



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

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MEMORANDUM

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DATE: July 15, 2024

SUBJECT: BJS request to conduct frame building outreach for the Census of State Courts (CSC), under the OMB generic clearance agreement (OMB Number 1121-0339).

Introduction

The Bureau of Justice Statistics (BJS) is planning its first Census of State Courts (CSC) to better understand how municipal, trial, and appellate courts handle different case types across the United States. The CSC is the newest collection in a series of BJS-sponsored research efforts dedicated to the study of state courts and courts of limited jurisdiction, generally operated at a

county or municipal level. The CSC will collect basic information about state courts and courts of limited jurisdiction operational in the United States its territories and will provide a sampling frame from which BJS can draw samples for future data collections.

BJS previously sponsored the Census of State Court Organizations (SCO) (2011 SCO OMB Control Number 1121-0283 Expiration: 4/30/2014) from 1980 to 2011. While that effort was intended to be a census, SCO's outreach strategy started at the state level with contacts to state court administrators. In most states, the state court administrator completed the SCO without having complete information about the local level courts operating in their states. There are 30 states that authorize localities to operate municipal courts. These courts are typically funded by the municipality and not the state and therefore may not report data to the state court administrator. Thus, the SCO was not truly a census of all courts operational in the United States, but rather a census of the courts that reported information to the state court administrators.

BJS discontinued funding the SCO after the 2011 collection. The data collection agent, the National Center for State Courts (NCSC), continued collecting the information with their own funding, keeping the name State Court Organization (SCO).¹ In 2022, 36 states, the District of Columbia, Puerto Rico, and Guam provided data on their court's operations from 2020 to NCSC for the SCO. Of those, 5 states did not provide any information regarding their courts of limited jurisdiction.

Summary of Current Request

BJS requests clearance under its generic clearance agreement (OMB Control Number 1121-0339) to contact state court administrators in 56 states and U.S. territories to confirm and either correct or provide updated contact information on courts within their jurisdiction. Contact information has been previously obtained from NCSC's continued administration of SCO and augmented with internet searches about all courts within the U.S. (described below). State and U.S. territory court administrators may also enlist another individual to help verify court contact information. It is anticipated that a total of 112 state and U.S. territory court administrators and their personnel will verify the courts lists.

For the purposes of the CSC, the definition of a state court is a judicial agency, established or authorized by the state constitution's judiciary article or statutory law based on the judiciary article, that possesses the judicial powers of the state. Courts are separated from one another by geography or operational purposes. The CSC will collect information about state appellate, general-, and limited- jurisdiction courts. Federal and tribal courts are excluded from this data collection, as are courts operated by the executive branch. Problem-solving courts or specialty dockets, frequently used by courts to address populations requiring specialized expertise, are not counted separately from the courts within which they operate.

CSC will construct a current frame of municipal, trial, and appellate courts and provide detailed information on these courts in a two-stage process. There are two phases to the first stage. The first stage was to construct an initial list of courts and their contact information for each state. This list of roughly 11,000 courts combined NCSC's current SCO contact information with comprehensive internet searches for each state's courts regardless of jurisdiction. To ensure that the search was exhaustive at each level of court jurisdiction found in a state, NCSC staff

¹ <https://www.ncsc.org/sco>

confirmed the jurisdictions possible for each state with its statutes that enable the creation of its courts.

Under this clearance request, BJS will conduct the second phase of the first stage – outreach to state and U.S. territory court administrators to update the initial contact list of courts within their jurisdiction. State court administrators will update and supplement the existing information collected by NCSC through the SCO project. There will not be any contact with individual courts during this phase. However, state court administrators may identify a designee to verify court contacts when they are unable to do so. The CSC team will send a URL link with an excel spreadsheet in a box folder that allows for editing in real time and uploading additional files (e.g., current lists in any format). This link will be unique for each state and will be set to expire following the data collection phase. BJS will ask court contacts to provide, verify, or correct the following:

- Court tier
- Court name/location detail (jurisdiction or court building name)
- Court contact name
- Court contact title
- Court contact email
- Court phone number
- Court mailing address

This effort will help BJS build a frame to administer a questionnaire to the census of state courts as part of a second stage of CSC. The questionnaire will include questions on staffing, caseload, and budget. A full Paperwork Reduction Act clearance request will be submitted for administration of the questionnaire to all state courts at a later date.

