



West Virginia Circuit Court Judicial Workload Assessment

2022

FINAL REPORT

DATE

January 6, 2023

PREPARED FOR

Administrative Office
of the West Virginia
Courts

PREPARED BY

National Center for
State Courts

Court Consulting
Services

National Center for State Courts

Court Consulting Services

Mike Buenger, Executive Vice President

Project Staff

Suzanne Tallarico, Project Director

David Sayles

Shannon Roth

John Douglas

Mandy Allen

Judicial Needs Assessment Committee

Hon. Jack Alsop 14th Circuit, Hon. Anita Ashley 5th Circuit, Hon. Jennifer Bailey 13th Circuit, Hon. Thomas Bedell 15th Circuit, Hon. Harold Carl 22nd Circuit, Hon. James Courier 21st Circuit, Hon. Jennifer Dent 11th Circuit, Hon. Andrew Dimlich 10th Circuit, Hon. Paul Farrell 6th Circuit, Hon. David Hammer 23rd Circuit, Hon. Edward Kornish 8th Circuit, Hon. Michael Lorensen 23rd Circuit, Hon. Shawn Nines 19th Circuit, Hon. David Sims 1st Circuit, Hon. Phillip Stowers 29th Circuit, Hon. Derek Swope 9th Circuit, Hon. Jason Wharton 4th Circuit, Hon. David H. Wilmoth 20th Circuit, Joseph Armstrong Administrative Director, Administrative Office of the Courts, Lisa Tackett Director, Division of Court Services, Keith Hoover Deputy Director, Office of the Administrative Director of West Virginia.





TABLE OF CONTENTS

TABLE OF CONTENTS	
Executive Summary	i
Introduction	1
Developing the Needs Assessment Study Parameters.....	1
Case Type Categories	2
Case-Related and Non-Case-Related Judicial Activities.....	3
Time Study	4
Preliminary Case Weights	5
Day and Year Values.....	6
Quality Adjustment	8
Adequacy of Time Survey	8
Focus Groups.....	8
Calculating Judicial Resource Need	10
APPENDICES	13
Appendix A: Case Type Categories	14
Appendix B: Case-Related Activity Categories	14
Appendix C: Non-Case-Related Activity Categories	15
Appendix D: 2022 Circuit Judge Deficit Need by FTE Difference Rank Order of Workload	16
Appendix D: 2022 Circuit Judge Need by County	18
Appendix E: 2023 Circuit Court Map	19

Acknowledgments

The authors wish to acknowledge the West Virginia Circuit Court judges' invaluable contributions to this weighted caseload 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 Judicial Needs Assessment Committee (JNAC) comprised Circuit Court Judges 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 Circuit 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 judicial officers required to handle the Circuit Court's caseload and whether the judicial resources are being allocated and in the correct locations.

The West Virginia Supreme Court 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 Circuit Court case weights, the West Virginia Supreme Court's Administrative Office of the Courts contracted with the National Center for State Courts (NCSC) to measure judicial workload in the Circuit Courts. The 2022 weighted caseload study provides data to update the case weights and incorporate them into the judicial weighted caseload model.

Application of the 2022 workload standards to the average case filings between calendar years 2017 and 2019 results in the net need for 2.5 additional Circuit Court Judges in West Virginia, for a total of 77.5 judicial officers. Because this figure represents a net calculation statewide, actual judicial need must be analyzed on a circuit-by-circuit basis and may require more

than the overall net need to adequately address actual deficits that exist throughout the various circuits. This calculation assumes that judges are allocated within circuits as they exist at the time of the study. Should circuit boundaries change, the figure could be higher.

Recommendations

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

1. The weighted caseload model presented in this report should be the starting point 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 judicial needs model, with the updated case weights, should be updated annually using the most recent year's case filings.
3. 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 judicial workload accurately.

Project Design

The West Virginia Circuit Court Judges' time study was completed in a series of interrelated steps, described as follows.

Judicial Needs Assessment Committee

The initial step in the study was establishing a policy and review committee, the Judicial Needs Assessment Committee (JNAC), to provide oversight and guidance throughout the project. The Committee comprised Circuit Court Judges and staff from the Administrative Office of the Courts. The JNAC 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.

Time Study

Second, the project team utilized a time-and-motion study to measure the amount of time Circuit Court Judges currently spend on various activities throughout the day, including case-related and non-case-related activities. The JNAC encouraged all judicial officers to participate in the time study. During the 5-week timeframe spanning October 17 through November 18, 2022, 99% of West Virginia's Circuit Court judges participated in the time study (74 of the 75 judges participated). The near total participation statewide ensures the reliability of the data and guarantees sufficient data points for developing an accurate and valid picture of current practice – the way judges in West Virginia process cases.

Calculating Judicial 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 judge year value while also accounting for non-case-related work and work-related travel, which yielded the number of judges 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 the net need for 2.5 additional judicial officers statewide, as shown in figure ES 1. This calculation assumes that judges are allocated within circuits as they exist at the time of the study. Should circuit boundaries change, the figure could be higher.

