



**VERMONT
WEIGHTED CASELOAD STUDY OF JUDICIAL
OFFICERS AND COURT STAFF**

**Final Report
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Executive Summary

Having adequate clerical and judicial resources is essential if Vermont's Court system is to effectively resolve court cases and manage important court business without unnecessary delay. Having the ability to manage cases requires the state to objectively assess the number of judicial officers and court staff required to handle the caseload and whether these resources are being allocated appropriately across the state.

The state of Vermont has never engaged in an independent, quantitative assessment of court-related resource needs. However, as one component of a legislative mandate to the courts to assess the possibility of the consolidation of court staff and staff functions, the weighted caseload study commenced in April 2009.

The Court Administrator's Office contracted with the National Center for State Courts (NCSC) to conduct a weighted caseload study for all of the courts in Vermont, including the Superior, District, Family, Environmental and Probate Courts and the Judicial Bureau. The current study employed the state-of-the-art practices to assess judicial and court staff workload needs in the Vermont courts. Specifically, the current study does the following:

- Bases the case weights on time-in-motion based data.
- Involves the participation of nearly all judges and court staff to estimate the time required to process cases.
- Assesses whether current practice is consistent with achieving reasonable levels of quality in case resolution.
- Builds in a review of draft case weights by a knowledgeable Committee prior to their final adoption.

The study provides an accurate picture of how judges and clerical staff are currently spending their time. Results of the study can be useful in looking at resource needs and utilization. First, the weighted caseload study results provide functional detail that can be used to analyze the impact organizational and technological changes will have on Judicial Branch resources. Second, the results of the study can be used to identify where resources may be out of balance. For example, family cases may have relatively inadequate time available while other case types, such as probate, may be receiving relatively more attention than necessary. Finally, the study can be used to identify where there are opportunities for efficiencies. For example, some cases may be handled more efficiently in one location or county compared to others. Data

from this study can be used as a basis to investigate what standard business practices might be put in place to allow other courts to operate at this more efficient level.

The project work was organized around the following primary tasks:

1. The Judicial Weighted Caseload Committee, made up of judicial officers representing all courts and court types, served as the oversight body for the Judicial Weighted Caseload Study. The Clerical Weighted Caseload Committee, made up of court managers and clerical staff representing each of the court types, served as the oversight body for the Clerical Weighted Caseload Study. All members were selected to represent various geographical areas across the state, as well as for their knowledge about specific case types and processes, and to bring both balance and credibility to the Committee. The role of the Committees was to provide guidance and oversight during the life of the weighted caseload project. Specifically, the Committees provided advice and comment on the overall study design, the identification of the case types, the location and content of the training sessions, the duration of the time study, the approach, and the final case weights.
2. A four-week time study of current practice was completed between May 4 and May 29, 2009. During the study, judicial officers and court staff 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 the study participants who had questions about recording time or categorizing information. The time study results were used to determine needs on both a county and state basis to meet the needs of the state. The participation rate for judicial officers was 90.0 percent (72 of 80 participated); court staff had a 91.4 percent participation rate (255 of 279 participated).
3. After the time study concluded, an Adequacy of Time Survey was posted for response by all Vermont judicial officers and court staff. This on-line questionnaire asked participants to respond to questions regarding the sufficiency of time available during the course of normal working hours to do their work. This survey provided useful information to the Committee to assess issues of time requirements and whether judges feel the need to sacrifice quality due to lack of time. Fifty-two of the state's 80 judicial officers (65.0 percent) responded to this survey; 179 of the 279 court staff employees (64.2 percent) responded to the survey.
4. Each Committee was convened on two occasions: once in April and once in August. The initial meeting was to determine the parameters of the time study (case types, activities, timeframe, etc.), the second meeting was convened so the Committees could review the draft case weights in detail, discuss the adequacy of time survey findings, and determine whether qualitative adjustments needed to be made to the case weights.
5. The NCSC staff developed a draft preliminary report of findings for review by the Court Administrator's Office (CAO) staff. Based upon feedback from CAO staff, the report was revised and this was produced.

In summary, the case weights provided in this report are based on an integrated understanding of current practice throughout the Vermont judicial system. The next step in the process will involve an analysis of the case weights based on the results of the Adequacy of Time Survey and the uniform application of business practices already in use by some of the courts that can lead to improved efficiency. Once the case weights are adjusted for these factors, the resource need model can be used to determine the optimum allocation of judicial and staff resources based on the current budgetary realities faced by the Judiciary.

Research Design and Results

The NCSC staff utilized a time study to measure the amount of time judicial officers and court staff in Vermont spend processing all phases of the case types identified for use in this assessment.¹ 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 number of cases filed to determine the demands placed on court staff and judicial officers ignores the varying levels of resources needed to handle cases effectively. The time study represents an accurate and valid picture of current practice – the way judicial officers and court staff in Vermont process cases.

A time study measures case complexity in terms of the average amount of judicial or staff 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* work-related activities. For this study, judicial officers and court staff 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.

Court staff and judicial officers' activities include time spent on case-specific work, non-case-specific work, and work-related travel time. The NCSC project team provided training on how study participants should record their time using the on-line data collection tool. Specific training on 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.

¹ Sixty-seven case types were originally identified for inclusion in this study by the Committees. Due to limitations of case filing data, however, some case types were collapsed, resulting in a total of 46 case types across the 6 different courts.

To determine whether the case weights adequately and accurately represent the work of Vermont judicial officers and staff, the Committees reviewed the draft case weight details and the Adequacy of Time Survey findings. Adjustments were made to three case types, Trusts, Felony Sexual Assaults, and Judicial Bureau cases (judges only), for the following reasons. First, Trust cases, processed in the Probate Court were adjusted by replacing new case counts (n=75) with pending case counts (n=1,533) as the denominator used to compute the case weight. This change was made because the case work is better defined by pending cases than new cases. Second, one lengthy, high profile felony sexual assault trial was held during the study period in Chittenden County, which significantly and artificially increased the case weight for that case type. To account for this aberration in both the judicial and clerical studies, the time recorded by judicial and court staff in Chittenden County was adjusted to reflect an average for all Chittenden County criminal cases during that period. This adjustment resulted in a decrease in the Felony Sexual Assault case weight and a slight increase in most of the other criminal case types. Finally, since judges in the Judicial Bureau only handle contested cases, the denominator for the judicial case weight was contested cases (25,835) instead of all cases filed (117,684). The original denominator of all cases filed remained in use to compute the court staff case weight for Judicial Bureau Cases.

Resource Demand

There are two primary analyses used to determine court resource needs: *Workload Value* and *Resource Demand*. *Workload value* is the average amount of time judicial officers and court employees need to process the work of the court in which they work. The workload value is computed by multiplying the case weight by the number of cases filed in each court. This results in the expected number of minutes of work for that court. *Resource demand* is a computation to determine the number of judicial and court staff needed to process the work of each court in a one-year period of time. Resource demand is calculated by dividing the workload value by the average annual availability of judicial officers and court staff. The judicial and court staff average annual availability value is the total amount of time per year that a judge or court staff employee has available to process his or her workload. This value is reached by the advisory committee after careful consideration of the typical number of days per year and hours per day

that a judicial officer and court employee should be available to work on case-specific and non-case-specific activities. This value accounts for weekends, holidays, sick days and vacation time.

By applying the case weights to current or projected case filings it is possible to obtain the workload value; dividing that value by the judge and court staff year value produces the judicial and court staff demand, the total number of judges and court staff needed to adequately process the work of the Courts. Using 2008 case filings would yield the total need under the current structure, legal and administrative framework. Similarly using 2010 projected filings would produce future needs. This weighted caseload study was conducted as part of Vermont's investigation of how the Judicial Branch can operate more efficiently under current and future budget shortfalls while at the same time maintaining or improving critical judicial services to Vermonters. Total current need is not calculated in this report so that attention is focused on the parts of the study that Vermont can use to assess the impact of changes it must make to the judicial system in order to work in an environment with fewer resources. Specifically, the weighted caseload study provides: objective data to assess the impact that structural, administrative or operational changes may have on the number of judges and staff needed under any new system; where resources might be out of balance; and provides information on courts that may be more efficient so that the practices in those courts can be evaluated to see if they can be applied statewide.

