

# **2008 Missouri Clerical Weighted Workload Study**

## **Report, Model, and Recommendation**

**FINAL**

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This document explains the background, methodology, conclusions, and recommendation for the 2008 Missouri Clerical Weighted Workload (CWWL) Study.

## **I. Background**

The 2008 CWWL Study began in June 2007 when the Circuit Court Budget Committee (CCBC) contracted with Dr. Karen Gottlieb, a court consultant, to conduct the 2008 Missouri CWWL Study. Dr. Gottlieb also conducted the 2002 and 2005 Missouri CWWL Studies and the 2003 Circuit Civil Time Intensive addendum study. In August 2007, the CCBC appointed the CWWL Task Team whose members were selected to represent judges, court administrators, and clerks from courts of different sizes and structures (*see* Appendix A).

Also in August 2007, an email was sent to the Circuit Court appointing authorities telling them of the upcoming 2008 CWWL study and advising them the consultant would be telephoning a sample of circuit clerks and judges asking for comments on the 2005 CWWL model. Those who wanted to ensure their comments were heard were asked to email their message to Dr. Gottlieb or contact her to arrange a convenient time for a telephone interview. Dr. Gottlieb used those comments and other information from the 2005 CWWL to design the 2008 CWWL study. The proposed research design was presented to the CWWL Task Team on September 14, 2007 for its comments and approval. Dr. Gottlieb also spent four days in September in the City of St. Louis and St. Louis County courts interviewing staff about their concerns of how the metro courts are treated in the model.

The CWWL model is a time study-based model and the CWWL Task Team approved the decision the time study would occur in two parts – a month-long period from mid-October to mid-November 2007 for the non-metro courts and a two-week period in early December 2007 for the metro court. On-site and webinar training on the time study reporting procedures was conducted prior to the two time study periods. The CWWL Task Team had its second meeting on January 17, 2008 and they reviewed and approved the case weight calculations and the Average Annual Availability values. The third and last CWWL Task Team meeting was held on March 19, 2008 where the CWWL Task Team approved the 2008 CWWL model and report.

## II. Methodology

### **A. Weighted Workload Overview**

1. *What Workload Assessment Models Are.* A clerical workload assessment model<sup>1</sup> is an attempt to objectively and quantitatively assess the number of clerical staff required to process a court's caseload. Workload models can assume various forms, from simple algorithms to complex and sophisticated models. For example, a simple clerical workload algorithm may predict the need for new clerks based on the number of judges in a court, e.g., each additional judicial position equals four additional clerks. A more sophisticated and complicated workload assessment model is a quantitative representation of interrelated variables. For example, a model can be constructed using the number of filings by case category, the number of days available to work during the year, the length of the work day, and time spent on non-case-related activities such as jury management or personnel supervision.

One workload model of this type is a "weighted" workload model that weights different case categories by the amount of time required to process the cases in the various case categories. The case weights, the average amount of time to process a case of a particular category, can be determined by a time study or by a consensus building approach often called the Delphi Method. A weighted workload study converts *caseload* - the number of new filings a court has, to *workload* - the number of minutes of clerical time the court needs to process new filings from beginning to end. In a workload model based on case weights, a court receives more credit, for example, for a circuit civil case than a traffic case because on average more clerical time is spent on a circuit civil case than a traffic case. In a weighted workload model, one county could have a greater annual total of new cases than a neighboring county, but still have a smaller workload because proportionally more of the first county's cases are from case categories with smaller case weights, such as traffic cases. A weighted workload assessment model provides a baseline for predicting resource need and allows the courts within a state to be compared on uniform criteria and relative need.

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<sup>1</sup> A workload assessment model is a quantitative representation of the interrelated variables, or characteristics, that work together to predict resource needs. A change in one variable will affect other variables in the model and the predicted clerical resource demand. The term "model" is commonly used in the social sciences to denote this relationship among variables.

There is more than one correct way to construct a weighted workload assessment model. The crucial point is good statistical methodology needs to be followed to construct a valid and reliable workload model. Basically, a weighted workload model consists of five components:

- a. case weights (the average amount of case processing time for each of the case categories);
- b. filings for the previous year for each of the case categories by county;
- c. the average number of minutes in a year a clerk is available to work;
- d. the number of minutes in a year a clerk spends on activities not directly related to a specific case category; and
- e. the number of authorized clerical full-time equivalent (FTE) positions.

Workload models are objective because the assessment of a jurisdiction's workload is based on a quantitative approach that treats each county in a similar fashion based on external measurements of workload factors rather than how persuasively the court argues its need for additional positions with the supreme court or the legislature. This is not to say, however, that all jurisdictions are treated equally in a quantitative workload model. "Equitable" is a more correct adjective than "equal". For example, one jurisdiction may have two courthouses and the rest of the jurisdictions only have one courthouse. The jurisdiction with two courthouses needs to be credited with the additional travel time two courthouses generate. Another example is jury management time. All the jurisdictions need to be credited with jury management time, but not the same amount of jury management time because larger courts spend more time on jury management. When crediting courts on a "sliding scale" it is important to base the values on a quantitative characteristic grounded in real data. For example, jury management credit can be based on the number of circuit felony and circuit civil filings.

2. *What Workload Assessment Models Are Not.* A time study-based weighted workload assessment model is not a performance evaluation of individual clerks. The data generated by a time study - when the clerks report what case category they are working on in ten-minute intervals - show how much time the clerks spend on the different case categories, it does not measure how long or how hard the clerks are working during the day.

A workload assessment study is not a time standards study, it does not follow individual cases from beginning to end and measure how many days it takes to dispose a case. Rather, the

time study is a “window in time” and measures the amount of time spent on the cases coming through the court during that time period. Some cases will be new filings, some will be further along and coming up for trial, and others may have been closed previously and are re-opened during the time study for modification or probation violation. All this time on the various stages in the life of a case is captured during the time study and added to the case weight.

Nor does a workload assessment model measure the quality of the case processing by the clerks. Although the methodology does calculate how “fast” or “slow” the individual courts process the various case categories relative to the other counties, there is no connotation of good or bad quality associated with those times. A fast court can be an efficient court with a good quality of justice or it can be a court that has too much work for too few resources and clerks are cutting corners and not doing everything that is supposed to be done. Similarly, a slow court may take more time on cases because the court has the time to spend on the cases due to a smaller volume of filings. The quality of justice may be better or worse than a faster, busier court.

*3. What Makes a Valid Weighted Workload Model?* Careful data collection, large sample sizes, and sound statistical methodology are the keys to a valid weighted workload model. The data collection is focused on (1) the time study where the clerks note which case categories and activities they are working on, and (2) the new filings occurring during the time study and the annual filings provided by the case management system by case category.

Thorough training on the time study case and activity categories, along with coding nuances, are important to ensure the clerks understand how they are to report their time. An assumption of the time study is a very large amount of good data will be collected and any incorrect coding by clerks will not affect the statewide average. Some clerks may under-report a category, some may over-report a category, but the vast majority will report correctly and the case weight will reflect the central tendency, or average case weight, because of the large number of minutes reported in the time study (over three million minutes in the Missouri clerical weighted workload studies).

The case category filings for the time study period and the previous year must be standardized across counties to ensure each county within a court system is counting new filings the same way. For example, if one county counts the temporary protection order and the full protection order as two separate filings and another county counts the two orders as one filing,



there is a problem in filing consistency. Another example is whether three children in a family in an abuse and neglect case are counted as three cases or one case. A criminal case example would be whether probation violations are counted as a new case or as a re-opening of the original criminal case. In most instances, it does not matter which way the courts count new cases as long as each court in the state does it the same way.

The construction of the workload model must be grounded in sound statistical principles. Sample size comes into play in (1) the number of minutes reported for a case category, (2) the number of minutes reported for an activity, (3) the number of filings counted for a case category (statistical sampling error is probable when the number of filings falls below 30 for the time period), and (4) the number of courts in the time study. In general, the larger the sample size, the more accurate and valid are the data. The length of the time study period dictates the sample sizes, so the longer the time study, the more accurate and valid the model. The number of courts in the time study is also a crucial factor in ensuring statistical validity for the model. There should be a range of court sizes in the time study so any quantitative trends related to size of court (e.g., jury management) can be captured. Also, because the smallest courts will not have sufficient minutes or filings for many case categories, their data are aggregated and the number of courts in the study is reduced further.

*4. Model Assumptions.* All models have assumptions. A defining characteristic of models is they are *not* exact replicas of reality, but are based on general assumptions. A model is not lacking if it has assumptions, but if the assumptions are not generally true, the integrity of the model is jeopardized.

One of the assumptions in a workload model is the statewide case weight estimates how long it should take on average to process a case from beginning to end in all the counties. Some courts may be a little slower and some may be a little faster because of factors unique to a court, but *in general*, the statewide case weight reflects how long it should take to process a case. If this is not true, for example civil cases have more hearings because of local court rules, the statewide case weight will not be a good estimate for that county. Another example is from a different perspective, how much time is available for each clerk to process cases during the year? If a statewide annual number of sick leave days is applied to all courts and a particular court usually

has twice that amount for whatever reason, the model is not a good fit for that court and would show a need for fewer clerks than are really required to process the workload.

A balance between using statewide averages and individual court data must be struck to make the model valid for judging which court needs additional resources. Models cannot be so complicated that data are collected on everything for every court and each court is credited with the time they actually spend on different activities. There are three reasons why workload models are not constructed this way. One, it would be too expensive and labor intensive to collect all the data needed to do such as individualized model. The second reason is there is an underlying philosophy in workload models that some sort of best practices should be strived for when assessing the need for additional resources. In other words, a slow and inefficient court should not be rewarded for their slowness and inefficiency by receiving extra resources. By using the statewide average, courts are not required to be the fastest but only to achieve the middle ground. The third reason involves the ease of updating the model on a yearly basis – usually the only changes made are substituting current filing numbers and adjusting the number of FTE clerical staff by any changes during the year. A more complicated model with many individualized values would be too difficult for easy updating. The best model is the one that is simple yet provides the information needed for making decisions.

There are other assumptions in workload models. One is the courts in the time study are a representative sample of all the courts in the state. In actuality, the courts participating in the time study are usually chosen because they volunteered or fulfilled a need for a certain size court. There is a concern those that volunteer might be more efficient and not representative of all the courts in the state. Using the statewide case weight in this instance would raise the bar higher than a random selection of time study courts. In the present study, courts were chosen both because they fulfilled a need for a certain size court and had characteristics (consolidated, using the Fine Collection Center,  $\pm$  15% of FTE need) that would help increase the model's validity due to increased uniformity. Similarly, there is an assumption the time study period is a representative period and annual case and activity category values can be extrapolated from the time study period.

Another assumption of a workload model is some values may be a high estimate and some values may be a low estimate for particular counties, but all in all, the highs and lows balance out and the resulting “bottom line” is a reliable and accurate estimate when data collection is careful,

sample sizes are sufficient, and sound statistical reasoning is used to calculate the values in the model. It is important to keep in mind the model is based on the 95 percent situation. All courts have times of increased work activity, such as a capital murder trial or a complex products liability case. These examples are the five percent of the time when some activities must be put on the back burner or extra help in the form of temporary clerks must be brought in. A court is not regularly staffed for these out-of-the-ordinary situations.

*5. Common Misperceptions about Weighted Workload Models.* Below are some common misperceptions.

- a. Counties receive the times in the workload model they reported during the time study and can look busier than they really are by “over-reporting”. Reality: Courts do not receive the amount of time they reported. Instead the information on the case categories and activities reported during the time study is used to construct statewide values (usually averages) applied to all courts.
- b. Case processing time after disposition, such as probation violations or domestic relations order modifications, is not counted. Reality: All work on a case, pre-judgment and post-judgment, is included in the case weight even if the case is re-opened years after originally being disposed. Time spent on these examples is counted in the weighted workload model as part of the original case filing and hence increases the case weight. For example, suppose the Domestic Relations case weight is 300 minutes when the time spent on child support modifications is not included but is 400 minutes when it is included. For every Domestic Relations filing, the county receives 100 minutes of time in the weighted workload model for child support modifications. Of course, some cases involve much more time for child support modifications, but many cases will not have any time spent on child support modifications, so the case weight is an average. The same methodology applies for probation violations in felony and misdemeanor cases; the case weights include time for processing any post-judgment probation violations.
- c. Counties with a higher volume of otherwise infrequent case types do not receive credit for the increased volume they experience. Reality: Volume is accounted for in the weighted workload model and courts do receive credit for all their filings on a county-

by-county basis. If a county has more filings for a certain case category, more time is being credited toward the weighted workload because workload is the product of case weight multiplied by number of filings. Involuntary Detention Petition cases are a good example. A county that has proportionally more Involuntary Detention Petition cases because there is a mental health hospital in its jurisdiction is receiving credit for the extra work because a larger number of Involuntary Detention filings will be entered in the model for that county.

