

Budget Request for Two Commissioners in Third District

Supplemental Analysis

August 18, 2021

Fiscal Year (FY) 21 Report

The current District Judicial Weighted Caseload methodology has been in place since 2017. The FY21 District Judicial Weighted Caseload report indicates an overall statewide need for .60 district court judges including the need for 1.9 district court judges in the Third District.

Multi-Year Data

The multi-year District Judicial Weighted Caseload information indicates the Third District has shown a need for judicial officers since at least FY16. In response to the need judicial resources identified in Judicial Weighted Caseload Studies, one district judge was added to the Third District Court in FY18 and two more judges were added in FY19. While the total judicial need has decreased as judicial officers have been added, the workload study continues to indicate additional judicial resources are needed in the third district.

Chart 1 shows a historical need for additional judicial resources in the third district in the last five District Judicial Weighted Caseload Studies.

Chart 1

District	FY 16		FY 17		FY 18		FY 19		FY 21	
	1 Year Data		1 Year Data		1 Year Data		1 Year Data		3 Year Average	
	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	4.3	0.9	4.3	0.4	4.3	-0.2	4.3	0.1	4.6	0.3
2	16.7	1.5	16.7	1.1	16.7	0.7	16.7	0.5	16.4	0.7
3	33.0	-5.1	33.0	-5.6	34	-6.7	36	-3.7	36.0	-1.9
4	14.5	1.0	14.5	-0.8	14.8	-1.2	14.8	-0.9	15.0	-0.2
5	5.0	-1.5	6.0	-0.6	6.0	-1.2	6.0	-1.0	7.0	0.0
6	2.0	0.0	2.0	-0.1	2.0	-0.1	2.0	-0.2	2.0	-0.2
7	3.0	0.8	3.0	0.9	3.0	0.9	3.0	0.7	3.0	0.7
8	3.0	-0.1	3.0	-0.3	3.0	-0.3	3.0	0.0	3.0	0.0
Statewide	81.5	-2.5	82.5	-4.9	83.5	-8.0	85.8	-4.4	87.0	-0.6

*Figures for FY20 are not included since a final report was not published in that year due to the pandemic and the NCSC review.

The FY21 data in Chart 1 represents the judicial workload based on a three-year average and FY16 – FY19 represents workload based on one year of data. As noted in the FY21 Final Weighted Caseload Reports, the following Case Filings or Events with the greatest overall impact on the reduction in sum of hours needed compared to the last published results include: Drug Court, State Felony, Other Misdemeanor, Contracts, and Paternity. This is due to a combination of the relatively high weight placed on these particular case types or events and the decrease in filings of these particular case types or events.

Need Analysis

Based on the FY21 District Judicial Weighted Caseload report there is a need for judicial officers in the Third District (1.9), Fourth District (.2) and Sixth District (.2). At the same time, the report indicates there are potential judicial resources available in the First, Second, and Seventh Judicial Districts. In the end, the District Judicial Weighted Caseload report shows an overall statewide need of .6 district judicial officers. While the number of judicial officers needed per the weighted caseload report is important to consider, the need should also be evaluated relative to the total number of judicial officers in the district.

Chart 2 illustrates the “Need vs. Excess” per district court judge in each judicial district according to the FY21 District Judicial Weighted Caseload report.

