



**MISSOURI CIRCUIT COURT
JUDICIAL WORKLOAD ASSESSMENT STUDY**

October 17, 2007

**NATIONAL CENTER FOR STATE COURTS
COURT SERVICES DIVISION
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Denver, Colorado 80202**

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Over the course of this study we were fortunate to work with a distinguished JWWL Steering Committee that was instrumental in clarifying the approach and content of this workload assessment project. This committee of judges from across the state of Missouri provided primary project oversight. The members are to be commended for the direction, support and leadership they provided throughout the project.

Additionally, nine separate focus groups of judges were held in various locations across the state. Each session included a representative of the JWWL Steering Committee and judges from the area in which the focus group was held. The judges who participated in these focus groups provided essential insight and comments on the work performed by judges across Missouri.

Missouri Circuit Court Judicial Weighted Workload Steering Committee

John O'Malley, Co-Chair
Circuit Judge
16th Judicial Circuit
Jackson County

Byron Luber, Co-Chair
Associate Circuit Judge
34th Judicial Circuit
Pemiscot County

Judge Alan Blankenship
Associate Circuit Judge
39th Judicial Circuit
Stone County

Judge Don Burrell
Circuit Judge
31st Judicial Circuit
Greene County

Judge Michael Calvin
Circuit Judge
22nd Judicial Circuit
City of St. Louis

Judge Robert Clayton
Circuit Judge
10th Judicial Circuit
Marion, Ralls, Monroe Counties

Judge Glen Dietrich
Associate Circuit Judge
4th Judicial Circuit
Nodaway County

Judge Gene Hamilton
Circuit Judge
13th Judicial Circuit
Boone, Callaway Counties

Judge Patricia Joyce
Circuit Judge
19th Judicial Circuit
Cole County

Judge Michael Midyett
Associate Circuit Judge
9th Judicial Circuit
Chariton County

Judge Peggy Richardson
Associate Circuit Judge
26th Judicial Circuit
Moniteau County

Judge Nancy Schneider
Circuit Judge
11th Judicial Circuit
St. Charles County

Judge Barbara Wallace
Circuit Judge
21st Judicial Circuit
St. Louis County

Executive Summary

The Missouri courts face a challenge shared by many states in determining the optimum number of judges needed to successfully complete the work of the courts. Maintaining an adequate level of judicial resources is essential to effectively manage and resolve the business of the courts while upholding a high level of customer service. In order to meet these challenges, an objective assessment of the number of judges needed to handle caseloads is necessary. To this end, the Supreme Court of Missouri contracted with the National Center for State Courts (NCSC) to conduct an objective workload assessment study for the courts. This report addresses the judicial needs assessment.

As is true in all courts, cases in the Missouri Circuit Courts vary in the level of complexity and amount of judicial time and attention needed to be successfully resolved. Given that judicial officers handle multiple cases with varying levels of complexity, measuring judicial workload can appear to be an arduous task. This study utilized a weighted workload assessment methodology with a time study data collection procedure to translate judicial workload into individual case weights.

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, the more work is involved. Assessing the judicial workload through the development of a weighted caseload model is a rational, credible and practical method for determining the need for judicial resources and is being adopted by an increasing number of states.

A case weight is defined as the average amount of judicial time needed to handle a particular case from filing to resolution. Thus, weighted caseload translates numbers of court cases (court filings) into workload for judicial officers. While case filings alone can help determine the demands placed on state courts, unadjusted case-filing numbers offer only minimal guidance as to the work generated by those case filings. Since cases vary in complexity, and different types of cases require different amounts of time and attention from judicial officers, different weights are required to determine the need for judicial resources. To account for this variation and complexity among different case types, specific case weights are developed. By weighting court case filings, a more accurate assessment can be made of the amount of time required to process the caseload, and caseload can be translated into workload and resource needs.

The NCSC consultants worked closely with the Judicial Weighted Workload Steering Committee made up of thirteen Missouri judges to guide the decisions made throughout the

study. These experts helped to ensure that the design of the study and the interpretation of the data were consistent with the state’s practices, laws and policies.

Judicial Workload Estimate: Key Concepts and Study Process

The primary goal of the Missouri Circuit Court Judicial Workload Assessment Study is to provide an accurate picture of the amount of time judicial officers need to resolve different types of cases in a manner that is both timely and responsive to the needs of court constituents. To do this, we used an approach to judicial workload that provided judges with a structured process to develop draft case weights and to assess their reasonableness, given current case processing practices. The basic components of the project are summarized below.

- **The Judicial Weighted Workload (JWWL) Steering Committee**

This policy committee of thirteen Circuit Court and Associate Circuit Court Judges was appointed by the Supreme Court of Missouri to work with the NCSC on this study. The role of the JWWL Steering Committee was to provide guidance and oversight during the life of the project. Members of this committee were also present at on-site training sessions and at the focus groups held throughout the state to discuss the preliminary case weight findings.

- **Determination of case type categories for which time standards (case weights) would be developed**

NCSC consultants worked with the JWWL Steering Committee to determine how cases should be categorized to generate the most useful case weights for the Missouri Circuit Courts. Identifying the most suitable case type categories is important because they are the foundation of measured workload. Knowing the average time different types of cases take allows estimation of judge need in relation to the number and relative complexity of cases heard by the court. The appropriate choice of case types must reflect the way cases are actually counted in the state.

The JWWL Steering Committee identified 19 case types for which case weight standards would be developed. These case types are consistent with those used in the Missouri Clerks’ weighted caseload study to provide consistency across models and resource needs development. The 19 case types, which are presented in Figure ES-1, can be categorized into five major categories.

Figure ES-1: Missouri Circuit Court Judicial Workload Study Case Type Categories

CIVIL CASES Time Intensive (Complex) Circuit Civil General Circuit Civil Associate Civil Small Claims	TREATMENT COURTS Adult Criminal Treatment Court Juvenile/Family Treatment Court
PROBATE/MENTAL HEALTH CASES Decedent's Estates and Trusts Incapacitated / Minor's Estates Petitions for Involuntary Detention / Applications for Mental Health Application Simple Probate Sexual Predator	CRIMINAL/TRAFFIC CASES Circuit Felony Associate Felony Misdemeanor / Non-traffic Infraction / Municipal Certification / Trial De Novo Traffic / Municipal Ordinance / Watercraft Conservation
DOMESTIC / FAMILY CASES Domestic Relations Protection Order Abuse and Neglect / Adoption / Termination of Parental Rights Juvenile Delinquency / Status Offense	

- **Determination of judge day and judge year standards for case-related and non-case-related time**

The judge year, judge day and judge year value are important figures to determine at the onset of a time study. These figures establish the average amount of time judicial officers in Missouri have in a year to work on cases. Arriving at this value is a two-stage process that entails calculating how many days per year are available to judges to hear cases (the *judge year*) and then determining how the business hours of each day are divided between case-related and non-case-related work (the *judge day*). Multiplying the number of days times the business hours gives the *judge year value*, which is an estimate of the amount of time the “average judicial officer has to hear cases during the year.”

The Judge Year. The computation considers the number of days in a year (365) and subtracts time for weekends, holidays, vacation days and leave (vacation, sick, bereavement and military) for which judicial officers would not be expected to work. For Missouri judicial officers, the Judge Year is 219 days, which is slightly higher than the average Judge Year of 212 days¹.

The Judge Day. The JWWL Steering Committee determined that the standard judge day is nine hours (representing a typical 8:00-5:00 work-day). This nine-hour day includes a one-hour lunch and 30 minutes for breaks and personal time, allowing for 7.5 hours of working time each day. The judge day is separated into three parts: the amount of time devoted to case-related matters, non-case-related-matters and work-related travel.

¹ According to the study *Examination of NCSC Workload Assessment Projects and Methodology: 1996-2006*, conducted by John Douglas in 2007, the average judge year used in 37 studies conducted between 1996 and 2006 is 212 days.

Distinguishing time associated with case-related work, non-case-related work and travel provides clear recognition that judicial officers have many responsibilities during the day, so judicial officers recorded time associated with all of these activities. In Missouri, it was recognized that the size of the circuit directly impacts the amount of work-related travel time required by judicial officers to conduct their work. For this reason, travel time was averaged by circuit size (the number of counties within a circuit), which ultimately impacts the amount of time available for case-related work.

Data recorded during the time study indicated that judicial officers require an average of 1.65 hours to complete non-case-specific activities, leaving 5.85 hours (in a 7.5 hour work-day) for case-specific work and travel. As indicated above, the travel times built into the Judge Year Value are based upon the actual average recorded, by circuit size, during the time study. This time was deducted from the 5.85 hours of time available after accounting for non-case-related work (providing for between 5.12 and 5.69 hours per day for case-specific work). Figure ES-2 presents the calculation of the Judge Day.

Judge Year Value. Multiplying the judge year (219 days) by the number of hours in a day available for case-specific work (which ranges from 5.12 to 5.69 hours per day) gives you the amount of time available per year for judicial officers in Missouri to work on cases. Thus, the judge year value for Missouri ranges from 67,277 to 74,767 minutes of case-specific time per judge per year (219 days x [5.12 to 5.69] hours per day x 60 minutes per hour).