Figure ES 1: 2022 West Virginia Circuit Court Judge Need Model

Circuit	Judicial Need (FTE)	Current Allocated Judicial Officers	FTE Difference
1st Judicial Circuit	3.83	4.00	- .17
2nd Judicial Circuit	2.21	2.00	.21
3rd Judicial Circuit	1.30	1.00	.30
4th Judicial Circuit	3.63	3.00	.63
5th Judicial Circuit	3.50	3.00	.50
6th Judicial Circuit	4.61	4.00	.61
7th Judicial Circuit	1.83	2.00	- .17
8th Judicial Circuit	1.17	2.00	- .83
9th Judicial Circuit	3.18	3.00	.18
10th Judicial Circuit	4.09	4.00	.09
11th Judicial Circuit	1.83	2.00	- .17
12th Judicial Circuit	1.85	2.00	- .15
13th Judicial Circuit	8.59	7.00	1.59
14th Judicial Circuit	2.10	2.00	.10
15th Judicial Circuit	2.65	3.00	- .35
16th Judicial Circuit	1.98	2.00	- .02
17th Judicial Circuit	2.84	3.00	- .16
18th Judicial Circuit	1.24	1.00	.24
19th Judicial Circuit	1.89	2.00	- .11
20th Judicial Circuit	1.47	1.00	.47
21st Judicial Circuit	1.81	2.00	- .19
22nd Judicial Circuit	1.54	2.00	- .46
23rd Judicial Circuit	5.59	6.00	- .41
24th Judicial Circuit	1.81	2.00	- .19
25th Judicial Circuit	2.59	2.00	.59
26th Judicial Circuit	1.97	2.00	- .03
27th Judicial Circuit	1.05	1.00	.05
28th Judicial Circuit	1.48	1.00	.48
29th Judicial Circuit	1.71	2.00	- .29
30th Judicial Circuit	1.21	1.00	.21
31st Judicial Circuit	.99	1.00	- .01
Total	77.54	75.00	2.54

Figure ES 2: 2022 Circuit Judge Deficit Need by Circuit in Rank Order of Workload per Judge

Circuit	Total Annual Work Minutes per Circuit	Working Minutes per FTE	Workload per FTE	Judicial Need (FTE)	Current Allocated Judicial Officers	FTE Difference
28th Judicial Circuit	130,249	130,249	1.48	1.48	1.00	.48
20th Judicial Circuit	128,888	128,888	1.47	1.47	1.00	.47
3rd Judicial Circuit	104,260	104,260	1.30	1.30	1.00	.30
25th Judicial Circuit	226,252	113,126	1.29	2.59	2.00	.59
18th Judicial Circuit	108,513	108,513	1.24	1.24	1.00	.24
13th Judicial Circuit	753,792	107,685	1.23	8.59	7.00	1.59
4th Judicial Circuit	316,504	105,501	1.21	3.63	3.00	.63
30th Judicial Circuit	106,129	106,129	1.21	1.21	1.00	.21
5th Judicial Circuit	291,564	97,188	1.17	3.50	3.00	.50
6th Judicial Circuit	404,525	101,131	1.15	4.61	4.00	.61
2nd Judicial Circuit	184,683	92,342	1.10	2.21	2.00	.21
9th Judicial Circuit	278,878	92,959	1.06	3.18	3.00	.18
27th Judicial Circuit	92,462	92,462	1.05	1.05	1.00	.05
14th Judicial Circuit	152,290	76,145	1.05	2.10	2.00	.10
10th Judicial Circuit	359,433	89,858	1.02	4.09	4.00	.09
31st Judicial Circuit	82,292	82,292	.99	.99	1.00	- .01
16th Judicial Circuit	174,125	87,063	.99	1.98	2.00	- .02
26th Judicial Circuit	150,010	75,005	.99	1.97	2.00	- .03
1st Judicial Circuit	327,215	81,804	.96	3.83	4.00	- .17
17th Judicial Circuit	249,391	83,130	.95	2.84	3.00	- .16
19th Judicial Circuit	160,473	80,237	.94	1.89	2.00	- .11
23rd Judicial Circuit	436,529	72,755	.93	5.59	6.00	- .41
12th Judicial Circuit	162,359	81,180	.92	1.85	2.00	- .15
11th Judicial Circuit	150,319	75,160	.92	1.83	2.00	- .17
7th Judicial Circuit	160,652	80,326	.91	1.83	2.00	- .17
21st Judicial Circuit	138,144	69,072	.91	1.81	2.00	- .19
24th Judicial Circuit	158,905	79,453	.91	1.81	2.00	- .19
15th Judicial Circuit	232,407	77,469	.88	2.65	3.00	- .35
29th Judicial Circuit	150,124	75,062	.86	1.71	2.00	- .29
22nd Judicial Circuit	125,965	62,983	.77	1.54	2.00	- .46
8th Judicial Circuit	103,001	51,501	.59	1.17	2.00	- .83
Total	6,600,333	88,004	1.04	77.54	75.00	2.54

INTRODUCTION

Since 1998, the West Virginia Supreme Court and the Administrative Office of the Courts have relied on a weighted caseload model to establish the baseline needs for trial court judicial resources. The National Center for State Courts (NCSC) conducted the first weighted caseload study in 1998. Since that time, the Administrative Office of the Courts has been using that system to assess judicial needs and allocations. The NCSC also conducted studies to provide updated models in 2006 and 2014.

Recognizing that case weights need to be reestablished periodically to adjust for system and case processing changes, the West Virginia Administrative Office of the Courts contracted with NCSC to update the existing West Virginia judicial weighted caseload system. While original models have utility, an updated model reflecting current case processing changes, such as an increase in remote hearings, will reflect the current judicial staffing requirements more. A clear and objective assessment of the court workload and the number of judges required to handle that workload effectively is essential to the state's ability to evaluate whether judicial resources are being allocated based on need.

