



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Judge David Emerson, Chair
Judicial Workload Assessment Committee

RE: Judicial Council Policy for Judgeship and Circuit Boundary Studies

DATE: December 1, 2014

The Judicial Workload Assessment Committee determines the methodology for the Judicial Council's annual superior court workload assessment that serves as the basis for recommendations for additional judgeships or circuit boundary adjustments to the Governor and General Assembly. The Committee also guides discussion and activity related to improvements in caseload data collection and analysis.

The Judicial Workload Assessment Committee membership is composed of the Chief Justice, nine superior court judges, and one judge from each class of limited jurisdiction court. Two court clerks and three court administrators serve as advisory members.

On September 23, 2013, the Chief Justice charged the Judicial Workload Assessment Committee with four items. One of those items was to update the methodology and policy used to analyze the need for superior court judgeships and circuit boundary alterations. The Committee has completed its work and now presents the revised policy to the Judicial Council for approval. Also included are unapproved minutes from the Committee's last meeting.

The revised policy accomplishes several goals. (1) Obsolete sections of the policy have been removed, and informal practices have been codified. (2) The workload assessment methodology has been updated to conform to National Center for State Courts best practices. (3) The terms and values used in workload and boundary studies are officially defined.

I want to thank the Committee for their hard work in updating this policy. Their dedication to the Committee helps ensure a fair, transparent judicial workload assessment process.

Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Section 1 – Policy

1.1 – Introduction

This policy governs the processes, procedures, and methodology used by the Judicial Council when considering requests for additional judgeships and circuit boundary alterations. The Judicial Council recognizes that the addition of a judgeship or circuit boundary alteration is a matter of great gravity and substantial expense to the state’s citizens. Therefore, careful inquiry and deliberate study according to a rigorous methodology will lay the foundation for any recommended changes to circuit judgeships or boundaries.

The Judicial Council acknowledges the National Center for State Courts’ subject matter expertise in case processing and workload methodology and its documented best practices for assistance in this policy (see Appendix B).

1.2 – Policy Statements

1. The Judicial Council will recommend additional judgeships based only upon need demonstrated through the methodology contained herein.
2. The Judicial Council will recommend circuit boundary alterations based only upon need demonstrated through the methodology contained herein.
3. The Judicial Council will not recommend part-time judgeships.

Section 2 – Judgeship and Circuit Boundary Study

2.1 – Initiation

1. The Governor, members of the General Assembly, and superior court judges have standing to initiate judgeship and circuit boundary studies.
2. The AOC will notify the Governor, General Assembly, and superior court judges no later than April 1 that they may request studies in writing by June 1, or the next business day thereafter, prior to the session of the General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 will not be considered until the following year.

3. Requests for studies will be sent to the Director of the AOC. If a superior court judge, other than a chief judge, requests a judgeship or circuit boundary study, the AOC will inform the chief judge of the same circuit that a request has been made.

2.2 – Judgeship Study Methodology

The Judicial Council approves the methodology and all values associated with it in open session. (See Appendix A for definitions of italicized terms and a list of all values.)

1. The most recent three-year average of civil case filings and criminal case defendants, for each case type listed in Appendix A, will serve as the *total circuit caseload* for each case type. Each case type's caseload will be multiplied by its respective *case weight*. The resulting figure represents the *total circuit workload*.
2. The *total circuit workload* will be divided by the *judge year value* assigned to the circuit based on its *classification*. The resulting figure represents the *judge workload value*. If the *judge workload value* meets or exceeds the *judge threshold value*, then the circuit is qualified for an additional judgeship. If the *judge workload value* does not meet the *judge threshold value*, then the circuit is not qualified for an additional judgeship.
3. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.
4. A circuit that qualifies for an additional judgeship will have its judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3.
5. A circuit not qualified for an additional judgeship has the right to appeal its status to the Judicial Workload Assessment Committee. If the appeal is approved, then the appealing circuit will have a judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

2.3 – Circuit Boundary Study Methodology

A proposed circuit boundary alteration will cause study of the requesting circuit and all adjacent circuits. A circuit is qualified for a boundary alteration if, after the proposed alteration, the following conditions are met.

1. Caseload and Workload

- a. Caseload is more evenly distributed across all circuits impacted by the alteration.
- b. Workload in altered circuits does not vary significantly from the statewide average workload.
- c. Caseload trend analysis of altered circuits does not project an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again in the near future.