Figure ES-2: Calculating the Judge Day

	1- County Circuits	2- County Circuits	3- County Circuits	4- County Circuits	5- County Circuits
Total Hours per Day	9	9	9	9	9
	<i>Subtract</i>				
	<i>Lunch and</i>				
	<i>Breaks</i>				
	-	1.5	1.5	1.5	1.5
	=	7.5	7.5	7.5	7.5
Total Travel	0.16	0.45	0.60	0.66	0.73
Total Non-Case-Specific	1.65	1.65	1.65	1.65	1.65
Total Case-Specific	5.69	5.40	5.25	5.19	5.12
Total Working Hours per Day	9	9	9	9	9

- **Time study and determination of preliminary case weights**

During the four-week period March 5 through March 30, 2007, 357 of the 360 Circuit Court Judges and Commissioners fully participated in the time study (99.2% participation rate). Additionally, law clerks and senior judges participated in the time study when they completed judicial tasks. Judicial officers recorded their time on a paper-based time tracking form, and then transferred this information to a web-based data entry program (see Figure 1). Once submitted, the data were automatically entered into NCSC's secure database. By collecting data from judicial officers across the state, rather than using a sample ensures that sufficient data is collected to provide an accurate average of case processing times for all case types identified². Explicitly stated, this method provides that all judicial officer time is accounted for throughout the state. Since the data are collected and analyzed on a statewide basis, there is no ability for a single judge or a particular circuit to impact the numbers unfairly.

To calculate preliminary case weights, the average amount of judicial time required to handle a particular case from filing to resolution, the one-month time data was extrapolated to 12 months and divided by the number of filings for each case type in calendar year 2006. The result provides a picture of current judicial practice in Missouri.

- **Qualitative Review: Focus Groups and Judicial Weighted Workload Steering Committee**

To determine whether the case weights adequately and accurately represent average amount of time judicial officers need to bring court cases to resolution, two complementary sets of meetings were held. First, focus groups were held in nine locations across the state to discuss the preliminary case weights derived from the time study. Second, after the focus group meetings were held and the information was summarized, the NCSC team met with the Judicial Weighted Workload Steering Committee to present focus group results and case weight details. The final case weights are presented in Figure ES-3.

² Circuit Judges, Associate Circuit Judges, Commissioners and Senior Judges reported a total of 3,197,309 minutes of time during the time study; law clerks reported a total of 161,510 minutes, or 4.8% of the total time reported during the time study.

Figure ES-3: Final Circuit Court Judicial Case Weights

Case Type	Case Weight (Minutes)
Time Intensive Circuit Civil	292.0
General Circuit Civil	147.0
Associate Civil	12.0
Small Claims	22.0
Domestic Relations (excluding protection orders)	140.0
Protection Orders	19.0
Abuse & Neglect/Adoption/Termination of Parental Rights	111.0
Juvenile Delinquency/Status Offense	88.0
Circuit Felony	124.0
Associate Felony	34.0
Misdemeanor /Municipal Certification/ Trial de Novo	24.0
Traffic/Watercraft Conservation/Municipal	4.0
Decedent's Estates	141.0
Incapacitated and Minor Estates	121.0
Simple Probate	43.0
Mental Health: Involuntary Detention Petition/Mental Health Applications	13.0
Sexual Predator	1,432.0
Adult Treatment Court	389.0
Juvenile/Family Treatment Court	476.0

Once the judge year value and case weights have been established, the calculation of judicial officers needed to manage the workload of the Missouri Circuit Courts is completed. Judicial case-related demand is calculated 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 (between 67,277 and 74,767 minutes, depending on the number of counties in the circuit). The resulting number represents the judicial case-related full time equivalents (FTE) needed to manage the work of the court. Figure ES 4 displays the steps taken to compute judicial officer demand.

Figure ES 4: Calculation of Judicial Resource Needs

<i>Step 1</i>	<i>For Each Case Type: Case Weight x Case Filings = Workload</i>
<i>Step 2</i>	<i>Sum the Workloads for Each Case Type to obtain Total Workload for each Court</i>
<i>Step 3</i>	<i>Divide the Total Workload by the Judge Year Value (case-related minutes) to obtain Judicial Resource Needs</i>

Conclusion

The judicial workload analysis for the Missouri Circuit Courts has nearly been completed. To date, the National Center for State Courts, in conjunction with the Missouri Judicial Weighted Workload Steering Committee have developed the study's parameters, including the development of the judge year value, conducted the necessary training, collected judicial time study data, analyzed the data to develop preliminary case weights, reviewed the data with judicial officer focus groups and the JWVL Steering Committee for any possible adjustments and finalized the case weights.

The final step in the process will be to complete the judicial needs model, which will be conducted once the case weights have been reviewed by the Supreme Court and judicial officers across the state of Missouri. The statewide judicial demand model will present the need for the total number of judges to handle the work of the Circuit Courts in Missouri.

Introduction

State judicial leaders face continual challenges of effectively managing rising caseloads, disposing of court business without delay, and delivering quality service to the public. Adequate resources are essential if the Missouri judiciary is to effectively manage the court's business and a clear measure of court workload is central to determining how many judicial officers (circuit judges, associate judges and commissioners) are needed to resolve all cases coming before the court. Two constant and recurring problems are inherent within these challenges:

- (1) Objectively assessing the number of judicial officers required to handle current and future caseloads.
- (2) Deciding whether judicial resources are being allocated appropriately.

In response to the multiple and sometimes conflicting challenges and problems, state judicial leaders are increasingly turning to more sophisticated techniques to provide data that show how many judicial officers the state trial courts need to manage their workload. Assessing judicial workload through an objective workload assessment (weighted caseload) model is a rational, credible, and practical method for evaluating the need for judges.

Workload assessment is a resource assessment methodology that weights cases to account for the varying complexity and need for judicial attention among court cases. By weighting court cases, a more accurate assessment can be made of the amount of judicial time required to resolve the courts' caseload and judicial officer workload. Moreover, workload models have the advantage of providing objective and standardized assessments of need among courts that vary in geography, population and caseload composition.

During the 2003 legislative session, Missouri's General Assembly created a Joint Interim Committee on Judicial Resources in the State of Missouri, including both legislators and judges³. This committee was created in response to the state's budget challenges in an effort to improve the efficiency and effectiveness of judicial services in Missouri. As a part of their analysis, this committee also studied the state's system of judicial resource allocation, which at the time was a demographically-based resource allocation system. One of the first recommendations in their report was to create a "Judicial Resources Commission" to make binding recommendations on the number of judges and clerk personnel in each circuit.

In May of 2006, the National Center for State Courts (NCSC) to make a presentation on the weighted workload methodology to a representative group of judges. In September 2006, the

³ Ertle, J. and McNitt, J. "Report of the Joint Interim Committee on Judicial Resources in Missouri," January, 2004.
National Center for State Courts

Supreme Court of Missouri directed the Office of the State Court Administrator to contract with the National Center for State Courts to use the weighted workload methodology to measure judicial workload needs in the Missouri Circuit Courts.

This workload assessment study is the first time study assessment of judicial workload in the state of Missouri. Similar studies were conducted in 2002 and 2005 to determine case weights for court clerks, and this study's case types are consistent with those used in the clerks' studies.

The overall goal of this study was to accurately determine the amount of time required by judicial officers to resolve different types of cases in an efficient and effective manner. Judicial resource needs are defined in this study as all judicial work associated with the circuit courts in Missouri. To get the best understanding of judicial workload, and thus judicial resource needs, the study included all judicial functions performed during the study period by circuit court judges, associate circuit court judges, commissioners, senior judges, law clerks and others who occasionally carry out judicial functions.⁴

Determining judicial workload through the use of a weighted workload model has become a well-accepted method for determining the need for judicial officers, and as a result, the methodology used in this study has been adopted by an increasing number of states.⁵

This report details the Missouri Circuit Court Judicial Workload Assessment Study methodology and presents the workload assessment model for judicial need. 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 judicial resource demands.

The project work was organized around the following primary components, each of which will be described in detail in the body of the report.

⁴ To provide the reader with an idea of current judicial staffing figures, a listing of judicial resources authorized by the Missouri General Assembly for FY2008 is located in Appendix A. This figure does not include law clerks or senior judges, both of which are additional resources that help to fill the need for judicial workload.

⁵ During the past ten years, the National Center for State Courts has conducted weighted workload assessment studies for judges in the following states: California, Georgia, Guam, Florida, Hawaii, Iowa, Louisiana, Maryland, Maine, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Puerto Rico, South Dakota, Tennessee, West Virginia and Wyoming. The NCSC has conducted weighted workload studies for use with court clerks, probation and local courts as well, and several such projects are currently under way.

Judicial Weighted Workload Steering Committee

The Missouri Circuit Court Judicial Weighted Workload Steering Committee was appointed by the Supreme Court of Missouri. The JWWL Steering Committee incorporated a co-chair leadership structure, with one co-chairman a circuit court judge representing a large urban district and the other an associate circuit court judge representing a smaller rural district. The remainder of the committee, which included both circuit and associate circuit court judges, was selected for their representation of geographical areas across the state to create a committee that had both balance and credibility within the judiciary.

The role of the JWWL Steering Committee was to provide guidance and oversight during the life of the workload assessment project. Specifically, the Committee provided advice and comment on the overall study design, the identification of the case types, who should be included in the time study (all judges, commissioners, senior judges and law clerks performing judicial functions), the location and content of the training sessions, the duration of the time study, the approach, location and content of focus groups, and the final workload model and report.

