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# Maine Judge and Clerk's Office Staff Workload Assessment

*Final Report*

May 2023

Brian J. Ostrom, Ph.D.  
Erica J. Boyce, Ph.D.  
Rory Monaghan, Ph.D.  
Erika J. Bailey, M.A.  
Breanna Bell, M.C.J.

**Research Division**  
**National Center for State Courts**



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## **ACKNOWLEDGEMENTS**

The authors gratefully acknowledge the invaluable contributions of the Maine Judicial Branch (MJB) judicial officers and clerk's office staff to this workload assessment. An undertaking of this magnitude would not have been possible without their dedicated participation in the time study and sufficiency of time survey and their valuable feedback.

Over the course of this study, we were fortunate to meet regularly with a distinguished advisory committee. The Weighted Caseload Steering Committee (WCSC), comprised of Superior Court justices, District Court judges, Family Law magistrates, court clerks, and Administrative Office of the Courts staff, provided input and perspective in all phases of the project. The members are commendable for the direction and support they provided throughout the project.

Amy Quinlan, Maine's State Court Administer, served as an invaluable partner in this endeavor. Additionally, we are grateful to Barbara Cardone for her leadership and organization of the WCSC, continuous support to NCSC team members, and prompt and thorough responses to all questions throughout the life of this project. We also extend a special note of thanks to Julie Howard, Dan Sorrells, Kelly John, and Elizabeth Maddaus for their help in navigating the Maine Judicial Branch.

### *The Weighted Caseload Steering Committee (WCSC)*

**Hon. Valerie Stanfill**  
Chief Justice, Maine Supreme Judicial Court

**Amy Quinlan**  
State Court Administrator

**Hon. Robert Mullen**  
Chief Justice, Maine Superior Court

**Hon. Brent Davis**  
Chief Judge, Maine District Court

**Hon. Jed French**  
Judge, Maine District Court

**Hon. Daniel Billings**  
Justice, Maine Superior Court

**Hon. Loralie Spooner**  
Magistrate, Maine District Court

**Elizabeth Maddaus**  
Director of Clerks of Court

**Julie Howard**  
Clerk of Court and Manager of York County Court Operations

**Shelly Sawyer**  
Clerk of Court

**Kelly John**  
Human Resources Director

**Rick Record**  
Director of Court Services

**Michele Haggan**  
Administrative Clerk

**Claire Bell**  
Court Management Analyst

**Dan Sorrells**  
Process Auditor

**Kellie McKenney**  
Court Operations Analyst

**Barbara Cardone**  
Director of Legal Affairs and Public Relations

## EXECUTIVE SUMMARY

The Maine Judicial Branch contracted with the National Center for State Courts (NCSC) to perform a comprehensive study of the workload for Maine trial court justices, judges, magistrates, and clerks. The focus of this study is solely on the Maine trial courts. The workload of the Supreme Judicial Court and its clerk's office are not included in this project.

A clear and objective assessment of trial court workload is essential to establish the number of judicial officers and clerks required to resolve in a timely manner all cases coming before the court. The primary goals of the study were to:

- Develop a valid measure of judicial and clerk's office workload in district, superior and family courts, accounting for variations in complexity among different case types, as well as differences in the non-case-related responsibilities of justices, judges, magistrates, and clerks in rural and urban districts.
- Establish a transparent and empirically driven formula for the Maine Judicial Branch to use in determining the appropriate level of judicial and clerk's office resources.

### Project Design

To provide oversight and guidance on matters of policy throughout the project, a 16-member Weighted Caseload Steering Committee (WCSC), consisting of judges, justices, family law magistrates, administrators, and clerks, was established. The workload assessment was conducted in two phases:

1. A time study in which trial judges, justices, magistrates, retired/substitute judges, and clerk's office staff recorded all case-related and non-case-related work over a four-week period. The purpose was to provide an empirical description of the amount of time

currently devoted to processing each case type, and the division of the workday between case-related and non-case-related activities.

2. A quality adjustment process ensured that the final weighted caseload models incorporated sufficient time for efficient and effective case processing. The quality adjustment process included a statewide sufficiency of time survey asking District and Superior Court judicial officers and clerk's office staff about the amount of time currently available to perform various case-related and non-case-related tasks, in addition to an in-depth assessment of the time study findings by the WCSC.

Participation in the time study and statewide survey was exceptionally high, with 94% of judicial officers and 94% of clerks participating in the time study. For the sufficiency of time survey, the participation rate was 80% for judicial officers and 92% for clerk's office staff.

### Project Results

Applying the final weighted caseload models to current case filings shows that the current judicial and clerk's office workload exceeds the capacity of the existing complement of judicial officers and clerk staff. There is currently a need for a total of 73.1 judicial officers on the trial bench and 285 clerks in the trial courts. This includes additional time for chief clerks to carry out their essential administrative duties.

Currently, Maine has positions for 64 judicial officers in the Superior and District courts and 245.6 full time equivalent (FTE) clerks. Some of these positions were vacant at the time of the study. Additional judges, justices, magistrates, and clerks are needed to enable Maine's District and Superior Court judiciary and clerk's office to manage and resolve court business effectively and without delay while also delivering quality

service to the public.

It is important to note that this is the need for trial court judicial officers and clerk's office staff to handle the current incoming caseload in Maine's trial courts. Additional resources are required to address the backlog that has accumulated because of the Covid-19 pandemic.

## **RECOMMENDATIONS**

The weighted caseload model adopted by the Weighted Caseload Steering Committee provides an empirically grounded basis for analyzing the workload of judicial officers and clerk's office staff throughout the state. The following recommendations will help to ensure the integrity and utility of the judicial officer workload model and the clerk's office staff model over time.

### **Recommendation 1**

The judicial officer weighted caseload model shows the need for additional judicial officers throughout the state. The current number of judicial officers is insufficient to effectively resolve the cases coming before the Maine trial courts. The Maine Legislature should consider authorizing new judgeships where the weighted caseload model shows a need for additional judicial officers.

### **Recommendation 2**

The clerk's office staff weighted caseload model clearly illustrates the need for additional clerk positions in trial courts throughout the state. Many of Maine's clerk's offices show a need for an increase in staff positions of more than 20%. The understaffing is particularly acute in the larger offices. The Maine Legislature should strongly consider an increase in funding for clerk's office staff that will allow staffing levels in line with the results of the weighted caseload

model.

### **Recommendation 3**

The calculations of judicial officer and clerk's office staff need in this report are based upon a three-year average of case filing data. NCSC recommends that the implied need for both judicial officers and clerk's office staff be recalculated on an annual basis using the same methodology set forth in this report and updated with year-end case filing data. The application of the workload formula to the most recent filings will reveal the impact of any changes in caseloads or caseload composition on need for Superior Court justices, District Court judges, Family Law magistrates, and clerk's office staff.

### **Recommendation 4**

Over time, the integrity of a weighted caseload model may be affected by multiple influences, such as changes in legislation, case law, legal practice, and technology. Regular updates are necessary to ensure that the weighted caseload models remain an accurate representation of judicial officer and clerk's office staff workload. A systematic review of the models should be conducted approximately every five years. This process should be grounded in a new time study and should also re-evaluate underlying assumptions and data on which the model is built to ensure the continued validity of the weighted caseload estimates.

## I. INTRODUCTION

The Maine Administrative Office of the Courts (AOC) contracted with the National Center for State Courts (NCSC) to develop a method to measure judicial and clerk's office workload in Maine's District and Superior Courts. The focus of this study is solely on the Maine trial courts. The workload of the Supreme Judicial Court and its clerk's office are not included in this project.

A clear measure of court workload is central to determining how many judicial officers and clerk's office staff are needed to resolve cases coming before the court. It is important to note that this study addresses the need for trial court judicial officers and clerk's office staff to handle the current incoming caseload in Maine's trial courts. Additional resources are required to address the backlog that has accumulated because of the Covid-19 pandemic. The weighted caseload model provides a means to estimate the additional judicial officer and clerk's office staff resources required to resolve the backlog.

Adequate resources are essential if the Maine Judicial Branch is to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves assessing objectively the number of judicial officers and clerk's office staff required to handle the caseload and whether court resources are being allocated and used prudently. In response, judicial leaders around the country are increasingly turning to empirically based weighted caseload studies to provide a strong foundation of judicial branch resource need in their state trial courts to ensure equal access to justice.

The need for financial and resource accountability in government is a strong stimulus to develop a systematic method to assess the need for judges and clerk's office

staff. The state-of-the-art technique for assessing judicial and clerk staff need is a weighted caseload study because population or raw, unadjusted filings offer only minimal guidance regarding the amount of judicial and clerk's office staff work generated by those case filings. The weighted caseload method explicitly incorporates the differences in workload associated with different types of cases, producing a more accurate and nuanced profile of the need for judges and clerk staff in each court.

This report describes the methodology and results of the Maine Judge and Clerk's Office Staff Workload Assessment conducted between September 2022 and April 2023. The project's primary goals were to:

- Develop a valid measure of judicial and clerk's office staff workload in all District and Superior Courts in Maine, considering variations in complexity among different case types, as well as differences in the non-case-related responsibilities of judicial officers and clerk's office staff throughout the state; and
- Establish a transparent and empirically driven formula for the Maine Judicial Branch and the Maine Legislature to use in determining the appropriate level of judicial and clerk's office staff resources needed throughout the state.

