

Court Staff Expectations About Pandemics

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I. Abstract

Until the turn of the 21st century, emergency management mostly focused on natural threats such as on hurricanes, earthquakes, tornadoes, forest fires etc., as well as facility fires, bomb threats and loss of electricity and communications. Both the public and private sectors have found the need for, and accepted the importance of, establishing internal departments to handle these emergency management responsibilities. Building from the work of others, this project expands the focus to include the court preparing for, and responding to, a pandemic.

During a pandemic, the illness rate is expected to be approximately 30% of the overall population and the work absenteeism rate is expected to be about 40%. Therefore, in an effort to prompt the citizens of the United States to plan and prepare for the possibility of a pandemic effecting our country, the United States Department of Health published the “Pandemic Influenza Planning: A Guide for Individuals and Families” in May of 2006. Following the publication of that document, the Florida Supreme Court published its own document titled “Florida State Courts Strategy for Pandemic Influenza – Keeping the Courts Open in a Pandemic” ordering the Florida State Court System to prepare to “keep the courts open.” This project takes constitutional mandates, presidential and judicial orders, the description of Miami-Dade County, the responsibility of the courts to the community, pandemic statistics, and pandemic assumptions into consideration and discusses the preparations needed for the Eleventh Judicial Circuit of Florida to be prepared for a pandemic.

The purpose of this project was to assist with the courts’ preparations. Research was initially conducted in two areas: 1) the effects of past pandemics, and 2) what needs

to be done to prepare for a future pandemic. Understanding the past and planning for the future are very important tasks necessary to reduce the possibility of failures in court operations amid pandemic conditions. Clearly, without prepared, trained and willing staff in place to carry out the procedures and to adjust to emergent issues, the plan will be utterly useless. Given that, since there is a plethora of detailed COOP plans and guidance documentation for preparing for a pandemic, this research was further narrowed down to the proper way to proceed with the training section of the plan to increase the probability of staff reporting to work.

Following the review and digest of numerous pandemic planning manuals and historical accounts of past pandemic events, a survey was published to four urban trial courts: Miami-Dade County (Florida), Los Angeles (California), Philadelphia (Pennsylvania), and Chicago (Illinois). The purpose of the survey was to gather data to analyze the expectations that court staff has of the court during a pandemic and how to get staff to come to work at that time. For clarification purposes throughout this paper, court staff includes the judiciary, their personal staff and employees of the Administrative Office of the Courts. This on-line questionnaire surveyed court staff concerning four issues:

- 1) An assessment of court staff's knowledge of a pandemic,
 - a. What is a pandemic?
 - b. How to prepare for a pandemic?
- 2) Identification of court staff's expectations of the court during a pandemic,
 - a. Does the court consider this a threat?
 - b. Is the court prepared?

- c. Should the court remain open?
- 3) Court staff's intentions related to work attendance,
 - a. Is it professionally acceptable to not report to work?
 - b. Will staff volunteer to help during the crisis? Leading to,
- 4) Recommended ways for the court staff's expectations of the court to meet the court's expectations of court staff
 - a. Offer special compensation,
 - b. Training for preparing the family and home,
 - c. Ensuring a safe work environment.

Project findings showed that staff needs more training and education about the pandemics. Ninety five percent of the respondents (all jurisdictions combined) have some knowledge about the issue and the greater the knowledge staff has; the better their response will be at the time of the crisis. It also showed that judges and court management have a greater understanding of the courts' responsibility to the community and the need to keep the courts open, than the general court staff and judicial staff (judicial assistants and bailiffs). Finally it showed that during the crisis, special compensation will not do as much to increase the probability of staff coming to work as implementing optimal safety in the work place and providing training to ensure that staff's family and home are prepared. The later two have a much higher level of importance than any reasonable special compensation. Cross jurisdictional analysis of the data showed that the breakdown of the percentages of answers of each question was consistent in each individual city as compared to the aggregate of all responses across the country.

The most effective action that the Miami-Dade court can take to increase the probability that staff report to work during a pandemic is to implement all the necessary steps to provide an optimally safe work environment for the staff. This would result in staff feeling as though they can come to work and be safe from the spread of the virus through other co-workers and the public. To accomplish this, the training portion of the COOP plan must be reorganized to focus more on what the court has done to protect the staff and how staff must prepare their home and family, concluding with the court operational issues such as the court's responsibilities to the community and how the court will operate during the crisis. This structure differs from other COOP plans as, with almost all other events, court operational issues precede everything else.

II. Introduction

Until the turn of the 21st century, emergency management mostly focused on natural threats such as on hurricanes, earthquakes, tornadoes, forest fires etc., as well as facility fires, bomb threats and loss of electricity and communications. Through the years, the scope of emergency management and planning has grown to the point where both the public and private sectors have found the need for, and accepted the importance of, establishing internal departments to handle these responsibilities. Now, as a result of man-made terrorist acts such as the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, attacks of September 11, 2001, and mail tainted with anthrax, along with the natural threat of world wide illness, the roles and responsibilities of an emergency manager have greatly expanded.

Most of the threats listed above could have a wide range of impact from the inhabitants of an individual building, in the case of fire or loss of electricity, to an entire region of a state, in the case of hurricanes and earthquakes. But none of these situations have the potential for world wide devastation as an influenza pandemic.

Planning for the pandemic is a need dictated *by* all levels of government *to* all levels of government down to the individual citizen. As stated by the President of the United States,

“While the Federal Government will use all resources at its disposal to prepare for and respond to an influenza pandemic, it cannot do the job alone. This effort requires the full participation of and coordination by all levels of government and all segments of society... perhaps most important, addressing the challenge will require active participation by individual citizens in each community across our Nation.”¹

¹ George W. Bush, **Pandemic Influenza Planning: A Guide for Individuals and Families**, USDOH, May 2006, Page 2.

This quote addresses the pandemic in the light that everyone must chip in to survive. The federal government provides guidance in this endeavor through their publishing of the National Strategy for Pandemic Influenza, which,

“...guides our preparedness and response to an influenza pandemic, with the intent of (1) stopping, slowing or otherwise limiting the spread of a pandemic to the United States; (2) limiting the domestic spread of a pandemic, and mitigating disease, suffering and death; and (3) sustaining infrastructure and mitigating impact to the economy and the functioning of society.”²

The third part of this is what directly refers to the courts staying open. In 2001, Chief Justice Charles T. Wells of the Florida Supreme Court created the Florida Unified Supreme Court/Branch Court Emergency Management Group (CEMG) to ensure that the state courts system was prepared to respond to *any and all* emergencies including a pandemic. Chief Justice Wells provided the group with two main goals.

“These strategic goals are: we must deal with crises in a way that protects the health and safety of everyone at the court facilities; and we must “keep the courts open” to ensure justice for the people.”³

Ensuring justice for the people includes following Florida’s constitutional mandates. One such mandate found in Article I, (which declares the rights of all citizens of the state of Florida), Section 13 of the Constitution of the State of Florida states that

“the writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.”⁴

² Homeland Security Council, **National Strategy for Pandemic Influenza**, November 2005, Page 2.

³ Florida Unified Supreme Court/Branch Court Emergency Management Group, **Florida State Courts Strategy for Pandemic Influenza – Keeping the Courts Open in a Pandemic**, March 2006, Page 8.

⁴ The Florida Legislature, **Constitution of the State of Florida**, Revised 1968, Page 3.

The courts being open also ensure

“that public health officials and affected citizens would” (not) “be deprived of the mechanism for resolving disputes that may be triggered by public health emergency actions.”⁵

To this end, the courts must do all that they can to keep the courts open even during a pandemic influenza crisis.

A. Context of the Problem

“The Eleventh Judicial Circuit of Florida, serving Miami-Dade County, is the largest in the state...” (of Florida) “... and the fourth largest trial court in the nation.”⁶

Miami-Dade County has a population of over 2,000,000 people and spans over 2,000 square miles. The distance from the southern most tip of the county to the northern most tip is approximately 50 miles as is the distance from the eastern most point to the western most point.

There are 11 state court facilities spread out through the county providing equal access to the court. Within these facilities there are approximately 143 courtrooms/hearing rooms. On average, the courts are open 260 days per year and over 70 thousand people enter these facilities on a daily basis. That means that nearly 18 million people enter the Miami-Dade court facilities every year.

There are 123 judges (in addition to senior judges) that sit on the bench divided between the Circuit and County courts. The County Court’s jurisdiction is over minor

⁵ Daniel D. Stier, JD, Diane Nicks, JD and Gregory J. Cowan, MA, **The Courts, Public Health and Legal Preparedness**, www.ajph.org/cgi/content/full/97/Supplement_1/S69, Accessed June 26, 2007, Page 5.

⁶Administrative Office of the Courts, **About the Court – Eleventh Circuit Overview**, http://www.jud11.flcourts.org/about_the_court/judicial_circuit_overview.htm, Accessed December 26, 2007, Page 1.

civil and criminal (misdemeanor and traffic) cases. Domestic Violence cases are also heard by County Court judges. The Circuit Court hears major civil and criminal (felony) cases including Family, Juvenile, Probate, and Appellate matters.

In 2005, approximately 800,000 cases were filed as reported by the Florida Office of the State Courts Administrator and approximately 700,000 cases are disposed of each year.

Table 1: 2005 Miami-Dade Cases Filed and Disposed ⁷
2005 Miami-Dade Cases Filed and Disposed

Type of Case	Cases Filed	Cases Disposed
Felony	26,615	26,768
Family/DV/Juvenile	42,333	38,961
Civil (Circuit)	25,476	24,731
Probate	10,119	10,094
Misdemeanor	66,302	62,142
Civil (County)	80,514	74,136
Traffic Infractions	455,760	400,958
Criminal Traffic	77,373	66,581
Total	784,492	704,371

In order to operate a court system of this size, the courts employ approximately 800 court staff members. The phrase “court staff” encompasses Judges, General Magistrates, Judicial Assistants, Secretaries, Bailiffs, and employees of the Miami-Dade County Administrative Office of the Courts (AOC). The AOC consists of court support divisions including executive, legal, human resources, technology, facilities, operations, fiscal, and emergency management. In the State of Florida, the Clerk’s Office is a

⁷ http://www.flcourts.org/gen_public/stats/index.shtml, Accessed December 26, 2007, Pages 1-10.

separate entity than court administration and even though they are a critical component in effective operations of the court, they are not included in this report.

By the description of the Eleventh Judicial Circuit of Florida, as provided above, it is easy to comprehend the magnitude involved with the development of, and the necessity for, a thorough and meaningful Continuity of Operations Plan (COOP). This plan ensures that during a short term emergency, such as a weather event, the courts re-open quickly, and during a long term event, such as a pandemic, the courts remain open and operational. But it must be kept in mind that without the knowledgeable, trained and focused staff in place during a pandemic crisis, the plan is just another piece of paper.

B. Description and Significance of the Problem

In 1918, 1957 and then again in 1968, the world was faced with the destructive forces of a world wide pandemic flu. A pandemic influenza is medically unique in that it is a new strain of a globally virulent flu, which is spread from human to human. Humans have no immunity to this virus and, since it is a new strain, a vaccine is not yet available. In fact, a vaccine will not be available until nearly six months after the virus mutates to the point where it is a human to human virus. A pandemic flu differs from both a seasonal (or common) flu and a bird (or avian) flu. A seasonal flu differs in that 1) there is a vaccine for this type of flu, and 2) there is some immunity in humans.

