
Florida Judicial Workload Assessment

Final Report

May 16, 2016

Brian J. Ostrom, Ph.D.
Matthew Kleiman, Ph.D.
Cynthia G. Lee, J.D.
Shannon Roth

Research Division
National Center for State Courts



Acknowledgments

The authors wish to acknowledge the invaluable contributions of the judges and quasi-judicial officers of Florida to this workload assessment.

An undertaking of this nature would not have been possible without the assistance of the dedicated members of the Florida circuit and county courts who gave their valuable time to this project.

Over the course of this study we were fortunate to meet regularly with a distinguished advisory committee. The Judicial Needs Assessment Committee, comprised of both circuit judges and county judges from across the state, provided input and perspective in all phases of the project.

We extend a special note of thanks to staff members of the Office of State Courts Administrator. In particular, we thank Greg Youchock, Blan Teagle, Arlene Johnson, Jason Hunter, Jenna Rogers, and Penni Griffith for their support during the National Center for State Courts' study of judicial workload in Florida. We very much appreciate their knowledge of the Florida court system and their unfailing good spirits throughout the life of this project.

We are also extremely grateful to our NCSC colleagues Neil LaFountain and Kathryn Holt for their assistance and thoughtful insights. Finally, we thank Diana McSpadden for developing the Web-based tools used in this study and Wes Poole and Derek Felton for developing the web-based training modules used during the time study.

Judicial Needs Assessment Committee

The Honorable Paul Alessandroni, County Judge
Charlotte County, *Committee Chair*

Circuit Court:

The Honorable William F. Stone, Circuit Judge
1st Judicial Circuit

The Honorable Jonathan Sjostrom, Circuit Judge
2nd Judicial Circuit

The Honorable Leandra Johnson, Circuit Judge
3rd Judicial Circuit

The Honorable Lance Day, Circuit Judge
4th Judicial Circuit

The Honorable Richard A. Howard, Circuit
Judge
5th Judicial Circuit

The Honorable Pamela A.M. Campbell, Circuit
Judge, 6th Judicial Circuit

The Honorable Howard Maltz, Circuit Judge
7th Judicial Circuit

The Honorable Toby S. Monaco, Circuit Judge
8th Judicial Circuit

The Honorable Patricia Doherty, Circuit Judge
9th Judicial Circuit

The Honorable Ellen Masters, Circuit Judge
10th Judicial Circuit

The Honorable Jennifer Bailey, Circuit Judge
11th Judicial Circuit

The Honorable Diana Moreland, Circuit Judge
12th Judicial Circuit

The Honorable Ashley Moody, Circuit Judge
13th Judicial Circuit

The Honorable William Wright, Circuit Judge
14th Judicial Circuit

Circuit Court, continued

The Honorable James Martz, Circuit Judge
15th Judicial Circuit

The Honorable Luis Garcia, Circuit Judge
16th Judicial Circuit

The Honorable Andrew L. Siegel, Circuit, Judge
17th Judicial Circuit

The Honorable Tonya Rainwater, Circuit Judge
18th Judicial Circuit

The Honorable William Roby, Circuit Judge
19th Judicial Circuit

The Honorable Keith Cary, Circuit Judge
20th Judicial Circuit

County Court:

The Honorable Denise Ferrero, County Judge
Alachua County

The Honorable Kal Evans, County Judge
Broward County

The Honorable Robert Crown, County Judge
Collier County

The Honorable Thomas Coleman, County Judge
Columbia County

The Honorable Sam Slom, County Judge
Dade County

The Honorable Charles Cofer, County Judge
Duval County

The Honorable Brent Shore, County Judge
Duval County

The Honorable Timothy McFarland, County
Judge
Gulf County

The Honorable Margaret Taylor, County Judge
Hillsborough County

The Honorable Augustus D. Aikens, Jr., County
Judge
Leon County

The Honorable Mark Singer, County Judge
Manatee County

The Honorable Jim McCune, County Judge
Marion County

The Honorable Ruth Becker, County Judge
Monroe County

The Honorable Heather O'Brien, County Judge
Osceola County

The Honorable Nancy Perez, County Judge
Palm Beach County

The Honorable Daliah Weiss, County Judge
Palm Beach County

The Honorable Myra Scott McNary, County
Judge
Pinellas County

The Honorable Robert Fegers, County Judge
Polk County

The Honorable Mark Herr, County Judge
Seminole County

The Honorable Charles Schwab, County Judge
St. Lucie County

The Honorable David Foxman, County Judge
Volusia County

The Honorable David Walker Green, County
Judge
Walton County

TABLE OF CONTENTS

Executive Summary	i
I. Introduction	1
A. Weighted Caseload and Workload Assessment.....	1
1. The Weighted Caseload Model	1
2. Workload Assessment Methodology.....	1
B. History of Weighted Caseload in Florida	2
1. 1999 Delphi Study.....	2
2. 2007 Judicial Resource Study	3
3. 2016 Judicial Workload Assessment.....	4
II. Case Types and Events.....	5
A. Case Type Categories	5
B. Case-Related Events	7
C. Non-Case-Related Events	7
III. Time Study.....	8
A. Data Collection.....	8
1. Time Study	8
2. Caseload Data.....	9
B. Preliminary Case Weights.....	11
IV. Quality Adjustment.....	13
A. Sufficiency of Time Survey.....	13
B. Site Visits.....	13
C. Delphi Quality Adjustment Groups	15
V. Judicial Need.....	18
A. Judge Year Value.....	18
1. Judge Year.....	18
2. Judge Day Values.....	18
3. Judge Year Values.....	20
B. Adjustments to Judicial Need	20
1. Chief Judge Adjustment	20
2. Canvassing Board Adjustment	20
C. Judicial Need.....	21
D. Secondary Analysis	26
E. Quasi-Judicial Officers	27
1. Quasi-Judicial Officer Workload	27
2. Day Values for Quasi-Judicial Officers	32

VI. Recommendations.....	34
Recommendation 1.....	34
Recommendation 2.....	34
Recommendation 3.....	34
Recommendation 4.....	35
Recommendation 5.....	35
Recommendation 6.....	35
Appendices.....	36

EXECUTIVE SUMMARY

Since 1999, the state of Florida has relied on the weighted caseload method to determine the need for judges in each circuit and county trial court during the annual judicial certification process. Over time, changes in statutory and case law, court rules, technology, and legal practice can affect the amount of judicial work associated with resolving various types of cases. For this reason, the Office of State Courts Administrator (OSCA) contracted with the National Center for State Courts (NCSC) to conduct a judicial workload assessment to update the weighted caseload models for circuit and county court judges, as well as senior judges and quasi-judicial officers (magistrates and hearing officers).

Project Design

To provide oversight and guidance on matters of policy throughout the project, OSCA appointed a 41-member Judicial Needs Assessment Committee (JNAC) consisting of one circuit court judge and one county court judge from each judicial circuit. The workload assessment was conducted in two phases:

1. A *time study* in which all circuit and county court judges, senior judges, magistrates, child support enforcement hearing officers, and civil traffic infraction hearing officers were asked to record all case-related and non-case-related work over a four-week period. The time study provides an empirical description of the amount of time judges and judicial officers currently devote to processing each case type, as well as the division of the workday between case-related and non-case-related activities. Ninety-seven percent of circuit and county court judges, as well as ninety-six percent of quasi-judicial officers participated in the time study.

2. A *quality adjustment* process to ensure that the final weighted caseload models for circuit court and county court judges incorporate sufficient time for efficient and effective case processing. The quality adjustment process included
 - a statewide *sufficiency of time survey* asking judges about the amount of time currently available to perform various case-related and non-case-related tasks;
 - site visits by NCSC and OSCA staff to circuit and county courts in eight circuits; and
 - a structured quality review of the case weights by a set of Delphi groups comprising experienced judges from across the state of Florida.

As compared with judicial workload assessments previously conducted in 1999 and 2007, the current study incorporates a number of methodological innovations, including:

- The foundation of the workload assessment is a time study involving all judges and quasi-judicial officers throughout the state of Florida, rather than a time study involving a sample of judges and judicial officers or a Delphi survey based on opinion.
- The model explicitly quantifies work performed by circuit and county court judges across court levels, including but not limited to work performed outside of regular court hours as a “duty judge.”
- The study documented the availability and use of senior judges and quasi-judicial officers in all trial courts.
- Election canvassing board duties are factored into the calculation of judicial need in county court.

- The quality adjustment process included in-person site visits to courts in large and small jurisdictions in all regions of the state, enabling project staff to gather qualitative data about the issues judges face in the efficient and effective handling of their cases.
- JNAC adopted a procedure for analyzing judicial workload and rounding judicial need at the level of the individual judge. This provides a common yardstick for jurisdictions of all sizes and enables additional judicial resources to be directed to those jurisdictions with the greatest relative need.

Results

Applying the final weighted caseload model to current case filings shows a need for a total of 609 circuit court judges and 316 county court judges in the state of Florida. This represents an increase of ten circuit court judgeships and a decrease of six county court judgeships in comparison with current allocations.

Recommendations

The updated weighted caseload model developed during this workload assessment provides an empirically grounded basis for analyzing judicial workload in each of Florida’s trial courts. The following recommendations are intended to ensure the effective use of the weighted caseload model for the purpose of judicial certification, and to preserve the model’s integrity and utility over time.

Recommendation 1

The revised weighted caseload system clearly shows the changing character of judicial workload in Florida. When applied, the new case weights adopted by the Judicial Needs

Assessment Committee provide an accurate means to determine the number of judges needed in each circuit and county court. In some jurisdictions, the current number of judges is insufficient to effectively resolve the cases coming before the court. The Florida Legislature should consider creating new judgeships in the circuit courts and county courts where the weighted caseload model shows a need for additional judicial resources.

Recommendation 2

Over time, the integrity of any weighted caseload model may be affected by external factors such as changes in legislation, case law, legal practice, court technology, and administrative policies. The certification procedures outlined in the Florida Rules of Judicial Administration call for the Commission on Trial Court Performance and Accountability to review the weighted caseload model “and consider adjustments no less than every five years.”¹ NCSC recommends that each review incorporate a time study to capture empirically any changes in the amount of judicial work associated with cases of various types, as well as a Delphi quality adjustment process to ensure sufficient time for quality performance. When a major change in the law, technology, or policy occurs between regular updates, a Delphi panel may be convened to consider interim adjustments to the affected case weight(s).

Recommendation 3

No weighted caseload model can fully quantify the impact of all jurisdiction-specific factors on judicial workload. Whenever the weighted caseload model suggests a change to the number of judges allocated to a particular court, NCSC recommends that OSCA conduct a secondary analysis of the impact of the factors enumerated in Rule 2.240(b)(1)(B) of the Florida Rules of

¹ FLA. R. JUD. ADMIN. 2.240(b)(1)(C).

Judicial Administration on judicial workload in the affected court. Furthermore, OSCA should consider incorporating the additional factors identified by the JNAC in assessing variation in judicial workload, such as the amount of judicial work associated with election canvassing boards.

Recommendation 4

As Florida continues to expand its use of problem-solving courts beyond drug courts (e.g., veterans' courts and mental health courts), such programs will have an increasing impact on judicial workloads. To permit the creation of a separate case weight for other problem-solving courts, NCSC recommends that OSCA begin collecting and auditing data on the number of entrants to other problem-solving court programs on an annual basis for each court.

Recommendation 5

The availability of support personnel, especially law clerks and staff attorneys, has a profound impact on judges' ability to perform their work efficiently and effectively. To assist funding authorities in allocating these resources, NCSC recommends that OSCA conduct workload assessments for trial court law clerks and staff attorneys.

Recommendation 6

The current workload assessment documents the important contribution made by quasi-judicial officers to the efficient and effective resolution of cases in circuit and county courts. NCSC recommends that OSCA conduct a comprehensive investigation into the various roles and uses of quasi-judicial officers (e.g., Magistrates, Child Support Enforcement Hearing Officers, and Civil Traffic Infraction Hearing Officers) across the state of Florida. A targeted study would allow for a deeper understanding of the current availability of quasi-judicial resources, the specific functions that quasi-judicial officers perform, and the impact that their work has on the need for county and circuit court judges. The study would also assist in identifying variations among counties and circuits in the availability and use of quasi-judicial officers. The study should produce a uniform set of standards for allocating quasi-judicial officers on the basis of workload, making it possible to eliminate existing disparities among courts and ensuring equity in the distribution of resources.

I. INTRODUCTION

For nearly two decades, the state of Florida has used the *weighted caseload* method to determine the need for judges in each of its circuit and county trial courts. Different types of cases create different amounts of judicial work: for example, the typical professional malpractice case requires more judge time than the typical automobile tort. Unlike methods of judicial resource allocation that are based on population or raw, unweighted caseloads, the weighted caseload method explicitly incorporates the differences in judicial workload associated with different types of cases, producing a more accurate and nuanced profile of the need for judges in each court.

A. Weighted Caseload and Workload Assessment

1. *The Weighted Caseload Model*

The weighted caseload method calculates judicial need based on each court's total workload. A weighted caseload model consists of three elements:

1. *Case filings*, or the number of new cases of each type opened each year;
2. *Case weights*, which represent the average amount of judge or judicial officer time required to handle cases of each type over the life of the case; and
3. The *year value*, or the amount of time each judge or judicial officer has available for case-related work in one year.

Total annual workload is calculated by multiplying the annual filings for each case type by the corresponding case weight, then summing the workload across all case types. Each court's

workload is then divided by the year value to determine the total number of full-time equivalent judges and/or judicial officers needed to handle the workload.

