Wisconsin Director of State Courts Office

Judicial Needs Assessment 2006

Final Report

SUBMITTED BY THE NATIONAL CENTER FOR STATE COURTS

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Submitted by the National Center for State Courts

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In addition, four separate focus groups of judges and commissioners provided essential insight and comment, by practice area, on the work performed by judicial officers across the state.

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Contents

Executive Summary **1**
Findings 1
Project Summary 1

Final Report **7**
Introduction 7
Research Design and Results 8
1.Judicial Participation Rate 8
2.Expanded Set of Case Types 8
3.Evaluating and Assigning Case-Related and Non-Case-Related Time 8
Judge/Commissioner Day- and Year-Value 10
Case Weights 13
Assessing the Validity of the Preliminary Case Weights 14
A Comparison of 1995 and 2005 Case Weights 15
4.Chief Judge Work 16
5.Work of Circuit Court Commissioners 17
6.Quality Adjustment 20
Adequacy of Time Survey 20
Delphi - Quality Adjustment Process 24
Recommendations 27

Appendicies **A-1**
Appendix 1: Non-Case-Related Activities A-1
Appendix 2: Pro Se and Interpreters A-3
Appendix 3: "Inside the Numbers" A-5
Appendix 4: A Management Tool for Resource Allocation A-7

Findings

Adequate resources are essential if the Wisconsin judiciary is to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves assessing objectively the number of judicial officers required to handle the caseload and whether judicial resources are being allocated and used prudently.

Consequently, the Wisconsin Director of State Courts Office (DSCO) contracted with the National Center for State Courts (NCSC) to help develop a method to measure judicial workload in the Wisconsin courts. A clear measure of court workload is central to determining how many judicial officers (judges and court commissioners) are needed to resolve all cases coming before the court. The effort is timely because the judicial weighted caseload system has not been reviewed or updated in over a decade.

This assessment establishes a set of case weights that provide uniform and comparable measures of the number of judicial officers needed to provide effective case resolution. Figure 1 illustrates the application of the case weights to 2005 filings in each of the ten districts. The first column reports the total implied judicial officer need (judges and commissioners). For instance, when the case weights are applied to filings in District 1 there is a need for 70.7 judicial officers. Deducting the current allotment of judges (47 FTE) and commissioners (22 FTE) results in a workload based need of 1.7 FTE judges in District 1 and 2.7 FTE judges when the administrative need (district chief judge) is incorporated. Overall, there is a need for 17.7 judges statewide when the 2005 filings are applied to the updated case weights.

A clear measure of court workload is central to determining how many judicial officers (judges and court commissioners) are needed to resolve all cases coming before the court.

Project Summary

The Wisconsin Workload Assessment Advisory Committee (WAAC) provided oversight and critical decision making throughout the life of this 18-month project. The Committee composed of judges, commissioners, and representatives from the Director of State Courts Office, reviewed and approved overall project design and ratified the findings and recommendations of the NCSC project staff.

The recently completed judicial workload assessment study is a significant improvement over previous workload studies conducted in Wisconsin. Specifically, the study was designed to:

Increase the judicial participation rate so as to more accurately estimate the time required to hear cases.

During the month of October 2005, 240 of

Figure 1: Judicial Officer Need by District, CY 2005 filings

District	Overall Judicial Officer Need	-	Actual Judges (FTE)	=	Judicial Need	-	Estimated Circuit Court Commissioners (FTE)	=	Workload Based Judicial Officer Need (FTE)	+	Administrative Need (Chief)	=	Total District Judge Need (FTE)
1	70.7	-	47	=	23.7	-	22.00	=	1.7	+	1.0	=	2.7
2	32.3	-	21	=	11.3	-	8.37	=	2.9	+	.5	=	3.4
3	29.2	-	23	=	6.2	-	9.40	=	-3.2	+	.5	=	-2.7
4	27.7	-	20	=	7.7	-	7.70	=	.0	+	.5	=	.5
5	39.3	-	26	=	13.3	-	14.27	=	- .9	+	.5	=	- .4
6	29.4	-	21	=	8.4	-	3.48	=	4.9	+	.5	=	5.4
7	22.3	-	17	=	5.3	-	3.48	=	1.8	+	.5	=	2.3
8	32.4	-	25	=	7.4	-	8.37	=	-1.0	+	.5	=	- .5
9	20.0	-	17	=	3.0	-	3.05	=	- .1	+	.5	=	.4
10	34.3	-	24	=	10.3	-	4.22	=	6.0	+	.5	=	6.5
Total	337.5	-	241	=	96.5	-	84.35	=	12.2	+	5.5	=	17.7

the 241 judges and 109 court commissioners statewide participated in a time study designed to measure the time currently spent processing different types of cases from initial filing to final resolution. Utilizing the entire population of judicial officers across the State of Wisconsin, rather than a sample, improves the reliability of this study.

Develop case weights for an expanded set of case types.

The Workload Assessment Advisory Committee determined that case weights be developed for 20 distinct case types. This represents an expansion in the number of case types from previous studies (11 in 1980 and 18 in 1995). A significant change was the development of a case weight for uncontested cases where the defendant appears. In addition, the precision of the case weights was improved because all judicial time spent on post-judgment activity was explicitly collected and included in the weights.

Evaluate and appropriately assign all judicial time to case-related and non-case-related categories.

Improvements in the study methodology provide a means to more completely and precisely measure judicial time spent on handling the full range of distinct case type activities. The case-related time spent on, for example, legal research, writing orders, opinions, and case correspondence is now classified as case-related and built into the case weights. Consequently, the new case weights incorporate differences in the amount of time spent on these activities across the different case types (e.g., opinion writing on civil cases) and provide a more accurate determination of judicial need. The result of re-defining more judicial activity as case-related is that, all other things equal, the case weights will be larger.

In addition, this change to the definition of case-related time affects the judge year value. Because judicial time spent on all case-related activity is now in the case weights, it also becomes part of the case-related judge day. This reassignment of time from non-case-related to case-related activities is strictly definitional and has no independent effect on estimated judge need.

Incorporate the administrative and managerial responsibilities of chief judges.

In each of the ten judicial districts, the chief judge is responsible for administrative oversight of judicial activities in the circuit courts within their respective district. The chief judges are responsible for managing the flow of cases, supervising personnel, developing budgets, and meeting regularly as a committee. To accommodate these necessary administrative duties, 1 FTE judicial position has been added to District 1 and .5 FTE to each of the other district need totals.

Integrate explicitly the work of county-funded court commissioners in the determination of judicial need.

All judges and commissioners were asked to participate in the statewide time study. This broad participation ensured that all time spent on the resolution of cases—by both judge and commissioner—was included in the calculation of the case weights. Broad participation was necessary because in many counties cases are resolved through the combined efforts of county-funded court commissioners and state funded judges. Because commissioners tend to specialize in particular types of cases (e.g., Divorce, Paternity, Contested Small Claims, and Criminal/Traffic) and work primarily on preliminary and post-judgment activities, their work must be incorporated if all 20 case weights are to accurately reflect the time necessary to process cases from initiation through all post-judgment activity.

Assess whether current practice is consistent with achieving reasonable levels of quality in case resolution.

During the month of March 2006, 145 judges and 54 court commissioners from across the state completed a Web-based survey identifying challenges they face under current resource levels. Results from the survey were used by four Workload Study Groups and the Workload Assessment Advisory Committee to evaluate the case weights as to whether they provided sufficient time for fair and effective case resolution. These groups found that the case weights will allow judges to give cases time and attention consistent with reasonable standards of best practice.

The final report describes the multiple methods and analytic strategies the NCSC used to measure judge and commissioner workload, assess equity of allocation, and evaluate the effectiveness of current practice.

Figure 2, provided on the following pages, shows judicial officer need for each of the 72 counties in Wisconsin.

Figure 2: Judicial Officer Need by County, CY 2005 Filings[4]

County	District	Overall Judicial Officer Need	-	Actual Judges (FTE)	=	Judicial Need	-	Estimated Circuit Court Commissioners (FTE) [1]	=	Workload Based Judicial Officer Need (FTE)	+	Administrative Need (Chief) [2]	=	Total District Judge Need (FTE)
Milwaukee	1	70.7	-	47	=	23.7	-	22.00	=	1.7		1.0		2.7
Kenosha	2	12.1	-	7	=	5.1	-	3.12	=	2.0				
Racine	2	14.3	-	10	=	4.3	-	4.00	=	.3		.5		3.4
Walworth	2	5.9	-	4	=	1.9	-	1.25	=	.6				
Jefferson	3	4.7	-	4	=	.7	-	2.00	=	-1.3				
Ozaukee	3	3.3	-	3	=	.3	-	1.00	=	- .7				
Washington	3	6.2	-	4	=	2.2	-	1.40	=	.8				
Waukesha	3	15.0	-	12	=	3.0	-	5.00	=	-2.0		.5		- 2.7
Calumet	4	1.7	-	1	=	.7	-	.50	=	.2				
FondduLac	4	4.9	-	5	=	- .1	-	1.00	=	-1.1				
Manitowoc	4	4.2	-	3	=	1.2	-	1.20	=	.0				
Sheboygan	4	7.0	-	5	=	2.0	-	2.00	=	.0		.5		.5
Winnebago	4	9.9	-	6	=	3.9	-	3.00	=	.9				
Dane	5	24.5	-	17	=	7.5	-	11.00	=	-3.5		.5		- .4
Green	5	1.9	-	1	=	.9	-	.30	=	.6				
Lafayette	5	.8	-	1	=	- .2	-	.04	=	- .2				
Rock	5	12.1	-	7	=	5.1	-	2.93	=	2.1				
Adams	6	1.4	-	1	=	.4	-	.19	=	.2				
Clark	6	1.6	-	1	=	.6	-	.22	=	.4				
Columbia	6	3.6	-	3	=	.6	-	.40	=	.2				
Dodge	6	4.8	-	3	=	1.8	-	.66	=	1.1		.5		5.4
Green Lake	6	1.3	-	1	=	.3	-	.06	=	.2				
Juneau	6	2.1	-	1	=	1.1	-	.16	=	1.0				
Marquette	6	1.0	-	1	=	.0	-	.20	=	- .2				
Portage [3]	6	3.2	-	3	=	.2	-	.23	=	.0				
Sauk	6	4.5	-	3	=	1.5	-	.74	=	.7				
Waushara	6	1.4	-	1	=	.4	-	.29	=	.1				
Wood	6	4.5	-	3	=	1.5	-	.35	=	1.1				
Buffalo	7	.7	-	0.6	=	.1	-	.22	=	- .1				
Crawford	7	.8	-	1	=	- .2	-	.13	=	- .4				
Grant	7	2.2	-	2	=	.2	-	.22	=	.0				
Iowa	7	1.2	-	1	=	.2	-	.10	=	.1				
Jackson	7	1.5	-	1	=	.5	-	.11	=	.4				
La Crosse	7	6.5	-	5	=	1.5	-	1.05	=	.4				
Monroe	7	3.8	-	2	=	1.8	-	.22	=	1.6				
Pepin	7	.4	-	0.4	=	.0	-	.09	=	- .1				
Pierce	7	1.7	-	1	=	.7	-	.83	=	- .1				
Richland	7	1.0	-	1	=	.0	-	.18	=	- .2				
Trempealeau	7	1.5	-	1	=	.5	-	.23	=	.3				
Vernon	7	1.0	-	1	=	.0	-	.10	=	- .1		.5		2.3

