A year into the pandemic, Diane Robinson and Allison Trochesset of the Court Statistics Project (CSP) interviewed David Yamasaki (Court Executive Officer), Adriaan Ayers (Chief Operations Officer), Darren Dang (Chief Financial and Administrative Officer), and Nicole Le (Business Analytics Director) from the County of Orange, California (OC).

CSP: When the pandemic started, how did you use data to respond to the crisis?

OC: At the beginning of the pandemic, we had to shut down all of our courthouses. The backlogs started building immediately, so we focused on what our priorities needed to be, given limited resources and limited courthouse capacity. We identified what resources we did have available and what essential services and hearings had to be handled. We relied on our data to make those critical decisions.

CSP: What did you prioritize?

OC: Our priorities were criminal and juvenile cases because they have statutorily driven timelines and we need to respect defendants' rights. We immediately looked at the data: for example, how many in-custody arraignments were pending? What types of hearings do our pending cases need? We worked to stand up courtrooms to tackle our most urgent cases, focusing on those at risk of being dismissed due to timeliness. While certain cases had priority, it didn't negate the needs of all of the cases. We worked with staff members and judges across all litigation types to identify the essential services that needed to begin immediately.

CSP: How were you able to manage this information?

OC: We set up a war room and met every day. The situation changed day to day, and it was really important to have timely data to keep up with those needs. We had some experience with court closures due to other facility emergencies, but we had never had anything on this scale.

CSP: Did California have any policy or rule changes?

OC: Yes, the Chief Justice issued an emergency order easing timelines, which gave us some breathing room.

CSP: What data was most valuable to you at the beginning of the pandemic?

OC: Much of the data was volume based: the number of cases, the number of people we needed to accommodate, the number of courtrooms available, how much PPE needed to be purchased. We also tracked our budget information closely. It's very important to remain focused on the resources available. This is an example of our data regarding capacity in courtrooms and adjacent hallways

(Figure 1). This data allowed us to gauge our physical space capacity which allowed us to better plan and schedule in-person hearings and trials in accordance with social distancing guidelines. It also helped us quickly adopt remote hearing and service protocols in other case types where we needed to resume business but didn't have the capacity to do so in-person.

Figure 1: Capacity

I. **Hallway Capacity Against Criminal, Family Law and Jury Deliberation Courtrooms**

Courtroom Allocation	Floor/ Hallway	Courtroom Count	Total Courtroom Capacity [audience+jury box+counsel tables]	Hallway Capacity	Variance (Hallway Capacity vs. Total Courtroom Capacity)
Criminal/Family Law/Civil-JDC/Crim-JDC	2nd	1	44	89	45
Criminal/Family Law/Civil-JDC/Crim-JDC	4th	0	0	98	98
Criminal/Family Law/Civil-JDC/Crim-JDC	5th	1	16	98	82
Criminal/Family Law/Civil-JDC/Crim-JDC	6th	1	14	98	84
Criminal/Family Law/Civil-JDC/Crim-JDC	7th	1	14	98	84
Criminal/Family Law/Civil-JDC/Crim-JDC	8th	4	80	67	-13
Criminal/Family Law/Civil-JDC/Crim-JDC	9th	2	43	65	22
Criminal/Family Law/Civil-JDC/Crim-JDC	10th	5	91	67	-24
Criminal/Family Law/Civil-JDC/Crim-JDC	11th	4	74	67	-7
Criminal/Family Law/Civil-JDC/Crim-JDC	1st WW	1	35	100	65
Criminal/Family Law/Civil-JDC/Crim-JDC	2nd WW	8	155	98	-57
Criminal/Family Law/Civil-JDC/Crim-JDC	3rd WW	7	97	99	2
Criminal/Family Law/Civil-JDC/Crim-JDC	CXC-101	0	0	13	13
Criminal/Family Law/Civil-JDC/Crim-JDC	CXC-102	0	0	1	1
Criminal/Family Law/Civil-JDC/Crim-JDC	CXC-103	0	0	6	6
Criminal/Family Law/Civil-JDC/Crim-JDC	CXC-104	0	0	13	13
Criminal/Family Law/Civil-JDC/Crim-JDC	CXC-105	0	0	11	11

