

How We Determine the Number of Judges We Need

By Chad C. Schmucker

As the new state court administrator, one of the most important jobs I have this year is to make a recommendation to the Michigan Supreme Court on the number of judges we need in each court in Michigan. Although this could be done simply based on population or total caseload, the process we use is far more sophisticated. The State Court Administrative Office (SCAO) uses a weighted caseload formula to estimate the number of judges needed. This formula was originally developed in 1997 by the Trial Court Assessment Commission with assistance from the National Center for State Courts.

Weights represent the average number of minutes needed by judges and judicial officers such as referees and magistrates to handle a particular case type. As you would expect, there is great variability in case weights, from the relatively small weights for traffic tickets to large weights for medical malpractice cases. Because of this variability, the weighted caseload formula is a vast improvement to earlier methods for determining judicial need. In fact, in 2010, we collected data on 36 different case types.

The formula works by averaging the most recent three years of case filings to account for annual spikes or dips, then multiplying by the case weights. Adjustments are also made for small and rural courts where travel and lower case numbers reduce productivity. The result is an estimate of the number of judges and judicial officers needed to handle the caseload for all courts within the jurisdiction of the circuit court, which is compared to the current number of judges and judicial officers. When there is a difference between the estimated and actual number of judges, the courts are then subjected to an in-depth review of court-specific trends and factors. During this individualized analysis, SCAO meets with court representatives, re-

views population and case filing trends, and assesses other factors that may impact judicial need. SCAO then determines whether to recommend adding or eliminating judgeships. Our biennial Judicial Resources Recommendations report summarizes the weighted caseload, secondary analysis, and recommendations to the legislature and governor.

Although judges, among many other stakeholders, were involved in the development of the original weighted caseload formula, not all judges thought the methodology was fair. In 2009, the three judicial associations formed an ad hoc committee to review these

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methods. After hearing the committee's concerns, we decided to hire the National Center for State Courts to thoroughly review our methods and develop a new model. To provide oversight during this review process, SCAO formed the Judicial Needs Assessment Committee, co-chaired by Judge Thomas Solka of the 25th Circuit Court of Marquette County and then State Court Administrator Carl L. Gromek. Since previous time studies determined case weights based on only a sampling of courts, the committee recommended gathering data from all trial courts.

The center's review process began in 2010 and involved many steps, including a four-week statewide time study. Last October, all trial court judges and judicial officers recorded the time they spent handling cases. The center analyzed the information and developed an initial set of case weights. It also surveyed all judges to assess whether

they have sufficient time or are rushed to complete their work. Several groups of experienced judges reviewed and analyzed the data, then made recommendations to adjust certain case weights. In mid-June, the Judicial Needs Assessment Committee reviewed the recommendations and made final determinations regarding the case weights. Later this summer, SCAO will release the 2011 Judicial Resources Recommendations report, which will be based on this updated weighted caseload formula.

It is important to use our judicial resources wisely. It is not fair to overstaff one community and understaff another. But all communities are not alike, so we cannot simply look at the population and determine how many judges are needed. I recognize that any recommendation to reduce the number of judges in a court will be a concern to judges, attorneys, and the communities. Although we want efficient and effective courts, we do not want backlogged courts or assembly-line justice. The process this year has been open, inclusive, and thorough to ensure that the recommendations can be made with confidence. SCAO expects the 2011 report will include recommendations to add judges in some jurisdictions and reduce judges in others. SCAO remains committed to assisting courts through this time of change so we can continue to serve the public. ■



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