



ADMINISTRATIVE OFFICE OF COURTS  
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Tom Parker  
Chief Justice

Rich Hobson  
Administrative Director of Courts

January 12, 2023

The Honorable Kay Ivey  
Governor of Alabama  
State Capitol  
600 Dexter Avenue  
Montgomery, AL 36130

Members of the Alabama Senate  
C/O Mr. D. Patrick Harris  
Secretary of the Senate  
Alabama State House, Senate Chamber  
11 South Union Street  
Montgomery, AL 36130

Members of the Alabama House of Representatives  
C/O Mr. John Treadwell  
Clerk, Alabama House of Representatives  
Alabama State House, Room 504  
11 South Union Street  
Montgomery, AL 36130

Dear Governor Ivey and Members of the Legislature:

As the Chair of the Judicial Resources Allocation Commission (hereinafter "the Commission"), I am pleased to report that on Monday, December 19, 2022, the Commission conducted its annual meeting to review the need for increasing or decreasing the number of judgeships in each district court and circuit court.

As required by Act No. 2017-42, codified at § 12-9A-1, et seq., Ala. Code 1975, the Supreme Court of Alabama adopted a formula to determine the need for increasing or decreasing the number of judgeships in the district courts and the circuit courts that uniformly calculates how civil, criminal, and domestic relations cases are accounted for between circuits and uniformly, fairly, and accurately accounts for criminal cases brought against defendants by counts. The adopted formula was most recently applied to the data the Administrative Office of Courts collected for Fiscal Year ("FY") 2022, and the FY 2022 Judicial Weighted Caseload Studies for circuit courts and district courts were produced and adopted by the Supreme Court of Alabama.

Judicial officer needs-assessment models based on the weighted-caseload methodology rely on the use of accurate case counts of new court filings for the most recent year. Typically, the mix and number of court case filings are relatively stable from year to year, with new cases increasing or decreasing slowly across time. The global pandemic and shutdowns of 2020-21 caused courts across the Nation to issue orders limiting or even prohibiting certain in-person court hearings. Alabama was no exception. Needs-assessment models for judges during the affected years are likely to not be accurate, given the changes in the types of cases being filed. Prior to 2022, the last reliably accurate, normal filings count in a fiscal year was 2019.

A 2022 document published by the NCSC, Court Statistics Project, indicates that decreased court filings has become a national trend since 2019. The document shows that, since 2019, total cases have decreased nationally by 28% in 2020 and 24% in 2021. Civil cases decreased nationally by 25% from 2019 to 2021, with contract and small claims cases having the greatest impact. The FY2022 Alabama Judicial Weighted Caseload Study also indicates a decrease in case filings since FY2019. Since FY2019, statewide Circuit Criminal counts have decreased 9%. Circuit Civil cases have decreased by 33%. District Civil and Small Claims cases have decreased by 22%. While the actions of Alabama government officials diminished the impact of COVID precautions on the Alabama Judiciary in comparison to other states, we are still experiencing some lagging effect from the pandemic.

After considering the FY 2022 Judicial Weighted Caseload Studies and the populations in the various circuits and counties, the Commission adopted the rankings provided in the studies.

In accordance with the Legislature’s charge to determine the need for increasing judgeships, the Commission recognizes that the provisions in Act 2017-42 do not timely meet the current needs of 13 additional judgeships.

**Therefore, the Commission, by a unanimous vote, recommends that the Legislature create eight circuit court judgeships with accompanying staff in each of the following circuits. Please note the rankings (1<sup>st</sup> through 6<sup>th</sup>) of the total judge or judges needed in the designated circuits reflect the weighted caseload indicating the number of judges needed.**

8 Circuit Court Judges:

Ranked / judge need

6 <sup>th</sup> Circuit (Tuscaloosa County): 1	5th/ (-1.24)
11 <sup>th</sup> Circuit (Lauderdale County): 1	3rd/ (-1.66)
19 <sup>th</sup> Circuit (Autauga, Chilton & Elmore Counties): 2	1st/ (-2.34)
23 <sup>rd</sup> Circuit (Madison County): 1	4th/ (-1.32)
28 <sup>th</sup> Circuit (Baldwin County): 2	2nd/ (-2.10)
37 <sup>th</sup> Circuit (Lee County) 1	6th/ (-1.24)

The approximate cost of a circuit court judgeship with accompanying staff/benefits is \$450,000.00; therefore, the approximate cost for eight additional circuit court judgeships is \$3,600,000.00.

**In addition, the Commission, by a unanimous vote, recommends that the Legislature create five district court judgeships with accompanying staff in each of the following counties. Please note the rankings (1<sup>st</sup> through 5<sup>th</sup>) of the total judge or judges needed in the designated counties reflect the weighted caseload indicating the number of judges needed.**

5 District Court Judges:

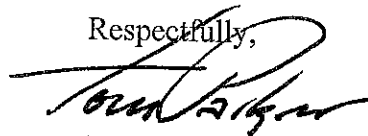
Baldwin County: 1	1st/ (-1.91)
DeKalb County: 1	3rd/ (-1.23)
Madison County: 1	5th/ (-1.07)
Mobile County: 1	2nd/ (-1.86)
Shelby County: 1	4th/ (-1.15)

The approximate cost of a district court judgeship with accompanying staff/benefits is \$350,000.00; therefore, the approximate cost for five additional district court judgeships is \$1,750,000.00.

The above-listed judicial circuits and counties have immediate critical needs, and the addition of circuit court judges with staff in each of these judicial circuits and district court judges with staff in each of the listed counties will help substantially in meeting the current judicial needs and place these circuits and counties more in line with the needs of the rest of the State. I have attached a copy of the FY2022 Alabama Circuit Court and District Court Judicial Weighted Caseload Studies in support of this recommendation. Please note the 34<sup>th</sup> Judicial Circuit, consisting of Franklin County, shows a need of 1.44 additional Circuit Judges in the FY2022 Judicial Weighted Caseload Report. This anomaly was caused by 1,036 counts of 13A-012-192(b), possession of and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts, which were filed in 5 cases with 2 of the cases having 500 counts each. After evaluating this anomaly, the estimated Judge need for the 34<sup>th</sup> Judicial Circuit is 0.25 additional Circuit Judges. Additionally, I have attached the NCSC, Court Statistics Project, document regarding the pandemic's effect on judicial caseloads across the country.

