

JUVENILE JUSTICE REINVESTMENT
ACT: JUDICIAL BRANCH
WORKLOAD CONSIDERATIONS

JANUARY 11, 2018

PRESENTED BY: MARION WARREN, NCAOC DIRECTOR

BRAD FOWLER, NCAOC RESEARCH, POLICY, AND
PLANNING OFFICER



JUDICIAL BRANCH WORKLOAD FORMULAS

BACKGROUND

- Use of workload indicators for more than a decade
- First collaborated with the National Center for State Courts in 2006 to convert workload indicators to workload formulas for clerks of superior court, magistrates, and district court judges
- Prior to workload formulas, staffing needs were addressed based upon subjective decision-making
- General Statutes set forth the numbers of judges, assistant district attorneys, and minimum number of magistrates
- Workload formulas provide an objective means for projecting staffing needs



JUDICIAL BRANCH WORKLOAD FORMULAS

- **Staffing Resources Needs**

- Based on empirical data
- Focuses on most common work performed
- Provides credibility (National Center for State Courts methodology)
- Requested by the General Assembly
- Provides tools for equitable analysis of local needs

- **Management of Resources**

- Dynamic calculations are revised often and vacancies are taken into consideration
- Tools are extremely effective for relative resourcing comparisons



JUDICIAL BRANCH WORKLOAD FORMULA APPROACH

COMMITTEE DIRECTED, APPROVED BY THE CONSTITUENT GROUP

Case weight approach for:

- Clerks of superior court
- Magistrates
- District court judges
- Superior court judges
- Family court case coordinators
- Assistant district attorneys and legal assistants
- Custody mediators



JUDICIAL BRANCH WORKLOAD FORMULA APPROACH

Ratio of judges to support staff/trial court administrators (TCAs) for:

- District court judicial support staff
- Superior court judicial support staff and TCAs

Caseload based on National Court Appointed Special Advocates standard for:

- Guardian ad Litem staff



EFFECTIVE WORKLOAD FORMULA PROCESS

- Strong participation by all judicial official groups in time studies
- Determined preliminary case weights (*i.e.*, what is)
- Modest quality adjustments to preliminary case weights to determine final case weights (*i.e.*, what should be)
- Computed annually using most recent three years of filings (*i.e.*, current workload formulas are based on July 1, 2014 – June 30, 2017 filings)
- Components updated as necessary to reflect changes in law, procedures, responsibilities, or other factors



CASE WEIGHTS - IN MINUTES

DISTRICT COURT JUDGES

- 5.73 Motor vehicle and infractions
- 31.87 Non-motor vehicle
- 34.64 Driving while impaired
- 60.10 Civil domestic
- 68.85 General civil
- 33.73 Child support enforcement
- 144.94 Juvenile



CASE WEIGHTS - IN MINUTES

SUPERIOR COURT JUDGES

- 32 Misdemeanor
- 40 Other felony
- 40 Felony controlled substance
- 117 Felony assault/robbery with a dangerous weapon
- 91 Habitual offender
- 131 Sex offender list offenses (felony and misdemeanor)
- 946 Homicide
- 86 Contract
- 27 Collect on accounts
- 104 Negligence
- 183 Real property
- 31 Administrative appeal/other



CASE WEIGHTS - IN MINUTES

ASSISTANT DISTRICT ATTORNEYS

- 6.5 Traffic
- 20 Misdemeanor (other than DWI or drug offense)
- 67 DWI
- 61 Drug offense (other than trafficking)
- 509.5 Drug trafficking
- 226.6 Other felony F, G, H, I
- 480.8 Other felony A, B, C, D, E
- 1,095.7 Sex crime
- 1,589 Homicide (other than first-degree murder)
- 10,172 First-degree murder (capital or non-capital)
- 3,586 Generic murder

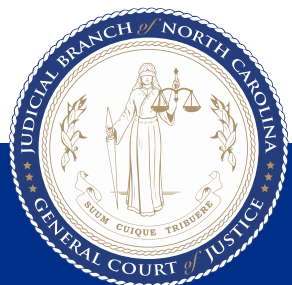


STAFFING NEEDS CALCULATIONS

$$\frac{\text{Number of filings (defendants) x case weight}}{\text{Case-related staff year value}}$$

Workload formulas acknowledge that not every hour of every week work day is spent on case related activities. There is time included for non-case related activities (e.g., administrative responsibilities)

Not all case-related work occurs in a courtroom. There is a variety of case preparation activities and post-hearing case-related work that occurs outside of the courtroom.



