

# Montana District Court Judicial Weighted Caseload Study, 2014

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Final Report  
October 2014

Court Consulting Division  
National Center for State Courts



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## **Project Staff**

Suzanne Tallarico

John Douglas

Erika Friess

## **National Center for State Courts**

Court Consulting Division

Daniel J. Hall, Vice President



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## **Acknowledgments**

The authors wish to acknowledge the invaluable contributions of the Montana District Court Judges in this weighted caseload study. An undertaking of this nature requires the assistance of the informed and dedicated members of the Montana judiciary who gave their valuable time to this project.

Over the course of this study, we were fortunate to work with a distinguished advisory committee that was instrumental in refining the approach and content in our assessment. The Judicial Needs Assessment Committee (JNAC) was comprised of the District Court Judges from across the state, a Clerk of Court and staff from the Office of the Court Administrator (OCA).

We extend a special note of thanks Beth McLaughlin, Supreme Court Administrator for her ongoing availability and behind-the-scenes assistance throughout this project.

## **Judicial Workload Assessment Advisory Committee**

Hon. Greg Todd (13<sup>th</sup> Judicial District); Hon. John McKeon (17<sup>th</sup> Judicial District); Hon. Dirk Sandefur (8<sup>th</sup> Judicial District); Hon. Jon Oldenburg (10<sup>th</sup> Judicial District); Hon. John Larson (4<sup>th</sup> Judicial District, Lori Maloney, Clerk of Court, Butte-Silver Bow; and Beth McLaughlin, Supreme Court Administrator.

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## Executive Summary

### Findings

This assessment establishes a set of workload standards that provide uniform and comparable measures of the number of judicial officers needed to provide effective case resolution. Application of the workload standards to calendar year 2013 filings results in the need for 16.63 additional District Court Judges in Montana.

Adequate resources are essential if the Montana District Courts are to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves objectively assessing the number of state-level judicial officers required to handle the District Court's caseload and whether the judicial resources are being allocated and in the correct locations.

The Montana Supreme Court and the District Court Council have relied on the use of a weighted caseload model to establish the baseline needs for trial court judicial resources since 2007, when the first weighted caseload study was conducted. Recognizing the need to update District Court case weights, the Montana Supreme Court's Office of the Court Administrator contracted with the National Center for State Courts (NCSC) to help measure judicial workload in the Montana District Courts. The 2014 weighted caseload study provides data to update the case weights derived from the 2006 study and incorporate them into the judicial weighted caseload model.

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### Recommendations

The NCSC proposes three recommendations to maintain the integrity and utility of the case weights and judicial needs model.

1. The weighted caseload model presented in this report should be the *starting point* for determining judicial need. There are qualitative issues that an objective weighted caseload model cannot account for that should be taken into account when determining judicial staffing level needs. Those issues that result in longer or shorter case processing times should be considered.
  2. The judicial needs model, with the 2014 case weights, should be updated on an annual basis using the most recent case filings.
  3. Over time, the integrity of the case weights is affected by multiple influences that are likely to impact case processing time. Periodic updating of the case weights, through the conduct of a time-and-motion study, should continue to ensure that the case weights continue to accurately represent the judicial workload.
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### Project Design

The Montana District Court Judges’ time study study was completed in a series of interrelated steps, described below.

#### Judicial Needs Assessment Committee

The initial step in the study was to establish a policy and review committee, the Judicial Needs Assessment Committee (JNAC), to provide oversight and guidance throughout the life of the project. The committee was comprised of District Court Judges, a Clerk of Court and the Montana Supreme Court Administrator. The JNAC refined the approach and the content of the assessment and resolved important issues affecting data collection, interpretation and analysis. Also, it monitored the development of the workload assessment methodology and reviewed findings at each critical phase of the study and its completion.

#### Time Study

Second, the NCSC team utilized a time-and-motion study to measure the amount of time judicial officers (District Court Judges and Standing Masters) currently spend on various activities throughout the day, including case-related and non-case-related activities. The JNAC encouraged all judicial officers to participate in the time study. During the 8-week time period spanning March 10 through May 2, 2014, 91.8 percent<sup>1</sup> of Montana judges participated in the time study (45 of 49<sup>2</sup> sitting judges). The large number of participants, statewide, ensures the reliability of the data and guarantees that there are sufficient data points for the development of an accurate and valid picture of current practice – the way judicial officers in Montana process cases.

<sup>1</sup> The participation rate in the current study is consistent with the past ten judicial studies conducted by the NCSC, in which participation has ranged between 90% and 100%.

<sup>2</sup> There are currently 50 filled District Court Judge positions in Montana; during the study period, one of these positions was vacant.

#### Calculating Judicial Resource Need

Third, the NCSC team applied the updated case weights to the calendar year 2013 filings, which results in the expected judicial workload for the state of Montana. The NCSC team divided the workload by the identified judge year value, while also accounting for non-case-related work and work-related travel, which yielded the number of judicial officers needed to effectively process the cases filed (see the full report for detail on the methodology). The updated model, based on the 2013 case weights and calendar year 2013 case filings indicates the need for a total of 16.63 additional judicial officers statewide, as shown in ES 1.

**Figure ES 1: 2014 Montana District Court Judges Need Model**

Case Type Category	Case Weight in Minutes	Statewide Filings
Child Abuse and Neglect (DN)	204	1,527
Criminal (DC)	140	9,147
Civil (DV)	109	18,899
Juvenile (DJ)	75	1,565
Domestic Relations (DR)	99	10,732
Commitment of a Person with Dev. Disability (DD)	88	50
Paternity (DF)	37	70
Commitment of a Person with a Mental Illness (DI)	47	1,240
Guardian/Conservator (DG)	60	1,061
Adoptions (DA)	37	665
Probate (DP)	23	3,624
Investigative Subpoena/Search Warrant (IS SW)	14	3,525
Drug & Other Treatment Courts	669	344
<b>Total Annual Filings</b>		<b>52,449</b>
Case-Specific Workload = (Weights x Filings)		5,348,295
Annual Travel per District		302,335
<b>Case Specific Workload + Annual Travel</b>		<b>5,650,630</b>
Annual Per Judge Availability (212 days * 480 minutes)		101,760
Average Annual Non-Case Related Work (61 minutes/day * 212 days)		12,932
<b>Annual Availability per Judge (in minutes)</b>		<b>88,828</b>
Allocated Judge per District (includes Standing Masters @ .50 FTE each)		48.00
Total Judicial Demand		63.61
<b>Judge Deficit Need (positive need only)<sup>3</sup></b>		<b>16.63</b>

<sup>3</sup> The judge deficit need figure represents only those districts for whom additional judicial resources are needed. See Appendix G for full model.