Thank you for your consideration of this matter. If you have any questions about the meeting or the Commission recommendations, please do not hesitate to contact me.

Respectfully,



Tom Parker  
Chief Justice

c: Senator Greg Reed, President Pro Tempore  
Representative Nathaniel Ledbetter, Speaker of the House  
Representative Chris Pringle, Speaker Pro Tempore  
Senator Greg Albritton  
Senator Will Barfoot  
Representative Jim Hill  
Representative Rex Reynolds  
Dr. Rich Hobson, Administrative Director of Courts  
Mr. Todd Russell, Administrative Office of Courts Legal Director

**Alabama FY2022 Circuit Court Judicial Weighted Caseload Implied Need**

Circuit	County	Region	Workload (minutes)	Judge Year Value	Overall Judicial Officer Need (FTE)	District Court Judges (FTE)	Referees (FTE)	Circuit Judge Implied Need (FTE)	Actual Circuit Court Judges	Difference (+ = surplus; - = deficit)	Rank
	Alabama		13,695,171		154.6	10.0	8.0	136.6	146	9.38 *	
1	Choctaw, Clarke, Washington	Multiple	114,677	83,850	1.4	0.0	0.0	1.4	2	0.63	33
2	Butler, Crenshaw, Lowndes	Multiple	92,276	83,850	1.1	0.4	0.0	0.7	1	0.30	28
3	Barbour, Bullock	Multiple	117,271	83,850	1.4	0.1	0.0	1.3	1	-0.30	15
4	Bibb, Dallas, Hale, Perry, Wilcox	Multiple	236,884	83,850	2.8	0.0	0.0	2.8	3	0.17	22
5	Chambers, Macon, Randolph, Tallapoosa	Multiple	283,233	83,850	3.4	0.0	0.0	3.4	3	-0.38	12
6	Tuscaloosa	Single	743,690	90,300	8.2	0.0	1.0	7.2	6	-1.24	7
7	Calhoun, Cleburne	Multiple	555,314	83,850	6.6	1.0	0.0	5.6	5	-0.62	10
8	Morgan	Single	345,131	90,300	3.8	0.0	0.0	3.8	3	-0.82	8
9	Cherokee, Dekalb	Multiple	257,904	83,850	3.1	0.1	0.0	3.0	3	0.02	17
10	Jefferson	Single	1,733,470	90,300	19.2	2.4	3.0	13.8	26	12.20	41
11	Lauderdale	Single	420,355	90,300	4.7	0.0	0.0	4.7	3	-1.66	3
12	Coffee, Pike	Multiple	169,006	83,850	2.0	0.1	0.0	1.9	3	1.08	38
13	Mobile	Single	1,399,000	90,300	15.5	1.0	3.0	11.5	11	-0.49	11
14	Walker	Single	133,185	90,300	1.5	0.0	0.0	1.5	3	1.53	39
15	Montgomery	Single	701,167	90,300	7.8	0.0	1.0	6.8	9	2.24	40
16	Etowah	Single	328,909	90,300	3.6	0.3	0.0	3.3	4	0.66	35
17	Greene, Marengo, Sumter	Multiple	68,455	83,850	0.8	0.0	0.0	0.8	1	0.18	23
18	Shelby	Single	352,711	90,300	3.9	0.0	0.0	3.9	4	0.09	19
19	Autauga, Chilton, Elmore	Multiple	455,918	83,850	5.4	0.1	0.0	5.3	3	-2.34	1
20	Henry, Houston	Multiple	485,548	83,850	5.8	0.9	0.0	4.9	5	0.11	20
21	Escambia	Single	123,114	90,300	1.4	0.0	0.0	1.4	2	0.64	34
22	Covington	Single	105,387	90,300	1.2	0.0	0.0	1.2	2	0.83	36
23	Madison	Single	859,429	90,300	9.5	0.2	0.0	9.3	8	-1.32	5
24	Fayette, Lamar, Pickens	Multiple	145,615	83,850	1.7	0.4	0.0	1.3	1	-0.34	14
25	Marion, Winston	Multiple	217,706	83,850	2.6	0.5	0.0	2.1	2	-0.10	16
26	Russell	Single	167,183	90,300	1.9	0.1	0.0	1.8	2	0.25	26
27	Marshall	Single	237,785	90,300	2.6	0.0	0.0	2.6	3	0.37	29
28	Baldwin	Single	713,305	90,300	7.9	0.8	0.0	7.1	5	-2.10	2
29	Talladega	Single	141,138	90,300	1.6	0.6	0.0	1.0	2	1.04	37
30	St. Clair	Single	180,500	90,300	2.0	0.4	0.0	1.6	2	0.40	30
31	Colbert	Single	154,942	90,300	1.7	0.0	0.0	1.7	2	0.28	27
32	Culman	Single	212,105	90,300	2.3	0.0	0.0	2.3	2	-0.35	13
33	Dale, Geneva	Multiple	156,077	83,850	1.9	0.0	0.0	1.9	2	0.14	21
34	Franklin	Single	220,563	90,300	2.4	0.0	0.0	2.4	1	-1.44	4
35	Conecuh, Monroe	Multiple	63,661	83,850	0.8	0.0	0.0	0.8	1	0.24	25
36	Lawrence	Single	86,800	90,300	1.0	0.0	0.0	1.0	1	0.04	18
37	Lee	Single	427,761	90,300	4.7	0.5	0.0	4.2	3	-1.24	6
38	Jackson	Single	125,579	90,300	1.4	0.0	0.0	1.4	2	0.61	32
39	Limestone	Single	161,228	90,300	1.8	0.0	0.0	1.8	2	0.21	24
40	Clay, Coosa	Multiple	46,659	83,850	0.6	0.1	0.0	0.5	1	0.54	31
41	Blount	Single	154,530	90,300	1.7	0.0	0.0	1.7	1	-0.71	9

\*The Total Difference shows the net of the surplus and shortages of judge need by adding all the fractions of judge need across the state in a statewide total, which is 9.38 circuit court judge need.