Introduction

A clear measure of workload in the courts is the cornerstone to determining the number of judges and court staff needed to efficiently resolve all cases coming before the courts in Vermont. Having adequate resources is essential if Vermont's judiciary staff is to effectively resolve court cases and manage important court business without unnecessary delay. Having the ability to manage these cases requires the state to objectively assess the number of judicial officers and staff required to handle the caseload and whether these resources are being allocated appropriately across the state. In response to issues of this sort, judicial leaders across the country are increasingly turning to empirically-based weighted caseload studies to provide a strong foundation of judicial and staff resource needs in the state trial courts.²

In this vein, the Vermont Legislature instructed the Vermont Supreme Court to establish a Commission on Judicial Operations to investigate how the Judicial Branch can operate more efficiently under current and future budget shortfalls while at the same time maintaining or improving critical judicial services to Vermonters. The Commission recognized early on that in order for the Vermont Supreme Court to effectively manage judicial resources available to operate a statewide judiciary it must have an independent and quantitative method to assess judicial and court staff resources. As a result, the Supreme Court contracted with the National Center for State Courts (NCSC) to conduct a weighted caseload study for all of the courts in Vermont, including the Superior, District, Family, Environmental, and Probate courts, and the Judicial Bureau.

Workload assessment through weighted caseload studies is a resource assessment methodology that weights cases to account for the varying complexity and need for judicial and court staff attention among court cases. While case counts alone have a role in determining the demands placed on state judicial systems, they are silent about the resources needed to process the vast array of cases differently. That is, raw, unadjusted case filing numbers offer only minimal guidance regarding the amount of *work* generated by those case filings. More importantly, the inability to differentiate the work time associated by case type creates the

² During the past ten years, the National Center for State Courts has conducted weighted workload assessment studies in the following states: Alabama, California, Colorado, Georgia, Florida, Hawaii, Iowa, Louisiana, Maryland, Maine, Missouri, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Puerto Rico, South Dakota, Tennessee, Texas, Virginia, West Virginia and Wyoming and the Territory of Guam.

potential misconception that equal numbers of cases filed for two different case types result in equivalent caseloads. By *weighting* court cases, a more accurate assessment can be made of the amount of time required to resolve the courts' caseload and judicial and staff 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.

The current study employed the state-of-the-art practices to assess judicial and court staff workload needs in the Vermont courts. Specifically, the current study does the following:

- Bases the case weights on time-in-motion based data.
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Research Design and Results

The NCSC staff utilized a time study to measure the time judicial officers and court staff in Vermont spend processing all phases of the 46 case types identified for use in this assessment. All court personnel who process any part of a District Court case that is considered to be “judicial work” were asked to participate in the study. To this end, judges,³ magistrates,

³ Judicial participants included full time judges and part-time Probate Court Judges.

Assistant Judges⁴ and law clerks⁵ participated in the judicial time study. A separate companion study that focused on court staff work was also conducted. Included in this study were any court staff member that had a hand in processing a case, including court clerks, deputy court clerks, docket clerks, court managers, deputy court managers, deputies, chief deputies, court recorders, court officers, probate registers, family case managers, compliance officers and others. The Court Administrator's Office (CAO) specifically requested that separate case weights be developed for both judicial officers and court staff. 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 court time and attention to be resolved. The time study represents an accurate and valid picture of current practice in terms of time spent by judicial officers and court staff in Vermont to process cases.

During the four-week period between May 4 and May 29, 2009, 72 of the 80 state judicial officers fully participated in the time study (90.0 percent participation rate),⁶ and 255 of the 279 court staff participated (91.4 percent participation rate).⁷ Study participants recorded their time on a paper-based time tracking form, and then transferred this information to a web-based data entry program. Once submitted, the data was automatically entered into NCSC's secure database. Collecting data from participants across the state ensures that sufficient data is collected to provide an accurate average of case processing practices and times for all case types measured.

⁴ Assistant judges recorded time they worked during the time study, including time hearing cases in their "Judicial Officer" function and in their "Side Judge" function. Time recorded for hearing cases, such as Judicial Bureau or small claims cases, was included in the time used to compute case weights; time recorded as "Side Judge" activities was not included in case weights, as this is not an essential judicial function.

⁵ Law clerks recorded time spent on research and writing, tasks that would be completed by a judge if a law clerk was not available. This time is considered to be "judge time" in the case weight computation. Non-case specific law clerk time was not included in this study.

⁶ The only judicial officers who did not participate were Assistant Judges; it is not clear whether they simply were not assigned cases to hear during this period or did not participate in the study for some other reason.

⁷ Similar to the judicial officers, it is not clear to what extent court staff did not participate because they simply did not engage in direct case processing work during the time study.

Event-based Methodology for Weighted Caseload Studies

The NCSC's time study is based on an event-based methodology, which allows us to collect data over a short period of time and extrapolate that data to approximate a one year time period. The event-based methodology is designed to take a snapshot of court activity and compare the judge and court-staff time spent on primary case events to the number of cases entering the court. The study thus measures the total amount of time in an average month devoted to processing each particular type of case for which standards are being developed (i.e., small claims, felony DUI and divorce). Because it is a snapshot, few cases actually complete the journey from filing to final resolution during the study period. However, courts in each county are processing a number of each type of case in varying *stages* of the case life cycle. For example, during the one-month time study period, a given Superior Court will handle the initiation of a number of new small claims cases, while the same court will also have other small claims cases (perhaps filed months or years earlier) on the trial docket, and still other small claims cases in the post-judgment phase. Moreover, if the sample period is representative, the mix of summary hearing, evidentiary hearings, merits hearing and post trial hearing activities conducted for each type of case, as well as the time devoted to each type of activity, will be representative of the type of work entering the court throughout the year. Therefore, data collected during the study period provides a direct measure of the amount of judicial and court staff time devoted to the full range of key case processing events.

Data Elements

NCSC project staff met with the study's Advisory Committees in April 2009 to determine the case type categories, case-related and non-case-specific activities to be included in the study. A more detailed description of all of the time study elements is provided in Appendix A.

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 needs to be to guarantee statistical accuracy. More importantly, determining the appropriate types of cases to be weighted is particularly important because the case weights must eventually be attached to readily available case data to determine workload. Figure 1 presents the case types for which data was collected from both judicial officers and court staff in this study.

Figure 1: Vermont Judicial and Court Staff Workload Study Case Type Categories

Superior Court

1. **Small Claims** (including post judgment activity)
 2. **Civil Cases: Jury & NonJury**
 - Real Property Disputes** (including land, roads, boundary disputes and easements)
 - Foreclosure**
 - Tort Activity** (including medical malpractice, auto negligence and other tort activities)
 - Breach of Contract**
 - Collections**
 - Landlord/Tenant**
 - Review of Governmental Actions** (includes post conviction relief and other governmental actions)
 - Restraining Orders**
 3. **Stalking/Sexual Assault**
 4. **Appeals: Small Claims & Other**
-

District Court

1. **Misdemeanor Domestic Assault** (includes all misdemeanors involving domestic violence, e.g. VAPOs)
 2. **Misdemeanor DUI**
 3. **Misdemeanor: DLS**
 4. **Misdemeanor: Other** (includes all misdemeanors except DUI, DLS and domestic assault)
 5. **Felony Sexual Assault** (includes all felonies involving sexual offenses, e.g L&L with a child)
 6. **Felony Domestic Assault** (includes all felonies involving domestic violence, e.g. second offense VAPOs)
 7. **Felony DUI**
 8. **All Felonies except Sex Assault, Domestic Assault & DUI**
 9. **Treatment Courts: All types of treatment courts**
 10. **Civil Suspension**
 11. **Search Warrants/Inquests/NTO** (non testimonial orders)
 12. **VOPs**
 13. **Judicial Bureau Appeals**
 14. **Other**
-

