



After the Fact | Message Received: A Solution for Missed Court Hearings

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TRANSCRIPT

Giuliana Pence, host, “After the Fact” podcast: Welcome to “After the Fact.” For The Pew Charitable Trusts, I’m Giuliana Pence.

Simple text messages help many of us manage our busy day-to-day lives. Your dentist sends you a text to remind you to schedule an appointment. But what about when you have to appear in court for something like a traffic ticket? In many state and local courts, it turns out the system is a bit more outdated. And if you miss your court date, even by accident, the consequences can escalate quickly.

So what actually happens when someone forgets to show up? And could something as simple as a text message make a difference?

Michelle Russell, manager, courts and communities, The Pew Charitable Trusts: On “Law and Order,” you’re seeing dramatic trials. Maybe in headlines, you’re reading a lot about the Supreme Court. But that local court in your community is handling a wide variety of matters that kind of come up in a person’s life, things that are often considered more minor, like your average traffic ticket, divorce, or a child custody arrangement. And these courts are the ones who are coming up with pretty important determinations for your life.

Giuliana Pence: I talked to my colleague Michelle Russell, who works on Pew’s courts and communities project. She and her team examine how people interact with state and local courts.

State courts, for example, handle 66 million cases every year. That’s millions of daily interactions—like traffic tickets, landlord disputes, child support hearings—happening in communities across the country. Even when a small percentage of cases experience no-shows, that can mean millions of missed hearings.

So, I sat down with Michelle to understand more about how courts work and why these simple changes haven’t been implemented.



What cases make up most of the workload, would you say?

Michelle Russell: The vast majority of cases that are handled by courts are actually traffic cases. So that's about 57% of all cases that courts across the country handle. And this includes those, you know, speeding violations that are often noncriminal, but it also includes felony issues like drunk driving.

The second biggest category have to do with things that have to do with housing, like eviction or debt collection.

The third is public safety, our "Law and Order" cases, if you will. That makes up about 17% of the docket. I will say the bulk of public safety cases are misdemeanors, so they're the shoplifting, drug possession, cases that relate to family matters, so things like divorce, child custody. They account for about 6% of all cases that courts hear, or about 4 million per year.

Giuliana Pence: Also interesting that, I guess, misdemeanors don't make for ripe TV.

Michelle Russell: They don't. They're the bulk of the cases, but the minority of any sort of cinematic headline that you might read in a newspaper.

Giuliana Pence: Right. And even though these cases can have some major implications, there are a lot of no-shows. We wanted to find out why people aren't showing up to court.

There's a common assumption that people who miss court are being irresponsible or evasive. Based on your research, what's the real story behind why people miss their court dates? What's going on there?

Michelle Russell: People run into the same issues that come up when you're trying to make another appointment. So, people's lives are busy, they have a lot going on, and we find that people miss court dates because they couldn't get time off of work, because they couldn't get a ride to court, or, more often than not, they simply forgot. A traffic ticket that's scheduled, you know, months in advance is pretty easy to forget about.

We also found that it is true in data as well. So we had a public poll where we asked people who had had a court case and who had missed a court hearing, like what was the reason. And the number one reason people said was simply forgetting. So 37% of all respondents said that was the main reason, and then the second-most common was couldn't get off work or had other obligations.



Giuliana Pence: Well, let's talk about that number one reason, forgetting. So, your polling found really strong bipartisan support for simple court reminders—texts, emails—to remind people of when their appointments are, yet many courts still don't use them broadly.

This, to me, is still one of the most shocking things because we're in the modern era. You know, I get text messages for hair appointments, dentist appointments. And yet for a court date, which is a pretty big deal, a lot of these courts still don't have the technology for court reminders.

Michelle Russell: First, to talk about reminders, it's not just that people are forgetting their appointment or their court date and they had all of these reminders or notifications or communications that come up to it. They're often forgetting their court date because it was scheduled many months in advance, and all they had was a paper ticket that kind of gave them the date and time. And so, if that ticket got lost, they would have no other way, really, of remembering.

But to your question, why aren't reminders more commonly offered by courts? There's not one clear reason. So, if you ask different people, they'll give you different explanations.

One thing is that data infrastructure is a hurdle for courts. So, it's not necessarily that they don't want to offer something like a reminder, it's that they don't have the digital capacity to integrate it with their workflow. So, we're sending off texts left and right, but a court system might be using a case management system from the '80s, and they're not quite sure how they can connect that to something that is able to send a text message reminder.

