



Oregon Court of Appeals Judicial and Staff Weighted Caseload Study

Final Report

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Table of Contents

	Page
Introduction	1
Study Methodology.....	4
Defining the Work of the Court of Appeals	4
Time Study Overview.....	4
Why Measure Activities?	5
Determination of the COA Judge and Staff Work-Year	6
Recording Data for the Time Study	7
Time Study Implementation	8
Results	9
The Creation of a Workload Model	9
The Judge Workload Analysis.....	10
The Final Judge Workload Model	11
Staff Attorney (and Law Clerk) Model(s).....	12
Judicial Assistant Model	13
Settlement Program Staff Model	13
Computation of COA Resource Needs	14
Calculation of Judicial and Staff Need.....	15
Additional Analyses	16
AWOP/per curiam Rate.....	16
Caseload Delay	17
Conclusion	20
Appendix A: Time Study Case-Specific Activities	22
Appendix B: Time Study Case Types.....	27
Appendix C: Daily Time Logs	28
Appendix D: Case Weights and Case Weight Breakdowns.....	30

Introduction

The Oregon Court of Appeals (COA) is the state’s intermediate appellate court. It was statutorily created in 1969 to provide the first level of appeal following trial. Accordingly, jurisdiction is limited to areas specified by statute, together with the inherent powers granted to all courts in the state. With a few exceptions, the COA is the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations and probate matters (death penalty and ballot title cases, lawyer discipline matters and tax court cases are filed directly with the Oregon Supreme Court).

There are currently ten judges on the Court of Appeals who are elected by the people to six-year terms in statewide, nonpartisan elections. The administrative head of the Court of Appeals is the Chief Judge, who is appointed by the Chief Justice of the Oregon Supreme Court. The judges sit in one of three “merits departments” consisting of three judges each. The membership of each department is determined by the Chief Judge. A fourth department, the Motions Department, is made up of two judges who are also members of merits departments. The Chief Judge names a presiding judge for each of the court’s four departments who preside over oral argument, assign cases for opinion writing, and attend to the department’s administrative matters. Most cases are decided by one of the merits departments. Cases in which a conflict arises or for which assigned judges cannot participate (illness, scheduling conflict, etc.) may include the Chief Judge or other judges from the court as substitutes for the originally assigned judge. Court of Appeals judges also may sit as pro tem judges in the circuit courts when necessary, which fosters an understanding of the trial courts’ work and provides perspective in judicial decision-making.

The court has consisted of ten judges since 1977, despite expanding caseloads and a growing trend toward longer written decisions. The case numbers and changes in work output are illustrated by the following excerpt from the 2009 Oregon Court of Appeals Annual Report.

“According to (the) articles, in 1983, the Court of Appeals closed 3,423 cases, including 2,073 case dispositional decisions (after briefing and consideration by at least three judges), and issued 544 authored opinions. Adjusted for current case-counting standards (113 of those opinions were two pages or less in length and,

thus, in 2009 would be counted as *per curiam*, not authored, opinions), the number of authored opinions in 1983 was 431. In 2009, the court closed 3,609 cases, issued 2,173 case dispositional decisions, and issued 503 authored opinions. By any accepted measure, the court was then, and remains now, one of the busiest, most productive, and most overworked, appellate courts in the nation.

But on closer examination, significant changes have occurred over that period. In 1983, the court produced a very high number of opinions that were fewer than four pages long. By today's case-counting standards, the court produced at least one hundred more *per curiam* opinions and fewer AWOPs (affirm without opinion) than it did in 2009. On the other hand, in 2009, the court's opinions filled at least 500 more pages than they did in 1983. *The upshot is that the court today is producing fewer short opinions and more and significantly longer authored opinions than it did earlier in its existence* (emphasis added) (Page 2)."

As caseloads rise, judges and staff can and do work faster. But ever rising caseloads will ultimately lead to a reduction in the amount of time spent on each case. So that increases in workload and caseload do not begin to impact the court's ability to meet constitutional requirements and maintain the public perception of fairness, the Oregon Court of Appeals contracted with the National Center for State Courts (NCSC) to complete a weighted caseload study, which in turn would generate a workload assessment model for the Court.

The purpose of the workload assessment model is to provide the judicial leaders in Oregon with an objective, uniform, and realistic methodology for determining judge and staff resource needs for the COA. Developing the model requires gauging the judge and staff workload associated with the processing of cases and the writing of judicial opinions. The value of a workload model lies in providing uniform and comparable measures of the need for judges and staff while ensuring that budget requests are made on a sound and methodologically consistent basis. However, it is equally important to understand that a workload model is based on the practices, procedures and operating policies currently in place without consideration for the effects of potential changes.

In order to guide the process of developing workload assessment tools and interpretation of results, the NCSC project team organized an advisory committee made up of COA judges and staff. The purpose of the committee was to approve of the methodology, timeline, and products of this study.

The workload analysis had five major phases:

1. The development of materials that define COA work for judges and staff of all types.
2. A time study, in which judges and staff used the definitions provided in step (1) to describe their daily activities, and self-report how long those activities took to complete.
3. An evaluation of time study results by the study's advisory committee, who were asked to validate the study results based on their knowledge of the court and its current practices. The group also discussed whether there was enough time built into current court practice to complete tasks to an appropriate level of proficiency and quality while addressing the current caseload.
4. An additional assessment of judicial and staff resource needs in the event that certain desired improvements in quality and performance indicators are to be achieved. The Court's 2009-2010 performance measures provide indications that the current level of staffing does not allow the Court to adequately attend to all of the cases put before it in a given year. Specifically, the AWOP rate and the current case backlog rate were evaluated to determine what FTE level of judges and staff would be needed to achieve the Court's established performance benchmarks.
5. The development of a Court of Appeals Workload Assessment Model, drawing on the objective data from the time study as well as input from the advisory committee, while maintaining a clear focus on the quality of justice. The model was not only designed to measure the current practice of the COA, but also provide a dynamic method of continuous periodic reassessment of workload, as changes in caseload, legislative requirements, and other variables affecting workload take place.

Study Methodology

Defining the Work of the Court of Appeals

The Chief Judge of the Court of Appeals convened a project advisory group made up of judges, staff attorneys, judicial assistants, and the COA Executive Manager. The advisory group worked with the NCSC project team to develop the parameters and key elements of the weighted caseload study. The committee's initial task was to develop a list of activities that make up the work of all judges and staff at the COA. The activities list had two major requirements:

- The list had to be comprehensive of work at the COA, involving every aspect of case related and non-case related work activities.
- Each activity must be discrete, so that each described a unique work-action, and could not be confused with any other work-action.

Separate activities were developed for different job class groups, and separate case weights were developed for each of these job classifications. The full list of case-specific activities for each job class appears in Appendix A of this report.

A workload analysis includes all work, not just case-specific work, thus, a list of non-case-specific activities was also developed. The list includes both administrative duties and community outreach functions that members of the COA are expected to perform. A list of non-case activities also appears in Appendix A.

In addition to case related activities, a workload analysis must take into account the type of case being worked on. Different types of cases require different amounts of time and effort, and include different statutory requirements. The committee created a set of case types from the broader set of categories reported by the COA. The full list and description of case categories can be found in Appendix B of this report.

Time Study Overview

The activities list developed by the Weighted Caseload Study Advisory Committee was designed to inform the time study, which in turn was designed to measure the average amount of time

required to complete both case and non-case work for all COA judges and staff.¹ Participants in the time study were asked to record all work activities completed during the six-week data collection period.² In order to provide data that was comprehensive of all work done at the COA, all staff and all judges were included in the study.

Time study data collection was constructed around three elements:

- The type of cases worked on
- The case-related activities performed
- Work activities not related to specific cases (non-case specific work)

Each time a participant recorded that they were working on a specific case type, they were asked to indicate what case related activity (chosen from the activity list) they were performing. When participants reported non-case work, no case type was required.

Why Measure Activities?

There are two ways of measuring the total amount of time necessary to perform all the activities related to a case:

- 1) Follow a large number of individual cases from the opening of the case to closure, recording all activities performed, and develop a model after all cases are closed.
- 2) Measure the amount of time it takes to complete short-term activities, and create a model based on the total amount of time it takes to perform all of the activities associated with a case.

This study uses the latter approach, called event-based methodology, which requires less time and fewer resources than the former. It also assumes that the time study will measure an equivalent amount of work on all activities during the time study, even though some cases will be at the early stages of case processing and others at final stages during the study period (see Figure 1).

¹ Note that the Executive Manager of the Court of Appeals did not participate in the time study.

² Study participants were also asked to record any leave time taken during the time study. While this time is accounted for in the “year value,” which is described and defined later in this report, recording this time allowed the NCSC analyst to statistically account for the time off.