The weighted caseload formula was developed using a highly participatory multi-method data collection strategy. Key features of this strategy include:

- Oversight and guidance by an Advisory Committee, appointed by the Supreme Court, throughout the life of the project. The Advisory Committee helped ensure that the weighted caseload formula allows sufficient time for efficient and effective case

resolution.

- A statewide time study providing a detailed empirical profile of the amount of time Maine District and Superior Court judicial officers and clerk’s office staff currently spend handling cases of various types—including both in-court and out-of-court work—and other essential functions such as travel and administrative work.
- Qualitative input gathered from judicial officers and clerk staff through a statewide Sufficiency of Time survey and an in-depth assessment of the time study findings by the WCSC.

The final weighted caseload model yields a clear and objective assessment of judicial and clerk’s office staff workload and the number of judicial officers and clerk’s office staff required to handle that workload. Results are presented on a statewide basis for all trial court levels and clerk’s offices.

It is important to note that this study addresses the need for trial court judicial officers and clerk’s office staff to handle the current incoming caseload in Maine’s trial courts. Additional resources are required to address the backlog that has accumulated because of the Covid-19 pandemic.

*NCSC Independence and Competence.* The NCSC is particularly well suited to conduct the Maine Judge and Clerk’s Office Staff Workload Assessment because of its experience, expertise and knowledge of the justice system. Founded in 1971, the NCSC is an independent, nonprofit court improvement organization. All of NCSC’s services—research, information services, education, consulting—are designed to help courts plan, make decisions, and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision-making. For nearly three decades, a key focus of NCSC expertise has been on the development and use of systematic methods for assessing the need for judicial branch resources. The NCSC is the leader in weighted caseload studies for courts and their justice system partners, with studies conducted at every level of government, for almost every type of justice system position. In all, the NCSC has conducted more than 50 workload and staffing assessments in the last 10 years. These studies have been performed in a variety of contexts—statewide and local efforts, general and limited jurisdiction courts—and have involved judges, quasi-judicial officers, probation officers, attorneys, and administrative and clerical staff.

## II. PROJECT OVERVIEW

### A. The Weighted Caseload Model

The weighted caseload method is grounded in the understanding that different types of court cases vary in complexity and consequently in the amount of work they generate. For example, a typical felony case requires more time from judicial officers and clerk's office staff than the average traffic case. The weighted caseload method calculates judicial and clerk's office need based on each individual court's total workload. The weighted caseload formula consists of three critical elements:

1. *Case filings*, or the number of new cases of each type filed each year.
2. *Case weights*, which represent the average amount of judicial officer and clerk's office staff time required to handle cases of each type over the life of the case.
3. The *year value*, or the amount of time each judicial officer and staff member has available for case-related work in one year.

Total annual workload is calculated by multiplying the annual filings for each case type by the corresponding case weight, then summing the workload across all case types. Each court's workload is then divided by the year value to determine the total number of full-time equivalent judicial officers and court clerk staff needed to handle the workload.

### B. Weighted Caseload Advisory Committees

To provide input and guidance throughout the project, the NCSC requested that the Administrative Office of the Courts (AOC) form a Weighted Caseload Steering Committee (WCSC or Committee) to oversee both studies. The Committee consisted of 17 justices, judges, magistrates, clerks, and AOC staff from across the state. The full Committee met multiple times

over the course of the project. WCSC responsibilities included:

- Determining the judicial officer and clerk's office staff positions that would participate in the studies and encouraging participation from the field.
- Advising the project team on the definitions of case types and case-related and non-case-related events to be used during the time studies.
- Reviewing and endorsing the results of the time studies and the quality adjustment process.

### C. Participants

The study focused on the work of judicial officers and clerk's office staff in Maine's trial courts. Specifically, at the judicial level, the study evaluated and distinguished the work of Superior Court Justices, District Court Judges, and Family Law Magistrates (collectively referred to as judicial officers).

With respect to court clerk staff, participants included a wide range of positions (e.g., assistant clerk, deputy clerk, division supervisor, associate clerk, clerk of court). With assistance from the Advisory Committee, all positions were classified into three groups, collectively referred to as clerk's office staff: assistant clerk, associate clerk, and clerk of court.

### D. Research Design

The workload assessment was conducted in two phases:

1. A *time study* in which all justices, judges, magistrates, clerk's office staff, and active retired judges who were working during the time study period recorded all case-related and non-case-related work over a four-week



period. The purpose was to provide an empirical description of the amount of time currently devoted to processing each case type and the division of the workday between case-related and non-case-related activities.

2. A *quality assessment* process that ensured that the final weighted caseload models incorporated sufficient time for efficient and effective case processing. There were two parts to the quality adjustment process. The first was a statewide Sufficiency of Time survey asking justices, judges, magistrates, and clerk’s office staff about the amount of time currently available to perform various case-related and non-case-related tasks. The second was an assessment by the WCSC that reviewed and offered feedback on preliminary results from each time study and the Sufficiency of Time survey and discussed local or region-level factors affecting their workload.

### III. CASE TYPE CATEGORIES

During its first meeting, the WCSC defined the case type categories to be used in the weighted caseload model for both judicial officers and

clerk’s office staff. The goal was to identify a manageable number of case type categories that satisfied the following requirements:

- The case type categories are both mutually exclusive and collectively exhaustive, meaning that any given case falls into one, and only one, case type category.
- Categories are legally and logically distinct.
- There are meaningful differences among categories in the amount of judicial and clerk’s office staff work required to process the average case.
- There are enough case filings within the category to develop a valid case weight.
- Filings for the case type category or its component case types are tracked consistently and reliably by the AOC.

Using the case type categories currently tracked by the AOC as a starting point, the WCSC agreed upon 19 case types for the purposes of this study. The same set of case types was used by both judicial officers and clerk’s office staff. Exhibit 1 lists the case type categories.

#### Exhibit 1: Case Type Categories

<b>District</b>	<b>Unified Criminal Docket</b>	<b>Superior Court</b>
Administrative	Criminal	Appeals
Civil	Civil Violation	Civil
Family Matters - Original Actions		Real Estate
Family Matters - Post-Judgment Motions		
Juvenile		
Mental Health		<b>Violations Bureau</b>
Protection from Abuse/Harassment		Traffic Infraction
Protective Custody		
Real Estate		
Forcible Entry and Detainer		
Special Actions - All Other		
Small Claims		

## IV. CASE-RELATED AND NON-CASE-RELATED EVENT CATEGORIES

### A. Judicial Officers

*Case-Related Events.* To describe the case-related work of judicial officers in more detail, the WCSC defined three case-related event categories that cover the complete life cycle of each case: Pre-Disposition/Non-Trial Disposition, Trial, and Post-Disposition. Case-related events cover all work related to an individual case before the trial courts, including on-bench work (e.g., hearings) and off-bench work (e.g., reading case files, preparing orders). The uniform set of three case-related event categories applied to all justices, judges, and magistrates and are listed in Exhibit 2, with more detailed descriptions in Appendix A.

#### Exhibit 2: Judicial Officer Case-Related Event Categories

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Pre-Disposition/Non-Trial Disposition  
Trial  
Post-Disposition

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*Non-Case-Related Events.* Work that is not related to a particular case before the court, such as court management, committee meetings, travel, and judicial education, is also an essential part of the judicial workday. To compile a detailed profile of judges' non-case-related activities and provide an empirical basis for the construction of the judge day and year values, the WCSC defined eight non-case-related event categories (Exhibit 3). To simplify the task of completing the time study forms and aid in validation of the time study data, vacation and other leave, lunch and breaks, and time spent filling out time study forms were included as non-case-related events. Definitions of the non-case-related activities can be found in Appendix C.

## Exhibit 3. Judicial Officer Non-Case-Related Event Categories

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Non-Case-Related Administration  
Judicial Education and Training  
Community Activities, Education, Speaking Engagements  
Committee, Other Meetings and Related Work  
Travel Time  
PTO  
Lunch/Breaks  
NCSC Project Time

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### B. Clerk's Office Staff

*Case-Related Events.* Court staff are expected to be allocated as needed to meet the different needs of judicial officers and the different calendars to which judicial officers are assigned. Clerk's Office staff perform a variety of functions in and out of court that can be directly related to the processing of cases (case-related activities). The concept of *functional areas* is used to group basic job responsibilities into categories for both case-related and general functions. Case-related functions include case processing, calendaring and case flow management, customer service, and courtroom support. NCSC staff worked closely with the WCSC to develop a comprehensive list and description of these essential functional activities. The complete set of functional areas served as an organizing device to guide data collection during the time study. A list of the six case-related functions is provided in Exhibit 4, with more detailed descriptions in Appendix B.

## Exhibit 4. Court Clerk Staff Case-Related Event Categories

### Case-related Functions

- Case Processing
- Calendaring and Case flow Management
- Case-Related Customer Service (Counter & Phone Work)
- Courtroom Support
- Managerial Responsibilities
- Reports

*General Functions and Non-Case-Related Events.* Some aspects of clerk’s office staff work are not directly related to a particular case. The term general function is used to describe clerk’s office activities such as financial management,

records management, and general court administration. The complete set of general functions and non-case-related activities is shown in Exhibit 5 and more fully defined in Appendix D.

