
Kentucky Judicial Workload Assessment

*Interim Report to the
Administrative Office of the Courts
Kentucky Court of Justice*

Brian J. Ostrom, Ph.D.
Matthew Kleiman, Ph.D.
Cynthia G. Lee, J.D.

Research Division
National Center for State Courts
January 21, 2016



I. INTRODUCTION

In the 2014 legislation appropriating funding for the judicial branch, the Kentucky Legislature directed that “[t]he Administrative Office of the Courts shall develop and implement a weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the Circuit Court, Family Court, and District Court levels for the purpose of recommending a plan for the realignment of the circuit and district judicial boundaries.”¹ Accordingly, the Kentucky Court of Justice, Administrative Office of the Courts (KCOJ) contracted with the National Center for State Courts (NCSC) to conduct a comprehensive judicial workload assessment for the circuit, family, and district courts of the Commonwealth of Kentucky.

A clear measure of workload is central to determining how many judges are needed to resolve all cases coming before Kentucky’s trial courts, and to allocating these resources effectively and efficiently throughout the state. Methods of resource allocation that are based on population or raw, unweighted caseloads ignore the impact of geographic and social factors—such as the presence of a major medical center, university, or interstate highway, differences in policing, and variations in crime rates—on court workloads. By weighting different types of cases to account for variations in complexity, the weighted caseload method of workload assessment accurately translates the number of cases that come before each court into the total amount of judicial work required to dispose of those cases. The adoption of a weighted caseload model will allow the Commonwealth of Kentucky to precisely measure and compare judicial workload for the purposes of certifying judicial need and analyzing potential plans for judicial boundary realignment.

NCSC’s comprehensive workload assessment strategy was grounded in a statewide time study, in which judges recorded case-related and non-case-related work to provide an accurate empirical understanding of the time devoted to processing various types of cases and the division of the judicial workday between case-related and non-case-related work. A structured quality adjustment process examined how much time should be allotted to various case types and events for efficient and effective case resolution. Throughout the project, an advisory committee of judges provided oversight and guidance on matters of policy. The resulting weighted caseload model is based upon an empirical understanding of the workload in each court and reflects the input of judges from across the Commonwealth of Kentucky.

¹ 2014 KY. ACTS 122.

II. PROJECT OVERVIEW

A. The Weighted Caseload Formula

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

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

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

B. Judicial Workload Assessment Committee

To provide policy oversight and guidance throughout the course of the project, the KCOJ appointed a Judicial Workload Assessment Committee (JWAC). Members included six circuit court judges, seven district court judges, one Court of Appeals judge, two circuit court clerks, and two prosecutors.

JWAC's responsibilities included

- Advising the project team on the case type categories for the weighted caseload model and the event definitions for the time study;
- Making policy decisions regarding the amount of time judges should devote to case-related and non-case-related work on a daily and an annual basis;
- Reviewing and approving the results of the time study and the quality adjustment process; and
- Making policy recommendations regarding the realignment of circuit and district boundaries and the expansion of family court.

JWAC met in October 2014 to define the parameters for the time study, in September 2015 to review the results of the time study and establish day and year values for case-related work, and in November 2015 to review the recommended quality adjustments and finalize the weighted caseload model.

C. Research Design

The workload assessment was conducted in two phases:

1. A time study in which all judges recorded all case-related and non-case-related work over a four-week period. The time study provided an empirical description of the amount of time currently devoted to processing each case type, as well as the division of the workday between case-related and non-case-related activities.
2. A quality adjustment process that ensured that the final weighted caseload models incorporated sufficient time for efficient and effective case processing. The quality adjustment process included a statewide sufficiency of time survey asking judges about the amount of time currently available to perform various case-related and non-case-related tasks, a structured review of the case weights by a set of Delphi groups consisting of judges from across the Commonwealth of Kentucky, and a site visit by NCSC staff to the circuit and district courts in Jefferson County.

