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PREPARED FOR

Magistrate Needs Assessment Committee (MNAC)

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The authors wish to acknowledge the West Virginia Magistrates' invaluable contributions to this Delphi study. This undertaking requires the assistance of the informed and dedicated members of the West Virginia judiciary who gave their valuable time to this project. Throughout this study, the project team was fortunate to work with a distinguished advisory committee that was instrumental in refining the approach and content of the assessment. The Magistrate Needs Assessment Committee (MNAC) comprised Magistrates from the state and staff from the Administrative Office of the Courts of West Virginia.

EXECUTIVE SUMMARY

Findings

Adequate resources are essential if the West Virginia Magistrate Courts are to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves objectively assessing the number of state-level Magistrates required to handle the Magistrate Court's caseload and whether the resources are being allocated and in the correct locations.

The West Virginia Supreme Court of Appeals and the Administrative Office of the Courts have relied on a weighted caseload model that provides uniform and comparable measures to establish the baseline needs for trial court judicial resources. Recognizing the need to update Magistrate Court case weights, the West Virginia Supreme Court's Administrative Office of the Courts contracted with the National Center for State Courts (NCSC) to update the workload measures by using a set of Delphi panels to systematically review and update the case weights that were established in 2014.

Like the current system for allocating magistrates, the allocation plan calls for magistrates to serve exclusively within their own counties unless they are assigned to temporary service elsewhere by the Chief Justice. To ensure that at least one magistrate is available to hear emergency matters at any time, the plan requires a minimum of two magistrates in each county, regardless of workload.

Based on the 2022 case weights and 2017 – 2019 average annual filings, the updated model indicates a total deficit of fourteen magistrates in eight different counties.

Recommendations

The NCSC proposes three recommendations to maintain the integrity and utility of the case weights and needs model.

- The model presented in this report should be the <u>starting point</u> for determining judicial needs. There are qualitative issues that an objective weighted caseload model cannot account for that should be considered when determining judicial staffing level needs. Those issues that result in longer or shorter case processing times should be considered.
- 2. The model, with the updated case weights, should be updated annually using the most recent year's case filings.
- Over time, the integrity of the case weights is affected by multiple influences likely to impact case processing time. Periodic updating of the case weights, through a time-and-motion study, should ensure that the case weights continue to represent the workload accurately.

i

Project Design

The West Virginia Magistrate Court Delphi study was completed in a series of interrelated steps, described as follows.

Magistrate Needs Assessment Committee

The initial step in the study was establishing a policy and review committee, the Magistrate Needs Assessment Committee (MNAC), to provide oversight and guidance throughout the project. The Committee comprised Magistrates and staff from the Administrative Office of the Courts. The MNAC refined the approach and the assessment content and resolved important issues affecting data collection, interpretation, and analysis. Additionally, it monitored the development of the workload assessment methodology and reviewed the study's findings and the final report.

Delphi Panels to Recompute Case Weights

Second, a representative group of seasoned magistrates identified by the Supreme Court of Appeals and the Office of the Administrative Director participated in a series of structured qualitative assessment of the previous time study results. Drawing on detailed analysis of the 2014 workload and practices provided by the previous time study results, the Delphi process provided a means for magistrates to evaluate how existing resource levels support their best efforts or are putting undue strain on their ability to reasonably fulfill their judicial responsibilities, while also considering changes that have been implemented since 2014 which effect case processing times.

In addition, it afforded an opportunity for magistrates to offer their recommendations on the areas of case processing that are the highest priority for additional resources (if they were to become available). The project team facilitated a series of five separate Delphi sessions with magistrates selected from a representative variety of large and small counties across the state. This configuration retains the original makeup of the Delphi quality adjustment sessions used in 2014. Each session lasted over two and a half hours. The results of the Delphi process served as the final workload standard recommendations and were presented to the MNAC for review and approval.

Calculating Magistrate Resource Need

Third, the project team applied the updated case weights to the average of the most recent three years of case filings before the COVID-19 pandemic. Due to the significant impact on the court process and case filings during years 2020 and 2021, the 3-year average of calendar years 2017-2019 was used, which results in the expected judicial workload for the state of West Virginia. The project team divided the workload by the identified magistrate year value while also accounting for non-case-related work and workrelated travel, which yielded the number of magistrates needed to effectively process the cases filed (see the full report for detail on the methodology). Based on the 2022 case weights and 2017 - 2019 average annual filings, the updated model indicates a total deficit of fourteen magistrates in eight different counties