## Exhibit 5. Court Clerk Staff General Functions & Non-Case-Related Event Categories

General Functions	Non-Case-Related Activities
Customer Service Not Related to Specific Case	Committees, Other Meetings, and Related Work
Financial Management	Work Related Travel
General Administration	
Records Management	PTO
Jury Management	Lunch/Breaks
	NCSC Project Time

## V. TIME STUDY

The time study phase of the workload assessment measured current practice—the amount of time judicial officers and clerk staff currently spend on handling cases of each type and on non-case-related work. For a period of four weeks, all Maine District and Superior Court judicial officers and clerk’s office staff were asked to track all their working time by case type and event. Separately, the AOC provided counts of filings by case type category. NCSC used the time study and filings data to calculate the average number of minutes currently spent resolving cases within each case type category (preliminary case weights). The time study results also informed the WCSC’s

selections of day and year values for case-related work. Exhibit 6 shows the participation rate for judicial officers and clerk’s office staff during the time study.

### Exhibit 6. Judicial Officer and Clerk’s Office Staff Participation Rate

	Total Number	Number of Time Study Participants	Participation Rate
Judges	37	34	92%
Justices	17	16	94%
Family Law Magistrates	8	8	100%
Total	62	58	94%
Assistant Clerk	146	132	90%
Associate Clerk	41	41	100%
Clerk of Court	45	44	98%
Total	232	217	94%

## A. Data Collection

### 1. Time Study

During a four-week period from October 11 through November 8, 2022, all Superior Court justices, District Court judges and Family Law magistrates, and clerk's office staff were asked to track all working time by case type category and by case-related or non-case-related event. Participants were instructed to record all working time, including time spent handling cases on and off the bench, non-case-related work, and any after-hours or weekend work.

To maximize data quality, all time study participants were asked to view a live or recorded webinar training module explaining how to categorize and record their time. In addition, the Web-based method of data collection allowed time study participants to verify that their own data were accurately entered and permitted real-time monitoring of participation rates.

Across the state, most judicial officers (94%) and clerk's staff (94%) participated in the time study. This strong level of statewide participation ensured sufficient data to develop an accurate and reliable profile of current practice throughout Maine's courts.

### 2. Caseload Data

To translate the time study data into the average amount of time expended on each type of case (preliminary case weights), it was first necessary to determine how many individual cases of each type are filed on an annual basis. At the request of the WCSC, the AOC provided filings data for 2020, 2021, and the first three-quarters of 2022 (which were weighted to equal a full year). The caseload data for all three years were then averaged to provide an annual count of filings

within each case type category and court, shown in Exhibit 7.

The use of a 3-year annual average rather than the caseload data for a single year minimizes the potential for any temporary fluctuations in caseloads to influence the case weight. Additionally, the WCSC thought that the COVID-19 pandemic had induced a fundamental change in court practice and that the 3-year average would likely reflect the volume of cases coming into Maine trial courts for the foreseeable future.

## Exhibit 7. Statewide Case Filings

	2020	2021	2022	3-year average
DC Admin	78	103	250	144
DC Civil	2,838	9,473	4,424	5,578
DC Juvenile	929	791	937	886
DC Mental Health	1,124	1,204	1,052	1,127
DC Protect from abuse/ harassment	7,315	8,119	8,083	7,839
DC Protective Custody	1,099	1,049	974	1,041
DC Real Estate	459	394	828	560
DC Forcible Entry and Detainer	3,095	3,902	4,601	3,866
DC Special Actions	1,028	435	1,505	989
DC Small Claims	4,912	2,833	1,802	3,182
DC Family Matters Original	6,523	6,630	6,364	6,506
DC Family Matters Post Judgment	4,052	3,866	3,754	3,891
SC Appeals	208	187	225	207
SC Civil	1,876	1,637	1,586	1,700
SC Superior Real Estate	413	498	575	495
UCD Criminal	36,329	33,468	35,472	35,090
UCD Civil Violation	3,183	2,480	3,201	2,955
Violations Bureau Traffic Infraction	48,364	48,867	51,056	49,429
<b>TOTAL</b>	<b>123,828</b>	<b>125,937</b>	<b>126,688</b>	<b>125,484</b>

## B. Year and Day Values

A key step in the weighted caseload process is to determine the amount of time each full-time judicial officer or clerk's office staff member has available to handle their work on an annual basis. To calculate available time, it is necessary to know how much time judicial officers and

clerk’s office staff have available each day for all duties and responsibilities (e.g., case-related work, staff meetings, work-related travel). This is a two-stage process involving both policy and empirical considerations to determine how many days judicial officers and clerk’s office staff have to hear case-related matters (year value) and how the workday divides between case-related and non-case-related time (day value).

Exhibits 8 and 9 show the judicial officer and clerk year values were constructed by beginning with 365 days per year, then subtracting weekends, holidays, vacation, and sick leave. As shown, WCSC adopted a judicial officer and clerk’s office staff year of 215 and 216 working days per year, respectively.

**Exhibit 8. Judicial Officer Year Value**

Total Days per Year	365
Subtract Non-Working Days	
Weekends	104
Holidays	13
Personal Time Off	28
Education	5
<b>Total Working Days per Year</b>	<b>215</b>

**Exhibit 9. Clerk’s Office Staff Year Value**

Total Days per Year	365
Subtract Non-Working Days	
Weekends	104
Holidays	13
Inclement Weather	2
Personal Time Off	23
Training/Staff Development	4
Personal Days	3
<b>Total Working Days per Year</b>	<b>216</b>

The judicial officer and clerk’s office day values represent the amount of time each judge, justice, magistrate, and clerk have available for the case-related and non-case-related aspects of their work each day. All judicial branch positions have an expectation of an 8-hour workday (not including lunch).

For all three of the judicial officer positions, the WCSC adopted day values of 6.0 hours per day for case-related activities and 2.0 hours per day for non-case-related activities, shown in Exhibit 10. For the clerks, the day values differ based on position in the clerk’s office because some positions require more non-case-related administrative duties than others. For example, a clerk of court is more involved with supervision and training than an assistant clerk. As such, the clerk’s office day values presented in Exhibit 11 reflect these position-based administrative duties approved of by the WCSC. All day values were empirically supported by the time studies.

**Exhibit 10. Judicial Officer Day Value**

	Superior Court Justice	District Court Judge	Family Law Magistrate
Case-Related (Hours)	6.0	6.0	6.0
Non-Case-Related (Hours)	2.0	2.0	2.0
<b>Total</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

**Exhibit 11. Clerk’s Office Staff Day Value**

	Assistant Clerk	Associate Clerk	Clerk of Court
Case-Related (Hours)	7.0	6.5	6.0
Non-Case-Related (Hours)	1.0	1.5	2.0
<b>Total</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

## C. Preliminary Case Weights

Preliminary case weights were generated for both judicial officers and clerk’s office staff. Using this method, the work recorded by judicial officers and court clerks accurately reflects how much time is spent processing cases by job category (“what is”).

### 1. Judicial Officers

Following the four-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 judicial officers currently spend to process a case of a particular type, from pre-disposition activity to all post-judgment matters. The use of separate case weights for each case type category accounts for the fact that cases of varying levels of complexity require different amounts of judicial officer time for effective resolution.

To calculate the preliminary case weights, the time recorded for each case type category was weighted to the equivalent of one year’s worth of time for all judges statewide. The total annual time for each case type was then divided by the average annual filings to yield the average amount of hands-on time judicial officers currently spend on each case. For example, the data reveals that judicial officers working in the Unified Criminal Division spent a total of 1,756,969 minutes per year resolving UCD criminal cases. Dividing the total time by the number of UCD criminal cases filed (35,091) yields a preliminary case weight of 50 minutes. This indicates that, on average, a judicial officer spends 50 minutes on each UCD criminal case from initial filing through and including any post-disposition activity. The WCSC reviewed the preliminary case weights and adopted them as an accurate representation of current practice. Table 12 shows the calculation of the preliminary case weights for all judicial officer case categories.

### Exhibit 12. Judicial Officers Preliminary Case Weights

<b>Case Type</b>	<b>Time Study (Minutes)</b>	<b>÷</b>	<b>3-year Filings (Average)</b>	<b>=</b>	<b>Case Weight (Minutes)</b>
DC Admin	60,448	÷	144	=	420
DC Civil	296,044	÷	5,579	=	53
DC Juvenile	117,948	÷	885	=	133
DC Mental Health	76,847	÷	1,127	=	68
DC Protect from abuse/ harassment	373,479	÷	7,840	=	48
DC Protective Custody	576,246	÷	1,042	=	553
DC Real Estate	22,564	÷	561	=	40
DC Forcible Entry and Detainer	98,893	÷	3,867	=	26
DC Special Actions	39,250	÷	990	=	40
DC Small Claims	68,515	÷	3,181	=	22
DC Family Matters Original	993,147	÷	6,507	=	153
DC Family Matters Post Judgment	622,312	÷	3,890	=	160
SC Appeals	17,132	÷	207	=	83
SC Civil	518,316	÷	1,699	=	305
SC Superior Real Estate	8,641	÷	494	=	17
UCD Criminal	1,756,969	÷	35,091	=	50
UCD Civil Violation	3,460	÷	2,954	=	2
Violations Bureau Traffic Infraction	8,704	÷	49,429	=	1
<b>TOTAL</b>	<b>5,667,428</b>				

## 2. Clerk's Office Staff

During the time study, both case-related and non-case-related clerk's office staff time was measured, regardless of whether the activity occurs in the courtroom, at the counter, or within the clerk's office. Following data collection, the time study results were used to calculate clerk's office workload using a two-step process. The first step focused on developing a set of preliminary case weights for the portion of clerk's office work that is directly related to the handling of individual cases. Using a process like that described above for judicial officers, the time study data were weighted and divided by the number of filings for each case type to produce a set of preliminary case weights. For example, clerk's office staff were shown to spend a total of 9,351,064 minutes per year resolving UCD criminal cases. Dividing the total minutes by total annual filings of 35,091 cases produces a preliminary case weight of 266

minutes. This indicates that, on average, court staff spend about 4.5 hours (266 minutes) on each UCD criminal case filing. Table 13 shows the calculation of the preliminary case weights for all case categories.

