

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Public Hearing on a
Vacancy in a Judicial Position
in the Second Judicial District

WHEREAS, the provisions of Minn. Stat. § 2.722, subd. 4 (1985), prescribe certain procedures to determine whether a judicial position which is vacated by the retirement of an incumbent judge should be continued, transferred, or abolished; and

WHEREAS, the provisions of the above statute require the Supreme Court to consult with attorneys and judges in the affected judicial district to determine whether the vacant office is necessary for effective judicial administration, and, after making such determination, to decide whether to certify the vacancy to the Governor within 90 days after receiving notice of the retirement from the Governor; and

WHEREAS, Governor Rudy Perpich has notified the Supreme Court that a vacancy in the Second Judicial District will occur on September 30, 1986 as a consequence of the retirement of Judge Edward D. Mulally; and

WHEREAS, the Supreme Court intends to consider weighted caseload information, which indicates that there currently exists a surplus of judicial positions in the Second Judicial District, in determining whether to certify a vacancy to the Governor in the above judicial position; and

WHEREAS, the Supreme Court wishes to hold a public hearing in the Second Judicial District and to receive relevant supplemental information regarding judges and judicial resource needs from attorneys and other interested persons at that time;

NOW, THEREFORE, IT IS HEREBY ORDERED that a public hearing be held in the Supreme Court chambers in the State Capitol in St. Paul, Minnesota, at 10:00 a.m. on May 9, 1986;

IT IS FURTHER ORDERED that persons wishing to have the Supreme Court consider information concerning the continuation of the judicial vacancy described above shall file by May 2, 1986 a written summary of such information and, if applicable, their desire to make an oral presentation at the hearing, with the Supreme Court at the following address: Clerk of Appellate Courts, 230 State Capitol, St. Paul, Minnesota 55155.

IT IS FURTHER ORDERED that persons who wish to obtain information concerning the weighted caseload analysis and its application to the vacancy in the Second Judicial District shall direct their inquiries to Mr. Wayne N. Kobbervig, 40 North Milton Street, Room #201, St. Paul, Minnesota 55104.

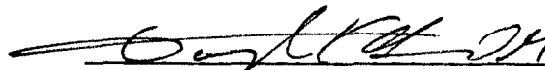
Dated: April 10, 1986

OFFICE OF
APPELLATE COURTS
FILED

APR 10 1986

WAYNE TSCHIMPERLE
CLERK

BY THE COURT


Douglas K. Amdahl
Chief Justice

THE SUPREME COURT OF MINNESOTA
SAINT PAUL

INFORMATION SYSTEMS OFFICE
STATE COURT ADMINISTRATION
40 NORTH MILTON STREET
SUITE 304
ST. PAUL, MINNESOTA 55104
(612) 296-1370

OFFICE OF
APPELLATE COURTS
FILED

APR 28 1986

WAYNE TSCHIMPERLE
CLERK

April 28, 1986

Gordy Griller
Judicial District Administrator
Ramsey County District Court
Courthouse
St. Paul, MN 55102


Dear Gordy:

This letter is to follow-up on our meeting on April 24, 1986. I am enclosing a number of SJIS forms submitted by your court as corrections to general civil case prefixes. As we discussed on Thursday we have identified a number of apparent anomalies in the correction transactions which I am forwarding for your review and certification. I am also enclosing for review a random sample of approximately 100 correction transactions out of the total of 1000 correction transactions submitted by your court in the past two months.

The judicial sunset and transfer decision is of vital importance as it relates both to insuring adequate judicial staffing, and minimizing the cost of the judicial branch to the state. Because of the importance of this decision and because the high volume of corrections entered in a short period of time (over 1000 corrections to 9,000 civil cases filed in 1985) I am asking you to review the correction work completed by your court administration staff to insure its accuracy. I ask that you certify to me in writing by May 7, 1986 the accuracy of these correction transactions so that agreement between us regarding judicial staffing needs can be reached prior to the May 9, 1986 hearing.

We also discussed Ramsey County Felony and Gross Misdemeanor reporting procedures. Based on your description of the process, we understand that Ramsey County District Court is assigning SJIS numbers to criminal cases based on defendant behavioral incidents, i.e., each SJIS number relates to one behavioral incident. I also ask you to notify us formally and in writing of these procedures so that we may correct erroneous information circulating that Ramsey County is inflating its criminal statistics.

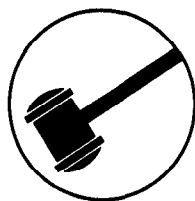
Yours truly,



Dale Good, Director

cc: Sue K. Dosal, State Court Administrator
Judy Rehak, Director of Administrative Services
Wayne Kobbervig, Director of Research and Statistics
Supreme Court File No. C9-85-1506

DG:cw



Ramsey County Bar Association

W-952 FIRST NATIONAL BANK BUILDING, SAINT PAUL, MINNESOTA 55101, TELEPHONE 222-0846

April 29, 1986

ROBERT J. MONSON
President
313 Degree of Honor
Building, 227-6301

RAYMOND W. FARICY, Jr.
Vice-President
120 Hanover Building
297-8484

HON. MARGARET M. MARRINAN
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1621 Ramsey County
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W-555 First National
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JANE L. HARENS
Executive Director
W-952 First National
Bank Building, 222-0846

OFFICE OF
APPELLATE COURTS
FILED

MAY 1 1986

WAYNE TSCHIMPERLE
CLERK

Mr. Wayne O. Tschimperle
Clerk of Appellate Court
230 State Capitol
St. Paul, MN 55155

**RE: Judicial Resource Needs
Second Judicial District**

C9-85-1506

Dear Mr. Tschimperle:

Please be advised that the Ramsey County Bar Association wishes to appear at the hearing on May 9, 1986, at 10:00 a.m. to make an oral presentation concerning the vacancy in the judicial position of the Second Judicial District.

It is contemplated that this presentation will include the President of the St. Paul Chamber of Commerce and a legislative leader, together with a presentation by officers of the Ramsey County Bar Association.

This presentation will be directed at establishing the fact that the present analysis survey and study of the case load is so close that the decision should be made in favor of maintaining the present level of Judges in that statistics do not, in our opinion, relate the entire story.

Further, it has been demonstrated around the nation that the economic slow-down results in increased litigation.

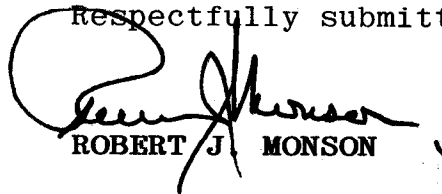
Mr. Wayne O. Tschimperle
Page Two
April 29, 1986

In view of the present economic slow-down, it is difficult to ascertain with any degree of certainty whether or not our Courts will be more burdened than they have been in the past. In all likelihood, there will be an increase in litigation.

It is further our opinion that the citizens who utilize the Ramsey County District Court are presently subjected to a back-log of cases. There is a wait for court cases of one year, and a wait for jury cases of approximately 15 months. It is believed that a reduction of the number of Judges would create a serious problem and increase the wait for a civil trial, which would be detrimental to the citizens and to the Bar.

Finally, it would, in our opinion, be better for the Court to retain the present number of Judges in the Second Judicial District, and should the weighted case load study prove accurate, then and in that event, it would be possible for the Court to assign the excess Judge, if that would be the case, to another jurisdiction.

Respectfully submitted,



ROBERT J. MONSON

RJM:car

STATE OF MINNESOTA
SECOND JUDICIAL DISTRICT
RAMSEY COUNTY COURTHOUSE
SAINT PAUL 55102



GORDON M. GRILLER
DISTRICT ADMINISTRATOR

April 23, 1986

OFFICE OF
APPELLATE COURTS
FILED

APR 26 1986

TO: DALE GOOD

FROM: GORDON GRILLER

RE: ADJUSTMENT IN JUDICIAL EQUIVALENCE ALLOCATED TO THE SECOND
DISTRICT FOR WCL PURPOSES

WAYNE TSCHIMPERLE
CLERK

09-85-1506

As we discussed briefly some time ago, the judicial equivalents currently assigned to the Ramsey Courts by your office allocate more judicial staff to the Court than is actually available for scheduled matters. This situation centers on referees.

Your current figures show the Ramsey judicial position count at 33.2 FTEs, broken down as follows:

24.0 judges
8.7 referees (3 juvenile, 3.5 family, 1 probate, 1.2 civil
commitment)
0.5 per diem conciliation referees
33.2 judicial positions

The actual count should be 32.2 FTE positions, and is broken out as follows:

24.0 judges
7.7 referees (3 juvenile, 3.7 family, 0.1 probate, 0.9 civil
commitment)
0.5 per diem conciliation referees
32.2 judicial positions

Attached is a detailed listing of the parajudicials currently employed by the court.

April 1986
JDA Office

RAMSEY COURTS
REFEREE POSITIONS

<u>COURT</u>	<u>REFEREE</u>	<u>TIME DEVOTED TO JUDICIAL WORK (Full time Equivalency)</u>
COUNTY MUNICIPAL	VARIOUS PER DIEM REFEREES	0.5
FAMILY	BEDDOW	1.0
	ALFVEBY	1.0
	KUBES	1.0
	LEONARD	0.5
	HATFIELD	0.2
JUVENILE	TRUAX	1.0
	MUSKE	1.0
	TRETHEWEY	1.0
PROBATE	McKENZIE	0.1
COMMITMENTS	LEONARD	0.5
	FINLEY (COURT COMMISSIONER)	0.4
	TOTAL	8.2

NOTE: All of these referees are full time employees of the court, except per diem conciliation referees and the court commissioner. Two full time court staff (Hatfield, McKenzie) devote a small portion of their time to judicial work as court referees. Their primary function is, however, to handle management and administrative matters for the court. Hatfield supervises the calendaring and assignment office of the District Court and McKenzie functions as the Probate Registrar.

COURTS OF THE SECOND JUDICIAL DISTRICT
STATE OF MINNESOTA
RAMSEY COUNTY COURTHOUSE
SAINT PAUL, MN 55102

May 2, 1986

OFFICE OF
APPELLATE COURTS
FILED

MAY 02 1986

Honorable Douglas K. Amdahl, Chief Justice
Minnesota Supreme Court
c/o Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

WAYNE TSCHAPPELLE
CLERK

IN RE: PUBLIC HEARING ON A VACANCY IN A JUDICIAL POSITION IN THE SECOND
JUDICIAL DISTRICT

C9-85-1506

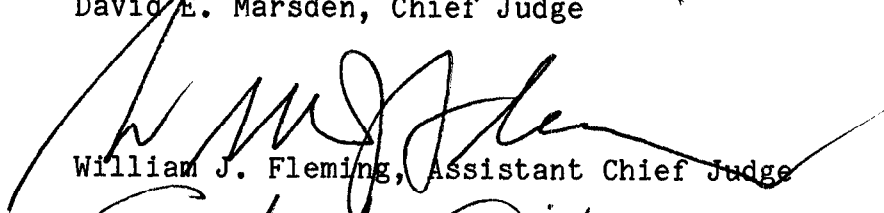
Dear Chief Justice Amdahl:

Enclosed please find three items we submit for consideration by the Supreme Court concerning the impending judicial vacancy in the Second District. First, a formal brief outlining the issues weighted caseload raises in the Ramsey Courts. Second, a letter from Assistant Chief Judge William Fleming reviewing the case delay problems that exist in the Ramsey County Municipal Court vis-a-vis weighted caseload. Lastly, a letter directed to Gordon Griller from James Finley, Ramsey Court Commissioner, supporting in greater detail points made throughout the Second District brief that weighted caseload units are undercounted.

We are requesting that we be permitted to make an oral presentation at the public hearing held on Friday, May 9, in the Supreme Court chambers. We would envision our presentation to take no more than 35-45 minutes, with the three of us speaking on behalf of the Second District.

FOR THE COURT


David E. Marsden, Chief Judge


William J. Fleming, Assistant Chief Judge


Gordon M. Griller, District Administrator

298-4372

LAW OFFICES
JAMES F. FINLEY & ASSOCIATES, P.A.

120 HANOVER BUILDING
480 CEDAR STREET
ST. PAUL, MINNESOTA 55101
612-297-8484

JAMES F. FINLEY

PLEASE REPLY TO
NEW BRIGHTON OFFICE
1401 SILVER LAKE ROAD
NEW BRIGHTON, MN 55112
612-633-4232

April 30, 1986

Mr. Gordon Griller
District Court Administrator
Ramsey County Courthouse
Fourth and Wabasha
St. Paul, MN 55102

Dear Mr. Griller:

In connection with our meeting of April 29, 1986, I wish to point out to you the following:

1. For 1985 the case load statistics gave credit to Ramsey County for 343 cases filed. The court statistics show that there were 354 new cases.
2. The statistics give absolutely no credit for electro convulsive therapy petitions which were heard and decisions rendered in 11 cases.
3. The statistics give absolutely no credit for 8 hearings which were held for provisional discharge reviews. These come about when a party is committed to a hospital and later placed on provisional discharge. In order to return him to the hospital, a hearing must be conducted if the patient demands a hearing.
4. There were 32 18-month cases heard for which no credit was given. The reason for this is that a new file number is not assigned to the case. In Ramsey County we merely use the same file number. However, a new petition is filed requesting a commitment of the patient who had previously been committed. The patient cannot be held in the hospital longer than 18 months under the present law unless a new petition is filed and a complete hearing is held pursuant to statutes.
5. Finally, no credit has been given for the 67 6-month hearings which were conducted by the court. Under the present law, when a person is committed, the initial commitment is for a period not to exceed 6 months. If an additional period of commitment is requested either by Ramsey County or by the hospital, a hearing is requested under M.S.A. 253B.12. A hearing

April 30, 1986

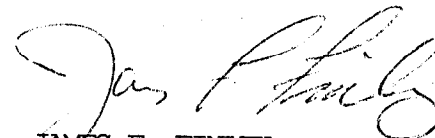
is held, witnesses are called, findings are made and a determination is made by the Court as to whether or not further commitment is warranted. No new petition is filed and no new file is created.

6. Petitions for release are provided for under M.S.A. 253B.17. There were 8 such petitions filed in 1985. No credit was given because apparently they were not reported.

As I pointed out to you at the conference, the impact of these miscalculations is greater in Ramsey and Hennepin County because there are greater number of commitment proceedings in both counties than in rural counties. I hope this information may be of some assistance to you.

In summary, credit was given for 343 cases. Actually there were 354, a 3.4% error. Hearings resulting in no credit at all were 126. If credit for all 580 hearings were given the error is 21%. It can also be stated that effective August 1, 1982, Ch. 581 sec. 1 to 23, the legislative revised the entire commitment law. This created 6 month hearings, 18 month hearings and preliminary hearings. None of these procedures were required at the time the SJIS was created in 1980.

Yours very truly,



JAMES F. FINLEY
RAMSEY COUNTY COURT COMMISSIONER

JFF:jh

RAMSEY COUNTY
MUNICIPAL COURT

WILLIAM J. FLEMING
JUDGE

May 2, 1986

Chief Justice Douglas K. Amdahl, and
Honorable Members of the Supreme Court
Supreme Court
St. Paul, Minnesota 55155

Re: Public Hearing on a Vacancy in a
Judicial Position in the Second
Judicial District

District Administrator Gordon Griller and a committee of judges of our district are preparing a written statement to be presented to you prior to the hearing on May 9, 1986, representing the position of the courts of the Second Judicial District.

I would like to make a brief additional response in respect to a point of view that may not be covered in the formal court presentation.

At the outset I would like to make clear that I am personally in agreement with the proposition that no other body or agency of the government is in a better position to determine the judicial personnel needs of this state than the judiciary itself.

Furthermore I would concur that the weighted caseload analysis (W.C.A.) is an important tool to be used in determining whether judicial positions should be continued, abolished or transferred.

I earnestly submit, however, that the W.C.A. of and by itself should not be the sole criteria to be used in determining this very important issue.

The W.C.A. should not be permitted to override realities that may and do exist in a given district.

A very important factor that must be considered is the existing inventory (backlog, if you like) of cases awaiting disposition. I don't know what the backlog was in the Second Judicial District when the W.C.A. was undertaken or how the weights of existing backlogs were assigned.

What I do know is that in the Ramsey County Municipal Court the delay in the disposition of cases is totally unacceptable from any point of view, and projected figures do not indicate the situation is likely to improve. At this time we have very close to 800 cases (where not guilty pleas have already been entered) awaiting jury trial. This includes criminal and misdemeanor traffic offenses. Traffic offenses referred to involve mostly driving while under the influence and driving after revocation cases. It is taking us an average of about 180 days (from the day of plea) to dispose of these types of cases. Clearly this does not meet the guidelines suggested by the Rules of Criminal Procedure nor anyone's reasonable standards as to case processing. A traffic court trial before a judge takes from 8 to 10 weeks to be reached after plea.

A civil jury case takes 19 months or more to be reached, and a civil court trial is taking about 14 months. Our backlog in criminal cases is so great that civil jury cases are only scheduled when they can be set in the midst of a weekly criminal calender. This delay is certainly intolerable from the standpoint of the litigants, and is embarrassing to us as judicial personnel. Our 1985 figures show that (not including parking and conciliation court cases) we had 70,864 cases filed, but only 56,312 disposed of. This indicates we disposed of almost 20 per cent fewer cases than were filed. This is an alarming trend and does not suggest that we have more judicial personnel than we need.

I am not skilled enough in statistics to explain, on a statistical basis, why the W.C.A. would indicate we have just enough or maybe one too many judicial positions, when as a matter of fact we know we have this very real problem of unacceptable delay in the processing of cases.

The answer probably is that the needs of judicial positions can not be determined on the basis of statistical information and W.C.A. results alone.

Whatever the explanation may be, the fact remains that a very serious court delay in this district will not be improved, nor will the public interest be served by removing a judicial position.

Page Three
May 2, 1986

It might be suggested that the delay problem in our court may be attributable to the performance of the judges. If such an assumption were to be made, I would earnestly submit to you in all sincerity that there is absolutely no basis for such an assumption or suggestion. Our judges are working diligently, conscientiously and are very concerned with the backlogs we have in our courts. This situation creates constant pressure on judicial personnel in the carrying out of their daily duties. We are constantly required to deal with large case loads involving many persons, on a daily basis, with little opportunity for the kind of reflection we should have for deciding these matters. The pressure is affecting the energy and morale of many of our judges.

