Performance Audit: Municipal Court Operations

March 2011

City Auditor's Office
City of Atlanta

File #10.06



CITY OF ATLANTA

City Auditor's Office Leslie Ward, City Auditor 404.330.6452

Why We Did This Audit

The City Council passed resolution 10-R-0402 requesting an audit of the municipal court and the offices of solicitor and public defender. Council members cited concerns about court operations and citizen complaints since the abolishment of the traffic court and merger of the traffic court functions into the municipal court.

What We Recommended

The City Council should:

 Reduce the number of judges, solicitors, public defenders and case managers to align staffing with workload.

The chief judge should:

- Review and consider reducing the number of charges that require a court appearance as an alternative way to increase court efficiency and reduce costs.
- Stagger court session schedules to reduce wait time and the potential for overcrowding.

The court administrator should:

- Ensure that case managers enter cases assigned to the public defender into CourtView in order to accurately measure workload.
- Develop a process to review data entries in CourtView to ensure that information is complete and accurately entered into the system.
- Work with judges to review and establish meaningful disposition codes to better track case outcomes.

For more information regarding this report, please contact Eric Palmer at 404.330.6455 or epalmer@atlantaga.gov

Performance Audit:

Municipal Court Operations

What We Found

While the number of cases heard in municipal court remained flat over the last three fiscal years, the city increased the court's fiscal year 2011 budget to raise the number of courtrooms with scheduled cases from seven per day to nine. Based on our analyses, we estimate the court could handle its existing workload with four courtrooms; cutting the number of judges and court staff could save \$2.3 million annually.

The chief judge requested the budget increase to allow each judge to be assigned full-time to one courtroom, citing public convenience and increased traffic filings since January 2010 as justification. However, even with an uptick in the number of traffic and criminal tickets filed, case workload in the last six months of fiscal year 2010 required judges to spend only 28% of their time on the bench. Ticket filings overstate judicial workload because not all tickets require a court appearance, and many defendants either pay prior to their court appearance or fail to appear in court. We estimate that court workload would have to more than double to justify the use of nine courtrooms.

The judicial agencies requested additional positions in the fiscal year 2011 budget to staff nine courtrooms and help cover absences. During the last six months of fiscal year 2010, courtrooms were not staffed to the level the chief judge, city solicitor, and city public defender identified as preferable. Absences did not appear to affect the court's ability to process the caseload; we found no correlation between staffing and the percent of hearings reset. Based on our analysis, we conclude that reviving the use of pro hac judges – substitute judges to cover absences – does not appear to be warranted.

The court could better use its information systems to track workload and case outcomes. During the audit period, weekend and holiday work was not captured in CourtSmart or recorded in Kronos, the city's timekeeping system. Court staff said they do not check the accuracy of data entered into CourtView. We found some blank data fields and inconsistencies in how dispositions and status codes are used.

Management Responses to Audit Recommendations

Summary of Management Re	esponses	
Recommendation #1:	The City Council should reduce the number of judges, solicitors, pudefenders, and case managers to align staffing with workload.	ıblic
Response & Proposed Action:	No comments provided.	Disagree
Timeframe:		
Recommendation #2:	The chief judge should review and consider reducing the number of that require a court appearance as an alternative way to increase coefficiency and reduce costs.	
Response & Proposed Action: Timeframe:	Georgia law allows the court to establish a Traffic Violations Bureau by written order of the judges thereof. O.C.G.A. § 40-13-50 Article 3 of Chapter 13 of the Motor Vehicle Code (Title 40), O.C.G.A. § 40-13-50 et seq., requires the court to "promulgate and provide the clerk of the traffic violations bureau a list of the traffic offenses which shall be handled and disposed of by the traffic violations bureau." It is important to note that not every UTC is permitted by law to be resolved as a TVB offense.	Partially Agree
	The shief indee should storrer court seesing schooling to reduce	voit time
Recommendation #3:	The chief judge should stagger court session schedules to reduce and the potential for overcrowding.	wait time
Response & Proposed Action:	Staggering court sessions will not eliminate overcrowding if the court is forced to operate with only four (4) courtrooms. The chief judge agreed with the City of Atlanta Fire Department that it would operate nine (9) courtrooms to avoid being cited in 2010.	Disagree
Timeframe:		
Recommendation #4:	The court administrator should ensure that case managers enter ca assigned to the public defender into CourtView in order to accurate measure workload.	
Response & Proposed Action:	The court expects to have a new court administrator by April 2011.	Agree
Timeframe:	April 14, 2011	
Recommendation #5:	The court administrator should develop a process to review data er CourtView to ensure information is complete and accurately enteresystem.	
Response & Proposed Action:	The court expects to have a new court administrator by April 2011.	Agree
Timeframe:	April 14, 2011	
Recommendation #6:	The court administrator should work with judges to review and esta meaningful disposition codes to better track case outcomes.	blish
Response & Proposed Action:	The court expects to have a new court administrator by April 2011.	Agree
Timeframe:	April 14, 2011	
	-	



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AUDIT COMMITTEE

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Ex-Officio: Mayor Kasim Reed

March 21, 2011

Honorable Mayor and Members of the City Council:

We undertook this audit of the municipal court operations at the request of City Council. Resolution 10-R-0402 requested an audit of the municipal court, and the offices of the solicitor and public defender based on citizen complaints and council concerns about staffing and case load.

While the number of cases heard in the municipal court has remained flat over the past three years, the city increased the court's fiscal year 2011 budget to raise the number of open courtrooms from seven per day to nine. Based on our analyses, we estimate the court could handle its existing workload with four courtrooms. We estimate the workload would have to more than double to justify the use of nine courtrooms. Cutting the number of judges and court staff could save the city \$2.3 million annually.

Our recommendations to the City Council, the chief judge, and the court administrator focus on aligning the staff with the court's workload, increasing the convenience to the public, and improving the capture of workload data. Management disagreed with two, partially agreed with one, and agreed with three recommendation noted in Appendix B. The judicial agencies' provided comments, which are included in Appendix C. Consistent with *Government Auditing Standards, we* responded to those comments in Appendix D.

The Audit Committee has reviewed this report and is releasing it in accordance with Article 2, Chapter 6 of the City Charter. We appreciate the courtesy and cooperation of city staff throughout the audit. The team for this project was Eric Palmer, Katrina Clowers, and Dawn Williams.

Leslie Ward City Auditor

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Fred Williams

Audit Committee Chair

The Williams

Municipal Court Operations

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Introduction

We conducted this performance audit of Municipal Court Operations pursuant to Chapter 6 of the Atlanta City Charter, which establishes the City of Atlanta Audit Committee and the City Auditor's Office and outlines their primary duties. The Audit Committee reviewed our audit scope in October 2010.

A performance audit is an objective analysis of sufficient, appropriate evidence to assess the performance of an organization, program, activity, or function. Performance audits provide assurance or conclusions to help management and those charged with governance improve program performance and operations, reduce costs, facilitate decision-making and contribute to public accountability. Performance audits encompass a wide variety of objectives, including those related to assessing program effectiveness and results; economy and efficiency; internal controls; compliance with legal or other requirements; and objectives related to providing prospective analyses, guidance, or summary information.¹

We undertook this audit at the request of Atlanta City Council. The council, in Resolution No. 10-R-0402, asked us to audit the Municipal Court, and the Offices of the Solicitor and Public Defender. Council members expressed concerns about court operations and citizen complaints since the abolishment of the traffic court and merger of the traffic court functions into municipal court. We focused our review on budget, staffing, and court data from fiscal year 2008 through 2010.

Background

The Municipal Court was established pursuant to Article VI, Section I, of the Constitution of Georgia and Article 4 of the City Charter. Atlanta's Municipal Court has jurisdiction to hear and decide city charter and ordinance violations, and has concurrent jurisdiction over certain state misdemeanor cases, including traffic violations, possession of one ounce or less of marijuana, shoplifting, and furnishing alcohol to a minor. Under the charter, the court is authorized to impose fines up to \$1,000 and/or imprisonment for up

¹Comptroller General of the United States, *Government Auditing Standards*, Washington, DC: U.S. Government Accountability Office, 2007, p. 17-18.

to six months, or alternative sentencing. State law also authorizes the Municipal Court to act as magistrate (hold preliminary hearings or issue warrants) over state offenses.

The city operated two courts prior to their consolidation in January 2005: the Municipal Court and the City Court. The Municipal Court handled ordinance violations or state offenses within the city limits. Until 2003, the Municipal Court conducted preliminary hearings for all state charges occurring within the city. However, the mayor ordered as of January 6, 2003, that all persons arrested within the city and charged with state offenses be taken to the appropriate county jail. The City Court handled traffic cases and misdemeanor or ordinance violations arising out of the traffic violations.

Consolidation proposed to save money. In 2002, the mayor convened a panel to review the courts' operations to provide recommendations to improve efficiency, avoid duplication, and reduce costs. The courts had a combined budget of about \$21 million and 258 staff, including 18 judges, 18 clerks and 36 bailiffs. The panel issued a report in April 2003 that recommended consolidating court operations. The Boston Consulting Group provided pro bono assistance to the city in 2003 to assess staffing and facility needs for the consolidated court. The Boston Consulting Group recommended cutting 111 non-judicial positions, reducing outsourced services — including 31 part-time judges (called pro hac) who filled in for judicial absences, and investing in improved information technology systems. The reports of both groups noted that combined judicial workload was low, but neither group recommended how many judges the city should retain in its consolidated operation. The state abolished the City Court effective January 1, 2005, and transferred all pending cases to the Municipal Court.

The city upgraded court information technology systems. The court implemented CourtSmart in August 2005, an automated audio/video recording system, to provide a verbatim record of court proceedings, which are archived for long-term storage. The video images are automatically captured and time stamped along with audio and tagging information. The system, costing about \$212,000, largely replaced the need for court reporters to transcribe court proceedings. The court implemented CourtView in March 2007, an automated case management system to record and track case information from the initial filing - when the court receives the ticket from the issuing agency and inputs it into the system - through final disposition, including case scheduling and payment

posting. The \$3.4 million system enables scanned copies of tickets to be stored in the system and accessed electronically. Judges enter case dispositions, including fine amounts, into the system during court proceedings. Defendants pay fines that do not require a court appearance via the internet, the court's pay-by-phone system or at the court, once the ticket is entered into CourtView. Court personnel generate case and financial management reports from the system.

Judicial Process

The city's judicial process starts once an officer makes an arrest or writes a ticket. Appendix A shows a flowchart of how the court operates.

In-custody cases. In cases of arrest, individuals booked into jail must have a hearing within 48 hours. Before the hearing, the solicitor reviews the case for sufficiency and may negotiate a plea with the defendant. The defendant also has an opportunity to talk with a public defender. Usually, the first hearing is an arraignment where the judge reads the charge and asks the defendant for a plea. If the defendant pleads not guilty, the judge either schedules a bench trial or transfers the defendant's case to the county for a jury trial. If the defendant pleads guilty or no contest, the judge rules on the case and imposes a sentence. The judge can also dismiss a case. In-custody hearings were held in two courtrooms on the first floor, which can be accessed from the city's correctional facility without mixing detainees with the general public. The court implemented video arraignment in October 2010 that enables judges to hear in-custody cases in any courtroom without transporting detainees to the court.

