

## EXECUTIVE SUMMARY

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In February 2020, the Administrative Office of Pennsylvania Courts (AOPC) requested an updated needs assessment for judges in the Courts of Common Pleas (CCP) and Philadelphia Municipal Court (PMC).

Weighted caseload studies provide courts with objective information about judicial resource needs based on the amount of time required to process different case types. This information is useful in determining the number of judges needed to cover the courts' work based on the number and types of cases filed.

Since 2017, the AOPC has relied on a judicial needs assessment model to determine court resource needs for judges and to allocate senior judges. Over time, the integrity of workload standards is affected by multiple influences, including changes in legislation, court rules, legal practice, technology, and administrative factors. To measure the impact of these influences, supplemental time study data must be gathered and incorporated into the model. Recognizing the utility of and need to update the 2014 judicial needs model, the AOPC contracted with the National Center for State Courts (NCSC) to conduct an evidence-based assessment of the workload for judges in CCP.<sup>1</sup> Whereas the previous study kept all Courts of Common Pleas from all sixty judicial districts together, the updated study divided judges into two groups: the First Judicial District, which is composed of the Philadelphia Court of Common Pleas and the Philadelphia Municipal Court, and the remaining fifty-nine judicial districts within the Commonwealth.

The AOPC selected members for this project to serve on two Judicial Needs Assessment Committees (JNAC). The first JNAC included twelve judges representing all county classes, senior judges, and problem-solving courts across the Commonwealth. The second committee, the Philadelphia JNAC, included five CCP judges and two PMC judges from the First Judicial District. Both JNACs included AOPC staff. The NCSC consultants, with guidance from both JNACs, designed and conducted the study to produce weighted caseload models for judges in the CCP and PMC.

The weighted caseload study included the collection of three types of data:<sup>2</sup> (1) work time data recorded by judges during a four-week period, (2) a survey of participating judges requesting their assessment of the extent to which they have adequate time to perform their duties to their satisfaction; and (3) qualitative feedback from focus group discussions with judges.

The case weights reflect the average number of case-related minutes that judges spend per year processing each of the different case types; they are based on work time recorded by time study participants in the Commonwealth's CCP and PMC during a four-week study period. Both JNACs

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<sup>1</sup> NCSC recommends updating the time study every 5-7 years. This study was delayed due to the pandemic.

<sup>2</sup> Pursuant to Chief Justice Todd's letter of July 19, 2023, sent to all judges, the AOPC did not participate in the time study data collection, survey, and focus groups or receive any of the raw data. This was done to preserve the confidentiality of the study; to make sure results were independent; and to give participants the opportunity to speak openly.

reviewed, discussed, and approved the case weights and other components of the weighted caseload model.

This study is comprehensive and reliable because:

1. It was designed and conducted by NCSC consultants, who are national experts with 30 years of experience developing weighted caseload models for courts and other justice system agencies in over 40 states and territories.
2. 99.7% of statewide CCP and 89% of Philadelphia CCP and PMC judges participated in the time study, substantially enhancing the data's credibility and validity.
3. It included a survey of CCP and PMC judges to assess whether they have adequate time to perform their duties. The adequacy of time survey data assisted in determining the reasonableness of the case weights, which were based solely on the work time data.
4. The NCSC consultants conducted eleven focus groups involving CCP and PMC judges to review and discuss the findings from the time study and the adequacy of time survey. One focus group was held with PMC judges, two focus groups were held with judges from the Philadelphia Court of Common Pleas, and eight focus groups were held with judges from the remaining county classes.<sup>3</sup> The focus group participants also provided feedback on other factors that might not have been captured during the time study. This qualitative input informed the discussion and decisions made by the JNACs regarding the weighted caseload model.

NCSC consultants organized the project around the following primary tasks:

1. *Development of the research design.* The JNACs met with the NCSC consultants in March 2023 to provide guidance for the weighted caseload study. The JNACs provided advice and feedback on the overall study design: which case types and activities to include in the weighted caseload model; the methodology, content, and schedule of the training sessions before the time study; the duration of the time study; and the approach and composition of the focus groups. The JNACs also provided feedback and recommendations on key issues in the final report.
2. *Pennsylvania Courts of Common Pleas and PMC time study.* 99.7% of CCP judges<sup>4</sup> and 89% of Philadelphia CCP and PMC judges participated in the four-week time study conducted between September 11 and October 6, 2023. Before the time study began, an NCSC consultant conducted sixteen one-hour training webinars during a two-week period to provide detailed instructions on how all participants should track and record their work time. The NCSC also provided written instructions, and an online help link for participants who had questions about recording time and categorizing information. During the time study, all judges kept records of all time spent on case-related and non-case-specific activities and entered their work time data in the NCSC's secure online data entry website. The NCSC provided a

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<sup>3</sup> Focus groups were grouped together according to county class size: Classes 2 and 2A, Class 3, Classes 4 and 5, and Classes 6, 7, and 8.