Determination of Case Type Categories for Which Time Standards (case weights) would be Developed

NCSC consultants worked with the JWWL Steering Committee to determine how cases should be categorized to generate the most useful case weights for the Missouri Circuit Courts. Identifying the most suitable case type categories is important because they are the foundation of measured workload. Knowing the average time different types of cases take allows estimation of judge need in relation to the number and relative complexity of cases heard by the court. The appropriate choice of case types must reflect the way cases are actually counted in the state.

The JWWL Steering Committee identified 19 case types for which case weight standards would be developed. These case types are consistent with those used in the Missouri Clerks' weighted caseload study to provide consistency across models and resource needs development.

Determination of the Judge Day and Judge Year Standards for Case-Related and non-Case-Related Time

The judge year, judge day and judge year value are important figures to determine at the onset of a time study. These figures establish the average amount of time judicial officers in Missouri have in a year to work on cases. Arriving at this value is a two-stage process that entails calculating how many days per year are available to judges to hear cases (the *judge year*) and then determining how the business hours of each day are divided between case-related and non-case-related work (the *judge day*). Multiplying the average number of business hours in a day times the days in a year provides us with the *judge year value*, which is an estimate of the amount of time the average judicial officer has to hear cases during the year.

Time Study and Determination of Preliminary Case Weights

A four-week time study of current practice was completed between March 5 and March 30, 2007. During the study, judicial officers kept records of all time spent on case-related and non-case-related activities. Both written instructions and an on-line help desk were available to judicial officers who had questions about recording time or categorizing information. The time study results were analyzed on a circuit and state basis to meet the needs of the state.

Qualitative Review: Focus Groups and Judicial Weighted Workload Steering Committee

Focus groups were held with judges in nine locations across the state in April 2007. The goal of the focus groups was to elicit qualitative information from participants about judicial workload, with particular attention to the current realities in rural and urban circuits within the state as well as any barriers in providing quality justice to the citizens of Missouri. Each on-site focus group was staffed by two NCSC consultants and had participation by at least one JWWL Steering Committee member. Information obtained from the focus groups was used to determine whether qualitative changes needed to be made to the case weights derived from the time study.

The Judicial Weighted Workload Steering Committee was convened to review the draft case weights in detail, discuss the focus group findings and discuss whether qualitative adjustments needed to be made to the case weights. No quality adjustments were made at this meeting, and the case weights were finalized by the Committee.

In summary, the workload standards provided in this report are based on an integrated understanding of current practice throughout the Missouri Circuit Court System and provide a set of final case weights designed to provide a reasonable level of quality to the citizens of the state of Missouri.

Overview of the Judicial Workload Assessment Model

Workload study is essentially the study of supply and demand. How does the workload demand generated by different types of cases compare to the supply of judicial officer time available to do the work? We need three fundamental pieces of information to answer the question: Case filings, a consistent judge year value, and workload standards by case type.

The primary goal of the Missouri Circuit Court Judicial Workload Assessment Study is to provide an accurate picture of the amount of time judicial officers need to resolve different types of cases in a manner that is both timely and responsive to the needs of court constituents.

There are three phases to the study and each phase builds upon the product of the previous phase. First, the data collected from all participants during the time study are aggregated to generate a statewide number of minutes worked. These data are then analyzed to produce a single, statewide workload value for each case type. The workload value is a combination of the case weights (average time for each case type under investigation) and the annual statewide case filings. By applying the number of minutes in the aggregate to the total number of case filings, individual court or judicial officer variances are eliminated and incorporated as an average amount of time required to process each case type. Then the judge year value (the amount of time judicial officers have to hear cases) is applied to the workload value to determine the overall judicial resource requirement. Finally, judicial resource requirements can then be compared to current judicial officer numbers to calculate a judicial officer need for the state. The result of that calculation would be the difference between the number of judicial officers required to complete all of the work and the current number of judicial officers.

The core of the workload assessment model is a time study wherein judicial officers keep track of the amount of time they spend on the various case type categories and on non-case-specific responsibilities such as court administration and work-related travel time. The combination of the case-specific time study data and the filing and disposition data for the same time period creates the workload standards or “individual case weights” for each case type category. The case weights represent the average total in-court and in-chambers time (in minutes) for each case type category. By applying the case weights to current or projected case

filings a measure of case-specific workload can be computed. Case-specific workload divided by the amount of time available per judicial officer for case-specific work provides an estimate of judicial resources required to resolve cases. This approach, which involves few complicated procedures, is sufficiently rigorous to provide a model for measuring resource demands and evaluating resource allocations.

The NCSC consultants used a filing-based workload assessment methodology to construct the Missouri Circuit Court Judicial Workload Assessment Model. The model is straightforward and the basic methodological steps are listed below. The remainder of this report section describes in detail the steps which were used to build the Missouri Circuit Court Judicial Workload Assessment Model.

Steps in the Workload Assessment Methodology

- ❑ Decide which types of cases should be studied and how each should be categorized.
- ❑ Decide how long the participating judicial officers will record their time.
- ❑ Define who is included as a judicial officer and who should participate in the time study.
- ❑ Determine how much time the judicial officers have available in a year to do work.
- ❑ Record all of the time that participating judicial officers spend on all activities related to their jobs as judicial officers.
- ❑ Count case filings for a one-year period.
- ❑ Build case weights by dividing the sum of the minutes recorded (and extrapolated to 12 months) for each case type by the total number of cases filed annually.
- ❑ Divide the workload by the amount of judicial officer time available to determine judicial resource need.
- ❑ Hold focus groups across the state to elicit qualitative information regarding judicial workloads in Missouri.
- ❑ Revise case weights, if necessary, to account for additional time required to properly discharge judicial work based upon input from focus group participants.
- ❑ Build, review and approve the workload assessment model.

Time Study

The NCSC staff utilized a time study to measure the time circuit court judicial officers spend processing all phases of the 19 case types identified for use in this assessment. By developing separate case weights for different case types, the model accounts for the fact that case types vary in complexity and require different amounts of judicial time and attention to be

resolved. Relying solely on case counts to determine the demands placed on judicial officers ignores the varying levels of case complexity and thus the resources needed to handle cases in an efficient manner. The time study represents an accurate and valid picture of current practice – the way judicial officers in Missouri process cases.

The Judicial Weighted Workload Steering Committee believed strongly that all circuit court judicial officers in Missouri needed to participate in the time study to obtain the most reliable and representative data available. To this end, the committee worked with the NCSC staff to develop a set of informational tools to educate all judicial officers across the state of the study, its goals, timelines and other important components. Additionally, the committee drafted a letter which was sent to all Circuit Court Judges stating the importance of full judicial participation in the time study.

During the four-week period March 5 through March 30, 2007, 357 of the 360 Circuit Court Judges and Commissioners fully participated in the time study (99.2% participation rate). Additionally, law clerks and senior judges participated in the time study when they completed judicial tasks. Judicial officers recorded their time on a paper-based time tracking form, and then transferred this information to a web-based data entry program (see Figure 1). Once submitted, the data were automatically entered into NCSC’s secure database. Collecting data from judicial officers across the state ensures that sufficient data is collected to provide an accurate average of case processing times for all case types identified⁶.

Figure 1: Data Entry Screen for Missouri Circuit Court Workload Assessment Study

The screenshot displays the 'NCSC Surveys' interface for the 'Missouri Circuit Court Judicial Workload Assessment Study'. At the top, the NCSC logo and the text 'The National Center for State Courts' are visible. The page title is 'NCSC Surveys' and the date is '1/19/2007'. The main heading is 'Missouri Circuit Court Judicial Workload Assessment Study'. Below this, there are several input fields: 'Participant' (cirtest1), 'County' (Schuyler), 'Entry Date' (Monday 03/05/2007), and 'Total Time Entered' (0 hr 0 min). A 'LOGOUT' link is located to the right of the participant field. A 'Resources' section contains a list of links: 'Instructions', 'Case Related Activity Reference Sheet', 'Non-Case Related Activity Reference Sheet', 'Daily Time Log', and 'Frequently Asked Questions (FAQ)'. Below the resources, there are dropdown menus for '0 hours', '0 minutes', and 'Select a Case Type'. A 'Select an Activity' dropdown is also present. A table with columns 'Minutes', 'Case Type', and 'Activity' is visible, with a 'Delete selected entry' button. A 'Submit the day's entries' button is at the bottom. The page footer shows 'Participant Time Entries' and a status bar with 'Internet' and '100%' zoom.

⁶ Circuit Judges, Associate Circuit Judges, Commissioners and Senior Judges reported a total of 3,197,309 minutes of time during the time study; law clerks reported a total of 161,510 minutes, or 4.8% of the total time reported during the time study.

Data Elements

NCSC project staff met with the JWVL Steering Committee in November 2006 to determine the case type categories, case-related, and non-case-related activities to be included in the study. A more detailed description of all of the time study elements is provided in Appendices B and C.

Case Types

Selecting the number of case types and case events to be used in a weighted workload study involves a trade-off between having enough information to ensure the accuracy of the workload standards and minimizing the data collection burden on the participating judicial officers. The more case types and events that are included in a weighted workload study, the larger the data samples and the longer the data collection period need to be to guarantee statistical accuracy. More importantly, determining the appropriate types of cases to be weighted is particularly important because the workload standards must eventually be attached to readily available case data to determine workload. The consistency of case types between the clerks' weighted workload study and the current study for Circuit Court Judges also adds to the ease for both the judicial branch and legislative budget specialists to determine resource needs for the courts. Figure 2 presents the case types for which data were collected in this study.

