

Virginia Judicial Workload Assessment 2017

November 14, 2017

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National Center for State Courts

Virginia Judicial Workload Assessment

Designed to:

Update the 2013 weighted caseload study “that measured and compared judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels.”

Expand the model “to consider factors identified by the Supreme Court such as the use of interpreters, law clerks, retired or substitute judges, the effect of pro se litigants on judicial time, and the effect of population growth or decline, if any.”



Overall Question

How many judges are needed to provide efficient, effective, and equitable case resolution in Virginia?

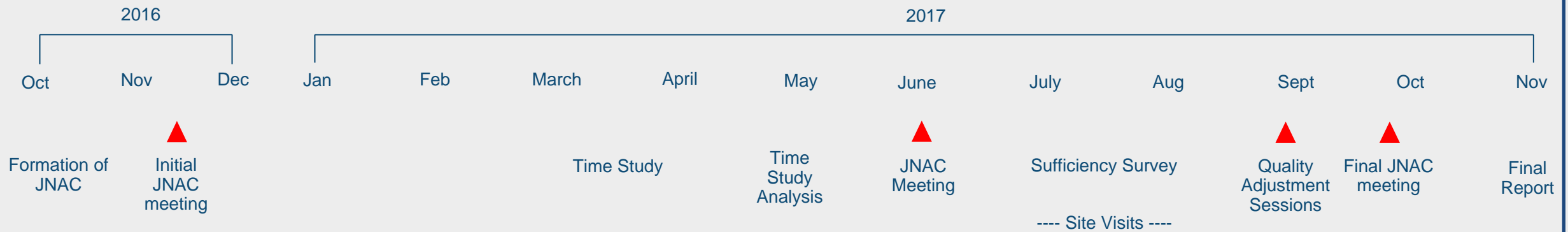
Today:

1. Project overview
2. Calculating judicial need
3. Recommended number of judges by circuit and district

Virginia Judicial Workload Assessment

Project Plan

▲ = Meeting convened



Virginia Judicial Workload Assessment

Project
Overview

JNAC

Time
Study

Sufficiency
Survey

Site Visits

Delphi
Review

Final
Results

Judicial Needs Assessment Committee (JNAC)

- Provide project guidance and oversight
 - Review project scope and methods
 - Encourage participation of all judges
- 18-members: 15 judges and 3 clerks
- 3 meetings (November 2016, June 2017, September 2017)



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Time Study (March 20 – April 30, 2017)

- Benchmark of current practice
 - 6–week time study
- Statewide participation
- Additional factors
 - Interpreter usage
 - Self-represented litigants
- Accurate measure of average time per case
- Basis for “case weights”



Circuit Court (and General District Court)

Two, 3-week blocks (pro se; interpreters)

In-Court Activity:

For each case type record:

- Elapsed time with attorney(s) [interpreter]
- Number of hearings with attorney(s) [interpreter]
- Elapsed time with no attorneys [interpreter]
- Number of hearings with no attorneys [interpreter]

Off-Bench Case-Related Activity

Time (in minutes) by case type

Non-Case-Related-Activities

Time (in minutes) by activity

117

	One or more parties represented		No parties represented		Off-Bench CR Time (mins)
	Time (minutes)	Number of Hearings	Time (minutes)	Number of Hearings	
Capital Murder	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Felony (Non-Capital) and Related Matters	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Misdemeanor	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other Criminally Related Matters	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Administrative Law	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contested Divorce	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Uncontested Divorce	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other Domestic and Family (More Complex)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other Domestic and Family (Less Complex)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Non-Case-Related Activities (minutes):

Non-Case-Related Admin	General Legal Research	Judicial Ed and Training	Committee and Other Meetings	Community Activities	Work-Related Travel	Vacation, Sick Leave, Holidays	Lunch and Breaks	NCSC Time Study
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2017 Time Study Participation

	Total Judges	Respondents	Participation Rate
Circuit	157	151	96%
Juvenile and Domestic Relations	121	115	95%
General District	118	114	97%
Overall	396	380	96%

Includes:

- ✓ Time spent on case-related work both on- and off-bench
- ✓ Travel time and other administrative work
- ✓ Any work on nights or weekends



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Sufficiency Survey

- ✓ Web-based survey
- ✓ Input from judges statewide
- ✓ *“Identify activities, if any, where you believe additional time would allow you to **more effectively handle** your cases...”*
- ✓ Conducted July/August 2017



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Final
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Site Visits

- ✓ Series of focus groups at 27 courts in 9 jurisdictions
- ✓ Judges from large and small jurisdictions
- ✓ Obtain information on the way that cases are currently handled
- ✓ Identify proven efficient and effective case processing practices
- ✓ Help identify challenges or bottlenecks to effective case processing

Virginia Judicial Workload Assessment

Project Overview

JNAC

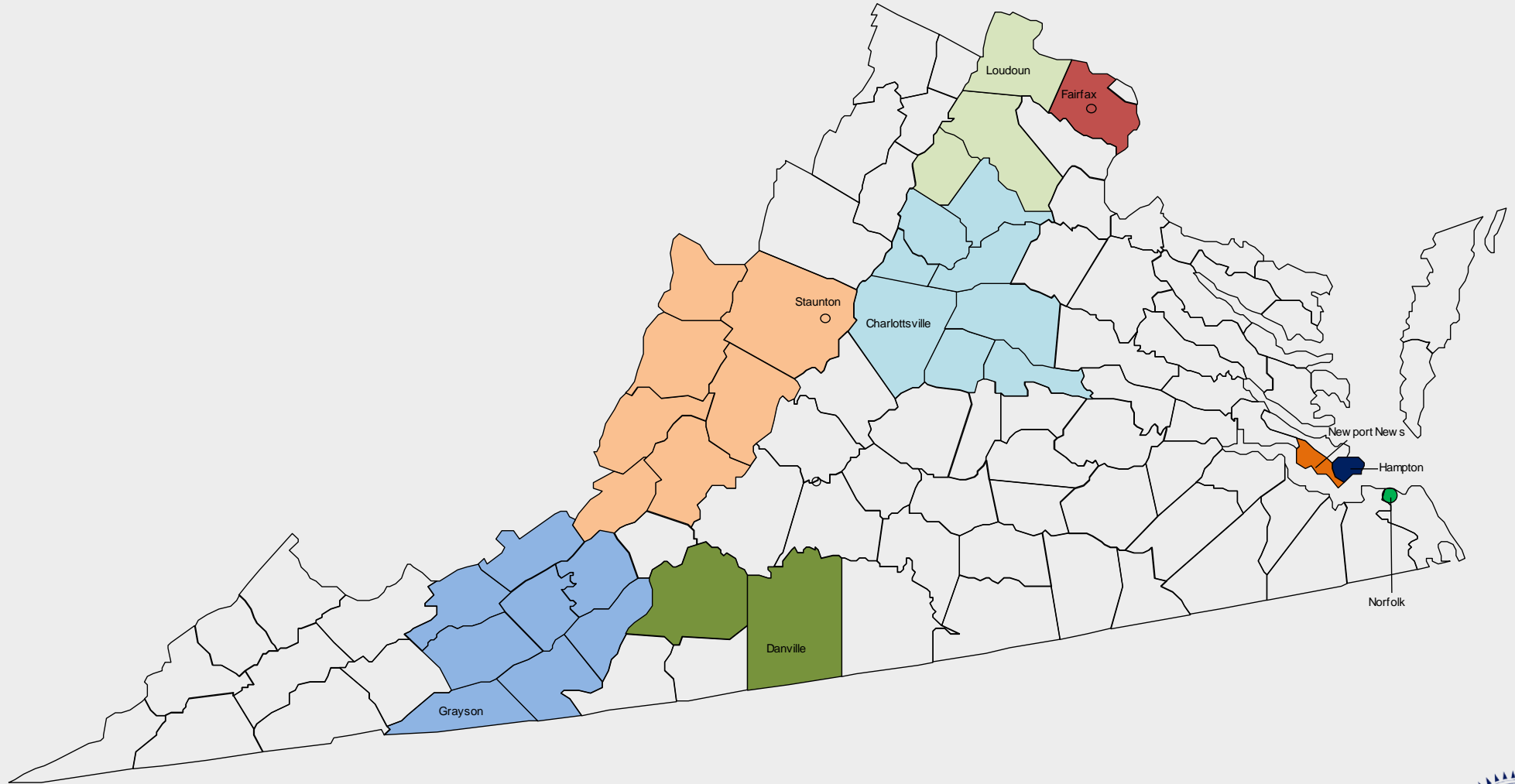
Time Study

Sufficiency Survey

Site Visits

Delphi Review

Final Results



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**Delphi
Review**

Final
Results

Quality Review Sessions (Delphi)

Structured method for assessing reasonableness of case weights

- Gather expert opinion on key case-related activities
- Think explicitly about how specific types of cases are handled
- Discuss how much time is reasonable for effective and efficient case resolution



Virginia Judicial Workload Assessment

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**Final
Results**

Final Results

- Calculation of statewide judicial need
- Judge need by circuit and district
- Workload per judge



Calculating Resource Need: Bringing it all together

Elements for calculating judge need

- ✓ Accurate filing counts
- ✓ Apply the case weights
- ✓ Judge year value
- ✓ Chief judge adjustment
- ✓ Interpreter adjustment and self-represented litigant adjustment
- ✓ Implied need and dealing with fractional need (rounding)
 - Workload per judge



Calculating Resource Need: Example – 1st Judicial Circuit (see Exhibit 1)

