

**REPORT OF THE  
SUPREME COURT OF VIRGINIA**

**Virginia Judicial Workload  
Assessment  
Final Report – November 2017**

**TO THE GENERAL ASSEMBLY OF VIRGINIA**



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RICHMOND  
2017**



**EXECUTIVE SECRETARY**  
KARL R. HADE

**ASSISTANT EXECUTIVE SECRETARY &  
LEGAL COUNSEL**  
EDWARD M. MACON

**COURT IMPROVEMENT PROGRAM**  
SANDRA L. KARISON, DIRECTOR

**EDUCATIONAL SERVICES**  
CAROLINE E. KIRKPATRICK, DIRECTOR

**FISCAL SERVICES**  
JOHN B. RICKMAN, DIRECTOR

**HUMAN RESOURCES**  
RENÉE FLEMING MILLS, DIRECTOR

# SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219-2334  
(804) 786-6455

**JUDICIAL INFORMATION TECHNOLOGY**  
ROBERT L. SMITH, DIRECTOR

**JUDICIAL PLANNING**  
CYRIL W. MILLER, JR., DIRECTOR

**JUDICIAL SERVICES**  
PAUL F. DELOSH, DIRECTOR

**LEGAL RESEARCH**  
STEVEN L. DALLE MURA, DIRECTOR

**LEGISLATIVE & PUBLIC RELATIONS**  
KRISTI S. WRIGHT, DIRECTOR

**MAGISTRATE SERVICES**  
MASON L. BYRD, DIRECTOR

November 15, 2017

The Members of the Virginia General Assembly

Dear Senators and Delegates:

Item 40, Paragraph K, of the Appropriation Act, Chapter 780, 2016 Virginia Acts of Assembly, provided funding for the Supreme Court of Virginia to contract with the National Center for State Courts (NCSC) to reevaluate the November 2013 results of the weighted caseload system study that measured and reported on judicial caseloads throughout the Commonwealth on the circuit, general district, and juvenile and domestic relations district court levels.

In response to the legislation, the Supreme Court of Virginia's Office of the Executive Secretary contracted with the NCSC. In addition to the factors considered during the previous study, the NCSC also considered factors identified by the Supreme Court such as the use of interpreters, law clerks, the effect of pro se litigants on judicial time, and the effect of population growth or decline.

On behalf of the Court, I am submitting the Virginia Judicial Workload Assessment Report prepared by the National Center for State Courts, which details the judicial need in each court in each county and city.

If you have any questions regarding this report, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Karl R. Hade".

Karl R. Hade



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# Virginia Judicial Workload Assessment

*Final Report*

November 2017

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 of Virginia to this workload assessment. An undertaking of this nature would not have been possible without the assistance of the dedicated members of the Virginia circuit, general district, and juvenile and domestic relations district 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 judges and clerks 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 the Executive Secretary. In particular, we thank Kristi Wright, Edward Macon, and Chris Wade for their support during the National Center for State Courts' study of judicial workload in the Commonwealth of Virginia. We very much appreciate their knowledge of the Virginia court system and their unfailing good spirits throughout the life of this project.

We are also extremely grateful to our NCSC colleagues Neil LaFountain, Kathryn Holt and Lydia Hamblin for their assistance and thoughtful insights. Finally, we thank Diana McSpadden for developing the Web-based tools used in this study.

## **Judicial Needs Assessment Committee**

### **Circuit Court**

The Honorable R. Edwin Burnette, Jr.  
Twenty-fourth Judicial Circuit  
Lynchburg Circuit Court

The Honorable Michele J. Atkins  
Fourth Judicial Circuit  
Norfolk Circuit Court

The Honorable Daniel S. Fiore, II  
Seventeenth Judicial Circuit  
Arlington Circuit Court

The Honorable Sage B. Johnson  
Twenty-eighth Judicial Circuit  
Bristol Circuit Court

The Honorable Wilford Taylor, Jr. (Chair)  
Eighth Judicial Circuit  
Hampton Circuit Court

The Honorable Heidi Barshinger, Clerk  
Fourteenth Judicial Circuit  
Henrico County

**General District Court**

The Honorable Randal J. Duncan  
Twenty-seventh Judicial District  
Montgomery General District Court

The Honorable Tonya Henderson-Stith  
Eighth Judicial District  
Hampton General District Court

The Honorable Becky J. Moore  
Eighteenth Judicial District  
Alexandria General District Court

The Honorable James J. O'Connell, III  
Twelfth Judicial District  
Chesterfield General District Court

The Honorable J. William Watson, Jr.  
Tenth Judicial District  
Halifax General District Court

Ms. Connie S. Comer, Clerk  
Twenty-ninth Judicial District  
Tazewell General District Court

**Juvenile and Domestic Relations District Court**

The Honorable H. Lee Chitwood  
Twenty-seventh Judicial District  
Pulaski Juvenile and Domestic Relations District Court

The Honorable Glenn L. Clayton, II  
Nineteenth Judicial District  
Fairfax County Juvenile and Domestic Relations District Court

The Honorable Frank W. Somerville  
Sixteenth Judicial District  
Culpeper Juvenile and Domestic Relations District Court

The Honorable Leisa K. Ciaffone  
Twenty-third Judicial District  
Roanoke County Juvenile and Domestic Relations District Court

The Honorable Deborah M. Paxson  
Second Judicial District  
Virginia Beach Juvenile and Domestic Relations District Court

Ms. Ann B. Lloyd, Clerk  
Twenty-sixth Judicial District  
Frederick/Winchester Juvenile & Domestic Relations District Court

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## EXECUTIVE SUMMARY

At the request of the Virginia General Assembly, the Supreme Court of Virginia contracted with the National Center for State Courts (NCSC) to perform a comprehensive update, extension, and improvement of the existing Virginia judicial weighted caseload system in line with state-of-the-art practices. A clear and objective assessment of court workload is essential to establish the number of judges required to resolve in a timely manner all cases coming before the court. The primary goals of the study were to:

- Develop a valid measure of judicial workload in all circuit and district courts, accounting for variations in complexity among different case types, as well as differences in the non- case-related responsibilities of judges in single-jurisdiction and multi-jurisdiction circuits and districts;
- Evaluate the current allocation of judicial resources;
- Establish a transparent and empirically driven formula for the Supreme Court and the General Assembly to use in determining the appropriate level of judicial resources in each circuit and district.

### Project Design

To provide oversight and guidance on matters of policy throughout the project, Chief Justice Donald W. Lemons appointed an 18-member Judicial Needs Assessment Committee (JNAC) consisting of 15 judges and three court clerks representing circuit, general district, and juvenile and domestic relations district courts across the Commonwealth. The workload assessment was conducted in two phases:

1. A time study in which all judges and retired/substitute judges - who were being used to hear cases beyond the capacity of the

court's regularly sitting judges - recorded all case-related and non-case-related work over a six-week period. The time study also measured differences in the amount of judge time spent on cases with and without an interpreter as well as whether cases involved self-represented litigants. The purpose was to provide 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 that ensured that the final weighted caseload models incorporated 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 with 27 circuit, general district and juvenile and domestic relations district courts; and a structured review of the case weights by panels of judges from across Virginia.

### Project Results

Applying the final weighted caseload model to current case filings shows that the current judicial workload exceeds the capacity of the existing complement of judges. There is currently a need for a total of 170 circuit court judges, 130 general district court judges, and 135 juvenile and domestic relations district court judges in the Commonwealth of Virginia. Additional judges are needed to enable Virginia's trial court judiciary to manage and resolve court business effectively and without delay while also delivering quality service to the public.

## **Recommendations**

The weighted caseload model adopted by the Judicial Needs Assessment Committee provides an empirically grounded basis for analyzing judicial workload in each of Virginia's trial courts. The following recommendations will help to ensure the integrity and utility of the judicial workload model over time.

### ***Recommendation 1***

The revised weighted caseload model clearly illustrates the changing character of judicial workload in Virginia. 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 district court. In some jurisdictions, the current number of judges is insufficient to effectively resolve the cases coming before the court. The Virginia General Assembly should consider authorizing new judgeships in the circuit courts, general district courts, and juvenile and domestic relations district courts where the weighted caseload model shows a need for additional judges.

### ***Recommendation 2***

The calculations of judge need in this report are based upon a three-year average of case filing data. NCSC recommends that circuit court, general district court, and juvenile and domestic relations district court judge need be recalculated on an annual basis using the same methodology set forth in this report and updated with year-end case filing data. The application of the workload formula to the most recent filings will reveal the impact of any changes in caseloads or caseload composition on judicial workload and judge need. OES should continue to make improvements in data quality and consistency in automated case management systems to better track and record use of interpreters and alternative attorney configurations in all cases.

### ***Recommendation 3***

The availability of support personnel, especially law clerks/staff attorneys and court clerks, has a profound impact on judges' ability to perform their work efficiently and effectively. Judges across the state stressed the importance of strong support staff and dedicated court clerks, and stated that if they had access to a law clerk or a judicial secretary to assist with tasks such as preparing case summaries, taking notes during hearings, and assisting with drafting opinions and orders that would enable judges to make more timely decisions, and therefore save judges time and increase the court's efficiency. NCSC recommends that workload assessments be conducted or updated for law clerks/staff attorneys, judicial assistants, circuit court deputy clerks, and district clerks of court and deputy clerks. The OES currently maintains and routinely updates a weighted caseload staffing model and workload assessment for district court clerks, while staffing and development of staffing models for law clerks/staff attorneys, judicial assistants and circuit court deputy clerks are the responsibility of localities and/or the Virginia Compensation Board. The development of or an update to existing staffing models for these groups would provide the information needed to evaluate the adequacy of staffing levels to ensure the quality processing of cases.

### ***Recommendation 4***

Over time, the integrity of a weighted caseload model may be affected by multiple influences, such as changes in legislation, case law, legal practice, and technology. Regular updates are necessary to ensure that a weighted caseload model remains an accurate representation of judicial workload. A systematic review of the model should be conducted every five years.

## I. INTRODUCTION

In 2016, the General Assembly requested the Supreme Court to update the 2013 weighted caseload study “that measured and compared judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels.” The 2016 Appropriation Act language goes on to say: “In addition to the factors considered during the earlier study, the National Center shall also consider factors identified by the Supreme Court such as the use of interpreters, law clerks, retired or substitute judges, the effect of pro se litigants on judicial time, and the effect of population growth or decline, if any.” In fulfillment of this mandate, the Supreme Court of Virginia contracted with the National Center for State Courts (hereafter NCSC) to update the weighted caseload system and to further consider factors identified by the Supreme Court that can be used to assess the need and manage the distribution of judicial resources.

This report describes the methodology and results of the Virginia Judicial Workload Assessment, conducted between July 2016 and October 2017. The project’s primary goals were to:

- Develop a valid measure of judicial workload in all circuit and district courts in the Commonwealth of Virginia, considering variations in complexity among different case types, as well as differences in the non-case-related responsibilities of judges in single- jurisdiction and multi-jurisdiction circuits and districts;
- Evaluate the current allocation of judicial resources;

- Establish a transparent and empirically driven formula for the Supreme Court and the General Assembly to use in determining the appropriate level of judicial resources in each circuit and district; and
- Examine the differential impact of cases involving pro se litigants and interpreters on judicial workload, and document population growth or decline.

The need for financial and resource accountability in government is a strong stimulus to develop a systematic method to assess the need for judges. The state-of-the-art technique for assessing judicial need is a weighted caseload study because population or raw, unadjusted filings offer only minimal guidance regarding the amount of judicial work generated by those case filings. 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.

The weighted caseload formula was developed using a highly participatory multi-method data collection strategy. Key features of this strategy include:

- A statewide time study providing a detailed empirical profile of the amount of time Virginia judges currently spend handling cases of various types—including both on-bench and off-bench work—as well as other essential judicial functions such as travel and administrative work;

- Qualitative input gathered from judges through a statewide on-line survey and a series of site visits scheduled for 27 courts in 9 jurisdictions;
- A quality adjustment process designed to ensure that the weighted caseload formula allows sufficient time for efficient and effective case resolution; and
- An advisory committee of judges and court clerks to offer input and advice.

The final workload formula yields a clear and objective assessment of judicial workload and the number of judges required to handle that workload on a statewide basis and in each circuit and district, allowing policymakers to make informed decisions regarding matters such as the allocation of judicial resources.

*NCSC Independence and Competence.* The NCSC is particularly well suited to conduct the Virginia Judicial Workload Assessment because

of its experience, expertise and knowledge of the justice system. Founded in 1971, the NCSC is an independent, nonprofit court improvement organization. All of NCSC's services — research, information services, education, consulting — are designed to help courts plan, make decisions, and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision-making. For nearly three decades, a key focus of NCSC expertise has been on the development and use of systematic methods for assessing the need for judges. The NCSC is the leader in weighted caseload studies for courts and their justice system partners, with studies conducted at every level of government, for almost every type of justice system position. In all, the NCSC has conducted more than 50 workload and staffing assessments in the last 10 years. These studies have been performed in a variety of contexts—statewide and local efforts, general and limited jurisdiction courts—and have involved judges, quasi-judicial officers, probation officers, attorneys, and administrative and clerical staff.

## II. PROJECT OVERVIEW

### A. The Weighted Caseload Model

The weighted caseload model of workload analysis is grounded in the understanding that different types of court cases vary in complexity, and consequently in the amount of judicial work they generate. For example, a typical felony creates a greater need for judicial resources than the average misdemeanor case. The weighted caseload model calculates judicial need based on each court's total workload. The weighted caseload model consists of three critical 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 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 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 needed to handle the workload.

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<sup>1</sup> The term "attorney configuration" refers to the arrangement of attorneys and non-attorneys presenting a case before the court. In a typical case with two parties, one or both sides may be self-represented or represented by an attorney. For juvenile and domestic relations district court cases, the time study focused on the number of attorneys involved in the case as well as whether any parties were self-represented. For example, in some

### B. The Judicial Needs Assessment Committee

To provide input and guidance throughout the project, the NCSC requested that the Chief Justice of the Supreme Court of Virginia form the Judicial Needs Assessment Committee (JNAC or Committee). The Committee consisted of 15 judges and three court clerks representing circuit, general district, and juvenile and domestic relations district courts across the Commonwealth. The full Committee met three times over the course of the project, in addition to multiple sub-committee conference calls held to identify case types and evaluate the data collection strategy. Committee responsibilities included:

- Advising the project team on the definitions of case types and case-related and non-case-related events to be used during the time study;
- Reviewing and commenting on alternative strategies to measure and incorporate varying judicial workload due to the presence of interpreters and alternative self-represented litigant/attorney configurations<sup>1</sup>, as well the impact of changes in population and case filing trends; and
- Reviewing and endorsing the results of the time study and the quality adjustment process.

juvenile and domestic relations court cases there was one attorney and one self-represented party, while others involved five or more attorneys. Therefore, to ease discussion, attorney configuration is the term used to encompass all the possible combinations of attorneys and self-represented litigants.

