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Report on the
Study and Recommendations
for
Recordkeeping and Operating Procedures
in the
Offices of the Clerks
California Courts of Appeal
May 1970

Prepared for
The Judicial Council of the
State of California

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SAN FRANCISCO, CA 94104

May 6, 1970

Mr. Ralph N. Kleps, Director
Administrative Office of the Courts
Judicial Council of California
4200 State Building
San Francisco, California 94102

Dear Mr. Kleps:

We are submitting one hundred copies of our report on the study of recordkeeping and operating procedures in the Clerks' offices of the California Courts of Appeal. This report presents our findings, conclusions, and recommendations. In addition, supporting documentation in the form of original working papers are provided in buff file folders.

As agreed during the course of the study, we are also submitting thirty sets of bound copies of the office procedures as they were related to us by the personnel of the Clerks' offices. For easy comparison, we have bound the procedures for each of the five districts into separate brochures.

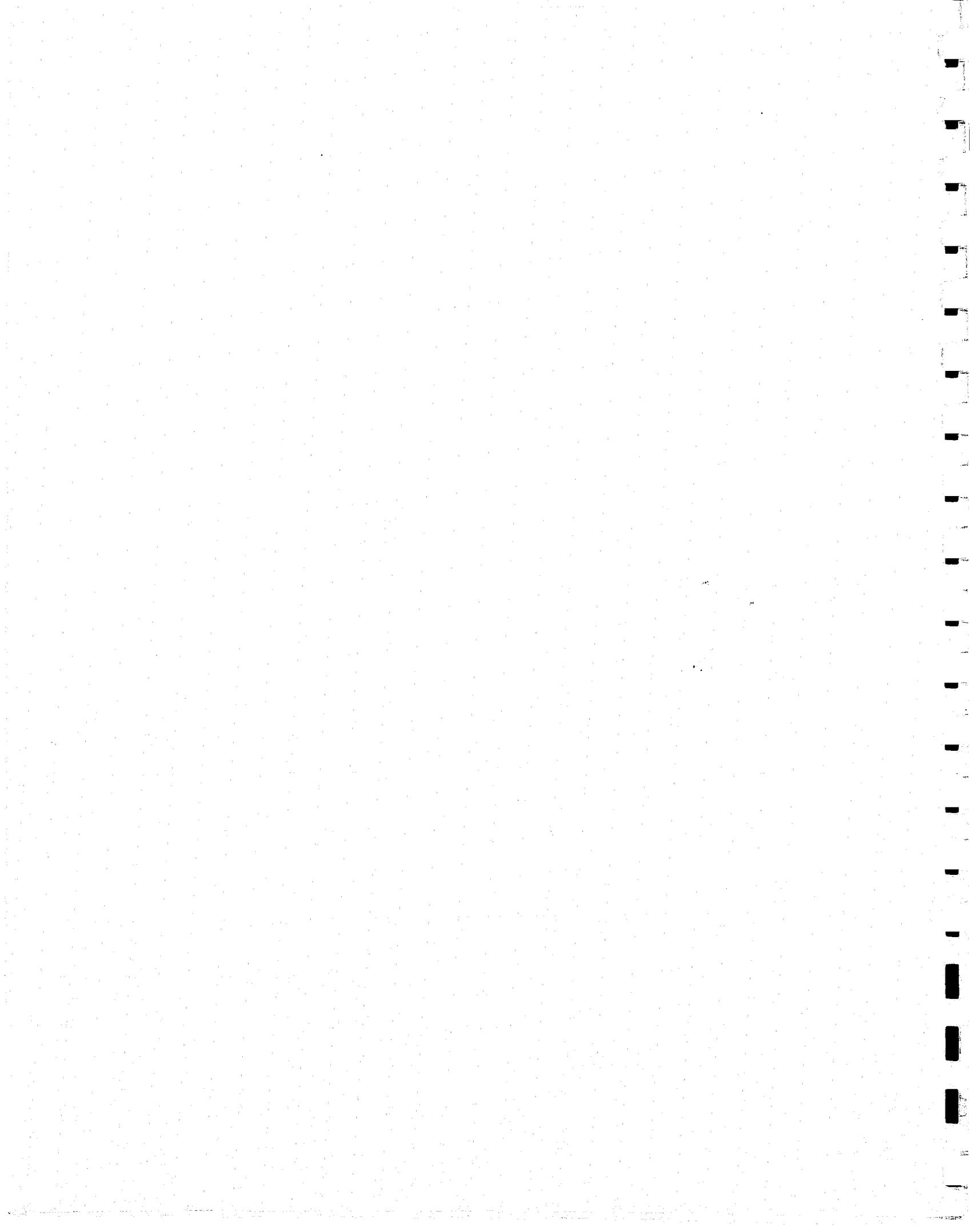
These procedures were reviewed by the Clerks' offices before final typing and binding and therefore represent the most accurate and current representation of their respective systems at that time.

We will be pleased to meet with you to review the contents of this report and to answer any questions which may arise.

Thank you for this opportunity to be of service to the Judicial Council.

Very truly yours,

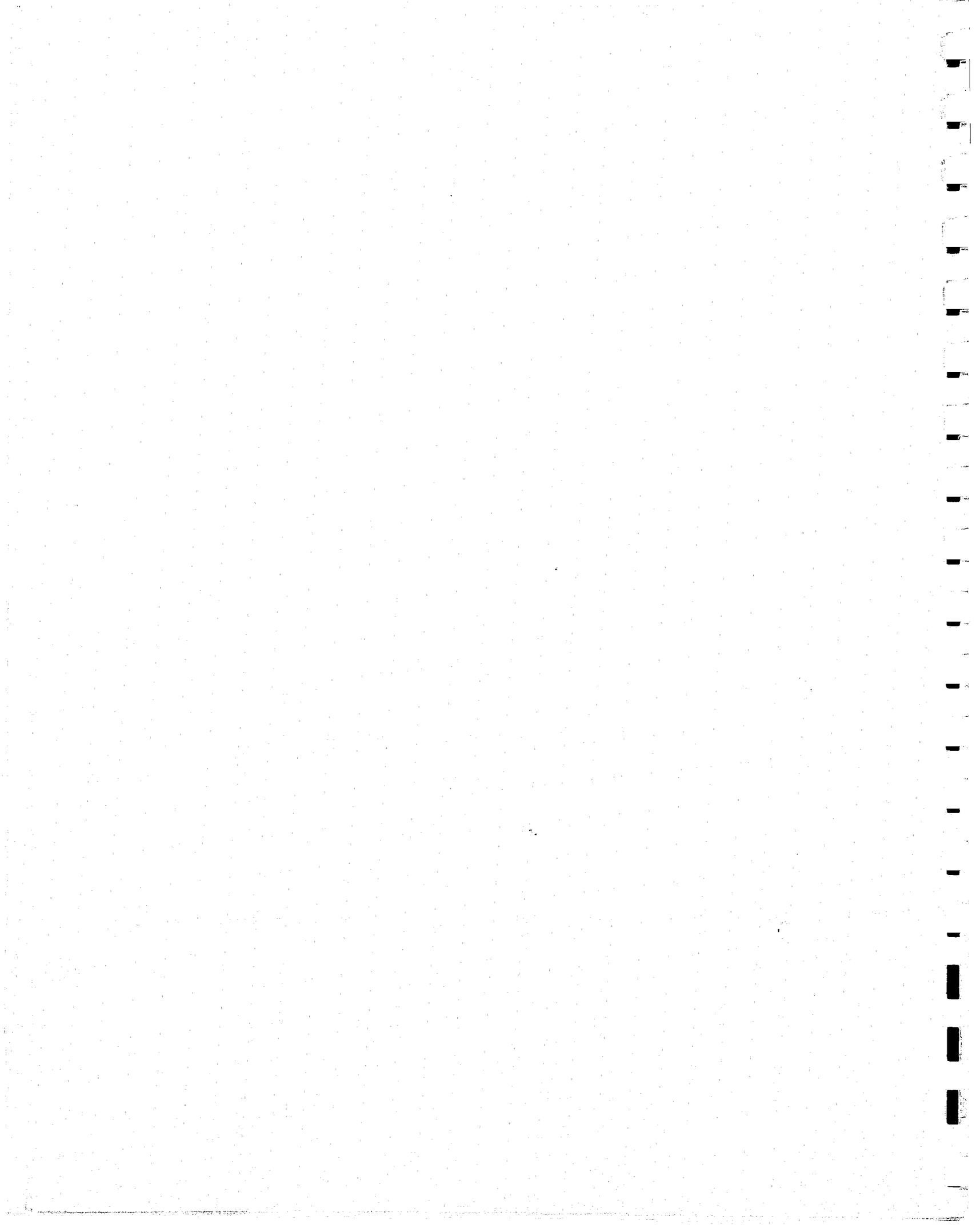
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I. INTRODUCTION

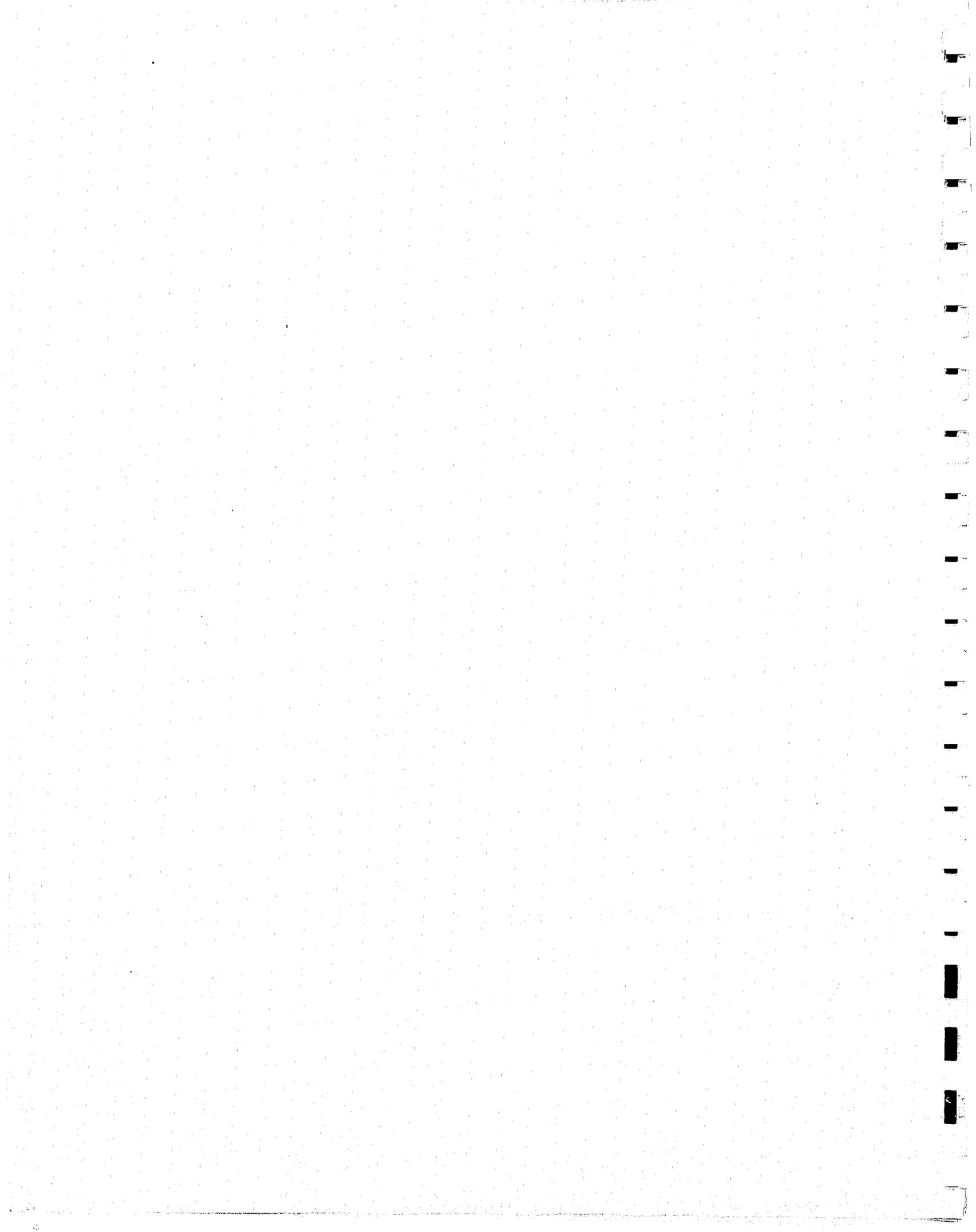
During the past ten years, the volume of business transacted by the Courts of Appeal has more than tripled. Many of the operating procedures date back to the inception of appellate courts sixty-five years ago.

While all of the courts must operate within the rules prescribed in California Rules of Court, they are quite autonomous in their internal operations. The various offices have developed individual procedures, forms, and records which vary more than is required by their individual needs. There is, however, a common interest among the personnel of the Clerks' offices to deliver the highest quality of service to the judiciary, legal counsel and litigants. From the standpoints of courtesy, timeliness and assistance, where it can be provided, this service is well performed.

Even though the operation of the Clerks' offices does not contribute directly to the backlog of cases, there is a need for an overall review of many practices in court administration and this includes the organization, methods, and procedures within these offices of the Courts of Appeal.

The major recommendations made in this study are basic to a long-range plan to improve and modernize the administration of justice. They also suggest some more far-reaching actions that must be taken if our total court system is to keep pace with its growing requirements. For example, efficient use of modern business machinery for data storage, retrieval and transmission will require a broader base than that provided by an individual clerk's office in the Courts of Appeal.

There are a number of improvements which can be made independently within each office to improve operating procedures. However, to have the greatest impact, a coordinated plan for all offices is needed.

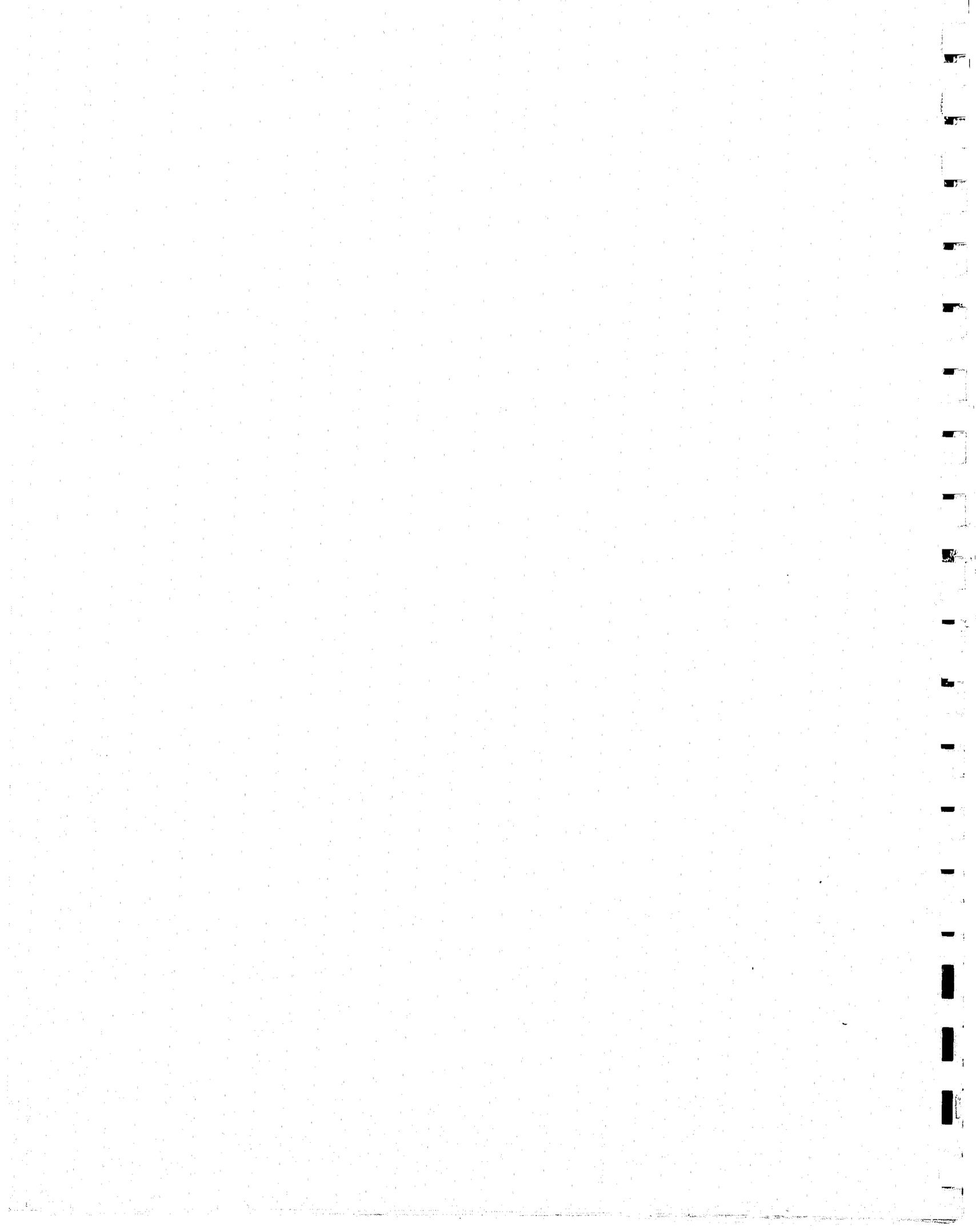


II. SUMMARY OF RECOMMENDATIONS

This study has included a detailed documentation of all office procedures in the Clerks' offices. Two different research techniques were used to obtain the most accurate evaluation of procedures, and both techniques produced basic procedures' guidelines which were used for analysis. These documented procedures were subsequently reproduced and bound for use by the Judicial Council:

Major areas, such as filing records on appeal, were examined on a step-by-step basis and differences noted in procedures, records, and forms. From this analysis, we have formulated a number of recommendations. Many of these recommendations are made in broad terminology and will require agreement between offices, or decision by an administrative authority, to arrive at specific requirements for all offices to follow.

