

## Executive Summary

*Exploring the Work of the California Trial Courts: A 20-Year Retrospective* begins to identify and document major factors, both internal and external, that have contributed to caseload and workload fluctuations experienced by the state's trial courts in fiscal years 1980—1981 through 1999—2000. It does not, however, attempt to quantify the possible impact of those factors on the filing and workload trends presented. Instead, the purpose of the report is to describe caseload trends for the period studied and to serve as a starting point for future research on factors that likely influence filing and workload changes over time.

The report is divided into three parts: (1) the introduction, which provides an overview of statewide filing trends and overarching environmental factors, such as immigration, that have likely influenced these trends; (2) the main body of the report, which consists of chapters discussing trends in specific case categories—Criminal, Civil, Traffic, Family, Juvenile, and Mental Health; and (3) the conclusion, which outlines the kinds of research efforts needed to establish links between the filing and workload changes and internal and external events that may influence them.

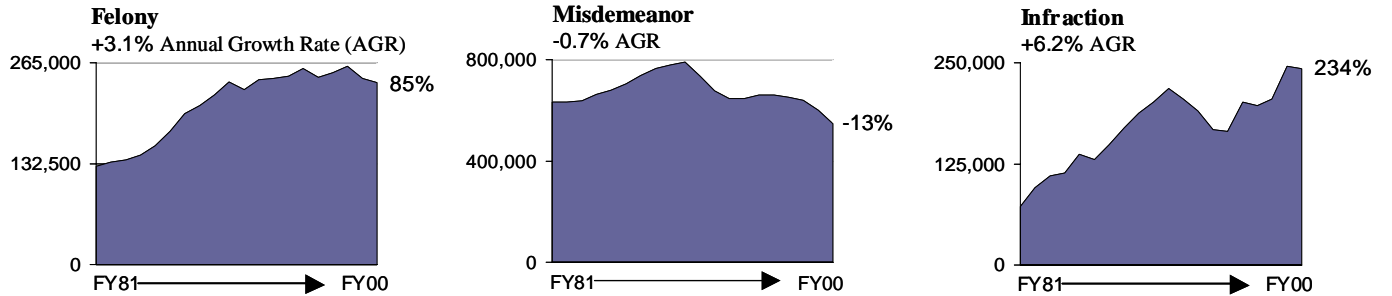
Our multilevel approach to studying filings and workload did permit us to make some general statements about trends, such as that most case categories experienced increases in the 1980s followed by decreases in the 1990s. However, it was less helpful in determining why the trends occurred; in fact, the apparent causes of increases and decreases seemed to vary from case category to case category. Further research will be needed to establish causal relationships. Nonetheless, the survey of literature and the observations of court practitioners included in the report lay a firm foundation for further investigation and research.

To capture the complexity and magnitude of the material contained in *Exploring the Work of the California Trial Courts*, we have incorporated in the following pages of the executive summary illustrative snapshots from the introduction and the individual case category chapters. It is our hope that this approach will best represent the scope and purpose of the report.

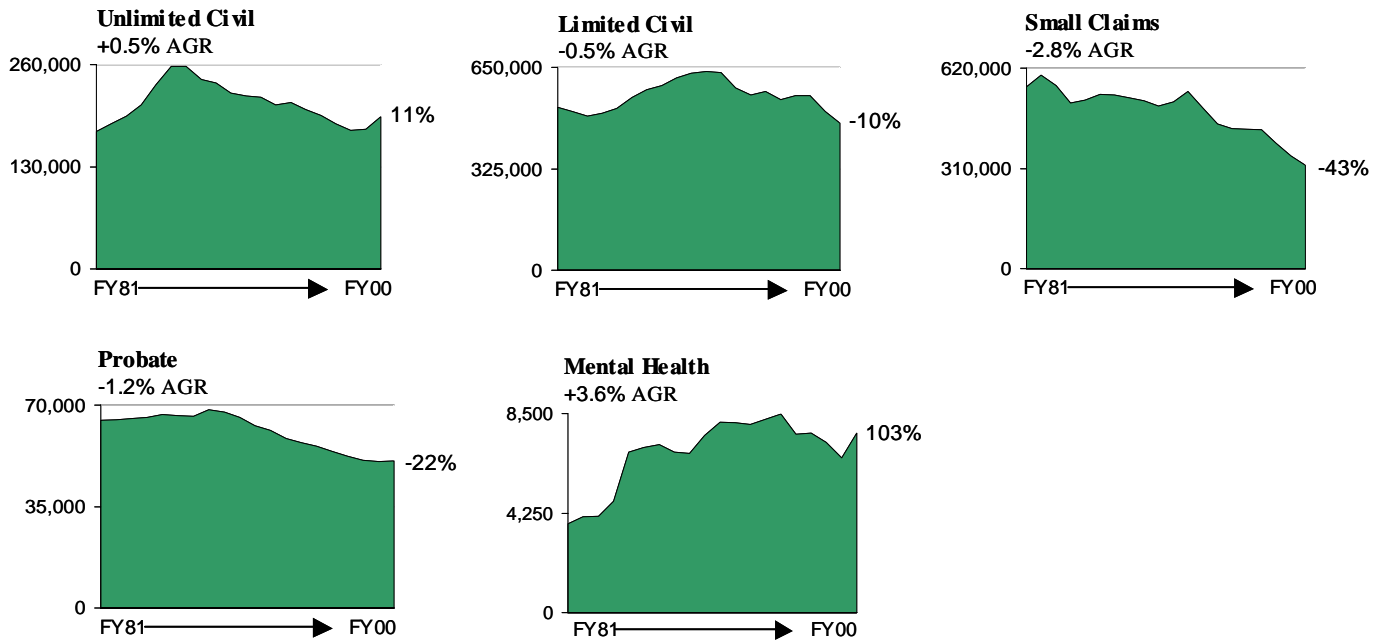
*Note:* For purposes of this report, a fiscal year is identified by the last two digits of the last year of the fiscal year. For example, FY00 means fiscal year 1999—2000.

