

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

**Georgia Judicial Workload
Assessment (Appendix A)**

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

Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Section 1 – Policy

1.1 – Introduction

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

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

1.2 – Policy Statements

1. The Judicial Council will recommend additional judgeships based only upon need demonstrated through the methodology contained herein.
2. The Judicial Council will recommend circuit boundary alterations based only upon need demonstrated through the methodology contained herein.
3. The Judicial Council will not recommend part-time judgeships or single-judge circuits.

Section 2 – Judgeship and Circuit Boundary Study

2.1 – Initiation

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

3. Requests for studies will be sent to the Director of the AOC. If anyone, other than a chief judge, requests a judgeship or circuit boundary study, the AOC will inform the chief judge of the same circuit, and any adjacent circuits in the case of boundary studies, that a request has been made. Any request by any party may be withdrawn by the same party at any time for any reason, and staff will notify all parties impacted by such a withdrawal.
4. The AOC will send the caseload and workload status of their respective circuits to all superior court judges and district court administrators no later than May 1 of each year.

2.2 – Judgeship Study Methodology

The Judicial Council approves the NCSC reported adopted by the Council on December 7, 2018 (see Appendix A). See Appendix B for the summary of all values. Furthermore, the Judicial Council approved an amendment to the Habeas Corpus and Civil Appeals case weights on December 11, 2020 (see Appendix C).

1. The most recent three-year average of civil case filings and criminal case defendants, for each case type listed in Appendix A, will serve as the *total circuit caseload* for each case type. Each case type's caseload will be multiplied by its respective *case weight*. The resulting figure represents the *total circuit workload*.
2. The *total circuit workload* will be divided by the *judge year value* assigned to the circuit based on its *classification*. The resulting figure represents the *judge workload value*. If the *judge workload value* divided by the total number of authorized judgeships in the circuit meets or exceeds 1.2, then the circuit is qualified for an additional judgeship. If the *judge workload value* divided by the total number of authorized judgeships in the circuit is less than 1.2, then the circuit is not qualified for an additional judgeship. For purpose of analysis and reporting under this policy, workload values shall be rounded to the nearest tenth. When analyzing a circuit for multiple judgeships, the circuit shall first be analyzed to determine a need for one judgeship. If qualified, then the circuit shall be analyzed for one additional judgeship, giving the circuit credit for the additional judgeship need already qualified for. This process shall repeat itself until the circuit is not qualified or the request is exhausted.
3. A circuit that requests and qualifies for an additional judgeship will have its judgeship study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. Requestors will be notified of their status and the Committee process no later than June 15. The Standing Committee may forward the recommendation to the Judicial Council for consideration at the first meeting of the fiscal year as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a judgeship, the Standing Committee may consider that disagreement in their decisions to recommend new

judgeships to the Council. The Committee shall vote on request for multiple judgeships independently.

4. A circuit that requests and is not qualified for an additional judgeship has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. Requestors will be notified of their status and the Committee process no later than June 15. If the appeal is approved, then the appealing circuit will have a judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.
5. The AOC will present annually to the Committee a list of all circuits whose *judge workload value* divided by the total number of authorized judgeships in the circuit is less than 0.90 and whose per judge workload value would not equal or exceed 1.2 upon reduction of a judgeship. The Committee Chair shall invite all judges from such circuits to appear at the next Committee meeting to discuss their caseload and workload data. The Committee shall provide technical assistance, with the assistance of the AOC and others so designated, to the affected circuits that may include, but is not limited to: a manual hand count of cases for a specified period of time, additional training for clerks and staff on proper case documentation, and a review of caseload reports and other case information. The AOC shall provide the Committee prior to the next year's annual reporting, a report of the technical assistance provided and any recommendations for further assistance. If a circuit is presented for the first time between 2020 and 2021 and is presented for five consecutive years, the Committee may consider and recommend any options it deems appropriate to the Council. If a circuit is presented for the first time on or after 2022 and is presented for three consecutive years, the Committee may take the same action.

2.3 – Circuit Boundary Study Methodology

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

1. Caseload and Workload
 - a. Caseload is more evenly distributed across all circuits impacted by the alteration.
 - b. Workload in altered circuits does not vary significantly from the statewide average workload.
 - c. Caseload trend analysis of altered circuits does not project an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again in the near future.

2. Population

- a. Per judge population is more evenly distributed among circuits impacted by altered boundaries.
- b. Per judge population does not vary significantly from the statewide average in altered circuits.
- c. Population trend analysis of altered circuits does not show an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again within ten years.
- d. The population of altered circuits is more evenly distributed than the original circuits.

3. Judges

- a. The number of additional judges needed to serve altered circuits is not significantly greater than the original number.
- b. Judges' travel time and/or distance between courthouses decreases in altered circuits.

4. Administrative

- a. The one-time and recurring costs to altered circuits are not overly burdensome to the state or local governments. Changes in cost for personnel services and operations will be considered. These costs include, but are not limited, to the following:
 - i. Salaries and compensation for staff;
 - ii. Cost for items such as furniture, signage, and general startup expenses;
 - iii. Rent or the purchase of new office space;
 - iv. Purchase or lease of a vehicle; and
 - v. Conference and continued education costs.
- b. The operational and case assignment policies are not negatively impacted in altered circuits.

- i. Any current standing orders regarding case assignment should be submitted to the AOC; and
 - ii. Any item affecting the case assignment not specifically expressed in the Uniform Rules for Superior Courts should be submitted to the AOC.
 - c. The Circuit Court Administrator and/or District Court Administrator is required to submit the detailed Comprehensive Annual Financial Report to the AOC to be included within the analysis.
5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.
6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.
7. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status no later than July 1.
8. A circuit that qualifies for a boundary alteration will have its study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. The Standing Committee may forward the recommendation to the Judicial Council for consideration at its next meeting as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a circuit boundary alteration, the Standing Committee may consider that disagreement in their decisions to recommend circuit boundary alterations to the Council.
9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

The Judicial Council will make recommendations to the Governor and the General Assembly for judicial personnel allocations and circuit boundary alterations annually prior to the beginning of the regular session of the General Assembly.

1. The AOC will prepare and present all Committee recommendations on additional judgeships,

circuit boundary adjustments, and reduction of judgeships to the Council. Requestors will be notified of the Council process no later than August 1. The report will include the results of the judgeship and/or boundary studies, any letters of support from requesting circuits, any available *CourTools* data, and other information the AOC may deem beneficial to Judicial Council deliberations.

2. After reviewing the recommendations, the Judicial Council, in open session, may discuss the merits of each recommendation. Any Judicial Council member in a circuit or county affected by a recommendation will be eligible to vote on motions affecting that circuit but will not be present or participate in deliberations regarding the circuit. Non-Judicial Council members offering support or opposition may be recognized to speak by the Chief Justice.
3. After deliberations, the Judicial Council will, in open session, approve or disapprove the recommendations. The Council shall vote on requests for multiple judgeships independently. Votes on such motions will be by secret, written ballot. Non-qualified circuits with successful appeals must have a two-thirds ($2/3$) majority to receive approval. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. The Council shall vote on requests for multiple judgeships independently. Votes on such motions will be by secret, written ballot. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
 - a. The ballots will be counted using the Borda count method. The Borda count determines the outcome of balloting by giving each circuit a number of points corresponding to the number of candidates ranked lower. Where there are n circuits, a circuit will receive n points for a first preference ballot, $n - 1$ points for a second preference ballot, $n - 2$ for a third preference ballot, and so on until n equals 1. Once all ballots have been counted, the circuits are then ranked in order of most to fewest points.
5. Upon Judicial Council recommendation of an additional judgeship or circuit boundary alteration, the recommendation will remain for a period of three years unless (1) the total caseload of that circuit decreases 10 percent or more or (2) the circuit withdraws the request. In either case, the circuit must requalify before being considered again by the Judicial Council.
6. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a press release summarizing the Judicial Council's

recommendations.

Georgia Judicial Workload Assessment

Final Report

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I. INTRODUCTION

The Georgia Administrative Office of the Courts (AOC) contracted with the National Center for State Courts (NCSC) to develop a method to measure judicial workload in Georgia's State and Superior Courts. A clear measure of court workload is central to determining how many judicial officers are needed to resolve all cases coming before the court. Adequate resources are essential if the Georgia judiciary is to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves assessing objectively the number of judicial officers required to handle the caseload and whether judicial resources are being allocated and used prudently. In response, judicial leaders around the country are increasingly turning to empirically-based workload assessments to provide a strong foundation of judicial resource need in their state trial courts.