Figure 2: Judicial Officer Need by County, CY 2005 Filings (continued)

County	District	Overall Judicial Officer Need	-	Actual Judges (FTE)	=	Judicial Need	-	Estimated Circuit Court Commissioners (FTE) [1]	=	Workload Based Judicial Officer Need (FTE)	+	Administrative Need (Chief) [2]	=	Total District Judge Need (FTE)
Brown	8	12.7	-	8	=	4.7	-	4.00	=	.7		.5		- .5
Door	8	1.6	-	2	=	- .4	-	.08	=	- .5				
Kewaunee	8	.9	-	1	=	- .1	-	.05	=	- .1				
Marinette	8	2.4	-	2	=	.4	-	1.00	=	- .6				
Oconto	8	1.7	-	2	=	- .3	-	.25	=	- .6				
Outagamie	8	10.1	-	7	=	3.1	-	2.80	=	.3				
Waupaca	8	3.0	-	3	=	.0	-	.19	=	- .1				
Florence	9	.3	-	0.75	=	- .5	-	.06	=	- .5				
Forest	9	.9	-	0.25	=	.6	-	.38	=	.2				
Iron	9	.4	-	1	=	- .6	-	.10	=	- .7				
Langlade	9	1.5	-	1	=	.5	-	.14	=	.3				
Lincoln	9	1.9	-	2	=	- .1	-	.16	=	- .3				
Marathon	9	7.3	-	5	=	2.3	-	1.04	=	1.3		.5		.4
Menominee	9	.1	-	0.1	=	.0	-	.01	=	.0				
Oneida	9	2.3	-	2	=	.3	-	.50	=	- .2				
Price	9	.7	-	1	=	- .3	-	.10	=	- .4				
Shawano	9	2.6	-	1.9	=	.7	-	.38	=	.3				
Taylor	9	.9	-	1	=	- .1	-	.09	=	- .2				
Vilas	9	1.2	-	1	=	.2	-	.10	=	.1				
Ashland	10	1.2	-	1	=	.2	-	.25	=	- .1				
Barron	10	3.2	-	2	=	1.2	-	.20	=	1.0				
Bayfield	10	.9	-	1	=	- .1	-	.13	=	- .2				
Burnett	10	1.6	-	1	=	.6	-	.26	=	.3				
Chippewa	10	3.8	-	2	=	1.8	-	.21	=	1.6				
Douglas	10	3.0	-	2	=	1.0	-	1.00	=	.0				
Dunn	10	2.8	-	2	=	.8	-	.15	=	.6				
Eau Claire	10	7.2	-	5	=	2.2	-	1.00	=	1.2		.5		6.5
Polk	10	2.8	-	2	=	.8	-	.25	=	.5				
Rusk	10	.9	-	1	=	- .1	-	.06	=	- .1				
Sawyer	10	1.5	-	1	=	.5	-	.07	=	.4				
St. Croix	10	4.4	-	3	=	1.4	-	.45	=	1.0				
Washburn	10	1.1	-	1	=	.1	-	.20	=	- .1				
Total		**337.5**	-	**241**	**=**	**96.5**	-	**84.35**	**=**	**12.2**	+	**5.5**	=	**17.7**

Notes:

[1] FTE Cirucit Court Commissioner figures can change throughout the year. These figures should be verified on a regular basis.

[2] The chief judge administrative adjustment is placed by the county where the current chief judge resides and is reflected only in the district need total.

[3] Portage County's overall judicial officer need is a reflection of their actual judge and court commissioner resources. Their need is not calculated under the weighted caseload formula because Portage County is not part of the CCAP case management system.

[4] Refer to footnote 6 on page 13 of the Final Report to see the relationship between the proper entry of codes onto the CCAP system and an accurate count of case filings.

Introduction

The Director of State Courts Office (DSCO) contracted with the National Center for State Courts (NCSC) to help develop a method to measure judicial workload in the Wisconsin courts. A clear measure of court workload is central to determining how many judicial officers (judges and circuit court commissioners) are needed to resolve all cases coming before the court. Adequate resources are essential if the Wisconsin judiciary is to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves assessing objectively the number of judicial officers required to handle the caseload and whether judicial resources are being allocated and used prudently. In response, judicial leaders around the country are increasingly turning to empirically-based workload assessments to provide a strong foundation of judicial resource need in the state trial courts.

Judicial weighted caseload is well-established in Wisconsin. Its origins date back to the late 1970's when the state implemented a comprehensive reorganization of the court system that created a single-level trial court of general jurisdiction. During the reorganization, the Legislative Council Committee on Courts was charged with developing an objective measure to be used in the creation of judgeships and subsequently contracted with the Resource Planning Corporation (RPC) to prepare Wisconsin's first judicial weighted caseload study in 1980. In 1995, the National Center for State Courts conducted an update of the original RPC study.

The current study comprehensively reviews, updates and extends the Wisconsin weighted caseload system to bring it in line with state-of-the-art practices and to reflect the current state of Wisconsin law. The effort is timely because the judicial weighted caseload system has not been reviewed or updated in over a decade. The current workload assessment represents an improvement over previous studies conducted in Wisconsin.

Specifically the current study:

1. Increases the judicial participation rate so as to more accurately estimate the time required to hear cases.

2. Develops case weights for an expanded set of case types.

3. Estimates and appropriately assigns all judicial time to case-related and non-case-related categories.

4. Incorporates the administrative and managerial responsibilities of chief judges.

5. Integrates explicitly the work of county-funded circuit court commissioners in the determination of judicial need.

6. Assesses whether current practice is consistent with achieving reasonable levels of quality in case resolution.

Each aspect of the study is discussed below and all results presented.

Research Design and Results

1. Judicial Participation Rate

NCSC staff utilized a time study to measure the time judges and circuit court commissioners spend processing different types of cases from initial filing to final resolution. By developing separate case weights for different case types, the model accounts for the fact that case types vary in complexity and require different amounts of judicial time and attention. Relying solely on case counts to determine the demands placed on judicial officers ignores the varying levels of resources needed to handle cases effectively. The time study represents an accurate and valid picture of current practice- the way judicial officers in Wisconsin process cases.

The Workload Assessment Advisory Committee decided that all judges and all commissioners with regular calendars in all counties and judicial districts would participate in the study. Including all judicial officers departs from previous weighted caseload studies in Wisconsin where samples from representative counties with the best case processing were utilized. The 1980 RPC study selected 11 counties with 45 judges to participate in the study. The 1995 study collected data from 79 judges and 40 circuit court commissioners in 12 counties during a 3-week period. In both studies, different locations were chosen based on case processing efficiency and to represent courts of various size and geographic location.

During the month of October 2005 (4 weeks) 240 of the 241 judges and 109 circuit court commissioners participated in the current time study. Utilizing the entire population of judicial officers across the State of Wisconsin, rather than a sample, improves the reliability of this study. Complex issues like sampling procedures to ensure representativeness and issues associated with generalization are mitigated. Finally, collecting data from judicial officers in every county ensures that sufficient data is collected to assess whether it is appropriate to generate separate weights for large and small circuits.

2. Expanded Set of Case Types

Selecting the number of case types and case events to be used in a weighted caseload study involves a trade-off between having enough information to ensure the accuracy of the workload standards and minimizing the data collection burden on the participating judicial officers. The more case types and events that are included in a weighted caseload study, the larger the data samples need to be to guarantee statistical accuracy. In addition, determining the appropriate types of cases to be weighted is particularly important because the workload standards must eventually be attached to readily available case data to determine workload. That is, the weights must correspond to the specificity of filings available from every jurisdiction throughout the state. For this reason, the Workload Assessment Advisory Committee determined that time study data be collected on 20 case types. This represents an expansion in the number of case types from the 11 used in the 1980 study and the 18 used in 1995. Specifically, the current study includes a category for uncontested cases where the defendant appears. Figure 3 shows the case types for which workload standards were developed.

3. Evaluating and Assigning Case-Related and Non-Case-Related Time

During the time study judges and commissioners were asked to record all of their time spent on both case-related and non-case-related activities (e.g., community activities and public