- d. Activities not occurring during the time study are not correctly credited. Reality: Not all values in the model come from the time study. Activities that occur sporadically such as training are credited in the model according to task team input. For example, some clerks did report training time during the time study but the four days of training per staff member credited in the CWWL model is a decision of the CWWL Task Team.
- e. Some courts are treated unfairly because they have to do more of one activity than courts in other counties. An example of this is a greater frequency of jury trials because of the county prosecutor's style. Reality: The general philosophy underlying the weighted workload model is although a court may have more of this or that activity than another county, there are some activities the court has less of, or an activity it does not have to do. For example, although one county receives credit in the weighted workload model for the average amount of time spent on jury management and this amount is less than the court actually spends on jury management, it also will receive credit for traveling to the bank or post office and this might be an activity the court does not have to do at all. The basic philosophy is, it all evens out.

## **B. Time Studies**

*1. Selection of Main Time Study Counties.* Thirty-two counties meeting the criteria for time study eligibility (i.e., on JIS, consolidated, using the FCC,  $\pm 15\%$  of FTE need, having a treatment court) were presented to the CWWL Task Team at the September meeting. Several task team members emphasized the selection of the smallest courts in the state for the time study. The consultant chose the final 24 counties based on the task team's suggestions and travel logistics during the two-week training period. It was possible to include 12 small (6 FTE or fewer) in the

time study by doing some of the training remotely using the webinar format. The final selection of courts included a range of court size as well as geographic distribution across the state (*see* Appendix B). The time study courts are grouped into eight clusters that yield sufficient sample size for case weight construction. They are listed below.

Cluster 1 (175 FTE)  
City of St Louis

Cluster 2 (66 FTE)  
St Charles

Cluster 3 (48 FTE)  
Clay

Cluster 4 (30 FE)  
Buchanan

Cluster 5 (14 to 17 FTE)  
Phelps  
Butler  
Lincoln

Cluster 6 (9 to 12 FTE)  
Polk  
Webster  
Henry  
Stone  
Miller

Cluster 7 (5 to 6 FTE)  
Madison  
Nodaway  
Wayne  
Perry  
Pike  
Barton

Cluster 8 (4 or fewer FTE)  
Osage  
Shelby  
Lewis  
Caldwell  
Shannon  
Sullivan

2. *Case Categories.* One of the basic steps in designing a weighted workload model is aggregating the hundreds of case *types* a case management system counts into a more manageable number of case *categories*. The idea behind the categorization is to aggregate similar case types together. For example, all circuit felony classes can be aggregated together under the case category of Circuit Felony. It is true a class A felony on average might have more case processing than a class D felony, but as long as most counties have similar proportions of felony classes, the case weight will represent the average amount of time to do the case processing for a felony case.

A good number of categories for a court system such as Missouri's that has not unified its general and limited jurisdiction courts is between 15 and 20 case categories. The greater the number of case categories, the more accurate and equitable the weighted workload model is, but the number of case categories needs to be balanced against the ease and accuracy in reporting during the time study. In addition, the more case categories there are, the fewer number of filings for each case category there are during the time study period. During the time study period there needs to be enough data (minutes and filings) collected on each of the case categories to ensure there are not statistical problems due to a small sample size. Ideally, one would hope for at least 30 filings for each case category per county during the time study period.

Often the court is interested in determining exactly how much time it spends on a particular case category even when the category has a small number of filings. Examples are "time intensive" civil cases such as asbestos and condemnation cases where there are many parties or Sexual Predator cases where the case can be petitioned for review yearly. In both these examples there is more case processing than in a typical circuit civil cases yet the case only counts as one case in the case management system. Also, there is inequality because some courts, such as the metro courts, have proportionally a greater number of these cases.<sup>2</sup> There are two ways to handle these cases. One is to calculate the case weight using a method that does not rely on large sample sizes and this approach was used to calculate a case weight for the Time Intensive Circuit Civil cases in the 2008 CWWL model. Another way is to add the infrequent case types to another case category that has similar case processing characteristics and this approach was used to calculate the case weight for Sexual Predator.

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<sup>2</sup> If all counties have proportionally the same number of these "time intensive" cases in a year, there is no need to calculate a separate case weight.

Table 1 compares case categorization between the 2005 and 2008 models.

- a. The Sexual Predator case type was added to the Time Intensive Circuit Civil case category in 2008 and in 2005 it was added to the Decedent Estate category.
- b. A new case category of Garnishment and General Execution was carved out of General Circuit Civil, Simple Circuit Civil, Associate Civil, and Small Claim in 2008.
- c. In 2008 the adoption case types were separated from the Abuse and Neglect/Termination of Parental Rights case category and placed in their own category.
- d. Treatment Court Admissions is its own category in 2008 and in the 2005 CWWL model the time was added to the Circuit Felony and Juvenile Delinquency case weights.

Table 1. Comparison of 2005 and 2008 Case Categories

2005 CASE CATEGORIES	2008 CASE CATEGORIES
General Circuit Civil	General Circuit Civil
Time Intensive Circuit Civil	Time Intensive Circuit Civil/Sexual Predator*
Simple Circuit Civil	Simple Circuit Civil
Domestic Relations	Domestic Relations
Protection Order	Protection Order
Associate Civil	Associate Civil
Small Claim	Small Claim
	Garnishment & General Execution**
Abuse&Neglect/Adoption/Term. Parental Rights	Abuse&Neglect/Termination of Parental Rights
	Adoption
Juvenile Delinquency/Status Offense	Juvenile Delinquency/Status Offense
Circuit Felony	Circuit Felony
Associate Felony	Associate Felony
Misdemeanor/Municipal Certification/Trial de Novo	Misdemeanor/Municipal Certification/Trial de Novo
Traffic/Watercraft/Conservation/Municipal Ordinance	Traffic/Watercraft/Conservation/Municipal Ordinance
Decedent Estate/Sexual Predator	Decedent Estate
Simple Probate	Simple Probate
Involuntary Mental Health Petition	Involuntary Mental Health Petition
Mental Health Application	Mental Health Application
	Treatment Court
	Passport Issuance**

\* Reported in the time study under Incapacitated/Minor Estate

\*\* Reported in the time study as an activity

3. *Clerical Activities.* The goal of a weighted workload study is to account in the time study for all clerical activities. So, the first step of a weighted workload study is to determine *what are, and what are not*, clerical activities, that is, what are a clerk's duties and responsibilities? Clerical activities are not ALL the things a clerk might do during the day. One example that makes the point is answering a phone call about recording a deed if the Clerk of Court is also Recorder of Deeds. It might be something a clerk does, but it is not one of the clerk's duties and responsibilities.

The second step is to determine which activities can be related to a specific case category (e.g., felony, traffic, domestic relations). Why? Because activities that can be related to a specific case category can be incorporated into the case weight (the average amount of time required for all the clerical activities for that case category). Why do we care about incorporating activities into the case weight? Because activities that can be incorporated into a case category will increase the weighted workload of a court as filings increase over time.

It is also possible to incorporate the clerical activities not related to a specific case category into the case weight, but the methodological decision to do that is not made until after the time study data are collected and analyzed. In any event, the clerical activities not related to a specific case category, such as jury management or travel, are collected during the time study and do count in the model, they are just handled in a different way.

There is no set rule as to how activities are categorized. In fact, the activity categories do not directly affect the case weights. But, the activity information can be used to see where clerks are spending their time and to help with allocating workload within a court. For example, clerks may not think the time they spend on answering child support collection questions is counted in their workload because it is not counted as a "case". By making child support collection a separate activity code during the time study, it is possible to determine how much time the time study courts spend processing child support collection cases within the Domestic Relations or Protection Order case categories. But, for ease in recording, the number of activity categories needs to be reasonable.

The way the clerical activities were grouped for the 2005 and 2008 CWWL studies is detailed in Table 2. The activities are grouped into three main areas: (1) Clerical Activities Associated with a Case Category, (2) Clerical Activities Not Associated with a Case Category, and (3) Not Clerical Activities.



There are a couple differences between the 2005 and 2008 studies.

- a. Probation Monitoring and Probation Violation were separated in the current study. Probation Monitoring was grouped with other post-judgment activities and Probation Violation was its own activity category.
- b. Courtroom activities were separated into sound recording and other courtroom clerk duties in 2008.
- c. Jury management was separated into four more detailed categories in the current study to better quantify jury management time.
- d. Day-to-Day Management was separated into five more detailed categories in the current study to better understand the category.
- e. Break and Lunch were two separate categories in 2005, but were aggregated in the current study because both represent “non-work” time.
- f. Passport issuance activity was reported in the current study and it was used in the 2008 model as a de facto case category and a case weight for the average amount of time to issue a passport was calculated.
- g. Auditing of Probate cases was included as an activity in the current model.

Table 2. Comparison of 2005 and 2008 Clerical Duties

<b>2005 CASE-RELATED ACTIVITIES</b>	<i>2008 CASE RELATED ACTIVITIES</i>
Child Support Collection	Child Support Collection
Garnishment and General Execution	Garnishment and General Execution*
Fines/Fees/Costs/Bonds	<i>Fines/Fees/Costs/Bonds/Probation Monitoring</i>
Probation Monitoring/Probation Violation	Probation Violation
Motion to Modify	Motion to Modify
Case Doc Processing/Records Manage/Public Requests	Case Doc Process/Records Manage/Public Requests
After Hours and Weekend Emergency	After Hours and Weekend Emergency
Pro Se Assistance	Pro Se Assistance
Hearing/Trial Specific Functions in the Courtroom	Hearing/Trial Sound Recording
	Hearing/Trial Courtroom Clerk Duties
Coordination of Interpreting	Coordination of Interpreting
Case Monitoring and Special Programs	
	Auditing Probate Files

<b>NON-CASE RELATED ACTIVITIES</b>	<b>NON-CASE RELATED ACTIVITIES</b>
General Customer Service	General Customer Service
Financial Processing	Financial Processing
Jury Management (Out of Courtroom)	Jury Qualification-Mailing Questionnaires
	Jury Qualification-Reviewing Questionnaires
	Jury Summoning/Trial
	Jury-Post-Judgment
Personnel Supervision	Personnel Supervision
Day to Day Management	Day to Day – Requests
	Day to Day – Reporting
	Day-to-Day – Budget
	Day to Day – Office Management
	Day to Day – Court Support
Training/Staff Development	Training/Staff Development
Public Outreach	Public Outreach
Justice System Coordination	Justice System Coordination
Regional and Statewide Programs	Regional/Statewide Programs
Travel	<i>Travel</i>
Break	Break/Lunch
Lunch	
Leave	Leave
<b>NON-CLERICAL ACTIVITIES</b>	<b>NON-CLERICAL ACTIVITIES</b>
	Passport Issuance
Recorder of Deeds	Recorder of Deeds

\*Garnishment and General Execution time was reported in the time study as an activity, but was later analyzed as data for a case weight.

Table 3 shows the distribution of activities associated with the case categories. Some points to note:

- For most case categories, by far the majority of time (72 percent on average) is spent doing case processing, records management, and responding to questions from the public.
- Even though the collection of child support monies was centralized some time ago, Child Support Collection activities account for 25 percent of the Domestic Relations minutes (22 percent in 2005 and 30 percent in 2002).

- Approximately 8 percent of a clerk's activities associated with a case category occurs in the courtroom (7 percent in 2005). (Only one-quarter of the 8 percent is spent on sound recording).
- On average, pro se assistance constitutes two percent of a clerk's activities associated with a case category (same as 2005); however, pro se contributes 12 percent of the Protection Order case category (14 percent in 2005).
- Almost one-quarter of the time spent processing traffic tickets is spent on post-judgment collection of fines. In 2005 clerical staff reported 43 percent, of the time spent processing traffic tickets is spent on post-judgment collection of fines.

