest for each County and Time Period	IV - 30
Graph 10	Percentage of Plaintiff Victories by Number of Litigants in Suit for all Counties, 1903-04 to 1976-77	IV - 33

		<u>PAGE IN WHICH REFERRED</u>
Table 26	Percentage and Number of Plaintiff Victories by Number of Litigants for each County and Time Period	IV - 33
Table 27	Average Interval in Months of Adjudicated Cases, Uncontested but judicially Decided Cases, Contested but not judicially Decided Cases, and Uncontested and judicially Decided Cases by Type for all Counties, 1903-04 to 1976-77	IV - 35
Tables 28a-f	Average Number of Post judgment Actions by Case Type and Window for all Counties and each County	IV - 39
Tables 29a-f	Number and Percent of Cases with Post judgment Actions for all Counties and each County	IV - 39

Table a: Approximate proportions of cases (sampling fractions) that were sampled from all cases filed in each time period in each state and average sampling weights.

	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Ohio	A. .44	.34	.22	.24	.25	.12
	B. 2.27	2.95	4.49	4.11	3.93	8.30
Florida	A. .93	.87	.33	.14	.10	.04
	B. 1.08	1.15	3.04	7.16	10.26	27.20
Maryland	A. .51	.35	.10	.09	.03	.01
	B. 1.89	2.89	10.10	11.23	38.22	68.00
Michigan	A. .50	.21	.15	.09	.04	.02
	B. 2.00	4.65	6.72	11.38	25.82	44.78
Washington	A. .02	.01	.01	.01	-	-
	B. 42.17	68.32	91.14	121.77	187.76	281.10

- Less Than .01

A - Average Sampling Fraction

B - Average Sampling Weight

Table b: Half-widths of 90% confidence intervals for estimated proportions of cases for different sample sizes (n) and sampling fractions (f).

Sampling Fraction (f)	Sample Size (n)	Estimated proportion of cases (p)				
		.10	.20	.30	.40	.50
.10	10	.15	.20	.23	.24	.25
	25	.09	.13	.14	.15	.16
	50	.07	.09	.10	.11	.11
	100	.05	.06	.07	.08	.08
	200	.03	.04	.05	.05	.06
	500	.02	.03	.03	.03	.04
.50	10	.11	.15	.17	.18	.18
	25	.07	.09	.11	.11	.12
	50	.05	.07	.08	.08	.08
	100	.04	.05	.05	.06	.06
	200	.02	.03	.04	.04	.04
	500	.02	.02	.02	.03	.03
.90	10	.05	.07	.08	.08	.08
	25	.03	.04	.05	.05	.05
	50	.02	.03	.03	.04	.04
	100	.02	.02	.02	.03	.03
	200	.01	.01	.02	.02	.02
	500	.01	.01	.01	.01	.01

Table 1: POPULATION STATISTICS FOR MISSOURI, IOWA, KANSAS, NEBRASKA AND MISSOURI

County/Incorporation	1905-14	1915-19	1920-24	1925-29	1930-34	1935-37
Montgomery						
Total Population	21,226	24,638	41,228	114,352	412,850	572,750
Adult Population	17,220	19,252	40,224	104,349	351,252	485,414
Percent Increase in adult population	-	11	104	140	143	43
Total Population Density	62.3	70.0	127.5	315.3	125.7	1,257.1
Percent Urban	3	7	15	72	38	39
Percent Rural	100	93	85	28	62	61
Percent Black	11	24	13	7	4	4
Urban						
Total Population	42,215	72,730	122,139	158,709	231,193	299,850
Adult Population	31,220	54,162	94,745	122,249	171,157	221,744
Percent Increase in adult population	-	74	58	19	50	23
Total Population Density	30.3	140.3	213.4	301.3	413.5	432.4
Percent Urban	50	49	71	47	34	34
Percent Rural	50	51	29	53	66	66
Percent Black	1	1	1	2	4	5
Wine						
Total Population	179,327	373,310	430,122	720,191	1,022,262	1,254,356
Adult Population	130,321	273,549	350,723	519,373	678,470	771,220
Percent Increase in adult population	-	111	31	44	31	14
Total Population Density	34.5	178.0	125.4	333.7	421.0	442.7
Percent Urban	32	33	79	56	31	32
Percent Rural	68	67	21	44	69	68
Percent Black	1	1	1	2	1	1
Leon						
Total Population	13,701	13,196	15,744	49,196	35,754	123,250
Adult Population	11,212	11,296	17,020	33,392	24,732	37,527
Percent Increase in adult population	-	1	51	39	47	54
Total Population Density	25.4	27.2	40.3	74.2	123.0	191.1
Percent Urban	19	11	44	41	70	75
Percent Rural	81	89	56	59	30	25
Percent Black	79	62	55	40	29	25
Ross						
Total Population	40,392	41,407	47,967	54,136	41,222	41,750
Adult Population	28,227	27,223	28,727	28,223	19,442	40,225
Percent Increase in adult population	-	2	17	14	9	1
Total Population Density	59.1	60.1	69.3	73.3	39.1	39.3
Percent Urban	13	14	40	17	41	41
Percent Rural	87	86	60	83	59	59
Percent Black	1	1	1	1	1	1

* Based on square miles:

Montgomery Co.	495 sq. miles
Urban Co.	139 sq. miles
Wine Co.	1128 sq. miles
Leon Co.	670 sq. miles
Ross Co.	127 sq. miles

Table 2: Economic Statistics for Montgomery, Ingham, Leon, King, and Ross counties

County/Jurisdiction	1933-34	1948-49	1963-64	1976-77
MONTGOMERY				
Per Capita Income	NA	1373	1432	2473
Percent Increase in per capita income	NA	-	37	171
Persons Employed in Manufacturing	10	4	3	3
Persons Employed in Wholesale/Retail	11	10	13	10
INGHAM				
Per Capita Income	NA	1156	2158	4193
Percent Increase in per capita income	NA	-	86	151
Persons Employed in Manufacturing	10	11	13	13
Persons Employed in Wholesale/Retail	17	10	13	12
KING				
Per Capita Income	NA	1134	1307	2445
Percent Increase in per capita income	NA	-	110	153
Persons Employed in Manufacturing	25	10	15	24
Persons Employed in Wholesale/Retail	11	14	11	10
LEON				
Per Capita Income	NA	772	1393	3421
Percent Increase in per capita income	NA	-	145	136
Persons Employed in Manufacturing	13	3	6	6
Persons Employed in Wholesale/Retail	11	13	13	10
ROSS				
Per Capita Income	NA	773	1732	4632
Percent Increase in per capita income	NA	-	39	161
Persons Employed in Manufacturing	23	24	11	10
Persons Employed in Wholesale/Retail	13	17	13	10

NA - Not Applicable

No data for the periods 1903-04 and 1918-19 are available

TABLE 3: Jurisdictional Floors and Concurrent Jurisdiction with Lower Courts for the Court of General Jurisdiction in each County.

COURT CHARACTERISTICS		1903-04		1918-19		1933-34		1948-49		1963-64		1976-77	
Jurisdictional Floor		\$	1976	\$	1976	\$	1976	\$	1976	\$	1976	\$	1976
Montgomery	Law	0	0	0	0	0	0	0	0	0	0	2500	2500
	Equity	20	125	20	69	20	87	20	40	20	37	2500	2500
Ingham	a	100	625	100	345	100	435	100	230	100	185	10,000	10,000
King	b	100	625	100	345	100	435	100	230	100	185	100	100
Leon	a	0	0	0	0	0	0	0	0	0	0	2500	2500
Ross	a	0	0	0	0	0	0	100	230	2000	3704	2000	2000
<u>Concurrent Jurisdiction with Lower Courts</u>													
Montgomery		0	0	0	0	0	0	0	0	(1)	(1)	2500-5000 (2)	2500-5000
Ingham		100-300	625-	100-300 (3)	345-1035	100-300 (3)	435-1304	100-300 (3)	230-714	100-1000	185-1852	0	0
King		0-100	0-625	0-100	0-345	0-100	0-435	0-100	0-230	0-300	0-555	0-300	0-300
Leon		0-100	0-625	NA	NA	0-100	0-435	0-100	0-230	0-100	0-185	0	0
Ross		0	0	0	0	0	0	300-3000 (4)	714-7140 (4)	300-3000 (4)	555-5555 (4)	500-10,000 (4)	500-10,000 (4)

NOTES:

- (1) Concurrent jurisdiction with People's Court, Amount not available.
- (2) Concurrent jurisdiction with District Court
- (3) Concurrent jurisdiction with Justice Court
- (4) Concurrent jurisdiction with Municipal Court
- NA Not Available
- a. No differences between law and equity

b. All matters other than real property, tax issues, municipal fines; there was no floor for real property, tax issues, and municipal fines

Table 4:
Maryland Court System^(a)

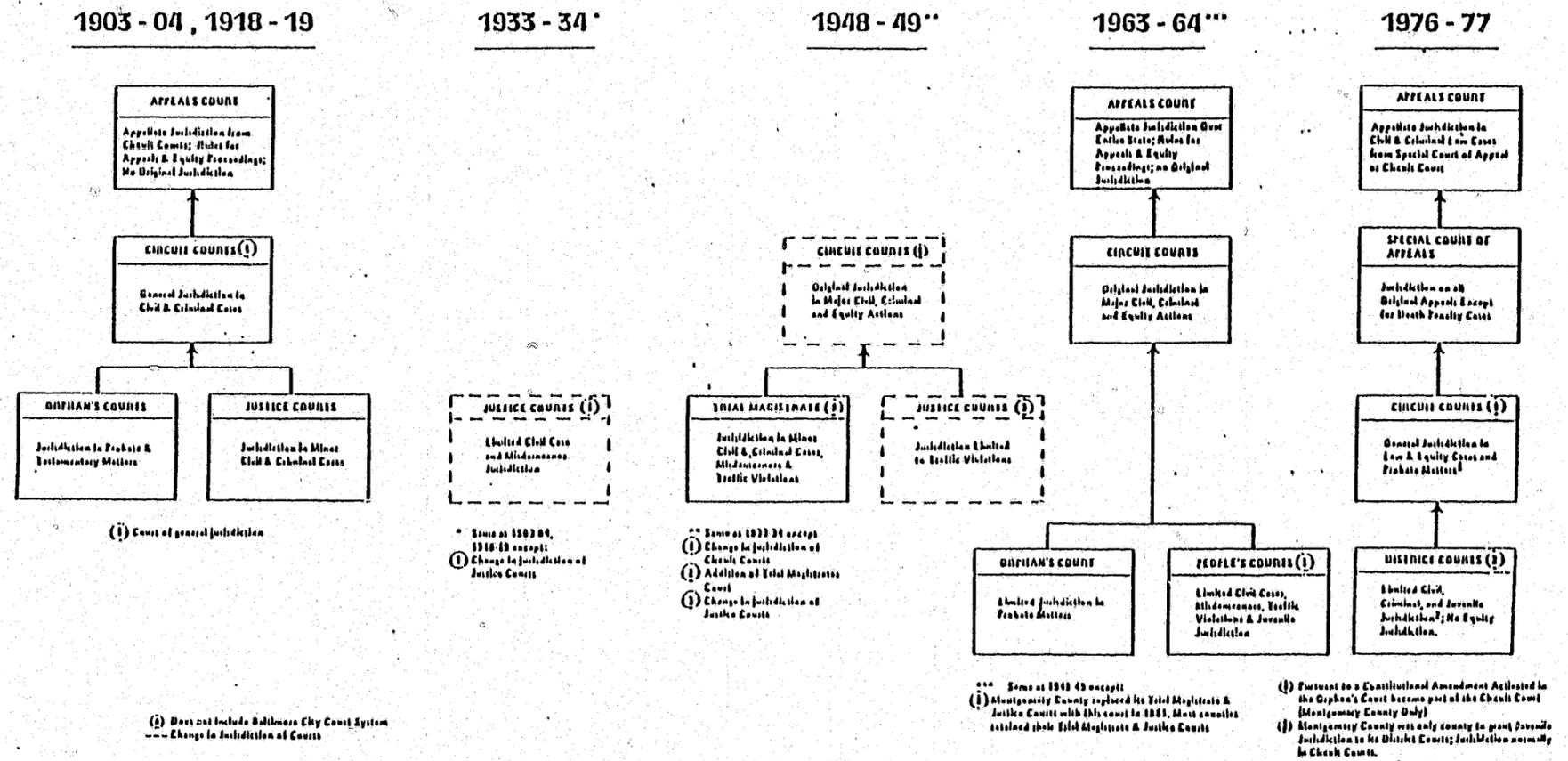


Table 5:

Michigan Court System

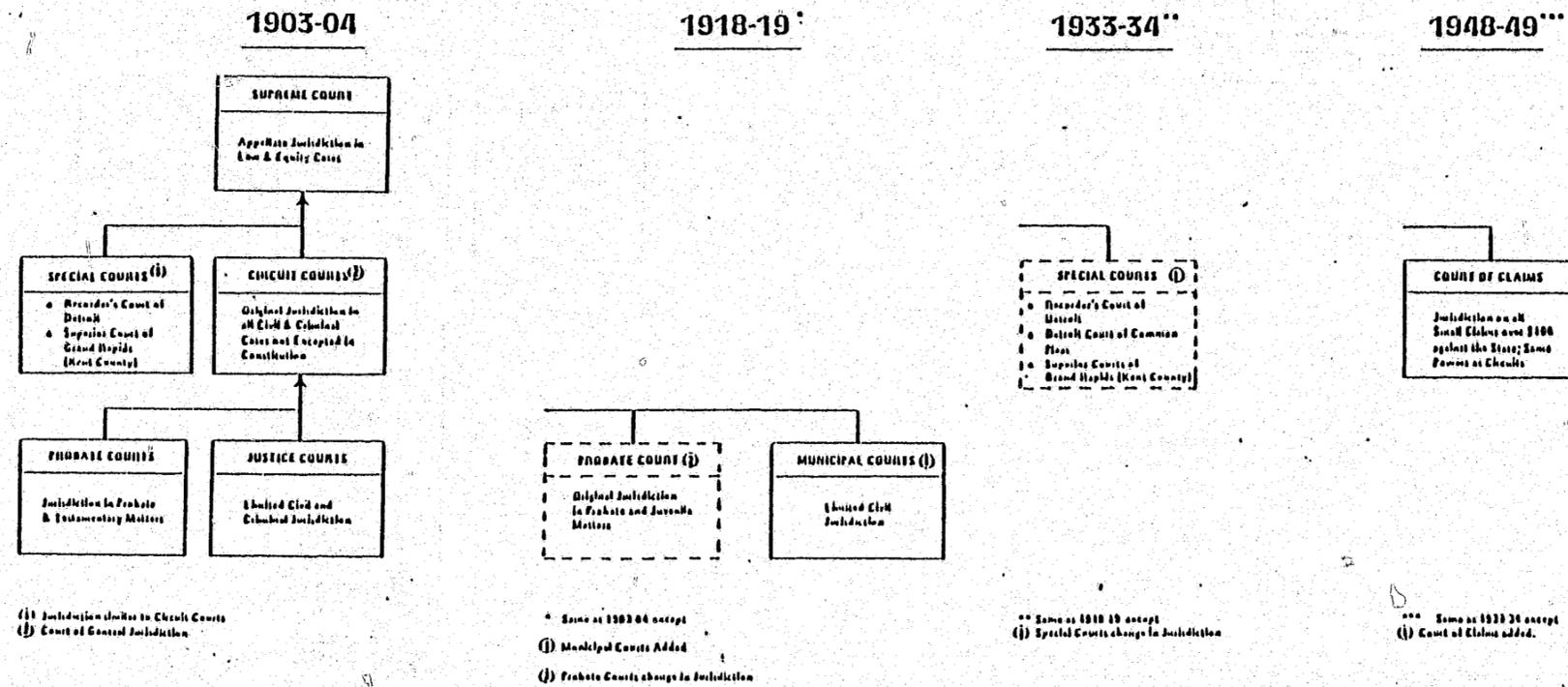
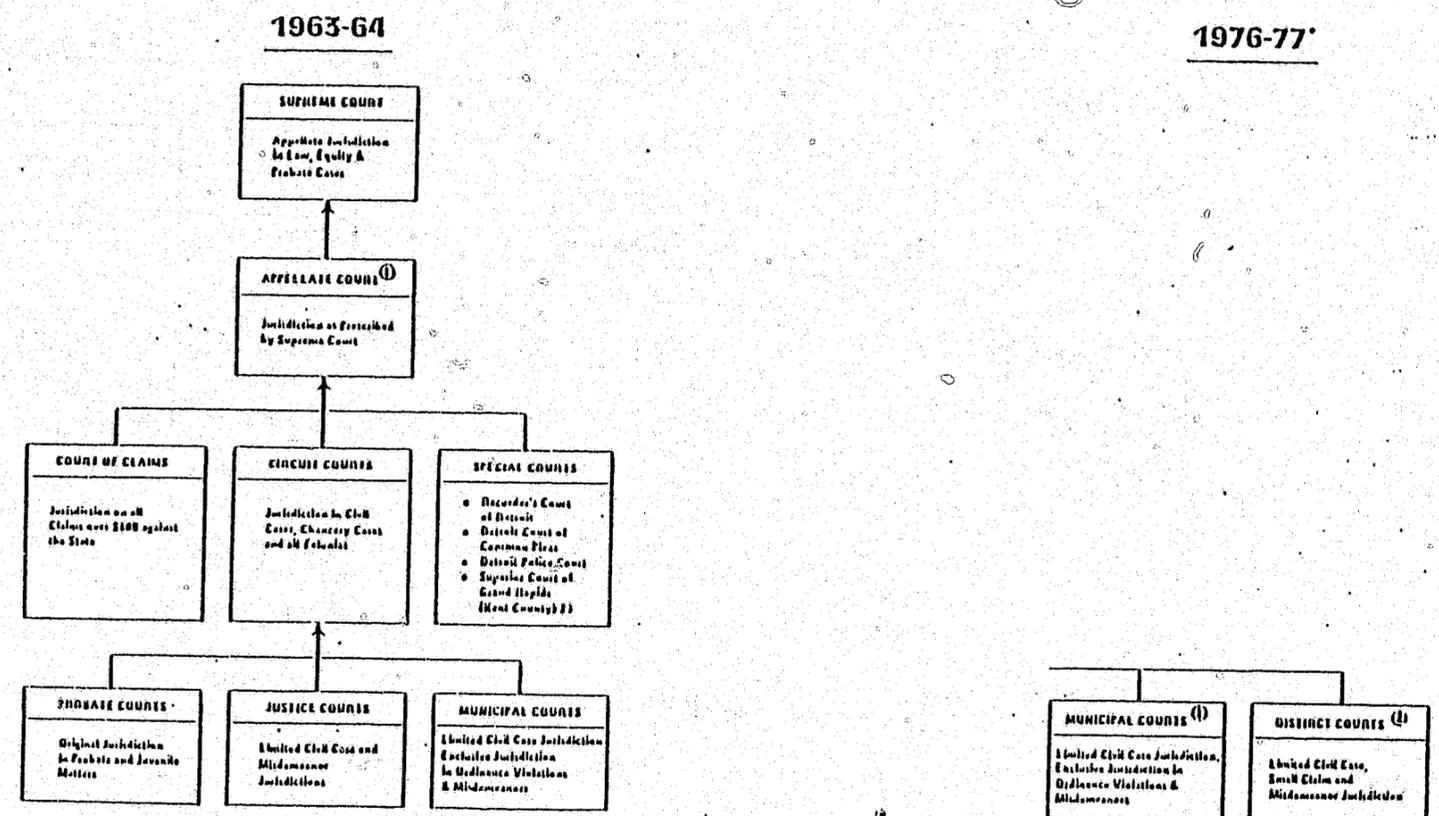


Table 5:
Michigan Court System



(1) The Appellate Court was created in 1866
(2) The Superior Court of Grand Rapids was abolished in 1866.

Same as 1963-64 except
(1) Most Municipal Courts were Abolished through the District Court Act of 1960.
(2) District Courts were Created in 1950 to Replace Justice Courts.