	<u>Filings</u>
Capital Murder	0
Non-Capital Felonies and Related Matters	4,425
Misdemeanor	1,533
Other Criminally Related Matters	580
Administrative Law	22
Contested Divorce	289
Uncontested Divorce	715
Domestic and Family - Level 1	208
Domestic and Family - Level 2	95
General Civil - Level 1	38
General Civil - Level 2	481
General Civil - Level 3	206
Probates/Wills and Trusts - Level 1	8
Probates/Wills and Trusts - Level 2	76
Protective Orders	47
Miscellaneous	4,760
	<hr/>
	13,483

3-year Average Annual Filings
2014 – 2016



Calculating Resource Need: Example – 1st Judicial Circuit (see Exhibit 1)

	Filings	*	Case Weights (minutes)
Capital Murder	0	*	867
Non-Capital Felonies and Related Matters	4,425	*	45
Misdemeanor	1,533	*	10
Other Criminally Related Matters	580	*	26
Administrative Law	22	*	49
Contested Divorce	289	*	95
Uncontested Divorce	715	*	12
Domestic and Family - Level 1	208	*	103
Domestic and Family - Level 2	95	*	64
General Civil - Level 1	38	*	544
General Civil - Level 2	481	*	64
General Civil - Level 3	206	*	51
Probates/Wills and Trusts - Level 1	8	*	289
Probates/Wills and Trusts - Level 2	76	*	25
Protective Orders	47	*	45
Miscellaneous	4,760	*	2
	13,483		

Case weights



Calculating Resource Need: Example – 1st Judicial Circuit (see Exhibit 1)

	Filings	*	Case Weights (minutes)	=	Workload (minutes)
Capital Murder	0	*	867	=	0
Non-Capital Felonies and Related Matters	4,425	*	45	=	199,125
Misdemeanor	1,533	*	10	=	15,330
Other Criminally Related Matters	580	*	26	=	15,080
Administrative Law	22	*	49	=	1,078
Contested Divorce	289	*	95	=	27,455
Uncontested Divorce	715	*	12	=	8,580
Domestic and Family - Level 1	208	*	103	=	21,424
Domestic and Family - Level 2	95	*	64	=	6,080
General Civil - Level 1	38	*	544	=	20,672
General Civil - Level 2	481	*	64	=	30,784
General Civil - Level 3	206	*	51	=	10,506
Probates/Wills and Trusts - Level 1	8	*	289	=	2,312
Probates/Wills and Trusts - Level 2	76	*	25	=	1,900
Protective Orders	47	*	45	=	2,115
Miscellaneous	4,760	*	2	=	9,520
	13,483				371,961

