

Introduction

This report presents an analysis of court resource levels and caseloads for all courts in Livingston County. Completed in June 2019, this analysis examined relevant resource and caseload for the Circuit, District, and Probate Courts. Data for this June 2019 analysis came from documents posted publicly on the websites of the State Court Administrative Office (SCAO) and Livingston County.

Statistics for judicial workload and judicial caseload were compiled from reports posted on the SCAO website¹, while statistics regarding resource levels for Livingston County Courts were compiled from budget documents posted on the Livingston County website.²

Posted on the SCAO website, the Michigan Judicial Workload Assessment report was published in 2011, and is the most recent assessment of judicial workload for courts in the State of Michigan. The purpose of this report was to recommend staffing levels for judges and quasi-judicial officers³. Quoting from this report:

*“The NCSC⁴, in conjunction with this committee, conducted a comprehensive judicial workload assessment, including a time study with widespread participation, quality adjustments provided through a “sufficiency of time survey” of judges, reviews by Delphi Groups⁵, and a final review by the JNAC⁶. We are confident that the new weighted caseload formula and extended analysis process provide **a reliable basis on which the SCAO can recommend necessary judicial resources to the Legislature and the Supreme Court to carry out their constitutional duties of assuring adequate judicial resources for meeting the needs of the people of Michigan.**” (footnotes and emphasis added)*

Readers interested in understanding the methodology used for this report are encouraged to review the entire 45 page report posted on the SCAO website.

NCSC/SCAO Key Finding

The 2011 judicial workload report assessed staffing levels for judges and quasi-judicial officers for all courts throughout Michigan. Not surprisingly, some courts were understaffed and some were overstaffed. According to the NCSC/SCAO report, the courts in Livingston County, including Circuit, District, and Probate, had a surplus of quasi-judicial officers. **This surplus was equivalent to 6.3 Full Time Equivalents (FTE). Of all the courts assessed in this survey, Livingston County had the second highest surplus of quasi-judicial officers.** A complete comparison of all courts is shown in Figure 1.

¹ Statistics regarding judicial workload and staff requirements are available in the report titled, “Michigan Judicial Workload Assessment.”

<https://courts.michigan.gov/Administration/SCAO/Resources/Documents/Publications/Reports/Judicial-Resources/Michigan%20Judicial%20Workload%20Assessment-Final%20Report.pdf#search=%2222.Michigan%20Judicial%20Workload%20Assessment-Final%20Report%202010%22>

Statistics for caseloads for Livingston County Courts from 2010 to 2018 are available at the SCAO website:

<https://courts.michigan.gov/education/stats/Caseload/Pages/default.aspx>

² Statistics for resource and staff levels for Livingston County Courts are available in the budget books posted on the Livingston County website.

<https://www.livgov.com/fiscal-services/Pages/Financial-Reports.aspx>

³ Quasi-judicial officers have powers resembling those of a judge. This includes magistrates, referees, registers, law clerks, etc.