Table 6:
Washington Court System

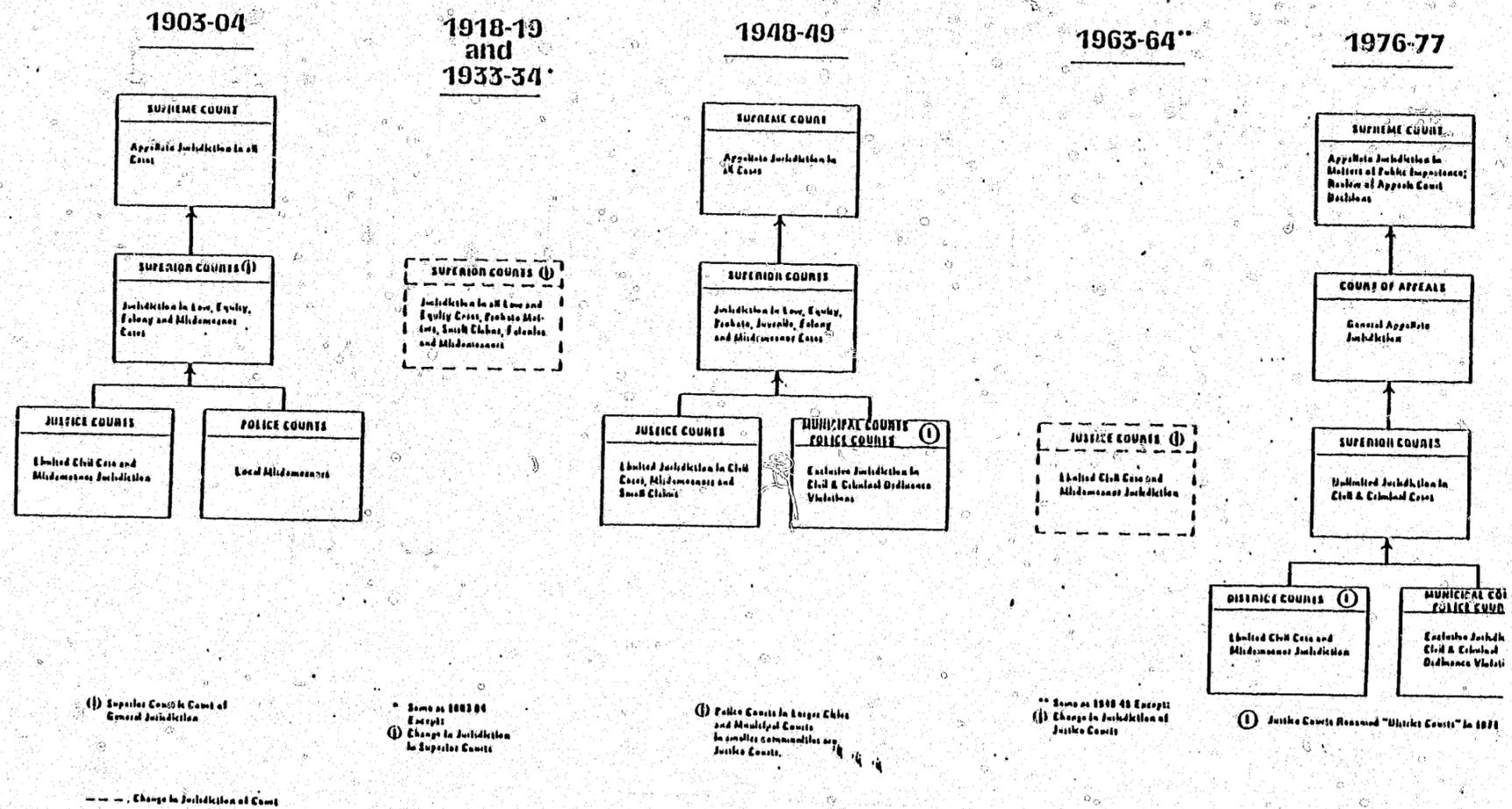


Table 7:
Florida Court System

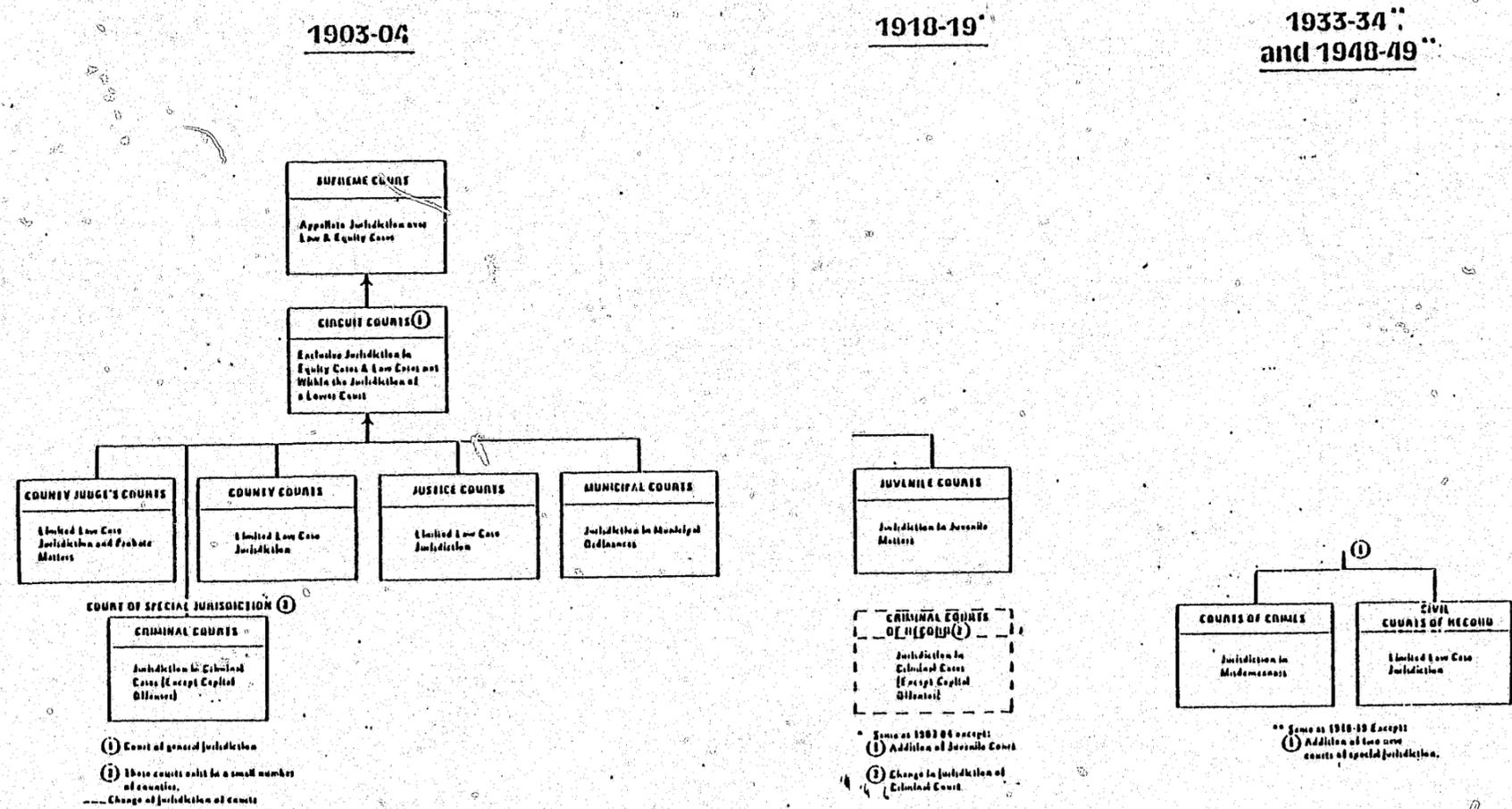
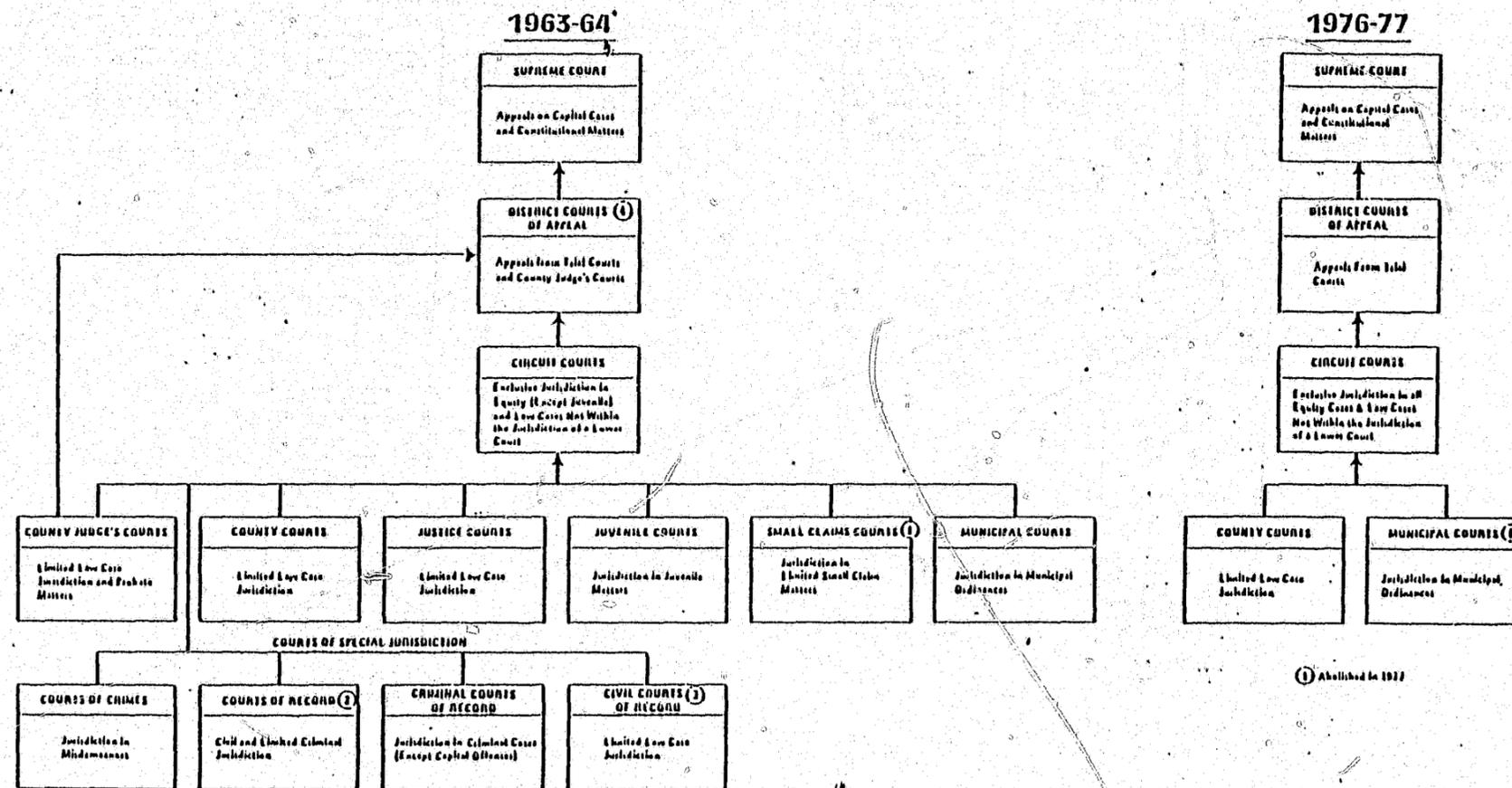


Table 7:
Florida Court System



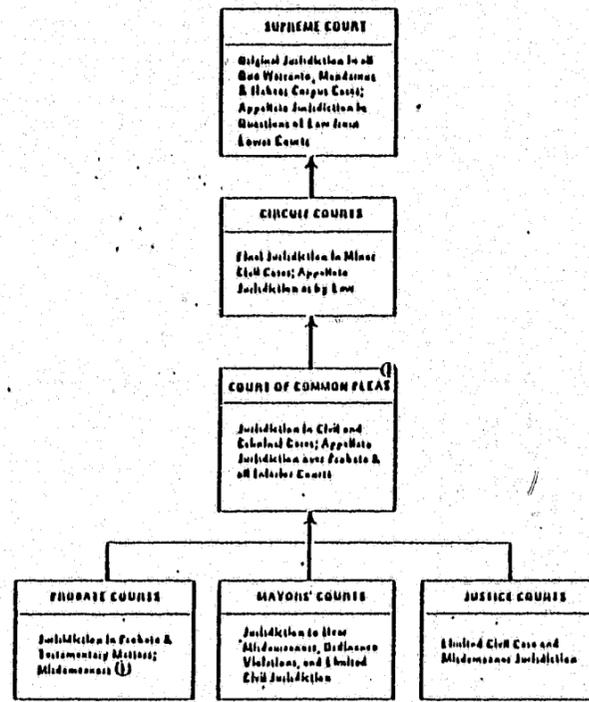
Some as 1933-34, 1948-49 except:
 (1) Addition of District Courts of Appeal
 (2) Addition of Small Claims Court
 (3) Addition of Courts of Record
 (4) Dade County only
 (5) Addition of District Courts of Appeal

(1) Abolished in 1977

Table 8:

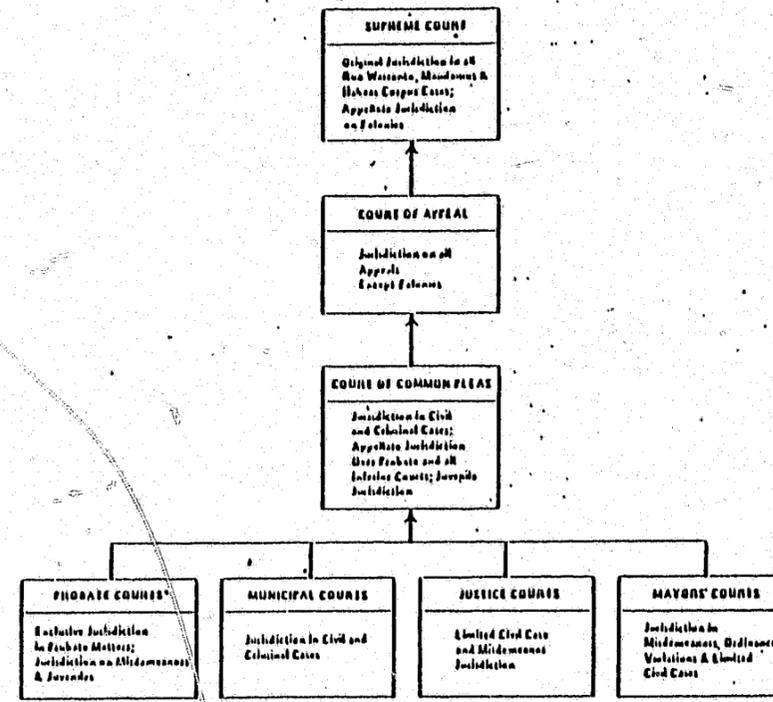
Ohio Court System

1903-04



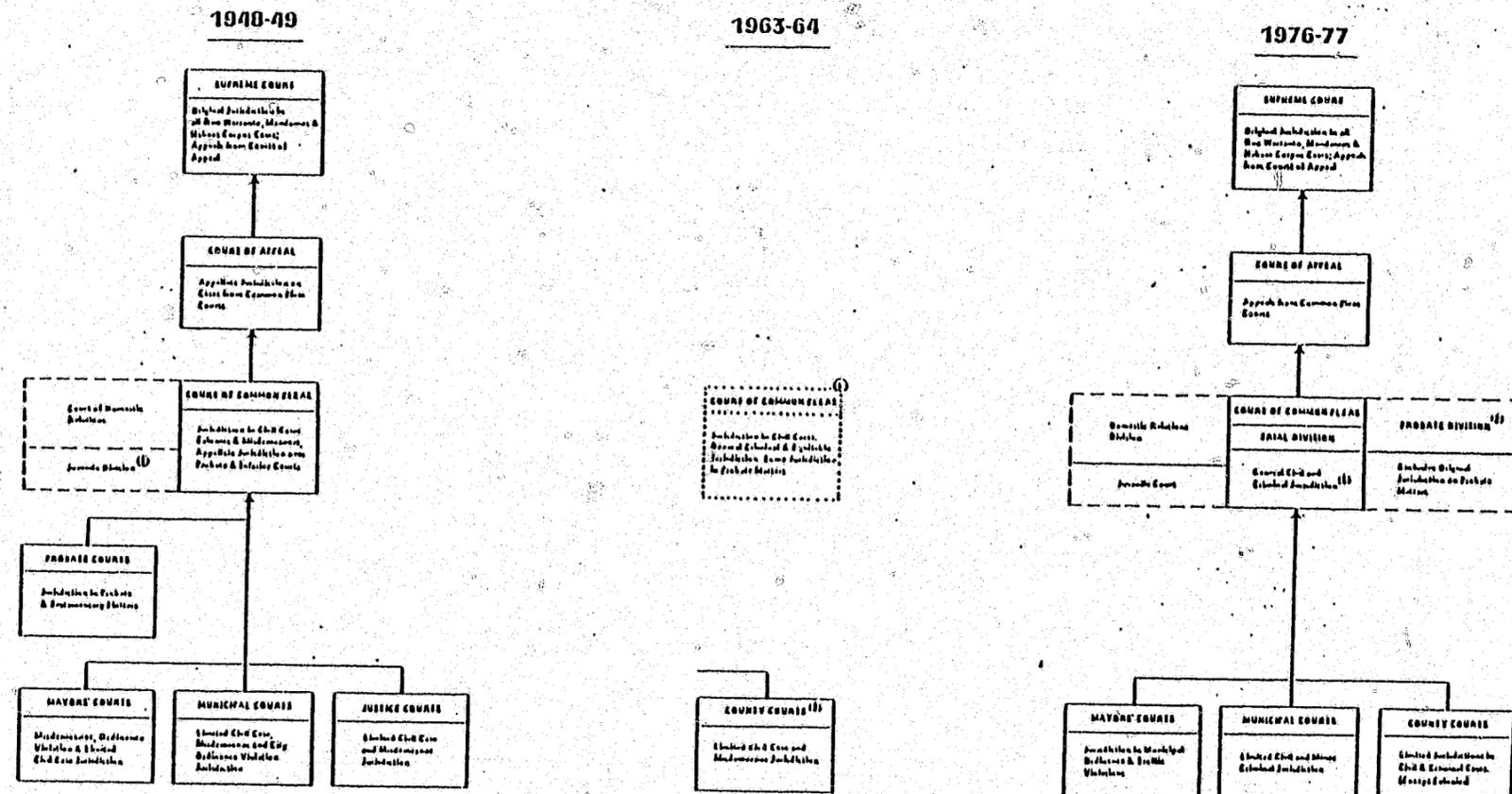
(1) Jurisdiction to hear Misdemeanors Granted to Probate Court by past statute
(2) Court of General Jurisdiction

1918-19 and 1933-34



* Probate Courts could merge with Common Pleas Courts as per Constitutional Amendment of 1902.

Table 8:
Ohio Court System



(1) In some counties, Juvenile Jurisdiction is Attached to the Probate Court

... Changes in Jurisdiction of Courts

* Same as 1948-49 except:

(1) Municipal Court Act of 1958 gave power to Appeal to both Common Pleas & Appellate Courts
(2) County Courts Replaced Justice Courts in 1959

(1) As of 1960, the right of Lower Courts to a Review by the Common Pleas Court was absorbed

(2) The Probate Court became part of the Court of Common Pleas in 1960

Graph 1: Total Number of Cases per 1,000 Adult Population for All Counties Combined, 1903-04 to 1976-77

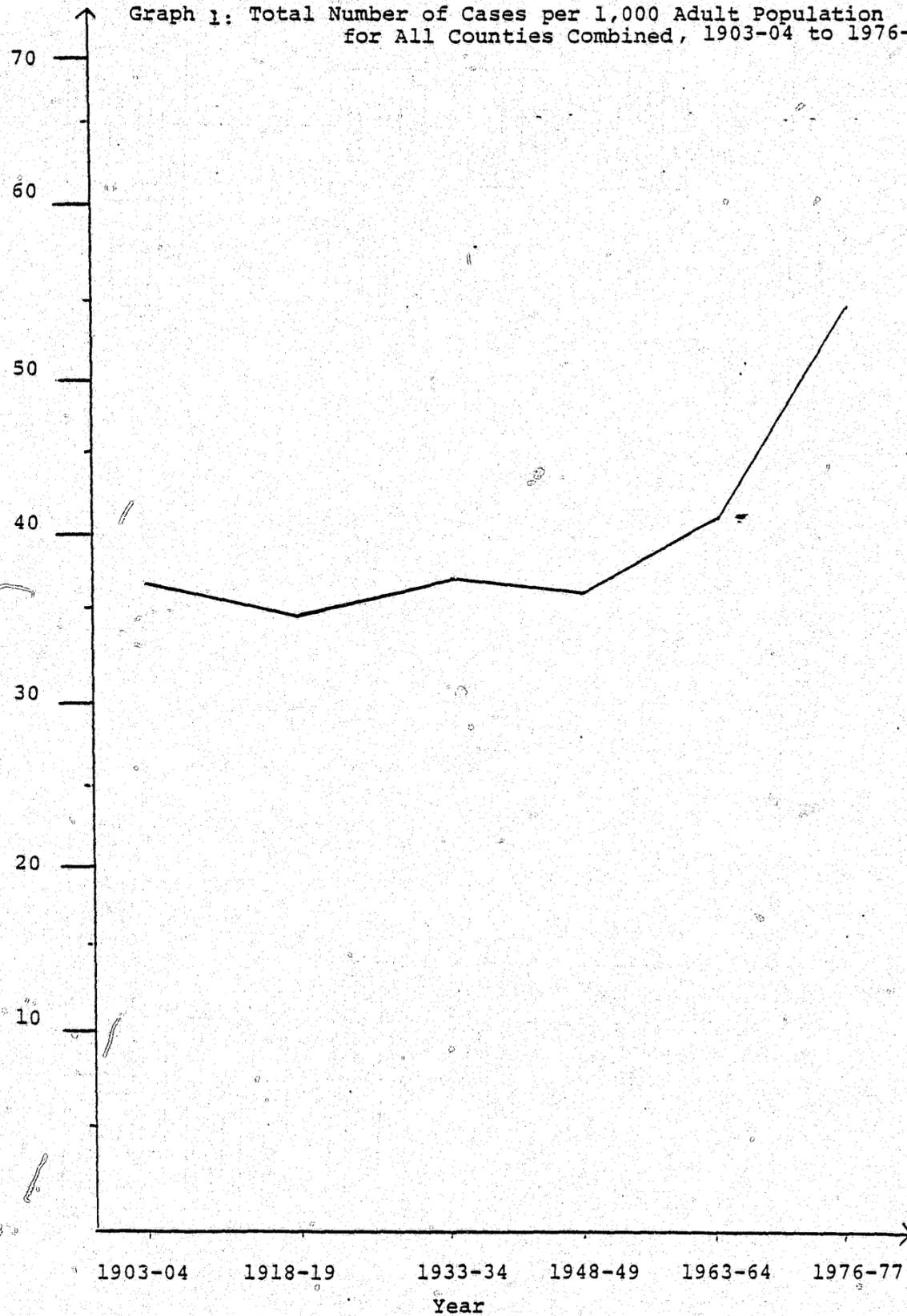


Table 9: Caseload in the Trial Court of General Jurisdiction for each County, 1903-04 to 1976-77

County	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
All Counties						
No. of cases	8,058	13,380	19,706	29,161	49,875	82,208
Adult population	218,670	388,118	534,473	795,091	1,181,292	1,488,950
Cases per 1,000	36.8	34.5	36.9	36.7	42.2	55.2
Ingham County						
No. of cases	379	934	1,311	2,551	5,098	8,713
Adult population	31,220	54,362	84,745	101,049	151,167	181,744
Cases per 1,000	12.1	17.2	15.5	25.2	33.7	47.9
King County						
No. of cases	6,816	11,130	15,080	22,127	34,616	53,303
Adult Population	130,851	275,549	360,723	519,073	678,670	773,820
Cases per 1,000	52.1	40.4	41.8	42.6	51.0	68.9
Leon County						
No. of cases	101	245	591	1,489	1,916	5,066
Adult population	12,232	11,296	17,020	33,892	56,752	87,587
Cases per 1,000	8.3	21.7	34.7	43.9	33.8	57.8
Montgomery County						
No. of cases	372	557	2,011	2,250	7,505	13,600
Adult population	17,680	19,688	40,258	104,849	255,262	365,414
Cases per 1,000	21.0	28.3	50.0	21.5	29.4	37.4
Ross County						
No. of cases	389	514	713	744	740	1,526
Adult population	26,687	27,223	31,727	36,228	39,441	40,385
Cases per 1,000	14.6	18.9	19.7	20.5	18.8	37.8

Graph 2: Total Number of Cases per 1,000 Adult Population for Each County, 1903-04 to 1976-77



Table 10: Estimated Percent and Number of Cases in all Counties Combined, 1903-04 to 1976-77

Type of Cases	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Domestic Relations	21.8%	46.0%	30.7%	47.9%	42.0%	49.1%
Divorce	20.7 (1666)	43.4 (5806)	30.4 (5991)	46.8 (13,657)	40.6 (20,246)	45.2 (37,142)
Family-other	1.1 (91)	2.6 (348)	0.3 (68)	1.1 (333)	1.4 (708)	3.9 (3221)
Commercial	69.4%	45.0%	60.4%	37.8%	36.9%	31.3%
Secured Debt	31.0 (2495)	11.5 (1534)	25.1 (4954)	4.0 (1163)	6.9 (3451)	8.3 (6828)
Debt Collection-Note	8.2 (659)	8.8 (1182)	11.3 (2223)	6.9 (2015)	7.3 (3654)	2.6 (2129)
Contracts & Debts	27.0 (2176)	21.0 (2808)	21.9 (4322)	25.2 (7340)	22.7 (11,344)	20.2 (16,611)
Business/Association	3.2 (261)	3.7 (500)	2.1 (414)	1.7 (494)	0.0 (11)	0.2 (143)
Tort	1.2%	2.1%	2.0%	9.7%	14.2%	12.4%
Auto Tort	0.0 (0)	0.3 (45)	1.4 (278)	8.5 (2470)	13.7 (6818)	7.4 (6122)
Non-Auto Tort	1.2 (94)	1.8 (243)	0.6 (118)	1.2 (336)	1.5 (772)	5.0 (4122)
Real Property	2.3%	4.4%	2.3%	1.9%	1.2%	1.0%
Property	(188)	(583)	(447)	(543)	(586)	(849)
Government	4.5%	2.1%	2.7%	2.2%	3.9%	5.2%
Tax Assessment/Condemnation	2.1 (168)	0.3 (36)	0.7 (145)	0.6 (173)	2.9 (1463)	2.9 (2417)
Government-other	2.4 (197)	1.8 (241)	2.0 (391)	1.6 (471)	1.0 (492)	2.3 (1929)
Miscellaneous	0.8%	0.4%	1.8%	0.6%	0.7%	0.8%
Miscellaneous	(63)	(54)	(357)	(169)	(331)	(697)
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total	(8058)	(13,380)	(19,707)	(29,162)	(49,874)	(82,209)