2. *Workload Assessment Methodology*

A weighted caseload model is established through a study called a *workload assessment*. There are two primary methods of workload assessment: the Delphi method and the time study method. Originally developed by the RAND Corporation in the 1950s as a tool for analyzing potential targets for Soviet nuclear attacks, the *Delphi method* is a structured, iterative, consensus-based process for gathering and distilling expert opinion about a particular topic.² The Delphi method is best suited for situations in which “[t]he problem does not lend itself to precise analytical techniques but can benefit from subjective judgments on a collective basis,” such as when empirical data are non-existent, inaccurate, or unavailable.³ Under the classical Delphi approach, experts communicate asynchronously by questionnaire and remain anonymous throughout the entire process. In the context of workload assessment, the traditional Delphi approach has evolved into a structured in-person group discussion, which may or may not be preceded by one or more rounds of questionnaires.

Unlike the Delphi method, which is grounded entirely in expert opinion, the *time study* method of workload assessment is based on empirical data describing how judges and judicial officers spend their time. During the time study, participating judges and judicial officers track their working time by case type and/or event, allowing researchers to construct an empirical

² Harold A. Linstone & Murray Turoff, *Introduction to THE DELPHI METHOD: TECHNIQUES AND APPLICATIONS* 3, 10 (Harold A. Linstone & Murray Turoff eds., 2002).

³ *Id.* at 4.

profile of judicial activity. Depending on the project design, the time study may record only certain judicial activities or all judicial work, including on-bench, off-bench, and non-case-related work. A time study typically runs for several weeks and may involve a sample of judges or the entire bench. Time studies are typically more costly and labor-intensive than Delphi-based workload assessments. A well-executed time study will produce a more accurate calculation of the time required to process cases than a typical Delphi study; however, unlike a Delphi study, a time study can quantify only the time that judges currently spend on their cases, and does not examine whether this is the amount of time that better judges *should* be spending to handle their cases efficiently and effectively. For this reason, time-study-based workload assessments frequently incorporate a post-time-study Delphi review of the weighted caseload model.

B. History of Weighted Caseload in Florida

The Florida Constitution provides that “[t]he supreme court shall establish by rule uniform criteria” for determining the need for judges in each of Florida’s judicial circuits, including both circuit and county court judges, and that the Supreme Court shall certify the need for increases and/or decreases in the number of judges in each circuit to the legislature.⁴ Prior to 1999, the Supreme Court of Florida relied primarily on caseload standards of 1,865 case filings per circuit court judge and 6,114 case filings per county court judge in certifying the need for trial court judges. In 1997, the

legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review the method used “to determine judicial workload.”⁵ OPPAGA’s report found that the filings-based judicial certification process did not “accurately identify the need for judges and supplemental resources and asserted that “the most valid approach for assessing where and when more judges are needed is a weighted caseload system.” Consequently, OPPAGA engaged a consultant “to provide time and cost estimates, expected accuracy, and a description of the work that would be required to implement a weighted caseload method in Florida.”⁶ Partly on the basis of data availability, the consultant’s report recommended the Delphi method as the most feasible method of establishing a weighted caseload formula.⁷

1. 1999 Delphi Study

In response to proviso language attached to the 1998 judicial certification bill requiring the Supreme Court to establish “a Delphi-based caseload weighting system ... for circuit and county judges,” the Office of State Courts Administrator (OSCA) contracted with the National Center for State Courts (NCSC) to conduct a judicial workload assessment.⁸ The workload assessment was overseen by a Delphi Policy Committee (DPC) of 41 circuit and county court judges and consisted of two parts: the preliminary weighted caseload model was constructed through a Delphi process, then validated through a two-month time study involving 118 judges in the first month and 115

⁴ FLA. CONST. art. V, § 9.

⁵ Ch. 97-257, LAWS OF FLA.

⁶ FLA. OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, REPORT NO. 97-36, REVIEW OF THE EFFICIENCY OF THE TWO-TIERED TRIAL COURT SYSTEM AND THE PROCESS FOR CERTIFYING JUDGES (Jan. 1998).

⁷ FLA. OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, REPORT NO. 97-67,

INFORMATION BRIEF ON WEIGHTED CASELOAD METHODS OF ASSESSING JUDICIAL WORKLOAD AND CERTIFYING THE NEED FOR ADDITIONAL JUDGES (Mar. 1998).

⁸ BRIAN J. OSTROM ET AL., NAT’L CTR. FOR STATE COURTS, FLORIDA DELPHI-BASED WEIGHTED CASELOAD PROJECT: FINAL REPORT 11-14 [hereinafter 1999 DELPHI] (Jan. 2000).

judges in the second month. In part because the Delphi process considered only the subset of case filings directly handled by judges, whereas the time study case weights represented a valid and reliable measure of the current judicial workload associated with all cases entering Florida's trial courts, the DPC elected to use the time study case weights as the foundation of the weighted caseload model. The DPC then adjusted certain case weights to ensure that they incorporated sufficient time for quality performance. A key recommendation of the 1999 study was that OSCA should "conduct a systematic update of the case weights approximately every five years" to ensure that the weighted caseload model accurately reflects changes in legislation, case law, court rules, technology, and legal practice.⁹

2. 2007 Judicial Resource Study

In 2005, the Florida Supreme Court's Commission on Trial Court Performance and Accountability formed the Judicial Resource Study Workgroup (the JRS Workgroup) to oversee an update of the weighted caseload model, as recommended in the 1999 Delphi study report. In addition to updating the existing judicial case weights, the JRS Workgroup was charged with developing case weights for supplemental judicial resources, including general magistrates, traffic hearing officers, and Title IV-D child support hearing officers.¹⁰ The final project report was released in 2007.

The 2007 case weight update used the Delphi methodology, beginning with a survey that asked all circuit and county court judges to estimate the amount of time spent on each element for cases of each case type. The results were reviewed and adjusted by Delphi working groups of judges, then by the JRS Workgroup. The JRS Workgroup recommended an updated set of case weights for the twenty-six case types identified in the 1999 Delphi study, as well as three new case types. The JRS Workgroup also recommended retaining the judge year and day values for case-related work established in the 1999 Delphi study.¹¹

The workload assessment for general magistrates and hearing officers consisted of a four-week time study involving all general magistrates, child support hearing officers, and traffic hearing officers, followed by a Delphi-based validation of the time study results. The study established weighted caseload models for child support hearing officers and general magistrates, but the JRS Workgroup recommended against implementing a weighted caseload model for traffic hearing officers "due to inconsistencies among circuits in how traffic hearing officers are utilized and due to accuracy issues related to traffic filing data."¹²

⁹ *Id.* at 76-77.

¹⁰ COMM'N ON TRIAL CT. PERFORMANCE & ACCOUNTABILITY, SUP. CT. OF FLA., JUDICIAL

RESOURCE STUDY FINAL REPORT 7 [hereinafter 2007 JRS] (2007).

¹¹ *Id.* at 9-10.

¹² *Id.* at 66.

3. 2016 Judicial Workload Assessment

In 2014, OSCA engaged the National Center for State Courts to conduct this comprehensive update of the weighted caseload model for circuit and county court judges. Senior judges, magistrates, child support enforcement hearing officers, and civil traffic infraction hearing officers are also included in the current workload assessment. To provide oversight and guidance on matters of policy throughout the project, OSCA appointed a 41-member Judicial Needs Assessment Committee (JNAC) consisting of one circuit court judge and one county court judge from each judicial circuit. Judge Paul Alessandrone, a county court judge in Charlotte County and chair of the Florida Court Statistics and Workload Committee, served as JNAC chair.

The workload assessment was conducted in two phases:

1. A *time study* in which all circuit and county court judges, senior judges, magistrates, child support enforcement hearing officers, and civil traffic infraction hearing officers recorded all case-related and non-case-related work over a four-week period. The time study provides an empirical description of the amount of time currently devoted to processing each case type, as well as the division of the workday between case-related and non-case-related activities.
2. A *quality adjustment* process to ensure that the final weighted caseload models incorporate sufficient time for efficient and effective case processing. The quality adjustment process included
 - a statewide *sufficiency of time survey* asking judges about the amount of time currently available to perform various case-related and non-case-related tasks;
 - site visits by NCSC and OSCA staff to circuit and county courts in eight circuits; and
 - a structured review of the case weights by a set of Delphi groups comprising experienced judges from across the state of Florida.

The use of a time study, rather than a Delphi process, as the foundation of the case weights is consistent with the 1999 Delphi Policy Committee's determination that a time study is the most accurate method of determining the average amount of judicial time per case across all filings within a particular case type, including those cases that require little or no judicial attention. The study design incorporates a post-time study Delphi to ensure that the weighted caseload model incorporates adequate time for the efficient and effective adjudication of cases, and the sufficiency of time survey and site visits provide all judges with an opportunity for input into the quality adjustment process.

II. CASE TYPES AND EVENTS

At JNAC's first meeting on February 12 and 13, 2015, one of the committee's primary tasks was to establish the case type and event categories upon which to base the time study. Together, the case types, case-related events, and non-case-related events describe all of the work of Florida's circuit and county court judges and quasi-judicial officers.

A. Case Type Categories

JNAC was charged with establishing two sets of case type categories, one for circuit court and one for county court, which satisfied the following requirements:

- The case type categories are both mutually exclusive and collectively exhaustive, meaning that any given case falls into one, and only one, case type category;
- Categories are legally and logically distinct;
- There are meaningful differences among categories in the amount of judicial work required to process the average case;
- There are a sufficient number of case filings within the category to develop a valid case weight; and
- Filings for the case type category or its component case types are tracked consistently and reliably in the Summary Reporting System (SRS) and audited by OSCA.

Using the case type categories from the 1999 and 2007 studies as a starting point, JNAC defined 27 case type categories for circuit court and 10 for county court (Exhibit 1). For circuit court, the committee divided the existing Contracts & Real Property category into two separate categories: Contracts & Indebtedness and Real Property. The existing Auto & Other Negligence and Other Circuit Civil categories were separated into three categories: Auto & Other Negligence, Other Circuit Civil, and Business Disputes. Probate & Mental Health was separated into Probate and Commitment Acts, and Guardianship & Trust was separated into two distinct categories. Parental Notice of Abortion was collapsed into the Other Domestic Relations category, and Paternity cases were removed from the Other Domestic Relations and given their own category. The Domestic Violence category was renamed Orders for Protection Against Violence and expanded to include injunctions against dating violence, repeat violence, and sexual violence. JNAC also created new categories for Civil and Criminal Appeals and for Other Problem-Solving Courts.¹³ For county court, JNAC replaced the existing Misdemeanors & Criminal Traffic and County & Municipal Ordinances categories with Misdemeanors and Ordinance Violations, Non-DUI Criminal Traffic, Misdemeanor Drug Court, and Other Problem-Solving Courts. Details of the specific case types included in each category are available in Appendix A (circuit court) and Appendix B (county court).

¹³ Civil and Criminal Appeals are tracked as reopened cases, and these data are not audited by OSCA; however, the counts of these cases were deemed sufficiently reliable to include them in the weighted caseload model. Other Problem-Solving Courts cases

are not counted consistently on a statewide basis, so a case weight was not created for this case type in either circuit court or county court.

Exhibit 1: Case Type Categories

Circuit Court

Capital Murder
Serious Crimes Against Persons
Less Serious Crimes Against Persons
Crimes Against Property
Drug Offenses (excluding drug courts)
Felony Drug Court
Other Problem-Solving Courts

Professional Malpractice & Product Liability
Auto & Other Negligence
Contracts & Indebtedness
Real Property
Business Disputes
Other Circuit Civil
Jimmy Ryce

Civil and Criminal Appeals

Simplified Dissolution
Dissolution
Child Support
Orders for Protection Against Violence
Paternity
Other Domestic Relations

Juvenile Delinquency

Juvenile Dependency

Probate

Trust

Commitment Acts

Guardianship

County Court

Misdemeanors and Ordinance Violations
Non-DUI Criminal Traffic
DUI

Misdemeanor Drug Court

Other Problem-Solving Courts

Small Claims (up to \$5,000)

County Civil (\$5,001 to \$15,000)

Other County Civil

Evictions

Civil Traffic Infractions

B. Case-Related Events

JNAC also defined five case-related event categories applicable to both circuit court and county court (Exhibit 2). Case-related events include all activities directly associated with the resolution of individual cases, from pre-filing activity such as the review of search warrants through post-disposition matters such as probation violations. Collecting data on both the case type and the event facilitates the quality adjustment process, which is event-based. Detailed definitions of the case-related event categories appear in Appendix A (circuit court) and Appendix B (county court).

C. Non-Case-Related Events

Work that is not related to a particular case before the court, such as court management, committee meetings, travel, and judicial education, is also an essential part of the judicial workday. To compile a detailed profile of judges' non-case-related activities and provide an empirical basis for the construction of the judge day and year values, JNAC defined nine non-case-related event categories (Exhibit 3). To simplify the task of completing the time study forms and aid in validation of the time study data, vacation and other leave, lunch and breaks, and time spent filling out time study forms were included as non-case-related events. Appendix A (circuit court) and Appendix B (county court) define each non-case-related event category in detail.

Exhibit 2: Case-Related Event Categories

Pre-Trial
Non-Trial/Uncontested Disposition
Bench Trial/Contested Disposition
Jury Trial
Post-Judgment/Post-Disposition

Exhibit 3: Non-Case-Related Events

Non-Case-Related Administration
General Legal Research
Judicial Education and Training
Committee Meetings, Other Meetings, and Related Work
Community Activities and Public Outreach
Work-Related Travel
Vacation, Sick Leave, and Holidays
Lunch and Breaks
NCSC Time Study

III. TIME STUDY

The time study phase of the workload assessment measured current practice—the amount of time judges and quasi-judicial officers currently spend handling cases of each type, as well as on non-case-related work. For a period of four weeks, all Florida circuit and county court judges and quasi-judicial officers were asked to track all of their working time by case type and event. Separately, OSCA provided counts of filings by case type category and court. NCSC used the time study and filings data to calculate the average number of minutes currently spent resolving cases within each case type category (preliminary case weights).

