

Office of City Auditor, Seattle, WA

Fact Paper: Seattle Municipal Court Judicial Workload Indicators

David Jones, City Auditor
Virginia B. Garcia, Assistant City Auditor
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Table of Contents

INTRODUCTION	<u>1</u>
SECTION ONE: BACKGROUND	<u>1</u>
• SMC Organization	<u>2</u>
• SMC’s Adoption of Specialized Courts	<u>5</u>
SMC Judges	<u>5</u>
SMC Judicial Responsibilities	<u>6</u>
SECTION TWO: JUDICIAL WORKLOAD INDICATORS FOR WHICH THERE IS DATA AVAILABLE	<u>8</u>
Indicators of Workload	<u>8</u>
Case filings and Case filings/Judge	<u>9</u>
Case filings by Type	<u>11</u>
Case filings per Judge by Jurisdiction Comparison.....	<u>13</u>
Arraignments	<u>14</u>
Jury Trials	<u>15</u>
Bench Trials	<u>16</u>
Charges Disposed	<u>16</u>
Charges Disposed Jurisdiction Comparison	<u>17</u>
SECTION THREE: OTHER POTENTIAL ASSESSMENT INDICATORS:	<u>19</u>
Population	<u>19</u>
Cases Concluded at Arraignment	<u>19</u>
Weighted Caseload	<u>19</u>
Time Spent in Court.....	<u>20</u>
Case Length of Time/Case Processing Time or Time Standard Met/Not Met	<u>20</u>
Assessing the Need for Court Support Staff.....	<u>21</u>
APPENDIX A: SMC Criminal Case Processing Flow Cart	<u>23</u>
Definitions for Criminal Case Processing Flow Chart	<u>24</u>
APPENDIX B	<u>25</u>
Judge Gerry Alexander Letter	<u>25</u>
Office of City Auditor Response to Judge Alexander’s Letter	<u>28</u>

INTRODUCTION

The purpose of this fact paper is to provide publicly available statistics on Seattle Municipal Court (SMC) judicial workload indicators. This paper is not a SMC judicial workload assessment, as much of the data required to do such as assessment is not publicly available. The request for this information was prompted because of the lack of a recent SMC judicial workload assessment. In 2002 a consultant hired by the Seattle Municipal Court issued a report that identified a methodology that could be used to evaluate the workload of the Court's judicial officers and staff, and could be used to recommend an appropriate staffing level. However, the report did not recommend a specific number of judicial officers and staff for the Seattle Municipal Court.

This document provides information about SMC judicial workload indicators. The information is provided in three sections: 1) background information about SMC, 2) indicators for which there is data currently available that could be used to assess SMC's judicial workload, including data and trends for some of those indicators, and 3) other potential indicators of workload for which SMC data and/or involvement would be needed.

This fact paper focuses on the role of judges and their support staff who primarily deal with criminal misdemeanors.

SECTION ONE: BACKGROUND

All four levels of Washington courts (Supreme Court, Court of Appeals, Superior Courts, and courts of limited jurisdiction including municipal courts) are part of the Washington State court system and are governed by the Revised Code of Washington (RCW). Municipal courts, such as SMC, hear violations of city ordinances.

SMC is the largest municipal limited jurisdiction court in the State of Washington. Because Seattle's population is approximately 590,000, SMC is governed by RCW section 35.20, which covers municipal courts for jurisdictions with populations of over 400,000. The following chart shows the main elements of SMC's jurisdiction.

Table A Seattle Municipal Court COURT OF LIMITED JURISDICTION RCW 35.20
SMC's jurisdiction: <ul style="list-style-type: none">• Misdemeanor criminal cases; maximum sentence is 90 days in jail and \$1,000 fine• Gross misdemeanor criminal cases; maximum sentence is 1 year in jail and \$5,000 fine• Traffic, non-traffic, and parking infractions• Collects fines and forfeitures from violations• Violation of no contact or domestic violence protection orders• Civil actions for enforcement of the City of Seattle's fire code, housing code, and other City ordinance violations.

As of August 13, 2009, SMC had 227.1¹ employees (including eight judges, four magistrates and one commissioner). Judges primarily deal with criminal matters in court hearings such as pre-trial hearings and trials for various criminal violations such as assault, theft, driving under the influence, and domestic violence. Magistrates hear mitigation hearings and pre-contested and contested hearings for non-criminal traffic, non-traffic, and parking infractions. SMC also employs a commissioner who works on criminal and non-criminal matters, but primarily deals with criminal matters.

SMC Organization: The organization chart below (Figure 1) shows three broad areas (see identifying numbers inserted into the chart) of SMC's work: 1) the Judicial and Judicial Support sections, which includes eight judges and their bailiffs, 2) four magistrates and one court commissioner, and 3) SMC support functions that report through the Court Administrator. The SMC support functions, which are organized into seven units, provide support to the judges, magistrates and court commissioner, and handle cases that do not require hearings, such as traffic fine payments from individuals not requesting mitigation or contested hearings.

¹ Source: City of Seattle Personnel Position Listing (dated 8/13/09) cites 227.1 FTE SMC employees. This number includes vacant positions. It does not include intermittent positions.

Figure 1
 Seattle Municipal Court
 Organization Overview
 Source: SMC Website 8/13/2009

