Missouri Circuit Court Judicial Officer Weighted Workload Assessment Study

Final Report

JUNE 2019

National Center for State Courts

State Justice Institute

Missouri Circuit Court Judicial Officer Weighted Workload Assessment Study, 2019

Final Report

June 2019

National Center for State Courts

Court Consulting Division
National Center for State Courts

Missouri Circuit Court Judicial Officer Weighted Workload Assessment Study, 2019
Final Report

June 2019

Project Staff
Suzanne Tallarico, Project Director
John Douglas, Project Consultant
Shannon Roth, Project Consultant
Sherry Stwalley, Project Consultant

National Center for State Courts
Court Consulting Division
Daniel J. Hall, Vice President

Acknowledgments

The authors wish to acknowledge the invaluable contributions of the Missouri judicial officers who contributed to this weighted workload study.

Over the course of this study, we were fortunate to work with a distinguished Judicial Weighted Workload Subcommittee (JWWS) that was instrumental in refining the study's approach and content. The JWWS was chaired by the Honorable Zel Fischer, Chief Justice of the Missouri Supreme Court and was made up of an appellate court judge, circuit court judges and associate circuit court judges, with representation from rural, urban and all geographic areas of the state.

We extend a special note of thanks to all of the OSCA staff who assisted us with meeting accommodations, data support and other logistical concerns. Specifically, we would like to thank Rick Morrissey, Rick McElfresh and Donna Higgins for their ongoing support.

Judicial Workload Formula Subcommittee

Judicial Officers:
Hon. Zel M. Fischer, Chief Justice, Supreme Court of Missouri
Hon. Gary Dial, Judge, 1st Judicial Circuit
Hon. Corey K. Herron, Judge, 4th Judicial Circuit
Hon. Gary Kamp, Judge, 32nd Circuit
Hon. Steven Ohmer, Judge, 22nd Judicial Circuit
Hon. James E. Welsh, Judge, Court of Appeals, Western District (Ret.)
Hon. Sandra M. West, Judge, 37th Judicial Circuit

OSCA Staff:
Kathy Lloyd, State Courts Administrator
Richard Morrissey, Director of Court Business Services

Supreme Court Staff:
Betsy AuBuchon, Clerk, Missouri Supreme Court
Patricia Churchill, Government Relations Counsel

Table of Contents

Executive Summary **i**

Introduction i
1. DEVELOPMENT OF THE RESEARCH DESIGN. II
2. JUDICIAL WORK-TIME STUDY. II
3. ANALYSIS OF JUDICIAL WORK-TIME DATA AND PREPARATION OF PRELIMINARY CASE WEIGHTS. II
4. NINE JUDICIAL FOCUS GROUPS. III
5. PRODUCTION OF TABLES SHOWING DETAILS ON THE CALCULATION OF NEW CASE WEIGHTS AND A SUMMARY OF FOCUS GROUP FINDINGS. III
6. JWWS REVIEW, DISCUSSION AND DECISION-MAKING. III
7. PREPARATION OF THE FINAL REPORT. III

RECOMMENDATION #1 IV
RECOMMENDATION #2 IV

I. Introduction **1**

II. Judicial Weighted Workload Subcommittee **2**

III. Work-Time Study **2**

Judicial Officer Participants 2
Preparation for the Work-Time Study 3
Work-Time Data Collection Process 3
Data Elements in the Judicial Work-Time Study 4
Case Types 4
Judicial Work Activity Types 4
Work Time by Case and Activity Types 5
Distinguish Caseload versus Workload 5

IV. Determining the Case Weights **6**

V. Judicial Officer Focus Groups **9**

Judicial Officer Focus Group Themes 9
Judicial Officer Focus Groups Summary 12

VI. JWWS Decisions on Case Weights and the Final Report **13**

Adequacy of Time to Perform Judicial Duties 13

VII. Calculating Judicial Resource Needs **14**

Determining Judicial Officers' Annual Available Time for Case Work (ATCW) 14
STEP 1: THE JUDICIAL OFFICER WORK YEAR 14
STEP 2: THE JUDICIAL OFFICER WORK DAY 15
STEP 3: CALCULATE THE JUDICIAL OFFICERS' ANNUAL AVAILABLE TIME FOR *CASE* WORK 15
Determining the Need for Judicial Officers 16

VIII. Recommendations **18**

RECOMMENDATION #1 18
RECOMMENDATION #2 18

Appendices **19**

Appendix A: Event-Based Methodology **20**

Appendix B: Missouri Case Types and Definitions **22**

Appendix C: Missouri Case-Related Activity Definitions **24**

Appendix D: Missouri Non-Case-Related Activity Definitions **25**

Appendix E: Average Travel Time per Judge per Day by Circuit **26**

Appendix F: Weighted Workload Needs Assessment Model for Circuit Court Judicial Officers **27**

Executive Summary

Introduction

Missouri's circuit court system needs adequate judicial resources to effectively manage and fairly resolve court cases without delay while also delivering quality services to the public. Meeting these challenges requires an objective means to determine: (1) the number of state-level judicial officers needed to handle the trial court's caseload, and (2) how to equitably allocate the judicial positions provided by the legislature.

Increasingly, state and local court systems are moving toward evidence-based weighted workload formulas to help determine judgeship needs, rather than relying solely on counting the number of filings – which treats all cases equally. A weighted workload formula enables court systems to distinguish differences in how much judicial time is required to handle different types of cases.

In the past ten years, the National Center for State Courts (NCSC) has conducted judicial workload assessments and developed weighted workload formulas for at least 35 states and two U.S. territories.[1] In 2007 the NCSC conducted the first judicial workload study for the Missouri circuit courts. Since that time, the Office of State Courts Administrator (OSCA) has employed the weighted workload formula to assess and compare the need for circuit court judges across the state of Missouri.

Since the initial development of Missouri's weighted workload formula for judicial officers in 2007, significant changes have occurred in the nature of the courts' caseload and the management of cases. In terms of case processing, the potentially most significant change included the implementation of a statewide electronic filing system (e-file) in 2014, so all documents are electronically filed and managed. Additionally, other changes in law and procedure have resulted in changes to certain case types, such as intensive circuit civil cases. Specifically, personal jurisdiction decisions from the Supreme Court of the United States and venue decisions of the Supreme Court of Missouri will significantly affect where cases will be tried. Given these significant changes, in 2016, with support from the judicial council and supreme court, Missouri's state court administrator contracted with the NCSC to update the case weights and the judicial workload formula.

With guidance from the Judicial Weighted Workload Subcommittee (JWWS), appointed by the Chief Justice of the Supreme Court, the NCSC conducted a judicial work-time assessment study in Missouri's circuit courts during 2018 using state-of-the-art research

[1] During the past ten years, the National Center for State Courts has conducted weighted workload studies for judges in the following states: Alabama, Georgia, Colorado, Delaware, Kansas, Indiana, Missouri, Louisiana, Maryland, Missouri, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin. The NCSC has also conducted weighted workload studies for use with court clerks, probation, parole and local courts, and some projects are currently under way.

practices. The 2018 study included the following components:

- A very high judicial participation rate of 98.14% during a four-week study of judicial work-time;
- A streamlined judicial work-time data collection process that included a user-friendly electronic data entry process, along with a built-in process to correct data entry errors to ensure data accuracy;
- Use of nine focus groups involving judicial officers from most circuits who participated in the work-time study to review and discuss findings from the work-time study. This input informed the discussion and decisions by the JWWS regarding the weighted workload formula; and
- Development of new case weights for a revised set of case types.

The project was organized around the following primary tasks:

1. **Development of the research design.** The JWWS worked with senior consultants from the NCSC to oversee an update of the existing weighted workload formula developed by the NCSC based on a judicial work-time study in 2008. The members of the JWWS included the Chief Justice, Court of Appeals Judges, Circuit Judges and Associate Circuit Judges. They were selected by the Chief Justice to ensure geographical representation and to bring gender balance, knowledge balance and credibility to the subcommittee. The subcommittee provided advice on the overall study design, the identification of the case types for which case weights would be developed, the methodology and content of the training sessions prior to the work-time study, the duration of the time study, and the location and composition of the focus groups. It also provided direction and feedback on key issues covered in the final report.

2. **Judicial work-time study.** More than 98% of all circuit court judicial officers participated in the four-week study of judicial work-time conducted between October 1 and October 26, 2018. During the study, judicial officers kept records of all time spent on case-related and non-case-specific activities. Before the study began, the NCSC conducted three in-person training sessions and six one-hour training webinars to prepare judicial officers for the study.[2] The NCSC also provided written instructions and an on-line help desk for judicial officers who had questions about data entry or wished to report problems during the study. Senior NCSC staff analyzed the work-time data and produced multiple data tables for review by the JWWS.

3. **Analysis of judicial work-time data and preparation of preliminary case weights.** NCSC staff compiled and analyzed the data collected from the work-time study. For each of the 20 case types, NCSC staff determined the total amount of case-related work-time reported by all judicial officers during the four-week study, then

[2] In-person training/educational sessions were provided at the state judicial college (n=1) and state judicial conference (n=2).

divided the total work-time (minutes) by the average number of filings for each case type for the three-year period including CY2015-CY2017. This calculation yields the *case weight* for each case type, which is the average number of minutes of judicial work time required to handle all matters for the given case type for one year.

4. **Nine judicial focus groups.** In February 2019, senior NCSC staff conducted focus group discussions with judicial officers in eight locations (two were held in Clayton) across the state to review the project and discuss preliminary findings from the work-time study.[3]

5. **Production of tables showing details on the calculation of new case weights and a summary of focus group findings.** NCSC staff produced tables showing details on: (a) judicial work-time by case type and activity type, (b) calculation of the new case weights, and (c) average time associated with non-case-related work. They also produced a report summarizing the findings from the focus group discussions. These tables and report were distributed to the JWWS for review prior to the final in-person meeting in March.

6. **JWWS review, discussion and decision-making.** The JWWS held two meetings after completion of the work-time study. On January 18, 2019, the subcommittee met prior to the focus group session to review preliminary findings from the work-time study. After the focus group meetings, the JWWS met again on March 25, 2019, to review a more detailed analysis of the research findings and make various decisions regarding the composition of some case types and whether qualitative adjustments needed to be made to the case weights. After considerable discussion of the pros and cons of making adjustments to the case weights derived solely from the work-time study, the subcommittee recommended no adjustments to any of the case types.

7. **Preparation of the Final Report.** After the JWWS meeting in March 2019, NCSC staff developed a draft report on the findings and recommendations for review by the JWWS.