The current workload assessment study builds on the previous research by:

1. Maintaining all the same data elements,
2. Adding new and unique case types, and
3. Updating the time allocated to various case processing activities.

Specifically, the current study accomplishes the following:

- Includes a five-week data collection period

- Accounts for judicial work at various phases of case processing and incorporates time associated with technology delays.
- Accounts for non-case related work that are a normal part of judicial work; and
- Accounts for variations in judicial travel time requirements by judicial district.

The Judicial Needs Assessment Committee (JNAC) provided oversight and guidance to the project team. This technical report provides a detailed discussion of the workload assessment methodology and results and enumerates decisions made by the JNAC.

DEVELOPING THE NEEDS ASSESSMENT STUDY PARAMETERS

An advisory committee, the Judicial Needs Assessment Committee (JNAC) was formed to advise the NCSC in conducting the weighted caseload study and ensure that the study accounted for the qualities within the West Virginia Circuit Courts. The Committee was comprised of Circuit Court Judges and staff from the Administrative Office of the Courts. The Committee met during the week of September 25, 2022, to determine the details of the weighted caseload study. The Committee was reconvened to review the data collection process and the study's findings on December 14, 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 time study.

The first step in developing a workload model is to identify the categories of work in which judges are required to engage. Specifically, the NCSC and JNAC identified the case types and activities judges would need to account for all of their work accurately.

Case Type Categories

The case type categories represent a fundamental building block of the workload assessment. The workload 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 JNAC for the time-and-motion 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.

Figure 1: West Virginia Circuit Court Time Study Case Types by Category

Case Type	3-year Average Annual Filings (CY 2017, 2018, 2019)	Percent of Total Cases Filed
Adoption	1,995	4.18%
Divorce	36	0.08%
General Civil	9,015	18.91%
Guardianship	870	1.82%
Mental Health	5,033	10.56%
Magistrate Appeals Civil	159	0.33%
Personal Safety Order Appeals	1,031	2.16%
Domestic Violence Protective Orders	185	0.39%
Other Civil	2,826	5.93%
Other Domestic Relations	1,752	3.67%
Mass Litigation	1,723	3.61%
Business Court	12	0.03%
Felony	5,763	12.09%
Misdemeanors	619	1.30%
Magistrate Appeals Criminal	1,965	4.12%
Other Criminal Cases	3,643	7.64%
Delinquency	1,763	3.70%
Child Abuse/ Neglect	5,830	12.23%
Status Offense	1,236	2.59%
CIG (circuit infant guardianship)	538	1.13%
CIGR/FG	144	0.30%
CAA	464	0.97%
JAM	3	0.01%
Family Treatment Court	113	0.24%
Juvenile Treatment Court	258	0.54%
Adult and Veterans Treatment Court	701	1.47%
State Total	47,677	100%

Case-Related and Non-Case-Related Judicial Activities

The JNAC developed separate categories and definitions for case-related and non-case-related events to cover the full range of judicial activities. Case-related activities are the essential functions that judges perform in resolving a case from initial filing to final resolution. As with the case types, the essential functions were categorized into manageable groups for the time study. Figure 2 provides the case-related activity categories selected for the time study for judges. Appendix B defines these activities.

Some activities and responsibilities, such as continuing education and judges' meetings, are not directly related to a particular case but are essential to a judge's work. These activities, defined as non-case-related activities, are presented in Figure 3; Appendix C provides the definitions. The time for sick/vacation leave was included as non-case-related events to simplify data collection; however, the data were treated differently analytically because the time is already built into the expected judicial working year.

Figure 2: West Virginia Circuit Court Case-Related Events

-
- Pre-Trial Activities
 - Jury Trial Activities
 - Bench Trial Activities
 - Post-Trial Activities
 - Case-Related Administration
 - Technology Delays
 - Treatment Court
-

Figure 3: West Virginia Circuit Court Non-Case-Related Events

-
- Non-Case-Related Administration
 - Judicial education and training
 - Community activities, education, speaking engagement
 - Committees, other meetings & related work
 - General Legal Research
 - Travel time
 - Vacation/Illness/Military Leave
 - Other
 - Time Study Data Reporting/Entry
-

TIME STUDY

To establish a baseline of current practice, the project team conducted a statewide time-and-motion study of all Circuit Court Judges to measure the amount of time judges in West Virginia currently devote to each case type category and to non-case-related events and work-related travel. Separately, the AOC provided counts of filings by case type category and judicial circuit for the three calendar years of 2017, 2018, and 2019.

Following the data collection, the project team used the time study results and caseload data to calculate:

- the average number of minutes spent resolving cases within each case type category (preliminary case weights),
- the average amount of time devoted to non-case-related activities, and
- the average time associated with judicial officer work-related travel.

Between October 17 and November 18, 2022, all Circuit Court Judges throughout the state were asked to track their working time by case type category and case-related event (for case-related activities), or by non-case-related event (for non-case-related activities). The participation of all of the Circuit Court judges statewide, rather than a sample of judges or courts, obviates any concerns regarding sample representativeness. The JNAC opted to collect data for five weeks to ensure adequate data in all case types and event categories.

Time study participants were asked to track their time in five-minute increments using a manual time tracking form and then enter the information into an online data entry site. To maximize data quality, all time study participants were asked to attend training delivered via multiple webinar formats and recorded online training tools. During the data collection period, judges also had access to a Help Desk, staffed during weekday working hours, in which they could submit questions about data entry or request assistance for another reason.

