E-Reminders Toolkit

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Introduction

This toolkit is for court staff who want to launch a text or email reminder system or learn more about how to improve their current system. It offers an overview of the different types of systems available and things to keep in mind when designing or selecting a system that best meets your court's needs. This toolkit draws on the experiences of courts that have successfully implemented electronic reminder systems, national research, and conversations with experts. We hope this will help you make informed decisions about how to maintain a system that effectively helps court users meet their obligations to appear in court.

This guide is meant to be useful and handy, so we use hyperlinks throughout to point you directly to valuable resources. We preserved the links for posterity, but NCSC is not responsible for the status or content of any linked material not produced by NCSC.

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Introduction

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Table of Contents

How electronic reminder systems improve court appearances

This toolkit is designed to help your court plan and implement one of the most promising and effective approaches to improving court appearance rates: electronic reminders. Electronic reminder systems, or eReminders, are a simple and effective way to get more people to show up for court on time. These systems can send a text message, email, and/or automated phone call to people who have upcoming court dates or other obligations, such as payments due. Electronic reminders can also be used to inform people about new filings in their case, court closures, or emergency information.

Some recent examples of statistical analyses showing that eReminders improve appearance rates include:

- A study of over 10,000 court users in Santa Clara, California revealed that sending automated reminders was cost-effective and significantly reduced the rate of missed appearances.

- In partnership with New York City, Ideas42 redesigned court forms and sent text message reminders, reducing missed appearances and preventing over 30,000 arrest warrants in just three years. Their study also found that while many people believe missing court is intentional, the interventions helped substantially improve appearance rates, indicating that at least some portion of missed appearances can be attributed to human error that electronic reminders could help prevent.

- In 2021, the New York City Criminal Justice Agency helpfully summarized a growing body of research showing that electronic reminders help reduce missed appearances.

Paired with other access to justice approaches, including the use of remote hearing options, plain language forms and websites, and policies to accommodate people with specific needs, eReminders can be a powerful tool for improving appearance rates.

Planning: assess your needs and capacity

The first critical step in developing an eReminder system is to assess your court's needs. This includes evaluating the systemic legal issues your court wants to address (e.g., issuing and serving warrants, suspending driver's licenses, default judgments), and the practical and operational aspects of implementing the system, maintaining it, and achieving an improvement in appearance rates. Assessing your court's needs can also help you anticipate the potential benefits and challenges of eReminders for the court and its users. In some cases, your court may even be able to leverage existing opportunities to create an eReminder system.

Assessing needs

First decide why you want to implement an electronic reminder system. Is the court spending a lot of time on cases where defendants do not appear? Is law enforcement spending a lot of resources serving warrants or holding people in jail pre-trial for missed appearances? Are many people losing their licenses? Are those people potentially driving on suspended licenses? Are many eviction or consumer debt cases resulting in default judgments? The answers to these questions and others can help focus your efforts.

Here are some ways you can gain a deeper understanding of your court's needs:

- Engage with internal and external stakeholders to learn more about the challenges they face. Internally, court staff such as judges, attorneys, court clerks, and security staff can provide feedback. Front-line and help center staff often have the most daily interactions with court users and can offer their observations about why people miss court. Externally, consider gathering feedback from legal services offices, law enforcement, court users, and community representatives.

- Analyze your case management system data to identify patterns of missed appearances. For example, do certain case types, days of the week, times of day, or geographic areas generate higher rates of missed appearances than others?

- Use free data to understand your community needs. For example, Census data from the American Community Survey shows what languages are spoken in your court's community, which can help you determine if you should provide information in languages other than English. This broadband map from the FCC contains information about broadband access, which can indicate the existence of any digital divide in your community. You can learn more about using census data by watching NCSC's Tiny Chat.

- The court's own data on interpreter needs and use can help you understand more about language needs among court users.

- Consider using focus groups to gather community data about how court users communicate and connect with the court. For example, is the court in a largely rural area where people rely more on landline phones? Do many users have pre-paid phone plans that may run out of minutes? Do people use email regularly? Et cetera.

Assessing capacity

Once you understand your court's needs, you should start to determine what tools your court has available. Start with a system assessment to understand what you are working with. What staff are available to assist in first developing, then launching and operating, an eReminder system? Do you have an electronic case management

system? Do you have any mechanisms for collecting court user contact information (paper or electronic forms, court website, etc.)?

The next few sections of this toolkit provide more guidance on how to answer some of these questions and others that touch on critical steps any court will need to take to develop and implement an effective eReminder system.

Assembling a project team

It is important to engage many stakeholders in all phases of planning, implementing, testing, and ongoing support and improvements to any eReminder system. Use the expertise of court administrators, clerks, assistants, and IT personnel to develop a working and sustainable system. You should also include community groups, lawyers, and court users as you plan your project. Stakeholder collaboration ensures a more comprehensive understanding of the challenges the court faces, and can offer solutions tailored to the court's needs.

