

Beth
McLaughlin
Handouts

SJ 22

Thursday, February 13, 2014

Law and Justice Meeting
February 13, 2014

Exhibit 16

Family Mediation Cases – January 1, 2013 through December 31, 2013

Total cases referred to the mediation program		867
Cases rejected or dropped out		338
Custody issues settled prior to mediation	91	
Existence of domestic violence restraining order in case record or domestic violence issues identified	78	
One party resides outside of North Dakota	52	
Default divorce	29	
One party incarcerated	10	
Mediation attempted prior to filing divorce action	4	
One or both parties did not comply with order	44	
Parties reconciled	13	
Dismissed	12	
Miscellaneous	5	
Cases accepted into the Family Mediation Program		529
Cases mediation completed as of January 31, 2014		413
Cases pending as of January 31, 2014		116

The average # of hours of mediation per case = 4.3. This includes time spent in orientation, mediation and completing paperwork for agreements and program closing forms.

MONTANA JUDICIAL BRANCH BASICS

2014

- CY 2013 case filings
 - Supreme Court: 860
 - District Court: 52,449
 - Courts of Limited Jurisdiction: 263,426

- 2015 biennium budget: \$84 million (all funds)

- Funded through Judicial Branch budget:
 - Supreme Court, including Office of Court Administrator
 - Water Court
 - Clerk of Supreme Court
 - State Law Library
 - **District Courts (including juvenile probation), excluding courtroom/ office space and Clerks of District Court
 - Courts of Limited Jurisdiction: judges' training and court technology support (case management system, computers, connectivity)

- Number of state-funded Judicial Branch FTEs: 429.83 (2015 biennium)
 - FTE numbers include 7 Supreme Court Justices, 46 District Court Judges, 2 Water Court Judges and the elected Clerk of the Supreme Court (10 judges are in single judge, multi-county districts)
 - Percent residing outside Helena: 81.2%
 - Salary and benefits as percent of budget: 78%

- Youth Court – CY 2013
 - 4,122 youth referred to Youth Court
 - Approximately 82% of referrals handled informally by juvenile probation officers
 - 79 youth (approximately 2%) committed to Department of Corrections in FY2013

- Important dates:
 - July 1, 2002 -- State assumption of District Court employees and expenses
 - July 1, 2006 -- Public defender expenses transferred to Executive Branch
 - July 1, 2007 – Court Help Program for self-represented litigants funded (funded OTO again in 2009, 2011 and 2013)
 - January 1, 2011 – New judges added in the 1st, 11th and 13th Judicial Districts

MONTANA JUDICIAL BRANCH

Judicial Resource Options

Judicial Branch considerations

- **Core goal – quality and timely case resolution for all litigants**
- Currently updating the 2006 Workload Study
- Following the update the District Court Council will engage in strategic planning around adding additional judges and/or standing masters.
 - How and where are standing masters the most helpful in moving cases through the system?
 - When is a new judge needed and how are the county considerations addressed given the local government expenses?

District Court Judge

- Elected to a six-year term
- Handles all aspects of a general jurisdiction caseload
- Provides substitution services throughout the state

Costs

- \$334,075 biennial for the judicial position (salary and benefits)
- Three staff people (judicial assistant, court reporter and law clerk)
- Appropriate chambers and courtroom (county-provided)
- Misc. costs associated with travel and variable expenses – generally an additional judge will result in more courtroom activity)

Standing Master

- Appointed by and works at the discretion of the District Court Judge(s)
- Handles limited case types –primarily family law and some early or initial proceedings in child abuse and criminal law
- Cannot provide services outside of the judicial district