Ticket issuance. In cases when an officer issues a ticket without making an arrest, a scheduled court date is listed on the ticket, typically about five weeks after the ticket is issued. Some charges, such as speeding less than 30 miles over the speed limit, safety belt violations, improper lane changes, defective equipment, or multiple false alarms, provide defendants the option to plead guilty and pay fines in lieu of appearing in court. Court appearances are not scheduled for automated red light tickets and most parking tickets; parking fines and red light fines are due within 14 days of ticket issuance without additional penalty. Defendants who wish to dispute the charge can go to court to schedule a walk-in hearing within the 14-day period.

The ticket describes the specific charge, person charged, location of violation, issuing officer, and scheduled court date if required. Each traffic ticket lists one charge and criminal tickets list up to three charges. In the case of automated red light enforcement, cameras installed at certain intersections throughout the city photograph vehicles that enter the intersection after the light has turned red. The Police Department reviews the photographs to determine whether they provide evidence of a violation, and the company that the city has contracted to manage the cameras sends the citation to the vehicle owner and electronically to municipal court.

Ticket processing. The Police Department's policy is to deliver tickets to the Municipal Court the next business day. Police supervisors review tickets for legibility and completeness and log them on a citation form. A court clerk reconciles the tickets delivered to the court with the citation form and provides a signed copy of the citation form to the police as proof of delivery. Clerks forward traffic and false alarm tickets to the solicitor's office for initial screening. The solicitor can dismiss the case if the initial review determines the ticket is insufficient because of missing or illegible information. After screening, the solicitor's office sends the tickets to court clerks for entry into CourtView and docket assignment. The court operations supervisor collects the tickets, ensures that none are missing, and forwards them to the appropriate courtroom.

Court proceedings. Before the court session begins, case managers check defendants and other parties in for court. Defendants fill out a plea form. Solicitors review cases for sufficiency. During the hearing, the judge reads each defendant the charge or charges and asks the defendant to enter a plea of not guilty, guilty, or no contest. If the defendant does not appear in court on the scheduled day, the judge notes that the defendant has failed to appear (called FTA) and issues an FTA warrant for the defendant's arrest. The judge also records a \$100 FTA fine in CourtView.

If the defendant enters a plea of guilty or no contest, the judge can impose fines and fees, suspend fines and fees, impose jail time, or dismiss the case. The judge rules on the case and records the disposition into CourtView. If the judge imposes fines and fees, the defendant either pays them immediately at the cashier window or requests probation, which establishes a payment plan for defendants who are unable to pay the assessed fine.

If the defendant enters a plea of not guilty, the judge typically resets the case for trial. A defendant may also request a jury trial, which results in the case being transferred to the county in which the violation occurred (referred to as bound over). The Municipal Court no longer holds jury trials. The city has agreements with Fulton, DeKalb, and Clayton counties for the counties to hear traffic charges when defendants request a jury trial.

Bench trials. About 7.3% of hearings are bench trials. During the trial, the prosecutor presents the case against the defendant, including testimonial evidence (witnesses), documentary, video, and photographic evidence. After the prosecutor has questioned the witness, the public defender or defense attorney has the opportunity to cross examine the witness. Once the prosecutor has presented all of the evidence, the state rests. The defendant or the defendant's attorney presents his or her case. After the defense has presented all of the evidence, the defense rests. The judge listens to closing arguments from each side, makes a ruling, and enters the disposition into CourtView.

Court Scheduling

The Municipal Court holds sessions Monday through Thursday and is closed Fridays, holidays, and weekends, except for in-custody hearings. The building is open to the public from 7:00 am to 5:30 pm, Monday through Thursday, and is open on Fridays for fine payment only between 8:00 am and 4:00 pm. The court schedules morning and afternoon court calendars. The morning session is scheduled to start at 8:00 am; the afternoon session is scheduled to start at 3:00 pm. The court facility has 12 courtrooms: 2 in-custody courtrooms on the 1st floor and 10 courtrooms on the 3rd, 5th and 6th floors (see Exhibit 1).

Exhibit 1 Municipal Court Courtrooms

<u>Floor</u>	<u>Courtrooms</u>			
6	Α	В	С	D
5	Α	В	С	D
4	No Courtrooms			
3		Α	В	
2	No Courtrooms			
1		Α	В	

Source: Audit representation of the court facility's layout

Court Staffing and Budget

The city had 11 judges at the beginning of fiscal year 2010. Judge Howard Johnson retired in December 2009. Former chief judge Deborah Greene retired in May 2010; the city currently has nine judges. The court scheduled hearings in seven courtrooms per day; judges were scheduled one working day off the bench per week.

Charter section 4-104 authorizes the City Council to determine the number of municipal court judges and establishes the four-year term for each judge. Judges are appointed by the mayor. A judge who desires to serve another term must file notice with the municipal clerk and be retained by city voters. City voters retained ten judges to another four-year term beginning January 2010, including judge Greene who retired in May. Charter section 4-105 authorizes the judges to select a chief judge by majority vote. The chief judge is responsible for the general supervision of the court and the assignment of judges. Beginning in fiscal year 2011, each judge is assigned full-time to one courtroom, and the court schedules hearings in nine courtrooms per day.

The Municipal Court runs three specialty courts:

- Community Court works with offenders, using sentencing alternatives and legal sanctions to promote rehabilitation and address the underlying causes of criminality. Judge Clinton Deveaux presides over community court, and Chief Judge Crystal Gaines presides over the Teens Learning Control and Restorative Board sessions.
- DUI Court adjudicates traffic violations where the defendant has been cited for driving under the influence. Judge Calvin Graves presides over DUI court.
- Housing Court adjudicates violations of the City of Atlanta
 Housing code, the Graffiti Ordinance, and/or the Commercial
 Maintenance and Industrial Code. Prior to September 2010,
 Judge Gary Jackson presided over housing court; Chief Judge
 Crystal Gaines now presides over housing court.

The remaining six judges - Elaine Carlisle, Barbara Harris, Gary Jackson, Catherine Malicki, Andrew Mickle, and Herman Sloan - hear a mix primarily of traffic and criminal cases.

Judges are scheduled to work four 10-hour days per week. Judges work Monday through Thursday. Judges also rotate working on

Fridays and Sundays to ensure that the in-custody arraignment hearings are held within 48 hours of an individual's arrest to comply with a 1991 U.S. Supreme Court ruling known as the Riverside requirement.

Municipal Court comprises three separate judicial agencies.

Three separate departments operate within the Municipal Court: Court Operations, the City Solicitor's Office, and the Public Defender's Office. The city budgeted \$12.5 million in fiscal year 2011 for the three departments and authorized 158 positions, an increase of \$1.8 million and 21 positions from what the city budgeted in fiscal year 2010. The chief judge requested the increase to operate nine courtrooms for the convenience of the public and other reasons.

Court operations has a budget of \$8.4 million and is authorized 107 positions in fiscal year 2011, an increase of one position from fiscal year 2010 (see Exhibit 2). The budget funded 100 positions with general fund monies, 1 with trust funds, and 4 with grant funds. ²

Judges (10)Court Administrator Pretrial / Warrants Data Entry Courtroom Finance Bonds / Community Court Administration Call Center Ombudsman Manager Manager Manager (2) Managers (2) Manager Manager Staff Size: 18 Staff Size: 25 Staff Size: 17 Staff Size: 16 Staff Size: 7 Staff Size: 4

Exhibit 2 Municipal Court FY11 Organizational Chart - Authorized Positions

Source: Municipal Court

Court operations manages the day-to-day functions of the court. Like judges, most court staff is scheduled to work four 10-hour days per week. The department is divided into six sections:

 Data Entry/Call Center - processes all citations filed, schedules court hearings, and answers incoming calls

² The City Council authorized 10 judge positions in September 2009, but funded nine in fiscal year 2011.

- Courtroom Operations ensures that all cases filed in municipal court are processed
- Finance processes all financial transactions in municipal court
- Pretrial, Ombudsman, Warrants and Bonds releases defendants based on criminal history records, researches court-related cases, processes and verifies warrant information, and processes bond-related activities at court
- Community Court provides alternative sentencing options for low-level offenses
- Administration oversees the budget, human resource, and court technology functions

The City Solicitor's Office prosecutes cases in Municipal Court, and, according to the fiscal year 2011 budget, provides legal assistance to the city's administration, community groups, schools and colleges, and provides training to law enforcement and private agencies. The solicitor's office has a budget of \$2.6 million and is authorized 34 positions in fiscal year 2011, an increase of 16 positions from fiscal year 2010 (see Exhibit 3).

City Solicitor Raines Carter Department Community Affairs Manager Manager Sr. Administrative Analyst Housing Traffic/Criminal DŲΙ Case Court Court Screening Court Sr. Assistant Sr. Assistant Sr. Assistant Sr. Assistant Solicitors (2) Solicitor (1) Solicitors (14) Solicitors (2) Records Sr, Investigator (1) Sr, Investigator (1) Investigation Manager (1) Legal Program Legal Program Investigator (1) Assistant (1) Assistants (1) Sr, Investigator (1) Legal Program Assistant (1) Legal Program Assistants (2)

Exhibit 3 Office of the Solicitor FY11 Organizational Chart - Authorized Positions

Source: Office of the Solicitor

Solicitors are scheduled to work four 10-hour days per week; one solicitor also works Fridays and Sundays on a rotating basis to handle in-custody hearings. The city solicitor planned to assign two solicitors per courtroom with the additional staff in the fiscal year 2011 budget, requiring 18 solicitors on duty per court day. One solicitor is assigned to work five 8-hour days per week to screen tickets and does not appear in court.

The Office of the Public Defender represents indigent defendants in Municipal Court cases. Section 62-36 of the city code requires indigent defendants to sign a pauper's affidavit before they may be assisted by the public defender. However, the public defender said the former Chief Judge Greene authorized a standing order to provide a public defender to every defendant in custody. The public defender's office has a budget of \$1.5 million and is authorized 17 positions in fiscal year 2011, an increase of four positions from fiscal year 2010 (see Exhibit 4).

Public defenders and support staff are scheduled to work four 10-hour days per week; one public defender also works Fridays and Sundays on a rotating basis to handle in-custody hearings. The public defender planned to assign one attorney per courtroom with the additional staff in the fiscal year 2011 budget, requiring nine public defense attorneys on duty per court day.

Public Defender Rosalie Joy Deputy Public Defender Records Analyst Admin Support Legal Support (2) (3)DUI Criminal Traffic Housing Attorney Attornevs Attornevs Attorney (3) (3) (2)(1)

Exhibit 4 Office of the Public Defender FY11 Organizational Chart – Authorized Positions

Source: Office of the Public Defender

Court Revenues and Expenditures Decreased from FY2008-2010

Court revenues decreased about 17% from fiscal year 2008 to fiscal year 2010. The city receives revenues from fines and fees assessed in Municipal Court for traffic, parking, and other offenses. Court revenue decreased from about \$21.1 million in fiscal year 2008 to \$17.6 million in fiscal year 2010. The city anticipated receiving about \$23 million in fine revenue in fiscal year 2011 (see Exhibit 5).

