



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

October 8, 2021

**VIA ZOOM
VIDEO CONFERENCE**

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2021-2022

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<i>Friday, July 9, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Aug 13, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Sept 10, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Oct 8, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Nov 12, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Dec 10, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Jan 14, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Feb 11, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, March 11, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, April 8, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, May 13-14, 2022 TENTATIVE</i>	May 13: 12:00-5:00 p.m. May 14: 9:00-1:00 p.m.	DMCJA Board Retreat Location: TBD
<i>June 2022 – TBD</i>	9:00 a.m. – 12:00 p.m.	DMCJA Spring Program, Location: TBD

AOC Staff: Stephanie Oyler

Updated: September 7, 2021

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A. Supreme Court Commissions: Juror Demographic Survey – Judge Steve Rosen, King County Superior Court and Chris Gaddis, Pierce County Superior Court Administrator	21
B. Judicial Needs Estimate - AOC Court Research Center Manager Carl McCurley	22
C. DMCJA Reimbursement Process – Pro Tem, Committee Work and Legislative Testimony	121
D. Municipal Court Judges Swearing-In Ceremony – Judge Kevin G. Ringus	123
E. DMCJA Action Plan – Secret Shopper update – Judge Charles D. Short	
F. Race/Ethnic and Gender Demographics Information Project – Commissioner Rick Leo	
6. Information	
A. DMCJA President’s appointments to the DMCJA Nominating Committee pursuant to DMCJA Bylaws, Art. IX, Sec. 2(a) (2).	124
B. AOC’s September 20, 2021 response to AWC letter dated September 9, 2021 regarding AOC’s distribution of <i>Blake</i> funds.	125
C. CLJ Vaccine Mandates Survey data	127
7. Adjourn	
Next Scheduled Meeting: Friday, November 12, 2021, 12:30 p.m. – 3:30 p.m., Via Zoom Video Conference	



DMCJA Board of Governors Meeting
Friday, September 10, 2021, 12:30 p.m. – 3:30 p.m.
Zoom Video Conference <https://wacourts.zoom.us/j/97570254401>

MEETING MINUTES

Members Present:

Chair, Judge Charles D. Short
Judge Thomas Cox
Judge Michael Frans
Judge Michelle K. Gehlsen
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Catherine McDowall
Judge Lloyd Oaks
Judge Jeffrey Smith
Judge Laura Van Slyck
Judge Mindy Walker
Judge Karl Williams

Members Absent:

Judge Anita Crawford-Willis
Judge Kevin Ringus
Commissioner Paul Wohl

Guests:

Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative
Judge Jeffrey Goodwin
Judge Kimberly Walden
Judge Jennifer Forbes, SCJA
Regina Alexander, MPA
LaTricia Kinlow, DMCMA
Lionel Greaves IV, Loren Miller Bar Association

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
J Benway, Principal Legal Analyst
Vicky Cullinane, Business Liaison
Tracy Dugas, Court Program Specialist
Dawn Marie Rubio, State Court Administrator

CALL TO ORDER

Judge Charles D. Short, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:35 p.m.

WELCOME AND MINUTES

Judge Short welcomed everyone to the September 2021 meeting of the DMCJA Board of Governors.

A. Minutes

The minutes from the August 13, 2021 meeting were previously distributed to the members. Judge Short asked if there were any changes that needed to be made to the minutes. Hearing none, the minutes for the August 13, 2021 meeting were approved by consensus.

COMMITTEE AND LIAISON REPORTS

A. Diversity Committee Report

Judge Karl Williams reported that the committee is still working on the electronic home monitoring survey and that it will be sent out soon.

B. Legislative Committee Report

Judge Kevin G. Ringus reported that the second Legislative Committee meeting of the year was held this morning. Judge Ringus shared that there were five proposals submitted to the committee for consideration

this year, but that none appear to be ready to take up as a priority for DMCJA this year. For example, one proposal involves backlog issues, and the Legislative Committee has determined that it will be better to wait and see how that process looks in a year, while another proposal is more appropriate for education.

Judge Ringus reported that Melissa Johnson, DMCJA lobbyist, has several meetings scheduled with legislators, and that if anyone has an existing relationship with a lawmaker, to please send that information to staff for documentation. Judge Ringus noted that DMCJA's bill from the 2021 legislative session, HB 1294, requires a work group that is directed to create a model local agreement for probation services in conjunction with WAPA and AOC. The Joint Legislative Task Force on Jail Standards, established in SB 5092, is seeking members from the association. SB 5307 (Uniform Pretrial Detention and Release Act) will be the focus of an upcoming Senate Law and Justice Committee meeting, where Judge Ringus will present on some questions sent to him from Senator Pedersen, centering around CrR 3.2. Judge Ringus reported that the legislative priority for the year will be supporting the funding requests for a DMCJA policy analyst and eFiling.

C. Rules Committee Report

Judge Jeffrey D. Goodwin reported that the Rules Committee is again looking at the citizen complaint rule in light of recent case authority, as well as 3.2 rule amendments.

D. Therapeutic Courts Committee Report

Judge Laura Van Slyck reported that the Therapeutic Courts Committee co-chairs have been heavily involved in the grants process for therapeutic court funding allocated in SB 5476. She shared that applications for the grants will be accepted between September 7, 2021 and September 28, 2021. Judge Van Slyck reported that many questions have been received about the application process, and a Q&A session hosted by AOC and the grant funding workgroup had 56 attendees, which shows a lot of interest in the program.

E. Public Outreach Committee Report

Judge Michelle K. Gehlsen reported that Public Outreach Committee recently sent an email to the listserv to ask members if they know key legislators. Judge Gehlsen requested that if you do know a legislator on the list, and have not yet responded, please send your information to AOC staff. Judge Gehlsen shared that the Public Outreach Committee now has three subcommittees to divide a substantial amount of work, and they are Legislative Support, Community Engagement (social media), and Toolkit (compiling resources for members).

F. Education Committee Report

Judge Jeffrey R. Smith reported that the Education Committee had their first meeting of the year on September 2nd, and unfortunately they had lower attendance due to the Labor Day holiday and members being on vacation. Judge Smith shared that the committee will have several important projects this year, including a workgroup that will work with AOC for Judicial College curriculum and structure, and a report to the BJA Court Education Committee. Judge Smith noted that the goals for the Education Committee were written in the late 1990s, and they need to be updated, with a plan to align the objectives and structure of Judicial College, Spring Program, and Fall Conference. Judge Smith reminded members that Spring Program session proposals will be due in mid-October.

G. Treasurer's Report

Judge Karl Williams reported that the Treasurer's Report is available in the materials.

H. Special Funds Report

Judge Jeffrey R. Smith reported that we have earned \$6.32 in interest on the special fund.

I. Liaison Reports

1. Administrative Office of the Courts (AOC)

State Court Administrator Dawn Marie Rubio reported that AOC information about *Blake* funds, including LFO reimbursement, has been sent to the counties. The application and materials for the CLJ therapeutic court grant funding have been distributed to the listservs for judges and administrators, with applications due September 28, 2021. Dawn Marie Rubio reminded members that the bill requires funds to be equitably distributed between jurisdictions east and west of the Cascades. There is also available funding for interpreters, and an invitation to courts who have not previously participated in the interpreter reimbursement program was sent out recently with a deadline of September 3rd. Dawn Marie Rubio asked that members check with their court administrators to make sure they took advantage of those funds. Dawn Marie Rubio reported that AOC is currently very busy with implementation of HB 1320, including forms, and participation on the Gender and Justice Workgroup to create feedback for the legislature about any required changes. Dawn Marie Rubio reported that the Supreme Court mandated that AOC implement a vaccine requirement for employees, and information will be going out to AOC employees shortly. Judge Ringus inquired if it is expected that counties will agree to distribute Blake funds to municipalities, and Dawn Marie Rubio responded that she is unsure, as the data indicates that there have been prosecutors who charged under RCW rather than ordinance, but in the meantime AOC needed to distribute to the counties as the proviso directs. Judge Smith asked if there have been any updates related to ARPA funds, and Dawn Marie Rubio shared that she and the Chief Justice did send a letter to, and met with, legislative leaders because ARPA was under their control, but they were unsuccessful in securing funds for the judicial branch.

2. Board for Judicial Administration (BJA)

Judge Tam Bui was not present and did not report.

Judge Dan Johnson was not present and did not report.

Judge Mary Logan reported that the Budget and Finance Committee is meeting soon, and that she recently met with AOC CFO Chris Stanley to discuss the decision package. Judge Logan shared that there were three themes in the decision package: secure the judicial branch, staffing/salaries, and maintaining IT infrastructure. Judge Logan noted that this year the branch was considering an unusually large supplemental budget request, at \$30 million.

Judge Rebecca Robertson reported that the Policy and Planning Committee had not met recently and that she will have a more substantial update at the next board meeting.

3. CLJ-CMS Project and Rules for e-Filing

Judge Kimberly Walden report that there is not much new information available to share, but that the project team has been working with the Attorney General's office to answer some outstanding questions. Judge Walden shared that they are looking at the possibility of outside funding and rulemaking options, and noted that Justice Madsen has been attending meetings to keep the JISC informed. Judge Walden expects that there will be a more comprehensive report within the next few months. Members shared their appreciation for Judge Walden's work on this project.

4. District and Municipal Court Management Association (DMCMA)

LaTricia Kinlow reported that DMCMA will be providing an additional session of their recent training "Silence = Acceptance" in November. "Courageous Conversations" will be the second training in their diversity/equity/inclusion series, and it will be a virtual session available to all court levels and court staff, including judges.

5. Judicial Information System (JIS) Report

AOC Business Liaison Vicky Cullinane reported that there is a segment in the CLJ-CMS project newsletter about the importance of data cleanup that she feels is worth reading. Vicky Cullinane noted that the more data is cleaned up prior to conversion the new system, the smoother implementation will be.

6. Minority Bar Associations – Lionel Greaves, IV, Loren Miller Bar Association

Lionel Greaves shared some background on the Loren Miller Bar Association, including that it is one of the oldest minority bar associations in Washington. LMBA is currently concentrated in King County, but the association is building a statewide presence, with board members all over the state. Lionel Greaves shared that LMBA is particularly focused on civil rights issues, and that they work to amplify voices in the community through their newsletter, channel opportunities to members (including a job board and social media), and collaborate with other groups to increase access and diversity.

7. Misdemeanant Probation Association (MPA)

MPA Representative Regina Alexander reported that they just held their first meeting which involved installing officers, and that Probation Officer Academy starts next week.

8. Racial Equity Consortium

Judge Anita Crawford-Willis was not present and did not report.

9. Superior Court Judges' Association (SCJA)

SCJA President-Elect Judge Jennifer Forbes reported that Senator Pedersen will be bringing back the Uniform Pretrial Detention and Release Act this legislative session, and noted that this is an excellent opportunity for the court associations to work together towards a common goal. Judge Forbes shared that DMCJA and SCJA will hopefully be coming to an agreement on differences of opinion about CrR 3.4 amendments. Judge Forbes noted that SCJA continues to work on *Blake* issues, and that there is an LFO workgroup to address those issues specifically. If DMCJA members would like to attend the next meeting on October 13, 2021, they should contact Judge Forbes.

10. Washington State Association for Justice (WSAJ)

WSAJ Representative Mark O'Halloran, Esq., was not present and did not report.

11. Washington State Bar Association (WSBA)

WSBA Representative Bryn Peterson, Esq., was not present and did not report.

BREAK

Judge Short recessed the meeting for a 10 minute break.

ACTION

The Board moved, seconded, and passed a vote (M/S/P) to approve the Rules Committee comment letter for CrR 3.4 but have Rules hold the letter until SCJA determines if they are able to extend the comment period to give time for collaboration between the associations.

DISCUSSION

A. Municipal Court Judges Swearing-In Ceremony

Judge Short inquired if there was interest in holding a swearing-in ceremony for municipal court judges as has been done in the past. Judge Ringus shared that it may be possible to hold the event via Zoom, and

Judge Gehlsen noted that when she was a municipal court judge it was a particularly special event to her. Judge Ringus will reach out to the Chief Justice to gauge his interest in participating and discuss potential details of the event.

B. Revisiting the DMCJA Action Plan

Judge Charles Short requested that attendees view the DMCJA Action Plan in the materials, and noted a few items that are currently in progress from the plan. Judge Short shared that he would like DMCJA to pursue the secret court shoppers program from Center for Court Innovation, which would provide a representative sample from across the state, as courts would opt-in to the program. Judge Short reported that the Center is working on a proposal which will be shared with the board for consideration. Judge Short noted that DMCJA is also pursuing the item regarding publicizing local diversity initiatives from individual courts, which will be a series of spotlights on local court programs. The first program highlighted will be Seattle Municipal Court's Race and Social Justice Initiative. Judge Short continued by pointing out other items from the Action Plan that could be addressed, such as the toolkit for community listening sessions, recruitment of a more diverse bench (through creating a statewide diversity clerkship program), and increasing diversity in DMCJA leadership positions. Discussion ensued about how to increase participation on these and other projects, such as sending a message on the listserv, and Judge Short noted that board member participation would be ideal.

C. Rules Committee Memo re: SCJA Proposal for Amendments to CrR 3.4

Judge Jeffrey Goodwin reported that there are several rules comments periods ending on September 30th. Judge Goodwin shared that SCJA had put together a rule comment letter for CrR 3.4 that was very different from DMCJA's comment, and addresses different sections. Judge Goodwin noted that SCJA could request a delay on the comment period to allow the association's time to collaborate and find common ground. Judge Goodwin requested that the board consider the comments prepared by Rules Committee, approve the comments but not distribute, until he is able to confirm with SCJA if they are willing to push back the consideration date. Judge Goodwin noted that if SCJA wants to move forward with the current comment period, the comments from DMCJA will be ready to submit. Judge Short shared that in his conversations with Judge Estudillo regarding this issue, SCJA appears supportive of the plan shared by Judge Goodwin, however Judge Forbes remarked that she is unsure if SCJA has the authority to extend the comment period. *M/S/P to move to Action.*

D. Letter from Northwest Justice Project and Columbia Legal Services re: Ending Suspension of Driver Licenses for Failure to Appear (FTA)

Judge Short reported that Justice Yu and Judge Galvan, Co-chairs of Minority and Justice Commission, were sent a letter asking them (and DMCJA) to make a recommendation to courts of limited jurisdiction that they commit to ending suspension of driver licenses for failure to appear, and adopt alternative mechanisms for establishing ability to pay. Judge Short shared that he, along with Judge Ringus and Commissioner Wohl, met with Justice Yu and Judge Galvan to determine how best to proceed, and the group will meet with Northwest Justice Project and Columbia Legal Services in the near future to address the letter. Discussion ensued about how this request is likely more appropriate for the legislative branch.

INFORMATION

Judge Short brought the following informational items to the Board's attention.

A. New DMCJA Appointments to External Committees:

- a. Judge N. Scott Stewart – pending re-appointment to Annual Conference Planning Committee**

- b. Judge Michael Finkle – re-appointment and Judge Dan Kathren – new appointment to the DSHS General Advisory Committee**
- c. Judge Jeffrey Goodwin – re-appointment to the Ethics Advisory Committee**
- B. Updated Blake Memo Re: Distribution of Funds and AWC Response**
- C. Updated DMCJA Board Meeting Schedule**

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for Friday, October 8, 2021 from 12:30 p.m. to 3:30 p.m., held via Zoom video conference.

The meeting was adjourned at approximately 2:30 p.m.



**DMCJA Rules Committee Meeting
Wednesday, August 25, 2021 (12:15 – 1:15 p.m.)**

Via Zoom

MEETING MINUTES

Members Attending:

Chair, Judge Goodwin
Judge Finkle
Judge Gerl
Judge McDowall
Judge Meyer
Commissioner Nielsen
Judge Samuelson
Ms. Tina Gill, DMCMA Liaison

AOC Staff:

Ms. J Benway

Members Not Attending:

Judge Buttorff
Judge Campagna
Judge Eisenberg
Commissioner Hanlon
Judge Oaks
Judge Padula

[**Note:** The July 2021 Committee meeting was cancelled.]

Judge Goodwin called the meeting to order at 12:15 p.m.

The Committee discussed the following items:

1. Welcome & Introductions

Judge Goodwin welcomed the Committee members in attendance, including new Committee member Judge Meyer. Judge Goodwin noted the new meeting start time.

2. Approve Minutes from the June 16 and June 23, 2021 Committee Meetings

Commissioner Nielsen noted a correction to the June 23, 2021 meeting minutes: he was not correctly listed as a Commissioner. With that change, it was motioned, seconded, and passed to approve the minutes from the June 16, 2021 Special Rules Committee meeting and the June 23, 2021 Rules Committee meeting. The approved minutes will be provided to the DMCJA Board.

3. New Roster and Meeting Schedule

Judge Goodwin noted the new Committee roster and meeting schedule. The regular meeting start time has been moved to 12:15 p.m.

4. Proposals to Amend to CrRLJ 3.3 and CrRLJ 3.4

Judge Goodwin noted that the DMCJA proposals to amend CrRLJ 3.3 and CrRLJ 3.4 had been forwarded to the WSSC Rules Committee and the COVID Recovery Task Force Rules Subcommittee. The WSSC published for comment an SCJA proposal to amend CrR 3.4, which is discussed below.

5. Discuss Rules Published for Comment: [Deadline of September 30, 2021]

- King County Superior Court Bench proposed amendments to CR 39 - Trial by Jury or by the Court
- SCJA proposed amendments to CrR 3.4 - Presence of the Defendant
- King County Superior Court Bench proposed new General Rule - Jury Selection by Videoconference
- Defenders Associations' proposed changes to CrR 3.1 and CrR 7.8

Ms. Benway noted that comment deadline for the proposal to amend CR 39 and the new proposed GR 41 pertaining to jury selection by videoconference had been extended to December 29, 2021. The Committee deferred discussion of these proposals to the next Committee meeting.

With regard to the other proposals, the Committee discussed the proposals to amend CrR 3.1 and CrR 7.8 and decided to take no position as the proposed amendments would not impact courts of limited jurisdiction.

The Committee discussed the SCJA proposal to amend CrR 3.4 at length. The Committee would like the superior court and CLJ rules to be congruent, but Judge Goodwin has been unable to engage with the SCJA Criminal Rules Committee. Upon request from Justice Stephens, Judge Goodwin provided a letter regarding the two proposals to amend CrR/CrRLJ 3.4. The Committee agreed that a modified version of the letter would be presented to the DMCJA Board, recommending that the Board submit a comment to the WSSC Rules Committee opposing the SCJA amendment, supporting the DMCJA amendment, and providing additional context for the proposals. Judge Goodwin will revise the letter and provide it for comment to Committee members in time for it to be submitted to the DMCJA Board for their September meeting.

6. Discuss Judge Portnoy's Concern Regarding IRLJ 3.1(b)

The Committee discussed Judge Portnoy's email regarding her concerns about and request to amend IRLJ 3.1(b). The Committee did not view the rule in the manner suggested by Judge Portnoy and therefore did not agree with the suggested change.

Judge Goodwin will convey the Committee's conclusions to Judge Portnoy and invite her to submit specific language for the Committee to consider if she is so inclined.

7. Other Business and Next Meeting Date

The next Committee meeting is scheduled for Wednesday, September 22, 2021 at 12:15 p.m., via zoom video conference.

There being no further business, the meeting was adjourned at 12:55 p.m.

Christina E Huwe
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Auburn, WA 98092
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SUMMARY OF REPORTS

**WASHINGTON STATE
DISTRICT AND MUNICIPAL COURT JUDGES'
ASSOCIATION**

For the Period Ending September 30th, 2021

Please find attached the following reports for you to review:

- Statement of Financial Position
- Monthly Statement of Activities.
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)
- Special Fund Bank Statement
- Current Budget Balance

Please contact me if you have any questions regarding the attached.

PLEASE BE SURE TO KEEP FOR YOUR RECORDS

Washington State District And Municipal Court Judges Assoc.
Statement of Financial Position
As of September 30, 2021

	Sep 30, 21
ASSETS	
Current Assets	
Checking/Savings	
Bank of America - Checking	6,064
Bank of America - Savings	264,034
Washington Federal (Spec Fund)	38,954
Total Checking/Savings	309,052
Total Current Assets	309,052
Fixed Assets	
Accumulated Depreciation	(703)
Computer Equipment	579
Total Fixed Assets	(124)
TOTAL ASSETS	308,928
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
Credit Cards	
Bank of America C. C.	100
Total Credit Cards	100
Total Credit Cards	100
Total Current Liabilities	100
Total Liabilities	100
Equity	308,828
TOTAL LIABILITIES & EQUITY	308,928

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Three Months Ending September 30, 2021

	<u>Jul 21</u>	<u>Aug 21</u>	<u>Sep 21</u>	<u>TOTAL</u>
Ordinary Income/Expense				
Income				
Interest Income	9	9	9	26
Total Income	<u>9</u>	<u>9</u>	<u>9</u>	<u>26</u>
Gross Profit	9	9	9	26
Expense				
Prior Year Budget Expense	1,645	5,031	0	6,677
Bookkeeping Expense	318	318	318	954
Judicial Assistance Committee	0	0	1,525	1,525
Judicial College Social Support	2,000	0	0	2,000
Lobbyist Contract	6,000	6,000	6,000	18,000
President Expense	0	0	100	100
Pro Tempore (Chair Approval)	0	0	395	395
Total Expense	<u>9,963</u>	<u>11,349</u>	<u>8,338</u>	<u>29,650</u>
Net Ordinary Income	<u>(9,954)</u>	<u>(11,340)</u>	<u>(8,329)</u>	<u>(29,624)</u>
Net Income	<u>(9,954)</u>	<u>(11,340)</u>	<u>(8,329)</u>	<u>(29,624)</u>

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America - Checking, Period Ending 09/30/2021

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						14,301.29
Cleared Transactions						
Checks and Payments - 3 items						
Check	09/10/2021		Okanogan County Di...	X	-394.63	-394.63
Check	09/15/2021		Bogard & Johnson, ...	X	-6,000.00	-6,394.63
Check	09/15/2021		Pierce County Book...	X	-318.00	-6,712.63
Total Checks and Payments					-6,712.63	-6,712.63
Total Cleared Transactions					-6,712.63	-6,712.63
Cleared Balance					-6,712.63	7,588.66
Uncleared Transactions						
Checks and Payments - 1 item						
Check	09/29/2021		Susanna Neil Kanth...		-1,525.00	-1,525.00
Total Checks and Payments					-1,525.00	-1,525.00
Total Uncleared Transactions					-1,525.00	-1,525.00
Register Balance as of 09/30/2021					-8,237.63	6,063.66
New Transactions						
Checks and Payments - 1 item						
Transfer	10/07/2021				-100.00	-100.00
Total Checks and Payments					-100.00	-100.00
Deposits and Credits - 1 item						
Transfer	10/05/2021				10,000.00	10,000.00
Total Deposits and Credits					10,000.00	10,000.00
Total New Transactions					9,900.00	9,900.00
Ending Balance					1,662.37	15,963.66

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America - Savings, Period Ending 09/30/2021

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						264,032.21
Cleared Transactions						
Deposits and Credits - 1 item						
Deposit	09/30/2021			X	2.17	2.17
Total Deposits and Credits					2.17	2.17
Total Cleared Transactions					2.17	2.17
Cleared Balance					2.17	264,034.38
Register Balance as of 09/30/2021					2.17	264,034.38
New Transactions						
Checks and Payments - 1 item						
Transfer	10/05/2021				-10,000.00	-10,000.00
Total Checks and Payments					-10,000.00	-10,000.00
Total New Transactions					-10,000.00	-10,000.00
Ending Balance					-9,997.83	254,034.38

