

NATIONAL CENTER FOR STATE COURTS

**COMMONWEALTH OF
MASSACHUSETTS—ADMINISTRATIVE
OFFICE OF THE TRIAL COURTS
STAFFING STUDY**

Final Report

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I. PROJECT SCOPE

Officials from the Massachusetts Administrative Office of the Trial Courts (AOTC) requested technical assistance from the National Center for State Courts (NCSC) to review the current staffing methodologies and develop a staffing model.

Over the past several years, the Massachusetts Trial Courts have experienced a significant reduction in resources due to budgetary crises affecting the Commonwealth, and as a result, staffing levels in the various Trial Court Departments have been dramatically diminished. The decrease in Trial Court staffing in Massachusetts has reached unprecedented levels. In an attempt to maintain some semblance of responsiveness to the workload demands inherent in the caseload, each of the seven Trial Court Departments in Massachusetts made an effort to document their core functions and examine the duties they discharge on behalf of the state. These core function reports provided a roadmap for each of the Trial Court Departments in altering their operations in light of the reduction in resources, and have served to focus attention on discharging the key functions.

At this crucial juncture, the Massachusetts Trial Court seized upon the opportunity that presented itself during this crisis, to establish a set of rational guidelines for making future resource decisions based on a set of objective measures.

To this end, the National Center for State Courts has reviewed the current situation and has assisted the Massachusetts Trial Courts in the development of a set of staffing standards. The purpose of the staffing study detailed in this report was to develop an accurate tool to measure the work demands placed on staff and account for the resources required in each of the departments in the Massachusetts Trial Courts.

A. Background

The workload assessment study described in this report evaluated the workload demands of the seven Trial Court Departments in Massachusetts. In recommending approaches for developing this staffing model, the NCSC suggested that separate staffing standards be developed for each of the Trial Court Departments. This was primarily due to the unique nature of the types of matters handled by each department (notwithstanding some instances of concurrent jurisdiction that occur) and the corresponding differences in the type of staff

resources necessary to handle the inherent workload. The Jurisdiction of the individual Trial Court Departments is as follows:

Superior Court

The Superior Court Department has original jurisdiction in civil actions over \$25,000, and in matters where equitable relief is sought. It also has original jurisdiction in actions involving labor disputes where injunctive relief is sought, and has exclusive authority to convene medical malpractice tribunals. The Court has exclusive original jurisdiction in first-degree murder cases and original jurisdiction for all other crimes. It has jurisdiction over all felony matters, although it shares jurisdiction over crimes where other Trial Court Departments have concurrent jurisdiction. Finally, the Superior Court has appellate jurisdiction over certain administrative proceedings.

Boston Municipal Court

The criminal jurisdiction of the Boston Municipal Court Department includes most criminal offenses that do not require the imposition of a state prison sentence. If a prison sentence is mandated, the Court may conduct probable cause hearings to determine whether offenses will be bound over to the Superior Court. The Court has original jurisdiction over a number of serious felonies, concurrent with the Superior Court. The Court's civil jurisdiction includes contract and tort actions; cases remanded from the Superior Court; small claims, small claims jury appeals; mental health commitments; summary process; supplementary proceedings; unemployment compensation appeals; paternity and support actions; and domestic abuse actions.¹

¹ The Court also has jurisdiction for review of findings of the State Police Trial Board and equitable jurisdiction in lead poisoning prevention; landlord interference with quiet enjoyment or failure to provide utilities; family abuse prevention; sanitary code; and residential nuisances.

District Court

The District Court Department hears a wide range of criminal, civil, housing, juvenile, mental health, and other types of cases. Its criminal jurisdiction extends to all felonies punishable by a sentence up to five years, and many other specific felonies with greater potential penalties; all misdemeanors; and all violations of city and town ordinances and by-laws. In civil matters, District Court judges conduct both jury and jury-waived trials, and determine with finality any matter in which the likelihood of recovery does not exceed \$25,000. The District Court also tries small claims involving up to \$2,000 (initially heard by a magistrate, with a defense right of appeal either to a judge or to a jury). Fifteen of its judges serve on the Appellate Division, an appellate tribunal with published opinions that is organized in three geographical districts, and sits in three-judge panels, to review questions of law that arise in civil cases.²

Juvenile Court

The Juvenile Court Department has general jurisdiction over delinquency, children in need of services (CHINS), care and protection petitions, adult contributing to the delinquency of a minor cases, adoption, guardianship, termination of parental rights proceedings, and youthful offender cases.

Housing Court

The Housing Court Department has jurisdiction of the use of any real property and activities conducted thereon as such use affects the health, welfare, and safety of any resident, occupant, user or member of the general public and which is subject to regulation by local cities and towns under the state building code, state specialized codes, state sanitary code, and other applicable statutes and ordinances.

Land Court

² The District Court's civil jurisdiction also includes many specialized proceedings: inquests; summary process (evictions); supplementary process (enforcement of money judgments); abuse prevention restraining orders; mental health matters (including involuntary civil commitments and medication orders, and supervision of criminal defendants committed for mental observation or deemed incompetent to stand trial or after an insanity acquittal); appeals from certain administrative agencies (involving, for example, firearms licenses or unemployment compensation); civil motor vehicle infractions (tried initially to a magistrate, with right of appeal to a judge); equitable injunctions (exercising specialized equity jurisdiction in all counties, plus general equity jurisdiction in small claims, summary process and civil money damage actions); and other miscellaneous civil matters.

The Land Court Department of the Trial Court has statewide jurisdiction. While the court has jurisdiction throughout the Commonwealth, the justices of the Land Court normally sit in Boston. However, it is usual, where the circumstances warrant and counsel request, for the court to hold trials in other locations within the state. The court has exclusive, original jurisdiction over the registration of title to real property and over all matters and disputes concerning such title subsequent to registration. The court also exercises exclusive original jurisdiction over the foreclosure and redemption of real estate tax liens. The court shares, with certain other court departments, jurisdiction over other property matters.³

Probate and Family Court

The Probate and Family Court Department has jurisdiction over family matters such as divorce, paternity, child support, custody, visitation, adoption, termination of parental rights, and abuse prevention. Probate matters include jurisdiction over wills, administrations, guardianships, conservatorships and change of name. The Court also has general equity jurisdiction.

B. Current Study

The workload model presented in this report is based on data collected from staff working within the seven Trial Court Departments across the commonwealth of Massachusetts. NCSC staff worked closely with AOTC project staff and staff in each department to coordinate the distribution of survey materials and the collection of data.

To facilitate the accuracy and speed of the study, the AOTC formed a Staffing Task Force composed of representatives from each of the Trial Court Departments. The Task Force, with the advice from NCSC staff, reviewed a variety of methodologies available to assess workload for court staff, and ultimately made a determination about which approach would be employed.

³ Both the Land Court Department and the Superior Court Department have jurisdiction over the processing of mortgage foreclosure cases, determining the military status of the mortgagor. Additionally, the court has superintendency authority over the registered land office in each registry of deeds.

In addition to the Staffing Task Force, each Trial Court Department developed its own Staffing Model Committee to tailor aspects of the study to the work performed by that department. These committees were formed to help adapt the workload assessment methodology and worked closely with staff from the Massachusetts AOTC and NCSC project staff to outline the scope of the project, determine site selection, determine the participants, develop data collection instruments, and brief staff selected for participation in the study. The committees worked extensively over the course of the twelve month study to identify issues in their departments that may have affected the study, to determine the yearly hours available for case related work, and to examine the results of each phase of the study including the preliminary case weights, and the results of the validation process. These bodies ultimately provided the NCSC with a review of the final case weights and resulting model.

The following sections of this report discuss, in detail, the main components of the study.

II. PROJECT METHODOLOGY

A. Introduction

The Massachusetts Trial Courts Workload Assessment was completed through a multi-phase iterative process that began with the understanding that state courts and the cases handled within them vary in complexity. Different types of cases require different amounts of time and attention from support staff. Focusing on raw case counts without allowing for differences in the amount of work associated with each case type creates an opportunity for the misperception that equal numbers of cases filed for two different case types result in an equivalent amount of work. For example, a typical criminal felony case has a much greater impact on court staff resources than a traffic case. Furthermore, certain other case types, such as juvenile abuse and neglect cases, may require continued attention over a long period of time.

Workload assessment is a resource assessment methodology that is being adopted by an increasing number of states to determine the need for trial court support staff. The method “weights” cases to account for the varying complexity and need for attention. By weighting court cases, a more accurate assessment can be made of the amount of time required to process the caseload, i.e., the workload. Moreover, workload assessment models have the advantage of providing objective and standardized assessments of resource needs among courts that vary in population and caseload mix. The core of the workload assessment model is the construction of

a “case weight” for each case type. The case weights represent the average amount of staff time required to handle each type of case from filing through post-disposition. Applying the case weights to current numbers of cases opened results in a measure of workload. When the workloads are divided by the annual amount of time available per staff member, an estimate of staff resource requirements results. This approach, which involves few complicated procedures, is sufficiently rigorous to measure resource needs and evaluate resource allocations.