### **C. Research Design**

The workload assessment was conducted in two phases:

1. A time study in which all judges and retired/substitute judges—who were being used to hear cases beyond the capacity of the court’s regularly sitting judges—recorded all case-related and non-case-related work over a six-week period. The time study also measured differences in the amount of judge time spent on cases with and without an interpreter as well as for different self-represented litigant/attorney configurations. The purpose was to provide 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 that ensured that the final weighted caseload models incorporated 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 with 27 circuit, general district and juvenile and domestic relations district courts, and a structured review of the case weights by panels of judges from across Virginia.

### **D. Case Type Categories**

During its first meeting, the JNAC defined the case type categories to be used as the basis for the weighted caseload model. The goal was to identify a manageable number of case type categories that are recognized as legally and logically distinct, associated with different amounts of judicial work, and covering the full range of case types adjudicated in Virginia’s trial courts. For purposes of this study, 16 case types were defined for circuit court, eight for general district court, and nine for juvenile and domestic relations district court. Exhibit 1 lists the case type categories; Appendix A provides a detailed definition for each category.

**Exhibit 1: Case Type Categories**

<b>Circuit Court</b>	<b>General District Court</b>
Capital Murder	Infraction/ Civil Violation
Non-Capital Felonies and Related Matters	Misdemeanor
Misdemeanor	Felony
Other Criminally Related Matters	Garnishment
Administrative Law	Landlord /Tenant
Contested Divorce	General Civil
Uncontested Divorce	Protective Orders
Domestic and Family - Level 1	Involuntary Civil Commitments
Domestic and Family - Level 2	
General Civil - Level 1	<b>Juvenile &amp; Domestic Relations District Court</b>
General Civil - Level 2	Child Dependency
General Civil - Level 3	Child in Need of Services/Supervision
Probates/Wills and Trusts - Level 1	Custody and Visitation
Probates/Wills and Trusts - Level 2	Juvenile Miscellaneous
Protective Orders	Delinquency
Miscellaneous (Civil)	Traffic
	Adult Criminal
	Protective Orders
	Support

**E. Interpreter Use and Attorney Configuration**

Central to this study was the accurate measurement of the judicial work associated with court interpretation and with alternative attorney and self-represented litigant configurations.

Incorporating these features required reliable and valid counts of the number of cases (filings) involving interpreters and those not involving interpreters, as well as case counts for different attorney/pro se arrangements in each of the circuits and districts. To collect these data, judges tracked and recorded the number of hearings held, as well as the amount of time spent on hearings, with and without an interpreter and for alternative attorney/self-represented litigant configurations.

**F. Non-Case-Related Events**

To cover the full range of judicial work, separate definitions of non-case-related events were developed for each court type. Some essential judicial activities and responsibilities, such as court administration, travel among various courts within a circuit or district, and committee meetings, are not directly related to a particular case before the court. These activities are defined as “non-case-related” events. To simplify data collection, lunch and breaks were also included as non-case-related events. Exhibit 2 lists the non-case-related event categories; Appendix B provides specific examples of activities that fall into each category.

## Exhibit 2: Non-Case-Related Events

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<b>Circuit Court/General District Court</b>	<b>Juvenile &amp; Domestic Relations District Court</b>
Non-Case-Related Administration	DC-40; DC-41 Vouchers
General Legal Research	Non-Case-Related Administration
Judicial Education and Training	General Legal Research
Committee Meetings, Other Meetings, and Related Work	Judicial Education and Training
Community Activities and Public Outreach	Committee Meetings, Other Meetings, and Related Work
Work-Related Travel	Community Activities and Public Outreach
Lunch and Breaks	Work-Related Travel
NCSC Time Study	Lunch and Breaks
	NCSC Time Study

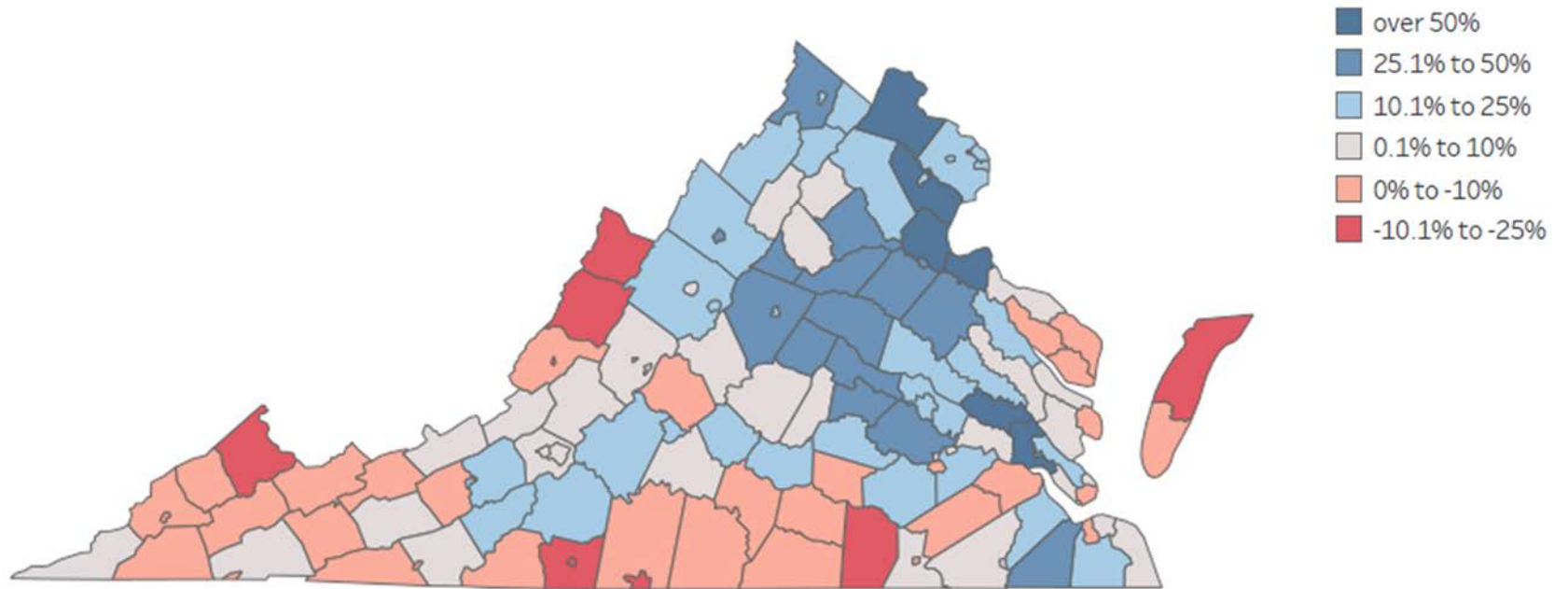
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## G. Virginia Population Trends

Overall, the population in the Commonwealth increased 18% between 2000 and 2016. However, the rate and direction of change varied considerably by county and city, with northern and central Virginia seeing the largest increases. Exhibit 3 shows population percentage change for this time period. The largest increases occurred in Loudoun County (122%), Prince William County (60%), New Kent County (56%), and Stafford County (54%); while the largest declines were seen in Buchanan County (-17%), Accomack County (-14%), Danville City (-13%) and Martinsville City (-12%). Detailed information on population change by county and city as well as by judicial circuit is provided in Appendix C.



Exhibit 3: Percent Population Change in Virginia, 2000-2016



A question that often comes up is whether the number of cases filed in a particular court is related to the population of people living in that jurisdiction. And by extension, whether a given change in population will lead to a given change in case filings. While places with more people tend to have more case filings, the correlation between the two is not always strong. For example, during the period under study, statewide caseloads in Virginia have tended to be steady or show some declines, while overall population has risen statewide. To investigate the issue more systematically, NCSC drew on seven years of jurisdiction-level caseload data by case type for the circuit court, general district court, and juvenile and domestic relations district courts to examine the relationship between caseload trends and population trends.

The analysis employs a statistical modeling analysis called ordinary least squares regression to examine the relationship between variation in case filing trends and variation in population trends. The caseload data come from the years 2010 to 2016 and contemporaneous population estimates for each locality were obtained from the Census Bureau’s “Annual Estimates of the Resident Population for Counties”. The hypothesis being tested is that the number of cases filed in a particular jurisdiction during a given year can be estimated by knowing how many cases of a similar type were filed the year before and the annual change in population. Exhibit 4 shows the results of this analysis on the extent to which change in jurisdiction-level caseload (the dependent variable) appears to be caused (or explained) by the previous year’s caseload and the annual difference in population (the independent variables).<sup>2</sup>

**Exhibit 4: Ordinary Least Squares Model of Caseload by Type and Court**

Variables	Circuit Court			General District Court			Juvenile and Domestic Relations District Court	
	Civil	Criminal	Domestic/ Family	Civil	Criminal	Traffic	Delinquency/ Criminal	Civil
Previous year's filings	<b>0.91</b>	<b>0.97</b>	<b>1</b>	<b>0.96</b>	<b>0.96</b>	<b>0.98</b>	<b>0.96</b>	<b>0.98</b>
Population change (in thousands)	-6.51	13.16	1.55	<b>57.39</b>	<b>35.89</b>	<b>81.97</b>	4.1	<b>43.41</b>

Coefficients in **bold** are significantly different from zero at a p < .05 level.

<sup>2</sup> Population (divided by 1,000) is differenced, because the relationship we are trying to detect is whether positive or negative changes in population have an impact on yearly caseload, rather than the contemporaneous or previous level of population does.

Controlling for population, the changes in caseload from one year to the next (variable named Previous year's filings) are almost all less than one which suggests the trend is downward. For example, the coefficient of .96 for general district court civil cases means that the estimate for the current year's total of civil filing is 96% of the previous year's total.<sup>3</sup> Only the trend in domestic/family cases in the circuit court is non-negative, and the trend for those cases is flat. All of the caseload trend coefficients are also statistically significant.<sup>4</sup>

Turning to the differenced population estimates, coefficients show the estimated increase in case filings of a particular type when population increases by 1,000. For example, the coefficient of 57.39 for general district court civil means that an increase in population of 1,000 people will lead to an increase of about 57 new civil case filings. The findings are only statistically significant for the civil and criminal caseloads in general district court and civil cases in juvenile and domestic relations district court. Moreover, while the estimated effects are positive, they are not large. There are two main findings that come out of this analysis. First, the number of case filings by casetype in one year are closely related to the number of such cases filed in the previous year. Second, changes in population are only weakly associated with changes in the number of case filings.

## H. Availability of Law Clerks

NCSC staff conducted a survey of the chief judges to determine the availability of law clerks in each of the circuits and to summarize their primary responsibilities. Information on the number of law clerks currently working in the circuit courts is not readily available at a statewide level because law clerks are locally funded, hired and supported. Data from the survey show a total of 72 FTE locality-funded law clerks working in select locations in 22 of 31 circuits. One key finding is that there is substantial variation in the level of these resources across circuits. The locations that employ law clerks, the number, and basic information on the types of cases they work on is provided in Appendix D.

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<sup>3</sup> Although all of the autocorrelation coefficients are positively signed, the fact that every coefficient except for domestic/family cases in the circuits is below 1 indicates that the baseline trend for these series is decline. Controlling for population, the expected caseload in each series is less than the caseload in the previous year.

<sup>4</sup> The coefficients are all statistically significant, meaning they are likely greater than 0, but this merely confirms that for every caseload series, the level in one year is very close to the level in the previous year. In other words, every series is very persistent.

### III. TIME STUDY

To establish a baseline measure of current practice, project staff conducted a statewide time study in which trial court judges recorded the amount of time they spent on cases of each case type category as well as on non-case-related work, and whether an interpreter or attorney(s) was involved in each hearing. Separately, OES provided counts of filings by case type category and jurisdiction. NCSC staff used the time study results and caseload data to calculate the average number of minutes currently spent resolving cases within each case type category (preliminary case weights). In addition, time study data informed the amount of time judges have available to spend on case-related and non-case-related matters during the work year.

#### A. Time Study

From March 20, 2017, through April 30, 2017, all circuit and district court judges in the Commonwealth of Virginia were asked to track all their working time by case type category, including both on and off bench case-related work, or by non-case-related work, using a Web-based form. In addition, the General Assembly requested that the time study look explicitly at the impact of two key factors on judicial workload: (a) self-represented litigants and (b) use of an interpreter. Toward this end, for circuit court and general district court, the time study was conducted in two, three-week phases.

- For the first three weeks of the time study, judges tracked time spent on cases and distinguished whether (a) no party or (b) one or more parties was represented by an attorney.
- During the second three-week period, judges tracked the time spent on cases and distinguished whether (a) no interpreter was used or (b) an interpreter was present.

During both phases of the time study, judges also tracked all out-of-court work, including off-bench work related to cases and non-case-related work.

Juvenile and domestic relations district court judges tracked and recorded time hearing-by-hearing throughout the course of the day for the entire six-week period. Data provided include the duration of each hearing, the case type, the total number of attorneys present at the hearing, and whether an interpreter was involved. Judges also tracked all out-of-court work, including off-bench work related to cases and non-case-related work.

To maximize data quality, all time study participants were asked to view a training video designed specifically for their court level explaining how to categorize and record their time. In addition to the training videos, judges were provided with Web-based reference materials, and NCSC staff were available to answer questions by telephone and e-mail. A total of 380 full-time judges, or 96 percent of all Virginia trial court judges, participated in the time study. This high participation rate ensured sufficient data to develop an accurate and reliable portrait of current practice.