Giuliana Pence: So how do we know that reminders will be effective?

Michelle Russell: In the last few years, there's even been randomized controlled trials that show that text message reminders can reduce missed court dates by 20% to 40%. And in the policy space a randomized controlled trial is the gold standard of research that you want. So this is a policy solution where the research is very clear that you're going to get the outcomes that you want if you apply reminders properly.

Giuliana Pence: OK, so you might be wondering: Why is this up to the courts? Why is it on them to help people remember to show up? Michelle shared more about this.

Michelle Russell: First, it isn't just a benefit to the person; it's a benefit to the court system and the justice system wholly. Law enforcement resources are going to make an arrest for someone who's missing court, when really you could send them a text



message reminder that costs less than 1 cent per message, and hopefully avoid that time-consuming and costly arrest.

Giuliana Pence: Super interesting. You don't think about that, like, "Oh, I could just be arrested because I didn't get a text about a court thing that I didn't even realize I had."

Michelle Russell: In a lot of places, you can't even bring your cellphone into courts, so they're like telling you your next date and you just sort of kind of leave and hope you remember the date and time and it gets mailed to you.

The second thing I would say is that courts have a responsibility to make processes fair. It's not about making things necessarily easier, but I think it's helpful to think about a reasonable way to communicate with people. And in today's age, most of our communication is digital. It happens through text message or email, and so relying on paper mail is sort of an outdated expectation or norm that I think courts should strive to move beyond.

Giuliana Pence: What is the impact when someone misses a hearing for the individual and for court operations more broadly?

Michelle Russell: For court staff working every single day, when you have a big backlog of cases or you have a high volume of cases, when someone doesn't show up, that slows things down. Another case needs to be rescheduled. It's just wasted time on the docket.

And, in almost every state across the country, if you miss a court date, courts can issue an arrest warrant. A prosecutor can file new criminal charges, called "failure to appear," and in many places, your driver's license can be suspended. So these are very severe consequences. And it is regardless of the reason why you missed. It could be that you forgot. It could be that you couldn't get off of work, but courts don't know that reason.

They might just be driving to work one morning. They get pulled over in a routine traffic stop. Maybe they were going a little too fast. If they have an arrest warrant for missing court, a police officer is going to, and is mandated to, take them to jail.

So, this is a hugely disruptive and potentially emotional experience for someone, for something, again, that might not have to do with evading the justice system at all. It might be that they simply forgot their court date.

Giuliana Pence: Could you tell me about the data on how often this happens?



Michelle Russell: When we worked in Michigan a few years ago, we analyzed arrest data across the state. And we saw that arrest warrants for missing court were the number one reason for arrest.

A couple years later, we worked with a few counties in North Carolina. We looked at their jail data. Again, we saw arrest warrants for missing court were the number one reason people were booked into jail.

So this is not something that happens in a rare scenario. It's actually pretty common that people's lives are disrupted with these sorts of arrests simply stemming from missing a court date.

Giuliana Pence: And it kind of plays into what you were saying about resources because then that officer is required to take that person to jail.

Michelle Russell: Exactly, and for people who, one of their top concerns—whether it's just someone in the community or if it's a court leader or legislator—if your concern is public safety, usually you would prefer to have a police officer on patrol in the community looking out for serious issues rather than taking the hours potentially that it might take to book someone into jail, do all the paperwork, and kind of be off the road.

Giuliana Pence: How are state and local legislators responding to the desire for these reforms, to some of these changes?

Michelle Russell: I have to say the feedback has been very positive. When we tell them about court reminders, it kind of hits them immediately. Like, "Oh, this is common sense. This is something I'm familiar with. How can we roll that out in our state so that the people who are served by courts are getting these notifications?"

And when we talk about the data and the research behind why court reminders work, they're even more encouraged that it's a cost-effective and efficient way that they can get better outcomes in their justice system.

And we actually know about bills in state legislatures right now to adopt or improve court reminder programs.

We think there is positive momentum across the country to shift from a status quo to hopefully a new norm where these reminders are more common and typical and can help people to get to court.



Giuliana Pence: Thanks for listening to “After the Fact.” To learn more about this topic, visit pew.org/afterthefact. If you enjoyed the episode, leave a review, and follow us wherever you get your podcasts to hear all of our latest episodes. For The Pew Charitable Trusts, I’m Giuliana Pence, and this is “After the Fact.”