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

The current study represents a comprehensive overhaul of the Georgia weighted caseload system to update the case weights to reflect developments in the law and court procedures. This effort is timely because Georgia's judicial weighted caseload system was last reviewed and updated more than fifteen years ago. Since the previous weighted caseload study, developments in statutes, rules, case law, case management practices, new technology, increasing complexity of cases, and the overhaul of the state's probation and public defender systems

have had a significant impact on the work of State and Superior Court judges, necessitating an update of the case weights. The current workload assessment incorporates a number of innovations in comparison with previous studies conducted in Georgia. Specifically, the current study:

1. Increases time study participation, soliciting statewide participation from all State Court and Superior Court judges, to more accurately estimate the time required to resolve cases.
2. Incorporates the workload of senior judges and magistrate judges for State and Superior Court cases.
3. Establishes weights for accountability courts, including felony drug court, mental health court, DUI court, veterans' court, and other state-recognized accountability courts.
4. Reassesses the amount of time available for case-related work, adjusting the judge day and year values to reflect current practice.
5. Assesses whether current practice is consistent with achieving reasonable standards of quality through a comprehensive quality adjustment process, using a sufficiency of time survey, site visits, and Delphi focus groups.
6. Develops a rounding convention that puts courts of all sizes on equal footing.

A. The Weighted Caseload Model

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

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

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

B. History of Weighted Caseload in Georgia

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

1. 2000 Judicial Workload Assessment

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

A two-month time study was conducted, sampling judges in jurisdictions representative of all three geographic strata. Participants included 62 Superior Court judges in 22 circuits and 26 State Court judges in 12 counties. The

time study data were used to develop case weights to be applied in all Georgia Superior Courts and State Courts.

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

2. Annual Superior Court Workload Assessments

The Georgia Constitution provides the General Assembly with the authority to “abolish, create, consolidate, or modify judicial circuits and courts and judgeships” for the Superior Courts.¹ On an annual basis, the Judicial Council of Georgia makes recommendations to the General Assembly for new Superior Court judgeships based on judicial need. To determine judicial need, the Judicial Council's Workload Assessment Committee produces an annual workload assessment report for the Superior Courts. The report applies the Superior Court weighted caseload model to current case filings to calculate judicial workload in each circuit and identify circuits with sufficient judicial need to qualify for additional judgeships. The Judicial Council reviews the committee's findings and votes on judgeship recommendations for consideration by the General Assembly.

3. 2015 Gwinnett County Superior Court Workload Assessment

In 2015, the Gwinnett County Superior Court contracted with NCSC to conduct its own judicial workload assessment.² All judicial officers serving in the Superior Court participated in a 12-week time study that resulted in a court-specific weighted caseload model.

¹ GA. CONST. art. VI, § I, para. VII.

¹ NATIONAL CENTER FOR STATE COURTS, GWINNETT COUNTY, GEORGIA SUPERIOR COURT JUDICIAL WORKLOAD STUDY (2015).

4. Current Judicial Workload Assessment

In 2016, the Georgia AOC engaged NCSC to conduct a comprehensive update of the weighted caseload model for State Court and Superior Court judges. Updates to methodology include broader participation in the time study; a condensed, 4-week time study with web-based training; and a comprehensive quality adjustment process to ensure that the case weights ensure sufficient time for effective case handling. The new weighted caseload model accounts for important changes that have had an impact on the workload of Georgia's judiciary in recent years including the establishment of accountability courts, the movement to a statewide public defender system, an overhaul of the state's probation system, and changes in statutes, case law, and court procedures (e.g., changes to implied consent procedures in DUI cases,³ the First Time Offenders Act⁴).

To provide oversight and guidance on matters of policy throughout the project, the AOC appointed a 16-member Judicial Needs Assessment Committee (JNAC) consisting of 8 State Court judges and 8 Superior Court judges, representing judicial circuits of various sizes from all geographic regions of the state. JNAC's role was to advise NCSC on the selection of case types (e.g., criminal, civil, domestic) and the time study design, as well as to make policy decisions regarding the amount of time allocated to case-related and non-case-related work (judge day and year values and administrative adjustments) and quality adjustments to the model. Superior Court Judge Melodie Snell Conner and State Court Judge Joseph Iannazzone, both from Gwinnett County, served as co-chairs of JNAC.

The workload assessment was conducted in two phases:

1. A time study in which all Superior Court and State Court judges, as well as senior judges and magistrates serving in Superior Court and State court, were asked to record all case-related and non-case-related work over a four-week period. The time study provides an empirical description of the amount of time currently devoted to processing each case type, as well as the division of the workday between case-related and non-case-related activities.
2. A quality adjustment process to ensure that the final weighted caseload models incorporate sufficient time for efficient and effective case processing, including fulfilling the constitutional guarantee of the right to a speedy trial in criminal cases. The quality adjustment process included
 - a statewide sufficiency of time survey asking judges about the amount of time currently available to perform various case-related and non-case-related tasks;
 - site visits by NCSC and AOC staff to Superior Courts and State Courts in four circuits; and
 - a structured review of the case weights by a set of Delphi panels comprising experienced judges from across the state of Georgia.

³ Williams v. State, 296 Ga. 817 (2005).

⁴ O.C.G.A. § 42-8-60 et seq.

II. CASE TYPES AND EVENTS

At JNAC's first meeting on March 17, 2017, one of the committee's primary tasks was to establish the case type and event categories upon which to base the time study. Together, the case types, case-related events, and non-case-related events describe all of the work required and expected of Georgia's State and Superior Court judges.

A. Case Type Categories

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

- The case type categories are both mutually exclusive and collectively exhaustive, meaning that any given case falls into one, and only one, case type category;
- Categories are legally and logically distinct;
- There are meaningful differences among categories in the amount of judicial work required to process the average case;
- There are a sufficient number of case filings within the category to develop a valid case weight; and
- Filings for the case type category or its component case types are tracked consistently and reliably by the AOC.

Using the case type categories currently tracked by the AOC as a starting point, JNAC defined 12 case type categories for State Court and 17 for Superior Court (Exhibit 1). A significant

innovation was the addition of a case type category for statutorily defined Accountability Courts in both State Court and Superior Court.

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

B. Trials

Citing a perceived increase in the duration of trials associated with increases in case complexity, JNAC determined that during the time study trial time would be tracked separately from other case-related work. Trial work was defined as all case-related activities specific to a bench or jury trial, as well as sentencing following conviction at a trial. Trial work did not include pre-trial activities (e.g., pre-trial hearings, conferences, dispositive motions).

C. Non-Case-Related Events

Work that is not related to a particular case before the court, such as court management, committee meetings, travel, and judicial education, is also an essential part of the judicial workday. To compile a detailed profile of judges' non-case-related activities and provide an empirical basis for the construction of the judge day and year values, JNAC defined nine non-case-related event categories (Exhibit 2). To simplify the task of completing the time study forms and aid in validation of the time study data, vacation and other leave, lunch and breaks, and time spent filling out time study forms were included as non-case-related events.

Exhibit 1: Case Type Categories

State Court	Superior Court
Criminal:	Criminal:
1. Non-Traffic Misdemeanor	1. Death Penalty/Habeas
2. Serious Traffic	2. Serious Felony
3. Other Traffic	3. Felony
4. Accountability Courts	4. Misdemeanor
5. Probation Revocation	5. Accountability Courts
	6. Probation Revocation
Civil:	Civil:
1. Complex Tort	1. Complex Tort
2. General Tort	2. General Tort
3. Landlord/Tenant	3. Contract/Real Property
4. Contract	4. Civil Appeals/Habeas Corpus
5. Civil Appeals	5. Other Civil (including reopened)
6. Garnishment	
7. Other Civil (including reopened)	Domestic:
	1. Divorce /Paternity/Legitimation
	2. Support (IV-D and private)
	3. Adoption
	4. Family Violence Petition
	5. Other Domestic
	6. Reopened Cases—Domestic

Exhibit 2. Non-Case-Related Events

Non-Case-Related Events

Non-Case-Related Administration

Judicial Education and Training

General Legal Reading

Committee, Conference, and Work Group Meetings and Related Work

Community Activities and Public Outreach

Work-Related Travel

Vacation, Sick Leave, and Holidays

Lunch and Breaks

NCSC Time Study

III. TIME STUDY

The time study phase of the workload assessment measured current practice—the amount of time judges currently spend handling cases of each type, as well as on non-case-related work. For a period of four weeks, all Georgia State and Superior Court judges, and senior or magistrate judges that were working on State or Superior Court cases, were asked to track all of their working time by case type and event. Separately, the AOC provided counts of filings by case type category and court. NCSC used the time study and filings data to calculate the average number of minutes currently spent resolving cases within each case type category (preliminary case weights). The time study results also informed JNAC’s selections of day and year values for case-related work, as well as administrative adjustments for chief judges (who by statute have certain extra administrative duties).

