Information Brief on
Weighted Caseload Methods of
Assessing Judicial Workload and
Certifying the Need for Additional Judges

Abstract
- The Supreme Court should adopt a weighted caseload system for assessing judicial workload and certifying the need for additional judges. (See page 2, column 2.)
- Adopting a weighted caseload system would significantly improve the accuracy of assessments of the workload of the judicial branch. As a result, the Supreme Court, the Legislature, and local governments could make more informed decisions about the use and distribution of judicial resources. (See page 2, column 2.)
- Experts estimate that implementing a weighted caseload system would cost approximately $52,000. Similar costs would be incurred every four years when the weights were updated. (See page 2, column 1.)
- A weighted caseload system would assist the Court in implementing performance-based budgeting for the judicial branch. (See page 2, column 2.)

Background
In January 1998 OPPAGA issued Report 97-36, a “Review of the Two-Tiered Trial Court System and the Process for Certifying Judges.” The report reviewed the method currently used by the Supreme Court to establish the need for additional judges and raised concerns that the process might not accurately identify where and when additional judges are needed. The report noted that using a weighted caseload system could improve the process for determining judicial workload and the need for additional judges.

The Supreme Court currently certifies the need for additional judges using an “unweighted” system based on actual and projected case filings. The Court makes a presumption of need for an additional judge when the number of case filings meets or exceeds a threshold number of case filings per judge. However, it is unclear whether the threshold numbers accurately reflect workload.

The weighted caseload method recognizes that cases differ in complexity and require different amounts of time from judges and other resources. Weighted caseload translates caseload to workload by determining the average judicial or quasi-judicial time needed from initiation through disposition for each type of case.

OPPAGA contracted with Gryphon Consulting Services to provide time and cost estimates, expected...
accuracy, and a description of the work required to implement a weighted caseload method in Florida. This information brief provides a summary of the Gryphon report and OPPAGA’s recommendation for improving the method of assessing judicial workload. The Gryphon Consulting Services’ report is a public record of this office and is available upon request.

Findings


The Gryphon report addresses several concerns the Court has raised about the weighted caseload system, including the availability of case-related data necessary for a weighted caseload system and the time and costs associated with such an effort. Gryphon concludes that using a Delphi method for weighting cases could be implemented using currently available data. The Delphi method would require a limited amount of judicial time, as it could be accomplished with three group meetings of participating judges. Gryphon estimates the Delphi method would cost approximately $52,000. Similar costs would be incurred every four years when the weights are updated.

The Office of the State Courts Administrator (OSCA), which assists the Supreme Court in the certification process, reported that it would need additional staff to conduct a weighted caseload process. If this were the case, Gryphon estimates an additional annual cost of $93,300. While OPPAGA has not conducted an analysis of OSCA’s workload, it appears that the method recommended by Gryphon could be implemented with little extra work that would be cyclical in nature.

The cost of a weighted caseload system is less than the $166,630 cost of one judge and a judicial assistant with associated fringe benefits. In light of the $128 million the state courts spend on salaries and benefits for trial court judges and their judicial assistants, the expense would be minimal for implementing a weighted caseload method that would improve the assessment of judicial workload and distribution of judicial resources.

A summary of Gryphon’s four options for weighting caseloads and their estimated costs is provided in Exhibit 1. Further information on these options, the assumptions regarding their estimated costs, and recommendations for improving the quality of certification data and using an advisory committee to assist in the certification process can be found in Gryphon’s report.

Conclusions and Recommendations

We recommend that the Supreme Court adopt a weighted caseload system for assessing judicial workload and certifying the need for additional judges. The specific method to be used to implement a weighted caseload should be determined by OSCA and the Supreme Court based on the assessment of which option would be most appropriate. The Court should begin taking steps to implement the process immediately.

Adopting a weighted caseload system would significantly improve assessments of workload by the judicial branch and could be adopted for a minimal cost. As noted in Report 97-36, a weighted caseload system would allow the Supreme Court, the Legislature, and local governments to make a more informed decision about the use and distribution of judicial resources. This system would have significant benefits, including:

- improving the Florida State Court System certification process; and
- facilitating documentation and evaluation of the use of supplemental resources, such as hearing officers and general masters.

