

**WEST VIRGINIA FAMILY COURT JUDGES WORKLOAD
NEEDS ASSESSMENT STUDY**

Final Report

September 15, 2014

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West Virginia Family Court Judge Workload Study Advisory Committee

Hon. Kenneth Ballard Eleventh Circuit, Chair	Hon. Scott Elswick Tenth Circuit	Hon. Robert Hicks Second Circuit
Hon. Amanda See Twenty-fifth Circuit	Hon. Glen Stotler Twenty-third Circuit	Hon. C. Darren Tallman Third Circuit
Steve Canterbury Administrative Director of the Courts	Kathleen Gross, Esq. Deputy Administrative Director	Lisa Tackett, Esq. Director of Family Court Services
Tina Sevy Payne Director of Legislative Analysis	Autumn Johnson Deputy Director of Court Services	Sherrie DeBord, Staff Administrative Assistant, Family Court Services

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Executive Summary

The West Virginia Family Courts face the challenging goal of managing rising caseloads as effectively and efficiently as possible while ensuring the highest quality of service to the public. The Family Court Judges serve as a critical resource in achieving this goal. As such, the necessary number of Family Court Judges must be objectively evaluated. Historically, West Virginia has utilized time and motion workload analyses to assess the need for—and allocation of—Family Court Judges. The most recent study was conducted in November 2006 and is currently out of date.

To update the 2006 workload model, the West Virginia Administrative Office of the Courts received a grant from the State Justice Institute (SJI) to update its Family Court Judicial weighted caseload model and contracted with the National Center for State Courts (NCSC) to conduct the study. The new study is distinguished from the previous 2006 study by the increased number of data elements in which data were collected in terms of case types and case events performed by all Family Court Judges.

For this study, NCSC consultants employed the workload assessment methodology to determine judicial resource need. This method has been adopted in 34 states. Assessing workload through the development of a needs assessment model is a rational, credible and practical method for determining the need for judges.

This methodology “weights” cases based upon complexity and, as such, accounts for the varying levels of judges’ attention necessary to process a case from filing to disposition. By weighting court cases by case type, a more accurate assessment can be made concerning the amount of judges’ time required to process the entire workload.

Judges Needs Assessment: An Overview

Cases in the West Virginia Family Courts vary in form and complexity. Different types of cases require different amounts of time and attention from judges. 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 the judges. For example, a typical domestic case, such as a divorce with children, has a much greater impact on the judges' time than a child support without divorce case, because the divorce with

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children cases have significantly more court appearances, preparatory reading, motions, etc., than a typical child support without divorce case. Therefore, a method, which can reliably account for the differences in the workload generated across various case types, is necessary to determine accurately the number of judges needed to handle the entire court's caseload.

The core of the workload assessment model is a time study whereby judges track the amount of time they spend on the various case types under investigation. When the time study data are joined with filing data for the same time period, it is possible to construct a “case weight” for each case type. Each case weight represents the average amount of time (in minutes) required for Family Court Judges to process a case from filing to disposition (including any post-disposition work). Applying the case weights to current or projected annual case filing numbers (or an average of case filing numbers) results in an objective measure of Family Court Judges’ workload.

Key Concepts

Two fundamental pieces of information are necessary to determine the number of judges required to handle the total workload demand within the West Virginia Family Courts. The two pieces of information are:

- *Workload.* Workload is generated from two components: (1) the case weights, which represent the average time spent on case processing as determined by the time study; and (2) the three-year average of annual number of cases filed. Multiplying these two values produces the workload estimate.
- *Family Court Judges Need Assessment.* The assessment of Family Court Judge need is computed by dividing the expected workload by the judge year value (the number of minutes available for a judge to work in a year). This calculation results in the number of judges needed in each circuit.

The primary goal of the judicial need assessment study is to provide an accurate picture of the amount of time needed to resolve different types of cases in an *efficient* and *effective* manner.

Time Study

A time study measures case complexity in terms of the average amount of judges’ time spent processing different types of cases, from the initial filing to final resolution, including any post-judgment activity. The essential element in a time study is collecting time data on all judges’ activities. For this study, judges recorded all time spent on 12 case types as well as work that cannot be directly attributed to certain case types, such as attending to personnel matters, reading professional material or attending meetings.

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The accuracy and validity of the time study data depends on the participation rate in the time study - the more participants the more reliable the data. Data were collected for the nine-week period of August 11 through October 12, 2013. All Family Court Judges participated in the time study. This strong participation rate assures confidence in the accuracy and validity of the resulting case weights.

Case Weight Calculation

The case weights were generated by summing the time recorded for each case type category, then annualizing this time and dividing by the cases filed in the calendar year 2012 for each case type. The Family Court Judge case weights are seen in Figure ES 1.

Figure ES 1: West Virginia Family Court Judge Case Weights by Case Type

Case Types	Case Weights in Minutes
Divorce with Child(ren)	149
Divorce without Child(ren)	75
Child Support with Paternity	94
Child Support without Divorce	47
Other Domestic Relations	98
Domestic Violence and Domestic Violence Appeals	50
Modification	90
Contempt	60
Marriages	17
Infant Guardianships	90
Problem Solving Courts (Juvenile & Adult Drug Courts)	400
Domestic Violence Court	40

Workload Calculation

Applying the case weights to a three-year average of annual case filings produces the overall judges' workload. The workload value represents the total number of minutes, on an annual basis, of expected work based upon baseline data and current practices. The Family Court judicial workload assessment for the State of West Virginia is provided in Figure ES 2. A three-year average (2011, 2012 and 2013 calendar years) of cases filed in the family courts was used to compute the expected workload for judges. Using a multi-year average smoothens the fluctuations that are likely to be present when relying on single year filing figures.

When workload rises faster than the number of judges, they are forced to expend additional hours beyond the normal workday in order to stay current with incoming work. Augmenting the problem is the ever-evolving demand on judicial time and attention if the rule, as well as, the spirit of the law is to be met. As workload increases judges must work faster and longer. The challenge is to provide judges sufficient

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reasonable time to engage petitioners, to listen to petitioners and to explain clearly rulings and orders— features fundamental to the public perception of fairness and appropriate treatment by the court.

**Figure ES 2: Statewide Workload West for Virginia Family Court Judges
(Based on the Average Filings in Calendar Years 2011, 2012 and 2013)**

Case Types	Case Weights in Minutes	Statewide 3-Year Average Filings (2011-2013)	Statewide Workload per Case Type in Minutes
Divorce with Child(ren)	149	5,680	846,320
Divorce without Child(ren)	75	6,145	460,875
Child Support with Paternity	94	1,711	160,834
Child Support without Divorce	47	4,012	188,564
Other Domestic Relations	98	2,819	276,262
Domestic Violence and Domestic Violence Appeals	50	13,527	676,350
Modification	90	8,264	743,760
Contempt	60	6,089	365,340
Marriages	17	930	15,810
Infant Guardianships	90	1,119	100,710
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	172	68,800
Domestic Violence Court	40	1,624	64,960
		52,092	3,968,585

Determination of FTE Demand

Determination of the full time equivalent (FTE) Family Court Judge demand required to manage the judicial workload of the family courts, first, requires the definition of the judge year value, which is the amount of time in a year available for judges to work. It is calculated first by determining how many days in the year are available for work, and second by how many hours are available in the average day. The eight-hour workday used in this study exceeds the standard for recent studies of this type.¹ This baseline recognizes the constraints on time created by availability of facilities and non-court personnel, and the need to schedule cases to facilitate the timely processing of pre- and post-hearing information by non-judicial court personnel. Based upon state-provided holidays and average leave taken, the average judge year consists of 100,320 minutes (209 x 8 x 60). This calculation is provided in Figure ES 3.² Multiplying the judge year value (209 days) by the number of hours in a day available for all work-related activities provides the amount of time available per year for Family Court Judges in West Virginia. Finally, non-case-related time (52

¹ The average workday in the ten most recent judge weighted caseload studies conducted by the NCSC is 7.68 hours; the median workday is 7.5 hours.