Figure ES 1: 2022 West Virginia Magistrate Court Needs Model

		Rounded up		
	FTE	to Minimum	•	Deficit (-) /Surplus
County	Demand	of 2	Allocated	(+) by County
Barbour	0.89	2	2	0
Berkeley	7.38	8	6	-2
Boone	1.65	2	2	0
Braxton	0.98	2	2	0
Brooke	1.38	2	2	0
Cabell	7.30	8	7	-1
Calhoun	0.63	2	2	0
Clay	0.53	2	2	0
Doddridge	0.55	2	2	0
Fayette	2.69	3	4	1
Gilmer	0.40	2	2	0
Grant	0.94	2	2	0
Greenbrier	1.95	2	3	1
Hampshire	1.34	2	2	0
Hancock	1.13	2	3	1
Hardy	1.27	2	2	0
Harrison	4.59	5	5	0
Jackson	1.71	2	2	0
Jefferson	3.31	4	3	-1
Kanawha	12.88	13	10	-3
Lewis	1.54	2	2	0
Lincoln	1.37	2	2	0
Logan	3.59	4	3	-1
Marion	2.68	3	4	1
Marshall	1.63	2	3	1
Mason	1.63	2	2	0
McDowell	1.45	2	3	1
Mercer	4.32	5	5	0

County	FTE Demand	Rounded up to Minimum of 2	Currently Allocated	Deficit (-) /Surplus (+) by County
Mineral	1.33	2	2	0
Mingo	1.67	2	3	1
Monongalia	5.71	6	4	-2
Monroe	0.47	2	2	0
Morgan	1.81	2	2	0
Nicholas	1.91	2	3	1
Ohio	2.89	3	4	1
Pendleton	0.27	2	2	0
Pleasants	0.51	2	2	0
Pocahontas	0.75	2	2	0
Preston	1.55	2	3	1
Putnam	2.86	3	3	0
Raleigh	6.28	7	5	-2
Randolph	1.72	2	3	1
Ritchie	0.62	2	2	0
Roane	1.22	2	2	0
Summers	0.52	2	2	0
Taylor	0.89	2	2	0
Tucker	0.36	2	2	0
Tyler	0.48	2	2	0
Upshur	1.81	2	2	0
Wayne	1.78	2	3	1
Webster	0.59	2	2	0
Wetzel	0.94	2	2	0
Wirt	0.26	2	2	0
Wood	5.78	6	4	-2
Wyoming	1.52	2	3	1
Total	118.19	160	159	-1

Figure ES 2: 2022 Magistrate Deficit /Surplus Need by County

		Rounded up		
	FTE	to Minimum	Currently	Deficit (-) /Surplus
County	Demand	of 2	Allocated	(+) by County
Kanawha	12.88	13	10	-3
Berkeley	7.38	8	6	-2
Monongalia	5.71	6	4	-2
Raleigh	6.28	7	5	-2
Wood	5.78	6	4	-2
Cabell	7.30	8	7	-1
Jefferson	3.31	4	3	-1
Logan	3.59	4	3	-1
Barbour	0.89	2	2	0
Boone	1.65	2	2	0
Braxton	0.98	2	2	0
Brooke	1.38	2	2	0
Calhoun	0.63	2	2	0
Clay	0.53	2	2	0
Doddridge	0.55	2	2	0
Gilmer	0.40	2	2	0
Grant	0.94	2	2	0
Hampshire	1.34	2	2	0
Hardy	1.27	2	2	0
Harrison	4.59	5	5	0
Jackson	1.71	2	2	0
Lewis	1.54	2	2	0
Lincoln	1.37	2	2	0
Mason	1.63	2	2	0
Mercer	4.32	5	5	0
Mineral	1.33	2	2	0
Monroe	0.47	2	2	0
Morgan	1.81	2	2	0

		Rounded up	• "	55406
	FTE	to Minimum	_	Deficit (-) /Surplus
County	Demand	of 2	Allocated	(+) by County
Pendleton	0.27	2	2	0
Pleasants	0.51	2	2	0
Pocahontas	0.75	2	2	0
Putnam	2.86	3	3	0
Ritchie	0.62	2	2	0
Roane	1.22	2	2	0
Summers	0.52	2	2	0
Taylor	0.89	2	2	0
Tucker	0.36	2	2	0
Tyler	0.48	2	2	0
Upshur	1.81	2	2	0
Webster	0.59	2	2	0
Wetzel	0.94	2	2	0
Wirt	0.26	2	2	0
Fayette	2.69	3	4	1
Greenbrier	1.95	2	3	1
Hancock	1.13	2	3	1
Marion	2.68	3	4	1
Marshall	1.63	2	3	1
McDowell	1.45	2	3	1
Mingo	1.67	2	3	1
Nicholas	1.91	2	3	1
Ohio	2.89	3	4	1
Preston	1.55	2	3	1
Randolph	1.72	2	3	1
Wayne	1.78	2	3	1
Wyoming	1.52	2	3	1
Total	118.19	160	159	-1

INTRODUCTION

In 2014, the West Virginia Legislature's Joint Committee on Government and Finance contracted the National Center for State Court to develop a weighted workload study for the state's Magistrate courts. Since then, the Administrative Office of the Courts has been using that system to assess judicial needs and allocations. Recognizing the need to update Magistrate Court case weights, the West Virginia Supreme Court's Administrative Office of the Courts contracted with the National Center for State Courts (NCSC) to update the workload measures by using a set of Delphi panels to systematically review and update the case weights that were established in 2014.

