

NCSC

Missing In Actions:

How low appearance rates
impact courts

DECEMBER 2025

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If you have questions, or would like to discuss missed appearances, their related consequences, or other access to justice issues, [please schedule a meeting with the NCSC Access to Justice Team](#).

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Introduction

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Introduction

The total number of matters that state courts hear each year has continued to rise following the pandemic, and in 2023 alone, over 67 million cases were filed in state courts.¹ These cases often implicate critical issues, including public safety, housing, financial security, family stability, and more.² Despite the vital importance of issues resolved through the legal system, courts encounter a significant number of missed appearances — when a litigant, whether in a civil or criminal case, does not come to court (virtually or in-person) at the required date and time.

The rates of missed appearances vary widely depending on the jurisdiction and case type.³ Given this variation and the difficulty of gathering accurate, country-wide data, national estimates of missed appearance rates are rare. Data at the state and local level, however, suggests that rates of missed appearances can be particularly elevated in high-volume civil cases,⁴ such as eviction and consumer debt, and for lower level criminal or civil offenses.⁵ In these case types, it is not uncommon for a jurisdiction to see more than half of defendants are missing when their case is called.⁶

A growing body of research has helped identify why so many parties miss their court appearances. Contrary to popular belief, most people are not willfully absent from court or seeking to evade justice.⁷ Instead, a variety of barriers often prevent their appearance. Some of these are financial, such as being unable to take time off work, pay for transportation to court, or pay for childcare.⁸ Others are logistical, such as a lack of understanding of where to go, what to do, and how to get there.⁹

1 See Gibson, S., et al., eds., *2024 CSP STAT*, National Center for State Courts (accessed Sept. 9, 2025), <https://perma.cc/CS3Z-53PY>.

2 *Id.*

3 McAuliffe, S., et al., *National Guide to Improving Court Appearances*, ideas42, at 1 (May 2023), <https://perma.cc/3A5R-B958>.

4 Some jurisdictions reported rates of default judgments that were above 70% in their jurisdictions' consumer debt cases. See Rickard, E., et al., *How Debt Collectors Are Transforming the Business of State Courts*, Pew Charitable Trusts, at 16 (May 2020), <https://perma.cc/4K7G-KAKJ>.

5 A study in New York City concluded that there was a missed appearance rate of around 56% for misconduct that could be resolved in civil proceedings. See Cuevas, C., et al., *Examining Appearance Rates in Civil and Criminal Summons Court in New York City*, Data Collaborative for Justice at John Jay College, at 1, 4 (Dec. 2019), <https://perma.cc/WJ2M-BQ2F>.

6 Maybe the court user doesn't come at all; maybe they appear too late to participate in the hearing. Either way, they miss when their case is called, and the hearing does not proceed as it would, had they been present.

7 *Court Appearance Rate Report*, National Center for State Courts, at 7 (2024), <https://nationalcenterforstatecourts.app.box.com/s/1bxgs32ostpeiz5blv4ns2696n2pjirw>; Fishbane, A., McAuliffe, S., & Li, Y., *Improving Court Attendance: The Essential Guide to Court Reminder Programs*, ideas42, at 1 (2025), <https://perma.cc/5DJ9-S54X>.

8 See generally *Appearance Rates Judicial Curriculum*, National Center for State Courts (2025), <https://nationalcenterforstatecourts.app.box.com/s/6w61u09zsswfgixgfbfotrlz94vzah3>.

9 See *Court Appearance Rate Report*, *supra* note 7, at 10.

For some litigants, fear and mistrust of the legal system, or the trauma of reliving a difficult event, may lead to disengagement.¹⁰ Some litigants simply forget about their court date.¹¹ Finally, some people do not appear in court because they never received notice of their court date.¹²

The increasingly large number of people who must navigate the court system without a lawyer¹³ face additional hurdles to understand and overcome these obstacles.¹⁴ These barriers can also be especially challenging for litigants with disabilities, litigants who are older adults, and litigants who have limited English proficiency.¹⁵

Missed appearances can have negative consequences for court users. For example, in civil cases, absence from a court hearing can lead to the entry of a default judgment for the opposing party without the litigant having the opportunity to participate in their case.¹⁶ In criminal cases or quasi-criminal cases like traffic infractions, a defendant's absence can lead to the issuance of a bench warrant, the suspension of a driver's license, and new charges.¹⁷

10 *Id.* at 2; [McAuliffe, S., et al.](#), *supra* note 3, at 6–8.

11 [Fishbane, A., McAuliffe, S., & Li, Y.](#), *supra* note 7, at 1.

12 See generally Chiappetta, C. et al., *Why Civil Courts Should Improve Defendant Notification*, Pew Charitable Trusts (2023), <https://perma.cc/C2GK-LLQB>; Hickman, J., et al., *What Really Prevents Court Appearance?*, Crime and Justice Institute, at 4 (Feb. 2025) (identifying one of the top reasons people missed court as “Unaware of the court appearance”), <https://perma.cc/FPB9-LSCG>; Rock, J. & Mellins, S., *Have You Been Sued for Credit Card Debt? Your Fake Relative Might Know*, New York Focus (2025) (discussing issue of defendants not receiving proper notice of lawsuit against them), <https://perma.cc/PS3E-RAMZ>.

13 See Self-Represented Litigation Network, *SRLN Brief: How Many SRLs?* (SRLN 2019), SRLN.org (Aug. 2024) (estimating that around 75% of all state civil cases have at least one unrepresented party), <https://perma.cc/4EUS-Q3SY>; see also *Self-Representation*, National Center for Access to Justice (2025) (estimating that two-thirds of litigants may appear in civil court without an attorney), <https://perma.cc/2RNW-D42F>.

14 See [Court Appearance Rate Report](#), *supra* note 7, at 10 (noting that court notices can be confusing and contain legal jargon).

15 See [McAuliffe, S., et al.](#), *supra* note 3, at 8 (discussing barriers encountered by people with disabilities and people who have limited English proficiency).

16 See, e.g., Rosenthal, R. & Bird, L., *How Too Many State Policies Fail Americans Sued for Debt*, Pew Charitable Trusts (Dec. 2024) (noting that in multiple jurisdictions, 60–70% of all consumer debt cases ended in a default judgment against the defendant), <https://perma.cc/RJ4C-HKPT>.

17 See, e.g., Nam-Sonenstein, B., *High States Mistakes: How Courts Respond To “Failure To Appear,”* Prison Policy Initiative (August 2023), <https://perma.cc/SA68-CUMU>; Dholakia, N., *Millions of People in the U.S. Miss Their Court Date, With Dire Consequences*, Vera Institute (February 2024), <https://www.vera.org/news/millions-of-people-in-the-u-s-miss-their-court-date-with-dire-consequences>; [Court Appearance Rate Report](#), *supra* note 7, at 4; *Statutory Responses for Failure to Appear*, Compiled and Updated by National Conference of State Legislatures (Feb. 2022) (last accessed Apr. 11, 2025), <https://www.ncsl.org/civil-and-criminal-justice/statutory-responses-for-failure-to-appear>.

While many studies examine the causes of missed appearances and the consequences of missed appearances for court users, fewer reports consider how missed appearances affect courts themselves.¹⁸

But we know that the work of courts is impacted when parties do not attend hearings as scheduled. Consider, for example, the following two hypotheticals, which outline the potential ways a court (as opposed to the missing litigant or the other parties) might be impacted if a litigant in a civil case and a litigant in a criminal case miss their appearance.

The first hypothetical illustrates how a missed appearance in a high-volume civil case (such as an eviction or consumer debt collection case) might play out:

Hypothetical 1

Missed Appearance in a High-Volume Civil Case

Plaintiff sues defendant to recover alleged credit card debt. The case is assigned an in-person hearing date. Defendant does not attend the court hearing.

Before the hearing: Judge and court staff prepare for the hearing. Court staff ensure that the case file is complete and ready for the judge, maybe by putting it in the stack of cases to be heard during that docket call. Judge briefly reviews the complaint and any exhibits.

During the hearing: The hearing lasts around 1 minute. Judge calls the case one time and defendant does not indicate that they are in the courtroom. The court enters a default judgment for the plaintiff without assessing the merits of the case or confirming that service was proper.

After the hearing: Defendant eventually learns of the judgment when their wages are garnished. Defendant comes to court to ask about the judgment and files post-judgment motions, such as a motion to reopen or set aside the judgment. Court staff process the new motions and notify plaintiff of a new hearing date. Judge resolves the new motions at a second hearing.

¹⁸ There are few models that estimate the costs to courts *without incorporating costs to law enforcement or jails*. See [McAuliffe, S. et al.](#), *supra* note 3, at 1 (citing one 2007 cost estimate); Ostrom, B. J., et al., *Measure Ten: Cost Per Case*, National Center for State Courts (illustrating one way to quantify court costs), <https://perma.cc/V5H4-DXY8>; [Fishbane, A., McAuliffe, S., & Li, Y.](#), *supra* note 7, at 1 (estimating cost of each missed court date as \$1,496, which includes “costs of court staff and attorneys, warrant issuance, warrant clearing, and for a smaller percentage of people, apprehension and arrest, booking, jail holding for up to 24 hours (average hold time may be longer), and possible new supervision costs”).

The second hypothetical illustrates how a low-level misdemeanor case might proceed when a defendant misses an appearance:

Hypothetical 2

Missed Appearance in a Misdemeanor Case

Defendant is arrested and charged with a misdemeanor. Defendant is released and given an initial court date. Defendant does not attend the court hearing.

Before the hearing: Judge and court staff prepare for the hearing. Court staff ensure that the case file is complete and ready for the judge, maybe by putting it in the stack of cases to be heard during that docket call. Judge reviews the charges and any related documents (police reports, etc.).

During the hearing: The hearing lasts around 5 minutes. The case cannot move forward without the defendant. The judge, prosecutor, and public defender (who would have had their initial meeting with the defendant), discuss potential next steps. After hearing from defense counsel, judge issues a bench warrant for defendant's failure to appear and suspends defendant's driver's license. The hearing is reset for 30 days.

After the hearing: Court staff process and issue the orders from the hearing, including the warrant and suspension of the driver's license, and calendar the rescheduled hearing. The hearing's rescheduling means that other cases cannot be heard at that time and are moved to a later date. Before the next hearing, the judge reviews the case documents again. Court staff again prepare the case file for an initial hearing.

The scenarios above are of course merely hypotheticals: The reality varies depending on the jurisdiction and specific context of the case. But they illustrate what some of the consequences of a missed appearance might be *from the court's perspective*.

This report seeks to identify the potential consequences to courts of missed appearances. Additionally, NCSC developed models that attempt to quantify some of those consequences so that courts can develop an understanding of how missed appearances impact their resource allocation.

We emphasize that any calculations are estimates, are based on aggregated national data, and rely on assumptions about how courts typically operate. Like the hypotheticals, they are not meant to be prescriptive or to capture the reality of any given court. Instead, they are meant to illustrate a model for how courts might determine the monetary effect of a missed appearance and provide a conservative estimate of what the effect might be.

Courts must be fully funded so that they can both meet the needs of the communities they serve and fulfill their role as an independent, coequal branch.¹⁹ But we recognize that many courts must operate with limited budgets and leaner staff. As this report illustrates, implementing solutions that increase appearance rates will ultimately allow for more efficient court resource usage. Increasing appearance rates also expands courts' ability to ensure access to justice and procedural due process for all.

¹⁹ *Principles on Fines, Fees, and Pretrial Practices: Principle 1.1 Purpose of Courts*, National Task Force on Fines, Fees, and Bail Practices (2024), <https://nationalcenterforstatecourts.app.box.com/s/xctpd52q8715q72ctz47xobnthugahxg>.

Meet our team

Interested in getting help calculating more precise estimates for your jurisdiction, or understanding barriers to appearance? The Access to Justice Team at the National Center for State Courts is here to help!

We encourage you to [schedule a time to meet with our team](#).

Details about our methodology, data limitations, and calculations are available in the [Appendix](#). In addition to the calculations discussed in this report, the NCSC team developed a Missed Appearance Cost Calculator tool. Courts looking for more accurate data can work with NCSC to utilize the tool to establish more precise cost estimates.

Executive Summary

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Executive Summary

Missed appearances are a common occurrence in almost all state trial courts across the country. Thus, isolating the impact of missed appearances is challenging. Courts use time, personnel, and money to prepare a case for, and move a case along after, a hearing. If the hearing's original purpose is frustrated by a missed appearance, what does that mean for the work on either side of that hearing, in addition to the work of the hearing itself?

Put another way, think about court operations like Newton's Cradle (pictured, Figure 1). Newton's Cradle is a physics desk toy that demonstrates inertia and momentum, illustrating how objects are connected and interrelated in calculating and observing those forces.²⁰ Changing any variable (such as pulling back the first orb) affects the entire system.