Summary of Findings

This assessment establishes a set of case weights, which reflect the average time judicial officers spend per case on a case type each year. Applying the case weights to the annual filings of the case types in the workload model produces a uniform and comparable measure of the number of trial court judicial officers needed to resolve cases effectively. It is important to note that the need model does not account for the constitutional requirements ensuring one associate circuit judge per county and one circuit judge per circuit. With that said, it should be noted that the constitutional mandate of a minimum of one associate circuit judge per county and one circuit judge

[3] Focus groups included a mix of judicial officer types, including Circuit Judges, Associate Circuit Judges, and Commissioners.

per circuit is considered an access to justice issue that the judicial weighted workload subcommittee values greatly.

The Final Report explains in detail each step in the research and data analysis process for this trial court judicial workload assessment and the construction of the weighted workload formula. The weighted workload formula is sufficiently flexible to allow the Missouri court system to determine the approximate need for various types of judicial officers in each judicial circuit and/or county.

Recommendations

The NCSC proposes the following two recommendations to maintain the integrity and utility of the case weights and judicial needs model.

Recommendation #1

The NCSC recommends updating the judicial officer need assessment annually, using average case filings from the most recent three-year period.

Recommendation #2

The workload formula presented in this report should be the starting point for determining the need for judicial officers in each circuit. There are some key factors that are not directly accounted for in this weighted caseload formula including, but not limited to: differences between urban and rural jurisdictions in their abilities to have judges specialize and to effectively provide backup judges when needed; differences in jury trial rates among counties and circuits; possible variations in the proportion of civil and domestic cases involving self-represented parties; differences among counties in the percentage of persons who require court interpreting services (whose hearings require more time); the newly enacted pretrial release rules; and the inadequate number of various judicial support staff (e.g., law clerks, court reporters). These. qualitative factors may need to be weighted when consideration is given to reallocation of judicial officers or requests for additional judgeships.

I. Introduction

How do courts or legislatures determine the need for an adequate number of judicial officers to handle the workload in a jurisdiction in a fair, timely, and efficient manner? Historically, states and local jurisdictions have used population-based formulas (e.g., one judge for each 10,000 people), formulas based on total case filings (e.g., one judge for each 500 cases filed – regardless of the types of cases), or some combination of the two. However, it has become clear throughout the U.S. that such formulas provide only rough estimates of judicial workload. Social, demographic, geographic, and economic factors can produce substantial variations in the types, number, and proportion of criminal and civil cases filed in a jurisdiction. It is clear that the simple filings or population-based formulas are inadequate for effectively determining judgeship needs.

What is the alternative? Responding to public demands to run the court system "more like a business," judicial leaders and legislatures around the U.S. are increasingly turning to evidence-based workload assessment models that assign different weights to various case types that indicate variations in case complexity based on the amount of judicial time required to fairly handle the cases in a timely manner. These research-based models are known as weighted caseload or weighted workload formulas. The National Center for State Courts (NCSC) is a national leader in conducting judicial workload assessments and developing weighted workload formulas determining the need for judicial officers and court staff.[4]

The Missouri judicial branch has been committed to using evidence-based workload formulas for determining judgeship needs since 2008, when the state courts administrator, with approval of the supreme court, contracted with the NCSC to conduct the state's first judicial work-time study and develop a weighted workload formula for determining judgeship needs. Missouri's weighted workload formulas were used to help determine the allocation of judicial officers across the state.

This report describes the methods and results of the NCSC's comprehensive and evidence-based assessment of judicial officers' work in Missouri's trial courts in 2019. The primary goals of the study were to produce case weights (or average case processing times) and a workload model that establishes a methodologically sound means to:

(1) Determine the number of state-level judicial officers needed to handle the trial courts' caseload fairly and effectively by judicial circuit and statewide,

(2) Equitably allocate the judicial positions provided by the legislature and

(3) Assist presiding judges and the Chief Justice in making transfer assignments in the most efficient and effective manner.

[4] The NCSC has conducted judicial weighted workload studies in more than 25 states since 2000. Many weighted workload studies for court staff, probation officers and others have also been conducted since 2000. This is the third judicial weighted workload study conducted by the NCSC for Missouri.

II. Judicial Weighted Workload Subcommittee

The Judicial Weighted Workload Subcommittee (hereafter referred to as the subcommittee or the JWWS), appointed by the Chief Justice of the Missouri Supreme Court, included:

- The Chief Justice of the Supreme Court,
- 1 Court of Appeals Judge
- 2 Circuit Court Judges, and
- 3 Associate Circuit Court Judges.

The subcommittee provided guidance on critical issues throughout the workload assessment project, which included collection of two types of data:

- Judicial work-time data, and
- Qualitative feedback from judicial officers in focus groups in eight locations in the state.

The subcommittee met in-person two times and once by conference call during the course of the project. During the first in-person meeting in July 2018, the subcommittee identified and defined the parameters for which data would be collected during the workload assessment. This included identifying: (a) which judicial officers should participate; (b) the timeframe during which the data would be collected, and the length of time that needed to be captured; (c) the case types for which to generate case weights; and (d) the tasks and activities (case-related and non-case-related) that judicial officers perform in and out of court.

During the second subcommittee meeting, held via conference call format in January 2019, after completion of the work-time study, the committee reviewed the preliminary findings presented by NCSC staff. The committee provided valuable feedback that sharpened and improved the data analysis and provided direction for the types of questions to be discussed by judicial focus groups conducted in February.

In March, the subcommittee met in-person a third time to review feedback from the focus groups and a more detailed and refined analysis of the work-time data and case weights. The committee made final decisions during this meeting for all data elements contained in the final workload formula model.

III. Work-Time Study

Judicial Officer Participants

Figure 1 indicates that 98.14% of all trial court judicial officers (370 of 377 active and eligible judges and commissioners [5] participated in the four-week study of judicial work-time. Senior judges who worked during the four-week study period did not participate in the time study. This exceptional participation rate assures confidence in the accuracy and validity of the resulting case weights.

[5] The participation rate is based upon the number of people expected to report, not the number of FTE. Some judge positions were vacant during the work-time study.

Figure 1: Missouri Judicial Officer Participation Rate Summary

Circuit	Participation Rate	Circuit	Participation Rate
1	100%	24	100%
2	100%	25	87.50%
3	100%	26	100%
4	100%	27	100%
5	100%	28	100%
6	100%	29	85.71%
7	100%	30	100%
8	100%	31	94.12%
9	100%	32	100%
10	100%	33	100%
11	100%	34	100%
12	100%	35	100%
13	100%	36	100%
14	100%	37	83.33%
15	100%	38	100%
16	100%	39	85.71%
17	100%	40	100%
18	100%	41	100%
19	100%	42	100%
20	100%	43	100%
21	100%	44	100%
22	97.22%	45	100%
23	91.67%	46	100%
		Statewide Participation Rate	98.14%

Preparation for the Work-Time Study

To ensure consistency in the tracking of time, NCSC consultants provided three in-person training sessions and six webinar-based information and training sessions between August 14 and September 20, 2018 prior to data collection. NCSC staff also provided written training materials at the time of the training sessions and provided online access to those materials throughout the study. Additionally, the NCSC provided assistance through a judicial workload assistance help link that was available online and via telephone prior to and throughout the data collection period.

Work-Time Data Collection Process

Participating judicial officers recorded their work-time each day for four weeks, from October 1 to October 26, 2018. They were instructed to record all work-related time including work that was done after regular work hours, at home or in chambers, and on weekends or holidays. Participants recorded their time on a paper-based time tracking form, and then transferred this information to a web-based data entry program when it was convenient for them to do so. Once submitted, the data were automatically entered into NCSC's secure database, which was accessible only to NCSC staff that analyzed the data. Collecting data from judicial officers across the state ensured that sufficient data were collected to provide an accurate average of case processing practices and times for all case types included in the study.

The work-time study employed an event-based methodology, which allows analysts to collect data from a four-week period and translate that data into an annual representation of judicial officer work. (See Appendix A for a detailed description of this methodology.)

Data Elements in the Judicial Work-Time Study

NCSC project staff met with the JWWS in July 2018 to determine the case type categories, case-related and non-case-specific activities to be included in the work-time study. The committee also discussed the purpose and locations of the focus groups. The following section provides a more detailed description of the time study elements.

Case Types

Knowing the average amount of time devoted to different types of cases allowed the NCSC and the JWWS to estimate judicial officer need in relation to the number of, and relative complexity of, cases handled. Developing an appropriate and representative set of case type categories is important because it reflects the way cases are actually processed and counted in Missouri. Case types also should be aggregated into a meaningful number of categories that are likely to remain stable for the foreseeable future. Following this logic, the JWWS determined that time study data should be collected on 20 clearly identifiable case types. Figure 2 shows the case types, average three-year case filings (CY2015-2017), and the percentage of total filings for each case type. Appendix B provides a full description of the case types.

Figure 2:
Missouri Average Case Filings Calendar Year 2015-2017

Case Type		
Time Intensive (Complex) Circuit Civil		
Non-trial dispo	1,484	0.21%
Bench trial dispo	223	0.03%
Jury trial dispo	52	0.01%
General Circuit Civil		
Non-trial dispo	29,101	4.08%
Bench trial dispo	6,171	0.86%
Jury trial dispo	248	0.03%
Associate Civil	166,866	23.38%
Small Claims	8,523	1.19%
Decedent's Estates and Trusts	4,451	0.62%
Incapacitated/Minor's Estates	7,400	1.04%
Petitions for Involuntary Detention/Applications for Mental Health	15,905	2.23%
Simple Probate	10,899	1.53%
Sexual Violent Predator Petitions	11	0.00%
Domestic Relations	40,625	5.69%
Protection Order	51,989	7.28%
Abuse and Neglect/Adoption/Termination of Partental Rights	12,088	1.69%
Juvenile Delinquency/Status Offense	3,012	0.42%
Circuit Felony		
Non-trial dispo	43,700	6.12%
Bench trial dispo	197	0.03%
Jury trial dispo	530	0.07%
Associate Felony	70,201	9.84%
Misdemeanors/Municipal Cert/Trial De Novo	98,473	13.80%
Traffic/Municipal Ordance/Watercraft Conservatic	137,685	19.29%
Adult Criminal Treatment Court	3,016	0.42%
Juvenile/Family Treatment Court	384	0.05%
Expungement	543	0.08%

Judicial Work Activity Types

Judicial officers perform a variety of functions in and out of court that can be directly related to the processing of cases (case-related activities), as well as non-case-related activities. NCSC staff worked closely with the JWWS to develop a comprehensive list and description of these essential judicial officer activities. The list of activities served as an organizing device to guide data collection during the time study. A list of the seven case-related and the twelve non-case-related

activities are provided in Figures 3 and 4. A more detailed description can be found in Appendices C and D, respectively.