* Courtrooms Accounted: Criminal (C5, C27-C30, C35-C41, C43-C45, C47-C60, C62), Civil-Jury Deliberation Courtrooms (C18), Crim-Jury Deliberation Courtrooms (C13, C23, and C34) and Family Law (C63 dark, C65 c

II. **Civil, Probate & Mental Health Courtooms – Per Courtroom Max Capacity to Stay within Hallway Capacity**

Courtroom Allocation	Floor/ Hallway	Courtroom Count	Total Courtroom Capacity [audience+jury box+counsel tables]	Adjusted Hallway Capacity (less Non Civil/Probate/MH)	Per Courtroom Max Capacity to Stay within Hallway Capacity
Civil, Probate, MH	2nd	3	71	45	15
Civil, Probate, MH	4th	5	82	98	20
Civil, Probate, MH	5th	4	64	82	20
Civil, Probate, MH	6th	4	64	84	21
Civil, Probate, MH	7th	4	65	84	21
Civil, Probate, MH	8th	1	19	no hallway capcity left	no hallway capcity left
Civil, Probate, MH	9th	3	19	22	7
Civil, Probate, MH	11th	1	15	no hallway capcity left	no hallway capcity left
Civil, Probate, MH	3rd WW	3	40	no hallway capcity left	no hallway capcity left
Civil, Probate, MH	CXC-101	1	28	13	13
Civil, Probate, MH	CXC-102	1	19	1	1
Civil, Probate, MH	CXC-103	1	21	6	6
Civil, Probate, MH	CXC-104	1	20	13	13
Civil, Probate, MH	CXC-105	1	20	11	11

* Courtrooms Accounted: Civil (C1, C3, C4, C11-C12, C14-C17, C19-C22, C24-C26, C31-C33, C42, C61, C64, C66 and Probate/Mental Health (C6-C10, CXC101-CXC105).
* All Civil, Probate & Mental Health courtrooms have video presentation equipment except for C3 and C61.

* Courtroom Capacity - the maximum number of the member of the public allowed in a given courtroom while maintaining social distancing of six feet apart
* Hallway Capacity - the maximum number of people allowed in a given hall while maintaining social distancing of six feet apart
* Adjusted Hallway Capacity - the balance of hallway capacity that is available after courtroom capacity of designated priority workload (i.e. fulltime criminal courtrooms and 8 Civil-JDC) have been considered

CSP: What did data enable you to do?

OC: There were five main things data allowed us to:
- React with confidence. We were able to focus on the most essential/critical items.
- Be agile. For example, when there was a COVID outbreak at the jail we were able to quickly see how many hearings were affected and adapt.
- Begin planning immediately. Even while we were dealing with immediate crises, we were looking at what was coming.
- Stay solvent. We were particularly concerned about the burn rate: at the beginning we provided incentive pay for people who needed to work in person, but in carefully tracking the budget we realized that was not sustainable. If we didn't have the capability to track payroll expenditures in real time and make immediate policy adjustments, it could have cost us millions of dollars we could not afford.
- Communicate and collaborate effectively with our stakeholders, being mindful of the needs of the community.

CSP: What changes did you make that you expect to keep?

OC: One of the changes we made was moving traffic arraignments online. It's very high volume and builds voluminous backlogs quickly. We also moved to a remote service model for self-help resources. Another change we are likely to keep is calling in fewer jurors for trials.

CSP: How did you use data to manage human resources?

OC: We created a COVID dashboard for the courts. This is up-to-date information about where active COVID-19 positive cases are and from which organization the affected individual is associated. This helped to decrease our employees' anxiety about coming into work. We built trust by being very transparent, so there was not reliance on gossip or word-of-mouth about cases in the courthouses. Here's an example of our dashboard tracking positive cases (Figure 2).