Following are the primary recommendations for improvement in the record keeping and operating procedures in the Clerks' offices of the California Courts of Appeal.



1. Establish a central administrative authority over the Clerks' offices of the Courts of Appeal with clearly identified lines of authority and responsibility. The Supreme Court Clerk would be a logical place to vest this authority. This office, in turn, would be expected to use specialists from other sources in the State of California to assist them. This will permit the development of improvements on a statewide basis to provide similar standards of service in all districts. Most of our other recommendations will be most feasible under this system.

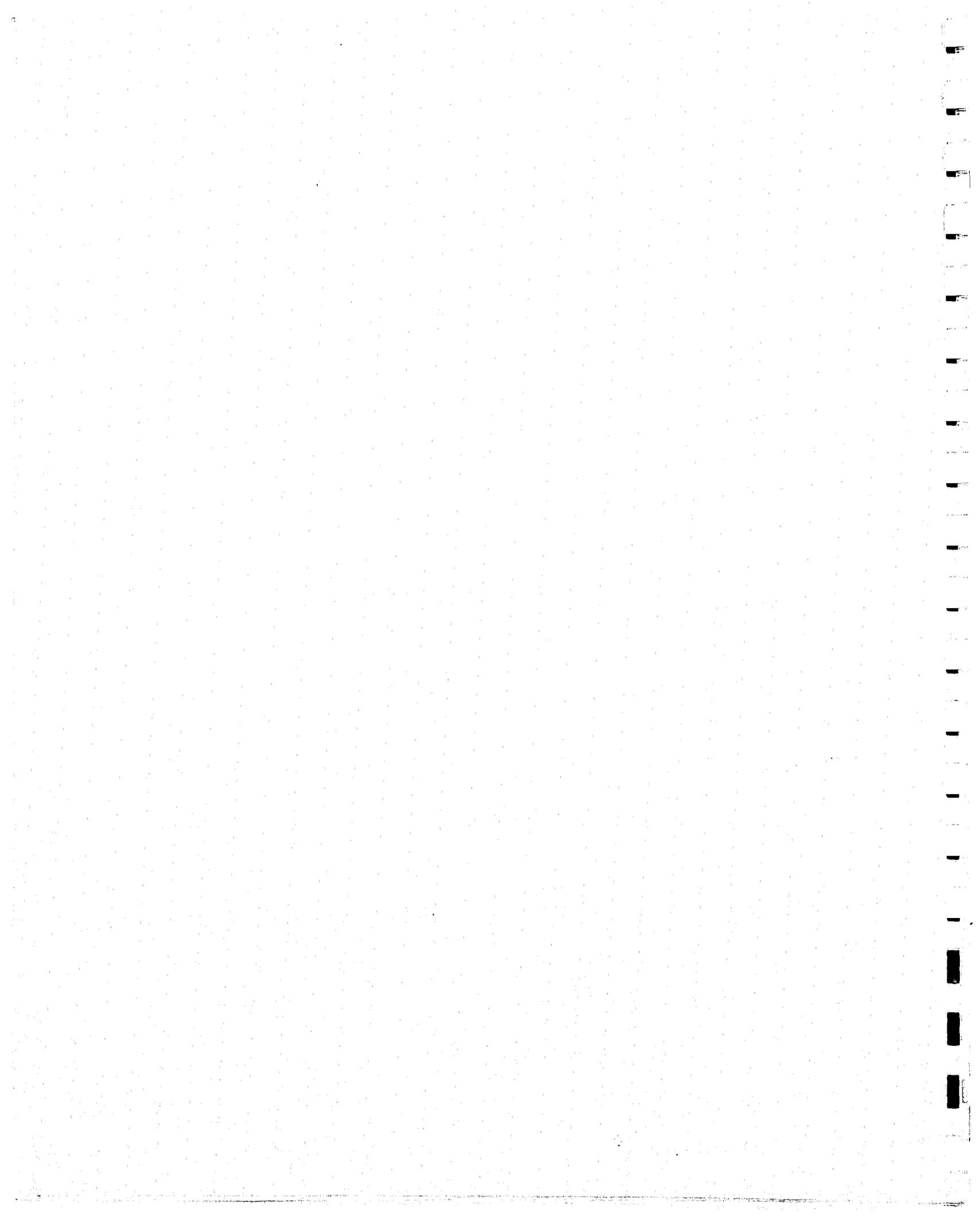
Each Appellate Court District Clerk now operates independently under the guidance of the State of California Rules of Court and the justices assigned to the district. The justices contacted indicated that they were not concerned with how the work is performed, as long as it is on time and in proper order.

2. Develop a simple, standard interpretation of the Rules of Court as they relate to the Clerk. This may involve a complete reevaluation and rewriting of the Rules to update their requirements in many respects beyond the Clerk's activities.

We found, for example, that although the Rules of Court are specific as to times for filing of records and briefs, and payment of fees, there are significant differences among the districts in their enforcement of these rules. Many of these differences have become established through policy guidance from the justices at some point in time. However, because the differences cause confusion in the legal community, they generate additional work in the Clerk's office to confirm the local practice, or to process work that might not have been needed, but the lawyer was following procedures learned in another district. A very high percentage of the working time is devoted to answering questions on procedures and status of cases.

3. Establish a forms control system for both forms and records.

The type and number of records and forms maintained by the five districts are quite different. Many informal records are maintained which lead to procedural differences. In most instances where standard data is required, formats are different and additional information of varying kinds may be recorded on the same document.



The physical printing of the various forms is not expensive in relation to the clerical work associated with each form. Each form must be filled in, interpreted, mailed, filed, and stored. Therefore, the key is to reduce the number of forms to be filled out in accomplishing a transaction while simplifying the use of forms.

A central forms control point for coordination and design review is most desirable.

4. Standardize basic procedures.

Basic procedures can be standardized for all offices. This will tend to present similar standards of service in all districts and eliminate some of the problems of attorneys who have cases in more than one district. It will also assist in providing similar requirements for appellants and respondents throughout the State.

We recognize that the justices have established policies which can account for many differences between offices. However, in multi-division districts, the differences between divisions in clerical procedures are minimal. Therefore, it would appear that differences between offices could also be minimized.

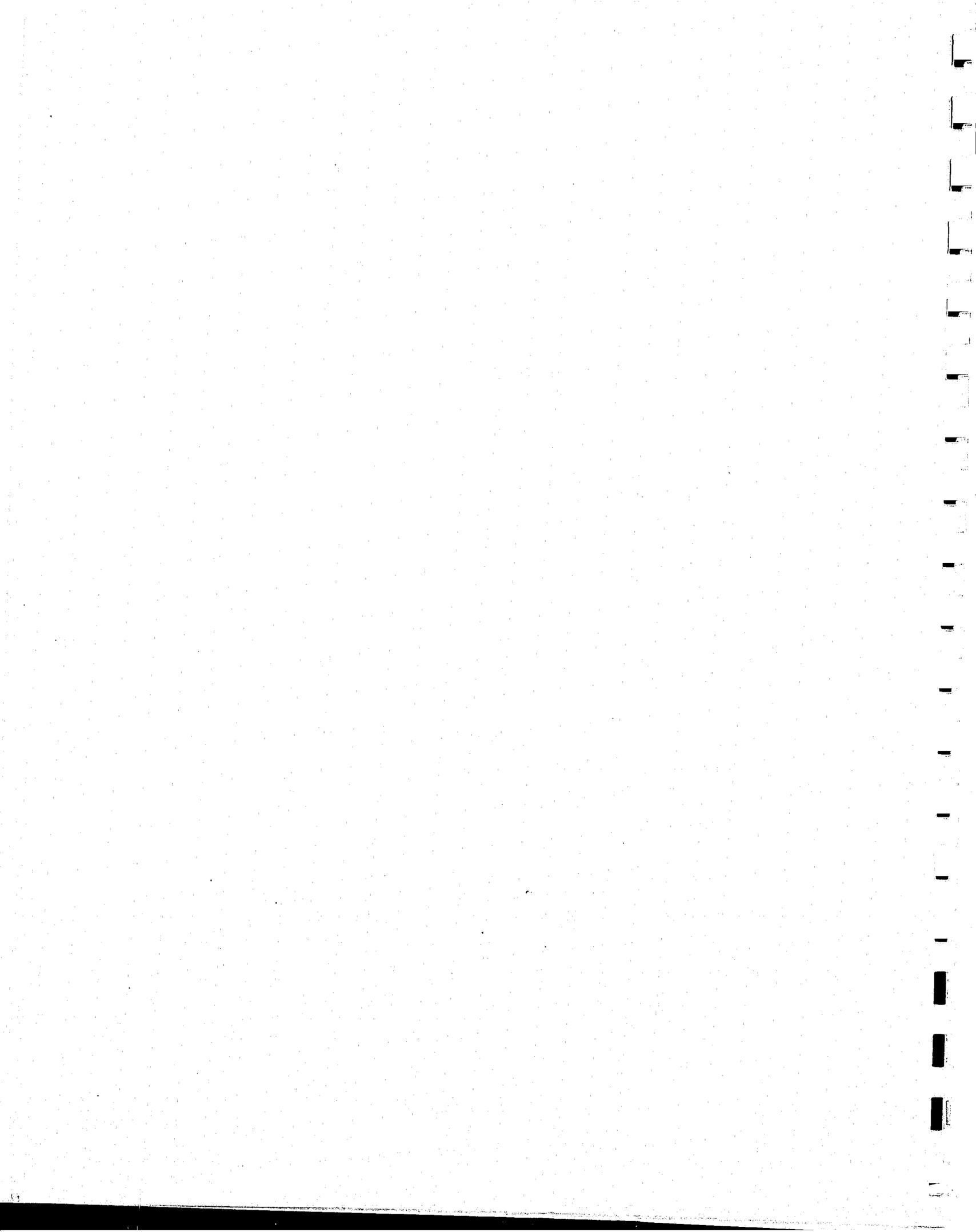
5. Establish office procedures manuals.

New employees are trained by showing them how to handle different transactions as they occur. There is no guideline to refer to, nor a checklist of actions to follow. For transactions which occur infrequently, the deputies will try to determine if anyone knows how to handle it (in the larger offices), or it is referred to the Clerk for a decision.

Each employee should be fully informed regarding his duties and responsibilities. A simple, direct, uniform manner for giving this data to the employee is the office procedures manual.

Neuschell (Streamlining Business Procedures) states the following objectives for manuals:

1. To force decisions on policy and procedural details.
2. To facilitate the training of clerical personnel.
3. To promote uniformity of understanding of performance.



4. To spread knowledge of what is done elsewhere.
5. To establish the basis for control.
6. To preserve the experiences of the organization.
7. To facilitate the examination and revision of procedures.
8. To facilitate setting up new units.
9. To aid in the evaluation of jobs.

6. Update and standardize the records retention program.

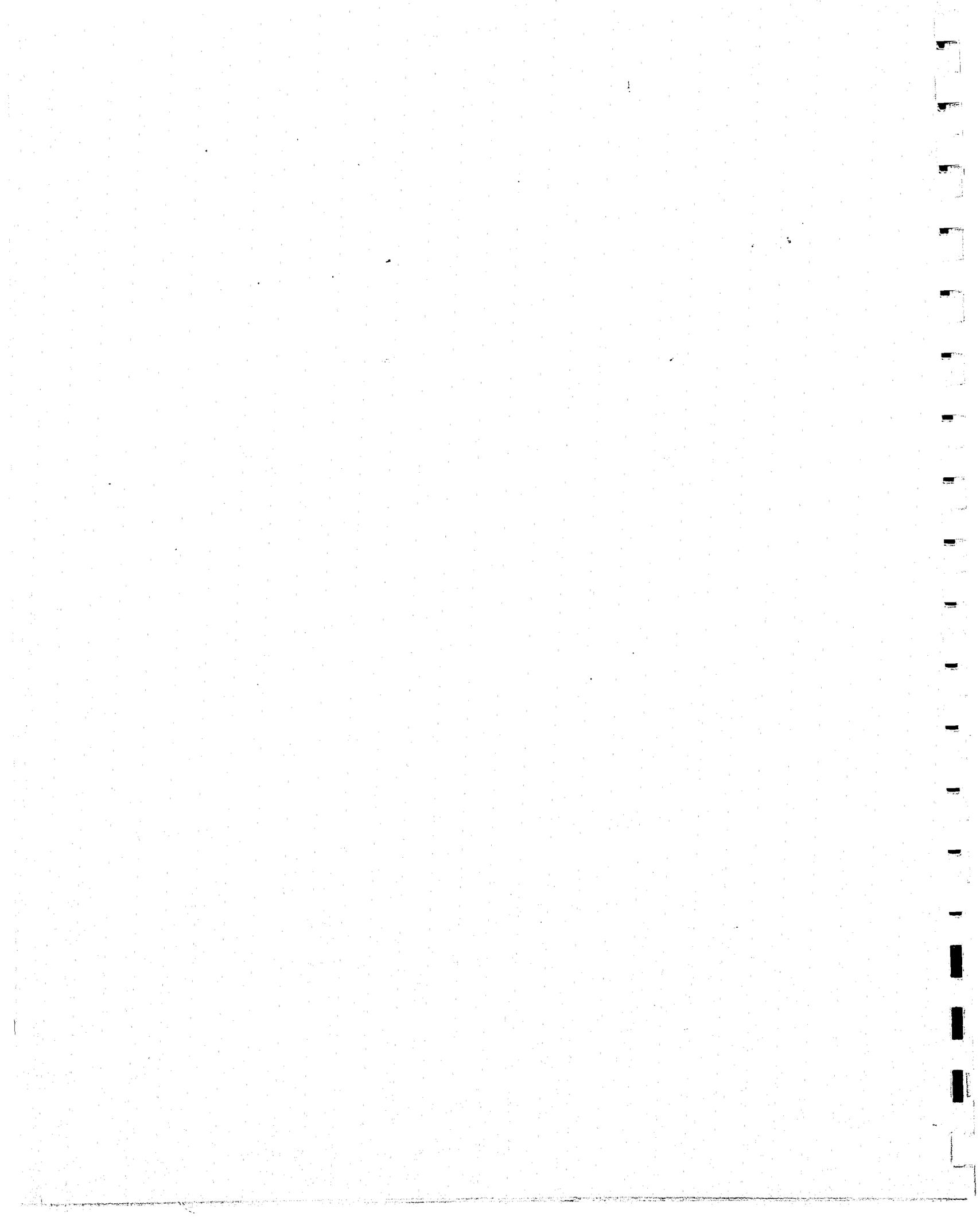
The development of a current records retention timetable for court records will reduce storage requirements and minimize handling. Many records are classed as permanent where, in fact, there is no further reference value. A case in point is the manifold prepared by each district for transmitting information to the Supreme Court. One district keeps a copy for a few weeks and then destroys it. Another puts their retained copy in permanent storage. The Supreme Court holds the original for five years and destroys it. In all cases the information on the manifold is recorded in the permanent register in the Appellate District Clerk's office and is recorded in each of the three offices of the Supreme Court.

With specified retention requirements established, then records destruction, and microfilming for permanent records can be more easily evaluated. The present system of saving almost everything as a permanent record because it is a court document is impractical from both a storage basis and the cost of microfilming to reduce storage space.

7. Eliminate the large handwritten bound registers.

These books are cumbersome to use, expensive, and are dependent upon handwriting quality for legibility. The primary advantage stated is that they don't get lost.

Two alternatives are proposed. One, use 8½" x 14" loose leaf pages which can be typed. These pages can either be filed flat, or bound, for permanent storage. During preparation of calendars or other documents, the required pages can be batched and used at the typewriter instead of carrying record books back and forth as needed for each entry or transcribing in longhand and then typing. For transmitting case status to the Supreme Court or to attorneys, the pages can be copied on most copy machines.



The second alternative is to use an index card system with all pertinent entries noted on the card. The State of New York has used this system successfully for thirteen years. (Samples of their system are filed with the working papers for this study.)

8. Eliminate binding of documents.

If there is a continuing need for permanent storage of documents presently being bound into large record books, they can be flat filed like any other important papers in government and industry. If further protection is necessary they can be microfilmed.