Figure 3: Case Types

1 Felony		(not Case Type JV)
09000 - 14999		Includes felony traffic
27000 – 27999		
Committed Inmate (CI)		Includes Ch. 980 Sexual Predator
2 Misdemeanor		(not Case Type JV)
15000 - 19999		Includes misdemeanor traffic,
28000 - 28999 except		except for OWI 2nd thru 4th
for 28100 & 28150		
3 OWI 2nd thru 4th		(not Case Type JV)
28100 & 28150		
4 Contested Traffic & Ordinance		
20000 - 20999		Traffic Forfeiture
32000 - 32999		Non-Traffic Forfeiture
Case Type JO		Juvenile ordinance
5 Uncontested Cases		
20000 - 20999		Traffic Forfeiture w/ appearance
32000 - 32999		Non-Traffic Forfeiture w/ appearance
Case Type JO		Juvenile ordinance w/ appearance
31000 - 31999		Small Claims w/ appearance
6 Contested Small Claims		
31000 - 31999		
7 Formal Estate		Includes Trusts
50101 & 50201		
8 Guardianship		Includes juvenile actions
50301 - 50403		
Case Type JG		
9 Commitments		Includes juvenile actions
50501 – 50599 -		
Case Type JM		
10 Other Probate		Includes juvenile actions
50100 & 50102 - 50109		
50601		
Case Type JA		
11 Personal Injury / Property Damage		Product Liability
30100 - 30201		Personal Injury - Auto
		Medical Malpractice - Other
		Medical Malpractice - Ch. 655
		Wrongful Death
		Intentional Tort
		Other Personal Injury
		Asbestos
		Sec. 1983 & other federal action
12 Contracts / Real Estate		Minor Settlement
30203 - 30405		Money Judgment
		Garnishment - Large Claims
		Other Contract
		Other Debtor Action
		Condemnation Review
		Agricultural Foreclosure
		Mortgage Foreclosure
		Other Real Estate
13 Civil Reviews		Appeal from Municipal Court Judgment
30601 - 30701 & 30705		Administrative Agency Review
Case Type IP		Declaratory Judgment
		Incarcerated Person Litigation
14 Other Civil		Other TRO / injunction
30703 - 30999 except		Name Change
for 30705		Domestic Abuse TRO / injunction
Case Type JI		Child Abuse TRO / injunction
		Harassment TRO / injunction
		Combined Action
		Vulnerable Adult TRO / injunction
		Juvenile injunctions
		Unclassified
15 Divorce		Includes annulment / legal separation
40101 & 40201		
16 Paternity		
40501		
17 Other Family		Incoming UIFSA
40401 - 40999 except		Outgoing UIFSA
for 40501		Modify / Enforce Judgment (other
		state / county judgment)
		Unclassified
18 Delinquency		Case Type JV
09000 - 19999		Includes JIPS actions
27000 - 28999		
19 CHIPS		Case Type JC
		Includes Waiver of Consent for Minor's
		Abortion and Voluntary TPR (65001)
20 Involuntary TPR		
65003		

outreach; judicial education and training; travel). Case-related time was organized into four major activity groupings: preliminary matters, non-trial disposition, trial, and post-judgment. Brief definitions of the case-related activities are shown in Figure 4.[1] It is important to note that the current study measures time periods within a case, such as post-judgment activity. This approach differs from previous workload assessments in Wisconsin which measured individual court events. Collecting data by both case type and by major case-related activity allows for a quality assessment of current practice.[2]

1. A listing of non-case-related activities is provided in Appendix 1.

2. Time was also collected for cases that involved self-represented litigants (pro se) and for cases where an interpreter was involved. These results are provided in Appendix 2.

Figure 4: Case Related Activities

Preliminary Matters:

Preliminary matters are all of the routine matters that occur in cases before a disposition of some kind is reached and/or before a case comes to trial. The controlling assumption here is that 100% of all cases would have some activity in this category. Examples include: Initial/first appearance; Non-dispositive pre-trial motions; Scheduling conferences; Pre-trial conferences of any kind; Arraignment; Bail; Issuing warrants; Preliminary hearing; Shelter care and detention hearings; Hearings on temporary custody or support; Other temporary financial hearings in domestic cases; Review of petition.

Non-trial disposition:

The grouping is intended to capture the time spent in dispositive hearings and related work where a trial is not required (i.e., settled cases, summary judgments that fully dispose of a case, etc.). The unifying factor of work in this group is that the matters will not be determined by a bench or jury trial. Most frequently, hearings in this group will result in both findings and orders, but the group will also include hearings where adjudication and disposition have been bifurcated. Both "phases" of the disposition should be counted in this group in the time study. Included are: Plea and sentence; Plea hearings; Divorce dissolution/divorce hearings (non-trial); Juvenile court adjudicatory hearings (non-trial); Juvenile court disposition hearings (non-trial); Adoption decrees; Order establishing guardianship; Various orders settling probate matters (non-trial); Summary judgments.

Trial:

This grouping is reserved for work by judicial officers on matters that are counted as trials in state court statistical reporting. This includes cases tried before the judge alone ("bench trials"), as well as jury trials.

Post-judgment (or post-verdict):

Post-judgment includes all the work related to cases that are "reopened" after a judgment has been previously entered. These proceedings typically occur in family and juvenile cases and in civil, criminal, CI cases and guardianships. Included are hearings required to enforce or modify any judgment. Examples include: Probation violation hearing or Probation review (adult or juvenile); Juvenile petitions for extension, revision or change of placement; Review and/or modification of orders for support, custody, or visitation; Orders to enforce civil judgments; Motions for reconsideration; Motions after verdict; Motions for post-conviction relief; Sentencing after revocation; Motions to modify sentence; Watts review.

Judge/Commissioner Day- and Year-Value

In every workload study there are three factors that contribute to the calculation of judicial need: filings, case weights, and the judge-year value.

So that:

Workload = Filings * Workload Standard

Implied Judge Need = Workload / Judge-year value

The judge-year value represents the amount of time judges and commissioners have to work on their cases in a year. Arriving at this value is a two-stage process that entails calculating how many days per year are available for judges to hear cases (the judge-year) and then determining how the business hours

of each day are divided between case-related and non-case-related work (the judge-day). Multiplying these two measures gives the judge-year value, which is an estimate of the amount of time the "average" judge and commissioner has to hear cases during the year.

a. The judge-year. Calculating the "average" judge-year requires determining the number of days per year judges and commissioners have to hear case-related matters. Starting with 365 days, weekends, holidays, vacation days, sick leave, and judicial education are deducted. The result is an average of 208.6 days each year for judges and commissioners to hear cases. This value is very similar to the judge-year utilized in the 1995 study.[3]

b. The judge-day. The judge-day is separated into two parts: the amount of judge time devoted to (1) case-related matters and (2) non-case-related matters.

2. Non-case-related time includes time devoted to:
   - activities required of judges to contribute to the efficient and effective operation of the court (e.g., supervising personnel, meeting with clerks about administrative matters; participation in state and local committees);
   - cooperation and coordination with other justice system agencies on matters of policy and practice;
   - community outreach and public education; and
   - court related travel.

Making a distinction between case-related and non-case-related time provides clear recognition that judges and commissioners have many varied responsibilities during the day.

The Workload Assessment Advisory Committee (WAAC) established the 8.5-hour work

Figure 5: Calculating the Judge-Year

Judge Year	2006 Study
Total Days in Year	365
Subtract *Non-Working Days*	
Weekends	-104
Holidays	-14.5
Vacation	-25
Sick Leave	-5.4
Judicial Education	-7.5
Total Working Days Per Year	208.6

1. Case-related time includes all time devoted to:
   - hearing cases on the bench;
   - reviewing case files and documents in the preparation for hearings and making decisions on cases;
   - researching specific points of law related to cases; and
   - writing orders and decisions (findings of fact, conclusions of law and orders).

3. The 1995 judge-year includes 9.5 state holidays, 3 personal holidays, and 1 additional county holiday (13.5 days), while the 2006 judge-year includes 9 state holidays (the half-day for Good Friday was lost as a state holiday and included with personal holidays, along with an extra day for Veteran's Day), 4.5 personal holidays, and 1 additional county holiday (14.5 days). In addition, the 2006 judge-year is based upon an average sick leave of 43.55 hours for executive level staff in the executive branch during calendar year 2004.

day as the starting point. One hour was deducted for lunch and breaks; leaving 7.5 hours. The court policy expectation is that 6 hours are available each day for case-related work and 1.5 hours for non-case-related activities.[4] This expectation was confirmed by the time study. Figure 6 provides an overview of the calculation.

The 6-hour (360 minutes) case-related day differs from the value(s) used in both the 1980 and 1995 study (see Figure 7). These earlier studies used a narrower interpretation of case-related time than in the current more comprehensive standard. A primary goal of this project was to evaluate and appropriately assign all judicial time to case-related and non-case-related categories. Improvements in the methodology provide a means to more completely and precisely measure judicial time spent on handling the full-range of distinct case type activities. The result of this analysis was a realignment of time between the case-related and non-case-related categories used in the Wisconsin weighted caseload system. The case-related time spent on, for example, legal research, writing orders, opinions, and case correspondence is now classified as case-related and built into the case weights. Consequently, the case weights in the current study accommodate any differences that may exist in the amount of time spent on these activities across the different case types and allow for a more accurate determination of judicial need in these work areas (e.g., opinion writing on civil cases).[5] The result of redefining more judicial activity as case-related is that, all other things equal, the case weights will be larger.

In addition, this change to the definition of case-related time affects the judge year value. Because judicial time spent on such case-related activity as legal research, writing orders, opinions, and case correspondence is now incorporated in the case weights, it also becomes part of the case-related judge day. That is, case-related time devoted to court and calendar management time and legal research is now part of case-related time per day (see Figure 7). All judicial officers are allotted 90 minutes per day to handle the smaller set of responsibilities that are now defined as non-case-related activity. This reassignment of

Figure 6: Calculating the Judge-Day

Judge Day	
Total Hours per Day	**8.5**
Subtract *Lunch and Breaks:*	- 1.0
	= 7.5
Total Case-Related:	6.0
Total Non Case-Related:	+ 1.5
	= 7.5

4. Wisconsin's judge-year policy is in line with typical expectations of other states. A standard of 6 hours for case-related time and 1.5 hours for non-case-related time is the same as used in other states (e.g., California, Florida, Maine, and New Hampshire).

5. The April 1996 Wisconsin Legislative Audit Bureau Report (96-5) stated "the Office could improve the measure of judicial need by accounting for time judges spend on research, writing opinions and jury instructions and reading briefs and depositions related to specific cases."

Figure 7: Judge-Day Comparison

Judge Day (minutes)		1980 Study	1995 Study		2006 Study
		Wisconsin	Districts 2-10	Milwaukee	Wisconsin
Workday (8.5 hours)		540	510	510	510
Subtract	Lunch and Breaks	-60	-60	-60	-60
		480	450	450	450
Subtract	Non-Case-Related				-90
	Court/Calendar Management*	-88.47	-88.47	-62.47	
	Case-Related Legal Research	-47.4	-47.4	-47.4	
	Unscheduled Time**	-48	-45	-22.5	
Case-Related Time per Day		296	269.13	317.63	360

*Court/Calendar management includes time spent on writing orders, opinions, and case correspondence.
**Unscheduled Time includes time for calendar failures, judicial substitutions, temporary assignments, and associated travel.

time from non-case-related to case-related activities is strictly definitional and has no independent effect on estimated judge need.

Finally, the 1995 study made use of distinct day values for Milwaukee and Districts 2-10. The current study uses only one judge day value. The decision to adopt a uniform day value was supported by the data collected during the time study and adopted by WAAC.

c. Judge-year value. Multiplying the judge-year (208.6 days) by the number of hours in a judge-day available for case-related work (6 hours) gives the amount of time available per year for judges and commissioners to hear cases. Thus, the judge-year value is 75,096 minutes of case-related time per judge per year (208.6 days x 6 hours per day x 60 minutes per hour). The judge-year value is used to calculate judicial need.