Figure 2: COVID Case Tracking
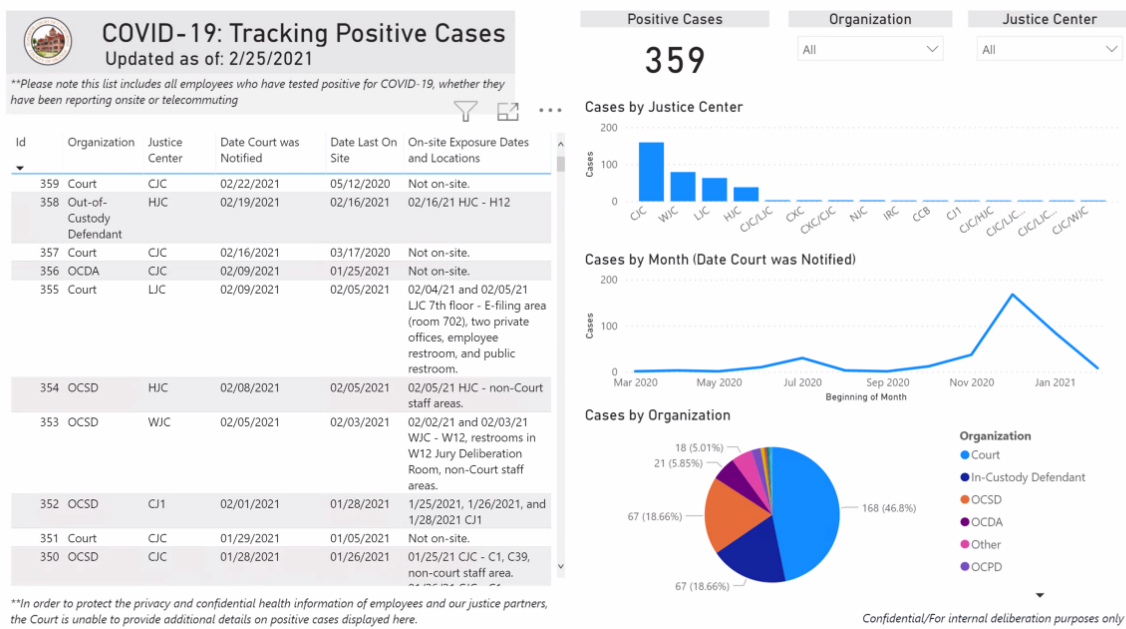
CSP: You mentioned calling in fewer jurors is a change you hope to keep. How did data help you determine that?

OC: We had already put in place a reform that jurors be summonsed to a courthouse on a call-in basis only, so they only report in person if we know a case is going to move forward to trial. We continued to send out jury summonses so that we would have a jury pool available, but they only come into the courthouse if it is required. We are able to call in the correct number: enough for each jury panel needed, but not more than needed. For example, we used to bring in 100 to 125 jurors into the courtroom for each felony trial, but now we have panel size guidelines and bring in 30 or 40 jurors at a time to alleviate concerns regarding physical distancing. This new method of creating smaller panels of jurors has allowed the Court to reduce the overall panel sizes for each case type. We use our data to calculate the likely juror yield. There have only been a few cases where 40 jurors were not enough to seat a jury.

Our capacity in jury assembly rooms is diminished. We work with master calendar judges to identify how likely trials are to go forward. When we bring jurors in, they come in at different times and are staged in different locations in the buildings. We can't have 12 in the box anymore, so we look at courtroom capacity and distancing requirements and jurors sit in the gallery as well. We use secondary courtrooms for jury selection, and then use just one courtroom to hold the trial. One result of this is that we've quietly started reducing the number of summonses we're sending out. We know we don't need as many based on our data. Even before the pandemic, we had used our newly developed jury data and dashboards to reduce juror summonses by 10% without impacting juror availability and panel sizes. This data and experience enabled us to be even more effective during the pandemic.

We also used some very low-tech solutions, including using colored tape to indicate where jurors can sit safely away from one another. That helped to build confidence by making social distancing very visible. We also have triage stations outside of courthouse entrances to assist the public while limiting the capacity of people inside the courthouses. Combined with signage, our triage stations, COVID dashboards, and other social distancing processes and procedures, allowed the Court to build public and stakeholder confidence that we are providing a safe environment for conducting court business.