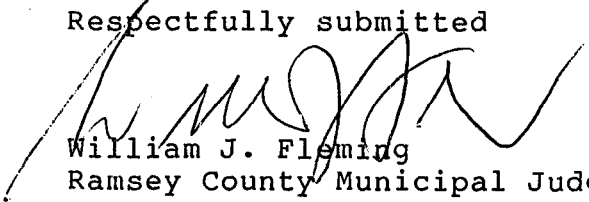
We already are being required to handle more matters than many of us think are appropriate, and the prospect of having fewer judicial positions is alarming to us all.

I sincerely urge that you give full consideration to the message we are giving you from the "trenches".

We do not have too many judicial positions in this district, on the contrary, we are not able to keep up with the workload with the personnel we have. To reduce our complement would be a disservice to the litigants of the district, and would only further burden judicial personnel.

Certainly the quality of justice in this district would not be improved by removing a judicial position.

Respectfully submitted



William J. Fleming
Ramsey County Municipal Judge

STATE OF MINNESOTA
IN SUPREME COURT

C9-85-1506

INFORMATION SUPPORTING THE CONTINUATION OF THE
JUDICIAL VACANCY OCCURRING IN THE SECOND JUDICIAL
DISTRICT ON SEPTEMBER 30, 1986, AS A CONSEQUENCE OF
THE RETIREMENT OF JUDGE EDWARD D. MULALLY PURSUANT
TO MINNESOTA STATUTE 2.722 SUBD. 4 (1985)

Submitted for

THE COURTS OF THE SECOND JUDICIAL DISTRICT

by

Honorable David E. Marsden, Chief Judge
Honorable William B. Fleming, Assistant Chief Judge
Mr. Gordon M. Griller, Judicial District Administrator

May 2, 1986
Saint Paul, Minnesota

MAJOR DISCUSSION POINTS

- The accuracy of a weighted caseload system is highly dependent upon uniform procedures (p. 10)
- No two districts have uniform procedures (p. 12)
- Accuracy and uniformity in caseload reporting is an inherent problem (pp. 13-15)
- Inaccuracies mean the difference between retaining or losing judicial positions (p. 16)
- Courts are dynamic, not static, as WCL assumes (pp. 17-21)
- Errors taken separately are minute; collectively they can result in significant data base change (p. 22)
- Case type categories have numerous shortcomings (pp. 24-26)
- Four parking meter monitors can create one judgeship (p. 27)
- What and when you count affects judgeship need (pp. 32-34)
- Not all judicial work has been counted (pp. 34-37)
- Early case filings inflate WCL units (pp. 38-39)
- Established weights underrepresent a lawsuit's movement through the courts (p. 41)
- Judicial equivalents (referees) are overcounted (pp. 43-48)

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I. INTRODUCTION: NATURE OF ARGUMENTS

The Second Judicial District herewith contends that all judicial positions in its various courts and divisions are necessary for the effective judicial administration of the district, and requests that the vacancy occurring on September 30, 1986 as a consequence of the retirement of Judge Edward D. Mulally be continued in the Second District. In support of this position, the court makes the following arguments and presents supporting data in three general areas.

WEIGHTED CASELOAD METHODOLOGY. It is submitted that weighted caseload is a theoretical, statistical concept which is questionable in its practical application to measure judicial staffing. The Supreme Court in its virtual exclusive reliance on weighted caseload data, as developed by State Court Administration, to determine statewide judicial personnel need has not properly recognized the nature of judicial business as conducted by the trial courts.

Additionally, from a methodological standpoint, it is argued that weighted caseload as applied to Minnesota courts, in general, and the Ramsey (Second District) courts, in particular, is prone to cause a distorted and inaccurate picture of workload as related to judicial personnel.

WEIGHTED CASELOAD UNITS. The second series of arguments focuses on the weighted caseload unit. (A weighted caseload unit is the result obtained when multiplying the case filings per case type x the case weights per case type. It is, in essence, the "raw work" available for judicial personnel to do analyzed to the hundredth of a minute.) It is submitted that

problems with the calculation of weighted caseload units pertaining to the Ramsey Courts have historically underrepresented figures for the Second Judicial District. A collateral argument is also made that general difficulties in sampling during 1980 and identifying case types has caused under-reporting throughout the state.

JUDICIAL EQUIVALENTS. Finally, it is submitted that factors exist which artificially inflate the number of judicial equivalents or positions available to conduct the work of the Second District. This situation existed during the first weighted caseload study in 1980 and continues today. It pertains to the use of parajudicials by the trial courts--encompassing how they are valued vis-a-vis the position of a judge, and the fact that those trial courts, including Ramsey, utilizing appointed referees as an adjunct to elected judges, are unduly penalized in the application of weighted caseload.

II. PROBLEMS WITH WEIGHTED CASELOAD METHODOLOGY IN GENERAL

"One large problem with a weighted caseload study is that it is merely a sophisticated tool for estimating judgepower. Unfortunately, judges and legislators often get the impression that it is a magic formula. Having faithfully performed the tedious task of recording their worktime, judges are disappointed to find that the so-called scientific method is just another imperfect measure, which fits some courts better than others, and averages out the very differences they hoped would be highlighted. The larger the sample and the amount of data, the closer to a normal curve the results will be. What occurs is a smoothing-out effect that fails to discern smaller but possibly important differences and emphasizes the extremes at each end of the bell-shaped curve."

Courts Technical Assistance Monograph No. Four:
Determination and Justification of Judgeship
Needs in the State Courts

Beatrice Hoffman, Institute for Advanced Studies
in Justice, The American University Law School
Washington, D. C.

Weighted caseload is a "scientific management approach" patterned after the time-and-motion studies of Fredrich Taylor some years ago. As applied to a complex organization such as a trial court, resulting data should be viewed as a relative indication of staffing need, not an absolute need.

We agree with earlier statements of the Supreme Court that Minnesota's weighted caseload system is the most pervasive, sophisticated and detailed of any in the 50 states. However, with such a situation, we would caution the Court to make judgments of judicial need understanding that weighted caseload--no matter how sophisticated--is a statistical tool with formulas to represent the real world, and is subject to statistical error, especially in its application to a multiplicity of courts and ever changing laws and procedures.

A. A problem intrinsic to any weighted caseload system is that is limited to a historical picture of personnel need. When its application is used to determine future judicial need based on current caseloads, conclusions should be cautiously drawn. Case filings increase or decrease, new case types are added or deleted, law enforcement policies change, and a host of other factors affect the number of cases recorded with a trial court. (It is speculated that changes are subject to more dramatic shift in single county urban areas where large volumes of cases are processed, relatively fewer people are in policy control over the criminal justice system so a few decisions can have major impacts, and the private trial bar is a more cohesive group.) Over the course of a relatively short period of time judicial need can vary. Just as a corporation cannot effectively staff for workload peaks and valleys, a complex organization such as a court likely will experience a range of staffing requirements if measured at periodic

intervals. Where a caseload trend is consistent over a long period of time, decisions can be made more confidently. However, where fluctuations have been experienced, as in the Ramsey situation, future judicial need based on historical data is more difficult to predict.

Judicial need in the Second District, as measured by SJIS, has varied as much as 15% or four positions in three years from 1982 to 1985, and surprisingly by 12% (three positions) in 12 months from 1984 to 1985. Using the most recent SJIS office statistics, judicial need in the Second District has exhibited the attached fluctuations since 1980 (see Exhibit 1 following).

Various reasons, we submit, account for the fluctuation in judicial need in the Ramsey courts. First, caseloads in the early 1980s did decline; and in late 1984 and throughout 1985 have increased in many areas. Whether such a fluctuation occurred in other metropolitan courts we are not sure. Caseload changes were quite pronounced in Ramsey, even to the extent of affecting our filing and case processing revenues.

Secondly, we question whether "annualizing" statistics by the SJIS Office accurately represents the workload of a court. In any respect, it increases the probability of error. We understand that computer problems were experienced in 1980 and the SJIS staff was committed to provide--in early 1981--a weighted caseload analysis to the legislature. Consequently, a decision was made to "project" 1980 filings based on the nine week sampling period (September 22-November 21, 1980) during which the weights

REPORT DATE: 04-24-86
 SOURCE: SJIS, STATE CT. ADMIN.
 ANALYSIS BY: JDA OFFICE, SECOND DISTRICT

DISTRICT: SECOND
 COURTS: DISTRICT AND COUNTY
 PAGE 1 OF 6

1980-1985 WEIGHTED CASELOAD STUDIES
 INDICATIONS OF JUDICIAL NEED

<u>YEAR</u>	<u>JUDGE NEED</u>	<u>PCT CHANGE</u>	<u>SJIS DATA SOURCE</u>
1980	29.4	N/A	2.3 mos. annualized*
1981	26.5	-9.6	12 months
1982	26.3	-0.9	12 months
1983	27.2	3.5	12 months
1984	27.1	-0.5	9 months annualized**
1985	30.3	11.8	12 months

SIX YEAR FLUCTUATION BY PCT: LO 0.5, HI 11.8, TOTAL 26.3, AVG. 4.4

- * Filings for 1980 were estimated based on a nine week sample
- ** Filings for 1984 were estimated based on the first 3 quarters

were derived. We do not know what caused the three month gap in the data base the last quarter of 1984.

Thirdly, Ramsey court staff have painstakingly improved local SJIS reporting procedures since the enactment of the sunset and transfer legislation (MSA 2.722 Subd 4). In one instance, specifically Family Court, an entire court division was reorganized and relocated to facilitate enhanced management--one of the key goals being more accurate recordkeeping. The adage "what you count effects behavior" penned by Friesen and Gallas in their book Managing the Courts has been embraced by the courts of Ramsey. Consequently, we feel the data for 1985 is the most accurate of the past six years.

B. In conducting weighted caseload studies, a number of assumptions must be made about judicial processes, staffing, and caseloads. Many of the assumptions, we contend, are weak. We wish to highlight some of them to emphasize that weighted caseload systems are conceptual applications of statistical averages to the different and constantly changing world of trial courts and, consequently, conclusions drawn should be viewed as speculative rather than absolute.

1. Questionable assumption: Everything in the judicial process can be quantified and accurately measured in terms of time.

It is not easy, and oftentimes impossible, to quantify everything that happens in the judicial process. Weighted caseload depends on averages and massive amounts of statistical data. It rests on the assumption that everything that's done by the judiciary--from phone calls to evening meetings--can be categorized and quantified. The legal process neither

lends itself to such an approach generally (the foundation of American legal practice is one in which each case is treated on its own merits--taking as long as it takes to get a full and impartial hearing of a matter); nor is it realistic to assume that the requirements of a position such as that of a judge or referee does not embody a good deal of independent and non-routine work. Cases differ in complexity and legal issues. Personal approaches and styles differ among judges as they handle the same case types. Implicit in the assumption is the notion that a "scientific management approach," complete with a time and motion orientation, can be applied to legal caseload with very little distortion of reality.

Proponents of weighted caseload would have one believe that a judge can be scheduled 6.5 hours per day, a minimum of 197 days per year.¹ Not only

¹ To determine the average number of hours available for judicial business, non-case related time (i.e. travel, meetings, administration) is subtracted from an arbitrarily set 7.5 hour work day. In mid 1980, the Conference of Chief Judges was asked to set a standard for the amount of time a judge should be available for work on a daily and yearly basis. A good deal of debate ensued as to whether weighted caseload data should be computed and an average work day be concluded or whether an apriori conclusion drawn. Weighted caseload project leaders felt it was more appropriate to presuppose a standard and the Conference opted for a 7.5 hour work day (includes evenings and weekends, but excludes lunch), with a minimum of 197 work days in the year (260 work days minus: 10 holidays, 30 vacation days, 13 sick days, and 10 judicial education days.) The calculations for the Ramsey Courts are as follows:

COUNTY MUNICIPAL JUDGE	
7.5 hour work day	450.0 minutes
minus non-case related time	- <u>72.2 minutes</u>
	387.8 minutes
	(6.46) hours
DISTRICT COURT JUDGE	
7.5 hour work day	450 minutes
minus non-case related time	<u>65.9 minutes</u>
	394.1 minutes
	(6.57) hours

is this impossible, given the nature of the American legal process, but it is an inaccurate representation of what happens in the judicial process.

Normally, court calendars are scheduled from 9:00 a.m. to 12 noon and from 1:30 p.m. to 4:30 p.m. The only significant variance occurs where some courts, relatively few in number throughout the state, begin calendars at 8:30 a.m. This is the time a judge has for case-related matters. For non-case related time, judges are expected to perform these functions outside the normally scheduled day. To represent that cases can be lined up to keep a judge busy 6.5 hours a day is not only inaccurate, but a misrepresentation of reality. Some days, if too many cases settle early, a judge may have extra time. Other days, a judge may be in trial the entire calendar period and into the evening hours as he or she waits for a jury verdict.

Professionals who work independently (i.e. doctors, lawyers) rarely are engaged in their profession more than five to six hours per day. The reason stems from the basic nature of the workflow and the variety of matters handled--from meetings to legal research to correspondence. Self-employed professionals, as state-employed professionals (judges) are expected to perform the work scheduled for the day. If everything goes according to schedule (which it often does not), work related to the job must be done outside the normal work day. A judge's day is generally structured, as is a lawyer's or physician's, and he can do little about it from 9 a.m. to 4:30 p.m. unless the cases settle or an emergency arises.

Most of the courts we surveyed with weighted caseload systems (Washington, Wisconsin, New Jersey and California as examples) had five to six hour judge days with more judicial work days during the year.² Minnesota at 197 days per year per judge was the lowest of all states reviewed. This appears to us to corroborate our conclusion that a more accurate judge-day would equate to roughly 5.5 hours.

Lastly, it should be noted that delay and unpredictability are built into the system and, in some instances, provide the time to ensure that due process has resulted. It is impossible to predict as to whether a witness will or won't show or whether litigants will settle on the courthouse steps or not. The entire system is directed at reducing uncertainty, which although reduced, can never be eliminated.

2. Questionable Assumption: Differences in procedures, court structure, jurisdiction and the nature of the work among court systems can be compensated for in data gathering resulting in an accurate picture of what is going on.

"The accuracy of a weighted caseload system is highly dependent upon uniform procedures."

² As an example, New Jersey has determined that 1,150 weighted cases of production (hours) can be disposed of each year per judge. A judge-year consists of 229-232 days. Four weeks are allowed for vacation, leaving 210 working days. Approximately 10 days per year are taken by each judge for sickness and training, etc., which leaves 200 actual days for work.

Each court day provides six hours maximum for judge activity per day. The average hours actually available for work (bench time as well as time spent in settlement) are 5 1/2 per day, which equals 1,100 hours per year per judge. (Source: National Center for State Courts)

A Study of the Judicial Workload in
Wisconsin Circuit Courts and the Manner
of Collecting, Reporting, and Analyzing
Workload Statistics of the Circuit Courts:
Final Report

Resource Planning Corporation
Washington, D. C.
March 7, 1980

Differences in court systems among regions of the state or even between court systems within a judicial district regarding caseload, procedures, and organization structure are often pronounced, making comparisons difficult at best and occasioning errors in weighted caseload conclusions.

As an example, different calendaring methods may generally require a judge to spend more time with a case in one district as opposed to time spent in another district. With the change to an individual (bloc) calendar system in Hennepin County, judges are reported to be spending greater time handling administrative matters (i.e. calendaring cases, notifying attorneys of hearings, etc.) than with the master calendar system. Some courts conduct pretrials in criminal and/or civil cases. Others do not. Ramsey Courts spend a great deal of time with domestic abuse cases, as a judicial policy; oftentimes ordering litigants into treatment, following-up on treatment results with special hearings, etc. Other districts focus primarily on protecting the complainant, having neither the staff resource nor policy orientation of Ramsey. These differences, and a plethora of others cause case types to be handled at different rates (time periods) in different districts. By creating statewide weights, different "processing speeds" are "homogenized" with some courts penalized and others benefiting.

The weighted caseload staff counters this criticism of the study by stating that they have adjusted for the number of appearances and calendar variances in court systems by defining only one activity as "activating" a case. In civil cases this is primarily the "request for hearing" and in criminal cases, it's the category defined as "first appearance." The case is then considered active and under the control of the court system until a final disposition is recorded. Consequently, the number of formal appearances in any court system are not coterminous with "activations" of the case type. Therefore, the weighted caseload staff states that they did not penalize those districts that handle things with fewer appearances, nor did they double or triple count volume figures where some courts hold a number of formal hearings to dispose of a particular case type.

It is argued, however, that the clerical procedures activating a civil case vary at that point in the caseflow that a lawsuit is "activated" with a request for hearing. In some courts where there exists an individual calendaring system, the request for hearing is entered shortly after the case is filed when it is referred to a particular judge for processing. The case then remains with that judge for all subsequent hearings including motions. In a master calendar system, the judges rotate through various assignments rather than taking a single case from beginning to end. Here, a case upon the filing of a note-of-issue may be assigned to one judge for trial, be subsequently referred to another special-term judge because of the filing of a motion, and then back yet to a third judge for trial. All these steps require changes on the SJIS forms indicating "request for hearings," "general clerical updates," "request for new hearings," etc. Not only is it clerically confusing, but it is too simplistic to say that

one clerical notation--"request for hearing"--signifies that a case is active and ready for judicial disposition.

A second factor inherent in caseflow of larger urban courts is the procedure whereby a case may be categorized as "active" and ready for judicial action. Oftentimes a case may sit in a pool of cases awaiting assignment for a day certain. Until the case is assigned to a judge on the trial date, it is realistically not ready for disposition. The weighted caseload staff further indicated that due to the tremendous number of variables that must be considered regarding the speed by which matters are handled in one court system versus another, it is impossible to determine why one district may handle matters more quickly than another district. Some districts encourage settlements more so than other districts; some districts may have a greater length of trial time for certain matters.