² The judge year value components were taken from the 2006 Family Court weighted caseload study.

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minutes per day for each judge), and travel time (32.08 minutes per day)³ is subtracted from the time available for all work-related activities. After subtracting all of the appropriate time from the base year, the Family Court Judges in West Virginia have 82,746 minutes per year to process case-related court work.⁴

Figure ES 3: Average Judge Year⁵

Category	Days ⁶	Minutes
Total days available	365	175,200
Less		
Weekends	-104	49,920
Sick leave	-10	4,800
Vacation leave	-15	7,200
Holidays	-13	6,240
Training, conference, etc.	-14	6,720
Total work days available	209	100,320
Subtract non-case-related minutes (52 per day)	22.64	10,868
Subtract annual average travel per judge	13.97	6,706
Case-related time available	172.39	82,746

Case-Related Workload Requirements

Judges' case-related demand is calculated by dividing the workload value (the annual number of minutes of work required given the number of cases filed and the individual case weights) by the judge year value. The non-case-related time and the judicial circuit-specific travel time are added into the workload requirement. The product provides the number of judges needed to manage the work of the West Virginia Family Courts. Figure ES 4 displays the Family Court Judge need model in statewide terms.

Based upon the average 2011- 2013 calendar year filings, the case-related workload for all Family Court Judges in West Virginia is 3,968,585 minutes annually (shown in Figure ES 2). When the judicial circuit-specific travel time and the non-case-related work requirements are considered, a full picture of West

³ The annual average travel time per judge (6,706 minutes) is utilized in calculating the 82,746 case-related minutes available as an average figure of available judge time. The Family Court Judge need model is based on the actual judge travel time per circuit, which varies by circuit. See Appendix E (Family Court Judge need model) for circuit specific travel and circuit specific case-related minutes.

⁴ Travel time is subtracted from the judge annual availability in the model. The average daily travel time for Family Court Judges ranges from a low of one minute per day per judge in the 24th Circuit to a high of 100 minutes per day per judge in the 27th Circuit. The average daily travel time for all Family Court Judges is 32.08 minutes per day (6,706 minutes per year).

⁵ The non-case-related time (52 minutes per day per judge) is 38 minutes less than the non-case-related time used in the 2006 Family Court weighted caseload study, which was 90 minutes per day per judge.

⁶ The "Days" and "Minutes" columns do not add due to mathematical rounding.

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Virginia Family Court Judge need is provided. Statewide, a total of 50.29 judges are needed to process the work of the West Virginia Family Courts, based on the judge deficit need, which represents the positive need for additional judges.

There are currently 45 judges allocated to courts within the state's 27 Family Court Circuits. The model indicates 50.29 Family Court Judges are needed to complete the work presented in West Virginia Family Courts. The model therefore shows a deficit need of 5.29 Family Court Judges. Figure ES 4 presents the statewide Family Court Judge deficit need for the West Virginia Family Courts.

Figure ES 4: Current Statewide West Virginia Family Court Judge Model

Case Type	Case Weights in Minutes	Statewide 3-Year Average Filings: 2011-2013	Statewide Workload per Case Type in Minutes & Statewide Judge Deficit Need ⁷
Divorce with Child(ren)	149	5,680	846,320
Divorce without Child(ren)	75	6,145	460,875
Child support with paternity	94	1,711	160,834
Child support without divorce	47	4,012	188,564
Other Domestic Relations	98	2,819	276,262
Domestic Violence and Domestic Violence Appeals	50	13,527	676,350
Modification	90	8,264	743,760
Contempt	60	6,089	365,340
Marriages	17	930	15,810
Infant Guardianships	90	1,119	100,710
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	172	68,800
Domestic Violence Court	40	1,624	64,960
Total		52,092	3,968,585
Case-Related Work x Filings (weights x filings)			3,968,585
Judge Annual Availability: 209 days			100,320
- Annualized Work-Related Travel per Judge			6,706
- Annualized Non-Case-Related Time (52 minutes per day)			10,868
= Availability for Case-Related Work			82,746
Allocated Family Judges per Circuit			45.00
Judge Deficit Need			5.29

⁷ The statewide judge deficit need cannot be computed from the statewide average figures provided for two reasons. First, circuit-specific travel time was used to calculate judge need (versus the average annual travel time presented here for illustration); and second, because the need of 5.29 only accounts for those circuits in which a positive judge need exists.

Determination of FTE Need

The final phase in the generation of a needs assessment model involves the calculation of the Family Court Judge need for each circuit. During this phase, the Family Court Judge demand value is compared to the current number of Family Court Judges in each circuit; the need shown represents only the positive need for Family Court Judges (referred to as "Judge Deficit Need"). Figure ES 5 presents the Family Court Judge deficit need by circuit.

To determine the level at which judges in under-staffed circuits are overworked, the *workload per judge* was calculated. This value represents the level at which judges in each circuit are currently working, based on the expected workload produced in the need model. For example, in the 6th Circuit, there are currently 2 judges allocated, and the model indicates a need for 2.99 Family Court Judges. Given the current staffing and the projected need, each judge in this circuit is working at the rate of 1.50 Family Court Judges. This figure can be used to determine the most urgent staffing needs across Family Court Circuits; Figure ES 6 presents the 10 circuits with the greatest staffing needs based on the workload per judge calculation.

Note that the need models presented in this report are based solely on the weighted caseload methodology and do *not* take into account the local policies or practices regarding access to justice issues or other qualitative factors that could impact staffing need levels.

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Figure ES 5: West Virginia Family Court Judge Deficit Need by Circuit⁸

Circuit	Allocated Judges per Circuit	Judge Deficit Need	Current Workload per Judge
1	2	0.00	0.77
2	1	0.38	1.38
3	2	0.50	1.25
4	1	0.20	1.20
5	2	0.00	0.79
6	2	0.99	1.50
7	1	0.00	0.95
8	1	0.15	1.15
9	2	0.00	0.65
10	2	0.03	1.01
11	5	0.58	1.12
12	3	0.28	1.09
13	3	0.31	1.10
14	1	0.29	1.29
15	1	0.16	1.16
16	1	0.14	1.14
17	1	0.31	1.31
18	2	0.00	0.83
19	1	0.09	1.09
20	2	0.12	1.06
21	1	0.00	0.69
22	1	0.00	0.91
23	1	0.42	1.42
24	3	0.22	1.07
25	1	0.00	0.79
26	1	0.12	1.12
27	1	0.00	0.63
Total	45	5.29	NA

⁸ The judge deficit need represents only the positive Family Court Judge need for each judicial circuit.

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Figure ES 6: Top Ten Circuits' Family Court Judge Deficit Need Based on Workload per Judge

Circuit	Allocated Judges per Circuit	Judge Deficit Need	Current Workload per Judge
6	2	.99	1.50
23	1	.42	1.42
2	1	.38	1.38
17	1	.31	1.31
14	1	.29	1.29
3	2	.50	1.25
4	1	.20	1.20
15	1	.16	1.16
8	1	.15	1.15
16	1	.14	1.14

Conclusion

The Judicial Workload Needs Assessment Study for West Virginia Family Courts shows a deficit need of 5.29 Family Court Judges above the current allocation. The need model based on the weighted caseload methodology does *not* take into account any local policies or practices that might impact judge needs beyond this objective measurement.

