

Minnesota Judicial Workload Assessment, 2002



Submitted by
National Center for State Courts

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Executive Summary

How many judges does the State of Minnesota need to provide effective case resolution? To answer this question, the Conference of Chief Judges and the Minnesota Supreme Court contracted with the National Center for State Courts (NCSC) to determine how to measure judicial workload in Minnesota District courts. A clear measure of court workload is central to establish the number of judges needed to resolve all cases coming before the court. Adequate resources are essential if the Minnesota judiciary is to manage and resolve court business effectively and without delay while also delivering quality service to the public. Meeting these challenges involves systematically assessing the number of judges required to handle caseloads, and resolving whether judicial resources are allocated equitably across the state.

Historically, Minnesota has used the weighted caseload method for this purpose. Weighted caseload is a proven and highly effective strategy, but the results must be periodically reexamined and updated as laws and court processes change to ensure ongoing public trust and confidence in the courts. This report describes the methods and results of a comprehensive program of judicial workload assessment conducted in 2002-03. The primary goals of the project were to: 1) establish judicial workload standards conducive to effective and efficient case resolution; 2) develop a means for cost-effective and regular updating of the standards; and 3) provide for meaningful application to local resource issues.

The challenge of judicial workload assessment

The 2002 judicial workload assessment study updates and extends the last such survey in Minnesota, completed in 1992. The principal challenge to the new study is that judicial caseloads rose faster than judicial resources between 1992 and 2002. As one can see, since the 1992 study was completed the growth in both major and minor cases has far exceeded the growth in judicial resources.

Exhibit 1:

Comparing Growth in Caseload to Growth in Judicial Officers, 1992-2002

Case Type	Filings		Growth
	1992	2002	
Major Cases	171,297	226,585	32%
Minor Cases	956,993	1,816,301	90%
Total	1,128,290	2,042,886	81%
Total Judges	272	298	9%

More cases per judge means that judges are forced to spend less time on each case to stay current with incoming work. In some instances, revised procedures or new technology support faster case processing with no loss in quality. For other case types the result is simply more cases squeezed onto already crowded dockets. This reduction in time per case, based solely on rising volume, is called “case weight erosion.” Augmenting the problem for certain types of cases is new legislation that requires greater judicial time and attention in meeting the rule as well as the spirit of the law. As workloads rise, judges can and do work faster; the issue is distinguishing how best to allocate scarce judicial resources across the vast array of cases coming before the court. Some cases can be disposed of in less time, but some need more time. The challenge is to provide judges sufficient time to *reasonably* engage litigants, listen to victims, clearly explain rulings and orders—features fundamental to the public perception of fairness and appropriate treatment by the court.

Translating judicial workload into an estimate of judicial need requires that the weighted caseload study determine:

- **Case weights**—the average amount of time a judge reasonably needs to resolve a case of a specific type.
- **Judge-year values**—the amount of time per year that a well-trained and efficient judge has available to do case-related work.

To produce an estimate of judicial workload, case weights are multiplied by case filings. Judge-need is estimated by dividing workload by a judge-year value.

Primary results from the 2002 study

The Weighted Caseload Advisory Committee (WCAC), a sub-committee of the Conference of Chief Judges, oversaw and guided all aspects of the 2002 study. In addressing the issue of judicial need, the WCAC focused on resolving the tension between efforts to enhance the quality of justice and efforts to ensure the efficient use of existing judicial resources. To accomplish this goal, numerous innovations were introduced to the traditional weighted caseload model.

- A statewide survey of all judges was conducted at the outset of the study to gather broad perspective on the strengths and weaknesses of current case processing.
- All judges participated in an event-based time study during May, 2002 designed to measure the actual time judges currently spend in resolving 33 different types of cases, distinguishing among key events at the pretrial, non-trial disposition, trial, and post-trial phases.
- Fifty judges, representing the 10 judicial districts, participated in five workload study groups to examine current practice (as measured by the time study), judicial attitudes (as measured by the survey), past case weights (as measured by the 1992 study), changing context (e.g., new legislation, new technology, organizational improvements), and personal experience to confront issues of case weight erosion and improved efficiencies and to make recommendations on the content of the final case weights.
- A special study of local legal culture was conducted in seven pilot sites to assess local impact on a court’s need for judicial resources.

The WCAC reviewed information from all phases of the study as well as recommendations from the workload study groups to reach final consensus on the judge-year value, case weights and statewide judicial need.

Improved organizational effectiveness throughout the judicial branch, including the use of new technology, better caseload management, and economies gained through district management, led the WCAC to *increase* the judge-year value.

- The standard value for the number of judicial working days was increased from 201 days to 215 days per year (the national average).
- Four separate judge-year values were developed based on district groupings differentiated primarily by amount of judicial travel: (1) 8th district; (2) 5th, 7th & 9th districts; (3) 1st, 3rd, 6th & 10th districts; and (4) 2nd & 4th districts. The judge-year value (time available for case-related work) was increased for almost all judges in the state.
- The 2002 time study results served as the basis for a careful review of current practice by the WCAC relative to the standards adopted in 1992. The WCAC was mindful of the recommendations of the Office of the Legislative Auditor concerning the number of judges needed in Minnesota. The Auditor recommended adding an assessment of both qualitative and productivity factors to the study. (The Auditor also recommended conducting a Staff WCL (Weighted Caseload) study. The Staff WCL Study is expected to be completed Fall 2003.)

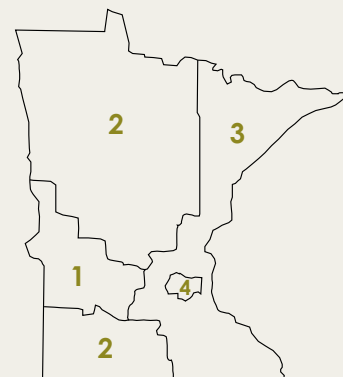
Consideration was given to such issues as case weight erosion, legislative changes, case processing efficiencies, and state budget constraints.

- Individual case weights were constructed for 33 specific case types.
- The 2002 time study results were adopted without adjustment for 15 case weights.
- Adjustments were made to 18 case weights: 9 weights are lower than in 1992; 9 weights were increased relative to 1992. All adjustments were accompanied by clearly articulated rationale and justification.



Four Districts Groupings

Variation in the amount of time judges spend on judicial administration and travel is associated with the district in which they work.



Applying the 2002 case weights to 2002 filings and dividing by the new judge-year values gives the judge-need shown in Exhibit 2. The total need for the state is estimated at 303.5, an increase of less than 6 judges over the existing complement of 298 judges.

Maintaining system integrity

The 2002 study considerably enhances the potential for keeping the case weights current. Each workload standard is constructed by compiling information on four distinct case event categories: pretrial time, non-trial disposition

time, trial time, and post judgment time. It is possible to assess the validity and reasonableness of each workload standard by examining this event-level information. Over time, adjustments can be made to the case weights at the event level to incorporate changes required to comply with new court rules, legislative mandates, and improved case processing strategies. This targeted adjustment strategy will ensure that case weights continue to provide an accurate reflection of judicial workload in Minnesota, and help allay the need for conducting the complete, expensive and time consuming workload assessment process.

Exhibit 2:

Total Judicial Need

Judicial District	1992 Judges	2002 Current Judges	Judge-need (using 2002 Weights)	Difference
1	27.00	33.00	34.32	+ 1.32
2	34.75	34.05	32.78	- 1.27
3	22.00	23.00	23.12	+ 0.12
4	72.50	76.69	79.14	+ 2.45
5	17.00	16.00	15.84	- 0.16
6	16.00	16.00	15.75	- 0.25
7	20.00	25.00	27.18	+ 2.18
8	11.00	11.00	10.38	- 0.62
9	20.00	22.00	23.67	+ 1.67
10	32.00	41.00	41.36	+ 0.36
Overall	272.25	297.74	303.52	+ 5.78

Introduction

A clear measure of court workload is central to determining how many judges are needed to resolve all cases coming before Minnesota courts. Adequate resources are essential if Minnesota's judiciary is to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves assessing objectively the number of judges required to handle caseloads, and whether judicial resources are being allocated and used prudently. Minnesota has been a national leader in using weighted caseload methods in judicial resource assessment. It has employed this methodology since 1980, and the rationale is clear: weighted caseload is a very effective tool for determining the need for judges and requesting new judgeships; assigning temporary and/or retired judges; conducting workload analyses for assignment and calendaring systems; designating chambers assignments; and designating cross-district judge assignments.

Using weighted caseload is a "best practice." State court caseloads vary in complexity, and different types of cases require different amounts of judicial time and attention. While case counts have a role in determining the demands placed on state judicial systems, they are silent about the resources needed to process the vast array of cases effectively. That is, raw, unadjusted case filing numbers offer only minimal guidance regarding the amount of judicial *work* generated by those case filings.

Moreover, the inability to differentiate the work associated with each case type creates the potential misperception that equal numbers of cases filed for two different case types result in equivalent workloads. For example, a "typical" serious felony case has a greater impact on judicial resources than a "typical" 5th degree assault case. For this reason, the NCSC believes that a comprehensive program of judicial workload assessment is the *best* method for measuring case complexity and determining the need for judges.¹

¹ V. Flango and B. Ostrom, *Assessing the Need for Judges and Court Support Staff* (National Center for State Courts, 1996).

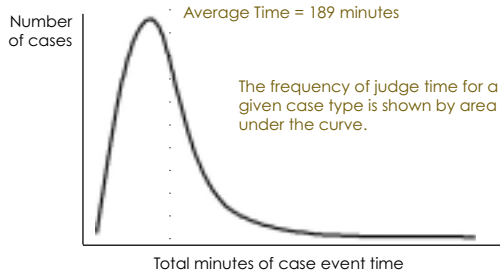


The goal for the Weighted Caseload Advisory Committee was to:

"Produce updated case weights that accurately reflect the need for District Court judges statewide. The updates are to preserve the credibility of the WCL system, but also address case weight erosion caused by increasing caseloads. To accomplish this, a qualitative assessment component has been added to the judicial time study. Further WCL study goals are: to be able to use study information to make appropriate and meaningful local assignments; and to make inter-district equalization determinations."

Exhibit 3:

Case Weights Accommodate Cases of Varying Complexity



Workload, as measured by individual case weights, represents the *average* number of minutes it takes to resolve cases of different types. A particular case weight (say, 189 minutes for personal injury case type) does not imply that all personal injury cases take 189 minutes to resolve; rather it is the average time for that type of case. The curve shown in Exhibit 3 represents the actual distribution of judge-time for a particular type of case (say personal injury) and makes clear that individual cases take different amounts of time to resolve.

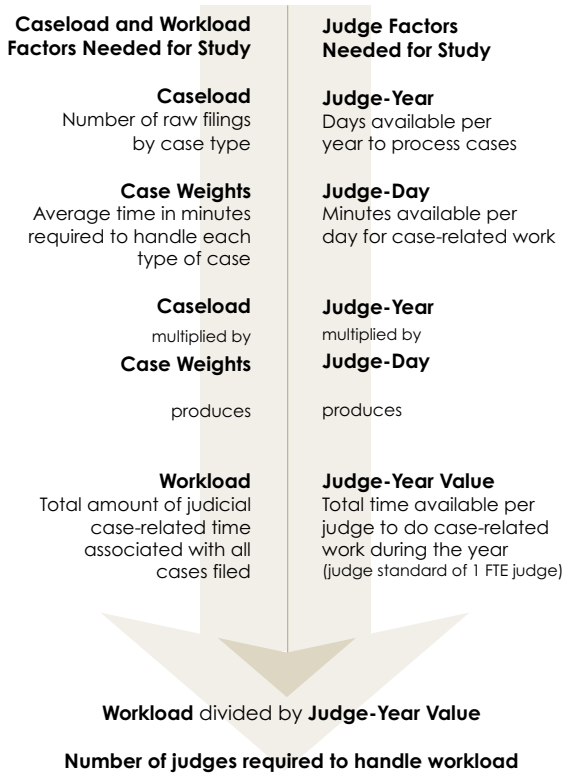
The utility of a case weight is that it summarizes the variation in judicial time by specifying or recommending an average amount of time per case. The preferred approach is to calculate the case weight based on current judicial practice (as determined by a time study) and then review, and potentially adjust, particular weights to ensure judges have sufficient time to handle cases in a reasonable and satisfactory manner. Some cases take more time than the case weight and some take less time, but, on average, the case weight is an accurate reflection of the typical amount of time judges need to resolve specific types of cases.

Once developed, we can use case weights to calculate the total judicial workload for each case type by multiplying the number of filings by the case weight. Exhibit 4 provides a summary of the overall procedure.

Workload is the product of case filings of a given case type multiplied by the case weight for that type. Total workload is then calculated by summing across all case types. To estimate the number of judges a court system requires, the total calculated workload is divided by the judge-year value (the amount of time a judge has to do case-related work).

Exhibit 4:

Caseload to Workload



As part of the 2002 study, the Weighted Caseload Advisory Committee voted to increase the standard judge-year from 201 days to 215 days. For each day, a distinction is made between case-related and non-case-related time. From the standard judge day of 7.5 hours per day, non-case-related time—including time spent on court administrative matters, travel, general legal research, and other non-case-related duties—is subtracted to arrive at the number of minutes per day that a judge has available for case-related work. Results from the time study are used to measure actual differences in non-case-related time (e.g., travel time for judge in rural v. urban districts) and to adjust the judge-year value by district.

Because Minnesota has long used the weighted caseload approach, the state's judges and court managers recognize the need to keep the case weights current. Once weights have been established, it is critical that the weights be monitored to ensure that they continue to accurately represent workload. There is no faster way for a weighted caseload system to lose credibility than for the weights to be perceived as obsolete. This periodic updating is necessary to reflect changes that may have reduced the time necessary to process cases (e.g., increased efficiency from improved case management techniques) or may have expanded the time that judges are required to spend on cases (e.g., legislative changes that have increased the number and/or frequency of review hearings).

