



Guam Judicial Workload Assessment

Final Report

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Table of Contents

Executive Summary	i
Introduction	1
Overview: Workload Assessment Model.....	2
Methodology.....	2
Workload	3
Time Study.....	3
Case Weight Calculation	3
Workload calculation.....	4
Resource Assessment	4
Judge Demand.....	4
Judge Availability	5
Judicial Need.....	5
Keeping the Model Current	6
Conclusion.....	6
APPENDIX A: Non-case-related Activities and Case Types	7
APPENDIX B: Superior Court Model Worksheet	8
APPENDIX C: Case Weight Composition	9

Executive Summary

The Guam Judiciary faces a challenge shared by many courts: determining the optimum number of judges needed to successfully complete the work of the Superior Court. Maintaining an adequate level of judicial resources is essential to effectively manage and resolve court business while upholding a high level of customer service. In order to meet these challenges, an objective assessment of the number and allocation of judges needed to handle caseloads is necessary. To this end, the Guam Judiciary contracted with the National Center for State Courts (NCSC) to conduct a judicial workload assessment for the courts.

As is true in all courts, cases in Guam vary in the level of complexity and amount of judicial time and attention needed to be successfully resolved. Given that judges and judicial officers handle multiple cases with varying levels of complexity, measuring judicial workload can appear to be an arduous task. This study utilized a weighted workload assessment methodology with a time study data collection procedure to translate judicial workload into an estimate of judicial need. The two primary analyses used by the weighted workload assessment are:

- **Judicial workload assessment**—judicial workload calculation is based upon the average amount of time a judge needs to resolve a case and the annual number of cases
- **Judicial resource assessment**—this is a series of calculations that compare the current available judicial resources to the predicted resource demand

Judicial Workload Assessment

The judicial workload value represents the total number of minutes of annual case-related work and is calculated from case weights and annual filings. This measure is based upon baseline data and current practices, the challenge is 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. The assessment of judicial workload is the first phase in a weighted workload assessment. Components of the workload assessment include the following:

- Time study an event-based data collection process designed to measure the actual time judges currently spend in resolving different types of cases
- Qualitative adjustment of the case weights based on an examination of current practice and expert judicial opinion

Time study

The major products from the time study portion of a weighted workload assessment are the individual case weights. Case weights are used to calculate the overall judicial workload values. In this study, individual case weights were generated for:

- Criminal Felonies
- Criminal Misdemeanors

- Child Support
- Civil
- Domestic
- Protection from Abuse Petitions
- Adult Drug Court
- Mental Health Court
- Probate
- Small Claims
- Special Proceedings
- Juvenile Drug Court
- Juvenile Division
- Juvenile Proceedings
- Traffic
- Non-Case Related Activities

Each case weight represents the average amount of time it takes a judge to process the case from filing to resolution. Final case weights were developed through a qualitative adjustment process. Final case weight calculations are located in Appendix B. The case weights are applied to the annual filings for the court and a workload value is derived.

Qualitative Adjustments

No quantitative resource assessment model by itself can determine the *exact* number of judges needed to stay current with caseloads. Therefore, results from a weighted workload assessment model should be used in concert with other qualitative, court-specific factors that may impact the need for judicial resources. Qualitative adjustments take into account unique aspects of case processing not adequately captured in the time study data collection.

Judicial officers and the advisory committee reviewed individual case weights to determine whether they seemed reasonable. This “reality check” did not result in any adjustments to any of the case weights.

Judicial Resource Assessment

Overall, the projected judicial resource need is determined through the following three steps:

- Judicial Demand – comparison of workload to the judge year value
- Judicial Availability – determination of the current judicial resources available for case-related work
- Judicial Need – comparison of the judicial demand calculation to the available case-related judicial resources.

Judicial Demand

The judicial demand value is calculated by dividing the judicial workload value by the judge year value and represents the judicial full time equivalent (FTE) needed to process the case-related work of the court. The judge year value is the amount of time per year that a judge has available to process his or her workload. This value is reached by the advisory committee after careful consideration of the typical number of days per year and hours per day that a judge should be available to work on case-related and non-case-related activities. This value accounts for weekends, holidays, sick days, vacation time, and administrative leave time. Applying the new case weights to the 2005 filings to obtain the workload and then dividing the workload by the judge year value gives the judicial demand. The calculated judicial demand for case related activities in the Guam courts is 6.06 FTE

Judicial Availability

The judicial availability value is the number of FTE available to process the case-related workload. This calculation excludes the number of FTE that are dedicated to non-case-related activity. Non-case-related

activities include education and training, community activities, speaking engagements, committee meetings, general legal research, non-case-related administration, and court-related travel.

