At our next meeting we will discuss performance measures and the future of the state court workforce. The information contained in this summary will inform our conversations on these topics.

**Performance Measures**

*Performance Measurement Systems*

Critical to the assessment of operational processes and quality improvement, performance measurement systems are widely adopted in a variety of industries.¹ Today, the development and adoption of performance measurement systems also extends to state courts. Performance measures developed by NCSC researchers integrate “major performance areas defined by the Trial Court Performance Standards with relevant concepts from other successful public- and private-sector performance measurement systems.”² The short article “Why Measure Performance?” (also attached as Appendix A) provides an overview on the importance of performance measures in court systems. Over time, NCSC has also developed measures relating to appellate courts, drug courts, mental health courts, and elder abuse cases.

**CourTools Website**

[Courtools.org](http://www.courtools.org) is a clearinghouse for information on both trial court and appellate performance measures. There are 10 trial court performance measures and six appellate court measures (listed in Table 1). Click on the hyperlinked measures in the Table for

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detailed information (e.g., definition, purpose, method of measurement) on that particular measure.

Table 1: CourTools Performance Measures

<table>
<thead>
<tr>
<th>Trial Court Measures</th>
<th>Appellate Measures</th>
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<td>• Access and Fairness</td>
<td>• Constituent Survey</td>
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<td>• Clearance Rates</td>
<td>• Time to Disposition</td>
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<td>• Trial Date Certainty</td>
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<td>• Reliability and Integrity of Case Files</td>
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<td>• Effective Use of Jurors</td>
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<td>• Court Employee Satisfaction</td>
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<td>• Cost Per Case</td>
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</table>

Performance Measure Implementation

State courts are increasingly adopting performance measure systems. The following articles and reports exemplify performance measure implementation processes and outcomes.

Maryland (Montgomery County)
Montgomery County Circuit Court CourTools
Montgomery County Circuit Court
This dashboard examines circuit court performance on all 10 trial court measures. Performance is measured for all case types, where possible. The article, From Performance Measurement to Performance Management: Lessons from a Maryland Circuit Court (abstract only), provides an overview of the dashboard's implementation and use in informing management decisions.

Minnesota
Performance Measures: Key Results and Measures Annual Report (2013)
Minnesota Judicial Branch
This report provides in-depth analysis of performance on many of the CourTools Measures. Several measures in the report also address appellate courts and family courts.
Oregon
Oregon Judicial Department
This report lists the Key Performance Measures (KPMs) adopted by Oregon courts and provides a synopsis of the progress on each measure.

New Jersey
Backlog Performance Measurement—A Success Story in New Jersey
Mr. Greacen discusses New Jersey’s backlog performance measure in the context of its other performance measures. Outcomes and lessons learned regarding the backlog measure are also covered in the article.

Utah
Utah Courts Performance Measures (2014)
State of Utah Judicial Council
This web tool allows user to view court performance on a variety of performance measures. Clearance rate data is available for trial and appellate courts.
**Future Court Workforce**

At our last meeting, Dan Becker noted the importance of a proactive approach to developing state court workforces (skills, efficient staffing, etc.). This is particularly important given technological advances and court reengineering efforts. The following articles and reports focus on the transformation of state courts and/or the need for evolution in the current workforce.

- **It’s a New Day: Future Trends Require Revolutionary Changes in Courts** (2011)
  John A. Martin and Brenda J. Wagenknecht-Ivey
  This article examines key trends critical to court functioning and discusses ways court leaders can and should respond to the trends to shape a better future for state courts. Revolutionizing court culture and court work environments are among the action points for court leaders.

- **Comprehensive Clerical Committee: Report and Recommendations** (also attached as Appendix B)
  State of Utah Judicial Council
  This report begins with an assessment of current and future trends for clerical court staff. The report continues with recommendations and anticipated outcomes around how the work of judicial support staff can improve the delivery of court services and “lead to a better organization for court employees.”

- **A Case Study: Reengineering Minnesota’s Courts** (2012)
  Laura Klaversma and Dan Hall, NCSC
  This report examines the Minnesota state court reengineering process. The authors address the impact reengineering processes have on the court workforce and the ways in which the workforce can and should evolve as a function of reengineering.
Modern courts are busy places. A vast array of different case types in all stages of the legal process simultaneously compete for the time and attention of judges and staff.

Satisfying the expectations of court customers who vary in their roles and goals is a daunting challenge for court leaders. Moreover, judges and court administrators have only limited opportunities to view their work in perspective. The press of caseloads, along with everyday operational problems, often seems all consuming.

In this context, performance assessment actually helps court managers set goals as well as understand and manage organizational performance. With performance indicators in place, judges and court managers can gauge how well the court is achieving basic goals, such as access and fairness, timeliness, and managerial effectiveness.

Not everyone will see and accept the purported benefits of court performance measurement. Skeptical reactions range from “performance measurement won’t tell us anything we don’t already know” to “we’re happy with the way things get done now” to “we just don’t have the time and money to even try this.” Simply stated, an understandable response to the call for a new set of responsibilities is “why shouldn’t we just continue to try to do a good job, rely on our sense of how we’re doing, and strive to minimize daily problems as much as possible?”

These types of reactions show the need for a discussion of why the bench and court managers should devote energy to the systematic and ongoing task of court performance.
Five Reasons to Assess Court Performance

1. One reason for embracing performance measurement is that perceptions and beliefs of court insiders about how work is getting done are not always accurate. As a result, positive anecdotes and personal accounts are dismissed by court critics who see what is happening in terms of their personal, and perhaps negative, experiences. In contrast to endless debate over conflicting images, performance data allow everyone to test the reality of their assumptions of how well things are going. Performance evaluation sorts out whether what court insiders think is going on is, in fact, taking place.

2. A second attractive aspect of performance assessment is the capacity to identify and focus on areas of greatest importance to a broad and diverse audience. Multiple indicators permit courts to respond to the varied concerns of constituents, including litigants, attorneys, witnesses, jurors, the public, and funding authorities. Certainly the bench and court staff are in a prime position to assess internal operating procedures, but court customers might have quite different criteria in mind when they evaluate the quality of service. By clarifying and measuring key outcomes relevant to the individuals and groups being served, the court averts the problem of making incorrect assumptions about what will best satisfy the public.

3. Fostering greater creativity among court staff is another reason for being clear on desired outcomes. When court leaders and managers explicitly state what matters most, court staff more easily engage in determining how to make it happen. This is done by standardizing the ends rather than dictating the means to achieve them. Setting the desired outcomes in terms of clear measures (e.g., 90% of case files could be retrieved within 15 minutes) help staff better understand their individual contributions and empower court staff to devise creative means to achieve the desired outcome.

4. The value of performance data for preparing, justifying, and presenting budgetary requests constitutes a fourth reason why chief judges and senior administrators should consider performance assessment as a standard management practice. Performance assessment’s focus on multiple goals and corresponding measures makes clear that courts use resources to achieve multiple ends. Information on how well the court is doing in different work areas provides essential indicators of whether goals are reasonably being achieved, which ones are being met more fully than others, and which ones are marked by poor or unacceptable performance. As a result, courts can articulate why some activities need tighter management oversight, improved administrative practices, more resources to support promising uses of new technology, or different configurations of
personnel. In this manner, performance assessment is a critical foundation for building evidence-based requests for new initiatives and additional resources. Performance assessment across a spectrum of goals establishes a natural priority of emphasis and shields courts from the criticism that budget requests are the product of some individual judge’s or administrator’s personal preference. Instead, budget proposals flow from the mission of meeting agreed-upon goals.

Finally, attention to the results of court activities is more than just a polite gesture to the outside world. For the nation’s courts, failure to highlight performance goals and measure them undermines the judiciary’s proclaimed ability and need to govern its own affairs. Formal performance assessment signals a court’s recognition, willingness, and ability to meet its critical institutional responsibilities as part of the third branch of government. Effective judicial governance and accountability require courts to identify primary responsibilities for which they can and should be held responsible. Since courts use public resources, taxpayers and their elected representatives are legitimately entitled to raise questions about efficiency and effectiveness in the expenditure of court funds. In response, performance assessment provides the means for courts to demonstrate the value of services delivered.

The foregoing observations suggest that performance assessment shifts the focus of court management from paying attention primarily to internal processes to delivering quality and value for the taxpayer dollar to court customers. However, actually establishing measures of value in the court context is a complex task. No single best measure for assessing high performance (like profitability in the private sector) exists to guide court leaders. Traditional court management typically measures a blend of inputs (e.g., the number of court staff employed) and outputs (e.g., the number of cases processed by court staff). But measures that focus on outcomes—the ones that allow people to say, “Yes, I see the value delivered for the investment”—are much more difficult to craft. CourTools proposes a small but well-considered set of outcomes that appear to be widely accepted as valuable.

Outcome measures should, however, be supplemented and tempered by reference to measures that relate to cost-effectiveness. Court leaders focused solely on outcomes risk investing money past the point of diminishing returns. If improvements in performance fail to increase proportionately to additional outlays of time and resources, new money would be better distributed to another activity, function, or program. At some point, for example, the impact on case-processing time of adding more staff will be negligible. Therefore, performance measurement should be conducted with an eye on two fundamental criteria: the outcomes the court delivers to its customers and the cost-effectiveness the court achieves in distributing resources. Both kinds of measures are included in CourTools.


**CourTools**, developed by the National Center for State Courts, is a first effort toward providing all courts a common set of ten indicators and clear methods to measure performance in a meaningful and manageable manner.

### Design criteria

The choice and formulation of the ten **CourTools** measures are shaped by three interrelated criteria: (1) fundamental court values; (2) balanced perspective on the work of the court; and (3) feasibility and sustainability. Performance measures must be relevant to a court’s mission, purpose, and strategic plan. In designing **CourTools**, the NCSC draws on the civic ideals and major performance areas unique to courts, as defined by the Trial Court Performance Standards (TCPS). These include, for example, providing access to justice, reducing delay, and ensuring fairness. **CourTools** also includes other success factors linked to management effectiveness that are relevant to all public institutions, such as fiscal responsibility, client-customer satisfaction, and the effectiveness and efficiency of internal processes. The ten measures making up **CourTools** provide concrete and specific indicators of success.