These case weights are grounded in current practice, as measured by the time study. Although the case weights developed during the course of this study take into account new case processing procedures and should be accurate for many years, periodic updating is necessary to ensure that the standards continue to represent accurately the West Virginia Family Court judicial workload.

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Introduction

For the West Virginia Family Court system to carry out its responsibility, it must have adequate resources to accept, process, and resolve all court cases and manage important court business without unnecessary delay.

To determine appropriate judicial staffing levels for West Virginia's Family Courts, it is necessary to have an accurate measure of the court's workload. A clear and objective assessment of court workload and the number of judges required to handle effectively that workload are essential to the state's ability to evaluate whether judicial staffing levels are appropriate, and whether they are being allocated and used prudently.

Historically, West Virginia has utilized time and motion workload analyses to assess the need for—and allocation of—judges. The most recent study was conducted in 2006 and is currently out of date.

Workload values for each case type, or case weights, are multiplied by the three-year average of cases filed in each Family Court Circuit to determine the need for judges. Averaging the annual case filings takes into account some fluctuations that might occur naturally.

For this study, NCSC consultants employed the workload assessment methodology to

determine judicial resource need. This method has been adopted by 34 states. Assessing workload through the development of an empirically-based needs assessment model is a rational, credible, and practical method for determining the need for judges.

This methodology "weights" cases based upon complexity and, as such, accounts for the varying levels of attention necessary to process a case from filing to disposition. By weighting court cases by case type, a more accurate assessment can be made concerning the amount of judicial time required to process the judges' entire workload. Moreover, the Family Court Judge needs assessment model has the advantage of providing an objective and standardized evaluation of judicial resource needs across Family Court Circuits that vary in size and caseload composition. Specifically, this West Virginia Family Court judicial workload assessment model is based on a full-fledged time study data collection approach, which establishes weighted caseload standards to reflect the court case processing environment.

As previously noted, West Virginia has a history of assessing judge need through the use of the weighted caseload methodology. The West Virginia Court Administrative Office of the Courts, which received a grant from the State Justice Institute (SJI), contracted with the National Center

for State Courts (NCSC) to conduct the present study, recognizes the need to update workload studies on a regular basis. Such studies should be updated every five to seven years to account for changes in case types, case processing, the use of technology and changes in personnel structures and job classifications.

This study differs from the Family Court's previous weighted caseload study in two respects. The previous study collected data for four weeks. In order to get a more accurate picture of the actual amount of work required for each case type, the data collection period for this study lasted for nine weeks. The previous study also captured data in only nine case types. The current study expanded the number of case types to twelve in order to differentiate the case processing requirements to a greater degree.

Specific Objectives for the West Virginia Family Courts Judge Needs Assessment Study

To conduct a quantitative evaluation of judicial resource needs for the West Virginia Family Court.

To provide accurate, easily understandable criteria to assess the need for Family Court Judges.

To provide a valid model for determining the future need for additional judicial resources in the state's Family Court system.

This report details the methodology employed for the West Virginia Family Court Judicial Needs Assessment Study and presents needs assessment models that differentiate case

processing time standards for each major case category examined in the study.

Overview of West Virginia's Family Courts

The Family Courts in West Virginia have the authority to make final decisions in Family Court cases. Family Courts have jurisdiction over divorce, annulment, separate maintenance, paternity, grandparent visitation, name change, infant guardianship, child custody and family support proceedings, except those incidental to child abuse and neglect. Family Court Judges also hold final hearings in civil domestic violence protective order proceedings and may perform marriages.⁹

The state is divided into twenty-seven Family Court Judicial Circuits, with at least one judge in each circuit.

Judicial Needs Assessment: An Overview

Theory and National Context of Judicial Needs Assessment

Cases in the West Virginia Family Courts vary in form and complexity. Different types of cases require different amounts of time and attention from judges. Focusing on raw case counts

⁹ The West Virginia Court System 2013 Annual Report, Administrative Office of the Supreme Court of Appeals of West Virginia, page 79.

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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 categories result in an equivalent amount of work for judges. For example, a typical family case, such as a divorce with children has a much greater impact on a judge's time than a child support without divorce case because the more complex cases have significantly more court appearances, more motions and more in-depth research. Therefore, a method that can reliably account for the differences in the workload generated across various case categories is necessary to determine accurately the number of judges needed to handle the entire court caseload.

The NCSC has been conducting workload assessment studies for over two decades. These assessments provide court systems with meaningful and easily understandable criteria for determining overall staffing requirements, taking into consideration both case-related and non-case-related functions performed by judges. Workload assessment is a resource evaluation methodology that has been adopted by 34 states to determine the need for court staff and judges.¹⁰ The needs

¹⁰ During the past 20 years, the NCSC has conducted weighted workload assessment studies for judges and/or clerks offices in 34 states. The NCSC has also conducted weighted workload studies for probation departments, parole and public defenders' offices and other attorney groups.

assessment "weights" cases by accounting for the varying complexity among court case categories. By weighting the case type categories, an accurate assessment can be made of the amount of judicial work time required to process the court's caseload from filing to case closure. Moreover, needs assessment models have the advantage of providing objective and standardized evaluations of judicial resource needs among courts that vary in size and caseload mix.

The core of the workload assessment model is a time study whereby judges track the amount of time they spend on the various case categories under investigation. When the time study data are joined with filing data, in this case calendar year 2012 case filings, it is possible to construct a "case weight" for each case category. Each case weight represents the average amount of time (in minutes) required for judges to process a case from filing to case closure. Applying the case weights to current (or projected) case filing numbers results in an expected measure of judges' workload (for this study, the three-year average filings for calendar years 2011-2013 were used to determine judicial need). An estimate of judicial resource requirements results can be generated by dividing the workload requirement by the amount of annual time available per judge. This approach, which involves few complicated procedures, is sufficiently rigorous to measure judicial resource needs and evaluate resource allocations.

It is important to remember that even the most widely used and accepted resource assessment techniques, including the judicial needs assessment model, will not objectively determine the *exact* number of judges needed to stay current with caseloads. No quantitative resource assessment model by itself can accomplish that goal. It is important to weigh the quantitative results of this study with qualitative factors such as the need to provide access to justice in remote court locations.

Key Concepts

Two fundamental pieces of information are necessary to determine the judicial resource needs for the West Virginia Family Courts. The two pieces of information are:

- *Workload.* Workload is generated from two components: (1) the case weights, which are the average time spent on case processing as determined by the time study; and (2) the three-year (calendar year 2011-2013) average number of case filings. Multiplying these two values produces the workload estimate.
- *Judicial Needs Assessment.* The assessment of judicial resource needs is computed by dividing the expected workload by the judge year value (the number of minutes available for a judge to work in a year). This calculation results in the number of judges needed in each Family Court Judicial Circuit.

There are three phases to the study, and each phase builds upon the product of the previous phase. Figure 1 presents the calculations for the three phases. First, the data collected during the

time study are analyzed to produce a workload value (defined above). Phase two applies the judges' annual availability value to the workload value to determine the full time equivalent (FTE) judge demand for the family court. Finally, in phase three, the judge demand value is compared to the current judge allocation to generate the judge FTE need for each Family Court Circuit. Each phase of the study is discussed in more detail later in this report.

Figure 1: Three Phases of Workload Assessment Studies

Phase I: Case weights x Case filings = Workload

Phase II: Workload/Annual Availability = Judge Demand

Phase III: Judge Allocation – Judge Demand = Judge Need

Phase I: Calculation of Family Judge Workload

Phase I of the study involves the time study data collection, generation of case weights, and workload calculations. Each of these steps is discussed in detail.

