

RRT – PPP Appellate Courts Workgroup

Reopening the Appellate Courthouse

Statistical Report v2.1

This survey report provides a detailed compilation of responses to the Reopening the Appellate Courthouse survey that was administered in October 2021 among state courts of last resort and intermediate appellate courts.

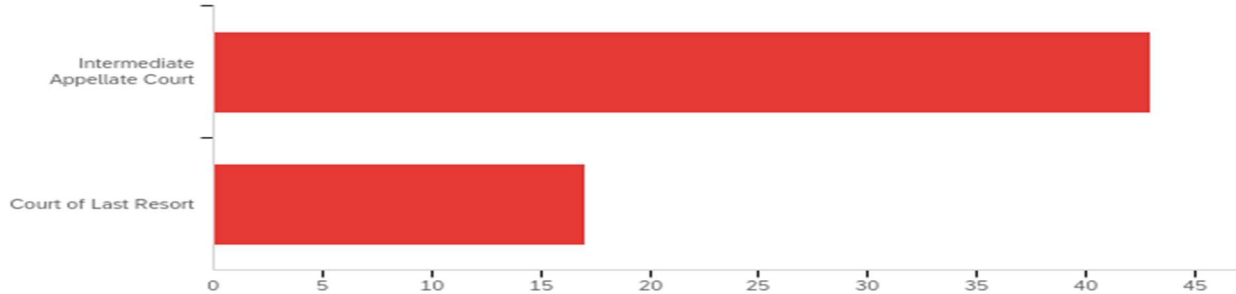
For additional information, please contact John Doerner of the National Center for State Courts at: jdoerner@ncsc.org

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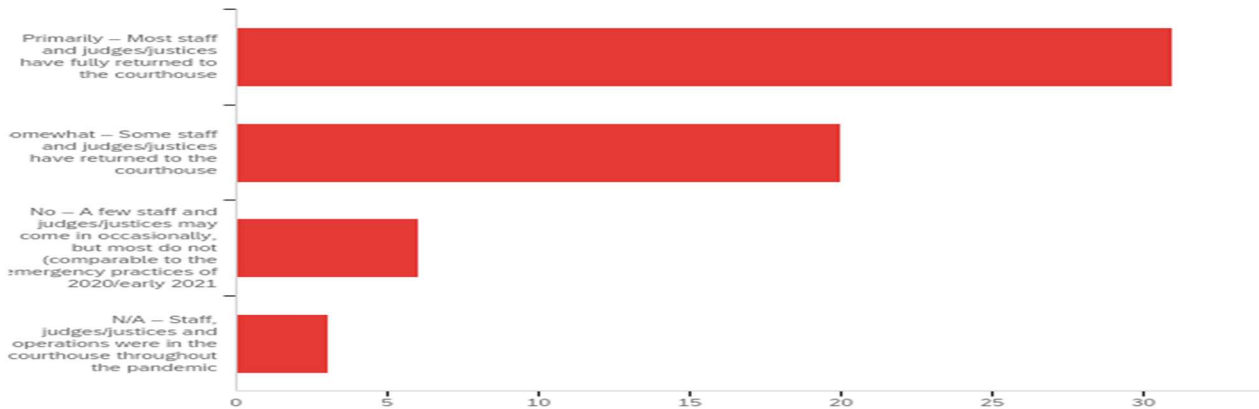
Focus Area – Planning for Reopening the Courthouse

Q2 – Respondent is from a(n):



<u>ALL RESPONDENTS</u>	
Answer	Count
Intermediate Appellate Court	43
Court of Last Resort	17
Total	60

Q3 - Have the appellate court staff/operations returned to the courthouse?



<u>ALL RESPONDENTS</u>	% of All Respondents	Count
Answer		
Primarily – Most staff and judges/justices have fully returned to the courthouse	51.67%	31
Somewhat – Some staff and judges/justices have returned to the courthouse	33.33%	20
No – A few staff and judges/justices may come in occasionally, but most do not (comparable to the emergency practices of 2020/early 2021)	10.00%	6
N/A – Staff, judges/justices and operations were in the courthouse throughout the pandemic	5.00%	3
Total	100%	60

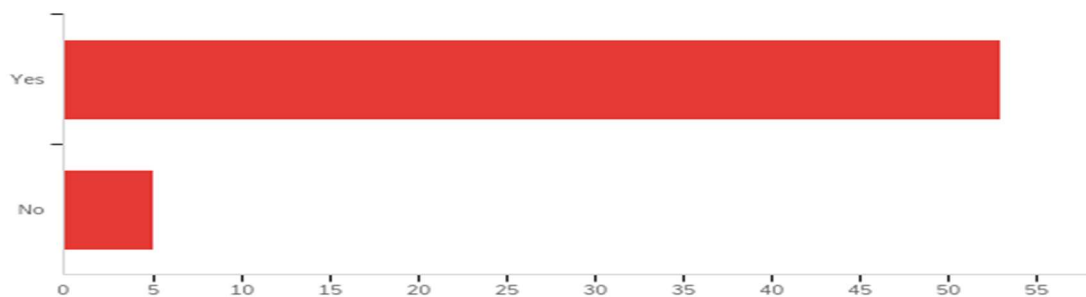
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<u>IAC RESPONDENTS</u>	% of IAC Respondents	Count
Answer		
Primarily – Most staff and judges/justices have fully returned to the courthouse	51.16%	22
Somewhat – Some staff and judges/justices have returned to the courthouse	37.21%	16
No – A few staff and judges/justices may come in occasionally, but most do not (comparable to the emergency practices of 2020/early 2021	9.30%	4
N/A – Staff, judges/justices and operations were in the courthouse throughout the pandemic	2.33%	1
Total	100%	43

<u>COLR RESPONDENTS</u>	% of COLR Respondents	Count
Answer		
Primarily – Most staff and judges/justices have fully returned to the courthouse	52.94%	9
Somewhat – Some staff and judges/justices have returned to the courthouse	23.53%	4
No – A few staff and judges/justices may come in occasionally, but most do not (comparable to the emergency practices of 2020/early 2021	11.76%	2
N/A – Staff, judges/justices and operations were in the courthouse throughout the pandemic	11.76%	2
Total	100%	17

Q4 - Is your appellate court currently in planning or completed planning the return of staff judges/justices and operations to the Courthouse?