Graph 3: Percentage of Total Cases for All Counties, 1903-04 to 1976-77

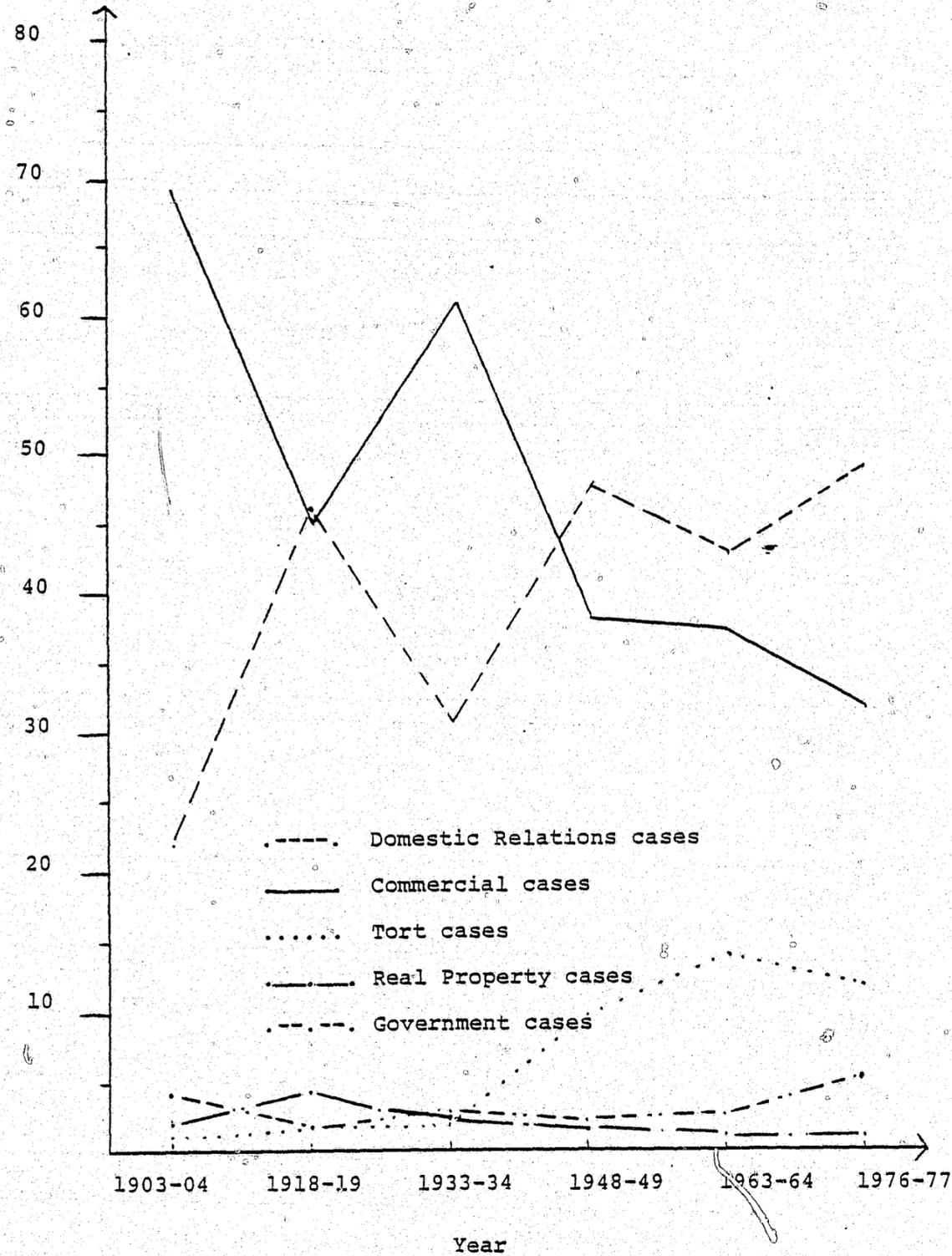


Table 11: Case Type per 1,000 Adult Population for all Counties Combined, 1903-04 to 1976-77

Case Type	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Population	218,670	388,118	534,473	795,091	1,181,292	1,448,950
Divorce cases Cases per 1,000	1,666 7.6	5,806 15.0	5,991 11.2	13,657 17.2	20,246 17.1	37,142 25.6
Family Other cases Cases per 1,000	91 0.4	348 0.9	68 0.1	333 0.4	708 0.6	3,221 2.2
Secured Debt cases Cases per 1,000	2,495 11.4	1,534 4.0	4,954 9.3	1,163 1.5	3,451 2.9	6,828 4.7
Debt Collection Cases per 1,000	659 3.0	1,182 3.0	2,223 4.2	2,015 2.5	3,654 3.1	2,129 1.5
Contracts & Debts Cases per 1,000	2,176 10.0	2,808 7.2	4,322 8.1	7,340 9.2	11,344 9.6	16,611 11.5
Business/Assoc. Cases per 1,000	261 1.2	500 1.3	414 0.8	494 0.6	11 .009	143 0.1
Auto Tort cases Cases per 1,000	0 0	45 0.1	278 0.5	2,470 3.1	6,818 5.8	6,122 4.2
Non-auto Tort cases Cases per 1,000	94 0.4	243 0.6	118 0.2	336 0.4	772 0.7	4,122 2.8
Real Property cases Cases per 1,000	188 0.9	583 1.5	447 0.8	543 0.7	586 0.5	849 0.6
Tax Assessment Cases per 1,000	168 0.8	36 .09	145 0.3	173 0.2	1,463 1.2	2,417 1.7
Government Other Cases per 1,000	197 0.9	241 0.6	391 0.7	471 0.6	492 0.4	1,929 1.3

Graph 4: Cases per 1,000 Adult Population for All Counties, 1903-04 to 1976-77

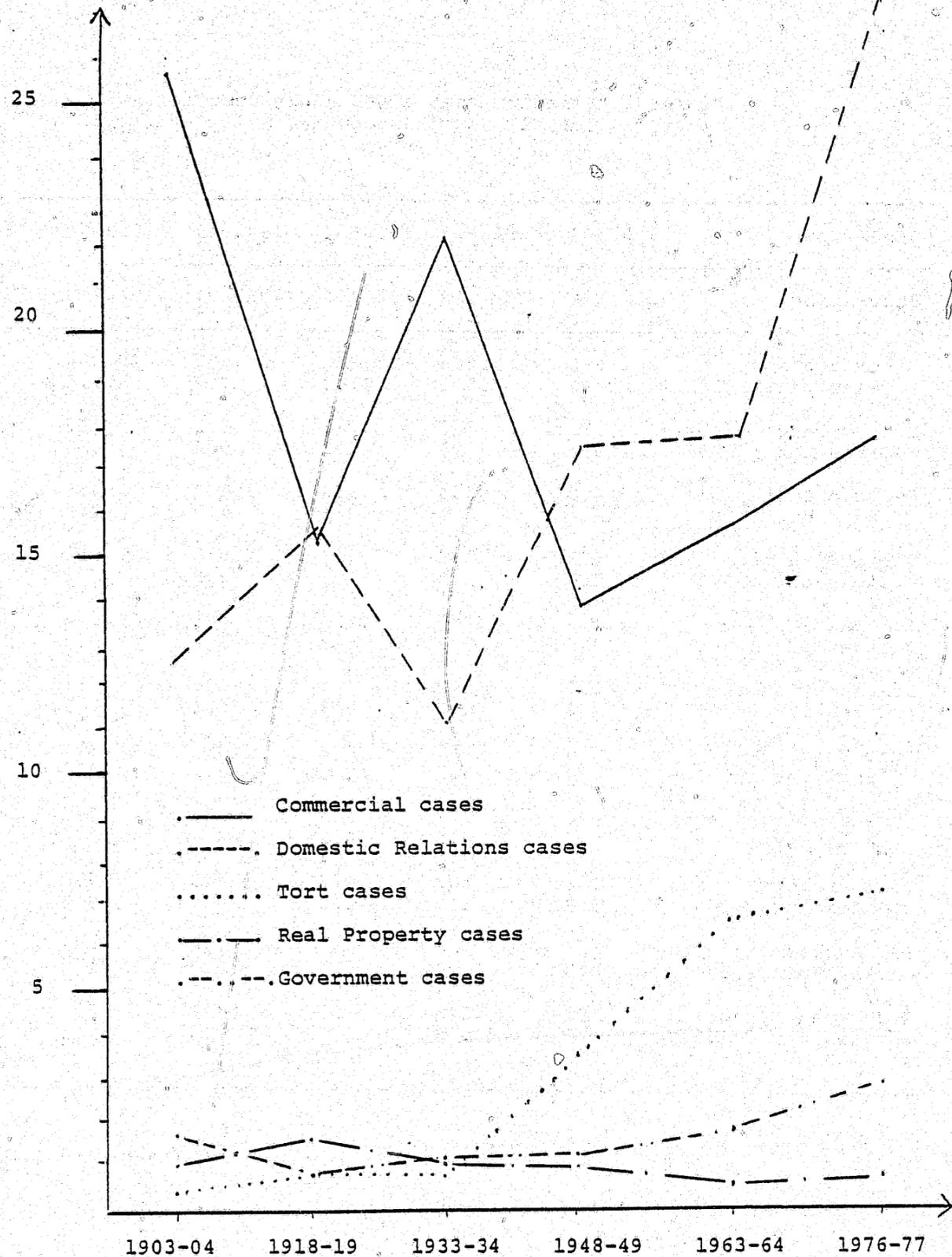


Table 12a: Caseload of the Ingham County Trial Court of General Jurisdiction by Nature of Suit, 1903-04 to 1976-77

County/Case type	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Ingham County						
Population	31,220	54,362	84,745	101,049	151,167	181,744
Divorce cases	163	658	610	1721	2472	6141
Cases per 1,000	5.2	12.1	7.2	17.0	16.4	33.8
Family Other cases	3	5	2	22	202	69
Cases per 1,000	0.1	0.1	0.0	0.2	1.3	0.4
Secured Debt cases	28	35	98	51	29	130
Cases per 1,000	0.9	0.6	1.2	0.5	0.2	0.7
Debt Collection	4	5	0	37	77	49
Cases per 1,000	0.1	0.1	0	0.4	0.5	0.3
Contract & Debt	99	103	216	250	539	553
Cases per 1,000	3.2	1.9	2.5	2.5	3.6	3.0
Business/Assoc.	13	9	65	38	0	24
Cases per 1,000	0.4	0.2	0.8	0.4	0	0.1
Auto Tort cases	0	23	101	151	1230	485
Cases per 1,000	0	0.4	1.2	1.5	8.1	2.7
Non-auto tort cases	36	28	67	114	251	221
Cases per 1,000	1.2	0.5	0.8	1.1	1.7	1.2
Real Property cases	20	48	34	50	121	19
Cases per 1,000	0.6	0.9	0.4	0.5	0.8	0.1
Tax Assess/Condem.	0	3	0	0	25	69
Cases per 1,000	0	0.1	0	0	0.2	0.4
Government other	12	11	37	64	80	893
Cases per 1,000	0.4	0.2	0.4	0.6	0.5	4.9

Table 12b: Caseload of the King County Trial Court of General Jurisdiction by Nature of Suit, 1903-04 to 1976-77

County/Case Type	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>King County</u>						
Population	130,851	275,549	360,723	519,073	678,670	773,820
Divorce cases	1,351	4,816	4,735	10,142	14,600	22,788
Cases per 1,000	10.3	17.5	13.1	19.5	21.5	29.4
Family Other cases	49	294	0	49	0	1,213
Cases per 1,000	0.4	1.1	0	0.1	0	1.6
Secured Debt cases	2,313	1,316	4,219	781	2,709	5,587
Cases per 1,000	17.7	4.8	11.7	1.5	4.0	7.2
Debt Collection	485	980	1,275	1,511	2,709	862
Cases per 1,000	3.7	3.6	3.5	2.9	4.0	1.1
Contracts & Debts	1,906	2,443	3,556	6,339	9,031	14,121
Cases per 1,000	14.6	8.9	9.9	12.2	10.3	18.2
Business/Assoc.	243	483	327	440	0	0
Cases per 1,000	1.9	1.8	0.9	0.8	0	0
Auto Tort cases	0	0	102	1,985	4,666	4,011
Cases per 1,000	0	0	0.3	3.8	6.9	5.2
Non-auto tort	32	91	0	49	0	2,677
Cases per 1,000	0.2	0.3	0	0.1	0	3.5
Real Property	48	427	328	342	376	452
Cases per 1,000	0.4	1.5	0.9	0.7	0.6	0.6
Tax Assess/Condem.	163	28	109	49	301	769
Cases per 1,000	1.2	0.1	0.3	0.1	0.4	1.0
Government other	178	224	211	391	75	542
Cases per 1,000	1.4	0.8	0.6	0.8	0.1	0.7

Table 12c: Caseload of the Leon County Trial Court of General Jurisdiction by Nature of Suit, 1903-04 to 1976-77

County/Case type	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>Leon County</u>						
Population	12,232	11,296	17,020	33,892	56,752	87,587
Divorce cases	30	73	163	722	728	2,404
Cases per 1,000	2.5	6.5	9.6	21.3	12.8	27.4
Family other cases	4	6	25	55	174	882
Cases per 1,000	0.3	0.5	1.5	1.6	3.1	10.1
Secured Debt cases	19	60	107	208	324	349
Cases per 1,000	1.6	5.3	6.3	6.1	5.7	4.0
Debt Collection	6	19	26	33	69	198
Cases per 1,000	0.5	1.7	1.5	1.0	1.2	2.3
Contracts & Debts	27	43	71	217	176	332
Cases per 1,000	2.2	3.8	4.2	6.4	3.1	3.8
Business/Assoc.	0	4	9	12	11	51
Cases per 1,000	0	0.4	0.5	0.4	0.2	0.6
Auto Tort cases	0	1	5	133	149	61
Cases per 1,000	0	0.1	0.3	3.9	2.6	0.7
Non-auto tort	2	15	15	49	107	248
Cases per 1,000	0.2	1.3	0.9	1.4	1.9	2.8
Real property	7	12	24	32	21	88
Cases per 1,000	0.6	1.1	1.4	0.9	0.4	1.0
Tax Assess/Condem.	2	3	9	0	21	83
Cases per 1,000	0.2	0.3	0.5	0	0.4	0.9
Government other	2	6	129	8	117	248
Cases per 1,000	0.2	0.5	7.6	0.2	2.1	2.8

Table 12d: Caseload of the Montgomery County Trial Court of General Jurisdiction by Nature of Suit, 1903-04 to 1976-77

County/Case Type	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Montgomery County						
<u>Population</u>	17,680	19,688	40,258	104,849	255,262	365,414
Divorce cases	24	54	194	540	1,956	4,692
Cases per 1,000	1.4	2.7	4.8	5.2	7.7	12.8
Family other cases	5	22	34	192	307	1,020
Cases per 1,000	0.3	1.1	0.8	1.8	1.2	2.8
Secured Debt cases	65	90	387	120	371	680
Cases per 1,000	3.7	4.6	9.6	1.1	1.5	1.9
Debt Collection	147	163	882	403	758	1,020
Cases per 1,000	8.3	8.3	21.9	3.8	3.0	2.8
Contracts & Debts	81	121	382	476	1,568	1,564
Cases per 1,000	4.6	6.1	8.1	4.5	6.1	4.3
Business/Assoc.	0	0	0	4	0	68
Cases per 1,000	0	0	0	0.0	0	0.2
Auto tort cases	0	12	70	200	768	1,564
Cases per 1,000	0	0.6	1.7	1.9	1.0	4.3
Non-auto tort	7	59	21	86	364	884
Cases per 1,000	0.4	3.0	0.5	0.8	1.4	2.4
Real property	34	30	24	49	17	204
Cases per 1,000	1.9	1.5	0.6	0.5	0.1	0.6
Tax Assess/Condem.	1	2	27	124	1,116	1,496
Cases per 1,000	0.1	0.1	0.7	1.2	4.4	4.1
Government cases	0	0	6	8	200	204
Cases per 1,000	0	0	0.1	0.1	0.8	0.6

Table 12e: Caseload of the Ross County Trial Court of General Jurisdiction by Nature of Suit, 1903-04 to 1976-77

County/Case type	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Ross County						
<u>Population</u>	26,687	29,223	31,727	36,228	39,441	40,385
Divorce cases	99	204	289	532	489	1,117
Cases per 1,000	3.7	7.5	9.1	14.7	12.4	27.7
Family other	30	21	7	15	25	37
Cases per 1,000	1.1	0.8	0.2	0.4	0.6	0.9
Secured Debt	70	33	143	2	18	82
Cases per 1,000	2.6	1.2	4.5	0.1	0.5	2.0
Debt Collection	16	16	40	31	41	0
Cases per 1,000	0.6	0.6	1.3	0.9	1.0	0
Contracts & Debts	62	98	151	59	33	41
Cases per 1,000	2.3	3.6	4.8	1.6	0.8	1.0
Business/Assoc.	5	3	13	0	0	0
Cases per 1,000	0.2	0.1	0.4	0	0	0
Auto tort cases	0	9	0	0	4	0
Cases per 1,000	0	0.3	0	0	0.1	0
Non-auto tort	17	50	16	38	50	93
Cases per 1,000	0.6	1.8	0.5	1.0	1.3	2.3
Real property	79	66	37	69	51	86
Cases per 1,000	3.0	2.4	1.2	1.9	1.3	2.1
Tax Assess/Condem.	2	0	0	0	0	0
Cases per 1,000	0.1	0	0	0	0	0
Government other	5	0	9	0	20	42
Cases per 1,000	0.2	0	0.3	0	0.5	1.0

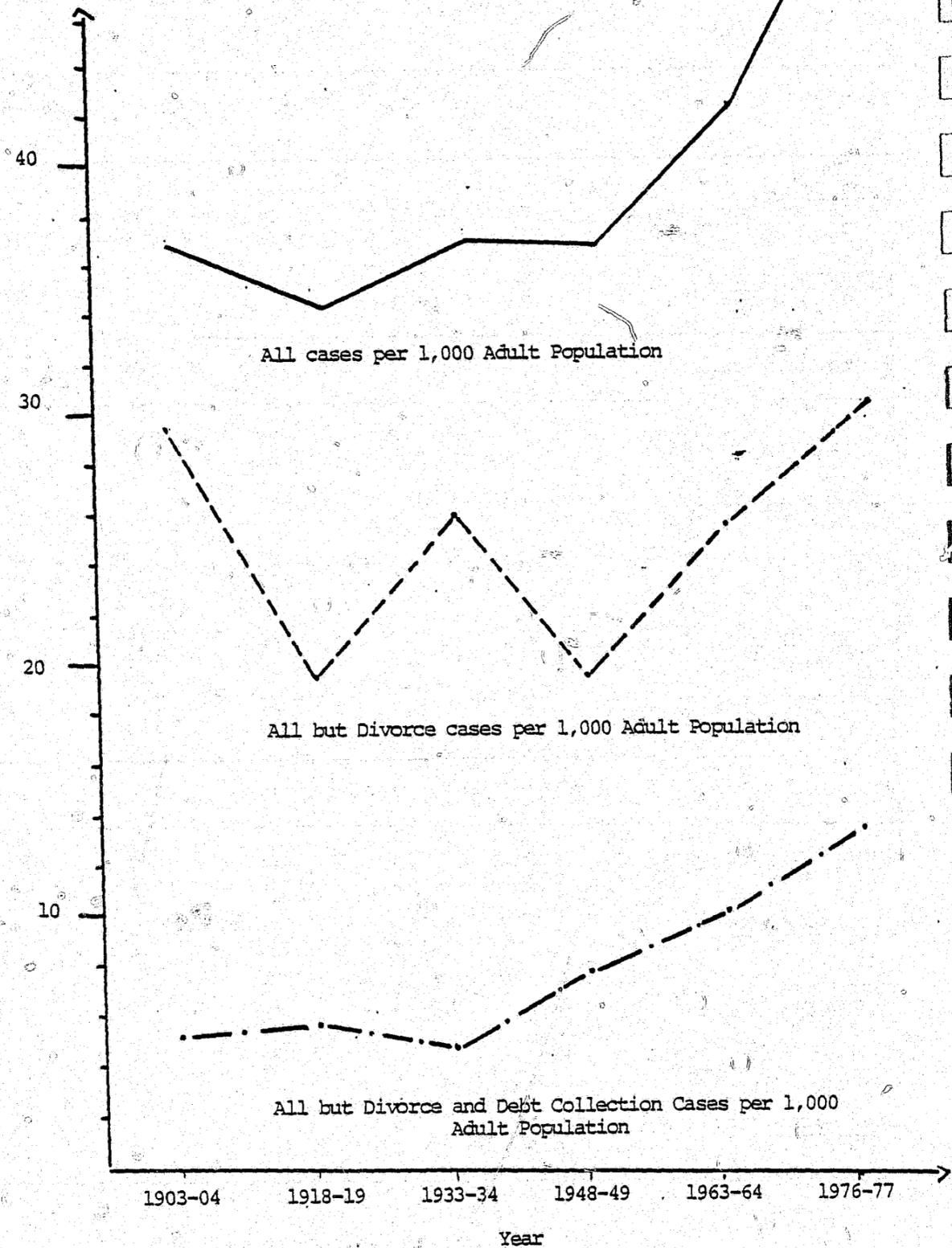
Table 13: Cases per 1,000 Adult Population
by Type for each County, 1903-04 to 1976-77