Case Weights

As discussed earlier, time study data was collected from all judicial officers statewide during a four week period in October 2005. To calculate preliminary case weights-the average amount of judicial time needed to handle a particular case from filing to resolution-the one-month time data was extrapolated to 12 months and divided by the number of filings for each case type in CY 2004. This result provides a picture of current practice. The preliminary case weights for judges and commissioners are shown in Figure 9.[6]

For example, judges and commissioners recorded 5.5 million case-related felony min-

6. The filings used to calculate the case weight for involuntary TPR include filings for both voluntary and involuntary TPRs. A combined set of filings were included because the class codes to distinguish between voluntary and involuntary TPRs are currently not available in the Consolidated Court Automation Programs (CCAP). It is anticipated that in early 2007 CCAP will provide an accurate count of involuntary TPRs and new case weights will be developed for both involuntary TPRs and CHIPS. In addition, while the APPR (appearance) code for uncontested cases has been available for a few years, the DSCO believes that it is not currently being used consistently and comprehensively by all court clerks. Therefore, the DSCO will revisit the case filing figures for all uncontested cases with an appearance. The DSCO will also revisit the case filing figures for contested small claims cases, because it is believed the CONT (contested) code has not been used appropriately in all counties.

utes. To develop the case weight, we divided the time in minutes by the number of felony filings in CY 2004 (5,523,287 / 33,937). The resultant case weight of 162.8 minutes means that, on average, handling a felony requires 162.8 minutes of judge and commissioner time.

The utility of a weighted caseload system is now easy to illustrate. For example, misdemeanors are the most prevalent case type with 111,197 cases, requiring roughly 3.1 million minutes of judicial officer time (or an average of 27.7 minutes per case). In contrast, divorce cases with only 21,000 filings require 3.8 million minutes of judicial officer time (or an average of 183.6 minutes per case). Caseload is not the same as workload.

Assessing the Validity of the Preliminary Case Weights

One way to assess the validity of the workload standards is to see whether the implied work could have been accomplished with the judicial officers currently in place. To accomplish this, the individual workload standards were applied to the 2004 filings to address whether all of the cases filed in 2004 could have been processed according to the weights assigned. If the answer is affirmative, this lends considerable credence to the resulting weights. If, however, the answer is negative, the workload standards may need further revision.

Multiplying the time study case weights by filings gives the resultant amount of workload in minutes. For example, each formal Estate case takes on average 61.7 minutes. Consequently, the 2,012 formal Estate filings in CY 2004 would take on average roughly 124,000 minutes (61.7 minutes * 2,012 filings). The sum of the workload for each case type provides the total workload for each court. Dividing the total workload by the judge-year value provides a way to assess how well the model fits actual practice. This is illustrated in Figure 10.

Figure 8: Judge-Year Value Comparison

Judge Year Value		1980 Study		1995 Study				2006 Study
		Wisconsin		Districts 2-10		Milwaukee		Wisconsin
Judge Year (days)		213.7		208.7		208.7		208.6
Judge Day (minutes)	x	296	x	269.13	x	317.63	x	360
		63,255		56,167		66,289		75,096

The validity check illustrates that when the time study case weights are applied to CY 2004 filings the implied judge need and the number of actual judicial officers (judges and commissioners) is fairly equivalent. Using the judge year value of 6 hours (75,096 minutes) of case-related time, the model projects the need for 332.2 judicial officers, just slightly higher than the actual number. The actual number of judicial officers matches almost exactly with the estimates of judicial need produced by the model. On the whole, it seems clear that the time study case weights pass the plausibility test-the existing judicial officers could have handled the workload generated by the weighted filings. This result provides convincing evidence that the case weights are

Figure 9: Preliminary Case Weights, CY 2004 Filings

	Time Study (minutes)	÷	CY 2004 filings	=	Weights
Felony	5,523,287	÷	33,937	=	162.8
Misdemeanor	3,083,950	÷	111,197	=	27.7
OWI 2nd-4th	629,756	÷	13,231	=	47.6
Contested Traffic/ Ordinance	715,734	÷	94,835	=	7.5
Uncontested Cases (appearance)	394,883	÷	86,684	=	4.6
Contested Small Claims	1,362,203	÷	13,715	=	99.3
Formal Estate	124,202	÷	2,012	=	61.7
Guardianship	389,336	÷	7,162	=	54.4
Commitments	324,355	÷	18,729	=	17.3
Other Probate	122,473	÷	15,922	=	7.7
Personal Injury -- Personal Damage	1,370,774	÷	7,647	=	179.3
Contracts/ Real Estate	1,247,822	÷	28,905	=	43.2
Civil Reviews	373,094	÷	1,541	=	242.1
Other Civil	1,163,381	÷	18,709	=	62.2
Divorce	3,855,837	÷	21,002	=	183.6
Paternity	1,512,985	÷	14,456	=	104.7
Other Family	466,812	÷	13,141	=	35.5
Delinquency	1,142,684	÷	14,851	=	76.9
CHIPS	793,501	÷	4,966	=	159.8
Involuntary TPR	348,628	÷	2,301	=	151.5

an accurate reflection of current practice.

A Comparison of 1995 and 2005 Case Weights

The 2005 case weights will differ from the 1995 case weights for two interrelated reasons. First, more judicial time is now classified as case-related time and incorporated into the case weights. Second, the 2005 case weights also reflect the change in judicial workload and responsibilities brought on by new legislation and court procedures, new technologies, and organizational improvements that have occurred since 1995. For some cases, new legislation requires greater judicial time and attention in meeting the rule as well as the spirit of the law. As workloads rise, judges can and do work faster; the issue is ensuring that there are adequate judicial resources available to effectively resolve cases and provide quality service to the public. The 2005 case weights have been designed to provide judges sufficient time to reasonably engage litigants, listen to victims, clearly explain rulings and orders-features fundamental to the public perception of fairness and appropriate treatment by the court.

To illustrate the implications of these differences, Figure 11 includes a comparison of the results from 1995 and the current study for four of the case types assuming 2,000 cases were filed for each case type.[7]

The example shows the calculation of implied judicial need for both 1995 and the current study. In both years we assume that there are 2,000 filings. Focusing on Felony, in 1995, the case weight is 115.9 minutes. In the current study (2005) the case weight has increased to 162.8 minutes. The difference is a reflection of the additional time captured in

7. A direct comparison of all 20 case types is not possible because of the differences in how many of the case types are defined between the current study and the earlier studies.

the case weights for case-related activities in the current study (e.g., case-related legal research, writing orders, opinions, and case correspondence) and for the additional judicial work associated with handling this type of case. Multiplying the filings by the case weights, results in the total workload (231,800 minutes and 325,600 minutes). To calculate the number of judicial officers needed to handle the workload, the total workload is divided by the judge-year value (66,289 minutes[8] and 75,096 minutes). Dividing the workload by the judge-year value, results in an implied need of 3.5 judicial officers for the 1995 study and 4.3 judicial officers for the current study. A similar pattern of increased case weights, workload, and implied need is seen for Divorce, Paternity, and OWI 2nd- 4th.

Figure 10: CY 2004 Estimated Workload Based on the Time Study

6 hour case-related day	
Total Workload (mins)	24,945,697
Judge-Year	75,096
Implied Judicial Officer Need	332.2
Actual Judicial Officers	325.4
Difference	6.8

4. Chief Judge Work

Wisconsin's 72 counties are grouped into 10 judicial administrative districts, each supervised by a chief judge. The chief judge, appointed by the Supreme Court, is responsible for administrative oversight of judicial activities in the circuit courts within their respective district. The chiefs are responsible for managing the flow of cases, supervising personnel, developing budgets, and meeting regularly as a committee. In addition to these administrative duties, most chief judges continue to hear regular calendars and handle cases. However, their added administrative duties make them distinct from other circuit judges.

The 'typical' judge is assumed to work 7.5 hours per day- 6 hours on case-related activities and 1.5 hours on non-case-related activities. During the time study the chief judges reported an average of 8.8 hours per day-5 hours on case-related and 3.8 hours on non-case-related activities. As expected, chief judges spend more time on non-case-related activities than accommodated in the judge-day standard. For example, in the First District the chief judge reported working, on average, over 9 hours per day on non-case-related activities (e.g., non-case-related administration, judicial education and training, community and public outreach, and travel). These apparent differences from other circuit judges call for an adjustment factor to be added to the resource model to account for the chief judges' administrative duties.

The implied need for judicial officers is calculated by dividing the total workload by the judge-year value. The judge-year value is based upon the amount of time judges have

8. In this example, the 1995 Milwaukee judge-year value was selected for illustrative purposes. A similar illustration could have been provided for the 1995 District 2-10 judge-year value.

Figure 11: A Comparison of Implied Need, 1995 and 2005

	Study Year	Filings	*	Case weight (minutes)	=	Workload	÷	Judge-Year Value	=	Implied Need
Felony	1995	2,000	*	115.9	=	231,800	÷	66,289	=	3.5
	2005	2,000	*	162.8	=	325,600	÷	75,096	=	4.3
Divorce	1995	2,000	*	58.1	=	116,200	÷	66,289	=	1.8
	2005	2,000	*	183.6	=	367,200	÷	75,096	=	4.9
Paternity	1995	2,000	*	35.5	=	71,000	÷	66,289	=	1.1
	2005	2,000	*	104.7	=	209,400	÷	75,096	=	2.8
OWI 2nd-4th	1995	2,000	*	39.1	=	78,200	÷	66,289	=	1.2
	2005	2,000	*	47.6	=	95,200	÷	75,096	=	1.3

to hear case-related matters. Thus, when the need for judicial officers is calculated the extra administrative time for chief judges is not included. To incorporate these extra non-case-related duties into statewide judicial need, an administrative adjustment (chief judge) can be made. The Workload Assessment Advisory Committee decided that a full-time administrative position be added in District 1 and a .5 FTE position added to each of the other judicial districts. In districts where there are multiple counties the chief judge's administrative adjustment may be considered based on whichever county the chief sits in during their tenure.

5. Work of Circuit Court Commissioners

Circuit court commissioners are county-funded court officers who perform limited judicial duties. During the 4-week time study, circuit court commissioners statewide provided detailed time records of the type of cases and activities they work on. Dividing the total time reported by the judge-year value yields the number of commissioners (FTE) needed to handle the workload, by case type and event.

