**APPENDIX A**

**POLICY AND PROCEDURE FOR DETERMINING NEED FOR ADDITIONAL JUDGESHIPS AND OTHER JUDICIAL OFFICER POSITIONS**

*Criteria for new judgeships or judicial officer positions.* In consultation with the Justices of the Supreme Court, the Chief Justice will consider uniform criteria to determine whether any recommendations for the creation of new judgeships or judicial officer positions should be made to the Governor and the General Assembly.

(a) Criteria. The criteria to be considered by the Chief Justice shall include:

(i) caseload statistics, based upon data elements identified by the Council of State Court Administrators and supplied by the administrators of the individual courts;

(ii) the nature and complexity of cases coming before the court;

(iii) growth, nature, and projections of population within a particular county;

(iv) number of lawyers;

(v) the use and availability of retired judges to serve on a particular court;

(vi) the number and effectiveness of senior judges, masters, and/or commissioners serving on a particular court;

(vii) the presence of state facilities and institutions in a particular county;

(viii) law enforcement activities including any substantial commitment of additional resources for prosecutors, public defenders, and local law enforcement;

(ix) time since the last new judgeship or other judicial officer position was authorized for the particular court;

(x) legal requirements related to court coverage by judges, if applicable; and

(xi) any other factor deemed relevant by the Supreme Court.

(b) Additional factors. Because summary statistics of the above criteria do not fully measure judicial workload, the Chief Justice will receive and consider information about the volume of and the time and resources necessary to perform the following activities, among other information:

(i) trials and case-dispositive motions;

(ii) hearings and disposing of expedited cases and summary commercial and emergency proceedings;

(iii) other specialized court hearings that were established to meet public policy needs;

(iv) reviewing appellate court decisions;

(v) researching legal issues;

(vi) reviewing briefs and memoranda of law;

(vii) participation in court conferences on pending cases;

(viii) hearing and disposing of non-case dispositive motions;

(ix) other judicial involvement in case-management activities;

(x) preparing correspondence, orders, judgments, and decisional opinions;

(xi) reviewing presentence investigative reports and pre-dispositional reports in delinquency and dependency cases;

(xii) reviewing petitions and motions for post-conviction relief;

(xiii) performing administrative duties relating to individual courts or the court system as a whole;

(xiv) participating in meeting with those involved in the justice system; and

(xv) participating in educational programs designed to increase the competency and efficiency of the Judiciary.

(c) Report and request submission. A court, prior to submitting a request for new judgeships or other judicial officers in conjunction with its budget request, will prepare a comprehensive report about the criteria and additional workload factors noted above, including a compilation of summary statistics and projections. The presiding judge of a court requesting additional judgeship or judicial officer positions will, after considering the criteria, additional workload factors, and summary statistics, submit to the Chief Justice by August 15 of the year prior to the fiscal year in which he or she intends to request additional positions. The Chief Justice may gather, or ask the presiding judge to compile, such additional information as the Chief Justice deems relevant.

(d) Certification. The Chief Justice, with the concurrence of the Supreme Court, thereafter will certify to the Governor and the General Assembly the applicable findings and recommendations concerning any increases in the number of judgeships or other judicial officers to be requested for the next fiscal year.

(e) Exception. Unforeseen developments may have an impact upon the Judiciary resulting in needs that cannot be foreseen or predicted by statistical projections. The Chief Justice, therefore, may also consider any additional information deemed relevant to the process.