A. Data Collection

1. Time Study

During a four-week period from October 16 through November 12, 2017, all State Court and Superior Court judges were asked to track all working time by case type category and trial status (for case-related work) or by non-case-related event (for non-case-related activities). Senior, Magistrate Court, and Juvenile Court judges were asked to record any time spent on State Court and Superior Court cases, and State Court judges were also asked to record time devoted to hearing cases in Superior Court. Participants were instructed to record all working time, including time spent handling cases on and off the bench, non-case-related work, and any after-hours or weekend work.

⁵ Separate counts of Serious Felony filings were available for Superior Court in 100 counties. In the 59 remaining counties, Serious Felony and Felony filings were reported in a single category. For these

Judges tracked their time in five-minute increments using a Web-based form.

To maximize data quality, all time study participants were asked to view a Web-based training module explaining how to categorize and record their time. In addition to the training modules, judges were provided with Web-based reference materials, and NCSC staff were available to answer questions by telephone and e-mail. The Web-based method of data collection allowed time study participants to verify that their own data were accurately entered and permitted real-time monitoring of participation rates, helping to maximize the quality and completeness of the time study data.

Across the state, 135 of 212 Superior Court judges (64 percent) and 81 of 92 State Court judges (88 percent) participated in the time study. This level of statewide participation, unprecedented in previous Georgia workload assessments, ensured sufficient data to develop an accurate and reliable profile of current practice in Georgia’s State and Superior Courts.

2. Caseload Data

To translate the time study data into the average amount of time expended on each type of case (preliminary case weights), it was first necessary to determine how many individual cases of each type are filed on an annual basis. The AOC provided filings data for 2014, 2015, and 2016.⁵ The caseload data for all three years were then averaged to provide an annual count of filings within each case type category and court, shown in Exhibit 3. The use of an annual average rather than the caseload data for a single year minimizes the potential for any temporary fluctuations in caseloads to influence the case weights.

counties, Serious Felony and Felony filings were estimated based on the statewide proportion of Serious Felony to Felony cases.

B. Preliminary Case Weights

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

To calculate the preliminary case weights, the time recorded for each case type category was weighted to the equivalent of one year's worth of time for all judges statewide. The total annual time for each case type was then divided by the average annual filings to yield the average amount of hands-on time judges currently spend on each case. JNAC reviewed the preliminary case weights and adopted them as an accurate representation of current practice. Because Complex Tort, General Tort, and Accountability Court cases are very similar in subject matter and complexity in State Court and Superior Court, and because the time study results for these case types were virtually identical across the two court levels, JNAC elected to apply uniform case weights for these case types in State Court and Superior Court. Exhibit 3 shows the preliminary case weights for State and Superior Court as adopted by JNAC.

Exhibit 3. Filings and Preliminary Case Weights

State Court

	Annual Filings (average 2014 - 2016)	Preliminary Case Weight (minutes)
Non-Traffic Misdemeanor	94,889	22.0
Serious Traffic	29,472	56.0
Other Traffic	451,075	1.8
Accountability Courts	1,062	420.0
Probation Revocation	34,018	12.0
Complex Tort	246	850.0
General Tort	11,814	100.0
Landlord/Tenant	693	48.0
Contract	19,169	17.0
Civil Appeals	766	51.0
Garnishment	14,226	2.3
Other Civil (including reopened)	10,593	24.0
Total	668,023	

Superior Court

	Filings (average 2014 - 2016)	Preliminary Case Weight (minutes)
Death Penalty/Habeas	12	4,342
Serious Felony	4,659	565
Felony	79,724	49
Misdemeanor	31,002	19
Accountability Courts	2,612	420
Probation Revocation	50,172	9
Complex Tort	142	850
General Tort	6,649	100
Contract/Real Property	16,947	40
Civil Appeals/Habeas Corpus	3,769	44
Other Civil (including reopened)	24,960	29
Divorce/Paternity/Legitimation	50,555	61
Support (IV-D and private)	36,372	11
Adoption	2,959	55
Family Violence Petition	19,026	29
Other Domestic	18,841	44
Reopened Cases—Domestic	21,059	24
Total	369,459	

Note: In 59 counties, Superior Court Serious Felony and Felony filings were reported in a single category. In these counties, the proportion of Serious Felony and Felony filings was estimated on the basis of data from the remaining 100 counties.

IV. QUALITY ADJUSTMENT

The preliminary case weights generated during the time study measure the amount of time Georgia's State and Superior Court judges currently spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges should spend. To provide a qualitative assessment of whether current practice allows adequate time for quality performance, judges across the state completed a Web-based sufficiency of time survey. NCSC and AOC staff made site visits to State and Superior courts in four circuits to interview judges, attorneys, and clerks. Finally, four expert panels of experienced judges reviewed the preliminary case weights to ensure that judges can devote the time required for the efficient and effective administration of justice in every case.

A. Sufficiency of Time Survey

To provide a statewide perspective on any areas of concern related to current practice, all State Court and Superior Court judges were asked to complete a Web-based sufficiency of time survey in February of 2018. For each case type, judges were asked to indicate in what percentage of cases additional judicial time is needed to ensure effective case processing, as well as how urgent the need is for additional time. Judges were then asked to identify specific case-related tasks, if any, where additional time would improve the quality of justice. The survey included questions about the sufficiency of time for non-case-related work, as well as space for judges to comment freely on their workload. Forty-nine State Court judges (53 percent) and 50 Superior Court judges (24 percent) completed the survey. Appendix C (State Court) and Appendix D (Superior Court) present the survey results in detail.

In both State Court and Superior Court, judges identified Accountability Court and Complex Tort cases as case types for which additional time would improve the quality of justice. State Court judges also indicated Serious Traffic and General Tort cases as high priorities for adjustment. In Superior Court, other case types identified as in need of additional time included Death Penalty/Habeas, Serious Felony, Felony, Divorce/Paternity/Legitimation, Other Domestic, and Family Violence Petition.

State Court judges indicated a need for additional time for pretrial motions and legal research in both criminal and civil cases. In State Court criminal cases, judges also highlighted trials as potentially benefiting from extra time. In Superior Court criminal and civil cases, areas of potential concern included trials, pretrial motions, pretrial and scheduling conferences, and addressing the needs of self-represented litigants. In domestic cases, Superior Court judges highlighted conducting and preparing findings and orders related to trials and final hearings, addressing the needs of self-represented litigants, reviewing and hearing motions for modification, and reviewing the case file and reports as activities for which more time would improve the quality of judicial decision-making. Both State Court and Superior Court judges indicated a need to devote additional time to Accountability Court work.

B. Site Visits

To gain an in-depth understanding of the issues judges face in the effective handling of their cases, NCSC and AOC staff visited State and Superior Courts in four circuits. Participating sites included urban, suburban, and rural courts from all geographic regions of Georgia.⁶ During the site visits, judges and trial court

⁶ Participating courts included the Douglas Judicial Circuit (Douglas County), the Mountain Judicial the Circuit (Habersham and Stephens Counties), the

Gwinnett Judicial Circuit (Gwinnett County), and Atlantic Judicial Circuit (Evans, Liberty, and McIntosh Counties).

administrators participated in structured group and individual interviews.

The interviews allowed project staff to document procedures and practices believed to increase efficiency and quality, as well as resource constraints that might inhibit effectiveness. Several common themes emerged during the interviews as well as in the comments of the sufficiency of time survey, as illustrated by quotes from interview and survey participants.

The unique needs of self-represented litigants require extra time and attention from judicial officers.

Both State Court and Superior Court judges reported that more and more litigants are appearing in court unrepresented by attorneys. To ensure that the rights of all parties are protected and that the case proceeds smoothly, judges must take additional time to ensure that self-represented litigants understand their rights, the legal process, and the rules of evidence. Self-represented litigants often appear in court unprepared or without statutorily required child support worksheets and materials, leading to delay and frustration for all concerned. These concerns are especially prevalent in family law and domestic violence cases, where a large proportion of parties is self-represented.

“I would take more time with pro se litigants to ensure the judicial process truly affords them the full opportunity to represent themselves.”

“The increase in pro se litigants requires more preparation for their cases since incorrectly prepared documents must be identified and pointed out to them for correction, much more so than in cases with attorneys.”

“I have to help them understand the process. I feel like a civics professor”

Accountability courts require extra time and attention from judicial officers.

The judicial work associated with an accountability court includes in-court time with participants, team meetings, collaboration across an array of agencies, and responding in a timely fashion to issues arising with participants. Judges reported a noticeable increase in workload after taking over an accountability court docket, not only during business hours but also after hours and on weekends. Many judges also noted that no adjustments were made to their regular dockets in consideration of this additional workload, although the state does allocate senior judge days to support some accountability courts. Despite these issues, judges reported a sense of purpose and responsibility towards accountability court participants.