Finally, feasibility and sustainability require measures that are limited in number, readily interpretable, and durable over time. **CourTools** constitutes ten vital indicators of court performance, with more specific focus than the 68 measures of the TCPS. The **CourTools** indicators are easier to use initially and permit regular, periodic applications. The effort to apply the measures is not exorbitant or exhausting.

### Delivering quality service

Let us now consider the relationship between these three design criteria and the ten measures. To facilitate the measurement of what constitutes a well-performing court, performance is defined in terms of service delivery, a concept associated with the outcomes of public institutions. For courts specifically, key services include how individuals are treated, the manner in which cases are handled, and the integrity of how a court controls its operations. Courts exist to provide the services of a controlled, efficient, and orderly legal process.

Within each area of service delivery, there are criteria for evaluating the quality and value of services rendered. In the treatment of individuals, we focus on measures of access and fairness, which are key values in the Trial Court Performance Standards. In the handling of cases, we focus on the criterion of timeliness, a value enshrined in the U.S. Constitution. Drawing on the insights of the TCPS as well as contemporary management literature, we examine managerial effectiveness, a standard calling for purposeful and deliberative administrative actions.
Access and fairness emphasize the fundamental importance of individuals and how they are treated in the American legal system. The degree to which these values are achieved in the real world is measured by ratings of court customers. **Measure 1: Access and Fairness** is a survey measuring individual satisfaction with the ability to make use of the court’s dispute resolution services (access) and how the legal process dealt with their issue, interest, or case (fairness).

Timeliness emphasizes the concern of court participants, the public, and policymakers that the legal process is controlled and well-managed. Four measures highlight the general requirement that trial court functions be performed within a proper and reasonable timeframe.

**Measure 2: Clearance Rates** examines court productivity in keeping current with the incoming flow of cases. **Measure 3: Time to Disposition** calculates the length of elapsed time from case filing to case resolution, with the recommendation that the result be compared to some stipulated or agreed-upon case-processing time standard.
A related indicator of timeliness is the amount of time cases have been pending or awaiting resolution—**Measure 4: Age of Active Pending Caseload.** It is possible for a court to show expeditious processing of disposed cases, yet have undesirably high figures for the age of its pending caseload. This happens when routine cases move smoothly through the court system while problematic cases are allowed to continue aging. Moreover, an increase in the age of pending cases foreshadows difficulties a court might have in continuing its past degree of expeditiousness. Finally, **Measure 5: Trial Date Certainty** provides a tool to evaluate the effectiveness of calendaring and continuance practices. Not only does trial postponement almost inevitably delay case resolution, the constitutional guarantee of a speedy trial is frustrated by the inability of a court to conduct trials as scheduled.

Managerial effectiveness highlights the nexus between operating procedures that are strictly internal and outcomes important to the court’s customers. Success in meeting this key value is assessed in the five remaining **CourTools** measures. Measures 6 to 9 relate to values emphasized in the TCPS, while Measure 10 focuses on cost-effectiveness.

**Measure 6: Reliability and Integrity of Case Files** is vital to the public interest (individual litigants and taxpayers alike) in that the records of court decisions and actions officially determine the rights and responsibilities of individuals and the government. Inaccessible or incomplete case files seriously compromise the court’s integrity and undermines the judicial process. A well-performing court maintains case files completely and correctly in recordkeeping systems, which also permit expeditious retrieval and support timely case processing.
Integrity and public trust in the legal process also depend in part on how well court orders are observed and enforced. **Measure 7: Collection of Monetary Penalties** focuses on the extent to which a court takes responsibility for the enforcement of monetary penalties.

Jury participation in the legal process represents the basic democratic premise that citizens are appropriate decision makers in legal disputes. **Measure 8: Effective Use of Jurors** addresses a court’s ability to effectively manage jury service.

**Measure 9: Court Employee Satisfaction** uses a survey, drawn from contemporary management literature, to gauge employee perspective on the quality of the work environment and relations between staff and management. Conflict, low morale, and doubt about the appropriate division of labor among court employees undermine service to the public. Moreover, effective supervision and direction by managers are essential to the ongoing growth and development of court staff. Clarity and a sense empowerment by employees facilitate judicial efforts to process and issue orders in a timely and effective fashion.

Deciding how best to allocate scarce resources so as to gain the biggest bang for the buck is a critical task for court managers. Attention to outcomes must be united with the equally critical element of cost-effectiveness. High performance courts will want to compare relative expenditures (costs) with outcomes to determine where additional dollars will likely have the greatest incremental impact on performance. **Measure 10: Cost per Case** provides information essential for deciding how to allocate funds within the court and for understanding the link between costs and outcomes. Claims of judicial independence unsupported by information on the cost-effectiveness of current programs makes court budget requests vulnerable to arbitrary cuts or inadequate increases. Hence, it is in the self-interest of courts to frame the dialogue over the financing of services with their own, independent cost-effectiveness data.
Conclusion

CourTools enables courts to collect and present evidence of their success in meeting the needs and expectations of customers. Basic indicators of court performance are a necessary ingredient of accountability in the administration of justice and effective governance of the third branch. Moreover, performance measures provide a structured means for courts to communicate this message to their partners in government. CourTools should appeal to judges and administrators interested in setting the agenda of policy discussions and evaluations of institutional performance. Designed to demonstrate the quality of service delivery, CourTools fosters consensus on what courts should strive to achieve and their success in meeting objectives in a world of limited resources.

Readings and Sources

These references are intended to serve as a resource for further inquiry into performance assessment generally, research underlying the ten CourTools measures, and the concept of a balanced scorecard.


Comprehensive Clerical Committee
Report and Recommendations

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Comprehensive Clerical Committee Report and Recommendations Executive Summary

The Comprehensive Clerical Committee was charged with studying clerical operations in the Utah State Courts, anticipating future influences on the current work of court clerks, and producing recommendations to assist the Judicial Council’s planning and decision-making concerning judicial and case management support operations. The following is a brief summary of the committee’s findings, recommendations, and anticipated outcomes detailed in this report.

Summary of Current and Future Trends:

The committee assessed clerical operations in the Utah State Courts, identified forces of change, and envisioned how judicial office support will continue to change. The following were determined to be significant trends and issues related to clerical operations which created the foundation of the committee’s analysis, planning, and recommendations:

- The satisfaction of court employees
- The impact of turnover and attrition
- The comprehensive advent and development of technological processes for court processes
- The development and need for job-specific training
- The demographic trends of the current and projected workforce

Summary of Recommendations:

The committee concludes that the work of judicial office support will need to be more dynamic, cross-functional, and proactive to meet future needs of the organization. Accordingly, the following recommendations will improve service to court patrons and produce a better organization for court employees:

- Reorganize clerical operations into judicial and case support teams that enhance efforts to fulfill the court’s mission
  - Judicial and case support is best organized according to two functions. The first function involves pre-case services, referring to all duties and tasks performed prior to the assignment of a case number. The second function refers to the support work required once a case has been assigned a number and transitions to a caseflow management process.
  - Caseflow management is “the entire set of actions a court takes to monitor and control the progress of cases, from initiation through trial or other initial disposition, to the completion of all postdisposition court work, in order to make sure that justice is done promptly.”¹
  - Therefore, the following teams are recommended to give structure to future operations:
    - Judicial Services Teams will handle all work done before a case is assigned to a Judicial Support Team. Most of this work is currently done at the front counter in a courthouse. This is the entry level to judicial office support operations.
    - A Judicial Support Team will be assigned to each judge. Once a case is assigned to a judicial support team, they will coordinate all case-related matters including...

Court hearings, through conclusion of the case. These teams will consist of a Judicial Case Manager and Judicial Assistants.

- Specialty Court Teams will provide case management services for cases that are not tied to a specific judge, such as small claims cases. These teams will also consist of a Judicial Case Manager and Judicial Assistants.

- Cross-train staff to create teams of generalists that increase organizational efficiency
  - Specialization in judicial office support places strain on the organization, is counterproductive to staff satisfaction, and poses unnecessary limitations on the work. This is of particular significance when applied to the projections of judicial support.
  - A team structure composed of cross-trained generalists will increase organizational flexibility, improve the quality of service, and offer a better environment to employees.

- Implement a program of professional development that offers greater opportunity, improved incentive, and competency growth for employees
  - Currently, new clerical employees enter into a career track system which places wage increases for the first three years of employment only. The proposed career track provides incentives more evenly distributed through tenure, focuses on competency growth, and prepares employees for increased opportunity within the organization.
  - The proposed career track encourages employee self-direction and will produce a workforce possessing the skills and competencies needed for advancement in the organization.
  - The development track increases the breadth of court-related knowledge within the workforce, particularly as it pertains to understanding how all processes interrelate.

- Adopt the proposed implementation strategy to ensure an effective transition of this plan
  - These recommendations present a significant and important adjustment for the organization. An implementation strategy is provided to achieve an effective transition.

Summary of Anticipated Outcomes for the Utah State Courts:

- A structure and workforce better prepared for the future
  - The current trends associated with clerical work suggest it will become a more dynamic, generalized, interpersonal type of work. These recommendations prepare the courts to take advantage of these trends.
  - A comprehensive advent of technological processes to court functions is expected. These recommendations prepare the organization to maximize the benefits of such.
  - 23% of the incoming office support employees have already earned bachelor degrees. This will likely increase in the future. The recommendations create an environment where aptitudes developed in college can be put to greater use and improves opportunities for employees to pursue higher education.

- An organization that offers enhanced opportunities and incentive to employees
  - These recommendations foster self-directed professional growth for employees.
  - Teams of generalists enable the organization to implement progressive practices – such as a new comprehensive approach to employee orientation, improved performance during times of turnover/attrition, and scheduling flexibility.
- **Minimization of turnover and attrition**
  - High turnover causes a great strain on the system. Coupled with specialization, it increases the stress and workload of more senior staff due to training and coverage. Cross-trained teams improve the self-sufficiency of teams and the quality of service rendered during times of turnover.
  - The professional development track should alleviate tensions associated with compensation, training, and lack of opportunity – each found to be significant factors in the court’s current high turnover rate.