When the FTE required for non-case-related activities is subtracted from the judicial FTE currently available to conduct all the work of the court, the Superior Court has 4.74 FTE.

Judicial Need

The judicial need value is the comparison of the predicted judicial demand to the judicial resources currently available to process cases (judicial availability value).

This study determined that the Guam Superior Court requires greater judicial resources to complete the work of the court. Specifically, the additional judicial need for the Court is 1.32 FTE. A comparison of the judicial demand, availability and need values is shown in Table 1.

Table 1: Total Judicial Need

Judicial Resources (FTEs)	
Predicted Judicial Demand	6.06
Judicial Availability	4.74
Judicial Need	1.32

Introduction

A clear measure of court workload is central to the determination of how many judges are needed to effectively and efficiently resolve all cases coming before a court. Raw and unadjusted case filing numbers offer only minimal guidance regarding the amount of judicial work generated by those case filings. In response to this challenge, state judicial leaders are increasingly turning to more sophisticated techniques to obtain quantitative documentation of judicial resource needs in state trial courts. Assessing the judicial workload through the development of a workload assessment model is a rational, credible, and practical method for determining the need for judicial officers.

While case counts have a role in determining the demands placed on judicial districts, they are silent about the resources needed to process the vast array of cases effectively. Case filing numbers offer only minimal guidance regarding the amount of judicial work generated by those case filings. Moreover, the inability to differentiate the work associated with each case type creates the potential misperception that equal numbers of cases filed for two different case types result in equivalent workloads.

For example, a “typical” serious felony case has a greater impact on judicial resources than a “typical” misdemeanor case. For this reason, the NCSC believes that a comprehensive program of judicial workload assessment is the best method for measuring case complexity and determining the need for judicial resources.

Until now, the Guam Judicial System have not employed a methodology to objectively quantify the need for judges. NCSC was

therefore commissioned by the courts to conduct a judicial workload assessment study designed to measure the workload of the superior court.

Currently, the Superior Court has eight judicial officers (the Presiding Judge, six judges, and one hearing officer). The Superior Court is a court of general jurisdiction over all felony and misdemeanor cases, civil cases, and all family and juvenile case.

This report details the methodology of the Guam Judicial Workload Assessment Study and presents a judicial officer workload model that differentiates case processing time standards for each of the major case types handled by the Superior Court. The primary goals of the project were (1) to establish judicial workload standards conducive to effective and efficient case resolution and (2) to provide a viable tool to predict future judicial officer need.

Specific objectives of the judicial workload assessment study are as follows:

To conduct a quantitative evaluation of judicial resources on a court-wide basis

To provide accurate, easily understandable criteria to assess the need for additional judicial resources

To provide a valid method for determining the need for additional judicial resources in the court.

Overview: Workload Assessment Model

A judicial workload assessment model is a quantitative representation of the inter-related variables that work together to determine judicial resource needs. The core of the workload assessment model is a time-study whereby judges keep track of the amount of time spent working on each of the case types under investigation. When the time-study data are joined with annual case filing data, it is possible to construct a "case weight." The case weights represent the average judicial time required to handle a case from filing to disposition.

The utility of a case weight is that it summarizes the variation in judicial time by providing an average amount of time per case. Some cases take more time than the case weight and some take less time than the case weight, but, on average, the case weight accurately reflects the typical amount of time needed to dispose of specific case types. Once developed, case weights can be used to calculate the total judicial workload for the court.

Applying the case weights to current or projected annual case filing numbers results in a measure of annual judicial workload. These workload values are then divided by the amount of work time available for an individual judicial officer, resulting in an estimate of required judicial resources. This approach is straightforward and sufficiently rigorous to measure resource needs and evaluate resource allocations.

It is important to note that even the most widely used and accepted resource assessment techniques, including the workload assessment model, will not determine the *exact* number of judges needed to stay current with caseloads. No quantitative resource assessment *model* by

itself can accomplish that goal. Results from a workload model should be used in concert with other considerations, including budget constraints, population trends, and other more qualitative, court-specific factors that may impact the need for judicial resources.