Table 3. Distribution of Activities Associated with Case Categories (in minutes)

	Child Support	Motion to Modify	Exec. & Garn.	PostJ Collect.	Probat. Viol.	After Hours	Pro Se*	Coord. Interpret.	Sound Record	Crtroom Clerk	Other-Doc. Proc.**	Audit
<b>General Circuit Civil</b> 254,440 Min.	0	4000 2%	11,510 4%	3820 2%	630 <1%	0	8880 4%	60 <1%	3690 2%	19,720 8%	202,130 80%	0
<b>Simple Circuit Civil</b> 40,870 Min.	0	0	1010 2%	1110 2%	0	0	540 1%	0	20 <1%	220 <1%	37,970 93%	0
<b>Domestic Relations</b> 285,940 Min.	71,750 25%	18,420 6%	550 <1%	2400 1%	700 <1%	10 <1%	5250 2%	260 <1%	11,900 4%	16,330 6%	158,370 55%	0
<b>Protection Order</b> 90,910 Min.	140 <1%	1060 1%	0	700 1%	0	1210 1%	11,340 12%	0	2010 2%	4780 5%	69,670 77%	0
<b>Associate Civil</b> 426,200 Min.	0	690 <1%	78,690 18%	10,670 2%	220 <1%	60 <1%	3030 <1%	40 <1%	7840 2%	12,360 3%	312,600 73%	0
<b>Small Claim</b> 28,200 Min.	0	0	1720 6%	940 3&	0	0	3670 13%	0	570 <1%	2100 7%	19,200 68%	0
<b>Adoption</b> 9060 Min	20 <1%	0	0	350 4%	0	0	0	0	240 3%	790 9%	7660 84%	0
<b>Abuse &amp; Neg/TPR</b> 40,720 Min.	0	170 <1%	110 <1%	200 <1%	0	0	20 <1%	0	1790 4%	3820 10%	34,610 85%	0
<b>Juvenile Delinquency</b> 36,350 Min.	30 <1%	330 1%	120 <1%	340 1%	10 <1%	20 <1%	0	0	1620 5%	2900 8%	30,980 85%	0
<b>Circuit Felony</b> 311,000 Min.	0	300 <1%	0	32,010 10%	27,000 9%	130 <1%	440 <1%	120 <1%	3700 1%	46,560 15%	200,740 64%	0
<b>Associate Felony</b> 115,330 Min.	0	60 <1%	0	7450 6%	2220 2%	550 <1%	180 <1%	350 <1%	1400 1%	13,360 12%	89,760 78%	0

	Child Support	Motion to Modify	Exec. & Garn.	PostJ Collect.	Probat. Viol.	After Hours	Pro Se*	Coord. Interpret.	Sound Record	Crtroom Clerk	Other-Doc. Proc.**	Audit
<b>Misdemeanor/MC/TDN</b> <i>392,310 Min.</i>	0	0	0	47,200 12%	12,080 3%	90 <1%	1320 <1%	510 <1%	2970 1%	23,990 6%	304,150 78%	0
<b>Traffic/WC/Conserv./MO</b> <i>204,640 Min.</i>	0	0	40 <1%	49,320 24%	570 <1%	0	640 <1%	30 <1%	510 <1%	7020 3%	146,510 72%	0
<b>Decedent Estate</b> <i>79,620 Min.</i>	0	1880 2%	0	1470 2%	170 <1%	0	4020 5%	0	580 <1%	1030 1%	59,210 74%	11,260 14%
<b>Incap./Minor Estate/SP</b> <i>99,490 Min.</i>	0	990 <1%	0	420 <1%	110 <1%	0	1930 2%	0	1280 1%	2170 2%	73,110 73%	19,480 19%
<b>Simple Probate</b> <i>16,810 Min.</i>	0	0	0	120 1%	0	0	2040 12%	0	270 2%	90 <1%	14,010 83%	280 2%
<b>Involuntary Detention Pet.</b> <i>4630 Min.</i>	0	80 2%	0	20 <1%	0	60 2%	80 2%	0	540 12%	280 6%	3540 76%	30 1%
<b>Mental Health Application</b> <i>6440 Min.</i>	0	0	0	0	0	0	1570 24%	0	0	0	4870 76%	0
<b>TOTAL***</b> <i>2,442,960 Min.</i>	71,940 3%	27,980 1%	93,750 4%	158,540 6%	43,710 2%	2130 <1%	44,950 2%	1370 <1%	40,930 2%	157,520 6%	1,769,090 72%	31,050 1%

\* Includes "walk-ins" for Mental Health Applications

\*\* Includes replying to letters from prisoners

\*\*\* Does not include 25,030 minutes of Treatment Court

Percentages in the first 18 rows represent percentage of time of that activity for that case category.

Percentages in the last row represent percentage of time of that activity compared to all activities.

Table 4 shows the distribution of the non-case related activities by cluster.

Table 4. Distribution of Non-Case Related Activities by Size Cluster\* (in minutes)

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Cluster 5	Cluster 6	Cluster 7	Cluster 8
<b>Customer Service</b>	20,600 11%	24,690 26%	10,320 21%	25,370 45%	15,700 26%	18,330 24%	10,740 20%	11,040 40%
<b>Financial Processing</b>	19,370 11%	7340 8%	4810 10%	6140 11%	10,800 18%	11,590 15%	8200 15%	3960 14%
<b>Personnel Supervision</b>	35,440 19%	16,930 18%	7140 15%	4380 8%	5550 9%	9050 12%	3940 7%	920 3%
<b>Day-to-Day Manage-Requests</b>	4250 2%	6860 7%	5020 10%	1960 3%	5080 8%	2290 3%	680 1%	1180 4%
<b>Day-to-Day Manage-Reporting</b>	26,500 14%	6440 7%	770 2%	2730 5%	1350 2%	3360 4%	3260 6%	1840 7%
<b>Day-to-Day Management-Budget</b>	2310 1%	480 <1%	2860 6%	720 1%	600 1%	990 1%	510 1%	220 1%
<b>Day-to-Day Management-Office</b>	72,130 38%	24,420 26%	15,450 32%	14,350 25%	16,270 27%	24,700 33%	23,230 43%	7290 26%
<b>Day-to-Day Manage-Court Support</b>	2120 1%	5070 5%	1370 3%	740 1%	2190 4%	1960 3%	1430 3%	650 2%
<b>Public Outreach</b>	30 <1%	410 <1%	310 <1%	0	0	650 1%	860 2%	0
<b>Justice System Coordination</b>	666 <1%	110 <1%	390 <1%	0	330 <1%	1410 2%	160 <1%	590 2%
<b>Statewide Projects</b>	4710 3%	1850 2%	490 <1%	400 <1%	2980 5%	1310 2%	1060 2%	150 <1%
<b>TOTAL NON-CASE-RELATED TIME</b>	<b>188,126</b>	<b>94,600</b>	<b>48,930</b>	<b>56,790</b>	<b>60,8850</b>	<b>75,640</b>	<b>54,070</b>	<b>27,840</b>
<b>Jury Management-Mailing Question.</b>	0**	2150 11%	350 3%	480 3%	5060 29%	810 9%	2210 47%	60 3%
<b>Jury Management-Reviewing Question.</b>	0**	8290 41%	6580 49%	14,260 84%	3690 21%	2800 32%	580 12%	890 42%
<b>Jury Management-Summoning/Trial</b>	0**	3050 15%	1420 11%	200 1%	3560 20%	2800 32%	1270 27%	0
<b>Jury Management-Post Judgment</b>	0**	6860 34%	5020 38%	1960 12%	5080 29%	2290 26%	680 14%	1180 55%
<b>TOTAL JURY MANAGEMENT</b>	<b>0**</b>	<b>20,350</b>	<b>13,370</b>	<b>16,900</b>	<b>17,390</b>	<b>8700</b>	<b>4740</b>	<b>2130</b>
<b>Travel</b>	6500	1500	480	270	2220	2040	2240	1910

\* Cluster 1 is the largest court (City of St. Louis) and Cluster 8 is six courts with 4 or fewer FTE.

\*\* Jury Management staff in the City of St. Louis report to the Trial Court Administrator and not the Circuit Clerk and did not participate in the time study.

Some points to note:

- There is no trend in general customer service by size of court.
- A greater percentage of time is spent on personnel supervision in the larger courts.
- The bulk of Day-to-Day Management is spent on office duties (sorting and sending out the mail is counted in this category).
- Jury Management activities are not uniform across courts.

*4. Time Study Period.* There were two time study periods – the 23 non-metro courts participated in a four-week long time study from Monday, October 15<sup>th</sup> through Sunday, November 11<sup>th</sup> and the City of St Louis participated in a two-week time study from Monday, December 4<sup>th</sup> through Sunday, December 16<sup>th</sup>. The time study periods were selected to yield a large enough sample of activity to construct a statistically reliable weighted workload model. The non-metro courts were trained in time study reporting methods by the consultants in the two weeks prior to October 15<sup>th</sup>. Sixteen courts were trained on-site in small groups and the seven smallest courts were trained remotely in three separate webinar sessions. Dr. Gottlieb and her assistant trained the City of St. Louis staff in the week preceding December 4<sup>th</sup>.

The participants recorded the time they spent on clerical activities associated with a case category and clerical activities not associated with a case category in 10-minute increments. The participants recorded all time spent on clerical activities, including before and after the regular workday and on weekends. The month-long time study was monitored remotely by Dr. Gottlieb. Participants faxed their time sheets daily to the consultant where they were reviewed. The consultant emailed or phoned the participants with any questions to ensure any reporting problems were dealt with in a timely manner. Dr. Gottlieb and her assistant were on-site to monitor the two-week City of St. Louis time study.

All state-paid clerical staff and circuit clerks in the time study courts participated. In addition, there were other participants who perform “clerical tasks” such as presiding judge secretaries, bailiffs, juvenile officers, domestic violence advocates, and county paid clerical staff. This second group only reported the “clerical” portion of their work. There were 311 participants in the month-long time study and 180 participants in the City of St. Louis time study. Over three million minutes of work was reported in the two time studies.

5. *Treatment Court Mini-Time Study.* An objective of the 2008 CWWL study was to collect sufficient clerical activity to construct a Treatment Court case weight. Previous attempts in the 2002 and 2005 CWWL studies were not successful because the time study courts did not yield a large enough sample size of treatment court data. All Missouri courts with one or more treatment courts were invited to participate in a Treatment Court Mini-Time Study to ensure a large enough sample size for the 2008 CWWL study. In this time study the courts only reported clerical time spent on treatment court activity. The activity list for treatment court was different from the main time study and included the following categories:

*Table 5. Distribution of Treatment Court Activities*

<i>TREATMENT COURT ACTIVITIES</i>	MINUTES	PERCENT
Communication ( <i>W/ other team members or treatment</i> )	<b>3730</b>	<b>7.4</b>
Courtroom ( <i>Performing courtroom clerk duties</i> )	<b>9110</b>	<b>18.0</b>
Document Processing ( <i>Keeping the treatment court file</i> )	<b>23,515</b>	<b>46.4</b>
Event ( <i>Attending graduations, social events</i> )	<b>380</b>	<b>0.8</b>
Meeting ( <i>Attending management team meetings</i> )	<b>1280</b>	<b>2.5</b>
Money ( <i>Receipting money, financial processing</i> )	<b>2138</b>	<b>4.2</b>
Other	<b>1290</b>	<b>2.5</b>
Preparation ( <i>For staffings and hearings</i> )	<b>5030</b>	<b>9.9</b>
Responding to Participants ( <i>In-person, phone, or email</i> )	<b>1563</b>	<b>3.1</b>
Staff Development and Trainings ( <i>Attending trainings</i> )	<b>0</b>	<b>0</b>
Staffings ( <i>Attending staffing meetings</i> )	<b>2615</b>	<b>5.2</b>
<b>TOTAL</b>	<b>50,651</b>	<b>100%</b>

The time study took place over the same period as the month-long non-metro time study for the majority of the courts. The larger courts (Greene, Jackson, and St. Louis County) used a two-week time period.



Courts in the main time study who reported treatment court time were:

Barton	Adult
Buchanan	Adult
Butler	Adult
City of St. Louis	Adult, Family, Juvenile
Clay	Adult
Lewis	Adult
Lincoln	Adult, Family
Nodaway	Adult
Phelps	Adult, Family
Polk	Adult
St Charles	Adult
Stone	Adult, Juvenile
Sullivan	Adult
Wayne	Adult, Juvenile
Webster	Adult

Not all the courts that have a treatment court participated in the mini-time study because court staff did not perform any treatment clerical court work or only performed minimal activity such as occasional docketing in the criminal or juvenile file. This situation seemed to occur in multi-county circuits where the treatment court was located in another county in the circuit yet the first county was considered to have a treatment court because it sent participants to the treatment court in its circuit.

