

**1979 ANNUAL MEETING  
OF THE  
NATIONAL ASSOCIATION FOR COURT ADMINISTRATION  
AND THE  
NATIONAL ASSOCIATION OF TRIAL COURT  
ADMINISTRATORS**

**EDUCATION  
PROGRAM  
MATERIALS**

Sarasota, Florida  
July 9-13, 1979

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X EDUCATIONAL WORKSHOP MATERIALS  
X FINANCIAL, PERSONNEL AND RECORDS MANAGEMENT

Prepared for the

X ANNUAL CONFERENCES OF THE  
NATIONAL ASSOCIATION FOR COURT ADMINISTRATION  
AND THE  
NATIONAL ASSOCIATION OF TRIAL COURT ADMINISTRATORS

July 9-13, 1979

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## INTRODUCTION

These Workshop Materials have been developed for the Educational Programs of the 1979 Annual Conferences of The National Association for Court Administration and the National Association of Trial Court Administrators. The materials are based on the Trial Court Management Series volumes on Financial, Personnel and Records Management, and consist of hypothetical problems commonly encountered by local courts in these management areas.

The basic premise of the Trial Court Management Series was that each of the management areas addressed by the Series must be approached systematically. To this end, each report was developed around the principal management goals and functions which the various operational components of a court must support and against which a court's management activities could be assessed. In preparing the reports, much effort was made to draw upon the experiences of a diversity of trial courts in handling specific aspects of these management responsibilities. Where possible, the Series identified management techniques and approaches which had been effective in one court environment and which might be adaptable to other jurisdictions. Whether or not they could, in fact, satisfy the management needs of other courts, however, had to be determined on the basis of the goals and priorities which those courts had set and by the range of structural and organizational factors that determined the system in which they would function.

Despite the extensive site investigation upon which the Series was based, the focus of each report was upon the overall management process of a trial court in dealing with each of the specified areas of court operations. No attempt was made to prescribe procedure. Study of numerous trial courts made it apparent that there was no "best way" to handle any of the functions addressed. With proper planning, communication, coordination, and monitoring, a variety of approaches could be effective; without such groundwork -- and, particularly, without an appreciation for the needs, expectations and informal relationships among the individuals and organizations comprising a local court system -- what worked well in one jurisdiction could fail in another despite surface similarities of organization, size and structure.

The materials presented in this Workshop packet are designed as a starting point for a court staff to examine some representative problems encountered by local courts in the area of financial, personnel and records management, and to apply to those problems the principles and suggestions contained in the Trial Court Management Series. Separate workshop "problems" have been developed for each of the topics with an indication of the sections of the Trial Court Management volumes which are relevant to the problems presented. Each set is organized into three sections: (1) Section A: Presentation of the hypothetical problems with requisite background information on the court system depicted; (2) Section B: General suggestions for approaching the problem, and (3) Section C: Discussion guidelines for workshop leaders which present issues to be raised in the workshops as well as a description of the basic format each workshop should take. At the

conclusion of the Conference, a fourth section (D) will be added to indicate specific questions and issues in each of the topic areas which workshop attendees considered specifically relevant to the size or composition of the courts they represented.

The common theme throughout these materials is that the problems presented, by and large, can be adequately addressed by local court officials through a process of problem identification and analysis and subsequent consideration of alternative solutions. Critical to this process is the involvement of all local officials and interests which have bearing on the problem or will be affected by any proposed solutions.

The stimulus for development of these materials came from the many members of NATCA and NACA who have assisted American University over the years in the operation of the technical assistance program and who provided specific suggestions on topics which the workshop materials should address. Without the help and guidance of these individuals, neither the Trial Court Management Series nor the Workshop Materials would have been possible. We appreciate, particularly, the continued support and suggestions provided by Bill O'Leary of NACA and Jack Byers of NATCA, the willingness of NATCA and NACA members to serve as workshop leaders, and the many hours of time and help given by Professor David Saari of The American University in coordinating the Workshop program. A special note of thanks is extended to Ms. Margaret P. Kostritsky, Chief Clerk of the Maryland District Courts, Mr. Larry P. Polansky, Executive Officer for the District of Columbia Courts, and Ms. Evelyn Blakely for their help in preparing the video-tapes which supplement these workshop materials.

The Criminal Courts Technical  
Assistance Project  
The American University  
July 1979

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July 9-13, 1979

Subject: FINANCIAL MANAGEMENT

Summary of Materials included: Hypothetical Budget Summary for a  
Judicial Circuit comprising a five-  
judge Circuit Court and a five-judge  
District Court

Portions of Trial Court Manage-  
ment Series Financial Report  
relevant to issues presented: Sec. II B (2) Budgeting and Grants,  
pp. 29-34  
Sec. III E Budget Presentation,  
pp. 113-129  
Appendix 0: Illustrative Budgetary  
Analysis

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## A. Hypothetical Budget Problem

1. Background on The Jurisdiction

For purposes of this exercise, the following hypothetical situation is provided to place you in a particular judicial environment.

You find yourself in the State of Chaos where all trial court activities are funded by the county government, except that one-half of circuit and district judges' salaries are funded by the state. The circuit court is the court of general jurisdiction. The limited jurisdiction of the district court includes traffic offences, misdemeanors, felony preliminaries, and civil cases up to \$2,000 (small claims up to \$500). Both courts are courts of record for all proceedings.

The Chaos constitution provides that the chief judge of the circuit court is also the chief judge of the district court for administrative purposes. Court clerks are now appointed by their respective courts, and the circuit administrator is responsible to the chief judge for overall administration of the circuit, including the district court.

The Supreme Court of Chaos has rule-making power, but exercises little administrative authority over the trial courts. You are the circuit administrator in Yonder County, which has a population of 294,000, with an overall growth rate of 25 percent over the last four years. Yonder County is the only one in the 69th Judicial Circuit. Both the circuit and district courts sit in Dismal Seepage, the county seat. Probation and bailiff services are provided to these courts by other county agencies.

The circuit court has five judges, one of whom was elected by his colleagues as the chief judge for a term ending in 1982. Each of the five judges has his own courtroom and chamber facility and is supported by a secretary and court reporter. The caseload for the circuit court for the last four years is as follows:

TABLE I

	<u>Yonder County Circuit Court</u>			
	<u>Pending</u>	<u>Filed</u>	<u>Term.</u>	<u>Pending</u>
<u>CY 1975</u>				
Total	4,408	4,736	4,708	4,436
Criminal	418	530	457	491
<u>CY 1976</u>				
Total	4,436	4,960	4,830	4,566
Criminal	491	441	505	427
<u>CY 1977</u>				
Total	4,566	5,204	4,956	4,814
Criminal	427	624	564	487
<u>CY 1978</u>				
Total	4,814	5,460	4,943	5,331
Criminal	487	541	523	505

The rate of increase in new filings over the last three years was 15.3 percent, but the backlog increased 20.6 percent.

The district court also has five judges, one of whom has been appointed as presiding judge by the chief judge, and who serves at his pleasure. Each of these district judges has been a member of the bar for at least five years and, thus, qualified to sit on circuit court matters. When district judges sit as circuit judges, they do not receive any additional compensation. Each of the district judges has his own courtroom and chambers and is supported by a secretary and court reporter. Last year the state legislature passed a statute allowing for electronic recording of all proceedings before the district court, but your district court still retains court reporters. It also passed legislation permitting the use of referees in small claims and minor traffic cases, but Yonder County does not have any as yet.