99% of West Virginia's Circuit Court judges participated in the time study (74 of the 75 judges participated). The near total participation statewide ensures the reliability of the data and guarantees sufficient data points for developing an accurate and valid picture of current practice in the West Virginia Circuit Courts.

To translate the time study data into the average amount of time expended on each type of case (the preliminary case weights), it was first necessary to determine how many individual cases in each category were filed statewide. The AOC provided three years of filing data for the calendar years 2017, 2018, and 2019, disaggregated by case type and judicial district. Using this data, the project team computed the average number of filings in each case type category for use in developing the initial case weights.

Preliminary Case Weights

Following the five-week data collection period, the time study and caseload data were used to calculate preliminary case weights. A preliminary case weight represents the average amount of time judges currently spend to process a case of a particular type, from filing through all post-disposition activity, including time spent during regular working hours and time spent outside of the typical working day or week. Using separate case weights for different case categories accounts for cases of varying levels of complexity that require different amounts of time to resolve.

To calculate the preliminary case weight for each case type category, all time associated with each case type during the time study was summed and weighted to the equivalent of one full year's worth of time, then divided by the corresponding average annual filings. For example, the time study data indicate that West Virginia Circuit Court judges spend a total of 1,047,233 minutes annually processing general civil cases in Circuit Court. Dividing the total time by the annual average Circuit Court filings for general civil cases (9,015) yields a preliminary case weight of 116.17 minutes. This means that, on average, judicial officers in West Virginia spend roughly 1.9 hours on each general civil case throughout the life of the case, including those cases that are disposed of quickly and those cases that reach disposition via a lengthy jury trial. Figure 4 presents the preliminary case weights for all case type categories. Appendix D provides the calculation of the initial case weights. The JNAC reviewed and approved all but four of the initial case weights to accurately represent the time Circuit Court judges devote to adjudicating cases.

Figure 4: Initial Case Weights

Case Type	2022 Initial Case Weights (minutes)
Adoption	54
Divorce	489
General Civil	116
Guardianship	49
Mental Health	4
Magistrate Appeals Civil	277
Personal Safety Order Appeals	23
Domestic Violence Protective Orders	112
Other Civil	49
Other Domestic Relations	12
Mass Litigation	57
Business Court	1,962
Felony	370
Misdemeanors	57
Magistrate Appeals Criminal	13
Other Criminal Cases	27
Delinquency	162
Child Abuse/ Neglect	265
Status Offense	113
CIG (circuit infant guardianship)	67
CIGR/FIG	109
CAA	5
JAM	79
Family Treatment Court	747
Juvenile Treatment Court	182
Adult Treatment Court	220
Veterans Treatment Court	1,655

The four case weights that were not initially approved were: Divorce, Mass Litigation, Adult Treatment Court, and Veteran's Treatment Court. Adjustments to these case weights will be discussed in the *Quality Adjustment* section of the report.

Day and Year Values

In every workload study, three factors contribute to the calculation of resource need: case weights, caseload data (filings), and the judge year value. The year value is the amount of time a judge has available to work on an annual basis. The relationship among the case weights, filings, and year value is expressed as follows:

$$\frac{\text{Case Weights (minutes)}}{\text{Judge Year Value (minutes) - Non-Case Related Time}} = \text{Judicial Resource Need (FTE)}$$

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 judge year value (minus the time required for non-case-related work, plus travel time) yields the total number of full-time equivalent (FTE) judges needed.

Judge Year Value

To develop the judge year value, the JNAC identified the number of days judges have available to devote to work. Accounting for weekends, holidays, judicial education, vacation days and sick time, the JNAC maintained a judge year of 210 days, which is consistent with the previous weighted caseload studies conducted in West Virginia.

Judge Day Value

The JNAC agreed that the model used to compute judicial 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.

Figure 5: Judge Year Value

Year Value	Days
Total Days per Year	365
Subtract Non-Working Days:	
Weekends	-104
Holidays	-12
Vacation/Other Leave	-25
Training & Judicial Education/Conferences	-14
Total Working Days Available	210
Total Working Days Available in Minutes	100,800

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

1. Case-related time for judges 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,
 - Bench trial activities,
 - Jury trial activities,
 - Post-trial activities,
 - Case-related administration, and
 - Technology delays.
2. Non-case-related time for judges includes time devoted to activities that are required of judges, 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.

Figure 6: Non-Case Related Time

Non-Case-Specific Time All Participants	Time Study Minutes
Non-case-related administration	49,749
Community activities, education, speaking engagements	16,749
Committees, other meetings and related work	17,187
General legal research	12,934
Other	8,270
Weddings/ Marriages	1,985
TOTAL	106,874
Average non-case-related time per FTE per day:	62

Travel time (see Figure 7) was included for the Circuits whose judges must travel between court locations routinely. Standard commuting time was not included in this category.

Multiplying the judge year by the number of hours in a day available for case-related work (8 hours minus non-case-related time and travel time, where applicable) yields the amount of time available per year for judges allocated to case-specific work.

An additional adjustment of 10,800 minutes (.1 of an FTE) will be added to each circuit's annual workload to account for the additional duties of the chief judge. This recommendation was made based on the 2014 study having the same adjustment.