County	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Ingham Adult Pop.	31,220	54,362	84,745	101,049	151,167	181,744
<u>Domestic Relations</u> Cases per 1,000	166 5.3	663 12.2	612 7.2	1,743 17.2	2,674 17.7	6,210 34.2
<u>Commercial cases</u> Cases per 1,000	144 4.6	152 2.8	379 4.5	376 3.7	643 4.3	756 4.2
<u>Tort Cases</u> Cases per 1,000	36 1.2	51 0.9	168 2.0	265 2.6	1,481 9.8	705 3.9
<u>Real Property cases</u> Cases per 1,000	20 0.6	48 0.9	34 0.4	50 0.5	121 0.8	19 0.1
<u>Government cases</u> Cases per 1,000	12 0.4	14 0.3	37 0.4	64 0.6	105 0.7	962 5.3
King Adult Pop.	130,851	275,549	360,723	519,073	678,670	773,820
<u>Domestic Relations</u> Cases per 1,000	1,400 10.7	5,110 18.5	4,735 13.1	10,191 19.6	14,600 21.5	24,001 31.0
<u>Commercial cases</u> Cases per 1,000	4,947 37.8	5,222 19.0	9,377 26.0	9,071 17.5	14,449 21.3	20,570 26.6
<u>Tort Cases</u> Cases per 1,000	32 0.2	91 0.3	102 0.3	2,034 3.9	4,666 6.9	6,688 8.6
<u>Real Property cases</u> Cases per 1,000	48 0.4	427 1.5	328 0.9	342 0.7	376 0.6	452 0.6
<u>Government cases</u> Cases per 1,000	341 2.6	252 0.9	320 0.9	440 0.8	376 0.6	1,311 1.7
Leon Adult Pop.	12,232	11,296	17,020	33,892	56,752	87,587
<u>Domestic Relations</u> Cases per 1,000	34 2.8	79 7.0	188 11.0	777 22.9	902 15.9	3,286 37.5
<u>Commercial cases</u> Cases per 1,000	52 4.3	126 11.2	213 12.5	470 13.9	580 10.2	930 10.6
<u>Tort cases</u> Cases per 1,000	2 0.2	16 1.4	20 1.2	182 5.4	256 4.5	409 4.7

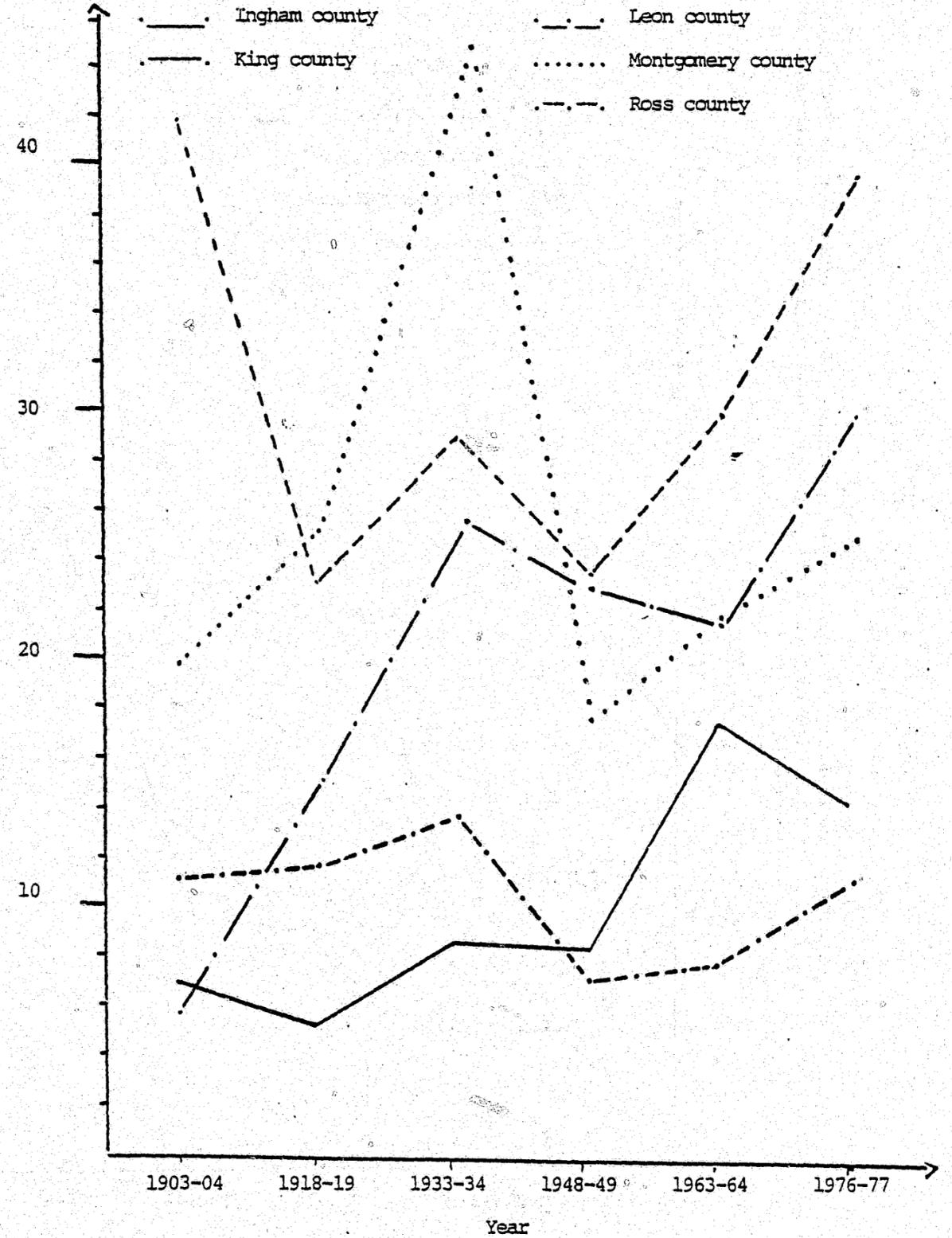
Table 13 Cases per 1,000 Adult Population
by Type for each County cont.

County	1903-04	1918-19	1933-34	1948-19	1963-64	1976-77
Leon County						
<u>Real Property cases</u> Cases per 1,000	7 0.6	12 1.1	24 1.4	32 0.9	21 0.4	88 1.0
<u>Government cases</u> Cases per 1,000	4 0.3	9 0.8	138 8.1	8 0.2	138 2.4	331 3.8
Montgomery Adult Pop.	17,680	19,688	40,258	104,849	255,262	365,414
<u>Domestic Relations</u> Cases per 1,000	29 1.6	76 3.9	228 5.7	732 7.0	2,263 8.9	5,712 15.6
<u>Commercial cases</u> Cases per 1,000	293 16.6	374 19.0	1,597 39.7	1,003 9.6	2,697 10.6	3,332 9.1
<u>Tort cases</u> Cases per 1,000	7 0.4	12 0.6	70 1.7	204 1.9	768 3.0	1,632 4.5
<u>Real Property cases</u> Cases per 1,000	34 1.9	30 1.5	24 0.6	49 0.5	17 0.1	204 0.6
<u>Government cases</u> Cases per 1,000	1 0.1	2 0.1	33 0.8	132 1.3	1,316 5.2	1,700 4.7
Ross Adult Pop.	26,687	27,223	31,727	36,228	39,441	40,385
<u>Domestic Relations</u> Cases per 1,000	129 4.8	225 8.3	296 9.3	547 15.1	514 13.0	1,154 28.6
<u>Commercial cases</u> Cases per 1,000	153 5.7	150 5.5	347 10.9	90 2.5	92 2.3	123 3.0
<u>Tort Cases</u> Cases per 1,000	17 0.6	59 2.2	16 0.5	38 1.0	54 1.4	93 2.3
<u>Real Property Cases</u> Cases per 1,000	79 3.0	66 2.4	37 1.2	69 1.9	51 1.3	86 2.1
<u>Government cases</u> Cases per 1,000	7 0.3	0 0	9 0.3	0 0	20 0.5	42 1.0

Graph 1b: Total Number of Cases, all but Divorce Cases and All But Divorce and Debt Collection Cases per 1,000 Adult Population, 1903-04 to 1976-77



Graph 2b: Total Number of Cases (excluding divorces) per 1,000 Adult Population for each county, 1903-04 to 1976-77



Graph 2c: Total Number of Cases (excluding divorces, secured debts, debt collection on note and contract and debts) per 1,000 Adult Population for each county, 1903-04 to 1976-77

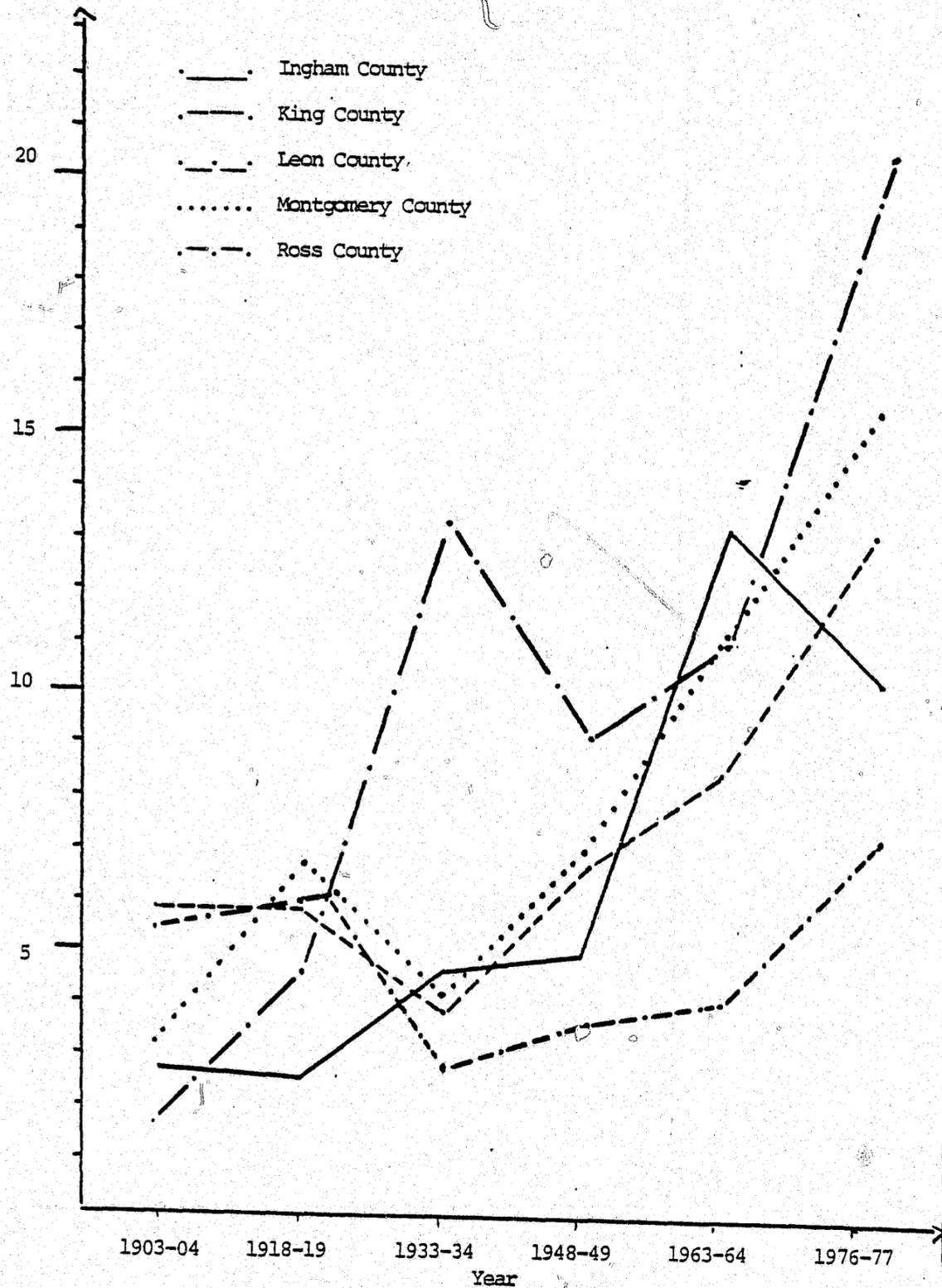


Table 9b: Caseload in the Trial Court of General Jurisdiction (excluding all divorces, secured debts, debt collections on notes and contracts and debts) for each county, 1903-04 to 1976-77

County/Population	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
All Counties						
No. of Cases (excluding divorces and debts)	1,062	2,050	2,216	4,986	11,180	19,498
Adult Population	218,670	388,118	534,473	795,091	1,181,292	1,488,950
Cases per 1,000	4.9	5.3	4.1	6.3	9.5	13.1
Ingham County						
No. of Cases	85	133	387	492	1,981	1,840
Adult Population	31,220	54,362	84,745	101,049	151,167	181,744
Cases per 1,000	2.7	2.4	4.6	4.9	13.1	10.1
King County						
No. of Cases	761	1,575	1,295	3,354	5,567	9,945
Adult Population	130,851	275,549	360,723	519,073	678,670	773,820
Cases per 1,000	5.8	5.7	3.6	6.5	8.2	12.9
Leon County						
No. of Cases	19	50	224	309	619	1,783
Adult Population	12,232	11,296	17,020	33,892	56,752	87,587
Cases per 1,000	1.6	4.4	13.2	9.1	10.9	20.4
Montgomery County						
No. of Cases	55	129	166	711	2,852	5,644
Adult Population	17,680	19,688	40,258	104,849	255,262	365,414
Cases Per 1,000	3.1	6.6	4.1	6.8	11.2	15.4
Ross County						
No. of Cases	142	163	90	120	159	286
Adult Population	26,687	27,223	31,727	36,228	39,441	40,385
Cases per 1,000	5.3	6.0	2.8	3.3	4.0	7.1

Table 9b: Caseload in the Trial Court of General Jurisdiction (excluding all divorces, secured debts, debt collections on notes and contracts and debts) for each county, 1903-04 to 1976-77

County/Population	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
All Counties						
No. of Cases (excluding divorces and debts)	1,062	2,050	2,216	4,986	11,180	19,498
Adult Population	218,670	388,118	534,473	795,091	1,181,292	1,488,950
Cases per 1,000	4.9	5.3	4.1	6.3	9.5	13.1
Ingham County						
No. of Cases	85	133	387	492	1,981	1,840
Adult Population	31,220	54,362	84,745	101,049	151,167	181,744
Cases per 1,000	2.7	2.4	4.6	4.9	13.1	10.1
King County						
No. of Cases	761	1,575	1,295	3,354	5,567	9,945
Adult Population	130,851	275,549	360,723	519,073	678,670	773,820
Cases per 1,000	5.8	5.7	3.6	6.5	8.2	12.9
Leon County						
No. of Cases	19	50	224	309	619	1,783
Adult Population	12,232	11,296	17,020	33,892	56,752	87,587
Cases per 1,000	1.6	4.4	13.2	9.1	10.9	20.4
Montgomery County						
No. of Cases	55	129	166	711	2,852	5,644
Adult Population	17,680	19,688	40,258	104,849	255,262	365,414
Cases Per 1,000	3.1	6.6	4.1	6.8	11.2	15.4
Ross County						
No. of Cases	142	163	90	120	159	280
Adult Population	26,687	27,223	31,727	36,228	39,441	40,385
Cases per 1,000	5.3	6.0	2.8	3.3	4.0	7.0

Table 14: Percent and Number of Single Party and Multi-Party Suits for All Counties, 1903-04 to 1976-77

Number of Litigants	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
All Counties						
Single pl. v. single def.	48.7% (4561)	63.1% (10091)	48.0% (11114)	60.0% (18984)	55.6% (29622)	65.6% (56831)
Several pls. v. single def.	4.8 (447)	5.0 (795)	3.5 (799)	2.7 (861)	3.8 (2023)	6.2 (56831)
Single pl. v. several defs.	39.9 (3734)	23.9 (3825)	40.8 (9438)	30.0 (9498)	32.8 (17435)	19.4 (16786)
Several pls. v. several defs.	5.6 (524)	5.1 (824)	7.4 (1721)	6.2 (1976)	7.0 (3753)	6.5 (5645)
Multi-party suits	51.3 (4705)	26.9 (5444)	52.0 (11,958)	40.0 (12,335)	44.4 (23,211)	34.4 (27,800)

Table 15: Number and Percentage of Number of Litigants
for King, Montgomery and Ross Counties, 1903-04 to 1976-77

Number of Litigants	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
King County						
Single pl. v. single def.	45.9% (3697)	60.6% (8281)	44.6% (8162)	55.3% (13,473)	50.7% (19,049)	63.9% (36,121)
Several pls. v. single def.	5.0 (402)	5.2 (704)	3.0 (546)	2.5 (600)	2.4 (912)	5.4 (3032)
Single pl. v. several pls.	42.4 (3413)	25.6 (3501)	45.4 (8323)	35.2 (8582)	39.9 (14,973)	22.9 (12,967)
several pls. v. several defs.	5.7 (460)	5.4 (737)	7.0 (1287)	6.4 (1552)	7.0 (2617)	6.8 (3839)
Multi-party suits	53.6 (4275)	37.4 (4942)	55.4 (10,156)	44.3 (10,734)	49.3 (18,502)	37.5 (19,838)
Montgomery County						
Single pl. v. single def.	54.9 (208)	60.2 (341)	50.5 (1025)	53.8 (1227)	59.3 (4536)	58.6 (8092)
several pls. v. single def.	4.9 (19)	8.2 (47)	7.2 (147)	5.1 (117)	9.8 (752)	9.9 (1360)
single pl. v. several defs.	31.0 (117)	20.8 (118)	30.1 (612)	25.7 (585)	15.8 (1211)	17.2 (2380)
several pls. v. several defs.	8.7 (33)	8.8 (50)	11.3 (230)	11.8 (269)	11.8 (904)	8.4 (1156)
Multi-party suit	44.8 (169)	38.7 (215)	49.1 (989)	44.2 (971)	38.7 (2867)	37.7 (4896)

Table 15: Number and Percentage of Number of Litigants
For King, Montgomery and Ross Counties- cont.

Number of Litigants	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Ross County						
single pl. v. single def.	60.1% (260)	69.9% (406)	66.7% (524)	90.9% (721)	84.5% (648)	81.6% (1281)
several pls. v. single def.	2.7 (12)	2.9 (17)	0.7 (6)	1.3 (10)	2.4 (19)	3.8 (60)
single pl. v. several defs.	31.1 (135)	23.4 (136)	28.6 (2291)	5.4 (43)	13.1 (100)	9.8 (153)
several pls. v. several defs.	6.1 (26)	2.7 (16)	1.8 (14)	1.2 (9)	0.0 (0)	4.8 (75)
multi-party suits	40.2 (173)	29.4 (169)	31.8 (249)	7.9 (62)	15.5 (119)	18.4 (288)

Table 16: Number and Percentage of Type of Litigant Contest For All Counties, 1903-04 to 1976-77

Type of Litigant Contest	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
All Counties						
Individual v. individual	56.9% (5298)	65.5% (10,476)	54.1% (12,415)	70.9% (22,392)	60.6% (32,235)	58.0% (50,232)
Individual v. business	18.6 (1733)	14.0 (2239)	15.0 (3452)	10.0 (3168)	9.0 (4802)	11.4 (9901)
Individual v. government	3.9 (359)	3.6 (579)	2.2 (496)	2.3 (740)	1.6 (873)	2.9 (2559)
Business v. individual	11.2 (1046)	6.8 (1085)	19.8 (4536)	6.7 (2128)	14.9 (7919)	9.9 (8539)
Business v. business	3.7 (340)	5.4 (857)	6.1 (1401)	5.1 (1618)	8.7 (4621)	9.3 (8033)
Business v. government	1.1 (101)	0.5 (79)	0.7 (158)	0.2 (69)	0.9 (454)	1.7 (1460)
Government v. individual	2.3 (215)	1.2 (196)	1.3 (303)	3.1 (985)	1.2 (621)	2.9 (2469)
Government v. business	1.1 (125)	0.1 (22)	0.6 (137)	0.6 (190)	2.3 (1233)	1.6 (1402)
Other	1.0 (95)	2.9 (469)	0.3 (64)	0.9 (297)	0.8 (401)	2.3 (2020)
Total	100.0 (9310)	100.0 (16,002)	100.0 (22,962)	100.0 (31,586)	100.0 (53,159)	100.0 (86,610)

Table 17a: Number and Percentage of Type of Litigant Contest for King County, 1903-04 to 1976-77

Type of Litigant Contest	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Individual v. individual	54.5% (4366)	64.0% (8747)	51.9% (9497)	70.6% (17,183)	61.1% (22,959)	56.2% (31,748)
Individual v. business	20.3 (1625)	14.8 (2029)	17.3 (3155)	11.1 (2703)	9.2 (3450)	12.5 (7046)
Individual v. government	4.0 (324)	4.0 (546)	2.1 (393)	2.4 (593)	1.2 (461)	1.9 (1097)
Business v. individual	11.2 (894)	6.3 (861)	19.3 (3520)	6.0 (1464)	16.9 (6343)	12.5 (7091)
Business v. business	3.8 (308)	5.7 (781)	6.7 (1223)	5.1 (1243)	9.1 (3426)	11.5 (6485)
Business v. government	1.2 (96)	0.5 (70)	0.7 (129)	0.0 (0)	0.8 (301)	1.5 (830)
Government v. individual	2.5 (199)	1.4 (189)	1.4 (255)	3.8 (924)	0.7 (276)	2.5 (1391)
Government v. business	1.5 (122)	0.0 (0)	0.6 (109)	0.4 (98)	0.9 (335)	0.5 (271)

Table 17b: Number and Percentage of Type of Litigant Contest for Montgomery County, 1903-04 to 1976-77

Type of Litigant Contest	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Individual v. individual	76.3% (288)	58.8% (333)	53.7% (1091)	61.4% (1395)	48.7% (3719)	53.7% (7412)
Individual v. business	1.4 (5)	13.8 (78)	7.2 (146)	8.3 (188)	11.1 (847)	13.3 (1836)
Individual v. government	0.9 (3)	1.0 (6)	0.3 (6)	1.1 (25)	2.1 (164)	1.2 (170)
Business v. Individual	20.1 (76)	20.6 (117)	34.9 (709)	15.3 (347)	10.2 (77)	5.7 (782)
Business v. business	0.5 (2)	2.7 (15)	2.0 (40)	4.9 (112)	10.1 (770)	7.9 (1088)
Business v. government	0.0 (0)	0.0 (0)	0.0 (0)	0.4 (9)	0.5 (40)	1.5 (204)
Government v. individual	0.3 (1)	0.0 (0)	0.8 (17)	1.3 (29)	2.6 (199)	3.4 (476)
Government v. business	0.0 (0)	1.1 (6)	0.2 (4)	3.8 (86)	11.6 (886)	7.4 (1020)

Table 17c: Number and Percentage of Type of Litigant Contest for Ross County, 1903-04 to 1976-77

Type of Litigant Contest	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Individual v. individual	71.9% (307)	78.2% (454)	67.0% (534)	87.1% (691)	83.7% (641)	85.3% (1338)
Individual v. business	12.0 (51)	6.6 (38)	3.6 (29)	5.8 (46)	2.7 (20)	4.8 (75)
Individual v. government	5.7 (24)	1.6 (9)	2.5 (20)	2.0 (16)	2.2 (17)	1.2 (19)
Business v. Individual	7.0 (30)	7.5 (43)	18.2 (145)	2.4 (19)	5.6 (43)	4.0 (63)
Business v. Business	2.2 (9)	4.4 (25)	3.6 (29)	0.0 (0)	2.4 (19)	3.6 (56)
Business v. government	0.0 (0)	0.0 (0)	0.4 (3)	0.0 (0)	1.6 (13)	0.5 (8)
Government v. individual	1.1 (5)	0.2 (1)	2.5 (20)	1.4 (11)	1.8 (14)	0.7 (10)
Government v. business	0.0 (0)	0.5 (3)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