Family Court

DOMESTIC

1. **Divorce, Annulment, Legal Separation, Civil Dissolution**
2. **Parentage**
3. **Post Judgment Enforcement** (child support contempt, PRR, PCC, Alimony, Property division)
Post Judgment: Modification (PRR, PCC, Alimony)
4. **Child Support:**
Establishment
Post Judgment Enforcement
Post Judgment Modification
Other
5. **Relief from Abuse** (includes RFA for elderly/vulnerable adult)
6. **Other Domestic**⁸

JUVENILE

7. **Abused or Neglected (CHINS)**
8. **Unmanageable (CHUMS)**
9. **Delinquency**
10. **Termination of Parental Rights** (pre-disposition & post-disposition)
11. **Treatment Courts** (All treatment courts: Family Treatment Court, Juvenile Drug Court)

MENTAL HEALTH

12. **Application for Involuntary or Continued Treatment**
 13. **Application for Involuntary Medication**
-

Probate Court

1. **Estates**
 2. **Trusts**
 3. **Adoption: Agency and Private**
 4. **Adoption: TPR**
 5. **Adult Guardianships: Voluntary and Involuntary**
 6. **Minor Guardianships: Financial and Custodial**
 7. **Vitals Adjudications** (minor name changes, birth and death certificate amendments, etc.)
 8. **Probate: Other**
-

⁸ A case weight for the “Other Domestic” category of cases could not be computed because judicial officers did not consistently define this category. Time recorded in this category was distributed evenly among Divorce, Parentage and Post-judgment enforcement and modification.

Environmental Court

- 1. Municipal Appeals: de Novo**
 - 2. Municipal Appeals: on-the-record**
 - 3. Act 250 Land Use Appeals**
 - 4. State Agency Appeals (ANR/NRB)**
 - 5. Municipal environmental proceedings**
 - 6. Environmental enforcement proceedings**
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Judicial Bureau

- 1. Judicial Bureau Cases (VCVC, Municipal Ordinance Violations, Fish & Game Violations)**
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Case-Related Activities

Case-related activities are the essential functions that judicial officers and court staff perform in resolving a case from initial filing to final resolution. As with the case types, the essential functions were categorized into manageable groups for the time study. Figure 2 presents the case-related activities for the judicial officer case types measured in the time study; Figure 3 presents the case-related activities for court staff participants.

Figure 2: Case-Related Activities - Judicial Officers

1. **Reviewing files and signing routine orders** – motion reaction form orders, stipulated orders, mediation orders, discovery orders, etc.
 2. **Summary Hearing** – arraignments, status conference, pretrial conferences, preliminary hearings, change of plea, calendar call or any non-evidentiary hearing for case management purposes.
 3. **Evidentiary Hearing** – any type of motion hearing except post judgment domestic motions to modify or enforce, etc.
 4. **Merits Hearing: Bench Trial/Final Hearing** – all judicial activities occurring during a non-jury trial from commencement of hearing through on the record findings and entry of final judgment/decision by the judicial officer – or – through entry of guilty plea, settlement or dismissal prior to final judgment/decision by the judicial officer. Also includes contested or uncontested final divorce hearing, juvenile merits hearing, VOP merits hearing, RFA final hearing, traffic hearing, adoption hearing, merits hearing in small claims, merits hearing on post judgment domestic motions to modify or enforce.
 5. **Merits Hearing: Jury Trial Activities** – include all activities occurring during a jury trial, including jury selection and activities through entry of verdict – or – through entry of guilty plea, settlement or dismissal prior to verdict.
 6. **Research & Writing: Decisions, Orders and Rulings** – written findings and conclusions after a bench trial, final hearing or merits hearing. Written decision on motion for summary judgment, motion to suppress, motion to dismiss or any other type motion; final orders in domestic cases including post judgment motions to modify or enforce.
 7. **Post Trial Hearings & Motions/Post Adjudication/Reviews** – sentencing hearing, juvenile disposition hearing, post judgment writs, post judgment contempt (except child support contempt which is treated as a merits hearing), sentence review, motion to reopen, motion to amend, motion for new trial, motion for relief from judgment, annual reviews, permanency reviews, administrative activities occurring post trial, etc. **EXCLUDE:** merits hearing on domestic post judgment motions to enforce or modify – these should be treated as a merits hearing.
 8. **Sitting with Presiding Judge**
 9. **Problem Solving Activities** – includes case-specific meetings with treatment court clients and/or staff, including bench time and case staffing time. Also includes time spent by probate court judges on “vital adjudications” cases conducting research and communications, such as responding to adoption requests that do not involve contested or uncontested hearings.
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Figure 3: Case-Related Activities – Court Staff

1. **Case Initiation, Processing and Management** - Docket case/enter a new case, process docket fees, process orders related to educational requirements, collect fees, and monitor compliance for COPE and Pre Se Ed., assign docket numbers, process case documents, service of parties, track incarcerated defendants, records management: sealing, purging, archiving, shredding, copying, public records transfer and retrieval, records requests, preparing files/cases for appeals, guardian ad litem/attorney assignment, review and process public defender applications, review and process applications for IFPs, case management conferences and related activities, criminal tax referrals, posting case decisions on the internet.
 2. **Calendaring/Scheduling** - Track attorney and/or law enforcement availability, set judicial calendars, coordinate video arraignment events, schedule interpreters, manage the tickler system, mail packets for hearings.
 3. **Case Related Customer Service** - Respond to telephone/email requests for case information, provide counter service specific to a particular case or case type.
 4. **Financial Management** - Receiving payments and issue receipts for monies received, processing physical checks, credit cards, tax offsets, etc., process bad checks collections, bail/escrow/jury and refund accounting, maintain deferred payment orders/payment plans.
 5. **Courtroom Support/Court Monitoring** - Provide supplies for judges, test recording equipment set up tapes for recording, manage exhibits, telephone hearings, make docket entries that reflect events in the courtroom, all court support work conducted in the courtroom.
 6. **Jury Services** - Case specific jury work.
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Non-Case Specific Activities

Activities that do not directly relate to the resolution of a specific case but must be attended to by judicial officers and court staff are defined as non-case specific activities. The key distinction between case-related and non-case-specific activities is whether the activity can be tied to a specific case. Figures 4 and 5 list the non-case-specific activities measured for judicial officers and FCFs, respectively, in this study. While this work must be attended to, the time associated with non-case specific activities is used to compute the case-specific time available to judicial officers. This time is *not* built into the case-type specific case weights.

Figure 4: Non-Case Specific Activities – Judicial Officers

1. **Non-Case-Related Administration** - Includes work directly related to the *administration or operation* of the court. Probate and Assistant Judges used this category only when their administrative work was related directly to the court.
 - Personnel issues
 - Case assignment
 - Calendaring
 - Management issues
 - Internal staff meeting
 - Facilities
 - Budget
 - Technology
 - Committee work/meetings
 2. **Judicial education and training** - Includes continuing education and professional development, reading advance sheets, statewide judicial meetings, and out-of-state education programs permitted by the state.
 3. **Community activities, education, speaking engagement** - Includes time spent on community and civic activities in your role as a judge, e.g., speaking at a local bar luncheon, attendance at rotary functions, or Law Day at the local high school. Weddings were not recorded.
 4. **Travel time** - Includes any reimbursable travel. This includes time spent traveling to and from a court or other facility outside one's county of residence for any court-related business, including meetings. Traveling to the court in one's own county is local "commuting time," which was NOT counted as travel time.
 5. **Vacation/Illness/Other Leave** - Includes any non-recognized holiday/military leave time. *Part-time judicial officers should not use this category.*
 6. **NCSC Project Time** – record the time required (each day) to record and log the time for the weighted caseload assessment project.
 7. **Other** – record any non-case specific task that is not included in any categories above.
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Figure 5: Non-Case Specific Activities – Court Staff

