

Vermont Weighted Caseload Study for Judicial Officers and Court Staff Summary

September 9, 2009

Background

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 workload. 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.

Results

The product of the study is a set of case weights for each of the major case types in each of these courts. For example, in Superior Court the study shows that it takes, on average, 22 minutes of judicial time and 127 minutes of clerical time to handle a typical small claims case. Sexual assault felonies, on the other hand, require an average of 400 minutes of judicial time and 653 minutes of staff time. All case weights are listed at the end of the report; also, these will be available in the Weighted Caseload Report which will be distributed to Commission members at the September 11, 2009 meeting.

The study, as well, provides information on the length of time it takes to accomplish certain functions. For example, time is reported on the amount of time it takes clerical staff to do the following functions: (1) initiate, process and manage a case; (2) calendar and schedule cases; (3) provide case related customer service; (4) supply financial management; (5) afford court room support; and (6) offer jury services. Similar detail is available for judicial functions.

Finally, the study provides information regarding the time currently allocated to perform each function is adequate. This information is based on the results of a survey of judges and staff who participated in the weighted caseload study.

The study provides an accurate picture of how judges and clerical staff are currently spending their time. An analysis of the data, which will be done in a separate document, can be

useful to the Commission as it determines how best the Supreme Court can manage available resources. First, it 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. Second, it provides functional detail that can be used to analyze the impact organizational and technological changes will have on Judicial Branch resources. And 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. This can be used to investigate what standard business practices might be put in place to allow other courts to operate at a more efficient level.

Methodology

The study employed state-of-the-art practices to assess judicial and court staff workload needs in the Vermont courts including:

- Determine the case weights based on time-in-motion studies.
- Involve the participation of nearly all judges and court staff to estimate the time required to process cases
- Assess whether current practice is consistent with achieving reasonable levels of quality in case resolution

The project work was organized around the following primary tasks:

1. The judicial and clerical sides of the workload study each had a committee representing all courts and court types to oversee the studies. Specifically, the committees provided advice and commented 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 that they spent on case-related and non-case-related activities. The time study results were used to identify workload for judges and staff. 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 all Vermont judicial officers and court staff to respond to. 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 on 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 convened on two occasions: once in April and once in August. At the April meeting, the committees helped to design the survey and the training plan. At the August meeting, the committees discussed the "raw numbers" from the study as well as the responses to the Survey. Some adjustments were made in the case weight figures in response to the discovery that certain anomalies in scheduling during May had skewed some of the results. For example, during the month of May when the study was conducted, there was a three week sexual assault jury trial. This was such an unusual occurrence that it skewed the figures for both judicial and staff time for felony sexual assaults. Finally, there were some data issues regarding the number of annual filings that had to be resolved.

The Results

The NCSC will deliver a final report to the Commission on September 11, 2009 to allow the results to be used in their deliberations. The charts below use the case weight results to provide some preliminary analysis of the relative intensity of the workload for staff and judges for certain case types. The first three charts group case types based on whether the workload is high intensity, low intensity or mid-level intensity. Note that information regarding the number of annual filings per case type is also included. The final chart provides case weight and filing information for the highest volume cases. These are but a few examples of how the case weights can be used to analyze work load.