⁴ National Center for State Courts

⁵ Delphi Groups can be thought of as groups of subject matter experts

⁶ Judicial Needs Assessment Committee

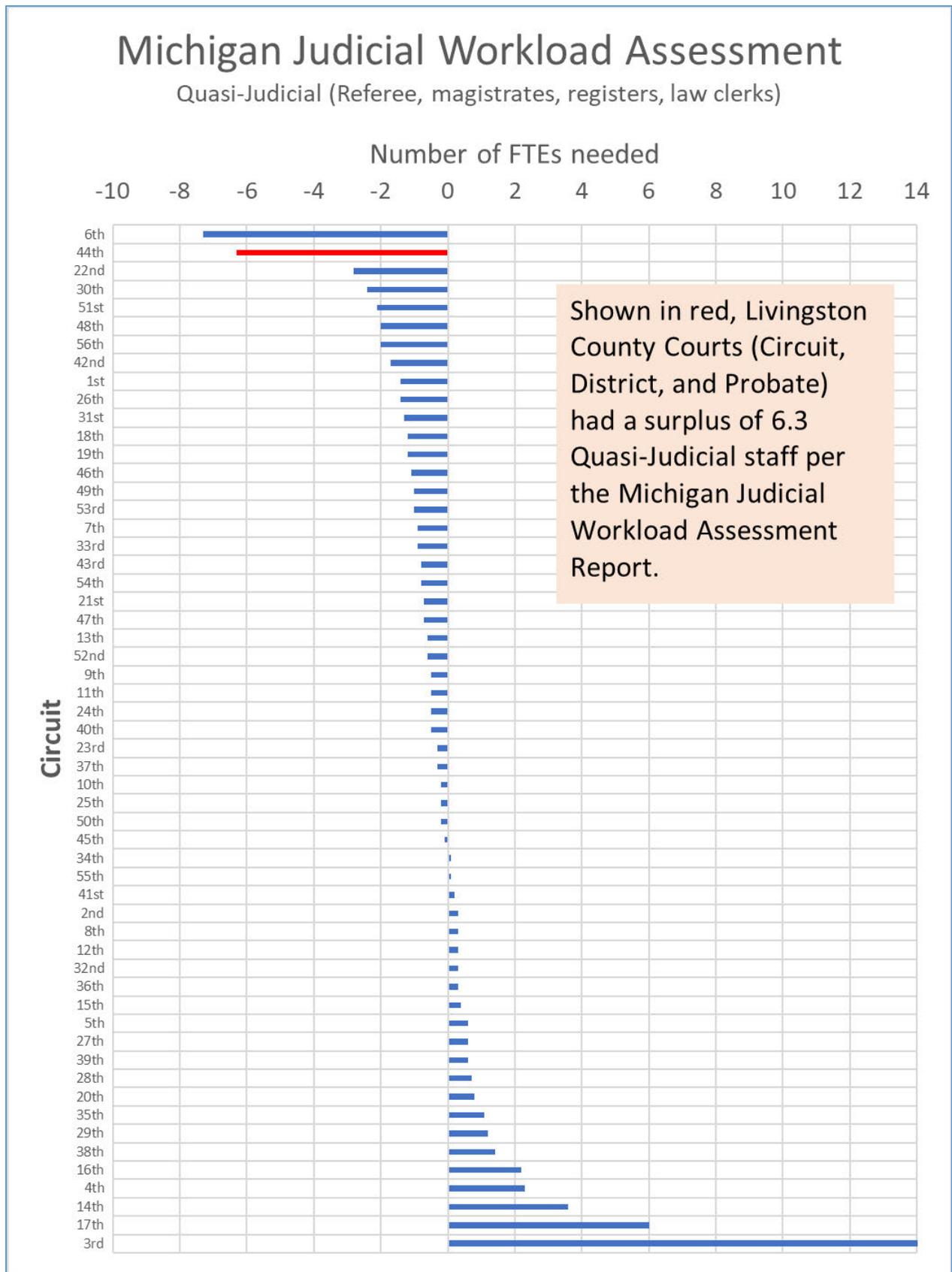


Figure 1 – Michigan Court quasi-judicial staffing

Data Analysis

That the National Center for State Courts (NCSC) found a surplus of quasi-judicial officers in 2011 does not necessarily mean that there is a surplus in 2019. Without a more recent NCSC analysis other techniques are needed to *estimate* whether a surplus exists currently. Two other techniques are presented in this report.

One approach used to estimate whether a current court staff surplus might exist is as follows:

1. Compile caseload statistics using Caseload Reports published by SCAO. These caseload statistics are supplied to SCAO from the Livingston County Courts.
 - a. Compare yearly caseload statistics to estimate annual changes in judicial workload.⁷
2. Compile statistics on staffing levels using the annual Livingston County budget books.
 - a. Compare yearly court staff levels to assess year-over-year changes.
3. Compare yearly staffing levels to yearly caseload levels, while examining for the following conditions:
 - a. **Was there a decline in staff levels after the 2011 report was published?** A decline in staffing suggests that action was taken as a result of the NCSC/SCAO report and staff surplus may no longer exist.
 - b. **Have caseloads increased since the time the 2011 report was published?** An increase in caseloads suggests that a staff surplus may no longer exist.