## I. Introduction

Since 2007, the Montana Supreme Court and the District Court Council have relied on the use of a weighted caseload model to establish the baseline needs for trial court judicial resources. The first weighted caseload study was conducted by the National Center for State Courts (NCSC) in 2006 (and implemented in 2007) and the OCA has been using that system to assess judicial needs and allocations since that time.

Recognizing that case weights need to be reestablished periodically to adjust for system and case processing changes, the Montana Supreme Court's Office of Court Administration (OCA) contracted with NCSC to perform an update to the existing Montana judicial weighted caseload system. While the original model is still useful, periodic updating of the case weights is necessary to ensure that the model accurately reflects current case processing practices. A clear and objective assessment of court workload and the number of judges required to handle that workload effectively is essential to the state's ability to evaluate whether judicial resources are being allocated based on need.

The current workload assessment study builds on the previous study, maintaining many of the same data elements, but incorporating two additional data elements to help the courts understand the time impacts associated with self represented (pro se) litigants. Specifically, the current study accomplishes the following:

- Increases the participation rate of district court judges and special masters;<sup>1</sup>
- Includes a special analysis to identify time differences associated with self-represented litigants (pro se) civil and domestic relations cases (to be used for internal purposes);
- Includes an eight-week data collection period (compared to a six-week data collection period used in 2006) to ensure sufficient data to develop judicial needs assessment model elements;
- Accounts for judicial work at various phases of case processing and incorporates time associated with technology delays;

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<sup>1</sup> The participation rate in the 2006 time study was 73.3%, compared to 91.8% in the current study.

- Accounts for non-case related work that are a normal part of judicial work; and
- Accounts for variations in judicial travel time requirements by judicial district.

Throughout the workload assessment process, the Judicial Needs Assessment Committee (JNAC) provided oversight and guidance to the NCSC team. This technical report provides a detailed discussion of the workload assessment methodology and results and enumerates decisions made by the JNAC.

## II. Developing the Needs Assessment Study Parameters

An advisory committee, the Judicial Needs Assessment Committee (JNAC) was formed to advise the NCSC in conducting the weighted caseload study and to ensure that the study accounted for the qualities that exist within the Montana District Courts. The JNAC was made up of District Court Council members, a Clerk of Court and the Supreme Court Administrator.<sup>2</sup> The committee met on January 17, 2014 to determine the details of the weighted caseload study. The Committee was reconvened to discuss the data collection process and the study's findings on July 31, 2014. The Committee's responsibilities included:

- Advising the project team on the case type categories and events along with their definitions;
- Making policy any other decisions necessary throughout the project; and
- Reviewing and approving the results of the time study.

The first step in developing a workload model is to identify the categories of work judges are required to engage in. Specifically, the NCSC and JNAC identified the case types and activities judges would need to capture to accurately account for all of their work.

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<sup>2</sup> One additional OCA staff member was involved with the JNAC for part of the study; however, she terminated her work with OCA prior to the completion of the study.

### A. Case Type Categories

The case type categories represent a fundamental building block of the workload assessment. The workload model is based on the assumption that more complex case types require more time to resolve. The case types need to be legally and logically distinct from one another and the OCA must have the ability to count the number of cases filed in each category within each of the state’s 22 judicial districts. The JNAC agreed to use the same case types included in the 2006 study, with a special analysis that allowed NCSC consultants to identify the differences in time requirements associated with self-represented litigants in civil and domestic relations cases.<sup>3</sup> Below, Figure 1 presents the case types selected by the JNAC for the time-and-motion study, the calendar year 2013 case filings and the percentage of total filings of each case type. Also, Appendix A also presents the listing of case types used.

**Figure 1: Montana District Court Time Study Case Types by Category**

Case Type	Calendar Year 2013 Filings	% of Total Filings
Child Abuse & Neglect	1,527	2.91%
Criminal	9,147	17.44%
Civil	18,899	36.03%
Juvenile	1,565	2.98%
Domestic Relations <sup>4</sup>	10,732	20.46%
Commitment of a Person with Developmental Disabilities	50	0.10%
Paternity	70	0.13%
Commitment of a Person with a Mental Illness	1,240	2.36%
Guardian/Conservator	1,061	2.02%
Adoptions	665	1.27%
Probate	3,624	6.91%
Investigative Subpoena (IS)/Search Warrant	3,525	6.72%
Problem Solving Court Cases	344	0.66%
<b>Total</b>	<b>52,449</b>	<b>100.00%</b>

<sup>3</sup> The information associated with differentiated case processing times for self-represented (pro se) litigants was developed for internal use by the OCA.

<sup>4</sup> The JNAC also collected data, for internal purposes on pro se domestic relations cases, but a separate case weight was not computed.

### B. Case-Related and Non-Case-Related Judicial Activities

To cover the full range of judicial activities, the JNAC developed separate categories and definitions for case-related and non-case-related events. Case-related activities are the essential functions that judges perform in resolving a case from initial filing to final resolution. As with the case types, the essential functions were categorized into manageable groups for the time study. Figure 2 below provides the case-related activity categories selected for the time study for judges. Appendix B provides the definition of these activities.

Some activities and responsibilities, such as continuing education and judges’ meetings, are not directly related to a particular case, but they are nonetheless essential to a judge’s work. These activities, defined as non-case-related activities, are presented in Figure 3; Appendix C provides the definitions. To simplify data collection, sick/vacation leave were included as non-case-related events; however, because the time is already built into the expected judicial working year, the data were treated differently analytically.

**Figure 2: Montana District Court Case-Related Events**

Pre-trial activities
Jury trial activities
Bench trial activities
Post-trial activities
Case-related administration
Technology delays
Drug Court – in session

**Figure 3: Montana District Court Non-Case-Related Events**

Non-case-related administration
Judicial education and training
Community activities, education, speaking
Committees, meetings and related time
General legal research
Travel time
Vacation/illness/other leave
Other
Time study data reporting/entry

### III. Time Study

To establish a baseline of current practice, NCSC consultants conducted a statewide time-and-motion study of all District Court Judges and Standing Masters to measure the amount of time judicial officers in Montana currently devote to each case type category as well as to non-case-related events and work-related travel. Separately, the OCA provided counts of filings by case type category and judicial district. Following the data collection, the project team used the time study results and caseload data to calculate the average number of minutes spent resolving cases within each case type category (preliminary case weights), the average amount of time devoted to non-case-related activities, and the average time associated with judicial officer work-related travel.