# Most Case Types Experienced Increases in Filings Over the 20 Years Studied

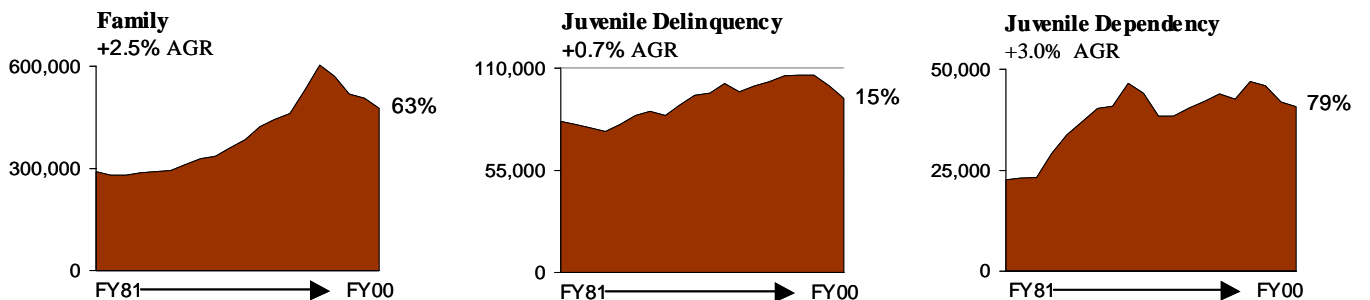
## Criminal (Non-Traffic) Filings



## General Civil Filings



## Family and Juvenile Filings



## Statewide Filings Grew Only Nominally Over the 20 Years Studied

While the population grew 142.6% over the 20 years studied, filings increased nominally. There were only 11,750 more total filings in FY00 than in FY81. If traffic filings are excluded, 117,600 more cases were filed in FY00 than in FY81.

	Filings		Change	
	FY81	FY00	Difference	Percent
All Case Types	8,497,198	8,508,948	11,750	0.1%
Excluding Traffic	2,574,373	2,691,97	117,601	4.6%

Filings did appear to keep pace with population growth in the 1980s, but filing losses in the 1990s suggest other factors influence filings in addition to population growth.

### The Mix of the State's Caseload Changed Over the 20 Year Span of this Report

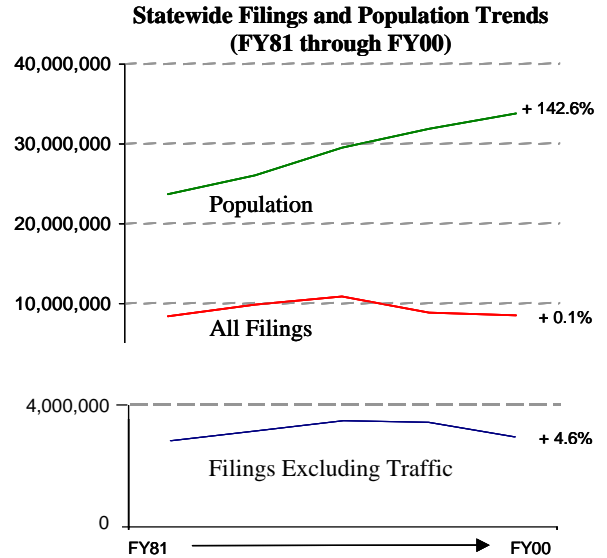
General Civil cases—all personal injury, other civil complaint, probate, small claims and mental health cases—made up 51.9% of the total caseload (excluding traffic cases) in 1980, but only 39.1% by 2000.

Criminal cases, on the other hand, rose from 32.9% in 1980 to 39.3% in 2000.

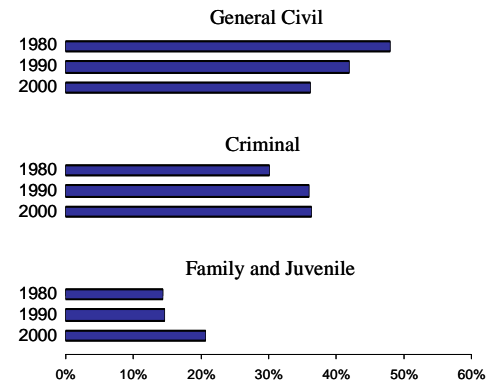
The largest gain was in the Family and Juvenile case category. The three case types that make up this category—Family, Dependency, and Delinquency—increased as a proportion of total caseload only slightly between 1980 and 1990, but by 2000 they had grown to 22.4% of the total statewide filings, excluding traffic.