Courts that participated in the Treatment Court Mini-Time Study were:

Cass	Adult
Cooper	Adult
Dent	Adult
Greene	Adult, Family
Grundy	Adult
Jackson	Adult

Marion (Hannibal)	Adult
Mercer	Adult
Newton	Adult
Randolph	Adult
Ripley	Adult
St. Francois	Adult
St. Louis County	Adult, Family
Scott	Family
Vernon	Adult

Information from the 21 treatment courts in the main time study plus the additional 17 treatment courts in the mini-time study (a total of 29 Adult, 6 Family, and 3 Juvenile Treatment Courts) provided sufficient data to construct a Treatment Court case weight.

*6. Jury Management Mini-Time Study.* Jury management time was collected during the time study and there were four jury management activity codes rather than the single activity in the 2002 and 2005 studies. However, because different stages of jury management activity occur sporadically during the year the “window in time” approach of the time study is not conducive to obtaining the best data to calculate the amount of jury management time for the year in the smaller courts who do not do jury management every day. So, a Jury Management mini-time study was conducted during February 2008. All courts Cluster 5 and smaller (fewer than 20 FTE) were invited to participate if they were planning on doing any jury management activities in February. The goal of this mini-time study was to capture all the activity for a particular stage of jury management in courts of different sizes. The 22 courts that participated were Barton, Bollinger, Camden, Clark, Henry, Holt, Howell, Lawrence, Lewis, McDonald, Montgomery, Newton, Osage, Phelps, Pike, Ralls, Reynolds, Ripley, St. Clair, St. Francois, Scott, and Stone. The additional information from the mini-time study allowed for a better estimate of jury management activities to be calculated, especially for the smaller courts.

## **C. Workload Model Components**

*1. Case Weights.* Case weights, core components of the workload model that measure how long it takes to process cases of different case categories, are based on minutes reported during the time study and the number of new filings that occurred during the time study. They are constructed using different methodologies depending on sample size and other statistical factors.

A decision to make in building a workload model is whether to incorporate “non-case” activities directly into the case weight or to credit the workload with the non-case activities elsewhere in the workload model. Non-case activities are clerical activities such as personnel or financial processing activities not directly related to a specific case. In the 24 courts in this time study, the reported proportion of non-case activities ranged from 9 to 33 percent. There was no relationship between proportion of non-case activities and size of court. Because it is easier in some courts than others to report activities by case category rather than ascribe activities to “non-case”, adding the non-case activities proportionally to the minutes reported for case related work can “even out” the time study information between different courts and make for a better fitting model.

In the example below 3880 minutes of non-case activities were collected that were not directly related to a specific case category (*see* Table 6). There were 19,690 minutes that were related to a specific case category. The 3880 non-case minutes were added to the base case-related minutes according to what percentage the particular case category was of the whole. For example, a case category that comprised 25 percent of the total case-related minutes would receive 25 percent of the 3880 non-case minutes. The assumption is case categories that take more of the clerk’s time also need proportionally more non-case time. By doing this, courts receive a certain amount of non-case activity for each new filing. Both the 2002 and 2005 CWL studies used this methodology to include the non-case activity into the model.

Table 6. One Court's Addition of Non-Case Minutes to Case-Related Minutes

CASE CATEGORY	BASE MINUTES	NON-CASE RELATED MINUTES	TOTAL MINUTES
Circuit Civil	960	189	<b>1149</b>
Simple Circuit Civil	350	69	<b>419</b>
Domestic Relations	3320	654	<b>3974</b>
Protection Order	600	118	<b>718</b>
Associate Civil	2330	459	<b>2789</b>
Small Claim	200	39	<b>239</b>
Abuse and Neglect	60	12	<b>72</b>
Adoption	40	8	<b>48</b>
Juvenile Delinquency	80	16	<b>96</b>
Circuit Felony	2100	414	<b>2514</b>
Associate Felony	1030	203	<b>1233</b>
Misdemeanor/Infraction/Trial de Novo	5040	993	<b>6033</b>
Traffic/Muni. Ord./WC/Conservation	2990	589	<b>3579</b>
Decedent Estate	200	39	<b>239</b>
Incapacitated/Minor Estate	260	51	<b>311</b>
Simple Probate	60	12	<b>72</b>
Involuntary Detention Petition	0	0	<b>0</b>
Mental Health Application	70	14	<b>84</b>
<b>TOTAL</b>	<b>19690</b>	<b>3880*</b>	<b>23,570</b>

\* Non-case related minutes are 16% (3880/23,570) of the total minutes reported for this court.

Case weights can be constructed in two ways – the Median Method and the Mean Method. Both methods depend on a time study to collect information on how long it takes to process the different case categories. The methods differ in how the time study information is analyzed. Both methods were used to construct the case weights for the 2008 CWWL model – the Median Method for case weights with a larger sample size and the Mean Method for those where time study information was insufficient for the Median Method.

In the Median Method similarly sized courts are clustered into groups that will yield statistically valid and reliable case weights. The 24 time study courts were grouped into 8 clusters from smallest to largest courts during time study court selection. Case weights were constructed for each cluster where sample size allowed (*see* Table 7). The median case weight

Table 7. Calculation of 2008 Case Weights by Median and Mean Methods

Case Category	<i>Range of CLUSTER case weights (BASE+NON-CASE RELATED)</i>	<b>2008 Median</b>	<b>2008 Mean</b>	2005 CW
GENERAL CIRCUIT CIVIL	318(6) 363(2) 495(3) <b>624(7)</b> 680(5) 1114(4) 1120(1)	<b>624</b>	519	556
TIME INTENSIVE CIRCUIT CIVIL	<b>1248</b>			1795
SIMPLE CIRCUIT CIVIL	7(5) 22(6) 26(8) 29(3) • 32(7) 42(3) 53(1) 94(4)	<b>30</b>	32	45
DOMESTIC RELATIONS	197(5) 224(1) 388(4) 428(2) • 428(3) 507(6) 538(7) 586(8)	<b>428</b>	309	484
PROTECTION ORDER	106(8) 126(7) 131(4) 132(6) • 146(2) 159(5) 193(3) 220(1)	<b>139</b>	129	172
ASSOCIATE CIVIL	66(4) 87(2) 117(3) 133(1) • 138(5) 158(6) 171(8) 235(7)	<b>136</b>	95	206
SMALL CLAIMS	45(5) 81(4) 104(2)		<b>115</b>	157
EXECUTIONS & GARNISHMENTS	13(4) 36(2) 38(3) 47(1) • 53(8) 54(5) 56(6) 70(7)	<b>50</b>		--
ABUSE & NEGLECT/TPR			<b>489*</b>	630
ADOPTION			<b>232</b>	630
JUVENILE DELINQUENCY			<b>408</b>	447
CIRCUIT FELONY	329(5) 365(4) 419(3) 540(8) • 583(7) 635(6) 685(1) 709(2)	<b>562</b>	466	553
ASSOCIATE FELONY	98(5) 112(6) 124(7) 158(3) • 164(2) 180(4) 209(8) 228(1)	<b>161</b>	123	119
MISDEMEANOR	136(2) 169(8) 177(3) 221(6) • 229(4) 255(7) 293(1) 331(5)	<b>225</b>	175	182
TRAFFIC	49(6) 53(8) 60(2) <b>72(7)</b> 78(5) 113(4) 143(3)	<b>72</b>	56	86
DECEDENT ESTATE			<b>1137*</b>	1072
INCAPACITATED/MINOR ESTATE			880*	<b>1116</b>
SIMPLE PROBATE	58(2)		<b>115</b>	109
INVOLUNTARY DETENTION			<b>160*</b>	156
MENTAL HEALTH APPLICATION	28(5) 31(4) 106(1)		<b>38</b>	48
TREATMENT COURT	85 249 436 495 495 495 540 577 579 632 <b>653</b> 653 700 712 712 749 816 852 856 880 887 888	<b>653</b>	722	--
PASSPORT ISSUANCE	10 <b>20</b> 29	<b>20</b>		

The number in ( ) after the case weight is the cluster number. The smaller the number is, the larger the court. For example, (1) signifies the City of St Louis and (8) are the six courts with 4 or fewer staff. Bold black font or the symbol • signifies the median. Case weights used in the 2008 clerical weighted workload model are in **bold italics**.

\*The number of filings used to calculate the statewide mean case weight was based on a proportion of the annual filings rather than the number of filings initiated during the time study because of the rarity of the case category coupled with the fact the case is not disposed quickly.

of the cluster case weights is chosen to represent the statewide case weight. For example, the median Circuit Civil case weight used to represent the statewide case weight comes from Cluster 7. By using the Median Method courts of all sizes can represent the statewide case weight. In the Mean Method the largest courts unduly influence on the statewide case weight if they provide the majority of the time study minutes. Twelve of the case weights were constructed using the Median Method (General Circuit Civil, Simple Circuit, Domestic Relations, Protection Orders, Associate Civil, Garnishment and General Execution, Circuit Felony, Associate Felony, Misdemeanor, Traffic, Treatment Court, and Passport Issuance).

When sample size is small, the Mean Method must be used to construct the case weight. For example, juvenile cases are relatively rare. In the Mean Method, all minutes collected for a case category irrespective of what court collected the minutes, are added together and statewide filings are used to construct the case weight. Eight of the case weights were constructed using the Mean Method (Small Claim, Abuse & Neglect/Termination of Parental Rights, Adoption, Juvenile Delinquency, Decedent Estate, Simple Probate, Involuntary Detention, and Mental Health Application).

Both the Mean and Median Methods use the number of new filings as the denominator in their calculations. Table 8 shows what cases are counted and not counted as new filings in the CWWL model.

**Table 8. Cases Counted and Not Counted as New Filings**

CASE CATEGORY	COUNTED AS NEW FILING	<i><b>NOT COUNTED AS A NEW FILING</b></i>
Civil/ Small Claim	Change of Venue Exceptions Trial de Novo Garnishment/Execution	Judgment set aside Contempt Scire Facias Certified Examination of Judgment
Felony/ Misdemeanor/ Traffic	Change of Venue Trial de Novo Felony Indictment or Information	Certified for Jury Trial Withdrawn Guilty Plea Appeal Remand Probation Violation
Protection Order		Reopening of original for extension or modification
Juvenile		Reopening of original for extension or modification
Domestic Relations	Family Access Without Sub- case/Supplemental	Family Access With Sub-case/ Supplemental Judgment set aside Motion to Modify Contempt Modification of Administrative Order Modification of Registration of Foreign Judgment

Garnishment and General Execution Case Weight. A criticism often lobbied at the CWWL model is the clerks do not receive credit for the work they do on executions and garnishments. This is a popular belief because the clerks know they are not receiving credit for a “new” filing when they work on an execution or garnishment case in JIS. However, execution and garnishment activity has always been credited indirectly in the CWWL model as an activity within the various civil case categories. It is possible though to construct a Garnishment and General Execution case weight now that all courts are on JIS and it is possible to count the general executions and garnishment in a standardized manner.

A Garnishment and General Execution case weight having a value of 50 minutes was constructed using the Median Method based on information from JIS and the time study. The minutes used to construct the new case weight had to be subtracted from other civil (and juvenile) case weights and all but one of those case weight values went down (Table 9).

**Table 9. Civil Case Weights with and without a Separate Garnishment and General Execution Case Weight**

CASE CATEGORY	CASE WEIGHT WITH GARNISHMENT/EXECUTION TIME	CASE WEIGHT WITHOUT GARNISHMENT/EXECUTION TIME
Time Intensive Circuit Civil	1374	1248
General Circuit Civil	687	624
Simple Circuit Civil	30	30
Domestic Relations	450	428
Associate Civil	173	136
Small Claim	122	115
Juvenile Abuse and Neglect	491	489

Adoption of the Garnishment and General Execution case weight makes for a better model because of the variability in the percentage of garnishments and general executions filed compared to the number of Circuit and Associate Civil cases filed during 2007 (*see* Table 10). The percent of general executions and garnishments relative to the total civil cases ranges from 5 percent to 167 percent with a mean and median value of 87 percent. A separate case weight credits the courts more accurately than including the average time in the civil case weights as

was done in previous models. Those counties with a percentage exceeding 87 percent will receive credit for the work they do and receive more workload credit than they would have if garnishments and general executions still were included within the civil case weights.