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July through September 2021

Type	Date	N...	Name	Memo	Amount	Balance
Bank of America - Checking						
Transfer	07/06/2021			Funds Transfer	(949.70)	(949.70)
Transfer	07/07/2021			Funds Transfer	(490.65)	(1,440.35)
Check	07/07/2021		Michelle Gehlsen		(422.66)	(1,863.01)
Check	07/13/2021		MD Engraving		(417.05)	(2,280.06)
Check	07/20/2021		Pierce County Bookkeeping		(318.00)	(2,598.06)
Check	07/20/2021		Timothy Jenkins		(69.90)	(2,667.96)
Check	07/20/2021		King County District Court		(244.90)	(2,912.86)
Check	07/21/2021		Bogard & Johnson, LLC		(6,000.00)	(8,912.86)
Check	08/01/2021		Bogard & Johnson, LLC		(6,000.00)	(14,912.86)
Check	08/10/2021		Pierce County Bookkeeping		(318.00)	(15,230.86)
Check	08/16/2021		AOC		(190.29)	(15,421.15)
Check	08/23/2021		SCJA		(4,841.05)	(20,262.20)
Check	09/10/2021		Okanogan County District Co...		(394.63)	(20,656.83)
Check	09/15/2021		Bogard & Johnson, LLC		(6,000.00)	(26,656.83)
Check	09/15/2021		Pierce County Bookkeeping		(318.00)	(26,974.83)
Check	09/29/2021		Susanna Neil Kanther-Raz		(1,525.00)	(28,499.83)
Total Bank of America - Checking					(28,499.83)	(28,499.83)
Bank of America - Savings						
Deposit	07/31/2021			Interest	2.24	2.24
Deposit	08/31/2021			Interest	2.24	4.48
Deposit	09/30/2021			Interest	2.17	6.65
Total Bank of America - Savings					6.65	6.65
Washington Federal (Spec Fund)						
Deposit	07/31/2021			Interest	6.61	6.61
Deposit	08/31/2021			Interest	6.62	13.23
Deposit	09/30/2021			Interest	6.40	19.63
Total Washington Federal (Spec Fund)					19.63	19.63
Prepaid Expenses						
General...	07/01/2021	C...		DMCJA Suppor...	(2,000.00)	(2,000.00)
Total Prepaid Expenses					(2,000.00)	(2,000.00)
Credit Cards						
Bank of America C. C.						
Transfer	07/06/2021			Funds Transfer	949.70	949.70
Credit ...	07/07/2021		Homewetbar Gifts		(490.65)	459.05
Transfer	07/07/2021			Funds Transfer	490.65	949.70
Credit ...	09/06/2021		Harbor Blooms		(100.00)	849.70
Total Bank of America C. C.					849.70	849.70
Total Credit Cards					849.70	849.70
Interest Income						
Deposit	07/31/2021			Interest	(2.24)	(2.24)
Deposit	07/31/2021			Interest	(6.61)	(8.85)
Deposit	08/31/2021			Interest	(2.24)	(11.09)
Deposit	08/31/2021			Interest	(6.62)	(17.71)
Deposit	09/30/2021			Interest	(2.17)	(19.88)
Deposit	09/30/2021			Interest	(6.40)	(26.28)
Total Interest Income					(26.28)	(26.28)
Prior Year Budget Expense						
Credit ...	07/07/2021		Homewetbar Gifts	President Expen...	490.65	490.65
Check	07/07/2021		Michelle Gehlsen	President Line It...	319.70	810.35
Check	07/07/2021		Michelle Gehlsen	President Line It...	102.96	913.31
Check	07/13/2021		MD Engraving	President Line It...	417.05	1,330.36
Check	07/20/2021		Timothy Jenkins	Jasp line item	69.90	1,400.26
Check	07/20/2021		King County District Court	Pro Tempore 6/2...	244.90	1,645.16
Check	08/16/2021		AOC	President Line It...	190.29	1,835.45
Check	08/23/2021		SCJA	1/2 of leftover JA...	4,841.05	6,676.50
Total Prior Year Budget Expense					6,676.50	6,676.50

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July through September 2021

Type	Date	N...	Name	Memo	Amount	Balance
Bookkeeping Expense						
Check	07/20/2021		Pierce County Bookkeeping	June Services	318.00	318.00
Check	08/10/2021		Pierce County Bookkeeping	July Services	318.00	636.00
Check	09/15/2021		Pierce County Bookkeeping	August Services	318.00	954.00
Total Bookkeeping Expense					954.00	954.00
Judicial Assistance Committee						
Check	09/29/2021		Susanna Neil Kanther-Raz	Quarter 3	1,200.00	1,200.00
Check	09/29/2021		Susanna Neil Kanther-Raz	FJLC Meeting W...	325.00	1,525.00
Total Judicial Assistance Committee					1,525.00	1,525.00
Judicial College Social Support						
General...	07/01/2021	C...		DMCJA Suppor...	2,000.00	2,000.00
Total Judicial College Social Support					2,000.00	2,000.00
Lobbyist Contract						
Check	07/21/2021		Bogard & Johnson, LLC		6,000.00	6,000.00
Check	08/01/2021		Bogard & Johnson, LLC		6,000.00	12,000.00
Check	09/15/2021		Bogard & Johnson, LLC		6,000.00	18,000.00
Total Lobbyist Contract					18,000.00	18,000.00
President Expense						
Credit ...	09/06/2021		Harbor Blooms	DMCJA sent flo...	100.00	100.00
Total President Expense					100.00	100.00
Pro Tempore (Chair Approval)						
Check	09/10/2021		Okanogan County District Co...	8/20/21	394.63	394.63
Total Pro Tempore (Chair Approval)					394.63	394.63
TOTAL					0.00	0.00

Other current information not included in reports

DMCJA 2021-2022 Adopted Budget

Item/Committee	ALLOCATED	SPENT	REMAINING
Access to Justice Liaison	\$ 100.00		100.00
Audit (every 3 years)			
Bar Association Liaison	\$ 100.00		100.00
Board Meeting Expense	\$ 15,000.00		15,000.00
Bookkeeping Expense	\$ 3,500.00	395.00	3,105.00
Bylaws Committee	\$ 250.00		250.00
Conference Calls	\$ 200.00		200.00
Conference Planning Committee	\$ 4,000.00		4,000.00
(reconsider in Spring based on finances)	\$ -		
Contract Grant Writer	\$ 50,000.00		50,000.00
Contract Policy Analyst	\$ 50,000.00		50,000.00
Council on Independent Courts (CIC)	\$ 500.00		500.00
Diversity Committee	\$ 500.00		500.00
"Trial Court Sentencing and Supervision	\$ -		
DMCMA Liaison	\$ 100.00		100.00
DMCMA Mandatory Education	\$ 20,000.00		20,000.00
DOL Liaison Committee	\$ 100.00		100.00
Education Committee	\$ 5,000.00		5,000.00
Education - Security	\$ 2,500.00		2,500.00
Educational Grants	\$ 5,000.00		5,000.00
Judicial Assistance Service Program (JASP) Committee*	\$ 16,000.00	1,525.00	14,475.00
Insurance (every 3 years)			
Judicial College Social Support	\$ 2,000.00	2,000.00	0.00
Judicial Community Outreach	\$ 1,600.00		1,600.00
Legislative Committee	\$ 1,500.00		1,500.00
Legislative Pro-Tem	\$ 2,500.00		2,500.00
Lobbyist Contract	\$ 105,000.00	18,000.00	87,000.00
Long-Range Planning Committee	\$ 750.00		750.00
MPA Liaison	\$ 250.00		250.00
yrs (next 12/2021)	\$ 500.00		500.00
Mary Fairhurst National Leadership Grants	\$ 5,000.00		5,000.00
Nominating Committee	\$ 100.00		100.00
President Expense	\$ 2,000.00	100.00	1,900.00
Pro Tempore (committee chair approval)	\$ 10,000.00	395.00	9,605.00
Professional Services (Dino Traverso, CPA)	\$ 1,500.00		1,500.00
Public Outreach (ad hoc workgroup)	\$ 150.00		150.00
Rules Committee	\$ 500.00		500.00
SCJA Board Liaison	\$ 250.00		250.00
Therapeutic Courts	\$ 2,500.00		2,500.00
Treasurer Expense and Bonds	\$ ¹⁸ 100.00		100.00

Trial Court Advocacy Board - DORMANT	\$	-		
Uniform Infraction Citation Committee	\$	1,000.00		1,000.00
Totals		\$310,050.00	\$22,415.00	\$287,635.00
Special Fund	\$	-		
*Includes \$8,000 from the SCJA				
	updated 09/30/2021			



Statement of Account

PAGE 1 OF 1

Statement End Date September 30, 2021
 Statement Begin Date September 1, 2021
 Account Number [REDACTED]

To report a lost or stolen card,
 call 800-324-9375.
 For 24-hour telephone banking,
 call 877-431-1876.

WA STATE DIST & MUNICIPAL COURT JUDGES' 17090
 JUDGE MICHELLE K GEHLEN
 10116 NE 183RD ST
 BOTHELL, WA 98011-3416

For questions or assistance with your account(s),
 please call 800-324-9375, stop by your local branch,
 or send a written request to our Client Care Center
 at 9929 Evergreen Way, Everett WA 98204.

Business Premium Money Market Summary - # [REDACTED]

Annual Percentage Yield Earned for this Statement Period 0.200%
 Interest Rate Effective 09/01/2021 0.200%
 Interest Earned/Accrued this Cycle \$6.40
 Number of Days in this Cycle 30
 Date Interest Posted 09-30-2021
 Year-to-Date Interest Paid \$64.97

Beginning Balance \$38,947.83
 Interest Earned This Period +6.40
 Deposits and Credits +0.00
 Checks Paid -0.00
 ATM, Electronic and Debit Card Withdrawals -0.00
 Other Transactions -0.00
Ending Balance \$38,954.23

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

Interest Earned This Period

Date	Description	Amount
09-30	Credit Interest	6.40
Total Interest Earned This Period		6.40



We are updating all Business accounts to receive eStatements.

Beginning with your October statement(s), we'll be converting all existing business deposit accounts to electronic Statements.

Electronic statements are received more quickly, secure, available 24/7 and accessible via Online Banking.

If needed, you may opt out of eStatements and request to receive paper statements by contacting your branch or our 24-hour Client Care Center at 1-800-324-9375.

Thank you.


Visa may provide updated debit card information, including your expiration date and card number, with merchants that have an agreement for reoccurring payments. You may opt out of this service by calling 1-800-324-9375.

From: Delostrinos, Cynthia <Cynthia.Delostrinos@courts.wa.gov>

Sent: Tuesday, August 24, 2021 10:12 AM

To: Oyler, Stephanie <Stephanie.oyler@courts.wa.gov>; Charles D Short <cshort@co.okanogan.wa.us>

Cc: Rosen, Steve <Steve.Rosen@kingcounty.gov>; Chris Gaddis <chris.gaddis@piercecountywa.gov>

Subject: Statewide Juror Demographic Study - Request to Speak with Association

Dear Judge Short & Ms. Oyler,

We are reaching out to DMCJA to request 10-15 minutes of your Board's time to discuss a future juror demographic survey that the legislature has tasked the AOC pursuant to ESSB 5092 (Section 155, Section 3).

In a legislative proviso to the AOC, ESSB 5092, Section 115, Section 3, states in relevant part:

\$150,000 of the general fund... are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington State Supreme Court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The Administrative Office of the Courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023. [End]

We are seeking DMCJA's feedback and assistance in carrying out a new electronic juror survey that will help the judicial branch better understand the demographics of our jury pools across the state.

This is an effort that the Minority and Justice Commission began in 2016 when they conducted an initial juror demographic study. The study found that most of the jury pools across the state did not reflect the demographics of the communities they served, and that persons of color were underrepresented in most jury pools across the state. As a result, a large, statewide task force was established that included judges, court administrators, jury room staff, prosecutors, defense attorneys, the civil bar, federal courts, bar associations, civil legal aid, university professors, State Senators, State Representatives, appellate lawyers, and the Attorney General's office. The group unanimously endorsed ongoing collection of juror demographic data.

We would like to attend a future meeting of DMCJA to explain the background behind this legislative proviso, and more importantly, seek help and feedback from your membership to carry out this new statewide juror demographic survey.

Please do not hesitate to reach out if you have any questions, and we look forward to hearing back from you!

Sincerely,

Cynthia Delostrinos, Judge Steve Rosen & Chris Gaddis

Cynthia Delostrinos Johnson (she/her)

Supreme Court Commissions Manager | Office of Court Innovation Administrative Office of the Courts

P: 360.705.5327 M: 206.683.1585

Cynthia.Delostrinos@courts.wa.gov

www.courts.wa.gov<<http://www.courts.wa.gov>>

Judicial Needs Estimates



**Looking Back...
...Moving Forward**



RCW [2.56.030](#); ADMINISTRATOR FOR THE COURTS; Powers and duties.

The administrator for the courts shall, under the supervision and direction of the chief justice,

1987

(12) *Examine the need for new superior court and district judge positions under **a weighted caseload analysis** that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court.... It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions....*

2006

(11) *Examine the need for new superior court and district court judge positions under an **objective workload analysis**.... It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions....*

The Weighted Caseload Method



- Recognizes that cases differ in complexity and need different amounts of time from judges and other resources. Translation from caseload to workload is made by finding the average judicial time needed from start to finish for each type of case.
- Weighted caseload studies conducted in 1977 & 1986
 - Time sheet recording and verification
 - Resource intensive process
- The 1986 weighted caseload study substantially changed the 1977 estimates of the time needed to handle specific types of cases.
 - The estimated time per criminal filing dropped by 13.9%
 - The estimated time per commercial civil filing increased by 38.6%

The Objective Caseload Method



- By 1999, the 1986 weighted caseload study results were outdated; AOC looked for alternatives
- Features:
 - **Easily updated yearly**
 - Objective data – adjusted caseload counts
- Limitations, shared with weighted caseload method:
 - Does not reflect best practices unless they are already in place
 - Does not take account of local differences in court operations (from, e.g., specialty calendars or prosecutorial practices)
 - Validity can diminish over time
- Unique limitations
 - No accounting for differences across case types
 - No other state uses this approach—no community of practice



District and Municipal

District and Municipal Courts' Objective Workload Overview



- Ratio of resolutions per judge sets productivity standard
- Need for judges is based on projected filings
- CLJ method accounts for types of cases
 - Infractions + DUI/Physical Control
 - Misdemeanors, DV
 - Civil, Small Claims, Felony Warrants

District and Municipal Courts' Objective Workload Overview, cont.



Number of dispositions/resolutions (5 years)



Average caseload disposed per judge over the last 5 years

Number of judges (5 years)



recent productivity

Number of cases filed per year per court (5 years)



Next year's projected caseload, per court, based on a 5-year trend



projected workload

District and Municipal Courts' Objective Workload Overview, cont.



Number of dispositions/resolutions (5 years)



Average caseload disposed per judge over the last 5 years

Number of judges (5 years)



Number of cases filed per year per court (5 years)



Next year's projected caseload, per court, based on a 5-year trend

Data start as court-specific, but are aggregated at the state level.

We use the 5 most recent years of data, extracted from JIS and grouped by case type category.

Productivity expectations are a) by case type category and b) based on data from the most recent 5 years. "Past practice" is updated yearly.

District and Municipal Courts' Objective Workload Overview, cont.



Details for average caseload per judge (productivity) over the last 5 years
Dispositions and hearings, with adjustments

INFRACTION HEARINGS + DWI RESOLUTIONS

Traffic hearings

Non-traffic hearings

DWI dispositions + DWI reduced / amended – DWI bail forfeitures

OTHER CRIMINAL RESOLUTIONS

Criminal non-traffic dispositions – CNT bail forfeitures

Other criminal traffic dispositions – OCT bail forfeitures

DV/ Anti-harassment protective orders disposed (granted, denied/ dismissed, transferred to Superior)

ALL OTHER RESOLUTIONS

Civil dispositions (default, pre-trial, post-trial) * 1.25 (Adjust for under-recording of dispositions in JIS)

Small claims dispositions (default, pre-trial, post-trial) *1.12 (Adjust for under-recording of dispositions in JIS)

Probable cause / felony complaint dispositions (dismissed, reduced to misdemeanor, bound over)

District and Municipal Courts' Objective Workload Overview, cont.



Number of dispositions/resolutions (5 years)



Average caseload disposed per judge over the last 5 years



Number of judges per (5 years)

Number of cases filed per year per court (5 years)



Next year's projected caseload, per court based on a 5-year trend

Predicted workload data are a) extracted from JIS b) court-specific and c) grouped by case type category.

Prediction made from each courts' most recent 5 year filings trend.

Minimum predicted filings are limited to last year's actual filings; this delays (and smooths) single year dips.

District and Municipal Courts' Objective Workload Overview, cont.



Data for predicted workload

INFRACTION FILINGS + DWI FILINGS

Not all infraction filings have hearings. Each court has a five year average hearing rate used to adjust the projected infraction filings counts. There is a bottom 5% floor and top 95% ceiling. For 2020, Lewis rate was 58%, so we used the slightly lower 95% ceiling of 55%.

Traffic filings * court's infraction hearing rate (contested, mitigation, show cause, other)

Non-traffic filings * court's infraction hearing rate (contested, mitigation, show cause, other)

DWI charges – DWI bail forfeitures

OTHER CRIMINAL FILINGS

Criminal non-traffic charges – CNT bail forfeitures

Other criminal traffic charges – OCT bail forfeitures

DV filings

ALL OTHER FILINGS

Civil and Small claims filings--About 20% of civil and small claims filings never see action, so we discount projected civil and small claims filings by 20%.

Probable cause / felony complaint hearings--Search warrants and pre-filing hearings (bail hearings, preliminary appearances for felonies, probable cause hearings) not in Caseload Reports, counts from JIS.

District / Municipal JNE Steps



Step 1: Estimate the **Washington average** of how much of an FTE is needed to handle a single resolution (the Weights), by case category

1. State Infraction and DWI Weight (INF/DWI Weight)
2. State Other Criminal Resolutions Weight (OCR Weight) (in 2020, about 3X the INF/DWI Weight)
3. State All Other Resolutions Weight (OTH Weight) (about 1.3X the INF/DWI Weight)

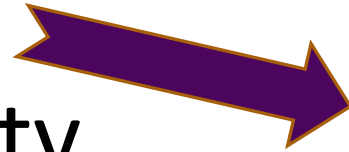
Step 2: Predict how many judicial officers are needed, **per court**, to dispose of the projected caseload in the coming year (adjustments needed for infraction, civil, and small claims filings).

Court Judge FTE need =

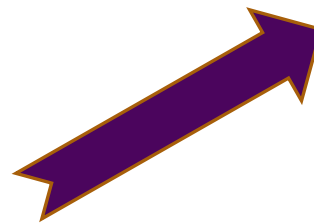
1. Projected Court Infraction and DWI Filings * (State INF/DWI Weight) +
2. Projected Court Other Criminal Resolutions Filings * (State OCR Weight) +
3. Projected Court All Other Resolutions Filings * (State OTH Weight)
4. Projected minimum FTE needed to open the doors, about 0.25 FTE in 2020



recent
productivity



projected
workload



Challenges



Coarse: The model ignores between-court differences in types of hearings and the amount of judge time needed for different types of hearings.

- Response: 38 new proceeding type codes beginning in 2016—these new codes can lead to better estimates of court-specific judicial need, but use of the codes must be validated and improved
- Still not connected to hearing duration

Drift: Expected productivity (resolutions per judge) has changed over time. The model should be validated if it is to continue in use. See Word document, “District and Muni Filings 2002 and 2020.”

District Court State Total Filings 2002 and 2020

	1998	1999	% Chg	2000	% Chg	2001	% Chg	2002	% Chg
FILINGS (EXCEPT PARKING)									
Traffic Infractions	782,853	800,634	2.3%	847,276	5.8%	812,882	-4.1%	984,587	21.1%
Non-Traffic Infractions	25,757	31,218	21.2%	47,703	52.8%	47,368	-0.7%	41,292	-12.8%
DUI/Physical Control	38,623	38,484	-0.4%	37,673	-2.1%	36,582	-2.9%	41,114	12.4%
Other Traffic Misdemeanors	143,867	133,450	-7.2%	123,728	-7.3%	116,467	-5.9%	124,430	6.8%
Non-Traffic Misdemeanors	151,994	142,280	-6.4%	139,007	-2.3%	136,278	-2.0%	134,898	-1.0%
Felony Complaints ¹	8,448	7,759	-8.2%	4,383	-43.5%	5,300	20.9%	3,930	-25.8%
Civil	111,231	109,993	-1.1%	111,420	1.3%	107,632	-3.4%	109,885	2.1%
Domestic Violence/Anti-harassment Protection ²	12,680	12,689	0.1%	13,022	2.6%	12,523	-3.8%	12,895	3.0%
Small Claims	25,724	23,914	-7.0%	23,306	-2.5%	24,296	4.2%	25,886	6.5%
Total Non-Parking Filings	1,301,177	1,300,421	-0.1%	1,347,518	3.6%	1,299,328	-3.6%	1,478,917	13.8%
Filings per 1,000 Population ³	229	225	-1.9%	229	1.8%	217	-4.9%	245	12.6%

2003 Judicial Needs Estimate 122.3

Combined criminal (traffic and non-traffic) filings were about 259K

District Court State Total Filings 2002 and 2020

	2016	2017	% Chg	2018	% Chg	2019	% Chg	2020	% Chg
CASE FILINGS (EXCEPT PARKING)									
Traffic Infractions	716,343	711,471	-0.7 %	738,746	3.8 %	706,773	-4.3 %	473,084	-33.1 %
Non-Traffic Infractions	32,054	29,286	-8.6 %	27,262	-6.9 %	22,847	-16.2 %	14,739	-35.5 %
DUI/Physical Control Misdemeanors	24,469	25,658	4.9 %	28,606	11.5 %	29,218	2.1 %	21,318	-27 %
Other Traffic Misdemeanors (1)	73,259	70,567	-3.7 %	72,818	3.2 %	71,867	-1.3 %	57,008	-20.7 %
Non-Traffic Misdemeanors	98,577	98,549	0 %	99,063	0.5 %	100,775	1.7 %	83,017	-17.6 %
Felony Complaints (2)	5,750	4,716	-18 %	2,821	-40.2 %	2,753	-2.4 %	1,746	-36.6 %
Civil	105,785	101,212	-4.3 %	112,602	11.3 %	120,504	7 %	94,263	-21.8 %
Civil Harassment Protection (3)	7,216	7,595	5.3 %	7,563	-0.4 %	7,570	0.1 %	6,648	-12.2 %
Domestic Violence Protection (3)	1,886	1,839	-2.5 %	2,084	13.3 %	1,932	-7.3 %	1,213	-37.2 %
Extreme Risk Protection			%	16	. %	24	. %	56	133.3 %
Sexual Assault Protection (3)	93	84	-9.7 %	80	-4.8 %	71	-11.3 %	59	-16.9 %
Stalking Protection (3)	398	389	-2.3 %	499	28.3 %	418	-16.2 %	298	-28.7 %
Small Claims	13,500	12,192	-9.7 %	11,234	-7.9 %	11,377	1.3 %	6,463	-43.2 %
Total Non-Parking Filings	1,079,330	1,063,558	-1.5 %	1,103,394	3.7 %	1,076,129	-2.5 %	759,912	-29.4 %

2020 Judicial Needs Estimate = 124.05

Combined criminal (traffic and non-traffic) filings were about 140K

Infractions and civil cases also declined between 2002 and 2020



*OFFICE OF THE
ADMINISTRATOR FOR
THE COURTS*

MARY CAMPBELL McQUEEN
Administrator

Research and Information Services

**Washington District Court
Weighted Caseload Study
Final Report**

January 1991

STATE OF WASHINGTON

1206 S. Quince Street
Mail Stop EZ-11
Olympia, WA 98504
(206) 753-3365
FAX: (206) 586-8869

The Supreme Court
State of Washington

KEITH M. CALLOW
CHIEF JUSTICE
TEMPLE OF JUSTICE
OLYMPIA, WASHINGTON
98504-0511



(206) 357-2020
SCAN 661-2020

TO: Senate Law and Justice Committee
House Judiciary Committee

Pursuant to Chapter 363, Laws of 1987, the Weighted Caseload Advisory Committee and the Office of the Administrator for the Courts have completed a weighted caseload analysis of the district courts. Accordingly, we are forwarding the study to you for consideration.