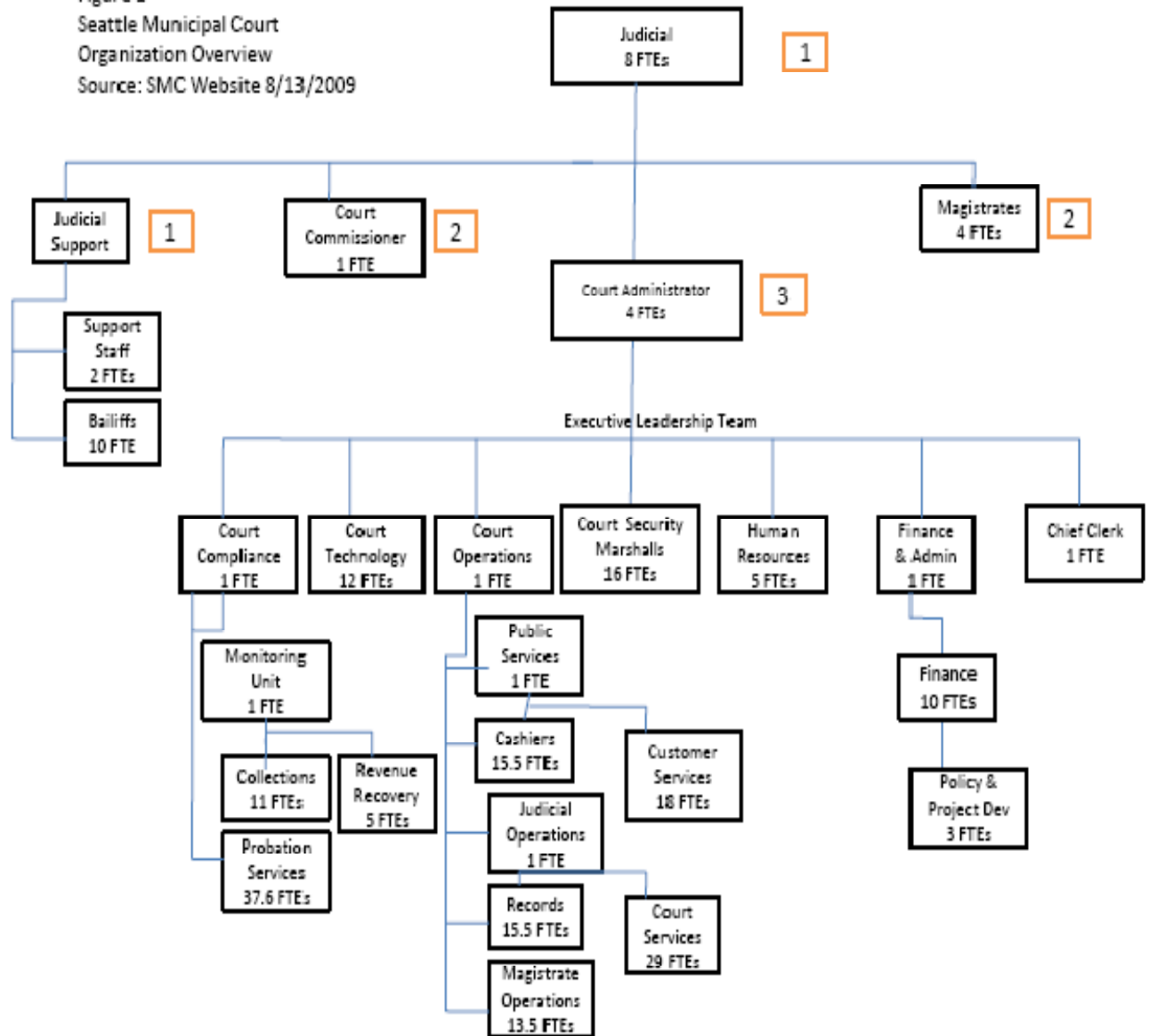


Table B		
Full-time Equivalents (FTEs) By SMC Sections		
Section	FTE	Comments
Judicial	8	Judges
Judicial Support --Support Staff --Bailiffs	2 9.5	
Court Commissioner	1	
Magistrates	4	Does not include a .87 intermittent position.
Court Administration	5	Includes Court Administrator and Chief Clerk. Members of the Executive Leadership Team are counted in their respective divisions.
Court Compliance --Monitoring --Probation	1 19 39.5	Executive 1 Does not include any intermittent positions. –
Court Technology	12	
Court Operations --Magistrate Operations --Public Services --Court Services --Records	1 13.5 35.5 29.5 16	Executive 1 The person in the Manager 2 position splits their time between Court Services and Records.
Court Security Marshals	17	Does not include any intermittent positions.
Human Resources	5	
Finance and Administrative Services --Finance --Policy	1 10 5	Executive 1
TOTAL FTES	234.5	Includes vacant positions

While all seven support units provide some level of support to the judges, magistrates and court commissioner, two sections that directly support judges and their work in the court room are in the Court Operations unit:

1. **Judicial Operations-Court Services**; which houses court clerks and interpreters; and
2. **Judicial Operations-Records**, which houses administrative specialists who oversee case files among other duties.

The Court Security unit, which is one of the seven support units reporting to the Court Administrator, provides security for the judges, the court rooms and the Seattle Justice Center facility. The remaining support units provide other services such as technology and human resources.

SMC's Adoption of Specialized Courts: SMC is one of several courts nationwide that has changed how it administers certain types of criminal justice cases. SMC has moved from the traditional approach, which tries cases through an adversarial relationship between the prosecution and defense, to a court that attempts to address defendants' underlying issues with the goal of reducing recidivism. To this end, SMC established three specialty courts: community court, mental health court, and domestic violence court. These specialized courts provide dedicated judicial staff and social services support to defendants charged with criminal law violations. For example, in community court, which deals with repeat offenders of low-level quality of life offenses such as shoplifting, SMC is able to impose a short sentence of community service and other conditions rather than a jail term to increase the probability that the defendant will comply with court ordered conditions. SMC compliance personnel monitor defendants' compliance, assess defendants' treatment needs, and help direct defendants to resources that will help them live successfully in the community. The Mental Health Court, established in 1999, is a defendant-based program that serves misdemeanor offenders who are mentally ill or developmentally disabled.

SMC Judges: The City of Seattle (City) has eight elected judges and eight corresponding courts which the State of Washington defines as "departments." The judges are elected to serve four year terms. Vacancies before the end of a term due to resignation or death are filled by appointment by the Mayor and confirmation by the City Council. All of the judges' terms expire during the same year. The next elections will be held in 2010 and new terms begin on the second Monday in January following the election.

Pursuant to RCW 35.20.100, Seattle is required to have three municipal court departments headed by an elected judge. The State of Washington designates these three SMC courts as department numbers 1, 2, and 3. State law permits a city's legislative body to create or abrogate additional court departments as needed. SMC went from six judges in 1988 to ten judges for most years between 1991 and 2002. In 2003, the City eliminated two departments, leaving the current number of judges and court departments at eight.

Table C 2009 SMC Judges	
Department Number	Judge
State Required	
1	Edsonya Charles
2	Kimi Kondo
3	Ron Mamiya
Additional Departments	
4	Judith Hightower
5	George Holifield
6	Michael Hurtado
7	Fred Bonner
10²	Jean Rietschel

In addition to the eight judges, SMC employs one full-time commissioner, and additional pro-tempore judges on a temporary basis who are used when a judge is not available, such as when a judge is on vacation.

SMC Judicial Responsibilities

Presiding Judge: One of the eight judges serves as the presiding judge. The judges select the presiding judge and the presiding judge serves for two years. The presiding judge is responsible for the administrative operations and juridical departments, including Magistrate Operations. Edsonya Charles is the current SMC Presiding Judge.

Judges' Responsibilities: Judges spend most of their bench time hearing pre-trials and trials. Under the SMC specialty court system, one judge handles community court calendars, one judge handles mental health court matters, two judges handle primarily domestic violence cases and four judges handle all other cases in what are called General Trial Courts.

² Ordinance 120655 eliminated departments 11 and 12. Departments 8 and 9 did not exist when departments 11 and 12 were abrogated.

Table D	
2009 Judicial Court Calendar Assignments	
Number of Judges	Calendars
4	General Trial Court ³
1	Mental Health Court
2	Domestic Violence
1	Community Court
All judges	Arrestment Calendar ⁴ (first appearance for in-custody defendants at King County Jail)

Appendix A is a flow chart showing the case flow process for criminal cases. SMC provided it to us during our fieldwork for the August 6, 2007 audit report, Seattle Indigent Public Defense Audit.

³ Effective June 22, 2009, the Presiding Judge will handle a General Trial Court. Previously, the Presiding Judge handled the Community Court calendar.

⁴ Judges staff the arrestment (jail) calendar on a weekly rotating basis. Judges' courtrooms are unused ("go dark") during the week they are assigned this calendar.

SECTION TWO: JUDICIAL WORKLOAD INDICATORS FOR WHICH THERE IS DATA ALREADY AVAILABLE

Indicators of Court Workload

According to a 1996 National Center for State Courts report titled Assessing the Need for Judges and Court Support Staff, states use various indicators to assess the need for judges.⁵ The table below identifies judicial workload indicators that are commonly used and who uses them, including those cited in SMC annual reports through 2000⁶, ones used by the Washington Administrative Office of the Courts (AOC) for courts of limited jurisdiction, and ones used by other state courts. The indicators provided in this report were selected because they were relevant to SMC and because there is data available to populate them.

Table E			
Selected Court Workload Indicators			
Court Workload Indicators	SMC Annual Reports (Last report found 1999-2000)	WA State*	Other Jurisdictions**
<i>SMC data provided in this report (see Section Two)</i>			
Case filings	X	X	X
Case filings/judge	?	X	X
Case filings/type	X	X	X
Case filing/judge jurisdiction comparison		X	X
Arraignments	X	X	
Jury trials (set and held)	X	X	X
Bench trials (set and held) (SMC data questionable)	X	X	
Charges disposed		X	X
Charges disposed/judge; jurisdiction comparison		X	X
<i>SMC data not included in this report (See Section Three)</i>			
Population			X
Weighted caseload			X
Cases concluded at arraignment or intake hearing ⁷			
Case length of time/time standard not met (case processing time)***			X
Time spent in court ⁸			X

⁵ Staff at the National Center for State Courts stated that the methodologies identified in this report are considered current because no new methodologies have replaced them.

⁶ An SMC official stated that SMC has not issued annual reports in recent years due to budget constraints.

⁷ The number of cases concluded at arraignment is a useful indicator of workload because it shows how many cases judges need to address after this first appearance. An increase in cases concluded at arraignment could signify a reduction of workload for the remaining judges. This information was available in some reports and not others.