Time Study

A time study literally captures the amount of time judges spend on each case type category under investigation. The resulting case weights provide a measure of case complexity in terms of the average amount of judge time spent processing different types of cases, from the initial filing to case closure. The essential element in a time study is collecting time data on all judicial activities. For

this study, all judges recorded all time spent on various case categories—over a nine-week period of time—on a daily time log and then entered their time on an internet-based data entry site. Judicial activities include time spent processing cases as well as non-case-related work. Non-case-related work is a category that includes activities that cannot be attributed to a specific case, such as personnel matters, professional reading and required administrative duties.

The NCSC consultants provided training to participants on how to record their time using the internet-based data entry system.¹¹ The reliability and validity of the data also depends on both accurate data and a strong participation rate - the more participants the more reliable the data. Data were collected for the nine-week period of August 11 through October 12, 2013. The participation rate for the time study was 100 percent (all of the 45 judges). This strong participation rate assures confidence in the accuracy and validity of the resulting case weights.

Data Elements

NCSC consultants met with the Family Court Judges' Weighted Caseload Study Advisory Committee on February 20, 2013 to determine the

¹¹ Training for judges was conducted during the annual Family Court Judges' Conference in Charleston on April 30, 2013. Additionally, judges' staff members were trained during their conference on July 9, 2013. These sessions provided an overview of the time study, as well as, instructions on how to record manually and to enter electronically all work-related time.

case type categories, case-related, and non-case-related activities to be included in the study. Selecting the number of case types and case events to be used in a weighted caseload study involves a trade-off between having enough information to ensure the accuracy of the workload standards and minimizing the data collection burden on the participating judges. As more case types and events are included in a weighted caseload study, larger data samples and a longer data collection period are required for statistical reliability. More importantly, determining the appropriate types of cases to be weighted is particularly important because the workload standards must eventually be attached to readily available case data to determine workload. Figure 2 presents the 12 case type categories for which data were collected in this study (a detailed description of the 12 case type categories is provided in Appendix A).

Figure 2: Case Type Categories

-
- Divorce with Child(ren)
 - Divorce without Child(ren)
 - Child Support with Paternity
 - Child Support without Divorce
 - Other Domestic Relations
 - Domestic Violence and Domestic Violence Appeals
 - Modification
 - Contempt
 - Marriages
 - Guardianship
 - Problem Solving Court (Juvenile/Adult Drug Court)
 - Domestic Violence Court
-

Case-Related Activities

Case-related activities are the essential functions that judges perform on court cases. As with the case types, the essential functions were categorized into manageable groups for the time study. Figure 3 identifies the case-related activity categories measured in the time study (a full explanation of the case-related activities appears in Appendix B).

Figure 3: Case-Related Activities

- Pretrial/Post Trial Out-of-Court Activities
- Temporary Hearings
- Preliminary Matters/Scheduling Hearings/ Status Hearings
- Review Hearings
- Final Hearings
- Problem Solving Court Activities

Non-Case-Related Activities

Activities that do not relate to the processing of a specific case but must be done by judges are defined as non-case-related activities. Figure 4 lists the non-case-related activities measured and a description of all non-case-related activities is provided in Appendix C.

Figure 4: Non-Case-Related Activities

- Non-Case-Related Administration
- Receiving Judicial Education and Training
- Providing Judicial Education and Training
- Community Activities, Speaking Engagements
- Committees, Other Meetings, Related Time
- Travel Time
- Sick, Vacation, Other Leave
- Holiday
- Other
- NCSC Time Study Data Reporting

Case Weight Calculation

The case weights were generated by summing the time recorded for each case type category, then annualizing this time and dividing by the number of cases filed for each case type category in the 2012 calendar year.

The case weights by case type category provide a picture of current case processing practice in the West Virginia Family Courts. For example, data reported by judges in the Family Courts indicate that approximately 835,145 case-related minutes are expended on 5,605 divorce with children cases in one year's time. To develop the case weight, the NCSC consultants divided the time in minutes by the number of divorce with children cases filed in 2012 (835,145 minutes/5,605 divorce with children case filings in 2012). The resultant case weight of 149 minutes means that, on average, processing a divorce with children case requires 149 minutes (just under two hours thirty minutes) of judicial time. Of course, some cases in this category will require *more* time, while others will require *less*, but the average time is used to determine *typical* workload across all filings in this category. The judicial case weights for all 12 West Virginia Family Court case types are shown in Figure 5.

Figure 5: West Virginia Family Court Judge Case Weights by Case Type

Case Types	Case Weights in Minutes
Divorce with Child(ren)	149
Divorce without Child(ren)	75
Child Support with Paternity	94
Child Support without Divorce	47
Other Domestic Relations	98
Domestic Violence and Domestic Violence Appeals	50
Modification	90
Contempt	60
Marriages	17
Infant Guardianships	90
Problem Solving Courts (Juvenile & Adult Drug Courts)	400
Domestic Violence Court	40

The Family Court Judicial Weighted Caseload Study Advisory Committee, in light of their expert knowledge, reviewed the case weights to determine if any qualitative adjustments were needed. The committee vetted each of the case weights and the final values reflect a compromise between the ideal and practical case weights.

Workload Calculation

Applying the case weights to a three-year average of annual filings from calendar years 2011, 2012 and 2013, along with the non-case-related and travel requirements produces the overall Family Court Judge need. The workload value represents the total number of minutes, on an annual basis, of work based upon baseline data (collected during the time study) and current practices. The challenge is to provide judges with reasonably sufficient time to process each case type and provide citizens with access to justice effectively and efficiently. The Family Court Judicial workload assessment for the state of West Virginia is

provided in Figure 6. Appendix E provides the full statewide workload model by judicial circuit.

Figure 6: Statewide Workload West Virginia Family Court Judges (Based on the Average Filings in Calendar Years 2011, 2012 and 2013)

Case Types	Case Weights in Minutes	Statewide 3-Year Average Filings (2011-2013)	Statewide Workload per Case Type in Minutes
Divorce with Child(ren)	149	5,680	846,320
Divorce without Child(ren)	75	6,145	460,875
Child Support with Paternity	94	1,711	160,834
Child Support without Divorce	47	4,012	188,564
Other Domestic Relations	98	2,819	276,262
Domestic Violence and Domestic Violence Appeals	50	13,527	676,350
Modification	90	8,264	743,760
Contempt	60	6,089	365,340
Marriages	17	930	15,810
Infant Guardianships	90	1,119	100,710
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	172	68,800
Domestic Violence Court	40	1,624	64,960
Total		52,092	3,968,585

Phase II: Determination of FTE Demand

Family Court Judge Demand

The second phase in the generation of a needs assessment model involves the calculation of the FTE demand to process the workload of the family courts. Determination of the FTE demand first requires the definition of the judge year value.

Family Court Judge Year Value

The judge year value (applied to Family Court Judges) is the amount of time in a year that is available for judges to work. It is calculated by first determining how many days in the year are available for work, and then how many hours are available in the average day. The product of the judge year and day is the judge year value, or the average amount of time available for the average judge to work. The first step in the calculation is to determine the judge year by deducting from 365 the number of days *not* devoted to work. The second step is to make a distinction between case-related and non-case-related times since judges have many varied responsibilities during the day. To determine the number of average available hours per year, the model must first estimate a reasonable average of available work hours per day. Again, the NCSC team consulted the Family Court Judicial Weighted Caseload Study Advisory Committee to develop these estimates. The eight-hour workday used in this study exceeds the standard for recent studies of this type.¹² Although judges are available to work at any time, this standard recognizes the constraints on when court proceedings are held and limitations on resources required from other agencies.