An advisory committee, the Magistrate Needs Assessment Committee (MNAC), was formed to advise the NCSC in conducting the Delphi update study and ensure that the study accounted for the qualities within the West Magistrate Courts. The Committee comprised Magistrates and staff from the Administrative Office of the Courts. The Committee met October 5, 2022, to determine the details of the Delphi update study. The Committee was reconvened to review the Delphi panel findings on December 16, 2022. The Committee's responsibilities include:

- Advising the project team on the case type categories and events along with their definitions,
- Making policy and other decisions necessary throughout the project, and
- Reviewing and approving the results of the Delphi panel updates.

Background: 2014 Weighted Caseload Study

The previous workload assessment study evaluated the workload demands of Magistrates, Magistrate Assistants, and Magistrate Court Clerks and Deputy Clerks in West Virginia. NCSC's comprehensive workload assessment strategy was grounded in a statewide time study. in which magistrates and staff recorded caserelated 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 magistrate and staff workdays 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. Through a statewide survey and site visits to several courts, project staff also gained insight into the potential impact of resource-sharing across county lines on the magistrate courts. Throughout the project, an advisory committee of magistrates, magistrate court staff, AOC personnel, and legislative staff provided oversight and guidance on policy The following table shows the 2014 case weights currently being utilized:

	2014 Case
Case Type	Weights
Civil	20
Domestic Violence	45
Personal Safety	80
Worthless Check	5
Citation	5
Other Misdemeanor	53
Felony	38
Juvenile and Abuse/Neglect	91
Mental Health	213

Current Evaluation

When magistrate case weights were computed in 2014, they were based on individual counts, and not person-based cases. Based on recommendations from the 2014 Magistrate Court Workload Study, the AOC now tracks case statistics based on the number of case filings instead of the number of counts. Accordingly, the NCSC updated case filings, paired with case processing time collected for the 2014 study to recompute the case weights. Given the technology, processes, and legislative changes that have occurred since 2014, the Committee believed it necessary to update case weights for all of the case types identified. To capture the workload demands placed on the trial courts, a Delphi study was conducted by the NCSC.

Essentially, a Delphi study uses "expert opinions" to review the data elements utilized in the 2014 weighted caseload standards rather than conduct a new time study. A time study involves much more expense and a greater amount of time. Delphi techniques have been successfully used in Kentucky, Minnesota, Colorado, Utah, and Michigan.

The Delphi technique utilized in this evaluation had magistrates estimate the amount of judicial time particular events in each case type require by estimating the time it takes to perform the various functions within each case type, and the frequency with which this event occurs. To gather the "expert opinions" used in the Delphi technique, the NCSC asked judicial officers identified by the AOC to complete a questionnaire of the time requirements. The participants completed the questionnaires, then gathered in small groups to provide their data and review the overall averages.

As with any self-reporting technique, responses recorded may vary from the actual time it takes to complete a task. To address this concern, the steering committee reviewed the results to assess the "reasonableness" of the Delphibased case weights. The need for judicial officers in West Virginia was calculated using these adjusted workload standards to see how the resultant judicial officer FTE need compared to actual numbers of judicial officers.

Survey Instruments. A detailed data collection instrument was developed to capture the amount of time spent processing the indicated events within each case type and the frequency with which each event occurred. The information needed for the Delphi study, i.e., case type, amount of time spent, number of minutes, etc., was incorporated into a recording form. The Committee worked to review, edit, and finalize the form for use in the study.

Delphi Panel Period. Five Delphi panels were held between October 31 and November 18, 2022, with each session focusing on different case type groupings, including: 1) civil, 2) criminal, 3) mental hygiene, 4) special proceedings and 5) non-case-related work. Group members drew on current practice (as measured by the 2014-time study) and their personal experience to make recommendations regarding the content of the final case weights. Each group was asked to:

 Review each case weight by case type and identify specific case types and activities where additional time would allow for more effective case

- processing and areas where efficiency might be gained.
- Within particular case types, recommend adjustments to the time allotted to specific case-related functions.
- Provide an explicit rationale to support any proposed increase or reduction in magistrate or staff time, and
- Review and revise the recommended adjustments until a consensus was reached that all adjustments were necessary and reasonable.

This process 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. The Delphi groups also engaged in a general discussion of the advantages, disadvantages, and potential impact of sharing magistrates and staff across county lines.

Following the Delphi panels, the Committee reviewed the results for each case type and, considering the case weights and their impact on workload, then made adjustments where necessary. The information provided through these Delphi iterations resulted in the "average" judicial time required to complete each event; summed, these events make up the final case weight.

DELPHI PANEL UPDATE

Day and Year Values

In every needs study, three factors contribute to the calculation of resource need: case weights, caseload data (filings), and the magistrate year value. The first step in updating needs model is to confirm and validate the magistrate day and year values. The year value is the amount of time a magistrate has available to work on an annual basis. The relationship among the case weights, filings, and year value is expressed as follows:

Case Weights (minutes)JudicialJudge Year Value (minutes) -=ResourceNon-Case Reltaed TimeNeed (FTE)

Multiplying the case weights by the corresponding average annual filings results in the total annual, case-specific workload in minutes. Dividing the workload by the magistrate year value (minus the time required for non-case-related work) yields the total number of full-time equivalent (FTE) magistrates needed.

