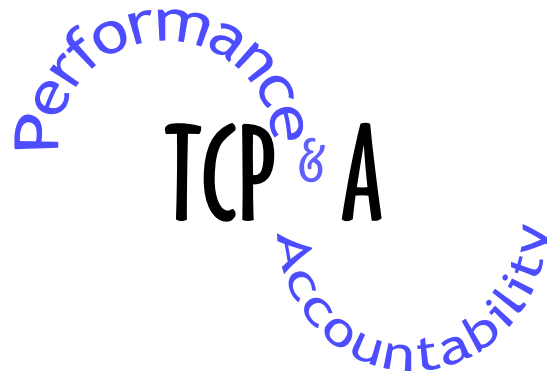


Supreme Court of Florida Commission on Trial Court
Performance & Accountability



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Judicial Resource Study Final Report

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

EXECUTIVE SUMMARY

Overview

The Judicial Resource Study (JRS) is an analytical examination of workload in Florida's trial courts. 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 trial 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 courts 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.

General Magistrate/Hearing Officer (GM/HO) Subgroup

A General Magistrate/Hearing Officer Subgroup was appointed 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. Members of the GM/HO Subgroup came from ten circuits and were representative of small, medium and large circuits, including Miami-Dade.

Introduction

The Supreme Court of Florida uses many criteria during its annual, statutorily required evaluation of judicial need. One important tool, developed during the 1999 Delphi Study is the Weighted Caseload Model. This model identifies 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 Office of the State Courts Administrator (OSCA) with the assistance of the National Center for State Courts (NCSC) undertook the development of this model in late 1998 and the final project was completed in November 1999 (1999 Delphi Study).¹

A workload model, such as the Supreme Court's Weighted Caseload 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.

The 1999 Delphi Study identified twenty-six relevant case groupings that capture court activity based on essential similarities in case characteristics. Initial case weights were developed for each of the twenty-six case types based on the Delphi-based² findings. These case weights were subsequently validated by a time study conducted in June and September 1999 and a few weights were modified to reflect time study results. The case weights developed by the original study were approved by the Supreme Court in their 2000 Certification of Need opinion and have been used each year by the Supreme Court when certifying judicial need to the Legislature.

Judicial workload is not static. Complexity and need change over time in response to new legislative mandates, evolving case precedent and the availability of supporting resources. The original study recommended that there should be "... a systematic update of the case weights approximately every five years." Goal one of this study satisfies this recommendation. However, the 1999 Delphi Study did not explicitly account for the work of magistrates and hearing officers. Goal two of this study seeks to measure that workload and the secondary goal seeks to link the two models into a more cohesive workload model. The stated goals of the JRS project effectively define two distinct studies. The JRS Workgroup implemented a bifurcated strategy establishing the Judicial Case Weight Update Study to satisfy the elements pertaining to the judiciary and the General Magistrate/Hearing Officer Workload Study to address specific supplemental resources.

¹ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000

² The Delphi Method is based on a structured process for collecting and distilling knowledge from a group of experts by means of an iterative series of questionnaires interspersed with controlled opinion feedback (Adler, M. & Ziglio, E. (1996). *Gazing into the oracle: The Delphi Method and its application to social policy and public health*. London: Jessica Kingsley Publishers.)

Judicial Case Weight Update Study

The purpose of the Judicial Case Weight Update Study was to revise the original case weights developed in 1999, currently used to determine the need for new judges. This study utilized a modified Delphi approach and was comprised of three main phases: (1) Case Weight Update Survey; (2) Judge Forum Groups; and (3) Final Case Weight Review. For purposes of the judicial workload model and this update study, a case weight is defined as:

“the average time required for a judge to handle a typical case in a reasonable amount of time.”³

The Judicial Case Weight Update Survey was available to all circuit and county court judges online from August 14th to September 1st 2006. Judges were asked, based on their experience, to estimate time spent on each individual element of a case, for each of the case types developed in the original study, the Drug Cases Involving Drug Court case type that was developed in 2003, plus two new case weights for Jimmy Ryce and Parental Notice of Abortion. Also, for each case type that includes contributions of general magistrates and hearing officers, judges were asked to estimate their time spent on cases that have been referred to GM/HO's. All judges were encouraged to participate.

A Delphi-based validation of survey results involving seventy-five judges was conducted on January 22 and 23, 2007. The two day forum group meeting involved small working groups wherein participating judges reviewed the suggested case weights and the relationships between them, discussed the workload requirements of those case types and recommended adjustments to the weights as necessary based on their expertise and experience.