In addition, care must be taken in designing a method to update existing case weights in order to avoid the very real issue of “case weight erosion.” Over time, workload often rises more quickly than judicial resources. Judges are therefore pushed to work faster to stay current with incoming caseloads. As a result, the average amount of time judges are

able to spend on cases falls. A new time study conducted in this environment will show that judges are spending less time on cases and, if new case weights are based solely on current practice, lock estimates of judicial resources needed into tighter and tighter timeframes.



Measuring case complexity

Fundamentally, the rationale for moving the determination of judicial need from a focus on court *caseload* to court *workload* is based upon case complexity. Although defining case complexity is neither easy nor obvious, the concept of complexity has important implications for effectively designing a judicial workload assessment model. One can distinguish between at least three dimensions of case complexity:

- **Substantive complexity.** This emerges from the substantive law that creates, defines, and regulates the rights and duties of the parties. These rights and duties vary across the substantive areas of law such as criminal law, tort law, and the law of wills.
- **Procedural complexity.** This aspect of complexity refers to the proceedings by which a legal right is enforced: the formal steps or events that a court administers (e.g., arraignment in a criminal case). The machinery is distinguished from the product of the law.
- **Individual case complexity.** This dimension of complexity refers to the idiosyncratic flow and/or treatment of specific cases. Within the context of substantive and procedural law, each individual case will proceed faster or slower depending on court organization and management as well as the goals and personalities of the litigants and court personnel involved.

Measuring judicial workload with reference to case complexity means that a study must focus on different areas of law, distinguish the different types of procedural events involved, and monitor the variation in how cases are actually processed in practice. The study design adopted by the WCAC took all three dimensions of case complexity into account.

Cases are being disposed, but available judge-time may not be sufficient to provide fair and equitable service to the public. Judges may begin to feel that they are working on an assembly line, and the public's trust and confidence in the court may diminish.

Exhibit 5:

Changes that have Impacted Court Case Processing, 1992 – 2002

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-
- CHIPS 12 month permanent placement timeline increased trial rates;
 - CHIPS 6 month review hearings required;
 - TPR trial rates rise dramatically in response to changes in CHIPS rules;
 - Implied Consent law change creates exception to rule that judicial review follows civil procedures leading to increase in trial rates;
 - 5th degree assault trial rates rise in response to Brady bill and accompanying Minnesota statute;
 - Order for Protection system developed that streamlines protection process;
 - Many juvenile misdemeanors decriminalized through creation of juvenile petty offender classification;
 - Extended Jurisdiction Juvenile classification created allowing for jury trials and blended sentencing;
 - Enhanced DWI to Gross Misdemeanor results in increased number of hearings and trial rates;
 - Expedited child support process moved under the jurisdiction of the courts;
 - Trial rates for serious felonies triple following introduction of mandatory minimums and increased penalties under the sentencing guidelines;
 - Judicial time on general civil cases decreases as use of alternative dispute resolution, post-filing, increases;
 - Criminal misdemeanors and juvenile petty filings increase dramatically as law enforcement (community policing, etc.) focuses resources on low level crime;
 - Prosecutions for drug crimes grew dramatically over the decade resulting in the creation of drug courts.
-
-

In the years since the last weighted caseload study was conducted in Minnesota in 1992, a number of significant changes have occurred that affect the amount of judge-time spent on specific types of cases.

All of these changes have combined to make the old case weights and judge-year values obsolete. New resources have become available, work patterns have been altered, laws and legal procedures have changed, and there is a need to re-estimate the case weights and judge-year values so that judicial need can be accurately and reliably calculated.

Revising the weighted caseload model offers the judicial branch the opportunity to engage in a systematic and structured process to assess the reasonableness of current practice. That is, do judges and judicial officers have sufficient time to resolve cases in a satisfactory and timely manner? Moreover, an appropriately designed workload-based model has the advantage of providing objective and standardized assessments of judicial resource needs among jurisdictions that vary in population and caseload.

The NCSC and SCAO staff worked closely with the Weighted Caseload Advisory Committee (WCAC), a subcommittee of the Conference of Chief Judges,² to develop a comprehensive and cost-effective workload assessment strategy to:

- Design and implement a multi-method approach for determining judicial need based on judicial workload.
- Construct a set of judicial workload standards that incorporate current practice (as measured by a time study).
- Develop a method to assess and, where needed to improve the quality of justice, revise the time study standards based on expert judicial opinion (the Delphi decision-making process).
- Validate the workload standards.
- Assess the impact of local legal culture on the need for judicial resources.
- Produce a final set of quality-adjusted workload standards that can be applied statewide.

To meet these goals, the NCSC, in close collaboration with the WCAC, designed the process to be straightforward and easy to understand; to make extensive use of existing data sources; to minimize the impact on the judiciary and the need for original data collection; to produce a measure of judicial workload that is clear; to be grounded in experience and easy to update; to include the participation of many judges; and to lead to the support and “ownership” by legislators and judges. Based on the results of this project, the Minnesota Supreme Court will be able to assess the need for judges based on judicial workload, with differences in workload tied to differences in case complexity.

² The role of the Committee was to provide oversight and guidance throughout the life of the project, including general study design, the identification of the specific case types, the time study design, the approach to quality adjustment, and to participate in a final meeting to reconcile and finalize all aspects of the project. Committee membership was determined by the Conference of Chief Judges.



Recommended characteristics of final workload standards

The final workload standards should:

- Be firmly based in the reality of the court. By doing so, the workload standards build on current practice—the average amounts of time judges currently spend processing all cases of a particular type.
- Allow sufficient time for equitable and quality case resolution.
- Take into account the time judges are required to apply to overall court management and quality performance, not merely bench time for hearing cases.
- Be credible to outside observers as well as to judges. Grounding the standards in current practice and expert opinion about how long cases should take provides a strong base of credibility.

Research Design

Workload assessment is essentially a study of supply and demand. How does the workload demand generated by different types of cases compare to the supply of judge time available to do the work? We need three fundamental pieces of information to answer this question:

1. *Case filings.* The State Court Administrative Office (SCAO) collected and compiled filings data for all of Minnesota's 87 counties. They used 2002 filing data to determine filings for the different case types.³
2. *Judge-year value.* This value is the amount of time per year that a judge has available to process his or her workload. This value is reached after careful consideration of the typical number of days per year and hours per day that a judge should be available

for case-related work. The judge-year value was *increased* for 9 of 10 districts during the 2002 study.⁴

3. *Workload standards.* These standards, or case weights, represent the average amount of time sufficient for judges to resolve each type of case in an efficient and effective manner.

For the 2002 study, the primary goal was to accurately determine the amount of time judges need to resolve different types of cases in an *efficient* and *effective* manner.⁵ We adopted an approach to judicial workload that provides judges a structured process to assess the reasonableness of current case processing practices. The basic parts of the project are shown in Exhibit 6, and each part is discussed in more detail below.

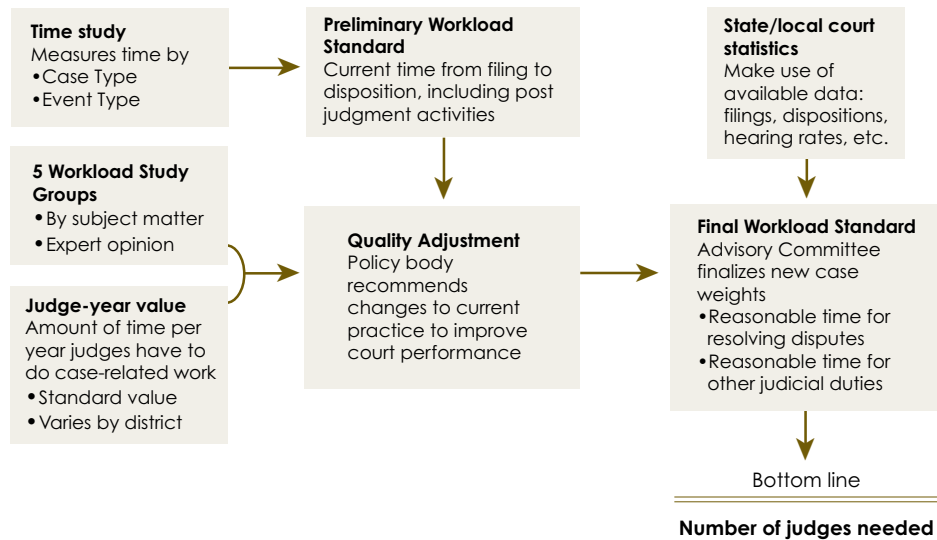
³ The data, referred to as "2002 filing data," is drawn from the period May 1, 2001 to April 30, 2002.

⁴ The judge-year value in the 8th Judicial District declined somewhat, a reflection of the heavy travel schedules of these rural judges.

⁵ A series of meetings were held to discuss the methodology from the 1992 study and to determine if any changes were necessary. A letter from the Chair of the Conference of Chief Judges was mailed to all judges in the state requesting suggestions for design changes. A survey of all judges was conducted to identify areas of concern. The primary area of concern was developing a means to address the problem of case weight erosion.

Exhibit 6:

Project Overview



Time study

The time study measures case complexity in terms of the average amount of judicial time actually spent processing different types of cases, from the initial filing to final resolution, including post-judgment activity (if any). Following approval by the Weighted Caseload Advisory Committee (WCAC) on the types of cases and case events to be involved in the workload standard process, the SCAO and NCSC project team designed data collection materials and collected data from all ten judicial districts during May 2002. The essential element was collecting time data on *all* judicial activity. Bench time was recorded on the computer system or on special recording sheets by local court staff. The bench activity data was edited upon entry to eliminate invalid time entries. We further checked the accuracy of the time reports by identifying any days for which time data appeared excessive or under-reported. We investigated all potential problems and, when appropriate, made adjustments to the data. In situations where the source of the inconsistency was not readily apparent, we contacted court administration and corrections were submitted as needed.

Non-bench time was recorded by the judges and law clerks on log sheets using activity codes (see Appendix A). This data was manually edited and checked for logical consistency prior to data entry. Once the data was entered, additional logic checks were done to validate the entries.

The one-month data collection effort was very successful, with consistent participation by all judges throughout the state. During the study, participants recorded 1,052,580 minutes of case-related bench activity, along with 694,138 minutes of non-bench, case-related activity, for a total of 1,746,718 case-related minutes in the study. In addition, judges recorded 520,392 minutes of non-case-related time, including judicial administration, travel, general legal research, and public outreach, during the time study.

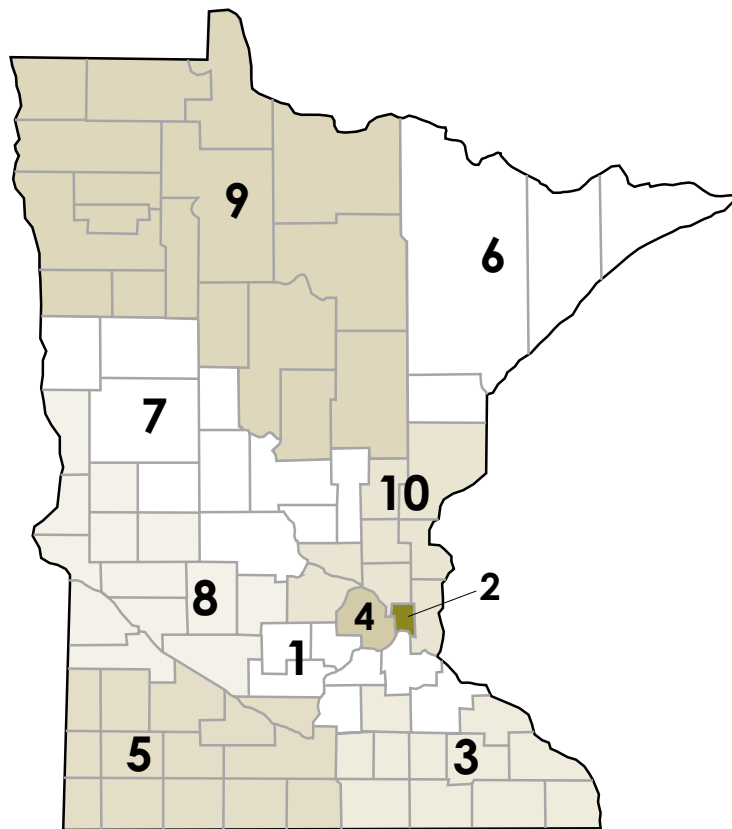
Preliminary workload standards

We calculated the time study case weights by aggregating all of the case-related data, including bench and non-bench time for all judges and judicial officers, for each case type, and dividing by the number of filings for each case type. Statewide case weights as well as district level case weights were calculated and compared. Exhibit 7 shows the ten Minnesota Districts.

Exhibit 7:

Minnesota Judicial Districts by County

- | | | |
|--|--|--|
| <p>1 Carver
Dakota
Goodhue
Le Sueur
McLeod
Scott
Sibley</p> <p>2 Ramsey</p> <p>3 Dodge
Fillmore
Freeborn
Houston
Mower
Olmsted
Rice
Steele
Wabasha
Waseca
Winona</p> <p>4 Hennepin</p> <p>5 Blue Earth
Brown
Cottonwood
Lincoln
Lyon
Murray
Nicollet
Pipestone
Redwood
Rock
Watowan</p> <p>6 Carlton
Cook
Lake
St. Louis</p> | <p>7 Becker
Benton
Clay
Douglas
Mille Lacs
Morrison
Otter Tail
Stearns
Todd
Wadena</p> <p>8 Big Stone
Chippewa
Grant
Kandiyohi
Lac Qui Parle
Meeker
Pope
Renville
Stevens
Swift
Traverse
Wilkin
Yellow Medicine</p> <p>9 Aitkin
Beltrami
Cass
Clearwater
Crow Wing
Hubbard
Itasca
Kittson
Koochiching
Lake of the Woods
Mahnommen
Marshall
Norman
Pennington
Polk
Red Lake
Roseau</p> | <p>10 Anoka
Chisago
Isanti
Kanabec
Pine
Sherburne
Washington
Wright</p> |
|--|--|--|



Workload study group and quality adjustment process

Five groups of 10 judges, representing criminal (major and minor), civil (major and minor), family, juvenile, and probate courts, met in October, 2002 for one-half day each to consider preliminary results of the time study conducted in May. Each group included a judicial representative from each district along with one judge representing the WCAC.