## **B. Caseload Data**

To translate the time study data, which measures the aggregate amount of time judges spend processing all cases of each type, into the preliminary case weights, which measure the average amount of judicial time spent on a single case of each type, it was necessary to determine how many individual cases of each type are filed on an annual basis. The Office of the Executive Secretary (OES) provided three years of filing data from May 2014 through April 2017, by case type category and jurisdiction.<sup>5</sup>

To address year-to-year fluctuations in filings data, the caseload data for all three years were used to calculate the average of an annual count of filings within each case type category. Using a three-year annual average rather than the caseload data for one particular year serves to reduce the influence of short-term fluctuations in particular filing categories, while ensuring long-term trends in the number of filings are incorporated into the model. Exhibit 5 displays the statewide filings by case type and year, along with the annual averages.

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<sup>5</sup> All district courts and 118 of 120 circuit courts use the statewide case management systems developed and maintained by OES. The two circuit courts that do not use the statewide circuit case management system, Alexandria and Fairfax, provided their courts' caseload data to OES separately so that it could be included in the data provided to the NCSC.

**Exhibit 5: Statewide Case Filings, May 2014 – April 2017\***

<b>Circuit Court Case Type</b>	2014	2015	2016	<b>3-year average**</b>
Capital Murder	51	79	64	<b>62</b>
Non-Capital Felonies and Related Matters	123,994	123,538	129,509	<b>125,681</b>
Misdemeanor	41,565	42,800	43,427	<b>42,593</b>
Other Criminally Related Matters	15,229	14,864	14,717	<b>14,936</b>
Administrative Law	475	499	622	<b>530</b>
Contested Divorce	10,081	10,505	10,217	<b>10,269</b>
Uncontested Divorce	25,247	25,118	24,507	<b>24,958</b>
Domestic and Family - Level 1	6,458	7,244	7,552	<b>7,089</b>
Domestic and Family - Level 2	4,794	4,588	4,693	<b>4,696</b>
General Civil - Level 1	1,299	1,218	1,158	<b>1,217</b>
General Civil - Level 2	16,926	16,466	16,693	<b>16,697</b>
General Civil - Level 3	8,825	9,729	9,768	<b>9,443</b>
Probates/Wills and Trusts - Level 1	507	500	506	<b>506</b>
Probates/Wills and Trusts - Level 2	2,710	2,811	2,971	<b>2,835</b>
Protective Orders	1,072	1,368	1,450	<b>1,294</b>
Miscellaneous (Civil)	122,773	155,727	148,764	<b>142,427</b>
<b>Total Circuit Court</b>	<b>382,006</b>	<b>417,054</b>	<b>416,618</b>	<b>405,233</b>

<b>General District Court Case Type</b>	2014	2015	2016	<b>3-year average</b>
Infraction***/ Civil Violation	860,172	759,422	735,179	<b>784,927</b>
Misdemeanor	573,737	536,061	529,437	<b>546,408</b>
Felony	98,658	97,457	101,924	<b>99,344</b>
Garnishment	178,764	184,439	175,370	<b>179,523</b>
Landlord/Tenant	173,395	167,724	166,979	<b>169,366</b>
General Civil	312,002	322,493	322,275	<b>318,921</b>
Protective Orders	12,704	14,218	14,485	<b>13,803</b>
Involuntary Civil Commitments	1,852	1,948	2,110	<b>1,969</b>
<b>Total General District Court</b>	<b>2,211,284</b>	<b>2,083,762</b>	<b>2,047,759</b>	<b>2,114,261</b>

<b>Juvenile and Domestic Relations District Court Case Type</b>	2014	2015	2016	<b>3-year average</b>
Child Dependency	22,799	21,914	22,339	<b>22,348</b>
Child in Need of Services/Supervision	4,257	4,207	4,275	<b>4,247</b>
Custody and Visitation	135,496	143,609	139,114	<b>139,405</b>
Juvenile Miscellaneous	7,149	6,663	5,979	<b>6,593</b>
Delinquency	45,819	42,232	40,740	<b>42,929</b>
Traffic	16,609	14,845	14,117	<b>15,189</b>
Adult Criminal	103,678	106,074	105,016	<b>104,924</b>
Protective Orders	17,372	18,497	19,189	<b>18,353</b>
Support	94,887	87,698	79,987	<b>87,525</b>
<b>Total J&amp;DR District Court</b>	<b>448,066</b>	<b>445,739</b>	<b>430,756</b>	<b>441,513</b>

\* The filing data for 2014 covers the period May 1, 2014 to April 30, 2015; the filing data for 2015 covers the period May 1, 2015 to April 30, 2016; and the filing data for 2016 covers the period May 1, 2016 to April 30, 2017.

\*\*For each individual jurisdiction by court type, the filings for each of the three years were added and used to calculate a 3-year average by case type, rounded to the nearest whole number. The individual jurisdiction 3-year averages were then summed to come up with an overall 3-year average by case type for the circuit court, general district court, and juvenile and domestic relations court.

\*\*\* Filing numbers do not include prepaid traffic infractions

### C. Preliminary Case Weights

Following the six-week data collection period, the time study and caseload data were used together to calculate preliminary case weights. A preliminary case weight represents the average amount of time a judge currently spends to process each case of a particular type, from filing through all post-disposition activity. The use of separate case weights for different case types accounts for the fact that cases of varying levels of complexity require different amounts of time to resolve effectively. For example, the case weight for felonies should be larger than the case weight for misdemeanors because the typical felony case is more serious and complex because of the number of possible witnesses, hearings, and motions, and therefore requires more judicial time than the typical misdemeanor.

The NCSC recommended, and the Committee adopted the recommendation, that the workload assessment should result in a single set of case weights for each type of court to estimate judicial need. That is, there is a separate set of statewide case weights for the circuit courts, the general district courts, and the juvenile and domestic relations district courts. The decision to adopt a single set of case weights for each type of court is consistent with the approach used in most other states employing weighted caseload. As discussed below, the model incorporates case weight adjustments based on above average use of interpreters or presence of more complex attorney configurations. The use of this modeling strategy will help ensure resource equity across the Commonwealth.

To calculate the preliminary case weight for each case type category, all judge time associated with the case type during the time study was summed and weighted to the equivalent of one full year's worth of time, then divided by the corresponding annual filings. For example, the time study data reveal that Virginia circuit court judges currently spend a total of nearly 5.5 million minutes per year processing Non-Capital Felony cases.<sup>6</sup> Dividing the total time by the annual average circuit court Non-Capital Felony filings (125,681) yields a preliminary case weight of 44 minutes. This indicates that, on average, circuit court judges in Virginia devote 44 minutes of time to each Non-Capital Felony case throughout the life of the case. Exhibit 6 shows the calculation of the preliminary case weights for all case type categories. The Committee reviewed and adopted the preliminary case weights recommended by the NCSC as an accurate representation of the time Virginia's judges currently devote to adjudicating cases.

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<sup>6</sup> See Appendix A for the definition of what is included in this case type category.

**Exhibit 6: Preliminary Case Weights**

<b>Circuit Court Case Type</b>	<b>Time Study (minutes)</b>	<b>÷</b>	<b>Filings (average)</b>	<b>=</b>	<b>Case Weight (minutes)</b>
Capital Murder	51,832	÷	62	=	836
Non-Capital Felonies and Related Matters	5,529,964	÷	125,681	=	44
Misdemeanor	425,930	÷	42,593	=	10
Other Criminally Related Matters	388,336	÷	14,936	=	26
Administrative Law	20,140	÷	530	=	38
Contested Divorce	975,555	÷	10,269	=	95
Uncontested Divorce	299,496	÷	24,958	=	12
Domestic and Family - Level 1	730,167	÷	7,089	=	103
Domestic and Family - Level 2	300,544	÷	4,696	=	64
General Civil - Level 1	634,057	÷	1,217	=	521
General Civil - Level 2	1,068,608	÷	16,697	=	64
General Civil - Level 3	481,593	÷	9,443	=	51
Probates/Wills and Trusts - Level 1	146,234	÷	506	=	289
Probates/Wills and Trusts - Level 2	70,875	÷	2,835	=	25
Protective Orders	58,230	÷	1,294	=	45
Miscellaneous (Civil)	284,854	÷	142,427	=	2

<b>General District Court Case Type</b>	<b>Time Study (minutes)</b>	<b>÷</b>	<b>Filings (average)</b>	<b>=</b>	<b>Case Weight (minutes)</b>
Infraction/ Civil Violation	1,648,347	÷	784,927	=	2.1
Misdemeanor	2,950,603	÷	546,408	=	5.4
Felony	1,390,816	÷	99,344	=	14.0
Garnishment	179,523	÷	179,523	=	1.0
Landlord /Tenant	355,669	÷	169,366	=	2.1
General Civil	1,275,684	÷	318,921	=	4.0
Protective Orders	179,439	÷	13,803	=	13.0
Involuntary Civil Commitments	9,845	÷	1,969	=	5.0

<b>Juvenile and Domestic Relations District Court Case Type</b>	<b>Time Study (minutes)</b>	<b>÷</b>	<b>Filings (average)</b>	<b>=</b>	<b>Case Weight (minutes)</b>
Child Dependency	804,528	÷	22,348	=	36
Child in Need of Services/Supervision	288,796	÷	4,247	=	68
Custody and Visitation	2,927,505	÷	139,405	=	21
Juvenile Miscellaneous	131,860	÷	6,593	=	20
Delinquency	987,367	÷	42,929	=	23
Traffic	151,890	÷	15,189	=	10
Adult Criminal	1,468,936	÷	104,924	=	14
Protective Orders	550,590	÷	18,353	=	30
Support	1,225,350	÷	87,525	=	14



## D. Day and Year Values

In any weighted caseload system, three factors contribute to the calculation of judicial need: caseload data (filings), case weights, and the judge year value. The year value is 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:

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

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

To develop the judge year value, it is necessary to determine the number of days judges have 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 time (judge day). Computing a judge year is accomplished by determining how many days must be subtracted from a calendar year to account for weekends, holidays, judicial conferences, vacation days, and sick time.

After considering all these factors, at its initial meeting in November of 2016, JNAC reviewed and confirmed the use of a 216-day judge year for circuit and district court judges (consistent with the value used in 2013). The value of 216 days is reached by beginning with 365 days and subtracting weekends, legal holidays, vacation

days, sick leave days, and days devoted to judicial education and committee work. A judge year value of 216 days is consistent with the value adopted in other states.<sup>7</sup>

The judge day value represents the amount of time each judge has available for case-related work during each workday. The JNAC confirmed a total working day for all judges of 8.5 hours, including lunch, breaks, and non-case-related work. While the judicial workday in each type of court assumes a common baseline of 8.5 hours per day, there are differences in the breakdown between case-related and non-case related time. Non-case-related time is defined as time spent on judicial functions not directly related to case processing, yet essential to the efficiency and effectiveness of court operations such as docket management, administrative time, travel time, legal research and judicial administrative meetings. Drawing on the day value adopted in 2013 and with reference to the 2017 time study day, the JNAC elected to keep the same judge day values used in the previous study.

Exhibit 7 shows the final day and year values. Each year value represents the total number of minutes one judge has available in one year for case-related work. For example, the year value of 75,168 minutes for circuit court judges in single-jurisdiction courts indicates that each judge has 75,168 minutes, or 5.8 hours per day for 216 days per year, to devote to case-related work. Virginia's judicial year values for case-related work are similar to those being used in other states.

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<sup>7</sup> Two-hundred-fifteen days is the median judge year from twenty-two different judicial workload studies conducted by the NCSC. For example, Michigan and Alabama have adopted a judge year of 215 days and Tennessee and North Carolina have adopted a judge year of 217 days.

## Exhibit 7: Judge Day and Year Values

		Circuit Court		General District Court		JDR District Court	
		Single Jurisdiction	Multi Jurisdiction	Single Jurisdiction	Multi Jurisdiction	Single Jurisdiction	Multi Jurisdiction
Total working hours per day		7.5	7.5	7.5	7.5	7.5	7.5
Non-case related time	-	1.7	2.0	2.0	2.3	2.0	2.3
Judge Day Value (hours)	=	5.8	5.5	5.5	5.2	5.5	5.2
Minutes per hour	x	60	60	60	60	60	60
Total Days	x	216	216	216	216	216	216
Judge Year Value (minutes)	=	75,168	71,280	71,280	67,392	71,280	67,392

### E. Interpreter and Self-Represented Litigant Adjustments

It should be noted that the preliminary case weights incorporate a baseline level of time that reflects the average impact of interpreters and self-represented litigants on the amount of time spent by judges handling cases. That is, by design, the case weights reflect the average amount of time spent by judges statewide handling all types of cases and so will include the average statewide amount of time associated with interpreter cases and cases involving self-represented litigants. A question for this study is whether variation in alternative attorney configurations and in the level of interpreter activity around the state may result in the under-reporting of judicial need in areas where more time intensive attorney configurations are present or interpreter activity is high.

To accurately measure the judicial work associated with different attorney configurations and with court interpretation requires reliable and valid counts of the number of cases (filings) involving alternative attorney configurations/interpreters and those not involving alternative attorney configurations/interpreters in each of the circuits and districts. Although the statewide case management systems developed and maintained by the Office of the Executive Secretary (OES) can capture self-represented litigants and the

need for language access services in a case, data quality is somewhat inconsistent and does not allow for differentiation of the time spent on cases by type. Therefore, during the time study, judges tracked both the number and duration of hearings involving alternative attorney configuration/interpreters and those that did not.

With respect to self-represented litigants (and alternative attorney configurations), judges in circuit court held 10,185 hearings with self-represented litigants, or about 6% of all hearings held. The relatively small number of hearings involving self-represented litigants and the similar distribution across circuits led the JNAC to conclude that no additional adjustment is needed to the case weights to accommodate self-represented litigants in the circuit court.

For general district court, judges conducted 594,950 hearings with self-represented litigants, or about 54% of all hearings held. For four case types (garnishments and interrogatories, landlord/tenant, general civil and protective orders), the amount of judge time spent on cases involving self-represented litigants was essentially the same as the time spent on cases without self-represented litigants. For the other three case types (traffic infraction/civil violation, misdemeanor, and felony), the time judges spent on cases involving self-represented litigants was about one-half the time spent on cases without a self-represented litigant. However, while the

duration of time was different, the proportion of cases involving self-represented litigants was very similar across the districts. This finding means that the statewide case weights incorporate the observed variation in time associated with self-represented litigants. Given these results across the general district case types (the small number of involuntary commitment cases is insufficient to warrant their inclusion in this analysis), the JNAC determined no additional adjustment to the case weights is needed to accommodate self-represented litigants in general district court.