Categorization of State Courts

State courts are typically categorized by their jurisdiction over cases, funding sources, and structure. For jurisdiction, courts can hear appealed cases only (appellate courts), all case types (general jurisdiction courts), and can be restricted to certain case types or types of hearings (limited jurisdiction courts).² Courts can also be categorized by their funding source. The most common funding sources are state, local, fines and fees, federal grants, or other sources of funding, such as private grants. Many courts are funded through multiple funding streams. Lastly, courts can be categorized by their structure: single tier (unified) or two-tier systems. In a unified system, there are no courts of limited jurisdiction – all case types and hearings originate and conclude in the general jurisdiction courts. Two-tiered systems are more common, where the court divides the cases to be heard between general and limited jurisdiction courts. **Table 1** displays the tiered system for each state and U.S. territory as reported in NCSC’s Courts Statistics Project (CSP).

² Berger, J. & Ashworth, V. “The Basics of U.S. Jurisdiction.” American Bar Association. Accessed August 11, 2023: https://www.americanbar.org/content/dam/aba-cms-dotorg/products/inv/book/269903509/5310449_sample.pdf

Table 1. States and U.S. territories with unified and two-tier structures

Single Tier (Unified) (n=5 states plus DC and 4 U.S. territories)	Unknown (whether single- or two-tier) system (n=3 states)	Two-Tiered (limited and general jurisdiction courts) (n=42 states plus 1 U.S. territory)
California, District of Columbia, Illinois, Iowa, Minnesota, Vermont, Guam, Puerto Rico, Northern Marianas Islands, US Virgin Islands	Idaho, Maine, Missouri*	Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, American Samoa
*Missouri allows localities to create municipal courts		
Source: National Center for State Courts, Court Statistics Project Trial Court Aggregation. Retrieved 2023-08-15: https://www.courtstatistics.org/data/assets/pdf_file/0019/23833/CSP-Aggregation-Aug-2020.pdf		

Additionally, some states allow localities (i.e., counties or cities) to create courts, often called municipal courts. These courts are not funded by the state, but by the localities. Municipal courts are a specific type of limited jurisdiction courts that hear minor cases, such as ordinance violations, petty misdemeanors, and limited civil hearings.³ The 30 states that authorize municipal courts are listed in **Table 2**, along with the estimated number of municipal courts from two sources. The first column indicates the state. The second column, “Number of municipal courts per NCSC (2020)” represents information about the known municipal courts in a state, as reported by the state court administrator. The third column, “Number of criminal municipal courts per A. Natapoff (2021)” represents collected information only on criminal misdemeanor courts collected by Alexandra Natapoff for her research.

Although NCSC’s counts are higher than Natapoff’s, the quality and completeness of both data sources is not known except for Arizona, Indiana, and Missouri. The discrepancies demonstrate that we do not have accurate information about municipal courts. By collecting information about all municipal courts and their jurisdiction over civil and criminal cases, the CSC will improve the quality and completeness of what is known about these courts.

³ Both single tier and two-tiered systems can create municipal courts. As noted in Table 1, Missouri is a state that allows counties to create municipal courts.

Table 2. States that allow localities to create municipal courts

States that allow localities to create municipal courts (n=30)	Number of municipal courts per NCSC (2020)	Number of <i>criminal</i> municipal courts per A. Natapoff (2021)
Alabama	280	138
Arizona	82	163
Arkansas	Not reported	89
Colorado	Unknown	225
Delaware	15	6
Georgia	Not reported	387
Indiana*	60	70
Kansas	395	385
Louisiana	Not reported	300
Michigan	Not reported	4
Mississippi	Not reported	319
Missouri	321	473
Montana	Not reported	159
Nevada	17	17
New Jersey	564	560
New Mexico	Not reported	81
New York	Unknown	1,270
North Dakota	Not reported	90
Ohio*	417	301
Oklahoma	Not reported	342
Oregon	Unknown	147
Rhode Island	Not reported	26
South Carolina	Not reported	200
Tennessee	Not reported	241
Texas	945	928
Utah	Not reported	110
Washington	98	92
West Virginia	Not reported	122
Wisconsin	252	237
Wyoming	Not reported	82
TOTAL NUMBER OF COURTS	3,446	7,564

*State has more than one type of municipal court.

Sources: https://www.courtstatistics.org/data/assets/pdf_file/0019/23833/CSP-Aggregation-Aug-2020.pdf and Natapoff, A. 2021. "Criminal Municipal Courts." *Harvard Law Review*, 134: 964-1065. <https://harvardlawreview.org/print/vol-134/criminal-municipal-courts/> Both accessed on 2023-08-15.