The study groups examined current practice (as measured by the time study), judicial attitudes (as measured by the statewide survey), past case weights (as measured by the 1992 study), changing context (e.g., new legislation, new technology, organizational improvements), and personal experience to confront issues of case weight erosion and improved efficiencies, and to make recommendations on the content of the final case weights. As we noted earlier, case weight erosion occurs when increases in caseload force judges to spend less time on each case in order to keep pace with the incoming caseload. In some instances, revised procedures or new technology support faster case processing with no loss in quality. For other case types, a decrease in time-per-case reflects erosion of quality in case processing. The judges in each case type study group were asked to bring their expertise to bear on assessing the quality of current case processing and, when deemed necessary, make recommendations to the WCAC for potential adjustments to the preliminary time study results.

For many case types the workload study groups believed that increases in caseload were having harmful effects, primarily on their ability to interact appropriately with the public, listen to victims, acquire and adequately consider important factors related to pretrial custody decisions and sentences, and monitor and enforce compliance with orders. The conclusions reached by the groups amounted to a “wish list” of case weight adjustments that exceeded budgetary feasibility. Given statewide court policy and budget constraints, all groups prioritized their recommendations for consideration by the WCAC.

Judge-year value

We used the non-case-related data in calculating judge-year values. We aggregated time by type of non-case activity for each judge, and then divided by the number of days to get a daily average. We used statistical methods to analyze the non-case-related data by various groupings of court size (e.g., 0 to 2 judges, 3-18, and more than 18 judges) and by various district groupings. Unlike previous weighted caseload studies in Minnesota, grouping courts by district (i.e., 8th district; 5th, 7th & 9th districts; 1st, 3rd, 6th & 10th districts; and the 2nd & 4th districts) rather than size produced the most meaningful groups. We found statistically significant differences in non-case-related time for travel and administrative purposes. Therefore, as we will discuss later, we calculated four different judge-year values to account differences in travel and administrative time.

State/local court statistics

Once we completed the time study and determined the judge-year values, we calculated preliminary statewide case weights using 12 months of filing data (May 2001 to April 2002). This “rolling year” data, referred to as “2002 data” throughout the report, was made possible by the fact that the SCAO gathers and compiles case filing data monthly for the Supreme Court of Minnesota. All filing data used in this report comes from this official source.

For the 2002 study, we condensed the number of individual case weights from 49 to 33 (Appendix B). We applied these 33 weights to the appropriate filing numbers to determine judicial need statewide and by district. The preliminary case weights were the focus of a structured review process conducted by the workload study groups and WCAC. To aid in the quality adjustment process, we assembled additional statistical data for all 33 case types, including:

- % of cases with no court activity
- % of cases with pre-trial activity
- % of cases resolved by non-trial disposition
- % of cases resolved by trial
- % of cases with post-judgment activity
- Hearings per disposition (by district)
- Estimated judicial need (by district)
- Statewide trial rates (1992-2002)
- Statewide filing rates (1992-2002)

This data provided additional context for understanding the path cases take through the system, how case processing varies by district and basic changes over time.

Determining the final case weights

The WCAC met in November 2002 and again in May 2003 to reconcile all study results and recommendations into a set of final case weights. They then applied the case weights to the appropriate case filing numbers to produce an estimate of judicial workload by district. This group also established the new judge-year values. Taken together, calculated judicial workload in combination with the new judge-year values produced an estimate of statewide judicial need. We will discuss all aspects of this determination in the next chapter.

The WCAC decided to employ a single set of statewide case weights to estimate judicial need, and to account for variation among districts through variation in the judge-year value. The WCAC acknowledges that even the most widely used and accepted resource assessment techniques, including the approach used in Minnesota, can not objectively determine the *exact* number of judges needed to stay current with caseloads. No quantitative resource assessment model by itself can accomplish that goal. Instead, the WCAC views the weighted caseload model as a tool to provide a benchmark for comparing judicial districts, and as a planning tool to help ensure equity in judicial resources across the state. For this reason, there are solid benefits to using a uniform yardstick to measure judicial need.

Beyond providing an objective measure of statewide judicial need, the weighted caseload results can also be extended to examine variations in local practice. The results can be used in concert with other considerations, including budget constraints, projected filing trends, and differences in local case processing practices that may differentially affect the need for judicial resources statewide. The time study results show both consistency and variability in the individual case weights by district. Between January and May, 2003, the WCAC took a closer look at this variance for two case types (i.e., adult other felony and juvenile delinquency felony) and pilot tested a process to examine local policies and practices and their implications for how available judge-time is used. We will discuss this transformation initiative in more detail later in this report.

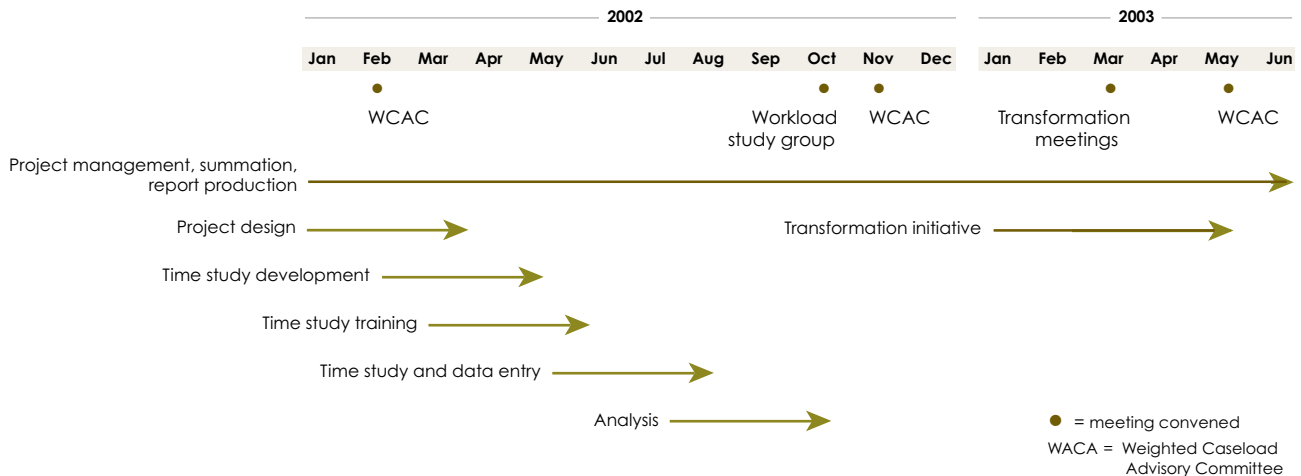
The judicial workload assessment project began in January 2002 and was completed in May 2003. Major project activities are summarized in Exhibit 8.

Event-based methodology

The centerpiece of the study is the one-month time study. This study employed what is called an “Event-Based Methodology.” The Event-Based Methodology is designed to take a snapshot of court activity and compare the judge-time spent on primary case events to the number of cases entering the court. The study thus measures the total amount of judicial time in an average month devoted to processing each particular type of case for which standards are being developed (i.e., serious felony, 5th degree assault, personal injury, dissolution with children). Because it is a snapshot, few cases actually complete the journey from filing to final resolution during the study period. However, courts in each district are processing a number of each type of case in varying *stages* of the case lifecycle. For example, during a given month, a court will handle the initiation of a number of new felony cases, while the same court will also have other felony cases (perhaps

Exhibit 8:

Project Milestones and Timeline



filed months earlier) on the trial docket, and still other felony cases in the post-judgment phase. Moreover, if the sample period is representative, the mix of new, non-trial and trial dispositions, and post-judgment activities conducted for each type of case, as well as the time devoted to each type of activity, will be representative of the type of work entering the court throughout the year. Therefore, data collected during the study period provides a direct measure of the amount of judicial time devoted to the full range of key case processing events.

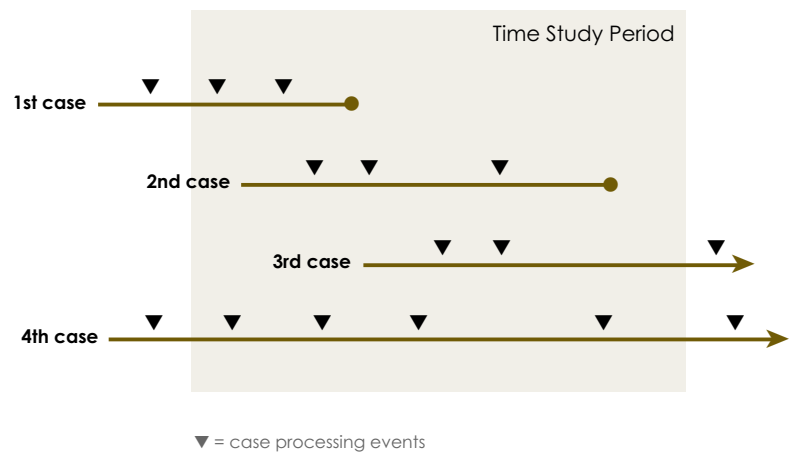
Time data is then combined with filing numbers. For example, if judges spent 1,000 hours processing felony cases and there were 500 felony cases filed, this would produce an average of two hours per felony (1000 hours / 500 felony filings). This two-hour case weight is interpreted as the average time to process a felony case from filing to final resolution—even though no individual case is tracked from start to finish. Rather, the workload standard is a composite of separate (though likely similar) cases observed at various points in the case lifecycle. Exhibit 9 illustrates this concept.

Assume the chart shows the progress of four separate felony cases during the period of the time study (May 1 to May 31, 2002). It is not necessary that cases be tracked from start to finish. Instead, for each type of case examined, the study tracks the time spent on key case processing events during each case's lifecycle. For example, Case 1 illustrates the time required to process the closing segment

of case life; Case 2 the time required to complete an entire case of minimal complexity; Case 3 the time necessary for the beginning segment of case life; and Case 4 the time required to process the middle segment of case life. When the time spent on each event for these four cases is summed, the result is an estimate of the total amount of time needed to process a case—even though no particular case is tracked from start to finish. In the current study the time estimates were based on observations from thousands of individual case events for each case type and are therefore highly reliable.

Exhibit 9:

Event-Based Time Study



Results

The 2002 case weights are shown in Exhibit 10 for each of the 33 case types. For a serious felony, judges spend an average 852 minutes—just over 14 hours. As we noted earlier, perhaps no case is an “average” case taking exactly 14.2 hours of judge time. Some cases take more and some cases take less, but on average judges spend this amount of time on serious felony cases.

Not surprisingly, serious felony and dissolution cases with children involved take the most amount of judge-time on average, while parking and traffic cases take the least. Because the case weights are based on the total number of cases filed—not just those cases actually heard by judges—the weights are smaller for those high volume case types with a lower likelihood of appearance in court.

The final case weights reflect the outcome of a structured study of judicial workload that involved a time study, careful review by fifty judges participating in five workload study groups, and a final reconciliation process conducted by Weighted Caseload Advisory Committee (WCAC). This comprehensive process of case weight development was necessary given that ten years have passed since Minnesota’s weighted caseload system was last updated in 1992. As noted earlier, there have been many changes in the court system affecting the earlier case weights, judge-year values and the need for judges across the state. Taken together, these changes have had a marked impact on judicial workload and the final results of the 2002 study.

Exhibit 10:
2002 Case Weights

Case Type	2002 Final Case Weights
Major Criminal	
Serious Felony	852
Other Felony	124
Gross Misdemeanor DWI	55
Other Gross Misdemeanor	46
Minor Criminal	
5th Degree Assault	29
Non-Traffic/Petty Misd.	7
Misdemeanor DWI	14
Other Traffic	1.82
Parking	0.45
Major Civil	
Personal Injury	189
Contract	177
Property Damage	103
Harrasment	32
Other Civil	129
Minor Civil	
Implied Consent	62
Unlawful Detainer	13
Conciliation	5
Juvenile	
Delinquency Felony	77
Delinquency Gross Misdemeanor	38
Delinquency Misdemeanor	26
Juvenile Petty Offender	12
Dependency/Neglect	145
Terminate Parental Rights	179
Truancy	56
Probate	
Trust	134
Guardianship/Conservator	134
Commitment	172
Other Probate	26
Family	
Dissolution with Children	228
Dissolution without Children	40
Support	40
Domestic Abuse	40
Other Family	107

Exhibit 11 makes clear the impetus for the study: the growth in the number of many time-intensive case types has greatly exceeded the growth in the number of judges. This disparity increases the prospect for case weight erosion and a decline in the overall quality of case processing. The remainder of this chapter describes in more detail the derivation of the 2002 case weights, judge-year values and judge-need by district.

Given the changing nature of judicial workload in Minnesota, the WCAC adopted a study design that would allow subject matter experts—judges with considerable experience

in hearing and resolving specific types of cases—to review and comment on current practice (as measured by the time study). In some instances, where there was strong, broad opinion that current time constraints were severely hampering the quality of judicial decision-making, the workload standards were adjusted. This structured review process involved looking “inside” each of the workload standards to understand its implications for pre-trial, non-trial disposition, trial, and post-disposition times in each of the case types. Exhibit 12 provides an illustration of the process using results from the personal injury standard.

Exhibit 11:
Growth in Filings, 1992-2002

Case Type	Filings 1992	2002	Growth
Major Criminal	35,425	56,041	56%
Minor Criminal	785,077	1,667,040	112%
Major Civil	31,281	37,063	18%
Minor Civil	171,916	149,261	-13%
Juvenile	43,086	68,411	59%
Probate	16,150	16,318	1%
Family	45,355	48,752	7%
Total Cases	1,128,290	2,042,886	81%
Total Judges	272	298	9%

- Total case filings have increased 81% since 1992.
- Among the most significant changes over the past decade are the considerable increase in major criminal, minor criminal and juvenile caseloads, and the decline in minor civil cases.
- Trial court caseloads continue to shift away from civil and family proceedings toward greater numbers of criminal and juvenile cases.
- Together major case filings (major criminal, major civil, probate, family and juvenile) have grown from 171,297 to 226,585, an increase of 32%.
- The total number of judges in Minnesota has increased from 272 in 1992 to nearly 298 in 2002, an increase of about 9%.