One element that was noted in Hennepin and Ramsey counties was the fact that the Juvenile Court tends to spend more time in the metropolitan area handling delinquencies, as an example, than similar matters in rural Minnesota. The weighted caseload staff indicated they thought one of the reasons for this might be the fact that procedures in the metro area are more formalized, and there are more appearances required than in the rural areas. The rural areas, although having fewer appearances, tend to spend a more lengthy amount of time per appearance on a juvenile delinquency case as an example. This may be true for other case types as well, and indicates that no two districts function alike with respect to the time it takes to move a case from filing to disposition.

3. Questionable Assumption: Data submitted by the trial courts to the SJIS data base (using both transaction and aggregated methods) is relatively accurate and if errors exist, they are not significant enough to alter the judicial staffing estimates derived in applying the weighted caseload formula to the SJIS data base.

The validity of weighted caseload conclusions is greatly dependent on the accuracy, specifically the uniformity and comparability, of caseload statistics reported to the State Judicial Information Systems Office (SJIS) by the trial courts. Minnesota, we agree, is close to "state-of-the-art" in the information detail channeled to the SJIS data base via TCIS and the daily transaction sheets filed for civil-probate-family cases, criminal felony and gross misdemeanor cases, and juvenile matters. (Aggregate data collection in areas such as misdemeanors, petty misdemeanors, violations bureau matters, and conciliation court leaves a great deal to be desired and definitely needs to be improved in the 1986 study to establish new weights.)

With the great detail transmitted to SJIS comes a host of problems pertaining to the uniformity among trial courts as to how transaction data is reported. Even though attempts have been made to periodically audit reporting throughout the state by the SJIS staff, and their willingness to respond to inquiries as to "how transactions should be counted" is greatly appreciated by the trial courts, data collection accuracy and uniformity in caseload reporting is an inherent problem. The result is that courts are underreporting and overreporting case type information to SJIS. We are not suggesting that courts are consciously submitting inaccurate data, but rather that because of the detail required and chance for error in defining case types, courts are inadvertently erring in their reporting. This is true in Minnesota as well as other states utilizing weighted caseload, and

should be recognized as a "conditioning factor" in decisions made regarding judgeship need in a district. We submit that aside from the TCIS automated and manual counts, a great deal of data reported to SJIS is inaccurate. So much so that it misrepresents judicial staffing needs.

Part of the reason, we feel, flows from the fact that the use of weighted caseload systems have generally been limited to personnel needs justification, and only marginally used for management purposes such as docket control. (Minnesota's Tenth Judicial District is a notable exception.)

Consequently, where non-TCIS trial courts either manually or electronically (i.e. Hennepin courts) submit data to the SJIS data base, there is substantial room for error caused by misidentifying case types, incompatible computer-generated statistics, and transposition errors in recording data from local records to SJIS forms. Where volumes are large, such as in the First, Second and Fourth districts, and the Duluth, Rochester, and Mankato courts, the error potential is increased.

As an example, the Ramsey County Municipal Court was not aware until 1986 that SJIS civil transactions should be coded with a variety of prefixes, i.e. ("personal injury," "contract," "malpractice" (other than lawyer-involved), and "property damage" rather than as "general civil." In correcting the 1985 data submitted to SJIS, the correction allowed the addition of 0.711 FTE judicial positions which would have underestimated the staffing needs of Ramsey by that amount. The correction detail is presented as Exhibit 2 on the following page as an illustrative example of the impact of reporting error.

REPORT DATE: 04-21-86
SOURCE: RCMC, COURT ADMINISTRATION

DISTRICT: SECOND
PERIOD: JAN-DEC. 1985

1985 COUNTY MUNICIPAL CIVIL CASES
SJIS PREFIX CORRECTION RESULTING
IN INCREASED WCL JUDICIAL NEED

STEP	PI*	CT*	MP*	PD*	CUMULATIVE TOTAL
1 AVG MINUTES ALLOWED	215.0000000	193.500000	215.0000000	115.2300000	
2 NUMBER OF MINUTES REPORTED	45.5000000	49.500000	45.5000000	45.5000000	
3 MINUTE DIFFERENCE	169.5000000	148.000000	169.5000000	69.7300000	
4 NUMBER OF CASES CHANGED	23.0000000	287.000000	1.0000000	109.0000000	
5 MULTIPLY: FILE/ACT. RATIO	0.9435260	0.943526	0.9435260	0.9435260	
6 WCL ADJ. FILINGS	21.7000000	270.800000	0.9000000	102.8000000	
7 TOTAL MINUTE INCREASE (1)	3678.3200000	40077.200000	159.9200000	7171.3300000	
8 UNADJ. JUDICIAL FTE NEED (2)	0.0490000	0.539000	0.0020000	0.0960000	
9 MULTIPLY BY NRF FACTOR	1.0384726	1.038473	1.0384726	1.0384726	
10 TOTAL JUDICIAL FTE ADDED	0.0500000	0.559000	0.0020000	0.1000000	0.711000

(1) DERIVATIVE OF STEP 6 TIMES STEP 3

(2) DERIVATIVE OF DIVIDING MINUTES IN STEP 7 BY RCMC JUDGE YEAR MINUTES: 74230

* PI=Personal Injury; CT=Contract; MP=Malpractice; PD=Property Damage

Problems with invalid data can be significant, and must be recognized as conditioning results of any weighted caseload effort. The National Center for State Courts reports that: "Occasionally a state will audit the filing and disposition data provided by trial courts to the state court administrative office of the courts. Very often a significant error factor is discovered [underlining added] between the reported numbers and the numbers developed in an audit."³ Wisconsin court officials were advised by a consultant that inaccuracy in caseload reporting had a significant effect on some courts in their state. Although the Wisconsin situation is somewhat different in that clerks are elected officials, and a new system of caseload reporting was instituted with the weighted caseload exercise, it nevertheless points out that "in instances where there are major reporting inaccuracies, the resulting manpower estimates may be off as much as an entire judicial position."⁴

Where judicial staffing levels are broken out in fractions, such as Minnesota, and rounded to nearest whole numbers, inaccuracies can mean the difference between retaining or losing judicial positions. It becomes significant.

4. Questionable Assumption: Judicial processes are relatively static. What exists now (at the time of a weighted caseload sample) governs how case-loads are assessed in the future.

"The accuracy of a weighted caseload method is extremely sensitive to procedural changes."

³ Assessing the Need for Judicial Resources, National Center for State Courts, Williamsburg, Virginia, 1983, p. 34.

⁴ Wisconsin Weighted Caseload Study on Circuit Courts: Final Report, RPC Corporation, Washington, D. C., p. 20

A Study of the Workload in Wisconsin Circuit
Courts and the Manner of Collecting, Report-
ing, and Analyzing Workload Statistics of the
Circuit Courts: Final Report

Resource Planning Corporation
Washington, D. C.
March 7, 1980 (Page 1)

"Changes in statutes, procedural requirements and other factors influencing the manner in which courts conduct their business will impact the weights derived."

Instructional Booklet: Washington Weighted
Caseload Project
National Center for State Courts
Western Regional Office
May, 1977 (page II-2)

Weighted caseload makes the assumption that the fashion in which courts are currently performing their work is proper and effective. Courts by their very nature are complex organizations. Legal procedures are dynamic rather than static with courts doing things differently today versus the way matters were handled a few years ago. Oftentimes increased caseloads and limited judicial staff have required the courts to change legal procedures so that cases are processed in a different fashion.

An example of this was the recent changes introduced in processing traffic and criminal cases in Ramsey Municipal Court necessitated by a dramatic increase in backlogs late in 1980. (A number of factors caused the lengthened calendars including the reassignment of County Municipal judges to Family and Juvenile courts and long-term illnesses of some judges.) In November 1980, during the height of the Weighted Caseload Study, there existed a 13 month delay from the not guilty plea to trial date for St. Paul criminal jury cases in municipal court. Through a number of calendar

and organizational changes--namely combining assignments, re-pretrying selected cases, increasing case settings, use of visiting judges, creation of an Administrative Hearing Officer position, and consolidation of multiple charge cases--the backlogs were somewhat reduced. Many of these changes remained as permanent alterations.

Numerous changes in the law occasioned legislatively or through appellate court directive have caused both caseloads to increase and additional hearings to be held. Tremendous change has come about since the case type weights were established six years ago. Domestic abuse legislation created a new case type in 1979 resulting in significant volume, and new hearing requirements for mental commitment cases have been introduced.⁵ Caseloads have increased due to parental notification hearings, new marriage dissolution and child custody hearing requirements, creation of gross misdemeanor DWI offense categories, required appointment of guardian ad Litem in juvenile and family cases, and the issuance of orders to show cause in conciliation court cases.

These new case types and requirements for additional hearings disrupt the weighted caseload formula in two ways. First, selected new case types may be created and inserted on the transaction data collection form. This was true with "domestic abuse" as a case type. So many cases were filed, SJIS

⁵ As an example, in the matter of William G. Harhut, Jr., Minnesota Supreme Court case C6-85-1432, filed April 11, 1986, the court held that "in addition to the statutorily mandated annual medical review, a judicial review of a mentally retarded patient's status at least once every three years after the patient has been indeterminately committed [shall be held by the trial court]."

created a new case type to track volumes. In so doing, SJIS officials opted not to sample the handling of domestic abuse matters and create a new weight. To do so would "contaminate" the 1980 nine-week sample results and logistically be difficult to effectuate since a number of judges and court staff would have to submit to a time and motion study. Consequently, SJIS and WCL decided to unilaterally assign the "other family" case type weight to the new "domestic abuse" category. We can understand the rationale for not taking another sample, and we do not quarrel with the decision to create a new case type and assign a weight. This chain of events is merely pointed out to substantiate that detailed, statistical formulas (like weighted caseload) to measure work, become outmoded over time and resultantly, we contend, increasingly inaccurate unless conscientiously and validly updated.

The second way the WCL formula is disrupted is through the passage of time. The longer between sampling periods, the more suspect should be the current data. Six years between samples is too long. Today, we are bound to a formula created in 1980 which is basically unchanged. Significant change creating new legal procedures and case types in the last six years have been witnessed. We suggest that to base decisions on judgeship need using weights detailed to the hundredth of a minute, and draw conclusions to the tenth of a position (as is done in Minnesota) is unrealistic.

A specific problem significantly altering weights over time, we believe, is the mix of jury and court trials. In sampling caseload and working patterns of judicial staff, case definitions were created with generic descriptions (i.e. "contracts," "property damage") merging jury and non-jury distinctions. This is consistent with other weighted caseload systems.

Since cases move back and forth between jury and court trial designation, it is difficult to assign weights at an early point. Consequently, all data is averaged, and cases are defined not by the process they will go through (jury or court) but rather by the general nature of the case.

Difficulties arise over time where averages break down because of a different array of cases going to jury trial vis-a-vis court trial. This can happen because of legislative change, local prosecutor and defense policy changes, or changes in court rules or trial practices.

Since substantial time differences exist between court and jury trials in general, the mix in their occurrence over time contributes to greater case weight inaccuracies. The six year sampling lapse in Minnesota undoubtedly has compounded the problem.

We understand, as the WCL staff points out, that all courts are penalized by the same set of circumstances; and if errors in weights exist or newly-introduced case types have invalid weights attached to them, that everyone suffers. However, we do not agree that everyone suffers equally.

Differences in caseload, in addition to being time specific, are also location specific. Population totals, growth and density, presence of government and business centers, transportation patterns, economic conditions, numbers of attorneys, and the like all contribute to caseload differences among judicial districts.

The Ramsey courts, we contend, have been affected by these changes to a greater extent than some other courts. Examples: Because of its urban setting and the anonymity a large city provides, a greater share of parental notification hearings are conducted in Minneapolis and St. Paul than other districts. Special women advocate programs in Minneapolis, St. Paul, and Duluth occasion more domestic abuse filings in those courts relative to other districts. Ramsey contracts with Washington County to process their mental commitment matters increasing the filings in Ramsey and compounding errors in caseload weights for the Second District beyond cases filed from its own jurisdiction. Other courts in the state may, indeed, have different circumstances attracting greater proportions of case types to them than their neighboring districts. The consequence, then, of outmoded weights must be understood as unequally affecting courts.

Lastly, procedural changes introduced by other participants in the criminal justice system--but outside the control of the court--may also cause abrupt changes in volume of caseload. Examples of volume changes include law enforcement crackdown programs on prostitution, various traffic offenses or "sting" operations initiated by the Bureau of Criminal Apprehension focusing on a large network of people involved in the buying and selling of stolen property. A change in procedure felt by the the Ramsey courts in recent years was the outgrowth of tighter controls on plea bargaining felony and gross misdemeanor cases involving weapons by the County Attorney's Office. The result has been a change in both the County Attorney's charging patterns and a noticeable increase in the number of felony and gross misdemeanor cases moving to a jury verdict. All these examples indicate how easily time periods between filings and dispositions can change--sometimes for protracted periods.

III. PROBLEMS IN APPLYING WEIGHTED CASELOAD METHODOLOGY TO MINNESOTA COURTS

Aside from the general methodological problems inherent in any weighted caseload effort, there are particular problems in the Minnesota approach that lead to inaccuracies. Problems in this respect relate to systems design and flaws that exist in data gathering and analysis.

A. Level of effort builds in problems for Minnesota

As we noted earlier, we agree that Minnesota's weighted caseload is the most detailed, pervasive, and sophisticated of any in existence. The data collection effort occasioned in daily inputting transaction data from each court in the state to update the SJIS data base in order that statewide caseflow can be monitored and judge-need determined is immense. Many cases flowing through the courts have pages of SJIS transaction forms before being closed. Clerical work is significant for both the trial courts and the SJIS Information Office.

With this tremendous level of detail, we submit, are a number of data uniformity and definitional problems. Taken separately they are minute, but collectively, they can result in significant errors in the data base. Chance for error is greatly compounded where TCIS is not employed and volumes are high, such as the courts in the major urban areas of the state.

A second drawback flowing from the level of effort in Minnesota is the ability to update the sample at appropriate times. The weighted caseload staff has pointed out that the nine week sample of time data was remarkable in that 98% of all judicial staff logged their time, totaling 11,000 daily

time reports It is no wonder that a lapse of six years will take place before an updated sample is taken, with a level of involvement and detail that extensive.

We applaud the state for the size of the sample and the tremendous logistics that have to be undertaken to re-sample the judiciary. However, we fear that it will again be an extended time before subsequent updates take place. The level of effort and detail the Minnesota experience embraces mitigates against frequent sampling and leads to over- and under- estimating judge need because of outdated case weights. Procedure and law change too rapidly to sample every six years. In using 1980 weights to assess the need to sunset and transfer judicial vacancies in 1986, we urge the court to act cautiously.

We speculate that the level of effort involved, specifically translated in terms of cost, is the basic reason why other states have not employed the Minnesota approach to weighted caseload. Lawson and Gletne, in their monograph on Workload Measures in the Court, would appear to generally support this thought in concluding that one of the principal reasons "the use of weighted caseload systems seems to be declining..." is that they are too..."costly to initiate and update. The initial study involves the collection of a great number of variables and time estimates or observations. Although this could be considered a one-time cost, monitoring and updating require that it be done more frequently."⁶

⁶ Workload Measures in the Court; Harry O. Lawson, Barbara V. Gletne; National Center for State Courts, Williamsburg, Virginia, 1980; p. 54.

B. A recognized shortcoming: Problems with case type categories

The Minnesota weighted caseload system had more case-type categories than any other state operated weighted caseload system we reviewed, specifically the three cited by State Court Administration in 1980 as comparisons-- California, Washington, and Wisconsin. The 30 case-type categories prompt a number of difficulties.

First, with numerous categories and prefixes, it is extremely difficult for clerical personnel in the trial courts to properly identify a case type. Definitions are not easily understood. As an example, a civil malpractice case applies to all professionals except lawyers. If a lawyer is sued for malpractice, it must be recorded as an "other civil case." The proper cite to many of the clerical personnel makes little difference when they're pressed to pull a file or wait on a customer at the counter. Resultantly, the chance for error is heightened. The difference in weight, however, is significant. In our example, a malpractice case is weighted 3 1/2 times greater than an "other civil" case (657.56 minutes vs. 182.18 minutes).

Identifying civil case types is extremely difficult in a state such as Minnesota where lawyers are not required to file with the court until a note of issue is sought. Frequently, the court becomes aware of a case when an answer is filed. The answer, denying each and every allegation in the complaint, often is extremely difficult to categorize--and sometimes impossible. Resultantly, most clerical personnel "dump" the case into the "other civil" category. Even when a summons and complaint is filed with the court, it may be difficult to categorize the lawsuit.

As we pointed out earlier, miscategorization of case types is, we believe, a significant problem for many courts in the state. Recently, Ramsey officials went back through all 1985 civil cases categorized as "other civil" and determined that a number of cases were improperly identified. Updated SJIS records were submitted. This situation, we believe, exists in many other courts in the state as well.

Secondly, weighted caseload staff have altered case-type categories somewhat over the past six years to more accurately represent legislative changes. This in itself is tacit recognition by SJIS that law and procedure have changed significantly enough to occasion reporting modifications on the SJIS transaction form. Examples include eliminating the "writ/injunction/replevin" and "appeal" categories, adding "domestic abuse," "other juvenile," "special administration," "other probate," and "informal administration" categories, and requiring the assignment of five prefixes to "commitment cases." These changes, by necessity, have all been made without any sampling as to new weights. Weights have been unilaterally assigned. As an example, the "domestic abuse" case type was assigned the "other family" case type weight because it was the closest appropriate one.

Thirdly, we contend that some of the case type categories used in collecting SJIS statistics do not accurately reflect judicial workload at all. Two examples include the "transcript of judgment" category and the "criminal- traffic-parking" summary offense category.

In virtually all the courts we are familiar with, transcriptions of judgment are a clerical function never involving judicial personnel. Even if judicial staff were involved, we question the level of effort that must be maintained to record their processing on an SJIS transaction form when the case weight assigned to them is 0.15 minutes or 9 seconds. We submit that clerical effort and computer time could be put to better use.