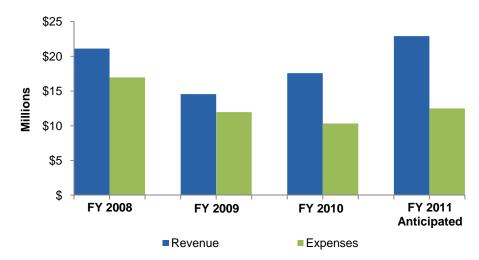


Exhibit 5 Comparison of Court Revenue and Expenses FY08-FY11

Source: Oracle data for fiscal years 2008 through 2010

Court revenue exceeded expenses in all three years. While court revenues decreased from fiscal year 2008 to 2010, revenues continued to exceed court expenses. Since fiscal year 2008, the city reduced expenses largely through personnel cuts. The Municipal Court eliminated 24 positions, while the public defender and the solicitor's offices cut 15 and 39 positions, respectively. Exhibit 6 shows authorized positions in the left-hand column of each cluster; positions filled at fiscal year-end are in the right-hand column. The fiscal year 2011 budget added 21 positions back to the judicial agencies.

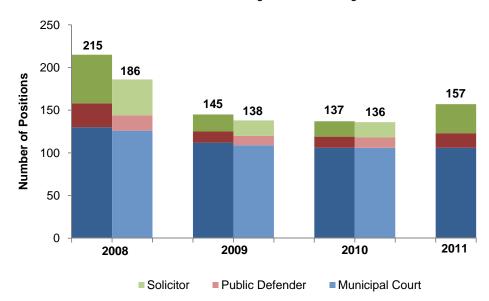


Exhibit 6 Authorized and Filled Staffing for Judicial Agencies

Source: Adopted budgets and Oracle staffing data for fiscal years 2008 – 2010; City Council Ordinance 08-O-1760 and adopted budget for fiscal year 2011

Audit Objectives

This report addresses the following objectives:

- What is the workload for each judicial agency?
- What factors influence judicial workload?
- Could scheduling or other changes increase efficiency?

Scope and Methodology

We conducted this audit in accordance with generally accepted government auditing standards. Our analysis of operating data, expenditures and revenues focuses on fiscal years 2008 through 2010, the most recent full year for which data are available.

Our audit methods included:

interviewing judicial management to understand standard operating procedures and departmental practices

- observing conditions and procedures at the municipal court
- reviewing department standard operating procedures (SOPs)
- reviewing previous studies on the municipal court and the Georgia State Courts
- identifying the number, types and dispositions of cases in CourtView by month and fiscal year
- reviewing six months of CourtSmart data from January 1, 2010, to June 30, 2010 — to record judicial bench time
- evaluating the workload of each judicial agency against its resource allocation
- assessing the accuracy of reported workload and performance measures to understand how each judicial agency tracks its activities

Generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Findings and Analysis

Existing Workload Does Not Justify Current Staffing Levels; City Could Save 2.3 Million Annually by Reducing Staff

While the number of cases heard in Municipal Court remained flat over the last three fiscal years, the city increased the court's fiscal year 2011 budget to open two additional courtrooms, raising the number of courtrooms with scheduled cases from seven per day to nine. We estimate the court could handle its existing workload with four courtrooms; cutting the number of judges and court staff could save \$2.3 million annually.

The chief judge requested the budget increase to allow each judge to be assigned full-time to one courtroom, citing public convenience and increased traffic ticket filings since January 2010 as justification. However, even with an uptick in the number of traffic and criminal tickets filed, case workload in the last six months of fiscal year 2010 required judges to spend only 28% of their time on the bench. Ticket filings overstate judicial workload because not all tickets require a court appearance, and many defendants either pay prior to their court appearance or fail to appear in court. We estimate that court workload would have to more than double to justify the use of nine courtrooms.

The judicial agencies requested additional positions in the fiscal year 2011 budget to staff nine courtrooms and help cover absences. During the last six months of fiscal year 2010, courtrooms were not staffed to the level the chief judge, city solicitor, and city public defender identified as preferable. Absences did not appear to affect the court's ability to process the caseload; we found no correlation between staffing and the percent of scheduled cases heard and no correlation between staffing and percent of hearings reset. Based on our analysis, we conclude that reviving the use of pro hac judges — substitute judges to cover absences — does not appear to be warranted.

The court could better accommodate the public by shifting schedules to ensure cashier windows are open after court ends, ensuring that court starts on time, and considering whether fines for additional charges could be paid without a court appearance.

Judicial Workload Remained Flat as Ticket Filings Decreased

The number of cases heard in court remained flat from fiscal year 2008 to 2010. Judges describe their workload in terms of ticket filings in public safety committee hearings in March and December 2010. While the number of tickets filed in Municipal Court has decreased since 2008, this measure does not accurately reflect judicial workload. Cases heard in court better reflects judicial workload, because most parking and red light tickets do not require a court appearance, and many defendants either pay their fines prior to court or fail to appear.

Solicitors' workload increased 13% between 2008 and 2010. Solicitors describe their workload in terms of charges prosecuted, which includes charges heard in court and traffic and misdemeanor charges for which a defendant can plead guilty without appearing in court.

The public defender's office cannot accurately report its workload because court case managers inconsistently enter case assignments into CourtView. The public defenders' self-reported work appears to include cases carried over from previous months and consultation with defendants at the city jail prior to case assignment. Even when using this broader measure of workload, the public defenders' office workload amounted to less than 10% of cases heard in court.

Judicial workload remained flat since fiscal year 2008. Judges describe their workload in terms of tickets filed with the court. However, only 33% of tickets filed between fiscal years 2008 and 2010 were heard in court. When court clerks enter filed tickets into CourtView, they record and schedule the case to appear on a court docket. Cases on the docket may not be heard in court because the defendant either pays a fine prior to court or fails to appear on the scheduled date. In fiscal year 2010, about 13% of defendants paid fines in lieu of appearing in court and another 13% of defendants failed to appear in court. Since fiscal year 2008, the number of cases scheduled for court increased slightly while the number of cases heard in court — a more accurate measure of judges' workload — was flat (see Exhibit 7).

Overall court filings decreased 35% from fiscal years 2008 to 2010. The overall number of tickets filed with the Municipal Court decreased 35% between fiscal years 2008 and 2010. The decrease occurred because of drops in the number of parking and automated red light tickets.

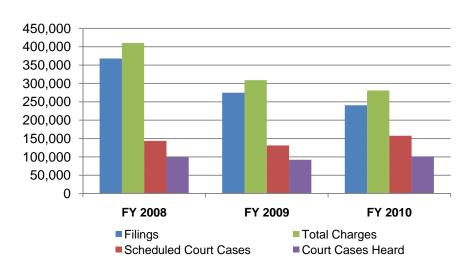


Exhibit 7 Comparison of Filings, Charges, and Court Cases

Source: CourtView data from fiscal year 2008 to 2010

Parking ticket filings decreased by 69% after the city reduced staff in May 2008 while working to outsource parking enforcement. The city finalized its contract with ParkAtlanta for parking enforcement in September 2009.

Automated red light ticket filings decreased by 65% because the Georgia Department of Transportation denied permit renewals in December 2009 for three locations. The state reinstated one permit in March 2010 and conditionally reinstated another permit in September 2010 for 12 months, provided that the city evaluates citations and accidents at 6- and 11-month intervals. Parking and automated red light tickets typically do not require a court appearance unless the defendant wishes to contest the charge. As a result, these types of tickets have little effect on courtroom workload.

The number of traffic and criminal tickets filed influences courtroom workload because defendants often are required to appear in court. While the overall number of tickets filed decreased between fiscal years 2008 and 2010, the numbers of criminal and traffic tickets filed increased by 56% and 10%, respectively. Most of the increase in traffic tickets filed occurred in the latter half of fiscal year 2010 (see Exhibit 8).

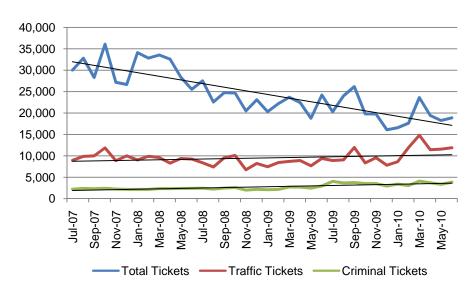


Exhibit 8 Total, Traffic, and Criminal Tickets Filed by Month

Source: CourtView data from fiscal year 2008 to 2010

Daily courtroom workload increased in the latter half of fiscal year 2010. The average number of cases scheduled per day increased about 25% from January to June 2010, from 1,040 cases to 1,304, adding about 19 cases per docket. On average, the court heard about 70% of cases on the docket (see Exhibit 9). The remainder of the cases the defendant paid in lieu of court or failed to appear.

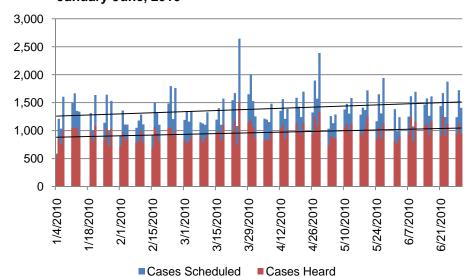


Exhibit 9 Comparison of Court Cases Scheduled to Heard per Day January-June, 2010

Source: CourtView data from January 1, 2010, through June 30, 2010

Overall, from January through June 2010, the court scheduled an average of 1,246 cases and heard an average of 867 cases per day when court was in session. Judges heard an average of 19,699 cases each in fiscal year 2010. The Boston Consulting Group's 2002 report identified 25,000 dispositions per judge as a benchmark for traffic cases, citing the October 2001 National Center for State Courts, Workload Assessment Model for the Georgia State Court.

While court staff identified case resets and bench trials as factors that increase judicial workload, these events were a relatively small percentage of court events in fiscal years 2008 through 2010. About 3% of cases were reset at least once and 7.3% of scheduled hearings were bench trials.

Solicitors' workload increased 13% between fiscal year 2008 and 2010. Solicitors report the number of charges prosecuted each month in court as a workload measure for the mayor's ATLStat program. Solicitors also review traffic tickets for sufficiency before court. The decrease in number of tickets filed between fiscal years 2008 and 2010 did not reduce solicitor workload because the decreases were in parking and automated red light tickets, which the solicitors do not review. Solicitors prosecuted an average of 14,078 charges each in fiscal year 2010.

Public defender cannot accurately track or report workload. The public defender's office reports the number of cases assigned per month as a workload measure for the mayor's ATLStat program. CourtView records show that the number of cases assigned to the public defender decreased by nearly half between fiscal year 2008 and 2010. However, case assignments are not reliably captured in CourtView. While court case managers are responsible for inputting a public defender code in CourtView when a judge assigns a public defender to a case, staff acknowledged that case managers enter public defender codes inconsistently. Inputting the public defender code requires changing screens in CourtView, which, according to a case manager, could prevent them from capturing other pertinent case information.

The public defender manually compiles the office's monthly case assignments from individual attorneys and court dockets for ATLStat reports. Between October 2008, when the public defender began reporting the number of assigned cases, and June 2010, the number of assigned cases reported in ATLStat fluctuated between about 500 and 1,500 cases per month, between 3% and 8% of court hearings held each month. We cannot explain the fluctuation. The public

defender was unable to substantiate the caseload data provided to ATLStat for June 2010. It appears that attorneys are including cases carried over from previous months and consultations with defendants in the city jail in their self-reported counts. While this method may be a reasonable way of measuring workload, it counts cases more than once, resulting in a greater number than the number of cases assigned to a public defender in court.

We recommend the court administrator ensure that court clerks enter cases assigned to the public defender in CourtView in order to accurately and consistently measure workload.