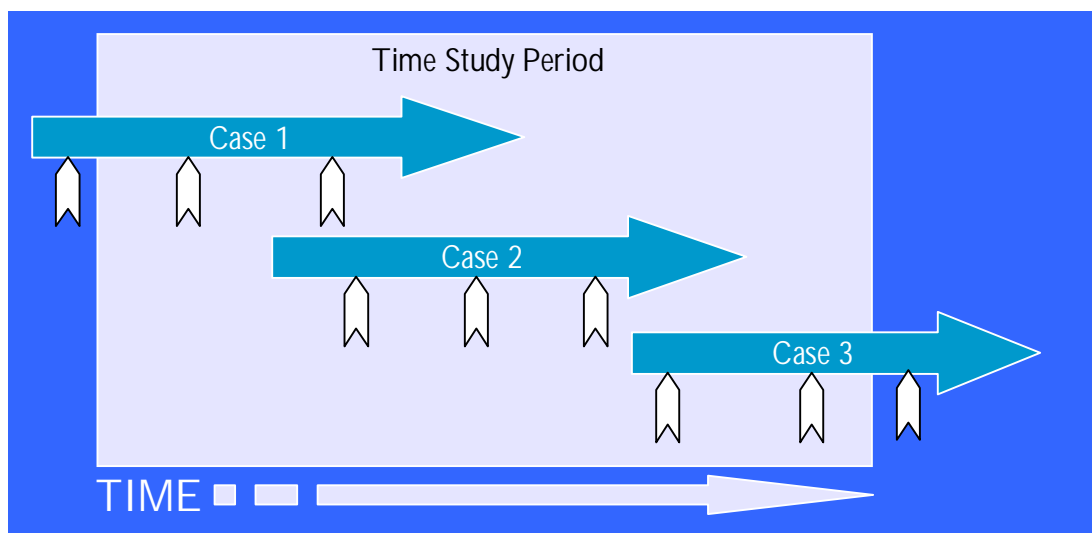

Figure 1: An Illustration of Event Based Methodology

Figure 1 illustrates the measurement of activities (the  symbol) using event-based methodology during the time study. Although some cases begin before the time study starts (Case 1) or end after the time study ends (Case 3), data is collected at the level of activities, which are equally distributed throughout the study period. Summing the average time for each activity creates the amount of time necessary to process a single case.

Determination of the COA Judge and Staff Work-Year

In addition to developing a model of workload for each case type, the advisory committee was asked to create a standard judge and staff work-year. Development of the year value begins with a baseline of 365 days in the year and subtracts weekend days and state holidays. The advisory committee estimated a reasonable amount of time off for vacation, sick and personal leave as well as time for continuing education and training. Tables 1 and 2 illustrate the judge and staff work-year values of 219 and 212 days, respectively.³

Table 1: Judge Annual Availability

Judge Year	Days
Total days per year	365
Subtract Non-Working Days	
Weekends	104
Holidays	9+1 (personal holiday)
Vacation/sick/other leave	25
Education/training	7* ⁴
Total Working Days per Year	219⁵

³ Weighted caseload studies conducted in courts across the country generally use a standard 7.5-hour day for court staff, which allows for a traditional nine-hour work day (8:00 a.m. to 5:00 p.m.) with a one-hour lunch and two fifteen-minute breaks. Thus, case weights and need values for staff are based on a 7.5-hour working day; judicial need, by request of the COA, is based on an 8-hour working day.

⁴ Training includes 2.5 days of judicial conference plus 4.5 additional training days.

Table 2: Staff Annual Availability⁶

Staff Year	Days
Total days per year	365
Subtract Non-Working Days	
Weekends	104
Holidays	9+3 (personal holidays)
Vacation/sick/other leave	33 ⁷
Education/training	4
Total Working Days per Year	212

Recording Data for the Time Study

The time study was designed to collect data on all case and non-case related work for each day during the course of the study (work performed before or after traditional work hours and on weekends was also accounted for). Participants were asked to record the routine activities of their day using the case type and activities list, and to record how long each activity took to complete, as well as any appropriate case characteristics. A single successfully completed entry of data for the time study contained an activity, a case type, and a time value; or in the case of non-case related work, a non-case activity and a time value. To ensure accuracy, participants were asked to record, on paper, time study information throughout the day, preferably as they completed each activity. This information was later transferred by the study participant to an on-line data entry tool. Time study participants had access to an on-line Help Desk to which they could submit questions and receive assistance. The Help Desk was manned during business hours, and questions were typically responded to within an hour or less.

The web-based data entry form created by the NCSC and hosted on their website allows for the data to be immediately downloaded, compiled and reviewed by NCSC analysts. The website was designed by the NCSC to not only eliminate costly post-study data-entry, but also to reduce errors made by participants in the course of recording their time. For instance, on the website it

⁵ The average judge year value derived in 37 studies conducted by the NCSC between 1996 and 2006 is 212 days. This figure can be found in the study *Examination of NCSC Workload Assessment Projects and Methodology: 1996-2006*, by John Douglas. The judge year value in these 37 studies ranges between 193 and 223 days. A 2005 weighted caseload study conducted with the Colorado Court of Appeals used a 220-day judge year value.

⁶ The staff year value is based on a normal working year and does *not* account for the provision of furlough days in the future. If furlough days continue to be required into the future, the staff year value should be adjusted down to reflect the lack of time available to work.

⁷ This amount is based on the Court's average accrual rate of 12 (8 hours per month) sick days and 21 (14 hours per month) vacation days annually.

was impossible to pair a non-case activity with a case type, or a case-related activity without a case type. In this way, incomplete or illogical data could not be submitted.

A daily time log was developed in order to facilitate the recording of information. The log was designed to provide an easy way of recording individual activities by checking boxes indicating case type and activity, and writing down a time value – all on a single line. Copies of the daily time logs for each job class can be found in Appendix C.

Based upon the experience of the NCSC project team, the size of the Court and the number of cases at issue annually, the advisory committee agreed that a six week study period would be utilized. This amount of time was considered the minimum necessary to capture all of the various types of work performed by the COA.

Time Study Implementation

Training for the study was conducted by the NCSC project team on January 6-7, 2010. Training was conducted in multiple sessions over the two days in order to facilitate attendance by all staff. Because the time study was comprehensive of all work at the COA, not all information and instructions applied to all job types. In order to create the most effective training environment possible, staff with different job-types trained in different sessions. Judges likewise had their own training sessions.

The NCSC project team prepared instructions that clearly explained the data collection process for all judges and staff. Training included discussions of the workload concept, the project design, the data collection requirements, and the opportunity to answer any questions related to the study and its implications. The training emphasized the importance of self-reporting all time and efforts comprehensively, accurately, and consistently according to an established set of rules.

The study began on January 11, 2010 and ended on February 19, 2010. This time-frame provided 28 business-days from which to derive workload study data (two official holidays occurred during this period of 30 business days).

Results

A review of the data submitted over six weeks provided sufficient volume appropriate for analysis, although there was logically more data for the most commonly appealed case types (small civil and criminal) than the others. The participation rate for the COA time study was excellent. As Table 3 indicates, all expected participants at the COA provided data.

Table 3: Participation Rates, COA Time Study

Job Classification	Participation		
	Expected	Actual	Percent
Judges ⁸	9	9	100.0%
Staff Attorneys ⁹	11	11	100.0%
Law Clerks	15	15	100.0%
Judicial Assistants	7	7	100.0%
Settlement Court Program Staff	3	3	100.0%
TOTAL PARTICIPATION	45	45	100.0%

The Creation of a Workload Model

A workload model is designed to quantify all of the work engaged in by judges and staff. The workload model focuses on the work conducted by case type and by job classification.

Understanding that each job classification has a different set of work expectations, it necessarily follows that different case processing times would be expected across job classes.

The COA has no discretionary authority and must consider all appeals that are properly filed with it. When caseloads rise past a certain level, judges and staff must necessarily ration the amount of time that they devote to each case. As a result, it becomes possible that some cases will not get the time and attention they deserve. In Oregon, this means that the COA disposes of cases via AWOP (Affirmance without Opinion) at a much higher rate than is desired and also, that the COA is not able to dispose of a volume of cases equivalent to those submitted within a given year. As a result, the backlog of cases grows each year causing longer average times to disposition which exceed the established objectives and frustrate the public.

⁸ One appellate judge retired shortly before commencement of the time study and a new judge was appointed while the time study was ongoing. The newly appointed judge was not expected to participate in the time study.

⁹ The Appellate Commissioner and 2 staff members participated in this study and are included in the Staff Attorney category; 2 other appellate commissioner staff positions are reflected as law clerks and one as a judicial assistant.

The basic element of a workload model is the average time required to complete the work on a case. An average time value was derived for each case type from time study data using the total time recorded for each activity within each case type, annualized to equate to a full year's work and the number of appeals (broken down by case type) decided during calendar year 2009. Dividing the annualized time value by the number of cases decided yields the average time requirement per case.