**Alabama FY2022 District Court Judicial Weighted Caseload Implied Need**

County Number	County	Workload (minutes)	Judge Year Value	Overall Judicial Officer Need (FTE)	District Court Judges assigned to Circuit (FTE)	Referees (FTE)	District Judge Implied Need (FTE)	Actual District Court Judges	Difference (+ = surplus; - = deficit)	Rank
	Alabama	8,732,602		96.71	10.00	1.00	105.71	106.00	0.29*	
1	Jefferson-Birmingham	551,883	90,300	6.11	1.40	0.00	7.51	10.00	2.49	68
2	Mobile	529,023	90,300	5.86	1.00	0.00	6.86	5.00	-1.86	2
3	Montgomery	257,440	90,300	2.85	0.00	0.00	2.85	3.00	0.15	38
4	Autauga	108,561	90,300	1.20	0.00	0.00	1.20	1.00	-0.20	24
5	Baldwin	280,526	90,300	3.11	0.80	0.00	3.91	2.00	-1.91	1
6	Barbour	59,127	90,300	0.65	0.10	0.00	0.75	1.00	0.25	42
7	Bibb	76,638	90,300	0.85	0.00	0.00	0.85	1.00	0.15	39
8	Blount	142,487	90,300	1.58	0.00	0.00	1.58	1.00	-0.58	11
9	Bullock	15,152	90,300	0.17	0.00	0.00	0.17	1.00	0.83	67
10	Butler	75,326	90,300	0.83	0.10	0.00	0.93	1.00	0.07	34
11	Calhoun	197,610	90,300	2.19	1.00	0.00	3.19	3.00	-0.19	25
12	Chambers	126,168	90,300	1.40	0.00	0.00	1.40	1.00	-0.40	19
13	Cherokee	81,277	90,300	0.90	0.00	0.00	0.90	1.00	0.10	36
14	Chilton	126,014	90,300	1.40	0.00	0.00	1.40	1.00	-0.40	20
15	Choctaw	25,916	90,300	0.29	0.00	0.00	0.29	1.00	0.71	62
16	Clarke	44,747	90,300	0.50	0.00	0.00	0.50	1.00	0.50	53
17	Clay	37,501	90,300	0.42	0.10	0.00	0.52	1.00	0.48	51
18	Cleburne	99,311	90,300	1.10	0.00	0.00	1.10	1.00	-0.10	26
19	Coffee	115,164	90,300	1.28	0.10	0.00	1.38	1.00	-0.38	21
20	Colbert	113,004	90,300	1.25	0.00	0.00	1.25	1.00	-0.25	23
21	Conecuh	31,789	90,300	0.35	0.00	0.00	0.35	1.00	0.65	58
22	Coosa	30,231	90,300	0.33	0.00	0.00	0.33	1.00	0.67	60
23	Covington	98,345	90,300	1.09	0.00	0.00	1.09	1.00	-0.09	28
24	Crenshaw	33,671	90,300	0.37	0.20	0.00	0.57	1.00	0.43	48
25	Cullman	229,585	90,300	2.54	0.00	0.00	2.54	2.00	-0.54	12
26	Dale	116,952	90,300	1.30	0.00	0.00	1.30	2.00	0.70	61
27	Dallas	85,590	90,300	0.95	0.00	0.00	0.95	1.00	0.05	33
28	Dekalb	192,108	90,300	2.13	0.10	0.00	2.23	1.00	-1.23	3
29	Elmore	175,555	90,300	1.94	0.10	0.00	2.04	2.00	-0.04	29
30	Escambia	133,573	90,300	1.48	0.00	0.00	1.48	1.00	-0.48	16
31	Etowah	218,729	90,300	2.42	0.30	0.00	2.72	2.00	-0.72	9
32	Fayette	32,628	90,300	0.36	0.10	0.00	0.46	1.00	0.54	56
33	Franklin	72,824	90,300	0.81	0.00	0.00	0.81	1.00	0.19	40
34	Geneva	80,085	90,300	0.89	0.00	0.00	0.89	1.00	0.11	37
36	Greene	22,117	90,300	0.24	0.00	0.00	0.24	1.00	0.76	64
38	Hale	39,075	90,300	0.43	0.00	0.00	0.43	1.00	0.57	57
37	Henry	61,061	90,300	0.68	0.10	0.00	0.78	1.00	0.22	41
38	Houston	198,161	90,300	2.19	0.80	0.00	2.99	2.00	-0.99	6
39	Jackson	145,650	90,300	1.61	0.00	0.00	1.61	1.00	-0.61	10
40	Lamar	39,727	90,300	0.44	0.20	0.00	0.64	1.00	0.36	46
41	Lauderdale	127,829	90,300	1.42	0.00	0.00	1.42	1.00	-0.42	18
42	Lawrence	90,582	90,300	1.00	0.00	0.00	1.00	1.00	0.00	31
43	Lee	179,614	90,300	1.99	0.50	0.00	2.49	2.00	-0.49	14
44	Limestone	182,111	90,300	2.02	0.00	0.00	2.02	2.00	-0.02	30
46	Lowndes	44,160	90,300	0.49	0.10	0.00	0.59	1.00	0.41	47
48	Macon	42,437	90,300	0.47	0.00	0.00	0.47	1.00	0.53	55
47	Madison	530,204	90,300	5.87	0.20	1.00	5.07	4.00	-1.07	5
48	Marengo	47,766	90,300	0.53	0.00	0.00	0.53	1.00	0.47	50
49	Marion	104,404	90,300	1.16	0.30	0.00	1.46	1.00	-0.46	17
50	Marshall	209,243	90,300	2.32	0.00	0.00	2.32	2.00	-0.32	22
51	Monroe	45,161	90,300	0.50	0.00	0.00	0.50	1.00	0.50	52
52	Morgan	243,219	90,300	2.69	0.00	0.00	2.69	3.00	0.31	44
53	Perry	16,098	90,300	0.18	0.00	0.00	0.18	1.00	0.82	66
54	Pickens	42,285	90,300	0.47	0.10	0.00	0.57	1.00	0.43	49
55	Pike	89,339	90,300	0.99	0.00	0.00	0.99	1.00	0.01	32
56	Randolph	58,077	90,300	0.64	0.00	0.00	0.64	1.00	0.36	45
57	Russell	124,939	90,300	1.38	0.10	0.00	1.48	2.00	0.52	54
58	Shelby	284,170	90,300	3.15	0.00	0.00	3.15	2.00	-1.15	4
59	St. Clair	213,331	90,300	2.36	0.40	0.00	2.76	2.00	-0.76	8
60	Sumter	16,958	90,300	0.19	0.00	0.00	0.19	1.00	0.81	65
61	Talladega	170,615	90,300	1.89	0.60	0.00	2.49	2.00	-0.49	13
62	Tallapoosa	99,014	90,300	1.10	0.00	0.00	1.10	1.00	-0.10	27
63	Tuscaloosa	262,803	90,300	2.91	0.00	0.00	2.91	2.00	-0.91	7
64	Walker	153,301	90,300	1.70	0.00	0.00	1.70	2.00	0.30	43
65	Washington	31,105	90,300	0.34	0.00	0.00	0.34	1.00	0.66	59
66	Wilcox	23,302	90,300	0.26	0.00	0.00	0.26	1.00	0.74	63
67	Winston	66,126	90,300	0.73	0.20	0.00	0.93	1.00	0.07	35
68	Jefferson-Bessemer	134,090	90,300	1.48	1.00	0.00	2.48	2.00	-0.48	15