“Bird flu (Bird flu caused by H5N1 virus) is largely in birds and spread by preparing diseased birds, handling fighting cocks, playing with poultry, consumption of duck's blood, and eating of undercooked poultry.”⁸

⁸ <http://www.crisis.gov.sg/FLU/TypesofFlu/Differencesbetweenflutypes/>, Accessed December 26, 2007, Page 1.

It is likely that the H5N1 virus will eventually mutate into a human to human virus and increase to pandemic proportions.

The World Health Organization (WHO) created and utilizes the

“six phases of pandemic alert as a system for informing the world of the seriousness of the threat and of the need to launch progressively more intense preparedness activities.”⁹

Based on the current phase of the pandemic as reported by the WHO, there are a “series of recommended activities to be undertaken by WHO, the international community, governments, and industry.”¹⁰ As of the date of this report, the world is in phase 3.

Table 2: Phases of Pandemic Alert from the World Health Organization¹¹

Inter-pandemic phase New virus found in animals, no human cases	Low risk of human cases	1
	Higher risk of human cases	2
Pandemic alert New virus causes human cases	No or very limited human-to-human transmission	3
	Evidence of increased human-to-human transmission	4
	Evidence of significant human-to-human transmission	5
Pandemic	Evidence of sustained human-to-human transmission	6

The effects of a pandemic can be felt throughout all parts of the world in many different ways. One of the most staggering set of statistics is the review of the death rates through the past three pandemics. The good news is that from the 1918 pandemic to the

⁹ http://www.who.int/csr/disease/avian_influenza/phase/en/index.html, Accessed December 26, 2007, Page

1.

¹⁰ **Loc. Cit.**

¹¹ **Loc. Cit.**

1968 pandemic, the death rate has dropped by 95% in the United States and 99% worldwide (see Table 3). However, even though the mortality rates have decreased significantly through the years, the countries with the greatest difficulties in both the economic and medical fronts will sustain the greatest amount of deaths.

Table 3: Pandemic Death Rates¹²

Year	United States	Worldwide
1918	675,000	50,000,000
1957	70,000	2,000,000
1968	34,000	700,000

It should be noted that, as overwhelming as these numbers are,

“every year in the United States, on average ... about 36,000 people die from [seasonal] flu. The effects of a severe pandemic could be much more damaging than those of a regular flu season. It could lead to high levels of illness, death, social disruption, and economic loss. Everyday life could be disrupted because so many people in so many places become seriously ill at the same time. Impacts could range from school and business closings to the interruption of basic services such as public transportation and food delivery.”¹³

Based on this, and other, historical data, assumptions have been written to assist in the planning for a future pandemic. Since this paper is focused on the expectations of staff and the necessity to have staff present to keep the courts open, only assumptions that help show the importance of the research are listed.

¹² **Pandemic Influenza Planning: A Guide for Individuals and Families**, USDOH, May 2006, Page 4.

¹³ **Loc. Cit.**

Table 4: Relevant Pandemic Planning Assumptions¹⁴

Relevant Pandemic Planning Assumptions	
1.1.3	The clinical disease attack rate will likely be 30% or higher in the overall population during the pandemic. Illness rates will be highest among school-aged children (about 40%) and decline with age. Among working adults, an average of 20% will become ill during a community outbreak.
1.1.6.1	In a severe pandemic, absenteeism attributable to illness, the need to care for ill family members and fear of infection may reach 40% during the peak weeks of a community outbreak, with lower rates of absenteeism during the weeks before and after the peak.
1.1.6.2	Certain public health measures (closing schools, quarantining household contacts of infected individuals, “snow days”) are likely to increase rates of absenteeism.
1.1.11	Multiple waves (periods during which community outbreaks occur across the country) of illness could occur with each wave lasting 2-3 months.

Taking the previously stated constitutional mandates, presidential and judicial orders, the description of Miami-Dade County, the size of the Eleventh Judicial Circuit of Florida and its responsibilities to the community, pandemic statistics, and pandemic assumptions, into consideration, the following statements help clarify the overall problem addressed in this report:

- 1) Even during a pandemic, based on the constitution, the courts must remain open and able to hold the necessary proceedings to protect citizen’s rights, such as first appearance hearings, which average nearly 250 per day, 365 days per year.
- 2) Thorough plans must be written addressing a) coordination with local health officials, b) legal issues, c) technology, d) education, e) communications, f) team coordination, g) court operations, h) jury pool and, i) human resources. The creation of these plans must be a comprehensive effort including all justice partners.

¹⁴ <http://www.pandemicflu.gov/plan/pandplan.html>, Accessed December 27, 2007, Page 1.

- 3) Staff must be a) cross trained to handle many different jobs, and b) have working knowledge of the pandemic COOP plan.

Legal, operational and quantitative analyses have been completed and documented compiling a various number of plans. All the court divisions have created drafts of their plans. Committees tasked with creating judicial guides for handling health related issues in court have completed their documentation. But even with the most detailed plans in place, if the staff is not available to carry out the plans, the courts will not be able to function.

C. Goal of the Research

Standard COOP Plans already include training and education of the staff at both the professional and personal levels. This means that the staff will be trained to carry out the work described in the COOP Plan as well as how to prepare themselves, their families and their homes. Nonetheless, staff being adequately trained is a completely different issue than whether or not the staff will actually come to work during a pandemic. The goal of this research paper is to:

- 1) Assess court staff's knowledge of a pandemic,
- 2) Identify court staff's expectations of the court during a pandemic,
- 3) Identify court staff's intentions as related to work attendance, and
- 4) Recommend ways for the court staff's expectations of the court to meet the court's expectations of court staff.

D. Outline of the Report

The remainder of this report is segmented into three different areas. The first area is a discussion of research of the effects of past pandemics and the courts, followed by a

discussion of pandemic documentation and resources. Key areas of study that would relate to this research topic will be discussed such as communications, and understanding health related issues and how they mesh with the functioning of the court. This section helps build the foundation of this research topic. The second area will discuss the survey that was administered, in detail, followed by presentation, discussion and analysis of the results of each survey question. The third and final area will review the conclusions of the research and the recommendations to implement changes, and their implications, so that court staff expectations and capabilities meet the court's responsibilities during a pandemic.

III. Literature Review

A. Historical Overview: Summary of Past Research

This research was partitioned in two segments: 1) discussions about the effects of past pandemics, and 2) discussions about what needs to be done to prepare for a new pandemic.

When discussing a pandemic influenza, instead of reviewing the *past research* it would be more appropriate to *research the past*. By nature, a pandemic influenza is medically unique in that it is a new strain of a virus of which no one has immunity, therefore, the past research tells very little, if any, about the virus itself. As a matter of fact, at a recent conference where doctors from the Department of Health sat on the panel, they were very up front in saying that the answer to most of our health related questions was “I don’t know”.

A vast amount of statistics had been gathered, however, in reference to the past pandemics covering a wide array of other issues. Most of the statistics have been used to both establish the economic effects of those past pandemics as well as the possible impacts of a future pandemic through modeling. There are reports and comparisons that examine the effects of the past pandemics of 1918, 1957 and 1968 in the areas of clinical attack rates, fatality rates, communications (discussed more in detail below), economics, psychology, sociology, planning, absenteeism and even literature. These reports provide information that can be used for creating plans that will mitigate the effects of a future pandemic. For the purpose of this report and in specific, planning for the courts, research as to the effects of a pandemic on the courts is scarce to non-existent but information regarding how the courts *should* be planning is much more abundant. In support of this

statement, the only reference to the courts from the 1918 pandemic is that “While many courts did close down, police departments did continue to function.”¹⁵

Communications is an issue that was stressed in many of the historical reviews of previous health related emergencies. The quantity and quality of information provided to the people had a huge impact on how the community reacted to the situation. For example, in 1918, in cities like Philadelphia, Milwaukee and Chicago, the government provided little or inaccurate information to the public, which caused even more panic.

“As terrifying as the disease was, the officials made it more terrifying by making little of it, and they often underplayed it. Local officials said things like “if normal precautions are taken, there is nothing to fear” but then they would close all businesses.”¹⁶

San Francisco’s government kept an open line of communication with their community, which seemed to keep the city “operating better”.¹⁷ The effects of the types of communications were not only apparent in regards to people’s morale and level of anxiety, but also on the economic front. A more recent example stems from the SARS experience.

“There is evidence that during SARS the costs arising from panic and disruption were magnified by an initial lack of public information in some countries.”¹⁸

These communication experiences and lessons learned with the communities will be applied to impact how we communicate with our staff and the legal community in regards to the functioning of the courts in this dilemma.

¹⁵ **Pandemic Influenza - Past, Present, Future Workshop**, CDC, October 17, 2006, Page 14.

¹⁶ **Ibid**, Page 7.

¹⁷ **Loc Cit.**

¹⁸ Milan Brahmhatt, **Avian and Human Pandemic Influenza – Economic and Social Impacts**, World Bank, November 8, 2005, Page 6.

A great deal of time was spent unsuccessfully trying to find historical documentation on the effects of a pandemic on the courts so as to learn from their experiences. Libraries, the internet, and various publications from public, private and educational institutions have volumes of information stating the more global/general effects, definitions, scientific descriptions of influenzas, and methods for preparing your organization. As a result, this research, through a survey, focused strictly on getting staff to report to work based on their expectations of the court during the crisis. The information that was gathered helped define the values of court staff and how communications and training should continue in the future. This focused not only on the needs of the court, but also on the needs of the staff, which without them, the plan is as useful as a computer without electricity. With staff in mind, the two areas of emphasis are, 1) educating, preparing and planning for them and their families so that employees have peace of mind while at work, and 2) court's communication strategy with staff to increase the probability that they come to work. This emphasis is due to the opinion that

“the implementation of an employee communication strategy is considered critical for fulfilling employees’ expectations of the organization as a reliable source of information during times of crisis.”¹⁹

Several states have produced documents to assist and guide their courts toward creating their plans. Two such states are Florida and California and they both focused their planning strategies and considerations on the following topics: State/Local Relationships, Legal Issues, Communications, Education and Training, Technology, Jury Issues and Human Resources.

¹⁹ **Avian Flu Pandemic Preparedness Survey Report**, Mercer Human Resource Consulting, Spring 2006, Page 8.

Aside from planning to keep the courts open, preparations must also include the education of parties that may come before the court, such as the Public Health Department, addressing health related issues. The court itself must also be educated in dealing with these health issues. Public health officials must understand the structure and function of the court from the US Supreme Court down to the local municipal court.

“Although state courts are generally the forum for resolution of public health disputes, it is particularly important in a public health emergency context for public health officials to recognize the sharing of judicial power between federal and state systems and to be prepared to efficiently and effectively address legal issues that could be raised in either system.”²⁰

The court must understand the health related issues that it will have to rule on that involve citizen’s civil liberties and the actions of the various public health departments exercising police power. Such issues involve mandatory immunization, quarantine, isolation and measures intended to greatly reduce public gatherings. As in many other states and cities across the country, Bench Books are being written to assist the state judiciary, on the bench, to deal with these very issues.