Workload Does Not Justify Fiscal Year 2011 Staffing Increase

The city added positions in the fiscal year 2011 budget to increase the number of open courtrooms from seven to nine. The chief judge requested the budget increase to allow each judge to be assigned full-time to one courtroom, citing public convenience and increased traffic ticket filings since January 2010 as reasons for opening more courtrooms. However, even with an uptick in the number of traffic and criminal tickets filed, case workload in the last six months of fiscal year 2010 required judges to spend only 28% of their time on the bench. We estimate that court workload would have to more than double to justify the use of nine courtrooms.

The city added positions to open two additional courtrooms. In the fiscal year 2011 budget, the city added 4 positions including 2 attorneys in the public defender's office, 16 positions including 9 attorneys in the solicitor's office, and 1 case manager to municipal court staff. The judicial agencies' proposed budgets cited the increase to nine courtrooms as the reason for increasing staff. The city solicitor also cited the need to cover absences. The chief judge, in a March 2010 presentation to the City Council's Public Safety Committee, identified operating nine fully functional courtrooms as a budget priority. She wanted to assign each judge to one courtroom full-time to improve efficiency and better serve the public. She also stated that traffic fillings had increased in the past two months and had been increasing for the last two years, as further justification.

Judges spent 28% of their time on the bench from January through June 2010. Even with an uptick in the number of traffic and criminal tickets filed in fiscal year 2010, case workload in the last six months of the fiscal year required judges to spend only 28% of their time on the bench. We reviewed court sessions in

CourtSmart — the official transcript of courtroom sessions — for court sessions held from January 1, 2010, to June 30, 2010, to record when each session started and ended. Judges are paid for 10-hour days. Court sessions are not expected to exceed 7 hours of the 10-hour work day. During the time we reviewed, judges spent an average of four hours on the bench on days when they were scheduled to hear cases (see Exhibit 10). At the time, judges were scheduled to work three days on the bench and one administrative day per week.

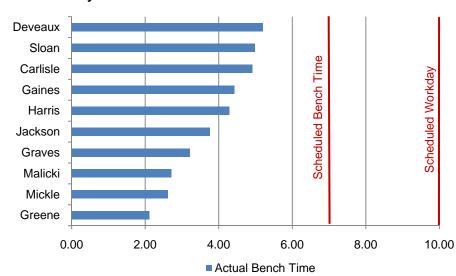


Exhibit 10 Comparison of Judges' Scheduled to Actual Bench Time per Day in Court

Source: CourtSmart data from January 1, 2010, through June 30, 2010

Judges' average time on the bench varied. Judge Deveaux, who presided over community court, had the highest average time on the bench at about 5 hours per day in court. Former Chief Judge Greene had the lowest average time on the bench at about 2 hours per day in court.

Judges spent an average of 11 hours per 40-hour work week on the bench over the period we reviewed (see Exhibit 11). Judges' average time on the bench per week varied due to differences in the daily average and differences in the number of days on the bench.

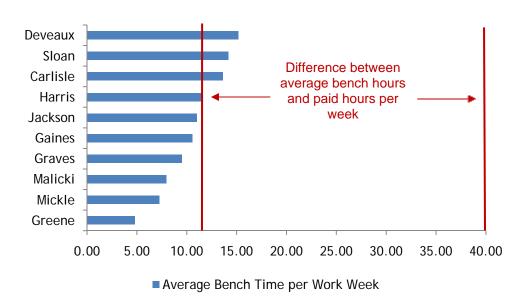


Exhibit 11 Comparison of Judges' Scheduled to Actual Bench Time per Week in Court

Source: CourtSmart data from January 1, 2010, through June 30, 2010

Court workload would have to more than double to justify the use of nine courtrooms. We estimate that the court would have to hear about 1,930 cases per day to occupy nine courtrooms for 80% of scheduled time. The court heard an average 867 cases per day between January and June 2010. The average time spent per case was less than two minutes.

Absences Had Little Effect on Overall Workload

Judges and court staff identified absences as a factor that influences workload — and the need to cover absences was part of the rationale for the staff increase. While courtrooms during the last half of fiscal year 2010 were not staffed to the level the chief judge, city solicitor, and city public defender identified as preferable, we found no correlation between the number of courtroom staff on duty and the percentage of scheduled cases heard or between the number of courtroom staff on duty and the percentage of hearings reset. Absences could pose a problem now that the court is operating nine courtrooms.

Preferred staffing is six per courtroom. According to the chief judge, each courtroom should be staffed by one judge, two case managers, two solicitors, and one public defender. The city

solicitor and public defender agreed that two solicitors and one public defender, respectively, should be assigned per courtroom.

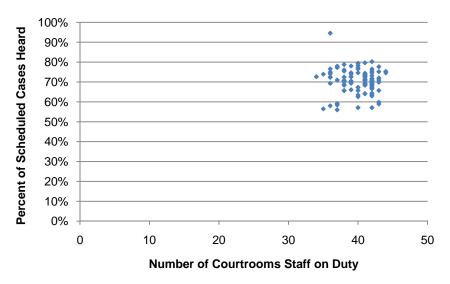
Judges and court staff identified absences as a factor affecting workload. Judges and staff told us that absences affect the court's workload. Case managers, solicitors and public defenders are shifted among courtrooms to cover absences. While one public defender can be assigned to cover two courtrooms, staff told us that some judges will not convene court without a public defender present.

When a judge is absent, cases are re-scheduled, shifted to another courtroom or pretrial intervention, or defendants are allowed to plead guilty and pay fines. Court data does not track when cases are shifted, reset, or resolved without a hearing due to judicial absences. Given the amount of time judges spent on the bench between January and June 2010, reviving the use of pro hac judges does not appear to be warranted

The court's overall workload was unaffected by absences in the last six months of fiscal year 2010. While absences no doubt affected individuals' workload and individual cases, we found no correlation between daily courtroom staffing and the percent of scheduled cases heard. We also found no correlation between daily courtroom staffing and the percent of hearings reset during the last six months of fiscal year 2010.

Exhibit 12 shows the percent of cases heard and courtroom staffing. The number of courtroom staff on duty ranged from 34 to 44 — counting judges, case managers, solicitors and public defenders. The percent of scheduled cases heard ranged from about 56% to about 80%. If a positive correlation existed, the graph would show the percent of scheduled cases heard increasing as the number of staff increased.

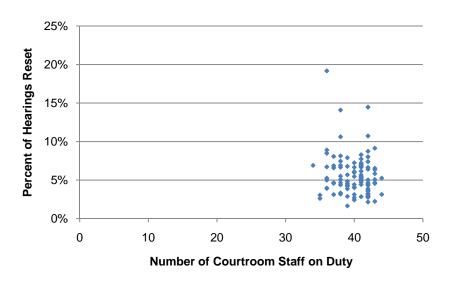
Exhibit 12 Scatterplot of Daily Courtroom Staffing and Percent of Scheduled Cases Heard



Source: CourtView and Kronos data from January 1, 2010, through June 30, 2010

Similarly, Exhibit 13 shows the percent of hearings reset and the number of courtroom staff on duty. The percentage of cases reset ranged from 1.6% to 19.2% of daily hearings, with an overall average of 5.4%. If a negative correlation existed, the graph would show the percent of hearings reset decreasing as the number of staff increased.

Exhibit 13 Scatterplot of Daily Courtroom Staffing and Percent of Hearings Reset



Source: CourtView and Kronos data from January 1, 2010, through June 30, 2010

Judicial absences could pose a problem now that the Municipal Court is scheduling daily sessions in nine courtrooms. Between January and June 2010, fewer than seven judges were on duty on only one day when court was in session. However, one judge was absent for at least part of the day on 58% of days when court was in session and more than one judge was absent at least part of the day on 17% of days when court was in session.

Staff absences could also make it difficult to operate nine courtrooms. While the chief judge prefers to operate courtrooms with two case managers, courtrooms can operate with just one. Between January and June 2010, fewer than 14 case managers were on duty on 36% of the days when court was in session. Although the court never had fewer than eight case managers working, case managers accrued 371 hours of compensatory time during the sixmonth period, equivalent to about one-third of a full-time employee. Between January and June 2010, one case manager was absent for at least part of a day on 95% of the days when court was in session. More than one case manager was absent on 89% of the days when court was in session. Although the city added one case manager position in the fiscal year 2011 budget, this level of absences could make it difficult to operate nine courtrooms per day.

While the chief judge and city solicitor identified two solicitors per courtroom as preferred, the court never had more than 13 solicitors on duty between January and June 2010. One solicitor was absent for at least part of the day on 90% of days court was in session. More than one solicitor was absent 48% of the days court was in session. The court never had fewer than 8 solicitors working, allowing for two solicitors to prosecute cases in DUI court and one solicitor for the remaining courtrooms.

Public defender absences were lower. One public defender was absent for at least part of the day on 19% of days court was in session. The court had fewer than 7 public defenders on duty on 27% of the days when court was in session between January and June 2010, and never had fewer than four.

Starting court sessions on time would better accommodate the public and police department scheduling. Between January and June 2010, morning court started after 8:00 a.m. 89% of the time. About half of the time, morning court started over an hour late. Defendants are required to appear in court on time. Part of the chief judge's rationale for operating nine courtrooms was to better serve the public. Starting court on time would also better serve the

public, without increasing operating costs. Also, according to the deputy chief of police, starting court sessions on time would better accommodate police department scheduling. Court staff told us that court sessions were scheduled to begin at 8:00 am and 3:00 pm to coordinate with police department shift schedules.

The chief judge expressed concerns about the potential for overcrowding, citing a warning citation from a fire inspector at 9:15 am. The court could better accommodate the public by staggering court session schedules to reduce wait time and the potential for overcrowding.

Requiring fewer court appearances could also accommodate the public without increasing operating costs. CourtView shows that fines can be paid in lieu of a court appearance for 250 out of about 2,800 charges. These charges accounted for about 70% of all charges filed between fiscal years 2008 and 2010. State law requires court appearances for 11 charges, any offense committed by a person under 21, any charge related to a traffic accident, and other violations as determined by the court. Judges last reviewed the charges payable in lieu of court appearance in July 2006. We recommend the court review and consider reducing the number of charges that require a court appearance as an alternative way to increase court efficiency and reduce costs.

Court Could Save \$2.3 Million by Reducing Staff

Based on court caseload data from January to June 2010, we estimate the court could handle its workload with four courtrooms; cutting the number of judges and courtroom staff could save \$2.3 million annually.

The Municipal Court could handle workload with four courtrooms. We estimate that the court could have handled its January to June 2010 caseload with four courtrooms, based on the average number of court events per day, the average time per court event, and assuming that each docket would take an average of 90% of its scheduled time to complete. We also assumed that judges would not need more than an average of 3.7 hours of administrative time off the bench per work day — the 3 hours not covered by docket schedules and an average of 10% of docket time not needed to hear cases.

The city could eliminate 4 judges and 19 municipal court employees to align courtroom staffing with workload. If the court operated four courtrooms, we estimate that the city could eliminate four judge positions. We assume that the city would retain five judges, including a chief judge, in order to cover judicial absences and maintain adequate administrative oversight. We estimate the city could eliminate eight solicitors, seven case managers and four public defenders and still staff four courtrooms to the level preferred by the chief judge, city solicitor, and public defender. We included staff to cover absences and administrative tasks, and for the solicitor's office to review charges outside of court.