The total time recorded for each activity within each case type was derived from the time study data. This time was annualized, using the judge and staff year value defined and described earlier in this report. The number of cases worked on by COA judges and staff attorneys was not directly measured using the time study methodology employed. Instead, the number of cases decided by the COA during calendar year 2009 was used as the denominator. Utilizing case filing numbers is the more common method of calculating workload for weighted caseload analyses. However, due to several factors including; 1) the staffing structure in which Records Department employees are not considered to be COA staff, 2) procedures at the COA in which filed cases prior to submission have only nominal workload impact on the judges and legal staff participating in this study, and 3) a desire to extend the model in order to calculate judge and staffing needs in order to improve court performance, it was determined to be more appropriate to use the number of cases decided by the Court.

As noted earlier, separate case weights and staff resource needs were developed for judges, staff attorneys, law clerks and judicial assistants.

The Judge Workload Analysis

Judges at the COA sit in three-judge merit departments. Strictly relying on case counts, each judge issued an average of 50 opinions in 2009 (503 written opinions were issued by ten COA judges in 2009). Judicial work includes reading briefs, reviewing cited authorities and records as appropriate, hearing oral argument when requested, drafting and editing the judge's own opinions, providing input for opinions written by other judges, and, on occasion, writing separate dissents and concurring opinions. Every judge also reviews and comments on opinions from other departments that are proposed for publication; and participates in biweekly department

conferences and monthly full court conferences. This work description does not account for the additional non-case specific work activities expected of Appellate Judges.

For the workload analysis, case specific time by case type and non-case specific time were analyzed. The non-case specific time is applied to the model as a daily allocation of time.

The Final Judge Workload Model

In a typical Weighted Caseload Model, annual workload expectations for each case type are created by multiplying the case weight (average amount of time required to process a case from beginning to end) by the number of each case type filed (or expected to be filed) in a year. This computation yields the total number of minutes expected to be consumed by each individual case type. When totaled, this calculation provides the expected workload of Court of Appeals judges, given the expected number of filings for a particular year. However, the COA has routinely employed a practice, known as ‘Affirmance without Opinion’ or AWOP, in order to accommodate its caseload. This method of resolving appellate cases provides an indication that the order or judgment being appealed has been affirmed but no explanation or legal reasoning for that decision is included. Over the years, the percentage of cases in which an AWOP is issued has steadily increased. The most recent statistics indicate that over two-thirds of all appeals filed will include an AWOP. Depending upon case type, the percentage can range from 66 percent to 84 percent. The COA judges unequivocally felt that this rate was excessive and should be reduced to a more appropriate level to improve the quality of appellate justice. In order to address this major quality concern, NCSC analysts conducted a Delphi session with several judges in order to estimate the relative workload differences between appellate cases resulting in an authored or full opinion versus those including an AWOP. Disposition statistics for 2009 were used in place of filings in building the workload model. The result of this additional analysis was to develop separate case weights for cases with these separate types of dispositions.

Table 4 shows the final judicial case weights by case type derived from the time study, rounded to whole minutes. Appendix D contains the case-specific calculations for the model.

Table 4: Final Case Weights for COA Judges: Minutes per Case

Case Type	Case Weight for AWOP/per curiam Cases	Case Weight for Authored Opinion Cases
Administrative	42	1,100
Land Use	263	8,878
General Civil	142	2,466
Small Civil	23	404
Domestic Relations	73	1,264
Criminal	70	1,150
Juvenile	55	2,562
Juvenile TPR	132	5,919

Staff Attorney (and Law Clerk) Model(s)

Table 5 shows the final staff attorney and law clerk case weights by case type derived from the time study, rounded to whole minutes. Consistent with the case weight development process for judges, separate case weights were developed for cases reaching disposition via AWOP/per curiam and those reaching disposition with an authored opinion. The same relative workload differences between cases resulting in authored opinions versus an AWOP/per curiam, was used for judges, staff attorneys and law clerks.

Table 5: Final Case Weights for Staff Attorneys: Minutes per Case

Case Type	Staff Attorney Case Weight for AWOP / per curiam Cases	Staff Attorney Case Weight for Authored Opinion Cases	Law Clerk Case Weight for AWOP / per curiam Cases	Law Clerk Case Weight for Authored Opinion Cases
Administrative	39	1,034	115	3,019
Land Use	194	6,550	299	10,102
General Civil	131	2,281	213	3,693
Small Civil	21	365	18	321
Domestic Relations	86	1,488	201	3,472
Criminal	70	1,149	97	1,579
Juvenile	48	2,215	92	4,241
Juvenile TPR	97	4,367	150	6,735

Judicial Assistant Model

Table 6 shows the final staff judicial assistant case weights by case type derived from the time study, rounded to whole minutes. Consistent with the case weight development process for judges and attorneys, separate case weights were developed for cases reaching disposition via AWOP and those reaching disposition with a written opinion. The same relative workload differences between cases resulting in authored opinions versus an AWOP/per curiam that was used previously was applied to the judicial assistant category.

Table 6: Final Case Weights for Judicial Assistants: Time per Case

Case Type	Judicial Assistant Case Weight for AWOP / per curiam Cases	Judicial Assistant Case Weight for Authored Opinion Cases
Administrative	7	192
Land Use	41	1,391
General Civil	18	310
Small Civil	8	143
Domestic Relations	9	150
Criminal	11	182
Juvenile	10	458
Juvenile TPR	21	927
Case Related Administration ¹⁰	16	484

Settlement Program Staff Model

Staff members who work in the COA Settlement Program also participated in the time study. Upon review and analysis of the results of the study, the NCSC project team and the Advisory Committee concluded that the nature of the work and the disparate responsibilities of these staff

¹⁰ Case Related Administration was included as a case type for judicial assistants because they engage in a range of case related administrative activities, although the work cannot be reasonably disaggregated by case type. This case weight should be applied to the total number of cases filed and equated to general administrative work conducted for each case filed in the Court. The average AWOP rate of 77% across all case types is used in the model.

members did not lend themselves to workload modeling. As a result, a workload model for settlement program staff was not calculated.

Computation of COA Resource Needs

Once the case weights have been established, the calculation of the number of judges and staff needed to manage the workload of the Oregon Court of Appeals can be completed. Judicial and staff case related demand is calculated by dividing the judicial and staff workload value (the annual number of minutes of work required based on caseload and case weights) by the relevant year value. The resulting number represents the case-related full time equivalents (FTE) needed to manage the work of the Court of Appeals. Figure 2 displays the steps taken to compute Court of Appeals judge and staff demand.

Figure 2: Calculation of Total Needs

Step 1	For Each Case Type: <i>Case Weight x Cases Decided = Workload</i>
Step 2	For Each Job Classification: <i>Sum individual case type workloads to obtain the total workload for each job classification (total minutes of work expected)</i>
Step 3	For Each Job Classification: <i>Divide the total workload by the year value (case related minutes) to obtain resource needs</i>

Applying the case weights to the expected number of cases decided in each category produces the overall judge and staff case-related workload for the Court of Appeals. The number of judicial resources needed to process the workload in the Court is calculated by multiplying the number of cases expected to reach disposition by way of an AWOP and by those expected to receive a full authored opinion by each case weight. The same computation, distinguishing between AWOPs/per curiam and authored opinions, is done for judicial assistants, staff attorneys and law clerks to determine the workload and resulting FTE need for those job classifications. The result is the number of all judicial and staff positions required to process the workload of the Court of Appeals.

Calculation of Judicial and Staff Need

Based on figures for FY 2009 cases decided and maintaining the status quo in regards to certain performance indicators (e.g. relatively high AWOP rates and backlog clearance rate deficit of eight percent, per year), the Court of Appeals workload assessment model indicates that the Court requires a total of 13.42 judges; 1.91 to process those cases reaching disposition via AWOP/per curiam and 11.51 for cases reaching disposition by authored opinion. As the court establishes goals for decreasing AWOP rates, the calculated judicial need would have to be revised based on the changing rates of how cases reach disposition.

For staff support in the Court of Appeals, the model indicates a current need for 6.00 judicial assistants, 11.51 staff attorneys and 15.90 law clerks. These figures represent the total calculated need for judges and staff, *not the additional need* for positions. Table 7 summarizes these calculations.