### The 1980s Were Characterized by Sharp Increases, the 1990s by Sharp Declines

In general, during the 20-year span, there was a period during the 1980s when filings increased significantly for each category and individual case type, followed by a decrease in filings from FY91 through FY00. Individual case types that did not follow this trend are highlighted in the table to the right by the upward-pointing arrow.



### Filings by Case Category (Traffic Excluded)

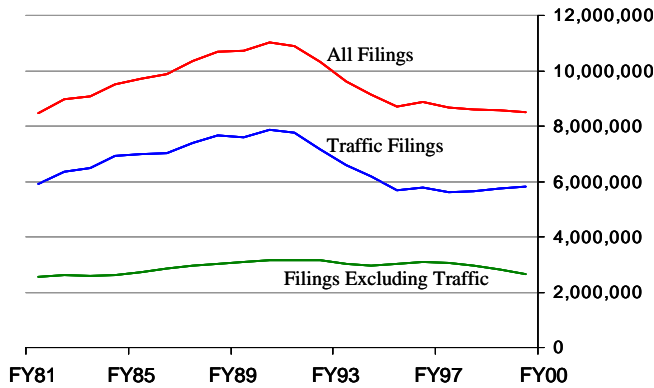


### Filings by Case Category and Case Type

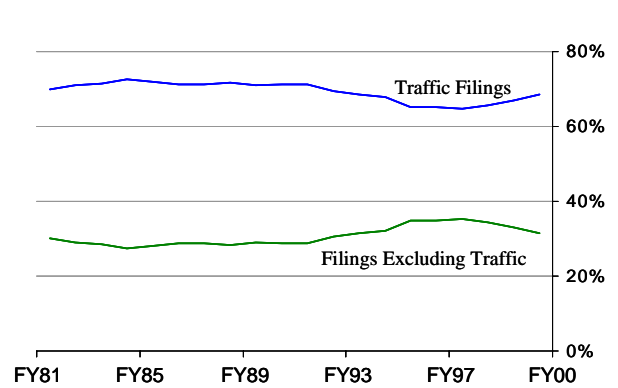
Case Category	Filings			Trend
	FY81	FY91	FY00	
General Civil				
Auto—PI	50,723	80,208	45,782	▼
Other PI/PD/WD	30,247	37,100	25,359	▼
Civil Complaints	93,916	102,848	123,118	▲
Limited Civil	521,374	636,335	470,768	▼
Small Claims	561,908	515,364	320,650	▼
Probate	64,779	62,833	50,750	▼
Criminal				
Felonies	128,850	229,677	238,685	▲
Misdemeanors	632,292	734,955	547,486	▼
Infractions	72,775	218,012	242,917	▲
Family				
Family—Marital	177,255	169,633	152,293	▼
Family—Other	113,917	215,154	312,103	▲
Juvenile				
Delinquency	81,242	96,705	93,649	▼
Dependency	22,679	38,477	40,672	▲
Mental Health	3,783	8,124	7,671	▼

## Traffic Filings Drive Total Statewide Filings Trend

**Influence of Traffic Filings on Total Filings Trend**



**Percentage of Total Filings**



- When traffic filings were excluded, total filings for the state increased 4.6% between FY81 and FY00. With traffic filings included in the total, the increase was only 0.1%.
- Total filings dropped 22% in the 1990s. Eighty percent of the drop can be attributed to a 25% decline in the number of traffic filings.

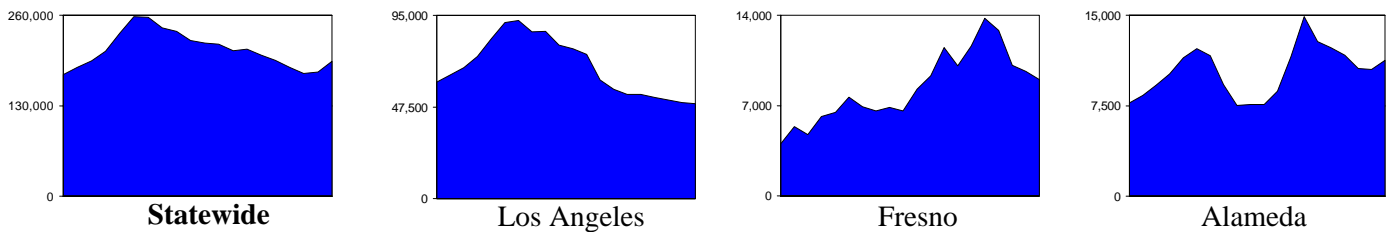
## Los Angeles's Filings Drives Many Filing Trends

**Proportion of Los Angeles Filings to Total State Filings  
(Average of 20 years)**

CASE CATEGORY	Statewide Total FY81—FY00	LA Totals FY81—FY00	LA's Share of State Total
General Civil	26,319,368	8,911,428	33.9%
Criminal	21,153,575	5,876,132	27.8%
Traffic	132,215,237	39,595,739	29.9%
Family	7,962,266	2,205,359	27.7%
Juvenile	2,608,652	802,818	30.8%
Mental Health	136,781	17,652	12.9%
<b>TOTAL</b>	<b>190,259,099</b>	<b>57,391,476</b>	<b>30.2%</b>

Because Los Angeles represents a significant proportion of total state filings, changes in its filings tend to drive statewide trends, which may not be representative of other areas of the state (see example for Unlimited Civil below).