¹² The average workday in the ten most recent judge weighted caseload studies conducted by the NCSC is 7.68 hours; the median workday is 7.5 hours.

Therefore, the average judge year consists of 100,320 minutes (209 days x 8 hours x 60 minutes). Multiplying the judge year value (209 days) by the number of hours in a day available for all work-related activities provides the amount of time available per year for Family Court Judges in West Virginia. Finally, non-case-related time (52 minutes per day for each judge), and travel time (32.08 minutes per day)¹³ are subtracted from the time available for all work-related activities. After subtracting all of the appropriate time from the base year, the Family Court Judges in West Virginia have, on average, 82,746 minutes per year to process case-related court work. When applying these numbers to the daily work of Family Court Judges, they have an average of 395.92 minutes (approximately 6.6 hours) to dedicate to case-related matters. Figure 7 presents calculations of the judge year and judge day.

¹³ The annual average travel time per judge (6,706 minutes) is utilized in calculating the 82,746 case-related minutes available as an average figure of available judge time. The Family Court Judge need model is based on the actual judge travel time per circuit, which varies by circuit. See Appendix E (Family Court Judge need model) for circuit-specific travel and circuit-specific case-related minutes.

Figure 7: Average Judge Year and Average Judge Day^{14 15}

Category	Average Annual Days	Average Annual Minutes	Average Daily Minutes
Total days available	365	175,200	
<i>Less</i>			
Weekends	-104	49,920	
Sick leave	-10	4,800	
Vacation leave	-15	7,200	
Holidays	-13	6,240	
Training, conference, etc.	-14	6,720	
Total workdays available	209	100,320	480.00
Subtract non-case-related minutes (52 per day)	22.64	10,868	52.00
Subtract annual average travel per judge	13.97	6,706	32.08
Case-related time available	172.39	82,746	395.92

In the model, *judicial circuit-specific travel time*—as opposed to the average travel time depicted in Figure 7—is deducted from the case-related availability. The average daily travel time for Family Court Judges ranges from a low of one minute per day per judge in the 24th Circuit to a high of 100 minutes per day per judge in the 27th Circuit, as measured in the time study. While the average daily travel time for all Family Court Judges is slightly over 32 minutes per day per judge (32.08 minutes), the actual average travel time recorded for each circuit during the time study was incorporated into the needs assessment model.

¹⁴ The non-case-related time (52 minutes per day per judge) is 38 minutes less than the non-case-related time used in the 2006 Family Court weighted caseload study, which was 90 minutes per day per judge.

¹⁵ The “Days” and “Minutes” columns do not add due to mathematical rounding.

The average annual travel time for Family Court Judges is shown in Figure 8.

Figure 8: Average Annual Travel Minutes for Family Court Judges

Circuit	Family Court Judges per Circuit	Average Annual Travel per Judge	Average Daily Travel per Judge
1	2	2,772	13.26
2	1	10,789	51.62
3	2	7,150	34.21
4	1	14,240	68.13
5	2	4,242	20.30
6	2	3,229	15.45
7	1	4,968	23.77
8	1	4,968	23.77
9	2	2,164	10.35
10	2	9,071	43.40
11	5	982	4.70
12	3	7,608	36.40
13	3	6,171	29.53
14	1	4,968	23.77
15	1	4,968	23.77
16	1	8,592	41.11
17	1	20,016	95.77
18	2	2,094	10.02
19	1	4,968	23.77
20	2	4,755	22.75
21	1	6,730	32.20
22	1	3,244	15.52
23	1	10,715	51.27
24	3	212	1.01
25	1	8,274	39.59
26	1	2,193	10.49
27	1	20,971	100.34
State Average	45	6,706	32.08

The judge year value estimates a reasonable amount of time a Family Court Judge should work in a year. This value is used to compute case weights and expected workload even though many Family Court Judges in West Virginia

may work more than 209 days per year and/or more than eight hours per day.

Case-Related Workload Requirements for Family Court Judges

Once the judge year value and case weights have been established, the calculation of judge demand to manage the workload of the West Virginia Family Courts is undertaken. Judge case-related demand is calculated by dividing the workload value (the annual number of minutes of work required given the number of cases filed and the individual case weights) by the year value (the average judge year value is 82,746 minutes per year when applying the average circuit-specific travel time). These figures represent in full time equivalent (FTE) positions the number of judges needed to process court cases in the West Virginia Family Courts. Figure 9 displays the steps taken to compute judge demand.

Figure 9: Calculation of Total Needs

- Step 1** *For Each Case Type:
Case Weight x Case Filings = Workload*
- Step 2** *Sum the 12 case type workloads to obtain the total workload for each circuit (total minutes work expected).*
- Step 3** *Subtract the non-case-related and travel time from the judge annual availability.*
- Step 4** *Divide the case-related workload by the judge annual availability to obtain judge resource needs.*
- Step 5** *Add the FTE into the judge need computation.*

The case-related workload for all Family Court Judges in West Virginia is 3,968,585 minutes annually. When we account for the non-case-

related work requirements (52 minutes per day) and circuit-specific travel, a full picture of judge need is provided. The *overall* or judge deficit need is 5.29 judges statewide. Figure 10 presents the *overall* statewide judge FTE demand and shows the adjusted need, which accounts for only those circuits showing need for an increase in Family Court Judges. (See Appendix E for the detailed Family Court Judge need model by circuit.) The judge deficit need figure takes into account deficit need requirements for each Family Court Circuit.

Figure 10: West Virginia Family Court Judge Deficit Need

Judge Need Based on 2013 Judge Allocations	
Current number of Family Court Judges	45.00
Judge Deficit Need	50.29
Total Additional Judge Need	5.29

Phase III: Determination of FTE Need

The final phase in the generation of a needs assessment model involves the calculation of the Family Court Judge need for each circuit. During this phase of the model development, the judge demand value is compared to the current number of judges in each judicial circuit; the need shown represents only the positive need for Family Court Judges in each judicial circuit (referred to as the "Judge Deficit Need"). Figure 11 presents the Family Court Judge deficit need by judicial circuit.

To determine the level at which Family Court Judges in under-staffed circuits are

overworked, the *workload per judge* was calculated.

This value represents the level at which judges in each circuit are currently working, based on the expected workload produced in the need model.

For example, in the 6th Circuit, there are currently 2 judges allocated, and the model indicates a need for 2.99 Family Court Judges. Given the current staffing and the projected need, each judge in this circuit is working at the rate of 1.50 Family Court Judges.

This figure can be used to determine the most urgent staffing needs across Family Court Circuits; Figure 12 presents the 10 circuits with the greatest staffing needs based on the workload per judge calculation.

Note that the need model presented in this report is based solely on the weighted caseload methodology and does *not* take into account the local policies or practices regarding access to justice issues or any other qualitative factors that could impact judge need.

Figure 11: West Virginia Family Court Deficit Need by Circuit¹⁶

Circuit	Allocated Judges per Circuit	Judge Deficit Need	Current Workload per Judge
1	2	0.00	0.77
2	1	0.38	1.38
3	2	0.50	1.25
4	1	0.20	1.20
5	2	0.00	0.79
6	2	0.99	1.50
7	1	0.00	0.95
8	1	0.15	1.15
9	2	0.00	0.65
10	2	0.03	1.01
11	5	0.58	1.12
12	3	0.28	1.09
13	3	0.31	1.10
14	1	0.29	1.29
15	1	0.16	1.16
16	1	0.14	1.14
17	1	0.31	1.31
18	2	0.00	0.83
19	1	0.09	1.09
20	2	0.12	1.06
21	1	0.00	0.69
22	1	0.00	0.91
23	1	0.42	1.42
24	3	0.22	1.07
25	1	0.00	0.79
26	1	0.12	1.12
27	1	0.00	0.63
Total	45	5.29	NA

¹⁶ The judge deficit need represents only the positive Family Court Judge need for each judicial circuit.