To determine which, if any, case types may need to be adjusted, judicial officers and the advisory committee are asked to review the individual case weights to ensure that they are reasonable and reflect the practices of the court.

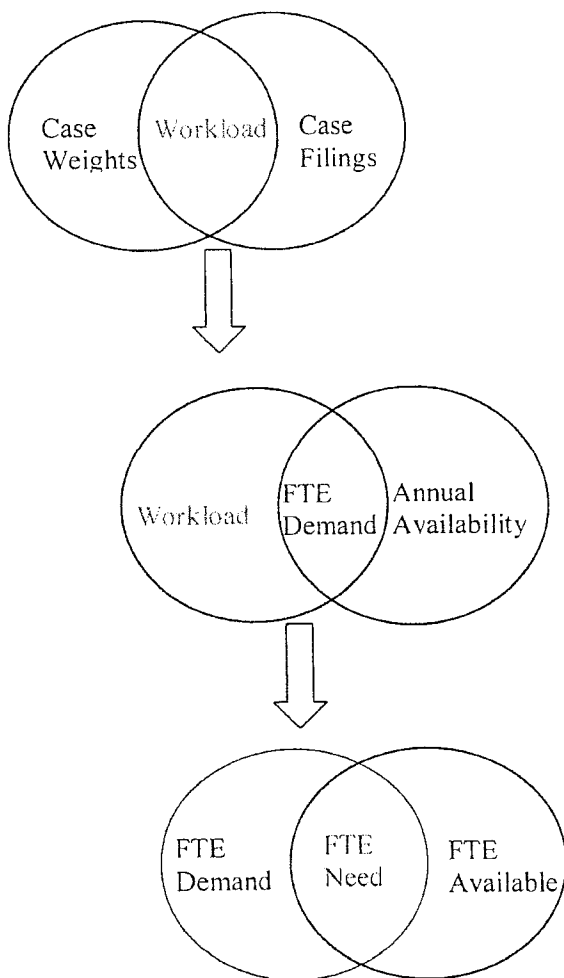
Methodology

Two fundamental pieces of information are necessary to determine the judicial resources required to handle the total workload demand. The two pieces of information are:

- *Workload.* Workload is generated from two components: (1) the case weights which are the average time spent on case processing as determined by the time study and (2) the annual number of case filings. Multiplying these two values produces the workload estimate.
- *Resource Assessment.* The assessment of judicial resources is based upon the following three calculations: (1) judicial demand, (2) judicial availability and (3) judicial need.

The primary goal of the Judicial Workload Assessment Study is to provide an accurate picture of the amount of time judges need to resolve different types of cases in an *efficient* and *effective* manner. The basic components of the study are shown in Figure 1, and each step of the study is discussed in more detail below.

Figure 1: Methodology Overview



Workload

Time Study

A time study measures case complexity in terms of the average amount of judicial time actually spent processing different types of cases, from the initial filing to final resolution, including any post-judgment activity that may occur. The essential element in a time study is collecting time data on all judicial activities. Judicial officers record all time spent on various case types on a daily time log and then enter their time on a Web-based data collection instrument. Judicial matters include time spent on and off the bench, processing cases, case-related work, non-case-related work, and travel time. Non-case-related activity is a catch-all category and includes activities that cannot be attributed to a specific case, such as, legal research, staff meetings, general office and administrative tasks, and community speaking engagements. The specific non-case-related activities and case types for each division examined during the time study are provided in Appendix A.

The NCSC project team provided training for all judges and judicial officials participating in the study on how to record their time and complete the Web-based data collection instrument. Study participants recorded their time on a Web-based data collection instrument that submitted all data directly into a NCSC database.

The six week data collection effort was very successful. All eight of the judicial officers of the Superior Court participated in the study recording a total 143,735 minutes of time.

Case Weight Calculation

The final individual case weights for each of the case types for the Superior Court are shown in Table 2.

For criminal felonies, judges spend an average of 183 minutes per case. As noted earlier, perhaps no case is an “average” case taking exactly 183 minutes of judge time, but on average, judges spend this amount of time on felony cases. Some cases take more time and some cases take less time. Case weights are lower for those high volume case types with a lower likelihood of appearance in court. Not surprisingly, traffic cases take the least amount of judge-time on average, while criminal cases take much more time.