#### A. Data Collection

Between March 10 and May 2, 2014, all District Court Judges and Standing Masters throughout Montana were asked to track their working time by case type category and case-related event (for case-related activities), or by non-case-related event (for non-case-related activities). The inclusion of the majority of judicial officers statewide, rather than a sample of judges or courts, obviates any concerns regarding sample representativeness. The JNAC opted to collect data for an eight-week period to ensure adequate data in all case type and event categories.

Time study participants were asked to track their time in five-minute increments using a manual time tracking form and then entering the information into an on-line data entry site. To maximize data quality, all time study participants were asked to attend training that was delivered via webinar format. During the data collection period, judges also had access to a Help Desk, staffed during weekday working hours, in which they could submit questions about data entry or report a data entry error. NCSC staff corrected all data entry errors that were reported.

Forty-five of the 49 (91.8%) judicial officers in Montana participated in the data collection

effort.<sup>5</sup> This extremely high participation rate ensures sufficient data to develop an accurate and reliable picture of current practice in the Montana District Courts.

To translate the time study data into the average amount of time expended on each type of case (the preliminary case weights), it was first necessary to determine how many individual cases in each category were filed statewide. The OCA provided filing data for the 2013 calendar year, disaggregated by case type and judicial district.

#### B. Preliminary Case Weights

Following the eight-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 judges and judicial officers currently spend to process a case of a particular type, from filing through all post-disposition activity, including time spent during normal working hours and time spent outside of the normal working day or week. The use of separate case weights for different case categories accounts for the fact that cases of varying levels of complexity require different amounts of time to resolve.

To calculate the preliminary case weight for each case type category, all time associated with each case type during the time study was summed and weighted to the equivalent of one full year's worth of time, then divided by the corresponding annual filings. For example, the time study data indicate that Montana judges spend a total of 1,277,876 minutes annually processing criminal cases in District Court. Dividing the total time by the annual average District Court filings for criminal cases (9,147) yields a preliminary case weight of 140 minutes. This means that, on average, judges in Montana spend roughly 2.3 hours on each criminal case throughout the life of the case, including those cases that are disposed of quickly and those cases that reach disposition via a lengthy jury trial. Below Figure 4 presents the preliminary case weights for all case type categories. Appendix D provides the calculation of the preliminary case weights. The JNAC reviewed and approved all but two of the

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<sup>5</sup> There are currently 50 filled District Court Judge positions in Montana; during the study period, one of these positions was vacant.

preliminary case weights as an accurate representation of the time Montana’s judges devote to adjudicating cases.

**Figure 4: Preliminary Case Weights**

Case Type	Preliminary Case Weight
Child Abuse & Neglect	204
Criminal	140
Civil	61
Juvenile	75
Domestic Relations	88
Commitment of a Person with Developmental Disability	88
Paternity	37
Commitment of a Person with a Mental Illness	47
Guardian/Conservator	60
Adoptions	37
Probate	23
Investigative Subpoena (IS) /Search Warrant	14
Problem Solving Court Cases	669

**C. Day and Year Values**

In every workload study, three factors contribute to the calculation of resource need: case weights, caseload data (filings), and the judge year value. The year value is defined as the amount of time a judge has available to work on an annual basis. The relationship among the case weights, filings, and year value is expressed as follows:

$$\frac{\text{Case Weights (minutes)} \times \text{Filings}}{\text{Judge Year Value (minutes)} - \text{Non-Case-Related Time} + \text{Travel}} = \text{Judicial Resource Need (FTE)}$$

Multiplying the case weights by the corresponding filings results in the total annual case-specific workload in minutes. Dividing the workload by the judge year value (minus the time required for non-case-related, plus travel time) yields the total number of full-time equivalent (FTE) judges needed to handle the work of the District Courts in Montana.

In order to develop the judge year value, the JNAC needed to determine the number of days judges have available to devote to work (judge year), as well as how to divide the workday between case-related and non-case-related time (judge day). The judge year was based on the 2006 study; the amount of time associated with case-related and

non-case-related time, including travel<sup>6</sup>, was based on empirical data collected from the time study.

**1. Judge Year Value**

Taking into account weekends, holidays, judicial education, vacation days and sick time, the JNAC adopted a judge year of 212 days, which is consistent with the previous weighted caseload study conducted in Montana. The 212-day judge year is also consistent with the mean judge year value used in other states in which the NCSC has conducted judicial workload studies.<sup>7</sup>

**2. Judge Day Value**

The JNAC agreed that the model used to compute judicial resource needs should be based on an 8-hour day. This accounts for a traditional 8 a.m. to 5 p.m. working day, and allows for a one-hour lunch break, resulting in 8 hours of work time. This workday also corresponds to traditional courthouse and court staff working hours.

The judge day is separated into three parts: the amount of time devoted to (1) case-related work (2) non-case-related work, and (3) work-related travel.

1. Case-related time for judges includes all time devoted to work that is directly related to a court case. Activities such as the following make up this category of work:
  - Pre-trial activities,
  - Bench trial activities,
  - Jury trial activities,
  - Post-trial activities, and
  - Case-related administration.

<sup>6</sup> Work-related travel time was collected during the study period; however, since travel requirements vary across the year, the data were validated using travel reimbursement figures submitted to OCA. A calculation of 50 miles per hour was applied to the number of miles submitted for reimbursement. The higher of the two figures (time study travel time or reimbursement travel time) was included in the model.

<sup>7</sup> The mean judge year value derived in 37 studies conducted by the NCSC between 1996 and 2006 is 212 days, as reported in the study *Examination of NCSC Workload Assessment Projects and Methodology: 1996-2006* by John Douglas (NCSC). When adding the 14 judicial weighted caseload studies conducted by NCSC since 2006 the mean judge year value remains at 212 days.

2. Non-case-related time for judges includes time devoted to activities that are required of judges, but that are not directly related to a case. Activities such as the following are included in this category of work:
  - General administration,
  - Education and training,
  - Community activities, speaking engagements, etc.,
  - Committees, meetings and related work, and
  - General legal research.
  
