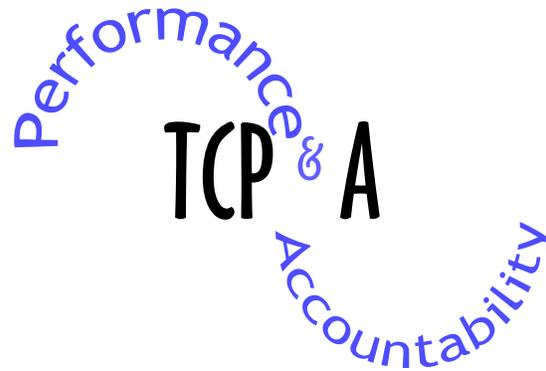


Supreme Court of Florida Commission on Trial Court
Performance & Accountability



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Judicial Resource Study Final Report

*Measuring the Workload of
Trial Court Judges,
General Magistrates and
Hearing Officers*

ACKNOWLEDGEMENTS

This report was prepared for the Commission on Trial Court Performance and Accountability by the Judicial Resource Study Workgroup. The views and recommendations herein are the Workgroup's and do not necessarily represent the position of the Supreme Court of Florida.

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EXECUTIVE SUMMARY

Overview

The Judicial Resource Study (JRS) is an analytical examination of workload in Florida's trial courts. The goals of the JRS are to develop a model of judicial and supplemental resource usage that will help to determine expected future need and to provide a tool to aid in the efficient distribution of available resources within the trial court system. Specific primary and secondary goals are listed below.

Primary Goals:

1. Update the existing judicial case weights.
2. Develop case weights for other supplemental resources.
 - a. General Magistrates
 - b. Traffic Hearing Officers
 - c. Title IV-D Child Support Hearing Officers

Secondary Goal:

Develop a tool to assist judicial leadership in determining the optimal allocation of judicial and supplemental resources.

The weighted caseload methodology may replace the existing funding methodologies used for general magistrates, child support hearing officers and traffic hearing officers.

Study Workgroups

Judicial Resource Study Workgroup

The Judicial Resource Study Workgroup, under the umbrella of the Commission on Trial Court Performance and Accountability, was formed in August 2005 to provide direction, oversight and support for this study. The group consisted of ten circuit court judges, two county court judges, two magistrates, and three trial courts administrators. Chief Judge Robert Bennett of the Twelfth Judicial Circuit and Michael Bridenback of the Thirteenth Judicial Circuit served as Workgroup co-chairs. Members of the Workgroup came from eleven circuits and were representative of small, medium and large circuits, including Miami-Dade.

General Magistrate/Hearing Officer (GM/HO) Subgroup

A General Magistrate/Hearing Officer Subgroup was appointed by the JRS Workgroup consisting of three judges and seven magistrates and hearing officers to provide expert advice and guidance for the GM/HO portion of the JRS project. The GM/HO Subgroup was lead by Chief Judge William Wright of the Fourteenth Judicial Circuit, a member of the JRS Workgroup. Members of the GM/HO Subgroup came from ten circuits and were representative of small, medium and large circuits, including Miami-Dade.

Introduction

The Supreme Court of Florida uses many criteria during its annual, statutorily required evaluation of judicial need. One important tool, developed during the 1999 Delphi Study is the Weighted Caseload Model. This model identifies potential areas of judicial need based upon the expected number and types of cases, the average time it takes judges to process cases, and the amount of time available to judges for case related work. The Office of the State Courts Administrator (OSCA) with the assistance of the National Center for State Courts (NCSC) undertook the development of this model in late 1998 and the final project was completed in November 1999 (1999 Delphi Study).¹

A workload model, such as the Supreme Court's Weighted Caseload Model, has four primary components that capture different aspects of workload within the courts. The four components are: (1) unambiguous case types that categorize the court activities into distinct, countable groups; (2) case weights that reflect the complexity of case activity by assigning different time values to each case type; (3) case filings that estimate the expected number of cases of a given type to enter the court system each year; and (4) work year, which identifies the total time available to handle case related work each year.

The 1999 Delphi Study identified twenty-six relevant case groupings that capture court activity based on essential similarities in case characteristics. Initial case weights were developed for each of the twenty-six case types based on the Delphi-based² findings. These case weights were subsequently validated by a time study conducted in June and September 1999 and a few weights were modified to reflect time study results. The case weights developed by the original study were approved by the Supreme Court in their 2000 Certification of Need opinion and have been used each year by the Supreme Court when certifying judicial need to the Legislature.

Judicial workload is not static. Complexity and need change over time in response to new legislative mandates, evolving case precedent and the availability of supporting resources. The original study recommended that there should be "... a systematic update of the case weights approximately every five years." Goal one of this study satisfies this recommendation. However, the 1999 Delphi Study did not explicitly account for the work of magistrates and hearing officers. Goal two of this study seeks to measure that workload and the secondary goal seeks to link the two models into a more cohesive workload model. The stated goals of the JRS project effectively define two distinct studies. The JRS Workgroup implemented a bifurcated strategy establishing the Judicial Case Weight Update Study to satisfy the elements pertaining to the judiciary and the General Magistrate/Hearing Officer Workload Study to address specific supplemental resources.

¹ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000

² The Delphi Method is based on a structured process for collecting and distilling knowledge from a group of experts by means of an iterative series of questionnaires interspersed with controlled opinion feedback (Adler, M. & Ziglio, E. (1996). *Gazing into the oracle: The Delphi Method and its application to social policy and public health*. London: Jessica Kingsley Publishers.)

Judicial Case Weight Update Study

The purpose of the Judicial Case Weight Update Study was to revise the original case weights developed in 1999, currently used to determine the need for new judges. This study utilized a modified Delphi approach and was comprised of three main phases: (1) Case Weight Update Survey; (2) Judge Forum Groups; and (3) Final Case Weight Review. For purposes of the judicial workload model and this update study, a case weight is defined as:

“the average time required for a judge to handle a typical case in a reasonable amount of time.”³

The Judicial Case Weight Update Survey was available to all circuit and county court judges online from August 14th to September 1st 2006. Judges were asked, based on their experience, to estimate time spent on each individual element of a case, for each of the case types developed in the original study, the Drug Cases Involving Drug Court case type that was developed in 2003, plus two new case weights for Jimmy Ryce and Parental Notice of Abortion. Also, for each case type that includes contributions of general magistrates and hearing officers, judges were asked to estimate their time spent on cases that have been referred to GM/HO's. All judges were encouraged to participate.

A Delphi-based validation of survey results involving seventy-five judges was conducted on January 22 and 23, 2007. The two day forum group meeting involved small working groups wherein participating judges reviewed the suggested case weights and the relationships between them, discussed the workload requirements of those case types and recommended adjustments to the weights as necessary based on their expertise and experience.

The final case weight review took place at the May 14 and 15, 2007 JRS Workgroup meeting. The JRS Workgroup reviewed case weights and judicial need information both in relative terms as compared to the original 1999 Delphi Study case weights and in absolute terms for each case type and division of court. This information allowed the Workgroup to consider the interaction of all elements of the judicial workload model in light of existing need and judicial assignments that were not considered during previous iterations. Thus, this meeting focused on the function of the case weights within the workload model and the role of these weights to predict reasonable judicial need.

Results

Work Year

The JRS Workgroup reviewed the judge work day/year that was developed during the 1999 Delphi Study and determined that it is still applicable today. The 1999 Delphi Study defined the judge work year as 215 work days per year and the judge work day as 8.5 hours per day with one hour for lunch and no breaks. This is in contrast to the GM/HO work day/year developed in this study which reports 219 work days and uses the state employment standard of an 8 hour work

³ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000

day excluding lunch and breaks. The reduced number of judicial work days is primarily due to the greater number of days required for continuing education and committee work (10 days versus 6 days). In general, judges have an average of 0.5 hours less per day to devote to case related work than magistrates and hearing officers (343 minutes versus 377 minutes) owing largely to constitutionally and statutorily mandated administrative requirements and other judicial duties not specifically captured in the workload model.

Case Weights

After reviewing and discussing the results from the forum group meeting, the JRS Workgroup recommends the judicial case weights presented in Figure One for use by the Supreme Court in determining the need for additional judgeships.

Figure One: Recommended Judicial Case Weights

Case Types	Case Weight (minutes)	Case Types	Case Weight (minutes)
Circuit Court		Family Court	
Circuit Criminal		Family Court	
Capital Murder	2,151	Juvenile Delinquency	48
Serious Crimes Against Persons	275	Juvenile Dependency	242
Less Serious Crimes Against Persons	76	Parental Notice of Abortion	125
Crimes Against Property	57	Probate	
Drug Offenses (excl Drug Court)	57	Probate & Mental Health	31
Drug Offenses Involving Drug Court	108	Guardianship & Trust	62
Circuit Court		County Court	
Professional Malpractice & Product Liability	230	County Criminal	
Auto & Other Negligence	91	Misdemeanors & Criminal Traffic	16
Contracts & Real Property	44	Municipal & County Ordinances	4
Other Circuit Civil (including Eminent Domain)	64	DUI	32
Jimmy Ryce	1,013	County Civil	
Family Court		Small Claims (up to \$5,000)	17
Simplified Dissolution	14	County Civil (\$5,001-\$15,000)	31
Ordinary Dissolution	61	Other County Civil	16
Child Support Enforcement	24	Evictions	7
Domestic Violence	25	Civil Traffic Infractions ¹	1.41
Other Domestic Relations	26		

¹ Case filings for Civil Traffic Infractions are collected annually from the Department of Highway Safety and Motor Vehicles rather than monthly from the Clerk of Court through the SRS and require additional processing. This weigh reflects the unique nature of these filing. See Section Two: Filings for more details.

General Magistrate/ Hearing Officer (GM/HO) Workload Study

The goals of the General Magistrate/Hearing Officer Workload Study component of the Judicial Resource Study were (1) to develop a mechanism to measure the workload of General Magistrates (GM), Title IV-D Child Support Hearing Officers (CSHO) and Traffic Hearing Officers (THO); and (2) to develop a tool to assist judicial leadership in determining the optimal allocation of supplemental resources. This study created a new model for magistrates and hearing officers by drawing on the original judicial workload model framework developed in 1999 and utilizing the same case types and filing data source.

The GM/HO Workload Study involved two major projects: (1) the determination of how much time a GM or CSHO typically has per year for case related work which was reported in the 2006 Work Year Survey and validated in the 2006 Time Study; and, (2) the determination of how long, on average, it takes a GM, CSHO or THO to process a typical filing in a reasonable amount of time, as reported in the 2006 Time Study. The General Magistrate/Hearing Officer Subgroup was formed to provide direction and support for this portion of the Judicial Resource Study.

The time available to work on case related activities is a key factor in determining workload. This time is derived by multiplying the number of minutes available for case related work each work day by the number of work days available per year. The JRS Workgroup determined that a survey of all current magistrates and hearing officers was the best method for collecting this information. The 2006 Work Year Survey was undertaken in March 2006.

The 2006 Time Study provided real world actual data concerning the case and non-case related activity of all GMs, CSHOs and THOs employed by the state of Florida during the study period. The data was used to develop the case weights necessary to complete a dedicated workload model for these resources. It was conducted from October 23 through November 17, 2006. A Delphi-based validation of the time study results involving thirty-nine GMs, CSHOs and THOs was conducted March 1 and 2, 2007.

The case and non-case related time collected during the time study was also compared to the results of the 2006 Work Year Survey to validate and adjust the GM/HO work day as necessary.

Results

Work Year

The total time available for case related work per year is calculated by multiplying available days per year by available minutes per day. The GM/HO Subgroup determined that magistrates and hearing officers have 219 work days available per year. There was sufficient evidence found in the time study to justify defining a separate work day for urban and rural jurisdictions so that, for urban circuits, the work year is defined to be 219 days times 387 minutes per day for a total of 84,753 case related minutes per year. Similarly, a rural circuit has 219 days times 369 minutes per day equaling 80,811 case related minutes per year. The 219 days was computed from the 2006 Work Year Survey conducted in March 2006 and the minutes available per day were calculated from the 2006 Time Study conducted in October 2006.

Figure Two: Recommended Work Year

	Work Year	
	Urban	Rural
Days per Year	219	219
Minutes per Day	387	369
Minutes per Year	84,753	80,811

Case Weights

The basic unit of work for magistrates and hearing officers is not the case filing as it is with the judiciary. Case work is referred to magistrates or hearing officers by judges or the Department of Revenue and may involve all elements of the case from initial motions to post judgment activity or only some portion of the case such as discovery. Additionally, litigants can request a judge to preside over the case at any point in the proceedings. Consequently, any GM/HO workload model must have a level of specificity not required of the judicial workload model. To achieve the necessary level of detail, the GM/HO Subgroup subdivided case activity into three distinct events: pre-judgment, final judgment and post judgment and defined the basic unit of work as one of these three events rather than the entire case filing. This fine division of case work provided sufficient detail to ensure the development of reasonable and reliable workload measures.

However appropriate the event unit of work is, the GM/HO workload model must ultimately represent workload in terms of the case level data currently collected by the courts. Compatibility between the GM/HO and judicial workload models must be maintained. The need must also be expressed in the same unit of count (e.g. full time equivalent or FTE). Thus, GM/HO case weights must consolidate the workload measures for all three events in to a single case level weight for use in the need model. It is important to note that although the GM/HO case weight performs the same function in the workload model as the judicial case weight, the two weights are not equivalent. The judicial case weight is a direct estimate of the average time it takes a judge to process the typical case in a reasonable amount of time. Because magistrates and child support hearing officers don't handle all cases that come in to the court and don't handle a case completely independent of judges, the GM/HO case weight must represent that portion of workload attributable to the GM/HO only. Therefore, the GM/HO case weight is a translation factor that relates the number of events referred and the average time it takes to process those events to the number of case filings reported in the Summary Reporting System (SRS). The recommended case weights (in minutes) are presented in Figure Three.

A case weight was developed for Traffic Hearing Officers for the case type of Civil Traffic Infractions; however it was the recommendation of the JRS Workgroup not to implement a case weight and workload model for THO's due to inconsistencies among circuits in how THO's are utilized and accuracy issues related to traffic filing data collected from the Department of Highway Safety and Motor Vehicles. See Section Three: Further Traffic Analysis of this report for a full discussion of this decision.

Figure Three: Recommended GM/HO Case Weights

Case Types	Case Weights (minutes)
General Magistrate	
Family	
Simplified Dissolution	11.9
Ordinary Dissolution	27.6
Child Support ¹	277.9
Domestic Violence ²	0.6
Other Domestic Relations	27.3
Juvenile Delinquency ²	0.9
Juvenile Dependency	133.2
Circuit Civil	
Professional Malpractice and Product Liability	22.4
Auto and Other Negligence	1.2
Contract/Real Property	1.6
Other Circuit Civil (including Eminent Domain)	2.5

Case Types	Case Weights (minutes)
Probate	
Probate and Mental Health	6.7
Guardianship and Trust	47.5
County Civil	
Small Claims ³	0.1
Other County Civil ³	1.0
Civil Traffic Infraction ⁴	1.2
Child Support Hearing Officers	
Child Support/Paternity	83.4

¹ High case weight is representative of a small number of complex cases handled.

² General Magistrates mainly handle post judgment events in the domestic violence and juvenile delinquency case types.

³ Time Study data on these case types is minimal. Work in these areas is unique, usually involving special circumstances and does not represent standard practice.

⁴ Case filings for Civil Traffic Infractions are collected annually from the Department of Highway Safety and Motor Vehicles rather than monthly from the Clerk of Court through the SRS and require additional processing. This weigh reflects the unique nature of these filings. See Section Three: Further Traffic Analysis for more details.

Continued Development

Secondary Goal:

The JRS Workgroup was charged, as a secondary goal, to develop a tool to assist judicial leadership in determining the optimal allocation of judicial and supplemental resources. As the design and work plan for the primary studies took shape, it became clear that the analytical work necessary to complete the secondary goal could not be accomplished in the timeframe originally developed. Since the resource tool planned for the secondary goal requires the primary results of this study, the JRS Workgroup decided to defer the final development work on this goal until the principal studies were completed. During the planning stages of the project, the JRS Workgroup did develop the theoretical framework for this tool to a sufficient degree to allow for necessary data collection during the primary studies. However, not all of the work could be completed. In December 2006, the Workgroup opted to request an extension to the Workgroup's charge so that the necessary secondary work could be completed. See the Continued Development section in the main body of this report for further discussion of the Phase II portion of this project.

Other Projects:

The JRS Workgroup identified several short term and long term projects requiring continuing research to be undertaken after the June 30, 2007 deadline for the Judicial Resource Study (JRS). Some of these tasks were originally intended as part of the JRS but could not be completed due to time or staff constraints. Other tasks, although not specifically a part of the original JRS project, arise naturally from the work of the JRS Workgroup and would contribute in a significant way to the ultimate usability of the workload models. See the Continued Development section in the main body of this report for further discussion on the short term and long term projects.

The Commission on Trial Court Performance and Accountability accepted the short term tasks during their meeting on June 10, 2007. The Commission recognizes the need for the long term tasks but did not direct action in these areas at this time.