Table 7: Oregon Court of Appeals Base Judge and Staff Resource Needs Model

CASE TYPE	2009 Total Dispositional Decisions	2009 Dispositions Via AWOP & Per Curiam*	2009 Dispositions Via Written Decision*	JUDICIAL CASE WEIGHT: AWOP & Per Curiam	JUDICIAL CASE WEIGHT: Written Decision	JUDICIAL ASSISTANT CASE WEIGHT: AWOP & Per Curiam	JUDICIAL ASSISTANT CASE WEIGHT: Written Decision	STAFF ATTORNEY CASE WEIGHT: AWOP & Per Curiam	STAFF ATTORNEY CASE WEIGHT: Written Decision	LAW CLERK CASE WEIGHT: AWOP & Per Curiam	LAW CLERK CASE WEIGHT: Written Decision
Administrative	259	193	66	42	1,100	7	192	39	1,034	115	3,019
Land Use Cases	19	15	4	263	8,878	41	1,391	194	6,550	299	10,102
General Civil	249	164	85	142	2,466	18	310	131	2,281	213	3,693
Small Civil	82	54	28	23	404	8	143	21	365	18	321
Domestic Relations	114	75	39	73	1,264	9	150	86	1,488	201	3,472
Criminal	1,328	1,067	261	70	1,150	11	182	70	1,149	97	1,579
Juvenile	86	72	14	55	2,562	10	458	48	2,215	92	4,241
Juvenile TPR	36	30	6	132	5,919	21	927	97	4,367	150	6,735
Case Related Administration (on all case types)	2,173			NA	NA	16	484	NA	NA	NA	NA
Total Dispositions	2,173	1,670	503								
Case Specific Work x Disposed cases (weights x dispositions)				124,666	749,862	45,883	355,814	120,561	713,682	192,282	1,209,866
Judicial Annual Availability: 219 days ; All Other Annual Availability: 212 days				105,120	105,120	95,400	95,400	95,400	95,400	95,400	95,400
Non-case specific time				39,951	39,951	28,408	28,408	22,896	22,896	7,208	7,208
Availability for Case Specific Work				65,169	65,169	66,992	66,992	72,504	72,504	88,192	88,192
Judicial Officer & Staff Demand				1.91	11.51	0.68	5.31	1.66	9.84	2.18	13.72
Total Resource Need				13.42		6.00		11.51		15.90	

*Disposition data by case type was not available from the Court, so the figures were derived based on a combination of the proportional case filings by case type, disposition type and total disposition numbers.

Additional Analyses

The model above reflects the number of judges and staff needed to maintain case disposition rates at the current level, illustrating the need for about three new judges and corresponding staff at the current rate of case disposition. However, the Court of Appeals is currently falling short on important benchmarks and performance measures. If the Court cannot achieve its goals in regard to these indicators, it will likely fail to provide the level of service to which it strives and that the State of Oregon expects. In other words, the model derived from the time study identifies only the number of judges and staff members the Court needs to continue a level of performance which is unacceptable to the bench.

In order to address these valid operational concerns, the NCSC conducted additional analyses addressing the primary indicators with which the court was concerned: the high AWOP/per curiam rate, and caseload delay as expressed by the clearance rate and case backlog. These issues are addressed below and include calculations of the staffing impact needed in order to improve COA performance from current levels to full achievement of their established goals.

AWOP/per curiam Rate

The original judge and staff need model incorporates the existing rate of cases reaching disposition by AWOP, which is currently approaching 70% across all cases types (ranging from 66% to 84%). The Court has expressed a goal of using AWOP/per curiam as a method of disposition in no more than 50% of all cases. To demonstrate the potential impact on calculated judicial and staff need to achieve this goal, current AWOP/per curiam disposition rates were replaced with the goal of 50% for each case type.¹¹ The resulting potential need is shown in Table 8. While the actual effect is likely to be lower, reducing the AWOP/per curiam disposition rate to 50% for all case types potentially results in an additional need up to 12.53 judges, 6.02 judicial assistants, 10.58 staff attorneys and 14.01 law clerks.

¹¹ Judicial and staff need is calculated using an average case weight across various case types. It is likely that the increase in authored opinions would be comprised of cases exhibiting below average complexity. However, the data gathered does not provide a sufficient basis to identify the appropriate weight for such cases. As a result, the AWOP/per curiam reduction analysis assumes that additional future cases that would be resolved by authored opinion rather than AWOP will be evenly distributed across those disposition types keeping the calculated case weights intact.

**Table 8: Oregon Court of Appeals Judge and Staff Resource Needs Model:
Achievement of a 50% AWOP Rate – Maximum Need Adjustment**

CASE TYPE	2009 Total Dispositional Decisions	50% Dispositions Via AWOP & Per Curiam (numbers may not add due to rounding)	50% Dispositions Via Written Decision (numbers may not add due to rounding)	JUDICIAL CASE WEIGHT: AWOP & Per Curiam	JUDICIAL CASE WEIGHT: Written Decision	JUDICIAL ASSISTANT CASE WEIGHT: AWOP & Per Curiam	JUDICIAL ASSISTANT CASE WEIGHT: Written Decision	STAFF ATTORNEY CASE WEIGHT: AWOP & Per Curiam	STAFF ATTORNEY CASE WEIGHT: Written Decision	LAW CLERK CASE WEIGHT: AWOP & Per Curiam	LAW CLERK CASE WEIGHT: Written Decision
Administrative	259	130	130	42	1,100	7	192	39	1,034	115	3,019
Land Use Cases	19	10	10	263	8,878	41	1,391	194	6,550	299	10,102
General Civil	249	125	125	142	2,466	18	310	131	2,281	213	3,693
Small Civil	82	41	41	23	404	8	143	21	365	18	321
Domestic Relations	114	57	57	73	1,264	9	150	86	1,488	201	3,472
Criminal	1,328	664	664	70	1,150	11	182	70	1,149	97	1,579
Juvenile	86	43	43	55	2,562	10	458	48	2,215	92	4,241
Juvenile TPR	36	18	18	132	5,919	21	927	97	4,367	150	6,735
Case Related Administration (on all case types)				NA	NA	16	484	NA	NA	NA	NA
Total Dispositions	2,173	1,088	1,088								
Case Specific Work x Dispositions (weights x dispositions)				82,165	1,608,950	29,907	775,127	79,438	1,521,613	127,824	2,518,229
Judicial Annual Availability: 219 days ; All Other Annual Availability: 212 days				105,120	105,120	95,400	95,400	95,400	95,400	95,400	95,400
Non-case specific time				39,951	39,951	28,408	28,408	22,896	22,896	7,208	7,208
Availability for Case Specific Work				65,169	65,169	66,992	66,992	72,504	72,504	88,192	88,192
Judicial Officer & Staff Demand - 50%AWOP rates				1.26	24.69	0.45	11.57	1.10	20.99	1.45	28.55
Total Resource Need - 50% AWOP rates				25.95		12.02		22.08		30.00	
Judicial Officer & Staff Demand - CURRENT AWOP rates				1.91	11.51	0.68	5.31	1.66	9.84	2.18	13.72
Total Resource Need - CURRENT AWOP rates				13.42		6.00		11.51		15.90	
NEED DIFFERENCE: CURRENT VS. 50%AWOP RATE				12.53		6.02		10.58		14.10	

Caseload Delay

The effect of caseload delay was approached through two separate components; clearance rate and backlog. These two component measures of delay are explained and analyzed below.

Court Clearance Rate measures the number of cases resolved relative to the number of cases submitted during a given time period. The COA reports this performance measure annually and has established a goal of 100%; that is disposition of at least as many cases as are newly submitted. The COA is presently clearing cases at a 92% rate. This means that the Court is only disposing of approximately 9 out of every 10 cases that come before it (at-issue cases) within a one-year period of time.

The COA measures the backlog component by the number of cases in which briefing has been completed for longer than 90 days before holding oral argument or submission to the Court.

Although the case types that are statutorily mandated to be submitted or argued within 90 days are meeting this standard, the remaining case types are not. The Court indicates that most case

types take from 180 to 210 days after completion of briefing before they are submitted or orally argued. As of June 2010, the COA had approximately 330 pending cases, of varying case types, in backlog status.

If the Court can begin to resolve cases at a sustained clearance rate of 100%, the effect will be to prevent any future growth in the backlog. In order to eliminate the backlog, the clearance rate must – temporarily – be greater than 100% and efforts specifically directed toward the backlogged cases.