\*The Total Difference shows the net of the surplus and shortages of judge need by adding all the fractions of judge need across the state in a statewide total, which is not used in determining a circuit need.

# Pandemic Caseload Highlights

Incoming and Outgoing Cases, 2019 - 2021

August 2022

Sarah Gibson, Diane Robinson, & Morgan Moffett



## State Court caseloads during the COVID-19 pandemic

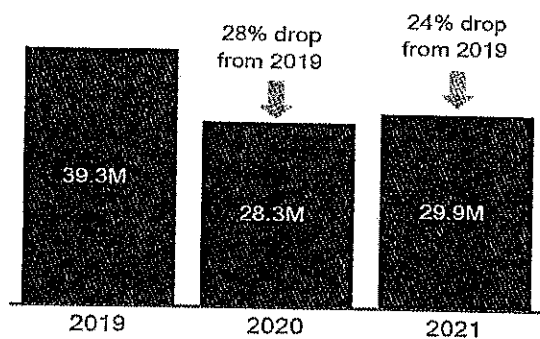
Throughout the pandemic, courts have continued to provide essential services to meet the needs of the public, rapidly adapting to changing circumstances. A preliminary look at the total number of incoming cases in state courts in 2021 shows increases from 2020, but incoming and outgoing cases remain below pre-pandemic levels. The impact of the COVID-19 pandemic has varied across criminal, civil, domestic, juvenile, and traffic/local ordinance cases.

2021 Early Reporting States<sup>1</sup>



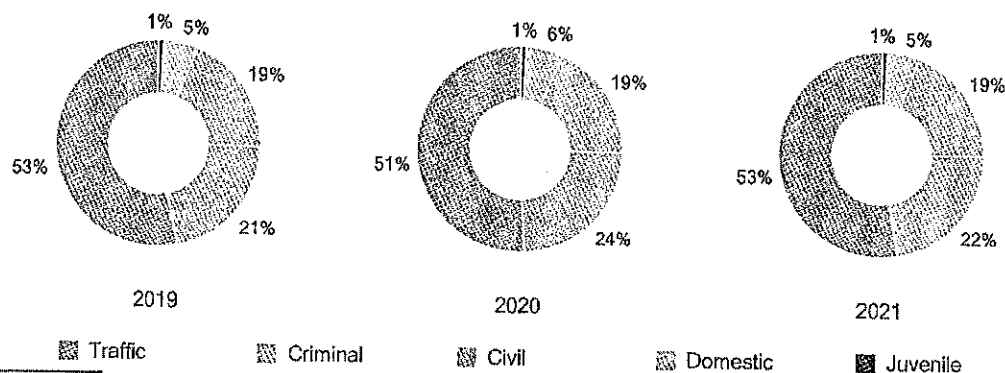
The Court Statistics Project (CSP), a joint project of the National Center for State Courts and Conference of State Court Administrators, collects comprehensive, aggregate caseload data from state courts on an annual basis. Although not all states have reported for 2021, this preliminary report provides some insight as to how state court caseloads are changing. Data from 19 states are included in this report.<sup>1</sup>

Grand Total Incoming Cases, 2019 - 2021



The number of incoming cases in 2021 among responding states was approximately 24.1 million, 76% of 2019 levels, and just 5% higher than 2020. Caseload composition remained stable across major case categories. Of incoming cases, traffic cases account for just over half; criminal cases ranged from 21-24%; civil cases remained stable at 19%; domestic cases comprised 5-6%; and juvenile cases represent approximately 1%.