Figure 7: Judicial Circuit Travel Time

Average Travel Minutes During the Time Study per FTE per day by Circuit	
1st Judicial Circuit	11.03
2nd Judicial Circuit	19.74
3rd Judicial Circuit	36.22
4th Judicial Circuit	2.88
5th Judicial Circuit	21.58
6th Judicial Circuit	0.00
7th Judicial Circuit	0.00
8th Judicial Circuit	0.00
9th Judicial Circuit	0.00
10th Judicial Circuit	0.00
11th Judicial Circuit	27.74
12th Judicial Circuit	0.00
13th Judicial Circuit	0.00
14th Judicial Circuit	72.87
15th Judicial Circuit	0.00
16th Judicial Circuit	0.00
17th Judicial Circuit	0.00
18th Judicial Circuit	0.00
19th Judicial Circuit	12.78
20th Judicial Circuit	0.00
21st Judicial Circuit	55.59
22nd Judicial Circuit	27.63
23rd Judicial Circuit	45.94
24th Judicial Circuit	0.00
25th Judicial Circuit	1.96
26th Judicial Circuit	56.02
27th Judicial Circuit	0.00
28th Judicial Circuit	0.00
29th Judicial Circuit	0.00
30th Judicial Circuit	0.00
31st Judicial Circuit	23.43

QUALITY ADJUSTMENT

The time study is intended to measure the time judges currently spend handling cases. Still, it does not inform us of how much judges *should* spend on activities to ensure the quality processing of cases.

Adequacy of Time Survey

To gain perspective on the sufficiency of time to perform critical case-related and administrative activities, the project team administered a survey in which all judicial officers were invited to participate. This survey aimed to determine whether judicial officers feel they have enough time to perform necessary duties under the current staffing and casework levels. Overall, the numerical ratings provided by judicial officers indicate there are specific case types in which they do not have adequate time to complete all aspects of case processing to their satisfaction and others in which they do. 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.

Focus Groups

Three focus group meetings were held in December 2022. Focus groups were held with judges for two primary reasons:

- Judges were asked to review and provide feedback on the collected data, including the

state average case weights developed from the time study and non-case-related time.

- The focus group sessions allowed judges to (1) present additional information to NCSC staff and JNAC representatives that might help analyze the time study data and (2) better understand the data reported during the time study.

After convening the focus groups and obtaining feedback on the data collection period, the preliminary case weights, and the project process, the JNAC met to review the data and qualitative input. The focus group participants' views on the process and the preliminary case weights were shared with the JNAC so it could consider necessary qualitative adjustments to the data-driven conclusions.

The Committee agreed that the case weights generally reflect the time needed to process most cases, which were consistent with past workload assessment studies. That said, the Committee did make quality adjustments to four case types: Divorce, Mass Litigation, Adult Treatment Court, and Veteran's Treatment Court. Each adjustment, and the rationale for the adjustment, are described.

Divorce. The Divorce case weight was reduced from 489 minutes to 77 minutes. During the time study, one county, in particular, had an extremely complex divorce case that disproportionately occupied much of their calendar. Divorces are not routinely heard in Circuit Court, and those which are, are typically handled in much shorter time frames. The JNAC agreed that the particular disproportionate time accurately depicted the work that occurred during the time study but would not be an accurate case weight for long-term staffing need estimates. The weight is now derived from all other judges' time, excluding the singular anomalous case.

Mass Litigation. The Mass Litigation case weight was increased from 57 minutes to 100 minutes. During the time study, no significant mass litigation cases were scheduled, and the time recorded was disproportionately low. The JNAC discussed how to address the limited recorded data and agreed that throughout a typical year, mass litigation cases require a total of 2 FTE judges annually. This operational requirement results in an average case weight of 100 minutes.

Adult and Veterans Treatment Courts. The initial case weights for Adult and Veterans treatments courts were calculated independently; it was determined that a single case weight should be used for both treatment court programs. This determination was made for two reasons: (1) all circuits do not offer both programs, and (2) There are significant overlaps between the participants in those courts which offer both programs. The case weights were adjusted from 220 minutes and 1,655 minutes, respectively, to 234 minutes for both treatment court types.

JNAC members agreed that the time study was done correctly, and all but one judicial officers participated in the data collection process. As a result, JAC members agreed that the study's findings could stand on their own merit. The final case weights, presented below in Figure 8, directly impact the total workload and, ultimately, the overall need for judges in West Virginia. This relationship is the focus of the next section of this report.

Figure 8: Final Case Weights

Case Type	2022 Final Case Weights (Minutes)
Adoption	54
Divorce	77
General Civil	116
Guardianship	49
Mental Health	4
Magistrate Appeals Civil	277
Personal Safety Order Appeals	23
Domestic Violence Protective Orders	112
Other Civil	49
Other Domestic Relations	12
Mass Litigation	100
Business Court	1,962
Felony	370
Misdemeanors	57
Magistrate Appeals Criminal	13
Other Criminal Cases	27
Delinquency	162
Child Abuse/ Neglect	265
Status Offense	113
CIG (circuit infant guardianship)	67
CIGR/FIG	109
CAA	5
JAM	79
Family Treatment Court	747
Juvenile Treatment Court	182
Adult and Veterans Treatment Court	234

CALCULATING JUDICIAL RESOURCE NEED

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 judicial officers. Judge 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.