An examination of Figure 12 confirms that commissioners tend to specialize in particular types of cases (e.g., Divorce, Paternity, Contested Small Claims, and Felony) and work primarily on preliminary and post-judgment activities. The primary responsibilities of commissioners include: arrest warrants; bail reviews; initial appearances in small claims; misdemeanor and felony initial appearances and pretrials; CHIPS petitions and initial hearings; paternity initial appearances; probable cause hearings in mental illness or temporary guardianship cases; intake for default divorces; traffic intake; issue domestic violence and harassment TRO's and Injunctions; divorce temporary hearings and post-judgment motions and hearings; stipulated divorces; domestic abuse and harassment restraining orders; dependency detention hearings; contested small claims trials. [9]

In many locations around the state, the handling of cases represents the combined efforts of county-funded commissioners and state-funded judges. As an illustration of this concept, Figure 13 presents the percentage of commissioner and judge time spent handling

9. This list is not exhaustive. See s. 757.69 Wis. Stats.

different activities for different case types in District 5 (14.27 FTE commissioners and 26 FTE judges).

Figure 13 highlights that commissioners in District 5 perform a limited set of judicial functions and case types, while judges handle most case processing events and all case types. For example, circuit court commissioners account for 32 percent of all the time spent on felony preliminary matters and judges 68 percent. In District 5, the handling of cases is a function of the combined efforts of both commissioners and judges. A similar pattern is found when examining the distribution of work in other districts and counties that have circuit court commissioners. However, a majority of counties in the state have fewer than one circuit court commissioner. In these counties, judges perform the work conducted by circuit court commissioners in the larger jurisdictions.

Considering this information, a set of judge and commissioner case weights have been developed that represent the combined work of all judicial officers (see Figure 9).

In Figure 14 the case weights represent the time judges and commissioners spend handling a case from initiation through all post-judgment activity. For example, a felony case

Figure 12: Statewide Commissioner FTE by Case Type and Event

	Statewide Commissioner FTE				
	Prelim	Non-Trial	Trial	Post	Total
Felony	7.8	.4	.2	.4	8.8
Misdemeanor	5.0	.3		.1	5.4
OWI 2nd-4th	.5				.5
Contested Traffic/ Ordinance	1.0	.5		.1	1.6
Uncontested Cases (appearance)	.4	2.2		.2	2.8
Contested Small Claims	3.9	1.8	4.8	.6	11.1
Formal Estate	.2	.1			.3
Guardianship	.3	.4		.2	1.0
Commitments	1.5	.1	.1		1.6
Other Probate	.2				.3
Personal Injury -- Personal Damage	.5				.6
Contracts/ Real Estate	.1	.1			.1
Civil Reviews	.1	.1			.1
Other Civil	2.0	.7	1.8	.2	4.7
Divorce	9.1	2.5	.3	9.8	21.7
Paternity	2.9	2.2	.1	8.9	14.1
Other Family	.9	.7	.3	1.6	3.4
Delinquency	2.8	.1			2.9
CHIPS	1.4			1.1	2.5
Involuntary TPR					
Total	40.5	12.1	7.7	23.2	83.6
% Total	49%	15%	9%	28%	

Figure 13: Percentage of Time Spent on Case Types and Activities by Commissioners and Judges in District 5

	District 5									
	Commisisoners					Judges				
	Prelim	Non-Trial	Trial	Post	Total	Prelim	Non-Trial	Trial	Post	Total
Felony	32	1			19	68	99	100	100	81
Misdemeanor	48	3			25	52	97	100	100	75
OWI 2nd-4th	31	2			16	69	98	100	100	84
Contested Traffic/ Ordinance	50	37	1	48	38	50	63	99	52	62
Uncontested Cases (appearance)	45	85			77	55	15			23
Contested Small Claims	100	80	85	61	85		20	15	39	15
Formal Estate	100				44		100			56
Guardianship	72	64		62	66	28	36		38	34
Commitments	100				66		100	100	100	34
Other Probate	87	39	5	41	59	13	61	95	59	41
Personal Injury -- Personal Damage						100	100	100	100	100
Contracts/ Real Estate						100	100	100	100	100
Civil Reviews						100	100	100	100	100
Other Civil	43	7	12	18	28	57	93	88	82	72
Divorce	73			61	48	27	100	100	39	52
Paternity	87	59		76	77	13	41		24	23
Other Family	100		100	44	63		100		56	37
Delinquency	68	11			40	32	89	100	100	60
CHIPS	29				12	71	100	100	100	88
Involuntary TPR						100	100			100

takes on average 162.8 minutes of judge and commissioner time to resolve. In some counties this work may be reflected as the combined effort of judges and commissioners, while in other counties all of the work may be performed by judges.

Multiplying the case weights by the filings in a jurisdiction (county or district) results in the total workload in that jurisdiction. Dividing the workload by the judge-year value results in the number of judicial officers needed to resolve cases. Figure 15 illustrates the application of the case weights to 2005 filings in each of the ten districts.

The first column reports the total implied judicial officer need (judges and commissioners). For instance, when the case weights are applied to filings in District 1 there is a need for 70.7 judicial officers. Deducting the current allotment of commissioners (22 FTE) and judges (47 FTE) results in a workload based need of 1.7 FTE judges in District 1 and 2.7 FTE judges when the administrative need (district chief judge) is incorporated. Overall, there is a need for 17.7 judges statewide when the 2005 filings are applied to the updated case weights. Figure 16 reports the judicial officer need for each of the 72 counties in Wisconsin based on 2005 filings.

Figure 14: Judges and Commissioners Case Weights

Case Types	Case Weights (minutes)
Felony	162.8
Misdemeanor	27.7
OWI 2nd-4th	47.6
Contested Traffic/ Ordinance	7.5
Uncontested Cases (appearance)	4.6
Contested Small Claims	99.3
Formal Estate	61.7
Guardianship	54.4
Commitments	17.3
Other Probate	7.7
Personal Injury -- Personal Damage	179.3
Contracts/ Real Estate	43.2
Civil Reviews	242.1
Other Civil	62.2
Divorce	183.6
Paternity	104.7
Other Family	35.5
Delinquency	76.9
CHIPS	159.8
Involuntary TPR	151.5

6. Quality Adjustment

Adequacy of Time Survey

During the month of March 2006, the National Center administered a Web-based survey to all judges and circuit court commissioners statewide to gather perspective on the sufficiency of time to perform key case-related and non-case-related tasks. Results from the survey were used by four Workload Study Groups and the Workload Assessment Advisory Committee to evaluate the preliminary workload standards (time study) and ensure that they provide sufficient time for quality performance.

The Web-based survey asked judges and commissioners to evaluate whether they have enough time to do a reasonable job in performing necessary judicial duties. The list of specific judicial duties is organized around four areas: pre-trial activities, trial activities, post-judgment activities, and general court management activities.[10]

Specifically, for each of the separate judicial duties, judges and circuit court commissioners were asked to evaluate the statement, "I generally have enough time to…" complete this judicial duty in a reasonable and satisfactory way, on a scale ranging from "Almost Never" to "Almost Always." For duties that respondents did not regularly perform or did not apply to their position, a response of "Does Not Apply" was available. An example of the survey layout is provided in Figure 17. Over-

10. The National Center developed an initial draft of judicial duties that were vetted and finalized by members of WAAC.

all, 145 judges and 54 circuit court commissioners, from across the state, completed the surveys.

National Center staff compiled the responses and analyzed results separately for judges and circuit court commissioners. For each judicial activity an average response score was generated.[11] A summary of the results is provided in Figure 18.

In the figure on page 25, a check mark is placed next to judicial duties where average response scores were 4.5 or less. For example, the average score for judges and commissioners who conduct settlement conferences is less than 4.5. Thus, judges and commissioners perceive this as an area where more time may be warranted to ensure the quality handling of cases.

In summary, there are relatively few activities within the area of Pre-trial, Trial, and Post-Judgment that were perceived by judicial officers as insufficient in the amount of time available to complete their judicial duties in a reasonable and satisfactory way. However, in the area of General Court Management several activities are perceived by judges and commissioners as in need of additional time to complete their tasks. One possible explanation for the lack of time in this area is that judges and commissioners are forced to make trade-offs with the time they have available. In other words, accomplishing the essential activities (e.g., pre-trial, trial, and post judgment activities) associated with their caseload comes at the expense of general court management (e.g., supervise and evaluate staff; conduct general legal research; participate in public outreach and education).

The adequacy of time results were shared with Workload Study Groups and WAAC and used by these groups as a guide when reviewing

Figure 15: Judicial Officer Need by District, 2005 Filings

District	Overall Judicial Officer Need	-	Actual Judges (FTE)	=	Judicial Need	-	Estimated Circuit Court Commissioners (FTE)	=	Workload Based Judicial Officer Need (FTE)	+	Administrative Need (Chief)	=	Total District Judge Need (FTE)
1	70.7	-	47	=	23.7	-	22.00	=	1.7	+	1.0	=	2.7
2	32.3	-	21	=	11.3	-	8.37	=	2.9	+	.5	=	3.4
3	29.2	-	23	=	6.2	-	9.40	=	-3.2	+	.5	=	-2.7
4	27.7	-	20	=	7.7	-	7.70	=	.0	+	.5	=	.5
5	39.3	-	26	=	13.3	-	14.27	=	- .9	+	.5	=	- .4
6	29.4	-	21	=	8.4	-	3.48	=	4.9	+	.5	=	5.4
7	22.3	-	17	=	5.3	-	3.48	=	1.8	+	.5	=	2.3
8	32.4	-	25	=	7.4	-	8.37	=	-1.0	+	.5	=	- .5
9	20.0	-	17	=	3.0	-	3.05	=	- .1	+	.5	=	.4
10	34.3	-	24	=	10.3	-	4.22	=	6.0	+	.5	=	6.5
Total	337.5	-	241	=	96.5	-	84.35	=	12.2	+	5.5	=	17.7

11. Responses of "Not my job" were treated as missing data.

Figure 16: Judicial Officer Need by County, 2005 Filings [12]