Thus, a staffing model comprised of workload standards for major case types is a resource assessment tool that can be used to determine the need for court staff by assessing a court’s clerical workload. Individual case standards account for varying case complexity and different staff needs required by these cases.

In *Assessing the Need for Judges and Court Support Staff* – a monograph funded by the State Justice Institute⁵ – the NCSC argues that determining caseload standards with different weights, or workload standards, is the *best* method for measuring case complexity and determining the need for court support staff.⁴ Cost and time constraints have led the AOTC and the *Staffing Task Force* to select a Delphi survey technique to evaluate the need for staff resources in the Massachusetts Trial Courts.⁵ Essentially, a Delphi study uses “expert opinions” to construct workload standards rather than a time study. A time study involves much more expense and a greater amount of time. Delphi techniques have been successfully used in Kentucky, Minnesota, Colorado, Utah, and Michigan.

The Delphi technique has court staff estimate the amount of time each case type takes by assessing the time it takes to perform the various functions in each case type. Staff also assesses case complexity that is factored with those values. This results in an “average” *Time Per Case*, which is then divided into the number of *Available Hours* to court staff to arrive at a *Workload Standard*. This standard represents the *number of cases* a staff member can handle in a year.

⁵ V. Flango and B. Ostrom, *Assessing the Need for Judges and Court Support Staff*, (National Center for State Courts, 1996).

⁴ Judicial Time was not measure in the course of this study, this would involve a separate undertaking to measure the work performed by judges and the development of a separate resource model.

⁵ Due to the staffing reductions that the Massachusetts Trial Court system as a whole has experienced over the last several years due to budgetary constraints, the NCSC recommended against performing any type of staffing evaluation that looked at existing practice alone, such as the time study and staff to judge ratio methodologies. These types of exercises, absent any qualitative component, would serve to merely enshrine the staffing deficiencies that have developed as a result of the reductions in the trial courts budget, and produce a staffing model that does not adequately provide for a sufficient level of staff to provide for effective and efficient resolution of cases pending before the courts.

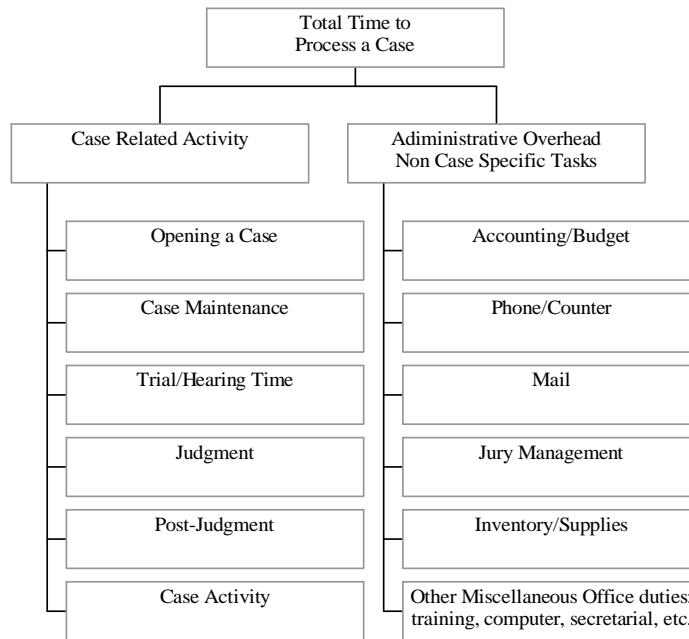
The formulas used to calculate the workload standards are as follows:

$$\text{Time of Function} \times \text{Percentage of Complexity} = \text{Time Per Case}$$

$$\text{Available Time} / \text{Time Per Case} = \text{Workload Standard (Number of Cases)}$$

As reflected by Figure 1 on the following page, the concept of the study is to capture the total time it takes to process a case, including case related activity and non-case specific tasks.

Figure 1.



As with any self-reporting technique, individual responses may vary from the actual time it takes to complete a task. Again, the Staffing Model Committees for each Trial Court Department addressed this concern by reviewing the results to assess the “reasonableness” of the standards. Once this review was completed, the Staffing Model Committees adjusted those values that did not reflect the consensus of the group. The need for staff in all courts was also calculated using the workload standards to see how the resultant staff need compared to actual staff.

Eight steps were taken to produce the preliminary workload standards developed in Massachusetts.

1. Determine the *functions* involved with processing cases that are to be measured.
2. Establish the *case types* for which workload standards will be developed.
3. Measure, through surveys, the *time* it takes to perform these functions.
4. Determine the *number of cases* that are filed in each court.
5. Determine the *distribution* of complexity for each case type.
6. Determine the *time available* to court staff to perform these functions.
7. Calculate the preliminary *workload standards*.
8. *Validate* the preliminary standards.

The *Staffing Task Force* and departmental Staffing Model Committees were instrumental in making the decisions in each of these steps. From January through March of 2004, the NCSC

Project staff met with the Task Force, the AOTC and the departmental Staffing Model

Committees to determine the following:

- Functions to be measured.
- Case types for which workload standards would be developed.
- The need for all Courts or a sample of courts to participate in the Delphi survey.
- Considerations in determining the number of hours available for court staff each year.
- Survey methodology instruments.

All departments, excluding the District Court, sought participation from all court locations. Due to the sheer size and number of court locations, the District Court used a representative sample of 16 of its 64 locations to develop the Delphi case weights. NCSC Project Staff additionally held meetings in August and September 2004, where the Project Staff, the AOTC and the departmental Staffing Model Committees:

- Reviewed the results of the Delphi surveys.
- Assessed the impact on the staffing need in the Trial Court Departments.
- Recommended modifications to the preliminary standards.
- Reached consensus on preliminary workload standards.

B. Case Types and Functions

Each department began the study by determining the *case types* for which workload standards would be developed assessing the availability of data on the annual number of cases filed and disposed, by court location, and determining the *functions* involved with processing cases that are to be measured. These tasks were integral to developing the data collection instruments that provided the foundation of the study. The individual case types identified by each department for use in the Delphi process are presented in figure 2 on the following page.

**Figure 2.
Case Types by Department**

<p>Boston Municipal Court & District Court</p>	<p>Criminal Criminal Show Cause Hearings Probation Violation Hearings Search Warrants (Criminal) Search Warrants (Administrative) Abuse Restraining Orders Civil Civil (Miscellaneous) Small Claims Summary Process Supplementary Process Civil Motor Vehicle Infractions Mental Health (Civil) Juvenile</p>	<p>Land</p>	<p>Miscellaneous Miscellaneous (Soldiers' & Sailors' Cases) Tax Foreclosure Cases Subsequent to Registration Complaint/Legal Condominiums Registration/Confirmation Cases (Legal) New Registration/Confirmation (Engineering) Subdivisions</p>
<p>Housing</p>	<p>Summary Process Civil Small Claims Supplementary Process Probable Cause Determination Municipal Ticket Hearing Utility/Search Warrants Criminal ADR</p>	<p>Probate & Family</p>	<p>Divorce & Other Domestic Relations Paternity Administration & Probation of Will Guardianship Abuse Accounts & Other Probate Equity Change of Name Adoption & Child Welfare Contempt Modification</p>
<p>Juvenile</p>	<p>Adoption Care & Protection CHINS Delinquency Guardianship Show Cause Hearings</p>	<p>Superior</p>	<p>Criminal Civil</p>

Case Type Categorization

The greater the number of case type categories that are included in a workload assessment study, the larger the data samples need to be to guarantee statistical validity. Efforts were taken by each department to include enough categories of case types to develop realistic and reasonable case weights, while minimizing the burden and costs associated with the study. A guiding principle employed in determining which case types required the development of separate weights was to reflect on the amount of staff time each case takes and the type of work involved. If two types of cases were determined to take about the same amount of time to handle and involved the same type of work, one case type was developed. Conversely, if the work

involved between different case types was determined to be distinct and the amount of time required to handle the cases was drastically different, the case types were divided.

A second factor that was considered in the development of case type categories was whether or not accurate counts of the annual number of cases filed and disposed were readily accessible. For each separate case type developed, there must be an accurate count, for each court location, of the number of filings and dispositions for each calendar year. This data is not only used in the development of the standards, but will be relied upon each year to determine the need for staff by applying the standards developed to the number of cases filed.

Case Events/Functions

Case standards are constructed from the time and frequency of occurrence of case events or functions (the set of activities that comprise a case). All potential staff activities associated with a particular type of case are classified into a set of “event” categories. Each department over the course of this study had to develop a set of functions (or events) for each type of case, and use these to craft data collection instruments for the workload study. Additionally, a set of non-case related administrative tasks was developed by the Massachusetts AOTC that was uniformly applied to each of the departments. The case related events employed in the study are indicated in Figure 3, the non-case related administrative tasks are shown in Figure 4.

