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Summary of Missouri's Judicial Weighted Workload Study

An overview

Missouri's judiciary has been increasingly attentive in recent years to finding ways to improve its efficiency in administering its affairs wisely as it fulfills its constitutional obligation to the citizens of this state to decide their cases in a fair and impartial manner that is loyal only to the law and the constitution. As part of this obligation, the judiciary has opened itself to evaluations, from the inside and the outside, to ensure that its process for using and distributing the state's resources is thoughtful and wise and based on facts.

One important part of this evaluation process is a judicial weighted workload study, which the National Center for State Courts conducted with Missouri's trial court judges this spring. In contracting with the National Center to conduct the study, the judiciary recognized that there is no consistent understanding of judicial resource needs, leaving neither judges nor their constitutional partners in the legislature with a consistent or coherent method for making decisions concerning allocation or approval of new judicial personnel resources.

Population figures and numbers of cases filed provide only a glimpse of the picture because cases vary in the level of complexity and amount of judicial time and attention needed to be resolved successfully. Just counting cases filed means that a 15-minute hearing involving a traffic ticket and a two-week murder trial each counts as one case, but each obviously has a much different impact on judicial time, both in preparation and in the courtroom. Likewise, time that judges spend on administrative duties is essential to the operation of the courts. In rural areas, especially, where one circuit may include as many as five counties, judges must spend time moving from county to county just to hear cases, and it is important to account for this travel time.

To get a true picture of our needs across the state, we have undertaken a substantial study – the first of its kind in Missouri – to review the weighted workload of Missouri's trial judges. This assessment was performed by the National Center for State Courts, which in the past 10 years conducted judicial weighted workload studies in 20 states and two U.S. territories. In conducting Missouri's study, the National Center used methodology similar to that used in these previous studies as well as in the studies conducted in 2002 and 2005 to determine case weights for court clerks. The weighted caseload method uses time as a measure for workload and is based on the assumption that the more judicial time required to process a case from filing to resolution, the more judicial work that case involves.

Missouri's methodology

In performing the study here, the National Center worked with a steering committee chaired by John O'Malley, circuit judge in Jackson County, and Byron Lubber, associate circuit judge in Pemiscot County, and comprised of circuit and associate circuit judges from both urban and rural courts geographically dispersed throughout the state. The steering committee identified the appropriate categories into which Missouri's trial court cases fall – called "case types" in the study. These 19 case types are consistent with those used in the clerks' weighted workload study.

In March 2007, more than 99 percent of Missouri's circuit judges, associate circuit judges and commissioners – a record-high level of participation in any study the National Center has conducted – logged their time every minute of every workday for four weeks. When senior judges or law clerks were performing judicial tasks, they logged their time as well. Participants noted the amount of time they spent working on "case-related activities" within the 19 case types as well as on non-case-related functions such as committee meetings, community activities, administrative duties, and general research and reading to stay current with the law.

Certain measures of time are important in the judicial weighted workload study. First is the "judge year" – the number of days each year that are available to judges to hear cases. In Missouri, the "judge year" is calculated as 219 days – calculated as 365 days in the year minus the 104 weekend days; the 12 days given as state holidays; 20 days for vacation, sick, bereavement and military leave; and 10 days used for judicial education and training. The last two numbers were based on reasonable estimates provided by the steering committee. Missouri's judge year of 219 days is slightly longer the judge year of only 212 days that is the average judge year from 37 studies conducted in the last decade.

The next time measure important to the judicial weighted workload study is the ideal "judge day" – which the steering committee determined begins at 8 a.m., ends at 5 p.m., and includes one hour for lunch and 30 minutes for breaks. That day then had to be broken down into three parts. First is the time spent on work-related travel, which the study shows ranges from about 10 minutes per day in a single-county circuit to nearly 45 minutes a day in a five-county circuit. Second is the time spent on non-case-related activities, which the study shows is an average of 1.65 hours each day. Finally is the time judges devote to case-related matters, which the study shows ranges from 5.12 hours per day in a ~~ulpi~~ ^{single} county circuit to 5.69 hours per day in a ~~hxxg~~ ^{five} county circuit.