Eliminating these 23 positions would save an estimated \$2.3 million annually, based on the average salary and benefits per position. In addition, reducing the number of courtrooms in use per day would reduce the need for outsourced courtroom security.

Complete Data Needed for Measuring Case Disposition

The court could better use its information systems to track workload and case outcomes. During the audit period, weekend and holiday work was not captured in CourtSmart or recorded in Kronos, the city's timekeeping system. Court staff said they do not check the accuracy of data entered in CourtView. We found some blank data fields and inconsistencies in how dispositions and status codes are used.

Court Information Systems Lack Complete Data on Weekend Work and Case Events

We were unable to test some of the factors that judges and court staff said influenced their workload. The court's information systems do not capture the hours staff work on weekends and holidays, identify which cases are in-custody, or capture time per court case.

Judges, solicitors, public defenders, and courtroom staff rotate working Fridays and Sundays to ensure arraignment hearings are held within 48 hours of an individual's arrest. These hearings are not recorded in CourtSmart, the court's video and audio archiving system. According to court staff, a court reporter transcribes these sessions manually. We were unable to assess how much time judges

and court staff spend in hearings outside of their four 10-hour day schedule. Kronos, the city's timekeeping system, does not reflect weekend and holiday work for judges and attorneys, who are exempt from the federal Fair Labor Standards act. CourtView shows that relatively few court events occurred on Fridays, Saturdays, and Sundays between January and June 2010. CourtView has a record of 728 hearings, about 1% of the total cases heard over the six months, occurring on 12 days outside of the court's work week. We do not know whether these records are complete.

The chief judge, city solicitor, and public defender identified incustody cases as events that increase their workload. CourtView, the court's case management system, does not separately identify which records are in-custody cases. CourtView also lacks data on time per court case that would allow the court to quantify its workload. CourtView has fields for times and event duration, but these are not used.

Municipal court staff is not checking the accuracy or reliability of data entered into CourtView. We found incomplete case data. For example, 26% of 718,538 records of court events had missing courtroom locations, 33% of cases analyzed from fiscal year 2008 to 2010 were still open as of August 2010, and case managers have not consistently recorded cases assigned to public defenders (see Exhibit 14).

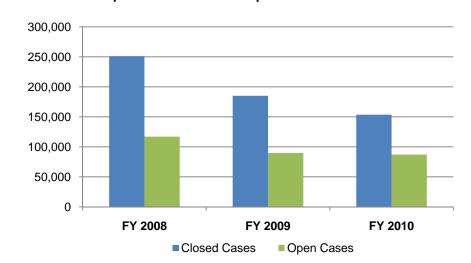


Exhibit 14 Comparison of Closed to Open Cases

Source: CourtView data from fiscal years 2008 to 2010

Disposition codes appear to overlap, making meaningful analysis difficult. For example, "undisposed," "open" and "active" are all

separate disposition codes in CourtView. The status codes which indicate whether a case is open or closed are also recorded as a disposition. Incomplete data prevents the court from tracking case disposition and accurately assessing performance.

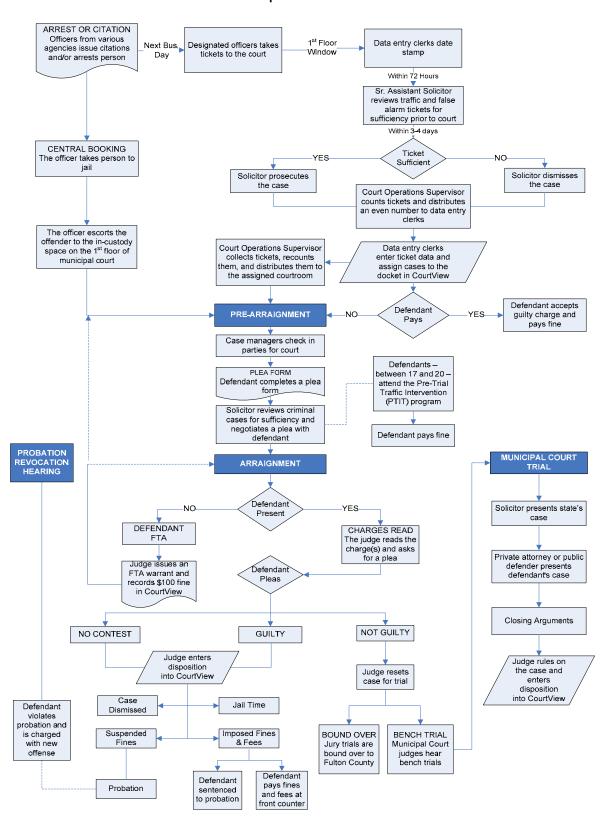
We recommend court administrator develop a process to review data entries in CourtView to ensure information is accurately entered in the system. We also recommend the court administrator review and establish meaningful disposition codes to better track case outcomes.

Recommendations

- The City Council should reduce the number of judges, solicitors, public defenders and case managers to align staffing with workload.
- The chief judge should review and consider reducing the number of charges that require a court appearance as an alternative way to increase court efficiency and reduce costs.
- 3. The chief judge should stagger court session schedules to reduce wait time and the potential for overcrowding.
- 4. The court administrator should ensure that case managers enter cases assigned to the public defender into CourtView in order to accurately measure workload.
- 5. The court administrator should develop a process to review data entries in CourtView to ensure information is complete and accurately entered in the system.
- 6. The court administrator should work with judges to review and establish meaningful disposition codes to better track case outcomes.

Appendices

Appendix A Court Operations Process



Appendix B Judicial Agencies' Response to Audit Recommendations

Report # 1	10.06	Report Tit	le: Municipal Court Operations	Date: 03/09/11		
Recomme	ndation Res	sponses				
Rec. *1		uncil should ng with work	reduce the number of judges, solicitors, public defenders and case managers to load.	Disagree		
	<u>Propo</u>	osed Action:	No comments provided.			
<u>lm</u> ı	olementation Responsi	Timeframe: ible Person:				
Rec. *2	•	•	review and consider reducing the number of charges that require a court appearance increase court efficiency and reduce costs.	Partially Agree		
Proposed Action: Implementation Timeframe:			40-13-50 Article 3 of Chapter 13 of the Motor Vehicle Code (Title 40), O.C.G.A. § 40-13-50 et seq., requires the court to "promulgate and provide the clerk of the traffic violations bureau a list of the traffic offenses which shall be handled and disposed of by the traffic violations bureau." It is important to note that not every UTC is permitted by law to be resolved as a TVB offense.			
	Responsi	ible Person:				
Rec. *3	The chief ju	· ·	stagger court session schedules to reduce wait time and the potential for	Disagree		
Proposed Action:		osed Action:	Staggering court sessions will not eliminate overcrowding if the court is forced to operate wit The chief judge agreed with the City of Atlanta Fire Department that it would operate nine (9 being cited in 2010.			
<u>lm</u> ı	olementation Responsi	Timeframe: ible Person:				

Municipal Court Operations 35

	should ensure that case managers enter cases assigned to the public defender into ccurately measure workload.	Agree
Proposed Action:	The court expects to have a new court administrator by April 2011.	
Implementation Timeframe:	April 14, 2011	
<u>Responsible Person</u> :	Court Administrator/Manager	
	should develop a process to review data entries in CourtView to ensure information tely entered in the system.	Agree
<u>Proposed Action</u> :	The court expects to have a new court administrator by April 2011.	
Implementation Timeframe:	April 14, 2011	
<u>Responsible Person</u> :	Court Administrator/Manager	
Rec. *6 The court administrator better track case outco	should work with judges to review and establish meaningful disposition codes to mes.	Agree
<u>Proposed Action</u> :	The court expects to have a new court administrator by April 2011.	
Implementation Timeframe:	April 14, 2011	
Responsible Person:	Court Administrator/Manager	

Municipal Court Operations

Appendix C Judicial Agencies' Comments



THE MUNICIPAL COURT OF ATLANTA

Honorable Crystal Gaines, Chief Judge

For nearly a decade Atlanta's court system has endured examination, reorganization and change. Two courts have been streamlined and combined into one. The number of judges has been reduced from eighteen to nine and the number of judicial agency employees has been reduced from 428 to 153. The Court's overall efficiency has improved markedly and for several years the Court's revenue has exceeded its expenses. Through all of these changes the fair administration of justice has been and remains our Court's goal.

This process has not been easy. We have not always agreed with court related decisions by the Mayor or Council. The drastic reductions in workforce have occasionally caused internal tensions between and among the Court, the Public Defender and the Solicitor. We have, however, worked openly and honestly to resolve competing concerns and divergent points of view.

In early 2010, responding to increased caseloads, overcrowded courtrooms and long waiting times, the City Council restored positions in the Coun, the Public Defender's office and the Solicitor's office, allowing us to run nine (9) courtrooms rather than seven (7). New staff and resources brought improved morale and a renewed dedication to the Court's hard work. We welcomed the Council's unanimous request for a court performance audit as an opportunity to show our progress. Unfortunately this Audit falls far short of our expectations. It is inaccurate and incomplete. The Auditor failed to use either established court performance measurement standards or generally accepted performance audit principals.

Any audit of a court must ultimately examine how that court's management of its workload and processes affect the fair administration of justice. A court performance audit should be based on performance measures and best practices specifically developed for courts. There are generally accepted trial court performance standards acknowledged and promulgated by Georgia's Administrative Office of the Courts' and the National Center for State Courts.

The Audit's Appendix A is a relatively accurate but somewhat incomplete flow chart of the Court process. The chart shows that most of the steps in the progress of a case happen outside the courtroom. The Auditor simply chooses to ignore this work outside the courtroom. This Audit focused on judicial bench time and courtroom transcripts, thus emphasizing the least important of court performance measures. An examination of courtroom workload alone

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¹ See Ga.ADC publication "Judicial Workload Assessment Guide," p. 13, attached. (2 pages)

² See List of "CourTools" Parformance Measures from NCSC web site; copy attached, (2 pages)

provides a weefully incomplete picture of a court's performance. Rather than examining a complete picture of all of the work of our Court and our Court's lawyers and judges, this Audit denigrates the extensive work performed outside the courtroom.

In a February 2, 2011 e-mail, Auditor Leslie Ward told our Chief Judge, Crystal Gaines, "that all events associated with any open case... are included in the CourtSmart data..." This is plainly untrue. It is simple common sense that transcripts—and CourtSmart data are DVD transcripts—contain only the "formal" events and structured work that occurs in a court. CourtSmart does not show even half the work connected with a case. This Audit fails to appropriately measure any work outside of formal court sessions

Based on this inappropriately narrow view, and upon woefully incomplete data, this Audit recommends the Court be reduced from nine (9) to five (5) full time judges, and from nine (9) to four (4) courtrooms, with a commensurate reduction in solicitors and public defenders. This is a recommendation for disaster. In 2010, our Court's 9 judges, operating in 7 courtrooms, heard an average of 19,699 cases. If our Court had had only 5 judges, each of them would have to have heard 44,322 cases to complete the same work.

The Auditor acknowledges that the national benchmark for courts like ours is 25,000 cases per judge, per year, yet her recommendation would have our judges handle one hundred and seventy-seven percent (177%) of this recommended national caseload standard while cutting key court personnel by almost half.