Figure 2: Missouri Circuit Court Judicial Workload Study Case Type Categories

<i>CIVIL CASES</i>	<i>TREATMENT COURTS</i>
- Time Intensive (Complex) Circuit Civil	- Adult Criminal Treatment Court
- General Circuit Civil	- Juvenile/Family Treatment Court
- Associate Civil	
- Small Claims	
<i>PROBATE/MENTAL HEALTH CASES</i>	<i>CRIMINAL/TRAFFIC CASES</i>
- Decedent's Estates and Trusts	- Circuit Felony
- Incapacitated / Minor's Estates	- Associate Felony
- Petitions for Involuntary Detention / Applications for Mental Health Application	- Misdemeanor / Non-traffic Infraction / Municipal Certification / Trial De Novo
- Simple Probate	- Traffic / Municipal Ordinance / Watercraft Conservation
- Sexual Predator	
<i>DOMESTIC / FAMILY CASES</i>	
- Domestic Relations	
- Protection Order	
- Abuse and Neglect / Adoption / Termination of Parental Rights	
- Juvenile Delinquency / Status Offense	

Appendix C provides specific case types included in each of the categories in Figure 2.

Case-Related Activities

Case-related activities are the essential functions that judges perform in resolving a case from initial filing to termination of jurisdiction. As with the case types, the essential functions were categorized into manageable groups for the time survey. Figure 3 outlines the case-related activities measured in the time study.

Figure 3: Case-Related Activities

Pre-trial activities
All activities that occur in a case prior to a trial or non-trial disposition
Non-trial disposition activities
Includes all disposition activities that result outside of a trial, such as: pleas, uncontested dissolution, nolle prosequi and dismissal
Bench Trial activities
All activities associated with a bench trial, once the trial date has arrived
Jury Trial activities
All activities associated with a jury trial, once the trial date has arrived
Post-trial activities
All case-related activities occurring once a disposition has been entered on a case

Non-Case-related Activities

Activities that do not relate to the resolution of a specific case but must be done by judicial officers are defined as non-case-related activities. The key distinction between case-related and non-case-related activities is whether the activity can be tied to a specific case. Figure 4 lists the non-case-related activities measured in this study.

Figure 4: Non-Case-Related Activities

Education and training
Committee meetings
General Legal Research/Keeping Current
Leave (vacation, sick, bereavement and military)
Community Activities, Speaking Engagements, Weddings, Truancy Court
Travel (work-related travel)
Non-case-related administration
Time study project (filling out form and entry into web application) ⁷
Other non-case-related work

Appendix B provides specific information for each of the categories in Figure 4.

⁷ Time devoted to the time study project was recorded; however this time was eliminated from the judicial resource need computations.

Determining Judicial Officer Need

Once we know how much work needs to be done (workload), we need to determine how much time is available to do the work. The judge year value is the average amount of work time a judicial officer has available to manage *cases*, including both in-court activities and in-chambers case-specific administrative activities which are accounted for in the case weights. Calculating the judge year value is a two-step process. The first step is to determine how many days per year are available for judicial officers to work (the judge year); the second step is to determine how the business hours of each day are divided between case-specific and non-case-specific work (the judge day).

Judge Day and Year Value

In every workload study there are three factors that contribute to the calculation of judicial need: filings, case weights and the judge year value.

So that:

Workload = Filings x Workload Standard (case weight)

Judicial Officer Need = Workload / Judge Year Value

The judge year value represents the amount of time judicial officers have to work on their cases in a year. Arriving at this value is a two-stage process that entails calculating how many days per year are available for judicial officers to hear cases (the judge year) and then determining how the business hours of each day are divided between case-related and non-case-related work (the judge day). Multiplying the average business hours by the number of days worked in a year results in the judge year value, which is an estimate of the amount of time the “average” judicial officer has to hear cases during the year.

The Judge Year

Many model assumptions underlie the judge year value. Weekends, state holidays, and time related to vacations, illness, attending statewide judicial conferences and other professional development are subtracted from the calendar year to determine the number of days available to handle cases. While determining the number of weekend days and state holidays in a year is easy, determining the average time taken (or that is reasonable for judicial officers to take) for vacation, illness, judicial conferences, and other professional development is more difficult. Because a state’s study period may not be representative for all factors, the project team relied on the Judicial Weighted Workload Steering Committee to estimate the average time taken for vacation, illness, judicial conferences, and professional development. Calculating the “average”

judge year requires determining the number of days judicial officers have to hear case-related matters.

Development of the judge year value begins with a baseline of 365 days in the year and subtracts the 104 weekend days and 12 state holidays. With input from the Judicial Weighted Workload Steering Committee, the NCSC estimated that on average 20 days are a reasonable amount for vacation, sick and other leave and 10 days a year are a reasonable amount for education and training (judicial college, judicial conferences and related travel). The number of days available, after subtracting an average amount of time away from the bench, is 219 days per year, which is slightly higher than the average Judge Year of 212 days⁸. Figure 5 presents these calculations.

Figure 5: Calculating the Judge Year

Judge Year	Days
Total Days per Year	365
Subtract Non-Working Days:	
Weekends	- 104
Holidays	- 12
Vacation, sick, bereavement & military leave	- 20
Education/Training	- 10
Total Working Days per Year	219

The Judge Day

The judge day is separated into two parts: the amount of judicial officer time devoted to (1) case-related matters and (2) non-case-related matters. Making a distinction between case-related and non-case-related time provides clear recognition that judges and commissioners have many varied responsibilities during the day.

1. Case-related time includes all time devoted to:

- Hearing cases on the bench;
- Taking pleas, processing uncontested dissolutions, nolle pros and dismissals;
- Reviewing case files and documents in preparation for hearings and making decisions on cases;
- Ruling on motions and making pre-disposition rulings on cases;
- Researching specific points of law related to cases; and
- Writing orders and decisions (findings of fact, conclusions of law and orders).

⁸ According to the study *Examination of NCSC Workload Assessment Projects and Methodology: 1996-2006*, conducted by John Douglas in 2007, the average judge year value used in 37 studies conducted between 1996 and 2006 is 212 days.

2. Non-case-related time includes time devoted to:

- Activities required of judicial officers to contribute to the efficient and effective operation of the court (e.g. supervising personnel, meeting with clerks and others about administrative matters; participating in state and local committees);
- Cooperation and coordination with other system agencies on matters of policy and practice;
- Community outreach and public education; and
- Court-related travel.

Hours Available Per Day

To determine the number of average available hours per year, the model must first estimate a reasonable average of available work hours per day. Again, the NCSC project team consulted the Judicial Weighted Workload Steering Committee to develop these estimates. The JWWL Steering Committee concluded that a reasonable average of available working time is 9 hours per day (representing a typical 8:00 - 5:00 work-day). This nine-hour day includes a one-hour lunch and 30 minutes for breaks and personal time, allowing for 7.5 hours of working time each day.

Circuit size varies, in terms of the number of counties within a circuit, across the state. The time study data indicated that judicial travel needs varied by circuit size, because of the need to travel throughout the circuit. Based upon this information, travel time allocated in the model is based upon circuit size. The annual travel time ranges from approximately 3 hours per month (just under 10 minutes per day – or 16% of an hour) for single-county circuits to just over 13 hours per month for five-county circuits (approximately 45 minutes per day or 73% of an hour). Figure 6 presents the travel time allocated in the model by circuit size.

Figure 6: Travel Time by Circuit Size

Circuit Size	Daily Travel Time (Minutes)	Annual Travel Time (Minutes)	Annual Travel Time(Hours)
1 county circuit	9.81	2,148	35.8
2 county circuit	27.28	5,975	99.6
3 county circuit	36.06	7,898	131.6
4 county circuit	39.59	8,670	144.5
5 county circuit	43.84	9,600	160.0

Data recorded by judicial officers during the time study period indicated that, on average, approximately 5.85 hours per day were dedicated to case-specific work and 1.65 hours (99 minutes) were spent on non-case-specific activities. Time associated with judicial travel was also deducted from the case-related time based upon the average amount of travel by the number

of counties in the circuit. Figure 7 presents the calculations for the judge day, based on the make-up of the circuit.

Figure 7: Calculating the Judge Day

		1- County Circuits	2- County Circuits	3- County Circuits	4- County Circuits	5- County Circuits
Total Hours per Day		9	9	9	9	9
	<i>Subtract Lunch and Breaks</i>					
	-	1.5	1.5	1.5	1.5	1.5
	=	7.5	7.5	7.5	7.5	7.5
Total Travel		0.16	0.45	0.60	0.66	0.73
Total Non-Case-Specific		1.65	1.65	1.65	1.65	1.65
Total Case-Specific		5.69	5.40	5.25	5.19	5.12
Total Working Hours per Day		9	9	9	9	9

Judge Year Value

Multiplying the judge year value (219 days) by the number of hours in a day available for case-specific work (which ranges from 5.12 to 5.69 hours per day) gives you the amount of time available per year for judicial officers in Missouri to work on cases. Thus, the judge year value for Missouri ranges from 67,277 to 74,767 minutes of case-specific time per judge per year (219 days x [5.12 to 5.69] hours per day x 60 minutes per hour).

The judge year value estimates a reasonable amount of time a judicial officer should work in a year. This value is used even though many judicial officers in Missouri work more than an 8:00 to 5:00 day and may frequently work on evenings, weekends and holidays.