D. Case Type Categories

During its first meeting, JWAC defined the case type categories to be used as the basis for the weighted caseload model. The goal was to identify a manageable number of case type categories that were legally and logically distinct, were associated with different amounts of judicial work, and covered the full range of cases handled by Kentucky's circuit and district courts. Family law case types, which may be handled by family court, circuit court, and/or district court judges depending on whether a family court is established in the jurisdiction, are listed separately. Exhibit 1 lists the case type categories.²

Exhibit 1. Case Type Categories

Circuit Court Non-Family	District Court Non-Family	Family Law
Contract	Traffic	Domestic violence
Foreclosure	Misdemeanor (excluding DUI)	Dependency/neglect/abuse
Personal injury	Felony (excluding DUI)	Status offense
Property damage	DUI	Paternity
Property rights	Juvenile	Domestic and family
Other civil	Forcible detainer	Adoption
Homicide	Small claims	Termination
Felony drug	General civil	Name change
Nonsupport—criminal	Disability proceedings	
Other violent felony	Other health proceedings	
Other nonviolent felony	General probate	
Adult drug court	Adult drug court	
Appeals		

Note: A separate case type category was originally established for other problem-solving court cases at the circuit and district court levels. Because filings for these cases are not tracked separately from other criminal cases, other problem-solving court cases were combined with the other criminal case types in the final weighted caseload model.

² Detailed definitions of the case type categories are available upon request.

E. Case-Related and Non-Case-Related Events

To cover the full range of judicial activities, project staff consulted with JWAC to define a set of case-related and non-case-related events. Case-related events include all activities directly associated with the resolution of individual cases, from pre-filing activity such as the review of search warrants through post-disposition matters such as probation violations. Some judicial activities, such as court management, committee meetings, and judicial education, are not directly related to a particular case. These activities were defined as non-case-related events. To simplify data collection during the time study, sick leave and vacation time, lunch and breaks, and time spent filling out time study forms were also defined as non-case-related events. Exhibit 2 lists the case-related and non-case-related event categories.³

Exhibit 2. Case-Related and Non-Case-Related Events

Case-Related Events	Non-Case-Related Events
Pre-trial	Non-case-related administration
Non-trial/uncontested disposition	General legal research
Bench trial/contested disposition	Judicial education and training
Jury trial	Committee meetings, other meetings, and related work
Post-judgment/post-disposition	Community activities and public outreach
	Work-related travel
	Vacation, sick leave, and holidays
	Lunch and breaks
	NCSC time study

³ Detailed definitions and examples of activities that fall into each category are available upon request.

III. TIME STUDY

To establish a baseline of current practice, project staff conducted a statewide time study to measure the amount of time Kentucky's trial court judges currently devote to each case type category, as well as to non-case-related work. Separately, the KCOJ provided counts of filings by case type category and county. Following data collection, NCSC used the time study results and caseload data to calculate the average number of minutes currently spent resolving cases within each case type category (case weights). Informed by the time study data, JWAC specified the amount of time that each judge has available for case-related work during a typical year (judge year value).

A. Data Collection

1. Time Study

During a four-week period running from April 13 through May 10, 2015, all circuit and district court judges throughout the Commonwealth of Kentucky were asked to track all of their working time by case type category and case-related event (for case-related activities), or by non-case-related event (for non-case-related activities). Judges were asked to track their time in five-minute increments using a Web-based form. To maximize data quality, all time study participants were asked to view a training video explaining how to categorize and record their time. Project staff also provided an overview of the workload assessment process, including the time study requirements, during the circuit court judicial college in January 2015. In addition to the training videos, judges were provided with Web-based reference materials, and NCSC staff were available to answer questions by telephone and e-mail.

Across the state, 95 percent of circuit court judges other than family court judges, 96 percent of district court judges, and 94 percent of family court judges participated in the time study.⁴ These extremely high participation rates ensured sufficient data to develop an accurate and reliable profile of current practice in Kentucky's trial courts.

2. Caseload Data

To translate the time study data into the average amount of time expended on each type of case (preliminary case weights), it was first necessary to determine how many individual cases from each category were filed statewide. The KCOJ provided filings data for the years 2012 through 2014. The caseload data for all three years were then averaged to provide an annual count of filings within each case type category. The use of an annual average rather than the caseload data for one particular year minimizes the potential for any temporary fluctuations in caseloads to influence the case weights. The average annual filings for each non-family law case type are shown in Exhibit 3; average annual filings for family law case types appear in Exhibit 4.