Judicial workload



Calculating Resource Need: Example – 1st Judicial Circuit (see Exhibit 1)

	Filings	*	Case Weights (minutes)	=	Workload (minutes)
Capital Murder	0	*	867	=	0
Non-Capital Felonies and Related Matters	4,425	*	45	=	199,125
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Protective Orders	47	*	45	=	2,115
Miscellaneous	4,760	*	2	=	9,520
	13,483				371,961
				÷	75,168 Judge Year Value

Circuit Court Judge Year Value
 216 days * 5.8 hours * 60 mins
 = 75,168 minutes



Travel Time Example

Court A – Single-jurisdiction

		Judge 1	Judge 2	Judge 3
Week 1	Monday	0	0	0
	Tuesday	0	0	0
	Wednesday	0	0	60
	Thursday	0	0	0
	Friday	180	0	0
Week 2	Monday	0	0	0
	Tuesday	0	0	0
	Wednesday	0	60	0
	Thursday	0	0	0
	Friday	0	0	0
	Total (2 wks)	180	60	60
	Avg per day	18	6	6

Average travel time per judge per day
10 minutes

Court B – Multi-jurisdiction

		Judge 1	Judge 2	Judge 3
Week 1	Monday	180	0	0
	Tuesday	60	0	0
	Wednesday	0	0	60
	Thursday	90	0	0
	Friday	0	60	0
Week 2	Monday	120	0	0
	Tuesday	0	0	30
	Wednesday	60	60	0
	Thursday	90	0	0
	Friday	0	60	0
	Total (2 wks)	600	180	90
	Avg per day	60	18	9

Average travel time per judge per day
29 minutes

Calculating Resource Need: Example – 1st Judicial Circuit (see Exhibit 1)

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	13,483				371,961
				÷	75,168 Judge Year Value

- Selection of judge day values guided by time study
- Separate values for court level and single and multi-jurisdiction circuits/districts
- Same values adopted as used in 2013 study

Judge Year Values

Circuit: 75,168; 71,280 mins.

GDC/JDR: 71,280; 67,392 mins.



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	13,483				371,961
				÷	75,168 Judge Year Value
					4.9
				+	.1 Chief Judge Adjustment

Chief Judge Adjustment

- Confirmed by time study
- Consistent with 2013 study



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Miscellaneous	4,760	*	2	=	9,520
	13,483				371,961
				÷	75,168 Judge Year Value
					4.9
				+	.1 Chief Judge Adjustment
					5.0

Total Need (FTE)



Calculating Resource Need

Example: 14th Judicial Circuit, Non-Capital Felonies and Related Matters

<u>Filings</u>	<u>% filings with interpreter</u>
3,868	3%

When the percentage of cases with an interpreter is above the statewide average (1.2%), interpreter multiplier is used for the percent of cases in each Circuit with an interpreter.



Calculating Resource Need

Example: 14th Judicial Circuit, Non-Capital Felonies and Related Matters

<u>Filings</u>	<u>% filings with interpreter</u>	<u>without interpreter</u>	<u>with interpreter</u>	
3,868	3%	3,752	116	Filings



Calculating Resource Need

Example: 14th Judicial Circuit, Non-Capital Felonies and Related Matters

<u>Filings</u>	<u>% filings with interpreter</u>	<u>without interpreter</u>	<u>with interpreter</u>	
3,868	3%	3,752	116	Filings
		* 45	68	Case weight

Interpreter multiplier = 1.5



Implementation: Rounding Rule for Fractional Need

Strategy 1

Total court workload approach

- Round fractional need to next whole number
- Impact on individual judges varies by county size

Strategy 2

Average workload per judge approach

- Focus on average workload per judge
- Puts judges in counties of all sizes on equal footing



Implementation: Rounding Rule

Jurisdiction	FTE judges			Workload per Judge (FTE)
	Funded	Implied Need	Rounded	
Smallville	2	2.4	2.0	1.20
Metropolis	20	20.8	21	1.04