- **A more effective and efficient form of service to court users and the public**
  - Judicial Support Teams consisting of employees who are fully prepared to work in the courtroom and manage cases, will benefit the public and increase continuity with judges.
  - The cross-trained and team-oriented work structure will improve data quality and records management, with greater consistency in practices.
  - These recommendations will enable the courts to operate more efficiently. Savings from these efficiencies should be reallocated to the reorganized workforce.
  - These recommendations should produce a long-term contribution to the fulfillment of the court’s mission; “to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.”  

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2 *Mission Statement, Utah State Courts*
Charter and Objectives:

The Court Administrator and Judicial Council had been considering the status of clerical positions in the Utah State Courts for some time. The Judiciary has responded to societal change by making appropriate adjustments in effort to continually serve the public effectively. However, as it pertains to clerical operations, there has been little (if any) adjustment to the job titles, job descriptions, and needed qualifications within the past 20 years. Furthermore, some relatively self-evident societal and technological changes – now and in the near future - present the Court an opportunity to improve the comprehensive efficacy of its judicial office support operations.

Hence, in May of 2007, after conferring with the Judicial Council and others, the Court Administrator appointed the Comprehensive Clerical Study Committee. The Committee was charged to study and understand all aspects of the courts’ current clerical operations, anticipate and consider future influences on clerical operations, and produce recommendations that enable the Judicial Council to adopt a plan that will benefit both the Utah State Courts and its employees in the future.

A successful plan would seek to achieve the following outcomes:
- An office support workforce that will be structured to best fulfill the courts’ mission
- Positions, job titles, and basic job duties that effectively support the proposed work structure
- A future office support workforce that will have the knowledge, skills, and abilities needed to keep the courts operating with the desired degree of efficacy
- An environment that will enable the Utah State Courts to attract and retain a highly qualified workforce
- Appropriate compensation for the proposed positions within the recommended restructure

Methodology:

The committee commenced meeting in June 2007. Initially the committee consisted of sixteen members with another two in staff support. The participants in committee meetings and processes would fluctuate according to need.\(^3\) The composition of the committee was designed to assemble a group “who could focus on the future.”\(^4\) The committee chair was Debra Moore, with Russell Pearson serving as the Vice Chair.

In an effort to both communicate the purpose of the committee and provide a forum for inquiries regarding the scope of its work, representatives traveled to every district in the state to conduct meetings with all clerical staff. These meetings proved to be beneficial, giving the committee a greater perspective pertaining to the concerns and challenges faced by the courts and its clerical workforce.

The committee adopted a five-phased action plan in order to give structure to the completion of its work.\(^5\) The five phases were as follows:

\(^3\) See Appendix A, page 18
\(^4\) Minutes, 26-Jun-07
\(^5\) See Appendix B, page 19
(1) **Produce a reliable projection of future clerical operations.** As part of this process the committee endeavored to gain a comprehensive understanding of clerical operations as they currently exist. Afterwards, the committee would identify the most significant influences on clerical work and project the degree to which these influences would alter the substantive nature of its work and its processes.

(2) **Produce a proposed work structure and organization built upon the projections.** The purpose of this phase was to take the production of the first phase, and develop a strategy as to how best organize and accomplish the work as it is stipulated in the projection. This effort would include basic elements of organizational structure, position specific recommendations, and the needed knowledge/skills/abilities to accomplish the work.

(3) **Produce a plan to transition existing employees and facilitate effective change.** This phase would require the committee to consider how to best help the organization and the current members of the court team adjust to and capitalize on the suggested plan. Considerations were to include needed training, competency analysis, and cultural elements.

(4) **Produce a plan to recruit new employees to the proposed structure.** The objective of this phase was to ensure that some consideration was given as to what type of candidates would best fit the recommended positions and roles in the organization.

(5) **Achieve an effective plan to retain employees who make important contributions to the goals and mission of the court within the proposed structure.** Given the significant trend of shorter tenure in the clerical workforce, the final recommendations would ideally address the concerns pertaining to retention of those employees who make important contributions to the work of the judiciary. Regardless of the degree of change recommended by the committee, retention was an area targeted for the group to understand and find solutions.

The development of the committee’s ideas and work was completed by interim project teams. The project teams were managed by Jeff Mulitalo, and consisted of members of the committee who were assigned to participate (or who volunteered to do so) based on interest and expertise. The membership of the project teams varied from month to month allowing for committee members to participate and take greater ownership in the recommendations. The committee as a whole was used as an advisory board which would evaluate, modify, and adopt the production of the individual project teams.

For the purposes of this report, the cumulative work of the project teams and the committee will be summarized in three sections: firstly a summary of the current conditions of clerical work, secondly a summary of the significant influences and projections as to how they will (or should) influence clerical work, and finally the recommendations of the committee to improve current conditions and take advantage of the opportunities that the future presents.\(^6\)

**Overview - Current Conditions of Clerical Operations:**

An effort was made to assess and understand two aspects of clerical operations in the Utah State Courts. The first aspect is the clerical operation itself, meaning the clerical duties, tasks, and processes currently assigned to the clerical workforce. The second aspect is the conditions associated with clerical

\(^6\) *The committee completed the work as it was outlined on the Committee Action Plan. However, based on the interconnected and synergistic nature of the individual project teams, it was not necessary to follow the action plan in the precise sequence of phases. This also explains why it is preferable to outline the committee’s work in a format other than a sequential reporting of the action plan.*
work, meaning the environment, trends, and contexts specific to the Utah State Courts. Thus, clerical operations are the work completed by the clerical workforce whereas the conditions of clerical work are the interactions of operations with environmental factors.

Clerical Operations:
An effort was made to assess current clerical operations and produce a working definition of clerical work. The committee adopted a conceptual model of clerical work which provides a comprehensive view of the tasks and duties currently assigned to clerks. The model was organized by case-related and non case-related work. This conceptual model would serve as the foundational reference point in determining how clerical operations may change, according to the influences which were deemed to be significant.7

Conditions of Clerical Operations in the Utah State Courts:
Efforts to understand the conditions of current clerical operations yielded several significant observations. Of these observations, four had particular influence of consequence:

- There are diverse practices applied to clerical operations within the state. While each judicial district performs the same clerical work, there were significant differences in work structure, duties, and assignment allocations. These variations exist in terms of district and geography.
- The current clerical operations structure can be experienced as a structure of disincentive for employees. The development of new knowledge, skills, or competencies can be encouraged but the structure does not provide much of an incentive for doing so.
- Specialization and compartmentalization are relatively common. While efficiency may seem to be achieved in the short-term, specialization contributes to several long-term deficiencies for the organization. High degrees of specificity in job tasks can produce teams that are not equipped to handle turnover, narrows competency growth of employees, and limits the professional development of the workforce.
- Turnover/attrition is a significant influence across the state. There is a substantial amount of turnover within the current career track, which is a system designed to give incentive for newer clerical employees to stay with the courts until they have completed the track (three years).8

Of these observations, the impact of turnover was easily identified as both an undesirable outcome of the conditions facing clerical work, and a significant contributor to other challenges the organization faces. An analysis of clerical retention was commissioned to validate and better understand this trend.

Retention Analysis Conducted by the Center for Public Policy and Administration:
Tricia Jack completed a mixed method analysis of clerical turnover and retention.9 The top five issues driving turnover in order of weighted influence were as follows:

1. Compensation
2. Stress
3. Lack of Career Opportunities/Growth

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7 See Appendix C, page 20
8 According to the most recent figures provided by Human Resources (FY 07), the turnover within the career track is as follows: a 41% turnover for deputy clerks in their first year of employment, a 39% turnover for deputy clerks who have one to two years of tenure, and a 42% turnover for deputy clerks who have two to three years tenure.
9 An Executive Summary of the retention study is provided on Appendix D, page 21
4. Workload

5. Lack of Training

As aforementioned, turnover is a powerful outcome and contributor to some of the challenges facing clerical operations. For instance, while relatively low compensation has been identified as the predominant cause of the early departure of clerical employees, the departure of those employees places a strain on the system. The perpetual nature of open positions finds many teams shorthanded, leading to increased workloads and stress placed upon employees in effort to ensure all of the necessary work is completed. This strain is felt in many ways. For employees, it increases their workload while the position is open and during the training of the new employee. For managers, providing the needed training for new employees is an intensive drain on their time and intensifies their workload. Thus, turnover because of compensation aggravates the other reasons for high turnover (such as stress and workload) — and intensifies the feeling that there is no long-term payoff for increased effort (either in terms of salary or professional growth).

The findings of the retention analysis provided important consideration points for subsequent development of the committee’s recommendations. A complete report of the retention analysis can be accessed from the Human Resources department.

Projections - Anticipated Trends and Expected Change:

With an adequate sense of the successes and challenges currently facing clerical operations, the committee was prepared to look to the future and develop a feasible, reasonable, and clear projection of future judicial office support operations. For the purposes of this report, the term “office support” will be used in reference to the work, duties, and assignments which are outside the scope of duties assigned to judges, which are needed to realize the mission of the Utah State Courts. Because of the prospective nature of the committee’s work, office support may include work that is not currently associated with clerical positions.

The committee considered multiple types of influences on office support operations, and identified the most significant technological, sociological, and desired influences to produce the needed projections.  

Identification of Significant Influences on Office Support: 

The following influences were deemed to be reasonable and significant to the future of office support:

- The comprehensive advent of e-filing
- An increase of the services required for self-represented litigants
- An increase of other automations associated with technology
  - Examples include: a greater reliance on OCAP, e-payment, paperless filing and scanning
- An increased need for caseflow management, or processes that effectively manage the coordination of case-related activities and tasks
  - For the purposes of the committee’s work, caseflow management is stipulated to be “the entire set of actions that a court takes to monitor and control the progress of cases,

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10 For a complete outline of these influences, see Appendix E, page 22
from initiation through trial or other initial disposition, to the completion of all postdisposition court work, in order to make sure that justice is done promptly.”11

- A workforce pool with higher degrees of education, dynamics skills, and desires for growth
- An increase in attrition associated with the expected retirement of the baby boomers12

Based on these identified influences, the committee approved a conceptual model that captures the projected adjustments of office support operations.13 This projected conceptual model reviewed the current tasks of clerical work line by line, and analyzed those duties against the significant influences. A projection was made on each duty, determining if it would require an increase in time/effort/resources, require a decrease in the same, or remain stable. This conceptual model was then used to formulate the committee’s projection of office support.