1. **General Customer Service** - Responding to general court-related questions (such as, “How do I get to the courthouse?” “What time do you close?” “Is it snowing there?” “What is your furlough day?”), activities (data entry, etc.) associated with legal clinic, records checks.
 2. **Financial Management** - Deposits, postage meter, activities include reconciling daily receipts and cash registers, determining appropriate accounts and process deposits; allocating funds to appropriate accounts, process revenue recapture claims, process GAL and acting judges expense sheets.
 3. **Jury Services** - Includes jury work NOT associated with a specific case; process jury qualification questionnaires and supplemental questionnaires, create jury panels, monthly jury draws, process jury correspondence, process jury attendance sheets, process juror payment documents.
 4. **County Functions** - maintain and reconcile county checking accounts and payroll, elections work, processing passport applications, processing notary applications, maintain judgment/docket books, bonds/commissions/oaths, facilities maintenance.
 5. **General Administrative Work** - Troubleshooting computer problems, etc., process mail (opening and distributing) and general non-case specific email, ordering supplies, shipping tickets/envelopes to law enforcement, assign LE numbers, administrative duties associated with mediation and other programs.
 6. **Travel** - Record time associated with travel that is eligible for reimbursement. This does not include travel to and from home.
 7. **Vacation/Illness/Education/Other leave** - Time spent on vacation or away from work due to illness.
 8. **NCSC Workload Study Project Time** - The time taken each day to input activities and events into the NCSC Daily Time Log provided to all staff members participating in the study.
 9. **Other** - Any task performed by staff members that are non-case related and unique from those activities given above.
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Adequacy of Time Survey

In addition to the time study, all judges and court staff were invited to complete an on-line Adequacy of Time Survey. This qualitative element of the assessment study provided the Committees with additional information to help evaluate case weights and workload standards. The case weights derived from the time study represent “what is,” or the average amount of time judges and court staff currently spend on each case type and the survey data provide information to help determine “what should be.”

The Adequacy of Time Survey indicated the areas in which respondents feel they *do* and *do not* have sufficient time to effectively attend to essential job-related activities. Thus, where survey results demonstrate that respondents believe more time is necessary to meet constitutional

mandates, case weights may be adjusted to indicate the greater need. Judicial officer respondents were asked to rank specific activities within a set of case processing categories pertaining to their work by responding to the following statement: “[Case Type] During a typical work week, I generally have enough time to become sufficiently informed and to engage in sufficient deliberation before I make decisions at each of the following stages of a case.” The activity categories varied by case type. Court staff respondents were asked to rank specific activities within a set of case processing categories pertaining to their work by responding to the following statement: “[Case Type] During a typical work week, I generally have enough time to sufficiently attend to the work identified in the following stages of a case.”

Respondents could rate each question with a score of one through five. Scores one, three and five had anchor statements, scores two and four were left as open options between the anchors. The corresponding response options were “I almost never have enough time (1)” “I usually have enough time (3)” and “I almost always have enough time (5).” An average rating of 3.0 or greater indicates that, as a group, respondents reported having adequate time to perform the specified task most of the time. The results are expressed as the average response for questions in each specific case processing activity area. Thus, an average rating for activities of less than 3.0 indicated that weights might need to be adjusted to provide for more time or ways to increase efficiency need to be found. Fifty-two of the eighty judicial officers (65.0 percent) and 179 of the 279 clerical staff (64.2 percent) participated in the survey. The participation rates representing nearly two-thirds of the judicial and clerk staff population provide for an adequate representation of the opinions of the judges and court clerks in Vermont.

NCSC staff compiled responses and analyzed the results. For each activity an average response score was generated. A summary of the statewide results for judicial officers is presented in Figure 6, clerical staff results are presented in Figure 7. The scores are outlined in a shaded box for those duties where the average score was less than 3.0. This will be useful in future work to determine where resources might be balanced and where more efficiency needs to be investigated.

Regarding the judicial officer responses, scores clearly indicate that respondents do not feel they have adequate time to process cases in most case types in the District, Family and Environmental Courts. The staff survey, however, indicates that court staff generally feel they

have adequate time to complete their job-related tasks, in all cases but Applications for Involuntary Medication and Judicial Bureau cases.

Figure 6: Adequacy of Time Survey Results – Vermont Judicial Officers

SUPERIOR COURT	AVG. SCORE
SMALL CLAIMS CASES: .	3.39
REAL PROPERTY DISPUTES:	3.22
FORECLOSURE CASES:	3.41
TORT ACTIVITY CASES:	3.30
BREACH OF CONTRACT CASES:	3.42
COLLECTIONS CASES:	3.50
LANDLORD-TENANT CASES:	3.43
REVIEW OF GOVERNMENTAL ACTIONS:	3.37
STALKING/SEXUAL ASSAULT CASES:	3.66
RESTRAINING ORDERS:	3.32
OTHER SUPERIOR COURT CIVIL CASES:	3.30
SMALL CLAIMS APPEALS:	3.43
OTHER APPEAL CASES:	3.34

DISTRICT COURT	AVG. SCORE
MISDEMEANOR DOMESTIC ASSAULT CASES:	3.07
MISDEMEANOR DUIs:	3.08
MISDEMEANOR DLS CASES:	3.25
OTHER MISDEMEANOR CASES:	2.82
FELONY SEXUAL ASSAULT:	2.71
FELONY DOMESTIC ASSAULT:	2.77
FELONY DUIs:	2.74
FELONIES EXCEPT DOMESTIC ASSAULT, SEXUAL ASSAULT & DUI:	2.71
TREATMENT COURT CASES:	3.31
CIVIL SUSPENSION CASES:	2.73
SEARCH WARRANTS/INQUESTS/NTOs	3.59
VIOLATION OF PROBATION:	2.76
JUDICIAL BUREAU APPEALS:	2.95
OTHER DISTRICT COURT CIVIL CASES:	3.00

FAMILY COURT	AVG. SCORE
DIVORCE, ANNULMENT, ETC.	2.67
DOMESTIC-PARENTAGE:	2.72
DOMESTIC-POST-JUDGMENT ENFORCEMENT:	2.69
DOMESTIC-POST-JUDGMENT MODIFICATION:	2.66
DOMESTIC-CHILD SUPPORT ESTABLISHMENT:	3.16
DOMESTIC CHILD SUPPORT POST-JUDGMENT ENFORCEMENT:	3.32
DOMESTIC CHILD SUPPORT POST-JUDGMENT MODIFICATION:	2.34
DOMESTIC CHILD SUPPORT OTHER:	2.39
DOMESTIC-MAGISTRATE APPEAL:	3.35
DOMESTIC-RELIEF FROM ABUSE:	2.64
DOMESTIC-OTHER:	2.81
JUVENILE-CHINS	2.05
JUVENILE-CHUMS:	1.72
JUVENILE DELINQUENCY:	1.78
JUVENILE TPR:	1.88
JUVENILE YOUTHFUL OFFENDER:	2.15
JUVENILE TRUANCY:	2.53
JUVENILE TREATMENT COURT (all types):	2.00
MENTAL HEALTH APP FOR INVOLUNTARY OR CONTINUED	2.33
MENTAL HEALTH APP FOR INVOLUNTARY MEDICATION:	2.11
MENTAL HEALTH PETITION FOR GUARDIANSHIP SERVICE:	2.84
OTHER MENTAL HEALTH:	2.46

PROBATE COURT	AVG. SCORE
ESTATE CASES:	4.58
TRUST cases:	4.76
AGENCY ADOPTION cases:	4.76
PRIVATE ADOPTION cases:	4.75
TPR ADOPTION cases:	4.39
ADULT VOLUNTARY GUARDIANSHIP cases:	4.72
MINOR FINANCIAL GUARDIANSHIP cases:	4.74
MINOR CUSTODIAL GUARDIANSHIP cases:	4.53
VITALS ADJUDICATIONS:	4.98
OTHER PROBATE cases:	4.57

	AVG. SCORE
ENVIRONMENTAL COURT	
MUNICIPAL APPEALS-de NOVO:	3.14
ACT 250 LAND USE APPEALS:	2.71
STATE AGENCY APPEALS (ANR/NRB):	3.00
MUNICIPAL ENFORCEMENT PROCEEDINGS:	2.86
ENVIRONMENTAL ENFORCEMENT PROCEEDINGS:	2.86
JUDICIAL BUREAU	AVG. SCORE
ALL JUDICIAL BUREAU CASES:	4.11

