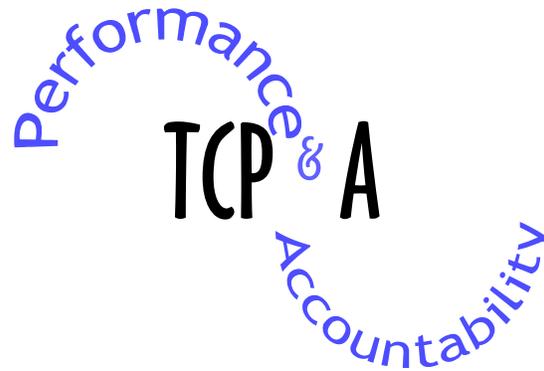


Supreme Court of Florida Commission on Trial Court
Performance & Accountability



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Judicial Resource Study Final Report

*Measuring the Workload of
Trial Court Judges,
General Magistrates and
Hearing Officers*

INTRODUCTION

Overview

Article V Section 9 of the Florida Constitution requires that the Supreme Court annually certify the need for additional circuit and county court judges to the Legislature. Rule 2.240, Florida Rules of Judicial Administration provides the framework and outlines many criteria to be used in certifying judicial need. One important evolution in the certification process was the development of a judicial workload model, referred to as the Weighted Caseload Model, to identify potential areas of judicial need based upon the expected number and types of cases, the average time it takes judges to process cases, and the amount of time available to judges for case related work. The initial work was completed in 1999 and has been used by the Supreme Court as an integral part of the certification process since 2000.

The judicial model has been so successful that the Supreme Court has opted to extend the methodology to other important court resources such as General Magistrates, Title IV-D Child Support Hearing Officers and Traffic Hearing Officers. The Judicial Resource Study (JRS) was initiated to perform an analytical examination of workload in the trial courts, revise the current judicial workload model and extend the concept where applicable.

The goals of the JRS are to develop a model of judicial and supplemental resource usage that will help to determine expected future need and to provide a tool to aid in the efficient distribution of available resources within the court system. Specific primary and secondary goals are listed below.

Primary Goals:

1. Update the existing judicial case weights.
2. Develop case weights for other supplemental resources.
 - a. General Magistrates
 - b. Traffic Hearing Officers
 - c. Title IV-D Child Support Hearing Officers

Secondary Goal:

Develop a tool to assist judicial leadership in determining the optimal allocation of judicial and supplemental resources.

The weighted caseload methodology may replace the existing funding methodologies used for general magistrates, child support hearing officers and traffic hearing officers.

Study Workgroups

Judicial Resource Study Workgroup

The Judicial Resource Study Workgroup under the umbrella of the Commission on Trial Court Performance and Accountability was formed in August 2005 to provide direction, oversight and support for this study. The group consisted of ten circuit court judges, two county court judges, two magistrates, and three trial court administrators. Chief Judge Robert Bennett of the Twelfth Judicial Circuit and Michael Bridenback of the Thirteenth Judicial Circuit served as Workgroup co-chairs. Members of the Workgroup came from eleven circuits and were representative of small, medium and large circuits, including Miami-Dade.

The JRS Workgroup met several times over the life of the study. Their initial meeting was held on November 15, 2005 in Tampa, FL. Members were briefed about the upcoming studies and decisions were made regarding the project design and development. During this meeting the creation of a General Magistrate/Hearing Officer (GM/HO) Subgroup was approved to oversee the GM/HO Workload Study.

The next meeting was held on June 11, 2006 at which time the GM/HO Subgroup presented results from the 2006 Work Year Survey. Issues regarding the upcoming 2006 Judicial Case Weight Update Survey and related training were also addressed. During the December 14, 2006 conference call, the 2006 Judicial Case Weight Update Survey results were reviewed and some methodological changes were approved. The call also provided preparation for the Judges Forum Group Meeting, scheduled for January 2007. A follow-up conference call was held on January 12, 2007 to decide on one remaining issue concerning the upcoming Judges Forum Group Meeting.

The final JRS Workgroup meeting was held on May 14 and 15, 2007. At this meeting, the JRS Workgroup completed the final stage of the Judicial Case Weight Update Study and reviewed the results of the GM/HO Workload Study. The Final GM/HO Workload Study Report was submitted by the GM/HO Subgroup and accepted by the Workgroup. Recommendations were made on the case weights for judges, magistrates and hearing officers and on other related issues deemed necessary.