So too with a missed appearance. The effect of a missed appearance is felt throughout court operations, and indeed even outside the court, where it impacts communities, in addition to litigants, [as discussed in our other work in this area.](#)

In this report, we identify four main ways that missed appearances impact court operations. Though this report discusses each category of impact separately, it is important to note that many of these categories interact with one another, and only some can be quantified, meaning that any calculations likely underestimate the true impact of a missed appearance. Additionally, many of these impacts in turn affect appearance rates. For example, some court responses to missed appearances may in fact add barriers for litigants to come to court, thus increasing the likelihood of future missed appearances.

Finally, throughout this report, we highlight proven strategies for increasing court participation. These strategies, catalogued in [Table 3 - Strategies to Address Missed Appearances](#), range from relatively simple, such as ensuring hearing notices are in plain language, to more complex, such as implementing an electronic reminder system. We know that courts are stretched thin and must make difficult choices about where to prioritize their efforts. The impacts that we identify in this report show that focusing on increasing appearance rates could be an efficient use of court resources.

Figure 1: Image of Newton's Cradle



²⁰ Newton's Cradle, Virginia Tech Department of Physics, <https://perma.cc/L5EW-QP4R>.

Four Impact Categories



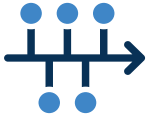
Caseflow & Workload

Missed appearances alter the way courts process cases. They can impact caseflow management and time to disposition.



Staffing

The work that court staff must perform after a missed appearance can impact staff morale.



Downstream

The barriers that lead to missed appearances and the consequences of missing a court event can impact the public's perception of courts, which can in turn impact the legal system's ability to function.



Financial

Some of the impacts of missed appearances on courts can be quantified, which can provide insight about potential ways to optimize resources while increasing access to justice.

IMPACT CATEGORY

Caseflow & Workload





Caseflow & Workload

A litigant's absence from a hearing affects the way the court processes both the case in which the absence occurred and other scheduled cases.

Consider the **two hypotheticals discussed in the introduction** and the way a court's ability to provide timely, cost-effective, and procedurally fair justice might be impacted by those missed appearances:

Hypothetical 1 Missed Appearance in a High-Volume Civil Case:

Time spent preparing for the hearing that did not occur.

Time spent calling the case, preparing the order, and processing the default judgment.

Time spent on post-judgment motions, like a motion to reopen the case, which must be processed and scheduled and may disrupt the calendaring of other cases.

Post-judgment motions may extend the life of the case and/or create adjacent proceedings.

Hypothetical 2 Missed Appearance in a Misdemeanor Case:

Time spent preparing for the hearing that did not occur.

Time spent on the hearing.

Time spent entering new orders (regarding arrest and license suspension) that will need to be resolved, in addition to the underlying criminal charges.

New orders may extend the life of the case and/or create adjacent proceedings.

CASEFLOW MANAGEMENT

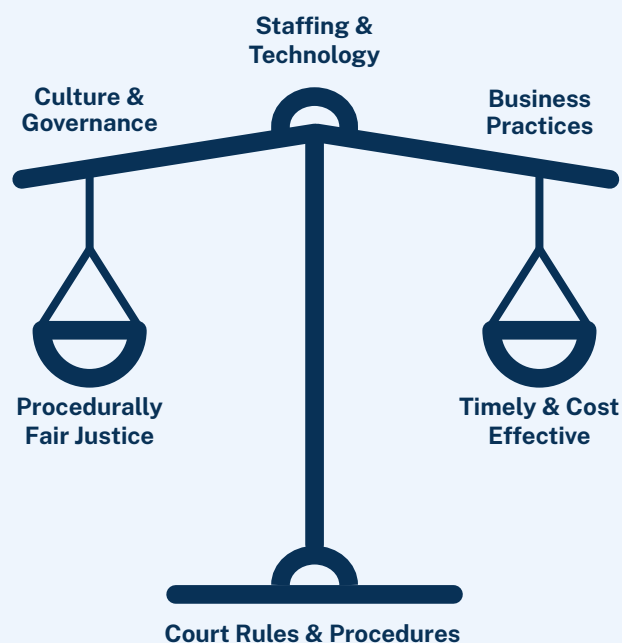
In both hypotheticals, the missed appearance impacts the way the court processes cases by causing delay, underutilizing the court's preparation for the event, and/or increasing the complexity of the case. Put differently, the missed appearance affects the hypothetical court's caseload management, meaning "the constellation of court rules, business practices, culture and governance, and staffing and technology infrastructure that are assembled to achieve the objectives of timely, cost-effective, and procedurally fair justice."²¹

These results are reflective of the typical consequences of missed appearances: delays²² in court processes and complications to the case that might not have otherwise occurred.²³

And these consequences can arise even when missed appearances result in a seemingly "fast" default judgment:

*Default judgments in debt collection cases can not only harm defendants but also accrue long-term costs to the court, the plaintiff, and even external parties, such as employers and banks. For example, multiple post-judgment hearings, supplementary proceedings, paperwork to garnish wages, and, on occasion, civil arrest warrants can consume significant time and resources. So, although a quick disposition may appear efficient at first glance, it may, in fact, not be an effective use of resources because it could lead to months or even years of additional work and costs for the courts, litigants, and third parties.*²⁴

Figure 2: Caseload Management



²¹ Caseload Management, National Center for State Courts, <https://perma.cc/GC5B-Z67B>.

²² See Cassens Weiss, D., *US Court System is Facing Delays, Backlogs and Workforce Shortages*, Report Says, ABA Journal (Feb. 17, 2023) (citing Thomson Reuters Institute, *State of the Courts Report 2023*, at 5–6 (2023)) ("Delays in court hearings have become a significant problem at the state, county and municipal levels, according to the report. Among respondents who participate in hearings on a weekly basis, 79% reported that delays of more than 15 minutes have affected their hearing process. The most common reason for delays was a failure to appear."), <https://perma.cc/RJ9G-3RPA>. But see Thomson Reuters Institute, *State of the Courts Report 2024*, at 13 (2024) (noting decrease in percent of survey respondents, from 32% to 25%, who reported that delayed hearings "always or often" impacted other cases on the docket).

²³ Rickard, E., White, D., & Chiappetta, C., *How to Make Civil Courts More Open, Effective, and Equitable*, Pew Charitable Trusts, at 7 (Sept. 2023), <https://perma.cc/4FQC-VYL5>.

²⁴ *Id.*

Evidence suggests that effective caseload management that reduces the number of court appearances scheduled for a matter, meaning that each case has fewer scheduled hearings, can result in significant staffing efficiencies and a reduction in cost.²⁵ One case study, for example, estimated that “improving criminal caseload management in the 2nd Judicial District [of New Mexico] might have the same effect as if there were **at least one more judge, as well as two or three more prosecutors, two or three more public defenders, and a comparable number of additional support staff members**, available in these organizations to work on criminal cases.”²⁶

When missed appearances lead to additional court dates, such as when an additional hearing must be held in a criminal case after a defendant’s absence, they impact case processing and may dampen the efficiencies possible through high quality caseload management.



REAL WORLD STRATEGIES FOR IMPROVING APPEARANCE RATES

Potential **changes to caseload management** that might increase appearance rates include adopting block scheduling instead of large, “cattle call” dockets,²⁷ permitting court users to participate in scheduling their hearing,²⁸ and utilizing extended or alternative hours.²⁹

TIME TO DISPOSITION

One of the central aims of caseload management is to ensure that cases are resolved efficiently and in an appropriate amount of time, without too many delays.³⁰ Missed appearances can influence a court’s ability to fulfill this goal.

²⁵ Packard, C. & Keyser, M., *Improving Timely Justice in America’s Courts*, Arnold Ventures (May 2021) (citing Ostrom, B., *Effective Criminal Case Management*, National Center for State Courts (2020)) (discussing conclusion that each additional hearing scheduled increased the case’s duration by two weeks), <https://perma.cc/T37J-LSWT>.

²⁶ Steelman, D. & Kim, A., *Estimating the Potential Impact of Better Criminal Caseload Management on the Jail Population in Bernalillo County, New Mexico*, National Center for State Courts, at 21 (Jan. 2013), <https://perma.cc/RW2U-D8YE>; see also Ostrom, B. & Hanson, R., *Achieving High Performance: A Framework for Courts*, National Center for State Courts, at 15–17 (2010) (describing the benefits of effective caseload management), <https://perma.cc/7EJD-XGYT>.

²⁷ See, e.g., *Considerations for High-Volume Dockets During the Pandemic*, CCJ/COSCA, 3 (June 2020), <https://perma.cc/ACH8-M7EM>.

²⁸ Tiny Chat #108, *Pandemic Procedural Changes Aren’t Scary*, National Center for State Courts (2024), <https://perma.cc/5YAT-DXA7>.

²⁹ See generally Wirkus, A. & Zarnow, Z., *Alternative Court Hours Toolkit*, National Center for State Courts (March 2023), <https://perma.cc/27UZ-B9Z7>.

³⁰ See *Ostrom, B. & Hanson, R.*, *supra* note 26, at 48.

Around the nation, courts and administrative offices of courts track the time to disposition — the time it takes to resolve a case. Those entities have set case processing time standards to evaluate time to disposition and encourage jurisdictions to meet those standards.³¹ For example, the Model Time Standards, while acknowledging that there will be variation depending on the case, provide general ranges as shown in the table below.

Table 1 – Model Time Standards

Case Type	Model Time to Disposition Standard ³²
Misdemeanor	60–180 days
Felony	90–365 days
Traffic/Local Ordinance	30–90 days
Civil	60–540 days
Family	120–365 days
Probate	360–720 days
Juvenile	30–90 days
Dependency	90–360 days

Time to disposition is also important to the public, who have frequently voiced frustration regarding the slowness of case resolution.³³ A study in New Mexico, for instance, revealed that litigants would like courts to decide their civil and family cases one or two months after filing.³⁴ Thus, there is a substantial disconnect between public expectations for the timeliness of court

31 Raftery, W., *Case Processing Time Standards Take Hold in State Courts*, *Judicature*, Vol. 106 No. 3 (2023), <https://perma.cc/8LJ4-J4W8>.

32 Duizend, R. V., Steelman, D. C., & Suskin, L., *Model Time Standards for State Trial Courts*, National Center for State Courts, at 3 (2011), <https://perma.cc/EM6J-JD7D>.

33 *Id.* at 1.

34 *Id.*

decisions based on the current pace of business, and the current pace of the American judicial system.

We emphasize that while time to disposition is itself important, it is more important that a judicial officer has the time needed to give the proper amount of attention to each case. But many judges report that they lack adequate time to complete all the tasks required of them, such as continuing education requirements, leadership and community service positions, and case preparation.³⁵ This seems unlikely to change. Even if some courts are not seeing an increase in case filing numbers, for example, they may see an increase in the number of people litigating their cases without an attorney, and disposing of cases with self-represented litigants can “take[] more time.”³⁶

Additional case complexity and delays in the case’s progress, such as those caused by missed appearances, can take more court time and lead to longer times to disposition.³⁷ One study, for example, demonstrated that each continuance in a criminal case adds an average of three weeks and each hearing adds an average of two weeks to case processing times.³⁸ What’s more, while missed appearances can lead to continuances and add to the number of hearings in a case (or perhaps make hearings longer), those factors (number of continuances; number of hearings) also produce opportunities for more missed appearances.

This is not to say that continuances and additional hearings are inherently “bad,” (they are often a necessary component of providing justice for all) or that courts should prioritize time to disposition over ensuring that everyone can access justice. We merely note that those added events have consequences, and courts should consider steps they can take to reduce missed appearances and to **respond effectively after missed appearances have occurred**.



REAL WORLD STRATEGIES FOR IMPROVING APPEARANCE RATES

Strategies such as offering a no-arrest walk-in docket or inviting legal aid attorneys and community organizations to offer same-day services at court can improve appearance rates and lead to quicker case resolutions.³⁹

³⁵ Delacruz, J., *Survey Suggests Judges Struggling to Find Time and Money for Education this Year*, The National Judicial College (Apr. 2024), <https://perma.cc/HA8L-K57R>.

³⁶ *Id.*; see also *Civil Access to Justice: Innovative Ideas to Support Self-Represented Litigants and Increase Court Efficiency in Civil Cases*, University of Georgia Carl Vinson Institute of Government, at 29–41 (Dec. 2023), <https://perma.cc/Y5BE-TL96>.