Judicial Officer Time Study in Missouri

A time study measures case complexity in terms of the average amount of judicial time actually spent managing different types of cases, from the initial filing to final resolution, including any post-judgment activity. The essential element in a time study is collecting time data on *all* judicial officer activities. For this study, judicial officers in Missouri recorded all time spent on various case types on a daily time log and then entered their time on a web-based data collection instrument. Judicial officers' activities include time spent on case-specific work, non-case-specific work, and travel time.

The NCSC project team provided training on how study participants should record their time using the web-based data collection tool. Specific training devoted to how to track and

record time is essential to ensure that judicial officers across the state uniformly and consistently record time, which produces the most reliable data. Training was provided in two formats. First, a pre-taped training session was available and accessible through the internet prior to the beginning of data collection, and second, a team of NCSC consultants provided on-site training in nine locations the two weeks prior to data collection (the weeks of February 20 through 23 and February 26 through March 2, 2007).

Case Weights

As discussed earlier, time study data was collected from all judicial officers statewide during a four-week period in March 2007. To calculate preliminary case weights, the average amount of judicial time required to handle a particular case from filing to resolution, the one-month time data was extrapolated to 12 months and divided by the number of filings for each case type in calendar year 2006. Case filings are used to develop case weights for a number of reasons. First, filings represent the need for judicial resources directly because they are least likely to be affected by the current allocation of judges or by individual or local policies and practices that might impact case disposition figures. As filings increase beyond a certain level, additional judicial officers will be required if the current level of service is to be maintained. In a report completed in 1996, 45 of 50 states used case filings as an indicator of the need for judges.⁹

The case weights by case type provide a picture of current judicial practice in Missouri. For example, as shown in Figure 8, judicial officers in Missouri recorded just over 5 million case-related circuit felony minutes. To develop the case weight, we divided the time in minutes by the number of circuit felony filings in calendar year 2006 (5,124,915 minutes / 41,330 circuit felony filings). The resultant case weight of 124 minutes means that, on average, handling a circuit felony requires 124 minutes (just over two hours) of judicial time. By aggregating all of the time recorded for each case type and dividing that time by the total number of case filings for a year, we are able to smooth the anomalies across the case type to incorporate both the unusually long cases and the unusually short cases into the average.

Figure 8: Example of Case Weight Calculation for Circuit Felonies

Minutes Recorded for Circuit Felonies (extrapolated to 12 months)		Annual Circuit Felony Filings		Case Weight
5,124,915	÷	41,330	=	124 minutes

⁹ *Assessing the Need for Judges and Court Staff*, Victor E. Flango and Brian Ostrom, National Center for State Courts, 1996.

The utility of a weighted caseload system is now easy to illustrate. For example, associate civil cases (breach of contract, driver license revocation, foreclosure, and tax actions are examples of these case types) are the most prevalent in the Missouri courts with 182,604 cases filed in calendar year 2006 and require approximately 2,191,248 minutes to process annually (with an average of 12 minutes per case). In contrast, associate felony cases occur much less frequently (56,417 cases filed in calendar year 2006), but the case weight of 34 minutes per case equates to an annual workload of 1,918,178 minutes. Clearly, caseload is not the same thing as workload. The case weights for Missouri judges are shown in Figure 9.

**Figure 9: Final Circuit Court Judicial Case Weights
(Filing through termination of Jurisdiction)**

Case Type	Case Weight (Minutes)
Time Intensive Circuit Civil	292.0
General Circuit Civil	147.0
Associate Civil	12.0
Small Claims	22.0
Domestic Relations (excluding protection orders)	140.0
Protection Orders	19.0
Abuse & Neglect/Adoption/Termination of Parental Rights	111.0
Juvenile Delinquency/Status Offense	88.0
Circuit Felony	124.0
Associate Felony	34.0
Misdemeanor /Municipal Certification/ Trial de Novo	24.0
Traffic/Watercraft Conservation/Municipal	4.0
Decedent's Estates	141.0
Incapacitated and Minor Estates	121.0
Simple Probate	43.0
Mental Health: Involuntary Detention Petition/Mental Health Applications	13.0
Sexual Predator	1,432.0
Adult Treatment Court	389.0
Juvenile/Family Treatment Court	476.0

Case Weight Validation Discussions

To determine whether the case weights adequately and accurately represent average amount of time judicial officers need to bring court cases to resolution, two complementary sets of meetings were held. First, focus groups were held in nine locations across the state to discuss the preliminary case weights derived from the time study. Second, after the focus group meetings were held and the information was summarized, the NCSC team met with the Judicial Weighted Workload Steering Committee to present focus group results and case weight details.

Focus Groups

The focus group discussions provided an opportunity for the judicial officer participants to present additional information to NCSC facilitators that might be helpful in finalizing the case weights. The focus group sessions were scheduled to occur during the weeks of April 16 and April 23, 2007 (two and three weeks following the data collection period, respectively), so judges would have the time study elements fresh in their minds.

Nine separate focus groups of experienced judges from various circuits across the state were convened to consider the draft relative case weight comparisons from the time study. The preliminary case weights derived from the time study represent “what is,” not “what ought to be.” Accordingly, the preliminary weights may not capture the time that may be necessary for judges to perform essential tasks and functions effectively. The focus groups examined current practice as measured by the time study, areas of concern raised by focus group participants, and personal experiences to make recommendations on the final workload standards.

Judicial officers were asked to discuss three main topics:

1. Did the data collection occur within a typical month? If not, why was it atypical?
2. Given a comparison graph of all of the draft case weights, did the “relative” case weights have face validity (for example, does it make sense that a general circuit civil case would require approximately half the time of a time intensive civil case)?
3. Are there differences or any unique aspects of your circuit or area of the state that should be considered and used to adjust any particular case weight up or down?

While interesting discussions were held during the focus groups, there was no strong sentiment in any of the groups that any of the 19 case weights needed to be adjusted to better reflect judicial resource needs.

Judicial Weighted Workload Steering Committee Meeting

The JWWL Steering Committee met on May 18, 2007 to discuss the project, review the draft case weights in light of the focus group information, and make any quality adjustments to case weights, if necessary.

Since it is often difficult for judges, who are not used to thinking about their work in terms of “total minutes,” to interpret and evaluate the time per case depicted by the time study case weights, the preliminary case weights were disaggregated into their individual event components. This allowed the committee members to look “inside” each of the preliminary case weights to understand where and how judges currently spend their time handling cases (see Appendix E for detailed information on “inside the numbers.”)

“Inside the Numbers” provides a breakdown of the case weights by the activity¹⁰. The tables in Appendix E show how the time and frequency of each activity contribute to the overall case weight. In the example of General Circuit Civil cases, shown in Figure 10, pretrial activities of some type occur in 100% of General Civil cases, so the impact on the overall case weight of 147 minutes is 75.12. When a jury trial occurs (in 2% of the cases), the jury trial takes, on average, 1,462.65 minutes or approximately 3.2 days. Since jury trials occur relatively infrequently, the total amount of the case weight attributed to jury trials is 29.25 minutes.

Figure 10: Inside the Numbers for General Circuit Civil Case Type

CASE TYPE	MINUTES PER ACTIVITY	FREQUENCY OF EVENT	TOTAL CONTRIBUTION TO CASE WEIGHT
General Circuit Civil			
Pre-trial	75.12	x 100.00%	75.12
Non-trial disposition	11.07	x 85.00%	9.41
Bench trial	145.87	x 13.00%	18.96
Jury trial	1462.65	x 2.00%	29.25
Post-disposition	42.14	x 30.00%	12.64
Case-related administration	1.62	x 100.00%	1.62
TOTAL CASE WEIGHT			147.00

The JWWL Steering Committee spent a significant amount of time reviewing all of the information presented to them and, in the end, agreed not to adjust any of the case weights, arguing that the case weights should stand as recorded, and not be adjusted by the committee. Thus, the case weights presented earlier in Figure 9 are the original weights derived from the time study analysis.

Determination of Judicial Officer Need

Once the judge year value and case weights have been established, the calculation of judicial officer need to manage the workload of the Missouri Circuit Courts is completed. Judicial case-related demand is calculated 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 (between 67,277 and 74,767 minutes, depending on the number of counties in the circuit). The resulting number represents the judicial case-related full time

¹⁰ Where available, actual frequencies for bench and jury trials were used to compute the event frequency figures. Since an accurate accounting of each case-related activity frequency is not readily available, the Steering Committee provided estimates used in the tables.

equivalents (FTE) needed to manage the work of the court. Figure 11 displays the steps taken to compute judicial officer demand.

Figure 11: Calculation of Total Needs

<i>Step 1</i>	<i>For Each Case Type: Case Weight x Case Filings = Workload</i>
<i>Step 2</i>	<i>Sum the Workloads for Each Case Type to obtain Total Workload for each Court</i>
<i>Step 3</i>	<i>Divide the Total Workload by the Judge Year Value (case-related minutes) to obtain Judicial Resource Needs</i>

Conclusion

The statewide judicial demand model will present the need for the total number of judges to handle the work of the Circuit Courts in Missouri. For any given year, based upon a projected set of filings, the state could predict the number of judicial officers needed. The model will not account for the need to have judicial officers present in all court locations daily during working hours. Article V, Section 15 of the Missouri Constitution states that *“The state shall be divided into convenient circuits of contiguous counties. In each circuit there shall be at least one circuit judge.”* Section 16 requires that in each county *“There shall be at least one resident associate circuit judge in each county.”* When such issues are considered, the needs of the community and the strength of the constitution may override the workload need. The weighted workload model presents the average amount of time required annually to process cases from beginning to end, and presents the average amount of time judicial officers in Missouri require to attend to non-case-specific matters. How the model is used is based on statewide policies regarding access to justice and resource availability.