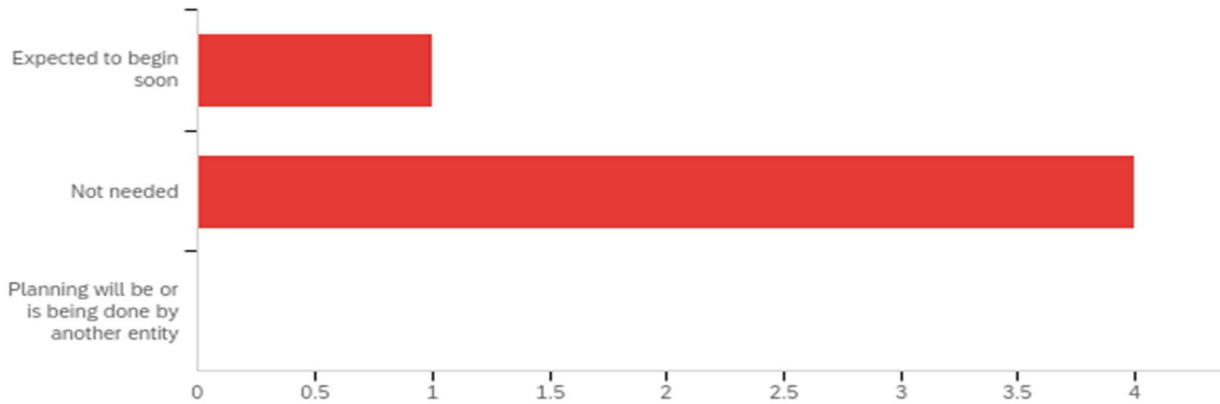


<u>ALL RESPONDENTS</u>	%	Count
Answer		
Yes	91.38%	53
No	8.62%	5
Total	100%	58

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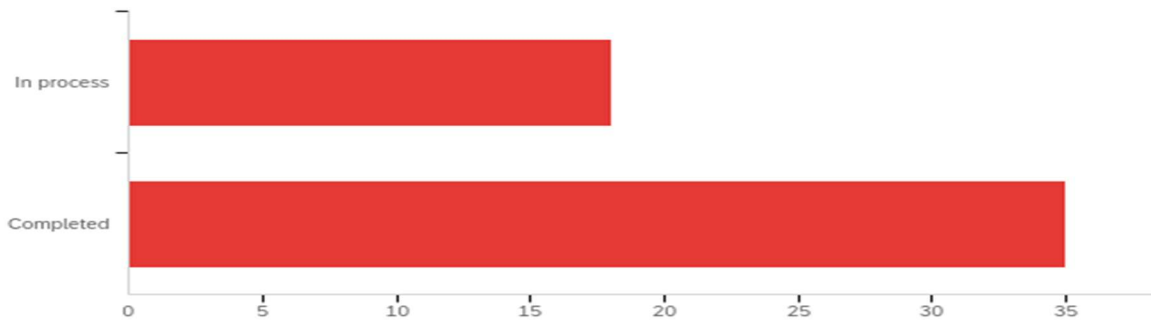
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Q10 - If no to Q4, is such planning:



ALL RESPONDENTS		
Answer	% of All Respondents	Count
Expected to begin soon	20.00%	1
Not needed	80.00%	4
Planning will be or is being done by another entity	0.00%	0
Total	100%	5

Q5 - If yes to Q4, the planning is:

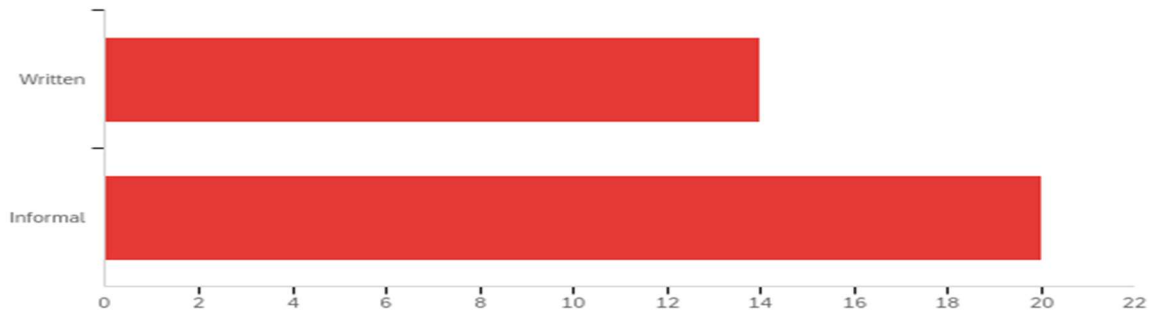


ALL RESPONDENTS		
Answer	%	Count
In process	33.96%	18
Completed	66.04%	35
Total	100%	53

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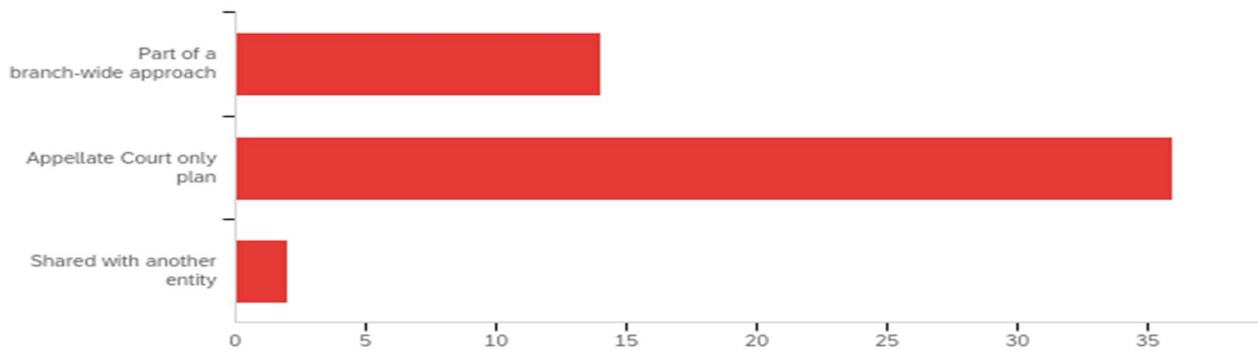
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Q6 - Is the plan written or informal?



ALL RESPONDENTS		
Answer	%	Count
Written	41.18%	14
Informal	58.82%	20
Total	100%	34

Q8 - Is the plan:



ALL RESPONDENTS		
Answer	% of All Respondents	Count
Part of a branch-wide approach	26.92%	14
Appellate Court only plan	69.23%	36
Shared with another entity	3.85%	2
Total	100%	52

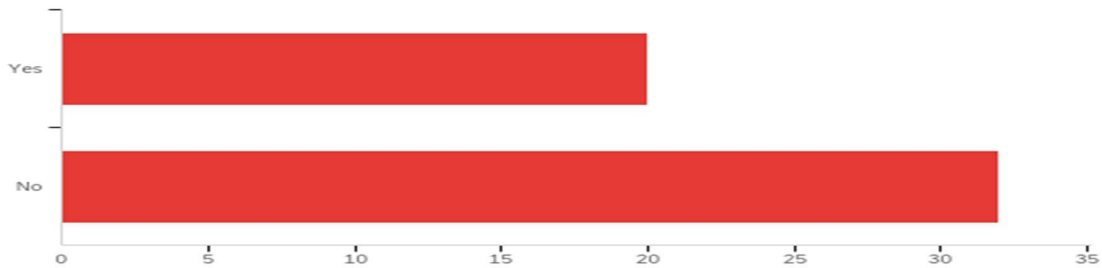
IAC RESPONDENTS		
Answer	% of IAC Respondents	Count
Part of a branch-wide approach	22.22%	8
Appellate Court only plan	75.00%	27
Shared with another entity	2.78%	1
Total	100%	36

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<u>COLR RESPONDENTS</u>		
Answer	% of COLR Respondents	Count
Part of a branch-wide approach	37.50%	6
Appellate Court only plan	56.25%	9
Shared with another entity	6.25%	1
Total	100%	16

Q9 - Did the appellate bar or other stakeholders provide input during the planning process?