Table 10. Percent Garnishments and General Executions of Associate Civil and Circuit Civil Cases in 2007

<b>COURT</b>	<b># GARNISHMENTS &amp; EXECUTIONS</b>	<b># ASSOCIATE CIVIL CASES</b>	<b># CIRCUIT CIVIL CASES</b>	<b>% G AND E OF CIVIL CASE TOTAL</b>
Adair	708	90	585	1.05
Andrew	523	45	355	1.31
Atchison	99	18	88	.93
Audrain	758	73	598	1.13
Barry	803	169	837	.80
Barton	294	41	296	.87
Bates	257	91	330	.61
Benton	274	81	299	.72
Bollinger	184	26	199	.82
Boone	3842	576	4524	.75
Buchanan	5017	400	3437	1.31
Butler	838	221	1033	.67
Caldwell	228	25	192	1.05
Callaway	1169	134	1013	1.02
Camden	975	416	1154	.62
Cape Girardeau	2170	267	2029	.95
Carroll	237	30	212	.98
Carter	9	40	133	.05
Cass	1571	312	2562	.55
Cedar	195	41	209	.78
Chariton	155	22	142	.95
Christian	1675	451	1840	.73
Clark	93	24	79	.90
Clay	5828	786	7402	.71
Clinton	583	60	507	1.03
Cole	2226	1080	1927	.74
Cooper	652	53	493	1.19
Crawford	475	100	551	.73



<b>COURT</b>	<b># GARNISHMENTS &amp; EXECUTIONS</b>	<b># ASSOCIATE CIVIL CASES</b>	<b># CIRCUIT CIVIL CASES</b>	<b>% G AND E OF CIVIL CASE TOTAL</b>
Dade	146	25	126	.97
Dallas	314	82	293	.84
Daviess	188	32	178	.90
DeKalb	316	80	243	.98
Dent	313	56	283	.92
Douglas	134	55	168	.60
Dunklin	832	139	812	.87
Franklin	2393	408	2482	.83
Gasconade	455	54	254	1.48
Gentry	236	16	125	1.67
Greene	8112	1776	8388	.80
Grundy	209	28	188	.97
Harrison	202	29	183	.95
Henry	551	84	524	.91
Hickory	93	27	129	.60
Holt	141	26	107	1.06
Howard	245	44	215	.95
Howell	707	139	716	.83
Iron	182	45	199	.75
Jackson	22759	3504	31927	.64
Jasper	3558	617	3880	.79
Jefferson	5847	1402	5251	.88
Johnson	1050	329	774	.95
Knox	99	22	62	1.18
Laclede	902	105	1010	.81
Lafayette	602	151	719	.69
Lawrence	1078	131	802	1.16
Lewis	138	24	146	.81
Lincoln	1177	198	1171	.86
Linn	316	37	262	1.06
Livingston	295	50	262	.95
Macon	476	65	402	1.02
Madison	319	48	249	1.07

<b>COURT</b>	<b># GARNISHMENTS &amp; EXECUTIONS</b>	<b># ASSOCIATE CIVIL CASES</b>	<b># CIRCUIT CIVIL CASES</b>	<b>% G AND E OF CIVIL CASE TOTAL</b>
Maries	106	31	124	.68
Marion	1131	99	959	1.07
McDonald	443	92	441	.83
Mercer	55	16	44	.92
Miller	509	140	495	.80
Mississippi	655	71	469	1.21
Moniteau	208	37	218	.82
Monroe	230	25	295	.72
Montgomery	328	49	269	1.03
Morgan	316	97	353	.70
New Madrid	512	102	409	1.00
Newton	1492	244	1425	.89
Nodaway	352	53	367	.84
Oregon	91	39	121	.57
Osage	148	31	128	.93
Ozark	85	55	99	.55
Pemiscot	553	97	533	.88
Perry	335	54	292	.97
Pettis	1626	131	1164	1.26
Phelps	728	183	846	.71
Pike	560	76	455	1.05
Platte	1849	439	2550	.62
Polk	607	114	531	.94
Pulaski	621	160	832	.63
Putnam	68	13	78	.75
Ralls	313	36	223	1.21
Randolph	1304	147	1032	1.11
Ray	700	93	658	.93
Reynolds	116	27	88	1.01
Ripley	212	59	265	.65
Saline	878	88	601	1.27
Schuyler	51	14	68	.62
Scotland	66	16	59	.88

<b>COURT</b>	<b># GARNISHMENTS &amp; EXECUTIONS</b>	<b># ASSOCIATE CIVIL CASES</b>	<b># CIRCUIT CIVIL CASES</b>	<b>% G AND E OF CIVIL CASE TOTAL</b>
Scott	2012	173	1434	1.25
Shannon	118	34	95	.91
Shelby	128	21	114	.95
St. Charles	6937	1141	7970	.76
St. Clair	190	43	176	.87
St. Francois	1501	268	1800	.73
St. Louis City	19497	5008	18067	.84
St. Louis Count	38561	5774	42033	.81
Ste. Genevieve	316	52	399	.70
Stoddard	1005	149	966	.90
Stone	637	188	752	.68
Sullivan	170	32	141	.98
Taney	1242	357	1511	.66
Texas	226	119	340	.49
Vernon	552	71	431	1.10
Warren	509	114	675	.65
Washington	180	107	609	.25
Wayne	228	45	242	.79
Webster	727	91	717	.90
Worth	17	9	25	.50
Wright	336	85	306	.86

Time Intensive Circuit Civil Case Weight. It has been recognized for some time the Circuit Civil case weight does not give enough credit to those “time intensive” cases such as Asbestos or Condemnation cases that generate a great deal of work for the clerks. This problem is not evenly shared by all the courts because most, but not all, the Time Intensive Circuit Civil cases are filed in the largest courts (82% of the 2005 Time Intensive cases were filed in either the City of St. Louis, St. Louis County, or Jackson County although this may change with the change in legislation.). Attempts to construct a Time Intensive Circuit Civil case weight for the 2002 and 2005 CWWL models have not been successful because of the difficulty the clerks have in reporting Time Intensive case activity during the time study. A different approach was used in

the 2008 study based on the average number of docket entries and parties for those case types determined to be Time Intensive versus those that are not.

The CWWL study defines Time Intensive cases based on research from the 2003 Time Intensive CWWL addendum study. These Time Intensive Circuit Civil case types are:

1. Asbestos,
2. Product Liability,
3. Malpractice,
4. Federal Employer Liability Act (FELA),
5. Wrongful Death,
6. Eminent Domain/Condemnation-State, and
7. Eminent Domain/Condemnation-Other.

OSCA supplied a year’s worth of docket entry information on 2005 Circuit Civil cases from the JIS system. A comparison of docket entries and number of parties for Time Intensive versus Non-Time Intensive cases shows the Time Intensive cases have double the amount of docket entries and parties at the 50<sup>th</sup>, 75<sup>th</sup>, and 90<sup>th</sup> percentiles (*see* Table 11).

Assuming double the docket entries equals double the clerical work, a simple way to construct a Time Intensive case weight is to double the General Circuit Civil case weight calculated from the time study. Just as the General Circuit Civil case weight is an average amount of time for a circuit civil case, the Time Intensive Circuit Civil case weight is an average amount of time for a time intensive case. Analysis of the 2005 Time Intensive cases shows the number of docket entries for those seven case types ranges from 1 to 1658 while the docket entries for non-time intensive cases ranges from 1 to 979. Given the General Circuit Civil

**Table 11. Comparison of 2005 Time Intensive and Non-Time Intensive Circuit Civil Cases**

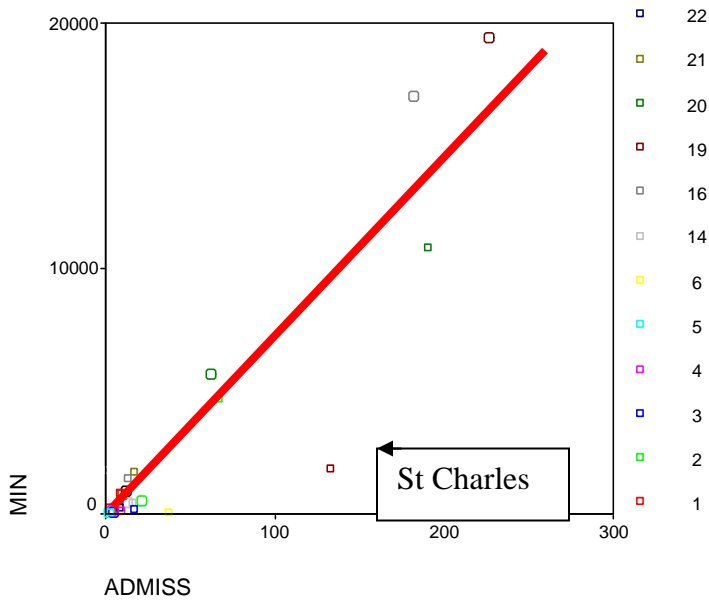
PERCENTILE	TIME INTENSIVE (N=4335)		NON-TIME INTENSIVE (N=29,397)	
	# ENTRIES	# PARTIES	# ENTRIES	# PARTIES
50 <sup>th</sup> Percentile	39	4	19	2
75 <sup>th</sup> Percentile	72	7	36	4
90 <sup>th</sup> Percentile	132	13	59	5

case weight is 624 minutes or a little more than 10 hours, based on the preceding assumptions, a good estimate for the Time Intensive Circuit Civil case weight is 1248 minutes or approximately 21 hours.

Treatment Court Case Weight. Previous attempts to construct a Treatment Court case weight in the 2002 and 2005 CWWL studies were not successful because not enough information on clerical treatment court activity was reported. The 2008 CWWL study included a “mini-time study” involving courts with more than minimal clerical treatment court activity. Participation in the mini-time study was voluntary and was based on the court’s perception that its clerical staff did “more than minimal” clerical work. More than minimal was defined as more than the occasional receipting or docketing in the treatment court file. Treatment courts are of three types: Adult, Juvenile, and Family. Staff in the mini-time study collected a month’s worth of activity (two weeks for the larger courts) solely on the treatment court work during the regular time study period. This increased the sample size sufficiently to construct a Treatment Court case weight based on the relationship between the number of minutes reported during the time studies and the number of new admissions for the year.

The majority of reported minutes for treatment courts were on adult treatment courts. These courts included adult pre-plea, adult post-plea, adult probation, adult re-entry, and adult mental health treatment courts. The participating courts are approximately one-third of the counties having adult treatment courts. The number of new admissions per year (November 1, 2006 to December 20, 2007) was obtained from OSCA’s Treatment Court database. There was a linear relationship between the number of time study minutes reported and number of annual admissions even though there is a great deal of variability in how the treatment courts use clerical assistance. Figure 1 below shows the relationship between the number of time study minutes (the courts with a two week time study had their times doubled) and the number of new admissions for the past year. The straight red line shows a perfect linear relationship. Note that some courts are outliers. For example, St Charles has a large number of admissions (133) but reported a relatively small amount of time (1870 minutes) because much of the Treatment Court work is done by the Treatment Court coordinator and not the clerks.

Figure 1. Adult Treatment Courts: Relationship between Clerical Time and Annual Admissions



Calculating a Treatment Court case weight is trickier than calculating the other case weights because there is so much variability in the type and amount of work done by clerks for a treatment court among the counties. The relationship between time spent and number of admissions can be “smoothed out” by using the predicted minute values of the perfect linear relationship. Table 12 below shows the predicted values for the counties. By smoothing the relationship between admissions and time reported it is possible to calculate case weights for each of the counties based on the predicted minutes. Case weights were calculated by dividing the predicted annual minutes by the number of annual admissions.

Table 12. Adult Treatment Court Case Weights

COUNTY	# ADMITS	ACTUAL MINUTES	ACTUAL ANNUAL MINUTES	PREDICTED ANNUAL MINUTES	CASE WEIGHT
Barton	8	880	11,000	3963	495
Buchanan	67	4690	58,625	57,350	856
Butler	17	210	2625	12,100	712
Cass	1	885	11,062	**	**
Clay	9	130	1625	4862	540

COUNTY	# ADMITS	ACTUAL MINUTES	ACTUAL ANNUAL MINUTES	PREDICTED ANNUAL MINUTES	CASE WEIGHT
Dent	5	90	11,25	12,38	248
Greene	182	17,050*	213,125	161,438	887
Grundy	7	155	1938	3050	436
Jackson	349	19,394*	242,425	202,162	579
Lewis	3	50	625	**	**
Lincoln	37	90	11,25	30,200	816
Marion	12	475	59,38	7575	631
Mercer	2	73	912	**	**
Newton	3	182	2275	**	**
Phelps	16	470	58,75	11,200	700
Polk	13	1430	17,875	8488	653
Randolph	39	790	9875	5762	148
Ripley	4	155	1938	338	84
St Charles	133	1870	23,375	117,088	880
St Francois	21	535	6688	15,724	749
St Louis City	190	10,860*	135,750	168,676	888
St Louis County	62	5672*	70,900	52,825	852
Stone	17	1750	21,875	12,100	712
Sullivan	8	250	3125	3963	495
Vernon	13	478	5975	8488	653
Wayne	8	850	10,625	3963	495
Webster	8	500	6250	3963	495

\* Reported minutes doubled because collected during a two-week, not a four-week time study as the rest.