During the time study, judicial time was recorded by case type and specific case-processing events (see Appendix C). For purposes of discussion, individual case events were collapsed into 4 basic events: pretrial, non-trial disposition, trial, and post-disposition. When time data at the case event level is combined with case event frequency data, it is possible to calculate the average amount of judicial time spent on each event. In other words, we can estimate the typical amount of time judges spend on pre-trial matters, a trial, or post-disposition activity when each of these events occurs. As we can see in Exhibit 12, the workload standard for personal injury is 189 minutes and that the weight is comprised of multiple event times that combine to produce the overall case weight.

The data suggests that each personal injury filing requires 55 minutes of pre-trial time on average. A non-trial disposition, when it occurs, takes about 62 minutes on average, while a typical trial takes 733 minutes (over 12 hours) when it occurs. Finally, post-trial activity takes an average of 52 minutes when it occurs. Therefore, the event-based methodology provides considerable clarity into the composition of each workload standard and shows how, for example, a 189-minute case weight accommodates or allows for an average trial time of over 12 hours. Appendix D summarizes the event-based results for all case types.

During October 2002, fifty judges from across the state (divided into five workload study groups) convened to review the results of the time study and participate in the Quality Assessment process. The focus of the meetings was on arriving at a set of 33 workload standards—one for each case type—to recommend to the WCAC. The stated assumption was that the time study results were default or baseline standards. When a group decided that an adjustment was necessary, it was incumbent on the group to provide a rationale and justification to support any increase in judicial time. The evaluation/adjustment process was structured so that each workload study group was able to make adjustments to specific components of a workload standard (for specific reasons)—rather than simply adjust the bottom line. All suggested changes were reviewed and either accepted, rejected or further adjusted by the WCAC in November 2002. The specific reasons for each adjustment are show in Appendix E.

**Exhibit 12:
Inside the Numbers for Personal Injury**

	Event Time (in minutes)	x	Event Frequency (% of cases)	=	Contribution to Workload Standard
Pre-trial	55	x	100%	=	55
Non-trial disposition	62	x	92%	=	58
Trial	733	x	8%	=	59
Post-disposition	52	x	33%	=	17
2002 Final Workload Standard					189

Exhibit 13 compares the 1992 case weights, the 2002 time study results and the final case weights approved in 2002. In addition, two columns show, for each case type, whether trial rates have increased and whether filing totals have increased more than 10% (the increase in the judicial complement) since 1992.

Appendix E summarizes the basic rationale for the adjustment if the case weight was modified. Otherwise, the final 2002 case weight

adopted by the WCAC was based solely on the 2002 time study.

The results from the 2002 time study were adopted by the WCAC for 15 of the 33 case types. For 7 of these 15 case types, the new case weight is *lower* than the 1992 case weight; for 5 case types, the 2002 and 1992 case weights are essentially the same; for the remaining 3 case types the weight is higher than in 1992. Adjustments were made to event times in the remaining 18 case types. In other instances, concern with case weight erosion lead the WCAC to keep certain 2002 case weights identical to the 1992 case weight. This strategy was used primarily for juvenile case types. Many judges argued that judicial resources did not keep pace with the 59% increase in juvenile filings between 1992 and 2002 and that the lower time study case weights in 2002 were more the result of overwork than improved case processing.

In the case of delinquency felony, for example, judges on both the juvenile workload study group and the WCAC saw the need for spending additional time on non-trial dispositions (Exhibit 14), and adjusted the case weight accordingly. By increasing the average event time from 16 minutes to 30 minutes, both groups sought to provide judges with extra time to explain the legal findings and rulings to the juvenile and family members, particularly out-of-home placement decisions, as research shows that when parties understand judicial orders they are more likely to comply with them.



Identified Priorities from the Workload Study Groups

Certain themes recurred across the board during these review sessions, including:

- The importance of increasing quality of proceedings for low stakes but high volume “ordinary citizen” cases that cut across all case types;
- Spending more time in the pretrial stage to prepare – to read and consider reports, listen to litigants and victims, and be more effective in resolving cases early;
- Associated with needing more pretrial time is improving the public perception of fairness and appropriate treatment by the court;
- More time in non-trial dispositions to help ensure full compliance with rules and for engaging litigants, including ensuring their understanding of the nature of orders, the reasons for them and consequences of non-compliance;
- Recognizing that post-judgment matters require more attention than they often get, and that frequency of post-judgment litigation is often tied to deficiencies in how the original litigation was handled and resolved.

Exhibit 13:

The 2002 Final Case Weights

Case Type	Case Weights			Trial Rate Increase?	Filings Up 10% or More?
	1992 Time Study	2002 Time Study	2002 Final Case Weight		
Major Criminal					
Serious Felony	665	852	852	X	
Other Felony	120	106	124		X
Gross Misdemeanor DWI	56	47	55		X
Other Gross Misdemeanor	40	38	46		X
Minor Criminal					
5th Degree Assault*	24	27	29	X	
Non-traffic/Petty Misdemeanor	5	6	7		X
Misdemeanor DWI*	13	14	14		
Other Traffic	1.47	1.82	1.82		X
Parking	0.08	0.45	0.45		X
Major Civil					
Personal Injury	325	189	189		
Contract	189	177	177		
Property Damage	254	103	103		
Harrasment	31	32	32	X	X
Other Civil	112	129	129		X
Minor Civil					
Implied Consent*	72	62	62		X
Unlawful Detainer	10	13	13	X	
Conciliation	11	3	5		
Juvenile					
Delinquency Felony	59	64	77		
Delinquency Gross Misdemeanor	38	36	38		X
Delinquency Misdemeanor	26	22	26		
Juvenile Petty Offender*	13	8	12		X
Dependency/Neglect*	145	81	145		X
Terminate Parental Rights*	248	178	179	X	X
Truancy	55	50	56		X
Probate					
Trust	143	121	134	X	X
Guardianship/Conservator	126	74	134	X	
Commitment	227	154	172	X	X
Other Probate	20	19	26		
Family					
Dissolution with Children	182	213	228		
Dissolution without Children	63	39	40		X
Support	45	40	40		
Domestic Abuse	37	34	40	X	X
Other Family	105	107	107		X

* Case weight adjusted in 1998.

In addition, the revised weight builds in a small cushion to ensure that witnesses and victims are adequately heard and acknowledged. When adjustments were made, an overarching goal was to improve public perceptions of procedural fairness and appropriate treatment by the court. The sidebar on page 28 summarizes the priorities raised by the workload study groups.

It is worth noting that judges did not attribute all declines in case weights between 1992 and 2002 to case weight erosion. Many case weights among Major Civil case types saw significant decline in judge-time since 1992, but those declines were attributed primarily to an increase in alternative dispute resolution, such as mediation ordered post-filing, and consequently the lower case weights from the 2002 time study were viewed as adequate.

Final adoption of the new case weights was deferred from November 2002 to May 2003 to allow completion of an accompanying study looking at variation in case processing at the district level. Beginning in January 2003 the WCAC began taking a closer look at differences in local practice and the potential impact on case weights. This process, part of a court self-examination initiative referred to as the Transformation Project, began by identifying actual policies and practices for two selected case types: adult criminal “other felony” cases and juvenile delinquency felony cases. A work group was assembled for each of the two case types. The work group consisted of judges from each district who had experience handling each case type. Several types of information about how courts handle cases were assembled,

Exhibit 14:

Inside the Numbers: Delinquency Felony

	Event Time (in minutes)	x	Event Frequency (% of cases)	=	Contribution to Workload Standard
Pretrial	17	x	100%	=	17
Non-trial disposition	16	x	97%	=	16
Trial	202	x	3%	=	7
Post-disposition	34	x	71%	=	24

2002 Final Workload Standard 64

Impact of quality adjustment to adequately explain legal rulings to juvenile and family members, in particular, out-of-home placement decisions . . .

	Event Time (in minutes)	x	Event Frequency (% of cases)	=	Contribution to Workload Standard
Pre-trial	17	x	100%	=	17
Non-trial disposition	16 30	x	97%	=	16 29
Trial	202	x	3%	=	7
Post-disposition	34	x	71%	=	24

2002 Final Workload Standard ~~64~~ 77

including results from the weighted caseload study, district level information on current case management policies, and practices gathered by survey. The goal was to determine whether it was possible to identify “good practices” that would make better use of available judge-time and, perhaps, produce more realistic and credible case weights. The project results, discussed in a separate report and summarized in Chapter 5, were reviewed during the final meeting of the WCAC in May 2003. Two primary findings of the Transformation Project shaped the final decisions of the WCAC:

- For the two case types examined, judge-time (as measured by the time study) across the four groupings of districts used in the judge-year value calculation were found to be more similar than dissimilar and therefore supported use of statewide case weights.
- The Delphi review process sought in part to 1) identify different case processing practices; and 2) reach consensus on good or most effective court practices. This information was used to determine whether the case weights as developed would institutionalize any egregious practices. This was not the case, and no additional adjustments to the case weights were needed.

The statewide case weights were adopted unanimously by the WCAC.

Judge-year value

Judge-year values represent the amount of time per year that judges have available to do case-related work, and are based on both policy and empirical considerations. Developing the judge-year value involves determining how many days per year judges have to hear case related matters (judge-year) and how the work day divides between case-related and non-case-related time (judge-day). First, the judge-year standard was defined. Starting with 260 days (52 weeks x 5 days per week), vacation days, sick days, holidays and the annual judicial conference days was deducted. An empirical analysis of vacation time and sick leave showed that the actual number of available judge-days was significantly higher than the 201 days standard set in 1992. In particular, data from recent years showed that the number of sick days taken by judges was far lower than estimated a decade earlier. Consequently, in 2002 the WCAC increased the judge-year from 201 days to 215 days.

Second, in Minnesota, the judge-day has historically been determined empirically, based on results from the time study. The standard workday for judges is set at 7.5 hours per day, with the time divided into case-related and non-case-related blocks. Changes in organization and operation of the trial courts affect the amount of judge-time spent on non-case-related activities, including judicial administration, travel, general legal research, education, outreach and other non-case activities. As non-case-related time per day increases, the amount of time available each day for case-related work declines.

Exhibit 15 compares the average daily non-case-related time for 1992 and 2002. In 1992, Minnesota courts were classified into three groups based on the number of judges per county: 0-2, 3-20 and 20+. Analysis of the 2002 time study results, and additional data compiled on judicial travel at the county level, showed that district groupings were a better means to differentiate between courts in terms of non-case-related time. That is, variation in the amount of time judges spend on judicial administration and travel was more associated with the district in which they work than the size of the court.

Moreover, the differences across district groups were large enough, and clearly inter-

pretable, so that they were preserved in calculating the judge-year values. For the remaining categories of non-case-related activity, the differences in the average amount of time spent by judges were deemed insignificant by the WCAC and the statewide average was used. The one exception was the “other” category, where the statewide average of 12.8 minutes in 2002 was reduced to the 1992 level of 3.2 minutes.

Implementing non-case-related times by category and by district grouping produces the four judge-year values shown in Exhibit 15. The case-related minutes per year are determined by subtracting the total non-case-related minutes by district grouping from the total

Exhibit 15:
The Judge-Year Value

	1992			2002			
	Court Size (# of judges)			District Groups (district #)			
	0-2	3-20	20+	8	5, 7, 9	1,3,6,10	2,4
Judge-days per year	201	201	201	215	215	215	215
Hours per day	7.5	7.5	7.5	7.5	7.5	7.5	7.5
Minutes per year	90,450	90,450	90,450	96,750	96,750	96,750	96,750
Non-case minutes per year							
Administration	57.1	57.1	57.1	48	45	39	53
Travel	25.8	11.3	2	42.0	21.0	11.0	1.0
General Legal Research	13.9	13.9	13.9	8.7	8.7	8.7	8.7
Other	3.2	3.2	3.2	3.2	3.2	3.2	3.2
Education				12.6	12.6	12.6	12.6
Outreach				11.9	11.9	11.9	11.9
Total minutes per day	100	85.5	76.2	126.4	102.4	86.4	90.4
Total minutes per year	20,100	17,186	15,316	27,176	22,016	18,576	19,436
Case-related minutes per year (judge-year value)	70,350	73,265	75,134	69,574	74,734	78,174	77,314

available time of 96,750 minutes. The judge-year value is lowest in the 8th district due to greater time spent on travel between counties. The higher the judge-year value, the more time available to do case-related work. As one can see, judge-year values have been increased for almost all judges in Minnesota.

Judge-need

Applying the case weights to filings for FY 2002 and dividing by the judge-year values gives the judge-need shown in Exhibit 16. Total judicial need in the state stands at 303.52 judges, 5.78 more than the existing complement of 297.74 judges.

Exhibit 16:

Total Judicial Need

Judicial District	1992 Judges	2002 Current Judges	Judge-need (using 2002 Weights)	Difference
1	27.00	33.00	34.32	+ 1.32
2	34.75	34.05	32.78	- 1.27
3	22.00	23.00	23.12	+ 0.12
4	72.50	76.69	79.14	+ 2.45
5	17.00	16.00	15.84	- 0.16
6	16.00	16.00	15.75	- 0.25
7	20.00	25.00	27.18	+ 2.18
8	11.00	11.00	10.38	- 0.62
9	20.00	22.00	23.67	+ 1.67
10	32.00	41.00	41.36	+ 0.36
Overall	272.25	297.74	303.52	+ 5.78

Court Culture

We conducted an exploratory look at the role and impact of *court culture* as part of this study. Attention to culture is a prominent theme in the business and management literature and is increasingly tied to assessing organizational health and performance in both the private and public sectors. Courts are no exception to this trend. Conversations with judges and administrators often refer to court culture as a major factor in determining the quality of court performance and the character of relationships throughout the justice system. We conceive of court culture as the set of beliefs, values and norms that influence the ways things get done, ultimately shaping the pace and quality of case processing.