<u>ALL RESPONDENTS</u>		
Answer	% of All Respondents	Count
Yes	38.46%	20
No	61.54%	32
Total	100%	52

<u>IAC RESPONDENTS</u>		
Answer	% of IAC Respondents	Count
Yes	44.44%	16
No	55.56%	20
Total	100%	36

<u>COLR RESPONDENTS</u>		
Answer	% of COLR Respondents	Count
Yes	25.00%	4
No	75.00%	12
Total	100%	16

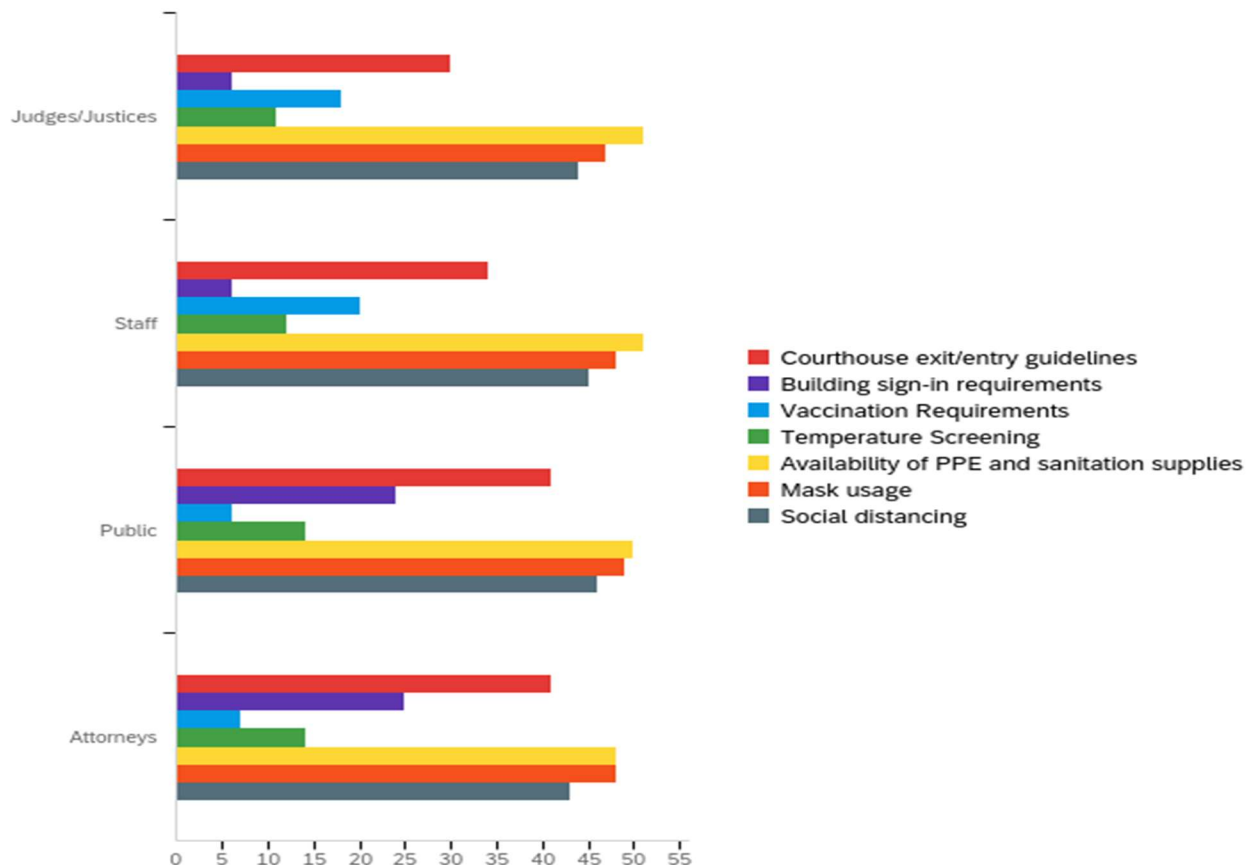
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Q11 - Are there, or will there be, policies with respect to future courthouse use, regarding the following health/safety protocols?

ALL RESPONDENTS Answer	Yes		No		Total
	%	- Count	%	- Count	
Building and workspace cleaning protocols	86.44%	51	13.56%	8	59
HVAC improvements	48.21%	27	51.79%	29	56
Courthouse exit/entry guidelines	77.19%	44	22.81%	13	57
Building sign-in requirements	56.14%	32	43.86%	25	57
Vaccination Requirements	38.60%	22	61.40%	35	57
Temperature Screening	30.36%	17	69.64%	39	56
Directional flow considerations in common/public areas	35.71%	20	64.29%	36	56
Break room and kitchen guidelines, e.g., social distancing or masking	76.79%	43	23.21%	13	56
Reconfiguration of employee workspaces	49.12%	28	50.88%	29	57
Availability of PPE and sanitation supplies	92.98%	53	7.02%	4	57
Mask usage	87.93%	51	12.07%	7	58
Social distancing	87.50%	49	12.50%	7	56

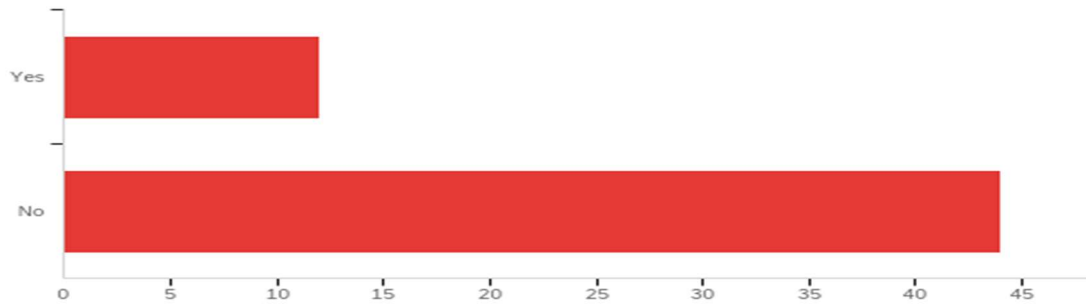
Q12 - Will the protocols be applicable to:



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<u>ALL RESPONDENTS</u> Answer	Judges/Justices	Staff	Public	Attorneys
Courthouse exit/entry guidelines	30	34	41	41
Building sign-in requirements	6	6	24	25
Vaccination Requirements	18	20	6	7
Temperature Screening	11	12	14	14
Availability of PPE and sanitation supplies	51	51	50	48
Mask usage	47	48	49	48
Social distancing	44	45	46	43

Q28 - Do you anticipate that your court's return to courthouse plans will change within the next 60 days or so?

