

# Virginia Judicial Workload Assessment

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National Center for State Courts

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# Directive

In 2012, the Virginia General Assembly directed the Supreme Court to:

“Develop and implement a weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels.”

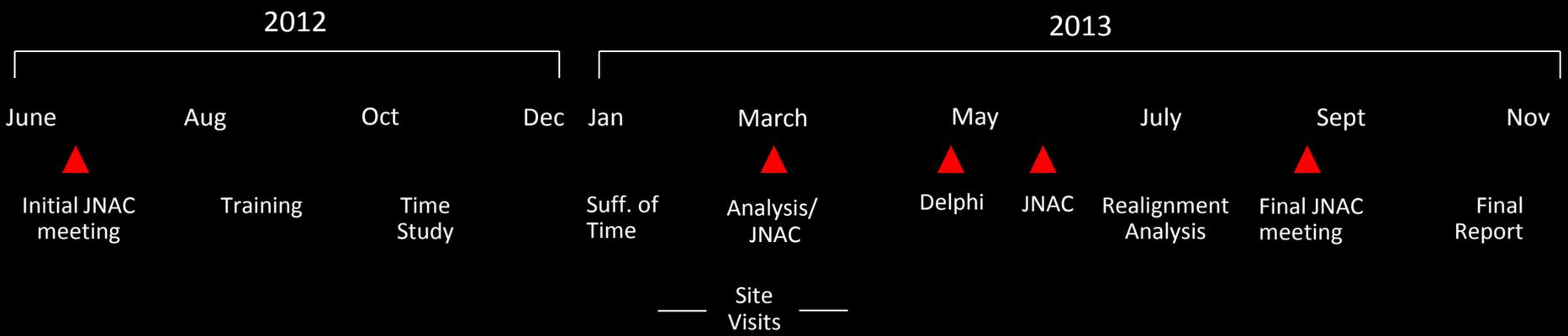
Va. Acts of Assembly Ch. 601 (2012)

# Primary Tasks

- A comprehensive workload model
- An objective means of determining the need for judicial positions
- An assessment of the optimum distribution of judicial positions throughout the Commonwealth
- A recommended plan for the realignment of the circuit and district boundaries

# Virginia Judicial Workload Assessment Project Plan

▲ = Meeting convened



# Recent NCSC Experience With Workload Assessment

- Judges

Alabama, California, Florida, Maine, Maryland, Minnesota,  
Michigan, New Hampshire, North Carolina, Texas, Wisconsin

- Court Support Staff

California, Minnesota, New Hampshire, New Mexico, Oregon

- Public Defenders

Virginia, Maryland, New Mexico

# Virginia Judicial Workload Assessment

Current Practice  
“What is”

**JNAC**

Time  
Study

Quality Adjustment  
“What should be”

Sufficiency  
Survey

Site Visits

Delphi  
Adjustments

Boundary  
Realignment

## Formation of Judicial Needs Assessment Committee

- Provide project input and perspective
- Case types
- Case type categories

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## Time Study

- Benchmark of current practice
- Statewide participation
  - 375 full-time judges
  - 97 percent of all Virginia judges
- Event based analysis
- Accurate measure of average time per case
- Case weights describe “what is”

# Calculating Resource Need

## An Example

Case Type A
Case Type B
Case Type C

# Calculating Resource Need

## An Example

	Number of new filed cases
Case Type A	1,000
Case Type B	3,000
Case Type C	200
	4,200

Filings

# Calculating Resource Need

## An Example

	Number of new filed cases	*	Time per case (mins)
Case Type A	1,000	*	300
Case Type B	3,000	*	50
Case Type C	200	*	125
	4,200		

Case  
Weights

# What Is A Case Weight?

$$\text{Case Weight} = \frac{\text{Minutes of Activity}}{\text{Filings}}$$

*Example:*

*A case weight of 125 minutes means that, on average, a case of this type requires 125 minutes of judge time from filing through post-disposition activity.*

# Calculating Resource Need

## An Example

	Number of new filed cases	*	Time per case (mins)	=	Workload (mins)
Case Type A	1,000	*	300	=	300,000
Case Type B	3,000	*	50	=	150,000
Case Type C	200	*	125	=	25,000
	4,200				475,000

Workload

# Calculating Resource Need

## An Example

Total Workload (mins)
-----------------------------

475,000
---------

# Calculating Resource Need

## An Example

Total Workload (mins)	÷	Judge Year Value (mins)
475,000	÷	77,400

How much time is available in a year to handle cases?