Figure 7: Adequacy of Time Survey Results – Vermont Court Staff

	AVG. SCORE
SUPERIOR COURT	
SMALL CLAIMS CASES	3.21
REAL PROPERTY DISPUTES	3.35
FORECLOSURE CASES	3.28
TORT ACTIVITY CASES	3.29
BREACH OF CONTRACT CASES	3.30
COLLECTIONS CASES	3.22
LANDLORD-TENANT CASES	3.22
REVIEW OF GOVERNMENTAL ACTIONS	3.33
STALKING/SEXUAL ASSAULT CASES	3.54
RESTRAINING ORDERS	3.50
OTHER CIVIL CASES	3.29
SMALL CLAIMS APPEALS	3.37
OTHER APPEAL CASES	3.42
DISTRICT COURT	AVG. SCORE
MISDEMEANOR DOMESTIC ASSAULT CASES	3.35
MISDEMEANOR DUIs	3.50
MISDEMEANOR DLS CASES	3.44
OTHER MISDEMEANOR CASES	3.49
FELONY SEXUAL ASSAULT	3.41
FELONY DUI's	3.34
FELONIES EXCEPT DOMESTIC ASSAULT, SEXUAL ASSAULT OR DUI	3.33
TREATMENT COURT cases	3.47
CIVIL SUSPENSION cases	3.55
SEARCH WARRANTS/INQUESTS/NTO	3.40
VIOLATIONS OF PROBATION	3.39
JUDICIAL BUREAU APPEALS	3.46
OTHER CIVIL cases	3.21

FAMILY COURT	AVG. SCORE
DIVORCE, ANNULMENT, LEGAL SEPARATION, CIVIL DISSOLUTION	3.27
DOMESTIC-PARENTAGE cases	3.36
DOMESTIC-POST-JUDGMENT ENFORCEMENT	3.23
DOMESTIC-POST-JUDGMENT MODIFICATION	3.18
DOMESTIC-CHILD SUPPORT ESTABLISHMENT	3.50
DOMESTIC CHILD SUPPORT POST-JUDGMENT ENFORCEMENT	3.65
DOMESTIC CHILD SUPPORT POST-JUDGMENT MODIFICATION	3.48
DOMESTIC CHILD SUPPORT OTHER	3.57
DOMESTIC-MAGISTRATE APPEAL cases	3.55
DOMESTIC-RELIEF FROM ABUSE cases	3.23
DOMESTIC-OTHER cases	3.43
JUVENILE-CHINS cases	3.49
JUVENILE-CHUMS cases	3.56
JUVENILE DELINQUENCY cases	3.53
JUVENILE TPR cases	3.41
JUVENILE YOUTHFUL OFFENDER cases	3.58
JUVENILE TRUANCY cases:	3.70
JUVENILE TREATMENT COURT (all types) cases:	3.57
MENTAL HEALTH APPLICATION INVOLUNTARY OR CONTINUED TREATMENT cases:	3.24
MENTAL HEALTH APPLICATION INVOLUNTARY MEDICATION:	2.97
MENTAL HEALTH PETITION GUARDIANSHIP SERVICE:	3.30
OTHER MENTAL HEALTH cases:	3.36

PROBATE COURT	AVG. SCORE
ESTATE CASES:	4.01
TRUST cases:	4.12
AGENCY ADOPTION cases:	4.24
PRIVATE ADOPTION cases:	4.10
TPR ADOPTION cases:	4.18
ADULT VOLUNTARY GUARDIANSHIP cases:	4.21
ADULT INVOLUNTARY GARDIANSHIP cases:	3.98
MINOR FINANCIAL GUARDIANSHIP cases:	4.13
MINOR CUSTODIAL GUARDIANSHIP cases:	4.10
VITALS ADJUDICATIONS:	4.27
OTHER PROBATE cases:	4.17

ENVIRONMENTAL COURT	AVG. SCORE
MUNICIPAL APPEALS-de NOVO:	4.67
MUNICIPAL APPEALS: ON THE RECORD:	4.62
ACT 250 LAND USE APPEALS	4.62
STATE AGENCY APPEALS (ANR/NRB)	4.62
MUNICIPAL ENFORCEMENT PROCEEDINGS	4.48
ENVIRONMENTAL ENFORCEMENT PROCEEDINGS	4.62

JUDICIAL BUREAU	AVG. SCORE
ALL JUDICIAL BUREAU CASES	2.88

Case Weight Calculation and Quality Adjustment Process

A time study measures case complexity in terms of the average amount of judicial officer and court staff 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 from *all* work-related activities. For this study, participants 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. 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 a manual daily time log the web-based data collection tool. Specific training devoted to how to track and record time is essential to ensure that judicial officers and court staff across the state uniformly and consistently record time, which produces the most reliable data. All training materials were also provided in written format and were available to all members of the judicial branch as a resource on the on-line data collection site.

Initial case weights were generated by summing the time recorded for each case type category, annualizing that data, and then dividing by the number of case filings for each case type category for fiscal year 2008. Case weights were generated for both judicial officers and court staff, to account for the different case processing activities within the courts. Using this method, the work recorded by judicial officers and staff accurately reflects how judicial branch staff across the state are currently doing their work (“what is”).

The raw case weights and the adequacy of time survey results were shared with the Committees in meetings held on August 12 and 13, 2009. Adjustments were made to three case types: Trusts, Felony Sexual Assaults and Judicial Bureau cases (judicial case weights only), for the following reasons. First, Trust cases, processed in the Probate Court were adjusted by replacing newly filed case counts (n=75) with pending case counts (n=1,533) as the denominator used to compute the case weight. This change was made because the case work is better defined by pending cases than new cases. Second, one lengthy, high profile felony sexual assault trial was held during the study period in Chittenden County, which significantly and artificially increased the case weight for that case type. To account for this aberration in both the judicial and clerical studies, the time recorded by judicial and court staff in Chittenden County was adjusted to reflect an average County-based average on all criminal cases during that period. This adjustment resulted in a decrease in the Felony Sexual Assault case weight and a slight

increase in the case weights for most of the other criminal case types. Finally, since judges in the Judicial Bureau only handle contested cases, the denominator for the judicial case weight was contested cases (25,835) instead of all cases filed (117,684). The original denominator of all cases filed remained in use to compute the court staff case weight for Judicial Bureau Cases.

Work Year Value

The work-year value refers to the average amount of work time judges and court staff have available to manage *cases* in a year. The work year value is used to determine both case weights and resource needs. The work year value accounts for both the number of days judges and court staff are expected to work and the average number of days judges and court staff are expected to devote to non-case specific work (such as, meetings, personnel issues and administrative work).

The Advisory Committees for both the judicial and court staff studies established the work year. The work-year value for judges (presented in Figure 8) and court staff (presented in Figure 9), begins with a baseline of 365 days in the year and subtracts the 104 weekend days and 13 state holidays/personal day. For judges, the committee established a reasonable amount of time for vacation, sick and other leave (20 days), and established 15 days for education and training (ten days of judicial college and five additional days during the year).⁹ The clerks' committee obtained the actual average amount of education and leave time taken by the clerical staff, which equated to 35 days for both. The resulting work year value is 218 days for both judges and clerks. The derived judge and staff year values in Vermont are higher than the average judge year of 212 and clerical staff value of 214 days used in judicial and court staff workload studies conducted by the NCSC over the past ten years. Figures 8 and 9 present these calculations.

⁹ All but one of the 14 Probate Judges in Vermont are part-time positions. Similarly, Assistant Judges, who work an undetermined schedule were included in this study. The Judge Year value still allows for an accounting of the work they perform on an annual basis, and this time is included when developing case weights. For example, if a Probate Judge works half-time, then the time that was recorded during the time study will approximate half of a full-time judges' time. In terms of resource needs, the resources are calculated as full-time equivalent positions, and the need for Probate Judges will simply indicate part-time resource needs. For the Assistant Judges, only the time they spent on actual judicial functions, not the time sitting as "Side Judges" was included in the case weight computation. In this way, we captured all time associated with judicial-specific work in the judicial officer case weights.

