Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Georgia Judicial Workload Assessment (Appendix A)

Judicial Council Policy on the Submission of Caseload Reports by Trial Courts

Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Section 1 – Policy

1.1 – Introduction

This policy governs the processes, procedures, and methodology used by the Judicial Council when considering requests for additional judgeships and circuit boundary alterations. The Judicial Council recognizes that the addition of a judgeship or circuit boundary alteration is a matter of great gravity and substantial expense to the state's citizens. Therefore, careful inquiry and deliberate study according to a rigorous methodology will lay the foundation for any recommended changes to circuit judgeships or boundaries.

The Judicial Council acknowledges the National Center for State Courts' ("NCSC") subject matter expertise in case processing and workload methodology and its documented best practices for assistance in this policy (see Appendix A).

The Georgia Court Guide on Statistical Reporting is a supplemental publication to the Superior Court Caseload and Workload Policy created to standardize the reporting statistics for Georgia's trial courts. A copy of the document can be viewed at Georgia Court Guide to Statistical Reporting.

1.2 – Policy Statements

1. The Judicial Council will recommend additional judgeships based only upon need demonstrated through the methodology contained herein.

2. The Judicial Council will recommend circuit boundary alterations based only upon need demonstrated through the methodology contained herein.

Section 2 – Judgeship and Circuit Boundary Study

2.1 – Initiation

1. The governor, members of the General Assembly, and superior court judges have standing to initiate judgeship and circuit boundary studies.

2. The AOC will notify the governor, General Assembly, superior court judges, and district court administrators no later than May 1 that they may request studies in writing by June 1, or the next business day thereafter, prior to the session of the General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 will not be considered until the following year except upon approval by the chair of the Judicial Council in consultation with the chair of the Standing Committee on Judicial Workload Assessment for good cause shown. Under no circumstances will a request received more than five business days after June 1 be considered during the current year.

3. Requests for studies will be sent to the director of the AOC. After receiving a request for a judgeship, the AOC will inform all judges within the circuit of the request. After receiving a request for a circuit boundary study, the AOC will inform all judges within the requested circuit, all judges of any adjacent circuits, and their district court administrators by US mail and electronic mail. Any request by any party may be withdrawn by the same party at any time for any reason, and staff will notify all parties impacted by such a withdrawal.

4. The AOC will send the caseload and workload status of their respective circuits to all superior court judges and district court administrators no later than May 1 of each year.

2.1(a) — Circuit Boundary Prescreening

1. The AOC shall inquire of the requestor about the specific circuit alteration desired of a circuit boundary request. The AOC shall conduct an analysis for the specific outcome desired by the requestor to determine its feasibility.[1]

2. Upon asking the requestor the desired alteration, the AOC shall send notice to the judges located in the specific circuit that is mentioned in the request.

3. If the desired outcome sought by the requestor is not feasible, the request may be withdrawn. If the request is not withdrawn, the AOC will continue with the study as referenced in Section 2.3. The judges of the circuit will be notified if the request is withdrawn.

2.2 – Judgeship Study Methodology

The Judicial Council approved the NCSC report adopted by the Council on April 21, 2023 (see Appendix A). Appendix B represents commonly used workload assessment definitions.

1. The most recent three-year average of civil case filings and criminal case defendants, for each case type listed in Appendix A, will serve as the *total circuit caseload* for each case type. Each case type's caseload will be multiplied by its respective *case weight*. The resulting figure represents the *total circuit workload*.

The *total circuit workload* will be divided by the *judge year value* assigned to the circuit based on its *classification*. The resulting figure represents the *judge workload value*. If the *judge workload value* divided by the total number of authorized judgeships in the circuit is not less than 1.20, then the circuit is qualified for an additional judgeship. If the *judge workload value* divided by the total number of authorized judgeships in the circuit is less than 1.20, then the circuit is not qualified for an additional judgeship. For purpose of analysis and reporting under this policy, workload values shall be cutoff at the hundredth of the decimal. When analyzing a circuit for multiple judgeships, the circuit shall first be analyzed to determine a need for one judgeship. If qualified, then the circuit shall be analyzed for one additional judgeship, giving the circuit credit for the additional judgeship need already qualified for. This process shall repeat itself until the circuit is not qualified or the request is exhausted. The Judicial Council may re-rank all qualifying circuits utilizing the same methodology. In the event the methodology described in this policy or the *Georgia Guide to Statistical*

[1] A preliminary analysis may include factors such as caseload data and workload analysis. It does not represent or constitute a comprehensive or finalized circuit boundary feasibility study.

Reporting has changed during a circuit's three-year qualification period referenced in Section 3, Paragraph 5 below, AOC staff will reanalyze the circuit's judge workload value to facilitate the Judicial Council's re-ranking.

2. A circuit that requests and qualifies for an additional judgeship will have its judgeship study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. Requestors will be notified of their status and the Committee will process the request no later than June 15. The Standing Committee may forward the recommendation to the Judicial Council for consideration at the first meeting of the fiscal year as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a judgeship, the Standing Committee may consider that disagreement in their decisions to recommend new judgeships to the Council. The Committee shall vote on request for multiple judgeships from the same circuit independently.

3. A circuit that requests and is not qualified for an additional judgeship has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. Requestors will be notified of their status and the Committee will process the appeal no later than June 15. If the appeal is approved, then the appealing circuit will have a judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

4. The AOC will present annually to the Committee a list of all circuits whose *judge workload value* divided by the total number of authorized judgeships in the circuit is less than 0.8 and whose per judge workload value would not equal or exceed 1.20 upon reduction of a judgeship. The Committee Chair shall invite all judges from such circuits to appear at the next Committee meeting to discuss their caseload and workload data. There shall not be fewer than two judges in each circuit, so the circuits to which that applies, which appear to have more judges than needed (with a workload of 0.80 or less) should not be included on the list of all circuits whose judge workload value divided by the total number of authorized judgeships in the circuit is 0.80 or less, once the workload report is complete.

   The Committee shall provide technical assistance, with the assistance of the AOC and others so designated, to the affected circuits that may include, but is not limited to: a manual hand count of cases for a specified period of time, additional training for clerks and staff on proper case documentation, and a review of caseload reports and other case information. The AOC shall provide the Committee prior to the next year's annual reporting, a report of the technical assistance provided and any recommendations for further assistance. Beginning with the 2022 case count, if a circuit's workload is 0.80 or less for three consecutive years, then the Committee may report the same to the Judicial Council.

2.3 – Circuit Boundary Study Methodology

A proposed circuit boundary alteration will cause study of the requesting circuit and all adjacent circuits. A circuit is qualified for a boundary alteration if, after the proposed alteration, the following conditions are met.

1. Caseload and Workload

a. Caseload is more evenly distributed across all circuits impacted by the alteration.

b. Workload in altered circuits does not vary significantly from the statewide average workload.

c. Caseload trend analysis of altered circuits does not project an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again in the near future.

2. Population

a. Per judge population is more evenly distributed among circuits impacted by altered boundaries.

b. Per judge population does not vary significantly from the statewide average in altered circuits.

c. Population trend analysis of altered circuits does not show an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again within ten years.

d. The population of altered circuits is more evenly distributed than the original circuits.

3. Judges

a. The number of additional judges needed to serve altered circuits is not significantly greater than the original number.

b. Judges' travel time and/or distance between courthouses decreases in altered circuits.

4. Administrative

a. The one-time and recurring costs to altered circuits are not overly burdensome to the state or local governments. Changes in cost for personnel services and operations will be considered. These costs include, but are not limited, to the following:

i. Salaries and compensation for staff;

ii. Cost for items such as furniture, signage, and general startup expenses;

iii. Rent or the purchase of new office space;

iv. Purchase or lease of a vehicle; and

v. Conference and continued education costs.

b. The operational and case assignment policies are not negatively impacted in altered circuits.

i. Any current standing orders regarding case assignment should be submitted to the AOC; and

ii. Any item affecting the case assignment not specifically expressed in the Uniform Rules for Superior Courts should be submitted to the AOC.

c. The Circuit Court Administrator and/or District Court Administrator is required to submit the detailed Comprehensive Annual Financial Report to the AOC to be included within the analysis.

5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.

6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.

7. The AOC will notify the requestor and all potentially affected judges and district court administrators of the circuit's qualification status no later than September 1.

8. A circuit that qualifies for a boundary alteration will have its study prepared and presented no later than the last meeting of the calendar year for the Standing Committee on Judicial Workload Assessment. The Standing Committee may forward the recommendation to the Judicial Council for consideration at its next meeting as described in Section 3. If a majority of the judges in a circuit vote to oppose a request for a circuit boundary alteration, the Standing Committee shall consider the circuit's opposition in their decisions to recommend circuit boundary alterations to the Council.

9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

The Judicial Council share judicial personnel allocation recommendations and approved findings of viability for circuit boundary alterations with the Governor and the General Assembly annually prior to the beginning of the regular session of the General Assembly.

1. The AOC will prepare and present all Committee recommendations on additional judgeships, viability of circuit boundary adjustments, and reduction of judgeships to the Council. Requestors will be notified of the Council's process no later than a month after the matter is heard by the Committee. The report will include the results of the judgeship and/or boundary studies, any letters of support from requesting circuits, any available CourTools data, and other information the AOC may deem beneficial to Judicial Council deliberations.

2. After reviewing the recommendations, the Judicial Council, in open session, may discuss the merits of each recommendation. Any Judicial Council member in a circuit or county affected by a recommendation will be eligible to vote on motions affecting that circuit but will not be present or participate in deliberations regarding the circuit. Non-Judicial Council members offering support or opposition may be recognized to speak by the Chief Justice.

3. After deliberations, the Judicial Council will, in open session, approve or disapprove the recommendations. The Council shall vote on requests for multiple judgeships from the same circuit independently. Votes on such motions will be by secret, written or electronic ballot. Non-qualified circuits with successful appeals must have a two-thirds (2/3) majority to receive approval. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.

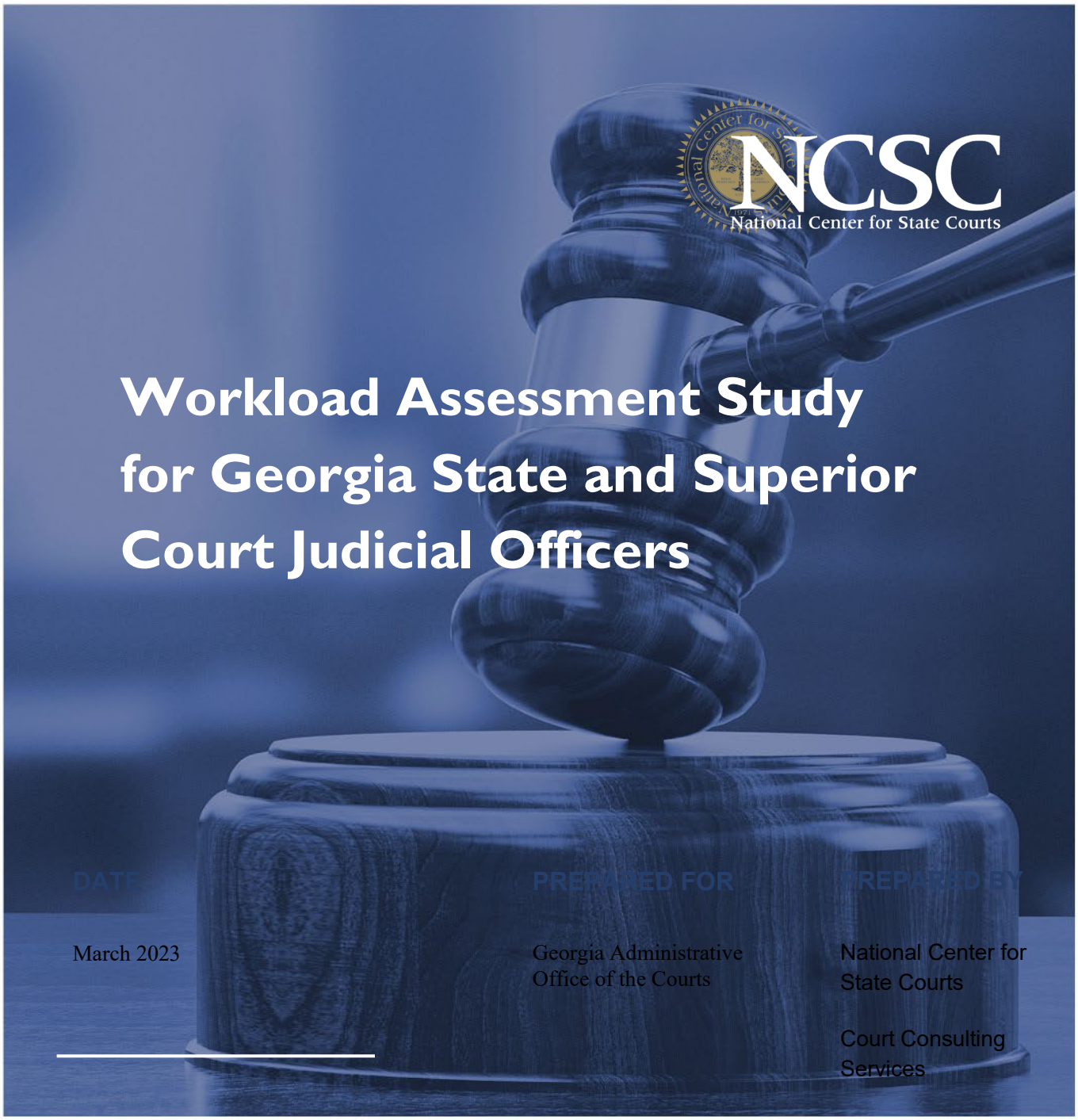
4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. The Council shall vote on requests for multiple judgeships from the same circuit independently. Votes on such motions will be by secret, written or electronic ballot. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
    a. The ballots will be counted using the Borda count method. The Borda count determines the outcome of balloting by giving each circuit a number of points corresponding to the number of candidates ranked lower. Where there are n circuits, a circuit will receive n points for a first preference ballot, $n - 1$ points for a second preference ballot, $n - 2$ for a third preference ballot, and so on until n equals 1. Once all ballots have been counted, the circuits are then ranked in order of most to fewest points.

5. Upon Judicial Council recommendation of an additional judgeship, the recommendation will remain for a period of three years unless: (1) the total caseload of that circuit decreases 10 percent or more; (2) the circuit withdraws the request; or (3) requests an updated workload assessment pursuant to subparagraph (a) below and the resulting workload is lower than a 1.20. If any of these circumstances occur, the circuit must requalify before being considered again by the Judicial Council.
    a. A circuit can request another workload assessment after receiving a recommendation for a new judgeship from the Judicial Council. The request must follow the same procedure outlined in section 2.1 (2). The circuit will not have its time extended past the initial three-year recommendation.
    b. If a circuit requests a new workload study, the Committee will report the results to the Judicial Council and the Judicial Council will use only the new data.

6. If the Judicial Council expresses support for the viability of a circuit boundary study, the study will remain valid for a period of one year.

7. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a notice summarizing the Judicial Council's recommendations and/or support.

Appendix A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National Center for State Courts
Workload Assessment Study for Georgia State and Superior Court Judicial Officers
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Legislatures and the public increasingly call upon the courts and other government

agencies to be more efficient – to "operate more like a business." One of the challenges for courts in responding to this demand is determining the appropriate number of judicial officers required to provide high-quality services in the trial courts.

Since 2018, the Georgia Administrative Office of the Courts (AOC) has relied on a data-driven weighted caseload model to establish the baseline needs for State and Superior Courts' judicial officers. The 2018 weighted caseload model was based on worktime studies involving judicial officers from both court levels from across the state. In 2021, the AOC sought the assistance of the National Center for State Courts to conduct another worktime study to generate new case weights based on the updated case types and case processing methods used by judicial officers in both State and Superior Courts in Georgia.

A clear measure of court workload is central to determining how many judicial officers are needed to resolve all cases coming before the court. Adequate resources are essential if the Georgia judiciary is to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves assessing objectively the number of judicial officers required to handle the caseload and whether judicial resources are being allocated and used prudently. In response, judicial leaders around the country are increasingly turning to empirically based workload assessments to provide a strong foundation of judicial resource need in their state trial courts.

Different types of cases create different amounts of judicial work: for example, a felony case typically requires more judge time than a routine traffic case. Unlike methods of judicial resource allocation that are based on population or raw, unweighted caseloads, the weighted caseload method explicitly incorporates the differences in judicial workload associated with different types of cases, producing a more accurate and nuanced profile of the need for judges in each court.

The current judicial officer workload assessment studies, built and improved upon the previous work in Georgia by maintaining some of the same data elements but making some refinements in the case types for which case weights were developed and the activity types for which data were collected. The current study maintained the same comprehensive properties by collecting data on both case-related and non-case-related work time from participants across the state. The NCSC also substantially streamlined the work time data collection process and the training of participants prior to the start of the project by utilizing the newly developed online data entry system. Specifically, the current study accomplished the following:

- Utilized a methodology that bases the development of case weights on all work recorded by all judicial officers.

- Included participation from 57% of State Court Judges and 72% of Superior Court Judges,[1]
- Included a one-month data collection period to ensure sufficient data to develop valid case weights,
- Accounted for judicial officer work for all phases of case processing,[2]
- Accounted for non-case-related activities that are a normal part of judicial officer work,
- And established a transparent and flexible model that can determine the need for judicial officers in each judicial district.

Based on a survey of judicial officers, including both State and Superior Courts, (Sufficiency of Time), the participants ranged in the number of years in which they have been employed by the courts from less than one year to over 16 years. Approximately 18% of the judicial officers have been employed as a judge in Georgia for less than three years; approximately 38% have been employed by the branch for between four and ten years, and just under half (46%) have been judges for more than eleven years. This variation in time on the job likely translates into differing case processing times, which is one key reason for using a statewide average of those case processing times.

This report provides a detailed discussion of the workload assessment methodology and results and offers recommendations for the ongoing use of the model.

The Weighted Caseload Model

The weighted caseload method of workload analysis is grounded in the understanding that different types of court cases vary in complexity, and consequently in the amount of judicial work they generate. For example, a typical felony creates a greater need for judicial resources than the average traffic case. The weighted caseload method calculates judicial need based on each court's total workload. The weighted caseload formula consists of three critical elements:

1. *Case filings*, or the number of new cases of each type opened each year.
2. *Case weights*, which represent the average amount of judge or judicial officer time required to handle cases of each type over the life of the case.
3. The *year value*, or the amount of time each judge or judicial officer has available for case-related work in one year.

[1] While the participation rates were somewhat low, compared to other states, the data was sufficient to allow for the computation of case weights, most of which were relatively comparable to the 2018 case weights, indicating that the data was sufficient.

[2] The worktime study included work conducted by State and Superior Court Judges and the Superior Court data was supplemented by the participation of "ancillary" participants, or those who occasionally conduct work for the Superior Courts, including Magistrates, Juvenile Court Judges, and Senior Judges.

Total annual workload is calculated by multiplying the annual filings for each case type by the corresponding case weight, then summing the workload across all case types. Each court's workload is then divided by the year value to determine the total number of full-time equivalent judicial officers needed to handle the workload.

History of Weighted Caseload in Georgia

Judicial weighted caseload is well established in Georgia. For nearly two decades, the state has used the weighted caseload method to assess judicial resource needs and recommend judgeships to the Georgia General Assembly.

2000 Judicial Workload Assessment

In 2000, NCSC conducted separate but coordinated workload assessments for Georgia's Superior, State, and Juvenile courts. Courts were divided into three strata—urban, suburban/small urban, and rural—to adjust for differences among the strata in non-case-related activity (e.g., travel, administration, community activities).

A two-month time study was conducted, sampling judges in jurisdictions representative of all three geographic strata. Participants included 62 Superior Court judges in 22 circuits and 26 State Court judges in 12 counties. The time study data were used to develop case weights to be applied in all Georgia Superior Courts and State Courts.

Since 2000, the Workload Assessment Committee has periodically conducted time and motion studies to update the Superior Court weighted caseload model.

Annual Superior Court Workload Assessments

The Georgia Constitution provides the General Assembly with the authority to "abolish, create, consolidate, or modify judicial circuits and courts and judgeships" for the Superior Courts.[3] On an annual basis, the Judicial Council of Georgia makes recommendations to the General Assembly for new Superior Court judgeships based on judicial need. To determine judicial need, the Judicial Council's Workload Assessment Committee produces an annual workload assessment report for the Superior Courts. The report applies the Superior Court weighted caseload model to current case filings to calculate judicial workload in each circuit and identify circuits with sufficient judicial need to qualify for additional judgeships. The Judicial Council reviews the committee's findings and votes on judgeship recommendations for consideration by the General Assembly.

[3] Ga. Const. art. VI, § I, para. VII.

2015 Gwinnett County Superior Court Workload Assessment

In 2015, the Gwinnett County Superior Court contracted with NCSC to conduct its own judicial workload assessment.[4] All judicial officers serving in the Superior Court participated in a 12-week time study that resulted in a court-specific weighted caseload model.

2018 Georgia Workload Assessment Study for State and Superior Courts

In 2016, the Georgia AOC engaged NCSC to conduct a comprehensive update of the weighted caseload model for State Court and Superior Court judges, which was completed in 2018. Updates to methodology included broader participation in the time study; a condensed, four-week time study with web-based training; and a comprehensive quality adjustment process to ensure that the case weights ensured sufficient time for effective case handling. The 2018 weighted caseload model accounted for important changes that had an impact on the workload of Georgia's judiciary in prior years including the establishment of accountability courts, the movement to a statewide public defender system, an overhaul of the state's probation system, and changes in statutes, case law, and court procedures (e.g., changes to implied consent procedures in DUI cases,[5] the First Time Offenders Act[6]).

Current Judicial Workload Assessment

In 2021, the Georgia AOC engaged NCSC to conduct a new comprehensive update of the weighted caseload model for State Court and Superior Court judges. The methodology remained relatively consistent with the previous study; however, it did make use of an improved data entry system with a user-friendly Help Link feature, and a one-month worktime study. Case types were also revised to ensure more specific findings, such as separating Habeas Corpus cases (in the Superior Court) from appeals. The current weighted caseload models account for these changes.

The Judicial Council's standing committee on Judicial Workload Assessment (also referred to as the Judicial Needs Assessment Committee, or JNAC), provided oversight and guidance on matters of policy throughout the project. The JNAC members varied in levels of experience, including time on the bench, geographic location, and experience in ruling on a range of case types. The JNAC consisted of seven State Court judges and seven Superior Court judges, representing judicial circuits of various sizes from all geographic regions of the state. JNAC's role was to advise NCSC on the selection of case types (e.g., criminal, civil, domestic) and the time study design, as well as to make policy decisions regarding the amount of time allocated to case-related and non-case-related work (judge day and year values and administrative adjustments) and quality adjustments to the model. Superior

4 National Center for State Courts, Gwinnett County, Georgia Superior Court Judicial Workload Study (2015).

[5] Williams v. State, 296 Ga. 817 (205).

[6] O.C.G.A. § 42-8-60 *et seq.*

Court Judge Jay Stewart, from the Atlantic Circuit and State Court Judge Jason Ashford, from Houston County, served as co-chairs of JNAC. The JNAC met in November 2021 to define the parameters of study and again in August 2022 to review and make final decisions on the recommended quality adjustments to the case weights.

The workload assessment was conducted in two phases:

1. A *time study* in which all Superior Court and State Court judges, as well as Juvenile Court Judges, Senior Judges, and Magistrates serving in Superior Court and State court, were asked to record all case-related and non-case-related work over a one-month period. The time study provides an empirical description of the amount of time currently devoted to processing each case type, as well as the division of the workday between case-related and non-case-related activities.
2. A *quality adjustment* process to ensure that the final weighted caseload models incorporate sufficient time for efficient and effective case processing, including fulfilling the constitutional guarantee of the right to a speedy trial in criminal cases. The quality adjustment process included:
    - A statewide *sufficiency of time survey* asking judges about the amount of time currently available to perform judicial work, including their perceived levels of work-related stress, and whether the current pace of work is sustainable,
    - Ten focus groups conducted by NCSC and AOC staff with Superior State Court Judges, and
    - A structured review of the case weights by a set of *Delphi panels* comprising experienced judges from across the state of Georgia.

II. CASE TYPES AND EVENTS

At JNAC's first meeting on November 1, 2021, one of the committee's primary tasks was to establish the case type and event categories upon which to base the time study. Together, the case types, case-related events, and non-case-related events describe all of work required and expected of Georgia's State and Superior Court judges.

Case Type Categories

JNAC was charged with establishing two sets of case type categories, one for State Court and one for Superior Court (based on their constitutionally mandated jurisdictions), which satisfied the following requirements:

- The case type categories are both mutually exclusive and collectively exhaustive, meaning that any given case falls into one, and only one, case type category.
- Categories are legally and logically distinct.
- There are meaningful differences among categories in the amount of judicial work required to process the average case.
- There are enough case filings within the category to develop a valid case weight, and

- Filings for the case type category or its component case types are tracked consistently and reliably by the AOC.[7]

Using the case type categories currently tracked by the AOC as a starting point, JNAC defined 12 case type categories for State Court and 22 for Superior Court (Exhibits 1 and 2).[8] It is important to note that, while many of the individual case types are counted individually by Clerks of Court, for purposes of the workload assessment study, many have been collapsed into broader categories. The broader categories generally include individual case types that are expected to take similar amounts of time to process. For example, individual case types such as restraining petitions and garnishments were included in the Superior Courts' broader category of "other civil."

Details regarding the specific case types included in each category are available in Appendix A (State Court) and Appendix B (Superior Court).

Case-Related Events

Citing a perceived increase in the duration of trials associated with increases in case complexity, JNAC determined that during the time study trial time would be tracked separately from other case-related work. Trial work was defined as all case-related activities specific to a bench or jury trial, as well as sentencing following conviction at a trial. Trial work did not include pre-trial activities (e.g., pre-trial hearings, conferences, dispositive motions). Additionally, since this study was conducted at a period during which the COVID-19 pandemic case processing changes were still in place (more remote hearings), the activities were separated between whether a proceeding occurred with all parties in person, or with one or all parties remote. This second level of data (in-person versus remote) ended up not yielding useful information (see Exhibit 3).

Non-Case-Related Events

Work that is not related to a particular case before the court, such as court management, committee meetings, travel, and judicial education, is also an essential part of the judicial workday. To compile a detailed profile of judges' non-case-related activities and provide an empirical basis for the construction of the judge day and year values, JNAC defined four non-case-related event categories (Exhibit 4). To simplify the task of completing the time study forms and aid in validation of the time study

[7] While the AOC has developed standards for tracking and counting cases, each Clerk of Court, who is responsible for maintaining court records, is a duly elected official, and not all follow these standards. As a result, there may be inaccuracies in the way cases are counted across jurisdictions. The Judicial Council/AOC is aware of this problem; however, they have no recourse over these elected officials.

[8] Both court groups requested a category for "Non-Statutory Accountability Courts." These courts do not fall within the sanctioned accountability courts currently authorized by the AOC, and participant case counts could not be determined. As a result, judges who entered time in these categories were asked to identify the type of case on which the accountability court focuses (e.g., domestic violence or statutorily defined accountability courts) and that time was moved into the appropriate case type categories.

data, vacation and other leave, lunch and breaks, and time spent filling out time study forms were included as non-case-related events.

Exhibit 1: State Court Case Types

State Court

Criminal:

1. Non-Traffic Serious Misdemeanor & Misdemeanor
2. Serious Traffic
3. Other Traffic
4. Accountability Courts
5. Probation Revocation

Civil:

1. General Tort
2. Complex Tort
3. Landlord/Tenant
4. General Contract/Contract Collections
5. Civil Appeals
6. Garnishment
7. Other Civil

Exhibit 2: Superior Court Case Types

Superior Court

Criminal:

1. Death Penalty/Habeas
2. Serious Felony
3. Felony
4. Serious Traffic
5. Misdemeanor
6. Accountability Courts
7. Probation Revocation

Civil:

1. General Tort
2. Complex Tort
3. Contract
4. Real Property
5. Civil Appeals
6. Habeas Corpus
7. Other Civil

Domestic Relations:

1. Divorce/Paternity/Legitimation
2. Support: IV-D and Private
3. Adoption
4. Family Violence/Stalking Petition
5. Other Domestic
6. Modification of Custody, Parenting or Visitation
7. Contempt
8. Parental Accountability Court

Exhibit 3: Case-Related Activities, State and Superior Courts

Trial, In-Person

Trial, Remote

Other, In-Person

Other, Remote

Exhibit 4: Non-Case-Related Activities, State and Superior Courts

Non-Case Specific Administration

General Legal Research

Committees, Meetings & Related Work

Community Activities

III. TIME STUDY

The time study phase of the workload assessment measured current practice—the amount of time judges currently expend handling cases of each type, as well as on non-case-related work. For a period of one month, all Georgia State and Superior Court judges, and Juvenile, Senior, or Magistrate judges that were working on State or Superior Court cases, were asked to track their working time by case type and event. Separately, the AOC provided counts of filings by case type category and court. NCSC used the time study and filings data to calculate the average number of minutes currently spent resolving cases within each case type category (preliminary case weights).

Data Collection

Time Study

During the one-month period from March 1 through March 31, 2022, all State Court and Superior Court judges were asked to track their working time by case type category and trial status (for case-related work) or by non-case-related event. Senior, Juvenile, and Magistrate Court judges were asked to record any time spent on Superior Court cases, and State Court judges were also asked to record time devoted to hearing cases in Superior Court. Participants were instructed to record all working time, including time spent handling cases on and off the bench, non-case-related work, and any after-hours or weekend work. Judges tracked their time in five-minute increments using a web-based form.