A. Data Collection

1. Time Study

During a four-week period running from September 28 through October 25, 2015, all circuit and county court judges, senior judges, magistrates, child support enforcement hearing officers, and civil traffic infraction hearing officers throughout the state of Florida were asked to track all of their working time by case type category and case-related event (for case-related activities), or by non-case-related event (for non-case-related activities). Judges and judicial officers were asked to record their time in five-minute increments using a Web-based form. Participants were instructed to record all of their working time, including time spent handling cases on and off the bench, non-case-related work, and any after-hours or weekend work. Both county court and circuit court judges were asked to record time spent as the “duty judge,” including evenings and weekends, hearing preliminary matters in criminal, Juvenile

Delinquency, Juvenile Dependency, and Orders for Protection Against Violence cases. Circuit and county court judges were also asked to record all other time devoted to hearing cases in the other court level—for example, time spent by county court judges assisting with circuit court cases in smaller jurisdictions.

To maximize data quality, all time study participants were asked to view an interactive Web-based training module explaining how to categorize and record their time. Project staff also provided an overview of the workload assessment process, including the time study requirements, during the circuit court and county court judicial conferences in the summer of 2015. In addition to the training modules, judges and judicial officers were provided with Web-based reference materials, and NCSC staff were available to answer questions by telephone and e-mail. To help maximize the quality and completeness of the time study data, the Web-based method of data collection allowed time study participants to verify that their own data were accurately entered and permitted real-time monitoring of participation rates.

Across the state, 582 out of 599 circuit court judges and 309 out of 322 county court judges (97 percent) participated in the time study, along with 83 senior judges, 118 magistrates, and 150 hearing officers. These extremely high participation rates ensured sufficient data to develop an accurate and reliable profile of current practice in Florida’s circuit and county courts.

2. Caseload Data

To translate the time study data into the average amount of time expended on each type of case (preliminary case weights), it was first necessary to determine how many individual cases are filed in each category on an annual basis. OSCA provided filings¹⁴ data for calendar years 2012 through 2014. The caseload data for all three years were then averaged to provide an annual count of filings within each case type category. The use of an annual average rather than the caseload data for one particular year minimizes the potential for any temporary fluctuations in caseloads to influence the case weights.

Exhibit 4 shows the annual and average filings for each case type category.¹⁵ Although filings for many case types declined between 2012 and 2014, filings increased for other case types, such as Juvenile Dependency, Probate, Trust, and Misdemeanor Drug Court. The marked decrease in Real Property filings is associated with the waning of the mortgage foreclosure crisis.

¹⁴ Civil and Criminal Appeals are tracked as reopened cases, not as new filings.

¹⁵ Filings data were not available for Other Problem-Solving Courts cases, so a case weight was not created for this case type in either circuit court or county court.

Exhibit 4: Annual Case Filings by Case Type Category

Circuit Court Case Types	CY 2012	CY 2013	CY 2014	3-Year	
				Average	% Change
Capital Murder	403	369	313	362	-22%
Serious Crimes Against Persons	4,451	4,165	3,981	4,199	-11%
Less Serious Crimes Against Persons	33,534	30,243	28,114	30,631	-16%
Crimes Against Property	103,329	97,256	86,431	95,670	-16%
Drug Offenses (excluding drug courts)	45,115	43,678	37,606	42,133	-17%
Felony Drug Court	5,195	5,305	5,528	5,343	6%
Professional Malpractice & Product Liability	2,478	2,576	2,662	2,572	7%
Auto & Other Negligence	34,287	33,696	35,070	34,351	2%
Contracts & Indebtedness	45,926	42,304	44,762	44,330	-3%
Real Property	205,216	133,296	86,398	141,636	-58%
Business Disputes	5,599	5,675	5,582	5,619	0%
Other Circuit Civil	22,341	20,963	20,701	21,332	-7%
Jimmy Ryce	77	67	85	76	10%
Civil and Criminal Appeals	1,359	1,461	1,732	1,517	27%
Simplified Dissolution	8,229	9,379	9,501	9,034	15%
Dissolution	84,409	81,416	81,906	82,578	-3%
Child Support	21,224	29,597	17,343	22,721	-18%
Orders for Protection Against Violence	82,372	78,980	75,163	78,837	-9%
Paternity	16,001	16,444	13,930	15,458	-13%
Other Domestic Relations	20,340	21,077	21,598	21,004	6%
Juvenile Delinquency	46,204	41,858	40,200	42,753	-13%
Juvenile Dependency	12,468	11,964	13,517	12,648	8%
Probate	53,161	56,405	58,158	55,907	9%
Trust	975	1,043	1,019	1,012	5%
Commitment Acts	43,316	47,913	48,061	46,432	11%
Guardianship	6,311	6,377	6,841	6,511	8%
Total Circuit Court	904,320	823,507	746,202	824,666	-17%

County Court Case Types	CY 2012	CY 2013	CY 2014	3-Year	
				Average	% Change
Misdemeanors and Ordinance Violations	370,014	359,668	321,702	350,459	-13%
Non-DUI Criminal Traffic	384,175	296,779	258,611	313,186	-33%
DUI	48,997	36,634	32,165	39,262	-34%
Misdemeanor Drug Court	57	1,281	1,010	783	1,672%
Small Claims (up to \$5,000)	210,795	183,489	197,146	197,145	-6%
County Civil (\$5,001 to \$15,000)	99,847	78,597	69,090	82,514	-31%
Other County Civil	5,737	6,722	7,376	6,611	29%
Evictions	147,599	148,870	145,550	147,342	-1%
Civil Traffic Infractions	3,709,431	3,131,232	2,814,704	3,218,458	-24%
Total County Court	4,976,652	4,243,272	3,847,354	4,355,760	-23%

Notes: Civil and Criminal Appeals are reopened cases. Filings not available for Other Problem-Solving Courts cases.

B. Preliminary Case Weights

Following the four-week data collection period, the time study and caseload data were used to calculate preliminary case weights for circuit and county court judges. A preliminary case weight represents the average amount of time judges currently spend to process a case of a particular type, from pre-filing activity to all post-judgment matters. The use of separate case weights for each case type category accounts for the fact that cases of varying levels of complexity require different amounts of time for effective resolution. For example, the case weight for Crimes Against Property should be smaller than the case weight for Serious Crimes Against Persons because violent crime cases tend to be more complex and require more judicial involvement than the typical property offense.

To calculate each preliminary case weight, the time recorded in the case type category by all judges was weighted to the equivalent of one year's worth of time. The total annual time for the case type was then divided by the average annual filings to yield the average amount of hands-on time judges currently spend on each case. Exhibit 5 shows the calculation of the preliminary case weight for each circuit and county court case type category.

Exhibit 5: Preliminary Case Weights

Circuit Court Case Types	Time Study (minutes)	÷	3-Year Filings (average)	=	Case Weight (minutes)
Capital Murder	1,141,321	÷	362	=	3,153
Serious Crimes Against Persons	4,727,183	÷	4,199	=	1,126
Less Serious Crimes Against Persons	2,715,108	÷	30,631	=	89
Crimes Against Property	3,454,423	÷	95,670	=	36
Drug Offenses (excluding drug courts)	2,562,568	÷	42,133	=	61
Felony Drug Court	519,307	÷	5,343	=	97
Professional Malpractice & Product Liability	1,190,532	÷	2,572	=	463
Auto & Other Negligence	3,297,189	÷	34,351	=	96
Contracts & Indebtedness	2,158,709	÷	44,330	=	49
Real Property	2,699,370	÷	141,636	=	19
Business Disputes	1,260,809	÷	5,619	=	224
Other Circuit Civil	1,948,023	÷	21,332	=	91
Jimmy Ryce	52,115	÷	76	=	686
Civil and Criminal Appeals	417,003	÷	1,517	=	275
Simplified Dissolution	209,831	÷	9,034	=	23
Dissolution	6,308,012	÷	82,578	=	76
Child Support	360,289	÷	22,721	=	16
Orders for Protection Against Violence	1,941,475	÷	78,837	=	25
Paternity	1,173,891	÷	15,458	=	76
Other Domestic Relations	857,884	÷	21,004	=	41
Juvenile Delinquency	1,964,988	÷	42,753	=	46
Juvenile Dependency	3,282,316	÷	12,648	=	260
Probate	939,802	÷	55,907	=	17
Trust	116,911	÷	1,012	=	116
Commitment Acts	256,753	÷	46,432	=	6
Guardianship	607,032	÷	6,511	=	93
Total	46,162,844		824,666		

County Court Case Types	Time Study (minutes)	÷	Filings (average)	=	Case Weight (minutes)
Misdemeanors and Ordinance Violations	5,607,344	÷	350,459	=	16
Non-DUI Criminal Traffic	2,505,488	÷	313,186	=	8
DUI	2,787,602	÷	39,262	=	71
Misdemeanor Drug Court	97,092	÷	783	=	124
Small Claims (up to \$5,000)	2,957,175	÷	197,145	=	15
County Civil (\$5,001 to \$15,000)	2,392,906	÷	82,514	=	29
Other County Civil	138,831	÷	6,611	=	21
Evictions	1,473,420	÷	147,342	=	10
Civil Traffic Infractions	643,692	÷	3,218,458	=	.2
Total	18,603,550		4,355,760		

IV. QUALITY ADJUSTMENT

The preliminary case weights generated during the time study measure the amount of time Florida's circuit and county court judges *currently* spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges *should* spend. To provide a qualitative assessment of whether current practice allows adequate time for quality performance, judges across the state completed a Web-based sufficiency of time survey. NCSC and OSCA staff made site visits to circuit and county courts in eight counties to interview judges and court administrators. Finally, six expert panels of experienced judges reviewed the preliminary case weights to ensure that they provided sufficient time for efficient and effective case processing.

A. Sufficiency of Time Survey

To provide a statewide perspective on any areas of concern related to current practice, all circuit and county court judges were asked to complete a Web-based sufficiency of time survey in December of 2016. Each judge was first asked to select the group of case types that the judge most frequently handled (e.g., criminal, civil, family). For a randomly selected case type within that category, the judge was then asked to identify particular tasks, if any, where additional time would improve the quality of justice. The survey included questions about the sufficiency of time for non-case-related work, as well as space for judges to comment freely on their workload. Finally, the survey asked judges to estimate the amount of time they spent serving on the county canvassing board.

Fifty-one percent of circuit court judges and 47 percent of county court judges completed the survey. In circuit court criminal cases, judges frequently identified pretrial motions and trials as activities for which additional time would improve the quality of justice. In civil cases, circuit court judges consistently selected dispositive pretrial motions, including conducting hearings and preparing findings and orders, and pretrial and scheduling conferences. In family law cases, circuit court judges indicated that cases would benefit from additional time to conduct trials and final hearings and to prepare findings and orders related to trials and motions for modification. Across all case types, circuit court judges identified a need to devote additional time to legal research. In county court, primary areas of concern included self-represented litigants, pretrial motions in criminal cases, criminal trials, and preparing findings and orders in civil cases.

B. Site Visits

To gain an in-depth understanding of the issues judges face in the effective handling of their cases, NCSC staff and JNAC chair Judge Paul Alessandrone visited circuit and county courts in six circuits. OSCA staff visited courts in two additional circuits. Participating sites included both urban and rural courts from all geographic regions of Florida.¹⁶ During the site visits, judges and trial court administrators participated in structured group and individual interviews.

¹⁶ Participating courts included the First Judicial Circuit (Pensacola and Fort Walton Beach), the Fourth Judicial Circuit (Duval County), the Fifth Judicial Circuit (Lake County), the Eighth Judicial Circuit (Alachua County), the Tenth Judicial Circuit (Polk County), the Fourteenth

Judicial Circuit (Panama City), the Fifteenth Judicial Circuit (Palm Beach County), and the Seventeenth Judicial Circuit (Broward County).

The interviews allowed project staff to document procedures and practices believed to increase efficiency and quality, as well as resource constraints that might inhibit effectiveness.

During the interviews, several common themes emerged and are illustrated by representative quotes from participating judges.

Law clerks and staff attorneys enhance the efficiency and quality of case processing in both circuit and county courts.

Law clerks and staff attorneys can perform many research, writing, and case management tasks, enhancing both the efficiency and the quality of judicial decision-making. Law clerks and staff attorneys work on motions for post-conviction relief, draft orders, research legal issues related to motions, assist with dismissals for lack of prosecution, monitor filings in probate and guardianship cases, and can act as “gatekeepers” to prevent ex parte communications. In many jurisdictions, circuit court judges report that law clerk and staff attorney resources are limited, leading to long turnaround times (e.g., 45 days) on research assignments and causing judges to limit their own research requests. County court judges have limited access to law clerks and staff attorneys, although many county court judges feel they would benefit from research assistance on more complex cases such as insurance cases.

“Staff attorneys are critical for motion practice issues, both criminal and civil.”

“I find myself very frustrated because I spend a lot of time doing work a staff attorney could do.”

Case managers help judges to keep dockets moving.

Case managers are another critical staff resource. Judges rely on case managers to monitor cases for activity and identify cases that are not progressing so that appropriate action can be taken. Without adequate support from case managers, judges or their staff attorneys may take on some of these functions themselves, or cases may linger on the docket without progressing towards a resolution. A number of judges at both the circuit and county court levels reported a need for additional case managers.

“My case manager is a crucial resource to stay on top of my civil docket.”

“I now have no case manager, and my docket seems to be coming to a screeching halt.”

“[Case management] is a balancing act. ... It is the parties’ case, but we have the obligation to get them through the system.”

Although caseloads may be declining, the complexity of cases is steadily increasing.

Both circuit and county court judges report that the cases coming before them are increasingly complex. In county court, judges report that insurance cases (cases in which a defendant insurance company refuses to pay the full amount claimed by a provider such as a physician or a windshield repair shop) are often being aggressively litigated, even though they are filed under the small claims rules. These cases may require legal research, and some judges compare them to circuit court cases in terms of complexity. In family and juvenile

cases at the circuit court level, the number of issues requiring specific findings of fact has increased, and many judges noted that extra time spent addressing these issues in orders can increase stability for families by reducing the number of cases overturned on appeal. In civil cases, judges observed that the volume of discovery requested has increased, and cases with larger amounts in controversy often involve more hearings. In criminal cases, judges report that tougher mandatory minimum sentences have increased the amount of motion practice as well as trial rates.