Figure 8: Judge Year Value

	Days Available Annually
Total Days per Year	365
<i>Subtract non-working days</i>	
Weekends	104
Holidays/personal day	13
Vacation, sick & other leave	20
Education/training	15
Total Working Days per Year	218

Figure 9: Court Staff Year Value

	Days Available Annually
Total Days per Year	365
<i>Subtract non-working days</i>	
Weekends	104
Holidays/personal day	13
Vacation, sick, other leave & educational time	35
Total Working Days per Year	218

Work Day Value

The work day is separated into three parts: the amount of time devoted to (1) case-specific matters, (2) non-case specific matters, and (3) work-related travel (for court staff only). Making a distinction between case-specific and non-case-specific time provides clear recognition that judges and court staff have many varied responsibilities during the day, not all of which are directly related to cases filed in court. To determine the number of average available hours per year to devote to case-specific work, the time data were analyzed to determine the average amount of judge and court staff time devoted to non-case specific work and travel. Time study data indicate that judges spend an average of 63 minutes per day (and per judge) attending to non-case specific work; court staff spend an average of 104 minutes per day on non-case specific work. Determining the work day value, then, becomes a simple process of subtraction. The computation begins with an 8-hour work day and subtracts non-case specific (and travel time for court staff), as presented in Figure 10.

Figure 10: Judge Court Staff Work Day Value

	Judicial Work Day	Court Staff Work Day
Minutes per Day (8-hour day)	480	480
<i>Subtract non-case specific work</i>		
Non-case specific work minutes per day	63	104
Average minutes of travel per day	0	4
Total Case-Specific Minutes per Day	417	372

Case Weights: Judicial Officers

As discussed earlier, time study data was collected from all judicial officers and court staff statewide during a four-week period between May 4 and May 29, 2009. To calculate preliminary case weights, time study data (from the four-week study) was weighted to equate to the annual judge and clerk year value of 218 days. The annual number of minutes for each case type was then divided by the number of cases filed¹⁰ for each case type in fiscal year 2008,¹¹ which resulted in the average amount of time it takes to process a case within a one-year period of time (the case weight).

The utility of a case weight is that it summarizes the variation in judicial and court staff time by providing an average amount of time per case. Some cases take more time than the case weight and some take less time than the case weight, but, on average, the case weight accurately reflects the typical amount of time needed to reach resolution of specific case types.

The case weights by case type provide a picture of current judicial and court staff practice in Vermont. For example, judicial officers recorded approximately 20,436 case-related minutes for small claims cases during the time study. To develop the case weight, we annualized the case-related time¹², then divided the time in minutes by the number of small claims cases filed of during fiscal year 2008 (247,502 minutes/11,366 small claims cases filed). The resulting case weight of 22 minutes means that, on average, the judicial processing of a small claims case

¹⁰ In the Probate Court for Trust Cases, *pending cases*, rather than new cases were used as the denominator, since the pending caseload is the most relevant for this case type.

¹¹ Fiscal Year 2009 filing data were not available for this study.

¹² When we annualize this time, it is based on 218 days per year. Thus, the formula for annualizing the time study data is this: Divide the 20,436 minutes recorded during the study period (there were two furlough days during the time study) by 18 to get the average for 1 day; then multiply this figure by 218 to annualize based on Vermont's work year value or: A) $20,436 \div 18 = 1,135.33$, B) $1,135.33 \times 218 = 247,502$, C) $247,502 \div 11,366 \text{ cases filed} = 22$ (case weights are rounded) minutes per case.

requires 22 minutes of judicial time across the state. Comparatively, the court staff case weight for the same case type is 127 minutes (1,446,164 annual minutes/11,366 cases filed = 127).

The utility of a weighted caseload system is now easy to illustrate. While the *number* of small claims cases filed (11,366) is approximately five times greater than the *number* of felonies not including sexual assault, domestic assault or DUIs filed (2,238), the case weights are significantly different. The judicial case weight for felonies not including sexual assault, domestic assault or DUIs is 176 minutes compared to 22 minutes for the small claims case. Multiplying the case weight by the number of filings for each case type provides the amount of judicial time expected to be required for both case types. Figure 11 provides an illustration of the annual judicial case-time requirements for each case type. Clearly, felonies not including sexual assault, domestic assault or DUIs are expected to require significantly more judicial officer time than small claims (over 50 percent more time), despite the fact that there are five time as many small claims cases filed.

**Figure 11: Comparison Annual Judicial Time Required for
 Small Claims and Felony Other Cases in Vermont**

Case Type	Case Weight	Cases Filed Annually	Minutes of Judicial Work Expected Annually
Small Claims	22	11,366	250,052
Felony Other	176	2,238	393,888

Figure 12: Final Judicial Officer and Court Staff Case Weights

Superior Court		
Case Type	Judicial Case Weight	Clerical Case Weight
Small Claims	22	127
Stalking/Sexual Assault	43	208
Appeals: Small Claims & Other	280	296
Civil	133	323

District Court		
Case Type	Judicial Case Weight	Clerical Case Weight
Misdemeanor Domestic Assault	64	231
Misdemeanor DUI	39	163
Misdemeanor DLS	10	123
Misdemeanor Other	34	142
Felony Sexual Assault ¹³	400	653
Felony Domestic Assault	111	398
Felony DUI	77	204
Felonies except sexual assault, domestic assault & DUI	176	320
Treatment Courts: All District Court Treatment court Types	80	677
Civil Suspension	8	64
Search Warrants/Inquests/NTO	11	20
VOPs	17	71
Judicial Bureau Appeals	19	61
Other District Court Civil	12	130

¹³ The case weight for felony sexual assault was adjusted downward to account for a high-profile and time-consuming jury trial case that occurred in Chittenden County during the time study. Judicial and clerical staff's time was averaged to equate to co-worker's average times to equal out the time.

Family Court		
Case Type	Judicial Case Weight	Clerical Case Weight
DOMESTIC: Divorce, Annulment, Legal Separation, Civil Dissolution	121	513
DOMESTIC: Parentage	58	397
DOMESTIC: Post Judgment Enforcement & Modification	58	190
DOMESTIC: Child Support	56	161
DOMESTIC: Relief from Abuse	44	185
JUVENILE: Abused or Neglected (CHINS)	374	1,156
JUVENILE: Unmanageable (CHUMS)	79	202
JUVENILE: Delinquency	76	311
JUVENILE: Termination of Parental Rights	304	379
JUVENILE: Treatment Court -- All Juvenile Court Types	530	2,087
MENTAL HEALTH: Application for Involuntary or Continued Treatment	9	59
MENTAL HEALTH: Application for Involuntary Medication	97	191
Probate Court		
Case Type	Judicial Case Weight	Clerical Case Weight
Estates	87	416
Trusts	22 ¹⁴	85 ¹⁴
Adoption: Agency & Private)	88	298
Adoption: TPR	459	166
Adult Guardianships: Voluntary & Involuntary	321	813
Minor Guardianships: Custodial & Financial	169	608
Vitals Adjudications	110	377
Other Probate	32	219

¹⁴ The denominator used to compute the Trust case weight was number of cases pending at the beginning of the year.

Environmental Court		
Case Type	Judicial Case Weight	Clerical Case Weight
Municipal Appeals: de Novo	1,095	678
Municipal Appeals: on-the-record	334	964
Act 250 Land Use Appeals	5,319	887
State Agency Appeals (ANR/NRB)	6,766	1,589
Municipal enforcement proceedings	343	829
Environmental enforcement proceedings	108	253

Judicial Bureau		
Case Type	Judicial Case Weight	Clerical Case Weight
Judicial Bureau Cases	6 ¹⁵	14

Resource Needs

Determining Judicial Officer and Court Staff Need

Once the judge year value and case weights have been established, the calculation of the judicial officer and staff need to manage the workload can be completed. Case-related demand is calculated by dividing the judicial and staff workload value (the annual number of minutes of work required given the number of cases filed and the relative case weights) by the work year value (this will vary by county, depending on the travel requirements for judges). The resulting number represents the judicial and court staff full time equivalents (FTEs) needed to manage the work of the court.

Before final case weights can be determined for Vermont, the case weights above need to be adjusted based on a number of factors: qualitative data such as the Adequacy of Time Survey results; data related to efficiencies resulting from improved business practices; and resource limitations imposed by budgetary constraints. As the Vermont Judiciary moves forward with its restructuring plans, the analysis and adjustment of the case weight data will be critical to achieving the appropriate allocation of its judicial and staff resources. Once the case weights are adjusted, resource needs can be calculated based on the following formula:

¹⁵ The denominator used to compute the judicial case weight for Judicial Bureau cases is contested cases, compared to all cases filed, which was used to compute the court staff case weight.