Table 18: Number and Percentage of Litigant Representation
For All Counties, 1903-04 to 1976-77

Litigant Representation	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>All Counties</u>						
Both represented	43.9% (4108)	41.4% (6628)	38.3% (8867)	42.2% (13,340)	50.3% (26,796)	40.8% (35,313)
Plaintiff only represented	53.7 (5031)	55.3 (8856)	58.8 (13,599)	55.3 (17,490)	49.0 (26,090)	52.7 (45,676)
Defendant only represented	2.4 (221)	3.2 (520)	2.9 (668)	2.5 (786)	0.7 (348)	6.5 (5662)
Total	100.0 (9360)	99.9 (16,003)	100.0 (23,135)	100.0 (31,616)	100.0 (53,234)	100.0 (86,652)

Table 19: Number and Percentage of Litigant Representation
for King, Montgomery and Ross Counties, 1903-04 to 1976-77

Litigant Representation	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>King County</u>						
Both litigants represented	43.2% (3483)	40.5% (5538)	34.0% (6222)	40.0% (9752)	49.9% (18,731)	36.5% (20,773)
Plaintiff only represented	54.6 (4394)	56.0 (7649)	62.7 (11,489)	57.7 (14,042)	50.1 (18,820)	55.3 (31,221)
Defendant only represented	2.2 (177)	3.5 (477)	3.3 (608)	2.3 (560)	0.0 (0)	8.0 (4507)
<u>Montgomery County</u>						
Both litigants represented	43.4 (164)	56.6 (321)	56.0 (1137)	54.8 (1248)	44.7 (3414)	53.2 (7344)
Plaintiff only represented	54.6 (206)	40.2 (228)	42.7 (866)	38.3 (874)	51.7 (3954)	44.3 (6120)
Defendant only represented	2.0 (7)	3.2 (18)	1.3 (27)	6.9 (157)	3.6 (276)	2.5 (340)
<u>Ross County</u>						
Both litigants represented	60.6 (262)	51.1 (247)	55.0 (440)	43.9 (348)	44.1 (338)	33.6 (527)
Plaintiff only represented	37.9 (164)	46.8 (272)	44.2 (353)	55.7 (442)	54.9 (421)	58.5 (919)
Defendant only represented	1.5 (7)	2.1 (12)	0.9 (7)	0.4 (3)	1.1 (8)	7.9 (124)

Graph 5: Percentage of All Judgments for All Counties, 1903-04 to 1976-77

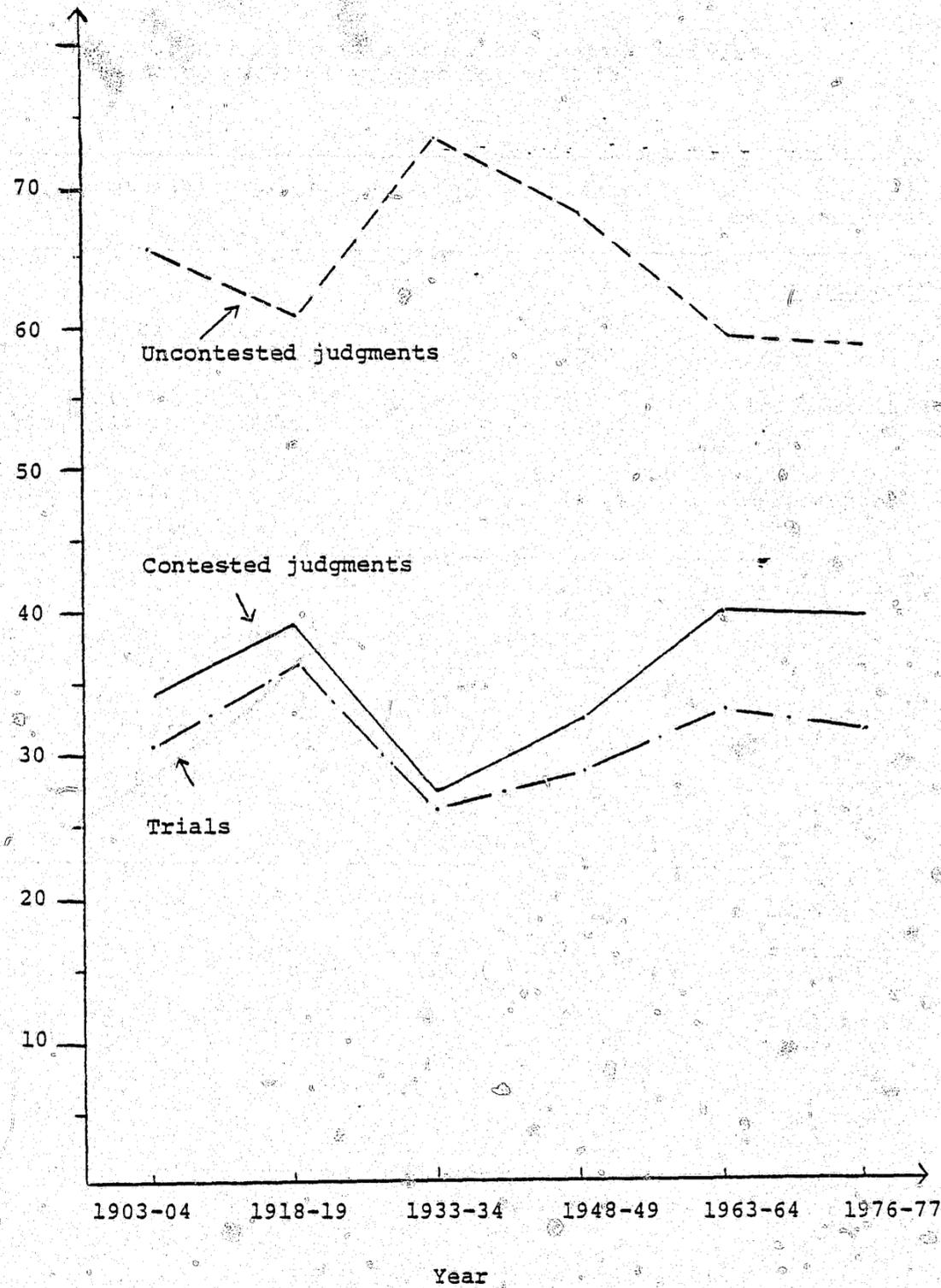


Table 20a: Case Dispositions as Percentage of All Judgments for All Counties and Each County, 1903-04 to 1976-77

Case Dispositions	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
All Counties						
<u>Total Judgments</u>	4487	8954	13,634	17,640	26,102	49,441
Uncontested judgments	65.5% (2940)	60.6% (5422)	72.8% (9927)	67.7% (11,940)	59.5% (15,536)	59.4% (29,368)
Contested judgments	34.5 (1547)	39.4 (3532)	27.2 (3707)	32.3 (5700)	40.5 (10,566)	40.6 (20,073)
Trials	30.3 (1358)	35.5 (3179)	25.4 (3465)	29.0 (5113)	32.8 (8570)	32.6 (16,120)
Ingham County						
<u>Total Judgments</u>	224	508	684	1459	2391	6291
Uncontested judgments	66.8	75.9	73.5	75.6	54.7	81.6
Contested judgments	32.2	24.1	26.5	24.4	45.3	18.4
Trials	24.9	19.6	20.8	15.7	15.0	14.5
King County						
<u>Total Judgments</u>	3762	7268	10,164	13,829	18,658	33,208
Uncontested judgments	59.6	54.3	66.3	66.1	60.1	52.6
Contested judgments	40.4	45.7	33.7	33.9	39.9	47.4
Trials	36.2	42.0	30.7	31.5	35.7	40.4
Leon County						
<u>Total Judgments</u>	55	142	370	960	1349	3019
Uncontested judgments	67.2	62.8	68.4	53.9	49.9	44.7
Contested judgments	32.8	37.2	31.6	46.1	50.1	55.3
Trials	24.1	26.9	27.4	44.1	45.8	30.7

Table 20a: Case Dispositions as Percentage of All Judgments for all Counties and each County - cont.

Case Dispositions	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>Montgomery County</u>						
Total judgments	281	336	1492	1202	2447	4502
Uncontested judgments	78.3%	83.3%	92.8%	73.5%	59.7%	68.7%
Contested judgments	21.7	16.7	7.2	26.5	40.3	31.3
Trials	14.7	11.4	5.6	7.0	26.9	10.4
<u>Ross County</u>						
Total judgments	173	256	372	333	303	835
Uncontested judgments	28.6	18.5	27.5	22.7	42.4	57.9
Contested judgments	71.4	81.5	72.5	77.3	57.6	42.1
Trials	57.3	63.8	51.8	69.4	50.3	20.1

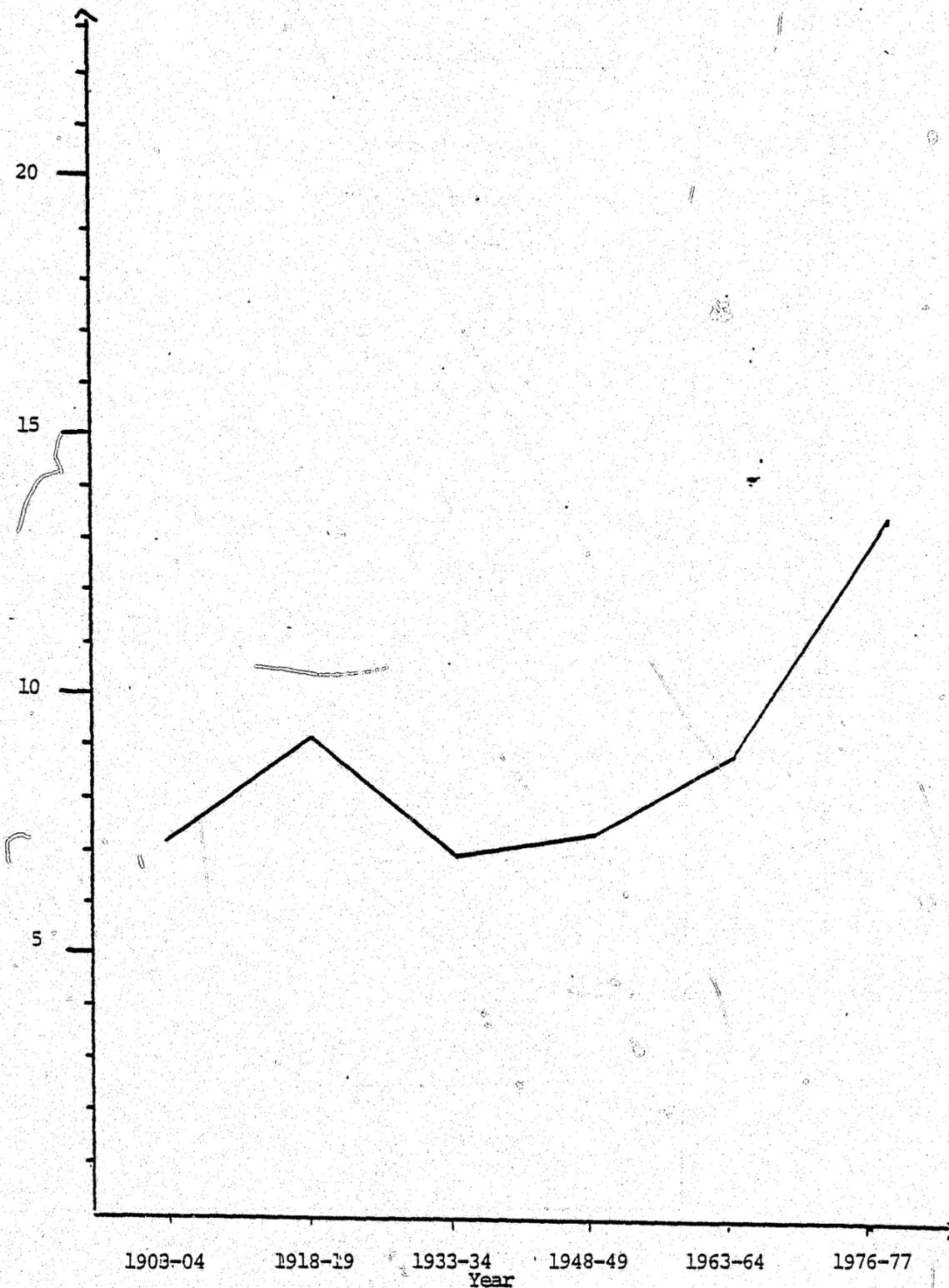
Table 20b: Case Disposition for All Counties, 1903-04 to 1976-77

Case disposition	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Pl. voluntary dismissal w/ sett.	14.9% (1200)	16.0% (2136)	15.5% (3056)	17.1% (4996)	20.4% (10,177)	22.2% (18,235)
Pl. voluntary dismissal w/o sett.	25.2 (2032)	12.8 (1719)	13.2 (2600)	19.4 (5661)	21.3 (10,610)	7.8 (6404)
Ex parte petition	0.0 (2)	0.0 (0)	0.1 (16)	0.0 (13)	0.0 (0)	0.0 (0)
Pl. de fault judgment	33.8 (2724)	34.9 (4675)	44.0 (8663)	36.3 (10,581)	24.0 (11,972)	26.5 (21,789)
Pl. stipulated judgment	0.3 (23)	0.6 (86)	1.4 (279)	1.5 (444)	4.3 (2132)	3.7 (3074)
Pl. confessed judgment	1.2 (96)	1.4 (181)	4.5 (895)	2.0 (591)	2.1 (1052)	3.0 (2505)
Pl. summary judgment	0.6 (48)	0.8 (111)	0.3 (56)	0.8 (243)	1.8 (913)	2.4 (2005)
Pl. judgment on the pleadings	0.3 (24)	0.2 (33)	0.2 (39)	0.3 (87)	0.1 (68)	1.9 (1533)
Pl. bench trial	12.2 (984)	21.9 (2926)	15.8 (3104)	14.1 (4109)	14.2 (7071)	16.6 (13,632)
Pl. jury trial	1.4 (117)	1.6 (210)	0.6 (125)	1.8 (534)	1.7 (823)	2.5 (2089)
Def. involuntary dismissal	1.4 (115)	1.6 (209)	0.7 (147)	0.9 (257)	2.0 (1015)	0.5 (395)
Def. de fault judgment	0.0 (0)	0.1 (11)	0.1 (10)	0.0 (14)	0.0 (0)	0.0 (0)
Def. summary judgment	0.0 (2)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Def. bench trial	2.2 (181)	0.2 (21)	0.6 (116)	1.1 (307)	1.2 (616)	0.2 (124)
Def. jury trial	0.9 (76)	0.2 (22)	0.6 (120)	0.6 (163)	0.1 (60)	0.3 (275)
Pl. disposition unknown	1.8 (141)	0.8 (102)	1.0 (195)	1.4 (405)	2.2 (1097)	6.2 (5068)
Single party cases	1.2 (95)	3.5 (469)	0.3 (64)	1.0 (297)	0.8 (380)	2.5 (2020)
Other	2.5 (199)	3.5 (470)	1.1 (222)	1.6 (462)	3.8 (1887)	3.7 (3059)

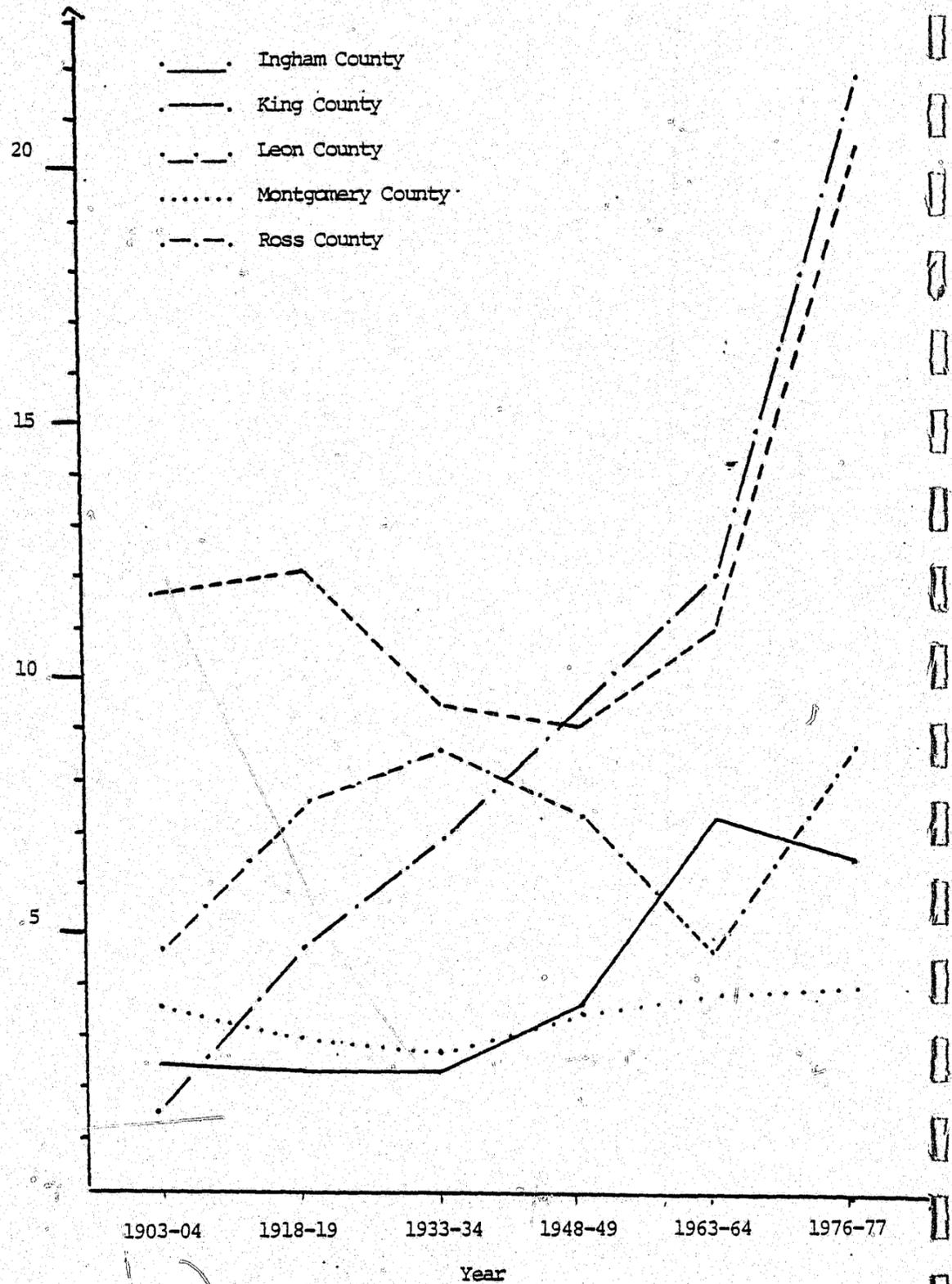
Table 20c: Total Number of Contested Judgments
Per 1,000 Adult Population for all
Counties and each County, 1903-04
to 1976-77

Counties/Population	1903-04	1918-19	1933-34	1948-49	1963-64	1977-77
<u>All Counties</u>						
No. of Contested judgments	1,547	3,532	3,707	5,700	10,566	20,053
Adult Population	218,670	388,118	534,473	795,091	1,181,292	1,488,950
Judgments per 1,000	7.1	9.1	6.9	7.2	8.9	13.5
<u>Ingham County</u>						
No. of Contested judgments	75	122	183	357	1,086	1,159
Adult Population	31,220	54,362	84,745	101,049	151,744	181,744
Judgments per 1,000	2.4	2.2	2.2	3.5	7.2	6.4
<u>King County</u>						
No. of Contested judgments	1,520	3,317	3,423	4,691	7,442	15,724
Adult Population	130,851	275,549	360,723	519,073	678,670	773,820
Judgments per 1,000	11.6	12.0	9.5	9.0	11.0	20.3
<u>Leon County</u>						
No. of Contested judgments	18	53	117	442	676	1,925
Adult Population	13,232	11,296	17,020	33,892	56,752	87,587
Judgments per 1,000	1.5	4.7	6.9	13.0	11.9	22.0
<u>Montgomery County</u>						
No. of Contested judgments	61	57	107	322	976	1,415
Adult Population	17,680	19,688	40,258	104,849	255,849	365,414
Judgments per 1,000	3.5	2.9	2.7	3.4	3.8	3.9
<u>Ross County</u>						
No. of Contested judgments	123	208	269	257	175	351
Adult Population	26,687	27,223	31,727	36,228	39,441	40,385
Judgments per 1,000	4.6	7.6	8.5	7.1	4.4	8.7

Graph 5a: Total Number of Contested Judgments per 1,000 Adult Population for all counties, 1903-04 to 1976-77



Graph 5b: Total Number of Contested Judgments per 1,000 Population for Ingham, King, Leon, Montgomery, and Ross Counties, 1903-04 to 1976-77



Graph 6: Trials as Percentage of All Dispositions for All Counties Combined, 1903-04 to 1976-77