As judicial travel time is varied by circuit, this time is added to the specific circuit workloads impacting the judge's available time for case-related and non-case-related work. Figure 9 contains the statewide need calculations for Circuit Court Judges in West Virginia. Applying the quality-adjusted case weights to the 3-year averaged filings results in over 6 million minutes of case-specific work for the West Virginia Circuit Courts annually. Statewide, the model indicates a net need of 2.54 (77.54 compared to the current 75) judicial officers in the Circuit Courts above the judicial officers currently allocated. This calculation assumes that judges are allocated within circuits as they exist at the time of the study. Should circuit boundaries change, the figure could be higher.

Figure 9: 2022 West Virginia Circuit Court Judge Needs Model

Circuit	Total Annual Work Minutes per Circuit	Judicial Need (FTE)	Current Allocated Judicial Officers	FTE Difference
1st Judicial Circuit	327,215	3.83	4.00	- .17
2nd Judicial Circuit	184,683	2.21	2.00	.21
3rd Judicial Circuit	104,260	1.30	1.00	.30
4th Judicial Circuit	316,504	3.63	3.00	.63
5th Judicial Circuit	291,564	3.50	3.00	.50
6th Judicial Circuit	404,525	4.61	4.00	.61
7th Judicial Circuit	160,652	1.83	2.00	- .17
8th Judicial Circuit	103,001	1.17	2.00	- .83
9th Judicial Circuit	278,878	3.18	3.00	.18
10th Judicial Circuit	359,433	4.09	4.00	.09
11th Judicial Circuit	150,319	1.83	2.00	- .17
12th Judicial Circuit	162,359	1.85	2.00	- .15
13th Judicial Circuit	753,792	8.59	7.00	1.59
14th Judicial Circuit	152,290	2.10	2.00	.10
15th Judicial Circuit	232,407	2.65	3.00	- .35
16th Judicial Circuit	174,125	1.98	2.00	- .02

Circuit	Total Annual Work Minutes per Circuit	Judicial Need (FTE)	Current Allocated Judicial Officers	FTE Difference
17th Judicial Circuit	249,391	2.84	3.00	- .16
18th Judicial Circuit	108,513	1.24	1.00	.24
19th Judicial Circuit	160,473	1.89	2.00	- .11
20th Judicial Circuit	128,888	1.47	1.00	.47
21st Judicial Circuit	138,144	1.81	2.00	- .19
22nd Judicial Circuit	125,965	1.54	2.00	- .46
23rd Judicial Circuit	436,529	5.59	6.00	- .41
24th Judicial Circuit	158,905	1.81	2.00	- .19
25th Judicial Circuit	226,252	2.59	2.00	.59
26th Judicial Circuit	150,010	1.97	2.00	- .03
27th Judicial Circuit	92,462	1.05	1.00	.05
28th Judicial Circuit	130,249	1.48	1.00	.48
29th Judicial Circuit	150,124	1.71	2.00	- .29
30th Judicial Circuit	106,129	1.21	1.00	.21
31st Judicial Circuit	82,292	.99	1.00	- .01
Total	6,600,333	77.54	75.00	2.54

Figure 10: 2022 Circuit Judge Deficit Need by Circuit in Rank Order of Workload per Judge

Circuit	Total Annual Work Minutes per Circuit	Working Minutes per FTE	Workload per FTE	Judicial Need (FTE)	Current Allocated Judicial Officers	FTE Difference
28th Judicial Circuit	130,249	130,249	1.48	1.48	1.00	.48
20th Judicial Circuit	128,888	128,888	1.47	1.47	1.00	.47
3rd Judicial Circuit	104,260	104,260	1.30	1.30	1.00	.30
25th Judicial Circuit	226,252	113,126	1.29	2.59	2.00	.59
18th Judicial Circuit	108,513	108,513	1.24	1.24	1.00	.24
13th Judicial Circuit	753,792	107,685	1.23	8.59	7.00	1.59
4th Judicial Circuit	316,504	105,501	1.21	3.63	3.00	.63
30th Judicial Circuit	106,129	106,129	1.21	1.21	1.00	.21
5th Judicial Circuit	291,564	97,188	1.17	3.50	3.00	.50
6th Judicial Circuit	404,525	101,131	1.15	4.61	4.00	.61
2nd Judicial Circuit	184,683	92,342	1.10	2.21	2.00	.21
9th Judicial Circuit	278,878	92,959	1.06	3.18	3.00	.18
27th Judicial Circuit	92,462	92,462	1.05	1.05	1.00	.05
14th Judicial Circuit	152,290	76,145	1.05	2.10	2.00	.10
10th Judicial Circuit	359,433	89,858	1.02	4.09	4.00	.09
31st Judicial Circuit	82,292	82,292	.99	.99	1.00	- .01
16th Judicial Circuit	174,125	87,063	.99	1.98	2.00	- .02
26th Judicial Circuit	150,010	75,005	.99	1.97	2.00	- .03
1st Judicial Circuit	327,215	81,804	.96	3.83	4.00	- .17
17th Judicial Circuit	249,391	83,130	.95	2.84	3.00	- .16
19th Judicial Circuit	160,473	80,237	.94	1.89	2.00	- .11
23rd Judicial Circuit	436,529	72,755	.93	5.59	6.00	- .41
12th Judicial Circuit	162,359	81,180	.92	1.85	2.00	- .15
11th Judicial Circuit	150,319	75,160	.92	1.83	2.00	- .17
7th Judicial Circuit	160,652	80,326	.91	1.83	2.00	- .17
21st Judicial Circuit	138,144	69,072	.91	1.81	2.00	- .19
24th Judicial Circuit	158,905	79,453	.91	1.81	2.00	- .19
15th Judicial Circuit	232,407	77,469	.88	2.65	3.00	- .35
29th Judicial Circuit	150,124	75,062	.86	1.71	2.00	- .29
22nd Judicial Circuit	125,965	62,983	.77	1.54	2.00	- .46
8th Judicial Circuit	103,001	51,501	.59	1.17	2.00	- .83
Total	6,600,333	88,004	1.04	77.54	75.00	2.54

At the request of the JNAC, the project team conducted additional research to determine the FTE by region based on the average case processing time associated with Business Court cases.