Chart 2

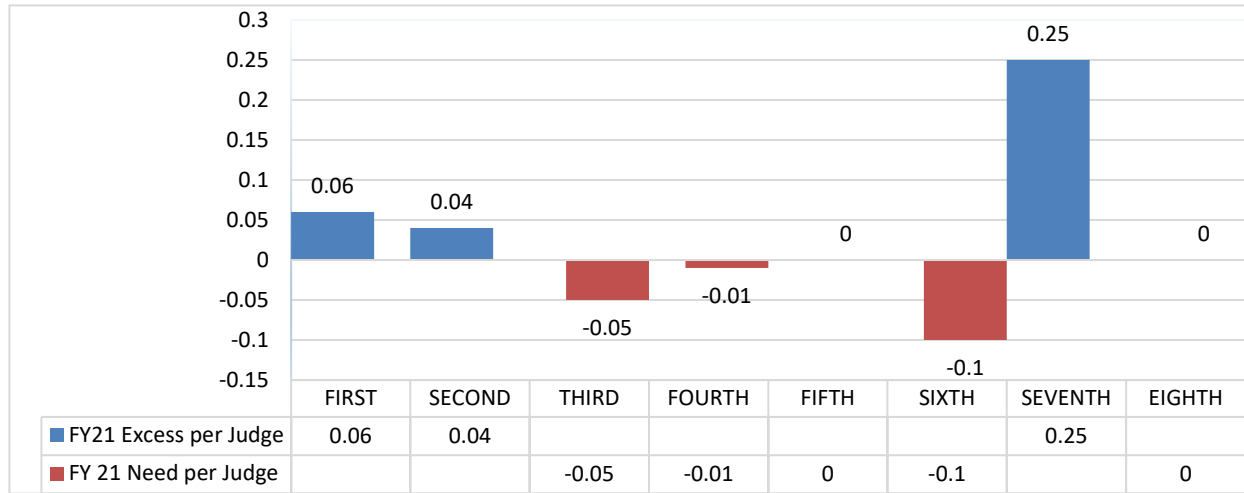


Chart 3 depicts the workload burden on each individual judge in the district.

Chart 3

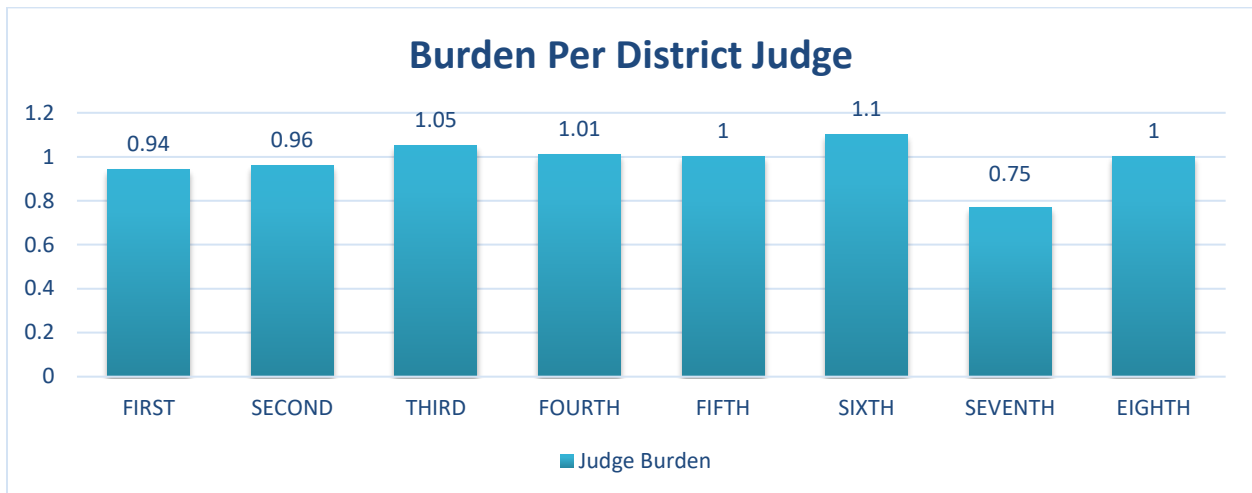
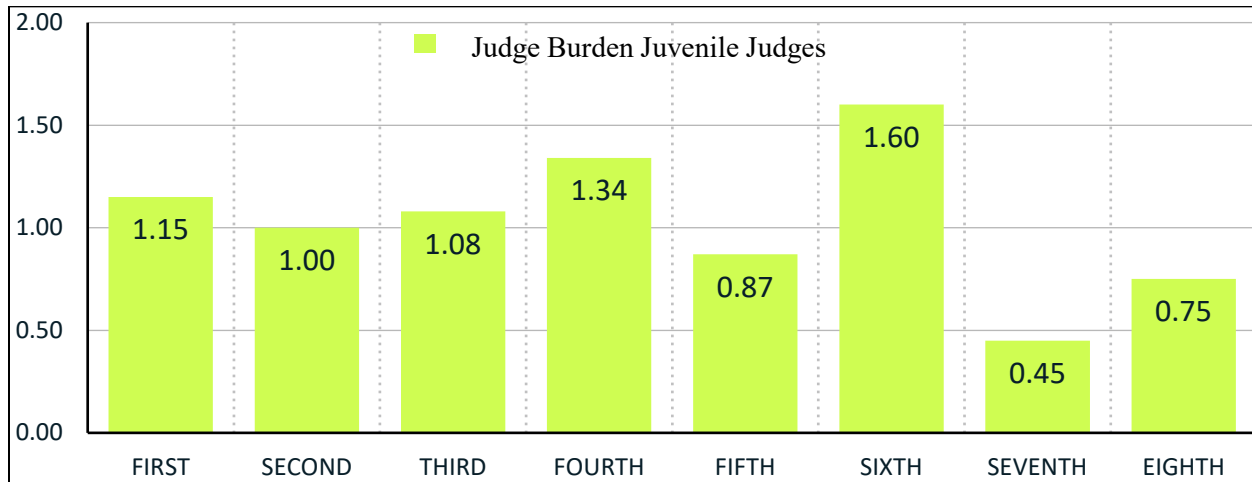