The district court caseload for the last four years is as follows:

TABLE II

Yonder County District Court

	<u>Pending</u>	<u>Filed</u>	<u>Term,</u>	<u>Pending</u>
CY 1975	3,885	20,180	20,483	3,582
CY 1976	3,582	21,495	21,789	3,288
CY 1977	3,288	21,436	21,407	3,317
CY 1978	3,317	22,060	21,585	3,792

The rate of increase in new filings over the last three years is only 9.3 percent, but the backlog during the past year has increased 13.2 percent. Although there is some annual fluctuation, civil cases (other than small claims) account for 20 percent of annual filings; small claims, five percent; traffic, 60 percent; and misdemeanors, 15 percent.

The budget format used in Yonder County is a modified programmed one. Following is the CY 1979 judicial budget for the 69th Judicial Circuit:

2. CY 1979 Budget: 69th Judicial Circuit, Yonder County, State of Chaos

a. Budget Detail

I. Circuit Administration

1) Personal Services

Court Administrator IV	1.0 FTE	\$28,085
Court Clerk II	<u>1.0 FTE</u>	<u>9,314</u>
		\$37,399
Retirement (10.75%)		4,020
Health Insurance		480
	2.0 FTE	<u>\$41,899</u>

## I. Circuit Administration

## 2) Operating Expenses

Telephone	\$	737
Postage		75
Office Supplies		21
Equipment Maintenance		21
	\$	<u>854</u>

## 3) Travel Expense

In-state travel	\$	90
Subsistence		140
	\$	<u>230</u>

## 4) Capital Outlay 0

GRAND TOTAL (2.0 FTE) \$42,983

## II Circuit Court

## A) Administration

## 1) Personal Services

Court Administrator II - 1.0 FTE	\$18,900
Retirement	2,032
Health Insurance	240
1.0 FTE	<u>\$21,172</u>

## 2) Operating Expenses

Telephone	\$	737
Postage		75
Office Supplies		21
Equipment Maintenance		19
	\$	<u>852</u>

## 3) Travel Expenses

In-state travel	\$	90
Subsistence		90
	\$	<u>180</u>

Capital Outlay		0
TOTAL 1.0 FTE		<u>\$22,204</u>

## CY 1979 Budget

## B) Case Disposition

## 1) Personal Services

Circuit Judges	5.0 FTE	\$95,000*
Retirement (12%)		11,400
Health Insurance		1,200
	5.0 FTE	<u>\$107,600</u>

\*additional \$95,000 paid by state

## 2) Operating Expenses

Telephone	\$ 4,018
Office Supplies	236
	<u>\$ 4,254</u>

## 3) Travel Expenses

In-state travel	\$ 825
Subsistence	375
	<u>\$ 1,200</u>

## 4) Capital Outlay

	\$ 4,120
TOTAL 5.0 FTE	<u>\$117,174</u>

## C) Direct Judicial Support

## 1) Personal Services

Division Clerk II	5.0 FTE	\$55,560
Court Reporter	5.0 FTE	99,320
Retirement		16,650
Health Insurance		2,400
	10.0 FTE	<u>\$173,930</u>
Contract Services		3,500
		<u>\$177,430</u>

## 2) Operating Expenses

Telephone	\$ 6,752
Postage	850
Office Supplies	1,034
Equipment Maintenance	240
Equipment Rental	2,110
	<u>\$10,986</u>

## 3) Travel Expenses

In-state travel	1,600
Subsistence	250
	<u>\$ 1,850</u>

## 4) Capital Outlay

	980
TOTAL 10.0 FTE	<u>\$191,246</u>

## CY 1979 Budget

## D) Indirect Judicial Support

## 1) Personal Services

Court Clerk I	3.0 FTE	\$ 22,980
Court Clerk II	2.5 FTE	23,284
Court Clerk III	4.0 FTE	45,272
Court Clerk IV	1.0 FTE	12,272
Ct. Accounting Clk. I	1.0 FTE	9,098
Ct. Accounting Clk. II	1.0 FTE	10,537
Ct. Accounting Clk. III	1.0 FTE	12,795
	<u>13.5 FTE</u>	<u>\$136,238</u>
Retirement		14,667
Health Insurance		3,240
		<u>\$154,145</u>

## 2) Operating Expenses

Telephone		\$ 7,706
Printing		245
Postage		6,310
Office Supplies		11,023
Equipment Maintenance		460
Equipment Rental		6,220
		<u>\$ 31,964</u>

## 3) Travel Expenses

In-state travel		\$ 225
Subsistence		200
		<u>\$ 425</u>

## 4) Capital Outlay

TOTAL 13.5 FTE

	\$ 2,810
	<u>\$189,344</u>

## E) Petit Juries

## 1) Personal Services

Jury Commissioner I	1.0 FTE	\$ 16,340
Court Clerk I	1.0 FTE	7,660
Administrative Sec. I	1.0 FTE	10,268
Clerk Typist II	1.0 FTE	10,040
	<u>4.0 FTE</u>	<u>\$ 44,308</u>
Retirement		4,763
Health Insurance		960
		<u>\$ 50,031</u>

## CY 1979 Budget

2) Operating Expenses		
Telephone		\$ 1,305
Postage		84
Office Supplies		95
Equipment Maintenance		185
Equipment Rental		90
		<u>\$ 1,759</u>
3) Jury Fees and Travel		175,000
4) Travel		0
5) Capital Outlay		150
	TOTAL 4.0 FTE	<u>\$226,940</u>
F) Law Library		
1) Personal Services		
Court Clerk I	.5 FTE	\$ 3,830
Retirement		412
Health Insurance		120
		<u>\$ 4,362</u>
2) Operating Expenses		
Periodicals and annual updates		9,327
	TOTAL .5 FTE	\$ 13,689
	<u>CIRCUIT COURT GRAND TOTAL 34.0 FTE</u>	<u>\$760,597</u>

## III. District Court

A) Administration		
1) Personal Services		
Court Administrator II	.5 FTE	\$ 8,694
Court Clerk III	.5 FTE	5,659
	<u>1.0 FTE</u>	<u>\$ 14,353</u>
Retirement		1,543
Health Insurance		240
		<u>\$ 16,136</u>
2) Operating Expenses		
Postage		\$ 312
Office Supplies		85
		<u>\$ 397</u>
3) Travel (In-state)		210
	TOTAL 1.0 FTE	<u>\$ 16,743</u>

## CY 1979 Budget

## B) Bail Bonding

## 1) Personal Services

Court Clerk II	1.0 FTE	\$ 11,884
Retirement		1,278
Health Insurance		240
		<u>\$ 13,402</u>

## 2) Operating Expenses

Postage		\$ 450
Sheriff fees - late night bonding		3,800
		<u>\$ 4,250</u>
	TOTAL 1.0 FTE	<u>\$ 17,652</u>

## C) Case Dispositions

## 1) Personal Services

District Judge*	5.0 FTE	\$ 82,500
Retirement		9,900
Health Insurance		1,200
	5.0 FTE	<u>\$ 93,600</u>

\* State pays other \$82,500

## 2) Operating Expenses

Telephone		\$ 5,800
Postage		140
Office Supplies		670
Clothing		320
		<u>\$ 6,930</u>