For the juvenile and domestic relations district courts, the time study showed there were differences in the time spent by judges handling various types of cases depending on whether 0, 1, 2, or 3 or more attorneys were involved in the case. Judicial time tended to increase with greater attorney participation and was greatest for cases with 3 or more attorneys involved. In addition, the proportion of cases meeting alternative attorney configurations varied by district. Data from the time study were used to produce adjustments to the case weights based on attorney configuration and case type and applied individually to each district if the proportion of cases meeting a particular attorney configuration exceeded the statewide average. The NCSC recommended, and the JNAC approved, that the proportion of cases receiving the upward adjustment be calculated as the positive difference between the district percentage and the statewide percentage. The statewide average for attorney configuration by casetype is shown in Exhibit 8. For example, for

custody and visitation cases statewide, 45% of cases had 0 attorneys, 30% had 1 attorney, 15% had 2 attorneys and 10% had 3 or more attorneys. Time study results show that when 2 attorneys are involved in a custody and visitation case, the case takes about 1.5 times longer; when 3 or more attorneys are involved, the case takes about 2 times as long. Therefore, if 20% of a given district's custody and visitation cases involve 2 attorneys, which is above the statewide average of 15%, then 5% of that district's custody and visitation cases (20% minus 15%) will receive an upward adjustment of 1.5 times the case weight. The share of cases above the statewide average for each casetype and attorney configuration by district is presented in Appendix E.

Turning to the impact of interpreter usage, the time study results reveal that use of interpreter services varies by court level and by jurisdiction. Exhibit 9 presents the proportion of hearings with interpreter use for all three court levels. Summary bar charts, by circuit/district, show usage by court-level and by jurisdiction. Overall, in circuit court, about 1.23 percent of the total hearings held involved an interpreter. On average, hearings with an interpreter took 1.5 times as long as hearings without an interpreter. In general district court, 2.19 percent of hearings involved an interpreter and hearings with an interpreter took 2.25 times as long as hearings without. In juvenile and domestic relations district court, 3.79 percent of hearings involved an interpreter and these hearings took 1.5 times as long as hearings without an interpreter.

**Exhibit 8: Juvenile and Domestic Relations District Court, Attorney Configuration**

% Hearings by Attorney Configuration	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Miscellaneous	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
0 attorney	10%	25%	45%	40%	20%	75%	30%	70%	25%	35%
1 attorney	10%	35%	30%	30%	35%	20%	40%	15%	50%	35%
2 attorney	15%	30%	15%	20%	40%	5%	30%	10%	25%	25%
3+ attorney	65%	10%	10%	10%	5%	0%	0%	5%	0%	5%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

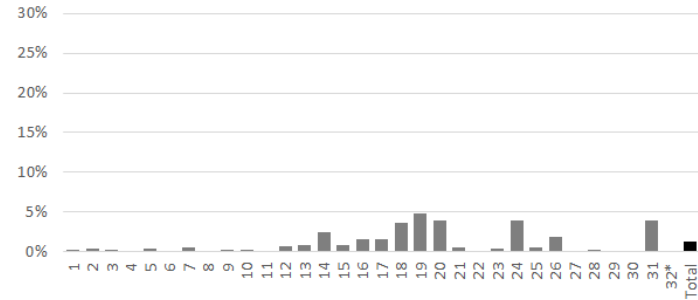
### Exhibit 9: Proportion of Hearings with Interpreter Use

Circuit/ District	% Hearings with Interpreters		
	Circuit Court	General District Court	Juvenile and Domestic Relations District Court
1	0.18%	0.40%	0.63%
2	0.38%	0.51%	0.46%
3	0.24%	0.28%	0.00%
4	0.11%	0.59%	1.27%
5	0.41%	0.05%	0.00%
6	0.00%	0.54%	1.01%
7	0.53%	0.95%	0.70%
8	0.00%	0.15%	0.06%
9	0.21%	1.19%	0.85%
10	0.18%	0.55%	0.29%
11	0.00%	0.21%	1.25%
12	0.72%	<b>2.68%</b>	2.78%
13	0.84%	1.54%	3.78%
14	<b>2.40%</b>	1.30%	3.08%
15	0.87%	1.62%	3.04%
16	<b>1.62%</b>	<b>2.67%</b>	1.85%
17	<b>1.54%</b>	<b>4.41%</b>	<b>18.70%</b>
18	<b>3.60%</b>	<b>9.24%</b>	<b>25.27%</b>
19	<b>4.73%</b>	<b>7.19%</b>	<b>21.31%</b>
20	<b>3.86%</b>	<b>9.16%</b>	<b>13.48%</b>
21	0.53%	1.09%	0.53%
22	0.00%	0.36%	0.20%
23	0.41%	0.65%	1.72%
24	<b>3.98%</b>	0.73%	0.94%
25	0.45%	0.43%	0.00%
26	<b>1.88%</b>	1.99%	<b>4.23%</b>
27	0.00%	0.54%	0.55%
28	0.27%	0.97%	0.06%
29	0.00%	0.04%	0.00%
30	0.00%	0.03%	0.00%
31	<b>3.90%</b>	<b>3.65%</b>	<b>10.14%</b>
32*		1.22%	4.71%
<b>Total</b>	<b>1.23%</b>	<b>2.19%</b>	<b>3.79%</b>

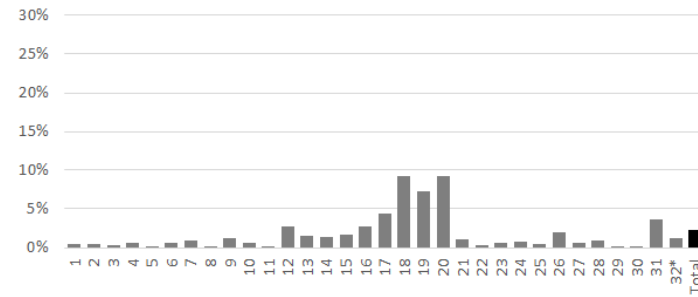
Percentages in **bold** are above the statewide average

\*District 32 is 2A

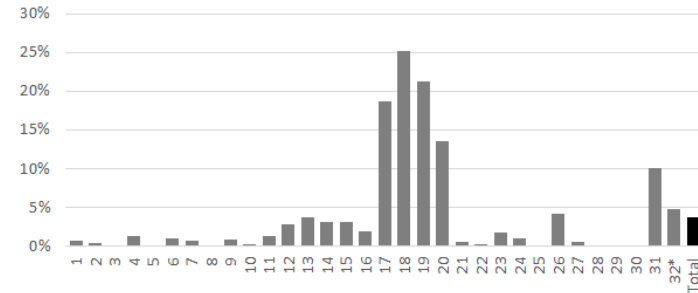
Proportion of Hearings with interpreter by Circuit Court



Proportion of Hearings with interpreter by General District Court



Proportion of Hearings with interpreter by Juvenile and Domestic Relations District Court



Circuit court has the lowest frequency of hearings involving an interpreter, and juvenile and domestic relations district court has the highest. Additionally, select jurisdictions have a higher proportion of hearings with interpreter services. For example, roughly 20 to 25 percent of hearings in the juvenile and domestic relations district courts in the 17th (Arlington), 18th (Alexandria), and 19th (Fairfax) judicial districts involve an interpreter, as compared to about one percent of hearings in the juvenile and domestic relations district courts in the 2nd (Virginia Beach) and 4th (Norfolk) judicial districts.

Like the method used for alternative attorney configurations, the NCSC recommended, and the JNAC approved, that the interpreter multiplier be applied in situations where the proportion of interpreter cases exceeds the statewide average (i.e., the circuits and districts in Exhibit 9 where the percent hearings with interpreter is in bold). The multiplier is applied to the share of judicial workload involving an interpreter in those circumstances where the measured proportion of hearings involving an interpreter is greater than the statewide average. Exhibits 10 - 12 show the interpreter and attorney configuration multipliers by court level and case type.

**Exhibit 10: Multipliers for Above Average Interpreter Usage and the Presence of Self-Represented Litigants, Circuit Court**

	Case Weight	Multiplier	
		Interpreter	Self-represented
Capital Murder	836	1	1
Non-Capital Felonies and Related Matters	44	1.5	1
Misdemeanor	10	1.5	1
Other Criminally Related Matters	26	1	1
Administrative Law	38	1	1
Contested Divorce	95	1.5	1
Uncontested Divorce	12	1.5	1
Domestic and Family - Level 1	103	1.5	1
Domestic and Family - Level 2	64	1.5	1
General Civil - Level 1	521	1.5	1
General Civil - Level 2	64	1.5	1
General Civil - Level 3	51	1.5	1
Probates/Wills and Trusts - Level 1	289	1	1
Probates/Wills and Trusts - Level 2	25	1	1
Protective Orders	45	1	1
Miscellaneous (Civil)	2	1	1

**Exhibit 11: Multipliers for Above Average Interpreter Usage and the Presence of Self-Represented Litigants, General District Court**

	Case Weight	Multiplier	
		Interpreter	Self-represented
Infraction/ Civil Violation	2.1	2.25	1
Misdemeanor	5.4	2.25	1
Felony	14.0	2.25	1
Garnishment	1.0	2.25	1
Landlord /Tenant	2.1	2.25	1
General Civil	4.0	2.25	1
Protective Orders	13.0	2.25	1
Involuntary Civil Commitments	5.0	2.25	1

**Exhibit 12: Multipliers for Above Average Interpreter Usage and the Presence of More Complex Attorney Configurations, Juvenile and Domestic Relations District Court**

	Case Weight	Multiplier				
		Interpreter	0 atty	1 atty	2 atty	3+ atty
Child Dependency	36	1.5	0.8	1	1	1.1
Child in Need of Services/Supervision	68	1.5	0.8	1	1	1.5
Custody and Visitation	21	1.5	0.8	1	1.5	2
Juvenile Miscellaneous	20	1.5	1	1	1	1
Delinquency	23	1.5	0.8	1	1	1.5
Traffic	10	1.5	1	1	1	1
Adult Criminal	14	1.5	0.8	1	1	2
Protective Orders	30	1.5	0.8	1	1.5	2
Support	14	1.5	1	1	1	1

**F. Chief Judge Adjustment**

In each judicial circuit and district, one judge serves as chief judge of each level of court to provide administrative supervision over that particular level of court within the judicial circuit and district. Because of these responsibilities, chief judges spend a greater proportion of each day on non-case-related work than do typical trial court judges. Therefore,

when the need for circuit and district court judges is calculated solely based on the judge year values, the model does not incorporate time for chief judges to perform their unique administrative duties. Drawing on the time study data submitted by chief judges, JNAC chose to include a chief judge adjustment of .1 FTE for each circuit and district. This is the same value used in the 2013 study and is common in statewide judicial workload studies.

## IV. QUALITY ADJUSTMENTS

The preliminary case weights generated during the time study measure the amount of time judges currently spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges should spend. To examine the extent to which current resource constraints impact judicial case processing practices, project staff made site visits to conduct interviews with judges in a variety of circuit and district courts, and administered a Web-based Sufficiency of Time Survey to all judges statewide. Informed by the survey and interview results, as well as their own experience, three expert panels of experienced judges reviewed the preliminary case weights to ensure they provide sufficient time for efficient and effective case processing.

### A. Site Visits

To gain an in-depth understanding of the issues judges face in the effective handling of their cases, NCSC staff scheduled visits to circuit, general district, and juvenile and domestic relations district courts in 9 judicial circuits and districts covering 27 jurisdictions. Participating sites included both urban and rural courts from all geographic regions of the state.<sup>8</sup> During the site visits, judges and court staff participated in structured group and individual interviews. 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.

Across all three court types, judges stress the importance of fully explaining orders and rulings and addressing the needs of self-represented litigants. Judges assert that taking

the time to ensure that the parties fully understand the conditions and requirements of probation, pretrial release, protective orders, and foster care plans, can improve compliance, enhancing public safety and child well-being. District court judges also express a need for more time to explain to self-represented litigants their rights and responsibilities, as well as the consequences of waiving the right to an attorney.

Judges across the state emphasize the importance of strong support staff and dedicated court clerks. There is concern that most clerks' offices are under-staffed. Additionally, judges in circuit courts without law clerk support felt that if they had access to a law clerk or a judicial secretary to assist with tasks such as preparing case summaries, taking notes during hearings, and assisting with drafting opinions and orders that would enable judges to make more timely decisions, and therefore save judges' time and increase the court's efficiency.

Judges who sit in multiple locations frequently underscore the importance of having case files available remotely, which allows them to prepare in advance for upcoming hearings and to take advantage of courtroom downtime to work on other cases. When documents are not available electronically, these judges have little opportunity to review case files before taking the bench.

A consistent theme from the site visits is that when the number of judges in a particular circuit or district falls below recommended levels, there is a negative impact on the efficient and effective resolution of cases. In these

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<sup>8</sup> Site visits were made to the following judicial circuits and districts: 4, 7, 8, 16, 19, 20, 25 and 27 and, due to scheduling difficulties, a conference call was held with the judges and staff in the 22<sup>nd</sup> Circuit and District.

circumstances, judges are often forced to meet the excess demand by holding shorter hearings, scheduling trial dates further and further out, and are often forced to ‘bump’ cases and reschedule them to a future date. Judges also have less time to thoroughly prepare for hearings. Further, to deal with the high volume of cases, judges are often forced to work through lunch and breaks and work longer hours to meet the increased demand. This is especially true for judges who handle high volume dockets. These judges expressed a concern for the growing number of cases on their dockets and the adverse impact this has on the health of individual judges. All of these factors contribute to increasing the time to disposition and an erosion of procedural satisfaction and the overall quality of justice.

## **B. Sufficiency of Time Survey**

To provide a statewide perspective on areas of concern in relation to current practice, all circuit, general district, and juvenile and domestic relations district court judges statewide were asked to complete a web-based survey. For each case-related event (e.g., Pre-Trial, Disposition), judges were asked to identify particular tasks, if any, where additional time would allow them to more effectively handle their cases. It is important to note that if judges felt no additional time was needed, the survey included an option for judges to indicate this.<sup>9</sup> The survey also included questions regarding non-case-related duties, as well as space for judges to comment freely on their workload.