	CASE WEIGHT	Region A	Region B	Region C	Region D	Region E	Region F	Region G	State Total
Business Court	1,962.00	2	7	2	0	0	1	0	12
Total Cases by Location		2	7	2	0	0	1	0	12
Case-specific Work Minutes (sum of WT x cases)		3,924	13,734	3,924	0	0	1,962	0	23,544
Judicial Officer Annual Availability		100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800
Subtract Annual Non-Case-Related Time		13,011	13,011	13,011	13,011	13,011	13,011	13,011	13,011
Judicial Officer Annual Case-Related Availability		87,789	87,789	87,789	87,789	87,789	87,789	87,789	87,789
Judicial Officer FTE Demand		.04	.16	.04	.00	.00	.02	.00	.27

The case weights adopted by the JNAC indicate the need for 77.54 Circuit Court judicial officers to process the annual incoming West Virginia caseload effectively. These case weights are grounded in current practices (as measured by the time study) and were reviewed for quality by the JNAC, representing the West Virginia judiciary. The NCSC proposes three recommendations to maintain the integrity and utility of the case weights and judicial needs model.

1. The weighted caseload model presented in this report should be the *starting point* 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 judicial needs model, with the updated case weights, should be updated annually using the most recent three-year average of case filings.
3. 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 accurately represent the judicial workload.

APPENDICES

APPENDIX A: CASE TYPE CATEGORIES

The case type categories for which case weights were developed are standard, and therefore, well-understood and recognized categories for Circuit Court judicial officers. For this reason, no definitions were provided.

Adoption	Misdemeanors
Divorce	Magistrate Appeals Criminal
General Civil	Other Criminal Cases
Guardianship	Delinquency
Mental Health	Child Abuse/ Neglect
Magistrate Appeals Civil	Status Offense
Personal Safety Order Appeals	CIG (circuit infant guardianship)
Domestic Violence Protective Orders	CIGR/FIG
Other Civil	CAA
Other Domestic Relations	JAM
Mass Litigation	Family Treatment Court
Business Court	Juvenile Treatment Court
Felony	Adult and Veterans Treatment Court

APPENDIX B: CASE-RELATED ACTIVITY CATEGORIES

1. **Pre-Trial Activities:** This category includes:
 - Preliminary and other pre-trial hearings & motions (hearings, reviewing, ruling)
 - Pleas, plea changes, default judgments, uncontested hearings.
 - Motions for summary judgment
 - Warrant/ failure to appear
 - Prepare and issue orders
 - Adequately review the case file
2. **Jury Trial Activities:** This category includes all matters that are related to conducting a jury trial, including:
 - juror voir dire
 - all trial-related activities
3. **Bench Trial Activities:** This category includes all matters, whether in or out-of-court, incidents to the conduct of a trial or adjudicatory hearing in which the judge is the trier of fact and includes hearings to memorialize an agreement.
4. **Post-Trial Activities:** This category includes all hearings conducted subsequent to the completion of a bench or jury trial or adjudicatory proceeding.
 - disposition/sentencing hearings
 - review pre-sentencing reports
 - motions for a new trial, motions to alter or amend a judgment, motions for supersedeas
 - bond, motion for attorneys' fees
5. **Case-Related Administration:** This category includes most other activities not included in one of the previous categories that are related to the administration of a judge's cases and are specific to an individual case. These activities could include scheduling dockets, conferences with clerks or assistants, providing instructions to staff, or similar routine matters.
 - researching, writing, and drafting decisions/opinions
 - calendaring
 - signing orders
 - reviewing writs/motions
 - docket calls
6. **Technology Delays:** Time associated with case-related technology delays such as telephone connectivity, digital recording, remote hearing technology, and other technical delays that cause case processing delays.
7. **Treatment Court:**
 - Treatment court staffing
 - In-Court Activities: Time spent in court or formal situation

APPENDIX C: NON-CASE-RELATED ACTIVITY CATEGORIES

1. **Non-Case-Related Administration:** Includes work directly related to the administration or operation of the court, including activities such as:
 - Personnel/management issues
 - Case assignment
 - Calendaring
 - Facilities
 - Budget
 - Technology
2. **Judicial education and training:** Includes continuing education and professional development, reading advance sheets, statewide judicial meetings, and out-of-state education programs permitted by the state.
3. **Community activities, education, speaking engagement:** 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.
4. **Committees, other meetings and related work:** Includes time spent in state, local or other work-related committee meetings, staff or en-banc meetings that are job-related. Also include any work done (prep or post-meeting) for these meetings outside of the actual meeting time.
5. **General Legal Research:** Includes non-case specific legal reading/research. Such as reading law journals, professional literature, research/reading to keep you abreast of legislative changes, legal opinions, etc.
6. **Travel time:** Includes any reimbursable travel. This includes time spent traveling to and from a court or other facility outside one's county of residence for any court-related business, including meetings. Traveling to the court in one's own county is local "commuting time," which should NOT be counted as travel time.
7. **Vacation/Illness/Military Leave:** Includes any non-recognized holiday/military leave time. DOES NOT include recognized holidays as they have already been accounted for in the determination of the Judge Year Value.
8. **Other:** Includes all other work-related, but non-case-related tasks that do not fit in the above categories.
9. **Time Study Data Reporting/Entry:** Record time spent each day to record and log the time for the weighted caseload study.