## 3) Travel Expenses (in-state)

\$ 550

## 4) Capital Outlay

\$ 320

TOTAL 5.0 FTE \$101,400

## D) Direct Judicial Support

## 1) Personal Services

Division Clerk I	5.0 FTE	\$ 53,890
Court Reporter I	5.0 FTE	66,000
	<u>10.0 FTE</u>	<u>\$119,890</u>
Retirement		12,888
Health Insurance		2,400
		<u>\$135,178</u>

## CY 1979 Budget

## 2) Operating Expenses

Telephone		\$ 5,078
Postage		1,330
Office Supplies		710
Equipment Maintenance		210
Equipment Rental		3,210
		<u>\$10,538</u>
TOTAL	10.0 FTE	\$145,716

## E) Indirect Judicial Support

## 1) Personal Services

Court Administrator II	.5 FTE	\$ 8,694
Court Clerk I	4.0 FTE	30,640
Court Clerk II	2.0 FTE	27,942
Court Clerk III	1.5 FTE	16,977
Court Clerk IV	1.0 FTE	12,472
	<u>10.0 FTE</u>	<u>\$96,725</u>
Retirement		10,408
Health Insurance		2,400
		<u>\$109,533</u>

## 2) Operating Expenses

Telephone		5,420
Postage		1,908
Office Supplies		13,256
Equipment Maintenance		680
Equipment Rental		3,562
		<u>\$ 24,826</u>

## 3) Travel Expenses

0

## 4) Capital Outlay

		1,750
	10.0 FTE	<u>\$136,109</u>

GRAND TOTAL 27.0 FTE \$417,620

Additional Budget Explanation

- 1) Judges' secretaries are shown in the budget as division clerks.
- 2) The court administrator II in the circuit court budget is clerk of the circuit court.
- 3) The court administrator II in the district court budget is clerk of the district court.
- 4) Neither court has any part-time employees. Remember that the budget is in modified program form, so one employee may be shown part-time in each of two programs.
- 5) The budget does not include two CETA positions -- one under indirect judicial support in the circuit court and one under indirect judicial support in the district court.

## b. Budget Summary

## I. Circuit Administration

GRAND TOTAL (2.0 FTE) \$42,983

## II. Circuit Court

A) Administration	1.0 FTE	22,204
B) Case Disposition	5.0 FTE	117,174
C) Direct Judicial Support	10.0 FTE	191,246
D) Indirect Judicial Support	13.5 FTE	189,344
E) Petit Juries	4.0 FTE	226,940
F) Law Library	.5 FTE	<u>13,689</u>

GRAND TOTAL 34.0 FTE \$760,597

## III. District Court

A. Administration	1.0 FTE	\$ 16,743
B. Bail Bonding	1.0 FTE	17,652
C. Case Dispositions	5.0 FTE	101,400
D. Direct Judicial Support	10.0 FTE	145,716
E. Indirect Judicial Support	10.0 FTE	136,109

GRAND TOTAL 27.0 FTE \$417,620

TOTAL COURT BUDGET: 63.0 FTE \$1,221,200

## 3. Major Budgetary Needs for 1980

a. 90-Day Rule

The state legislature has enacted a statute, effective April 1, 1980, which establishes the right for all criminal defendants to be tried within 90 days of arraignment.

As administrator, your judges have directed you to plan a program to bring your court in compliance with the new state statute. No new judgeships can be anticipated until the next legislative session which starts in January 1981. Your judges have already spoken to Yonder County's legislative delegation

about additional judges (one for each court), because of the backlog problems and increased filings. The legislators are supportive, but point to spending limit problems at the state level. It's possible one judge may be added, but not two. Even this isn't a certainty and can't be counted on. It is now September 1979, and you are about to begin budget preparation for the calendar year beginning January 1, 1980. Your proposed budget must be submitted to the Board of County Overseers, no later than October 10.

There are several further complicating factors to be considered. There are some substantial gaps in the amount of caseload information available in the 1978 annual statistical report for the courts of general and limited jurisdiction in Yonder County. Part of the reason for this information lack is that the judges in both courts maintain individual calendars and are opposed to their records being compared.

Further, some strange things have been happening to the caseload in both courts during the first six months of CY 1979 (latest available data). In Circuit Court, criminal case filings have fallen five percent below the first six months of FY 1978, but overall, Circuit Court filings are up only three percent. Terminations are at the CY 1978 level.

This lack of information seems to indicate that one of your possible approaches in planning and developing your program may be to get some professional assistance in analyzing in detail at least some aspects of caseload management in your two courts. The problem is that you may have to assume at least some kind of plan for budgeting purposes before you get all the facts, because of the immediacy of the new budget year, and because of a statement by the Board of Overseers that supplemental or contingency appropriations in CY 1980 will be very hard to get. Consequently, you may have to make at least a few assumptions based on available data.

b. CETA Employee Retention

Each of the two CETA employees is being paid at the Court Clerk II level, \$9,314 per annum. These employees are included in your caseload-employee ratios. They do not receive any fringe benefits. If they became employees on the regular payroll the cost will be \$9,687 salary, \$1,041 retirement, and \$240 health insurance for each or a total of \$21,936. These case processing employees appear to be needed in light of present needs, regardless of caseload increases.

c. Recording Equipment

The legislature adopted a statute permitting recording equipment instead of reporters in the district court on the basis that this type of recording would be cheaper through savings in reporter salaries. This savings would be offset initially by the cost of equipment and tapes, which can be obtained at a cost of \$1,500 to \$4,000 per court, depending on type of equipment. Another offset is the cost of employing monitors and transcribers or a combination of the two. In any event, the monitoring and transcribing functions must be taken into consideration, if this approach is used - wholly or in part - in the district court.

d. Referee

Consideration should be given to hiring a referee either as a partial solution to the 90-day rule or to reduce district court backlog (or both). A referee's salary is about 80 to 85% of that of a district judge (all paid from county funds). A referee would also need a division clerk and recording equipment. Also, approximately \$5,000 will be required to remodel available space for a hearing room for the referee.

e. Microfilming

Both courts have used up almost all available file and storage space with record accumulation. Your judges have directed you to explore the creation of a microfilm program to film old records so that they can be transferred to state archives. A camera will cost from \$2,500 to \$8,000 with a median of \$4,000. There will also have to be an employee to operate it. There are several options: 1) a new employee at the court clerk I level; 2) use of existing employees, or 3) hiring a temporary employee or employees on a contract basis.