Comprehensive Clerical Committee Projection:
The Bureau of Labor Statistics suggested that, in general, clerical work will progressively move away from specialization. The committee ultimately agreed with this assessment, and felt that the courts should expect that “general administrative support duties [will] continue to be consolidated, [thus the Utah State Courts should] seek well-rounded individuals with highly developed communication skills and the ability to perform multiple tasks.”14

The committee concluded that the work of office support in the Utah State Courts will ultimately have a higher degree of emphasis on quality control, analytical work, applied knowledge work, comprehensive communication skills, and an emphasis on cross-functionality.

Using five years as a reference point, the committee concluded that the office support of the future will incorporate the following elements:

1. A more comprehensive approach to customer service for court patrons and effective assistance to self-represented litigants
   - *The office support workforce will need the ability to bridge cultural elements. This involves cultural sensitivity and language considerations.*
   - *The office support workforce will need the ability to explain and facilitate the use of resources and court processes, while demonstrating necessary tact with self-represented litigants*

2. The application and use of general court expertise
   - *The office support workforce will need to be generalists and be cross-trained in standard procedures.*

3. A substantial amount of information management
   - *The office support workforce will need the ability to manage the information provided through court services (eFile, ePay, OCAP), and will move from receiving files to reviewing and accepting submissions. This work will entail a high degree of quality control elements, analytical thinking, and technological work.*

4. The work will cater to more self-directed efforts

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12 For further detail see Appendix F, page 23
13 See Appendix G, page 24
14 [http://www.bls.gov/oco/print/ocos130.htm](http://www.bls.gov/oco/print/ocos130.htm)
The office support workforce will need the ability to successfully perform multiple tasks to complete the dynamic and generalized work that will need to be completed.

The office support workforce will need highly organized individuals who need little supervision in proactively facilitating the forward movement of cases for the organization and in serving self-represented litigants.

5. The work will require a greater degree of interaction

The office support workforce will function in additive teams, where interaction takes a premium in ensuring cross coverage. Furthermore, the needs for effective interaction with the public will be increased.

Recommendations:

As a result of its efforts, the Comprehensive Clerical Committee concludes that the work of judicial office support will need to be more dynamic, cross-functional, and proactive to meet the future needs of the organization. In order to prepare for these needs, the committee recommends that the Utah State Courts should: (1) reorganize judicial office support operations around cases, (2) implement a team-oriented work structure of generalists, and (3) adopt the proposed implementation plan.

1. Reorganize judicial office support functions around cases

The analysis of current conditions, significant trends, and projections for judicial office support led the committee to conclude that the best method of organizing the work is to do so around cases. The committee produced a case-centered conceptual model of office support operations.15

According to that conceptual model, judicial and case support can be organized into two general functions. The first function involves pre-case services, referring to all duties and tasks performed prior to the assignment of a case number. The second function refers to the support work required once a case has been assigned a number and transitions to a caseflow management process.

It is upon this case-centered conceptual model that committee produced its recommended work structure.

2. Suggested work structure

- Reorganize clerical operations into judicial and case support teams

The committee concludes that teams provide the needed capacity and flexibility to successfully organize office support and pre-case services and caseflow management. The following list of teams constitutes the recommended work structure for judicial and case support operations:

Summary of Suggested Teams:

Judicial Services Teams: Judicial Services Teams would be assigned all pre-case duties. Much of this work is done at the front counter in a courthouse. This is the entry level to judicial office support operations. These teams would vary in size, but would be supervised by a Judicial Services Manager and staffed by an undetermined number of Judicial Services Representatives.

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15 See Appendix H, page 25
**Judicial Support Team:** Judicial Support Teams will be assigned judges. Once a case is assigned to a Judicial Support Team, they will coordinate all case-related matters including court hearings, through the conclusion of the case. It is anticipated that a typical Judicial Support Team will consist of one Judicial Case Manager and two Judicial Assistants. However, there will be variation in the size, composition, and assignments of these teams.

**Specialty Court Operations:** The Specialty Court Operations Teams will provide caseflow management services for cases that are not tied to a specific judge, such as small claims cases. Like Judicial Support Teams, these teams will consist of a Judicial Case Manager and Judicial Assistants.

Each of these teams would report to a Team Manager, a mid-level administrative position.

- **Create a system of cross-trained, generalist positions**
  The proposed team structure will be most effective if all team members are fully cross-trained in the competencies, processes, and duties associated the team’s function. Thus, each position within the team structure requires a comprehensive ability to perform all functions associated with the objectives of that given team.

The following is a brief summary of the proposed positions. An elaborated summary can be accessed on Appendix H which also contains the needed knowledge, skills, and abilities for each position.\(^{16}\)

**Brief Summary of Positions:**

- **Judicial Services Representative:** This is entry level position to case centered operations. These employees will perform all pre-case related duties, including assisting self-represented litigants, electronic filing, general court patron service, correspondence with public, fee receipting.

- **Judicial Services Team Manager:** This is the supervisory position of the Judicial Services Team. These employees will be responsible for all pre-case related duties, and will be

\(^{16}\) See Appendix I, page 26
involved in quality control efforts, management related activities, and exhibit complete proficiency in all pre-case work.

- Judicial Assistant: These employees perform all in-court related duties, including attending hearings, administering oaths, mark/record exhibits, make records, jury management, courtroom preparation, recording outcomes, preparing/distributing orders, etc.

- Judicial Case Manager: This is the supervisory position of the Judicial Support Teams and Specialized Support Teams. These employees will be responsible for all case centered duties, and will be involved in working with e-filed documents, electronically docketing pre and post dispositions, documents, case events, assisting self-represented litigants as case proceeds, calendaring case events, coordinating court calendars with agencies, monitoring progress of cases, preparing required notices, quality control of assigned cases, case pending maintenance, preparing cases for appeal, recording outcomes, correspondence with parties/counsel/judges, assignment of cases, management activities, and exhibit complete proficiency in all case centered work.

- Judicial Team Manager: This is a mid-level administrative position who accepts management responsibility for an unidentified number of Judicial Services Teams, Judicial Support Teams, and Specialty Court Operations Teams.

- Clerk of Court: There will be no modification to the title or statutory responsibilities of the Clerk of Court. However, some modification may be required to the administrative and other duties currently assigned to Clerks of Court.

- Implement a competency driven professional development program

An effective program for professional development must sustain the development of case support generalists. Achieving a workforce of cross-trained generalists will increase efficiency of services, accuracy of records, and enable the organization to initiate processes that will result in long-term gains.

Additionally, if the professional development program is to achieve the desired ends, it must provide greater opportunity, improved incentives, and competency growth for the employees.

The proposed career track places the emphasis on competency development, with a more evenly distributed set of incentives through tenure, and encourages self-directed growth. The committee proposes that within the Judicial Services Representative and Judicial Assistant positions there be a three leveled track. The first level of that track is entry level work for the given team, the second level suggests complete competence in the work of the given team, and the third level represents further preparation to fill other progressive positions in the organization.

Each level within the career track will be associated with an increase in wage as employees develop and apply knowledge/skills/abilities that are of value to the organization.

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17 See Judicial Council Rules of Judicial Administration, Rule 3-302 Clerk of the Court
18 See Appendix J, page 29
As a matter of succession planning, the qualifications for subsequent positions in the system are designed be met within the career track. Therefore, with the exception of Judicial Services Representatives, it is anticipated that the selection process would be predominantly filled by internal candidates who have achieved adequate preparation through the career track. The committee has produced a recommended set of qualifications for outside candidates.19

The committee believes that (1) organizing support operations around cases, (2) creating a structure of support teams, (3) cross-training staff to be support generalists, and (4) implementing a new professional development track will produce a working environment that benefits the organization and its employees. The committee believes it will produce a more dynamic, cross-functional, and proactive approach to the work of judicial office support.

3. Suggested implementation plan
Upon completion of these recommendations, there were three general areas pertaining to implementation that were given careful consideration by the committee: organizational change, cultural change, and training to needed competency levels. The committee proposes the following guidelines for these efforts:

Training Plan:

This transition presents many opportunities for useful training and educational experiences for the clerical workforce. This training plan is limited to the training that the committee deemed as essential for a transition to the proposed judicial office support structure:

- A more complete training program for CORIS and CARE
- A comprehensive program to prepare all office support personnel to effectively help self-represented litigants
- A comprehensive training program to prepare all clerical workers to use and help others use internet services
- A training program that prepares the system for teamwork within the new structure
- A revised new hire program fully geared toward caseflow management

The committee produced a four phased transition plan to address these training needs. The training plan can be viewed on Appendix L.20

The committee also recommends that each district select a training coordinator. The Second, Fourth, and Third Juvenile are the only districts to have these positions. The purpose of these positions is to develop and implement an effective training curriculum. The committee strongly encourages the creation and filling of identical positions in each district.

For the purposes of these recommendations, training coordinators will serve an important purpose in both the transition to the proposed judicial and case support operations and to the long-term development of position specific educational needs. It is anticipated that they will be assigned additional duties related to information dissemination and new employee orientation.

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19 See Appendix K, page 30
20 See page 31
**Organizational and Cultural Change Plan:**

The committee reviewed what would be a desirable plan to ensure the best possible transition for the organization. The following is a basic plan for the organization to use as a set of guiding principles and suggestions. They can be reviewed and modified as deemed necessary during implementation.

- **Produce and Empower Cultural and Organizational Leadership Teams**
  Most change efforts need a significant amount of support or “buy in.” It is recommended that one existing group be targeted and another group be created in order to achieve that support:

  Cultural Change Leadership Team: Organizational change research suggests that “managers are the primary change agents in most organizations. By...their role-modeling behaviors, they shape the organization’s change culture.”21 Thus, the change effort should view Trial Court Executives and Clerks of Court as an important change coalition. An effort should be made to engage these managers early and often, seeking to gain support through understanding.