⁸ This information was provided in some SMC Annual Reports and not others.

*Used in Courts of Limited Jurisdiction Annual Caseload Report prepared by the Washington State Administrative Office of the Courts.

** These indicators were referenced in the 1996 National Center for State Courts report, Assessing the Need for Judges and Support Staff and in audits of other municipal courts.

***In 2007, SMC reported to our office that it was starting to keep track of this information.

What follows are graphs and tables demonstrating how these caseload indicators have changed over time for SMC. Data is limited to that found in SMC annual reports (found for most years between 1981 and 2000), the Washington State Administrative Office of the Court's Annual Caseload Report for Courts of Limited Jurisdiction for the years 1999-2008, and City of Seattle Law Department reports submitted to the City of Seattle's Office of Policy and Management.

Case Filings and Case Filings/Judge: In July 2002, the City convened the Criminal Justice Efficiencies Task Force whose efforts resulted in a report titled A System-wide Perspective on Seattle Municipal Court: A Review of the Criminal Justice Efficiencies Task Force.⁹ The task force reported that from 1989-2001 SMC's total caseload, which was represented through case filings, had decreased due to a number of factors. Task force work documents revealed that from 1989 to 2001 criminal case filings decreased by approximately 65 percent. In its 2003 budget, the City eliminated two SMC departments, which reduced the court from ten to eight judges.

The chart and table below show criminal case filing data from 1981 to 2008. It should be noted that criminal filings in 2004 and 2005 decreased because of a 2004 Washington State Supreme Court decision that invalidated the Driving with License Suspended in the Third Degree (DWLS3) law because the State's Department of Licensing didn't offer drivers an administrative hearing¹⁰. During this time, the City did not prosecute DWLS3 charges until the State corrected the defect in 2006 by establishing laws allowing for administrative hearings. The correction allowed the City to go back and prosecute those same DWLS 3 charges, which resulted in an increase in the number of case filings starting in 2006. According to the 2009 Adopted Budget, the City Attorney has decided to not prosecute first offenses of DWLS3.

⁹ Task force representatives included officials from SMC (judges and staff), City Council Central Staff, the Mayor's Office, the Department of Finance, the City's Attorney's Office, the Seattle Police Department, public and private defense attorneys, and other community stakeholders.

¹⁰ Excerpt from the 2006 SMC adopted budget, page 279: "Due to a State Supreme Court ruling, the City stopped filing most DWLS3 cases in the spring of 2004. At the same time in 2004, the Seattle City Council repealed a law that had been in effect since the beginning of 1999, which impounded the cars of DWLS3 offenders. As a result of the repeal of both of these laws, funding for jail and public defense costs associated with DWLS3 had been reduced as a mid-year budget cut in 2004 and again as a budget cut in 2005. The state Legislature has amended the license suspension process to allow for a hearing, which means that as of July 2005, the City Attorney will be able to file these cases again. The City Attorney has indicated his intention to do so. In response, the Jail Services Budget Control Level increases to accommodate an increased average daily jail population (ADP) at King County Jail of 13 inmates, increasing it from 190 to 203."

Figure 2
SMC Criminal Case Filings and Judges
1981-2008

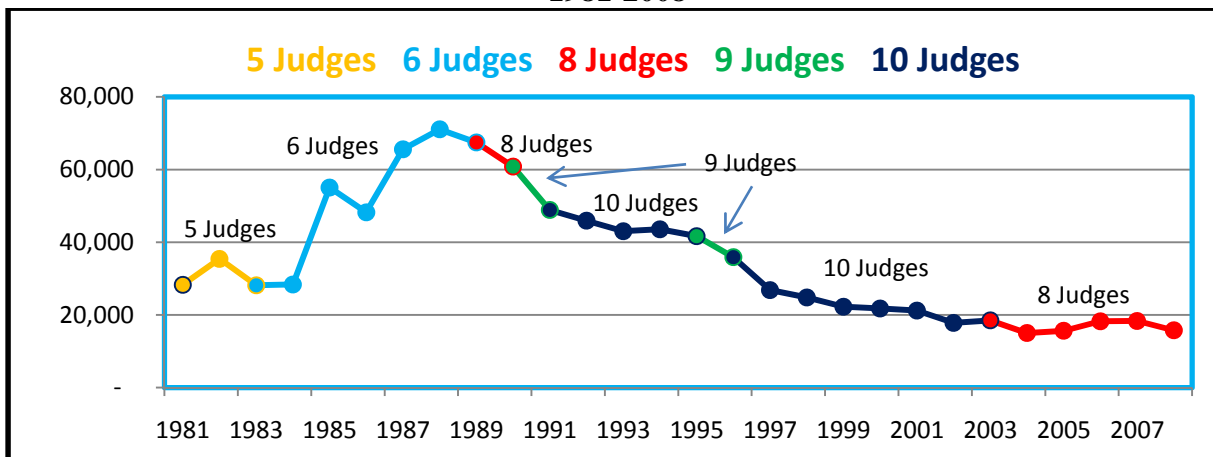
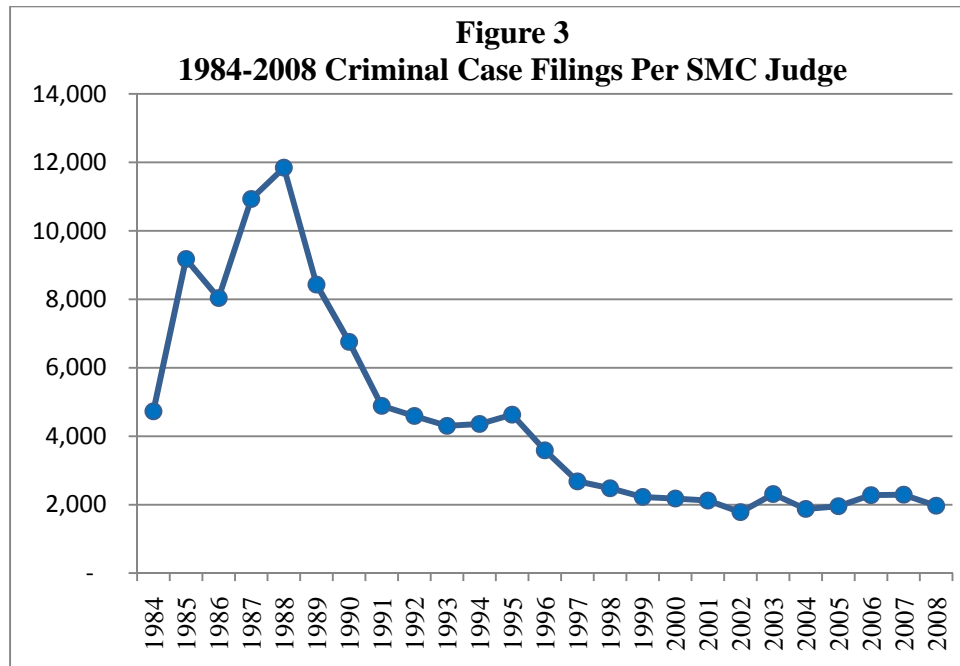


Table F			
SMC Criminal Case Filings Per Judges			
Year	Criminal Case Filings	# of Judges	Cases per Judge
1981	28,274	5	5,655
1982	35,420	5.5	6,440
1983	28,160	6	4,693
1984	28,372	6	4,729
1985	55,062	6	9,177
1986	48,228	6	8,038
1987	65,589	6	10,932
1988	71,071	6	11,845
1989	67,454	8	8,432
1990	60,799	9	6,755
1991	48,874	10	4,887
1992	45,916	10	4,592
1993	4,3040	10	3,404
1994	43,567	10	4,357
1995	41,674	9	4,630
1996	35,884	10	3,558
1997	26,823	10	2,682
1998	24,799	10	2,480
1999	22,252	10	2,225
2000	21,777	10	2,178
2001	21,198	10	2,120
2002	17,810	10	1,781
2003	18,481	8	2,310
2004	15,007	8	1,876
2005	15,633	8	1,954
2006	18,234	8	2,279
2007	18,323	8	2,290
2008	15,752	8	1,969

The next chart shows the average number of criminal case filings per SMC judge over the last 25 years.