4. Local Spending Limitations and Special Budgetary Factors

a. Spending Limitations

- 1) The Board of Overseers has stated that no agency, including the courts can expect more than a seven percent increase in CY 1980 over the 1979 appropriation. This means that the total amount of additional funds which may be available is \$85,498.
- 2) The board has also stated that it will permit no more than a six percent increase in the number of FTE's. Public officials such as judges cannot be used as part of the base to which the six percent can be applied. This means that your FTE limit is 3.8 FTE.
- 3) No merit increases will be granted employees in CY 1980, but each employee (excluding judges) will receive a four percent cost of living adjustment effective January 1, 1980. This will cost \$28,290 (\$25,544 for salaries plus \$2,746 in retirement). There will be an increase in the employer's share of health insurance.
- 4) No federal money from revenue sharing, LEAA, or any other source will be available for CY 1980.
- 5) No more than a seven percent increase for inflation will be allowed in any operating expense category or in any capital outlay expenditure.
- 6) The Board is expecting more adequate budget request justification than has been provided in the past. This includes case filing and caseload projectives to justify additional funds and FTE's. All new programs require an evaluation component.

b. Special Factors

- 1) Remember that the capital outlay portion of the budget is non-recurring. There is not necessarily the same amount or a greater amount each year. Capital outlay covers all non-consumable items, such as file cabinets, typewriters, etc. with a value of \$100 or more (\$10,130 in CY 79).
- 2) For each new clerical FTE requested, \$1,400 in capital outlay is required to cover typewriter, desk, chair, and file cabinet. Each new professional FTE requested will require \$1,050 in capital outlay.
- 3) Add \$450 in operating expenses for each new FTE requested.
- 4) All new employees need not be hired on January 1. An employee hired on April 1 would be .75 FTE for the purpose of this exercise; one hired on July 1, would be .5 FTE; one hired on September 1, would be a .25 FTE, etc.
- 5) Current employees can not be laid off or moved to new assignments without a management study to justify it. Such a management study may be made part of the CY 1980 request.

## B. Suggestions for Approaching The Problem

### 1. Considerations in Meeting Each Major Budget Need in 1980

The 90-day rule is the major budget issue and overlaps and influences all the rest. It can also be used as a justification, at least in part, for most of the other issues under consideration.

It perhaps can best be understood by dividing it into the component parts and the time frame related to each.

The major difficulty is that the administrator (and the court) doesn't know what it is planning for, while at the same time having to build some sort of flexibility, as well as some sort of acceptable solution, in the budget request for something that may not be a problem.

The first component (which should be dealt with between January and March) is an analysis of caseload to determine the state of the docket in both courts. This can be done through the use of an outside consultant(s) under contract services, or a statistician-systems person can be hired. There are pros and cons to each alternative.

Consultants will probably cost more, but may be more effective and objective in finding out what is going on and in system design. A full-time employee may be more responsible, if he knows it is his responsibility to monitor and maintain the system once it is set up. On the other hand, one of the limited FTE's is used up, and assumptions will have to be made about the system to be installed and the kind of person required both to set it up and maintain it.

As implied above, the second component is maintenance and monitoring of the caseload information system from April through December.

The third component really involves contingency planning and overlaps the referee question. It would appear that the referee could be justified on the basis of growing district court backlog. In addition, a referee would provide flexibility in dealing with any possible problem under the 90-day rule. If there is a problem in circuit court, circuit court cases could be transferred to a district judge or judges, and the referee could take up the slack in district court. If the major problem is in district court, the referee can handle most of the minor cases and relieve the district judges of their burden.

It should be remembered that, if the referee and a support clerk are hired on January 1, it will use up 2.0 FTE's (this is aside from the question as to whether a referee can be justified on January 1, merely because of the district court backlog situation). If an analyst, a referee, and a clerk are all hired on January 1, only .2 FTE remains, and the issues of the CETA clerks and the microfilm program still have not been met. For this reason alone (leaving aside the fact that the 90-day rule will not become operative until April 1, with the real crunch 60 days later), consideration should be given to not hiring a referee and support clerk at least until April, which would save .5 FTE.

The CETA positions add a sticky problem which can't be separated from the 90-day rule and its seeming demand on available new FTE's. Assuming an April 1 starting date for the referee, the support clerk, and the statistical analyst, 2.25 FTE would be used up. Add the two CETA clerks, and the total is 4.25 FTE or 1.05 FTE over the limit. This suggests adding only one CETA clerk or using one of the two for system maintenance and monitoring. This is a hard decision, but one which must be made of necessity.

Replacing reporters with machines in district court may result in more money being available (the difference in salaries between a Court Clerk I to monitor the machine and transcribe and a court reporter), but it is not likely to increase the number of FTE's available, unless somebody has an ingenious or ingenuous idea about how to monitor five machines with three or four employees and transcribe as well.

The savings become further minimized when the cost of equipment and tapes are considered. In this connection, an extra set of equipment for stand-by purposes is probably a good idea. Even the best equipment can malfunction.

It is probably not a good idea to replace all five reporters anyway. If a district judge is assigned to circuit court because of the 90-day rule, he will need a live reporter.

In short, the replacement of reporters with machines may well be more feasible on a pilot basis, recognizing that savings may be minimized the first year and that this step may not do much to help solve the other fiscal problems.

Last, but not least, is the microfilming - record storage issue. The problem here is not only one of equipment cost, but also of personnel to operate it. It is likely one employee would be needed full time just to film the old records. This need compounds the FTE problem. Obvious solutions are to begin the program in mid year or to use temporary help on a contract basis. The latter would save FTE and also cost of fringe benefits.

## 2. General Budgetary Considerations

If all possible new employees were added on January 1, the result would be 6.0 FTE when only 3.8 are possible; referee, support clerk, statistical analyst, two CETA clerks and a microfilm operator. The overall resolution of the five issues must stay within 3.8 FTE's.

There may be a money problem as well:

1) Aside from salaries, the referee and the clerk require a total of \$2,450 in capital outlay and \$900 in operating expenses. Added to that is the \$5,000 to remodel the hearing room.

2) It is assumed the CETA positions will not require capital outlay nor the \$900 in operating expenses, but the statistical analyst will require \$1,050 in capital outlay and \$450 in operating funds.

3) The cost of microfilm equipment will be approximately \$4,000. Presumably, capital outlay for the operator may not be needed -- especially if a temporary employee is used on a contract basis.

4) The cost of recording equipment will vary from \$1,500 - \$4,000, each depending on equipment, but should be more than offset by replacing a reporter with a Court Clerk I.

All of these capital outlay and operating costs must be absorbed, along with salaries of new employees, within the \$57,208 plus any reduction in the CY 1979 lead of capital outlay expenditures.

### C. Discussion Guidelines for Workshop Leaders

The Financial Management Workshop will begin with a half-hour plenary session in which conferees are shown a video tape in which court officials conduct a mock presentation of Yonder County's court budget needs to a county budget officer. The tape is designed to raise questions and issues which court officials must address in their final budget presentation. The group will then break down into individual workshop sessions lasting approximately one and one-half hours.

The workshop leader's role is to preside over a group process for planning the 1980 budget of Yonder County. This process must be conducted within the stated constraints and based upon the stated facts. It is therefore imperative that the workshop leader know the problem facts well and that he keep the group within the stated parameters.

The problem to be solved is: how to meet five pressing needs while staying within the budgetary limits of the County. Roughly \$85,000 and 3.5 FTEs are available to meet these needs and some of this \$85,000 must be used for salary increases. The workshop should focus on amending the 1979 budget to meet the five major needs of 1980 which are:

- . 90-day rule
- . retention of CETA employees
- . microfilming
- . hiring a referee in District Court
- . use of recording devices in District Court

Each workshop should produce a plan for addressing these needs within the budgetary constraints. The final budget proposal should be recorded on the Budget Worksheet on p. 18. It is suggested that the workshop leader follow the process described below:

- 1) review the spending parameters with the group
- 2) briefly review the problems with the group
- 3) indicate that the speedy trial rule be given top priority since it is a legal mandate and since it overlaps some of the other needs;
- 4) the needs of Yonder County should be addressed individually starting with the 90-day rule and possible approaches might initially be developed without particular reference to constraints;
- 5) after all of the needs are outlined, the resources (i.e., FTEs and dollars) required should be totaled.
- 6) if it is necessary to reduce the proposed resources required to comply with budgetary constraints, the group should discuss each of the needs, establish priorities and make trade-off decisions.