Chart 4 provides a similar analysis of the need, excess, and burden per judge among the juvenile court judges and helps illustrate a statewide picture when considering the overall need for judicial officers per the FY21 Judicial Weighted Caseload reports (see Appendix).

Chart 4



Other Factors to Consider

As reflected in the multi-year District Judicial Weighted Workload study, the data continues to show judicial need in the third district. In FY19 (pre-pandemic) the workload study indicated a need for 3.7 judicial officers in the third district. The judicial need indicated in the FY21 study dropped to 1.9 judicial officers. A fifty percent reduction in anticipated need from the previous report which can largely be attributed to a significant decrease in filings as a result of the Covid19 Pandemic.

The Third District submitted a creative and seemingly cost-effective solution to fill the need for judicial officers. If the Third District's request for two commissioners is approved the Judicial Council may assign these court commissioner positions in the Third District to address criminal matters per the following statutes:

- [78A-5-107\(8\)\(a\)](#) says "The Judicial Council shall make uniform statewide rules defining the duties and authority of court commissioners for each level of court they serve."
- [78A-5-107\(2\)\(b\)](#) says "The Judicial Council may assign court commissioners appointed under this section to serve in one or more judicial districts."

Alternative Solutions and Implications

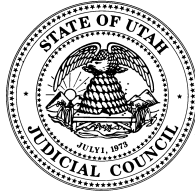
If the request for two commissioners in the third district is not approved the following alternative measures could be implemented to mitigate the need for additional judicial officers.

1. There may be opportunities to work with other districts where the District Judicial Weighted Workload indicates there may be judicial resources that could help with coverage in the First Appearance Court (FAC). For example, the FY21 workload report indicates that the first, second and seventh districts may have judicial resources available to assist. After more in-depth analysis, if other districts are found to have judicial resources that can be utilized to hear some of the FAC matters remotely, that could free up third district court judges to attend to other needs.
2. Senior judges may be a resource to help with coverage. From a cost analysis perspective, this option will need more in-depth investigation to determine if it will require additional funding for senior judges.

Practical and Logistical Limitations:

- Coverage by other district court judges outside the third district or senior judge assistance will likely require additional judicial assistant resources.
- Coverage by other district court judges outside the third district or senior judge assistance may present scheduling issues for attorneys assigned to FAC.
- One of the important driving factors in the proposal is that the FAC is not an efficient use of judicial resources since less-costly commissioners can cover the FAC. Using senior judges or judges from other districts doesn't achieve that goal.
- As outlined in the third district request, having two dedicated criminal commissioners would result in consistency in FAC practices which is an access to justice/fairness consideration that is not mitigated by either of the alternative solutions above. In fact, having other district judges or senior judges help will further complicate the process and will not be conducive to increasing consistency in FAC practices.

Appendix



Administrative Office of the Courts

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

August 10, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Members of the Management Committee of the Judicial Council,

**CC: Ron Gordon, State Court Administrator;
Cathy Dupont, Deputy State Court Administrator;
Shane Bahr, District Court Administrator;
Neira Siaperas, Juvenile Court Administrator,
Trial Court Executives;
Clerks of Court;
Chief Probation Officers**

FROM: Paul Barron, Applications Services Manager

RE: FY21 Final Weighted Caseload Reports

Each year the Court Data Team prepares the reports that informs the judicial and clerical staffing needs for the State of Utah Judiciary. The information is compiled using methodology developed by committees for each weighted caseload: District, Juvenile and Justice Judicial, and District and Juvenile Clerical. The Weighted Caseloads represent the needed judicial or clerical resources relative to the available judicial or clerical resources. The need is calculated in terms of certain case filings or events multiplied by the weights or hours needed to complete the tasks for those filings or events. For District and Juvenile Courts, an interim report is provided in May and the final report is provided in August.