Figure 12: Top Ten Circuits' Family Court Judge Deficit Need Based on Workload per Judge

Circuit	Allocated Judges per Circuit	Judge Deficit Need	Current Workload per Judge
6	2	.99	1.50
23	1	.42	1.42
2	1	.38	1.38
17	1	.31	1.31
14	1	.29	1.29
3	2	.50	1.25
4	1	.20	1.20
15	1	.16	1.16
8	1	.15	1.15
16	1	.14	1.14

Keeping the Model Current

One of the advantages of the Family Court Judges Needs Assessment Model is the ease with which it can be maintained. Unless extensive changes are made in the operation of the Family Courts, updated case filings can be entered into the

equation to determine judge need as the caseload changes. The West Virginia Administrative Office of the Courts should be aware of changes in legislation, court rules, legal practice, technology, and administrative factors, which may impact court operations and require updating the model.

Conclusion

The Judicial Officer Needs Assessment Study for West Virginia Family Courts shows a need for a total of 50.29 judges, when considering only those circuits that are under-staffed.

These case weights are grounded in current practice, as measured by the time study. Although the case weights developed during the course of this study should be accurate for many years, periodic updating is necessary to ensure that the standards continue to represent accurately the West Virginia Family Court Judges' workload.

Appendices

Appendix A: West Virginia Family Court Judges Case Type Detail¹⁷

1. **DIVORCE WITH CHILD(REN):** All actions involving children for divorce, annulment, or separate maintenance, whether the matter is contested or uncontested.
2. **DIVORCE WITHOUT CHILD(REN):** All actions not involving children for divorce, annulment, or separate maintenance, whether the matter is contested or uncontested.
3. **CHILD SUPPORT WITH PATERNITY:** All actions involving child support only.
4. **CHILD SUPPORT WITHOUT DIVORCE:** All actions involving child support only.
5. **OTHER DOMESTIC RELATIONS:** All actions involving other domestic relations not mentioned in any other domestic case category. This category includes, but is not limited to, foreign support (UIFSA) cases pursuant to, WV Code §48B-3-305 or §55-14-1 et seq.
6. **DOMESTIC VIOLENCE AND DOMESTIC VIOLENCE APPEALS:**

DOMESTIC VIOLENCE: The case transferred to Family Court for a final hearing as a result of the granting of a protective order by magistrate court. (WV Code §48-27-101).

DOMESTIC VIOLENCE APPEALS: The appeal to Family Court resulting from the denial of an emergency protective order by magistrate court. (WV Code §48-27-510(a)).
7. **MODIFICATION:** Family Court retains jurisdiction of some issues, such as spousal support or allocation of custodial responsibility even after the final order is entered. The *proceedings associated with the filing of a modification petition* and any related pleadings to a domestic case *following the final order are called a modification*. The modification retains the original case number and the modification petition, along with any related pleadings, should be filed and maintained in the original case file. (WV Code §48-5-701, §48-9-401 and -402; and §48-11-105, -106, and -106a; §48-18-201 through -206).
8. **CONTEMPT:** The enforcement proceedings associated with the filing of a petition for civil contempt related to lack of compliance to a court order within a domestic case. (WV Code §48-27-901 and §48-9-501(a) (5)).
9. **MARRIAGES:** The performance of the formal act or ceremony by which a man and woman contract marriage and assume the status of husband and wife. (WV Code §48-2-401).
10. **GUARDIANSHIP (FIG):** Minor Guardianship cases filed in family court.
11. **PROBLEM SOLVING COURT (Juvenile/Adult Drug Court):** This category includes all meetings with treatment or problem-solving court clients or staff, including bench time and case staffing time.
12. **DOMESTIC VIOLENCE COURT:** This category includes all meetings with Domestic Violence court clients or staff, including bench time and case staffing time.

¹⁷ Appendices A, B and C were the instructions provided to the Family Court Judges to complete the time study.

Appendix B: West Virginia Family Court Judges Case-Related Activities – Functional Task Descriptions

- A. **PRE-TRIAL/ POST- TRIAL OUT-OF-COURT ACTIVITIES:** This category includes but is not limited to, all activities conducted by a judge in chambers preliminary to conducting of a hearing. It includes review of motions or memoranda, research and writing, reviewing files, or signing orders.
- B. **TEMPORARY HEARINGS:** This category includes but is not limited to, all matters that are conducted during a temporary hearing, through entry of a disposition or through settlement.
- C. **PRELIMINARY MATTERS/SCHEDULING HEARINGS/STATUS HEARINGS:** This category includes but is not limited to, all matters, which are conducted during a preliminary matter/scheduling hearing or status reviews, settlement conferences, and accepting a hearing to memorialize an agreement reached.
- D. **REVIEW HEARINGS:** This category includes but is not limited to, all matters, incident to the conduct of a review hearing in which the judge is the trier of fact and includes all hearings.
- E. **FINAL HEARINGS:** This category includes all matters incident to the conducting of an evidentiary hearing in which the judge is the trier of fact. It includes, but is not limited to, disposition hearings, reconsideration hearings, post-judgment contempt hearings, hearings to modify child support, and hearings to modify child residency/parenting plans, which may include relocation hearings.
- F. **PROBLEM-SOLVING COURT ACTIVITIES:** This category is specifically limited to problem-solving court activities. This category includes all meetings with treatment or problem-solving court clients or staff, including bench time and case staffing time.
- G. **CASE-RELATED ADMINISTRATION:** This category includes most other activities not included in one of the previous categories that are related to administration of a judge’s cases, and are specific to an individual case. These activities could include, but are not limited to, scheduling of dockets, conferences with clerks or assistants, providing instructions to staff or similar routine matters.

Appendix C: West Virginia Family Court Judges Non-Case-Related Activities – Functional Task Descriptions

1. **NON-CASE-RELATED ADMINISTRATION:** Includes work directly related to the administration or operation of the court, such as any of the following:
 - Personnel issues
 - Case assignment
 - Calendaring
 - Management issues
 - Internal staff meetings
 - Budget
 - Administrative time
2. **RECEIVING JUDICIAL EDUCATION:** Includes continuing education and professional development, reading advance sheets, statewide judicial meetings, and out-of-state education programs permitted by the state.
3. **PROVIDING JUDICIAL EDUCATION:** Includes the preparation of materials for continuing education and professional development presentations, statewide judicial meetings, and out-of-state education programs permitted by the state.
4. **COMMUNITY ACTIVITIES & SPEAKING ENGAGEMENTS:** Includes time spent on community and civic activities in your role as a judge, e.g., speaking at a local bar luncheon, attendance at rotary functions, or Law Day at the local high school. This activity also includes preparing or officiating at weddings for which you are not paid.
5. **COMMITTEES, OTHER MEETINGS & RELATED WORK TIME:** Includes all committee meeting time (local, county, state or other and any committee-related work. *Travel to and from committee a meeting is recorded as travel time (item #6 below).*
6. **TRAVEL TIME:** Includes all work-related travel, except your normal commuting time to and from your normal assignment.
7. **VACATION, SICK AND OTHER LEAVE:** Includes any vacation, sick or other personal leave time.
8. **HOLIDAY:** If you take a holiday and **do not work**, please record 8 hours of time in this category. If you **do work** this day (in chambers or at home) please record your work time in the correct categories.
9. **OTHER:** Includes all other work-related, but non-case-related tasks that do not fit in the above categories.
10. **NCSC TIME STUDY DATA REPORTING:** includes all time associated with recording time for the time study.