INTRODUCTION

Overview

Article V Section 9 of the Florida Constitution requires that the Supreme Court annually certify the need for additional circuit and county court judges to the Legislature. Rule 2.240, Florida Rules of Judicial Administration provides the framework and outlines many criteria to be used in certifying judicial need. One important evolution in the certification process was the development of a judicial workload model, referred to as the Weighted Caseload Model, to identify potential areas of judicial need based upon the expected number and types of cases, the average time it takes judges to process cases, and the amount of time available to judges for case related work. The initial work was completed in 1999 and has been used by the Supreme Court as an integral part of the certification process since 2000.

The judicial model has been so successful that the Supreme Court has opted to extend the methodology to other important court resources such as General Magistrates, Title IV-D Child Support Hearing Officers and Traffic Hearing Officers. The Judicial Resource Study (JRS) was initiated to perform an analytical examination of workload in the trial courts, revise the current judicial workload model and extend the concept where applicable.

The goals of the JRS are to develop a model of judicial and supplemental resource usage that will help to determine expected future need and to provide a tool to aid in the efficient distribution of available resources within the court system. Specific primary and secondary goals are listed below.

Primary Goals:

1. Update the existing judicial case weights.
2. Develop case weights for other supplemental resources.
 - a. General Magistrates
 - b. Traffic Hearing Officers
 - c. Title IV-D Child Support Hearing Officers

Secondary Goal:

Develop a tool to assist judicial leadership in determining the optimal allocation of judicial and supplemental resources.

The weighted caseload methodology may replace the existing funding methodologies used for general magistrates, child support hearing officers and traffic hearing officers.

Study Workgroups

Judicial Resource Study Workgroup

The Judicial Resource Study Workgroup under the umbrella of the Commission on Trial Court Performance and Accountability was formed in August 2005 to provide direction, oversight and support for this study. The group consisted of ten circuit court judges, two county court judges, two magistrates, and three trial court administrators. Chief Judge Robert Bennett of the Twelfth Judicial Circuit and Michael Bridenback of the Thirteenth Judicial Circuit served as Workgroup co-chairs. Members of the Workgroup came from eleven circuits and were representative of small, medium and large circuits, including Miami-Dade.

The JRS Workgroup met several times over the life of the study. Their initial meeting was held on November 15, 2005 in Tampa, FL. Members were briefed about the upcoming studies and decisions were made regarding the project design and development. During this meeting the creation of a General Magistrate/Hearing Officer (GM/HO) Subgroup was approved to oversee the GM/HO Workload Study.

The next meeting was held on June 11, 2006 at which time the GM/HO Subgroup presented results from the 2006 Work Year Survey. Issues regarding the upcoming 2006 Judicial Case Weight Update Survey and related training were also addressed. During the December 14, 2006 conference call, the 2006 Judicial Case Weight Update Survey results were reviewed and some methodological changes were approved. The call also provided preparation for the Judges Forum Group Meeting, scheduled for January 2007. A follow-up conference call was held on January 12, 2007 to decide on one remaining issue concerning the upcoming Judges Forum Group Meeting.

The final JRS Workgroup meeting was held on May 14 and 15, 2007. At this meeting, the JRS Workgroup completed the final stage of the Judicial Case Weight Update Study and reviewed the results of the GM/HO Workload Study. The Final GM/HO Workload Study Report was submitted by the GM/HO Subgroup and accepted by the Workgroup. Recommendations were made on the case weights for judges, magistrates and hearing officers and on other related issues deemed necessary.

General Magistrate/Hearing Officer Subgroup

The GM/HO Subgroup was created by the JRS Workgroup consisting of three judges and seven magistrates and hearing officers to provide expert advice and guidance for the GM/HO portion of the JRS project. The GM/HO Subgroup was lead by Chief Judge William Wright of the Fourteenth Judicial Circuit, a member of the JRS Workgroup. In addition, one judge and two general magistrates from the JRS Workgroup participated as members of the GM/HO Subgroup. Members of the GM/HO Subgroup came from ten circuits and were representative of small, medium and large circuits, including Miami-Dade.

The GM/HO Subgroup met initially on January 17, 2006, to construct the design of the project and determine the parameters of the study. The GM/HO Subgroup members used the framework of the 1999 Delphi Study⁴ as the basis for their project. Decisions made by the full JRS Workgroup were presented to the GM/HO Subgroup and incorporated in their study plan. The GM/HO Subgroup met via conference call on May 16, 2006, February 21, 2007 and April 19, 2007 to discuss upcoming events and examine results of the study. On the May 2006 call, the 2006 Work Year Survey results and the corresponding draft report were reviewed and approved. The members were briefed on the upcoming time study. The conference call in February 2007 provided preparation for the upcoming GM/HO Forum Group Meeting in March. The results of the 2006 Time Study and the format of the upcoming meeting were shared with the members. The GM/HO Subgroup reviewed and discussed the workload study results and finalized the 2006 GM/HO Workload Study Final Subgroup Report during an April 2007 conference call. The final GM/HO Subgroup report was presented to the Judicial Resource Study Workgroup on May 14, 2007.

Workload Model Components

The judicial workload model provides the Supreme Court, chief judges and trial court administrators with a measure of the anticipated judicial need required to efficiently and effectively process cases expected to be filed in the court in a given year. The model has four primary components that capture different aspects of workload within the courts. The four components are: (1) unambiguous case types that categorize the court activities into distinct, countable groups; (2) case weights that reflect the complexity of case activity by assigning different time values to each case type; (3) case filings that estimate the expected number of cases of a given type to enter the court system each year; and (4) work year which identifies the total time available to handle case related work each year. It should be noted that much of the following discussion will reference the judicial workload model currently used by the Supreme Court. However, the structure and concepts in this section apply with little or no modification to the general magistrate/hearing officer workload model as well.

The workload model, as used within the court system, computes resource need by first calculating the expected workload facing a circuit from a given case type. This workload, expressed in minutes, is calculated as the product of the anticipated filings times the weight for that case type. Workload need is then converted to a full time equivalent (FTE) employment measure which represents the number of FTE's required to process the expected case load. Net need is then determined by subtracting the actual number of FTE's currently assigned from the expected value.

Need is computed by court level (circuit or county) and by circuit. For a given circuit, expected FTE's are summed for all case types. The actual number of judges assigned at that level is then subtracted from this total to determine net judicial need. Figure Four provides an example of this calculation.

⁴ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000

The workload model also allows for the use of modifiers to provide an additional mechanism for refining judicial need calculations. The modifier can capture some fundamental characteristic that is unique to a specific circuit or case type that can have a significant impact on need but cannot be represented fully by one of the four model components. For example, the judicial workload model currently uses a jury trial modifier to take in to account the differences in trial rates between circuits. Since trial activity accounts for a significant amount of judicial time, the modifier, which is calculated in terms of FTE, is used to adjust, up or down, a circuit’s overall need.

Figure Four: Sample Need Calculation - Circuit Court – Urban

Case Type	Filings	x	Weight (minutes)	=	Workload (minutes)	÷	Year (minutes)	=	FTE
Probate Division Workload Calculation									
<i>Probate and Mental Health</i>	9,338	x	31	=	289,478	÷	77,400	=	3.7
<i>Guardianship and Trust</i>	744	x	62	=	46,128	÷	77,400	=	0.6
<i>Anticipated Need (divisional)</i>	10,082				335,606				4.3
Total Circuit Judicial Need Calculation									
<i>FTE Need</i>	Probate Division Anticipated	+	Other Divisions Anticipated	=	Total Circuit	-	Assigned Circuit Judges	=	Circuit Net Need
	4.3	+	43.4	=	47.7	-	45	=	2.7

Case Types

The Florida Delphi-based Weighted Caseload Project, commonly referred to as the 1999 Delphi Study, defined thirty case types for inclusion in a workload model.⁵ One case type, Family Post-judgment, was ultimately discarded as non-measurable owing to the difficulties in defining these activities unambiguously. To reduce model complexity and to resolve some other methodological issues in the original study, an additional six case types were consolidated in to three composite case types. For example, the Probate and Other Probate case types had approximately the same time study value and were consolidated. Trust, on the other hand, did not develop enough data during the time study to reliably construct a weight and was subsequently combined with Guardianship based on procedural similarities in the case types. Eminent Domain and Other Circuit Civil were similarly consolidated. However, to ensure that procedural or statutory changes have not significantly altered the characteristics of these case types, the JRS Case Weight Update Study in August 2006 surveyed all of the original twenty-nine case types (excluding Family Post judgment).

⁵ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000.

The Judicial Resource Study also included three new case types for Drug Cases Involving Drug Court, Jimmy Ryce, and Parental Notice of Abortion cases. The OSCA had conducted a limited time study for Drug Cases Involving Drug Court in 2002-2003 using the 1999 Delphi Study framework. The results have been used as a case type in the existing workload model since 2004.

The Jimmy Ryce and Parental Notice of Abortion case types represented new additions to the workload model. The Judicial Case Weight Update Study incorporated these case types with the goal of developing an initial case weight for use. Although other case types were incorporated following a detailed time study, it is believed that the survey structure employed by the Judicial Case Weight Study of this project is sufficient to develop a reasonable case weight for these categories.

A fourth case type, Unified Family Court (Crossover), was proposed for this study as well. It is believed that the unified or crossover model can yield significant efficiencies in case processing of certain types of family cases. However, the court system is still working to unambiguously define this case type as its use and scope varies throughout the state. Additionally, there is no consistent reporting mechanism for this case type statewide. Without a clear definition and a well defined counting mechanism, there is no way to integrate the Unified Family Court (Crossover) case type into the workload model. Consequently, the case type was excluded from current models until such a time as the program is sufficiently advanced to provide the necessary information.

It was the decision of the JRS Workgroup to again consolidate the six case types in to three composite case types after reviewing the Judicial Case Weight Update Survey results. The Probate and Other Probate case were consolidated and renamed to Probate/Mental Health to more accurately represent the types of cases included in this category. Trust and Guardianship as well as Eminent Domain and Other Circuit Civil were also combined. This consolidation resulted in a total of twenty-nine case types recommended for use in the trial court workload models.

Case Weights

Judicial

A case weight is defined, for purposes of the judicial workload model and for the update study, as

“the average time required for a judge to handle a typical case in a reasonable amount of time.”⁶

The “average” case weight is calculated on a statewide basis and serves as a representative measure of workload. When used in the aggregate, over all filings in a circuit or in the state, this “average” weight provides a reasonable and accurate measure of workload. Additionally, the case weight defines a standard measure which provides the context for need comparisons across circuits in Florida. However, the case weight should not be construed as a measure of individual

⁶ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000.

performance. It is not appropriate to interpret a case weight as the amount of time a specific judge should complete a case or the amount of time a specific case should be completed. The case weight is an average and will almost always not correspond to individual events.

General Magistrate/Hearing Officer

Although the GM/HO case weight performs the same function in the workload model as the judicial case weight, the two weights are not equivalent. The GM/HO case weight is a translation factor that relates the number of events referred to GM/HO's and the average time it takes to process those events to the number of case filings. The basic unit of work for magistrates and hearing officers is not the case filing as it is with the judiciary. Rather, the case was subdivided into three distinct phases, pre-judgment events, final judgment events and post judgment events. The unit of work was defined by the GM/HO Subgroup as one of these three events. This study developed workload measures based on this unit of work and then consolidated these events in to a "case weight" suitable for workload estimation using case filings as reported via the Summary Reporting System.

Filings

The total number of cases filed and disposed in the court system is collected by the Office of the State Courts Administrator (OSCA) monthly from the Florida Clerks of Court as part of its Summary Reporting System (SRS). Jimmy Ryce and Parental Notice of Abortion cases are collected by the OSCA from the Clerks of Court monthly or quarterly. Filing data is collected by county and aggregated into respective circuit and workload case types and forecasted forward to the time period required.

Work Year

A final element required in the use of case weights in workload estimation is the work year. The original study developed the judge work year as a measure of the judicial time available for case related work to a judge each year.⁷ The work year provides a bridge from anticipated workload expressed in minutes (useful for modeling) to judicial need expressed in terms of full time equivalent (FTE) employment (useful for hiring). The work year further incorporates differences between the non-case related demands of urban and rural circuits by defining different work years for circuits in these two categories. The work year also includes differences between levels of court by assigning different work year values at the circuit and county levels.

⁷ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000.

Other Factors

It is important to note that the workload model does not include many other sources of judicial workload, such as:

- Appeal cases from county to circuit court;
- Juvenile and Dependency Drug Courts; and
- “Duty” Judge Assignments.

Incorporating all sources of workload is the ultimate goal of any comprehensive workload model. However, resource and time constraints dictate that model development must prioritize its components, and, at this time, these components could not be included.

JUDICIAL CASE WEIGHT UPDATE STUDY

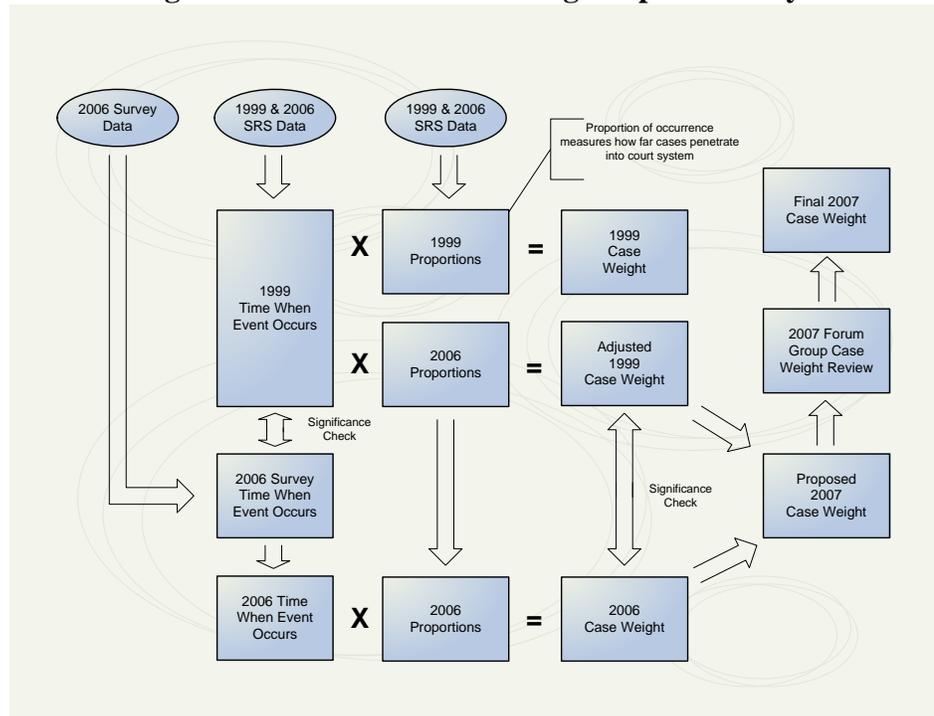
Overview

This phase of the Judicial Resource Study (JRS) has, as its primary goal, the revision of the case weights developed during the 1999 Florida Delphi-based Weighted Caseload Project⁸ commonly referred to as the 1999 Delphi Study. The original study was conducted by the National Center for State Courts (NCSC) and the Office of the State Courts Administrator (OSCA) as part of an evolving judicial workload model and provided the case weight values necessary for workload estimates used annually by the Supreme Court in the Certification of Judicial Need to the Florida Legislature. The NCSC recommended a regular review annually and a thorough review at least every five years. The Judicial Case Weight Update Study is the first thorough review since the original study was finalized in November 1999. The Judicial Case Weight Update Study was structured as a modified Delphi process.⁹ Figure Five presents a graphic description of the study approach.

Revisions to the judicial case weights were accomplished in three distinct iterations representing successively smaller panel groups considering progressively finer points and larger scales of the workload model.

While the participants within each iteration did not always act in strict isolation from each other, each iteration was essentially independent of the previous ones. Each group was provided the results of the previous iteration along with any additional information relevant to that stage of the study. The final goal of the study was to develop reasonable case weights that, when incorporated in to the existing judicial workload model, produced a reliable and practical estimate of judicial need in the state of Florida.

Figure Five: Judicial Case Weight Update Study



⁸ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000

⁹ The Delphi Method is based on a structured process for collecting and distilling knowledge from a group of experts by means of an iterative series of questionnaires interspersed with controlled opinion feedback (Adler, M. & Ziglio, E. (1996). *Gazing into the oracle: The Delphi Method and its application to social policy and public health*. London: Jessica Kingsley Publishers.)

The first iteration was a web-based survey that involved all 866 of the circuit and county judges currently serving in the state of Florida. Available data on the existing case event times was presented for each of the thirty-three case types (including Unified Family Court (Crossover) originally defined for consideration). Participants were asked to provide estimates of their actual experience in each event area. The surveys were anonymous and completed individually by each judge. Approximately 55% of judges participated in this study.

The second iteration involved seventy-five judges coming together as a group to review the case weight survey results in light of existing case weights and judicial need. Judges in this forum group were provided with the results of the case weight survey along with relevant analysis. These judges were, then, subdivided into six divisional working groups to focus on specific case types based on their experience and expertise. Participants were instructed to consider not only the actual values of the case weights and their component events but also the relationships of each event within the case type and the relationship of these events to other similar case types.

Finally, the third iteration was comprised of the seventeen members of the JRS Workgroup who reviewed the results of previous iterations and all analysis and data available including actual workload model projections. In consideration of these results and related analysis, the JRS Workgroup established a final set of recommended case weights.