This report is based on comprehensive research methods that advance weighted caseload research technology in limited jurisdiction courts. In the first phase of this study, more than 47,000 cases were sampled among the district courts. The judicial time expended on these cases from filing until case closure was used as the basis for determining "weights" for each case category. These weights reflect the average judge time needed to dispose of each case among the statistical reporting categories. The second phase of this research determined the proportion of a judge's annual working time that can be devoted to processing cases, after accounting for noncase-oriented judicial tasks such as court administration and general research. The estimated need for judicial resources resulting from this study affords the precision that is unique to weighted caseload systems.

This report was reviewed by the District and Municipal Court Judges Association Board, the Judicial Council, and the Board for Judicial Administration. While the study methods and results were endorsed, two provisos were made explicit. First, the weighted caseload system is based on averaging the study findings from each court. Although the results of this approach are intended for all courts, varying amounts of insensitivity to local practices are introduced to all courts. For example, if local policy in a particular jurisdiction results in a high trial rate for criminal matters, the methodology does not take into account the extra judicial resources that may be required in that court. Second, weighted caseload studies measure current practices, with no explicit attempt to establish standards ensuring the quality of justice. Given these relevant concerns, it is recommended that the weighted caseload system be employed to supplement the current population formula in creating additional district court judicial positions.

We sincerely hope this report will assist in considering this important topic.

A handwritten signature in cursive script that reads "Keith M. Callow".

Chief Justice Keith M. Callow
Washington State Supreme Court

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Washington District Court Weighted Caseload Committee

District And Municipal Court Judges

The Honorable Gary N. Utigard, Chair
Southwest District Court

The Honorable W. Edward Allan
Grant County District Court

The Honorable David S. Edwards ✓
Okanogan County District Court

The Honorable Darcy C. Goodman ✓
Seattle District Court

The Honorable Ron A. Mamiya ✓
Seattle Municipal Court

The Honorable Larry E. Moller
Skagit County District Court

The Honorable Clifford L. Stilz, Jr. ✓
Thurston County District Court

District Court Administrators

Gayle Christiansen
Spokane County District Court

Kathy A. Lohmeyer ✓
Cowlitz County District Court

Jackie Roberts
Issaquah District Court
Replacing Ms. Christiansen

Office of the Administrator for the Courts

Mary Campbell McQueen,
Administrator for the Courts

Janet McLane,
Director, Judicial Services and Activities

Robert P. Barnoski,
Manager, Research and Statistics

Yvonne Pettus,
Manager, Court Services

Steven Stentz,
Project Manager, Research and Statistics

Introduction

In 1987, the Washington State Office of the Administrator for the Courts (OAC) was directed by the state legislature to forward recommendations for creating additional district court judicial positions based on a completed weighted caseload analysis. This report documents the methods and results of the current District Court Weighted Caseload Study.

This report contains three major sections. The first section provides a brief overview of weighted caseload system components, how court workloads are derived, and how judicial full time equivalents (FTEs) are calculated. The next section provides study results, comparing estimated need with current FTE allocations. The final section describes in substantial detail how the study was conducted and how the data were analyzed. Following these three sections are a number of appendices containing materials relevant to the conduct of this study.

The dedicated judges, commissioners, administrators, and staff who collected data during the lengthy study period have made this study a success. Their contributions are noteworthy.

System Overview

Weighted caseload systems are perhaps the most common method used by courts nationally to assess judicial workload and resource requirements. Three features characterize weighted caseload methodologies: (1) measurement of the judicial time needed to process various types of cases, (2) application of the time required to process each type of case to the individual court workload, and (3) determination of the amount of a judge's annual work time that can be devoted exclusively to processing cases.

To assess judicial resource needs, the weighted caseload system relies on three specific types of information: annual case filings, case "weights," and the judge year value.

Case Filings

Each calendar month courts throughout the state furnish caseload counts to the OAC. These caseload data include the number of new case filings per case type, as well as the number and type of judicial proceedings and case dispositions that occurred. The filing counts are used as a direct measure of the number of cases to be processed at each court, and are necessary in determining the case-oriented workload imposed by the community.

Case Weights

The central feature of a weighted caseload system is the recognition that the amount of judicial time required to dispose of court cases varies according to the type of case. For example, the disposition of a serious criminal offense involves more judicial time than does a mitigation hearing for a traffic infraction case. By measuring the total judicial time expended on a sample of cases from each caseload category, "weights" can be computed that depict the average judicial time (in minutes) necessary to dispose of each case type.

Given an appropriate weight for each case category, a court's case-oriented workload value can be computed by multiplying the number of annual filings by the relevant case weight. These figures are then

summed across case categories giving the total time (in minutes) required to dispose of all cases filed.

Judge Year Value

The final component in a weighted caseload system is the judge year value: the amount of time (in minutes) available annually to a full time judge for case-related work. In establishing an appropriate judge year value, three steps are needed.

First, the number of annual workdays is determined by subtracting weekends, holidays, sick time, and vacation from 365 days per year. The second step is to apply the standard for the length (in minutes) of each workday. The number of annual work minutes per judicial FTE can then be computed by multiplying the length of each workday with the number of workdays each year.

The final step in deriving the judge year value is to determine what proportion of a judicial FTE's annual total work time must be devoted to the numerous tasks other than district court case-related activities. These tasks are court administration, general research, judicial meetings, waiting time, civic activities, travel to other court sites, multiple case activities, search warrants, and hearings before a case is filed.

Once a court's case-oriented workload is known, judicial FTE requirements can be computed by dividing the time needed to dispose of all cases (the workload) by the amount of time one full time judge can expect to have available for cases each year (the judge year value). In this way, it is a straightforward matter to compute needed judicial positions based on a court's filings for a given year.

Study Results

The results of this study are displayed in three tables. The first table lists the results from Phases One and Three of this research, the weights for each statistical reporting category. The second table reveals the judge year value, which required the results from the second study phase. Finally, the third table shows estimated need and current full time judicial equivalents for each district court. The FTE needs estimated in this table are based on 1989 district court caseload data. Where no filing information was reported for this period, no FTE estimates can be provided.

Case Weights

The filing weights shown below reflect the average amount of judicial time needed to process each type of case. These weights are necessary to determine the case-oriented workload at each court. By multiplying the number of filings per case category for each court by the appropriate category weight, a workload estimate is produced which indicates the average number of judicial minutes needed to dispose of those cases.

It should be noted that due to problems encountered with Phase One civil data, a third study phase was conducted during 1990 to derive an accurate civil weight. Additional discussion of this matter can be found in the Study Methodology section of this report.

District Court Filing Weights	
Case Category	Weight
Traffic Infractions	1.73
Non-Traffic Infractions	.86
Parking Infractions	.27
Driving While Intoxicated	35.27
Other Criminal Traffic	12.41
Criminal Non-Traffic	15.69
Civil Protection	8.31
Civil	8.91
Small Claims	7.00
Felony	7.00

Judge Year Value

The following table shows the judicial work year model and the judge year value. After determining the number of yearly work minutes expected per full time equivalent, the judge year value specifies the number of work minutes that should be devoted to case-related matters annually. Phase Two of this research documented that statewide, 29 percent of each judge's time is needed for court administration, general research, judicial meetings, waiting time, civic activities, multiple case activities, and issuing warrants. More detail on these findings can be found in the Study Methodology section of this report.

Judge Year Value	
Calendar days per year	365
Less weekends	- 104
Less holidays	- 11
Court days per year	250
Less Pro Tempore days per year	- 30
Less illness	- 6
Annual judicial days available	214
Hours per day	8.00
Less lunch break	- 1.00
Less other breaks	- .33
Work hours per day	6.67
Work minutes per day	400.2
Annual work minutes (1 FTE)	85,643
Judge Year Value (71%)	60,806

FTE Estimates

The following table displays the estimated need and current judicial full time equivalents for each district court. All results in this table are expressed as FTEs. For convenience, district court FTE need estimates are segregated by caseload FTEs, pre-filing hearing FTEs, and travel FTEs. Additional needs are segregated by municipal department caseload FTEs, municipal department travel FTEs, and superior court commissioner FTEs. Finally, a comparison between current and estimated FTE need for each court is provided where possible.

Study Methodology

Introduction

A weighted caseload system requires three accurately measured types of information in order to provide sound estimates of needed judicial resources. These system components are case filings, case weights, and the judge year value. Since case filings are part of the caseload data collected monthly from each court by the OAC, no additional work was necessary to gather this information. This study focused exclusively on measuring the other components needed for the weighted caseload system: case weights and the judge year value.

The design for the current case-oriented weighted caseload study employed three distinct phases. The first phase was concerned exclusively with measuring case-related judicial time expenditures in order to derive case weights. The second phase of this study determined the proportion of judicial work time needed to attend to noncase-related court matters. The third phase remeasured the civil case weight given the problematic civil data from the initial phase of this study.

Phase One utilized a case-oriented approach for the computation of case weights: all bench and non-bench judicial time expended from filing until case closure was measured on a set of sample cases drawn from each relevant case category per court. To document the judicial time expended the study period had to extend to the resolution of all cases sampled among participating courts.

The desired number of sample cases per court in each case category was determined by applying sampling formulae to 1986 caseload statistics. Overall the desired sample size in this study exceeded 46,000 cases. The sample sizes afforded 90 percent confidence that the weights accurately reflected the average judicial time per case type plus or minus three minutes. This precision extended to each case type per court, and the resulting system weights were based on the aggregation of each court's weights. To assure the validity of the weights,

sample sizes were increased by a minimum of ten percent.

Phase Two of this study established the judge year value. A time-oriented method was employed to determine the judge year value as well as the proportion of time spent on various noncase-specific judicial activities; this required that judges provide a detailed daily recording of the time spent on all case- and noncase-related judicial activities. These noncase-specific matters are court administration, general research, judicial meetings, waiting time, civic activities, travel to other court sites, multiple case activities, search warrants, and hearings before a case is filed.

To ensure that seasonal fluctuations did not unduly affect the judge year value, data collected during Phase Two of this research were gathered from eight separate work weeks throughout the year. This design mitigated concerns regarding seasonality in limited jurisdiction courts and appeared to lessen the reporting burden for judges.

Phase Three of this study was designed to obtain an accurate civil case weight within the remaining study time frame. This phase employed a weighted caseload research methodology that first developed weights for each "step" in a civil case where judicial time could be expended. After determining the probability of each step occurring in any given civil case, the step weights were prorated to apply to all civil filings. The civil weight used in estimating judicial position needs was the sum of the individual civil case step weights.

There are two components in this final study phase: determine the (1) weight and (2) probability of occurrence for each step in a civil case where judicial time can be expended. Judicial time spent on civil cases was measured in a sample of district courts in September and October 1990. Step probability data were gathered by reviewing a random sample of case files from more than 3,300 civil cases which were initiated in 1988.

Phase One: Deriving Case Weights

The first phase of this research measured all judicial time expended on an appropriate sample of district court cases in order to derive case weights. Cases from municipalities which contracted with a district court were considered district court cases, and were included in the sampling design. In sum, if the case was filed in the district court, it was within the purview of this research.

Case-specific time was defined as time spent by judicial officers both on and off the bench conducting activities that were directly related to the processing of a specific study sample case. In contrast, noncase-specific time was defined as time spent by judicial officers performing all activities which were not related directly to the processing of a specific district court case, but which were necessary to the operation of the court.

Judicial case time spent on study cases by district court judges, commissioners, magistrates, and judges pro tempore was included in Phase One. This included all judicial officers qualified to: (1) sign warrants, (2) set bail, and (3) preside at preliminary appearances, arraignments, hearings, trials, or other proceedings.

Phase One training, implementation and case sampling began in November 1987. Training teams from the OAC visited every district court site in the state to instruct judges and administrative staff on the study procedures. Over 97 percent of these sites participated in the first phase of the study.

Case Categories

Phase One of the weighted caseload study determined case weights for the ten limited jurisdiction court statistical reporting categories:

(1) **Traffic Infractions:** Cases that pertain to (1) the operation or condition of a vehicle whether it is moving, standing, or stopping, and (2) pedestrian offenses.

(2) **Non-Traffic Infractions:** Cases including violations of RCW 18.27.340 and 18.106.020, contracting and

plumbing license violations, and offenses decriminalized under municipal code, such as dog leash violations.

(3) **Parking Infractions:** Cases pertaining only to violations of parking statutes and ordinances.

(4) **Driving While Intoxicated:** Cases that cite RCW 46.61.502, driving while under the influence of intoxicating liquor or drugs, or RCW 46.61.504, actual physical control of a motor vehicle while under the influence of an intoxicating liquor or drug.

(5) **Other Criminal Traffic:** All citations/complaints other than those counted under DWI/Physical Control that pertain to the operation or use of a vehicle.

(6) **Criminal Non-Traffic:** Criminal cases excluding DWI/Physical Control, Other Criminal Traffic, and Felony complaints punishable by up to one year in jail and/or a fine up to \$5,000.

(7) **Felony:** Complaints filed in a trial court that allege the commission of a criminal act punishable by a prison sentence. The jurisdiction of district courts is to provide a preliminary hearing; superior courts have jurisdiction for trying felony complaints. Each defendant is counted only once, regardless of the number of charges on the complaint.

(8) **Civil Protection:** Petitions for orders of temporary protection filed by a person seeking relief from an allegedly violent person either related to or living with the petitioner.

(9) **Civil:** All complaints or petitions filed by a private or corporate party against another private or corporate party requesting the enforcement or protection of a civil right, alleging civil damages, or the redress or prevention of a wrong. Damages claimed may not exceed \$10,000. In addition, these filings include small claims judgments that have been transferred to the civil court.

(10) **Small Claims:** Cases that include only those civil cases limited to redress through damages not to exceed \$1,000 and where parties are not represented by attorneys.

For all three infraction categories, only those cases requesting a mitigation or contested hearing were sampled; these are the only infraction cases that require any expenditure of judicial time. Given the large number of traffic infraction cases challenged annually, and the difference in judicial time involvement between a mitigation hearing and a contested hearing for these cases, mitigation and contested matters were sampled separately. Thus eleven types of cases were studied in Phase One of this research.

Deriving distinct weights for cases mitigated and contested enabled a more precise estimate of the judicial time required for infraction cases, and allows for recomputing the weights when the proportion of cases involving these hearings changes over time. The techniques used to create overall category weights from these mitigated and contested matters are documented under the Analysis Methods section.

Case Sampling

The number of sample cases per court in each case category was determined by applying sampling formulae to 1986 caseload statistics. Where the sampling fraction (ratio of filing sample size to filing population size) in any case category per court exceeded five percent, a correction factor was employed to enhance the statistical precision of the sampling distribution.

The desired sample sizes afforded 90 percent confidence that the weights accurately reflected the average judicial time per case type plus or minus three minutes. This precision extended to each case type per court, and the resulting system weights were based on the aggregation of each court's weights. As a precaution against attrition due to the consolidation of multiple cases in court or the exclusion of data due to recording problems, the sample size for each case category per court was increased.

Misdemeanant case type samples were increased by 20 percent, while all other case categories were increased by only 10 percent.

Overall the target sample size in this study was 46,731 cases, which was inflated to 55,289 to account for possible attrition. Sample size determination for each case category per court was based on the assumption of very heterogeneous time distributions. These conservative assumptions were intended to err on the side of sampling inefficiency, while maintaining or surpassing the desired level of statistical precision.

Cases were sampled continuously as they entered the court system. Sampling in each case category continued until the desired number was reached for each court, or until case sampling was terminated to allow adequate time for case resolution prior to project completion in September 1989.

Prior to sampling it was necessary to ensure that each potential study case met all relevant criteria for inclusion in Phase One. For all infraction cases, only those that requested a hearing were eligible; for traffic infraction hearing requests, mitigation and contested cases were sampled and tracked separately. If any case involved multiple citations from the same incident, it was excluded from the study to prevent biasing weights by studying more complex cases.

Sampling cases involved: (1) attaching a judicial time form to the case file or originating court document, (2) writing the court case number and other information on the data form, and (3) entering the court case number and unique study identifying number from each data form into a study logbook. These logbook data provided the basis for a tracking system used to monitor the status of all study cases. For sites using the District Court Information System (DISCIS), the final step in case sampling was to flag the case for special tracking. This feature informed on-line DISCIS users whether the case was part of the Weighted Caseload Study, and provided printed docket and calendar messages

reminding judicial officers to record all relevant case time.

Data Collection and Retrieval

Whenever a judicial officer expended time on a study case, the start and finish times for each transaction were recorded on the study data form; to lessen the burden for brief activities requiring three or less minutes (e.g., signing a warrant), judicial officers could document their elapsed time to the nearest minute without providing start and finish times. Documented case time entries included both bench and non-bench judicial time. Court clerks and bailiffs often served to record time entries during courtroom proceedings. This method required the case file and attached study data form be accessible when judicial time was actually spent on a sample case.

Among district courts, multiple cases consolidated for a single hearing or trial are known as "companion cases." These are cases for two or more different people (e.g., based on citations from a single event), or two or more cases for a single person (e.g., based on citations from separate incidents) that are consolidated for a single proceeding. To avoid biasing Phase One data by studying more complex cases, if more than one study case was represented in a companion case, judicial time was only recorded on the most serious offense; all other Phase One cases involved in that companion case were closed and excluded from the final computation of case weights.

Upon initial disposition of a case, the data form was removed from the case file and forwarded to the OAC. If no additional judicial time expenditure on that case was possible, the case was considered closed; this included cases where a change of venue was granted. If a case reached some initial disposition where more judicial time was possible (e.g., probation, time pay, and judgment for civil and small claims cases), then a post-disposition tracking form was attached to the case file to document any subsequent judicial involvement in that case. If a tracked case closed prior to the end of Phase One, the tracking form was removed from the case file and forwarded to the OAC.

At the end of Phase One, September 1989, all outstanding data forms were forwarded to the OAC. Misdemeanant cases that could conceivably involve more judicial time were tracked until November 1990. At that time the misdemeanorant category weights were recomputed to include the additional judicial time not accounted for by the end of Phase One.

Data Management

A rigorous process was established to ensure the appropriate input, verification, and management of the voluminous data generated by this research. Although the details of managing in excess of 200,000 computer records are beyond the scope of this report, some key aspects of this process are pertinent.

All case time data, case tracking data, and Phase One reliability data were initially entered in transaction files, and verified for accuracy. The verification and correction process involved a complete review by two staff members of the transaction file records with the appropriate data forms.

Upon completion of the verification task, case records were sampled extensively from each transaction file to detect keying errors; if any errors were detected in the transaction file, a complete reverification of the file was undertaken. When the data were fully verified, the records were uploaded to the appropriate master file and the transaction file emptied for subsequent input. This rigorous incremental process ensured the integrity of Phase One data entry.

Case Capture Rates

The desired statewide sample across all case types was 46,731 cases. As a precaution against attrition, the overall statewide target sample increased to 55,289. The table on the following page depicts the statewide case capture rates by Phase One case categories.

The Phase One case capture rates indicate the number of cases desired per category were least realized for non-traffic and parking infraction matters. The statewide capture rate for civil protection cases was better, though somewhat less than the

Phase One Statewide Case Capture Rates				
Case Category	Attrition Numbers	Desired Numbers	Cases Captured	Case Capture Rate
Infractions				
Traffic				
Mitigation	4651	4186	4394	105.0%
Contested	4651	4186	3848	91.9%
Non-Traffic	697	628	227	36.1%
Parking	1663	1497	734	49.0%
Criminal				
D.W.I.	8018	6415	6655	103.7%
Other Traffic	10865	8692	9920	114.1%
Non-Traffic	11445	9156	10153	110.9%
Civil Protection	1156	1041	850	81.7%
Civil	7949	7155	7027	98.2%
Small Claims	3484	3136	3115	99.3%
Felony	710	639	574	89.8%
Statewide Totals	55289	46731	47497	101.6

target sample size. It should be noted, however, that where the desired sample sizes were exceeded, greater statistical precision occurred than was originally expected. While the sampling distributions were conservatively based on assumptions of considerable heterogeneity, the observed variability of Phase One data revealed substantial homogeneity.

Excluded/Deferred Phase One Data

Of the 47,497 cases captured during this phase of the study, it was necessary to exclude 3,952 cases. Among infraction

case categories, 3,238 cases with no time recorded were excluded; these were cases requesting a mitigation or contested hearing, but which were bail forfeited without a hearing. These exclusions from the infraction categories did not bias Phase One results, since the data were weighted by the proportion of mitigated and contested matters to total filings from 1988 caseload data.

Also excluded from this study were 657 cases received from one court where no confidence could be placed in the data. Rather than compromise the quality and integrity of all other data received, all

Phase One Statewide Case Exclusion Information						
Case Category	Cases Captured	Cases ¹ Excluded	Total Study Cases	Cases ² Unreceived	Mean Substitution Cases	Cases in Analysis
Infractions						
Traffic						
Mitigation	4394	1665	2729	0	0	2729
Contested	3848	1258	2590	0	0	2590
Non-Traffic	227	112	115	0	0	115
Parking	734	355	379	0	0	379
Criminal						
D.W.I.	6655	219	6436	77	0	6359
Other Traffic	9920	235	9685	351	0	9334
Non-Traffic	10153	24	10129	130	0	9999
Civil Protection	850	1	849	0	212	849
Civil	7027	6	7021	493	0	6528
Small Claims	3115	77	3038	106	0	2932
Felony	574	0	574	58	73	516
Statewide Totals	47497	3952	43545	1215	285	42330
¹ Includes infraction cases sampled that did not actually mitigate or contest the matter. ² Includes cases unreceived or unprocessed due to arrival beyond cutoff date.						

cases from this court were excluded. In addition, 57 other cases were excluded due to recording problems. An additional 1,215 cases were not included in the analysis due to non-receipt of data for cases documented in court logbooks.

Among civil protection and felony matters were 285 cases with a disposition indicating that judicial time must have been spent, but where no case time was documented. To retain these cases with no judicial time would have been inappropriate, since some judicial time must have been expended on these cases. Rather than exclude these cases from the study, the mean value for their respective case type was substituted for the zero time value. For the 212 civil protection cases this value was 8.31 minutes; for the 73 felony cases the substituted time was 7.0 minutes.

Analysis Methods

The sampling design for Phase One of this research sought to capture an adequate number of cases to afford the desired statistical precision per case type at each district court. Where the sample size criterion was attained for any given case type per court, and where there were a minimum of 30 sampled cases, the simple mean provides an unbiased weight for that court. Where the sample size criterion and minimum number were not realized for a given case type per court, the simple mean computed cannot be expected to reflect a stable and unbiased estimator of the average judicial time needed to dispose of that type of case for that court.