The final time measure important to the judicial weighted workload study is the "judge year value" – an estimate of the amount of time the average trial judge has to hear cases during the year. This figure is calculated by multiplying the number of hours available in a day for case-specific work by the judge year of 219 days. In Missouri, the study shows the judge year value ranges from nearly 67,300 minutes in a ~~ulpi~~ ^{single} county circuit to nearly 74,800 minutes in a ~~hxxg~~ ^{five} county circuit.

What cases require the most time?

Once all the data was collected from the four-week study and compiled, the results were extrapolated to 12 months and then divided by the number of filings for each case type in calendar

2006. The ensuing figures are the preliminary "case weights" – average amount of judicial time required to handle a particular case from filing to resolution – for each case type.

The National Center's research staff and members of the steering committee then held focus groups with judges around the state in April 2007 to share initial research results and to determine whether any anomalies occurred during the data collection month that might have skewed results, whether the preliminary case weights (amount of judicial time needed for a particular case type) appeared valid on their faces or whether there was anything unique about a particular circuit that might require a particular case type to be given greater or lesser weight. After much discussion, neither focus group members nor the steering committee believed any of the case weights should be adjusted for unique circumstances.

As a result, of the 19 case types, those with the greatest weight are:

1. Sexual predator cases, requiring an average of 1,432 minutes per case.
2. Juvenile and family treatment court cases, requiring an average of 476 minutes per case.
3. Adult treatment court cases, requiring an average of 389 minutes per case.
4. Time-intensive (complex) civil cases in circuit court, requiring an average of 292 minutes per case.
5. General civil cases in circuit court, requiring an average of 147 minutes per case.
6. Cases involving decedents' estates, requiring an average of 141 minutes per case.
7. Domestic relations cases (excluding those for protective orders), requiring an average of 140 minutes per case.
8. Felony cases in circuit court, requiring an average of 124 minutes per case.
9. Cases involving the estates of minors or those found to be incapacitated, requiring an average of 121 minutes per case.
10. Cases involving child abuse or neglect, adoption, or termination of parental rights, requiring an average of 111 minutes per case.

Cases given the least weight are:

17. Mental health cases involving petitions for involuntary detention and other mental health applications, requiring an average of 13 minutes per case.
18. Civil cases in associate circuit court, requiring an average of 12 minutes per case.
19. Cases involving traffic, watercraft, conservation and municipal violations, requiring an average of 4 minutes per case.

What is the impact on allocating Missouri's judicial resources?

Once the judge year value and case weights have been established, it is possible to calculate judicial case-related demand by dividing the judicial workload value (the annual number of minutes of work required given the number of cases filed and the relative case weights) by the judge year value, which ranged from nearly 67,300 minutes for five-county circuits to nearly 74,800 minutes for single-county circuits. The resulting number represented the number of full-time equivalents (FTEs) of judges or commissioners needed to manage the work of a given circuit court.

The overall picture appears to be consistent with what might have been anticipated by considering how resources already are shared through the judicial transfer program. Of the state's 45 judicial circuits, it appears that 40 percent (18 circuits) will be within one judicial resource from the need shown in the study. These circuits do not normally need additional judicial resources. Only three circuits – three of the state's largest circuits in terms of numbers of existing judicial personnel – may need more than five additional full-time equivalent judicial resources. Three other circuits may be found to need additional resources equivalent to more than half their current available judicial resources, but all three currently draw from the pool of senior judges or the judicial transfer program and so as a practical matter have already resolved some of this need. And only two circuits – one urban (and only if one includes commissioners as well as judges in the count of available judicial personnel) and one rural, multi-county circuit – have more than three judicial officers more than they need to manage their daily case loads, but both already are sharing or are willing to share their judicial resources with nearby circuits through the judicial transfer program.

Although Missouri would theoretically need numerous additional judges to meet these needs, in nearly all circuits the transfer program and judicious use and allocation of senior judge and other resources, as well as the willingness of Missouri's judicial personnel to work above and beyond the hours which should be considered the norm according to the study, has allowed all cases to be heard without undue delay and with adequate attention to each case.