Below are the FY21 Final Weighted Caseload Reports for the District and Juvenile Judicial and the Clerical Weighted Caseloads. This report will be presented to the Management Committee for discussion at a meeting in the near future.

These reports were prepared using a 3 year average (3YA) of case filings or events, while in previous years, only the prior fiscal year's counts were used. This change was implemented for the FY21 Interim Report at the recommendation of the National Center for State Courts (NCSC)

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

according to their best practices, and helps moderate the effects of any single year being especially high or low for case filings or events.

The 3YA for the FY21 Final Reports was calculated using case filings from July 1, 2018 to June 30, 2021, in one year intervals (FY19, FY20, and FY21). The interim report prepared in May used the 3YA of case filings from April 1, 2018 – March 31, 2021, also in one year intervals. As expected, this slight shift in time frame resulted in a slight change in the overall Judicial and Clerical needs. Replacing the April 1, 2018 – June 30, 2018 counts, which was a relatively high quarter for case filings, with the April 1, 2021 – June 30, 2021 counts, which was a particularly low quarter for case filings, resulted in a lower overall 3YA of case filings than was used for the FY21 Interim Report. Since the start of the pandemic in March 2020, the courts have seen an overall decrease in case filings.

Previously reported findings are included in the tables for District and Juvenile Judicial Weighted Caseloads to show the change over time. Note that prior years' results were not prepared using a 3YA but reflect the caseloads of a single fiscal year. Additionally, no figures were included in the charts for FY20 since a final report was not published in that year due to the pandemic and the NCSC review.

District Court Judicial Weighted Caseload:

Statewide, the District Judicial Weighted Caseload (DJWCL) shows relatively balanced Judicial staffing with a statewide understaffing of less than one full Judicial Officer (-0.6). This went down slightly from the interim report which showed a Statewide need of just over one Judicial Officer (-1.3). This slight decrease was expected because of the shift of the time frame to include less pre-pandemic time with higher filing counts, and more pandemic time with lower filing counts. As intended, the 3YA did help temper those effects, as the filings for FY21 were the lowest of the three years used.

The individual needs of each district varies, with the greatest staffing need in the Third District showing a need of just under two Judicial Officers (-1.9). No other district exceeds a need or overstaffing of more than one judge. Three districts show some slight understaffing, three districts indicate slight overstaffing and the remaining two districts indicate no need.

In reviewing the detail for District Court, the following Case Filings or Events with the greatest overall impact on the reduction in sum of hours needed compared to the last published results include: Drug Court, State Felony, Other Misdemeanor, Contracts, and Paternity. This is due to a combination of the relatively high weight placed on these particular case types or events and the decrease in filings of these particular case types or events.

District Court Judicial Weighted Caseload

FY21 - 3YA of Cases/Events Filed July 1 - June 30 in 2019, 2020, 2021

Weighted Case - Total Hours Needed (Sum of (Wghts x Cases & Events))						
District	FY16	FY17	FY18	FY19	FY21	% Change
1	5,130	5,947	6,763	6,298	6,462	3%
2	23,182	23,803	24,388	24,775	23,963	-3%
3	58,515	59,222	62,542	60,936	58,278	-4%
4	20,565	23,211	24,267	23,773	23,061	-3%
5	9,751	9,817	10,724	10,484	10,528	0%
6	2,698	2,814	2,866	2,950	2,978	1%
7	3,123	3,000	3,039	3,376	3,332	-1%
8	4,255	4,602	4,593	4,100	4,164	2%
State	127,218	132,415	139,183	136,692	132,766	-3%

Caseload as % of Standard (Total Hrs. Needed / Total Avail. Hrs.)						
District	FY16	FY17	FY18	FY19	FY21	% Change
1	79%	91%	104%	97%	93%	-3%
2	91%	93%	96%	97%	96%	-2%
3	115%	117%	120%	110%	105%	-4%
4	93%	105%	108%	106%	101%	-4%
5	130%	109%	119%	117%	101%	-14%
6	99%	103%	105%	108%	109%	1%
7	72%	69%	70%	78%	77%	-1%
8	103%	111%	111%	99%	101%	2%
State	103%	106%	110%	105%	101%	-4%