Study Components

The judicial workload model, called the Weighted Caseload Model, when used in the certification process, has four primary components that capture different aspects of judicial workload within the trial courts. The four components are; (1) unambiguous case types that categorize the court activities into distinct, countable groups; (2) case weights that reflect the complexity of case activity by assigning different time values to each case type; (3) case filings that estimate the expected number of cases of a given type to enter the court system; and (4) judge work year which identifies the total time for case related work available to a judge each year.

Case Weight

The case weight is the component of the workload model that captures the case type complexity by reflecting differing times for each case type. The 1999 Delphi Study demonstrated that time is an adequate proxy for complexity. Figures Six through Nine contain a complete list of all circuit and county level case types and case weights developed during this judicial workload study. For comparison, the case weights developed during the 1999 Delphi Study have also been included.

Combined with estimated total filings, the case weight provides an estimate of the total judicial workload expected for the forecasted period. It is important to interpret the case weight as a component of an aggregate workload model. Experience in using this model since 2000 has demonstrated the efficacy of the case weight in the workload model as a predictor of need as far as the circuit level.

Figure Six: Circuit Criminal Case Weights

Case Type	1999 Final Case Weight (minutes)	2007 Final Case Weight (minutes)
Circuit Criminal Case Types		
Capital Murder	3,150	2,151
Serious Crimes Against Persons	358	275
Less Serious Crimes Against Persons	75	76
Crimes Against Property	56	57
Drug Offenses (excluding Drug Court)	38	57
Drug Offenses Involving Drug Court	102	108

Figure Seven: Circuit Civil Case Weights

Case Type	1999 Final Case Weight (minutes)	2007 Final Case Weight (minutes)
Circuit Civil Case Types		
Professional Malpractice & Product Liability	200	230
Auto & Other Negligence	101	91
Contracts & Real Property	32	44
Other Circuit Civil (Incl Eminent Domain)	68	64
Jimmy Ryce	N/A	1,013

Figure Eight: Family & Probate Case Weights

Case Type	1999 Final Case Weight (minutes)	2007 Final Case Weight (minutes)
Family Case Types		
Simplified Dissolution	25	14
Ordinary Dissolution	60	61
Child Support Enforcement	36	24
Domestic Violence	37	25
Other Domestic Relations	29	26
Juvenile Delinquency	29	48
Juvenile Dependency	281	242
Parental Notice of Abortion	N/A	125
Probate Case Types		
Probate & Mental Health	21	31
Guardianship & Trust	68	62

Figure Nine: County Criminal & Civil Case Weights

Case Type	1999 Final Case Weight (minutes)	2007 Final Case Weight (minutes)
County Criminal Case Types		
Misdemeanors & Criminal Traffic	10	16
Municipal & County Ordinances	2	4
DUI	88	32
County Civil Case Types		
Small Claims (up to \$5,000)	15	17
County Civil (\$5,001-\$15,000)	33	31
Other County Civil	23	16
Evictions	8	7
Civil Traffic Infractions ¹	0.34	1.41

¹ Case filings for Civil Traffic Infractions are collected annually from the Department of Highway Safety and Motor Vehicles rather than monthly from the Clerk of Court through the SRS and require additional processing. This weight reflects the unique nature of these filings. See Section Two: Filings for more details.

Event Times

By design, the individual case weights used to determine judicial workload can be decomposed into a set of smaller events that contribute to the “average” case weight in varying proportions. Although not directly seen as a part of the workload model, event times allow for the fine tuning of case weights by providing a level of specificity that is useful for survey and estimation and allows the opportunity for

incorporating the impact of additional factors important to judicial workload. These events, and their related proportions, describe the “typical” case needed by the workload model by quantifying the relevant activities inherent to cases of a specific type. For example, currently the serious felony case type is composed of three events with the pretrial/admin/disposition event occurring in 100% of the cases filed with the court, the trial event (jury & non-jury) occurring in 16% of the cases and post judgment event occurring in 20% of the cases. The average times for these events contribute proportionately to the final weight of a case for workload purposes. To provide greater flexibility in determining the case weights, the 2006 Judicial Case Weight Update Survey expanded these events from the three original events defined in the 1999 Delphi study to seven events. See Appendix Four for a complete breakdown of the events associated with each case type. In the first two iterations of the study, judges focused on these event times primarily, considering the final case weights and associated workload only peripherally.

Event Proportion

One critical, but little seen component of the case weight is the proportion of occurrence of specific events. Not all of the seven events that make up the components of a case occur in each and every case. For example, most non-criminal case types do not have preliminary proceedings such as first appearance. At the other end of the event spectrum, some cases have post judgment activity while others do not. In this context, these proportions reflect the pressure of various systemic behaviors on judicial workload and capture the influence of changing judicial practices, evolving legal requirements and variable case support resources by measuring the penetration of cases into the judicial system. A review of these proportions over several years indicates a small but steady change in response to these pressures. The dynamics of such change strongly indicate that a static proportion of occurrence is not adequate in the workload model.

The 1999 Delphi study incorporated these proportions developed from the 1998 Summary Reporting System (SRS) statistics. The Judicial Resource Study (JRS) Workgroup decided to update the proportions of occurrence for each case type to bring them in line with current practices. However, there was also some concern that one years’ worth of data might not provide a reliable or stable indication of change. Trends within the judicial system can evolve over several years. Additionally, it is possible that conditions or events unique to any one specific year could unduly influence case weights which will be used in subsequent years when such conditions may have a waning impact or cease to apply. Consequently, to provide a more stable infrastructure, the JRS Workgroup opted to update the proportions of occurrence based on a weighted average of the data years 2002, 2003 and 2004. The JRS Workgroup has recommended that a case weight modifier be incorporated in the judicial workload model that annually accounts for the changing proportions as a rolling three year average with weights of 0.1, 0.3 and 0.6 respectively.

There were seven events for which the Summary Reporting System does not collect sufficiently detailed data to develop a proportion of occurrence. The original Delphi Study estimated these proportions using similar studies conducted by the NCSC in other states. This information was presented to participants in the Judge Forum Group and these groups made reasonable estimates of these proportions.

- 1) Guardianship – post judgment
- 2) Juvenile Delinquency – trial and post judgment
- 3) Juvenile Dependency – trial and post judgment
- 4) DUI – trial and post judgment

In general, proportions of occurrence reflect the number of events relative to filings for a given year. The event time, then, should be considered the time for a single event, when that event occurs. The only exception to this definition is in drug court. It is true that a drug court case is reopened many times (8 - 15 times or so); however, there is no data available to support a proportion of occurrence for each reopened event. This was true during the original study in 2002-2003 and is still true today. Consequently, the post judgment event time for Drug Cases Involving Drug Court was defined, to be the average time for *all* reopen events on a given case combined. The proportion of occurrence is then equal to one. This distinction was provided to participating judges as part of the training and survey packages.

It is important to realize that the event times that were developed during the original Delphi Study incorporated the practices, laws and resources that existed at the time of the study. It is reasonable to expect that just as the proportions of occurrence evolve in response to changing conditions, so too will the amount of time that these events take. However, unlike proportion of occurrence, the court does not have specific data that captures these changes. The remainder of the judicial workload study was focused on capturing those event time changes through the use of a modified Delphi process involving surveys, forum groups and final review.

The interaction between event times and proportions of occurrence in producing a case weight is subtle and not always intuitive. It is critical that the final case weight provide a reasonable and practical estimate of judicial workload when coupled with filings. This condition imposes some limitations on the event times and proportions in that, as one element changes, the other element may also change to preserve the integrity of the final case weight. The case weight update study design implicitly incorporated this understanding by guiding deliberations from event times in the initial iteration through proportions and specific case weight review in later iterations and finishing with a comprehensive review focused on certifying valid, reasonable case weights while preserving the relationships established in previous iterations.

Case Weight Calculations

Case weights, when viewed as a composite series of events, can be computed as the average of event times weighted by the proportions of occurrence of those events. Therefore, for a given case type i we have case weight, cw_i

$$cw_i = case_weight = \sum_{j=all_events} p_j e_j$$

where p_j represents the proportion of occurrence for each event and e_j is the average time for that event. This equation can be more directly summarized in Figure Ten for the Serious Crimes Against Persons case type.

Figure Ten: Serious Crimes Against Persons Case Weight Calculations

Case Type	Event	Event Time	x	Proportion of Occurrence	=	Contribution to Case Weight
Serious Crimes Against Persons	Preliminary Proceedings, Arraignments, Pleas	25	x	100%	=	25
	Pretrial Hearings, Motions and Case Conferences	86	x	100%	=	86
	Jury Trial	697	x	12%	=	85
	Bench Trial	71	x	0.3%	=	0
	Disposition	20	x	100%	=	20
	Post Judgment Activity	62	x	66%	=	41
	Case Related Administration	18	x	100%	=	18
Final Case Weight						275

Totals may not be exact due to rounding.

Filings

The total number of cases filed and disposed in the court system is collected by the Office of the State Courts Administrator (OSCA) as part of its Summary Reporting System (SRS). The SRS captures case count data for fifty-six case categories in six divisions of court. These fifty-six case types were consolidated in to the twenty-six Delphi study case types used in the judicial workload model. Drug cases involving drug court are determined from SRS reporting of drug cases with filings adjusted based on additional reporting provided to the OSCA by Drug Court Managers in the field.

Jimmy Ryce and Parental Notice of Abortion case counts are collected monthly or quarterly from the Clerks of Court by the OSCA and are otherwise forecasted using the same techniques as the other Delphi case types. Unified Family Court (Crossover) cases do not have a reporting mechanism.

It should be noted that the Civil Traffic Infraction filings do have some unique issues that make their use more difficult in this application. First, Civil Traffic filings are not, as are all other filing statistics, reported to the OSCA by the Clerks of Court. Rather, these filings are obtained by the OSCA from the Department of Highway Safety and Motor Vehicles (DHSMV); second, these data are received only once per year, rather than monthly as with other SRS data. Consequently, estimations are based on data rooted farther in the past than other SRS data; and third, in some instances, traffic data is manually submitted from the Clerks of Court to DHSMV. Both filing and, particularly, disposition data have suffered from long standing issues with timeliness and accuracy in reporting. Since the initial workload model was implemented in 2000, the OSCA has developed analysis techniques that help compensate for these issues. These conditioning techniques have been validated by empirical results from seven years of use in the judicial workload model.

Judge Work Year

The Judge Work Year provides a means for the workload model to incorporate the contribution of various case related and non-case related responsibilities to the judge work day. For a non-case perspective, judges are obligated to complete regular continuing education credits, participate in the various committees that govern and guide the judicial branch and contribute to various community activities that promote the cause of justice in Florida. Travel on a regular basis, particularly in large or sprawling circuits, can impact available work time. Workload is defined as the time expended on case related activities daily and throughout the year. Thus, the work year is composed of the number of days available for case related work per year and the number of hours available each day for case related work, including all additional factors that influence this time. The product of these factors define the judge work year which serves as an estimate of the amount of time the judge has to process cases during the year.

The judge work year must accurately describe the various factors that reduce the days available for a judge to hear cases. To correctly portray a judge year, the number of days available to hear cases must take into account factors such as weekends, holidays, and time related to illness, vacation, and judicial education. During the February 1998 meeting of the Delphi Policy Committee, the committee determined that judges have an average of 215 days available each year to hear cases.¹⁰

In addition to the number of days available per year, a work year must consider the time available each day for case related work. Total case related time per year is then calculated by multiplying the number of judge days available in a year by the number of case related hours available in the day. The work day for Florida judges is not defined by state employment guidelines. As defined by the original 1999 Delphi Study, judges in both the circuit and county courts are assumed to work an 8.5-hour day with 1 hour for lunch and no breaks. Additional travel time is allotted for judges in circuits designated as rural, giving a total of 6.0 hours available per day to circuit judges in urban circuits and 5.5 hours per day available to circuit judges in rural circuits and all county judges. Total time available each year for case related judicial work is calculated to be 77,400 minutes for urban circuits and 70,950 minutes for rural circuits and county judges.

Recently, the Supreme Court promulgated a Judicial Leave Policy for judges serving in the circuits. The JRS Workgroup reviewed the definition of the judge work year defined by the 1999 Delphi Study and determined that the work year is compatible with this leave policy.

Additionally, the Workgroup reviewed circuit definitions of urban and rural considering such factors as case filings, population, geographic area and the number and size of metropolitan areas. The results of the urban/rural designation review showed that no change is needed to the existing urban and rural circuit designations. Circuits designated as rural are 1, 2, 3, 5, 7, 8, 10, 14, 16, 19, and 20, and as urban are 4, 6, 9, 11, 12, 13, 15, 17, and 18.

¹⁰ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000.

Additional Design Considerations

By design, the Delphi process is one way to substitute expert opinion for quantitative observations. It is used in situations where quantitative data is not available or when resources are not available to complete a quantitative study or when the costs of such a study would be prohibitive. The applicability of expert opinion is particularly defined by the depth and breadth of the experience of the opinion holder. While it has been used successfully, the Delphi method can produce inflated results as a byproduct of the estimation process. People naturally remember the most complex and difficult cases. “Groupthink” has also been identified as an issue in the Delphi Method, where the participants tend to gravitate to the thoughts of the more vocal members.¹¹ Despite these limitations, the Delphi Method and its variations has been used successfully for over fifty years to harness the combined experience of experts and was used to great effect in the 1999 Delphi Study.

The ability of a participant to abstract and compartmentalize case activity and to reason over a body of cases contributes significantly to the success of the Delphi process. One powerful advantage to using this method for judicial studies is that judges are uniquely practiced to think in just these terms. However, it is also important that the survey design be optimized to mitigate the limitations inherent in the process. Consequently, the Judicial Case Weight Update Study employed several qualitative and quantitative strategies to both inform and constrain the time estimates, including:

- Gathering the opinions of all judges, not just a few, so that the breadth and depth of experience is increased, biases are offset, and the range of judicial practice is fully represented;
- Providing participants at each stage with relevant caseload and other data appropriate to their deliberations;
- Calculating the implications of preliminary considerations so that the plausibility of these considerations could be tested; and
- Repeating the opinion gathering process several times coupled with relevant analysis so that the implications of earlier estimates can be considered by the group in framing later ones.

In the initial iteration, the study did not ask for changes to the actual case weight but rather to the underlying case events. The 2006 Judicial Case Weight Update Survey asked judges to indicate changes to these event times which were later combined to produce the actual case weight used in the model. An important element used to reduce inflation in the survey was that the actual case weight and the proportional contribution of the events were not known to the judges during the initial stage of the survey. This helped counteract the natural tendency to try and fit the case event times to a preconceived idea of the value of the final case weight. The second and third iterations did consider case weights in progressive order of importance but with the added context that any subsequent case weight adjustments must incorporate the previous work.

The analysis of the survey results also incorporated some inflation fighting measures by comparing survey results with existing event times. Results that were not statistically significant

¹¹ The Delphi Methodology, Norman C. Dalkey, <http://www.fernuni-hagen.de/ZIFF/v2-ch45a.htm>

were discarded. The judge forum group participants and JRS Workgroup members were provided with additional information, including proportions of occurrence and full time equivalent (FTE) projections, to give context to their deliberations. For example, forum group panels were provided with relative FTE values in order to inform their discussion. While considering changes to event times for a given case type, panels often double-checked themselves by asking, “Does this small change, no matter how reasonable, really justify an increase (or decrease) of that many judges?”

2006 Judicial Case Weight Update Survey

General

The first iteration of the Judicial Case Weight Update Study was a web-based survey that provided one survey for each of the thirty-three case types previously identified. The twenty-nine original 1999 Delphi Study case types plus three new types, drug court, Jimmy Ryce, and Parental Notice of Abortion and the exploratory case type Unified Family Court (Crossover). All circuit and county court judges were encouraged to complete surveys for as many case types and in as many divisions of court for which they felt qualified and experienced. To keep the responses relevant to this update, judges were asked to complete surveys in only those divisions in which they had served since the previous 1999 Delphi Study.

The survey was launched on August 14, 2006 and was available on-line or in hard copy format. Surveys were collected from judges for four weeks and closed on September 8th. During the four week survey period, a total of 466 circuit and county court judges completed at least one of the survey documents. This represents over half of all the circuit and county judges in Florida. Judge participation by circuit ranged from a low of 26% to a high of 100%, with a statewide average of 55%. This participation rate greatly exceeds the 1999 study of 30% judge participation.

The survey was subdivided by division of court, case type, and event. There were seven possible events for each case type: preliminary proceedings/arraignments/pleas, pretrial hearings/motions/case conferences, jury trial, bench trial, disposition/sentencing, post judgment, and case administration as identified during the 1999 study. Participating judges were first asked to estimate their *actual* time for these events when considering *all* cases that they have heard in that case type. As a point of reference, each survey contained the event times developed by the 1999 Delphi study for that case type. Since Jimmy Ryce, Parental Notice of Abortion and Unified Family Court (Crossover) cases were not part of the 1999 study, no event times were provided. A “no change” box was included to simplify the survey if the judge felt the current time was adequate. Space was also provided for each event and at the end of each survey for additional comments. These comments, along with any changes were presented to the Judge Forum Group in the next stage of the review process. See Appendix Four for a copy of the survey forms.