Further examination will be warranted of the individual circuits' judicial case-load demands, as will further discussion of how to utilize senior judges and the transfer of judicial personnel to share the circuits' case-load demands, and whether particular circuits in busy areas of growing population might need to develop a long-term plan for funding additional judicial resources.

ATTACHMENTS

Missouri Judicial Weighted Workload Summary Chart

This chart provides a list ranked by the number of judges/commissioners needed by each judicial circuit. Those with the greatest need appear at the top of the list. Included in the chart are:

- a. Rank (from highest to lowest)
- b. Circuit numbers and counties that are within each circuit
- c. Traffic case filings for Calendar Year 2006 used in the Judicial Weighted Workload Model. For courts not in the Fine Collection Center (FCC), the numbers were adjusted to reduce by the number which would be filed if the court was in the FCC. Traffic case filings are shown in a separate column since they require only four (4) minutes of judicial time per case.
- d. Non-traffic case filings for Calendar Year 2006, adjusted to include original filings only as used in the Judicial Weighted Workload Model.
- e. 2006 population.
- f. Case specific workload hours needed. This number reflects row 21 of the Missouri Judicial Weighted Workload Model converted to hours. This does not include any non-case related time which is considered in the judge availability in the model (e.g., leave, travel time, research and administrative work).
- g. Current number of Circuit Judges, Associate Judges, and Commissioners (Drug Court, Family Court, and Probate).
- h. Judges and Commissioners needed are shown as a positive number. Judges available for transfer are shown as a negative number. This number has been rounded to the nearest .5.

Missouri Judicial Weighted Workload Summary Map

By color, each circuit is categorized as follows:

Those that need Judges/Commissioners:

- a. Dark Green – need greater than 5 Full Time Equivalent (FTE)
- b. Light Green – need 1-5 Full Time Equivalent (FTE)

Those that have Judges/Commissioners available to transfer:

- a. Yellow – less than 1 Judicial Resource available for transfer
- b. Orange – greater than 1 Judicial Resource available for transfer

Missouri Judicial Weighted Workload Summary Chart
Ranked by Number of Judges/Commissioners Needed
(Rounded to nearest .5)