Total Incoming Caseload Composition, 2019 - 2021



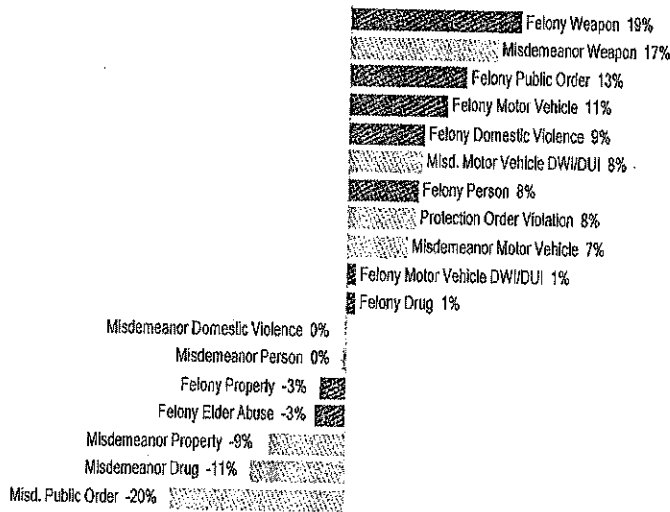
<sup>1</sup> States included are Alaska, Arizona, Colorado, Delaware, Hawaii, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Texas, and West Virginia. Some states are not able to provide data for all years, case types, or caseload measures. To ensure accurate comparison, states are only included in individual graphics if the data are complete and follow national reporting definitions. Based on this selection criteria, totals across graphics should not be compared and may differ.

# Criminal Case Trends

The number of incoming criminal cases dropped 20% from 2019 to 2020 and decreased slightly more in 2021. However, this decline was not uniform across all criminal case types. Incoming misdemeanor cases, which make up the bulk of criminal caseloads, drove the overall criminal trend, declining 21% from 2019 to 2020 and another 2% in 2021. Incoming felony cases, however, showed a smaller decline in 2020 (down 15%) and increased by 4% in 2021.

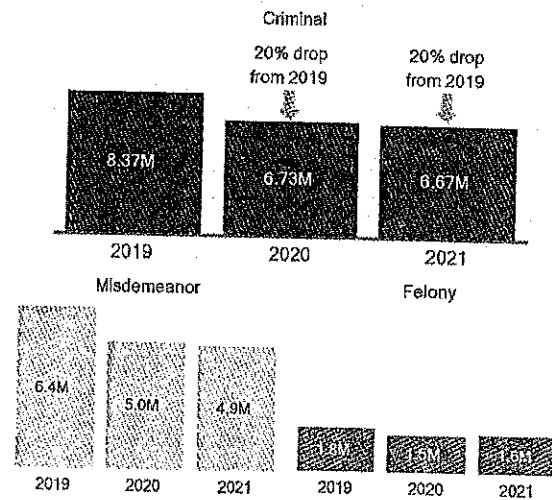
The largest increases from 2020 to 2021 were in weapons cases, both felony and misdemeanor, increasing 19% and 17%, respectively.<sup>2</sup> This represents a shift from 2020 which saw felony weapons cases increase only 1% from 2019 to 2020 while misdemeanor weapons decreased 4%. According to the FBI, the number of firearms background checks soared in 2020, a one-year increase of 40%, and stayed at nearly that level in 2021 (down 2% from 2020).<sup>3</sup>

## One-year Percent Change, 2020 - 2021



While CSP does not collect data on time to disposition (case closing), comparing the annual number of outgoing cases to incoming cases can be an indicator of lags in case processing. With the pandemic-driven slowdowns in many courts in 2020, the number of outgoing criminal cases fell below incoming levels with a gap of approximately 400,000 more incoming cases than outgoing. However, outgoing cases rebounded in 2021 with about 350,000 more outgoing criminal cases than incoming. Outgoing felony cases increased 25% from 2020 and misdemeanor cases saw a 9% increase.

## Criminal Incoming Cases, 2019 - 2021

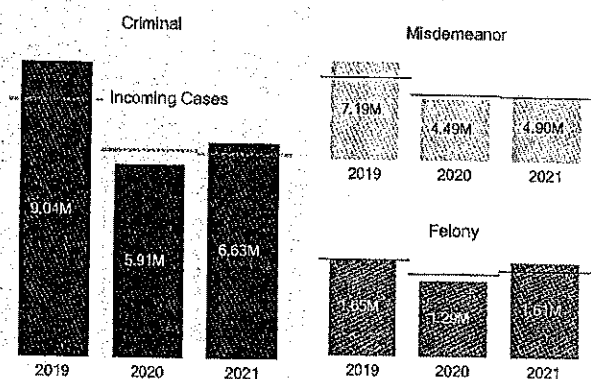


Among felony case types, only property and elder abuse saw a reduction in incoming cases from 2020 to 2021, with both case types decreasing by 3%. Misdemeanor cases, in contrast, saw declines in domestic violence, person, property, and drug, and public order cases.

While incoming caseloads provide insight into the composition and volume of cases entering state court systems, a look at outgoing caseloads can provide more detail about how cases progress through the system.

## Criminal Outgoing Cases, 2019 - 2021

Incoming cases bar shown for reference



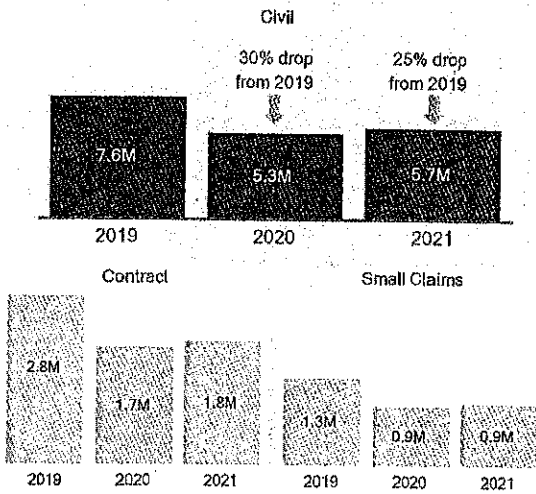
<sup>2</sup> The Court Statistics Project collects case-based data where only the most serious charge is counted, so it is important to note that the weapon charge would be the most serious charge in these cases. Weapon cases would not include cases where a weapon was used while committing a more serious offense involving a person or property.