To illustrate the staffing need impact of improving the clearance rate to 100%, the NCSC applied the case weights for judges and staff to eight percent of the cases submitted. The resulting additional judicial and staffing need to prevent continued growth in backlogged cases is shown in Table 9. Adjusting staff levels to maintain a 100% clearance rate results in *an additional need for 1.17 judges, 0.52 judicial assistants, 1.00 staff attorneys and 1.38 law clerks.*

Table 9: Oregon Court of Appeals Judge and Staff Resource Needs Model: Prevention of Future Backlog by Maintaining 100% Clearance Rate

CASE TYPE	2009 Estimated Backlog of Dispositional Decisions	2009 Estimated Backlog to be Terminated Via AWOP	2009 Estimated Backlog to be Terminated Via Written Decision	JUDICIAL CASE WEIGHT: AWOP	JUDICIAL CASE WEIGHT: Written Decision	JUDICIAL ASSISTANT CASE WEIGHT: AWOP & Per Curiam	JUDICIAL ASSISTANT CASE WEIGHT: Written Decision	STAFF ATTORNEY CASE WEIGHT: AWOP	STAFF ATTORNEY CASE WEIGHT: Written Decision	LAW CLERK CASE WEIGHT: AWOP	LAW CLERK CASE WEIGHT: Written Decision
Administrative	23	17	6	42	1,100	7	192	39	1,034	115	3,019
Land Use Cases	2	1	0	263	8,878	41	1,391	194	6,550	299	10,102
General Civil	22	14	7	142	2,466	18	310	131	2,281	213	3,693
Small Civil	7	5	2	23	404	8	143	21	365	18	321
Domestic Relations	10	7	3	73	1,264	9	150	86	1,488	201	3,472
Criminal	116	93	23	70	1,150	11	182	70	1,149	97	1,579
Juvenile	7	6	1	55	2,562	10	458	48	2,215	92	4,241
Juvenile TPR	3	3	1	132	5,919	21	927	97	4,367	150	6,735
Case Related Administration (on all case types)	189			NA	NA	16	484	NA	NA	NA	NA
Total Backlog	189										
Case Specific Work x Backlog (weights x backlog)				10,843	65,220	3,991	30,947	10,486	62,074	16,724	105,230
Judicial Annual Availability: 219 days ; All Other Annual Availability: 212 days				105,120	105,120	95,400	95,400	95,400	95,400	95,400	95,400
Non-case specific time				39,951	39,951	28,408	28,408	22,896	22,896	7,208	7,208
Availability for Case Specific Work				65,169	65,169	66,992	66,992	72,504	72,504	88,192	88,192
Judicial Officer & Staff Demand				0.17	1.00	0.06	0.46	0.14	0.86	0.19	1.19
Total Resource Need				1.17		0.52		1.00		1.38	

Finally, the COA will have to dedicate additional efforts to the 330 cases in which briefing has been completed for over 90 days without oral argument or submission to the Court in order to resolve them and eliminate the backlog. This component need differs however in that the

additional resources to address backlog elimination are temporary in nature and would no longer be needed once all cases are scheduled within the Court's timeliness objectives. Although these needs would be temporary, to determine the resources requirements necessary to achieve backlog elimination, NCSC assumed application of a 50% AWOP/per curiam rate, implementation of a 40 hour work-week for judges and continuation of the 37.5 hour work-week for staff, and a one-year time period. The resulting additional judicial and staffing need to eliminate the backlog is shown in Table 10.

**Table 10: Oregon Court of Appeals Judge and Staff Resource Needs Model:
Resolution of Currently Backlogged Cases**

CASE TYPE	Total Backlog	AWOP Backlog	Written Decision Backlog	JUDICIAL CASE WEIGHT: AWOP	JUDICIAL CASE WEIGHT: Written Decision	JUDICIAL ASSISTANT CASE WEIGHT: AWOP	JUDICIAL ASSISTANT CASE WEIGHT: Written Decision	STAFF ATTORNEY CASE WEIGHT: AWOP	STAFF ATTORNEY CASE WEIGHT: Written Decision	LAW CLERK CASE WEIGHT: AWOP	LAW CLERK CASE WEIGHT: Written Decision
Administrative	60	30	30	42	1,100	7	192	39	1,034	115	3,019
Land Use Cases	0	0	0	263	8,878	41	1,391	194	6,550	299	10,102
General Civil	38	19	19	142	2,466	18	310	131	2,281	213	3,693
Small Civil	12	6	6	23	404	8	143	21	365	18	321
Domestic Relations	60	30	30	73	1,264	9	150	86	1,488	201	3,472
Criminal	160	80	80	70	1,150	11	182	70	1,149	97	1,579
Juvenile	0	0	0	55	2,562	10	458	48	2,215	92	4,241
Juvenile TPR	0	0	0	132	5,919	21	927	97	4,367	150	6,735
Total Backlog	330	165	165			16	484				
Case Specific Work x Cases (weights x cases)				11,886	212,198	4,390	111,428	11,965	213,109	21,395	393,143
Availability: 219 days ; All Other Annual Availability: 212 days				105,120	105,120	95,400	95,400	95,400	95,400	95,400	95,400
Non-case specific time				39,951	39,951	28,408	28,408	22,896	22,896	7,208	7,208
Availability for Case Specific Work				65,169	65,169	66,992	66,992	72,504	72,504	88,192	88,192
Judicial Officer & Staff Demand				0.18	3.26	0.07	1.66	0.17	2.94	0.24	4.46
Total Resource Need				3.44		1.73		3.10		4.70	

Conclusion

The Oregon Court of Appeals is charged with providing impartial, clear, and timely resolution of appealed judgments and orders, employing the resources provided to it by the Legislature. A time study involving all judges and staff at the COA has been conducted, and a workload model developed, so that resource requirements can be identified in a clear and objective manner.

This Court of Appeals Workload Analysis provides an objective, scientifically derived method for determining the adequacy of resources and the relationship between workload and caseload. Due to the current circumstances which the Court is facing, a systemic backlog of cases as well as an inability to sustain a court clearance rate of 100%, additional analyses were conducted to address those particular concerns.

It is clear that the Oregon Court of Appeals is insufficiently staffed to meet its desired level of performance. In order to maintain its current level of performance, which falls short of the Court's established objectives in terms of timeliness and quality, 3.42 additional judges (above the current staffing level), 1 staff attorney and 1 law clerk are needed (shown in row A, Table 11). However, these increases simply serve to maintain the status quo, which is not currently meeting expectations. In order to address the Court's quality and timeliness concerns on an ongoing basis while continuing current practices and procedures, the Court's need would potentially increase up to an additional 13.70 judges, 6.54 judicial assistants, 11.58 staff attorneys and 15.48 law clerks would be required (shown in rows B and C, Table 11).

It must be emphasized that the largest portion of this potential increase, which is attributable to reducing the issuance of AWOP/per curiam dispositions, is presented as the probable upper range of need. Limitations in the data gathered during this study do not allow for more precise measurements and calculations. It is likely that the actual effect on judicial and staff need, for the purpose of reducing issuance of AWOP/per curiam dispositions to 50%, will be less than the amounts calculated.

These judicial and staff increases would bring the total required FTE levels to 27.12 judges, 12.54 judicial assistants, 23.09 staff attorneys and 31.38 law clerks (row D, table 11).

Finally, temporary assistance equivalent to 3.44 judges, 1.73 judicial assistants, 3.10 staff attorneys and 4.70 law clerks, over a one year period, would be needed to address the resolve the currently backlogged cases (shown in row E, Table 11).

Table 11: Summary of Resource Need Components

Component of Resource Need		Judges	Judicial Assistants	Staff Attorneys	Law Clerks
Current Judicial & Staff Need based on sustainable workload.	A) Maintains Current Performance Level	13.42	6.00	11.51	15.90
Staffing Needed to Improve COA Performance	B) Maximum Additional Need to reduce AWOP /per curiam Rate from 77% to 50%	12.53	6.02	10.58	14.10
	C) Additional Need to Sustain 100% Case Clearance Rate	1.17	0.52	1.00	1.38
	D) Total Ongoing Need (A+B+C)	27.12	12.54	23.09	31.38
Temporary Staffing Needed to Eliminate Current Backlog	E) Eliminates Current Backlog of 330 cases	3.44	1.73	3.10	4.70

However, this model is not designed to be a static product. Rather, the workload model should regularly be revised and refined, so that changes in caseload, statutory requirements, and staffing patterns and case processing procedures can be measured and related to the adequacy of existing resources.

Appendix A: Time Study Case-Specific Activities

Case-Specific Activities:

Activities related to case-specific work are listed below by activity category for each job classification type. Assignments have been made to specific people in the court to add detail about the types of activities that will be recorded in each category (where I had examples, they are included).