2. Population

- a. Per judge population is more evenly distributed among circuits impacted by altered boundaries.
- b. Per judge population does not vary significantly from the statewide average in altered circuits.
- c. Population trend analysis of altered circuits does not show an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again within ten years.
- d. The population of altered circuits is more evenly distributed than the original circuits.

3. Judges

- a. The number of additional judges needed to serve altered circuits is not significantly greater than the original number.
- b. Judges' travel time and/or distance between courthouses decreases in altered circuits.

4. Administrative

- a. The one-time and recurring costs to altered circuits are not overly burdensome to the state or local governments. Changes in cost for personnel services and operations will be considered.

- b. The operational and case assignment policies are not negatively impacted in altered circuits.
5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.
6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.
7. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.
8. A circuit that qualifies for a boundary alteration will have its judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3.
9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Judicial Workload Assessment Committee. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

The Judicial Council will make recommendations to the Governor and the General Assembly for judicial personnel allocations and circuit boundary alterations annually prior to the beginning of the regular session of the General Assembly.

1. The AOC will prepare and present a judgeship and/or boundary study for all qualified circuits and non-qualified circuits with successful appeals that requested judgeship and/or boundary studies. The report will include the results of the judgeship and/or boundary studies, any letters of support from requesting circuits, any available *CourTools* data, and other information the AOC may deem beneficial to Judicial Council deliberations.
2. After reviewing the judgeship and/or boundary study, the Judicial Council, in open session, may discuss the merits of each request. Any Judicial Council member in a circuit or county affected by a study will be eligible to vote on motions affecting that circuit but will not be present or participate in deliberations regarding the circuit. Non-Judicial Council members offering support or opposition may be recognized to speak by the Chief Justice.

3. After deliberations, the Judicial Council will, in open session, approve or disapprove the judgeship and boundary changes presented in the judgeship and/or boundary study. Votes on such motions will be by secret, written ballot. Non-qualified circuits with successful appeals must have a two-thirds (2/3) majority to receive approval. Each ballot must be complete to be counted. The presiding judge of the Court of Appeals will oversee ballot counting.
4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. Votes on such motions will be by secret, written ballot. Each ballot must be complete to be counted. The presiding judge of the Court of Appeals will oversee ballot counting.
5. Upon Judicial Council recommendation of an additional judgeship or circuit boundary alteration, the recommendation will remain for a period of three years unless (1) the total caseload of that circuit decreases 10 percent or more or (2) the circuit withdraws the request. In either case, the circuit must requalify before being considered again by the Judicial Council.
6. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a press release summarizing the Judicial Council's recommendations.

Appendix A

Definitions

Total circuit caseload – The average (arithmetic mean) of the most recent three-years of civil case filings and criminal case defendants for each case type.

Case weight – The average number of minutes needed to dispose of a particular case type.

Total circuit workload – The sum of the total circuit workload for each case type multiplied by the case type's corresponding case weight.

Judge year value – The average number of minutes per calendar year a judge is available to do case work.

Classification – The category of circuits based upon the following formula. (1) Urban circuits are circuits with one county and seven or more judges. (2) Suburban Single-County circuits are circuits with one county and fewer than seven judges. (3) Suburban Multi-County circuits are circuits with multiple counties and a number of judges greater than or equal to the number of counties in the circuit. (4) Rural circuits are circuits with a number of judges fewer than the number of counties in the circuit.

Judge workload value – The total circuit workload divided by the judge year value, representing the number of judges needed to do the work of the circuit during a year.

Judge threshold value – The value a circuit's judge workload value must meet or exceed to be qualified for an additional judgeship.

Values

Case Type	Case Weight (in minutes)	Judges in Circuit	Per Judge Value Needed to Qualify for Next Judge	Judge Threshold Value
Serious Felony	353.79	2	1.350	2.700
Felony	49.30	3	1.340	4.020
Misdemeanor	13.17	4	1.330	5.320
Unified Appeal	7,200.00	5	1.320	6.600
Probation Revocation	19.34	6	1.310	7.860
Felony Accountability Court	207.23	7	1.300	9.100
Appeals/Review	54.58	8	1.290	10.320
Contract/Account	15.80	9	1.280	11.520
Dispossessory/Distress	27.02	10	1.270	12.700
Forfeiture	66.75	11	1.260	13.860
Habeas Corpus	134.35	12	1.250	15.000
Non-Domestic Contempt	76.57	13	1.240	16.120
Other General Civil	38.01	14	1.230	17.220
Post Judgment/Garnishment	3.31	15	1.220	18.300
Real Property	154.20	16	1.210	19.360
Tort/Negligence	125.31	17	1.200	20.400
Adoption	52.51	18	1.190	21.420
Child Support Enforcement	10.07	19	1.180	22.420
Contempt	26.22	20	1.170	23.400
Divorce/Alimony	45.92	21	1.160	24.360
Family Violence	24.32	22	1.150	25.300
Legitimation	32.14	23	1.140	26.220
Modification	58.03	24	1.130	27.120
Non-CSE/Custody	187.67	25	1.120	28.000
Other Domestic	11.67			
Death Penalty Habeas Corpus	7,640.40			