To maximize data quality, all time study participants were asked to view a webinar training module explaining how to categorize and record their time. In addition to the training modules, judges were provided with web-based reference materials, and there was a Help Link on the data entry form that judges could use to ask questions, when necessary. The Web-based method of data collection allowed time study participants to verify that their own data were accurately entered and permitted real-time monitoring of participation rates, helping to maximize the quality and completeness of the time study data.

Across the state, 153 of 215 Superior Court judges (72 percent) and 72 of 127 State Court judges (57 percent) participated in the time study. This level of statewide participation ensured sufficient data to develop an accurate and reliable profile of current practice in Georgia's State and Superior Courts.

Caseload Data

To translate the time study data into the average amount of time expended on each type of case (preliminary case weights), it was first necessary to determine how many individual cases of each type are filed on an annual basis. The AOC provided filings data for calendar years

2019 and 2021.[9] The caseload data for both years were then averaged to provide an annual count of filings within each case type category and court, shown in Exhibit 5. The use of an annual average rather than the caseload data for a single year minimizes the potential for any temporary fluctuations in caseloads to influence the case weights.

Preliminary Case Weights

Following the monthlong data collection period, the time study and caseload data were used to calculate preliminary case weights. A preliminary case weight represents the average amount of time judges currently spend to process a case of a particular type, from pre-filing activity to all post-judgment matters. The use of separate case weights for each case type category accounts for the fact that cases of varying levels of complexity require different amounts of judicial time for effective resolution.

To calculate the preliminary case weights, the time recorded for each case type category was weighted to the equivalent of one year's worth of time for all judges statewide. The total annual time for each case type was then divided by the average annual filings to yield the average amount of hands-on time judges currently spend on each case.

[9] Typically, case weights are built on a three-year average of filings, as was done for the 2018 study. For the current study, however, case filings for 2020 were significantly impacted by the COVID-19 pandemic, so that year of filings was excluded from this analysis. Filings for CY 2018 were also unavailable, so the weights were built on two years' of data, CY 2019, and CY 2021. Future workload assessment studies should continue to use the most recent three-year case filing average.

Exhibit 5: Filings and Preliminary Case Weights

State Court

	Annual Average Filings (CY 2019, 2021)	Preliminary Case Weight (minutes)
Non-Traffic Serious Misdemeanor & Misdemeanor	81,494	27
Serious Traffic	24,529	48
Other Traffic	402,507	2
Accountability Courts	598	812
Probation Revocation	23,118	18
General Tort	19,133	84
Complex Tort	495	1,205
Landlord/Tenant	952	47
General Contract/Contract Collections	27,867	13
Civil Appeals	518	45
Garnishment	10,976	3
Other Civil	13,609	20

Superior Court

	Annual Average Filings (CY 2019, 2021)	Preliminary Case Weight (minutes)
Death Penalty/Habeas	10	13,276
Serious Felony	6,660	526
Felony	85,416	42
Serious Traffic	2,563	45
Misdemeanor	23,234	9
Accountability Courts	2,330	423
Probation Revocation	44,272	12
General Tort	245	81
Complex Tort	6,673	1,009
Contract	16,129	37
Real Property	3,260	37
Civil Appeals	2,249	37
Habeas Corpus	627	191
Other Civil	24,324	24
Divorce/Paternity/Legitimation	49,489	49
Support: IV-D and Private	26,901	6
Adoption	3,545	29
Family Violence/Stalking Petition	21,045	23
Other Domestic	9,885	27
Modification of Custody, Parenting or Visitation	6,357	86
Contempt	7,041	32
Parental Accountability Court	307	307

IV. QUALITY ADJUSTMENT

The preliminary case weights generated during the time study measure the amount of time Georgia's State and Superior Court judges *currently* spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges *should* spend. To provide a qualitative assessment of whether current practice allows adequate time for quality performance, judges across the state completed a Web-based sufficiency of time survey. The NCSC and AOC also conducted focus groups with State and Superior Court judges in ten locations to obtain feedback about the data collection period, and to provide additional feedback about current workloads, levels of stress related to workload, and ability to maintain the current pace of work. Finally, eight expert panels of experienced judges reviewed the preliminary case weights and made recommendations to the JNAC for adjustments, where necessary, to ensure that judges can devote the time required for the efficient and effective administration of justice in every case.

Sufficiency of Time Survey

To provide a statewide perspective on any areas of concern related to current practice, all State Court and Superior Court judges were asked to complete a web-based sufficiency of time survey in April of 2022. Judges were asked to respond to a number of questions related to the data collection period and their current workloads. Judges were also asked to identify the case types and activities, if any, for which additional time would help to improve the quality of justice. The survey also included space for judges to comment freely on their workload. Thirty-three State Court judges (26 percent) and 77 Superior Court judges (36 percent) completed the survey. Appendix C presents the survey results in detail.

In both State Court and Superior Court, judges identified Accountability Court cases as case types for which additional time would improve the quality of justice; however, this was the third highest case type identified in both courts. State Court judges also indicated Non-Traffic Serious Misdemeanor and Complex Tort cases as high priorities for needing additional time. In Superior Court, other case types identified as in need of additional time included Serious Felonies and Divorce/Paternity/ Legitimation.

Across both court types, judicial respondents indicated the need for additional time to conduct trials, prepare findings and orders related to dispositive pretrial motions, conducting legal research, and addressing the issues surrounding self-represented litigants.

Focus Groups

To gain an in-depth understanding of the issues judges face in the effective handling of their cases, NCSC and AOC staff held separate focus groups with State and Superior Court judges in ten locations over the course of two weeks in May 2022. Focus groups were held in locations that included urban, suburban, and

rural courts from all geographic regions of Georgia.[10]

The focus groups allowed project staff to understand the different issues facing judges across the state, especially differences between urban and rural locations, such as varying travel requirements, availability of courtroom space, and variations in internet connections and other resource constraints that might inhibit judicial effectiveness. Several common themes emerged during the interviews as well as in the comments of the sufficiency of time survey, as illustrated by quotes from interview and survey participants.

Judicial Officer Focus Group Themes and Sufficiency of Time Survey Findings

Was the data collection period typical?

State Courts. Some participants felt the selected month did not adequately reflect their personal workload. Several judicial officers indicated that they had scheduled vacations or other time off during part of the time study. A few judicial officers indicated civil jury trials were not held for various reasons that month; others had a normal trial schedule, for both civil and criminal cases. Some judges also indicated that there simply is no room to hold trials in a safe manner.

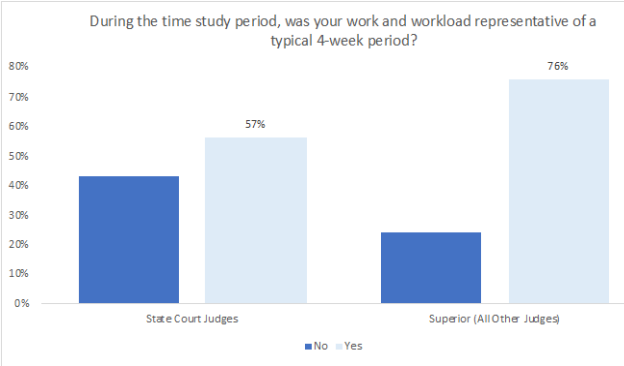
Superior Courts. Superior Court judges had mixed responses on this issue. Many judges indicated that dockets are still not typical due to continued COVID restrictions, such as holding many hearings remotely, especially for inmates, so transportation is not necessary. Others indicated that spring break impacted their ability to hold jury trials, due to low jury pools. One judge indicated having a longer than expected jury trial that prevented her from engaging in other work that had previously been on her docket. Several others indicated that the data collection period was typical.

Generally, judicial officers indicated the data collection period was a typical representation of their workload. There was an understanding throughout the state that, in any given month, a judicial officer may be ill, on vacation, or have emergencies that will prevent them from working a normal work week, and there will always be staff turnover or situations where judicial officers may not be at their fullest potential at the time of any study. All in all, participants in each of the Superior Court focus groups agreed that the study period was generally representative of the work they do across the state.

Sufficiency of Time Survey. Survey responses indicate that 57% of State Court Judges believed the data collection period was typical, and 76% of Superior Court Judges indicated that the March data collection period was normal.

[10] Focus groups were held in the following locations: Fayetteville, Rome, Gainesville, Athens, and Atlanta (May 2 through May 6), and Dublin, Macon, Tifton, Brunswick, and Savannah (May 23 through 27). In many cases, judges from neighboring counties participated in the focus groups.

Exhibit 6: Survey Responses Regarding Data Collection Period



Difficult/confusing to track time?

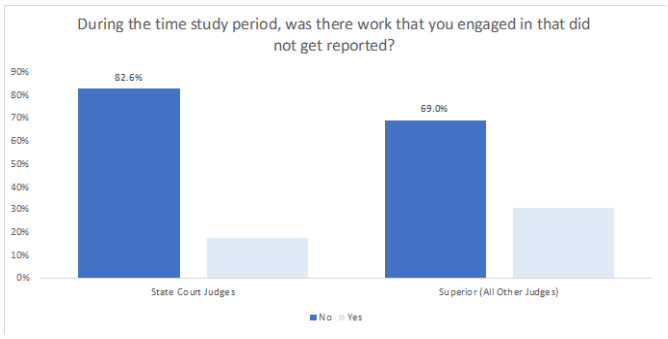
State and Superior Courts. Many judicial officers from both State and Superior Courts experienced minor problems in terms of recording the work they did. In some cases, judicial officers had to "recreate" the work they did during a busy court session, for example having to split out the time associated with arraignments and taking pleas. Others indicated that breaking out the work by case type, especially on high-volume dockets, such as arraignments was difficult, but most judges indicated they felt relatively good about accurately capturing their time. Several judges expressed frustration with the limited activity options provided to them and wanted to be able to track their time with greater specificity. One judge specifically said "There were a number of actions, judicial and administrative, that did not fit neatly, or occasionally at all, into the broad categories provided."

Any work not captured?

State and Superior Courts. Few judicial officers indicated not reporting work that was conducted. In these instances, the work not accounted for typically occurred outside of the courthouse, taking the form of responding to emails, some administrative work, prep time, personnel issues, drafting orders, signing warrants, or reviewing pleadings at night. In the words of one judicial officer "If I did not know exactly where to put the time, I found a place to put it;" another indicated "Not that it didn't get reported as much as it didn't fit the options that were presented."

Sufficiency of Time Survey. Eighty-two percent of State Court Judges and 69% of Superior Court Judges reported they were able to report all work conducted during the study period. Those who did not reported small amounts of time that were not accounted for, such as coordinating with county commissioners, signing orders that were scattered throughout the study period, reviewing pleadings and emails at home, short interactions with staff, or Clerks of Court, and various community events. Most judges indicated that the work that did not get reported accounted for a relatively small amount of time.

Exhibit 7: Survey Responses Work Time Not Captured



Sufficient time to complete all work?

State Courts. State Court Judges provided mixed responses when asked if they have adequate time to get their work done. Some indicated that, while work fluctuates, they can

keep up with the pace. Other judges answered with a resounding "no," saying they are behind on orders, and often must work emergency hearings into their docket, therefore delaying other cases. A few State Court Judges reported that they balance their duties between judging and attending to administrative duties, such as engaging with county commissions for more resources, coordinating with other agencies, and planning for additional space, so keeping up with the judicial work can be difficult. Finally, several judges, from different counties indicated having fewer prosecutors and defense attorneys, so cases are taking more elapsed time to complete, which also impacts those judges' schedules

Superior Courts. Like their State Court counterparts, Superior Court Judges have different experiences regarding sufficiency of time. One judge said "Yes, I have sufficient time, but there is always work to do. I have time if I am careful about planning, and I can even work in unforeseen things." On the other hand, several judges reporting just the opposite, with one judge summing up those responses by saying "I don't feel that I have enough time to do my work. I stay late, work on weekends, and early mornings. It would be helpful to have a second attorney." Several focus group participants indicated they "cut corners" to keep up with the pace of the work. Cutting corners often results in writing shorter opinions and orders.

Most Superior Court Judges indicated needing support in the form of law clerks, staff attorneys, or paralegals, in lieu of secretaries. While the Administrative Office of the Courts provide funding for law clerks, many judges indicated having difficulty hiring them, due to lack of attorneys in their respective areas, or due to the relatively low pay for these positions.

Sufficiency of Time Survey. Survey responses revealed a slightly different picture regarding perceived sufficiency of time. Just 4% of State Court Judges indicated rarely or almost never having enough time to complete their work, 52% indicated they sometimes have enough time, and 30% indicated often or almost always having enough time to complete their work. Comparatively, Superior Court Judges indicated that 14% feel they rarely or almost never have enough time, 37% reported sometimes having enough time, and 49% indicated often or almost always having enough time to complete their work.

Exhibit 8: Survey Responses Regarding State Court Judges' Sufficient Time to Complete Work

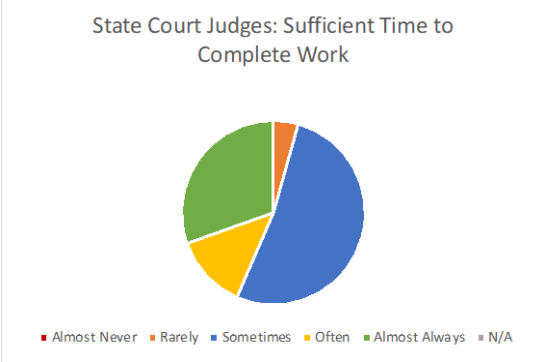
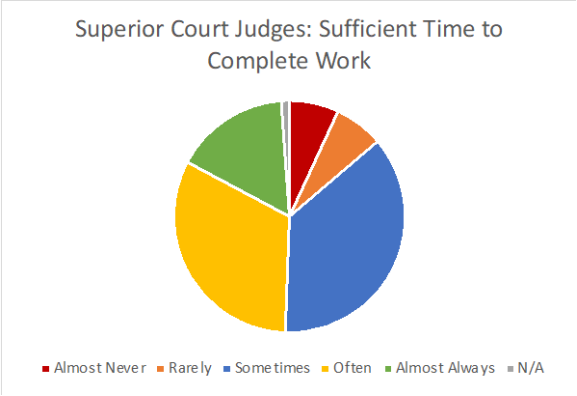
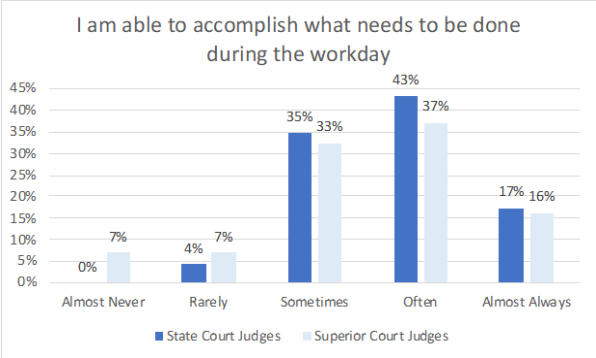


Exhibit 9: Survey Responses Regarding Superior Court Judges' Sufficient Time to Complete Work



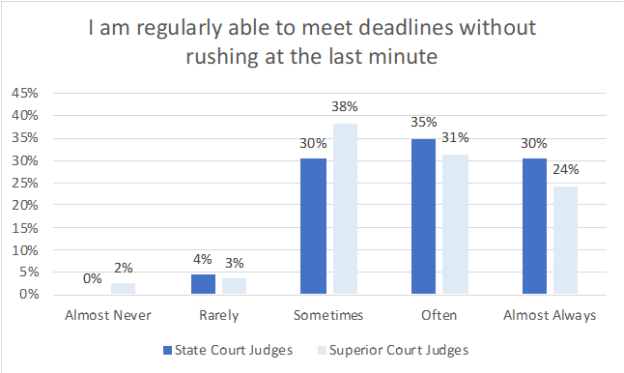
Judges were also asked whether they can accomplish what needs to be done during the workday. The responses were similar to the general question about sufficiency of time, yet somewhat better. As with the previous question, 4% of State Court Judges and 14% of Superior Court Judges indicated rarely or almost never being able to complete their daily work, while 30% of State Court Judges and 38% of Superior Court Judges said they sometimes do, and 65% and 55% of State Court and Superior Court Judges, respectively, indicating they often or almost always accomplish their daily work.