3. Travel time includes all time judges spend driving for work-related activities. Normal commuting time was not included in this category, but time associated with the following types of travel was included:
  - Traveling between courthouses,
  - Traveling for meetings, and
  - Traveling to speaking engagements.

As stated earlier, the Montana judicial needs model is built on a standard judge workday of 8 hours per day.<sup>8</sup> Data collected during the time study established the average amount of time associated with non-case-related activities (61 minutes per day)<sup>9</sup> and the average amount of time associated with work-related travel (approximately 65 minutes per day per judicial district).<sup>10</sup> Appendix E presents individual judicial district travel requirements.

**c. The judge year value.** Multiplying the judge year by the number of hours in a day available for case-related work (8 hours minus non-case-related time and travel time) yields the amount of time available per year for judges allocated to

<sup>8</sup> Data collected during the time study indicate that Montana judges participating in the time study worked an average of 9.49 hours per day, compared to 8.19 hours per day recorded by judges participating in the ten most recent judge time studies conducted by the NCSC.

<sup>9</sup> Non-case-related time measured in the most recent judge workload studies conducted by the NCSC ranges from a low of 43minutes per day per judge to a high of 120 minutes per day per judge; the mean is 71 minutes per day per judge.

<sup>10</sup> The average daily travel time is derived by dividing the total travel requirements across the state by 22 (for the number of judicial districts). This figure is provided for illustrative purposes only. The actual travel requirements, per district, are built into the model.

case-specific work. Therefore, the average case-related judge year value is 75,049 minutes per year, or 354 minutes per day (5.9 hours per day). The remaining 126 minutes of the 8-hour day are associated with non-case-related work and work-related travel.

**Figure 5: Average Judge Year and Day Components for Montana District Court Judges**

Judge Day	Working Minutes per Day	Working Hours per Day	Working Minutes per Year
Total time per day	480	8	101,760
<b>Subtract</b>			
Non-case-related time	- 61	1	12,932
Average travel per district	- 65	1.1	13,780
Total case-related time available per judge	- 354	5.9	75,049

## IV. Quality Adjustment

The time study is intended to measure the amount of time judges currently spend handling cases, but it does not inform us of the amount of time judges *should* spend on activities to ensure the quality processing of cases. To gain perspective on the sufficiency of time to perform key case-related and non-case-related activities, the NCSC asked the JNAC to review the preliminary case weights and provide their expert opinion about whether sufficient time exists to attend to all of the elements of a case, for each case type, to sufficiently attend to all case processing details.

The committee agreed that the case weights generally reflect the priority of the case types, as determined by state statutes enacted by the Montana Legislature. For example, child abuse and neglect, juvenile and criminal cases are set as priority cases for the courts due largely to the individual and public safety concerns associated with these types of cases. These priorities notwithstanding, the JNAC believed that in both civil and domestic relations cases, the lack of exigent nature of the cases requires judges to spend less time in order to meet the case processing requirements and demands of the other case types. However, the JNAC felt strongly that judges need to spend more time on civil and domestic relations cases to better meet the mandates for all parties seeking redress through

the District Court system. This problem is not unique to Montana. Recent judicial weighted caseload studies conducted in other states have determined that the lack of priority in civil and family case types results in those cases getting less time than judges feel is necessary to adequately attend to the details of the cases, and case weights have been adjusted accordingly.<sup>11</sup>

For the reasons identified, the JNAC agreed to increase the amount of time associated with civil and domestic relations case types in order to provide judges with more time to sufficiently address all aspects of these cases. Specifically, the 2006 civil case weight of 109 minutes was retained as the 2014 case weight and 11 minutes were added to domestic relations cases to increase time associated with case-related administration, in particular to add time for judges to more adequately analyze the elements of the case and spend quality time writing opinions. See Appendix F for a more detailed description of the case adjustment rationale.

The final case weights, presented below in Figure 6 have a direct impact on total workload and ultimately on the overall need for judges in Montana. This relationship is the focus of the next section of this report.

**Figure 6: Final Case Weights (minutes)**

Case Type	Final Case Weight
Child Abuse & Neglect	204
Criminal	140
Civil	109
Juvenile	75
Domestic Relations	99
Commitment of a Person with Developmental Disability	88
Paternity	37
Commitment of a Person with a Mental Illness	47
Guardian/Conservator	60
Adoptions	37
Probate	23
Investigative Subpoena /Search Warrant	14
Problem Solving Court Cases	669

<sup>11</sup> Most recently, in the 2013 judicial weighted caseload study conducted with the trial courts in Tennessee, the Advisory Committee added time to the case weight for civil cases and divorce cases.

## V. Calculating Judicial Resource Need

To determine the staffing need for judicial officers, the final case weights were applied to calendar year 2013 case filings. Judicial officer need is determined by first calculating the workload by multiplying each case weight by the number of cases by case type in each judicial district. Since judicial travel time is computed as a sum total of minutes per year per district, this time is added to the case-specific workload to represent each district’s expected workload associated with case processing and travel. The product is then divided by the judge year value (480 minutes per day – 61 non-case-related minutes per day x 212 days per year) which results in the number of judges needed to handle the annual workload.

In four of the state’s 22 judicial districts, Standing Masters are used to assist judges in processing cases. While they are a valuable resource that assists in moving cases through the court process, the Standing Masters are limited in their capacity to engage in all facets of case processing. For example, Standing Masters cannot preside over jury trials and they cannot make dispositive findings in all case types. In some cases, Standing Masters engage in work that judges do not have time for, such as engaging in early intervention in child abuse and neglect cases. Valuable as these resources are, Standing Masters are not judges and should not be considered as a full time judicial resource in the judicial needs model. The JNAC recommended that Standing Masters be incorporated into the model as a current resource at the rate of .50 FTE per position.<sup>12</sup>

Figure 7 contains the statewide need calculations for District Court Judicial Officers in Montana. The need model treats Standing Masters as a .50 FTE, as recommended by the JNAC. Appendix G

<sup>12</sup> Standing Masters are currently considered to be .75 FTE of a judicial resource in the judicial officer needs model. This figure (.75) was an arbitrary estimate set several years ago. Given the limited areas in which Standing Masters can work, the fact that they cannot function as judges in all capacities and that they are used to engage in work that judges would not do (such as diversion), the JNAC felt that the Standing Masters to not off-load 75% of judicial work.

presents this information for each judicial district.