Table 2: Case Weights for Civil and Criminal Case Types

Type of Case	Minutes per Case
Criminal Felony	183.00
Criminal Misdemeanor	105.00
Adult Drug Court	67.00
Juvenile Drug Court	120.00
Juvenile Division	22.00
Juvenile Special Proceedings	42.00
Traffic	2.00
Child Support	155.00
Civil	79.00
Domestic	21.00
Protection from Abuse Petitions	22.00
Probate	77.00
Small Claims	7.00
Special Proceedings	139.00
Mental Health Court	29.00

Case weight adjustment

The final case weights reflect the outcome of a structured study of judicial workload that involved a time study and careful review by judicial officers and the advisory committee. This comprehensive process provides a more accurate prediction of workload and resulting judicial resource need than any single process. Each step validates the prior step and accounts for the Superior Court’s unique practices and challenges. Since the final case weights account for quantitative and qualitative aspects of case processing, they can be viewed as accurate, valid, and credible.

The case weights for each case type were reviewed by the advisory committee to determine if any qualitative adjustments were necessary. In this review process, the advisory committee considered factors other than the actual time recorded in the time study. Qualitative adjustments were not made to any of the case weights.

Workload calculation

Applying the case weights to the annual filings produces the overall judicial case-related workload for the court. The workload value for Guam Superior Court was 578,510 minutes. Calculations of the workload values are found in Appendix B.

Resource Assessment

Judge Demand

The judicial demand is calculated by dividing the judicial workload value by the judge year value and represents the judicial full time equivalent (FTE) needed to process the case-related work of the court. The judge year value is defined as the number of days a judge has to process his or her assigned caseload in a one year period. Weekends, holidays, vacation, sick leave

and administrative leave are deducted from 365 days to arrive at the judge year value. The average workday is defined as 7.5 hours. Converting the workday into minutes and multiplying that by the number of available days results in the average annual availability of judges. In the Guam Superior Court, judges average 95,400 minutes of availability annually (212 days x 7.5 hours x 60 minutes). Calculations for the judge year value are shown in Table 3.

When the workload values were divided by the judge year value of 95,400 minutes, the Court requires 6.06 FTE to complete *case-related-work*.

Table 3. Calculation of Guam Superior Court Judge Year Value

	Days	Minutes
Available Time	365	164,250
LESS		
Weekends	104	46,800
Holidays	10	4,500
Vacation	26	11,700
Sick	13	5,850
TOTAL TIME	212	95,400

Judge Availability

The judicial availability value is the number of FTE available to process the case-related workload. This calculation excludes the number of FTE that are dedicated to non-case-related activity. Non-case-related activity include education and training, community activities, speaking engagements, committee meetings, general legal research, non-case-related administration, and court related travel. To determine current available judicial resources, the number of funded full-time equivalent (FTE) judicial officer positions

was used for the court. To adjust for the amount of time spent on non-case-related activities and travel, the average amount of time recorded during the time study as pertaining to non-case related activities and travel was extrapolated to estimate an annual time value and converted to FTEs. The number of FTEs required to conduct non-case-related activities was then subtracted from the number of funded FTE judicial officer positions.

Although the Court has eight funded FTE judicial officer positions, because 3.26 FTE are required for non-case related activities and travel, the total number of FTE available to process cases is 4.74.

Judicial Need

The judicial need value is the comparison of the predicted judicial demand to the judicial resources currently available to process cases (judicial availability). Specifically, the judicial availability FTE is subtracted from the predicted judicial demand FTE.

This study determined that the Court requires greater judicial resources to complete its work. The results of these calculations show that the Superior Court needs 1.32 FTE additional judicial officers. The calculations are shown in Table 4.

Table 4: Judicial Need

Judicial Resources (FTEs)	
Predicted Judicial Demand	6.06
Judicial Availability	4.74
Judicial Need	1.32

Keeping the Model Current

In the absence of any significant changes in case processing, court structure, or jurisdiction in Guam Superior Court, the case weights developed during the course of this study should be relatively accurate well into the future. Periodic updating is necessary, however, to ensure that the case weights continue to accurately represent the judicial workload. Increased efficiency, statutory or procedural changes, or implementation of various caseflow management initiatives over time may result in significant changes in case processing. There should be no reason to replicate this study or to undertake a complete time-study. Instead, efforts should be made to identify only those case types for which time-study data may have changed significantly from the initial study results. Relatively small-scale samples can then be taken from certain judges to assess whether any adjustments to certain case weights are warranted.