WORK INTENSITY: HIGH RANGE

| | Judges | Staff |
|-----------|---|---|
| | Case Wt: Avg # of Minutes per case # Filed = number of cases filed in 2008 | Case Wt: Avg # of Minutes per case # Filed = number of cases filed in 2008 |
| 1 | E-Court: State Agency Appeals ¹ Case Wt: 6766 # Filed: 9 | E-Court: State Agency Appeals ² Case Wt: 1,589 # Filed: 9 |
| 2 | E-Court: Act 250 Land Use Appeals ³ Case Wt: 5,319 # Filed: 20 | Fam Court: Abuse/Neglect Petition Case Wt: 1,156 # Filed: 521 |
| 3 | E-Court: De Novo Mun Appeals ⁴ Case Wt: 1,095 # Filed: 161 | E-Court: Mun Appeals - Record Case Wt: 964 # Filed: 11 |
| 4 | Probate: TPR Case Wt: 459 # Filed: 59 | E-Court: Act 250 Land Use Appeals Case Wt: 887 # Filed: 20 |
| 5 | Dist Court: Felony Sexual Assault Case Wt: 400 # Filed: 252 | E-Court: Mun appeals - Enforce Case Wt: 829 # Filed: 20 |
| 6 | Fam Court: Abuse/Neglect Petition Case Wt: 374 # Filed: 521 | Probate: Adult Guardianship Case Wt: 813 # Filed: 536 |
| 7 | E-Court: Mun appeals - Record Case Wt: 334 # Filed: 11 | Dist Court: Adult Treatment Courts ⁵ Case Wt: 677 # Served: 239 |
| 8 | Probate: Adult Guardianship Case Wt: 321 # Filed: 536 | Dist Court: Felony Sexual Assault Case Wt: 653 # Filed: 252 |
| 9 | Fam Court: TPR Petition Case Wt: 304 # Filed: 201 | Probate Court: Minor Guardianship Case Wt: 608 # Filed: 617 |
| 10 | Sup Court: Appeals Case Wt: 280 # Filed: 200 | Fam Court: Divorce Case Wt: 513 # Filed: 3,105 |

¹ Judicial time in the weighted case load study includes law clerk time as well as judge time since law clerks perform a judicial function, i.e. legal research and writing. The E Court has two judges whose time is exclusively devoted to environmental court cases. There are also two full time law clerks assigned to the E Court. This in part explains the high case weights for the E Court cases.

² E Court has a full time case manager for E court cases in addition to two full time clerks and a court manager.

³ See FN 1.

⁴ See FN 1.

⁵ Treatment courts are labor intensive. This is particularly true on the staff side because the staff time includes the time of a case coordinator who works exclusively for the treatment court.

WORK INTENSITY: LOW RANGE

| | Judges | Staff |
|-----------|--|---|
| | Case Wt. = Avg # of Minutes per case # Filed = number filed in FY08 | Case Wt. = Avg # of Minutes of per case # Filed = number filed in FY08 |
| 1 | Judicial Bur: Traffic Tickets Case Wt: 6 # Filed: 25,835 ⁶ | Judicial Bur: Traffic Tickets Case Wt: 14 # Filed: 155,010 |
| 2 | Dist Court: Civil Suspensions Case Wt: 8 # Filed: 1,858 | Dist Court: Civil Suspensions Case Wt: 64 # Filed: 1,858 |
| 3 | Dist Court: Misdemeanor DLS Case Wt: 10 # Filed: 1,973 | Dist Court: VOPS Case Wt: 71 # Filed: 3,889 |
| 4 | Dist Court: VOPS Case Wt: 17 # Filed: 3,889 | Probate Court: Trusts Case Wt: 85 # Pending: 1,533 ⁷ |
| 5 | Superior Court: Small Claims Case Wt: 22 # Served: 11,366 | Dist Court: Misdemeanor DLS Case Wt: 123 # Filed: 1,973 |
| 6 | Probate Court: Trusts Case Wt: 22 # Pending: 1,533 ⁸ | Dist Court: Misdemeanor DUI Case Wt: 163 # Filed: 3,220 |
| 7 | Dist Court: Misdemeanors Case Wt: 34 # Filed: 8,048 | Dist Court: Misdemeanors Case Wt: 142 # Filed: 8,048 |
| 8 | Dist Court: Misdemeanor DUI Case Wt: 39 # Filed: 3,220 | Fam Court: Child Support Case Wt: 161 # Filed: 8,217 |
| 9 | Sup Court: Stalking/Sex Assault Case Wt: 43 # Filed: 475 | Fam Court: Relief from Abuse Case Wt: 185 # Filed: 3,650 |
| 10 | Fam Court: Relief From Abuse Case Wt: 44 # Filed: 3,650 | Fam Court: Domestic Post Judgment Case Wt: 190 # Filed: 4,283 |

⁶ Judicial Bureau cases include traffic tickets, municipal ordinance violations and fish & game violations. A total of 117,684 new tickets were filed in 2008. The number used for the purposes of measuring judicial time, however, was only the number cases for which a hearing was requested.

⁷ Because trusts are administered in Probate Court over many years, the Study uses the number of cases pending at the beginning of the fiscal year as opposed to the number of cases filed.

⁸ See FN 10.