The case category "County-Municipal Criminal-Traffic-Parking" presents a much different problem, but nonetheless questionable. The category includes not only parking tags that may be heard before a judge or processed only in a violations bureau without an appearance before a judge, but all traffic and criminal court and jury trials as well (i.e. DWI, simple assault, DAR, DAS, open bottle, etc.). Rather than break this aggregate category down further, weighted caseload figures are applied to all citations and criminal complaints processed by the violations bureau or a city attorney's office, whether heard by a judge or not. The SJIS and weighted caseload staff recognize this "summary offense" category as a "bastardized one" in trying to clearly depict workload handled by judges. (It likely will be altered for the 1986 weighted caseload sample.)

However, in the current weighted caseload formula, this summary offense category is an integral part of the formula, resulting in the single largest source of judge time for the Ramsey courts at 5.59 positions in 1985, and equally true with the Hennepin courts reporting 697,661 cases equaling 14.54 positions. The formula allows 1.49 minutes for each offense. Interestingly, the issuance of 50,000 parking tickets in either St. Paul or Minneapolis would permit the addition of one judgeship. To carry the argument further, if a meter monitor works 240 days per year and

can issue six tickets per hour on the average (1 every 10 minutes), 4.3 meter monitors can issue enough tickets to create one judgeship. Or conversely, when city government encounters a budget crunch and lays off meter monitors, a direct relationship exists with the number of judgeships needed. A complication pushing the formula further from reality is the fact that a minuscule number of parking tags ever reach a hearing before a judge or referee since Administrative Hearing Officers in both Hennepin and Ramsey hear minor traffic matters. These officials have never been considered "judicial" in the nature of their work and, consequently, are not calculated as part of the judicial manpower of the district.

Concern for the argument takes on greater proportions when one considers that in limited jurisdiction courts, most of the work done by a judge tends to be focused on criminal and traffic matters. Additionally, the rural counties may not suffer as much from "over generalizing" since we believe their work is not as heavily concentrated in the criminal misdemeanor area as the judges serving the urban areas included in this category--namely Minneapolis, St. Paul, Duluth, Rochester, and Mankato.

A final argument against the accuracy of existing case type categorization questions the finite differentiation between minutes assigned to limited and general jurisdiction courts for the same case category. As an example, a contract case requesting \$14,000 in damages is venued in County Municipal Court, while a \$16,000 or \$20,000 case is filed in District Court. The weight assigned in county court is 193.40 minutes as opposed to 290.75 minutes, and the filed-to-activated ratio applied in the weighted caseload formula is .943526 for county compared to .749573 for district court. We

understand that the foundation of weighted caseload rests on averages, and that the system is directed at measuring case complexity in terms of the time it takes to move a lawsuit from introduction to disposition. However, we submit that a contract case--whether requesting \$14,000 or \$20,000 in damages--will likely take approximately the same amount of time to process whether filed in county municipal or district court. Further, it is contended that the "fall out rate" (filed to activated ratio)--the percentage of cases that are filed which never actually make it to a first appearance before a judge--is as conditioned by the type of case as the jurisdiction. Within broad dollar ranges, the type of case may be more a determining factor than the court's jurisdiction. (We fail to see how, in our example, two contract cases differing by only \$6,000, the county court case has a 94% chance of moving from filing to first hearing, while the district court case has only a 74% possibility.)

C. Court consolidation causes acknowledged inaccuracies

The SJIS staff has indicated that the consolidation of civil calendars between limited and general jurisdiction cases have occasioned very real measurement problems in applying the 1980 weighted caseload formula. An official document issued by State Court Administration in 1985 entitled "Minnesota Weighted Caseload Analysis: 1980 Through 1984" notes the problem:

"A more difficult problem with the existing weighting system is caused by court consolidation. The general civil weighting system was devised to reflect the difference in time required to dispose county/municipal court jurisdiction cases versus the general jurisdiction district court cases. With court consolidation or civil docket consolidation as in Hennepin County, cases reported to the State Judicial Information System (SJIS) are not identified as to the dollar amount in controversy or other indications allowing separate weighting.

Therefore, the consolidated courts show judge-need estimates through the last full year before consolidation."

In early 1985 when the weighted caseload staff estimated the number of FTE judicial positions for 1984, four districts (the Third, Fourth, Seventh and Tenth) were not assessed as to judicial positions needed. The footnote to the table provided the legislature, courts and public explained that for these districts "post consolidation WCL estimates [are] unavailable due to [a] case weighting scheme based on court jurisdiction." (The table and footnote appear on the following two pages as Exhibit 3.)

In response to inquiry, WCL staff indicated that for consolidated districts, a rough estimate of judge-need is made by applying the civil case percentages that existed prior to consolidation. For three districts, this data stretches back to 1983 and for the Hennepin courts, it dates back to the percentages that existed in 1982--four years ago. We submit that to calculate judge need for the consolidated districts in that fashion is indeed suspect. This takes on a heightened degree of concern when it is understood that at least 33% of judicial need flows from civil case weights.⁷

In addition to changing case weight, court consolidation changes judicial equivalencies--another important component of the formula. This is the result of differences occasioned in non-case related time averages due to

⁷ Based on Second District case weights for 1985 as calculated using SJIS data.

MINNESOTA WEIGHTED CASELOAD PROJECT
 ESTIMATED NUMBER OF FTE JUDICIAL POSITIONS
 1980 THROUGH 1984 COMPARED TO
 NUMBER OF JUDGES AND PARA-JUDICIALS ON BOARD

Judicial District and Court	1980(1) WCL	1981(2) WCL	1982 WCL	1983 WCL	1984(3) WCL	ACTUAL
FIRST	22.8	22.7	22.5	22.0	22.9	20
County	12.7	13.7	13.3	13.5	14.4	11
District	10.0	9.0	9.2	8.5	8.5	9
SECOND	29.4	26.5	26.3	27.2	27.1	33.2(5)
Municipal	10.2	8.0	7.6	8.5	8.2	11.5
District	19.1	18.6	18.7	18.7	18.9	21.7
THIRD	19.2	20.2	19.5	19.0	(4)	22.5
County	12.9	13.4	13.1	13.0	(consolidated)	16.5(6)
District	6.3	6.8	6.4	6.0		6.0
FOURTH	56.3	59.1	60.8		(consolidated	58(7)
Municipal	16.0	17.7(8)	19.6		civil docket)	20
District	40.3	41.3	41.2			38
FIFTH	15.1	16.5	15.5	15.2	15.3	21
County	10.1	11.0	10.4	10.6	10.8	16
District	5.0	5.5	5.1	4.6	4.5	5
SIXTH	18.1	16.0	15.0	14.7	14.3	19.0
County	10.4	9.9	9.0	9.4	9.5	13.0(9)
District	7.7	6.1	6.0	5.3	4.8	6.0
SEVENTH	18.0	20.0	18.6	18.2	(consolidated)	19
County	11.2	12.7	11.5	12.0		15
District	6.7	7.3	7.1	6.2		4
EIGHTH	9.1	9.7	9.6	8.5	8.8	13
County	5.8	6.4	5.9	5.6	5.9	10
District	3.3	3.3	3.7	2.9	2.9	3
NINTH	18.2	18.8	17.3	18.2	18.7	20
County	9.8	11.1	10.5	11.1	11.4	14
District	8.5	7.7	6.9	7.1	7.3	6
TENTH	26.1	28.9	27.1	27.4	(consolidated)	23
County	16.0	16.4	17.3	18.1		13
District	10.1	12.6	9.8	9.2		10

EXHIBIT 3(1)

NOTE: WCL estimates for county/municipal and district court are based on the jurisdiction of those courts. Workload is measured where cases are filed, and does not take into account current patters of cross-assignment of county/municipal and district court judges. Referee positions have been equaled with judicial positions in the computation of "actual" positions. However, because referees' powers and duties are statutorily limited, it is uncertain whether an exact equivalency between the two positions does exist.

- (1) 1980 WCL estimates equal the published estimates after rounding-up all fractions at the court type and district level.
- (2) For 1981 through 1984 gross misdemeanor cases were moved into county/municipal court for the purposes of workload estimation.
- (3) 1984 calculated from annualized SJIS caseload statistics through 9/30/84.
- (4) WCL judge need and over/under staffing calculated through last full year before district consolidation. Post consolidation WCL estimates unavailable due to case weighting scheme based on court jurisdiction.
- (5) Includes 8.7 FTE referees and .5 FTE per diem conciliation court referees. Excludes 2.0 FTE administrative hearing officers.
- (6) Includes .5 FTE judicial officers.
- (7) Includes 14 FTE referees in district court and 3 FTE per diem conciliation court referees. Excludes 4.0 FTE administrative hearing officers.
- (8) The sum of the positions in county and district court may not equal the total for the district due to rounding.
- (9) Includes 5.0 FTE judicial officers. Excludes .2 FTE administrative hearing officers.
- (10) For 1982 all family cases in the Tenth Judicial District were credited to county court for the purposes of workload estimation per request of judicial district administrator.

altered travel and court administration demands placed on judges. Through reorganization, judicial efficiency is effectuated and minutes ascribed per judge for case-related time must, as a matter of course, change. How much they change we are not sure. But, then, neither is the weighted caseload staff.

D. Judicial need is subject to constant variation depending on when the weighted caseload program is run against the SJIS data base.

Because of Minnesota's computer driven WCL formula, statistics and judge need levels are constantly fluctuating by fractions of positions depending on when the WCL program is run against the SJIS data base. In this atmosphere, it is difficult to verify just which cases are counted and in what categories. Since the data base is dynamic (changing all the time as case status changes), and year-end statistical runs are gathered with different programs, the SJIS yearly caseload statistics data does not correlate with the data produced by the WCL program. As an example, the 1985 year-end caseload report generated by SJIS depicted 3011 general civil cases filed in the Ramsey District Court in 1985. When the WCL program was run against the same data base, it pinpointed only 2888 general civil cases, a difference of 123 cases. SJIS staff were surprised to learn that the two programs did not count the same thing and concluded that the difference resulted from the fact that the caseload stat program counts initial filing transactions and the WCL program counts filings after defaults. Consequently, not only what you count, but when you count it can affect judgeship need. This we contend supports our argument that judicial staffing need should be depicted as a range; the minimum level of need being the FTE positions depicted at the time of the WCL computer run and

the maximum, a percentage applied to the computed minimum. It is further suggested that the percentage should be at least 5% under ideal conditions (i.e. within a short period of time from the sampling date) and an increasing percentage the further away one gets from the sampling period to compensate for inaccurate weights.

It is true that the SJIS staff compensates to a certain extent now in a staffing range fashion. However, it is based on rounding positions to the nearest whole number and compensates districts unevenly. Based on the data reported in 1984, rounding benefits the Second District the most and the First District the least regarding single positions and the Sixth District the most and First District the least relative to a court's entire judicial staffing level.

JUDICIAL DISTRICT	WCL FTE POSI- TIONS NEEDED	NEXT HIGHEST WHOLE POSITION	BENEFIT PCT OF 1 FTE	AS A PCT OF TOTAL FTEs
FIRST	22.9	23	.10	.004
SECOND	27.1	28	.90	.033
THIRD	-	-	-	-
FOURTH	-	-	-	-
FIFTH	15.3	16	.70	.045
SIXTH	14.3	15	.70	.048
SEVENTH	-	-	-	-
EIGHTH	8.8	9	.20	.022
NINTH	18.7	19	.30	.016
TENTH	-	-	-	-

IV. WEIGHTED CASELOAD UNITS UNDERREPRESENT WORKLOADS

A weighted case unit is the figure derived by multiplying the case filings per case type against the case weights per case type. The calculation is performed for each case type by judicial district and totaled. The result

is the composite number of minutes required to handle the workload of a court. Although sounding complex, it is simple math carried out to at least two decimal points. To indicate the detail of the WCL formula, and the importance of the WCL unit figures, the following page portrays 1985 SJIS generated data for the Ramsey courts in a format developed by Second District Administration (Exhibit 4). The judicial need figure shows 30.51 positions. This corresponds to a figure produced by State Court Administration of 30.28 positions (Exhibit 5). The fractional position difference pertains to corrected county-municipal court case-type information covering the period August through December 1985 which had not been entered by SJIS staff prior to their computer run.

Understanding how the WCL unit figure is arrived at, we contend there are factors that are not represented in the figures which are detrimental to accurately depicting workload in Ramsey and other courts. The tendency in this misrepresentation is to underestimate the workload of the courts.

A. Rule 53 matters (appeals from referees' orders) are not counted.

Hennepin and Ramsey Courts, employing court referees, are subject to judicial work in the review of appeals from the orders and decisions of referees under Rule 53, Minnesota District Court Rules of Civil Procedure. We have been informed by SJIS staff that the judicial time devoted to this function is not included in the total weighted caseload unit figures. A Rule 53 appeal is not allocated a case weight and, therefore, not entered into the SJIS data base. Neither is it factored into the judge case-related time or non case-related time for either Hennepin or Ramsey courts. We contend this is an error unduly penalizing the Second and Fourth Districts.

REPORT DATE: 04-24-86
 DATA SOURCE: SJIS-STAT-87(8071) 01-30-86 RUN
 ANALYSIS BY: JDA OFFICE, SECOND DISTRICT

1985 CASELOAD STATISTICS
 SECOND DISTRICT - WEIGHTED CASELOAD ANALYSIS

PERIOD COVERED: JAN-DEC 1985
 PAGE 1 of 1

CASE TYPE	CASES FILED	CASES ACTIVATED	FILED: ACTIVATED RATIO	WEIGHTED CASELOAD FILINGS	WEIGHT PER CASE	WCL UNITS (TOTAL MINUTES)	JUDICIAL EQUIVALENT	JUDICIAL POSITIONS F.T.E. x NRF	REQUIRED = POSITION	
CRIMINAL										
Felony	1861.00	1824.00		1824.00	164.23	299,555.52	75,274	3.980	1.0242995	4.080
Gross Misdemeanor	1227.00	1200.00		1200.00	91.07	109,284.00	74,230	1.470	1.0384726	1.530
CIVIL										
Personal Injury (District)	938.00		0.749573	703.00	230.04	161,740.99	75,274	2.150	1.0242995	2.200
Contract (District)	791.00		0.749573	593.00	290.75	172,389.22	75,274	2.290	1.0242995	2.345
Wrongful Death (District)	51		0.749573	38.00	338.65	12,945.98	75,274	0.172	1.0242995	0.176
Malpractice (District)	82.00		0.749573	61.00	657.56	40,416.86	75,274	0.537	1.0242995	0.550
Property Damage (District)	31		0.749573	23.00	337.12	7,833.56	75,274	0.104	1.0242995	0.106
Condemnation (District)	10		0.749573	7.00	446.00	3,343.08	75,274	0.044	1.0242995	0.045
Unlawful Detainer	4643		0.943526	4381.00	5.76	25,233.36	74,230	0.340	1.0384726	0.353
Other Civil (District)	985		0.749573	738.00	182.18	134,508.85	75,274	1.787	1.0242995	1.830
Other Civil (County)	957		0.943526	903.00	45.50	41,084.42	74,230	0.553	1.0384726	0.575
Transcript (District)	1140			1140.00	0.15	171.00	75,274	0.002	1.0242995	0.002
Transcript (County)	2593			2593.00	0.15	388.95	74,230	0.005	1.0384726	0.005
Default Judgment (Dist)	1179			1179.00	0.91	1,072.89	75,274	0.010	1.0242995	0.010
Default Judgment (County)	1010			1010.00	0.91	919.10	74,230	0.010	1.0384726	0.010
Trust	47		0.749573	35.00	60.07	2,102.45	75,274	0.030	1.0242995	0.030
Personal Injury (County)	23.00		0.943526	22.00	215.00	4,665.72	74,230	0.063	1.0384726	0.065
Contract (County)	287.00		0.943526	271.00	193.40	52,371.15	74,230	0.706	1.0384726	0.733
Malpractice (County)	1.00		0.943526	1.00	215.00	202.85	74,230	0.003	1.0384726	0.003
Property Damage (County)	109.00		0.943526	103.00	115.23	11,850.75	74,230	0.160	1.0384726	0.166
PROBATE										
Sup. Administration	89			89	39.09	3,479.01	75,274	0.050	1.0242995	0.050
Unsup. Administration	430			430	24.54	10,552.20	75,274	0.140	1.0242995	0.140
Inform. Administration	462			462	24.54	11,337.48	75,274	0.150	1.0242995	0.150
Spec. Administration	49			49	39.09	1,915.41	75,274	0.020	1.0242995	0.020
Other Probate	129			129	39.09	5,042.61	75,274	0.060	1.0242995	0.060
Guard/Conserv.	272			272	135.56	36,872.32	75,274	0.480	1.0242995	0.490
Commitment	343			343	224.96	77,161.28	75,274	1.020	1.0242995	1.040
FAMILY										
Dissolution	2022		0.980898	1983.00	76.14	150,985.62	75,274	2.010	1.0242995	2.050
Support	1649		0.805930	1329.00	28.75	38,208.75	75,274	0.510	1.0242995	0.520
Adoption	222			222.00	25.05	5,561.10	75,274	0.070	1.0242995	0.080
Domestic Abuse	1128		0.952494	1074.00	104.27	111,985.98	75,274	1.490	1.0242995	1.520
Other Family	69		0.952494	66.00	104.27	6,881.82	75,274	0.090	1.0242995	0.090
JUVENILE										
Delinquency	2823			2823	42.42	119,751.66	75,274	1.590	1.0242995	1.630
Status Offender	907			907	42.42	38,474.49	75,274	0.510	1.0242995	0.520
Dependency	57			57	124.21	7,079.97	75,274	0.090	1.0242995	0.100
Neglect	108			108	124.21	13,414.68	75,274	0.180	1.0242995	0.180
T.P.R.	79			79	95.70	7,560.30	75,274	0.100	1.0242995	0.100
Other Juvenile	165			165	104.27	17,204.55	75,274	0.230	1.0242995	0.230
Juvenile Traffic	1493			1493	8.71	13,004.03	75,274	0.170	1.0242995	0.180
COUNTY MUNICIPAL										
Conciliation	13182			13182	5.18	68,282.76	74,230	0.920	1.0384726	0.960
Criminal-Traffic-Park.	267971			267971	1.49	399,276.79	74,230	5.380	1.0384726	5.590
TOTAL						2,226,113.51		29.676		30.51

EXHIBIT 4

04/18/86
10:42:49

1985 WEIGHTED CASELOAD STUDY
INDICATIONS OF JUDICIAL NEED

PAGE 3
WCL85R5

DISTRICT: SECOND COURT TYPE: COUNTY

COUNTY	1980 WEIGHTED CASE UNITS	1985 WEIGHTED CASE UNITS	PCT. CHANGE	1980 JUDGES	1985 JUDGES	PCT. CHANGE
62 RAMSEY	757715.957	723431.103	-4.52	10.20768	9.74580	-4.52
TOTALS	757715.957	723431.103	-4.52	10.20768	9.74580	-4.52

DISTRICT: SECOND COURT TYPE: DISTRICT

COUNTY	1980 WEIGHTED CASE UNITS	1985 WEIGHTED CASE UNITS	PCT. CHANGE	1980 JUDGES	1985 JUDGES	PCT. CHANGE
62 RAMSEY	1441211.151	1546272.518	7.29	19.14620	20.54192	7.29
TOTALS	1441211.151	1546272.518	7.29	19.14620	20.54192	7.29

DISTRICT
TOTALS

TOTALS	2198927.108	2269703.620	3.22	29.35388	30.28773	3.18
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In 1985, there were 164 Rule 53 appeals on the record filed with the Ramsey Family Court. There were some appeals in Juvenile Court, although much fewer, with no records maintained. On the average, each appeal takes three hours (180 minutes) to read, decide, and write an opinion by a District Court judge. This, we argue, appears consistent with the "appeal" case type which existed in the early 1980's, prior to the creation of the intermediate appellate court, when panels of district court judges reviewed appeals from County and County Municipal Court. The appeal category in that instance had a weight of 402.10 minutes (6.7 hours) per case.