⁴ Trial commissioners were also asked to participate in the time study, but were not included in the final judicial workload model, partly as a result of low time study participation.

B. Preliminary Case Weights

Following the four-week data collection period, the time study and caseload data were used to calculate preliminary case weights. A preliminary case weight represents the average amount of time judges currently spend to process a case of a particular type, from pre-filing activity to all post-judgment matters. The use of separate case weights for each case type category accounts for the fact that cases of varying levels of complexity require different amounts of time for effective resolution. For example, the case weight for misdemeanor offenses should be larger than the case weight for traffic offenses because misdemeanor cases tend to be more complex and require more judicial involvement than the typical traffic case. Exhibit 3 displays the preliminary case weights for non-family law case types.

Exhibit 3. Preliminary Case Weights, Non-Family Law Case Types

Circuit Court Case Type	Time Study (annual minutes)	÷	Filings (annual average)	=	Case Weight (minutes)
Contract	388,672	÷	20,774	=	19
Foreclosure	265,006	÷	13,740	=	19
Personal injury	648,505	÷	5,556	=	117
Property damage	103,212	÷	615	=	168
Property rights	307,048	÷	331	=	928
Other civil	618,857	÷	6,799	=	91
Homicide	414,900	÷	371	=	1,118
Felony drug	1,302,254	÷	13,127	=	99
Nonsupport—criminal	136,922	÷	1,706	=	80
Other violent felony	712,024	÷	3,903	=	182
Other nonviolent felony	1,166,970	÷	13,104	=	89
Adult drug court	359,215	÷	1,774	=	202
Appeals	118,000	÷	636	=	186

District Court Case Type	Time Study (annual minutes)	÷	Filings (annual average)	=	Case Weight (minutes)
Traffic	1,261,310	÷	443,349	=	2.8
Misdemeanor (no DUI)	2,076,832	÷	131,049	=	16.0
Felony (no DUI)	1,003,427	÷	51,971	=	19.0
DUI	745,546	÷	29,553	=	25.0
Juvenile	589,788	÷	12,402	=	48.0
Forcible detainer	149,164	÷	41,819	=	3.6
Small claims	199,415	÷	11,105	=	18.0
General civil	446,787	÷	75,883	=	5.9
Disability proceedings	544,582	÷	4,184	=	130.0
Other health proceedings	166,536	÷	12,159	=	14.0
General probate	592,130	÷	30,215	=	20.0
Adult drug court	154,001	÷	173	=	890.0

For some family law case types (dependency/neglect/abuse, status offenses, and paternity), a single preliminary case weight was calculated for cases heard in family court and in circuit or district court. For other family law case types, differences in case processing practices across court levels (e.g., the one family, one judge model in family court) led to the calculation of separate preliminary case weights for cases heard in family court and circuit or district court. Exhibit 4 shows the preliminary case weights for family law case types.

Exhibit 4. Preliminary Case Weights, Family Law Case Types

Case Type	Filings (annual average)	Case Weight (minutes)
<i>Family Court</i>		
Domestic violence	15,822	31
Dependency/neglect/abuse	17,122	62
Status offense	2,809	45
Paternity	10,918	24
Domestic and family	24,121	84
Adoption and termination	2,725	61
Name change	--	--
<i>Circuit Court</i>		
Domestic and family	7,409	72
Adoption and termination	783	98
<i>District Court</i>		
Domestic violence	4,801	45
Dependency/neglect/abuse	4,709	62
Status offense	936	45
Paternity	2,613	24
Name change	853	3

Note: Weights for dependency/neglect/abuse, status offenses, and paternity are statewide averages. Weights for other family law case types differ between family court and circuit/district court as a result of variations in case processing practices.

C. Day and Year Values

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

Exhibit 5. Calculating Judicial Need

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

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

To develop the year value, it was necessary to determine the number of days each judge has available for case-related work in each year (judge year), as well as how to divide the work day between case-related and non-case-related work (judge day value). To compute the judge year, NCSC and JWAC subtracted weekends, court holidays, vacation, sick leave, and personal days, and full-day training sessions and conferences from the number of days in a calendar year. The result was a judge year consisting of 215 case-related workdays.