The second step was to integrate the time clerk's office staff spent on handling their other responsibilities that are not directly related to specific cases referred to as *General Functions*. For example, the category of general functions includes time spent on duties such as financial management, records management, and general court management. The work in these areas is related to the total volume of cases being handled by a particular office. Consequently, the total time recorded in each general function category is divided by the total number of statewide filings. Violations Bureau cases are excluded, as these cases are not typically handled in the local offices.

**Exhibit 13. Clerk's Office Staff Preliminary Case Weights**

<b>Case Type</b>	<b>Time Study (Minutes)</b>	<b>÷</b>	<b>3-year Filings (Average)</b>	<b>=</b>	<b>Statewide Case Weight (Minutes)</b>
DC Admin	69,219	÷	144	=	481
DC Civil	1,123,420	÷	5,579	=	201
DC Juvenile	255,469	÷	885	=	289
DC Mental Health	239,958	÷	1,127	=	213
DC Protect from abuse/ harassment	1,473,315	÷	7,840	=	188
DC Protective Custody	1,186,433	÷	1,042	=	1,139
DC Real Estate	215,460	÷	561	=	384
DC Forcible Entry and Detainer	429,584	÷	3,867	=	111
DC Special Actions	272,889	÷	990	=	276
DC Small Claims	371,151	÷	3,181	=	117
DC Family Matters Original	2,015,849	÷	6,507	=	310
DC Family Matters Post Judgment	1,510,439	÷	3,890	=	388
SC Appeals	105,850	÷	207	=	511
SC Civil	641,675	÷	1,699	=	378
SC Superior Real Estate	225,069	÷	494	=	456
UCD Criminal	9,351,064	÷	35,091	=	266
UCD Civil Violation	29,373	÷	2,954	=	10
Violations Bureau Traffic Infraction	34,835	÷	49,429	=	1
<b>TOTAL</b>	<b>19,556,767</b>				

<b>General Function</b>	<b>Time Study (Minutes)</b>	<b>÷</b>	<b>Total Filings*</b>	<b>=</b>	<b>Statewide Case Weight (Minutes)</b>
General Customer Service	1,756,973		76,060		23
Financial Management	640,873		76,060		8
General Administration	1,038,053		76,060		14
Records Management	687,553		76,060		9
Jury Management	587,616		76,060		8

\*Total excludes Violations Bureau Traffic Infractions



## VI. QUALITATIVE ASSESSMENT PROCESS

The preliminary case weights generated during the time study measure the amount of time Maine judicial officers and clerk's office staff currently spend handling various types of cases but do not necessarily indicate whether this is the amount of time they *should* spend on each case. To provide a qualitative assessment of whether current practice allows adequate time for quality performance, judges, justices, magistrates, and clerks across the state completed a Web-based sufficiency of time survey. For each case type, all participants were asked to rate the extent to which they had sufficient time to handle case-related activities on a scale from 1 (*almost never*) to 5 (*almost always*). They were then asked to identify specific case-related tasks, if any, where additional time would improve the quality of justice. The survey also included questions about the sufficiency of time for general court management (e.g., participation in court planning and administration) and space for participants to comment freely on their workload. The sufficiency of time survey was conducted in October 2022.

In addition, the WCSC reviewed procedures and practices thought to be effective and identified those areas where resource limitations hamper the ability of judicial officers and clerk's office staff to perform their duties effectively.

WCSC's review provided an opportunity to expand on findings from the time study, obtain a more comprehensive view of work challenges and bottlenecks, and understand how courts are reacting to current resource levels.

### A. Judicial Officers

The survey was completed by 47 (80%) judicial officers (14 justices, 26 judges, and 7 family law magistrates) and 213 (92%) clerk's office staff members. Overall, 31% of District Court judges, 36% of Superior Court justices, and 43% of family Law magistrates who responded to the survey indicated that they had sufficient time, on a regular basis, to get their work done. The percentage of judicial officers who indicated that they had sufficient time to effectively handle case-related activities varied by case type and type of judicial officer. For example, for the Unified Criminal Docket, 72% of District Court judges said they had sufficient time, while 32% of Superior Court justices said they have enough time to handle criminal cases. For the civil case types, only 51% of District Court judges and 24% of Superior Court justices said they have sufficient time. For Family and Juvenile case types, 40% of District Court judges and 29% of Family Law magistrates reported having sufficient time.

Appendix E presents the survey results in more detail.

#### *Summary of findings from survey comments and WCSC review*

When asked about case-specific activities, both survey respondents and WCSC members indicated that they would benefit from more time to prepare findings and orders. Comments indicated that judicial officers often do this work during weekday nights and weekends.

Respondents said that they could issue more thorough, thoughtful, and timely orders with additional time to complete this activity. Additionally, judicial officers highlighted a lack of time to review the file, consider background issues, and explore sentencing options before probation revocation.

A second common theme across case type categories focused on respondents' inability to spend enough time with defendants and litigants. The volume of cases on court calendars condenses the time and attention that judicial officers have to give to each case or hearing. Many reported that if they could spend more time with these individuals, it would benefit them by providing them with enhanced explanations regarding the court system process and the judicial officers' rulings.

A third theme was that self-represented litigants require additional time and attention from judicial officers and clerk's office staff. Self-represented litigants, particularly in civil and family law matters, consume a disproportionate amount of judge and clerk staff time. Judicial officers spend additional time with self-represented litigants at hearings (e.g., explaining findings) and clerk's office staff spend extra time assisting them with finding and filling out court forms.

Finally, judicial officers were vocal in their views on the necessity of additional clerk's office staff for the effective and efficient handling of cases. The need for additional judicial marshals was also expressed. Without adequate clerk's office staff, the ability of judicial officers to handle cases in a timely, effective, and efficient fashion is compromised. Court staff are responsible for file folder management, preparing and making files available for court hearings, assigning cases to calendars, and providing courtroom support—all functions and activities necessary for judicial

officers to be adequately prepared for court hearings. Additionally, judicial officers noted the essential role that judicial marshals play in providing court security.

## **B. Clerk's Office Staff**

The sufficiency of time survey for clerks included items related to general workload and the ability of clerks to accomplish their work with existing resource constraints. For clerks who responded to the survey, only 28% said they were usually able to meet deadlines without rushing at the last minute; 21% said the pace at which they work is sustainable, and only 1% said they were able to get their work done with minimal interruptions. In summary, only 14% indicated that they had sufficient time, on a regular basis, to get their work done.

When asked to what extent they have sufficient time to effectively handle their duties and responsibilities based on case type, respondents generally expressed concern. For example, results show a relatively low percentage of clerks said they typically have sufficient time to handle major case type categories: 35% for criminal cases, 36% for civil, 39% for original family matters, and 34% for post-judgment family matters. When asked about case-related activities, clerks most frequently responded that entering new complaints/creating cases, processing signed orders, and planning court calendars and assigning cases to calendars would benefit from more time.

Appendix F presents the survey results in more detail.

### *Summary of findings from survey comments and WCSC review*

The unifying theme from both survey respondents and WCSC members was the fallout from the ongoing understaffing of clerk's offices throughout the state. The positions specifically

mentioned as being understaffed were judges, clerks, marshals, and defense lawyers. Staff reported that decreased staffing levels require them to perform tasks typically not consistent with their job titles. For example, clerks are pulled from back-office assignments to courtroom responsibilities. In addition, managers and supervisors perform the work of lead workers and lead workers perform the work of line staff to ensure that priority work is done.

The snowball effect of staff shortages is apparent. Essentially, clerk’s office staff are often forced to choose which tasks are most critical for the successful operation of the court. In general, clerk’s office staff felt that the most critical tasks are those associated with keeping courtrooms operating and time-sensitive court orders. In prioritizing these tasks as the “most essential,” clerk’s office staff postpone or neglect other essential tasks. Staff members report that file management and customer service are the first activities to be sacrificed when it becomes difficult to keep up with workload.

In addition, lower staffing levels make it hard to sustain basic court improvement initiatives, such as staff training or monitoring court performance. The cost of picking up additional tasks is that staff are less able to regularly train across divisions and work groups, which in turn diminishes their capacity to assist in other prioritized areas short of staff. To cope with low staffing levels, many courts have resorted to making greater use of temporary employees and employing volunteers or contractual workers to handle workloads. Having staff members work outside the area of their typical duties or hiring temporary employees can lead to an increase in the rate of errors. Staff noted the lack of time to

manage error reports and monitor basic quality control.

Greater reliance on technology is often identified as one source of help; however, some report the slow application of new case management systems or the elimination of training programs supporting the implementation of new technology.