“I spend a full day on accountability court per week: half a day on staffing and holding court, and half a day of responding to phone calls and other matters that come up.”

“The number of drug court participants has increased a great deal. We have a big meth problem [in this county]... I get texts all day about cases. I sign orders at home and scan them into the system for drug tests outside of business hours.”

“We need more time to think about those cases, the mental health or drug issues and their effects. As judges, we need to protect their interests and rights.”

“Additional time would allow for more in-depth research and greater opportunities to confer with treatment providers and community supervision before accountability court is held, resulting in better responses to problems.”

State Court often handles large and complex civil cases that require extra time and attention from judicial officers.

There is no jurisdictional limit on the value of civil cases filed in State Court, and judges reported that many attorneys prefer to file large

and complex civil cases in State Court rather than in Superior Court because statutory timelines in domestic cases can cause delay for other civil cases in Superior Court. In both State Court and Superior Court, judges have noticed an increase in the complexity of civil cases, particularly those involving scientific and economic evidence.

“What I love about hearing certain civil trials is the level of expertise and knowledge demonstrated by attorneys who regularly try cases in a particular specialized area of the law. I would love to have the additional time needed to meet them in the courtroom with a similar level of expertise.”

Law clerks and staff attorneys enhance the efficiency and quality of case processing in State and Superior Courts.

Law clerks and staff attorneys can perform many research, writing, and case management tasks, enhancing both the efficiency and the quality of judicial decision-making. Law clerks and staff attorneys assist judges in preparing for large trials, draft orders, research legal issues and review pleadings related to pre-trial motions in civil and criminal cases, review motions for post-conviction relief often filed by pro se inmates, assist with monitoring and dismissals for lack of prosecution, read “jail mail” from inmates in habeas corpus cases, and can act as “gatekeepers” to prevent ex parte communications. In smaller jurisdictions, judges report that law clerk and staff attorney resources are limited due to a lack of county funding. Many of these judges feel they would benefit from a law clerk’s assistance with legal research in more complex civil cases, case review, and order preparation.

“My law clerk reads everything that comes into the office before I do; it keeps me from being reversed on appeal.”

“Career-track staff attorney positions with competitive salaries are especially valuable because they allow judges to retain experienced

attorneys instead of starting fresh with a new law school grad every year.”

“[Staff attorneys] really allow us to maximize our court time.”

Judicial assistance from senior judges and magistrate judges enhances the efficiency and quality of case processing in State and Superior Courts, but there is disparity in their availability across jurisdictions.

Senior and magistrate judges are sometimes designated as State or Superior Court judges to assist with the caseload in those courts. The state funds a set number of senior judge days for each court annually, which can be supplemented by county funding. Magistrate judges can also be supplemented with county funding where available. During the site visits, judges pointed out disparities in access to judicial assistance based on county resources.

“Our primary resource [for handling the extra workload] is senior judges, but you only get so many senior judge days allotted each year, and they run out very quickly.”

A collaborative culture is essential to efficient and effective case processing.

Judges and court clerks all noted that teamwork among judicial officers and staff is a key ingredient in a court’s ability to handle its cases efficiently and effectively. Good communication between the bench and the clerk’s office, as well as a strong understanding of court processes on the part of the clerk and the clerk’s staff, leads to more efficient calendaring of cases. Within the bench, collegiality and cooperation enable judges to balance workloads, deal with absences and emergencies, mentor new colleagues, and share knowledge.

“Our public defender and prosecutor are always asking, ‘what’s the problem and how can it be addressed?’ Nobody says, ‘it’s not my job.’”

“The most important thing you can do as a lawyer or a judge is to know your clerks.”

“If a case breaks down [and the trial falls off the calendar], I will take jury cases for other judges.”

“Before the public defender system was established, all lawyers had to represent indigent defendants; everyone was forced through the criminal defense system and learned to participate together.”

C. Delphi Quality Adjustment Groups

To provide a qualitative review of the preliminary case weights, project staff facilitated a series of quality adjustment sessions with panels of State and Superior Court judges in June 2018. Each of the four groups consisted of between nine and 13 experienced judges selected from a representative variety of large and small judicial circuits across the state. Each group focused on a subset of case types, including State Court criminal, State Court civil, Superior Court civil and criminal, and Superior Court domestic. At the beginning of each quality adjustment session, NCSC staff provided group members with an overview of the process used to develop the preliminary case weights, followed by a review of the sufficiency of time survey and site visit results.

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

1. Review each preliminary case weight by case type and event and identify specific case types and activities where additional time would allow for more effective case processing, as well as areas where efficiency might be gained;
2. Within particular case types, recommend adjustments to the time allotted to specific case-related functions;
3. Provide an explicit rationale to support any proposed increase or reduction in judicial time; and
4. Review and revise the recommended adjustments until a consensus was reached that all adjustments were necessary and reasonable.

This iterative, consensus-based review of the case weights was designed to ensure that all recommended adjustments were reasonable and designed to produce specific benefits to the public such as improvements in public safety, cost savings, increases in procedural justice, and improved compliance with court orders. The process also ensured that the statewide perspective gained from the sufficiency of time survey, along with the input of all group members, was incorporated into the final workload model.

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

temporary hearings in Divorce/Paternity/Legitimation cases, for trials in contested custody cases (Divorce/Paternity/Legitimation), to discern the relevant facts during ex parte TPO hearings in Family Violence Petition Cases, and to allow parties to tell their stories during trials on modifications (Other Domestic). JNAC reviewed and adopted all of the panels'

recommended quality adjustments. To maintain consistency, JNAC applied the panels' recommended adjustments to the Complex Tort and Accountability Court weights across both court levels. Exhibit 4 shows the preliminary and quality-adjusted case weights for State Court and Superior Court.

Exhibit 4. Preliminary and Quality-Adjusted Case Weights

State Court

	Preliminary Case Weight (minutes)	Final Case Weight (minutes)
Non-Traffic Misdemeanor	22.0	22.0
Serious Traffic	56.0	56.0
Other Traffic	1.8	1.8
Accountability Courts	420.0	495.0
Probation Revocation	12.0	13.0
Complex Tort	850.0	868.0
General Tort	100.0	100.0
Landlord/Tenant	48.0	48.0
Contract	17.0	17.0
Civil Appeals	51.0	51.0
Garnishment	2.3	2.3
Other Civil (including reopened)	24.0	24.0

Superior Court

	Preliminary Case Weight (minutes)	Adjusted Case Weight (minutes)
Death Penalty/Habeas	4,342	4,342
Serious Felony	565	572
Felony	49	54
Misdemeanor	19	20
Accountability Courts	420	495
Probation Revocation	9	9
Complex Tort	850	868
General Tort	100	100
Contract/Real Property	40	40
Civil Appeals/Habeas Corpus	44	44
Other Civil (including reopened)	29	29
Divorce/Paternity/Legitimation	61	65
Support (IV-D and private)	11	11
Adoption	55	55
Family Violence Petition	29	41
Other Domestic	44	45
Reopened Cases—Domestic	24	24

V. JUDICIAL NEED

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

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

Multiplying the filings by the corresponding case weights calculates the total annual workload in minutes. Dividing the workload by the year value yields the total number of full-time equivalent (FTE) judges needed to handle the workload.

A. Judge Year Values

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

1. Judge Year

As shown in Exhibit 5, the judge year value was constructed by beginning with 365 days per year, then subtracting weekends, holidays, annual leave and sick leave, and full-day participation in statutorily mandated judicial training. The steering committee from the 2000 NCSC judicial workload studies adopted a judge year of 220 case-related days for both State and Superior Courts. During the current workload assessment, JNAC decided to incorporate additional time for judicial education to enhance

the quality of justice, resulting in a judge year of 215 case-related days for Superior Court and State Court judges.

Exhibit 5. Judge Year

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

2. Judge Day

The judge day value represents the amount of time each judge has available for case-related work each day. This value is calculated by subtracting time for lunch, breaks, and non-case-related work (e.g., administration, travel, training) from the total working day. The 2000 steering committee established separate judge day values for three geographic strata in Superior Court and two in State Court, resulting in five separate day values ranging from 5.5 hours to 6.9 hours. Based upon the time study data, JNAC adopted three judge day values for case-related work: 6.0 hours for State Court judges, 6.0 hours for Superior Court judges in circuits with 3 or fewer counties, and 5.5 hours for Superior Court judges in circuits with 4 or more counties. The smaller day value circuits with 4 or more counties reflects the additional travel required of Superior Court judges in these circuits.

3. Judge Year Values

To calculate the final year values for case-related work, the number of days in the working year was multiplied by the day value for case-related work. This figure was then expressed in terms of minutes per year. Exhibit 6 shows the calculation of the year values for State Court and Superior Court.