In 2010, while we operated in 7 courtrooms, we were given a warning citation by the Atlanta Fire Bureau for dangerous courtroom overcrowding. The City Council funded an expansion to nine operating courtrooms in part, to fulfill the Court's promise to the Atlanta Fire-Rescue Department to permanently reduce courtroom overcrowding. Yet the Auditor would have us handle an increasing caseload in only 4 courtrooms.

The Audit insultingly suggests that work outside the countroom, reported by lawyers – solicitors as well as public defenders – may not have been done because it is not easily documented. The Auditor suggested the lawyers might have reason to inflate their caseload. Simply because it is easy to measure work that is documented by a video record, does not mean that work outside the countroom, and thus not recorded, did not happen. The Auditor had a responsibility to measure that outside work and report it fully and accurately.

Since our current Mayor took office at the beginning of 2010, he has made good on his promise to increase the number of Atlanta police officers and the City has also increased the number of code compliance officers. The result is a marked increase in case filings. Ignoring these workload increases, the Auditor recommends severe reductions in courtrooms, judges and lawyers.

Another clear misunderstanding by the Auditor can be found in their handling of FTA's (failures to appear). The Audit implies that when a defendant fails to appear (FTA), the Court's workload is reduced. The opposite is true. More work, not less is required.

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See Citation 1926476, and accompanying correspondence, attached. (3 pages)

A defendant's failure to appear cannot be predicted. Work by judges, solicitors and public defenders to prepare for a court appearance must be done in advance of each court date. When a defendant misses a court appearance, the Court must stop the process and authorize a warrant. That warrant must then be reviewed, sworn to and signed. It has to be docketed, executed and enforced. When that defendant comes to court, the circumstances surrounding the FTA require a separate inquiry. This requires work by both the solicitor and public defender. The original underlying charge can only be addressed after the FTA inquiry is complete.

The Auditor listed the Report's objectives as:

- describing the "workload for each judicial agency;"
- showing the "factors (that) influence judicial workload;" and
- showing what "changes (might) increase efficiency."

This Audit fails even to meet these limited objectives. This report fails to appropriately credit the time of solicitors, public defenders and judges involved in preparation, research, conversation, negotiation and administration. None of these activities are fully documented by CourtSmart data and the Auditor made no apparent effort to measure or evaluate that work.

The Auditor looked at numbers of cases assigned, regardless of case type. Nationally accepted methodology requires a weighted case analysis based on the different types of cases handled by our Court. This "weighted caseload" methodology is used by Georgia's Administrative Office of the Courts (AOC) in assessing the need for new Superior Court judge positions. It was also used by the Georgia Department of Andits and Accounts (GDAA) in conducting a recent performance audit of our state's drug courts. Neither study makes mention of judicial bench time as a court performance measure. The AOC and GDAA examiners looked at actual work done - actual processes and actual outcomes. The Auditor bad a responsibility to look at the differences in case types and at all of the judicial and legal work required and performed for each type of case. This Auditor did not do so.

Government auditing standards that provide the benchmarks for auditors conducting performance reviews require that the staff assigned to conduct the audit possess the knowledge, skills and experience necessary to be competent for the type of work being performed. Additionally, when there isn't a collective knowledge base, the auditor is required to seek out an understanding of the specialized subject matter so that they avoid the risk of drawing improper or incomplete conclusions.⁴

While judicial bench time is a measure of activity, it is, at best only one of many more important measures of overall court performance. There is no knowledgeable organization or set of court performance guidelines for which judicial bench time is the sine qua non of court performance.

We have serious concerns about the methodology used by the Auditor in determining what information to gather, how, from whom and where that data was gathered and the analysis

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⁴ Government Auditing Standards GAO-07-731G.

of that data and its implication for the Auditor's recommendations to the Mayor and City Council. This Auditor's methodology is fatally flawed.

While the Audit looks closely at the Court's courtroom work, there is no corresponding reporting or analysis of the Public Defender's work process. The Auditor knew that Courtview did not consistently capture either the Public Defender's caseload or workload. Case files were and are available for verification of self-reported caseload and workload. The Auditor indicated they didn't have the resources to examine those files. The City Council funded a "records analyst" position in the current fiscal year. The Auditor ignored this improved capacity to measure the Public Defender's workload. The Auditor should have measured and analyzed this work. In fact, the records analyst has recorded the appointment of more than 12,000 Public Defender cases for the six months from July through December 2010. Ignoring this data the Auditor recommends a cut of four attorneys. This cut would mean that each public defender would have to handle almost 5,000 cases in the current year, more than four times the recommended caseload. ²

When, because of illness, vacation or leave, a public defender is unavailable to handle a case, either the case is rescheduled or a lawyer from another courtroom has to pitch in on an unfamiliar case. Yet the Auditor claimed the "... overall workload was unaffected by absences." They "found no correlation between daily courtroom staffing and the percentage of scheduled cases heard." It is not simply a matter of "hearing" a "scheduled" case. The question is: could the case be adequately resolved when the lawyer who had prepared the case and who was familiar with the defendant, was absent?

The Auditor appears to be unaware of the Public Defender's legal and othical responsibilities. While the work of a Public Defender in court, and shown in CourtSmart, is relevant, a fairer measure of a Public Defender's office is:

- its independence;
- its ethical and zealous representation of its clients;
- whether it is free of political or judicial interference and;
- what changes might enhance that independence.

In summary, this Auditor, inexperienced in court performance reviews, emphasizes a bench time standard that should have been a minor factor in evaluating how well our Court performs. The Auditor recommends a draconian reduction in the numbers of judges, operating courtrooms, prosecutors and public defenders. These recommendations:

- will subject the public to dangerous, overcrowded conditions;
- subject the city to potential liability:
- will reduce the Court's availability to uphold and enforce the law;
- will cripple the ability of Solicitors to represent victims and witnesses; and
- will cripple the ability of the Public Defender's office to adequately and effectively represent its clients.

THE LENWOOD A. JACKSON SR. JUSTICE CENTER 150 Garnett St., S.W. Atlanta, GA, 30303-3612 404, 58R 4739 4

⁵ See letter of Public Defender Standards Council to Auditor Leslie Ward, attached. (2 pages)

This Audit is inaccurate, incomplete and improperly focused and was not conducted in accordance with generally accepted court performance evaluation standards. This Audit emphasized judicial bench time. It should have looked at how well our Court did all of its work.

We made several attempts to help the Auditor understand the appropriate measures for evaluating the performance of our Court, the Solicitor and the Public Defender. We provided the Audit team with nomerous independent publications on court performance audits, including a letter from the National Center for State Courts⁶ that soccinctly outlined what needed to be measured in order to achieve - in the Auditors own words, - "an accurate, complete and objective" analysis. The Georgia Public Defender Standards Council also issued a letter to the Auditor explaining the need to look at the caseload per attorney and measure the work outside the courtroom. The Auditor chose to ignore everything we said and the information we provided. The Auditor refused to reconsider their conclusions and recommendations.

While the Court welcomed City Council's request for an audit, we anticipated the application of nationally recognized court performance standards. We anticipated the audit team would work directly with each department to understand what it takes to accomplish the business of our Court. What we got is a profoundly inaccurate and misleading account that unjustifiably tarnishes the reputation of this great City and its judiciary.

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⁶ See attached NCSC fetter dated February 18, 2011. (6 pages).

See attached letter from Georgia Public Defender Standards Council.

This written response respectfully submitted by:

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Raines Carter, City Solicitor	Rosalie Joy, Interim Director—
Municipal Court of Atlanta	Public Defender's Office
•	Municipal Court of Atlanta

Footnote 1 (2 pages)

Judicial Workload Assessment Guide

A Comprehensive Guide to the Judgeship Process for Georgia Superior Courts



Provided by:
The Administrative Office of the Courts
Research
Res 1 872001

Methodology

1. Criteria for Superior Court Judgeship Requests

In establishing the need for additional superior court judgeships, the Judicial Council will consider weighted caseloads per judge for each circuit. If the per judge weighted caseload meets the threshold standards established by the Council for consideration of an additional judgeship, additional criteria will be considered. The threshold standard is a value set by the Judicial Council in open session. (06/08/2005)

Additional criteria considered may include, but are not limited to, the following and are not necessarily in the order of importance as listed below:

a. Filings per judge

- b. Growth rate of filings per judge
- c. Open cases per judge
- d. Case backlog per judge
- e. Population served per judge
- f. Population growth
- g. Number and types of supporting courts
- h. Availability and use of senior judge assistance
- i. Number of resident altomoys per judge
- j. Responses to letters to legislators, county commissioners, presidents of local bar associations, district attorneys, and clerks of superior court asking for their input. (8/25/2000)

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JOEL G, BAKER INTERIM FIRE CRIEF

August 12, 2010

Hon. Crystal A. Gaines Chief Judge City of Atlanta, Municipal Court 150 Garnett Street, S.W Atlanta Georgia 30305

RE: Overcrowding Non Compliance Letter

Dear Chief Judge Gaines:

The Atlanta Fire Rescue Department continues to receive complaints regarding overcrowded conditions in court rooms and confdors. During our meeting on July 29, 2010 we had discussed two contingency plans. The plans consisted of a long term and short term plan was to split the morning case load so that at no times the court room would be overcrowded. The long term plan was to open more courtrooms to relieve the number of patrons during each court section.

Pease be advised that the Court rooms are not following the short term plan. The case docket report indicated that the court room seating capacities are well in excess of the approved seating occupant load. This is a violation of the City of Atlanta Fire Codes. This letter seeks to advise you of this condition and request your immediate address of this situation.

Please contact me if you have any comments or questions Thank you

Kenneth Thomas

Captain of Fire prevention



THE MUNICIPAL COURT OF ATLANTA

156 GARNETT ST., S.W. | ATLANTA, GEORGIA 30103-3612

Crystel A. Gaines Ciric Judge

Desglas 4, Mincher Court Administrator/Clerk 404,954,6711

August 19, 2010

Mr. Wilmond Meadows, Assistant Chief, Atlanta Fire Department City Hall East, Suite 200! 675 Ponce de Leon Ave. NE Atlanta, GA 30308

RE: Crowding Issues with the Municipal Court of Atlanta

Dear Assistant Chief Meadows:

First thank you for the opportunity to address the issues concerning crowding in the courthouse carlier this morning. I believe we have a mutual concern with public safety in the courthouse.

The court has taken the following measure to help alleviate crowding. In the short term, any judge who has a courtroom that is crowded, particularly one with entrance / egress obstruction will divide the courtroom calendar. Half of the public will be asked to sit in another courtroom during which time the other half will be dealt with.

In the longer term, the court will increase the number of judges hearing calendars to nine, beginning September 7, 2010. This should have an immediate and continuing positive impact.

I believe both of these measures will ameliorate the crowding situations that we have witnessed in the recent past. Please let us know if there are any other measures you would suggest we consider. Again, thanks for your concerns and as always, we look forward to working with the Atlanta Fire and Rescue.

