

# CT Judicial Branch's Post-Pandemic Pending Caseload Continues to Fall

By the Hon. Elizabeth A. Bozzuto



THE CONNECTICUT JUDICIAL BRANCH has much to be proud of as it continues to greatly reduce the impact of a world-wide pandemic on its caseload of civil, family, criminal, and juvenile matters.

There is no doubt that the pandemic presented challenges unlike we have ever seen before – and hope to never see again. These challenges required the Judicial Branch to quickly build and deploy modified processes that would keep it steadily moving toward fulfilling its constitutional responsibilities, despite the many curveballs COVID-19 hurled our way.

First and most important, our state court system never shut down. Strategically located courthouses in our largest judicial districts remained open throughout the crisis, handling cases that simply could not be postponed. During the infancy of the pandemic, the Judicial Branch directed resources to priority items that focused on constitutionally required actions and public safety, including criminal protective orders, civil orders of protection, family restraining orders, domestic violence matters, and ex-parte family matters to name a few. Simultaneously, the Branch developed an extensive remote platform, including expanded capacity for electronic processing and disposition of matters, as well as an entirely

remote virtual hearing platform, which allowed for more cases to be processed, heard, and resolved without unduly risking public and staff health and safety. Across the Judicial Branch's large footprint of 35 courthouses and 40 administrative buildings, we also reconfigured courtrooms and office space so that we could safely increase in-person volume at court facilities. In the history of the Judicial Branch, there has never been such a dramatic and far-reaching turn-around to meet the needs of the bar and the people we serve.

Incrementally, we started to see a difference regarding our pending case numbers. It's important to note that the Branch has always had a pending inventory of cases. Further, the number of pending cases accumulated during the pandemic never reached the highest number of pending cases we had experienced in the past. Due to the dedication of our judges and staff, we plugged along, determined to do what we could to mitigate those numbers and ensure that people had their day in court, whether in person or virtually. In addition to our judges and staff, we must also give credit to, and are grateful for, the members of the bar and the CBA COVID-19 Task Force, who cooperatively engaged with us as we all saw our way through this unprecedented event.

As such, Chief Justice Richard A. Robinson, Chief Court Administrator Patrick L. Carroll III, and I are pleased to report the following:

- ✱ Pending civil matters, including small claims and housing, totaled 65,218 as of September 20, 2022, representing a three percent decline from 67,067 pre-pandemic cases pending on January 1, 2019. During the pandemic, it took approximately seven months for civil matters to stabilize; however, they have sustained a period of 23 consecutive months in which more cases have been disposed than newly filed. The key to this progress was evident early on: civil matters benefitted from an early, quick conversion to remote proceedings, which allowed the Branch to conduct business during the pandemic without adversely impacting the health of the public, attorneys, staff, and judges. Many civil hearings continue to occur remotely and are livestreamed daily via the Judicial Branch's website. Additionally, the resumption of civil jury trials and the unexpected number of jurors who answered the call of duty had a positive impact on the resolution of pending civil matters.
- ✱ The pending inventory of family cases peaked on October 15, 2021, at 9,539 cases. Since then, that number has precipitously decreased to 7,479 pending cases as of September 20, 2022, a decrease of 21.6 percent in less than a 12-month period. This number is just slightly more than the pre-pandemic inventory of 6,640 pending cases as of January 1, 2019. Three factors have contributed—and, we believe, will continue to contribute—to the reduction: the increased use of remote technology; the return to typical in-person volume; and finally, the implementation of "Pathways." Pathways employs a differential case management method that determines the needs and complexity of each case early in the process and assigns each case to one of three paths for a timely and efficient resolution. As of this date, through the concerted effort of our family relations counselors, judges, lawyers and litigants, 67 percent of all dissolution actions filed are resolved on the Resolution Plan Date ("RPD"), which is the first court date, typically occurring within 30 to 45 days of the filing of the action.
- ✱ Active pending criminal and motor vehicle matters were at a pre-pandemic level of 61,684 on January 1, 2019. The same categories of cases decreased to 61,007 pending matters, as of September 20, 2022. Throughout the pandemic, criminal matters posed a unique challenge and required a significant level of coordination with the many court participants necessary to resolve a case. For example, a single case could potentially involve close to a dozen people: the defendant, victim, judge, prosecutor, public defender/private attorney, victim advocate, clerks' staff, service providers, bail commissioner, probation staff, etc. Moreover, certain criminal matters did not lend themselves to remote proceedings, but others, such as pretrials, did. In response,

the Judicial Branch leveraged its remote technology, which provided a platform to keep cases moving despite the ongoing difficulty of bringing together large groups. As for criminal jury trials, like our civil division, once it became safe to do so, the court began summoning jurors, who, in surprising numbers, answered the call. Even though 99 percent of pending cases resolve without the need for a trial, having a ready pool of jurors is an essential aspect of the judicial process and leads to the disposition of pending matters. We also don't want to minimize the impact that the pandemic posed to certain court contributors. Many of the non-profit organizations that provide services to defendants as part of various diversionary programs had to find ways to offer these programs virtually when they have historically been in-person. They too found ways to continue to serve this court population during very challenging times, and we are grateful for their continued efforts to provide these valuable services.

- ✱ Juvenile Matters are well below pre-pandemic level. Pending delinquency cases and child protection cases stood at 5,314 as of January 1, 2019. As of August 31, 2022, the number of pending delinquency cases and child protection petitions totaled 3,767.
- ✱ During the pandemic, the Connecticut Supreme Court and Appellate Court also moved to remote hearings. This allowed for both courts to assign appeals for hearings for eight terms of court and complete their respective court years. As expected, the data indicates appellate pending matters are below pre-pandemic levels. There were 217 pending appeals in the Supreme Court, 1234 appeals pending in the Appellate Court and a combined 22 pending pre-appeal motions and 36 pending petitions for certification as of January 1, 2019. As of September 27, 2022, there were 122 pending appeals with the Supreme Court, 710 pending appeals with the Appellate Court and a combined 59 pending pre-appeal motions and 54 pending petitions for certification.

The goal is to further reduce the pending inventory of cases through a judicious combination of in-person and remote hearings. Clearly, certain matters do not easily lend themselves to remote proceedings, such as jury trials, complex courtside trials and evidentiary hearings, and most arraignments. But there is no reason why, under the right circumstances, that judicial pretrials, status conferences, trial management conferences, and scheduling hearings cannot occur remotely, saving everyone time, and perhaps money as well. Such flexibility in turn provides the Judicial Branch with more options to meet its mission to serve the interests of justice and the public by resolving matters before it in a fair, timely, efficient, and open manner. In doing so, we are grateful to the bar for its support of the judiciary and our employees during the challenges now behind us and the unforeseen ones surely ahead. ■

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