9. Use a card system such as Kardex for a tickler file.

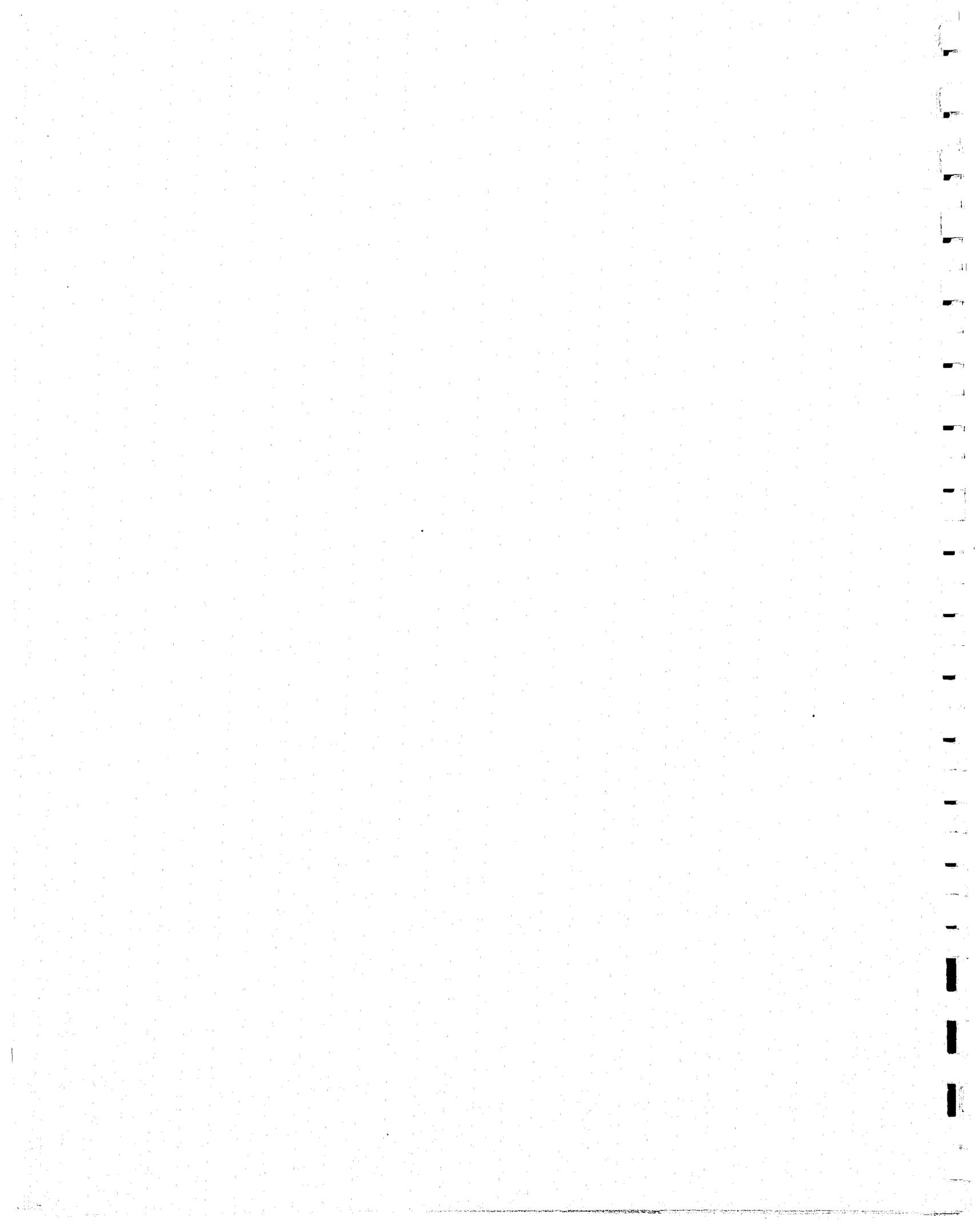
This will eliminate numerous informal reminder books, ready lists and pending lists. It can also be used for preparing the monthly statistical reports for the Judicial Council.

10. Establish a case processing checklist.

A checklist to be used as a guide when processing documents will act as a reminder and a record of what has been performed. If work is interrupted and restarted, or transferred to someone else, it will save much duplication of effort in determining the status of that document.

11. Use postage meters to replace the stamp drawer system.

The current system requires an inventory of stamps in multiple denominations. In addition, there is no real control exercised over the use of the stamps. A postage meter gives the exact postage required in one operation, provides easier inventory control and is less likely to be used for a source of personal stamps.



12. Establish a case record "out card" to maintain control of case location.

In most of the offices, judges, research attorneys, judges secretaries, or anyone else known to the members of the Clerk's office can take cases from the files for any purpose. If a case record is needed and it is not in the office, then a search is started. By looking up the justice assignment, the persons who might have the record are pinpointed and contacted. This procedure could be simplified by establishing the responsibility for a record through this method of control.

13. Develop a long range plan for court administration.

There presently is no plan for the future. To take advantage of modern technology, there should be coordinated activity within the entire court system. A plan for the Courts of Appeal must include, at some point in time, cooperative ventures with the trial courts and the Supreme Court. A long range plan will discourage "hit or miss" actions, such as establishing new offices or districts, without cognizance of the true requirements to speed handling of cases within the judicial system.



III. PURPOSE AND SCOPE OF THE STUDY

A. Objectives.

To meet the stated goal of determining which, if any, modern business and management techniques and equipment can be utilized for a more efficient and economical operation of the Court of Appeal Clerks' offices, the following were our specific objectives:

- Improvement of recordkeeping and operating procedures in each of the Clerks' offices to provide better services to the courts and the public at the most reasonable cost.
- Uniformity of practices and procedures of the Clerks' offices, where practical to take advantage of economies that can accrue from standards in forms, personnel training, automated and manual processes.
- Increased efficiency of operation of the Clerks' offices through well-planned and documented organization, systems, and procedures.
- Use of modern business machinery where appropriate in the Courts of Appeal to improve the methods of data storage, retrieval and transmission.
- Continuing review of established procedures for further improvement as the means become available.

B. Areas of Interest.

The following activities were required to accomplish the stated objectives.

- Document and evaluate existing recordkeeping and operating procedures.
- Compare the operations in the Court Clerk's offices to determine similarities and differences, and the potential for standardization among them.



- Assess the recordkeeping, operating procedures, and equipment utilization of the Appellate Court Clerks in large states, other than California.
- Identify and evaluate equipment and machinery that would provide for more efficient and effective operation.
- Recommend improvements in systems, procedures, and techniques.
- Develop and present such conclusions and proposals related to office space layout and utilization that would support the achievement of greater efficiency and effectiveness of operation.
- Document the investigation and analysis to support conclusions and recommendations, so they can be utilized for purposes of near-term and long-term planning, implementation and possible legislative action.
- Prepare a comprehensive final written report of findings, conclusions and recommendations.

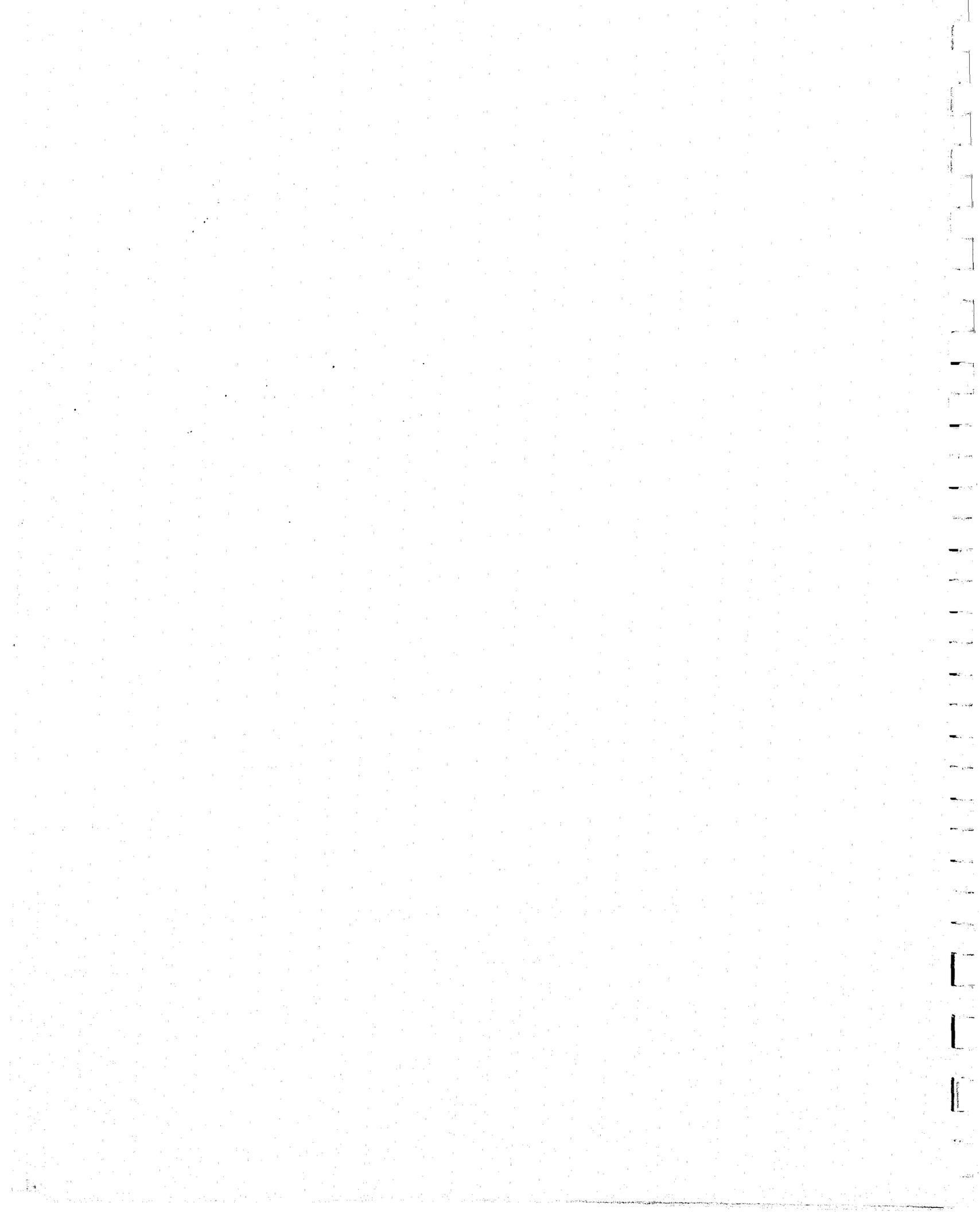
C. Districts and Divisions Involved.

Each member of the Clerk's office in each of the six offices of the five appellate districts were interviewed. Wherever possible, the presiding justice of each district or division, was interviewed. In addition, other justices, secretaries and research attorneys were contacted.

D. Other Related Contacts.

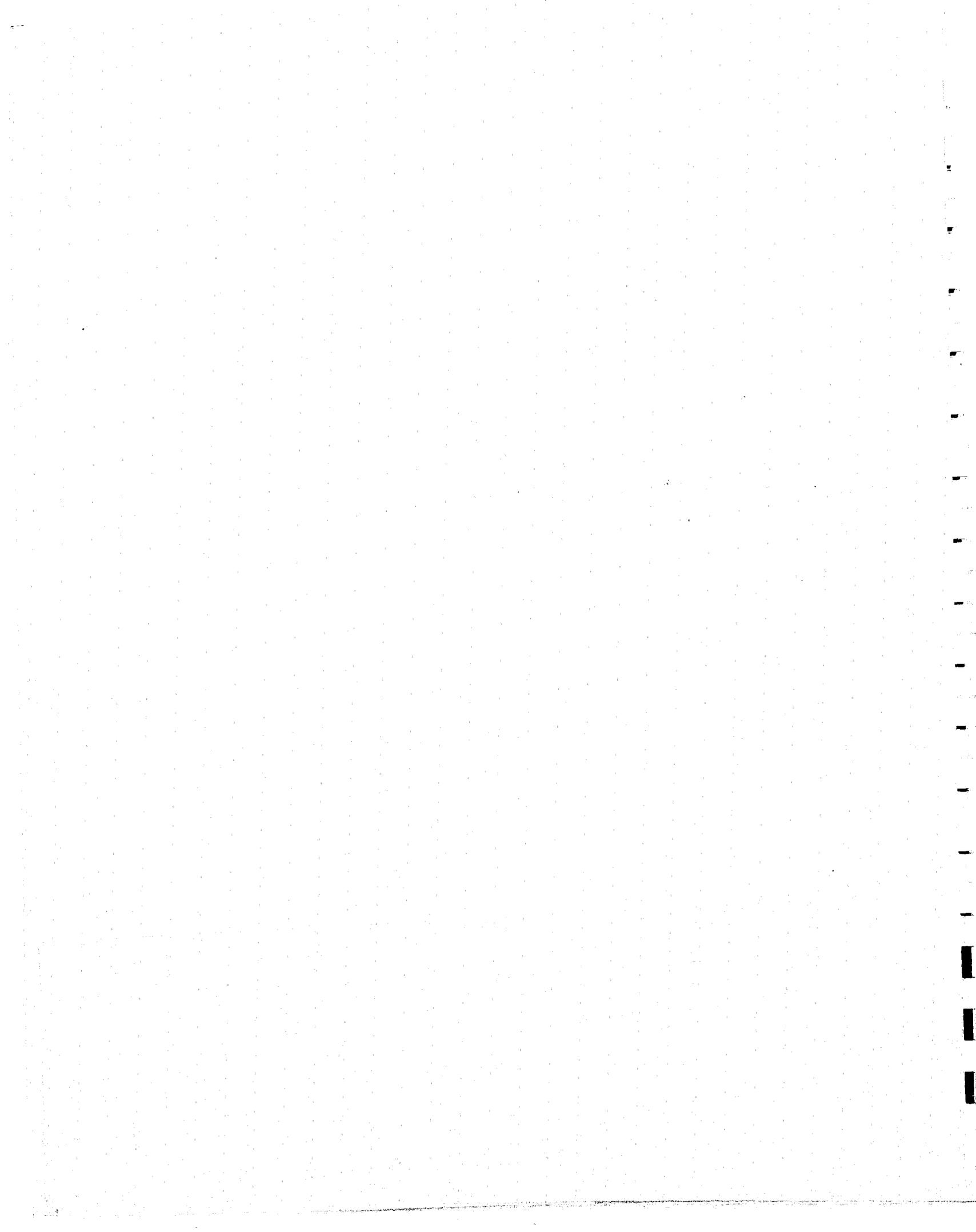
Contacts outside the Courts of Appeal and the Judicial Council are as listed.

1. California Supreme Court Clerk's Office.
2. Los Angeles Superior Court.
3. Selected lawyers from each District who have had cases before a Court of Appeal.
4. California Department of General Services.
5. Office of Management Services.
6. Selected States.



IV. FINDINGS

- A. Operating Procedures
- B. Forms and Records
- C. Distribution of Work
- D. Job Specifications and Tasks
- E. Organizational Relationships
- F. Public Contacts
- G. Facilities Appraisal
- H. Equipment
- I. Lawyers' Responses



A. OPERATING PROCEDURES

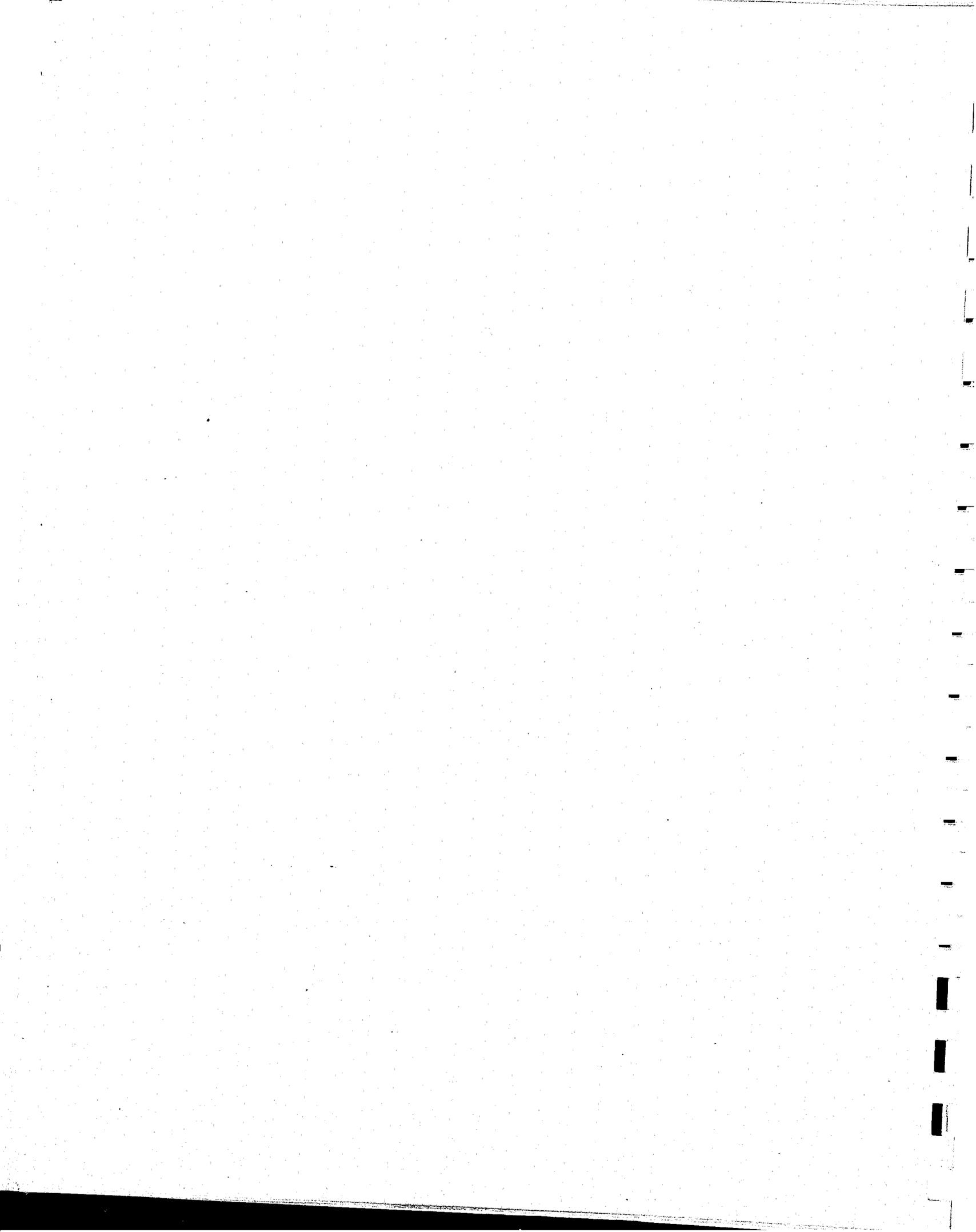
As part of the data gathering, an attempt was made to determine what different types of procedures could be delineated for each of the Court Clerks' offices visited. Questions were posed to establish which procedures were documented and which were not documented. In none of the districts was a standard set of procedures or an up-to-date procedures manual available. The copies of documented procedures supplied to the consultant varied in scope, depth of content, format, and in usability from office to office. Copies of these prior documented procedures are included in the original working papers and bound in the buff work folders.