Exhibit 10: Ability to Complete Work



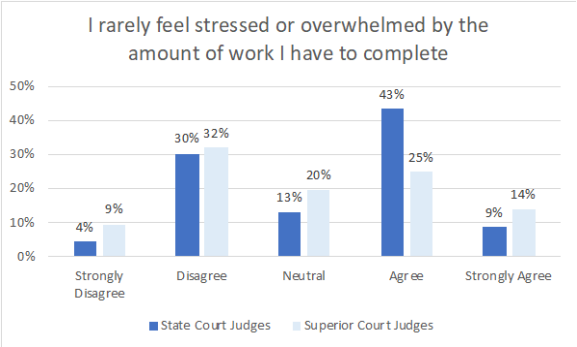
Nearly all judges reported they are regularly able to meet deadlines without rushing at the last minute. Only 4% of State Court Judges and 5% of Superior Court Judges indicated they rarely or almost never can meet deadlines, with 30% of State Court Judges and 38% of Superior Court Judges indicating they sometimes can, and 57% reporting they often or almost always can meet deadlines.

Exhibit 11: Ability to Meet Deadlines



When asked about whether judges feel stressed or overwhelmed by the amount of work they have, 34% of State Court Judges and 41% of Superior Court Judges disagreed or strongly disagreed that they rarely feel stressed or overwhelmed by their workload (meaning that they are feeling stressed), 13% of State Court Judges and 20% of Superior Court Judges were neutral on the subject, while 51% of State Court Judges 39% of Superior Court Judges indicated they are rarely stressed.

Exhibit 12: Judges' Stress Levels



Finally, 13% of State Court survey respondents and 20% of Superior Court Judges indicated that the pace at which they work is not sustainable, while 65% and 56% of State Court and Superior Court Judges, respectively, agreed that the pace of work is sustainable, and 22% of State Court Judges and 24% Superior Court Judges were neutral.

District Specific Issues

State Courts. Focus group respondents indicated a significant difference in judicial work depending on whether the court is located in an urban or rural location. One participant indicated that "there are two Georgias." In Fulton County, for example, one judge indicated that the local legal culture is to request and obtain multiple continuances, specifically for misdemeanors requiring four or five hearings instead of one or two. This was echoed by judges in both Spaulding and Fayette Counties. One judge indicated that "I am painfully aware that every time we ask people to come to court, the litigants make major sacrifices" to attend. In Tift County, there are concerns about citations, which primarily come from the Sheriff's Office. The citations are hand-written, and often contain errors, which are time consuming to resolve. They also experience parking issues and cramped courts, due to large dockets. In Chatham County, judges indicated they are more independent than many other State Courts, and that their caseloads are different from many other State Courts. In Chatham County, the do not handle family or domestic cases.

In the more rural areas, judges indicated that the legal community has a different mindset, and that they tend to be slower, and have looser deadlines, compared to more urban counties. Rural judges also indicated that internet connectivity varies significantly across counties. Not only does this impact daily work, such as email correspondence, and electronic case management, but it also interferes during trials, in their ability to play videos or display electronic documents. Tech support is also limited in the rural counties, so internet support is limited. Other staffing areas are also limited, such as lack of clerical and law clerk support.

Superior Courts. Judges in Fulton County indicated that they have a greater number of complex civil cases, and, since the state capital is in this county, they get most of the state's administrative appeals cases. In Athens County, the District Attorney is severely understaffed, so criminal cases are moving slowly through the system. Grand juries are meeting less regularly than in previous years, and indictments are frequently delayed. More jury trials are also held in this County because the District Attorney's Office often overcharges cases, so more defendants opt to go to trial. The same issues with internet connectivity and low staffing support described above for the State Courts also exists within the rural Superior Courts.
Superior Court Judges are also concerned that they get inaccurate case counts from the Clerk of Court. To account for this in Bibb County, they

hired a criminal calendar clerk in the court so they can count and track the cases in that court. One judge indicated "That is why some judges are apathetic – garbage in and garbage out." The issue of inaccurate case counts raised a concern by some judges about the validity of the current workload assessment study.

Obstacles

State Courts. Judges were asked to identify obstacles preventing them from achieving success in their work. Several judges indicated that limited space is a big obstacle for them, especially in the COVID era. Several judges noted that they have limited courtroom space and are looking for larger buildings to hold trials in a socially distant manner. Staffing shortages, discussed previously, was also discussed as an obstacle. In Chatham County, judges indicated that caseloads are exploding beyond their capacity to manage. In that county, they used federal American Rescue Plan Act (ARPA) funds to hire temporary judges to manage that workload. Additionally in this county, there are nearly 3,000 criminal cases known, but not on the schedule, and another 6,000 cases in which defendants have not yet been charged. Some rural judges reported not having sufficient treatment services, such as mental health services, to support the needs to defendants, so defendants with mental health problems are often jailed, rather than receiving treatment. The case management system in Bibb County is problematic, in that it does not interact with the e-filing system, PeachCourt, this is particularly a problem with traffic tickets that must be entered manually, requiring more time to process.

Superior Courts. Case management in some Clerk of Court Offices was again raised under this area of questioning. In one Circuit, the judge reportedly had to get involved in a case with an incomplete data entry record, which required a lot of time to fix; this has happened in more than one instance. Relatedly, having a lack of reliable data prevents the court from tracking important milestones, such as the number of continuances allowed, how long cases are taking to reach disposition, and a simple accurate count of the cases waiting for resolution. Lack of technical support, particularly with audiovisual problems is difficult to find. At least in some courts, the county provides technical support, but the support is primarily focused on computers and not audiovisual technology. Addressing these issues, especially when they arise in the middle of a trial, can often take up to 45 minutes or more to fix, thereby lengthening the trial and wasting time. Staffing shortages in District Attorney's, Public Defender's and Probation Offices was also raised in several locations, along with a general lack of resources of many types. Turnover in these offices is frequent, especially in more rural locations where the compensation is comparatively low to their more urban counterparts. All these issues compound to unnecessarily extend the life of cases. In some of the larger circuits, the sheer volume of the caseload was identified as an obstacle. Judges in those circuits feel they need to produce faster rulings, so litigants are not kept waiting too long to have an outcome in their case. Space issues and lack of treatment resources were also raised in the Superior Courts, with the issues being similar to those described above for the State Courts, as were concerns with low staffing support, and internet connectivity problems. In Macon County, they don't even have hot water!

Sufficiency of Time Survey. Survey respondents also reported many of the same obstacles listed

above. Additionally, they indicated continued problems related to the COVID backlog, unrealistic pace of work, competing needs for time to complete orders and hear cases in court, coordinating cases in multiple counties, the growing need to spend more time on post-conviction matters, adequate training for support staff, and inefficiencies and mistakes made by supporting agencies, that "affect the productivity, efficacy and judicial economy of the court."

Case Types and Activities for Which More Time Would Improve the Quality of Justice

Sufficiency of Time Survey. Survey respondents were asked to identify the four case types for which having more time to work on would improve the quality of justice. They were also asked to identify the top five activities for which more time would improve justice.

State Court Judges indicated needing the most additional time for Non-Traffic Serious Misdemeanors, such as Domestic Violence (48%), 26% reported needing additional time for Serious Traffic cases and Complex Torts, and 22% indicated needing additional time for Accountability Courts and Non-Traffic Misdemeanors, such as shoplifting.

In terms of activities, most State Court Judges indicated needing additional time to conduct legal research (44%), followed by preparing findings and orders related to dispositive pretrial motions (40%) and conducting trials (40%), conducting pretrial and scheduling conferences (26%), and conducting settlement conferences.

Superior Court Judges ranked the need for additional time highest for Divorce, Paternity and Legitimation cases (45%), followed by Felonies (26%), Accountability Courts and Family Violence Petitions (20% for each), rounded out by a four-way tie for Probation Revocations, Other Domestic, Complex Torts and General Torts (18%).

With respect to activities, the top five cited as areas in which Superior Court Judges could use additional time included preparing findings and orders (90%), conducting trials, and addressing issues surrounding self-represented litigants (tied at 38%), attending training and educational opportunities (33%), and conducting legal research (26%).

Judicial Officer Focus Groups and Sufficiency of Time Survey Summary

The time study conducted in Georgia measures the amount of time State and Superior Court Judges currently spend handling cases. *A time study does not inform us about the amount of time judicial officers should spend on activities to ensure the quality processing of cases.*

Based on the focus group findings, concerns were raised around the following issues:

- Case weights for the following case types:
  - Heavy caseloads
  - Lack of adequate support staff in the courts
  - Lack of adequate staff and inefficiencies in support agencies, such as Prosecutors', Public Defenders, and Probation Offices.
  - Lack of treatment services for both mental health and accountability courts
  - Insufficient internet connectivity and lack of technical support
  - Concerns with accurate case count data
  - COVID backlogs

Delphi Quality Adjustment Groups

To provide a qualitative review of the preliminary case weights, project staff facilitated a series of quality adjustment sessions with panels of State and Superior Court judges in June 2022. Four sessions were offered for both the State and Superior Court Judges. Each session was open to all judges for participation. In total, ten State Court Judges and fourteen Superior Court Judges and the Executive Director of the Council of State Court Judges, plus two District Court Administrators participated in the Delphi sessions. Representatives from the Administrative Office of the Courts also attended these sessions.

Two Delphi sessions for both court levels focused on a subset of case types, including State Court criminal, State Court civil, Superior Court civil and domestic, and Superior Court criminal. Additionally, two sessions for each court were open for comment on all case types. At the beginning of each quality adjustment session, NCSC staff provided group members with an overview of the process used to develop the preliminary case weights, followed by a review of the process used to adjust them, which showed the judicial need impact of each recommended change.

Using a variant on the Delphi method—a structured, iterative process for decision-making by a panel of experts—each group engaged in a systematic review of the preliminary case weights. Group members drew on current practice (as measured by the time study) and the personal experiences of the judges to make recommendations regarding the content of the final case weights. Each group was asked to follow a four-step process:

1. Review each preliminary case weight and identify which case types needed additional time,
2. Within selected case types, recommend adjustments,
3. Provide an explicit rationale to support any proposed increase or reduction in judicial time, and
4. Review and revise the recommended adjustments until a consensus was reached that all adjustments were necessary and reasonable.

This iterative, consensus-based review of the case weights was designed to ensure that all recommended adjustments were reasonable and supported by a specific rationale for the change.

For the State Courts, the quality adjustment panels recommended adding time to review the defendant's history in Probation Revocation cases and to review pretrial motion briefs and prepare for pretrial motion hearings in Complex Tort cases. In criminal cases in Superior Court, the quality adjustment panel recommended adding time for dedicated pretrial motion hearings (Serious Felony), plea colloquies (Serious Felony and Felony), ability to pay determinations (Felony and Misdemeanor), review of requests for early probation termination (Felony), and staffing sessions (Accountability Court). In Superior Court domestic cases, the quality adjustment panel recommended adding time to explain rulings at temporary hearings in Divorce/Paternity/

Legitimation cases, for trials in contested custody cases (Divorce/Paternity/Legitimation), to discern the relevant facts during ex parte TPO hearings in Family Violence Petition Cases, and to allow parties to tell their stories during trials on modifications (Other Domestic). JNAC reviewed and adopted all of the panels' recommended quality adjustments. To maintain consistency, JNAC applied the panels' recommended adjustments to the Complex Tort and Accountability Court weights across both court levels. Exhibit 13 shows the preliminary and quality-adjusted case weights for State Court and Superior Court.

The JNAC met in August 2022 and reviewed the preliminary case weights, along with the recommended adjustments made by the Delphi panels and adopted the recommendations as an accurate representation of current practice.

Case Weight Adjustments: State Court

Three adjustments were made to State Court case weights, including changes to case weights for accountability courts, general tort, and general contract/ contract collections. Specifically, the case weight for accountability courts appeared to be unusually high (812 minutes), so the Delphi panels recommended reducing the case weight down to the previous case weight of 532 minutes.[11] General tort cases were increased by 8 minutes to account for trials not occurring during the time study period, because the focus was on criminal cases. Finally, the case weight for general contract/contract collections was increased by 4 minutes, to equate to the 2018 case weight. Delphi panelists believed that these cases can often get complex, especially when brought to trial, and judges believed the former case weight was more representative of the time requirements for this case type.

Case Weight Adjustments: Superior Court

For the Superior Courts, case weights for 11 case types were adjusted, including serious felony, serious traffic, misdemeanors, accountability courts, probation revocations, complex tort, general tort, divorce/paternity/legitimation, adoption, family violence/stalking petitions, and modifications of custody, parenting, and visitation.