Figure 3: Case-Related Activities

Pre-trial activities
Non-trial disposition activities
Bench trial activities
Jury trial activities
Writing decisions/opinions
Post-trial/post-adjudication
Treatment court activity

Figure 4: Non-Case-Related Activities

Education and training
Community outreach, public speaking, weddings, truancy court
Committees, other meetings, and related work
General legal research
Non-case-related administration
Presiding judge administrative time
Vacation/illness/military leave
Travel time (reimbursable)
Phone calls while driving
Other
Time study data reporting and entry

To establish a baseline of current practice, NCSC staff measured the amount of time judicial officers currently spend on various activities throughout the day, including case-related and non-case-related activities.

Work Time by Case and Activity Types

Figure 5 presents a detailed picture of the percentage of case-related time judicial officers spend on various cases statewide. Perhaps not surprisingly, the greatest amount of judicial officer time is spent on circuit felonies (18.75%). Domestic relations cases account for 17.17% of all judicial officer time and general circuit civil cases account for 11.21% of judicial case-related work time. In terms of court-related activities, the greatest proportion of time for all case types is spent on pretrial activities (40.46%), followed by non-trial dispositional activities (14.68%).

Distinguish Caseload versus Workload

Comparing the number of filings for each case type with the percentage of time spent on each case type reveals the utility of the weighted caseload methodology. As previously shown in Figure 2, filings for associate civil cases represent the highest proportion of cases filed (23.4%). In contrast, Figure 5 reveals that judicial officers collectively spend approximately 7.4% of their case-related time on associate civil cases. Clearly, caseload is not the same as workload.

Figure 5: Percentage of Judicial Officer Time Reported by Case Type and Case-Related Event During the 2018 Work-Time Study

Case Type	PreTrial Activities	Non-Trial Dispo	Bench Trial	Jury Trial	Writing Decisions /Opinions	Post-Trial/Adj	Treatment Court Acitivity	Percent of Total Time
Time Intensive Circuit Civil	1.60%	0.34%	0.20%	1.06%	1.01%	0.18%		4.39%
General Circuit Civil	5.21%	0.98%	0.97%	1.38%	2.28%	0.39%		11.21%
Associate Civil	3.12%	1.43%	1.34%	0.00%	1.13%	0.35%		7.38%
Small Claims	0.12%	0.07%	0.53%	0.00%	0.09%	0.02%		0.83%
Decedent's Estates & Trusts	1.02%	0.66%	0.21%	0.13%	0.36%	0.19%		2.57%
Incapacitated and Minor Estates	0.81%	0.42%	0.63%	0.00%	0.23%	0.54%		2.63%
Petitions for Involuntary Detntion / Applications for Mental Health	0.30%	0.17%	0.15%	0.00%	0.04%	0.03%		0.69%
Simple Probate	0.40%	0.31%	0.14%	0.00%	0.05%	0.07%		0.97%
Sexually Violent Predator	0.07%	0.00%	0.02%	0.00%	0.00%	0.01%		0.09%
Domestic Relations	5.87%	1.82%	4.47%	0.00%	4.19%	0.79%		17.14%
Protection Orders	1.96%	0.59%	1.53%	0.00%	0.11%	0.08%		4.26%
Abuse & Neglect/Adoption/TPR	1.52%	0.50%	1.59%	0.00%	0.80%	1.33%		5.72%
Juv Delinquency/Status Offense	0.59%	0.22%	0.34%	0.00%	0.10%	0.21%		1.46%
Circuit Felony	6.91%	3.92%	0.61%	2.93%	0.71%	3.67%		18.75%
Associate Felony	6.92%	1.11%	0.93%	0.01%	0.16%	0.16%		9.28%
Misd/Municipal Cert/Trial de Novo	3.21%	1.35%	0.44%	0.14%	0.17%	0.58%		5.88%
Traffic/Watercraft Cons/Municipal	0.83%	0.74%	0.15%	0.00%	0.02%	0.10%		1.85%
Adult Treatment Court	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	4.14%	4.14%
Juvenile/Family Treatment Court	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.67%	0.67%
Expungement	0.02%	0.05%	0.01%	0.00%	0.00%	0.00%		0.08%
Total Time Per Activity	40.46%	14.68%	14.24%	5.64%	11.46%	8.70%	4.81%	100.00%

IV. Determining the Case Weights

A case weight represents the average amount of time judicial officers spend on a specific case type during a year. It is a critical element in a weighted caseload formula. The data collected during the time study allows for the construction of case weights for the case types identified by the JWWS. As indicated above, the weighted caseload formula accounts for the fact that case types vary in complexity and require different amounts of judicial time and attention. Relying solely on the sheer number of cases to assess the demands placed on judicial officers ignores the varying levels of resources needed to process different types of cases, as revealed by comparing the distribution of cases and judicial time expenditures in Figures 2 and 5.

For example, while the greatest proportion of case filings are made up of associate civil cases (23.38% of case filings) and traffic/watercraft and municipal cases (19.29% of case filings),

these are not the types of cases judges spend most of their time on. In terms of case processing time, judges, as a group, spend most of their time on circuit felonies (18.75% of all judicial time) followed by domestic relations cases (17.14% of all judicial time). Clearly, case filings are not equivalent to case complexity.

The initial statewide case weights were calculated by: (1) adding all judicial time spent on each case type during the 19-day data collection period, (2) dividing that total amount of time for each case type by 19 (the number of days in the work-time study) – to determine the average daily amount of work time,[6] (3) multiplying the daily average time by 212 days,[7] which yields the annual amount of judicial work-time on each case type, and (4) dividing the annual work-time by the number of cases filed for each case type during the most recent three-year average filings (CY 2015-2017). This result provides a picture of the average amount of case-related time currently spent by all trial court judicial officers in Missouri on each of the identified case types. Figure 6 illustrates these calculations for determining the initial case weight for small claims cases.

Figure 6: Example -- Calculating Annualized Minutes and Preliminary Case Weight for Small Claims Cases

Developing Annualized Minutes[8]

Small Claims - Actual Minutes Recorded During Data Collection Period	22,996
Divide by	÷
Days of Data Collection Period	19
Average Statewide Minutes per Day Working on Small Claims Cases	1,210
Multiply by	X
Total Judicial Working Days per Year	212
Equals	=
State-wide Annualized Minutes for Small Claims Cases	256,587

Developing Initial Case Weight

Statewide Annualized Minutes for **Small Claims Cases**	256,587
Divide by	÷
CY 2015-0217 Average Filings	8,523
Equals	=
Initial Case Weight (minutes)	**30**

Based on the work-time study, judicial officers in Missouri spend a total of 256,587 minutes of case-related time on small claims cases annually.[9] Dividing that time by the average number of small claims cases filed in CY2015-2017 (8,523) yields a preliminary case weight of 30 minutes.

Figure 7 shows the complete set of initial case weights for all 20 case types. The initial weights represent the *average* amount of time

[6] While the work-time study covered 20 working days, there was one holiday (Columbus Day on October 8) during that period, reducing the expected work days to 19.

[7] The formula to annualize time study data per case type is as follows: (case-related judicial time for each case type during the four–week study / 19) x 212).

[8] All whole numbers in this table are rounded.

[9] All time reported during the time study was weighted to reflect one year of time in order to ensure consistency with the average CY 2015-2017 filing data.

judicial officers across the state *currently* spend processing cases, without differentiating judicial work-time by court size or location (e.g., urban or rural). The case weights also do not provide a basis for determining how much time judicial officers *should* spend on their caseloads to provide high quality judicial services in a timely manner. The amount of time judges *currently* spend – as reflected in the case weights – might be insufficient to achieve this goal. To obtain a better understanding of whether the current level of judicial resources, reflected in the case weights, is sufficient, NCSC conducted discussions with groups of judicial officers in eight locations across the state.

Figure 7: Initial Case Weights

Case Type	Initial Case Weight (Minutes)
Time intensive (complex) circuit civil	
Non-trial disposition	558
Bench trial disposition	765
Jury trial disposition	6,746
General circuit civil	
Non-trial disposition	79
Bench trial disposition	117
Jury trial disposition	1,779
Associate civil	14
Small Claims	30
Decedent's estates & trusts	177
Incapacitated/minors' estates	109
Petitions for involuntary detentions/applications for MH	13
Simple probate	27
Sexually violent predator petitions	2,653
Domestic relations	130
Protection orders	25
Abuse & Neglect/ adoption/ termination of parental rights	146
Juvenile delinquency/status offense	149
Circuit felony	
Non-trial disposition	106
Bench trial disposition	1,031
Jury trial disposition	1,777
Associate felony	41
Misdemeanors/municipal cert. / trial de novo	18
Traffic/municipal ordinance / watercraft	4
Adult criminal treatment court	422
Juvenile/family treatment court	540
Expungement	44

V. Judicial Officer Focus Groups

As a supplement to the work-time study, in February 2019 NCSC staff conducted focus group discussions with groups of judges and commissioners in eight locations: St. Louis County, the city of St. Louis, Jackson, Hannibal, Columbia, Independence, St. Joseph and Springfield. One of the goals of the discussions was to obtain feedback on the relative appropriateness of the initial case weights. The discussions also provided NCSC staff an opportunity to explain the general methodology and calculations that are the basis of the weighted caseload formula, to obtain feedback about the work-time study, and to gain insight about variations in judicial officers' case management practices and factors that might not have been accounted for during the work-time study. In addition to input regarding the time study, focus group participants were asked for input on the potential need for circuit realignment. In all, 86 judicial officers, including presiding judges, circuit judges, associate circuit judges and commissioners, from across the state participated in the sessions.

Across the focus group locations, the NCSC team heard a variety of comments on each of the areas of inquiry. In addition, several common themes emerged and are summarized below.

Judicial Officer Focus Group Themes

Relative Case Weights

Judicial officers were asked to review the initial case weights. The weights were presented in graphic form to show the relative difference in time required for the most time-intensive to least time-intensive cases. No numbers were presented. Instead, participants were asked to comment on the length of the graph's bars in relationship to one another.

The nine groups were in general agreement that the relative weights looked reasonable with sexually violent predator cases being most time intensive and traffic cases being least intensive. The case types and issues noted below raised comments from focus group participants.