Case Filings by Type: Several jurisdictions review the number of cases by type as one measure of judicial workload. The City of Seattle’s Office of Policy and Management (OPM) provided us with caseload data from 1998-2008 for three general categories: Criminal filings, Driving Under the Influence (DUI), and Criminal Traffic. OPM also provided information on the number of DWLS 3 filings (included in Criminal Traffic filings), Domestic Violence (DV) filings (included in Criminal filings), and Mental Health case referrals (MHRs) for the years 2004-2008. MHRs may occur in any of the three categories: Criminal Filings, DUI, or Criminal Traffic. This data may be used, along with additional data on the remaining types of cases SMC hears, in a judicial workload analysis.

Figure 4
1998-2008 SMC Filings by Type

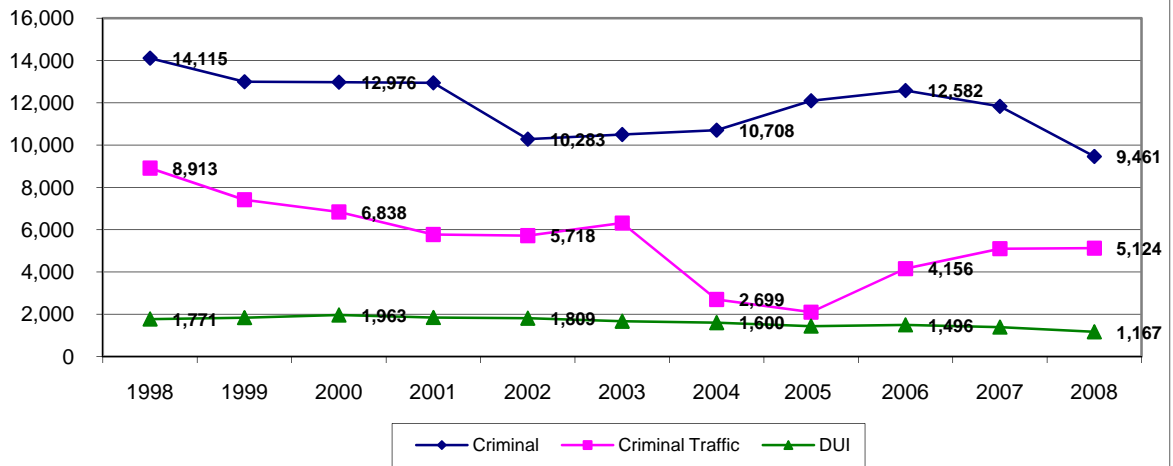
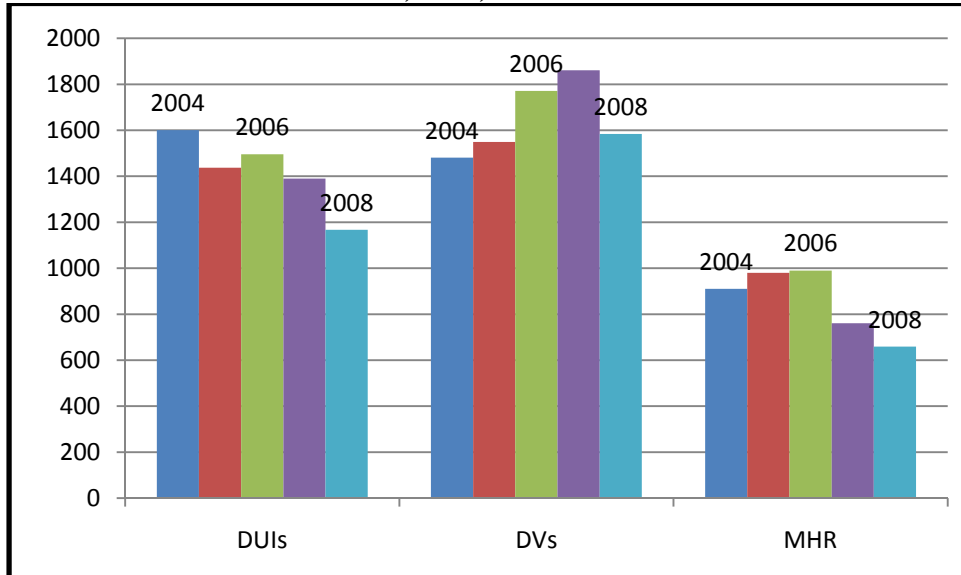


Table G
1998-2008 Criminal Case Filings By Type

Year	Total	Criminal	DUI	Criminal Traffic
1998	24,799	14,115	1,771	8,913
1999	22,252	12,997	1,838	7,417
2000	21,777	12,976	1,963	6,838
2001	20,562	12,948	1,844	5,770
2002	17,810	10,283	1,809	5,718
2003	18,481	10,502	1,666	6,313
2004	15,007	10,708	1,601	2,699
2005	15,633	12,098	1,437	2,098
2006	18,234	12,582	1,496	4,156
2007	18,323	11,833	1,390	5,100
2008	15,752	9,461	1,167	5,124
1998-2008	-9,047	-4,654	-604	-3,789
% change	-36%	-33%	-34%	-42%

**Figure 5
2004-2008 Criminal Case Filings for
DUIs, DVs, and MHRs**



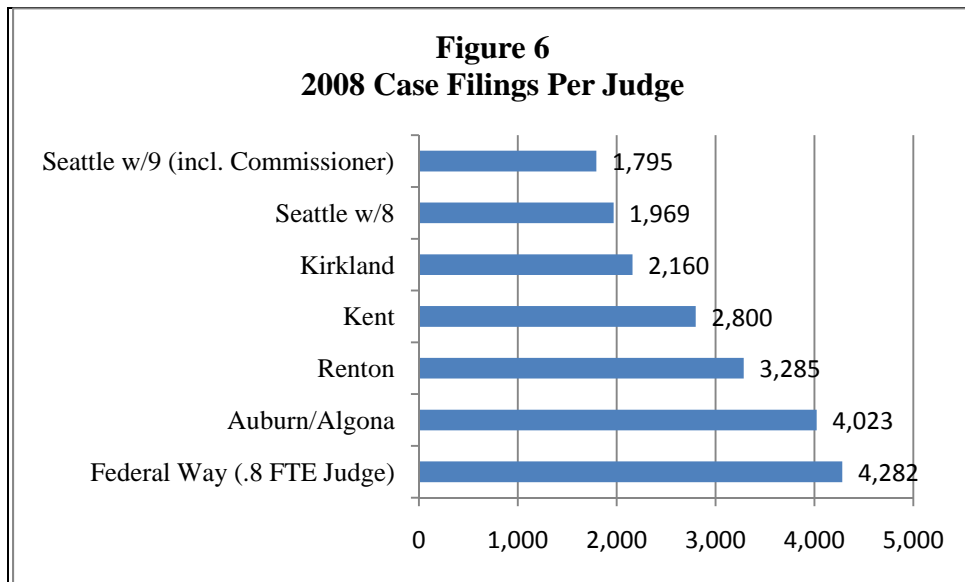
Year	2004	2005	2006	2007	2008
DUIs	1601	1437	1496	1390	1167
DVs	1,481	1,549	1,771	1,861	1,584
MHR	910	980	990	761	659

Case Filings per Judge by Jurisdiction Comparison:

The table below reflects the 2008 case filings per judge by jurisdiction¹¹, using the same cities included in a 2002 Seattle City Council Central Staff analysis.¹² The analysis compared Seattle’s number of case filings per judge in 2000 and 2001 with other local jurisdictions.