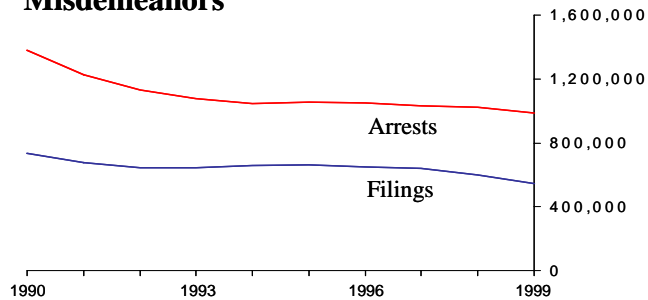
**Unlimited Civil (FY81 through FY00)**



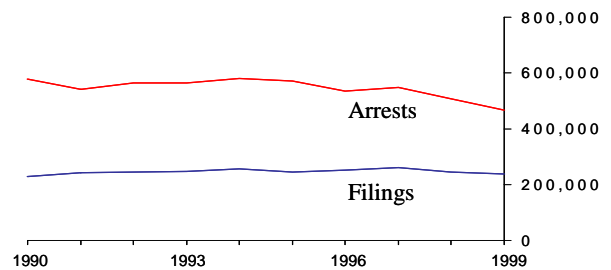
Over the 20 years studied, Los Angeles's unlimited civil filings averaged 32% of the statewide total for unlimited civil filings. As a result, Los Angeles's trend line more closely resembles the statewide trend line than those of Fresno and Alameda Counties.

## Criminal Filings Generally Mirrored Fluctuations in the Number of Arrests

### Misdemeanors



### Felonies

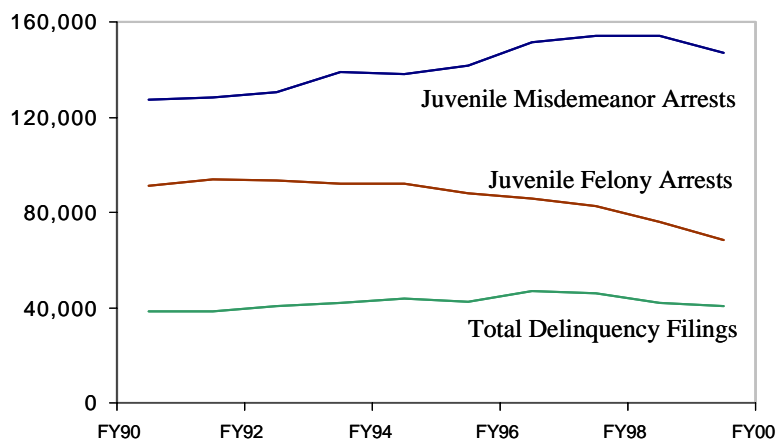


In the 1990s, felony arrests declined by 109,322 (-18%), while misdemeanor arrests dropped by over 390,000 (-28%). Factors likely influencing the drop in criminal arrests include the following:

- The strong job market of the 1990s resulted in a fundamental shift in employment opportunities for at-risk, low-skilled young males;
- Increased incarceration rates since the 1980s resulted in declines in property crime rates and rates of violent crimes committed by older adults; and
- Decline in the number of new users weakened the crack cocaine-related crime in the early 1990s.

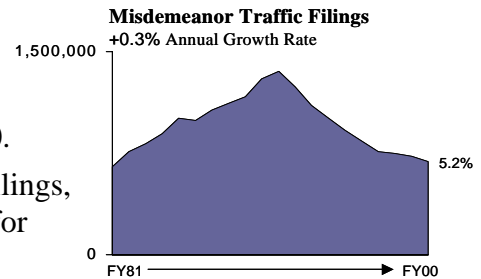
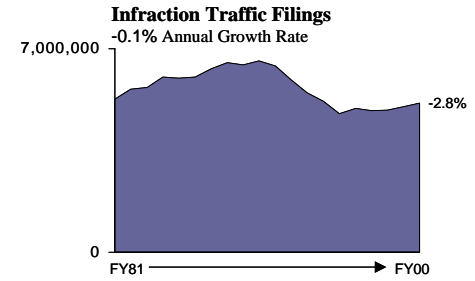
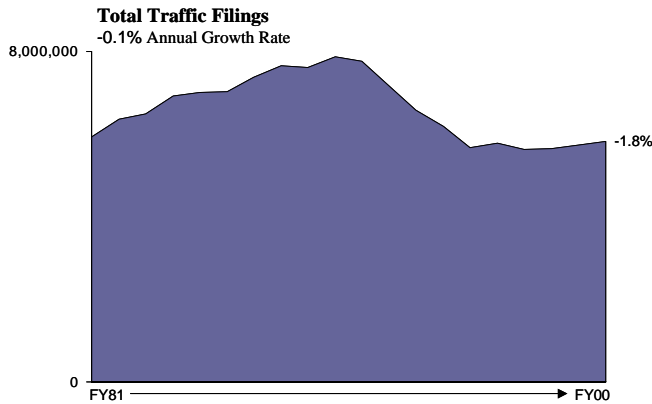
Statistics maintained by the U. S. Department of Justice suggest that district attorneys filed a higher percentage of cases in the 1990s than in the 1980s, resulting in an increase in filings even though arrests were down. A 4% drop in the number of complaints denied (arrests after which the district attorney does not file a complaint) in the 1990s represents from 10,400 to 14,000 additional filings per year compared to what filings would have been with the higher denial rate of the 1980s.