“While the numbers are going down, those cases that are going to trial are more complex and last longer.”

C. Delphi Quality Adjustment Groups

To provide a qualitative review of the preliminary case weights, project staff facilitated a series of quality adjustment sessions with Delphi groups of circuit and county court judges in February 2016. Each of the six Delphi groups consisted of between eight and thirteen judges selected from a representative variety of large and small judicial circuits across the state. Each group focused on a particular subset of case types, including circuit court civil, circuit court criminal, county court civil, county court criminal, family and juvenile, and probate cases. A total of 65 judges participated. At the beginning of each Delphi session, NCSC staff provided group members with an overview of the process used to develop the preliminary case weights, followed by a review of the sufficiency of time survey results.

Using a variant on the Delphi method—a structured, iterative process for decision-making by a panel of experts—each group engaged in a systematic review of the preliminary case weights. Group members drew on current practice (as measured by the time study), the perspective of judges from across the state (as

expressed by the sufficiency of time survey), and their personal experience to make recommendations regarding the content of the final case weights. Each group was asked to:

1. Review each preliminary case weight by case type and event and identify specific case types and activities where additional time would allow for more effective case processing, as well as areas where efficiency might be gained;
2. Within particular case types, recommend adjustments to the time allotted to specific case-related functions;
3. Provide an explicit rationale to support any proposed increase or reduction in judicial time; and
4. Review and revise the recommended adjustments until a consensus was reached that all adjustments were necessary and reasonable.

This iterative, consensus-based review of the case weights was designed to ensure that all recommended adjustments were reasonable and designed to produce specific benefits to the public such as improvements in public safety, cost savings, increases in procedural justice, and improved compliance with court orders. The process also ensured that the statewide perspective gained from the sufficiency of time survey, along with the input of all Delphi group members, was incorporated into the final workload model.

Across many civil and family law case types, the Delphi panels recommended increasing the time devoted to pretrial case management. Expecting this up-front investment of time to result in earlier disposition of certain cases through motion practice and to narrow the issues for trial in other cases, the panels recommended reductions in trial time for nine case types. The family and juvenile Delphi group recommended allocating additional time to assess the needs of children and families and to identify services

and resources to meet those needs, to ensure that pro se litigants understand the legal process, and to write more detailed findings and orders that thoroughly address all statutory requirements. In criminal cases, the Delphi panel recommended adding time for legal research, longer plea colloquies, and contested sentencing hearings.

The county court Delphi groups recommended adjustments for additional time for legal research and writing in criminal cases, to address the complexities of insurance cases filed as small claims, to afford additional on-bench time to civil traffic infractions involving young drivers, fatalities, or serious bodily injuries, and to explain rulings on post-judgment motions in eviction cases more thoroughly to reduce the likelihood of repeat motions. Appendix C provides full descriptions and detailed rationales for all recommended adjustments.

On March 3, 2016, JNAC met to review the time study results and the Delphi groups' recommendations. The committee accepted all recommended quality adjustments. Exhibit 6 compares the 1999 and 2007 case weights with the preliminary (time study) and final (Delphi) case weights developed in the current study. In the aggregate, the Delphi adjustments result in a combined increase in circuit court and county court judicial workload of about 2 percent.

Exhibit 6: Comparison of Judicial Case Weights

	Case Weights (minutes)				Net Quality Adjustment
	1999	2007	2016 Time Study	2016 Delphi (final)	
Circuit Court Case Types					
Capital Murder	3,150	2,151	3,153	3,273	120
Serious Crimes Against Persons	358	275	1,126	1,130	4
Less Serious Crimes Against Persons	75	76	89	91	2
Crimes Against Property	56	57	36	37	1
Drug Offenses	35	57	61	61	
Drug Offenses Involving Drug Court	102	108	97	112	15
Professional Malpractice & Product Liability	200	230	463	474	11
Auto & Other Negligence	101	91	96	97	1
Contracts & Real Property	32	44			
Contracts and Indebtedness			49	50	1
Real Property			19	20	1
Business Disputes			224	229	5
Other Circuit Civil	68	64	91	92	1
Civil and Criminal Appeals			275	275	
Jimmy Ryce		1,013	686	686	
Simplified Dissolution	25	14	23	23	
Dissolution	60	61	76	79	3
Child Support	36	24	16	16	
Domestic Violence	37	25			
Orders for Protection Against Violence			25	26	1
Paternity			76	79	3
Other Domestic Relations	29	26	41	44	3
Juvenile Delinquency	29	48	46	47	1
Juvenile Dependency	281	242	260	271	11
Parental Notice of Abortion		125			
Probate & Mental Health	21	31			
Probate			17	18	1
Commitment Acts			6	6	
Guardianship & Trust	68	62			
Guardianship			93	101	8
Trust			116	116	
County Court Case Types					
Misdemeanors & Criminal Traffic	10	16			
Misdemeanors and Ordinance Violations			16	16	
Non-DUI Criminal Traffic			8	8	
Misdemeanor Drug Court			124	134	10
County & Municipal Ordinances	2	4			
DUI	88	32	71	71	
Small Claims (<i>up to \$5,000</i>)	15	17	15	16	1
County Civil (<i>\$5,001 to \$15,000</i>)	33	31	29	29	
Other County Civil	23	16	21	21	
Eviction	8	7	10	10	
Civil Traffic Infractions		1.41	0.20	0.22	0.02

V. JUDICIAL NEED

In the weighted caseload model, three factors contribute to the calculation of judicial need: caseload data (filings), case weights, and the year value. The year value is equal to the amount of time each full-time judge has available for case-related work on an annual basis. The relationship among the filings, case weights, and year value is expressed as follows:

$$\frac{\text{Filings x Case Weights (minutes)}}{\text{Year Value (minutes)}} = \text{Resource Need (FTE)}$$

Multiplying the filings by the corresponding case weights calculates the total annual workload in minutes. Dividing the workload by the year value yields the total number of full-time equivalent (FTE) judges needed to handle the workload.

A. Judge Year Values

To develop the year values for circuit and county court judges, it was necessary to determine the number of days each judge has available for case-related work in each year (judge year), as well as how to divide the work day between case-related and non-case-related work (judge day value).

1. Judge Year

The 1999 DPC adopted a 215-day judge year for circuit and county court judges.¹⁷ As shown in Exhibit 7, the judge year was constructed by beginning with 365 days per year, then subtracting weekends, legal holidays, vacation and sick leave, and full-day participation in continuing judicial education and committee work. The 2007 JRS Workgroup retained the

215-day judge year.¹⁸ At its initial meeting in February of 2015, JNAC determined that the 215-day judge year remains applicable.

Exhibit 7: Judge Year

Total days per year	365
Weekends	- 104
Legal holidays	- 11
Vacation	- 20
Sick leave	- 5
Judicial education and committee work	- 10
Case-related days per year	215

2. Judge Day Values

The judge day value represents the amount of time each judge has available for case-related work during each workday. The 1999 DPC defined a total working day for judges of 8.5 hours, including lunch, breaks, and non-case-related work. Subtracting time for lunch and breaks and for non-case-related work from the total working day yields the amount of time available for case-related work, or the judge day. As shown in Exhibit 8, the DPC established two separate day values: one for circuit court judges in urban circuits, and a second for circuit court judges in rural circuits as well as all county court judges. For urban circuit court judges, non-case-related time includes all administrative work and travel. Rural circuit court judges are allocated an additional 30 minutes per day for travel.

¹⁷ 1999 DELPHI, *supra* note 7, at 25.

¹⁸ 2007 JRS, *supra* note 9, at 9.

For county court judges, non-case-related time includes 90 minutes per day for administration and travel, plus 30 minutes for constitutionally and statutorily required duties.¹⁹ The 2007 JRS Workgroup elected to retain the 1999 day values.

Exhibit 8: 1999/2007 Judge Day Values

	Circuit Court, Urban	Circuit Court, Rural/ County Court
Total working hours per day	8.5	8.5
Lunch and breaks	– 1.0	1.0
Non-case-related work	– 1.5	2.0
Case-related day value	6.0	5.5

The time study conducted as part of the current workload assessment provided an empirical foundation for JNAC’s policy decisions regarding the day value. After examining the variation in the amounts of non-case-related work, including administrative work and travel, reported by circuit and county court judges, project staff determined that there were no systematic differences between urban and rural

jurisdictions in the division of the case-related workday between case-related and non-case-related work. NCSC therefore recommended that JNAC establish two judge day values: a single day value for circuit court judges, and a separate day value for county court judges. To guide its decision-making, JNAC reviewed the daily averages for case-related and non-case-related work reported by circuit and county court judges during the time study (Appendix D). Notably, county court judges spend an average of nearly one hour per day on circuit court cases—one-half hour on regular dockets, and close to half an hour on duty work.

On the basis of the time study data, JNAC adopted a 6-hour judge day for circuit court judges doing circuit court work and a 5-hour judge day for county court judges doing county court work (Exhibit 9). The total workday for circuit court judges includes 6 hours of case-related work and 1.5 hours of non-case-related work, including administration and travel. The total workday for county court judges includes 5 hours for case-related work on county court cases, 1 hour for case-related work on circuit court cases, and 1.5 hours of non-case-related work.

Exhibit 9: 2016 Final Judge Day Values (hours)

	Circuit Court	County Court
Total working hours per day	8.5	8.5
Lunch and breaks	– 1.0	1.0
Non-case-related work	– 1.5	1.5
Circuit Court work	–	1.0
Case-related day value (own court level)	6.0	5.0

¹⁹ 1999 DELPHI, *supra* note 7, at 25-26.

3. Judge Year Values

To calculate the final year values for case-related work,²⁰ the number of days in the working year was multiplied by the day value for case-related work at each judge’s own court level. This figure was then expressed in terms of minutes per year. Exhibit 10 details the calculation of the judge year values of 77,400 minutes for circuit court judges and 64,500 minutes for county court judges. County judges also have an additional 1 hour per day (12,900 minutes) in the Final Judge Day Value for circuit court work.

Exhibit 10: 2016 Judge Year Values

	Days per year	x	Case-related hours per day	x	Minutes per hour	=	Year value (minutes)
Circuit	215	x	6.0	x	60	=	77,400
County	215	x	5.0	x	60	=	64,500

B. Adjustments to Judicial Need

To accommodate the additional administrative responsibilities of chief judges and time spent serving on county election canvassing boards, courts were credited with additional judicial need expressed in the form of full-time equivalent (FTE) judges.

1. Chief Judge Adjustment

In each judicial circuit, one circuit court judge serves as chief judge to “exercise administrative supervision over all the trial courts within the judicial circuit.”²¹ Analysis of the time study data revealed that the amount of additional administrative work associated with the role of

chief judge varies according to the size of the judicial circuit. JNAC therefore adopted adjustments ranging from .25 FTE to 1.0 FTE to accommodate the work of the chief judge in each circuit (Exhibit 11).

Exhibit 11: Chief Judge Adjustment

Circuit Size (circuit court judges)	Chief Judge Adjustment (FTE)
< 10	.25
10 – 25	.50
26 – 49	.75
50 +	1.00

2. Canvassing Board Adjustment

Florida law requires county court judges to serve on county election canvassing boards.²² Each county handles the assignment of judges to the canvassing board differently. In some counties, a single judge serves on the canvassing board; in others, canvassing board duties are divided among several judges. In some counties, circuit court judges also take on some canvassing board responsibilities. The sufficiency of time survey asked county and circuit court judges to estimate the number of full working days typically devoted to election canvassing board duties in presidential election years, other even-numbered years, and odd-numbered years. Based on these estimates, JNAC adopted an adjustment of 0.05 FTE judge need for each county court to accommodate canvassing board duties. Because no empirical data were available regarding the exact amount of judicial time required to carry out canvassing board responsibilities, and

²⁰ Because only county court cases are included in the calculations of total county court judicial workload, case-related time devoted to circuit court cases was deducted from the day value for county court judges.

The final year value for county court judges includes only time available for work on county court cases.

²¹ FLA. STAT. § 43.26(1).

²² FLA. STAT. § 102.141.

because canvassing board activity can vary widely from county to county and from year to year, NCSC recommends that OSCA consider variations in election canvassing board duties as an additional factor in the judicial certification process.²³

C. Judicial Need

To calculate the number of judges needed in each of Florida's trial courts, the annual average filings for each case type was multiplied by the corresponding case weight to calculate the annual judicial workload associated with that case type, in minutes. Judicial workload was summed across all case types, then divided by the judge year value, or the amount of time each full-time judge has available for case-related work in one year. This yielded the total number of judges required to handle the court's case-related workload, as well as judges' ordinary non-case-related responsibilities. In circuit court, adding the appropriate chief judge adjustment reveals the total number of full-time equivalent (FTE) judges required to handle the court's total case-related and non-case-related workload.

The Florida Constitution requires a minimum of one judge per county court.²⁴ As a result, after adding the canvassing board adjustment of .05 FTE per county, judicial need must be rounded to 1.0 FTE in any county with a workload-based need of less than 1.0 FTE.

Exhibit 12 compares total judge need in each circuit court (column d) with the number of judicial positions currently authorized (column e). Exhibit 13 performs the same comparison for county court (columns e and f).

²³ See FLA. R. JUD. ADMIN. 2.240(b)(1)(B) (addressing factors other than the weighted caseload model that may

be used in the determination of need for additional judges).

²⁴ FLA. CONST. art. V, § 6(a).