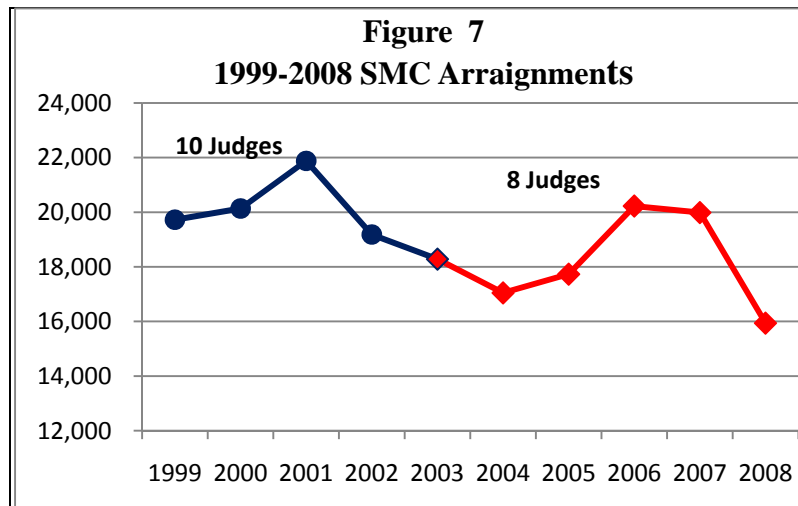
¹¹ Sources: Washington State Administrator of the Courts, Courts of Limited Jurisdiction 2008 Annual Caseload Report and Statewide Municipal Courts Staffing Survey for 2008.

¹² This analysis was done in support of the report “A System-wide Perspective on Seattle Municipal Court: A Review of the Criminal Justice Efficiencies Task Force.”



Arraignments¹³: The number of arraignments is a more accurate indicator of judicial workload than case filings because they require the work of a judge. Some case filings are dropped before arraignment, e.g., a case may get dropped by a prosecutor for lack of evidence before the arraignment. Both the SMC annual reports and the State Administrative Office of the Courts' annual reports for courts of limited jurisdiction include arraignment data. The chart below shows the number of arraignments SMC had from 1999 through 2008.

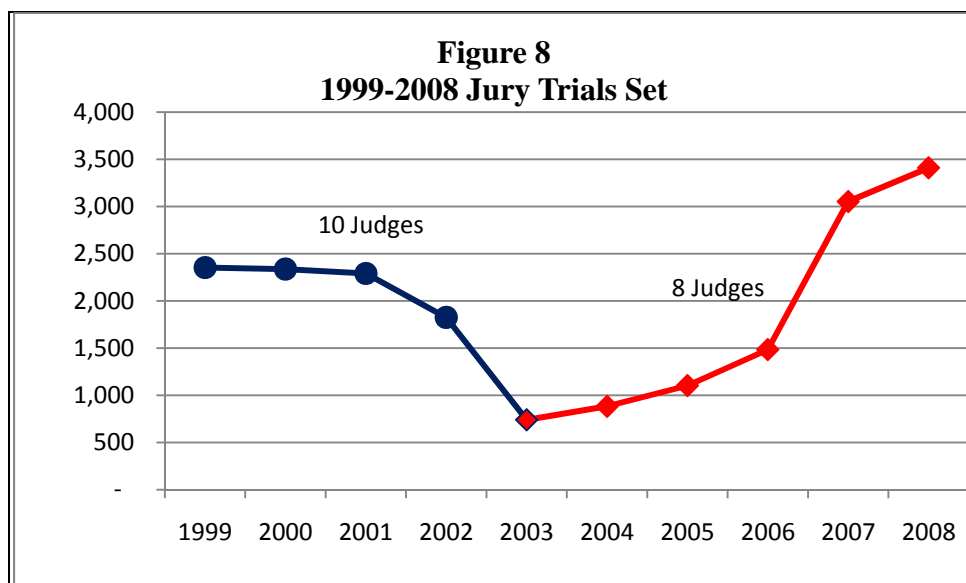
¹³ Arraignment: In SMC, an arraignment is a hearing, usually the initial hearing, which consists of establishing the identity of the defendant, reading the complaint to the defendant or stating the substance of the charge or charges, advising the defendant of his or her rights, and requiring the defendant to enter a plea. SMC stakeholders also refer to arraignments as the initial hearing or jail hearing. For SMC, in-custody defendants' arraignments occur at a court room in the King County Jail building. SMC also offers out-of-custody defendants the option of an intake hearing instead of an arraignment. Intake hearings are generally not held before a judge and are for defendants pleading not guilty. It is unclear whether 1999-2008 SMC data represent only in-custody-arraignments (which are heard by a judge) or whether they represent both in-custody-arraignments and out-of-custody intake hearings (which are not heard by a judge).



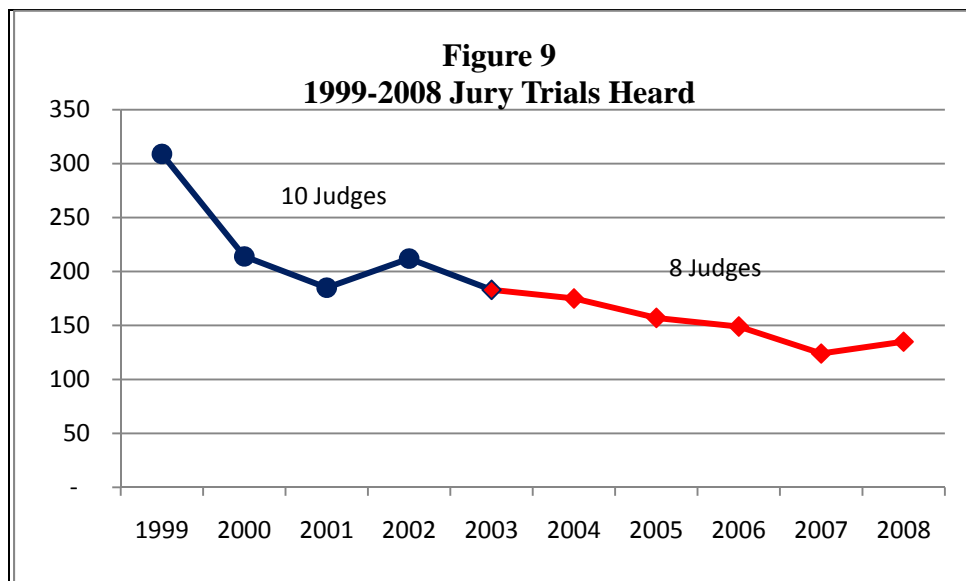
Jury Trials

Because jury trials require more judge time than dismissed or settled cases, the National Center for State Courts (NCSC) reported in 1996 that 19 states use the number of jury trials heard as one indicator of judicial need. NCSC also reported that 14 states determine the relative need for judges by analyzing the number of jury trials heard per judge.

Jury Trials Set: SMC’s annual reports and the State of Washington’s annual reports for courts of limited jurisdiction provide data on the number of jury trials set and heard. We found no other states that report jury trials set as a workload indicator. The number of jury trials set is reported because judges and staff spend time preparing for these trials even though some are cancelled at the last minute. The table below shows the number of jury trials set increasing starting in 2003, when the number of judges was reduced from 10 to 8. Follow-up with SMC would be needed to determine why the increase from 2003 to 2008 occurred while the number of case filings and actual trials heard decreased during that same period.



Jury Trials Heard: The chart below shows the number of jury trials heard generally decreasing in SMC from 1999 through 2008.