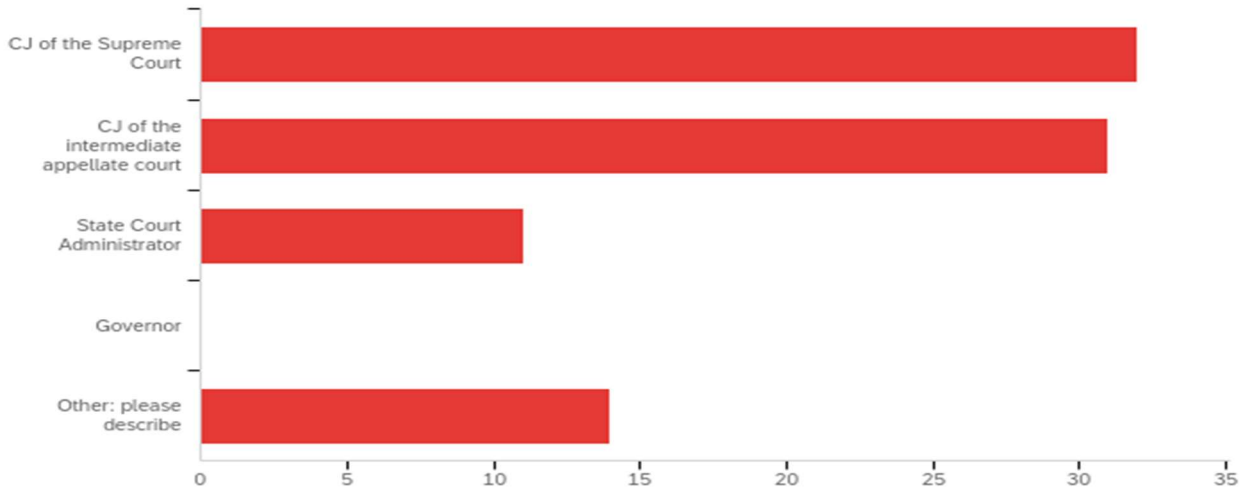


ALL RESPONDENTS Answer	% of All Respondents	Count
Yes	21.43%	12
No	78.57%	44
Total	100%	56

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Q30 - Are final decisions regarding the return to the courthouse for your court made by (check all that apply):



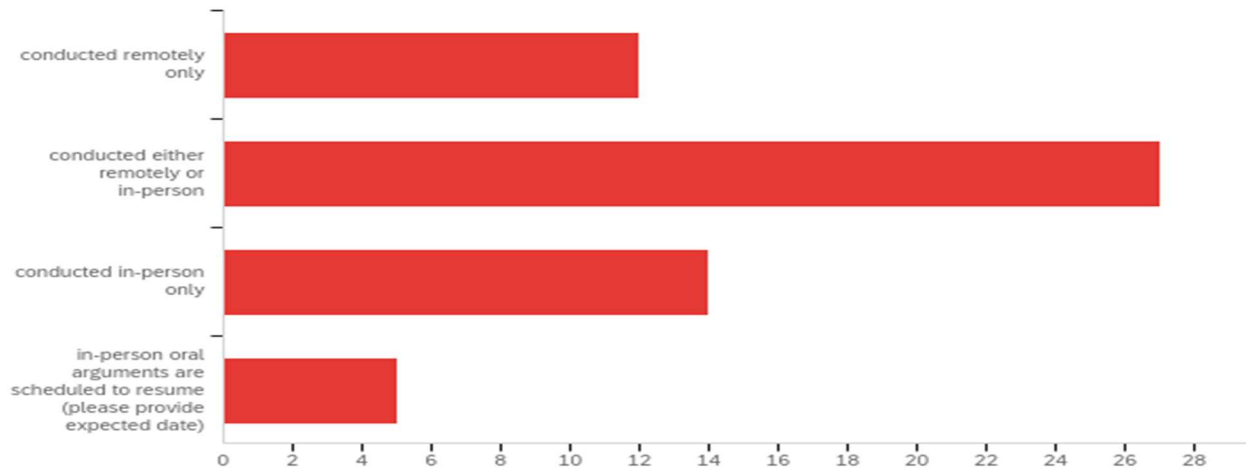
ALL RESPONDENTS Answer	% of All Respondents	Count
CJ of the Supreme Court	36.36%	32
CJ of the intermediate appellate court	35.23%	31
State Court Administrator	12.50%	11
Governor	0.00%	0
Other: please describe	15.91%	14
Total	100%	88

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Focus Area – Conducting Appellate Oral Arguments

Q13 - Presently, appellate oral arguments are:



ALL RESPONDENTS - Answer	% of All Respondents	Count
conducted remotely only	20.69%	12
conducted either remotely or in-person	46.55%	27
conducted in-person only	24.14%	14
in-person oral arguments are scheduled to resume at a later date	8.62%	5
Total	100%	58

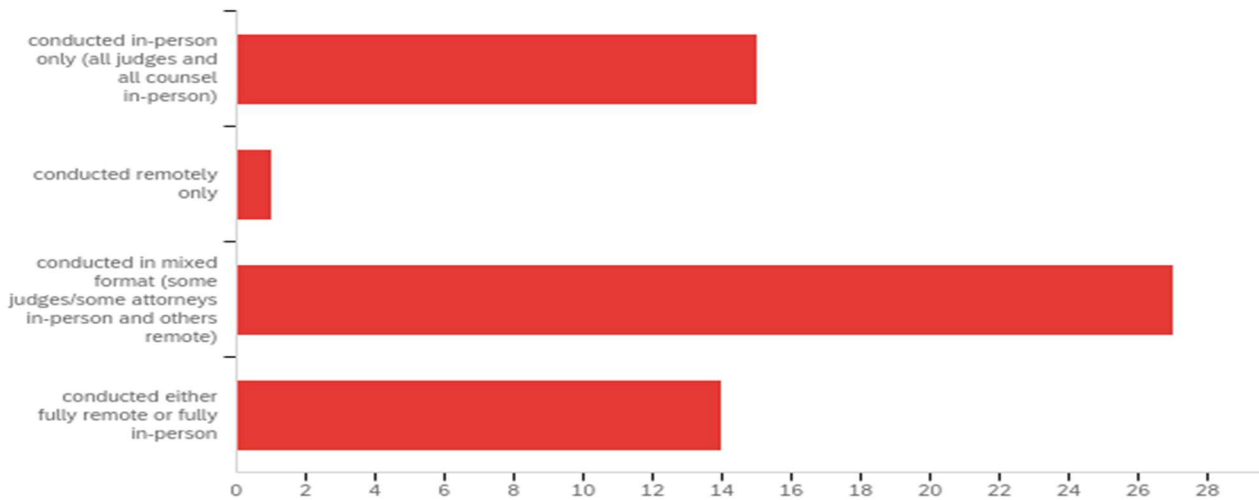
IAC RESPONDENTS - Answer	% of IAC Respondents	Count
conducted remotely only	23.81%	10
conducted either remotely or in-person	52.38%	22
conducted in-person only	16.67%	7
in-person oral arguments are scheduled to resume at a later date	7.14%	3
Total	100%	42

COLR RESPONDENTS - Answer	% of COLR Respondents	Count
conducted remotely only	12.50%	2
conducted either remotely or in-person	31.25%	5
conducted in-person only	43.75%	7
in-person oral arguments are scheduled to resume at a later date	12.50%	2
Total	100%	16