Appendix D: Current Statewide West Virginia Family Court Judge Need Model

Case Type	Case Weights in Minutes	Statewide 3-Year Average Filings: 2011-2013	Statewide Workload per Case Type in Minutes & Statewide Judge Deficit Need ¹⁸
Divorce with Child(ren)	149	5,680	846,320
Divorce without Child(ren)	75	6,145	460,875
Child support with paternity	94	1,711	160,834
Child support without divorce	47	4,012	188,564
Other Domestic Relations	98	2,819	276,262
Domestic Violence and Domestic Violence Appeals	50	13,527	676,350
Modification	90	8,264	743,760
Contempt	60	6,089	365,340
Marriages	17	930	15,810
Infant Guardianships	90	1,119	100,710
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	172	68,800
Domestic Violence Court	40	1,624	64,960
Total		52,092	3,968,585
Case-Related Work x Filings (weights x filings)			3,968,585
Judge Annual Availability: 209 days			100,320
- Annualized Work-Related Travel per Judge			6,706
- Annualized Non-Case-Related Time (52 minutes per day)			10,868
= Availability for Case-Related Work			82,746
Allocated Family Judges per Circuit			45.00
Judge Deficit Need			5.29

¹⁸ The statewide judge deficit need cannot be computed from the statewide average figures provided for two reasons. First, circuit-specific travel time was used to calculate judge need (versus the average annual travel time presented here for illustration); and second, because the need of 5.29 only accounts for those circuits in which a positive judge need exists.

Appendix E: West Virginia Family Court Judge Needs Assessment Model by Circuit¹⁹

(Model begins on next page)

¹⁹ This footnote provides various details regarding the West Virginia Family Court Judge Needs Assessment Model by Circuit.

- Judge deficit need refers to positive judge need only.
- The final column entitled “Statewide Workload per Case Type in Minutes & Statewide Judge Deficit Need” on the last page of Appendix E, which shows the need for 5.29 judges, is derived by summing the judge deficit need (horizontally) for only those circuits in which a positive judge need exists.

Appendix E: West Virginia Family Court Judges Needs Assessment Model by Circuit (Circuits 1 through 5)

Case Type	Case Weights in Minutes	1 Brooke Hancock Ohio	2 Marshall Tyler Wetzel	3 Pleasants Wood	4 Calhoun Gilmer Ritchie Roane	5 Jackson Mason Wirt
Divorce with Children	149	221	185	322	167	207
Divorce without Children	75	233	122	323	169	241
Child support with paternity	94	75	29	111	21	43
Child support without divorce	47	257	152	208	75	127
Other Domestic Relations	98	162	85	137	85	105
Domestic Violence and Domestic Violence Appeals	50	495	368	938	219	499
Modification	90	145	294	285	193	260
Contempt	60	136	136	210	150	159
Marriages	17	20	22	13	16	47
Infant Guardianships	90	14	6	42	11	69
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	0	0	26	0	0
Domestic Violence Court	40	0	0	0	0	0
Total Cases Filed		1,758	1,399	2,615	1,106	1,757
Case Specific Work x Filings (weights x filings)		132,969	108,849	205,390	89,969	134,118
Judge Annual Availability: 209 days		100,320	100,320	100,320	100,320	100,320
- Annualized Work-Related Travel per Judge		2,772	10,789	7,150	14,240	4,242
- Annualized Non-Case-Related Time (52 minutes per day)		10,868	10,868	10,868	10,868	10,868
= Availability for Case-Related Work		86,680	78,663	82,302	75,212	85,210
Allocated Family Judges per Circuit		2.00	1.00	2.00	1.00	2.00
Judge Deficit Need			0.38	0.50	0.20	
Current workload per judge		0.77	1.38	1.25	1.20	0.79

Appendix E: West Virginia Family Court Judges Needs Assessment Model by Circuit (Circuits 6 through 10)

Case Type	Case Weights in Minutes	6 Cabell	7 Wayne	8 Mingo	9 Logan	10 Boone Lincoln
Divorce with Children	149	271	160	127	174	182
Divorce without Children	75	347	159	178	137	204
Child support with paternity	94	146	30	14	2	50
Child support without divorce	47	216	90	171	178	186
Other Domestic Relations	98	137	56	73	66	52
Domestic Violence and Domestic Violence Appeals	50	958	147	469	435	413
Modification	90	564	164	160	285	438
Contempt	60	430	155	121	146	415
Marriages	17	43	0	15	45	22
Infant Guardianships	90	112	4	34	53	92
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	48	0	0	0	21
Domestic Violence Court	40	0	0	0	0	0
Total Cases Filed		3,272	965	1,362	1,521	2,075
Case Specific Work x Filings (weights x filings)		258,177	80,073	97,205	112,918	162,980
Judge Annual Availability: 209 days		100,320	100,320	100,320	100,320	100,320
- Annualized Work-Related Travel per Judge		3,229	4,968	4,968	2,164	9,071
- Annualized Non-Case-Related Time (52 minutes per day)		10,868	10,868	10,868	10,868	10,868
= Availability for Case-Related Work		86,223	84,484	84,484	87,288	80,381
Allocated Family Judges per Circuit		2.00	1.00	1.00	2.00	2.00
Judge Deficit Need		0.99	0.15	0.15	0.15	0.03
Current workload per judge		1.50	0.95	1.15	0.65	1.01

Appendix E: West Virginia Family Court Judges Needs Assessment Model by Circuit (Circuits 11 through 15)

Case Type	Case Weights in Minutes	11 Kanawha	12 McDowell Mercer	13 Raleigh Summers Wyoming	14 Fayette	15 Greenbrier Monroe
Divorce with Children	149	562	301	397	138	139
Divorce without Children	75	653	363	455	163	170
Child support with paternity	94	262	159	147	61	43
Child support without divorce	47	386	360	122	103	111
Other Domestic Relations	98	235	187	234	68	84
Domestic Violence and Domestic Violence Appeals	50	1,077	935	1,044	384	457
Modification	90	979	612	608	301	133
Contempt	60	860	303	485	185	180
Marriages	17	267	2	57	22	1
Infant Guardianships	90	275	103	36	17	15
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	19	43	0	0	0
Domestic Violence Court	40	1,624	0	0	0	0
Total Cases Filed		7,199	3,368	3,585	1,442	1,333
Case Specific Work x Filings (weights x filings)		493,922	268,780	275,991	109,320	97,939
Judge Annual Availability: 209 days		100,320	100,320	100,320	100,320	100,320
- Annualized Work-Related Travel per Judge		982	7,608	6,171	4,968	4,968
- Annualized Non-Case-Related Time (52 minutes per day)		10,868	10,868	10,868	10,868	10,868
= Availability for Case-Related Work		88,470	81,844	83,281	84,484	84,484
Allocated Family Judges per Circuit		5.00	3.00	3.00	1.00	1.00
Judge Deficit Need		0.58	0.28	0.31	0.29	0.16
Current workload per judge		1.12	1.09	1.10	1.29	1.16

Appendix E: West Virginia Family Court Judges Needs Assessment Model by Circuit (Circuits 16 through 20)