Seven courts in Minnesota—Dakota, Hennepin, Kandiyohi, Olmsted, Ramsey, Duluth, and Virginia—agreed to participate in the investigation of court culture in criminal cases as part of a larger NCSC study. The results of the full study, involving courts in California, Florida, and Minnesota, with financial assistance from the National Institute of Justice, will be covered in a separate report available in the fall of 2003.⁶ In this chapter, we will review the goals of the project, summarize the research design, and discuss the key findings for Minnesota.

The private sector has been the primary driver behind the development of organizational culture assessment. We draw upon and adapt to the court environment what appear to be the most workable strategies developed over the last two decades. Research indicates that organizational culture has a significant impact on the attitudes of individuals, hiring

and retaining new members, acceptance and learning of new ways of doing things, informal performance norms, operational norms, communication practices, formal and informal accountability, leadership and management practices, and the willingness organizations to challenge themselves and tackle difficult problems. We argue that “culture assessment” should become an explicit part of court management and reform efforts. Such assessment provides both factual and subjective data about the culture that can be integrated with other information relevant to gauging court performance and the allocation of court resources.

Typically, people view court culture, when they think of it at all, as something fuzzy, amorphous, and “hard to get your arms around.” And for good reason—culture is not something easily or precisely defined. To be relevant for court management, we need to make concrete what has traditionally been a “squishy” concept. Consequently, the first goal of the study was to find a way to characterize and measure court culture. Once measured, the second goal was to see whether the culture of a court affects its performance. To assess performance we focus on two primary sets of data: (a) median time from first appearance to disposition for a variety of major and minor criminal offenses and (b) survey results from prosecutors and public defenders in each participating court that assess attorney views on procedural fairness, existing resource levels, court management, practitioner competence, and court access.

⁶ The research reported herein is supported in part by National Institute of Justice – “Understanding Court Culture and Improving Court Performance: New Ideas and New Tools” (NIJ Grant Number 2000-IJ-CX-0030).

Our analysis tests the basic hypothesis that court performance, as measured by time to disposition and attorney attitudes on other dimensions of performance, varies across court culture type. As a guide in this process we draw on literature related to the Trial Court Performance Standards⁷ and procedural fairness.⁸ Our focus is identifying attorney attitudes toward workload challenges, the extent to which attorneys believe those challenges can be met, and the ways they see opposing counsel and the court helping or hindering the criminal court system's achievement of varied goals.

Combining the analysis of judicial workload discussed earlier with the material presented in this chapter on culture and performance provides a general framework for an integrated look at overall court operations. Examining these complementary perspectives in concert offers a means to understand and measure the impact of court workload and organization on court outcomes. The results discussed below are provocative, yet provisional, as culture and performance assessment in the field of judicial administration is still in its infancy. The Minnesota judiciary is to be complimented for their pioneering work in this endeavor.

Court culture described and defined

A court's culture comprises the values, norms, expectations, communication patterns and existing power relationships or, simply stated, "The way things are done around here." Goffee and Jones say, "Culture comes down to a common way of thinking, which drives a common way of acting on the job . . ."⁹ Coming to grips with this "common way of thinking" typically requires one to look below the surface, because these beliefs, assumptions and values are usually implicit and unspoken. While accurate, this definition of culture is not particularly helpful. It does not provide a framework for understanding or changing culture. Because culture is so invisible—compared to budgets and caseload management plans—it is extremely hard to conceptualize and measure. What we need is a methodology, some analytical tools to clarify and make sense of the organizational environment.

Organizational theorists Goffee and Jones distinguish two important dimensions of culture. One dimension is *Sociability*, which suggests that the "friendliness" among the people working in a court is an important aspect of the court's culture. The importance of this dimension is that it brings squarely into focus the ways in which judges, administrators, and staff relate to one another in the court context. The second dimension is *Solidarity*, which addresses the degree to which a court has clearly stated and shared goals, mutual interests, and common tasks. A court with solidarity has clear goals, agreed upon procedures for reaching the goals, and an understanding of which professional behaviors will be rewarded. Together these two dimensions form four quadrants, each representing a distinct court culture: communal, networked, hierarchical and autonomous.

⁷ Commission on Trial Court Performance Standards (1997). Trial Court Performance Standards With Commentary. Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance (NCJ 161570).

⁸ Tyler, T. R. (1989). "The Quality of Dispute Resolution Procedures and Outcomes: Measurement Problems and Possibilities," 66 (3) *Denver University Law Review*: 419-436.

⁹ Goffee, R. and Jones, E. (1998). "The Character of a Corporation," *HarperCollins*: 15.

A graphic display of these four cultures is found below in Exhibit 17, and each culture type is accompanied by a short list of some of the particular values it emphasizes. This typology of court culture is not simply an a priori conceptualization brought to bear on the court world. It follows from our application of the private sector organizational framework and corresponding methodology.¹⁰ Before undertaking any field work in Minnesota, Florida, and California we surveyed approximately 60 judges, court administrators and experts from selected courts around the country, in two separate waves, to gain insight into how values shape court culture. We found four distinct sets of values that we believe express four distinct culture types.

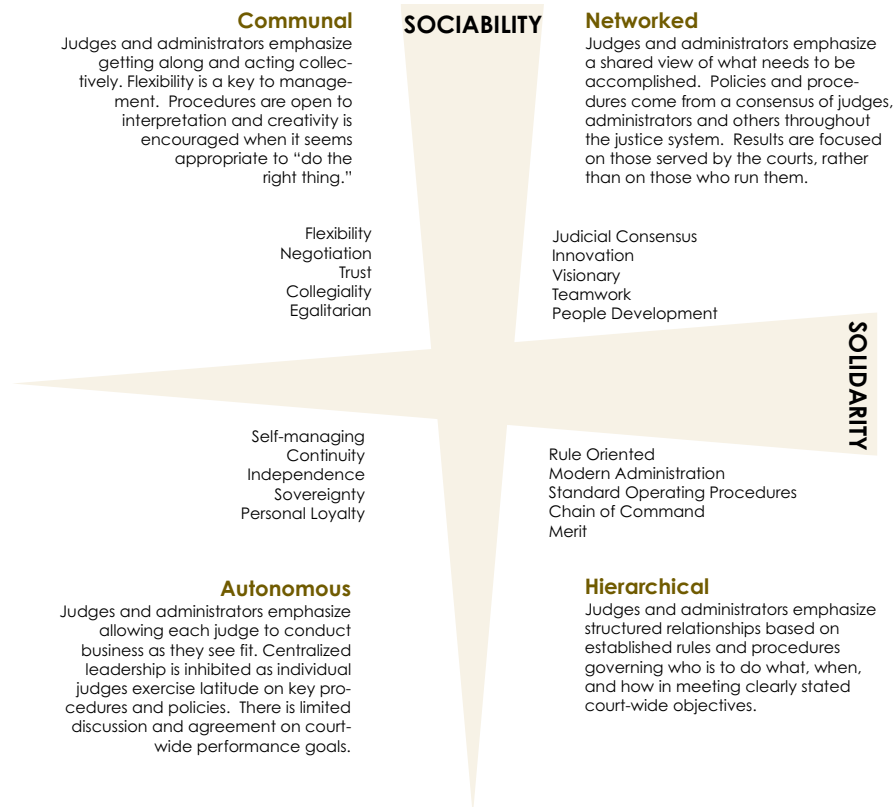
Briefly, communal courts emphasize flexibility. There is general agreement on performance goals, but centralized judicial and administrative staff leadership is downplayed and creativity is encouraged. As a result, there are alternative acceptable ways for individual judges to apply court rules, policies, and procedures.

Networked courts emphasize judicial consensus. Judicial expectations regarding the timing of key procedural events come from a working policy built on the deliberate involvement and planning of the entire bench. Networked courts champion follow through on established goals, which is encouraged by a presiding (administrative) judge.

¹⁰ A full explication of our methodology is available in a forthcoming paper. For this article, an expository description is provided for reasons of limited space.

Exhibit 17:

Four Court Culture Types



Autonomous courts emphasize self-management. There is limited discussion and agreement on the importance of court wide performance goals. Individual judges are relatively free to make their own determinations on when specific procedural events are to be completed.

Hierarchical courts emphasize clear rules. Judges are committed to the use of caseload management (e.g., early case control, case coordination, and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures are applied uniformly by judges

The basic point is that while all courts have the same work to do, they can do it quite differently, depending on their particular culture. Every court proceeds in a deliberate and purposive manner in resolving cases. However,

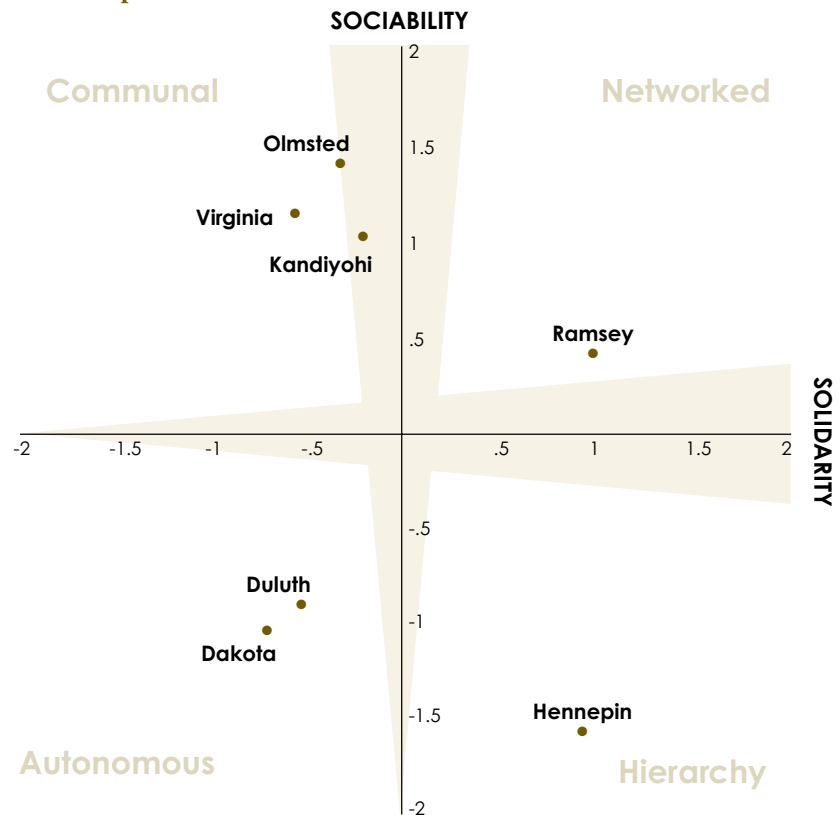
what is “deliberate” and “purposive” in a particular court is ultimately defined by its court culture.

We realize that any attempt to classify the continuum of court organizational styles is doomed to imperfection. The lines of demarcation are inevitably arbitrary. Nevertheless, we believe these groupings offer a useful shorthand to discuss the diversity of court organizations, provided one bears in mind their limitations.

We assessed the extent to which courts possess characteristics of these four cultures through a survey of judges and administrators handling criminal cases. Based upon answers to our survey (called the Court Culture Assessment Instrument¹¹), we found each of the culture types represented in Minnesota courts. Exhibit 18 offers a spatial representation of

¹¹ We asked all judges and upper-level administrators to complete our survey. The number of respondents is as follows: Dakota (13), Hennepin (68), Kandiyohi (7), Olmsted (10), Ramsey (10), Duluth (6), Virginia (3).

Exhibit 18:
Current Cultural Emphasis



the current overall¹² cultural emphases of selected courts. As one can see, the primary cultural emphasis is *Communal* in Kandiyohi, Olmsted, and Virginia; *Autonomous* in Dakota and Duluth; *Networked* in Ramsey; and *Hierarchical* in Hennepin.

Thus, having defined court culture as the ways in which judges and administrators believe their court is run, the next research task was to examine the linkage between culture type and court performance.

Courts use time to disposition as a standard outcome measure, and it can serve to illustrate one dimension of the role of court culture. The median times from first appearance to disposition for six felony and misdemeanor case types are displayed in Exhibit 19, with a triangle symbol used to indicate the three fastest times for each case type.

In terms of median time to disposition, Hennepin and Ramsey are the fastest courts in the state and among the fastest in the US. As shown in Exhibit 18, these are also the two courts that are furthest out on the solidarity dimension, indicating the strong enforcement of case processing timelines.¹³

As part of this project, we surveyed prosecuting attorneys and public defenders in the participating jurisdictions on a variety of court-related issues. We asked them to provide opinions on how strongly they agreed or disagreed with a set of statements designed to probe different aspects of court operations and performance. Exhibit 20 summarizes results related to the efficiency and quality of case management. To clarify patterns among courts, symbols are used to indicate the three courts with the highest levels of agreement among

¹² This is a summary based upon values survey participants thought associated with each other in five areas of work: case management, change management, judge and staff relations, judicial leadership and internal organization. The values that apply across the five work areas and four culture types are represented in a “court culture matrix” that is available upon request.

¹³ In *Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts (NCSC, 1999)*, Brian Ostrom and Roger Hanson found that timeliness in felony case processing occurs in contexts that are also conducive to achieving case processing quality. In both faster and slower courts, the more serious, more complicated and more difficult cases take longer to resolve than the less serious, less complicated and less difficult cases. This pattern suggests that courts generally adhere to a norm of proportionality, which states that the amount of attention that each case receives should be proportional to the amount of time that it warrants. The difference is that in more expeditious courts, the work gets done within tighter timeframes. And it is the presence of more efficient work orientations among justice system practitioners that underlies the tighter timeframes. How judges and attorneys view their work environment is linked to how timely their particular court is. Faster courts are different from the slower courts in terms of views toward the clarity of case processing goals, and the monitoring and enforcement established procedures.