Figure 3.
Case Functions Within the Various Case Types by Department

<p>Boston Municipal Court & District Court</p>	<p>Opening Activity Maintenance Activity Judgement Activity Post Judgment Activity Courtroom Sessions Magisterial Functions</p>	<p>Land</p>	<p>Pre-Filing Activity Case Opening Activity Case Maintenance Activity Judgment Activity Post Judgment Activity</p>
<p>Housing</p>	<p>Pre-Case Activity Case Initiation Case Management Travel Arraignment Pre-Trial Activity Trial/Hearing Judgement Activity Post Judgment Activity</p>	<p>Family & Probate</p>	<p>Case Initiation Case Maintenance Session Activity Judgment/Order Activity Post Judgment/Order Activity</p>
<p>Juvenile</p>	<p>Case Initiation Arraignment/Preliminary Hearing Case Maintenance Hearing Activities Trial/Hearing/Disposition Case Activities Disposition/Sentencing Post-Disposition Activities</p>	<p>Superior</p>	<p>Case Initiation Ongoing Case Processing Courtroom Functions Secretarial Functions</p>

**Figure 4.
Non-Case Related Activities**

Bookkeeping	Fiscal Affairs	Training/Travel
Reconcile all revenues collected Post accounting data in cash journal Process witness fees Prepare bank statement Coordinate accounting of bail monies Setup and maintain civil escrow accounts Complete month end closing process Prepare trial balance reports Prepare revenue summaries Reconcile monthly revenue reports Disperse revenues to appropriate entities Other	Annual maintenance & expansion budget Midyear spending plan Other budgetary reports Equipment inventory control Equipment maintenance /Purchasing Office supply maintenance/Purchasing Encumbrance documents Contract processing Travel reimbursement Payment vouchers MMARS and bank reconciliations Other	Training employees Attending training seminars Professional development seminars Working with trial court committees/Task forces Community outreach meetings/Public relations Speaking engagements Staff travel during court hours Other
Cashiering	Human Resources Duties	Magistrate Related Duties (Misc.)
Bank deposits Process civil filing fees Process miscellaneous payments Process restitution and probation fees Process PRA checks Processing GAL and publication fees Balance cash drawer Process receipt of bail Process forthwith payments (dual cashier courts) Other	HRCMS/Payroll adjustments Time and attendance Leave/Vacation requests Hiring packages Interviewing Group insurance Workers' compensation ADA/Workplace issues Other	Review complaint applications that do not require a hearing Conduct arraignment session when judge is unavailable Conduct "Jenkins Hearings" out of court Conduct civil mediation sessions Other
Communications	Information Technology	Appellate Procedures
Mail in/out Answering Phones Scheduling appointments Dealing with the public/counter Record keeping Faxing or email Court liaison with other departments/agencies Drafting/Typing correspondence Other	System backups Troubleshooting Report generation Other	Receive and process notices of appeal Assemble record on appeal for appellate courts Forwarding record/cases to appellate courts Other
Court Operations	Supervision	Public Service & Admin. (Probate & Family Only)
Developing forms and procedures Fee-generating list management (Rule 1:07) Tape management Judicial activity reports Preparation & distribution of all court lists Typing of findings and related documents Updating changes in statutes and policies Statistical Reporting Scheduling interpreters and videoconferences Compliance reporting/Auditing Record retention and management Maintain lobby or courtroom/law library Other	Resolving operational issues Assigning work Reviewing employee work Progressive discipline Grievance handling Scheduling issues Staff meetings Quality control Other	Cashiering Copies Supply Forms Supply procedural Information Transport/Retrieve Files Locate files Answer Questions in Person/Phone Correspond w/ Parties Tape Management Case Statistics Processing Mail Imaging Documents Check Index Issue Documents Lawyer for the Day

C. Data Collection Technique

1. *Survey Instruments.* Detailed surveys were developed to capture the amount of work time spent processing each case type. The departmental staffing model committees drafted the initial surveys and instructions and worked to review, edit, and finalize each set of surveys for use in the study. A complete set of surveys employed in the study for each department is included in Appendices.

To account for the complexity of work required within each case type, different scenarios were constructed for each of the major case types. Typically, three different scenarios per case type are constructed to represent case complexity.

- Scenario One is a relatively simple case, requiring a minimal amount of staff time.
- Scenario Two is an average case, requiring a moderate amount of staff time.
- Scenario Three is a complex case, requiring a large amount of staff time.

An example of the scenarios are shown in Figure 5.

Figure 5.
District Court/BMC Criminal Case Type

Scenarios with Case Functions
Less Complex
Opening Activities
Maintenance Activities
Judgment Activities
Post Judgment Activities
Courtroom Session Activities
Moderate Complex
Opening Activities
Receiving a Jury Case from Another Court
Maintenance Activities
Sending a Jury Case to Another Court
Judgment Activities
Post Judgment Activities
Sending a Jury Case Back to Original Court
Receiving Case Back from the Jury Court
Courtroom Session Activities
More Complex
Opening Activities
Receiving a Jury Case from Another Court
Maintenance Activities
Sending a Jury Case to Another Court
Judgment Activities
Post Judgment Activities
Sending a Jury Case Back to Original Court
Receiving Case Back from the Jury Court
Courtroom Session Activities

In this study, the survey participants were also asked to estimate the distribution or frequency of complex cases based on their expert opinions in order to assess the overall distribution of case

complexity.⁶ Survey participants were first asked to estimate the time it took to perform the functions involved within each scenario. They were then asked to estimate the percentage of the caseload that each scenario comprised in order to arrive at an “average” time required to perform the work involved with each case type.

2. *Determining Case filings.* It was necessary to identify the number of cases filed in each court location for each case type. The AOTC and the Trial Court Departments provided objective filing data with respect to how many cases were filed in each court for FY 2003 for use in the development of the model. This data has now been replaced with information on case filings for FY 2004.

3. *Estimating Available Staff Time.* The primary purpose of the staffing model is to determine the need for staff resources throughout the Trial Courts of Massachusetts. To accomplish this, the workload standards are applied to a court’s filings, as representative of workload, to determine the amount of staff needed to process the court’s caseload. Another critical step in the process is determining the number of hours available to staff to process cases. Determining available staff time involves two steps.

- Determining the number of total hours available per year.
- Subtracting the average number of sick, vacation, holiday and training hours used each year.

This purpose of this computation is to determine how much time is available to each staff member to process cases; that is, time that can be devoted to do the work described in the various workload standards. Court staff in Massachusetts work 37.5 hours per week. Multiplying this by 52 weeks in a year yields 1,950 total hours available per year. To account for the number of hours consumed by sick leave, vacations, holidays, other types of leaves of absences (both paid and unpaid), training sessions and breaks each year, data from the previous calendar year was analyzed by the AOTC to determine the annual staff availability. This analysis yielded an average annual staff availability of 1,517 hours per year to perform case

⁶ Several of the Trial Court Departments were able to collect direct empirical data on case complexity through case file audits or by reviewing information available in management reports. In these instances, this information was used in place of staff estimates on complexity.

related and non-case related activity or 91,020 minutes per staff member. A detailed presentation of the calculation employed to determine the availability of staff hours per year is included in the Appendices.

4. *Conducting the Surveys.* Surveys were distributed to court staff in May and June of 2004. Staff were given time to complete the surveys. In some participating courts, all staff formulated estimates. In other courts, one or two staff handled a particular task and completed the time estimates. In effect, each participating court provided the “average” values from their court location. Completed surveys were provided to NCSC staff by mid June 2004 for data entry and analysis. NCSC staff provided the analysis of the data with a preliminary estimate of the impact on the staffing of the trial court departments in August of 2004.

D. Workload Standards

NCSC provided the results of the Delphi data collection process and preliminary case weights to the departmental staffing committees in August and September of 2004. The preliminary case weights were comprised of the mean and median times to process each type of case that factored in all required tasks and complexity calculations. These preliminary standards were tied to annual filing figures to determine preliminary staff need based on the most recent year’s data.

The staffing model committees reviewed the results of the Delphi surveys in detail and made adjustments to those values that did not reflect the consensus of the group. In addition, a validation process was used to assess the “reasonableness” of the standards. The need for staff in all courts was calculated using the workload standards to see how the resultant staff need compared to actual staff. The process employed by each trial court committee required multiple iterations to arrive at the final set of case weights. The final Delphi case weights for each Department are presented in Figure 6. Individual components of the case weights are included in the Appendices.

Figure 6.