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<sup>9</sup> For simplicity, some case-related event categories were combined for purposes of the sufficiency of time survey. The maximum number of selections varied by court type based upon the total number of activities in each event category. Circuit court judges were asked to select up to five activities in each of three categories (Pre-Trial Activities, Trial/Disposition Activities, Post-Judgment/Post-Disposition Activities). General district

A total of 87 circuit court judges, 67 general district court judges, and 71 juvenile and domestic relations district court judges completed the survey. Across all three court levels, judges reported that the use of interpreters slows the pace of proceedings. Judges state that more time is required to explain orders and rulings to non-English-speaking litigants, detracting from time available to conduct other aspects of a proceeding.

Additionally, circuit and general district judges indicated that conducting trials and final hearings, addressing the issues surrounding self-represented litigants, ensuring that parties feel that their questions and concerns have been addressed, and explaining orders and rulings as specific activities for which additional time would most improve the quality of justice. In juvenile and domestic relations cases, judges indicated a need for additional time to prepare for, conduct, and prepare recommendations, findings, and orders related to trials and final hearings, as well as to address the needs of self-represented litigants.

Lastly, judges stated that they feel they do not always have time to complete administrative tasks. Full dockets often require them to work after hours and on weekends to stay current with these responsibilities.

Several common themes emerged during the interviews as well as in the comments of the sufficiency of time survey. These qualitative findings were presented to the Delphi groups to assist the groups in identifying activities potentially warranting quality adjustments.

court judges were asked to select up to three activities in each of three categories (Pre-Trial Activities, Trial/Disposition Activities, Post-Judgment/Post-Disposition Activities). Juvenile and domestic relations district court judges were asked to select up to six activities in each of three categories (Pre-Disposition Activities, Disposition Activities, Post-Disposition Activities).



### C. Delphi Quality Adjustment Groups

To provide a qualitative review of the preliminary case weights, NCSC staff facilitated a series of three separate quality adjustment sessions in September 2017 with Delphi groups of seasoned judges; one for each court type. Delphi group members represented a variety of single-jurisdiction and multi-jurisdiction courts across the state. During each Delphi session, NCSC staff provided group members with a brief overview of the process used to develop the preliminary case weights, followed by a review of the sufficiency of time survey and site visit results.

Using a variant of the Delphi method—a structured, iterative process for decision-making by a panel of experts—judges engaged in a systematic review of the preliminary case weights. Group members drew on current practice (as measured by the time study), judicial perspective (as measured by the sufficiency of time survey and the site visits), and their personal experience on the bench to make recommendations regarding the content of the final case weights.

Each group was asked to follow a four-step process:

1. Review each preliminary case weight by case type and event and identify specific case types and activities where additional time would allow a judge to more effectively handle the case, 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. This process also ensures that the statewide perspective gained from the site visits and sufficiency of time survey, along with the input of all Delphi group members, is incorporated into the final workload model.

The Delphi groups evaluated the case weights by focusing on distinct case-related events within each case type category. For each adjustment, the group was asked to specify both the amount of time to be added or subtracted and the percentage of cases in which this adjustment was required (frequency of adjustment). For example, the general district court Delphi group recommended adding 5 minutes to the pre-disposition activity event in 5% of landlord/tenant cases. This adjustment was recommended to maintain emphasis on procedural due process and allow for additional time to explain procedures, orders, and rulings to self-represented litigants.

Before being incorporated into the applicable case weight, each adjustment was multiplied by the corresponding frequency. For example, the 5-minute adjustment for pre-disposition activity in landlord/tenant cases was multiplied by 5% to yield a net case weight adjustment of .2 minutes per case.<sup>10</sup>

As another example, members of the juvenile and domestic relations district court Delphi group saw the need for spending additional time at disposition for a small percentage of child dependency cases. By increasing the time by 5 minutes in 15% of the cases, the group sought to provide judges with extra time to prepare detailed, written findings and orders at the adjudicatory hearing to memorialize the basis for the findings of the case.

Following the Delphi sessions, JNAC reviewed and adopted the Delphi groups' recommendations. Exhibit 13 shows the preliminary and quality-adjusted case weights for all case type categories. Appendix F contains a detailed list of the Delphi adjustments, along with the rationale for each adjustment.

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<sup>10</sup> For events that do not occur in every case (e.g., trial/contested disposition), each adjustment was multiplied by both the frequency of adjustment and the percentage of cases in which the event occurs (frequency of event).

**Exhibit 13: Preliminary and Quality-Adjusted Case Weights**

<i>Circuit Court</i>	<u>Case Weights (minutes)</u>	
	Time Study	Delphi
Capital Murder	836	867
Non-Capital Felonies and Related Matters	44	45
Misdemeanor	10	10
Other Criminally Related Matters	26	26
Administrative Law	38	49
Contested Divorce	95	95
Uncontested Divorce	12	12
Domestic and Family - Level 1	103	103
Domestic and Family - Level 2	64	64
General Civil - Level 1	521	544
General Civil - Level 2	64	64
General Civil - Level 3	51	51
Probates/Wills and Trusts - Level 1	289	289
Probates/Wills and Trusts - Level 2	25	25
Protective Orders	45	45
Miscellaneous (Civil)	2	2

<i>General District Court</i>	<u>Case Weights (minutes)</u>	
	Time Study	Delphi
Infraction/ Civil Violation	2.1	2.1
Misdemeanor	5.4	5.5
Felony	14.0	14.0
Garnishment	1.0	1.0
Landlord /Tenant	2.1	2.3
General Civil	4.0	4.2
Protective Orders	13.0	13.0
Involuntary Civil Commitments	5.0	5.0

<i>Juvenile &amp; Domestic Relations District Court</i>	<u>Case Weights (minutes)</u>	
	Time Study	Delphi
Child Dependency	36	45
Child in Need of Services/Supervision	68	68
Custody and Visitation	21	23
Juvenile Miscellaneous	20	20
Delinquency	23	23
Traffic	10	10
Adult Criminal	14	15
Protective Orders	30	31
Support	14	14

## V. CALCULATION OF TOTAL JUDICIAL NEED

At the conclusion of the quality adjustment process, the total number of judges needed in each circuit and district was calculated using the quality-adjusted case weights. First, each circuit/district total workload in minutes was calculated by multiplying the annual filings for each case type category by the corresponding case weight, then summing the result for all case type categories. The circuit/district total workload was then divided by the appropriate judge year value to yield the total number of

judges needed to handle the court's workload. When appropriate, as discussed earlier under Interpreter and Self-Represented Litigant Adjustments, adjustments were made to accommodate above average interpreter usage and the presence of more complex attorney configurations. Finally, an additional .1 FTE was added to each circuit/district judicial the chief judge adjustment. Exhibit 14 provides an example of the calculation of judicial need for the 5<sup>th</sup> Judicial Circuit.

### Exhibit 14: Calculation of Judicial Need, 5<sup>th</sup> Judicial Circuit

	Filings	*	Case Weights (minutes)	=	Workload (minutes)	
Capital Murder	2	*	867	=	1,734	
Non-Capital Felonies and Related Matters	3,196	*	45	=	143,820	
Misdemeanor	952	*	10	=	9,520	
Other Criminally Related Matters	315	*	26	=	8,190	
Administrative Law	8	*	49	=	392	
Contested Divorce	155	*	95	=	14,725	
Uncontested Divorce	370	*	12	=	4,440	
Domestic and Family - Level 1	74	*	103	=	7,622	
Domestic and Family - Level 2	125	*	64	=	8,000	
General Civil - Level 1	14	*	544	=	7,616	
General Civil - Level 2	296	*	64	=	18,944	
General Civil - Level 3	157	*	51	=	8,007	
Probates/Wills and Trusts - Level 1	3	*	289	=	867	
Probates/Wills and Trusts - Level 2	42	*	25	=	1,050	
Protective Orders	19	*	45	=	855	
Miscellaneous	3,137	*	2	=	6,274	
	8,865				242,056	
				÷	71,280	Judge Year Value
					3.4	
				+	.1	Chief Judge Adjustment
					3.5	

Exhibit 14 shows that the 5th Judicial Circuit has a total need of 3.5 FTE circuit court judges. As is the case here, weighted caseload calculations typically result in estimates of judicial need that contain fractional judgeships. In some instances when implied need exceeds the number of sitting judges, the current complement of judges in a given circuit or district can organize to handle the additional workload, perhaps with the periodic assistance of a retired or substitute judge. However, at some point, the additional workload crosses a threshold that means the circuit/district needs another full-time judicial position to effectively resolve the cases entering the court. The main issue is to identify the threshold. In other words, develop a method to guide the decision of when to round up or down to a whole judicial position and thereby determine the appropriate number of authorized judicial positions in each circuit and district.

After much discussion, JNAC adopted a rounding convention that is based upon the workload per judge and puts judges in localities of all sizes on equal footing.<sup>11</sup> Workload per judge is calculated by dividing the total judge need in each circuit/district by the number of funded judicial positions. According to the rounding convention, when workload per judge is greater than or equal to 1.15 FTE, there is a need for one or more additional judicial positions; where workload per judge falls below .9 FTE, there is a need for fewer positions.<sup>12</sup> For example, in the 5th Judicial Circuit there are currently 3 authorized and funded FTE circuit court judges. Dividing the *Total Need* by the current number of *Funded Judges* ( $3.5 \text{ FTE} \div 3$

FTE) results in a *Current Workload per Judge* of 1.17 FTE. Since workload per judge exceeds the upper threshold of 1.15 FTE, a judicial position is added to bring workload per judge below 1.15. Rounding judicial need to 4 FTE judges in this manner results in a *Final Workload per Judge* of .87 FTE ( $3.5 \text{ FTE} \div 4 \text{ FTE}$ ). Exhibit 15 presents circuit court judge need for each judicial circuit, after the rounding convention has been applied. Overall, the model suggests a need for 170 FTE circuit court judges. Exhibit 16 and 17 display overall judge need for general district courts (130 FTE) and juvenile and domestic relations district courts (135 FTE), respectively.

The rounding convention using workload per judge was designed to provide empirical guidance as to which courts are over- or under-resourced. It also provides a means to rank jurisdictions regarding their relative need. The higher the workload per judge, the greater the need for additional resources (e.g., a court with a workload per judge of 1.36 would have a greater need for an additional judge than a court with a workload per judge of 1.18). The upper and lower thresholds are guidelines for an initial identification of courts that may need additional (or fewer) resources.

Courts that are near the threshold (e.g., courts with a workload per judge between 1.10 and 1.20) may benefit from a secondary analysis that examines additional contextual factors affecting the need for judges. For example, during the site visits several jurisdictions slightly above the workload per judge threshold of 1.15 indicated that they currently have sufficient resources to

potential to place an excess burden on judges in smaller courts.

<sup>12</sup> A position should not be subtracted, however, when this would result in a per-judge workload greater than 1.15 FTE. For this reason, final workload per judge may be lower than .9 FTE in some counties.

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<sup>11</sup> It is our understanding that the current rounding convention used by the General Assembly when funding judgeships rounds fractional need up when the decimal is greater than .8. Under this convention, a 2-judge court with a need of 2.7 FTE judges would be rounded down to 2.0 FTE judges, or a workload per judge of 1.35 FTE. In contrast, a court with a need of 15.7 would be rounded down to 15 FTE judges, or a more manageable workload per judge of 1.05 FTE. The existing convention has the

efficiently and effectively handle their workload, even though the rounding rule suggests the need for an additional judgeship. On the other hand, during the site visits several jurisdictions slightly below the threshold pointed out unique factors that may impact their workload and may not be accounted for in the model. For example, complex equitable distribution hearings, complex custody hearings with multiple experts and attorneys, proximity to mental health facilities, and extra travel demands in multi-county jurisdictions may increase judicial workload. For courts falling slightly below the threshold (e.g., workload per judge of 1.14), these extra factors should be considered when determining whether additional resources are needed.

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The rounding convention can be summarized as:

Rule 1: If workload per judge  $\geq 1.15$ , add judges until workload per judge  $< 1.15$

Rule 2: If workload per judge  $< 0.90$ , subtract a judge ONLY if resulting workload per judge  $< 1.15$

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An example of the application of the rounding convention is provided below for four sample jurisdictions.

- Smallville currently has 3 FTE *Authorized Judgeships* and 2 *Funded Judges* and an implied *Total Need* of 2.4 FTE judges. Dividing the total need by the number of funded judges results in a *Current Workload per Judge* of 1.20. Since the workload per judge exceeds 1.15 (see Rule 1) the *Judge Need (FTE) Rounded* is rounded up to 3 FTE judges.
- Metropolis has a *Current Workload per Judge* of 1.04; a value falling within the lower (.9) and upper rounding thresholds (1.15). As such, the current *Authorized and Funded Judgeships* (20) is sufficient.
- Central currently has 5 *Authorized and Funded Judgeships* and a *Total Need* of 4.1 FTE and a *Current Workload per Judge* of .82. Since the workload per judge falls below the .9 threshold (see Rule 2), the total need is rounded down to 4 judges. The resultant *Final Workload per Judge* becomes 1.03.
- Finally, Argo has a *Total Need* of 3.5 FTE and a *Current Workload per Judge* of .88. The workload per judge is below the .9 threshold. However, reducing the number of judges from 4 to 3 results in a workload per judge of 1.17 ( $3.5 \div 3$ ), which exceeds the upper threshold of 1.15. Thus, the *Judge Need (FTE) Rounded* remains at 4 judges (see Rule 2)

Jurisdiction	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
Smallville	3	2	2.4	1.20	3	.80
Metropolis	20	20	20.8	1.04	20	1.04
Central	5	5	4.1	.82	4	1.03
Argo	4	4	3.5	.88	4	.88

