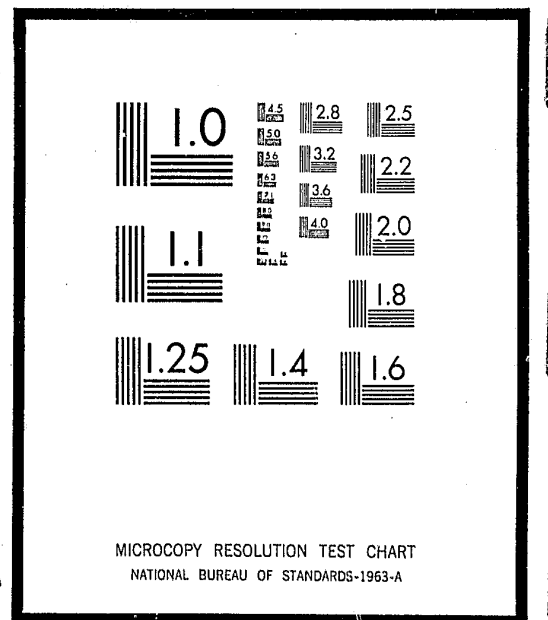


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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

10/13/76
Date filmed

26572

MEMORANDUM

February 6, 1975

TO : Phillip B. Winberry
FROM: Harvey T. Harrison
RE : Whatcom County Weighted Caseload Analysis

Attached are excerpts from the 1971 California Judicial Council Weighted Caseloads study, including the rationale for a judge year value of 50,000 minutes and the table reflecting related time per type of filing.

To apply this study to Whatcom County, it was first necessary to total the types of civil filings for the last six months of 1974 as follows:

Tort motor vehicle	26
Tort personal	15
Commercial	199
Property rights	21
Condemnation	5
Domestic Relations	
dissolution	334
separate maintenance	5
declaration of invalidity	1
support and custody	48
Transcripts and abstracts	92
Writs, injunctions	7
Appeals from lower courts	14
Others	
change of name	0
miscellaneous	17
	<hr/>
	784

These totals were then arbitrarily placed within four of the categories of civil cases reflected in the recommended weight table as follows:

Family Law

Dissolutions	334
Separate maintenance	5
Declaration of invalidity	1
Support and Custody	48
	<hr/>
	388 = 49% of total

Re: Whatcom County Weighted
Caseload Analysis

-2-

February 6, 1975

Personal Injury and Property Damage

Tort-motor vehicle	26
Tort-personal	15
Commercial	199
Property rights	21
	<u>261</u> = 33% of total

Eminent Domain

Condemnation	5 = 1% of total
--------------	-----------------

Other Civil Petitions

Transcripts	92
Writs	7
Miscellaneous	17
	<u>116</u> = 15% of total

Appeals

14 = 2% of total

Whatcom County total civil filings 784
7/1/74-12/31/74

The determined result was that of the total civil cases for that six month period, 49% were family law, 33% were personal injury and property damage, 1% eminent domain, 15% other civil petitions and 2% appeals. These percentages were then arbitrarily applied to the total civil filings in Whatcom County for the years 1973 and 1974 as follows:

<u>Percentage</u>	<u>1973</u>	<u>1974</u>
49%	592	719
33%	399	484
1%	12	15
15%	181	220
2%	<u>24</u>	<u>29</u>
Annual totals:	1208	1467

It was only necessary to determine types of civil cases. The remainder of our major category case types fit into the California categories as follows:

<u>TYPE OF PROCEEDING</u>	<u>CALIF. MINUTE WEIGHT BY TYPE</u>	<u>WHATCOM COUNTY FILINGS 1973</u>	<u>MINUTES IN 1973</u>	<u>WHATCOM COUNTY FILINGS 1974</u>	<u>MINUTES IN 1974</u>
Criminal	150	231	34,650	374	56,100
Juvenile	51	166	8,466	200	10,200
Probate	20	344	6,880	380	7,600
Family Court	27	592	15,984	719	19,413
Personal Injury and Property Damage	88	399	35,112	484	42,592
Eminent Domain	85	12	1,020	15	1,275
Other Civil Petitions	9	181	1,629	220	1,980
Adoptions (Family Law)	27	69	1,863	84	2,268
Mental Illness (Insanity)	18	32	576	39	702
Appeals	<u>101</u>	<u>24</u>	<u>2,424</u>	<u>29</u>	<u>2,929</u>
Total Filings and Minutes		2,050	108,604	2,544	145,059
Average for 2 judges		1,025	54,302	1,272	72,529
Average for 3 judges		683	36,201	848	48,353

Considering the California approved judge year values for a 1-2 judge court, it appears Whatcom County for the year 1974 should have had the the equivalent of 2.48 judges.

TABLE I

Recommended Weights and Judge Year Values
(Minutes of case related time per filing)

	<u>TYPE PROCEEDING</u>	<u>APPROVED WEIGHTS</u>		<u>APPROVED JUDGE YEAR VALUES</u>	
		<u>LOS ANGELES COUNTY</u>	<u>STATE LESS LOS ANGELES</u> ^{a/}	<u>AUTHORIZED JUDICIAL POSITIONS</u>	<u>JUDGE YEAR VALUES</u>
<u>SUPERIOR COURTS</u>	Criminal	136	150	1-2	58,500
	Juvenile Delinquency	80	54	3-10	60,000
	Juvenile Dependency	86	48	11-20	62,800
	Habeas Corpus	16	16	21 and up	65,800
	Probate and Guardianship	23	20		
	Family Law	43	27		
	Personal Injury & Property Damage	67	88		
	Eminent Domain	128	85	Los Angeles Superior	67,900
	Other Civil Complaints	142	108		
	Other Civil Petitions	12	9		
	Insanity	29	18		
	Appeals	164	101		
	<u>MUNICIPAL COURTS</u>	Felony	51	45	
Selected Traffic		13	17		
Other Traffic		1.0	1.1		
Intoxication		2.9	1.9		
Other Misdemeanors		22	17		
Civil		9	12		
Small Claims		7	6		
Parking (San Francisco)	-	.041			

^{a/} The weighted caseload values shown are statewide average values that do not necessarily take into account any special problems of the court such as are discussed on Page 33.

E-X

(1) Recommended Weights

New weighted caseload values and judge year values were developed for the municipal and superior courts. The recommended values are discussed in Section III of this report. Schematic diagrams showing the method of calculating the new values are shown in Appendix C.

Key points regarding these recommended values were presented to the members and advisory members of the Court Management Committee during meetings held by the Committee to review progress on September 8 and November 4, 1971.

(2) Judge Year Values

The recommended judge year values (minutes of case related time per year per judicial position) were derived from data reported by the participating courts during the six week study period. The recommended values are shown on a sliding scale basis reflecting the fact that in the larger courts more time is available for case related matters, on a per judicial position basis, than in the smaller courts.

At the direction of the Court Management Committee at the November 4 meeting, a more detailed analysis was made to determine the average number of days available for case related activities per year per judicial position. This study, made with the assistance of the AOC staff, resulted in the following recommendation for this value.