Magistrate Year Value

To confirm the magistrate year value, the MNAC identified the number of days magistrates have available to devote to work. Accounting for weekends, holidays, judicial education, vacation days and sick time, the JNAC maintained a magistrate year of 217 days, which is consistent with the previous weighted caseload studies conduct ed in West Virginia.

Magistrate Day Value

The MNAC agreed that the model used to compute magistrate resource needs should be based on an 8-hour day. This accounts for a traditional 8 a.m. to 5 p.m. working day, and allows for a one-hour lunch break, resulting in 8 hours of work time. This workday also corresponds to the traditional courthouse and court staff working hours.

The magistrate day is separated into two parts: the amount of time devoted to (1) case-related work and (2) non-case-related work.

- Case-related time for magistrates includes all time devoted to work that is directly related to a court case. Activities such as the following make up this category of work:
 - Pre-trial activities,
 - Trial activities.
 - Post-trial activities,
 - · Case-related administration, and
 - Technology delays.
- Non-case-related time for magistrates includes time devoted to activities that are required of magistrates, but that are not directly related to a case. Activities such as the following are included in this category of work:
 - Non-case-related administration,
 - Education and training,
 - Community activities, speaking engagements, etc.,
 - Committees, meetings, and related work, and
 - General legal research.
 - Weddings and Marriage Ceremonies
 - Irregular travel for committee meetings, etc.

Magistrate Year Value	Value 104,160 Minutes	
Case Related time	78,120 Minutes	
Non-Case-Related Time	26,040 Minutes	

After-Hours Time

The 2014 Workload study also provided an empirical profile of the amount of time magistrates devote to on-call work, after-hours public contact, and other work that takes place outside of regular court hours. A significant amount work occurs after hours, during magistrates "on-call" schedule. Across the state, magistrates performed 12 percent of their case-related work and 15 percent of their non-case-related work outside of court hours. A large share of the non-case-related work magistrates perform outside of regular court hours consists of contact initiated directly by members of the public, which may occur whether or not the magistrate is officially on call.

Case-related after-hours work typically consists of on-call matters such as warrants, juvenile abuse/neglect cases, mental health, and domestic violence protective orders. Predicting the frequency of these events occurring after hours is a nearly impossible task. To that end, the Delphi panels and MNAC all agreed that the updated case weights will included all of a case's activity, whether it occurs in the day-time working hours or in the on-call, after-hours time. This will ensure that regardless of when a case activity occurs, that the associated time is accurately and consistently accounted for by use of the case weight.

Case Type Categories

The case type categories represent a fundamental building block of the needs assessment. The model assumes that more complex case types require more time to resolve. The case types need to be legally and logically distinct from one another, and the AOC must be able to count the number of cases filed in each category within each of the state's judicial Circuits.

Figure 1 presents the case types selected by the MNAC for the Delphi panel update study, the three-calendar year average case filings for 2017, 2018, and 2019 and the percentage of total filings of each case type. Years 2020 and 2021 were not included in this study due to the impact of the COVID-19 pandemic on court filing and case processing activities. Also, Appendix A presents the listing of case types used. Using a three-year average number of filings allows for any anomalies in case filing figures to be smoothed to develop case weights.

When magistrate case weights were computed in 2014, they were based on recommendations from the 2014 Magistrate Court Workload Study, the AOC now tracks case statistics based on the number of case filings instead of the number of counts. West Virginia's current case management system can provide case filings based on the number of cases rather than counts. Accordingly, the NCSC updated case filings, paired with case processing time collected for the 2014 study to recompute the case weights.

Figure 1: West Virginia Magistrate Court Delphi Update Case Types by Category

	3-year Averge Annual Filings (CY 2017, 2018,	Percent of Total
Case Type	2019)	Cases Filed
Civil	33,940	16.65%
Domestic Violence	13,227	6.49%
Personal Safety Orders	3,452	1.69%
Worthless Check	3,758	1.84%
Citations	85,390	41.90%
Other Misdemeanor	44,458	21.81%
Felony	16,394	8.04%
Juvenile	2,803	1.38%
Mental Health	395	0.19%
Total	203,817	100%

Delphi Panels

To gain perspective on the sufficiency of time to perform critical case-related and administrative activities, the project team conducted the Delphi panels to determine whether judicial officers feel they have enough time to perform necessary duties under the current staffing and casework levels. Overall, the discussions identified that the present case weights do not accurately reflect the workloads generated by each filed case due to significant procedural, legislative, and society changes since the 2014 workload study. Additionally, many judicial officers provided comments explaining the various issues that can complicate time availability. These comments contain information about scheduling trials, taking work home at night or on weekends to prepare for hearings, and not having enough time to write thoughtful decisions and opinions adequately. The following section summarizes these discussions and the resulting new case weights.