## VII. JUDICIAL OFFICER AND CLERK’S OFFICE NEED

In the weighted caseload model, three factors contribute to the calculation of judicial officer and clerk’s office need: caseload data (filings), case weights, and the year value. The relationship among the filings, case weights, and year value is expressed as follows:

$$\frac{\text{Filings x Case Weights (minutes)}}{\text{Year Value (minutes)}} = \text{Resource Need (FTE)}$$

Multiplying the filings by the corresponding case weights calculates the total annual workload in minutes. Dividing the workload by the year value yields the total number of full-time equivalent (FTE) judicial officers and/or clerk’s office staff needed to handle the workload.

To calculate the number of justices, judges, family law magistrates, and clerk’s office staff needed in each region (or county), the annual average case filings in each jurisdiction were multiplied by the corresponding case weights to calculate the annual workload in each particular region (or county). Judicial officer and clerk’s office workload was summed across case types, then divided by the corresponding year value. This yielded *implied need* or the total number of judicial officers and clerk’s office staff required to handle the workload in each jurisdiction.

**A. Judicial Officers**

Statewide results for the eight judicial officer regions are shown in Exhibit 14. The implied judicial officer need in each region is shown for Superior Court justices, District Court judges, and Family Law magistrates. Looking at the

total statewide need, Exhibit 14 shows a need for 73.1 FTE judicial officers statewide: 18.4 Superior Court justices, 46.3 District Court judges, and 8.4 family law magistrates. This is an increase of just over 9 full time judicial officers from the current authorized number.

**Exhibit 14. Judicial Officer Implied Need by Region**

Region	Implied Need Overall				Current Judicial Positions			
	Superior Total	District Total	Magistrate Total	Total	Current Superior	Current District	Current Magistrate	Total
1	2.8	6.4	1.2	10.4	2.0	6.0	1.0	9.0
2	4.0	7.2	1.3	12.5	4.0	6.0	1.0	11.0
3	2.6	7.4	1.3	11.4	2.0	5.0	1.0	8.0
4	2.5	8.1	1.4	11.9	3.0	6.0	2.0	11.0
5	2.5	6.5	1.0	10.1	2.0	6.0	1.0	9.0
6	1.7	5.2	1.2	8.0	1.5	4.0	1.0	6.5
7	0.9	2.6	0.5	4.0	0.5	2.0	1.0	3.5
8	1.4	2.9	0.5	4.8	1.0	2.0	0.0	3.0
	18.4	46.3	8.4	73.1	16.0	37.0	8.0	61.0

In some instances, different judicial positions handle the same case type. This is true for Family Law-Original and Family Law-Post where both district court judges and family law magistrates can be involved. Also, superior court justices and district court judges both have responsibility for unified criminal cases. Consequently, the judicial officer workload for these case types needs to be divided up between the relevant positions when calculating judicial officer need. NCSC staff used the time study results to make this calculation.

During the time study, at the state level, district court judges recorded approximately 60% and family law magistrates 40% of the time spent on both Family Law-Original and Family Law-Post matters. Therefore, the workload for these two case types was apportioned in each region using

these percentages. For the time spent handling cases in the Unified Criminal Court, the time study showed an even split of about 50% for both superior court justices and district court judges. Therefore, the implied need was split evenly between the district court judges and superior court justices. Appendix G contains a table showing this breakdown.

**B. Clerk’s Office Staff**

Exhibit 15 shows the implied need from the weighted caseload model for clerk’s office staff in each of Maine’s 16 counties (and eight regions) and compares those results to the current number of positions. The table distinguishes the number of staff needed to handle both case-related court functions and general court functions.

**Exhibit 15. Clerk’s Office Staff Implied Need by County**

<u>Region</u>	<u>County</u>	<u>Case-Related Functions</u>	<u>General Functions Total</u>	<u>Chief Clerk Adjustment</u>	<u>Implied Need</u>	<u>Current Total</u>
1	YORK	32.8	8.0	0.75	41.5	38.0
2	CUMBERLAND	38.1	9.2	1.00	48.3	40.0
3	ANDROSCOGGIN	20.8	5.0	0.50	26.4	21.0
3	FRANKLIN	4.7	1.2	0.25	6.1	6.1
3	OXFORD	8.8	2.1	0.50	11.4	8.0
4	KENNEBEC	23.9	5.6	0.75	30.3	23.0
4	SOMERSET	9.6	2.2	0.25	12.1	10.0
5	PENOBSCOT	29.9	7.3	1.00	38.2	28.0
5	PISCATAQUIS	2.9	0.8	0.25	3.9	3.0
6	KNOX	6.4	1.5	0.25	8.1	7.0
6	LINCOLN	4.7	1.1	0.25	6.1	4.0
6	SAGadahoc	6.8	1.6	0.25	8.7	6.0
6	WALDO	6.3	1.5	0.25	8.0	6.0
7	HANCOCK	7.9	1.9	0.25	10.0	9.5
7	WASHINGTON	4.9	1.3	0.50	6.7	7.0
8	AROOSTOOK	14.7	3.5	1.00	19.1	15.0
<b>TOTAL</b>		<b>223.2</b>	<b>53.9</b>	<b>8.0</b>	<b>285.0</b>	<b>231.6</b>

As shown below (and detailed in Appendices B and D), there are six areas of work defined as case-related functions and five areas of work defined as general functions.

Case-related functions:

1. Case Processing
2. Calendaring and Case flow Management
3. Case-Related Customer Service
4. Courtroom Support
5. Managerial Responsibilities
6. Reports

General Functions:

7. Customer Service: general inquiries
8. Financial Management
9. General Administration
10. Records Management
11. Jury Management

Overall, there is a statewide need for 223.2 FTE staff to handle case-related functions and 53.9 FTE staff for general functions. Details on how

clerk’s office staff workload and need arrays across the different functional areas is provided in Appendix H.

The WCSC determined that there is an additional need in county clerk’s offices to account for the considerable administrative and supervision responsibilities performed by the chief clerk in each county. Because of these responsibilities, particularly in counties with many staff, many chief clerks are limited in their availability to assist with the office workload. The issue becomes that the chief clerk appears as a staff person available for handling the workload, when in reality they may actually have little time for assisting with regular clerk’s office duties. Consequently, the weighted caseload model builds in an explicit recognition of the unique managerial role of the chief clerk. Referred to as the chief clerk adjustment, the model adds additional FTE need in each clerk’s office proportional to the number of clerks working in the office. Thus, the chief clerk adjustment is reflective of the size of the clerk’s

office. Exhibit 16 shows the additional FTE based on clerk office size and Appendix I shows a detailed breakdown of the adjustment.

**Exhibit 16: Chief Clerk Adjustment**

<b>Number of Clerks</b>	<b>FTE Adjustment</b>
28+	0.75
15 to 28	0.50
1 to 14	0.25

The last two columns in Exhibit 15 show the overall implied need as determined by the weighted caseload model and the current number of positions. There is a need for 285 clerk’s office staff positions, which is 53 more than the 236.6 positions currently allocated. The need is most apparent in the larger offices across the state.

**VIII. RECOMMENDATIONS**

The weighted caseload model adopted by the Weighted Caseload Steering Committee provides an empirically grounded basis for analyzing the workload of judicial officers and clerk’s office staff throughout the state. The following recommendations will help to ensure the integrity and utility of the judicial officer workload model and the clerk’s office staff model over time.

**Recommendation 1**

The judicial officer weighted caseload model shows the need for additional judicial officers throughout the state. The current number of judicial officers is insufficient to effectively resolve the cases coming before the Maine courts. The Maine legislature should consider authorizing new judgeships where the weighted caseload model shows a need for additional judicial officers.

**Recommendation 2**

The clerk’s office staff weighted caseload model clearly illustrates the need for additional clerk positions throughout the state. Many of Maine’s clerk’s offices show a need for an increase in staff positions of more than 20%. The understaffing is particularly acute in the larger offices. The Maine legislature should strongly consider an increase in funding for clerk’s office staff that will allow staffing levels in line with the results of the weighted caseload model.

**Recommendation 3**

The calculations of judicial officer and clerk’s office staff need in this report are based upon a three-year average of case filing data. NCSC recommends that the implied need for both judicial officers and clerk’s office staff be recalculated on an annual basis using the same methodology set forth in this report and updated with year-end case filing data. The application of the workload formula to the most recent filings will reveal the impact of any changes in caseloads or caseload composition on need for Superior Court justices, District Court judges, Family Law magistrates, and clerk’s office staff.

**Recommendation 4**

Over time, the integrity of a weighted caseload model may be affected by multiple influences, such as changes in legislation, case law, legal practice, and technology. Regular updates are necessary to ensure that the weighted caseload models remain an accurate representation of judicial officer and clerk’s office staff workload. A systematic review of the models should be conducted approximately every five years. This process should be grounded in a new time study and should also re-evaluate underlying assumptions and data on which the model is built to ensure the continued validity of the weighted caseload estimates.