Judges

- 1. Prepare for oral argument**
 - *Read briefs*
 - *Pre-argument legal research*
 - *Prepare summaries of cases to be argued*
- 2. Pre/post argument conference**
- 3. Conduct oral argument**
- 4. Legal research**
 - *Conversations w/law clerks or staff attorneys about their research*
 - *Judges' own legal research*
- 5. Draft opinions and memoranda**
 - *Judges' own drafting of opinions*
 - *Draft memoranda to department*
 - *Draft memoranda to full court*
- 6. Review draft opinions and memoranda**
- 7. Department conferencing**
 - *Pre-conference discussions w/judges and staff attorneys about draft opinions*
 - *Attendance at department or full-court conference*
- 8. Finalize opinions**
 - *Review staff attorney edits and incorporate into final drafts*
 - *Incorporate final revisions in response to discussions at conference*
- 9. Review decisions and motions**
 - *Read opinions approved to go down*
 - *Confer with other judges, staff attorneys, law clerks about go-downs*
- 10. Reconsiderations**
 - *Review motions for reconsideration and responsive memoranda*
 - *Discuss w/ law clerks or staff attorneys*
 - *Review memoranda and draft opinions or orders*
- 11. Other**

Law Clerks and Staff Attorneys (also includes Appellate Commissioner and Assistant Appellate Commissioner)

- 1. Prepare for oral argument**
 - *Includes preparing bench memos or case summaries for school sittings,*
- 2. Pre/post argument conference**
 - *Includes attending pre or post argument conference; "pre pre" argument conference for Department One*
- 3. Legal research/record review**
 - *Includes discussing with peers and others before a draft has been produced; listening to oral argument recordings, reviewing trial court/agency record, reading briefs after oral argument; legal research*
- 4. Draft opinions and memoranda**
 - *Includes drafting AWOP memoranda*
- 5. Review draft opinions**
 - *Includes reviewing, nitting, and discussing department and full court draft opinions and go downs; Editorial Board activities*
- 6. Department conferences (Staff Attorneys only)**
 - *Includes **only** attending conference itself*
- 7. Finalize opinions**
 - *Includes all "go down checklist" items (e.g., cite checking, drafting summaries, etc.)*
- 8. Reconsideration.**
 - *Includes work done before decision is made to allow reconsideration (once reconsideration is allowed, enter time under 2-7 as appropriate)*
- 9. Review and decide motions**
 - *Includes work done before decision is made to write an opinion disposing of a motion (once opinion is requested, enter time under 2-7 as appropriate)*
- 10. Staff Attorney Conference**
 - *Includes only attending conference itself*
- 11. Other**

Judicial Assistants

1. Administrative

- *Preliminary, approved, and final oral argument calendar*
- *Checking in and numbering briefs (except AG/PD day)*
- *Updating oral argument calendar with changes*
- *Checking in records*
- *Copying (example...agendas)*
- *Pulling briefs, filing briefs, purging briefs*
- *Assembling and clearing judge's cart for conferences*
- *Generating agendas and other crystal reports*
- *Post-argument conf results*
- *Post-conf results*
- *Media Release*

2. Data Entry

- *Title page details*
- *AWOPS*
- *Matter activities*
- *Matter Editing*

3. Proofing

- *Nitting, checking, and reviewing opinions/AWOPs/Orders/Title Pages*

4. Publications

- *Summaries*
- *Advance Sheets*
- *Galleys*
- *Judge's black book*

Settlement Court Program

- 1. Screen and review cases**
- 2. Schedule settlement conferences**
- 3. Conduct settlement conferences**
- 4. Facilitate settlement discussions**
- 5. Other**

Non-Case Specific Activities:

Activities not specifically related to identifiable cases, but work that is expected of judges and Court staff as part of their professional duties. Leave time and other time off are also recorded here to denote when study participants are not at work. The non-case related activities are the same for all participants.

- 1. Committee participation and related work**
 - *Attending OJD committee meetings and work related to OJD committees.*
- 2. Human resource activities**
 - *Personnel-related activities.*
 - *Supervision.*
- 3. Keeping current on the law**
 - *Reading legal decisions to remain current in the law (not specific to casework).*
 - *Reading journals and other professional material.*
- 4. Attending continuing legal education**
 - *Attending job-related educational programs.*
- 5. Planning and delivering legal education**
 - *Preparing material for education programs, delivering training.*
- 6. Court-specific administrative activities**
 - *Create and maintain statistical reports, generate new studies and reports, and any other administrative work necessary for the smooth operation of the court that is not specified elsewhere. Includes preparation for and attendance at the full court conference.*
- 7. General administrative activities**
 - *Preparing and reviewing weekly media releases, reading/sending emails, telephone calls/voice mail, etc.*
- 8. Bar association/public outreach**
 - *Working with local, state, and national bar association(s). Also includes serving on non-OJD committees or groups such as Access to Justice Commission or Inn of Court.*
 - *Attending charitable activities; meeting with groups and organizations, and other work with stakeholders and individuals with an interest in the court as an institution.*
- 9. Tech support**
 - *Providing assistance on the use of computers and other equipment for the Court.*
- 10. Travel**
 - *Work-related travel NOT including commuting. If attending off-site meetings, delivering or attending training activities, please record travel time in this category.*
- 11. Leave (sick, vacation)**
 - *Any time taken during the time study period, record for the period off (e.g., four hours for a half-day, eight hours for a full day). If off for a week, enter this as eight hours each day for that week.*

12. Holiday

- *Record eight hours for Martin Luther King, Presidents' Day.*

13. Furlough Day

- *Record eight hours for all furlough days taken.*

14. Other

- *Any other non-case specific work that is not captured in the categories above.*

Appendix B: Time Study Case Types

Case Types:

Time study participants will report time within eight case type categories. The categories are listed below in bold type, with the specific case types included in each category listed in bullet format. A ninth case type, Case-Related Administration, is included for judicial assistants and staff involved with the Settlement Court Program.

1. **Administrative**
 - *Columbia Gorge Commission*
 - *Other agency/board decisions*
 - *Rule challenge*
 - *Workers' compensation decisions*
 - *Agency – Circuit Court*
 - *Other administrative*
2. **Land Use Cases**
 - *Land use decisions*
 - *Urban/rural reserves*
3. **General Civil**
 - *General Civil*
 - *Probate*
4. **Small Civil**
 - *FED*
 - *Mental commitment*
 - *Stalking*
 - *Non-traffic violation*
 - *Other civil*
5. **Domestic Relations**
 - *Adoption*
 - *Domestic relations*
 - *Domestic relations – punitive contempt*
6. **Criminal**
 - *Habeas Corpus*
 - *Post-conviction*
 - *Parole decision*
 - *Pre-trial felony – in custody*
 - *ALL traffic (criminal and civil)*
 - *Stalking CRIME*
 - *Other criminal*
7. **Juvenile**
 - *Delinquency*
 - *Dependency*
 - *Probate (juvenile matters)*
8. **Juvenile TPR**
 - *Termination of Parental Rights*
9. **Case Related Administration**
 - *All basic administrative work that is related to cases.*

Appendix C: Daily Time Logs

OREGON COURT OF APPEALS JUDGES & STAFF WORKLOAD STUDY							
DAILY TIME LOG							
CASE RELATED ACTIVITY							
Utilize Codes from CODE SHEET							
Date of Activity _____, 2010							
RECORD DATA BELOW							
CASE TYPE CODE	CASE RELATED ACTIVITY CODE	TICK MARKS FOR EACH TEN MINUTE INTERVAL			TOTAL TIME		
					HOURS	MINUTES	
NON-CASE RELATED ACTIVITY CODES							
Date of Activity _____, 2010							
1	Committee participation and related work	6	Court-specific administrative activities	11	Leave (sick, vacation)		
2	Human Resources activities	7	General administrative activities	12	Holiday		
3	Keeping current on the law	8	Bar association/ public outreach	13	Furlough Day		
4	Attending continuing legal education	9	Tech support	14	NCSC workload study project time		
5	Planning and delivering legal education	10	Travel	15	Other		
RECORD DATA BELOW							
NON-CASE RELATED ACTIVITY CODE	TICK MARKS FOR EACH TEN MINUTE INTERVAL					TOTAL TIME	
						HOURS	MINUTES

DAILY TIME LOG Code Sheet

CODE SHEET			
	CASE TYPES		CASE RELATED ACTIVITY CODES
JUDGES			
1	Administrative	1	Prepare for oral argument
2	Land Use Cases	2	Pre/post argument conference
3	General Civil	3	Conduct oral argument
4	Small Civil	4	Legal research
5	Domestic Relations	5	Draft opinions and memoranda
6	Criminal	6	Review draft opinions and memoranda
7	Juvenile	7	Department Conferencing
8	Juvenile TPR	8	Finalize opinions
		9	Review decisions and motions
		10	Reconsiderations
		11	Other
LAW CLERKS & STAFF ATTORNEYS			
1	Administrative	1	Prepare for oral argument
2	Land Use Cases	2	Pre/post argument conference
3	General Civil	3	Legal research/ record review
4	Small Civil	4	Draft opinions and memoranda
5	Domestic Relations	5	Review draft opinions and memoranda
6	Criminal	6	Department conferences (Staff Attorneys only)
7	Juvenile	7	Finalize opinions
8	Juvenile TPR	8	Reconsiderations
		9	Review and decide motions
		10	Staff Attorney Conference
		11	Other
JUDICIAL ASSISTANTS			
1	Administrative	1	Administrative
2	Land Use Cases	2	Data Entry
3	General Civil	3	Proofing
4	Small Civil	4	Publications
5	Domestic Relations		
6	Criminal		
7	Juvenile		
8	Juvenile TPR		
SETTLEMENT COURT PROGRAM			
1	Administrative	1	Screen and review cases
2	Land Use Cases	2	Schedule settlement conferences
3	General Civil	3	Conduct settlement conferences
4	Small Civil	4	Facilitate settlement conferences
5	Domestic Relations	5	Other
6	Criminal		
7	Juvenile		
8	Juvenile TPR		