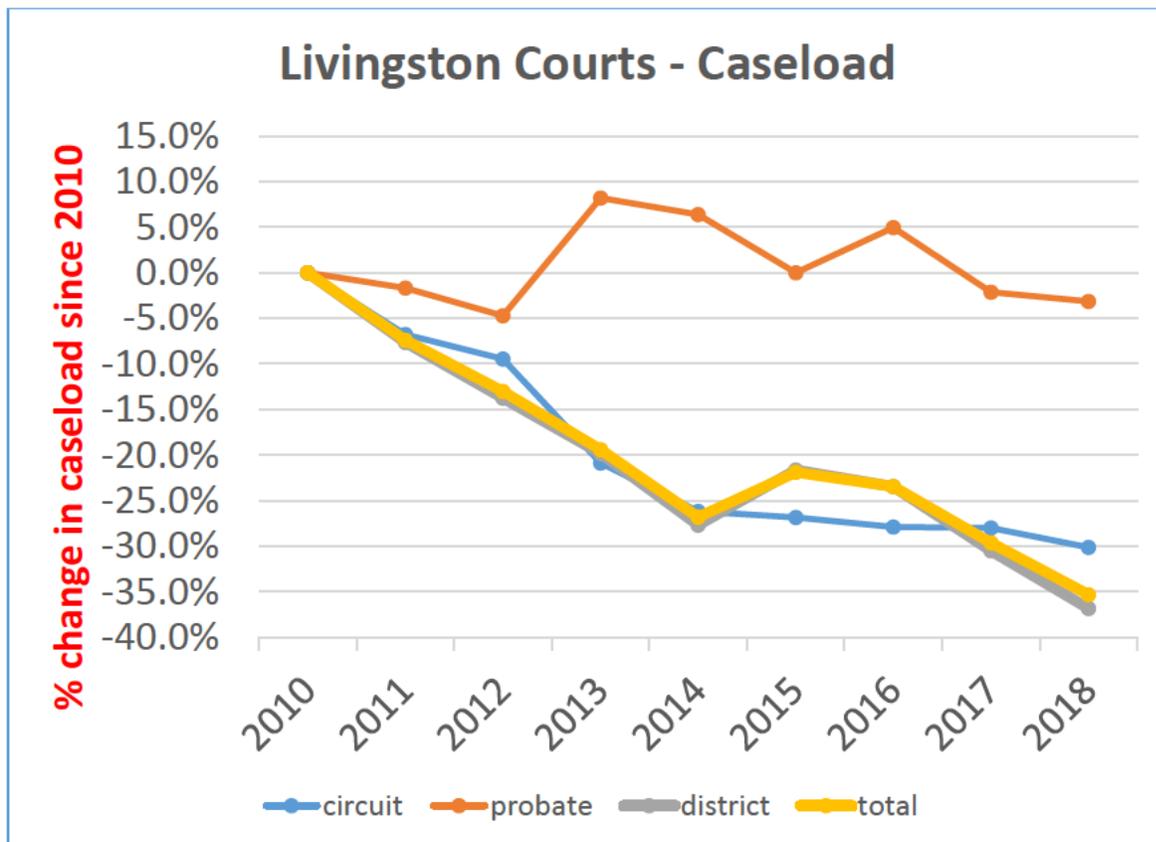


Figure 2- Livingston Court Caseload, Percent Change from 2010 to 2018

⁷ It is important to point out that “workload” is not equivalent to “caseload.” Workload estimates take into account the fact that some types of cases are more complex than others, and therefore take more time to complete. Unfortunately, workload data only exists for the report authored in 2011, while caseload statistics exist for all years of interest. Therefore, this analysis uses caseload statistics as an estimate of workload.

Figure 2 shows the change in caseload since 2010 on a percentage basis. Changes are shown individually for each Court (Circuit, Probate, and District), and as a total for all courts.

Total caseload in Livingston County Courts has decreased by 35% since 2010. This decrease in total caseload suggests that a decrease in staffing from 2010 levels would be appropriate. Based on the decline in caseload the estimated staffing decrease could be substantially more than the 6.3 FTEs originally calculated in the 2011 Michigan Judicial Workload Assessment.

An analysis of judicial headcount is shown in Figure 3.

