SENATE JUDICIARY
EXHIBIT NO. 13
DATE 1/19/09
BILL NO. SB158

SENATE JUDICIARY
EXHIBIT NO. 13
DATE 1/19/09
BILL NO. SB158

**Montana District Courts Judicial Need Model: 2007 Cases**

| Line # | Case Type Category | Case Wgt (Minutes) | 1 cases filed | 2 cases filed | 3 cases filed | 4 cases filed | 5 cases filed | 6 cases filed | 7 cases filed | 8 cases filed | 9 cases filed | 10 cases filed | 11 cases filed | 12 cases filed | 13 cases filed | 14 cases filed | 15 cases filed | 16 cases filed | 17 cases filed | 18 cases filed | 19 cases filed | 20 cases filed | 21 cases filed | 22 cases filed | STATE cases filed |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Cases filed: 2007 (annualized based on filings January through December 2007)** | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | Child Abuse and Neglect | 148.00 | 74 | 75 | 55 | 120 | 19 | 34 | 25 | 105 | 51 | 59 | 148 | 40 | 233 | 29 | 16 | 98 | 17 | 72 | 35 | 39 | 33 | 97 | 1,474 |
| 2 | Criminal | 141.00 | 890 | 328 | 263 | 1,385 | 222 | 216 | 201 | 887 | 309 | 175 | 1,157 | 295 | 1,682 | 80 | 57 | 225 | 87 | 783 | 205 | 481 | 378 | 382 | 10,688 |
| 3 | Civil | 109.00 | 1,828 | 631 | 340 | 1,747 | 410 | 340 | 309 | 1,727 | 554 | 253 | 1,676 | 350 | 2,563 | 205 | 205 | 365 | 263 | 1,286 | 416 | 682 | 815 | 533 | 17,498 |
| 4 | Juvenile | 108.00 | 61 | 82 | 7 | 94 | 31 | 16 | 14 | 222 | 35 | 16 | 152 | 36 | 120 | 12 | 5 | 27 | 16 | 40 | 44 | 41 | 34 | 45 | 1,150 |
| 5 | Domestic Relations | 85.00 | 712 | 361 | 106 | 786 | 131 | 137 | 128 | 594 | 136 | 69 | 728 | 123 | 1,370 | 49 | 41 | 134 | 84 | 492 | 149 | 231 | 224 | 112 | 6,897 |
| 6 | Commitment of a Person with Dev. Disability | 74.00 | 0 | 3 | 0 | 8 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 2 | 1 | 1 | 1 | 1 | 5 | 0 | 53 |
| 7 | Paternity | 61.00 | 1 | 1 | 0 | 3 | 0 | 0 | 3 | 4 | 0 | 1 | 3 | 0 | 10 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 29 |
| 8 | Commitment of a Person with a Mental Illness | 53.00 | 104 | 83 | 205 | 138 | 13 | 23 | 15 | 38 | 12 | 77 | 108 | 17 | 68 | 4 | 6 | 11 | 7 | 39 | 23 | 28 | 24 | 6 | 1,049 |
| 9 | Guardian/Conservator | 40.00 | 70 | 36 | 22 | 117 | 20 | 21 | 20 | 65 | 33 | 25 | 109 | 22 | 130 | 4 | 10 | 18 | 6 | 39 | 8 | 32 | 51 | 20 | 878 |
| 10 | Adoptions | 26.00 | 63 | 18 | 13 | 67 | 11 | 10 | 14 | 90 | 23 | 12 | 82 | 7 | 125 | 3 | 6 | 19 | 14 | 49 | 7 | 16 | 45 | 19 | 713 |
| 12 | Probate | 19.00 | 159 | 104 | 62 | 190 | 85 | 58 | 166 | 246 | 135 | 87 | 207 | 117 | 309 | 50 | 117 | 122 | 70 | 142 | 81 | 129 | 89 | 92 | 2,817 |
| 11 | Investigative Subpoena/Search Warrant | 10.00 | 40 | 27 | 13 | 122 | 22 | 3 | 21 | 98 | 16 | 28 | 176 | 39 | 82 | 28 | 0 | 63 | 5 | 49 | 8 | 10 | 49 | 21 | 920 |
| 13 | Drug & Other Treatment Courts | 189.00 | 0 | 12 | 0 | 12 | 0 | 0 | 7 | 62 | 0 | 5 | 0 | 0 | 40 | 0 | 0 | 10 | 0 | 32 | 0 | 0 | 0 | 0 | 180 |