Sincerely,

Douglas J. Mincher

Court Administrator/Clerk

Dougles I Muncher

THE LENWOOD A. JACKSON SR, JUSTICE CENTER 150 Garnett St., S.W. Atlanta, QA, 30303-3612 (404) 954,6767

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

104 Marietta Street + Svite 200 + Atlanta, Goorgia 30303



404-232-8900 • (800) 676-4432 • Fax 404-651-5710 • www.gpdat.com February 21, 2011

Ms. Leslie Ward, City Auditor City of Atlanta 6B Mitchell Street, SW, Str. 12100 Atlanta, GA 30303-0312 Footnotes 5 and 7 (2 pages)

Dear Ms. Ward,

The Georgia Public Defender Standards Council is obligated by law to oversee all public defender delivery systems throughout the State of Georgia, including municipalities. The Standards Council is responsible for ensuring that adequate and effective legal representation is provided to indigent defendants and we call upon local governments when we have concerns that statutory and constitutional mandates are in jeopardy. The City of Atlanta Public Defender's Office has historically suffered from staffing shortages and excessive workloads and the Standards Council has communicated this concern to former mayors and city councils.

We are aware that your office has recently concluded a performance review of the Atlanta Municipal Court, including the Public Defender's Office. We are also advised that you are contemplating a recommendation to reduce the attorney staff, to coincide with recommendations to reduce the number of judges and courtrooms in use at the Municipal Court.

Respectfully, we urge your consideration of the following Information prior to finalizing your decisions:

- The State of Georgia has statutorily required the development of standards for attorney caseloads.³ The standard adopted by the Standards Council is currently set at 300 cases per year, per attorney, for this demeanars.⁵
- Caseload limitations for city ordinance violations have not been established, but should adhere to
 professional othics that obligate attorneys to
 - Counsel with each client and ensure informed decision making
 - Investigate and thoroughly analyze all aspects of a case.
 - Understand and convey all options and consequences to the client
- Attorneys in the City of Atlanta are currently handling in excess of 1,000 traffic cases and an additional
 1,000 city ordinance violations per year. This caseload is per se excessive. Although we agree that more
 than 300 traffic cases can be managed by one attorney, a caseload of 2,000 does not allow sufficient time to
 prepare each case and it subjects each attorney to discipline by the State Bar of Georgia, up to and including
 the possibility of disbarment.
- In addition to caseload limitations, attorneys have critical administrative responsibilities and professional
 development obligations that will not be met if the staff is reduced.
- A reduced judicial staff will not reduce the caseload for the Public Defender's Office.

The Standards Council wrote to former Mayor Shirley Franklin when the caselond was approaching 1,500 coses per attorney, per year. It was inconceivable then, to imagine an effective indigent delivery system for Atlanta's accused citizens. Interim Director, Rosalie Joy, reports that at the beginning of this fiscal year City Council and

¹ O.C.G.A. §36-32-1(f)(g)(h)

² O.C.G.A. §17-12-1

⁵ O.C.G.A. §17-12-8(6)(3)

^e Standards can be viewed at ryww.gpdsc.com

Mayor Reed approved sufficient resources to manage the excessive workload and deliver effective assistance of counsel. Ms. Joy has not had to refuse appointment of cases this fiscal year because of her resource levels, but if the staff is reduced again, she will be ethically obligated to refuse cases and the Municipal Court will have to fund additional counsel from another source.

We sincerely hope that we have provided you with sufficient information to help in your final analysis. Again, we urge your reconsideration of the plan to recommend a reduction in the workforce and are happy to consult with you further. The Standards Council can refer you to a plethora of information that can assist you with your decision, including nationally recognized measures important to evaluating the resource needs of the office.

Sincerely.

Janet W. Hankins Deputy Director

Georgia Public Defender Standards Council



Footnote 6 (6 pages)

A nonprofit organization improving justice through leadership and service to courts

Mary Compbell McQueen Prasident

Daniel J. Hall

Pice President
Court Consulting Services
Denver Office

February 18, 2011

Chief Judge Crystal Gaines Atlanta Municipal Court 150 Garnett Street Allanta, GA 30303

Dear Chief Judge Gaines:

The City of Atlanta Auditor's Office conducted a performance audit of the Atlanta Municipal Court in 2011, employing generally accepted principles for conducting such audits. The audit provides a wide range of statistical data on the court that is used to provide a basis for the central recommendation, namely that the Court should operate four courtmons and reduce judgeships and staff accordingly. You have subsequently asked us for our views on performance audits of courts. We do not comment on auditor's reports that are conducted according to the disciplines and methods of the auditing profession. We are happy to explain court performance audits from our perspective as a national court organization that conducts performance audits in a wide range of courts.

NCSC Approach to Performance Audits

Overriding goal: Our primary goal in auditing a court is to enhance its operational effectiveness and efficiency and enable it to better fulfill its mission.

Assessment of the operational functionality of a trial court: A typical court performance audit is based on performance measures and best practices that have been specifically developed for courts. This serves the principal purpose of any trial court audit which is to ascertain if a court is meeting its obligation to tender justice according to the law and the standards that are applicable to trial courts.

The overarching standards for court operation have been provided by Trial Court Performance Standards that have, since 1994, provided the framework for self-assessment and provided various measures of performance. In 2005, the National Center for State Courts released a set of very practical fundamental measures called *CourTools* that are now used in many court audits to answer key questions about its success.

Headquarters 300 Newport Avenue Williamsburg, VA 23185-4147 (800) 616-6164

Court Consulting 707 Sevenreemth Street, Suite 2900 Desver, CY1 80202-3429 (800) 466-1063

Washington Office 2425 Wilson Boulevard, Suite 356 Aritington, VA 22201-3326 (860) 532-6064

www.ncsconline.org

- Did the court provide access to justice and demonstrate procedural fairness?
 (CourFools Performance Measure 1)
- Did the court process its cases in a timely manner according to national norms by case type? (CourTools Performance Measure 3)
- Did the court's pending caseload age? (CourTools Performance Measure 4)
- Did the court's dispositions match the incoming cases (clearance rate)? (CourTools Performance Measure 2)
- Did the court dispose of scheduled cases on the scheduled date or were cases reset?
 (CourTools Performance Measure 5)
- What was the collection rate on time payments? (CourTools Performance Measure 7)
- Are court records reliable (complete, readily available, and accurate)? (CourTools Performance Measure 6)
- Is there a productive work environment based on good manager-employee relations? (CourTools Performance Measure 9)

Governance: The examination of how a court is governed is the single most important element in an assessment. This examination encompasses policies and how they are made, chain of command, accountability, clarity of policies and procedures, vertical and horizontal communications, and the way the court organizes itself to carry out its mission. These factors tend to mold office culture and determine the morale, public service, and productivity of employees.

The relationship between municipal courts and city governments often features a strong role for city managers, so that spheres of authority become important in the operation of a municipal court. It is somewhat unusual outside Georgia for a public defender and a prosecutor to be within the administrative orbit of a trial court, but this should facilitate interagency coordination in developing efficient business processes.¹

Allocation of judgest: A major consideration in court efficiency is the allocation of workload among judges as this affects the number of judges that are required. Some municipal courts now have specialty courts, a rarity a few years back. Specialty courts or divisions may have an assigned courtroom and one assigned judge who may not be involved in the general allocation of traffic cases and common non-traffic misdemeanors - for example, judges in a Community Court or Housing Court. Any municipal court that assumes a rehab function requires a different staff configuration and may attract grant funds. These courts are labor-intensive and have a high cost per case but are often justified in the eyes of city authorities by their economic and social benefits.

Judges are allocated by docket, so the number of calendars becomes an important allocation issue. Calendars may equate to the number of courtrooms in use, but not necessarily,

¹ The NCSC staff is very familiar with prosecutor and defendes offices and functions, and sometimes conducts projects in these offices. The NCSC has been selected to examine efficiency of prosecutor and defender offices that interact with the Phoenix Municipal Court. Moreover, in 2007 the NCSC conducted analyses of the selicitor and defender offices associated with the Atlanta Municipal Court.

as judges may share a courtroom in the sense that morning and afternoon calendars could be handled by different judges. In a high volume limited jurisdiction court, judicial workload assessments tend to be measure time on the bench which is valid indicator but should be weighed against public convenience in lengthy waits and failure to reach scheduled cases.

The 4/10 schedule in Municipal Court has been adopted for efficiency reasons and is structured in a way that allows for 10 administrative hours in one week, an allocation that should be explained, particularly if actual bench time is low. In any event, NCSC normally examines the way courts address problems of backup judges, a need that can be handled by having one judge who has a light load or is on tap during an administrative day (this assumes collegiality). A major efficiency issue is the use of pro tem (pro has in Georgia) judges to meet this need.

Staff allocation: The NCSC examines four major areas of staff allocation and the business processes employed in that area. One overriding consideration is to determine is resources are allocated according to need.

Front-end functions: In municipal courts, most cases are handled administratively and have their own metrics for determining staff needs. There are a whole variety of front-end functions (receipt of rickets, stamping, data entry, acceptance of mail payments, distribution of tickets to courtrooms, etc.). These functions are essentially non-judicial, so many efficiency studies focus on streamlining front-end services (for example, e-tickets, or scanning). As a general rule of thumb, efficient courts attempt to reduce the incidence of court appearances to dispose of cases more quickly and cheaply than if they continue in the system.

Financial functions and enforcement of monetary functions: Municipal courts have a heavy financial role. This area of operation involves cashiering functions, accounts receivable on deferred or installment payments, accounts payable, and possibly restitution or other pass-through transactions such as easit bail, Georgia makes extensive use of surety bonds to guarantee court appearance, so municipal courts allocate significant resources to overseeing bonding operations.

Enforcement of monetary sanctions imposed by the court or payable through the court is a significant responsibility. Most payments occur within a short period after citation issuance, and that is why prompt treatment of violations and facilitation of various payment options is cost-beneficial. Collection attempts beyond a period of 3-4 months are often marginally cost-beneficial but serve the purpose of increasing the credibility of court sanctions and increasing the likelihood of voluntary payment. Where deferred or installment payments are used, the NCSC examines collection rates and the process for collection. Mistakes in recording payments are a common weakness that can cause great problems for the payer and the court and is therefore closely checked. There are special metrics for these units. Quite frequently, probation departments are charged with collections as the payments are made a condition of judgment.

³ Municipal courts are fied into city financial systems, so some financial functions are performed in city financial offices.

> Where a court makes use of collection agencies, the administration can fall on postjudgment staff. A few cities outsource all collections on tickets. Many outsource cases that have fallen delinquent.

> Courtroom functions: Courtroom staffing (clerks, bailiffs, case managers) is a function of the number of courtrooms in operation, the free allocation of staff or their commitment to a particular judge and courtroom, and the relevant technology — wimess the disappearance of court reporters in some courts. The Municipal Court has made use of video arraignments to obviate the need for bringing in-custody to one of the two incustody courtrooms on the first floor.³

Enforcement of court orders: Post-judgment staffing for enforcement purposes is a component that tends to be overlooked, yet this function goes to the "street credibility" of the court. It can include oversight of probation terms and warrants in the cases of failures to appear. Many courts have a high volume of out-of-area traffic defendants which is a unique feature of enforcement.

Courtroom management: Many people form their view of a court by the way they are treated at a court appearance. Municipal courts process a number of cases, some of them of an arraignment nature that bring together a large number of people. The NCSC examines use of courtrooms, the security, consideration for participants, efficient use of judges, and staff roles in assisting the judge and in making court operations run smoothly. Increasingly, the NCSC observes the use of courtroom technology – production of minutes, electronic access to case records, in-court noticing, recording of testimony if this is required for some proceedings. Poorly managed courtrooms can be a major cause of inefficiency as well as citizen dissatisfaction.