This is a civil court trial calendaring guide we created to help with planning (Figure 3).
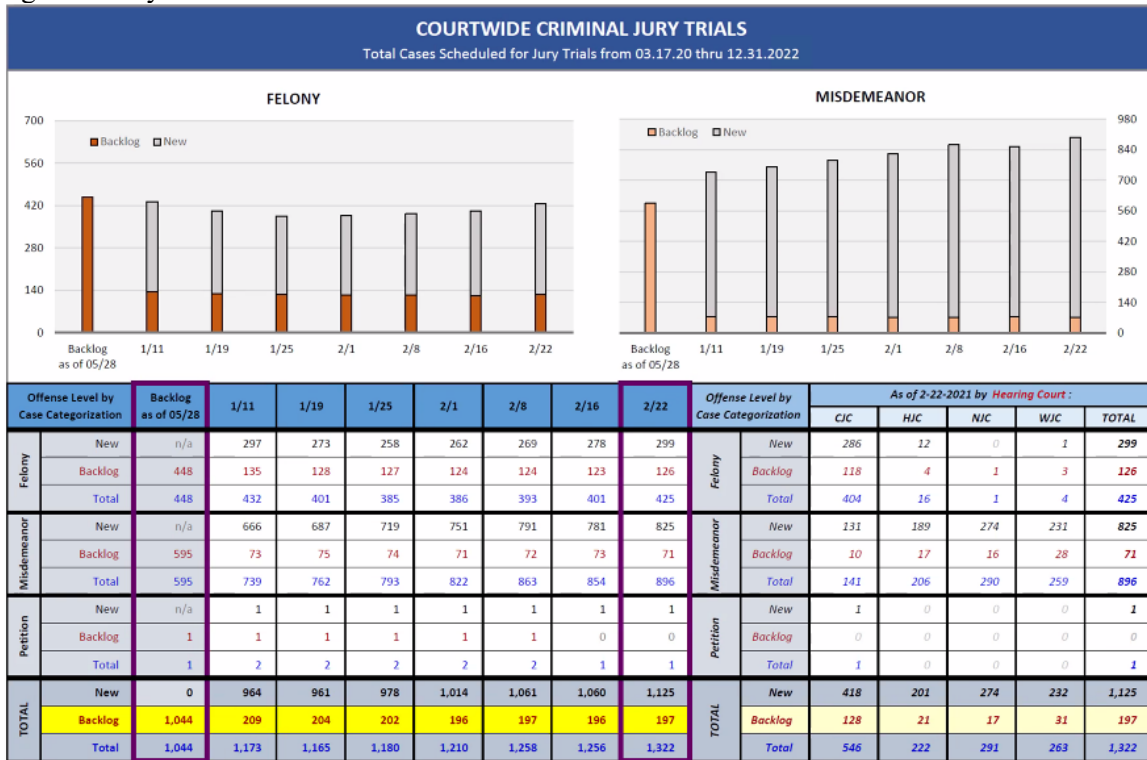
Figure 3: Calendaring Guide

Social Distancing Civil Court Trial Calendaring Guide
for Civil, Probate and/or Mental Health Courtroom Events at Central Justice Center/**Central Complex**