Multiplying 164 cases times 180.0 minutes equates to 29,520 minutes or 0.39 judge positions. To carry the WCL formula out further, by adjusting for the non-reporting factor (NRF) assigned to district court judges of 1.0242995, the position figure rises to 0.40. It becomes significant when added to the 30.5 positions assessed as needed by the Ramsey Courts in 1985, raising the estimated staffing level to 30.91 FTEs.

In this regard, we request the Court to factor in judicial time required for Rule 53 appeals.

B. Judge time required to review and sign referee orders is not counted.

We are led to believe that judge time spent reviewing and counter-signing proposed orders submitted by referees is not included in either case weights or the judge-year minute figures for Hennepin or Ramsey courts. The amount of time spent reviewing such decisions is substantial.

As an example: of the 8.2 referee positions in Ramsey, the decisions of 6.8 FTE referees are subject to review by a judge. (Decisions not reviewed are made by 0.5 conciliation referees, 0.4 Court Commissioner, and 0.5 probate referee working in civil commitments whose work is reviewed by the Court Commissioner.) If the decisions of those referees each take 30 minutes of judge-time to review each day, that equates to 204 minutes or 40,188 minutes per year (0.53 FTE).

Consequently, we request the Court to factor in judicial time for reviews of referee orders.

C. Courts that prompt early case filing inflate WCL units.

A case is logged into the SJIS data bank and subject to being counted by the WCL program at the point of initial filing. Consequently, those courts that encourage early filing enhance the number of WCL units in comparison to courts that do not.

Although a study a few years ago, concurrent with the issue of mandatory civil filing, indicated that the delay between the issuance of a summons and complaint and the filing of a note-of-issue was not inordinate, it is likely that those courts that encourage early filing of a case as an element of calendar control by the court improve their position relative to increased WCL units. As an example: the Hennepin courts trigger an assigned trial date off the first filing with the court while many other courts in the state, including Ramsey, key off the note-of-issue for trial date assignment. With the natural tendency of attorneys in Minnesota not to file cases due to the "hip pocket" manner of court business, a court encouraging early filing prompts increases in its WCL unit total.

A factor further complicating this situation occurs in the WCL formula when a filed-to-activated ratio is applied to all cases recorded, reducing by a percentage the actual cases to be weighted. The rationale for this adjustment flows from the fact that of all cases filed with the court, something less than 100% reach the point of appearance before a judge. This "fall-out" rate was computed from the 1980 nine week sample period to vary by case type. As a statewide figure, it ranges from .749573 for most district court civil cases to .980898 for dissolution cases.

Where courts encourage early filing, the filed-to-activated ratio is likely higher than the statewide average which is based on "hip-pocket" filing. We are not sure what the differences in this "fall-out" rate may be, but would contend it varies depending on the assignment practices of a court and the traditions followed by the local trial bar in filing cases with the court (i.e. "local legal culture").

D. Clerical work organization and staffing affect a court's ability to ensure all WCL units are counted.

As outlined frequently throughout this brief, WCL requires an immense amount of data input. Where courts are marginally staffed clerically, it is contended that attention to detail and timely filing of SJIS transaction forms suffer.

The Ramsey courts, we submit, have historically been characterized by a minimal staffing level compared to the caseload processed. We accept the situation as a local responsibility and recognize the burden to improve

recordkeeping levels rests with local court administrators and District Administration. Nonetheless, any court that is understaffed clerically or has economically been unable to institute computerization of civil case indexing procedures, deals with a high clerical burden imposed by SJIS data requirements.

Interestingly, workload measures and staff ratios for nonjudicial personnel are being used by various court systems. The same principles of time and motion studies that apply to judicial personnel can be utilized. As an example, the Alaska court system has developed a system to estimate clerical and support needs in each court location based on the amount of bench time expended in the location.⁸ This perhaps is a way in the future we can verify clerical workloads among courts.

E. Statewide sampling caused errors in estimating weights

During the nine-week sampling period in 1980 when case weights were established, it's contended that most judges misunderstood the nature of the study and worked at a heightened pace during the nine week period as frequently happens in time and motion studies (noted as the Halo or Hawthorne effect). The result: the established weights underrepresent, generally, the time it takes a lawsuit to move through the courts. No specific adjustment was made in the weighted caseload formula, to our knowledge, to compensate for this factor. On occasion, the weighted

⁸ Workload Measures in the Court, Lawson and Gletne, p. 66ff.

caseload staff have acknowledged such a phenomenon as a problem, especially where the subjects being studied (i.e. judges, referees) do not fully understand that heightened productivity will not result in an accurate case weight.

The only standard error correction factor we are aware that was applied in the WCL formula was .0384726 for limited jurisdiction judges and .0242995 for general jurisdiction judges. This we have been informed compensated for the judges that did not participate in the sample. We are unsure whether there should be another standard error adjustment in the formula to compensate for the Hawthorne effect. We suggest the issue be investigated.

F. Statewide errors in recording case types are prevalent

Lastly, we submit that the orientation of most of the trial courts of the state prior to the enactment of M.S. 2.722 Subd. 4 (1985) was one in which weighted caseload was concluded to be (a) principally a tool to be used to request new judgeships from the legislature; (b) limited in value for trial court management purposes since locally-generated statistics used for calendar management purposes normally could not be correlated with SJIS statistics (and often still cannot); and (c) benefiting only those courts that were shown to be in need of judgeships. Consequently, most courts were lax in ensuring that SJIS transaction data was accurately submitted by case type.

With the passage of sunset and transfer legislation, it became increasingly important to ensure that case type data was valid. Clerical burdens significantly increased, with many courts reviewing prior submissions and

changing procedures to ensure timely and accurate transaction data reporting. Although current data submissions are much more accurate than previous reports, it still is difficult to ensure civil cases are properly categorized. The result, we speculate, is that cases in the past have been defined often as "other civil" by clerically burdened clerks. This contention seems to hold true with the large number of corrections to transaction data initiated by courts throughout the state in the past few months. (Within the past four to six months, Ramsey has submitted over 1000 corrections to 9000 civil cases filed in 1985.)

V. JUDICIAL EQUIVALENTS FOR RAMSEY COURTS ARE OVERCOUNTED

Currently, there are 8.2 FTE parajudicial positions in the Ramsey Courts. These staff are appointed court referees under various special legislative provisions applicable to the Second and Fourth Judicial Districts. All referees are full time employees of the court, except per-diem conciliation referees and the Ramsey Court Commissioner. Two court staff devote a small portion of their time to judicial work as court referees, having as their primary function management and administrative duties for the court. The referee staff has grown from 6.6 positions in 1980 to 8.2 positions in 1985 as shown on the following page (Exhibit 6). Court referees are a valuable and important part of the judicial system in the Second District. Our philosophy and employment of para-judges has sharply differed from the orientation of the Supreme Court toward the elimination of appointed judicial officers throughout the state. We suggest in the following arguments that Ramsey is consistent with state policies and national trends in the employment of para-judicials (full time employees of the court) and

REPORT DATE

COURTS: DISTRICT AND COUNTY

SOURCE: JUDICIAL DISTRICT ADMINISTRATION
OFFICE, SECOND DISTRICT

PAGE 1 OF 1

ANALYSIS BY: JUDICIAL DISTRICT ADMINISTRATION
OFFICE, SECOND DISTRICT1980-1985 PARAJUDICIAL STAFF
SECOND JUDICIAL DISTRICT

NAME	POSITION TITLE	JUDICIAL WORK BY FTE BY YEAR					
		1980	1981	1982	1983	1984	1985
Alfveby	Court Referee	1.0	1.0	1.0	1.0	1.0	1.0
Beddow	Court Referee						1.0
Finley	Court Commissioner	0.4	0.4	0.4	0.4	0.4	0.4
Hatfield	Judicial Commissioner						0.2
Kubes	Court Referee	1.0	1.0	1.0	1.0	1.0	1.0
Leonard	Court Referee	0.1	0.1	0.3	0.5	1.0	1.0
McKenzie	Probate Registrar	0.1	0.1	0.1	0.1	0.1	0.1
Muske	Court Referee	1.0	1.0	1.0	1.0	1.0	1.0
Rutman	Court Referee	1.0	1.0	1.0	1.0	1.0	
Tretheway	Court Referee	0.5	0.8	1.0	1.0	1.0	1.0
Truax	Court Referee	1.0	1.0	1.0	1.0	1.0	1.0
Various	Conciliation Referee	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
	TOTAL	6.6	6.9	7.3	7.5	8.0	8.2

judicial adjuncts (part-time employees) to supplement elected judges. We also contend that in a court such as ours, where we are heavily dependent of parajudicial staff, it is not appropriate to evenly equate referee and judge positions in the WCL formula as is now the situation.

A. The use of Court Referees in Minnesota is legislatively approved

All statutory referee positions, except conciliation court referees and the Ramsey Court Commissioner, are subject to the same limitation, which distinguishes them from judicial officers (employed in the Sixth District): they may not issue final orders. Referees hear the matters assigned, prepare a report (findings of fact and conclusions of law) and draw up proposed orders for a judge's signature. The judge may accept the report and sign the order (which then becomes a final order of the court), modify the report and proposed order, or reject both entirely. Parties may appeal a referee's report directly to a judge prior to its adoption by the court.

Conciliation court referees are private attorneys retained on a per diem basis specifically to conduct conciliation court pursuant to M.S. 488A.30 Subd. 1(c), 1978 in the Ramsey County Municipal Court and a like provision for Hennepin County. The referees, selected from a roster maintained by the County Municipal bench, sit approximately one day a month and are not permitted to appear in conciliation court as private counsel. Since appeals from conciliation court are to County Municipal Court de novo, orders are not countersigned by a judge.

The office of Ramsey Court Commissioner is a unique one. The commissioner is appointed by and serves at the pleasure of the County Board for a four

year term. The office is responsible for adjudicating all civil commitments. The incumbent is an attorney serving part-time who maintains a private practice as well. Decisions of the commissioner are final orders of the probate court, appealable to the intermediate appellate court. Orders of the court commissioner do not require the counter signature of a judge (M.S. 253A.21 Subd 4, 1978).

The Minnesota Legislature, in the late 1970s, intensively debated the use of referees and judicial officers, culminating in Laws 1978, CM 750, Section 8, mandating the Supreme Court study the use and functions of referees and judicial officers with recommendations to the Legislature on or before October 1, 1980. Through its Judicial Planning Committee, after lengthy study, the Supreme Court recommended that no vacancy in the office of referee be filled nor new office created, and that eventually the office of referee should be abolished when all positions were vacated or terminated.

The Legislature, in developing statewide policy on the status of referees, amended M.S. 484.70 in four separate sessions: 1980, 1981, 1982, and 1983. Essentially, the Legislature sorted out policy over these four years moving finally to the conclusion that referees were an appropriate and viable part of the judicial staff in the Minnesota trial courts.

The amendments to M.S. 484.70 trace the debate over the referee issue. The 1980 Legislature limited juvenile referees from hearing contested motions and hearings or trials if the parties objected in writing to the assignment of a parajudicial. In 1981, the Legislature abolished the office of referee with many of the same "grandfather provisions" outlined in the

Judicial Planning Committee Report (Laws 1981 Ch. 272). The 1982 legislature lifted restrictions on referees somewhat by authorizing the chief judges of the Second and Fourth Districts to fill vacancies in established positions (L. 1982 Ch. 609). Finally in 1983, the legislature reinstated the office of referee permitting chief judges to create positions provided appointees were learned in the law (L. 1983 Ch. 370, Sec. 5).

In further support of our argument that current legislative policy embraces the use and employment of appointed judicial staff, we submit that the Legislature recently has authorized the increased use of judicial adjuncts (part-time employees) in the personages of arbitrators and mediators. The 1984 Legislature permitted the establishment of court-annexed arbitration programs for use in civil proceedings (L. 1984 Ch. 634). In 1986, the legislature authorized the courts to establish mediation programs in family law cases. These actions by the Minnesota Legislature parallel national trends as reported by the National Center for State Courts and the U. S. Department of Justice's National Institute of Justice (NIJ). Also, preliminary findings in a National Center project studying judicial adjuncts (funded by NIJ) show their use can improve the court's ability to serve the public with no apparent diminution of the quality of decisions rendered or litigants' perception of justice.⁹

B. Referee positions should be "devalued" in comparison to judge positions
Weighted caseload calculates that there are two types of judicial personnel in the Ramsey courts to handle the workload: District Court judges valued

at 75,274 minutes per year, and county municipal judges valued at 74,230 minutes per year. We contend that there should be a third judicial type-- a referee--valued in minutes at something less than a county municipal judge due to the lack of support staff (i.e. law clerks, court clerks) available to referees.

It has been argued by other courts that the number of judicial support staff assigned to a judge has a direct relationship to the amount of judge time necessary for case processing. We suggest that the difference is most dramatic in the metropolitan courts where judges have a minimum of two and, in some instances, three (Hennepin District Court) support staff. Referees in Ramsey have no assigned legal research assistance whatsoever and minimal clerical/secretarial staff (ranging from none for the conciliation referees, probate referee, and court commissioner to a detached office pool for the Juvenile referees to one assigned court reporter to each of five referees).

The WCL staff acknowledges this as a problem and has suggested that in the 1986 sample and succeeding formula, it may be possible to report case-related research time (and we would suggest non-case related management time) such that it could be pulled out of the case weights and placed in the judicial equivalent. We would suggest, further, that a separate judicial equivalent be established for court referees.

⁹ "NIJ Reports" magazine, SNI 195, January 1986 issue; National Institute of Justice, U. S. Department of Justice, Box 6000, Rockville, MD 20850

For the same reasons that exist now in those non-unified districts to distinguish between general and limited jurisdiction judicial equivalents, it is appropriate to do so for referees. This situation holds true as long as referees have unequal support staff assigned, whether they are in a unified district or not.

Referee jurisdiction is concentrated in the specialized courts where the district court judge equivalent is applied, and to a smaller extent in selected county municipal court work. Collectively, as depicted on Exhibit 7 following, referees in Ramsey are currently involved in 12 different case type areas with a total estimated effort of 8.05 FTE of judge time.

If referees were determined to be available only 10% less than a judge for judicial work because of their administrative and legal overburdens, it would equate to a WCL judicial need of 8.85 FTEs or 0.65 over the current 8.2 parajudicials on staff in Ramsey. We submit this is a valid formula adjustment.