Each judge was also asked to consider just the subset of cases that involved a magistrate or hearing officer and to estimate their *actual* time spent on each event for those cases involving magistrates or hearing officers. This information will be used during Phase II of the JRS project to help develop a judicial workload model that incorporates both magistrate and hearing officer

contributions. Key concepts outlining the context for completing the survey were provided during training as follows:

“Each event provides a brief description of that phase of the case and a list of the judicial activities that *might* be part of such an event. Understand that cases vary in complexity depending on the number of tasks and the amount of time required to complete each of the tasks.

As you read through each event, imagine that you have been assigned a case that is a typical level of complexity, and then estimate the time required to complete the event. Before making time estimates, please read the descriptions of all of the events to make sure you are considering the relevant tasks in that event”

“Each event is designed to illustrate a “class” or “set” of tasks that will vary, on average, in the amount of judge time required to resolve the case. Think of a *typical* version of that phase of a case —while recognizing that some cases will take more time and some cases less time than the average or typical case.

The survey asks you to estimate the *amount of time* required to process that phase of the case. The specific event information is shown simply as a reminder of what *might* occur in that phase a case.

The time entered on each event should reflect how much time you *actually* spend during that phase of a ‘typical’ case.”¹²

To simplify access, surveys for each of the thirty-three case types were grouped according to court division such as Circuit Criminal, Family, County Civil, etc. Judges were allowed to complete as many individual case type surveys for which they believed they had sufficient experience. This was a complex survey. Each division completed required a considerable amount of thought and time by the participating judges. Flexibility became a significant concern to the JRS Workgroup as many of the more experienced judges could be faced with completing fifteen surveys or more. The web-based survey application was designed to provide the ability for a respondent to partially fill out a survey and then return later to complete.

The population of the survey was all 866 judges serving in the circuit and county courts during the period of the survey. With this type of anonymous, estimation survey, a larger number of participants can yield more accurate results because the larger pool tends to cancel out the extremes. Anonymity was preserved by providing each judge with a unique user ID which was not linked to a specific judge name. These ID’s were simply six digit random numbers maintained as part of the survey application. To ensure that only unique ID’s were used, one ID was provided to each judge along with the training packages distributed to each judge by Court Administration prior to the start of the survey.

¹² Judicial Case Weight Update Survey Training, Office of State Courts Administrator, July/August 2006

Training

Early on the JRS Workgroup determined that the success of the JRS project depended heavily on the training. If the Workgroup was to tap the collective experience of Florida's judges to produce reliable case weight estimates, participating judges required a thorough understanding of the purpose of the survey and its role in the Supreme Court's annual certification of judicial need. During the four week period prior to the actual survey, the JRS Workgroup, with assistance from the Office of the State Courts Administrator, presented sixty training sessions statewide, providing the opportunity for all circuit and county court judges to be involved. Forty-five percent (45%) or 389, of the 866 judges participated in this training. Video conference options were provided during several training sessions for those judges unable to attend in person. A DVD of the training was also distributed to each circuit and made available via web download for judges who could not attend one of the training sessions. Additionally, each judge was provided with a training packet via their court administrator. At least one JRS Workgroup staff person was available for questions via telephone every day during the survey period.

Survey Analysis

The JRS Workgroup had decided early in the study development process to keep the case weight analysis firmly grounded in the 1999 Delphi Study. The results of any analysis from the update study would be evaluated as it related to the original case weights and event times. As a methodological consideration, the JRS Workgroup believed that only compelling evidence should engender a change to the case weight. Consequently, they directed that all analysis be conducted using the most conservative measures practical.

Participation in the case weight update survey was high with approximately 55% of judges participating. While this participation rate is much higher than the 30% who participated in the 1999 Delphi Study, the survey did have some limitations which ultimately restricted the use of the data. The design of the case weight survey precluded the weighting of the survey data in any meaningful way. Since completion of a survey was entirely dependent upon the experience of the judges within a circuit, it was not possible to determine a total count of judges who should complete a given survey. This was further compounded by the fact that many judges have served in many divisions over the survey period (i.e. the time since the 1999 Delphi Study) and may have completed surveys in multiple divisions. Consequently, survey data was used as reported. While this limitation was partially mitigated by the high response rate, it was not completely eliminated. The survey data was thus viewed as providing important, information necessary to inform future discussions about possible case weight changes but not as a definitive result in itself. In particular, since self-reported survey data tends to be inflated, the JRS Workgroup interpreted the survey results as an important upper boundary on the value of event times and case weights.

To establish a comparison benchmark for the survey data, the event times from the original 1999 Delphi Study were updated using the revised proportions of occurrence calculated for this study to develop a new case weight that was more reflective of current practices. These adjusted case

weights were then used in subsequent analysis and workload considerations to calibrate other analysis.

The case weight update survey focused exclusively upon the event times that contribute to the final case weight. In preparation for the Judge Forum Group Meeting, this data was conditioned by comparing survey event times against the event times developed for the 1999 case weights. If the survey data time was statistically different than the 1999 event time, the survey time was retained (86 out of 193 events), if it was not, the 1999 event time was retained (66 out of 193). Forty-one event times represented new case types not present in the 1999 Delphi study. The resultant composite set of event times was then combined into a single case weight using the revised proportions of occurrence. These case weights were then compared statistically with the 1999 adjusted case weights. Those new weights that were not significantly different from the existing weight were discarded, and the 1999 adjusted case weights were maintained.

These statistical determinations were made using Fisher's Permutation Test.¹³ For purposes of this analysis, the existing case weight was assumed to be the mean of an exponential distribution. This is a reasonable assumption in that the time a judge takes to handle a particular event does not depend on the time taken to handle that same type of event in a previous case. This memoryless characteristic is the hallmark of an exponential distribution. A control data set was randomly generated based on the exponential distribution with a mean equal to the 1999 case type event time. This control set was used in conjunction with the survey sample data.

The comparison statistic in these tests was the difference of two means (between the current event time and the sample event mean). The tests were conducted as a two-sided test which provides an additional inflation fighting measure since the two-sided test is inherently more conservative than the one-sided test. The assumed significance level was set to 0.025 (strong evidence) for automatic acceptance and 0.05 (reasonably strong evidence) for borderline acceptance (Efron, Tibshirani, 1998). Event times and case weights flagged as borderline were manually reviewed for final acceptance or rejection.

For a given control data set, the analysis was repeated 2000 times (Efron, Tibshirani, 1998) and an achieved significance level (ASL) was computed. The ASL, in this context, is the numerical equivalent of alpha commonly recognized in significance testing. To compensate for the fact that the control data set was randomly computed, and may, by chance, produce an extreme data set, the analysis was repeated ten times with ten different randomly generated control data sets and the ASLs computed for each iteration were averaged to determine a mean ASL. This average was then used to determine significance for purposes of acceptance or rejection of the test hypothesis. The final set of case weights was then compiled and the mean and median of each event time was computed and provided at the Judge Forum Group Meeting for evaluation.

¹³ A description of Fisher's Permutation Test can be found in the treatise *An Introduction to the Bootstrap*, B. Efron, R. Tibshirani, Chapman & Hall/CRC, 1998.

Methodological Changes

Following the completion of the 2006 Judicial Case Weight Update Survey and the subsequent analysis, the JRS Workgroup adopted a few methodological changes to simplify the remainder of the study.

The Unified Family Court (Crossover) case type was dropped from consideration for the workload model. While this judicial case types promises workload reduction, the JRS Workgroup was unable to develop critical characteristics of this program that are necessary for inclusion in the workload model. First, the court system is still attempting to clearly define this case type. The use and scope of this program varies throughout the state which makes it difficult to establish a representative case weight. Additionally, there is no extant reporting mechanism for this case type which limits its use in predicting workload. Without a clear definition and a well defined counting mechanism, there is no way to integrate the Unified Family Court (Crossover) case type into a workload model. Consequently, this case type was excluded from the current model until such a time as the program is sufficiently advanced to provide the necessary information.

With respect to the 1999 Delphi Study composite case types that were broken out for this study, the case weight update survey did not provide sufficient justification for leaving these case types distinct; consequently, just as in the 1999 original study, and for the same reasons, the JRS Workgroup elected to again consolidate the six case types of Eminent Domain and Other Circuit Civil, Probate and Other Probate and Guardianship and Trust into three composite case types: (1) Circuit Civil (including Eminent Domain); (2) Probate and Mental Health; and (3) Guardianship and Trust. These case types exactly include the composite case types defined in the 1999 Delphi Study although the JRS Workgroup decided to rename the 1999 case type Probate and Other Probate to Probate and Mental Health to better reflect the cases that fall into this group.

2007 Judge Forum Group

A 75 member Judge Forum Group Meeting was held in Tampa on January 22-23, 2007. Representatives from all 20 circuits and all divisions of circuit and county court participated in this meeting. The two day meeting included a general session and several breakout sessions by division of court to consider current case weights and related proportional adjustments, to review the case weight update survey data and to provide to the JRS Workgroup recommendations on any further adjustments necessary.

The opening session presented the 1999 adjusted case weights resulting from the update of the proportion of occurrence along with descriptive statistics describing results of the 2006 Judicial Case Weight Update Survey. This information was presented with sufficient detail and with enough background to provide a sufficient context within which to interpret the results. The opening session also included a discussion of the format and goals for the meeting stressing the need for reasoned consideration in their discussions. In particular, the Judge Forum Group participants were charged with providing justifications for all changes they recommended to existing case weights. Participants were also asked to consider the relationships between the case weights within a given division of court and the relationships between event times so that

important complexities inherent between events and between case types would be essentially preserved in the final case weight.

Following the opening session participating judges separated into six working groups corresponding to the six divisions of court: Circuit Criminal, Circuit Civil, Family, Probate, County Criminal and County Civil. Each group was provided with summary data and narrative comments from the judge case weight survey. They were also provided case level data such as the 1999 Delphi and adjusted case weights and event level data such as proportions of occurrence. See Appendix Five for examples of the data provided to each working group. Each working group considered the weights of between three and seven case types. The Family division was subdivided in two groups because of the large number of surveys in that division.

The forum groups were initially asked to review the proposed case weight in the context of the division in which the case type occurred and to accept or change that weight value as necessary. To assist in their considerations, the groups had the opportunity to adjust the case weight directly as a way to explore relationships and advance tentative justification for change. Should the working group determine that they needed to make finer adjustments to the case weight or that their deliberations involved issues specific to only some parts of a case, the participants had the opportunity to consider the event times that comprise each case type and make adjustments at that level as well. In practice, all but two case weights were evaluated at the event level as members debated specific changes in practice and law that had evolved since the original case weights were developed.

In addition to event times, the Probate, Family, and County Criminal working groups were asked to consider the proportions of occurrence for seven events in four separate case types. The Summary Reporting System, which provides case counts for the judicial workload model, does not collect sufficiently detailed data to develop a proportion of occurrence for these events. The working groups were provided with the original Delphi Study estimates for these values and were asked to make reasonable estimates of these proportions in Florida. The seven events specifically considered were:

- 1) Guardianship – post judgment
- 2) Juvenile Delinquency – trial and post judgment
- 3) Juvenile Dependency – trial and post judgment
- 4) DUI – trial and post judgment

Participants in the divisional forum groups were also presented with relative FTE data. The purpose of that data was to help provide context to the changes the group was considering. The FTE values represented the relative change in FTE caused by an alteration to a case weight rather than the absolute need represented by the case weight value. For example, the working groups were aware that a reduction in a case weight of five minutes might correspond to an decrease of four judge FTEs within a case type but they were not aware of how many total judges were needed in that division. The FTE data, while not figuring prominently in their deliberations, did provide a valuable means with which to double-check the reasonableness of their adjustments.

Once each group had completed its review of the case weight data, the results were compiled and presented to all Forum Group participants for a last review in the closing session. The final results of the Judge Forum Group meeting were then presented to the JRS Workgroup in the third iteration of the review process.

Final JRS Workgroup Meeting

The Judicial Resource Study Workgroup met for the final time over two days on May 14 and 15, 2007. In addition to other elements of the study as a whole, the meeting of the JRS Workgroup served as the third iteration of the modified Delphi framework established for the Judicial Case Weight Update Study. The Workgroup considered all of the results and analysis developed to date with an eye to making final adjustments. They were presented with the results from the previous iterations along with relevant comments and considerations. Particular attention was paid to the comments and justification provided by the participants of the Judge Forum Group. In addition to the actual values recommended by the previous iterations, the Workgroup considered the relationships defined by those values as they related to case complexity and consequent need.

Judicial need information was also provided to the Workgroup both in relative terms as compared to the original 1999 Delphi Study case weights and in absolute terms for each case type and division of court. This information allowed the Workgroup to consider the interaction of all elements of the judicial workload model in light of need already defined by the original 1999 Delphi Study which had not been part of previous deliberations. The JRS Workgroup also considered adjustments to case weights necessitated by the presence of recently appointed judges who had been sitting on the bench only a few months or had not yet been seated during the early parts of the study. Since previous iterations were specifically instructed to consider their *actual* experience, these resources were not included in their deliberations. However, since these resources were in place by the end of the study, the JRS Workgroup believed it necessary to consider their contribution in determining the final case weights.

Recommendations

In consideration of the information and analysis contained in this section, the Judicial Resource Study Workgroup recommends the adoption of the case weights presented in Figures Six through Nine for use in the judicial weighted caseload model as part of the Supreme Court's annual certification of judicial need.

The Commission on Trial Court Performance and Accountability reviewed and accepted the judicial case weights decisions and recommendations presented by the JRS Workgroup on June 10, 2007.

Conclusion

The judicial workload model has proven an important, effective tool to aid the Supreme Court in making its constitutionally required annual certification of additional judgeships to the Florida Legislature. Since its inception in 2000, the number of judges authorized has increased 39%,

averaging twenty-three judges per year using the workload measure. The recommendations for revisions to the existing case weights reflect a reasoned and thoughtful approach to change that explored judicial case activity on many levels. These explorations were then merged with filing and event data, the rigorous application of statistical principles, and a wealth of judicial insight to provide a set of viable, practical case weights for use in judicial workload models.

GENERAL MAGISTRATE/HEARING OFFICER WORKLOAD STUDY

Overview

The Judicial Resource Study (JRS) is an analytical examination of workload in the trial courts. The goals of the JRS are to develop a model of judicial resource usage that will help determine the expected future need for both judicial and supplemental court resources and to provide a tool to aid in the efficient distribution of available resources within the court system. The General Magistrate/Hearing Officer (GM/HO) Workload Study is one part of the JRS undertaken by the JRS Workgroup under the direction of the Commission on Trial Court Performance and Accountability (TCP&A). The goals of the GM/HO workload component of the JRS are: (1) to develop a mechanism to measure the workload of General Magistrates (GM), Title IV-D Child Support Hearing Officers (CSHO) and Traffic Hearing Officers (THO); and (2) to develop a tool to assist judicial leadership in determining the optimal allocation of supplemental resources.

The GM/HO Weighted Caseload Model, as with all court workload models, incorporates four major components as part of its basic design; The four components are: (1) unambiguous case types that categorize the court activities into distinct, countable groups; (2) case weights that reflect the complexity of case activity by assigning different time values to each case type, as reported in the 2006 Time Study; (3) case filings that estimate the expected number of cases of a given type to enter the court system as reported monthly by the clerks of court in the Summary Reporting System (SRS) filings; and (4) work year which identifies the total time available to handle case related work each year as reported in the 2006 Work Year Survey.

2006 Time Study

The 2006 Time Study was conducted to fulfill the second major component of the GM/HO Workload Study. The time study provided real world actual data concerning the case and non-case related activity of all GM's, CSHO's and THO's employed by the state of Florida during the study period and were used to develop the case weights necessary to complete a dedicated workload model for these resources. The time study was subdivided into two parts consisting of a data collection effort, conducted from October 23 through November 17, 2006, (generally referred to as the 2006 Time Study) and a Delphi-based¹⁴ validation of time study results involving thirty-nine GM's, CSHO's and THO's, conducted March 1 and 2, 2007 (referred to as the GM/HO Forum Group Meeting). The results of these activities form the content of this report.

¹⁴ The Delphi Method is based on a structured process for collecting and distilling knowledge from a group of experts by means of an iterative series of questionnaires interspersed with controlled opinion feedback (Adler, M. & Ziglio, E. (1996). *Gazing into the oracle: The Delphi Method and its application to social policy and public health*. London: Jessica Kingsley Publishers.)

The GM/HO Subgroup met in January 2006 to consider the range of services provided by the GM's, CSHO's and THO's so that time sheets for the study could be developed. Workload modeling requires that both case and non-case related activities be broken down to discrete, unambiguous categories so that valid and reliable time measurements can be made. The GM/HO Subgroup determined that the appropriate unit of work for magistrates and hearing officers was the motion, hearing, conference, etc. level because a single motion, conference or hearing might be the only matter heard by the magistrate or hearing officer for a particular case. It was further determined that all activities, such as motions, conferences, hearings, etc., could be reasonably represented by grouping these activities in to one of three classes or "events" (pre-judgment, final judgment, and post judgment).

The complication with this division of work is that data is not collected statewide at this level. The lowest level of data available for a workload model is case filing data provided by the clerks of court via the SRS. However, filing data can serve as a suitable alternative in workload models for magistrates and hearing officers because a correlation can be determined between the number of case filings submitted to the courts and the number of event actions handled by magistrates (subject to circuit practice variations). Additionally, the time study can provide an estimate of this relationship which should provide a reasonable method for translating event based need to filing based need.