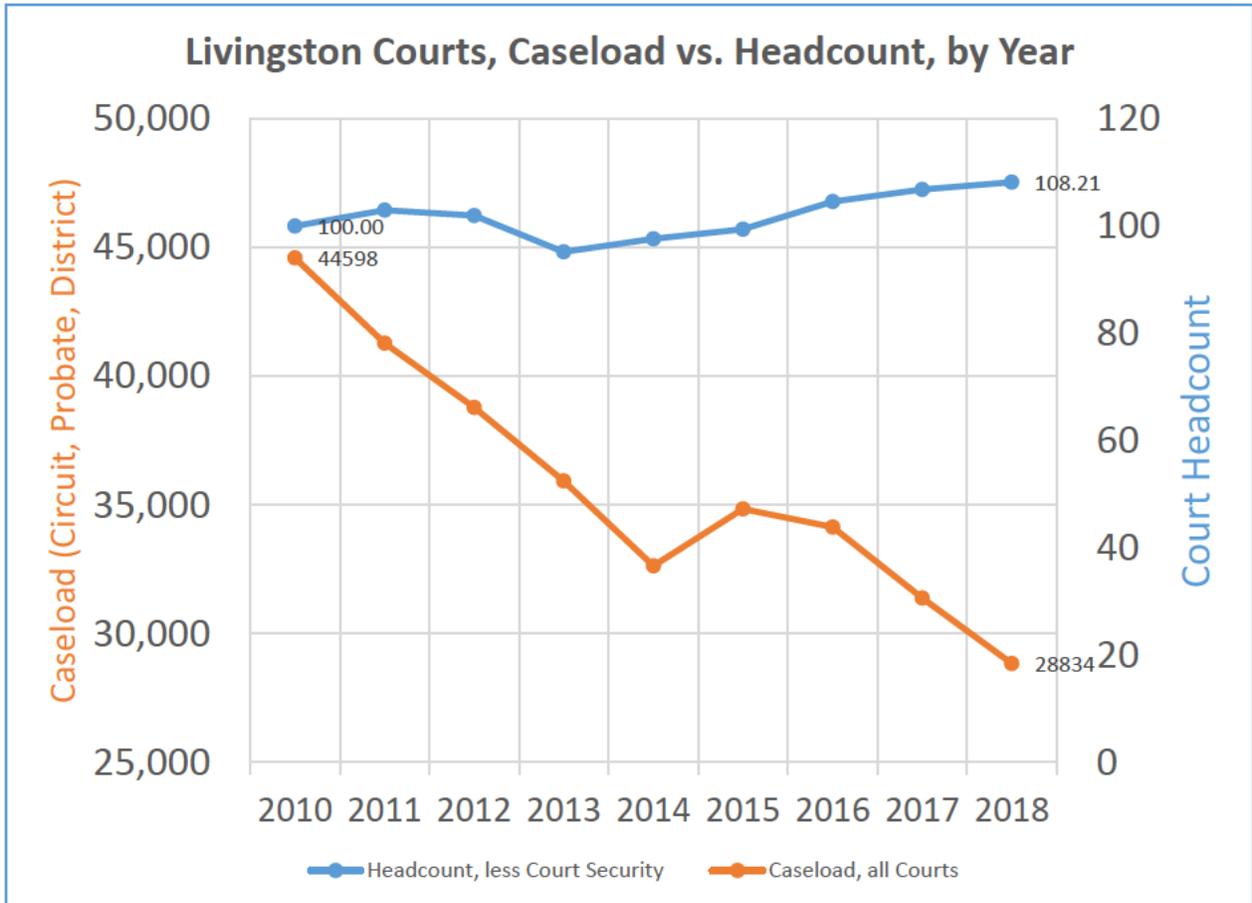


Figure 3- Livingston Court Caseload vs. Court Headcount from 2010 to 2018

The orange line in Figure 3 plots the total number of court cases in Livingston County from 2010 to 2018. The blue line plots the headcount for Livingston County Courts during the same time period.⁸

Headcount for Livingston County Courts has actually increased as caseload has decreased. This suggests that no action was taken to address the surplus of quasi-judicial officers identified in the 2011 Michigan Judicial Workload Assessment.

Data Analysis – A Second Technique

This second technique compares the number of Judges and quasi-judicial Officers in 2011 versus 2019.

⁸ It should be noted that Court Security officers have been excluded from the total court headcount. They were excluded because Court Security was added to court personnel post-2010. Including Court Security in this analysis would have unfairly skewed the analysis by showing an inflated expansion of court headcount.

The NCSC Michigan Judicial Workload Assessment reported there were a total of 16.8 Judges and quasi-judicial FTEs in Livingston County in 2011.

Estimating the quantity of Judges and quasi-judicial (QJ) officers in 2019 was performed by examining each Position assigned to the Livingston County Courts. Using the QJ definition provided by NCSC and SCAO, job titles were evaluated to determine if the Position was either a Judge or a quasi-judicial (QJ) officer. The complete list of all 2019 positions with the words Judge, Magistrate, Law Clerk, Referee, or Register in their job title is shown in Table 1.⁹ After further examination of Table 1, four positions were excluded as they were not QJ. These positions are shown in grey.