Procedures which were documented during the study are included in the plastic bound, xeroxed working papers. For easy comparison to one another, these documented procedures are bound in five separate books, one for each of the five districts, and copies are being provided to the Judicial Council.

As mentioned in the Summary at the beginning of this report, we have utilized two different research techniques to obtain the most accurate evaluation of these procedures. Districts Two, Four, and Five were allocated the prototype technique. Information was gathered from the Second District according to a precise and detailed set of standards. After editing, copies of the prototype were then sent to Districts Four and Five for the necessary additions, deletions, and step-reverses which would make it their own set of procedures. The material was then retyped and sent back for review by the respective Court Clerk, prior to reproduction and binding.

The primary technique was used on the First and Third Districts. Each district was asked to describe their current procedures. The Ernst & Ernst consultant took detailed notes which were then typed, and sent for review and editing by the respective Court Clerk, prior to reproduction and binding.

A comparison of a district allocated to the prototype research technique and one allocated to the primary technique points up strongly the necessity for developing a standardized procedures manual. A comparison between any two of the districts will again emphasize this necessity.



First District, San Francisco

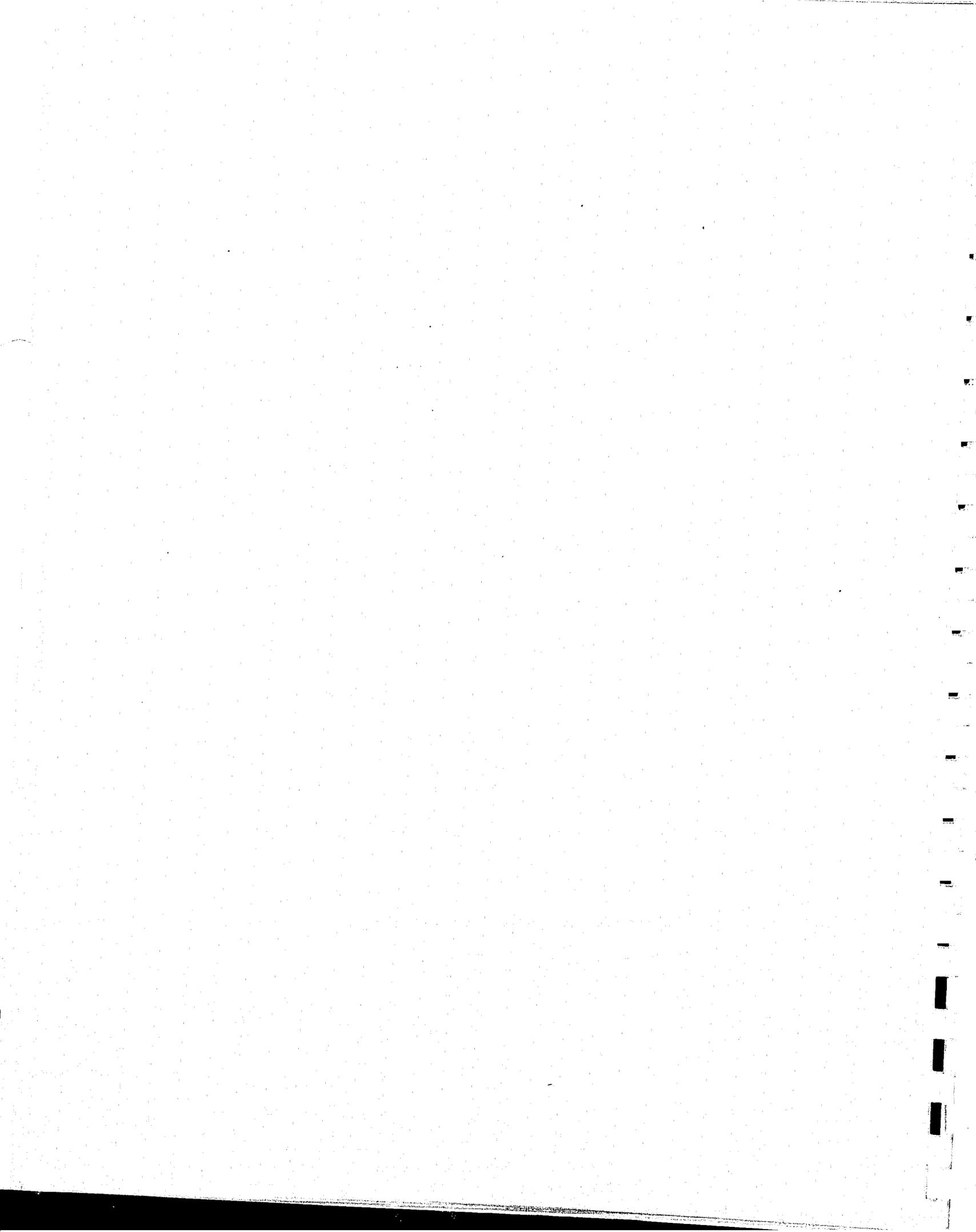
There were no documented procedures for this district. Procedures for this district which Ernst & Ernst has now documented include:

1. Civil Appeal Processing (Petition for Rehearing Processing, Petition for Hearing in Supreme Court).
2. Criminal Record on Appeal Processing.
3. Original Proceedings - Civil and Criminal.
4. Claims Schedules (Attorneys' Fees, Court Appointed Attorneys).
5. Calendar Procedure.
6. Remittitur for Orders, for Opinions.
7. Exhibits.
8. Statistics (Matters Pending - Criminal and Civil, Matters on Calendars, Matters Pending Judgment, Time Intervals, Business Transacted, Filings and Transfers, Administrative Review).
9. Cash Procedures (Warrants, Treasurer's Report, Bail).
10. Library, Book Invoices.
11. Personnel (Attendance).
12. Court Minutes.
13. Indexing.

Second District, Los Angeles

Previously documented procedures for this district include:

1. Listing of types of cases to be transferred to the Supreme Court.
2. Filing transcripts on appeal.
3. Filing briefs.
4. Non-published opinions - register and minutes notations.
5. Filing opinions.
6. Filing petitions for rehearing.
7. Filing orders of the court on rehearing.
8. Filing petitions for hearing in the Supreme Court.
 - a. Procedures if hearing denied.
 - b. Procedures if hearing granted.
9. Notices to appellant regarding:
 - a. Filing record on appeal.
 - b. Late brief filing.
10. Notices to respondent regarding:
 - a. Late brief filing.
 - b. Dismissal of appeal on appellants request, or on stipulation.



11. Notices to Clerk of the Superior Court.
12. Typing of the Minutes.
13. Exhibits delivery form.
14. Notation of cash division's calendar day.
15. General instructions regarding the filing of transcripts, briefs, petitions and answers, motions, affidavits, and stipulations.

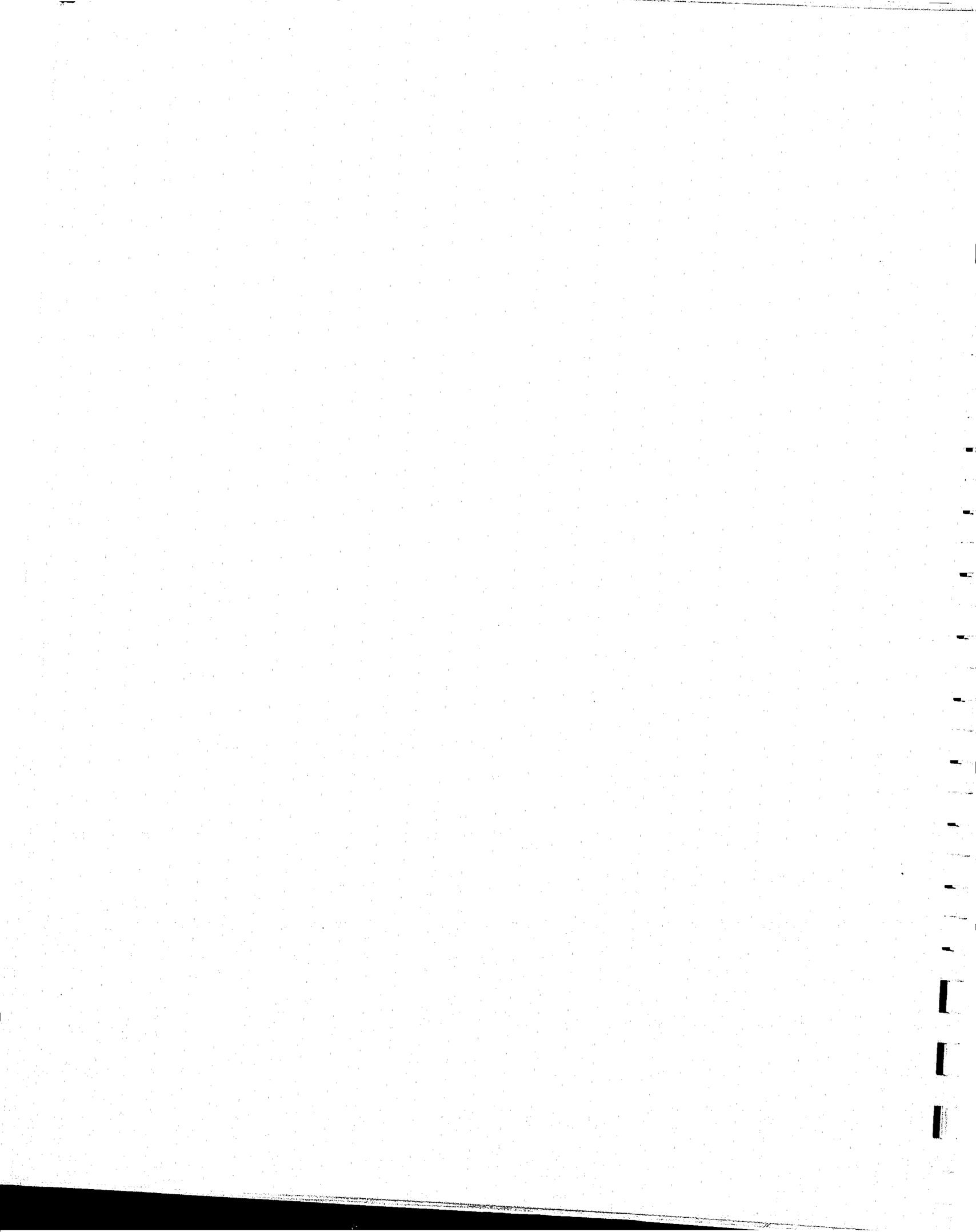
Procedures numbered 1 through 14 in the above list are typewritten and contained in a small black notebook in the Court Clerk's private office. Documentation in the book dates from the early 1940's and is very abbreviated. Procedure number 15 was located in a file folder in the Court Clerk's private office. It is typewritten on legal size paper. The procedures maintained in this file are more comprehensive in terms of the scope of the work in the Clerk's office. However, they need further definition of the steps to be followed in the processing of different types of appeals and the preparation and processing of Court generated documents.

These procedures are for reference, but used infrequently. With the volume of procedural questions which arise in the Court Clerk's office, the office personnel could benefit from a procedures manual. As employees are occasionally added to the staff, a procedures manual, if properly used and developed, could be a key training device. Discussions with several Presiding Justices disclosed that procedural documentation would be helpful to the Court, enhancing its perspective of the functions and activities performed in the Court Clerk's office.

Second District, Procedures Documented During the Study

A major portion of the review of this office was allocated to the comprehensive documentation of operating procedures. Procedures for the Second District which Ernst & Ernst has now documented include:

1. Civil Appeal Processing (Petition for Rehearing Processing, Petition for Hearing in Supreme Court).
2. Criminal Record on Appeal Processing.
3. Motions to Dismiss on Clerk's Certificate - Civil.
4. Motions to Dismiss where Record on Appeal already on file with Court Clerk - Civil.
5. Motions to Dismiss where Record on Appeal already on file with Court Clerk - Criminal.
6. Petition for Writ of Mandate (Mandamus).
7. Petition for Writ of Prohibition.



8. Petition for Writ of Supersedeas.
9. Petition for Writ of Review - Civil only.
10. Petition for Writ of Error - Coram Nobis.
11. Petition for Writ of Review (Workmen's Compensation Appeals Board cases).
12. Petition for Writ of Habeas Corpus.
13. Application for Stay of Administrative Order.
14. Record on Certification from Appellate Department of Superior Court.

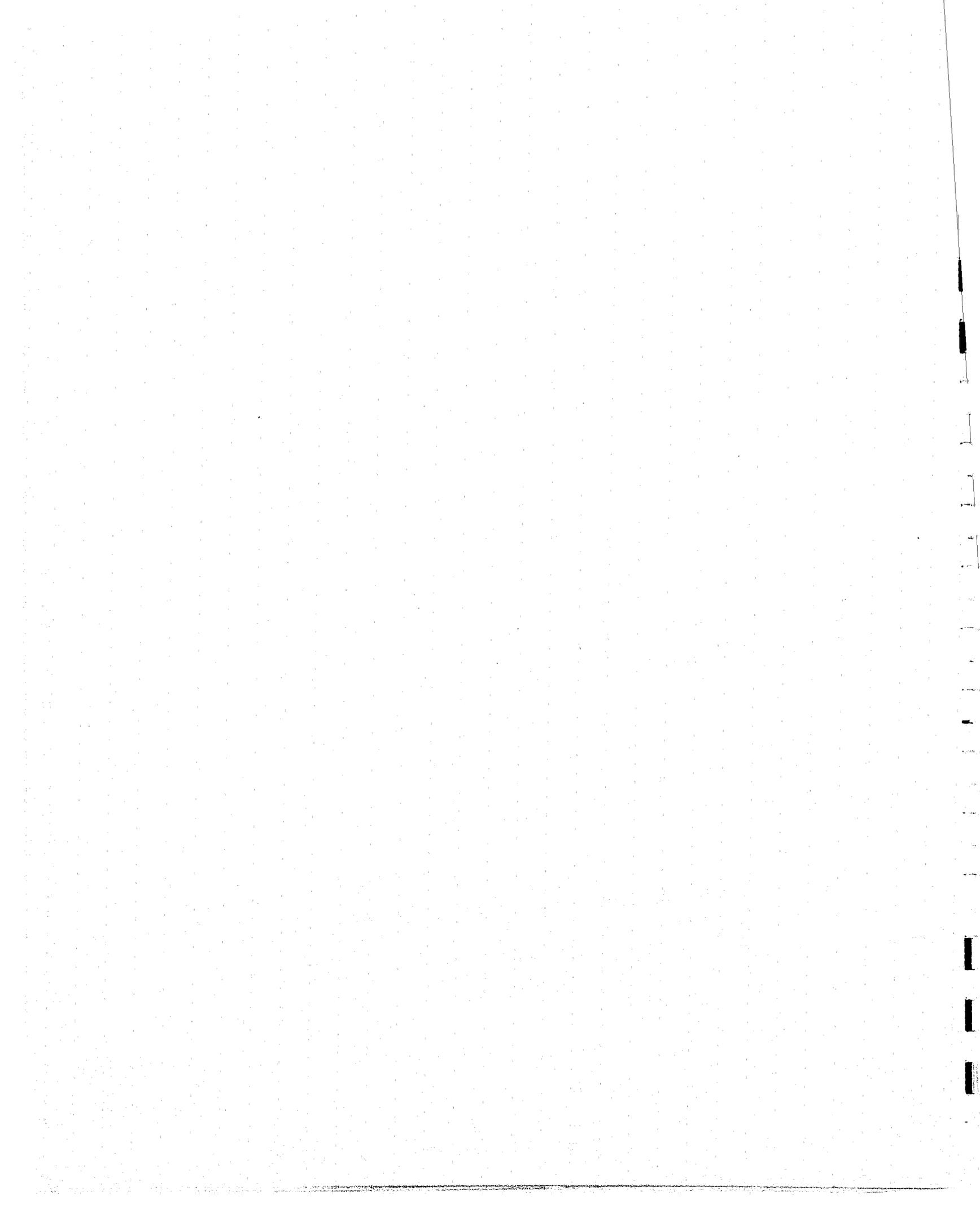
Third District, Sacramento

There were no documented procedures for this district. Procedures for this district which Ernst & Ernst has now documented include:

1. Civil Appeal Processing (Petition for Rehearing Processing, Petition for Hearing in Supreme Court, Delinquent Civil Appeals).
2. Criminal Record on Appeal Processing.
3. Motions - Civil and Criminal.
4. Original Proceedings - Civil and Criminal.
5. Writs (Grant Order to Show Cause, Writ Conference).
6. Claims Schedule.
7. Extensions, Affidavits, Exhibits.
8. Calendar Procedure.
9. Preparing Records for Court.
10. Remittitur.
11. Statistics (Filings, Transfers, Opinions, and Matters Pending).
12. Cash Receipts, Sources of Fees.
13. Treasurer's Report.
14. Warrants, Inventory.
15. Library, Galley Proofs.
16. Personnel, Health Benefits.