Here are just a few examples of where you can find help and guidance on how to assemble a project team:

- For criminal cases, Local Criminal Justice Advisory Committees (CJAC) or Criminal Justice Coordinating Councils (CJCC) can provide guidance on court and community needs. For civil cases, look to Access to Justice Commissions, Court Pro Bono Committees, Bar Foundations or Bar Associations, court self-help centers, legal service providers, and community and advocacy organizations for similar insight. These groups can help you learn more about who is missing court, why they are missing court, and how to focus your efforts for maximum impact.
    - These committees often have local policymakers, such as funding unit and law enforcement representatives, and other government stakeholders.
    - These committees may include leaders and representatives from nonprofit organizations, local faith–based groups, and other community leaders who can bring the community perspective to the court.
    - The National Institute of Corrections (NIC) created national standards for criminal justice coordinating councils. The NIC also offers general guidelines for developing a criminal justice coordinating council, along with examples of councils from around the country.
- Consultants and technical assistance providers can offer direct services in various capacities such as soliciting funding, researching providers to fit the courts' needs, and engaging with stakeholders on behalf of the court. For example, NCSC advises courts on a variety of access to justice issues. See our website for ways to connect with us.

- Listservs and forums can help court staff and leaders understand if there are similar courts that use similar services. For example, you can use listservs to solicit reviews on vendors and share best practices. Some listservs to explore include the Self-Represented Litigation Network (SRLN), law library associations, and local housing or community advocacy-based forums. For courts that have an IT Director or CIO as a member of the Court Information and Technology Officers Consortium (CITOC), the CITOC Listserv can a valuable resource for sharing and requesting information regarding eReminders.

Project team roles

Here is an example of what a project team might look like:

Title	
Project manager	Oversees the entire eReminder system implementation from planning to launch; coordinates with all team members to ensure objectives are met; manages timelines, resources, and budgets; identifies project risks.
Court staff	Responsible for the day-to-day use of the eReminder system; capture and update data; communicate with court users and answers questions; troubleshoot problems or elevate them as needed.
IT staff	Evaluate, integrate, and maintain the eReminder system within the court's IT infrastructure; ensure data security and privacy; liaise with software providers or developers; leverage existing systems to support eReminders.
Judges	Provide feedback on the system's utility and impact on court proceedings; champion the eReminder system to other court staff; offer insights into what reminders or information are most useful from a judicial perspective.
Lawyers	Offer feedback from personal and court users' perspectives; help identify potential legal or procedural issues with reminders.
Community groups	Provide community insights into the eReminder system; assist with outreach and encouraging people to participate in the system.
Court users	Offer feedback and insights on usability, content, timing, and effectiveness of eReminders.
Outside vendors	If using third-party software or platforms, they provide technical support, system updates, and ensure the solution meets court requirements; may also offer training or guidance on best practices.

All staff who will use the eReminder system should receive training on how to use it. This includes judicial staff, court clerks, and other personnel responsible for scheduling and managing court proceedings.

Scoping the project and identifying vendors

Once your team is assembled, make sure you coordinate with your court's IT department to plan for and begin consulting with potential vendors. Understanding the implications of any new technology is crucial, and your IT staff can help you best define the scope of services that will meet your court's needs.

NCSC and Small Scale's Exiting Technology Projects tool can help court stakeholders ensure service continuity, enable future technology upgrades, and plan for contingencies. The tool helps you to assess your current technological capacity and prepare for future use and upgrades. It can also help you evaluate vendor proposals, and document and analyze outcomes.

Internal or external builds

Courts can either build their own eReminder system or use one built by someone else. It is helpful to consider the differences between an internal and external build of an eReminder system to pick an option that suits your court's capabilities and needs.

Internal build

An **internal build** of an eReminder system is one the court creates and manages using its own project managers and developers. In some cases, this can be a cost-effective way for courts to create a system that works for both court users and staff. This approach allows the court to retain full control of design, integration, operation, and updates. It also enables the court to create and tailor a system to meet its specific needs, as well as those of its key partners.

In most cases, the court's IT department will be responsible for the creation and success of its system. The IT department will have to work with other court departments, such as clerks, judicial staff, or any department that handles docketing and scheduling, to understand and gather any information about systems currently in place. Many IT departments would also be responsible for initial implementation, program management and support, and change management. The IT department will also need to consider the court's technology standards; IT staff should know whether there are any standards to consider.

You should consider the size and capacity of your IT department in deciding whether to pursue an internal build, as well as how any built system might integrate with other software, which may or may not also be built in house. NCSC's Court Component Model, under development at this time, encourages a modular approach to court technology systems, including a "notifications" component that could satisfy the court's specific needs for eReminders.

If you opt to build an eReminder system internally, take advantage of any opportunities to approach the project in an Agile or other iterative type development. With such a framework, the court can get multiple opportunities to ensure the product will meet the needs of both the court and court users as it is developed.

External build

An **external build** of an electronic reminder system is one designed and built by some entity other than the court. This approach involves contracting and working with a private vendor who can provide the system, or using a system provided by the state, county, or municipal government. Sometimes, the same vendor or government entity that maintains the court's existing case management software can create an eReminder system or integrate a separate component into their software. While the court relies on the vendor's expertise to set up the system and troubleshoot major technical difficulties, in most cases, court staff are responsible for the day-to-day implementation and use of the software.

An external build from a private vendor will require contracting. This may require a request for information (RFI) or a request for proposals (RFP) or both, and may involve a procurement process with multiple bids. Laws and policies governing RFIs and RFPs vary, and NCSC advises you to seek a legal opinion if you have questions about this process. NCSC's Tiny Chat 56: Procurement gives an overview of how to create an RFI and provides an example of an RFP.

Your court will then have to consider vendor pricing and capabilities. Court leadership should also plan and accommodate for training on the software. An external build is a common solution where courts may have limited internal staffing and can use the vendor to help with maintenance and support.