  Organizational Leadership Team: The organizational coalition will consist of 12 members (one from each district and Court of Appeals). This group will serve as a “Judicial and Case Support Specialist Team.” They will receive some training, discuss the process with other district representatives, and serve as consultants to their own districts. It is strongly suggested that current district training coordinators serve on this coalition. For districts that do not have training coordinators in place, they should select an individual to serve in that capacity until a training coordinator is selected.

- **Understand and Build on Shared Values**
  The committee feels that the recommended changes have a lot to offer employees. An outreach plan should be instituted. Outreach efforts will include group facilitations, printed materials, and web-based materials. Outreach materials should emphasize the shared values and benefits the proposal will produce.

- **Promote, Troubleshoot, and Communicate (Consistently and Frequently)**
  Every phase of the transition should have generous amounts of communication, including opportunities to listen. This should happen consistently and frequently.

- **Facilitate Effective and Customized Organizational Transitions**
  There will be some challenges facing districts, including reorganization of people and existing structure. Each district will need an opportunity to apply the proposed changes to meet the realities of their district. Transitions involving employees should be competency driven, not position driven. This effort should place full ownership of these adjustments on the districts and produce minimal central oversight. Human Resources and the Organizational Coalition will provide the needed consultations and oversight. It is also highly recommended that individual districts include staff in some team oriented change processes.

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- **Ensure All Adjustments Are Meaningful, Reasonable, and Reinforced**
  Human Resources and the Change Coalitions must ensure that there are no superfluous actions taken or communications proliferated. Transitions should be implemented only as the system is prepared to sustain such. Change efforts should coincide with the progress of the general training plan. Once a transition has been completed, it should be reinforced in practice and recognition. An emphasis on the incremental, short-term steps should be used with the general workforce. An effective system of evaluation should be established and implemented.

The committee produced a four-phased plan for the organizational and cultural change effort. It elaborates in greater detail the application of these principles. This is provided on Appendix M.  

**Contrasting Systems: Comparison of Clerical Operations and Proposed Case Support Structure**

The purpose of this section is to contrast the current clerical system with the proposed case support structure. Three generalized observations about the court’s current system were provided earlier in this report. Accordingly, one of the first observations involved the diversity of practices applied to achieving the needed clerical outcomes. Therefore, the value of contrasting some aspects of detailed work processes is marginal.

However, there are benefits to contrasting the systems in terms of general differences of structure, workforce organization, workforce development, and the impact of turnover. A detailed document that contrasts these systems is also available. It is highly recommended to review that document in order to achieve a full grasp of the committee’s proposals.

**Work Structure**

<table>
<thead>
<tr>
<th>Clerical Operations:</th>
<th>Case Support Operations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The current structure in clerical operations is a linear, hierarchical structure. This structure creates an environment of limited opportunity, where growth is connected to the structure (usually in terms of tenure). The limited nature of the structure has lead to a diversity of practices being applied to clerical operations.</td>
<td>The proposed structure for caseflow management consists of connected and parallel work structures. It is projected that this structure will create increased growth opportunity and improved succession planning. It is also projected that a more consistent statewide application of practices for office support will result from this structure.</td>
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</tbody>
</table>

**Organization of Workforce**

<table>
<thead>
<tr>
<th>Clerical Operations:</th>
<th>Case Support Operations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In general, the workforce is organized according to specialization of task(s). Teams are often organized by function, and new employees are...</td>
<td>The workforce is organized into teams of fully cross-trained generalists. Producing teams of comprehensively competent office support will...</td>
</tr>
</tbody>
</table>

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22 *See page 32*
23 *See Appendix N, page 33*
24 *See Appendix O, page 37*
usually assigned to a specific area or duty. Specialization has several unintended consequences, most of which produce negative outcomes for the organization. Such negative outcomes include constrained flexibility during times of turnover, an indirect negative influence on records quality, and morale problems.

produce many long-term benefits for the organization. Some of the identified benefits include improved data/records quality, more efficient court patron service, and greater organizational flexibility.

**Development of Workforce**

**Clerical Operations:**
The development of the office support workforce in the clerical model has a career track built upon tenure. The career track offers wage increases at the completion of each of the first three years of employment. Thus, the career track places little incentive on competency growth, is front-loaded, and contributes to a sense of pay compression. The training and development effort is organized by a centralized education model. One of the most significant complaints coming from the clerical workforce is the lack of job-related and helpful training.

**Case Support Operations:**
The professional growth track is built upon the development of competencies that are of value to the organization. It encourages self-directed professional growth within the parameters of competency improvement. Furthermore, the proposed professional development track offers incentives to employees as they mature in the organization. The training and development model would be dispersed with training coordinators in each district facilitating job-specific training to the unique needs of each district. The proposal also enables the court to pursue a more comprehensive new employee orientation geared toward the strategic goals of caseflow management.

**Impact of Turnover**

**Clerical Operations:**
Turnover is among, if not the, most significant challenges facing the clerical workforce. Most of the difficulty associated with turnover is a result of the organization and work structure of clerical operations. The structure is one of disincentive for long-term growth. Furthermore, the tendency towards specialization places great strain on more senior employees during times of turnover while covering for vacant positions. This creates a heavy workload and stress, which also contributes to others looking elsewhere for employment. Teams are typically in a perpetual training cycle, where they invest time and effort preparing new employees. Often in return, these newer employees take their recently acquired knowledge and skills for employment elsewhere. Thus, for the organization, there is a large investment with minimal returns.

**Case Support Operations:**
It is anticipated that the implementation of the committee’s proposals will have a positive effect on retention. The proposed structure will have more to offer employees of the future, offering growth incentives in terms of competency and compensation. The professional growth track focuses on competency development and prepares employees for increased roles in the organization. The growth tracks will also aid employees for similar roles outside the organization – thereby providing incentive for employees who plan on pursuing others careers to achieve a longer tenure. Teams of cross-trained generalists are better suited to effectively manage times associated with turnover, decreasing the intensity of workload fluctuations. The diverse and fluid nature of generalist work should also decrease feelings of burnout.
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Appendix A: Committee Composition

Committee Members:

- Kim Allard
- Lisa Collins
- Hollie Curtis
- Sylvester Daniels
- Scott Hennessy
- Crystal Hughes
- Wendy Matheney
- Debra Moore (Chair)
- Diana Olsen
- Rob Parkes
- David Patton
- Russ Pearson (Vice Chair)
- Loni Page
- Kristen Rogers
- Angie Stefaniak
- Ray Wahl

Staff:

- Sandy Iwasaki
- Jeff Mulitalo
- Ken Embley
- Tricia Jack
1. **A Projection of Future Clerical Operations (Completed December 2007)**

Taking into consideration the influence of anticipated changes, the committee will produce a document that produces a long-term projection of clerical operations. This document will be the foundation of the recommendations of the committee, and should be sensitive to clerical operations as a whole.

   a. **Objective:** Delineate a feasible, reasonable, and clear projection of future clerical operations

   b. **Strategy:**
      i. Define the work as it currently exists
      ii. Identify projected influences in clerical operations
         1. Technological, sociological, and desired influences
      iii. Analyze current operations against projected influences
      iv. Produce projected operations

   c. **Work and Project Development:**
      i. **Task #1:** Produce an agreed upon stipulation of current clerical work and operations for the purpose of producing a foundation for projections. (Nov. 2007)
         1. District clerical assessment (Oct. 2007)
      ii. **Task #2:** Identify, study, and consider projected influences in clerical operations (Nov. 2007)
         1. Presentations and information will be provided by relevant personnel and experts
            a. Ron Bowmaster (Oct. 2007)
            b. Human Resources (Oct. 2007)
            c. Quality Assurance (Nov. 2007)
            d. Caseflow Management (Nov. 2007)
      iii. **Task #3:** Identify the most significant influences (Dec. 2007)
      iv. **Task #4:** Produce an agreed upon projection of future clerical work and operations (Dec. 2007)
         1. Using the stipulation of current clerical work as a foundation, analyze the foundation against influences deemed to be the most significant.

2. **A Proposed Work Structure and Organization**

   a. Organization of Work, Office Organization, Job Titles and Duties
      i. Evaluate the current structure
      ii. Other organizational structures
      iii. Individualized projections from districts
      iv. Working offsite, teams, centralizing
      v. Identify needs or parallel structures built on similar needs

   b. Compensation/Benefits (HR)

3. **A Plan to Transition Existing Employees**

   a. Career Opportunities
   b. Training

4. **A Plan to Recruit**

5. **A Retention Plan**
### Comprehensive Clerical Committee: Conceptual Model of Clerical Work

#### Pre-Court
- Electronically docketing pre and post disposition documents and case events
- Fee receipting
- Assisting self-represented litigants at the time of filing and as the case proceeds
- Preparing case files, physical filing, scanning
- Adding documents to files
- Making files available for judicial use
- Setting calendars
- Scheduling interpreters, mediators, and court reporter when appropriate
- Coordinating court calendars with outside agencies and counsel
- Monitoring progress of cases including providing judicial notice of cases that are ready to proceed
- Case file, exhibit, and courtroom preparation
- Entering documents
- Preparing required notices

#### In-Court*
- Attending hearings and/or trials
- Administering oaths
- Making the verbatim audio/video record
- Making minute entries as time allows
- Recording outcomes of hearings and/or trials*

#### Post-Court
- Electronically docketing pre and post dispositions documents and case events
- Maintaining judgment records
- Payment receipting
- Preparing cases for appeal
- Making minute entries and formalizing as necessary
- Preparing orders
- Notifying agencies and parties as required

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### Administrative Support
- Processing warrants, writs, and bail bonds
- Maintaining copies of the verbatim court record and exhibits
- Sealing and purging records based on the retention schedule
- Jury management
- Front desk/reception work
- Phone and email correspondence
- Accounting
- Archiving records
- Building maintenance
- Case pending maintenance
- Calendar management and preparation
- Computer backup and maintenance
- General legal research
- Interpreter management
- Inventory
- Library management
- Mail processing
- Maintaining audio/video equipment
- Meetings
- Non case-related judges' secretarial tasks
- Payment of jurors/witnesses
- Prepare and maintain attorney lists for judicial performance evaluation
- Purchasing activities
- Quality control
- Tape management and copies
- Travel
- Trust checks

### Management
- Management meetings/committee meetings
- Troubleshooting office computer equipment
- Building maintenance
- Office supply maintenance
- HR related activities (selection process, employee relations, performance management, time sheets, leave accounting, career track management)
- Staff meetings
- Training (on-going and new employee training)
- Reconciling accounts and making deposits
- Other accounting
- External accounting reviews
- Purchasing activity
- Physical inventory
- Budget preparation
Utah State Courts Retention Analysis: Executive Summary

The purpose of this report is to present the results of the Retention Analysis which was carried out with court clerks. The report presents reasons why clerks leave the courts and makes recommendations about how to reduce the level of turnover.