## APPENDIX A. JUDICIAL OFFICER CASE-RELATED EVENT CATEGORIES

### 1. Pre-Disposition/Non-Trial Disposition

Includes all on-bench and off-bench activity related to pretrial proceedings and non-trial dispositions. Includes all off-bench research, document review (basket work), preparation and writing time related to pre-disposition and non-trial disposition activities. Some examples of pre-disposition/non-trial disposition activities include:

- Arraignments and initial appearances
- Any pretrial motion that does not fully dispose of the case (e.g., motion in limine, modification of bails and protection orders, suppression motions)
- Non-hearing related reviews of motions and files
- Pretrial, case management, trial scheduling conferences, status conferences
- Issuance of warrant (arrest and search)
- Pre-adjudication juvenile review
- Entry of guilty plea and sentencing
- Motion for summary judgment and motions to dismiss that do not result in final disposition
- Problem Solving Court Reviews (if pre-disposition court) (Mental Health Court; Drug/Vet Court)
- Competency hearings and reviews (pretrial)
- Hearings on procedural and discovery-related
- Hearings on temporary custody or support and visitation
- Temporary financial hearings
- Ex parte hearings on applications for protection orders/Review of application for protection orders (no hearing)
- Detention hearings
- Requests for mental health hospital placement prescreening
- Competency hearings
- PC (“Protective Custody” for children) activities or events that occur in a case before an adjudication occurs, including contested PPO hearings (jeopardy and TPR hearing are adjudications)
- Emergency/temporary custody or placement hearings
- Motions and pretrial activities related to termination of parental rights
- Pretrial activities, stipulations & settlement agreements related to mental health cases

## **2. Trial**

Includes all on-bench and off-bench activity related to a bench or jury trial or another contested proceeding that disposes of the original petition in the case. Includes all off-bench research, document review (basket work), preparation and writing time related to trials, including drafting of a final judgment or decision. Includes sentencing following a bench or jury trial. Some examples of trial activities include:

- Bench trial
- Jury trial
- Sentencing after conviction at trial (even if sentencing is separate event)
- Juvenile adjudicatory hearing
- PC jeopardy hearing
- Contested disposition hearing
- Bench trial/hearings associated with the termination of parental rights
- Final orders hearing in domestic relations cases (contested or uncontested)
- Motions to dismiss and for summary judgment that do result in a final disposition
- Small claims hearings
- Traffic violation hearings
- Uncontested hearings that result in a final order
- Mental health hearings
- Final hearings in PA/PH cases

## **3. Post-Disposition**

Includes all on-bench and off-bench activity that occurs after the entry of judgment on the original petition in the case. This includes all activity after a fiduciary is appointed or trust supervision is ordered. Includes all off-bench research, document review (basket work), preparation and writing time related to post-disposition activity. Some examples of post-disposition activity include:

- Post-trial motion
- Sentencing after revocation of probation
- Post-release supervision hearings
- Hearings on petitions for post-conviction relief; also scheduling conferences
- Motions for new trial, reconsideration or other relief
- Post-Termination and post-placement reviews
- Post-adjudication juvenile delinquency review
- Problem Solving Court Reviews (if post-disposition court)
- Enforcement of judgment actions
- Issuance of writs of execution/garnishment
- Supplemental orders, requests for modification, reconsideration in mental health cases
- Motions for fees and costs
- Status conferences relative to post-disposition proceedings



## APPENDIX B. CLERK’S OFFICE STAFF CASE-RELATED EVENT CATEGORIES

- 12. Case Processing** — Staff working in this area perform tasks that relate to case and document filing and the maintenance of accurate summary records (commonly called docketing). Duties include, but are not limited to:
- Looking for files
  - Preparing daily docket and emailing it to parties and relevant agencies (jail and probation)
  - Correcting errors in processing
  - Entering new complaints/creating cases
  - Docketing and filing pleadings and other documents related to cases
  - Routing motions and other filings to presiding judicial officer
  - Communication with judicial officer re handling of specific case
  - Processing signed orders
  - Update the computerized case record summary
  - Provide counter services and information related to a specific case
  - Prepare cases for appeal or transfer
  - Prepare Bills of Cost
  - Create and maintain judgment records
  - Process warrants, executions, writs, and bail documents; release bail
  - Provide special case certifications (e.g., licensing, adoption, vital statistics)
- 13. Calendaring and Case flow Management** — Staff working in this area help schedule cases as expeditiously as possible to meet case completion standards. Duties include, but are not limited to:
- Plan court calendars and assign cases to calendars; sending notice
  - Create scheduling formulas and keep records
  - Monitor the progress of cases and notify judges of cases that are “off track”
  - Maintain accurate records of case inventories and case status
  - Creating Zoom sessions for hearings
  - Coordinate court scheduling with schedules of outside agencies to avoid conflicts
  - Ensuring marshal availability or other resources needs – court reporters etc.
- 14. Case-Related Customer Service (Counter & Phone Work)** — Staff working in this area provide customer service for general questions related to a specific case. Duties include, but are not limited to:
- Answering phones
  - Responding to correspondence, e-mail, fax, etc. related to a specific case
  - Record requests related to a specific case
  - Provide customer service to pro se parties
  - Making copies; scanning documents to participating agencies (Probation, jail etc.)
- 15. Courtroom Support**— Staff working in this area perform duties associated with the “courtroom clerk” that are essential for judges to convene proceedings in open court. Duties include, but are not limited to:

- Running the Zoom hearings
- Preparing minutes (clerks' notes)
- Managing exhibits
- Managing electronic recordings and filing documents presented by attorneys
- Ensuring that court files are available when they are needed
- Assisting with jury selection and support
- Calling cases and recording outcomes
- Performing clerical follow through after court hearings to ensure that required notices to parties or agencies are prepared and issued
- Other necessary "on-demand" and essential in-court duties.

**16. Managerial Responsibilities**— Managerial personnel are those who do not perform tasks that are uniquely characteristic of courts but that would be typically required in any government organization. Time spent on directing staff and providing oversight for operation level supervisors and staff would usually be counted as managerial.

**17. Reports** – Reconciling error reports send from the AOC, correcting docketing errors. Coordinating with bail commissioners to obtain late bail bonds to be filed with the court.

## **APPENDIX C. JUDICIAL OFFICER NON-CASE RELATED ACTIVITIES**

### **1. Non-Case-Related Administration**

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

- Personnel issues
- Court management issues (e.g., case assignment, calendaring)
- Facilities, Budget, Technology
- Miscellaneous correspondence (use only if documents are not related to a case activity)

### **2. Judicial Education and Training**

Includes all educational and training activities such as:

- Continuing education and professional development
- Statewide judicial meetings
- Out-of-state education programs permitted by the state

### **3. Community Activities, Education, Speaking Engagements**

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.

### **4. Committee, Other Meetings and Related Work**

Includes time spent in state, local or other work-related committee meetings, staff or other meetings that are job related. Also include any work done for these meetings outside of the actual meeting time.

### **5. 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.

### **6. PTO**

Includes vacation/sick/military or other leave time.

### **7. Breaks and Lunch**

### **8. NCSC Project Time**

Includes the time it takes you to record your time for the current workload time study.

## **APPENDIX D. CLERK'S OFFICE STAFF GENERAL FUNCTIONS AND NON-CASE RELATED ACTIVITIES**

### **Non-Case-Related Activities**

#### **1. Customer Service responding to general inquiries not related to a specific case**

- Covering counter for general questions not related to a specific case
- Answering phones (e.g., directions, receptionist, "how to questions")
- Processing mail (opening and distributing) and general non-case-specific email
- Responding to correspondence, email, faxes, etc., regarding court procedures
- Handling media requests
- Handling complaints from the public not related to a specific case
- Opening incoming mail

#### **2. Financial Management**

- Making deposits
- Using postage meter
- Reconciling daily receipts and cash registers
- Determining appropriate accounts and processing deposits
- Allocating funds to appropriate accounts
- Processing revenue recapture claims
- Processing GAL and acting judges expense sheets.

#### **3. General Administration**

- Troubleshooting computer problems, etc.
- Ordering supplies
- Shipping tickets/envelopes to law enforcement
- Administrative duties associated with mediation and other program

#### **4. Records Management**

- Pull and re-shelve files
- Add documents to files in a timely manner
- Make files available for court hearings in a reliable and timely manner
- Keep track of the location of all case files
- Set-up case and document files
- Store verbatim records of proceedings, exhibits and other physical evidence
- Archive records and seal and purge records.

## **5. Jury Management**

- Create the jury source lists
- Select juror pools and summon jurors
- Process jury correspondence and calls regarding excuse requests or to answer questions
- Conduct orientations
- Assign jurors to panels and keep track of assignments and utilizations
- Create and manage juror call-in systems and on-line juror notifications
- Maintain records for payment.

## **6. Committees, Other Meetings, and Related Work**

- Attending committee meetings and performing committee-related work after and between meetings.

## **7. Work Related Travel (not including commuting)**

- Traveling to meeting/conferences
- Traveling between courthouses
- Running court-related “errands” (e.g., FedEx, UPS, bank deposits, picking up the mail, etc.).

## **8. PTO**

Includes vacation/sick/military or other leave time.

## **9. Breaks and Lunch**

## **10. NCSC Project Time**

Includes the time it takes you to record your time for the current workload time study.