Exhibit 19:

Timeliness of Case Processing

Case type	Hennepin	Ramsey	Dakota	Duluth	Olmsted	Kandiyohi	Virginia
Misdemeanor	21 ▲	42 ▲	52	84	96	87	66 ▲
Misdemeanor - DWI	28 ▲	33	43	41	156	22 ▲	26 ▲
Gross Misdemeanor DWI	25 ▲	36 ▲	51	76	53	53	44 ▲
Gross Misdemeanor	29 ▲	42 ▲	54	69	52	89	49 ▲
Serious Felony	126 ▲	132 ▲	181	178	228	190	142 ▲
Felony	60 ▲	88 ▲	78 ▲	98	173	111	98
Culture Type	Hierarchical	Networked	Autonomous	Autonomous	Communal	Communal	Communal

▲ = the three fastest disposition times for each case type

attorneys for each statement. Our goal at this stage is to note associations and relationships between court culture emphases and attorney perspectives on court operations.

The first three questions ask for attorney opinion on three basic aspects case flow management: clear case processing time goals, active monitoring of cases by the court, and limits on trial date continuances. As we can see, the strength of agreement among public defenders and district attorneys regarding these caseload practices is strongest in Hennepin and Ramsey—the two courts with the highest solidarity scores. Court values and expectations in this area are understood and internalized in the work of prosecutors and public defenders. Judges and administrators in these

two counties have made timely case processing a priority, articulated expectations to the criminal bar, and monitored and enforced the rules.

The remaining four questions get more at attorney views on the *effectiveness* of each court’s caseload management practices in achieving fair and equitable resolution of criminal cases. Clearly, attorneys recognize when judges take control of the pace of litigation (hierarchical and networked courts), but they appear to prefer situations where individual judges have more flexibility (communal and autonomous courts) in the timing of key procedural events. The survey results show that the strength of attorney agreement with respect to effectiveness of judicial leadership, proportionality, understanding of court

Exhibit 20:

Attorney Views on Court Practices and Performance

Statements	Hennepin		Ramsey		Dakota		Duluth		Olmsted		Kandiyohi	
	PD	DA	PD	DA	PD	DA	PD	DA	PD	DA	PD	DA
There are clear goals in this jurisdiction for how long it should take to dispose of felony cases.	▲	▲	▲	▲			▲			▲		
The court adequately monitors the progress of felony cases in this jurisdiction.	▲	▲		▲	▲	▲						▲
Multiple trial date continuances are NOT routinely granted by judges in felony cases.	▲	▲	▲	▲			▲					▲
The amount of time judges give to cases is proportional to the amount of time the cases merit.			▲	▲	▲		▲	▲				▲
The court is able to process cases efficiently without sacrificing equity and justice.					▲	▲	▲	▲	▲			▲
Effective judicial leadership is one of the strengths of the criminal justice system in this jurisdiction.				▲	▲	▲	▲	▲	▲			
Court proceedings are easy to understand and follow.					▲	▲	▲	▲	▲	▲		
Culture Type	Hierarchical		Networked		Autonomous		Autonomous		Communal		Communal	

▲ = the three highest responses for Public Defenders
 ▲ = the three highest responses for District Attorneys

Note: Virginia is not shown due to a low number of responses.

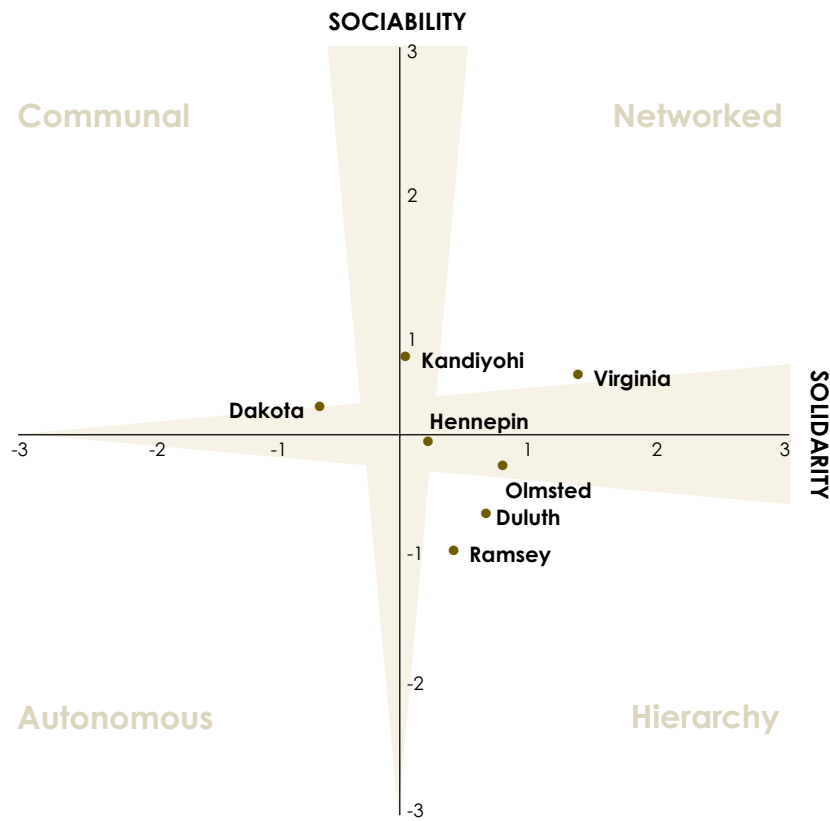
procedures, and the ability to process cases efficiently without sacrificing equity and justice occurs in the autonomous courts of Dakota and Duluth and, to some extent, in the communal court of Olmsted. It appears, at least from the point of view of practicing attorneys, that solidarity trades off efficiency with equity and justice. This suggests that practicing attorneys feel more efficacious in courts where each judge is allowed to conduct business as he or she sees fit. Or, put a different way, attorneys prefer courts where they have a greater say and influence on when key procedural events are to be completed.

Beyond clarifying current practice, the Court Culture Assessment Instrument can be used for planning and managing change. Court culture evolves over time. To this end, we asked the individual courts to determine where they would like to be in five years. Exhibit 21 shows the overall responses of the courts.

As one can see, with the exception of Hennepin, all of the courts would like to change their cultural type. The dominant trend among the courts is an interest in increasing overall solidarity, moving toward the Networked or Hierarchical culture type. Dakota and Hennepin would also like to increase the overall level of sociability within their court culture.

Exhibit 21:

Preferred Cultural Emphasis



Based on the results from the Court Culture Assessment Instrument, it is possible to draw some general conclusions about the directions judicial leaders and managers would like to take over the next few years.

In the area of case management... there is strong interest among judges and administrators in establishing a firm commitment to caseload management principles. To accommodate the views expressed in the attorney surveys, there appears to be a growing recognition that caseload management needs to be a process of continual improvement that draws input from throughout the criminal justice system. In courts that are successful, case flow management is a high priority for the chief judge and court manager.

In the area of court resources... there is strong agreement among judicial and administrative staff leaders on the importance of maintaining the integrity of the weighted caseload system. Effective caseload management means existing resources are used efficiently, while the larger process of workload assessment is designed to ensure the number of judgeships keeps pace with workload. Making the case for adequate resources will increasingly require the judicial branch to show that all courts are taking steps to improve both the timeliness and quality of case processing.

In the area of court performance assessment... there is a strong interest among judges and administrators to take a leadership position in building an integrated justice system community. One goal of such an effort is to clarify the content and measurement strategies of organizational performance goals that focus on results that matter to those served by the courts rather than simply those who run them.

From the national perspective of the NCSC analysis, the changes discussed as part of the cultural assessment process serve primarily to improve an already high-performing system. Minnesota courts are well run. Most modifications that might be introduced will be at the margins. One positive step in this regard can be found in the previously mentioned Transformation Project (reviewed in more detail in the next chapter). The suggestions contained in that report provide a strong foundation for increasing and improving overall solidarity in the day-to-day functioning of the court. They also provide a basis for ensuring the equity and justice of the ultimate decisions.

Future Considerations

Keeping the case weights current

The 2002 weighted caseload study indicates the need for an additional five judges to effectively handle the current court caseload in Minnesota. These case weights are grounded in current practice (as measured by the time study) and adjusted for quality through a multi-round structured Delphi process. Although the case weights developed during the course of this study should be accurate for many years, periodic updating is necessary to ensure that the standards continue to accurately represent judicial workload. Three recommendations on the following page identify a course of action for the Conference of Chief Judges to maintain the integrity of the workload standards through ongoing and structured oversight, as well as appropriate case auditing practices.

Over time, the integrity of case weights are affected by multiple influences, including changes in legislation, court rules, legal practice, technology and administrative factors. Examples of such factors include legislative mandates that increase the number of required hearings (e.g., additional review hearings in dependency cases), the development of spe-

cialized courts (e.g., drug courts), and the introduction of more efficient case management practices. In addition, of critical importance to the effective use of case weights is complete and accurate case filing and disposition data collected in comparable fashion from all 87 Minnesota counties. To preserve the validity of the proposed judicial needs assessment process, Minnesota should develop a procedure to periodically review and update the workload standards and data collection system.

For the workload standards to remain reliable and accurate over time, the NCSC recommends the initiatives described on the following page.

The State Court Administrative Office (SCAO) has primary responsibility for maintaining the model and should make sufficient staff resources available to keep up-to-date on factors (such as those discussed above) that may affect the accuracy of the standards.

Recommendation 1:

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

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

be taken to assess whether any adjustments to selected workload standards are warranted.

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

Recommendation 2:

The SCAO should plan to conduct a systematic update of the workload standards approximately every five years, depending on the judgment of the WCAC. Funding for this should be part of the regular legislative agenda related to the process of assessing the need for new judgeships.

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

Recommendation 3:

The SCAO should institute a process to conduct county-level audits of the data collected and reported for Minnesota’s case statistics. A multi-year audit scheme could be developed and integrated with the planned multi-year rollout of MNCIS (Minnesota Court Information System), the new computer system for the trial courts, to check the accuracy of filings and hearing data, which is central to the weighted caseload study.

Regular and thorough auditing and feedback for correcting data collection problems is critical for maintaining reliability in reporting across the courts.

Additional uses of the weighted caseload results

There is an additional value to be gained from the weighted caseload study. During the review of the time study data we observed that, when calculated at the district level, there were similarities and differences in case weights between districts. Appendix F presents the yearly number of filings and the imputed case weights by district. As expected, there is variation around the statewide average for the individual districts. Remember, the data were collected for a single month—22 working days. Thus the volume of case types, especially in smaller districts, was relatively small and hence susceptible to some—albeit statistically insignificant—variation.

Recognizing that the primary purpose of the study was to develop statewide weights, it is also possible to examine district weights for suggestions of differences in practices and policies between districts. These differences could result in the same event taking more, or less, judge-time in different districts, which would affect case weights.

The goal for the Court Transformation Advisory Committee was to:

identify and explain practice variations in processing across the state. To accomplish this, judges from around the state will participate in expert panel discussions, aided by data analyses from the WCL study. Felony [adult other felony] and Delinquency Felony case types will be studied initially. A further goal is to provide a preliminary evaluation of variable practices. It is anticipated that the work product of this project will provide a baseline of analyses for future court transformation endeavors.

Even if these differences are not statistically significant, these differences may signal that some courts take less time for a particular event than do other courts, without reducing fairness, equal protection, or public safety. Conversely, practices in another court could result in some events consuming unnecessary judge time and resources. It was the possibility of identifying “good” practices that required less judge time, and “bad” practices that consumed unnecessary judge time, that motivated the Transformation Project conducted with assistance from the National Center for State Courts (NCSC) and the Judicial Management Institute.

The interest in identifying policies and practices that make better use of available judge time has several benefits. To the extent it suggests changes in case weights for some case types, it contributes to adopting case weights that are more realistic and credible. This increases the likelihood that there will be sufficient judges to hear cases in a just and timely manner, which should improve public trust and confidence in the judiciary. More immediately, in this difficult fiscal climate, it is unlikely there will be many new judgeships created. The review and identification of “better” practices will, therefore, make better use of existing judicial resources. Finally, the transition of District Courts to state funding presents an opportunity to look at practices on a statewide basis. Not only will it make more effective use of the judicial resources provided to courts, but adoption of “better” practices can also contribute to a balancing of judicial resources across the state and more equal access to justice for all Minnesotans.

Assessing the impact of policies and practices in the different courts on case weights required identifying the actual policies and practices and examining their impact on judgeship needs. Two of 33 case types were selected as “proof of concept” types to examine actual court practices and provide useful information about the impacts of policies and case management practices on the need for judges. The two case types selected by the Advisory Committee were adult other felony cases and juvenile delinquency felony cases.

One of the primary goals of the Transformation Project study of court practices was to provide information to the WCAC in updating case weights. The assistance provided was of two types, one relevant to specific weights, the other to the general validity of the weighted caseload results. After the focus groups made findings and recommendations about “good” practices, we examined them to identify those that might affect case weights. As the case weights measure how much judge-time is needed to properly hear and decide cases, the focus was on whether the recommended practice was likely to result in 1) more meaningful hearings, 2) fewer hearings per case, 3) shorter hearings, or 4) earlier resolution of cases. Any of these would indicate that we either reduce judge-time for each case or that we increase time to maintain or enhance the quality of justice while preserving the rule of law (not just “go faster”). Since data about the amount of time required for different practices in different courts was not available in sufficient detail, the assessments were more of the nature

of projection than calculation. While it was possible to identify the general direction of the impact (more or less time), it was not possible to predict the specific magnitude of the impact. Moreover, where a suggested new practice was recommended, there would, of course, not yet be any experience from which to measure the impact.

Another contribution to the case weight review came from examining practices for these two case types. Overall, the study did not find any practices that were clearly “bad” practices, nor were any courts identified with generally wasteful practices. This suggests that case weights derived from the statewide data are reliable. There did not appear to be suspect categories of data, or that data from any court or courts should be excluded in calculating statewide averages. Nonetheless, if clearly less effective practices had been identified, the process would have justified the exclusion of certain types of data, or data from certain courts. Please see *Minnesota District Court Transformation Project* for a complete review of the Transformation Project results.