³⁷ See Ostrom, B., Hamblin, L., & Shaufler, R., *Delivering Timely Justice in Criminal Cases: A National Picture*, National Center for State Courts, at 11 (“The primary drivers of case processing time are the number of continuances per case and the number of hearings per case in combination with the elapsed time between hearings.”), <https://ncsc.contentdm.oclc.org/digital/collection/criminal/id/321>.

³⁸ *Id.* at 10.

³⁹ *Courts Without Fear: How Assuring No Arrests Boosts Appearance and Court Efficiency*, ideas42, <https://perma.cc/STD2-4JUL>.

IMPACT CATEGORY

Staffing





Staffing

The previous section discussed how missed appearances can impact the way that courts process cases. This section considers how those impacts to processing in turn affect court staff and judicial officers.

Consider again the **two hypotheticals outlined in the introduction** to this report and how the work that results from a missed appearance might impact court staff and judicial officers:

Hypothetical 1

Missed Appearance in a High-Volume Civil Case:

Clerks or court staff must speak with the defendant, who may be confused or frustrated, once they realize a default judgment was entered.

After the motion to reopen is filed, court staff must issue notices of the hearing and process any other relevant documents.

Court staff must again prepare the case file for a hearing.

The judicial officer must resolve the post-judgment matters and prepare for a second hearing.

Hypothetical 2

Missed Appearance in a Misdemeanor Case:

Court staff will need to schedule the next hearing and send necessary hearing notices.

Court staff will have to spend time after the hearing processing and issuing orders regarding the bench warrant and license suspension.

Court staff will need to again prepare the case file for the rescheduled hearing.

The judicial officer will need to again prepare for the hearing.

As the examples above illustrate, missed appearances mean that court staff and judicial officers must take on work that they might not otherwise need to. One University of North Carolina study observed that after a missed appearance:

There are repercussions for court actors as well. To reschedule a case, issue and serve an order for arrest, contact a person who missed court, or take other steps to resolve a nonappearance requires additional time from clerks, lawyers, magistrates, judges, and law enforcement. Clerks in particular carry additional work in pulling case files and rescheduling hearings following missed appearances.⁴⁰

MORALE

The work required after a missed appearance, such as issuing orders for arrest, can burden court staff.⁴¹ A recent national survey of judges and court staff observed that staff time spent “scheduling or calendaring events for ongoing cases” — i.e., the work that must often be done after a missed appearance — “tax[es] staff members — potentially contributing to everything from decreased efficiency to higher burnout and turnover.”⁴² In interviews with court staff, NCSC has been told that when staff are in the filing rotation, they sometimes do not sleep well and that it can impact their overall health.⁴³ And in the context of a missed appearance, much of the filing and calendaring work is repetitive (e.g. filing the same document type in the same case multiple times or rescheduling the same hearing).

Missed appearances may also mean that staff need to speak with court users who have heightened levels of frustration, worry, and/or confusion about the consequences of their absence from court. First, frustration or confusion regarding the legal system is sometimes directed at court staff.⁴⁴ Second, court staff must continually be mindful of the line between providing legal information and legal advice, which can leave members of the public feeling dissatisfied about an encounter.⁴⁵

40 *Findings and Policy Solutions from New Hanover, Orange, and Robeson Counties*, North Carolina Court Appearance Project, at 13 (Apr. 2022), <https://perma.cc/4NK5-MKTT>.

41 *Id.* at 21.

42 Thomson Reuters Institute & National Center for State Courts AI Policy Consortium for Law and Courts, *Staffing, Operations and Technology: A 2025 Survey of State Courts*, at 9 (May 2025), <https://perma.cc/9S56-69X9>.

43 The NCSC team has heard this sentiment expressed in many interviews in numerous jurisdictions.

44 See National Association for Court Management, *Courts and the Quest for Talent: Are We Doing Enough?*, at 17:00–18:00 (Mar. 2024), <https://perma.cc/79DC-HREC>; National Association for Court Management, *Courts and Confidence: What Do We Know About How the Public Perceives the Courts?*, at 23:15–24:30, <https://perma.cc/8W3K-HG42>.

45 See Vazquez, G. & Zarnow, Z., *National Scan of Safe Harbor Policies, Version 1*, National Center for State Courts, at 3–4 (2024), <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/1081>.

“With low morale comes a high price tag.”⁴⁶ Poor morale has been connected to decreased productivity, absenteeism, and poor performance.⁴⁷ The Gallup Organization, for example, estimates that employees who are not engaged can lead to over a trillion dollars of lost productivity annually.⁴⁸

TURNOVER

In recent years, state courts have faced staffing shortages: A 2025 study found that 68% of surveyed courts reported staff shortages.⁴⁹ These shortages are due both to high turnover rates and a lack of applicants for open positions.⁵⁰ Court leaders frequently discuss the challenge of losing employees and attempting to fill those vacancies.⁵¹ The causes of the current workforce challenges include comparatively low and stagnant salaries, along with less flexibility to work remotely.⁵² But court staff, including judges, are also burning out.⁵³

46 Fink, N., *The High Cost of Low Morale*, Roberts Wesleyan University (July 2014), <https://perma.cc/Y2FN-QDXV>.

47 *Id.*

48 Harter, J., *In New Workplace, U.S. Employee Engagement Stagnates*, Gallup (Jan. 2024), <https://perma.cc/N3FD-ZMJF>.

49 Runyon, N., *Courts Grapple with AI Revolution Amid Staffing Crisis*, Thomson Reuters Institute (July 2025) (citing [Thomson Reuters Institute](https://www.thomsonreuters.com/en-us/posts/ai-in-courts/courts-staffing-crisis/), *supra* note 42), <https://www.thomsonreuters.com/en-us/posts/ai-in-courts/courts-staffing-crisis/>.

50 Thomson Reuters Institute, *Digital Transformation Critical to the Future of the U.S. Justice System as New Report Reveals Almost One in Five Cases are Delayed* (Feb. 2023) (“More than two-thirds of respondents (68%) say their court experienced workforce shortages over the past 12 months.”), <https://perma.cc/8WBY-K3XV>; [National Association for Court Management](https://www.nacm.org/), *Courts and the Quest for Talent: Are We Doing Enough?*, *supra* note 44, at 01:38–2:00; 11:00–12:15; 16:00–17:00; [National Association for Court Management](https://www.nacm.org/), *Hiring Employees: Have the Tables Turned? Are the Candidates in Control?*, 17:15–23:40 (May 2023), <https://perma.cc/H5DV-WKM7>.

51 See, e.g., Dunlap, S., *Georgia State Supreme Court Chief Tells Lawmakers Justice System Needs Better Pay To Move Cases*, Georgia Recorder (Feb. 2024), <https://georgiarecorder.com/2024/02/07/georgia-state-supreme-court-chief-tells-lawmakers-justice-system-needs-better-pay-to-move-cases/>; Boggs, M. P., *State of the Judiciary* (Feb. 2024) (noting turnover rate with Supreme Court of 57%), <https://perma.cc/HY78-TBKV>; Kelly, E., *Ky. Chief Justice Says Court Services ‘In Jeopardy,’ Calls for Salary Increases*, Spectrum News One (Feb. 2022), <https://perma.cc/AM79-ZSRU>; Minton, Jr., J. D., *Judicial Branch Budget Recommendation for Fiscal Biennium 2022-2024*, Testimony Before Senate Standing Committee on Appropriations & Revenue (Mar. 2022), <https://perma.cc/7KLT-FYXV>; [National Association for Court Management](https://www.nacm.org/), *Courts and the Quest for Talent: Are We Doing Enough?*, *supra* note 44, at 01:38–2:00; 11:00–12:15; *Judge and Staff Shortages are Leaving Americans in Limbo*, The Economist (Jul. 2023), <https://perma.cc/CJ6Z-Q6QJ>.

52 See, e.g., [National Association for Court Management](https://www.nacm.org/), *Courts and the Quest for Talent: Are We Doing Enough?*, *supra* note 44, at 16:00–19:00; [National Association for Court Management](https://www.nacm.org/), *Hiring Employees: Have the Tables Turned? Are the Candidates in Control?*, *supra* note 50, at 17:15–21:20; Walker, T., *Panel Hears Request for More Resources to Address Crises Facing Judicial Branch*, Minn. House of Representatives (Feb. 2023), <https://perma.cc/664K-KRLU>; [Minnesota Judicial Branch](https://www.mnjudicialbranch.org/), *Minnesota Judicial Branch Overview & FY24-25 Budget Request*, Minnesota Judicial Branch (Feb. 2023), <https://perma.cc/AN2Z-YTFD>.

53 See *District Court Staffing in Virginia’s Courts*, Supreme Court of Virginia Office of the Executive Secretary (2020) (common themes from a court-staff survey included “[l]ow employee morale” and a “[s]ense of hopelessness,” along with “burnout”), <https://perma.cc/Z9JN-2GR5>; *Judge and Staff Shortages are Leaving Americans in Limbo*, *supra* note 51.

Figure 3 – Diagram of Hiring Process



The cost of turnover is high: Replacing an employee can total anywhere from 50% to 200% of that employee’s annual salary.⁵⁴ Thus, using an example clerk salary (\$45,423), court systems might be forced to expend between \$22,711 and \$90,846 to replace one clerk. Replacing an employee requires courts to spend time advertising and filling the position, as well as training a new employee.⁵⁵ And, particularly when veteran employees leave, courts lose institutional knowledge, which can decrease productivity.⁵⁶

Consider the diagram above, which is a simplified model of the potential steps a court might need to take to hire a new employee.⁵⁷ Viewed this way, it’s easy to see why turnover is so costly,

⁵⁴ McFeely, S. & Wigert, B., *This Fixable Problem Costs U.S. Businesses \$1 Trillion*, Gallup (Mar. 2019), <https://perma.cc/89Q3-KSSV>; Allison, K., *Assessing Employee Satisfaction in the South Dakota Courts*, Institute for Court Management, National Center for State Courts, at 25–26 (May 2011), <https://perma.cc/F334-8ZS9>.

⁵⁵ *State of Kansas Judicial Branch: Appellate and District Court Classification and Compensation Study Final*, National Center for State Courts, at 13 (Nov. 2016), <https://ncsc.contentdm.oclc.org/digital/collection/hr/id/168/rec/1>; McFeely, S. & Wigert, B., *supra* note 54; Allison, K., *supra* note 54, at 26.

⁵⁶ See National Association for Court Management, *Courts and the Hiring Crunch: Is Better Employee Career Development an Answer?*, at 4:55–5:05 (July 16, 2024) (court administrator noting that when seasoned employees leave, they “walk[] out the door with the institutional knowledge”), <https://perma.cc/45YB-FT2X>; *State of the Court Report, Montgomery County Circuit Court*, at 34 (2022), <https://perma.cc/HX9C-6HK9>; Wells, E., *Appellate Court Caseflow Management: An Evaluation of the Texas Fourteenth Court of Appeals District’s Caseflow Management Plan*, at 31 (May 2006), <https://perma.cc/E54L-FP77>.

⁵⁷ See, e.g., *Hiring Manual*, Isabella County Trial Court (2018), <https://perma.cc/4PNJ-K7RK>.

both in terms of money and time. Think about the number of employees and the amount of time they must spend creating the posting, reviewing and screening resumes, contacting candidates, preparing for and conducting interviews, and making a decision.⁵⁸ The time spent on recruiting means lost time conducting normal business, and it will likely take the new employee time (by some estimates, several months) to “reach full productivity.”⁵⁹

Against a backdrop of employee shortages and high turnover, missed appearances may be especially frustrating for court staff. For example, if a court needs to use an interpreter for a hearing, it must bear that cost of contracting with that interpreter regardless of whether or not the litigant appears. Furthermore, if a missed hearing results in a rescheduled court date, the court must pay the cost of the interpreter twice (once for the missed hearing and once for the rescheduled one), while also exacerbating the staffing shortages by using finite interpreter time.⁶⁰



REAL WORLD STRATEGIES FOR IMPROVING APPEARANCE RATES

Ensuring that case events proceed as scheduled allows court staff and judicial officers to dedicate more time to other necessary tasks and spend less time performing repetitive work. **Strategies to accomplish this** include implementing a reminder system, re-calling a case at the end of the docket to catch any litigants who arrived late to their hearing, and maintaining an accessible court website that provides information in multiple languages to explain court processes and provide information to the public about attending court.⁶¹

58 Navarra, K., *The Real Costs of Recruitment*, SHRM (Apr. 2022), <https://perma.cc/B68W-TYB2>.

59 Mueller, A., *The Cost of Hiring a New Employee*, Investopedia (Apr. 2024), <https://perma.cc/X8LQ-56HY>.

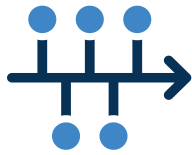
60 Lehr, S., *Demand for Court Interpreters Increases Across the U.S.*, NPR (2025), <https://perma.cc/ZRA7-PRN6>.