\*\* Value is too small to calculate.

Case weights for Adult Treatment Court range from 84 minutes in Ripley to 888 minutes in the City of St. Louis. The median value is 653 minutes. The mean case weight based on the actual

minutes reported is 697 minutes and the mean case weight based on the “smoothed” minutes is 726 minutes. The case weights calculated using the Mean Method show the influence of the larger courts – Greene, St Louis County, and the City of St. Louis. There was much less information reported for Juvenile and Family Treatment Courts during the time studies and the small sample size precludes any meaningful analysis. The CWWL approved using the Adult Treatment Court case weight for both the Juvenile and Family Treatment Courts also.

Passport Issuance “Case Weight”. Whether or not to credit the issuing of passports in the CWWL model has been a controversy because although the circuit clerks have statutory authority to process passports it is not considered a circuit court duty. It was decided by the CWWL Task Team at the September meeting the clerks would collect passport activity during the time study and then the CWWL Task Team would decide whether it was voluminous enough to warrant consideration. Twelve of the 24 time study courts reported Passport Issuance Activity ranging from 10 minutes to 970 minutes. It is possible to construct a pseudo “case weight” based on the count of the passports reported by the courts. Three of the courts counted the number of passports and had more than 25 for the time study period. The “case weights” were 10, 20, and 29. The CWWL Task Team decided to choose the median to represent the Passport Issuance case weight.

Sexual Predator Case Type. The Sexual Predator case type was included in the Decedent Estate case category in the 2005 CWWL model and the case weight was 1072 minutes. At the September 14th CWWL Task Team meeting it was suggested the processing time of the Sexual Predator case type was more like the cases in the Incapacitated and Minor Estate category because the case was reviewed regularly (case weight was 1116 minutes in 2005 and 2008). At the January 17<sup>th</sup> meeting it was suggested the Sexual Predator case type should be included in the Circuit Civil Time Intensive case category (case weight = 1795 minutes in 2005 and 1248 in 2008).

The CWWL Task Team decided an analysis of the number of docket entries and parties in the Sexual Predator cases should be done to see if Sexual Predator cases had a similar high number of docket entries and parties. OSCA provided the entire list of all sexual predator cases (N = 201 cases from 1999 to 2008) along with their number of docket entries and parties. The



analysis was performed on the subset of 89 cases where there was complete docket and party data in JIS. Incomplete data were due to the court going on the JIS system after the initiation of the Sexual Predator case. There were only one or two cases in 1999 and 2008 so the analysis was contained to the years 2000 to 2007.

The analysis shows Sexual Predator cases do have a large number of docket entries. In fact, the “average” Sexual Predator case has a much greater number of docket entries and parties than Time Intensive Circuit Civil cases initiated in 2005. The median (50<sup>th</sup> percentile) number of Sexual Predator docket entries for cases initiated between 2000 and 2005 is comparable to the 75<sup>th</sup> or 90<sup>th</sup> percentile of Circuit Civil Time Intensive cases. (See Table 13). Earlier years (2000, 2001) show a greater number of docket entries and parties reflecting the fact the defendant is guaranteed an annual judicial review by statute. The CWWL Task Team voted in February to include the Sexual Predator cases in the Time Intensive Circuit Civil case category to reflect this large amount of activity.

Table 13. Sexual Predator Docket Entries and Parties (2000 – 2007)

YEAR	STATISTICS	# DOCKET ENTRIES	# PARTIES		
2000	Median	<b>129</b>	9	<b>2005 CIRCUIT CIVIL TIME INTENSIVE CASES N = 4335</b>	
N = 9	Minimum	7	4		
	Maximum	244	17		
2001	Median	<b>101</b>	6		
N = 8	Minimum	4	2		
	Maximum	161	10		
2002	Median	<b>64</b>	7		<b>Docket #</b>
N = 10	Minimum	3	3		
	Maximum	117	12		
2003	Median	<b>76</b>	7	<b>Party #</b>	
N = 9	Minimum	47	4		
	Maximum	160	13		
2004	Median	<b>80</b>	7		
N = 11	Minimum	31	4		
	Maximum	117	12		

YEAR	STATISTICS	# DOCKET ENTRIES	# PARTIES	
2005	Median	<b>103</b>	6	<b>2005 CIRCUIT CIVIL TIME INTENSIVE CASES N = 4335</b>
N = 4	Minimum	16	3	
	Maximum	132	12	
2006	Median	<b>65</b>	7	<b>Docket # MEDIAN = 39 75 % = 72 90% = 132</b>
N = 15	Minimum	40	4	
	Maximum	129	9	
2007	Median	<b>40</b>	5	<b>Party # MEDIAN = 4 75% = 7 90% = 13</b>
N = 18	Minimum	6	4	
	Maximum	79	8	

2. *Average Annual Availability.* An important component of the CWWL is the “Clerk Year” or Average Annual Availability (AAA) - the amount of time in a year (a combination of the number of workdays and length of the workday) a clerk is available to work on the clerical workload. The number of days in a year is calculated by subtracting weekends, state holidays, training days, sick and other leave days, annual leave days, and any other non-work days from the year. Information on non-work days gathered in the time study is not used to determine the number of days in the AAA. The CWWL Task Team decides the number of days in the AAA based on human resource information and other policy.

State Holidays. Pursuant to Section 9.010 RSMo, the following are the official state holidays for employees in the Office of State Courts Administrator:

New Year's Day	First day of January
Martin Luther King Day	Third Monday of January
Lincoln's Birthday	Twelfth day of February
Washington's Birthday	Third Monday in February
Truman's Birthday	Eighth day of May
Memorial Day	Last Monday in May
Independence Day	Fourth day of July
Labor Day	First Monday in September

Columbus Day	Second Monday in October
Veteran's Day	Eleventh day of November
Thanksgiving Day	Fourth Thursday in November
Christmas Day	Twenty-fifth day of December

In addition, the day after Thanksgiving is traditionally a state holiday. The decision of the CWWL Task Team was to credit 13 days in the model for state holidays, the same as the 2005 model. Thus, the Missouri Circuit Courts are open for business 248 days a year (365 days minus 104 weekend days minus 13 state holidays).

Training and Staff Development Days. Training and Staff Development days were credited as four per year, or one per quarter per employee, by the CWWL Task Team. That is the same number of days credited for training and staff development in the 2002 and 2005 models.

Leave Days. Information from the SAMII system for 2006 and 2007 was used to determine an average number of days for Sick and Other Leave Days and Annual Leave Days. For Sick and Other Leave Days, the 2006 mean is 9.33 days and the 2006 median is 8.89 days. The 2007 mean is 10.47 days and the 2007 median is 10.37. The CWWL Task Team approved 10 days credit per year for Sick and Other Leave. The 2005 Model had 8 days for Sick and Other Leave. For Annual Leave, the 2006 mean is 14.25 days and the median is 14.01 days. The 2007 mean is 15.08 days and the median is 15.04 days. The CWWL Task Team approved 15 days credit for Annual Leave, the same as the 2005 model.

Length of Work Day. Full-time equivalent (FTE) state employees in Missouri work an 8 hour, or 480-minute day. In the CWWL time studies in 2002 and 2005 there was an Activity Code for Break but the reporting of time spent on Break appeared to be irregular. Although the clerks were encouraged to report break time if they took a break, not all counties showed break time, or showed very little break time. Activities were coded in 15-minute (2002) or 10-minute (2005) segments in the time study so it is very possible quick trips to the bathroom or vending machine or a short personal telephone call were not recorded. Or, the court may have a policy of no official breaks and although the clerks took breaks, they were hesitant to report them. For this

reason break time was distributed proportionally over the case categories by county and no time was deducted from the eight-hour day to account for breaks in 2005. The 2002 WWL model also used an eight-hour day.

In the current study clerical staff were encouraged to report “break” or “non-working” time with the knowledge that the Break activity time would not be entered in the CWWL database. Also in the 2008 model there was only one code for break and lunch because in the past people used the Break code around the lunch hour that led to confusion as to what the participant was reporting. People did use the Break code in the current study but they also used the code if they were late in the morning or left early in the day. In constructing a weighted workload model it is possible to either distribute the break minutes proportionally over the case category minutes and include them in the case weight with the other Non-Case Related time as was done in 2005 or deduct an average amount of break time from the 480 minute day the same way Leave is handled in the model. At the March 19<sup>th</sup> meeting the CWWL Task Team approved a 460-minute day that allows two 10-minute breaks during the day. A break in the workload model is not necessarily an official break away from the staff member’s desk. What it really connotes in the model is a realistic amount of time (20 minutes) lost during the 8-hour day to non-clerical activity such as restroom breaks or other personal activity.

2008 Average Annual Availability. The Average Annual Availability for the 2008 CWWL model is 219 days or 100,740 minutes; in 2005 the Average Annual Availability was 220 days or 105,600 minutes (break minutes were included in case weight as part of non-case related minutes). This is fewer than the number of days the court is open (248 days) because the AAA is the average number of days an individual clerical staff member works.

*3. Total FTE Clerical Workload Demand.* The weighted workload, or case work, of the court described above is the major part of the clerical workload (row 35) but not the entire workload. Other activities are part of the clerical workload and must be added to the weighed workload to calculate the total clerical workload. These other activities, travel (row 32) and jury management (row 33), which were measured during the time study, need to be added to the model to calculate the work demands of the court as a whole. The number of minutes required to perform the activity is converted to FTE (Full-Time Equivalent) by dividing the minutes by the

Average Annual Availability (row 31).<sup>3</sup> This value is used in the calculation of resource need and shows the total number of clerical staff needed in the county to process the county's total clerical workload.

Travel Demand. Travel time was reported in the time study, both as work-related travel time and meeting travel time under the training and staff development activity category. The county travel times in the "one building" courts range from 0 to 69 minutes for four weeks with an average of 14 minutes per day. This is much less than the 23 minutes a day reported in 2005 when all counties received a base travel credit of 30 minutes a day for the 248 days a year the court is open for a total of 7440 minutes a year. The 7440 minutes were converted to fractional FTE (0.0739). It is equivalent to the 0.0800 credit in the 2002 model and the 0.0705 credit in the 2005 model, the difference is due to the change in AAA. The 30 minutes a day is credit for time spent going to the post office or the bank or off-site storage and the CWWL Task Team at their January meeting voted to use the 30 minute a day travel time in the 2008 model also.

The non-metro counties with two courthouses and one circuit clerk (Cape Girardeau, Jasper, and Randolph) were contacted and queried as to the average amount of travel between the two courthouses over the course of a year. Cape Girardeau reported 15,000 minutes a year for inter-courthouse travel time and each courthouse received the 30 minutes daily travel time – an additional 14,880 minutes for a total of 29,880 minutes or .2966 FTE. Jasper also reported 15,000 minutes a year for inter-courthouse travel time and each courthouse received the 30 minutes daily travel time for the same total as Jasper. Randolph reported 8640 minutes a year for inter-courthouse travel time and each courthouse received the 30 minutes daily travel time for a total of 23,520 minutes or .2335 FTE.

In the larger courts, and especially the metro courts there is travel time within the courthouse that takes time away from the workday and this should be deducted from the AAA. For example, in Jackson County the main courthouse is 11 stories high and the elevators are slow, a similar situation exists in the City of St. Louis and St. Louis County main courthouses. In addition, the metro courts have multiple court buildings. Jackson County has four court buildings in addition to the main office building; one is a half hour away in Independence, one is

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<sup>3</sup> Conversely, to "back-calculate" the number of minutes credited to individual courts annually, multiply the FTE in the model by 100,740. The estimate will not be exact because of rounding.

fifteen minutes away in downtown Kansas City, and two buildings are across the street. The City of St Louis City has two courthouses across the street from one another as well as a storage area several blocks away and clerks go regularly to retrieve closed files. St. Louis County has the Justice Center across the street and clerks must go through the security lines with the public if they leave the main building. The City of St. Louis reported 6500 minutes of inter-building travel time for 180 participants over the ten-day time study (3.6 minutes per day per person) but this number includes some intra-building travel time due to a misunderstanding of the time study instructions by some participants.