Simple means were computed for each case category per court where the sample size criterion and minimum number were attained. These individual court results were stored in an intermediate weight set. All raw data per case type from courts where the sample size and minimum number for each case type were not achieved were then combined to create a simple mean for each case category. These multiple-court averages were then included in the intermediate weight set. The final weights were then derived by averaging all means, per case category, in the intermediate weight set.

An advantage to this approach was that potentially extreme values from any one court did not have undue influence in the computation of the results, and that equal weight was given to a court's data where the number of cases met the desired sample criterion and minimum number of cases. This technique also diminished the potential bias due to sampling fluctuations.

By design, the method used to compute individual court means for infraction case categories differed from a simple arithmetic average. Given the prevalence of bail forfeitures among these cases, only those matters requesting either mitigation or contested hearings were sampled in this study. The resulting weights were prorated to reflect the proportion of cases that were uncontested. This approach afforded sampling efficiency by taking advantage of the known proportion of mitigation hearings, contested hearings, and bail forfeited cases from 1988 district court caseload data.

For non-traffic and parking infractions, it was necessary to determine the simple mean for all sampled cases per court, and the statewide proportion of 1988 district court cases requiring mitigation or contested hearings.

For traffic infraction cases the process involved one additional step. Given the large number of traffic infraction cases challenged annually, and the difference in judicial time involvement between a mitigation hearing and a contested hearing for these cases, traffic infraction matters were sampled separately for mitigation and contested matters. The traffic infraction category average was constructed by weighting both means with 1988 district court caseload data.

Deriving distinct weights for cases mitigated and contested enabled a more precise estimate of the judicial time required for infraction cases, and allows for recomputing the weights when the proportion of cases involving these hearings changes over time. The following formulae and related assumptions were used to estimate the proportion of mitigation and contested hearings from 1988 district court caseload data, as well as to derive category weights.

Assumptions

1. Total cases per court = number of filings.
2. Number of mitigation cases per court = number of mitigation hearings.
3. Number of contested cases per court = number of contested hearings.

Formulae

1. Number of cases per court involving judicial time = mitigation hearings plus contested hearings.
2. Number of bail forfeited cases per court = number of filings minus number of cases involving judicial time.
3. For non-traffic and parking infractions:

Workload value per court (in minutes) = simple mean multiplied by the number of cases involving judicial time.

Filing category mean per court = workload value per court divided by the number of filings.

4. For traffic infractions:

Mitigation workload value per court (in minutes) = simple mitigation mean multiplied by the number of mitigation cases.

Contested workload value per court (in minutes) = simple contested mean multiplied by the number of contested cases.

Total workload value per court (in minutes) = mitigation workload plus contested workload.

Category mean per court = total workload value per court divided by the number of filings.

As with the non-infraction case types, means were computed for each case category per court where the sample size criterion and minimum number were attained. These individual court results were stored in an intermediate weight set to be used in deriving the final weight set. All raw data per case type from courts

where the sample size and minimum number for each case type were not achieved were combined to create a mean for each case category. These multiple-court averages were then included in the intermediate weight set. The final weights were then derived by averaging all means, per case category, in the intermediate weight set.

One benefit of these weighting techniques is that infraction category case weights can be adjusted as needed when the proportions of mitigation and contested matters change over time. Changes in the proportions of these hearing types can lead to an underestimation or overestimation of judicial workload. It is recommended that if the statewide proportion of contested infraction matters (i.e., the sum of both mitigation and contested hearings) changes by five percent from the proportions used in the computation of any original infraction weight, that a new case weight be computed for statewide use.

Reliability of Phase One Data

In an effort to assess the extent to which data gathered during Phase One were reliable, and as a basis for providing corrective feedback to study timekeepers, OAC staff observed 248 proceedings in twelve courts during the initial months of Phase One. These independent observations of judicial time expended were then used to determine rater reliability.

Scheduled proceedings for sampled cases were determined from the District Court Information System (DISCIS) calendaring function; all site visits were unannounced to court personnel. Observations were made by recording the start and finish times for each uninterrupted block of judicial time expended on a study case. After court, case files were accessed to extract the time data documented on study forms.

Inter-rater agreement existed when the difference in observer and rater time was one minute or less, since the use of different time pieces can legitimately account for a one minute difference. The reliability rate computed was the

proportion of rater agreements to the total number of observations. The overall reliability of these Phase One observations exceeded 89 percent, indicating a very acceptable level of measurement accuracy.

One problem encountered with Phase One data, however, was a significant underreporting of judicial time spent on civil cases. The frequent informal non-bench work on these cases, in concert with the civil case files and attached study data forms not always being present in chambers, undermined the data capture for these matters. Post hoc comparison of study data forms with their respective civil case file dockets revealed that only a small proportion of judicial hearing time was recorded during Phase One of this research. To remedy this problem, a third study phase remeasured the civil weight during 1990.

Phase Two: Deriving the Judge Year Value

The second phase of this research determined the proportion of total work time necessary for noncase-specific judicial activities in each court. Judicial time data were gathered throughout the year to lessen seasonal effects on the "typical" judge day.

All judicial time spent by district court judges, commissioners, magistrates, and judges pro tempore was sought in Phase Two. This included all judicial officers qualified to: (1) sign warrants, (2) set bail, and (3) preside at preliminary appearances, arraignments, hearings, trials, or other proceedings.

Noncase-specific time was that time spent by district court judicial officers performing all activities which were not related directly to the processing of a specific district court case, but which were necessary to the operation of the court. These activities were general research, administration, judicial meetings, waiting time, civic activities, and travel to other court sites.

Case-related noncase-specific time was that time spent on case matters which were not related directly to the processing of a specific district court case. These

matters were hearings in which a case had not yet been filed, activities involving multiple cases (e.g., calendar call, mass advisement of rights), search warrants, and serving as a Superior Court Commissioner.

Phase Two training and implementation began in September 1988. Training teams from the OAC visited every district court site in the state to instruct judges and administrative staff on the study procedures. Over 92 percent of the district courts participated in the second phase of this study.

Noncase-Specific Categories

This phase of the weighted caseload study determined the proportion of total judicial work time expended on the following noncase-specific categories:

- (1) **Administration:** Time required for court administration, including calendar control, general jury management, resolving facility or personnel matters, answering mail, phone calls, dictation, and so forth.
- (2) **General Research:** Legal research, reading advance sheets, study, and continuing legal education unrelated to any particular case.
- (3) **Judicial Meetings:** Time spent meeting professional responsibilities stemming from the court. Examples include: bar association meetings; conferences other than the DMCJA Spring Conference and Washington State Judicial Conference; local, state, or national judicial committee meetings; and any work or travel associated with these meetings or conferences.
- (4) **Waiting Time:** Bench or non-bench time the judicial officer spent waiting for a case to be assigned, waiting for the next calendar to begin, or waiting for the attorneys, and not performing any other judicial tasks. In the vast majority of instances when judges spent time waiting they handled administrative matters, reviewed files, returned phone calls or performed other judicial tasks. If during a waiting period the judicial officer spent time on

noncase-related activities, that time was documented in the appropriate reporting category.

(5) **Civic Activities:** Time spent meeting community responsibilities as a representative of the court, including related travel.

(6) **Travel:** Time spent during the court day traveling between district court locations or contracting municipalities on district court matters. All travel time for performing weddings with pay or compensation was excluded from this research.

Case-Related Noncase-Specific Categories

Phase Two of the weighted caseload study also determined the proportion of total judicial work time expended on the following case-related noncase-specific categories:

(1) **Multiple Case Activity:** High volume activities which involved several cases and/or case categories. Examples include calendar call, assignment of cases to court rooms, and advice of rights.

(2) **Pre-filing Hearings:** Any case-related bench or non-bench judicial time expended on cases for which no district court case had been filed. This included coroner inquests, domestic violence, and misdemeanor and felony cases prior to case filing. Appropriate pre-filing felony matters included bail hearings, preliminary appearances, and probable cause hearings.

(3) **Search Warrants:** Issuing search warrants.

Miscellaneous Categories

Phase Two of the weighted caseload study also determined the proportion of total judicial time expended on the following miscellaneous categories:

(1) **Superior Court Commissioner Time:** Any time spent serving as a commissioner for the superior court.

(2) **Municipal Department Time:** Time spent on all case- and

noncase-related matters when serving as a municipal court judicial officer for a municipal department. Time spent on contracted and independent municipal court matters were not recorded in this category.

(3) **Municipal Department Travel:** Time spent during the court day traveling between municipalities on municipal department matters. Travel time spent on contracted and independent municipal court matters was not recorded in this category.

(4) **Break in Judicial Work:** A break for non-judicial activities, lunch or personal business. Time outside of work spent at weddings with pay or compensation was excluded from this research. Time spent during work at weddings with pay or compensation was recorded as a break in judicial work.

Time Sampling

This phase determined a "typical" day's balance of case- and noncase-related matters. Because there was concern about seasonal effects (e.g., summer months have a higher proportion of case time than some winter months) in limited jurisdiction courts, data collected during Phase Two of this research were gathered from eight separate work weeks throughout the year. This design mitigated concerns regarding seasonality in limited jurisdiction courts and appeared to lessen the reporting burden for judges.

These eight separate work weeks began in September 1988 and extended through July 1989. Since some district court calendaring systems reserve certain weeks of the month for specific types of proceedings, which may influence the proportion of case- and noncase-related judicial time, attention was given to sampling each week in the month twice during the year. This resulted in a sample size of 40 working days. To better capture any noncase activity deferred until the weekend, judicial time data were also collected on the Sunday before and Saturday after each Phase Two data collection week. The following weeks were selected for Phase Two data collection.

**Phase Two Data Collection Schedule:
Chosen Weeks For Recording Total Judicial Time And Noncase Activity Time Expenditures**

Week	1988				1989							
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1				X						X		
2					X						X	
3	X						X					
4		X						X				

Phase Two Data Collection Dates

Phase Two Data Week	Preceding Sunday	Work Week	Following Saturday
1	9/18/88	9/19 - 9/23	9/24/88
2	10/23/88	10/24 - 10/28	10/29/88
3	12/04/88	12/05 - 12/09	12/10/88
4	1/08/89	1/09 - 1/13	1/14/89
5	3/19/89	3/20 - 3/24	3/25/89
6	4/23/89	4/24 - 4/28	4/29/89
7	6/04/89	6/04 - 6/04	6/09/89
8	7/09/89	7/10 - 7/14	7/15/89

**Phase Two Statewide Data
Capture Rates**

Week	Average Response Rate
1	76.5%
2	71.2%
3	79.5%
4	75.0%
5	80.7%
6	71.0%
7	65.5%
8	<u>71.0%</u>
	73.8%

Statewide judicial officer participation during Phase Two was sufficient, though not complete. As can be seen above, the

response rate among district court judges averaged 73.8 percent statewide throughout this phase of the research.

Response rates were determined by the proportion of received Phase Two data per judicial officer day to the expected number of judicial workdays per week per court. These figures reflect the average court response rate per week, and the average of these weekly means across all Phase Two weeks statewide.

Data Collection and Retrieval

Participating judges provided a breakdown of daily judicial activities during Phase Two sample weeks. Recording each new task entailed listing the start and finish times for each activity or break in judicial work, and checking the appropriate category on the study data form. If more judicial work was performed in the evening after the daily finish time had been recorded, these activities were also documented. Phase Two of this study

captured both bench and non-bench judicial time.

To minimize potential confusion, three versions of the Phase Two data form were available. The first form was for those judicial officers serving exclusively as a district court judge. The second form, for district court judges also serving a municipal department, included categories to account for municipal case-related and travel time expended. The third form was tailored for General Rule 8 personnel, who combined duties of a commissioner with administrative responsibilities.

OAC staff sent reminder notices to both judges and site coordinators in the week preceding a collection period. As an additional reminder, each site coordinator was contacted by telephone on the last working day prior to a Phase Two week.

If for whatever reason a district court judge was unable to participate in data gathering for one or more days during an assigned week, substitution time was necessary. For consistency with the sampling design, substitution days were made up during the same week of the following month. If the substitution time conflicted with either the DMCJA Spring Conference or the Washington State Judicial Conference, then the lost day(s) were made up during the same week of the subsequent month. For study purposes, the first week of the month was defined as the first five workday week.

Upon completion of a Phase Two week, site coordinators forwarded all data forms to the OAC. A logbook was maintained documenting the receipt of Phase Two data for each judicial officer per court. Among these records were notations where the data received from a judicial officer for a given Phase Two day were unusable due to recording problems. These logbook data served to identify needed substitution time at each court, and to calculate Phase Two participation rates.

Data Management

As with all other study data, a rigorous process was established to ensure the appropriate input, verification, and management of the Phase Two data. All

data were initially entered in transaction files, and verified for accuracy. The verification and correction process involved a complete review by two staff members of the transaction file records with the appropriate data forms.

Upon completion of the verification task, case records were sampled extensively from each transaction file to detect keying errors; if any errors were detected in the transaction file, a complete reverification of the file was undertaken. When the data were fully verified, the records were uploaded to the appropriate master file and the transaction file emptied for subsequent input. This rigorous incremental process ensured integrity of Phase Two data entry.

Excluded Phase Two Data

The only Phase Two data excluded from this study were from one court where no confidence could be placed in the data received. Rather than compromise the integrity of this study effort, all Phase Two data from this court were excluded.

Analysis Methods

The sampling design for Phase Two of this research sought to capture data from eight separate work weeks during the year to mitigate concern for seasonal influences on the judge year value. Where complete or almost complete participation among judicial officers at each court existed during these sampled weeks, and where there were at least 30 judicial days represented, the proportions of case- and noncase- related judicial time computed from these data can be expected to provide stable estimates for that court.

Conversely, where participation was less than desirable, or where less than 30 judicial days were represented, the proportions of case- and noncase-related time cannot be expected to reflect unbiased estimators.

Prior to the computation of case- and noncase-related proportions it was necessary to determine Phase Two response rates at each court. The response rate for each participating court was derived in two steps: (1) determine the weekly proportion of received to expected weekday data forms for all

judicial officers, and (2) average the proportions of all weeks for that court. Courts with an overall survey response rate greater than or equal to 80 percent, and with at least 30 judicial days represented, were regarded as adequate for computing Phase Two proportions to be used in the creation of a statewide judge year value.

Proportions for the various case- and noncase-related time categories were computed for each court where the response rate criterion and 30 judicial day minimum was attained. These proportions were based solely on district court judicial activities. Accordingly, the daily work time for each judicial officer day excluded any breaks in judicial work, superior court commissioner time, municipal court time, and municipal court travel time.

The results per court were based on a three step process: (1) sum the time expended for each judicial activity category per week, (2) compute category proportions per week, and (3) average the weekly proportions. These proportions per court were then stored in an intermediate data set to be used in deriving the statewide judge year value. All raw data from courts where the response rate or minimum number of judicial days represented was inadequate were combined to create one set of case- and noncase-related proportions for those courts. These multiple-court proportions were then included in the intermediate data set. The final statewide proportions were then derived by averaging all proportions in the intermediate data set.

This method provided benefit to the majority of courts by averaging court means; potentially extreme values from any one court did not have undue influence in the computation of the results. Another advantage to this approach was that equal weight was given to a court's data where the rate of participation met the study criterion and the 30 judicial day minimum.

A necessary step in deriving the judge year value was to determine what proportion of a judicial FTE's annual total work time must be devoted to the

numerous tasks other than case-related activities. The proportion of time needed for these various noncase-related activities, the "standard allowance," was the key output from Phase Two.

The standard allowance per judicial FTE for noncase judicial activities was based on the sum of the following statewide proportions derived in Phase Two of this study: administration, general research, judicial meetings, waiting time, civic activities, multiple case activities, and warrants. It should be noted that this statewide standard allowance includes judicial time spent on case matters which cannot be related directly to the processing of a specific district court case (i.e., multiple case activity and search warrants).

The findings from Phase Two reveal that a 29 percent standard allowance is a necessary deduction from each district court judge's work year to enable the completion of all noncase-related judicial tasks. Interestingly, this proportion corresponds exactly with that used by California's weighted caseload system for limited jurisdiction courts. The breakdown of statewide averages among these categories of judicial noncase-related time are as follows:

Standard Allowance for Judicial FTE	
Administration	14.3%
General Research	4.5%
Judicial Meetings	5.2%
Waiting Time	1.0%
Civic Activities	2.2%
Multiple Case	.9%
Warrants	.9%
Standard Allowance	29.0%

Judge Year Value

The first step in establishing the judge year value was to determine the number of annual workdays available after subtracting weekends, holidays, sick time, and vacation. Once the number of annual workdays was known, it was necessary to establish a standard for the length of time (in minutes) of each workday. The number of annual work minutes available per judicial FTE was computed by

multiplying the length of each workday with the number of workdays each year. Once established, that value became the expected amount of working time per year (in minutes) for each full time equivalent judge.

The following illustration depicts the expected judicial work year for each full time equivalent. The model was adapted from the 1986 *Washington State Superior Court Weighted Caseload Study*. It should be noted that pro tempore days are used for absences due to vacation, the DMCJA Spring Conference, and the Washington State Judicial Conference. Phase Two data collection did not occur during these two judicial conferences.

Judge Year Value	
Calendar days per year	365
Less weekends	- 104
Less holidays	- 11
Court days per year	250
Less Pro Tempore days per year	- 30
Less illness	- 6
Annual judicial days available	214
Hours per day	8.00
Less lunch break	- 1.00
Less other breaks	- .33
Work hours per day	6.67
Work minutes per day	400.2
Annual work minutes (1 FTE)	85,643
Judge Year Value (71%)	60,806

It should be recognized that practices vary substantially among the counties with regard to the employment of judges pro tempore on days when district judges are off the bench due to conferences, training, illness, or vacation. In many instances it is possible for courts to schedule around anticipated non-judicial days, thereby avoiding the need for a pro tempore. For some unanticipated non-judicial days, such as for illness, a pro tempore cannot always be found to preside over a court's calendar. Still in other courts, the overwhelming workload surpasses the ability of existing judicial FTEs to meet the demand in available workdays; these courts require the use of judges pro

tempore to adequately dispose of calendared matters.

In this latter instance, where excessive workload requires hiring judges pro tempore, it is relevant to add the appropriate number of pro tempore days per judicial FTE to the judge year value. It should be recognized, however, that the diminished judicial FTE estimate from the weighted caseload system carries with it the specified allocation of pro tempore time per judicial FTE. While the hiring of judges pro tempore adds to the actual expenditures of the county, it also equates to an FTE resource that is needed in addition to estimates from the weighted caseload system.

As a statewide standard, the judge year value with 214 annual workdays reflects the work that can be reasonably expected of a full time judicial officer. This standard is supported by RCW 3.34.130 which states that, "For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary." This statute accommodates the 214 workday standard per judicial FTE, plus the 30 days of pro tempore time, and the six days of allotted sick time specified in the judge year value. Although RCW 3.34.100 enables the allocation of sick leave for judges commensurate with other county employees, the judge year value generously confers a substantial portion of this benefit to the judicial work year.

Given the varying practices among courts, time needed for district court travel, jail hearings, municipal department travel, and superior court commissioner time have been converted to an FTE value for each court. This approach enables the weighted caseload system to attend to the uniqueness of each court, while maintaining a single judge year value. It also provides a clear breakdown of FTEs needed for the district court, for municipal departments where pertinent, and where judicial time is needed to support the superior court. One final benefit is that these FTE values can be easily

recomputed as a court's needs or practices change over time.

In determining the judicial FTEs needed for district court travel, jail hearings, municipal department travel, and superior court commissioner time, it was necessary to arrive at an annual court-level value; these activities are not a function of the number of judicial officers, and should not be part of the standard allowance afforded each judicial FTE in the judge year value. To validate Phase Two findings regarding the amount of time per court needed for district court travel and jail hearings, and to establish the resources needed for municipal department travel and to support the superior courts, a survey of all district courts was conducted in December 1989. The data from this survey were used as the basis for estimating FTEs in these four categories. To ensure the currency of these FTE values, it is recommended that the resource requirements for these categories be remeasured annually.

In calculating the FTEs needed per court for district court travel, jail hearings, municipal department travel, and as a superior court commissioner, no standard allowance was provided for these judicial resources. As such, the calculation for these FTEs was based on the number of hours needed per task annually, divided by the amount of time one judicial FTE in that court has available for case-related matters. This approach enables accurate FTE estimates and does not inflate the time needed for noncase-related judicial activities.

Phase Three: Deriving the Civil Case Weight

The third phase of this research sought to remeasure the civil case weight during 1990, in response to the problematic civil data received from the initial phase of this study. The approach employed in determining the judicial time required to dispose of civil cases was a weighted caseload methodology known as "Processing Steps." The "steps" referenced in this model relate to points in a case where judicial time can be expended, not the milestones or other caseload reference

points commonly used in determining time-in-process statistics.

This methodology enabled a shorter time frame to derive an overall civil case weight by: (1) determining weights for the various processing steps in a case; (2) creating a model which reflects the probability of each processing step occurring per case; and (3) multiplying the frequency of each expected step in a case by the respective step weight. A more specific formula for this model is listed below. The civil weight derived in Phase Three was the sum of the following prorated products:

Pr ₁ Bench Trial	* Wt ₁
Pr ₂ Jury Trial	* Wt ₂
Pr ₃ Other Participatory Hearings	* Wt ₃
Pr ₄ Default Judgment	* Wt ₄
Pr ₅ Other Non-Bench Tasks	* Wt ₅

where Pr₁ through Pr₅ represent the probability of each step occurring in any given civil case, and Wt₁ through Wt₅ depict the average amount of judicial time (in minutes) needed for each such event.

It was necessary to aggregate the "Other Participatory Hearings" category from various hearing types due to the type of data available for deriving the step probability model, and for comparability with caseload statistical reporting. This global hearing category included show cause hearings, summary judgment hearings, modification hearings, supplemental hearings, reconsideration hearings, vehicle impound hearings, civil assessment hearings, property forfeiture hearings, exemption hearings, and other motion hearings.

It should be noted that although not every civil case requires judicial time, and not every case requiring judicial time will entail all of the steps listed above, the model reflects the probability of each step so that an overall civil weight could be reliably constructed.

There were two components in this final study phase. The first component determined each step weight by measuring all judicial time spent on civil cases from a sample of thirteen district

courts in September and October 1990. The second component derived a model for the probability of occurrence for each step in a civil case by reviewing a random sample of more than 3,300 case files from civil cases which were initiated in 1988.

Processing Step Category Definitions

The definitions for the above civil categories are as follows.

Bench Trial - The examination before a judge, according to the law put at issue in a cause, for the purpose of determining such issue.

Jury Trial - The examination before a jury, according to the law put at issue in a cause, for the purpose of determining such issue.

Other Participatory Hearings - This global category includes show cause hearings, summary judgment hearings, modification hearings, supplemental hearings, reconsideration hearings, vehicle impound hearings, civil assessment hearings, property forfeiture hearings, exemption hearings, and other motion hearings.

Show Cause Hearing - A proceeding at which a specified person is required to appear in court at a particular time and place, to show cause why the court should not take certain action in a case.

Summary Judgment Hearing - A proceeding at which a judgment is granted to one party prior to trial, on the basis that the case involves no dispute as to factual matters, and that the party is entitled to judgment as a matter of law.

Modification Hearing - A proceeding at which a change in a judgment or order is requested.

Supplemental Hearing - A proceeding supplementary to an execution, directed to the discovery of the debtor's property and its application to the debt for which the execution is issued.