JWAC selected the judge day values, which represent the amount of time available for case-related work each day, after reviewing the time study data. To accommodate the additional travel time required of judges in multi-county jurisdictions, JWAC established separate day values for judges in single-county and multi-county circuits and districts (see Exhibit 6).

Exhibit 6. Judge Day Values (hours)

	Single-county	Multi-county
Total working hours per day	8.0	8.0
Non-case-related work	2.0	2.3
Case-related day value	6.0	5.7

To calculate the final year values for case-related work, the number of days in the working year was multiplied by the day value for case-related work. This figure was then expressed in terms of minutes per year. Exhibit 7 details the calculation of the judge year values.

Exhibit 7. Judge Year Values for Case-Related Work

	Days per year	x	Case-related hours per day	x	Minutes per hour	=	Year value (minutes)
Single-county	215	x	6.0	x	60	=	77,400
Multi-county	215	x	5.7	x	60	=	73,530

IV. QUALITY ADJUSTMENT

The preliminary case weights generated during the time study measure the amount of time Kentucky trial court judges *currently* spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges *should* spend. To provide a qualitative assessment of whether current practice allows adequate time for quality performance, judges across the state completed a Web-based sufficiency of time survey. Project staff also visited the circuit and district courts in Jefferson County to interview judges in person. Finally, three expert panels of experienced judges reviewed the preliminary case weights to ensure that they provided sufficient time for effective case processing.

A. Sufficiency of Time Survey

To provide a statewide perspective on any areas of concern related to current practice, all judges were asked to complete a Web-based survey in September 2015. Judges were asked to identify particular tasks, if any, where additional time would allow them to handle their cases more effectively. The survey also asked judges to identify their courts' strengths and challenges, and included space for respondents to comment freely on their workload.

Overall, 62 percent of circuit court non-family judges, 65 percent of district court judges, and 67 percent of family court judges completed the survey. Circuit court non-family judges identified pre-trial motions and hearings in civil and criminal cases, preparing for criminal and civil trials, and post-judgment matters in criminal cases as areas of primary concern. For district court judges, the primary areas of concern were criminal cases, self-represented litigants, ensuring that parties and their counsel feel that their questions and concerns are addressed, and explaining orders and rulings. In family court, judges felt that additional time was needed for dependency/neglect/abuse and domestic and family cases, addressing the needs of self-represented litigants, explaining orders and rulings, and addressing parties' questions and concerns.

Open-ended comments on the sufficiency of time survey provide more detailed insight into the work of Kentucky's trial court judges. Several common themes emerged from judges' comments:

Both circuit and district court judges emphasize the importance of off-bench preparation, including reviewing case files and researching the law.

At both the circuit and district court levels, many judges wrote that they currently spend a significant amount of time, or would like to spend more time, reviewing case files and reports prior to hearings and trials, as well as researching the law to avoid relying solely on what is presented by attorneys. Judges also noted that thorough preparation for in-court events can allow them to make informed rulings from the bench, reducing delay.

I do a considerable amount of out-of-court work and preparation so that I can be informed about the cases and the records of the litigants coming before the Court. I strongly believe in alternative sentences, supervised diversions, and deferrals as fair ways to resolve cases and keep people from having crimes on their records.

Judges are concerned with thoroughly explaining the reasoning behind their decisions, both on the bench and in written orders.

A number of judges identified writing detailed and well-supported orders and explaining decisions to litigants as critical and time-consuming parts of their workload. Judges asserted that thoroughly explaining the parties' obligations, as well as the reasoning behind their decisions, can improve adherence to court orders as well as public trust and confidence in the judicial system. These concerns are particularly relevant when dealing with self-represented litigants.

It is important to take the time to explain to litigants why a decision is being made and to show the legal basis for it. This gives the public a better confidence in the legal system generally.

If I had more time, I would try to ensure that litigants, especially self-represented ones, fully understood the issues and outcomes. Having a chance to issue more thorough written orders would help.