Exhibit 12: Summary of Judicial Need and Availability, Circuit Court (FTE)

Circuit	Need Before Chief Judge Adjustment	Chief Judge Adjustment	Need With Chief Judge Adjustment	Current Allocation	Current Need per Judge	Recommended Allocation	Updated Need per Judge	Difference
1	27.20	.75	27.95	24	1.16	26	1.08	2
2	15.02	.50	15.52	16	.97	16	.97	0
3	7.13	.25	7.38	7	1.05	7	1.05	0
4	36.93	.75	37.68	35	1.08	35	1.08	0
5	34.11	.75	34.86	31	1.12	32	1.09	1
6	43.00	.75	43.75	45	.97	45	.97	0
7	27.21	.75	27.96	27	1.04	27	1.04	0
8	11.63	.50	12.13	13	.93	13	.93	0
9	51.36	1.00	52.36	43	1.22	48	1.09	5
10	26.33	.75	27.08	28	.97	28	.97	0
11	79.73	1.00	80.73	80	1.01	80	1.01	0
12	21.38	.50	21.88	21	1.04	21	1.04	0
13	39.78	.75	40.53	45	.90	45	.90	0
14	11.39	.50	11.89	11	1.08	11	1.08	0
15	39.13	.75	39.88	35	1.14	37	1.08	2
16	4.02	.25	4.27	4	1.07	4	1.07	0
17	60.41	1.00	61.41	58	1.06	58	1.06	0
18	26.83	.75	27.58	26	1.06	26	1.06	0
19	19.66	.50	20.16	19	1.06	19	1.06	0
20	31.84	.75	32.59	31	1.05	31	1.05	0
Total	614.10	13.50	627.60	599		609		10
<i>(a)</i>	<i>(b)</i>	<i>(c)</i>	<i>(d=b+c)</i>	<i>(e)</i>	<i>(f=d/e)</i>	<i>(g)</i>	<i>(h=d/g)</i>	<i>(i=g-d)</i>

Exhibit 13: Summary of Judicial Need and Availability, County Court (FTE)

Circuit	County	Need Before Canvassing Board Adjustment	Need With Canvassing Board Adjustment	Need With Minimum One Judge per County	Current Allocation	Current Need per Judge	Recommended Allocation	Updated Need per Judge	Difference
11	Dade	46.24	46.29	46.29	43	1.08	43	1.08	0
17	Broward	32.77	32.82	32.82	32	1.03	32	1.03	0
15	Palm Beach	21.59	21.64	21.64	19	1.14	20	1.08	1
9	Orange	18.34	18.39	18.39	18	1.02	18	1.02	0
4	Duval	15.10	15.15	15.15	17	.89	16	.95	- 1
6	Pinellas	14.10	14.15	14.15	17	.83	15	.94	- 2
13	Hillsborough	21.32	21.37	21.37	17	1.26	20	1.07	3
18	Brevard	7.46	7.51	7.51	11	.68	8	.94	- 3
7	Volusia	9.16	9.21	9.21	10	.92	10	.92	0
10	Polk	8.34	8.39	8.39	10	.84	9	.93	- 1
20	Lee	10.26	10.31	10.31	8	1.29	10	1.03	2
6	Pasco	5.43	5.48	5.48	7	.78	6	.91	- 1
18	Seminole	5.71	5.76	5.76	6	.96	6	.96	0
20	Collier	4.05	4.10	4.10	6	.68	4	1.02	- 2
1	Escambia	3.71	3.76	3.76	5	.75	5	.75	0
2	Leon	3.86	3.91	3.91	5	.78	4	.98	- 1
8	Alachua	4.47	4.52	4.52	5	.90	5	.90	0
12	Sarasota	5.33	5.38	5.38	5	1.08	5	1.08	0
5	Marion	3.57	3.62	3.62	4	.90	4	.90	0
9	Osceola	3.98	4.03	4.03	4	1.01	4	1.01	0
12	Manatee	3.93	3.98	3.98	4	.99	4	.99	0
14	Bay	4.04	4.09	4.09	4	1.02	4	1.02	0
16	Monroe	1.37	1.42	1.42	4	.36	2	.71	- 2
19	St. Lucie	3.68	3.73	3.73	4	.93	4	.93	0
<i>(a)</i>	<i>(b)</i>	<i>(c)</i>	<i>(d)</i>	<i>(e)</i>	<i>(f)</i>	<i>(g=e/f)</i>	<i>(h)</i>	<i>(i=e/h)</i>	<i>(j=h-f)</i>

Exhibit 13: Summary of Judicial Need and Availability, County Court (FTE), continued

Circuit	County	Need Before Canvassing Board Adjustment	Need With Canvassing Board Adjustment	Need With Minimum One Judge per County	Current Allocation	Current Need per Judge	Recommended Allocation	Updated Need per Judge	Difference
1	Okaloosa	2.75	2.80	2.80	3	.93	3	.93	0
5	Lake	3.11	3.16	3.16	3	1.05	3	1.05	0
19	Martin	2.44	2.49	2.49	3	.83	3	.83	0
20	Charlotte	1.95	2.00	2.00	3	.67	2	1.00	- 1
1	Santa Rosa	1.58	1.63	1.63	2	.82	2	.82	0
4	Clay	1.99	2.04	2.04	2	1.02	2	1.02	0
5	Hernando	1.90	1.95	1.95	2	.98	2	.98	0
7	St. Johns	2.02	2.07	2.07	2	1.04	2	1.04	0
7	Putnam	1.06	1.11	1.11	2	.56	2	.56	0
19	Indian River	1.43	1.48	1.48	2	.74	2	.74	0
1	Walton	1.00	1.05	1.05	1	1.05	1	1.05	0
2	Franklin	.24	.29	1.00	1	1.00	1	1.00	0
2	Gadsden	.53	.58	1.00	1	1.00	1	1.00	0
2	Jefferson	.17	.22	1.00	1	1.00	1	1.00	0
2	Liberty	.08	.13	1.00	1	1.00	1	1.00	0
2	Wakulla	.35	.40	1.00	1	1.00	1	1.00	0
3	Columbia	.92	.97	1.00	1	1.00	1	1.00	0
3	Dixie	.13	.18	1.00	1	1.00	1	1.00	0
3	Hamilton	.16	.21	1.00	1	1.00	1	1.00	0
3	Lafayette	.06	.11	1.00	1	1.00	1	1.00	0
3	Madison	.28	.33	1.00	1	1.00	1	1.00	0
3	Suwannee	.40	.45	1.00	1	1.00	1	1.00	0
3	Taylor	.32	.37	1.00	1	1.00	1	1.00	0
(a)	(b)	(c)	(d)	(e)	(f)	(g=e/f)	(h)	(i=e/h)	(j=h-f)

Exhibit 13: Summary of Judicial Need and Availability, County Court (FTE), continued

Circuit	County	Need Before Canvassing Board Adjustment	Need With Canvassing Board Adjustment	Need With Minimum One Judge per County	Current Allocation	Current Need per Judge	Recommended Allocation	Updated Need per Judge	Difference
4	Nassau	1.04	1.09	1.09	1	1.09	1	1.09	0
5	Citrus	1.18	1.23	1.23	1	1.23	2	.61	1
5	Sumter	.60	.65	1.00	1	1.00	1	1.00	0
7	Flagler	1.27	1.32	1.32	1	1.32	2	.66	1
8	Baker	.36	.41	1.00	1	1.00	1	1.00	0
8	Bradford	.43	.48	1.00	1	1.00	1	1.00	0
8	Gilchrist	.15	.20	1.00	1	1.00	1	1.00	0
8	Levy	.46	.51	1.00	1	1.00	1	1.00	0
8	Union	.14	.19	1.00	1	1.00	1	1.00	0
10	Hardee	.36	.41	1.00	1	1.00	1	1.00	0
10	Highlands	.91	.96	1.00	1	1.00	1	1.00	0
12	Desoto	.36	.41	1.00	1	1.00	1	1.00	0
14	Calhoun	.12	.17	1.00	1	1.00	1	1.00	0
14	Gulf	.16	.21	1.00	1	1.00	1	1.00	0
14	Holmes	.22	.27	1.00	1	1.00	1	1.00	0
14	Jackson	.57	.62	1.00	1	1.00	1	1.00	0
14	Washington	.21	.26	1.00	1	1.00	1	1.00	0
19	Okeechobee	.53	.58	1.00	1	1.00	1	1.00	0
20	Glades	.14	.19	1.00	1	1.00	1	1.00	0
20	Hendry	.70	.75	1.00	1	1.00	1	1.00	0
		292.60	295.95	313.45	322	.97	316	.99	- 6
(a)	(b)	(c)	(d)	(e)	(f)	(g=e/f)	(h)	(i=e/h)	(j=h-f)

Where judicial need exceeds the current number of authorized positions, the impact of excess need on each individual judge's workload will vary according to the number of judges in the court. For example, if a court needs 26 judges and currently has 25 judges, each judge can take on a small share of the excess work, leaving each judge with a total of 1.04 FTE of judicial work. In a smaller court, however, the same shortage of one judge will have a much greater impact. For example, in a court with a need of 3 judges and a current allocation of 2, each judge will be required to perform 1.5 FTE of judicial work. Exhibits 12 (column f) and 13 (column g) show the ratio of judicial need to existing judicial positions in each court. To provide a common yardstick for jurisdictions of all sizes and to assist in directing additional judicial resources to the jurisdictions with the greatest relative need, a majority of JNAC voted to adopt the following rules:

1. In any court where the ratio of judicial need to existing positions is greater than 1.10, additional judicial positions should be allocated to bring the ratio below 1.10.
2. In any court where the ratio of judicial need to existing positions is between 1.10 and 0.90, no change to the number of judicial positions is recommended.
3. In any court where the ratio of judicial need to existing positions is below 0.90, judicial positions should be subtracted until the ratio is above 0.90, unless subtracting positions brings the ratio above 1.10.

For example, in the First Judicial Circuit, 24 judges are currently handling the work of 27.95 judges, or 1.16 FTE per judge. Adding a single judge would bring the ratio to 1.12 FTE, still in excess of 1.10. Adding two judges would reduce the ratio to 1.08, below the 1.10 threshold. The recommended allocation for the First Judicial Circuit is therefore 26 judges, an increase of two. In Monroe County, on the other hand, total judicial need is 1.42 FTE. Under the current

allocation of four judges, each judge has .36 FTE of judicial work. Removing two judges would bring the ratio to .71 FTE per judge; however, removing an additional judge would leave the remaining judge with a workload of 1.42 FTE. The recommended allocation for Monroe County is therefore two judges, or two fewer than the current allocation.

In the aggregate, the weighted caseload model suggests a need for a total of 609 circuit court judges and 316 county court judges in the state of Florida. This represents an increase of ten circuit court judgeships and a decrease of six county court judgeships in comparison with current allocations.

D. Secondary Analysis

Under the Florida Rules of Judicial Administration, factors other than the weighted caseload model "may be utilized in the determination of need for one or more additional judges. These factors include, but are not limited to, the following:

- i. The availability and use of county court judges in circuit court.
- ii. The availability and use of senior judges to serve on a particular court.
- iii. The availability and use of magistrates and hearing officers.
- iv. The extent of use of alternative dispute resolution.
- v. The number of jury trials.
- vi. Foreign language interpretations.
- vii. The geographic size of a circuit, including travel times between courthouses in a particular jurisdiction.
- viii. Law enforcement activities in the court's jurisdiction, including any substantial commitment of additional resources for state attorneys, public defenders, and local law enforcement.

- ix. The availability and use of case-related support staff and case management policies and practices.
- x. Caseload trends.”²⁵

When reviewing this set of factors, JNAC members suggested several additions and/or extensions, including the existence of alternative problem solving courts; prosecutor and law enforcement practices; the location of correctional facilities, hospitals, universities; the quality and scope of court technology; ensuring access to justice; and variations in the amount of judicial work associated with election canvassing boards. There was also considerable discussion among JNAC members about the exact threshold values to be used in the rounding rule based on workload per judge (currently no change to the number of judicial positions is recommended when the ratio of judicial need to existing positions is between 1.10 and 0.90).

The impact of these factors is specific to individual courts and may vary over time. Whenever the weighted caseload model suggests a change to the number of judges allocated to a particular court, NCSC recommends that OSCA conduct a secondary analysis of the impact of these factors on judicial workload in the affected court. OSCA, chief judges, and the Supreme Court should consider the results of this secondary analysis in finalizing the certification of judicial need. For example, the weighted caseload model shows a need for two county court judges in Monroe County; however, the county has three separate courthouses spread out across the Florida Keys. To help maintain access to justice, an allocation of three full-time county court judges may be more appropriate in Monroe County.

E. Quasi-Judicial Officers

Florida uses senior judges, magistrates, and hearing officers to increase the courts capacity to handle a wide range of cases. The work of these quasi-judicial officers as well as county court judges working in circuit court is critical to efficient and effective case resolution overall and for the determination of specific circuit and county court judicial need. In fact, as discussed above, the Florida Rules of Court Administration state that the determination of judicial need should incorporate:

- i. The availability and use of county court judges in circuit court.
- ii. The availability and use of senior judges to serve on a particular court.
- iii. The availability and use of magistrates and hearing officers.

The time study data show the relative contributions of circuit and county court judges, and the availability and use of quasi-judicial officers in the handling of cases of each type.

1. Quasi-Judicial Officer Workload

Quasi-judicial officers in Florida handle a variety of case assignments:

- Magistrates are judicial officers appointed by the court to assist the work of Circuit court judges. Magistrates hold formal court hearings providing recommendations to judges in the areas of family law, support enforcement, juvenile dependency, mental health, and guardianship. For example, Magistrates can be appointed to proceedings involving the establishment, modification, and enforcement of child support or to hear and consider Baker and Marchant Act proceedings.

²⁵ FLA. R. JUD. ADMIN. 2.240(b)(1)(B).