<sup>3</sup> [https://www.fbi.gov/file-repository/nics\\_firearm\\_checks\\_-\\_month\\_year.pdf/view](https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view)



# Civil Case Trends

## Civil Incoming Cases, 2019 - 2021



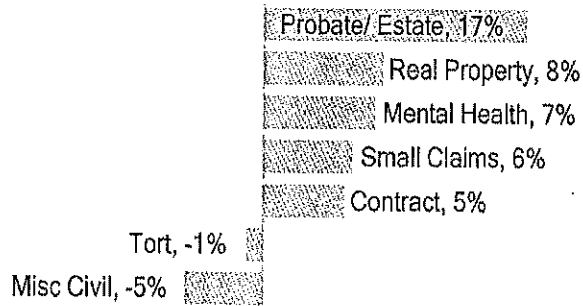
Incoming civil cases dropped by 25% from 2019 to 2021, driven in large part by decreases in the contract and small claims cases that make up nearly three-quarters of all incoming civil cases. Contract cases were down 36% from 2019 (from 2.8 million to 1.8 million) while small claims cases were down 29%, from nearly 1.3 million to 919,000. Both case types rebounded slightly in 2021 with contract increasing 5% from the previous year and small claims increasing 4%.

A deeper look at contract cases reveals landlord/tenant – unlawful detainer (eviction) and mortgage foreclosure cases are driving the overall decrease with some of the largest observed declines in incoming cases seen across all case types.

Eviction cases dropped by 50% between 2019 and 2020 (from 1.1 million to 551,000) while mortgage foreclosures decreased 53% (from 157,000 to 73,900). Eviction cases saw a rebound in 2021 to 602,000 cases (a 9% increase from 2020); however, mortgage foreclosure cases continued their decline, dropping another 25% from 2020 and down a total of 64% from 2019 levels.

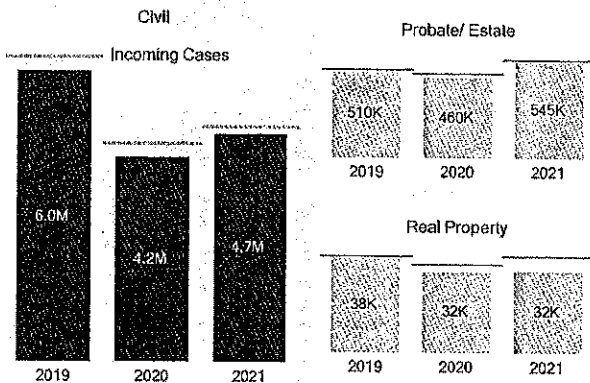
The CDC moratorium in place through July 2021, and in limited form through August 2021, likely depressed incoming eviction cases, but these cases are likely to rebound in 2022. Princeton Eviction Lab reports weekly eviction data, showing steep increases in evictions in 2022.<sup>4</sup>

## One-year Percent Change, 2020 - 2021



## Civil Outgoing Cases, 2019 - 2021

Incoming cases bar shown for reference



While many civil case types had a small increase in incoming cases from 2020 to 2021, probate cases saw a marked increase, from 608,000 in 2020 to 711,000 in 2021. This increase also makes probate one of the few case types where 2021 incoming cases surpass 2019 levels. Probate cases include wills and estates in addition to guardianships.

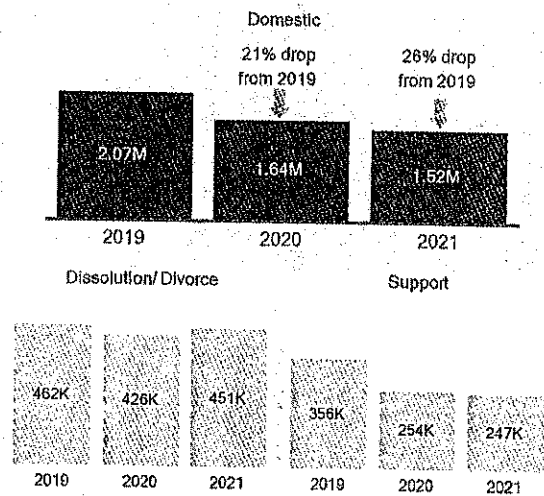
Outgoing civil cases have also rebounded from 2020 levels with about 500,000 more outgoing cases in 2021 than 2020 (an 11% increase). Outgoing cases still lag incoming cases, however. Outgoing real property cases demonstrate this trend: while the level of outgoing cases remained the same from 2020 to 2021, the number of incoming cases increased. This means that the number of pending real property cases has increased.

<sup>4</sup> <https://evictionlab.org/eviction-tracking/>

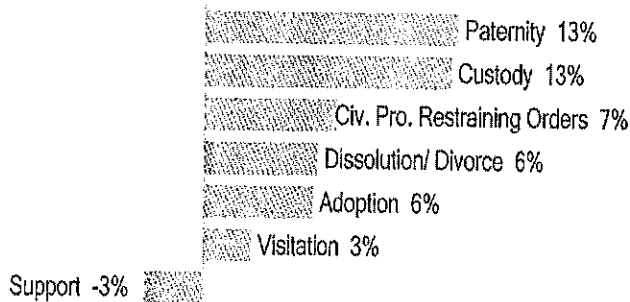
# Domestic Case Trends

Domestic relations cases include domestic protection orders, divorce, custody, visitation, and child support. The number of incoming domestic relations cases continued to fall in 2021, resulting in a 26% drop in incoming cases from 2019. The drop was largely a result of child support cases as incoming caseloads were nearly a third lower in 2021 compared to 2019. While the number of support cases continued declining in 2021, the 6% increase in divorce cases from 2020 to 2021 may be an indication that support cases will begin rising in 2022, as support cases often arise out of divorce cases. The number of divorce cases filed in 2021 were close to the number filed in 2019 (down only 2%).