Some courts may already have a case management system (CMS) that contains the ability to send text messages, emails, or phone reminders, but that feature is not yet activated, or the component may not be available with their current contract. Courts should inquire with the vendor or government that operates the CMS to explore whether this is an option. Turning on such a feature could require some internal building, using of an external vendor's product, or some combination of both.

If you engage with a private vendor, you will need to enter into a contract with that company that defines the scope of work. NCSC's guide on Contracting Digital Services offers guidance in three areas that courts should consider in any process involving a contract for digital services:

1. a review of the status quo of digital contracting;
2. defining procedural principles for procuring digital services; and
3. an overview of common digital contracts and considerations for courts

The guide also has information on integrating and customizing technology, security and data privacy, scalability, and support and maintenance.

Other resources to consider

Other court partners or justice system stakeholders may have their own software or CMS with the ability to send eReminders. Consider partnering with pretrial services, probation, or the public defender's office when possible.

Text, email, or call?

Think about what method(s) of communication your court wants to use to reach people. Text messages, emails, and phone calls, each have advantages and limitations.

Text messages are a common method of communication, and most people have cell phones. A study by the PEW Research Center found that roughly 97% of Americans own some kind of cellular device, with over 85% reporting that device is a smartphone. Studies also show that about 98% of people open and read text messages sent to their phones. For some people, cell phone numbers can be a more reliable method of contact than mail sent to a physical address.

Text messages can also be cost-effective, especially when they are sent in higher volumes. However, their effectiveness may be limited for individuals without regular access to a cell phone and a steady number. Further, certain government regulations limit how and when commercial entities can send texts. While NCSC is unaware of any situation in which those federal regulations have been applied to government texts, your court should be aware of the legal landscape surrounding automated text messages. See the section on legal considerations.

Email reminders are also convenient and are more customizable than texts. Like text messages, emails can also be cost-effective when sent in bulk. People may have maintained a consistent email address longer than a phone number. However, people may read their emails less frequently, or emails could be routed to junk mail folders. On the plus side, emails may allow for more customization options than text messages, and can facilitate the use of more accessible fonts and font sizes, as well as the use of images, which can be particularly helpful for those with limited literacy.

Automated phone calls provide effective communication for people who may not have access to either text or email. However, these often lack a personal touch and customizability compared to the other two methods. Many people also ignore calls from unknown numbers and/or consider them spam or telemarketing efforts. For people on pre-paid phone plans or who live in areas without regular phone coverage, the risks of missing a call are higher. People may be able to view texts and can access email by connecting to wi-fi without needing to have phone minutes available or even cellular phone service.

But you don't have to choose just one method. Ultimately, the more methods your court can deploy to give flexibility to court users and create a greater number of potential touchpoints, the better.

Service vendors

This section contains a brief overview of commonly used text message service providers. NCSC does not endorse any specific provider mentioned in this section or in this toolkit. The following are provided only as examples, and you should research any of these vendors or others thoroughly to determine if they offer the right solutions for your court's needs:

- Twilio is a platform that allows developers to create messages with programmable tools. Twilio can create automated phone calls, text messages, emails, and chats. Twilio can interface with CMS systems, including those created by Tyler Technologies.

- eCourtDate is a communications and payment platform. It can integrate with many existing CMSs via an application programming interface (API). eCourtDate can also create messages in different languages with built-in automatic translation.

- Trumpia, Callfire, Sendgrid, and Uptrust are some examples of other providers that offer cross-functional messaging systems that can work with CMS software.

- Tyler Notify is a service provided by Tyler Technologies that leverages existing Tyler software programs with a messaging service.

- SGS Technologies worked with the Florida Court System to create e-notify, which sends text and email reminders about upcoming court dates.

- The federal government is piloting Notify.gov, "a text message service that helps federal, state, local, tribal and territorial governments more effectively communicate with the people they serve." The pilot project is closed at this report's publication, but NCSC expects the program to offer new opportunities for government agencies to participate in the future. Courts can sign up for updates on the website.

Additional providers may be available in the IJIS Institute Provider Directory. To access the directory:

1. Select "Proceed," then "Courts."
2. Choose "Notifications" and then click the "Show Me" button below
3. The list will display results of providers offering reminder solutions.
4. Note that some providers offer solutions that only work with their own system, while others may support integration with other systems.

If using an outside vendor, your court must be mindful of how data is shared with that vendor for purposes of sending eReminders, as well as ownership and protection of that shared information. Your contract with the vendor should specify those agreements. NCSC's Contracting Digital Services offers guidance in these areas.

Cost

Of course, launching a new eReminder service, whether internal or external, will cost some money and resources. The cost of an eReminder system depends on several variables, including the size of your caseload, the type(s) of reminders you want to send, and what internal and external options are available in your jurisdiction. For example, eReminder systems that charge per message will be more expensive in areas with a higher caseload. Conversely, a small caseload would require fewer reminders and therefore a lesser cost.

NCSC surveyed courts around the country that currently use eReminders. Some courts report that they procured and implemented electronic reminder systems for about $25,000-$40,000, coupled with per-message costs of around a penny or less. Statewide reminder systems cost upwards of six-figures and typically include unlimited messaging, but those costs are relatively small for a statewide system serving tens or hundreds of thousands of cases. See the appendix for more detailed examples some of the systems that courts around the country currently use, their pricing models, and estimated costs.