Time-Intensive Civil Cases. Participants were specifically asked for their theories as to why the time-intensive civil case class more than doubled in time required since 2007, when the last time study was conducted. Most participants mentioned the recent changes in venue requirements for civil cases. Prior to this change, multiple cases filed in one urban circuit were often consolidated into one case. After the change, those cases have been spread across multiple circuits in multiple cases. It is possible the judges handling these cases are less familiar with this type of case adding to the time required to process them. Some judges felt the change might also be causing more cases to go to trial for parties to get more than a basic settlement in the new jurisdiction.

There was a sense that electronic discovery issues and other discovery disputes have increased since the last study, thus increasing the court's time. Virtually every case now involves discovery disputes, motions for summary judgment, and more findings of fact. Participants frequently mentioned that the lawyers themselves are putting more time into the case resulting in additional time demands on the court.

Mandatory arbitration clauses and increased mediation may be settling the simpler cases, leaving the more complex, time-intensive cases for the court.

Finally, there were questions about how time-intensive civil cases were identified from every focus group. *Based on the questions asked, the NCSC team questioned whether all participants used the established definition and appropriately recorded their time in this category.*

General Circuit Civil and Associate Circuit Civil. Participants were also asked to discuss the decrease in the general circuit civil and associate circuit civil weights. Participants frequently cited the implementation of electronic filing as a time saver for judges. Participants in four different groups mentioned the proliferation of relatively simple cases: collections, medical debt, landlord/tenant. These cases often end in default and therefore require very little judicial time.

It was noted that some circuits are emphasizing case management and entering scheduling orders which results in cases going away earlier. Increased use of mediation may be settling cases.

Impact of new minimum operating standards for municipal courts. Judges mentioned that the newly adopted minimum operating standards for municipal courts may result in more municipal divisions transferring to the associate circuit court. This major change is happening outside the study period causing some participants to question the validity of the traffic time study data into the future.

Expungement Cases. Several participants were surprised that the time value for expungement was so high. Since this is a new process for courts, it is possible that the time will go down as judges become more familiar with the law and streamline the process. Two participants noted these cases should not require more than ten minutes to process.

Delinquency and Status Offenses. The recent study shows that delinquency and status offense category take slightly more time than the child abuse and neglect, adoption, and termination of parental rights categories. One focus group felt that child abuse cases require more time than delinquency or status offense cases.

Decedent's' Estates. This category is shown as the fifth most time-consuming case type. One focus group wondered if this is accurate or if it can be attributed to those locations who do not employ probate auditors.

Non-Case-Related Time

In discussing non-case-related time, there was a general consensus that the times shown were representative of judges' experience. Many participants emphasized the importance of civic education and community involvement as critical duties of judges. They felt it was important for judges to be involved in the community and help citizens understand the role of the judicial branch. Attendance at the judicial college may have underrepresented these values since judges had a lot of case-related work to catch up on after they had been gone for several days. Treatment court judges noted that this may not adequately account for the time needed to coordinate with the various agencies and providers involved in treatment court. This was especially true for judges in rural areas where services were in short supply and staff to serve in a coordinating role may not be present.

There was no consensus on the validity of the time allowed for presiding judge duties. Some judges felt it was too high while others thought it was low. A rural judge noted that the time may not be adequate for presiding judges in multi-county circuits. These judges must coordinate with multiple sets of county commissioners, multiple law enforcement

agencies, etc. He wondered if the time allowed for presiding judges could be individualized to the circuit as it is for travel time.

Travel Time

Results of the time study showing average daily travel times were presented for each circuit. In general, rural courts showed much higher travel than urban courts. Some judges questioned the travel numbers for single county circuits. Travel in a single county circuit may be attributed to treatment court, participation on statewide committees, and attendance at judicial college.

Data Collection Period

When asked if the study period represented a typical 4-week period for their court, two themes emerged. First, attendance at judicial college may have changed how calendars were set for the time period. Judges may have avoided setting long trials to avoid having the trial interrupted by the judge's attendance at judicial college. Also, upon return, judges may have focused more time on case-related work that had backed up while they were gone, meaning non-case-related work may have been underrepresented during the following week.

Otherwise, most participants felt it was a representative period. Several people noted they had a trial or other event that was vacated. Vacating a trial occurs on a routine basis; and therefore, should not skew results. Judges who had events vacate often noted that they found other work to "backfill" their time.

Was anything not captured?

Most judges felt that the study captured all pertinent information with the exception of senior judge time. Since senior judges are routinely assigned to certain circuits or to cover complex trials or even standing dockets; the fact that they were not included in the study may have an impact on the data.

There were some judges who wondered about the adequacy of accounting for multiple trial settings (i.e., setting four trials deep) and others wondered how their 24/7 on-call schedule would be represented in the workload. No consensus emerged on these issues. Most judges indicated that setting multiple trials is just the nature of the job; a similar sentiment was voiced regarding the on-call time.

Changes to non-family guardianship cases will require additional time as more financial monitoring is required. These requirements are happening after the time study period and may cause as much as a 25 percent increase in time required.

Finally, focus group participants frequently noted the increase in the number of cases involving non-represented litigants. These cases are perceived to be very time intensive for judges and staff. There were several requests to compare rates for non-represented litigants across jurisdictions. Both OSCA staff and NCSC staff commented on the complexity of isolating these cases with accuracy.

Adequacy of Time

Judges were asked if their present pace of work allows them to provide an adequate level of quality or if there was work they were unable to engage in due to lack of time. In addition, they were asked if this pace is sustainable for the long-run of their career.

Most respondents noted that there is always something they would like to have time to do better and that the job requires a regular amount of overtime on their part. Judges would like to be able to take more time to make sure defendants, juveniles, and their parents

actually understand what is going on in court or court orders. They would like more time for trial and hearing preparation. Written orders could be better if time allowed.

Focus group participants noted that there are more requirements coming from the legislature and appellate court to make more thorough findings in domestic relations cases and juvenile cases, which will increase the time currently spent on these cases. One judge noted that summary judgements need more time to ensure they are upheld on appeal.

Several areas require more oversight. Some judges mentioned that they wished they had more time to do a careful review of service agreements and family progress in abuse and neglect cases. Treatment courts require more oversight, especially in rural areas where the judge often fills the gap for lack of resources to coordinate and monitor cases.

One presiding judge in attendance said that time devoted to presiding judge duties was the first to be sacrificed when time is short.

As to sustainability, judges noted the personal impact of electronic communication and the fact that they are available everywhere, at all times. Several discussed interruptions to vacations or late-night business calls. While they appreciate the fact that they don't have to physically go to the courthouse to accomplish needed work, the downside is that they can never completely leave their work. Similarly, the constant need to multi-task can be wearing on judges.

Most focus group participants agreed that they work to a level of quality allowed by the time available. One judge summed it up by saying, "It's as good as its going to get, but it's not as good as it could be."

Circuit Specific Issues

Focus group participants were asked if there are circumstances unique to their circuit that should be considered in the workload study. No information provided raised concerns about the weighted workload study findings.

Judicial Officer Focus Groups Summary

The time study conducted in Missouri measures the amount of time judges spend handling cases. ***A time study does not inform us about the amount of time judicial officers should spend on activities to ensure quality processing of cases.***

Based on the focus group findings, concerns were raised about the following issues:

Case Weights for the following case types:

- Time-Intensive Civil
- General Circuit Civil
- Expungement Cases
- Traffic – Impact of new Fine Collection Centers and possible elimination of some municipal courts.
- Delinquency and Status Offenses
- Decedent's' Estates

Non-Case-Related Time:

- Community involvement and civic education
- Treatment Court time needed to coordinate and monitor cases (especially in rural areas)
- Impact of Judicial Conference on scheduling or time available for non-case-related activities.
- Presiding judge time – Is it adequate and should it be credited to specific circuits as is done with travel?

Representativeness of the Data Collection Period:

Impact of studying during a month preceding an election

Travel:

- Judicial Conference travel during study period
- Circuit specific concerns listed on pages 3 and 4

Work not reported:

- Senior judge time was not collected
- Impact of multiple trial settings
- Changes to non-family guardianship cases – additional financial monitoring

Overall Adequacy of Time to Process the Work: Judges noted they would like more time to devote to the following:

- Ensuring defendants, juveniles and their families understand court orders
- Trial preparation
- Preparing written orders/summary judgements/issues likely to be appealed
- Documenting thorough findings in domestic and juvenile cases
- Conducting a thorough review and oversite in juvenile cases
- Monitoring and coordinating treatment court cases (especially in rural courts)
- Presiding judge time

Considering the sustainability of the pace of workload, most judges noted they routinely work overtime. 24/7 overtime was often noted as a stress point for judges.

VI. JWWS Decisions on Case Weights and the Final Report

The JWWS held its final in-person meeting on March 25, 2019 to review all of the data and qualitative input (i.e., feedback from the focus groups). .

Adequacy of Time to Perform Judicial Duties

After significant discussion of the case weights, the JWWS agreed to accept the case weights based solely on the data from the four-week work-time study. The JWWS were concerned that adjusting the case weights might create the impression that the JWWS arbitrarily manipulated the case weights, thereby diminishing the legitimacy or integrity of the new weighted workload formula.

Figure 8: Final Case Weights (Minutes)

Case Type	Final Case Weight (Minutes)
Time intensive (complex) circuit civil	
Non-trial disposition	558
Bench trial disposition	765
Jury trial disposition	6,746
General circuit civil	
Non-trial disposition	79
Bench trial disposition	117
Jury trial disposition	1,779
Associate civil	14
Small Claims	30
Decedent's estates & trusts	177
Incapacitated/minors' estates	109
Petitions for involuntary detentions/applications for MH	13
Simple probate	27
Sexually violent predator petitions	2,653
Domestic relations	130
Protection orders	25
Abuse & Neglect/ adoption/ termination of parental rights	146
Juvenile delinquency/status offense	149
Circuit felony	
Non-trial disposition	106
Bench trial disposition	1,031
Jury trial disposition	1,777
Associate felony	41
Misdemeanors/municipal cert. / trial de novo	18
Traffic/municipal ordinance / watercraft	4
Adult criminal treatment court	422
Juvenile/family treatment court	540
Expungement	44

VII. Calculating Judicial Resource Needs

Determining Judicial Officers' Annual Available Time for Case Work (ATCW)

In every workload study, three factors contribute to the calculation of resource need: case filings, case weights, and judicial officers' annual available time for casework (ATCW). The relationship of these elements is expressed as follows:

- ***Case Workload*** *= Cases Filed x Case Weights,*
- ***Number of FTE Judicial Officers Needed***
  = Case Workload ÷ Judicial Officer ATCW value

The judicial officer ATCW value represents the amount of time in a year that judicial officers have to perform case-related work. Arriving at this value is a three-stage process:

(1) Determine how many days per year are available for judicial officers to perform work (the judicial officer work year),

(2) Determine how many business hours per day are available for case-related work as opposed to non-case-related work (the judicial officer day),

(3) Multiply the numbers in steps 1 and 2, then multiply by 60 minutes; this yields the judicial officer ATCW value, which is an estimate of the amount of time (in minutes) the "average" judicial officer has to do case-related work during the year.