	Department	Position#	Location#	Job Title	Group	FTE
1	Circuit Court	13100001	1310	CIRCUIT JUDGE	NU	1
2	Circuit Court	13100002	1310	CIRCUIT JUDGE	NU	1
3	Circuit Court	13100003	1310	CIRCUIT JUDGE	NU	1
4	Circuit Court	13100103	1310	RESEARCH ATTORNEY	NU	1
5	Circuit Court	13100104	1310	RESEARCH ATTORNEY	NU	1
6	Circuit Court	13100108	1310	RESEARCH ATTORNEY	NU	1
7	District Court	13600001	1360	DISTRICT COURT JUDGE	NU	1
8	District Court	13600003	1360	DISTRICT COURT JUDGE	NU	1
9	District Court	13600103	1360	MAGISTRATE	NU	1
10	District Court	13600104	1360	LAWCLERK/ATTY MAGSTR	NU	1
11	District Court	13600105	1360	LAWCLERK/ATTY MAGSTR	NU	1
12	District Court	13600106	1360	LAWCLERK/ATTY MAGSTR	NU	1
13	Friend of the Court	14100204	1410	FOC REFEREE COORD	CTS	1
14	Friend of the Court	14100102	1410	ATTORNEY REFEREE FOC	NU	1
15	Friend of the Court	14100103	1410	ATTORNEY REFEREE FOC	NU	1
16	Friend of the Court	14100104	1410	ATTORNEY REFEREE FOC	NU	1
17	Probate Court	14800202	1480	DEPUTY PROBATE REGIS	CTS	1
18	Probate Court	14800203	1480	DEPUTY PROBATE REGIS	CTS	1
19	Probate Court	14800001	1480	CHIEF PROBATE JUDGE	NU	1
20	Probate Court	14800102	1480	RESEARCH ATTORNEY	NU	1
21	Probate Court	14900206	1490	DEP JUV REG/CRT REC	CTS	1
22	Probate Court	14900102	1490	ATTORNEY REFEREE	NU	1
23	Probate Court	14900103	1490	REGISTER	NU	1
24	Probate Court	14900101	1490	INTAKE HEAR OFF/REF	CTS	1

Table 1- Judges and quasi-judicial Officers in 2019

Year	Total Judges and QJ	Total Judges	Total QJ
2011	16.8	6	10.8
2019	20.0	6	14.0

Table 2 - 2011 vs 2019 Comparison

Recall that in 2011 the NCSC and SCAO estimated Livingston County had a QJ surplus of 6.3 FTE. Now eight years later, with a caseload which has decreased by over 35%, it quite unexpected to see that QJ

⁹ The 2011 NCSC report did not itemize which specific positions they categorized as quasi-Judicial. Therefore, one cannot be absolutely certain if the positions listed in Table 1 provide an “apples to apples” comparison with the positions in 2011 NCSC report.

positions have increased by 3.2 FTE. The addition of new QJ's suggests the surplus may have increased to 9.5 FTE.

Discussion

As with any analysis, caution should be exercised when drawing conclusion and/or extrapolating data. The numbers and statistics presented herein are estimates, and as with any estimate there is a degree of uncertainty.

Summary

The key findings of this June 2019 Judicial Resource Analysis are:

- The SCAO/NCSC Michigan Judicial Workload Assessment report estimated that Livingston County Courts had a surplus of 6.3 quasi-judicial officers in 2011.
 - This assessment also showed that, when compared to other Michigan Courts, Livingston County Courts had the second highest surplus of quasi-judicial officers.
- An analysis of Livingston County Court headcount indicates that Livingston County judicial resources were not restructured as a result of the SCAO/NCSC Michigan Judicial Workload Assessment.
- The total caseload of Livingston County Courts has declined 35% since 2010.
- The total headcount of Livingston County Courts has increased by 8% since 2010.
- An examination of all 2019 court positions suggests that a surplus of 9.5 quasi-judicial officers currently exists.

Addendum

Subsequent to the initial analysis above, additional data was obtained and analyzed, providing supplementary insight for county and court leadership.

This additional data includes:

1. The 2019 budget for Livingston County Courts (44th Circuit)¹⁰
2. The 2019 budget for Monroe¹¹ County Courts (38th Circuit)¹²
3. Monroe County Courts caseload data from 2010 through 2018

Analysis of this data was performed to answer the questions:

- A. How does caseload¹³ for Monroe County Courts compare to Livingston County Courts during the period 2010 through 2018?

¹⁰ The Livingston County budget data was provided by County Administration on June 21, 2019.