Court Days per Year	250
less Vacation	22
Illness	8
Workshop, Institutes, etc.	<u>5</u>
Sub-total	<u>35</u>
Days Available for Case Related Activities	<u><u>215</u></u>

This value is multiplied by the hours of case related time per day worked (average of 5.0 hours per day) to arrive at the recommended judge year values. Municipal and superior court values were averaged together since there was no significant statistical difference between the values for each type of court. Each of the three items leading to the "days available" figure of 215 is discussed below:

- . Vacation - The standard vacation allowance recommended by the Judicial Council of 22 court days was used in the calculation.
- . Illness - Few courts keep accurate records on the days absent due to illness. An average of four days (annualized) of illness occurred during the study period. This was increased to eight to allow for the higher incidence of illness during winter months and to bring the allowance more in line with averages in other governmental organizations.
- . Workshops, Institutes, etc. - A detailed analysis was conducted to determine the average number of days judges, commissioners, and referees spent in attendance at judicial conferences, workshops, institutes, etc. This analysis revealed the average to be 4.7 days per year for municipal court judges and 4.1 days per year for superior court judges. An average value of 5 days per year was recommended.

The figure of 215 days per year is identical with the gross figure used by the Judicial Council staff in their calculations (see page of this report). The staff further reduced this value to 200 to allow for calendar control, presiding and other administrative functions. In addition the estimated 7 hour court day was reduced to 4 1/4 hours to allow for other non-bench functions, recesses, and gaps in calendars. Application of this 4 1/4 hours to the 200 days leads to the current judge year value of 50,000 minutes (rounded). The figures used were estimates of the staff based on their experience.

The recommended values of 215 days and 5.0 case related hours per day (an average figure with smaller courts at a lower value and larger courts higher) were based on detailed data reported by

FISCAL NOTE

OPP&FM
Responding Agency Title

105
Code No.

REQUEST NUMBER

Concerning 2297
SB NO.

HB NO.

Requested By

FILED - OPP & FM

Reviewed By OPP&FM

- Original
- House Committee Amendment
- Senate Committee Amendment
- Engrossed House Bill
- Engrossed Senate Bill.....
- Substitute

Bill Requested By: Executive ; Department ; Legislative Committee..... Title

New Program or Activity ; Change in Existing Program or Activity ; Local Government Impact

Title of Bill: An Act Relating to . . . Superior Courts; one additional judge in
Whatcom County.

ESTIMATED STATE FISCAL IMPACT OF PROPOSED LEGISLATION

A. Revenue Impact by Fund and Source:	BIENNIAL IMPACT			SIX-YEAR IMPACT
	FIRST YEAR Increase (Decrease)	SECOND YEAR Increase (Decrease)	TOTAL Increase (Decrease)	
Fund Title:				
Source Title:				
State				
Federal				
Local				
TOTAL				
B. Expenditure Impact by Source of Funds:				
Fund Title: General Fund				
State	19,806	19,806	39,612	118,836
Federal				
Local				
TOTAL	19,806	19,806	39,612	118,836
C. Expenditure Impact Detail:				
FTE Staff Years	1.0	1.0	2.0	6.0
Salaries and Wages	14,250	14,250	28,500	85,500
Personal Service Contracts				
Goods and Services				
Travel				
Equipment				
Employee Benefits	5,556	5,556	11,112	33,336
Grants and Subsidies				
Debt Service				
Capital Outlay:				
Land				
Buildings				
Improvements Other Than Buildings				
TOTAL	19,806	19,806	39,612	118,836

D. Attach Explanation of Estimate
(Use Form FN-2)

Prepared By Doug Brodin Title Program Analyst

Date 2/18/75

Doug Brodin

FISCAL NOTE

OPP&FM
Responding Agency Title

105
Code No.

REQUEST NUMBER

Concerning

2297
SB NO.

HB NO.

2/18/75
Requested Date Submitted

Office
Name
Street
City

This bill provides for an additional Superior Court judge. The state pays one-half the salary and all employee benefits for Superior Court judges. The counties pay the other half of the salary and operating expenses.

Title of Bill: An act relating to

ESTIMATED

C. Expenditures for

FY 1975

State

County

Local

Federal

Other

Total

State

County

Local

Federal

Other

Total

State

County

Local

Federal

Other

Total

State

County

Local

Federal

Other

Total

STATUS OF THE WHATCOM COUNTY SUPERIOR COURT
through 1974

Whatcom County, with a population ratio of 42,500, per Superior Court Judge, had, according to the 1973 report of the Court Administrator, *1 the third largest population per judge in the State. The action of the legislature in the Third Extraordinary Session, 1973, authorizing an additional judge for the Clallam-Jefferson Judicial District, moved Whatcom to second place behind Lewis County. Despite the high population ratio, Whatcom County remained, until 1973, slightly below the state average of total filings per judge. However, a trend of change in Whatcom County, which began to show effects at the turn of the decade, has established a new level of court activity. Under current conditions, the superior courts are overburdened, and speedy criminal process can be provided only at severe cost to the civil trial calendar.

Whatcom County, lying in the northwest corner of the state, is a portal point for land and sea traffic between the United States and Canada. It is also the seat of Western Washington

*1 Seventeenth Annual Report relating to the Judicial Administration in the courts, State of Washington, pg 90.

State College. These factors contribute to the law enforcement problems of the county. However, prior to 1970 the population contained a high proportion of persons over 65, and a below normal component of the 15-35 year groups. *2 1970 statistics reveal an explosive increase in the 15-29 year brackets. Concurrently, the proportion of the population over age 65 is dropping. Thus, the community is losing its sedentary elder citizens, and sharply gaining in the younger, high crime incidence category.

The 1974 Annual report of the Bellingham Police Department manifests a dramatic rise in crimes against persons in our community. *3 In addition, the county has a dangerous drug problem, with distribution and use penetrating into the high schools and middle schools, as well as within the college and the community generally. Criminal prosecution in the drug area will be increased in 1975 by prosecution of persons apprehended at the Canadian border. The U.S. Attorney only prosecutes selected border cases. For the past four years the Prosecuting Attorney has refused to take cases declined by the U.S. Attorney. This attitude is not considered to be of benefit to the community, and the present Prosecuting Attorney has stated his intention of prosecuting as

*2 See table 1, Population Pyramids for the City of Bellingham

*3 See table 2.

many as he can handle.

By 1973, the Superior Court of Whatcom County was under sufficient work pressure to cause the Whatcom County Bar Association to endorse and support an appeal to the legislature to raise the number of Superior Court Judges from 2 to 3. A minor measure of relief was effected when the San Juan - Island Judicial District was formed in 1973. The Whatcom County Superior Court had been serving San Juan County at an average 2 judge days per month. This release of time was inconsequential in view of the increased demands placed upon the court through 1974.

With the close of 1974, one fact has become manifest. Non-priority civil jury trials have been virtually squeezed off the trial calendar. The cause is apparent in the statistics. Whatcom County now has an above average total of filings per judge *4 coupled with a high ratio of criminal filings per judge. This situation had not fully matured in 1973. According to the 1973 Report of the Court Administrator, the state average was 1,084.6 total filings per judge. Whatcom County was just below average with 1,025 filings per judge. What page 77 of the report does show is a constant increase in filings from 1969 through 1973.

*4 See table 3

Civil filings rose from 807 in 1969 to 1,129 in 1972 and 1,208 in 1973. At the same time criminal filings rose from 67 in 1969 to 188 in 1972 and 231 in 1973. Page 89 of the report also shows a 3.72% population increase, one of the higher rates for the state. This supports the analysis of this trend as a continuing one. This proved true in 1974. Total filings for 1974 rose to 1,272 per judge. In 1973 the average of criminal filings was 119 per judge. In 1973 Whatcom County was just below average with 115. This rose in 1974 to 187 per judge. In comparison with the 1973 figures, Whatcom County is not only well above average, but trails only Lewis County in ratio of criminal filings.