Appendices

Appendix A: Missouri Judicial Resources by Circuit FY2008

Circuit	# Circuit Judges	# Associate Judges	# Drug Court Commissioners	# Family Court Commissioners	# Probate Commissioners	Total
1	1	3	0	0	0	4
2	1	3	0	0	0	4
3	1	4	0	0	0	5
4	1	5	0	0	0	6
5	4	3	0	0	0	7
6	2	3	0	0	0	5
7	4	3	0	1	0	8
8	1	2	0	0	0	3
9	1	3	0	0	0	4
10	1	3	0	0	0	4
11	6	6	0	0	0	12
12	1	3	1	0	0	5
13	4	6	0	1	0	11
14	1	2	0	0	0	3
15	1	4	0	0	0	5
16	19	9	1	5	2	36
17	2	5	0	0	0	7
18	1	3	0	0	0	4
19	3	1	0	0	0	4
20	2	5	0	0	0	7
21	20	13	0	4	2	39
22	24	7	2	3	2	38
23	6	6	0	0	0	12
24	2	5	1	0	0	8
25	2	6	0	0	0	8
26	2	7	0	0	0	9
27	1	3	0	0	0	4
28	1	4	0	0	0	5
29	3	3	0	1	0	7
30	1	6	0	0	0	7
31	5	4	1	3	1	14
32	2	4	0	0	0	6
33	1	3	1	0	0	5
34	1	3	0	0	0	4
35	1	4	1	0	0	6
36	1	3	0	0	0	4
37	1	5	0	0	0	6
38	1	4	0	0	0	5
39	1	6	0	0	0	7
40	1	3	0	0	0	4
41	1	2	0	0	0	3
42	2	5	1	0	0	8
43	2	5	0	0	0	7
44	1	3	0	0	0	4
45	1	3	0	0	0	4
TOTALS	141	193	9	18	7	368

Appendix B: Non-Case-Related Activities

1. Education and training

- Conferences (out of state and local);
- Continuing education;
- Professional development;
- State-wide judicial meetings;
- On-line courses related to judicial work;
- Local bar-sponsored training events.

2. Community activities, speaking engagements, Weddings, Truancy Court

- Speaking at local bar luncheon, high school class or Rotary Club;
- Preparing for and officiating at weddings for which you are not paid.

3. Committee meetings

- State committee work;
- Local committee work;
- Local meetings with agency representatives.

4. Travel time (non-commuting work related travel)

- Any work related travel that is eligible for reimbursement.

5. General Legal Research/Keeping Current

- Non-case-specific legal reading/research;
- Reading law journals, professional literature;
- Research/reading to keep you abreast of legislative changes, legal opinions, etc.

6. Non-case-related administration

- Personnel issues;
- Case assignment;
- Internal staff meetings

7. Leave (vacation, illness, military and bereavement)

- Vacation;
- Sick leave;
- Personal leave;
- Family medical leave.

8. NCSC Time Study Project

- Time spent recording activities for the NCSC time study (this time was excluded from the computation of judge need).

9. Other

- Any non-case-specific activities that are not included in this list but are required of you in your judicial officer position.

Appendix C: Missouri Circuit Court Case Types

General Circuit Civil

CC TORT

Personal Injury Vehicular
Personal Injury Other
Property Damage
Other Tort

Employment Discrimination

Public Accommodation

CC CONTRACT

Breach of Contract
Promissory Note
Specific Performance
Suit on Account
Contract Other

CC ADMIN REVIEW

Chapter 536 State Agency Review
Driver License Revocation
Review 302.311 RSMO
Review 302.535 Trial De Novo
Hearing Refuse to Take
Breathalyzer
302.750 RSMO
Limited Driving Privileges 302.309
Other Administrative Review

CC REAL ESTATE

Application to Enforce
Mechanics Lien
Exception
Foreclosure
Landlord Complaint
Partition
Quiet Title
Rent and Possession
Unlawful Detainer
Other Real Estate Actions

CC EXTRAORDINARY REMEDIES

Declaratory Judgment
Habeas Corpus
Injunction
Other Extraordinary Remedy
Show Cause to Enforce Jury
Service
Temporary Restraining Order

CC MISCELLANEOUS

Miscellaneous Civil Other
Incarceration Reimbursement

Establishment of Charter
Action Against Garnishee
CAFA Forfeiture
Common Law Lien Petition
Contempt
Examination Judgment Debtor
Expungement of Arrest Record
Out of State Witness
Replevin
Revival of Judgment
Delinquent City License Fee
Delinquent City Taxes
Delinquent County License Fee
Delinquent County Taxes
Delinquent Sales Tax
Delinquent State Taxes
Personal Property Tax
Trial De Novo
Trial De Novo from Small Claims
Will Contest
Small Claims Certified to Circuit

Motion, Rules 29.15 or 24.035
Pro Forma
Tax Action - Other

Time Intensive (Complex) Circuit Civil

Asbestos
Personal Injury – Federal Employer Liability Act
Personal Injury – Malpractice
Personal Injury – Product Liability

Wrongful Death
Eminent Domain/Condemnation State
Eminent Domain/Condemnation Other

Domestic Relations

IV-D Admin Order with Hearing	Registration of Foreign Order of Protection	Miscellaneous Domestic Relations
IV-D Contempt	IV-D URESA – Responding	Registration of Foreign Modified Judgment
IV-D Miscellaneous with Domestic Relations	Change of Name	Motion to Modify
IV-D Motion to Modify	Contempt	Paternity
IV-D Paternity	Dissolution without Children	Registration of Foreign Judgment – Custody
IV-D UIFSA – Initiating	Dissolution with Children	Registration of Foreign Judgment – Dissolution
IV-D UIFSA – Responding	Habeas Corpus	Family Access Motion
IV-D-URESAs – Initiating	Legal Separation/Annulment/ Separate Maintenance	

Protection Order

Adult Abuse Not Stalking	Child Protection Act
Adult Abuse Stalking	Child Protection Act Extension or Modification
Adult Abuse Extension or Modification	

Associate Civil**AC TORT**

Asbestos
Personal Injury - Federal Employer Liability Act
Personal Injury – Malpractice
Personal Injury – Product Liability
Personal Injury – Vehicular
Personal Injury – Other
Property Damage

Wrongful Death
Public Accommodation 213.111
Employment Discrimination 213.111
Other Tort

AC CONTRACT

Breach of Contract
Promissory Note
Specific Performance
Suit on Account
Contract Other

Other Administrative Review
Petition for SATOP Review

AC REAL ESTATE

Rent and Possession
Unlawful Detainer
Other Real Estate Actions
Application to Enforce Mechanics Lien
Eminent Domain/Condemnation State
Eminent Domain/Condemnation Other
Exception
Foreclosure
Landlord Complaint
Partition
Quiet Title

AC MISCELLANEOUS

Tax Action – Other
Misc. Associate Civil – Other
Action Against Garnishee
CAFA Forfeiture 513.600 - 513.645
Common Law Petition
Property Release
Contempt

Establishment of Charters
Examination Judgment Debtor
Expungement – Arrest Record - 610.123
Out of State Witness
Registration of Foreign Judgment
Replevin
Revival of Judgment
Delinquent City License Fee
Delinquent City Tax
Delinquent County License Fee
Delinquent County Tax
Delinquent Sales Tax

AC ADMINISTRATIVE REVIEW

Chapter 536 State Agency Review
Driver License Revocation
Review 302.311
DWE Review 302.535 Trial De Novo
Hearing Refuse to Take
Breathalyzer 302.75
Limited Driving Privileges - 302.30

**AC EXTRAORDINARY
REMEDIES**

Declaratory Judgment
Habeas Corpus
Show Cause to Enforce Jury
Service
Temporary Restraining Order

Delinquent State Tax
Personal Property Tax
Gun Permit Appeal
Grandparent Visitation
Owner/Lien holder Pet Property
Release

Small Claims

Small Claims – Less Than \$100
Small Claims – Over \$100

Petition to Revoke Concealed Weapon Permit
Concealed Weapon Appeal

Abuse and Neglect / Adoption / Termination of Parental Rights

Abuse and Neglect
Adoption – Regular
Adoption – Stepchild

Adoption – Adult
Permanency Planning Motion
Termination of Parents Rights

Juvenile Delinquency / Status Offenses

Status Offense
Delinquency
Extension of Juvenile Jurisdiction

Circuit Felony

CC Felony

Associate Felony / Search Warrant

AC Felony
Search Warrant Issued

Municipal Certification / Trial De Novo

Misdemeanor / Non-Traffic Infraction / Municipal Certification / Trial De Novo

Misdemeanor / Non-Traffic Infraction
Municipal Certification / Municipal Trial De Novo
More Serious traffic and boating, for example DWI, DUR, DUS, BAC and BWI

Traffic / Municipal Ordinance / Watercraft Conservation

Municipal and County Ordinance
State Traffic Ticket, except listed above

Conservation
Watercraft

Decedent's Estates and Trusts

Supervised With Will
Supervised Without Will
Independent With Will

Independent Without Will
Construe Trust
Modification of Trust

Incapacitated / Minor's Estates

Conservatorship – Adult
Conservatorship – Minor
Conservatorship Limited - Adult
Dispense with Conservatorship
Minor