61 *Court Appearance Rate Report*, *supra* note 7, at 11–12; see also Fishbane, A., McAuliffe, S., & Li, Y., *supra* note 7 (discussing reminder programs).

IMPACT CATEGORY

Downstream





Downstream

The previous sections of this report discussed the immediate impacts of missed appearances on courts — alterations to case processing and to the amount and kind of work that court staff must perform. This section outlines some of the subsequent, or downstream, ways that missed appearances can impact courts.

IMPACT ON TRUST AND CONFIDENCE IN THE LEGAL SYSTEM

The public's trust and confidence in the judicial system has generally decreased in recent years.⁶² Appearance rates are rarely included in conversations about improving a court's public perception, but experiences with missed appearances can contribute to the public's attitudes about the legal system. For example, NCSC's report on criminal case management found that "[d]elay and a lack of predictability in the process" caused by continuances "erodes public trust in the criminal justice system and hampers willingness to participate."⁶³

Everyone who appears in court — litigants, justice partners, attorneys, expert witnesses, parole and probation officers, etc. — incurs costs of coming to court, including duplicative work and time lost after a missed appearance. All of these people must navigate multiple barriers to come to court and may have incurred consequences associated with missed work, childcare,⁶⁴ transportation,⁶⁵ loss of household labor,⁶⁶ and more.

These are all impacts that parties bear every time they show up to court, whether or not their matter is resolved or even heard.⁶⁷ And in addition to the impacts listed above, there can also be significant trauma associated with multiple interactions with the legal system. Research suggests that having to navigate courts can harm court users who must handle "[l]arge, confusing court buildings; intimidating legal procedures; [and] interactions that are often cold

62 See generally *State of the State Courts Archive*, National Center for State Courts, <https://nationalcenterforstatecourts.app.box.com/hubs/277809412?s=iutble2gncavd9x5n34xoa6xg0xzgatx>; see also Liptak, A., *Confidence in U.S. Courts Plummets to Rate Far Below Peer Nations*, *The New York Times* (Dec. 17, 2024).

63 Ostrom, B., et al., *Timely Justice in Criminal Cases: What the Data Tells Us*, National Center for State Courts, at 31 n.16, <https://perma.cc/XNQ5-3ULT>.

64 See, e.g., Landivar, C., *New Childcare Data Shows Prices are Untenable for Families*, U.S. Department of Labor Blog (Jan. 2023), <https://perma.cc/B7P7-RZG4>.

65 See, e.g., *The Household Cost of Transportation: Is it Affordable?*, Bureau of Transportation Statistics (Sept. 2023) (last accessed Apr. 11, 2025), <https://www.bts.gov/data-spotlight/household-cost-transportation-it-affordable>.

66 See, e.g., Koebert, J., *How Much is Your Household Labor Worth?*, *Finance Buzz* (Aug. 2024), <https://perma.cc/J3UG-Q9Z2>.

67 *Appearance Rates Judicial Curriculum*, *supra* note 8.

and adversarial.”⁶⁸ This means that when one party does not appear, other individuals involved in that case, say, as a witness, may bear the costs listed above.⁶⁹

The parties themselves must navigate those barriers multiple times, and they face severe consequences if they miss their court hearings. In civil cases, the consequences for the absent party can, as with criminal cases, lead to jailing,⁷⁰ but can also lead to default judgments that create ongoing harm, such as higher interest rates, a loss of housing, and garnishment of wages.⁷¹

In criminal cases, failing to appear can lead to a driver’s license suspension, additional charges (including ones with higher penalties than the original charge), fines, and increased jail time (or jail time for offenses that otherwise do not carry carceral penalties).⁷² Many of the missed appearances occur in misdemeanor cases for minor offenses, making the jail time and related consequences even more devastating.⁷³ Additionally, failing to appear is assigned significant weight in pretrial risk assessment tools and may lead to detention when the person might otherwise remain free during the pendency of their case.⁷⁴ Similarly, it can lead to onerous release conditions like electronic monitoring, frequent check-ins, and added probation or parole.⁷⁵ If the court appoints an attorney, that cost can also be passed to the party in certain circumstances⁷⁶ and may include billables from missed appearances.

Negative experiences with courts and court proceedings, like the ones addressed in the preceding paragraphs, can erode public trust and confidence in the legal system.⁷⁷ This can in turn lead to disengagement with the system and complicate the court’s ability to provide justice.⁷⁸

68 *Taking Trauma Seriously: How Trauma-Informed Practices Can Help People Heal*, Center for Justice Innovation (Jan. 2024), <https://perma.cc/QV2C-RUJH>; see also Strasburger, L. H., *The Litigant-Patient: Mental Health Consequences of Civil Litigation*, 27 J. Am. Acad. Psychiatry L. 203, 204 (1999), <https://perma.cc/GUY8-VU6K>.

69 *Ostrom, B., et al.*, *supra* note 63, at 31 n.16.

70 *Rickard, E., et al.*, *supra* note 4, at 18–19.

71 See, e.g., *id.* at 17–18; Karbeling, A. & Hemmons, J., *Six Practical Ways Courts Can Reduce Default Judgments in Debt Collection Cases*, Temple University School of Law, at 7 (May 2023), <https://perma.cc/83YY-XV69>.

72 See, e.g., Texas Appleseed & Texas Fair Defense Project, *Pay or Stay: The High Cost of Jailing Texans for Fines & Fees* (Feb. 2017), <https://www.texasappleseed.org/sites/default/files/2023-05/payorstay-report-final-feb2017.pdf>; *Dholakia, N.*, *supra* note 17.

73 *Nam-Sonenstein, B.*, *supra* note 17.

74 Spulak, G., *Pretrial Reform Toolkit*, National Center for State Courts, at 18 (2024), <https://nationalcenterforstatecourts.app.box.com/s/zx8qjhhfanc3yfl54m8mbqln8b2g6mtn>.

75 *Nam-Sonenstein, B.*, *supra* note 17.

76 See Gill, L. & Li, W., *If You Can’t Afford an Attorney, One Will Be Appointed. And You May Get a Huge Bill*, The Marshall Project (Feb. 2024), <https://perma.cc/ZR5Y-CEKH>; *Can’t Afford an Attorney? Virginia Law Tells Poor People to Pay Anyway*, Legal Aid Justice Center, <https://perma.cc/KZ4A-79BL>.

77 See Greene, S.S., *Race, Class, and Access to Civil Justice*, 101 Iowa L. Rev. 1263, 1267 (2016).

78 See *id.*

Conversely, “[w]hen court users understand what happened and feel respected during a court appearance, however brief, they ... feel more trusting of the system and more likely to comply with the court’s orders.”⁷⁹ This means that ensuring that court users have a chance to tell their side of the story, feel respected, understand what is happening, and receive neutral decision-making, can actually help courts effectuate their decisions.⁸⁰ Even when parties do not receive the outcome they might hope for, they are more likely to comply with the court’s decision, which can reduce the court’s workload.⁸¹ Thus, whether a party attends their hearing (and the court’s response to any absence) can in turn affect people’s view of the legal system and the court’s ability to provide justice.



REAL WORLD STRATEGIES FOR IMPROVING APPEARANCE RATES

Courts can take proactive steps to reduce barriers that litigants may face in attending court by removing some of the common logistical and financial barriers. Strategies may include expanding the use of remote and hybrid hearings, offering free or discounted access to transportation and parking,⁸² or providing family-friendly amenities such as lactation rooms and onsite childcare.⁸³

79 LaGratta, E., ed., *To Be Fair: Conversations About Procedural Justice*, Center for Court Innovation, at 1 (2017), https://www.innovatingjustice.org/wp-content/uploads/2017/03/To_Be_Fair.pdf.

80 *Id.* at 2.

81 *Id.* at 19.

82 See, e.g., *Court Appearance Rate Report*, *supra* note 7, at 13. For a visualization of how far court users often need to travel to get to court, explore the National Center for State Court’s tool, *Legal Deserts: Mapping Barriers to Accessing Legal Services* (2025), <https://news.ncsc.org/7L57-9ADS-4VVT7N-8IOJN-1/c.aspx>.

83 See generally Farrell, E. & Zarnow, Z., *Family Friendly Amenities in the Court*, National Center for State Courts (March 2023), <https://ncsc.contentdm.oclc.org/digital/api/collection/facilities/id/309/download>.

OTHER CONSEQUENCES FOR COURTS

In addition to impacting the public's confidence in courts, missed appearances can have other secondary effects. For example, when courts enter a default judgment because a party is absent, the judicial officer might not review the merits of the claim or verify proper service of process. This can result in a plaintiff, say, in a debt case, winning their suit despite not serving the defendant properly or while relying on inaccurate information.⁸⁴ Additionally, a default judgment might mean that judicial officers lose the opportunity to fact find and can prevent the development of substantive law (whether formal or otherwise⁸⁵) on the underlying subject matter.

Finally in a true “Catch 22” situation, missed appearances can result in a defendant being booked in jail, in theory to ensure that they appear in court later, which might in turn lead to another missed appearance. As recently as 2023, one in four people jailed in New York missed or were late to court hearings due to transportation delays, and forty percent of jail transport buses were broken down in Los Angeles in 2022, causing people to miss their court dates.⁸⁶ Thus, court responses to missed appearances can actually lead to further missed appearances down the road, which impact the court in all the ways discussed in the previous sections.



REAL WORLD STRATEGIES FOR IMPROVING APPEARANCE RATES

There are myriad strategies that courts can utilize to gain public trust, including responding differently to missed appearances. For example, instituting responses such as amnesty days⁸⁷ or grace periods⁸⁸ can help build community trust, as can encouraging court staff and judicial officers to regularly participate in community outreach and engagement activities and inviting feedback from court users.

⁸⁴ See Rickard, E., et al., *supra* note 4, at 16 (“[I]n some debt claims cases, bad actors may employ faulty or fraudulent service as a litigation tactic.”); Karbeling, A. & Hemmons, J., *supra* note 71, at 6; Butler, S., et al., *How Debt Collection Works in Philadelphia’s Municipal Court*, Pew Charitable Trusts, at 10–11 (Oct. 2022), <https://perma.cc/C3FJ-C467>.

⁸⁵ See generally Shanahan, C.F., et al., *Lawyerless Law Development*, 75 Stanford Law Review: Access to Justice Symposium (2023), <https://perma.cc/G9Z4-LJUK>.

⁸⁶ Katz, M., *1 in 4 People Jailed in NYC Are Not Being Brought to Court on Time*, Gothamist (Feb. 2023) (concluding that over a two-year period, the most common reason for booking was “failure to appear”), <https://perma.cc/L58E-UQMB>; Dugdale, E. E., *Nearly 40% of LASD Jail Buses Are Out of Service, and Some Incarcerated People Are Missing Court Dates*, LAist (Aug. 2022), <https://perma.cc/69RK-YL7Q>.

⁸⁷ Matthias, J., *Licking County, Ohio, Municipal Court Clerk and Probation Collections Improvement*, National Center for State Courts, at 12–14 (July 2016), <https://ncsc.contentdm.oclc.org/digital/api/collection/ctadmin/id/2218/download>.

⁸⁸ See generally Court Appearance Rate Report, *supra* note 7.

IMPACT CATEGORY

Financial





Financial

This section seeks to quantify some of the effects of missed appearances discussed above, particularly the impacts to caseload. (Other effects, such as on staff morale or public trust in the legal system, are much harder to quantify and are largely absent from these calculations.)

Operating a court system is a complex and vitally important endeavor that must be funded appropriately to ensure judicial officers and court staff have the resources necessary to administer justice fairly and impartially. Assigning a dollar amount to such a foundational government function is difficult, particularly given the many system actors that intersect with the justice system and the variations across and within courts. However, we created some very generalized estimates of the financial costs associated with court operations, including missed appearances, by highlighting potential areas where low appearance rates would affect spending.

As explained in more detail in the [Appendix](#), our calculations rely on a combination of national-level expenditure data, averages from a variety of sources, and assumptions about how courts typically operate. Of course, averages are inherently just that: averages. They are values “that summarize[] or represent[] the general significance of a set of unequal values.”⁸⁹ And while our assumptions about court operations may be true in many places, they will not be true in all courts.

We emphasize, therefore, that these calculations are not intended to provide any guidance around judicial budgets or appropriate court expenditures. They are intended only as a tool to help courts and justice partners think about the impacts of missed appearances.

The models we have developed, however, can be tailored to create more accurate estimates for specific courts or states. People looking to perform these more specific calculations should [contact our team](#).

⁸⁹ Average, Merriam-Webster (2025), <https://perma.cc/M869-S2AS>.