Appendix D: Case Weights and Case Weight Breakdowns**Judicial Case Weight Detail**

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN
Administrative	1	Prepare for oral argument		16.14		422.76
	2	Pre/post argument conference		1.73		45.23
	3	Conduct oral argument		4.25		111.32
	4	Legal research		1.96		51.30
	5	Draft opinions		7.86		205.81
	6	Review draft opinions & memoranda		6.73		176.39
	7	Department conferencing		1.29		33.87
	8	Finalize opinions		0.36		9.55
	9	Review decisions & motions		1.33		34.71
	10	Reconsiderations		0.19		5.00
	11	Other		0.15		4.05
	Total		259	42.00	42.00	1100.00
Land Use Cases	1	Prepare for oral argument		31.00		1046.32
	2	Pre/post argument conference		4.34		146.63
	3	Conduct oral argument		9.61		324.34
	4	Legal research		7.89		266.45
	5	Draft opinions		147.37		4974.58
	6	Review draft opinions & memoranda		42.06		1419.79
	7	Department conferencing		3.39		114.60
	8	Finalize opinions		1.89		63.84
	9	Review decisions & motions		12.42		419.42
	10	Reconsiderations		3.02		102.03
	11	Other		0.00		0.00
	Total		19	263.00	263.00	8,878.00

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN
General Civil	1	Prepare for oral argument		45.65		792.80
	2	Pre/post argument conference		5.42		94.08
	3	Conduct oral argument		12.64		219.56
	4	Legal research		10.25		178.04
	5	Draft opinions		38.60		670.36
	6	Review draft opinions & memoranda		18.27		317.36
	7	Department conferencing		6.17		107.13
	8	Finalize opinions		1.42		24.65
	9	Review decisions & motions		3.25		56.51
	10	Reconsiderations		0.32		5.51
	11	Other		0.00		0.00
	Total		249	142.00	142.00	2466.00
Small Civil	1	Prepare for oral argument		7.07		124.25
	2	Pre/post argument conference		0.87		15.21
	3	Conduct oral argument		0.68		11.87
	4	Legal research		0.00		0.00
	5	Draft opinions		8.74		153.45
	6	Review draft opinions & memoranda		1.64		28.86
	7	Department conferencing		0.93		16.31
	8	Finalize opinions		0.18		3.24
	9	Review decisions & motions		0.17		2.97
	10	Reconsiderations		2.72		47.83
	11	Other		0.00		0.00
	Total	Reconsiderations	82	23.00	23.00	404.00
Domestic Relations	1	Prepare for oral argument		18.40		318.64
	2	Pre/post argument conference		3.35		58.07
	3	Conduct oral argument		6.94		120.08
	4	Legal research		13.05		225.90
	5	Draft opinions		14.08		243.77
	6	Review draft opinions & memoranda		10.67		184.75
	7	Department conferencing		2.46		42.57
	8	Finalize opinions		1.23		21.31
	9	Review decisions & motions		0.90		15.67
	10	Reconsiderations		0.39		6.72
	11	Other		1.53		26.52
	Total		114	73.00	73.00	1264.00

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN
Criminal	1	Prepare for oral argument		28.47		467.72
	2	Pre/post argument conference		2.30		37.84
	3	Conduct oral argument		3.32		54.61
	4	Legal research		3.45		56.66
	5	Draft opinions		12.14		199.38
	6	Review draft opinions & memoranda		10.68		175.43
	7	Department conferencing		3.56		58.42
	8	Finalize opinions		0.99		16.32
	9	Review decisions & motions		3.94		64.74
	10	Reconsiderations		0.41		6.69
	11	Other		0.74		12.19
	Total		1328	70.00	70.00	1150.00
Juvenile	1	Prepare for oral argument		28.96		1348.93
	2	Pre/post argument conference		5.75		267.96
	3	Conduct oral argument		6.25		291.32
	4	Legal research		1.32		61.37
	5	Draft opinions		2.02		94.11
	6	Review draft opinions & memoranda		6.81		317.30
	7	Department conferencing		1.14		53.15
	8	Finalize opinions		0.94		43.92
	9	Review decisions & motions		1.05		49.10
	10	Reconsiderations		0.75		34.82
	11	Other		0.00		0.00
	Total		86	55.00	55.00	2,562.00
Juvenile TPR	1	Prepare for oral argument		15.56		697.58
	2	Pre/post argument conference		2.18		97.76
	3	Conduct oral argument		4.82		216.24
	4	Legal research		3.96		177.64
	5	Draft opinions		73.96		3316.58
	6	Review draft opinions & memoranda		21.11		946.58
	7	Department conferencing		1.70		76.40
	8	Finalize opinions		0.95		42.56
	9	Review decisions & motions		6.24		279.63
	10	Reconsiderations		1.52		68.03
	11	Other		0.00		0.00
	Total		36	132.00	132.00	5,919.00

Staff Attorney Case Weight Detail

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN
Administrative	1	Prepare for oral argument		0.12		3.20
	2	Pre/post argument conference		1.32		34.91
	3	Legal research/record		6.84		181.25
	4	Draft opinions & memoranda		4.73		125.27
	5	Review draft opinion		5.76		152.64
	6	Department conferences		0.37		9.91
	7	Finalize opinions		2.78		73.74
	8	Reconsideration		0.93		24.79
	9	Review & decide motions		15.58		413.00
	10	Staff attorney conference		0.31		8.16
	11	Customer service & assistance		0.22		5.89
	12	Other		0.05		1.24
	Total		259	39.00	39.00	1,034
Land Use Cases	1	Prepare for oral argument		0.30		10.22
	2	Pre/post argument conference		11.86		400.33
	3	Legal research/record		38.14		1287.85
	4	Draft opinions & memoranda		50.51		1705.21
	5	Review draft opinion		74.17		2504.16
	6	Department conferences		1.51		51.11
	7	Finalize opinions		0.56		18.74
	8	Reconsideration		8.17		275.97
	9	Review & decide motions		0.91		30.66
	10	Staff attorney conference		5.60		189.09
	11	Customer service & assistance		1.82		61.33
	12	Other		0.45		15.33
	Total		19	194.00	194.00	6,550
General Civil	1	Prepare for oral argument		0.28		4.89
	2	Pre/post argument conference		2.30		40.01
	3	Legal research/record		36.31		632.29
	4	Draft opinions & memoranda		17.64		307.08
	5	Review draft opinion		24.03		418.37
	6	Department conferences		1.55		27.02
	7	Finalize opinions		1.19		20.69
	8	Reconsideration		5.67		98.78
	9	Review & decide motions		39.68		690.98
	10	Staff attorney conference		1.06		18.52
	11	Customer service & assistance		1.23		21.41
	12	Other		0.06		0.96
	Total		249	131.00	131.00	2,281

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN
Small Civil	1	Prepare for oral argument		0.00		0.00
	2	Pre/post argument conference		1.15		19.98
	3	Legal research/record		1.92		33.38
	4	Draft opinions & memoranda		3.91		67.98
	5	Review draft opinion		3.08		53.60
	6	Department conferences		0.41		7.07
	7	Finalize opinions		0.87		15.11
	8	Reconsideration		0.77		13.40
	9	Review & decide motions		8.40		145.95
	10	Staff attorney conference		0.24		4.14
	11	Customer service & assistance		0.20		3.41
	12	Other		0.06		0.97
	Total		82	21.00	21.00	365.00
Domestic Relations	1	Prepare for oral argument		0.36		6.29
	2	Pre/post argument conference		0.46		8.04
	3	Legal research/record		28.32		490.06
	4	Draft opinions & memoranda		30.69		530.95
	5	Review draft opinion		11.41		197.49
	6	Department conferences		1.02		17.65
	7	Finalize opinions		0.37		6.47
	8	Reconsideration		3.62		62.57
	9	Review & decide motions		7.32		126.71
	10	Staff attorney conference		0.62		10.66
	11	Customer service & assistance		1.59		27.44
	12	Other		0.21		3.67
	Total		114	86.00	86.00	1,488
Criminal	1	Prepare for oral argument		5.77		94.78
	2	Pre/post argument conference		0.98		16.01
	3	Legal research/record		15.33		251.63
	4	Draft opinions & memoranda		15.60		256.04
	5	Review draft opinion		14.85		243.77
	6	Department conferences		1.30		21.37
	7	Finalize opinions		0.74		12.11
	8	Reconsideration		0.71		11.60
	9	Review & decide motions		13.12		215.31
	10	Staff attorney conference		1.12		18.40
	11	Customer service & assistance		0.25		4.04
	12	Other		0.24		3.92
	Total		1,328	70.00	70.00	1,149