Since there is not good objective quantitative data on which to base travel estimates for the larger courts, travel times for both inter-building travel and intra-building travel are based on a reasonable estimate of the amount of work time lost per person per day. The CWWL approved 15 minutes per day per FTE for the metro courts and 5 minutes per day per FTE for the larger courthouses of St. Charles, Greene, Jefferson, Clay, Boone, and Buchanan. Table 14 shows travel minutes per year and travel credit received for the larger courts (i.e., intra-building FTE travel plus 30 minutes daily). The “intra building” travel time did not appear in the 2002 WWL model but did appear in the 2005 model.

Table 14. Travel Demand Deducted from the Average Annual Availability

COUNTY	TRAVEL MINUTES/YEAR	TRAVEL DEMAND FTE
Boone	53,430	.5304
Buchanan	40,838	.4054
City of St. Louis	582,315	5.7804
Clay	60,356	.5991
Greene	86,280	.8565
Jackson	700,575	6.9543
Jefferson	66,022	.6554
St. Charles	79,368	.7878
St. Louis County	753,135	7.4760

Jury Management Demand. Jury management activities include mailing out the questionnaires, reviewing the questionnaires and dealing with juror requests for excusals, summoning the potential jurors, notifying the potential jurors when a jury trial is cancelled, attending to the jury's needs while in the courtroom, and preparing juror reimbursement. It does not include courtroom clerk activities during a jury trial such as handling and marking exhibits. It also includes grand jury activities for those counties who have grand juries.

Jury management time was estimated in the 2002 CWWL model based on jury management time reported during the time study. Several circuit clerks, especially from smaller courts, cited insufficient time in the 2002 CWWL model for jury management activities as a deficiency of the 2002 CWWL model during telephone interviews in 2005. It was a possibility jury management time was underestimated in the 2002 WWL model, especially for the smaller courts, because the peak period for jury management, the beginning of a term, did not occur for most courts during the time study.

In 2005, an email survey of all circuit clerks was conducted and they estimated how long it takes them (or county paid staff) to perform jury management activities during the year. These estimated times included mailing the qualification forms and summons each term, dealing with the forms and phone calls after the mailing, and the time spent on bringing in a jury pool whether or not a jury trial actually occurred. Approximately half of the 115 counties responded and there was a wide range of responses that were not related directly to size of court as measured by FTE in some cases. These estimated times were used as the basis for predicting jury management times in the 2005 model by using the estimated times in a regression equation with the number of Circuit Civil and Circuit Felony filings. This statistical analysis "smoothes" the variability in estimated hours by the circuit clerks by putting the estimates into a linear formula based on what other circuit clerks reported. For most courts the statistical prediction of jury management minutes was generous and greater than the amount of time estimated by the clerks, but less than was credited in 2002. Once again, insufficient credit for jury management was one of the main comments during the telephone interviews with the circuit clerks in August 2007.

To increase the accuracy of the jury management estimate in the 2008 model, information from the additional 22 courts in the mini-time study in February was used along with the main time study information. In the February mini-time study courts with fewer than 20 FTE were asked to volunteer for a one-month long jury management time study if they would be

completing one or more jury management events during the month. Smaller courts were solicited because the main time study already gathered sufficient jury management information for the larger courts. A jury event was defined as:

1. Mailing out questionnaires to prospective jurors,
2. Reviewing the questionnaires and dealing with excusals etc.,
3. Summoning the juror for a particular trial,
4. Contacting the summoned jurors if the trial is cancelled,
5. Handling the jury pool during trial, and
6. Reimbursing jurors or other post-judgment activity.

Thirty courts showed interest and 22 courts provided time sheets to the consultant. The consultant spoke with the circuit clerk both before the study and after the time sheets were completed to better understand what juror management events would be occurring during February. The goal of the mini-time study was to capture the total amount of time for the above events, but it was not necessary that one court would be dealing with all those events during February.

The more detailed February mini-time study pointed out there is a great deal of variability in how the various courts perform their jury management activity – sending or not sending the summons with the questionnaire, the number of terms in a year (from once a year to weekly), the amount of help the clerk’s office receives from the county Sheriff’s Office in contacting jurors, whether a recording is used to tell potential jurors of a cancelled trial or if they are telephoned, the amount of assistance provided by the presiding judge’s secretary in taking phone calls and other activities among others. The variability made it difficult to analyze the information and extrapolate statewide times for jury management activity.

However, three of the February time study courts and three of the regular time study courts provided information that made it possible to estimate a year’s worth of jury management activity for the court. The courts encompassed a range of court sizes from Ralls at 3.5 to St. Charles at 67 FTE (*see* Table 15).

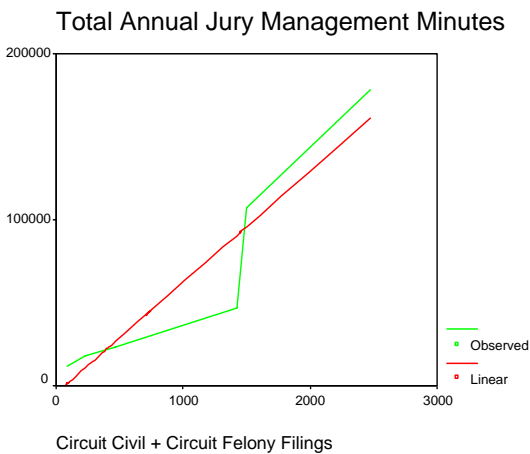


**Table 15. Courts with Complete Jury Management Activity Information**

COURT	FTE	ANNUAL JURY MANAGEMENT MINUTES
Ralls	3.5	11,686
Pike	6.0	18,396
Stone	10.5	23,265
Buchanan	30.5	46,740
Clay	48.0	107,340
St Charles	67.0	178,810

When the combined Circuit Civil and Circuit Felony filings are used to predict the number of jury management minutes, the association is very statistically significant (*see* Figure 2). The combination of filings and minutes provided the linear regression formula used to extrapolate total annual jury management minutes for all 115 jurisdictions in the 2008 model.

Figure 2. Total Annual Jury Management Minutes



The 57 smallest courts in terms of combined Circuit Civil and Circuit Felony courts showed a jury management estimate less than the 11,686 minutes estimated for Ralls County from time study data. Because it is known there is a minimum amount of time needed to perform jury management activities even if there is never a jury trial, all courts with predicted minutes below 11,686 minutes were given the 11,686 minutes (16 hours/month) associated with Ralls (FTE

3.5). The overall result is more total time credited to jury management in 2008 than in 2005 when the clerks estimated their time, but not as much time as credited in the 2002 model when the jury management time was based on the main time study and the larger courts had more influence on the final result (*see* Table 16). In general, a county is credited with less jury management time in the 2008 model as compared to the 2005 model only if there was a decrease in Circuit Civil and Circuit Felony filings since 2005.

**Table 16. Comparison of Jury Management Time in the 2002, 2005, and 2008 Models**

COUNTY	2008 HOURS/MONTH	2005 HOURS/MONTH	2002 HOURS/MONTH
Adair	21.9	25.6	30.3
Andrew	16.2	13.3	15.1
Atchison	16.2	12.5	13.7
Audrain	26.7	23.9	31.6
Barry	38.5	35.7	47.9
Barton	16.2	16.3	20.4
Bates	17.4	22.1	30.8
Benton	16.2	21.8	29.7
Bollinger	16.2	13.8	13.7
Boone	145.6	87.6	133.4
Buchanan	125.5	70.5	115.6
Butler	52.5	44.0	70.9
Caldwell	16.2	13.6	15.4
Callaway	28.4	27.7	41.7
Camden	64.8	48.1	80.9
Cape Girardeau	78.1	70.4	101.4
Carroll	16.2	14.3	15.9
Carter	16.2	14.3	18.3
Cass	68.5	49.1	65.4
Cedar	16.2	18.3	24.0
Chariton	16.2	14.1	15.8
Christian	77.1	39.9	48.5
Clark	16.2	14.0	15.7
Clay	134.1	92.6	160.0

COUNTY	2008 HOURS/MONTH	2005 HOURS/MONTH	2002 HOURS/MONTH
Clinton	16.2	17.9	24.2
Cole	137.2	74.3	130.9
Cooper	16.2	21.6	28.8
Crawford	31.1	31.8	47.1
Dade	16.2	12.9	13.5
Dallas	16.2	21.7	26.4
Daviess	16.2	15.0	15.6
DeKalb	16.2	21.4	26.3
Dent	16.2	17.9	19.8
Douglas	16.2	15.9	20.9
Dunklin	57.7	46.1	69.6
Franklin	88.3	73.8	102.3
Gasconade	16.2	17.0	23.0
Gentry	16.2	11.4	11.5
Greene	347.6	220.3	315.6
Grundy	16.2	19.1	22.0
Harrison	16.2	15.8	22.0
Henry	19.4	24.1	36.9
Hickory	16.2	13.5	16.0
Holt	16.2	11.4	11.2
Howard	16.2	16.3	19.8
Howell	32.2	35.6	48.6
Iron	16.2	20.0	25.9
Jackson	696.6	497.0	737.8
Jasper	113.0	85.2	137.5
Jefferson	201.8	114.9	156.8
Johnson	49.9	35.8	109.8
Knox	16.2	11.7	12.1
Laclede	32.0	32.9	48.5
Lafayette	51.2	40.6	57.4
Lawrence	38.0	40.5	56.1
Lewis	16.2	15.1	17.2
Lincoln	58.9	43.7	64.8

COUNTY	2008 HOURS/MONTH	2005 HOURS/MONTH	2002 HOURS/MONTH
Linn	16.2	16.8	19.7
Livingston	16.2	19.0	27.9
Macon	16.2	23.6	29.6
Madison	16.2	16.6	24.8
Maries	16.2	12.5	12.1
Marion	22.0	26.9	47.1
McDonald	25.7	27.7	39.7
Mercer	16.2	11.2	9.9
Miller	26.5	32.0	44.2
Mississippi	26.4	35.4	40.2
Moniteau	16.2	17.1	20.3
Monroe	16.2	14.1	16.7
Montgomery	16.2	19.9	23.3
Morgan	17.9	23.3	33.4
New Madrid	32.1	30.7	44.2
Newton	57.2	50.9	75.0
Nodaway	16.2	17.9	24.5
Oregon	16.2	14.5	17.1
Osage	16.2	13.1	14.0
Ozark	16.2	14.0	18.8
Pemiscot	34.8	32.9	52.3
Perry	16.2	20.2	26.2
Pettis	41.5	38.4	56.5
Phelps	56.0	37.3	56.5
Pike	16.2	22.0	29.9
Platte	61.3	50.3	77.4
Polk	25.0	24.3	30.3
Pulaski	39.6	28.4	37.6
Putnam	16.2	11.8	12.1
Ralls	16.2	13.5	14.8
Randolph	41.8	38.4	63.7
Ray	22.0	24.6	32.0
Reynolds	16.2	14.5	17.7

COUNTY	2008 HOURS/MONTH	2005 HOURS/MONTH	2002 HOURS/MONTH
Ripley	16.2	16.2	20.4
Saline	23.4	29.6	41.3
Schuyler	16.2	10.2	9.9
Scotland	16.2	11.8	11.0
Scott	62.9	51.8	70.7
Shannon	16.2	13.8	19.8
Shelby	16.2	14.5	16.0
St. Charles	223.8	158.7	256.1
St. Clair	16.2	14.5	15.9
St. Francois	69.5	50.8	80.7
St. Louis City	845.2	631.9	1042.1
St. Louis Count	904.1	617.5	964.1
Ste. Genevieve	16.2	18.2	25.9
Stoddard	46.1	38.5	55.2
Stone	37.5	31.9	41.3
Sullivan	16.2	13.3	13.6
Taney	65.6	51.5	71.1
Texas	21.8	30.9	31.0
Vernon	16.7	25.1	33.1
Warren	31.7	33.2	44.9
Washington	27.7	38.9	64.9
Wayne	16.2	20.2	35.5
Webster	24.9	24.6	26.7
Worth	16.2	9.9	10.4
Wright	19.6	23.3	29.7
<b>TOTAL</b>	<b>6689.9 Hours/Month</b>	<b>5269.9 Hours/Month</b>	<b>7751.8 Hours/Month</b>

The increase in 1420 hours of jury management activity per month in 2008 compared to 2005 is an increase of over 1,000,000 minutes of clerical staff time per year (approximately 10 FTE).