Step 1: The Judicial Officer Work Year

Calculating the "average" judicial officer work-year requires determining the number of days

per year that judicial officers have to perform case-related matters. Obtaining this number involved working closely with the JWWS to deduct time for weekends, holidays, vacation, sick and personal leave and education/training days. After deducting these constants from 365 days, it was determined that judicial officers in Missouri have, on average, 212 days available each year to perform judicial activities[10] (see Figure 9).

Step 2: The Judicial Officer Work Day

For Missouri's judicial workload assessment calculations, it is assumed that all judicial officers work 7.5 hours per day on their judicial duties.

Figure 9: Calculating the Judicial Officer Work Year (Days and Minutes)

		Days	Minutes
Total Year (7.5 hours/ day x 60 minutes = 450 minutes per day)		365	174,250
Subtract			
Weekends (450 minutes x 104 days)	-	104	46,800
Holidays (450 minutes x 13 days)	-	13	5,850
Leave (vacation, sick & other) (450 minutes x 26 days)	-	26	11,700
Professional development (CLEs) (450 minutes x 10 days)	-	10	4,500
Total Available Work Time (450 minutes x 212 days)		212	**95,400**

Step 3: Calculate the Judicial Officers' Annual Available Time for *Case* Work

Figure 9 shows the total time judicial officers have available per year to perform all their judicial duties. However, judicial work-time includes both case-related and non-case-related activities. To determine how much time judicial officers have available to work on cases, we must *subtract* their average *non-case-related* time from the total available work-time shown in Figure 9. *Non-case-related time* includes activities such as:

- Work-related travel,
- Committee meetings and related work,
- CLE and other training,
- General legal research,
- Community outreach, public speaking,
- Presiding Judge administrative time,
- Non-case-related administration,
- Phone calls while driving,
- Other non-case-related activities.[11]

Non-case-related activities (excluding travel). Based on the data collected during the work-time study, NCSC staff determined that judicial officers in Missouri spend an average of 64 minutes per day on non-case-related activities (excluding travel). NCSC staff informed the JWWS that based on NCSC staff experience in many other state courts, the judges typically spend an average of approximately 112 minutes per day on non-case related activities.

Travel time. Many judicial officers spend time traveling to other counties to provide court

[10] The judge work year value is consistent with the judge year value used in most NCSC workload assessment studies.

[11] In addition to the non-case-related activities, judges reported leave time, judicial training, and time study reporting time in this category. These data were recorded but removed from the study, since the time is already built into the judicial officer year value.

services, and this time must also be subtracted from the 7.5-hour workday to determine the number of hours available to work on cases. During the focus groups, several participants raised concerns that travel was incorrectly inflated due to the fact that many judges traveled to the judicial conference. Since the conference occurs only once each year, the JWWS recommended basing the average travel time per circuit on the first three weeks of work-time study data on travel. For those circuits that did not report any travel, the average amount of time entered for the 31st circuit (the circuit with the lowest amount of travel) was used (2 minutes per day per judicial officer).

Based on this adjustment, the adjusted work-time study data indicate that judicial officers in Missouri spend an average of 22 minutes per day traveling for work-related purposes. The average time is included in the model as a circuit-specific average amount of time.

Using this calculation, the average annual travel time per judge in each judicial circuit ranges from a low of 1.69 (rounded to 2 minutes per day per judge) to a high of 74 minutes per day per judge (in the 42nd circuit). The average travel time per day per judge is provided in Appendix E.

Determining the Need for Judicial Officers

In Missouri, circuit judges represent the entire circuit, whereas associate circuit judges, while part of the circuit, represent the county in which they serve. Circuit courts are courts of original civil and criminal jurisdiction and circuit judges may act within all circuit jurisdictions. "*The Missouri constitution requires at least one circuit judge in each of the state's 46 judicial circuits. Associate circuit judges may hear matters pending in the circuit court or assigned by the Supreme Court. Associate circuit judges hear all cases pursuant to Chapter 517, RSMo, and have concurrent jurisdiction over all cases pending in the circuit court.*"[12] Missouri's constitution also requires one associate circuit judge per county, regardless of the actual workload requirements. The need for judicial officers in each circuit is determined by:

(1) Multiplying the case weight for each of the case types in the workload assessment model by the most recent annual number of filings for each of those case types, which yields the total estimated number of judicial work minutes required to handle the case-related workload in the circuit;
(2) Dividing the result in step 1 by the average available time (minutes) judges have available for case-related work, which varies by circuit due to differences in the average amount of judicial travel time (see Appendix E);
(3) The result in step two yields the number of full-time equivalent (FTE) judicial officers needed to handle the case-related work in the judicial circuit.

Figure 10 shows this analysis for each judicial circuit.

[12]https://www.sos.mo.gov/cmsimages/bluebook/2017-2018/5_Jud.pdf

The 2019 weighted workload formula applied to each judicial circuit reveals that statewide the Missouri circuit courts should have at least **403.51** full-time equivalent (FTE) judicial officers to effectively handle the circuit courts' workload.[13] The judicial need figure is based on the workload model only, and does not account for the constitutional requirements for one circuit judge per circuit and one associate circuit judge per county. Statewide, the Missouri circuit courts currently have about **380** FTE judicial officers of all types.

Figure 10: Summary of Calculations for Determining the Need for Judicial Officers in Each Circuit

Judicial Officer Need by Circuit		Judicial Officer Need by Circuit	
1st Judicial Circuit	1.49	24th Judicial Circuit	8.61
2nd Judicial Circuit	2.79	25th Judicial Circuit	10.63
3rd Judicial Circuit	2.28	26th Judicial Circuit	10.48
4th Judicial Circuit	3.06	27th Judicial Circuit	4.41
5th Judicial Circuit	7.25	28th Judicial Circuit	4.16
6th Judicial Circuit	4.69	29th Judicial Circuit	8.38
7th Judicial Circuit	10.73	30th Judicial Circuit	7.58
8th Judicial Circuit	2.43	31st Judicial Circuit	21.65
9th Judicial Circuit	2.35	32nd Judicial Circuit	7.86
10th Judicial Circuit	3.51	33rd Judicial Circuit	5.55
11th Judicial Circuit	15.19	34th Judicial Circuit	3.73
12th Judicial Circuit	5.84	35th Judicial Circuit	7.04
13th Judicial Circuit	13.29	36th Judicial Circuit	5.75
14th Judicial Circuit	3.11	37th Judicial Circuit	4.93
15th Judicial Circuit	4.10	38th Judicial Circuit	4.64
16th Judicial Circuit	41.64	39th Judicial Circuit	8.98
17th Judicial Circuit	7.49	40th Judicial Circuit	6.47
18th Judicial Circuit	4.84	41st Judicial Circuit	1.68
19th Judicial Circuit	6.12	42nd Judicial Circuit	7.40
20th Judicial Circuit	7.78	43rd Judicial Circuit	4.36
21st Judicial Circuit	44.15	44th Judicial Circuit	3.40
22nd Judicial Circuit	42.28	45th Judicial Circuit	4.41
23rd Judicial Circuit	10.69	46th Judicial Circuit	4.31
		State Judicial Officers Needed	**403.51**

Conclusion

The new weighted workload model based on the 2018 study of judicial work-time, indicates a statewide need for an additional 23.51 FTE judicial officers, based on workload, to process the annual workload effectively (see Figure 10).[14]

[13] Appendix F presents a detailed analysis of the need for judicial officers.

[14] The current number of trial court judicial officers in Missouri is 379.

The next section sets forth recommendations from the NCSC regarding the upkeep and continued use of the weighted workload model.

VIII. Recommendations

The NCSC proposes the following recommendations to maintain the integrity and utility of the case weights and judicial needs model.

Recommendation #1

The NCSC recommends updating the judicial officer needs assessment model annually, using average case filings from the most recent three-year period.

Recommendation #2

The workload model presented in this report should be the starting point for determining the need for judicial officers in each circuit. There are some key factors that are not directly accounted for in this weighted caseload formula including, but not limited to: differences between urban and rural jurisdictions in their abilities to have judges specialize and to effectively provide backup judges when needed; differences in jury trial rates among counties and circuits; possible variations in the proportion of civil and domestic cases involving self-represented parties; differences among counties in the percentage of persons who require court interpreting services (whose hearings require more time); and the inadequate number of various judicial support staff (e.g., law clerks, court reporters). These qualitative factors may need to be weighed when consideration is given to reallocation of judicial officers or requests for additional judgeships.

Appendices

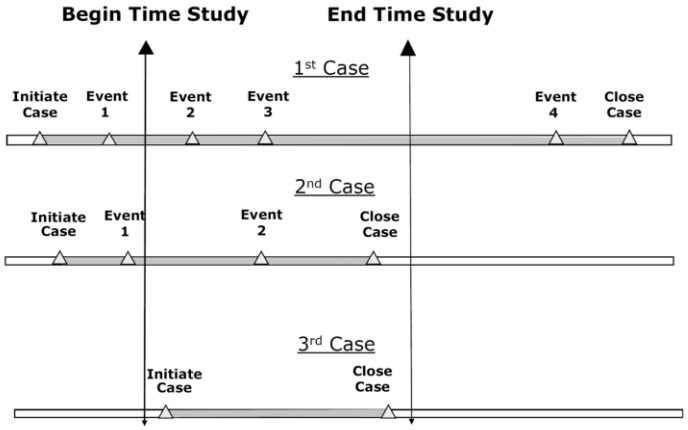
Appendix A: Event-Based Methodology

Event-Based Methodology is designed to take a snapshot of court activity and compare the judicial officer time spent on primary case events to the number of cases entering the court. The study measures the total amount of judicial time in an average four-week period devoted to processing each particular type of case for which case weights are being developed. Because this method is a snapshot, few cases actually complete the journey from filing to final resolution during the study period. However, courts in each county throughout the state are processing a number of each type of case in varying stages of the case life cycle. For example, during the four-week time study period, a given court will handle the initiation of a number of new civil cases, while the same court will also have other civil cases (perhaps filed months or years earlier) on the trial docket, and still other civil cases in the post-judgment phase.

