

# Pandemic Caseload Highlights

Incoming and Outgoing Cases, 2019 - 2021

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## State Court caseloads during the COVID-19 pandemic

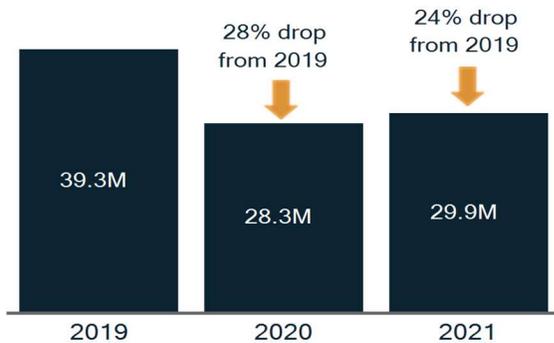
Throughout the pandemic, courts have continued to provide essential services to meet the needs of the public, rapidly adapting to changing circumstances. A preliminary look at the total number of incoming cases in state courts in 2021 shows increases from 2020, but incoming and outgoing cases remain 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>



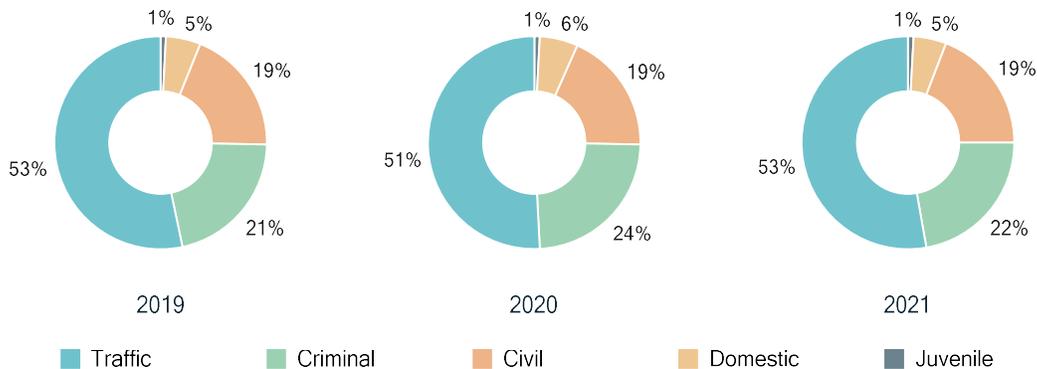
The [Court Statistics Project](#) (CSP), a joint project of the [National Center for State Courts](#) and Conference of State Court Administrators, collects comprehensive, aggregate caseload data from state courts on an annual basis. Although not all states have reported for 2021, this preliminary report 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



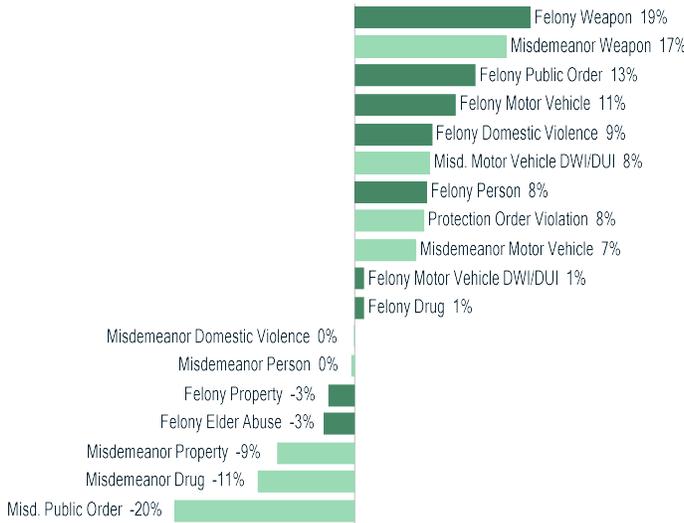
<sup>1</sup> States included are Alaska, Arizona, Colorado, Delaware, Hawaii, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Texas, and West Virginia. Some states are not able to provide data for all years, case 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.

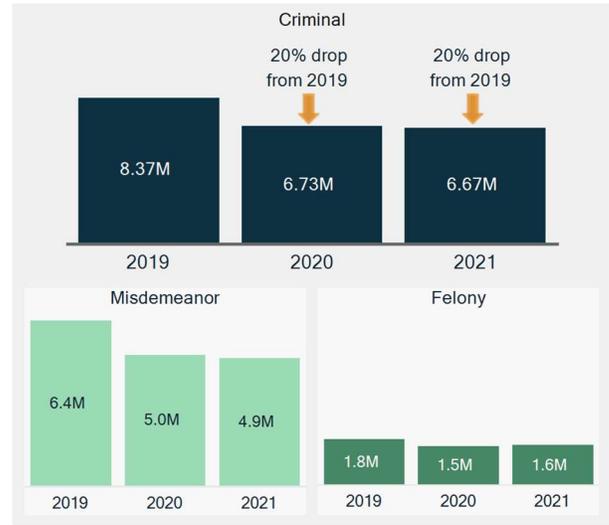
The largest increases from 2020 to 2021 were in weapons cases, both felony and misdemeanor, increasing 19% and 17%, respectively.<sup>2</sup> This represents a shift from 2020 which saw felony weapons cases increase only 1% from 2019 to 2020 while misdemeanor weapons decreased 4%. According to the FBI, 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