It is important to contextualize and fully examine the costs of an eReminder system. Do not limit your cost analysis to just the implementation – consider ongoing maintenance and operational costs, as well as down-stream savings. Although minimal staff hours will be required to use and maintain the system, an eReminder system can result in substantial overall cost savings when compared to the costs of court staff and resources, prosecution and defense, and serving warrants on and incarcerating people who missed appearances. Improved communication from the court can also improve trust and confidence in the system, reduce the stress levels of court users (potentially leading to better interactions with court staff), and result in better-prepared litigants.

Here are some resources that provide guidance on how to secure funding for court projects:

- NCSC's Funding page shares resources for courts looking to solicit funding for projects, including case studies of how courts have leveraged federal funding streams. NCSC's Tiny Chat 133: Federal Funding – Use it or Lose It likewise explores examples of courts using federal funds and offers tips for courts to ensure that they don't miss out on current unprecedented levels of federal funding available to state courts.

- The SJI Funding Toolkit is a comprehensive resource to help courts and justice system partners secure federal or philanthropic funding. This toolkit comprises a wealth of resources for the entire process of seeking, writing, and managing grants.

- Federal pass-through funding is a major source of funds for state-level justice initiatives. The Pew Charitable Trusts has some helpful guidance on pass-through funding, and NCSC's Tiny Chat 3: Federal Pass Through Funding also offers examples and guidance.

- NCSC's [Tiny Chat 109: Applying for BJA Grant Funding](#) provides an overview of the U.S. Department of Justice's introduction of a new source of $750 million in Byrne-SCIP funding over five years under the Bipartisan Safer Communities Act. DOJ encourages courts to apply for funding.

Collecting contact information from court users

To deliver electronic reminders, you have to know where to send them. The court should collect reliable cell phone numbers and email addresses, much like physical addresses, during initial appearances and at other opportunities that present later in cases. Train court clerks and other staff to collect cell phone numbers or email addresses from court users. Clerks should also be trained to confirm or correct contact information with every court user at every court appearance. Think of what healthcare providers do. When you appear for a doctor's appointment, they confirm your address and health insurance information before each visit.

The following are some points of contact where the court and its partners can collect a court user's information:

- When the person is first served with a citation (in some cases, phone numbers collected by law enforcement officers are input as the main contact number);

- When someone who was arrested is released from jail;

- When a person appears in court;

- When a person checks in at a court kiosk;

- When a person appears in virtual court;

- In forms that a person fills out (such as a complaint or answer in a civil case);

- When a person visits the court website;

- When a person contacts the clerk's office; and

- In a civil case, from information the plaintiff has available or from the defendant when they appear in court. For example, [Alaska Administrative Bulletin 98](#) requires all plaintiffs to include an [Information Sheet](#) when initiating an eviction case with tenant contact information. The Information Sheet is confidential and not included in the public court record. Washington [DC Administrative Order 23-18](#) requires all plaintiffs to include the tenant's phone number and email address (if known) on the eviction complaint. And Lawrence Township (IN) asks all tenants who appear in-court to complete a [Self-Represented Litigant Answer](#) which captures their phone and email address.

Courts should also allow users to contact the court directly via an online form, email, phone, or mail to update their contact information. Instructions on how to do so should be prominently displayed on the court's website and in locations throughout the courthouse. Whenever your court collects contact information for eReminders, clarify

that the information will only be used to send electronic reminders, and not for any law enforcement or marketing purposes.

You can also work with law enforcement to collect contact information from people who are arrested or receive citations. There are a few challenges that law enforcement may encounter when trying to collect correct contact information, such as:

- The person may not have a cell phone or email address, or that number or address may change frequently;

- The person may be reluctant to give their cell phone number or email address to a law enforcement officer;

- The person may not understand the importance of providing their cell phone number or email address.

Critical elements of working with law enforcement partners entails addressing how law enforcement are viewed in a particular community, how that perception might affect officers' ability to collect information, and how law enforcement might build trust with the community. You should meet regularly with law enforcement to determine how to address these concerns.

For example, many courts have criminal justice coordinating councils, where policymakers from the court and law enforcement regularly collaborate to plan for and respond to community legal needs. If your court has such a group (see Assembling a Project Team, above), you can work with it to discuss better ways for law enforcement to collect court user contact information.

When working with external partners to collect information, including law enforcement, the court must consider whether data sharing agreements need to be in place and how court users will be informed and can give consent about their information being shared with the court. NCSC's Guide to Using State Court Data has more information on data sharing agreements.

Legal considerations

Protecting user privacy and data security

Protecting private data is critical to building trust with court users and encouraging them to engage with the court. It is essential that your court protects user privacy and ensures that any user data received as part of an eReminder program is secure. The court is responsible for managing any personal data obtained for its eReminder service, as well as defining how that data can or cannot be accessed or used by any vendors involved, as described above.

This [compliance guide](#) by Textedly offers some best practices to follow for sending text messages that protect user privacy and choice:

- *Outline your program details in the first text*: Include your court's name, message, text rate notices, terms and conditions link, privacy policy, and opt-out instructions.

- *Clearly communicate terms and conditions*: Develop a page outlining your SMS policy, provide a link in the initial text, and inform subscribers of policy changes via text.

- *Time messages appropriately*: Avoid texting before 8:00 a.m. or after 9:00 p.m.

- *Maintain transparency*: Include your court name in all messages.

- *Allow easy opt-out*: Make the opt-out process clear and simple, such as allowing subscribers to text "STOP" to unsubscribe.