The application of the quality adjusted case weights to calendar year 2013 filings results in over 5 million minutes of case-specific work for the Montana District Courts annually. Dividing the workload by judge year value results in the number of District Court Judges needed to effectively process the cases filed in Montana during calendar year 2013. Statewide, the model indicates a deficit need of 16.63 judges in the District Courts above the judicial officers currently allocated, as shown in Figure 7.

**Figure 7: 2014 Montana District Court Judges Need Model**

Case Type Category	Case Weight in Minutes	Statewide Filings
Child Abuse and Neglect (DN)	204	1,527
Criminal (DC)	140	9,147
Civil (DV)	109	18,899
Juvenile (DJ)	75	1,565
Domestic Relations (DR)	99	10,732
Commitment of a Person with Dev. Disability (DD)	88	50
Paternity (DF)	37	70
Commitment of a Person with a Mental Illness (DI)	47	1,240
Guardian/Conservator (DG)	60	1,061
Adoptions (DA)	37	665
Probate (DP)	23	3,624
Investigative Subpoena/Search Warrant (IS SW)	14	3,525
Drug & Other Treatment Courts	669	344
<b>Total Annual Filings</b>		<b>52,449</b>
Case-Specific Workload = (Weights x Filings)		5,348,295
Annual Travel per District		302,335
<b>Case Specific Workload + Annual Travel</b>		<b>5,650,630</b>
Annual Per Judge Availability (212 days * 480 minutes)		101,760
Average Annual Non-Case Related Work (61 minutes/day * 212 days)		12,932
<b>Annual Availability per Judge (in minutes)</b>		<b>88,828</b>
Allocated Judge per District (includes Standing Masters @ .50 FTE each)		48.00
Total Judicial Demand		63.61
<b>Judge Deficit Need (positive need only)<sup>13</sup></b>		<b>16.63</b>

<sup>13</sup> The judge deficit need figure represents only those districts for whom additional judicial resources are needed. See Appendix G for full model.

## VI. Recommendations

The case weights adopted by the JNAC indicate the need for 63.61 District Court Judges to process the annual incoming caseload of Montana effectively. When considering only the judge deficit need (only those districts in which a positive need for judges is indicated) there is a need for 16.63 additional judicial officers to manage the work of the Montana District Courts. These case weights are grounded in current practices (as measured by the time study), and were reviewed for quality by the JNAC, who represented the Montana judiciary. Three recommendations are made to maintain the integrity and utility of the case weights and the model developed herein.

### **Recommendation #1:**

The NCSC recommends that the weighted caseload model presented in this report be the *starting point* for determining judicial need in each judicial district across the state. There are some considerations that an objective weighted caseload model cannot account for that should be taken into account when determining judicial staffing levels needs. For example, in smaller jurisdictions where caseloads are likely to be smaller than in more populace jurisdictions, issues related to the citizens’ access to justice should be considered. In larger jurisdictions, where many attorneys’ practices require them to be in several courtrooms at the same time, scheduling conflicts may result in longer case processing times. Therefore, issues of local culture that result in longer or shorter case processing times should be considered.

### **Recommendation #2:**

The judicial needs model, with the 2014 case weights, should be updated on an annual basis using the most recent case filings.

### **Recommendation #3:**

Over time, the integrity of the case weights is affected by multiple influences that are likely to impact case processing time. Periodic updating of the case weights, through the conduct of a time-and-motion study, should continue to ensure that the case weights continue to accurately represent the judicial workload.

## Appendices

## Appendix A: Montana District Court Judicial Weighted Caseload Study Case Type Categories

The case type categories for which case weights were developed are standard, and therefore, well-understood and recognized categories for district court judges. For this reason, no definitions were provided.

1. Criminal (DC)
2. Civil (DV)
  - Pro Se Civil (DV)
3. Adoptions (DA)
4. Guardian/ Conservator (DG)
5. Juvenile (DJ)
6. Child Abuse and Neglect (DN)
7. Probate (DP)
8. Domestic Relations (DR)
  - Pro Se Domestic Relation (DR)
9. Paternity (Pat)
10. Commitment of a person with Developmental Disability (DD)
11. Commitment of a person with a Mental Illness (DI)
12. Investigative Subpoena (IS)/Search Warrant (SW)
13. Problem Solving Court Cases
  - Adult drug court
  - Juvenile drug court
  - Family drug court

## Appendix B: Montana District Court Judicial Weighted Caseload Study Case-Related Activity Categories and Definitions

1. PRE-TRIAL ACTIVITIES: This category will include:
  - 1<sup>st</sup> appearance / arraignment
  - preliminary and other pre-trial hearings & motions (hearings, reviewing, ruling)
  - pleas, plea changes, default judgments, uncontested hearings.
  - Motions for summary judgment
  - Warrant/ failure to appear
  - Prepare and issue orders
  - Adequately review the case file
2. JURY TRIAL ACTIVITIES: This category includes all matters that are related to conducting a jury trial, including
  - Juror voir dire
  - All jury trial-related activities
3. BENCH TRIAL ACTIVITIES: This category includes all matters, whether in-or out-of-court, incident to the conduct of a trial or adjudicatory hearing in which the judge is the trier of fact and includes hearings to memorialize an agreement.
4. POST-TRIAL ACTIVITIES: This category includes all hearings conducted subsequent to completion of a bench or jury trial or adjudicatory proceeding.
  - disposition/sentencing hearings
  - review pre-sentencing reports
  - motions for new trial, motions to alter or amend a judgment, motions for supersedeas
  - bond, motion for attorneys fees
5. CASE RELATED ADMINISTRATION: This category includes most other activities not included in one of the previous categories that are related to administration of a judge's cases, and are specific to an individual case. These activities could include scheduling of dockets, conferences with clerks or assistants, providing instructions to staff or similar routine matters.
  - researching, writing and drafting decisions/opinions
  - calendaring
  - signing orders
  - reviewing writs/motions
  - docket calls
  - drug court staffing
6. TECHNOLOGY DELAYS: Time associated with case-related technology delays such as telephone connectivity, digital recording or other technology delays that cause case processing delays.
7. DRUG COURT –in session: Time spent in court or formal situations.