THE VALUE OF ONE MINUTE OF COURT TIME

We started our financial analysis by establishing an average cost per minute to operate a hypothetical “average” state court in the United States. One of the central resources that missed appearances can affect is court time, and the goal of this calculation is to provide a general sense of the value of that time.

We calculated this number by dividing the annual state and local judicial and legal expenditure in the United States (\$49,565,471,000⁹⁰) by our estimate of the number of state and local courthouses (12,871⁹¹) and the total number of minutes most courts operate per year (124,800⁹²). We then adjusted for inflation.

Based on our calculations and assumptions, we found that our hypothetical courthouse could incur costs of around \$39.99 per minute during regular business hours.

Note: This calculation relies on estimates, such as the total number of state or local courthouses in the United States, and assumptions that we know are not true for every courthouse, such as the assumption that the court is open five days a week for eight hours. Given these assumptions and estimates, this calculation is not meant to describe the reality at any specific courthouse.

This number represents the average cost of operating a state courthouse — whether trial, appellate, or supreme — for one minute. This number includes the cost of prosecution and public defense but does not include the cost to justice system partners such as jails, court-mandated programs, and any other costs not directly earmarked for judicial and legal functions.⁹³

Our intent for sharing this calculation is to suggest how valuable court time is, and to demonstrate that even tasks following a missed appearance that might seem small or short — a clerk having to pull a case file for the day’s docket a second time, a judicial officer reading a consumer debt complaint a second time — impact the court. Understanding that those tasks do take time and have monetary effects suggests that using the time and associated funds in other ways — a clerk helping a litigant to self-schedule a hearing, a judicial officer calling a case for a second time at the end of the docket — might be a way to optimize scarce court resources while increasing access to justice.

90 Data tables available at Buehler, E. D., *Justice Expenditures and Employment in the United States, 2017*, BJS.OJP.gov (July 2021), <https://perma.cc/S9X5-NW5E>. See [Appendix](#).

91 This number is generated by a manual court count and is current as of June 2025. See [Appendix](#).

92 We assume for this calculation that most courts operate 260 days a year for 8 hours each day, so we multiplied 260 by 8 by 60 to determine the minutes per year that courts are open.

93 Buehler, E. D., *Justice Expenditures and Employment in the United States, 2017*, Bureau of Justice Statistics, at 2 (2021) (explaining that expenditures “include[] all civil and criminal activities associated with courts, including prosecution and public defense”), <https://perma.cc/TRN4-UZG7>.

ESTIMATED IMPACTS OF MISSED APPEARANCES

As [Hypothetical 1 – Missed Appearance in a High-Volume Civil Case](#) and [Hypothetical 2 – Missed Appearance in a Misdemeanor Case](#) illustrate, the impacts of a missed appearance look very different depending on the case type. In this section, we provide two models to quantify the effects of a missed appearance, both of which utilize and build on models that NCSC previously developed to calculate the cost of delays in criminal cases.⁹⁴

Detailed explanations of these calculations are included in the [Appendix](#).

Model 1: Quantifying Impacts of Missed Appearances in High-Volume Civil Cases

The first model can be used to quantify the effects of missed appearances in cases like the one described in [Hypothetical 1 – Missed Appearance in a High-Volume Civil Case](#). In these cases, a hearing 1) can move forward without the absent litigant and 2) results in a near-immediate default judgment. This model is appropriate for missed appearances in many high-volume civil cases, such as consumer debt, evictions, and small claims cases.

Taken on its own, a single missed appearance in these circumstances might not seem to utilize many court resources. But given the elevated numbers of missed appearances in many high-volume civil cases, they can cumulatively have a significant impact on court resources.

The model requires, at a minimum, four kinds of data:

1. **An inventory of staff** and how they are allocated across case types and for court hearings.
2. **The average salary per role of staff** who participate in case processing.
3. **The number of default judgments** entered per year.
4. **The average amount of time spent** per role per hearing that ends in a default judgment.

The inputs listed above are used in the following equations in which E is expenditure and MA is missed appearances:

$$E_{\text{direct MA per year}} = S_{\text{per minute}} \times \text{Mins per default} \times \text{Defaults per year}$$

⁹⁴ See Schauffler, R. Y. & Ostrom, B. J., *Cost of Delay Calculator*, ECCM, National Center for State Courts (Aug. 2020), <https://perma.cc/B5LK-RVSW>.

Two additional kinds of data, if available, can make this calculation more accurate:

1. **Total indirect expenditures**, including overhead, supplies, capital outlay, and support costs.
2. **The number of courthouses** that utilize the indirect expenditures.

The optional data above can be used to determine indirect expenditures on missed appearances per year, which can then be added to the direct expenditure per year:

$$E_{\text{indirect MA per year}} = E_{\text{indirect per min}} \times \text{Min Default per year}$$

$$E_{\text{MA per year}} = E_{\text{indirect MA per year}} + E_{\text{direct MA per year}}$$

Publicly accessible data on indirect expenditures was not readily available for the county we used to illustrate this model — had the data been available, we would have included it, as we do in [Model 2](#).

Direct Expenditure per Year on Missed Appearances in Eviction Cases

Direct expenditure captures labor costs of the people directly involved in case processing. A significant limitation to deploying this model is that it is dependent on the total number of defaults per year. That number varies widely across jurisdictions and is often hard to find in publicly available data. Because of these difficulties, we could not provide an estimate of “average” or “typical” court expenditures on missed appearances in high-volume civil cases.

Instead, we illustrate our model using data about evictions in a single county court system. There, we assume that an eviction hearing that results in a default judgment lasts around 1 minute and there are around 17,705 default judgments entered in eviction cases in a year.⁹⁵ Finally we assume that each hearing has a judicial officer and a clerk. Average salaries for those positions in the county are \$0.92⁹⁶ per minute and \$0.37⁹⁷ per minute, respectively.

$$E_{\text{direct MA per year}} = \$1.29 \times 1 \times 17,705$$

$$E_{\text{direct MA per year}} = \$22,839.45$$

⁹⁵ We use this number as a stand-in for missed appearances, because default judgments are often the result of a missed appearance. See [Appendix](#).

⁹⁶ This salary is an estimate of the salary for judicial officers who resolve eviction cases in Maricopa County. See [Appendix](#).

⁹⁷ The salary is an estimate of the salary for a clerk who works in Maricopa County Justice Courts. See [Appendix](#).

Thus, missed appearances in evictions in this county consume around \$22,800 in direct expenditures and over 36 workdays of the court's time.

Importantly, this number is likely an underestimate for several reasons. First, it assumes that only a judicial officer and court clerk attend each hearing. In reality, there may be additional court staff, such as constables or a second clerk.

For example:

Even assuming that a second clerk is present during only 50% of the eviction hearings, the expenditure rises to over \$26,000 per year.

This calculation also does not include indirect expenditures, such as the cost of overhead, supplies, technology, capital outlay, maintenance, or utilities. Nor does this calculation take into consideration any of the additional time that court staff may spend on a case after the default is entered, such as processing post-judgment motions or answering questions from the defendant.

Finally, this number does not incorporate many of the consequences discussed in the [Staffing](#) or [Downstream](#) sections. Those sections describe effects that, while very impactful to courts, are much harder to quantify. We therefore can confidently conclude that the \$22,800 estimate is an underestimation.⁹⁸

Although this calculation is an estimate, it clearly demonstrates that even seemingly “short” court processes can occupy court time and resources. Implementing policies or practices that increase court participation and attendance might allow courts to optimize the time and money currently used on missed appearances and increase access to justice.

⁹⁸ We would have incorporated this data if we had estimates that we could confidently use. States with data on these additional expenditures could arrive at even more accurate estimates.

Model 2: Quantifying Impacts of Missed Appearances in Criminal Cases

The second model can be used to quantify the effects of missed appearances in cases that cannot move forward when a litigant is absent. This model is appropriate for missed appearances in many misdemeanor and felony cases, such as the one described in [Hypothetical 2 – Missed Appearance in a Misdemeanor Case](#). When a defendant does not appear at a hearing they are supposed to attend in those case types, the hearing will generally need to be rescheduled.

This model requires, at a minimum, three kinds of data:

1. **An inventory of staff** and how they are allocated across case types and for court hearings.
2. **The average salary per role** of staff who participate in case processing.
3. **The average amount of time spent per role** by staff to process one missed appearance.

The inputs listed above are used in the following equations, in which **E** is expenditure and **MA** is missed appearance:

$$E_{\text{direct per MA}} = (S1_{\text{per minute}} \times Min_{\text{per MA}} + S2_{\text{per minute}} \times Min_{\text{per MA}} + \dots)$$

Two additional kinds of data, if available, can make this calculation more accurate:

1. **Total indirect expenditures**, including overhead, supplies, capital outlay, and support costs.
2. **The number of courthouses** that utilize the indirect expenditures.

The optional data above can be used to determine indirect expenditure per missed appearance, which can then be added to the direct expenditure per missed appearance:

$$E_{\text{indirect per MA}} = E_{\text{indirect per minute}} \times Min_{\text{per MA}}$$

$$E_{\text{per MA}} = E_{\text{indirect per MA}} + E_{\text{direct per MA}}$$

Direct Expenditure per Missed Appearance

Direct expenditure captures labor costs of the people directly involved in case processing. Given the variation across courts, our “average” calculation focuses only on the salary of a limited number of court staff who we felt confident would generally be present during a hearing in a misdemeanor case. These were a judicial officer, a court clerk, a bailiff, and a court reporter. We calculated national average salaries for each of these roles. Courts that have detailed information about other employees who participate in hearings can utilize this model to determine a more accurate picture of their missed appearance costs.

Table 2 – Average Salaries of Court Staff

Position	Annual Salary	Pay Per Minute ⁹⁹
Judicial Officer	\$153,877 ¹⁰⁰	\$1.23
Clerk	\$45,423 ¹⁰¹	\$0.36
Court Reporter	\$75,732 ¹⁰²	\$0.61
Bailiff	\$51,763 ¹⁰³	\$0.40

We assume, as we did in [Hypothetical 2 – Missed Appearance in a Misdemeanor Case](#), that the defendant’s absence results in a hearing that lasts five minutes. There might be a few minutes while the court tries to locate the absent party, then the court must set the new court date, and then the court must prepare for the next case.¹⁰⁴

$$E_{\text{direct per MA}} = (\$1.23 \times 5) + (\$0.36 \times 5) + (\$0.61 \times 5) + (\$0.40 \times 5)$$

$$E_{\text{direct per MA}} = \$13$$

⁹⁹ Pay per minute was calculated by dividing the annual salary by workdays (260), work hours per day (8), and minutes per hour (60).

¹⁰⁰ The national average salary for Judicial Officers was created by aggregating averages from multiple sources. See [Appendix](#). Of course, because they are averages, they may appear too high or too low for some courts and jurisdictions.

¹⁰¹ The national average salary for Clerks was created by aggregating averages from multiple sources. See [Appendix](#). Of course, because they are averages, they may appear too high or too low for some courts and jurisdictions.

¹⁰² The national average salary for Court Reporters was created by aggregating averages from multiple sources. See [Appendix](#). Of course, because they are averages, they may appear too high or too low for some courts and jurisdictions.

¹⁰³ This assumes that bailiffs are court employees; some bailiffs are law enforcement officers and not paid by the courts. The national average salary for Bailiffs was created by aggregating averages from the multiple sources. See [Appendix](#). Of course, because they are averages, they may appear too high or too low for some courts and jurisdictions.

¹⁰⁴ See [Schauffler, R. Y. & Ostrom, B. J.](#), *supra* note 94, at 1 (using 5 minutes as estimate for a “failed” hearing).

Indirect Expenditure per Missed Appearance

Indirect expenditure captures operating costs such as overhead, supplies, technology, capital outlay, maintenance, utilities, etc.

To illustrate the model, we calculated an estimate of indirect costs using national data from the Bureau of Justice Statistics and again assumed a five-minute hearing:

$$E_{\text{indirect per minute}} = \$25,599,075,346 \div 365 \div 24 \div 60 \div 12,871^{105} \times (1/8)$$

$$E_{\text{indirect per minute per case}} = \$0.47$$

$$E_{\text{indirect per MA}} = \$2.35$$

Total Expenditure per Missed Appearance

Adding the direct and indirect expenditures provides the total expenditure per missed appearance. Our calculations indicate that a missed appearance at our “average” court costs around \$15.35.

Using \$15 might not seem significant, but given the high rates of missed appearances, that expenditure adds up quickly.

For example:

In an average state with 110,00¹⁰⁶ misdemeanor cases per year, 10% of which have at least one missed appearance,¹⁰⁷ missed appearances in misdemeanors utilize more than \$168,000 of the courts’ resources every year.