It was decided by the GM/HO Subgroup during the January 2006 meeting to collect case related time data by division of court, case type, and events (pre-judgment, final judgment, and post judgment) and non-case related data by event (travel, non-case administration, etc). The time study was conducted from October 23 through November 17, 2006. Time sheets for case related events and non-case related events were provided to the participants who reported all of their time by case type and event over the internet or by fax daily. All GM's, CSHO's and THO's were encouraged to participate.

For nineteen work days GM's, CSHO's and THO's kept a daily record of the time spent on both case and non-case related events via data collection forms. The combination "actual time spent" from the case related data collection form and the non-case related data collection form should equal the total amount of time spent that day at work. Time study instructions and supporting materials are included in Appendix Nine. The aim of the time study was twofold. First, the study collected information on the amount of time it takes a GM, CSHO or THO to reasonably handle a typical event in order to quantify workload. Second, the case and non-case related time collected was compared to the results of the 2006 Work Year Survey to validate or adjust the GM/HO work day as necessary.

Case related activity data was collected for twenty-four case types separated into thirty-four component categories and two general purpose categories added to capture those activities that could not be attributed to a single case type (Multiple Case Types) and case related administration (Appendix Nine). Each case type was broken down into four possible events: pre-judgment, final judgment, post judgment and one catch-all event type for multiple events.

- Pre-Judgment is defined as all events that occur prior to the disposition events.

- Final Judgment is defined as all events that occur that directly contribute to disposing a case.
- Post Judgment is defined as all events that occur after a final judgment has been rendered.
- Multiple Events is defined as handling of a combination of pre, final and post events in such a way as the time expended on each event cannot be separated. Participants were asked to use the multiple events category sparingly.

Based on the results of the Judge Case Weight Update Survey and the GM/HO Time Study, the JRS Workgroup elected to modify the workload framework to better focus remaining efforts more efficiently. Ultimately, the JRS Workgroup defined eighteen distinct case types to describe the work of general magistrates and hearing officers. See the Time Study Analysis section for a more detailed discussion of these case type changes.

Non-case related work time was collected via non-case related timesheets in seven categories (Appendix Nine). These categories were defined during the 2006 Work Year Survey and are discussed in that section of this report. Participants were instructed to indicate which category represented their non-case related work and to provide comments for all activities reported. The non-case related information collected provided valuable information on the GM/CSHO time available to hear cases and was used as a validation of the GM/CSHO work year.

Time Study Methodology

The time study weighted caseload technique is a method to measure case complexity in terms of the amount of time needed to process a case from the initial filing to completion to post judgment activity (if any). The JRS Workgroup required that the structure of the GM/HO workload model closely mirror the method currently used to determine judicial workload for the Annual Certification of New Judgeships.¹⁵ Consequently, the GM/HO Subgroup adopted with minor revisions, the concepts, structures, division of court, and case type categories and definitions used in that model.

The event-based methodology is designed to take a snapshot of case activity in a given period. From this snapshot, a composite picture of the various case types under review is developed and compares the GM/CSHO/THO time spent on primary case events to the number of cases utilizing these resources. Thus, the study measures the total amount of GM/CSHO/THO time in an average month devoted to processing each particular type of case to be weighted (e.g., Family, Baker/Marchmen Act, Guardianship, General Civil). Because it is a snapshot, few cases will actually complete the journey from filing to final resolution during the study period. However, each participating circuit will be processing a number of each type of case in varying *stages* of the case life-cycle (i.e., some in the preliminary/conference phase, other similar types of cases will be in the hearing/trial phase, while still others will be in the post judgment stage). Taken as a whole, over the study period, this snapshot provides a representative picture of case activity in the circuit.

¹⁵ *Florida Delphi-based Weighted Caseload Project Final Report*, National Center for State Courts, January 2000

The primary difference between the methodology employed in the judicial workload model and that developed for the supplemental resource workload model is the definition of a case. The GM/HO Subgroup determined that the workload measurement for GM's, CSHO's, and THO's is most accurately accomplished at the event level within a given case type. This is due to the fact that a magistrate or hearing officer may only hear one portion of the case or may hear the case in its entirety. The GM/HO Subgroup subdivided each case (as identified by a filing with the court) into three events that uniquely partition that case and provide a reasonable demarcation for the various activities that may be performed. In effect, the events of pre-judgment, final judgment and post judgment serve the same function within the GM/HO workload model as the case serves in the judicial workload model. However, to maintain compatibility between the two workload models, event times developed during the time study are converted to a corresponding case weight for use in workload estimation.

The steps involved in calculating and applying an event-based weighted caseload methodology are:

1. Choose a set of representative jurisdictions to participate in the study.
 - a. The JRS Subgroup determined, in January 2006, that all circuits and all GM/CSHO/THO's would participate in the study.
 - b. A review of the areas in which GM's, CSHO's, and THO's work identified four divisions for consideration: Circuit Civil, Family, Probate and County Civil. Typically, GM's do not work in the criminal divisions.
2. Select the set of case types and events to be used in building the weights.
 - a. This involves a tradeoff between having enough information to ensure the accuracy of the case weights and minimizing the data collection burden on the participating GM's, CSHO's and THO's.
 - b. In keeping with the judicial case weight structure, the GM/HO Subgroup identified twenty-four case types (Appendix Nine) within the four divisions that are relevant to the work of GM's, CSHO's and THO's.
 - c. Each case type was subdivided in to three events that effectively define all activities within a case (Appendix Nine).
3. Determine the periods of time needed to ensure a statistically valid estimation.
 - a. Based on recommendations by the National Center for State Courts, a period of four weeks was established as sufficient time to complete the time study.
4. Conduct the study.
 - a. Group training was conducted to acquaint participants with the weighted caseload concept, project design and purpose, data collection requirements, and form completion. Training preceded the actual study.
 - b. Each participant recorded the total amount of time spent on each of the selected events within each of the case types for each of the study periods and identified the total number of these events.

Analyze the results and calculate case weights.

- c. Time study results were weighted so as to be representative of all circuits.
- d. Event times (time per event) were developed, along with a corresponding case (in the judicial workload sense) weight for use in workload calculations.
- e. Event times were reviewed by a group of GM's, CSHO's and THO's in a modified Delphi process to validate the time study results.
- f. Time study results were used to validate the work day results developed during the 2006 Work Year Survey.

Time Study Training

Training on the time study data collection for all GM's, CSHO's, and THO's was conducted in October 2006. Six regional training sessions were provided by the Office of the State Courts Administrator (OSCA) in Pensacola, Tallahassee, Jacksonville, Orlando, Tampa and Ft. Lauderdale. In addition, three of the sessions were available via video conference link for those individuals that could not travel to the training locations. Over 50% of the GM/HO's attended training in one form or the other. Additionally, a training video was created and available on-line for those GM/HO's that were not able to attend the scheduled training classes.

Time Study Participation

Overall participation in the time study was excellent, especially among GM's and CSHO's. During the four week time study period, a total of 185 GM's, CSHO's and THO's from 19 of the 20 circuits participated with 87% of the possible GM/CSHO's full-time equivalents (FTEs) responding to the study and 39% of THO's responding.

The Eleventh Circuit CSHO's did not participate in the time study due to facility renovations occurring during the time study period that significantly reduced the available work time for the CSHO's.

The time study participation rate by circuit is shown below. Figure Eleven provides a summary of participation by number of persons.

Figure Eleven: GM/HO Participation by Circuit by Person

Circuit	GM Participation	Total GM	Percent	CSHO Participation	Total CSHO	Percent	TIHO Participation	Total TIHO	Percent
1	3	4	75%	3	3	100%	0	7	0%
2	2	2	100%	2	2	100%	2	2	100%
3	1	1	100%	1	1	100%	1	1	100%
4	6	7	86%	3	3	100%	2	2	100%
5	5	5	100%	1	1	100%	1	2	50%
6	8	12	67%	3	4	75%	4	15	27%
7	4	4	100%	2	2	100%	2	2	100%
8	2	2	100%	4	4	100%	1	1	100%
9	6	6	100%	2	4	50%	4	4	100%
10	4	4	100%	2	2	100%	0	2	0%

Figure Eleven: GM/HO Participation by Circuit by Person

Circuit	GM Participation	Total GM	Percent	CSHO Participation	Total CSHO	Percent	TIHO Participation	Total TIHO	Percent
11	12	12	100%	0	0	NA	4	23	17%
12	4	4	100%	3	3	100%	0	1	0%
13	7	7	100%	2	2	100%	1	1	100%
14	2	2	100%	2	2	100%	1	1	100%
15	4	6	67%	2	2	100%	17	36	47%
16	0	8	0%	0	0	NA	0	1	0%
17	8	11	73%	2	2	100%	15	38	40%
18	5	6	83%	2	2	100%	2	8	25%
19	3	3	100%	1	1	100%	0	1	0%
20	3	3	100%	2	2	100%	0	0	NA
Total	89	109	82%	39	42	93%	57	148	39%

Time Study Analysis

Methodological Adjustments

Rule 8.257, Florida Rules of Judicial Administration restricted certain types of activities within the Juvenile Dependency case type for GM's. Since the rule took effect on January 1, 2007, the time study data could possibly have contained some activities allowable in Oct/Nov 2006 that would no longer be allowed post January 2007. During training on the time study project, participants were asked to identify in the comment section if they were working on an event/case that would be prohibited by the change in the rule after January 1, 2007. A review of the time study data and specifically the comment section for these restricted activities identified four relevant records contributing a minimal amount of time (a total of 195 minutes for 4 events). These records were excluded from further analysis.

As discussed in the Introduction and in Section Two of this report, the JRS Workgroup elected to again consolidate the six case types of Eminent Domain and Other Circuit Civil, Probate and Other Probate and Guardianship and Trust into three composite case types: (1) Other Circuit Civil (including Eminent Domain); (2) Probate and Mental Health; and (3) Guardianship and Trust to conform to the final case type set adopted during the 1999 Delphi Study. The GM/HO Subgroup incorporated these changes into the GM/HO workload model.

Although data was submitted for the UFC case type, the Workgroup also elected to drop the Unified Family Court (Crossover) case type from the workload model framework because there is no counting mechanism for this case type. The time reported for the UFC cases were distributed out proportionally to the existing family court cases types.

In addition to these general framework changes, the GM/HO Subgroup decided to drop the Parental Notice of Abortion, Jimmy Ryce, County Civil (\$5,001 - \$15,000) and Evictions case types from the GM/HO workload model because insufficient data was reported for these case types during the time study. The GM/HO Subgroup felt that there was insufficient GM activity in those areas to justify creation of a specific case weight. It was further determined that the use

of GMs in those case types is atypical, and, in the county courts specifically, the data collected for the county civil case types (excluding civil traffic infractions) represented unusual or special circumstances of a temporary nature. Although GMs are not currently used in those case areas, there is no clear prohibition against it. Thus, those case types should be re-evaluated during future model reviews to determine if use in these areas has changed. None of these case types were considered during the GM/HO Forum Group Meeting in March 2007.

With respect to CSHOs, the GM/HO Subgroup determined that their case activity included some paternity elements along with child support. The Subgroup then defined the Child Support/Paternity case type for these officers as representing a case type separate from child support involving general magistrates. Similarly, because the case work of traffic hearing officers as related to Civil Traffic Infractions is different than the case work as performed by general magistrates, the Civil Traffic Infraction case type for THOs was defined as separate from the Civil Traffic Infraction case type for GMs. Ultimately, the General Magistrate/Hearing Officer Workload Study reduced to eighteen case types and case related time captured in this study was used to develop weights for these case types in the GM/HO workload model for all magistrates and hearing officers.

Event Weight Calculations

Data on the total number of minutes and events was tallied to calculate the average number of minutes statewide spent on a particular event for a given case type. Average number of minutes was calculated for each case type for the pre-judgment, final judgment and post-judgment events. Since the time for multiple events could not be contributed to one particular event, the time was distributed proportionately across all events for which data was collected for that case type and respondent. Similarly, time for case related administration/multiple case types was also distributed at the higher level across all case types collected for that division and respondent.

In order to be able to apply workload experienced during the time study period to total statewide filings, it was important that all expected workload of GM/HO's be represented in the study. Weighting of the time study data occurred differently for THO's and GM/CSHO's owing to the differing conditions of employment for these personnel. As contract employees, the time that THO's reported was considered to be exactly the time they were supposed to work. Initially, no weighting was performed for these officers. However, subsequent analysis suggested that a better model fit would be obtained if circuit time reported in civil traffic was weighted to more accurately reflect the contribution of each circuit. Time study data was weighted just for those circuits reporting. Magistrates and hearing officers, being state employees, could be fully weighted up to the state level since an accurate FTE count was available. Adjustment weights were developed for each class of officer, GM or CSHO, in the same way. The adjustment, or weighting, of the raw data occurred in three stages.

First, each reporting GM or CSHO was weighted up to the total number of days in the survey. For purposes of determining the number of days actually reported, both case and non-case data was included. Thus, if a full time officer reported case or non-case related time on fifteen days, then this officer would have a day weight of $19/15 = 1.267$ applied. A weight of one was applied to those officers who reported time for twenty or more days as this was considered overtime and should not be reduced.

Second, reported time was adjusted for circuit participation based upon the full time equivalents (FTE) of the officers reporting. If a circuit has a complement of 3.5 FTE available and only 3.0 FTE provided survey data, those data were adjusted with a circuit value of $3.5/3.0 = 1.167$. A complete survey of available GM and CSHO's to identify the exact FTE for each circuit was conducted by the study team during the analysis phase.

Third, the raw data was adjusted for some circuits that did not report for a given resource class. The Sixteenth Circuit did not provide any data for GM's, CSHO's, or THO's. The Eleventh Circuit did not provide data for CSHO's. To develop these weights, circuits were classified into strata identified as rural or urban. The rural and urban strata classifications arose from the 1999 Delphi Study and partitioned circuits based on a variety of categories such as court filings, population, land area, encompassed urban centers and so on. That classification was reviewed by the JRS Workgroup, who recommended no changes from the 1999 determinations. For example, the urban strata for CSHO's had an adjustment of $25.25/21.75 = 1.161$ applied to compensate for the lack of CSHO data from the eleventh circuit. See Appendix Ten for the adjustment matrix by circuit and class.

Other Issues

The Florida Department of Revenue is currently deploying a new computer system, the Child Support Automated Management System (CAMS), to automate portions of the enforcement process for child support payments in the year up to and including the survey period. A number of circuits indicated that the new process has temporarily reduced the number of enforcement cases that are being brought to the court. An analysis of the OSCA's Uniform Data Reporting information indicates that during the time study period, the number of hearings held dropped significantly for some circuits. The possible impact of this temporary drop in cases being brought to the court was unclear. One possibility was that that CSHO's would spend more time than "normal" on child support cases since their caseloads have dropped. Another possibility was that CSHO's would spend the same amount of time, since they have an existing well developed and efficient process, while spending proportionately more time in non-case related activities.

In order to evaluate whether or not the CAMS deployment had an adverse affect on the time study data collected, an analysis of the amount of time reported for child support cases in the affected circuits was compared to non-affected circuits. An ANOVA¹⁶ analysis was conducted on the Uniform Data Reporting child support data to determine which circuits had a significant drop in cases. The analysis identified circuits 4, 7, 8, 12 and 19 as having a significant drop.

¹⁶ ANOVA is a parametric statistical method for making simultaneous comparisons between two or more means to help determine whether a significant relation exists between variables.

The time study data was partitioned on these circuits. Affected circuits reported a mean of 9.19 minutes per case while unaffected circuits reported a mean of 9.91 minutes. Since the distribution of minutes per case was not sufficiently normal, a non-parametric two sided Wilcoxon Two Sample Test¹⁷ at the 0.05 significance level for the difference of these means was performed. The resultant p-value for this difference was 0.27 which is not significant. Thus, it can be concluded that although CSHO's are receiving fewer cases in the affected circuits and may be spending more of their workday on non-case related administration, they are not spending any more or less time on cases than their counterparts in non-affected circuits.

It was also determined that CSHO's reported approximately 30 minutes more time in non-case activities during the study period than GMs. However, given that the actual case related time reported by CSHO's was not significantly different from GMs, it was difficult to determine if this difference was just an artifact of reporting between the two resource classes.

Given that reported CSHO case related time was commensurate with GMs, there was strong evidence that the event times and subsequent case weights were viable. The fact was further supported by the evaluation of the Child Support/Paternity working group of the GM/HO Forum Group Meeting in March. Based on the above analysis and considerations, it has been determined that while the DOR CAMS slowdown issue has affected the number of events filed, it had not appreciably affected the determination of an event and case weights for this study. However, since filings are an integral part of the workload model, the unanticipated reduction in filings resulting from the DOR CAMS issue could have a negative impact on FTE need calculations.

Time Study Results

Figures Twelve through Fourteen show the total adjusted minutes, the adjusted number of minutes and the average number of minutes, by event, for each case type for CSHO's, GM's, and THO's reported during the time study.

Figure Twelve: Reported Adjusted Case Related Time for Child Support Hearing Officers

Case Type	<i>Pre-Judgment</i>			<i>Final Judgment</i>			<i>Post Judgment</i>		
	Total Minutes	Total Events	Minutes per Event	Total Minutes	Total Events	Minutes per Event	Total Minutes	Total Events	Minutes per Event
Child Support/Paternity	32,778	4,855	6.8	83,936	7,212	11.6	133,497	14,137	9.5

¹⁷ The Wilcoxon two-sample paired signed rank test is a non-parametric statistical method used to test the null hypothesis that two different samples come from the same population.