Guardianship – Adult
Guardianship – Minor
Guardianship Limited – Adult
Guardianship/Conservatorship
- Adult

Guardianship/Conservatorship – Minor
Guardianship/Conservatorship Limited
Adult
Guardianship/Conservatorship Limited
- Minor
Guardian Limited Minor 475.060

Simple Probate**Abbreviated Matters –
Decedent's Estates**

Refusal of Letters – Creditor
Refusal of Letters – Spouse

Refusal of Letters – Minor
Small Estates Affidavit With Will
Small Estates Affidavit Without Will
Determination of Heirship
Will Admitted or Rejected
Require Administration

Trusts

Successor Trustee
Trust
Registration
Miscellaneous – Trust

Miscellaneous

Miscellaneous Probate

**Petitions for Involuntary Detention / Applications for Mental
Health**

21 Day Mental Health Involuntary Detention
90 Day Mental Health Involuntary Detention
180 Day Mental Health Involuntary Detention
1 Year Mental Health Involuntary Detention
Electric Shock
30 Day Alcohol/Drug Involuntary Detention

90 Alcohol/Drug Involuntary Detention
Treatment Out of County
96 Hour Mental Health Involuntary Detention
Mental Health Application for Conditional Release
96 Hour Alcohol/Drug Involuntary Detention

Adult Criminal Treatment Court

Record time spent on felony or misdemeanor Treatment Court (Drug or Mental Health) cases from the time the defendant is ordered to treatment court to the time when the defendant is successfully released or terminated from the Treatment Court Program

Drug Court Pre-Plea Adult
Drug Court Post-Plea Adult
Drug Court Probation Adult
Drug Court Reentry Adult
Drug Court Prior Participant Adult

Mental Health Court Pre-Plea Adult
Mental Health Court Post-Plea Adult
Mental Health Court Probation Adult
Mental Health Court Reentry Adult
Mental Health Court Prior Participant Adult

Juvenile / Family Treatment Court

Drug Court Pre-Adjudicated Juvenile
Drug Court Post-Adjudicated Juvenile

Drug Court Post-Adjudication Family
Drug Court Pre-Adjudication Family

Sexual Predator Petitions

Appendix D: Focus Group Dates, Locations and Participants

Tuesday, April 17 – 10:00 AM – 12:00 Noon

Buchanan County Courthouse, 411 Jules Street, St. Joseph, Missouri

Participants:

JWWL Steering Committee Member: Glen A. Dietrich, Associate Circuit Judge, Nodaway County, 4th Judicial Circuit

Brent Elliott, Associate Circuit Judge, DeKalb County, 43rd Judicial Circuit
William S. Richards, Associate Circuit Judge, Holt County, 4th Judicial Circuit
Jack E. Peace, Circuit Judge, 3rd Judicial Circuit
Thomas R. Alley, Associate Circuit Judge, Harrison County, 3rd Judicial Circuit
James E. Welsh, Circuit Judge, 7th Judicial Circuit

Wednesday, April 18 – 10:00 AM – 12:00 Noon

Jackson County Courthouse, 415 E. 12th Street, Kansas City, Missouri

Participants:

JWWL Steering Committee Member: John R. O'Malley, Circuit Judge, 16th Judicial Circuit

Jacqueline Cook, Circuit Judge, 17th Judicial Circuit
Jay A. Daugherty, Circuit Judge, 16th Judicial Circuit
James K. Journey, Circuit Judge, 27th Judicial Circuit
Peggy Stevens McGraw, Circuit Judge, 16th Judicial Circuit
Margaret L. Sauer, Associate Circuit Judge, 16th Judicial Circuit
Gary D. Witt, Associate Circuit Judge, Platte County, 6th Judicial Circuit

Thursday, April 19 – 10:00 AM – 12:00 Noon

Greene County Justice Center, 1010 Booneville, Springfield, Missouri

Participants:

JWWL Steering Committee Member: Don E. Burrell, Jr., Circuit Judge, 31st Judicial Circuit

James R. Bickel, Circuit Judge, 28th Judicial Circuit
Mark A. Powell, Associate Circuit Judge, Greene County, 31st Judicial Circuit
Christine Hutson, Associate Circuit Judge, Laclede County, 26th Judicial Circuit
John Moody, Circuit Judge, 44th Judicial Circuit
Greg Kays, Circuit Judge, 26th Judicial Circuit
David P. Evans, Circuit Judge, 37th Judicial Circuit
Timothy W. Perigo, Circuit Judge, 40th Judicial Circuit
Kenneth F. Thompson, Associate Circuit Judge, Webster County, 30th Judicial Circuit

Friday, April 20 – 10:00 AM – 12:00 Noon

Phelps County Courthouse, 200 North Main Street, Rolla, Missouri

Participants:

JWWL Steering Committee Members: Patricia Joyce, Circuit Judge, Cole County, 19th Judicial Circuit and Alan Blankenship, Associate Circuit Judge, Stone County, 39th Judicial Circuit

Ralph J. Haslag, Associate Circuit Judge, Phelps County, 25th Judicial Circuit

Stanley D. Williams, Associate Circuit Judge, Franklin County, 20th Judicial Circuit

Kelly Parker, Circuit Judge, 42nd Judicial Circuit

Tuesday, April 24 – 10:00 AM – 12:00 Noon

Macon Municipal Building, 106 West Bourke Street, Macon, Missouri

Participants:

JWWL Steering Committee Member: Robert M. Clayton, II, Circuit Judge, 10th Judicial Circuit

James P. Williams, Associate Circuit Judge, Linn County, 9th Judicial Circuit

Gary E. Ravens, Circuit Judge, 9th Judicial Circuit

Stephen K. Wilcox, Associate Circuit Judge, Schuyler County, 1st Judicial Circuit

Karl A. DeMarce, Associate Circuit Judge, Scotland County, 1st Judicial Circuit

Hadley E. Grimm, Circuit Judge, 41st Judicial Circuit

Wednesday, April 25 – 10:00 AM – 12:00 Noon

Boone County Courthouse, 705 E. Walnut, Columbia, Missouri

Participants:

JWWL Steering Committee Members: Gene Hamilton, Circuit Judge, 13th Judicial Circuit and Michael L. Midyett, Associate Circuit Judge, Chariton County, 9th Judicial Circuit

Cary Augustine, Associate Circuit Judge, Callaway County, 13th Judicial Circuit

Thomas L. Sodergren, Associate Circuit Judge, Cole County, 19th Judicial Circuit

Thursday, April 26 – 10:00 AM – 12:00 Noon

Cape Girardeau County Courthouse, 44 N. Lorimier, Cape Girardeau, Missouri

Participants:

JWWL Steering Committee Member: Byron D. Luber, Associate Circuit Judge, Pemiscot County, 34th Judicial Circuit

Gary Kamp, Associate Circuit Judge, Cape Girardeau County, 32nd Judicial Circuit

Michael Bullerdiek, Associate Circuit Judge, Perry County, 32nd Judicial Circuit

Thomas L. Ray, Associate Circuit Judge, St. Francois County, 24th Judicial Circuit

Joe Z. Satterfield, Associate Circuit Judge, Stoddard County, 35th Judicial Circuit

William L. Syler, Circuit Judge, 32nd Judicial Circuit

Friday, April 27 – 10:00 AM – 12:00 Noon

St. Louis County Courthouse, 7900 Carondelet, Clayton, Missouri

Participants:

JWWL Steering Committee Member: Barbara W. Wallace, Circuit Judge, 21st Judicial Circuit

Maura B. McShane, Circuit Judge, 21st Judicial Circuit

Mark D. Seigel, Circuit Judge, 21st Judicial Circuit

Douglas R. Beach, Associate Circuit Judge, St. Louis County, 21st Judicial Circuit

Edward Sweeney, Circuit Judge, 22nd Judicial Circuit

Friday, April 27 – 1:30 PM – 3:30 PM

St. Charles County Courthouse, 300 N. 2nd St., St. Charles, Missouri

Participants:

JWWL Steering Committee Member: Peggy Richardson, Associate Circuit Judge, Moniteau County, 26th Judicial Circuit

Ted House, Circuit Judge, 11th Judicial Circuit

Daniel Pelikan, Circuit Judge, 11th Judicial Circuit

John B. Berkemeyer, Associate Circuit Judge, Gasconade County, 20th Judicial Circuit

Gary P. Kramer, Circuit Judge, 23rd Judicial Circuit

Dan Dildine, Circuit Judge, 45th Judicial Circuit

Appendix E: Inside the Numbers

“Inside the Numbers” provides a breakdown of the case weights by the activity¹¹. The tables show how the time and frequency of each activity contribute to the overall case weight. In the example of General Circuit Civil cases, below, pretrial activities of some type occur in 100% of General Civil cases, so the impact on the overall case weight of 147 minutes is 75.12. When a jury trial occurs (in 2% of the cases), the jury trial takes, on average, 1,462.65 minutes or approximately 3.2 days. Since jury trials occur relatively infrequently, the total amount of the case weight attributed to jury trials is 29.25 minutes.

An “inside the numbers” breakdown for all case types is provided in the next pages.