¹⁰⁵ This number is generated by a manual court count and is current as of June 2025. See [Appendix](#).

¹⁰⁶ This was the median number of statewide incoming misdemeanor cases in 2024. See Gibson, S., et al., 2024 CSP STAT, National Center for State Courts (last updated Oct. 2024), <https://www.ncsctableauserver.org/t/Research/views/TrialDashboards/Overview?%3Aembed=y&%3AisGuestRedirectFromVizportal=y>.

¹⁰⁷ The percent of cases with at least one missed appearance varies significantly and is often not included in publicly available data. This calculation uses the statewide percentage of non-traffic misdemeanor cases with a missed appearance in North Carolina. [Findings and Policy Solutions from New Hanover, Orange, and Robeson Counties](#), *supra* note 40, at 8.

Importantly, \$15 is likely a low estimate. First, this calculation assumes five minutes of hearing time, which itself might be an underestimate.¹⁰⁸ Nor does that number account for the additional time outside of the hearing spent on work to address the missed appearance. Recall that [Hypothetical 2 – Missed Appearance in a Misdemeanor Case](#) also outlined time that court staff would need to spend outside of the hearing to address the missed appearance, such as processing and issuing documents suspending the defendant’s license, ordering the defendant’s arrest, and scheduling the next hearing.

For example:

If, after the five-minute hearing, clerks spend a total of ten additional minutes processing the resulting order(s) and issuing required notices (such as the notice for the new hearing date), the cost per missed appearance increases to over \$23 and the annual expenditure increases to more than \$260,000.

Further, the initial \$15 estimate assumes that only one judicial officer, clerk, bailiff, and court reporter attended the hearing. But it may be necessary to have more people present at a hearing, such as an additional bailiff or an interpreter.

For example:

If the five-minute hearing also includes an interpreter who receives fees of \$0.73 per minute, the per hearing cost increases to at least \$19. Not every hearing will involve litigants who have Limited English Proficiency, but a significant portion of people in the United States require language assistance.¹⁰⁹

Additionally, this calculation does not capture the efficiency gained when the time spent addressing the missed appearance is spent in a different way, potentially on a different case.

¹⁰⁸ See Greacen, J., *The Benefits and Costs of Programs to Assist Self-Represented Litigants: Results from Limited Data Gathering Conducted by Six Trial Courts in California’s San Joaquin Valley*, Administrative Office of the Courts (May 2009) (calculating cost of a continuance as 15 minutes of judge, courtroom clerk, bailiff, filing clerk, and data entry clerk time), <https://perma.cc/R7HG-RNUF>; see also Thomson Reuters Institute, *supra* note 42, at 6–7 (noting that over three-quarters of survey respondents stated that every week they encountered hearing delays of at least 15 minutes).

¹⁰⁹ See *Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over: 2017–2021*, U.S. Census Bureau (June 2025), <https://www.census.gov/data/tables/time-series/demo/language-use/2017-2021-lang-tables.html>. The per-minute salary used in the example (\$0.73) is derived from *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2022–23*, Judicial Council of California, at 4 (2024), <https://perma.cc/E536-YJPN>.

Not only does the missed appearance result in more work in the instant case, but it also detracts from time that might be spent on other matters.

Finally, this number does not incorporate any of the consequences discussed in the [Staffing](#) or [Downstream](#) sections. Those sections discuss consequences that, while very impactful to courts, are much harder to quantify.

We emphasize, as we did at the start of this section, that these are our best estimates based on limited data. This result relies on averages. It is not meant to — and does not — capture what any specific court does or should spend.

Instead, these calculations illustrate that missed appearances currently use a significant amount of court resources. Instituting practices that effectively increase appearance rates might not only help courts increase access to justice but also help them optimize resource usage.

COSTS TO JUDICIAL AND LEGAL SYSTEM PARTNERS

Finally, although this report focuses on courts, we would be remiss if we did not emphasize that the calculations above do not consider the impacts on other justice system partners. These might include the additional costs to law enforcement and corrections that arise when a missed appearance leads to punitive measures, such as license suspensions, a warrant for arrest, or additional charges, and more.¹¹⁰

A study in North Carolina, for example, showed that police officers in the state need about 2-4 hours to make an arrest and complete the booking process. Around 16% of the state's jail population are people who were detained for failing to appear at court, indicating that the state's law enforcement spends significant time arresting defendants for missing court appearances.¹¹¹

Several studies have explored how missed appearances affect detention costs. For example:

Pima County, AZ

A 2014 study found arrests for missed appearances cost county taxpayers over \$20 million.¹¹²

¹¹⁰ See, e.g., McCoy, E. F., et al., *Removing Barriers to Pretrial Appearance*, Urban Institute (Apr. 2021), <https://perma.cc/Q6UH-CWQH>; [Texas Appleseed & Texas Fair Defense Project](#), *supra* note 72; [Nam-Sonenstein, B.](#), *supra* note 17.

¹¹¹ [Findings and Policy Solutions from New Hanover, Orange, and Robeson Counties](#), *supra* note 40, at 6.

¹¹² Bernal, D., *Taking the Court to the People; Real World Solutions for Nonappearance*, 59 Ariz. L. Rev. 547, 556–57 (2017), <https://perma.cc/VWR8-62EQ>.

Coconino County, AZ

Researchers estimated a 12% reduction in missed appearances would result in savings to the jail of at least \$60,000. This assumes that there would be 127 fewer missed-appearance warrants per year, saving 1,000 jail beds, each of which cost \$60.12.¹¹³

Hennepin County, MN

A study found that reducing the number of bench warrants issued for missed appearances by 35% would save \$3.1 million annually: \$1.8 million in jail days, \$770,000 in nonproductive hearings, and a minimum of \$490,000 in savings for defendants who make minimum wages. The study concluded that jailing people for missed appearances costs the public over \$5.1 million each year.¹¹⁴

As this section illustrates, missed appearances often mean increased resource usage for these legal system partners. Reducing missed appearances can, in addition to helping courts optimize scarce resources, help these other actors do the same.

¹¹³ Thomas, J., & Ahmed, A., *Court Date Notifications: A Summary of the Research and Best Practices for Building Effective Reminder Systems*, New York City Criminal Justice Agency, at 30 (Mar. 2021), <https://perma.cc/Y3AF-487V>.

¹¹⁴ Podkopacz, M., et al., *Using Reminders to Reduce Failure to Appear in Court*, Minnesota Judicial Branch: Fourth Judicial District, Hennepin County, at 5, 15 (Sept. 2019). https://www.researchgate.net/publication/338343408_Using_Reminders_to_Reduce_Failure_to_Appear_in_Court.

Conclusion

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Conclusion

We know that low appearance rates are a significant challenge in many jurisdictions and in many case types. We also know that, often, individuals miss a court event not because they don't want to attend or are willfully trying to escape the consequences, but because a variety of barriers stand in their way.¹¹⁵ **And, we know that missed appearances have both financial and non-financial impacts on courts.**

Fortunately, there are many different strategies courts can adopt to improve appearance rates in their jurisdiction. [Table 3 - Strategies to Address Missed Appearances](#), below, provides a list of many of these solutions.

As this report describes, missed appearances can alter the way courts process cases, the tasks staff must perform and staff morale, and the public's trust and confidence in the legal system. What's more, missed appearances consume a significant amount of court resources. Thus, implementing policies and practices to effectively increase court attendance is both efficient and enables courts to continue strengthening access to justice.

If you are interested in taking a closer look at appearance rates in your jurisdiction, we have developed tools to help! These include an [Appearance Rate Report Card](#) to help you get an idea of areas in which your jurisdiction might work to address appearance rates differently, as well as a [Judicial Curriculum](#) to help you think about what barriers might be preventing litigants from coming to court. Finally, if you would like to discuss more detailed support, please [schedule a meeting with us](#).

¹¹⁵ [Appearance Rates Judicial Curriculum](#), *supra* note 8.

STRATEGIES TO ADDRESS MISSED APPEARANCES

The table below highlights a range of solutions that courts and stakeholders might implement to improve appearance rates. They are grouped by the primary impacts they address, though, as the report above illustrates, many of these categories are intertwined. This means, for example, that a solution like block scheduling, which primarily addresses impacts to caseflow & workload, will likely also address impacts to staffing.

The table also includes several other pieces of information:

- The point of intervention: before the hearing (to ensure people attend their case events), on the day of the hearing (to ensure that hearings proceed as scheduled), and after the hearing (to ensure that responses to missed appearances are effective). Though we highlight one point per solution, many solutions might be relevant to more than one point of intervention.
- How difficult it might be to implement each solution, based on estimates of time, cost, and staff involvement (this will of course vary depending on the realities of each court).
- Links to resources that provide preliminary information about each solution.

Table 3 – Strategies to Address Missed Appearances

Primary Impact Addressed	Solution	Point of Intervention	Difficulty	Resources
Caseflow & Workload	Block scheduling	Pre-hearing	Low to medium	Considerations for High-Volume Dockets During the Pandemic Webinar: Tips for Scheduling and Conducting Remote and Hybrid Hearings
Caseflow & Workload	Court user participation in scheduling	Pre-hearing	High	Pandemic Era Procedural Improvements That Courts Should Adopt Permanently

Primary Impact Addressed	Solution	Point of Intervention	Difficulty	Resources
Caseflow & Workload	Extended or alternative court hours	Pre-hearing	High	Alternative Court Hours Toolkit Webinar: Recipe for Strong Court Workforce
Caseflow & Workload	Walk-in docket	Post-hearing	Medium	Court Appearance Rate Report
Caseflow & Workload	Legal aid staff at hearings	Day-of hearing	Low to medium	Court Appearance Rate Report
Caseflow & Workload	Schedule fewer hearings per case	Pre-hearing	Medium	Pandemic Era Procedural Improvements That Courts Should Adopt Permanently
Caseflow & Workload	Satellite court	Day-of hearing	High	Tiny Chat: Salt Lake City Kayak Court
Staffing	Re-calling a case	Day-of hearing	Low	Webinar: Active Judging in Eviction Court
Staffing	Accessible, informative court website	Pre-hearing	Medium	Pandemic Era Procedural Improvements That Courts Should Adopt Permanently
Staffing	Plain language, informative citations & summons	Pre-hearing	Low	Plain Language Glossary Webinar: Low-Cost Ways to Increase Court Appearances

Primary Impact Addressed	Solution	Point of Intervention	Difficulty	Resources
Staffing	Remote hearings	Pre-hearing	Low to medium	Remote Proceeding Toolkit Digital Divide Considerations Webinar: Rural Justice and Remote Proceedings
Staffing	Electronic reminders	Pre-hearing	Medium to high	E-Reminder Toolkit National Guide to Improving Court Appearances
Staffing	Information on how to request a continuance	Pre-hearing	Low	Webinar: Strategies for Effective Criminal Case Management
Downstream	Amnesty days	Post-hearing	Medium	Court Appearance Rate Report
Downstream	Grace periods	Day-of hearing	Low	Webinar: Promoting Court Appearance with Procedural Fairness
Downstream	Family-friendly facilities	Pre-hearing	Low to high	Family Friendly Amenities in the Court
Downstream	Transit assistance	Pre-hearing	Medium to high	Court Appearance Rate Report

Primary Impact Addressed	Solution	Point of Intervention	Difficulty	Resources
Downstream	Social workers at court	Day-of hearing	High	<p>Statewide, Regional and Trial Court Behavioral Health Positions are Recommended</p> <p>State Courts' Responsibility to Convene, Collaborate, and Identify Individuals Across Systems</p>
Downstream	Relationship building with community partners	Pre-hearing	Medium	<p>Community Engagement Benefits Courts and the Public</p> <p>Webinar: The Big Picture – Why Appearance Rates Matter</p> <p>Webinar: Engaging Community Partners in Civil Diversion Programs</p>

Appendix



Appendix

This report utilizes several models to quantify some of the impacts to courts of missed appearances. These models are intended to provide courts with a sense of the monetary impacts of missed appearances. This appendix discusses our methodology, data limitations, and process for isolating appearance-related impacts, illustrated by several case studies. We walk through each calculation performed in the report so that readers can both understand the steps that we took and potentially perform them with their own data.

As we state throughout the report and as this appendix will illustrate, *the calculations that we present here are merely estimates, based on the best available data and assumptions about “typical” court operations.* In reality, however, court operations are immensely complex, often involving multiple system actors and varying widely from jurisdiction to jurisdiction. Additionally, many of the impacts that we highlight in the report are missing from these calculations because we could not confidently quantify them. For example, the report notes that missed appearances can impact staff morale and the public’s trust in courts. Though these are extremely significant consequences, we were not able to quantify them.