My personal primary goal as a judge is to ensure that no litigant leaves the courtroom without understanding the rationale underpinning my rulings. While I do not expect all litigants to like my rulings, my rulings may be respected only if they are understood by the parties involved. This includes a litigant's right to appeal.

District court judges are concerned about the impact of after-hours on-call work on the quality of justice.

In every judicial district, a judge must be available 24 hours per day, 7 days per week to sign search warrants and arrest warrants, conduct juvenile detention reviews, issue emergency protective orders, review petitions for emergency custody orders in cases of child neglect or abuse, and address mental health emergencies. Outside of court hours, judges also conduct night court and weekend arraignments. In single-judge districts, this means that the judge is effectively on call 24 hours per day, 365 days per year. Although judges emphasized the critical importance of providing public access to justice at any time for these emergency matters, they also noted that the fatigue associated with on-call work can have a negative impact on judicial decision-making. Some judges suggested that changes to the on-call system such as pooling on-call work across district lines could reduce the burden on individual judges while maintaining continuous access to justice for the public.

After-hours or on-call work is a necessity to providing quality justice and service in Kentucky's district courts. Whether it is an individual at the hospital with serious mental health issues and in need of treatment after hours, or a child which has been detained by law enforcement and a

decision must be made about detention, or a law enforcement officer who needs a search warrant, or a social worker who has been forced to remove a child from a dangerous situation of neglect or abuse and needs a judge to review a request for emergency custody, after-hours or on-call work is vital to the administration of justice in Kentucky, and especially in the district courts

It is imperative that we provide 24-hour service for those in emergency situations. Domestic violence knows no time limits.

The on-call availability of judges is a great service for public safety and also helps reduce jail overcrowding.

I'm on call 24/7/365 for any court and non-court related work.

Lack of sleep can negatively influence a judge's patience and clarity of thought.

When you are awakened at 2:00 a.m. and again at 4:00 a.m. it is difficult if not impossible to be attentive and productive during the business day.

I often have a call at midnight, then at 2, then at 4am, and then must preside over a docket of 200 or more cases the next day. No one can miss that much sleep and be cogent and patient, as we must be, the next day. This happens many times in a month. Medical experts tell us this also takes a toll on our general health.

If I had almost no sleep the night before or I was up half the night after dealing with an issue, I am concerned about my ability to handle issues with the same ability and temperament with which I would normally handle matters.

B. Delphi Groups

To provide a qualitative review of the preliminary case weights, project staff facilitated a series of three separate quality adjustment sessions with Delphi groups of circuit court non-family judges, district court judges, and family court judges in October 2015. Delphi group members were selected from a representative variety of large and small counties across the state. At the beginning of each Delphi session, NCSC staff provided group members with an overview of the process used to develop the preliminary case weights, followed by a review of the sufficiency of time survey results.

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

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

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

After reviewing the preliminary case weights and the sufficiency of time survey results, the Delphi groups concluded that the preliminary case weights for non-family law case types in circuit court and district court already incorporated adequate time for quality case processing, and that no adjustments to the weights for these case types were necessary.

The family law Delphi group recommended adjustments to the weights for dependency/neglect/abuse cases in family court and district court, as well as the domestic violence and domestic and family case weights for family court. The Delphi group deemed the adjustments necessary to allow judges sufficient time to comply with appellate court rulings requiring specific findings of fact in family law cases, to adhere more closely to National Council of Juvenile and Family Court Judges standards regarding the substance and duration of court hearings in child dependency/neglect/abuse cases,⁵ and to provide stability and safety for families in crisis. The recommended adjustments included:

- Time to explain more thoroughly the provisions of the protective order to the respondent in domestic violence cases, with the goal of increasing compliance with protective orders and thereby improving public safety;
- Additional time to match families with services early in the life of dependency/neglect/abuse cases;
- More time to explain the court process, the roles of various actors, and parents' obligations to parents and children in dependency/neglect/abuse cases;
- Additional time for visitation and foster care reviews in dependency/neglect/abuse cases;

⁵ National Council of Juvenile and Family Court Judges, *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases* (Spring 1995), available at http://www.ncjfcj.org/sites/default/files/resguide_0.pdf.