## APPENDIX E. SUFFICIENCY OF TIME SURVEY RESULTS, RESPONSES FOR JUDICIAL OFFICERS

**Table 1: General Workload**

General Workload	Average Score			Percent Generally In Agreement		
	District Court Judges (n=26)	Superior Court Justices (n=14)	Family Magistrates (n=7)	District Court Judges (n=26)	Superior Court Justices (n=14)	Family Magistrates (n=7)
I have sufficient time, on a regular basis, to get my work done.	59	60	63	31%	36%	43%
I am able to accomplish what needs to be done during a 40 hour work week.	40	53	37	8%	21%	0%
The reliability and speed of the internet connections are sufficient for me to complete my work.	89	70	69	81%	57%	43%
I feel stressed or overwhelmed by the amount of work I have to complete.	62	53	70	23%	7%	43%
The pace at which I work is sustainable.	63	50	54	46%	14%	14%

\*Higher number indicates greater frequency, 100 point scale. 100 = “almost always”

**Table 2: Average score and percent satisfied by case type and judicial officer position.**

	District Court Judges (n=26)		Superior Court Justices (n=14)		Family Magistrates (n=7)	
	Average	% Generally Satisfied	Average	% Generally Satisfied	Average	% Generally Satisfied
<b>Unified Criminal Docket</b>						
Criminal	74	58%	64	43%	--	--
Civil Violation	83	79%	60	20%	--	--
Traffic Infraction	84	78%	--	--	--	--
<b>Civil</b>						
Administrative	71	67%	--	--	--	--
Appeals	--	--	59	21%	--	--
Civil	66	38%	64	29%	--	--
Protection from Abuse/Harassment	63	46%	--	--	--	--
Real Estate	67	48%	61	21%	--	--
Forcible Entry and Detainer	64	54%	--	--	--	--
Special Actions—All Others	65	46%	--	--	--	--
Small Claims	64	58%	--	--	--	--
<b>Family and Juvenile</b>						
Family Matters Original	49	12%	--	--	63	29%
Family Matters Post-Judgment	50	12%	--	--	66	29%
Juvenile	77	68%	--	--	--	--
Mental Health	85	86%	--	--	--	--
Protective Custody	51	22%	--	--	--	--

\*Higher number indicates greater frequency, 100 pt. scale. 100 = “almost always”

**Table 3: Most pressing case type and judicial officer position.**

Case Type	Superior Court	
	District Court Judges (n=26)	Justices (n=14)
Unified Criminal Docket	8%	31%
Civil	62%	54%
Family and Juvenile	8%	0%
I have sufficient time for my case-related work	23%	15%

\*Family law magistrates not included because they only handle one case type (Family and Juvenile)

**Table 4: Unified Criminal Docket – activities needing more time**

Activities	District Court Judges (n=6)	Superior Court Justices (n=4)
Conduct Trials	✓	✓
Ensure defendants, victims and counsel feel their questions/concerns are addressed	✓	
Prepare findings and orders related to dispositive pretrial motions		✓
Prepare for trials		✓
Review and hear non-dispositive pretrial motions (e.g. motion to suppress)	✓	✓
Review the case file	✓	

\*Check marks indicate 50% or more of respondents selected the activity



**Table 5: Civil Cases –activities needing more time**

<b>Activities</b>	<b>District Court Judges (n=2)</b>	<b>Superior Court Justices (n=8)</b>
Conduct legal research		✓
Conduct trials	✓	✓
Prepare findings and orders related to dispositive pretrial motions	✓	✓
Prepare findings and orders related to non-dispositive pretrial motions	✓	
Prepare findings and orders related to trials	✓	
Prepare for and conduct pre-disposition hearings and settlement conferences	✓	
Prepare for trials	✓	
Review and hear dispositive pretrial motions (e.g., motion for summary judgment)	✓	✓
Review and hear non-dispositive pretrial motions (e.g., motion in limine)	✓	
Review the case file	✓	

\*Check marks indicate 50% or more of respondents selected the activity

**Table 6: Family Matters –activities needing more time**

<b>Activities</b>	<b>Family Magistrates (n=5)</b>
Conduct trials/final hearings	✓
Ensure that parties and their counsel feel that their questions/concerns are addressed	✓
Prepare for and conduct interim hearings	✓

\*Check marks indicate 50% or more of respondents selected the activity

**Table 7: Juvenile Matters –activities needing more time**

<b>Activities</b>	<b>District Court Judges (n=16)</b>
Prepare findings and orders related to trials/final/adjudicatory hearings	✓
Prepare findings and orders related to post-judgment/post-disposition matters	✓
Prepare for and conduct trials/final/adjudicatory hearings	✓

\*Check marks indicate 50% or more of respondents selected the activity

**Table 8: General Court Management –activities needing more time**

<b>Activities</b>	<b>District Court Judges (n=24)</b>	<b>Superior Court Justices (n=9)</b>	<b>Family Magistrates (n=7)</b>
Participate in court planning and administration		✓	
Participate in judicial education and training	✓		✓
Participate in or hold regularly scheduled meetings with justice system and community partners	✓	✓	✓
Read professional journals, appellate opinions, etc.		✓	

\*Check marks indicate 50% or more of respondents selected the activity

**APPENDIX F. SUFFICIENCY OF TIME SURVEY RESULTS, RESPONSES FOR CLERK’S OFFICE STAFF**

**Table 1: General Workload**

	<b>N</b>	<b>Average Score*</b>	<b>Percent Generally In Agreement</b>
The reliability and speed of the internet connections are sufficient for me to complete my work.	160	79	76%
I feel stressed or overwhelmed by the amount of work I have to complete.	161	72	54%
I have enough time to adequately assist court users and ensure they understand what is expected of them.	150	67	46%
I am able to respond promptly to requests for information from court users.	158	66	41%
I am regularly able to meet deadlines without rushing at the last minute.	159	59	28%
The pace at which I work is sustainable.	160	56	21%
I am able to accomplish what needs to be done during the workday.	163	57	21%
I have sufficient time, on a regular basis, to get my work done.	162	50	14%
There is sufficient time for learning opportunities aligned with my job duties.	159	48	10%
When I start a task, I typically have the time to complete that task.	162	52	9%
I am able to get my work done with minimal interruptions.	162	34	1%

\*Higher number indicates greater frequency, 100 point scale. 100 = “almost always”

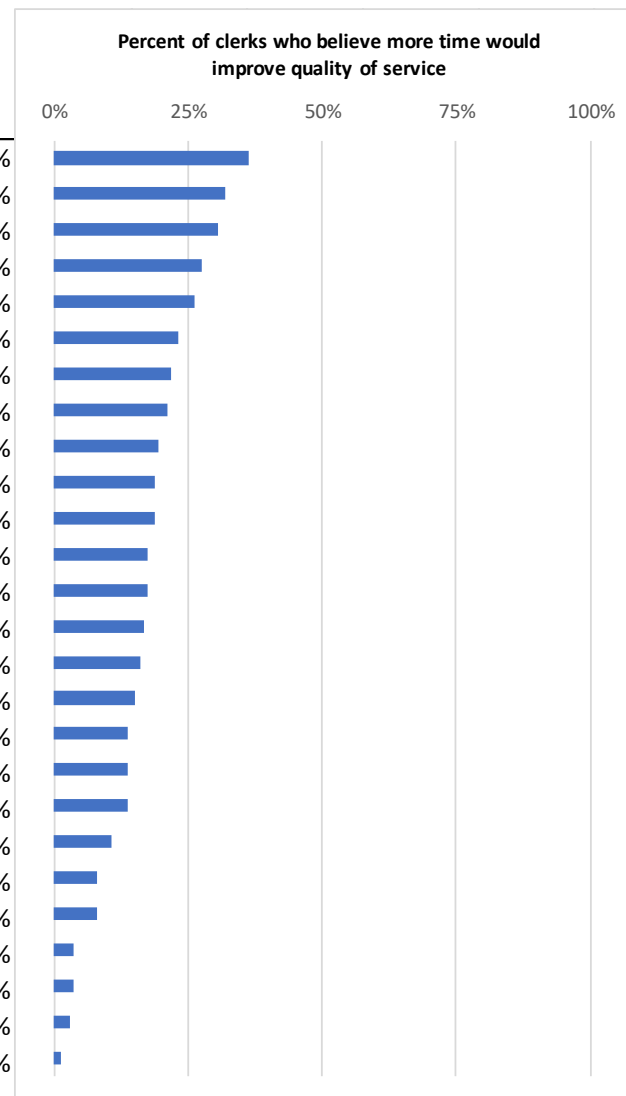
**Table 2: Average score and percent at least generally satisfied with the time they have to spend on the following case types.**

<b>Unified Criminal Docket</b>	<b>N</b>	<b>Average*</b>	<b>% Generally Satisfied</b>
Criminal	88	60	35%
Civil Violation	74	71	54%
Traffic Infraction	50	66	42%
<b>Civil</b>	<b>N</b>	<b>Average</b>	<b>% Generally Satisfied</b>
Administrative	36	61	28%
Civil	67	65	36%
Protection from Abuse/Harassment	73	74	60%
Real Estate	59	63	32%
Forcible Entry and Detainer	55	73	53%
Special Actions—All Others	56	68	30%
Small Claims	54	68	39%
<b>Family and Juvenile</b>	<b>N</b>	<b>Average</b>	<b>% Generally Satisfied</b>
Family Matters Original	74	64	39%
Family Matters Post-Judgment	70	63	34%
Juvenile	37	74	57%
Mental Health	18	70	39%
Protective Custody	47	70	47%

\*Higher number indicates greater frequency, 100 point scale. 100 = “almost always”