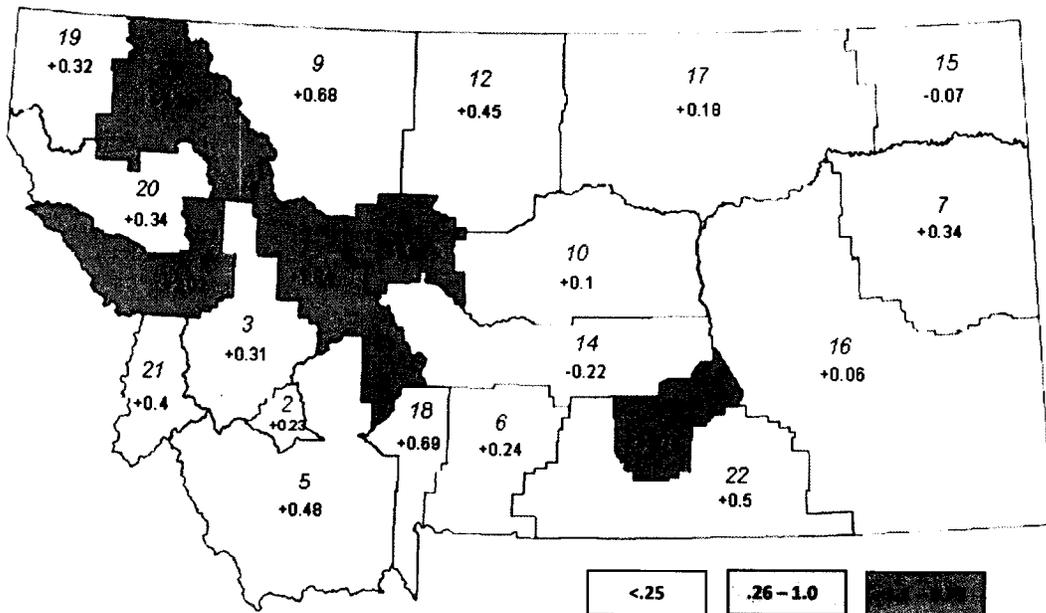
Costs

- \$177,991 biennial for the standing master position (salary and benefits)
- One judicial assistant and electronic recording equipment
- Office space and hearing room (county-provided)

2014 DISTRICT COURT WORKLOAD REVIEW – JUDICIAL RESOURCE NEEDS

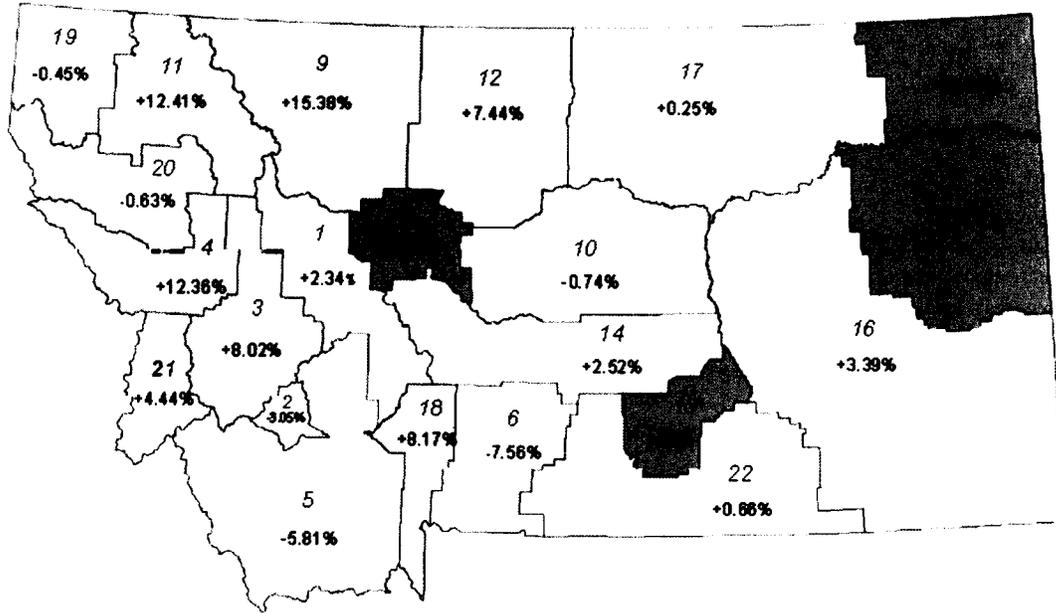
Judicial District	CY2008	CY2009	CY2010	CY2011	CY2012	CY2013	Sparkline
13	1.67	2.21	3.1	1.77	2.91	3.75	
11	1.44	2.61	2.77	1.53	2.16	2.29	
4	0.53	1.28	1.37	1.47	1.89	2.02	
1	1.67	2.82	2.74	1.45	1.82	1.84	
8	0.93	1.28	1.06	0.94	1.27	1.67	
18	1.29	1.3	0.78	0.42	0.43	0.69	
9	0.47	0.58	0.54	0.46	0.55	0.68	
22	0.65	0.59	0.53	0.43	0.42	0.5	
5	0.51	0.57	0.61	0.57	0.4	0.48	
12	0.21	0.4	0.35	0.34	0.46	0.45	
21	0.38	0.31	0.36	0.29	0.24	0.4	
7	0.17	-0.09	0.07	0.12	0.22	0.34	
20	0.29	0.41	0.43	0.34	0.27	0.34	
19	0.22	0.26	0.37	0.38	0.35	0.32	
3	0.34	0.34	0.24	0.24	0.26	0.31	
6	0.25	0.32	0.32	0.27	0.33	0.24	
2	0.42	0.35	0.33	0.23	0.27	0.23	
17	0.02	0.09	0.06	0.13	0.19	0.18	
10	0.04	0.16	0.18	0.05	0	0.1	
16	0.04	0.14	0.12	0.01	0.1	0.06	
15	-0.15	-0.15	-0.12	-0.17	-0.11	-0.07	
14	-0.26	-0.22	-0.21	-0.2	-0.21	-0.22	