“Court Administrator of Pennsylvania, Zygmunt A. Pines, said, “We have distributed more than 1,000 Public Health Law Bench Books to Pennsylvania judges and court officials, providing them with legal information and judicial guidance that will expedite the judicial process when time is of the essence.”²¹

Florida’s Bench Book ...

“...begins with general information about the history of quarantine law, executive powers (presidential as well as gubernatorial) in public health emergencies, federal and Florida statutory provisions relating to public health emergencies, and executive branch procedures in a Florida

²⁰ See Note 5 *supra*, Page 3.

²¹ Administrative Office of Pennsylvania Courts, **Pennsylvania Courts Prepare for Public Health Threats, Encourage Officials Nationwide to Follow Suit – Press Release**, www.courts.state.pa.us/Index/Aopc/PressReleases/prrel07521.asp, Accessed August 17, 2007, Page 1.

public health emergency. Then it shifts to the specific role of the Florida courts in a public health emergency, focusing on practical, procedural issues such as habeas corpus proceedings, warrants, arrests of people who disobey quarantines, civil proceedings to enforce administrative orders regarding quarantines and isolations, mandatory vaccinations, and the enforcement of curfew orders.”²²

These Pandemic Bench Books are valuable co-working resources used to assist the judiciary in carrying out their mission as court administration focuses on keeping the courts open.

Many states and organizations have created planning documents to be used for preparing for a pandemic and they are all created in a similar structure. Therefore, logically, the structuring and focus of the pandemic plan for the Eleventh Judicial Circuit of Florida paralleled the Florida State Courts Strategy for Pandemic Influenza - Keeping the Courts Open in a Pandemic written by the Florida Unified Supreme Court/Branch Court Emergency Management Group (CEMG). This document concisely provides the list of issues that had to be addressed. With the issues already identified, the Continuity of Operations Plan (COOP) Template provided by the National Center for State Courts was used to identify and document the specifics required for a court to operate.

During this project, a questionnaire survey was administered in four urban trial courts: 1) Miami-Dade County, Florida, 2) Philadelphia, Pennsylvania, 3) Los Angeles, California, and 4) Chicago, Illinois. The judiciary and staff were surveyed regarding their knowledge of a pandemic, their expectation of the court during a pandemic and their intentions as related to work attendance.

²² Florida Court Education Council’s Publications Committee, **Pandemic Influenza Benchguide; Legal Issues Concerning Quarantine and Isolation**, 2007, Preface, Page V.

B. Concepts, Findings and Methods Taken from the Literature Review

Discussions concerning communications in past pandemic episodes throughout the years are impressive and applicable to the courts. The lack of, and integrity of, the information that is communicated to the people affected by the crisis will make or break the reactions and responses during the crisis. Just as the accurate and open sharing of information should have taken place between the federal and local governments and the people in all the cities across the country, accurate and open communications will need to take place between court management and their staff. All the experiences, discussions and discoveries concerning communications should be applied not only to the way the highest levels of government address the citizens of their country, but also to the communications that take place within your own home. Even though this research paper addressed the issue of court staff expectations during a pandemic, the methods of communications during a crisis would be relevant in any emergency one faces.

C. Impact of the Literature Review on Focus and Methods

As shown in the review of the literature, communications have had a huge impact on the way people have reacted to the pandemics in the past. The quality and quantity of internal communications provided within the courts will undoubtedly provide a major role in the way court staff responds. Therefore, based on the literature, this research focused on examining court staff's expectations of the court and ways that the court should structure their communications with staff through training and education. This will result in more staff coming to work during a pandemic and having a clear understanding as to why they are there and how to operate the court.

D. Materials from Other Projects

Several surveys focusing on levels of preparedness were reviewed from facility preparations to family and home preparations. The one that was found to be most comprehensive was the Marsh Pandemic Preparedness Survey,²³ which defined the level of importance that agencies place on the issues. Their survey addressed: 1) Avian flu impacts, 2) Monitoring the pandemic, 3) Reputation damage and governance, 4) Policies and procedures, 5) HR issues, 6) Supply chain issues, 7) insurance, 8) crisis management, 9) communications, 10) business recovery, 11) working from home, 12) exercising, training and education, 13) cleanliness and personal hygiene, 14) COOP, 15) Health Care Benefits. The Homeland Defense Journal – Special Report on Pandemic Preparedness²⁴ published a survey with some questions that are of some interest identifying: 1) major state agencies involved in the plan, 2) lead state agency in event of a pandemic, and 3) Federal agencies involved. Information from both of these surveys contributed to the survey used in this research.

²³ <http://global.marsh.com/survey/pandemic/index.php>, Accessed July 5, 2007, Pages 1-4.

²⁴ Don Philpott, **Pandemic Preparedness – A Special Report from Homeland Defense Journal**, Homeland Defense Journal, 2006, Pages 24-25.

IV. Methods

An on-line, web-based survey to four urban trial courts was used to:

- 1) Assess court staff's knowledge of a pandemic,
- 2) Identify court staff's expectations of the court during a pandemic;
and,
- 3) Identify court staff's intentions as related to work attendance.

The software which generated the internet link sent to court staff in four jurisdictions (Miami-Dade County, Philadelphia, Los Angeles and Chicago) was "Zoomerang"²⁵. The survey (for a copy of the base invitation letter and e-mail including the survey see Appendix 1, 2 and 3) consisted of 12 questions categorized in the following way: questions one and two captured the respondent's demographics, questions three, four and five captured the respondent's level of pandemic knowledge, question six captured the respondent's expectation of the court, questions seven through eleven captured the respondent's intentions as related to work attendance during a pandemic, and question twelve allowed for additional comments.

In Miami-Dade County, the survey invitation and internet link (see Appendix 1) was sent directly to all court staff whereas in the other three locations, a cover letter (see Appendix 2) was sent, preceding the invitation, to the contact within each court. The cover letter was then presented to the court management and Chief Judge in those courts, for their approval, prior to the invitation's submission to their court staff. The invitation

²⁵ www.zoomerang.com

to the court staff in those three locations was the same as for Miami-Dade County but it was forwarded to them by their own court management.

Due to the fact that some of the questions required very candid answers about court staff's intentions, mainly whether they would come to work or not, it was necessary to include in the survey's web greeting that the "answers to the survey were completely anonymous" attempting to prompt court staff to be honest and straightforward.

Ten of the twelve questions in the survey were designed specifically for this survey while the other two questions were taken from the International Facilities Management Association's (IFMA) survey of April 12, 2006 examining if organizations consider pandemic flu as a threat.²⁶ The first draft of the survey was submitted to Geoff Gallas, the project advisor, for his advice. Changes were made to some of the questions as well as the structure of some of the answers.

A. Pre-Test

Thirty staff members, along with the six other members of the court's Executive Committee received the corrected first draft of the survey as the pre-test. Using local staff made it easier to follow up and ensure that they answered the survey while keeping their responses anonymous. The comments that were received in follow up conversations with the local staff were all associated with them wanting to know more about pandemics prior to answering the questions related to them volunteering to work during the crisis. As a result, prior to the second section of the survey, a segment was added, which provided the definition of a pandemic along with the documented effects of the past pandemics and projected effects of a future pandemic. After the addition of the

²⁶ www.ifma.org, Accessed July 5, 2007, Page 1.

descriptive section of the survey, the pre-test staff felt that they grasped the severity of the emergency and had enough information to provide truthful answers.

Contacts in Chicago, Philadelphia, and Los Angeles each reviewed the questions and provided input into different terminology used by their court. For example, a Domestic Violence Injunction in Miami-Dade County is referred to as an Order of Protection in Chicago. By relating different terminologies to similar hearing types, all jurisdictions could use the same survey with the same understanding of the questions.

With the pre-test completed amongst staff, as well as with the contacts in the other jurisdictions, the survey was presented to two members of the local judiciary prior to submission to the entire court. The first was the Chief Judge of the local jurisdiction who gave his perspective as both a member of the judiciary and as the chief administrator for the circuit. The second was the judge assigned as the lead judge for pandemic preparations in the court who also gave her perspective as a member of the judiciary in addition to her perspective as a pandemic planner. Both judges suggested minor edits to the wording of the questions directly addressing operations of the court in a way that would add clarity for both the judiciary and court staff.

B. Data Collection Sites

To validate the accuracy of the respondents and test the opinions of court staff other than Miami-Dade County, three other similar sized jurisdictions were included in the survey. Los Angeles, Chicago, and Philadelphia were chosen to participate since those three locations, like Miami-Dade County, are large metropolitan areas with populations between 1.5 and 3.8 million people. Each jurisdiction has multiple court facilities whose benches consist of well over 100 judges and well over 1,000 court staff

members. This group represents very similar levels of responsibility to their respective communities requiring similar expectations from staff as well as similar responses to the situation.

C. Dates/Technique of Data Collection

The survey was initially published on October 12, 2007 to Miami-Dade County. Los Angeles published the survey to their staff on October 18, 2007 followed by Philadelphia on October 25, 2007 and Chicago on November 1, 2007. The survey remained open for responses until November 30, 2007 for a total of seven weeks. The responses to the survey were collected using on-line survey software (www.zoomerang.com) purchased by the court.

D. Return Rate of Survey Responses

Miami-Dade County provided the greatest number of responses to the survey followed by Los Angeles, Philadelphia and Chicago. The rate of response within Miami-Dade County overall was 23.4% percent of the staff. The rate of response within Miami-Dade County by position was 31% of the judiciary, 22% of judicial staff, 57% of upper management/executive court staff, 72% of middle management/directors and supervisors, and 18% of non-management/general court staff. The overall return rates in the three other jurisdictions were considerably lower than 23%.

E. Data Coding Procedures

Use of the Zoomerang on-line survey not only simplified the creation and publishing of the survey, but it also streamlined the data collection and data coding process and eliminated the possibility of data entry errors as the respondent's selections were translated into results. This was because the respondent's answers were

automatically coded each time they pressed the “Submit” key. The response was given a sequential numeric value starting at one and depending on the number of possible responses for the specific question, the higher that sequential number would go. For example, if the answers to a question was either “Yes” or “No”, two possible answers to chose from, the first choice answer, “Yes”, received a value of “1” and the second choice answer, “No”, received a value of “2”. If there was a third answer choice, that response would have been assigned the value of “3” and so forth.

The results were then automatically compiled and presented in two different forms. The first presentation was in a graphical format displaying the percentage of each answer per question, i.e., the results of Question 1: Please select your court location, were 72% from Miami-Dade County, 24% from Los Angeles, three percent from Philadelphia, and one percent from Chicago.

The second presentation of data from Zoomerang was in the “raw data” format, which was automatically exported into a Microsoft Excel spreadsheet. The spreadsheet was created with two tabs along the bottom of the window. The first tab was titled “Legend”, which listed each question along with the list of possible answers and their assigned values. The second tab was titled “Data”, which listed each question as a column header along with the value of each respondent’s answers to each question displayed in a row beneath the question header. Therefore, 250 respondents would have generated 250 rows of values under each column.