Civil & Probate/Mental Health Courtrooms - Details Breakdown

Floor	Courtroom	Litigation Type	Adjusted Hallway Capacity	Maximum Per Courtroom Capacity to Stay within Adjusted Hallway Capacity	COURTROOM CAPACITY					
					Audience	Jury Box	Counsel Tables*	TOTAL	75% of Total**	50% of Total**
2nd	C1	Civil	45	15	41	5	2	48	36	24
	C3	Civil			17	4	2	23	17	12
	C4	Civil			11	4	2	17	13	9
4th	C6	Probate/MH	98	19	11	5	2	18	14	9
	C7	Probate/MH			11	4	2	17	13	9
	C8	Probate/MH			9	4	2	15	11	8
	C9	Probate/MH			7	4	2	13	10	7
	C10	Probate/MH			12	5	2	19	14	10
5th	C11	Civil	82	21	12	4	2	18	14	9
	C12	Civil			8	4	2	14	11	7
	C14	Civil			8	4	2	14	11	7
	C15	Civil			12	4	2	18	14	9
6th	C16	Civil	84	21	12	4	2	18	14	9
	C17	Civil			8	4	2	14	11	7
	C19	Civil			8	4	2	14	11	7
	C20	Civil			12	4	2	18	14	9
7th	C21	Civil	84	21	12	4	2	18	14	9
	C22	Civil			8	4	2	14	11	7
	C24	Civil			8	4	2	14	11	7
	C25	Civil			12	5	2	19	14	10
8th	C26	Civil	no hallway capacity left	no hallway capacity left	12	5	2	19	14	10
9th	C31	Civil	no hallway capacity left	no hallway capacity left	12	5	2	19	14	10
	C32	Civil			8	5	2	15	11	8
	C33	Civil			8	5	2	15	11	8
11th	C42	Civil	no hallway capacity left	no hallway capacity left	8	5	2	15	11	8
3rd WW	C61	Civil	no hallway capacity left	no hallway capacity left	8	4	2	14	11	7
	C64	Civil			6	4	2	12	9	6
	C66	Civil			6	4	2	12	9	6
CXC	CXC101	Civil	13	13	18	4	6	28	21	14
	CXC102	Civil	1	1	12	3	4	19	14	10
	CXC103	Civil	6	6	13	3	5	21	16	11
	CXC104	Civil	13	13	11	5	4	20	15	10
	CXC105	Civil	11	11	12	4	4	20	15	10

* Counsel Tables Capacity - figure represents average per courtroom
** Reduced Total Courtroom Capacity - Maximum per courtroom capacity assumes there is continuous movement of individuals in and out of the hallway to maintain this capacity at all times.
The limited use of elevators will likely impact the congregation of individuals on a given floor. It is recommended that floors target 50% to 75% of maximum capacity per courtroom

And this lets us monitor the need for jury trials (Figure 4).

Figure 4: Jury Trials

COURTWIDE CRIMINAL JURY TRIALS
Total Cases Scheduled for Jury Trials from 03.17.20 thru 12.31.2022

Offense Level by Case Categorization		Backlog as of 05/28	1/11	1/19	1/25	2/1	2/8	2/16	2/22
Felony	New	n/a	297	273	258	262	269	278	299
Felony	Backlog	448	135	128	127	124	124	123	126
Felony	Total	448	432	401	385	386	393	401	425
Misdemeanor	New	n/a	666	687	719	751	791	781	825
Misdemeanor	Backlog	595	73	75	74	71	72	73	71
Misdemeanor	Total	595	739	762	793	822	863	854	896
Petition	New	n/a	1	1	1	1	1	1	1
Petition	Backlog	1	1	1	1	1	1	0	0
Petition	Total	1	2	2	2	2	2	1	1
TOTAL	New	0	964	961	978	1,014	1,061	1,060	1,125
TOTAL	Backlog	1,044	209	204	202	196	197	196	197
TOTAL	Total	1,044	1,173	1,165	1,180	1,210	1,258	1,256	1,322

| Offense Level by Case Categorization		As of 2-22-2021 by *Hearing Court*:				
		CJC	HJC	NJC	WJC	TOTAL
Felony	New	286	12	0	1	299
Felony	Backlog	118	4	1	3	126
Felony	Total	404	16	1	4	425
Misdemeanor	New	131	189	274	231	825
Misdemeanor	Backlog	10	17	16	28	71
Misdemeanor	Total	141	206	290	259	896
Petition	New	1	0	0	0	1
Petition	Backlog	0	0	0	0	0
Petition	Total	1	0	0	0	1
TOTAL	New	418	201	274	232	1,125
TOTAL	Backlog	128	21	17	31	197
TOTAL	Total	546	222	291	263	1,322

Data Source - Ad Hoc (Weekly Scheduled Hearings Report). Dates represent the dates in which the data was refreshed and report updated.

* Backlog - established as the total number of cases scheduled for jury trial during the court closure timeframe (03.17.20 thru 05.25.20).

* New - established as the total number of cases scheduled for jury trial that were not part of the established Backlog inventory.

CSP: How is the data helping you to monitor and manage backlogs?