The Whatcom County Superior Court has utilized all resources to meet the demand. A Juvenile Court Commissioner is employed about 7 days per month for juvenile hearings. The two District Court Judges for Whatcom County act as Superior Court Commissioners, and average about 11 hours per month on default divorces, probates, and supplementals, and another 11 hours for criminal felony first appearances. *5 The Court also requested the District Court Judges to hear all preliminary divorce proceedings, except custody matters. This time element is variable.

*5 To meet this demand, the District Court has appointed a Commissioner to the Municipal Department for the City of Bellingham

Despite these measures, the situation of the Superior Court did not improve during 1974. Actual criminal cases tried rose from 25 in 1973 to 46 in 1974, severely restricting the time available for non-priority civil jury trials. From July to December, 1974, the back log of civil cases rose from 1605 to 1899. At the same time, pending criminal cases rose from 104 to 189, forecasting an increasing squeeze on civil cases in 1975. (We have just received statistics for January, 1975. Civil cases pending rose to 2063, and criminal cases pending to 207.)

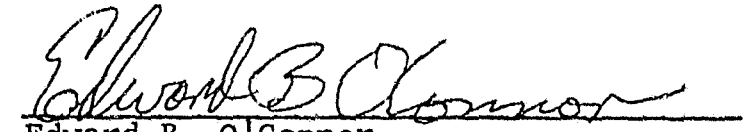
The court statistics state that civil jury trials, in the last half of 1974, averaged about 8 months from setting to trial. This average includes priority cases, and the fortunate third or fourth set case which is suddenly brought to trial by a sequence of settlements. Civil cases in 1974 show a waiting period of three to twenty-six months. The expectancy, for the practitioner, is a wait in excess of one year. All signs indicate that the situation will further deteriorate in 1975. A third judge must be authorized if the demands of the community are to be respected.

The Federal Building in Bellingham contains a rarely used courtroom which would meet the needs of the third court on an interim basis. Both the County and the City of Bellingham have other facilities, such as hearing rooms, and the Municipal Courtroom. On a permanent basis, the county is moving towards a

"Justice Center" building to contain law enforcement operations of both the County of Whatcom and the City of Bellingham. The state funded preliminary study is completed, and provides for the third superior court.

In all respects, it is evident that the Whatcom County Superior Court deserves, and is ready for, the authorization for a third judge. Your favorable consideration will earn the gratitude of the practitioners of law, and the community as a whole.

Resepctfully submitted:



Edward B. O'Conner
President, Whatcom County Bar
Association



Richard A. Busse
Bellingham City Attorney
Committee for Superior Court

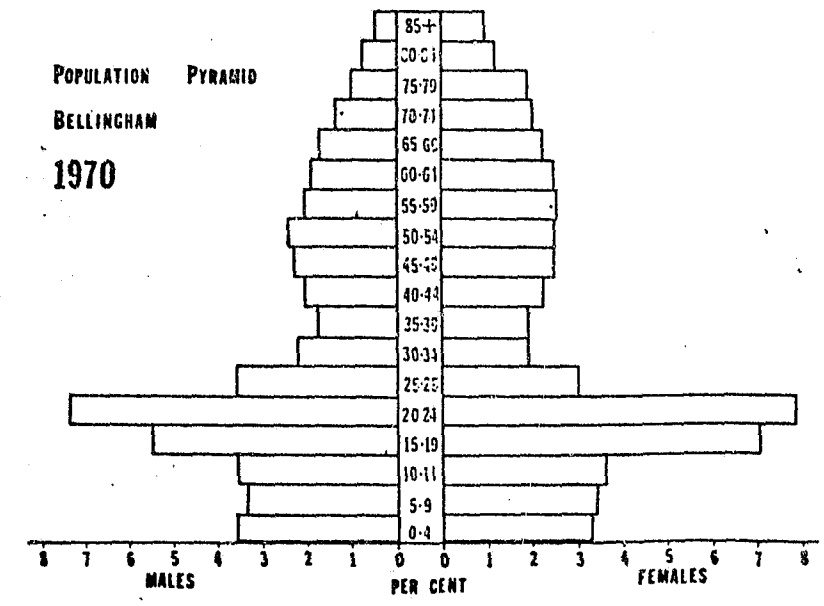
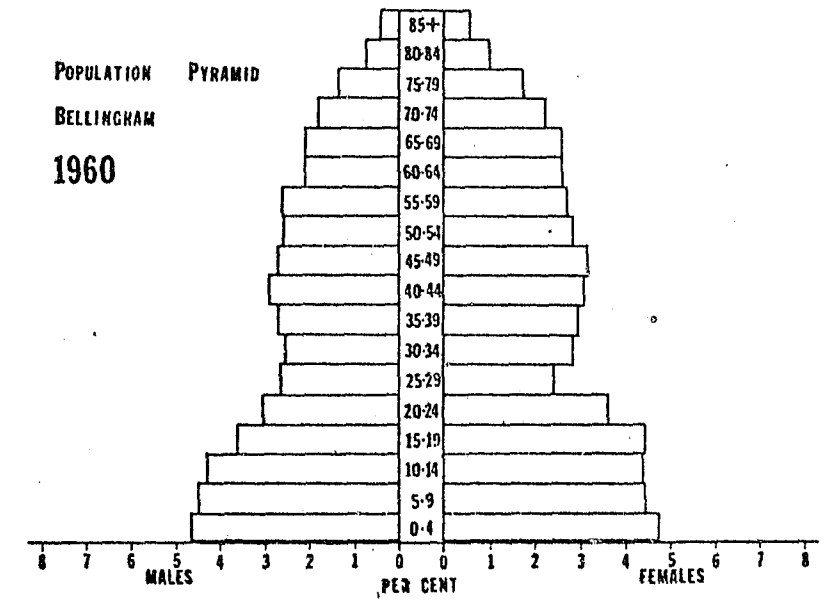
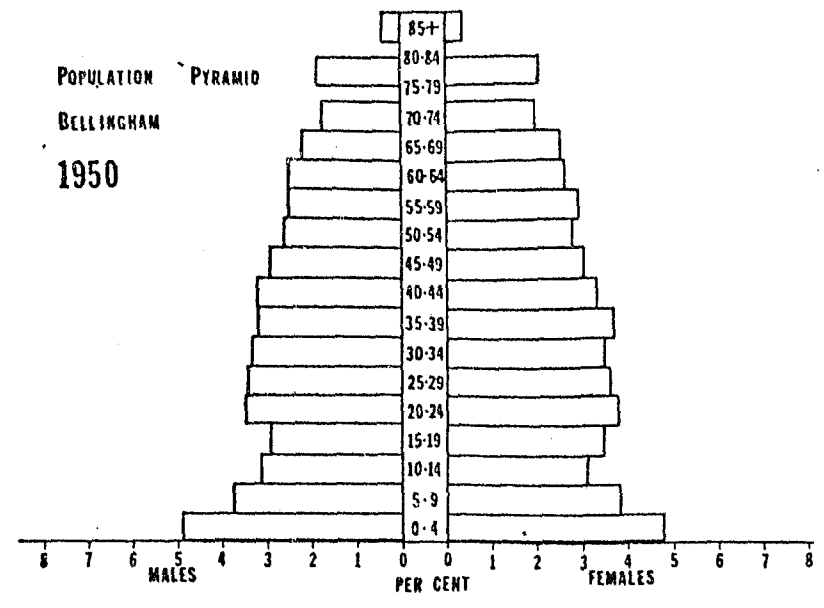
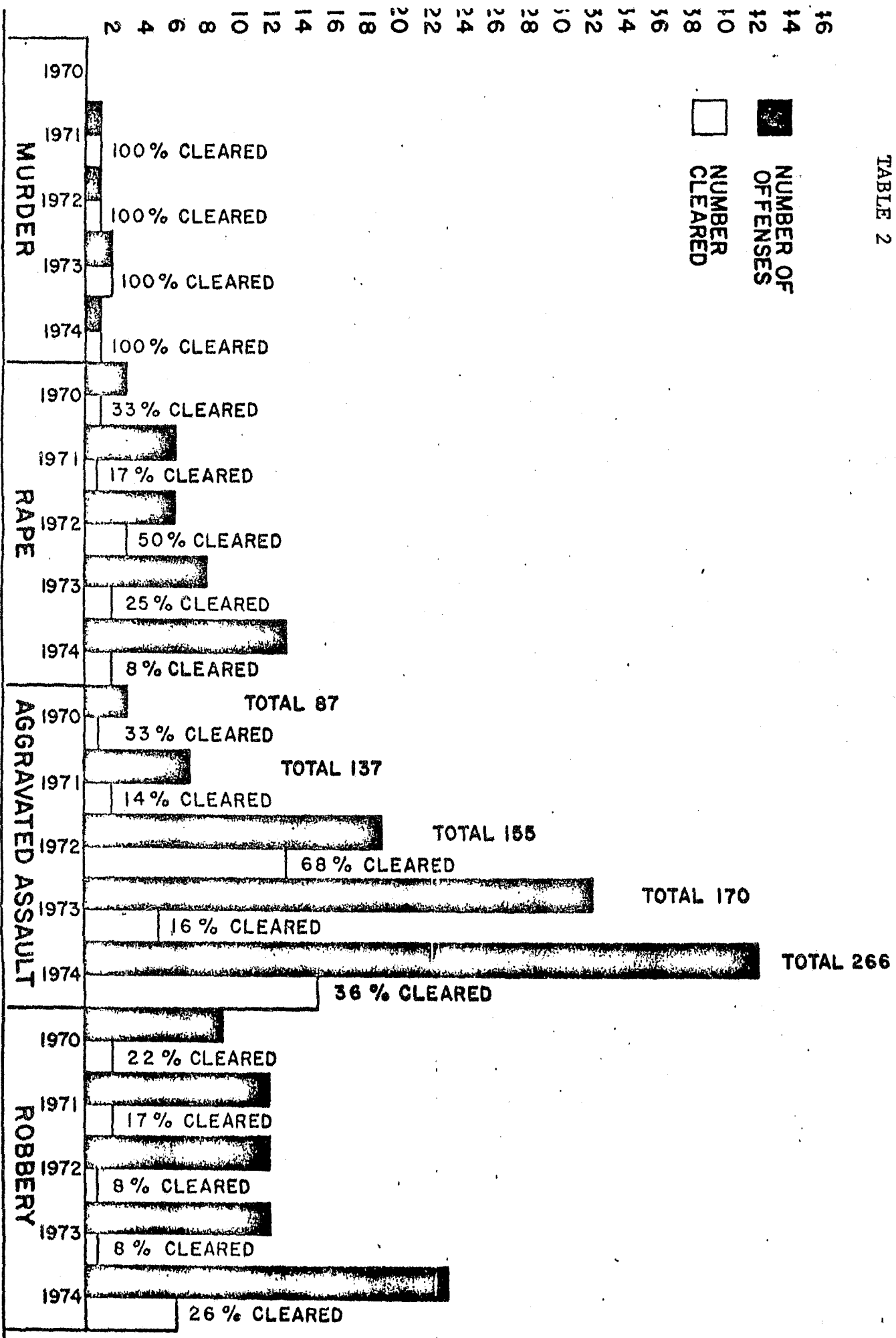
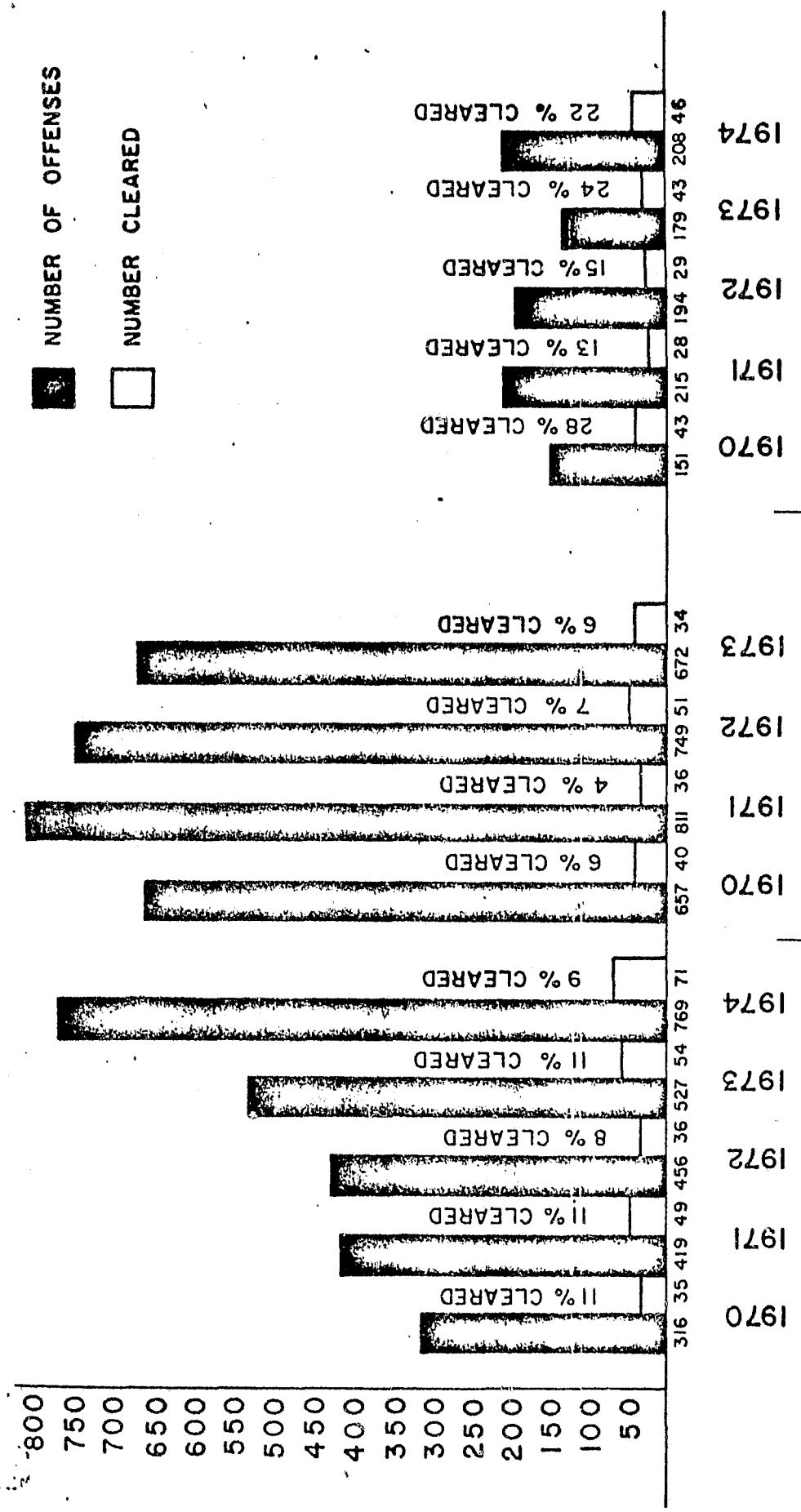