- More time for temporary hearings on issues of support and custody in domestic and family cases, providing stability for families, increasing compliance with court orders, and potentially reducing time to disposition; and
- Time to review the evidence more thoroughly and compose more detailed findings and orders in domestic and family cases, reducing the chance of reversal on appeal and increasing stability for families.

Exhibit 8 shows the recommended adjustments to the family law case weights. On a statewide basis, the recommended adjustments are associated with an increase in judicial need of 4.6 FTE judges.

Exhibit 8. Preliminary and Quality-Adjusted Case Weights, Family Law

Case Type	Case Weights (minutes)	
	Preliminary	Delphi
<i>Family Court</i>		
Domestic violence	31	33
Dependency/neglect/abuse	62	71
Status offense	45	45
Paternity	24	24
Domestic and family	84	89
Adoption and termination	61	61
Name change	--	--
<i>Circuit Court</i>		
Domestic and family	72	72
Adoption and termination	98	98
<i>District Court</i>		
Domestic violence	45	45
Dependency/neglect/abuse	62	71
Status offense	45	45
Paternity	24	24
Name change	3	3

Note: Weights for dependency/neglect/abuse, status offenses, and paternity are statewide averages. Weights for other family law case types differ between family court and circuit/district court as a result of variations in case processing practices.

IV. RESULTS

In November 2015, JWAC adopted all recommendations of the Delphi groups. Exhibit 9 shows the final case weights as adopted by JWAC.

Exhibit 9. Final Case Weights

Circuit Court Case Type	Case Weight (minutes)	District Court Case Type	Case Weight (minutes)	Family Court Case Type	Case Weight (minutes)
Contract	19	Traffic	2.8	Domestic violence	33
Foreclosure	19	Misdemeanor (no DUI)	16.0	Dependency/abuse/neglect	71
Personal injury	117	Felony (no DUI)	19.0	Status Offense	45
Property damage	168	DUI	25.0	Paternity	24
Property rights	928	Juvenile	48.0	Domestic and family	89
Other civil	91	Forcible detainer	3.6	Adoption/termination	61
Homicide	1,118	Small claims	18.0		
Felony drug	99	General civil	5.9		
Nonsupport—criminal	80	Disability proceedings	130.0		
Other violent felony	182	Other health proceedings	14.0		
Other nonviolent felony	89	General probate	20.0		
Adult drug court	202	Adult drug court	890.0		
Appeals	186	Domestic violence	45.0		
Domestic and family	72	Dependency/abuse/neglect	71.0		
Adoption/termination	98	Status offense	45.0		
		Paternity	24.0		
		Name change	3.0		

To calculate judicial workload in each trial court, NCSC multiplied the court's average annual filings for each case type by the corresponding case weight, then summed the workload across all case types. The total judicial workload was then divided by the appropriate year value to determine the number of FTE judges required to handle the workload. Because each judge is a full-time employee, fractional need in each court was then rounded to the nearest whole number that would not require any judge to work more than 1.25 FTE. For example, if a court's judicial need was calculated at 2.73 FTE, rounding down to two judges would require each judge to perform 1.37 FTE worth of case-related work, so judge need would be rounded up to three (.91 FTE per judge). After rounding in each court, statewide judicial need was calculated at 117 district court judges, 99 circuit court judges, and 63 family court judges, given the current configuration of judicial circuits, districts, and family courts. Exhibit 10 compares judicial need with the number of judicial positions currently authorized at each court level.

Exhibit 10. Judicial Need v. Current Positions

Court Level	Judicial Positions (FTE)		
	Workload-Based Need	Currently Authorized	Difference
Circuit court	99	95	4
District court	117	116	1
Family court	63	51	12

V. NEXT STEPS

As directed by the Legislature, the KCOJ, JWAC, and NCSC will use the weighted caseload model to analyze the potential impact of reconfiguring circuit and district boundaries, as well as the feasibility of establishing family courts in each jurisdiction.