Understanding FCC regulations

Courts seeking to use electronic reminders should be aware of the regulatory environment related to automated texts, emails, and phone calls. The Telephone Consumer Protection Act ([TCPA](#)) places certain restrictions on automated phone calls and has been held to also apply to commercial text messages. Regulations from the [CAN-SPAM Act](#) also restrict the content and timing of commercial text messages. To NCSC's knowledge, neither the TCPA nor the CAN-SPAM Act have been applied to informational texts from state or county government entities.[1] However, nuances may exist with regard to how the acts apply to government contractors or vendors that your court should review and consider.

Whether the Acts apply to texts from government entities or not, you should:

- obtain consent from court users to send them reminders; and

- once users opt in, explain the purpose and scope of the messages, and

- give them an easy way to stop receiving messages ("opt out").

You can allow people to sign up to receive eReminders on court forms, online, or even on the citations or summons they receive from law enforcement.[2] The court can also

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[1] A [2023 FCC ruling](#) regarding automated Medicaid texts held that state governments can send certain types of automated messages without violating the TCPA. The [FTC](#), [Textedly](#) and [Text-em-all](#) offer guidance on how to ensure automatic SMS (text) systems comply with the TCPA and CAN-SPAM for commercial texts. One FCC [ruling](#) from 2020 may indicate that a different regulatory scheme could apply to municipal courts than would apply to county or state courts. That is, municipal courts might be subject to certain regulations because they are subdivisions of incorporated entities.

[2] If law enforcement officers attempt to collect contact information for eReminders, those officers must clarify that they are collecting information on behalf of the court. The officers should also explain how the

obtain verbal consent from court users while in court and have them sign a form to confirm.

NCSC advises that courts seek a legal opinion on the applicability of any federal, state, or local regulations on automated reminders before launching an electronic reminder system. For example, the Legal Services Corporation developed guidance on the permissibility of legal aid organizations sending text reminders to clients.

Program monitoring and evaluation

Your court should collect, manage, and review information on a regular basis to understand whether your electronic reminder system is effective and where you can improve. As you plan to implement the system, consider what data your court wants to capture to ensure quality control. Some types of data your court should consider collecting include:

Population data: who is coming into court, and who is missing court.

All courts should collect demographic and geographic data on court users to understand who is using the court's services. Some data may already be available from other local sources – such as pretrial services, the prosecuting attorney, the public defender, or other government or social service agencies – and if so, could be collected from those sources to reduce the time obligation on court staff. Specific data that might be obtained from other sources include, but may not be limited to:

- whether the court user qualifies as indigent or low-income;

- the court user's demographic characteristics;

- the court user's criminal history (in a criminal case);

- the court user's primary language and accessibility needs;

- whether the court user is employed or in school full time;

- the number and age(s) of the court user's dependent(s);

- whether the court user is a resident of the court's geographic jurisdiction;

- how long the court user has lived at their current address; and

- the distance from the court user's home to the courthouse in miles.

Generalized information about the community can also be instructive in determining how to prioritize eReminder system features. For example, Geographic Information System (GIS) mapping and Census and American Community Survey data can help the

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information will be used (i.e., for sending court date reminders, and not for law enforcement purposes). The court can prepare language for law enforcement officers to use in the field. The court should also consider creating a data sharing agreement to memorialize how the data will be used and shared.

court better understand [commonly spoken languages](), commute times, [broadband penetration](), and more. You can learn more in [Tiny Chat 122: GIS Mapping]().

Individual case information: to learn about the court user's experience.

Your court should collect data on court users' experiences with the eReminder system to better understand how it functions at the individual level. Collecting and reviewing this data in the aggregate may help reveal trends regarding who is more likely to miss court, and what method(s) of communication are most helpful at improving appearance rates. Relevant data points include:

- *Message content*: the content of the message(s) the user received;

- *Method of delivery*: text, email, phone, or combination;

- *Number and timing of reminders:* the total number of reminders sent, and when they are sent – i.e., how long after citation / arrest, or before first appearance / other pretrial hearing.

- *Language access*: information pertaining to the court user's language access, such as:
    - Was an interpreter used?
    - If yes, who provided the interpretation: live person (whether remote on video platform or in person); phone service (such as Language Line); or other method?
    - Was the reminder given in the primary language spoken by the court user?

- *Disability or impairment*: if a court user has a disability or impairment known to the court, the court should note that. The court may also want to capture data on whether and how the court accommodated that disability.

- *Length of time:* to better understand whether there is any connection between appearance rates and the length of time from initial contact to first appearance, the court should record the length of time between:
    - a court user's encounter with law enforcement and first appearance in court, if a court user is not held in custody; or
    - the arraignment and the next appearance, if a court user is held in custody; or
    - in civil cases, when process was served and the first hearing date.

Appearance data: to assess whether eReminders are effective at improving appearance rates.
When combined with information about individual user experiences, data about missed appearances in individual cases can lead to a greater understanding of whether eReminders are effective at improving appearance rates. For example, if people who are not English speakers are missing appearances at a higher rate than English speakers even after eReminders, this is something the court can investigate further. Additionally, information about the small pieces of time the court and stakeholders spend on a missed appearance can generate insight into opportunities for greater efficiency. Consider collecting data on:

- Each instance in which a court user missed an appearance in court.

- Any known reasons or explanations why someone missed court.

- Trends in appearance rates over time or by demographic or geographic characteristics.

