

Chief Justice Anne M. Burke  
Justice Lloyd A. Karmeier  
Justice Mary Jane Theis  
Illinois Judicial Conference

## WEIGHTED CASELOAD STUDY TASK FORCE REPORT & RECOMMENDATIONS TO THE ILLINOIS JUDICIAL CONFERENCE

On behalf of the Weighted Caseload Study Task Force, we are pleased to submit our report and recommendations to the Illinois Judicial Conference. The Illinois Judicial Branch Strategic Agenda was unveiled on October 2, 2019 and is undergirded by 5 Strategic Goals and 15 Strategic Initiatives. Strategic Goal 5 is Sufficient Funding & Effective Use of Judicial Branch Resources. Strategic Initiative 13 is a Workload and Weighted Caseload Study, the purpose of which is to ensure the effective allocation of judicial resources across Illinois for the Circuit Courts. We were tasked with studying and reporting on the feasibility of a statewide judicial caseload and workload study.

The task force reviewed many authorities pertaining to judicial resource needs assessments, as well as weighted caseload studies from other jurisdictions. We researched methodology, potential costs, and duration of such a study and considered the optimum degree of participation by our judges. Members of the task force also had a preliminary review and discussion with the National Center for State Courts regarding time and cost estimates and other considerations for a weighted caseload study. Accordingly, we offer the following recommendations.

- The AOIC should contract with a qualified organization to conduct a weighted caseload study for the Illinois Circuit Courts. Depending on the AOIC's contractual requirements, this could be done via competitive bid by issuing a Request for Proposals or, if applicable, by entering into a sole source agreement. Such a study would enable the Supreme Court to objectively determine the expected judicial workload in the state and assess whether judicial resources are fairly allocated. The study could also be used by chief and presiding judges to determine if caseloads were equitably allocated among the judges within each circuit. An additional benefit of such a study is creation of a standardized measure of judicial workload that furnishes an effective tool for negotiating with funding authorities for additional judicial resources or, in the event of a budget shortfall, to appropriately target judicial resource reductions. According to the National Center for State Courts, "[m]ore than 25 states currently rely upon NCSC weighted caseload formulas to determine the need for judges, court staff, prosecutors, and /or public defenders...."
- A work-time study should be conducted in which all judges track their work-time for a specified period. This method is considered substantially more accurate compared to the Delphi method, which asks judges to estimate the amount of time spent on various tasks. Four weeks is considered a sufficient time frame for this type of study. In order to obtain the most reliable and representative data available, participation by all judges in the time study should be mandatory. Those who have conducted weighted caseload studies in numerous jurisdictions estimate that the daily tracking would require 10-15 minutes per day per judge. All data collection could be conducted via an online portal.
- Additional study components to consider include qualitative elements such as a sufficiency of time survey and conducting focus groups. A sufficiency of time survey seeks the views of judges regarding the extent to which they have enough time to adequately prepare for and engage in

all phases of case processing. Focus groups are a valuable method by which to hear from judges regarding such topics as: whether the time study was conducted during a relatively “normal” period; reviewing the initial case weights (average case processing times) to determine whether they have face validity; hearing about issues judges face which were not captured in the work-time study. In addition, focus groups can enhance “buy-in” from participating judges, as they demonstrate the interest of the Weighted Caseload Study project in obtaining judicial input.

- When considering whether to conduct a weighted caseload study, the AOIC should plan for at least a 12-month project. The typical cost of these studies ranges from \$150,000 to \$175,000 depending upon the size of the state and whether optional components such as focus groups and a sufficiency of time survey are selected.
- Finally, it is recommended that a Weighted Caseload Study Implementation Committee be appointed in order to ensure that the weighted caseload study accounts for the qualities that exist within our courts. This committee would advise the organization conducting the study and would meet two to three times through the duration of the study, depending on whether focus groups are included in the study process. Among other things, this group would determine which case types and case-related and non-case-related judicial activities to measure, how to define each of the elements, and other considerations specific to the Illinois Courts.

Our task force was unanimous in its recommendation to pursue such a study for the Illinois Trial Courts.

Respectfully submitted,

Judge Jorge L. Ortiz, Chair  
William J. Scanlon, Vice-Chair