Figure Thirteen: Reported Adjusted Case Related Time for General Magistrates

Division	Case Type	<i>Pre-Judgment</i>			<i>Final Judgment</i>			<i>Post Judgment</i>		
		Total Minutes	Total Events	Minutes per Event	Total Minutes	Total Events	Minutes per Event	Total Minutes	Total Events	Minutes per Event
Family	Simplified Dissolution	1,213	65	18.5	3,716	363	10.2	442	11	40.3
	Ordinary Dissolution	71,661	2,883	24.9	69,444	2,285	30.4	78,941	2,476	31.9
	Child Support	8,067	262	30.8	2,512	96	26.2	49,934	1,667	30.0
	Domestic Violence	22	4	5.1	353	6	60.9	4,622	361	12.8
	Other Domestic Relations	20,636	692	29.8	13,866	415	33.4	67,611	1,941	34.8
	Juvenile Delinquency	846	143	5.9	277	27	10.2	4,890	821	6.0
	Juvenile Dependency	46,274	3,536	13.1	11,674	801	14.6	104,636	12,508	8.4
Circuit Civil	Professional Malpractice & Product Liability	3,050	268	11.4	422	17	24.6	602	34	17.7
	Auto & Other Negligence	3,318	293	11.3	NA	NA	NA	NA	NA	NA
	Contracts & Real Property	12,666	1,376	9.2	NA	NA	NA	352	6	61.7
	Other Circuit Civil (incl. Eminent Domain)	6,641	380	17.5	684	14	47.7	231	12	19.6
	Probate	14,536	2,116	6.9	38,041	2,444	15.6	7,099	688	10.3
County Civil	Probate & Mental Health Guardianship & Trust	4,523	246	18.4	7,637	155	49.3	22,413	1,725	13.0
	Small Claims	84	4	19.7	1,122	15	74.2	96	4	22.8
	Other County Civil Civil Traffic	300	14	21.1	258	33	7.9	134	195	0.7
		457	102	4.5	2,709	716	3.8	440	132	3.3

Figure Fourteen: Reported Adjusted Case Related Time for Traffic Hearing Officers

Case Type	<i>Pre-Judgment</i>			<i>Final Judgment</i>			<i>Post Judgment</i>		
	Total Minutes	Total Events	Minutes per Event	Total Minutes	Total Events	Minutes per Event	Total Minutes	Total Events	Minutes per Event
Civil Traffic	22,413	18,227	1.2	40,319	20,747	1.9	3,350	1,387	2.4

Measuring Workload

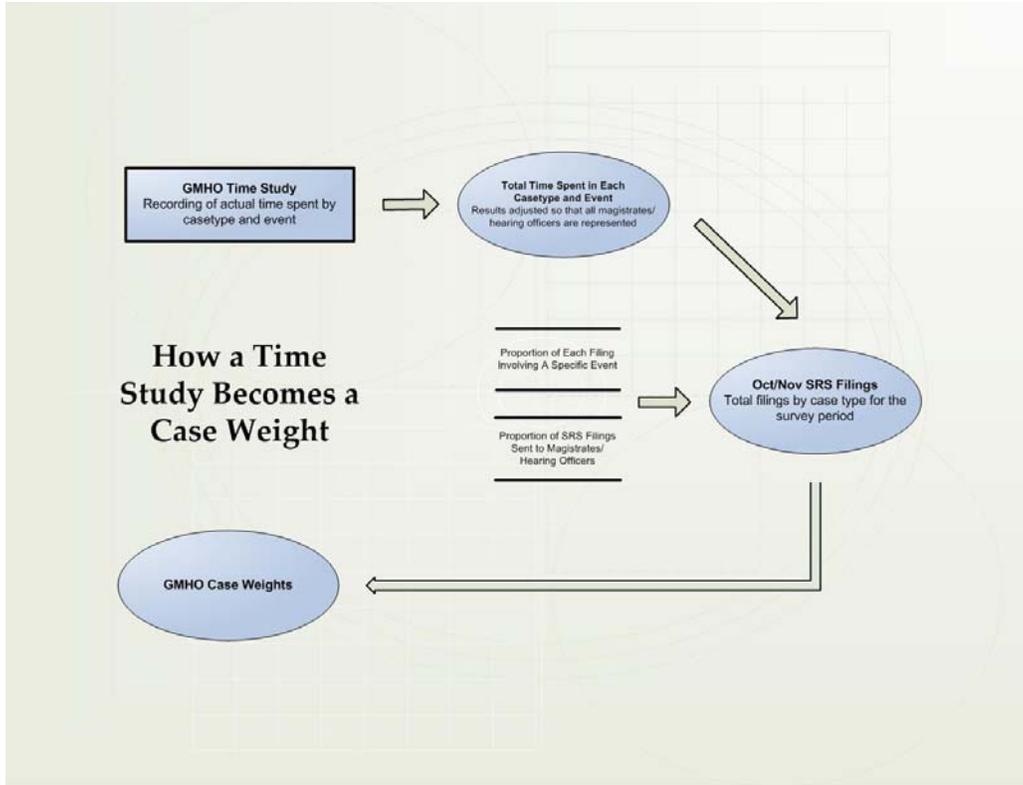
Case Weights

As discussed earlier, the GM/HO workload model has to maintain compatibility between the GM/HO and judicial workload models and to represent workload in terms of the data currently collected by the courts. Consequently, the event times developed by the time study were converted to case weights for the calculation of resource need. This conversion provided the translation factor between the actual unit of work for magistrates and hearing officers and the alternate filings based calculations.

Event times are the minutes per event calculated in Figures Twelve, Thirteen and Fourteen. Case weights were derived from event times as a weighted average of the three event times. The case weights for this average consist of the ratio of the amount of case related time spent by GM's,

CSHO's, and THO's during the reference year (fiscal year 2005-2006) compared to the total filings for that case type during the same reference year.

Figure Fifteen: How a Time Study Becomes a Case Weight



Therefore, for case type i we have case weight, cw_i

$$cw_i = case_weight = \sum_{j=1}^3 r_j e_j$$

where r_j represents the event to filing ratio for each of the three events, pre-judgment, final judgment and post judgment and e_j is the average time for that event. For example, for ordinary dissolution, the event to filing ratios for pre-judgment, final judgment, and post judgment are 0.361, 0.286 and 0.310 respectively. Using the event times from Event Time table (Figure Eighteen) yields:

Figure Sixteen: Case Weight Calculation for Ordinary Dissolution

Events	Filing Ratio	Event Time	Contribution to Case Weight
Pre-judgment	0.361	24.9	9.0
Final judgment	0.286	30.4	8.7
Post judgment	0.310	31.9	9.9
Final Case Weight			27.6

Similarly, the event to filing ratios for magistrate child support events are 1.203, 0.441 and 7.655, so that the magistrate child support case weight is (within rounding):

Figure Seventeen: Case Weight Calculation for Magistrate Child Support

Events	Filing Ratio	Event Time	Contribution to Case Weight
Pre-judgment	1.203	30.8	37.1
Final judgment	0.441	26.2	11.6
Post judgment	7.655	30.0	229.7
Final Case Weight			277.9

The event to filing ratio is calculated as number of events divided by total filings and the event time is calculated as time study minutes divided by number of events. Expanding the case weight formula above yields:

$$cw_i = \underbrace{\left(\frac{\text{pre_evts}}{\text{tot_fil}} \right) \left(\frac{\text{pre_tm}}{\text{pre_evts}} \right)}_{\text{pre-judgment}} + \underbrace{\left(\frac{\text{fin_evts}}{\text{tot_fil}} \right) \left(\frac{\text{fin_tm}}{\text{fin_evts}} \right)}_{\text{final judgement}} + \underbrace{\left(\frac{\text{pst_evts}}{\text{tot_fil}} \right) \left(\frac{\text{pst_tm}}{\text{pst_evts}} \right)}_{\text{post-judgment}}$$

The number of events is cancelled from each term leaving the sum of all time study minutes divided by total filings for that case type:

$$cw_i = \frac{1}{\text{tot_fil}} (\text{pre_tm} + \text{fin_tm} + \text{pst_tm}) = \frac{\text{tot_study_time}(\text{minutes})}{\text{tot_fil}(\text{filings})}$$

An Example

The values developed during the time study are used for ordinary dissolution and child support yielding case weights of (within rounding).

$$cw_{\text{orddis}} = \frac{1}{92,015} (825,986 + 800,438 + 909,899) = \frac{2,536,323 \text{ minutes}}{92,015 \text{ filings}} = 27.6$$

$$cw_{\text{chldsppt}} = \frac{1}{2,510} (92,987 + 28,950 + 575,557) = \frac{697,494 \text{ minutes}}{2,510 \text{ filings}} = 277.9$$

A note should be made here about the portioning of filing data between magistrate and hearing officers for those case types where there is some overlap in SRS filing categorization. These case types are in civil traffic infractions, where magistrates share some of the filing activity with traffic hearing officers and child support, where magistrates and child support hearing officers overlap. In these two case types, total filings from the SRS were allocated based on the relative proportion of events reported during the time study. For example, magistrates reported 2.3% of the total number of civil traffic infraction events during the time study. Consequently, 2.3% of

the approximately 1.5 million traffic cases in FY 2005-06 were allocated to the civil traffic case type handled by magistrates for case weight calculations. The remaining 97.7% of the cases were allocated to the civil traffic case type handled by traffic hearing officers for case weight calculations. In child support, the proportions were determined to be 7.2% for GMs and 92.8% for CSHOs. These proportions should be reviewed regularly to ensure they remain a representative allocation.

Figure Eighteen: Time Study Event Times and Case Weights

Class	Case Type	Event Type	Time Study Event Times	Time Study Case Weight
General Magistrate	Simplified Dissolution	Pre	18.5	11.9
		Final	10.2	
		Post	40.3	
	Ordinary Dissolution	Pre	24.9	27.6
		Final	30.4	
		Post	31.9	
	Child Support ¹	Pre	30.8	277.9
		Final	26.2	
		Post	30.0	
	Domestic Violence ²	Pre	5.1	0.6
		Final	60.9	
		Post	12.8	
	Other Domestic Relations	Pre	29.8	27.3
		Final	33.4	
		Post	34.8	
	Juvenile Delinquency ²	Pre	5.9	0.9
		Final	10.2	
		Post	6.0	
Juvenile Dependency	Pre	13.1	104.1	
	Final	14.6		
	Post	8.4		

Figure Eighteen: Time Study Event Times and Case Weights

Class	Case Type	Event Type	Time Study Event Times	Time Study Case Weight
General Magistrate	Professional Malpractice and Product Liability	Pre	11.4	22.4
		Final	24.6	
		Post	17.7	
	Auto and Other Negligence	Pre	11.3	1.2
		Final	NA	
		Post	NA	
	Contract/Real Property	Pre	9.2	1.6
		Final	NA	
		Post	61.7	
	Other Circuit Civil (incl Em Domain)	Pre	17.5	2.5
		Final	47.7	
		Post	19.6	
	Probate and Mental Health	Pre	6.9	6.7
		Final	15.6	
		Post	10.3	
Guardianship and Trust	Pre	18.4	47.5	
	Final	49.3		
	Post	13.0		

Figure Eighteen: Time Study Event Times and Case Weights

Class	Case Type	Event Type	Time Study Event Times	Time Study Case Weight
General Magistrate	Small Claims ³	Pre	19.7	0.1
		Final	74.2	
		Post	22.8	
	Other County Civil ³	Pre	21.1	1.0
		Final	7.9	
		Post	.7	
	Civil Traffic Infraction	Pre	4.5	1.2
		Final	3.8	
		Post	3.3	
Child Support Hearing Officer	Child Support/ Paternity	Pre	6.8	83.4
		Final	11.6	
		Post	9.5	
Traffic Hearing Officer	Civil Traffic Infraction	Pre	1.2	0.5
		Final	2.0	
		Post	2.4	

1 Higher case weight due to small number of complex cases handled.

2 General Magistrates mainly handle post judgment for domestic violence and juvenile delinquency.

3 Data on these case types is minimal. Work in these areas is unique, usually involving special circumstances and does not represent standard practice.

Full Time Equivalent Need

Workload calculations are presented in terms of FTE net need. This represents the difference between the total anticipated workload and the total available workload expressed in terms of the FTE. As illustrated in Figure Nineteen, these calculations occur in three distinct operations. First, the anticipated workload is calculated for a given case type and circuit by multiplying the expected units of work for a given year, represented by total filings and by the case weight for a given case type. Thus expected workload is presented relative to the state average case weight. Total anticipated workload can be determined by summing the individual circuit workloads.

This sum is typically performed after the anticipated workload is converted to an equivalent FTE to include the effect of the difference in the urban and rural work year.

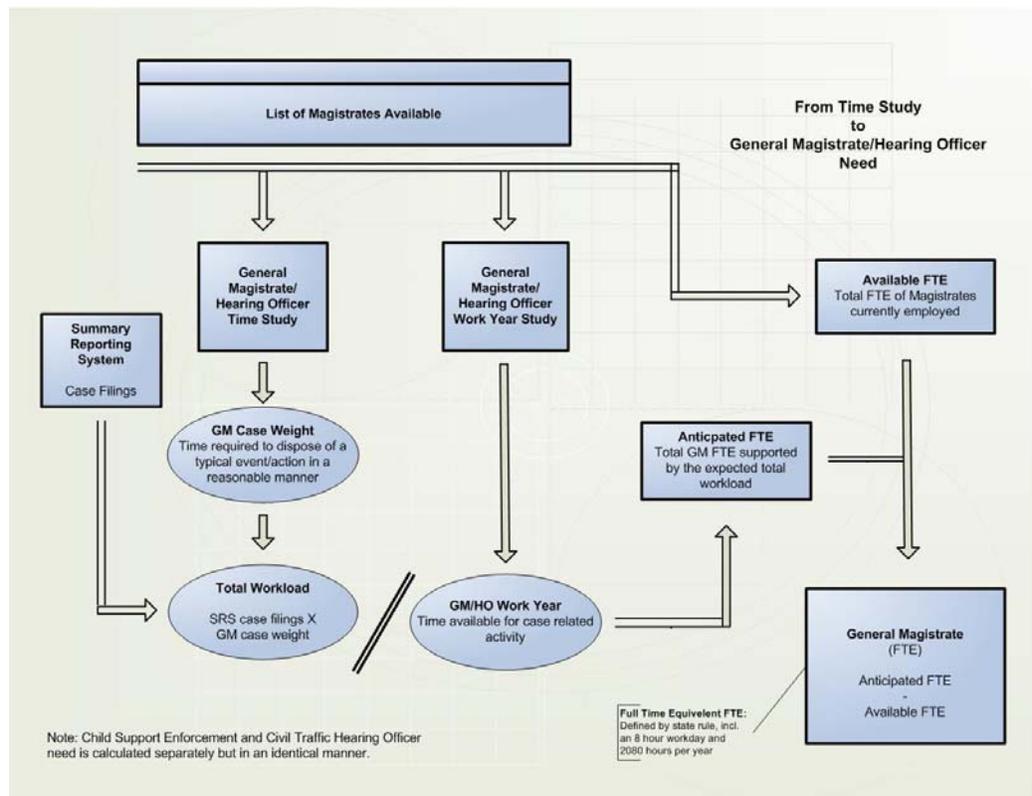
Since THO's are contract employees, it is not appropriate to represent their need in terms of FTE's. The calculation for THO's need

stops here and need is presented in terms of total number of minutes (or hours) of work anticipated. Funding may then be allocated to each circuit to contract for the requisite time anticipated. Additionally, hourly rates for THO's vary across the circuits and even vary within a circuit. Some circuits even pay for administrative time, although most do not. These variations in rates and payment policies make FTE conversions virtually impossible.

GM's and CSHO's, on the other hand, are state employees. The state employee system represents work in terms of FTEs so it is appropriate to represent need in those terms.

To represent workload in terms of FTE, the workload must be divided by the total time available for case related work to one full time equivalent employee. Anticipated workload is converted to anticipated FTE need by dividing the anticipated workload by the GM/HO work year. Since

Figure Nineteen: From Time Study to GM/HO Need



actual FTE employment for GM's and CSHO's is known, FTE net need may then be calculated by subtracting the anticipated FTE from the actual FTE.

In summary, for a specific case type and circuit, FTE net need is computed as

$$\text{FTE net need} = \frac{\text{case weight} \times \text{filings}}{\text{work year}} - \text{actual FTE}$$

The sum of these net needs either across all case types for a given circuit or over all circuits for a given case type can provide an overall picture of current workload capabilities compared to the staffing levels required to meet expected workload.

Consider the following sample calculation of need in simplified dissolution for a representative circuit in the urban strata. The work year for the urban strata is 84,753 minutes. It is assumed that the sample circuit has an actual FTE assigned of 4.0 and expected filings for the coming fiscal year of 32,329. With a case weight of 11.9, the need for the sample circuit will be:

$$\text{FTE net need} = \frac{11.9 \times 32,329}{84,753} - 4.0 = 4.5 - 4.0 = 0.5 \text{ FTE}$$

An important consideration when interpreting this net need example is that the calculation is based on the projected filings for a future year. Forecasted filings fluctuate from year to year, in response to natural variations in actual filings. Because need calculations are generated by circuit for a specific funding year based on forecasted filings, positive and negative net need values are considered within limits, as normal in this type of model.