The recommended realignment plan will be based on judicial workload as measured by the weighted caseload study, as well as public policy considerations such as:

- Maintaining access to justice,
- Efficient use of judicial resources,
- Equitable allocation of judicial resources among circuits and districts,
- Geographic contiguity, and
- Respect for communities of interest.

Constitutional and logistical constraints must also be factored into the realignment plan. The Kentucky Constitution provides that “[n]o justice or judge may be deprived of his term of office by redistricting, or by a reduction in the number of justices or judges.”⁶ Jurisdictional boundaries for Commonwealth’s Attorneys align with judicial circuit boundaries.⁷ As a result of varying term lengths—four years for district court judges, eight years for circuit court judges, and six years for Commonwealth’s Attorneys⁸—any plan for judicial redistricting before 2030 will require a staggered implementation that begins no earlier than autumn of 2018 (see Exhibit 11). Furthermore, family courts were established as a division of the circuit court pursuant to a 2002 constitutional amendment.⁹ Absent further amendment of the Kentucky Constitution, any expansion of the family court must be consistent with circuit court boundaries, requiring careful consideration of family and circuit court workloads within each judicial circuit.

Exhibit 11. Upcoming Election Years for Judges and Commonwealth’s Attorneys

	2018	2020	2022	2024	2026	2028	2030
Circuit Judges			X				X
District Judges	X		X		X		X
Commonwealth's Attorneys	X			X			X

Judicial workload, measured as weighted caseload, is a critical consideration in the analysis of judicial boundary configuration as well as the allocation of judges within a state. An accurate and nuanced calculation of judicial workload in each existing and proposed judicial circuit or district can help policymakers to ensure efficiency in resource allocation while maintaining access to

⁶ KY. CONST. § 119.

⁷ KY. CONST. § 97.

⁸ KY. CONST. §§ 97, 199.

⁹ KY. CONST. § 112(6).

justice. State legislatures are increasingly mandating that judicial workload be explicitly considered during the judicial redistricting process.¹⁰

In 2016, the weighted caseload model described in this report will be used to analyze judicial workload and the need for judges at the county, circuit, and district level throughout the Commonwealth of Kentucky. Based upon this analysis, NCSC will provide a draft plan for judicial boundary realignment to JWAC for review. JWAC will determine whether the draft plan adequately balances judicial workload, public policy considerations, and logistical constraints into a plan that is efficient, equitable, and feasible. The final report and recommendation of JWAC will be tendered to the Kentucky Supreme Court mid-year.

While the Supreme Court considers JWAC's recommended plan for boundary realignment, the KCOJ will engage, inform and gather feedback from stakeholders who would be affected by any potential boundary realignment. Taken together, these efforts will form the basis of the Kentucky Supreme Court's certification of the need to reduce, increase, or rearrange the judicial circuits and districts pursuant to Section 112(2) of the Kentucky Constitution in advance of the 2017 session of the General Assembly.

The timeline for developing and finalizing the Kentucky Supreme Court's recommended boundary realignment plan is as follows:

- May 2016: NCSC recommends boundary realignment plan to JWAC
- August 2016: JWAC recommends boundary realignment plan to Kentucky Supreme Court
- October 2016: KCOJ meets with stakeholders (legislators, judges, Commonwealth's Attorneys, and circuit court clerks)
- December 2016: Kentucky Supreme Court certifies boundary realignment plan and submits to General Assembly for legislative consideration

¹⁰ See, e.g., 2015 MONT. LAWS Ch. 353 (establishing "each judicial district's weighted caseload as determined by judicial workload studies" as a factor to be considered by the judicial redistricting commission); MO. REV. STAT. § 478.073 (2013) (specifying that judicial circuit realignment is to be based upon "a judicial weighted workload model" and a "clerical weighted workload model"); 2012 VA. ACTS Ch. 601 (requiring the Supreme Court of Virginia to develop a weighted system for use in determining "a recommended plan for the realignment of the circuit and district boundaries"); NEB. REV. STAT. § 24-1206 (1995) (requiring state court administrator to compile on an annual basis "uniform and accurate statistics which will assist in the evaluation of judicial workloads," to be used by the Judicial Resources Commission to determine changes in judicial boundaries).