Step 1	For each case type: <i>Case Weight x Case Filings = Workload</i>
Step 2	Sum the workloads for each case type to obtain total workload for each court
Step 3	Divide the total workload by the work year value (case related minutes) to obtain the judicial officer/court staff resource needs

Qualitative Factors Affecting the Determination of Judicial Resources

The case weights presented in this report represent a combination of the actual average time recorded by judicial officers and court staff needed to process each of the case types. The case weights represent the average amount of time it takes a judicial officer/court clerk in Vermont to handle a case from filing to case resolution within one year. While this objective set of case weights is an excellent value to base expected judicial and court staff workload upon, it should be considered the *starting point* from which resource needs are assessed. There are additional qualitative factors that must be considered when assessing resource needs in any state or local jurisdiction.

Depending upon a state’s laws and public expectations, access to justice issues often drive the need for judicial positions as much as weighted caseload models. For example, if a weighted caseload model indicates the need for .75 of a judicial officer, but the local community expects a judge to be available during normal business working hours five days per week, the judicial access issue will likely drive the need for resources more than the purely mathematical model. There are also certain types of cases, such as capital murder cases or complex civil cases that can significantly alter the need for judicial resources in a smaller court during a particular year. Such cases might require a full three months or more of a judges’ time, but since they occur relatively infrequently, these anomalous cases are best left to be addressed on a case-by case basis. Similar issues exist with court staff members. Court clerks are the front-line people with whom the public interacts on a daily basis. While the case filings might not indicate a need for a full-time staff person, the need to have a person available to the public might require a full-time employee.

While a set of case weights provide the basis for a weighted caseload model from which to establish the need for judges and court staff, no set of statistical criteria will be so complete that it encompasses all contingencies. In addition to the statistical information, individual characteristics of the courts must be examined before any changes to a court's judicial and staff complement are recommended. Local issues must always be considered when making final judicial and staff resource assessments.

The weighted caseload approach provides an objective measure of the judicial and staff resources needed to resolve cases effectively and efficiently. Like any model, it is most effective as a *guide* to workloads, not a rigid formula. The numbers need to be tempered by a qualitative assessment that must be an integral part of any judicial and court staff weighted caseload assessment.

Conclusion and Recommendations

The case weights generated in this 2009 study are grounded in current practice (as measured by the time study) The next step in the process is to determine what adjustments should be made to the case weights based on the qualitative data and best practices from our most efficient courts. Once these adjustments are made to the case weights, the adjusted case weights can be used to determine the most appropriate allocation of judicial and staff resources based on case priorities and the economic realities of budget constraints.

Although the case weights developed during the course of this study should be accurate for the coming years, the NCSC recommends updating the weights every five to seven years to ensure that the standards continue to accurately represent the changing nature of judicial workload.

The case weights generated in this study are valid and credible due to the techniques employed. The time study provided a joint quantitative and qualitative basis for assessing judicial and court staff need, and forms the final case weights. Over time, the integrity of case weights are affected by multiple influences, including changes in legislation, court rules, legal practice, technology and administrative factors. Examples of such factors include legislative mandates that increase the number of required hearings (e.g., additional review hearings in dependency cases), the development of specialized courts (e.g., mental health courts or family

drug courts), and the introduction of more efficient case management practices (e.g. expanded e-filing).

For the workload standards to remain reliable and accurate over time, the NCSC recommends the following initiatives:

Recommendation 1:

Adjust the baseline case weights produced in this study based on quality assessment as well as any structural changes or operational efficiencies that can be achieved. Before final case weights are determined a second report should be prepared for consideration by the Judicial Operations Commission that takes into account other factors that affect the quality and efficiency of judicial services. Once these adjustments have been made, the resources needed to operate in a new structure can be determined.

Recommendation 2:

Annual review of factors affecting the case weights for specific types of cases. We recommend that the Advisory Committees meet on an annual basis to review the impact of new legislation or other contextual factors on judicial case weights. This review process will serve to identify areas in which specific research may be needed to quantify the impact of new laws, policy, or court procedures on the weights for specific types of cases. Because this process will target for review only those standards where there is evidence of recent change, it will be more cost effective than updating the entire set of workload standards.

An annual review of this kind will require that CAO staff commit to gathering and analyzing relevant data to estimate the likely impact of change within the state's justice system. There should be no reason to redo the study or to undertake a complete, statewide sampling of time-study data on an annual basis. Instead, efforts should be made to identify only those case types of which time data may have changed significantly from the initial study results. Relatively small-scale samples can then be taken to assess whether any adjustments to selected workload standards are warranted.

However, over time, there will be sufficient changes in legislation, case processing, court structure and/or jurisdiction to justify a complete study.

Recommendation 3:

The CAO should plan to conduct a systematic update of the workload standards approximately every five to seven years, depending on the judgment of the Committee. Funding for this should be part of the regular budget request within this timeframe.

Integrity of the workload standards also depends on maintaining the quality of record keeping and statistical reporting.

**Appendix A:
Case Weight Breakdowns by Function (lowest to highest by court type)**

JUDICIAL Case Weights by Function	Review ing files, signing orders	Summary Hearing	Evidentiary Hearing	Merits Hearing Bench Trial or Final Hrng	Merits Hearing Jury Trial Activities	Research & Writing	Post Trial Hrngs and Motions	Problem Solving Activities	Time Reported
JUDICIAL Case Weights by Function: Superior Court									
Small Claims	3.80	0.60	2.15	4.31	0.00	9.86	1.28	0.00	22
Stalking/Sexual Assault	14.13	0.30	5.43	22.45	0.00	0.00	0.00	0.68	43
Civil	13.02	11.51	8.41	11.50	6.24	78.33	1.99	2.00	133
Appeals: Small Claims & Other	1.63	17.01	0.00	38.62	0.00	219.94	2.78	0.00	280
JUDICIAL Case Weights by Function: District Court									
Civil Suspension	1.05	2.33	1.90	0.45	0.00	2.28	0.00	0.00	8
Misdemeanor DLS	2.61	6.39	0.26	0.21	0.00	0.00	0.18	0.35	10
Search Warrants/Inquests/NTO	7.77	0.35	0.21	0.00	0.00	2.46	0.00	0.21	11
Other District Court Civil	3.44	2.49	0.00	0.65	0.00	2.85	0.48	2.09	12
VOPs	2.71	8.49	0.97	2.47	0.19	1.69	0.45	0.03	17
Judicial Bureau Appeals	5.34	3.73	2.42	0.00	0.00	5.24	2.27	0.00	19
Misdemeanor Other	8.17	11.16	1.63	1.23	4.45	5.66	1.06	0.64	34
Misdemeanor DUI	6.13	11.94	1.58	1.70	6.74	10.44	0.44	0.04	39
Misdemeanor Domestic Assault	6.96	20.61	1.53	1.74	24.64	6.18	2.02	0.32	64
Felony DUI	4.20	16.54	1.67	4.29	25.24	23.81	0.83	0.42	77
Treatment Courts: All District Court Treatment court Types	1.76	33.62	6.35	0.00	0.00	0.00	0.00	38.26	80
Felony Domestic Assault	11.47	27.18	4.03	8.24	14.28	41.51	2.62	1.68	111
Felony Other	16.23	33.94	7.91	11.31	17.35	71.36	14.62	3.28	176
Felony Sexual Assault	25.01	63.56	21.56	1.44	161.16	83.34	40.18	3.74	400
JUDICIAL Case Weights by Function: Family Court									
Application for Involuntary or Continued Treatment	1.55	1.78	1.14	0.39	0.00	4.14	0.00	0.00	9
Relief from Abuse	13.56	5.67	11.20	10.38	0.00	2.99	0.05	0.14	44
ALL Child Support	6.90	4.17	2.24	23.18	0.14	17.64	1.50	0.23	56
Parentage	15.08	13.65	8.31	12.31	0.00	8.00	0.58	0.06	58
Post Judgment Enforcement & Modification	9.76	7.84	7.23	10.36	0.00	17.92	3.47	1.42	58
Delinquency	9.21	39.50	2.32	14.49	0.00	3.95	6.47	0.06	76
Unmanageable (CHUMS)	22.94	31.83	0.00	3.51	0.00	0.00	20.72	0.00	79
Application for Involuntary Medication	6.47	0.00	51.73	0.00	0.00	38.80	0.00	0.00	97
Divorce, Annulment, Legal Separation, Civil Dissolution	19.90	17.10	13.71	33.06	0.00	35.74	0.09	1.40	121
Termination of Parental Rights (pre & post dispo)	13.72	36.11	42.25	65.24	0.00	143.97	0.66	2.05	304
Abused or Neglected (CHINS)	61.67	123.23	62.79	36.83	0.00	59.35	29.73	0.40	374
Treatment Court -- All Juvenile Court Types	0.00	98.57	0.00	0.00	0.00	0.00	0.00	431.43	530