Specifically, the cases weight for serious felonies was increased by 75 minutes, from 526 to 601 to allow for more time to research and evaluate motions, and more time to expend on the most serious crimes, such as homicide, sex crimes, and gang-affiliated offenses. The 75-minute increase includes a 30-minute increase in all cases, to allow for more research time, and 60 minutes in 75% of the cases, to account for an increase in trials, especially for sex crimes, in which mandatory minimum sentences encourage more cases to go to jury trials. Serious traffic cases were increased from 45 to 48 minutes to be consistent with the State Court case weight. For misdemeanor cases, 11

[11] This case weight was further adjusted to 423 minutes by the JNAC, then brought back to 532 after the minutes assigned to non-statutory accountability courts were added to the appropriate case types.

minutes were added to allow for a greater focus on these case types. Judges believed there was less time entered on misdemeanor cases during the time study, given that the focus was on clearing serious felonies. Accountability courts were reset back to the 2018 case weight, changing from 423[12] minutes derived from the time study to 532 minutes. This time was added for three primary reasons. First, judges need to address issues regarding accountability court participants as they arise, often requiring them to attend to issues outside of regular accountability court time; second, judges need additional time to address real-time issues with court participants during court sessions, discussing their situation in detail, which can expand the court's time; and finally, given the expanding research on accountability courts, judges need to stay abreast of the ever-present research updates, requiring them to read, attend conferences, and adapt practices to remain in tune with best practices. Probation revocations were increased by 13 minutes, from 12 to 25 minutes to account for a minimum of two hearings in all cases. Time was also added to allow judges time to research issues on cases that include both a probation revocation and a new felony. Judges argued these cases can get complicated quickly and require greater attention than the initial case weight provides time for. Because Complex Tort and General Tort cases are very similar in subject matter and complexity in State Court and Superior Court, JNAC elected to apply uniform case weights for these case types in State Court and Superior Court. Both case types were adjusted to be equivalent with the state court weights of 1,205 minutes for complex tort and 92 minutes for general tort cases. The case weight for divorce/paternity/legitimation was increased by 11 minutes, from 49 to 60 minutes, which is a slight decrease from the 2018 case weight but provides adequate time to address issues that likely were not captured during the time study due to the focus on serious felonies. Adoptions were increased by 1 minute as judges argued there are more adoptions occurring now than in previous years, and that they take somewhat longer than in previous years. Family Violence/Stalking Petitions were increased by 10 minutes in 50% of the cases (for a net increase of 5 minutes) to account for cases in which the alleged perpetrator/abuser attends the hearing, and judges need to meet both in chambers and hold a hearing in court. Finally, Modifications of Custody, parenting, or Visitation were increased by 14 minutes, from 86 to 100 minutes to account for additional hearings required in nearly all such cases; parties rarely, if ever, settle on these cases.

[12] This case weight was adjusted back to 532 minutes after the non-statutory accountability court minutes were added to the appropriate case type categories.

Exhibit 13: Preliminary and Quality Adjusted Case Weights

State Court

	Preliminary Case Weight (minutes)	Final Case Weight (minutes)
Non-Traffic Serious Misdemeanor & Misdemeanor	27	27
Serious Traffic	48	48
Other Traffic	2	2
Accountability Courts	812	**532**
Probation Revocation	18	18
General Tort	84	**92**
Complex Tort	1,205	1,205
Landlord/Tenant	47	47
General Contract/Contract Collections	13	**17**
Civil Appeals	45	45
Garnishment	3	3
Other Civil	20	20

Superior Court

	Preliminary Case Weight (minutes)	Final Case Weight (minutes)
Death Penalty/Habeas	13,276	13,276
Serious Felony	526	**601**
Felony	42	42
Serious Traffic	45	**48**
Misdemeanor	9	**20**
Accountability Courts	423	**532**
Probation Revocation	12	**25**
General Tort	81	**92**
Complex Tort	1,009	**1,205**
Contract	37	37
Real Property	37	37
Civil Appeals	37	37
Habeas Corpus	191	191
Other Civil	24	24
Divorce/Paternity/Legitimation	49	**60**
Support: IV-D and Private	6	6
Adoption	29	**30**
Family Violence/Stalking Petition	23	**28**
Other Domestic	27	27
Modification of Custody, Parenting or Visitation	86	**100**
Contempt	32	32
Parental Accountability Court	307	307

V. JUDICIAL NEED

In the weighted caseload model, three factors contribute to the calculation of judicial need: caseload data (filings), case weights, and the year value. The year value is equal to the amount of time each full-time judge has available for case-related work on an annual basis. The relationship among the filings, case weights, and year value is expressed as follows:

$$\frac{\text{Filings x Case Weights (minutes)}}{\text{Year Value (minutes)}} = \text{Resource Need (FTE)}$$

Multiplying the filings by the corresponding case weights calculates the total annual workload in minutes. Dividing the workload by the year value, then adding the .10 FTE administrative adjustment for the Chief Judge yields the total number of full-time equivalent (FTE) judges needed to handle the workload.

Judge Year Values

To develop the year values for State Court and Superior Court judges, it was necessary to determine the number of days each judge has available for case-related work in each year (judge year), as well as how to divide the workday between case-related and non-case-related work (judge day value).

Judge Year

As shown in Exhibit 14, the judge year value was constructed by beginning with 365 days per year, then subtracting weekends, holidays, annual leave, and sick leave, and full-day participation in statutorily mandated judicial training. The steering committee from the 2000 NCSC judicial workload studies adopted a judge year of 220 case-related days for both State and Superior Courts. During the 2018 workload assessment, JNAC decided to incorporate additional time for judicial education to enhance the quality of justice, resulting in a judge year of 215 case-related days for Superior Court and State Court judges, and this judge year was also retained for the current study.

Exhibit 14. Judge Year

Total days per year		365
Weekends	-	104
Holidays	-	12
Annual leave	-	15
Sick leave	-	9
Judicial education	-	10
Case-related days per year		215

Judge Day

The judge day value represents the amount of time each judge has available for case-related work each day. This value is calculated by subtracting time for lunch, breaks, and non-case-related work (e.g., administration, travel, training) from the total working day.

State Court judges do not travel on a regular basis during the course of their workday. Time study data indicated that the State Court judges spend an average of approximately 2 hours per day on non-case-related work (124 minutes per judge per day), such as attending meetings, addressing local issues, and administrative issues, so their case-related day equates to 6 hours.

For Superior Court judges, who do travel, the advisory committee established separate judge day values for five geographic strata, based on the time study data. Specifically, circuits with one county are allocated 8 minutes of travel each day per judge, circuits with 2 to 5 counties receive a travel credit of 31 minutes per day per judge, circuits with 6 counties receive a 51-minute travel credit, circuits with 7 counties receive an average travel allocation of 62 minutes per day, and circuits with 8 counties were allocated a 73-minute travel credit. The allocation of these travel credits results in five separate day values ranging from 4.7 hours to 5.8 hours, depending on the number of counties in their circuits. The smaller day value circuits reflect the additional travel required of Superior Court judges in these circuits. Exhibit 15 provides an overview of the case-related year values for State Courts and Circuit Courts, based on the travel allocations described above.

Judge Year Values

To calculate the final year values for case-related work, the number of days in the working year was multiplied by the day value for case-related work. This figure is then expressed in terms of minutes per year. Exhibit 15 shows the calculation of the year values for State Court and Superior Court.

Exhibit 15. Judge Year Values with Varied Travel Allocations

	Judge year (days)	x	Judge day (hours)	x	Minutes per hour	=	Year value (minutes)*
State Court	215	x	6.0	x	60	=	77,400
Superior Court							
1 county	215	x	5.8	x	60	=	74,820
2 -5 counties	215	x	5.4	x	60	=	69,875
6 counties	215	x	5.1	x	60	=	65,575
7 counties	215	x	4.9	x	60	=	63,210
8 counties	215	x	4.7	x	60	=	60,845

*Year value minutes are calculated based on judge day values with extended decimal points.

Administrative Adjustment

The previous time study revealed that statutorily mandated administrative responsibilities create additional non-case-related work for Superior Court Chief Judges. This information was not collected for the current study; however, it was agreed that the model should continue to credit each Superior Court Chief Judge with an additional judicial need of 0.1 FTE to accommodate this work.

Judicial Need

To calculate the number of judges needed in each of Georgia's State Courts, the annual filings for each case type was multiplied from calendar year 2019 by the corresponding case weight to calculate the annual judicial workload associated

with that case type, in minutes.[13] Judicial workload was summed across all case types, then divided by the case-specific judge year value, or the amount of time each full-time judge has available for case-related work in one year. For the Superior Courts, the annual average filings count for each case for the calendar years 2018, 2019, and 2021 were used and the same process was applied.[14] This yielded the total number of judges required to handle the court's case-related workload, as well as judges' ordinary non-case-related responsibilities, in full-time equivalent (FTE) terms. In Superior Court, the chief judge administrative adjustment was then added to arrive at total judicial need. For State Courts, only those with at least one full-time judge are included in the model.

In some courts, workload-based judicial need exceeds the number of currently allocated judicial positions. For the 2018 workload assessment study, JNAC adopted a uniform threshold of 1.20 FTE workload per judge to qualify for a new judgeship in State and Superior Courts of all sizes, and this threshold was retained for the current study.

Exhibits 16 (State Court) and 17 (Superior Court) present the final calculation of judicial workload and need, as well as the number of judges required to bring per-judge workload below the 1.20 FTE threshold, for each court.

[13] For the State Court model, filings from calendar year 2019 were applied to the model to generate judicial need because, during the pandemic (calendar years 2020 and 2021) cases were not being filed at a normal level, and this trend continued into the early months of 2022.

[14] For Superior Courts, an average of the two years of case filings from calendar years 2019, and 2021 were applied to the model to generate judicial need. Filings from calendar year 2020 were not used because they were significantly depressed due to the pandemic.

Exhibit 16. Judicial Workload and Need, State Courts

County	Total Judicial Officer Need	Currently Allocated Full-Time Judges	Current Workload per Judge	Full-Time Judge Need with 1.20 FTE Workload per Judge Upper Boundary	Workload per Judge when Upper Boundary is 1.20 or lower
Bibb County	2.57	2.00	1.29	3	0.86
Bulloch County	1.13	1.00	1.13	1	1.13
Carroll County	1.18	1.00	1.18	1	1.18
Catoosa County	0.80	1.00	0.80	1	0.80
Chatham County	4.26	3.00	1.42	4	1.07
Cherokee County	2.84	3.00	0.95	3	0.95
Clarke County	1.90	2.00	0.95	2	0.95
Clayton County	6.50	5.00	1.30	6	1.08
Cobb County	10.79	12.00	0.90	10	1.08
Colquitt County	0.55	1.00	0.55	1	0.55
Coweta County	2.56	2.00	1.28	3	0.85
DeKalb County	8.99	11.00	0.82	8	1.12
Dougherty County	0.98	1.00	0.98	1	0.98
Douglas County	2.39	2.00	1.19	3	0.80
Effingham County	0.60	1.00	0.60	1	0.60
Fayette County	1.63	1.00	1.63	2	0.82
Forsyth County	2.22	2.00	1.11	2	1.11
Fulton County	10.74	10.00	1.07	10	1.07
Glynn County	1.41	1.00	1.41	2	0.71
Gwinnett County	6.77	7.00	0.97	6	1.13
Hall County	3.60	3.00	1.20	4	0.90
Henry County	3.15	4.00	0.79	3	1.05
Houston County	1.78	1.00	1.78	2	0.89
Liberty County	0.77	1.00	0.77	1	0.77
Lowndes County	2.39	2.00	1.20	3	0.80
Mitchell County	0.27	1.00	0.27	1	0.27
Muscogee County	4.83	2.00	2.41	5	0.97
Richmond County	3.21	4.00	0.80	3	1.07
Rockdale County	1.88	2.00	0.94	2	0.94
Spalding County	1.14	1.00	1.14	1	1.14
Tift County	1.06	1.00	1.06	1	1.06
Troup County	1.42	1.00	1.42	2	0.71
Walker County	0.59	1.00	0.59	1	0.59
State Total Full-time Judges	96.90	93.00		99.00	

Exhibit 17. Judicial Workload and Need, Superior Courts

District	Circuit	Total Judicial Officer Need (FTE	Currently Allocated Judges	Current Workload per Judge	Full-Time Judge Need with 1.20 FTE Workload per Judge Upper Boundary
	Atlantic Circuit	5.64	4	1.41	5
	Brunswick Circuit	5.66	5	1.13	5
	Eastern Circuit	6.44	6	1.07	6
	Ogeechee Circuit	4.80	4	1.20	5
1st District	Waycross Circuit	4.31	4	1.08	4
	Alapaha Circuit	2.86	2	1.43	3
	Dougherty Circuit	6.75	3	2.25	6
	Pataula Circuit	1.71	2	0.85	2
	South Georgia Circuit	2.96	2	1.48	3
	Southern Circuit	6.30	5	1.26	6
2nd District	Tifton Circuit	2.53	2	1.27	3
	Chattahoochee Circuit	7.45	7	1.06	7
	Houston Circuit	4.22	3	1.41	4
	Macon Circuit	4.35	5	0.87	5
3rd District	Southwestern Circuit	4.27	3	1.42	4
	Stone Mountain Circuit	13.31	10	1.33	14
4th District	Rockdale Circuit	2.05	2	1.03	2
5th District	Atlanta Circuit	18.89	20	0.94	20
	Clayton Circuit	7.53	5	1.51	7
	Coweta Circuit	9.62	7	1.37	9
	Flint Circuit	3.58	4	0.90	4
	Griffin Circuit	5.10	6	0.85	6
6th Circuit	Towaliga Circuit	2.45	2	1.22	3
	Cherokee Circuit	5.88	4	1.47	5
	Cobb Circuit	12.62	11	1.15	11
	Conasauga Circuit	3.71	4	0.93	4
	Douglas Circuit	4.37	3	1.46	4
	Lookout Mountain Circuit	5.07	4	1.27	5
	Paulding Circuit	3.30	3	1.10	3
	Rome Circuit	5.73	4	1.43	5
7th District	Tallapoosa Circuit	2.73	2	1.36	3
	Cordele Circuit	2.66	3	0.89	3
	Dublin Circuit	2.67	3	0.89	3
	Middle Circuit	2.76	2	1.38	3
	Ocmulgee Circuit	6.58	5	1.32	6
8th District	Oconee Circuit	2.44	3	0.81	3
	Appalachian Circuit	3.55	3	1.18	3
	Blue Ridge Circuit	4.64	3	1.55	4
	Mountain Circuit	2.81	2	1.41	3
	Bell Forsyth Circuit	2.73	3	0.91	3
	Enotah Circuit	3.84	3	1.28	4
	Northeastern Circuit	6.81	5	1.36	6
9th District	Gwinnett Circuit	14.16	11	1.29	12
	Alcovy Circuit	6.01	5	1.20	6
	Augusta Circuit	6.49	5	1.30	6
	Columbia Circuit	2.56	3	0.85	3
	Northern Circuit	3.99	3	1.33	4
	Piedmont Circuit	4.84	4	1.21	5
	Toombs Circuit	1.45	2	0.73	2
10th District	Western Circuit	3.68	4	0.92	4
	State Total	260.87	220		256

VI. RECOMMENDATIONS

The final weighted caseload model provides an empirically grounded basis for analyzing judicial workload and need in each of Georgia's State and Superior Courts. The following recommendations are intended to ensure the effective use of the weighted caseload model and to preserve the model's integrity and utility over time.

Recommendation 1

To account for jurisdiction-specific contextual factors, NCSC recommends that the Administrative Office of the Courts and the Judicial Council conduct a secondary analysis before recommending the removal of current judicial positions or the creation of additional judicial positions in a court. Factors that should be considered during the secondary analysis include, but need not be limited to:

- Availability of judicial assistance (e.g., senior judges, magistrate judges) to perform Superior Court or State Court work,
- Geography and travel requirements, and
- Availability of law clerks and support staff.