TABLE 1

REPORTED OFFENSES - CRIMES AGAINST PERSONS

TABLE 2





BURGLARY

**LARCENY
OVER \$ 50**

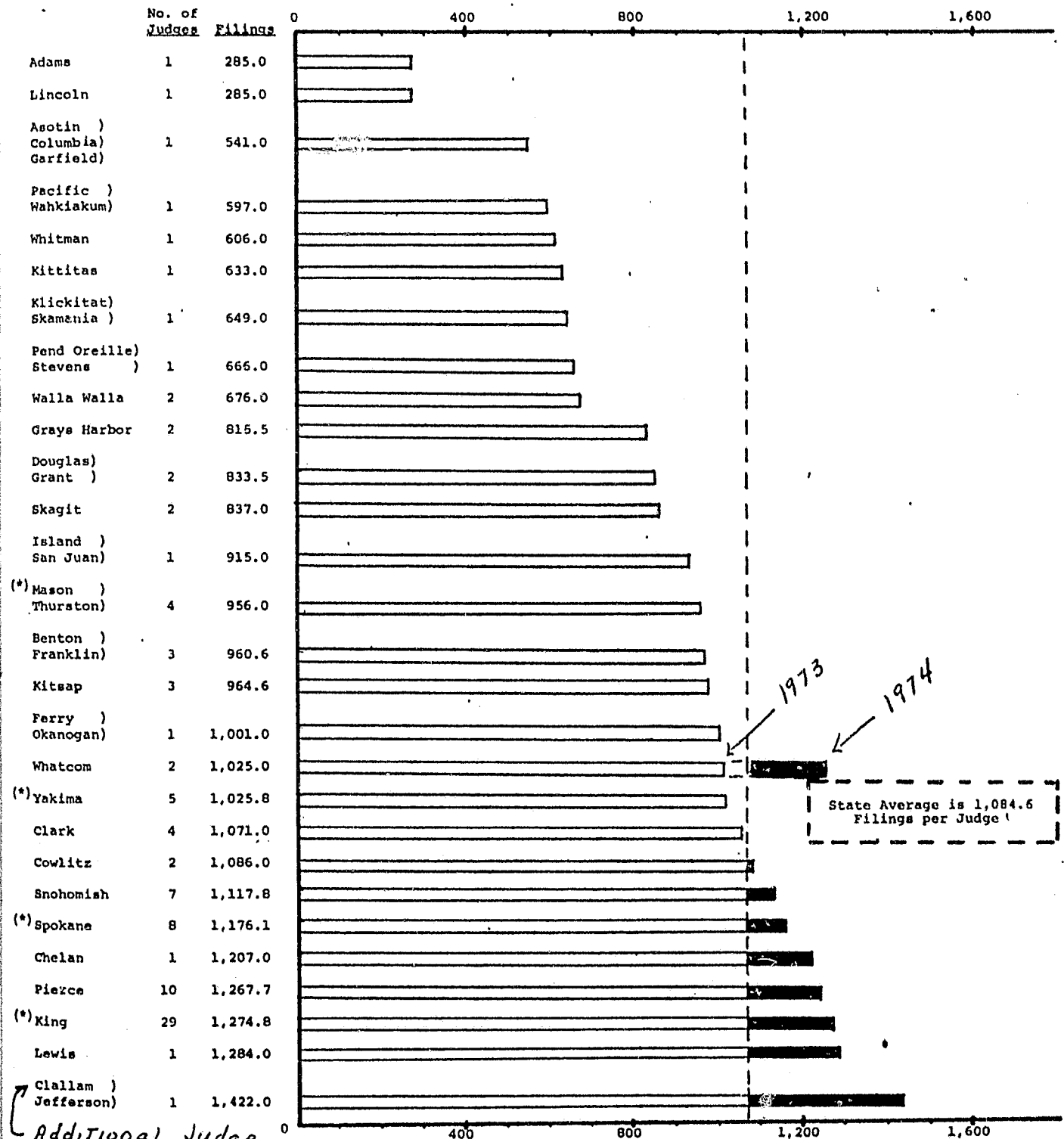
AUTO THEFT

**REPORTED OFFENSES
CRIMES AGAINST PROPERTY**

FILINGS PER RESIDENT JUDGE BY COUNTY AND JUDICIAL DISTRICT 1973

TABLE 3

County/Judicial Dist.
 & Number of Judges
 (Listed by Number of
 filings per judge)



(*) Counties marked with an asterisk were authorized another judge (3 judges for King County) by act of the legislature, Ch. 27, Laws of 1973, 1st Ex. Sess. Averages for these counties and for the state as a whole reflect the increase in judicial manpower.

IN THE MATTER OF LEGISLATION)
AUTHORIZING AN ADDITIONAL JUDGE)
FOR THE SUPERIOR COURT)

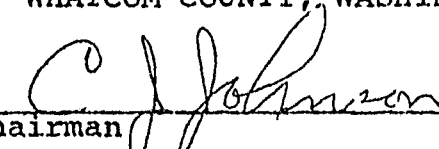
RESOLUTION SUPPORTING
PROPOSED LEGISLATION

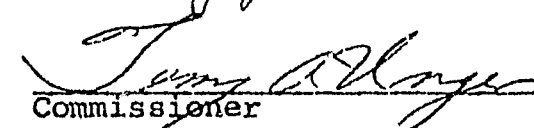
WHEREAS, it is manifest that the Superior Court of Whatcom
County is in need of an additional judge.

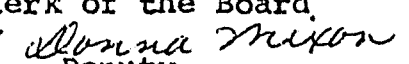
NOW, THEREFORE, BE IT RESOLVED, that the County Commissioners
fully support legislation to authorize a total of three Superior
Court Judges for Whatcom County.

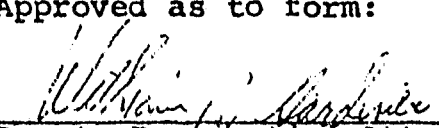
Done in regular session this 6th day of February, 1975.

BOARD OF COUNTY COMMISSIONERS
OF WHATCOM COUNTY, WASHINGTON


Chairman


Commissioner

Attest: Wella Hansen
County Auditor & Ex-officio
Clerk of the Board
By 
Deputy

Approved as to form:

Deputy Prosecuting Attorney

SUPREME COURT

STATE OF WASHINGTON

OFFICE OF ADMINISTRATOR FOR THE COURTS

TEMPLE OF JUSTICE

OLYMPIA, WASHINGTON 98504

E. WINBERRY
ADMINISTRATOR



February 24, 1975

Honorable Pete Francis
Chairman, Senate Judiciary Committee
428 Public Lands Building
Olympia, Washington 98504

Re: Senate Bill 2297

Dear Senator Francis:

The above referenced legislation would add one additional superior court judge to Whatcom County. As you are aware, there has been much criticism in recent years of creating new superior court positions in light of the scarcity of information we collect relating to workloads of judges. The prior legislative test of whether to authorize a new superior court position has been a combination of factors, i.e. the legislature has looked at the population of a district, the filings per judge in a district as against the statewide average and the number of trials per judge in the district, again, judged against the statewide average for all superior court judges. On occasion members of the legislature and the Governor have communicated to me their displeasure with this type of a standard and have asked that we develop some different method of evaluating the needs of the counties or judicial districts for new superior court judge positions.

This office does not have the manpower sufficient to conduct the exhaustive types of surveys necessary in developing a method to set more realistic standards. We presently have pending before the legislature a request for the authority to expend funds to develop a much more sophisticated judicial information system utilizing the capabilities of modern technology and, more particularly, computer technology.

In addition, we have pending a request for a statistician's position which I believe is inherently necessary if this office is to properly perform its statutory duties.