Also, the judicial branch is required to begin performance-based program budgeting by January 2000, in accordance with the 1994 Government Performance and Accountability Act. Because the major costs and activities of the judiciary are based on case-related activity, adoption of a system that more accurately translates caseload into workload will be necessary to assess the effectiveness of the performance of the judicial branch. Adoption of a weighted caseload system would assist the Supreme Court in implementing performance-based budgeting for the judicial branch.
### Exhibit 1
Comparison of Weighted Caseload Methods With Respect to Calendar Time, Cost, and Accuracy

<table>
<thead>
<tr>
<th>Method</th>
<th>Calendar Time to Develop</th>
<th>Cost</th>
<th>Accuracy</th>
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<tr>
<td><strong>Option 1:</strong> Weighting case types by measuring the time spent from initiation to completion of a case.</td>
<td>10 months, representing (a) 4 months to develop time sheets and to train judges regarding the process; (b) 2 months to conduct judges’ time study; and (c) 4 months to analyze data, develop weights, and write final report.</td>
<td>Out-of-pocket costs for staff travel to train judges; to selectively visit some circuits to monitor progress; for 1 new PC and software; and printing, mail, and telephone costs: $14,000. If observers are used in courtrooms to record time rather than judges: $160,000. Possible need for additional staff positions for OSCA: $93,300. (Total from $14,000 to $267,300)</td>
<td>Reasonably accurate. Two items can affect accuracy: &lt;ul&gt;&lt;li&gt;Judge’s time in courtroom, except for trials, often is not organized by case type; accuracy depends on judge’s estimating allocation of time on each case type after each calendar is finished.&lt;/li&gt;&lt;li&gt;If enough calendar time not allowed for time-sheet part of study, may not capture infrequent events for some case types, so resulting weights would be low.&lt;/li&gt;&lt;/ul&gt;</td>
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<tr>
<td><strong>Option 2:</strong> Weighting case events by measuring the time required for each event within a case, by case type.</td>
<td>13-14 months, representing (a) 4 months to develop time sheets and event-counting forms and to train judges regarding the process; (b) 3 months to hire and train new temporary hires OR 2 months to train court staff; (c) 2 months to conduct judges’ time study; (d) 4 months to collect data from case files (overlaps time study); and (e) 4 months to analyze data, develop weights, and write final report.</td>
<td>All costs of Option 1 plus: &lt;ul&gt;&lt;li&gt;Additional travel costs to train trial court staff: $1,725.&lt;/li&gt;&lt;li&gt;20 temporary hires for 16 weeks to review samples of file for event frequency if trial court staff not used: $67,000.&lt;/li&gt;&lt;/ul&gt; Travel costs for temporary hires: $8,250. (Total from $15,725 to $344,275)</td>
<td>Most accurate because measuring events is simpler and easier than measuring time on entire case.</td>
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<td><strong>Option 3:</strong> Delphi process that weights case types by estimating the time spent from initiation to completion of a case.</td>
<td>8 months, representing (a) 3 months to train staff and select Delphi Committee; (b) 4 months for 3 Delphi sessions; and (c) 1 month to write final report.</td>
<td>Travel and per diem costs for 3 face-to-face sessions: $31,700. Consultant to train OSCA staff and oversee process: $20,000. Possible need for additional staff positions for OSCA: $93,300. (Total from $51,700 to $145,000)</td>
<td>Close to accuracy in measured approach of Option 1. Adds benefit of discussion of best practices when developing weights.</td>
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<td><strong>Option 4:</strong> Delphi process that weights case events by estimating the time required for each event within a case, by case type.</td>
<td>10 months, representing (a) 3 months to train staff and select Delphi Committee; (b) 4 months for 3 Delphi sessions; (c) 4 months to collect data from case files, longer if temporary staff hired and trained (overlaps with Delphi sessions); and (d) 3 months to analyze event data, develop weights, and write final report.</td>
<td>All costs of Option 3 plus: &lt;ul&gt;&lt;li&gt;Additional travel costs to train trial court staff: $1,725.&lt;/li&gt;&lt;li&gt;20 temporary hires for 16 weeks to review samples of file for event frequency if trial court staff not used: $67,000.&lt;/li&gt;&lt;/ul&gt; Travel costs for temporary hires: $8,250. (Total from $128,675 to $221,975)</td>
<td>Close to accuracy of Option 2; judges probably better able to estimate event time than total case time. Shares with Option 3 benefit of discussion of best practices when developing weights.</td>
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1 OSCA and some in the trial courts believe OSCA will need to add staff to conduct the weighted caseload process, whichever option is used. If so, at least three months would have to be added to this time line to allow for creation of the positions and hiring.