CASE TYPE	CASES FILED	CASES ACTIVATED	FILED: ACTIVATED RATIO	WEIGHTED CASELOAD FILINGS	WEIGHT PER CASE	WCL UNITS (TOTAL MINUTES)	JUDICIAL EQUIVALENT*	JUDICIAL POSITIONS REQUIRED**			REFEREE JURISDICTION BASED ON CURRENT PRACTICE	
								F.T.E. x	NRF =	POSITION	%	FTE
CRIMINAL												
Felony	1861.00	1824.00		1824.00	164.23	299,555.52	75,274	3.980	1.0242995	4.080		
Gross Misdemeanor	1227.00	1200.00		1200.00	91.07	109,284.00	74,230	1.470	1.0384726	1.530		
CIVIL												
Personal Injury (District)	938.00		0.749573	703.00	230.04	161,740.99	75,274	2.150	1.0242995	2.200		
Contract (District)	791.00		0.749573	593.00	290.75	172,389.22	75,274	2.290	1.0242995	2.345		
Wrongful Death (District)	51		0.749573	38.00	338.65	12,945.98	75,274	0.172	1.0242995	0.176		
Malpractice (District)	82.00		0.749573	61.00	657.56	40,416.86	75,274	0.537	1.0242995	0.550		
Property Damage (District)	31		0.749573	23.00	337.12	7,833.56	75,274	0.104	1.0242995	0.106		
Condemnation (District)	10		0.749573	7.00	446.00	3,343.08	75,274	0.044	1.0242995	0.045		
Unlawful Detainer	4643		0.943526	4381.00	5.76	25,233.36	74,230	0.340	1.0384726	0.353		
Other Civil (District)	985		0.749573	738.00	182.18	134,508.85	75,274	1.787	1.0242995	1.830		
Other Civil (County)	957		0.943526	903.00	45.50	41,084.42	74,230	0.553	1.0384726	0.575		
Transcript (District)	1140			1140.00	0.15	171.00	75,274	0.002	1.0242995	0.002		
Transcript (County)	2593			2593.00	0.15	388.95	74,230	0.005	1.0384726	0.005		
Default Judgment (Dist)	1179			1179.00	0.91	1,072.89	75,274	0.010	1.0242995	0.010		
Default Judgment (County)	1010			1010.00	0.91	919.10	74,230	0.010	1.0384726	0.010		
Trust	47		0.749573	35.00	60.07	2,102.45	75,274	0.030	1.0242995	0.030		
Personal Injury (County)	23.00		0.943526	22.00	215.00	4,665.72	74,230	0.063	1.0384726	0.065		
Contract (County)	287.00		0.943526	271.00	193.40	52,371.15	74,230	0.706	1.0384726	0.733		
Malpractice (County)	1.00		0.943526	1.00	215.00	202.85	74,230	0.003	1.0384726	0.003		
Property Damage (County)	109.00		0.943526	103.00	115.23	11,850.75	74,230	0.160	1.0384726	0.166		
PROBATE												
Sup. Administration	89			89	39.09	3,479.01	75,274	0.050	1.0242995	0.050		
Unsup. Administration	430			430	24.54	10,552.20	75,274	0.140	1.0242995	0.140		
Inform. Administration	462			462	24.54	11,337.48	75,274	0.150	1.0242995	0.150	100	0.15
Spec. Administration	49			49	39.09	1,915.41	75,274	0.020	1.0242995	0.020	100	0.02
Other Probate	129			129	39.09	5,042.61	75,274	0.060	1.0242995	0.060		
Guard/Conserv.	272			272	135.56	36,872.32	75,274	0.480	1.0242995	0.490		
Commitment	343			343	224.96	77,161.28	75,274	1.020	1.0242995	1.040	100	1.04
FAMILY												
Dissolution	2022		0.980898	1983.00	76.14	150,985.62	75,274	2.010	1.0242995	2.050	70	1.43
Support	1649		0.805930	1329.00	28.75	38,208.75	75,274	0.510	1.0242995	0.520	100	0.52
Adoption	222			222.00	25.05	5,561.10	75,274	0.070	1.0242995	0.080		
Domestic Abuse	1128		0.952494	1074.00	104.27	111,985.98	75,274	1.490	1.0242995	1.520	100	1.52
Other Family	69		0.952494	66.00	104.27	6,881.82	75,274	0.090	1.0242995	0.090	100	0.09
JUVENILE												
Delinquency	2823			2823	42.42	119,751.66	75,274	1.590	1.0242995	1.630	99	1.61
Status Offender	907			907	42.42	38,474.49	75,274	0.510	1.0242995	0.520	100	0.52
Dependency	57			57	124.21	7,079.97	75,274	0.090	1.0242995	0.100		
Neglect	108			108	124.21	13,414.68	75,274	0.180	1.0242995	0.180		
T.F.R.	79			79	95.70	7,560.30	75,274	0.100	1.0242995	0.100		
Other Juvenile	165			165	104.27	17,204.55	75,274	0.230	1.0242995	0.230	7	0.01
Juvenile Traffic	1493			1493	8.71	13,004.03	75,274	0.170	1.0242995	0.180	100	0.18
COUNTY MUNICIPAL												
Conciliation	13182			13182	5.18	68,282.76	74,230	0.920	1.0384726	0.960	100	0.96
Criminal-Traffic-Park.	267971			267971	1.49	399,276.79	74,230	3.380	1.0384726	5.590		
TOTAL										30.51	8.05	

*JUDICIAL EQUIVALENT = MINUTES PER YEAR AVAILABLE FOR JUDICIAL WORK
 District Court Judge 75,274 minutes
 County Municipal Judge 74,230 minutes

**Each position requirement has been multiplied by 1.0242995 for District Court jurisdictions and 1.0384726 County Municipal jurisdictions per the non-reporting factor (NRF) applied in the weighted caseload formula.

VI. CONCLUSION

In the memorandum issued by the Supreme Court attached to its order adopting a plan for the termination of six judicial officer positions in the Sixth Judicial District filed February 28, 1986, the Court stated that "while some have criticized the weighted caseload analysis as being out of date because it does not take into account changes in court jurisdiction, and changes in law and procedure regarding several case types that have occurred since 1980, the magnitude of the surplus of judicial resources that exists in the Sixth District supports the action we take in this order." We submit that the situation in the Second District is quite different.

First, questions are raised throughout this brief pertaining to the accuracy and completeness of the SJIS data base. We feel we have substantiated that 1985 data is more valid than information for years 1981 through 1984 regarding the Ramsey courts. We have attempted to cite reasons for the spurious data.

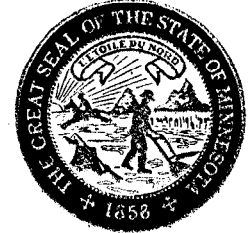
Secondly, errors exist in the collective caseload data for the Ramsey courts which, we contend, underrepresent judicial work in the district. This we feel is due to both statewide and Ramsey-specific problems pertaining to case types and their assigned weights.

Lastly, judicial staff resources are overestimated due to the legal and administrative burdens placed on court referees caused by the minimal support staff attached to them, and the fact that they are equated in the

present formula with district court judges. We anticipate the new 1986 formula will adjust for this error.

Consequently, with these arguments and the fact that the magnitude of the surplus of judicial resources that exists, if one were to consider only the weighted caseload analysis as applied to the 1985 SJIS data base and discount all the arguments we raise, it is not significant enough to sunset and transfer a judicial position from the Second District. With the current data, it is not disputed by SJIS staff that the Ramsey courts have a weighted caseload judicial need of 31 positions. Currently, the court is staffed with 32.2 FTE positions. The difference is 1.2 positions or 3.8% of the judicial work force. With caseload a dynamic element and many questions raised about the current weighted caseload analysis, it is requested that the Court certify to the Governor that the judicial vacancy in the Second District be filled in place.

STATE OF MINNESOTA
SECOND JUDICIAL DISTRICT
RAMSEY COUNTY COURTHOUSE
SAINT PAUL 55102



GORDON M. GRILLER
DISTRICT ADMINISTRATOR

May 12, 1986

MAY 13 1986

Sample
Hon. Douglas K. Amdahl, Chief Justice
Supreme Court of Minnesota
230 State Capitol
St. Paul, Minnesota 55155

+ all Assoc. Justices

RE: SECOND JUDICIAL DISTRICT POSITION VACANCY HEARING
SUPREME COURT FILE C9-85-1506

Dear Chief Justice Amdahl:

Enclosed please find copies of the overhead slides that our court used in its presentation on the weighted caseload vis-a-vis the Second District at the Friday, May 9 public hearing. We apologize for not having copies for the court at the hearing.

All the overheads related to portions in the brief submitted to the Court on May 2, although two slides provided information in composite form from various locations in our brief. The slide entitled "Increases in Judicial Need Occasioned by Adjustments for Parajudicial Personnel" depicts the added position equivalencies we suggest are not fully accounted for in our court. The second slide "Depicting Judicial Need as a Range (Second District Figures)" relates a proposal on pages 32-33 of our brief suggesting that a staffing range be established in lieu of rounding position figures upward to the nearest whole number as is now done. This, we submit, would be more equitable to all districts and more adequately compensate for sampling error over time. Both examples would indicate that the current staffing complement of 32.2 FTE positions is adequate in the Second District.

Should you desire, the prepared written remarks by Chief Judge Marsden, Assistant Chief Judge Fleming, and I, given at the hearing, are available and can be forwarded to you.

Thank you. Looking forward to your decision.

Best regards,

Gordon M. Griller
Judicial District Administrator

GMG:gj

cc: Chief Judge Marsden
Assistant Chief Judge Fleming
Ms. Sue Dosal, State Court Administrator
Supreme Court File C9-85-1506

SECOND DISTRICT

INCREASES IN JUDICIAL NEED OCCASIONED BY
ADJUSTMENTS FOR PARAJUDICIAL PERSONNEL

	<u>ADDED FTEs</u>	<u>JUDICIAL POSITION CURRENT STAFF</u>
PRESENT WCL FORMULA	30.50	32.20
RULE 53 APPEALS	0.40	
COUNTER-SIGNING REFEREE ORDERS	0.53	
ADJUSTMENT FOR NO SUPPORT STAFF	0.65	
TOTAL	32.08	32.20

DEPICTING JUDICIAL NEED AS A RANGE
(SECOND DISTRICT FIGURES)

FIRST YEAR OF SAMPLE (1980):

<u>FORMULA</u>	<u>RANGE</u>
29.4 POSITIONS + 5%	29.4 TO 30.8 FTES

SIXTH YEAR FROM SAMPLE (1986):

<u>FORMULA</u>	<u>RANGE</u>
29.4 POSITIONS + 9%	29.4 TO 32.0 FTES

EXPLANATION

MINIMUM LEVEL OF NEED BEING THE FTE POSITIONS DEPICTED AT TIME OF THE WCL COMPUTER RUN, AND THE MAXIMUM A PERCENTAGE APPLIED TO THE COMPUTED MINIMUM.

PERCENTAGE = 5% UNDER IDEAL CONDITIONS (WITHIN SHORT PERIOD OF TIME OF SAMPLING) AND AN INCREASING PERCENTAGE THE FURTHER AWAY ONE GETS FROM THE SAMPLING PERIOD TO COMPENSATE FOR INACCURATE WEIGHTS. ABOVE EXAMPLE ADDS 1% FOR EACH YEAR AFTER THE FIRST YEAR.

MAJOR SHORTCOMINGS OF WCL SYSTEMS

1. ACCURACY IS HIGHLY DEPENDENT ON UNIFORM PROCEDURES
 - NO TWO COURTS OR JUDICIAL DISTRICTS FUNCTION ALIKE

2. ERRORS IN CASELOAD REPORTING ARE AN INHERENT PROBLEM DUE TO THE MASS OF DATA THAT MUST BE CATEGORIZED, COLLECTED, AND TRANSMITTED

3. ACCURACY IS EXTREMELY SENSITIVE TO PROCEDURAL AND LEGAL CHANGE
 - APPLIES AVERAGE RESULTS TO INDIVIDUAL COURTS
 - FEW COURTS ARE AVERAGE
 - MAY OVERSTATE OR UNDERSTATE NEEDS
 - SMOOTHS OUT OR FAILS TO DISCERN SMALL, BUT POSSIBLY IMPORTANT DIFFERENCES

4. PRESENTS A HISTORICAL PICTURE OF PERSONNEL NEED
 - REQUIRES SUPPLEMENTAL INFORMATION WHEN MAKING DECISIONS ABOUT THE FUTURE
 - FORMULA IS TIED TO A SPECIFIC POINT IN THE PAST, THE FURTHER AWAY FROM THE SAMPLING PERIOD (WHICH ESTABLISHES THE FORMULA) THE MORE UNRELIABLE AND AND INVALID MAY BE THE RESULTS

RELIABILITY - IF THE SAMPLE WERE DONE AGAIN, WOULD SIMILAR RESULTS BE OBTAINED NOW?

VALIDITY - DO THE RESULTS NOW REPRESENT REALITY?

5. WCL SYSTEMS ARE COMPLEX AND COSTLY TO CREATE AND MAINTAIN
 - TRUE ESPECIALLY IF DATA BASES ARE LARGE, CONSTANTLY UPDATED, AND CONTAIN A GREAT MANY DATA ELEMENTS (I.E. CASE TYPES)

Weighted Caseload Analysis 1985 - 2nd Judicial District

05-May-85

Case Type	Cases Filed	Cases Activated	Activation Ratio	WCL Activations	Case Weight	NRF	Total WCUs	Judicial Equivalent	Required Positions	
Criminal										
Felony	1861	1824		1824.0	164.23	1.0242995	306834.6	75274	4.1	
Gross Misdemeanor	1227	1200		1200.0	91.07	1.0384726	113488.4	74230	1.5	-----
Civil										5.6
Gen. Civil (Mun. Ct.)										
Personal Injury	27		0.943526	25.5	215.00	1.0384726	5687.9	74230	0.1	
Contract	297		0.943526	280.2	193.40	1.0384726	56281.0	74230	0.8	
Wrongful Death	0		0.943526	0.0	215.00	1.0384726	0.0	74230	0.0	
Medical Malpractice	1		0.943526	0.9	215.00	1.0384726	210.7	74230	.0	
Property Damage	112		0.943526	105.7	115.23	1.0384726	12645.4	74230	0.2	
Condemnation	0		0.943526	0.0	215.00	1.0384726	0.0	74230	0.0	
Unlawful Detainer	4638		0.943526	4376.1	5.76	1.0384726	26175.9	74230	0.4	
Other	823		0.943526	776.5	45.50	1.0384726	36671.1	74230	0.5	-----
Gen. Civil (Dist. Ct.)										1.9
Personal Injury	938		0.749573	703.1	230.04	1.0242995	165671.2	75274	2.2	
Contract	791		0.749573	592.9	290.75	1.0242995	176578.2	75274	2.3	
Wrongful Death	51		0.749573	38.2	338.65	1.0242995	13260.6	75274	0.2	
Medical Malpractice	82		0.749573	61.5	657.56	1.0242995	41399.0	75274	0.5	
Property Damage	30		0.749573	22.5	337.12	1.0242995	7765.1	75274	0.1	
Condemnation	10		0.749573	7.5	446.00	1.0242995	3424.3	75274	.0	
Unlawful Detainer	5		0.749573	3.7	5.76	1.0242995	22.1	75274	.0	
Other	984		0.749573	737.6	182.18	1.0242995	137637.5	75274	1.8	-----
Trnscpt Judg (Mun)	2593			2593.0	0.15	1.0384726	403.9	74230	.0	7.3
Trnscpt Judg (Dist)	1140			1140.0	0.15	1.0242995	175.2	75274	.0	
Default Judg (Mun)	1010			1010.0	0.91	1.0384726	954.5	74230	.0	
Default Judg (Dist)	1179			1179.0	0.91	1.0242995	1099.0	75274	.0	
Trust	48		0.749573	36.0	60.07	1.0242995	2213.8	75274	.0	
Appeal	0			0.0	402.10	1.0242995	0.0	75274	0.0	
Probate										
Sup Admin	89			89.0	39.09	1.0242995	3563.5	75274	.0	
Unsup Admin	430			430.0	24.54	1.0242995	10808.6	75274	0.1	
Inform Admin	462			462.0	24.54	1.0242995	11613.0	75274	0.2	
Spec Admin	49			49.0	39.09	1.0242995	1962.0	75274	.0	
Other Probate	129			129.0	39.09	1.0242995	5165.1	75274	0.1	
Guard/Conserv	272			272.0	135.56	1.0242995	37768.3	75274	0.5	
Commitment	344			344.0	224.96	1.0242995	79266.7	75274	1.1	-----
Family										2.0
Dissolution	2023		0.980898	1984.4	76.14	1.0242995	154760.3	75274	2.1	
Support	1649		0.805930	1329.0	28.75	1.0242995	39136.6	75274	0.5	
Adoption	223			223.0	25.05	1.0242995	5721.9	75274	0.1	
Domestic Abuse	1127		0.952494	1073.5	104.27	1.0242995	114649.6	75274	1.5	
Other Family	69		0.952494	65.7	104.27	1.0242995	7019.4	75274	0.1	-----
Juvenile										4.3
Delinquency	2826			2826.0	42.42	1.0242995	122791.9	75274	1.6	
Status Offender	909			909.0	42.42	1.0242995	39496.8	75274	0.5	
Dependency	57			57.0	124.21	1.0242995	7252.0	75274	0.1	
Neglect	108			108.0	124.21	1.0242995	13740.7	75274	0.2	
Term Par Rights	79			79.0	95.70	1.0242995	7744.0	75274	0.1	
Other Juvenile	165			165.0	104.27	1.0242995	17622.6	75274	0.2	-----
Summary										2.8
Conciliation	13182			13182.0	5.18	1.0384726	70909.8	74230	1.0	
Juvenile Traffic	1493			1493.0	8.71	1.0384726	13504.3	74230	0.2	
Misd, Traffic, Parking	267971			267971.0	1.49	1.0384726	414638.0	74230	5.6	-----
Totals							2287754.3		30.5	6.8

REPORT DATE: 04-21-86
SOURCE: RCMC, COURT ADMINISTRATION

DISTRICT: SECOND
PERIOD: JAN-DEC. 1985

1985 COUNTY MUNICIPAL CIVIL CASES
SJIS PREFIX CORRECTION RESULTING
IN INCREASED WCL JUDICIAL NEED

STEP	PI*	CT*	MP*	PD*	CUMULATIVE TOTAL
1 AVG MINUTES ALLOWED	215.0000000	193.500000	215.0000000	115.2300000	
2 NUMBER OF MINUTES REPORTED	45.5000000	49.500000	45.5000000	45.5000000	
3 MINUTE DIFFERENCE	169.5000000	148.000000	169.5000000	69.7300000	
4 NUMBER OF CASES CHANGED	23.0000000	287.000000	1.0000000	109.0000000	
5 MULTIPLY: FILE/ACT. RATIO	0.9435260	0.943526	0.9435260	0.9435260	
6 WCL ADJ. FILINGS	21.7000000	270.800000	0.9000000	102.8000000	
7 TOTAL MINUTE INCREASE (1)	3678.3200000	40077.200000	159.9200000	7171.3300000	
8 UNADJ. JUDICIAL FTE NEED (2)	0.0490000	0.539000	0.0020000	0.0960000	
9 MULTIPLY BY NRF FACTOR	1.0384726	1.038473	1.0384726	1.0384726	
10 TOTAL JUDICIAL FTE ADDED	0.0500000	0.559000	0.0020000	0.1000000	0.711000

