

## **OMB Questions and Responses**

### *1. How were burden estimates established for this survey, especially for the new content?*

The burden estimates were determined based on in-person meetings held with the State Court Organization Advisory Committee, the Court Statistics Project Advisory Committee, and the Court Information Technology Officers Consortium (CITOC). The members of the advisory committees represent the Conference of State Court Administrators (COSCA) -- it is their staff that will complete the majority of the tables -- and the CITOC members were involved in creating the bulk of the new tables (those regarding technology). Together, these groups completed a detailed review of each of the 63 tables included in the survey. The suggested time required to complete the survey tables was deemed a reasonable estimate proposed by these groups.

### *2. What response rates has BJS historically obtained for this survey?*

Historically, the State Court Organization project has been able to obtain participation from all the trial and appellate courts located in the nation's 50 states, the District of Columbia, Puerto Rico, and the U.S. territories.

### *3. What response rate does BJS anticipate for this round, and why?*

As in previous iterations of State Court Organization, BJS anticipates that all the nation's trial and appellate courts in the 50 states, the District of Columbia, Puerto Rico, and the U.S. territories will participate in this project. The response rate will be 100% because the data collection agent for this project – the National Center for State Courts (NCSC) – is closely tied to the state court community. The NCSC is the secretariat to eight national court organizations, including the Council of Chief Justices of State Courts of Appeal (CCJSCA), the National Conference of Appellate Court Clerks (NCACC), the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA), the National Association for Court Management (NACM), the American Judges Association (AJA), and the National Conference of Metropolitan Courts (NCMC). The NCSC has also successfully managed all prior iterations of State Court Organization. In sum, the close ties with the state court community, combined with the experience fielding prior State Court Organization projects, should ensure a 100% response rate.

### *4. In Supporting Statement (SS) A1, what does the sentence “All data collected will be accurate as of the data collection date in 2011” mean? Is it trying to say that the intention is for the reference period to include information up to the data collection date?*

The reference period for State Court Organization will be December 31, 2011. In other words, the data collected from the State Court Organization census will provide a snapshot of state courts as of December 31, 2011.

5. *Is it BJS's goal to collect this survey every 5 or 6 years indefinitely (as opposed to something more frequent such as the annual schedule of the past)? Please explain your answer.*

State Court Organization is fielded every 5 to 6 years because the overall organizational structure of state courts undergo relatively few changes from year to year. BJS and NCSC have found that items such as judicial selection, administrative structure, and jury selection procedures change slowly over time and that a census every 5 to 6 years covers those changes that do take place in state courts.

Even though previous iterations of State Court Organization have revealed gradual changes in the overall structure of state courts, we are exploring the possibility of differentiating between core components, which change gradually, and supplemental components, which are apt to change more rapidly. For example, issues related to the current economic environment have created strong incentives for state courts to modify their staffing and budgets. Also “problem-solving” courts have become more common as courts attempt to address the underlying social issues that bring litigants into the court system.

In order to respond to these changing aspects of state courts, BJS and NCSC are exploring the possibility of conducting data collections of these supplemental components on a biennial basis. In particular, the NCSC project team has proposed creating an electronic platform that would send yearly reminders to state courts prompting them to update changes that have occurred to their court systems. NCSC's decision to implement this regular updating system would depend upon lessons learned from pending data collection activities as well as funding interest and capacities at BJS.

6. *As discussed with BJS in the past, it appears that no confidentiality statute is being invoked, only an intention to exclude state employee names and other identifiers from published data. Please clarify this in SS A10 (where it currently refers to “the confidentiality state”).*

Section A10 of the supporting statement will be modified to exclude all references to the confidentiality statute. This section will simply state that the confidentiality statute is not being invoked and that the only intention is to exclude the names of state court employees who served as respondents in this census. Please see section A10 of the revised supporting statement.

7. *On table 2 of the spreadsheets, the “race and ethnic composition columns” are way out of compliance with OMB standards. Please correct.*

The race and ethnic composition columns have been modified so that they are in compliance with OMB standards. Please see the attached revised race/ethnicity tables for evidence of compliance with OMB standards.

8. *Cover letter comments*

The contact letter has been modified to account for OMB's concerns. Evidence of federal sponsorship will include the cover letter being placed on BJS letterhead and the placement of the BJS prosecution and adjudications unit chief's signature on the letter. Please see revised participant cover letter for the State Court Organization project.