In view of that, it has been extremely difficult for us to evaluate the Whatcom County request. By prior legislative standards, Whatcom County's population is approximately 7,000 persons above the state average per judge. Filings in 1974 in Whatcom County totalled 2,544, an average per judge of 1,272 which is approximately 150 filings per judge above the projected state average for 1974. The number of trials held in Whatcom County in 1974 was 227, an average of 113.5 per judge which is approximately equal to the statewide average per judge. By former standards it would be difficult to assert with any degree of certainty that Whatcom County, in fact, needed an additional judge. However, a valid criticism of the present means by which we evaluate such requests is that as the statewide averages increase each year, and they do, it becomes more difficult for those places which need an additional judge to justify their position. Accordingly, I had Mr. Harvey Harrison, of my staff, survey what standards are applied around the country by other state legislatures. We determined that most are still basing such decisions on similar criteria as that used by the Washington State Legislature. However, the state of California in the late 1960's put a freeze on additional positions until a more meaningful method for determining judicial workload was established.

Out of that action came the so called "weighted caseload" survey conducted by the Judicial Council and the Administrative Office for the Courts for the State of California. I have a copy of that full report on file in my office and could make it available to you for your perusal if you so desire. The substance of the study was that there are so many judicial days during the year and a judge should be expected to perform so many minutes of work per day relating to his functions as a judge. During the course of the survey a standard weight or time element was assigned to each type of matter heard by the superior court judge. This "weight" was assigned after anonymous surveys of the workloads of a judge were made over a period of time in excess of three months. By way of comparison we have applied the California weighted system, recognizing that the procedures of the superior courts in California may differ somewhat from those of our superior court, but that the process is similar enough to allow us to use their figures as a rough "guesstimate" of what might occur in the courts of this state. From such an analysis it would seem that in 1974 the workload of the Whatcom County Superior Court was in excess of that which should be required of a two-judge superior court district.

February 24, 1975

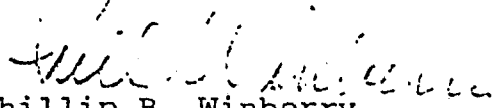
Using the California figures, they show that in 1974 there should have been 2.48 judicial positions available to serve Whatcom County. In view of increasing caseloads, it would seem that reasonable assumption would be that in 1975 at least 2.75 judicial positions would be necessary to meet the demands of the Whatcom County caseload. For those reasons I would support the request of Whatcom County that an additional superior court position be created and would request that a hearing be held on the request at the earliest possible time.

If you have any questions on this matter I would be most pleased to meet with you and discuss the issue.

Best regards.

Very truly yours,

ADMINISTRATOR FOR THE COURTS


Phillip B. Winberry
Administrator

PBW:eg

cc: Hon. Daniel J. Evans
Hon. Charles F. Stafford
Hon. Byron L. Swedberg
Hon. Marshall Forrest
Hon. Walt Knowles
Hon. Frank Woody
Hon. H.A. "Barney" Goltz
Richard A. Busse, Esq.
Edward B. O'Connor, Esq.
Charles R. Olson, Esq.

Enc.

M E M O R A N D U M

February 6, 1975

TO : Phillip B. Winberry
FROM: Harvey T. Harrison
RE : Whatcom County Weighted Caseload Analysis

Attached are excerpts from the 1971 California Judicial Council Weighted Caseloads study, including the rationale for a judge year value of 50,000 minutes and the table reflecting related time per type of filing.

To apply this study to Whatcom County, it was first necessary to total the types of civil filings for the last six months of 1974 as follows:

Tort motor vehicle	26
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miscellaneous	17
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These totals were then arbitrarily placed within four of the categories of civil cases reflected in the recommended weight table as follows:

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	<u>388 = 49% of total</u>

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Condemnation	5 = 1% of total
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Other Civil Petitions

Transcripts	92
Writs	7
Miscellaneous	17
	<u>116 = 15% of total</u>

Appeals

	<u>14 = 2% of total</u>
--	-------------------------

Whatcom County total civil filings
 7/1/74-12/31/74 784

The determined result was that of the total civil cases for that six month period, 49% were family law, 33% were personal injury and property damage, 1% eminent domain, 15% other civil petitions and 2% appeals. These percentages were then arbitrarily applied to the total civil filings in Whatcom County for the years 1973 and 1974 as follows:

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Annual totals:	1208	1467

It was only necessary to determine types of civil cases. The remainder of our major category case types fit into the California categories as follows:

<u>TYPE OF PROCEEDING</u>	<u>CALIF. MINUTE WEIGHT BY TYPE</u>	<u>WHATCOM COUNTY FILINGS 1973</u>	<u>MINUTES IN 1973</u>	<u>WHATCOM COUNTY FILINGS 1974</u>	<u>MINUTES IN 1974</u>
Criminal	150	231	34,650	374	56,100
Juvenile	51	166	8,466	200	10,200
Probate	20	344	6,880	380	7,600
Family Court	27	592	15,984	719	19,413
Personal Injury and Property Damage	88	399	35,112	484	42,592
Eminent Domain	85	12	1,020	15	1,275
Other Civil Petitions	9	181	1,629	220	1,980
Adoptions (Family Law)	27	69	1,863	84	2,268
Mental Illness (Insanity)	18	32	576	39	702
Appeals	<u>101</u>	<u>24</u>	<u>2,424</u>	<u>29</u>	<u>2,929</u>
Total Filings and Minutes		2,050	108,604	2,544	145,059
Average for 2 judges		1,025	54,302	1,272	72,529
Average for 3 judges		683	36,201	848	48,353

Considering the California approved judge year values for a 1-2 judge court, it appears Whatcom County for the year 1974 should have had the the equivalent of 2.48 judges.

TABLE I

Recommended Weights and Judge Year Values
(Minutes of case related time per filing)

TYPE PROCEEDING	APPROVED WEIGHTS		APPROVED JUDGE YEAR VALUES	
	LOS ANGELES COUNTY	STATE LESS LOS ANGELES ^{a/}	AUTHORIZED JUDICIAL POSITIONS	JUDGE YEAR VALUES
SUPERIOR COURTS				
Criminal	136	150	1-2	58,500
Juvenile Delinquency	80	54	3-10	60,000
Juvenile Dependency	86	48	11-20	62,800
Habeas Corpus	16	16	21 and up	65,800
Probate and Guardianship	23	20		
Family Law	43	27		
Personal Injury & Property Damage	67	88		
Eminent Domain	128	85	Los Angeles Superior	67,900
Other Civil Complaints	142	108		
Other Civil Petitions	12	9		
Insanity	29	18		
Appeals	164	101		
MUNICIPAL COURTS				
Felony	51	45		
Selected Traffic	13	17		
Other Traffic	1.0	1.1		
Intoxication	2.9	1.9		
Other Misdemeanors	22	17		
Civil	9	12		
Small Claims	7	6		
Parking (San Francisco)	-	.041		

^{a/} The weighted caseload values shown are statewide average values that do not necessarily take into account any special problems of the court such as are discussed on Page 33.

(1) Recommended Weights

New weighted caseload values and judge year values were developed for the municipal and superior courts. The recommended values are discussed in Section III of this report. Schematic diagrams showing the method of calculating the new values are shown in Appendix C.

Key points regarding these recommended values were presented to the members and advisory members of the Court Management Committee during meetings held by the Committee to review progress on September 8 and November 4, 1971.

(2) Judge Year Values

The recommended judge year values (minutes of case related time per year per judicial position) were derived from data reported by the participating courts during the six week study period. The recommended values are shown on a sliding scale basis reflecting the fact that in the larger courts more time is available for case related matters, on a per judicial position basis, than in the smaller courts.