Appendices

- A Judge Time Reporting Form
- B Weighted Caseload and TCIS Case Types
- C Case Event Activities and Classifications
- D Event-Based Case Weight Development
- E Case Weight Quality Adjustments and Rationale
- F Average Judge Time by District

Appendix A: Judge Time Reporting Form

JUDGE TIME REPORT DAILY NON-BENCH					Questions? Call: (651) 297-7580			
2002 Minnesota Weighted Caseload Project			Name					
			Judge ID					
			Chambers					
			Phone ()		Ext.			
Date:			Page of		(For this report date)			
Activity Codes	Case Related (Give Case Type and Number)			Non-Case Related (Describe)				
	A Case research including ex Parte hearing, case conference hearing/trial preparation, orders, opinions, etc. memoranda, findings of fact, and case correspondence			G Local Court Administration				
	B PSI/Sentencing Review			H District Administration				
	C Awaiting jury verdict (only if doing nothing else)			I State Administration				
	D Signing documents, warrants etc.			J Judicial Education				
	E Cosigning referee orders			K General Legal Research				
	F Other (Describe)			L Vacation/Sick Leave (1 hour or more)				
				M Other (Describe)				
LINE #	Type of Activity (Only one per line)	Case Type (Codes on Reverse)	If Case Related		Time Spent on Activity			
			County	Court Case Number	Starting		Ending	
					Hour	Minute	Hour	Minute
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
Remarks:								
Please return this form to the District Administrator								

FPO

Appendix B: Weighted Caseload and TCIS Case Types

	Case Type	TCIS Codes
Major Criminal	Serious Felony	Serious Felony
	Other Felony	Felony Felony Domestic Assault
	Gross Misdemeanor	Gross Misdemeanor DWI
	Other Gross Misdemeanor	Gross Misdemeanor GM Domestic Assault GM 5 th Degree Assault
Major Civil	Personal Injury	Asbestos Breast Implant Malpractice Personal Injury Wrongful Death
	Contract	Contract
	Property Damage	Property Damage
	Harassment/Other Civil	Conciliation Appeal Condemnation Eminent Domain Employment Minor Settlement Quiet Title Torrens Welfare Appeal
Probate/Trust	Trust	Trust
	Guardianship/Conservator	Conservatorship - Adult Guardianship – Adult Guardianship – Child Conservatorship - Child Special Conservatorship
	Commitment	Commitment Chem Dependent Commitment Multiple Types Commitment MI & Chem Dep Commitment Mentally Ill Commitment MI and Dangerous
	Commitment Mentally Retarded	Commitment Psychopath Commitment Sexually Dangerous
	Other Probate	Decree of Descent Informal Probate Probate Other Summary Administration Supervised, Formal Probate Special Administration Unsupervised, Formal Probate
Family	Dissolution w/child	Dissolution with Child
	Dissolution w/o child	Dissolution without Child Summary Dissolution

	Case Type	TCIS Codes
Family, continued	Support	Illegitimacy Paternity Reciprocal Paternity – In Reciprocal Paternity – Out Reciprocal Support – In Reciprocal Support – Out Support Expedited Process
	Domestic Abuse	Domestic Abuse
	Other Family	Adoption Annulment Child Custody Custody Family Other Legal Separation Separate Maintenance
Juvenile	Delinquency Felony	Delinquency Felony Felony EJJ (K case type)
	Delinquency Gross Misd	Delinquency Gross Misdemeanor GM EJJ (K case type)
	Delinquency Misdemeanor	Delinquency Misdemeanor
	Juvenile Petty Offender	Juvenile Petty Offender Status Offense
	Dependency/Neglect	Educational Neglect Delinquency Under 10 Child in Need of Protection Runaway CHIPs Mentally Ill Voluntary Placement Voluntary Placement (Use VLP instead)
	Term. Of Parental Rights	Termination of Parental Rights
	Truancy	Truancy
	Other Juvenile	Abortion Notification Juvenile Other
Minor Civil	Implied Consent	Implied Consent
	Unlawful Detainer	Unlawful Detainer
	Conciliation	Conciliation Default Judgment Forfeiture Conciliation Housing Court Transcript Judgment Transcript Judgment Other City

Appendix B: Weighted Caseload and TCIS Case Types, continued

	Case Type	TCIS Codes
Minor Criminal	5 th Degree Assault	5 th Degree Assault Domestic Assault
	Non-traffic misd or petty	Dept Natural Resources Housing Court Misdemeanor Housing Court Petty Non Moving Violation Misd Non Moving Violation Petty Non Sufficient Funds DNR Petty Non Traffic Petty Misdemeanor Non Traffic Misdemeanor
	Misdemeanor DWI	ATV While Intoxicated Driving While Intoxicated Flying While Intoxicated Hunting While Intoxicated Snow mobile While Intoxicated
	Other Traffic	Juvenile Traffic Moving Violation Misdemeanor Moving Violation Petty Over length Over weight Speeding - Misdemeanor Speeding – Petty
	Parking	Parking

Comparing weighted caseload case types, 1992 and 2002.

For 2002, the number of weighted caseload case types was reduced from 49 to 33. The reduction was accomplished by combining case types that occurred infrequently and/or required similar amounts of judge time. Displayed below are the case types from 1992 that have been subsumed into more aggregate categories for 2002. For example, juvenile traffic in no longer a weighted caseload case type, it has been combined into the larger category of Other traffic.

2002 Aggregate Categories	1992 Case types
Personal Injury	Wrongful Death Malpractice
Other Civil	Conciliation Appeal Condemnation Employment
Other Traffic	Juvenile Traffic
Conciliation	Transcript Judgment Default Judgment
Other Family	Adoption
Other Probate	Supervised Administration Unsupervised Administration Special Administration Informal Administration
Dependency/Neglect	Delinquency Under 10 Runaway

Appendix C: Case Event Activities and Classifications

Case Event Activities tracked during the time study and how classified into pretrial, disposition and post-disposition events.

General Case Type	Pretrial Events	Disposition Events	Post Disposition Events
Major Criminal	1 st Appearance Arraignment Bail/bond hearing Rule 5 Rule 8 Omnibus Plea Hearing	Trial Dismissal Diversion Sentencing	Probation Revocation Collection – fine & restitution
Minor Criminal	1 st Appearance Arraignment Bail/bond hearing Rule 5 Rule 8 Omnibus Plea Hearing	Trial Dismissal Diversion Sentencing	Probation Revocation Collection – fine & restitution
Juvenile Delinquency	Detention/Custody Hearing 1 st Appearance Admit/deny hearing Diversion Dismissed	Adjudicatory Hearing Trial (only EJJ) Adult Certified	Probation Revocation Parental cost collection
Juvenile Chips	Emergency Protection Hearing Chips Admit/deny hearing Chips Pretrial Hearing TPR/Admit/deny TPR Pretrial hearing	Chips Trial TPR Trial Dismissals	Chips 90-day review Post-permanency review
General Civil & Family	Filing Proof of Service Answer Information Statement ADR Scheduling Conference Settlement Conference	Summary Judgment Default Settled Dismissed Trial Decree Closed	Collection
Probate	Appoint a personal rep. (intestate) or administrator (testate) Hearing on Claims Will Contest Final Accounting and Request for Distribution of Assets Appoint guardian/conservator Annual Accountings 72 hour emergency hold Probate Cause Jarvis Hearings	Decree of Distribution Closed after letters Petition for Discharge (clerical) Commitment hearing Trial	Restored to Capacity Refiling Petition for Discharge

Appendix D: Event-Based Case Weight Development

(Time is in minutes)	Time Study (With Quality Adjustment)	x	Event Frequency	=	Time Study Result (Quality Adjustment Impact)
JUVENILE					
Delinquency Felony					
Pre-trial	17	x	100%	=	17
Non-trial disposition	16 (30)	x	97%	=	16 (29)
Trial	202	x	3%	=	7
Post-disposition	34	x	71%	=	24
					<u>64 (77) Final Case Weight</u>
Delinquency Gross MSD					
Pre-trial	8	x	100%	=	8
Non-trial disposition	16 (17)	x	98%	=	16 (17)
Trial	103	x	2%	=	2
Post-disposition	16 (17)	x	65%	=	10 (11)
					<u>36 (38) Final Case Weight</u>
Delinquency MSD					
Pre-trial	5 (6)	x	100%	=	5 (6)
Non-trial disposition	9 (11)	x	98%	=	9 (11)
Trial	45	x	2%	=	1
Post-disposition	11 (13)	x	62%	=	6 (8)
					<u>21 (26) Final Case Weight</u>
Juvenile Petty Offender					
Pre-trial	1 (2)	x	100%	=	1 (2)
Non-trial disposition	5 (8)	x	99%	=	5 (8)
Trial	52	x	1%	=	1
Post-disposition	4	x	35%	=	1
					<u>8 (12) Final Case Weight</u>
Dependency/Neglect					
Pre-trial	23 (88)	x	100%	=	23 (88)
Non-trial disposition	12 (0)	x	94%	=	11 (0)
Trial	142 (200)	x	6%	=	9 (12)
Post-disposition	60 (70)	x	63%	=	38 (45)
					<u>81 (145) Final Case Weight</u>
TPR					
Pre-trial	31	x	100%	=	31
Non-trial disposition	13	x	81%	=	11
Trial	532	x	19%	=	101
Post-disposition	57	x	61%	=	36
					<u>179 (179) Final Case Weight</u>
Truancy					
Pre-trial	5 (6)	x	100%	=	5 (6)
Non-trial disposition	22 (24)	x	99%	=	22 (24)
Trial	90 (99)	x	1%	=	1 (1)
Post-disposition	35 (39)	x	65%	=	23 (25)
					<u>50 (56) Final Case Weight</u>
MAJOR CRIMINAL					
Serious Felony					
Pre-trial	213	x	100%	=	213
Non-trial disposition	42	x	84%	=	35
Trial	3397	x	16%	=	544
Post-disposition	99	x	61%	=	60
					<u>852 (852) Final Case Weight</u>

(Time is in minutes)	Time Study (With Quality Adjustment)	x	Event Frequency	=	Time Study Result (Quality Adjustment Impact)
Other Felony					
Pre-trial	54 (61)	x	100%	=	54 (61)
Non-trial disposition	13 (20)	x	97%	=	13 (19)
Trial	608	x	3%	=	19
Post-disposition	13 (15)	x	156%	=	20 (25)
					<u>106 (124)</u> Final Case Weight
Gross Misdemeanor DWI					
Pre-trial	23 (27)	x	100%	=	23 (27)
Non-trial disposition	12 (14)	x	99%	=	12 (14)
Trial	375	x	1%	=	4
Post-disposition	13 (15)	x	71%	=	8 (11)
					<u>47 (55)</u> Final Case Weight
Other Gross Misdemeanor					
Pre-trial	19 (23)	x	100%	=	19 (23)
Non-trial disposition	8 (9)	x	99%	=	8 (9)
Trial	265	x	2%	=	5
Post-disposition	9 (12)	x	83%	=	6 (9)
					<u>38 (46)</u> Final Case Weight
MINOR CRIMINAL	5th Degree Assault				
Pre-trial	13	x	100%	=	13
Non-trial disposition	6 (8)	x	97%	=	6 (8)
Trial	158	x	3%	=	5
Post-disposition	4	x	96%	=	4
					<u>27 (29)</u> Final Case Weight
Non-traffic MSD/petty					
Pre-trial	2 (3)	x	100%	=	2 (3)
Non-trial disposition	3	x	99%	=	3
Trial	60	x	1%	=	1
Post-disposition	2	x	43%	=	1
					<u>6 (7)</u> Final Case Weight
MSD DWI					
Pre-trial	4 (5)	x	100%	=	4 (5)
Non-trial disposition	6	x	100%	=	6
Trial	80	x	1%	=	1
Post-disposition	7	x	43%	=	3
					<u>14 (14)</u> Final Case Weight
Other Traffic					
Pre-trial	0.31	x	100%	=	0.31
Non-trial disposition	1	x	99%	=	1.00
Trial	15	x	1%	=	0.15
Post-disposition	11	x	1%	=	0.11
					<u>2.00 (2)</u> Final Case Weight
Parking					
Pre-trial	0.12	x	100%	=	0.12
Non-trial disposition	0.32	x	100%	=	0.32
Trial	0.00	x	0%	=	0.00
Post-disposition	0.05	x	1%	=	0.00
					<u>0.45 (0.45)</u> Final Case Weight

Appendix D: Event-Based Case Weight Development, continued

	(Time is in minutes)	Time Study (With Quality Adjustment)	x	Event Frequency	=	Time Study Result (Quality Adjustment Impact)
MAJOR CIVIL	Personal Injury					
	Pre-trial	55	x	100%	=	55
	Non-trial disposition	62	x	92%	=	57
	Trial	733	x	8%	=	60
	Post-disposition	52	x	33%	=	17
						<u>189</u> (189) Final Case Weight
	Contract					
	Pre-trial	83	x	100%	=	83
	Non-trial disposition	41	x	95%	=	39
	Trial	802	x	5%	=	38
	Post-disposition	64	x	28%	=	17
						<u>177</u> (177) Final Case Weight
	Property Damage					
	Pre-trial	47	x	100%	=	47
	Non-trial disposition	11	x	93%	=	10
	Trial	505	x	7%	=	36
Post-disposition	90	x	11%	=	10	
					<u>103</u> (103) Final Case Weight	
Harassment						
Pre-trial	12	x	100%	=	12	
Non-trial disposition	13	x	98%	=	13	
Trial	79	x	2%	=	2	
Post-disposition	63	x	9%	=	6	
					<u>32</u> (32) Final Case Weight	
Other Civil						
Pre-trial	64	x	100%	=	64	
Non-trial disposition	19	x	98%	=	19	
Trial	1193	x	2%	=	29	
Post-disposition	120	x	14%	=	17	
					<u>129</u> (129) Final Case Weight	
MINOR CIVIL	Implied Consent					
	Pre-trial	20	x	100%	=	20
	Non-trial disposition	10	x	65%	=	7
	Trial	92	x	35%	=	32
	Post-disposition	152	x	2%	=	3
						<u>62</u> (62) Final Case Weight
	Unlawful Detainer					
	Pre-trial	3	x	100%	=	3
	Non-trial disposition	5	x	97%	=	5
	Trial	113	x	3%	=	3
	Post-disposition	72	x	3%	=	2
						<u>13</u> (13) Final Case Weight
	Conciliation					
	Pre-trial	0.02 (1)	x	100%	=	0.02 (1)
	Non-trial disposition	2 (3)	x	100%	=	2 (3)
	Trial	0	x	0%	=	0
Post-disposition	1 (0.5)	x	125%	=	2 (1)	
					<u>3</u> (5) Final Case Weight	