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Q14 - Future oral arguments are expected to be:



ALL RESPONDENTS - Answer	%	Count
conducted in-person only (all judges and all counsel in-person)	26.32%	15
conducted remotely only	1.75%	1
conducted in mixed format (some judges/some attorneys in-person and others remote)	47.37%	27
conducted either fully remote or fully in-person	24.56%	14
Total	100%	57

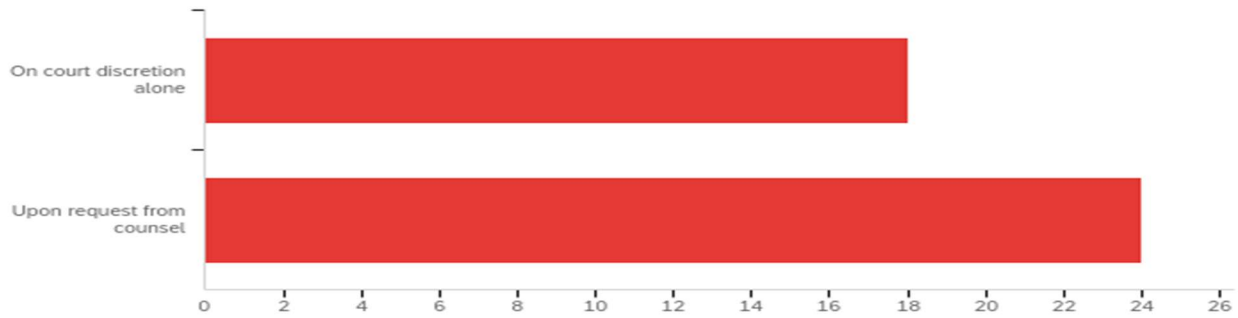
IAC RESPONDENTS - Answer	%	Count
conducted in-person only (all judges and all counsel in-person)	24.39%	10
conducted remotely only	2.44%	1
conducted in mixed format (some judges/some attorneys in-person and others remote)	46.34%	19
conducted either fully remote or fully in-person	26.83%	11
Total	100%	41

COLR RESPONDENTS - Answer	%	Count
conducted in-person only (all judges and all counsel in-person)	31.25%	5
conducted remotely only	0.00%	0
conducted in mixed format (some judges/some attorneys in-person and others remote)	50.00%	8
conducted either fully remote or fully in-person	18.75%	3
Total	100%	16

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Q15 - The appellate court will schedule remote oral arguments:



ALL RESPONDENTS Answer	% of All Respondents	Count
On court discretion alone	42.86%	18
Upon request from counsel	57.14%	24
Total	100%	42

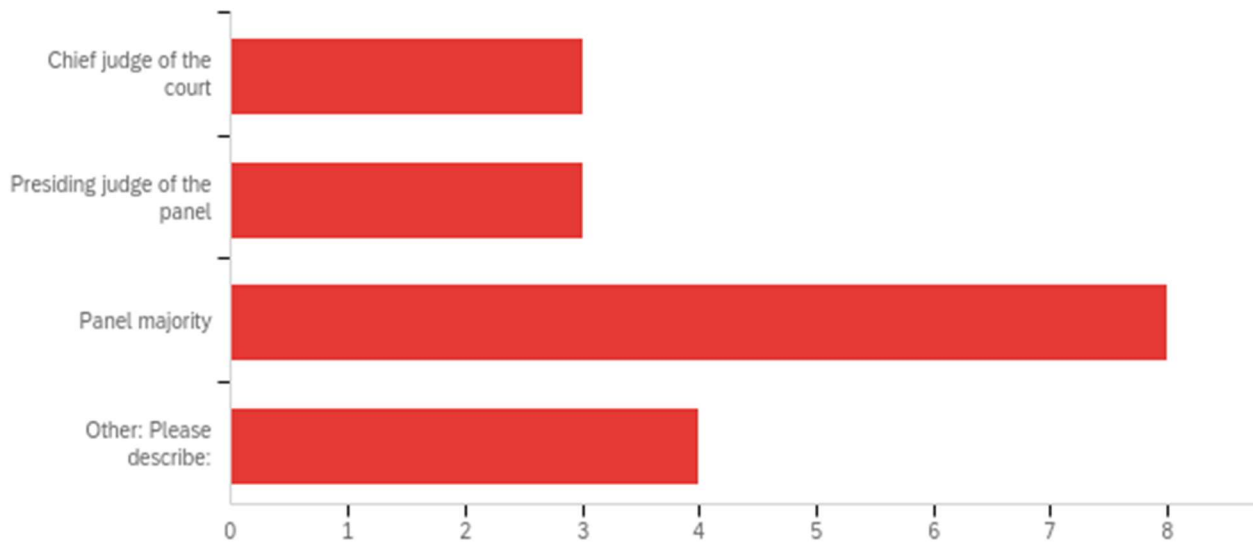
IAC RESPONDENTS Answer	% of IAC Respondents	Count
On court discretion alone	37.93%	11
Upon request from counsel	62.07%	18
Total	100%	29

COLR RESPONDENTS Answer	% of COLR Respondents	Count
On court discretion alone	53.85%	7
Upon request from counsel	46.15%	6
Total	100%	13

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Q16 - On whose discretion will remote arguments be allowed:



ALL RESPONDENTS Answer	% of All Respondents	Count
Chief judge of the court	16.67%	3
Presiding judge of the panel	16.67%	3
Panel majority	44.44%	8
Other: Please describe:	22.22%	4
Total	100%	18

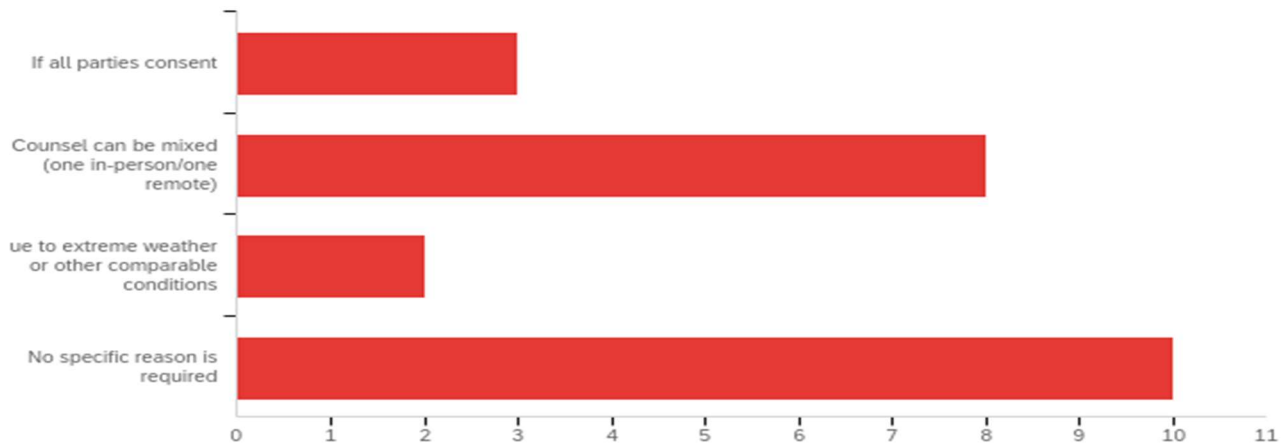
IAC RESPONDENTS Answer	% of IAC Respondents	Count
Chief judge of the court	18.18%	2
Presiding judge of the panel	27.27%	3
Panel majority	45.45%	5
Other	9.09%	1
Total	100%	11