- Senior Judges are retired judges who have agreed to accept assignments to temporary judicial duty to fill-in for long-term judicial absences (e.g., illness or death) and to assistance with excess workload (e.g., Foreclosure cases). Senior Judges enable parties to have improved access to courts, help reduce backlogs and support more timely hearings.
- Child Support Enforcement Hearing Officers are attorneys who have been appointed by administrative order of the court. These hearing officers are typically used in family court to take testimony and recommend decisions in cases involving the establishment, enforcement, and/or modification of child support as well as paternity matters.
- Civil Traffic Infraction Hearing Officers are contractual employees (also attorneys) that serve on a part-time basis to provide back-up to judges by hearing and making decisions in non-criminal traffic matters. These hearing officers typically serve in county court, and the decisions they make can be appealed to a regular sitting judge.

With respect to quasi-judicial officers, for example, magistrates perform a sizeable share of the work accompanying dissolution, paternity, other domestic relations, juvenile dependency, commitment and guardianship cases. Hearing officers handle 72 percent of the total judicial work associated with Civil Traffic Infractions and 78 percent of work on Child Support cases. Senior judges perform more than 460,000 minutes of work on Real Property cases each year, suggesting that some jurisdictions use senior judges to handle specialty foreclosure dockets. Circuit and county court judges routinely serve across court levels, sometimes as the weekend “duty judge” and sometimes by designation on regular dockets.

Exhibit 14c converts the workload of quasi-judicial officers into case weights and provides a more complete picture of the overall judicial resources devoted to each type of case.

The following tables show the total (Exhibit 14a) and relative share (Exhibit 14b) of work performed by each type of judge and judicial officer. This exhibit makes clear the use of county court judges in circuit court, with approximately 10% of reported county court judge time being devoted to circuit court caseloads.²⁶

²⁶ Filings are based on a three-year average from calendar years 2012 through 2014 (see Exhibit 4).

Exhibit 14a: Total Judge and Quasi-Judicial Officer Time Study (minutes)

Circuit Court Case Types	3-Year Average Filings	Total Time (minutes)						Total
		Circuit Court	County Court	Civil Traffic		Child Support	Senior	
		Judges	Judges	Magistrates	Infraction Hearing Officers	Enforcement Hearing Officers	Judges	
Capital Murder	362	1,141,321	31,567				4,676	1,177,563
Serious Crimes Against Persons	4,199	4,727,183	107,518	3,214			45,795	4,883,710
Less Serious Crimes Against Persons	30,631	2,715,108	71,049				23,973	2,810,130
Crimes Against Property	95,670	3,454,423	84,174				58,856	3,597,454
Drug Offenses (excluding Drug Court)	42,133	2,562,568	61,318				31,283	2,655,169
Felony Drug Court	5,343	519,307	117,589	19,463			7,041	663,400
Professional Malpractice and Product Liability	2,572	1,190,532	1,092	13,881			54	1,205,559
Auto and Other Negligence	34,351	3,297,189	8,244	30,204			35,798	3,371,435
Contracts and Indebtedness	44,330	2,158,709	18,841	76,524			19,780	2,273,855
Real Property	141,636	2,699,370	64,929	294,097			463,110	3,521,506
Business Disputes	5,619	1,260,809	202	67,354			484	1,328,848
Other Circuit Civil	21,332	1,948,023	39,882	28,145			152,650	2,168,700
Jimmy Ryce	76	52,115	44,340					96,455
Criminal and Civil Appeals	1,517	417,003	18,325					435,328
Simplified Dissolution	9,034	209,831	21,617	71,304			4,838	307,589
Dissolution	82,578	6,308,012	34,410	3,167,248			46,171	9,555,841
Child Support	22,721	360,289	44,726	508,428		3,243,905	25,370	4,182,718
Orders for Protection Against Violence	78,837	1,941,475	678,402	42,917			20,156	2,682,950
Paternity	15,458	1,173,891	6,543	986,242		29,465	20,049	2,216,190
Other Domestic Relations	21,004	857,884	46,071	818,717			42,624	1,765,296
Juvenile Delinquency	42,753	1,964,988	123,060	29,919			33,970	2,151,937
Juvenile Dependency	12,648	3,282,316	103,373	1,612,167		3,416	70,896	5,072,168
Probate	55,907	939,802	96,072	47,095			57,943	1,140,911
Trust	1,012	116,911		1,095				118,006
Commitment Acts	46,432	256,753	31,055	656,016			430	944,255
Guardianship	6,511	607,032	15,175	347,661			13,599	983,466
	824,666	46,162,844	1,869,574	8,821,690		3,276,786	1,179,544	61,310,437
County Court Case Types	3-Year Average Filings	Circuit Court Judges	County Court Judges	Magistrates	Civil Traffic Infraction Hearing Officers	Child Support Enforcement Hearing Officers	Senior Judges	Total
Misdemeanors and Ordinance Violations	350,459	19,983	5,607,344				6,826	5,634,153
Non-DUI Criminal Traffic	313,186	12,575	2,505,488				4,085	2,522,148
DUI	39,262	14,746	2,787,602				27,681	2,830,029
Misdemeanor Drug Court	783	10,860	97,092				17,630	125,582
Small Claims (up to \$5,000)	197,145	20,311	2,957,175				1,344	2,978,829
County Civil (\$5,001 to \$15,000)	82,514	124,847	2,392,906					2,517,753
Other County Civil	6,611		138,831					138,831
Eviction	147,342	62,274	1,473,420				96,213	1,631,906
Civil Traffic Infractions	3,218,458	11,056	643,692		1,757,925		40,474	2,453,146
	4,355,760	276,651	18,603,550		1,757,925		194,253	20,832,378

Exhibit 14b: Total Judge and Quasi-Judicial Officer Time Study (percentage of total time by case type)

Circuit Court Case Types	3-Year Average Filings	Percentage of Time					
		Circuit Court	County Court	Civil Traffic		Child Support	Senior
		Judges	Judges	Magistrates	Infraction Hearing Officers	Enforcement Hearing Officers	Judges
Capital Murder	362	96.9%	2.7%	.0%	.0%	.0%	.4%
Serious Crimes Against Persons	4,199	96.8%	2.2%	.1%	.0%	.0%	.9%
Less Serious Crimes Against Persons	30,631	96.6%	2.5%	.0%	.0%	.0%	.9%
Crimes Against Property	95,670	96.0%	2.3%	.0%	.0%	.0%	1.6%
Drug Offenses (excluding Drug Court)	42,133	96.5%	2.3%	.0%	.0%	.0%	1.2%
Felony Drug Court	5,343	78.3%	17.7%	2.9%	.0%	.0%	1.1%
Professional Malpractice and Product Liability	2,572	98.8%	.1%	1.2%	.0%	.0%	.0%
Auto and Other Negligence	34,351	97.8%	.2%	.9%	.0%	.0%	1.1%
Contracts and Indebtedness	44,330	94.9%	.8%	3.4%	.0%	.0%	.9%
Real Property	141,636	76.7%	1.8%	8.4%	.0%	.0%	13.2%
Business Disputes	5,619	94.9%	.0%	5.1%	.0%	.0%	.0%
Other Circuit Civil	21,332	89.8%	1.8%	1.3%	.0%	.0%	7.0%
Jimmy Ryce	76	54.0%	46.0%	.0%	.0%	.0%	.0%
Criminal and Civil Appeals	1,517	95.8%	4.2%	.0%	.0%	.0%	.0%
Simplified Dissolution	9,034	68.2%	7.0%	23.2%	.0%	.0%	1.6%
Dissolution	82,578	66.0%	.4%	33.1%	.0%	.0%	.5%
Child Support	22,721	8.6%	1.1%	12.2%	.0%	77.6%	.6%
Orders for Protection Against Violence	78,837	72.4%	25.3%	1.6%	.0%	.0%	.8%
Paternity	15,458	53.0%	.3%	44.5%	.0%	1.3%	.9%
Other Domestic Relations	21,004	48.6%	2.6%	46.4%	.0%	.0%	2.4%
Juvenile Delinquency	42,753	91.3%	5.7%	1.4%	.0%	.0%	1.6%
Juvenile Dependency	12,648	64.7%	2.0%	31.8%	.0%	.1%	1.4%
Probate	55,907	82.4%	8.4%	4.1%	.0%	.0%	5.1%
Trust	1,012	99.1%	.0%	.9%	.0%	.0%	.0%
Commitment Acts	46,432	27.2%	3.3%	69.5%	.0%	.0%	.0%
Guardianship	6,511	61.7%	1.5%	35.4%	.0%	.0%	1.4%
	824,666	75.3%	3.0%	14.4%	.0%	5.3%	1.9%

County Court Case Types	3-Year Average Filings	Percentage of Time					
		Circuit Court	County Court	Civil Traffic		Child Support	Senior
		Judges	Judges	Magistrates	Infraction Hearing Officers	Enforcement Hearing Officers	Judges
Misdemeanors and Ordinance Violations	350,459	.4%	99.5%	.0%	.0%	.0%	.1%
Non-DUI Criminal Traffic	313,186	.5%	99.3%	.0%	.0%	.0%	.2%
DUI	39,262	.5%	98.5%	.0%	.0%	.0%	1.0%
Misdemeanor Drug Court	783	8.6%	77.3%	.0%	.0%	.0%	14.0%
Small Claims (up to \$5,000)	197,145	.7%	99.3%	.0%	.0%	.0%	.0%
County Civil (\$5,001 to \$15,000)	82,514	5.0%	95.0%	.0%	.0%	.0%	.0%
Other County Civil	6,611	.0%	100.0%	.0%	.0%	.0%	.0%
Eviction	147,342	3.8%	90.3%	.0%	.0%	.0%	5.9%
Civil Traffic Infractions	3,218,458	.5%	26.2%	.0%	71.7%	.0%	1.6%
	4,355,760	1.3%	89.3%	.0%	8.4%	.0%	.9%

Exhibit 14c: Total Judge and Quasi-Judicial Officer Workload (preliminary case weights)

Circuit Court Case Types	3-Year Average Filings	Circuit Court		Case Weights (minutes)				Total
		Judges	County Court Judges	Magistrates	Civil Traffic Infraction Hearing Officers	Child Support Enforcement Hearing Officers	Senior Judges	
Capital Murder	362	3,153	87				13	3,253
Serious Crimes Against Persons	4,199	1,126	26	1			11	1,163
Less Serious Crimes Against Persons	30,631	89	2				1	92
Crimes Against Property	95,670	36	1				1	38
Drug Offenses (excluding Drug Court)	42,133	61	1				1	63
Felony Drug Court	5,343	97	22	4			1	124
Professional Malpractice and Product Liability	2,572	463		5				469
Auto and Other Negligence	34,351	96		1			1	98
Contracts and Indebtedness	44,330	49		2				51
Real Property	141,636	19		2			3	25
Business Disputes	5,619	224		12				236
Other Circuit Civil	21,332	91	2	1			7	102
Jimmy Ryce	76	686	583					1,269
Criminal and Civil Appeals	1,517	275	12					287
Simplified Dissolution	9,034	23	2	8			1	34
Dissolution	82,578	76		38			1	116
Child Support	22,721	16	2	22		143	1	184
Orders for Protection Against Violence	78,837	25	9	1				34
Paternity	15,458	76		64		2	1	143
Other Domestic Relations	21,004	41	2	39			2	84
Juvenile Delinquency	42,753	46	3	1			1	50
Juvenile Dependency	12,648	260	8	127			6	401
Probate	55,907	17	2	1			1	20
Trust	1,012	116		1				117
Commitment Acts	46,432	6	1	14				20
Guardianship	6,511	93	2	53			2	151
	824,666							
County Court Case Types	3-Year Average Filings	Circuit Court Judges	County Court Judges	Magistrates	Civil Traffic Infraction Hearing Officers	Child Support Enforcement Hearing Officers	Senior Judges	Total
Misdemeanors and Ordinance Violations	350,459	.1	16.0	.0	.0	.0	.0	16.1
Non-DUI Criminal Traffic	313,186	.0	8.0	.0	.0	.0	.0	8.1
DUI	39,262	.4	71.0	.0	.0	.0	.7	72.1
Misdemeanor Drug Court	783	13.9	124.0	.0	.0	.0	22.5	160.4
Small Claims (up to \$5,000)	197,145	.1	15.0	.0	.0	.0	.0	15.1
County Civil (\$5,001 to \$15,000)	82,514	1.5	29.0	.0	.0	.0	.0	30.5
Other County Civil	6,611	.0	21.0	.0	.0	.0	.0	21.0
Eviction	147,342	.4	10.0	.0	.0	.0	.7	11.1
Civil Traffic Infractions	3,218,458	.0	.2	.0	.5	.0	.0	.8
	4,355,760							

2. Day Values for Quasi-Judicial Officers

As with circuit and county court judges, the time study permitted an empirical examination of the division of the workday between case-related and non-case-related work for magistrates and hearing officers, and provided a comprehensive census of judges and quasi-judicial officers.

The breakdown of the workday between case-related and non-case-related activity for full-time magistrates, child support enforcement hearing officers, and civil traffic infraction hearing officers is shown in Appendix E. Civil traffic infraction hearing officers spent 100 percent of their time on case-related work, whereas magistrates and child support enforcement hearing officers also reported non-case-related work.

Starting with the state employment standard of an eight-hour workday excluding lunch and breaks, day values were developed for magistrates and child support enforcement hearing officers (Exhibit 15).²⁷ Because civil traffic infraction hearing officers are hourly contract employees and most are not paid for non-case-related administrative time, a day value was not developed for civil traffic infraction hearing officers.²⁸

Exhibit 16 shows the current complement of judges and quasi-judicial officers by circuit. A total of 159 senior judges and 285 magistrates and hearing officers are available throughout the state of Florida. These quasi-judicial officers make a substantial contribution to the efficient and effective disposition of cases in Florida’s trial courts.