	(Time is in minutes)	Time Study (With Quality Adjustment)	x	Event Frequency	=	Time Study Result (Quality Adjustment Impact)
PROBATE						
Trust						
Pre-trial		8 (20)	x	100%	=	8 (20)
Non-trial disposition		6 (10)	x	98%	=	6 (10)
Trial		664 (600)	x	2%	=	13 (12)
Post-disposition		367 (360)	x	25%	=	94 (92)
						<u>121 (134)</u> Final Case Weight
Guardianship/Conservator						
Pre-trial		10 (17)	x	100%	=	10 (17)
Non-trial disposition		1 (2)	x	98%	=	1 (2)
Trial		375	x	2%	=	8
Post-disposition		308 (600)	x	18%	=	55 (108)
						<u>74 (134)</u> Final Case Weight
Commitment						
Pre-trial		10 (15)	x	100%	=	10 (15)
Non-trial disposition		9 (15)	x	30%	=	3 (5)
Trial		99	x	70%	=	69
Post-disposition		151 (175)	x	48%	=	72 (83)
						<u>154 (172)</u> Final Case Weight
Other Probate						
Pre-trial		4 (10)	x	100%	=	4 (10)
Non-trial disposition		1	x	99%	=	1
Trial		303 (300)	x	1%	=	3 (3)
Post-disposition		79 (80)	x	15%	=	11 (12)
						<u>19 (26)</u> Final Case Weight
FAMILY						
Dissolution w/children						
Pre-trial		59 (90)	x	100%	=	59 (90)
Non-trial disposition		17	x	94% (96%)	=	16
Trial		674 (600)	x	6% (4%)	=	40 (25)
Post-disposition		226	x	43%	=	97
						<u>213 (228)</u> Final Case Weight
Dissolution without children						
Pre-trial		11 (24)	x	100%	=	11 (24)
Non-trial disposition		4	x	98%	=	4
Trial		350	x	2%	=	8
Post-disposition		46 (10)	x	34%	=	16 (3)
						<u>39 (40)</u> Final Case Weight
Support						
Pre-trial		6	x	100%	=	6
Non-trial disposition		1	x	100%	=	1
Trial		683	x	0.4%	=	3
Post-disposition		63	x	50%	=	30
						<u>40 (40)</u> Final Case Weight
Domestic Abuse						
Pre-trial		8 (13)	x	100%	=	8 (13)
Non-trial disposition		14 (14)	x	99% (90%)	=	14 (12)
Trial		195 (60)	x	2% (10%)	=	3 (6)
Post-disposition		26 (25)	x	34%	=	9 (9)
						<u>34 (40)</u> Final Case Weight

Appendix E: Case Weight Quality Adjustments and Rationale

Case Type	Quality Adjustment	Need for Adjustment	Intended Outcome/Notes
Criminal			
Other Felony			
Predisposition	7	More time on pretrial release decisions; listen to victims	Return to 1992 time, Judges felt case weight erosion from 1992 was due to increased caseloads. Cases would benefit from increased judicial attention
Non-trial Disp.	7	More time needed to read advisories, psi's, reports	
Trial	None	Current time is adequate	
Post Disposition	2	Need more time for revocation hearings	
Gross Misd DWI			
Predisposition	4	More time needed on pretrial release decisions; listen to victims due to increased caseloads. Cases would benefit from increased judicial attention.	Return to 1992 time, Judges felt case weight erosion from 1992 was
Non-trial Disp.	2	More time needed to read advisories, psi's, reports	
Trial	None	Current time is adequate	
Post Disposition	2	Need more time for revocation hearings	
Other Gross Misdemeanor			
Predisposition	3	Similar to other Major Criminal, more time needed on pretrial release decisions and listening to victims	Judges felt cases have been chronically short-changed on the major criminal calendars. Cases would benefit from increased judicial attention.
Non-trial Disp.	1	More time needed to read reports	
Trial	None	Current time is adequate	
Post Disposition	3	Need more time for revocation hearings	
5th Degree Assault			
	None	Current time is adequate in all event areas	Case weight was adjusted in 1998, using data on trial and hearing rates changes. 2002 time study corroborated this adjustment was adequate.
Non-traff MSD/petty			
Predisposition	1	Reduce "cattle call" experience at arraignment understand what is happening in court.	Judges would like slightly more time early in the case so that parties better
Non-trial Disp.	None	Current time is adequate	
Trial	None	Current time is adequate	
Post Disposition	None	Current time is adequate	
MSD DWI			
	None	Current time is adequate in all event areas	Similar to 5th Degree Assaults, case weight was adjusted in 1998, using empirical data on the trial and hearing rate changes. 2002 time study corroborated this adjustment was adequate.
Other Traffic			
	None	Current time is adequate in all event areas	
Parking			
	None	Current time is adequate in all event areas	
Civil			
Personal Injury			
	None	Current time is adequate in all event areas	
Contract			
	None	Current time is adequate in all event areas	
Property Damage			
	None	Current time is adequate in all event areas	
Harrassment			
	None	Current time is adequate in all event areas	

Case Type	Quality Adjustment	Need for Adjustment	Intended Outcome/Notes
Other Civil			
	None	Current time is adequate in all event areas	
Implied Consent			
	None	Current time is adequate in all event areas	Similar to 5th Degree Assaults, case weight adjusted in 1998 using data on trial and hearing rates changes. 2002 time study corroborated this adjustment was adequate.
Unlawful Detainer			
	None	Current time is adequate in all event areas	
Conciliation			
	1.5	Time to listen in "people's court"; make sure litigants understand orders, reduce appeal/de novo	Given the case nature, meaningful adjustments by event are difficult, but judges indicated a need for increased attention overall. Drop in time since 1992 is due to overall increases in the court's caseload (not just conciliation).
Juvenile			
Delinquency Felony			
Predisposition	None	Current time is adequate	Judges believe if parents understand placement decisions there will be more support with decisions and compliance will increase.
Non-trial Disp.	15	Placement issues; explain issues/reasons to parents	
Trial	None	Current time is adequate	
Post Disposition	None	Current time is adequate	
Delinquency Gross MSD			
Predisposition	None	Current time is adequate	Adjustments are minor, but consistent with interest in spending more time listening to parties and increasing order compliance.
Non-trial Disp.	1	More effective intervention; listen to parties	
Trial	None	Current time is adequate	
Post Disposition	1	More effective intervention; listen to parties	
Delinquency MSD			
Predisposition	1	More effective intervention; listen to parties	Similar to gross misd, adjustments are minor but consistent with spending more time listening to parties and increasing order compliance. In 1995, many lesser misdemeanors were decriminalized to petty offenses, leaving more serious offenses than in 1992.
Non-trial Disp.	2	More effective intervention; listen to parties	
Trial	None	Current time is adequate	
Post Disposition	2	More effective intervention; listen to parties	
Juvenile Petty Offender			
Predisposition	1	More effective intervention; listen to parties	A new case type created in 1995 including most status offenses and all decriminalized misdemeanors. Great interest in talking and engaging parents to increase effectiveness of court and to avoid delinquency escalation.
Non-trial Disp.	3	More effective intervention; listen to parties	
Trial	None	Current time is adequate	
Post Disposition	None	Current time is adequate	
Dependency/Neglect			
Predisp & Non-trial Disp.	53	Explain placement/orders; implement CJI	Cases are recognized among the Court's top priorities and large adjustments were proposed. Implementation of CJI had major implications, although the resulting case weight does not reflect all CJI recommendations (could have resulted in weight of 500 min)
Trial	58	Explain placement/orders; implement CJI	
Post Disposition	10	Explain orders; implement CJI	
TPR			
	None	Current time is adequate in all event areas	
Truancy			
Predisposition	1	More effective intervention; listen to parties	Judges would like to spend as much time on truancys as in 1992, since this is an opportunity for intervening before more serious behavior arises.
Non-trial Disp.	2	Read school reports	
Trial	9	Read school reports	
Post Disposition	5	More effective intervention; listen to parties	

Appendix E: Case Weight Quality Adjustments and Rationale, continued

Case Type	Quality Adjustment	Need for Adjustment	Intended Outcome/Notes
Probate & Mental Health			
Trust			
Predisposition	12	Read reports; increase oversight	Judges felt they needed more time up front for reviewing reports, in order to make more effective decisions earlier and spending less time during trial and post disposition.
Non-trial Disp.	4	Read reports; increase oversight	
Trial	-64	Less time needed to review reports	
Post Disposition	-7	Less time needed to review reports	
Guardianship/Conservator			
Predisposition	7	Improve oversight; better record review	Judges felt strongly they needed much more time reviewing detailed annual reports to better assess work of the appointment.
Non-trial Disp.	1	More time on appointments	
Trial	None	More time on reports	
Post Disposition	292	Current time is adequate Improve oversight; better record review of annual reports	
Commitment			
Predisposition	5	More time on decisions to hold	Like guardian/conservator cases, the judges believe that more time is needed reviewing reports.
Non-trial Disp.	6	Explain orders	
Trial	None	Current time is adequate	
Post Disposition	24	Increase document review	
Other Probate (Estate)			
Predisposition	6	More time on reports, improve oversight	The judges wanted more time to spend upfront in the case reviewing pertinent documents.
Non-trial Disp.	1	More time on reports, improve oversight	
Trial	-3		
Post Disposition	1	More time on reports, improve oversight	
Family			
Dissolution w/children			
Predisposition	31	More time on settlement	Judges felt they needed more time on settlement, to reduce later controversy and contested matters at trial.
Non-trial Disp.	None		
Trial	-74		
Post Disposition	None		
Dissolution without children			
	None	Current time is adequate in all event areas	
Support			
	None	Current time is adequate in all event areas	
Domestic Abuse			
Predisposition	5	Increase review time on ex parte order for protection	Judges believe more time spent up front will result in better compliance with orders, thus increasing public safety.
Non-trial Disp.	None		
Trial	-135		
Post Disposition	-1		
Other Family			
	None	Current time is adequate in all event areas	

Appendix F: Average Judge Time by District

Average Case-Related Minutes per Filing by District

Case Type	District										Overall
	1	2	3	4	5	6	7	8	9	10	
Implied Consent	53	76	65	51	63	42	96	205	45	60	62
Unlawful Detainer	8	9	14	15	15	18	16	14	25	12	13
Conciliation	3	5	2	5	2	2	3	3	3	2	3
5th Degree Assault	26	31	74	13	31	30	30	30	27	32	27
Non-traffic MSD/ petty	5	11	7	4	8	7	6	8	8	7	6
MSD DWI	10	12	23	6	22	20	11	37	18	18	14
Other Traffic	0.86	2.69	1.30	2.92	1.02	1.28	1.18	1.14	1.05	1.34	1.82
Parking	0.55	0.60	1.49	0.40	2.54	0.02	2.30	5.49	9.24	2.08	0.45
Delinquency Felony	41	84	75	74	65	50	66	67	49	57	64
Delinquency Gross MSD	19	51	30	39	21	18	37	73	44	31	36
Delinquency MSD	16	42	27	20	19	16	20	26	20	22	22
Juvenile Petty Offender	6	21	9	6	7	10	8	7	10	10	8
Dependency/Neglect	102	51	140	55	89	130	99	146	80	121	81
TPR	117	232	242	139	9	106	383	575	118	111	178
Truancy	128	66	43	40	28	79	53	93	59	36	50
Personal Injury	64	107	210	185	327	325	180	484	421	151	187
Contract	208	53	94	197	77	373	94	176	279	198	177
Property Damage	397	20	73	24	18	30	709	88	90	61	103
Harassment	21	46	29	56	23	25	18	35	23	35	32
Other Civil	207	89	95	242	81	147	70	90	99	56	129
Trust	9	496	12	82	24	9	3	111	12	0	121
Guardianship/Conservator	17	98	54	129	64	80	44	59	67	63	74
Commitment	157	122	215	185	157	174	163	131	151	98	154
Other Probate	17	22	7	31	12	32	8	7	29	15	19
Dissolution with children	124	208	258	316	138	177	185	230	222	203	213
Dissolution without children	22	31	52	37	64	39	20	138	56	38	39
Support	32	41	40	60	47	19	24	22	24	36	40
Domestic Abuse	32	40	29	37	41	30	26	44	34	29	34
Other Family	81	383	65	88	199	52	78	110	128	37	107
Serious Felony	1,199	714	912	1,211	296	137	206	262	488	1,292	852
Other Felony	101	113	113	124	84	97	97	116	78	108	106
Gross MSD DWI	37	33	65	48	52	54	47	69	41	48	47
Other Gross MSD	43	24	43	33	43	49	34	67	46	42	38
Average Case-Related Minutes	10.54	7.86	14.74	8.53	10.69	6.47	13.21	16.87	15.96	15.04	10.26

Average Minutes for Non-Case-Related Activities per Day

Administration	24	36	60	69	36	32	42	38	53	42	48
Judicial Education	7	1	0	17	33	8	26	0	0	21	13
General Legal Research	5	8	11	7	26	6	7	12	4	11	9
Travel	11	2	20	2	0	16	13	27	31	10	10
Outreach	6	14	0	17	12	7	12	6	9	18	12
Other	6	11	0	5	18	6	4	4	38	37	13
Average Non-Case-Related Minutes	59	72	91	118	125	74	104	88	136	139	104