Case Type	Case Weights in Minutes	16 Clay Nicholas	17 Braxton Lewis Upshur	18 Doddridge Harrison	19 Marion	20 Monongalia Preston
Divorce with Children	149	163	181	232	137	239
Divorce without Children	75	178	202	211	182	290
Child support with paternity	94	24	41	70	34	83
Child support without divorce	47	77	102	137	94	136
Other Domestic Relations	98	54	74	109	49	144
Domestic Violence and Domestic Violence Appeals	50	336	234	687	288	800
Modification	90	183	159	267	227	385
Contempt	60	144	91	158	179	261
Marriages	17	34	19	61	2	76
Infant Guardianships	90	12	10	28	0	25
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	0	0	0	0	0
Domestic Violence Court	40	0	0	0	0	0
Total Cases Filed		1,205	1,113	1,960	1,192	2,439
Case Specific Work x Filings (weights x filings)		92,372	90,712	145,511	92,083	179,519
Judge Annual Availability: 209 days		100,320	100,320	100,320	100,320	100,320
- Annualized Work-Related Travel per Judge		8,592	20,016	2,094	4,968	4,755
- Annualized Non-Case-Related Time (52 minutes per day)		10,868	10,868	10,868	10,868	10,868
= Availability for Case-Related Work		80,860	69,436	87,358	84,484	84,697
Allocated Family Judges per Circuit		1.00	1.00	2.00	1.00	2.00
Judge Deficit Need		0.14	0.31		0.09	0.12
Current workload per judge		1.14	1.31	0.83	1.09	1.06

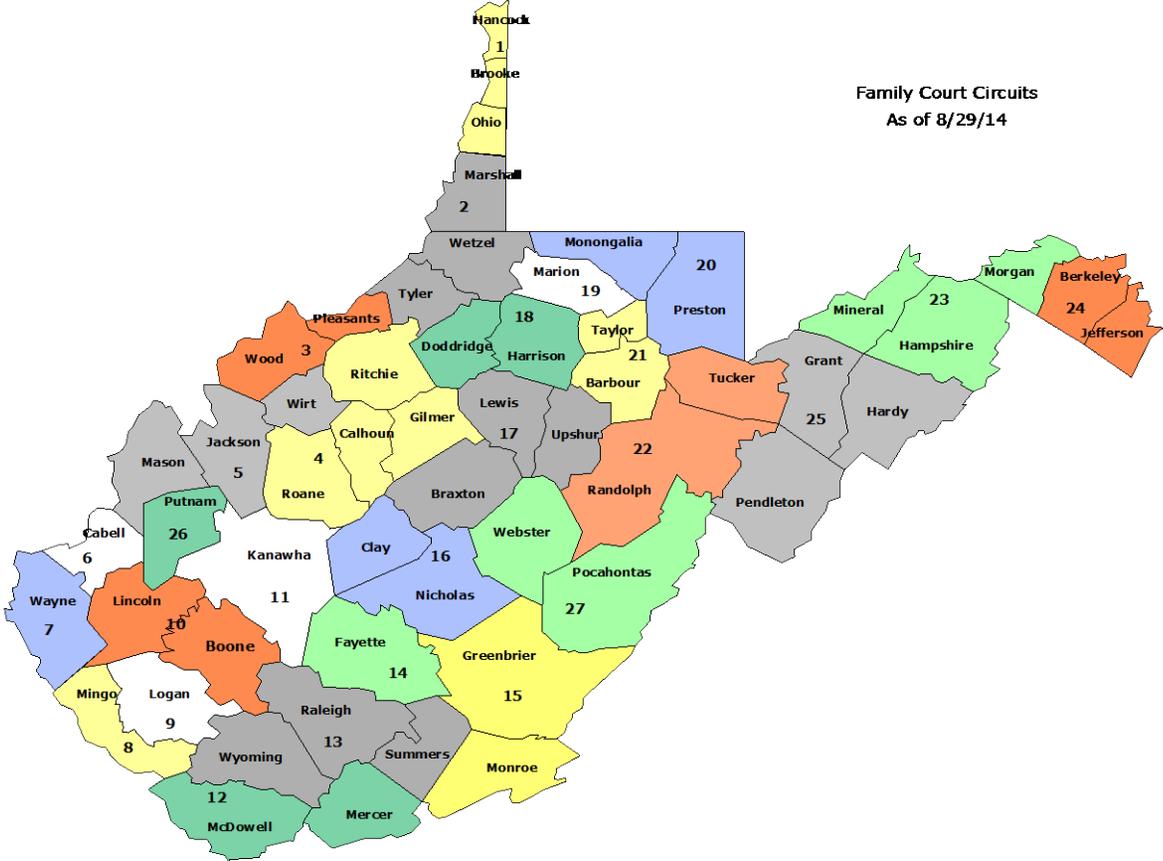
Appendix E: West Virginia Family Court Judges Needs Assessment Model by Circuit (Circuits 21 through 25)

Case Type	Case Weights in Minutes	21 Barbour Taylor	22 Randolph Tucker	23 Hampshire Mineral Morgan	24 Berkeley Jefferson	25 Grant Hardy Pendleton
Divorce with Children	149	95	111	179	444	102
Divorce without Children	75	101	122	170	431	87
Child support with paternity	94	16	13	68	115	10
Child support without divorce	47	22	26	139	349	95
Other Domestic Relations	98	51	93	119	242	37
Domestic Violence and Domestic Violence Appeals	50	164	336	272	950	167
Modification	90	149	180	255	583	194
Contempt	60	88	128	168	407	92
Marriages	17	24	6	4	85	25
Infant Guardianships	90	7	2	11	65	20
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	0	0	0	15	0
Domestic Violence Court	40	0	0	0	0	0
Total Cases Filed		717	1,017	1,385	3,686	829
Case Specific Work x Filings (weights x filings)		57,194	78,209	111,696	287,095	64,309
Judge Annual Availability: 209 days		100,320	100,320	100,320	100,320	100,320
- Annualized Work-Related Travel per Judge		6,730	3,244	10,715	212	8,274
- Annualized Non-Case-Related Time (52 minutes per day)		10,868	10,868	10,868	10,868	10,868
= Availability for Case-Related Work		82,722	86,208	78,737	89,240	81,178
Allocated Family Judges per Circuit		1.00	1.00	1.00	3.00	1.00
Judge Deficit Need				0.42	0.22	
Current workload per judge		0.69	0.91	1.42	1.07	0.79

Appendix E: West Virginia Family Court Judges Needs Assessment Model by Circuit (Circuits 26 through 27 and Statewide Total)

Case Type	Case Weights in Minutes	26 Putnam	27 Pocahontas Webster	Statewide 3-Year Average Filings: 2011-2013	Statewide Workload per Case Type in Minutes & Statewide Judge Deficit Need
Divorce with Children	149	187	57	5,680	846,320
Divorce without Children	75	182	72	6,145	460,875
Child support with paternity	94	35	9	1,711	160,834
Child support without divorce	47	69	24	4,012	188,564
Other Domestic Relations	98	44	37	2,819	276,262
Domestic Violence and Domestic Violence Appeals	50	329	126	13,527	676,350
Modification	90	165	96	8,264	743,760
Contempt	60	165	137	6,089	365,340
Marriages	17	0	2	930	15,810
Infant Guardianships	90	51	5	1,119	100,710
Problem Solving Courts (Juvenile & Adult Drug Courts)	400	0	0	172	68,800
Domestic Violence Court	40	0	0	1,624	64,960
Total Cases Filed		1,227	565	52,092	
Case Specific Work x Filings (weights x filings)		98,148	43,137		3,968,585
Judge Annual Availability: 209 days		100,320	100,320		100,320
- Annualized Work-Related Travel per Judge		2,193	20,971		6,706
- Annualized Non-Case-Related Time (52 minutes per day)		10,868	10,868		10,868
= Availability for Case-Related Work		87,259	68,481		82,746
Allocated Family Judges per Circuit		1.00	1.00		45.00
Judge Deficit Need		0.12			5.29
Current workload per judge		1.12	0.63		

Appendix F: West Virginia Family Court Circuit Map



Family Court Circuits
As of 8/29/14