F. Statistical Procedures and Statistics Used

Descriptive statistics were used to describe the data initially. The different answers to the various questions were then tallied and percentages generated. Some

questions remained significant alone, however, others were grouped together into cross tab reports to further analyze the results. Considering the goal of this study, knowing the court staff's level of understanding of a pandemic is significant, but when compared with the respondent's knowledge of how to prepare their families and homes, it clearly shows that knowledge about an issue, and knowing what to do with that knowledge, are two different things. This same method was used when analyzing whether staff would volunteer to work during a pandemic and which actions of the court would have the greatest impact on their decisions, if any.

G. Research Problems

1. Miami-Dade County

The only problem encountered with performing the research was getting court staff to respond to the survey. Within Miami-Dade County, the return rate of the survey responses was twenty-five percent of the total staff. Based on past experience with prior, non-pandemic-related surveys published to this jurisdiction, the survey return rate was actually higher than what had been expected. This higher rate was attributed to several factors. The first factor was staff's local familiarity, which translates into staff's desires to assist in the research. The second factor was that a few members of the judiciary who have pandemic planning responsibilities prompted their judicial colleagues to participate. The third factor was the cooperative nature of the other members of the executive committee and their requests to their staff to participate.

Through casual conversations with staff, three main problems were identified with getting staff to respond to the survey. The first problem was the overall lack of

interest in the pandemic issue. Many feel that it is never going to happen and that completing a survey on a “non-issue” was a waste of time.

The second problem was related to various e-mail issues. Only about ten percent of the staff members, mostly bailiffs, did not have a PC or a court e-mail address. Without a court e-mail address, these staff members did not receive a “digital” invitation to participate in the survey. Staff members with PCs were asked to share the survey with co-workers in the same office that did not have a PC, therefore, knowledge of the survey and access to the survey had to be through their co-workers. If the co-worker who received the survey invitation was not interested in completing the survey, the request to pass the invitation on to their co-workers was usually ignored. Many other employees who do have e-mail either do not check their e-mail on a regular basis or do not respond to e-mails that they consider “non-work” related.

The third problem was that, in general, people do not like to complete surveys unless the issue affects them personally or there is a personal gain through participation. Even though the quantity of questions was small and the length of each question was short, without the personal desire to complete the survey, it did not get done.

2. Three Other Jurisdictions

The three other jurisdictions presented all the same problems as encountered in Miami-Dade County along with a few additional ones as well.

The biggest problem was the lack of personal control in getting the survey invitation to the court staff. In Miami-Dade County, the link was sent directly to an e-mail group that included all court staff. In the three other jurisdictions, the link was sent

to a contact at that location and it was necessary to rely on them to 1) get their chief judge's approval, 2) get it to their court staff, and 3) encourage participation.

In Philadelphia, the judiciary and staff did not have computers; therefore, the ability to get the invitation to everyone and have them access a computer to complete the survey was greatly hampered. In this case, the use of automated on-line survey software proved to be a hindrance.

The number of survey responses from the four jurisdictions, as seen in Table 5, clearly demonstrates the effect of the lack of control in getting the invitation to staff and encouraging them to complete the survey.

Table 5: Total Number of Survey Responses by Jurisdiction

Jurisdiction	Responses
Chicago, Illinois	1
Los Angeles, California	59
Miami-Dade County, Florida	171
Philadelphia, Pennsylvania	9

This also shows how ineffective a technologically advanced on-line survey can be when the technology to access the survey is not present.

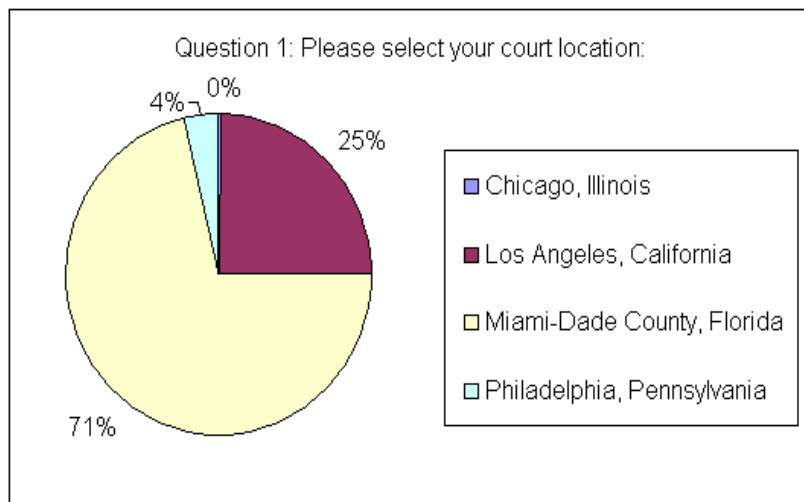
The last problem was that in the other two jurisdictions that have computers, e-mails that are considered "non-work related" were not permitted to be submitted to the judiciary or judicial staff (judicial assistants and bailiffs) so only the non-judicial court staff received the survey.

V. Findings

The findings in this section are based on results from the “Court Staff Expectations during a Pandemic” survey. These results show, both in aggregate and for each of the four jurisdictions, court staff’s opinions of pandemic knowledge, expectations of the court and their attendance intentions and values during a pandemic. The following analysis of this data provides insight into the gaps in current pandemic communications and training.

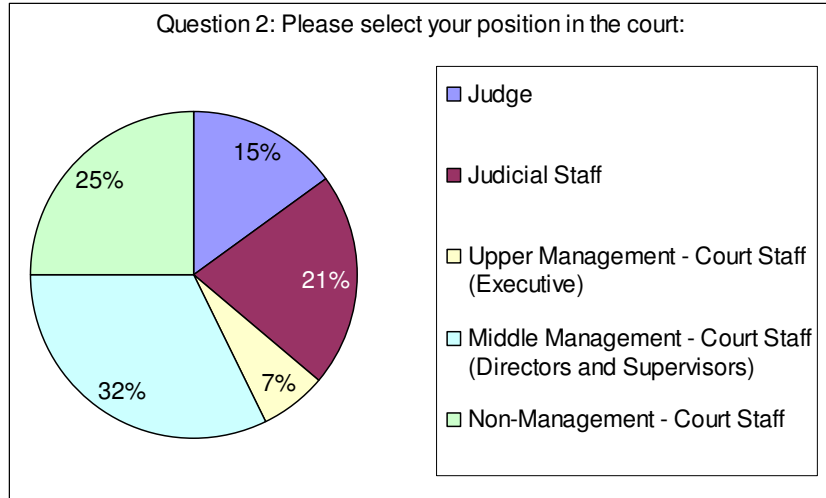
The aforementioned survey consisted of a series of 12 questions. The results of each of the 12 questions are detailed below including a summary of the responses to the “Other, please specify” option, which required a written response.

The first question captured the jurisdiction of the respondent. Nearly three quarters of the total responses came from Miami-Dade County. One quarter of the total responses came from Los Angeles with only a little over four percent of the total from Philadelphia and Chicago combined.



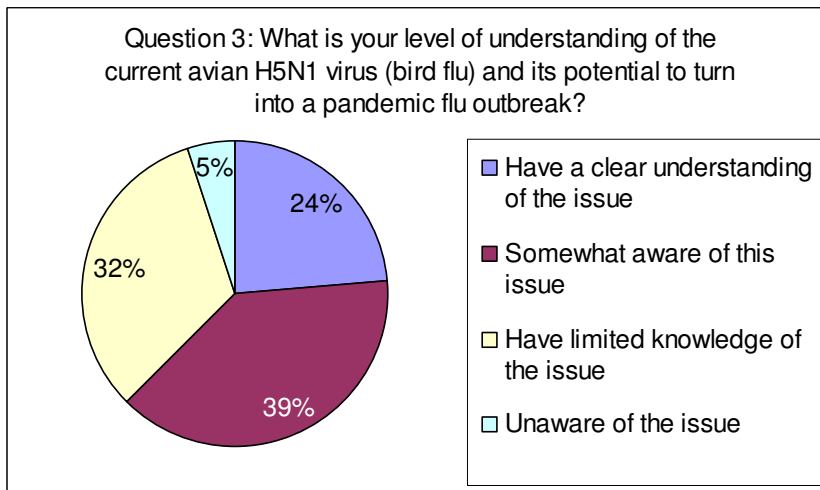
The second question dealt with the position of the respondent within the court. One hundred percent of the judiciary and judicial staff (judicial assistants or bailiffs) who

responded are employees of the Miami-Dade County courts. The judiciary and judicial staff in the other jurisdictions either did not have



access to a computer or did not receive the invitation due the survey being considered a “non-work related” e-mail. Approximately 40% of the respondents were either judges or judicial staff and the remaining 60% were non-judicial court staff, which is a fair representation of the ratio of judges and judicial staff to non-judicial court staff.

The third question focused on the perceived knowledge and level of understanding of the current avian H5N1 virus (bird flu) and its potential to turn into a



pandemic flu outbreak.

Ninety-five of the respondents rate their level of understanding between “having a clear understanding” and “having limited

knowledge of the issue.” Only five percent of the respondents were completely unaware that this issue exists. This added validity to the results of the survey as this meant that the

respondents answered the survey based on both their own knowledge of the issue in addition to the information later provided in the descriptive section of the survey.

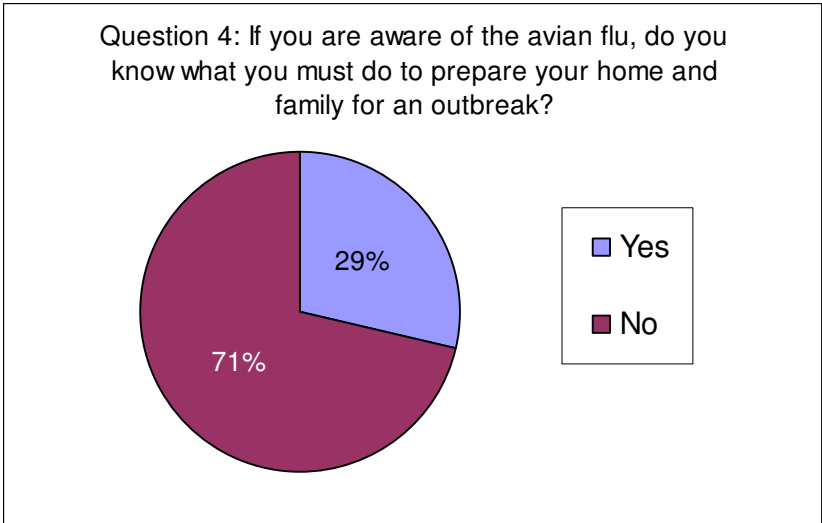
The cross jurisdictional comparison of the responses to this question, (Table 6), showed a consistent knowledge base in each area.* The percentage of staff that was “Unaware of the issue” ranged from between two percent in Los Angeles to 11% in Philadelphia. Throughout the country, members of the staff are being informed about the issue.