Bench Trials

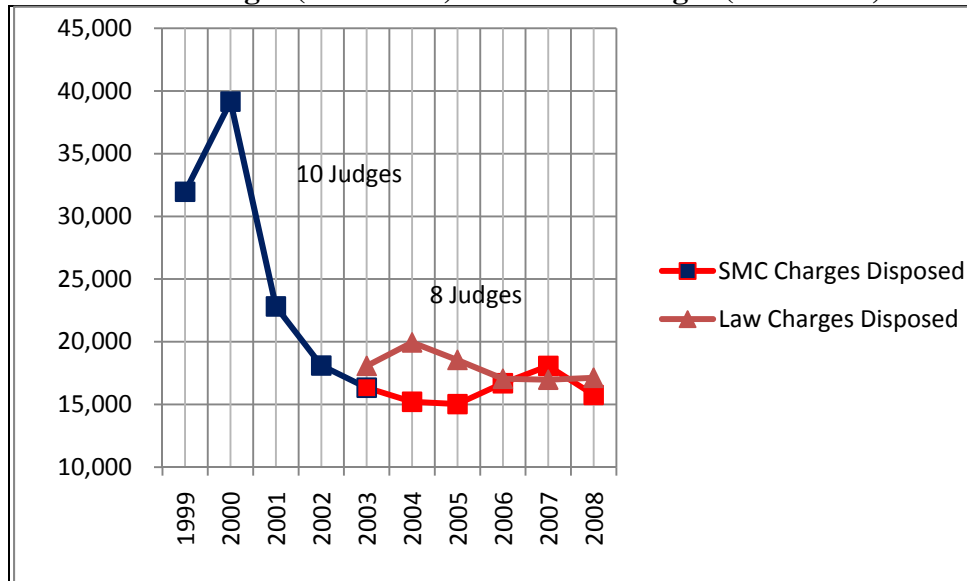
Bench trials are trials that SMC judges conduct without a jury. Combined with jury trial data, they measure some of a judge’s workload. However, the bench trial data for SMC presented in the State’s annual reports for courts of limited jurisdiction is questionable for 2002-2008. Data reported in the State’s annual reports from 1999 to 2001 seems correct because the number of bench trials heard is less than the number of bench trials set. As is the case with jury trials, many bench trial cases are resolved after trials are set but before they are actually heard. Sometimes they are resolved minutes before the trials are scheduled to begin. However, SMC data from 2002-2008 indicate that the number of bench trials heard exceeds, by large amounts, those that are set. Furthermore, no other jurisdiction in Washington reported bench trials set in excess of bench trials heard. Perhaps the 2002-2008 SMC data were inadvertently reversed; therefore, we did not include bench trial data in this report.

Charges Disposed: Charges disposed reflect the number of charges that are resolved. According to the 1996 National Center for State Courts (NCSC) report, charge dispositions provide an imperfect measure of the amount of work done by judges on the bench. Increases or decreases may not necessarily mean an increase or decrease in their workload. If the charge disposition rate increases it could be because judges are doing more work or attorneys are settling more cases. Conversely, decreases in charge dispositions could mean that cases are more complex and are requiring more judicial time. According to NCSC, because of these ambiguities, charge dispositions alone do not offer clear guidance on the need for judges. However, combined with other indicators, they are often used to determine the relative need for judges.

The Washington State Administrative Office of the Courts provides data for charges disposed in its annual caseload report for courts of limited jurisdictions. Through these reports, we obtained SMC data from 1999 through 2008. The City’s Law Department (Law) also keeps track of

dispositions in reports it submits to the City’s Office of Policy and Management. We obtained Law’s data covering 2003 through 2008. Both data sets show that since 2003, when the City reduced the number of judges from ten to eight, the number of dispositions has remained fairly constant. It is unclear why Law and SMC have different numbers for charges disposed.

Figure 10
Dispositions
Law Charges (2003-2008) and SMC Charges (1999-2008)

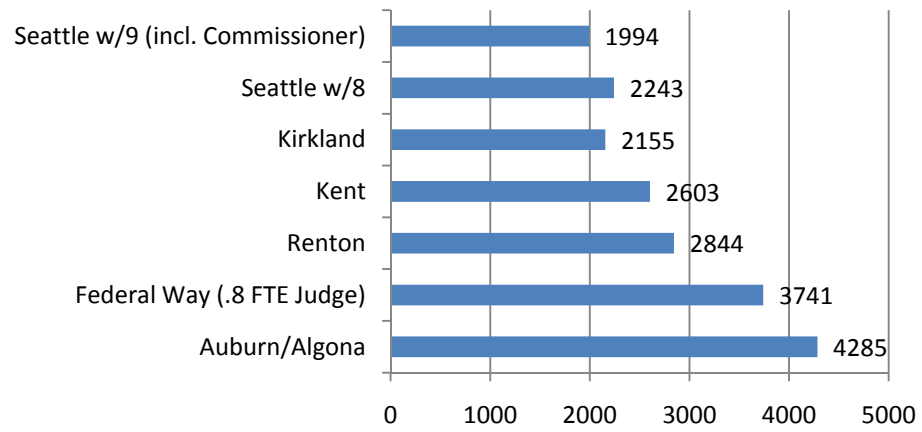


Charges Disposed Jurisdiction Comparison:

The Washington State Administrative Office of the Courts analyzes judicial workload by examining *case* dispositions, but only reports on *charges* disposed in its annual reports for courts of limited jurisdiction. The table below reflects the 2008 number of charges disposed per judge by jurisdiction, using the same cities included in the 2002 Seattle Central Staff workpapers for the report “A System-wide Perspective on Seattle Municipal Court: A Review of the Criminal Justice Efficiencies Task Force.”¹⁴

¹⁴ Source: 2002 Seattle Central Staff workpapers titled, “Judicial Vacancy.”

Figure 11
2008 Charges Disposed per Judge



SECTION THREE: OTHER POTENTIAL ASSESSMENT INDICATORS FOR WHICH SMC DATA AND/OR INVOLVEMENT WOULD BE NEEDED (i.e., data on these indicators is not included in this report)

Population

The 1996 National Center for State Courts' report on judicial staffing identified several states that assess juridical workload by considering indicators that are not directly related to cases, as well as those related to cases. While some of these indicators are not relevant to Seattle because of the type or location of the court, one that several states consider is population. While population data is easy to obtain, variances among similarly populated jurisdictions in their types of courts, cases heard, laws, and economic conditions can result in differing workload implications and judicial service needs. We gathered some information about population and number of judges from jurisdictions of similar size to Seattle; however, direct communication with these jurisdictions would be needed to ensure that we are comparing similar types of work as, for example, some jurisdictions do not report criminal caseload separately from parking and traffic infractions.

Cases Concluded at Arraignment

The number of cases concluded at arraignment is a good indicator of workload because it shows the number of cases remaining that judges need to address after a defendant's first appearance. An increase in cases concluded at arraignment could signify a reduction of workload for the remaining judges. We found data for the number of cases concluded at arraignment in SMC's annual reports for the years 1981 through 1984. In these years approximately 50 percent of the cases were resolved at arraignment. SMC should have this information from 1984 to the present.

Weighted Caseload

The 1996 National Center for State Courts (NCSC) report recommended using a weighted caseload methodology for assessing judicial need because it accounts for differences in case complexity. The weighted caseload method measures the time it takes to complete specific activities for each type of case from filing to disposition. However, the NCSC report also noted that some courts of limited jurisdiction may have little variability in the complexity of their cases.

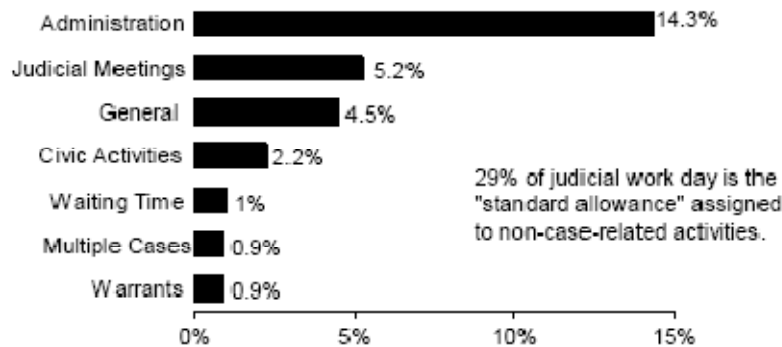
Unlike district courts that handle a mix of felony cases (e.g., murder) and misdemeanor cases (e.g., shoplifting), SMC handles only misdemeanor cases. Past and current SMC stakeholders differ in their assessment of the complexity of SMC's cases. However, because, compared to 10 years ago, a greater number of less complex cases are now being processed by SMC's specialized courts (community court), there are fewer cases for the General Trial Courts. However, these remaining cases may be more complex than general trial court cases. If the City were to do a weighted caseload study for judicial need, it would need more information about specific case-related activities from SMC. It would be useful to examine the number of cases by court calendar (i.e., General Trial cases, Domestic Violence cases, Community Court cases, and Mental Health Court cases) by the number of judges assigned to each calendar from 2004 to 2008.