## Appendix C: Montana District Court Judicial Weighted Caseload Study Non-Case-Related Activity Categories and Definitions

A. NON-CASE-RELATED ADMINISTRATION: Includes work directly related to the *administration or operation* of the court.

Personnel/Management issues  
Case assignment  
Calendaring  
Management issues

B. JUDICIAL EDUCATION AND TRAINING: Includes continuing education and professional development, reading advance sheets, statewide judicial meetings, and out-of-state education programs permitted by the state..

C. COMMUNITY ACTIVITIES, EDUCATION, SPEAKING ENGAGEMENT: Includes time spent on community and civic activities in your role as a judge, e.g., speaking at a local bar association luncheon, attendance at rotary functions, or Law Day at the local high school. This activity also includes preparing or officiating at weddings.

D. COMMITTEES 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 (prep or post-meeting) for these meetings outside of the actual meeting.

F. GENERAL LEGAL RESEARCH: Includes non-case specific legal reading/research. Such as reading law journals, professional literature, research/reading to keep you abreast of legislative changes, legal opinions, etc.

G. 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.

H. VACATION, ILLNESS/ MILITARY LEAVE: Includes any non-recognized holiday/military leave time. DO NOT record statewide, recognized holidays as they have already been accounted for in the determination of the Judge Year Value.

I. OTHER: Includes all other work-related, but non-case-related tasks that do not fit in the above categories.

J. NCSC TIME STUDY DATA REPORTING – Record time spent each day to record and log the time for the weighted caseload study.

## Appendix D: Montana District Court Judicial Weighted Caseload Study Preliminary Case Weight Calculations

Preliminary case weight = Annualized Minutes from Time Study ÷ Annual filings.

<b>Case Type Category</b>	<b>Annualized Minutes</b>	<b>Statewide Annual Filings</b>	<b>Preliminary Case Weight (Minutes)</b>
Child Abuse and Neglect	311,508	1,527	204
Criminal	1,280,580	9,147	140
Civil	1,152,839	18,899	61
Juvenile	117,375	1,565	75
Domestic Relations	944,416	10,732	88
Commitment of a Person with Developmental Disability	4,400	50	88
Paternity	2,590	70	37
Commitment of a Person with a Mental Illness	58,280	1,240	47
Guardian/Conservator	63,660	1,061	60
Adoptions	24,605	665	37
Probate	83,352	3,624	23
Investigative Subpoena /Search Warrant	49,350	3,525	14
Problem Solving Court Cases	230,136	344	669

## Appendix E: Montana District Court Judicial Weighted Caseload Study Travel Requirements for District Court Judges in Montana

Judicial District	Judges per District	Average Annual Travel Time Per District (Minutes)	Average Annual Travel Time Per District (Hours)	Counties per District
District 1	4	6,486	108.1	2
District 2	2	11,116	185.3	1
District 3	1	7,500	125	3
District 4	4	20,609	343.5	2
District 5	1	25,560	426	3
District 6	1	8,640	144	2
District 7	2	22,175	369.6	5
District 8	4	7,749	129.2	1
District 9	1	17,220	287	4
District 10	1	4,620	77	3
District 11	4	12,394	206.6	1
District 12	1	7,140	119	3
District 13	5	28,734	478.9	1
District 14	1	4,380	73	4
District 15	1	27,887	464.8	3
District 16	2	32,466	541.1	7
District 17	1	17,520	292	3
District 18	3	3,016	50.3	1
District 19	1	6,772	112.9	1
District 20	2	9,495	158.3	2
District 21	2	1,956	32.6	1
District 22	1	18,900	315	3
<b>State Total</b>	<b>45</b>	<b>302,335</b>	<b>5,038.9</b>	<b>56</b>

## Appendix F: Case Weight Adjustments and Rationale for Change

Case Type Category	Preliminary Case Weight (Minutes)	Final Case Weight
Child Abuse and Neglect	204	
Criminal	140	
Civil	61	109
Juvenile	75	
Domestic Relations	88	99
Commitment of a Person with Developmental Disability	88	
Paternity	37	
Commitment of a Person with a Mental Illness	47	
Guardian/Conservator	60	
Adoptions	37	
Probate	23	
Investigative Subpoena /Search Warrant	14	
Problem Solving Court Cases	669	

Rationale for adjustments:

*Civil and Domestic Relations Cases* – several reasons were discussed as a basis for adjusting the civil and domestic relations case weights, and they are as follow:

- Civil cases and domestic relations cases are frequently delayed to hear cases that have statutorily required case processing priorities, such as child abuse and neglect, criminal and juvenile cases. Delaying civil cases to meet the case processing time requirements of other case types results in both delayed justice for civil litigants as well as backlogged cases on the court’s docket;
- The mixture of cases included in the civil case type is quite varied, with some being relatively simple to process (such as small claims case) and others being much more complicated (such as medical malpractice and some tort cases);
- In the more complex civil and domestic relations cases, motions are much more complex than in other case types, requiring more time on the part of the court to review, research and render opinions on these motions. Often, judges find that they don’t have time to fully analyze the facts of cases and are rushing opinions in order to make time for attend to other case types.