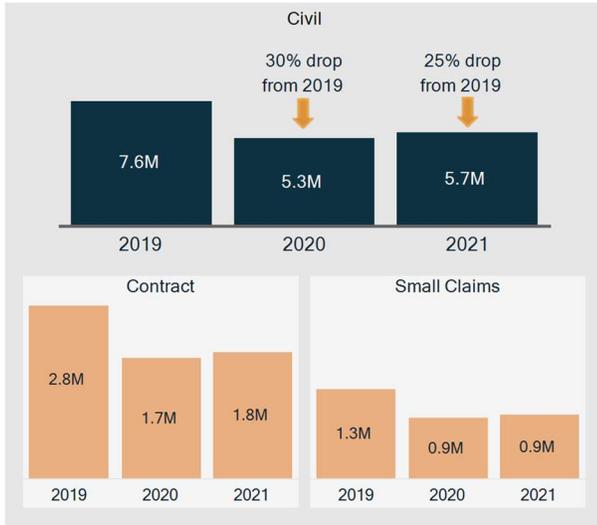
Incoming cases bar shown for reference



<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 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%.

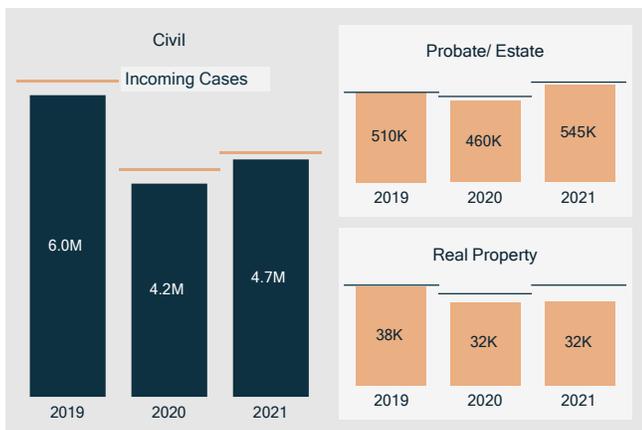
A deeper look at contract cases reveals landlord/tenant – unlawful detainer (eviction) and mortgage foreclosure cases are driving the overall decrease with some of the largest observed declines in incoming cases seen across all case types.

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.

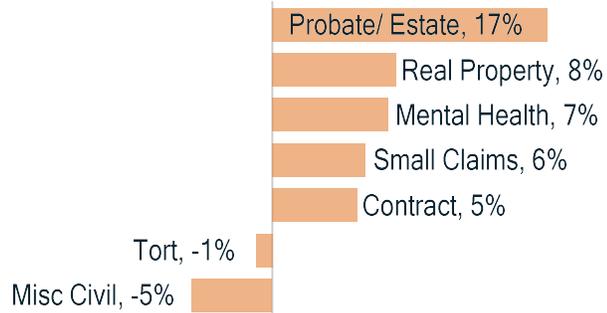
The CDC moratorium in place through July 2021, and in limited form through August 2021, likely depressed incoming eviction cases, but these cases are likely to rebound in 2022. Princeton Eviction Lab reports weekly eviction data, showing steep increases in evictions in 2022.<sup>4</sup>

## Civil Outgoing Cases, 2019 - 2021

Incoming cases bar shown for reference



## One-year Percent Change, 2020 - 2021



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.

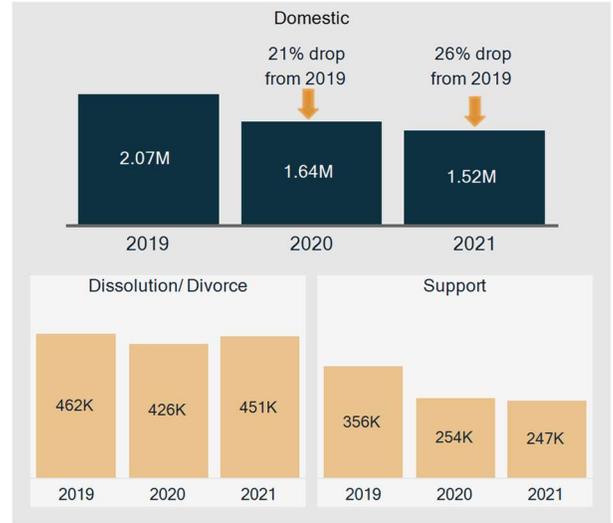
Outgoing civil cases have also rebounded from 2020 levels with about 500,000 more outgoing cases in 2021 than 2020 (an 11% increase). Outgoing cases still lag incoming cases, however. Outgoing real property cases demonstrate this trend: while the level of outgoing cases remained the same from 2020 to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