The final case weight review took place at the May 14 and 15, 2007 JRS Workgroup meeting. The JRS Workgroup reviewed case weights and judicial need information both in relative terms as compared to the original 1999 Delphi Study case weights and in absolute terms for each case type and division of court. This information allowed the Workgroup to consider the interaction of all elements of the judicial workload model in light of existing need and judicial assignments that were not considered during previous iterations. Thus, this meeting focused on the function of the case weights within the workload model and the role of these weights to predict reasonable judicial need.

Results

Work Year

The JRS Workgroup reviewed the judge work day/year that was developed during the 1999 Delphi Study and determined that it is still applicable today. The 1999 Delphi Study defined the judge work year as 215 work days per year and the judge work day as 8.5 hours per day with one hour for lunch and no breaks. This is in contrast to the GM/HO work day/year developed in this study which reports 219 work days and uses the state employment standard of an 8 hour work

³ Florida Delphi-based Weighted Caseload Project Final Report, National Center for State Courts, January 2000

day excluding lunch and breaks. The reduced number of judicial work days is primarily due to the greater number of days required for continuing education and committee work (10 days versus 6 days). In general, judges have an average of 0.5 hours less per day to devote to case related work than magistrates and hearing officers (343 minutes versus 377 minutes) owing largely to constitutionally and statutorily mandated administrative requirements and other judicial duties not specifically captured in the workload model.

Case Weights

After reviewing and discussing the results from the forum group meeting, the JRS Workgroup recommends the judicial case weights presented in Figure One for use by the Supreme Court in determining the need for additional judgeships.

Figure One: Recommended Judicial Case Weights

Case Types	Case Weight (minutes)	Case Types	Case Weight (minutes)
Circuit Court		Family Court	
Circuit Criminal		Family Court	
Capital Murder	2,151	Juvenile Delinquency	48
Serious Crimes Against Persons	275	Juvenile Dependency	242
Less Serious Crimes Against Persons	76	Parental Notice of Abortion	125
Crimes Against Property	57	Probate	
Drug Offenses (excl Drug Court)	57	Probate & Mental Health	31
Drug Offenses Involving Drug Court	108	Guardianship & Trust	62
Circuit Court			
Professional Malpractice & Product Liability	230		
Auto & Other Negligence	91	County Criminal	
Contracts & Real Property	44	Misdemeanors & Criminal Traffic	16
Other Circuit Civil (including Eminent Domain)	64	Municipal & County Ordinances	4
Jimmy Ryce	1,013	DUI	32
Family Court		County Civil	
Simplified Dissolution	14	Small Claims (up to \$5,000)	17
Ordinary Dissolution	61	County Civil (\$5,001-\$15,000)	31
Child Support Enforcement	24	Other County Civil	16
Domestic Violence	25	Evictions	7
Other Domestic Relations	26	Civil Traffic Infractions ¹	1.41

¹ Case filings for Civil Traffic Infractions are collected annually from the Department of Highway Safety and Motor Vehicles rather than monthly from the Clerk of Court through the SRS and require additional processing. This weigh reflects the unique nature of these filing. See Section Two: Filings for more details.

General Magistrate/ Hearing Officer (GM/HO) Workload Study

The goals of the General Magistrate/Hearing Officer Workload Study component of the Judicial Resource Study were (1) to develop a mechanism to measure the workload of General Magistrates (GM), Title IV-D Child Support Hearing Officers (CSHO) and Traffic Hearing Officers (THO); and (2) to develop a tool to assist judicial leadership in determining the optimal allocation of supplemental resources. This study created a new model for magistrates and hearing officers by drawing on the original judicial workload model framework developed in 1999 and utilizing the same case types and filing data source.

The GM/HO Workload Study involved two major projects: (1) the determination of how much time a GM or CSHO typically has per year for case related work which was reported in the 2006 Work Year Survey and validated in the 2006 Time Study; and, (2) the determination of how long, on average, it takes a GM, CSHO or THO to process a typical filing in a reasonable amount of time, as reported in the 2006 Time Study. The General Magistrate/Hearing Officer Subgroup was formed to provide direction and support for this portion of the Judicial Resource Study.

The time available to work on case related activities is a key factor in determining workload. This time is derived by multiplying the number of minutes available for case related work each work day by the number of work days available per year. The JRS Workgroup determined that a survey of all current magistrates and hearing officers was the best method for collecting this information. The 2006 Work Year Survey was undertaken in March 2006.

The 2006 Time Study provided real world actual data concerning the case and non-case related activity of all GMs, CSHOs and THOs employed by the state of Florida during the study period. The data was used to develop the case weights necessary to complete a dedicated workload model for these resources. It was conducted from October 23 through November 17, 2006. A Delphi-based validation of the time study results involving thirty-nine GMs, CSHOs and THOs was conducted March 1 and 2, 2007.