Workload assessment models such as this can be used effectively in judicial resource management. The Superior Court's 2005 case filing data were used to validate this model. The real power of the model lies in its applicability in predicting future judicial resource needs with caseload projection analysis. Projected caseloads can be easily inserted into the model to provide an estimate of future judicial requirements. This is of particular importance to the Guam Judiciary as it plans for the predicted increase in caseload associated with the military's expansion of operations on the island within the next five to ten years.

Conclusion

The Workload Assessment Models for the Guam Superior Court indicates that the court needs additional judicial resources to handle the current workload generated by the court. The Superior Court needs an additional 1.32 FTE judicial officers.

The case weights generated in this study are valid and credible because of the techniques employed. The TIME STUDY provided a quantitative basis for assessing judicial need which was further enhanced by the Court's Advisory Committee's review of individual case weights, which allowed for qualitative adjustments to the case weights. Although the case weights generated in this study should be valid for many years, periodic updating should be conducted to ensure the continued accuracy and integrity of the case weights. Multiple factors may impact the affect of case weights, such as changes in court rules, jurisdiction, technology and legal practices. Periodic reviews should be conducted to evaluate whether changes have occurred that are acting to impact the judicial workload.

APPENDIX A: Non-case-related Activities and Case Types

Non-case-related activities

Education and Training
Community Activities, Speaking
Engagements
Committee Meetings
Travel
Vacation/Illness/Unpaid Leave
General Legal Research
Non-Case-Related Administration
Time Study Project (Filing out form and entry)
Other

Case Types Included in the Time Study

Criminal Felonies
Criminal Misdemeanors
Child Support
Civil
Domestic
Protection from Abuse
Adult Drug Court
Mental Health Court
Probate
Small Claims
Special Proceedings
Juvenile Drug Court
Juvenile Division
Juvenile Proceedings
Traffic

APPENDIX B: Superior Court Model Worksheet

Case Type	Case Weight	Annual Filings	Case Weight X Filings
Criminal Felony	183.00	485	88,755.00
Criminal Misdemeanor	105.00	940	98,700.00
Child Support	155.00	576	89,280.00
Civil	79.00	1307	103,253.00
Domestic Protection	21.00	2494	52,374.00
Probate	22.00	113	2,486.00
Small Claims	77.00	162	12,474.00
Special Proceedings	7.00	2329	16,303.00
Juvenile Drug Court	139.00	219	30,441.00
Juvenile Division	120.00	141	16,920.00
Juvenile Special Proceedings	22.00	242	5,324.00
Traffic	42.00	947	39,774.00
Adult Drug Court	2.00	8767	17,534.00
Mental Health Court	67.00	57	3,819.00
Total	29.00	37	1,073.00
Total		18816	578,510.00
Non-Case Related	34,686.67		

Case-Specific Workload (Weights x Filings)	578,510
Staff Average Annual Availability (AAA)	
Holidays(- 10 days)	117,450
Vacation/sick/admin (-39days)	4,500
AAA for Case-Specific Workload	17,550
Staff Resource Calculations	95,400
Funded FTE Positions	8.00
Travel (-)	0.11
Non-case related activity (-)	3.15
FTE Staff Resource Supply	4.74
FTE Staff Resource Predicted Demand	6.06
Difference	-1.32
Total staff	9.32
Percentage under (+%)or over (-%)staffed (Total staff-Funded staff)/Funded staff	16.55%