### Juvenile Misdemeanor Arrests Drove Up Delinquency Filings In The 1990s



Although juvenile felony arrests dropped in the 1990s, misdemeanor arrests steadily increased until 1998 and likely account for much of the increase in delinquency filings during the 1990s. In addition, some of the increase may be attributed to prosecutors filing more cases involving less serious juvenile crimes than they had in the past.

## Traffic Filings Fell Dramatically From FY92 Through FY96

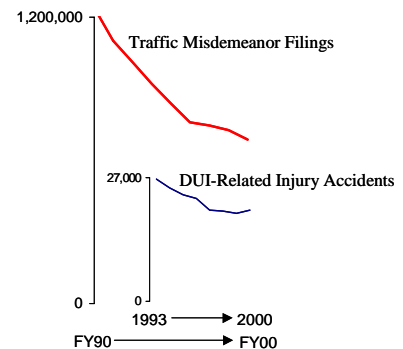
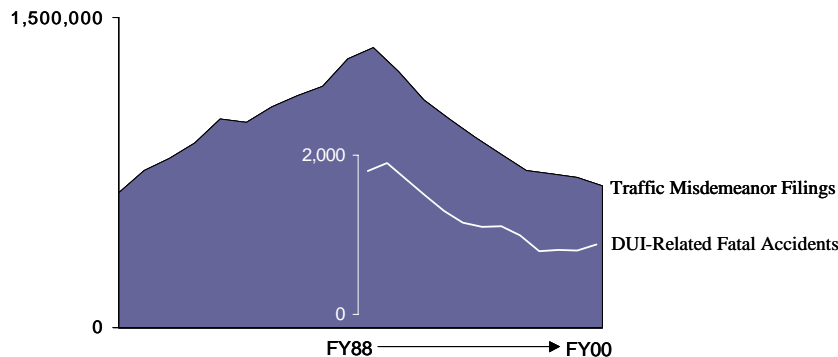


- Overall, traffic filings declined between FY81 and FY00.
- Because traffic infractions constitute 80% of all traffic filings, the filing pattern for all traffic cases mirrors the pattern for traffic infractions.

## The Administration Suspension Laws Influenced Traffic Misdemeanor Filings

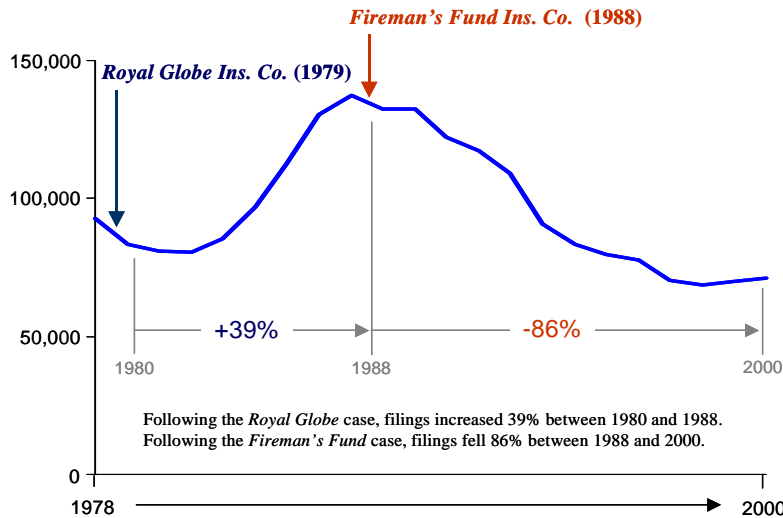
The administration suspension laws (APS) enacted in 1990 require the Department of Motor Vehicles to automatically suspend the driving privileges of persons driving with blood alcohol levels (BAC) of .08 or more, and .01 or more for persons under age 21. There have been as many as 150,000 APS .08 suspensions per year since 1992, and there were 74,000 .01 suspensions between 1994 and 2000. The APS laws have contributed to declines in traffic misdemeanor filings in a number of ways, including:

- Reduction in subsequent DUI (driving under the influence) offenses among offenders affected by an APS action; and
- A drop in DUI-related fatal and injury accidents in the 1990s, which contributed to filing declines in both traffic misdemeanor filings and auto personal injury filings.