Classification	Judge Year Value (in minutes)
Urban	90,660
Suburban Single County	89,940
Suburban Multi County	78,900
Rural	78,540

Appendix B

Judicial Council Workload Assessment Methodology

The first data-driven analysis of the need for additional superior court judgeships was undertaken in response to requests for seven circuit studies in preparation for General Assembly consideration in 1974. These special studies were conducted according to a methodology dependent on comparisons of geographic, demographic, caseload, and practicing attorney data. However, the goal was to craft a methodology in line with the following premise articulated by the Judicial Council.

“The single most important determinant of the number of judges required in a judicial circuit is the current and anticipated caseload in that circuit. Techniques . . . generally known as ‘weighted case averaging’ provide an informed basis for comparing different trial courts within a system and determining which ones may be overloaded and therefore in need of additional judicial manpower. Experience suggests that this type of caseload measure is a much better indicator of the need for new judgeships than other measures such as the simple number of case filings or changes in community population.”

The Judicial Council has employed various models to assess workload and recommend additional judgeships to the Governor and the General Assembly. Although it has been modified over the years to account for changing resources and technology, the methodology has always taken into account differing case types and their average time requirements. The Council’s Judicial Workload Assessment Committee is assigned the responsibility of reviewing and suggesting improvements to the methodology and potential changes to the Judicial Council policy governing additional superior court judgeships.

Integral to the workload assessment process is the quantitative analysis based on data produced from a time and motion study of judge work activities. A time and motion study is a scientifically developed method of tracking an activity over a specific period. Superior court judges record time spent on their work during a certain period, and these time data are joined with disposition data from the same interval to arrive at average times to disposition and judge year values. Three time and motion studies have been conducted in Georgia, in 2000, 2006, and 2011 to refresh the average time to disposition values as needed. Two additional studies were conducted in 2012 to create average time to disposition values for death penalty habeas corpus cases and adult felony accountability court cases.

The 2011 Time and Motion Study contained two data collection components. The first component is judge time spent on case and non-case related activities. Data collection took place during March 2011, with 147 of 205 superior court judges, representing 46 circuits, documenting time on printed or electronic forms. These judges, along with nine magistrates designated to preside in superior court, submitted 1,562,117 minutes of case and administrative activity data to the AOC.

The second data collection component is disposition data. Superior court clerks in circuits with

participating judges were asked to complete a summary report of dispositions for the month of March and submit it to the Council of Superior Court Clerks. The Council compiled data furnished by 126 clerks and forwarded a report totaling 32,742 criminal, general civil and domestic relations defendants and dockets to the AOC.

Once statewide data were synthesized, the following formula was applied to case related data to determine each case type’s average time to disposition value:

$$\sum \left[\frac{\sum \text{Judge Minutes} - \sum \text{Judge Minutes from counties without disposition data}}{\sum \text{County disposition reports} \times \frac{\text{Participating judges in the circuit}}{\text{Total judges in the circuit}}} \right] \text{ for all circuits} = \text{Average Time to Disposition}$$

To ensure a valid and reliable calculation, the AOC removed the judge time recorded in counties for which no disposition data was furnished, and disposition reports for circuits where not all judges recorded time were adjusted proportionally to the number of judges participating.

To determine judge year values, total eight-hour work periods in a year are estimated to be 2,920. From this number, the following standard deductions were identified:

Standard Deductions	Hours
Weekends	832
Holidays	96
Annual Leave	120
Sick Leave	72
CJE	40
Total	1,160

Total Hours [2,920] – Standard Deductions [1,160] = Average Work Hours [1,760]

To complete the analysis, additional deductions are made based on circuit demographics and the administrative activity data submitted by judges. All times are in hours.

Non-Case Activities	Urban	Suburban Single County	Suburban Multi-County	Rural
Travel	0	0	104	160
Administration	181	208	293	247
Community Activities	68	53	49	44
Total	249	261	446	451