Final Delphi Case Weights by Department

BMC / District Court	Minutes Per Case
Criminal Case	
Less Complex	95.00
Moderate Complex	180.00
More Complex	530.00
Criminal Show Cause Hearings	65.00
Probation Violation Hearings	90.00
Search Warrants Criminal	52.00
Search Warrants Administrative	14.00
Abuse Restraining Orders	
Less Complex	95.00
More Complex	140.00
Civil	
Less Complex	95.00
More Complex	290.00
Civil (Miscellaneous)	75.00
Small Claims	
Less Complex	60.00
More Complex	130.00
Summary Process	
Less Complex	65.00
More Complex	140.00
Supplementary Process	70.00
Civil Motor Vehicle Infractions	35.00
Mental Health (Civil)	155.00
Juvenile*	
Delinquency	81.00
CHINS	55.00
Care and Protection	290.00
Adoption	113.00

*Juvenile weights apply to select District Court locations only

Housing Court	Minutes per Case
Summary Process	
Less Complex	170.80
More Complex	206.37
Civil	
Less Complex	158.40
More Complex	285.62
Small Claims	188.60
Supplementary Process	75.40
Probable Cause Determination	75.60
Municipal Ticket Hearings	66.60
Utility/Search Warrants	40.80
Criminal	223.40
ADR	194.65

Juvenile Court	Minutes per Case
Adoptions	
Simple	166.88
Moderate	225.34
Complex	353.46
Care & Protection Survey	
Simple	1266.42
Moderate	1735.28
Complex	3354.02
CHINS	
Simple	149.29
Moderate	621.12
Complex	848.07
Delinquency	
Simple	674.05
Moderate	975.49
Complex	1533.63
Guardianship	
Simple	192.33
Moderate	296.96
Complex	611.58
Show Cause Hearings	44.28

Land Court	Minutes Per Case
Miscellaneous Cases	
Simple	570.00
Average	1,340.00
Complex	2,150.00
Miscellaneous (Soldiers' & Sailors' Cases)	
Simple	75.00
Average	95.50
Tax Foreclosure Cases	
Simple	510.00
Average	1,300.00
Complex	2,870.00
Subsequent to Registration Complaint/Legal	
Average	910.00
Complex	1,435.00
Condominiums	
Average	120.00
Complex	300.00
Registration/Confirmation Cases (Legal)	
Average	3,940.00
Complex	7,700.00
New Registration/Confirmation (Engineering)	
Average	1,215.00
Complex	1,635.00
Subdivisions (Engineering)	
Average	1,035.00
Complex	1,455.00

Probate and Family Court	Minutes per Case
Divorce and Other Dom. Rel.	
Standard	171.58
Involved	330.83
Complex	902.00
Paternity	
Standard	180.67
Involved	311.50
Complex	560.33
Admin. & Prob. Of Will	
Standard	150.75
Involved	239.00
Complex	570.25
Guardianship	
Involved	259.08
Complex	474.33
Accounts and Other Probate	
Standard	96.33
Involved	173.75
Complex	411.42
Abuse Prevention	201.80
Equity	
Involved	259.67
Complex	450.58
Change of Name	158.75
Adoption and Child Welfare	312.92
Contempt	
Involved	185.92
Complex	278.00
Modification	
Involved	215.42
Complex	332.42

Superior Court	Minutes per Case
Civil: Crt staff	
Simple	90.00
Standard	563.00
Complex	1105.00
Most Complex	2165.00
Criminal: Crt Staff	
Simple	90.00
Standard	877.00
Complex	1498.00
Most Complex	2357.00

Administrative Functions

In addition to the case related tasks captured in the case weights, non-case related administrative activity must also be taken into consideration. The time spent on this category of duties includes tasks such as operations, accounting, communication tasks, and all tasks associated with supervising and managing employees (budget, payroll, personnel, attending conferences, etc.), that must be completed for courts to operate on a daily basis. To account for this a standard value not to exceed 2 FTE administrative support staff per 1 million minutes⁶ was calculated based on the required time in each court to perform case related activities. Some differential was included for courts that operate multiple sites, and minimum thresholds were established for courts with a limited caseload in order to ensure that court services remain available to the public, regardless of caseload.

III. QUALITATIVE FACTORS AFFECTING THE DETERMINATION OF RESOURCES

Qualitative factors also can affect resource needs. There can be legal *cultural* differences that result in some case types taking longer in some locations within a single state. For example, the style of individual judges often have a significant impact on case processing times, and can significantly affect the amount of “in court” time that a staff member must provide. Another qualitative factor to consider when interpreting the model is that rural areas may require more clerical resources than the model estimates to provide reasonable access to judicial services.

Another qualitative factor that often needs to be considered is the economies of scale that may affect the interpretation of the model. Usually in the more populated counties and larger urban courts there exists economy of scale effects that are reflected in faster processing times and the ability to process more cases in a year because these larger courts have the ability to work more efficiently. For example, a larger court can have divisions of labor that lead to specialization by function.

A final qualitative consideration is the type of staff currently allocated to a court. While the overall number of staff present when compared with the model does not indicate a need,

⁶ The Housing, Juvenile, and Probate and Family Courts established estimates for internal distribution of administrative staff. These distributions do not exceed the cap of 2 FTE per million minutes of case related activity.

there may be some necessary adjustments to the staff mix within a court to meet their operational needs. The model does not preclude making the necessary exchanges within the type of staff working in court.

While a workload assessment model provides a baseline from which to establish the need for court staff, no set of statistical criteria will be so complete that it encompasses all contingencies. Therefore, following completion of the Delphi portion of the study, qualitative data was gathered on the work performed by trial court support staff. This portion of the study involved two separate phases (surveys and site visits) that were developed to document resource barriers for staff throughout the state. The focus was on identifying current issues that affect the quality of services provided by court staff in each of the trial court departments.

The first phase involved a web-based survey administered to staff statewide. The survey was designed to gather perspective on the sufficiency of time to perform essential case-related and non-case-related tasks identified in the Delphi study. The second phase included a set of site visits by each department to select court's offices representing rural, suburban, and urban jurisdictions. The goal of the site visits was to place information on the need for additional court staff into an operational context. The visits additionally provided a unique opportunity to gather specific examples of challenges court support staff were facing.

The themes identified from these two phases provide an important framework for assessing the reasonableness of the resource implications indicated by application of the case weights to the FY 2004 filings.

A. *Site Visits*

NCSC recommended that site visits be conducted, by each department, to representative courts throughout the state once the preliminary workload standards were developed. Beyond validating the preliminary workload standards, representatives of the courts were asked to assess the sufficiency of current staffing levels in their court. In each court, small groups representing the particular case types handled by the court identified those areas and tasks that the staff was: (1) performing well and (2) not performing in a quality manner.

The qualitative information obtained from these site visits has important implications for comparing the staff need indicated by application of the case weights to the current staffing levels. The responses served to elucidate those policies, procedures, and practices that impact staff performance. Additionally, specific tasks where a perceived deficiency in staffing results in

bottlenecks, limits on access, or other aspects of sub-optimal performance were identified. These perceived areas of need serve as a complement to the information generated from an online survey mentioned below.

Each Trial Court Committee conducted face-to-face interviews with staff in select court locations across the state. The District, Housing and Land courts made site visits to all court locations, while the other departments selected a representative sample of locations to visit. During the site visits, each department sought a detailed level of qualitative data on tasks that are currently not performed adequately. The interviews also offered an opportunity to obtain the viewpoint of support staff on unique approaches developed to manage the workload in their jurisdiction, as well as practices that could be modified to more efficiently and effectively conduct the work of the court. Finally, the site visits provided an occasion to inquire how the reduction in support staff has impacted the ability of staff to perform their jobs well and provide effective service to the public.

Each department, due to the unique nature of the cases handled, identified through the site visits, a wide variety of tasks and areas that were compromised. The site visit summaries for each department are included in Appendices. However, from these reports some common themes appear.

Compromised Tasks

In general, staff felt that tasks associated with time-sensitive activities were the most critical and were given priority over other duties. By treating these tasks as the essential focus, other tasks are often postponed or neglected. This prioritization of duties also results in staff spending less time focusing on tasks associated with sustaining basic improvement initiatives, such as training for staff or monitoring performance.

In the area of records management, inadequate staff support hinders the creation of new records in the system. This delay results in frustration for judges and may inhibit their ability to decide cases in a timely manner. A secondary impact of the delay is an increase in the number of phone calls court staff receive from the public to determine what has transpired in the case. An additional concern noted in the records management area regarded challenges staff were facing in ensuring that court records were complete. Due to shortages of staff, the filing of new pleadings and documents is lagging behind. Additionally, files are not reshelfed promptly, and staff has difficulty locating them in an efficient manner. This has a compound effect on all

subsequent stages of the case; if the proper documentation is not in the file, or the file cannot be located, staff cannot move the case forward and ultimately judges are unable to rule.

Further compounding the situation for support staff is the fact that clerical supervisors are frequently assisting staff to ensure that work priorities are completed. The allocation of resources in this manner inhibits the ability of supervisors to manage and mentor staff. Neglecting this important staff development component could consequently have serious long-term impact on the quality of the services provided by the court.

Overall, the interviews provided the NCSC and the Trial Court Departments with valuable information. Clearly the diminished level of court staff is jeopardizing the ability of courts to maintain a high level of service to the public.

B. Survey of Court Staff

To obtain a clearer understanding of the type of activities that staff perform and the sufficiency of current staffing levels, an online survey was developed by the NCSC. The web-based survey presented respondents with activities representing the range of tasks that staff are expected to perform. Respondents were asked to respond to three statements related to each of the tasks.

- I am expected to perform this activity on a regular basis.
- I typically have time to complete this task in a reasonable and satisfactory way.
- Obtaining additional staff to help perform this task should be a court priority.

The survey results provide an understanding of the type of tasks that the staff performs, whether staff members believe they have enough time to perform these tasks, and those areas where additional staff should be a priority. Overall, the web-based surveys provide a supplement to the information gathered in the site visits.