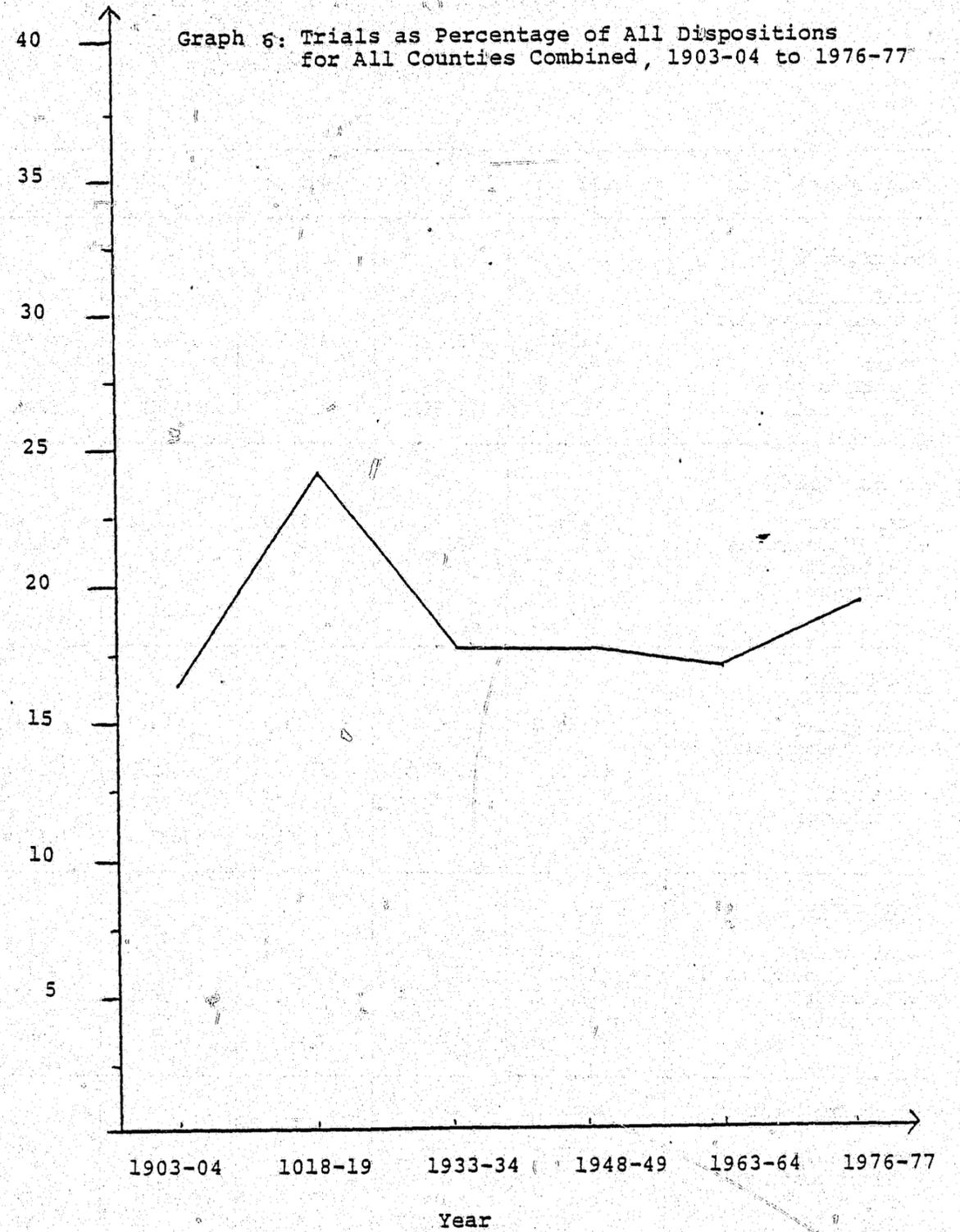


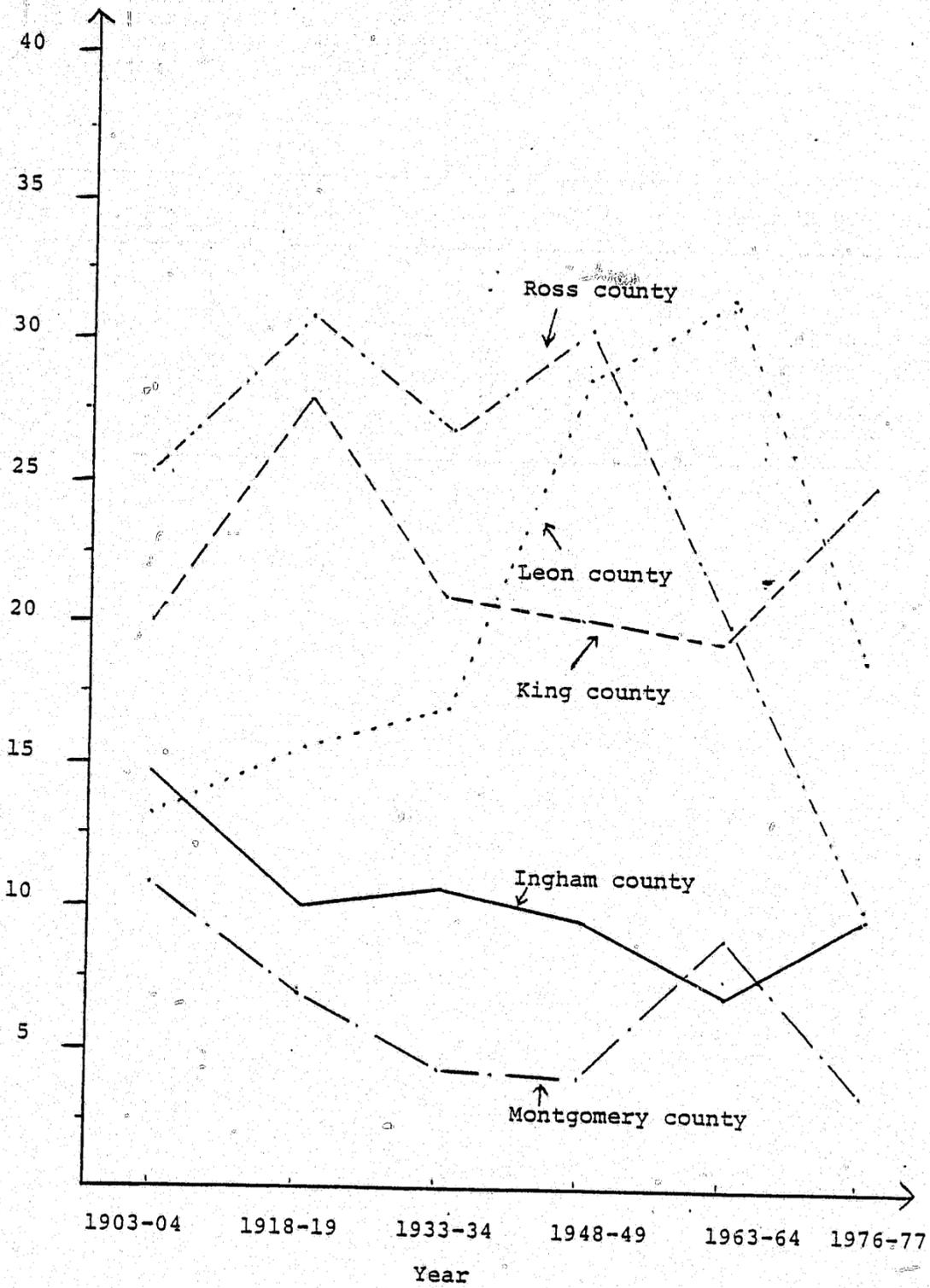
Table 21: Percentage of Trial Dispositions and trials won by plaintiffs for all Counties and each County, 1903-04 to 1976-77

Trial Dispositions	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>All Counties</u>						
Total Trials % of all dispositions	16.8% (1358)	22.9% (3179)	17.6% (3465)	17.6% (5113)	17.2% (8570)	19.6% (17,120)
Trials won by plaintiffs as % of all trials	81.1 (1101)	98.6 (3136)	93.2 (3229)	90.8 (4643)	92.1 (7894)	97.5 (15,721)
<u>Ingham County</u>						
Total Trials % all dispositions	14.8 (56)	10.6 (99)	11.0 (144)	9.0 (230)	7.1 (362)	10.5 (915)
% Plaintiff victories	72.4 (41)	99.0 (98)	81.9 (118)	92.0 (212)	88.7 (321)	100.0 (915)
<u>King County</u>						
Total Trials % all dispositions	20.0 (1363)	27.4 (3050)	20.7 (3122)	19.7 (4359)	19.2 (6646)	25.1 (13,379)
% Plaintiff victories	72.0 (982)	96.0 (2938)	90.8 (2835)	88.8 (3872)	92.7 (6152)	98.0 (13,113)
<u>Leen County</u>						
Total Trials % all dispositions	13.0 (13)	15.3 (37)	17.2 (102)	28.5 (424)	32.3 (619)	18.3 (927)
% Plaintiff victories	100.0 (13)	87.4 (32)	70.7 (72)	94.5 (401)	93.5 (579)	85.3 (790)
<u>Montgomery County</u>						
Total Trials % all dispositions	11.1 (41)	7.1 (40)	4.1 (82)	3.8 (86)	8.7 (653)	3.5 (476)
% Plaintiff victories	66.2 (27)	55.7 (22)	80.9 (66)	73.3 (63)	56.3 (368)	100.0 (476)

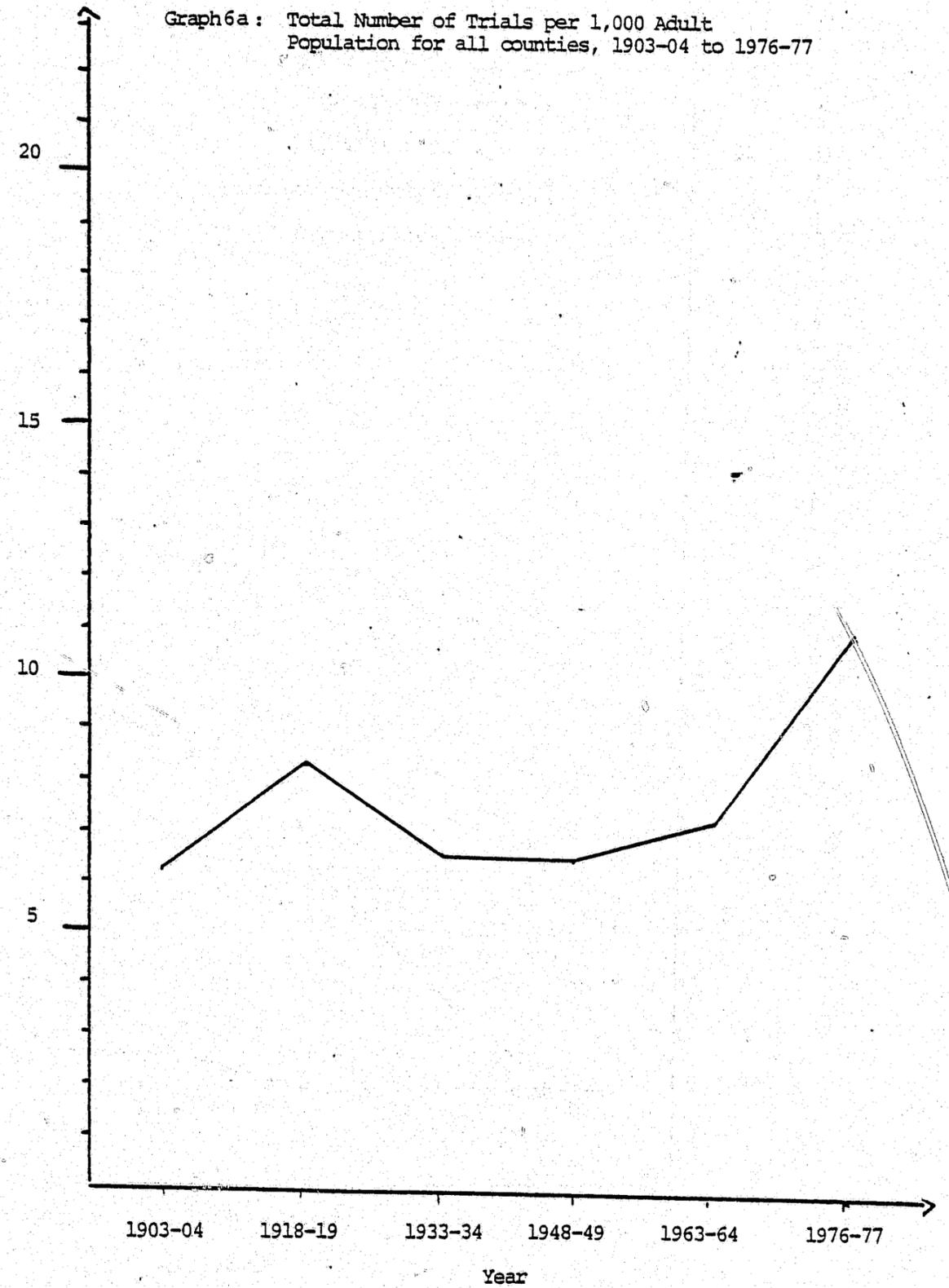
Table 21: Percentage of Trial Dispositions and trials won by plaintiffs for all Counties and each County, 1903-04 to 1976-77 (cont'd)

Trial Dispositions	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>Ross County</u>						
Total Trials % all dispositions	25.4% (99)	31.5% (162)	26.9% (192)	31.0% (231)	20.6% (152)	11.3% (172)
% Plaintiff victories	74.7 (74)	89.5 (145)	96.6 (185)	97.6 (225)	97.4 (148)	94.9 (163)

Graph 7: Trials as Percentage of All Dispositions for each county, 1903-04 to 1976-77



Graph 6a: Total Number of Trials per 1,000 Adult Population for all counties, 1903-04 to 1976-77



Graph 7a: Total Number of Trials per 1,000 Adult Population for Ingham, King, Leon, Montgomery, and Ross Counties, 1903-04 to 1976-77

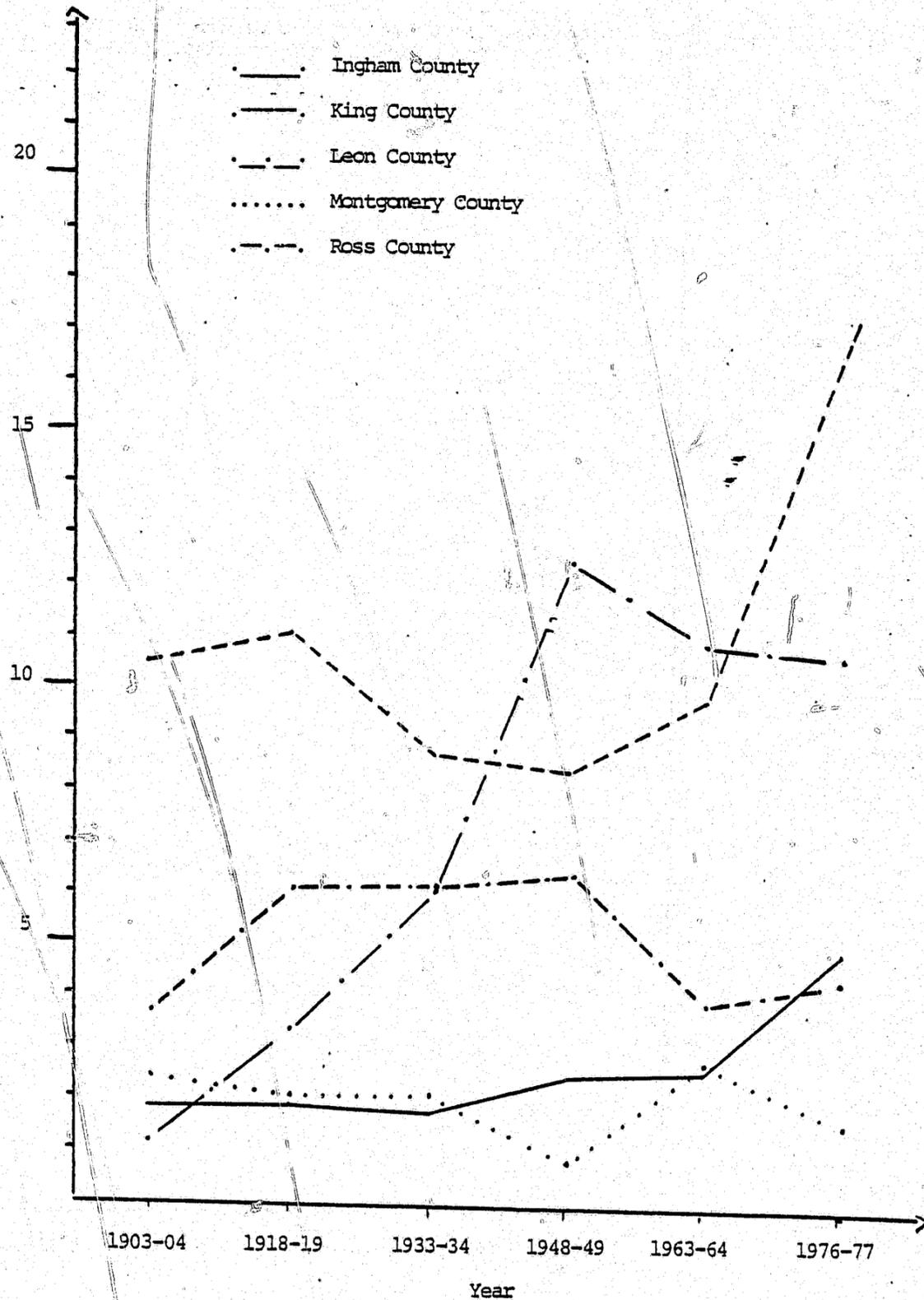


Table 21a: Total Number of Trials per 1,000 Adult Population for all Counties and each County, 1903-04 to 1976-77

Counties/Population	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>All Counties</u>						
No. of Trials	1,358	3,179	3,465	5,113	8,570	16,120
Adult Population	218,670	388,118	534,473	795,091	1,181,292	1,488,950
Trials per 1,000	6.2	8.2	6.5	6.4	7.3	10.8
<u>Ingham County</u>						
No. of Trials	56	99	144	230	362	915
Adult Population	31,220	54,362	84,745	101,049	151,167	181,744
Trials per 1,000	1.8	1.8	1.7	2.3	2.4	5.0
<u>King County</u>						
No. of Trials	1,363	3,050	3,122	4,359	6,646	13,379
Adult Population	130,851	275,549	360,723	519,073	678,670	773,820
Trials per 1,000	10.4	11.1	8.7	8.4	9.8	17.3
<u>Leon County</u>						
No. of Trials	13	37	102	424	619	927
Adult Population	12,232	11,296	17,020	33,892	56,752	87,587
Trials per 1,000	1.1	3.3	6.0	12.5	10.9	10.6
<u>Montgomery County</u>						
No. of Trials	41	40	82	86	653	476
Adult Population	17,680	19,688	40,258	104,849	255,849	365,414
Trials per 1,000	2.3	2.0	2.0	.8	2.6	1.3
<u>Ross County</u>						
No. of Trials	99	162	192	231	152	172
Adult Population	26,687	27,223	31,727	36,228	39,441	40,385
Trials Per 1,000	3.7	6.0	6.1	6.4	3.9	4.3

Table 22: Number and Percentage of Cases Won by Plaintiff in each County, 1903-04 to 1976-77

County	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>All counties</u>						
No. of judgments	4487	8954	13,634	17,640	26,102	49,441
Percentage of all judgments	91.6%	97.1%	97.1%	95.8%	93.5%	98.4%
	(4110)	(8694)	(13,239)	(16,899)	(24,405)	(48,650)
<u>Ingham county</u>						
No. of judgments	224	508	684	1,459	2,391	6,291
Percentage of all judgments	88.2	97.1	92.3	95.5	69.9	96.8
	(198)	(493)	(631)	(1,393)	(1,671)	(6,090)
<u>King county</u>						
No. of judgments	3,762	7,268	10,164	13,829	18,658	33,208
Percentage of all judgments	86.9	96.4	94.1	94.2	96.0	99.2
	(3,269)	(7,006)	(9,564)	(13,027)	(17,912)	(32,942)
<u>Leon county</u>						
No. of judgments	55	142	370	960	1,349	3,019
Percentage of all judgments	100.0	93.8	90.4	96.8	96.3	90.6
	(55)	(133)	(334)	(929)	(1,299)	(2,735)
<u>Montgomery county</u>						
No. of judgments	281	336	1,492	1,202	2,447	4,502
Percentage of all judgments	93.4	91.8	98.2	95.8	86.8	97.0
	(262)	(308)	(1,465)	(1,152)	(2,119)	(4,367)
<u>Ross county</u>						
No. of judgments	173	256	372	333	303	835
Percentage of all judgments	81.8	90.2	91.6	94.3	94.6	92.7
	(142)	(231)	(341)	(314)	(287)	(774)

Table 23: Percentages of Dispositions for all Counties and for each County, 1903-04 to 1976-77

Case Disposition	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
<u>All Counties</u>						
Voluntary dismissals	40.1%	28.8%	28.7%	36.5%	41.7%	30.0%
	(3232)	(3855)	(5656)	(10,657)	(20,787)	(24,639)
Uncontested cases	36.5	40.5	50.4	40.8	31.2	35.7
	(2940)	(5422)	(9927)	(11,940)	(15,536)	(29,368)
Contested cases	19.0	26.5	18.8	19.6	21.1	24.4
	(1547)	(3532)	(3707)	(5700)	(10,566)	(20,073)
Judgment for Plaintiff	14.5	24.5	16.9	17.0	17.8	23.4
	(1173)	(3280)	(3324)	(4973)	(8875)	(19,259)
Judgment for defendant	4.5	2.0	1.9	2.6	3.3	1.0
	(374)	(252)	(383)	(727)	(1691)	(794)
<u>Ingham County</u>						
Voluntary dismissals	39.3	41.4	42.3	40.5	51.7	24.8
	(149)	(387)	(555)	(1033)	(2636)	(2161)
Uncontested cases	39.3	41.3	38.2	43.2	25.6	58.9
	(149)	(386)	(501)	(1102)	(1305)	(5132)
Contested cases	19.7	13.1	14.0	14.0	21.3	13.3
	(75)	(122)	(183)	(357)	(1086)	(1159)
Judgment for plaintiff	12.7	11.5	9.9	11.4	7.2	11.0
	(48)	(107)	(130)	(291)	(367)	(959)
Judgment for defendant	7.0	1.6	4.1	2.6	14.1	2.3
	(27)	(15)	(53)	(66)	(719)	(200)
<u>King County</u>						
Voluntary dismissals	39.7	31.2	31.1	35.9	42.4	30.7
	(2706)	(3473)	(4690)	(7944)	(14,677)	(16,364)
Uncontested cases	32.9	35.5	44.7	41.3	32.4	32.8
	(2242)	(3951)	(6741)	(9138)	(11,216)	(17,483)
Contested cases	22.2	29.8	22.7	21.2	21.4	29.5
	(1513)	(3317)	(3423)	(4691)	(7408)	(15,724)
Judgment for plaintiff	15.0	27.4	18.8	17.5	19.3	29.0
	(1022)	(3050)	(2835)	(3872)	(6681)	(15,457)
Judgment for defendant	7.2	2.4	3.9	3.7	2.1	0.5
	(491)	(267)	(588)	(819)	(727)	(267)
<u>Leon County</u>						
Voluntary dismissals	42.7	39.0	35.3	31.8	29.1	39.4
	(43)	(96)	(209)	(414)	(558)	(1996)
Uncontested cases	36.0	36.3	42.8	34.8	35.1	21.6
	(37)	(89)	(253)	(518)	(673)	(1094)
Contested cases	18.0	21.7	19.8	29.7	35.3	38.0
	(18)	(53)	(117)	(442)	(676)	(1925)
Judgment for plaintiff	18.0	17.9	13.7	27.7	32.7	33.3
	(18)	(44)	(81)	(412)	(626)	(1687)
Judgment for defendant	0.0	3.8	6.1	2.0	2.6	4.7
	(0)	(9)	(36)	(30)	(50)	(238)

Table 23: Percentages of Dispositions for all Counties and for each County, 1903-04 to 1976-77 (cont'd)

Case Disposition	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Montgomery County						
Voluntary dismissals	20.8% (77)	31.8% (177)	18.6% (374)	32.0% (720)	47.7% (3580)	39.7% (5399)
Uncontested cases	59.3 (220)	50.0 (279)	68.9 (1385)	39.1 (880)	19.6 (1471)	22.7 (3087)
Contested cases	16.3 (61)	10.3 (57)	5.3 (107)	14.3 (322)	13.0 (976)	10.4 (1415)
Judgment for plaintiff	12.0 (45)	7.2 (40)	4.5 (91)	12.7 (286)	8.7 (653)	9.4 (1279)
Judgment for defendant	4.3 (16)	3.1 (17)	0.8 (16)	1.6 (36)	4.3 (323)	1.0 (136)
Ross County						
Voluntary dismissals	53.1 (207)	48.2 (248)	46.9 (334)	53.8 (400)	56.1 (415)	39.8 (607)
Uncontested cases	12.8 (50)	9.4 (48)	14.4 (103)	10.2 (76)	17.3 (128)	31.7 (484)
Contested cases	31.7 (123)	40.5 (208)	37.7 (269)	34.5 (257)	23.7 (175)	23.0 (351)
Judgments for plaintiff	23.7 (92)	35.6 (183)	33.3 (237)	32.0 (238)	21.4 (158)	19.0 (290)
Judgments for defendant	8.0 (31)	4.9 (25)	4.4 (32)	2.5 (19)	2.3 (17)	4.0 (61)