These calculations are therefore not meant to be prescriptive or describe the financial needs of any specific court. Instead, they illustrate how our models work and provide a low estimate of the monetary effects of a missed appearance.

We emphasize that courts must be fully funded so that they can both meet the needs of the communities they serve and fulfill their role as an independent, coequal branch.¹¹⁶

Courts interested in applying these models to their jurisdiction’s data to calculate more precise, jurisdiction-specific estimates, are encouraged to [schedule a time to meet with us.](#)

OVERVIEW OF METHODOLOGY

The models we explain here, like many public sector cost analysis models, are based on a modified version of the Transactional and Institutional Cost Analysis (“TICA”) method.¹¹⁷ This approach is helpful because it allows us to apply the principles of cost evaluation in a structure that can be tailored depending on case type, staffing commitment, and other case-processing

¹¹⁶ [Principles on Fines, Fees, and Pretrial Practices: Principle 1.1 Purpose of Courts](#), *supra* note 19.

¹¹⁷ To see the model we used, and to learn more about the Transactional and Institutional Cost Analysis approach, see generally Crumpton, D., Carey, S., & Finigan, M., *Enhancing Cost Analysis of Drug Courts: The Transactional and Institutional Cost Analysis Approach*, NPC Research (Oct. 2004), <https://perma.cc/H3GM-CSEG>.

variations. After refining our models, we used court data (some calculations use national data and others use jurisdiction-specific data) to demonstrate the model and provide estimates of certain impacts.

The report identifies many ways that missed appearances can impact courts, from affecting caseload processes, to staff morale, to public perception of the legal system. Our models, however, focus only on the way that a missed appearance utilizes the court's time.

DATA LIMITATIONS

Each model includes footnotes that explain data limitations and assumptions that underpin the calculations. But there were some general limitations that arose in almost all of the calculations, and we call attention to them here.

1. The biggest constraint we encountered was that our calculations relied on publicly available data, which is often limited. More fulsome, jurisdiction-specific data would lead to more accurate calculations.
2. We talk about general categories of cases (“misdemeanors,” “felonies,” “debt collections,” “evictions”), but of course, there is still significant variation in cases within each category.¹¹⁸ While this categorization can make it easier to discuss results, it can also mask much of the deviation among cases.
3. Several of the calculations use data from the Bureau of Justice Statistics’ (BJS) *Justice Expenditures and Employment in the United States, 2017* report, which does not differentiate between court types (trial, appellate, etc.), but does have a category for “judicial and legal” expenditures, a term of art from the BJS data collection.¹¹⁹ “Judicial and legal” expenditures

¹¹⁸ See, e.g., Tallarico, S., et al., *Measuring Current Judicial Workload in Texas*, National Center for State Courts, at 10 (2023) (discussing how cases that fall within the category of “Felony Group A cases” take varying amounts of time), <https://perma.cc/2TLE-68DX>.

¹¹⁹ The BJS defines judicial and legal functions as follows:

[It] [i]ncludes all civil and criminal activities associated with courts, including prosecution and public defense. Court-related categories include civil and criminal functions of courts at all levels of legal jurisdiction; and limited jurisdiction activities associated with courts, such as law libraries, grand juries, petit juries, medical and social service activities (except probation, which is classified as corrections where separately identifiable), court reporters, judicial councils, bailiffs, registers of wills and similar probate functions, and (civil) court activities of sheriffs’ offices in some jurisdictions.

Prosecution activities and employees in this category include attorneys general, district attorneys, state’s attorneys, and their named equivalents; corporation counsels, solicitors, and legal departments with different names, including those providing legal advice to chief executives and subordinate departmental officers, representation of the government in lawsuits, and criminal prosecutions; and investigative agencies having full arrest powers and attached to offices of attorneys general, district attorneys, state’s attorneys, or their named equivalents. Public defense activities include court-paid fees to individually retained counsel and court-appointed counsel; government contributions to private legal aid societies and bar association-sponsored programs; and expenditures on activities of an established public defender office or program.

[Buehler, E. D.](#), *supra* note 93, at 2–3.

is an imperfect stand in for our purposes. For example, it incorporates the cost of public defense and prosecution.¹²⁰

4. We use data from 2017, a year in which the Census of Governments occurred (which means the data is as complete as possible). To understand what those expenditure amounts mean in 2025 dollars, we applied the Consumer Price Index real cost inflation rates by comparing the value of one dollar from the dataset year to one dollar in 2025 using the [Consumer Price Index Calculator](#) maintained by the Bureau of Labor Statistics.¹²¹
5. Many of the calculations rely on an estimate of the total number of state courts in the United States. The estimate, current as of June 2025, was generally derived from NCSC's *Court Statistics Project*.¹²² Any gaps in the court count were filled by a manual count of state courts performed by NCSC staff. NCSC staff relied on state judiciary websites and court structures, and if those sources did not have enough information, internet searches.
6. Finally, some of the calculations rely on assumptions about court processes. These are based off observations and experiences with courts but are nonetheless assumptions that may not be true of specific courts.

¹²⁰ To explore the data tables we used for our calculations, use the “Data Tables” link on the right side of the page. Buehler, E. D., *Justice Expenditures and Employment in the United States, 2017*, Bureau of Justice Statistics (2021), <https://bjs.ojp.gov/library/publications/justice-expenditures-and-employment-united-states-2017>. Information in the data tables comes from the United States Census Bureau, Census of Governments, 2017, and Office of Management and Budget, Budget of the United States Government, 2017. For more information about the data, including the Census Bureau's methodology, see *Technical Documentation*, U.S. Census Bureau (2025), <https://www.census.gov/programs-surveys/cog/technical-documentation.html>. See also *Census of Governments Methodology*, U.S. Census Bureau (2021), <https://www.census.gov/programs-surveys/cog/technical-documentation/methodology.2017.html#list-tab-587162514>. Additional information, including disclaimers about use of the Census Bureau's data are available. See, e.g., *2017 Census of Governments, State and Local Government Finance Tables*, U.S. Census Bureau (2017), <https://www.census.gov/data/tables/2017/econ/gov-finance/summary-tables.html>.

¹²¹ *CPI Inflation Calculator*, U.S. Bureau of Labor Statistics, https://www.bls.gov/data/inflation_calculator.htm; see also *Databases, Tables & Calculators by Subject*, U.S. Bureau of Labor Statistics (Mar. 2025), <https://perma.cc/65HF-AYBN>. Even this data is limited by the methods used by the BLS. In particular, BLS notes this is the rate for “urban households,” which we know can differ from rural communities. For more information on BLS data collection standards and methods, see *Consumer Price Index*, U.S. Bureau of Labor Statistics, <https://www.bls.gov/cpi/>.

¹²² *State Court Organization*, National Center for State Courts: Court Statistics Project (2025), <https://www.ncsc.org/sco>.

THE VALUE OF ONE MINUTE OF COURT TIME

Missed appearances, whether in criminal or civil cases, alter the ways that courts spend their time and how much time is dedicated to different case processes. This calculation, which is relatively simple and requires minimal data, illustrates the value of court time by estimating how much it costs to operate a courthouse for one minute.

Table 4 – How to Calculate the Value of One Minute of Court Time

Inputs	<ul style="list-style-type: none"> ✓ Total judicial branch expenditures for the state or local jurisdiction ✓ Number of courts using those judicial expenditures
Equation	<p><i>E per min per court = (E_{judicial branch} ÷ 260 ÷ 8 ÷ 60)/N_{CT}</i></p> <p>Where:</p> <p>E = expenditure</p> <p>260= workdays per year</p> <p>8 = work hours per day</p> <p>60 = minutes per hour</p> <p>N_{CT} = number of courts for which judicial branch expenditure is used¹²³</p>

Example: Hypothetical Average Calculation

To estimate the average cost of operating a state or local court in the United States, we used data from the Bureau of Justice Statistics' 2017 report.¹²⁴ This data is not a perfect fit for this calculation because it does not differentiate between court types (trial, appellate, etc.) and includes the costs of public defense and prosecution.

¹²³ This equation relies on imperfect assumptions. It does not account, for instance, for courts that have nonstandard operating hours, and may overstate the costs associated with judicial buildings that house multiple courts together.

¹²⁴ *Justice Expenditures and Employment in the United States, 2017*, *supra* note 90.

Table 5 – Average Value per Minute Calculation

Inputs	<ul style="list-style-type: none"> ✓ 2017 total annual judicial and legal expenditure: \$49,565,471,000 ✓ Estimated current number of state and local courthouses in the country: 12,871¹²⁵
Equation	$E \text{ per min per court} = \frac{(\$49,565,471,000 \div 260 \div 8 \div 60)}{12,871}$
Result (pre-inflation adjustment)	\$30.86

Because the BJS data is from 2017, we adjusted for inflation:

$$\$30.86 \times .296^{126} = \$9.13$$

$$\$30.86 + \$9.13 = \textbf{\$39.99 per minute}$$

¹²⁵ This number is generated by a manual court count. Most of the estimates come from NCSC's Court Statistics Project. See [State Court Organization](#), *supra* note 122. This estimate is current as of June 2025.

¹²⁶ .296 is the percentage change in Consumer Price Index (buying power difference between 2017 (annual) and January 2025), calculated using the Consumer Price Index. See [Databases, Tables & Calculators by Subject](#), *supra* note 121.

ESTIMATED IMPACTS OF MISSED APPEARANCES

As discussed in the report, we recognize that missed appearances have very different consequences for both litigants and courts depending on the case type in which the missed appearance occurs. We therefore utilize two models here, one for missed appearances in “typical” high-volume civil cases and one for missed appearances in “typical” criminal cases.

Model 1: Quantifying Impacts of Missed Appearances in High-Volume Civil Cases

This model is intended to quantify how missed appearances impact courts in cases in which the hearing 1) can move forward without the absent litigant and 2) results in a near-immediate default judgment.

Table 6 – How to Calculate the Impact of Missed Appearances in High-Volume Civil Cases

Inputs	<ul style="list-style-type: none"> ✓ Inventory of staff involved in case processing ✓ Average salary per role of all court staff involved in hearings for high-volume civil cases ✓ Number of missed appearances resulting in a default judgment in high-volume cases per year ✓ Time (in minutes) per role per hearing that results in a default judgment ✓ Total indirect judicial branch expenditures for the state or jurisdiction at issue ✓ Number of courts using those indirect expenditures
Equation	<p>$E_{MA \text{ per year}} = E_{\text{indirect MA per year}} + E_{\text{direct MA per year}}$</p> <p>Where:</p> <p>$E_{\text{direct MA per year}} = S_{\text{per min}} \times \text{Mins per default} \times \text{Defaults per year}$</p> <p>And:</p> <p>$S_{\text{per min}} = \sum (S1_{\text{per min}} + S2_{\text{per min}} \dots)$</p> <p>Where:</p> <p>$S_{\text{per min}}$ = Sum of per minute salaries for all roles involved in a hearing</p> <p>And:</p> <p>$E_{\text{indirect MA per year}} = E_{\text{indirect per min}} \times \text{Min Default per year}$</p>

Example: Expenditure on Missed Appearances in Eviction Cases per Year in Maricopa County, AZ

To illustrate our model, we used publicly available data about evictions in Maricopa County, Arizona (a large county that includes the city of Phoenix) because the county makes information regarding type of disposition publicly available for eviction cases (e.g. eviction entered; default judgment; dismissal).

Table 7 – Annual Default Judgment Processing Time

Total Default Judgments (2023)	Time per Default Judgment	Total Time spent on Default Judgments
17,705 ¹²⁷	1 min ¹²⁸	17,705 mins

We then identified salary estimates for judicial officers and clerks in the Justice Courts of Maricopa County.

Table 8 – Maricopa County Salaries

Position	Annual Salary	Pay per Minute ¹²⁹
Judicial Officer	\$115,290 ¹³⁰	\$0.92
Clerk	\$46,280 ¹³¹	\$0.37

¹²⁷ We use this number as a stand-in for missed appearances because default judgments are often the result of a missed appearance. These numbers are from fiscal year 2023. See *Statistics: Justice Court Evictions*, Arizona Supreme Court (2025), <https://www.azcourts.gov/statistics/Interactive-Data-Dashboards/Justice-Court-Evictions>.

¹²⁸ This number is an estimate based on experience and court observations by NCSC staff.

¹²⁹ Pay per minute is calculated by dividing the annual salary by assumed workdays (260), assumed work hours per day (8), and minutes per hour (60).

¹³⁰ This salary is an estimate of the salary for judicial officers who resolve eviction cases in Maricopa County. This number does not account for any part-time judicial officials. It was calculated by multiplying the 2023 Salary for a Superior Court Judge (\$164,700) by .7 because the majority of Maricopa County Justice Courts have more than 500 judicial productivity credits. See *FY 2025 Baseline Book*, JLBC, at 303 (2024), <https://perma.cc/5LTB-A7JF>; *Statistics: JPC*, Arizona Supreme Court (2025), <https://www.azcourts.gov/statistics/Interactive-Data-Dashboards/JPC>.