Moreover, if the sample period is representative, the mix of pre-trial, non-trial and trial dispositions, writing decisions and opinions, post-judgment activities and therapeutic court activities conducted for each type of case, as well as the time devoted to each type of activity, will be representative of the type of work entering the court throughout the year. Therefore, data collected during the study period provides a direct measure of the amount of judicial time devoted to the full range of key case processing events.

Time data are then combined with new filing numbers. For example, if judicial officers spent 150,000 minutes processing general circuit civil cases and there were 250 such cases entered, this would produce an average of 600 minutes (or ten hours) per general civil case (150,000 minutes/250 cases). This ten-hour case weight is interpreted as the average time to process a general civil case from filing to final resolution – even though no individual case is tracked from start to finish within the four weeks. Rather, the workload standard is a composite of separate (though likely similar) cases observed at various points in the case life cycle. Figure A1 illustrates the Event-Based Methodology concept.

Figure A1: Event-Based Time Study



Assume the figure above shows the progress of three separate general circuit civil cases during the period of the four-week time study. It is not necessary that cases be tracked from start to finish. Instead, for each type of case examined, the study tracks the time spent on key processing events during each case's life cycle.

For example, Case 1 illustrates the time required to process the middle segment of case life; Case 2 the time required to process the end segment of case life; and Case 3 illustrates the time required to complete an entire case of minimal complexity. When the time spent on each event for these three cases is added together, the result is an estimate of the total amount of time needed to process a case, even though all cases are not tracked from start to finish. In the current study, because the time estimates are based on observations from thousands of individual case events for each case type, the methodology is highly reliable.

Appendix B: Missouri Case Types and Definitions

For the Judicial Workload Assessment Study

CIVIL	1.	**Time Intensive (Complex) Circuit Civil**: Asbestos, Personal Injury – Federal Employer Liability Act, Personal Injury – Malpractice, Personal Injury – Product Liability, Wrongful Death, Eminent Domain/Condemnation State, Eminent Domain/Condemnation Other
	2.	**General Circuit Civil**: **CC Tort, CC Real Estate** Personal Injury Vehicular, Application to Enforce, Establishment of Charter, Personal Injury Other, Mechanics Lien, Action Against Garnishee, Property Damage, Exception, CAFA Forfeiture, Other Tort, Foreclosure, Common Law Lien Petition, Landlord Complaint, Contempt, Partition, Examination Judgment Debtor, Public Accommodation, Quiet Title, Rent and Possession **Employment Discrimination**, Out of State Witness, Employment Discrimination 213.111 **CC Contract** Unlawful Detainer, Replevin, Breach of Contract, Other Real Estate Actions, Revival of Judgment, Promissory Note, Delinquent City License Fee, Specific Performance **CC Extraordinary** Delinquent City Taxes, Suit on Account **Remedies** Delinquent County License Fee, Contract Other, Declaratory Judgment, Delinquent County Taxes, Habeas Corpus, Delinquent Sales Tax **CC Admin Review** Injunction, Delinquent State Taxes, Chapter 536 State Agency Review, Other Extraordinary Remedy, Personal Property Tax, Driver License Revocation, Show Cause to Enforce Jury, Trial De Novo, Review 302.311 RSMO, Service, Trial De Novo from Small Claims, Review 302.535 Trial De Novo, Temporary Restraining Order, Will Contest, Hearing Refuse to Take Breathalyzer, Small Claims Certified to Circuit, 302.750 RSMO **CC Miscellaneous** Motion, Rules 29.15 or 24.035, Limited Driving Privileges 302.309, Miscellaneous Civil Other, Pro Forma, Other Administrative Review, Incarceration Reimbursement, Tax Action – Other
	3.	**Associate Civil:** **AC Tort** **AC Miscellaneous** Asbestos, Other Administrative Review, Tax Action – Other, Personal Injury - Federal Employer, Petition for SATOP Review, Misc. Associate Civil – Other**,** Liability Act, Action Against Garnishee, Personal Injury – Malpractice **AC Real Estate** CAFA Forfeiture 513.600 - 513.645, Personal Injury – Product Liability, Rent and Possession, Common Law Petition, Personal Injury – Vehicular, Unlawful Detainer, Property Release, Personal Injury – Other, Other Real Estate Actions, Contempt, Property Damage, Application to Enforce Mechanics, Establishment of Charters, Wrongful Death, Lien, Examination Judgment Debtor, Public Accommodation 213.111, Eminent Domain/Condemnation, , State, , Out of State Witness, Other Tort, Eminent Domain/Condemnation, Registration of Foreign Judgment, Other, Replevin **AC Contract** Exception, Revival of Judgment, Breach of Contract, Foreclosure, , Delinquent City License Fee, Promissory Note, Landlord Complaint, Delinquent City Tax, Specific Performance, Partition, , Delinquent County License Fee, Suit on Account, Quiet Title, , Delinquent County Tax, Contract Other, Delinquent Sales Tax
	4.	**All Small Claims:** All Small Claims
PROBATE/MENTAL HEALTH	5.	**Decedent's Estates and Trusts:** Supervised with Will, Independent Without Will, Supervised Without Will, Construe Trust, Independent with Will, Modification of Trust
	6.	**Incapacitated/Minor's Estates:** Conservatorship – Adult, Guardianship – Adult, Guardianship/Conservatorship – Minor, Conservatorship – Minor, Guardianship – Minor, Guardianship/Conservatorship Limited, Conservatorship Limited - Adult, Guardianship Limited – Adult, Dispense with Conservatorship - Minor, Guardianship/Conservatorship - Adult, Guardianship/Conservatorship Limited - Minor, Guardian Limited Minor 475.060
	7.	**Petitions for Involuntary Detention/Applications for Mental Health:**

	21 Day Mental Health Involuntary Detention, 90 Alcohol/Drug Involuntary Detention, 90 Day Mental Health Involuntary Detention, Treatment Out of County, 180 Day Mental Health Involuntary Detention, 96 Hour Mental Health Involuntary Detention, 1 Year Mental Health Involuntary Detention, Mental Health Application for Conditional Release, Electric Shock, 96 Hour Alcohol/Drug Involuntary Detention, 30 Day Alcohol/Drug Involuntary Detention
	8. Simple Probate: **Abbreviated Matters – Decedent's Estates** Refusal of Letters – Creditor, Refusal of Letters – Spouse, Refusal of Letters – Minor, Small Estates Affidavit with Will, Small Estates Affidavit without Will, Determination of Heirship, Will Admitted or Rejected, Require Administration **Trusts** Successor Trustee, Trust Registration, Miscellaneous – Trust **Miscellaneous** Miscellaneous Probate
	9. Sexual Violent Predator Petitions
DOMESTIC/FAMILY	**10. Domestic Relations:** IV-D Admin Order with Hearing, Registration of Foreign Order of, Miscellaneous Domestic Relations IV-D Contempt, Protection, Registration of Foreign Modified IV-D Miscellaneous with Domestic Relations, IV-D URESA – Responding, Judgment, IV-D Motion to Modify, Change of Name, Motion to Modify IV-D Paternity, Contempt, Paternity IV-D UIFSA – Initiating, Dissolution without Children, Registration of Foreign IV-D UIFSA – Responding, Dissolution with Children, Judgment – Custody, IV-D-URESA – Initiating, Habeas Corpus, Registration of Foreign, Legal Separation/Annulment, Judgment – Dissolution, Separate Maintenance, Family Access Motion
	11. Protection Order: Adult Abuse Not Stalking, Child Protection Act, Adult Abuse Stalking, Child Protection Act Extension or Modification, Adult Abuse Extension or Modification
	12. Abuse & Neglect/Adoption/Termination of Parental Rights: Abuse and Neglect, Adoption – Adult, Adoption – Regular, Permanency Planning Motion, Adoption – Stepchild, Termination of Parents Rights
	13. Juvenile Delinquency/Status Offense: Status Offense, Delinquency, Extension of Juvenile Jurisdiction
CRIMINAL/TRAFFIC	**14. Circuit Felony:** CC Felony
	15. Associate Felony: AC Felony, Municipal Certification / Trial De Novo, Search Warrant Issued
	16. Misdemeanors/Non-Traffic Infraction/Municipal Cert/Trial De Novo: Misdemeanor / Non-Traffic Infraction, Municipal Certification / Municipal Trial De Novo, More Serious traffic and boating, for example DWI, DUR, DUS, BAC and BWI
	17. Traffic/Municipal Ordinance/Watercraft Conservation: Municipal and County Ordinance, Conservation, State Traffic Ticket, except listed above, Watercraft
TREATMENT COURTS	**18. Adult Criminal Treatment Court:** Record time spent on felony or misdemeanor Treatment Court (Drug or Mental Health) cases from the time the defendant is ordered to treatment court to the time when the defendant is successfully released or terminated from the Treatment Court Program. Drug Court Pre-Plea Adult, Mental Health Court Pre-Plea Adult, Drug Court Post-Plea Adult, Mental Health Court Post-Plea Adult, Drug Court Probation Adult, Mental Health Court Probation Adult, Drug Court Reentry Adult, Mental Health Court Reentry Adult, Drug Court Prior Participant Adult, Mental Health Court Prior Participant Adult
	19. Juvenile/Family Treatment Court: Drug Court Pre-Adjudicated Juvenile, Drug Court Post-Adjudication Family, Drug Court Post-Adjudicated Juvenile, Drug Court Pre-Adjudication Family
	20. Expungement Expungement – Arrest Record – 610.123

Appendix C: Missouri Case-Related Activity Definitions

For the Judicial Workload Assessment Study

1.	**Pre-trial activities:** Includes all activities that occur in a case prior to a trial or non-trial disposition, such as: initial appearance/arraignment, pretrial hearings & motions, pretrial conferences, calendar call, settlement conferences, pretrial management conferences, administrative activities occurring pre-trial, etc.
2.	**Non-trial disposition activities:** Includes all disposition activities that result outside of a trial, such as: pleas, uncontested dissolution, nolle pros and dismissal.
3.	**Bench trial activities:** All activities associated with a bench trial once the trial date has arrived.
4.	**Jury trial:** All activities associated with a jury trial once the trial date has arrived.
5.	**Writing decisions/opinions:** Includes time spent doing research for and writing decisions.
6.	**Post-trial /Post-adjudication activities:** All case-related activities occurring once a disposition has been entered on a case.
7.	**Treatment Court activity:** All activity associated with treatment courts, including staffing cases, in-court activity and other work.