The analysis was carried out using mixed methodology. An online survey was sent to all clerks, followed by a series of focus groups which drilled down into some of the issues raised in the survey, and which explored ways to improve the situation. Between the survey and the focus groups, the following were given as the top five reasons for clerks leaving the Utah State Courts:

1. Compensation
2. Stress
3. Lack of career opportunities
4. Workload
5. Lack of Training

The research in the Utah State Courts with both clerks and managers informed us that low compensation relative to what they could earn in similar jobs elsewhere is the reason for high turnover. However, on further investigation, the problem is not just the compensation but the impact of this when combined with other factors such as stress, lack of opportunity to progress and workload. It is important to note that compensation issues are important but that other factors must be considered in conjunction with it. Raising compensation alone is unlikely to help the retention rate:

“Successful employee retention is a result of deliberate and targeted strategies on a number of different fronts. It won’t happen if we have a singular focus (e.g. on wages and benefits). It also won’t happen if we accept turnover as an inevitable cost of doing business” (MacLean, 2001, 8).

Some suggestions that participants had for improving the situation (excepting raising the compensation levels) are:
- Job enrichment
- Reclassification
- Improving work facilities and environment
- Revamping incentive awards
- Improving training
- Increasing technology
- Working with the Judiciary
- Improved performance management
- Increased employee involvement, through e.g. committees.

It is therefore recommended that a package of measures is used to address the turnover problem and increase the retention rate.

*The complete report of the CPPA retention analysis can be accessed from the HR office.*
Appendix E: Elaborated Outline of Projected Influences

The following influences that have been discussed by the committee in previous meetings, and in research efforts of the project team, were determined to be the most significant:

- **The comprehensive advent of e-Filing**
  - How will this influence clerical work in general?
    - Decrease front counter and mail time
    - Decrease the amount of time physically creating file and the filing processes
    - Increase in quality control
    - Reviewing and approving filed documents
    - Increase in auditing and analytical processes

- **An anticipated continuation of the increase of Pro Se/Self-Represented litigants**
  - How will this influence clerical work in general?
    - Increased clerical time explaining processes
    - Increased understanding of legal procedure
    - Increase in effective communications (counter/email/phone)
    - An increase in need to bridge language and cultural considerations

- **An anticipated increase in other automations associated with technology**
  - OCAP services becoming electronic
    - How will this influence clerical work in general?
      - If made electronic, significant decrease in counter time upon initial filings
  - E-Payment
    - How will this influence clerical work in general?
      - Decrease mail logs, phone payments
      - Decrease time in accounting and deposit processing
  - Paperless Filing and Scanning
    - How will this influence clerical work in general?
      - An increase in scanning on the front end
      - Eliminate pagination, pulling physical files for review
      - Eliminate file ambulation

- **A possible movement to or increased emphasis on caseflow management**
  - The project team felt as if this would be a long-term consideration/influence
Appendix F: Demographic Trends of Clerical Workforce

**Current Clerical Staff:**

There are 546 employee classified as clerical (this represents 47% of non-judicial workforce)
- 476 at staff level (deputy or lead clerk)
  - Average age 43
  - Average tenure 8.4 years
- 70 at management level (chief, assistant clerk of court, clerk of court)
  - Average age 50
  - Average tenure 17.9 years

Clerical staff by generation and age range:
- Traditionalists (64 and older) 26 or 5%.
- Boomers (44 to 64) 295 or 54%.
- Generation X (30 to 43) 138 or 25%.
- Generation Y (29 and younger) 87 or 16%.

### Clerical Staff by Classification and Generation

<table>
<thead>
<tr>
<th></th>
<th>Generation Y</th>
<th>Generation X</th>
<th>Boomers</th>
<th>Traditionalists</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Clerks (370)</td>
<td>22%</td>
<td>27%</td>
<td>45%</td>
<td>6%</td>
</tr>
<tr>
<td>Lead Clerks (106)</td>
<td>4%</td>
<td>28%</td>
<td>65%</td>
<td>3%</td>
</tr>
<tr>
<td>Chief Clerks (34)</td>
<td>20%</td>
<td>75%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>Asst. Clerk of Ct. (20)</td>
<td>5%</td>
<td>95%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clerk of Court (16)</td>
<td></td>
<td></td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Incoming workforce (average age 33):
- Traditionalists (64 and older) 1%
- Boomers (44 to 64) 20%
- Generation X (30 to 43) 34%
- Generation Y (29 and younger) 45%

Educational background of incoming workforce (highest attained):
- High School 61%
- Associates 16%
- Bachelors 23%
### Comprehensive Clerical Committee: Conceptual Model of Clerical Work Projection

**Anticipated increase in needed time, effort, expertise**
- Processing warrants, writs, and bail bonds
- Maintaining copies of the verbatim court record and exhibits
- Sealing and purging records based on the retention schedule
- Jury management
- Front desk/reception work
- Phone and email correspondence
- Accounting
- Archiving records
- Building maintenance
- Case pending maintenance
- Calendar management and preparation
- Computer backup and maintenance
- General legal research
- Interpreter management
- Inventory
- Library management
- Mail processing
- Maintaining audio/video equipment
- Meetings
- Non case-related judges’ secretarial tasks
- Payment of jurors/witnesses
- Prepare and maintain attorney lists for judicial performance evaluation
- Purchasing activities
- Quality control
- Tape management and copies
- Travel
- Trust checks

**Anticipated decrease in needed time, effort, expertise**
- No anticipated change in needed time, effort, expertise

---

### Case Related

- **Pre-Court**
  - Electronically docketing pre and post disposition documents and case events
  - Fee receiving
  - Assisting self-represented litigants at the time of filing and as the case proceeds (if OCAP is a fully electronic process)
  - Preparing case files, physical filing
  - Scanning
  - Adding documents to files
  - Making files available for judicial use
  - Setting calendars
  - Scheduling interpreters, mediators, and court reporters when appropriate
  - Coordinating court calendars with outside agencies and counsel
  - Monitoring progress of cases including providing judicial notice of cases that are ready to proceed
  - Case file
  - Exhibit, and courtroom preparation
  - Entering documents
  - Preparing required notices

- **In-Court**
  - Attending hearings and/or trials
  - Administering oaths
  - Making the verbatim audio/video record
  - Making minute entries as time allows
  - Recording outcomes of hearings and/or trials

- **Post-Court**
  - Electronically docketing pre and post dispositions documents and case events
  - Maintaining judgment records
  - Payment receiving
  - Preparing cases for appeal
  - Making minute entries and formalizing as necessary
  - Preparing orders
  - Notifying agencies and parties as required
  - Scanning

---

### Non - Case Related

- **Administrative Support**
  - Processing warrants, writs, and bail bonds
  - Maintaining copies of the verbatim court record and exhibits
  - Sealing and purging records based on the retention schedule
  - Jury management
  - Front desk/reception work
  - Phone and email correspondence
  - Accounting
  - Archiving records
  - Building maintenance
  - Case pending maintenance
  - Calendar management and preparation
  - Computer backup and maintenance
  - General legal research
  - Interpreter management
  - Inventory
  - Library management
  - Mail processing
  - Maintaining audio/video equipment
  - Meetings
  - Non case-related judges’ secretarial tasks
  - Payment of jurors/witnesses
  - Prepare and maintain attorney lists for judicial performance evaluation
  - Purchasing activities
  - Quality control
  - Tape management and copies
  - Travel
  - Trust checks

---

**Not In Court Processes**

*It should be noted that a significant portion of clerical work does not require any in-court activities. Examples include handling non-court mandatory traffic, misdemeanors, and default judgments.*
Appendix H: Conceptual Model of Caseflow Management

*The projected positions and work structure were built upon this framework, geared toward case management. It is important to note that some tasks may be performed by both case-related and non-case related workers or work structures.*