OC: We used the data to create a formula for how to spend the funds allocated to address backlogs. Attorneys were asking for continuances and parties weren't coming in. This is expensive: it costs money and uses staff unnecessarily. We looked at the difference between normal disposition rates, pre-COVID, and the current rate to identify how many cases are being delayed due to COVID.

For example, here's a dashboard used by our management team (Figure 5). The red bars are the cases that need attention immediately. Additionally, line staff have a version of this dashboard in that includes specific case information that may be printed on demand.

www.courtstatistics.org

Figure 5: Case Prioritization
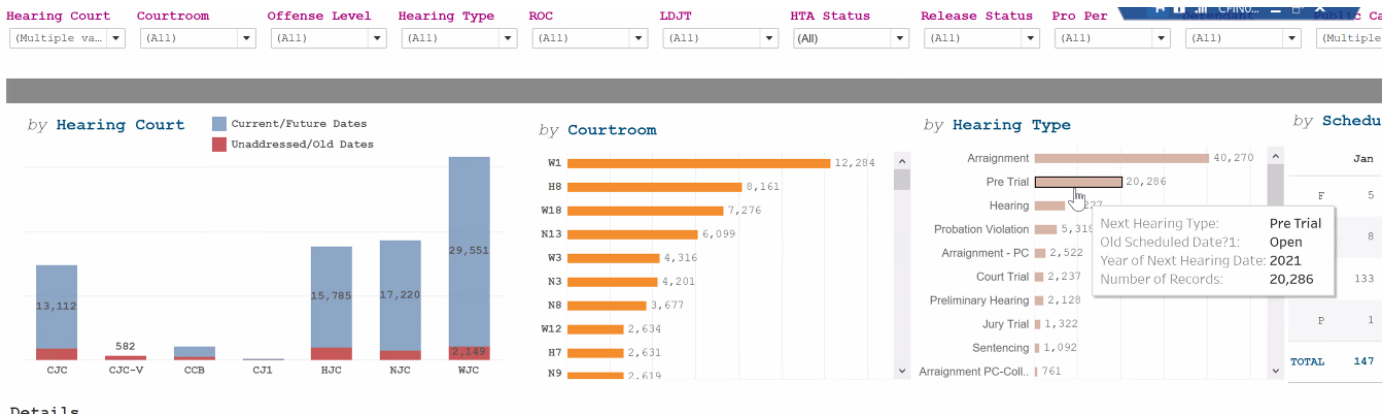
Then this is how we track COVID-19 backlog specifically. We track the number of filings, the number of dispositions, and the number of hearings held. We have other dashboards that provide much greater detail and insight into our operations. At a high level, from the charts below we can see that while filings (blue line) and