| 14 | Total Annual Filings | | 4,002 | 1,761 | 1,086 | 4,789 | 987 | 858 | 923 | 4,138 | 1,304 | 807 | 4,546 | 1,050 | 6,736 | 465 | 463 | 1,095 | 570 | 3,025 | 977 | 1,690 | 1,747 | 1,327 | 44,346 |
| 15 | **Case-Specific Workload (minutes)= Sum (Weights x Filings)** | | **423,930** | **183,805** | **115,257** | **509,857** | **102,682** | **95,367** | **90,770** | **434,196** | **137,886** | **84,038** | **471,893** | **110,453** | **714,278** | **50,715** | **45,510** | **112,759** | **60,332** | **327,902** | **106,181** | **183,825** | **182,408** | **149,903** | **4,693,947** |
| 16 | Annual Per Judge Availability (365 days * 480 minutes) | | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 125,280 |
| 17 | Weekend days (-104 days) | | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | |
| 18 | State holidays (- 11 days) | | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 |
| 19 | Vacation (-18 days) | | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 |
| 20 | Sick leave (-12 days) | | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 |
| 21 | Education/training (-8 days) | | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 |
| 22 | **Annual Per Judge Availability for Judicial Workload** | | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** |
| 23 | **Judicial Resource FTE Calculations** | | | | | | | | | | | | | | | | | | | | | | | | |
| 24 | Travel FTE per district | | 0.25 | 0.11 | 0.09 | 0.14 | 0.28 | 0.19 | 0.49 | 0.33 | 0.22 | 0.09 | 0.25 | 0.10 | 0.09 | 0.09 | 0.17 | 0.41 | 0.23 | 0.09 | 0.07 | 0.21 | 0.13 | 0.20 | 4.23 |
| 25 | Non-Case-Related Activity FTE per district | | 0.75 | 0.50 | 0.25 | 1.50 | 0.25 | 0.25 | 0.50 | 1.00 | 0.25 | 0.25 | 0.75 | 0.25 | 1.25 | 0.25 | 0.25 | 0.50 | 0.25 | 0.75 | 0.25 | 0.50 | 0.50 | 0.25 | 11.25 |
| 26 | Judicial Case-Related FTE per district (line 15 / line 22) | | 4.17 | 1.81 | 1.13 | 5.01 | 1.01 | 0.94 | 0.89 | 4.27 | 1.36 | 0.83 | 4.64 | 1.09 | 7.02 | 0.50 | 0.45 | 1.11 | 0.59 | 3.22 | 1.04 | 1.81 | 1.79 | 1.47 | 36.72 |
| 27 | **Total Judicial Resource Needs (line 24 + line 25+ line 26)** | | **5.17** | **2.42** | **1.47** | **6.65** | **1.54** | **1.38** | **1.88** | **5.60** | **1.83** | **1.17** | **5.64** | **1.44** | **8.36** | **0.84** | **0.87** | **2.02** | **1.07** | **4.06** | **1.36** | **2.52** | **2.42** | **1.92** | **61.63** |
| 28 | **Current FTE Judge Positions (includes special masters)** | | **3.00** | **2.00** | **1.00** | **6.00** | **1.00** | **1.00** | **2.00** | **4.00** | **1.00** | **1.00** | **3.00** | **1.00** | **5.00** | **1.00** | **1.00** | **2.00** | **1.00** | **3.00** | **1.00** | **2.00** | **2.00** | **1.00** | **45.00** |
| 29 | **Resource (Supply)/Overall Need Difference (line 27 - line 28)** | | **-2.17** | **-0.42** | **-0.47** | **-0.65** | **-0.54** | **-0.38** | **0.12** | **-1.60** | **-0.83** | **-0.17** | **-2.64** | **-0.44** | **-3.36** | **0.16** | **0.13** | **-0.02** | **-0.07** | **-1.06** | **-0.36** | **-0.52** | **-0.42** | **-0.92** | **-16.63** |