(1) DERIVATIVE OF STEP 6 TIMES STEP 3

(2) DERIVATIVE OF DIVIDING MINUTES IN STEP 7 BY RCMC JUDGE YEAR MINUTES: 74230

* PI=Personal Injury; CT=Contract; MP=Malpractice; PD=Property Damage

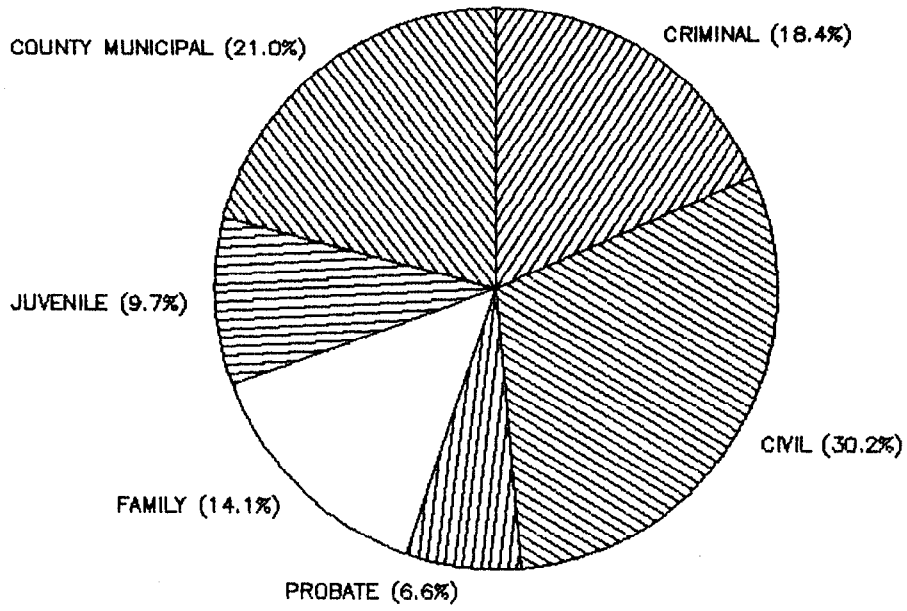
Case Filings 1981-1985 for Second Judicial District

05-May-85

	Case Filings					Percentage Change				
	1981	1982	1983	1984	1985	1981-82	1982-83	1983-84	1984-85	1981-85
Criminal	1515	2013	2493	3016	3088	32.9	23.8	21.0	2.4	103.8
Felony	1413	1526	1561	1862	1861	8.0	2.3	19.3	-0.1	31.7
Gross Misdemeanor	102	487	932	1154	1227	377.5	91.4	23.8	6.3	1102.9
Civil	8107	7656	7328	7914	8951	-5.6	-4.3	8.0	13.1	10.4
General Civil	7872	7283	7233	7845	8903	-7.5	-0.7	8.5	13.5	13.1
Trnscpt Judgement	3233	3418	3276	3000	3733	5.7	-4.2	-8.4	24.4	15.5
Default Judgement	2909	2642	2584	2418	2191	-9.2	-2.2	-6.4	-9.4	-24.7
Trust	54	59	59	69	48	9.3	0.0	16.9	-30.4	-11.1
Appeal	181	314	36			73.5	-88.5			
Probate	1833	1574	1588	1661	1775	-14.1	0.9	4.6	6.9	-3.2
Sup Admin	184	125	121	94	89	-32.1	-3.2	-22.3	-5.3	-51.6
Unsup Admin	372	405	429	407	430	8.9	5.9	-5.1	5.7	15.6
Inform Admin	275	375	396	434	462	36.4	5.6	9.6	6.5	68.0
Spec Admin		0	25	45	49			80.0	8.9	
Other Probate	518	259	126	131	129	-50.0	-51.4	4.0	-1.5	-75.1
Guard/Conserv	249	248	256	244	272	-0.4	3.2	-4.7	11.5	9.2
Commitment	235	162	235	306	344	-31.1	45.1	30.2	12.4	46.4
Family	4704	4601	4627	4840	5091	-2.2	0.6	4.6	5.2	8.2
Dissolution	2287	1993	2014	2021	2023	-12.9	1.1	0.3	0.1	-11.5
Support	1389	1498	1369	1456	1649	7.8	-8.6	6.4	13.3	18.7
Adoption	314	261	259	225	223	-16.9	-0.8	-13.1	-0.9	-29.0
Domestic Abuse					1127					
Other Family	714	849	985	1138	69	18.9	16.0	15.5	-93.9	-90.3
Juvenile	3932	3807	4393	4200	4144	-3.2	15.4	-4.4	-1.3	5.4
Delinquency	3636	3138	2944	2868	2826	-13.7	-6.2	-2.6	-1.5	-22.3
Status Offender		355	814	896	909		129.3	10.1	1.5	
Dependency	45	46	58	42	57	2.2	26.1	-27.6	35.7	26.7
Neglect	166	182	125	175	108	9.6	-31.3	40.0	-38.3	-34.9
Term Par Rights	85	86	110	75	79	1.2	27.9	-31.8	5.3	-7.1
Other Juvenile		0	342	144	165			-57.9	14.6	
Summary										
Conciliation	13277	11967	13460	11197	13182	-9.9	12.5	-16.8	17.7	-0.7
Juvenile Traffic	1874	1463	1234	1154	1493	-21.9	-15.7	-6.5	29.4	-20.3
Parking	173842	163326	179142	171072	167040	-6.0	9.7	-4.5	-2.4	-3.9
Other Traffic	82658	70634	76553	83347	90176	-14.5	8.4	8.9	8.2	9.1
Non-traffic	10272	10190	9708	9970	10755	-0.8	-4.7	2.7	7.9	4.7

WORKLOAD PERCENT PER CASE TYPE

SECOND DISTRICT - WEIGHTED CASELOAD



May 2, 1985

MINNESOTA WEIGHTED CASELOAD PROJECT
ESTIMATED NUMBER OF FTE JUDICIAL POSITIONS
1980 THROUGH 1984 COMPARED TO
NUMBER OF JUDGES AND PARA-JUDICIALS ON BOARD

Corrected copy

<u>Judicial District and Court</u>	<u>1980(1) WCL</u>	<u>1981(2) WCL</u>	<u>1982 WCL</u>	<u>1983 WCL</u>	<u>1984(3) WCL</u>	<u>ACTUAL</u>
FIRST	22.8	22.7	22.5	22.0	22.9	20
County	12.7	13.7	13.3	13.5	14.4	11
District	10.0	9.0	9.2	8.5	8.5	9
SECOND	29.4	26.5	26.3	27.2	27.1	33.2(5)
Municipal	10.2	8.0	7.6	8.5	8.2	11.5
District	19.1	18.6	18.7	18.7	18.9	21.7
THIRD	19.2	20.2	19.5	19.0	(4)	22.5
County	12.9	13.4	13.1	13.0	(consolidated)	16.5(6)
District	6.3	6.8	6.4	6.0		6.0
FOURTH	56.3	59.1	60.8		(consolidated	58(7)
Municipal	16.0	17.7(8)	19.6		civil docket)	20
District	40.3	41.3	41.2			38
FIFTH	15.1	16.5	15.5	15.2	15.3	21
County	10.1	11.0	10.4	10.6	10.8	16
District	5.0	5.5	5.1	4.6	4.5	5
SIXTH	18.1	16.0	15.0	14.7	14.3	19.0
County	10.4	9.9	9.0	9.4	9.5	13.0(9)
District	7.7	6.1	6.0	5.3	4.8	6.0
SEVENTH	18.0	20.0	18.6	18.2	(consolidated)	19
County	11.2	12.7	11.5	12.0		15
District	6.7	7.3	7.1	6.2		4
EIGHTH	9.1	9.7	9.6	8.5	8.8	13
County	5.8	6.4	5.9	5.6	5.9	10
District	3.3	3.3	3.7	2.9	2.9	3
NINTH	18.2	18.8	17.3	18.2	18.7	20
County	9.8	11.1	10.5	11.1	11.4	14
District	8.5	7.7	6.9	7.1	7.3	6
TENTH	26.1	28.9	27.1	27.4	(consolidated)	23
County	16.0	16.4	17.3	18.1		13
District	10.1	12.6	9.8	9.2		10

MINNESOTA TRIAL COURTS
1980 CASE WEIGHTS¹

TYPE OF CASE	TYPE OF COURT	
	<u>District</u>	<u>County/Municipal</u>
Personal Injury	230.04	*
Contract	290.75	193.40
Wrongful Death	338.65	*
Malpractice	657.56	*
Property Damage	337.12	115.23
Condemnation	446.0	*
Unlawful Detainer		-5.76-
Writ/Injunction/Replevin	374.98	*
Combined General Civil in County Court*	N/A	215.0
Other General Civil	182.13	45.50
Transcript		-0.15-
Default Judgment		-0.91-
Trust		-60.07-
Appeal	402.10	
Supervised Administration		39.09
Unsupervised Administration		24.54
Guardianship-Conservatorship		135.56
Commitment		224.96
Dissolution		76.14
Support		28.75
Adoption		25.05
Other Family		104.27
Delinquency		42.42
Dependency/Neglect		124.21
Termination of Parental Rights		95.70
Juvenile Traffic		8.71
Felony (Most serious initial charge)		164.23
Gross Misdemeanor (Most serious initial charge)		91.07
Conciliation		5.18
County/Municipal Criminal-Traffic-Parking	N/A	1.49 ² 4.85 ³

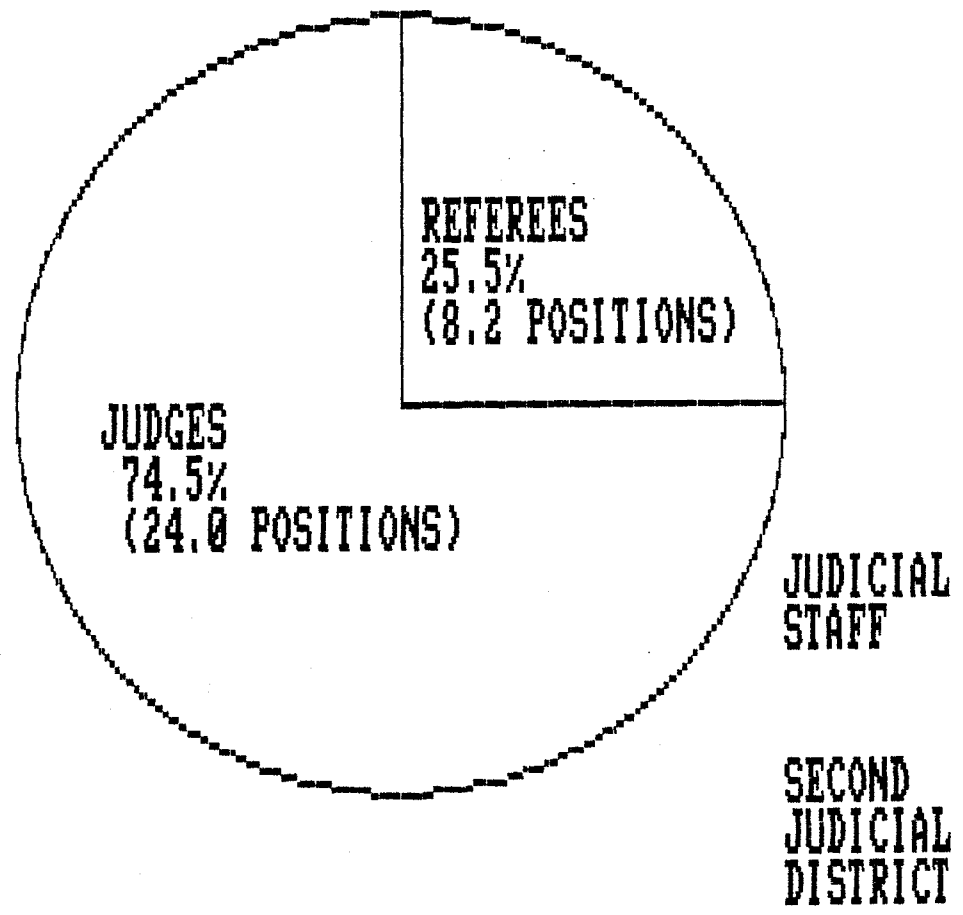
1. Average number of minutes of judge time required to dispose a case. (mean)

2. Counties of Hennepin, Ramsey, St. Louis, Olmsted, Blue Earth.

3. Counties other than those listed above in footnote 2.

* Combined General Civil in County Court includes Personal Injury, Wrongful Death, Condemnation, Malpractice and Writs.

MAY 1986



REPORT DATE

COURTS: DISTRICT AND COUNTY

SOURCE: JUDICIAL DISTRICT ADMINISTRATION
OFFICE, SECOND DISTRICT

PAGE 1 OF 1

ANALYSIS BY: JUDICIAL DISTRICT ADMINISTRATION
OFFICE, SECOND DISTRICT1980-1985 PARAJUDICIAL STAFF
SECOND JUDICIAL DISTRICT

NAME	POSITION TITLE	JUDICIAL WORK BY FTE BY YEAR					
		1980	1981	1982	1983	1984	1985
Alfveby	Court Referee	1.0	1.0	1.0	1.0	1.0	1.0
Beddow	Court Referee						1.0
Finley	Court Commissioner	0.4	0.4	0.4	0.4	0.4	0.4
Hatfield	Judicial Commissioner						0.2
Kubes	Court Referee	1.0	1.0	1.0	1.0	1.0	1.0
Leonard	Court Referee	0.1	0.1	0.3	0.5	1.0	1.0
McKenzie	Probate Registrar	0.1	0.1	0.1	0.1	0.1	0.1
Muske	Court Referee	1.0	1.0	1.0	1.0	1.0	1.0
Rutman	Court Referee	1.0	1.0	1.0	1.0	1.0	
Tretheway	Court Referee	0.5	0.8	1.0	1.0	1.0	1.0
Truax	Court Referee	1.0	1.0	1.0	1.0	1.0	1.0
Various	Conciliation Referee	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
	TOTAL	6.6	6.9	7.3	7.5	8.0	8.2

STATE OF MINNESOTA
SECOND JUDICIAL DISTRICT
RAMSEY COUNTY COURTHOUSE

SAINT PAUL 55102
May 6, 1986



GORDON M. GRILLER
DISTRICT ADMINISTRATOR

Dale Good, Director
Information Systems Office
State Court Administration
40 North Milton Street, Suite 304
St. Paul, MN 55104

Dear Dale:

Pursuant to your letter of April 28, 1986, Ramsey court administration has reviewed the correction work completed by our staff earlier to ensure its accuracy. In checking our records, as indicated in the attached letters from Mr. Gockowski and Mr. Bushinski, we have found the great share of information to have been correctly changed by the staff.

Some anomalies were found, and have been corrected. We apologize for any inconvenience, but as you are aware, over the past four to six months we have reviewed all our 1985 civil files to ensure case types were properly reported. With that effort, the number of staff involved, and some minor confusion in case type definitions, a small number of errors were occasioned. Resultantly, I can certify to you with this letter that our correction transactions are accurate.

It is my understanding that the most recent WCL analysis as applied by your staff to our 1985 calendar year data--both originally submitted and corrected--shows a judicial staffing need for the Ramsey Courts of 30.49 positions. This is, indeed, very close to the figure of 30.51 positions we independently concluded in applying our concept of the WCL formula to the SJIS data base. Although we may be in disagreement on the factors that should be considered by the formula, we concur in our mutual understanding of items in the SJIS data base and the manner in which the current formula is applied.

Lastly, you asked me to notify you formally about the procedures we are using to assign SJIS numbers to felony and gross misdemeanor cases. Mr. Gockowski explains in his attached letter the process we are following regarding felony cases, and Mr. Bushinski, although not specifically outlining it in his letter to me, confirms his office is following the same procedure vis-a-vis gross misdemeanor matters. Essentially, we are in conformity with your instructions and the reporting practices throughout the rest of the state. One SJIS number is assigned to each criminal case occasioned by a separate behavioral incident. We are not assigning separate SJIS numbers for each charge or count where there is no separate incident.

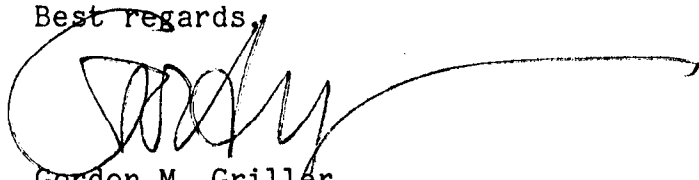
May 6, 1986

The "erroneous information circulating that Ramsey County is inflating its criminal statistics" I believe flows from unique charging practices followed by our County Attorney, wherein multiple charges arising out of different behavioral incidents for one defendant are placed on single complaint forms. This is inconsistent with SJIS procedures in virtually all other counties. Per consultation with your office some years ago, we have ensured that data reporting practices correlate with the manner followed throughout the rest of the state. The examples attached by Mr. Gockowski to his letter depict this situation.

Needless to say we are as concerned as you that any misunderstandings relative to our data reporting practices be corrected, and hope this detailed explanation moves us in that direction.

Dale, I appreciate your letter, and I hope I have answered the questions you've raised. You and your staff have been most cordial and helpful to us in more fully understanding WCL, how it applies to the Ramsey Courts, and improving the accuracy of our portion of the SJIS data base. Should you have any remaining questions, I will be happy to respond.

Best regards,



Gordon M. Griller
Judicial District Administrator
Second Judicial District

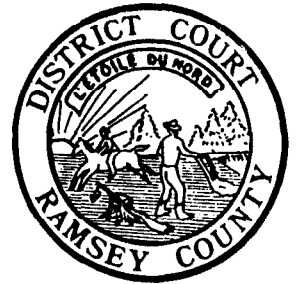
GMG:gj

Attachments

cc: Joe Gockowski
Ron Bushinski
Judy Rehak
Wayne Kobbervig
Supreme Court file #C9-85-1506

RAMSEY COUNTY
DISTRICT COURT

1215 Court House, St. Paul, Minnesota 55102
(612) 298-5211



JOSEPH E. GOCKOWSKI
Court Administrator

MEMORANDUM to: Gordy Griller
FROM: Joe Gockowski *Jae*
DATE: May 5, 1986
RE: CERTIFICATION OF SJIS CORRECTIONS USING NEW
DEFINITIONS RECEIVED APRIL 28, 1986

We have reviewed the transaction forms that have been returned for verification, and made corrections using the new definitions that were received on April 28. Each file was researched to insure the accuracy of what is being reported.

We question one code, the definition of M.P., Malpractice. Previous instructions did not restrict this code to medical malpractice; however, the April 28 definitions do. Thus, we agree some minor clerical errors were caused by misinterpreting the definitions when applying prefix codes.