Social pressure not to drink and drive spearheaded by MADD (Mothers Against Drunk Driving) and others contributed to declines in drunk driving among teens. Between 1982 and 1998, “had been drinking” fatalities involving teens declined 61% even though teenage drinking, generally, had been on the rise since 1993, as reported by the National Highway and Traffic Safety Administration.

## Two Supreme Court Cases and the Economics of Practicing Law Influenced Unlimited Civil Auto and Other Personal Injury, Property Damage, and Wrongful Death Filings



In 1979, *Royal Globe Ins. Co. v. Superior Court* gave third parties injured by a policyholder a claim against the insurance company on the basis of “bad faith.” The number of bad-faith claims filed jumped immediately after *Royal Globe*, as did the amounts paid by insurance companies to settle the underlying claims. The greater payouts made smaller claims more economical for attorneys to handle. This fact may account for some of the increase in the 1980s.

In 1988, *Royal Globe* was reversed in *Moradi-Shalal v. Fireman's Fund Ins. Cos.*, and the economics of tort litigation again changed. By 1992, payments by insurance companies to claimants were 29% lower than might have been expected based on the payouts in the *Royal Globe* era. By 1997, payouts were 35% lower. This change likely resulted in a decline in representation for people with smaller claims and, possibly, a decline in filings.

### Declining Recoveries May Be Influencing Civil Filing Declines

Plaintiff attorneys assert that the cost of litigation has increased dramatically while juries have been awarding smaller judgments. Consequently, attorneys are taking fewer cases, which may be influencing filings as well.

A comparison of verdicts in nine courts, which account for 65% of all tort and other civil complaint filings, lends support to this claim. The comparison shows that (1) plaintiffs won less often in 1996 than in 1992 and (2) the median amount awarded dropped between 1992 and 1996. In addition, the average verdict was lower in five courts in 1996 than in 1992.<sup>2</sup>

Median and Average Verdicts in Nine California Courts For 1992 and 1996<sup>1</sup>  
(Not Adjusted for Inflation)

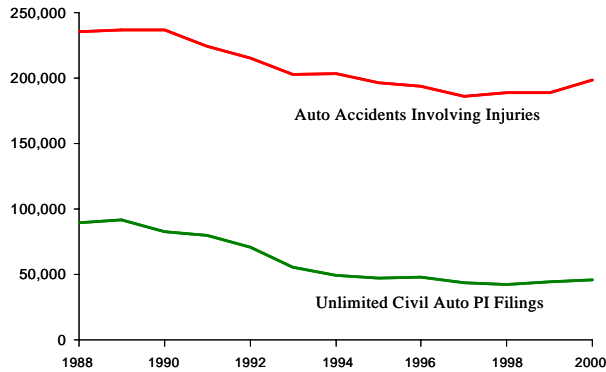
County	Median Verdict		Average Verdict	
	1992	1996	1992	1996
Alameda	\$ 87,300	\$ 59,000	\$ 258,485	\$ 377,900
Contra Costa	110,000	48,000	1,117,713	451,500
Fresno	52,189	50,000	146,844	130,400
Los Angeles	124,922	98,000	968,163	736,900
Orange	48,500	49,000	323,254	1,168,400
San Bernardino	58,412	91,000	314,480	637,600
San Francisco	109,459	98,000	286,631	423,400
Santa Clara	67,834	64,000	443,182	227,900
Ventura	62,318	21,000	188,335	165,600

Source: National Center for State Courts

<sup>1</sup> There were 1,560 jury trials in the 1992 sample, 716 of which were plaintiff verdicts. In 1996, there were 1,064 jury trials in the sample and 469 plaintiff verdicts.

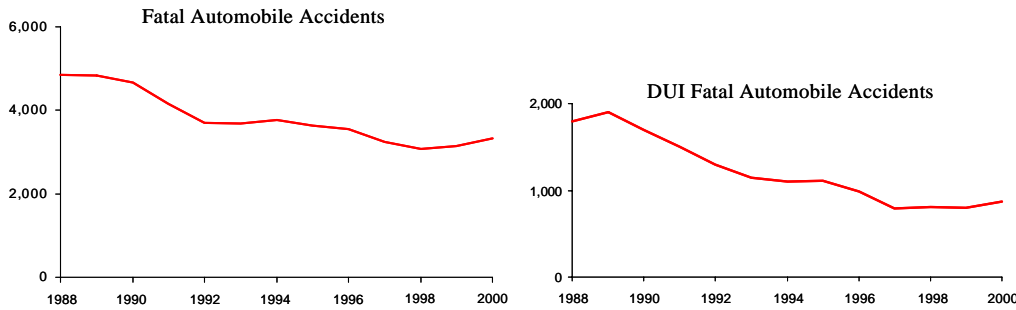
<sup>2</sup> The large difference between median and average verdicts reflects the influence of a few very large verdicts. Average verdicts also can vary considerably from year to year based on the size of the “outlier” verdicts relative to the “typical” verdicts.