Recommendation 2

A critical assumption of Georgia's State Court and Superior Court weighted caseload models is that case filings are counted consistently and accurately. NCSC strongly recommends that Georgia's trial courts continue their efforts to improve the reliability of caseload reporting across all jurisdictions.

Recommendation 3

Over time, the integrity of any weighted caseload model may be affected by external factors such as changes in legislation, case law, legal practice, court technology, and administrative policies. NCSC recommends that the Judicial Council of Georgia and the Administrative Office of the Courts conduct a comprehensive review of the State Court and Superior Court weighted caseload models every five to seven years. This review should include a time study and a comprehensive quality adjustment process. Between updates, if a major change in the law appears to have a significant impact on judicial workload, a Delphi panel can be convened to make interim adjustments to the affected case weight(s).

When future weighted caseload studies are conducted in Georgia, care should be taken to ensure that all case type and activity categories capture case type groupings that allow for the case processing differences involved in each category. For example, several judges in the Delphi panels and focus groups indicated they thought the case type categories were too broad, citing felonies as an example. There were also questions regarding the reasoning for joining contracts with real property cases. Similar concerns were raised about the case type activity categories, with judges stating they could not accurately reflect the work they were doing.

Finally, the next weighted caseload study should include a comparison of the travel time collected during the time study with travel reimbursement data submitted by judges. Travel varies significantly across circuits, and there is a concern that the one-month time study may not accurately reflect the true travel time for each circuit. By using travel reimbursement data, the analyst can assign a rate of speed (e.g., 50 mph) to the miles traveled and convert that information to time. This data can then be compared to the travel time data captured in the time study, and the advisory committee can determine which data is more reflective of circuit travel activity.

Recommendation 4

Given concerns raised by several judges through both the Sufficiency of Time Survey and the focus groups, the Judicial Council and the Administrative Office of the Courts should consider ways to encourage law clerks to work for judges, whether it is done by raising salaries to make the positions more enticing to young lawyers or is done in some other fashion to make the positions more desirable.

Recommendation 5

The Judicial Council and the Administrative Office of the Courts should consider offering judges the ability to hire paralegals in lieu of judicial secretaries, at a competitive pay rate. Paralegals could attend to work that must be completed by someone trained in the law, while also attending to the random traditional secretarial task when needed.

Recommendation 6

The Judicial Council and the Administrative Office of the Courts should consider providing technical assistance positions to each Circuit or District. Judges indicated that, with a greater reliance on remote hearings and other technological needs, such as using audio-visual presentations in court, when problems arise, they must rely on county technological assistance, which is not always readily available.

APPENDIX A: GLOSSARY OF TERMS: STATE COURTS

CASE TYPE CATEGORIES

Criminal

1. **Non-traffic serious misdemeanor and misdemeanor**
   Includes all misdemeanors, including cases ranging from shoplifting to domestic violence, that are not traffic offenses.

2. **Serious traffic**
   Includes serious traffic offenses such as misdemeanor DUI, homicide by vehicle, serious injury by vehicle, reckless driving, hit and run, aggressive driving, fleeing an officer.

3. **Other traffic**
   Includes less serious traffic offenses such as speeding, failure to stop at a stop sign, failure to signal.

4. **Accountability courts**
   Includes all statutorily recognized accountability court dockets.

5. **Probation revocation**
   Probation revocation petitions filed by either private or public probation officers, including waivers signed by defendants and first offender adjudications.

Civil

1. **Complex tort**
   Includes medical malpractice and product liability.

2. **General tort**
   Includes all other torts such as professional negligence, premises liability, libel, slander.

3. **Landlord/tenant**

4. **General contract/contract collections**
   Includes all contract cases, such as breach and suits on promissory notes.

5. **Civil appeals**
   Includes all civil appeals from a lower court.

6. **Garnishment**
   Includes garnishment, continuing garnishment, and levy cases.

7. **Other civil**
   Includes civil cases that do not fall into any other category.

CASE-RELATED EVENTS

Trial, In-Person

Includes all on-bench and off-bench activity related to a bench or jury trial, when conducted in-person. Includes all research and preparation related to trials, as well as sentencing following conviction at trial that was held in-person. Does ***not*** include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- Jury selection
- Jury trial
- Bench trial
- Sentencing after conviction at trial
- Preparation of orders related to trials

Trial, Remote

Includes all on-bench and off-bench activity related to a bench or jury trial, when held remotely, or when at least one party appears remotely. Includes all research and preparation related to trials, as well as sentencing following conviction at trial, when the trial was held remotely, or at least one person appeared remotely. Does ***not*** include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- Jury selection
- Jury trial
- Bench trial
- Sentencing after conviction at trial
- Preparation of orders related to trials

Other, In-Person

Includes all on-bench and off-bench activity NOT related to a bench or jury trial, when conducted in-person. Includes all research and preparation related to trials, as well as sentencing following conviction at trial, when the bench work was conducted in person, such as pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Jury selection

Other, Remote

Includes all on-bench and off-bench activity related to a bench or jury trial. Includes all research and preparation related to trials, as well as sentencing following conviction at trial. Does ***not*** include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- Jury selection
- Jury trial
- Bench trial

- Sentencing after conviction at trial
- Preparation of orders related to trials

NON-CASE-RELATED EVENTS

1. **Non-Case-Related Administration**
   Includes all non-case-related administrative work such as:
   - Staff meetings
   - Bench meetings
   - Personnel matters
   - Staff supervision and mentoring
   - Court management

2. **Judicial Education and Training**
   Includes all educational and training activities such as:
   - Judicial education/continuing legal education
   - Conferences

3. **General Legal Reading**
   Includes all reading and research that is ***not*** related to a particular case before the court. Examples include:
   - Reading journals
   - Reading professional newsletters
   - Reviewing appellate court decisions

4. **Committee, Conference, and Work Group Meetings and Related Work**
   Includes all work related to and preparation for meetings of state and local committees, conferences, work groups, boards, and task forces on which you serve in your official capacity as a judge, such as:
   - Community criminal justice board meetings
   - State committees, conferences, and work groups

5. **Community Activities and Public Outreach**
   Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:
   - Speaking at schools about legal careers
   - Judging moot court competitions
   - Board of Governors
   - Bar Participation

6. **Work-Related Travel**
   Work-Related Travel includes time spent traveling ***to or from a court other than your primary court***. For purposes of the time study, your primary court is the court where you most frequently sit. You should not

record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is ***greater than the length of your commute between your home and your primary court***. You should also record travel between two courts.

Record travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.

7. **Vacation, Sick Leave, and Holidays**
   Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.

8. **Lunch and Breaks**
   Includes all routine breaks during the working day.

9. **NCSC Time Study**
   Includes time spent filling out time study forms and entering time study data using the Web-based form.

APPENDIX B: GLOSSARY OF TERMS: SUPERIOR COURTS

CASE TYPE CATEGORIES - Many of the case types are counted individually, but for purposes of the workload assessment study, many have been collapsed into broader categories. The broader categories generally include case types that are expected to take similar amounts of time to process. For example, individual case types such as restraining petitions and garnishments were included in the Superior Courts' broader category of "other civil."

Criminal

1. **Death penalty/habeas**
   Includes all death penalty cases and death penalty habeas cases.

2. **Serious felony**
   Includes murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery, RICO, and home invasion.

3. **Felony**
   Includes all other felonies.

4. **Serious Traffic**
   Cases including misdemeanor DUI, reckless driving, homicide by vehicle, aggressive driving, and fleeing, or attempting to elude a police officer.

5. **Misdemeanor**
   All misdemeanor offenses, except for those listed in *Serious Traffic*, above.

6. **Accountability courts**
   Includes all statutorily recognized accountability court dockets

7. **Probation revocation**
   Probation revocation petitions filed by either private or public probation officers, including waivers signed by defendants and first offender adjudications.

Civil

1. **Complex tort**
   Includes medical malpractice and product liability.

2. **General tort**
   Includes all other torts such as professional negligence, premises liability, libel, slander.

3. **Contract**

4. **Real property**
   Includes boundary disputes.

5. **Civil appeals**
   Includes all civil appeals from a lower court.

6. **Habeas Corpus**
   Any case designed to test the legality of the detention or imprisonment of an individual, not the question of guilt or innocence.

7. **Other civil**
   Includes civil cases that do not fall into any other category, such as injunctions/mandamus/other writs, restraining petitions, landlord/tenant, and garnishments. Reopened cases include contempt and medication.

Domestic

1. **Divorce/paternity/legitimation**

2. **Support (IV-D and private)**
   Includes private (non-IV-D) and DHS child support cases. Private (non-IV-D) includes cases filed to request or modify maintenance of a parent/guardian or a minor child by a person who is required by law, but who is not under the auspices of Title IV-D of the Social Security Act of 1973, to provide such maintenance.

3. **Adoption**
   Cases involving a request for the establishment of new, permanent relationship of parent and child between persons not so biologically related.

4. **Family Violence/Stalking Petition**
   Any case in which a family violence or stalking protective order from a family member or domestic partner is requested.

5. **Other Domestic**
   Domestic relations cases that do not adequately fit into any of the other case types.

6. **Modification of Custody, Parenting, or Visitation**
   The new definition for Modification of Custody is: Any case seeking to change the terms of any previously existing court order concerning custody, parenting time, or visitation. This category also includes petitions for third-party custody and equitable caregiver status.

7. **Contempt**
   Any case alleging failure to comply with a previously existing court order.

8. **Parental Accountability Court**
   A count of new participants into a Parental Accountability program.

CASE-RELATED EVENTS

Trial, In-Person

Includes all on-bench and off-bench activity related to a bench or jury trial, when conducted in-person. Includes all research and preparation related to trials, as well as sentencing following conviction at trial that was held in-person. Does ***not*** include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- Jury selection
- Jury trial
- Bench trial
- Sentencing after conviction at trial
- Preparation of orders related to trials

Trial, Remote

Includes all on-bench and off-bench activity related to a bench or jury trial, when held remotely, or when at least one party appears remotely. Includes all research and preparation related to trials, as well as sentencing following conviction at trial, when the trial was held remotely, or at least one person appeared remotely. Does ***not*** include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- Jury selection
- Jury trial
- Bench trial
- Sentencing after conviction at trial
- Preparation of orders related to trials

Other, In-Person

Includes all on-bench and off-bench activity NOT related to a bench or jury trial, when conducted in-person. Includes all research and preparation related to trials, as well as sentencing following conviction at trial, when the bench work was conducted in person, such as pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Jury selection

Other, Remote

Includes all on-bench and off-bench activity related to a bench or jury trial. Includes all research and preparation related to trials, as well as sentencing following conviction at trial. Does ***not*** include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- Jury selection
- Jury trial
- Bench trial
- Sentencing after conviction at trial
- Preparation of orders related to trials

Non-Case-Related Events

1. **Non-Case-Related Administration**
   Includes all non-case-related administrative work such as:
   - Staff meetings
   - Bench meetings
   - Personnel matters
   - Staff supervision and mentoring
   - Court management

2. **Judicial Education and Training**
   Includes all educational and training activities such as:
   - Judicial education/continuing legal education
   - Conferences

3. **General Legal Reading**
   Includes all reading and research that is ***not*** related to a particular case before the court. Examples include:
   - Reading journals
   - Reading professional newsletters
   - Reviewing appellate court decisions

4. **Committee, Conference, and Work Group Meetings and Related Work**
   Includes all work related to and preparation for meetings of state and local committees, conferences, work groups, boards, and task forces on which you serve in your official capacity as a judge, such as:
   - Community criminal justice board meetings
   - State committees, conferences, and work groups

5. **Community Activities and Public Outreach**
   Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:
   - Speaking at schools about legal careers
   - Judging moot court competitions
   - Board of Governors
   - Bar Participation

6. **Work-Related Travel**
   Work-Related Travel includes time spent traveling ***to or from a court other than your primary court***. For purposes of the time study, your primary court is the court where you most frequently sit. You should not record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is ***greater than the length of your commute***

between your home and your primary court. You should also record travel between two courts.

Record travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.

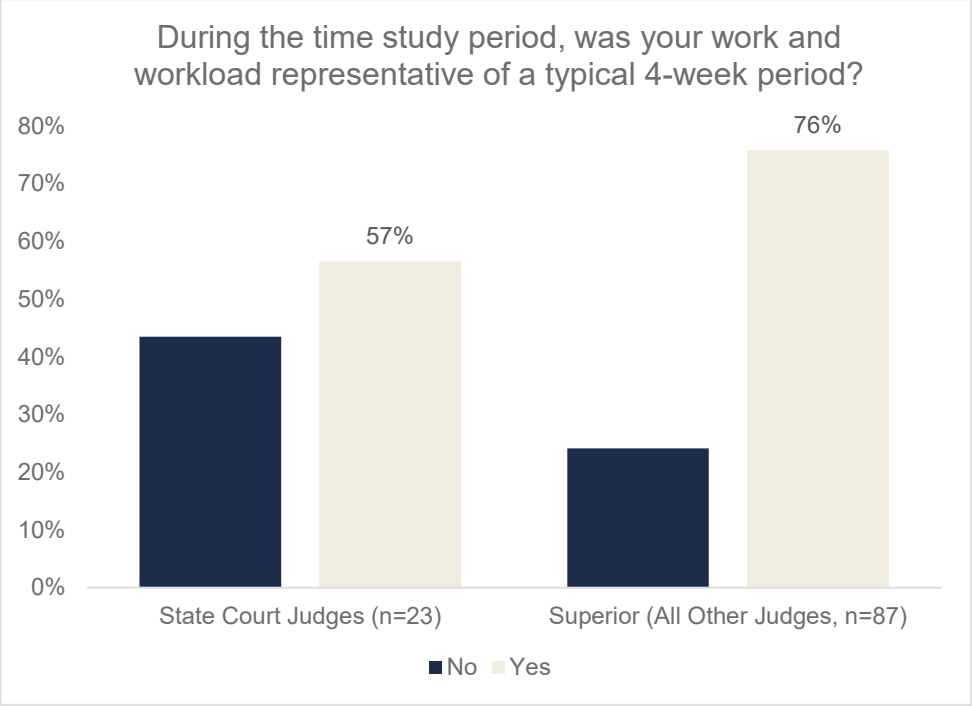
7. **Vacation, Sick Leave, and Holidays**
   Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.

8. **Lunch and Breaks**
   Includes all routine breaks during the working day.

9. **NCSC Time Study**
   Includes time spent filling out time study forms and entering time study data using the Web-based form.