Exhibit 15: Final Magistrate and Child Support Enforcement Hearing Officer Day Values (hours)

	Magistrates	Child Support Enforcement Hearing Officers
Total working hours per day	9.0	9.0
Lunch and breaks	– 1.0	1.0
Non-case-related work	– 1.5	1.5
Case-related day value (own court level)	6.5	6.5

²⁷ Magistrates and child support hearing officers are state employees and therefore subject to state employment standards. 2007 JRS, *supra* note 9, at 9.

²⁸ *Id.* at 53.

Exhibit 16: Number of Judges and Quasi-Judicial Officers by Circuit

Circuit	Circuit Judges	County Judges	Senior Judges	Magistrate (full-time)	Magistrates (part-time)	Child Support Enforcement Hearing Officers (full-time)	Child Support Enforcement Hearing Officers (part-time)	Civil Traffic Infraction Hearing Officers	Total
1	24	11	6	4		1	2	4	52
2	16	10	3	1	2	1	1	2	36
3	7	7	5	1		1		1	22
4	35	20	14	7	2	2	1	1	82
5	31	11	8	5		2	1	2	60
6	45	24	20	6	2	3		11	111
7	27	15	9	4		1		3	59
8	13	10	7	3			1	1	35
9	43	22	13	5	1	3	1	7	95
10	28	12	15	3	1	2		1	62
11	80	43	7	10	2	3	2	29	176
12	21	10	7	4	1	2	1	1	47
13	45	17	11	7	1	2		4	87
14	11	9	1	2		1	1	1	26
15	35	19	7	7	1	2		17	88
16	4	4	1	0	7			1	17
17	58	32	5	8	1	2		22	128
18	26	17	5	4	1	2		6	61
19	19	10	5	3	1	1		3	42
20	31	19	10	5	10		2	2	79
Total	599	322	159	89	33	31	13	119	1,365

VI. RECOMMENDATIONS

The updated weighted caseload model developed during this workload assessment provides an empirically grounded basis for analyzing judicial workload in each of Florida's trial courts. The following recommendations are intended to ensure the effective use of the weighted caseload model for the purpose of judicial certification, and to preserve the model's integrity and utility over time.

Recommendation 1

The revised weighted caseload system clearly shows the changing character of judicial workload in Florida. When applied, the new case weights adopted by the Judicial Needs Assessment Committee provide an accurate means to determine the number of judges needed in each circuit and county court. In some jurisdictions, the current number of judges is insufficient to effectively resolve the cases coming before the court. The Florida Legislature should consider creating new judgeships in the circuit courts and county courts where the weighted caseload model shows a need for additional judicial resources.

Recommendation 2

Over time, the integrity of any weighted caseload model may be affected by external factors such as changes in legislation, case law, legal practice, court technology, and administrative policies. The certification procedures outlined in the Florida Rules of Judicial Administration call for the Commission on Trial Court Performance and Accountability to review the weighted caseload model "and consider adjustments no less than every five years."²⁹ NCSC recommends that each review incorporate a time study to capture empirically

any changes in the amount of judicial work associated with cases of various types, as well as a Delphi quality adjustment process to ensure sufficient time for quality performance. When a major change in the law, technology, or policy, such as the United States Supreme Court's decision in *Hurst v. Florida* requiring changes to Florida's capital sentencing scheme,³⁰ occurs between regular updates, a Delphi panel may be convened to consider interim adjustments to the affected case weight(s).

Recommendation 3

No weighted caseload model can fully quantify the impact of all jurisdiction-specific factors on judicial workload. Whenever the weighted caseload model suggests a change to the number of judges allocated to a particular court, NCSC recommends that OSCA conduct a secondary analysis of the impact of the factors enumerated in Rule 2.240(b)(1)(B) of the Florida Rules of Judicial Administration on judicial workload in the affected court. Furthermore, OSCA should consider incorporating the additional factors identified by the JNAC in assessing variation in judicial workload, such as the amount of judicial work associated with election canvassing boards.

²⁹ FLA. R. JUD. ADMIN. 2.240(b)(1)(C).

³⁰ *Hurst v. Florida*, 577 U.S. ____ (2016).

Recommendation 4

As Florida continues to expand its use of problem-solving courts beyond drug courts (e.g., veterans' courts and mental health courts), such programs will have an increasing impact on judicial workloads. To permit the creation of a separate case weight for other problem-solving courts, NCSC recommends that OSCA begin collecting and auditing data on the number of entrants to other problem-solving court programs on an annual basis for each court.

Recommendation 5

The availability of support personnel, especially law clerks and staff attorneys, has a profound impact on judges' ability to perform their work efficiently and effectively. To assist funding authorities in allocating these resources, NCSC recommends that OSCA conduct workload assessments for trial court law clerks and staff attorneys.

Recommendation 6

The current workload assessment documents the important contribution made by quasi-judicial officers to the efficient and effective resolution of cases in circuit and county courts. NCSC recommends that OSCA conduct a comprehensive investigation into the various roles and uses of quasi-judicial officers (e.g., Magistrates, Child Support Enforcement Hearing Officers, and Civil Traffic Infraction Hearing Officers) across the state of Florida. A targeted study would allow for a deeper understanding of the current availability of quasi-judicial resources, the specific functions that quasi-judicial officers perform, and the impact that their work has on the need for county and circuit court judges. The study would also assist in identifying variations among counties and circuits in the availability and use of quasi-judicial officers. The study should produce a uniform set of standards for allocating quasi-judicial officers on the basis of workload, making it possible to eliminate existing disparities among courts and ensuring equity in the distribution of resources.

APPENDICES

Appendix A: Glossary of Terms, Circuit Court

CASE TYPE CATEGORIES

1. Capital Murder

2. Serious Crimes Against Persons

Includes the following matters:

- Non Capital Murder
- Sexual Offense

3. Less Serious Crimes Against Persons

Includes the following matters:

- Robbery
- Other Crimes Against Person

4. Crimes Against Property

Includes the following matters:

- Burglary
- Theft, Forgery, Fraud
- Worthless Check (felony)
- Other Crimes Against Property
- Other Felony Offense

5. Drug Offenses (excluding Drug Court)

6. Felony Drug Court

Includes all matters related to Felony Drug Court.

7. Other Problem-Solving Courts³¹

Includes all matters heard in problem-solving courts, other than drug court.

8. Duty Work – Criminal

Includes all time devoted to warrants and initial appearances in criminal cases while on call.

9. Professional Malpractice and Product Liability

Includes the following matters:

- Professional Malpractice (business, medical, and other)
- Products Liability
- Construction Defects

10. Auto and Other Negligence

Includes the following matters:

- Auto Negligence
- Environmental/Toxic Tort
- Mass Tort
- Negligent Security
- Nursing Home Negligence
- Premises Liability Commercial
- Premises Liability Residential
- Other (other negligence)

11. Contract and Indebtedness

Includes the following matters:

- Contract actions

12. Real Property

Includes the following matters:

- Condominium
- Real Property/Mortgage Foreclosure

13. Business Disputes

Includes the following matters:

- Business Governance
- Business Tort

³¹ Because filings data were not available for Other Problem-Solving Courts cases, this time was distributed across the applicable criminal case types.

- Third Party Indemnification
- Antitrust/Trade Regulation
- Business Transaction
- Corporate Trust
- Discrimination Employment or Other
- Intellectual Property
- Shareholder Derivative Action
- Securities Litigation
- Trade Secret

14. Other Circuit Civil

Includes the following matters:

- Eminent Domain
- Constitutional Challenge Statute or Ordinance
- Constitutional Challenge Proposed Amendment
- Insurance Claim
- Libel/Slander
- Trust Litigation
- Other Circuit Civil

15. Jimmy Ryce

Includes matters relating to Involuntary Civil Commitment of Sexually Violent Predators

16. Civil and Criminal Appeals

Includes all appeals from county to circuit court.

17. Simplified Dissolution

18. Dissolution

19. Child Support

Includes the following matters

- Child Support (IV-D and non IV-D)
- UIFSA (IV-D and non IV-D)

20. Order for Protection Against Violence

Includes the following matters

- Domestic Violence
- Dating Violence
- Repeat Violence
- Sexual Violence

21. Paternity

22. Other Domestic Relations

Includes the following matters

- Adoption Arising out of Chapter 63
- Name Change
- Parental Notice of Abortion
- Other Family Court

23. Juvenile Delinquency

24. Juvenile Dependency

Includes the following matters

- Dependency
- Termination of Parental Rights

25. Probate

Includes the following matters

- Probate
- Other Social

26. Trust

27. Commitment Acts

Includes the following matters

- Baker Act
- Substance Abuse Act (Marchman Act)

28. Guardianship

CASE-RELATED EVENTS

1. Pre-Trial

Includes all on-bench and off-bench activity related to proceedings that occur prior to the trial or other dispositional proceeding. Includes all off-bench research and preparation related to pre-trial activities. Some examples of pre-trial activities include:

- Arraignment/initial appearance
- Non-dispositive pre-trial motion (e.g., motion to suppress, motion in limine)
- Scheduling conference
- Pre-trial conference
- Preparation of findings and orders related to pre-trial matters

2. Non-Trial/Uncontested Disposition

Includes all on-bench and off-bench activity related to any non-trial proceeding that disposes of the entire case. Includes all off-bench research and preparation related to non-trial dispositions. Some examples of non-trial dispositions include:

- Entry of guilty plea and sentencing
- Motion to dismiss that disposes of all issues
- Motion for summary judgment that disposes of all issues
- Preparation of findings and orders related to non-trial dispositions

3. Bench Trial/Contested Disposition

Includes all on-bench and off-bench activity related to a trial in which the judge is the finder of fact. Includes all off-bench research and preparation related to bench trials, and sentencing following a bench trial. Some examples of bench trial activity include:

- Bench trial
- Sentencing after conviction at bench trial
- Preparation of findings and orders related to bench trials

4. Jury Trial

Includes all on-bench and off-bench activity related to a trial in which a jury is the finder of fact. Includes all off-bench research and preparation related to jury trials, and sentencing following a jury trial. Some examples of jury trial activity include:

- Jury selection
- Jury trial
- Sentencing after conviction at jury trial
- Preparation of orders related to jury trials

5. Post-Judgment/Post-Disposition

Includes all on-bench and off-bench activity that occurs after the entry of judgment. Some examples of post-judgment/post-disposition activity include:

- Post-trial motion (e.g., motion for rehearing, motion for new trial)
- Show cause or capias on post-disposition matter
- Preparation of findings and orders related to post-judgment/post-disposition matters

NON-CASE-RELATED EVENTS

1. Non-Case-Related Administration

Includes all non-case-related administrative work such as:

- Staff meetings
- Judges' meetings
- Personnel matters
- Staff supervision and mentoring
- Court management

2. General Legal Research

Includes all reading and research that is *not* related to a particular case before the court. Examples include:

- Reading journals
- Reading professional newsletters
- Reviewing appellate court decisions

3. Judicial Education and Training

Includes all educational and training activities such as:

- Judicial education
- Conferences

4. Committee Meetings, Other Meetings, and Related Work

Includes all work related to and preparation for meetings of state and local committees, boards, and task forces, such as:

- Community criminal justice board meetings
- Supreme Court appointed commissions, committees, or workgroups

5. Community Activities and Public Outreach

Includes all public outreach and community service that is performed in your official

capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:

- Speaking at schools about legal careers
- Judging moot court competitions

6. Work-Related Travel

Work-Related Travel includes all time spent traveling on court business to or from a location other than your primary court. For purposes of the time study, your primary court is the court where you most frequently sit. You should not record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is greater than the length of your commute between your home and your primary court.

7. Vacation, Sick Leave, and Holidays

Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.

8. Lunch and Breaks

Includes all routine breaks during the working day.

9. NCSC Time Study

Includes all time spent filling out time study forms and entering time study data using the Web-based form.

Appendix B: Glossary of Terms, County Court

CASE TYPE CATEGORIES

1. Misdemeanors and Ordinance Violations

Includes the following matters:

- Misdemeanor
- Worthless Check (misdemeanor)
- County Ordinance
- Municipal Ordinance

2. Non DUI Criminal Traffic

3. DUI

4. Misdemeanor Drug Court

5. Other Problem-Solving Courts³²

Includes all matters heard in Problem-Solving Courts other than Drug Court.

6. Duty Work – Felony³³

This category includes all time devoted to warrants and initial appearances related to felony cases.

7. Small Claims (up to \$5,000)

8. County Civil (\$5,001 to \$15,000)

9. Other County Civil

Includes the following matters:

- Replevins
- Other Civil (non monetary)

10. Eviction

11. Civil Traffic Infraction

12. Duty Work – Juvenile Delinquency

Includes all time devoted to warrants, initial appearances, and detention hearings in juvenile delinquency cases while on call.

13. Duty Work – Juvenile Dependency

Includes all time cases devoted to juvenile dependency cases (e.g., shelter hearings) while on call.

14. Duty Work – OPV

Includes all time devoted to order for protection against violence cases (e.g., temporary injunctions) while on call.

³² Because filings data were not available for Other Problem-Solving Courts cases, this time was distributed across the applicable criminal case types.

³³ The Duty Work case type categories represent time spent by county court judges hearing preliminary

matters in circuit court cases. This time was accommodated in the day value for county court judges.