## Drop in the Number of Auto Accidents Contributed to Unlimited Civil Declines



Since 1988, automobile-related injury accidents have dropped significantly. The use of safety restraints and the introduction of other safety features such as air bags and anti-lock brakes account for some of the drop. Laws requiring the Department of Motor Vehicles to immediately suspend or revoke license privileges of persons driving with a blood alcohol level exceeding the APS limits additionally contribute to the drop in the number of automobile injury accidents.

Between 1990 and 2000, all fatal crashes fell 46%. Fatal crashes involving drunk driving fell 52% in the same time period.



## Collections, Followed by Torts, Dominated Limited Civil Filings

Because limited civil cases are not disaggregated into individual case types, it is hard to know what cases influenced filing trends the most.

Distribution of Filings by Case Type in Three Limited Civil Courts

Case Type	San Diego (2000)		Fresno (2001)		San Francisco (2001)	
	Filings	%	Filings	%	Filings	%
Collections	757.7	58.7	237.4	52.7	216.8	46.9
Breach of Contract	189.3	14.7	66.5	16.0	59.9	13.0
Tort PI, PD, WD	243.0	18.8	76.2	18.4	146.8	31.7
Other	100.1	7.8	35.0	8.4	38.9	8.4
<b>Total</b>	<b>1290.1</b>	<b>100</b>	<b>415.1</b>	<b>100</b>	<b>462.4</b>	<b>100</b>

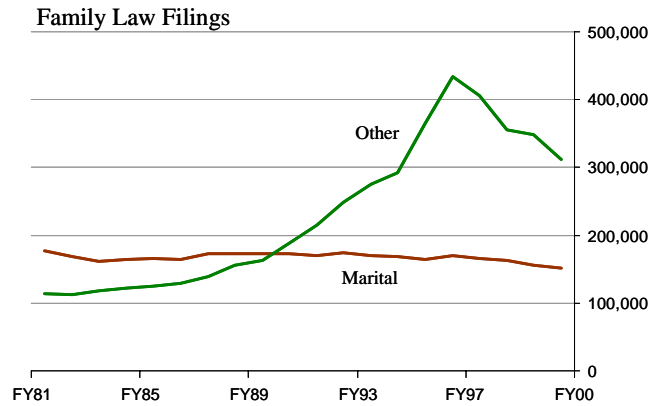
Data provided by three courts suggests that tort filings represent a significantly smaller proportion of total filings in limited than in unlimited civil. Nonetheless, those factors that influenced unlimited civil torts also influenced limited civil filings, but to a lesser degree.

As can be seen in the above table, collections cases dominate limited civil. Because collections cases are related to contracts, fluctuations in contract cases may result in fluctuations in collection cases. Some theorists believe that breach-of-contract filings increase in good economic times because more people enter into contracts. Whether the boom of the 1990s generated more contracts and, thus, more breach-of-contract filings and subsequent collection filings will require more research. It is interesting to note, however, that limited civil filings have been increasing since FY00 (1.1%). To the extent the increase is due to contract and contract-related filings, the increase would run contrary to these theories in light of the depressed economy of the early 2000s.



## Family Law Filings Other Than Those Pertaining to Marital Relations Drove Up Filings for Most of the 20 Years Studied

Filings that do not involve a change in marital status, such as support of minor children, adoptions, and domestic violence prevention (Family—Other), grew much faster than filings involving marital relations (Family—Marital). In fact, Family—Marital filings fell in the 1990s. Statutory changes requiring more aggressive collection of child support payments by district attorneys most likely account for the dramatic increase in the 1990s.



### Married—Couple Households Declined

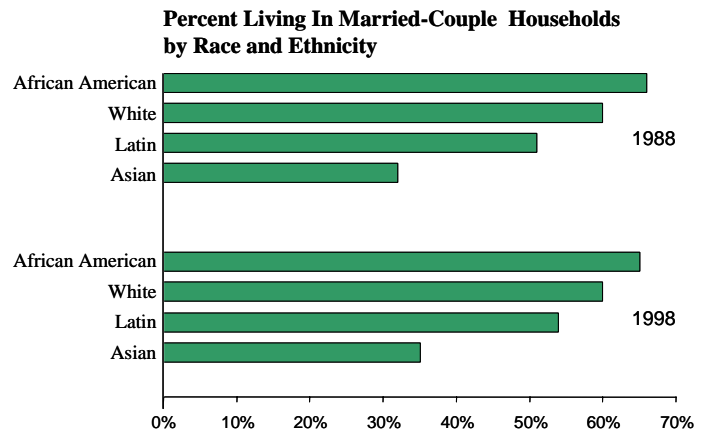
One factor that appears to have influenced Family—Marital filings is the decline in the number of marriages. Married-couple households did not keep pace with population growth while one-person households grew. If there are fewer marriages, it follows that there will be fewer dissolution filings.