County	District	Overall Judicial Officer Need	-	Actual Judges (FTE)	=	Judicial Need	-	Estimated Circuit Court Commissioners (FTE) [1]	=	Workload Based Judicial Officer Need (FTE)	+	Administrative Need (Chief) [2]	=	Total District Judge Need (FTE)
Milwaukee	1	70.7	-	47	=	23.7	-	22.00	=	1.7		1.0		2.7
Kenosha	2	12.1	-	7	=	5.1	-	3.12	=	2.0				
Racine	2	14.3	-	10	=	4.3	-	4.00	=	.3		.5		3.4
Walworth	2	5.9	-	4	=	1.9	-	1.25	=	.6				
Jefferson	3	4.7	-	4	=	.7	-	2.00	=	-1.3				
Ozaukee	3	3.3	-	3	=	.3	-	1.00	=	- .7				
Washington	3	6.2	-	4	=	2.2	-	1.40	=	.8				
Waukesha	3	15.0	-	12	=	3.0	-	5.00	=	-2.0		.5		- 2.7
Calumet	4	1.7	-	1	=	.7	-	.50	=	.2				
FondduLac	4	4.9	-	5	=	- .1	-	1.00	=	-1.1				
Manitowoc	4	4.2	-	3	=	1.2	-	1.20	=	.0				
Sheboygan	4	7.0	-	5	=	2.0	-	2.00	=	.0		.5		.5
Winnebago	4	9.9	-	6	=	3.9	-	3.00	=	.9				
Dane	5	24.5	-	17	=	7.5	-	11.00	=	-3.5		.5		- .4
Green	5	1.9	-	1	=	.9	-	.30	=	.6				
Lafayette	5	.8	-	1	=	- .2	-	.04	=	- .2				
Rock	5	12.1	-	7	=	5.1	-	2.93	=	2.1				
Adams	6	1.4	-	1	=	.4	-	.19	=	.2				
Clark	6	1.6	-	1	=	.6	-	.22	=	.4				
Columbia	6	3.6	-	3	=	.6	-	.40	=	.2				
Dodge	6	4.8	-	3	=	1.8	-	.66	=	1.1		.5		5.4
Green Lake	6	1.3	-	1	=	.3	-	.06	=	.2				
Juneau	6	2.1	-	1	=	1.1	-	.16	=	1.0				
Marquette	6	1.0	-	1	=	.0	-	.20	=	- .2				
Portage [3]	6	3.2	-	3	=	.2	-	.23	=	.0				
Sauk	6	4.5	-	3	=	1.5	-	.74	=	.7				
Waushara	6	1.4	-	1	=	.4	-	.29	=	.1				
Wood	6	4.5	-	3	=	1.5	-	.35	=	1.1				
Buffalo	7	.7	-	0.6	=	.1	-	.22	=	- .1				
Crawford	7	.8	-	1	=	- .2	-	.13	=	- .4				
Grant	7	2.2	-	2	=	.2	-	.22	=	.0				
Iowa	7	1.2	-	1	=	.2	-	.10	=	.1				
Jackson	7	1.5	-	1	=	.5	-	.11	=	.4				
La Crosse	7	6.5	-	5	=	1.5	-	1.05	=	.4				
Monroe	7	3.8	-	2	=	1.8	-	.22	=	1.6				
Pepin	7	.4	-	0.4	=	.0	-	.09	=	- .1				
Pierce	7	1.7	-	1	=	.7	-	.83	=	- .1				
Richland	7	1.0	-	1	=	.0	-	.18	=	- .2				
Trempealeau	7	1.5	-	1	=	.5	-	.23	=	.3				
Vernon	7	1.0	-	1	=	.0	-	.10	=	- .1		.5		2.3

Figure 16 continued on next page

12. Refer to Footnote 6 to see the relationship between the proper entry of codes onto the CCAP system and an accurate count of case filings.

Figure 16: Judicial Officer Need by County, 2005 Filings (continued)

County	District	Overall Judicial Officer Need	-	Actual Judges (FTE)	=	Judicial Need	-	Estimated Circuit Court Commissioners (FTE) [1]	=	Workload Based Judicial Officer Need (FTE)	+	Administrative Need (Chief) [2]	=	Total District Judge Need (FTE)
Brown	8	12.7	-	8	=	4.7	-	4.00	=	.7		.5		- .5
Door	8	1.6	-	2	=	- .4	-	.08	=	- .5				
Kewaunee	8	.9	-	1	=	- .1	-	.05	=	- .1				
Marinette	8	2.4	-	2	=	.4	-	1.00	=	- .6				
Oconto	8	1.7	-	2	=	- .3	-	.25	=	- .6				
Outagamie	8	10.1	-	7	=	3.1	-	2.80	=	.3				
Waupaca	8	3.0	-	3	=	.0	-	.19	=	- .1				
Florence	9	.3	-	0.75	=	- .5	-	.06	=	- .5				
Forest	9	.9	-	0.25	=	.6	-	.38	=	.2				
Iron	9	.4	-	1	=	- .6	-	.10	=	- .7				
Langlade	9	1.5	-	1	=	.5	-	.14	=	.3				
Lincoln	9	1.9	-	2	=	- .1	-	.16	=	- .3				
Marathon	9	7.3	-	5	=	2.3	-	1.04	=	1.3		.5		.4
Menominee	9	.1	-	0.1	=	.0	-	.01	=	.0				
Oneida	9	2.3	-	2	=	.3	-	.50	=	- .2				
Price	9	.7	-	1	=	- .3	-	.10	=	- .4				
Shawano	9	2.6	-	1.9	=	.7	-	.38	=	.3				
Taylor	9	.9	-	1	=	- .1	-	.09	=	- .2				
Vilas	9	1.2	-	1	=	.2	-	.10	=	.1				
Ashland	10	1.2	-	1	=	.2	-	.25	=	- .1				
Barron	10	3.2	-	2	=	1.2	-	.20	=	1.0				
Bayfield	10	.9	-	1	=	- .1	-	.13	=	- .2				
Burnett	10	1.6	-	1	=	.6	-	.26	=	.3				
Chippewa	10	3.8	-	2	=	1.8	-	.21	=	1.6				
Douglas	10	3.0	-	2	=	1.0	-	1.00	=	.0				
Dunn	10	2.8	-	2	=	.8	-	.15	=	.6				
Eau Claire	10	7.2	-	5	=	2.2	-	1.00	=	1.2		.5		6.5
Polk	10	2.8	-	2	=	.8	-	.25	=	.5				
Rusk	10	.9	-	1	=	- .1	-	.06	=	- .1				
Sawyer	10	1.5	-	1	=	.5	-	.07	=	.4				
St. Croix	10	4.4	-	3	=	1.4	-	.45	=	1.0				
Washburn	10	1.1	-	1	=	.1	-	.20	=	- .1				
Total		**337.5**	-	**241**	**=**	**96.5**	-	**84.35**	**=**	**12.2**	+	**5.5**	=	**17.7**

Notes:

[1] FTE Cirucit Court Commissioner figures can change throughout the year. These figures should be verified on a regular basis.

[2] The chief judge administrative adjustment is placed by the county where the current chief judge resides and is reflected only in the district need total.

[3] Portage County's overall judicial officer need is a reflection of their actual judge and court commissioner resources. Their need is not calculated under the weighted caseload formula because Portage County is not part of the CCAP case management system.

the preliminary case weights (time study) with an eye toward making appropriate quality adjustments.

Delphi - Quality Adjustment Process

The quality adjustment process took place over three days in five meetings. The first four meetings were attended by members of the Workload Study Groups (WSG).[13] At the fifth meeting, the WAAC members were provided with the recommendations made by the WSGs and asked to consider their policy and resource implications.

At each WSG meeting, National Center staff provided members a brief orientation to the process involved in preparing the preliminary time-study weights. This was followed by review of the adequacy-of-time survey results and what they imply about the nature and existence of current resource constraints. All judges and commissioners attending each meeting engaged in a structured discussion of judicial experience and opinion regarding the scope and consequences of existing trade-offs facing judges and commissioners as they attempt to balance available time with workload demands.

The study groups examined current practice (as measured by the time study), judicial attitudes (as measured by the statewide survey), and their personal knowledge of statutory and public policy trends, personal experience and opinion to confront issues of perceived resource constraints and make recommendations on the content of the final case weights. Specifically, for each case type, each judge was asked to consider:

Is the amount of time being spent on these cases sufficient to achieve a level of quality that is consistent with reasonable standards?

Interpretation of the time study findings were supported by looking "inside the numbers" for each case weight to see how total time is distributed across , non-trial disposition, trial and post-judgment activities. Perspective on the way judge and commissioner time is spent over the life of a case adds focus and precision to the deliberations. Complete "inside the numbers" information was given to the

Figure 17: Adequacy of Time Survey

I generally have enough time to…

Review post-judgment motions and other relevant information

1	2	3	4	5	6	7	N/A
Almost Never	Very Seldom	Seldom	Occasionally	Frequently	Very Frequently	Almost Always	Does Not Apply

13. The four WSG groups represented Criminal (Felony, Misdemeanor, OWI 2nd - 4th), Probate (Formal Estate, Guardianship, Commitments, Other Probate), Juvenile (Delinquency, CHIPS, Involuntary TPR), and Civil (Contested Small Claims, Personal Injury/Personal Property, Contracts/Real Estate, Civil Reviews, Other Civil).

Figure 18: Adequacy of Time Survey Results

I generally have enough time	Judges	Commissioners
With Respect to Pre-Trial Activities:		
1. to conduct the advisement or first appearance	√	√
2. to conduct preliminary hearings		
3. to conduct legal research on summary judgments and other pre-trial motions		
4. to conduct pre-trial hearings and motions		
5. to conduct hearings on temporary custody, support, etc.	√	
6. to consider bail or pre-trial release		
7. to consider home study, social/psych. evaluations		
8. to prepare and issue orders, including bench warrants		
9. to conduct settlement conferences	√	√
10. to take pleas		
11. to adequately review the case file		
12. to adequately explain orders and rulings		
13. to listen to and treat parties appropriately, especially if pro se		
14. to treat members of the bar appropriately		
With Respect to Trial:		
15. to prepare for a trial (or contested hearing)		
16. to conduct a trial (or contested hearing)		
17. to prepare findings, conclusions and orders	√	
With Respect to Post-Judgment Activities:		
18. to hold sentencing hearings		
19. to write opinions	√	√
20. to review post-judgment motions and other relevant information		
21. to hold probation violation, modification, review and other hearings	√	
22. to read and consider pre-sentence and other eval/diagnostic reports		
23. to listen to and treat parties appropriately, especially if pro se		
24. to treat members of the bar appropriately		
25. to prepare and issue orders, including bench warrants		
26. to conduct post-judgment proceedings in Family/Juvenile cases		
With Respect to General Court Management:		
27. to participate in evaluation/planning/administration of the court	√	√
28. to supervise and evaluate staff	√	
29. to conduct general legal research	√	√
30. to perform case management activities	√	√
31. to monitor timeliness of required case events	√	√
32. to participate in judicial education and training		
33. to participate in public outreach and education	√	√
34. to read and respond to correspondence		
35. to make and answer telephone calls		
36. to read slip opinions, professional periodicals, papers and journals	√	√

judges and commissioners for all cases in each working group. For example, Figure 19 illustrates these results for felony and misdemeanor cases.[14]

Considering felony cases, it is known that 100% of all cases include pretrial activity and the estimated average time spent on such matters by judges and circuit court commissioners is 82.4 minutes.[15] So, preliminary matters contribute 82.4 minutes of the total case weight of 162.8 minutes. By contrast, trials only occur in an estimated 3% of felony cases; but when they occur, typical trials last 702 minutes. Combining these two factors (702 minutes x .03 event frequency) means that trial time contributes 21 minutes to the overall case weight. Likewise, post-judgment activity takes an average of about 23 minutes and occurs in 90 percent of the cases, contributing 20.9 minutes to the case weight.