Graph 8: Percent of Plaintiff Victories by Case Type for All Counties, 1903-04 to 1976-77

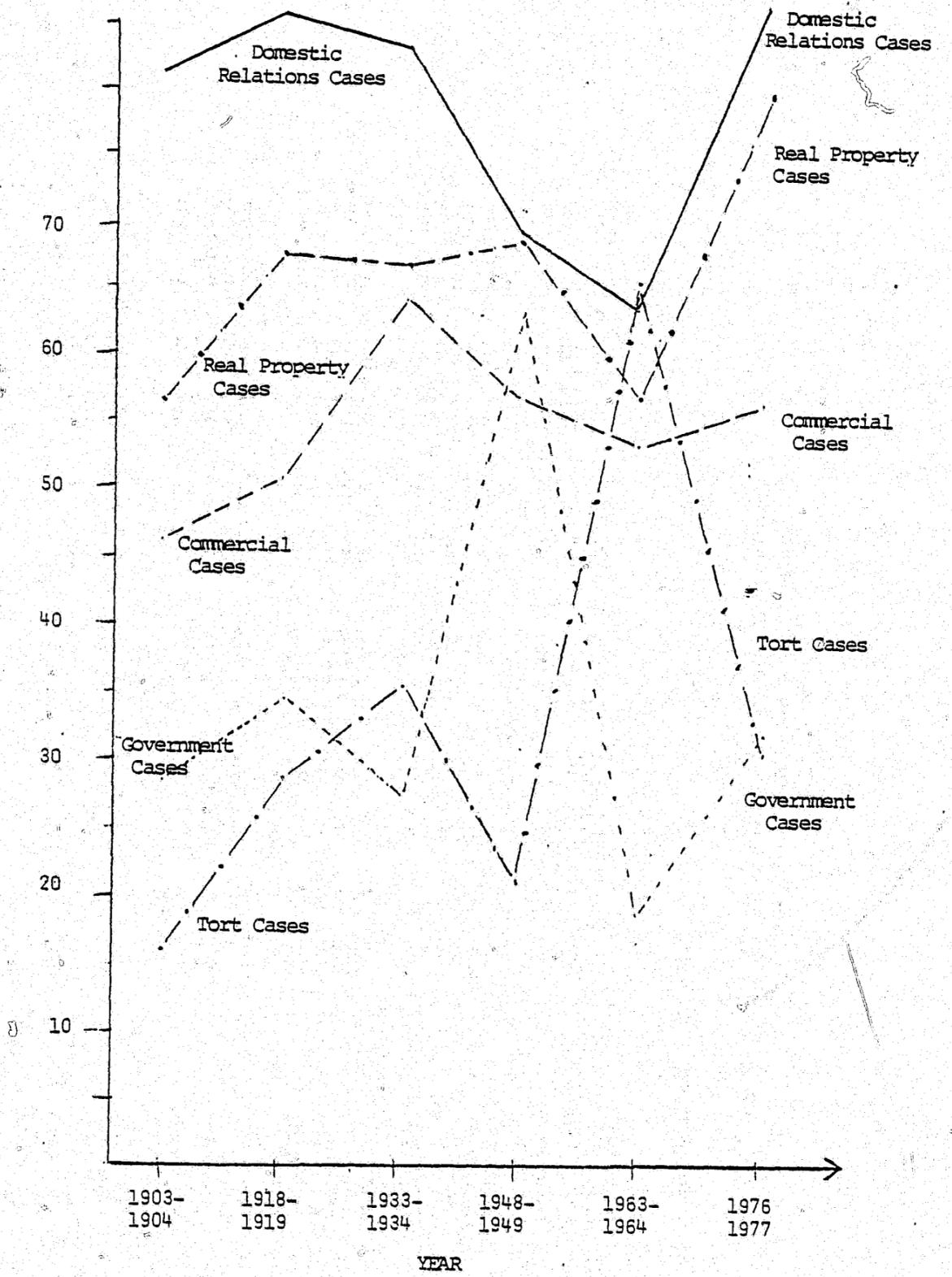


Table 24: PERCENTAGE AND NUMBER OF PLAINTIFF VICTORIES BY CASE TYPE FOR EACH COUNTY AND TIME PERIOD

COUNTY/CASE TYPE	1903-04		1910-1919		1933-1934		1940-1949		1963-1964		1976-1977		AVE. FOR 5 YRS.
	%	N	%	N	%	N	%	N	%	N	%	N	
ALL COUNTIES													
Family	01.6	1420	05.7	5272	03.9	5079	69.4	9413	63.7	13331	06.0	33040	
Commercial	46.4	2497	50.2	2921	64.7	7540	56.2	5016	52.2	9377	55.3	13907	
Tort	16.5	15	20.0	53	35.5	100	21.0	552	65.2	1715	30.1	2230	
Real Property	56.9	103	67.5	351	67.1	290	60.1	353	56.4	305	79.0	669	
Government	20.4	242	34.0	305	27.1	177	62.2	1327	10.0	674	32.1	2700	
HOUSTON COUNTY													
Family	05.7	24	72.4	55	74.1	169	01.4	596	55.0	1262	01.3	4760	
Commercial	74.9	210	63.9	239	01.9	1300	66.4	660	47.7	1206	61.3	1930	
Tort	14.3	2	30.1	24	63.7	50	10.9	54	7.4	01	11.4	272	
Real Property	02.4	20	70.0	21	62.5	15	63.3	31	100.0	17	66.7	136	
Government	20.0	1	25.0	3	50.0	16	02.7	134	53.3	750	70.2	1160	
IRVING COUNTY													
Family	71.1	110	63.0	423	70.4	470	65.7	1146	40.5	1205	01.2	5003	
Commercial	30.4	53	25.7	36	39.2	130	45.4	163	17.4	112	25.6	135	
Tort	27.0	10	37.0	17	22.0	37	23.2	66	4.4	60	24.9	176	
Real Property	47.1	0	05.1	40	67.6	23	02.0	41	04.4	01	52.6	10	
Government	36.0	9	0.6	3	25.0	17	33.9	42	29.3	97	75.2	1000	
KILLEBUCK COUNTY													
Family	03.9	1000	09.0	4509	07.4	4119	69.4	7076	67.0	9046	91.1	21301	
Commercial	45.4	2156	50.4	2541	61.5	5040	56.1	4730	54.3	7501	49.5	10066	
Tort	0.0	0	0.0	0	0.0	0	20.0	372	32.0	1493	15.3	1130	
Real Property	50.0	24	66.0	241	66.0	219	71.3	244	50.3	100	100.0	452	
Government	14.4	269	35.3	363	10.0	193	64.0	1110	42.0	652	53.5	2211	
LEWIS COUNTY													
Family	00.2	30	02.2	65	30.1	70	01.3	632	77.0	703	69.7	2035	
Commercial	43.1	22	40.0	60	40.2	94	40.0	217	62.0	351	46.3	464	
Tort	0.0	0	12.5	2	0.0	0	33.3	56	29.3	75	17.9	01	
Real Property	66.7	4	50.3	7	65.0	13	33.3	6	100.0	11	46.6	41	
Government	16.7	1	0.3	1	43.6	09	57.0	57	63.0	171	35.4	100	
ROBERTS COUNTY													
Family	55.2	69	62.2	140	47.3	130	40.1	263	45.7	235	63.0	742	
Commercial	10.7	46	32.4	44	51.5	170	36.6	170	49.0	47	44.0	51	
Tort	51.6	2	15.1	9	54.5	6	12.1	4	11.5	7	12.9	12	
Real Property	51.1	19	62.1	41	75.7	20	52.5	11	22.0	9	39.5	30	
Government	0.0	0	15.1	6	56.7	34	20.6	7	34.9	15	7.6	6	

Graph 9: Percentage of Plaintiff Victories by Type of Litigant Contests for All Counties, 1903-04 to 1976-77

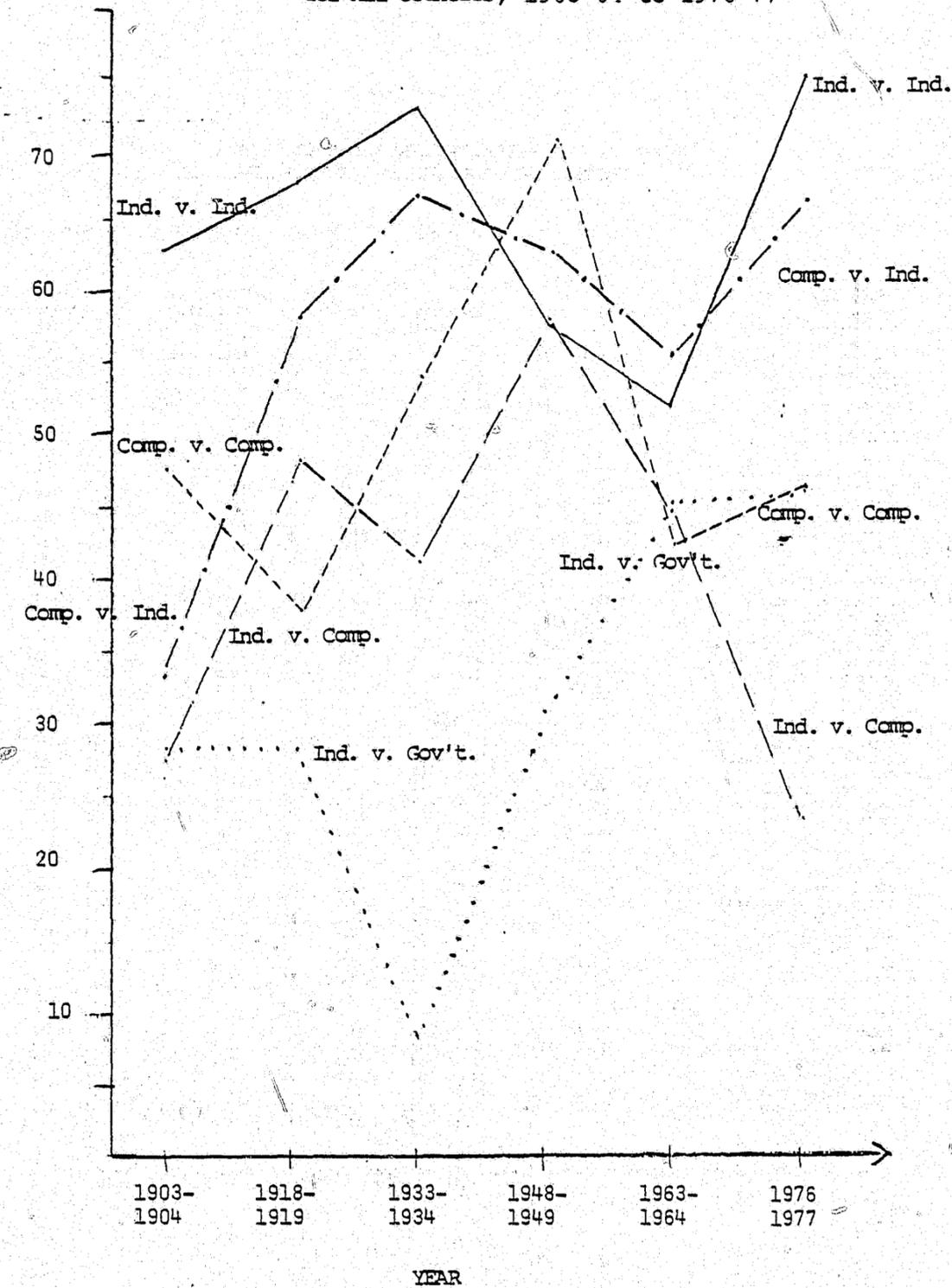


Table 25: NUMBER AND PERCENTAGE OF PLAINTIFF VICTORIES
BY TYPE OF LITIGANT SUIT FOR EACH COUNTY AND TIME PERIOD

	1903-1904		1918-1919		1933-1934		1948-1949		1963-1964		1976-1977	
	V	%	V	%	V	%	V	%	V	%	V	%
All Counties												
Individ. vs. Ind.	63.7	3377	63.4	7170	71.3	9159	57.5	12580	51.5	16399	75.3	17714
Ind. vs. Comp. or Part	17.1	463	48.1	1078	41.3	1426	37.9	1234	44.9	2051	22.9	2255
Ind. vs. Gov't	23.4	123	28.1	153	3.27	41	31.4	232	43.9	401	46.5	1133
Comp. vs. Individ.	33.3	274	38.1	613	45.4	2391	62.3	1302	33.5	4275	36.2	5432
Comp. vs. Comp. or Gov't	47.5	141	38.2	111	33.5	329	71.3	1139	43.1	2131	44.4	4607
Gov't vs. Individ.	46.3	36	47.3	131	26.5	121	78.5	773	55.1	213	71.3	1309
Other	22.9	127	22.5	13	17.1	151	33.4	215	33.1	143	39.1	1311
Metropolitan												
Individ. vs. Ind.	74.3	211	64.9	215	77.4	344	63.9	392	45.1	1579	64.2	4423
Ind. vs. Comp. or Part	43.3	3	33.1	15	67.1	78	42.5	30	33.2	157	7.4	125
Ind. vs. Gov't	0.0	0	0.0	0	0.0	0	76.3	19	0.0	0	46.3	38
Comp. vs. Individ.	34.7	10	79.3	33	82.3	515	75.1	253	10.3	239	47.8	174
Comp. vs. Comp. or Gov't	0.0	0	40.0	9	100.0	40	55.4	67	33.3	42	15.3	423
Gov't vs. Individ.	0.0	0	0.0	0	58.3	10	79.3	23	60.1	10	100.0	473
Other	70.6	11	50.0	9	63.6	77	81.5	35	71.0	63	38.7	382
Urban												
Individ. vs. Ind.	55.3	135	60.3	480	59.4	597	59.3	1294	38.4	1411	73.2	4703
Ind. vs. Comp. or Part	23.3	15	39.2	19	15.6	11	24.6	11	15.6	49	24.1	130
Ind. vs. Gov't	0.0	0	0.0	0	11.3	13	41.7	25	48.3	21	32.3	341
Comp. vs. Individ.	35.0	11	72.1	13	49.1	49	57.3	45	7.1	29	59.3	71
Comp. vs. Comp. or Gov't	10.3	4	15.7	5	13.9	13	13.1	11	13.1	4	14.3	17
Gov't vs. Individ.	13.3	3	0.0	0	0.0	0	0.0	0	13.2	15	37.3	79
Other	42.3	6	15.0	1	16.7	4	0.0	0	0.0	0	100.0	73
Suburban												
Individ. vs. Ind.	44.3	2811	70.1	6151	78.5	7190	56.4	9723	54.4	12491	73.1	21112
Ind. vs. Comp. or Part	27.1	441	50.0	1215	40.3	1137	62.3	1589	33.4	1312	29.7	1379
Ind. vs. Gov't	21.3	123	39.1	180	0.0	0	29.3	173	39.9	275	24.3	173
Comp. vs. Individ.	28.5	135	55.1	438	62.7	2238	62.7	913	61.1	1749	79.3	4814
Comp. vs. Comp. or Gov't	49.4	110	39.1	239	35.3	744	74.7	928	41.8	1352	50.3	1691
Gov't vs. Individ.	39.2	73	79.4	133	15.7	31	80.3	741	37.2	73	80.3	1321
Other	10.3	123	0.0	0	0.0	0	100.0	33	43.1	131	100.0	333
Rural												
Individ. vs. Ind.	64.1	19	61.2	72	66.2	130	67.2	643	71.4	785	64.3	1301
Ind. vs. Comp. or Part	11.1	3	25.2	7	3.5	1	17.4	13	12.3	43	20.3	38
Ind. vs. Gov't	0.0	0	0.0	0	37.1	10	10.4	14	66.1	43	0.0	0
Comp. vs. Individ.	15.1	4	52.5	10	63.1	11	16.4	71	68.5	127	15.3	17
Comp. vs. Comp. or Gov't	50.3	1	42.3	1	35.3	12	71.3	124	61.2	143	17.3	13
Gov't vs. Individ.	0.0	0	0.0	0	0.0	0	100.0	3	0.0	0	14.2	13
Other	62.3	5	54.5	6	43.0	43	35.0	14	74.4	34	49.4	41
State												
Individ. vs. Ind.	44.5	117	50.9	211	44.4	217	46.0	115	39.1	132	37.4	752
Ind. vs. Comp. or Part	27.5	14	28.9	11	20.7	6	8.7	4	60.0	12	42.1	11
Ind. vs. Gov't	0.0	0	13.1	1	45.0	3	0.0	0	0.0	0	0.0	0
Comp. vs. Individ.	16.7	11	17.2	15	68.2	38	73.7	14	59.8	30	47.1	13
Comp. vs. Comp. or Gov't	28.5	2	24.0	4	34.5	3	0.0	0	43.2	14	56.3	14
Gov't vs. Individ.	0.0	0	0.0	0	50.0	10	0.0	0	57.1	3	0.0	0
Other	0.0	0	0.0	0	56.0	14	0.0	0	0.0	0	0.0	0

V refers to cases in each cell won by plaintiffs, e.g., 5371 of individual vs. ind. cases in 1903-04 were won by plaintiffs.

Graph 10: Percentage of Plaintiff Victories
by Number of Litigants in Suit
for All Counties, 1903-04 to 1976-77

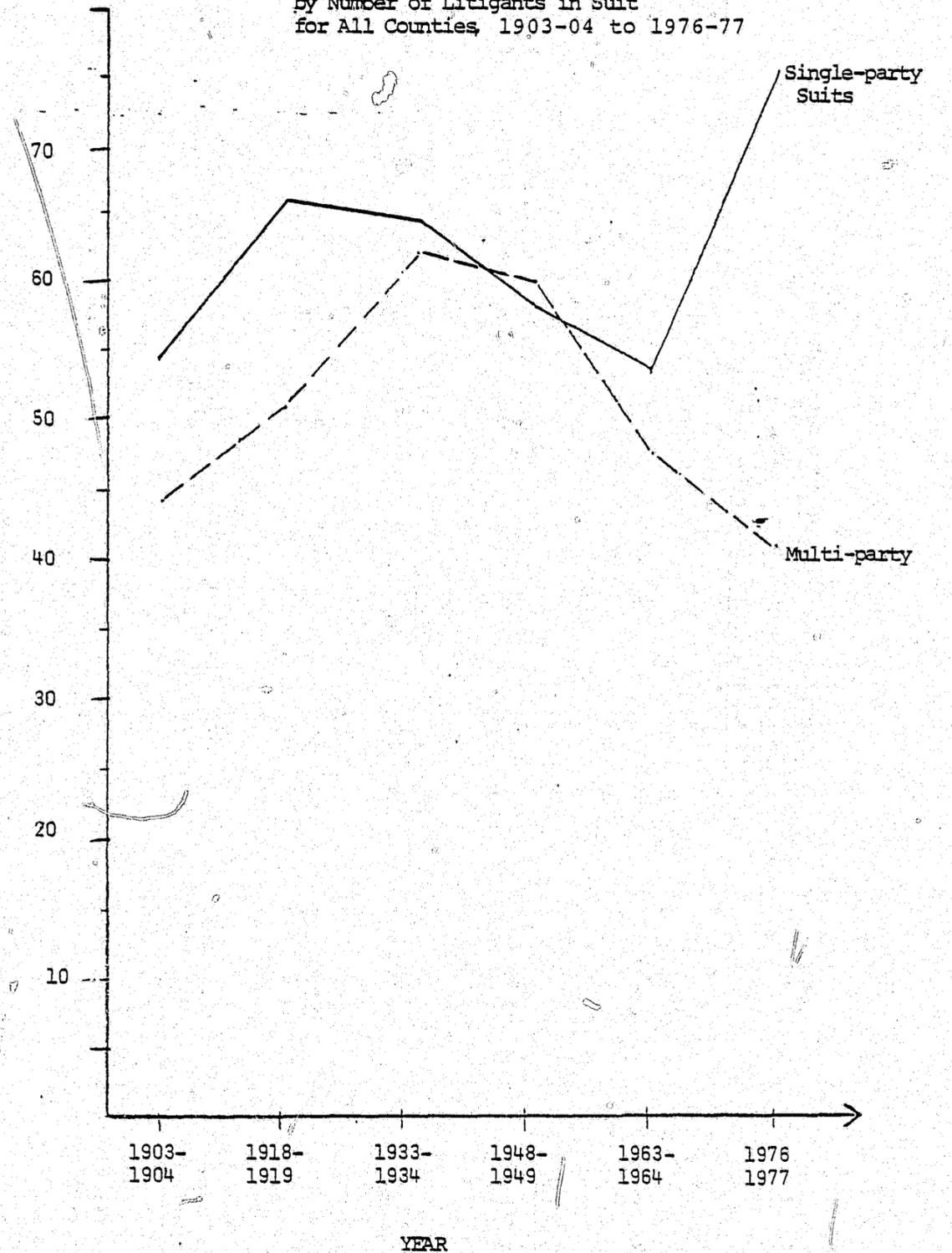


TABLE 26: PERCENTAGE AND NUMBER OF PLAINTIFF VICTORIES BY NUMBER OF LITIGANTS FOR EACH COUNTY AND TIME PERIOD

COUNTY/LITIGANT	1903-04		1918-19		1933-34		1948-49		1963-64		1976-77	
	%	N	%	N	%	N	%	N	%	N	%	N
ALL COUNTIES												
Single Party (1)	54.4	2400	66.5	6715	64.0	7201	50.3	11061	52.0	15626	75.5	42910
Multi-party	44.6	2090	51.0	2779	62.0	7415	59.0	7176	47.6	11054	41.0	11410
MONTGOMERY												
Single Party	67.0	141	54.0	107	72.5	743	65.0	790	43.7	1900	69.7	5644
Multi-party	01.1	137	72.1	155	04.7	030	64.2	623	43.0	1257	31.3	1510
INGHAM												
Single Party	52.2	165	50.0	509	60.5	645	50.0	1340	37.3	1539	77.7	6196
Multi-party	43.9	29	17.5	11	23.5	63	40.9	115	9.4	95	21.0	206
KING												
Single Party	55.1	2037	69.1	5725	66.0	5303	57.0	7704	57.7	10900	70.1	20291
Multi-party	43.3	1052	50.0	2510	61.5	6237	60.5	6491	49.0	9217	46.2	9161
LEON												
Single Party	56.3	45	57.3	106	62.9	205	63.6	010	67.0	057	60.4	2012
Multi-party	17.5	9	41.0	23	42.0	127	47.1	112	60.0	432	22.3	190
ROSS												
Single Party	35.4	92	46.1	107	42.3	226	44.4	320	40.4	262	50.9	754
Multi-party	41.0	71	46.7	79	59.0	147	25.0	16	45.4	54	00.9	112

1) Single party refers to cases having a single plaintiff and single defendant.

2) % refers to cases in each cell won by plaintiffs, e.g., 54.4% of single party cases were won by plaintiffs in 1903-04.