dispositions (black line) have dropped during the pandemic (the time frame after the light blue shaded area when we closed our courthouses per the Governor's orders), the hearings (orange line) have not dropped as drastically (Figure 6). What this means is that it is taking more hearings during the pandemic to dispose of a case; on average it is taking us 19% more hearings to close a case.
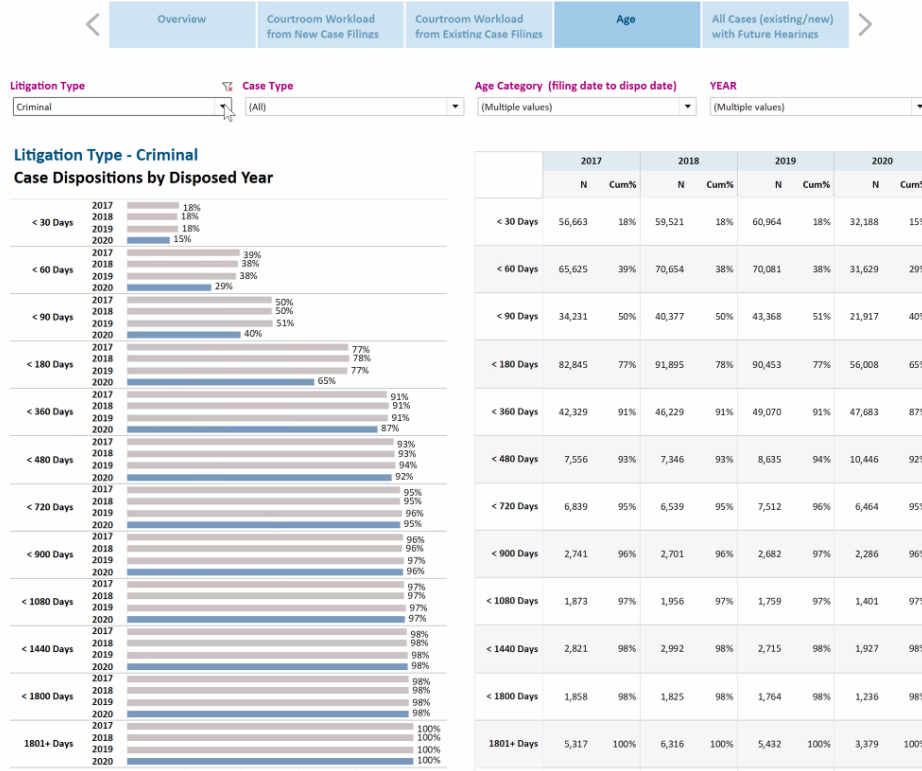
Figure 6: Disposition
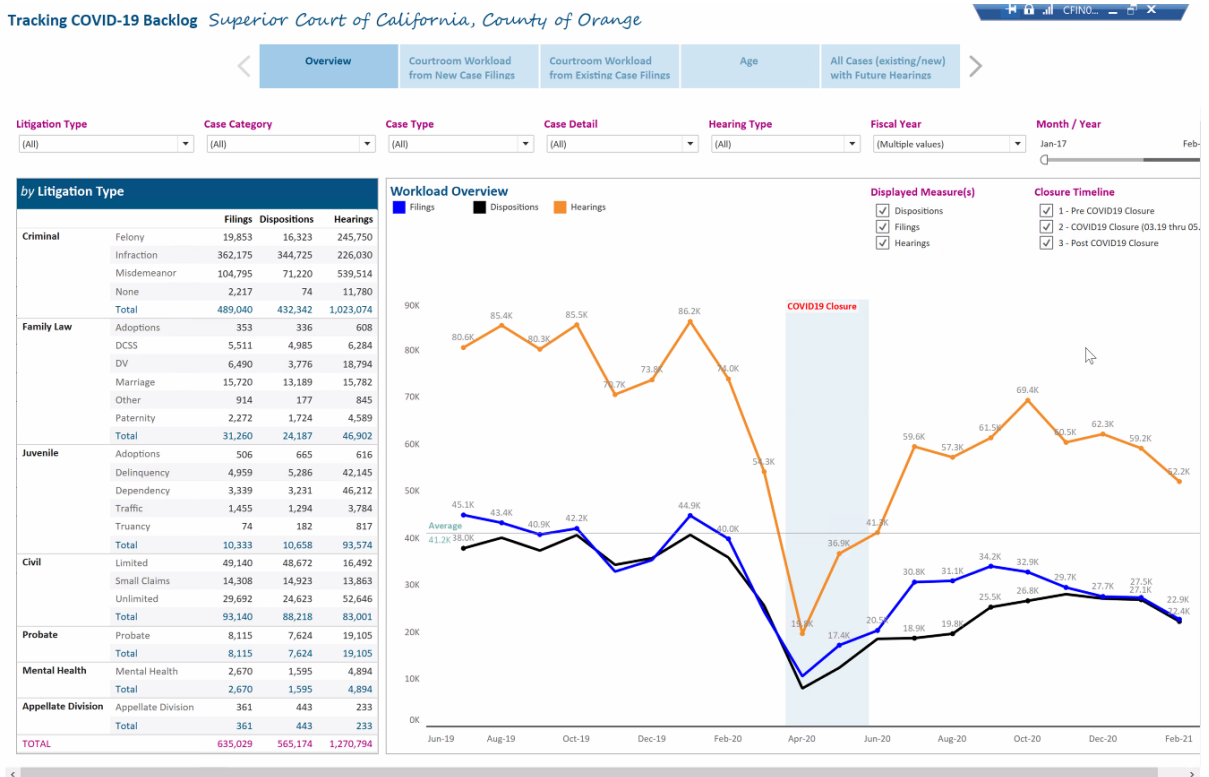
We have seen disposition rates lower than normal. This chart (Figure 7) allows us to compare it to prior years. We have this dashboard for all case types. The data tells us that while filings may have dropped during the pandemic, we are still not able to keep up; our clearance rates are lower during the pandemic. There is more churn for cases; it takes more hearings and more time to process cases so consequently cases are aging longer. Our backlogs are building and there is a huge number of cases that are pending (many of which do not yet have a future hearing date set).