CASE-RELATED EVENTS

1. Pre-Trial

Includes all on-bench and off-bench activity related to proceedings that occur prior to the trial or other dispositional proceeding. Includes all off-bench research and preparation related to pre-trial activities. Some examples of pre-trial activities include:

- Arraignment/initial appearance
- Non-dispositive pre-trial motion (e.g., motion to suppress, motion in limine)
- Scheduling conference
- Pre-trial conference
- Preparation of findings and orders related to pre-trial matters

2. Non-Trial/Uncontested Disposition

Includes all on-bench and off-bench activity related to any non-trial proceeding that disposes of the entire case. Includes all off-bench research and preparation related to non-trial dispositions. Some examples of non-trial dispositions include:

- Entry of guilty plea and sentencing
- Motion to dismiss that disposes of all issues
- Motion for summary judgment that disposes of all issues
- Preparation of findings and orders related to non-trial dispositions

3. Bench Trial/Contested Disposition

Includes all on-bench and off-bench activity related to a trial in which the judge is the finder of fact. Includes all off-bench research and preparation related to bench trials, and sentencing following a bench trial. Some examples of bench trial activity include:

- Bench trial
- Sentencing after conviction at bench trial
- Preparation of findings and orders related to bench trials

4. Jury Trial

Includes all on-bench and off-bench activity related to a trial in which a jury is the finder of fact. Includes all off-bench research and preparation related to jury trials, and sentencing following a jury trial. Some examples of jury trial activity include:

- Jury selection
- Jury trial
- Sentencing after conviction at jury trial
- Preparation of orders related to jury trials

5. Post-Judgment/Post-Disposition

Includes all on-bench and off-bench activity that occurs after the entry of judgment. Some examples of post-judgment/post-disposition activity include:

- Post-trial motion (e.g., motion for rehearing, motion for new trial)
- Show cause or capias on post-disposition matter
- Preparation of findings and orders related to post-judgment/post-disposition matters

NON-CASE-RELATED EVENTS

1. Non-Case-Related Administration

Includes all non-case-related administrative work such as:

- Staff meetings
- Judges' meetings
- Personnel matters
- Staff supervision and mentoring
- Court management

2. General Legal Research

Includes all reading and research that is *not* related to a particular case before the court. Examples include:

- Reading journals
- Reading professional newsletters
- Reviewing appellate court decisions

3. Judicial Education and Training

Includes all educational and training activities such as:

- Judicial education
- Conferences

4. Committee Meetings, Other Meetings, and Related Work

Includes all work related to and preparation for meetings of state and local committees, boards, and task forces, such as:

- Community criminal justice board meetings
- Supreme Court appointed commissions, committees, or workgroups

5. Community Activities and Public Outreach

Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law

school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:

- Speaking at schools about legal careers
- Judging moot court competitions

6. Work-Related Travel

Work-Related Travel includes all time spent traveling on court business to or from a location other than your primary court. For purposes of the time study, your primary court is the court where you most frequently sit. You should not record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is greater than the length of your commute between your home and your primary court.

7. Vacation, Sick Leave, and Holidays

Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.

8. Lunch and Breaks

Includes all routine breaks during the working day.

9. NCSC Time Study

Includes all time spent filling out time study forms and entering time study data using the Web-based form.

Appendix C: Delphi Adjustments and Rationales

CIRCUIT COURT

Capital Murder

- Pre-Trial: Added 60 minutes in 100% of cases to accommodate *Hurst v. Florida* and to allow more time for legal research.
- Post-Judgment/Post-Disposition: Added 60 minutes in 100% of cases to spend additional time on legal research to keep up with new and emerging case law, writing orders, preparing death warrants, and addressing new types of motions.

Serious Crimes Against Persons

- Non-Trial Disposition: Added 15 minutes to 10% of non-trial dispositions to allow more time for contested sentencing hearings, to hear from victims and defendants' families, to consider alternative sentencing options to keep defendants out of prison, to address the needs of pro se defendants, and to deal with the complexities of cases involving enhanced penalties and habitual offenders.
- Non-Trial Disposition: Added 2 minutes to 100% of non-trial dispositions to allow for longer plea colloquies. Longer plea colloquies will reduce the number of post-conviction challenges, enhance procedural fairness, and ensure that defendants' rights are protected, providing more certain outcomes for victims and families.
- Post-Judgment/Post-Disposition: Added 60 minutes in 3% of cases to allow additional time for post-conviction matters, legal research, and file review.

Less Serious Crimes Against Persons

- Non-Trial Disposition: Added 15 minutes to 10% of non-trial dispositions to allow more time for contested sentencing hearings. (See details under Serious Crimes Against Persons.)

- Non-Trial Disposition: Added 2 minutes to 50% of non-trial dispositions to allow for longer plea colloquies. (See details under Serious Crimes Against Persons.)

Crimes Against Property

- Non-Trial Disposition: Added 10 minutes to 5% of non-trial dispositions to allow more time for contested sentencing hearings. (See details under Serious Crimes Against Persons.)
- Non-Trial Disposition: Added 2 minutes to 30% of non-trial dispositions to allow for longer plea colloquies. (See details under Serious Crimes Against Persons.)

Drug Offenses (excluding drug courts)

- Non-Trial Disposition: Added 5 minutes in 3% of non-trial dispositions to allow additional time for youthful offender arguments and to hear from family members.

Felony Drug Court

- Post-Judgment/Post-Disposition: Added 30 minutes to 50% of cases to allow more on-bench interaction with participants, potentially reducing recidivism.

Professional Malpractice & Product Liability

- Pre-Trial: Added 60 minutes in 25% of cases for case management, including file review and writing orders addressing evidentiary motions (e.g., *Daubert* motions, motions in limine), with the goal of eliminating hearings (e.g., deposition designation objections, charge conferences), reducing delay, improving compliance with case management plans, and narrowing the issues to save time at trial.

- Trial: Subtracted 90 minutes from 100% of trials to reflect time saved by narrowing the issues through case management.

Auto & Other Negligence

- Pre-Trial: Added 30 minutes in 15% of cases to conduct more case management hearings, address discovery motions, and manage relationships between attorneys, and to review cases before motion hearings. Time invested in pre-trial case management is expected to facilitate early disposition through motion practice, increasing litigant satisfaction and reducing delay and backlog. Pre-trial disposition of appropriate cases and narrowing the issues before trial also increases the quality of cases brought to trial, saving jury time and increasing juror trust and confidence in the justice system.
- Trial: Subtracted 60 minutes from 100% of trials to reflect time saved through case management.

Contracts and Indebtedness

- Pre-Trial: Added 30 minutes to 5% of cases for case management. (See details under Auto & Other Negligence).
- Trial: Subtracted 15 minutes from 100% of trials to reflect time saved through case management.

Real Property

- Pre-Trial: Added 15 minutes in 10% of cases to identify complex foreclosures and engage in additional case management from these cases.
- Trial: Subtracted 15 minutes from 100% of trials to reflect time saved through case management.

Business Disputes

- Pre-Trial: Added 30 in 25% of cases for case management, discovery review, and legal

research. (See details under Auto & Other Negligence).

- Trial: Subtracted 60 minutes from 100% of trials to reflect time saved through case management.

Other Circuit Civil

- Pre-Trial: Added 30 minutes in 10% of cases for case management, especially in insurance claims cases. (See details under Auto & Other Negligence).
- Trial: Subtracted 30 minutes from 100% of trials to reflect time saved through case management.

Dissolution

- Pre-Trial: Added 10 minutes in 15% of cases to address pro se litigants' questions and ensure they understand the legal process, to ask additional of pro se litigants to elicit the necessary facts, and to conduct case management conferences in cases involving pro se litigants.
- Pre-Trial: Added 10 minutes in 10% of cases for case management in contested cases, including identifying the issues, monitoring the status of discovery, and determining the appropriate amount of time to schedule on the docket.
- Trial: Added 60 minutes to 100% of trials to write more detailed orders adequately addressing all required findings and/or to deliberate and make detailed announcements from the bench so that attorneys can write more detailed proposed orders. More detailed orders that fully comply with statutory requirements will result in lower reversal rates on appeal, increasing stability for families.
- Trial: Subtracted 60 minutes from 50% of trials to reflect time saved through case management.

Orders for Protection Against Violence

- Trial: Added 30 minutes to 25% of trials to allow time to hear all witnesses, improving procedural fairness and increasing public trust and confidence in the justice system.

Paternity

- Pre-Trial: Added 10 minutes in 15% of cases to work with pro se litigants. (See details under Dissolution).
- Pre-Trial: Added 10 minutes in 10% of cases for case management. (See details under Dissolution).
- Trial: Added 60 minutes to 100% of trials to write more detailed orders. (See details under Dissolution).
- Trial: Subtracted 60 minutes from 50% of trials to reflect time saved through case management.

Other Domestic Relations

- Pre-Trial: Added 10 minutes in 15% of cases to work with pro se litigants. (See details under Dissolution).
- Pre-Trial: Added 10 minutes in 10% of cases for case management. (See details under Dissolution).
- Trial: Added 60 minutes to 100% of trials to write more detailed orders. (See details under Dissolution).
- Trial: Subtracted 60 minutes in 50% to reflect time saved through case management.

Juvenile Delinquency

- Non-Trial Disposition: Added 20 minutes in 5% of cases to identify needs, resources, and services for children and parents early in the case, and to allow additional time to work with schools.

Juvenile Dependency

- Pre-Trial: Added 10 minutes in 100% of cases to identify resources and assess needs (e.g., education, mental health) during shelter hearings, and to hold case plan conferences throughout the life of case, enhancing children's safety, allowing for improved decision-making at the trial, and reuniting children and families sooner.
- Trial: Added 60 minutes to 100% of trials to write more detailed orders. (See details under Dissolution).

Probate

- Pre-Trial: Added 10 minutes in 5% of cases to allow more time for pretrial conferences in cases where aging reports show a lack of progress and in cases scheduled for trial, narrowing the issues, facilitating settlement, and reducing costs to litigants and the court system.
- Pre-Trial: Added 5 minutes in 15% of cases to more thoroughly scrutinize incoming matters in jurisdictions without adequate support from staff attorneys, magistrates, and case managers.

Guardianship

- Pre-Trial: Added 10 minutes in 20% of cases to review initial petitions, guardian applications, credit reports and level 2 criminal background checks.
- Pre-Trial: Added 15 minutes in 15% of cases to review attorney and guardianship fees and applications to protect wards against inappropriate fees.
- Non-Trial Disposition: Added 5 minutes in 50% of cases to more thoroughly review plans and annual reports.
- Post-Judgment/Post-Disposition: Added 60 minutes in 3% of cases for post-judgment follow-up (e.g., setting hearings to locate missing guardians and wards, spending additional time communicating with the monitor in the clerk's office).

COUNTY COURT

Misdemeanors and Ordinance Violations

- Pre-Trial: Added 30 minutes in .5% of cases for legal research and writing on motions and orders (e.g., motion to suppress).

DUI

- Pre-Trial: Added 30 minutes to 1% of cases for legal research and writing on motions and orders (e.g., motion to suppress).

Misdemeanor Drug Court

- Post-Judgment/Post-Disposition: Added 10 minutes in 100% of cases to review risk/needs assessment on incoming participants, to encourage participants to complete the program, and to visit and meet with service providers.

Small Claims (up to \$5,000)

- Pre-Trial: Added 1 minute in 50% of cases to address the complexities of Personal Injury Protection, windshield, and other insurance cases, including identifying insurance cases on the docket, reviewing case files, and actively managing these cases.
- Pre-Trial: Added 5 minutes in 10% of cases to more thoroughly research the constantly changing statutory and case law surrounding PIP, windshield, and other insurance cases (e.g., discovery, summary judgment).

Civil Traffic Infractions

- Non-Trial Disposition: Added 3 minutes in .5% of cases to explain to young drivers the consequences of speeding, setting them on the right path and increasing public safety.
- Trial: Added 30 minutes in .5% of cases to allow for additional witness testimony in traffic cases involving fatalities and serious bodily injury to allow for procedural justice and fairness to the defendant, victims, and family members.

Evictions

- Post-Judgment/Post-Disposition: Added 10 minutes in 5% of cases to explain rulings on post-judgment motions more thoroughly (e.g., motions to stay) and write more customized orders instead of using forms, giving litigants a better understanding of rulings and the law and reducing the likelihood of repeat motions.

Appendix D: Average Daily Case-Related and Non-Case-Related Time, Time Study

	Circuit Court Judges	County Court Judges
Case-Related Total (Minutes)	368	342
Case-Related (Hours)	6.1	5.7
County Court Work		4.8
Circuit Court Work—Regular Dockets		.5
Circuit Court Work—Duty Work		.4
Non-Case-Related		
Non-Case -Related Administration	32	41
General Legal Research	21	28
Judicial Education and Training	6	7
Committee/Other Meetings/Related Work	17	20
Community Activities and Public Outreach	19	22
Work-Related Travel	10	9
Lunch and Breaks	41	46
NCSC Time Study	9	11
Non-Case-Related Total (Minutes)	155	184
Non-Case-Related (Hours)	2.6	3.1
Case-Related (Hours)	6.1	5.7
Non-Case-Related (Hours)	2.6	3.1
Total	8.7	8.8

Day Values	Circuit Court Judges	County Court Judges
Case-Related (Hours)	6.0	6.0
County Court Work		5.0
Circuit Court Work		.5
Duty Work		.5
Non-Case-Related (Hours)	2.5	2.5
Total	8.5	8.5

**Appendix E: Daily Case-Related and Non-Case-Related Time for
Magistrates and Hearing Officers, Time Study**

	Magistrates	Child Support Enforcement Hearing Officers	Civil Traffic Infraction Hearing Officers
Case-Related Total (Minutes)	390	375	480
Case-Related (Hours)	6.5	6.3	8.0
Non-Case-Related			
Non-Case -Related Administration	38	33	
General Legal Research	17	13	
Judicial Education and Training	4	3	
Committee/Other Meetings/Related Work	13	8	
Community Activities and Public Outreach	4	1	
Work-Related Travel	13	10	
Lunch and Breaks	36	32	
NCSC Time Study	8	6	
Non-Case-Related Total (Minutes)	133	106	
Non-Case-Related (Hours)	2.2	1.8	
Case-Related (Hours)	6.5	6.3	8.0
Non-Case-Related (Hours)	2.2	1.8	
Total	8.7	8.1	8.0

	Magistrates	Child Support Enforcement Hearing Officers	Civil Traffic Infraction Hearing Officers
Case-Related (Hours)	6.5	6.5	8.0
County Court Work			
Circuit Court Work			
Duty Work			
Non-Case-Related (Hours)	2.0	2.0	
Total	8.5	8.5	8.0