Table 27: Average Interval in Months of Adjudicated Cases by Type for all Counties, 1903-04 to 1976-77

Type of Case	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Divorce	2.5	4.2	13.5	16.9	10.7	12.5
Family Other	14.7	1.6	1.5	1.3	8.2	8.0
Secured Debt	10.2	23.8	6.2	9.9	7.0	6.8
Debt Collection on Note	9.6	3.1	13.9	7.9	3.0	8.3
Contract & Debt	8.6	8.6	7.0	13.1	15.4	10.0
Business/Assoc.	12.7	3.4	10.0	6.7	0	4.2
Auto Tort	0	8.3	11.1	8.4	10.7	14.3
Non-auto tort	16.0	13.6	4.0	18.0	22.1	12.2
Real Property	14.1	7.7	6.1	11.9	8.4	23.9
Tax Assessment/Condemnation	.2	7.5	3.6	13.0	35.8	0
Government Other	9.6	0	3.4	.5	11.7	2.6

Average Interval in Months of Uncontested but Judicially Decided Cases by Type for all Counties

Divorce	8.4	4.8	11.1	8.5	14.1	5.0
Family Other	4.5	.1	2.2	9.1	6.3	7.8
Secured Debt	4.0	7.2	6.1	3.5	4.9	1.1
Debt Collection on Note	1.6	2.7	.7	.6	1.4	4.7
Contract & Debt	7.6	6.6	2.0	7.2	3.3	1.6
Business/Assoc.	9.8	1.9	2.7	95.3	0	16.9
Auto Tort	0	9.8	8.2	.9	8.9	4.0
Non-auto tort	69.1	15.5	15.8	9.8	2.5	11.5
Real Property	13.9	2.9	10.7	29.7	2.8	7.2
Tax Assessment/Condemnation	3.9	0.3	2.1	32.1	4.1	4.6
Government Other	1.7	0.1	8.7	16.6	4.5	1.1

Table 27 Average Interval in Months of Contested but not Judicially Decided Cases (i.e. Dismissed and Settled) by Type for all Counties, 1903-04 to 1976-77

Type of Case	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Divorce	4.1	12.7	16.3	6.6	12.5	10.4
Family Other	21.5	0	0	0	9.3	6.1
Secured Debt	11.3	29.8	14.5	9.0	27.3	6.0
Debt Collection on Note	5.3	1.7	4.0	9.4	20.2	14.3
Contract & Debt	6.4	7.6	17.1	13.1	17.3	13.8
Business/Assoc.	4.0	1.7	2.0	30.8	0	6.9
Auto Tort	0	3.3	3.5	15.2	15.9	12.9
Non-auto Tort	7.9	0.4	60.0	10.3	11.8	10.8
Real Property	10.0	77.1	85.7	18.8	20.0	8.5
Tax Assessment/Condemnation	5.2	31.4	25.8	0	0	21.5
Government Other	0	0.6	0	0	4.3	1.4

Table : Average Interval in Months of Uncontested and not Judicially Decided Cases (i.e. No Answer Filed), by Type for all Counties

Type of Case	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
Divorce	1.6	1.7	4.6	0.8	16.1	4.5
Family Other	12.8	42.7	0	24.8	4.0	26.6
Secured Debt	2.0	2.0	5.4	4.0	9.2	1.0
Debt Collection on Note	3.1	0.9	4.8	1.2	35.1	0.6
Contract & Debt	2.0	9.1	7.8	0.7	19.2	6.3
Business/Assoc.	0.5	143.8	0.3	3.8	0.8	0
Auto Tort	0	11.3	1.1	0.2	9.9	6.2
Non-auto Tort	1.0	2.2	1.8	3.1	2.9	2.1
Real Property	1.7	0.5	54.4	1.9	4.5	0.5
Tax Assessment/Condemnation	19.8	0	0	0	1.9	0
Government Other	0.6	3.0	5.6	0	3.5	2.0

Table 28a:

AVERAGE NUMBER OF POST JUDGMENT ACTIONS BY CASE TYPE AND WINDOW (IN DAYS)

SITE : ALL SITES

CASE TYPE	WINDOW					
	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
DIVORCE	0.67	0.23	0.68	0.54	1.08	0.27
OTHER FAMILY	0.00	0.10	0.18	0.04	0.00	1.15
SECURED INTEREST	0.21	0.90	1.59	0.42	1.25	0.20
DEBT COLLECTION-NOTE	1.63	3.04	1.64	1.52	1.53	0.34
CONTRACTS & DEBTS	1.12	0.75	1.95	0.70	2.11	0.97
BUSINESS ASSOCIATIONS	5.93	0.57	1.40	0.19	0.00	0.27
AUTO TORTS	0.00	0.36	0.08	0.61	0.43	0.18
NON-AUTO TORTS	0.00	0.20	0.27	0.39	0.29	1.16
REAL PROPERTY	0.15	0.22	0.24	0.10	0.00	0.04
TAX:ASSESSMENT:COND	2.93	0.00	0.04	0.47	0.74	0.07
OTHER GOVERNMENT	0.51	0.00	0.33	0.07	0.03	0.00
MISCELLANEOUS	0.52	0.11	0.49	0.66	0.15	2.09

Table 28d:

AVERAGE NUMBER OF POST JUDGMENT ACTIONS BY CASE TYPE AND WINDOW
(IN DAYS)

SITE : FLORIDA

CASE TYPE	WINDOW					
	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
DIVORCE	0.00	0.00	0.34	0.33	1.56	0.77
OTHER FAMILY	0.00	0.00	0.43	0.00	0.00	0.00
SECURED INTEREST	0.00	0.30	0.27	0.37	0.97	0.40
DEBT COLLECTION-NOTE	0.25	1.00	0.88	2.00	0.33	1.00
CONTRACTS & DEBTS	0.25	0.49	0.43	0.65	1.32	0.33
BUSINESS ASSOCIATIONS	0.00	0.00	0.00	0.00	0.00	0.50
AUTO TORTS	0.00	0.00	0.00	1.17	0.80	0.00
NON-AUTO TORTS	0.00	1.10	0.75	3.00	0.00	2.00
REAL PROPERTY	0.50	0.00	0.00	0.00	0.00	0.00
TAX:ASSESSMENT:CDM	0.00	0.00	0.00	0.00	8.00	0.00
OTHER GOVERNMENT	0.00	0.00	1.18	2.00	0.11	0.00
MISCELLANEOUS	0.00	0.00	0.00	2.18	0.00	0.00

Table 28e:

AVERAGE NUMBER OF POST JUDGMENT ACTIONS BY CASE TYPE AND WINDOW
(IN DAYS)

SITE : MARYLAND

CASE TYPE	WINDOW					
	1903-04	1918-19	1933-34	1948-49	1963-64	1976-77
DIVORCE	0.00	0.00	0.00	0.05	1.74	0.22
OTHER FAMILY	0.00	0.00	0.03	0.06	0.00	2.43
SECURED INTEREST	0.21	0.04	0.06	0.13	0.00	0.00
DEBT COLLECTION-NOTE	0.66	0.46	0.81	0.21	0.58	0.25
CONTRACTS & DEBTS	0.57	0.46	0.35	0.39	0.77	0.05
BUSINESS ASSOCIATIONS	0.00	0.00	0.00	0.00	0.00	0.00
AUTO TORTS	0.00	0.67	0.17	0.33	0.39	0.29
NON-AUTO TORTS	0.00	0.20	0.00	0.59	0.37	0.00
REAL PROPERTY	0.14	0.68	0.69	0.00	0.00	0.00
TAX:ASSESSMENT:CDM	0.00	0.00	0.14	0.47	0.46	0.09
OTHER GOVERNMENT	0.00	0.00	0.00	0.25	0.00	0.00
MISCELLANEOUS	0.60	0.25	1.00	1.20	0.50	3.00

Table 28f:
AVERAGE NUMBER OF POST JUDGMENT ACTIONS BY CASE TYPE AND WINDOW
(IN DAYS)

SITE :OHIO

CASE TYPE	WINDOW					
	1903-04	1918-19	1923-34	1948-49	1963-64	1976-77
DIVORCE	0.11	0.27	0.00	0.00	0.04	0.30
OTHER FAMILY	0.00	2.28	0.00	0.00	0.00	0.00
SECURED INTEREST	0.64	0.00	0.45	0.00	0.17	0.50
DEBT COLLECTION-NOTE	0.25	0.33	0.00	0.00	1.33	0.00
CONTRACTS & DEBTS	0.12	0.25	0.06	0.00	0.00	0.00
BUSINESS ASSOCIATIONS	0.00	0.00	0.00	0.00	0.00	0.00
AUTO TORTS	0.00	0.00	0.00	0.00	0.00	0.00
NON-AUTO TORTS	0.00	0.00	1.00	0.67	0.00	2.60
REAL PROPERTY	0.28	0.97	1.70	0.03	0.00	0.95
TAX:ASSESSMENT:CNDR	0.00	0.00	0.00	0.00	0.00	0.00
OTHER GOVERNMENT	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	1.00	0.00	0.00	0.00	0.00

NUMBER AND PERCENT OF CASES WITH POST JUDGMENT ACTIONS

Table 29a:

SITE :ALL SITES

WINDOW :1903-04

NUMBER OF POST JUDGMENT ACTIONS

CASE TYPE	0		1		2-4		5-10		11-19		20+	
	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %
DIVORCE	1196	30.4	45	7.7	45	12.2	122	42.0	0	0.0	0	0.0
ROW %	84.9		3.2		3.2		8.7		0.0		0.0	
OTHER FAMILY	92	2.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	100.0		0.0		0.0		0.0		0.0		0.0	
SECURED INTEREST	1105	28.1	138	23.5	60	16.1	2	0.8	0	0.0	0	0.0
ROW %	84.7		10.6		4.6		0.2		0.0		0.0	
DEBT COLLECTION-NOTE	256	6.5	24	4.1	106	28.5	40	13.9	0	0.0	0	0.0
ROW %	60.0		5.7		24.9		9.5		0.0		0.0	
CONTRACTS & DEBTS	594	15.1	250	42.5	64	17.2	92	31.6	0	0.0	0	0.0
ROW %	59.5		25.0		6.4		9.2		0.0		0.0	
BUSINESS ASSOCIATIONS	46	1.2	0	0.0	0	0.0	0	0.0	45	49.0	0	0.0
ROW %	50.6		0.0		0.0		0.0		49.4		0.0	
AUTO TORTS	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	0.0		0.0		0.0		0.0		0.0		0.0	
NON-AUTO TORTS	48	1.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	100.0		0.0		0.0		0.0		0.0		0.0	
REAL PROPERTY	118	3.0	9	1.3	5	1.5	0	0.0	0	0.0	0	0.0
ROW %	89.9		5.9		4.1		0.0		0.0		0.0	
TAX:ASSESSMENT:CNDR	1	0.0	0	0.0	41	10.9	0	0.0	0	0.0	0	0.0
ROW %	2.4		0.0		97.6		0.0		0.0		0.0	
OTHER GOVERNMENT	84	2.1	37	14.8	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	49.1		50.9		0.0		0.0		0.0		0.0	
MISCELLANEOUS	5	0.1	1	0.2	1	0.4	0	0.0	0	0.0	0	0.0
ROW %	65.2		17.4		17.4		0.0		0.0		0.0	

NUMBER AND PERCENT OF CASES WITH POST JUDGMENT ACTIONS

Table 29b:

SITE : ALL SITES

WINDOW : 1918-19

CASE TYPE	NUMBER OF POST JUDGMENT ACTIONS											
	0		1		2-4		5-10		11-19		20+	
	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %
DIVORCE	401	10.2	34	5.8	50	13.3	34	11.7	48	52.0	0	0.0
ROW %	70.7		6.0		8.7		6.0		8.5		0.0	
OTHER FAMILY	4570	57.9	211	20.2	220	16.1	10	2.6	0	0.0	0	0.0
ROW %	91.2		4.2		4.4		0.2		0.0		0.0	
SECURED INTEREST	301	3.8	0	0.0	0	0.0	3	0.8	0	0.0	0	0.0
ROW %	99.0		0.0		0.0		1.0		0.0		0.0	
DEBT COLLECTION-NOTE	462	5.9	391	37.3	276	20.2	0	0.0	0	0.0	0	0.0
ROW %	40.9		34.6		24.4		0.0		0.0		0.0	
CONTRACTS & DEBTS	349	4.4	94	9.0	153	11.2	144	38.2	140	100.0	0	0.0
ROW %	39.7		10.7		17.4		16.4		15.9		0.0	
BUSINESS ASSOCIATIONS	950	12.0	183	17.4	334	24.5	3	0.8	0	0.0	0	0.0
ROW %	64.6		12.4		22.7		0.2		0.0		0.0	
AUTO TORTS	241	3.1	0	0.0	56	4.1	0	0.0	0	0.0	0	0.0
ROW %	85.2		0.0		19.8		0.0		0.0		0.0	
NON-AUTO TORTS	9	0.1	0	0.0	2	0.1	0	0.0	0	0.0	0	0.0
ROW %	32.0		0.0		18.0		0.0		0.0		0.0	
REAL PROPERTY	61	0.8	0	0.0	6	0.4	0	0.0	0	0.0	0	0.0
ROW %	91.0		0.0		9.0		0.0		0.0		0.0	
TAX:ASSESSMENT:CHM	335	4.2	28	2.7	8	0.6	6	1.5	0	0.0	0	0.0
ROW %	98.8		7.4		2.3		1.5		0.0		0.0	
OTHER GOVERNMENT	5	0.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	100.0		0.0		0.0		0.0		0.0		0.0	
MISCELLANEOUS	232	2.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	100.0		0.0		0.0		0.0		0.0		0.0	

NUMBER AND PERCENT OF CASES WITH POST JUDGMENT ACTIONS

Table 29c:

SITE : ALL SITES

WINDOW : 1933-34

CASE TYPE	NUMBER OF POST JUDGMENT ACTIONS											
	0		1		2-4		5-10		11-19		20+	
	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %
DIVORCE	36	0.5	5	0.4	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	88.8		11.2		0.0		0.0		0.0		0.0	
OTHER FAMILY	335	4.2	136	13.0	309	22.6	211	56.0	0	0.0	0	0.0
ROW %	33.8		13.8		31.2		21.3		0.0		0.0	
SECURED INTEREST	4557	48.3	101	4.0	213	9.7	287	22.0	93	72.1	0	0.0
ROW %	86.8		1.9		4.1		5.5		1.8		0.0	
DEBT COLLECTION-NOTE	62	0.7	1	0.0	4	0.2	0	0.0	0	0.0	0	0.0
ROW %	93.1		1.5		5.4		0.0		0.0		0.0	
CONTRACTS & DEBTS	699	7.4	1789	70.6	518	23.5	335	25.7	0	0.0	0	0.0
ROW %	20.9		53.5		15.5		10.0		0.0		0.0	
BUSINESS ASSOCIATIONS	970	10.3	97	3.8	575	26.1	207	15.9	0	0.0	0	0.0
ROW %	52.5		5.2		31.1		11.2		0.0		0.0	
AUTO TORTS	1090	11.5	316	12.5	490	22.2	365	28.0	36	27.9	0	0.0
ROW %	47.5		13.8		21.3		15.9		1.6		0.0	
NON-AUTO TORTS	220	2.3	0	0.0	0	0.0	85	6.5	0	0.0	0	0.0
ROW %	72.1		0.0		0.0		27.9		0.0		0.0	
REAL PROPERTY	132	1.4	12	0.5	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	91.9		8.1		0.0		0.0		0.0		0.0	
TAX:ASSESSMENT:CHM	62	0.7	15	0.6	4	0.2	0	0.0	0	0.0	0	0.0
ROW %	77.2		18.4		4.4		0.0		0.0		0.0	
OTHER GOVERNMENT	304	3.2	2	0.1	5	0.2	8	0.6	0	0.0	0	0.0
ROW %	95.4		0.5		1.6		2.5		0.0		0.0	
MISCELLANEOUS	95	1.0	4	0.1	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	96.3		3.7		0.0		0.0		0.0		0.0	

NUMBER AND PERCENT OF CASES WITH POST JUDGMENT ACTIONS

Table 29d:

SITE :ALL SITES

WINDOW :1943-49

NUMBER OF POST JUDGMENT ACTIONS

CASE TYPE	0		1		2-4		5-10		11-19		20+	
	N	COL %	N	COL %	N	COL %						
DIVORCE	171	1.8	0	0.0	0	0.0	14	1.1	0	0.0	0	0.0
ROW %	92.3		0.0		0.0		7.7		0.0		0.0	
OTHER FAMILY	52	0.6	13	0.5	13	0.6	0	0.0	0	0.0	0	0.0
ROW %	67.3		16.3		16.3		0.0		0.0		0.0	
SECURED INTEREST	1022	10.9	187	7.4	386	17.5	4	0.3	0	0.0	0	0.0
ROW %	64.0		11.7		24.1		0.2		0.0		0.0	
DEBT COLLECTION-NOTE	7802	51.8	411	19.8	854	38.7	153	34.2	135	100.0	0	0.0
ROW %	83.4		4.4		9.1		1.6		1.4		0.0	
CONTRACTS & DEBTS	303	2.0	0	0.0	4	0.2	0	0.0	0	0.0	0	0.0
ROW %	98.7		0.0		1.3		0.0		0.0		0.0	
BUSINESS ASSOCIATIONS	559	3.7	380	18.3	5	0.2	0	0.0	0	0.0	0	0.0
ROW %	59.2		40.2		0.5		0.0		0.0		0.0	
AUTO TORTS	866	5.7	291	14.0	160	7.2	252	56.5	0	0.0	0	0.0
ROW %	55.2		18.5		10.2		16.1		0.0		0.0	
NON-AUTO TORTS	2700	17.9	684	33.0	953	38.6	0	0.0	0	0.0	0	0.0
ROW %	63.7		16.2		20.1		0.0		0.0		0.0	
REAL PROPERTY	196	1.3	0	0.0	0	0.0	8	1.7	0	0.0	0	0.0
ROW %	96.3		0.0		0.0		3.7		0.0		0.0	
TAX:ASSESSMENT:CNDM	633	4.2	0	0.0	130	5.9	18	4.1	0	0.0	0	0.0
ROW %	81.0		0.0		16.6		2.4		0.0		0.0	
OTHER GOVERNMENT	171	1.1	16	0.8	15	0.7	6	1.3	0	0.0	0	0.0
ROW %	92.5		7.7		7.0		2.8		0.0		0.0	
MISCELLANEOUS	285	1.9	1	0.0	7	0.3	0	0.0	0	0.0	0	0.0
ROW %	97.3		0.3		2.8		0.0		0.0		0.0	

NUMBER AND PERCENT OF CASES WITH POST JUDGMENT ACTIONS

Table 29e:

SITE :ALL SITES

WINDOW :1963-64

NUMBER OF POST JUDGMENT ACTIONS

CASE TYPE	0		1		2-4		5-10		11-19		20+	
	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %
DIVORCE	62	0.4	55	2.6	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	53.2		46.8		0.0		0.0		0.0		0.0	
OTHER FAMILY	194	1.3	2	0.1	6	0.3	0	0.0	0	0.0	0	0.0
ROW %	96.2		0.8		2.9		0.0		0.0		0.0	
SECURED INTEREST	123	0.8	8	0.4	12	0.5	10	2.2	0	0.0	0	0.0
ROW %	80.6		5.4		7.7		6.3		0.0		0.0	
DEBT COLLECTION-NOTE	1172	7.8	228	11.0	163	7.4	0	0.0	0	0.0	0	0.0
ROW %	75.0		14.6		10.4		0.0		0.0		0.0	
CONTRACTS & DEBTS	11314	53.1	621	23.4	1458	25.4	747	37.3	331	59.6	0	0.0
ROW %	78.2		4.3		10.1		5.2		2.3		0.0	
BUSINESS ASSOCIATIONS	463	2.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	100.0		0.0		0.0		0.0		0.0		0.0	
AUTO TORTS	661	3.1	734	27.7	932	16.2	0	0.0	10	1.8	0	0.0
ROW %	28.3		31.4		39.9		0.0		0.4		0.0	
NON-AUTO TORTS	1117	5.2	97	3.6	562	9.8	194	9.7	0	0.0	0	0.0
ROW %	56.7		4.9		28.6		9.8		0.0		0.0	
REAL PROPERTY	3240	15.2	307	11.6	1984	34.5	1049	52.4	214	38.6	0	0.0
ROW %	47.7		4.5		29.2		15.4		3.2		0.0	
TAX:ASSESSMENT:CNDM	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	0.0		0.0		0.0		0.0		0.0		0.0	
OTHER GOVERNMENT	2052	9.6	187	7.0	278	4.8	0	0.0	0	0.0	0	0.0
ROW %	81.5		7.4		11.1		0.0		0.0		0.0	
MISCELLANEOUS	428	2.0	0	0.0	45	0.8	0	0.0	0	0.0	0	0.0
ROW %	90.5		0.0		9.5		0.0		0.0		0.0	

NUMBER AND PERCENT OF CASES WITH POST JUDGMENT ACTIONS

Table 29f:

SITE :ALL SITES

WINDOW :1976-77

NUMBER OF POST JUDGMENT ACTIONS

CASE TYPE	0		1		2-4		5-10		11-19		20+	
	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %	N	COL %
DIVORCE	268	1.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	100.0		0.0		0.0		0.0		0.0		0.0	
OTHER FAMILY	717	3.4	430	16.2	270	4.7	11	0.5	0	0.0	0	0.0
ROW %	50.2		30.1		18.9		0.7		0.0		0.0	
SECURED INTEREST	393	1.8	11	0.4	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	97.4		2.6		0.0		0.0		0.0		0.0	
DEBT COLLECTION-NOTE	233	1.1	40	1.5	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	85.4		14.6		0.0		0.0		0.0		0.0	
CONTRACTS & DEBTS	433	2.0	228	8.6	217	3.8	0	0.0	0	0.0	0	0.0
ROW %	49.3		25.9		24.7		0.0		0.0		0.0	
BUSINESS ASSOCIATIONS	29279	58.3	1737	35.7	1429	43.2	425	29.4	58	29.7	0	0.0
ROW %	98.9		5.3		4.3		1.3		0.2		0.0	
AUTO TORTS	1806	3.6	0	0.0	68	2.1	0	0.0	13	70.3	0	0.0
ROW %	89.8		0.0		3.4		0.0		6.8		0.0	
NON-AUTO TORTS	3899	7.8	276	5.7	312	9.4	0	0.0	0	0.0	0	0.0
ROW %	86.9		6.2		7.0		0.0		0.0		0.0	
REAL PROPERTY	733	1.5	95	1.9	95	2.9	0	0.0	0	0.0	0	0.0
ROW %	79.5		10.3		10.3		0.0		0.0		0.0	
TAX:ASSESSMENT:CNDR	6031	12.0	2407	49.5	862	26.0	574	39.7	0	0.0	0	0.0
ROW %	61.1		24.4		8.7		5.8		0.0		0.0	
OTHER GOVERNMENT	109	0.2	41	0.9	0	0.0	0	0.0	0	0.0	0	0.0
ROW %	72.6		27.4		0.0		0.0		0.0		0.0	
MISCELLANEOUS	2490	5.0	0	0.0	68	2.1	68	4.7	0	0.0	0	0.0
ROW %	94.8		0.0		2.6		2.6		0.0		0.0	

END