<sup>4</sup> A separate focus group was convened for the First Judicial District, which included CCP and PMC judges.

weekly participation report to the AOPC indicating which judges entered time during that week but did not include any specific time study data entered by judges.

3. *Adequacy of Time Survey.* After the time study data collection period, 332 CCP judges, senior judges, and hearing officers in the statewide group and 43 CCP judges, senior judges and hearing officers, and six PMC judges in the Philadelphia group completed an online adequacy of time survey regarding the sufficiency of time available during regular working hours to do their work.<sup>5</sup> The survey results revealed that judges in both groups believe they “usually” have enough time to handle their daily tasks effectively.
4. *Data Analysis and development of preliminary case weights.* NCSC staff analyzed the data collected from the time study and adequacy of time survey and then drafted reports, including tables and preliminary case weights, for review by the JNACs.
5. *Focus groups.* Between March 11 and March 22, 2024, NCSC staff conducted eleven focus groups via Zoom with judges to review the project methodology and discuss the preliminary findings from the time study and adequacy of time survey. To encourage dialogue during the focus groups, AOPC staff did not participate but were provided summary reports for each group.
6. *JNACs review, discussion, and decision-making.* The NCSC, AOPC, and JNACs held meetings in December 2023, June 2024, and September 2024 to review the data and make final decisions based on the time study data, adequacy of time survey, and focus group findings.

At the first review meetings in December 2023,<sup>6</sup> the JNACs and AOPC staff reviewed and discussed the findings from the time study, including preliminary case weights, and results from the adequacy of time survey. In particular, the Philadelphia JNAC discussed whether the initial case weights and case filings for protracted preliminary hearings (PMC only), DUIs, and homicides were accurate. During the statewide JNAC meeting, the members expressed concern about the lack of jury or bench trial time during the time study, especially in Allegheny County. Both committees also asked to see the number of judge full-time equivalents (FTEs) or the total number of judges working full-time needed to handle the workload<sup>7</sup> because that measure was used during the previous time study. The statewide JNAC also requested that the survey results be organized by county class to identify commonalities. The JNACs and AOPC also worked with the NCSC to plan the focus groups.

Following the focus group meetings in March 2024, the NCSC, JNACs, and AOPC staff met again in person on June 13 and 14, 2024. These meetings focused on whether to adjust the case weights based on the focus groups, survey findings, and supplemental analysis since

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<sup>5</sup> While hearing officers and senior judges were included in the adequacy of time survey, their workload data is not included in the final weighted caseload model.

<sup>6</sup> The statewide JNAC and Philadelphia JNAC held separate meetings. The Philadelphia JNAC met virtually on December 6, 2023, in person on June 13, 2024, and virtually on September 11, 2024. The statewide JNAC met virtually on December 7, 2023, in person on June 14, 2024, and virtually on September 16, 2024.

<sup>7</sup> For example, a judge who works 37.5 hours per calendar week of time equals 1 FTE.

the previous meeting. Both committees agreed to rerun the need models using the average of the 2021, 2022, and 2023 calendar year case filings because they are more current and representative of the post-pandemic caseload. The Philadelphia JNAC did not recommend any changes to their case weights, nor did the statewide JNAC, with one exception. The Allegheny County case weights for professional liability and homicide were adjusted to match the statewide case weights to accommodate the atypical and disproportionate filings and time recorded during the study.

7. *Preparation of the Final Report.* After the June 2024 meetings, NCSC staff developed a draft report of findings. The final report explains in detail each step in the research and data analysis process for this weighted caseload study and the development of the weighted caseload model. The weighted caseload model provides a framework to determine the approximate need for judges statewide. The updated models show that statewide, the CCP should have 407.25 full-time equivalent (FTE) CCP judges, 95.64 FTE Philadelphia CCP judges, and 21.38 FTE PMC judges to manage the current workload effectively.<sup>8</sup>
8. *Recommendations.* The NCSC advises the AOPC to evaluate the following recommendations concerning the continued use of the weighted caseload model.
  - 8.1. Update the need models annually by inserting new case filings from the most recent year of reliable filings and using the average of the most recent three years of reliable filings.
  - 8.2. Conduct a comprehensive review of the weighted caseload model every five to seven years. This review should include a time study in which all or most judges participate.
  - 8.3. Within the next 12-18 months, convene a Delphi panel of experts to make interim adjustments to case weights affected by recent statutory changes.
  - 8.4. Use this model as a starting point to determine the need for judges and how to best allocate resources in Pennsylvania's CCP and Philadelphia's Municipal Court because some factors cannot be accounted for quantitatively.

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<sup>8</sup> As of October 2024, Pennsylvania currently has 369 authorized statewide CCP judges, 93 authorized Philadelphia CCP judges and 27 authorized PMC judges.