APPENDIX D: 2022 CIRCUIT JUDGE DEFICIT NEED BY FTE DIFFERENCE RANK ORDER OF WORKLOAD

Circuit	Total Annual Work Minutes per Circuit	Working Minutes per FTE	Workload per FTE	Judicial Need (FTE)	Current Allocated Judicial Officers	FTE Difference
13th Judicial Circuit	753,792	107,685	1.23	8.59	7.00	1.59
4th Judicial Circuit	316,504	105,501	1.21	3.63	3.00	.63
6th Judicial Circuit	404,525	101,131	1.15	4.61	4.00	.61
25th Judicial Circuit	226,252	113,126	1.29	2.59	2.00	.59
5th Judicial Circuit	291,564	97,188	1.17	3.50	3.00	.50
28th Judicial Circuit	130,249	130,249	1.48	1.48	1.00	.48
20th Judicial Circuit	128,888	128,888	1.47	1.47	1.00	.47
3rd Judicial Circuit	104,260	104,260	1.30	1.30	1.00	.30
18th Judicial Circuit	108,513	108,513	1.24	1.24	1.00	.24
30th Judicial Circuit	106,129	106,129	1.21	1.21	1.00	.21
2nd Judicial Circuit	184,683	92,342	1.10	2.21	2.00	.21
9th Judicial Circuit	278,878	92,959	1.06	3.18	3.00	.18
14th Judicial Circuit	152,290	76,145	1.05	2.10	2.00	.10
10th Judicial Circuit	359,433	89,858	1.02	4.09	4.00	.09
27th Judicial Circuit	92,462	92,462	1.05	1.05	1.00	.05
31st Judicial Circuit	82,292	82,292	.99	.99	1.00	-.01
16th Judicial Circuit	174,125	87,063	.99	1.98	2.00	-.02
26th Judicial Circuit	150,010	75,005	.99	1.97	2.00	-.03
19th Judicial Circuit	160,473	80,237	.94	1.89	2.00	-.11
12th Judicial Circuit	162,359	81,180	.92	1.85	2.00	-.15
17th Judicial Circuit	249,391	83,130	.95	2.84	3.00	-.16
11th Judicial Circuit	150,319	75,160	.92	1.83	2.00	-.17
7th Judicial Circuit	160,652	80,326	.91	1.83	2.00	-.17
1st Judicial Circuit	327,215	81,804	.96	3.83	4.00	-.17
21st Judicial Circuit	138,144	69,072	.91	1.81	2.00	-.19
24th Judicial Circuit	158,905	79,453	.91	1.81	2.00	-.19
29th Judicial Circuit	150,124	75,062	.86	1.71	2.00	-.29
15th Judicial Circuit	232,407	77,469	.88	2.65	3.00	-.35
23rd Judicial Circuit	436,529	72,755	.93	5.59	6.00	-.41
22nd Judicial Circuit	125,965	62,983	.77	1.54	2.00	-.46
8th Judicial Circuit	103,001	51,501	.59	1.17	2.00	-.83
Total	6,600,333	88,004	1.04	77.54	75.00	2.54

APPENDIX D: 2022 CIRCUIT JUDGE NEED BY COUNTY

Circuit	County	Judicial Need (FTE)
1	Brooke	.73
1	Hancock	1.04
1	Ohio	2.06
2	Marshall	1.27
2	Tyler	.35
2	Wetzel	.59
3	Doddridge	.40
3	Pleasants	.41
3	Ritchie	.49
4	Wirt	.28
4	Wood	3.35
5	Calhoun	.40
5	Jackson	1.13
5	Mason	.95
5	Roane	1.03
6	Cabell	4.61
7	Logan	1.83
8	McDowell	1.17
9	Mercer	3.18
10	Raleigh	4.09
11	Greenbrier	1.45
11	Pocahontas	.39
12	Fayette	1.85
13	Kanawha	8.59
14	Braxton	.76
14	Clay	.49
14	Gilmer	.30
14	Webster	.54

Circuit	County	Judicial Need (FTE)
15	Harrison	2.65
16	Marion	1.98
17	Monongalia	2.84
18	Preston	1.24
19	Barbour	.88
19	Taylor	1.01
20	Randolph	1.47
21	Grant	.42
21	Mineral	1.10
21	Tucker	.30
22	Hampshire	.81
22	Hardy	.55
22	Pendleton	.17
23	Berkeley	3.39
23	Jefferson	1.56
23	Morgan	.64
24	Wayne	1.81
25	Boone	1.39
25	Lincoln	1.20
26	Lewis	.97
26	Upshur	1.00
27	Wyoming	1.05
28	Nicholas	1.48
29	Putnam	1.71
30	Mingo	1.21
31	Monroe	.44
31	Summers	.55
	Total	77.54

APPENDIX E: 2023 CIRCUIT COURT MAP