Reconsideration Hearing - A proceeding at which a previous ruling is reexamined.

Vehicle Impound Hearing - A proceeding at which a determination is

made regarding a penalty for a vehicle impound.

Civil Assessment Hearing - A proceeding at which a determination is made regarding a penalty for a nuisance complaint, such as for dangerous dogs, false alarms, and truancy; excludes vehicle impound hearings.

Property Forfeiture Hearing - A proceeding at which a determination is made regarding the right to maintain a certain article of property.

Exemption Hearing - A proceeding at which a determination is made regarding a defendant's financial status when a garnishment has been established.

Other Motion Hearing - A proceeding at which an application to the court for a ruling or order is heard, which is not specified by other categories.

Default Judgment - The omission or failure to fulfill a duty, observe a promise, discharge an obligation, or perform an agreement. A defendant who fails to appear in response to a summons is in default, and the court may thereafter enter a default judgment against the defendant.

Other Non-Bench Tasks - Civil case-specific tasks such as doing research on a specific civil case, writing opinions, deciding cases taken under advisement, and signing orders and judgments excluding default judgments.

Case Sampling

For the measurement of step weights, all judicial time spent on civil cases from a sample of thirteen district courts was documented during September and October 1990. The sample of participating district courts included Bellevue, Cowlitz, Federal Way, Kitsap, Northeast, Okanogan, Pierce #1, Seattle, Skagit, South Snohomish, Southwest, Spokane, and Thurston. This sample of courts served to represent courts with low-, medium-, and high-volumes of civil case matters. Overall, this resulted in the recording of 4,580 transactions of judicial time on civil cases.

In determining a model for the probability of occurrence for each step in a civil case, a random sample of legal files from eleven district courts was reviewed during the fall of 1990. These district courts included Cowlitz, Federal Way, Kitsap, Okanogan, Pierce #1, Seattle, Skagit, South Snohomish, Southwest, Spokane, and Thurston. As with the step weight determination, this sample represented courts of varying sizes statewide.

The physical file review involved a random sample of 3,352 cases which were initiated in 1988. The sample sizes per court afforded 90 percent confidence that the probabilities derived would be accurate within two and one half percent. As a precaution against sampling fluctuation due to undisposed cases, the sample size per court was increased by 10 percent. Sample size determination per court was based on the assumption of maximum variance. This conservative assumption, in concert with an inflated sample size, was intended to err on the side of sampling inefficiency while maintaining or surpassing the desired level of statistical precision.

Reviewing cases filed in 1988 allowed determination of step probabilities where the majority of cases were disposed. This provided greater reliability in the model values than could have been obtained by more recently filed cases where a greater proportion would not yet have encountered the full range of events requiring judicial time involvement.

Data Collection and Retrieval

Whenever a participating judicial officer from a Phase Three site expended time on a civil case, the start and finish times for each transaction were recorded on a study data form. In addition, the type of case event was checked from among the step categories. Documented time entries included both bench and non-bench judicial time. This method only required that the judicial officer carry a notebook of Phase Three time forms, and make entries when working on any civil case. Where possible, court clerks and bailiffs served to record time entries during courtroom proceedings.

Data collection for the physical file review was based on cases randomly pre-selected by case number prior to each site visit. Each sampled legal file was examined to determine which case steps involving judicial time had occurred. In order to record a step as having occurred for a case, an order signed by a judicial officer was required in the legal file. Clerical staff processing of cases using a judicial officer name stamp (e.g., for matters with garnishee defendants) were not included. Hearings calendared but not heard were also excluded from Phase Three data. In order to minimize the burden of this phase of the study on court personnel, all data gathering was accomplished exclusively by staff from the OAC.

Data Management

As with all other study data, a rigorous process was established to ensure the appropriate input, verification, and management of the Phase Three data. All data were initially entered in transaction files, and verified for accuracy. The verification and correction process involved a complete review by two staff members of the transaction file records with the appropriate data forms.

Upon completion of the verification task, case records were sampled extensively from each transaction file to detect keying errors; if any errors were detected in the transaction file, a complete reverification of the file was undertaken. When the data were fully verified, the records were uploaded to the appropriate master file and the transaction file emptied for subsequent input. This rigorous incremental process ensured the integrity of Phase Three data.

Analysis Methods

The sampling design for determining Phase Three step weights relied on available civil case transactions during a two month period from a sample of courts with low-, medium-, and high-volumes of civil case activities. Where the sample size used to compute a step weight was at least 30 observations, the simple mean provides an unbiased estimator for that court. Conversely, where this minimum number of observations for a step was not

realized, the simple step mean cannot be expected to reflect a stable and unbiased indicator for that court.

Simple means were computed for each step category per court where the minimum number of observations was attained. These individual court results were stored in an intermediate weight set. All raw data per step category from courts where the minimum number was not achieved were then combined to create a simple mean for each step category. These multiple court averages were then included in the intermediate step weight set. The final step weights were then derived by averaging all means, per step category, in the intermediate weight set.

An advantage to this approach was that potentially extreme values from any one court did not have undue influence in the computation of the results, and that equal weight was given to a court's data where the number of cases met the desired minimum. This technique also diminished the potential bias due to sampling fluctuations.

The sampling design for the file review component of Phase Three sought to take a simple random sample of civil cases from each participating court in order to determine the probability of occurrence for each step category. The simple proportions derived from among all courts in this phase of the study were used as the statewide step probability values, with the exception of the non-bench tasks step probability. Since these activities are not documented in the legal record, the

probability of non-bench tasks was derived from the proportion of cases in the Phase Three judicial time component which involved the reporting of case-related non-bench tasks. It is recommended that these step probabilities be recomputed periodically to account for changing practices over time.

It is interesting to note that results from the Phase Three file review showed a precise correspondence to the step probabilities that could be calculated from caseload filing and proceeding data. The one exception was with "Other Participatory Hearings," which are known to be severely underreported in the caseload data. Since periodic recomputation of the step probability values is important, efforts will be undertaken to remedy this statistical reporting problem. Once the caseload hearing counts match the information on the legal records, step probabilities can be reexamined annually with minimal burden.

The findings from both components of this final study phase are displayed in the following table, which lists the probability values, Phase Three weights, and prorated weights for each civil case step category. As can be seen in the table below, the new civil value for the weighted caseload system is 8.91 minutes.

Given the rarity of civil jury trials, it was not surprising that the information needed to compute the jury trial step weight was absent from Phase Three data. In the event that such data had been

Step Probability	Step Category	Phase Three Unadjusted Weight	Prorated Step Weight
0.0304295	Bench Trial	53.13	1.62
0.0008949	Jury Trial ¹	53.13	0.05
0.6029236	Other Hearing	6.38	3.85
0.5501193	Default Judgment	3.82	2.10
0.2554585	Non-Bench Tasks	5.05	<u>1.29</u>
			8.91

¹ The bench trial step weight has been substituted for the jury trial step weight.

captured during this final study phase, the number of cases would likely have been too small to produce a reliable and unbiased estimator for that step weight. As a substitute, the bench trial step weight has been used as a proxy for jury trials. Obviously this is a conservative gesture since the judicial time typically expended for voir dire, presentation of evidence to the jury, and jury instructions are not accounted for by the bench trial step weight.

APPENDIX A

CLERK'S PHASE ONE INSTRUCTION MANUAL

OVERVIEW OF THE DISTRICT COURT WEIGHTED CASELOAD STUDY

Chapter 363, Laws of 1987 requires that the Administrator for the Courts examine the need for new district court judicial positions using a weighted caseload analysis. A weighted caseload system is a means for measuring court workloads based on weighting filing types by the time required to dispose of them. In response to the legislative mandate, this study's objective is to determine the time required for completing both case and non-case related judicial activities among district courts. Information generated from this research will set a standard for measuring judicial workloads and will provide the Legislature and the counties with a tool for determining judicial personnel requirements.

A weighted caseload system is based on the knowledge that the amount of judicial time required to dispose of court cases varies according to the type of case (e.g., the disposition of a serious criminal offense involves more judicial time than does a mitigation hearing). By measuring the time expended on a set of sample cases drawn from each court, "weights" can be computed that depict the average judicial time necessary to dispose of each case type. Similarly, the average judicial time for various non-case activities (e.g., research, administration, judicial meetings) can also be determined.

The results of this study shall also be used to determine a "judge year value": the amount of time available to a judge annually for case-related work after vacation, sick time etc. have been subtracted. Then a computation is done which involves dividing the time required to hear all cases in a court, based on the case "weights", by the amount of time a judge can expect to have available for case-related matters. In this way, it is a relatively simple matter to compute needed judicial positions based on a court's filings for a given year.

The current study utilizes a case-oriented approach: average times are calculated by measuring judicial time expended from filing until case closure. This method affords greater simplicity and accuracy over the classic time studies used in weighted caseload research. In exchange for this greater precision, however, the study period must extend to the resolution of all cases sampled from among district courts. The study findings shall be presented to the 1990 Legislature.

A classic time-oriented method will be employed to determine the judge year value as well as the mean times on various non-case specific judicial activities. This study phase shall only extend for two months, and will not be implemented until late winter of 1988.

CLERK'S INSTRUCTION MANUAL

The intent of this study is to determine a set of weights for district courts. Municipal courts are not part of this research so any time a judge spends as a municipal court judge will only be recorded on the non-case specific forms later in the study. Cases from municipalities which contract with the district court are considered district court cases and should be included as sample cases. The key is that if the case is filed in the district court, then it is a district court case.

As cases enter the system, the clerks will attach a data form to the citation or file folder based on the case category of the citation. Each court is provided with the exact number of data forms in their sample for each category. There are data forms for:

1. Traffic Infractions - Mitigation Hearing
2. Traffic Infractions - Contested Hearing
3. Non-Traffic Infractions
4. Parking
5. DWI
6. Other Criminal Traffic
7. Criminal Non-Traffic
8. Civil Protection Orders
9. Civil
10. Small Claims
11. Felony

There is also an Additional Data sheet to be used when both sides of the original data form have no space left for recording judicial time. Finally, there is a Post Disposition/Judgment sheet which replaces the original data form after the sentence has been imposed or judgment entered when the case is not closed. For example, time pay, probation, deferred sentence, deferred prosecution or appeal. This form should also be placed on all sample cases in which an FTA or warrant has been issued.

When adding either the Additional Data or Post Disposition/Judgment sheet, be sure to enter the study ID number along with the case number and date from the original data form.

To accurately document all time spent on a sample case, it is crucial that the case file and attached data form be available when judicial activity occurs for a case. When sentence has been imposed or judgment entered, the case shall remain "open" in the event that post disposition/judgment judicial time is necessary. However, once a case is "closed" (i.e., no further judicial time can be spent), the data form will be mailed to OAC. To allow adequate time for preparation of the January 1990 report to the Legislature, all "open" case data forms will be submitted to OAC in September 1989. Unresolved misdemeanor cases will continue to be tracked for an additional year to ensure the accuracy of the resulting weights.

Change of Venue

When venue is changed on a case, treat the case as closed, complete the bottom of the data form, make a copy of the data form, and send the original form to OAC in a batch. If you receive a case on a change of venue and are still collecting sample cases for that type of case, remove the data sheet from the appropriate case type tablet. Write the case number and current date on the data sheet. Write the case number in the logbook adjacent to the corresponding study ID number. Staple the data sheet to the citation or the inside of the file folder. Cases should then be processed as usual.

Destroyed Data Forms

In the event that a case category data form becomes destroyed:

1. Replace it with an Additional Data sheet (form 12).
2. Put a line through the "ADDITIONAL DATA SHEET" title and write the appropriate case category heading.
3. Write the unique study ID number, case number and date of assignment from the destroyed form onto the new form.
4. Make a small notation in the logbook adjacent to the unique ID number that the original form was destroyed and has been replaced with a modified Additional Data sheet.
5. Transfer any recorded judicial time to the new data form.

RECORDING CASE-RELATED JUDICIAL TIME

For this study, all district court judges, commissioners, magistrates, pro tem judges and those persons qualified under General Rule 8 will be reporting their time spent on case specific and non-case specific judicial activities. This includes all persons who hear and dispose of cases. "Hear and dispose of cases" means, but is not limited to, signing warrants, setting bail, presiding at preliminary appearances, arraignments, hearings, trials or other proceedings, or determining conditions of release.

The quality of weights that result from this study is dependent on two key factors: (1) that the case file and attached data form be readily accessible when judicial time is spent on a sample case, and (2) that recorded time accurately reflects expended judicial time. Both are vital to the success of this project.

Recording judicial time spent on a sample case is a simple matter.

1. Fill in the DATE column using a month/day/year format.
2. Record the START time and the FINISH time. Please record only uninterrupted blocks of time! If you are hearing a trial and take a recess, write the finish time when the recess begins; when the recess is over begin a new time entry on the next line. You should not calculate elapsed minutes from the start and finish times.
3. The ELAPSED MINUTES column can be used in lieu of recording the start and finish times only for brief activities (e.g., 3 minutes or less). Please round your entry to the nearest minute value.
4. START and FINISH times should be used whenever possible.
5. Review the data forms after court to ensure that appropriate disposition categories have been marked.

INFRACTIONS

There are three types of infractions: traffic infractions, non-traffic infractions, and parking infractions.

Traffic Infractions - Cases that pertain to (1) the operation or condition of a vehicle whether it is moving, standing, or stopping and (2) pedestrian offenses.

Non-Traffic Infractions - Cases including violations of RCW 18.27.340 and 18.106.020, contracting and plumbing license violations, and offenses decriminalized under municipal code, such as dog leash violations.

Parking Infractions - Cases pertaining only to violations of parking statutes and ordinances.

Mitigation Hearing - A hearing at which the offender agrees to having committed the offense but wishes to explain the circumstances to the court, pursuant to provisions of RCW 46.63.100. Witnesses may not be required to attend but may attend voluntarily.

Contested Hearing - A hearing at which the defendant contests the infraction pursuant to the provisions of RCW 46.63.090. Witnesses, including the citing officer, may be required to attend.

Infraction citations are selected for the sample when a hearing is requested. For traffic infractions, the sample is divided between contested and mitigation hearings. Non-traffic and parking infractions are selected when a hearing is requested.

When the hearing request is received, determine if sample cases are still needed. If two or more citations are received from the same incident and the cases are to be heard together, exclude all citations from the study sample. If the sample is complete, process the citation as you normally would. However, if the sample is not complete:

1. Remove the data sheet from the appropriate case type tablet.
2. Write the case number and current date on the data sheet.
3. Write the case number in the logbook adjacent to the corresponding study ID number.
4. Staple the data sheet to the citation or the inside of the file folder.
5. Cases should then be processed as usual.

DISCIS COURTS: ADDING CASES TO TRACKING

The Tracking function on DISCIS provides special handling for cases designated as part of the Weighted Caseload study. This special handling is designated to alert you when you are working on a study case.

Weighted caseload study cases are marked in the following ways:

- ° The message, ** WEIGHTED CASELOAD **, appears on the right, near the top, of the Primary and Cashier Menu AFTER a function is completed on a case. Note: The message begins appearing when the first Name/Case Search is performed, after the case has been added to the Tracking File.
- ° The message, ** WEIGHTED CASELOAD **, prints at the end of the printed docket.
- ° The message, ** *WC **, prints on the calendar to the right of the case information.

To enter a Weighted Caseload study case on tracking, follow the routine instructions for Setting a Case on Tracking, but be sure to use:

1. TRACKING CODE *WC

The *WC Tracking Code marks the case to receive the special handling outlined above.

2. THE CURRENT DATE AS THE REVIEW DATE.

Using the current date assures proper handling by the FTA and Warrant automatic selection programs.

IMPORTANT: Be sure to remove the case from tracking when the Final Case Disposition is entered on the Plea Disposition Screen.

In court or in chambers, the judge should record any judicial time spent, to the nearest minute, on each study case. Any judicial time, including telephone calls, signing warrants, orders, etc. should be recorded on the case form. Therefore, it is imperative that the judge have the file whenever doing any work on a sample case.

After court, if the case is not closed, file the case as usual.

If a sentence has been entered on the case but the defendant is given time to pay or other conditions to meet:

1. Check the "Other" box on the form.
2. Remove the data form from the case.
3. Replace the original data form with a form 13; make sure to enter the study ID number, date and case number from the original form.
4. Copy the original data form, store the copy in a court file, and send the original to OAC in a batch.

If the defendant failed to appear:

1. Check the "FTA" box on the form.
2. Remove the data form from the case.
3. Replace the original data form with a form 13; make sure to enter the study ID number, date and case number from the original form.
4. Copy the original data form, store the copy in a court file, and send the original to OAC in a batch.

If the case is closed (i.e., no further action is possible), complete the bottom of the data form or form 13 (whichever is attached), make a copy of the data form, and send the original form to OAC in a batch.

CRIMINAL

DWI/Physical Control - Cases that cite RCW 46.61.502, driving while under the influence of intoxicating liquor or drugs, or RCW 46.61.504, actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.

Other Traffic Misdemeanor - All citations/complaints other than those counted under DWI/Physical Control that pertain to the operation or use of a vehicle.

Criminal Non-Traffic - Criminal cases excluding DWI/Physical Control, Other Traffic, and Felony complaints punishable by up to one year in jail and/or a fine of up to \$5,000.

Felony Complaints - Complaints filed in a trial court that allege the commission of a criminal act punishable by a prison sentence. The jurisdiction of district courts is to provide a preliminary hearing; superior courts have jurisdiction for trying felony complaints. Each defendant is counted only once regardless of the number of charges on the complaint.

Felony In-Custody Defendants - All persons arrested on probable cause or held for investigation, and appearing before the court. These include all persons arrested on felony complaints and fugitive warrants alleging a felony.

When the citation is filed choose the data form for the most serious charge on the citation. If two or more citations are received from the same incident and the cases are to be heard together, exclude all citations from the study sample. If cases are still needed for the sample:

1. Remove the data sheet from the appropriate case type tablet.
2. Write the case number and current date on the data sheet.
3. Write the case number in the logbook adjacent to the corresponding study ID number.
4. Staple the data sheet to the citation or the inside of the file folder.
5. Cases should then be processed as usual.

DISCIS COURTS: ADDING CASES TO TRACKING

The Tracking function on DISCIS provides special handling for cases designated as part of the Weighted Caseload study. This special handling is designated to alert you when you are working on a study case.

Weighted caseload study cases are marked in the following ways:

- The message, **** WEIGHTED CASELOAD ****, appears on the right, near the top, of the Primary and Cashier Menu AFTER a function is completed on a case. Note: The message begins appearing when the first Name/Case Search is performed, after the case has been added to the Tracking File.
- The message, **** WEIGHTED CASELOAD ****, prints at the end of the printed docket.
- The message, **** *WC ****, prints on the calendar to the right of the case information.

To enter a Weighted Caseload study case on tracking, follow the routine instructions for Setting a Case on Tracking, but be sure to use:

1. TRACKING CODE *WC

The *WC Tracking Code marks the case to receive the special handling outlined above.

2. THE CURRENT DATE AS THE REVIEW DATE.

Using the current date assures proper handling by the FTA and Warrant automatic selection programs.

IMPORTANT: Be sure to remove the case from tracking when the Final Case Disposition is entered on the Plea Disposition Screen.

In court or in chambers, the judge should record any judicial time spent, to the nearest minute, on each case. Any judicial time, including telephone calls, signing warrants, orders, etc. should be recorded on the case form. Therefore, it is imperative that the judge have the file whenever doing any work on a sample case.

After court, if the case is not closed, file the case as usual.

If a sentence has been entered on the case but the defendant is given time to pay, deferred prosecution, deferred sentence, probation, or other conditions to meet:

1. Check the "Other" box on the form.
2. Remove the data form from the case.
3. Replace the original data form with a form 13; make sure to enter the study ID number, date and case number from the original form.
4. Copy the original data form, store the copy in a court file, and send the original to OAC in a batch.

If the defendant failed to appear:

1. Check the "WARRANT" box on the form.
2. Remove the data form from the case.
3. Replace the original data form with a form 13; make sure to enter the study ID number, date and case number from the original form.
4. Copy the original data form, store the copy in a court file, and send the original to OAC in a batch.

If the case is closed (i.e., no further action is possible):

1. Complete the bottom of the data form or form 13 (whichever is attached).
2. Make a copy of the data form.
3. Send the original form to OAC in a batch.

CIVIL PROTECTION, CIVIL, AND SMALL CLAIMS

Domestic Violence Protection - A petition for orders of temporary protection filed by a person seeking relief from an allegedly violent person either related to or living with the petitioner.

Civil - All complaints or petitions filed by a private or corporate party against another private or corporate party requesting the enforcement or protection of a civil right, alleging civil damages, or the redress or prevention of a wrong. Damages claimed may not exceed \$10,000. In addition, these filings include small claims judgments that have been transferred to the civil court.

Small Claims - Includes only those civil cases limited to redress through damages not to exceed \$1,000 and where parties are not represented by attorneys.

When the case is filed and cases are still needed for the sample:

1. Remove the data sheet from the appropriate case type tablet.
2. Write the case number and current date on the data sheet.
3. Write the case number in the logbook adjacent to the corresponding study ID number.
4. Staple the data sheet to the originating court document.
5. Cases should then be processed as usual.

DISCIS COURTS: ADDING CASES TO TRACKING

The Tracking function on DISCIS provides special handling for cases designated as part of the Weighted Caseload study. This special handling is designated to alert you when you are working on a study case.

Weighted caseload study cases are marked in the following ways:

- The message, **** WEIGHTED CASELOAD ****, appears on the right, near the top, of the Primary and Cashier Menu AFTER a function is completed on a case. Note: The message begins appearing when the first Name/Case Search is performed, after the case has been added to the Tracking File.

- The message, ** WEIGHTED CASELOAD **, prints at the end of the printed docket.
- The message, ** *WC **, prints on the calendar to the right of the case information.

To enter a Weighted Caseload study case on tracking, follow the routine instructions for Setting a Case on Tracking, but be sure to use:

1. TRACKING CODE *WC

The *WC Tracking Code marks the case to receive the special handling outlined above.

2. THE CURRENT DATE AS THE REVIEW DATE.

Using the current date assures proper handling by the FTA and Warrant automatic selection programs.

IMPORTANT: Be sure to remove the case from tracking when the Final Case Disposition is entered on the Plea Disposition Screen.

In court or in chambers, the judge should record any judicial time spent, to the nearest minute, on each case. Any judicial time, including telephone calls, signing warrants, orders, etc. should be recorded on the case form. Therefore, it is imperative that the judge have the file whenever doing any work on a sample case.

After court, if a judgment is not entered, file the case as usual.

For civil and small claims, if a judgment has been entered:

1. Check the "Judgment Entered" box on the form.
2. Remove the data form from the case.
3. Replace the original data form with a form 13; make sure to enter the study ID number, date and case number from the original form.
4. Copy the original data form, store the copy in a court file, and send the original to OAC in a batch.

For civil protection, if a permanent order has been entered or a non-appearance after a hearing was scheduled:

1. Check the "Other" box on the form.

2. Remove the data form from the case.
3. Replace the original data form with a form 13; make sure to enter the study ID number, date and case number from the original form.
4. Copy the original data form, store the copy in a court file, and send the original to OAC in a batch.

If the case is closed (i.e. the judgment is satisfied, case dismissed or civil protection ordered transferred to superior court), complete the bottom of the form 13, make a copy of the data form, and send the original form to OAC in a batch.