NCSC staff compiled the responses and analyzed results separately for each trial court department. For each task an average response score was generated. Averages of 3 or less were highlighted to identify tasks and functions that support staff feel at best they “seldom” have enough

time to complete in a reasonable and satisfactory way. A summary of the results, by Department, is provided in Figure 7. The specific functions indicated in figure 7 were identified by staff in each department as areas where there was currently insufficient time available to perform the functions in a reasonable manner. Full texts of the online surveys are included in the Appendices

Figure 7. Staff Survey Results

Boston Municipal Court
Task Area
Case Processing
Process and prepare special case certification records for state and federal executive branch agencies (e.g., licensing, adoption, marriage dissolution, background checks, etc.); personal representatives in probate and guardianship cases, etc.
Appeals and change of venue: prepare required documents (e.g., transcript or tape, number and index file documents); maintain internal case tracking records, compute costs of appeals processing, forward case records to other court, record and process higher court judgments, etc.
Warrant management: issue and process warrants and return of service on warrants, process warrant cancellations and notify law enforcement; monitor action on cancellations.
Judgment processing and recording: maintain records relating to judgments, including assignment of judgment number/identifier; index/record in appropriate registers; issue notices to judgment debtors/creditors; prepare abstracts and satisfaction of judgments, etc.
Record required data regarding parties, documents and events in the automated or manual case management system.
Record all post proceeding judgments/sentences, notices, executions and writs.
Miscellaneous counter services: provide files or case-specific information to litigants and the public, duplicate/certify/conform copies (e.g., certify DWIs) of case documents and tapes, provide forms and/or direct customers to appropriate offices/units.
Process documents for jail commitment and release: maintain records of in-custody defendants, process documents for jail release, coordinate with custodial officials.
Respond to phone and/or e-mail requests for general and case-specific information.
Notice: provide notices to relevant parties of necessary court dates and requirements, including form notices linked to calendars, custom notices to individuals.
Records Management
Maintain exhibits: index, store, provide notification to reclaim; return to owner, destroy when appropriate.
Sealing and purging: identification and processing of sealed records; processing expungement orders.
Record retention: archive case documents and files, reconstruct and/or purge files when necessary.
File folder management: create file folders, shelve files, add documents to files after they are processed, pull and re-shelve files, track and retrieve all case files, and locate misplaced case files.
Prepare files for court, including review for apparent completeness of the file, check for documents in process that may not be in the file.
Calendaring and Case Flow Management
Monitor readiness of parties for hearings and trials and confirm appearances; notify relevant individuals prior to hearings about missing information/documents or non-compliant legal forms.
Research/monitor status of individual cases, and follow-up with lawyers/parties when cases are “off track.”
Collect and use statistical data to help maintain timely case processing.
Identify and dismiss inactive cases.
Review case files prior to hearings: ensure that required actions are complete, and that information needed by court is available and conforms to court policy.
Provide in-court interpreting services when litigants or witnesses do not speak English.
Caseload statistics: gather and report statistics for required state and local reports (e.g., race surveys and SJIS forms).
Assign cases to regularly scheduled calendars, produce calendars, publish and post calendars.
Coordinate with jail/transportation officers to assure timely and reliable appearance of in-custody defendants.
In Courtroom Support
Prepare paperwork required for forfeiture or exoneration of bonds; warrant-related notices, etc.
Record and update results of group-scheduled hearing calendars to ensure case status is accurate and current.
Provide clerical and admin follow-through after court hearings to issue required notifications to parties, service providers or executive branch agencies. (e.g., jail, bondsmen)
Jury related duties: call/seat jurors for voir dire; record juror status (seated, excused, reasons); administer oaths, maintain attendance record; poll jurors, and direct and provide information to participants and public.
Manage documents: ensure that files/documents are available in the courtroom when needed; documents filed in courtroom are accounted for and returned to central clerk's unit.

Boston Municipal Court--Continued
Task Area
Financial Management
Receipt, review, and payment of accounts receivables. (e.g., witness fees, office supplies, contract services, transcripts, etc.)
Receive payments and fees and issue receipt for monies received, reconcile daily receipts and cash registers.
Identify and process irregular checks received (e.g., improperly tendered, illegible, returned for non-sufficient funds), including notification of tender, adjustment of payment records, etc.
Reconcile daily receipts and cash registers.
Process deposits: determine appropriate accounts (general, trust, etc.), prepare deposit slips for appropriate accounts, transmit deposits, maintain deposit records, etc.
Distribute and disburse payments: determine appropriate distribution of payments (e.g., statutory fund accounts, child support accounts, individual payees, restitution, etc.) and disburse funds to treasurer and other payees as appropriate.
Bail/bond accounting: e.g., receipt and post, apply bail/bond monies held in trust to fine/penalty accounts, refund monies, disburse unclaimed funds to appropriate account, follow up on bond payments when partially satisfied.
Grant and budget monitoring.
Monitor and document compliance with financial payments.
Case Monitoring and Enforcement
Set up case for monitoring court ordered sentences, judgments, probation reports, deferred prosecutions, diversion conditions, including mediation agreements and preparing pre-sentence reports etc.
Special traffic or motor vehicle monitoring procedures: monitor civil motor vehicle judgments for satisfaction and reporting non-compliance to appropriate authorities with documentation.
Judicial Support
Operate and monitor electronic recording (E-R) equipment in court sessions (e.g., daily equipment checks, log of proceeding, supplies and equipment maintenance, index and store tapes or files).
Administrative support duties for judges: prepare correspondence, answer phones; maintain office files; receptionist duties.
Therapeutic, Evaluative and Magisterial Services
Mediate disputes between parties to lawsuits to assist parties achieve voluntary settlement or narrow issues for judge.
Adjudication of matters/ perform magisterial functions.
Screen and refer cases to alternative dispute resolution; provide alternative dispute services; track cases in ADR.
Central Administration
Human resource activities: hiring, firing, functions related to disciplinary actions, oversight of employee benefits, training record keeping, etc.
Review, prioritize, and assign projects to teams and Meet regularly to evaluate and coordinate ongoing support activities and projects.
Manage personnel functions including administration of the court, budget preparations, and evaluation.
Inventory supplies management
Prepare evacuation and security plans, train, monitor and evaluate readiness of court.
Train and orient new employees. Provide ongoing training for staff professional development.

District Court
Task Area
Records Management
Record retention and destruction: archive case documents and files, reconstruct and/or purge files when necessary, locate/retrieve files stored off site, perform periodic records destruction required by court rule.
Sealing and purging: identification and processing of sealed records; processing expungement orders.
Maintain exhibits: index, store, provide notification to reclaim; return to owner, destroy when appropriate.
Calendaring and Case Flow Management
Coordinate video arraignments, participants, calendars, and outside agencies for video arraignment events, operate and monitor video equipment.
Alternative dispute resolution: Assign and process cases referred to alternative dispute resolution.
Research/monitor status of individual cases for compliance with time standards and follow-up with lawyers/parties when cases are “off track.”
Coordinate with law enforcement agencies and other parties regarding schedules for traffic and other high volume calendars.
In Courtroom Support
Jury related duties: call/seat jurors for voir dire; record juror status (seated, excused, reasons); administer oaths, maintain attendance record; poll jurors.
Financial Management
Identify and process irregular checks received (e.g., improperly tendered, illegible, returned for non-sufficient funds), including notification of tender, adjustment of payment records, etc.
Reconcile daily receipts and cash registers.
Process deposits: determine appropriate accounts (general, trust, etc.), prepare deposit slips for appropriate accounts, transmit deposits, maintain deposit records, etc.
Monitor and document compliance with financial payments (e.g. issue dunning letters).
Distribute and disburse payments: determine appropriate distribution of payments (e.g., statutory fund accounts, individual payees, restitution, etc.) and disburse funds to treasurer and other payees as appropriate.
Receive payments and fees and issue receipt for monies received, reconcile daily receipts and cash registers.
Monitor budget and spending plan.
Purchasing: Process invoices. (e.g., witness fees, office supplies, contract services, transcripts, etc.), perform purchasing functions. (e.g., competition bids)
Process bail: Receipt and post, apply bail/bond monies held in trust to fine/penalty accounts, refund monies, disburse unclaimed funds to appropriate account.
Judicial Support
Operate and monitor electronic recording (E-R) equipment in court sessions (e.g., daily equipment checks, log of proceeding, supplies and equipment maintenance, index and store tapes or files). Copy or arrange coping of tapes/discs.
Magisterial Functions
Mediate disputes between parties to lawsuits to assist parties achieve voluntary settlement or narrow issues for judge.
Conduct hearings (e.g., show cause, small claims), make probable cause determinations after arrest, issue process (warrants and search warrants), set bail.
Human Resources and Personal Functions
Review, prioritize, and assign projects to teams and meet regularly to evaluate and coordinate ongoing support activities and projects.
Train and orient new employees. Provide ongoing training for staff professional development.
Human resource activities: Assist in hiring, firing, functions related to disciplinary actions, oversight of employee benefits, training record keeping, etc.