Fourth District, San Diego and San Bernardino

Documented procedures for this district are contained in a "Policy Notebook". One is kept in each of the district offices. A copy of the Index from this notebook and samples of some of the documentation from this notebook are contained in the original working papers, and bound in the buff work folders.



Fourth District cont'd.

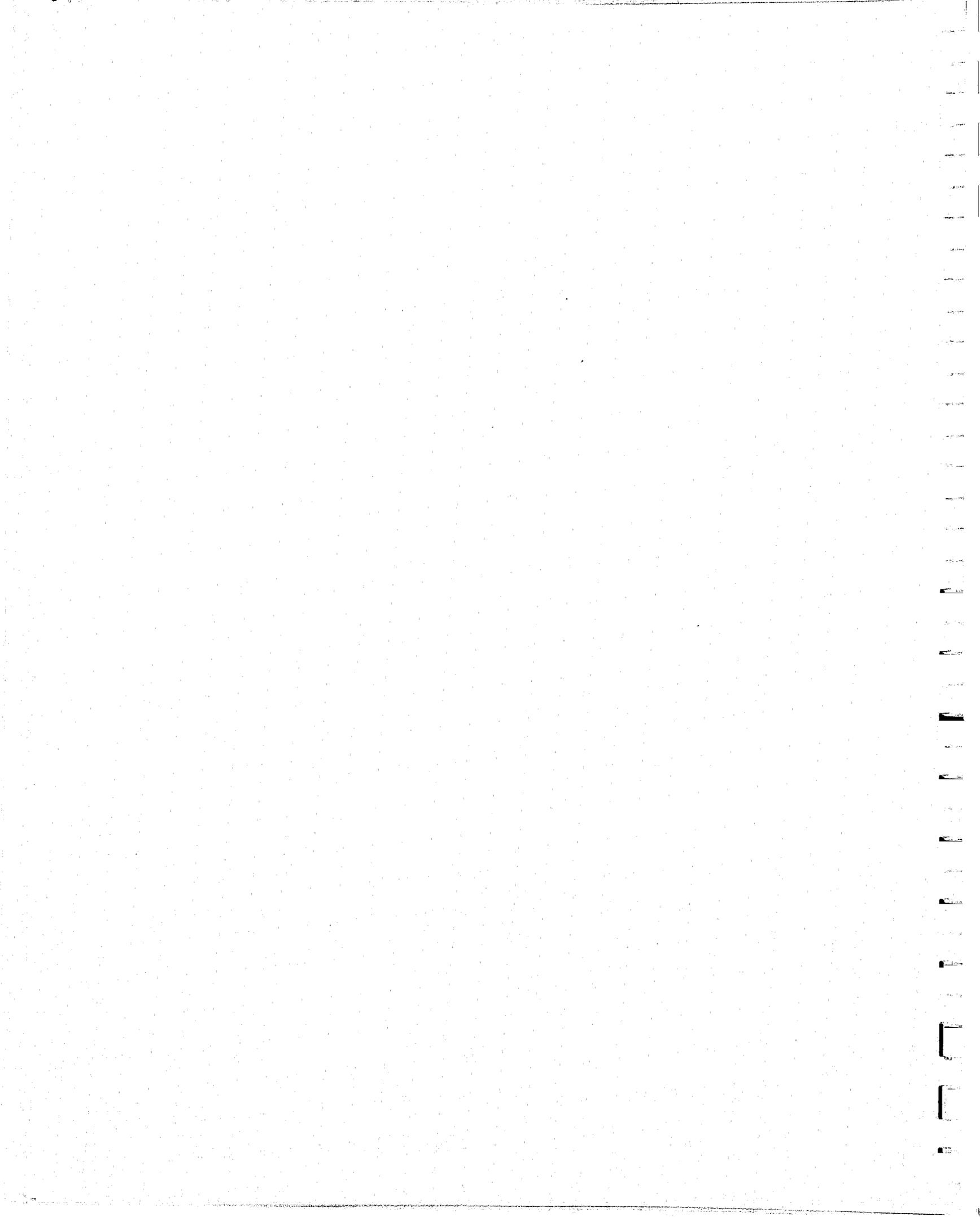
These notebooks contained a combination of forms, different filing procedures and procedures related to court action, and directives and memos such as those from the Clerk of the California Supreme Court. These notebooks have been maintained and kept current. The scope of the procedures appeared satisfactory. However, improved organization and increased uniformity would add to their application in daily operations.

Upon questioning, the consultant was advised that these notebooks are used for reference, and they have been used for training purposes. Discussions with a Presiding Justice and one Associate Justice disclosed that documented procedures covering the Court Clerk's operation would be useful in the Court and that uniformity would be advantageous. Procedures for this district which Ernst & Ernst has now documented include:

1. Civil Appeal Processing (Petition for Rehearing Processing, Petition for Hearing in Supreme Court).
2. Criminal Record on Appeal Processing.
3. Motions to Dismiss on Clerk's Certificate - Civil.
4. Motions to Dismiss where Record on Appeal already on file with Court Clerk - Civil.
5. Motions to Dismiss where Record on Appeal already on file with Court Clerk - Criminal.

First Division:

6. Petition for Writ of Mandate (Mandamus).
7. Petition for Writ of Prohibition.
8. Petition for Writ of Supersedeas.
9. Petition for Writ of Review - Civil only.
10. Petition for Writ of Error - Coram Nobis.
11. Petition for Writ of Review (Workmen's Compensation Appeals Board cases).
12. Petition for Writ of Habeas Corpus.
13. Application for Stay of Administrative Order.
14. Record on Certification from Appellate Department of Superior Court.
15. Original Proceedings and miscellaneous documents (Docket Sheet, Special Procedure).
16. Procedures of Manifold and Minutes.
17. Procedures for Application by County and/or Court Reporter for Extension of Time to File Transcripts on Appeal.
18. Standard Procedure - Opinion Preparation.



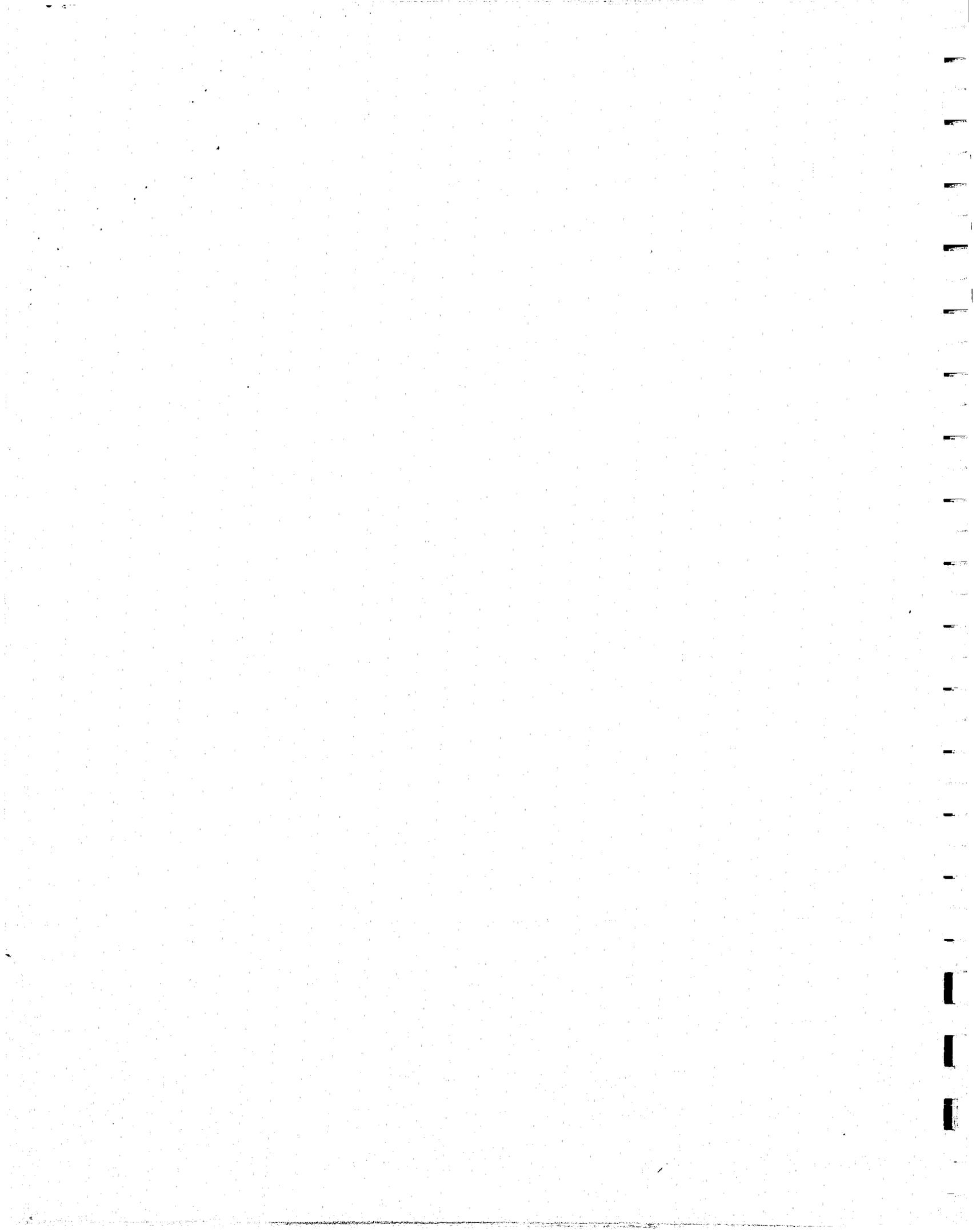
Fifth District, Fresno

The Court Clerk could not provide documented procedures for this district.

Discussions with the Court Clerk and the Presiding Justice indicated that documented procedures for the Court Clerk's office would be useful.

Procedures for this district which Ernst & Ernst has now documented include:

1. Civil Appeal Processing (Petition for Rehearing Processing, Petition for Hearing in Supreme Court).
2. Criminal Record on Appeal Processing.
3. Motions to Dismiss on Clerk's Certificate - Civil.
4. Motions to Dismiss where Record on Appeal already on file with Court Clerk - Civil.
5. Motions to Dismiss where Record on Appeal already on file with Court Clerk - Criminal.
6. Petition for Writ of Mandate (Mandamus).
7. Petition for Writ of Prohibition.
8. Petition for Writ of Supersedeas.
9. Petition for Writ of Review - Civil only.
10. Petition for Writ of Error - Coram Nobis.
11. Petition for Writ of Review (Workmen's Compensation Board cases).
12. Petition for Writ of Habeas Corpus.
13. Application for Stay of Administrative Order.
14. Record on Certification from Appellate Department of Superior Court.



Differences in Operating Procedures and Record Keeping

This section of the report will cover the differences among the five districts of the Court of Appeal in the operating procedures followed and the forms and records utilized in performing these procedures.

General Differences in Procedures

There are measurable differences in major operating procedures among the five districts of the Court of Appeal. Even the time of taking jurisdiction over a case is different. The Third Appellate District receives a copy of the Notice of Appeal and follows through promptly from that point. The remaining districts are not aware of an appeal until they receive the Clerk's transcript, or other records and correspondence. Only upon receipt of the Clerk's transcript do these districts begin to take action.

In addition, there are the following differences where two or more districts follow the same procedure:

The total number of steps required to complete the procedure differs

Different steps at approximately the same point of processing

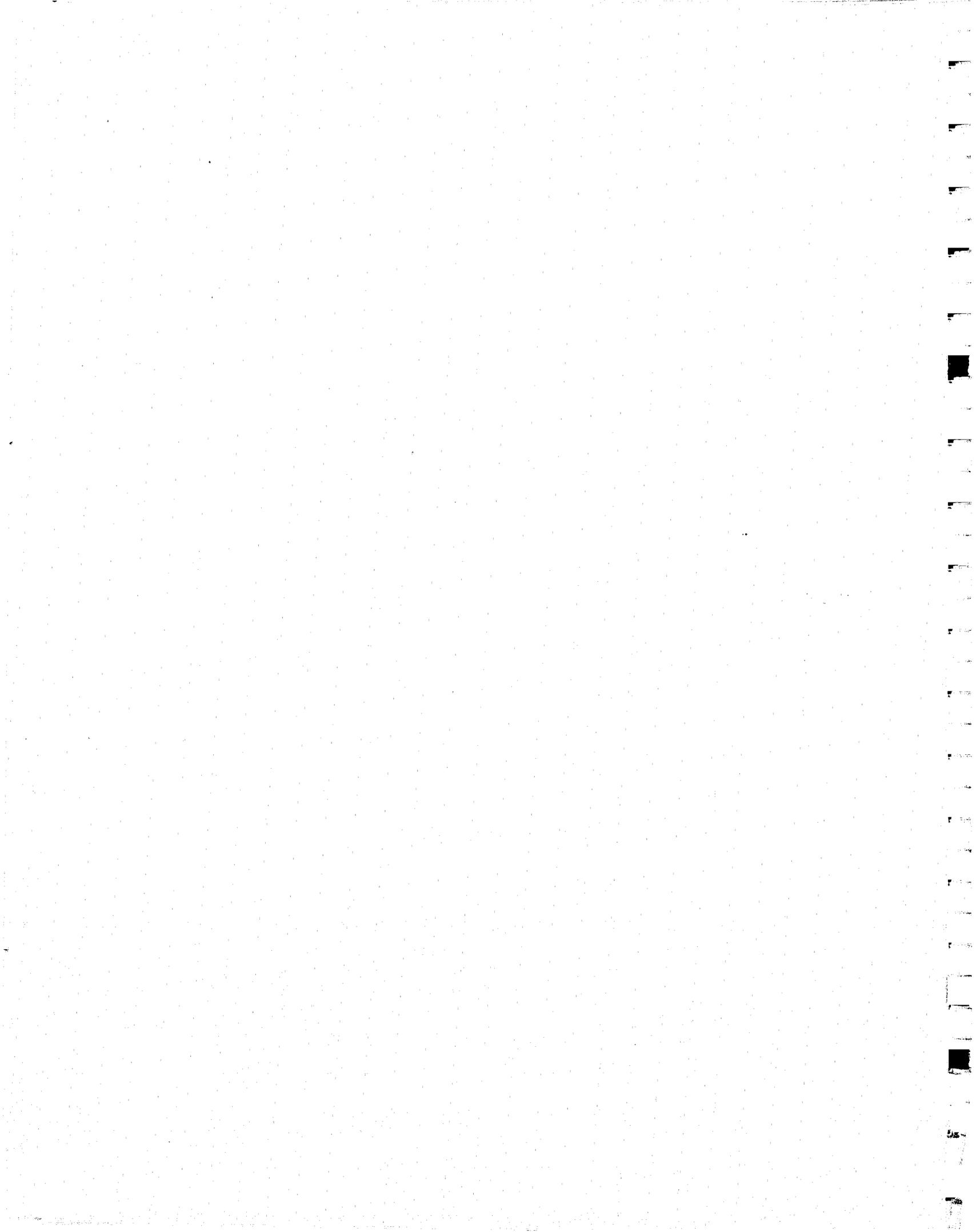
The sequence of steps is different

The point in time for completing a step is different while the sequence is the same

The scope of work (sub-steps and record entries) to complete a step differs

Examples of these types of differences among the districts will be identified later in this section.

The scope of work differences in the procedures of the five districts are not readily apparent from review of the Civil Record on Appeal procedure. They become apparent in the Civil Record on Appeal--Rule 10A delinquent procedure (steps A through W). These are sub-steps for those shown in the first chart as steps 9 through 11. Within this group there is no sub-step which is common for all five districts. Some sub-steps are common for two, three, or four districts. For example, sub-steps A and B are the same for



two districts. Sub-step E is the same in three districts. Sub-steps H through K are the same in four districts.

As further evidence of the difference in the scope of work, the detailed chart presented at the end of this section depicts significant differences in the record and form entries made during individual steps.