Household Type	1990	2000	% Change
	Total Pop. in households X 1000	Total Pop. in households X 1000	
Married-Couple Households	189	178	-5.8
Unmarried-Couple Households	84	82	-2.4
One-Person Households	17	21	24
Female-Headed Households—No Husband Present	41	44	7.3

Source: California Department of Finance 1990, 2000 Census Comparison Table

### Latinos and Asians Lived in Married-Couple Households at Greater Rates in 1988 and 1998 Than Whites and African Americans

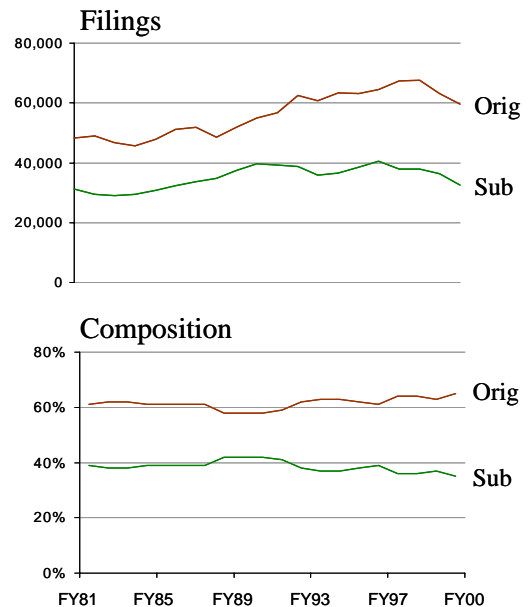
Between 1980 and 2000, California's immigrant population increased greatly. By 2000, Latinos and Asians comprised 45% of the total population in California. Roughly 60% of both Latinos and Asians live in married-couple households. This fact, coupled with the cited population growth rates, likely resulted in a decline in dissolution filings.



## Subsequent 602 Delinquency Filings Have Increased; the Proportion of Subsequent Filings to Total Filings Slightly Declined

Statewide, both original and subsequent 602 delinquency filings have risen over the 20-year period studied. What is significant, however, is that the proportion of subsequent petitions filed to all delinquency petitions filed slightly declined over the 20 years.

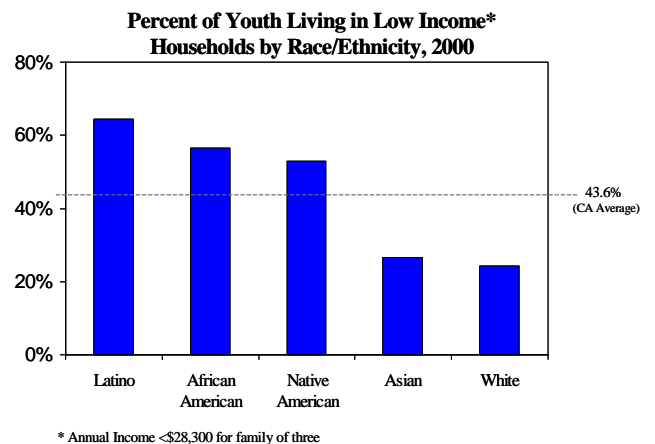
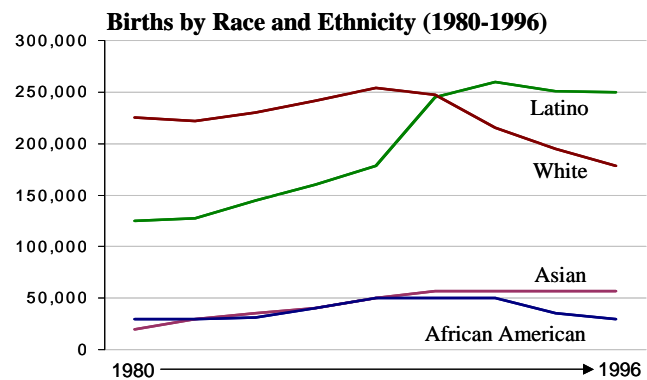
Although subsequent petitions are treated as new filings, they are important indicators of recidivism rates for those juveniles on probation. In FY81, subsequent petitions accounted for approximately 39% of all delinquency petitions. By FY00, they made up 35%. It may be that some of the decline in subsequent petitions is related to changes in filing practices and not reductions in recidivism, but this will require further research to substantiate.



## Rise in the Number of Children in Poverty May Be Influencing Delinquency Filing Trends

California has been experiencing a growth spurt in the Latino and Asian juvenile population. In 2000, Latino youth comprised 39.8% of the total population ages 0-17, followed by whites (37.5%) and Asians (11.5%). Disconcertingly, the percentage of Latino youth living in low-income households was 64.3% in 2000. Approximately three-fifths of all poor children are immigrants.

The relationship of poverty and delinquency is well documented, especially for juveniles concentrated in depressed neighborhoods. Compounding the problem are police practices that target poor neighborhoods. This combination of factors has been especially devastating for Latino youth. California juvenile arrest rates show Latino youth involved in a disproportionate percentage of all felony arrests and in more than half of all status offenses (e.g., truancy and graffiti violations) since 1993. How these factors influence filings will require more research to assess.



## Update: Statewide Filings Are on the Rise

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The 20-year period studied in this report ended in FY00. The following captures filing trends since FY00 for major case-type categories. The unshaded section of each graphic represents the statewide filings for FY01 through FY02. As can be seen, most case types have experienced an upturn in filings since FY01.