# Calculating Resource Need

## An Example

Total Workload (mins)	÷	Judge Year Value (mins)	=	Implied Judge Need
475,000	÷	77,400	=	6.1

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## Sufficiency of Time Survey

- Web-based survey
- Input from judges statewide
- Identify tradeoffs, bottlenecks, or areas of perceived resource constraints

*“Identify particular tasks, **if any**, where additional time would allow you to more effectively handle your cases. If no additional time is needed, do not check any activities”*

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## Site Visits

- Series of focus groups at 33 courts in 11 circuits/districts—meet with judges and court clerks
- Obtain information on the way that cases are currently handled
- Identify proven efficient and effective case processing policies and strategies
- Describe challenges or bottlenecks to effective case processing

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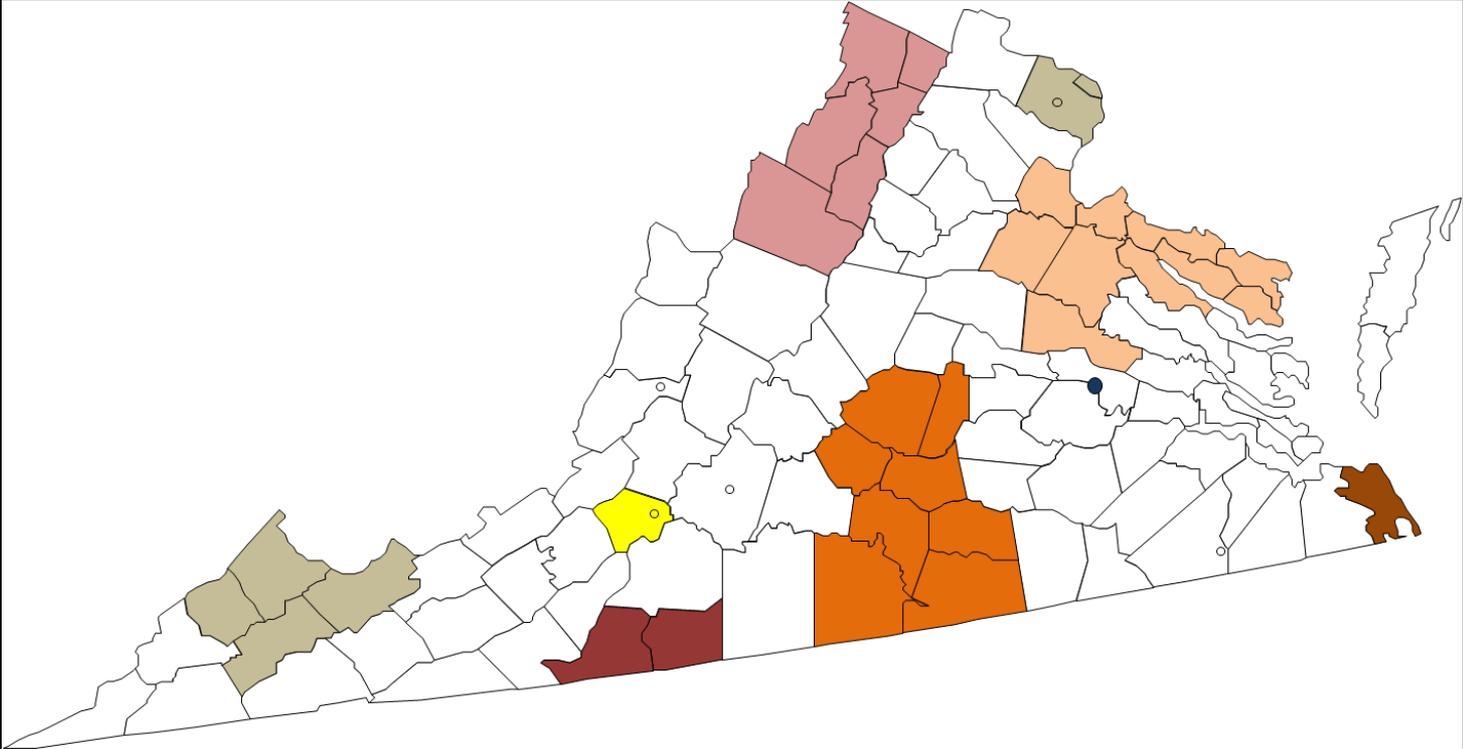
Quality Adjustment  
“What should be”