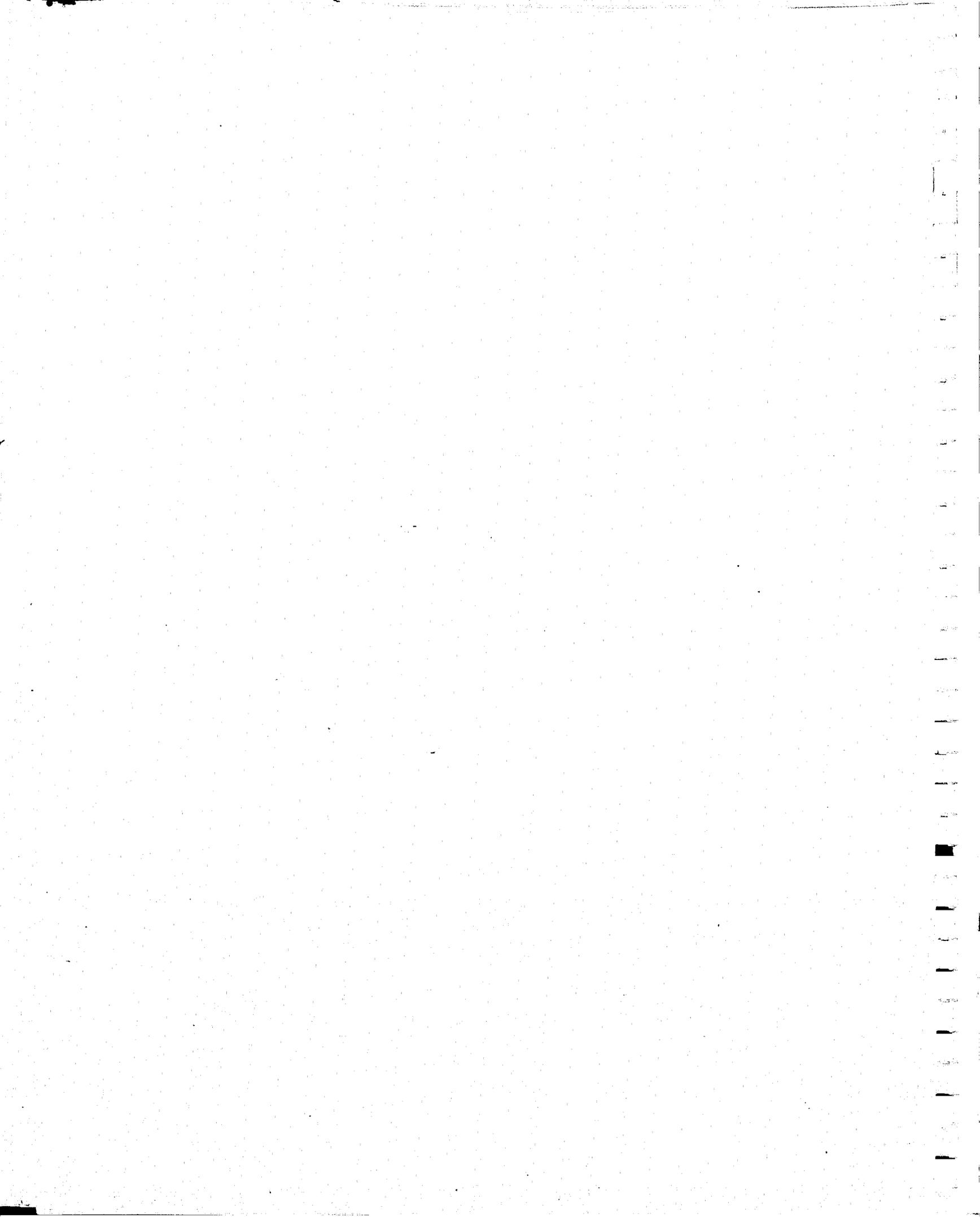
The comparative analysis presented above covers only the Civil Record on Appeal processing. However, it is representative of the variation that exists in other matters processed in the Courts of Appeal Clerks' offices. The types of steps, sub-steps and entries made in the other types of procedures are the same or similar to those in the Civil Record on Appeal. There may be slight differences in the names of record books or the labels on forms used, but basically the procedural characteristics are the same. These similarities are identifiable in the document reviewing, record keeping, and forms preparation areas. The major difference is in the volume of matters processed in the different categories, i.e. motions, petitions.

Development of a Data Reduction Comparative Device

To make comparisons of operating procedures among the five districts, it was necessary to compile the procedural information from the districts in some common or similar manner. Owing to the substantial lack of procedures documentation upon the initiation of this assignment, the consultant had to allocate a majority of the data gathering and analysis time to the documentation and review of procedures.

After the procedures were documented and reviewed for each district office, it was necessary to determine the most representative procedures which could be analyzed and compared in the relatively short period of time available. Based on the workload statistics for the Courts of Appeal presented in the Annual Report of the Administrative Office of the California Courts, 1969, the Civil Record on Appeal procedure was selected for data reduction and comparative analysis.

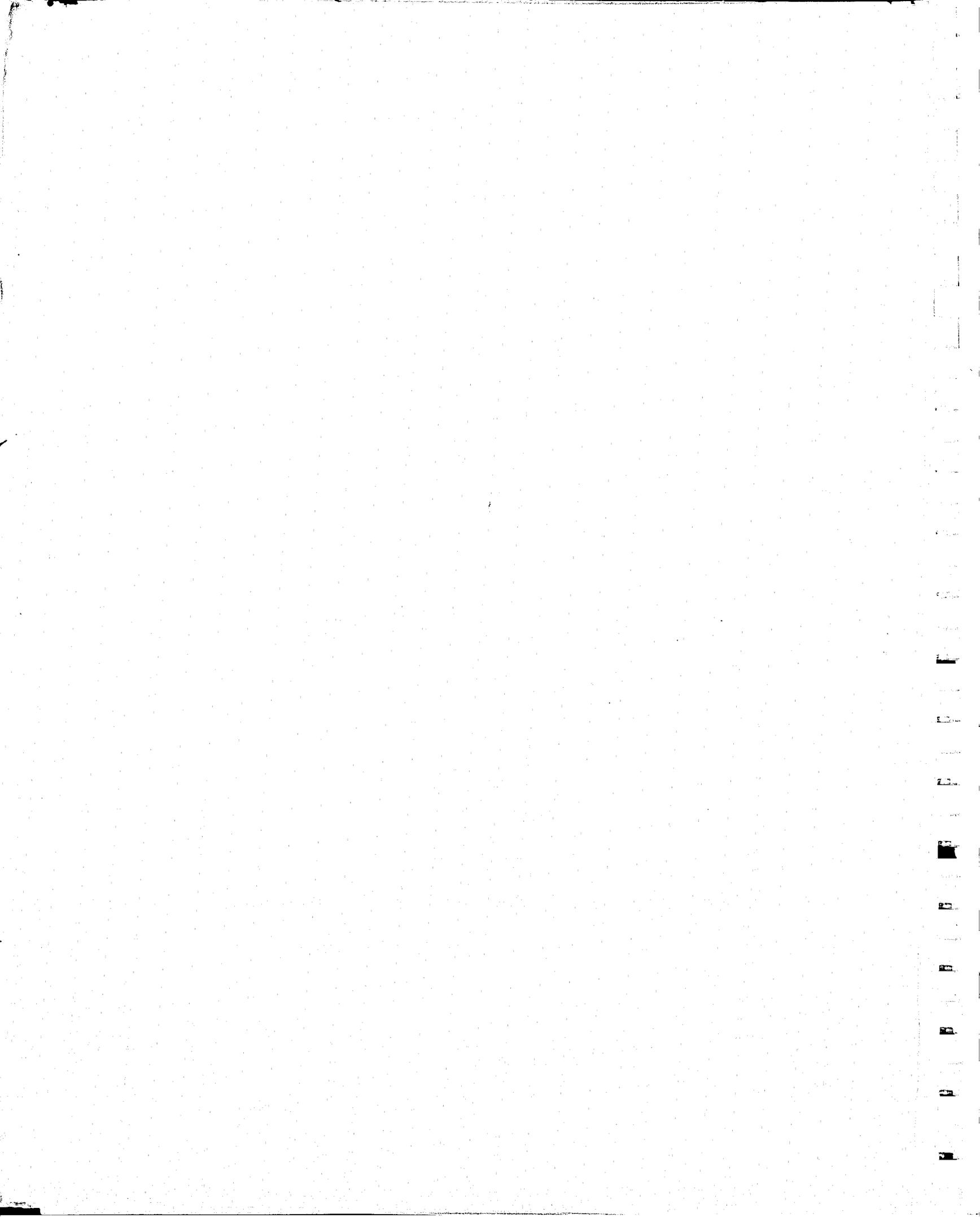
Because of the volume of information and level of detail in which the procedures were documented, a large scale graphic device was required to satisfy the first step in data



CALIFORNIA COURTS OF APPEAL
1ST DISTRICT

Notes on Judges' Comments

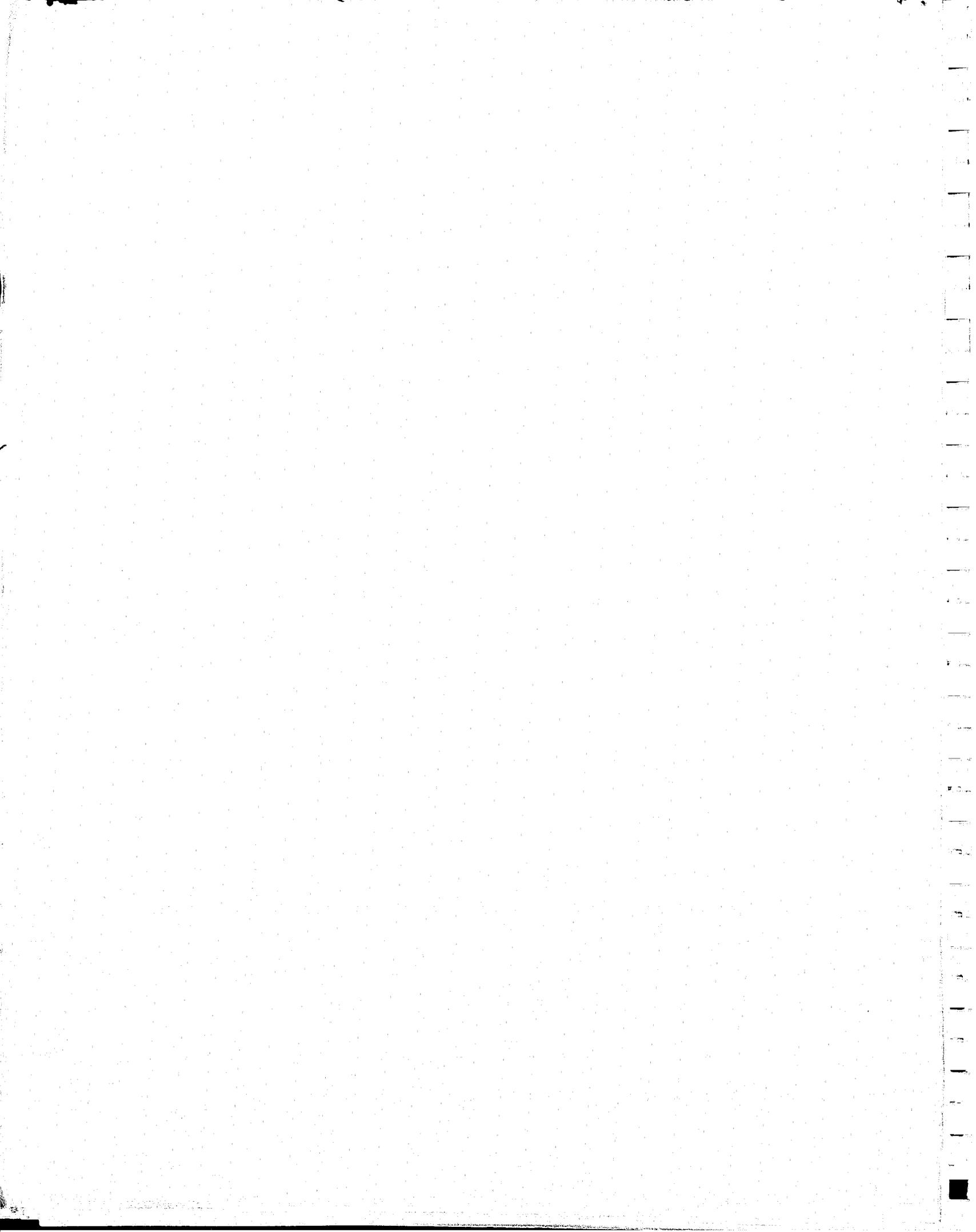
1. Work flows very smoothly.
2. Deputy assigned is very competent.
3. Has never had complaints from lawyers.
4. Clerk's office is excellently run.
Elkington, personally, is outstanding.
5. Only problem is occasional transposition of papers
between jackets (loose letters and forms).
6. Pending list used to determine if he might be
disqualified for some reason.
7. Pending list should be prepared by Clerk's office-
now done by P.J.'s secretary.
8. Extension of time requests are a real problem.
9. Rarely uses pending list.
10. Tries to limit Attorney General extensions to one.



CALIFORNIA COURTS OF APPEAL
3RD DISTRICT

Notes on Judges' Comments

1. Criminal case volume has increased to such an extent that backlog is growing.
2. Typewritten transcripts from court reported cover trial only and excludes examination of jurors during jury selection. Attorney's questions can be important.
3. How about recorded trials? Aid to judges - appointed attorneys, etc. Should save thousands of dollars in transcript fees for augmenting records, affidavits, etc.
4. 5 sets of books.
1 for each judge.
1 for library.
Would like computer researching.
5. Clerk's transcript-is a court reporters copy of the papers on file in the county clerk's office regarding a case. Why not xerox the original documents or perhaps original file could be sent.
6. "Doghouse" is an improvement for record handling over old system. Would like an even better way - need easy handling-easy identification.
7. Holds writ conference weekly - also discuss cases which have no merit or special merit for early calendaring in addition to regularly assigned cases.
8. Training of researchers - need continuity of personnel.
9. Could cases be scanned during the week the final brief is in to select cases for rapid processing?



reduction. For this, a thirty by three and one half foot wall chart was developed in two sections. The chart is divided into horizontal strips, each strip depicting one district. In vertical strips, a procedural step is shown. To aid comparison and analysis, the chart was divided into time blocks representing major areas of processing activity, i.e. record on appeal filed and delinquent procedure per rule 17A of the Rules of Court. This same device could be applied to any one of the types of procedures cited earlier. The wall chart is presented to the Administrative Office of the Courts as working papers.

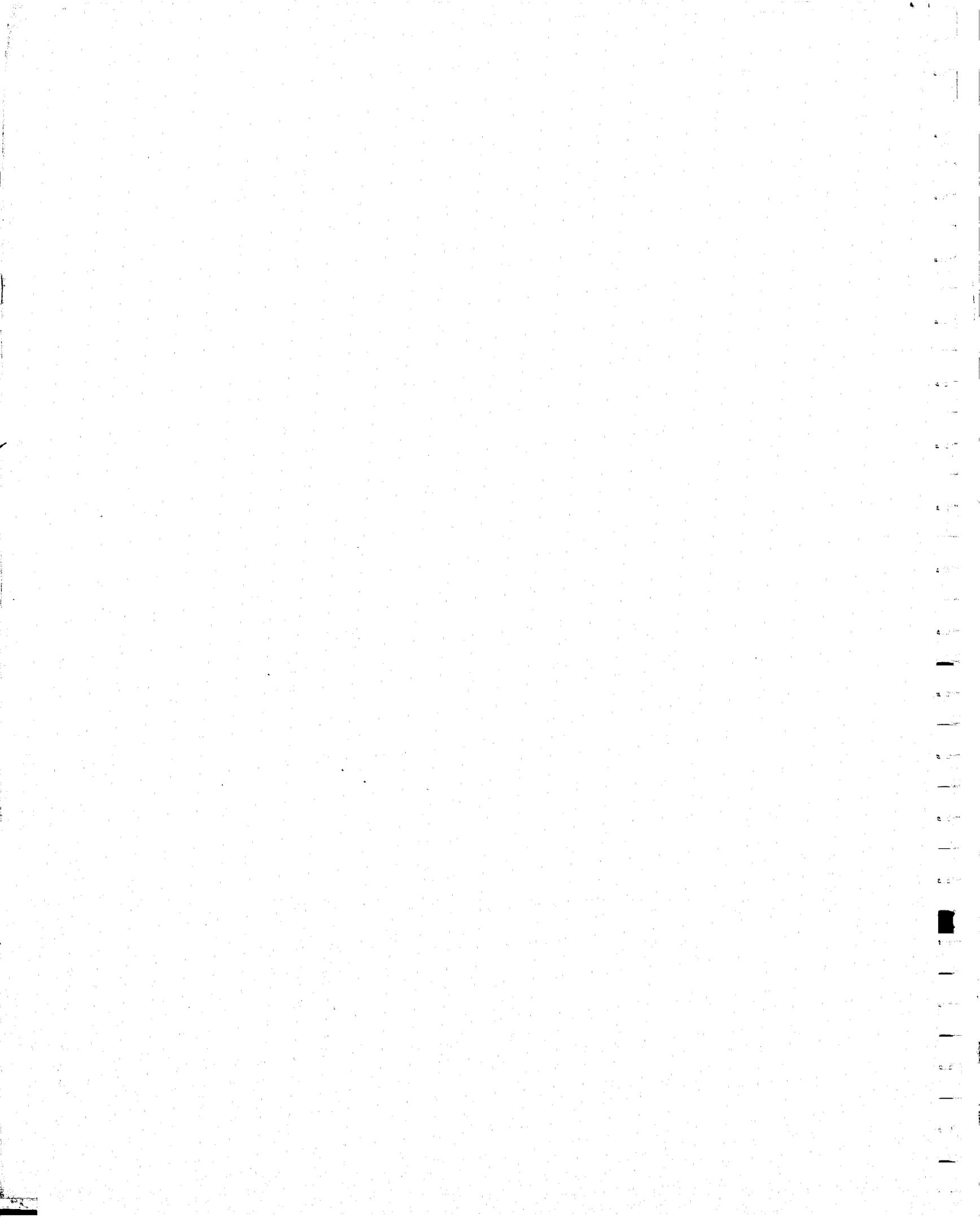
Once the data reduction and analytical framework was set, the Civil Record on Appeal procedure data for each district was inserted on the chart. The information on this chart extends to the types of entries made in records and on forms in the various steps of this procedure. This chart includes an exhaustive amount of information and back-up material which could be applied to further in-depth study.

