

Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

March 8, 2021

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: The Judicial Council
FROM: Clayson Quigley, Court Services Director
RE: Weighted Caseload Report Feedback

After our discussion at the last Council meeting I presented to the various boards and committees most impacted by the Weighted Caseload Reports. In my presentation I reviewed the NCSC's report and recommendations as well as the summary of my proposal. Overall, my impression was that the boards have greater confidence in our Weighted Caseload and generally support the proposal for implementing the recommendations and further studying the issues highlighted in the NCSC report. I have attached the feedback I received from each of the boards.

The Board of Justice Court Judges raised concerns about the report not including Justice Court specific caseload reports. However, the methodology validated by the NCSC is the same used for the Justice Court analyses. The Justice Court Report does have a different formula for determining judicial hours because of the unique structure of the Justice Courts. Should the council choose to study the judicial standard year formula, significant attention would be given to this matter. This is an important tool Justice Court Judges use to help negotiate salaries with their city officials.

The Clerks of Court also noted that the report did not directly concern their group. They agreed generally with the recommendations and acknowledged that in many ways they are doing the things the judicial weighted caseload falls short of doing. For example, by rule they have an expert panel that meets regularly to review and revise the Clerical Weighted Caseload. They also have a detailed methodology with accompanying documentation of their surveys and other key documents. The Clerks of Court did express that if the Judicial Standard Year Formula is studied, so should the formula for deciding clerical availability. Also, the Clerks of Court asked that representatives of the Clerks of Court be included on the expert panels. I agree with this wholly and support their representation on those committees. The perspectives and assistance from the Clerks of Court was key to the recent Juvenile Court Judicial Weighted Caseload.

Across the board, there is overwhelming support for the use of a three year average when determining judicial and clerical need.

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efficient, and independent system for the advancement of justice under the law.**

UTAH SUPREME COURT

Matthew B. Durrant
Chief Justice
Thomas R. Lee
Associate Chief Justice
Deno Himonas
Justice
John Pearce
Justice
Paige Petersen
Justice

Utah Appellate Courts

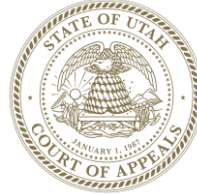
Nicholas Stiles
Appellate Courts Administrator

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UTAH COURT OF APPEALS

Michele M. Christiansen Forster
Presiding Judge
Jill M. Pohlman
Associate Presiding Judge
Kate Appleby
Senior Judge
David N. Mortensen
Judge
Ryan M. Harris
Judge
Diana Hagen
Judge
Gregory K. Orme
Judge

Nicole I. Gray
Clerk of Court



Lisa A. Collins
Clerk of Court

Date: March 3, 2021
To: Utah Judicial Council
From: Nicholas Stiles
Subject: NCSC Weighted Caseload Informal Comment

On February 22, 2021 Clayson Quigley reported to the Judicial Council on the NCSC Weighted Caseload Report. The Judicial Council requested he provide the NCSC Report to each board of judges and provide any feedback to the Judicial Council at the March 12, 2021 meeting.

Due to the expedited timeframe the report was presented to the Appellate Court Board by email. The general consensus of the Appellate Court Board is below.

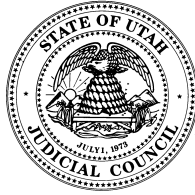
- Members support implementing the three-year average as recommended.
- Members appreciate the Council providing an opportunity to offer feedback, however do not have an opinion on the remaining aspects of the NCSC Report.

Respectfully,

Nicholas Stiles

Nicholas Stiles

Appellate Court Administrator



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

March 4, 2021

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

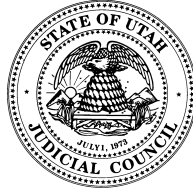
FROM: The Board of District Court Judges

RE: Judicial Weighted Caseload Recommendations

Mr. Clayson Quigley, Court Services Director, presented the National Center for State Courts report and accompanying recommendations regarding Judicial Weighted Caseloads to the Board of District Court Judges on February 19, 2021. Based on the information presented and the discussion held at this meeting, the Board of District Court Judges recommends that the following objectives be supported by the Judicial Council and implemented as soon as practical. In addition, to the extent expert panels are created to help guide the judicial weighted caseload process, the Board of District Court Judges requests that the District Bench has significant involvement.

1. Use a three year average of case filings when determining judicial need.
2. Revisit the standard judicial year.
3. Validate hearing times captured in the case management system through observation of court recordings.
4. Establish expert panels to review weighted caseload changes and reports annually.
5. Update a few case weights each year instead of waiting several years then updating all the case weights.
6. Improve survey instructions.