The utility of this event level analysis is that it allows judges and commissioners to see the average time currently being spent by event as they evaluate whether current practice is adequate to do a job of reasonable quality. In addition, if an adjustment to current practice seems warranted to improve the quality of case processing, the overall impact of the adjustment on the case weight can be calculated.

After examining the time study case weights, members of the WSG and the WAAC felt that there was not a need to make any quality adjustments. The members of these groups found that current practice, as reflected in the preliminary time study weights, is adequate for achieving a level of quality that is consistent with reasonable standards of best practice. The case weights that are displayed in Figure 9 represent the final adopted workload standards for judges and commissioners in Wisconsin.

14. "Inside the numbers" for the 20 case types can be found in Appendix 3.

15. NCSC received a report, from the DSCO, on the frequency of case-related events, derived from CCAP.

Recommendations

The case weights adopted by the Wisconsin Workload Assessment Advisory Committee (WAAC) indicate the need for an additional 17.7 judicial officers to effectively handle the the current caseload of Wisconsin. These case weights are grounded in current practice (as measured by the time study) and were reviewed for quality by members of the Wisconsin judiciary.

Over time, the integrity of workload standards are affected by multiple influences, including changes in legislation, court rules, legal practice, technology and administrative factors. Examples of such factors include legislative mandates that increase the number of required hearings, the development of specialized courts, and the introduction of more efficient case management practices. Periodic updating is necessary to ensure that the standards continue to accurately represent judicial workload.

Four recommendations are made below that will improve Wisconsin's ability to maintain the integrity of the workload standards.

Recommendation 1:
The Director of State Courts Office should establish a standing committee that meets on a yearly basis to review the impact of new legislation or other contextual factors on judicial case weights.

The present study considerably enhances the potential for keeping the case weights current. Each workload standard is constructed by compiling information on four distinct case event categories: pretrial time, non-trial disposition time, trial time, and post-judgment. Through an annual review process, targeted adjustments can be made to the case weights at the event level to respond to new court rules, legislative mandates, and improved case processing strategies. A regular process of assessing the validity and reasonableness of each

Figure 19: "Inside the Numbers": An Example

	Average Event Time (minutes)	x	Event Frequency	=	Time Study Result (minutes)
Felony					
Pretrial	82.4	x	100%	=	82.4
Non-Trial Disposition	40	x	99%	=	38.4
Trial	702	x	3%	=	21.1
Post Disposition	23	x	90%	=	20.9
					162.8
Misdemeanor					
Pretrial	14	x	100%	=	14.3
Non-Trial Disposition	9	x	99%	=	9.3
Trial	229	x	1%	=	2.3
Post Disposition	3	x	55%	=	1.8
					27.7

Note: Due to rounding, numbers may not add up to the total

workload standard does not necessitate redoing the study or undertaking a new complete, statewide time study. Instead efforts should be made to identify only those case types for which time data may have changed significantly from the initial study results. Relatively small-scale samples can then be taken to assess whether any adjustments to selected workload standards are warranted.

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

Recommendation 2:
The Director of State Courts Office should conduct a systematic update of the workload standards approximately every five years. Funding for this should be part of the regular legislative agenda related to the process of assessing the need for new judgeships. The review process should be undertaken under the auspices of an advisory body similar to WAAC.

Recommendation 3:
The case management system should be able to consistently and reliably track filings based upon the case types and events developed in this study.

The integrity of the workload standards also depends on maintaining the quality of record keeping and statistical reporting. Specifically, accurate calculation of judicial workload requires knowing how many cases of each type are filed. If over- or under-counts of case filings regularly occur in some counties, then the estimate of judge need will be unreliable and inaccurate. Regular and thorough auditing and feedback for correcting data collection problems is critical for achieving reliability in reporting across the courts. Specifically, a distinction between voluntary and involuntary TPR's needs to be made in CCAP to allow for a more accurate determination of the resources needed to handle both involuntary TPRs and CHIPS. In addition, an effort should be made to ensure that the appearance code for uncontested cases with an appearance and the contested code for small claims cases are being used consistently and comprehensively by all court clerks.

Recommendation 4:
The DSCO should make use of a three-year average of filings when determining judicial need.

Currently, the DSCO calculates judicial need based upon the most current one-year's worth of filings data. Basing need upon filings from one year introduces the possibility that the model will be overly sensitive to year to year fluctuations in filings. This issue has the potential to be most serious in smaller jurisdictions where yearly fluctuations can have a big impact on relative need. Utilizing a three-year average of filings data will help smooth out any anomalous movements in filing trends.

Appendix 1: Non-Case-Related Activities

Non-case-related administration:

All non-bench, non-case-related working time related to administration. Time spent on activities such as routine office matters, staff meetings, docket analysis should be reported under this code. These events are not related to a particular case(s).

Examples are:

- Judges meeting
- Court committee meeting (e.g., Planning and Policy Advisory Committee)
- Docket Analysis
- Personnel matters
- Any required meeting for administrative purposes
- Work on court projects
- Circuit court commissioner evaluations
- Chief judge duties

Judicial education and training:

All time spent in judicial training, judicial continuing education, and attending judicial conferences.

Examples are:

- Judicial seminars
- Annual Judicial conference
- Judicial Continuing education (including work on Benchbook and Jury Instructions)
- Routine review, reading of reports of decisions, law review articles, Caselaw Express, advance sheets.
- Other judicial conferences

Community activities and public outreach:

Examples are:

- State Boards and Commissions
- Community education (including speeches)
- Community meetings with local judges, county boards, and committees
- Bar association meetings

Travel:

Time spent traveling on court business, but does not include time spent traveling from your residence to your headquarters. It does include travel time for which you seek reimbursement; for example, traveling from your home to another county or to a different location in a county from the routine place you work.

Vacation, personal time, and holidays:

Includes all time where the judicial officer is away from the court due to vacation, personal time, holiday or illness.

Lunch

Appendix 2: Pro Se and Interpreters

During the time study judges and circuit court commissioners recorded all of their time spent on case-related activities by both case type and case-related-activity. In addition, judicial officers noted when a self-represented litigant (pro se) and/or an interpreter were involved.[16] In theory, separate case weights can be developed for cases involving pro se litigants or for cases involving interpreters to examine if there are meaningful differences in the amount of time necessary to handle these types of cases. However, the Wisconsin Consolidated Court Automation Programs (CCAP) does not distinguish filings along these dimensions. As such, the current analysis can only highlight the percentage of time where pro se litigants or interpreters are involved, by case type and case-related activity.

Figure A1 shows the percentage of all time recorded during the time study where pro se litigants and interpreters were involved. For example, during the time study roughly 2.7 million minutes of time was recorded for preliminary Felony matters. Of this total time, roughly 130,000 minutes, or 4.7%, involved self-represented litigants. In several of the case types the percentage of time spent on pro se cases is quite significant. The proportion of time spent on pro se cases is high in Paternity, Divorce, Contested Small Claims, Uncontested cases with an appearance, and

Figure A1: Percentage of Time Spent on Pro Se Cases and Cases Involving an Interpreter

	Percent Pro Se				Percent Interpreter			
	Preliminary Matters	Non-Trial Dispositions	Trials	Post-Judgment Activity	Preliminary Matters	Non-Trial Dispositions	Trials	Post-Judgment Activity
Felony	4.7%	.9%	.0%	11.9%	2.5%	1.1%	3.5%	.3%
Misdemeanor	21.0%	16.5%	5.1%	14.3%	3.3%	3.6%	.1%	1.4%
OWI 2nd thru 4th	17.0%	16.1%	.5%	20.0%	2.8%	3.4%	.0%	.0%
Contested traffic & ordinance	36.3%	40.7%	32.8%	44.4%	2.3%	5.7%	.4%	.5%
Uncontested cases	27.0%	52.9%	25.7%	41.1%	1.4%	2.1%	.0%	1.2%
Contested small claims	50.1%	52.3%	44.8%	54.2%	1.3%	1.1%	1.1%	1.0%
Formal estate	3.6%	4.7%	8.9%	43.7%	.0%	.0%	.0%	.0%
Guardianship	8.4%	5.7%	5.5%	6.6%	.0%	.2%	.8%	.0%
Commitments	1.4%	2.2%	2.3%	3.0%	.7%	.0%	.0%	.0%
Other probate	13.3%	20.7%	13.5%	13.6%	.0%	.0%	.0%	.0%
Personal injury/property damage	.1%	.1%	.0%	1.5%	.0%	.0%	.0%	.0%
Contracts/real estate	1.6%	5.0%	.9%	4.8%	.0%	.0%	.0%	.0%
Civil reviews	3.0%	1.9%	11.5%	23.4%	.0%	.0%	.0%	.0%
Other civil	24.7%	22.4%	33.3%	19.9%	.3%	.6%	2.3%	1.3%
Divorce	16.7%	32.2%	7.3%	26.6%	1.0%	3.6%	.5%	.2%
Paternity	57.4%	64.6%	23.3%	55.9%	2.1%	4.1%	.0%	.7%
Other family	39.6%	49.6%	27.9%	47.9%	.7%	3.2%	1.3%	.3%
Delinquency	2.5%	2.4%	.0%	5.8%	.7%	1.5%	.0%	.8%
CHIPS	6.9%	9.8%	16.5%	8.7%	1.2%	.3%	1.9%	.9%
Involuntary TPR	5.5%	11.1%	.3%	3.5%	.9%	.0%	.0%	.0%

16. The Workload Assessment Advisory Committee decided that pro se for Civil cases was defined as both parties being unrepresented and only one party unrepresented for Criminal and Juvenile cases.