**Exhibit 15: Circuit Court Implied Need, using 1.15/.9 rounding rule**

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01
2	9	9	7.43	.83	8	.93
3	4	4	3.69	.92	4	.92
4	8	8	7.95	.99	8	.99
5	3	3	3.50	1.17	4	.87
6	3	2	2.45	1.23	3	.82
7	6	5	4.80	.96	5	.96
8	3	3	3.01	1.00	3	1.00
9	4	4	4.32	1.08	4	1.08
10	4	4	4.12	1.03	4	1.03
11	3	3	2.76	.92	3	.92
12	6	6	6.15	1.03	6	1.03
13	8	7	6.50	.93	7	.93
14	5	5	4.82	.96	5	.96
15	11	11	11.93	1.08	11	1.08
16	6	5	5.89	1.18	6	.98
17	3	3	3.74	1.25	4	.93
18	4	3	2.35	.78	3	.78
19	15	15	14.12	.94	15	.94
20	5	4	4.60	1.15	5	.92
21	2	3	2.75	.92	3	.92
22	5	4	4.54	1.14	4	1.14
23	5	5	5.38	1.08	5	1.08
24	5	5	5.78	1.16	6	.96
25	5	5	5.99	1.20	6	1.00
26	8	8	8.64	1.08	8	1.08
27	7	6	6.79	1.13	6	1.13
28	4	3	3.47	1.16	4	.87
29	5	5	5.58	1.12	5	1.12
30	4	4	4.03	1.01	4	1.01
31	6	6	5.48	.91	6	.91
	171	162	167.59	1.03	170	.99

**Exhibit 16: General District Court Implied Need, using 1.15/.9 rounding rule**

District	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	4	4	4.16	1.04	4	1.04
2	7	7	6.43	.92	7	.92
3	2	3	1.88	.63	2	.94
4	6	5	5.75	1.15	6	.96
5	2	2	2.62	1.31	3	.87
6	4	4	5.01	1.25	5	1.00
7	4	4	3.44	.86	4	.86
8	3	3	2.80	.93	3	.93
9	3	3	3.13	1.04	3	1.04
10	3	3	2.52	.84	3	.84
11	3	3	2.48	.83	3	.83
12	5	5	5.53	1.11	5	1.11
13	6	6	6.05	1.01	6	1.01
14	5	5	4.80	.96	5	.96
15	8	7	8.06	1.15	8	1.01
16	4	4	4.01	1.00	4	1.00
17	3	3	2.54	.85	3	.85
18	2	2	1.61	.80	2	.80
19	11	10	12.07	1.21	11	1.10
20	4	4	3.44	.86	4	.86
21	1	1	1.25	1.25	2	.63
22	2	2	2.22	1.11	2	1.11
23	4	4	3.79	.95	4	.95
24	3	3	3.05	1.02	3	1.02
25	3	3	3.45	1.15	4	.86
26	5	5	5.33	1.07	5	1.07
27	5	4	5.05	1.26	5	1.01
28	2	2	2.46	1.23	3	.82
29	2	2	1.70	.85	2	.85
30	2	2	1.42	.71	2	.71
31	5	5	5.05	1.01	5	1.01
32	1	1	1.30	1.30	2	.65
	124	121	124.42	1.03	130	.96



**Exhibit 17: Juvenile and Domestic Relations District Court Implied Need, using 1.15/.9 rounding rule**

District	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE)	Final Workload per Judge
1	4	3	3.53	1.18	4	.88
2	7	6	6.20	1.03	6	1.03
3	3	3	2.61	.87	3	.87
4	5	5	4.76	.95	5	.95
5	2	2	2.28	1.14	2	1.14
6	2	2	2.39	1.20	3	.80
7	4	4	3.54	.88	4	.88
8	3	3	2.93	.98	3	.98
9	4	3	3.82	1.27	4	.95
10	4	3	3.11	1.04	3	1.04
11	3	2	2.44	1.22	3	.81
12	6	6	5.77	.96	6	.96
13	4	4	4.69	1.17	5	.94
14	5	5	5.15	1.03	5	1.03
15	10	9	9.62	1.07	9	1.07
16	6	5	6.14	1.23	6	1.02
17	2	2	1.60	.80	2	.80
18	2	2	1.83	.91	2	.91
19	7	7	8.82	1.26	8	1.10
20	3	3	3.33	1.11	3	1.11
21	2	2	2.20	1.10	2	1.10
22	4	4	3.62	.91	4	.91
23	5	5	4.78	.96	5	.96
24	6	5	5.86	1.17	6	.98
25	5	4	4.62	1.16	5	.92
26	7	6	7.11	1.19	7	1.02
27	5	5	4.83	.97	5	.97
28	3	3	2.67	.89	3	.89
29	3	3	3.27	1.09	3	1.09
30	2	2	2.30	1.15	3	.77
31	5	5	5.39	1.08	5	1.08
32	1	1	.84	.84	1	.84
	134	124	132.06	1.06	135	.98

## **VI. RECOMMENDATIONS**

The weighted caseload model adopted by the Judicial Needs Assessment Committee provides an empirically grounded basis for analyzing judicial workload in each of Virginia's trial courts. The following recommendations will help to ensure the integrity and utility of the judicial workload model over time.

### ***Recommendation 1***

The revised weighted caseload model clearly illustrates the changing character of judicial workload in Virginia. 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 district court. In some jurisdictions, the current number of judges is insufficient to effectively resolve the cases coming before the court. The Virginia General Assembly should consider authorizing new judgeships in the circuit courts, general district courts, and juvenile and domestic relations district courts where the weighted caseload model shows a need for additional judges.

### ***Recommendation 2***

The calculations of judge need in this report are based upon a three-year average of case filing data. NCSC recommends that circuit court, general district court, and juvenile and domestic relations district court judge need be recalculated on an annual basis using the same methodology set forth in this report and updated with year-end case filing data. The application of the workload formula to the most recent filings will reveal the impact of any changes in caseloads or caseload composition on judicial workload and judge need. OES should continue to make improvements in data quality and consistency in automated case management systems to better track and record use of interpreters and alternative attorney configurations in all cases.

### ***Recommendation 3***

The availability of support personnel, especially law clerks/staff attorneys and court clerks, has a profound impact on judges' ability to perform their work efficiently and effectively. Judges across the state stressed the importance of strong support staff and dedicated court clerks, and stated that if they had access to a law clerk or a judicial secretary to assist with tasks such as preparing case summaries, taking notes during hearings, and assisting with drafting opinions and orders that would enable judges to make more timely decisions, and therefore save judges time and increase the court's efficiency. NCSC recommends that workload assessments be conducted or updated for law clerks/staff attorneys, judicial assistants, circuit court deputy clerks, and district clerks of court and deputy clerks. The OES currently maintains and routinely updates a weighted caseload staffing model and workload assessment for district court clerks, while staffing and development of staffing models for law clerks/staff attorneys, judicial assistants and circuit court deputy clerks are the responsibility of localities and/or the Virginia Compensation Board. The development of or an update to existing staffing models for these groups would provide the information needed to evaluate the adequacy of staffing levels to ensure the quality processing of cases.

### ***Recommendation 4***

Over time, the integrity of a weighted caseload model may be affected by multiple influences, such as changes in legislation, case law, legal practice, and technology. Regular updates are necessary to ensure that a weighted caseload model remains an accurate representation of judicial workload. A systematic review of the model should be conducted every five years.

## APPENDICES

## Appendix A: Case Type Definitions

### Circuit Court Case Type Categories

#### 1. Capital Murder

#### 2. Felony (Non-Capital) and Related Matters

In addition to non-capital felonies, this category includes the following related matters:

- Probation violations
- Revocation actions
- Civil commitment of sexually violent predators
- NGRI reviews
- Writs of habeas corpus
- Felony violations of protective orders

#### 3. Misdemeanor

Includes all misdemeanor offenses, including:

- Misdemeanor appeals from district court
- Misdemeanor violations of protective orders
- Misdemeanor animal violations
- Misdemeanor zoning violations

#### 4. Other Criminally Related Matters

Includes the following matters:

- Traffic infractions
- Animal violations (civil)
- Bond appeals
- Contempt

#### 5. Administrative Law

Includes the following matters:

- Appeals from local governments, boards, agencies and commissions
- Writs of certiorari, mandamus, prohibition and quo warranto

#### 6. Contested Divorce

Includes divorce cases where *any* one or more of the following matters was *at any time disputed or contested*: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution, or debt allocation. Includes all matters arising out of a contested divorce, such as:

- Pendente lite hearings
- Custody and visitation
- Support
- Equitable distribution
- Reinstatements

#### 7. Uncontested Divorce

Includes divorce cases where the case has been filed on no-fault grounds pursuant to Va. Code § 20-91(9) *and there are no issues in controversy* concerning spousal support and maintenance, child custody and/or visitation, child support, property distribution, or debt allocation.

#### 8. Other Domestic and Family - Level 1 (More Complex)

Includes annulments and the following juvenile civil appeals:

- Abuse and neglect
- Custody and visitation
- Juvenile support
- Paternity
- Permanency planning
- Termination of parental rights

## **9. Other Domestic and Family - Level 2 (Less Complex)**

Includes the following matters:

- Adoption
- Adult protection
- Child abuse and neglect - unfounded (§ 63.2-1514 D)
- Civil contempt
- Transfer of finalized divorce
- Appointment of guardian/committee/fiduciary
- Separate maintenance

Includes the following juvenile civil appeals:

- Emancipation
- Involuntary commitment
- Judicial bypass (abortion)
- Status petitions
- Relief of custody
- Civil and criminal support
- Show cause

## **10. General Civil - Level 1 (More Complex)**

Includes the following matters:

- Annexation
- Asbestos litigation
- Establishment of boundaries
- Medical malpractice
- Product liability
- Wrongful death

## **11. General Civil - Level 2 (Intermediate Complexity)**

Includes the following matters:

- Condemnation
- Contract actions
- Correction of erroneous state/local taxes
- Declaratory judgments

- General tort liability
- Injunctions
- Intentional torts
- Mechanic's liens
- Motor vehicle cases
- Partition suits
- Specific performance
- Termination of mineral rights
- Actions to quiet title

## **12. General Civil - Level 3 (Less Complex)**

Includes the following matters:

- Attachments
- Confessed judgments
- Compromise settlements
- Delinquent taxes
- Suits in detinue
- Ejectments
- Enforcement of vendor's liens
- Actions to encumber/sell real estate
- Escheatments
- Freedom of Information Act cases
- Complaints to enforce judgment liens
- Landlord/tenant cases
- Civil appeals from General District Court

## **13. Probate/Wills and Trusts - Level 1 (More Complex)**

Includes the following matters:

- Aid and guidance
- Construing wills

## **14. Probate/Wills and Trusts - Level 2 (Less Complex)**

Includes the following matters:

- Appointment of guardian/standby guardian/conservator
- Actions to impress/declare a trust
- Reformation of trusts

## **15. Protective Order**

### **16. Miscellaneous (Civil)**

Includes the following matters:

- Appointment of church trustee
- Appointment of conservator of the peace
- Appointment of marriage celebrant
- Approval of right to be eligible to vote
- Bond forfeitures
- Concealed handgun permits
- Declarations of death
- Expungements
- Forfeiture of U.S. currency
- Garnishments
- Adult involuntary commitments
- Interdictions
- Judicial review of DMV revocation/suspension
- Name changes
- Referendum elections
- Reinstatement/restoration of driving privileges
- Petition by sex offender to enter school property

### General District Court Case Type Categories

#### **1. Traffic Infraction/Civil Violation**

Includes the following matters:

- Traffic infractions
- Motor carrier violations
- Overweight citations
- Seatbelt violations
- Civil violations of local ordinances (e.g., animal and tobacco violations)

## **2. Misdemeanor**

Includes the following matters:

- Misdemeanors
- Misdemeanor violations of protective orders
- Misdemeanor animal violations
- Misdemeanor zoning violations

Also includes related matters such as:

- Bond forfeitures
- Show causes
- Capiases
- Petitions for restricted operator's licenses for failure to pay fines and costs

## **3. Felony**

Includes the following matters:

- Felonies
- Felony violations of protective orders

Also includes related matters such as:

- Bond forfeitures
- Show causes
- Capiases

## **4. Garnishment and Interrogatories**

## **5. Landlord/Tenant**

Includes the following matters:

- Tenant's assertions
- Unlawful detainers

## **6. General Civil**

Includes the following matters:

- Warrants in debt
- Motions for judgment
- Mechanic's liens
- Distress actions
- Suits in detinue
- Petitions to restore right to bear arms
- Jail fee license suspensions

## **7. Protective Order**

## **8. Involuntary Commitment**

### *Juvenile and Domestic Relations District Court Case Type Categories*

#### **1. Child Dependency**

Includes the following matters:

- Abuse and neglect
- Child at risk for abuse/neglect
- Request for child protective order
- Prenatal substance abuse
- Initial foster care review
- Foster care review
- Entrustment agreement
- Permanency planning
- Relief of custody
- Termination of parental rights

#### **2. Child in Need of Services/Supervision (CHINS)**

Includes the following matters:

- Child in need of services
- Child in need of supervision  
(truancy/runaway)
- CHINS show cause

## **3. Custody and Visitation**

Includes the following matters:

- Custody/visitation
- Paternity
- Consent to adopt
- Registration of foreign order for custody
- Custody/visitation show cause

## **4. Juvenile Miscellaneous**

Includes the following matters:

- Emancipation
- Judicial bypass (abortion)
- Status offense (e.g., possession of tobacco, curfew violation)
- Tobacco offense (Clean Air Act)
- Work permits
- Permission to treat a juvenile

## **5. Delinquency**

Includes the following matters:

- Delinquency felony
- Delinquency misdemeanor (including reckless driving and DUI)
- Capias in a delinquency case
- Show cause in a delinquency case
- Juvenile delinquency violation of protective order

## **6. Traffic**

Includes the following matters:

- Juvenile traffic infractions
- RDL issued to juvenile
- RDL issued to adult for failure to pay fines and costs

## **7. Adult Criminal**

Includes the following matters:

- Adult felonies
- Adult misdemeanors
- Adult criminal violations of protective orders

Includes the following matters related to adult criminal cases:

- Bond hearings
- Bond forfeitures
- Capiases
- Probation violations
- Show causes

## **8. Protective Orders**

Includes protective orders where the respondent is an adult or juvenile in any family abuse or Title 19.2 protective order case.

## **9. Support**

Includes the following matters:

- Civil support
- Criminal support
- Juvenile support/juvenile respondent
- Registration of foreign order for support
- Capias (support)
- Restricted driver's license (support only)
- Support show cause



## **Appendix B: Non-Case-Related Activities**

### **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

Includes travel related to judicial education and training.

### **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
- Benchbook committee meetings
- Meetings of committees of the Judicial Conference of Virginia

Includes travel related to meetings.

### **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 include:

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

Includes travel related to community activities and public outreach.

### **6. DC-40/DC-44 Forms (\*Juvenile and Domestic Relations District Court only)**

Includes all time spent reviewing and signing DC-40 and DC-44 reimbursement voucher forms, regardless of the underlying case type.