Exhibit 6. Judge Year Values

	Judge year (days)	x	Judge day (hours)	x	Minutes per hour	=	Year value (minutes)
State Court	215	x	6.0	x	60	=	77,400
Superior Court							
3 or fewer counties	215	x	6.0	x	60	=	77,400
4 or more counties	215	x	5.5	x	60	=	70,950

B. Administrative Adjustment

The time study revealed that statutorily mandated administrative responsibilities create additional non-case-related work for Superior Court chief judges. JNAC determined that each Superior Court should be credited with additional judicial need of 0.1 FTE to accommodate this work.

C. Judicial Need

To calculate the number of judges needed in each of Georgia's State and Superior Courts, the annual average filings count for each case type was multiplied by the corresponding case weight to calculate the annual judicial workload associated with that case type, in minutes. Judicial workload was summed across all case types, then divided by the judge year value, or the amount of time each full-time judge has available for case-related work in one year. This yielded the total number of judges required to handle the court's case-related workload, as well as judges' ordinary non-case-related responsibilities, in full-time equivalent (FTE) terms. In Superior Court, the chief judge administrative adjustment was then added to arrive at total judicial need.

In some courts, workload-based judicial need exceeds the number of currently allocated judicial positions. Under existing policy, a Superior Court qualifies for an additional judicial position if its per-judge workload exceeds a certain threshold, ranging from 1.35 FTE per judge in a two-judge court to 1.12 FTE per judge in a 25-judge court. After a thorough review of these thresholds, JNAC adopted a uniform threshold of 1.2 FTE workload per judge to qualify for a new judgeship in State and Superior Courts of all sizes.

Exhibits 7 (State Court) and 8 (Superior Court) present the final calculation of judicial workload and need, as well as the number of judges required to bring per-judge workload below the 1.2 FTE threshold, for each court.

Exhibit 7. Judicial Workload and Need, State Court

County	Total Case-Related Workload	Current Part-Time Judges	Current Full-Time Judges	Current Workload per Judge	Full-Time Judge Need with 1.2 FTE Workload per Judge Upper Bound
Appling	0.21	1			
Bacon	0.08	1			
Baldwin	0.76	1			
Bibb	2.05		2	1.02	2
Brooks	0.28	1			
Bryan	0.30	1			
Bulloch	0.94		1	0.94	1
Burke	0.63	1			
Candler	0.09	1			
Carroll	1.33		1	1.33	2
Catoosa	0.16		1	0.16	1
Charlton	0.15	1			
Chatham	4.14		3	1.38	4
Chattooga	0.34	1			
Cherokee	2.85		3	0.95	3
Clarke	1.86		2	0.93	2
Clayton	5.85		5	1.17	5
Cobb	8.69		12	0.72	12
Coffee	0.30	1			
Colquitt	0.37		1	0.37	1
Coweta	2.08		2	1.04	2
DeKalb	9.89		11	0.90	11
Decatur	0.17	1			
Dougherty	0.91		1	0.91	1
Douglas	2.15		2	1.07	2
Early	0.10	1			
Effingham	0.45		1	0.45	1
Elbert	0.31	1			
Emanuel	0.11	1			
Evans	0.07	1			
Fayette	1.32		1	1.32	2
Forsyth	1.89		2	0.94	2
Fulton	7.83		10	0.78	10
Glynn	1.38		1	1.38	2
Grady	0.20	1			
Gwinnett	7.43		6	1.24	7
Habersham	0.53	1			
Hall	2.79		3	0.93	3
Henry	3.74		4	0.93	4
Houston	1.78		1	1.78	2
Jackson	0.83	1			
Jeff Davis	0.22	1			
Jefferson	0.16	1			
Jenkins	0.13	1			
Liberty	0.61		1	0.61	1
Long	0.24	1			
Lowndes	3.38		2	1.69	3
Mcintosh	0.48	1			
Miller	0.09	1			
Mitchell	0.17		1	0.17	1
Muscogee	2.56		2	1.28	3
Pierce	0.20	1			
Putnam	0.21	1			
Richmond	3.64		4	0.91	4
Rockdale	1.37		1	1.37	2
Screven	0.23	1			
Spalding	0.64		1	0.64	1
Stephens	0.70	1			
Sumter	0.56	1			
Tattnall	0.15	1			
Thomas	0.58	1			
Tift	0.71		1	0.71	1
Toombs	0.25	1			
Treutlen	0.12	1			
Troup	1.04		1	1.04	1
Turner	0.31	1			
Walker	0.93		1	0.93	1
Ware	0.26	1			
Washington	0.24	1			
Wayne	0.43	1			
Worth	0.20	1			
Total	98.16	36	91		100

Exhibit 8. Judicial Workload and Need, Superior Court

Circuit	Total Case-Related Workload	Current Judges	Current Workload per Judge	Judge Need with 1.2 FTE Workload per Judge Upper Bound
Alapaha	2.32	2	1.16	2
Alcovy	5.17	5	1.03	5
Appalachian	3.33	3	1.11	3
Atlanta	25.72	20	1.29	22
Atlantic	3.29	4	0.82	4
Augusta	7.63	8	0.95	8
Bell-Forsyth	2.58	3	0.86	3
Blue Ridge	3.47	3	1.16	3
Brunswick	5.75	5	1.15	5
Chattahoochee	6.48	7	0.93	7
Cherokee	5.02	4	1.26	5
Clayton	6.34	5	1.27	6
Cobb	13.34	10	1.33	12
Conasauga	3.92	4	0.98	4
Cordele	2.17	3	0.72	3
Coweta	9.33	7	1.33	8
Dougherty	2.90	3	0.97	3
Douglas	3.73	3	1.24	4
Dublin	2.47	3	0.82	3
Eastern	6.69	6	1.11	6
Enotah	3.41	3	1.14	3
Flint	4.28	3	1.43	4
Griffin	5.01	4	1.25	5
Gwinnett	14.83	10	1.48	13
Houston	2.10	3	0.70	3
Lookout Mountain	3.73	4	0.93	4
Macon	4.72	5	0.94	5
Middle	2.45	2	1.23	3
Mountain	2.25	2	1.13	2
Northeastern	5.53	5	1.11	5
Northern	3.79	3	1.26	4
Ocmulgee	5.16	5	1.03	5
Oconee	2.44	3	0.81	3
Ogeechee	4.62	3	1.54	4
Pataula	1.87	2	0.94	2
Paulding	3.04	3	1.01	3
Piedmont	4.12	4	1.03	4
Rockdale	2.10	2	1.05	2
Rome	4.34	4	1.09	4
South Georgia	2.00	2	1.00	2
Southern	6.37	5	1.27	6
Southwestern	2.42	3	0.81	3
Stone Mountain	12.26	10	1.23	11
Tallapoosa	2.21	2	1.11	2
Tifton	1.84	2	0.92	2
Toombs	1.36	2	0.68	2
Towaliga	2.09	2	1.04	2
Waycross	4.36	4	1.09	4
Western	4.00	4	1.00	4
Total	240.34	214		232

VI. RECOMMENDATIONS

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

Recommendation 1

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

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

Recommendation 2

A critical assumption of Georgia's State Court and Superior Court weighted caseload models is that case filings are counted consistently and accurately. NCSC recommends that Georgia's trial courts continue their efforts to improve the reliability of caseload reporting, including implementing a consistent definition of Serious Felony cases and reducing the number of cases with an unknown case type classification.

Recommendation 3

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

APPENDIX A. GLOSSARY OF TERMS, STATE COURT

CASE TYPE CATEGORIES

Criminal

1. Non-traffic misdemeanor
Includes all misdemeanors other than traffic offenses
2. Serious traffic
Includes serious traffic offenses such as misdemeanor DUI, homicide by vehicle, serious injury by vehicle, reckless driving, hit and run, aggressive driving, fleeing an officer
3. Other traffic
Includes less serious traffic offenses such as speeding, failure to stop at a stop sign, failure to signal
4. Accountability courts
Includes all statutorily recognized accountability court dockets
5. Probation revocation

Civil

1. Complex tort
Includes medical malpractice and product liability
2. General tort
Includes all other torts such as professional negligence, premises liability, libel, slander
3. Landlord/tenant
4. Contract
5. Civil appeals
Includes all civil appeals from a lower court
6. Garnishment
7. Other civil
Includes civil cases that do not fall into any other category
8. Reopened cases—civil
Includes contempt, modification

Superior Court Work

Includes all on-bench and off-bench work related to Superior Court cases heard by a State Court judge designated as a Superior Court judge.