<table>
<thead>
<tr>
<th>Case Related</th>
<th>Non - Case Related</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-Case</strong></td>
<td><strong>Administrative Support</strong></td>
</tr>
<tr>
<td>Accepting/Rejecting e-Filed cases</td>
<td>- Maintaining exhibits</td>
</tr>
<tr>
<td>Case filing (data entry of over-counter and mailed filings)</td>
<td>- Sealing and purging records based on the retention schedule</td>
</tr>
<tr>
<td>Fee receipting (of above)</td>
<td>- Jury management (data entry, term maintenance)</td>
</tr>
<tr>
<td>Scanning</td>
<td>- Accounting</td>
</tr>
<tr>
<td>Customer service (Pro-Se litigants)</td>
<td>- Archiving records</td>
</tr>
<tr>
<td>Payment receipting (counter and mail)</td>
<td>- Computer backup and maintenance</td>
</tr>
<tr>
<td>Phone/email correspondence</td>
<td>- Inventory</td>
</tr>
<tr>
<td>Mail processing</td>
<td>- Building maintenance</td>
</tr>
<tr>
<td>General legal research</td>
<td>- Library management</td>
</tr>
<tr>
<td>Front desk/reception work</td>
<td>- Meetings</td>
</tr>
<tr>
<td></td>
<td>- Non-case-related secretarial tasks for judges</td>
</tr>
<tr>
<td></td>
<td>- Payment of jurors and witnesses</td>
</tr>
<tr>
<td></td>
<td>- Prepare and maintain attorney lists for judicial performance evaluation</td>
</tr>
<tr>
<td></td>
<td>- Physical inventory</td>
</tr>
<tr>
<td></td>
<td>- Purchasing activities</td>
</tr>
<tr>
<td></td>
<td>- Interpreter Management</td>
</tr>
<tr>
<td></td>
<td>- Training</td>
</tr>
<tr>
<td></td>
<td>- Phone/email correspondence</td>
</tr>
<tr>
<td></td>
<td>- Maintaining Audio/Video equipment</td>
</tr>
<tr>
<td></td>
<td>- Travel</td>
</tr>
<tr>
<td></td>
<td>- Trust checks</td>
</tr>
<tr>
<td></td>
<td>- Collections</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Management (Pre and Post Court)</th>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronically docketing pre and post dispositions, documents, and case events</td>
<td>- Case pending maintenance</td>
</tr>
<tr>
<td>Assisting Pro Se litigants as the case proceeds</td>
<td>- Assignment of cases</td>
</tr>
<tr>
<td>Accepting/Rejecting e-Filed documents</td>
<td>- Coordinating judges’ teams</td>
</tr>
<tr>
<td>Making files available for judicial use</td>
<td>- Calendar management</td>
</tr>
<tr>
<td>Calendaring case events</td>
<td>- Quality control</td>
</tr>
<tr>
<td>Scheduling interpreters, mediators, and court reporter when appropriate from reports</td>
<td>- Management meetings/committee meetings</td>
</tr>
<tr>
<td>Coordinating court calendars with outside agencies and counsel</td>
<td>- Troubleshooting office computer equipment</td>
</tr>
<tr>
<td>Monitoring progress of cases including providing judicial notice of cases that are ready to proceed</td>
<td>- Office supply maintenance</td>
</tr>
<tr>
<td>Preparing required notices</td>
<td>- HR related activities (selection process, employee relations, performance management, time sheets, leave accounting, career track management)</td>
</tr>
<tr>
<td>Notifying agencies and parties as required</td>
<td>- Staff meetings</td>
</tr>
<tr>
<td>Phone and email correspondence</td>
<td>- Training (on-going and new employee training)</td>
</tr>
<tr>
<td>Quality control</td>
<td>- Reconciling accounts and making deposits</td>
</tr>
<tr>
<td>Scanning</td>
<td>- Other accounting</td>
</tr>
<tr>
<td>Case pending maintenance</td>
<td>- External accounting reviews</td>
</tr>
<tr>
<td>Processing warrants, writs, and bail bonds</td>
<td>- Purchasing activity</td>
</tr>
<tr>
<td>Maintaining judgment records</td>
<td>- Building Maintenance</td>
</tr>
<tr>
<td>Preparing cases for appeal</td>
<td>- Budget preparation</td>
</tr>
<tr>
<td>Preparing and distribution of orders and motions</td>
<td>- File retention</td>
</tr>
</tbody>
</table>

**In-Court**

- Attending hearings and/or trials
- Administering oaths
- Making and recording exhibits
- Recording outcomes of hearings/trials
- Making the verbatim audio/video record
- Preparing minute entries
- Preparing and distribution of orders
- Maintaining copies of verbatim court record
- Jury management (attendance including summons)
- Tape management and copies
- Scanning
- Courtroom preparation

**Not In Court Processes**

*It should be noted that a significant portion of clerical work does not require any in-court activities. Examples include handling non-court mandatory traffic, misdemeanors, and default judgments.*
Comprehensive Clerical Committee: Summary of Proposed Positions

<table>
<thead>
<tr>
<th>Judicial Services Representative</th>
<th>Judicial Services Team Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Judicial Services Representative Duties</strong></td>
<td><strong>Judicial Services Team Manager Duties</strong></td>
</tr>
<tr>
<td>- Assist self-represented litigants or patrons with protective orders</td>
<td>- Supervise the day-to-day operations of the Judicial Services Team</td>
</tr>
<tr>
<td>- Accept or reject e-filed cases (after acceptance case will be assigned)</td>
<td>- Quality control</td>
</tr>
<tr>
<td>- Case filing (manual data entry), over-counter, and mailed filings</td>
<td>- Management and committee meetings</td>
</tr>
<tr>
<td>- Scanning</td>
<td>- Troubleshooting equipment/resources</td>
</tr>
<tr>
<td>- Customer service</td>
<td>- Office supply maintenance</td>
</tr>
<tr>
<td>- Fee receiving</td>
<td>- HR related activities</td>
</tr>
<tr>
<td>- Mail processing (delivering pleadings to assigned teams)</td>
<td>- Staff meetings</td>
</tr>
<tr>
<td>- Payment receiving (counter and mail)</td>
<td>- On-going and new employee training</td>
</tr>
<tr>
<td>- Phone/email correspondence with public and minimal interactions with attorneys or judges</td>
<td>- Reconciling accounts and making deposits</td>
</tr>
<tr>
<td>- General case research</td>
<td>- Other accounting</td>
</tr>
<tr>
<td>- Front desk/reception work</td>
<td>- Building maintenance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Judicial Services Representative KSAs</th>
<th>Judicial Services Team Manager KSAs</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Customer service skills</td>
<td>- Ability to supervise the work of others</td>
</tr>
<tr>
<td>- Knowledge of case filing, including requirements for several case types (civil, domestic, criminal, traffic, adoption, probate, small claims, etc)</td>
<td>- Ability to manage and lead teams</td>
</tr>
<tr>
<td>- Knowledge of court procedure, with an emphasis on form processing and requirements</td>
<td>- Communication skills</td>
</tr>
<tr>
<td>- Basic accounting skills</td>
<td>- Time management skills</td>
</tr>
<tr>
<td>- Basic computer and internet skills</td>
<td>- Organizational skills</td>
</tr>
<tr>
<td>- Communication skills</td>
<td>- Knowledge of case filing, including requirements for several case types (civil, domestic, criminal, traffic, adoption, probate, small claims, etc)</td>
</tr>
<tr>
<td>- Knowledge of court procedure, with an emphasis on form processing requirements</td>
<td>- Knowledge of court procedure, with an emphasis on form processing requirements</td>
</tr>
<tr>
<td>- Basic accounting skills</td>
<td>- Basic accounting skills</td>
</tr>
<tr>
<td>- Basic computer and internet skills</td>
<td>- Basic computer and internet skills</td>
</tr>
</tbody>
</table>

**Qualifications**

For internal candidates:
- A Judicial Services Representative 3 or higher

For external candidates:
- Bachelor degree
- Four years of related experience
- Supervisory experience

**Judicial Services Representative Development Track**

Judicial Services Representatives have a career track consisting of three levels for growth and promotion. This is outlined on the Career Track Schematic.\(^25\)

**Judicial Services Manager Development Track**

There is no proposed structure for this position.

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\(^{25}\) See Appendix J, page 28
Judicial Assistant

Judicial Assistant Duties
- Attend hearing and/or trials
- Administer oaths
- Mark and record exhibits
- Make the verbatim audio/video records
- Prepare minute entries
- Maintain copies of verbatim court record
- Jury management (maintain record of attendance and summons for upcoming jury trials)
- Tape management and copies
- Courtroom preparation
- Recording outcomes of hearings/trials
- Preparing and distribution of orders
- Scheduling in-court interpreter

Judicial Assistant KSAs
- Knowledge of court procedures and rules
- Knowledge of court expertise
- Communication skills
- Ability to be detail-oriented
- Basic computer skills
- Technologically savvy
- Ability to manage time effectively
- Ability to multi-task

Qualifications
For internal candidates:
- Judicial Services Representative 3 or higher
For external candidates:
- Four years of related experience

Judicial Assistant Development Track
Judicial Assistants have a career track consisting of three levels for growth and promotion. This is outlined on the Career Track Schematic.26

Judicial Case Manager

Judicial Case Manager Duties
- Supervise the day-to-day operations of the Judicial Support Team
- Accept or reject e-filed documents
- Electronically docket pre and post dispositions, documents, and case events (these documents are over-counter or mail)
- Assist self-represented litigants
- Make files available for judicial use
- Schedule interpreters, mediators, and court reporters when appropriate from reports
- Calendar case events
- Coordinate court calendars with outside agencies and counsel
- Monitor progress of cases, including judicial notice of cases that are ready to proceed
- Prepare required notices
- Notify agencies and parties as required
- Quality control of assigned cases
- Case pending maintenance
- Process warrants, writs, and bail bonds
- Maintain judgment records
- Preparing cases for appeal
- Recording outcomes of hearings/trials
- Preparing and distributing orders
- Phone/email correspondence with parties, counsel, and judges
- Preparing and distribution of orders and motions
- Assignment of cases
- Management meetings/committee meetings
- HR related activities
- Team meetings
- Training (on-going and new employee)
- Other accounting
- Collections27

(continued on following page)

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26 See Appendix J, page 28

27 The Specialty Court Operations team will be assigned case support for collections where appropriate. These teams will be supervised by a Judicial Case Manager who performs similar duties to that of their colleagues. Duties may vary as it pertains to need and the function of the operation.
(Judicial Case Manager continued...)