General Magistrate/Hearing Officer Subgroup

The GM/HO Subgroup was created by the JRS Workgroup consisting of three judges and seven magistrates and hearing officers to provide expert advice and guidance for the GM/HO portion of the JRS project. The GM/HO Subgroup was lead by Chief Judge William Wright of the Fourteenth Judicial Circuit, a member of the JRS Workgroup. In addition, one judge and two general magistrates from the JRS Workgroup participated as members of the GM/HO Subgroup. Members of the GM/HO Subgroup came from ten circuits and were representative of small, medium and large circuits, including Miami-Dade.

The GM/HO Subgroup met initially on January 17, 2006, to construct the design of the project and determine the parameters of the study. The GM/HO Subgroup members used the framework of the 1999 Delphi Study⁴ as the basis for their project. Decisions made by the full JRS Workgroup were presented to the GM/HO Subgroup and incorporated in their study plan. The GM/HO Subgroup met via conference call on May 16, 2006, February 21, 2007 and April 19, 2007 to discuss upcoming events and examine results of the study. On the May 2006 call, the 2006 Work Year Survey results and the corresponding draft report were reviewed and approved. The members were briefed on the upcoming time study. The conference call in February 2007 provided preparation for the upcoming GM/HO Forum Group Meeting in March. The results of the 2006 Time Study and the format of the upcoming meeting were shared with the members. The GM/HO Subgroup reviewed and discussed the workload study results and finalized the 2006 GM/HO Workload Study Final Subgroup Report during an April 2007 conference call. The final GM/HO Subgroup report was presented to the Judicial Resource Study Workgroup on May 14, 2007.

Workload Model Components

The judicial workload model provides the Supreme Court, chief judges and trial court administrators with a measure of the anticipated judicial need required to efficiently and effectively process cases expected to be filed in the court in a given year. The model has four primary components that capture different aspects of workload within the courts. The four components are: (1) unambiguous case types that categorize the court activities into distinct, countable groups; (2) case weights that reflect the complexity of case activity by assigning different time values to each case type; (3) case filings that estimate the expected number of cases of a given type to enter the court system each year; and (4) work year which identifies the total time available to handle case related work each year. It should be noted that much of the following discussion will reference the judicial workload model currently used by the Supreme Court. However, the structure and concepts in this section apply with little or no modification to the general magistrate/hearing officer workload model as well.

The workload model, as used within the court system, computes resource need by first calculating the expected workload facing a circuit from a given case type. This workload, expressed in minutes, is calculated as the product of the anticipated filings times the weight for that case type. Workload need is then converted to a full time equivalent (FTE) employment measure which represents the number of FTE's required to process the expected case load. Net need is then determined by subtracting the actual number of FTE's currently assigned from the expected value.

Need is computed by court level (circuit or county) and by circuit. For a given circuit, expected FTE's are summed for all case types. The actual number of judges assigned at that level is then subtracted from this total to determine net judicial need. Figure Four provides an example of this calculation.

⁴ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000

The workload model also allows for the use of modifiers to provide an additional mechanism for refining judicial need calculations. The modifier can capture some fundamental characteristic that is unique to a specific circuit or case type that can have a significant impact on need but cannot be represented fully by one of the four model components. For example, the judicial workload model currently uses a jury trial modifier to take in to account the differences in trial rates between circuits. Since trial activity accounts for a significant amount of judicial time, the modifier, which is calculated in terms of FTE, is used to adjust, up or down, a circuit's overall need.

Figure Four: Sample Need Calculation - Circuit Court – Urban

Case Type	Filings	x	Weight (minutes)	=	Workload (minutes)	÷	Year (minutes)	=	FTE
Probate Division Workload Calculation									
<i>Probate and Mental Health</i>	9,338	x	31	=	289,478	÷	77,400	=	3.7
<i>Guardianship and Trust</i>	744	x	62	=	46,128	÷	77,400	=	0.6
<i>Anticipated Need (divisional)</i>	10,082				335,606				4.3
Total Circuit Judicial Need Calculation									
<i>FTE Need</i>	Probate Division Anticipated	+	Other Divisions Anticipated	=	Total Circuit	-	Assigned Circuit Judges	=	Circuit Net Need
	4.3	+	43.4	=	47.7	-	45	=	2.7

Case Types

The Florida Delphi-based Weighted Caseload Project, commonly referred to as the 1999 Delphi Study, defined thirty case types for inclusion in a workload model.⁵ One case type, Family Post-judgment, was ultimately discarded as non-measurable owing to the difficulties in defining these activities unambiguously. To reduce model complexity and to resolve some other methodological issues in the original study, an additional six case types were consolidated in to three composite case types. For example, the Probate and Other Probate case types had approximately the same time study value and were consolidated. Trust, on the other hand, did not develop enough data during the time study to reliably construct a weight and was subsequently combined with Guardianship based on procedural similarities in the case types. Eminent Domain and Other Circuit Civil were similarly consolidated. However, to ensure that procedural or statutory changes have not significantly altered the characteristics of these case types, the JRS Case Weight Update Study in August 2006 surveyed all of the original twenty-nine case types (excluding Family Post judgment).

