

Pandemic Impact on Weighted Caseload Models - Executive Summary



A Resource from CCJ-COSCA

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Findings

The National Center for State Courts, in collaboration with several state and territory representatives, developed six recommendations regarding the use of weighted caseload models for resource allocation as the judicial system emerges from the pandemic. They include the following:

1. States should use a 3-year average of case filings (excluding 2020) when assessing workload needs using existing models.
2. Use qualitative sessions to perform interim adjustments to the case weight, for a select number of case types that have been identified as showing the most need.
3. A new weighted caseload study should be conducted to adjust all case weights after state judicial leaders determine there is sufficient understanding and agreement that the current mix of remote/in-person case processing procedures will be maintained going forward and when it is believed that court filings are back to “normal.”
4. A new weighted caseload study should capture and distinguish work being performed in both in-person and remote environments, to the extent data is available.
5. Consistent data tracking for remote, hybrid, and in-person procedures is essential. This will require integration of potentially new data fields into current case management systems.
6. States should include a backlog appraisal as part of their regular performance assessment that may include clearance rates, age of pending caseloads and time to disposition.

The time and effort dedicated to the development of these recommendations were solely the result of a generous grant from SJI (State Justice Institute) 21-P-034.

Background

NCSC is the leader in developing weighted caseload models for judicial workload assessment in state courts across the country. The models are based on empirical methods that rely on real-time reporting from judges and case filings over time, producing a reliable estimate of judicial need tailored to each state. Due to the disruption to both court operations and case filing trends during the coronavirus pandemic, state courts requested guidance from NCSC on how to continue using their weighted caseload models. States reached out to each other as well, giving unofficial advice on workarounds they adopted in their states to compensate for anomalous year(s) of filings and operations. As the leader in this area, and the developer of most of these models, NCSC was in the best position to produce official guidance on how state courts should maintain continuity with their weighted caseload models, adjust for the past year(s) of disruptions, and plan for the upcoming backlog and new, post-pandemic practices.

Purpose

The NCSC workload team received funding as part of the CCJ/COSCA Pandemic Rapid Response Team's post-pandemic planning to conduct a study seeking feedback from states regarding the pandemic's impact on weighted caseload models. Workload assessments serve as a resource assessment methodology that is increasingly being used across court systems to determine the need for judicial officers, court clerks, and other staff. As a result of this study, best practice recommendations were developed for state courts' continued use and adjustments to weighted caseload models during the pandemic and in post-pandemic planning.

Methods

Two primary data collection methods were employed for this project. They included a nationwide survey administration and facilitation of focus groups. A short survey was sent to all U.S. states and territories regarding the use of workload assessments in state courts to estimate the need for judicial officers, court staff and probation officers, and how the pandemic disrupted the utility of workload models. Survey topics included a description of their use of weighted caseload models or other workload assessment methods, state reporting requirements for resource allocation, current adjustments or workarounds in use, and considerations for impending backlog.

Survey administration was followed by small group discussions with state court leaders that use weighted caseload models. Four focus groups were facilitated with expert users of the weighted caseload models including state and local court personnel who were responsible for using and updating the models in their state. A large portion of the country was represented in these groups. NCSC staff presented survey results and preliminary recommendations for discussion. Participants reviewed the recommendations ahead of time and discussed each one with NCSC during their focus group. Discussions focused on

comprehension and appeal of the recommendations to a broader audience, practical applications, guidance needed to put the recommendations into action, and any unanswered questions.

Survey Findings

Forty states and one territory responded to the survey. Statewide weighted caseload models are most frequently used to determine judicial, followed by clerical staff, and probation resources. Over half (58%) reported using the model to report to the state legislature and for staffing request documentation. Almost sixty percent (59%) of states with statewide judicial models did not update in 2021 due to the pandemic. Additionally, the majority of states with clerical and probation models used historical data to update the projections.

States identified several pandemic-related challenges related to staffing:

- Growing backlog of cases – increased the need for additional limited-service positions including temporary judges.
- Court staffing needs shifted from in-person security personnel to online IT.
- Insufficiency of facilities to meet the needs for social distancing.

Fifteen states postulated that judicial officer workload studies would be conducted within the next five years. Similarly, 11 states had planned on completing workload studies for clerical court staff. The majority of respondents expressed concerns addressing the number of jury and bench trials deferred and the the number of cases not filed in relation to calculating accurate weighted caseload models. Since the planned models were most commonly used for resource allocations, finding ways to account for deferred and unfiled cases were a high priority among survey recipients.

Focus Groups

NCSC invited U.S. state and territory representatives to participate in virtual focus groups to discuss proposed recommendations for upcoming weighted workload studies and to give further guidance on how to effectively apply them at the state level. Due to an overwhelming interest, four focus groups were conducted with 24 participants, representing 18 states. NCSC summarized findings gathered through the previous survey effort and drafted recommendations to overcome some of the identified disruptions and best practices for moving forward. To determine whether the recommendations were useful and functional in state court settings, a draft was circulated to participants prior to the focus group and specific questions were asked during the facilitated conversations.

The NCSC workload team formed recommendations for how to sustain the utility of weighted caseload models for reliably estimating the need for people resources in state courts during the pandemic. The recommendations focused on the use of weighted

caseload models and how to address different components of the models that are known to be impacted by disruptions to the courts at that time. This included disruptions to case filings, case weights, new data needed, and communication between the judiciary and the legislature and other funding bodies.

Draft recommendations were shared with focus group participants for consideration. Participants provided a wealth of information to refine the recommendations and provided their own resources and examples of how they were tackling disruptions to their staffing needs and use of the weighted caseload models. Overall, the proposed recommendations were supported by focus group participants. Through many rich discussions, suggestions were offered to strengthen the recommendations even further. See *Recommendations for Using Weighted Caseload Models in the Pandemic* document for more details.