When we reviewed the Miscellaneous and Random Sample categories, we found a total of 8 changes out of a possible 70; 6 of which would have decreased the time allotted, and 2 of which would have increased it.

In response to the Ramsey County reporting procedures for Felony cases, it should be clearly understood that we do not assign SJIS numbers to criminal cases. As you know, the criminal complaints are prepared by the County Attorney, and the forms have preprinted numbers on them. Attached are two examples of Felony cases filed. The first one (Mardaus) indicates 3 SJIS numbers, 3 counts, and 3 file numbers. Researching the file reveals there are 3 different dates of offenses and 3 different victims. This example was provided to us during a discussion with the Information Systems staff, and they concur that this is being reported properly.

Page 2

A second example (Hammes) indicates there are 3 SJIS numbers, 6 counts, and 3 file numbers. Researching the file reveals there are 3 different dates of offenses (with 2 incidents on each date). As you can see by these examples, we do not and have not assigned additional SJIS numbers based on the number of counts on a complaint.

If we can provide additional information or answer any questions, please contact me.

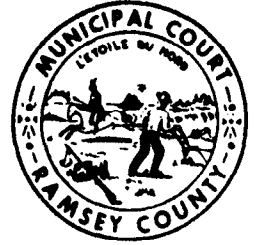
JEG

JEG/meo

attachments

RAMSEY COUNTY MUNICIPAL COURT

1245 Court House, St. Paul, Minnesota 55102
(612) 298-4317



RONALD E. BUSHINSKI
Administrator

May 6, 1986

Mr. Gordon M. Griller
Judicial District Administrator
1001 Court House
St. Paul, MN 55102

Re: CERTIFICATION OF ACCURACY OF CERTAIN S.J.I.S.
CORRECTION TRANSACTIONS.

Dear Gordy:

The Municipal Court Staff has now completed its review of the correction transaction reports you recently received from the S.J.I.S. Office. The S.J.I.S. staff had separated the transaction reports into three categories and marked them as follows: (1) "Miscellaneous -- Administrative Reviews?", 3 cases; (2) "Default Judgment?", 10 cases; (3) "Random Sample", 61 cases. Categories (1) and (2) were described as being possible "anamolies".

- Of the 3 cases in the "Miscellaneous - - Administrative Reviews?" grouping, all were found to have been accurately corrected and no further action is necessary.
- Of the 10 anamolous cases involving "Default Judgments?", 9 were erroneously given a case-type prefix during the original correction project and should simply be classified as default judgments once again. The remaining case (S.J.I.S. No. 62-01-8-135905) is actually not a default, but is in fact a Property Damage case that is still pending on our jury calendar. Appropriate correction transactions for these 10 cases are enclosed herewith.
- Of the 61 cases in the "Random Sample" group, 60 were found to have been accurately corrected. The remaining one (S.J.I.S. No. 62-01-2-175675) should have been classified as a default judgment rather than corrected to a Property Damage case. An appropriate correction transaction is included hereiwth.

The 63 transaction forms that need no change are also enclosed.

If there is anything further you need, please let me know.

Yours very truly,

A handwritten signature in cursive script that reads "R. Bushinski".
Ronald E. Bushinski

Minnesota Weighted Caseload Results 1980-1985

08-May-85

Second Judicial District

Court Type	1980	1981	1982	1983	1984	1985	Actual
Total	29.3	26.6	26.3	27.2	27.8	30.5	32.2
Municipal	10.2	8.0	7.6	8.5	8.9	10.0	11.5
District	19.1	18.6	18.7	18.7	18.9	20.5	20.7
Percentage Change (Total)		-9.2	-1.1	3.4	2.2	9.7	

Notes:

1984 WCL results are based on 1984 full year data, not partial year data reported previously.
Actual staffing includes 24.0 judges, 7.7 referees (3.0 juvenile, 3.7 family, 0.1 probate, 0.9 civil commitment), and 0.5 per diem conciliation referees.
Actual staffing excludes 2.0 FTE administrative hearing officers.

Case Filings 1981-1985 for Second Judicial District

05-May-85

	Case Filings					Percentage Change				
	1981	1982	1983	1984	1985	1981-82	1982-83	1983-84	1984-85	1981-85
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Probate	1833	1574	1588	1661	1775	-14.1	0.9	4.6	6.9	-3.2
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Family	4704	4601	4627	4840	5091	-2.2	0.6	4.6	5.2	8.2
Dissolution	2287	1993	2014	2021	2023	-12.9	1.1	0.3	0.1	-11.5
Support	1387	1498	1369	1456	1649	7.8	-8.6	6.4	13.3	18.7
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Domestic Abuse					1127					
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Status Offender		355	814	896	909		129.3	10.1	1.5	
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Other Traffic	82658	70634	76553	83347	90176	-14.5	8.4	8.9	8.2	9.1
Non-traffic	10272	10190	9708	9970	10755	-0.8	-4.7	2.7	7.9	4.7

Weighted Caseload Analysis 1981-1985 - 2nd Judicial District

05-May-85

Case Type	Total Weighted Case Units					F.T.E. Required Positions					Percentage Change				
	1981	1982	1983	1984	1985	1981	1982	1983	1984	1985	1981-1982	1982-1983	1983-1984	1984-1985	1981-1985
Criminal															
Felony	237023	247621	256032	301283	306835	3.1	3.3	3.4	4.0	4.1	4.5	3.4	17.7	1.8	29.5
Gross Misdemeanor	9647	43220	83225	101761	113488	0.1	0.6	1.1	1.4	1.5	348.0	92.6	22.3	11.5	1076.5
Civil															
Gen. Civil (Mun. Ct.)															
Personal Injury	2107	0	0	421	5688	.0	0.0	0.0	.0	0.1	-100.0	0.0	0.0	1250.0	170.0
Contract	15539	379	189	3032	56281	0.2	.0	.0	.0	0.8	-97.6	-50.0	1500.0	1756.3	262.2
Wrongful Death	0	211	0	211	0	0.0	.0	0.0	.0	0.0	0.0	-100.0	0.0	-100.0	0.0
Medical Malpractice	0	0	0	0	211	0.0	0.0	0.0	0.0	.0	0.0	0.0	0.0	0.0	0.0
Property Damage	5984	113	0	339	12645	0.1	.0	0.0	.0	0.2	-98.1	-100.0	0.0	3633.3	111.3
Condemnation	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Unlawful Detainer	20419	17829	16768	21655	26176	0.3	0.2	0.2	0.3	0.4	-12.7	-6.0	29.1	20.9	28.2
Other	59339	60498	56441	50155	36691	0.8	0.8	0.8	0.7	0.5	2.0	-6.7	-11.1	-26.8	-38.2
Gen. Civil (Dist. Ct.)															
Personal Injury	110035	129817	129111	169204	165671	1.5	1.7	1.7	2.2	2.2	18.0	-0.5	31.1	-2.1	50.6
Contract	38843	14733	10269	8483	176578	0.5	0.2	0.1	0.1	2.3	-62.1	-30.3	-17.4	1981.6	354.6
Wrongful Death	4420	12481	13261	14821	13261	0.1	0.2	0.2	0.2	0.2	182.4	6.2	11.8	-10.5	200.0
Medical Malpractice	11107	18680	18680	22719	41399	0.1	0.2	0.2	0.3	0.5	68.2	0.0	21.6	82.2	272.7
Property Damage	1812	0	518	777	7765	.0	0.0	.0	.0	0.1	-100.0	0.0	50.0	900.0	328.6
Condemnation	1712	3424	6164	7876	3424	.0	.0	0.1	0.1	.0	100.0	80.0	27.8	-56.5	100.0
Unlawful Detainer	44	27	18	4	22	.0	.0	.0	.0	.0	-40.0	-33.3	-75.0	400.0	-50.0
Other	281010	260168	294438	234851	137637	3.7	3.5	3.9	3.1	1.8	-7.4	13.2	-20.2	-41.4	-51.0
Trnscpt Judg (Mun)	329	339	351	321	404	.0	.0	.0	.0	.0	3.0	3.6	-8.5	25.7	22.8
Trnscpt Judg (Dist)	172	191	157	144	175	.0	.0	.0	.0	.0	10.8	-17.8	-8.2	21.7	1.7
Default Judg (Mun)	1229	1180	1039	1065	954	.0	.0	.0	.0	.0	-3.9	-12.0	2.5	-10.4	-22.3
Default Judg (Dist)	1500	1298	1384	1203	1099	.0	.0	.0	.0	.0	-13.4	6.6	-13.1	-8.7	-26.7
Trust	2491	2721	2721	3182	2214	.0	.0	.0	.0	.0	9.3	0.0	16.9	-30.4	-11.1
Appeal	74549	129327	14827	0	0	1.0	1.7	0.2	0.0	0.0	73.5	-88.5	-100.0	0.0	-100.0
Probate															
Sup Admin	7367	5005	4845	3764	3564	0.1	0.1	0.1	0.1	.0	-32.1	-3.2	-22.3	-5.3	-51.6
Unsup Admin	9351	10180	10783	10230	10809	0.1	0.1	0.1	0.1	0.1	8.9	5.9	-5.1	5.7	15.6
Inform Admin	6912	9426	9954	10909	11613	0.1	0.1	0.1	0.1	0.2	36.4	5.6	9.6	6.5	68.0
Spec Admin	0	0	1001	1802	1962	0.0	0.0	.0	.0	.0	0.0	0.0	80.0	8.9	0.0
Other Probate	20741	10370	5045	5245	5165	0.3	0.1	0.1	0.1	0.1	-50.0	-51.4	4.0	-1.5	-75.1
Guard/Conserv	34575	34436	35547	33880	37768	0.5	0.5	0.5	0.5	0.5	-0.4	3.2	-4.7	11.5	9.2
Commitment	54150	37329	54150	70310	79267	0.7	0.5	0.7	0.9	1.1	-31.1	45.1	30.2	12.4	46.4
Family															
Dissolution	174956	152465	154072	154607	154760	2.3	2.0	2.0	2.1	2.1	-12.9	1.1	0.3	0.1	-11.5
Support	32966	35553	32491	34556	39137	0.4	0.5	0.4	0.5	0.5	7.8	-8.6	6.4	13.3	18.7
Adoption	8057	6697	6646	5773	5722	0.1	0.1	0.1	0.1	0.1	-16.9	-0.8	-13.1	-0.9	-29.0
Domestic Abuse	0	0	0	0	114650	0.0	0.0	0.0	0.0	1.5	0.0	0.0	0.0	0.0	0.0
Other Family	72635	86369	100204	115769	7019	1.0	1.1	1.3	1.5	0.1	18.9	16.0	15.5	-93.9	-90.3
Juvenile															
Delinquency	157987	136349	127919	124617	122792	2.1	1.8	1.7	1.7	1.6	-13.7	-6.2	-2.6	-1.5	-22.3
Status Offender	0	15425	35369	38932	39497	0.0	0.2	0.5	0.5	0.5	0.0	129.3	10.1	1.5	0.0
Dependency	5725	5852	7379	5344	7252	0.1	0.1	0.1	0.1	0.1	2.2	26.1	-27.6	35.7	26.7
Neglect	21120	23156	15904	22265	13741	0.3	0.3	0.2	0.3	0.2	9.6	-31.3	40.0	-38.3	-34.9
Term Par Rights	8332	8430	10783	7352	7744	0.1	0.1	0.1	0.1	0.1	1.2	27.9	-31.8	5.3	-7.1
Other Juvenile	0	0	36527	15380	17623	0.0	0.0	0.5	0.2	0.2	0.0	0.0	-57.9	14.6	0.0
Summary															
Conciliation	71421	64374	72405	60232	70910	1.0	0.9	1.0	0.8	1.0	-9.9	12.5	-16.8	17.7	-0.7
Juvenile Traffic	16951	13233	11162	10438	13504	0.2	0.2	0.2	0.1	0.2	-21.9	-15.7	-6.5	29.4	-20.3
Misd,Traffic,Parking	412783	377779	410664	409095	414638	5.6	5.1	5.5	5.5	5.6	-8.5	8.7	-0.4	1.4	0.4
Totals	1995338	1976686	2048441	2084208	2287754	26.6	26.4	27.3	27.8	30.5	-0.9	3.6	1.7	9.8	14.7

Weighted Caseload Analysis 1981-1985 - 2nd Judicial District

05-May-85

Case Type	Total Weighted Case Units					F.T.E. Required Positions					Percentage Change				
	1981	1982	1983	1984	1985	1981	1982	1983	1984	1985	1981-1982	1982-1983	1983-1984	1984-1985	1981-1985
Criminal	246669	290841	339257	403045	420323	3.3	3.9	4.5	5.4	5.6	17.9	16.6	18.8	4.3	70.4
Civil															
General Civil	552371	518360	545855	534547	683450	7.4	6.9	7.3	7.1	9.1	-6.2	5.3	-2.1	27.9	23.7
Remainder	80269	135057	20479	5916	4846	1.1	1.8	0.3	0.1	0.1	68.3	-84.8	-71.1	-18.1	-94.0
Probate	133096	106747	121325	136341	150147	1.8	1.4	1.6	1.8	2.0	-19.8	13.7	12.4	10.1	12.8
Family	288614	281084	293413	310705	321288	3.8	3.7	3.9	4.1	4.3	-2.6	4.4	5.9	3.4	11.3
Juvenile	193164	189212	233880	213889	208648	2.6	2.5	3.1	2.8	2.8	-2.0	23.6	-8.5	-2.5	8.0
Summary	501154	455386	494231	479765	499052	6.8	6.1	6.7	6.5	6.7	-9.1	8.5	-2.9	4.0	-0.4
Totals	1995338	1976686	2048441	2084208	2287754	26.6	26.4	27.3	27.8	30.5	-0.9	3.6	1.7	9.8	14.7

General Civil Prefix Case Type Filings - Second Judicial District 1981-1985

05-May-85

	Cases Filed					Percentage Change				
	1981	1982	1983	1984	1985	1981- 1982	1982- 1983	1983- 1984	1984- 1985	1981- 1985
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Municipal Court										
Personal Injury	10	0	0	2	27	-100.0	0.0	0.0	1250.0	170.0
Contract	82	2	1	16	297	-97.6	-50.0	1500.0	1756.3	262.2
Wrongful Death	0	1	0	1	0	0.0	-100.0	0.0	-100.0	0.0
Medical Malpractice	0	0	0	0	1	0.0	0.0	0.0	0.0	0.0
Property Damage	53	1	0	3	112	-98.1	-100.0	0.0	3633.3	111.3
Condemnation	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0
Unlawful Detainer	3618	3159	2971	3837	4638	-12.7	-6.0	29.1	20.9	28.2
Other	1331	1357	1266	1125	823	2.0	-6.7	-11.1	-26.8	-38.2
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Total	5094	4520	4238	4984	5898	-11.3	-6.2	17.6	18.3	15.8
District Court										
Personal Injury	623	735	731	958	938	18.0	-0.5	31.1	-2.1	50.6
Contract	174	66	46	38	791	-62.1	-30.3	-17.4	1981.6	354.6
Wrongful Death	17	48	51	57	51	182.4	6.3	11.8	-10.5	200.0
Medical Malpractice	22	37	37	45	82	68.2	0.0	21.6	82.2	272.7
Property Damage	7	0	2	3	30	-100.0	0.0	50.0	900.0	328.6
Condemnation	5	10	18	23	10	100.0	80.0	27.8	-56.5	100.0
Unlawful Detainer	10	6	4	1	5	-40.0	-33.3	-75.0	400.0	-50.0
Other	2009	1860	2105	1679	984	-7.4	13.2	-20.2	-41.4	-51.0
	-----					-----				
Total	2867	2762	2994	2804	2891	-3.7	8.4	-6.3	3.1	0.8
	=====					=====				
Grand Total	7961	7282	7232	7788	8789	-8.5	-0.7	7.7	12.9	10.4

General Civil Prefix Case Type Filings - Second Judicial District 1981-1985

05-May-85

	Percentage of Total in each Case Type				
	1981	1982	1983	1984	1985
Municipal Court					
Personal Injury	0.2	0.0	0.0	.0	0.5
Contract	1.6	.0	.0	0.3	5.0
Wrongful Death	0.0	.0	0.0	.0	0.0
Medical Malpractice	0.0	0.0	0.0	0.0	.0
Property Damage	1.0	.0	0.0	0.1	1.9
Condemnation	0.0	0.0	0.0	0.0	0.0
Unlawful Detainer	71.0	69.9	70.1	77.0	78.6
Other	26.1	30.0	29.9	22.6	14.0
Total	100.0	100.0	100.0	100.0	100.0
District Court					
Personal Injury	21.7	26.6	24.4	34.2	32.4
Contract	6.1	2.4	1.5	1.4	27.4
Wrongful Death	0.6	1.7	1.7	2.0	1.8
Medical Malpractice	0.8	1.3	1.2	1.6	2.8
Property Damage	0.2	0.0	0.1	0.1	1.0
Condemnation	0.2	0.4	0.6	0.8	0.3
Unlawful Detainer	0.3	0.2	0.1	.0	0.2
Other	70.1	67.3	70.3	59.9	34.0
Total	100.0	100.0	100.0	100.0	100.0

Percent of Time Spent in Courtroom Activity

08-May-85

Metro Areas (Hennepin, Ramsey, St. Louis)

	County/Municipal	District
Courtroom	67.5%	51.6%
Non-courtroom	32.5%	48.4%
	100.0%	100.0%

Non-metro Areas

	County/Municipal	District
Courtroom	51.8%	40.4%
Non-courtroom	48.2%	59.6%
	100.0%	100.0%

Source: 1980 Weighted Caseload Survey.

Parking Filings and Dispositions for 1985

08-May-85

District	Cases Filed	Charges Disposed with Court Appearance	Number of Court Trials
First	12,326	1,087	9
Second	167,040	1,756	38
Third	67,522	1,793	2
Fourth	447,171	51,807	66
Fifth	45,553	186	15
Sixth	118,870	368	8
Seventh	2,738	630	3
Eighth	2,005	79	6
Ninth	378	49	2
Tenth	10,186	563	17
	873,789	58,322	166

Source: SJIS.