APPENDIX B

JUDGE'S PHASE ONE INSTRUCTION MANUAL

JUDGE'S INSTRUCTION MANUAL

The intent of this study is to determine a set of weights for district courts. Municipal courts are not part of this research so any time a judge spends as a municipal court judge will only be recorded on the non-case specific forms later in the study. Cases from municipalities which contract with the district court are considered district court cases and should be included as sample cases. The key is that if the case is filed in the district court, then it is a district court case.

As cases enter the system, the clerks will attach a data form to the citation or file folder based on the case category of the citation. Each court is provided with the exact number of data forms in their sample for each category. There are data forms for:

1. Traffic Infractions - Mitigation Hearing
2. Traffic Infractions - Contested Hearing
3. Non-Traffic Infractions
4. Parking
5. DWI
6. Other Criminal Traffic
7. Criminal Non-Traffic
8. Civil Protection Orders
9. Civil
10. Small Claims
11. Felony

There is also an Additional Data Sheet to be used when both sides of the original data form have no space left for recording judicial time. Finally, there is a Post Disposition/Judgment sheet which replaces the original data form after the sentence has been imposed or judgment entered when the case is not closed. For example, time pay, probation, deferred sentence, deferred prosecution or appeal. This form should also be placed on all sample cases in which an FTA or warrant has been issued.

For DISCIS courts there will be a "*WC" message on the calendar to the right of the case information for study cases, as well as the message "WEIGHTED CASELOAD" at the end of the printed docket.

To accurately document all time spent on a sample case, it is crucial that the case file and attached data form be available when judicial activity occurs for a case. When sentence has been imposed or judgment entered, the case shall remain "open" in the event that post disposition/judgment judicial time is necessary. However, once a case is "closed" (i.e., no further judicial time can be spent), the data form will be mailed to OAC. To allow adequate time for preparation of the January 1990 report to the Legislature, all "open" case data forms will be submitted to OAC in September 1989. Unresolved misdemeanor cases will continue to be tracked for an additional year to ensure the accuracy of the resulting weights.

RECORDING CASE-RELATED JUDICIAL TIME

For this study, all district court judges, commissioners, magistrates, pro tem judges and those persons qualified under General Rule 8 will be reporting their time spent on case specific and non-case specific judicial activities. This includes all persons who hear and dispose of cases. "Hear and dispose of cases" means, but is not limited to, signing warrants, setting bail, presiding at preliminary appearances, arraignments, hearings, trials or other proceedings, or determining conditions of release.

The quality of weights that result from this study is dependent on two key factors: (1) that the case file and attached data form be readily accessible when judicial time is spent on a sample case, and (2) that recorded time accurately reflects expended judicial time. Both are vital to the success of this project.

Recording judicial time spent on a sample case is a simple matter.

1. Fill in the DATE column using a month/day/year format.
2. Record the START time and the FINISH time. Please record only uninterrupted blocks of time! If you are hearing a trial and take a recess, write the finish time when the recess begins; when the recess is over begin a new time entry on the next line. You should not calculate elapsed minutes from the start and finish times.
3. The ELAPSED MINUTES column can be used in lieu of recording the start and finish times only for brief activities (e.g., 3 minutes or less). Please round your entry to the nearest minute value.
4. START and FINISH times should be used whenever possible.

APPENDIX C

PHASE ONE RELIABILITY ASSESSMENT MANUAL

DISTRICT COURT WEIGHTED CASELOAD STUDY

JUDICIAL CASE TIME RELIABILITY ASSESSMENT INSTRUCTIONS

A necessary task in the Weighted Caseload study is to assess the extent to which data gathered are reliable and valid measurements of judicial time expenditures. Without information on the accuracy of these data, little faith can be put in the results obtained and the conclusions drawn from these results.

While some measurement error must be expected, error beyond a reasonable level will prompt corrective feedback to study timekeepers. Without such corrective action it is likely that erroneous measurement will persist on study cases. Where data are known to be inaccurate they must be excluded from final computations of case weights and judge year values.

Obtaining reliability data for judicial case time expended in court is usually very straightforward. For each calendared proceeding of a study case chosen for observation, record the following data on the Reliability Assessment form.

- 1) Judicial Officer It is necessary to identify the judicial officer for each proceeding in the event corrective feedback is warranted.
- 2) Case Number Record the case number so the case file and attached data form can be retrieved for judicial time data.
- 3) Case Name The case name should be documented for easy recognition when called in court.
- 4) Case Type To prevent possible error due to reduced charges, determine the case type after the proceeding when obtaining judicial time data from the study data form. The original case type is indicated by the single letter at the end of the unique OAC study ID number (e.g., "J" is the case type indicator for ID number 032 04X-J).
- 5) OAC Observer Time Record the START and FINISH times for uninterrupted blocks of judicial time expended on that study case. Each uninterrupted session on a study case should be represented as a separate entry on the Reliability Assessment form.

At your convenience after the observation period, but prior to departing from the court, calculate the ACTUAL^A time expenditure observed for each entry on the Reliability data form.

- 6) Weighted Caseload Data Form After court, access the case file and attached data form for each study case represented on the Reliability Assessment form. Copy the documented START/FINISH and/or ELAPSED time entries from the study data form to your observation sheet IF for the date of observation AND the time entry falls within your observed START/FINISH times. Calculate the ACTUAL^B time expenditures for each such court timekeeper entry.

Normally there should be a one-to-one correspondence between the number of uninterrupted time entries on the study data sheet and the Reliability Assessment form for the observational period on a given date. An unequal number of entries may indicate additional judicial time spent outside the courtroom (e.g., a brief meeting in chambers during a recess), or may reveal error among court personnel in adhering to study methods.

If there are no corresponding entries on the study data sheet to match your observed time entries, just enter a zero in the ACTUAL^B column for that observation. If there are corresponding time entries on both forms but of unequal number, record all relevant information on the back of the Reliability Assessment form; be sure to include the court case number, date and time data so Research & Statistics can assess the problem.

- 7) Diff? (A-B) Calculate the difference between observed actual time and actual time resulting from the study data form (ACTUAL^A - ACTUAL^B) where both numbers are available.
- 8) Agreement? On those Reliability Assessment form entries where the difference between observed and documented actual time has been calculated, you should determine whether agreement exists.

If the absolute value of the difference (ACTUAL^A - ACTUAL^B) is two or more, then non-agreement has occurred; enter a "N" for this observational period.

Agreement exists when the absolute value of the difference (ACTUAL^A - ACTUAL^B) is zero or one, since the use of different time pieces can legitimately account for a one minute difference. Enter a "Y" for this observational period.

District Court Weighted Caseload Study

Judicial Case Time Reliability Assessment Form

Date _____ Court _____ Observer _____

Judicial Officer	Case Number	Case Name	Case Type	OAC OBSERVER TIME			WEIGHTED CASELOAD DATA FORM				Diff? (A-B)	Agreement?
				START	FINISH	Actual ^A	START	FINISH	ELAPSED	Actual ^B		

APPENDIX D

SITE COORDINATOR'S PHASE TWO INSTRUCTION MANUAL

DISTRICT COURT WEIGHTED CASELOAD STUDY
PHASE TWO SITE COORDINATOR MANUAL

Office of the Administrator for the Courts
Research and Statistics

December 21, 1988

Phase two of this research employs a time-oriented method to determine the proportion of total work time necessary for both case- and noncase-specific judicial activities in each court. These matters include activities such as time spent on specific district court cases, general research, administration, judicial meetings, civic activities, hearings in which a case has not yet been filed, and travel to other court sites. Determining this proportion is very important in documenting how much time is needed for a court's "administrative overhead", and how much is available for processing district court cases.

As with the traditional methodology employed in weighted caseload research, this approach requires daily recording of judicial case- and noncase-related work activities. Usually in these studies judicial time is recorded for some contiguous period of time, such as for two months. However, there is a valid concern that no contiguous block of time produces a "typical" day's balance of case- and noncase-related matters that is representative of the whole year. To reduce seasonal bias, phase two data shall be recorded from eight separate weeks throughout the next year.

PHASE TWO DATA COLLECTION METHODS: RECORDING JUDICIAL ACTIVITY TIME

These eight separate work weeks begin in September and extend through July 1989. Since some district court calendaring systems reserve certain weeks of the month for specific types of proceedings - which may influence the proportion of case- and noncase-related judge time, attention has been given to sampling each week in the month twice during the year. This will result in a sample size of 40 working days.

To better capture any noncase activity deferred until the weekend, judicial time data shall also be collected on the Sunday before and Saturday after each phase two data collection week. Overall this plan does mitigate concern about seasonal effects and will hopefully make the reporting burden more palatable among district court judges.

Each judge should complete the time forms on a daily basis during those periods for phase two data collection. OAC staff will send reminder notices to both judges and site coordinators in the week preceding a collection period, and will also contact each site coordinator by telephone as an additional reminder.

PHASE TWO DATA COLLECTION SCHEDULE: CHOSEN WEEKS ¹ FOR RECORDING JUDICIAL ACTIVITIES												
Week	1988-----				1989-----							
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1				X						X		
2					X						X	
3	X						X					
4		X						X				

PHASE TWO DATA COLLECTION DATES			
Phase Two Data Week	Preceding Sunday	Work Week	Following Saturday
1	9/18/88	9/19 - 9/23	9/24/88
2	10/23/88	10/24 - 10/28	10/29/88
3	12/04/88	12/05 - 12/09	12/10/88
4	1/08/89	1/09 - 1/13	1/14/89
5	3/19/89	3/20 - 3/24	3/25/89
6	4/23/89	4/24 - 4/28	4/29/89
7	6/04/89	6/05 - 6/09	6/10/89
8	7/09/89	7/10 - 7/14	7/15/89

¹ The first week of the month is the first full (five day) week of the month.

It is recommended that completed data forms be collected by the study coordinator on a daily basis. Please review all data forms for completeness; incomplete data must be omitted from this study!

If for whatever reason a district court judge is unable to participate in data gathering for one or more days during an assigned week, substitution time is necessary. Study coordinator's should document receipt of each day's phase two data from each judicial officer; it is important to account for needed substitution time. If possible, the lost day(s) should be made up during the same week of the following month. If the substitution time conflicts with either the DMCJA Spring Conference or the Washington State Judicial Conference, then the lost day(s) should be made up during the same week of the next month (i.e., two months later).

If during a phase two data collection week a judge is to serve at another court as a "visiting judge," do not record phase two information for that day. If possible, the lost day(s) should be made up during the same week of the following month.

Since the intent of this research is to develop a weighted caseload system for district courts, it is important to explicitly state how municipal court matters relate to the conduct of this study. There are three distinct ways in which a district court judge may preside over a municipal court case.

- (1) The case originates in a municipality but is filed and resolved in a contracted district court. This is considered a district court case. Phase one of this study includes these in sampled cases used for determining case weights.
- (2) The case is a municipal court matter and is resolved by a judge who also serves as a municipal department judge, in courts with a municipal department. This is not a district court case and these cases are not included in phase one of this study. However, case- and noncase-related time for these matters will be documented separately in phase two of this research so that these courts can fully utilize the weighted caseload system.

- (3) The case is a municipal court matter and is resolved by a district court judge who works part-time in an independent (non-contracted) municipal court. This is not a district court case and all judicial time spent by a district court judge in an independent municipal court should be excluded from this study!

For this phase of the study, all district court judges, commissioners and magistrates will be reporting their time spent on both case- and noncase-specific judicial activities.

General Rule 8 personnel will be reporting both case-specific and noncase-specific judicial activities. This includes all persons who hear and dispose of cases. "Hear and dispose of cases" means, but is not limited to, signing warrants, setting bail, presiding at preliminary appearances, arraignments, hearings, trials or other proceedings, or determining conditions of release.

Each district court judicial officer should use only one of three data forms during this phase of the study; the appropriate form should be provided by the study coordinator prior to the beginning of a data collection week. The three types of forms are listed below.

WCL Time Form 1 is for judges who serve exclusively as a district court judicial officer.

WCL Time Form 2 is for district court judges who also serve as a municipal judicial officer in a municipal department.

WCL Time Form 3 is only for General Rule 8 personnel.

All of the information requested from these forms is critical, including the court name, date, page numbers, daily start and finish times, and the begin and end times for each noncase-related activity entry.

It is necessary that all judicial officers document both total time worked and the amount of time expended on various noncase matters. Without these data for each day, the information is useless and will have to be omitted from the study! In order to obtain the "pure" proportions needed for the judge year value(s), it is imperative that the total amount of judicial work time be recorded.

In reviewing the columns on the phase two data collection forms, it is important to note that the detailed data we need to collect are of two types:

Case-related time - that time spent on or off the bench that relates directly to the processing of a specific, individual district court case;

Case-related noncase-specific time - that time spent on case matters which cannot be related directly to the processing of a specific district court case (e.g., pre-filing hearings, search warrants, Superior Court Commissioner time); and

Noncase-specific time - that time spent by judicial officers performing all activities which cannot be related directly to the processing of a specific district court case, but which are necessary to the operation of the court (e.g., administration and general research).

In addition to recording work start and finish times for the day, each relevant judicial activity and all breaks in judicial work should be documented by listing the begin/end times and checking the appropriate activity category. If more judicial work is performed in the evening after the daily finish time has been recorded, document the "supplemental" judicial time expended on additional data sheets; in this event, it is necessary to also record the start and finish times for that period of activity. To ensure the completeness of data received at OAC, it is important that the data forms be properly numbered for each day (e.g., "Page 1 of 4").

Since General Rule 8 personnel conduct judicial business in addition to other work, it will be necessary to record the begin and end times only for each judicial task performed; the daily start and finish times have been omitted from their form. The category entitled "Case Activity" is included to account for that portion of their judicial workload which can be related directly to the processing of a specific district court case. Similar to the process for judges, (1) case-specific, (2) case-related noncase-specific, and (3) noncase-related judicial activities should be documented by listing the begin/end times and checking the appropriate activity category.

Completed data forms should be mailed to OAC at the end of each data collection week. Prior to mailing phase two data, be sure to retain a photocopy of each sheet for your files; this will protect against the loss of these valuable data. For the study coordinator's convenience, eight preaddressed envelopes are provided. All phase one and phase two postage costs incurred shall be reimbursed by OAC, so these should be carefully documented!

WEIGHTED CASELOAD STUDY PROJECT CALENDAR

<u>Date</u>	<u>Activity</u>
09/18/88	Phase two week # 1 begins.
09/26/88	Mail phase two week # 1 data to OAC.
10/23/88	Phase two week # 2 begins.
10/31/88	Mail phase two week # 2 data to OAC. End phase one case sampling for Misdemeanant cases (if unassigned data forms remain).
12/04/88	Phase two week # 3 begins.
12/12/88	Mail phase two week # 3 data to OAC.
01/08/89	Phase two week # 4 begins.
01/16/89	Mail phase two week # 4 data to OAC.
03/19/89	Phase two week # 5 begins.
03/27/89	Mail phase two week # 5 data to OAC.
03/31/89	End phase one case sampling for Civil and Felony cases (if unassigned data forms remain).
04/23/89	Phase two week # 6 begins.
05/01/89	Mail phase two week # 6 data to OAC.
06/04/89	Phase two week # 7 begins.
06/12/89	Mail phase two week # 7 data to OAC.

Page 7 (Study Coordinator Instruction Manual)

06/30/89 End phase one case sampling for Infractions, Domestic Violence and Small Claims cases (if unassigned data forms remain).

07/09/89 Phase two week # 8 begins.

07/17/89 Mail phase two week # 8 data to OAC.

09/29/89 Cutoff date for data to be included in January 1990 report to Legislature.

Mail all remaining phase one case time forms to OAC; continue to track unclosed misdemeanor cases until closed or 10/31/90.

01/02/90 Report to Legislature and Courts.

10/31/90 Cutoff date for data to be included in 1991 updated report to Legislature and Courts.

End phase one data collection: all remaining data submitted to OAC.

01/02/91 Updated report to Legislature and Courts.

APPENDIX E

JUDGE'S PHASE TWO INSTRUCTION MANUAL

DISTRICT COURT WEIGHTED CASELOAD STUDY
PHASE TWO JUDGE INSTRUCTION MANUAL

Office of the Administrator for the Courts
Research and Statistics

December 12, 1988

PHASE TWO DATA COLLECTION METHODS:
RECORDING JUDICIAL ACTIVITY TIME

Eight separate work weeks between September 1988 and July 1989 have been chosen for recording judicial noncase-related matters. This approach allows greater confidence in data used to determine the proportion of a "typical" day's balance of case- and noncase-related judicial matters.

Since some district court calendaring systems reserve certain weeks of the month for specific types of proceedings - which may influence the proportion of case- and noncase-related judge time, attention has been given to sampling each week in the month twice during the year. This will result in a sample size of 40 working days. To better capture any noncase activity deferred until the weekend, judicial time data shall also be collected on the Sunday before and Saturday after each phase two data collection week.

PHASE TWO DATA COLLECTION SCHEDULE: CHOSEN WEEKS ¹ FOR RECORDING JUDICIAL ACTIVITIES													
Week	1988-----				1989-----								
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	
1				X						X			
2					X							X	
3	X						X						
4		X						X					

¹ The first week of the month is the first full (five day) week of the month.

Each judge should complete the time forms on a daily basis during those periods for phase two data collection. OAC staff will send reminder notices to both judges and site coordinators in the week preceding a collection period, and will also contact each site coordinator by telephone as an additional reminder.

PHASE TWO DATA COLLECTION DATES			
Phase Two Data Week	Preceding Sunday	Work Week	Following Saturday
1	9/18/88	9/19 - 9/23	9/24/88
2	10/23/88	10/24 - 10/28	10/29/88
3	12/04/88	12/05 - 12/09	12/10/88
4	1/08/89	1/09 - 1/13	1/14/89
5	3/19/89	3/20 - 3/24	3/25/89
6	4/23/89	4/24 - 4/28	4/29/89
7	6/04/89	6/05 - 6/09	6/10/89
8	7/09/89	7/10 - 7/14	7/15/89

If for whatever reason a district court judge is unable to participate in data gathering for one or more days during an assigned week, substitution time is necessary. If possible, the lost day(s) should be made up during the same week of the following month. If the substitution time conflicts with either the DMCJA Spring Conference or the Washington State Judicial Conference, then the lost day(s) should be made up during the same week of the next month (i.e., two months later).

If during a phase two data collection week a judge is to serve at another court as a "visiting judge," do not record phase two information for that day. If possible, the lost day(s) should be made up during the same week of the following month.

Since the intent of this research is to develop a weighted caseload system for district courts, it is important to explicitly state how municipal court matters relate to the conduct of this study. There are three distinct ways in which a district court judge may preside over a municipal court case.

- (1) The case originates in a municipality but is filed and resolved in a contracted district court. This is considered a district court case. Phase one of this study includes these in sampled cases used for determining case weights.

- (2) The case is a municipal court matter and is resolved by a judge who also serves as a municipal department judge, in courts with a municipal department. This is not a district court case and these cases are not included in phase one of this study. However, case- and noncase-related time for these matters will be documented separately in phase two of this research so that these courts can fully utilize the weighted caseload system.
- (3) The case is a municipal court matter and is resolved by a district court judge who works part-time in an independent (non-contracted) municipal court. This is not a district court case and all judicial time spent by a district court judge in an independent municipal court should be excluded from this study!

For this phase of the study, all district court judges, commissioners and magistrates will be reporting their time spent on both case- and noncase-specific judicial activities.

General Rule 8 personnel will be reporting both case-specific and noncase-specific judicial activities. This includes all persons who hear and dispose of cases. "Hear and dispose of cases" means, but is not limited to, signing warrants, setting bail, presiding at preliminary appearances, arraignments, hearings, trials or other proceedings, or determining conditions of release.

Each district court judicial officer should use only one of three data forms during this phase of the study; the appropriate form shall be provided by your site's study coordinator. The three types of forms are listed below.

WCL Time Form 1 is for judges who serve exclusively as a district court judicial officer.

WCL Time Form 2 is for district court judges who also serve as a municipal judicial officer in a municipal department.

WCL Time Form 3 is only for General Rule 8 personnel.

All of the information requested from these forms is critical, including the court name, date, page numbers, daily start and finish times, and the begin and end times for each judicial activity entry.

It is necessary that all judicial officers document both total time worked and the amount of time expended on various judicial matters. Without these data for each day, the information is useless and will have to be omitted from the study! In order to obtain the "pure" proportions needed for the judge year value(s), it is imperative that the total amount of judicial work time be recorded.

In reviewing the columns on the phase two data collection forms, it is important to note that the detailed data we need to collect are of three types:

Case-related time - that time spent on or off the bench that relates directly to the processing of a specific, individual district court case;

Case-related noncase-specific time - that time spent on case matters which cannot be related directly to the processing of a specific district court case (e.g., pre-filing hearings, search warrants, Superior Court Commissioner time); and

Noncase-specific time - that time spent by judicial officers performing all activities which cannot be related directly to the processing of a specific district court case, but which are necessary to the operation of the court (e.g., administration and general research).

In addition to recording work start and finish times for the day, each relevant judicial activity and all breaks in judicial work should be documented by listing the begin/end times and checking the appropriate activity category. If more judicial work is performed in the evening after the daily finish time has been recorded, document the "supplemental" judicial time expended on additional data sheets; in this event, it is necessary to also record the start and finish times for that period of activity. To ensure the completeness of data received at OAC, it is important that the data forms be properly numbered for each day (e.g., "Page 1 of 4").

Since General Rule 8 personnel conduct judicial business in addition to other work, it will be necessary to record the begin and end times only for each judicial task performed; the daily start and finish times have been omitted from their form. The category entitled "Case Activity" is included to account for that portion of their judicial workload which can be related directly to the processing of a specific district court case. Similar to the process

for judges, (1) case-specific, (2) case-related noncase-specific, and (3) noncase-related judicial activities should be documented by listing the begin/end times and checking the appropriate activity category.

It is recommended that completed data forms be given to your study coordinator on a daily basis. Please review all data forms for completeness before forwarding; incomplete data must be omitted from this study!

NONCASE-SPECIFIC CATEGORICAL DEFINITIONS

This phase of the study requires that judicial officer time be documented in the following categories:

Case-Specific Activity	Civic Activities
Multiple Case Activity	Superior Court Comm Time
Administration	Travel
Pre-Filing Hearings	Waiting Time
General Research	Break in Judicial Work
Search Warrants	Municipal Dept Judge Time
Judicial Meetings	Municipal Dept Travel

Case-Specific Activity: Judicial activity which can be related directly to the processing of a specific, individual district court case. Do not document each case separately, but each uninterrupted block of judicial time spent on case-specific activities.

Multiple Case Activity: High volume activities which involve several cases and/or case categories for which case-related time was not recorded on a case by case basis during phase one of this research. Examples are calendar call, assignment of cases to court rooms, and advice of rights.

Administration: Time required for court administration, including calendar control, general jury management, resolving facility or personnel matters, answering mail, phone calls, dictation, and so forth.

Pre-filing Hearings: Any case-related bench or non-bench judicial time expended on cases for which no district court case has been filed. This includes coroner inquests, domestic violence, and misdemeanor and felony cases prior to case filing. Appropriate pre-filing felony matters include bail hearings, preliminary appearances, and probable cause hearings.

General Research: Legal research, reading advance sheets, study, and continuing legal education unrelated to any particular case.

Search Warrants: Issuing search warrants.

Judicial Meetings: Time spent meeting professional responsibilities stemming from the court. Examples include: bar association meetings; conferences other than the DMCJA Spring Conference and Washington State Judicial Conference; local, state, or national judicial committee meetings; and any work or travel associated with these meetings or conferences.

Civic Activities: Time spent meeting community responsibilities as a representative of the court, including related travel.