**Judicial Case Manager KSAs**
- Ability to think analytically
- Basic computer skills
- Knowledge of filings and procedure (several case types including civil, domestic, criminal, traffic, adoption, probate, small claims, etc)
- Knowledge of case proceedings and time lines
- Effective communication skills
- Customer service skills
- Organizational skills
- Ability to multi-task
- Ability to process a high volume of work
- Ability to be detail-oriented
- Ability to supervise the work of others
- Ability to manage and lead the work of a professional team

**Qualifications**
For internal candidates:
- Judicial Assistant 2 or higher

For external candidates:
- Bachelor degree
- Four years of related experience
- Supervisory experience

**Judicial Case Manager Development Track**
There is no proposed development structure for this position

---

**Judicial Team Manager**

**Judicial Team Manager Overview**
The use of this position may vary by district (in terms of the number of needed positions), but Judicial Team Managers will be assigned the responsibility of managing the work of the mid-management teams (consisting of Judicial Services Managers and Judicial Case Managers). It is also anticipated that the composition of duties will vary by district. However, it is assumed that these positions will incorporate most or all of the following:

- Provide leadership and professional support to Judicial Services Teams, Judicial Support Teams, and Specialty Court Teams (where needed)
- Monitor the assignment of cases
- Quality control on a broad scale
- Management meetings/committee meetings
- HR related activities
- Reconciling accounts and making deposits
- Other accounting
- External accounting reviews
- Purchasing activities
- Budget preparation
- Sealing and purging of records
- Archiving

**Judicial Team Manager KSAs**
The contingent nature of this proposed position requires further consideration and implementation by Human Resources

**Qualifications**
- Bachelor degree, graduate degree preferred
- Five years related experience
- Three years supervisory experience

**Judicial Team Manager**
There is no proposed development structure for this position.
Appendix J: Career Track Schematic

Comprehensive Clerical Committee: Career Track
This schematic is an elaboration of the work structure schematic. This schematic illustrates the proposed career track and also demonstrates how the proposed structure lends itself to succession planning.
Appendix K: Qualifications for Internal and External Candidates (By Position)

**Judicial Team Manager**
- Bachelor degree, graduate degree preferred
- Five years related experience
- Three years management experience

**Judicial Services Manager**
- Internal candidates: Judicial Services Spec. 3 or higher
- External candidates:
  - Bachelor degree
  - Four years of related experience
  - Supervisory experience

**Judicial Case Manager**
- Internal candidates: Judicial Assistant 2 or higher
- External candidates:
  - Bachelor degree
  - Four years of related experience
  - Supervisory experience

**Judicial Assistant**
- Internal candidates: Judicial Services Spec. 3 or higher
- External candidates:
  - Four years of related experience

**Judicial Services Representative**
- 2 years professional experience
- At least 1 year experience customer service
- High school diploma
- Some college desired
Recommended Phases:

The following model is for guidance purposes and is subject to change as circumstances deem necessary.

1. **Phase One: Improvements to Existing Practices**
   - Assessment, completion, and implementation of a thorough training program for CORIS and CARE
   - Assessment, completion, and implementation of a comprehensive training program to prepare all clerical workers to use and help others use internet services

2. **Phase Two: Preparation for New Emphases, Transition, and Structure**
   - Assessment, completion, and implementation of a training program to prepare all clerical workers to be effective in all aspects of Pro Se work.
   - Assessment, completion, and implementation of a customized training program that prepares all employees, managers, and institutional structures for teamwork as it applies to the proposed changes.

3. **Phase Three: Institutionalizing Changes**
   - A revised new hire program, incorporating the elements implemented in the preceding years, which is fully geared toward case management.

4. **Phase Four: Long Term Development**
   - Incorporation of training materials and programs deemed necessary for the long-term growth and benefit of the proposed changes.
Appendix M: Implementation Plan – Organizational and Cultural Change

This plan is meant to provide guidance on the change initiative in general terms. Action taken at each phase should be responsive to the real-time need and adopted change principles.

1. Phase One: Communication, Ownership, and Outreach
   - First Month: District management receives a thorough orientation to the proposal and is given an opportunity to review the details.
   - First Month: A collection of outreach materials are developed for presentations, facilitations, publication, and web based communications.
   - First Month: The Case Management Specialist Team, or organizational consultant team, is formed and convenes.
   - First Quarter: Districts communicate the proposal to the general workforce and conduct basic facilitations.
   - First Quarter: Districts are given guiding principles for their reorganization efforts.

2. Phase Two: Customized Planning, Coordination, and Reorganization
   - Second Quarter: Districts produce draft of five year transitional plans and organizational adjustments. These plans should coincide with statewide plan.
   - Third Quarter: District transition plans finalized and ready for implementation.
   - Consistent and frequent communications from Human Resources and Change Coalitions.

3. Phase Three: Implementation and Transition
   - Current management oriented in greater detail regarding positions and further adjustments, and prepared to coach others to desired ends.
   - Case management standards and performance measures are completed.
   - Regular reports and consultations regarding ideas, challenges, and progress from each district
   - Consistent and frequent communications from Human Resources and Change Coalitions.

4. Phase Four: Institutionalization of Change and Long-Term Development
   - Districts have organized sufficiently to sustain a new employee orientation that is comprehensively geared toward case management.
   - Effective system for evaluation implemented and used to create foundations.
   - Long-term development processes commence.
### Structure

<table>
<thead>
<tr>
<th>Clerical Operations</th>
<th>Case Support Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A linear, hierarchical structure.</td>
<td>• Consists of connected and parallel work structures.</td>
</tr>
</tbody>
</table>

#### Influence of Structure

<table>
<thead>
<tr>
<th>Clerical Operations</th>
<th>Case Support Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The linear structure creates an environment where there are few opportunities for promotion. Thus, the long-term opportunity for advancement is at the mercy of retirement, resignation, or termination.</td>
<td>• Parallel work structures provide additional professional opportunity for employees and improved succession planning for the organization.</td>
</tr>
<tr>
<td>• An unintentional outcome of this structure is professional growth based on structure, not on development.</td>
<td></td>
</tr>
</tbody>
</table>

#### Workforce Organization

<table>
<thead>
<tr>
<th>Clerical Operations</th>
<th>Case Support Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• High degree of process specialization.</td>
<td>• Work is organized around teams of fully cross-trained generalists.</td>
</tr>
<tr>
<td>• Teams organized to specific functions.</td>
<td></td>
</tr>
<tr>
<td>• New employees assigned to a specific area or duty.</td>
<td></td>
</tr>
</tbody>
</table>

#### Influence of Workforce Organization

<table>
<thead>
<tr>
<th>Clerical Operations</th>
<th>Case Support Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Specialization of employees constrains teams during times of high turnover, attrition, or absenteeism – leading to increased stress and workload for managers and teams.</td>
<td>• Increased effectiveness with fewer positions.</td>
</tr>
<tr>
<td>• Employees can become so specialized that they never achieve an understanding of the big picture and how all of the functions of the system interrelate.</td>
<td>• Significant reduction of stress on the part of management and employees because of increased coverage capacity of generalist teams.</td>
</tr>
<tr>
<td>• Employees can become so specialized that they restrict their future career options which essentially limits their long-term growth.</td>
<td>• Cross-training will increase the understanding of the big picture and how processes influence outcomes – thus helping to improve court patron service.</td>
</tr>
<tr>
<td>• Creates long-term limitations for the organization when tenured employees become so specialized that they</td>
<td>• Alleviate loss of institutional knowledge or skills during times of turnover.</td>
</tr>
<tr>
<td></td>
<td>• Generalists are better prepared to move between teams, reducing the creation of functional silos, and increasing the organizations</td>
</tr>
</tbody>
</table>
cannot function elsewhere in the organization.  
- Quality of records can suffer and be less efficient due to limitations of knowledge and focus.  
- High degrees of specialization increase the potential for loss of institutional memory when certain employees leave the organization.  
- Teams tend to operate as functional silos and facilitate the creation of factions within the organization.  
- Burnout.

| Workforce Development | • Career track built upon tenure (the first three years of employment).  
• Centralized education model  
• Lack of effective and comprehensive job specific training. | • Self-directed professional growth track structured around the increasing of valued competencies.  
• Improved new employee orientation.  
• District-oriented education model lead by training coordinators. |

| Influence of Workforce Development | • The tenure based career track places no incentive on growth. It only offers an incentive for staying.  
• The incentive for staying is front-loaded, and after completing three years, an incentive for staying no longer exists.  
• The front-loaded career track contributes to pay compression, where those who have invested more years of service are in a similar pay bracket as to those who have just started.  
• The lack of further opportunity for advancement in pay or responsibility increases turnover. | • Model empowers self-direction and personal incentives.  
• Model prepares employees to fill vacancies, thus enhancing organizational succession planning.  
• Increased opportunity for growth in terms of wage, position, and professional development.  
• Incentives are driven by increasing competencies, knowledge, and skills that are of shared value between the organization and the employee.  
• Growth incentives more evenly distributed through tenure with the organization. |
• The incentive to stay for a short period of time creates an environment of perpetually training new employees. Employees gain skills then leave the organization for increased pay. This is a high investment, low return exercise for the organization.

• Without effective job specific training, professional growth is cumbersome and encourages limited specialization in job duties.

• The increased flexibility in scheduling and office coverage will enable a more effective and comprehensive new employee orientation. New employees will benefit from a multi-day orientation that focuses on job specific competencies.

• There will still be a high investment on the front end of training new employees, but the model maximizes the benefits of that investment.

• Greater flexibility and control over the development and offering of job-specific trainings.

• Training coordinators will allow for more frequent training, modifying training to unique district needs with reduced travel costs. This will produce more effective educational experiences, improve the efficacy of dollars spent, and potentially produce self-sustaining budgets in districts.

• Increased flexibility in scheduling and coverage should enable interested parties to pursue a higher education.

Impact of Turnover

• High degrees of turnover.
• Low compensation deemed most significant influence in turnover.
• A structure of disincentive for long-term growth.
• Perpetual training of new employees places a great strain on the system, managers, and teams – increasing the influence of stress and heavy workloads.
• Specialization creates great

• The proposed structure and organization should minimize turnover (according to the conclusions of the retention analysis).
• The increase of compensable factors in the proposed organization of the work should further enhance efforts to alleviate the compression problem.
• The professional growth track provides employees
| difficulty in covering needed work during times of turnover, attrition, or absenteeism. | with self-direction and long-term growth opportunities. |
| Specialization increases the impact of lost institutional knowledge during times of turnover. | Teams of cross-trained generalists are better suited to effectively manage the workload with much less stress on the organization during times of turnover, attrition, or absenteeism. |
| Teams of cross-trained generalists are better suited to effectively manage the workload with much less stress on the organization during times of turnover, attrition, or absenteeism. | The increased scheduling flexibility and coverage enables a substantial workload reduction for teams when new employee orientation is managed by training coordinators. |
Appendix O: Schematic of Current Clerical Operations Work Structure

- **Clerk of Court**
  - 3% of clerical employees

- **Assistant Clerk of Court**
  - 4% of clerical employees

- **Chief Deputy Court Clerk**
  - 6% of clerical employees

- **Lead Deputy Court Clerk**
  - 19% of clerical employees

- **Deputy Court Clerk**
  - Entry Level – 68% of clerical employees