TRIAL

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

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

NON-CASE-RELATED EVENTS

1. Non-Case-Related Administration

Includes all non-case-related administrative work such as:

- Staff meetings
- Bench meetings
- Personnel matters
- Staff supervision and mentoring
- Court management

2. Judicial Education and Training

Includes all educational and training activities such as:

- Judicial education/continuing legal education
- Conferences

3. General Legal Reading

Includes all reading and research that is not related to a particular case before the court. Examples include:

- Reading journals
- Reading professional newsletters
- Reviewing appellate court decisions

4. Committee, Conference, and Work Group Meetings and Related Work

Includes all work related to and preparation for meetings of state and local committees, conferences, work groups, boards, and task forces on which you serve in your official capacity as a judge, such as:

- Community criminal justice board meetings
- State committees, conferences, and work groups

5. **Community Activities and Public Outreach**

Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:

- Speaking at schools about legal careers
- Judging moot court competitions

6. **Work-Related Travel**

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

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

7. **Vacation, Sick Leave, and Holidays**

Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.

8. **Lunch and Breaks**

Includes all routine breaks during the working day.

9. **NCSC Time Study**

Includes time spent filling out time study forms and entering time study data using the Web-based form.

APPENDIX B. GLOSSARY OF TERMS, SUPERIOR COURT

CASE TYPE CATEGORIES

Criminal

1. Death penalty/habeas
Includes all death penalty cases and death penalty habeas cases
2. Serious felony
Includes murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery
3. Felony
Includes all other felonies
4. Misdemeanor
Includes all misdemeanor offenses
5. Accountability courts
Includes all statutorily recognized accountability court dockets
6. Probation revocation

Civil

1. Complex tort
Includes medical malpractice and product liability
2. General tort
Includes all other torts such as professional negligence, premises liability, libel, slander
3. Contract
4. Real property
Includes boundary disputes
5. Civil appeals/habeas corpus
Includes all civil appeals from a lower court and felony habeas cases not involving the death penalty
6. Other civil
Includes civil cases that do not fall into any other category, such as mandamus, restraining petitions, and garnishments

7. Reopened cases—civil
Includes contempt, modification

Domestic

1. Divorce/paternity/legitimation
2. Support (IV-D and private)
Includes private and DHS child support cases
3. Adoption
4. Family violence petition
Includes cases involving family violence protective orders
5. Other domestic
Includes modification of custody and modification of visitation
6. Reopened cases—domestic
Includes contempt

TRIAL

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

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

NON-CASE-RELATED EVENTS

1. Non-Case-Related Administration
Includes all non-case-related administrative work such as:
 - Staff meetings
 - Bench meetings
 - Personnel matters
 - Staff supervision and mentoring
 - Court management
2. Judicial Education and Training
Includes all educational and training activities such as:

- Judicial education/continuing legal education
 - Conferences
3. **General Legal Reading**
Includes all reading and research that is not related to a particular case before the court. Examples include:
- Reading journals
 - Reading professional newsletters
 - Reviewing appellate court decisions
4. **Committee, Conference, and Work Group Meetings and Related Work**
Includes all work related to and preparation for meetings of state and local committees, conferences, work groups, boards, and task forces on which you serve in your official capacity as a judge, such as:
- Community criminal justice board meetings
 - State committees, conferences, and work groups
5. **Community Activities and Public Outreach**
Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:
- Speaking at schools about legal careers
 - Judging moot court competitions
6. **Work-Related Travel**
Work-Related Travel includes time spent traveling to or from a court other than your primary court. For purposes of the time study, your primary court is the court where you most frequently sit. You should not record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is greater than the length of your commute between your home and your primary court.

Record travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.
7. **Vacation, Sick Leave, and Holidays**
Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.
8. **Lunch and Breaks**
Includes all routine breaks during the working day.
9. **NCSC Time Study**
Includes time spent filling out time study forms and entering time study data using the Web-based form.

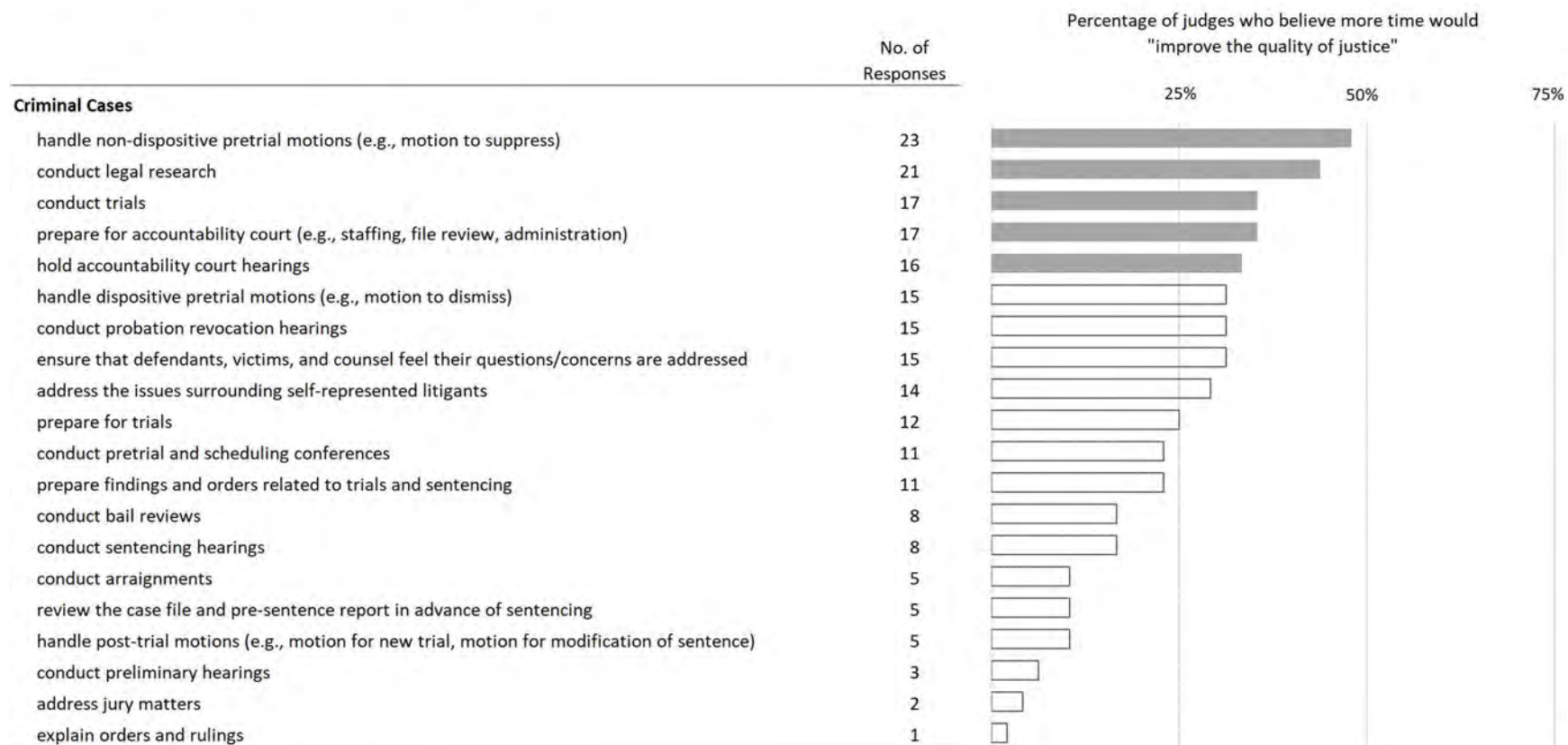
APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT

Criminal	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
Accountability courts		24	71%
Serious traffic		39	56%
Non-traffic misdemeanor		29	28%
Reopened cases – criminal		36	25%
Other traffic		22	14%
Civil			
Complex tort		30	77%
General tort		36	47%
Contract		31	19%
Garnishment		18	17%
Landlord/tenant		20	15%
Civil appeals		22	9%
Other civil		27	7%
Reopened cases – civil		18	6%

Note: Percentages are based on 48 respondents

APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT (continued)