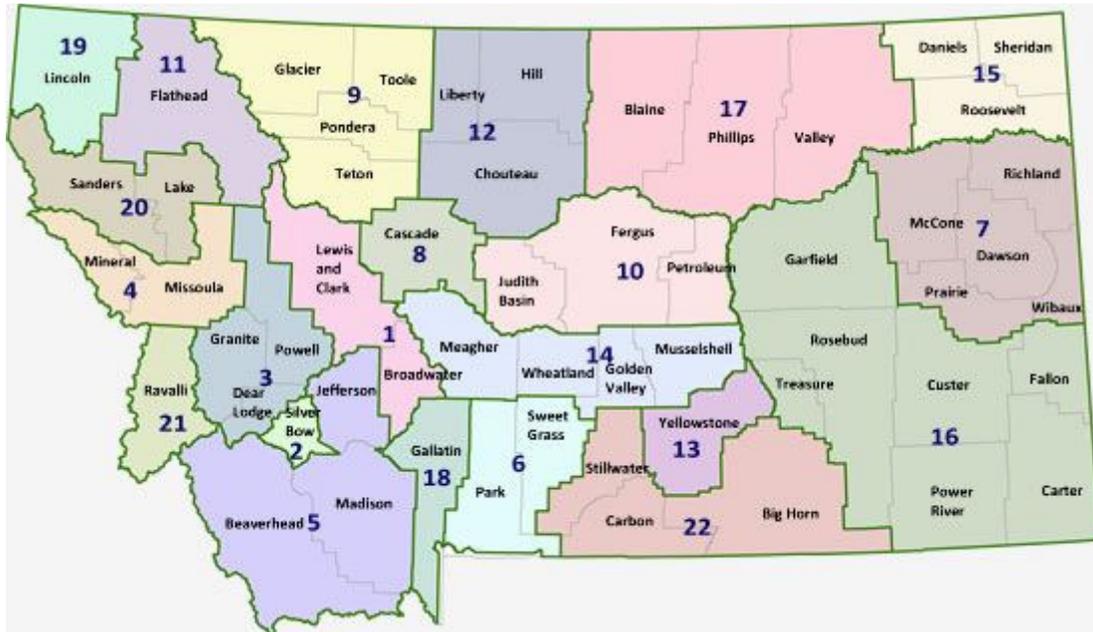
*Civil Case Weight Adjustment:* the JNAC reasoned that approximately half of the civil cases are as complicated, if not more, as criminal cases and the other half are less complicated. Additionally, they indicated that twice as many civil cases are resolved through jury trials, compared to their criminal case counterparts. The two areas where civil cases could benefit from more time are in case-related administration (where research and writing occurs) and in jury trials. The JNAC had a lengthy discussion regarding civil cases, and in the end, agreed that since civil cases are not any simpler to process than they were in 2006 and, in fact, they may even be more complicated. For these reasons, the JNAC agreed to leave the case weight for civil cases at 109, which was the case weight for these cases derived in 2006.

*Domestic Relations Case Weight Adjustment:* the JNAC reasoned that the major area in which domestic relations cases get “shorted” in terms of judges’ time is in the factual analysis and

opinion writing. For this reason, the JNAC doubled the time associated with case-related administration from 11 to 22 minutes. Given the preliminary case weight of 88 minutes, this increase results in the final case weight of 99 minutes.

## Appendix G: Montana District Court 2014 Judicial Need Model by Judicial District

The following pages present the judicial need model for the Montana District Courts by judicial district. The map below is presented to direct the reader's attention to the location of each of the identified judicial districts.



- District 1: Broadwater and Lewis and Clark Counties
- District 2: Silver Bow County
- District 3: Dear Lodge, Granite and Powell Counties
- District 4: Mineral and Missoula Counties
- District 5: Beaverhead, Jefferson and Madison Counties
- District 6: Park and Sweet Grass Counties
- District 7: Dawson, McCone, Prairie, Richland and Wibaux Counties
- District 8: Cascade County
- District 9: Glacier, Pondera, Teton and Toole Counties
- District 10: Fergus, Judith Basin and Petroleum Counties
- District 11: Flathead County
- District 12: Chouteau, Hill and Liberty Counties
- District 13: Yellowstone County
- District 14: Golden Valley, Meagher, Musselshell and Wheatland Counties
- District 15: Daniels, Sheridan and Roosevelt Counties
- District 16: Carter, Custer, Garfield, Fallon, Power River, Rosebud and Treasure Counties
- District 17: Blaine, Phillips and Valley Counties
- District 18: Gallatin County
- District 19: Lincoln County
- District 20: Lake and Sanders Counties
- District 21: Ravalli County
- District 22: Big Horn, Carbon and Stillwater Counties

**Appendix G: Montana District Court 2014 Judicial Need Model by District (Districts 1 through 8)**

Case Type Category	Case Weight in Minutes	District 1 Cases Filed Broadwater Lewis & Clark	District 2 Cases Filed Silver Bow	District 3 Cases Filed Dear Lodge Granite Powell	District 4 Cases Filed Mineral Missoula	District 5 Cases Filed Beaverhead Jefferson Madison	District 6 Cases Filed Park Sweet Grass	District 7 Cases Filed Dawson McCone Prairie Richland Wibaux	District 8 Cases Filed Cascade
Child Abuse and Neglect (DN)	204	88	67	29	153	21	17	40	309
Criminal (DC)	140	833	175	156	1,162	184	147	282	999
Civil (DV)	109	2,020	619	363	2,158	387	335	462	1,633
Juvenile (DJ)	75	142	72	6	179	14	9	26	204
Domestic Relations (DR)	99	1,193	400	123	1,309	172	141	188	1,160
Commitment of a Person with Dev. Disability (DD)	88	8	3	2	6	3	0	0	10
Paternity (DF)	37	0	3	0	7	1	0	4	7
Commitment of a Person with a Mental Illness (DI)	47	101	77	172	212	12	17	6	35
Guardian/Conservator (DG)	60	64	41	17	163	25	17	19	99
Adoptions (DA)	37	63	17	13	75	15	7	11	77
Probate (DP)	23	204	133	74	276	100	79	254	305
Investigative Subpoena/Search Warrant (IS SW)	14	214	50	96	439	20	19	114	631
Drug & Other Treatment Courts	669	11	27	0	33	0	0	50	36
<b>Total Annual Filings</b>		<b>4,941</b>	<b>1,684</b>	<b>1,051</b>	<b>6,172</b>	<b>954</b>	<b>788</b>	<b>1,456</b>	<b>5,505</b>
Case-Specific Workload = (Weights x Filings)		510,178	179,544	92,757	630,007	95,805	79,358	161,425	562,539
Annual Travel per District		6,486	11,116	7,500	20,609	25,560	8,640	22,175	7,749
<b>Case Specific Workload + Annual Travel</b>		<b>516,664</b>	<b>190,660</b>	<b>100,257</b>	<b>650,616</b>	<b>121,365</b>	<b>87,998</b>	<b>183,600</b>	<b>570,288</b>
Annual Per Judge Availability (212 days * 480 minutes)		101,760	101,760	101,760	101,760	101,760	101,760	101,760	101,760
Average Annual Non-Case Related Work (61 minutes/day * 212 days)		12,932	12,932	12,932	12,932	12,932	12,932	12,932	12,932
<b>Annual Availability per Judge (in minutes)</b>		<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>
<b>Allocated Judge per District (includes Standing Masters @ .50 FTE each)</b>		4	2	1	5	1	1	2	4.5
Total Judicial Demand		5.82	2.15	1.13	7.32	1.37	0.99	2.07	6.42
<b>Judge Deficit Need</b>		<b>1.82</b>	<b>0.15</b>	<b>0.13</b>	<b>2.32</b>	<b>0.37</b>	<b>0.00</b>	<b>0.07</b>	<b>1.92</b>