From this detailed chart, a Summary Chart of the Civil Record on Appeal procedure was developed. It is included in this section. This summary chart is in two sections, the first presenting the Civil Record on Appeal Steps and the second presenting the sub-steps performed in handling delinquencies per Rule 10A of the Rules of Court. From these summary charts, comparison of the general procedural differences is possible. The differences are obvious when the summary charts are examined.

Some of the differences discussed here in terms of the types of differences cited earlier. The total number of steps to complete the Civil Record on Appeal procedure is as follows:

<u>District</u>	<u>Total Steps</u>
1	77
2	87
3	93
4	86
5	83

The steps counted are those appearing on the chart starting at Step 1 and continuing through Step 150. The blank spaces indicate that no step is performed.



Throughout the Civil Record on Appeal processing there are differences in the steps performed at approximately the same point in the processing scheme. Examples include steps 1 through 7, 9, 10, 14, 15, 17, 49, 51, 61, 63 through 66, 68 through 70, 71 through 114, 116 through 121, 124 through 137, 139 through 150.

There is variation in the sequence of steps from district to district. This type of difference can be cited most easily by comparing the order of steps in a particular time block. Examples appear in the following time blocks: the calendar and assignment procedure, the Matter Submitted time period, and the time for Remittitur Issuance.

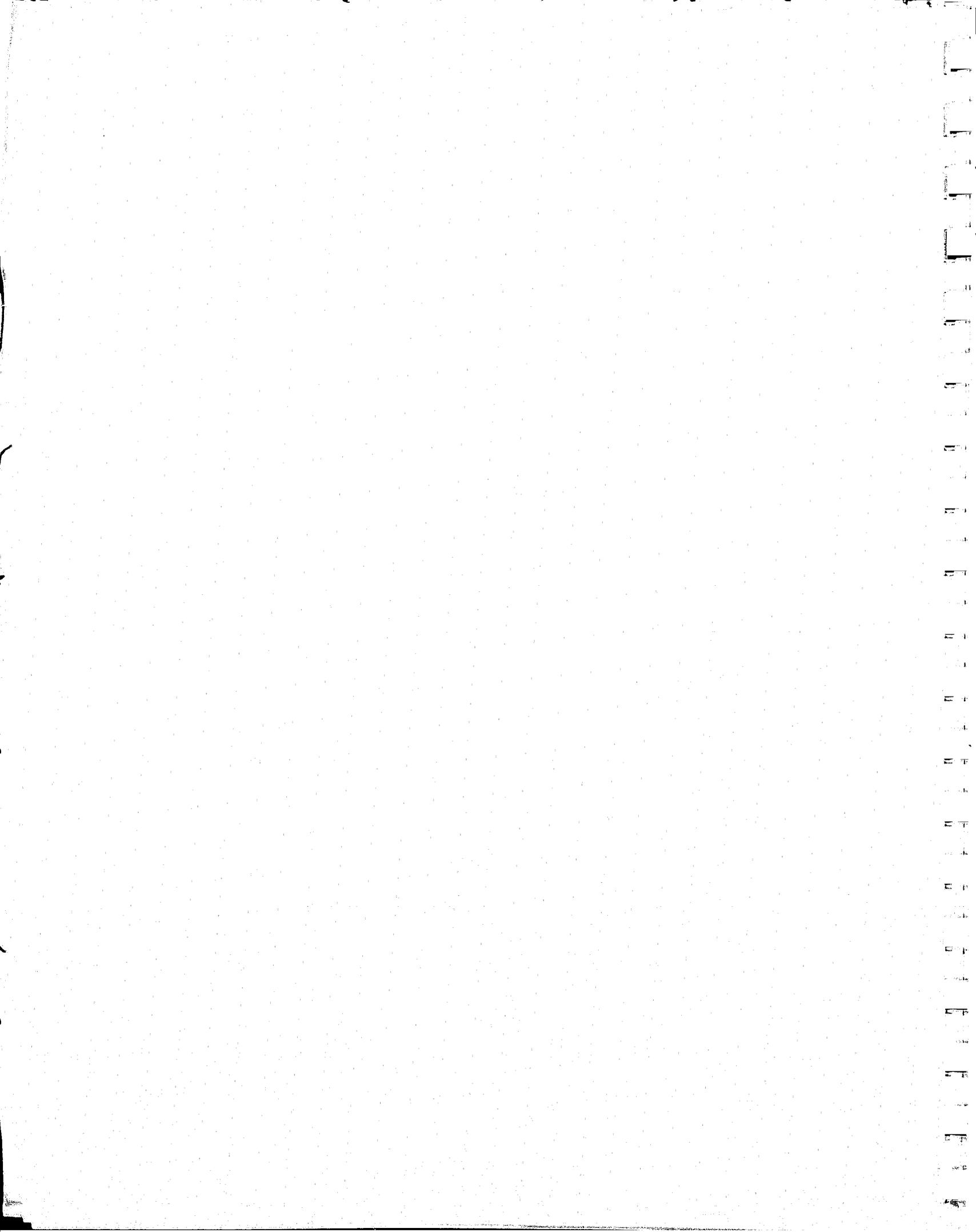
Another type of variation that exists is that in which the point in time (or the time lapse) is different but the sequence of the step in the total order of the procedure is the same. Specific examples are Step 11, which is part of the Rule 10A Delinquent Procedure, Step 30 which is part of the Rule 17A Delinquent Procedure, and Step 57 which is part of the procedure for filing a Closing Brief. These indicate differing interpretations by the districts of the Rules of Court.

Rationale for Developing and Maintaining Procedures Manuals

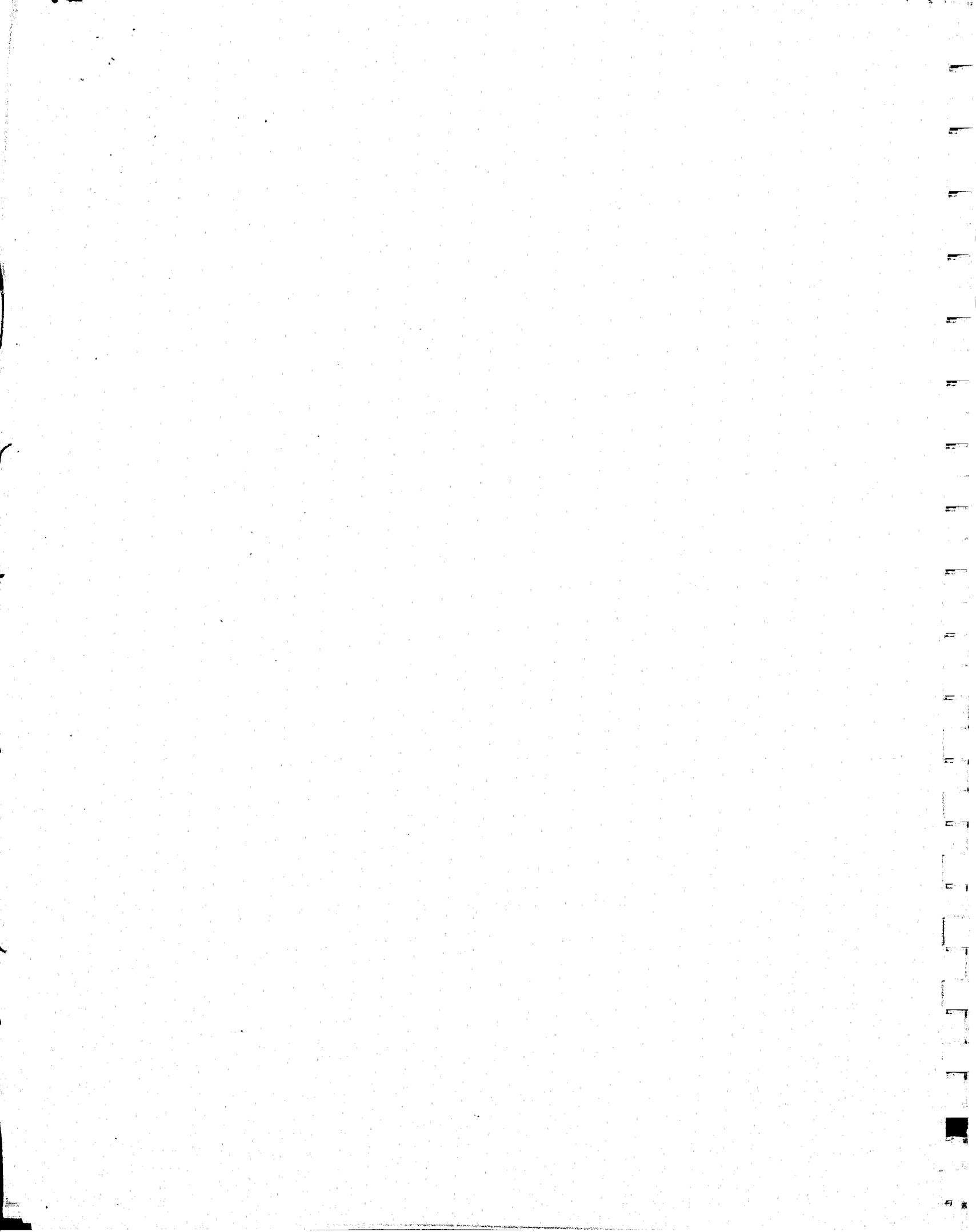
Procedures manuals are developed for the following reasons:

1. For use in connection with the development and simplification of standardized working procedures and practices.
2. To coordinate, define and clarify the various policies, functions, and activities of an organization.
3. To aid in the training of employees in the details of new procedures, and in-service training for new employees.
4. To encourage the improvement of operating methods.

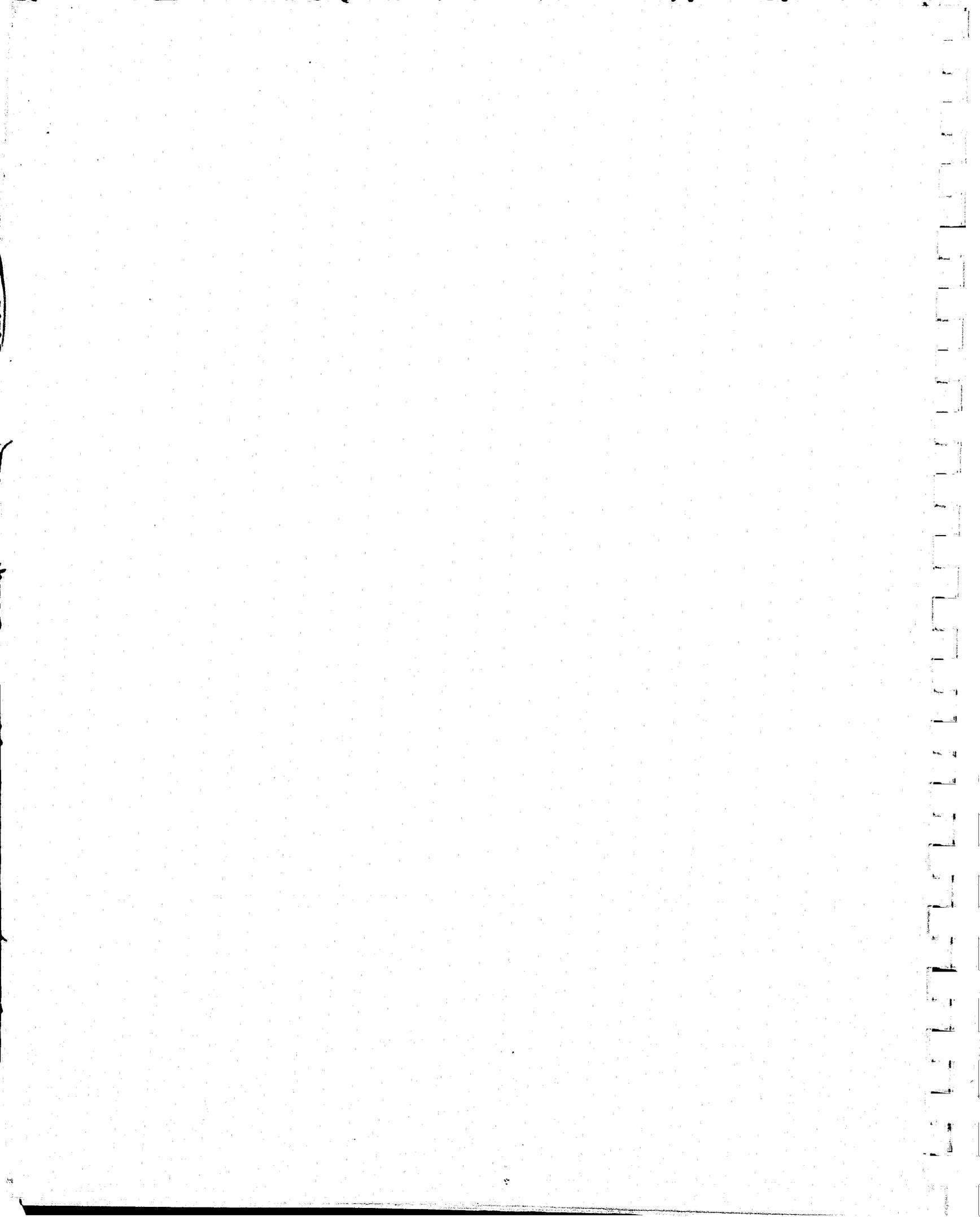
Based on the review of the operating procedures in the Clerks' offices of the Courts of Appeal, we believe the above are sound reasons for developing, maintaining, and using procedures manuals in these offices. The procedures documented during the course of this study should serve as the basis for developing such manuals.



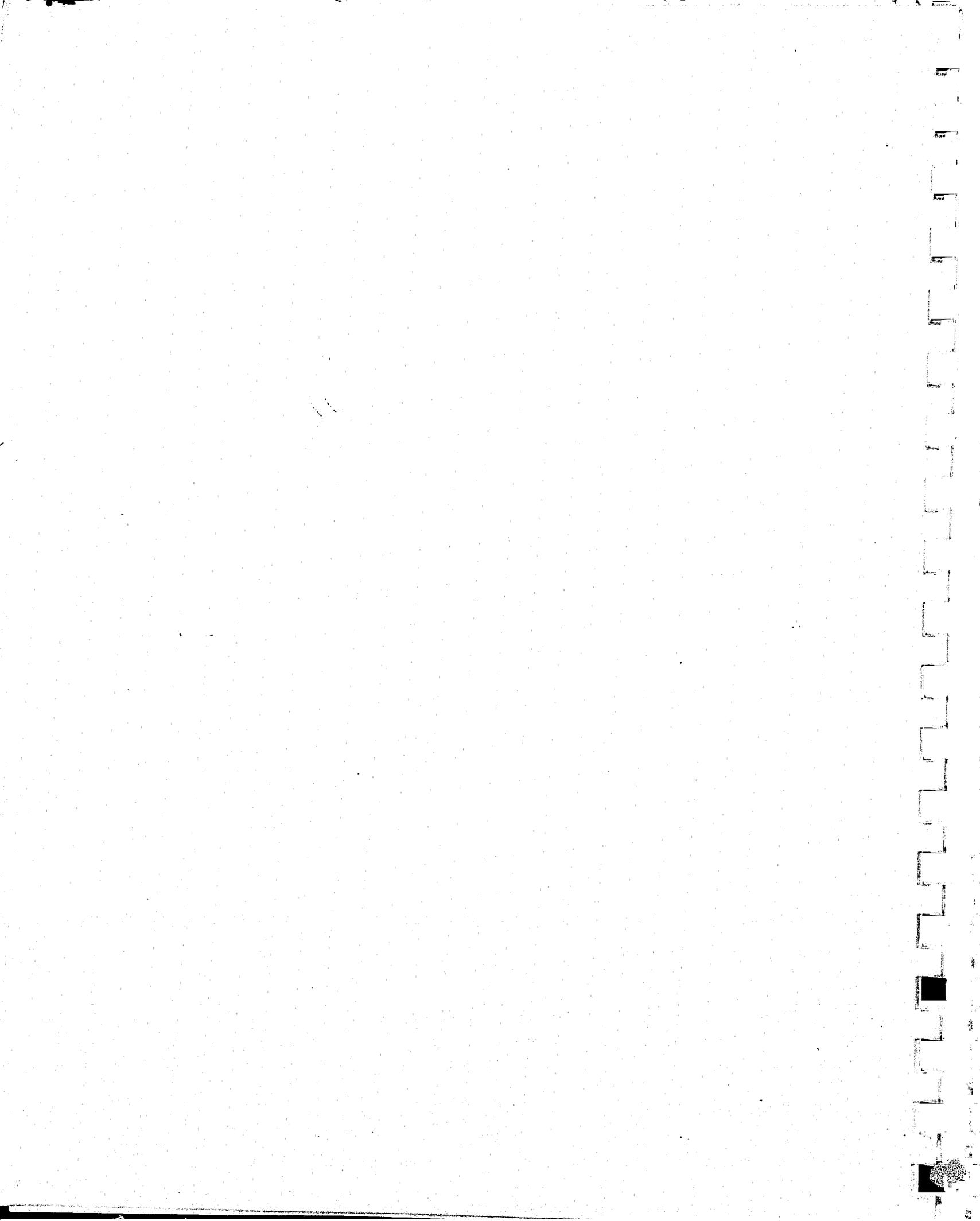
SUPERIOR COURT & COURT OF APPEAL PRELIMINARIES						RECORD ON APPEAL FILED				
	-3	-2	-1	1	2	3	4	5	6	7
1	Notice of Appeal and Designation of record filed with county clerk (Superior Court Clerk)	County Clerk certifies and prepares transcript(s) for transmittal to Court of Appeal.	Record on Appeal hand carried (San Francisco) and mailed (All other counties) to Court of Appeal.				Transcripts received – Receipt signed if submitted. • Certification • Titles • Parties	Read Clerks transcript Checks:	10A notice letter	Notation on cover of clerks transcript: Date notified
2	Same as 1	Same	Record on Appeal hand carried (Los Angeles) and mailed (All other counties) to Court of Appeal.				Same Sign receipt	Same	Same Postcard	Same
3	Same – Plus copy of Notice of Appeal transmitted to Court of Appeal.	Same	Record on Appeal handcarried (Sacramento) and mailed to Court of Appeal.	As notices received, divided into Civil & Criminal categories & assigned Interim Number.	Interim index card typed in red.	If transcript is not received within 90 days of notice, inquiry, phone call, or typed letter county clerk.	Same Receipt on letter of transmittal, or prepare receipt if requested.	Same Checks: • Certification • Titles • Parties	Same Letter	Same
4	Same as 1	Same	Record on Appeal hand carried (San Bernardino) and mailed (All other counties) to Court of Appeal.				Same Send postcard indicating receipt to County Clerk.	Same Checks: • Certification • Titles • Parties	Same Postcard	.Same Step: Notation: Date fee due
5	Same as 1	Same	Record on Appeal mailed from all counties except Stanislaus which ships via United Parcel Service.				Same Sign receipt	Same	Same Letter Regular Civ. Postcard Special Civ.	Same