Table 6: Cross Jurisdictional Comparison of staff's knowledge of the H5N1 virus

What is your level of understanding of the current avian H5N1 virus (bird flu) and its potential to turn into a pandemic flu outbreak ?				
	Total*	Please select your court location:		
		Los Angeles, California	Miami-Dade County, Florida	Philadelphia, Pennsylvania
Have a clear understanding of the issue	23.30%	16.90%	26.30%	11.10%
Somewhat aware of this issue	39.20%	37.30%	39.20%	55.60%
Have limited knowledge of the issue	32.50%	44.10%	28.70%	22.20%
Unaware of the issue	5.00%	1.70%	5.80%	11.10%

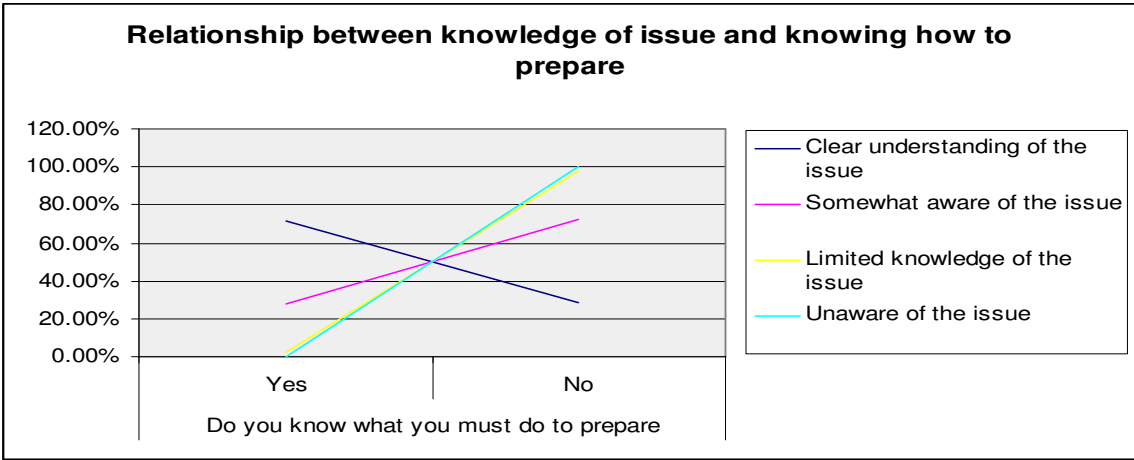
Question four was designed to find out if members of the court staff know what they must do to prepare their home and family for a pandemic. Seventy-one percent of the respondents felt that they did not know how to prepare their family and homes, while twenty-nine percent felt that they did know what to do. Out of the 95% of the respondents who knew something about a pandemic, only 30% knew how to prepare their families and homes. Additionally, as expected, there was a negative relationship between

* Note: Chicago was not included in the cross jurisdictional comparisons due to the low number of responses to the survey from that vicinity.



the amount of knowledge one had regarding a pandemic, and whether they knew how to prepare for the pandemic. In other words, the less they understood the

overall issue, the more they said “No” about knowing how to prepare.



Question five was designed to determine whether or not court management is sufficiently discussing with, and educating their staff in preparation for a pandemic. It would stand to reason that the more management talks about the issue, the more court staff would feel that management considers a pandemic flu outbreak a serious or probable threat to the court. Forty-four percent of the respondents felt that court management considered this a serious threat, six percent felt management did not consider it a threat, and fifty percent felt that they didn’t know whether management considered it a threat or not. Significantly enough, 33% of the respondents who have a clear understanding of the

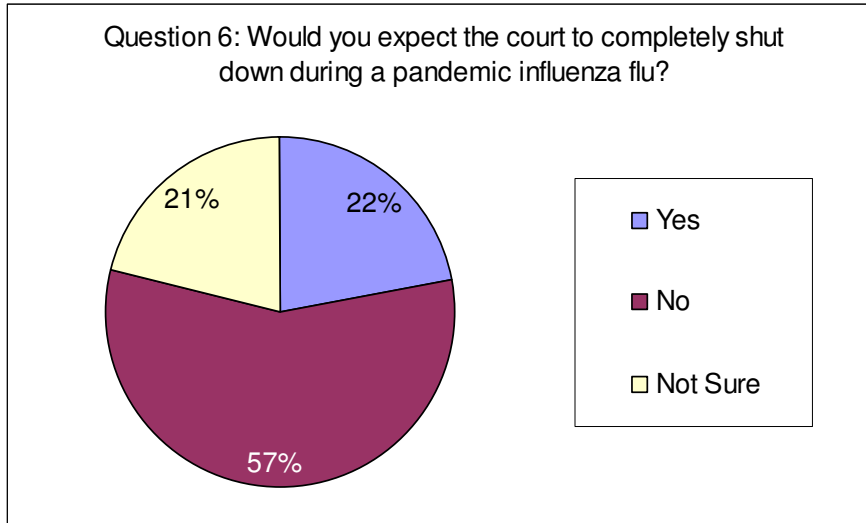
issue felt that court management did not consider a pandemic a threat and 46% who have limited knowledge of the issue felt the same way. (See Table 7) This is significant because this means that the members of the staff who feel they know most about the pandemic are skeptical about the courts preparations. This can have a negative effect on their feeling of safety in the court, not to mention the negative effect on their co-workers.

Table 7: Cross tab comparing staff's knowledge of the virus and their impression of management's perceived threat to the court

What is your level of understanding of the current avian H5N1 virus (bird flu) and its potential to turn into a pandemic flu outbreak ?			
	Does your court's senior management consider a pandemic flu outbreak a serious or probable threat to your court?		
	Yes	No	I Don't Know
Have a clear understanding of the issue	32.70%	33.30%	13.60%
Somewhat aware of this issue	47.70%	13.30%	34.70%
Have limited knowledge of the issue	17.80%	46.70%	44.10%
Unaware of the issue	1.90%	6.70%	7.60%
	100.00%	100.00%	100.00%

Prior to the sixth question, the respondents were provided with information that described the seriousness of a pandemic, which helped them answer the remaining questions. This brief narrative defined a pandemic, and provided some statistics concerning past pandemics and expectations of a future one. (See Appendix 3 between questions five and six).

The sixth question delves into court staff’s expectations of the court at the time a pandemic becomes an issue. It also shows that staff understanding of the court’s responsibility to the community during such a long term crisis as, the less they know



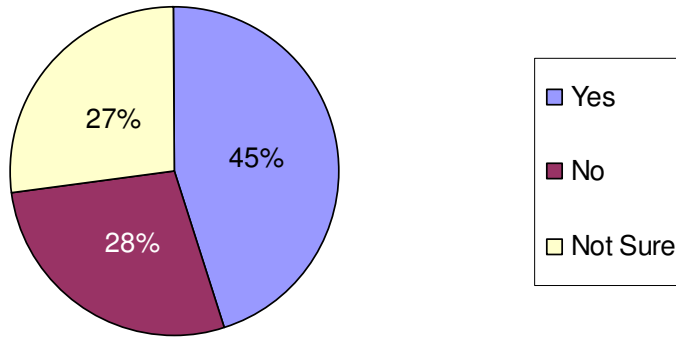
about the court’s responsibility, the more they would expect the court to completely close.

Fifty-seven percent felt that the court should

not completely shut down during a pandemic, twenty-two percent felt it should completely shut down, and twenty-one percent weren’t sure. Some of the comments associated with the answers from staff who were “Not sure” are that it “depends how bad it becomes”, “depends if the employee will be exposed or not”, “depends on precautions taken to minimize risk”, and not knowing whether it would “be possible for the Courts to completely shut down.”

Question seven captured respondent’s opinions as to whether or not they thought it would be professionally acceptable for court staff to refuse to report to their workplace in order to protect themselves and their families. The purpose of this question was to show the percentage of staff who would refuse to present themselves at work should the court be faced with a medical crisis of this magnitude. Forty-five percent of the respondents felt that it would be professionally acceptable to refuse to come to work,

Question 7: If the court remained open during a pandemic influenza flu (which could endure from 3 to 36 months) do you think that it would be professionally acceptable for court staff to refuse to report to their workplace in order to protect themselves and their families?

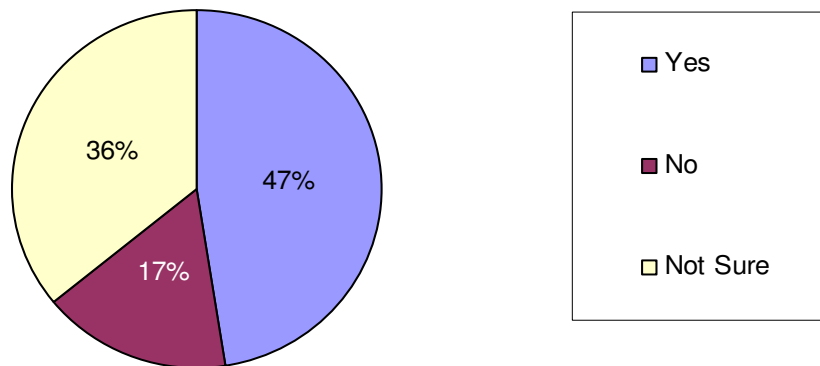


twenty-eight percent felt that it was not acceptable and twenty-seven percent remained unsure of the issue.

Question eight asked if the respondents would volunteer to come to work to help keep the courts functioning, in a limited capacity, even if their area of the court was closed. Considering that we cannot control who would be *capable* of coming to work, knowing that staff would volunteer to assist is critical for emergency planning. As it turns out, 47% of respondents would volunteer to assist the court during this crisis.

Question 8: In an effort to reduce public gatherings and the spread of the virus during a pandemic, the majority of the court may be required to close for a period of 90 days, except for critical functions like Bond Hearings, Domestic Violence Injunctions/Orders of Protection, Juvenile Detention Hearings, Other Emergency Matters, etc.

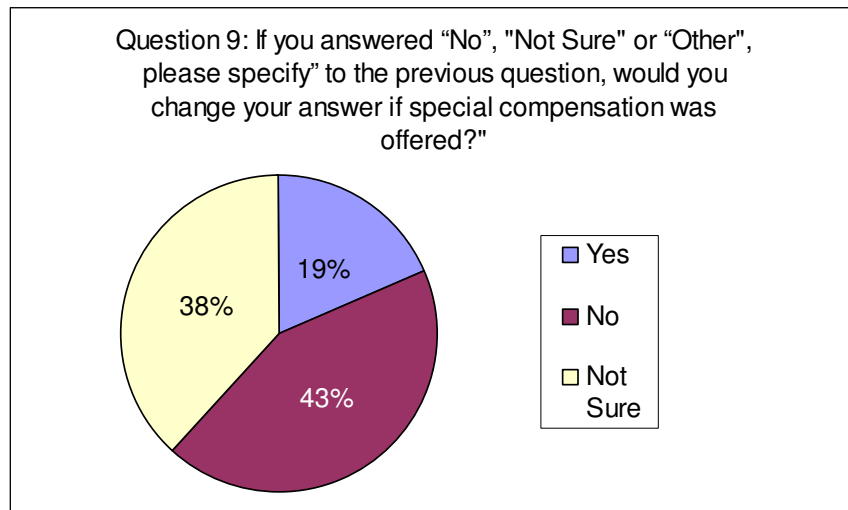
If your area of the court did not fall into one of the critical functions and many of the staff in those critical function areas could not report to work due to either being sick or caring for the sick, would you volunteer to come to work to help out where needed?