- Estimated judicial and court staff time spent on a missed appearance, including:
    - preparing for the case;
    - calling the case and attempting to contact the court user;
    - consulting with pretrial services, law enforcement, other court department, or others regarding the court user;
    - determining the court user missed an appearance;
    - hearing from the prosecuting attorney and/or defense attorney regarding the court user's missed appearance and appropriate course of action; and
    - determining what actions to take, including sanctions, if any, to impose on the court user for missing an appearance.

User feedback: to learn whether your eReminder system is useful for court users.

Some data for evaluating the program's effectiveness might be best collected from court users themselves. For example, the court could survey court users to ask the following questions:

- Did you get an eReminder?

- What type(s) of eReminders did you get?

- How many reminders did you get?

- When did you get the reminders? How many days before the court date?

- Was that the right amount of time before your court date?

- Would you like a reminder earlier? Later?

- Was the reminder helpful?

- Is there anything you would change about the reminder?

- If you were required to go to court, was public transportation available for you?
- If no public transportation was available, how did you get to court?

NCSC can help your court collect and track data to better understand how your eReminder system works. Visit our website to schedule a consultation with our Access to Justice team.

Data management

Courts must manage data to ensure the integrity and usability of the information they receive. Data must be accurately captured in a database of sufficient size and complexity to handle the necessary volume. Collect and categorize data in a format that allows court staff to easily understand, access, and distribute the information. Implement a routine maintenance system to ensure the data is accurate and complete. In any published data or reports, keep any personally identifiable information anonymized. Consult with your IT department about your technology needs to handle the volume of reminders you want to send.

Data review

Court staff must be able to prepare reports about the eReminder system to educate policymakers about the court's practices. Court staff must be proficient in preparing reports and troubleshooting problems in report preparation. Policymakers must know how to interpret the reports, including what different data points indicate, how overall trends in data reflect real-world outcomes, and how to forecast future needs. When necessary, judges and court staff should be prepared to educate policymakers on the implications of the court's data.

If you contract for an external vendor, consider asking them to set up data reports as part of the contract. That way, staff can be trained to run reports that capture the data you are looking for, and they don't have to start from scratch.

A great place to start is NCSC's Guide to Using State Court Data, which is full of tips about how to use and draw inferences from data, as well as information on data sharing agreements. Look to NCSC's Open Court Data Standards (NODS) for business and technical court data standards to support the creation, sharing and integration of court data. Using the standards helps to ensure a clear understanding of what court data represent and how court data can be shared in a user-friendly format.

Finally, NCSC's Data Dives series offers elevated guidance on proper data analytics and how to confront and overcome data problems. The series is likely more useful for courts that build their own eReminder systems internally.

Other considerations for data collection

In some jurisdictions, courts have studied the effectiveness of various types of reminders with different content. For example, reminders could include information about one or any combination of the following:

- the court date, case time, and location (physical or virtual);

- the potential consequences of missing an appearance;

- making plans to appear in court (in-person or remotely); and/or

- due process and procedural fairness considerations (i.e., protecting important rights and giving defendants a chance to tell their story / have their day in court).

If your court has capacity to both send a variety of eReminders (using different methods, content, and timing) and collect and analyze data, the court might benefit from a randomized controlled evaluation. Your court can randomize the reminders that go out, and tie data from each specific reminder to an individual record, to know which reminders went to whom. Coupled with data on appearances, it should be relatively easy to evaluate the comparative effectiveness of different reminders on improving appearance rates. This could allow the court to make highly data-informed decisions about improvements if necessary. NCSC's Guide to Using State Court Data has a number of tips about using data and drawing inferences from data, as well as information on data sharing agreements. The guide is designed for a broad audience of state and federal stakeholders, but is also helpful for court personnel seeking to better understand how to leverage data in their work.

If you intend to incorporate text reminders into civil cases, the court should capture data on the parties to civil cases in the same manner as it would a defendant in a criminal case.

The court must also decide if the data collected for eReminders becomes part of the official case or party record, or if it is retained separately. Local rules and polices may dictate the approach.

An eReminder system could also be a centralized service that can serve multiple courts within a state or district – and potentially reuse contact information. If you are creating such a centralized system, you must implement controls to ensure any eReminder recipients are not confused about which case or location the reminder is for. You can see some examples of clear messaging in the section below on Sample eReminders.

Best practices for messaging

Many resources exist for writing effective text messages. This section attempts to distill some best practices and offers a few examples to help you determine how to most effectively communicate critical information to court users. Some software programs offer customizable messaging options and can give court staff the ability to craft the exact language used in messages and customize the timing of delivery.

Write in plain language

Plain language is writing that is clear, concise, and easy to understand. It uses everyday words and avoids legal jargon or technical terms. Using plain language in eReminders helps to ensure that everyone who receives a reminder can understand it. This is especially important for people who may not be familiar with the legal system or who have limited English proficiency (LEP). You should target a 6th-grade reading level or below for any public information, including electronic reminders. Free online tools such as the Hemingway App can help court staff tailor language to meet those criteria.

NCSC offers plain language resources and a Tiny Chat for a primer on plain language writing. NCSC's Plain Language Glossary is an interactive tool that translates complex legal terms into plain language. You can download a list of all terms to refer to as you craft your messages.

Customize the content of your messages

Court reminders should convey, at a minimum, the **time, date, and location** of the court appearance. Message content and customization will depend on your software and staff capabilities. You can include other information as well, such as:

- the importance of attending the hearing to avoid additional consequences like a warrant, license suspension, or default judgment;

- ways to access transportation services to the courthouse;

- the importance of appearing in court to protect important rights; and

- contact information for any additional questions.