CIVIL

2014 Case Weight: 26 Minutes

2022 Case Weight:

36 Minutes

Minutes 58 Minu

Rationale:

- The judicial system has seen significant increases in Pro Se litigants' participation, often increasing court event times compared to events with only attorneys.
- In 2016, jurisdictional limit changes in Magistrate courts increased attorney involvement, and cases that would have been handled in Circuit were shifted into Magistrate courts.
- Due to jurisdictional limit changes, there are fewer confessed judgments as higher amounts are being argued, causing more demand for trials.
- In 2014, UJA was not being used by the courts. Now all courts are on UJA, resulting in additional time needed to enter case information.
- Judgment orders need to be typed and presented in each case.
- Legislation has changed since 2014, impacting the Post-judgment exemption process. Courts have seen an increase in the number of post-judgement hearings per case
- Financial Exploitation New Case Types tracked outside of UJA. Legislation 2019.
- Litigants have become more knowledgeable about the judicial process, which has resulted in more pro se cases.
- Overall, all courts have experienced increased numbers of cases going to trial.

DOMESTIC VIOLENCE

2014 Case Weight:

2022 Case Weight:

58 Minutes

58 Minutes 0% Increase

Rationale:

- Nothing significant has occurred to change the process.
- The volume of cases may be increasing nothing has impacted how long it takes to handle the average case.
- There is a lot of after-hours work, and they prioritize these cases. In one jurisdiction, the magistrates do all the filing, entering, and writing of the orders. Their assistants do not handle these cases.
- Many jurisdictions have advocates who can assist litigants in completing forms and preparing files.
- The AOC receives more calls on civil and domestic violence cases that require the use of an interpreter.
- Domestic violence files tend to be significantly long with many pages of detail to review.
- Currently, several advocacy centers have set up equipment as a remote hearings pilot project in multiple counties. In the pilot counties, the magistrates are being asked to do the hearings remotely, which increases case processing time

PERSONAL SAFETY ORDERS

2014 Case Weight: 2022 Case Weight:

41 Minutes 47 Minutes 7% Increase

Rationale:

- These cases were not entered into the computer at the time of the previous study.
- Since 2012, police officer referral has increased, resulting in more of these cases being filed. General knowledge of personal safety orders has increased.
- Sometimes the DV advocate will help the litigants.
- If they file without any assistance, it's approximately 30 minutes.
- Handling juvenile cases takes more time
- Virtual hearings have also increased the time spent in preparation and coordination with litigants.

WORTHLESS CHECK

2014 Case Weight: 2022 Case Weight:

1 Minute 1 Minute 0% Increase

Rationale:

- Most counties have seen a decrease in these cases with very minimal changes to the process.
- These cases often act as the notices stage prior to a criminal case/ warrant In the notice phase, the court has very little involvement.
- The majority of work on these cases fall on staff instead of the magistrates.

CITATIONS

2014 Case Weight:

2022 Case Weight: 20 Minutes

306% Increase

Rationale:

5 Minutes

- Case history review and signing now need to be processed which did not exist in the 2014 case weights.
- Judgement orders now need to be printed on all citations as well as on all criminal cases.
- Magistrates have to prepare and share more information with litgants than they used to, e.g. payment plans, online payments etc.
- Citations which lead to trials take significantly more time.
- Increases in time spent to look up new laws and legislation.
- The courts are seeing fewer simple possessions citations being issued and more complex cases are being filed.
- Magistrates are also doing more administrative work than they used to do.
- Remote cases take more time.
- Magistrates are also assisting litigants develop payment planning strategies which has increased significantly in recent years.

OTHER MISDEMEANORS

2014 Case Weight:

2022 Case Weight:

53 Minutes

83 Minutes 57% Increase

Rationale:

- The overall complexity and severity of cases filed has increased across the state.
- Magistrate Courts assumed the administrative processes previously handled by the DMV with regard to driver's license suspensions and refusal of secondary chemical testing in DUI These new court-handled cases. processes resulted in increases to the number of hearings/orders necessary in almost all DUI-related cases.
- Bond reduction hearings have to be held within 5 days. Previously, bond hearings occurred only if requested by an attorney. Currently, every case with an incarcerated defendant will hold a bond reduction hearing.
- Domestic misdemeanors require compliance hearings every 60 days until the case is over. This occurs in approximately 80% of Domestic cases
- Magistrates are required to provide share more information with defendants than they used to, e.g. payment plans, online payments etc.
- Pretrials that are in jail and arraignments are held remotely.
- Remote hearings/ video arraignments take longer than in-person due to staffing and/or technology limitations at the jail.

FELONY

2014 Case Weight:

2022 Case Weight:

38 Minutes

70 Minutes 85% Increase

Rationale:

- The overall complexity and severity of cases filed has increased across the state.
- While the impact of the DMV hearing examiners job applies largely to misdemeanors, there are frequently felonies filed as well.
- Domestic felonies require compliance hearings every 60 days until the case is over.
- The 2014 case weights did not account for extradition cases. Arraignments for extradition cases involves increased paperwork and the hearing itself which varies but routinely 20 to 30 minutes. Often additional time (an average of 30 minutes) in needed to account for remote hearings.