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN
Juvenile	1	Prepare for oral argument		0.25		11.68
	2	Pre/post argument conference		1.47		67.67
	3	Legal research/record		7.13		329.09
	4	Draft opinions & memoranda		4.78		220.53
	5	Review draft opinion		8.21		378.74
	6	Department conferences		0.58		26.77
	7	Finalize opinions		4.53		208.84
	8	Reconsideration		2.04		93.95
	9	Review & decide motions		17.89		825.64
	10	Staff attorney conference		0.80		37.00
	11	Customer service & assistance		0.01		0.49
	12	Other		0.32		14.60
	Total		86	48.00	48.00	2,215
Juvenile TPR	1	Prepare for oral argument		0.15		6.81
	2	Pre/post argument conference		5.93		266.90
	3	Legal research/record		19.07		858.64
	4	Draft opinions & memoranda		25.25		1136.90
	5	Review draft opinion		37.08		1669.57
	6	Department conferences		0.76		34.07
	7	Finalize opinions		0.28		12.49
	8	Reconsideration		4.09		183.99
	9	Review & decide motions		0.45		20.44
	10	Staff attorney conference		2.80		126.07
	11	Customer service & assistance		0.91		40.89
	12	Other		0.23		10.22
	Total		36	97.00	97.00	4,367

Law Clerks Case Weight Detail

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN	
Administrative	1	Prepare for oral argument		6.39		167.75	
	2	Pre/post argument conference		2.73		71.54	
	3	Legal research/record review/attending oral		34.36		901.93	
	4	Draft opinions & memoranda		46.28		1214.83	
	5	Review draft opinion		3.61		94.66	
	7	Finalize opinions		11.73		308.04	
	8	Reconsideration		2.26		59.36	
	9	Review & decide motions		7.11		186.64	
	11	Customer service & assistance		0.50		13.11	
	12	Other		0.04		1.14	
	Total		259	115.00	115.00	3,019.00	3,019
	Land Use Cases	1	Prepare for oral argument		11.60		391.81
2		Pre/post argument conference		14.77		499.14	
3		Legal research/record review/attending oral		35.70		1206.11	
4		Draft opinions & memoranda		80.62		2723.96	
5		Review draft opinion		37.82		1277.66	
7		Finalize opinions		108.56		3667.72	
8		Reconsideration		6.15		207.83	
9		Review & decide motions		1.41		47.70	
11		Customer service & assistance		1.66		56.22	
12		Other		0.71		23.85	
Total			19	299.00	299.00	10,102.00	10,102
General Civil		1	Prepare for oral argument		15.01		260.20
	2	Pre/post argument conference		9.37		162.40	
	3	Legal research/record review/attending oral		73.22		1269.48	
	4	Draft opinions & memoranda		62.56		1084.63	
	5	Review draft opinion		9.40		163.04	
	7	Finalize opinions		22.57		391.34	
	8	Reconsideration		6.17		106.93	
	9	Review & decide motions		12.67		219.64	
	11	Customer service & assistance		1.18		20.52	
	12	Other		0.86		14.83	
	Total		249	213.00	213.00	3,693.00	3,693
	Small Civil	1	Prepare for oral argument		0.59		10.48
2		Pre/post argument conference		1.44		25.59	
3		Legal research/record review/attending oral		9.47		168.91	
4		Draft opinions & memoranda		2.09		37.29	
5		Review draft opinion		3.01		53.62	
7		Finalize opinions		0.33		5.85	
8		Reconsideration		0.31		5.61	
9		Review & decide motions		0.64		11.46	
11		Customer service & assistance		0.08		1.46	
12		Other		0.04		0.73	
Total			82	18.00	18.00	321.00	321
Domestic Relations		1	Prepare for oral argument		1.21		20.96
	2	Pre/post argument conference		4.45		76.87	
	3	Legal research/record review/attending oral		80.64		1392.89	
	4	Draft opinions & memoranda		88.26		1524.61	
	5	Review draft opinion		10.58		182.74	
	6	Department conferences (staff attorneys only)		0.00		0.00	
	7	Finalize opinions		0.05		0.87	
	8	Reconsideration		4.30		74.25	
	9	Review & decide motions		9.59		165.62	
	10	Staff attorney conference		0.00		0.00	
	11	Customer service & assistance		1.15		19.92	
	12	Other		0.77		13.28	
Total		114	201.00	201.00	3,472.00	3,472	

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN	
Criminal	2	Pre/post argument conference		4.65		75.64	
	3	Legal research/record review/attending oral		30.52		496.87	
	4	Draft opinions & memoranda		37.07		603.48	
	5	Review draft opinion		10.58		172.25	
	7	Finalize opinions		7.05		114.78	
	8	Reconsideration		2.23		36.31	
	9	Review & decide motions		4.28		69.61	
	11	Customer service & assistance		0.43		7.05	
	12	Other		0.19		3.02	
	Total		1328	97.00	97.00	1,579.00	1,579
	Juvenile	1	Prepare for oral argument		0.18		8.27
2		Pre/post argument conference		4.79		220.98	
3		Legal research/record review/attending oral		41.90		1931.40	
4		Draft opinions & memoranda		23.01		1060.62	
5		Review draft opinion		3.36		154.78	
7		Finalize opinions		12.08		556.84	
8		Reconsideration		1.97		91.02	
9		Review & decide motions		3.89		179.12	
11		Customer service & assistance		0.60		27.74	
12		Other		0.22		10.22	
Total			86	92.00	92.00	4,241.00	4,241
Juvenile TPR		1	Prepare for oral argument		5.82		261.22
	2	Pre/post argument conference		7.41		332.77	
	3	Legal research/record review/attending oral		17.91		804.11	
	4	Draft opinions & memoranda		40.45		1816.06	
	5	Review draft opinion		18.97		851.81	
	7	Finalize opinions		54.46		2445.27	
	8	Reconsideration		3.09		138.56	
	9	Review & decide motions		0.71		31.80	
	11	Customer service & assistance		0.83		37.48	
	12	Other		0.35		15.90	
	Total		36	150.00	150.00	6,735.00	6,735

Judicial Assistants Case Weight Detail

CASE TYPE	ACTIVITY	DISPOSITIONAL DECISIONS	AWOP/ PER CURIAM CASE WT	AWOP/ PER CURIAM CASE WT BREAKDOWN	WRITTEN DECISION CASE WT	WRITTEN DECISION CASE WT BREAKDOWN
Administrative	1	Administrative			2.62	71.73
	2	Data entry			1.066	29.252
	3	Proofing			2.982	81.790
	4	Publications			0.336	9.229
	Total		259	7.00	7.00	192.00
Land Use Cases	1	Administrative			9.20	312.05
	2	Data entry			6.584	223.386
	3	Proofing			23.899	810.834
	4	Publications			1.318	44.730
	Total		19	41.00	41.00	1391.00
General Civil	1	Administrative			4.55	78.31
	2	Data entry			3.808	65.578
	3	Proofing			8.403	144.720
	4	Publications			1.242	21.388
	Total		249	18.00	18.00	310.00
Small Civil	1	Administrative			4.53	80.90
	2	Data entry			1.163	20.791
	3	Proofing			1.917	34.265
	4	Publications			0.394	7.043
	Total		82	8.00	8.00	143.00
Domestic Relations	1	Administrative			1.75	29.16
	2	Data entry			2.108	35.140
	3	Proofing			4.791	79.854
	4	Publications			0.351	5.850
	Total		114	9.00	9.00	150.00
Criminal	1	Administrative			3.36	55.56
	2	Data entry			1.999	33.067
	3	Proofing			5.215	86.283
	4	Publications			0.429	7.092
	Total		1,328	11.00	11.00	182.00
Juvenile	1	Administrative			2.30	105.30
	2	Data entry			3.214	147.205
	3	Proofing			3.319	152.007
	4	Publications			1.168	53.489
	Total		86	10.00	10.00	458.00
Juvenile TPR	1	Administrative			4.71	207.96
	2	Data entry			3.372	148.870
	3	Proofing			12.241	540.362
	4	Publications			0.675	29.809
	Total		36	21.00	21.00	927.00
Case Related Administration	1	Administrative			9.62	291.01
	2	Data entry			5.255	158.955
	3	Proofing			0.721	21.814
	4	Publications			0.404	12.224
	Total		2,173	16.00	16.00	484.00