At the concluding plenary session of this workshop, the workshop leader or a designated reporter should be prepared to present a final budget, to explain the methodology by which it was developed and to present the rationale by which the budget would be defended.

EDUCATIONAL WORKSHOP MATERIAL

Prepared for the

ANNUAL CONFERENCES OF THE  
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AND THE  
NATIONAL ASSOCIATION OF TRIAL COURT ADMINISTRATORS

July 9-13, 1979

Subject: PERSONNEL MANAGEMENT

Summary of Materials included: Hypothetical Performance Appraisal  
Interview between Court Administrator  
and Assignment Clerk

Portions of Trial Court Management Series Personnel Report relevant  
to issues presented:

Sec. II A	Employee Performance (p. 31)
Sec. II B	Employee Evaluation (p. 40)
Sec. II B	Job Structure and Compensation (p. 54)
Sec. II D	Ensuring Performance of Court Personnel (pp. 131-141)

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## A. Hypothetical Interview Scenario

1. Background

You are a trial court administrator in a five judge (including presiding) urban court. The judicial work unit consists of 5 court room clerks, 5 assignment clerks, 5 court reporters, 5 bailiffs, 1 jury clerk, and 1 supervisor of court services. With the exception of the court room clerks, who report to the county clerk through the supervisor of court services, and the bailiffs, who are provided by the sheriff's department, you have direct personnel management responsibility for these employees. The chief judge recognizes and supports your work in this area and concurs with your interest in improving the personnel practices in the court.

2. Situation

A year ago you attended a personnel management workshop where the importance of providing employees regular feedback on their work was stressed. This was not being done in your court and you decided to implement some procedures for informing the eleven employees you supervise of how well they are doing and areas in which you believe they should try to improve. You wrote a memorandum to the employees indicating your interest in developing a performance appraisal system and that your initial efforts would involve a personal interview with each of them every six months on a trial basis.

It is now time for the first scheduled interview with one of the assignment clerks, Mary Edwards.

3. Employee Profile

Mary Edwards is caucasian, female, has been with the court five years and in her present position for the last eighteen months. She is forty-seven years old, married, with two high school age children.

She is quite outspoken concerning situations she views as problems in the court and is adamant in her opposition to the centralized case assignment system currently being proposed.

You have received several complaints from attorneys stating that she has been rude and uncooperative in handling their assignment of cases. The judge she works with, however, seems to be generally satisfied with the exception of her tendency to extend her lunch hours for personal business. The attitudes of the other assignment clerks are mixed. She is thought of as being generally bright and knowledgeable in her work, but she is not known for her willingness to cooperate with other staff. If her work is on schedule, for instance, she is not apt to volunteer to help out someone else.

#### 4. The Appraisal Interview Roles

##### a. Role for Mary Edwards:

You are to be in an appraisal interview with your supervisor, Carl Madison, the court administrator. As an adult with five years of experience, you do not see the need for this bureaucratic nonsense, but you are concerned about your reputation for being outspoken on other issues and you are eager not to make things worse.

Although no one has discussed it with you, you are aware of the attitude of some of the attorneys and employees, but the judge seems satisfied with your work and that, in your opinion, is what really counts.

##### b. Role for Carl Madison:

You are to conduct a performance appraisal interview with one of your assignment clerks, Mary Edwards. You are anxious to have this first interview go well and want to emphasize the importance of performance rather than personality. At the same time, you believe that cooperation and attitude are important and feel that some of the negative feedback you have received about Mary Edwards needs to be dealt with in the interview.

##### c. The Appraisal Interview:

###### 1) The initial phase

- a) At the start of the interview, Carl Madison describes that the purpose of these interviews is to provide the employees with regular feedback on their performance. He is aware that the court has previously operated on a "no news is good news" philosophy, but he believes that people can not improve unless they have specific information on the quality of their work.
- b) Mary Edwards responds somewhat negatively to this approach, taking the position that the office isn't that big and everybody knows who the good employees are without going through this bureaucratic process. Besides, without a merit pay system, it doesn't matter how good you are - the system rewards mediocrity.
- c) Carl Madison recognizes the difficulty in rewarding individual performance, but suggests that the bigger problem is not having any objective basis for making merit recommendations. He has initiated discussions with the county commissioners and they have asked for a proposal for developing a merit system. He also suggests that there are other aspects involved in employee

motivation such as the satisfaction in doing a good job and he doesn't think that the purpose of performance evaluation is limited to salary.

- d) Mary Edwards is somewhat sceptical about the potential for merit pay, but she would welcome it. This is still in the future, however, and what she wants to talk about is her current performance.

## 2) Phase II of Interview

- a) Carl Madison addresses the issue of her current performance by stating that his comments are based on his observations over the last eighteen months along with comments made by others either in or associated with the courts. He stresses that she has done an adequate job in the technical aspects of her work in case assignment and that the judge to whom she is assigned seems pleased. He indicates, however, that there are some other issues he wants to discuss related to her attitude toward her job and her professional conduct with the local bar. First, though, he would like to know how she sees her performance as an assignment clerk.
- b) Mary Edwards agrees that she is doing a good job as an assignment clerk and doesn't understand why anything else matters. In fact, she believes her judge is the only one who is in a position to comment on her work and is annoyed that others have been involved in this current assessment of her performance. She proceeds to challenge Carl Madison on his criteria for doing a good job and his justification for going beyond the technical aspects of her work.
- c) Carl Madison acknowledges her concerns, but suggests that she seems to be confused about who employs her and who is responsible for supervising her work. He emphasizes that while she is assigned to a particular judge, she is employed by the court and that he has overall responsibility for personnel management in the court. He understands how this can be confusing and has spoken to the chief judge concerning this problem. His proposal for a centralized assignment system would address this particular issue. With regard to the areas of performance that should be evaluated, Carl recognizes the importance of avoiding a personality contest approach, but believes that attitude and human relation skills are appropriate factors to be considered.
- d) Mary Edwards accepts the reasoning that she is employed by the court, but still believes - insists - that the judge is the best one to comment on her work. In addition, she doesn't feel that the subjective issues are part of her job description or that they can be evaluated in any objective fashion. She wants to hear your comments on her behavior in these "fuzzy" areas and what evidence you have that she is not performing well - whatever that means.

- e) Carl Madison takes the position that no job description can be all-inclusive and that there are general statements which do address professional behavior. He agrees that he must be careful in how he interprets subjective comments, but he defends these issues as legitimate criteria. He proceeds to discuss the concerns raised by the judge and the attorneys as well as his observation that she seems unwilling to go out of her way to assist other employees when she has the opportunity.
- f) Mary Edwards is offended both by the comments and by the fact that no one has ever spoken to her personally about these issues. It sounds to her like she is being picked on for her willingness to speak out on aspects of court operations she disagrees with and that this whole process is nothing but an attempt to put her in her place. She wants to know specific names and occasions where she hasn't done her job as well as written comments documenting these accusations.