### **7. Work-Related Travel**

Work-Related Travel includes only reimbursable travel between courts during the business day. Does not include commuting time or other non-reimbursable travel. Record reimbursable travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.

### **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: Population Change, 2000-2016

Jurisdiction	Circuit	2000	2005	2010	2016	Percent Change
Chesapeake city	1	200,224	215,128	222,986	237,940	19%
Accomack County	2	38,215	35,835	33,202	32,947	- 14%
Northampton County	2	13,025	12,771	12,388	12,139	- 7%
Virginia Beach city	2	426,918	436,210	439,172	452,602	6%
Portsmouth city	3	100,337	98,069	95,696	95,252	- 5%
Norfolk city	4	234,986	239,650	243,135	245,115	4%
Franklin city	5	8,269	8,278	8,619	8,306	%
Isle of Wight County	5	29,849	32,566	35,288	36,596	23%
Southampton County	5	17,493	17,810	18,552	18,057	3%
Suffolk city	5	64,216	77,957	84,906	89,273	39%
Brunswick County	6	18,387	17,981	17,404	16,243	- 12%
Emporia city	6	5,655	5,657	5,937	5,305	- 6%
Greensville County	6	11,566	12,063	12,234	11,706	1%
Hopewell city	6	22,277	22,131	22,655	22,735	2%
Prince George County	6	33,100	34,798	35,716	37,845	14%
Surry County	6	6,833	6,865	7,064	6,544	- 4%
Sussex County	6	12,456	11,933	12,060	11,504	- 8%
Newport News city	7	180,236	183,651	180,712	181,825	1%
Hampton city	8	146,054	141,314	137,381	135,410	- 7%
Charles City County	9	6,930	7,060	7,271	7,071	2%
Gloucester County	9	34,793	36,011	36,950	37,214	7%
James City County	9	48,536	58,428	67,237	74,404	53%
King and Queen County	9	6,620	6,792	6,959	7,159	8%
King William County	9	13,238	14,278	16,003	16,334	23%
Mathews County	9	9,142	8,962	8,971	8,782	- 4%
Middlesex County	9	9,932	10,526	10,977	10,778	9%
New Kent County	9	13,537	15,953	18,556	21,147	56%
Poquoson city	9	11,582	11,879	12,141	12,017	4%
Williamsburg city	9	12,012	12,400	14,170	15,214	27%
York County	9	57,119	63,076	65,467	67,976	19%
Appomattox County	10	13,692	13,981	15,019	15,475	13%
Buckingham County	10	15,634	16,401	17,120	17,048	9%
Charlotte County	10	12,476	12,631	12,568	12,129	- 3%
Cumberland County	10	8,987	9,465	10,056	9,652	7%
Halifax County	10	37,299	36,340	36,192	34,992	- 6%
Lunenburg County	10	13,093	13,030	12,922	12,273	- 6%
Mecklenburg County	10	32,384	32,554	32,671	30,892	- 5%
Prince Edward County	10	19,708	21,341	23,379	23,142	17%

Jurisdiction	Circuit	2000	2005	2010	2016	Percent Change
Amelia County	11	11,446	11,943	12,729	12,913	13%
Dinwiddie County	11	24,674	26,149	27,995	28,144	14%
Nottoway County	11	15,773	15,795	15,837	15,595	- 1%
Petersburg city	11	33,561	31,930	32,527	31,882	- 5%
Powhatan County	11	22,585	26,372	28,071	28,443	26%
Chesterfield County	12	261,047	289,998	317,102	339,009	30%
Colonial Heights city	12	16,905	17,348	17,381	17,772	5%
Richmond city	13	196,782	197,465	204,389	223,170	13%
Henrico County	14	264,385	286,441	307,435	326,501	23%
Caroline County	15	22,136	25,475	28,631	30,178	36%
Essex County	15	9,984	10,445	11,167	11,123	11%
Fredericksburg city	15	19,461	21,660	24,445	28,297	45%
Hanover County	15	86,972	96,451	99,948	104,392	20%
King George County	15	16,916	20,476	23,675	25,984	54%
Lancaster County	15	11,549	11,533	11,380	10,972	- 5%
Northumberland County	15	12,229	12,501	12,326	12,222	%
Richmond County	15	8,803	9,213	9,248	8,774	%
Spotsylvania County	15	91,387	115,017	122,853	132,010	44%
Stafford County	15	93,625	117,611	129,745	144,361	54%
Westmoreland County	15	16,644	16,757	17,463	17,592	6%
Albemarle County	16	83,532	91,676	99,150	106,878	28%
Charlottesville city	16	41,351	40,597	43,547	46,912	13%
Culpeper County	16	34,442	41,894	46,850	50,083	45%
Fluvanna County	16	20,191	24,318	25,733	26,271	30%
Goochland County	16	16,935	19,349	21,745	22,668	34%
Greene County	16	15,454	17,155	18,461	19,371	25%
Louisa County	16	25,819	29,835	33,262	35,236	36%
Madison County	16	12,535	13,106	13,299	13,078	4%
Orange County	16	25,981	29,990	33,535	35,533	37%
Arlington County	17	189,198	187,760	209,457	230,050	22%
Falls Church city	17	10,441	10,840	12,520	14,014	34%
Alexandria city	18	129,225	128,181	140,912	155,810	21%
Fairfax city	19	21,600	20,860	22,671	24,164	12%
Fairfax County	19	975,476	1,019,490	1,086,743	1,138,652	17%
Fauquier County	20	55,470	62,686	65,383	69,069	25%
Loudoun County	20	173,907	254,909	315,134	385,945	122%
Rappahannock County	20	6,980	7,384	7,376	7,388	6%

### Appendix C: Population Change, 2000-2016, continued

Jurisdiction	Circuit	2000	2005	2010	2016	Percent Change
Henry County	21	57,903	55,651	54,079	51,445	- 11%
Martinsville city	21	15,331	14,405	13,769	13,445	- 12%
Patrick County	21	19,418	18,802	18,464	17,923	- 8%
Danville city	22	48,104	45,086	42,928	41,898	- 13%
Franklin County	22	47,546	51,976	56,191	56,069	18%
Pittsylvania County	22	61,835	62,467	63,488	61,687	%
Roanoke city	23	94,941	93,932	96,967	99,660	5%
Roanoke County	23	85,744	89,245	92,389	94,031	10%
Salem city	23	24,747	24,310	24,860	25,549	3%
Amherst County	24	31,854	31,955	32,319	31,633	- 1%
Bedford County/City	24	66,897	71,011	74,978	77,960	17%
Campbell County	24	51,082	52,795	54,921	54,952	8%
Lynchburg city	24	65,330	68,773	75,686	80,212	23%
Nelson County	24	14,451	14,828	15,003	14,869	3%
Alleghany County	25	17,213	16,580	16,228	15,595	- 9%
Augusta County	25	65,572	69,949	73,668	74,997	14%
Bath County	25	5,020	4,891	4,714	4,476	- 11%
Botetourt County	25	30,648	31,803	33,165	33,231	8%
Buena Vista city	25	6,381	6,634	6,627	6,452	1%
Covington city	25	6,281	6,073	5,971	5,518	- 12%
Craig County	25	5,073	5,139	5,208	5,158	2%
Highland County	25	2,529	2,463	2,306	2,216	- 12%
Lexington city	25	6,825	6,903	7,046	7,045	3%
Rockbridge County	25	20,835	21,738	22,294	22,392	7%
Staunton city	25	23,896	23,603	23,765	24,363	2%
Waynesboro city	25	19,661	20,533	21,045	21,887	11%
Clarke County	26	12,672	13,710	14,052	14,374	13%
Frederick County	26	59,639	69,921	78,511	84,421	42%
Harrisonburg city	26	40,437	44,572	49,041	53,078	31%
Page County	26	23,149	23,708	24,027	23,654	2%
Rockingham County	26	67,977	72,030	76,413	79,744	17%
Shenandoah County	26	35,240	39,406	42,053	43,175	23%
Warren County	26	31,690	35,405	37,676	39,155	24%
Winchester city	26	23,699	25,565	26,268	27,516	16%
Bland County	27	6,833	6,873	6,808	6,513	- 5%
Carroll County	27	29,264	29,660	30,027	29,531	1%
Floyd County	27	13,909	14,588	15,316	15,731	13%
Galax city	27	6,921	6,821	7,067	6,775	- 2%
Giles County	27	16,738	16,963	17,296	16,857	1%
Grayson County	27	16,782	16,153	15,478	15,107	- 10%
Montgomery County	27	83,799	88,696	94,531	98,602	18%
Pulaski County	27	35,144	34,748	34,829	34,203	- 3%
Radford city	27	15,872	15,995	16,423	17,483	10%
Wythe County	27	27,621	28,349	29,230	29,016	5%

Jurisdiction	Circuit	2000	2005	2010	2016	Percent Change
Bristol city	28	17,289	17,493	17,822	16,960	- 2%
Smyth County	28	33,079	32,519	32,163	31,062	- 6%
Washington County	28	51,230	52,940	54,877	54,214	6%
Buchanan County	29	26,838	25,315	24,012	22,178	- 17%
Dickenson County	29	16,322	16,111	15,897	14,968	- 8%
Russell County	29	29,251	28,508	28,862	27,370	- 6%
Tazewell County	29	44,418	44,025	45,078	42,150	- 5%
Lee County	30	23,548	25,150	25,578	24,179	3%
Norton city	30	3,916	3,767	3,971	3,864	- 1%
Scott County	30	23,351	23,084	23,147	21,930	- 6%
Wise County	30	42,077	41,585	41,463	39,228	- 7%
Manassas city	31	34,914	36,452	38,201	41,483	19%
Manassas Park city	31	10,305	12,451	14,450	15,915	54%
Prince William County	31	284,565	350,612	406,110	455,210	60%
<b>Statewide</b>		<b>7,105,817</b>	<b>7,577,105</b>	<b>8,024,617</b>	<b>8,411,808</b>	<b>18%</b>
	Circuit	2000	2005	2010	2016	% Change
1		200,224	215,128	222,986	237,940	19%
2		478,158	484,816	484,762	497,688	4%
3		100,337	98,069	95,696	95,252	- 5%
4		234,986	239,650	243,135	245,115	4%
5		119,827	136,611	147,365	152,232	27%
6		110,274	111,428	113,070	111,882	1%
7		180,236	183,651	180,712	181,825	1%
8		146,054	141,314	137,381	135,410	- 7%
9		223,441	245,365	264,702	278,096	24%
10		153,273	155,743	159,927	155,603	2%
11		108,039	112,189	117,159	116,977	8%
12		277,952	307,346	334,483	356,781	28%
13		196,782	197,465	204,389	223,170	13%
14		264,385	286,441	307,435	326,501	23%
15		389,706	457,139	490,881	525,905	35%
16		276,240	307,920	335,582	356,030	29%
17		199,639	198,600	221,977	244,064	22%
18		129,225	128,181	140,912	155,810	21%
19		997,076	1,040,350	1,109,414	1,162,816	17%
20		236,357	324,979	387,893	462,402	96%
21		92,652	88,858	86,312	82,813	- 11%
22		157,485	159,529	162,607	159,654	1%
23		205,432	207,487	214,216	219,240	7%
24		229,614	239,362	252,907	259,626	13%
25		209,934	216,309	222,037	223,330	6%
26		294,503	324,317	348,041	365,117	24%
27		252,883	258,846	267,005	269,818	7%
28		101,598	102,952	104,862	102,236	1%
29		116,829	113,959	113,849	106,666	- 9%
30		92,892	93,586	94,159	89,201	- 4%
31		329,784	399,515	458,761	512,608	55%
<b>Statewide</b>		<b>7,105,817</b>	<b>7,577,105</b>	<b>8,024,617</b>	<b>8,411,808</b>	<b>18%</b>

## Appendix D: Law Clerks by Circuit

Circuit	No. of Law Clerks	Jurisdiction	Types of cases
1	3	Chesapeake	90% civil 10% criminal
2	3	Virginia Beach (only)	All cases
3	1	Portsmouth	All cases
4	4	Norfolk	Primarily civil and some criminal motions
5	0	NA	NA
6	1	Entire circuit	Civil and criminal
7	2	Newport News	Civil and criminal
8	0	NA	NA
9	0	NA	NA
10	0	NA	NA
11	0	NA	NA
12	6	Chesterfield and Colonial Heights	Civil
13	4	Richmond	Civil and criminal
14	3	Henrico	All cases
15	1.7	Hanover & Spotsylvania	Civil and criminal
16	0	NA	NA
17	3	Arlington	All cases
18	3	Alexandria	Civil and criminal
19	14	Fairfax	Civil, domestic, and criminal
20	4.3	Loudoun, Fauquier, and Rappahannock	Civil
21	0	NA	NA
22	1	Danville (only)	Civil
23	3	Entire circuit	Civil and some criminal
24	1	Lynchburg	All cases
25	2	Staunton, Waynesboro, and Augusta	All cases, except domestic
26	1	Rockingham (only)	Primarily non-domestic civil cases. Occasionally criminal and domestic
27	0	NA	NA
28	0	NA	NA
29	4	Tazewell, Russell, Buchanan, and Dickerson	Civil and criminal
30	1	Wise (occasionally assist other jurisdictions)	Almost exclusively civil litigation
31	6	Prince William	All cases

## Appendix E: Percentage of Alternative Attorney Configurations by Number of Attorneys, Juvenile and Domestic Relations District Court