Outreach

Through BJS's experience with contacting courts and other justice agencies, our outreach strategy is designed to maximize response rates from court officials. Within the first week, we will notify the state court administrator that we will be conducting the CSC. BJS has found that this contact improves response rates because often the local courts will ask the state court administrator about participation in research projects. Following the initial BJS notification, NCSC will contact the state court administrators to confirm lists of county and local court contacts that can be eligible to complete the CSC. NCSC will follow up with non-responders in the subsequent weeks. More details on this planned outreach are below.

In week 1, NCSC will send a BJS pre-notification letter to the 56 state and U.S. territory court administrators, advising that the CSC will be collecting data from courts in their state or territory (**Attachment A**) and include an informational flyer describing the project (**Attachment B**). In week 2, NCSC will follow up via email (**Attachment C**) with a link to a box folder that contains a spreadsheet with a list of appellate, trial, and municipal courts in their state. BJS will request that the state court administrator confirms, corrects, or adds to the list (template provided in **Attachment D**). If the state court administrator cannot completely review and validate the list, they may refer our request to someone else to help verify the lists. BJS anticipates up to 56 additional state and U.S. territory court administrative staff assisting with the verification effort. If a designee is assigned by the state court administrator, NCSC will send an email inviting them to review the court list (**Attachment E**). The spreadsheet updates in real-time, thus additional staff from each state or U.S. territory court administrators office will be able to work on the same list. NCSC will follow up with non-respondents by email (**Attachment F**) in weeks 3 to 5 and by phone in week 6 (phone script provided in **Attachment G**). Non-respondents will be given different scripts depending on if they have started verification of the courts list or not. If there is no reply following non-response follow-ups, NCSC will rely on the information gathered in the directory through secondary sources to build the frame.

Table 3. Outreach schedule

Week	Description of outreach	Method	Communication Document
1	BJS Pre-notification letter with flyer to state court administrators	Email	Attachments A (email) and B (flyer),
2	NCSC email to state court administrators or alternates, with request to confirm court lists	Email	Attachments C (email), D (template), and E (email),
3-5	Follow up email to state court administrators, with request to confirm court lists	Email	Attachment F (email).
6	Follow up phone call to state court administrators, with request to confirm court lists	Phone call	G (phone script)

Burden Hours

The total burden for this request is 56 hours. The outreach and request to 56 state court administrators and up to 56 additional staff asking them to verify the contact information of courts in their state is expected to take 30 minutes per respondent (**Table 4**).

Table 4. Burden estimate

Type of Respondent and Contact	Number of Respondents	Participation Time (minutes)	Total Burden (hours)
State Government: Outreach and verification of contact information of courts in their state	112	30 minutes	56
Totals	112		56

Costs to the Federal Government

The estimated cost to the Federal government is \$6,180 for the NCSC portion of the work and an estimated \$2,450 for 50 hours of the GS-12 project manager's work for a total of \$8,630.

Timeline

Milestone	Start Date	End Date
Obtain OMB generic clearance	7/15/24	7/29/24
Field CSC Sending Verification Request	7/29/24	9/3/24
Compile and verify data	7/15/24	9/16/24
Provide frame data to BJS	9/16/24	9/16/24

Data Confidentiality and Security

BJS is authorized to conduct this data collection under 34 U.S.C. § 10132. CSC will collect court information including the name of the court, court level (e.g., municipal, trial, or appellate), mailing address, direct email address and telephone number for the contact. All information related to the CSC will be stored on a secure drive at NCSC with restricted access to those staff members who are directly involved in the CSC project. Interim frames with the personally identifying information of the contact person removed may be shared with all project team

members. Data collected as part of this effort will not be released to the public and will only be used to build a frame for a full census data collection at a later date.

All project staff are required to sign a privacy certificate which confirms the maintaining of data and following the procedures outlined above.

Protection of Human Subjects

NCSC's Institutional Review Board (IRB) reviewed the project per 28 CFR 46 and determined that all aspects of the project do not meet the definition of human subjects research (**Attachment H**).

Contact Information

Questions regarding any aspect of this project can be directed to:

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Attachments

Attachment A:	Pre-notification letter to state court administrators
Attachment B:	CSC informational flyer
Attachment C:	NCSC request for state court administrators to confirm courts list (email)
Attachment D:	Example of state court administrator court confirmation (template)
Attachment E:	NCSC request for delegates to confirm court lists (email)
Attachment F:	Nonresponse follow-up #1 (email)
Attachment G:	Nonresponse follow-up #2 (phone script)
Attachment H:	NCSC IRB determination