2007 GM/HO Forum Group Meeting

GM's, CSHO's and THO's met on March 1-2, 2007 in Orlando to discuss the viability of the time study data and make recommendations of weights to the GM/HO Subgroup. Thirty-nine GM's, CSHO's and THO's from 19 of the 20 circuits, including seven GM/HO Subgroup members, participated. The forum group meeting was led by Philip Schlissel, Administrative General Magistrate, Seventeenth Circuit.

The two day meeting incorporated a general session and breakout sessions by area of work to discuss the event times calculated from the time study and to recommend adjustments to these event times, if necessary, to the GM/HO Subgroup. The opening session presented all necessary information, including sufficient background to interpret the results and a discussion of the format and goals for the meeting.

The GM/HO's broke out into separate groups within their respective areas of work. Each group was asked to evaluate data from the time study on the average amount of time spent in minutes for each event of a case: pre-judgment, final judgment and post judgment. The event times were presented using 18 case types. The impact of the weight on expected statewide FTE need and FTE net need were provided to the GM's and CSHO's to aid them in deciding if the time study averages were reasonable. Participants were asked to determine if the times accurately represent

the average amount of time spent on an event of a case by GM/HO's considering a range of cases. Appropriate adjustments were made if it was decided that more time is needed to handle cases effectively or that the time study averages are too high and too much time is being spent on an event. Work was complete once consensus was reached on the reasonable number of minutes for each event for each case type. Group members gave specific reasons for changing the time study event times.

Forum Group Results

During the meeting, eighteen case types were reviewed and fifty-four events were considered. For the majority of the case types no adjustments were needed to the event times. Changes were made in only two areas: (1) Juvenile Dependency post judgment and (2) Civil Traffic final judgment (for THO's only).

Juvenile Dependency post judgment event time was increased from 8.4 minutes to 12.0 minutes. The reason given by the forum group of GM's was, "the 8.4 minutes in post judgment is woefully inadequate. It exists solely because of the sheer volume of the number of case events. A more reasonable value is 12 minutes to achieve permanency within statutory time requirements of 12 months." This change increases the case weight from 104.1 to 133.2 minutes.

Civil Traffic final judgment event time was increased from 1.97 minutes to 2.5 minutes for THO's. The members of the THO's section felt that events involving attorneys took less time to dispose of compared to those same events involving pro se litigants. Specifically, they were concerned that the predominant occurrence of attorney involved events in the very largest circuits (11, 15 and 17) was artificially driving down the time in the final judgment event. The increase suggested by the THO's section was intended to compensate for this effect provided that additional analysis indicated that event time in the largest counties was, in fact, having the suggested effect.

An analysis was conducted on the time study data for Civil Traffic cases to determine if the THO group's hypothesis was correct. Civil Traffic responses for final judgment events were separated into two groups based on the circuit and the average number of minutes per event was computed. Fourteen circuits reported traffic time during this study. The three large circuits (11, 15, 17) contributed 221 observations to the overall average with a group mean of 1.11 minutes while the other circuits (2,3,4,5,6,7,8,9,13,14,18) contributed 171 observations with a group mean of 3.53 minutes.

As the data was reasonably normal, a student's t-test¹⁸ was performed on the hypothesis that the large circuit time for final judgment events was significantly lower than other circuit time for final judgment events. The test yielded a p-value of less than 0.0001 which is clearly significant at the 0.05 level. Consequently, it can be assumed that the time spent in final judgment events for these three large circuits was significantly less than the average time spent in final judgment events for the other circuits.

¹⁸ The student's t-test measures the significance of a difference of means between two distributions.

A significance test was performed on each of the two groups to determine if the average time for final judgment events separately differed significantly from the average event time of 1.97 minutes computed by combining the groups. The large circuits reported a mean of 1.11 minutes while the other circuits reported a mean of 3.53 minutes. For both groups, p-values were less than 0.0001 indicating that the mean event time for final judgment for each of the groups separately is significantly different than the group mean of 1.97.

Within the judicial workload model framework, differences in types of events such as jury trials between circuits has been handled as a modifier to the final judge need calculation rather than as an adjustment to the statewide case weight. However, if the two groups were contributing equally, we should have an overall mean of approximately $((11)(3.53)+(3)(1.11))/14 = 3.01$ minutes. The overall mean of 1.97 minutes suggests that the large circuits are exerting an undue influence on the time study data. Consequently, based on the analysis of the time study data, it is reasonable to increase the final judgment event time from 1.97 to 2.5 minutes. This change increases the case weight from 0.5 to 0.6 minutes.

Further Traffic Analysis

The Civil Traffic Infraction case weights for traffic hearing officers required additional review and analysis to ensure a representative and reasonable case weight. The main difficulty with developing a viable weight for this case type is the great variability in all of the constituent elements that make up the weight. For example, each circuit currently uses traffic hearing officers in a highly individualized manner varying even county by county within each circuit. Consequently, the number of persons on contract to provide civil traffic infraction services is not clearly correlated with a well-defined workload measure such as FTE. For example, the Fifteenth circuit reported 36 persons contracted for approximately 3 FTE while the Eleventh circuit reported 23 persons contracted for 7 FTEs. While this may reflect optimal use in the field, it makes the development of a statewide, representative workload measure difficult.

Another source of variability is in the Summary Reporting System (SRS) filings. There are three primary issues with this data that make its use more difficult in this application: (1) Civil Traffic filings are not, as are all other filing statistics, reported to the OSCA by the clerks of court. Rather, these filings are obtained by the OSCA from the Department of Highway Safety and Motor Vehicles (DHSMV); (2) These data are received only once per year, rather than monthly as with other SRS data. Consequently, our estimations are based on data rooted farther in the past than other SRS data; and (3) traffic data is manually submitted from the clerks of court to DHSMV. Consequently, both filing and, particularly, disposition data has suffered from long standing issues with timeliness and accuracy. DHSMV representatives indicate that they have made great strides in recent years in reducing the backlog of submitted traffic infraction documents as well as making large improvements in the quality of the entered data.

A third source of variability within the model lies in the hourly pay provided to traffic hearing officers in each county in which they are used. THO's in each county can be paid different amounts so that circuit wide averages have to be employed in the model. There are also differences, by circuit, in exactly what activities are paid for. Strictly speaking, pay is not a part of the workload model. However, unlike magistrates and hearing officers, civil traffic hearing officers' workload is directly tied to expenditures because THO's are contract employees. This relationship places an additional constraint on the workload model in that, any case weight

developed must yield a workload measure that is consistent to some degree with expenditure data.

Originally, the time study data for traffic hearing officers was used as reported. Under the standard methodology, this un-weighted time generated a case weight of 0.6 minutes. However, when this weight was applied to FY 05-06 filings and then compared to expenditures for that same period, it was clear that this value was not useful as a statewide benchmark. The results disagreed significantly with actual values across most circuits.

Staff conducted a considerable amount of research on this issue identifying and analyzing the three sources of variability described above and evaluating a number of methodological adjustments to mitigate these affects and produce a representative workload model. Ultimately, the best results were obtained by weighting the time study data, by circuit, based on the number of persons reporting relative to the number of persons contracted and the total civil traffic infraction filings as the workload proxy. This schema is consistent with that used for general magistrates and child support hearing officers and produces results comparable to other models tested. Under this new schema, event times remain unchanged and the case weight is calculated as 1.3. The workload represented by both the forum group and recalculated case weight is presented in Figure Twenty and compared to actual workload for fiscal year 2005-2006 as presented in that years expenditure data:

Figure Twenty: Comparison of Weighted to Actual FY 2005-06 Traffic Workload

Circuit	FY 2005-2006 Filings	Workload (<i>in minutes</i>)		
		Case Weight		Actual FY 2005-06 Workload (from expenditures)
		Estimated Workload@0.6 minutes/case	Estimated Workload@1.3 minutes/case	
1	24,724	14,834	32,141	19,714
2	11,731	7,039	15,250	14,294
3	8,708	5,225	11,320	3,738
4	61,825	37,095	80,372	119,766
5	30,277	18,166	39,360	13,180
6	50,068	30,041	65,089	91,909
7	34,281	20,569	44,565	66,956
8	20,687	12,412	26,893	66,835
9	50,642	30,385	65,834	204,630
10	25,977	15,586	33,771	0

Figure Twenty: Comparison of Weighted to Actual FY 2005-06 Traffic Workload

Circuit	FY 2005-2006 Filings	Workload (in minutes)		
		Case Weight		Actual FY 2005-06 Workload (from expenditures)
		Estimated Workload@0.6 minutes/case	Estimated Workload@1.3 minutes/case	
11	489,838	293,903	636,789	597,660
12	22,993	13,796	29,891	78,833
13	83,746	50,248	108,870	114,863
14	12,697	7,618	16,506	8,940
15	142,252	85,351	184,928	103,509
16	3,468	2,081	4,509	37,431
17	287,876	172,726	374,239	205,110
18	43,474	26,084	56,516	47,903
19	22,835	13,701	29,686	27,024
20	39,377	23,626	51,190	19,242
Total	1,467,476	880,486	1,907,719	1,841,537

The issues detailed above may not, individually, inhibit the development of a workload model for civil traffic infractions. However, together, these issues appear to have a significant impact on the usefulness of the weight based workload model in determining an efficient allocation of civil traffic hearing officers within the circuit. Overall, the revised case weight model predicts existing workload quite closely, reporting 1.9 million minutes of work estimated by the model as compared to the actual 1.8 million minutes of work performed in FY 2005-06. Thus, the model may have applicability in determining statewide workload for traffic hearing officers. Its use at the circuit level is more problematic in that significant differences are apparent between model predictions and the actual workload.

In particular, circuits 8, 9, 12, and 16 seem particularly underrepresented in this model while circuits 5, 15, 17 and 20 move to the other extreme. It is very difficult to isolate particular root causes of these differences given the issues discussed above without investing considerable time and resources in additional study.

With respect to the model being developed, it should be noted that the data received during the time study may also contribute to the less than desirable fit at the circuit level. Although response was good (39%), participation was heavily concentrated in just two circuits, the Fifteenth and Seventeenth, who had combined 32 out of the 57 traffic hearing officers responding. Analysis has suggested that this distribution has skewed the results to some degree which would make the resulting model less applicable to circuits as a whole. However, considering the difficulty in correlating physical persons to FTE assignments, it is difficult to determine the precise impact.

After full consideration of the issues and results presented above, the JRS Workgroup does not recommend that the Civil Traffic Infraction case weight developed for traffic hearing officers be implemented at this time. However, the weight should be retained for future use should the above issues be sufficiently resolved to provide a suitable context for its use.

GM/HO Work Year

GM/HO Work Year Survey

Overview

The time available to work on case related activities is a key component of determining workload. This time can be derived by multiplying the number of minutes available for case related work each work day by the number of work days available per year. The JRS Workgroup determined that a survey of current magistrates and hearing officers was the best method for collecting this information.

In January 2006, the General Magistrate/Hearing Officer Subgroup of the JRS Workgroup met to develop, among other things, the important case and non-case related activities to be reported on in this survey. Working from a draft version modeled on the judge work day/year defined in the 1999 Delphi Study, the GM/HO Subgroup developed a final survey format to provide an estimate of time affecting the GM/HO work day/year.

The survey had two sections: Part I, Work Year, where the total available number of work days is determined, and Part II, Work Day, where the available number of hours per day is determined. In the first section, respondents were asked to estimate, on average, the days per year they spend on non-case related activities, including: vacation, illness, committee work, continuing education, and other. In section two, respondents were asked to estimate, on average, the hours per day and days per month they spend on non-case related activities, including: lunch, non-case related administration, community activities, travel to outlying county courthouses, travel to locations other than courthouses, and other. Respondents were instructed to consider an average of the last few years when reporting their estimates.

Time available for work each day can be broken up into two distinct activities: (1) case related work; and (2) non-case related work. Planning discussions with several magistrates and hearing officers indicated that there were too many case related activities to effectively survey. These discussions also identified only a few non-case related activities. Consequently, given that case related time is directly related to non-case related time, the survey was constructed to collect non-case related activity time. Generally, it is assumed that the relative time spent on case related and non-case related work is consistent over a year. The case related GM/HO work day/year can then be developed by subtracting time spent on non-case related activities from an 8-hour GM/HO work day and a 365 day calendar year. The GM/HO Subgroup also believed that collecting data on fewer events would reduce the reporting burden on the participants and likely improve the accuracy of the results.

The survey was designed as a web application. The GM/HO Subgroup and OSCA staff tested the survey in February 2006, prior to release. Respondents were provided a web link and asked

complete the survey online beginning March 6, 2006 and ending March 17, 2006. The deadline was extended until March 27, 2006 for hardcopy submission only.

All currently employed general magistrates and child support hearing officers, including contractual and county funded positions, were surveyed. Traffic hearing officers were not included in the survey because the content of their work and the contractual conditions of their employment are significantly different from that of magistrates and hearing officers. One federally funded hearing officer was excluded in the Eleventh Circuit as this officer serves in a special program effectively separate from the use of magistrates and hearing officers in the court system. Additionally, GM/HO's who were newly hired or who occupied temporary OPS positions were excluded from the survey.

As of March 6, 2006, there were 161 general magistrates and child support hearing officer positions in the state of Florida variously comprised of state funded, county funded and contract positions. Not all positions are full time, however. These 161 physical positions constitute 152.0 full time equivalent (FTE). During the survey period, 9 positions constituting 7.25 FTE were not filled. Four recent hires reduced the remaining 152 participants to 148 eligible magistrates and hearing officers. The survey was completed by 120 of the 148 eligible magistrates and hearing officers (see chart below). Every circuit except the Sixteenth participated in the survey. The response rate for the overall survey was 81% with more than half of the circuits reaching 100% participation.

**Figure Twenty-One: GM/HO Work Year Survey
Response Rates**

Circuit	Eligible Respondents	Completed Surveys	Response Rate <i>(percent)</i>
1	6	4	66.7
2	4	4	100.0
3	2	2	100.0
4	10	2	20.0
5	6	5	83.3
6	14	12	85.7
7	6 ¹	5	83.3
8	5	5	100.0
9	9	9	100.0
10	5	5	100.0

**Figure Twenty-One: GM/HO Work Year Survey
Response Rates**

Circuit	Eligible Respondents	Completed Surveys	Response Rate <i>(percent)</i>
11	16	16	100.0
12	6	6	100.0
13	9	9	100.0
14	4	4	100.0
15	7	7	100.0
16	8	0	0.0
17	12	10	83.3
18	8	8	100.0
19	5	5	100.0
20	6	2	33.3
Total	148	120	81.1

¹ The 7th Circuit has one person occupying one ½ time GM and one ½ time HO position. The individual submitted only one survey for HO position.

Survey Analysis

Field Exclusions

During the analysis of the survey, several data elements collected on the survey were deemed not necessary or contributing to available work year calculations. For example, full and part time status and lunch hour are unnecessary to determine the work day because magistrates and hearing officers are subject to state employment standards rather than judicial employment standards. The standard work day for state employees is defined as eight hours (480 minutes), excluding lunch and breaks so that no further deductions from the work day needed to be made for these events.

The purpose of the “Other” survey category was to possibly identify any additional events that should be considered as factors when computing the work year but that were not included in the original design. Upon review, the majority of the information reported in the “Other” survey field should have been reported in already existing survey categories. Data from the “Other” field that could be associated with an existing category that did not already contain data was transferred to the appropriate survey category. However, if the existing category already contained data, the information from the “Other” field was ignored under the assumption that the entered data was the more accurate representation. Once this consolidation was complete, the remaining data in the “Other” field did not contain a significant amount of time. Therefore, this data was determined inconsequential and excluded from the remaining analysis.

Weighting

To compensate for the variety of full and part time positions that exist throughout the state, survey results were weighted to the total FTE (state, county and contract) positions allocated to each circuit. Circuit level survey data was appropriately weighted to account for the state total of 152.0 FTEs. Actual response to the survey was exceptional with 120 out of 148 eligible GM/HO's responding, contributing 114.75 FTEs to the study. As expected from such a response, weighted and un-weighted results did not differ greatly. However, full weighting was done as per the survey design.

Only one circuit, the Sixteenth circuit, did not submit any survey data. Mean values for this circuit were estimated for each variable using the sample mean for the rural circuit group consisting of circuits 1, 2, 3, 5, 7, 8, 10, 14, 16, 19 and 20.

Calculation

Available work time per year was derived by subtracting time spent on non-case activities from the maximum time available in a period. A weighted mean value for each activity was developed from the survey responses and subtracted from the relevant period. Mean values were rounded to whole days for days per year calculations and to minutes for minutes per day calculations.

Results

The average work year and day developed below is intended to provide an estimate of the number of minutes available for case related GM/HO work when considered *across* all magistrates and hearing officers in the state. It was designed to serve as a tool for the estimation of future resource need and should not be construed as a statement of how much time should be available to a single GM/HO in any one specific jurisdiction.

It was recommended that these results be validated with information collected during the 2006 Time Study and any relevant adjustments be made before final adoption of these work year components.

There was sufficient evidence from the Survey to justify defining a separate work year for urban and rural jurisdictions. Circuits were distinguished as either urban or rural based on the criteria established in the 1999 Delphi Study. Those criteria were applied to updated data by circuit and, subsequently, the urban/rural distinction did not change from the 1999 study.