Rank	Circuit Number and Counties within Circuit		General Information			Case Specific Workload					
			Traffic Case Filings ⁽¹⁾	Non-Traffic Case Filings ⁽¹⁾	2006 Population	Hours of Judge Workload to do Case Load ⁽²⁾	Current # of Judges/Comm. Available				Judges/Comm + = Needed - = Available for Transfer
							Circuit	Associate	Comm ⁽³⁾	Total	
1	21	St. Louis County	8,279	78,039	1,000,510	59,968	20	13	6	39	9
2	31	Greene	4,482	31,112	254,779	26,110	5	4	5	14	7
3	16	Jackson	5,909	68,927	664,078	54,907	19	9	8	36	6
4	38	Christian & Taney	3,963	12,549	114,284	10,804	1	4	0	5	4
5	11	St. Charles	10,712	23,922	338,719	19,424	6	6	0	12	3.5
6	13	Boone & Callaway	7,426	21,808	189,120	16,775	4	6	1	11	3
7	40	McDonald & Newton	4,309	9,792	78,996	8,124	1	3	0	4	3
9	7	Clay	5,480	17,392	206,957	12,989	4	3	1	8	2.5
9	19	Cole	1,244	9,218	73,296	7,982	3	1	0	4	2.5
10	5	Andrew & Buchanan	4,331	13,333	102,132	10,747	4	3	0	7	2
11	24	Madison, St. Francois, Ste. Genevieve & Washington	4,910	14,296	116,720	11,089	2	5	1	8	2
12	26	Camden, Laclede, Miller, Moniteau & Morgan	3,805	14,826	136,171	12,297	2	7	0	9	2
13	29	Jasper	2,258	14,424	112,505	11,157	3	3	1	7	2
14	39	Barry, Lawrence & Stone	3,805	11,127	105,186	10,210	1	6	0	7	2
15	25	Maries, Phelps, Pulaski & Texas	5,168	13,651	118,976	11,211	2	6	0	8	2
16	32	Bollinger, Cape Girardeau & Perry	2,357	10,442	102,854	9,039	2	4	0	6	1.5
17	33	Mississippi & Scott	1,359	8,810	54,838	8,086	1	3	1	5	1.5
18	35	Dunklin & Stoddard	1,261	10,306	62,031	8,734	1	4	1	6	1.5
19	36	Butler & Ripley	1,697	7,387	55,519	6,356	1	3	0	4	1.5
20	45	Lincoln & Pike	4,071	6,965	68,689	6,256	1	3	0	4	1
21	30	Benton, Dallas, Hickory, Polk & Webster	7,802	10,658	109,770	9,200	1	6	0	7	1
22	17	Cass & Johnson	6,597	11,223	146,427	9,585	2	5	0	7	1
23	20	Franklin, Gasconade & Osage	6,438	11,123	129,199	9,205	2	5	0	7	1
24	18	Cooper & Pettis	3,358	6,594	57,961	5,537	1	3	0	4	*
25	12	Audrain, Montgomery & Warren	6,478	7,783	67,594	6,421	1	3	1	5	*
26	34	New Madrid & Pemiscot	3,094	6,202	37,477	5,362	1	3	0	4	*
27	14	Howard & Randolph	1,118	4,800	35,387	3,921	1	2	0	3	*
28	27	Bates, Henry & St. Clair	5,645	5,623	49,424	4,808	1	3	0	4	*
29	23	Jefferson	6,783	17,177	216,469	15,108	6	6	0	12	*
30	6	Platte	3,974	8,903	83,061	6,097	2	3	0	5	*
31	15	Lafayette & Saline	5,605	5,963	56,082	5,794	1	4	0	5	*
32	37	Carter, Howell, Oregon & Shannon	5,477	7,839	63,600	6,486	1	5	0	6	*
33	10	Marion, Monroe & Ralls	2,625	5,590	47,746	4,262	1	3	0	4	*
34	44	Douglas, Ozark & Wright	1,839	4,401	41,448	4,243	1	3	0	4	*
35	8	Carroll & Ray	1,546	3,402	34,057	2,857	1	2	0	3	*
36	28	Barton, Cedar, Dade & Vernon	1,869	5,475	55,272	4,769	1	4	0	5	-1
37	2	Adair, Knox & Lewis	955	3,961	38,706	3,317	1	3	0	4	-1
38	41	Macon & Shelby	1,222	2,500	22,296	2,111	1	2	0	3	-1
39	42	Crawford, Dent, Iron, Reynolds & Wayne	5,078	8,228	69,108	7,184	2	5	1	8	-1.5
40	9	Chariton, Linn & Sullivan	1,800	2,955	27,696	2,531	1	3	0	4	-2
41	43	Caldwell, Clinton, Daviess, DeKalb & Livingston	5,821	6,614	64,656	5,678	2	5	0	7	-2
42	3	Grundy, Harrison, Mercer & Putnam	2,540	3,161	27,874	2,763	1	4	0	5	-2.5
43	1	Clark, Schuyler & Scotland	1,273	1,891	16,498	1,613	1	3	0	4	-2.5
44	4	Atchison, Gentry, Holt, Nodaway & Worth	3,481	2,971	41,364	2,716	1	5	0	6	-3.5
45	22	City of St. Louis	470	49,319	347,181	42,808	24	7	7	38	-4
TOTALS							141	193	34	368	

as of January 7, 2008

⁽¹⁾ - Filings are for Calendar Year 2006

⁽²⁾ - Minutes of Case-Specific Workload (Row 21 of Missouri Judicial Weighted Workload Model) converted to hours

⁽³⁾ - Number of Commissioners includes Drug Court, Family Court and Probate Commissioners

* - Number of Judicial Resources within .5 of need

Missouri Judicial Weighted Workload Summary Map

January 7, 2008

(Rounded to nearest .5)