Seventeen percent stated that they would not volunteer at all leaving thirty-six percent unsure as to what they would do. The majority of staff who provided further explanation as to why they were unsure stated that their uncertainty was due to whether their family was infected and, in general, “how bad it gets.” Nearly the same 47% of the respondents who would volunteer have a clear to limited knowledge of the H5N1 virus. Twenty-eight percent of the respondents with that same knowledge were unsure about volunteering.

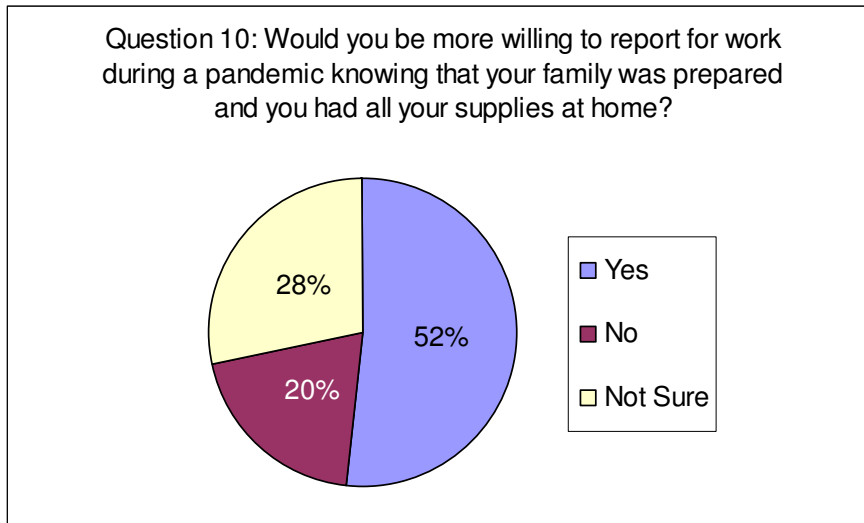
Questions nine, ten and eleven were all aimed at determining the value of different actions taken by the court to change the minds of the 53% of the respondents who stated that they would not volunteer or were unsure about volunteering. The results are listed individually and then jointly below.

The ninth question examined the value of special compensation for reporting to work during the crisis. Nineteen percent felt that the addition of



some form of special compensation would be enough to get them to volunteer. Forty-three percent felt that special compensation would not make a difference and thirty-eight percent remained unsure as to the importance of special compensation.

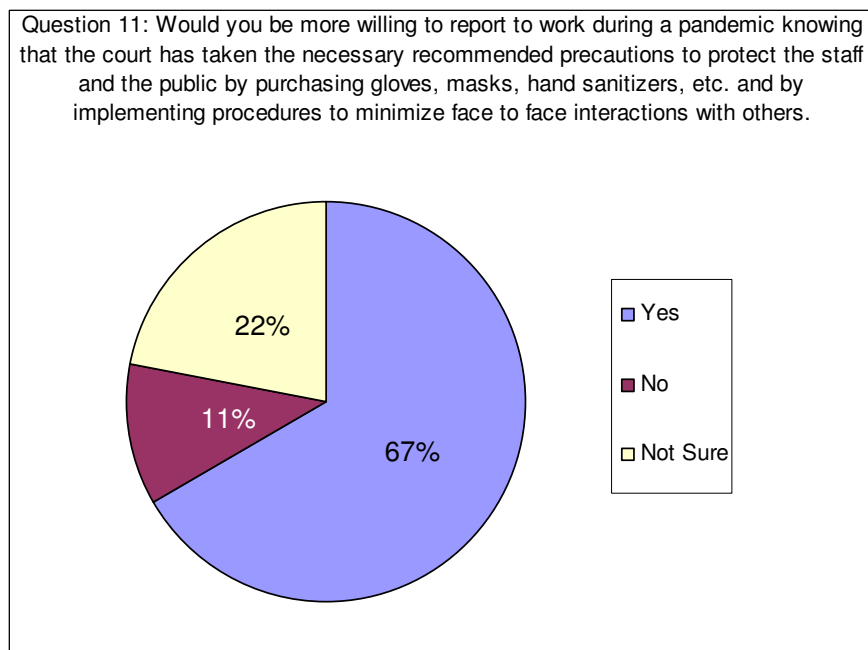
The tenth question examined the value of knowing that your family was prepared



and you had all your supplies at home during the crisis. Fifty-two percent felt that knowing that their family was prepared would be

enough to get them to volunteer. Twenty percent felt that this knowledge would not make a difference and twenty-eight percent remained unsure as to how much of a difference their family's preparedness would make.

The eleventh question examined the value of knowing that the court was prepared to protect the staff and the public during the crisis. Sixty-seven



percent felt that knowing that the court was prepared would be enough to get them to

volunteer. Eleven percent felt that this knowledge would not make a difference and twenty-two percent remained unsure as to how much of a difference the court's preparedness would make.

The combination of the results of questions eight, nine, ten and eleven, (see Table 8), assisted in determining which actions of the court would have the greatest impact in changing the minds of the 53% of the respondents, (all four jurisdictions included), that would not volunteer or were unsure about volunteering as stated in the results of question eight. Twenty-six percent of the entire group who originally answered "No" to question eight would still not volunteer regardless of offering special compensation, knowing that their families were prepared or knowing that the court was fully prepared as opposed to only six percent of the group that remained unsure. Sixteen percent of the group would change from "Not Sure" to "Yes" with any one of the three actions in addition to the seven percent of the group that would change from "No" to "Yes" with any one of the three actions. Thirty percent of the group remained unsure about the benefit of special compensation but would volunteer knowing that both their family and the court combined were properly prepared. Ten percent of the group felt that even with special compensation and knowing their family was prepared, they would not volunteer, however, knowing that the court was properly prepared and that they would feel safe at work would get them to volunteer. Two percent of the group felt that even with special compensation and knowing the court was properly prepared, they would not volunteer, however, knowing that their family was prepared was the one thing that would get them to volunteer.

Table 8: Combinations of the results of questions eight, nine, ten and eleven (all jurisdictions)

		Question Number					
		8	9	10	11		
		Initially Willing to Volunteer	Does Special Compensation change your mind from "No" or "Not Sure"?	Does knowing Family is prepared change your mind from "No" or "Not Sure"?	Does knowing that the Court is prepared change your mind from "No" or "Not Sure"?	Percentage of respondents in the entire "No" and "Not Sure" Group with each combination of answers.	Percentage of respondents in the each individual "No" and "Not Sure" Group with each combination of answers.
Respondent's Answers to each question	No	Yes	Yes	Yes	2.44%	Original Answer to Question 8 was "No" - 35%	6.98%
	No	Yes	Not Sure	Yes	0.81%		2.33%
	No	No	Yes	Yes	3.25%		9.30%
	No	No	Yes	No	0.81%		2.33%
	No	No	No	Yes	3.25%		9.30%
	No	No	No	No	8.94%		25.58%
	No	No	No	Not Sure	4.07%		11.63%
	No	No	Not Sure	Yes	1.63%		4.65%
	No	No	Not Sure	Not Sure	3.25%		9.30%
	No	Not Sure	Yes	Yes	1.63%		4.65%
	No	Not Sure	Not Sure	Yes	0.81%		2.33%
	No	Not Sure	Not Sure	Not Sure	4.07%		11.63%
	Not Sure	Yes	Yes	Yes	10.57%	Original Answer to Question 8 was "Not Sure" - 65%	16.25%
	Not Sure	Yes	Not Sure	Yes	1.63%		2.50%
	Not Sure	Yes	Yes	No	0.81%		1.25%
	Not Sure	Yes	Yes	Not Sure	1.63%		2.50%
	Not Sure	Yes	No	Not Sure	0.81%		1.25%
	Not Sure	No	Yes	Yes	8.94%		13.75%
	Not Sure	No	No	Yes	0.81%		1.25%
	Not Sure	No	Not Sure	Yes	6.50%		10.00%
	Not Sure	No	Not Sure	Not Sure	1.63%		2.50%
	Not Sure	Not Sure	Yes	Yes	19.51%		30.00%
	Not Sure	Not Sure	Yes	Not Sure	1.63%		2.50%
	Not Sure	Not Sure	No	Yes	0.81%		1.25%
	Not Sure	Not Sure	No	Not Sure	1.63%		2.50%
	Not Sure	Not Sure	Not Sure	Yes	3.25%		5.00%
Not Sure	Not Sure	Not Sure	No	0.81%	1.25%		
Not Sure	Not Sure	Not Sure	Not Sure	4.07%	6.25%		

Further analysis through cross jurisdictional comparisons showed that the trend to initially agree, or disagree, to volunteer, (as asked in question eight), was consistent through Miami-Dade County, Los Angeles and Philadelphia.* (See Table 9) The percentage of staff who responded “Yes” to question eight was similar in each location ranging between 42% and 66%. The percentage of staff in each location who responded “No” to question eight was also close to each other ranging from 11% to 19%.

* Note: Chicago was not included in the cross jurisdictional comparisons due to the low number of responses to the survey from that vicinity.

Following suit, the “Not Sure” responses ranged between 22% and 38%. There was also a trend that showed that the higher the number of total responses from each area, the lower the “Yes” responses became, and the higher the “No” and “Not Sure” responses became.

Table 9: Cross Jurisdictional Comparison of initial reaction to volunteering during a pandemic

In an effort to reduce public gatherings and the spread of the virus during a pandemic, the majority of the court may be required to close for a period of 90 days, except for critical functions like Bond Hearings, Domestic Violence Injunctions/Orders of Protection, Juvenile Detention Hearings, Other Emergency Matters, etc.				
If your area of the court did not fall into one of the critical functions and many of the staff in those critical function areas could not report to work due to either being sick or caring for the sick, would you volunteer to come to work to help out where needed?				
	Total'	Please select your court location:		
		Los Angeles, California	Miami-Dade County, Florida	Philadelphia, Pennsylvania
Yes	46.69%	56.92%	41.62%	66.67%
No	17.12%	13.85%	19.46%	11.11%
Not Sure	36.19%	29.23%	38.92%	22.22%

The cross jurisdictional comparisons of the effects on the respondent’s answers of offering special compensation, knowing that their family was prepared, and knowing that the court was prepared were also analyzed. Some of the staff in each location remained “Not Sure” about one effect or the other, as is shown in the aggregate results in Table 8 above, however, across the country, when faced with a pandemic, staff felt that special

compensation is not as important as knowing the court is safe and that their family is prepared. (See Table 10)

Table 10: Cross jurisdictional comparison of the effects on staff's decision to come to work based on offering special compensation, knowing their family is prepared and knowing that the court is secure.