**Legend/Comments:**

1 1 day = 480 minutes (8 hours)

2 On line 29, "-" numbers indicate Judicial position need. For example, in District 1, 2.17 indicates the need for 2.17 judges; in other words, District 1 is under-staffed by 2.17 judges.

3 Judge FTE figures (on line 27) include 2 Special Masters in the 4th judicial district.

4 FTE refers to Full Time Equivalent positions.

5 The District Court Council has determined that an appropriate minimum level of staff support for each judge is one court reporter, one law clerk and one judicial assistant. These minimum staffing levels are not in place in the 1st, 3rd, 6th, 7th, 11th, 14th, 15th, 16th, 17th, 19th and 20th Districts

**Montana District Courts Judicial Need Model: 2006 Cases**

| Line # | Case Type Category | Case Wgt (Minutes) | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | STATE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Judicial District | | | | | | | | | | | | | | | | | | | | | | |
| | **Cases filed: 2006** | | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed | cases filed |
| 1 | Child Abuse and Neglect | 148.00 | 43 | 117 | 46 | 94 | 20 | 31 | 10 | 150 | 33 | 57 | 179 | 84 | 137 | 16 | 2 | 122 | 14 | 56 | 54 | 93 | 24 | 63 | 1,389 |
| 2 | Criminal | 141.00 | 750 | 247 | 180 | 736 | 188 | 167 | 133 | 903 | 206 | 128 | 787 | 253 | 1,276 | 59 | 42 | 180 | 61 | 691 | 170 | 354 | 306 | 247 | 8,210 |
| 3 | Civil | 109.00 | 1,710 | 576 | 404 | 1,705 | 359 | 348 | 295 | 1,840 | 489 | 217 | 1,510 | 282 | 2,276 | 194 | 190 | 383 | 242 | 1,215 | 336 | 658 | 842 | 460 | 13,226 |
| 4 | Juvenile | 108.00 | 109 | 109 | 21 | 140 | 80 | 15 | 26 | 338 | 37 | 21 | 185 | 46 | 188 | 13 | 22 | 44 | 32 | 104 | 42 | 32 | 56 | 53 | 1,609 |
| 5 | Domestic Relations | 85.00 | 1,045 | 418 | 120 | 840 | 144 | 135 | 159 | 611 | 162 | 125 | 838 | 162 | 1,390 | 50 | 58 | 194 | 102 | 764 | 192 | 293 | 238 | 93 | 8,094 |
| 6 | Commitment of a Person with Dev. Disability | 74.00 | 0 | 4 | 1 | 7 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 1 | 0 | 4 | 2 | 1 | 3 | 0 | 61 |
| 7 | Paternity | 61.00 | 3 | 2 | 1 | 5 | 1 | 0 | 5 | 1 | 1 | 1 | 2 | 1 | 28 | 3 | 8 | 11 | 6 | 42 | 19 | 20 | 19 | 9 | 63 |
| 8 | Commitment of a Person with a Mental Illness | 53.00 | 85 | 118 | 237 | 96 | 15 | 27 | 12 | 40 | 10 | 109 | 142 | 19 | 101 | 3 | 8 | 11 | 6 | 42 | 19 | 20 | 19 | 9 | 1,142 |
| 9 | Guardian/Conservator | 40.00 | 54 | 42 | 27 | 133 | 15 | 21 | 10 | 40 | 19 | 23 | 94 | 16 | 140 | 7 | 9 | 40 | 4 | 51 | 19 | 33 | 38 | 10 | 851 |
| 10 | Adoptions | 26.00 | 73 | 35 | 13 | 67 | 34 | 11 | 12 | 100 | 18 | 8 | 65 | 10 | 115 | 4 | 8 | 17 | 4 | 66 | 11 | 27 | 28 | 17 | 743 |
| 12 | Probate | 19.00 | 166 | 122 | 68 | 217 | 88 | 62 | 156 | 286 | 126 | 48 | 228 | 127 | 296 | 51 | 111 | 120 | 81 | 163 | 62 | 93 | 88 | 97 | 2,930 |
| 11 | Investigative Subpoena/Search Warrant | 10.00 | 72 | 12 | 3 | 145 | 15 | 1 | 3 | 164 | 8 | 25 | 123 | 24 | 105 | 16 | 0 | 41 | 1 | 60 | 3 | 9 | 42 | 24 | 1,201 |
| 13 | Drug & Other Treatment Courts | 189.00 | 0 | 12 | 0 | 12 | 0 | 0 | 0 | 62 | 0 | 16 | 0 | 0 | 40 | 0 | 0 | 16 | 0 | 32 | 0 | 0 | 0 | 0 | 190 |
| 14 | Total Annual Filings | | 4,110 | 1,814 | 1,121 | 4,197 | 987 | 818 | 821 | 4,535 | 1,109 | 778 | 4,153 | 1,027 | 6,092 | 416 | 458 | 1,180 | 553 | 3,290 | 929 | 1,633 | 1,703 | 1,082 | 42,806 |