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Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

February 25, 2021

Hon. Mary T. Noonan
Interim State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council, Utah State Courts
FROM: Michael F. Leavitt, Chair, Board of Juvenile Court Judges
RE: Weighted Caseload Analysis

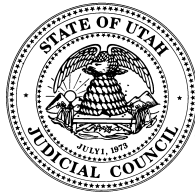
The Board of Juvenile Court Judges has reviewed the National Center for State Courts' A Review of Utah's Juvenile and District Judicial Weighted Caseload Formula Methodology and Clayson Quigley's Response to the NCSC's Weighted Caseload Analysis. After discussion at our February 12, 2021 meeting, the Board unanimously approved Mr. Quigley's proposal to incorporate the recommendations.

In particular, the Board notes the NCSC's general approval of the methods used in the 2019 weighted caseload study. As the council is aware, the juvenile bench was extremely concerned about the apparent disconnect between the workloads calculated by the pre-2019 formula, which showed the juvenile bench to be overstaffed, and the judges' own perception of their workloads. In spite of that disconnect, the juvenile court has willingly taken on district court duties and supported the elimination of one juvenile court judgeship in favor of a district court one.

The results of the 2019 reassessment appeared to have confirmed our judges' estimation relative to the time they are spending at work. Even still, the Board supported the AOC's decision to have our methodology audited by the NCSC. Having completed the audit, it appears the NCSC has found that the methodology used in 2019 was largely appropriate, and by extension, the results largely accurate.

As such, the Board of Juvenile Court Judges endorses Mr. Quigley's proposal and looks forward to an updated report on our weighted caseloads per the 2019 study but including the NCSC recommendations.

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Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Jim Peters, Staff to the Board of Justice Court Judges

DATE: March 5, 2021

RE: Judicial Weighted Caseload

On Friday, February 26, 2021, Clayson Quigley met with the Board of Justice Court Judges to discuss *A Review of Utah's Juvenile and District Court Judicial Weighted Caseload Formula Methodology*, prepared by the National Center for State Courts, and a memo and executive summary that Mr. Quigley drafted to respond to the National Center's recommendations. All documents were provided in advance of the meeting.

The discussion that day and since has highlighted the Board's concern that the National Center did not consider the unique circumstances of the justice courts in making its recommendations. But the dialogue has begun, and it will continue at the Board's next meeting. Until then, there has not been sufficient time for the Board to reach a consensus as to whether the changes proposed by the National Center and Court Services adequately account for the differences between justice courts and other court levels. The Board looks forward to working further with Court Services to address its questions and resolve its concerns.

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MEMORANDUM

To: Members of the Judicial Council

From: Trial Court Executives

Re: National Center for State Courts Recommendations for Weighted Caseload Methodology

Date: March 5, 2021

The Trial Court Executives would like to thank the Judicial Council for allowing us to provide feedback to the National Center for State Courts (NCSC) review of the Utah Court's Methodology of the annual weighted caseload. We had an opportunity to meet with the Clerks of Court to discuss the recommendations made by NCSC and we would like to submit the following.

1. Use a three year average of case filings when determining judicial need.

We are very supportive of this recommendation. A discussion was held about using a 5 year average, but we feel that the 3 year will serve the needs of the annual weighted caseloads.

2. Revisit the judicial standard year.

We feel that this issue is best decided by the Judicial Council. The judicial standard year has been determined by the Judicial Council and there are many factors that warrant consideration. In the clerical weighted caseload study the standard year is reviewed annually by the committee. We receive input from the HR Department regarding the number of annual and sick days used by the clerical department. Similar information may not be available for judges.

3. Validate hearing times captured in the case management system through observation of court recordings.

We had an opportunity to discuss the time-in-motion vs. delphi method. We recommend continuing to use the delphi method supplemented by the observation of court recordings. This has been used at times in the clerical weighted caseload study and has been an excellent tool to verify the established weights. We recommend using the time-in-motion method as an effective way to validate the delphi method.

4. Establish expert panels to review weighted caseload changes and reports annually.

The clerical weighted workload committee is established by Court Rule. This committee meets often during the year to review case filings, case weights, survey tools, and methods to administer surveys. We agree and support this recommendation. We believe that the other caseloads would benefit from having committees established to review and make recommendations for the caseload changes.

5. Update a few case weights each year instead of waiting several years and then updating all the case weights.

We strongly support reviewing various case weights annually. Reviewing a few weights annually will allow caseloads to be more responsive with legislative and rule changes. This process will likely decrease the likelihood of periodic large swings in the data by providing opportunities for smaller, more frequent corrections. Court Services may need additional resources to support the increase in workload committees.

6. Improve survey instructions.

We support this recommendation. The clerical weighted survey has been used multiple times and presented in person with a powerpoint to help survey takers understand the survey. As we move to more remote presentations of survey materials, the instructions should be clear. We recommend using focus groups to review the instructions to help ensure the instructions are clear.