3) Phase III of Interview

- a) Carl Madison is disappointed in the way the interview has progressed and acknowledges his mistakes in instituting this initial effort at performance appraisal. He doesn't agree, however, that his comments were in retaliation for anything Mary has done. He also doesn't believe he can share the names of the attorneys or the employees who have complained, but sees her point in having these issues addressed when they happen. He encourages Mary to give more thought to these issues and the importance of relating well to constituents and fellow employees.
- b) Mary Edwards expresses general disappointment with the interview and questions the value of continuing this personally threatening process.
- c) End of interview.

## B. Suggestions for Approaching the Problem

### 1. Role of Performance Review

Courts are labor-intensive organizations. Approximately 75 - 85% of all costs are personnel costs. The effective management of human resources, therefore, is central to the productivity and quality of court operations. The court manager must recognize the need to develop sound personnel management practices of which performance appraisals are central. Organizational productivity is highest when what the individual enjoys doing and does well is consistent with organizational needs. This means that there needs to be:

1. A determination of what the job requires and a process for communicating this to each employee;
2. A selection process which focuses on the match between an individual's skills and interests and the job requirements;
3. Regular feedback to each employee on how he or she is doing; and
4. A commitment on the part of supervisors to assist employees in doing a good job.

These basic guidelines can be implemented regardless of whether or not there is a union contract or a centralized personnel system. These situations create obvious constraints but do not absolve the court manager from supervising the day to day activities of employees. And central to such supervision is the provision of personal feedback to people on the quality of their work.

Stripped of the rhetoric on this topic, the essential elements of performance appraisal are:

1. A statement of the basic job duties;
2. A reasonable criteria for doing a good job;
3. A statement of what is realistic evidence that the criteria are being met; and
4. A decision on the relative importance of each job duty.

### 2. Issues in the role play exercise

The performance appraisal issue was selected because it highlights some of the unique aspects of personnel management in the courts. As you review and reflect on the videotaped role play of the interview develop your position on the following:

1. What aspects of a performance appraisal system are realistic in the courts?

2. Should performance appraisals be limited to technical aspects of the job or include attitude and willingness to cooperate?
3. Are performance appraisal procedures valuable without a merit pay system to reward employees?
4. Who should be involved in commenting on an employee's performance? Should all comments be in writing? Should the employee have access to all material related to his/her performance?
5. How can you avoid court employees viewing themselves as personal employees of judges?
6. Is a performance appraisal system practical in a system where there are several personnel systems (e.g., civil service, exempt employees, county employees)?

### C. Discussion Guidelines for Workshop Leaders

Workshop discussions will be preceded by the showing of a videotape which dramatizes several approaches to conducting the hypothetical interview described above. The purpose of the videotape is to simulate discussion of performance appraisals as well as to introduce broader issues involved in personnel management. While there are technical aspects involved in designing a personnel management system, the discussion should focus more broadly on the rationale and constraints of such a system and the objectives served by the interview process conducted.

The workshop sessions should be devoted to discussing the specific problems and issues raised in the interview, various techniques or approaches which could be used to address them, critiques, where appropriate, of the techniques used in the video tape and the particular relevance of these various approaches to the individual courts represented. Each workshop leader, or designated reporter, will report on the individual workshop discussions at the concluding plenary session.

Among the issues which should be covered are:

#### A. The performance appraisal interview

1. The different perspectives on the purpose and value of the process;
2. The absence of a financial reward system and other aspects of employee motivation;
3. The legitimacy of subjective behaviors in an evaluation;
4. The question of who should be involved in the evaluation process;
5. The value of dealing with employee problems when they occur;
6. The difficulty in keeping the process objective and non-threatening; avoiding personal vendettas.

#### B. Personnel management in general

1. The responsibilities of the court manager for personnel management even in a court with multiple systems;
2. The difficulties involved in judges' tendencies to view court employees as personal staff;
3. The need for job descriptions and the need to recognize employee strengths and not just the needs of the organization.

EDUCATIONAL WORKSHOP MATERIAL

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AND THE  
NATIONAL ASSOCIATION OF TRIAL COURT ADMINISTRATORS

July 9-13, 1979

Subject:

RECORDS MANAGEMENT

Summary of Materials Included:

Two hypothetical Records Management Problems:

Problem #1: Management of Case-Related Records in the Hardly Superior Court

Problem #2: Spatial Considerations and Records Disposition in the County Clerk's Office of This City

Portions of Trial Court Management Series Records Report relevant to issues presented:

Problem #1:

- Sec. II B (1) Normative Goals, p. 12
- Sec. II B (2) Operational Objectives, p. 13
- Sec. II C (3) Use, Access and Distribution of Court Records, pp. 26-28
- Sec. II C (7) Information System Applications, p. 40.

Problem #2:

- Sec. II B (1) Normative Goals, p. 12
- Sec. II B (2) Operational Objectives, p. 13
- Sec. II C (2) Maintenance of Court Records, Exhibits, p. 25
- Sec. II C (4) Disposition of Court Records, p. 31
- Sec. III C Records System Space Management, pp. 54-66

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OUTLINE

PROBLEM #1:

- A. Hypothetical Records Management Problem:  
Case-Related Records In the Hardly  
Superior Court
  - 1. Problem Scenario
  - 2. Background Information on the  
Hardly Superior Court
- B. Suggestions for Approaching the Problem
- C. Discussion Guidelines for Workshop Leaders

A. HYPOTHETICAL RECORDS MANAGEMENT PROBLEM #1:  
MANAGEMENT OF CASE-RELATED RECORDS IN THE  
HARDLY SUPERIOR COURT

1. Problem Scenario

It was a good thing that the doors of the Clerk's Office at the Hardly County Courthouse were not yet open for business, for the argument ensuing among the several public servants would no doubt have disillusioned any citizens who might have observed the intemperate scene. For you see, the case records system of the Hardly Superior Court was in a virtual state of chaos.

"How do you expect me to render justice from the bench if I don't have a record of prior events in the #\*& case?", Chief Judge Smith said to the Clerk. "As much as I hate to, I have to lug that two-ton Docket Book into the courtroom to give me the facts!"

"Well", replied the Clerk, "Judge Walton seems to manage all right--his secretary has her own little card system on every one of his cases and she clips it to the file when the case is being heard. I've got to keep the Docket Book here in the Clerk's Office, for it's the only place I can look to answer the simplest questions from attorneys and the public about cases and their status."

"I can believe that," the Executive Assistant to the Chief Judge said. "The case files are so disorganized it takes forever to find out what's happening in a given case by looking in the file. Besides, the language on the pleadings forms sounds like some kind of Martian dialect! And another thing, it's difficult to derive any meaningful statistics from anywhere. The Docket Books have limited information and are hard to work with. The data I need is spread out over a dozen records - dockets, judgment books, minutes, case files, and a lot of those have overlapping information."

"Your statistical needs are your problem," the Clerk said to the Executive Assistant. "I'm concerned with running my office. So look, Judge, it takes me long enough as it is to look up cases in the Docket Books when people call in and ask questions. When the Books are out of the office, we can't do it, and when we need to make entries, we have to make special stacks of notes to be entered in the Docket Book when we get it back. Why don't you set up your own little card system?"

The Judge replied, "All four of us judges can't be setting up our own case records, it doesn't make sense. We need some other solution."

"Well", replied the Clerk, "you'll never get Judge Walton's secretary to give up her card system, she works on it day and night."

"I say get rid of those damn books altogether," said the Executive Assistant. "They cost a fortune."

"We can't, replied the Clerk, "the law says I have to keep 'a well-bound book'".