Housing Court
Task Area
Case Processing
Counter service for new case filings and documents: receive, assign case number, stamp, route to data entry, etc. Record required data regarding parties, documents and events in the automated or manual case management system. Record all post proceeding judgments/sentences, notices, executions and writs.
Judgment processing and recording: maintain records relating to judgments, including assignment of judgment number/identifier; index/record in appropriate registers; issue notices to judgment debtors/creditors; prepare abstracts and satisfaction of judgments, etc. Notice: provide notices to relevant parties of necessary court dates and requirements, including form notices linked to calendars, custom notices to individuals.
Miscellaneous counter services: provide files or case-specific information to litigants and the public, duplicate/certify/conform copies (e.g., certify DWIs) of case documents and tapes, provide forms and/or direct customers to appropriate offices/units.
Respond to phone and/or e-mail requests for general and case-specific information.
Provide information to unrepresented persons about court requirements and assist unrepresented litigants with procedural compliance (e.g., domestic violence, child support).
Records Management
Maintain file check out system: record file check out/delivery; track and retrieve all case files when they are not on the shelves; locate misplaced case files. Record retention: archive and microfilming case documents and files, reconstruct and/or purge files when necessary. Maintain exhibits: index, store, provide notification to reclaim; return to owner, destroy when appropriate.
Prepare files for court, including review for apparent completeness of the file, check for documents in process that may not be in the file.
Calendaring and Case Flow Management
Review case files prior to hearings: ensure that required actions are complete, and that information needed by court is available and conforms to court policy. Maintain accurate inventory of cases pending: distinguish inactive (e.g., interlocutory appeals; fugitive status) from active cases; produce list of active cases, consult with managing judges when cases are "off track." Identify and dismiss inactive cases. Caseload statistics: gather and report statistics for required state and local reports (e.g., race surveys and SJIS forms). Monitor continuances, scheduled vs. actual appearances; and implement correctives. Collect and use statistical data to help judges maintain timely case processing. Determine needed frequency and scheduling formulas for periodic regularly scheduled hearing sessions.
Track cases referred to alternative dispute resolution and initiate reminders or other actions when case resolution exceeds standards for timely processing. Monitor readiness of parties for hearings and trials and confirm appearances; notify relevant individuals prior to hearings about missing information/documents or non-compliant legal forms.
Assign cases to regularly scheduled calendars, produce calendars, publish and post calendars.
Schedule individually set trials and hearings (lengthy motions, conferences, etc.)
Coordinate with law enforcement agencies regarding schedules for high volume calendars.
Research/monitor status of individual cases, and follow-up with lawyers/parties when cases are "off track."
In Courtroom Support
Courtroom order and protocol: maintain quiet and order in courtroom before, during, and after court hearings; direct and provide information to participants and public.
Jury related duties: call/seat jurors for voir dire; record juror status (seated, excused, reasons); administer oaths, maintain attendance record; poll jurors.
Financial Management
Bail/bond accounting: e.g., receipt and post, apply bail/bond monies held in trust to fine/penalty accounts, refund monies, disburse unclaimed funds to appropriate account, follow up on bond payments when partially satisfied.
Identify and determine of ownership and disposition of apparently abandoned cash trust monies and cash exhibits.

Housing Court--Continued
Task Area
Case Monitoring and Enforcement
Set up case for monitoring court ordered sentences, judgments, probation reports, deferred prosecutions, diversion conditions, including mediation agreements and preparing pre-sentence reports etc.
Implement informal compliance enforcement measures when appropriate. (e.g., written and telephone notices, interview or mediation, revised payment plan, community service alternatives, etc.)
Special monitoring procedures: monitor civil infraction tickets for satisfaction and reporting non-compliance to appropriate authorities with documentation.
Judicial Support
Operate and monitor electronic recording (E-R) equipment in court sessions (e.g., daily equipment checks, log of proceeding, supplies and equipment maintenance, index and store tapes or files).
Therapeutic, Evaluative and Magisterial Services
Investigation and Evaluation: evaluate and assess individuals for specific problems and make recommendations for referral.
Screen and refer cases to alternative dispute resolution; provide alternative dispute services; track cases in ADR.
Mediate disputes between parties to lawsuits to assist parties achieve voluntary settlement or narrow issues for judge.
Adjudication of matters/ perform magisterial functions.
Central Administration
Train and orient new employees. Provide ongoing training for staff professional development.
Inventory supplies management
Review, prioritize, and assign projects to teams and Meet regularly to evaluate and coordinate ongoing support activities and projects.
Human resource activities: hiring, firing, functions related to disciplinary actions, oversight of employee benefits, training record keeping, etc.
Prepare evacuation plans, train monitor and evaluate readiness of court.
Prepare and implement security plans.
Monitor and screen court employees and the public.
Oversight of operation level supervisors and line staff.
Supervise staff, e.g. review performance, hire & fire, disciplinary actions, determine "on call, etc.

Juvenile Court
Task Area
Case Processing
Prepare change of venue cost bills for trial costs and/or bills for case processing services provided by the court.
Judgment processing and recording: maintain records relating to judgments, including assignment of judgment number/identifier; index/record in appropriate registers; issue notices to judgment debtors/creditors; prepare abstracts and satisfaction of judgments, etc.
Appeals and change of venue: prepare required documents (e.g., transcript or tape, number and index file documents); maintain internal case tracking records, compute costs of appeals processing, forward case records to other court, record and process higher court judgments, etc.
Record all post proceeding judgments/sentences, notices, executions and writs.
Process and prepare special case certification records for state and federal executive branch agencies (e.g., adoption, background checks, etc.).
Provide information to unrepresented persons about court requirements and assist unrepresented litigants with procedural compliance (e.g., domestic violence, child support).
Process documents for jail commitment and release: maintain records of in-custody defendants, process documents for jail release, coordinate with custodial officials.
Notice: provide notices to relevant parties of necessary court dates and requirements, including form notices linked to calendars, custom notices to individuals.
Record required data regarding parties, documents and events in the automated or manual case management system.
Warrant management: issue and process warrants and return of service on warrants, process warrant cancellations and notify law enforcement; monitor action on cancellations.
Records Management
Sealing and purging: identification and processing of sealed records; processing expungement orders.
Record retention: archive and microfilming case documents and files, reconstruct and/or purge files when necessary.
Maintain exhibits: index, store, provide notification to reclaim; return to owner, destroy when appropriate.
Calendaring and Case Flow Management
Coordinate video arraignments, participants, calendars, and outside agencies for video arraignment events.
Operate and monitor video arraignment equipment.
Track cases referred to alternative dispute resolution and initiate reminders or other actions when case resolution exceeds standards for timely processing.
Determine needed frequency and scheduling formulas for periodic regularly scheduled hearing sessions.
Maintain accurate inventory of cases pending: distinguish inactive (e.g., interlocutory appeals; fugitive status) from active cases; produce list of active cases, consult with managing judges when cases are "off track."
Monitor continuances, scheduled vs. actual appearances; and implement correctives.
Assign cases to regularly scheduled calendars, produce calendars, publish and post calendars.
Collect and use statistical data to help judges maintain timely case processing.
Schedule individually set trials and hearings (lengthy motions, conferences, etc.)
Coordinate with jail/transportation officers to assure timely and reliable appearance of in-custody defendants.
Caseload statistics: gather and report statistics for required state and local reports (e.g., race surveys and SJIS forms).
Monitor readiness of parties for hearings and trials and confirm appearances; notify relevant individuals prior to hearings about missing information/documents or non-compliant legal forms.

Juvenile Court--Continued
Task Area
In Courtroom Support
Jury related duties: call/seat jurors for voir dire; record juror status (seated, excused, reasons); administer oaths, maintain attendance record; poll jurors.
Financial Management
Identify and process irregular checks received (e.g., improperly tendered, illegible, returned for non-sufficient funds), including notification of tender, adjustment of payment records, etc.
Distribute and disburse payments: determine appropriate distribution of payments (e.g., statutory fund accounts, child support accounts, individual payees, restitution, etc.) and disburse funds to treasurer and other payees as appropriate.
Bail/bond accounting: e.g., receipt and post, apply bail/bond monies held in trust to fine/penalty accounts, refund monies, disburse unclaimed funds to appropriate account, follow up on bond payments when partially satisfied.
Grant and budget monitoring.
Receipt, review, and payment of accounts receivables. (e.g., witness fees, office supplies, contract services, transcripts, etc.)
Monitor and document compliance with financial payments.
Reconcile daily receipts and cash registers.
Process deposits: determine appropriate accounts (general, trust, etc.), prepare deposit slips for appropriate accounts, transmit deposits, maintain deposit records, etc.
Receive payments and fees and issue receipt for monies received, reconcile daily receipts and cash registers.
Case Monitoring and Enforcement
Report non-compliance to enforcing authority with documentation.
Judicial Support
Operate and monitor electronic recording (E-R) equipment in court sessions (e.g., daily equipment checks, log of proceeding, supplies and equipment maintenance, index and store tapes or files).
Therapeutic, Evaluative and Magisterial Services
Screen and refer cases to alternative dispute resolution; provide alternative dispute services; track cases in ADR.
Determination of probable cause after a hearing/perform magisterial functions.
Central Administration
Research and prepare grant applications.
Review, prioritize, and assign projects to teams and Meet regularly to evaluate and coordinate ongoing support activities and projects.
Prepare and submit incident reports.
Train and orient new employees. Provide ongoing training for staff professional development.
Purchasing: needs assessment, research resources, maintain relevant records
Oversight of operation level supervisors and line staff.
Supervise staff, e.g. review performance, hire & fire, disciplinary actions, determine "on call, etc.
Inventory supplies management