Calculate need based on total court workload

Implementation: Rounding Rule

Jurisdiction	FTE judges			Workload per Judge (FTE)
	Funded	Implied Need	Rounded	
Smallville	2	2.4	→ 2.0	1.20
Metropolis	20	20.8	→ 21	1.04

Strategy 1

Round need to nearest whole judgeship



Implementation: Rounding Rule

Jurisdiction	FTE judges			Workload per Judge (FTE)
	Funded	Implied Need	Rounded	
Smallville	2	2.4	2.0	1.20
Metropolis	20	20.8	21	1.04

Calculate Workload per Judge

Implied Need Divided by Funded FTE judges

Example:

Smallville: 2.4 (implied need) \div 2 (funded) = 1.20 workload per judge



Implementation: Rounding Rule

Jurisdiction	FTE judges		Workload per Judge (FTE)	Adjusted (FTE)	
	Funded	Implied Need		Judges	Workload per Judge (FTE)
Smallville	2	2.4	1.20	3	.80
Metropolis	20	20.8	1.04	20	1.04

Strategy 2

Adjust number of judges so that workload per judge is less than an agreed upon standard of workload per judge (e.g., 1.15)

Implementation: Rounding Rule

Jurisdiction	FTE judges		Workload per Judge (FTE)	Adjusted (FTE)	
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Adjust number of judges so that workload per judge is less than an agreed upon standard of workload per judge

Rule 1: If workload per judge ≥ 1.15 ,
add judges until workload per judge < 1.15



Implementation: Rounding Rule

Jurisdiction	FTE judges		Workload per Judge (FTE)	Adjusted (FTE)	
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Metropolis	20	20.8	1.04	20	1.04
Central	5	4.1	.82	4	1.03

Rule 1: If workload per judge ≥ 1.15 ,
add judges until workload per judge < 1.15

Rule 2: If workload per judge < 0.90 ,
subtract a judge ONLY if resulting workload per judge < 1.15



Implementation: Rounding Rule

Jurisdiction	FTE judges		Workload per Judge (FTE)	Adjusted (FTE)	
	Funded	Implied Need		Judges	Workload per Judge (FTE)
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Rule 1: If workload per judge ≥ 1.15 ,
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subtract a judge ONLY if resulting workload per judge < 1.15



Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01
2	9	9	7.43	.83	8	.93
3	4	4	3.69	.92	4	.92
4	8	8	7.95	.99	8	.99
5	3	3	3.50	1.17	4	.87
6	3	2	2.45	1.23	3	.82
7	6	5	4.80	.96	5	.96

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6	3	2	2.45	1.23	3	.82
7	6	5	4.80	.96	5	.96

- Circuit number
- Authorized Judgeships (FTE)
- Funded and Filled Judges (FTE)

Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

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5	3	3	3.50	1.17	4	.87
6	3	2	2.45	1.23	3	.82
7	6	5	4.80	.96	5	.96

- Total Need FTE (based off of filings, case weights, year value)
- Current Workload per Judge (Total Need ÷ Funded Judges)

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Rule 1: If workload per judge ≥ 1.15 ,
add judges until workload per judge < 1.15

Rule 2: If workload per judge < 0.90 ,
subtract a judge ONLY if resulting workload
per judge < 1.15

Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01

1st Judicial Circuit

- Authorized Judgeships = 5 FTE
- Funded Judges = 4 FTE

- Total Need = 5.05 FTE

- Current Workload per Judge = 1.26 (5.05 ÷ 4)

Total Need ÷ Funded Judges

Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01

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Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

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Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded $1.15/.9$	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01

1st Judicial Circuit

- Authorized Judgeships = 5 FTE
- Funded Judges = 4 FTE
- Judge Need (FTE) rounded $1.15/.9 = 5$
- Final Workload per Judge = $1.01 (5.05 \div 5)$

Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01
2	9	9	7.43	.83	8	.93
3	4	4	3.69	.92	4	.92

3rd Judicial Circuit

- Authorized Judgeships = 4 FTE
- Funded Judges = 4 FTE
- Total Need = 3.69
- Current Workload per Judge = .92

Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01
2	9	9	7.43	.83	8	.93
3	4	4	3.69	.92	4	.92