"Laws can be changed," said the Judge. "We've got to come up with something. So let's get started."

## 2. Background Information on the Hardly Superior Court

No. Judges: Four, all hear cases of mixed case type, although one hears all juvenile and mental health cases (along with civil and criminal) and another hears all probate and guardianship (along with civil and criminal).

### Jurisdiction and Caseload (CY 1978):

Criminal Filings (felonies)	826
Probate and Guardianship	392
Family Law	872
Civil (>\$5,000)	1,447
Eminent Domain	56
Mental Health	37
Juvenile	<u>363</u>
Total	3,993

### Statutorily Required Records:

Docket Book  
Minute Book  
Judgment Book  
Index

### Case Files:

- Range in thickness from 1/8" to 1½".
- Papers filed loosely (no prong fasteners - legal size).
- All case files in legal size folders kept in legal-size filing cabinets.

### Clerk's Office Clerical Support:

16 staff persons, two of which are devoted to land records and microfilming thereof; two others spend most of their time on voter registration and prospective juror selection. A chief deputy clerk supervises the court-related staff, including four courtroom clerks, an "intake" clerk, four docketing and indexing clerks, one appeals clerk, and one "floater".

### Executive Assistant to the Chief Judge:

Major responsibilities in calendar management, budgetary matters, and statistical information. Serves at the pleasure of a majority of the judges.

### Chief Judge:

Serves one year term, elected by his peers. If a tie vote occurs, position goes to most senior judge. May be re-elected for any number of terms.

B. SUGGESTIONS FOR APPROACHING THE PROBLEM

The problems described in the Hardly Superior Court records system affect the flow of information in court operations. As such, they pertain primarily to the records maintenance stage and to the use, access, and distribution stage of the records lifecycle (see Section III, pp. 21-28 of the Records Report). However, the solution to some of the problems may well involve the initiation stage if new, standardized and more usable forms are created.

About 8 - 10 common records system problems can be identified in the preceding scenario. In discussing them and structuring a solution approach, it may be wise to prioritize needs and determine which problems are inter-related and which might be dealt with separately. It should be determined how extensive the effort to revise the records system will be--the need for a partial solution vs. a comprehensive approach depends on circumstances.

The process of changing systems generally requires some degree of formalization. Steering committees, system studies, and personnel directives are means of organizing the approach--what strategy seems most appropriate in this case? Section IV of the Records Report may be helpful in this regard.

## C. DISCUSSION GUIDELINES FOR WORKSHOP LEADERS

It is anticipated that discussions at the Records Management Workshop will focus on addressing each of the hypothetical records management problems described in this training packet, with approximately one hour and fifteen minutes devoted to each. If, however, workshop participants feel that one of these problems is of sufficient interest to the participants to warrant devoting the full discussion time to it, that decision should be made at the commencement of the session so that subsequent discussion can be appropriately focused. At the conclusion of the workshop session, workshop leaders or designated reporters will report in a plenary session on the problems their workshops have addressed and the various approaches and solutions the individual workshops have devised for addressing the given situations.

Please note that there will be no plenary session to introduce the records management workshops.

Hypothetical Problem #1, "Management of Case-Related Records in the Hardly Superior," can be discussed in terms of three principal questions:

- (1) What are the records management problems depicted in the described scene?
- (2) What are some potential solutions to these problems?
- (3) How should the Hardly Superior Court approach the development and implementation of solutions?

The background information presented and the discussion guidelines below should provide a basis for exploring these issues.

1. What are the records management problems depicted in the above scene?
  - a) Judge information retrieval from the bench as to case events and progress;
  - b) Information retrieval time in Clerk's Office for inquiry response;
  - c) Duplicative permanent records and duplicative records springing up due to inadequacy of present record system (secretary's card system);
  - d) Lack of standardized procedures creating irregularities, i.e., one judge requires Docket Book in courtroom, another has his own card system--Clerk must adapt to Docket Book's absence, creating another clerical step;
  - e) Unorganized case files, information retrieval problem in working with case files;
  - f) Lack of clarity in forms comprising case files--legalese;

- g) Cost of Docket Books;
  - h) Out-dated statutory directives.
2. What are some potential solutions to these problems?
- a) Standardized register of actions (ROA) form to replace Docket Book (Responds to problems a - d and g). Questions:
    - 1) should the ROA be kept in the case file or as a separate file and clipped to case file as sent to courtroom?;
    - 2) what forms should be used--stiff-stock (so as to stand alone in a tub-file), multi-copy minute sheets (crack 'n peel system)?;
    - 3) How to deal with Judge Walton's secretary's duplicative card system?
    - 4) How to allow for the Executive Assistant's statistical needs?
  - b) Develop format for organizing papers within case file (responds to problem e);
  - c) Change language on pleadings forms; simplified, pre-printed pleadings; (responds to problem f);
  - d) Amend statute to allow for modern record forms; (responds to problem h).
3. How should the Hardly Superior Court approach the development and implementation of solutions? Questions:
- a) Form a committee to define problem, set goals and objectives, get ideas for solutions, make decisions, and guide implementation?
  - b) Is a study needed to document records systems and paperflow, and to make recommendations? Who should do it-- in-house or consultants?

OUTLINE

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B. Suggestions for Approaching the Problem	4
C. Discussion Guidelines for Workshop Leaders	5

A. HYPOTHETICAL RECORDS MANAGEMENT PROBLEM #2:  
SPATIAL CONSIDERATIONS AND RECORDS DISPOSITION  
IN THE CLERK'S OFFICE OF THIS CITY

1. Problem Scenario

After months of investigative reporting, This City's newspaper recently began running a series of articles about missing drugs which had been introduced as evidence and placed in the custody of the County Clerk. This situation has stimulated an investigation of the missing drugs by the District Attorney and appears to have exposed the Clerk's Office to multiple claims of incompetence and neglect.

The County Bar Association has come forward with assertions of case records being totally lost by the Clerk's Office and these claims have been substantiated by some of the judges who have been interviewed by This City's crack investigative reporter. The Bar's attack also included claims of unwillingness by the Clerk to provide adequate private space for use by attorneys. To further complicate the situation, the Chairman of the Board of Supervisors issued a statement that he had observed over the past few years that the Clerk's Office operated extremely inefficiently and appeared to be unconcerned for the convenience of the public since people were always standing around waiting to be helped. The Chairman further stated that he was confident that the Board would give strong weight to these factors when considering the fiscal year 1980 budget.

Several weeks later, This City's crack reporter called the Clerk to inquire whether she would like to offer a response. After making certain preliminary comments (off-the-record), the Clerk emphasized to the reporter that two years ago she had requested the Board of Supervisors to fund improvements to her office; unfortunately, these requests had been rejected. She had based these requests on the fact that the Clerk's Office occupied limited floor space in an old building. This limited space had, at that time, been made even more cramped by the ever-increasing number of file cabinets required to store case files; this situation made attempts to organize the office for efficient functional activity impossible, contributing to the apparently low morale of employees. Scarcity of space and funds for improvements have led to minimal available space for the public, and have eliminated the possibility for private space for attorneys.