Contested Traffic and Ordinance cases. In contrast, the proportion of time spent on cases with interpreters is much lower than pro se cases. The proportion of time spent on interpreter cases was the highest for non-trial dispositions for Contested Traffic and Ordinance, Paternity, and Divorce cases.

Appendix 3: "Inside the Numbers"

	Average Event Time (minutes)	x	Event Frequency	=	Time Study Result (minutes)
Felony					
Pretrial	82.4	x	100%	=	82.4
Non-Trial Disposition	40	x	99%	=	38.4
Trial	702	x	3%	=	21.1
Post Disposition	23	x	90%	=	20.9
					162.8
Misdemeanor					
Pretrial	14	x	100%	=	14.3
Non-Trial Disposition	9	x	99%	=	9.3
Trial	229	x	1%	=	2.3
Post Disposition	3	x	55%	=	1.8
					27.7
OWI 2nd-4th					
Pretrial	21	x	100%	=	21.0
Non-Trial Disposition	18	x	98%	=	17.6
Trial	301	x	2%	=	7.2
Post Disposition	2	x	95%	=	1.8
					47.6
Contested Traffic/Ordinance					
Pretrial	2.5	x	100%	=	2.5
Non-Trial Disposition	2	x	92%	=	1.8
Trial	34	x	8%	=	2.9
Post Disposition	2	x	15%	=	0.3
					7.5
Uncontested Cases (Appearance)					
Pretrial	0.8	x	100%	=	0.8
Non-Trial Disposition	3	x	100%	=	3.3
Trial	0	x	0%	=	0.1
Post Disposition	3	x	15%	=	0.4
					4.6
Contested Small Claims					
Pretrial	29	x	100%	=	28.7
Non-Trial Disposition	23	x	72%	=	16.7
Trial	161	x	28%	=	45.0
Post Disposition	15	x	60%	=	8.9
					99.3
Formal Estate					
Pretrial	35	x	100%	=	34.7
Non-Trial Disposition	14	x	98%	=	13.2
Trial	544	x	2%	=	10.9
Post Disposition	5	x	55%	=	2.9
					61.7
Guardianship					
Pretrial	15	x	100%	=	14.8
Non-Trial Disposition	19	x	96%	=	18.6
Trial	208	x	3.5%	=	7.3
Post Disposition	14	x	100%	=	13.7
					54.4
Commitments					
Pretrial	10	x	100%	=	9.9
Non-Trial Disposition	3	x	99%	=	3.4
Trial	239	x	1%	=	2.4
Post Disposition	3	x	48%	=	1.6
					17.3
Other Probate					
Pretrial	2	x	100%	=	2.3
Non-Trial Disposition	.5	x	99%	=	0.5
Trial	347	x	1%	=	3.6
Post Disposition	10	x	15%	=	1.5
					7.7

	Average Event Time (minutes)	x	Event Frequency	=	Time Study Result (minutes)
Personal Injury - Personal Damagae					
Pretrial	90	x	100%	=	90.0
Non-Trial Disposition	33	x	94%	=	30.6
Trial	803	x	6%	=	48.2
Post Disposition	37	x	28%	=	10.5
					179.3
Contract/Real Estate					
Pretrial	22	x	100%	=	22.0
Non-Trial Disposition	5	x	98%	=	5.1
Trial	734	x	2%	=	14.7
Post Disposition	5	x	30%	=	1.4
					43.2
Civil Reviews					
Pretrial	114.6	x	100%	=	114.6
Non-Trial Disposition	62	x	96%	=	59.3
Trial	1041	x	4.4%	=	45.8
Post Disposition	90	x	25%	=	22.4
					242.1
Other Civil					
Pretrial	22	x	100%	=	22.5
Non-Trial Disposition	27	x	99%	=	27.0
Trial	560	x	1%	=	8.3
Post Disposition	16	x	28%	=	4.4
					62.2
Divorce					
Pretrial	72	x	100%	=	71.7
Non-Trial Disposition	39	x	91%	=	35.9
Trial	540	x	9%	=	48.6
Post Disposition	27	x	100%	=	27.5
					183.6
Paternity					
Pretrial	30	x	100%	=	30.2
Non-Trial Disposition	16	x	99%	=	15.7
Trial	651	x	1.5%	=	9.7
Post Disposition	33	x	150%	=	49.0
					104.7
Other Family					
Pretrial	6	x	100%	=	6.3
Non-Trial Disposition	5	x	99%	=	4.8
Trial	73	x	1%	=	0.7
Post Disposition	13	x	180%	=	23.7
					35.5
Delinquency					
Pretrial	20	x	100%	=	20.5
Non-Trial Disposition	20	x	92%	=	18.0
Trial	87	x	8%	=	6.7
Post Disposition	16	x	200%	=	31.9
					76.9
CHIPS					
Pretrial	74	x	100%	=	73.8
Non-Trial Disposition	51	x	90%	=	45.9
Trial	82	x	10%	=	8.3
Post Disposition	11	x	300%	=	31.8
					159.8
Involuntary TPR					
Pretrial	68	x	100%	=	68.3
Non-Trial Disposition	34	x	87%	=	29.5
Trial	104	x	13%	=	13.4
Post Disposition	25	x	160%	=	40.3
					151.5

Note: Due to rounding, numbers may not add up to the total

Appendix 4: A Management Tool for Resource Allocation

Figures 13 and 14 in the report illustrate judicial officer need, but do not inform us on whether the need can be filled by either a commissioner or a judge. Referencing Figure 11, it is possible to gain an understanding of the types of cases and judicial activities that commissioners perform. For example, in District 5 commissioners often perform most of the functions related to contested small claims. Taking this information in conjunction with a more expansive look at the case weights can provide a reference for assessing the type of judicial officer that is needed. Figure A2 displays a break down for each of the 20 case

Figure A2: Case Weights by Activity for Judges and Commissioners

	Case Weights (in minutes)				
Case Type	**Prelim**	**Non-Trial**	**Trial**	**Post**	**Total**
Felony	**82.4**	38.4	21.1	20.9	162.8
Misdemeanor	**14.3**	9.3	2.3	1.8	27.7
OWI 2nd-4th	**21.0**	17.6	7.2	1.8	47.6
Contested Traffic/Ordinance	**2.5**	2.0	2.9	**.3**	7.5
Uncontested Cases (Appearance)	.8	**3.3**	.1	**.4**	4.6
Contested Small Claims	**28.7**	**16.7**	**45.0**	**8.9**	99.3
Formal Estate	**34.7**	13.2	10.9	2.9	61.7
Guardianship	**14.8**	**18.6**	7.3	**13.7**	54.4
Commitments	**9.9**	3.4	2.4	1.6	17.3
Other Probate	**2.3**	**.5**	3.6	**1.5**	7.7
Personal Injury - Personal Damage	90.0	30.6	48.2	10.5	179.3
Contracts/Real Estate	22.0	5.1	14.7	1.4	43.2
Civil Reviews	114.6	59.3	45.8	22.4	242.1
Other Civil	**22.5**	**27.0**	**8.3**	**4.4**	62.2
Divorce	**71.7**	**35.9**	48.6	**27.5**	183.6
Paternity	**30.2**	**15.7**	9.7	**49.0**	104.7
Other Family	**6.3**	**4.8**	**.7**	**23.7**	35.5
Delinquency	**20.5**	18.0	6.7	31.9	76.9
CHIPS	**73.8**	45.9	8.3	**31.8**	159.8
Involuntary TPR	68.3	29.5	13.4	40.3	151.5

Case Weights in **bold** are those case type functions that can be performed by Commissioners.

weights.[17] For instance, a typical misdemeanor takes on average 27.7 minutes to resolve; 14.3 minutes of which are spent on preliminary matters, 9.3 minutes on non-trial dispositions, 2.3 minutes on trial, and 1.8 minutes on post-judgment matters.[18]

The numbers in bold represent case type activities that can be performed by circuit court commissioners. An illustration is provided below to show how this extra information can inform decision making.[19]

handle felony dispositions and any post-judgment work. The same process can be applied to the other case types to inform what type of judicial officer can meet any new work demands.

Figure A3: An Illustration of Implied Commissioner and Judicial Need

	Felony Case weight (minutes)	*	Felony Filings	=	Workload (minutes)	÷	Judge Year Value	=	Implied Need
Preliminary Matters	**82.4**	*	922	=	75,973	÷	75,096	=	**1.0**
Non-Trial Disposition	38.4	*	922	=	35,405	÷	75,096	=	0.5
Trial	21.1	*	922	=	19,454	÷	75,096	=	0.3
Post Judgment	20.9	*	922	=	19,270	÷	75,096	=	0.3
	162.8	*	922	=	150,102	÷	75,096	=	2.0

In this example, a hypothetical county handles an additional 922 felony filings. The extra filings lead to 150,000 minutes of extra work (922 filings * 162.8 minutes), with roughly half coming from work on preliminary matters. Dividing the workload by the judge-year value results in the need for an additional 2 FTE judicial officers (150,102 minutes divided by 75,096 minutes), of which 1 FTE judicial officer is needed to handle preliminary matters, .5 FTE for non-trial dispositions, .3 FTE for trial, and .3 FTE for post-judgment. Both of these positions can be filled by new judgeships, but both cannot be filled by new commissioners. In felony cases commissioners only handle preliminary matters. As such, one new commissioner could be added to handle the preliminary work and one new judge to

17. Figure A2 was constructed by referencing commissioner work in District 5 (see Figure 11) and commissioner work in other Districts.

18. 2.3 minutes for trial does not mean that a misdemeanor trial takes 2.3 minutes. Instead it represents the average time when 1% of misdemeanors go to trial. This implies that when a misdemeanor trial occurs it takes approximately 4 hours of judicial time (2.3/.01).

19. It is important to note that the approach outlined above is meant to serve as a guide for internal management and is not a precise representation of the distinction between judge and commissioner work. For example, in Figure A2 the assumption is made that that commissioners can handle 100% of preliminary matters in felony cases. However, commissioners cannot handle all of the work in this area (e.g., suppression hearings). Similarly, every temporary decision by a commissioner can be reviewed by a judge. While not a one to one correspondence with all of the work of the court, the illustration in Appendix 4 is still a useful aid in assisting resource decisions.