Caseflow management and differentiated case management: This area entails the expeditious movement of cases through the system in relation to time standards and to case differentiation. The NCSC will examine case information to ascertain times to disposition and resets and to detect any procedural improvements that could make case processing more efficient. Case management and scheduling should be conducted with a view to making court appearances meaningful for prosecutors, defenders, private attorneys, and police and non-police witnesses. Crucial to case management are performance measures that are built into case management software, so that the court can evaluate its success or lack thereof in disposing of the matters brought before it for resolution. The NCSC examines case management information systems as they are central to the effective operation of a court.

Even in traffic courts with a large number of highly similar, simple cases, a court has to make a number of differentiation among cases in order to manage its caseload. Typically cases are distinguished from one another by such factors as required or non-required appearance, custodial status, trial by jury or bench, and level of complexity. DUI cases usually constitute the

¹ The NCSC has excountered few courthouses with a large surplus of space. This creates a somewhat unique efficiency issue pertaining to space utilization.

complex track in a traffic court and have their own needs that affect solicitors, sometimes public defenders if private attorneys are not retained which they often are. These cases are more labor-intensive and are usually quantified separately for computing judge and staff time. * Specialty courts constitute yet another case track.

Project Approach to Efficiency: The NCSC approach to efficiency will be based on the clear understanding of business processes, in particular those processes that are shared between justice organizations, such as the Solicitor and the Public Defender. Efficiency can only be determined in relation to specific business processes and the metrics that apply to those processes. The early project activities will involve identification of these processes. Normally, the best way to identify key business processes is an early meeting with top managers and supervisors, including representatives of the Solicitor and Defender. This will be supplemented by later individual interviews.

Technology and reengineering: Most operational assessments are efficiency studies. As court budgets decline, more hope is placed in technologies that enable business processes to be streamlined and made less labor-intensive. The NCSC looks at imaging, e-filling, e-tickets (important consideration for court with traffic jurisdiction), electronic document management, the various courtroom technologies, and case management information systems and their effect on business processes and staffing.

Record management: The integrity, control, and management of court records is an essential court function that is examined in all operational assessments. The NCSC is familiar with the Standards for Court Records Management that governs archiving, court record retention schedules and the particular retention issues in high-volume courts with traffic jurisdiction.

In a more sequential sense, the NCSC addresses:

- Intake and data cutry (an area usually greatly affected by imaging and E-filing, if that occurs)
- Arraignment in jail cases
- Bonding practices
- Servicing public needs at counters, by web-based applications, phone responses, and by mail
- Calendaring and docket management, courtroom support, including the generation of notices and entry of orders and judgments (minutes in most jurisdictions)
- Case management information systems and performance measures
- Enforcement functions warrants, terms of sentence (deferrals, driver education), interaction with DMV
- Collections and cashiering
- In a municipal court with a probation office, examination of supervision and monitoring of program attendance
- Record maintenance and archiving (area greatly affected by imaging)

Most DUI cases are jury trial cases. The Municipal Court transfers such cases to DcKalb, Fulton and Clayton counties, so it is arguable that DUI cases do not constitute a complex track in Alfansa although there a DUI Division.

- Interagency relations, mainly those with prosecutors and law enforcement agencies but also with city officials, usually city managers or financial officers.
- Courthouse and courtroom security

This letter is devoted to articulating our approach, so you can determine if such an audit would be beneficial to your court. The most likely funding opportunity for such an audit is provided by State Justice Institute technical assistance grants that have a \$50,000 limit and a cash match requirement of \$5,000. If you are interested in seeking such funding for a performance audit, we will first ascertain from the Institute if such a grant has a chance for success. If they are open to an application, we would write the grant and complete the paper work if we are named technical assistance provider. I would be happy to discuss this opportunity with you in more detail, I can be reached as 303-293-3063 or <a href="https://linkappu.com/likes/lik

Sincerely,

Laura Klaversma

Court Services Director

Thura Tlaveson

Appendix D City Auditor's Response to the Judicial Agencies' Comments

Government Auditing Standards require us to explain in the audit report our reasons for disagreeing with comments from the audited entity if they conflict with the audit's findings and recommendations or when planned corrective actions do not adequately address the recommendations. Our comments elaborate on the audit evidence that contradicts the judicial agencies' assertions in Appendix C.

The judicial agencies object to several aspects of the audit which, taken together, suggest that they do not understand our methodology and analysis, nor do they correctly interpret government audit standards for performance audits.

The judicial agencies incorrectly assert that we ignored time spent outside the courtroom. The fact that we measured courtroom time or "bench time" does not mean that we disregarded other work time. While we measured and reported on time in court, our results and recommendations allow for time outside of court. Under our recommendation that the court operate four courtrooms, we estimate that judges would average 25 hours per week on the bench, which reflects about 60% of a normal 40-hour work week and leaves the remaining 40%, about 15 hours per week, for tasks outside the courtroom. Our recommendations also allow for sufficient judges and legal staff to provide coverage for the agencies' normal level of absences.

The judicial agencies assert that nationally accepted methodology requires a "weighted case analysis" and erroneously state that studies using this method make no mention of judicial bench time. Weighted case methodology incorporates judicial bench time within the calculation. It calculates the average number of minutes required to dispose of each type of case, and estimates the number of judges needed based on the estimated number of cases by type and a threshold of judge hours per year. According to the 2000 Workload Assessment Model for the Georgia Superior Court (prepared by the National Center for State Courts), the threshold for large, urban superior courts in Georgia is 1,508 judge hours per year, or 29 hours per week. The mix of cases handled in superior courts includes more complex cases than those adjudicated in municipal court; the types of case-specific judicial work likely to require time outside of court are of limited or no applicability to the municipal court. We conclude that the expectation that Atlanta's judges spend an average of 25 hours per week in court is roughly comparable to the 29 hours expected of superior court judges. It should also be noted that the 29-hour estimate is about 2.5 times greater than the 11 hours per week that judges averaged during the six months we measured. While the judges, city solicitor, and public defender disagree strongly with our recommendation to the City Council to reduce the number of judges and courtroom staff to align with workload, they do not dispute our calculation of their time in court.

The judges incorrectly assert that "the Auditor acknowledges that the national benchmark for courts like ours is 25,000 cases per judge, per year..." This statement misrepresents what we said in the audit report. We do not acknowledge this figure as a national benchmark for municipal courts. We state on page 17 in the report, "The Boston Consulting Group's 2002 report identified 25,000 dispositions per judge as a benchmark for traffic cases, citing the October 2001 National Center for State Courts, Workload Assessment Model for the Georgia State Court." The Boston Consulting Group's 2002 report cites other municipal courts in Georgia and other states with a wide range of dispositions per judge, both lower and higher than 25,000. For example, Savannah had 36,000, Seattle had 44,000, and Milwaukee had 56,000.

Further, our use of the 25,000 figure as context for the average number of cases each judge heard in fiscal year 2010 is generous to the court. Our unit of analysis is a case "event," which includes more than dispositions; continuances and arraignments, for example, are case events but they are not case dispositions. As a result, dispositions per judge are *fewer* than case events heard per judge; they are a subset of the 19,699 average cases per judge cited on page 17 of the audit report.

In a similar vein, the judicial agencies' remarks indicate confusion about our treatment of cases in which defendants fail to appear in court (FTA). While we did not count instances of FTA as case events, the time spent dealing with FTAs in court is included in the court time we measured. If the defendant appeared at a later date in the audit period, that event is counted as a case heard. If we counted FTAs as events, then the number of events heard would increase, the measured court time would stay the same, and therefore the average time in court per event would be lower than the 1.75 minutes we calculated in the audit.

The judicial agencies assert that we ignored available data to measure the public defender's workload, but the data reported by the public defender for the audit period were not reliable. The letter states that a new records analyst has "recorded the appointment of more than 12,000 Public Defender cases for the six months from July through December 2010," and that we should have measured and analyzed this work. We did discuss with the public defender the process used by her staff to record their caseloads and concluded that the method was vulnerable to double-counting cases over time. Further, the office lacked support for its reported ATLStat measures. The case numbers mentioned above were outside the period of our audit scope, fiscal years 2008 to 2010.

The public defender also provided us with several articles about public defender organizations and recommended caseloads. After reviewing this material, we concluded that many of the specific caseload guidelines were not applicable to municipal code violations and traffic violations, or they were specific to phases of the litigation process. As such, they could not be applied to the aggregate count of case files cited by the public defender.

The judicial agencies assert that by not evaluating every aspect of court performance, using performance measures and best practices specifically developed for courts, we failed to follow performance audit standards. This demonstrates a lack of understanding of the government performance audit standards that guide our work. Government Audit Standards for performance audits require one or more specific audit objectives addressing any of a range of issues related to program effectiveness, economy, and efficiency; internal control; compliance; or prospective analyses (U.S. Comptroller General, Government Audit Standards, 2007 ed., section 1.28). While the judicial agencies express a preference for a comprehensive review of how well the court and related agencies carry out all of their activities, such a broad scope is not required. Rather, audit standards call for us to design and scope our audits to address specific objectives that we develop based on audit planning and preliminary research. In the case of this audit, we focused our audit objectives (listed on page 11) on workload and related factors affecting the cost-effectiveness and efficiency of the court. Workload and resource issues were at the top of the list of City Council concerns included in Resolution 10R0402, which requested that we audit the court. The resolution also requested other information, which we have audited previously (e.g. revenue collection and processing) or exceeded the capacity of our current resources.

The judicial agencies cited *The Judicial Workload Assessment Guide: A Comprehensive Guide to the Judgeship Process for Georgia Superior Courts* and "'CourTools' performance measures from the NCSC web site." Both of these references are specific to trial courts, which differ significantly from municipal courts in types of cases and courtroom procedures. While the judicial agencies assert that we ignore such information and lack the specific knowledge required by performance audit standards, neither of these allegations is the case. We conducted numerous interviews, reviewed several studies that the court provided and that we identified in our own research, and made changes to the draft in light of additional information. The specific documents the judicial agencies cite in their response provide no evidence to refute our audit conclusions. The letter from the National Center for State Court specifically states, "We do not comment on auditor's reports that are conducted according to the disciplines and methods of the auditing profession." The letter from the Georgia Public Defender Standards Council states that "Caseload limitations for city ordinance violations have not been established" and does not address traffic cases.

The judicial agencies' comments include other claims that are contradicted by the facts.

The comments assert that the City Council funded an expansion to nine courtrooms in part to fulfill the court's promise to the Atlanta Fire-Rescue Department to permanently reduce courtroom overcrowding. The evidence suggests otherwise. We note that the budget request and increase occurred several months before the overcrowding citation and correspondence provided to us. We continue to conclude that staggering morning court sessions and holding sessions on Fridays are more cost-effective ways of reducing overcrowding.

The comments include references to "increasing caseloads" for the judicial agencies, an assertion that is refuted by the workload analysis in the audit report and by the continuing trend after the audit period. We note in the report that judicial workload was flat throughout the audit period (fiscal year 2008-2010), but that the average number of cases scheduled per day increased about 25% from January to June 2010 - from 1,040 cases to 1,304 - adding about 19 cases per docket. A subsequent review of workload in the first six months of fiscal year 2011 – July through December 2010 – confirmed that the court's workload has not increased appreciably since the conclusion of our audit (see graph below). Thus our measurement of court time for the first six months of 2010 captured the judicial agencies' highest workload and is unlikely to have changed since.