WORK INTENSITY: MID RANGE

| | Judges | Staff |
|-----------|---|---|
| | Case Wt. = Avg # of minutes per case # Filed = number filed in FY08 | Case Wt. = Avg # of minutes per case # Filed = number filed in FY08 |
| 1 | Fam Court: Child Support Case Wt: 56 # Filed: 8,217 | Fam Court: MH Involuntary Medication Case Wt: 191 # Filed: 28 |
| 2 | Fam Court: Dom Post Judgement Case Wt: 58 # Filed: 4,283 | Family Court: Juv Unmanageable Case Wt: 202 # Filed: 252 |
| 3 | Fam Court: Parentage Case Wt: 58 # Filed: 1,394 | Dist Court: Felony DUI Case Wt: 204 # Filed: 768 |
| 4 | Probate: Adoption Case Wt: 88 # Filed: 372 | Superior Court: Stalking Case Wt: 208 # Filed: 475 |
| 5 | District Court: Msd Dom Violence ⁹ Case Wt: 64 # Served: 1,144 | Dist Court: Misd Dom Violence Case Wt: 231 # Filed: 1,144 |
| 6 | Family Court: Delinquency Case Wt: 76 # Filed: 1,058 | E- Court: Enforcement Case Wt: 253 # Filed: 77 |
| 7 | District Court: Felony DUI Case Wt: 77 # Filed: 768 | Superior Court: Appeals Case Wt: 296 # Filed: 200 |
| 8 | Family Court: Juv Unmanageable Case Wt: 79 # Filed: 252 | Probate: Adoption Case Wt: 298 # Filed: 372 |
| 9 | Dist Court: Adult Treatment Courts ¹⁰ Case Wt: 80 # Served: 239 | Family Court: Juv Delinquency Case Wt: 311 # Filed: 1,058 |
| 10 | Probate: Estates Case Wt: 87 # Filed: 2,357 | District Court: Felony ¹¹ Case Wt: 320 # Filed: 2,238 |
| 11 | Probate Court: Vital records Case Wt: 110 # Filed: 210 | Probate Court: Vital Records Case Wt: 377 # Filed: 210 |
| 12 | District Court: Felony Dom Violence Case Wt: 111 # Filed: 456 | Family Court: Juv TPR Case Wt: 379 # Filed: 201 |
| 13 | Family Court: Divorce Case Wt: 121 # Filed: 3,105 | Fam Court: Parentage Case Wt: 397 # Filed: 1,394 |
| 14 | Superior: Civil Jury/NonJury Case Wt: 133 # Filed: 7,815 | Dist Court: Felony Domestic Violence ¹² Case Wt: 398 # Filed: 456 |
| 15 | Probate: Minor Guardianship Case Wt: 169 # Filed: 617 | Probate: Estates Case Wt: 416 # Filed: 2,357 |

⁹ Includes: misdemeanor domestic assault, misdemeanor VAPOs, misdemeanor stalking and child endangerment

¹⁰ See FN 2

¹¹ Includes: all felonies except felony sex assault, felony domestic violence crimes, and felony DUI.

¹² Felony Domestic Violence cases include: domestic assault (1st and 2nd degree); felony VAPO; felony stalking; custodial interference; child endangerment

| Case Weights for High Volume Cases | | |
|---|----------|-------|
| | Judicial | Staff |
| Traffic Bureau (155,010) ¹³ | 6 | 14 |
| Small Claims (11,366) | 22 | 127 |
| Child Support (8,217) | 56 | 161 |
| Misdemeanors (8,048) ¹⁴ | 34 | 142 |
| Civil Jury/Non Jury (7,815) | 133 | 323 |
| Domestic Post Judgment (4,283) | 58 | 190 |
| VOP (3,889) | 17 | 71 |
| Relief From Abuse (3,650) | 44 | 185 |
| Misdemeanor DUI (3,220) | 39 | 142 |
| Divorce (3,105) | 121 | 513 |
| Estates (2,357) | 87 | 416 |

¹³ 155,010 represents the total number of new tickets filed in 2008. For the purpose of calculating the judicial case weight, the study used only those tickets where a hearing had been requested. That number is 25,077)

¹⁴ All Misdemeanors except: DLS, DUI and Domestic Violence