## Domestic Incoming Cases, 2019 - 2021



## One-year Percent Change, 2020 - 2021

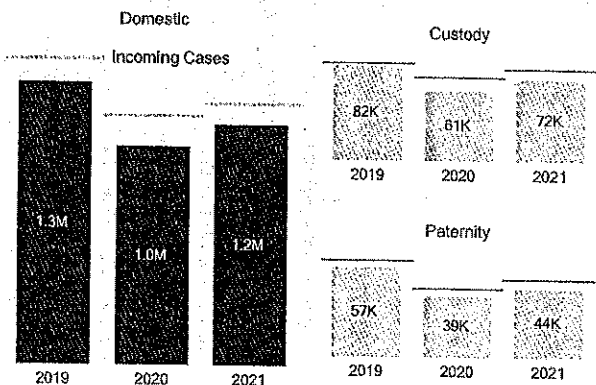


Nearly all domestic case types saw increases from 2020 to 2021 with paternity and custody cases showing the largest increases (from 47,000 to 53,000 for paternity and 84,000 to 92,000 for custody). Civil domestic restraining orders increased in 2021 (380,000) compared to 2020 (355,000), though still lagged 2019 filings (394,000).

The number of outgoing domestic cases increased by 10% in 2021 but continued to lag incoming case levels by about 100,000 cases per year. Paternity and custody cases, which saw the largest percentage increases in outgoing cases in 2021, were not able to keep pace with rising incoming caseloads despite the 13% increase in dispositions (from 39,000 in 2020 to 44,000 in 2021) for paternity and the 18% increase (from 61,000 in 2020 to 72,000 in 2021) for custody.

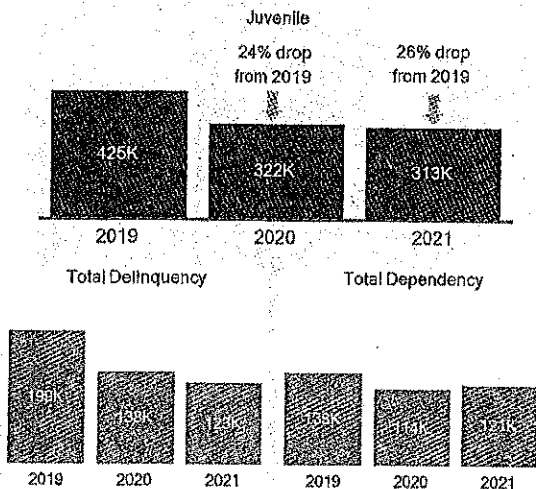
## Domestic Outgoing Cases, 2019 - 2021

Incoming cases bar shown for reference



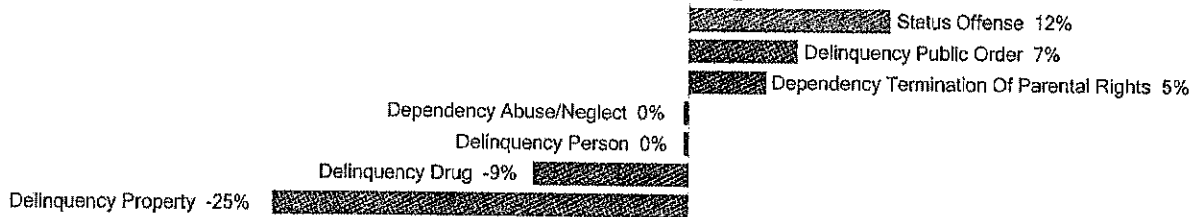
# Juvenile Case Trends

## Juvenile Incoming Cases, 2019 - 2021



Juvenile cases include dependency cases (abuse and neglect of children), delinquency cases, and status offenses. Overall, juvenile cases in 2021 are down 26% from 2019 levels with the majority of this decline due to a dramatic drop in delinquency cases. In 2021, incoming cases for delinquency and dependency were nearly equal for the first time. While incoming dependency cases are still below 2019 levels, 2021 saw a 6% increase (from 114,000 in 2020 to 121,000 in 2021). Dependency cases often begin with reports made by mandated reporters, including teachers and medical professionals. Remote school and fewer doctor appointments reduced the ability of professionals to notice indicators of possible abuse or neglect. With the return to school for many children in 2022, these numbers are expected to continue increasing into 2022.

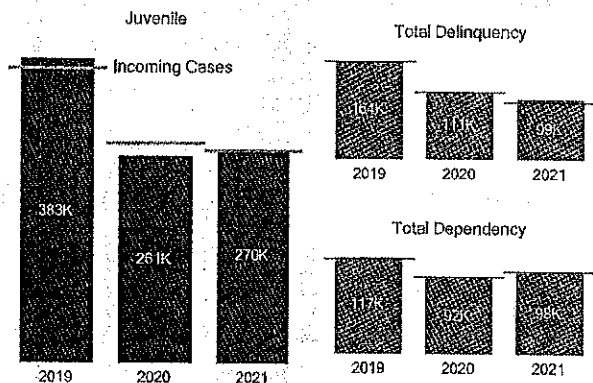
## One-year Percent Change, 2020 - 2021



The drop in incoming delinquency cases from 2020 to 2021 was seen across all delinquency case types except public order which saw a 7% increase. Dependency cases saw almost no change from 2020, although incoming termination of parental rights cases increased 5%. Status offense cases declined by nearly one third from 2019 to 2020 (from 36,000 to 24,000), but rebounded in 2021, increasing 12% over 2020. Status offense cases include truancy. Because schools may have been more lenient on truancy during the pandemic, status offense cases will likely continue to increase in 2022 if schools have a full year of normal operations.