2. Background information on the Clerk's Office of This City

1. The County Clerk serves a 15 judge general jurisdiction trial court, having a total caseload of 19,426. (Assume the same proportionate breakdown of case types as in problem #1).
2. Every case file ever opened in the first 50 years is somewhere in the county courthouse building. The earliest of these are stored in the basement in filing cabinets, and the past 15 years are in primary Clerk's Office space, also in filing cabinets (legal size). Some years ago, State Archives removed

the earliest case files to long-term storage, but no effort has been made to dispose of older records since then. No retention schedule for court records has been established, although State Archives is willing to assist in this endeavor and provide archival storage space.

3. Limited microfilming now exists for land records. The Clerk's Office owns a rotary camera, a processor, inspection equipment, a duplicator, and a reader-printer, suitable for roll-type filming. (This system is easily adaptable to inactive case microfilming).
4. The Clerk's Office has a generally cluttered appearance, with filing cabinets protruding into central office and hall space, papers stacked messily on desk tops, and no apparent organization of equipment and personnel according to logical functional relationships. There are 53 employees in the Clerk's Office: the civil, criminal, probate, and domestic relations division are located in the main office; down the hall is located the juvenile case clerical support operation, and land records are housed on another floor with other county recorder operations.
5. Exhibits for closed cases are kept in filing cabinets and stacked on top of cabinets in boxes. Exhibits for active cases are held by the court reporter for each judge.
6. "Out cards" for case files are available but sometimes not used. Also, the public counter does not entirely separate public space from employee and records system space, and commonly attorneys and the press access the files directly.

## B. SUGGESTIONS FOR APPROACHING THE PROBLEM

This second records management problem scenario relates not only to storage and disposition considerations, but also to the office environment of the records system and to the political environment affecting both the system and potential solutions to its problems. In identifying problems, working out solutions, and developing approaches to their implementation, it should become clear that operational personnel, and financial difficulties are inter-related in both cause and cure. For example, a cluttered records system leads to poor working conditions which lead to low morale, all of which detract from a public image, which reduces political clout, which makes it difficult to secure funds to improve the records system, etc., etc., etc.

The problems in the scenario may be grouped into three areas:

- 1) space shortage and the lack of a records disposition program;
- 2) exhibits management and file control; and
- 3) non-records management problems which affect the records system, i.e. personnel, financial, and public image considerations. A starting point in addressing the situation would be to further detail these problems and note their inter-relationship.

## C. DISCUSSION GUIDELINES FOR WORKSHOP LEADERS

It is anticipated that discussions at the Records Management Workshop will focus on addressing each of the hypothetical records management problems described in this training packet, with approximately one hour and fifteen minutes devoted to each. If, however, workshop participants feel that one of these problems is of sufficient interest to the participants to warrant devoting the full discussion time to it, that decision should be made at the commencement of the session so that subsequent discussion can be appropriately focused. At the conclusion of the workshop session, workshop leaders or designated reporters will report in a plenary session on the problems their workshops have addressed and the various approaches and solutions the individual workshops have devised for addressing the given situations.

Please note that there will be no plenary session to introduce the records management workshops.

Records Management Problem #2 focuses on the records management aspects of records storage and disposition (and related space problems and security of exhibits and files. Three principal questions are raised by the scenario:

- (1) What are the records management problems presented?
- (2) How does the political and operational environment relate to these problems:
- (3) What should the judicial community of This City do to deal with this situation?

Although the workshop leader is expected to focus discussion on these primary areas and related solutions, Problem #2 presents an excellent opportunity to emphasize the inter-relationship among the several management activities associated with managing a complex organization such as a County Clerk's office. For instance the problem scenario for Problem #2 depicts clearly that this County Clerk has significant management problems in addition to those associated with the areas of space utilization and exhibit and file security. The workshop leader should interject continually that analysis of these types of problems is complicated by determining whether the issues are problems or simply symptoms of other problems.

Along these lines, this Clerk has problems in at least three other areas, in addition to the two primary ones mentioned previously: personnel, financial, and public image. Each of these problem areas continues to irritate other existing problems and initiate new problems. One scenario of these inter-relationships might take the following form:

A problem with file security is identified. Efforts to solve the problem by implementing an improved check-out system for case files initiate complaints

from personnel that it adds to their workload, for which they are not now adequately compensated. Whether the compensation claims have merit or not, efforts to obtain finances from the Board of Supervisors to increase pay for selected employees fall upon deaf ears. Obviously the Clerk does not carry enough weight with the Board of Supervisors to push through such a recommendation. Other than for personality conflict reasons, this lack of clout could be attributed to the fact that the Board of Supervisors feels the Clerk does not have a sufficiently good public image to do them any political harm. This impression of a poor public image could be attributed to the Clerk not having good media relations, or impressions the public receives when trying to use the Clerk's Office. AND VICE VERSA, ETC., ETC., ETC...

As relates to records management problem no. 2, the following outline presents management problem areas and related potential solutions for discussion.

1. Problem: Space Shortage and Records Storage (disposition)

Questions:

- A. Is this a defacto space shortage situation?
- B. Why are all case files being stored in the Clerk's primary space?
- C. Why are file cabinets continuing to be used?
- D. Is there a lack of organization of working desks with regard to logical functional relationships?

Solutions:

- A. Work out a records retention schedule with the cooperation of the State Department of Archives.
- B. Implement a three-stage records storage policy:
  1. Use the Clerk's office for storage of only open case files.
  2. Use the space in the basement of the building for storage of recently closed case files which are not yet ready for archival storage.
  3. Implement a system for archival storage of those records deemed of value, and otherwise destroy unneeded case records.

- C. If possible, use existing microfilm equipment to film selected case files.
- D. Implement open shelf filing.
- E. Redesign the Clerk's office such that office equipment and desks are organized in a functional relationship.

2. Problem: Exhibits and File Security

Questions:

- A. Why are exhibits being lost or stolen?
- B. Is there a system for file control (e.g. a file check-out system)?
- C. Can the public counter be better organized for exhibit and file security?

Solutions:

- A. Establish a separate, secure storage area for exhibits. If such an area is not available to the Clerk, then the Clerk should pursue having that responsibility transferred elsewhere (e.g. the Sheriff's Department). Insure that all exhibits are indexed adequately.
- B. To insure adequate file control, implement an accountable check-out system for case files (e.g. use out-cards and receipts for checked-out files).
- C. If space permits, establish a file viewing area for use by attorneys.

3. Problem: Personnel

Questions:

- A. Why is morale low?
- B. Are working conditions adequate?
- C. Is compensation adequate?

Solutions:

- A. Here the solution/problem inter-relationships begin to surface clearly. If more space could be obtained by the Clerk and the office reorganized, then working conditions could be improved, which would be one factor to improve employee morale. Also if the Clerk could document inadequate employee

compensation and had a sufficient relationship with the Board of Supervisors to obtain necessary funds, then compensation could be improved and subsequently, morale improved.

4. Problem: Financial

Questions:

- A. Aside from issues of fund availability, the Clerk's financial problems are exacerbated by political hostilities between her and the Board of Supervisors.

Solutions:

- A. Take a Dale Carnegie course.
- B. Attempt to become more politically astute.
- C. Improve public image, and thereby political clout with the Board of Supervisors.

5. Problem: Public Image:

Questions:

- A. The Clerk's office obviously is suffering from low public prestige, and apparently does not have good media relationships.

Solution:

- A. Attempt to improve public image, leading to improved relationships with the Board of Supervisors, leading to possibilities of adequate funding, leading to a better working environment, leading to improved employee morale, leading to better service to the public, leading to an improved public image.

**END**