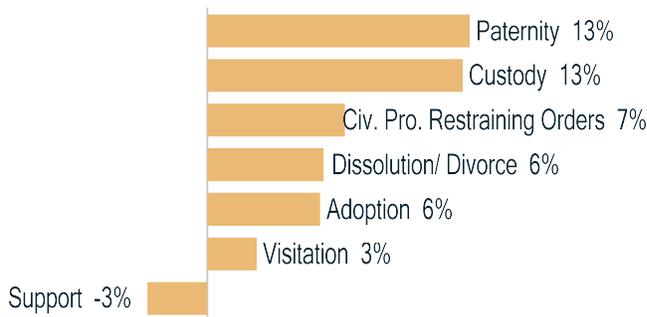
# Domestic Case Trends

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).

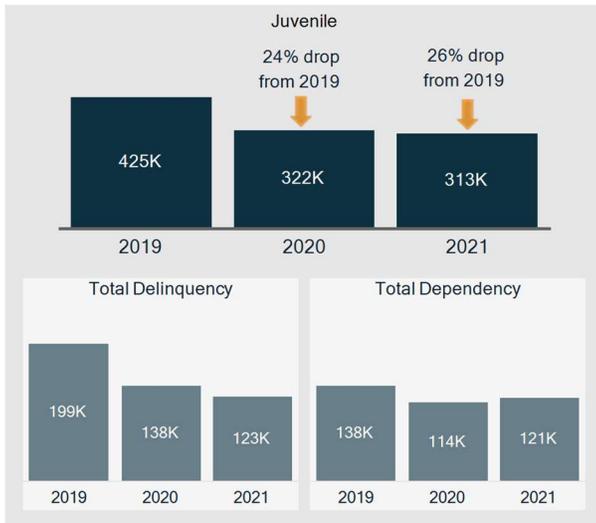
The number of outgoing domestic cases increased by 10% in 2021 but continued to lag incoming case levels by about 100,000 cases per year. Paternity and custody cases, which saw the largest percentage increases in outgoing cases in 2021, were not able to keep pace with rising incoming caseloads despite 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

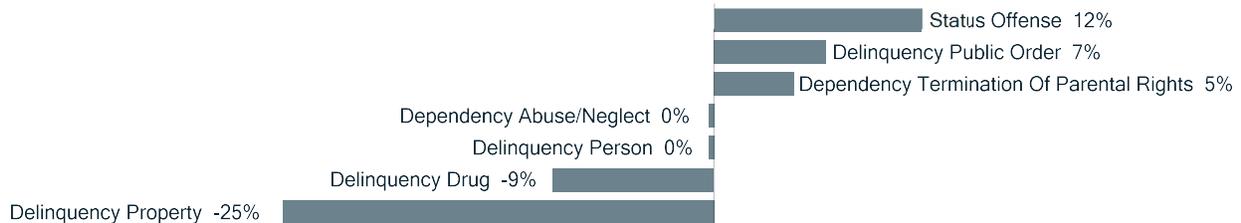


## Juvenile Incoming Cases, 2019 - 2021



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.

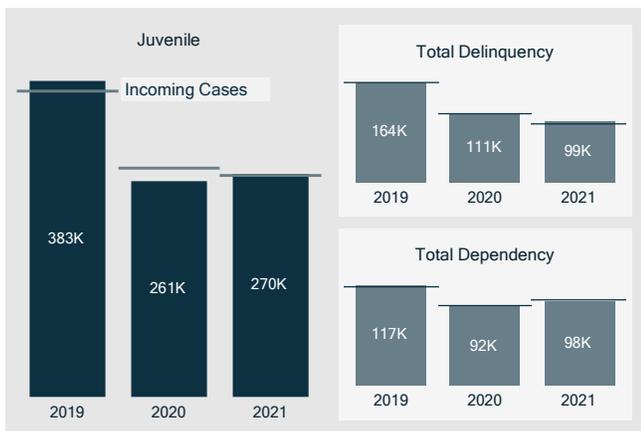
## One-year Percent Change, 2020 - 2021



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.

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.

## Traffic/Local Ordinance, 2019 - 2021

Incoming cases bar shown for reference



<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).