WORKLOAD ANALYSIS SCENARIOS

- Calculated as **net** impact on work group
 - How much **additional** time will a misdemeanor case take for a 16 or 17 year old in juvenile court v. time in adult criminal court (current situation)
 - For example, based on Fiscal Research Division case weight assumptions, 16 and 17 year olds' cases would require 20 clerk FTEs; however, only 6 FTE would be additional workload because the workload of 14 FTEs is currently devoted to these as adult criminal cases
- In addition to any newly-funded positions, significant resources will need to be shifted to juvenile court from:
 - District criminal court
 - Superior criminal court
- Resources will need to be shifted from criminal to juvenile for:
 - Assistant district attorneys
 - Legal assistants
 - District court judges
 - Deputy/Assistant clerks



POTENTIAL POOL OF CASES

	Felonies				
	Class F	Class G	Class H	Class I	Felony - Class unknown
FY2015-16 Cases (16 + 17 year olds)	121	301	2,228	951	216
Estimated Cases After Diversion	111	298	2,148	939	210
Diversion Rate	8.2%	0.9%	3.6%	1.3%	2.9%

	Misdemeanors and Infractions					
	Non-MV Class A1	Non - MV Class 1	Non-MV Class 2	Non-MV Class 3	Non-MV Misd - class unknown	Non-MV Infraction
FY2015-16 Cases (16 + 17 year olds)	758	7,729	4,971	4,118	867	59
Estimated Cases After Diversion	643	6,175	3,778	3,056	673	41
Diversion Rate	15.2%	20.1%	24.0%	25.8%	22.3%	31.3%

- Assumes current diversion rate for 15 year olds
- Does **NOT** factor in any impact of school-justice partnerships



SCENARIO 1

	Current relevant case weight (in minutes)	Scenario multiplier	Scenario juvenile delinquency case weight (in minutes)
Assistant District Attorney - F-I felony	226.6	1.2	271.92
Assistant District Attorney - misd (non-MV)	20	2	40
Assistant District Attorney - infraction	6.5	2	13
District Attorney Legal Assistant - F-I felony	179.1	1.2	214.9
District Attorney Legal Assistant - misd (non-MV)	19	2	38
District Attorney Legal Assistant - infraction	1.7	2	3.4
District Court Judge - criminal	31.87	2	63.74
District Court Judge - infraction	6.2	2	12.4
Deputy Clerk - in court district criminal	66.4	2	132.8
Deputy Clerk - infraction	32.7	2	65.4

Positions	Additional FTEs needed
Assistant District Attorneys	4
District Attorney Legal Assistants	4
District Court Judges	6
Deputy Clerks	7
JWise changes	NR \$



SCENARIO 2

	Current relevant case weight (in minutes)	Scenario multiplier	Scenario juvenile delinquency case weight (in minutes)
Assistant District Attorney - F-I felony	226.6	1.3	294.58
Assistant District Attorney - misd (non-MV)	20	3	60
Assistant District Attorney - infraction	6.5	3	19.5
District Attorney Legal Assistant - F-I felony	179.1	1.3	232.83
District Attorney Legal Assistant - misd (non-MV)	19	3	57
District Attorney Legal Assistant - infraction	1.7	3	5.1
District Court Judge - criminal	31.87	3	95.61
District Court Judge - infraction	6.2	3	18.6
Deputy Clerk - in court district criminal	66.4	3	199.2
Deputy Clerk - infraction	32.7	3	98.1

Positions	Additional FTEs needed
Assistant District Attorneys	8
District Attorney Legal Assistants	8
District Court Judges	13
Deputy Clerks	21
JWise changes	NR \$



SCENARIO 3 - INPUT BY CONFERENCE OF DISTRICT ATTORNEYS

	Current relevant case weight (in minutes)	Scenario multiplier	Scenario juvenile delinquency case weight (in minutes)
Assistant District Attorney - F-I felony	226.6	1.4	318.29
Assistant District Attorney - misd (non-MV)	20	9.4	187.15
Assistant District Attorney - infraction	6.5	28.8	187.15
District Attorney Legal Assistant - F-I felony	179.1	1.4	251.57
District Attorney Legal Assistant - misd (non-MV)	19	3	57
District Attorney Legal Assistant - infraction	1.7	3	5.1
District Court Judge - criminal	31.87	3	95.61
District Court Judge - infraction	6.2	3	18.6
Deputy Clerk - in court district criminal	66.4	3	199.2
Deputy Clerk - infraction	32.7	3	98.1

Positions	Additional FTEs needed
Assistant District Attorneys	29
District Attorney Legal Assistants	9
District Court Judges	13
Deputy Clerks	21
JWise changes	NR \$



FISCAL RESEARCH DIVISION

- Assumes a 1.75 multiplier for all case weights
- Based on 2012 small NCAOC survey of district attorney offices asking to estimate impact of raising the age of juvenile jurisdiction for misdemeanors
- Assumes existing NCAOC would make required changes to JWisE

Positions	Additional FTEs needed
Assistant District Attorneys	7.5
District Attorney Legal Assistants	7
District Court Judges	3
Deputy Clerks	6
JWisE changes	No funding



CONSIDERATIONS

- NCAOC and Fiscal Research Division both used net staffing impact to estimate costs
- Differences in staff need driven by different case weight assumptions
- Because the workload for H & I felony cases will transfer from criminal superior court to juvenile district court, district court judge need should be increased from 3 to 5 if Fiscal Research Division case weight assumptions are utilized





THANK YOU

Brad Fowler

Research, Policy, and Planning Officer

919-890-1223

Brad.D.Fowler@aoc.nccourts.org

www.nccourts.org