Land Court
Task Area
Case Processing
Counter service for new case filings and documents: receive, assign case number, stamp, route to data entry, etc. Respond to phone and/or e-mail requests for general and case-specific information (non Registry of Deed related inquiries). Record all post proceeding judgments/sentences, notices, executions and writs.
Appeals and change of venue: prepare required documents (e.g., transcript or tape, number and index file documents); maintain internal case tracking records, compute costs of appeals processing, forward case records to other court, record and process higher court judgments, etc.
Notice: provide notices to relevant parties of necessary court dates and requirements, including form notices linked to calendars, custom notices to individuals.
Record required data regarding parties, documents and events in the automated or manual case management system.
Miscellaneous counter services: provide files or case-specific information to litigants and the public, duplicate/certify/conform copies (e.g., certify DWIs) of case documents and tapes, provide forms and/or direct customers to appropriate offices/units.
Respond to phone and/or e-mail requests for general and case specific information (Registry of Deed related inquiries).
Records Management
File folder management: create file folders, shelve files, add documents to files after they are processed, pull and re-shelve files.
Maintain file check out system: record file check out/delivery; track and retrieve all case files when they are not on the shelves; locate misplaced case files.
Record retention: archive and microfilming case documents and files, reconstruct and/or purge files when necessary.
Calendaring and Case Flow Management
Monitor readiness of parties for hearings and trials and confirm appearances; notify relevant individuals prior to hearings about missing information/documents or non-compliant legal forms.
Monitor continuances, scheduled vs. actual appearances; and implement correctives.
In Courtroom Support
Provide clerical and admin follow-through after court hearings to issue required notifications to parties, service providers or executive branch agencies. (e.g., jail, bondsmen)
Judicial Support
Store steno-typed notes in centrally available storage location or medium to ensure accessibility of notes to court officials in absence of the original reporter.
Operate and monitor electronic recording (E-R) equipment in court sessions (e.g., daily equipment checks, log of proceeding, supplies and equipment maintenance, index and store tapes or files).
Central Administration
Train and orient new employees.

Probate and Family Court
Task Area
Case Processing
Prepare change of venue cost bills for trial costs and/or bills for case processing services provided by the court.
Appeals and change of venue: prepare required documents (e.g., transcript or tape, number and index file documents); maintain internal case tracking records, compute costs of appeals processing, forward case records to other court, etc.
Warrant management: issue and process warrants and return of service on warrants, process warrant cancellations and notify law enforcement; monitor action on cancellations.
Process and prepare special case certification records for state and federal executive branch agencies (e.g., licensing, adoption, marriage dissolution, background checks, etc.); personal representatives in probate and guardianship cases, etc.
Process documents for jail commitment and release: maintain records of in-custody defendants, process documents for jail release, coordinate with custodial officials.
Judgment processing and recording: maintain records relating to judgments.
Records Management
Record retention: archive and microfilming case documents and files, reconstruct and/or purge files when necessary.
Sealing and purging: identification and processing of sealed records; processing expungement orders.
Maintain exhibits: index, store, provide notification to reclaim; return to owner, destroy when appropriate.
Optical records processing: scanning and related services to support digital record storage.
Prepare files for court, including review for apparent completeness of the file, check for documents in process that may not be in the file.
Calendaring and Case Flow Management
Coordinate video appearances, participants, calendars, and outside agencies for video arraignment events.
Operate and monitor video arraignment equipment.
Maintain accurate inventory of cases pending: distinguish inactive from active cases; produce list of active cases, consult with managing judges on status of case inventory, identify and dismiss inactive cases.
Track cases referred to alternative dispute resolution and initiate reminders or other actions when case resolution exceeds standards for timely processing.
Coordinate with jail/transportation officers to assure timely and reliable appearance of in-custody defendants.
Coordinate with law enforcement agencies regarding schedules relative to court hearings.
Provide interpreting services in interview settings for lawyers, probation staff, and others; order and "track down" interpreters.
Determine needed frequency and scheduling formulas for periodic regularly scheduled hearing sessions.
Monitor readiness of parties for hearings and trials and confirm appearances; notify relevant individuals prior to hearings about missing information/documents or non-compliant legal forms.
Collect and use statistical data to help judges maintain timely case processing.
Research/monitor status of individual cases, and follow-up with lawyers/parties when cases are not in compliance with Time Standards.
Monitor continuances, scheduled vs. actual appearances; and implement correctives.
Coordinating in-court interpreting services when litigants or witnesses do not speak English.
Caseload statistics: gather and report statistics for required state and local reports (i.e. DOR)
In Courtroom Support
Prepare paperwork required for warrant-related notices, etc.
Record and update results of group-scheduled hearing calendars to ensure case status is accurate and current.
Minute taking: record information and prepare documents summarizing significant facts about court hearings. (e.g., date, judge, purpose, appearances, orders/ judgments)
Provide clerical and admin follow-through after court hearings to issue required notifications to parties, service providers or executive branch agencies. (e.g., DOR/CSE)
Courtroom order and protocol: maintain quiet and order in courtroom before, during, and after court hearings; direct and provide information to participants and public.
Manage exhibits: identify, mark, and record status; maintain inventory of all received; deliver admitted to jury; oversee custody and return.

Probate and Family Court--Continued
Task Area
Financial Management
Process revenue recapture claims.
Establish and maintain time payment agreement records and statements.
Identify and determine of ownership and disposition of apparently abandoned cash trust monies and cash exhibits.
Monitor and document compliance with financial payments.
Grant and budget monitoring.
Determine financial eligibility and contribution for appointed counsel.
Receipt, review, and payment of accounts receivables. (e.g., office supplies, contract services, transcripts, etc.)
Distribute and disburse payments: determine appropriate distribution of payments (e.g., statutory fund accounts, child support accounts, individual payees, restitution, etc.) and disburse funds to treasurer and other payees as appropriate.
Identify and process irregular checks received (e.g., improperly tendered, illegible, returned for non-sufficient funds), including notification of tender, adjustment of payment records, etc.
Process deposits: determine appropriate accounts (general, trust, etc.), prepare deposit slips for appropriate accounts, transmit deposits, maintain deposit records, etc.
Accept and endorse checks for deposit to appropriate account.
Reconcile daily receipts and cash registers.
Receive payments and fees and issue receipt for monies received, reconcile daily receipts and cash registers.
Case Monitoring and Enforcement
Set up case for monitoring and coordinating; probation reports, GAL REPORTS ..
Judicial Support
Store tapes in centrally available storage location or medium to ensure accessibility of tapes.
Therapeutic, Evaluative and Magisterial Services
Screen and refer cases to alternative dispute resolution; provide alternative dispute services; track cases in ADR.
Investigation and Evaluation: evaluate and assess individuals for specific problems and make recommendations for referral. (e.g., substance abuse, parental fitness, competency to stand trial, etc.)
Diagnostic/social report preparation: prepare reports and recommendations to assist judges with findings, conclusions, orders, and refer to appropriate programs.
Provide dispute intervention between parties to assist parties achieve voluntary settlement or narrow issues for judge.
Adjudication of matters/ perform magisterial functions.
Central Administration
Prepare and implement security plans.
Monitor and screen court employees and the public.
Prepare evacuation plans, train monitor and evaluate readiness of court.
Prepare and submit incident reports.
Research and prepare grant applications.
Train and orient new employees. Provide ongoing training for staff professional development.
Review, prioritize, and assign projects to teams and Meet regularly to evaluate and coordinate ongoing support activities and projects.
Purchasing: needs assessment, research resources, maintain relevant records
Manage personnel functions including administration of the court, budget preparations, and evaluation.
Inventory supplies management
Oversee and administer court-based pro bono programs, i.e. Lawyer for the Day.
Supervise staff, e.g. review performance, hire & fire, disciplinary actions, determine "on call, etc.
Oversight of operation level supervisors and line staff.
Human resource activities: hiring, firing, functions related to disciplinary actions, oversight of employee benefits, training record keeping, etc.
Take necessary security measures when appropriate.