JUDICIAL Case Weights by Function	Reviewing files, signing orders	Summary Hearing	Evidentiary Hearing	Merits Hearing Bench Trial or Final Hrng	Merits Hearing Jury Trial Activities	Research & Writing	Post Trial Hrngs and Motions	Problem Solving Activities	Time Reported
JUDICIAL Case Weights by Function: Probate Court									
Trusts	11.48	2.09	0.23	0.76	0.00	4.71	0.35	2.38	22
Other Probate	9.17	0.40	0.28	1.65	0.06	1.05	0.13	19.24	32
Estates	48.71	7.54	5.28	2.08	0.00	15.09	0.49	7.80	87
Adoption: Agency, Private	18.00	3.96	21.65	8.20	0.00	26.92	0.00	9.28	88
Vitals Adjudications	38.49	15.19	14.27	15.02	0.00	11.22	0.92	14.90	110
Minor Guardianships: Custodial & Financial	41.05	9.89	25.58	10.91	0.00	54.20	10.91	16.47	169
Adult Guardianships: Vol & Involuntary	82.98	12.77	41.95	38.09	0.00	98.65	14.54	32.03	321
Adult Guardianships: TPR	20.72	54.52	63.79	98.48	0.00	217.29	1.08	3.11	459
JUDICIAL Case Weights by Function: Environmental Court									
Environmental enforcement proceedings	57.07	21.38	0.00	0.00	0.00	29.55	0.00	0.00	108
Municipal Appeals: on-the-Record	149.91	149.91	0.00	0.00	0.00	34.17	0.00	0.00	334
Municipal enforcement proceedings	114.94	138.53	0.00	0.00	0.00	89.53	0.00	0.00	343
Municipal Appeals: de Novo	66.97	53.88	78.71	0.00	0.00	894.30	1.13	0.00	1,095
Act 250 Land Use Appeals	113.84	23.62	0.00	370.59	0.00	4,810.96	0.00	0.00	5,319
State Agency Appeals (ANR/NRB)	82.09	52.48	0.00	768.37	0.00	5,863.06	0.00	0.00	6,766
JUDICIAL Case Weights by Function: Judicial Bureau									
Judicial Bureau Cases	0.54	0.70	0.75	3.53	0.00	0.32	0.13	0.03	6

Clerical Case Weights by Function	Case initiation, process, mgt.	Calendar & Scheduling	Case Related Customer Service	Case Related Financial Mgt.	Courtroom Support & Monitoring	Jury Services	Case Weight
Superior Court							
Small Claims	76.44	14.89	10.13	2.12	23.42	0.00	127
Stalking/Sexual Assault	98.21	16.11	44.59	0.33	48.75	0.00	208
Appeals: Small Claims & Other	162.46	25.47	22.69	0.00	83.62	1.75	296
Civil (Real property, foreclosure, torts, breach of contract, landlord/tenant, review of gov't actions, restraining orders)	190.19	29.70	32.31	11.33	50.67	8.79	323
District Court							
Search Warrants/Inquests/NTO	17.84	0.38	1.61	0.00	0.17	0.00	20
Judicial Bureau Appeals	39.54	4.88	4.33	0.00	12.25	0.00	61
Civil Suspension	32.75	8.31	8.88	2.33	11.73	0.00	64
VOPs	30.44	8.14	7.20	0.51	24.70	0.00	71
Misdemeanor DLS	52.94	13.34	22.13	7.84	26.75	0.00	123
Other Civil	50.32	4.79	10.47	54.23	8.97	1.22	130
Misdemeanor DUI	66.09	18.75	21.59	11.56	40.85	4.15	163
Misdemeanor Other	54.83	14.65	30.64	7.35	33.11	1.44	142
Felony DUI	66.17	16.26	19.07	1.92	93.97	6.61	204
Misdemeanor Domestic Assault	77.16	18.45	38.14	3.46	77.87	15.93	231
Felony except sexual assault, domestic assault & DUI	115.97	40.13	40.05	3.84	113.89	6.13	320
Felony Domestic Assault	96.76	28.22	24.79	1.04	210.48	36.72	398
Felony Sexual Assault	67.81	40.70	72.47	1.83	180.31	289.88	653
Treatment Courts: All District Court Treatment court Types	284.62	70.85	82.04	6.23	233.26	0.00	677
Juvenile & Family Court							
Application for Involuntary or Continued Treatment	40.54	10.25	2.72	0.00	5.49	0.00	59
Child Support: All	99.59	21.74	13.42	0.15	26.11	0.00	161
Relief from Abuse	103.37	9.14	36.10	0.27	36.12	0.00	185
Post Judgment Enforcement & Modification	104.40	35.44	19.72	0.52	29.93	0.00	190
Application for Involuntary Medication	89.88	77.78	23.33	0.00	0.00	0.00	191
Unmanageable (CHUMS)	84.25	7.27	12.61	0.00	97.87	0.00	202
Delinquency	151.86	57.56	17.40	0.21	83.98	0.00	311
Termination of Parental Rights (pre & post dispo)	146.54	51.96	10.17	0.00	170.32	0.00	379
Parentage	247.86	48.91	60.89	0.35	38.99	0.00	397
Divorce, Annulment, Legal Separation, Civil Dissolution	295.98	63.17	70.89	1.12	81.84	0.00	513
Abused or Neglected (CHINS)	583.50	90.36	71.88	0.00	410.26	0.00	1,156
Treatment Court -- All Juvenile Court Types	963.17	85.58	19.38	0.00	1,018.88	0.00	2,087

Clerical Case Weights by Function	Case initiation, process, mgt.	Calendar & Scheduling	Case Related Customer Service	Case Related Financial Mgt.	Courtroom Support & Monitoring	Jury Services	Case Weight
Probate Court							
Trusts	68.76	6.23	6.90	1.78	1.09	0.24	85
Other Probate	79.76	24.24	95.81	12.75	6.44	0.00	219
Adoption: TPR	209.34	41.57	42.68	0.00	4.41	0.00	298
Adoption: Agency & Private	128.72	11.67	20.41	0.94	4.26	0.00	166
Vitals Adjudications	236.55	18.34	110.23	4.79	7.09	0.00	377
Estates	304.52	33.29	65.45	6.16	6.52	0.05	416
Minor Guardianships: Financial & Custodial	415.44	80.33	95.28	2.35	14.59	0.00	608
Adult Guardianships: Voluntary & Involuntary	569.94	95.65	100.51	2.03	43.96	0.90	813
Environmental Court							
Environmental enforcement proceedings	223.00	3.77	8.95	0.00	17.27	0.00	253
Municipal Appeals: de Novo	485.23	73.21	72.38	9.41	37.77	0.00	678
Municipal enforcement proceedings	557.11	109.00	83.57	3.63	75.69	0.00	829
Act 250 Land Use Appeals	611.52	108.98	133.20	7.87	25.43	0.00	887
Municipal Appeals: on-the-Record	681.18	133.16	110.05	0.00	39.62	0.00	964
State Agency Appeals (ANR/NRB)	937.79	343.09	165.49	8.07	134.55	0.00	1,589
Judicial Bureau							
Judicial Bureau Cases	5.87	0.76	3.69	1.97	1.71	0.00	14