The case and non-case related time collected during the time study was also compared to the results of the 2006 Work Year Survey to validate and adjust the GM/HO work day as necessary.

Results

Work Year

The total time available for case related work per year is calculated by multiplying available days per year by available minutes per day. The GM/HO Subgroup determined that magistrates and hearing officers have 219 work days available per year. There was sufficient evidence found in the time study to justify defining a separate work day for urban and rural jurisdictions so that, for urban circuits, the work year is defined to be 219 days times 387 minutes per day for a total of 84,753 case related minutes per year. Similarly, a rural circuit has 219 days times 369 minutes per day equaling 80,811 case related minutes per year. The 219 days was computed from the 2006 Work Year Survey conducted in March 2006 and the minutes available per day were calculated from the 2006 Time Study conducted in October 2006.

Figure Two: Recommended Work Year

	Work Year	
	Urban	Rural
Days per Year	219	219
Minutes per Day	387	369
Minutes per Year	84,753	80,811

Case Weights

The basic unit of work for magistrates and hearing officers is not the case filing as it is with the judiciary. Case work is referred to magistrates or hearing officers by judges or the Department of Revenue and may involve all elements of the case from initial motions to post judgment activity or only some portion of the case such as discovery. Additionally, litigants can request a judge to preside over the case at any point in the proceedings. Consequently, any GM/HO workload model must have a level of specificity not required of the judicial workload model. To achieve the necessary level of detail, the GM/HO Subgroup subdivided case activity into three distinct events: pre-judgment, final judgment and post judgment and defined the basic unit of work as one of these three events rather than the entire case filing. This fine division of case work provided sufficient detail to ensure the development of reasonable and reliable workload measures.

However appropriate the event unit of work is, the GM/HO workload model must ultimately represent workload in terms of the case level data currently collected by the courts. Compatibility between the GM/HO and judicial workload models must be maintained. The need must also be expressed in the same unit of count (e.g. full time equivalent or FTE). Thus, GM/HO case weights must consolidate the workload measures for all three events in to a single case level weight for use in the need model. It is important to note that 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 judicial case weight is a direct estimate of the average time it takes a judge to process the typical case in a reasonable amount of time. Because magistrates and child support hearing officers don't handle all cases that come in to the court and don't handle a case completely independent of judges, the GM/HO case weight must represent that portion of workload attributable to the GM/HO only. Therefore, the GM/HO case weight is a translation factor that relates the number of events referred and the average time it takes to process those events to the number of case filings reported in the Summary Reporting System (SRS). The recommended case weights (in minutes) are presented in Figure Three.

A case weight was developed for Traffic Hearing Officers for the case type of Civil Traffic Infractions; however it was the recommendation of the JRS Workgroup not to implement a case weight and workload model for THO's due to inconsistencies among circuits in how THO's are utilized and accuracy issues related to traffic filing data collected from the Department of Highway Safety and Motor Vehicles. See Section Three: Further Traffic Analysis of this report for a full discussion of this decision.

Figure Three: Recommended GM/HO Case Weights

Case Types	Case Weights (minutes)
General Magistrate	
Family	
Simplified Dissolution	11.9
Ordinary Dissolution	27.6
Child Support ¹	277.9
Domestic Violence ²	0.6
Other Domestic Relations	27.3
Juvenile Delinquency ²	0.9
Juvenile Dependency	133.2
Circuit Civil	
Professional Malpractice and Product Liability	22.4
Auto and Other Negligence	1.2
Contract/Real Property	1.6
Other Circuit Civil (including Eminent Domain)	2.5

Case Types	Case Weights (minutes)
Probate	
Probate and Mental Health	6.7
Guardianship and Trust	47.5
County Civil	
Small Claims ³	0.1
Other County Civil ³	1.0
Civil Traffic Infraction ⁴	1.2
Child Support Hearing Officers	
Child Support/Paternity	83.4

¹ High case weight is representative of a small number of complex cases handled.

² General Magistrates mainly handle post judgment events in the domestic violence and juvenile delinquency case types.

³ Time Study data on these case types is minimal. Work in these areas is unique, usually involving special circumstances and does not represent standard practice.

⁴ Case filings for Civil Traffic Infractions are collected annually from the Department of Highway Safety and Motor Vehicles rather than monthly from the Clerk of Court through the SRS and require additional processing. This weigh reflects the unique nature of these filings. See Section Three: Further Traffic Analysis for more details.