JUVENILE ABUSE AND NEGLECT

2014 Case Weight: 91 Minutes

2022 Case Weight: 136 Minutes 49% Increase

Rationale:

- Continued case complexity and increased multi-party cases with parent and school involvement. As well as the appointment of a guardian ad litem.
- In some counties, there are not enough guardian ad litems to handle all the cases, therefore, appointments can be a lengthy process.

MENTAL HYGIENE

2014 Case Weight: 213 Minutes

2022 Case Weight: 410 Minutes 93% Increase

Rationale:

- There is extreme variability in handling of mental hygiene cases. In some counties magistrates are limited in the number of that thev these cases handle. magistrates are also restricted on how much of the case they hear. Whereas, in other counties, magistrates are not required to handle these cases at all because they have mental hygiene commissioners.
- Most of the work with mental hygiene cases occur after hours.
- Many cases can take 8 hours from beginning to end as these cases are multi-disciplinary and require coordination and input from multiple agencies (treatment centers, enforcement, and attorneys.)
- If the case occurs during regular business hours, there is a lot less demand on the system than when they are after hours. There are the standard cases held during the day, then the afterhours, and then the complex after-hours.
- Limitations on the availability of state housing has also added to the complexity in handling these cases.
- The Mental Hygiene Registry has been significantly expanded and information needs to be put in the registry and updated of a regular basis
- The complexity of these cases has increased since 2014, particularly drug use related cases have increased which leads more complex cases.

The recent impacts of the Covid pandemic and awareness around mental wellbeing has also increased the volume and sensitivity of mental hygiene cases.

TREATMENT COURT

2014 Case Weight:

2022 Case Weight: 485 Minutes N/A% Increase

N/A

The 2014 weighted workload study did not develop a case weight of treatment court Treatment court programs have gained significant popularity nationally and West Virginia is seeing tremendous growth in these programs. While the AOC currently has consistent enrolment tracking, a method differentiating the work done by magistrates versus work done by the circuit judge in that location is yet to be determined. The participants in the Delphi group for special proceedings concluded that a uniform case weight should be developed. Once the local enrollment numbers are accurately accounted for, the case weight can then be applied to the annual enrolled participants to identify the local judicial resource demands. The computation for the specialty court weight was developed based upon the following procedural time requirements per case:

Referral time: 40 mins

Referral hearing: 30 mins

One year of Compliance Hearings held once every other week (26 weeks) lasting 15 mins each: 390 mins

Out of Courtroom Time: 20 mins

Figure 1: 2022 West Virginia
Magistrate Case Weight Summary

	2022 Delphi Case
Case Type	Weights (Minutes)
Civil	36
Domestic Violence	58
Personal Safety	44
Worthless Check	1
Citation	20
Other Misdemeanor	83
Felony	70
Juvenile and Abuse/Neglect	136
Mental Health	410
Treatment Court	485

CALCULATING RESOURCE NEEDS

The final case weights were applied to the three-year average annual number of cases filed in the calendar years 2017, 2018, and 2019 to determine the staffing need for the magistrates. Magistrate need is determined by calculating the workload by multiplying each case weight by the number of cases by case type in each county and judicial circuit.

Applying the quality-adjusted case weights to the 3-year averaged filings results in over 7.9 million minutes of case-specific work for the West Virginia Magistrate Courts annually. Like the current system for allocating magistrates, the allocation plan calls for magistrates to serve exclusively within their own counties unless they are assigned to temporary service elsewhere by the Chief Justice. To ensure that at least one magistrate is available to hear emergency

matters at any time, the plan requires a minimum of two magistrates in each county, regardless of workload. Based on the 2022 case weights and 2017 – 2019 average annual filings, the updated model indicates a total deficit of fourteen magistrates in eight different counties

Qualitative factors also can affect judicial resource needs. Legal cultural differences can result in some case types taking longer in some counties within a single state. For example, the practice styles of local attorneys often have a significant impact on case processing times. What might be considered an efficient presentation to a court in a larger city might be regarded as too rushed in a less pressured environment. The dynamics of local scheduling practices can also influence the interpretation of the model. In a smaller court, something as trivial as one defendant who fails to appear may waste a good part of a magistrate's morning if there is no other court business that can be dealt with while the magistrate is waiting.

Another qualitative factor to consider when interpreting the model is that rural areas may require more magistrates than the model estimates to provide reasonable access to judicial and justice-system services. Also, the economies of scale often experienced in larger courts may affect the interpretation of the model. Frequently, in the more populated counties and larger urban courts, the economy of scale effects are reflected in faster processing times and the ability to process more cases by a single magistrate.