3rd Judicial Circuit

- Authorized Judgeships = 4 FTE
- Funded Judges = 4 FTE
- Total Need = 3.69
- Current Workload per Judge = .92

Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

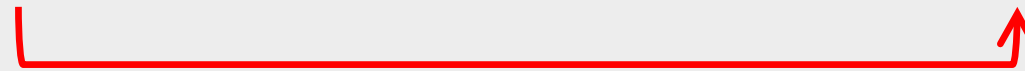
Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01
2	9	9	7.43	.83	8	.93

2nd Judicial Circuit

- Authorized Judgeships = 9 FTE
- Funded Judges = 9 FTE
- Total Need = 7.43
- Current Workload per Judge = .83
- Judge Need rounded = 8 (.93 workload/judge)

Calculating Resource Need: Example – Circuit Court (see Exhibit 2)

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01
2	9	9	7.43	.83	8	.93



2nd Judicial Circuit

- Authorized Judgeships = 9 FTE
- Funded Judges = 9 FTE
- Total Need = 7.43
- Current Workload per Judge = .83
- Judge Need rounded = 8 (.93 workload/judge)

Implied Need (see Exhibits 2, 3, 4)

	Authorized Judgeships (FTE)	Funded Judges (FTE)	Judge Need (FTE) rounded 1.15/.9
Circuit	171	162	170
GDC	124	121	130
JDR	134	124	135

Virginia Judicial Workload Assessment

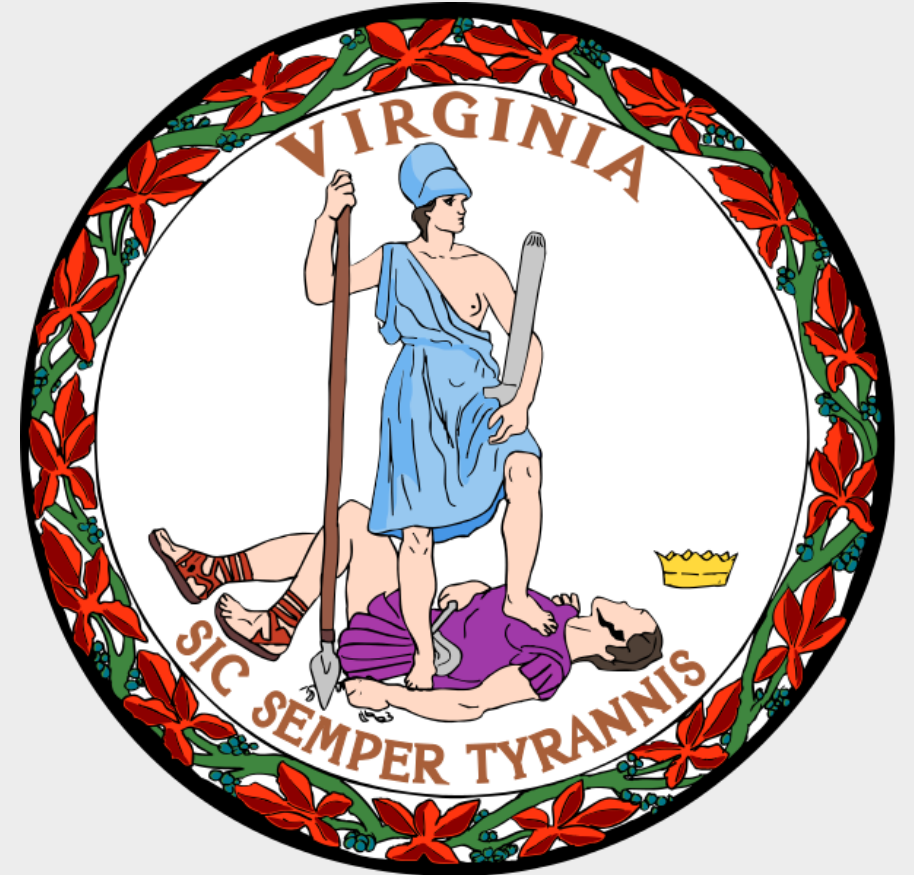
Thank You!

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National Center for State Courts