Sufficiency Survey

**Site Visits**

Delphi Adjustments

Boundary Realignment



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## Themes from the sufficiency of time survey and site visits

- Judges would like more time to:
  - Address **pretrial** motions and issues
  - Prepare written **findings** and **orders**
  - Conduct **legal research**
  - **Review case files** prior to hearings and trials
  - Ensure parties feel their **issues/concerns are addressed**
  - More fully **explain rulings and orders** to enhance compliance
- Unfilled **vacancies** and cases involving **pro se litigants** and **interpreters** are common sources of concern
- Courts across the state are **continually striving for improvement** in quality and efficiency

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## Qualitative Review Sessions (Delphi)

Structured method for assessing reasonableness of case weights

- Review key case-related activities
- Think explicitly about how specific types of cases are handled
- Discuss how much time is required
  - Provide specific rationales for adjustments
  - Consensus-based approach

## Exhibit 11: Circuit Court – Summary of Judicial Need

Circuit	Implied Need (FTE)	Implied Need w/ chief (FTE)	Implied Need with EPM Rounding (FTE)	Total Authorized Judges	Judicial Need*
1	4.5	4.6	5	5	
2	8.6	8.7	9	10	- 1
3	4.2	4.3	4	5	- 1
4	8.2	8.3	8	9	- 1
5	3.1	3.2	3	3	
6	2.6	2.7	3	2	1
7	6.3	6.4	6	5	1
8	2.7	2.8	3	4	- 1
9	3.9	4.0	4	4	
10	4.1	4.2	4	3	1

Circuit Court summary (Exhibit 11)

General District Court summary (Exhibit 12)

Juvenile and Domestic Relations District Court summary (Exhibit 13)

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6	2.6	2.7	3	2	1
7	6.3	6.4	6	5	1
8	2.7	2.8	3	4	- 1
9	3.9	4.0	4	4	
10	4.1	4.2	4	3	1

Implied Need = Workload (minutes) ÷ Judge Year Value (minutes)

- Final case weights
- 3 year average filings
- Circuit Court single jurisdiction judge year value = 75,168 minutes (5.8 hrs)
- Circuit Court multi-jurisdiction judge year value = 71,280 minutes (5.5 hrs)

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Implied Need with chief = Implied Need + .1 FTE

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8	2.7	2.8	3	4	- 1
9	3.9	4.0	4	4	
10	4.1	4.2	4	3	1

Calculations normally contain fractional judgeships (e.g., 6.4 judges in the 7<sup>th</sup>)

Identify the threshold; decide when to round up or down to a whole position

Equal Proportions Method (EPM) is a reasonable way to guide the rounding decision, apportion judicial resources, and determine a target for the number of authorized judicial positions needed for each court type in Virginia

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6	2.6	2.7	3	2	1
7	6.3	6.4	6	5	1
8	2.7	2.8	3	4	- 1
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4	8.2	8.3	8	9	- 1
5	3.1	3.2	3	3	
6	2.6	2.7	3	2	1
7	6.3	6.4	6	5	1
8	2.7	2.8	3	4	- 1
9	3.9	4.0	4	4	
10	4.1	4.2	4	3	1

A positive number indicates additional judicial need beyond the current number of authorized judges

## Exhibit 14: Circuit Court – County and City Level Analysis of Judicial Need

County	Implied Need	Implied Need w/ Chief Judge Adjustment	Implied Need w/ EPM Rounding (FTE)
Chesapeake	4.5		
<b>Circuit 1 Total</b>	<b>4.5</b>	<b>4.6</b>	<b>5.0</b>
Accomack	.6		
Northampton	.3		
Virginia Beach	7.7		
<b>Circuit 2 Total</b>	<b>8.6</b>	<b>8.7</b>	<b>9.0</b>
Portsmouth	4.2		
<b>Circuit 3 Total</b>	<b>4.2</b>	<b>4.3</b>	<b>4.0</b>

Circuit Court summary (Exhibit 14)

General District Court summary (Exhibit 15)

Juvenile and Domestic Relations District Court summary (Exhibit 16)