The District Court Council tracks and reviews judicial resource needs using case filing statistics and a weighted workload formula approved by the Council. The table on the left summarizes the results of each review year 2008-2013. The number represents the estimated number of judicial resources (FTE) needed to meet workload demands. The data is sorted on CY2013 data (largest to smallest). The sparkline is a line graph of the data for each district - a red marker marks the highest number recorded for the district. CY2013 values are also depicted on the map.



2014 DISTRICT COURT CASE FILING REVIEW – CASES FILED % CHANGE REPORT

The following map shows the difference as a percentage in CY2013 district court case filings when compared to the case filing average of the five previous years (2008-2012). The table provides case filing detail by case type.



Judicial District

(All)

Case Filing Summary - All Districts

Case Category	CY2008	CY2009	CY2010	CY2011	CY2012	CY2013	Sparkline	5yr avg	
								2008-2012	Difference
Adoption	855	751	728	746	766	665		769	-13.55%
Child Abuse and Neglect	1087	1006	1030	1208	1494	1527		1165	31.07%
Civil	18920	18245	19649	17518	18051	18899		18477	2.29%
Commitment of a Person with a Mental Illness	946	1098	1114	1201	1188	1240		1109	11.77%
Commitment of a Person with Dev. Disability	38	33	35	38	42	50		37	34.65%
Criminal	7264	7755	7454	7249	8312	9147		7607	20.25%
Domestic Relations	8510	9426	10329	10404	10813	10732		9896	8.44%
Drug & Other Treatment Courts	115	153	165	235	299	344		193	77.87%
Guardian/Conservator	975	888	998	1004	1034	1061		980	8.29%
Investigative Subpoena/Search Warrant	1501	1910	2322	2498	2849	3525		2216	59.07%
Juvenile	1390	1303	1140	1220	1667	1565		1344	16.44%
Paternity	48	61	78	79	76	70		68	2.34%
Probate	3075	3107	3067	3568	3616	3624		3287	10.27%
Grand Total	44724	45736	48109	46968	50207	52449		47149	11.24%

*Child Abuse & Neglect, Civil, Criminal, Drug & Other Treatment Courts and Juvenile cases are typically the most time intensive case types.

Case filing summaries for JD 13, 8, 7 & 15 (combined), 11 and 4 follows:

Judicial District

13

Cases Filed Detail in JD 13

Case Category

	CY2008	CY2009	CY2010	CY2011	CY2012	CY2013	Sparkline	5 yr avg 2008-2012	Difference
Adoption	160	159	154	117	143	137		147	-6.55%
Child Abuse and Neglect	144	124	143	185	303	266		180	47.94%
Civil	2491	2444	2825	2364	2522	2885		2529	14.07%
Commitment of a Person with a Mental Illness	76	107	75	106	116	113		96	17.71%
Commitment of a Person with Dev. Disability	3	1	3	3	5	4		3	33.33%
Criminal	825	846	977	1022	1346	1601		1003	59.59%
Domestic Relations	1517	1689	1928	1891	2012	2035		1807	12.59%
Drug & Other Treatment Courts	18	18	15	60	83	132		39	240.21%
Guardian/Conservator	142	150	164	144	177	177		155	13.90%
Investigative Subpoena/Search Warrant	356	410	486	555	662	798		494	61.60%
Juvenile	161	111	186	159	328	350		189	85.19%
Paternity	8	13	25	27	27	27		20	35.00%
Probate	321	341	323	350	355	365		338	7.99%
Grand Total	6222	6413	7304	6983	8079	8890		7000	27.00%