Time Spent in Court

One part of NCSC's weighted caseload study concerned determining how much time judges have available to process cases. This requires determining how much judge time is devoted to case-related matters versus time spent on non-case matters such as administrative activities and training. The Oklahoma City Auditor issued audit reports in 2002 and 2005 to determine the appropriate number of judges required for Oklahoma City's municipal court. This audit included an analysis of the amount of time judges spent in court. Using scheduling data and SMC's help, it might be possible to replicate this analysis.

The NCSC's 1996 report provided information about the State of Washington's standard allowance for one FTE judge (see table below) for activities outside the courtroom.

Figure 12
Washington's Standard Allowance for a FTE Judge's Non-Case Related Activities



Case Length of Time/Case Processing Time or Time Standard Met/Not Met

According to NCSC, the time it takes to process cases is an important measure of court performance. The American Bar Association (ABA), the Conference of Chief Judges, and the Conference of State Court Administrators urges the adoption of case processing time standards and the State of Washington has established time standards for processing cases. Case processing time is defined as the time between the filing of a case and its disposition via plea, trial verdict, dismissal, or other dispositive action.¹⁵ Several states assess case processing time to assess judicial workload. If cases are not being closed within acceptable times as prescribed by the guidelines, this could suggest a need for more judges. During the course of our August 2007 report, Seattle Indigent Public Defense Services, SMC officials told us that in 2007 SMC was going to start tracking the time it took to process cases. To assess SMC's adherence to

¹⁵ Source: Board for Judicial Administration Court Management Council, Advisory Case Processing Time Standards for the General and Limited Jurisdiction Trial Courts of Washington State; Endorsed by the Board of Judicial Administration Court Management Council, May 15, 1992; Revised September 1997. The Board recommends standards for case processing (from case filing to disposition) and the period from case disposition to completion. Case completion is defined as the filing of final dispositive documents with the clerk. While the first may be appropriately applied for judges, the second may be useful to assess the need for court support staff.

Washington State's case processing time standards, this data would need to be requested from SMC.

The table below shows Washington State's criminal case processing time standard for case filing to case resolution as of September 1997. Trial courts use this advisory standard to gauge their performance. This standard is intended to assist the courts in developing internal goals that can and should be reached and maintained.

Table I Criminal Case Processing Time Standard Case Filing to Resolution Washington State	
Percentage of adjudicated cases	Time from filing to disposition
90%	4 months (120 days)
98%	6 months (180 days)
100%	9 months (270 days)

Assessing the Need for Court Support Staff

While there are several measures used to evaluate the appropriate number of judges required to staff a court system, we found less guidance on the indicators for assessing the need for court support staff. The NCSC's 1996 report provides one method to assess court support staffing that is similar to that used to assess judicial need. This approach requires:

1. Identifying court support functions and positions
2. Developing a clear and detailed understanding of the work performed by court support staff
3. Choosing the types of cases to be examined
4. Building case weights
5. Interpreting final tasks and case weights
6. Determining staff time available
7. Determining the number and type of support staff needed.
8. Instituting procedures to keep the case weights current.

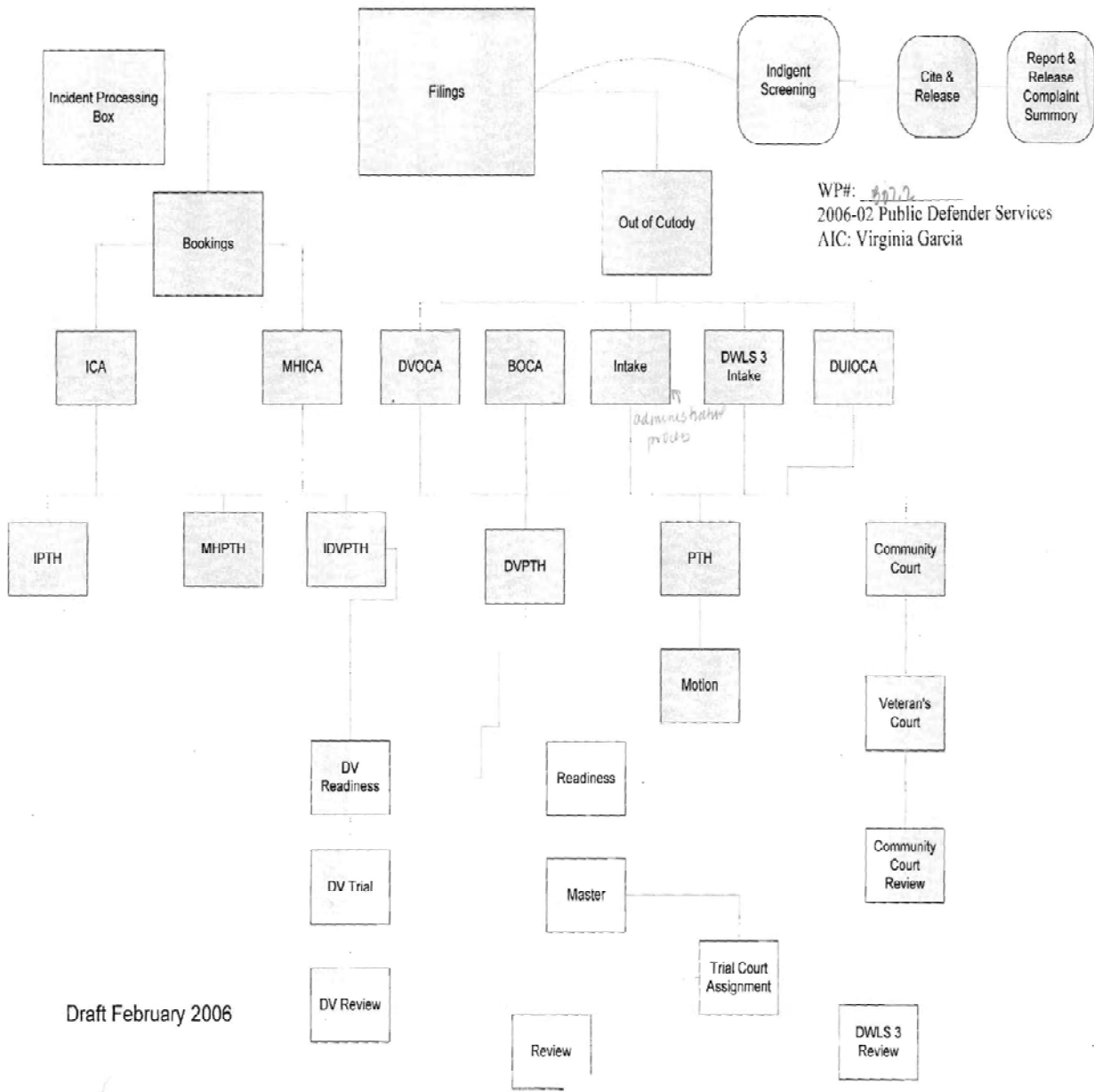
The National Center for State Courts recently completed a staffing needs assessment study for King County District Court.¹⁶ Conducting a similar study would require the participation of SMC and perhaps the involvement of a consultant with experience in this area.

When the City was considering cutting the two SMC judge positions in 2002, it also explored two scenarios for decreasing the number of judicial support staff. The first scenario included abrogating a judge, a bailiff and a clerk for an approximate cost savings ranging from \$215,000 to \$227,000. The second scenario included eliminating a judge, the average amount of pro-tempore hours associated with one judge, a bailiff, a clerk and a clerk supervisor for an estimated savings ranging from \$275,000 to \$295,000. Given changes in SMC's courts since 2002,

¹⁶ We contacted King County District Court for a copy of the study.

support staff may now be used differently than they were in 2002. Therefore, an evaluation of how support personnel are currently utilized in SMC's court rooms would have to be conducted to identify the type and number of support staff.