¹³¹ The salary for a clerk is an estimate based on current salaries. See *Compensation*, Maricopa County (last accessed July 14, 2025), <https://www.maricopa.gov/1623/Compensation>.

Note: We know that there are likely additional court staff who participate in at least some hearings, such as constables/sheriffs/bailiffs or interpreters. They are not included in this chart or calculation, but they could be added if there was data about their participation in hearings.

We then calculated a low estimate of the court resources that are used to process missed appearances in eviction cases.

Table 9 – Impact of Missed Appearances in High-Volume Civil Cases Calculation

Inputs	<ul style="list-style-type: none"> ✓ Salaries of all court employees involved in hearings for high-volume civil cases: \$0.92 (judicial officer); \$0.37 (clerk) ✓ Number of default judgments (stand-in for missed appearances) in eviction cases: 17,705 ✓ Time it takes to conduct a hearing that results in a default judgment: 1 minute
Equation	$S_{\text{per minute}} = \$0.92 + \$0.37$ $S_{\text{direct MA per year}} = \$1.29 \times 1 \times 17,705$
Result	\$22,839.45

Note: This calculation does not include indirect expenditure because publicly available data on those expenditures was difficult to identify. But jurisdictions with that data could include that calculation by multiplying the indirect per minute per case by the total minutes spent in hearings that end in a default judgment (in the example above, 17,705).

The calculations illustrate that in one year, missed appearances in eviction cases utilize significant court resources (at a minimum, \$22,000 and the equivalent of 36 workdays) in the County.

The calculation can be made more accurate with additional data, such as about the additional staff who assist during hearings, the indirect expenditures per hearing (overhead, technology, capital outlay, etc.), and the time that court staff spend outside of hearings on work that results from a default judgment.

Model 2: Quantifying Impacts of Missed Appearances in Criminal Cases

This model is intended to quantify how missed appearances impact courts in cases in which a litigant's absence means that the hearing will need to be rescheduled before the case reaches disposition.

Table 10 – How to Calculate the Impact of Missed Appearances in Criminal Cases

Inputs	<ul style="list-style-type: none"> ✓ Inventory of staff involved in case processing ✓ Average salary per role of all court staff involved in hearings for criminal cases (e.g. judicial officers; court clerks; court reporters; bailiffs) ✓ Time (in minutes) it takes to conduct a hearing that will need to be rescheduled because of an absent litigant ✓ Total indirect judicial branch expenditures for the state or jurisdiction at issue ✓ Number of courts using those indirect expenditures
Equation	$E_{\text{per MA}} = E_{\text{indirect per MA}} + E_{\text{direct per MA}}$ <p>Where:</p> $E_{\text{direct per MA}} = \Sigma(S1_{\text{per minute}} \times Min_{\text{per MA}} + S2_{\text{per minute}} \times Min_{\text{per MA}} + \dots)$ <p>And:</p> $E_{\text{indirect per MA}} = E_{\text{indirect per min}} \times Min_{\text{per MA}}$

Example: National Average Expenditure per Missed Appearance in Criminal Cases

Direct Expenditure

Direct expenditure captures things like salaries, fees, and bonuses. Given the lack of national-level data, our national average calculation focuses only on the salaries of a limited number of court staff.

First, we calculated a national average salary for a judicial officer, court clerk, court reporter, and bailiff by gathering samples from a variety of sources.

Table 11 – Average Salaries of Court Staff

Position	Annual Salary	Pay Per Minute ¹³²
Judicial Officer	\$153,877 ¹³³	\$1.23
Clerk	\$45,423 ¹³⁴	\$0.36
Court Reporter	\$75,732 ¹³⁵	\$0.61
Bailiff	\$51,763 ¹³⁶	\$0.40

¹³² Pay per minute is calculated by dividing the annual salary by assumed workdays (260), assumed work hours per day (8), and minutes per hour (60).

¹³³ The national average salary for Judicial Officers was created by aggregating averages from the following sources: *Occupational Outlook Handbook*, Judges and Hearing Officers, Bureau of Labor Statistics, U.S. Department of Labor (Aug. 2024) (last accessed Apr. 15, 2025), <https://www.bls.gov/ooh/legal/judges-and-hearing-officers.htm>; *Survey of Judicial Salaries*, National Center for State Courts (Feb. 2024), <https://perma.cc/U7LK-H2P2>. Of course, because they are averages, they may appear too high or too low for some courts and jurisdictions.

¹³⁴ The national average salary for Clerks was created by aggregating averages from the following sources: *What is the Average Courtroom Clerk Salary by State*, ZipRecruiter (last accessed Apr. 15, 2025), <https://www.ziprecruiter.com/Salaries/What-Is-the-Average-Courtroom-Clerk-Salary-by-State>; *Court Clerk Salary in the United States*, Salary.com (last accessed Apr. 15, 2025), <https://perma.cc/H8H9-4Z9U>; *Salary for Court Clerks*, Recruiter.com (last accessed July 14, 2025), <https://perma.cc/9XUD-7T7H>; *OEWS Research Estimates by State and Industry*, U.S. Bureau of Labor Statistics (2025), https://www.bls.gov/oes/2024/may/oes_research_estimates.htm.

¹³⁵ The national average salary for Court Reporters was created by aggregating averages from the following sources: *Occupational Outlook Handbook*, Court Reporters and Simultaneous Captioners, U.S. Bureau of Labor Statistics (last accessed Aug. 9, 2024), <https://www.bls.gov/ooh/legal/court-reporters.htm>; Smith, M., *This In-Demand Job Pays Over \$100k and Doesn't Require a College Degree – What You Need to Know*, CNBC (Jun. 2023), <https://perma.cc/54XT-68AA>; *Court Reporter Salary in the United States*, Salary.com (last accessed Apr. 15, 2025), <https://perma.cc/643C-JX2R>.

¹³⁶ This assumes that bailiffs are court employees; some bailiffs are law enforcement officers and not paid by the courts. The national average salary for Bailiffs was created by aggregating averages from the following sources: *Occupational Outlook Handbook*, Correctional Officers and Bailiffs, U.S. Bureau of Labor Statistics (last accessed Aug. 9, 2024), <https://www.bls.gov/ooh/protective-service/correctional-officers.htm>; *What is the Average Bailiff Salary by State*, ZipRecruiter (last accessed Apr. 15, 2025), <https://www.ziprecruiter.com/Salaries/What-Is-the-Average-Bailiff-Salary-by-State>; *Bailiff Salary*, CareerExplorer (Updated 2023) (last accessed Apr. 15, 2025), <https://www.careerexplorer.com/careers/bailiff/salary/>; *Bailiff Hourly Salaries in the United States at Maryland Courts*, Indeed (last accessed Apr. 15, 2025), <https://www.indeed.com/cmp/Maryland-Courts/salaries/Bailiff>.

Next, we assumed that a hearing that must be rescheduled because of a defendant's absence lasts around 5 minutes.

$$E_{\text{direct per MA}} = (\$1.23 \times 5) + (\$.36 \times 5) + (\$.61 \times 5) + (\$.40 \times 5)$$

$$E_{\text{direct per MA}} = \$13$$

Indirect Expenditure

Indirect expenditure accounts for things like cost of administration, overhead, supplies, technology, capital outlay, maintenance, utilities, etc. To calculate indirect expenditures for the average expenditure per missed appearance, we used the Bureau of Justice Statistics' 2017 data.¹³⁷

$$E_{\text{indirect per MA}} = E_{\text{indirect per min}} \times \text{Min per MA}$$

To calculate indirect expenditures per missed appearance, we first calculated indirect expenditures per minute.

$$E_{\text{indirect per minute}} = (E_{\text{indirect per year}} \div 365 \div 24 \div 60 \div N_{\text{CT}}) \times \% \text{ cases}$$

Where: 365 = days per year

24 = hours per day

60 = minutes per hour

NCT = the number of courts

%cases = percentage of overall caseload¹³⁸

And:

$$E_{\text{indirect per year}} = \sum E_{\text{per indirect category}}$$

¹³⁷ *Justice Expenditures and Employment in the United States, 2017*, *supra* note 90.

¹³⁸ We assign indirect costs to every day (not just business days), because this measure includes things like utilities that are being paid regardless whether it is a workday or during work hours. The BJS data is imperfect for these calculations because it incorporates all judicial and legal expenditures, which include the cost of public defense and prosecution, for all state courts, including appellate-level courts. This means that the indirect cost is somewhat inflated.

Indirect per Year:

For our national average, we added two categories of indirect costs: 1) capital outlay (construction & maintenance) and 2) overhead/supplies. (This excludes intergovernmental payments.)

$$E_{\text{indirect per year}} = E_{\text{capital}} + E_{\text{overhead \& supplies}}$$

Per the Bureau of Justice Statistics' 2017 data set, the capital outlay per year is:

$$E_{\text{capital}} = \$1,530,597,000^{139}$$

Adjusted for inflation:¹⁴⁰

$$E_{\text{capital}} 2025 = \$1,530,597,000 + \$1,530,597,000 \times .296 = \$1,983,625,488$$

Next, we calculated overhead/supplies:

$$E_{\text{overhead \& supplies}} = E_{\text{direct current}}^{141} - E_{\text{payroll}}^{142}$$

$$E_{\text{overhead \& supplies}} = \$45,944,973,000 - \$27,722,916,000 = \$18,222,057,000$$

Adjusted for inflation:¹⁴³

$$E_{\text{overhead \& supplies}} 2025 = \$18,222,057,000 + \$18,222,057,000 \times .296 = \$23,615,449,858$$

Added together:

$$E_{\text{indirect per year}} = \$1,983,625,488 + \$23,615,449,858 = \$25,599,075,346$$

¹³⁹ The E_{capital} is taken directly from the BJS 2017 data set.

¹⁴⁰ .296 is the percentage change in Consumer Price Index (buying power difference between 2017 (annual) and January 2025), calculated using the Consumer Price Index. See [Databases, Tables & Calculators by Subject](#), *supra* note 121.

¹⁴¹ The $E_{\text{directcurrent}}$ is taken directly from the BJS 2017 data set.

¹⁴² The E_{payroll} was calculated by adding the March payrolls for judicial and legal functions for State governments (\$1,023,196,000) and local governments (\$1,287,047,000), which are available in the BJS 2017 data set. We then multiplied by 12 to identify annual payroll, for a total of: \$27,722,916,000.

¹⁴³ See [Databases, Tables & Calculators by Subject](#), *supra* note 121.

This is the sum of indirect costs per year for every state/local court in the nation. We then used that per-year calculation to estimate indirect costs per minute.

$$E_{\text{indirect per minute per courthouse}} = \$25,599,075,346 \div 365 \div 24 \div 60 \div 12,871^{144} = \$3.78$$

Indirect per Minute, per Case:

We assumed here that those costs are distributed evenly across case types, meaning that each case type has the same per minute cost and the entire indirect per minute is divided only between different kinds of case work. Thus, we divided the per minute calculation evenly between eight case types:¹⁴⁵ civil, traffic, probate, domestic, dependency, juvenile, misdemeanor, and felony.¹⁴⁶

$$E_{\text{indirect per minute, per case}} = \$3.78 \times (1/8)$$

$$E_{\text{indirect per minute, per case}} = \$0.47$$

Again, we assumed that a hearing that could not move forward and needed to be rescheduled was 5 minutes long.

$$E_{\text{indirect per MA}} = \$0.47 \times 5 = \$2.35$$

Total Expenditure per Missed Appearance:

Adding the direct and indirect expenditures yields our average cost per missed appearance in a misdemeanor case:

$$E_{\text{per MA}} = \$2.35 + 13 = \$15.35$$

Based on the data we used, an “average” missed appearance in a misdemeanor case utilizes \$15.35 of court resources. [As the report explains](#), this is likely a low estimate.

¹⁴⁴ This number is generated by a manual court count. Most of the estimates come from NCSC’s Court Statistics Project. [State Court Organization](#), *supra* note 122. The estimate is current as of June 2025.

¹⁴⁵ Put differently, this assumes that every minute of indirect costs should be evenly divided between the eight case types used. This is, as with the other assumptions discussed here, is an imperfect assumption.

¹⁴⁶ We used the National Open Court Data Standards’ case-type categories, except for “criminal,” which we further divide into misdemeanors and felonies. See *National Open Court Data Standards (NODS) User Guide*, Conference of State Court Administrators & National Center for State Courts (Apr. 2020), <https://perma.cc/Q36A-PLK4>.

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