Judicial District

8

Cases Filed Detail in JD 8

Case Category

	CY2008	CY2009	CY2010	CY2011	CY2012	CY2013	Sparkline	5 yr avg 2008-2012	Difference
Adoption	87	79	75	87	104	77		86	-10.88%
Child Abuse and Neglect	153	112	166	251	217	309		180	71.86%
Civil	1723	1468	1592	1421	1541	1633		1549	5.42%
Commitment of a Person with a Mental Illness	38	50	51	42	32	35		43	-17.84%
Commitment of a Person with Dev. Disability	0	2	3	3	8	10		3	212.50%
Criminal	482	696	798	747	906	999		726	37.64%
Domestic Relations	612	1002	1245	1232	1246	1160		1067	8.68%
Drug & Other Treatment Courts	42	40	30	30	30	36		34	4.65%
Guardian/Conservator	70	75	90	79	102	99		83	18.99%
Investigative Subpoena/Search Warrant	141	213	263	387	375	631		276	128.79%
Juvenile	92	125	91	108	140	204		111	83.45%
Paternity	0	5	10	13	11	7		8	-10.26%
Probate	227	256	272	324	279	305		272	12.30%
Grand Total	3667	4123	4686	4724	4991	5505		4438	24.04%

Judicial District

(Multiple Items)

Cases Filed Detail in JD 7 & 15

Case Category

	CY2008	CY2009	CY2010	CY2011	CY2012	CY2013	Sparkline	5 yr avg 2008-2012	Difference
Adoption	32	23	13	18	28	37		23	62.28%
Child Abuse and Neglect	54	20	47	27	43	48		38	25.65%
Civil	703	494	638	582	601	666		604	10.34%
Commitment of a Person with a Mental Illness	34	28	29	23	12	11		25	-56.35%
Commitment of a Person with Dev. Disability	0	0	0	0	0	0		0	0.00%
Criminal	188	238	210	215	304	363		231	57.14%
Domestic Relations	293	235	212	267	274	235		256	-8.27%
Drug & Other Treatment Courts	5	15	30	50	54	50		31	62.34%
Guardian/Conservator	59	32	42	17	27	23		35	-35.03%
Investigative Subpoena/Search Warrant	48	42	33	38	76	127		47	167.93%
Juvenile	48	26	27	34	22	29		31	-7.64%
Paternity	5	11	5	5	8	6		7	-11.76%
Probate	366	328	356	456	539	540		409	32.03%
Grand Total	1835	1492	1642	1732	1988	2135		1738	22.86%

Judicial District

11

Cases Filed Detail in JD 11

Case Category

	CY2008	CY2009	CY2010	CY2011	CY2012	CY2013	Sparkline	5 yr avg 2008-2012	Difference
Adoption	71	59	67	73	62	56		66	-15.66%
Child Abuse and Neglect	59	102	87	77	117	92		88	4.07%
Civil	1999	2063	2264	1966	2041	2076		2067	0.45%
Commitment of a Person with a Mental Illness	100	79	106	195	166	179		129	38.54%
Commitment of a Person with Dev. Disability	2	0	1	1	4	8		2	0.00%
Criminal	807	835	706	643	897	935		778	20.24%
Domestic Relations	848	897	1059	1118	1261	1234		1037	19.04%
Drug & Other Treatment Courts	0	0	0	0	0	0		0	0.00%
Guardian/Conservator	91	99	81	97	83	107		90	18.63%
Investigative Subpoena/Search Warrant	202	246	248	317	260	276		255	8.41%
Juvenile	137	111	93	141	211	277		139	99.86%
Paternity	11	4	6	10	4	5		7	-28.57%
Probate	207	208	229	239	253	245		227	7.83%
Grand Total	4534	4703	4947	4877	5359	5490		4884	12.41%

Judicial District

4

Cases Filed Detail in JD 4

Case Category

	CY2008	CY2009	CY2010	CY2011	CY2012	CY2013	Sparkline	5 yr avg 2008-2012	Difference
Adoption	99	71	79	96	54	75		80	-6.02%
Child Abuse and Neglect	68	83	60	80	133	153		85	80.42%
Civil	2056	2049	2254	2097	2132	2158		2118	1.91%
Commitment of a Person with a Mental Illness	136	165	235	241	229	212		201	5.37%
Commitment of a Person with Dev. Disability	2	4	6	8	5	6		5	0.00%
Criminal	879	963	812	935	1056	1162		929	25.08%
Domestic Relations	984	1039	1131	1184	1364	1309		1140	14.78%
Drug & Other Treatment Courts	7	30	30	30	47	33		29	14.58%
Guardian/Conservator	133	116	155	147	143	163		139	17.44%
Investigative Subpoena/Search Warrant	156	247	375	306	403	439		297	47.61%
Juvenile	233	241	203	219	202	179		220	-18.49%
Paternity	5	2	4	6	8	7		5	40.00%
Probate	241	268	222	246	251	276		246	12.38%
Grand Total	4999	5278	5566	5595	6027	6172		5493	12.36%