CASE TYPE	MINUTES PER ACTIVITY		FREQUENCY OF EVENT	TOTAL CONTRIBUTION TO CASE WEIGHT
General Circuit Civil				
Pre-trial	75.12	x	100.00%	75.12
Non-trial disposition	11.07	x	85.00%	9.41
Bench trial	145.87	x	13.00%	18.96
Jury trial	1462.65	x	2.00%	29.25
Post-disposition	42.14	x	30.00%	12.64
Case-related administration	1.62	x	100.00%	1.62
TOTAL CASE WEIGHT				147.00

¹¹ Where available, actual frequencies for bench and jury trials were used to compute the figures in the tables below. Since an accurate accounting of each case-related activity frequency is not readily available, the Steering Committee provided estimates used in the tables.

CIVIL CASE WEIGHTS

Case Type	Average Event Time (minutes)	x	Estimated Event Frequency	=	Time Study Result (minutes)
Time Intensive Circuit Civil					
Pre-trial	114.76	x	100.00%		114.76
Non-trial disposition	6.87	x	85.00%		5.84
Bench trial	217.88	x	13.00%		28.32
Jury trial	4730.40	x	2.00%		94.61
Post-disposition	144.05	x	30.00%		43.22
Case-related administration	5.26	x	100.00%		5.26
					292.00
General Circuit Civil					
Pre-trial	75.12	x	100.00%		75.12
Non-trial disposition	11.07	x	85.00%		9.41
Bench trial	145.87	x	13.00%		18.96
Jury trial	1462.65	x	2.00%		29.25
Post-disposition	42.14	x	30.00%		12.64
Case-related administration	1.62	x	100.00%		1.62
					147.00
Associate Civil					
Pre-trial	3.84	x	100.00%		3.84
Non-trial disposition	2.49	x	94.00%		2.34
Bench trial	61.60	x	6.00%		3.70
Jury trial	0.00	x	0.00%		0.00
Post-disposition	6.20	x	30.00%		1.86
Case-related administration	0.26	x	100.00%		0.26
					12.00
Small Claims					
Pre-trial	2.42	x	100.00%		2.42
Non-trial disposition	2.54	x	72.00%		1.83
Bench trial	50.44	x	28.00%		14.12
Jury trial	0.00	x	0.00%		0.00
Post-disposition	5.65	x	60.00%		3.39
Case-related administration	0.24	x	100.00%		0.24
					22.00

PROBATE/MENTAL HEALTH CASE WEIGHTS

Case Type	Average Event Time (minutes)	x	Estimated Event Frequency	=	Time Study Result (minutes)
Decedent's Estates					
Pre-trial	10.29	x	100.00%		10.29
Non-trial disposition	6.33	x	98.00%		6.20
Bench trial	521.70	x	2.00%		10.43
Jury trial	0.00	x	0.00%		0.00
Post-disposition	25.64	x	55.00%		14.10
Case-related administration	99.97	x	100.00%		99.97
					141.00
Incapacitated and Minor Estates					
Pre-trial	9.80	x	100.00%		9.80
Disposition	38.60	x	100.00%		38.60
Post-disposition	9.44	x	100.00%		9.44
Case-related administration	63.16	x	100.00%		63.16
					121.00
Simple Probate					
Pre-trial	3.91	x	100.00%		3.91
Non-trial disposition	2.04	x	99.00%		2.02
Bench trial	473.00	x	1.00%		4.73
Jury trial	0.00	x	0.00%		0.00
Post-disposition	2.42	x	55.00%		1.33
Case-related administration	31.00	x	100.00%		31.00
					43.00
Mental Health: Inv Petition/Mental Health Application					
Pre-trial	3.28	x	100.00%		3.28
Non-trial disposition	6.68	x	100.00%		6.68
Post-disposition	0.61	x	55.00%		0.34
Case-related administration	2.70	x	100.00%		2.70
					13.00
Sexual Predator					
Disposition	714.57	x	100.00%		714.57
Post-disposition	665.88	x	100.00%		665.88
Case-related administration	51.55	x	100.00%		51.55
					1432.00

DOMESTIC/FAMILY CASE WEIGHTS

Case Type	Average Event Time (minutes)	x	Estimated Event Frequency	=	Time Study Result (minutes)
Domestic Relations					
Pre-trial	46.48	x	100.00%		46.48
Non-trial disposition	23.92	x	79.00%		18.90
Bench trial	199.33	x	21.00%		41.86
Jury trial	0.00	x	0.00%		0.00
Post-disposition	31.36	x	100.00%		31.36
Case-related administration	1.40	x	100.00%		1.40
					140.00
Protection Orders					
Pre-trial	8.53	x	100.00%		8.53
Non-trial disposition	2.67	x	79.00%		2.11
Bench trial	36.46	x	21.00%		7.66
Jury trial	0.00	x	0.00%		0.00
Post-disposition	0.51	x	100.00%		0.51
Case-related administration	0.19	x	100.00%		0.19
					19.00
Abuse/Neglect/Adoption/Termination of Parental Rights					
Pre-trial	22.87	x	100.00%		22.87
Non-trial disposition	20.14	x	70.00%		14.10
Bench trial	111.37	x	30.00%		33.41
Jury trial	0.00	x	0.00%		0.00
Post-disposition	39.07	x	100.00%		39.07
Case-related administration	1.55	x	100.00%		1.55
					111.00
Juvenile Delinquency/Status Offense					
Pre-trial	23.23	x	100.00%		23.23
Non-trial disposition	30.51	x	75.00%		22.88
Bench trial	84.13	x	25.00%		21.03
Jury trial	0.00	x	0.00%		0.00
Post-disposition	19.27	x	100.00%		19.27
Case-related administration	1.58	x	100.00%		1.58
					88.00

TREATMENT COURT CASE WEIGHTS

Case Type	Average Event Time (minutes)	x	Estimated Event Frequency	=	Time Study Result (minutes)
Adult Treatment Court					
Pre-trial	114.76	x	100.00%		114.76
Non-trial disposition	30.73	x	100.00%		30.73
Post-disposition	124.09	x	100.00%		124.09
Case-related administration	119.42	x	100.00%		119.42
					389.00
Juvenile/Family Treatment Court					
Pre-trial	107.58	x	100.00%		107.58
Non-trial disposition	97.10	x	100.00%		97.10
Post-disposition	158.98	x	100.00%		158.98
Case-related administration	112.34	x	100.00%		112.34
					476.00

CRIMINAL/TRAFFIC CASE WEIGHTS

Case Type	Average Event Time (minutes)	x	Estimated Event Frequency	=	Time Study Result (minutes)
Circuit Felony					
Pre-trial	36.83	x	100.00%		36.83
Non-trial disposition	33.78	x	98.00%		33.11
Bench trial	644.80	x	1.00%		6.45
Jury trial	1884.80	x	1.00%		18.85
Post-disposition	30.45	x	90.00%		27.40
Case-related administration	1.36	x	100.00%		1.36
					124.00
Associate Felony					
Pre-trial	24.92	x	100.00%		24.92
Non-trial disposition	9.54	x	36.00%		3.43
Bench trial	6.53	x	64.00%		4.18
Jury trial	0.00	x	0.00%		0.00
Post-disposition	2.11	x	50.00%		1.05
Case-related administration	0.41	x	100.00%		0.41
					34.00
Misdemeanor/Municipal Certification/ Trial de novo					
Pre-trial	8.86	x	100.00%		8.86
Non-trial disposition	7.60	x	96.00%		7.30
Bench trial	99.20	x	3.00%		2.98
Jury trial	67.20	x	1.00%		0.67
Post-disposition	6.94	x	55.00%		3.82
Case-related administration	0.38	x	100.00%		0.38
					24.00
Traffic/Watercraft Conservation/ Municipal					
Pre-trial	1.25	x	100.00%		1.25
Non-trial disposition	1.78	x	99.00%		1.76
Bench trial	60.00	x	1.00%		0.60
Jury trial	0.00	x	0.00%		0.00
Post-disposition	6.48	x	5.00%		0.32
Case-related administration	0.06	x	100.00%		0.06
					4.00

Appendix F: Missouri State Constitution, Article V, Sections 15 and 16

Judicial circuits--establishment and changes--general terms and divisions--judges--presiding judge--court personnel.

Section 15. 1. The state shall be divided into convenient circuits of contiguous counties. In each circuit there shall be at least one circuit judge. The circuits may be changed or abolished by law as public convenience and the administration of justice may require, but no judge shall be removed from office during his term by reason of alteration of the geographical boundaries of a circuit. Any circuit or associate circuit judge may temporarily sit in any other circuit at the request of a judge thereof. In circuits having more than one judge, the court may sit in general term or in divisions. The circuit judges of the circuit may make rules for the circuit not inconsistent with the rules of the Supreme Court.

2. Each circuit shall have such number of circuit judges as provided by law.

3. The circuit and associate circuit judges in each circuit shall select by secret ballot a circuit judge from their number to serve as presiding judge. The presiding judge shall have general administrative authority over the court and its divisions.

4. Personnel to aid in the business of the circuit court shall be selected as provided by law or in accordance with a governmental charter of a political subdivision of this state. Where there is a separate probate division of the circuit court, the judge of the probate division shall, until otherwise provided by law, appoint a clerk and other nonjudicial personnel for the probate division.

Associate circuit judges, selection.

Section 16. Each county shall have such number of associate circuit judges as provided by law. There shall be at least one resident associate circuit judge in each county. Associate circuit judges shall be selected or elected in each county. In those circuits where the circuit judge is selected under section 25 of article 5 of the constitution the associate circuit judge shall be selected in the same manner. All other associate circuit judges shall be elected in the county in which they are to serve.