		Jurisdiction		
		Los Angeles	Miami-Dade County	Philadelphia
Percentage of the initial "No" and "Not Sure" Group who changed their response with the additional incentive	Knowing that their family & court were prepared and safe would get them to volunteer while offering special compensation would not.	76.33%	58.76%	82.59%
	Offering special compensation would get staff to volunteer.	18.18%	15.46%	11.72%

Question twelve allowed respondents to provide additional comments regarding both their knowledge of the H5N1 virus, and their expectations of their court during a possible pandemic. Twenty-two percent of the respondents provided a variety of comments which encompassed 1) more education - "I would really like to know more about the H5N1 virus and the court's, if any, contingency plans", 2) greater court preparations to protect the staff and public - "...the courts must take action to help the safety of the employees working; i.e., masks, gloves, anti-bacterial, etc.", 3) suggestions for how to keep operating safely - "We could try audiovisual hearings and trials", 4) expectations from the court -

"I expect the court will have to operate at a minimum to meet the needs of mandated hearings. I hope that any and all safety precautions available to safeguard staff be available at any work location and for any staff member available to work",

and 5) further explanations for their intentions with their reasons -

“I am uncertain how bad this can be, however, I have two small children and if there is a possibility I could infect them I would not want to come to work.”

There were also a few remarks that show the fear and lack of confidence in the system such as, “ITS A PANDEMIC!!! THERE ARE NO VACCINES !!!!!!!”, “Save yourself “, “God Bless us all!!!”, “I pray it doesn’t come our way”, “Judges are not even in the priority list to receive vaccines”, and

“I consider an outbreak of H5N1 is extremely unlikely. If there was an outbreak, I feel confident that the court would find itself paralyzed by EBN* (*extreme bureaucratic nightmare.)”.

VI. Conclusions and Recommendations

The survey used in this research paper was divided into four sections designed to capture the respondent's demographics, level of pandemic knowledge, expectation of the court, and intentions as related to work attendance during a pandemic. In order to make recommendations on ways for the court staff's expectations of the court to meet the court's expectations of the court staff, certain conclusions had to be derived from the research. The conclusions are made using the following logic:

- 1) A person's position in the court affects the way they look at how the court should operate in a crisis
- 2) A person's level of understanding about an issue affects the way that they respond to that issue;
- 3) Different incentives (special compensation, family safety, and work safety) have different affects on people's decisions to come to work during a crisis.

A. Position in the Court and Expectation of the Court

People who have more responsibility for keeping the courts open and operational on a daily basis have more of an understanding of the expectations of a court system in crisis. Most judges, court executives and court managers expect the court to remain open, in a limited capacity, during a pandemic while approximately half of the remaining staff (judicial assistants, bailiffs and general court staff) would expect the court to completely shut down. The staff who would expect the court to shut down seems to lack both the knowledge of the responsibility that the court has to the community, even in crisis, as well as the types of issues that would come before the court during a pandemic.

As far as employees feeling as though it is professionally acceptable for court staff to refuse to come to work, the viewpoints are similar amongst the various levels of the staff as were in the expectations of the court. However, upon performing analysis of the data it was realized that the wording of the question may have altered the results amongst the judiciary. The question was worded "...do you think that it would be professionally acceptable for court staff to refuse to report to their workplace...", which may have been interpreted by the judiciary as meaning employees of the Administrative Office of the Courts and not them or their personal staff. Instead of using "court staff" in the question, a phrase incorporating all employees of the court, including judges and their personal staff, should have been used.

B. Level of Understanding and Response

There is a distinct difference between knowing *about* a crisis and knowing how to *prepare for* that crisis. A majority of the staff knows *about* a pandemic but the amount of staff who knows how to *prepare* for the pandemic is in the minority. This plays a major role in pandemic planning for the court. When a crisis has the possibility of vastly affecting one's personal life, as in life or death, the more knowledge one has about the crisis, as well as ways to prepare for a crisis, the more rational will their decision be when making it in conjunction with their professional life. This became clearer as more information was provided in the survey. There was a direct relationship between levels of understanding of the pandemic issue and the likelihood of staff to initially volunteer to work (the more they knew, the more they would be willing to volunteer). But when the question concerning knowledge of how to prepare your family and home was introduced, strangely enough, more of the people initially willing to volunteer did not know how to

prepare their family and home than the ones who did know how to prepare. The more information that was provided to the staff through the survey, the greater the levels of willingness to volunteer changed.

C. Incentives and Staff Reactions

The survey was constructed in a way that asked the staff about their willingness to volunteer to assist at work during the crisis without specifically mentioning different incentives. The incentives were added to the mix, one at a time, (special compensation, family preparedness, and court preparedness), to identify the value of that incentive. Court preparations and the confidence that the court will keep staff safe at work are critical to get people to come to work. Staff knowing that their family and home was prepared would have less of an impact on getting staff to come to work and the effect of offering special compensation would be even less.

But more significant is the number of staff who remained unsure about whether they would volunteer to assist. This means that focusing education and training proportionately between ensuring that the court is safe followed by ways to secure the staff's family, the court can win over the unsure group and increase the odds of having proper staffing during a crisis.

D. Recommendations

The Eleventh Judicial Circuit of Florida, in Miami-Dade County, will require a comprehensive COOP plan to assist in keeping the courts open during a pandemic. Operational planning is a major part of the plan but without the staff at work to carry out the plan, the plan is worthless. The standard structure of this circuit's COOP plan includes a section on training and education, however, the way the training and education

section is structured is what was found to be critical for pandemic planning. Unlike COOP plans already developed for hurricanes, fires, and other sudden, yet brief emergencies in South Florida, the pandemic training plan should not start with, or focus on, initially, the needs and functioning of the court. This study shows that, before anything else, staff of the Eleventh Judicial Circuit needs to feel confident that the court is doing all that it can to protect them when they come to work. Therefore, the recommendations, which should be carried out sequentially, are as follows:

1) The Eleventh Judicial Circuit of Florida must conduct general training sessions for all court staff (judges, judicial staff, and employees of the Administrative of the Courts), in each of the Miami-Dade County court facilities explaining, in detail and with conviction, each measure that is being taken by the court to protect the staff and prevent the spread of the virus at work. This should include explaining:

- a) How each of the nine current Miami-Dade Court facilities are being prepared and/or modified,
- b) How staff will be personally protected,
- c) How the public and inmates (for criminal proceedings) will be handled, and
- d) How technology will be used to reduce face-to-face contact.

It is strongly recommended that the “Guidance on Preparing Workplaces for an Influenza Pandemic”²⁷ published by the United States Department of Labor, Occupational Safety and Health Administration is reviewed during this training. This

²⁷ United States Department of Labor, **Occupational Safety and Health Administration, Guidance on Preparing Workplaces for an Influenza Pandemic**, February 1, 2007, pages 1-23.

will help build staff's confidence that the Eleventh Judicial Circuit of Florida is following all the necessary guidelines to protect the staff and public, and prepare the facilities for a pandemic.

2) Also in the general training sessions, staff needs to be thoroughly trained regarding the necessary steps and supplies for preparing their family and home. Discussions concerning food and water, prescription drugs, and hygiene awareness are examples of these issues that must be discussed. It is recommended that the "Pandemic Flu Planning Checklist for Individuals and Families"²⁸ published by the United States Department of Health and Human Services is distributed and used as a guide in this effort. It is also recommended that the "Family Emergency Health Information Sheet"²⁹ is used as well, which provides a form for recording each family member's medical information, hence, having it ready for an emergency. This information includes blood type, allergies, past/current medical conditions and current medications and doses.

3) The general training sessions must clearly address all human resources issues, especially those which are unique to a pandemic. The topics that have been most commonly discussed amongst the Miami-Dade Courts' staff, and should therefore be most prevalent in the training, are 1) will everyone receive their normal paycheck whether they work or not, 2) policies for utilizing sick leave, annual leave, or administrative leave, 3) medical insurance benefits, 4) instructions for processing the payroll for Miami-Dade County personnel, 5) instructions for processing the payroll for the State of Florida personnel, 6) verifying and updating of personnel records, 7) encouraging and setting up direct deposit of paychecks, 8) descriptions of death benefits,

²⁸ <http://www.pandemicflu.gov/plan/individual/checklist.html>, Accessed January 6, 2008, Pages 1 and 2.

²⁹ <http://www.pandemicflu.gov/plan/individual/familyhealthinfo.html>, Accessed January 6, 2008, Page 1.

9) compensation for those who work, and 10) policies and procedures for sending potentially infected staff home. (Many of these decisions have not yet been made at the local Miami-Dade Courts level; therefore, local administrative meetings must be held addressing these issues resulting in the creation of a formal policy document for the Eleventh Judicial Circuit.)

4) Finally, the last part of the general training sessions must review the responsibility of the court to the community. The role that the courts play in society must be reinforced to the staff so that they understand that the courts are not being kept open for bureaucratic or financial reasons but to continue to assist the public with issues that only the court can handle. These topics not only include the normal court activities like First Appearance Hearings and Domestic Violence Injunctions, but also issues related to mandatory immunization, quarantine, isolation and measures intended to greatly reduce public gatherings.

Once all the staff safety, preparation, precautionary, human resources and court responsibility issues have been discussed, in a two way conversation between the staff and trainer, specialized court operational training must be scheduled and conducted with the appropriate staff.

5) Specialized training sessions must be organized and conducted by every division of the court (criminal, domestic violence, family, probate, civil, branch courts, human resources, administrative services, technology, legal, etc.) to the staff in those divisions. As stated in all COOP plans, staff must be trained on what to do once the COOP plan is activated. All court operations will change during this crisis so, to reduce staff's stress, fear, and uncertainty; they need to be familiar with the way the Miami-Dade

Courts will function. They must know the functions which will be continued and which will be suspended along with the roles they must play in each. They must be cross trained so as to be able to assist in the areas that must remain operational, which, most likely, will lack their normal staffing.

Fortunately, the Eleventh Judicial Circuit of Florida is a large circuit with a great number of judges, judicial staff and court staff (AOC); therefore, the number of *potential* “back-up” staff is high. The word “potential” is emphasized because, based on the factors listed in Table 11 below, the number of available staff could range anywhere from approximately 189 to 450, depending on the illness rate and the employees’ willingness to report to work.

Table 11: Eleventh Judicial Circuit of Florida - Potential available staff during a pandemic

	Approximate current number of staff	Potentially available staff during a pandemic due to a 40% illness absentee rate	Percentage of staff willing to come to work during a pandemic (42% of potentially available staff)	Percentage of staff "not sure" about reporting to work (39% of potentially available staff)
Judges	123	74	31	29
Judicial Assistants	123	74	31	29
Bailiffs	123	74	31	29
AOC Staff	381	229	96	89
Total (approx.)	750	450	189	176

Each area of the court, from the judges to the court staff, that will be required to continue operations, (first appearance hearings, domestic violence injunctions, juvenile detention hearings, public health issues, etc.) will require published operational manuals to be used to train the judges and staff prior to the event as well as to direct them during the crisis. The Florida Court Education Council’s, 2007 Pandemic Influenza Benchguide; Legal Issues Concerning Quarantine and Isolation, has already been

prepared for the judiciary and must be reviewed by all members of the bench. All divisions of the Administrative Office of the Courts must complete their operational manuals for this purpose.