Figure 7: Backlogs

Tracking COVID-19 Backlog *Superior Court of California, County of Orange*

Tabs: Overview | Courtroom Workload from New Case Filings | Courtroom Workload from Existing Case Filings | **Age** | All Cases (existing/new) with Future Hearings

Litigation Type: Criminal | Case Type: (All) | Age Category (filing date to dispo date): (Multiple values) | YEAR: (Multiple values)

Litigation Type - Criminal
Case Dispositions by Disposed Year

		2017 N	2017 Cum%	2018 N	2018 Cum%	2019 N	2019 Cum%	2020 N	2020 Cum%
< 30 Days	2017: 18% / 2018: 18% / 2019: 18% / 2020: 15%	56,663	18%	59,521	18%	60,964	18%	32,188	15%
< 60 Days	2017: 39% / 2018: 38% / 2019: 38% / 2020: 29%	65,625	39%	70,654	38%	70,081	38%	31,629	29%
< 90 Days	2017: 50% / 2018: 50% / 2019: 51% / 2020: 40%	34,231	50%	40,377	50%	43,368	51%	21,917	40%
< 180 Days	2017: 77% / 2018: 78% / 2019: 77% / 2020: 65%	82,845	77%	91,895	78%	90,453	77%	56,008	65%
< 360 Days	2017: 91% / 2018: 91% / 2019: 91% / 2020: 87%	42,329	91%	46,229	91%	49,070	91%	47,683	87%
< 480 Days	2017: 93% / 2018: 93% / 2019: 94% / 2020: 92%	7,556	93%	7,346	93%	8,635	94%	10,446	92%
< 720 Days	2017: 95% / 2018: 95% / 2019: 96% / 2020: 95%	6,839	95%	6,539	95%	7,512	96%	6,464	95%
< 900 Days	2017: 96% / 2018: 96% / 2019: 97% / 2020: 96%	2,741	96%	2,701	96%	2,682	97%	2,286	96%
< 1080 Days	2017: 97% / 2018: 97% / 2019: 97% / 2020: 97%	1,873	97%	1,956	97%	1,759	97%	1,401	97%
< 1440 Days	2017: 98% / 2018: 98% / 2019: 98% / 2020: 98%	2,821	98%	2,992	98%	2,715	98%	1,927	98%
< 1800 Days	2017: 98% / 2018: 98% / 2019: 98% / 2020: 98%	1,858	98%	1,825	98%	1,764	98%	1,236	98%
1801+ Days	2017: 100% / 2018: 100% / 2019: 100% / 2020: 100%	5,317	100%	6,316	100%	5,432	100%	3,379	100%

CSP: What advice do you have for others to better cope with the pandemic and for the next crisis?

OC: We often talk about the three-legged stool: People, Process, and Technology. While we all instinctively knew that data was important, we didn't realize that data was an essential fourth component to the stool until we were knee deep into the pandemic. Our Assistant Presiding Judge commented that by adding this 4th leg to the stool we've made it much more stable: People, Process, Technology, and Data. Our advice is to assess your court's capacity and capability in these four areas and invest in areas that are lacking. A stool with uneven legs will be unstable. In talking with our colleagues statewide and nationwide, it is very common for the 'data' leg to be the shortest if one exists at all. We are glad that NCSC is shining a spotlight on this 'data leg' of the stool. For our court, this is also the shortest leg of the stool. As such we are working with our state's administrative office, the CA Judicial Council, on a "Data as a Second Language" initiative to enhance and advance data fluency.