4. *Authorized FTE Clerical Positions.* Row 36 shows the number of authorized clerical positions per county. Any clerical resources provided by the county, such as jury management staff, are not included. Circuit clerks who are also Recorder of Deeds are counted as 0.5 FTE.

5. *The Bottom Line.* Row 37 shows the bottom line, the clerical resource demand for the county in FTE. It is the difference between the clerical resources a county has and the clerical resources a county needs according to the model. It is calculated by subtracting the county clerical workload supply (row 36) from the current clerical demand (row 35). A positive value in row 37 shows predicted clerical resource need in the county. A negative value in row 37 shows predicted clerical resource oversupply in the county.

The percent relative clerical demand shown in row 38 compares resource need across counties. It is the difference between demand and supply (row 37) divided by clerical supply (row 36). By using this value a smaller court that needs one clerk will show a relatively higher percentage of need than a larger court needing one clerk. The court with the greatest need is the court with the largest positive value.

### **III. Comment Period for Draft Report and Model**

At the third meeting of the CWWL Task Team it was agreed the draft report and model would be released to Appointing Authorities and Circuit Clerks to get their input. The CWWL Task Team would meet again on May 2nd to discuss incorporating any suggestions into the final report and model. It was also suggested OSCA staff conduct two or three webinars in April for the clerks to review the CWWL methodology and model and answer any questions. Webinars were held in the afternoon of April 7<sup>th</sup> and the morning and afternoon of April 8<sup>th</sup>. CWWL Task Team members participated in the afternoon webinars. Clerical staff from 41 counties (not counting the CWWL Task Team members) attended the hour-long presentation. Their comments and questions on the report and model along with other written comments are found in Appendix C. The CWWL Task Team met on May 2<sup>nd</sup> via conference call to review the comments. Several of the comments were about whether or not to include credit for processing passport because other county offices are authorized to carry out that function. There was not a quorum at the conference call so the question was put to the task team by e-vote. All but one member voted to keep the passport activity in the model. The final CWWL model was prepared both with and without passport credit at the request of the Circuit Court Budget Committee.

#### **IV. Conclusions and Recommendation**

The 2008 CWWL Model has several improvements over the 2005 CWWL Model. There were twice as many small courts (6 or fewer FTE) in the time study and it was possible to construct eight statistical size clusters of courts from the very smallest (< 4 FTE) to a metro court. The Treatment Court Mini-Study doubled the size of the sample used to calculate a Treatment Court case weight and for the first time there was sufficient sample size to construct a Treatment Court case weight. The issuance of passports was included in the model as a “case weight” and courts that issue passports now receive credit for that activity in the 2008 CWWL model. It was also possible to construct a case weight for garnishment and general execution cases for the first time because all courts but one were on the JIS system and garnishments and general executions were able to be counted in a standardized manner. Constructing a separate case weight for garnishments and general executions credits the courts with the number of garnishments and general executions they actually do process rather than average amount. Jury management activities were estimated better in 2008 because the activity was reported in more detailed categories and the addition of a Jury Management mini-time study supplied additional information on the smaller courts.

The 2008 CWWL is a useful tool, not only for assessing clerical resource need by county, but also for allocating resources within a court (*see* Appendix D) and for documenting emerging trends in the Missouri courts. For example, the information collected in the time study on Protection Orders can be used in obtaining grants from the federal government under the Violence Against Women Act. Not only is there information on the amount of time the clerical staff spends helping pro se Protection Order petitioners, but there is also information available from the 2002 and 2005 time studies to document any trend.

The 2008 CWWL Task Team recommends the Circuit Court Budget Committee approve the 2008 Missouri Clerical Weighted Workload Study Report and Model for use in determining clerical resource need in the next budget cycle.

Appendix A:

Clerical Weighted Workload Task Team:

The Honorable Steven R. Ohmer, Co-Chair

The Honorable Patricia Joyce, Co-Chair

Ms. Rhonda Chasteen, Stoddard County

The Honorable Karl DeMarce, Scotland County

The Honorable Glen Dietrich, Nodaway County

Ms. Sandy Dowd, Platte County

The Honorable David Evans, 37<sup>th</sup> Judicial Circuit

The Honorable Mark Fitzsimmons, Greene County

Ms. Joan Gilmer, St. Louis County

Ms. Melinda Gumm, Cedar County

Mr. Steven Haymes, Clay County

Ms. Ann Henry, Macon County

The Honorable James K. Journey, 27<sup>th</sup> Judicial Circuit

The Honorable Greg Kays, 26<sup>th</sup> Judicial Circuit

Ms. Becky Paulus, Perry County

Ms. Marilyn Robertson, Pettis County

Ms. Tracy Smedley, Jackson County

Ms. Beth Wyman, Taney County





Appendix C:

Input During Comment Period

<b><u>CIRCUIT/COUNTY</u></b>	<b><u>PERSON</u></b>	<b><u>COMMENTS</u></b>	<b><u>CWWL TASK TEAM RECOMMENDATIONS</u></b>
30 – Benton	Cheryl Schultz	<p>I asked Nancy Griggs during the webinar about the credit given to the Clerk's who are the Recorder of Deeds and she indicated that the FTE's that are stated in the study would be what is used in the future. That is understandable, but, is still does not accurately reflect my status for 2005, 2006 and 2007, which is the timeframe the study covers. So, when our Circuit looks at my FTE it looks as if I have been overstaffed for three years, when in fact I just received an additional FTE in 2007 and I am still Recorder until 2009. The study states that credit is given for the ones who are Recorders, so, I just feel like this needs to be documented that Benton County was not overstaffed when this study was completed.</p> <p>Our Circuit just had their Court En Banc meeting on yesterday, and these figures were shared at that time.</p>	<p>The model is being used for FY09 reallocation and FY10 budget requests, so model should reflect the circuit clerk as a full time employee since that will be the permanent situation after January 1, 2009. However, the model should have a footnote indicating the change for the five counties that will be separating Recorder of Deeds from Circuit Clerk.</p>
25 - Phelps	Sue Brown	<p>I didn't say anything but Phelps County also has turned over the Passports to the County Commissioners. They are done out of the County Clerk's office and it is revenue for the County. I went to training on Passports and found out there were counties doing passports through a county office so when the money changed I gave it to the County. From what the Clerk's office has indicated about the number of passports having gone up, my clerk's are thrilled that we don't do them.</p>	<p>CWWL Task Team recommends previous Task Team decision to give passport credit and leave final decision to CCBC.</p>
38 – Taney	Brenda Neal	<p>I think several of the ideas seem very appropriate.</p> <ol style="list-style-type: none"> <li>1. I definitely agree we need to be getting more credit for issuance of garnishments/executions.</li> <li>2. On treatment cases, we keep 2 separate cases, which takes more time.</li> <li>3. Additional day of sick leave seems like a good idea.</li> <li>4. Separate credit for break time, not sure I understand that and 16 hours per month for jury management would get closer to</li> </ol>	<p>No action necessary since clerks' comments supported the Task Team decisions.</p>

		the time we use.	
		Table on page 20 - * for juvenile delinquency – what does it mean?	* was removed. It was a typographical error.
24 – Randolph	Peggy Boots	<p>There are two areas that I would like explored for the task team regarding work load.</p> <p>1. Rule 17 Supreme Court Time Standards and Rules of the Fourteen Judicial Circuit Rule 20 Case management.</p> <p>We have implemented these practices within my Circuit and this does take a lot of extra time and effort to enforce and I think that if this is done that the county that achieves this task and meets all of the requirements should be compensated. Both of these rules take a lot of extra time and effort to implement in a daily basis. At the present time I know there are just a few courts that are meeting these requirements within the State of Missouri.</p> <p>2. During the election process, If there is a hiring freeze in place on your court, and a Deputy Clerk runs for the office of Circuit Clerk and is elected, they basically lose that position. If a party is not a member of the circuit clerks office and runs for the office and is elected then the position is not lost.</p>	<p>1. Rule 17: Task Team recommends that Time Standards compliance should be considered as one of the criteria for time study selection for the next study.</p> <p>2. Not an issue for Task Team decision, comment will be forwarded to CCBC</p>

Appendix C:

Input During Comment Period

<b>ISSUES DISCUSSED DURING WEBINARS</b>
1. If a court doesn't do much in Treatment Court Work, do the clerks still get credit? <i>Nancy responded "Yes, they do."</i>
2. Is there a way to break down to see if there should be shifting or moving of staff? <i>Nancy referred them to page 58 of the report, which explains how to calculate the number of staff needed to process a group of case categories.</i>
3. Participants asked if they had a copy of the Ranking Guidelines. <i>It has been posted on MCIC with the Draft Report.</i>
4. Participants felt that the explanation of mean and median methods were very helpful.
5. The issue of passport issuance was discussed. Many post offices no longer do them. It was asked if any Federal funds were available for passports. <i>Nancy said the clerks were able to retain a fee of \$25/passport.</i>
6. Who do the courts contact for verification of figures? <i>After CCBC approval the end of May, call the OSCA Helpdesk.</i>
7. One of the circuit clerks indicated she won her current position in an election and due to the hiring freeze, couldn't replace herself. <i>She was asked to submit comment in writing (see above).</i>
8. Marianno Favazza of St. Louis said that the report showed they were overstaffed by 2 FTE. He said that his office was NOT overstaffed. It must be in the Probate court. <i>Explanation provided that need is based on all offices in the county and the model can be used to assist in determining staff need per case category.</i>
9. Passport issuance was brought up at another Webinar. The clerk said she has a problem giving weight to this activity because it is an option per staffing guidelines. If a court is overworked, they shouldn't issue passports. Again, it was mentioned that some post offices have quit issuing passports.
10 Jo McElwee indicated that she quit doing passports in Camden County. It came to her attention other government agencies can be approved to issue passports. Therefore, in Camden County the County Commission issues passports.

## **Appendix D:**

### **How to Calculate the Number of Staff Needed to Process a Group of Case Categories**

The CWWL model can be used to allocate staff within a court. For example, if the Adair County Circuit Clerk wondered how many people of the total 7.8 clerical staff should be assigned to Civil cases, the calculations below are helpful.

For each case category in the model, multiply the case weight (the average amount of time to process a case) by the number of annual filings. The result is the number of workload minutes for each case category for the year. Then divide the workload minutes for each case category by 100,740 minutes (the Average Annual Availability) to convert the workload to FTE.

General Circuit Civil: 624 minutes x 90 filings = 56,160 minutes / 100,740 =	.56 FTE
Time Intensive: 1248 minutes x 10 filings = 12,480 minutes / 100,740 =	.12 FTE
Simple Civil Circuit: 30 minutes x 254 filings = 7620 minutes / 100,740 =	.08 FTE
Domestic Relations: 428 minutes x 203 filings = 86, 884 minutes / 100,740 =	.86 FTE
Protection Order: 139 minutes x 99 filings = 13,761 minutes / 100,740 =	.14 FTE
Associate Civil: 136 minutes x 585 filings = 79,560 minutes / 100,740 =	.79 FTE
Small Claim: 115 minutes x 66 filings = 7590 minutes / 100,740 =	.08 FTE
Garnishment & Execution: 50 minutes x 708 filings = 35,400 minutes / 100,740	.35 FTE
Adoption: 232 minutes x 11 filings = 2552 minutes / 100,740	<.01 FTE
<b>TOTAL CIVIL WEIGHTED WORKLOAD</b>	<b>2.99 FTE</b>

*One way to allocate the three people would be:*

One person responsible for Domestic Relations, Protection Orders, and Adoption (1.1 FTE)

$$.86 + .14 + .01 = 1.01 \text{ FTE}$$

One person responsible for General Circuit Civil, Time Intensive, and Garn/Exe (1.03 FTE)

$$.56 + .12 + .35 = 1.03 \text{ FTE}$$

One person responsible for Simple Civil Circuit, Associate Civil, Small Claim (.95 FTE)

$$.08 + .79 + .08 = .95 \text{ FTE}$$

*Whereas assigning Associate Civil (.79) and Garnishment/General Execution (.35) to one person may be too heavy a workload (1.14) according to statewide averages*