## Juvenile Outgoing Cases, 2019 - 2021

Incoming cases bar shown for reference

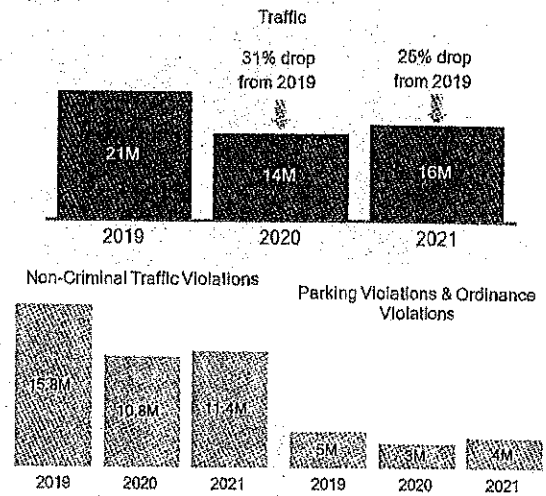


While the number of outgoing juvenile cases lagged incoming cases during 2020, largely due to lower-priority status offense cases, courts generally recovered in 2021. For both dependency and delinquency, outgoing cases kept pace with incoming case levels throughout the pandemic years.

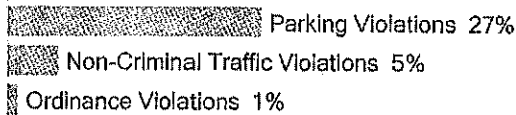
# Traffic/Local Ordinance Case Trends

Traffic cases increased slightly in the reporting states in 2021 but were still 25% below 2019 levels. This drop of over five million cases represents a challenge to cities and towns that rely upon the fines charged for traffic violations. Although 2022 court data are not available, it is anticipated that the number of traffic filings will return to pre-pandemic levels. Data released by the Federal Highway Administration confirms the return to pre-pandemic driving patterns with the number of vehicle-miles traveled returning to pre-pandemic levels in the first quarter of 2022.<sup>5</sup>

**Traffic/Local Ordinance Incoming Cases, 2019 - 2021**



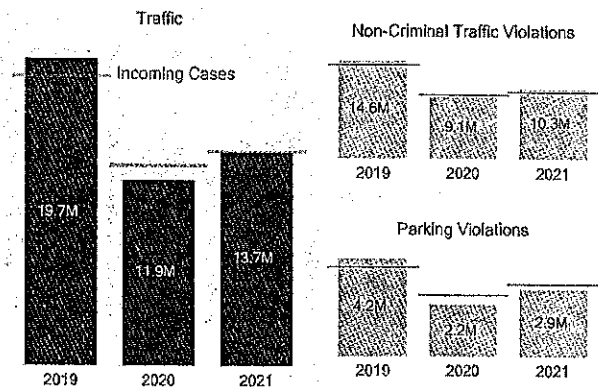
**One-year Percent Change, 2020 - 2021**



Parking violations had the largest increase among traffic/ordinance cases from 2020 to 2021, increasing at over five times the rate of non-criminal traffic cases (from 2.7 million in 2020 to 3.4 million in 2021).

Outgoing traffic cases experienced a steep drop in 2020, with a nearly 40% decrease from 2019. This largely occurred as courts were prioritizing other case types, including criminal. Outgoing cases, however, rebounded in 2021 with an increase of 15% from 2020 to 2021.

**Traffic/Local Ordinance, 2019 - 2021**  
Incoming cases bar shown for reference



While outgoing non-criminal traffic violations have mostly kept pace with incoming cases, outgoing parking violation cases have struggled to keep up with incoming case levels despite the 31% increase from 2020 to 2021.

<sup>5</sup> [https://www.fhwa.dot.gov/policyinformation/travel\\_monitoring/tvt.cfm](https://www.fhwa.dot.gov/policyinformation/travel_monitoring/tvt.cfm)

## Recommendations for Managing Caseloads

Courts must actively monitor their caseloads and practice active case management. Best practice recommendations include:

- Reducing the number of continuances with firm rule-based continuance policies;
- Resolving cases with fewer hearings, making each event meaningful;
- Ruling promptly on motions;
- Implementing firm cut-off policies for pleas and discovery; and
- Actively monitoring progress of cases, including the number of cases pending and how long they have been pending.

The following resources may be useful to courts seeking to effectively manage their cases:

- Court Backlog Reduction Simulator [www.ncsc.org/simulator](http://www.ncsc.org/simulator)
- Effective Criminal Case Management: [www.ncsc.org/eccm](http://www.ncsc.org/eccm)
- Civil Justice Initiative: [www.ncsc.org/cji](http://www.ncsc.org/cji)
- The Cady Initiative for Family Justice Reform: [www.ncsc.org/fji](http://www.ncsc.org/fji)
- Videos on battling the backlog: <https://www.ncsc.org/backlog>

Courts should also continue to actively monitor their caseloads. Having accurate data and tracking the number of cases filed and disposed as well as the age of the active pending caseload is essential. Some of the essential data to track and monitor include:

- Year over year comparison of filings and dispositions by week or by month;
- The number of pending cases in each subject area;
- The age of cases currently pending; and
- The clearance rate, defined as the number of disposed cases divided by the number of filed cases. Any clearance rate below 100% indicates that the number of pending cases is growing.

By tracking this information and using the data to manage the caseload, courts can prioritize available resources, including judicial officers, court staff, courtroom space, and remote hearing resources to continue to provide timely justice. For more assistance with court data, email the Court Statistics Project at <mailto:csp@ncsc.org>.

### About the Court Statistics Project

Since 1975, the Court Statistics Project (CSP) has provided a comprehensive analysis of the work of state courts by gathering caseload data and creating meaningful comparisons for identifying trends, comparing caseloads, and highlighting policy issues. The CSP is supported by the National Center for State Courts and obtains policy direction from the Conference of State Court Administrators. More CSP data and reports can be found at [www.courtstatistics.org](http://www.courtstatistics.org).