# Final Weighted Caseload Results

- Circuit court has an implied need of 171 FTE judges. The weighted caseload model shows a need to fill nearly all current vacancies as well as adding an additional 13 judges to the current total of 158 authorized judgeships
- General district court shows a need for 124 FTE judges. As of July 1, 2013 there were 118 sitting judges (with 9 vacancies), indicating a need to fill at least 6 of the vacant positions
- Juvenile and domestic relations district court shows a need for 134 FTE judicial positions. This is an increase of 17 judgeships from the current total of 117 authorized judicial positions

# Virginia Judicial Workload Assessment

## Boundary Realignment

Current Practice  
“What is”

JNAC

Time  
Study

- Virginia's 31 judicial circuits and 32 judicial districts were established in 1973 and have remained largely unchanged since that time

Quality Adjustment  
“What should be”

Sufficiency  
Survey

Site Visits

Delphi  
Adjustments

**Boundary  
Realignment**

- The weighted caseload model provides the Commonwealth of Virginia with a means to more precisely measure and compare judicial workload across circuits and districts

# Virginia Judicial Workload Assessment

## Boundary Realignment Guiding Principles

Current Practice  
“What is”

JNAC

Time  
Study

- Efficient use of judicial resources
- Equitable allocation of judicial resources among circuits/districts

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“What should be”

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**Boundary  
Realignment**

- Uniform judicial boundaries for judicial circuits and districts
- Contiguity
- Respect for communities of interest
- Preserving the basic shape of existing judicial circuits

# Virginia Judicial Workload Assessment

## Boundary Realignment Primary Findings

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“What is”

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**Boundary  
Realignment**

- No scheme of judicial boundary realignment can reduce the total judicial workload in the Commonwealth’s trial courts or result in an appreciable change in the total number of judges required to handle that workload at a statewide level
- Changing judicial boundaries does not save money for the Commonwealth

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Realignment**

## On a statewide level:

- Current judicial workload exceeds the capacity of the existing complement of judges
- Reconfiguring judicial boundaries will not change the total number of cases filed so no impact on aggregate trial court workload
- Additional judgeships are needed to enable Virginia’s trial court judiciary to manage and resolve court business effectively and without delay, and to provide equal access to justice throughout the Commonwealth

## Exhibit 19: Examining Alternative Configurations

		Circuit Court			General District Court			Juvenile and Domestic Relations District Court		
		[A]	[B]	[C]	[A]	[B]	[C]	[A]	[B]	[C]
Circuit/ District	County	Implied Need w/ Combined Circuit	Current Circuit Implied Need w/ EPM Rounding	Total Authorized Judges	Implied Need w/ Combined District	Current District Implied Need w/ EPM Rounding	Total Authorized Judges	Implied Need w/ Combined District	Current District Implied Need w/ EPM Rounding	Total Authorized Judges
7	Newport News	6.3	6.0	5.0	3.7	4.0	4.0	3.7	4.0	4.0
8	Hampton	2.7	3.0	4.0	2.9	3.0	3.0	2.9	3.0	3.0
Combined Total*		9.1	9.0	9.0	6.7	7.0	7.0	6.7	7.0	7.0

\*Combined total for Column A includes a .1 chief judge adjustment for the combined circuit court, combined general district court, or combined juvenile and domestic relations district court. No chief judge adjustment is included at the individual court level.

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		Circuit Court			General District Court			Juvenile and Domestic Relations District Court		
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8	Hampton	2.7	3.0	4.0	2.9	3.0	3.0	2.9	3.0	3.0
Combined Total*		9.1	9.0	9.0	6.7	7.0	7.0	6.7	7.0	7.0

\*Combined total for Column A includes a .1 chief judge adjustment for the combined circuit court, combined general district court, or combined juvenile and domestic relations district court. No chief judge adjustment is included at the individual court level.

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		Implied Need w/ Combined Circuit	Current Circuit Implied Need w/ EPM Rounding	Total Authorized Judges	Implied Need w/ Combined District	Current District Implied Need w/ EPM Rounding	Total Authorized Judges	Implied Need w/ Combined District	Current District Implied Need w/ EPM Rounding	Total Authorized Judges
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8	Hampton	2.7	3.0	4.0	2.9	3.0	3.0	2.9	3.0	3.0
Combined Total*		9.1	9.0	9.0	6.7	7.0	7.0	6.7	7.0	7.0

\*Combined total for Column A includes a .1 chief judge adjustment for the combined circuit court, combined general district court, or combined juvenile and domestic relations district court. No chief judge adjustment is included at the individual court level.