APPENDIX A
Figure 13
SMC Criminal Case Processing Flow Chart



Draft February 2006

Source: Bob White, SMC Clerk

¹⁷ Abbreviations for this chart are defined in the next page.

Table J Definitions for Criminal Case Processing Flow Chart	
Abbreviation	Definition
Filings	SMC criminal case filings
ICA	In-custody arraignment
MHICA	Mental health in-custody arraignment
DVOCA	Domestic violence out of custody arraignment
BOCA	Bail out of custody arraignment
Intake	Administrative hearing used instead of an arraignment for out of custody defendants that agree to one.
DWLS 3 Intake	Driving while license suspended in the third degree intake hearing
DUIOCA	Driving under the influence out of custody arraignment
IPTH	In-custody pre-trial hearing
MHPTH	Mental health pre-trial hearing
IDVPTH	In-custody domestic violence pre-trial hearing
DVPTH	Domestic violence pre-trial hearing
PTH	Pre-trial hearing
DV	Domestic violence
Readiness	Hearing that occurs prior to a trial to ensure prosecution and defense are prepared to go to trial.
Master	When a case was ready it was put on the master calendar for assignment to a trial court. Currently, SMC is using an individual, not a master, calendar system. Under an individual calendar a judge stays with a case from start to finish. Under a master calendar the first available judge gets assigned a trial.
Review	Hearings to ensure defendants are complying with sentences.

APENDIX B

The Supreme Court
State of Washington

GERRY L. ALEXANDER
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2029
FAX (360) 357-2085
E-MAIL J.G.ALEXANDER@COURTS.WA.GOV

September 25, 2009

Mr. David Jones
Acting City Auditor
Office of the City Auditor
PO Box 94729
Seattle, WA 98124-4729

Re: Seattle Municipal Court

Dear Mr. Jones:

Staff from the Administrative Office of the Courts (AOC) shared with me a September 10, 2009, draft "Fact Paper" prepared by your office that purports to describe the "Seattle Municipal Court Judicial Workload."

Although I understand this paper is still in draft form, I want to share with you some of my concerns about the document, the process by which it was created, and its intended use.

Neither the purpose of the paper nor the city auditor's role is clear. If the purpose is to provide sufficient objective information for decision makers to evaluate judicial workload, this paper does not do so. Nor, in my judgment, should it.

Judicial workload and position needs should be assessed by using a clearly defined, consistent and objective methodology. The assessment should be performed by persons skilled in objective research methodologies and who have experience with court operations and data.

This view is supported by the 1996 National Center for State Courts (NCSC) report, which is cited in the draft paper. While some of the information in the NCSC report is obsolete some 13 years later (notably including its description of the methodology used in Washington), some key points about the correct process for assessing judicial position needs remain relevant, including:

- The need for judicial positions should be assessed against statewide standards of judgeship needs
- The determination of position needs should be based on satisfying pre-established criteria
- Those criteria should be established by the state court administrative office prior to the analysis of need in any particular locality
- The assessment technique should be objective, coherent, and explained with sufficient specificity to be replicated
- Special data collection efforts should be minimized, and those that are deemed necessary should be cost-effective
- A different methodology for determining need should only be used when quantitative and qualitative criteria demonstrate that methodology is an improvement over current methods for determining judicial position needs.

The draft report ignores all of those key principles. Instead, the paper selectively presents indicators of judicial workload in a disjointed manner, with elements of the weighted caseload approach (time accounting) interspersed with elements of Washington's method of objective workload analysis. The result is a report that is not useful and potentially misleading in its current form, and which requests extraordinary efforts from the court to quickly produce additional statistical data that will likely not inform the analysis.

The Washington State Center for Court Research (WSCCR), the research arm of the Administrative Office of the Courts, annually assesses judicial workload and projects judicial needs for superior and district courts through an objective workload analysis conducted pursuant to RCW 2.56.030(11). This objective workload analysis is the standard methodology that has been employed by the Washington State Legislature and the Board for Judicial Administration (BJA) since 2001 in determining judicial position needs. Relying on that methodology, the BJA has supported and the legislature has approved both increases and reductions in the number of authorized judicial positions.

Public confidence in the integrity of the process is enhanced by utilizing a consistent, transparent, and objective methodology for assessing judicial workload and position needs. The WSCCR has many years of experience developing and applying such a methodology in Washington.

The WSCCR also produces and publishes judicial needs estimates for many municipal courts using the same methodology. WSCCR has not produced estimates for Seattle Municipal Court (SMC), largely because SMC uses its own case management system rather than the Judicial Information System and comparable data may not have

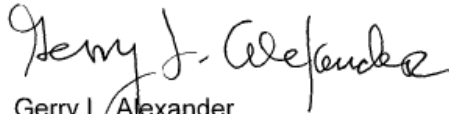
Mr. David Jones
September 25, 2009
Page 3

been available in the past. I am now advised, however, that WSCCR staff believe they have or can fairly easily obtain sufficient data to perform the judicial needs analysis for SMC based on the objective workload methodology.

If asked by SMC, WSCCR will, in a reasonable period of time and at no expense to the City, produce a judicial needs estimate using the objective workload analysis.

Please feel free to contact our State Court Administrator, Mr. Jeffrey E. Hall (360-357-2120) or Mr. Dirk Marler, Judicial Services Division Director (360-705-5211) for further information.

Sincerely,



Gerry L. Alexander
Chief Justice

cc: Honorable Edsonya Charles, Presiding Judge, Seattle Municipal Court
Honorable Judith Hightower, Seattle Municipal Court
Honorable Ron A. Mamiya, Seattle Municipal Court
Honorable C. Kimi Kondo, Seattle Municipal Court
Honorable Fred Bonner, Seattle Municipal Court
Honorable Michael S. Hurtado, Seattle Municipal Court
Honorable Jean A. Rietschel, Seattle Municipal Court
Honorable George W. Holifield, Seattle Municipal Court
Honorable Gregory Nickels, Mayor, City of Seattle
Honorable Tim Burgess, Chair, Seattle City Council Public Safety Committee
Honorable Tom Rasmussen, Seattle City Council
Honorable Richard J. McIver, Seattle City Council
Honorable Nick Licata, Seattle City Council
Honorable Bruce Harrell, Seattle City Council
Honorable Jean Godden, Seattle City Council
Honorable Jan Drago, Seattle City Council
Honorable Sally J. Clark, Seattle City Council
Honorable Richard Conlin, Seattle City Council President
Mr. Jeffrey E. Hall, State Court Administrator
Mr. Dirk A. Marler, Judicial Services Division Director, AOC

**OFFICE OF CITY AUDITOR'S RESPONSE
TO CHIEF JUSTICE GERRY ALEXANDER'S COMMENTS
ON A DRAFT FACT PAPER**

The Office of City Auditor appreciates Chief Justice Alexander's comments on our September 10, 2009 draft Seattle Municipal Court Judicial Workload Indicators fact paper. The purpose of our work was to provide the Seattle City Council with information about judicial workload indicators currently or previously used for analyses of workloads at Seattle Municipal Court and other jurisdictions. We did not seek to define what the appropriate indicators should be for evaluating the Seattle Municipal Court's judicial workload nor is the fact paper an assessment of the Court's judicial workload. This paper provides a basis for discussion and agreement among the branches of Seattle government (Judicial, Legislative and Executive) on how best to respond to Guideline 4 of the National Center for State Courts' Assessing the Need for Judges and Court Support Staff:

Local courts should provide the data necessary to assess the need for judges and court support staff on a regular basis. Statutes or court rules should specify a clear set of definitions and the data elements required to produce the assessment measures.

We believe that the Seattle Municipal Court should request an annual assessment of its judicial workload by the Washington State Center for Court Research (WSCCR) that could be used to project Seattle Municipal Court's judicial needs, as is done for many other jurisdictions in the state. And as Judge Alexander suggests, we would like the WSCCR to explain the methodology it uses to assess judicial workload and position needs with sufficient specificity that City staff could replicate it.