COLR RESPONDENTS Answer	% of COLR Respondents	Count
Chief judge of the court	14.29%	1
Presiding judge of the panel	0.00%	0
Panel majority	42.86%	3
Other	42.86%	3
Total	100%	7

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Q17 – Under what conditions will remote arguments be allowed:



ALL RESPONDENTS Answer	% of All Respondents	Count
If all parties consent	13.04%	3
Counsel can be mixed (one in-person/one remote)	34.78%	8
Due to extreme weather or other comparable conditions	8.70%	2
No specific reason is required	43.48%	10
Total	100%	23

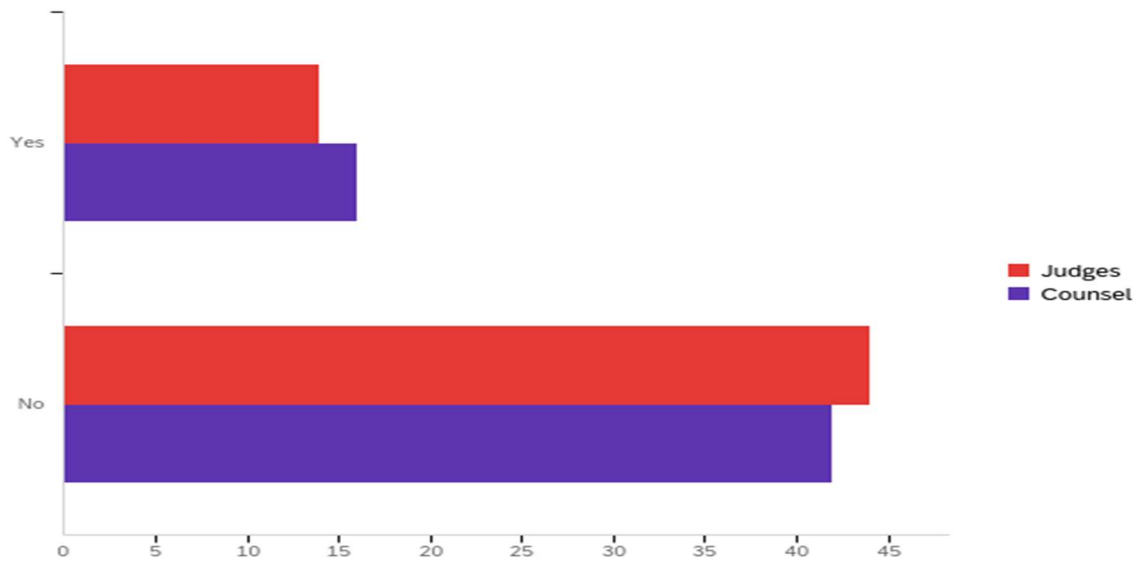
IAC RESPONDENTS Answer	% of IAC Respondents	Count
If all parties consent	17.67%	3
Counsel can be mixed (one in-person/one remote)	29.41%	5
Due to extreme weather or other comparable conditions	11.76%	2
No specific reason is required	41.18%	7
Total	100%	17

COLR RESPONDENTS Answer	% of COLR Respondents	Count
If all parties consent	0.00%	0
Counsel can be mixed (one in-person/one remote)	50.00%	3
Due to extreme weather or other comparable conditions	0.00%	0
No specific reason is required	50.00%	3
Total	100%	6

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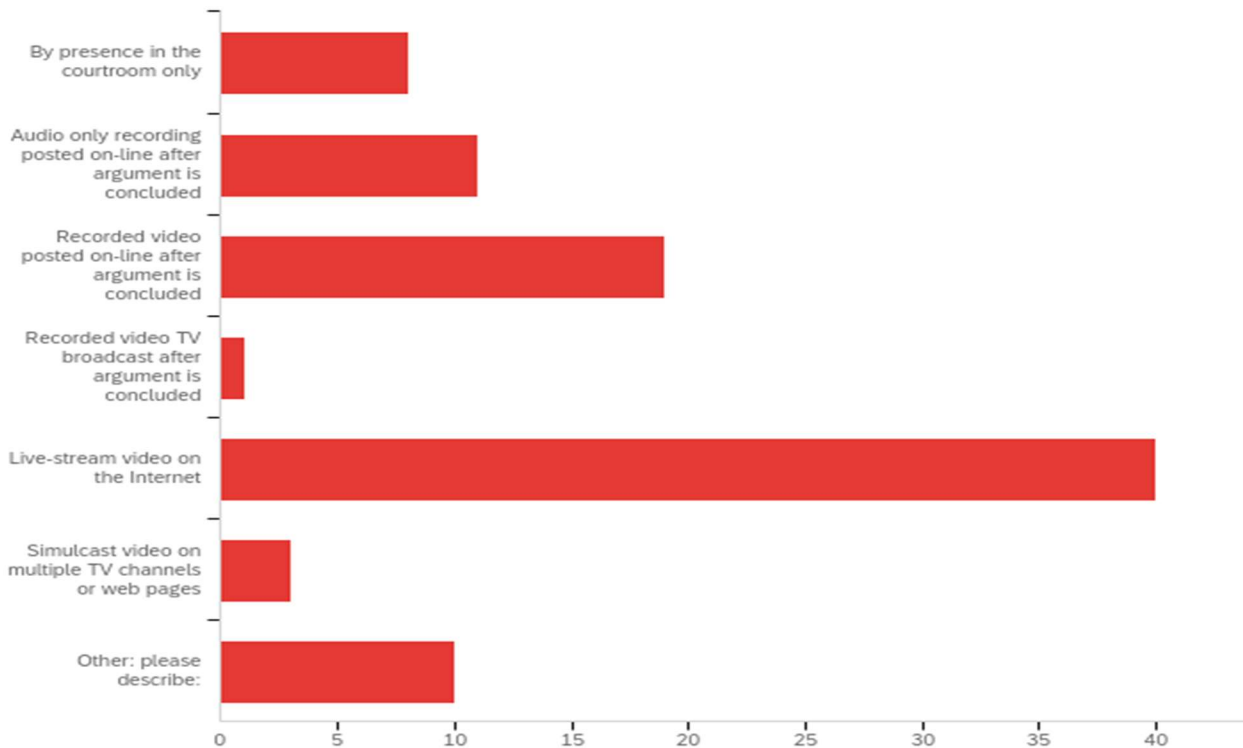
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Q18 - Were judges or counsel permitted to appear remotely prior to the pandemic?



ALL RESPONDENTS - Answer	Yes		No		Total
	%	Count	%	Count	
Judges	24.14%	14	75.86%	44	58
Counsel	27.59%	16	72.41%	42	58

Q20 - How are appellate oral arguments made available to the public?