Judicial Officers Needed (Total Hrs. Needed / Avail. Hrs. per Judicial Officer)							
District	FY16	FY17	FY18	FY19	FY21	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	3.4	4.0	4.5	4.2	4.3	4.6	0.3
2	15.4	15.8	16.2	16.2	15.7	16.4	0.7
3	38.9	39.4	41.6	39.7	37.9	36.0	-1.9
4	13.7	15.4	16.1	15.7	15.2	15.0	-0.2
5	6.5	6.5	7.1	7.0	7.0	7.0	0.0
6	1.8	1.9	1.9	2.2	2.2	2.0	-0.2
7	2.1	2.0	2.0	2.3	2.3	3.0	0.7
8	2.8	3.1	3.1	3.0	3.0	3.0	0.0
State	84.6	88.1	92.6	90.2	87.6	87.0	-0.6

Juvenile Judicial Weighted Caseload:

The Juvenile Judicial Weighted Caseload (JJWCL) shows significant changes from the last report prepared in 2019. This is due to a significant overhaul to the case weights that was conducted in 2020. Upon request of the Juvenile Bench, a committee was created to review and assess the case weights used in this report. The last time extensive changes were made to the Juvenile Weighted Caseload report was over 10 years ago in 2010. As a result of legislative and practice changes since 2010, the Bench believed the report inaccurately reflected the hours needed to complete their work.

The changes to the Juvenile Judicial Weighted Caseload included the addition of new case types and the review of several different hearings and event types resulting in new case weights on all case types. Additionally, the committee surveyed judges about their travel time and made adjustments to the travel time allotted in each district. Overall, the changes reflect an increase in workload compared to previous years, especially in the years following implementation of HB239 in 2017. This highlights the judges' concern that after HB239 the report no longer represented their work accurately.

Overall, the FY21 Final report shows a need of 1.6 juvenile court judges statewide, whereas the interim report showed a need of 1.4 statewide. The Fourth District shows the greatest need at 1.7 judges. No other district shows a need or overstaffing of more than one judge.

In addition, the Board of Juvenile Judges requested to note the time that the Juvenile Bench in each district spends on district court cases and related work. Five of the eight districts reported that they spend between five and twenty-five percent of their time in district court. Although this may seem to increase the judicial need in the juvenile court, it should not be added to the final need of 1.6 judges. This is due to the juvenile weighted caseload only calculating and representing time spent in the juvenile court. Only the Seventh and Eighth Districts show they have the capacity to perform this work. In addition, the time spent in district court is not weighted or computed.

Juvenile Court Judicial Weighted Caseload						
Calculated using a 3 year average for July 1, 2018 - June 30, 2021						
Weighted Case - Total Hours Needed <i>(Sum of (Wghts x Refrls. & Events))</i>						
District	FY16	FY17	FY18	FY19	FY21	% Change
1	2,626	2,658	2,664	1,955	3,284	68%
2	9,094	8,706	8,570	8,054	9,028	12%
3	14,345	15,756	15,143	12,470	14,596	17%
4	9,210	9,247	8,650	6,459	9,151	42%
5	3,660	3,431	3,373	2,924	3,560	22%
6	888	902	910	727	1,663	129%
7	2,219	2,560	2,060	1,538	1,476	-4%
8	2,251	2,385	1,926	1,693	1,948	15%
State	44,294	45,644	43,297	35,820	44,705	25%
Caseload as % of Standard <i>(Total Hrs.Needed / Total Avail. Hrs.)</i>						
District	FY16	FY17	FY18	FY19	FY21	% Change
1	90%	91%	91%	67%	115%	72%
2	100%	96%	95%	89%	101%	13%
3	86%	94%	100%	82%	108%	31%
4	139%	114%	113%	84%	134%	59%
5	82%	76%	75%	65%	86%	32%
6	75%	76%	77%	61%	158%	158%
7	82%	95%	76%	57%	55%	-3%
8	93%	99%	80%	70%	77%	11%
State	96%	96%	95%	78%	105%	34%