All staff must be trained on operational changes to the facilities as in reducing the space used, distancing between the staff and public, procedures for entering and exiting the building, etc. Legal issues, as in the different court operational actions that the court can and cannot do legally during a crisis of this magnitude must be addressed and clarified. And finally, communications policies and procedures between staff and management must be finalized and reviewed to include the use of the automated telephonic message broadcasting system (Reverse 911) and staff's responsibilities for communicating their situations to their supervisors and/or managers.

6) After all the training is complete, updates and newsletters must be provided to staff on a regular basis. This will also build confidence in the staff that management is staying on top of the issue.

E. Fiscal and Operational Implications of the Recommendations

The courts in Miami-Dade County started the process of creating the staff pandemic training plan and session outlines. Prior to this research, the recommended structure of that plan was primarily focused on the operations of the court - "Keeping the Courts Open", followed by the staff safety and preparation issues. As a result of this research, several months will need to be allocated to restructure and finalize the training plan and course contents to conform to this report's recommendations. Once completed, all 800 court staff members will need to attend a two to three hour general pandemic training session focusing on the court's preparations, family and home preparations,

human resources and court responsibilities to the community issues. Following the general training sessions, all 22 operational and support divisions, along with the ten judicial/general magistrate divisions, will need to conduct their specialized training facilitated by the pandemic planners and divisional management. Cross training between the various operational and support divisions will also need to be conducted resulting in a heightened awareness, for all the non-judicial staff, of the operational requirements.

Since this research resulted in the restructuring of the pandemic training programs, the costs associated with reorganizing the plans are made up of the staff time necessary to complete the task; therefore, these recommendations would be a redirection of the training development efforts. However, due to the stress on the Florida State Courts' Budget as well as the Miami-Dade County budget, currently there is no support staff funded or allocated to work on assisting each division with the review and finalization of their pandemic COOP plans as well as the development of the training programs.

At the appropriate time, after the Phase of Pandemic Alert from the World Health Organization (WHO) is sustained at level four, which means that there is evidence of increased human-to-human transmission, the Eleventh Judicial Circuit of Florida should allocate the funding to hire at least two full time temporary support staff members necessary to complete the planning and training. This could incur a cost of approximately \$50,000 for two full time temporary employees for a period of six months. Potentially, what could cause the costs to soar would be the costs associated with improper planning and training, which would surely lead to court operations chaos at the time of the crisis.

F. Future Study

To further prepare the Eleventh Judicial Circuit of Florida for effective operations before, during and after a pandemic, two future studies should be considered. Although these future studies are directly related to this issue and clearly worth the investment of time and effort, as time goes by, other relevant studies will be suggested.

The first suggestion is for the circuit to launch a follow-up study into the expectations of all staff immediately following the completion of pandemic training. At that time, staff should thoroughly understand the protection that is being provided to them, the steps to secure their family, and the necessity of keeping the courts open. This will not only show the effectiveness of the research but also validate the recommended changes in the training plans.

The second suggested study for the Miami-Dade Courts is to determine the effectiveness of a specialty court developed to handle only post pandemic related cases. The Eleventh Judicial Circuit has set up other specialized long term courts such as Drug Court, Domestic Violence, and Unified Family Court, as well as situational based specialty courts for hearing “Big Tobacco” and asbestos related cases. The same methodology for studying the effectiveness of those courts should be used with a few additional factors. This study should look at current case loads and case processing times, including the impact of the delay on current cases due to pandemic related court closures. It should also consider the effects of adding a large number of pandemic related cases to existing overly-burdened judicial sections. As in all planning, should a pandemic specialty court be projected to be beneficial to court operations, working out

the logistics prior to the event will make the implementation smoother to the court, the legal community, and the public.

G. Conclusion

The number of issues facing the world in preparing for a pandemic is astonishing and the courts' role in assisting the community in maintaining order during a pandemic is a vital component. The Eleventh Judicial Circuit of Florida must be able to sustain operations, at a minimal level, to ensure that due process is available to all citizens of Miami-Dade County. Planning for how to keep the courts open, of course, is a critical step and the training of staff is a large part of that process. But without the necessary staff in place during the crisis, the plan is useless and court operations will struggle.

Therefore, because of the unique and devastating nature of a pandemic, specialized training must be developed and presented to staff so that they will be prepared for the event. This will increase the probability that staff will be available to support the court and the community during a pandemic. This research will help ensure that the courts take staff's expectations of the court into consideration when preparing for this emergency which will result in greater staff participation in providing justice.

VII. Appendices

Appendix 1: E-mail invitation to the survey

Page 1 of 1

Graubard, Andrew

To all Judges, Judicial Staff and Court Administration Staff,

The United States, as well as many other countries around the world, is preparing to deal with a possible pandemic due to the outbreak of the Avian H5N1 virus, also known as the Bird Flu. All levels of government and private industries are creating plans to ensure that they will be able to sustain operations, in addition to addressing the safety and security of their employees, should this pandemic occur.

The survey associated with this e-mail will be used by the courts to better understand our employees' level of knowledge concerning a pandemic and their expectations of the court should a pandemic affect our community. The survey results will be shared with the National Center for State Courts and will be used by other jurisdictions to plan for such an event.

This survey consists of 9 to 12 (depending on your answers) multiple choice questions and should only take a few minutes to complete. Your answers to the survey are *anonymous* so please be as honest as possible. Also, please answer the survey by November 30, 2007.

To start the survey, click on the following link <http://www.zoomerang.com/survey.zgi?p=WEB226Y7Q8BCJ4>. After you have finished with the last question, please press the submit button on the screen.

NOTE: Please allow any judges, judicial staff, and court administration staff, who do not have a computer at work, access to this link to complete the survey.

Thank you very much.

Andrew M. Graubard
Director of Emergency Management & Court Continuity
Administrative Office of the Courts
11th Judicial Circuit of Florida
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10/16/2007

Appendix 2: Introductory Letter to the Chief Judge of the Circuit Court of Cook County, Chicago, Illinois



**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE OFFICE OF THE COURTS**

JOSEPH P. FARINA
CHIEF JUDGE

RUBEN O. CARREROU
COURT ADMINISTRATOR

LAWSON E. THOMAS COURTHOUSE CENTER
175 N.W. FIRST AVENUE
MIAMI, FLORIDA 33128
TELEPHONE: (305) 349-7000

October 16, 2007

Chief Judge Timothy C. Evans
Circuit Court of Cook County

Dear Judge Evans,

I am the Director of Emergency Management and Court Continuity for the 11th Judicial Circuit of Florida in Miami-Dade County. I am working on a research paper as a requirement to receive my fellowship in the Court Executive Development Program through the National Center for State Courts. My research paper is dealing with the effects of a pandemic on the courts focusing on staff knowledge and expectations.

I have created a very brief survey which I am presenting to the courts in the largest jurisdictions in the country consisting of Philadelphia, Miami, Los Angeles and hopefully Chicago (Cook County). The survey is internet based; therefore, if you approve the distribution of this survey to the Judiciary, their staff and all court administration staff, I would just need to know the appropriate contact to assist me in forwarding my cover letter e-mail. I am attaching a copy of the e-mail cover letter and the survey for your review.

Thank you in advance for taking your time to review my request. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Andrew M. Graubard
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Appendix 3: Court Staff Expectation during a Pandemic Survey

Court Staff Expectations During a Pandemic

1 Please select your court location:

- Chicago, Illinois
- Los Angeles, California
- Miami-Dade County, Florida
- Philadelphia, Pennsylvania



Survey Page 1

Court Staff Expectations During a Pandemic

2 Please select your position in the court:

- Judge
- Judicial Staff
- Upper Management - Court Staff (Executive)
- Middle Management - Court Staff (Directors and Supervisors)
- Non-Management - Court Staff
- Other, please specify



Survey Page 2

Court Staff Expectations During a Pandemic

3 What is your level of understanding of the current avian H5N1 virus (bird flu) and its potential to turn into a pandemic flu outbreak?

- Have a clear understanding of the issue
- Somewhat aware of this issue
- Have limited knowledge of the issue
- Unaware of the issue



Court Staff Expectations During a Pandemic

- 4 If you are aware of the avian flu, do you know what you must do to prepare your home and family for an outbreak?
- Yes
 - No



Court Staff Expectations During a Pandemic

- 5 Does your court's senior management consider a pandemic flu outbreak a serious or probable threat to your court?
- Yes
 - No
 - I Don't Know



Court Staff Expectations During a Pandemic

Please read before continuing to the next question:

A Pandemic Flu is an extremely infectious human flu that causes a global outbreak, or pandemic, of serious illness. Because there is little natural immunity, the disease can spread easily from person to person.

CURRENTLY, NO PANDEMIC EXISTS!!!

A pandemic occurs, on average, once every 35 years. The last pandemic was in 1968, which resulted in 34,000 deaths in the United States and over 700,000 deaths worldwide.

Expected duration of a pandemic is 1 to 3 years. It is likely to come in a series of 1 to 3 waves lasting 30 to 90 days each over the 1 to 3 year duration of the event.

The projected illness rate is 35% to 40% of population.

The fatality rate is anywhere between 2% to 50% of the infected population.

Please press submit to go on to the next question.

SUBMIT

Survey Page 6

Court Staff Expectations During a Pandemic

- 6 Would you expect the court to completely shut down during a pandemic influenza flu?
- Yes
 - No
 - Not Sure
 - Other, please specify

SUBMIT

Survey Page 7

Court Staff Expectations During a Pandemic

- 7 If the court remained open during a pandemic influenza flu (which could endure from 3 to 36 months) do you think that it would be professionally acceptable for court staff to refuse to report to their workplace in order to protect themselves and their families?
- Yes
 - No
 - Not Sure

SUBMIT

Survey Page 8

Court Staff Expectations During a Pandemic

- 8 In an effort to reduce public gatherings and the spread of the virus during a pandemic, the majority of the court may be required to close for a period of 90 days, except for critical functions like Bond Hearings, Domestic Violence Injunctions/Orders of Protection, Juvenile Detention Hearings, Other Emergency Matters, etc.

If your area of the court did not fall into one of the critical functions and

many of the staff in those critical function areas could not report to work due to either being sick or caring for the sick, would you volunteer to come to work to help out where needed?

- Yes
 - No
 - Not Sure
 - Other, please specify
-



Survey Page 9

Court Staff Expectations During a Pandemic

9 If you answered "No", "Not Sure" or "Other, please specify" to the previous question, would you change your answer if special compensation was offered?

- Yes
- No
- Not Sure



Survey Page 10

Court Staff Expectations During a Pandemic

10 Would you be more willing to report for work during a pandemic knowing that your family was prepared and you had all your supplies at home?

- Yes
- No
- Not Sure



Survey Page 11

Court Staff Expectations During a Pandemic

11 Would you be more willing to report to work during a pandemic knowing that the court has taken the necessary recommended precautions to protect the staff and the public by purchasing gloves, masks, hand sanitizers, etc. and by implementing procedures to minimize face to face interactions with others.

- Yes
- No
- Not Sure



Survey Page 12

Court Staff Expectations During a Pandemic

12 This is the last question.

Please enter any additional comments you may have regarding your knowledge of the H5N1 virus and your expectations of your court during a possible pandemic.

*** Please press the Submit button (even if you leave this questions blank). ***



Survey Page 13

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