Superior Court Commissioner Time: Any time spent serving as a commissioner for the Superior Court.

Travel: Time spent during the court day traveling between district court locations or contracting municipalities on district court matters. All travel time for performing weddings where pay or compensation is involved should be excluded from this research.

Waiting Time: Bench or non-bench time the judicial officer must spend waiting for a case to be assigned, waiting for the next calendar to begin, or waiting for the attorneys, and not performing any other judicial tasks. In the vast majority of instances when judges must spend time waiting they handle administrative matters, review files, return phone calls or perform other judicial tasks. If during a waiting period the judicial officer spends time on noncase-related activities, that time should be documented in the appropriate reporting category.

Break in Judicial Work: A break for non-judicial activities, lunch, or personal business. Time outside of work spent at weddings where pay or compensation is involved should be excluded from this research. Time spent during work at weddings where pay or compensation is involved should be recorded as a break in judicial work.

Municipal Department Time: Time spent on all case- and noncase-related matters when serving as a municipal court judicial officer for a municipal department. Time spent on contracted and independent municipal court matters should not be recorded in this category.

Municipal Department Travel: Time spent during the court day traveling between municipalities on municipal department matters. Travel time spent on contracted and independent municipal court matters should not be recorded in this category.

APPENDIX F

PHASE THREE DATA COLLECTION FORMS

District Court Weighted Caseload Study Civil Case Activities

Court _____ Date _____ Page ____ of ____

Civil Case Data Form Instructions

1. Record only bench or non-bench time spent on civil and vehicle impound cases during September and October. Do not record time spent on small claims cases!

Check the one activity category that pertains; if multiple categories apply for a case, please document the time spent on each activity on separate rows on the form.

3. Return completed data forms to the study coordinator at your court each week so they can be forwarded to the OAC Research and Information Services.

2. When spending judicial time on a civil case, record the case number, and the begin and end times of the activity.

Civil Case Number	Begin Time	End Time	Show Cause	Summary Judgment	Modifi- cation	Supple- mental	Recon- sideration	Other Motion	Vehicle Impound	Civil Assess- ment	Property Forfeiture	Exemp- tion	Bench Trial	Jury Trial	Default Judgment	Other Non-Bench Tasks

District Court Weighted Caseload Study

Civil Case Data Form Instructions and Definitions

During September and October 1990, each judge should complete the time form on days when bench or non-bench time is expended on a civil case. Only time spent on civil cases should be recorded!

Documenting time spent on a civil case activity is very straightforward: record the case number, the begin and end times of the task, and check the appropriate activity category. Please check only one activity per entry.

Return your completed data forms to the study coordinator at your court each week, so they can be forwarded to the OAC Research and Information Services. If you have any questions regarding this study, contact Steve Stentz at (206) 753-3365 or (SCAN) 234-3365.

Show Cause Hearing - A proceeding at which a specified person is required to appear in court at a particular time and place, to show cause why the court should not take certain action in a case.

Summary Judgment Hearing - A proceeding at which a judgment is granted to one party prior to trial, on the basis that the case involves no dispute as to factual matters, and that the party is entitled to judgment as a matter of law.

Modification Hearing - A proceeding at which a change in a judgment or order is requested.

Supplemental Hearing - A proceeding supplementary to an execution, directed to the discovery of the debtor's property and its application to the debt for which the execution is issued.

Reconsideration Hearing - A proceeding at which a previous ruling is reexamined.

Other Motion Hearing - A proceeding at which an application to the court for a ruling or order is heard, which is not specified by other categories.

Vehicle Impound Hearing - A proceeding at which a determination is made regarding a penalty for a vehicle impound.

Civil Assessment Hearing - A proceeding at which a determination is made regarding a penalty for a nuisance complaint, such as for dangerous dogs, false alarms, and truancy; exclude vehicle impound hearings.

Property Forfeiture Hearing - A proceeding at which a determination is made regarding the right to maintain a certain article of property.

Exemption Hearing - A proceeding at which a determination is made regarding a defendant's financial status when a garnishment has been established.

Bench Trial - The examination before a judge, according to the law put at issue in a cause, for the purpose of determining such issue.

Jury Trial - The examination before a jury, according to the law put at issue in a cause, for the purpose of determining such issue.

Default Judgment - The omission or failure to fulfill a duty, observe a promise, discharge an obligation, or perform an agreement. A defendant who fails to appear in response to a summons is *in default*, and the court may thereafter enter a *default judgment* against the defendant.

Other Non-Bench Tasks - Civil case-specific tasks such as doing research, writing opinions, and deciding cases taken under advisement, and signing orders and judgments *excluding* default judgments.

District Court Weighted Caseload Study Phase Three File Review Data Form

Court _____ Date _____ OAC Staff _____

Civil Case Number	Disp? Y / N	Show Cause	Summary Judgment	Modification	Supplemental	Reconsideration	Other Motion	Vehicle Impound	Civil Assessment	Property Forfeiture	Exemption	Bench Trial	Jury Trial	Default Judgment

District Court Weighted Caseload Study

Civil Case Data Form Definitions

Show Cause Hearing - A proceeding at which a specified person is required to appear in court at a particular time and place, to show cause why the court should not take certain action in a case.

Summary Judgment Hearing - A proceeding at which a judgment is granted to one party prior to trial, on the basis that the case involves no dispute as to factual matters, and that the party is entitled to judgment as a matter of law.

Modification Hearing - A proceeding at which a change in a judgment or order is requested.

Supplemental Hearing - A proceeding supplementary to an execution, directed to the discovery of the debtor's property and its application to the debt for which the execution is issued.

Reconsideration Hearing - A proceeding at which a previous ruling is reexamined.

Other Motion Hearing - A proceeding at which an application to the court for a ruling or order is heard, which is not specified by other categories.

Vehicle Impound Hearing - A proceeding at which a determination is made regarding a penalty for a vehicle impound.

Civil Assessment Hearing - A proceeding at which a determination is made regarding a penalty for a nuisance complaint, such as for dangerous dogs, false alarms, and truancy; exclude vehicle impound hearings.

Property Forfeiture Hearing - A proceeding at which a determination is made regarding the right to maintain a certain article of property.

Exemption Hearing - A proceeding at which a determination is made regarding a defendant's financial status when a garnishment has been established.

Bench Trial - The examination before a judge, according to the law put at issue in a cause, for the purpose of determining such issue.

Jury Trial - The examination before a jury, according to the law put at issue in a cause, for the purpose of determining such issue.

Default Judgment - The omission or failure to fulfill a duty, observe a promise, discharge an obligation, or perform an agreement. A defendant who fails to appear in response to a summons is *in default*, and the court may thereafter enter a *default judgment* against the defendant.

Other Non-Bench Tasks - Civil case-specific tasks such as doing research, writing opinions, and deciding cases taken under advisement, and signing orders and judgments *excluding* default judgments.

APPENDIX G

MISCELLANEOUS PROJECT CORRESPONDENCE



MEMORANDUM

TO: All District Court Judges
FROM: Hon. Gary Utigard *GU*
DATE: September 30, 1987
RE: Weighted Caseload Study

During the past session, the Legislature enacted chapter 363, Laws of 1987 which requires the Administrator for the Courts to examine the need for new district court judicial positions using a weighted caseload analysis. In chapter 363 the Legislature expressed its intent that the weighted caseload analysis become the basis for creating additional district court positions.

In May, the Administrator for the Courts requested the District and Municipal Court Judges Association appoint a committee to direct the development of the weighted caseload study. For the past three months a committee of seven judges, and two administrators appointed by the Washington State Association for Court Administration, has met to design the study and plan for implementation in the district courts.

The heart of the weighted caseload study is the determination of the time required to complete both case and non-case related judicial activities in the district courts. Information generated from this research will set a standard for measuring judicial workloads and will provide the Legislature and the counties with a tool for determining judicial personnel requirements.

The results of the study will be used to ascertain the need for additional full time judicial positions. Results may also be used to determine more precisely the amount of judicial time required in counties where judges are part-time. Obviously, the results of the study will have very significant implications for the district courts in this state. In order to obtain the most reliable indicator of judicial time needed, we are requesting participation by all district court judges.

All District Court Judges
September 30, 1987
Page 2

The success of this endeavor will also depend on the help and cooperation of district court administrators and their staffs. Therefore, each administrator is receiving a copy of this letter to inform them of the planned study and to solicit their support.

A weighted caseload study is based on the fact that the amount of judicial time required to dispose of court cases varies according to the type of case (e.g. the disposition of a serious criminal offense involves more judicial time than does a mitigation hearing). By carefully measuring the time expended on a set of sample cases drawn from each court, "weights" can be computed that depict the average judicial time necessary to dispose of each case type. Similarly, the average judicial time for various non case activities (e.g. research, administrative, judicial meetings) will also be determined.

The Weighted Caseload Committee and the District and Municipal Court Judges Association has approved the method and time-line for data to be collected by the judges. We plan to provide individualized instruction at each court during the month of November. A member of the OAC's research or court services unit will call to schedule a mutually convenient date for training. It is anticipated that one-half to three-quarters of a day will be required for the training. Approximately one hour will be needed for judges' training and can be done early in the morning or over the noon hour. The rest of the training time will be spent with administrators and supervisors. Judges are encouraged to participate in all the training if schedules permit.

It is important to have one individual within each court designated as the key coordinator for the project. We would like to have you appoint the administrator, or other appropriate staff person, in your court who can act as liaison with the OAC to schedule the training session, answer basic questions during the study, review the case time forms, mail the forms to the OAC etc.

The ramifications of this study are so critical that each individual court should have the opportunity to contribute to the final results. The standards that are developed for each judicial activity will be the most reliable if all judges participate. Each judge's involvement benefits the district court system as a whole. Please give the study your full participation.

All District Court Judges
September 30, 1987
Page 3

A list of the Weighted Caseload Committee members is enclosed. Please call me or any of the members directly if you have questions. Staff at the OAC are also available to discuss the study. Please contact Steve Stentz, project manager or Janet McLane with your questions. Thank you for your participation in this important study.

JLM:jac
Enclosure
cc: District Court Administrators



MEMORANDUM

TO: All District Court Administrators

FROM: Hon. Gary Utigard ^{GNU}
Airport District Court

DATE: September 30, 1987

RE: Weighted Caseload Study

Enclosed is a copy of a memo to all district court judges notifying them of the upcoming weighted caseload study. You and your staff will be asked to assist the judges in conducting the study.

If you have questions after reading the memo please contact me, OAC's Steve Stentz, or Janet Mclane.

We appreciate the time and effort that this project will require for both judges and administrators. Thank you in advance for your help in making it a successful and positive effort for the district courts.

GNU:JLM:jac
Enclosure
cc: District Court Judges

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective; and



MEMORANDUM

TO: Weighted Caseload Study Coordinators

FROM: Steve Stentz, Project Manager

DATE: December 16, 1987

RE: GENERAL INFORMATION, SUGGESTIONS, AND ANSWERS TO
COMMON STUDY QUESTIONS

During the implementation of the Weighted Caseload Study, a number of issues surfaced that need resolution. Following some general information and a few suggestions, these issues are listed in Question and Answer format.

It is crucial that these study methods be adhered to consistently among all courts to ensure the success of this project. Read these items thoroughly and make whatever changes are necessary in your procedures!

Please feel free to contact me any time with your questions or suggestions.

General Information

OAC will reimburse each court for all postage costs incurred by the Weighted Caseload Study. In order to do so, however, it is necessary that you document these expenses clearly. Postal reimbursement will occur at the completion of the study.

To help reduce postage costs we will provide you with smaller pre-addressed envelopes for batches of data and logbook updates not warranting a large envelope. These will be mailed to you by December 31, 1987.

We will provide each court a Study Case Listing Report that identifies the court case number and study ID number for all sampled cases. Study cases will be broken down into three sections: (1) open cases where the original form has not been received, (2) open cases with a judgment or disposition entered that are still being tracked, and (3) closed cases. For your convenience each will be segregated by case type and sorted by your court number.

Suggestions

It may be useful to prepare and attach a Post Disposition/ Judgment form in addition to the original case type data form at the point of case sampling; when a disposition or judgment is entered then one need only remove the original form from the case file to convert it to "tracking status."

For easy identification of infraction cases included in the study, it may be useful to place a uniquely colored sticker on each citation.

It may be of value to provide a copy of the OAC Study Case Listing Report to probation officers.

For non-DISCIS courts not filing cases numerically, you can write the case name on the log sheet; in our Study Case Listing Report we will provide you with the case name of each study case.

STS/RES3WP86:sn
Enclosure

QUESTIONS & ANSWERS

- Q1: Changing Case Types After Sampling** If a case is sampled and logged in under one case category (e.g., a traffic infraction mitigation is requested) then changes to another case type (e.g., a contested hearing is later requested for that case), should that case be "reassigned" with a contested hearing data form?
- A1:** **No.** Once an incoming case has been sampled and logged into the study, judicial time should be recorded under the original case type assignment until closed. This is also true for cases that are eventually plea bargained down to a lesser offense (e.g., DWI to Negligent Driving).
- Q2: Receiving NSF Checks on Closed Cases** How should we handle closed study cases where the fine has been "paid," but the check is returned NSF?
- A2:** There are three steps to follow when this occurs: (1) look on the monthly report provided by OAC or in your court's logbook to determine if the case was included in the study; (2) if so, attach a Post Disposition/Judgment data form (hot pink form #13) to the citation or case file, making sure to enter the study ID number, court case number, and the original date of assignment into the study; and (3) make an entry in the study logbook in the margin next to the study ID number indicating "NSF - Reopened."
- Q3: Case Types for Commitments and Impounds** Under which case type should we sample Commitment hearings and Impounds?
- A3:** Each should be classified as a civil case.
- Q4: Judicial Time for In-Custody Defendants** Should we record the judicial time spent on felony in-custody defendants even though no case filing has occurred?
- A4:** **No!** Only record judicial time expended on felony filing study cases. Weights for judge time spent on in-custody defendants will be determined during the second phase of the study in 1988.
- Q5: Judicial Time for Non-District Court Cases** Should we record judicial time spent on fugitive hearings, courtesy hearings, activities prior to an actual case filing, or when the judicial officer is spending time as a Municipal Court Judge or Superior Court Commissioner?
- A5:** **No.** During this phase of the Weighted Caseload Study we are only recording judicial time spent on actual district court cases (i.e., those cases filed in a district court) that are part of the study sample. All judicial time expended on matters other than district court cases will be accounted for in the second phase of this study in 1988.

- Q6: Sending in Forms With No Data Should we mail Post Disposition/Judgment forms on closed cases when no judicial time is recorded?
- A6: Yes! We need to know when a case has been closed. Also, when photocopying any data form (for your records) before sending the original to OAC, be sure to check if there is judicial time recorded on the other side of the form. If so, be sure to copy that page for your records.
- Q7: Judge Waiting Time If a judge is waiting for a study case (e.g., a jury's decision), should all that judicial time be recorded for that case?
- A7: Only if a judge is not doing anything else and cannot do other tasks while awaiting a case, then count that waiting time as case specific time for that sample case. (Non-case specific time will be recorded in the second phase of this research in 1988).
- Q8: Judge Time Spent Consulting With Another Judge If a judge consults with another judge on a study case, should judicial time be recorded for both?
- A8: Only the judge presiding over a study case should record his or her collaboration time on the attached data form. The consulting judge time expended will be accounted for as administrative time during the second phase of this research in 1988.
- Q9: Sample Which Cases? Should we sample every consecutive case that meets study criteria until the data forms are gone, or sample randomly?
- A9: Sample every consecutive case per case type if the study criteria are met, even if certain cases are filed in "batch" (e.g., from collection agencies). We need to sample enough cases to exhaust all data form tablets provided.
- Q10: Multiple Citation Cases Should we sample cases where there are multiple citations involved (i.e., those instances where two or more citations from the same event are filed)?
- A10: No! Although this may significantly effect your rate of sampling cases, do not include multiple citation cases in the study. It is important that we not inflate the judicial time weights by sampling cases that include more citations than are accounted for in a filing in the caseload statistics.
- Q11: Companion Cases How should we handle "companion" cases (i.e., those instances where (1) cases for two different people are heard together, or (2) two or more citations for a single person are consolidated for a court proceeding)?

- A11: If both are study cases, record the judicial time spent only on the data form for the most serious offense and close the second case with the notation "Closed - Companion Case." If only one of the cases is in the study, simply record the judicial time spent as you normally would.
- Q12: When to Sample If an incoming case meets the study criteria, should it be sampled at the point of filing?
- A12: All eligible cases should be sampled at the point of filing except for infractions; they should be sampled when the request for a hearing has been received.
- Q13: Change of Venue How should we handle change of venue for study cases?
- A13: If a change of venue occurs for a study case, simply close the case as you normally would. If your court receives a case where a change of venue has occurred and you are still sampling for that case type, log that case into the study.
- Q14: How should we handle study cases that are appealed and then remanded for further action?
- A14: There are three steps to follow when this occurs: (1) look on the monthly report provided by OAC or in your court's logbook to determine if the case was included in the study; (2) if so, attach a Post Disposition/Judgment data form to the citation or case file (if one is not already attached) making sure to enter the study ID number, court case number and the original date of assignment into the study; and (3) make an entry in the study logbook in the margin next to the study ID number indicating "Appealed & Remanded."
- Q15: When to Remove Cases from DISCIS For DISCIS courts, when should study cases be removed from the tracking system?
- A15: Remove the case from tracking when the Final Case Disposition is entered on the Plea Disposition Screen.



MEMORANDUM

TO: District Court Judicial Officers
Weighted Caseload Study Coordinators

FROM: Judge Gary N. Utigard *GNU*

DATE: October 17, 1988

RE: WEIGHTED CASELOAD STUDY

As Chairperson of the Weighted Caseload Advisory Committee, I would like to thank you for your efforts on behalf of this study. The development of a meaningful weighted caseload system does entail considerable burden for those who are able to provide the necessary data. While the committee and project staff have sought to minimize this burden, your contribution is absolutely invaluable!

As you know, the first phase of this research involves documenting all judicial time spent on a large sample of district court cases. This information shall then be used to determine "weights" which indicate the average amount of judicial time needed to process various types of cases. These weights are a vital part of the weighted caseload system. The obvious commitment by judges and court staff in providing these case-specific data have made this phase of the project very successful.

The second phase of this study imposes an even greater challenge to district court judges, though your court does directly benefit from your continued support. By providing information on how your judicial time is spent on matters other than the processing of specific, individual district court cases, the resulting weighted caseload system will be more sensitive in estimating your court's judicial staffing needs. In the absence of this valuable information, however, some arbitrary value for this "administrative overhead" shall be assigned to your court.

Weighted Caseload Study
October 17, 1988
Page 2

In order to use phase two data for sensitizing the weighted caseload system to the uniqueness of your court, it is important that these data be consistent with the methods and definitions established by the committee. To the extent that these methods are not adhered to, resulting data must be excluded from the final analysis to protect the integrity of the overall study.

Please give your careful attention to the requirements for phase two data. To facilitate meaningful and usable data, OAC staff have documented perceived problems from each site. Enclosed please find the problem list for your court.

GNU:GNU_LTR1.PH2

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION

Request for Reimbursement

THIS FORM IS TO BE USED ONLY FOR EXPENSES NOT REIMBURSED BY OTHER SOURCES

Name of Judicial Officer Requesting Reimbursement: _____

Must check one: Pro Tem Reimbursement Legislative Testimony - Bill Number: _____

Meeting (including w/legislators) Other: _____

Meeting/Activity Date: _____

Meeting/Activity Name: _____

Meeting/Activity Location: _____

Other (Explain): _____

RECEIPTS FOR PAID EXPENSES MUST ACCOMPANY THIS REQUEST FORM
Do not include expenses incurred by non-judicial spouse, or child or guest

Submit Request to:
 • Committee Chair for a Committee expense;
 • For other expenses:
 DMCJA Treasurer
dmcjatreasurer@gmail.com

Item and Description	Amount
I. PRO TEM REIMBURSEMENT	
Certified Court Reimbursement Rate: \$ _____	
Claim Amount and Hours Worked: _____ (1)	\$
Pro Tem Judge Name: _____	
II. MEETING EXPENSES	
Airfare (<i>coach</i>) _____ (2)	\$
Taxi, Shuttle, or Public Transport To and From Terminals _____ (3)	\$
Auto: Miles _____ at \$.56 = \$ _____ Parking = \$ _____ Toll = \$ _____ (4)	\$
Other (<i>rental car, etc.</i>): Explain: _____ (5)	\$
Lodging, Meals, Gratuities and Incidentals: _____ (6)	\$
III. OTHER EXPENSES (<i>telephone, postage, etc.</i>)	
Explain: _____ (7)	\$
TOTAL REIMBURSEMENT REQUESTED (Total Lines 1-7)	\$

Travel Check Payable to:
 Name: _____
 Address: _____

Pro Tem Check Payable to:
 Name: _____
 Address: _____

FOR OFFICE USE ONLY

Committee Chair Approval: Amount \$ _____

Signature: _____

Treasurer's Action: Amount Paid \$ _____

Travel Paid: \$ _____ Check #: _____

Pro Tem Paid: \$ _____ Check #: _____

Signature: _____

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION MEAL AND MILEAGE REIMBURSEMENT RATES

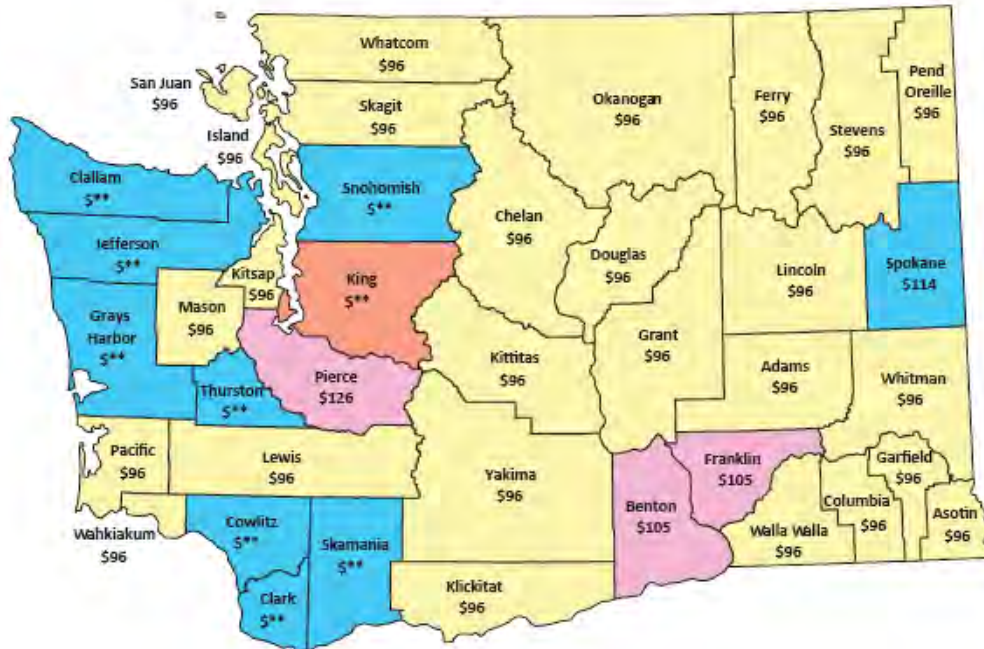
Private Vehicle Mileage Reimbursement Rate: **\$.56/mile**

Note: *The private vehicle mileage reimbursement rate is also the rate used to reimburse you for use of your privately-owned or rented boat (reimbursed at nautical miles).*