Use links in text messages and email, for example, to direct users to the court website, or community or legal aid resources.

NCSC's webinar, Low-Cost Ways to Increase Court Appearances, summarizes some of ideas42's research about best messaging practices. Stanford's Legal Design Lab has published various resources regarding messaging customization and best practices, such as Best Practices for Writing Government Text Messages and examples of text message scripts.

Send messages when they are most likely to be read

For reminders to be effective, they have to reach court users at critical times leading up to the court date. Ideas42's National Guide to Improving Court Appearances offers valuable insights into message timing that courts should consider, such as:

- send up to three reminders to a defendant;

- send reminders from one week to one day in advance of a court hearing; and

- send messages at the time(s) of the day when people are most likely to see them – for example, Textedly and other SMS marketing studies generally advise that morning work hours (9am – 12pm), lunch (12pm), and evening hours (5pm – 9pm) are the most effective times to text.

Accommodate people with limited English proficiency (LEP) and disabilities

It is important to make sure all aspects of your eReminders are accessible. This means ensuring that court users who have LEP can receive clear and easy-to-follow eReminders in a language they understand. Remember to consult census, ACS, and any other data available to understand your community's language needs.

For example, Massachusetts' statewide text reminder system offers texts in at least nine different languages. A case study in Santa Clara County, California offered texts in English, Spanish, and Vietnamese and saw a significant reduction in missed appearances. And a reminder program in Los Angeles sends texts in English and Spanish.

You also need to think about ways to ensure that eReminders are accessible to people with disabilities. Much of this could depend on a court user's technology (e.g., screen readers they have on their phone or computer). EReminders might not be sufficient for some people with disabilities. Work with focus groups of individual court users and disability advocacy groups in your community to make sure your eReminders reach people with disabilities effectively.

Sample eReminders

Below are some sample text messages that your court can use to send eReminders. These messages use plain language and other techniques to maximize engagement with recipients.

All new recipients should first receive a subscription message. Here is an example:

Time and type	Message content
Subscription Message	Welcome to [court's name] e-reminders. You'll get messages about your court appearances. Message & data rates may apply. See terms and conditions here [insert Terms and Conditions link]; and our privacy policy here [link]. To opt-out, text "STOP" at any time.

Here is an example of three court date reminders:

Time and type	Message content
7 days prior to hearing	Reminder from [court]: You have a [hearing type] in one week at [location]. Questions? Visit the website [link] or call the court at [phone]. *Other possible text to add:* - Mark your calendar! - Get any documents you need and be sure to bring them to court. - If you do not appear, the court can issue a warrant for your arrest. - Case number: [####}. - Questions? Call the court at [phone].

Time and type cont.	Message content cont.
3 days prior to hearing	Reminder from [court]: Your hearing is in 3 days, on [date] at [time] in [location]. *Other possible text to add:* - Plan now to get there on time. Will you take public transit? Check the route and schedule. Do you need to get a ride? Start asking. - If you do not appear, the court can issue a warrant for your arrest. - Case number: [####}. Questions? Call the court at [phone].
1 day prior to hearing	Final Reminder from [court]: Your hearing is tomorrow at [time], at [location]. *Other possible text to add:* - Show up at least 20 minutes before your hearing in case the security line is long. - If you do not appear, the court can issue a warrant for your arrest. - Your case could be dismissed or you might only have to pay a fine. [*if applicable*] - Case number: [####}. - Questions? Call the court at [phone]. To opt-out, text "STOP" at any time.

The following template would be for two messages, and includes a personalized touch:

Time and type	Message content
7 days prior to hearing	[First name], a reminder from [court name]: You have a hearing one week from today, on [date] at [time] in [location]. *Other possible text to add:* - Plan now to get there on time. Will you take public transit? Check the route and schedule. Do you need to get a ride? Start asking. - If you do not appear, the court can issue a warrant for your arrest. - Case number: [####]. - Questions? Call the court at [phone].
1 day prior to hearing (or Friday for Monday hearings)	[First name], this is your final reminder from [court name]. Your hearing is tomorrow at [time], at [location]. *Other possible text to add:* - Show up at least 20 minutes before your hearing in case the security line is long. - If you do not appear, the court can issue a warrant for your arrest. - Case number: [####}. - Questions? Call the court at [phone]. - To opt-out, text "STOP."

The court could also send messages for situations other than court date reminders:

Time and type	Message content
Missed appearance	Hi [First name]. You missed a required court appearance in [court name] on [date]. The court issued a warrant for your arrest. If you contact the court to set a new court date, the court will clear the warrant. [Court phone / email / web link]. *Other possible text to add:* - Your driver's license is suspended. Do not drive. If you contact the court to set a new court date, the court will lift the suspension for this missed appearance. [Court phone / email / web link]. - The court set a new date for your next hearing. You must appear at this hearing on [date] in [location], or you will be arrested. - The court set a new date for your next hearing. You must appear at this hearing on [date] in [location], or the court will enter a default judgment against you.
Payment obligations	[First Name], a reminder: The [court] ordered you to make payments. Go to [link / court / other location] to make payments, or call [phone]. *Other possible text to add:* - You will pay a processing fee for payments by [phone/internet]. - It is important that you pay on time. If you do not make payments on time, you will be charged more, and you could be arrested. - If you cannot make your payment on time, contact the court at [phone / email / web link]
Court closure or emergency	Alert: the [court name] is closed today, due to [reason]. You had a scheduled hearing in court today. That hearing will be rescheduled. We will contact you soon to let you know your new court date. Thank you for your patience.