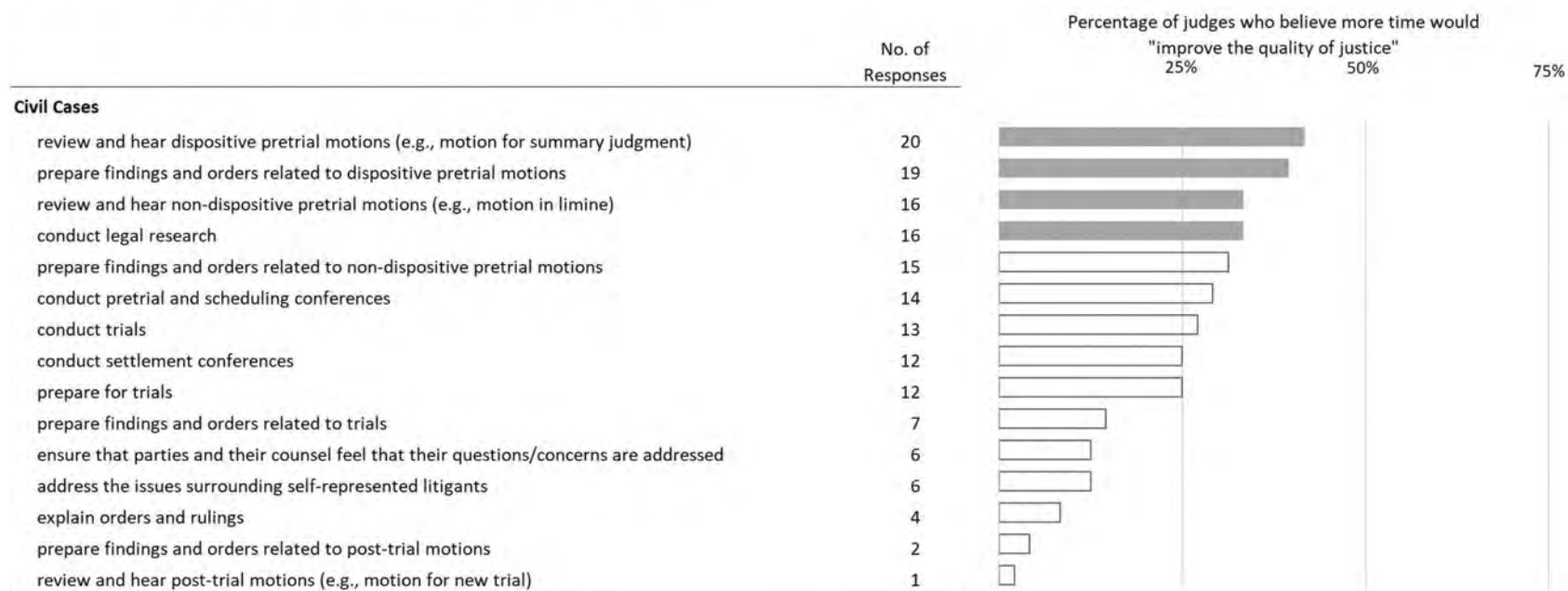
Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 48 respondents

APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT (continued)

Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 48 respondents

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT

Criminal	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
Death penalty/habeas	<p>0 or 25% 50% 75 or 100%</p>	32	75%
Serious felony	<p>0 or 25% 50% 75 or 100%</p>	43	67%
Felony	<p>0 or 25% 50% 75 or 100%</p>	35	46%
Accountability courts	<p>0 or 25% 50% 75 or 100%</p>	28	46%
Reopened cases – criminal	<p>0 or 25% 50% 75 or 100%</p>	29	31%
Misdemeanor	<p>0 or 25% 50% 75 or 100%</p>	17	12%
Civil			
Complex tort	<p>0 or 25% 50% 75 or 100%</p>	35	57%
Other civil	<p>0 or 25% 50% 75 or 100%</p>	29	28%
Civil appeals/habeas corpus	<p>0 or 25% 50% 75 or 100%</p>	28	25%
Reopened cases – civil	<p>0 or 25% 50% 75 or 100%</p>	25	24%
General tort	<p>0 or 25% 50% 75 or 100%</p>	31	16%
Contract	<p>0 or 25% 50% 75 or 100%</p>	28	14%
Real property	<p>0 or 25% 50% 75 or 100%</p>	30	10%

Note: Percentages are based on 50 respondents

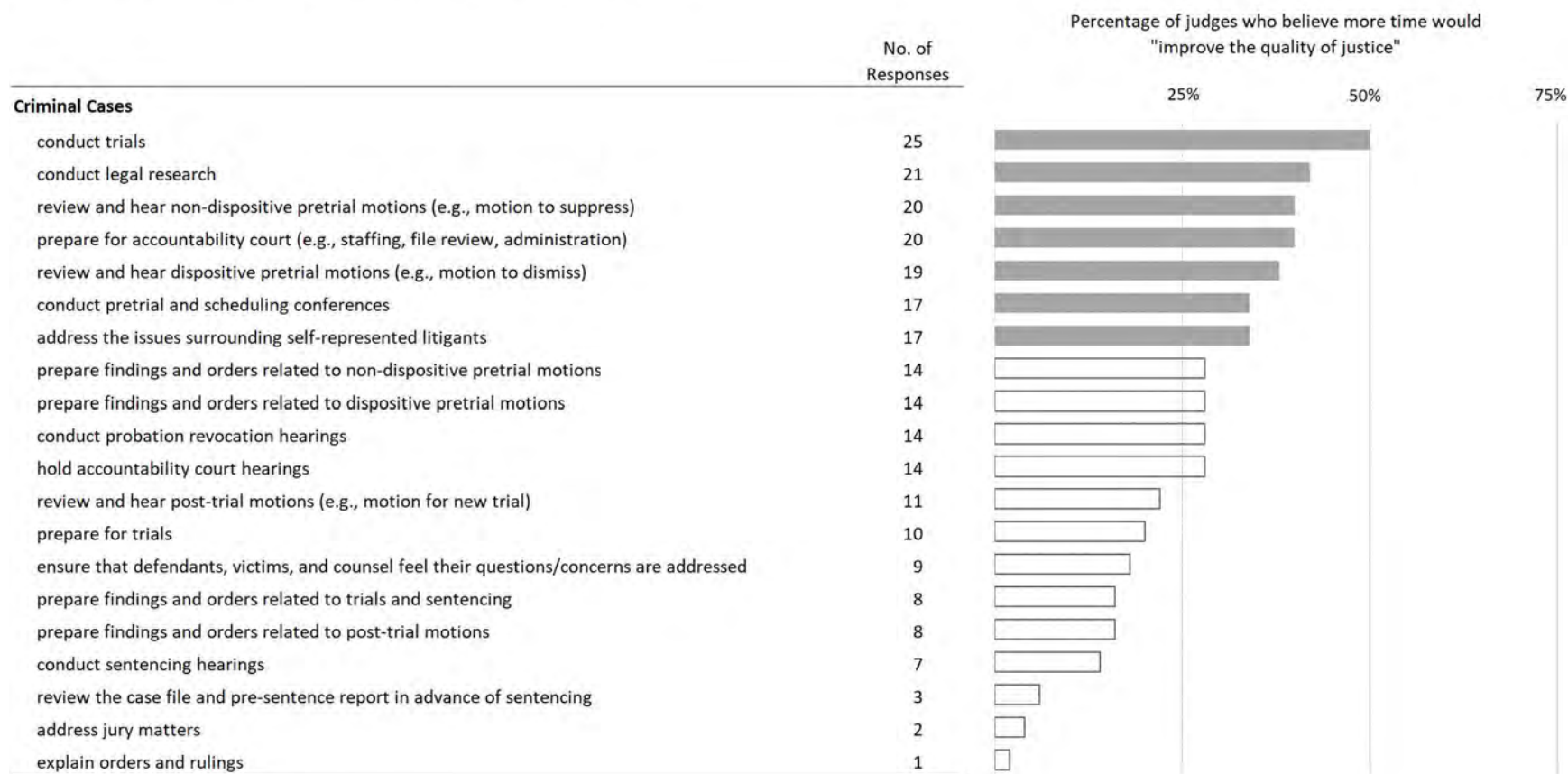
APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

Domestic	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
Divorce/paternity/legitimation		38	55%
Other domestic		37	49%
Family violence petition		30	43%
Adoption		14	43%
Reopened cases – domestic		32	38%
Support		22	23%