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		Circuit Court			General District Court			Juvenile and Domestic Relations District Court		
Circuit/ District	County	[A]	[B]	[C]	[A]	[B]	[C]	[A]	[B]	[C]
		Implied Need w/ Combined Circuit	Current Circuit Implied Need w/ EPM Rounding	Total Authorized Judges	Implied Need w/ Combined District	Current District Implied Need w/ EPM Rounding	Total Authorized Judges	Implied Need w/ Combined District	Current District Implied Need w/ EPM Rounding	Total Authorized Judges
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8	Hampton	2.7	3.0	4.0	2.9	3.0	3.0	2.9	3.0	3.0
Combined Total*		9.1	9.0	9.0	6.7	7.0	7.0	6.7	7.0	7.0

\*Combined total for Column A includes a .1 chief judge adjustment for the combined circuit court, combined general district court, or combined juvenile and domestic relations district court. No chief judge adjustment is included at the individual court level.

## Exhibit 19: Examining Alternative Configurations

		Circuit Court			General District Court			Juvenile and Domestic Relations District Court		
Circuit/ District	County	[A]	[B]	[C]	[A]	[B]	[C]	[A]	[B]	[C]
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Combined Total*		9.1	9.0	9.0	6.7	7.0	7.0	6.7	7.0	7.0

\*Combined total for Column A includes a .1 chief judge adjustment for the combined circuit court, combined general district court, or combined juvenile and domestic relations district court. No chief judge adjustment is included at the individual court level.

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		Circuit Court			General District Court			Juvenile and Domestic Relations District Court		
		[A]	[B]	[C]	[A]	[B]	[C]	[A]	[B]	[C]
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8	Hampton	2.7	3.0	4.0	2.9	3.0	3.0	2.9	3.0	3.0
Combined Total*		9.1	9.0	9.0	6.7	7.0	7.0	6.7	7.0	7.0

\*Combined total for Column A includes a .1 chief judge adjustment for the combined circuit court, combined general district court, or combined juvenile and domestic relations district court. No chief judge adjustment is included at the individual court level.

## Exhibit 20: Examining Alternative Configurations

Circuit/ District	County	Circuit Court			General District Court			Juvenile and Domestic Relations District Court		
		[A] Implied Need w/ Combined Circuit	[B] Current Circuit Implied Need w/ EPM Rounding	[C] Total Authorized Judges	[A] Implied Need w/ Combined District	[B] Current District Implied Need w/ EPM Rounding	[C] Total Authorized Judges	[A] Implied Need w/ Combined District	[B] Current District Implied Need w/ EPM Rounding	[C] Total Authorized Judges
12	Chesterfield	5.8	6.0	5.0	5.3	5.0	4.0	5.9	6.0	5.0
13	Richmond	7.5	8.0	8.0	6.3	6.0	8.0	4.3	4.0	5.0
14	Henrico	4.8	5.0	5.0	5.0	5.0	4.0	5.3	5.0	5.0
Combined Total*		18.2	19.0	18.0	16.7	16.0	16.0	15.6	15.0	15.0

\*Combined total for Column A includes a .1 chief judge adjustment for the combined circuit court, combined general district court, or combined juvenile and domestic relations district court. No chief judge adjustment is included at the individual court level.

## Exhibit 21: Examining Alternative Configurations

Circuit/ District	County	Circuit Court			General District Court			Juvenile and Domestic Relations District Court		
		[A] Implied Need w/ Combined Circuit	[B] Current Circuit Implied Need w/ EPM Rounding	[C] Total Authorized Judges	[A] Implied Need w/ Combined District	[B] Current District Implied Need w/ EPM Rounding	[C] Total Authorized Judges	[A] Implied Need w/ Combined District	[B] Current District Implied Need w/ EPM Rounding	[C] Total Authorized Judges
17	Arlington	2.7	3.0	4.0	2.6	3.0	4.0	1.6	2.0	2.0
18	Alexandria	4.1	4.0	3.0	1.3	2.0	2.0	1.7	2.0	2.0
Combined Total*		6.9	7.0	7.0	4.0	5.0	6.0	3.4	4.0	4.0

\*Combined total for Column A includes a .1 chief judge adjustment for the combined circuit court, combined general district court, or combined juvenile and domestic relations district court. No chief judge adjustment is included at the individual court level.

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## NCSC Recommendation

- NCSC finds no concrete benefits to be gained from realigning circuit and district boundaries or moving to a regional model
- NCSC recommends that Virginia retain the current court structure and existing jurisdictional boundaries