Judicial Officers Needed <i>(Total Hrs.Needed / Avail.Hrs. per Judicial Officer)</i>							
District	FY16	FY17	FY18	FY19	FY21	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	1.8	1.8	1.8	1.3	2.3	2.0	-0.3
2	6.0	5.8	5.7	5.3	6.0	6.0	0.0
3	9.4	10.4	10.0	8.2	9.7	9.0	-0.7
4	6.2	6.3	5.9	4.4	6.7	5.0	-1.7
5	2.4	2.3	2.3	2.0	2.6	3.0	0.4
6	0.8	0.8	0.8	0.6	1.6	1.0	-0.6
7	1.6	1.9	1.5	1.1	1.1	2.0	0.9
8	1.9	2.0	1.6	1.4	1.5	2.0	0.5
State	30.2	31.1	29.5	24.4	31.6	30.0	-1.6

*The Juvenile Judicial Weighted Caseload is calculated on work that juvenile court judges do in juvenile court only.

District Reported Effort by Juvenile Judges		
District	Time Spent in District Ct. (%)	Positions performing District Ct. Work
1	5%	-0.1
3	12%	-1.1
6	20%	-0.2
7	25%	-0.5
8	20%	-0.4

Clerical Weighted Caseload:

The Clerical Weighted Caseload (CWCL) includes District and Juvenile courts due to the dual nature of several of the smaller districts. In those districts, the court needs are combined as staff may be assigned to work in both Juvenile and District courts.

Due to the pandemic and the review by the NCSC, this report was also paused in FY20 and so was the work of the CWCL Committee. Prior to the pause, the Committee made a decision to eliminate the Case Managers (CM) and Team Managers (TM) from being considered as available resources for the Weighted Caseload. The committee agreed that the CMs and TMs are less available to perform the work of a JA than when the methodology was developed, making them more available to perform their supervisory roles. Because of this change, comparing the FY21 CWCL to any prior year is difficult, as the prior years consistently showed significant overstaffing, likely due to the overestimation of the CM and TM availability to perform JA work.

The final FY21 statewide clerical need shows an overstaffing of 1.92, whereas the interim report was 1.79 under. This is due to more pandemic months being included in the final 3 Year Average. In addition, a correction in the final FY 21 report was made to sixth district's JA need. The interim report incorrectly reflected the need and has now been changed and validated.

Assessing the staffing needs for clerical staff is difficult due to the constant change in staff. This report uses the number of positions, and not the number of currently employed FTEs in each

district. However, a margin of 10% is shown to account for the impacts of hiring and training new staff. The number of FTEs outside of that margin is shown to help inform where staffing adjustments may be most impactful. Despite showing an overstaffing of 10.09 total positions, the total sum of FTEs outside of the 10% margin indicates an overstaffing of 1.92 FTEs statewide.

As with the District and Juvenile Judicial Weighted Caseloads, the Clerical Weighted Caseload needs also vary by district, with just over one Judicial Assistant (JA) over in Third Juvenile Court, about one JA over in Eighth District Court, and no other court location showing a need or overstaffing of a full position. This relatively balanced staffing level is encouraging heading into another year of uncertainty due to the pandemic, as it has been difficult to predict when or how case filings might change over time.

Fiscal Year 2021
(Filings 7/1/18 thru 6/30/21 3YA)

Clerical Weighted Caseload Summary Results							
Judicial District	Updated 7/7/21 Existing FTE	FTE Need	Min. Staff Adj. rounded nearest .5	Total FTE Need	FTE Difference	10% Deviation (Total FTE Need)	FTE Outside of Deviation
District 1	18.50	18.44	0.00	18.44	0.06	1.84	
District 2	54.00	53.90	1.50	55.40	-1.40	5.54	
District 2 Juvenile	15.50	14.29	0.00	14.29	1.21	1.43	
District 3	125.15	116.68	0.00	116.68	8.47	11.67	
District 3 Juvenile	29.50	24.23	1.50	25.73	3.77	2.57	1.20
District 4	44.75	49.58	0.00	49.58	-4.83	4.96	
District 4 Juvenile	18.25	14.04	2.50	16.54	1.71	1.65	0.06
District 5	28.00	27.35	1.00	28.35	-0.35	2.83	
District 6	7.00	7.45	1.00	8.45	-1.45	0.84	-0.60
District 7	11.00	8.90	1.50	10.40	0.60	1.04	
District 8	12.50	10.22	0.00	10.22	2.28	1.02	1.26
	364.15	345.06	9.00	354.06	10.09		1.92