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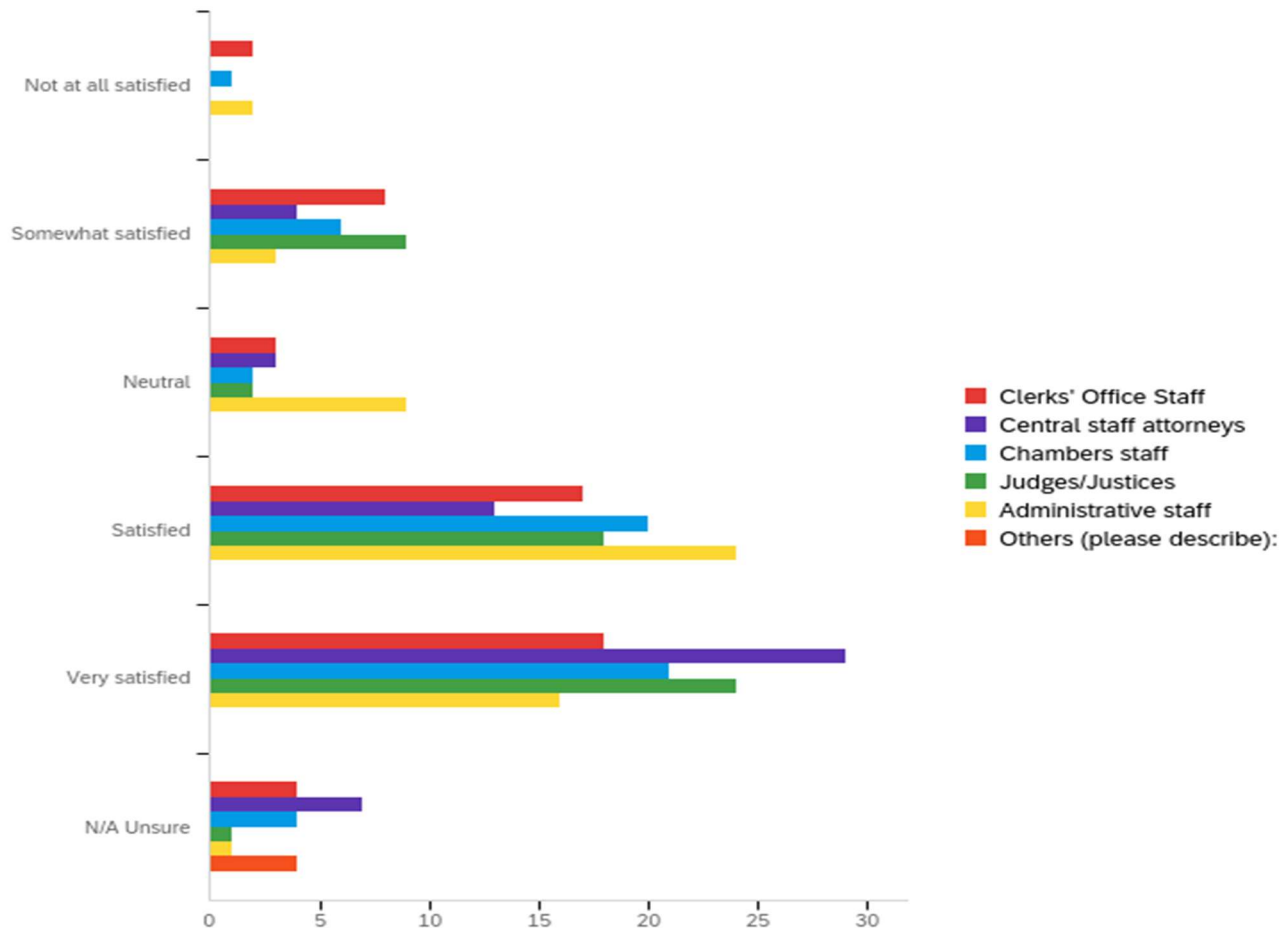
ALL RESPONDENTS		
Answer	% of All Respondents	Count
By presence in the courtroom only	8.70%	8
Audio only recording posted on-line after argument is concluded	11.96%	11
Recorded video posted on-line after argument is concluded	20.65%	19
Recorded video TV broadcast after argument is concluded	1.09%	1
Live-stream video on the Internet	43.48%	40
Simulcast video on multiple TV channels or web pages	3.26%	3
Other: please describe:	10.87%	10
Total	100%	92

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Focus Area – Remote Working Arrangements

Q22 - Recognizing that perspectives vary among individual employees, please use the table below to rate the court's overall satisfaction level with remote working arrangements among the following groups:



Answer	Combined Respondents - Count						Mean Rating (see note below)
	Not at all satisfied	Somewhat satisfied	Neutral	Satisfied	Very satisfied	N/A Unsure	
Clerks' Office Staff	2	8	3	17	18	4	3.85
Central staff attorneys	0	4	3	13	29	7	4.37
Chambers staff	1	6	2	20	21	4	4.08
Judges/Justices	0	9	2	18	24	1	4.08
Administrative staff	2	3	9	24	16	1	3.91
Other	0	0	0	0	0	4	

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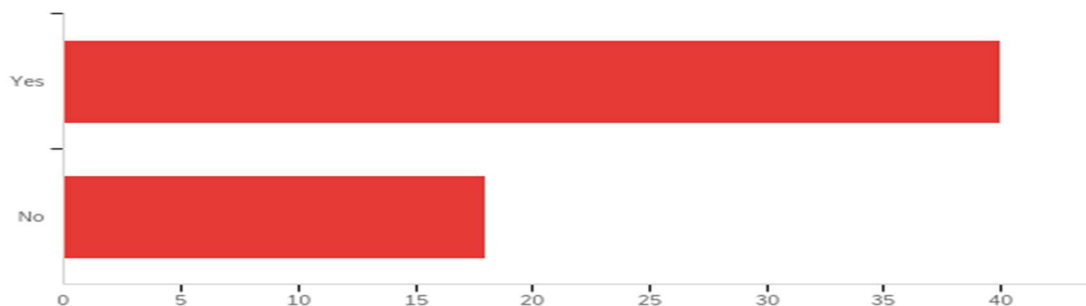
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Answer	IAC RESPONDENTS - Count						Mean Rating (see note below)
	Not at all satisfied	Somewhat satisfied	Neutral	Satisfied	Very satisfied	N/A Unsure	
Clerks' Office Staff	1	8	1	10	15	2	3.86
Central staff attorneys	0	4	2	8	23	4	4.35
Chambers staff	1	5	0	15	17	2	4.11
Judges/Justices	0	8	0	12	19	0	4.08
Administrative staff	2	3	5	16	14	0	3.93
Other	0	0	0	0	0	2	

Answer	COLR RESPONDENTS - Count						Mean Rating (see note below)
	Not at all satisfied	Somewhat satisfied	Neutral	Satisfied	Very satisfied	N/A Unsure	
Clerks' Office Staff	1	0	3	7	3	2	3.79
Central staff attorneys	0	0	1	5	6	3	4.42
Chambers staff	0	1	2	5	4	2	4.00
Judges/Justices	0	2	0	6	5	1	4.08
Administrative staff	0	0	4	8	2	1	3.86
Other	0	0	0	0	0	2	

Note: Rating scores are quantified as: Not at all Satisfied = 1; Somewhat Satisfied = 2; Neutral = 3; Satisfied = 4; Very Satisfied = 5. The N/A – Unsure counts were excluded in the calculation of the mean ratings for these responses.