Privately Owned or Rented Aircraft Mileage Reimbursement Rate: **\$ 1.27/statute mile as shown on airway charts**

Privately Owned Motorcycle: **\$.545/mile**

Per Diem Rates - As of October 1, 2021



Meal Rates			
TOTAL	B	L	D
\$59	\$15	\$18	\$26
\$69	\$17	\$21	\$31
\$74	\$19	\$22	\$33
\$79	\$20	\$24	\$35

\$ Maximum Lodging Rate		
** Seasonal Lodging Rates for Counties:		
Clark, Cowlitz & Skamania	06/01 - 10/31	\$182
	11/01 - 05/31	\$152
Clallam & Jefferson	07/01 - 08/31	\$161
	09/01 - 06/30	\$104
Grays Harbor	07/01 - 08/31	\$137
	09/01 - 06/30	\$111
King	05/01 - 10/31	\$232
	11/01 - 04/30	\$176
Snohomish	06/01 - 08/31	\$139
	09/01 - 05/31	\$116
Thurston	09/01 - 10/31	\$112
	11/01 - 08/31	\$133

POV Mileage Rate
The privately owned vehicle reimbursement rate is \$0.56 per mile. (effective 1/1/2021)

For Out-of-State Per Diem Rates, refer to the GSA website at: <http://www.gsa.gov>. To get the total meal and incidental expense rate breakdown of individual meal allowances, refer the State Administrative and Accounting Manual (SAAM), Subsection 10.40.10.c

OFM Statewide Accounting
Rev. 10/1/2021

The justices proposed the following dates, in order by their preference to hold the swearing-in at **8:30 AM**:

- 1st Preference: **Monday, December 6**
- 2nd Preference: **Monday, November 29**
- 3rd Preference: **Monday, December 13** (There is a high likelihood that several justices will not be able to participate on this day)

2021-2022 District and Municipal Court Judges' Association Nominating Committee

Listserv Address: DMCJANC@listserv.courts.wa.gov

Members	Contact Information
Judge Michelle K. Gehlsen, Chair (NW) KCDC, East Division	206-688-0418 mgehlsen@kingcounty.gov
Judge Willie Gregory, Ex Officio (NW) Diversity Chair Position Seattle Municipal Court	206-684-8709 willie.gregory@seattle.gov
Judge John H. Hart (SE) Whitman County District Court	509-397-6260 john.hart@whitmancounty.net
Judge Kristian E. Hedine (SE) Walla Walla County District Court	509-524-2761 khedine@co.walla-walla.wa.us
Judge Sonya L. Langsdorf (SW) Clark County District Court	564-397-2424 sonya.langsdorf@clark.wa.gov
Judge Mary C. Logan (NE) Spokane Municipal Court	509-622-5862 mlogan@spokanecity.org
Judge Lisa H. Mansfield (SW) Lakewood Municipal Court	253-512-2258 lmansfield@cityoflakewood.us
Judge Brian K. Sanderson (Central) Yakima County District Court	509-574-1804 brian.sanderson@co.yakima.wa.us
Staff	Contact Information
Tracy Dugas Administrative Office of the Courts	360-705-1950 tracy.dugas@courts.wa.gov

Charges

1. Term of one year.
2. No less than six members with at least one from each of the following geographic areas: northeastern, southeastern, northwestern, southwestern and central; plus one member-at-large.
3. President appoints members of the Nominating Committee at the October Board meeting.
4. Immediate Past-President shall Chair the Nominating Committee. The chair of the Diversity Committee shall be a member of the Nominating Committee. No more than one member of the Nominating Committee may be a member of the present Board of Governors.
5. The Nominating Committee shall annually select not more than two candidates for Vice-President, Secretary/Treasurer, President-Elect, and three Board member-at-large positions. The Board member-at-large positions shall be for three-year terms.
6. The Nominating Committee shall also select not less than two (2) candidates to serve as a representative to the Board for Judicial Administration for a (4) year term.
7. The report of the Nominating Committee shall be submitted to the Board at its March meeting. The names of the nominees will be published in the written notice of the Spring Conference and in the Minutes of the Board's March meeting. Nominations for all offices except President may be made by the members at the Spring Conference.

Budget: \$100
Fiscal Year: July 1 – June 30



September 20, 2021

Peter King
Executive Director
Association of Washington Cities
1076 Franklin St SE
Olympia, WA 98501

RE: Reply to your letter of September 9, 2021

Mr. King,

I appreciate your letter of September 9 expressing concerns about the AOC's distribution of *Blake* funds. I have also appreciated the open lines of communication that your team and I have established over the past two months regarding distribution of funds to municipalities. These communications have been open and honest, and through that, I believe we've built a solid path forward on which to continue building a successful relationship.

I apologize for the confusion in my brief email of August 19, amending the distribution table. I conflated two issues and that translated badly on paper. Please allow me to clarify.

The language in the proviso is clear with regards to funding being appropriated solely for counties. This does not permit any flexibility in distributing funding to municipalities. That was the reason for the amended data table.

Additionally, I had become aware of WAPA's potential concern with the data in the system that we had used to generate the municipal courts allotments, and wanted to investigate further. Unfortunately, I conflated this issue with the simple issue of the proviso language excluding municipalities and ended up causing confusion for all of our partners.

I know that our cities and municipal courts play a critical front-line role in our Washington Courts and that the *Blake* decision and ESB 5476 have a significant impact on those entities. I continue to be a resource to you and your team as you develop budget requests regarding this issue, and again, I apologize for the confusion.

Respectfully,

A handwritten signature in black ink that reads "Christopher Stanley".

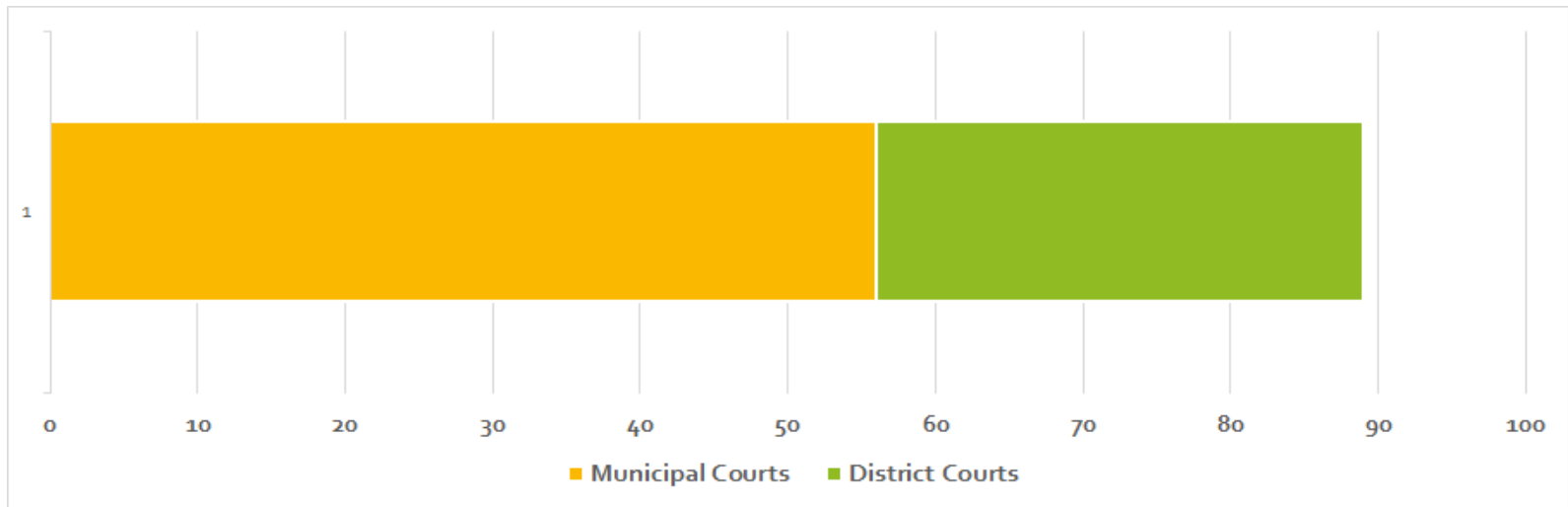
Christopher Stanley
Chief Financial and Management Officer

cc: Senator Christine Rolfes and Ways & Means Committee Leadership
Representative Timm Ormsby and Appropriations Committee Leadership
Scott Merriman, Office of Financial Management
Larry Jefferson, Office of Public Defense
Trisha Newport, Department of Corrections
Judge David Estudillo, President, Superior Court Judges' Association
Judge Charles Short, President, District and Municipal Court Judges' Association
Sharon Swanson, Association of Washington Cities
Association of Washington Superior Court Administrators
District and Municipal Court Administrators

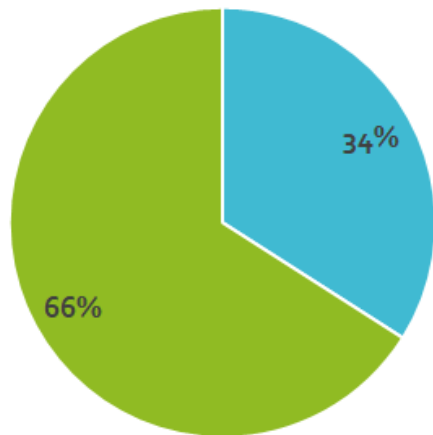
Vaccine Mandates for Employees in Courts of Limited Jurisdiction Survey Results Overview

October 5, 2021

Total Survey Responses: 89 (out of 232 total courts)

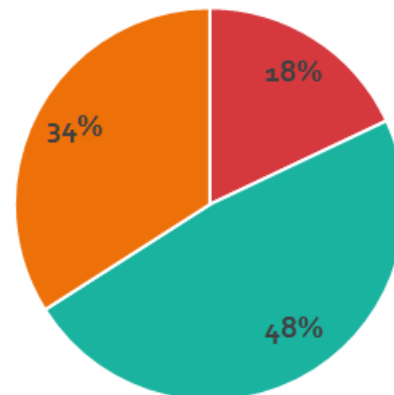


Are jury trials suspended in your court?



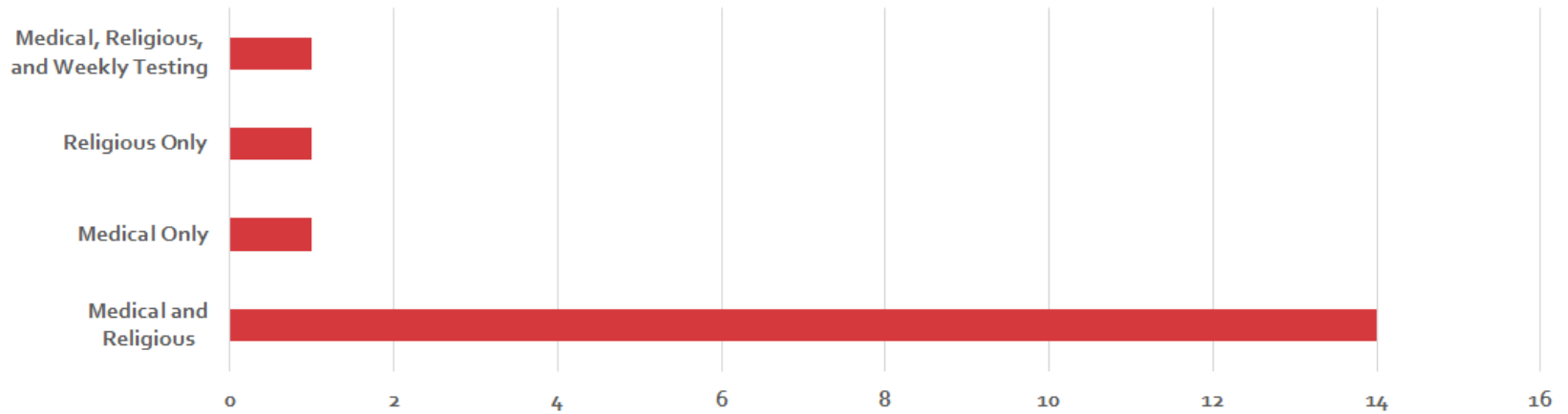
■ Yes (30) ■ No (59)

Are you adopting a vaccine mandate for employees of your court?



■ Yes (16) ■ No (43) ■ Waiting on decision (30)

Courts mandating vaccines: What exemption types will you accept?

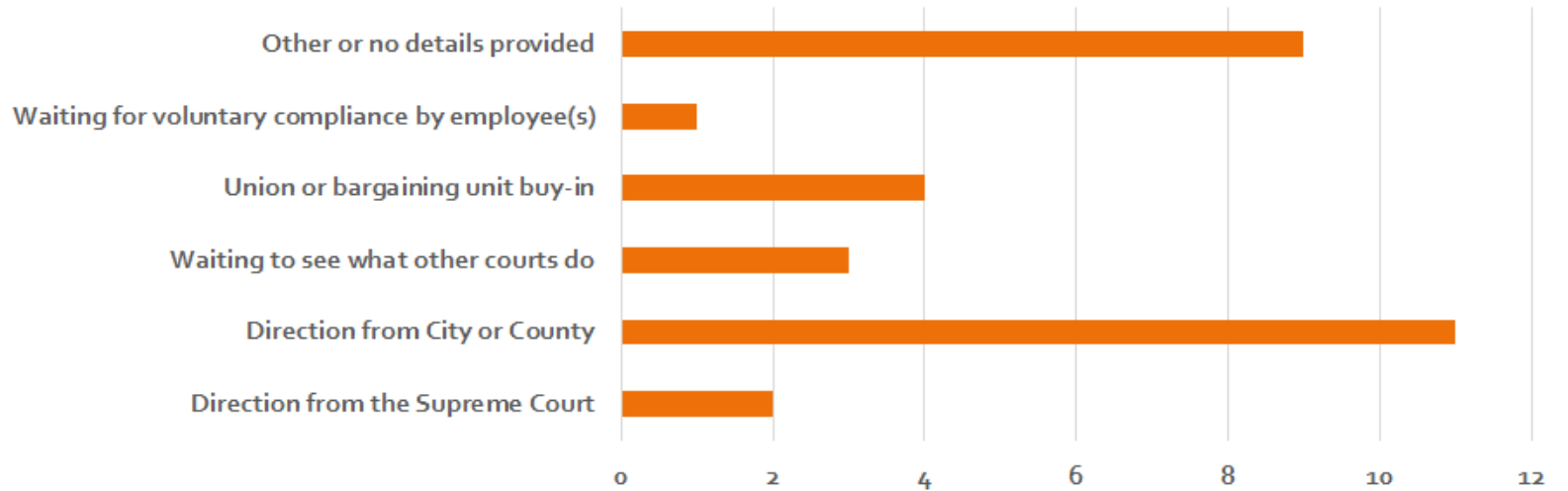


Date vaccine mandates go into effect:

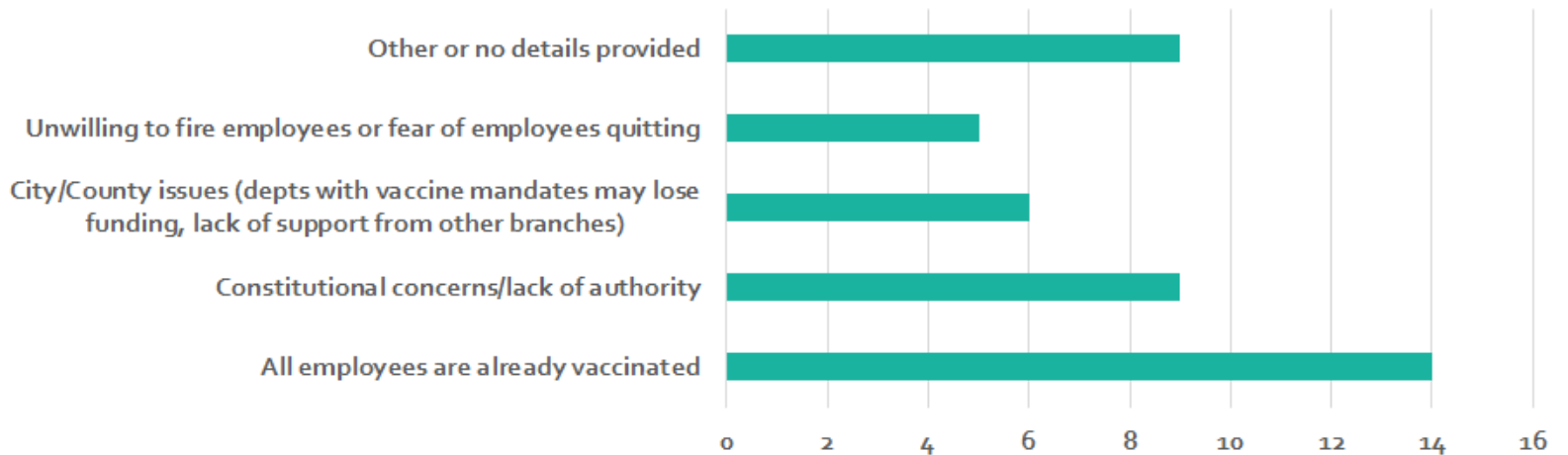


■ 10/31/21 or before ■ 11/1/21 or after

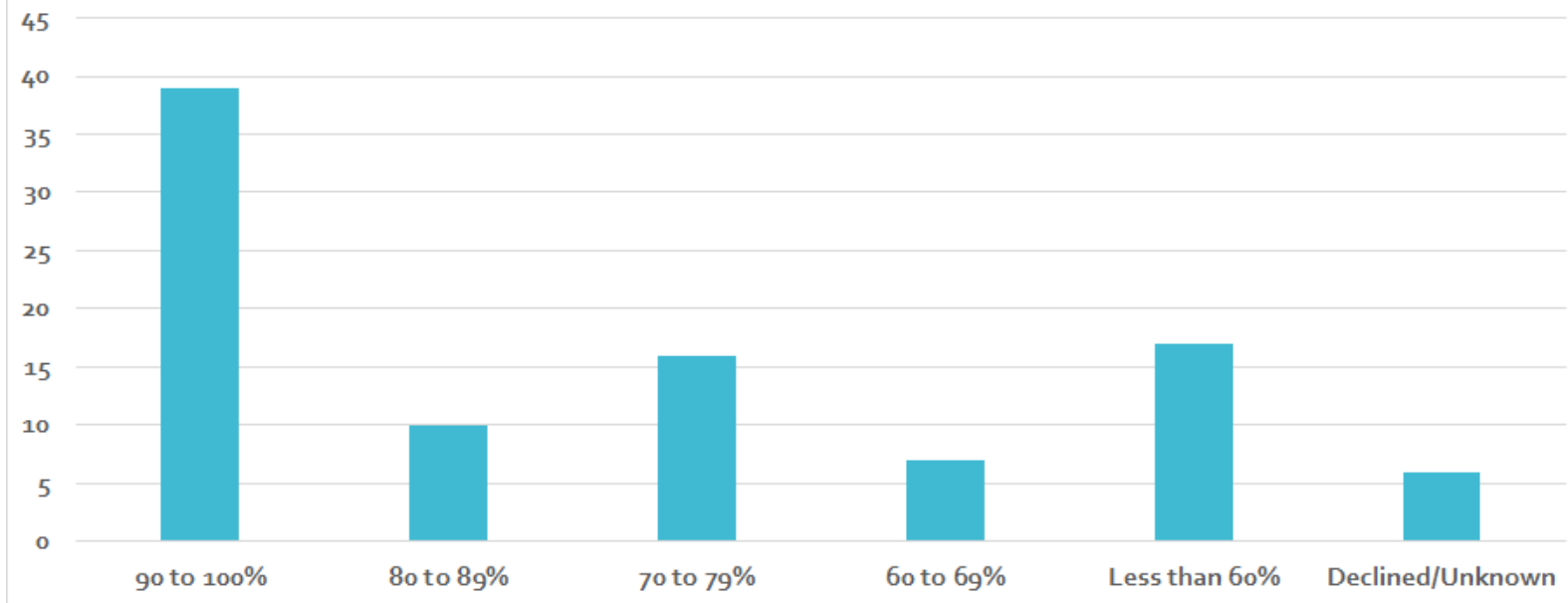
Courts waiting on a decision: What will allow you to make a decision?



Courts not mandating vaccines: What barriers are preventing you from issuing a mandate?

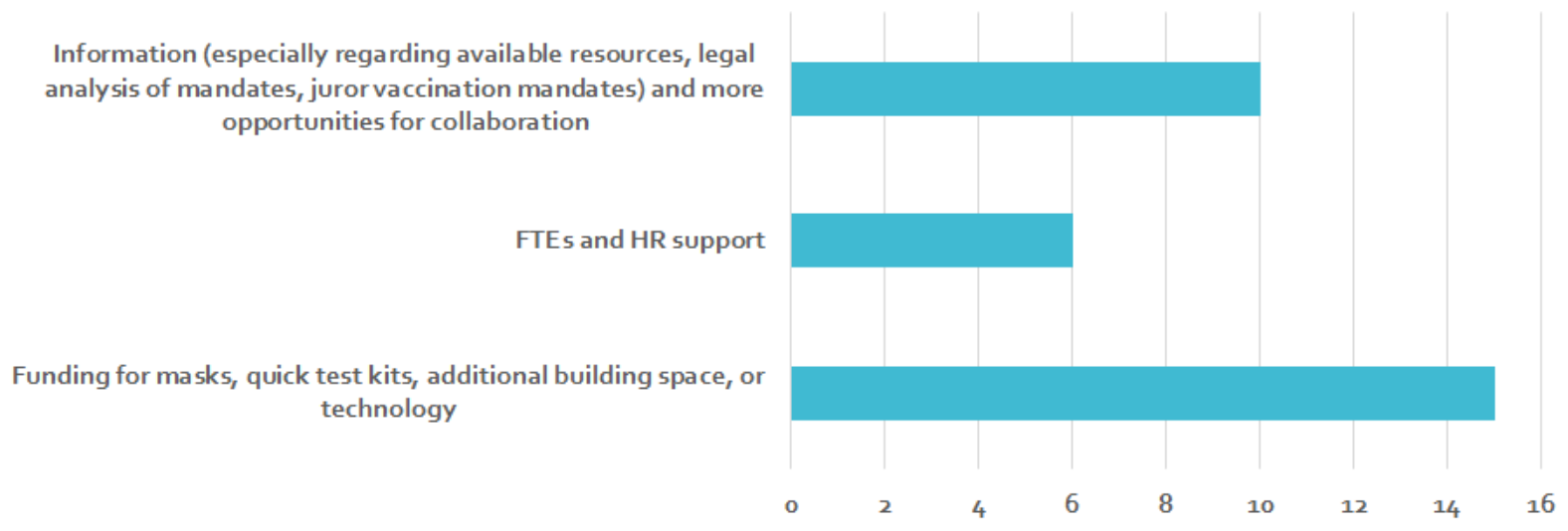


What is the approximate percentage of employees at your court who have been vaccinated?



Average across all respondents: 82%

What resources would be helpful to your court to meet the challenges of the pandemic?



37 responses indicating a need for more resources including:

- Training for Zoom jury trials
- Public relations assistance for communities and local governments
- Help with stress management and recognition for line staff
- Knowledge-sharing about what other courts are doing
- Experienced IT personnel and updated A/V to assist with virtual hearings
- Training for public defenders on how to effectively manage their cases/clients during the crisis

23 responses indicating no need for additional resources at this time

For more information:

Judge Charles D. Short, DMCJA President
cshort@co.okanogan.wa.us

Stephanie Oyler, DMCJA Primary Staff
Stephanie.Oyler@courts.wa.gov