Note: Percentages are based on 50 respondents

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

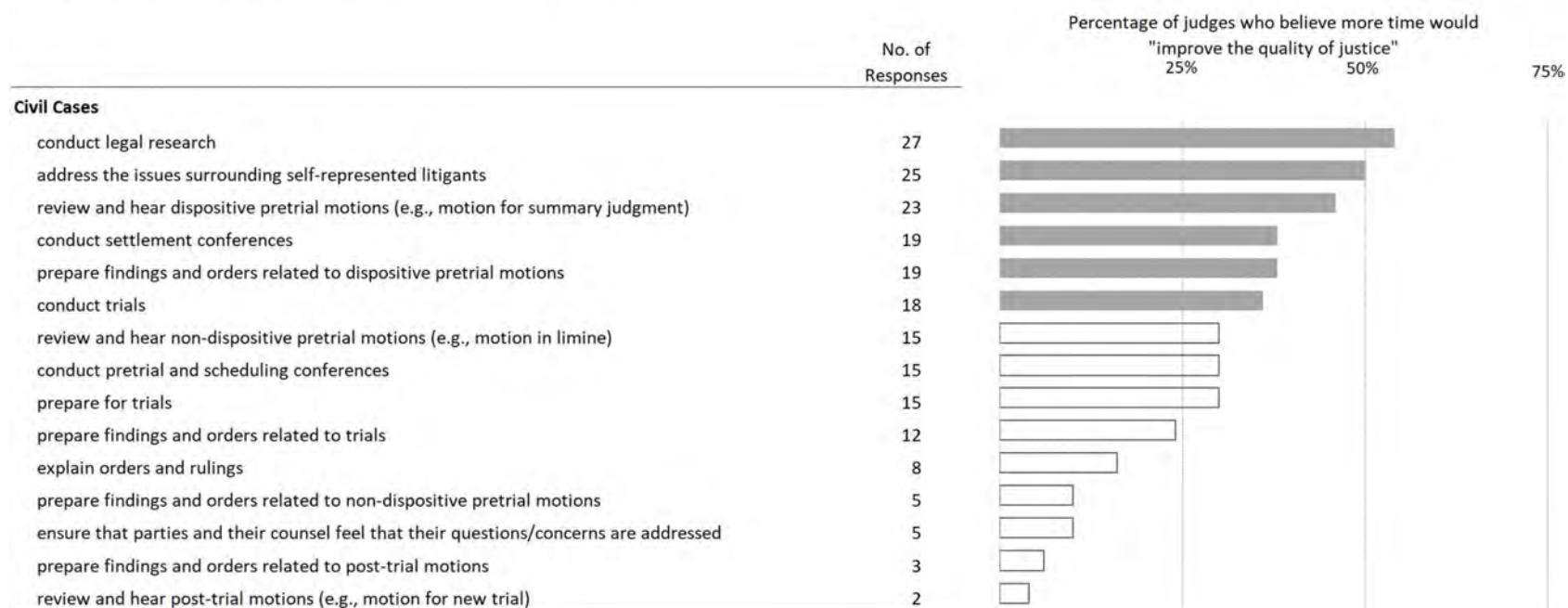
Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 50 respondents

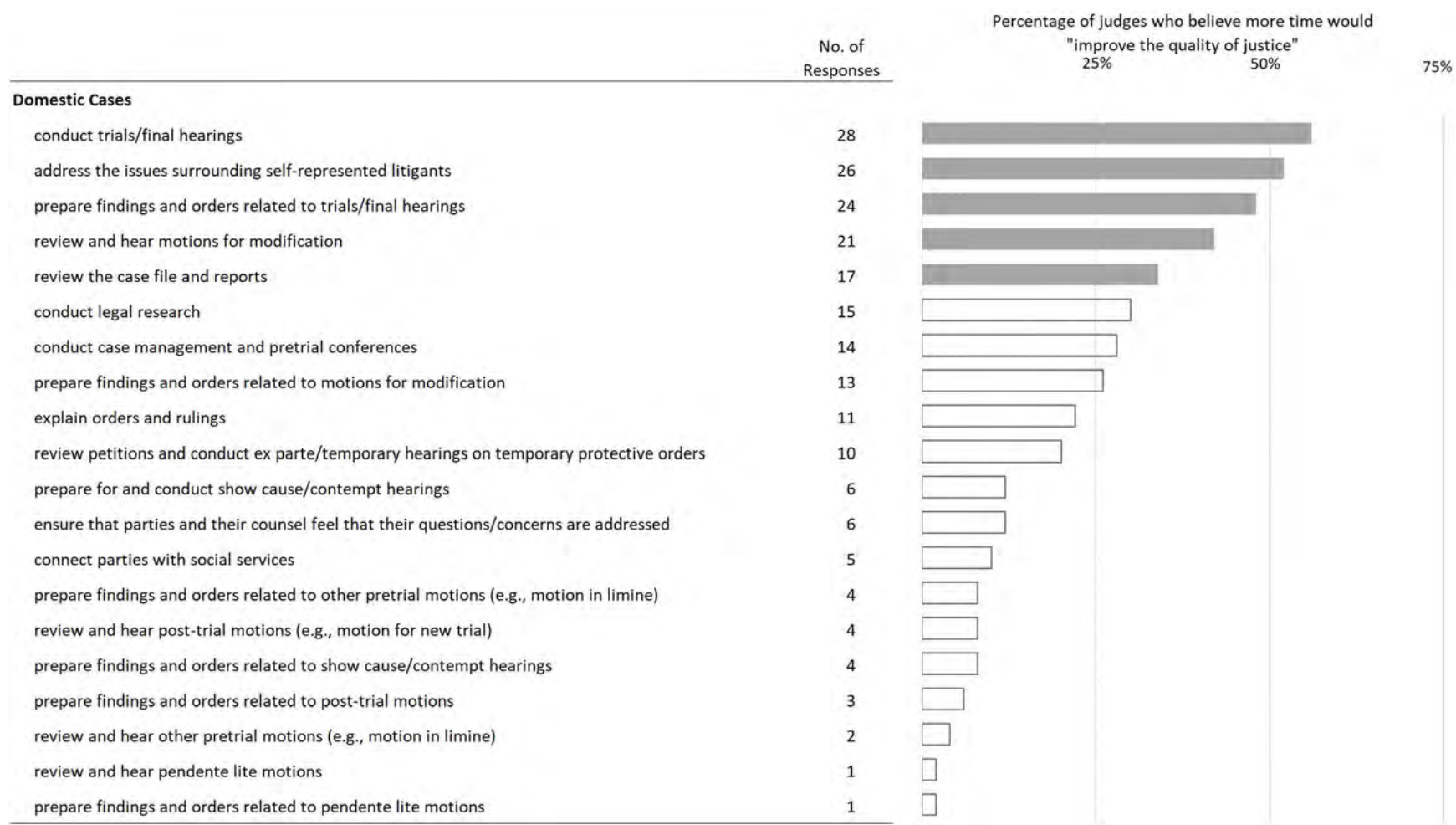
APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 50 respondents

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)



Note: Percentages are based on 50 respondents

Appendix B

Definitions

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

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

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

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

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

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

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

Appendix C



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Chief Judge David Emerson, Chair

RE: Recommendations on New Habeas and Civil Appeals Case Weights

DATE: November 17, 2020

Introduction

Using the 2017 time and motion study data, the National Center for State Courts evaluated the case weights for habeas corpus and civil appeals with additional information gained from new interviews with judges and recent case filing data. See the current case weights below and a memo from the NCSC for reference.

Recommendation

Habeas Corpus Case Weight	136 Minutes
Civil Appeals Case Weight	42 Minutes

Approved by Judicial Council on 12/11/2020

Policy on the Submission of Caseload Reports by Trial Courts

Section 1 – Policy

1.1 – Introduction

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

1.2 – Policy Statements

1. All trial courts will annually submit to the AOC their caseload reports as defined by the Standing Committee on Judicial Workload Assessment in consultation with each individual court council.
2. The Judicial Council will annually review and approve the data required of all trial courts.
3. All caseload reports submitted to the AOC will comply with applicable statutory and uniform rule requirements.

Section 2 – Caseload Reporting

2.1 – Initiation

1. For each class of trial court, the AOC will electronically notify all relevant parties no later than December 1 of the preceding year, of the caseload reporting information necessary to timely complete their reports.
2. Relevant parties will include but will not be limited to clerks of court, chief judges, district court administrators, and council executive directors.
3. Clerks of court are the source of truth for all caseload reports and all data are to be submitted by them except under extenuating circumstances as defined below.

2.2 – Collection and Monitoring

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

2. Other than the initiation, the AOC will provide at least two notices of caseload reporting requirements to all relevant parties, though parties need not be further contacted once a report has been received.
3. The AOC will, as staffing permits, provide individual follow up to all courts submitting caseload reports.
4. All trial courts will submit final caseload reports no later than March 15 of each year.

2.3 – Corrections and Late Submissions

1. Corrections to caseload reports and late caseload report submissions are required to follow the procedure below.
2. Within 30 business days of March 15 of the reporting period, corrections and late submissions may be made by submitting a request to the AOC. The request must include the data to be corrected and an allowance that the AOC may enter the data into the online tool instead of the clerk.
3. Caseload report corrections and late submissions requested after 30 business days following March 15 must be accompanied by written approval from the chief judge and are subject to approval by the AOC after consultation with the Chair of the Standing Committee on Judicial Workload Assessment.
4. Caseload reports from previous years are not permitted unless requested in writing by the clerk of court and chief judge and are subject to approval by the Standing Committee on Judicial Workload Assessment after investigation by the AOC.

2.4 – Publication and Legislative Reporting

1. Caseload reports will be published by the AOC no later than June 1 of each year.
2. The AOC will include in its annual report a summary of all caseload data received during the year along with any relevant analysis.
3. The AOC will provide caseload data to other state agencies as required by law and uniform rule.