At the direction of the Court Management Committee at the November 4 meeting, a more detailed analysis was made to determine the average number of days available for case related activities per year per judicial position. This study, made with the assistance of the AOC staff, resulted in the following recommendation for this value.

Court Days per Year	250
less Vacation	22
Illness	8
Workshop, Institutes, etc.	<u>5</u>
Sub-total	<u>35</u>
Days Available for Case Related Activities	<u><u>215</u></u>

This value is multiplied by the hours of case related time per day worked (average of 5.0 hours per day) to arrive at the recommended judge year values. Municipal and superior court values were averaged together since there was no significant statistical difference between the values for each type of court. Each of the three items leading to the "days available" figure of 215 is discussed below:

- . Vacation - The standard vacation allowance recommended by the Judicial Council of 22 court days was used in the calculation.
- . Illness - Few courts keep accurate records on the days absent due to illness. An average of four days (annualized) of illness occurred during the study period. This was increased to eight to allow for the higher incidence of illness during winter months and to bring the allowance more in line with averages in other governmental organizations.
- . Workshops, Institutes, etc. - A detailed analysis was conducted to determine the average number of days judges, commissioners, and referees spent in attendance at judicial conferences, workshops, institutes, etc. This analysis revealed the average to be 4.7 days per year for municipal court judges and 4.1 days per year for superior court judges. An average value of 5 days per year was recommended.

The figure of 215 days per year is identical with the gross figure used by the Judicial Council staff in their calculations (see page of this report). The staff further reduced this value to 200 to allow for calendar control, presiding and other administrative functions. In addition the estimated 7 hour court day was reduced to 4 1/4 hours to allow for other non-bench functions, recesses, and gaps in calendars. Application of this 4 1/4 hours to the 200 days leads to the current judge year value of 50,000 minutes (rounded). The figures used were estimates of the staff based on their experience.

The recommended values of 215 days and 5.0 case related hours per day (an average figure with smaller courts at a lower value and larger courts higher) were based on detailed data reported by:

DAVIS & BEATY
~~XXXXXXXXXXXXXXXXXXXX~~
ATTORNEYS AT LAW

204 NORTH COMMERCIAL
BELLINGHAM, WASHINGTON 98225

CITY PHONE 733-8191
COUNTY PHONE 384-5781
AREA CODE 206

CRAIG G. DAVIS
~~XXXXXXXXXXXXXXXXXXXX~~
Robert E. Beaty

March 7, 1975

Senator Peter Francis
State of Washington
Legislative Building
Olympia, Wa. 98104

Re: Third Superior Court Judge for Whatcom County

Dear Senator:

We have a very real problem in Whatcom County. We have but two Superior Court Judges. One of them is allocated the jury cases and criminal matters and the other is allocated all other matters.

As a result of this and the buildup in the litigation in our courts, it is exceedingly distressing to tell a client that his case cannot come to trial for approximately one year.

For example, I recently had a dissolution of marriage case which ended with the marriage being dissolved, the husband declaring bankruptcy and 18 months of instability for the family. The reason - he finally gave up after being bumped four times and gave her the divorce and all the families property.

With this kind of justice, it brings pressure on me as an attorney to effect a settlement of my client's cases even though they may have a meritorious defense before our courts. The instability arising from such a situation is a disservice to the citizens of this area and the petitioners to our courts for justice.

While justice delayed is justice denied, it is indeed a sad fact when one must recommend to a client that it is better to seek to take action in another county in order that the merits of their case may be heard sooner. I have had to do this on several occasions.

Any assistance you can give us in this regard will be greatly appreciated as our system, overburdened as it is now in this county, cannot provide equal justice for all without another judge.

Earnestly yours,

DAVIS & BEATY

Craig G. Davis

CRAIG G. DAVIS

CGD/jd

MAR 10 1975

P ① - 2297

WHATCOM COUNTY
WORKLOAD STATISTICS

FROM: PHIL WINBERRY
3-11-75

	<u>1972</u>	<u>1973</u>	<u>1974</u>
Population	85,000	85,000	85,200
Population-Average per Judge	42,500	42,500	42,600
State Population	3,417,500	3,424,300	3,448,100
State Average Population per judge	37,146.7	36,045.3	34,829.3
<hr/>			
Total Filings-Average per Judge	947	1,025	1,230
State Average Filings per Judge	1,052	1,090	1,138.7
<hr/>			
Total Trials-Average per Judge	138.5	126.5	113.5
State Average Trials	105.	108.	98.7
<hr/>			
Visiting Judge Time Received	11.5	10.0	12.0
Visiting Judge Time Given	12.0	13.0	7.5

RE: 2297

LAW OFFICES

McCUSH, KINGSBURY, O'CONNOR, LUDWIGSON, THOMPSON & HAYES

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BURTON A. KINGSBURY
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220 CHAMPION STREET
BELLINGHAM, WASHINGTON 98225

TELEPHONE
(206) 734-2000
P.O. BOX 199

February 21, 1975

Mr. James Dolliver
Administrative Assistant
Office of the Governor
Legislative Building
Olympia, Washington 98504

Dear Mr. Dolliver:

I am writing this letter as President of the Whatcom County Bar Association.

We here in this county are in a disasterous situation with regard to our Superior Court system. We have two Superior Court Judges and desperately need a third. Everything possible has been done by the Judges and local bar to make the process more efficient. Court Commissioners are handling juvenile, ex-parte matters, sanity hearings and anything else that will release the Sperior Court Judges to try cases. The Judges are devoting all their case time to trying civil and criminal cases, but the backlog is building at an alarming rate.

I am writing this letter because we have been advised that the Governor is adamantly opposed to any new judgeships. Herein enclosed are statistics that have been put together supporting our position. We understand that the Governor's position is based on a desire to push through judicial re-districting. If we have to wait for this legislation to be enacted and implemented, our local Superior Court system will be in a state of total chaos.

One of the things that is not shown in the statistics as far as population is concerned is the Western Washington State College. There is a student population of approximately 10,000. This greatly increases the number of people who are using the local court, a fact which is not indicated by local population statistics. One example is the substantial amount of drug related cases which come directly from the college population and from our being adjacent to the Canadian-American border.

Another factor not shown in the population statistics is the fact that we have thousands of Canadians who own recreational property in Whatcom County. This large non-residential recreational population also increase the

amount of litigation. We also have an increased volume of criminal and civil cases because of our close proximity to the border and the thousands of people living in the greater Vancouver area who visit our County.

Because of the presence of the college, our unique geographic location and the frequent presence of large numbers of our Canadian neighbors, we have, in my opinion, a Superior Court workload equal to a county with a population in excess of 110,000 people.

We have had a bill introduced in the State Senate and are presently attempting to have a hearing scheduled. We would appreciate your discussing the matter with the Governor. Frank Atwood is well aware of the local court situation and will confirm our position.

We have conferred with the County Commissioners and they are 100% behind our efforts.

The Federal Clerk has been contacted and we have available the local Federal Court Room in Bellingham which can be used until the County completes its permanent facilities, which will include a room for a third Superior Court Judge.

At the present time, the only cases which are assured of moving through our Superior Courts are the criminal matters, which have priority under the law. Civil cases are backlogging at an alarming rate.

Anything you can do on our behalf will be greatly appreciated. If appropriate, we would like to meet with the Governor and discuss this matter with him.

We feel our situation is unique and deserves special consideration.