APPENDIX C: Case Weight Composition

case type	case weight	activity	% of total	case weight breakdown (minutes)
Criminal Felony	183	Pre-Trial	52%	95.2
		Jury Trial	20%	36.6
		Bench Trial	0.30%	0.5
		Post-Trial/Non-trial		
		Disposition	14%	25.6
		Case-Related Administration	14%	25.6
		Total	100%	183.0
Criminal Misdemeanor	105	Pre-Trial	61.5%	64.6
		Jury Trial	0.4%	0.4
		Bench Trial	0.1%	0.1
		Post-Trial/Non-trial		
		Disposition	25.0%	26.3
		Drug Court- in session	0.4%	0.4
		Case-Related Administration	12.7%	13.3
Total	100.0%	105.0		
Child Support	155	Pre-Trial	9%	13.6
		Post-Trial/Non-trial		
		Disposition	78%	120.3
		Case-Related Administration	14%	21.0
		Total	100%	154.9
Civil	79	Pre-Trial	44%	35.1
		Bench Trial	5%	3.8
		Post-Trial/Non-trial		
		Disposition	51%	40.1
		Total	100%	79.0
Domestic	21	Pre-Trial	38%	7.9
		Bench Trial	11%	2.3
		Post-Trial/Non-trial		
		Disposition	30%	6.2
		Case-Related Administration	22%	4.6
		Total	100%	21.0
Protection	22	Pre-Trial	81%	17.8
		Post-Trial/Non-trial		
		Disposition	4%	0.8
		Drug Court- in session	4%	0.8
		Case-Related Administration	12%	2.7
		Total	100%	22.0

case type	case weight	activity	% of total	case weight breakdown (minutes)
Probate	76	Pre-Trial	48%	36.2
		Bench Trial	2%	1.3
		Post-Trial/Non-trial Disposition	13%	9.6
		Case-Related Administration	38%	28.9
		Total	100%	76.0
Small Claims	7	Pre-Trial	54%	3.8
		Bench Trial	31%	2.1
		Post-Trial/Non-trial Disposition	4%	0.3
		Case-Related Administration	11%	0.8
		Total	100%	7.0
Special Proceedings	139	Pre-Trial	22%	30.2
		Post-Trial/Non-trial Disposition	9%	11.9
		Case-Related Administration	70%	96.9
		Total	100%	139.0
Juvenile Drug Court	120	Pre-Trial	17%	20.6
		Post-Trial/Non-trial Disposition	8%	9.8
		Drug Court- in session	42%	50.0
		Case-Related Administration	33%	39.6
		Total	100%	120.0
Juvenile Division	22	Pre-Trial	56%	12.3
		Post-Trial/Non-trial Disposition	37%	8.2
		Case-Related Administration	7%	1.4
		Total	100%	22.0
Juvenile Special Proceedings	42	Pre-Trial	37%	15.5
		Bench Trial	1%	0.5
		Post-Trial/Non-trial Disposition	55%	23.0
		Case-Related Administration	7%	2.9
		Total	100%	42.0

case type	case weight	activity	% of total	case weight breakdown (minutes)
Traffic	2	Pre-Trial	12%	0.2
		Bench Trial	40%	0.8
		Post-Trial/Non-trial Disposition	38%	0.8
		Case-Related Administration	10%	0.2
		Total	100%	2.0
Adult Drug Court	67	Post-Trial/Non-trial Disposition	100%	67
Mental Health Court	29	Pre-Trial	58%	16.9
		Post-Trial/Non-trial Disposition	42%	12.1
		Total	100%	29.0
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Non-Case Related		Education and Training	17%	
		Community Activities	10%	
		Committee Work	35%	
		Work-related travel	5%	
		Vacation/Illness/Unpaid Leave	9%	
		General Legal Research	2%	
		Non-Case Related Administration	16%	
		Time Study Project	1%	
		Other	6%	
		Total	100%	

case type	case weight	activity	% of total	case weight breakdown (minutes)
Traffic	2	Pre-Trial	12%	0.2
		Bench Trial	40%	0.8
		Post-Trial/Non-trial Disposition	38%	0.8
		Case-Related Administration	10%	0.2
		Total	100%	2.0
Adult Drug Court	67	Post-Trial/Non-trial Disposition	100%	67
Mental Health Court	29	Pre-Trial	58%	16.9
		Post-Trial/Non-trial Disposition	42%	12.1
		Total	100%	29.0
<hr/>				
Non-Case Related		Education and Training	17%	
		Community Activities	10%	
		Committee Work	35%	
		Work-related travel	5%	
		Vacation/Illness/Unpaid Leave	9%	
		General Legal Research	2%	
		Non-Case Related Administration	16%	
		Time Study Project	1%	
		Other	6%	
		Total	100%	