Q23 - Does the appellate court have a Remote Work Policy?

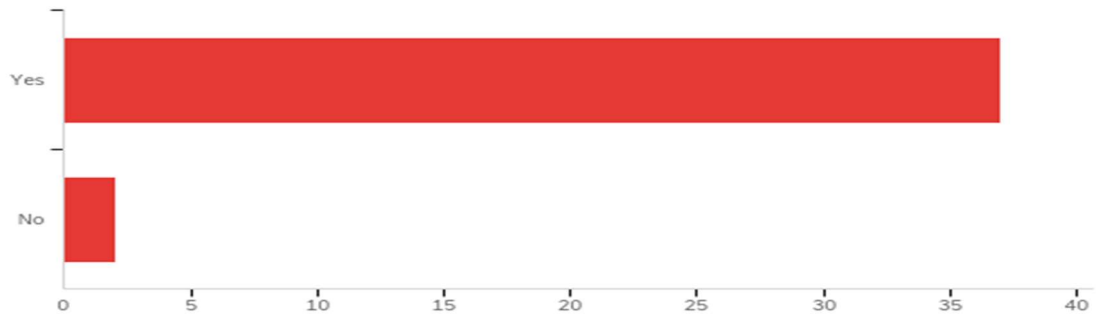


ALL RESPONDENTS - Answer	% of All Respondents	Count
Yes	68.97%	40
No	31.03%	18
Total	100%	58

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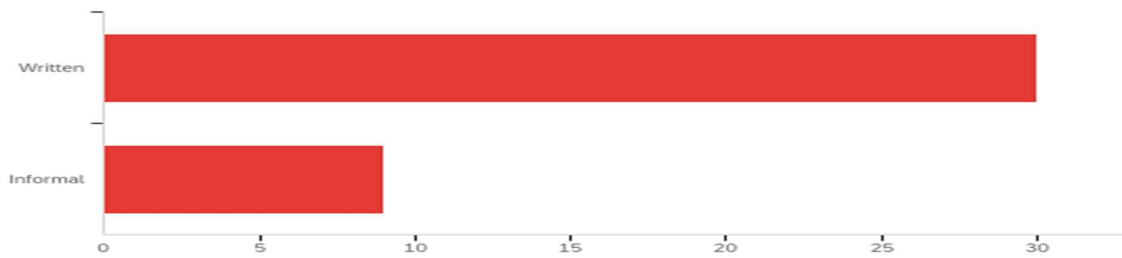
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Q31 - Does the Court's remote work policy provide for ongoing remote work arrangements for staff?



ALL RESPONDENTS Answer	% of All Respondents	Count
Yes	94.87%	37
No	5.13%	2
Total	100%	39

Q24 - Is the policy:

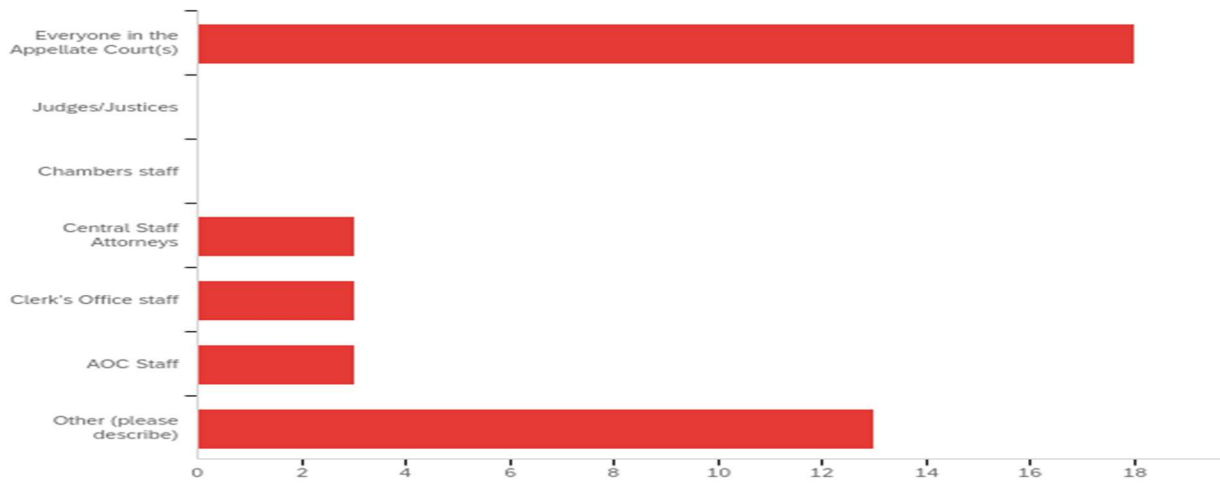


ALL RESPONDENTS Answer	% of All Respondents	Count
Written	76.92%	30
Informal	23.08%	9
Total	100%	39

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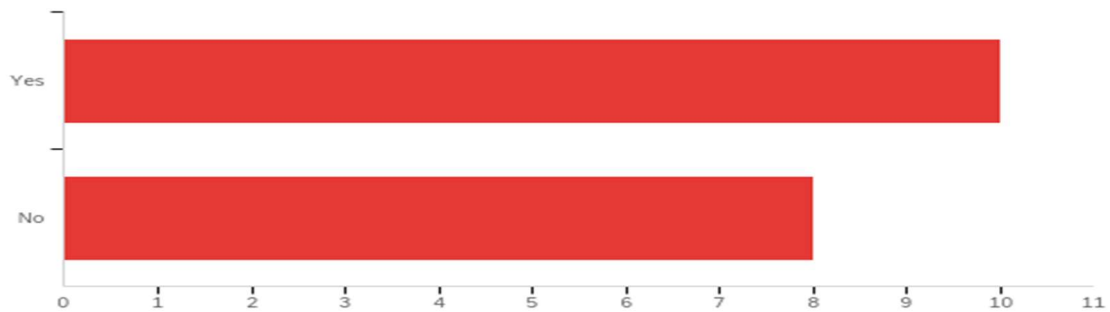
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Q26 - The Remote Work Policy applies to:



ALL RESPONDENTS - Answer	% of All Respondents	Count
Everyone in the Appellate Court(s)	45.00%	18
Judges/Justices	2.50%	1
Chambers staff	2.50%	1
Central Staff Attorneys	2.50%	1
Clerk's Office staff	7.50%	3
AOC Staff	7.50%	3
Other (please describe)	32.50%	13
Total	100%	40

Q27 - Is such a plan being considered?



ALL RESPONDENTS - Answer	% of All Respondents	Count
Yes	55.56%	10
No	44.44%	8
Total	100%	18