Superior Court
Task Area
Case Processing
Prepare change of venue cost bills for trial costs and/or bills for case processing services provided by the court.
Process and prepare special case certification records for state and federal executive branch agencies (e.g., licensing, adoption, marriage dissolution, background checks, etc.); personal representatives in probate and guardianship cases, etc.
Counter service for new case filings and documents: receive, assign case number, stamp, route to data entry, etc.
Process documents for jail commitment and release: maintain records of in-custody defendants, process documents for jail release, coordinate with custodial officials.
Appeals and change of venue: prepare required documents (e.g., transcript or tape, number and index file documents); maintain internal case tracking records, compute costs of appeals processing, forward case records to other court, record and process higher court judgments, etc.
Provide information to unrepresented persons about court requirements and assist unrepresented litigants with procedural compliance (e.g., domestic violence, child support).
Record required data regarding parties, documents and events in the automated or manual case management system.
Respond to phone and/or e-mail requests for general and case-specific information.
Records Management
Optical records processing: scanning and related services to support digital record storage.
Record retention: archive and microfilming case documents and files, reconstruct and/or purge files when necessary.
Sealing and purging: identification and processing of sealed records; processing expungement orders.
Maintain file check out system: record file check out/delivery; track and retrieve all case files when they are not on the shelves; locate misplaced case files.
File folder management: create file folders, shelve files, add documents to files after they are processed, pull and re-shelve files.
Maintain exhibits: index, store, provide notification to reclaim; return to owner, destroy when appropriate.
Calendaring and Case Flow Management
Operate and monitor video arraignment equipment.
Provide in-court interpreting services when litigants or witnesses do not speak English.
Determine needed frequency and scheduling formulas for periodic regularly scheduled hearing sessions.
Caseload statistics: gather and report statistics for required state and local reports (e.g., race surveys and SJIS forms).
Collect and use statistical data to help judges maintain timely case processing.
Coordinate with law enforcement agencies regarding schedules for traffic and other high volume calendars.
Maintain accurate inventory of cases pending: distinguish inactive (e.g., interlocutory appeals; fugitive status) from active cases; produce list of active cases, consult with managing judges when cases are "off track."
Identify and dismiss inactive cases.
Coordinate video arraignments, participants, calendars, and outside agencies for video arraignment events.
Financial Management
Grant and budget monitoring.
Reconcile daily receipts and cash registers.
Identify and determine of ownership and disposition of apparently abandoned cash trust monies and cash exhibits.
Central Administration
Train and orient new employees. Provide ongoing training for staff professional development.

As discussed above, averages of 3 or less are highlighted. For example, average scores for staff with regard to training and orienting new staff are below the threshold of 3 in each of the Trial Court Departments. Thus, court staff across the state have less time for this function when compared to other functional areas. Overall, the surveys indicate deficiencies in a majority of the areas for each department and provide validation of the need for additional support staff identified by the application of the case weights.

Once the qualitative information (on the adequacy of staffing and performance) was collected by each Trial Court Department, this information was summarized for review by the Staffing Task Force. The Staffing Task Force used this information to facilitate the Group Validation Process outlined below.

C. Group Validation Process

The final step in arriving at the final staffing standards was to engage the Working Committees in a group process aimed at finalizing a set of staff workload standards and case weights. Meetings were held with each working group to:

- 1) Review and validate the estimates of current staffing levels and workload standards
- 2) Identify those areas of greatest need for additional staffs to do a quality job.
- 3) Ensure staffing standards respond to observed deficiencies in service quality (as indicated by the survey results and the qualitative information from the site visits), while maintaining a reasonable relationship to current staffing levels and resource constraints.

The Committees were presented with findings from the data analysis, site visits, survey results, and case weight estimates. The committee was asked to evaluate all findings and build on them to arrive at recommendations for final workload standards by case type that reflect the type of support service judges need. Meeting participants were asked to examine current practice with reference to considerations of highly regarded court procedures and practices, personal experience, and productivity. In part, the objectives of this meeting were to:

- Identify the areas/events/functions where court personnel believe more time is needed to do a "quality" job.
- Determine whether these "problem areas" could be helped by adding more staff or if other solutions are applicable.
- Recommend modifications to current staffing levels in those instances where case processing "problem areas" can be solved with additional staff resources.

The committee compared actual staffing patterns to those recommended by the “quality adjustment” process and recommended a priority for new staff. The overall goal of this meeting was reaching consensus on new staffing levels that respond to observed deficiencies in service quality, while maintaining a reasonable relationship to current staffing levels and resource constraints.

IV. INTERPRETATION OF THE MASSACHUSETTS TRIAL COURT WORKLOAD ASSESSMENT MODELS

Staff FTE Needs Estimated by the Models

Based on FY 2004 filings, the workload assessment models for all trial court departments estimate that the courts in Massachusetts currently have an overall need for an additional 391 staff FTE. For comparison purposes, the trial court should attempt to collect staffing level data for FY 2002 that demonstrates the workforce that existed prior to the staffing reductions necessitated by the fiscal crisis. It is believed that this data will reveal that some courts were more negatively impacted by these reductions which have considerably interfered with their operations. Additionally, it is expected that the required level of staff resources indicated by the application of the staffing model are substantially lower than those that existed in FY2002.

**Figure 8.
Staff Resource Needs Indicated by the Models**

Department	Current Staff	Additional FTE
Boston Municipal Court	178.23	.27
District Court	990.11	140.82
Housing Court	90.40	33.00
Juvenile Court	225.00	83.02
Land Court	51.00	10.83
Probate and Family Court	484.12	71.51
Superior Court	353.78	52.22
Total	2372.64	391.67

FY 2004 filings provided by the Massachusetts Administrative Office of the Trial Courts

Detailed calculations on the resource needs by location are included in the Appendices. Using the staffing model as a guide; each Departmental Chief Justice has requested additional resources to meet the critical needs in certain courts. The staffing model provided the framework for evaluating each request and determining if the current situation facing each particular court merited an infusion of additional resources. Based upon this process each department has been authorized to fill a limited number of critical need positions in FY 2005.

V. KEEPING THE WORKLOAD ASSESSMENT MODELS CURRENT AND FUTURE USE OF THE MODELS

In the absence of any significant changes in case processing, court structure, or jurisdiction in the Massachusetts Judicial System, the case weights developed during the course of this study should be accurate for many years⁷. Periodic updating is necessary to ensure that the case weights continue to accurately represent the workload for court staff. Increased

⁷ Inherent in the use of a caseload based workload assessment model is the expectation that case filings and FTE counts are updated annually.

efficiency, statutory or procedural changes, or implementation of new technology or management initiatives over time may result in significant changes in case processing. There should, however, be no reason to redo the study or to undertake a complete, statewide sampling of data. Instead, efforts should be made to identify only those case types for which data may have changed significantly from the initial study results. Relatively small-scale samples then can be taken from certain court staff in jurisdictions from across the state to assess whether any adjustments to certain case weights are warranted.

Resource needs are dynamically dependent on the number of cases filed in the previous fiscal year, and may fluctuate as a result. Therefore, since the need indicated in this report is based on FY 2004 filings, which concluded June 30, 2004, it can be expected that the need for resources in the courts for the current fiscal year is different than the need indicated in this report. Based upon trends in the case filing the results of the model from year to year will vary accordingly.

VII. CONCLUSION AND RECOMMENDATIONS

Data received through this workload assessment study indicate that court support staff across the state are struggling to meet the workload demands inherent in the current caseload. It would be a difficult, if not impossible task, to sustain this pace of work over a prolonged period of time. Thus, absent the infusion of additional resources the efficient operation of the current system will continue to decline.

Based upon the data analysis by the NCSC, the case weights for the Massachusetts Trial Courts demonstrate a total need for additional 387 FTE for all courts and departments combined. Again, it is important to note that no quantitative assessment method can precisely determine the number of support staff required within a court. However, quantitative methods, such as this staffing model can approximate the need for staff and provide a point of reference or standard for comparing relative need among courts. Other measures, both qualitative and quantitative, may be used in conjunction with the caseload standards to support the assessment of need. In particular, other useful measures may include analysis of budget constraints, population trends, and other factors that may differentially affect the need for court staff resources across the state. Finally, additional information should be included with the weighted caseload standard calculation as part of a court's needs assessment package, when local resource needs are

perceived differently from the weighted caseload system findings. The weighted caseload standard calculation should be used as a benchmark that may be adjusted according to evidence provided by additional objective measures of need.

Recommendations

Of critical importance to the effective use of support staff workload standards is complete and accurate case filing and disposition data. Massachusetts should develop a procedure to periodically review and update the data collection systems so as to preserve the validity of the staffing needs assessment process.

The confidence in conclusions drawn from any research endeavor depends on the adequacy and accuracy of the data collected to support the research. For example, particular courts may count filings and dispositions differently. It will be important for the Massachusetts AOTC and the Trial Court Departments to work together to ensure that disposition and filing data are reported in a consistent manner.

The Trial Court departments or AOTC should institute a process to conduct court-level audits of the data collected and reported that are the source for Massachusetts' annual caseload statistics. The funding of additional staff is critical to increasing the validity of the data and ensuring the maintenance of the accuracy promised by the staff workload assessment project. Efforts should be made to ensure that the type of data needed by the Courts is maintained and available on an ongoing basis. The additional staffing and expense related to the audit process will not be inexpensive, but is essential to ensure the success of this support staff resource model.

These recommendations reflect the need to maintain accurate statistics, provide for a process to validate those statistics, and recognize that resources are required to maintain a valid staff need process for the Commonwealth of Massachusetts.