### Zero attorneys

District	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Misc	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
1	0%	10%	20%	0%	0%	65%	10%	55%	30%	20%
2	0%	0%	50%	40%	10%	85%	35%	80%	20%	35%
3	0%	0%	15%	65%	0%	100%	5%	85%	10%	15%
4	0%	65%	45%	40%	10%	60%	10%	70%	10%	20%
5	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
6	10%	25%	40%	50%	0%	55%	15%	45%	15%	20%
7	20%	10%	55%	45%	10%	85%	25%	80%	20%	35%
8	5%	15%	50%	90%	20%	95%	35%	85%	25%	35%
9	0%	0%	30%	25%	0%	75%	10%	60%	20%	20%
10	5%	30%	50%	100%	20%	85%	50%	75%	20%	35%
11	60%	75%	80%	50%	30%	65%	45%	90%	35%	50%
12	0%	0%	40%	15%	15%	85%	50%	65%	30%	40%
13	0%	10%	35%	40%	10%	75%	20%	90%	20%	25%
14	20%	45%	40%	50%	25%	95%	45%	85%	40%	45%
15	10%	25%	40%	25%	25%	90%	30%	70%	30%	35%
16	5%	15%	45%	30%	15%	70%	25%	70%	25%	30%
17	15%	20%	35%	75%	25%	75%	20%	60%	10%	25%
18	10%	10%	50%	0%	10%	70%	15%	65%	20%	25%
19	0%	0%	45%	60%	10%	80%	25%	55%	25%	35%
20	10%	0%	60%	0%	0%	10%	0%	60%	30%	20%
21	0%	50%	65%	0%	35%	90%	55%	85%	25%	45%
22	0%	25%	60%	35%	25%	50%	25%	75%	5%	30%
23	0%	30%	55%	25%	20%	65%	50%	70%	45%	45%
24	10%	30%	40%	0%	40%	85%	50%	75%	30%	45%
25	5%	15%	50%	80%	25%	55%	20%	70%	35%	35%
26	5%	5%	50%	30%	30%	80%	35%	60%	25%	35%
27	10%	25%	45%	70%	35%	85%	45%	75%	40%	45%
28	5%	50%	45%	20%	25%	55%	40%	75%	10%	35%
29	5%	40%	45%	60%	30%	80%	20%	65%	10%	30%
30	35%	60%	20%	50%	30%	95%	35%	70%	20%	35%
31	10%	20%	45%	40%	20%	75%	30%	75%	25%	35%
32	0%	0%	40%	0%	20%	65%	35%	70%	35%	35%

**Appendix E: Percentage of Alternative Attorney Configurations by Number of Attorneys, Juvenile and Domestic Relations District Court, continued**

**1 attorney**

District	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Misc	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
1	5%	30%	5%	20%	15%	0%	20%	15%	0%	10%
2	0%	10%	0%	20%	0%	0%	0%	0%	5%	0%
3	0%	65%	30%	5%	0%	0%	0%	0%	10%	10%
4	0%	0%	10%	0%	0%	10%	0%	10%	0%	0%
5	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
6	5%	0%	0%	20%	0%	15%	5%	10%	0%	0%
7	30%	45%	0%	15%	5%	0%	10%	0%	0%	5%
8	15%	35%	0%	0%	35%	0%	25%	0%	5%	15%
9	0%	5%	0%	45%	5%	0%	10%	5%	0%	5%
10	0%	10%	0%	0%	5%	0%	0%	0%	5%	0%
11	0%	0%	0%	20%	0%	15%	0%	0%	0%	0%
12	0%	0%	0%	0%	10%	0%	0%	5%	0%	0%
13	0%	0%	15%	0%	20%	5%	40%	0%	0%	20%
14	0%	0%	5%	0%	5%	0%	10%	0%	0%	0%
15	0%	0%	0%	0%	20%	0%	0%	0%	0%	0%
16	0%	0%	5%	25%	5%	0%	5%	5%	0%	5%
17	0%	0%	5%	0%	0%	0%	0%	0%	5%	0%
18	0%	40%	0%	0%	0%	5%	0%	0%	5%	0%
19	0%	20%	5%	0%	20%	0%	15%	10%	0%	5%
20	25%	0%	0%	70%	0%	50%	5%	0%	0%	0%
21	0%	0%	0%	0%	20%	0%	5%	0%	10%	5%
22	0%	0%	0%	15%	0%	25%	0%	0%	25%	0%
23	0%	0%	0%	0%	5%	10%	0%	0%	0%	0%
24	5%	0%	0%	20%	0%	0%	0%	0%	0%	0%
25	0%	30%	0%	0%	0%	15%	10%	0%	0%	0%
26	5%	0%	0%	35%	25%	0%	15%	10%	5%	10%
27	0%	15%	0%	0%	0%	0%	0%	0%	0%	0%
28	0%	0%	0%	0%	10%	15%	0%	0%	0%	0%
29	0%	0%	0%	0%	0%	0%	0%	5%	5%	0%
30	10%	0%	10%	20%	15%	0%	20%	0%	0%	5%
31	20%	5%	10%	10%	0%	0%	0%	0%	0%	0%
32	0%	0%	5%	0%	45%	15%	20%	10%	0%	5%

**Appendix E: Percentage of Alternative Attorney Configurations by Number of Attorneys, Juvenile and Domestic Relations District Court, continued**

**Two attorneys**

District	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Misc	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
1	20%	0%	5%	0%	0%	30%	0%	5%	0%	0%
2	5%	0%	0%	0%	20%	0%	20%	0%	0%	5%
3	5%	0%	0%	0%	45%	0%	35%	0%	5%	15%
4	5%	0%	0%	0%	20%	5%	35%	0%	15%	15%
5	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
6	0%	0%	10%	0%	15%	5%	10%	5%	15%	10%
7	0%	0%	0%	0%	5%	0%	0%	0%	5%	0%
8	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
9	0%	20%	10%	0%	10%	0%	10%	10%	5%	5%
10	5%	0%	0%	0%	0%	5%	0%	0%	0%	0%
11	0%	0%	0%	0%	25%	0%	10%	0%	0%	5%
12	0%	30%	5%	25%	0%	0%	0%	5%	0%	0%
13	0%	15%	0%	20%	0%	0%	0%	0%	5%	0%
14	0%	0%	0%	5%	0%	0%	0%	0%	0%	0%
15	0%	15%	0%	0%	0%	0%	0%	0%	0%	0%
16	0%	5%	0%	0%	0%	5%	0%	0%	0%	0%
17	0%	0%	10%	0%	0%	5%	15%	5%	0%	5%
18	0%	0%	0%	0%	15%	0%	25%	5%	0%	10%
19	0%	0%	5%	5%	0%	0%	0%	10%	0%	0%
20	20%	40%	0%	0%	25%	15%	25%	15%	0%	15%
21	15%	10%	0%	0%	0%	0%	0%	0%	0%	0%
22	0%	15%	5%	0%	20%	0%	15%	0%	0%	5%
23	0%	0%	0%	20%	0%	0%	0%	10%	0%	0%
24	0%	0%	5%	30%	0%	0%	5%	0%	5%	0%
25	20%	0%	5%	0%	0%	5%	0%	0%	0%	0%
26	5%	20%	5%	0%	0%	0%	0%	0%	0%	0%
27	0%	0%	0%	0%	0%	0%	0%	0%	5%	0%
28	0%	0%	10%	35%	0%	5%	0%	0%	20%	5%
29	0%	0%	0%	0%	0%	5%	25%	5%	5%	5%
30	0%	0%	15%	0%	0%	0%	0%	10%	35%	0%
31	5%	5%	0%	0%	0%	5%	5%	5%	5%	0%
32	0%	50%	0%	0%	0%	0%	0%	0%	10%	0%

**Appendix E: Percentage of Alternative Attorney Configurations by Number of Attorneys, Juvenile and Domestic Relations District Court, continued**

**3 or more attorneys**

District	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Misc	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
1	0%	10%	10%	40%	0%	0%	10%	0%	5%	5%
2	10%	15%	0%	0%	0%	0%	0%	0%	0%	0%
3	15%	0%	0%	0%	0%	0%	0%	0%	0%	0%
4	5%	0%	0%	5%	5%	0%	0%	0%	0%	0%
5	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
6	0%	25%	0%	0%	20%	0%	0%	10%	0%	5%
7	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
8	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
9	15%	0%	5%	0%	5%	0%	0%	0%	5%	5%
10	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%
11	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
12	25%	5%	0%	20%	5%	0%	0%	0%	0%	0%
13	20%	0%	0%	0%	0%	0%	0%	0%	0%	5%
14	0%	0%	5%	0%	0%	0%	0%	0%	0%	0%
15	5%	0%	5%	25%	0%	0%	0%	0%	0%	5%
16	15%	10%	0%	0%	0%	0%	0%	0%	0%	5%
17	10%	10%	0%	0%	5%	0%	5%	5%	5%	10%
18	15%	0%	0%	0%	0%	0%	0%	0%	0%	0%
19	10%	5%	0%	5%	0%	0%	0%	0%	0%	0%
20	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
21	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
22	15%	10%	0%	0%	0%	0%	0%	0%	0%	5%
23	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%
24	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%
25	0%	0%	0%	0%	0%	0%	0%	5%	0%	0%
26	0%	5%	0%	0%	0%	0%	0%	0%	0%	0%
27	10%	0%	0%	0%	0%	0%	0%	0%	0%	5%
28	15%	0%	0%	0%	0%	0%	0%	0%	0%	5%
29	10%	0%	5%	0%	0%	0%	5%	0%	0%	5%
30	0%	0%	5%	0%	5%	0%	0%	0%	0%	5%
31	0%	0%	0%	0%	5%	0%	0%	0%	0%	0%
32	35%	0%	5%	0%	0%	0%	0%	0%	0%	0%



## Appendix F: Summary of Delphi Adjustments and Rationales

### Circuit Court

#### **Capital Murder**

- Pre-Disposition: Add 90 minutes in 100% of cases for pre-set motion dates which gives defense counsel and Commonwealth's Attorney time to get issues resolved. This will assist in better judicial control over the docket and lead to a decrease in the number of continuances and fewer emergency hearings.

#### **Felony (non-capital) and Related Matters**

- Disposition: Add 5 minutes in 5% of cases for a new restitution order mandated by the General Assembly. Judges are required to advise the defendant on the multi-page form and the multiple steps to process.
- Post-Disposition: Add 15 minutes in 15% of cases to review the entire court file for the purpose of adjudicating the probation violation. Reports from the Department of Corrections (DOC) do not provide a history of prior violations and are not detailed enough (due to cuts and fewer resources at DOC). This review will lead to better, more informed results and enhance public safety.
- Post-Disposition: Add 2 minutes in 10% of cases to review orders: sentencing, conviction, show cause. These are typically prepared by Circuit clerks/other staff with typos and errors that necessitate a thorough review for accuracy. Not all courts face this issue. It is more of an issue when staff turnover is high.

#### **Administrative Law**

- Pre-Disposition: Add 15 minutes in 75% of cases to review the administrative record and file in-depth before the hearing is held. Having a better command of the record would help foster a greater respect for the process and the result. Currently, judges often read the file while on the bench and are not prepared to rule at the time of the hearing, taking the matter under advisement to review later. A more thorough review before the hearing could eliminate the need to write an opinion. Further, these matters involve many self-represented litigants, and the additional time would allow for more thorough explanations to these litigants.

#### **General Civil Level 1**

- Pre-Disposition: Add 30 minutes in 75% of cases to increase the use of pre-trial conferences, which will allow for more efficient case processing which will lead to a reduction in continuances, increased trial efficiency (speed up trials), better management of evidence, and result in stipulations. This will also lead to fewer problematic evidentiary hearings and rulings because judges will have more time to think about and consider anticipated evidentiary issues.

General District Court

**Infraction/ Civil Violation**

- Pre-Disposition: Add 3 minutes in 1% of cases due to new fines and costs collection requirements mandated by the General Assembly which require more involvement from the judges. Previously handled solely by the court clerks. Judges are now required to be involved in setting, revising, modifying, and approving payment plans, and to include consideration of community service work.

**Misdemeanor**

- Pre-Disposition: Add 5 minutes in 1% of cases due to new restitution form requirements mandated by the General Assembly - Judges are required to ensure the completeness of the forms and additionally determine payment plan.
- Pre-Disposition: Add 5 minutes in 1% of cases due to new fines and costs collection requirements mandated by the General Assembly which require more involvement from the judges. Previously handled solely by the court clerks. Judges are now required to be involved in setting, revising, modifying, and approving payment plans, and to include consideration of community service work.

**Felony**

- Pre-Disposition: Add 5 minutes in 1% of cases due to new restitution form requirements mandated by the General Assembly - Judges are required to ensure the completeness of the forms and additionally determine payment plan.

- Pre-Disposition: Add 5 minutes in 1% of cases due to new fines and costs collection requirements mandated by the General Assembly which require more involvement from the judges. Previously handled solely by the court clerks. Judges are now required to be involved in setting, revising, modifying, and approving payment plans, and to include consideration of community service work in felonies reduced to misdemeanors.

**Landlord /Tenant**

- Pre-Disposition: Add 5 minutes in 5% of cases to maintain emphasis on procedural due process in order to address the number of self-represented litigants and allow for additional time to explain procedures, orders, and rulings to self-represented litigants.

**General Civil**

- Pre-Disposition: Add 5 minutes in 5% of cases to maintain emphasis on procedural due process in order to address the number of self-represented litigants and allow for additional time to explain procedures, orders, and rulings to self-represented litigants.

Juvenile and Domestic Relations District Court

**Child Dependency**

- Pre-Disposition: Add 10 minutes in 50% of cases to review case history, foster care plans, and reports to ensure more informed decisions and more efficient use of time on the bench in ongoing cases; to review progress by parents; and for bench swapping in smaller jurisdictions or conflict cases (which requires familiarization with the elements of the case and its history). Dependency cases are becoming increasingly complex due to increased levels of substance abuse (opioid addiction), domestic violence, cultural differences involving immigrant families, and diversion of less complex matters by DSS.
- Disposition: Add 5 minutes in 15% of cases to prepare detailed, written findings and orders at the adjudicatory hearing to memorialize basis for findings of the case.
- Disposition: Add 10 minutes in 40% of cases for more time to hear detailed evidence on plan reviews, not only rely on foster care plan, take testimony regarding progress.

**Custody and Visitation**

- Pre-Disposition: Add 5 minutes in 10% of cases for more time for pre-trial conferences and status hearings; interpreters, multiple attorneys, multiple motions, self-represented litigants
- Disposition: Add 10 minutes in 10% of cases to prepare more detailed orders for litigants; better explain rationale, ensure their understanding, to increase procedural satisfaction

**Adult Criminal**

- Post-Disposition: Add 5 minutes in 25% of cases because all courts need to hold compliance and accountability hearings in domestic violence cases.

**Protective Order**

- Disposition: Add 10 minutes in 7% of cases for more trial time; more time to explain procedures to pro se litigants; occasionally protective orders involve complicated remedies [such as adjudication of custody and visitation as well as exclusive use of marital residence]; non-family abuse protective orders involving minors - time to explain order to juveniles and parents