Figure 2: 2022 West Virginia Magistrate Court Needs Model

		Rounded up		
	FTE	to Minimum	Currently	Deficit (-) /Surplus
County	Demand	of 2	Allocated	(+) by County
Barbour	0.89	2	2	0
Berkeley	7.38	8	6	-2
Boone	1.65	2	2	0
Braxton	0.98	2	2	0
Brooke	1.38	2	2	0
Cabell	7.30	8	7	-1
Calhoun	0.63	2	2	0
Clay	0.53	2	2	0
Doddridge	0.55	2	2	0
Fayette	2.69	3	4	1
Gilmer	0.40	2	2	0
Grant	0.94	2	2	0
Greenbrier	1.95	2	3	1
Hampshire	1.34	2	2	0
Hancock	1.13	2	3	1
Hardy	1.27	2	2	0
Harrison	4.59	5	5	0
Jackson	1.71	2	2	0
Jefferson	3.31	4	3	-1
Kanawha	12.88	13	10	-3
Lewis	1.54	2	2	0
Lincoln	1.37	2	2	0
Logan	3.59	4	3	-1
Marion	2.68	3	4	1
Marshall	1.63	2	3	1
Mason	1.63	2	2	0
McDowell	1.45	2	3	1
Mercer	4.32	5	5	0

County	FTE Demand	Rounded up to Minimum of 2	Currently Allocated	Deficit (-) /Surplus (+) by County
Mineral	1.33	2	2	0
Mingo	1.67	2	3	1
Monongalia	5.71	6	4	-2
Monroe	0.47	2	2	0
Morgan	1.81	2	2	0
Nicholas	1.91	2	3	1
Ohio	2.89	3	4	1
Pendleton	0.27	2	2	0
Pleasants	0.51	2	2	0
Pocahontas	0.75	2	2	0
Preston	1.55	2	3	1
Putnam	2.86	3	3	0
Raleigh	6.28	7	5	-2
Randolph	1.72	2	3	1
Ritchie	0.62	2	2	0
Roane	1.22	2	2	0
Summers	0.52	2	2	0
Taylor	0.89	2	2	0
Tucker	0.36	2	2	0
Tyler	0.48	2	2	0
Upshur	1.81	2	2	0
Wayne	1.78	2	3	1
Webster	0.59	2	2	0
Wetzel	0.94	2	2	0
Wirt	0.26	2	2	0
Wood	5.78	6	4	-2
Wyoming	1.52	2	3	1
Total	118.19	160	159	-1

Figure 3: 2022 Magistrate Deficit / Surplus Need by County

		Rounded up		
	FTE	to Minimum	Currently	Deficit (-) /Surplus
County	Demand	of 2	Allocated	(+) by County
Kanawha	12.88	13	10	-3
Berkeley	7.38	8	6	-2
Monongalia	5.71	6	4	-2
Raleigh	6.28	7	5	-2
Wood	5.78	6	4	-2
Cabell	7.30	8	7	-1
Jefferson	3.31	4	3	-1
Logan	3.59	4	3	-1
Barbour	0.89	2	2	0
Boone	1.65	2	2	0
Braxton	0.98	2	2	0
Brooke	1.38	2	2	0
Calhoun	0.63	2	2	0
Clay	0.53	2	2	0
Doddridge	0.55	2	2	0
Gilmer	0.40	2	2	0
Grant	0.94	2	2	0
Hampshire	1.34	2	2	0
Hardy	1.27	2	2	0
Harrison	4.59	5	5	0
Jackson	1.71	2	2	0
Lewis	1.54	2	2	0
Lincoln	1.37	2	2	0
Mason	1.63	2	2	0
Mercer	4.32	5	5	0
Mineral	1.33	2	2	0
Monroe	0.47	2	2	0
Morgan	1.81	2	2	0

		Rounded up		
	FTE	to Minimum	Currently	Deficit (-) /Surplus
County	Demand	of 2	Allocated	(+) by County
Pendleton	0.27	2	2	0
Pleasants	0.51	2	2	0
Pocahontas	0.75	2	2	0
Putnam	2.86	3	3	0
Ritchie	0.62	2	2	0
Roane	1.22	2	2	0
Summers	0.52	2	2	0
Taylor	0.89	2	2	0
Tucker	0.36	2	2	0
Tyler	0.48	2	2	0
Upshur	1.81	2	2	0
Webster	0.59	2	2	0
Wetzel	0.94	2	2	0
Wirt	0.26	2	2	0
Fayette	2.69	3	4	1
Greenbrier	1.95	2	3	1
Hancock	1.13	2	3	1
Marion	2.68	3	4	1
Marshall	1.63	2	3	1
McDowell	1.45	2	3	1
Mingo	1.67	2	3	1
Nicholas	1.91	2	3	1
Ohio	2.89	3	4	1
Preston	1.55	2	3	1
Randolph	1.72	2	3	1
Wayne	1.78	2	3	1
Wyoming	1.52	2	3	1
Total	118.19	160	159	-1

While a workload assessment model provides a baseline from which to establish the need for magistrates, no set of statistical criteria will be so complete that it encompasses all contingencies. In addition to the statistical information, individual characteristics of the courts must be examined before any changes to a court's judicial complement are recommended. The following considerations should be made:

 Assess the impact of economies of scale. Given the variances in practices that occur within the various circuits, the ability of larger circuits (in terms of caseload) in the state to implement

- magistrate specialization can have a substantial affect on the workload of the court. Taking these considerations into account is vital.
- Examine caseload trends over time to determine whether caseloads are increasing, decreasing, or remaining steady.
- Review court organization to ensure that the court is structured and managed to make the most effective use of additional resources.
- Explore options that will address concerns over workload without increasing the number of permanent, full-time magistrates. Options include:

- (a) making greater use of specific officers, (b) utilizing retired magistrates on a part-time or contractual basis, (c) using alternative dispute resolution, and (d) simplifying the procedures for less complex cases.
- Review the impact of the circuit's geography on the court's workload.
 Assess the implications of magistrate travel and the effect of caseload growth in satellite locations on the need for more frequent visits by magistrates.

Keep in mind that judicial productivity, and hence the need for new magistrates, also depends on the effectiveness of court staff and the available

technology. Without the proper type and level of support, magistrates may be performing some tasks that could be delegated to qualified staff. Further, perhaps new court technology could support more efficient administrative procedures (e.g., case screening, case clustering, and case tracking). This Delphi update does not include the support staffing implications of the updated case weights. The workload assessment approach objectively measures the judicial resources needed to resolve cases effectively and efficiently. Like any model, it is most effective as a guide to workloads, not a rigid formula. The numbers need to be tempered by qualitative considerations that must be integral to any magistrate workload assessment.

APPENDICES

APPENDIX A: CASE TYPES

Civil
Domestic Violence
Personal Safety
Worthless Check
Citation
Other Misdemeanor
Felony
Juvenile and Abuse/Neglect
Mental Health
Treatment Court

APPENDIX B: CASE-RELATED ACTIVITY CATEGORIES

1. Pre-Disposition

Includes all on-bench and off-bench activity related to proceedings that occur prior to the trial or other dispositional proceeding. Includes pre-filing activity. Includes all off-bench research and preparation related to pre-disposition activities. Some examples of pre-disposition activity include:

- Responding to citizen inquiry about how to file a case
- Initial appearance
- Pretrial motion that does not fully dispose of the case (e.g., motion for discovery)
- Pretrial conference
- Search warrant
- Temporary protective order
- Preparation of findings and orders related to pretrial matters

2. Non-Trial Disposition

Includes all on-bench and off-bench activity related to any non-trial proceeding that disposes of the entire case. Includes all off-bench research and preparation related to non-trial dispositions. Some examples of non-trial dispositions include:

- Entry of guilty plea and sentencing
- Motion to dismiss that disposes of all issues
- Evidentiary hearing on default judgment
- Preparation of findings and orders related to non-trial dispositions

3. Trial

Includes all on-bench and off-bench activity related to a bench or jury trial. Includes all off-bench research and preparation related to trials. Includes sentencing following a bench or jury trial. Some examples of trial activity include:

- Bench trial
- Jury selection
- Jury trial
- Sentencing after conviction at trial
- Preparation of findings and orders related to bench and jury trials

4. Post-Judgment/Post-Disposition

Includes all on-bench and off-bench activity that occurs after the entry of judgment. Some examples of post-judgment/post-disposition activity include:

- Post-trial motion (e.g., motion to set aside, motion for new trial)
- Probation violation
- Preparation of findings and orders related to post-judgment/post-disposition matters

APPENDIX B: NON-CASE-RELATED ACTIVITY CATEGORIES

1. Non-Case-Related Administration

Includes all non-case-related administrative work, such as:

- Staff meetings
- Personnel matters
- · Staff supervision and mentoring
- Coordinating with law enforcement and other local partners
- Serving on court-related committees

2. Public Contact and Community Affairs

Includes direct interaction with individual members of the public that is **not** related to a particular case, as well as all community and public outreach activities performed in your official capacity as a magistrate. Does not include direct interaction with individual members of the public that is related to a specific case or may generate a case filing; record this activity as case-related work under the appropriate case type and case-related event. Do not record election-related activities, personal or non-judicial community service work, or activities for which you are compensated by an outside source. Examples of public contact and community affairs activities to be reported in this category include:

- Handling general inquiries from the public unrelated to a particular case
- Speaking at schools or community organizations about the legal system or law-related careers
- Judging mock trials

3. General Legal Reading

Includes all legal reading and research that is **not** related to a particular case before the court. Examples include:

- Reading journals
- · Reading professional newsletters
- Reviewing appellate court decisions

4. Training and Conferences

Includes all work-related educational and training activities such as:

- Continuing education
- Conferences
- Teaching continuing education courses, including preparation

5. Travel

Includes all reimbursable case-related and non-case-related travel to work in a location other than your primary courthouse. Does not include your regular commute from your home to your primary courthouse.

6. Vacation and Other Leave

Includes vacation, sick leave, holidays, personal time, and military leave.

7 Lunch and Breaks