

# Virginia Judicial Workload Assessment

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National Center for State Courts

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# Directive

In 2012, the Virginia General Assembly directed the Supreme Court to:

“Develop and implement a weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels.”

Va. Acts of Assembly Ch. 601 (2012)

# Primary Tasks

- A comprehensive workload model
- An objective means of determining the need for judicial positions
- An assessment of the optimum distribution of judicial positions throughout the Commonwealth
- A recommended plan for the realignment of the circuit and district boundaries

# Recent NCSC Experience With Workload Assessment

- Judges

Alabama, California, Florida, Maine, Maryland, Minnesota,  
Michigan, New Hampshire, North Carolina, Texas, Wisconsin

- Court Support Staff

California, Minnesota, New Hampshire, New Mexico, Oregon

- Public Defenders

Virginia, Maryland, New Mexico

# Virginia Judicial Workload Assessment

Current Practice  
“What is”

JNAC

Time  
Study

Quality Adjustment  
“What should be”

Sufficiency  
Survey

Site Visits

Delphi  
Adjustments

Boundary  
Realignment

## Formation of Judicial Needs Assessment Committee

- Provide project input and perspective
- Case types
- Case type categories

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## Time Study

- Benchmark of current practice
- Statewide participation
  - 375 full-time judges
  - 97 percent of all Virginia judges
- Event based analysis
- Accurate measure of average time per case
- Case weights describe “what is”

# What Is A Case Weight?

$$\text{Case Weight} = \frac{\text{Minutes of Activity}}{\text{Filings}}$$

*Example:*

*A case weight of 125 minutes means that, on average, a case of this type requires 125 minutes of judge time from filing through post-disposition activity.*

# Calculating Resource Need

## An Example

Case Type A
Case Type B
Case Type C

# Calculating Resource Need

## An Example

	Number of new filed cases
Case Type A	1,000
Case Type B	3,000
Case Type C	200
	4,200

Filings

# Calculating Resource Need

## An Example

	Number of new filed cases	*	Time per case (mins)
Case Type A	1,000	*	300
Case Type B	3,000	*	50
Case Type C	200	*	125
	4,200		

Case  
Weights

# Calculating Resource Need

## An Example

	Number of new filed cases	*	Time per case (mins)	=	Workload (mins)
Case Type A	1,000	*	300	=	300,000
Case Type B	3,000	*	50	=	150,000
Case Type C	200	*	125	=	25,000
	4,200				475,000

Workload

# Calculating Resource Need

## An Example

Total Workload (mins)
475,000

# Calculating Resource Need

## An Example

Total Workload (mins)	÷	Judge Year Value (mins)
475,000	÷	75,168

How much time is available in a year to handle cases?

# Calculating Resource Need

## An Example

Total Workload (mins)	÷	Judge Year Value (mins)	=	Implied Judge Need
475,000	÷	75,168	=	6.3

# Judge Day

- *Workday*: 8:30-5:00
- *Case-related time*: time each day a judge has available to hear cases
- *Non-case-related time*: time spent on other necessary judicial activities
  - Docket management
  - Administrative time, correspondence, phone calls
  - Travel time
  - Legal research
  - Judicial meetings

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- **Sufficiency of Time Survey (Statewide)**
- **Site Visits (11 Jurisdictions)**
- **Qualitative Review Sessions (Delphi)**

Quality Adjustment  
“What should be”

**Sufficiency  
Survey**

**Site Visits**

**Qualitative  
Review**

Boundary  
Realignment

## Exhibit 11: Circuit Court – Summary of Judicial Need

Circuit	Implied Need (FTE)	Implied Need w/ chief (FTE)	Implied Need with EPM Rounding (FTE)	Total Authorized Judges	Judicial Need*
1	4.5	4.6	5	5	
2	8.6	8.7	9	10	- 1
3	4.2	4.3	4	5	- 1
4	8.2	8.3	8	9	- 1
5	3.1	3.2	3	3	
6	2.6	2.7	3	2	1
7	6.3	6.4	6	5	1
8	2.7	2.8	3	4	- 1
9	3.9	4.0	4	4	
10	4.1	4.2	4	3	1

Circuit Court summary (Exhibit 11)

General District Court summary (Exhibit 12)

Juvenile and Domestic Relations District Court summary (Exhibit 13)

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Implied Need = Workload (minutes) ÷ Judge Year Value (minutes)

- Final case weights
- 3 year average filings
- Circuit Court single jurisdiction judge year value = 75,168 minutes (5.8 hrs)
- Circuit Court multi-jurisdiction judge year value = 71,280 minutes (5.5 hrs)

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Implied Need with chief = Implied Need + .1 FTE

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Calculations normally contain fractional judgeships (e.g., 6.4 judges in the 7<sup>th</sup>)

Identify the threshold; decide when to round up or down to a whole position

Equal Proportions Method (EPM) is a reasonable way to guide the rounding decision, apportion judicial resources, and determine a target for the number of authorized judicial positions needed for each court type in Virginia

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A positive number indicates additional judicial need beyond the current number of authorized judges

## Exhibit 14: Circuit Court – County and City Level Analysis of Judicial Need

County	Implied Need	Implied Need w/ Chief Judge Adjustment	Implied Need w/ EPM Rounding (FTE)
Chesapeake	4.5		
<b>Circuit 1 Total</b>	<b>4.5</b>	<b>4.6</b>	<b>5.0</b>
Accomack	.6		
Northampton	.3		
Virginia Beach	7.7		
<b>Circuit 2 Total</b>	<b>8.6</b>	<b>8.7</b>	<b>9.0</b>
Portsmouth	4.2		
<b>Circuit 3 Total</b>	<b>4.2</b>	<b>4.3</b>	<b>4.0</b>

Circuit Court summary (Exhibit 14)

General District Court summary (Exhibit 15)

Juvenile and Domestic Relations District Court summary (Exhibit 16)

# Final Weighted Caseload Results

- Circuit court has an implied need of 171 FTE judges. The weighted caseload model shows a need to fill nearly all current vacancies as well as adding an additional 13 judges to the current total of 158 authorized judgeships
- General district court shows a need for 124 FTE judges. As of July 1, 2013 there were 118 sitting judges (with 9 vacancies), indicating a need to fill at least 6 of the vacant positions
- Juvenile and domestic relations district court shows a need for 134 FTE judicial positions. This is an increase of 17 judgeships from the current total of 117 authorized judicial positions

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## Boundary Realignment

- Virginia's 31 judicial circuits and 32 judicial districts were established in 1973 and have remained largely unchanged since that time
- The weighted caseload model provides the Commonwealth of Virginia with a means to more precisely measure and compare judicial workload across circuits and districts

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## Boundary Realignment Primary Findings

- No scheme of judicial boundary realignment can reduce the total judicial workload in the Commonwealth’s trial courts or result in an appreciable change in the total number of judges required to handle that workload at a statewide level
- Changing judicial boundaries does not save money for the Commonwealth

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## On a statewide level:

- Current judicial workload exceeds the capacity of the existing complement of judges
- Reconfiguring judicial boundaries will not change the total number of cases filed so no impact on aggregate trial court workload
- Additional judgeships are needed to enable Virginia’s trial court judiciary to manage and resolve court business effectively and without delay, and to provide equal access to justice throughout the Commonwealth

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## NCSC Recommendation

- NCSC finds no concrete benefits to be gained from realigning circuit and district boundaries or moving to a regional model
- NCSC recommends that Virginia retain the current court structure and existing jurisdictional boundaries

Thank You

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