⁵ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000.

The Judicial Resource Study also included three new case types for Drug Cases Involving Drug Court, Jimmy Ryce, and Parental Notice of Abortion cases. The OSCA had conducted a limited time study for Drug Cases Involving Drug Court in 2002-2003 using the 1999 Delphi Study framework. The results have been used as a case type in the existing workload model since 2004.

The Jimmy Ryce and Parental Notice of Abortion case types represented new additions to the workload model. The Judicial Case Weight Update Study incorporated these case types with the goal of developing an initial case weight for use. Although other case types were incorporated following a detailed time study, it is believed that the survey structure employed by the Judicial Case Weight Study of this project is sufficient to develop a reasonable case weight for these categories.

A fourth case type, Unified Family Court (Crossover), was proposed for this study as well. It is believed that the unified or crossover model can yield significant efficiencies in case processing of certain types of family cases. However, the court system is still working to unambiguously define this case type as its use and scope varies throughout the state. Additionally, there is no consistent reporting mechanism for this case type statewide. Without a clear definition and a well defined counting mechanism, there is no way to integrate the Unified Family Court (Crossover) case type into the workload model. Consequently, the case type was excluded from current models until such a time as the program is sufficiently advanced to provide the necessary information.

It was the decision of the JRS Workgroup to again consolidate the six case types in to three composite case types after reviewing the Judicial Case Weight Update Survey results. The Probate and Other Probate case were consolidated and renamed to Probate/Mental Health to more accurately represent the types of cases included in this category. Trust and Guardianship as well as Eminent Domain and Other Circuit Civil were also combined. This consolidation resulted in a total of twenty-nine case types recommended for use in the trial court workload models.

Case Weights

Judicial

A case weight is defined, for purposes of the judicial workload model and for the update study, as

“the average time required for a judge to handle a typical case in a reasonable amount of time.”⁶

The “average” case weight is calculated on a statewide basis and serves as a representative measure of workload. When used in the aggregate, over all filings in a circuit or in the state, this “average” weight provides a reasonable and accurate measure of workload. Additionally, the case weight defines a standard measure which provides the context for need comparisons across circuits in Florida. However, the case weight should not be construed as a measure of individual

⁶ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000.

performance. It is not appropriate to interpret a case weight as the amount of time a specific judge should complete a case or the amount of time a specific case should be completed. The case weight is an average and will almost always not correspond to individual events.

General Magistrate/Hearing Officer

Although the GM/HO case weight performs the same function in the workload model as the judicial case weight, the two weights are not equivalent. The GM/HO case weight is a translation factor that relates the number of events referred to GM/HO's and the average time it takes to process those events to the number of case filings. The basic unit of work for magistrates and hearing officers is not the case filing as it is with the judiciary. Rather, the case was subdivided into three distinct phases, pre-judgment events, final judgment events and post judgment events. The unit of work was defined by the GM/HO Subgroup as one of these three events. This study developed workload measures based on this unit of work and then consolidated these events in to a "case weight" suitable for workload estimation using case filings as reported via the Summary Reporting System.

Filings

The total number of cases filed and disposed in the court system is collected by the Office of the State Courts Administrator (OSCA) monthly from the Florida Clerks of Court as part of its Summary Reporting System (SRS). Jimmy Ryce and Parental Notice of Abortion cases are collected by the OSCA from the Clerks of Court monthly or quarterly. Filing data is collected by county and aggregated into respective circuit and workload case types and forecasted forward to the time period required.

Work Year

A final element required in the use of case weights in workload estimation is the work year. The original study developed the judge work year as a measure of the judicial time available for case related work to a judge each year.⁷ The work year provides a bridge from anticipated workload expressed in minutes (useful for modeling) to judicial need expressed in terms of full time equivalent (FTE) employment (useful for hiring). The work year further incorporates differences between the non-case related demands of urban and rural circuits by defining different work years for circuits in these two categories. The work year also includes differences between levels of court by assigning different work year values at the circuit and county levels.

⁷ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000.

Other Factors

It is important to note that the workload model does not include many other sources of judicial workload, such as:

- Appeal cases from county to circuit court;
- Juvenile and Dependency Drug Courts; and
- “Duty” Judge Assignments.

Incorporating all sources of workload is the ultimate goal of any comprehensive workload model. However, resource and time constraints dictate that model development must prioritize its components, and, at this time, these components could not be included.