APPENDIX C: SUFFICIENCY OF TIME SURVEY RESULTS

Time Study Period Questions

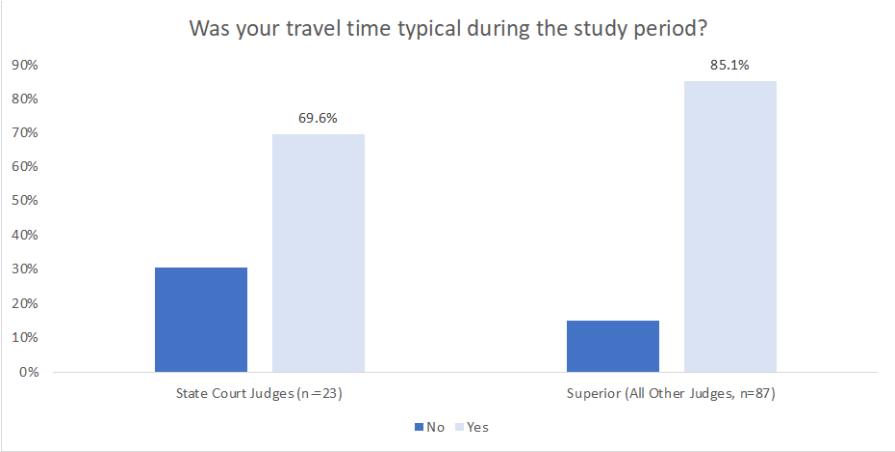


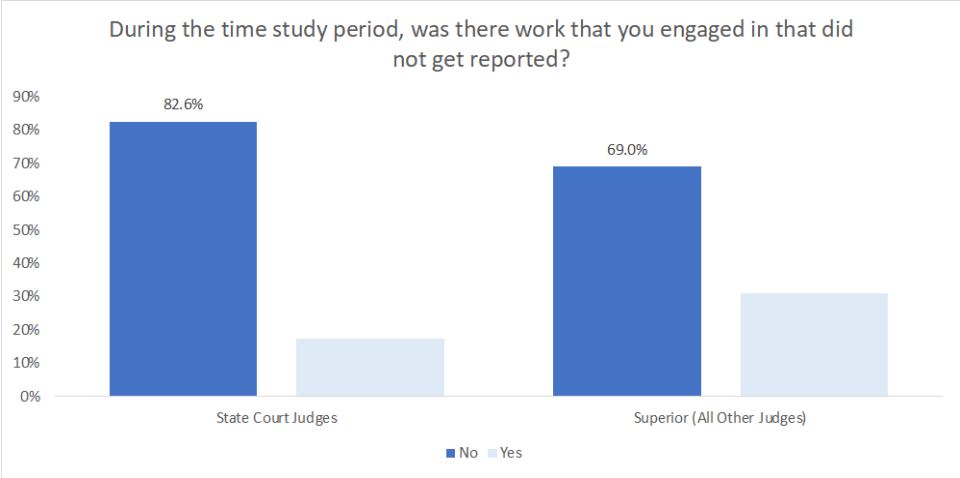
STATE COURTS: Workload was different during the data collection period because:

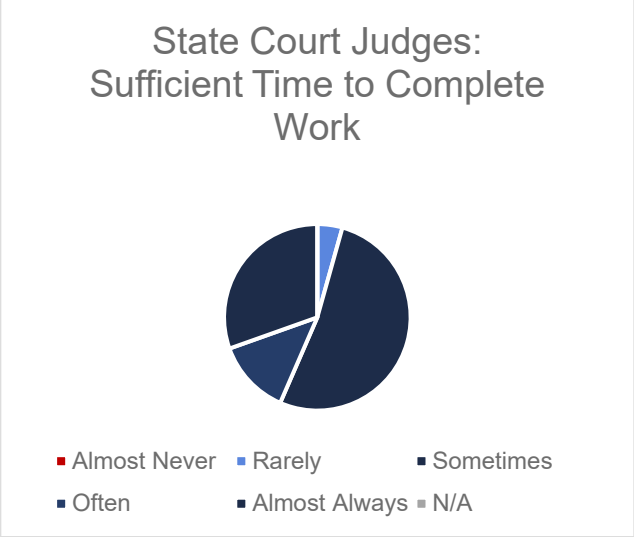
TRIAL SCHEDULES	March is not a trial term month for Dougherty State Court. April and every other month is trial term month. March was typical for a non-trial term month though I did have more travel time available to me
	I have jury trials every OTHER month and this was a non-jury trial month.
	I did not have any jury trial weeks scheduled. I usually do during a 4 week period.
	Vacation, no trials
LESS BUSY	I wasn't very busy in March. This timeframe was not representative of my schedule.
	I had scheduled a one week vacation.
COVID-RELATED	The COVID related caseload is under represented. Beginning in April Chatham County State Court added approximately 45 additional arraignment dockets employing pro temp and senior judges to address the 6000 cases that are accused but not yet arraigned. This is in addition to the 3000 cases that have been sent up to State Court from local committal courts and are awaiting accusation. The March time study will vastly under count the impact of the COVID backlog.
	Still not back to normal because of COVID - e.g., not working as much still.
	My court schedule is still affected by not being able to have in-person court in my own courtroom because of Covid-19. I have to rely on mostly remote Zoom hearings that are attended by a limited number of litigants who appear in person and on Zoom. Based upon this situation, the ability to handle my workload has been hampered by this situation.
	Reduced jury trials due to COVID. I was also doing an online Natioanl Judicial College course that took a lot of time.

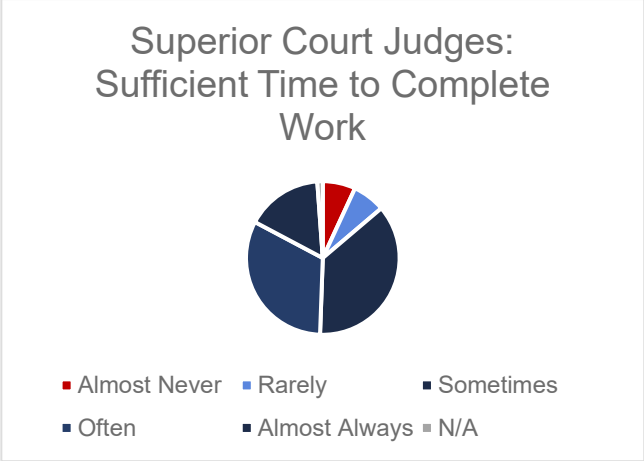
SUPERIOR COURTS: Workload was different during the data collection period because:

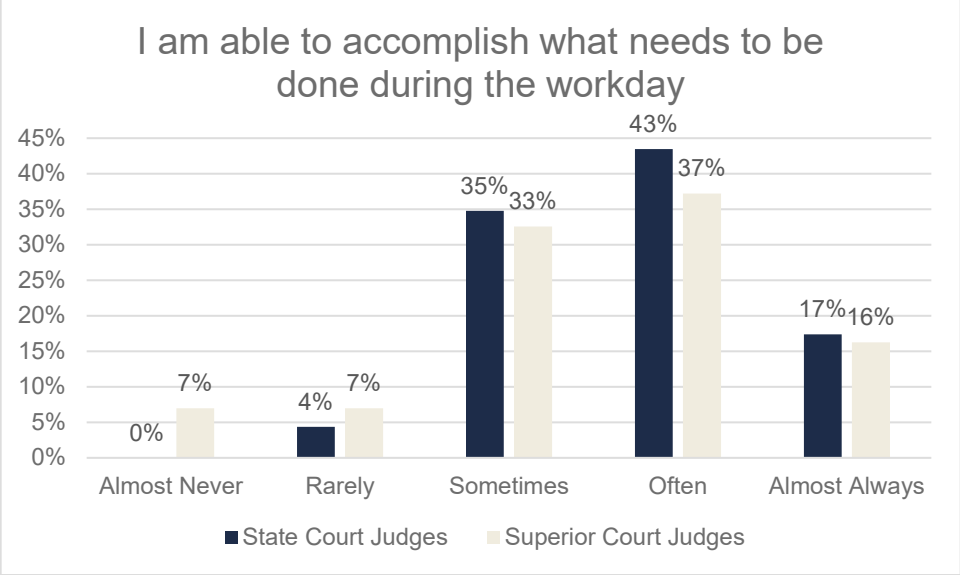
TRIALS OR HEARINGS DID NOT GO, OR WERE LENGTHY	A scheduled Jury trial didn't proceed and there was some days that were not fully scheduled.
	I did not have a jury trial during this month.
	i ended up not having a trial that month, which was not representative.
	I had a few lengthy hearings settle or otherwise come off of my calendar, with no time to replace them with something else. I also had an entire week of civil trials come off due to settlement/dismissal.
	I had a large complex civil trial scheduled to start at the end of March, and there were many hearings related to that single case that took up a healthy portion of the civil case work that I preformed during March.
	I had a single case that took eleven days.
	I typically have 2 serious criminal jury trials lasting a week (occasionally 2) during a given month. Through a combination of factors, I had none during the month of March and I had a civil jury trial settle the Friday before trial was to begin on Monday. The month of the time study didn't accurately reflect a typical month of jury trials.
	No jury trial week was scheduled during the period selected for the study,. whereas I typically have at least one jury trial week every 4 weeks.
	The amount of court days/trial days varies depending on the county covered in that particular month.
UNABLE TO TRACK TIME	I ended up not being able to complete the survey for all days of the month. Also, during the time period I had an unusual amount of extra-judicial obligations. In short, in the 14 prior months, I had not had a month like that.
	I input time for two weeks then frankly was too busy to input daily. Court is almost daily to address the needS after COVID.
MORE TIME OFF THAN USUAL	i had more scheduled off time and less court time than usual due to some family demands concerning my elderly parents and the fact that i am retiring at the end of April so i had to spend time clearing my docket
	I had several days off that I normally would not have taken in a typical four week period.
	I took more vacation time during the study period than I do in a typical 4-week period. (It was my daughter's spring break.)
	I was on vacation for one week (Spring Break for kids)
	Time off concurrent with child's spring break.
OTHER	It was less as some of the calendars were canceled due to the assigned attorneys having CLE conferences, or individual litigants not being served and present.
	More office time than usual due to cancellations of some hearings and settlements of others.
	My workload is on a six-week cycle of criminal/domestic/civil matters that have different degrees of time requirements and the four-week period of the study period was a snapshot of a portion of that time block.
	COVID restrictions still require Zoom hearings, prevent full courtroom, limit days for jury trials and limit the number of inmates that can be transported to the courthouse and the number of days a judge has inmates available for transport to the courthouse.

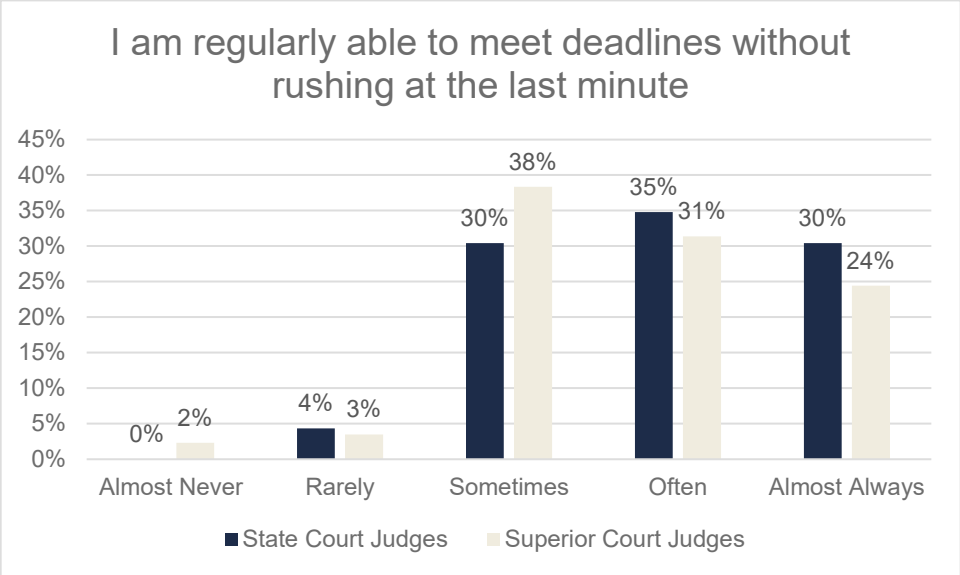

Was your travel time typical during the study period?
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
69.6%
85.1%
State Court Judges (n=23)
Superior (All Other Judges, n=87)
No
Yes

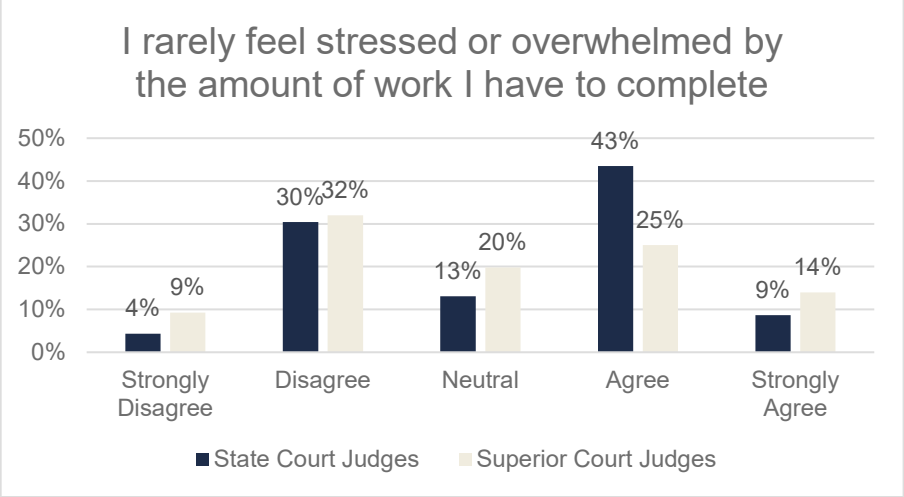

During the time study period, was there work that you engaged in that did not get reported?
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
82.6%
69.0%
State Court Judges
Superior (All Other Judges)
No
Yes

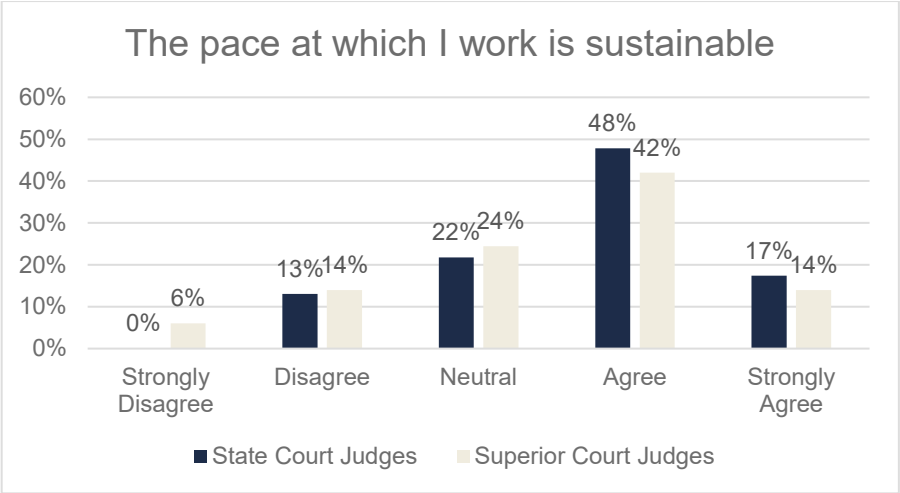

State Court Judges: Sufficient Time to Complete Work
Almost Never
Rarely
Sometimes
Often
Almost Always
N/A

