

Calculating Judgeships

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Calculating the judicial resources needed in Michigan's trial courts has long been an issue of interest – to the Supreme Court, trial courts, the Legislature, media organizations and others. The methodology for calculating the number of judges needed to carry out the work of the court is being revamped with the expectation of a final report this summer.

In the mid-1990s a weighted caseload approach was designed and used as the foundation of the Judicial Resources

Recommendations (JRR) report, issued biennially by the State Court Administrative Office (SCAO), to quantify the number of judges needed in the circuit, probate and district courts. At the heart of the approach was the application of "case weights" to each respective court's case volume. Case weights recognize that all cases are not created equal; each may take a differing amount of judicial time to resolve. The resulting math yielded the number of judges needed to dispose of the caseload.

The methodology upon which the JRR report was based served a purpose for more than a decade, but it did have its critics. In response to concerns about the efficacy of the report, the Michigan judicial associations (Circuit, Probate and District) requested the creation of an Ad Hoc Judicial Resource Committee to develop a recommendation for improvement in the approach to calculate judicial needs.

The committee completed its work and issued a report in 2009 in which were several recommendations designed to improve the process for calculating judicial needs. In an effort to build a better mousetrap, the SCAO forged a partnership with the National Center for State Courts (NCSC) for the purpose of implementing the recommendations.

In 2010 the SCAO created a Judicial Needs Assessment Committee (JNAC) to provide policy direction and oversight of the project. The project involves several phases – beginning with a time study, conducted last October, in which all judges and quasi-judicial officers (such as referees, magistrates, probate registers and law clerks) participated. Participants were required to keep detailed time records of all time spent on case-related and non-case-related activity. Past judicial time studies involved a sampling of Michigan's judges and so critics argued that sampling error was a real issue. Not so with the latest study as all judges were required to participate.

The participation of all quasi-judicial officers helped to develop an accurate census of the presence of quasi-judicial involvement and the role they play in case resolution. It also provides for case weights that are customized to the availability of quasi-judicial resources.

Judges and judicial officers were required to attend training sessions, conducted by the NCSC, prior to the

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On the Circuit

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time study. Undoubtedly the advance training and all-inclusive participation of the judiciary enhanced the quality and accuracy of time study data this time around.

The most recent time study emphasized, more than in previous studies, post-judgment time spent on cases, which is considerable in family cases. It is possible that judges may not have reported, or underreported, time spent on post-judgment matters is past time studies. Post-judgment activity was captured in earnest this time around to ensure that time spent on reopened, reactivated and previously closed cases was accurately and consistently counted.

The activities referenced above helped the NCSC develop case weights, just as was done previously, but improved to legitimize the validity of the corresponding time estimates. The statewide inclusion of time study data (rather than a sample) for case-related and non-case-related activity enabled the NCSC to calculate legitimate case weights and "judge day value" information for courts of varying sizes. The "judge day value" is an indicator of the time spent each day to resolve cases, recognizing that judges spend time daily on administrative matters.

All of the work done to calculate valid case weights produced a quantitative measurement of judicial needs. But the project didn't stop there. It also provided for a quality adjustment process to account for how much time it should take to ensure effective case resolution. So the methodology that will form the basis for determining judicial needs will include both quantitative and qualitative measurements.

The qualitative process included the distribution of a Web-based survey, distributed to all Michigan trial court judges, as to the sufficiency of time needed to provide quality case resolution within the time standards as set forth by court rule.

The NCSC conducted site visits to various Michigan courts, including the Circuit and Probate Courts in Oakland County, and the 46th District Court in Southfield. The purpose was to conduct interviews with focus groups of judges and administrators to obtain information on how cases are handled, identify proven case processing techniques and strategies, and to identify obstacles or challenges to effective case processing.

Lastly, quality adjustment sessions, otherwise known as Delphi Groups, will be held to assess the reasonableness of case weights. During these sessions the NCSC will obtain judicial input on case-related activities, encourage dialogue on how efficiently specified case types are handled, and discuss how much time should be spent to effectuate quality case resolution.

As mentioned earlier, the work described above will culminate in a revised methodology expected to serve as the basis for future JRR reports, beginning with the SCAO's report later this summer. The new approach appears to have unanimous consent, including the backing of the three judicial associations in Michigan. No doubt the new approach will play a critical role in shaping Michigan's judiciary in the future.

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