Work Year

For most values, the weighted mean number of days was used to determine available time for case related work. The survey reported a wide variety of values for vacation and illness accrued ranging from 0 to 25 vacation days per year and from 0 to 43 illness days accrued each year. Since these values are fixed by state employment rules, it was felt that the actual survey values were not reliable. The survey data did show, however, that the distribution of reported vacation accrued days was bimodal centering on 13 days (up to 5 years in service) and 19.5 days (over 10 years in service) with a median value of 16.25 days. To accurately represent the entire spread of

time in service over all GM/HO's, it was assumed an average of 16 days vacation accrued per year. Illness days accrued was fixed at 13 days per year.

Figure Twenty-Two: Mean Days Per Year By Category

Category	Mean (<i>in days</i>)
Vacation Accrued	16.0
Vacation Taken	10.6
Illness Accrued	13.0
Illness Taken	3.5
Continuing Education	4.1
Committee Work	2.4

This produced two separate days per year calculations. For both calculations the starting point was 365 days per year. Subtracted out were 104 weekend days, 12 holidays (including personal holiday), 4 continuing education days and 2 days for committee work, leaving 243 days per year. Using *Vacation and Illness Taken* developed from the survey, there were 243 days minus 11 vacation days minus 4 illness days which produces a days per year total of 228 days. Using *Vacation and Illness Accrued*, there were 243 days minus 16 vacation days minus 13 illness days leaving 214 case related work days per year.

The final decision on the number of days per year was made by the GM/HO Subgroup during a conference call on May 16, 2006. The group decided 219 days per year for case related work was appropriate. Using this decision, there were 365 minus 104 weekend days, 12 holidays, 16 days of vacation, 8 illness days, 4 continuing education days, and 2 days of committee work, to arrive at 219 days per year. The GM/HO Subgroup felt that the values of 16 vacation days and 8 illness days represented a reasonable compromise between the defined state standards as *days accrued* and actual days taken that were reported in the survey as *days taken*.

Figure Twenty-Three: Available Case Related Days Per Year

Category	Days (<i>Taken</i>)	Days (<i>Accrued</i>)	Final Decision (<i>Days</i>)
Total Days	365	365	365
Weekends	-104	-104	-104
Holidays	-12	-12	-12
Vacation Taken, Accrued	-11	-16	-16
Illness Taken, Accrued	-4	-13	-8
Continuing Education	-4	-4	-4
Committee Work	-2	-2	-2
Total Case related Days Per Year	228	214	219

Work Day

Similarly, the average time available for case related work per day was calculated by subtracting the mean number of minutes expended in non-case related work from the total number of minutes available in a day. This time is established by state employment standards as 480 minutes (8 hours). Analysis showed a significant difference between urban counties and rural counties for travel and community activities indicating that a separate work year standard should be developed for each of the urban and rural circuit groups.

Figure Twenty-Four: Mean Number of Minutes Per Day By Category

Category	Mean (in minutes)		
	All Circuits	Urban Circuits	Rural Circuits
Non-case administration	32.4	NA	NA
Travel Courthouse	10.2	2.6	23.2
Travel Other	4.4	5.1	3.0
Community Activities	3.6	2.6	5.4

Total work minutes per day were calculated separately for rural and urban circuits. For rural circuits (1, 2, 3, 5, 7, 8, 10, 14, 16, 19, 20), starting with 480 total minutes in an 8-hour day and then subtracting 32 minutes for non-case related administration, 26 minutes for travel, and 5 minutes for community activities allowed 417 minutes or 7 hours per day for case related work for GM/HO's. In urban circuits (4, 6, 9, 11, 12, 13, 15, 17, 18), starting with 480 total minutes in an 8-hour day and then subtracting 32 minutes for non-case related administration, 8 minutes for travel, and 3 minutes for community activities allowed 437 minutes or 7.3 hours per day for case related work. The GM/HO Subgroup decided available minutes per day for urban and rural

Figure Twenty-Five: Available Case Related Minutes Per Day

	Minutes		Final Decision (Minutes)	
	Urban	Rural	Urban	Rural
Total Minutes (8 hr day)	480	480	480	480
Non-case administration	-32	-32	-32	-32
Travel ¹	-8	-26	-8	-26
Community Activities	-3	-5	-3	-5
Total Case Related Minutes Per Day	437	417	437	417

¹ Represents an average over the state. Not all GM/HO's travel. This value is calculated by taking into account the many zero values of the non-traveling respondents with travel values of those respondents that travel frequently.

GM/HO Work Year Validation

It was determined during the initial phase of the GM/HO study that the work year should be re-evaluated on the hours per day available for case related work based on data from the 2006 Time Study. Thus, additional analysis was conducted, specifically looking at the average amount of case related time and non-case related time reported per day in the time study. The days per year was kept at 219 days, as the time study did not provide information on this part of the work year. The time study offered a revised estimate for the case related work day of 369 minutes for rural circuits and 387 minutes for urban, suggesting that less time was available for case related work, compared to the 2006 Work Year Survey.

The judge day from the 1999 Delphi Study (6 hours per day urban circuits and 5.5 hours per day rural circuits) was used along with the 219 days available in a year for case related work from the Survey to determine FTE need for the forum group meeting. Analysis on the 2006 Time Study data was not completed in time to be used at the forum group meeting. The three different work day options are listed in Figure Twenty-Six.

Figure Twenty-Six: Available Case Related Minutes Per Day Options

	Judge Day Circuit Only (Minutes)		2006 Work Year Survey (Minutes)		2006 Time Study (Minutes)	
	Urban	Rural	Urban	Rural	Urban	Rural
Total Available Minutes ¹	450	450	480	480	480	480
Non-case administration	-90	-120	-32	-32	-78	-78
Travel ²	NA	NA	-8	-26	-12	-25
Community Activities	NA	NA	-3	-5	-5	-8
Total Case related Minutes Per Day	360	330	437	417	387	369

1 Judge work day standard defined by the original judicial workload study as 8.5 hours with 1.0 hours for lunch. As state employees, the GM/HO work day was defined by state rule as 8.0 hours with 0.0 hours for lunch and 0.5 hours for breaks.

2 Represents an average over the state. Not all Magistrates/Hearing Officers travel. This value was calculated by taking into account the many zero values of the non-traveling respondents with travel values of those respondents that travel frequently. Travel included in administration time for judges.

Combining the work days per year and work hours per day provided the following work year options:

Figure Twenty-Seven: Case Related Work Year

	Judge Day – Circuit Only (Minutes)		2006 Work Year Survey (Minutes)		2006 Time Study (Minutes)	
	Urban	Rural	Urban	Rural	Urban	Rural
Day	360	330	437	417	387	369
Year	78,840	72,270	95,703	91,323	84,753	80,811

Recommendations

JRS Workgroup reviewed and discussed the recommendations of the GM/HO Subgroup (see the *General Magistrate/Hearing Officer Workload Study Final Subgroup Report*) and presents the following decisions and recommendations.

The Commission on Trial Court Performance and Accountability reviewed and accepted the decisions and recommendations presented by the JRS Workgroup on June 10, 2007.

Work Year

The JRS Workgroup recommended adopting the rural/urban work day defined by time study with the consequent case related work available per year as illustrated in the table below:

Figure Twenty-Eight: Recommended Work Year

	Work Year	
	Urban	Rural
Days per Year	219	219
Minutes per Day	387	369
Minutes per Year	84,753	80,811

The total time available for case related work per year was calculated by multiplying available days per year by available minutes per day. Using the final decision, 219 days times 387 minutes equaled 84,753 minutes per year for case related work in urban circuits. Applying the same calculation (219 days x 369 minutes) for rural circuits equated to 80,811 minutes per year for case related work. The 219 days was computed from the 2006 Work Year Survey conducted in March 2006 and the minutes per day were calculated from the 2006 Time Study conducted in October 2006.

Case Weights

With respect to the development of case weights to be used as part of the GM/HO Weighted Caseload Model, the JRS Workgroup recommended that

1. The methodology outlined in this report for converting case type event times in to SRS filing case weights for use in the GM/HO Weighted Caseload Model be accepted.
2. The Civil Traffic Infraction case weight for traffic hearing officers not be implemented at this time due to inconsistencies among circuits in how THO's are utilized and due to accuracy issues related to traffic filing data collected from the Department of Highway Safety and Motor Vehicles outlined in the Further Traffic Analysis section.
3. The event times and case weights listed in Figure Twenty-Nine be adopted for use in the GM/HO Weighted Caseload Model.

Figure Twenty-Nine: Recommended Event Times and Case Weights

Class	Case Type	Event Type	Event Times	Case Weight
General Magistrates	Simplified Dissolution	Pre	18.5	11.9
		Final	10.2	
		Post	40.3	
	Ordinary Dissolution	Pre	24.9	27.6
		Final	30.4	
		Post	31.9	
	Child Support ¹	Pre	30.8	277.9
		Final	26.2	
		Post	30.0	
	Domestic Violence ²	Pre	5.1	0.6
		Final	60.9	
		Post	12.8	
	Other Domestic Relations	Pre	29.8	27.3
		Final	33.4	
		Post	34.8	
	Juvenile Delinquency ²	Pre	5.9	0.9
		Final	10.2	
		Post	6.0	
	Juvenile Dependency	Pre	13.1	133.2
		Final	14.6	
		Post	12.0	
Professional Malpractice and Product Liability	Pre	11.4	22.4	
	Final	24.6		
	Post	17.7		
Auto and Other Negligence	Pre	11.3	1.2	
	Final	NA		
	Post	NA		
General Magistrates	Contract/Real Property	Pre	9.2	1.6
		Final	NA	
		Post	61.7	

Figure Twenty-Nine: Recommended Event Times and Case Weights

Class	Case Type	Event Type	Event Times	Case Weight
Child Support Hearing Officer	Other Circuit Civil (incl Eminent Domain)	Pre	17.5	2.5
		Final	47.7	
		Post	19.6	
	Probate and Mental Health	Pre	6.9	6.7
		Final	15.6	
		Post	10.3	
	Guardianship and Trust	Pre	18.4	47.5
		Final	49.3	
		Post	13.0	
	Small Claims ³	Pre	19.7	0.1
		Final	74.2	
		Post	22.8	
	Other County Civil ³	Pre	21.1	1.0
		Final	7.9	
		Post	.7	
Civil Traffic Infraction	Pre	4.5	1.2	
	Final	3.8		
	Post	3.3		
Child Support Hearing Officer	Child Support/ Paternity	Pre	6.8	83.4
		Final	11.6	
		Post	9.5	

1 Higher case weight due to small number of complex cases handled.

2 General Magistrates mainly handle post judgment for domestic violence and juvenile delinquency.

3 Data on these case types is minimal. Work in these areas is unique, usually involving special circumstances and does not represent standard practice.

Implementation

The JRS Workgroup also recommended incorporating the following language as part of the implementation policy for the GM/HO Weighted Caseload Model:

“Although the statistical methodology in this report should be the primary approach used to determine the need for general magistrates and hearing officers and the allocation of those essential resources, secondary factors, such of those set forth in Rule 2.240(b)(1)(B), Florida Rules of Judicial Administration, should be considered in the overall need and allocation determination process.”

Conclusion

Over the past several years, the workload model concept has proven an effective tool for the management of court resources. The judicial weighted caseload methodology has been a significant success in increasing the number of judges authorized by the Florida Legislature and has provided some insight into their placement to better serve the state. Expanding the workload model concept to encompass key supplemental resources should help to further the judicial branch’s mission.

The recommended case weights and work year were the result of an eighteen month effort by many judges, general magistrates, hearing officers and court staff. The study included a rigorous application of statistical principles with an all-encompassing approach to participation. At some point in the process, virtually all magistrates and hearing officers had the opportunity to contribute to this study, giving the results developed herein a depth of experience not often seen in these types of studies. The methodology of this study borrowed important concepts from the already existing judicial weighted case load model and developed new methods as required to synthesize a final workload model that will provide an important tool for the management of supplemental personnel.

CONTINUING DEVELOPMENT

The following projects have been identified as issues requiring continuing research to be undertaken after the June 30, 2007 deadline for the Judicial Resource Study (JRS). Some of these tasks were originally intended as part of the JRS but could not be completed due to time or staff constraints. Other tasks, although not specifically a part of the original JRS project, arose naturally from the work of the JRS Workgroup and will contribute in a significant way to the ultimate usability of the workload models.

The Commission on Trial Court Performance and Accountability approved the short term tasks listed below during their meeting on June 10, 2007. The Commission recognizes the need for the long term tasks but did not direct action in those areas at this time.

Short-term tasks

The Judicial Resource Study Workgroup recommends the following tasks be completed within a specified amount of time in the near future. These tasks would constitute Phase II of the Judicial Resource Study.

- 1. Extend the Workgroup's charge by twelve to eighteen months to oversee the completion of several continuing research issues.**

Phase II of the Judicial Resource Study should be enacted to complete all approved continuing research tasks. Nine of the current JRS Workgroup members have volunteered to oversee this phase of the project.

- 2. Formation of a standing committee to incorporate an annual review of workload models.**

In addition to the five-year update, the JRS Workgroup recommends forming a standing committee to review the workload models annually, specifically looking at changes in judicial and supplemental resource workload that would affect the case weights. The standing committee would also review the potential impact of all the modifiers discussed in this section.

- 3. Recommend a regular workload model review and update schedule.**

The National Center for State Courts (NCSC) and JRS Workgroup recommend a case weight update and model review every five years.

4. Complete the analysis necessary to define the interaction between judges and general magistrates/hearing officers (GM/HO's).

The secondary goal of the Judicial Resource Study is to develop a tool to assist judicial leadership in determining the optimal allocation of judicial and supplemental resources. Due to time constraints work on this goal is not complete. Additional time is needed to analyze data from the judicial case weight survey to determine if such a tool can be produced. This work will be accomplished under Phase II of the JRS Workgroup.

5. Develop a Supplemental Resource Needs Application.

The JRS Workgroup recommends that the Office of the State Courts Administrator (OSCA) develop a mechanism to capture essential, circuit level information on the current use of general magistrates and hearing officers within the circuits, and to provide those circuits with a vehicle to present subjective considerations concerning their need for additional resources. The needs application would also provide circuits with resource need information to aid them in decision making regarding requests for additional resources. This information would be sent to the Office of the State Courts Administrator, Court Services, by the circuits, and in a manner and format similar to that currently used for judicial certification. The OSCA would provide this information, along with related analysis, to the Funding Methodology Committee.

6. Analyze and possibly incorporate various *Proportion of Occurrence FTE Need Modifiers* into the judicial weighted caseload model.

This modifier, based on Summary Reporting System (SRS) data, would use a rolling three year weighted average to account for changes in the proportion of occurrence of different events that make up a case weight. Proportions of occurrence were updated as part of the JRS with a significant impact on FTE need. Spreading the change over several years will lessen the impact that these proportions have on the overall need.

7. Explore improvements to the jury trial modifier into the judicial weighted caseload model.

Explore new methods for implementing the jury trial modifier that may yield a more accurate need modifier.

8. Implement specific procedures to monitor the Child Support case workload as reported through the OSCA's Summary and Uniform Data Reporting Systems.

A mechanism is necessary to monitor and analyze the flow of child support cases to the judiciary. The impact of computer implementation issues experienced by the Florida Department of Revenue (DOR) on existing and future CSEHO should

be evaluated. While these data sets are routinely monitored as part of Court Services' data quality program, this issue is not specifically reviewed. This would be a temporary monitoring effort until the specific DOR issues are resolved.

Long-term tasks

The following projects involve areas related to the JRS project but are outside its scope. As above, work in these areas would contribute to the overall efficacy of the workload model. The JRS Workgroup recommends the following issues be considered for future long-term study.

1. Recommend evaluating the current Summary Reporting System (SRS) data collection method utilized by the court system.

Due to issues regarding the over reporting and underreporting of data through the Summary Reporting System, the JRS Workgroup recommends:

1. Investigating local best practices for self-auditing data reported to the SRS.
2. Create a new uniform data collection system to be utilized solely by the court system and would be designed to best fit the needs of the trial courts. Data would be directly reported by the courts.

2. Develop a reporting mechanism to track case activity for general magistrates and hearing officers.

Case weights for magistrates and hearing officers are computed from the event times established during the time study and the forum groups and the event to filing ratios which relate the number and type of GM/HO events to total SRS filings. These ratios are analogous to the proportion of occurrence in the judges case weights with many of the same issues. This referral rate is currently computed (and therefore fixed) by data collected from the time study. At this time, there is no data collected by the OSCA that will allow the calculation of these ratios.

Without a reporting mechanism, the five year update suggested above will require another time study to establish these ratios. While a reporting mechanism would alleviate this problem and place the event ratio on the same data-driven footing as the judicial proportion of occurrence, this mechanism would impose a significant workload on magistrate and hearing officer staff to compile and report the necessary data and on OSCA staff to collect and verify it.

3. Consider the development of a mechanism to track Unified Family Court (Crossover) Cases.

Currently no reporting mechanism exists for specifically identifying the number of cases processed under the Unified Family Court or Crossover models for both judges and general magistrates. A reporting mechanism would require the Supreme Court to establish a detailed, unambiguous definition of these cases and the development of a mechanism to allow clerks of court (or court administration staff) to report these cases to the OSCA in sufficient detail to enable the use of this data in the workload model.