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Information Brief



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Courts Improve Caseload System; Need to Address Supplemental Resources

at a glance

At the direction of the Legislature, the Florida Supreme Court's Office of the State Courts Administrator has developed a weighted caseload system to determine judicial workload and assess the need for additional judges. The new system is reasonable, and the Court should be commended for its efforts.

We recommend that the Legislature consider requiring the Florida Supreme Court to study the impact of using supplemental resources such as special masters, hearing officers, and mediators, on judicial workload. This information will be critical as the state defines and assumes funding for the state court system.

Purpose

Chapter 98-422, Laws of Florida, required the judicial branch to contract for the development of a Delphi-based caseload weighting system to determine the optimum caseloads for circuit and county judges and, in conjunction with other factors, determine the need for additional judges. The law directed the judicial branch to consult with OPPAGA during this process and specified that a report be issued on the development of case weights and their use in the judicial certification process.

Background

In 1997, the Legislature directed OPPAGA to review the efficiency of the two-tiered trial courts and the method used by the Supreme Court to certify the need for additional judges. We found that the certification process was flawed and could not be depended on to accurately identify where and when judges were needed.¹ Our report recommended that the Supreme Court adopt a weighted caseload system for assessing judicial workload and certifying the need for additional judges. Whereas the former system treated all cases as if they were the same, the weighted caseload method recognizes that cases differ in complexity and require different amounts of judges' time.²

In 1998 and 1999, the Legislature appropriated funds to the judicial branch to contract for the development of a Delphi-based caseload weighting system.³ The law

¹ *Information Brief on Weighted Caseload Methods of Assessing Judicial Workload and Certifying the Need for Additional Judges*, [OPPAGA Report No. 97-67](#), March 1998.

² Weighted caseloads are calculated by determining the average judicial time needed for each type of case. This time is multiplied by the number of each type of case per year. Finally, this total is divided by the number of work hours each judge has in a year to determine the total number of judges needed.

³ Chapters 98-422 and 99-226, Laws of Florida.

Information Brief

directed the judicial branch to consult with OPPAGA during this process. The Office of State Court Administrator contracted with the National Center for State Courts to assist in the Delphi process, which is an iterative method for developing consensus among participating experts.⁴

To conduct the Court's Delphi process, judges estimated case times, recorded a sample of actual case times, and reconciled the differences between estimated and recorded times to establish "reasonable" case weights.⁵ The reasonable case weights were adopted as the optimum caseload, as specified in the proviso language. In January 2000, the National Center for State Courts produced a final report summarizing the judges' case weighting decisions and providing implementation recommendations.

Findings

The caseload weighting system is an improvement, but the use of supplemental resources needs to be addressed

The Supreme Court used the new weighted caseload system in certifying the need for additional judges for Fiscal Year 2000-01. In this process, the Supreme Court modified some of the recommended factors. These modifications had the effect of reducing the number of additional judges required.

⁴ Our *Information Brief on the State Courts System's Development of a Delphi-Based Weighted Caseload System*, [OPPAGA Report No. 98-46](#), provided an interim report on the court's progress in developing a weighted caseload system.

⁵ Over 200 judges participated in the process.

We reviewed the new system and concluded that it provides an improvement over previous certification practices and will generate more accurate estimates of the number of judges needed. We commend the Court for its efforts. Like other weighted caseload systems, Florida's will require periodic updating to remain valid.

However, an issue that still needs to be addressed is the impact of supplemental resources such as special masters, hearing officers, and mediators on judicial workload. These positions, which are typically funded by counties, help handle part of the courts' workload. As a result of the passage of Revision Number VII to Article V of the Florida Constitution in 1998, the state is required to assume funding of the court system beginning in Fiscal Year 2001-02. Accordingly, the state will need to decide whether to fund these supplemental resources or eliminate them and fund additional judges to handle the workload. To make this decision, the Legislature will need to assess the cost of these supplemental resources, their impact on the timeliness of case processing, and the extent to which they offset the need for additional judges. The Legislature should consider requiring the Florida Supreme Court to study this issue and develop recommendations on how the state should proceed in using supplemental resources.

To provide timely information to the Legislature, a copy of this report was provided to the Florida Supreme Court but no written response was requested for inclusion in the report.

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