2 Calendars might be organized broadly by “civil,” or “criminal,” or “family law,” but the case types to be weighted will be subcategories of these broad categories. Several different case types are likely to be on a single law and motion calendar for civil cases, for example, and many different case types may be on an arraignment calendar for criminal cases.

The State Courts Administrator (OSCA) provided a multi-page letter with exhibits in response to our information brief. Because of limited space, this report provides summaries and excerpts of OSCA’s key points. The report and full response are available upon request or by visiting OPPAGA’s web site (http://www.oppaga.state.fl.us).

OSCA Summary Statement: The State Courts System agrees that the Delphi process should be used as an enhancement to the certification process. If the certification process proves sound, the case weights could be used to augment the current criteria for certifying the need for additional judgeships. The use of the Delphi process that is recommended will not result in an objective model for weighting cases; it is inherently subjective. Florida has experimented with Delphi weighting methodology and is well acquainted with a number of characteristics and limitations which should be considered to ensure that expectations about the results are realistic.

OPPAGA Response: The Delphi process should replace the current process, not augment it. Weighting cases using the Delphi process recognizes differences among case types. While this process is subjective, it makes explicit the time and resources required for each type of case and thereby establishes a more accurate basis for translating caseload into workload and determining the need for additional judges. Because the courts’ past experimentation with the Delphi process was flawed, a knowledgeable consultant should guide the use of this process.

OSCA Summary Statement: The committee charged with development of case weights using the Delphi process should be appointed by the Supreme Court and comprised of judges from the circuit and county courts. It is not believed that significant value would be added by the inclusion of quasi-judicial officers, court administrators, and clerks of court on the committee. The development of separate weights for urban and rural courts should be considered. However, the recommended classification of Florida’s twenty circuits as urban or rural assumes a similarity between certain circuits when we know them to be quite different.

OPPAGA Response: Developing case weights that recognize distinctions between circuits is preferable to the current method that uses the same case filing thresholds for every circuit and every county. Recognizing these differences in a weighted caseload model, as we recommend, would produce a more accurate determination of judicial workload.

OSCA Summary Statement: The Supreme Court’s Court Statistics and Workload Committee will give consideration to the consultant’s recommendation to create a judgeship needs advisory committee to recommend judgeships in priority order and to develop a set of best practices for judgeship requests.

It is expected that two additional positions will be required to support the development and periodic updating of Delphi weights. Such staff would also support the proposed Judgeship Needs Advisory Committee in applying the Delphi weights.

OPPAGA Response: While OPPAGA has not performed a workload study of OSCA staff, it does not seem unreasonable to assume that staff supporting the current system could assist with the new system.

OSCA Summary Statement: The State Courts System concurs that the schedule for developing and implementing case weights is reasonable and that they should be updated periodically, possibly every four years. The cost for initial development of Delphi weights would be approximately $100,000, not including staff positions.

OPPAGA Response: Our consultant determined that the Delphi Committee could establish a weighted caseload system for approximately $52,000. According to supplemental information requested from OSCA, the additional items included in its estimate, such as meetings of the conferences of judges, are not needed to develop the weighted caseload system.

OSCA Summary Statement: The State Courts System concurs that the current system may be enhanced by the establishment of an advisory committee, the standardization of the application process, and expansion of information provided by the Supreme Court to the legislature regarding the impact of supplemental factors on each request. The Courts Statistics and Workload Committee will consider these recommendations.