Appendix D: Missouri Non-Case-Related Activity Definitions

For the Judicial Workload Assessment Study

1. Education and training • Conferences (out of state and local); • Continuing education; • Professional development; • State-wide judicial meetings; • On-line courses related to judicial work; • Local bar-sponsored training events • Judicial College
2. Community activities, speaking engagements, Weddings, Truancy Court • Speaking at local bar luncheon, high school class or Rotary Club; • Preparing for and officiating at weddings for which you are not paid.
3. Committee meetings • State committee work; • Local committee work; • Local meetings with agency representatives.
4. Travel time (non-commuting work-related travel) • Any work-related travel.
5. General Legal Research/Keeping Current • Non-case-specific legal reading/research; • Reading law journals, professional literature; • Research/reading to keep you abreast of legislative changes, legal opinions, etc.
6. Non-case-related administration • Personnel issues; • Case assignment; • Internal staff meetings
7. Leave (vacation, illness, military and bereavement) • Vacation; • Sick leave; • Personal leave; • Family medical leave.
8. Other - Includes all other work-related, but non-case-related tasks that do not fit in the above categories.
9. NCSC project time – record the time it takes you to track and enter your time for the current workload time study.
10. Presiding Judge Administrative Time • All presiding judge work regardless of who performs the task should be recorded in this category
11. Phone calls while driving – record the amount of time spent talking on the phone while driving/riding in a car.

Appendix E: Average Travel Time per Judge per Day by Circuit

Average travel minutes per FTE per day by Judicial Officer	
1st Judicial Circuit	42.82
2nd Judicial Circuit	35.88
3rd Judicial Circuit	12.43
4th Judicial Circuit	50.89
5th Judicial Circuit	4.41
6th Judicial Circuit	6.57
7th Judicial Circuit	6.19
8th Judicial Circuit	28.81
9th Judicial Circuit	54.80
10th Judicial Circuit	41.04
11th Judicial Circuit	2.57
12th Judicial Circuit	36.64
13th Judicial Circuit	6.46
14th Judicial Circuit	24.64
15th Judicial Circuit	25.26
16th Judicial Circuit	6.98
17th Judicial Circuit	22.13
18th Judicial Circuit	8.54
19th Judicial Circuit	1.69
20th Judicial Circuit	18.87
21st Judicial Circuit	3.55
22nd Judicial Circuit	2.08
23rd Judicial Circuit	5.79

Average travel minutes per FTE per day by Judicial Officer	
24th Judicial Circuit	20.38
25th Judicial Circuit	27.59
26th Judicial Circuit	40.37
27th Judicial Circuit	32.14
28th Judicial Circuit	34.43
29th Judicial Circuit	7.17
30th Judicial Circuit	42.03
31st Judicial Circuit	1.69
32nd Judicial Circuit	30.10
33rd Judicial Circuit	24.40
34th Judicial Circuit	12.39
35th Judicial Circuit	21.87
36th Judicial Circuit	11.46
37th Judicial Circuit	14.76
38th Judicial Circuit	22.55
39th Judicial Circuit	22.39
40th Judicial Circuit	26.82
41st Judicial Circuit	34.05
42nd Judicial Circuit	73.81
43rd Judicial Circuit	41.15
44th Judicial Circuit	21.91
45th Judicial Circuit	12.73
46th Judicial Circuit	1.69
State Average	**21.76**

Appendix F: Weighted Workload Needs Assessment Model for Circuit Court Judicial Officers

Case Type	Case Weight	Circuit 1	Circuit 2	Circuit 3	Circuit 4	Circuit 5	Circuit 6	Circuit 7	Circuit 8	Circuit 9	Circuit 10	Circuit 11	Circuit 12
Time Intensive Circuit Civil: non-trial dispo	558	2.0	8	2	8	23	15	44	8	1	6	44.2	8
Time Intensive Circuit Civil: bench trial dispo	765	0.0	0	1	2	0	3	3	2	2	2	15.1	2
Time Intensive Circuit Civil: jury trial dispo	6,746	0.0	1	0	0	2	0	4	0	0	1	0.7	0
General Circuit Civil: non-trial dispo	79	35	78	68	67	309	334	662	93	48	100	814.0	158
General Circuit Civil: bench trial dispo	117	17	17	13	19	50	64	81	24	33	29	350.4	48
General Circuit Civil: jury trial dispo	1,779	0	0	0	2	2	4	10	0	1	2	15.6	1
Associate Civil	14	171	731	467	506	3,194	2,199	7,600	818	446	1,287	7,591	1,430
Small Claims	30	57	60	46	57	175	93	233	44	65	95	305	84
Domestic Relations	130	93	192	202	380	775	582	1,689	208	143	317	2,077	386
Protection Orders	25	151	270	385	200	903	573	1,301	339	136	536	2,029	721
Abuse & Neglect/Adoption/TPR	146	45	105	106	126	110	48	166	26	87	133	272	197
Juv Delinquency/Status Offense	149	6	19	19	10	77	28	62	13	53	35	79	21
Circuit Felony: non-trial dispo	106	132	347	234	210	861	417	792	289	208	349	1520.1	943
Circuit Felony: bench trial dispo	1,031	1	1	0	2	6	2	3	1	1	0	3.2	5
Circuit Felony: jury trial dispo	1,777	3	3	4	3	13	3	8	1	4	3	10.7	18
Associate Felony	**41**	237	488	458	413	1,383	586	1,098	500	395	551	3,011	1,414
Misd/Municipal Cert/Trial de Novo	**18**	619	1,362	610	1,077	2,105	2,550	3,838	432	518	969	3,364	1,335
Traffic/Watercraft Cons/Municipal	**4**	1,446	1,057	2,036	1,994	2,217	5,126	3,772	1,437	1,626	3,040	6,036	3,547
Decedent's Estates & Trusts	**177**	23	32	23	38	63	62	143	39	27	51	230	57
Incapacitated and Minor Estates	**109**	18	46	69	59	236	89	211	61	40	90	374	82
Simple Probate	**27**	62	82	80	96	223	128	294	78	63	140	512	149
Mental Health: Inv Petition/MH App	**13**	18	60	70	146	915	17	113	38	60	68	292	83
Juvenile/Family Treatment Court	**540**	0	5	0	0	0	0	0	0	9	0	12	6
Adult Treatment Court	**422**	12	19	22	17	86	29	43	18	35	10	145	31
Sexual Predator	**2,653**	0	0	0	0	1	0	0	0	0	0	0	0
Expungements	**44**	1	3	0	1	2	4	7	1	0	3	28	2
PJ Time (@ 55 minutes per day)	**11,660**	1	1	1	1	1	1	1	1	1	1	1	1
Total Cases by Circuit		3,148	4,986	4,915	5,434	13,732	12,957	22,177	4,471	4,001	7,818	29,132	10,729
Case-specific Work Minutes (sum of wlv x cases)		104,698	207,060	176,410	210,130	587,293	379,306	844,335	173,110	166,326	259,488	1,230,288	433,463
Judicial Officer Annual Availability		95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400
Subtract Annual Non-Case-Related Time		13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568
Subtract Annual Travel Time		11,353	7,705	4,454	13,213	807	1,027	3,163	10,641	11,038	7,838	830	7,630
JO Annual Case-Related Availability		70,479	74,127	77,378	68,619	81,025	80,805	78,669	71,191	70,794	73,994	81,002	74,202
JO FTE Demand		1.49	2.79	2.28	3.06	7.25	4.69	10.73	2.43	2.35	3.51	15.19	5.84
Current JO FTE Allocated		4	4	5	6	7	5	9	3	4	4	13	5
Total JO Surplus(-)/Deficit		-2.51	-1.21	-2.72	-2.94	0.25	-0.31	1.73	-0.57	-1.65	-0.49	2.19	0.84
Judicial Officer Need by Circuit													
Circuit Number		**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**

Case Type	Case Weight	Circuit 13	Circuit 14	Circuit 15	Circuit 16	Circuit 17	Circuit 18	Circuit 19	Circuit 20	Circuit 21	Circuit 22	Circuit 23	Circuit 24
Time Intensive Circuit Civil: non-trial dispo	558	30	8	10	187	17	9	17	16	238.7	456.2	18	21
Time Intensive Circuit Civil: bench trial dispo	765	13	1	0	27	10	1	4	3	32.2	48.3	2	1
Time Intensive Circuit Civil: jury trial dispo	6,746	1	0	0	6	0	1	1	2	11.1	5.5	1	2
General Circuit Civil: non-trial dispo	79	440	95	195	2,884	430	339	320	281	3,752.6	10,528.8	718	364
General Circuit Civil: bench trial dispo	117	108	71	43	350	125	26	251	62	504.3	2,606.2	161	43
General Circuit Civil: jury trial dispo	1,779	8	0	1	43	5	3	5	3	37.1	46.0	4	3
Associate Civil	14	4,919	986	1,115	25,840	2,796	1,582	1,685	2,829	33,611	15,558	5,870	2,802
Small Claims	30	315	70	79	998	141	71	102	205	1,387	543	258	297
Domestic Relations	130	1,146	240	319	4,488	924	468	484	765	5,633	3,647	1,311	881
Protection Orders	25	1,718	310	513	7,076	857	560	1,161	1,266	6,191	3,270	2,055	964
Abuse & Neglect/Adoption/TPR	146	414	115	67	1,637	230	96	153	269	1,001	464	575	346
Juv Delinquency/Status Offense	149	184	22	23	306	112	41	77	34	321	179	119	80
Circuit Felony: non-trial dispo	106	1,619	426	617	3,422	662	680	724	809	4274.5	2820.8	1,120	1,130
Circuit Felony: bench trial dispo	1,031	4	1	4	13	2	0	9	1	12.2	31.8	3	1
Circuit Felony: jury trial dispo	1,777	21	4	9	56	16	5	11	2	35.3	124.4	9	18
Associate Felony	**41**	3,085	859	806	5,756	1,391	1,224	822	1,377	6,270	4,291	1,563	1,741
Misd/Municipal Cert/Trial de Novo	**18**	3,970	876	1,331	2,798	901	1,829	2,331	3,495	7,528	1,409	1,780	2,338
Traffic/Watercraft Cons/Municipal	**4**	4,923	1,253	3,427	3,237	6,517	2,865	1,224	4,345	10,370	4	4,005	3,993
Decedent's Estates & Trusts	**177**	123	25	41	476	102	41	49	100	869	184	144	67
Incapacitated and Minor Estates	**109**	200	71	67	702	144	80	105	206	494	205	300	220
Simple Probate	**27**	274	69	101	1,233	217	96	134	238	2,353	408	276	219
Mental Health: Inv Petition/MH App	**13**	2,338	100	44	1,296	19	72	403	90	1,785	1,988	215	283
Juvenile/Family Treatment Court	**540**	6	0	0	110	0	10	0	0	19	28	7	0
Adult Treatment Court	**422**	182	17	19	477	27	19	41	43	145	301	23	24
Sexual Predator	**2,653**	0	0	0	3	1	0	0	1	1	2	0	0
Expungements	**44**	87	1	3	33	4	3	9	7	163	68	25	6
PJ Time (@ 55 minutes per day)	**11,660**	1	1	1	1	1	1	1	1	1	1	1	1
Total Cases by Circuit		26,128	5,621	8,835	63,454	15,652	10,121	10,123	16,450	87,040	49,218	20,563	15,846
Case-specific Work Minutes (sum of wlv x cases)		1,059,369	238,486	308,263	3,200,733	577,747	383,777	480,020	587,205	3,583,327	3,425,552	856,244	661,393
Judicial Officer Annual Availability		95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400
Subtract Annual Non-Case-Related Time		13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568
Subtract Annual Travel Time		2,113	5,036	6,693	4,963	4,691	2,608	3,339	6,357	668	812	1,726	4,986
JO Annual Case-Related Availability		79,719	76,796	75,139	76,869	77,142	79,224	78,493	75,475	81,164	81,020	80,106	76,846
JO FTE Demand		13.29	3.11	4.10	41.64	7.49	4.84	6.12	7.78	44.15	42.28	10.69	8.61
Current JO FTE Allocated		12	3	5	37	8	4	4	7	41	36	12	8
Total JO Surplus(-)/Deficit		1.29	0.11	-0.90	4.64	-0.51	0.84	2.12	0.78	3.15	6.28	-1.31	0.61
Judicial Officer Need by Circuit													
Circuit Number		13	14	15	16	17	18	19	20	21	22	23	24