**Appendix G: Montana District Court 2014 Judicial Need Model by District (Districts 9 through 16)**

Case Type Category	Case Weight in Minutes	District 9 Cases Filed Glacier Pondera Teton Toole	District 10 Cases Filed Fergus Judith Basin Petroleum	District 11 Cases Filed Flathead	District 12 Cases Filed Chouteau Hill Liberty	District 13 Cases Filed Yellowstone	District 14 Cases Filed Golden Valley Meagher Musselshell Wheatland	District 15 Cases Filed Daniels Sheridan Roosevelt	District 16 Cases Filed Carter Custer Garfield Fallon Power River Rosebud Treasure
Child Abuse and Neglect (DN)	204	65	44	92	59	266	10	8	62
Criminal (DC)	140	241	142	935	265	1,601	65	81	204
Civil (DV)	109	426	201	2,076	365	2,885	168	204	360
Juvenile (DJ)	75	25	8	277	27	350	17	3	24
Domestic Relations (DR)	99	185	142	1,234	143	2,035	71	47	237
Commitment of a Person with Dev. Disability (DD)	88	0	1	8	2	4	0	0	1
Paternity (DF)	37	0	0	5	0	27	0	2	7
Commitment of a Person with a Mental Illness (DI)	47	9	96	179	24	113	1	5	15
Guardian/Conservator (DG)	60	41	32	107	16	177	19	4	32
Adoptions (DA)	37	9	7	56	11	137	4	26	7
Probate (DP)	23	170	67	245	114	365	61	286	197
Investigative Subpoena/Search Warrant (IS SW)	14	49	67	276	44	798	40	13	141
Drug & Other Treatment Courts	669	16	0	0	0	132	0	0	17
<b>Total Annual Filings</b>		<b>1,236</b>	<b>807</b>	<b>5,490</b>	<b>1,070</b>	<b>8,890</b>	<b>456</b>	<b>679</b>	<b>1,304</b>
Case-Specific Workload = (Weights x Filings)		132,140	74,681	546,186	111,012	950,810	41,054	48,357	126,820
Annual Travel per District		17,220	4,620	12,394	7,140	28,734	4,380	27,887	32,466
<b>Case Specific Workload + Annual Travel</b>		<b>149,360</b>	<b>79,301</b>	<b>558,580</b>	<b>118,152</b>	<b>979,544</b>	<b>45,434</b>	<b>76,244</b>	<b>159,286</b>
Annual Per Judge Availability (212 days * 480 minutes)		101,760	101,760	101,760	101,760	101,760	101,760	101,760	101,760
Average Annual Non-Case Related Work (61 minutes/day * 212 days)		12,932	12,932	12,932	12,932	12,932	12,932	12,932	12,932
<b>Annual Availability per Judge (in minutes)</b>		<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>
<b>Allocated Judge per District (includes Standing Masters @ .50 FTE each)</b>		1	1	4	1	6	1	1	2
Total Judicial Demand		1.68	0.89	6.29	1.33	11.03	0.51	0.86	1.79
<b>Judge Deficit Need</b>		<b>0.68</b>	<b>0.00</b>	<b>2.29</b>	<b>0.33</b>	<b>5.03</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Appendix G: Montana District Court 2014 Judicial Need Model by District (Districts 17 through 22 and State Total)**

Case Type Category	Case Weight in Minutes	District 17 Cases Filed Blaine Phillips Valley	District 18 Cases Filed Gallatin	District 19 Cases Filed Lincoln	District 20 Cases Filed Lake Sanders	District 21 Cases Filed Ravalli	District 22 Cases Filed Big Horn Carbon Stillwater	Statwide Totals
Child Abuse and Neglect (DN)	204	33	45	50	24	18	27	1,527
Criminal (DC)	140	87	580	136	363	287	222	9,147
Civil (DV)	109	255	1,534	448	693	881	426	18,899
Juvenile (DJ)	75	36	67	6	19	24	30	1,565
Domestic Relations (DR)	99	148	912	191	259	300	142	10,732
Commitment of a Person with Dev. Disability (DD)	88	0	0	0	2	0	0	50
Paternity (DF)	37	0	1	0	3	2	1	70
Commitment of a Person with a Mental Illness (DI)	47	14	87	9	19	30	7	1,240
Guardian/Conservator (DG)	60	15	59	17	28	49	20	1,061
Adoptions (DA)	37	12	46	18	23	20	11	665
Probate (DP)	23	104	192	90	109	110	89	3,624
Investigative Subpoena/Search Warrant (IS SW)	14	16	293	14	59	67	65	3,525
Drug & Other Treatment Courts	669	0	22	0	0	0	0	344
<b>Total Annual Filings</b>		<b>720</b>	<b>3,838</b>	<b>979</b>	<b>1,601</b>	<b>1,788</b>	<b>1,040</b>	<b>52,449</b>
Case-Specific Workload = (Weights x Filings)		68,677	385,503	101,806	165,363	180,013	104,260	5,348,295
Annual Travel per District		17,520	3,016	6,772	9,495	1,956	18,900	302,335
<b>Case Specific Workload + Annual Travel</b>		<b>86,197</b>	<b>388,519</b>	<b>108,578</b>	<b>174,858</b>	<b>181,969</b>	<b>123,160</b>	<b>5,650,630</b>
Annual Per Judge Availability (212 days * 480 minutes)		101,760	101,760	101,760	101,760	101,760	101,760	101,760
Average Annual Non-Case Related Work (61 minutes/day * 212 days)		12,932	12,932	12,932	12,932	12,932	12,932	12,932
<b>Annual Availability per Judge (in minutes)</b>		<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>	<b>88,828</b>
<b>Allocated Judge per District (includes Standing Masters @ .50 FTE each)</b>		1	3.5	1	2	2	1	48.00
Total Judicial Demand		0.97	4.37	1.22	1.97	2.05	1.39	63.61
<b>Judge Deficit Need</b>		<b>0.00</b>	<b>0.87</b>	<b>0.22</b>	<b>0.00</b>	<b>0.05</b>	<b>0.39</b>	<b>15.61</b>