| 15 | **Case-Specific Workload (minutes)= Sum (Weights x Filings)** | | **418,011** | **182,884** | **113,536** | **416,870** | **98,461** | **87,979** | **78,115** | **469,040** | **114,005** | **80,976** | **419,406** | **107,106** | **623,241** | **43,910** | **42,496** | **120,171** | **56,305** | **338,002** | **98,766** | **174,845** | **176,164** | **116,565** | **4,376,854** |
| 16 | Annual Per Judge Availability (365 days * 480 minutes) | | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 175,200 | 125,280 |
| 17 | Weekend days (-104 days) | | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | 49,920 | |
| 18 | State holidays (- 11 days) | | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 | 5,280 |
| 19 | Vacation (-18 days) | | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 | 8,640 |
| 20 | Sick leave (-12 days) | | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 | 5,760 |
| 21 | Education/training (-8 days) | | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 | 3,840 |
| 22 | **Annual Per Judge Availability for Judicial Workload** | | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** | **101,760** |
| 23 | **Judicial Resource FTE Calculations** | | | | | | | | | | | | | | | | | | | | | | | | |
| 24 | Travel FTE per district | | 0.25 | 0.11 | 0.09 | 0.14 | 0.28 | 0.19 | 0.49 | 0.33 | 0.22 | 0.09 | 0.25 | 0.10 | 0.09 | 0.09 | 0.17 | 0.41 | 0.23 | 0.09 | 0.07 | 0.21 | 0.13 | 0.20 | 4.23 |
| 25 | Non-Case-Related Activity FTE per district | | 0.75 | 0.50 | 0.25 | 1.50 | 0.25 | 0.25 | 0.50 | 1.00 | 0.25 | 0.25 | 0.75 | 0.25 | 1.25 | 0.25 | 0.25 | 0.50 | 0.25 | 0.75 | 0.25 | 0.50 | 0.50 | 0.25 | 11.25 |
| 26 | Judicial Case-Related FTE per district (line 15 / line 22) | | 4.11 | 1.80 | 1.12 | 4.10 | 0.97 | 0.86 | 0.77 | 4.61 | 1.12 | 0.80 | 4.12 | 1.05 | 6.12 | 0.43 | 0.42 | 1.18 | 0.55 | 3.32 | 0.97 | 1.72 | 1.73 | 1.15 | 36.72 |
| 27 | **Total Judicial Resource Needs (line 24 + line 25+ line 26)** | | **5.11** | **2.41** | **1.46** | **5.74** | **1.50** | **1.30** | **1.76** | **5.94** | **1.59** | **1.14** | **5.12** | **1.40** | **7.46** | **0.77** | **0.84** | **2.09** | **1.03** | **4.16** | **1.29** | **2.43** | **2.36** | **1.60** | **58.50** |
| 28 | **Current FTE Judge Positions (includes special masters)** | | **3.00** | **2.00** | **1.00** | **6.00** | **1.00** | **1.00** | **2.00** | **4.00** | **1.00** | **1.00** | **3.00** | **1.00** | **5.00** | **1.00** | **1.00** | **2.00** | **1.00** | **3.00** | **1.00** | **2.00** | **2.00** | **1.00** | **45.00** |
| 29 | **Resource (Supply)/Overall Need Difference (line 27 - line 28)** | | **-2.11** | **-0.41** | **-0.46** | **0.26** | **-0.50** | **-0.30** | **0.24** | **-1.94** | **-0.59** | **-0.14** | **-2.12** | **-0.40** | **-2.46** | **0.23** | **0.16** | **-0.09** | **-0.03** | **-1.16** | **-0.29** | **-0.43** | **-0.36** | **-0.60** | **-13.50** |

**Legend/Comments:**

1 1 day = 480 minutes (8 hours)

2 On line 29, "-" numbers indicate Judicial position need. For example, in District 1, 2.11 indicates the need for 2.11 judges; in other words, the first district is under-staffed by 2.11 judges.

3 Judge FTE figures (on line 27) include 2 Special Masters in the 4th judicial district.

4 FTE refers to Full Time Equivalent positions.

5 The District Court Council has determined that an appropriate minimum level of staff support for each judge is one court reporter, one law clerk and one judicial assistant. These minimum staffing levels are not in place in the 1st, 3rd, 6th, 7th, 11th, 14th, 15th, 16th, 17th, 19th and 20th Districts