Case Type	Case Weight	Circuit 25	Circuit 26	Circuit 27	Circuit 28	Circuit 29	Circuit 30	Circuit 31	Circuit 32	Circuit 33	Circuit 34	Circuit 35	Circuit 36
Time Intensive Circuit Civil: non-trial dispo	558	16	17	8	5	23	12	77	31	12	4	7	14
Time Intensive Circuit Civil: bench trial dispo	765	3	4	1	1	6	1	0	5	4	2	2	2
Time Intensive Circuit Civil: jury trial dispo	6,746	1	0	0	0	1	0	5	0	0	0	1	1
General Circuit Civil: non-trial dispo	79	394	494	148	113	288	270	1,432	272	143	124	164	167
General Circuit Civil: bench trial dispo	117	71	105	22	28	42	19	112	97	56	33	49	46
General Circuit Civil: jury trial dispo	1,779	2	3	3	1	2	4	15	1	2	1	1	1
Associate Civil	14	2,155	2,353	982	853	3,452	1,680	8,375	2,660	1,368	976	1,907	2,015
Small Claims	30	164	186	64	94	157	75	400	198	108	91	147	129
Domestic Relations	130	957	911	333	354	982	734	2,056	676	425	313	558	545
Protection Orders	25	1,449	1,511	476	575	1,238	705	3,607	867	642	467	670	684
Abuse & Neglect/Adoption/TPR	146	435	278	126	110	336	206	711	316	212	155	329	280
Juv Delinquency/Status Offense	149	48	54	13	43	136	36	101	52	85	36	94	40
Circuit Felony: non-trial dispo	106	1,875	1,550	676	454	740	1,013	1,898	1,134	988	721	1,112	737
Circuit Felony: bench trial dispo	1,031	5	3	11	1	0	10	25	8	3	1	3	1
Circuit Felony: jury trial dispo	1,777	20	2	5	3	4	7	20	16	5	3	5	5
Associate Felony	**41**	1,751	2,368	1,015	1,020	2,111	1,553	3,351	1,655	1,364	956	1,419	1,209
Misd/Municipal Cert/Trial de Novo	**18**	2,851	4,747	1,421	1,490	1,141	2,997	6,335	1,974	985	1,268	1,506	2,118
Traffic/Watercraft Cons/Municipal	**4**	6,922	3,212	4,392	1,259	3,401	7,114	4,145	1,602	1,491	1,373	975	1,646
Decedent's Estates & Trusts	**177**	98	136	56	46	90	76	159	80	40	36	53	48
Incapacitated and Minor Estates	**109**	232	211	98	120	249	176	317	169	161	85	179	183
Simple Probate	**27**	172	248	115	140	200	192	605	187	86	57	87	88
Mental Health: Inv Petition/MH App	**13**	300	206	64	237	924	252	642	228	214	36	134	287
Juvenile/Family Treatment Court	**540**	0	0	0	0	0	0	59	7	19	0	32	0
Adult Treatment Court	**422**	36	0	15	36	72	10	484	21	32	4	64	54
Sexual Predator	**2,653**	0	0	0	0	1	0	1	0	0	0	0	0
Expungements	**44**	6	7	3	1	6	2	20	9	3	1	3	3
PJ Time (@ 55 minutes per day)	**11,660**	1	1	1	1	1	1	1	1	1	1	1	1
Total Cases by Circuit		19,964	18,607	10,048	6,985	15,603	17,145	34,952	12,265	8,449	6,744	9,503	10,304
Case-specific Work Minutes (sum of wlv x cases)		794,194	749,276	337,401	297,701	647,279	549,642	1,698,256	593,802	429,807	297,698	523,320	452,889
Judicial Officer Annual Availability		95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400
Subtract Annual Non-Case-Related Time		13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568
Subtract Annual Travel Time		7,092	10,356	5,331	10,292	4,567	9,352	3,385	6,291	4,354	1,936	7,466	3,102
JO Annual Case-Related Availability		74,740	71,476	76,501	71,540	77,265	72,480	78,447	75,541	77,478	79,896	74,366	78,730
JO FTE Demand		10.63	10.48	4.41	4.16	8.38	7.58	21.65	7.86	5.55	3.73	7.04	5.75
Current JO FTE Allocated		8	10	4	5	7	8	17	6	5	4	6	4
Total JO Surplus(-)/Deficit		2.63	0.48	0.41	-0.84	1.38	-0.42	4.65	1.86	0.55	-0.27	1.04	1.75
Judicial Officer Need by Circuit													
Circuit Number		**25**	**26**	**27**	**28**	**29**	**30**	**31**	**32**	**33**	**34**	**35**	**36**

Case Type	Case Weight	Circuit 37	Circuit 38	Circuit 39	Circuit 40	Circuit 41	Circuit 42	Circuit 43	Circuit 44	Circuit 45	Circuit 46	Statewide Total
Time Intensive Circuit Civil: non-trial dispo	558	6	6	8	8	1	7	11	2	5	7	1,484
Time Intensive Circuit Civil: bench trial dispo	765	1	0	3	6	1	2	2	1	1	2	223
Time Intensive Circuit Civil: jury trial dispo	6,746	1	0	1	1	0	0	1	0	1	0	52
General Circuit Civil: non-trial dispo	79	168	227	434	199	43	196	188	136	186	202	29,101
General Circuit Civil: bench trial dispo	117	34	19	83	63	15	64	29	18	41	31	6,171
General Circuit Civil: jury trial dispo	1,779	0	3	1	0	0	1	0	2	4	2	248
Associate Civil	14	1,171	1,463	1,586	1,734	432	1,342	1,164	421	1,346	1,398	166,866
Small Claims	30	89	58	168	128	48	87	88	51	117	96	8,523
Domestic Relations	130	494	546	772	516	142	484	357	292	423	405	40,625
Protection Orders	25	632	523	802	844	119	684	304	374	779	552	51,989
Abuse & Neglect/Adoption/TPR	146	110	121	369	286	98	198	141	136	148	199	12,088
Juv Delinquency/Status Offense	149	20	39	30	83	14	30	53	19	37	29	3,012
Circuit Felony: non-trial dispo	106	650	511	1,235	582	167	1,039	497	483	524	509	43,700
Circuit Felony: bench trial dispo	1,031	1	3	3	1	1	1	2	2	2	2	197
Circuit Felony: jury trial dispo	1,777	2	2	9	7	2	12	7	2	7	2	530
Associate Felony	**41**	1,199	795	1,992	1,392	311	1,397	949	711	955	1,009	70,201
Misd/Municipal Cert/Trial de Novo	**18**	2,255	1,850	3,368	3,537	528	2,894	1,584	1,182	788	2,289	98,473
Traffic/Watercraft Cons/Municipal	**4**	4,081	834	1,102	1,344	902	4,840	3,138	1,564	2,474	377	137,685
Decedent's Estates & Trusts	**177**	47	34	104	65	23	53	55	39	58	46	4,451
Incapacitated and Minor Estates	**109**	128	74	185	160	41	126	106	77	74	80	7,400
Simple Probate	**27**	98	125	211	124	61	127	139	70	121	121	10,899
Mental Health: Inv Petition/MH App	**13**	696	4	37	728	26	240	51	44	22	20	15,905
Juvenile/Family Treatment Court	**540**	0	0	0	41	0	0	5	0	9	0	384
Adult Treatment Court	**422**	8	39	119	26	10	78	0	61	43	19	3,016
Sexual Predator	**2,653**	0	0	0	0	0	0	0	0	0	0	11
Expungements	**44**	1	1	2	4	1	2	2	0	2	3	543
PJ Time (@ 55 minutes per day)	**11,660**	1	1	1	1	1	1	1	1	1	1	46
Total Cases by Circuit		11,894	7,279	12,626	11,879	2,986	13,905	8,875	5,688	8,166	7,401	713,819
Case-specific Work Minutes (sum of wlv x cases)		378,183	337,296	667,261	495,806	125,681	502,671	318,940	264,361	348,314	336,496	31,280,299
Judicial Officer Annual Availability		95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	95,400	
Subtract Annual Non-Case-Related Time		13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	13,568	
Subtract Annual Travel Time		5,121	9,083	7,555	5,230	7,067	13,929	8,721	4,087	2,865	3,827	
JO Annual Case-Related Availability		76,711	72,749	74,277	76,602	74,765	67,903	73,111	77,745	78,967	78,005	
JO FTE Demand		4.93	4.64	8.98	6.47	1.68	7.40	4.36	3.40	4.41	4.31	403.51
Current JO FTE Allocated		6	4	7	4	3	8	7	4	4	3	379
Total JO Surplus(-)/Deficit		-1.07	0.64	1.98	2.47	-1.32	-0.60	-2.64	-0.60	0.41	1.31	23.51
Judicial Officer Need by Circuit												
Circuit Number		37	38	39	40	41	42	43	44	45	46	State