Very truly yours,

WHATCOM COUNTY BAR ASSOCIATION



Edward B. O'Connor
President

EBO/bw

SENATE BILL NO. 2297

State of Washington
44th Regular Session

By Senators Goltz and Woody

Read first time January 27, 1975, and referred to JUDICIARY
COMMITTEE.

1 AN ACT Relating to superior courts; and amending section 5, chapter
2 125, Laws of 1951 as last amended by section 2, chapter 27,
3 Laws of 1973 1st ex. sess. and RCW 2.08.063.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 Section 1. Section 5, chapter 125, Laws of 1951 as last
6 amended by section 2, chapter 27, Laws of 1973 1st ex. sess. and RCW
7 2.08.063 are each amended to read as follows:

8 There shall be in the county of Lincoln one judge of the
9 superior court; in the county of Skagit, two judges of the superior
10 court; in the county of Walla Walla, two judges of the superior
11 court; in the county of Whitman, one judge of the superior court; in
12 the county of Yakima five judges of the superior court; in the county
13 of Adams, one judge of the superior court; in the county of Whatcom,
14 ((two)) ~~three~~ judges of the superior court.

BILL DIGEST

S. B. No. 2297 By Senators Goltz, Woody

Increasing the number of Whatcom county superior court judges to three.

(DIGEST AFTER SENATE 2ND READING)

Raises the number of superior court judges in Whatcom county from two to three.

Jan 27 First reading, referred to Judiciary.

Mar 12 Committee report; do pass.

--1ST EXTRAORDINARY SESSION--

Mar 14 By resolution, reintroduced and retained in present status.

Mar 18 Placed on second reading.

Mar 24 Second reading.

On motion, rules suspended, placed on third reading.

Third reading, passed; Yeas, 44; nays, 0; absent, 5.

-IN THE HOUSE-

Mar 25 First reading, referred to Judiciary.

HOUSE OF REPRESENTATIVES

Olympia, Washington

BILL ANALYSIS

BILL NO. SB 2297

Comp. Meas. _____

Status _____

Date 4-18-75

Staff Contact: Mooney

Committee on Jud

Judges, Sup. crt., Whatcom
Brief Title

Sens. Goltz and Woody
Sponsor

Amends an existing statute relating to the number of superior court judges so as to provide for an increase, in Whatcom County, from two to three judges.

Statistics: The number of total filings, in the superior court, by judge, range from a high of 1,422 for Clallam-Jefferson judicial district to a low of 285 for Adams and Lincoln Counties. Whatcom county, with 1,025 filings per judge, is 5 1/2 per cent below the statewide average of 1,085.

<u>Whatcom County Filings</u>	<u>1972</u>	<u>1973</u>
Civil	1,1129	1,208
Criminal	188	231
Probate	410	344
Juvenile	102	166
Adoptions	39	69
Mental Illness	26	32
Trials	277	253

Whatcom County had 126.5 trials per judge in 1973, 16.6% above the state average.

Whatcom County had a population per resident judge of 42,500 in 1973, while the state average was 36,045.

See HB 811 correspondence from the Administrator for the Courts. HB 811 analysis is attached.

SUPREME COURT

STATE OF WASHINGTON

OFFICE OF ADMINISTRATOR FOR THE COURTS

TEMPLE OF JUSTICE

OLYMPIA, WASHINGTON 98504

PHILIP B. WINBERRY
ADMINISTRATOR



H 511

TEL
1234 567

February 24, 1975

Honorable Pete Francis
Chairman, Senate Judiciary Committee
428 Public Lands Building
Olympia, Washington 98504

Re: Senate Bill 2297

Dear Senator Francis:

The above referenced legislation would add one additional superior court judge to Whatcom County. As you are aware, there has been much criticism in recent years of creating new superior court positions in light of the scarcity of information we collect relating to workloads of judges. The prior legislative test of whether to authorize a new superior court position has been a combination of factors, i.e. the legislature has looked at the population of a district, the filings per judge in a district as against the statewide average and the number of trials per judge in the district, again, judged against the statewide average for all superior court judges. On occasion members of the legislature and the Governor have communicated to me their displeasure with this type of a standard and have asked that we develop some different method of evaluating the needs of the counties or judicial districts for new superior court judge positions.

This office does not have the manpower sufficient to conduct the exhaustive types of surveys necessary in developing a method to set more realistic standards. We presently have pending before the legislature a request for the authority to expend funds to develop a much more sophisticated judicial information system utilizing the capabilities of modern technology and, more particularly, computer technology.

In addition, we have pending a request for a statistician's position which I believe is inherently necessary if this office is to properly perform its statutory duties.

In view of that, it has been extremely difficult for us to evaluate the Whatcom County request. By prior legislative standards, Whatcom County's population is approximately 7,000 persons above the state average per judge. Filings in 1974 in Whatcom County totalled 2,544, an average per judge of 1,272 which is approximately 150 filings per judge above the projected state average for 1974. The number of trials held in Whatcom County in 1974 was 227, an average of 113.5 per judge which is approximately equal to the statewide average per judge. By former standards it would be difficult to assert with any degree of certainty that Whatcom County, in fact, needed an additional judge. However, a valid criticism of the present means by which we evaluate such requests is that as the statewide averages increase each year, and they do, it becomes more difficult for those places which need an additional judge to justify their position. Accordingly, I had Mr. Harvey Harrison, of my staff, survey what standards are applied around the country by other state legislatures. We determined that most are still basing such decisions on similar criteria as that used by the Washington State Legislature. However, the state of California in the late 1960's put a freeze on additional positions until a more meaningful method for determining judicial workload was established.

Out of that action came the so called "weighted caseload" survey conducted by the Judicial Council and the Administrative Office for the Courts for the State of California. I have a copy of that full report on file in my office and could make it available to you for your perusal if you so desire. The substance of the study was that there are so many judicial days during the year and a judge should be expected to perform so many minutes of work per day relating to his functions as a judge. During the course of the survey a standard weight or time element was assigned to each type of matter heard by the superior court judge. This "weight" was assigned after anonymous surveys of the workloads of a judge were made over a period of time in excess of three months. By way of comparison we have applied the California weighted system, recognizing that the procedures of the superior courts in California may differ somewhat from those of our superior court, but that the process is similar enough to allow us to use their figures as a rough "estimate" of what might occur in the courts of this state. From such an analysis it would seem that in 1974 the workload of the Whatcom County Superior Court was in excess of that which should be required of a two-judge superior court district.

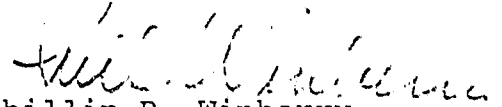
Using the California figures, they show that in 1974 there should have been 2.48 judicial positions available to serve Whatcom County. In view of increasing caseloads, it would seem that reasonable assumption would be that in 1975 at least 2.75 judicial positions would be necessary to meet the demands of the Whatcom County caseload. For those reasons I would support the request of Whatcom County that an additional superior court position be created and would request that a hearing be held on the request at the earliest possible time.

If you have any questions on this matter I would be most pleased to meet with you and discuss the issue.

Best regards.

Very truly yours,

ADMINISTRATOR FOR THE COURTS


Phillip B. Winberry
Administrator

PBW:eg

cc: Hon. Daniel J. Evans
Hon. Charles F. Stafford
Hon. Byron L. Swedberg
Hon. Marshall Forrest
/ Hon. Walt Knowles
Hon. Frank Woody
Hon. H.A. "Barney" Goltz
Richard A. Busse, Esq.
Edward B. O'Connor, Esq.
Charles R. Olson, Esq.

Enc.

END

1000 1100