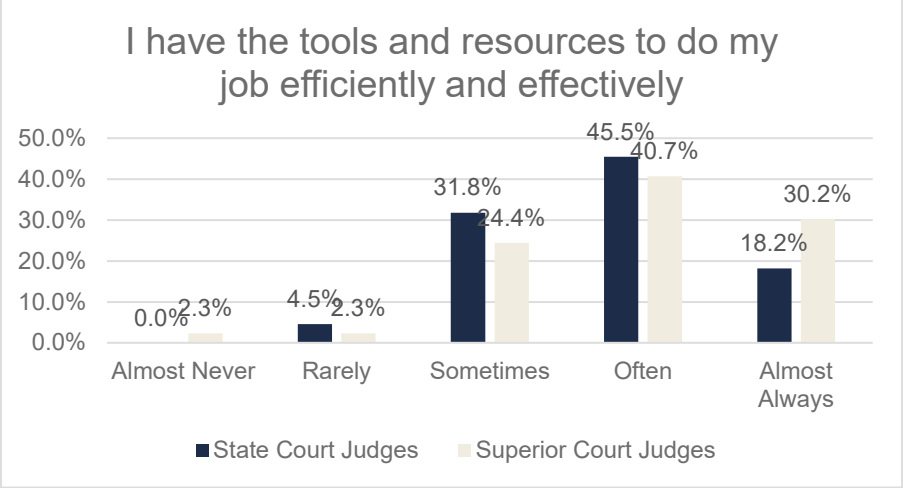

Superior Court Judges: Sufficient Time to Complete Work
Almost Never
Rarely
Sometimes
Often
Almost Always
N/A


I am able to accomplish what needs to be done during the workday
45%
40%
35%
30%
25%
20%
15%
10%
5%
0%
0%
7%
4%
7%
35%
33%
43%
37%
17%
16%
Almost Never
Rarely
Sometimes
Often
Almost Always
State Court Judges
Superior Court Judges


I am regularly able to meet deadlines without rushing at the last minute
45%
40%
35%
30%
25%
20%
15%
10%
5%
0%
0%
2%
4%
3%
30%
38%
35%
31%
30%
24%
Almost Never
Rarely
Sometimes
Often
Almost Always
State Court Judges
Superior Court Judges


I rarely feel stressed or overwhelmed by the amount of work I have to complete
50%
40%
30%
20%
10%
0%
4%
9%
30%
32%
13%
20%
43%
25%
9%
14%
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree
State Court Judges
Superior Court Judges


The pace at which I work is sustainable
60%
50%
40%
30%
20%
10%
0%
0%
6%
13%
14%
22%
24%
48%
42%
17%
14%
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree
State Court Judges
Superior Court Judges


I have the tools and resources to do my job efficiently and effectively
50.0%
40.0%
30.0%
20.0%
10.0%
0.0%
0.0%
2.3%
4.5%
2.3%
31.8%
24.4%
45.5%
40.7%
18.2%
30.2%
Almost Never
Rarely
Sometimes
Often
Almost Always
State Court Judges
Superior Court Judges

Superior Court: What additional tools and resources do you need?	
STAFFING NEEDS	1) An additional judge, 2) An additional staff attorney, 3) Additional mediators for domestic cases.
	A Staff Attorney - I currently don't have one assigned to me (expecting one in June).
	A staff attorney would be nice.
	Additional staff attorneys.
	We cannot find law clerks for our circuit.
	I could use an additional staff attorney to assist in the preparation of orders.
	Increase in staff/help.
	Greater staff support. Also our circuit has just gotten a fourth judgeship and I am hopeful that will help with the workload.
	It would be nice if State provided more community supervision officers and a Day Reporting Center in every county. In our rural counties sentencing alternatives are limited by the resources available.
	Computer programs, court personnel, clerks, bailiffs, technology.
	Could use a law clerk. Our circuit hasn't had one for a year. The salary we offer is not feasible for attracting law school graduates facing student loan debts. At most, we've had to split one 3 ways. On occasion, I spend after hours or weekends conducting legal research while drafting orders. Law clerks save time with pro-se litigants by reviewing pleadings for obvious shortcomings to be corrected prior to hearings. Could also use a case management system to identify pending motions which require attention. We could also use IT support for equipping courtrooms with internet access and computers on the benches. Could use audio equipment updates in all our counties as well. We don't know what to request. An IT consultant could help us immensely.
	As a senior judge I often have need of a staff attorney. I can usually reach out to someone in my home circuit. If I am in another circuit those resources not always available.
	As a senior judge I would be helped very much by access to a Law clerk and some secretarial staff support even if the positions were in a pool of labor situation.
	More staff.
	Secretarial assistance - MINIMAL.
	Staff attorney for legal research and assistance in drafting orders with more complex matters.
	Staff attorney, more attorneys dedicated to juvenile law for cases.
	Staff!
	Support Staff.
	The pandemic has increased our workload. We have a much larger workload due to the backlog caused by the pandemic. More staff would be helpful.
	Our Circuit normally has 4 law clerks. Right now we are down to 1.
	Competent ADAs and PDs who know what they are doing and how to try a criminal case.
CASE MANAGEMENT SYSTEMS & IT	Additional case management tools.
	A case management system.
	Case management system and calendar clerk.
	We need a case management system.
	An I-Pad for taking and storing case notes.
	Better internet connections.
	Better IT. Our Zoom capabilities rarely work right for video hearings. We only have 1 of 4 law clerk positions filled at this time. More courtroom space.
	Better technology is needed in some of the courtrooms in our circuit. We also have limited resources for accountability courts since we are grant funded and do not always have sufficient staff and supplies.
	Better video conference capability. More ability to examine case assignments.
	County internet filters prohibit legal study in one of my counties.
	My internet works intermittently. My West Law is on the blink. I have only one employee, so I have to collaborate to get anything done.
COURTROOM RELATED	increased time and space to consider the law and facts on some more complex matters.
	Larger courtrooms, MORE CONFLICT ATTORNEYS.
	More courtrooms and more judges to try murder and sexual assault cases.
	More frequent in-person jail calendars, More frequent Zoom jail calendars, more jurors.
	My courtroom is sound challenged. I would be more effective with a working courtroom system.
TRAINING	I would need appropriate domestic relations and jury trial manuals and training.
	More superior court training. Once appointed to preside over Superior Court, it would be helpful if we got the same NJO training as a new Superior Court judge.
TIME	More hours in the day with less backlog of cases from covid shutdown.
	More hours in the day.
	Time.

State Court: What additional tools and resources do you need?	
STAFFING NEEDS	Law clerk; assistance of a senior judge.
	Assigned staff attorney, reliable internet connection; ability to work remotely.
	Competent staff on departments that work in State Court. (Solicitor, clerk, etc…)
	Additional personnel from the Solicitor's office.
	Chatham County State Court needs an additional judge and the related infrastructure.
	Prosecutors…there is a severe shortage.
	More court reporters and court space to run more courtrooms.
	A law clerk to assist in research and drafting orders, additional funding for courtroom personnel and furniture and other fixtures, additional office personnel to assist in the management of day to day caseload.
	Need more senior judge money for fill in.
	Another judge.
TECHNOLOGY	Better courtroom audio-visual.
	Better case management software.
	current technology, more IT specialist, additional support staff
	My county does not have enough courtrooms to accommodate all of the court dates needed by all of the different courts.
COURT-ROOM RELATED	A courtroom dedicated to my office. I'm currently sharing several courtrooms with Judges who have priority over the available courtrooms.
	We are in desperate need of another courtroom so that both judges can have jury trials simultaneously without logistical concerns.

Are there specific case types for which you feel more time would improve the quality of justice? Please select all that apply.

State Court		
Criminal:	N	%
Non-Traffic Serious Misdemeanor & Misdemeanor	15	45.5%
Serious Traffic	6	18.2%
Other Traffic	2	6.1%
Accountability Courts	7	21.2%
Probation Revocation	4	12.1%
Civil:		0.0%
General Tort	7	21.2%
Complex Tort	11	33.3%
Landlord/Tenant	1	3.0%
General Contract/Contract Collections	2	6.1%
Civil Appeals	1	3.0%
Garnishment	0	0.0%
Other Civil	1	3.0%
I don't need additional time for any case types	5	15.2%

Superior Court

	N	%
Criminal:		
Death Penalty/Habeas	2	2.6%
Serious Felony	39	50.6%
Felony	22	28.6%
Serious Traffic	1	1.3%
Misdemeanor	6	7.8%
Accountability Courts	20	26.0%
Probation Revocation	15	19.5%
Civil:		
General Tort	11	14.3%
Complex Tort	15	19.5%
Contract/Real Property	7	9.1%
Civil Appeals	2	2.6%
Habeas Corpus	6	7.8%
Other Civil	1	1.3%
Domestic Relations:		
Divorce/Paternity/Legitimation	39	50.6%
Support: IV-D and Private	8	10.4%
Adoption	3	3.9%
Family Violence Petition	14	18.2%
Other Domestic	23	29.9%
Modification of Custody, Parenting or Visitation	0	0.0%
Contempt	0	0.0%
Parental Accountability Court	2	2.6%
I don't need additional time for any case types	**17**	**22.1%**

Please select up to 5 activities for which more time you feel would improve the quality of justice, if any.

State

Activity	N	%
Conduct legal research	10	30.3%
Conduct trials	9	27.3%
Prepare findings and orders related to dispositive pretrial motions	9	27.3%
Conduct pretrial and scheduling conferences	6	18.2%
Conduct settlement conferences	6	18.2%
Attending training and educational opportunities	5	15.2%
Prepare findings and orders related to non-dispositive pretrial motions	4	12.1%
Prepare findings and orders related to trials	4	12.1%
Prepare for trials	4	12.1%
Review and hear dispositive pretrial motions (e.g. motion for summary judgment)	4	12.1%
Address the issues surrounding self-represented litigants	3	9.1%
Personnel-related work	3	9.1%
Explain orders and rulings	2	6.1%
Review and hear non-dispositive pretrial motions (e.g. motions in limine)	2	6.1%
Staff and committee meetings	2	6.1%
Ensure that parties and their counsel feel that their questions/concerns are addressed	1	3.0%
Reading and responding to email	1	3.0%
I do not need additional time for any activities	*4*	12.1%

Superior

Activity	N	%
Conduct trials	35	45.5%
Prepare findings and orders related to dispositive pretrial motions	32	41.6%
Address the issues surrounding self-represented litigants	29	37.7%
Conduct legal research	26	33.8%
Conduct pretrial and scheduling conferences	25	32.5%
Review and hear dispositive pretrial motions (e.g. motion for summary judgment)	23	29.9%
Attending training and educational opportunities	22	28.6%
Prepare findings and orders related to trials	20	26.0%
Prepare findings and orders related to non-dispositive pretrial motions	18	23.4%
Prepare for trials	11	14.3%
Conduct settlement conferences	10	13.0%
Reading and responding to email	10	13.0%
Review and hear post-trial motions (e.g. motions for new trial)	10	13.0%
Personnel-related work	9	11.7%
Prepare findings and orders related to post-trial motions	9	11.7%
Ensure that parties and their counsel feel that their questions/concerns are addressed	8	10.4%
Review and hear non-dispositive pretrial motions (e.g. motions in limine)	8	10.4%
Staff and committee meetings	7	9.1%
Explain orders and rulings	5	6.5%
Review and hear post-trial motions	1	1.3%
		0.0%
I do not need additional time for any activities	*10*	13.0%

Appendix B

Definitions

Total circuit caseload – The average (arithmetic mean) of the most recent three-years of civil case filings and criminal case defendants for each case type.

Case weight – The average number of minutes needed to dispose of a particular case type.

Total circuit workload – The sum of the total circuit workload for each case type multiplied by the case type's corresponding case weight.

Judge year value – The average number of minutes per calendar year a judge is available to do case work.

Classification – The category of circuits based upon whether the circuit has three (3) or fewer counties within its boundaries or 4 or more counties within its boundaries.

Judge workload value – The total circuit workload divided by the judge year value, representing the number of judges needed to do the work of the circuit during a year.

Judge threshold value – The value a circuit's judge workload value must meet or exceed to be qualified for an additional judgeship.

Policy on the Submission of Caseload Reports by Trial Courts

Section 1 – Policy

1.1 – Introduction

This policy governs the Judicial Council's annual collection of caseload data from all trial courts. The intent of this policy is to ensure that the Administrative Office of the Courts (AOC) accurately and efficiently collects caseload reports for all trial courts, aggregates and publishes those reports, and adheres to statutory and uniform rule requirements for court data collection, transmission, and publication.

1.2 – Policy Statements

1. All trial courts will annually submit to the AOC their caseload reports as defined by the Standing Committee on Judicial Workload Assessment in consultation with each individual court council.

2. The Judicial Council will annually review and approve the data required of all trial courts.

3. All caseload reports submitted to the AOC will comply with applicable statutory and uniform rule requirements.

Section 2 – Caseload Reporting

2.1 – Initiation

1. For each class of trial court, the AOC will electronically notify all relevant parties no later than December 1 of the preceding year, of the caseload reporting information necessary to timely complete their reports.

2. Relevant parties will include but will not be limited to clerks of court, chief judges, district court administrators, and council executive directors.

3. Clerks of court are the source of truth for all caseload reports and all data are to be submitted by them except under extenuating circumstances as defined below.

2.2 – Collection and Monitoring

1. Caseload data will be collected by the AOC via an online tool. All caseload reports must be made in the AOC caseload portal by registered users. Alternative means of caseload reporting are not permitted, but the AOC will provide email and phone support to all courts requesting help.

2. Other than the initiation, the AOC will provide at least two notices of caseload reporting requirements to all relevant parties, though parties need not be further contacted once a report has been received.

3. The AOC will, as staffing permits, provide individual follow up to all courts submitting caseload reports.

4. All trial courts will submit final caseload reports no later than March 15 of each year.

2.3 – Corrections and Late Submissions

1. Corrections to caseload reports and late caseload report submissions are required to follow the procedure below.

2. Within 30 business days of March 15 of the reporting period, corrections and late submissions may be made by submitting a request to the AOC. The request must include the data to be corrected and an allowance that the AOC may enter the data into the online tool instead of the clerk.

3. Caseload report corrections and late submissions requested after 30 business days following March 15 must be accompanied by written approval from the chief judge and are subject to approval by the AOC after consultation with the Chair of the Standing Committee on Judicial Workload Assessment.

4. Caseload reports from previous years are not permitted unless requested in writing by the clerk of court and chief judge and are subject to approval by the Standing Committee on Judicial Workload Assessment after investigation by the AOC.

2.4 – Publication and Legislative Reporting

1. Caseload reports will be published by the AOC no later than June 1 of each year.

2. The AOC will include in its annual report a summary of all caseload data received during the year along with any relevant analysis.

3. The AOC will provide caseload data to other state agencies as required by law and uniform rule.