Ideas42 and the University of Chicago Crime Lab's work in New York City also offers some examples of text message content that helped to reduce missed appearances.

Email reminders could include much more information. With emails, the court can convey all critical characteristics of effective reminders: the appearance time, date, and

location; planning to appear; avoiding potential consequences; and ensuring due process. Make sure to use accessible, plain language in emails, and links to keep it short. Also be mindful of the language access needs of your community, and consider including translated versions of your message.

Automated telephone reminders are also more flexible than text reminders and can contain more information. As with other types of reminders, be sure to incorporate plain language, language access, and accessibility principles into any automated phone messages.

eReminders Checklist

By this point, you not only understand the value of using eReminders to help people make it to court on time; you also are familiar with everything you have to do to launch and implement an effective system in your court. Bravo! You can use this handy checklist to chart your progress in setting up an eReminder system in your court.

Task	Done?
Planning	
Assess needs	
Assemble project team	
Scope the project	
Identify vendors	
Explore funding options	
Determine overall budget	
Plan to collect contact information	
Review legal considerations	
Plan for data collection	
Plan for data management and review	
If external build: decide on vendor, sign contract	
Draft messages	
Determine timing for delivery	
Ensure messages are accessible to all	
Implementation	
Start sending!	
Collect and review data	
Analyze whether messages are effective	
Reformulate message content or timing as needed	
Improve appearance rates!	

Appendix: Cost Examples

NCSC solicited information from courts around the country that are currently using some form of electronic reminder system about what their system costs. Many of the examples below are components added to case management systems a court already used. NCSC encourages you to explore your options to find a system that meets your court's substantive and financial needs.

NCSC received 14 responses to its survey about eReminder systems, and learned that:

1. Survey respondents had caseloads ranging from 1,600 to 400,000 cases a year. Over 60% of the respondents used some form of an external build, and over 40% of responses were from courts that use Tyler Technologies software in some capacity.

2. Costs to develop, implement, and maintain systems vary greatly and depend on factors such as existing structure and staff capacity. For example, some statewide systems cost over $250,000 when factoring in software and labor, but some smaller courts reported anywhere from $24,000 to $40,000 to build their eReminder systems.

3. Not all systems charge a per-message fee. Of systems that do charge per message, the price per message among respondents ranged from $0.0075 to $0.20.

4. Systems that cost more to build had lower annual maintenance fees, or allowed for an unlimited amount of reminders to be sent.

Here are some examples of system builds and pricing schemes:

1. A suburban court that hears both criminal and civil cases uses Tyler Technologies integrated software to send texts, emails, and automated calls to remind users of a court date. The average cost of a message is $0.20/message, and the court sends roughly 16,000 messages per year for an estimated total cost of $3,200.

2. An urban court used its IT department to build an integration between Twilio and Odyssey, its CMS. The court pays $151 per month for the Twilio service, which sends text message reminders in civil, probate, family, and domestic violence cases.

3. A rural court worked with Twilio and Sendgrid to develop a text and email eReminder system that cost roughly $40,000 to launch. The court does not pay a per message fee, but it does pay a $10 monthly service fee, which covers all maintenance.

4. An urban court worked with their CMS vendor, Proware, to procure a text message system from SMS software. The system cost roughly $24,000 to develop, and the court pays $654 dollars a year for maintenance. For 100,000 messages, it costs the court $630. The average annual caseload for cases eligible to receive eReminders is around 1,600.

5. A suburban court uses Tyler Technologies' Court Notify for criminal and juvenile cases, which includes the ability to send text reminders. The court does not pay separately for the service or per message, and sends eReminders in about 6,000 cases per year.

6. Another suburban court that uses a similar integrated Tyler notification system received the software at no cost and pays roughly $50,000 per year to maintain its entire CMS.

7. A suburban court uses Tyler Technologies' Municipal Justice notification, which is built into its CMS, to send text and email reminders to approximately 30,000 cases per year. The CMS costs $151,000 annually, including maintenance; the text reminders do not cost any additional money.

8. A rural court is currently in the pilot phase of text message reminders, in which they used an internal build and paid $2,100 for a texting module and upgraded their current CMS to use this system for the cost of $21,635. Their system costs $60 per 1,000 text messages, and $15 per 250 text messages after the first batch are used. This program is for criminal and civil court dockets.

9. A statewide court system built an internal program that sends text and email reminders to court users in their criminal docket, which is approximately 160,000 cases per year. It uses Twilio for text messages and pays an average of $0.012 per message. Each year the court sends approximately 200,000 text messages (costing $2,400) and 54,000 emails.

10. One statewide system uses a CMS created by Tyler Technologies, and Twilio to send text reminders automatically. It cost the state roughly $150,000 to develop and implement the system. The program now has an annual maintenance cost of around $150,000. The system sends reminders in criminal, civil, probate, family, and juvenile cases. Each year, this statewide system reminds users of roughly 400,000 court hearings.

11. A statewide system using text and email reminders contracted with SGS technologies to perform an external build. It cost $600,000 to design and build the system, and the system costs nearly $250,000 to maintain annually. The court sends, on average, 300,000 texts and emails total a year, at $0.0075 per text and $0.10 per email.