¹¹ Monroe County was selected for this analysis because it is considered to be a comparable county. Further, Monroe County's line item budget was available for public viewing.

¹² The Monroe County budget data is posted on the Monroe County website.

https://www.co.monroe.mi.us/2019_2020_Recommended_Budget.pdf

¹³ Caseload data for both counties are posted on the SCAO website.

- B. How does the 2019 budget for Monroe County Courts compare to that of Livingston County Courts for 2019?
- C. How does the cost per case for Monroe County Courts compare to that of Livingston County Courts?

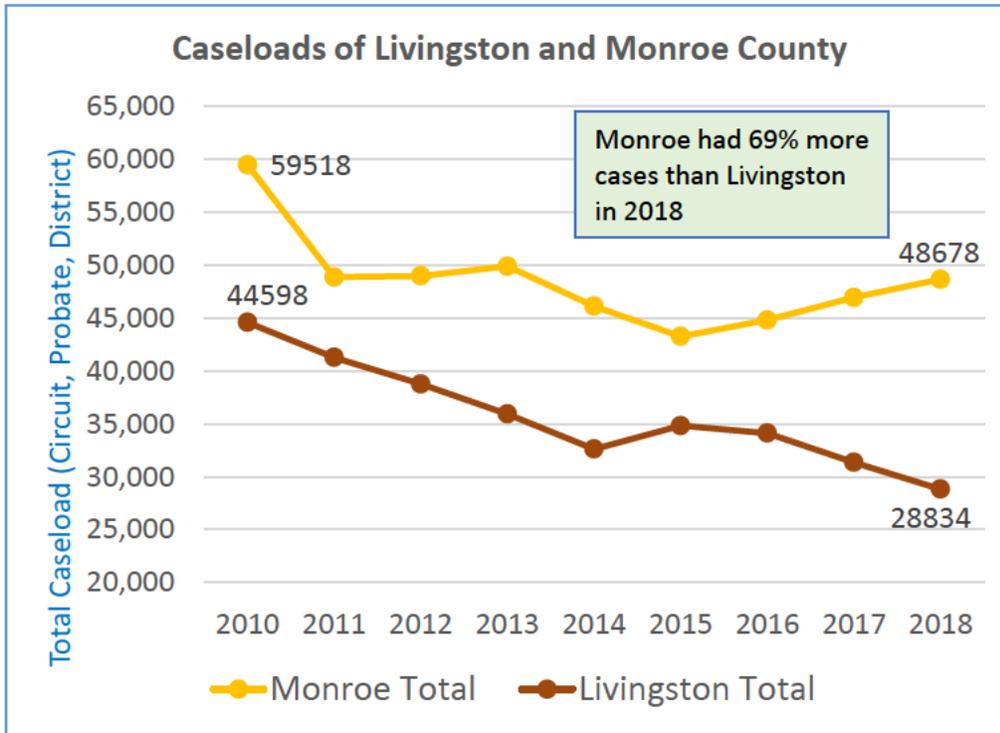


Figure 4 - Caseload Comparison

Figure 4 shows that caseloads for both counties have declined since 2010. Monroe County declined from 59,518 to 48,678 cases, a decline of 10,840 cases. During this same period Livingston County declined from 44,598 to 28,834 cases, a decline of 15,764 cases. Breakdown of cases shows Monroe with 4,178 Circuit, 863 Probate, and 43,637 District. Livingston has 3,950, 861, and 24,023 respectively. In total **Monroe County had a 2018 caseload that was nearly 69% greater than Livingston County.**

A comparison of budgets surprisingly shows the Monroe County budget is lower than the Livingston County budget.

County	Budget	Budgeted \$	Caseload ¹⁴	Cost per case
Monroe	2019 approved	\$7,446,593 ¹⁵	48,678	\$152.98
Livingston	2019 revised	\$8,581,731 ¹⁶	28,834	\$297.62

Table 3- Cost per Case Comparison

Even more surprising than the overall budget difference, this comparison shows the cost per case for Livingston County is nearly double that of Monroe County.

The findings presented in this Addendum support the findings presented earlier in this report. When combined together, all findings indicate there is a need for a vigorously exam and to determine how best to optimize the delivery of judicial services to the citizens of Livingston County.

¹⁴ Caseload figures from 2018 were used as figures for 2019 are not yet available.

¹⁵ Includes \$107,359 for court security.

¹⁶ Includes \$281,033 for court security (101 30500).