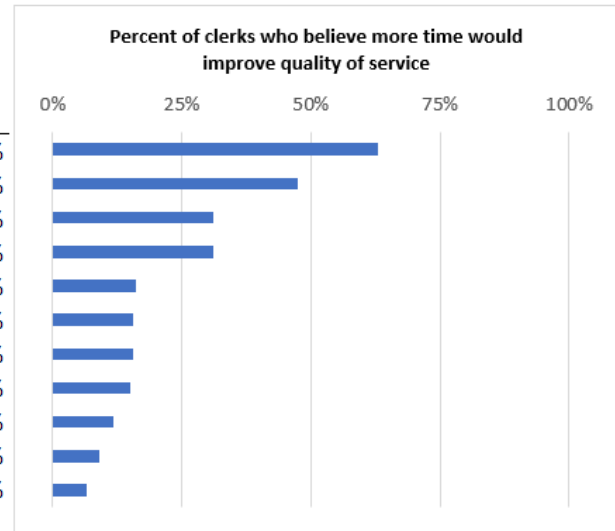
**Table 4: Case-related Responsibilities –activities needing more time**

<b>Activities</b>	<b>No. of Responses</b>	<b>Percent</b>
Entering new complaints/creating cases	50	36%
Processing signed orders	44	32%
Plan court calendars and assign cases to calendars	42	30%
Responding to correspondence, e-mail, fax, etc. related to a specific case	38	28%
Answering phones	36	26%
Handle record requests	32	23%
Monitor the progress of cases and notify judges of cases that are “off track”	30	22%
Making copies; scanning documents to participating agencies	29	21%
Looking for files	27	20%
Provide counter services and information related to a specific case	26	19%
Process warrants, executions, writs, and bail documents	26	19%
Routing motions and other filings to presiding judicial officer	24	17%
Ensuring required notices to parties or agencies are prepared and issued	24	17%
Provide customer service to pro se parties	23	17%
Coordinate court scheduling with schedules of outside agencies to avoid conflict	22	16%
Maintain accurate records of case inventories and case status	21	15%
Make files available for court hearings in a reliable and timely manner	19	14%
Update the computerized case record summary	19	14%
Ensuring that court files are available when they are needed	19	14%
Communication with judicial officer re handling of specific case	15	11%
Running the Zoom hearings	11	8%
Managing electronic recordings and filing documents presented by attorneys	11	8%
Preparing minutes	5	4%
Calling cases and recording outcomes	5	4%
Creating Zoom sessions for hearings	4	3%
Managing exhibits	2	1%



**Table 5: General Responsibilities –activities needing more time**

Activities	No. of Reponses	Percent
Cross training of experienced employees	97	63%
Schedule and manage the docket appropriately	73	47%
Conduct staff meetings to review and improve internal processes/best practices	48	31%
Recruitment, training and management of new employees	48	31%
Determine ways to leverage technology to assist in streamlining existing processes	25	16%
Manage and communicate with court appointed counsel and respond to their needs	24	16%
Attend to needs of self-represented litigants	24	16%
Meet with judicial officers to discuss process improvements	23	15%
Participate in court planning and administrative activities	18	12%
Conduct and/or participate in performance evaluations	14	9%
Manage and discuss the performance of experienced employees	10	6%



**APPENDIX G: DETAILED JUDICIAL OFFICER IMPLIED NEED**

<b>Implied Need Detail</b>								
<b>Region</b>	<b>District Court</b>	<b>Superior Court</b>	<b>Family Law-Original</b>		<b>Family Law-Post</b>		<b>Unified Criminal</b>	
			<b>District</b>	<b>Magistrate</b>	<b>District</b>	<b>Magistrate</b>	<b>District</b>	<b>Superior</b>
1	2.8	1.1	1.1	0.8	0.7	0.4	1.8	1.8
2	3.1	1.9	1.2	0.8	0.8	0.5	2.1	2.1
3	3.8	1.0	1.3	0.9	0.7	0.5	1.6	1.6
4	4.6	1.1	1.2	0.8	0.9	0.6	1.5	1.5
5	3.2	0.6	1.0	0.7	0.5	0.3	1.9	1.9
6	2.4	0.6	1.0	0.7	0.7	0.5	1.1	1.1
7	1.2	0.3	0.5	0.3	0.3	0.2	0.7	0.7
8	1.4	0.6	0.4	0.3	0.3	0.2	0.8	0.8
	22.4	7.0	7.7	5.1	4.8	3.2	11.4	11.4

**APPENDIX H: DETAILED CLERK’S OFFICE STAFF IMPLIED NEED**

**Case-Related Functions**

<b>Region</b>	<b>County</b>	<b>Case Processing</b>	<b>Calendaring and Caseflow Management</b>	<b>Case-Related Customer Service (Counter &amp; Phone Work)</b>	<b>Courtroom Support</b>	<b>Managerial Responsibilities</b>	<b>Reports</b>	<b>Total</b>
1	YORK	18.1	4.5	4.2	4.5	0.9	0.5	32.8
2	CUMBERLAND	21.1	5.2	4.9	5.2	1.1	0.6	38.1
3	ANDROSCOGGIN	11.5	2.8	2.7	2.8	0.6	0.3	20.8
3	FRANKLIN	2.6	0.6	0.6	0.6	0.1	0.1	4.7
3	OXFORD	4.9	1.2	1.1	1.2	0.2	0.1	8.8
4	KENNEBEC	13.3	3.3	3.1	3.2	0.7	0.4	23.9
4	SOMERSET	5.3	1.3	1.2	1.3	0.3	0.2	9.6
5	PENOBSCOT	16.6	4.1	3.9	4.1	0.8	0.5	29.9
5	PISCATAQUIS	1.6	0.4	0.4	0.4	0.1	0.0	2.9
6	KNOX	3.5	0.9	0.8	0.9	0.2	0.1	6.4
6	LINCOLN	2.6	0.6	0.6	0.6	0.1	0.1	4.7
6	SAGADAHOC	3.8	0.9	0.9	0.9	0.2	0.1	6.8
6	WALDO	3.5	0.9	0.8	0.9	0.2	0.1	6.3
7	HANCOCK	4.4	1.1	1.0	1.1	0.2	0.1	7.9
7	WASHINGTON	2.7	0.7	0.6	0.7	0.1	0.1	4.9
8	AROOSTOOK	8.1	2.0	1.9	2.0	0.4	0.2	14.7
	<b>TOTAL</b>	123.6	30.5	28.9	30.3	6.3	3.5	223.2



## General Functions

Region	County	Customer Service responding to					Total
		general inquiries	Financial Management	General Administration	Records Management	Jury Management	
1	YORK	3.0	1.1	1.8	1.2	1.0	8.0
2	CUMBERLAND	3.4	1.3	2.0	1.3	1.2	9.2
3	ANDROSCOGGIN	1.9	0.7	1.1	0.7	0.6	5.0
3	FRANKLIN	0.4	0.2	0.3	0.2	0.1	1.2
3	OXFORD	0.8	0.3	0.5	0.3	0.3	2.1
4	KENNEBEC	2.1	0.8	1.2	0.8	0.7	5.6
4	SOMERSET	0.8	0.3	0.5	0.3	0.3	2.2
5	PENOBSCOT	2.7	1.0	1.6	1.1	0.9	7.3
5	PISCATAQUIS	0.3	0.1	0.2	0.1	0.1	0.8
6	KNOX	0.6	0.2	0.3	0.2	0.2	1.5
6	LINCOLN	0.4	0.2	0.2	0.2	0.1	1.1
6	SAGadahoc	0.6	0.2	0.4	0.2	0.2	1.6
6	WALDO	0.6	0.2	0.3	0.2	0.2	1.5
7	HANCOCK	0.7	0.3	0.4	0.3	0.2	1.9
7	WASHINGTON	0.5	0.2	0.3	0.2	0.2	1.3
8	AROOSTOOK	1.3	0.5	0.8	0.5	0.4	3.5
<b>TOTAL</b>		20.1	7.3	11.9	7.9	6.7	53.9

## APPENDIX I: CHIEF CLERK ADJUSTMENT - DETAILED

Region	County	Assistant Clerk	Associate Clerk	Clerk of Court	Total	Chief Clerk Adjustment
1	YORK	28.0	5.0	5.0	38.0	0.75
2	CUMBERLAND	26.0	8.0	6.0	40.0	
	Portland					0.75
	Bridgton					0.25
3	ANDROSCOGGIN	13.0	4.0	4.0	21.0	
	Lewiston					0.25
	Auburn					0.25
3	FRANKLIN	4.1	1.0	1.0	6.1	0.25
3	OXFORD	4.0	1.0	3.0	8.0	
	South Paris					0.25
	Rumford					0.25
4	KENNEBEC	15.0	3.0	5.0	23.0	
	Augusta					0.50
	Waterville					0.25
4	SOMERSET	7.0	1.0	2.0	10.0	0.25
5	PENOBSCOT	18.0	6.0	4.0	28.0	
	Bangor					0.50
	Newport					0.25
	Lincoln					0.25
5	PISCATAQUIS	1.0	1.0	1.0	3.0	0.25
6	KNOX	4.0	1.0	2.0	7.0	0.25
6	LINCOLN	2.0	1.0	1.0	4.0	0.25
6	SAGadahoc	3.0	1.0	2.0	6.0	0.25
6	WALDO	4.0	1.0	1.0	6.0	0.25
7	HANCOCK	6.5	1.0	2.0	9.5	0.25
7	WASHINGTON	3.0	2.0	2.0	7.0	
	Machias					0.25
	Calais					0.25
8	AROOSTOOK	7.0	4.0	4.0	15.0	
	Caribou					0.25
	Fort Kent					0.25
	Houlton					0.25
	Presque Isle					0.25
<b>Total Staff</b>		145.6	41.0	45.0	231.6	8.00