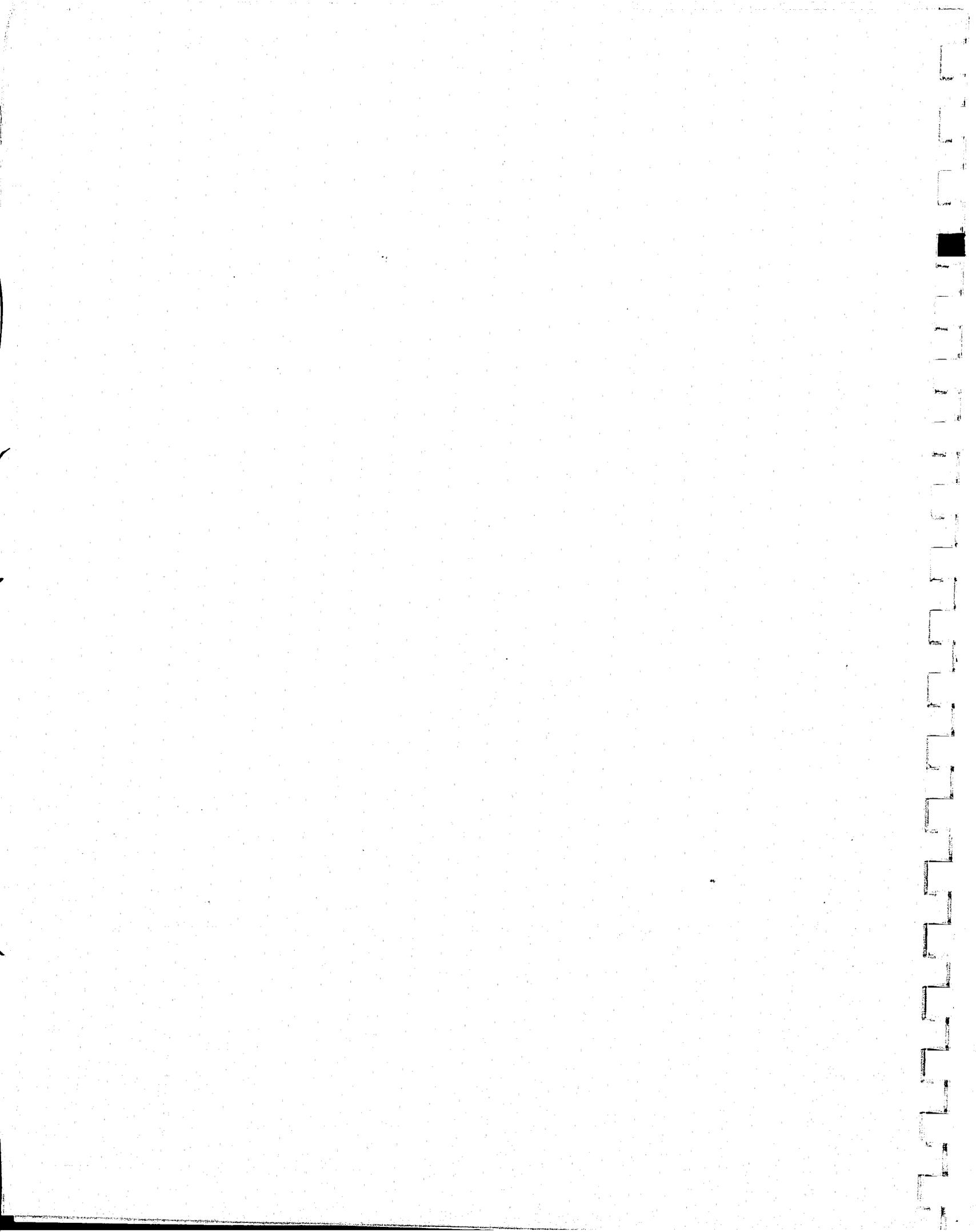
	R.A.F. (Cont'd.)	DELINQUENT PROCEDURE PER RULE 10A				PAYMENT OF FILING FEE			SERVICING & FILING NOTIFICATION PER RULE 16	
	8	9	10	11	12	13	14	15	16	17
1	Record placed in holding area.	Periodic check of transcripts for delinquents.	Letter to Counsel notifying filing fee delinquent. New deadline.	Fee not paid. Dismissal order prepared (Records are lodged).		Record removed from holding area.	Assignment of case number and active case register entry.	Case assigned to a division based on sequential rotation of division numbers.	Prepare receipt for fee payment and notice of due date for filing opening brief.	Manifold entry.
2	Same	Same		Same	Application to vacate order of dismissal.	Same	Same	On 1st and 15th of each month numerical list of cases filed is typed. This list is used to make entries in master calendar book.	Same	Index cards prepared & filed.
3	Same	Same		Same		Same	Same		Same	Index cards prepared. Interim index cards removed. New cards filed.
4	Same			Same	Same as 2	Same	Assignment of case number partial register entry.	Case jacket prepared.	Same	Same
5	Same			Fee not paid. Held for 6 months in Active Holding Area. Then moved to Dead Storage Room.		Same	Assignment of case number. No register entry.		Same	Manifold entry.



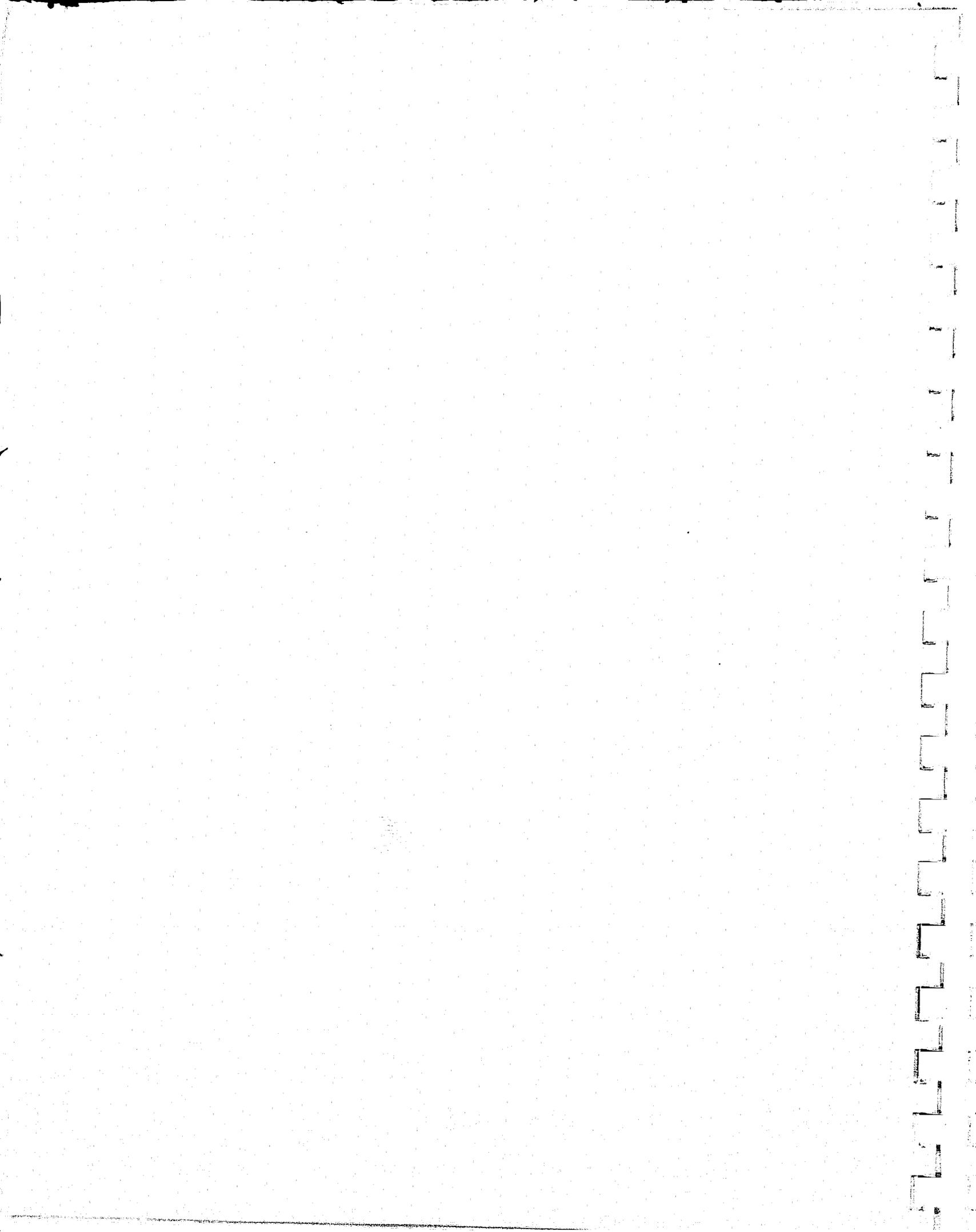
SERVICING & FILING NOTIFICATION PER RULE 16 (Cont'd.)					DELINQUENT PROCEDURE PER RULE 17A					
	18	19	20	21	22	23	24	25	26	27
1	Index cards prepared & filed.	Case jacket prepared.	Pending list entry.	Record placed on Civil Storage shelf.			17A notice prepared (Form letter) & mailed.		Place copy of form letter in register.	
2	Manifold entry (19)			Same			Same (Postcard) & mailed.		Register entry.	
3	Prepare 'Not Pertaining to Merits' envelope.	Manifold entry.	Case jacket prepared.	Same			Same (Form letter) & mailed.		Same	
4	Manifold entry.	Complete register page entry.		Same			Same (Form letter) & mailed.	Manifold entry.	Same	
5	Register Entry.	Index cards.	17A & B reminder list prepared.	Case Jacket prepared.	Record placed on Civil Storage Shelf.	Make daily check of 17A & B reminder list.	Same (Form letter) & mailed.		Same.	Copy of 17A notice is "filed" stamped.



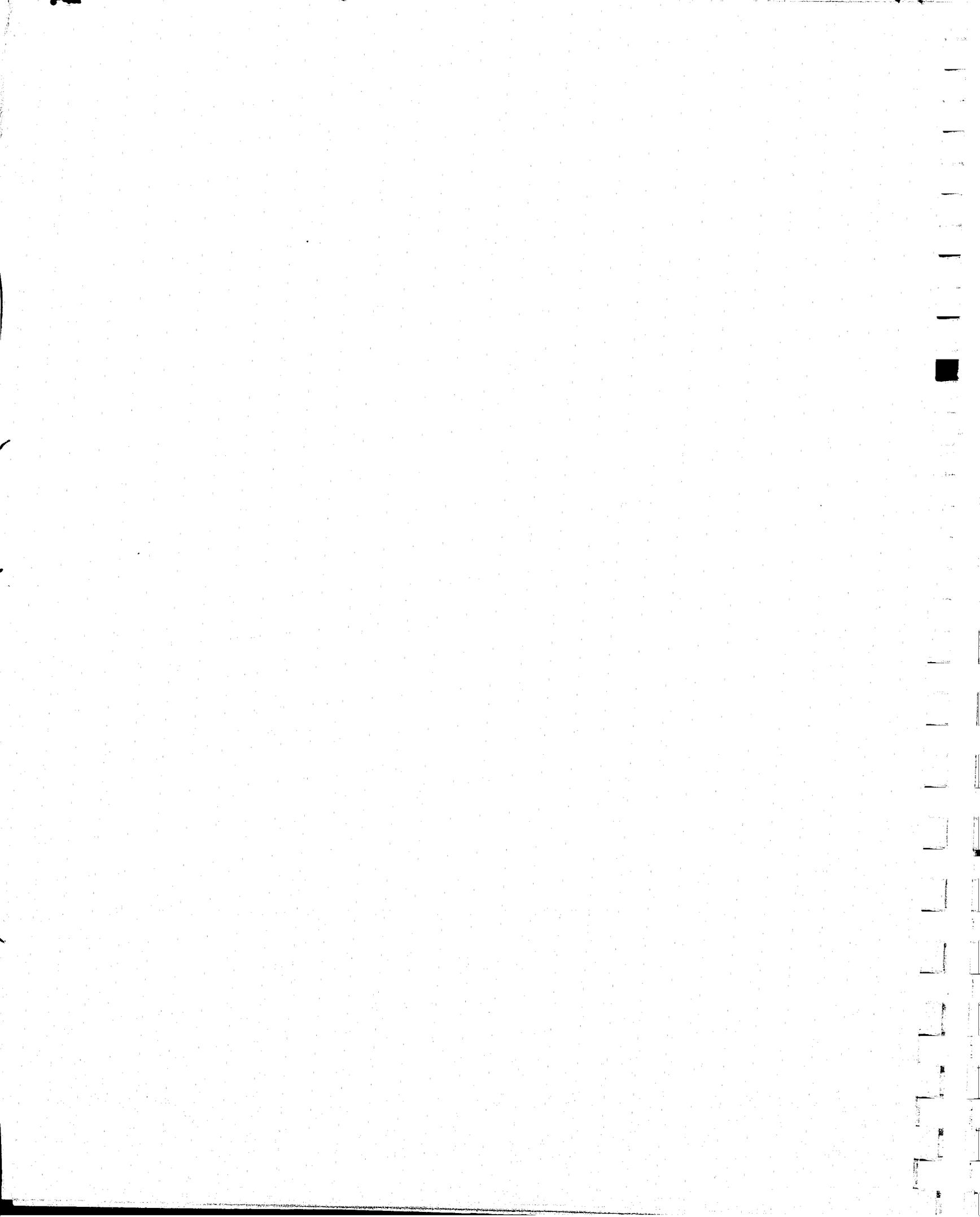
DELINQUENT PROCEDURE (Cont'd.)			Request for extension of time-opening 31 brief	FILE OPENING BRIEF						
	28	29	30	31	32	33	34	35	36	37
1		Note date of mailing on pending list.	After 30 days.	Same	Appellants opening Brief filed • Original & 3 copies • 17 copies to Supreme Court.		Same	File stamp all copies. Stamp one copy "original". Stamp 3 copies "copy".		
2			After 30 days record stamped with dismissal stamp.	Appellant requests extension of time — Received: • Applications • Stipulations Request granted or Denied.	Same • Original & 20 copies. Seventeen sent by clerk to Supreme Court.		Check for service on • Opposing Counsel • Trial Judge	Filed stamp and sign cover of briefs.		Register entry.
3		Desk calendar notation	After 35 days.	Same	Same (as 1st)	Postcard acknowledg- ing receipt sent to Counsel.	Same			Same
4	Same	"30 Day Book" entry.	After 60 days.	Same	Same (as 1st)		Same	Same	Manifold entry.	Register entry.
5	Copy of 17A notice placed with case record.		After 37 days.	Same	Same (as 1st)		Same — Plus check for service on Supreme Court.	Same — Plus stamp "original" on one cover, & copy on three covers.	Manifold entry.	Register entry.



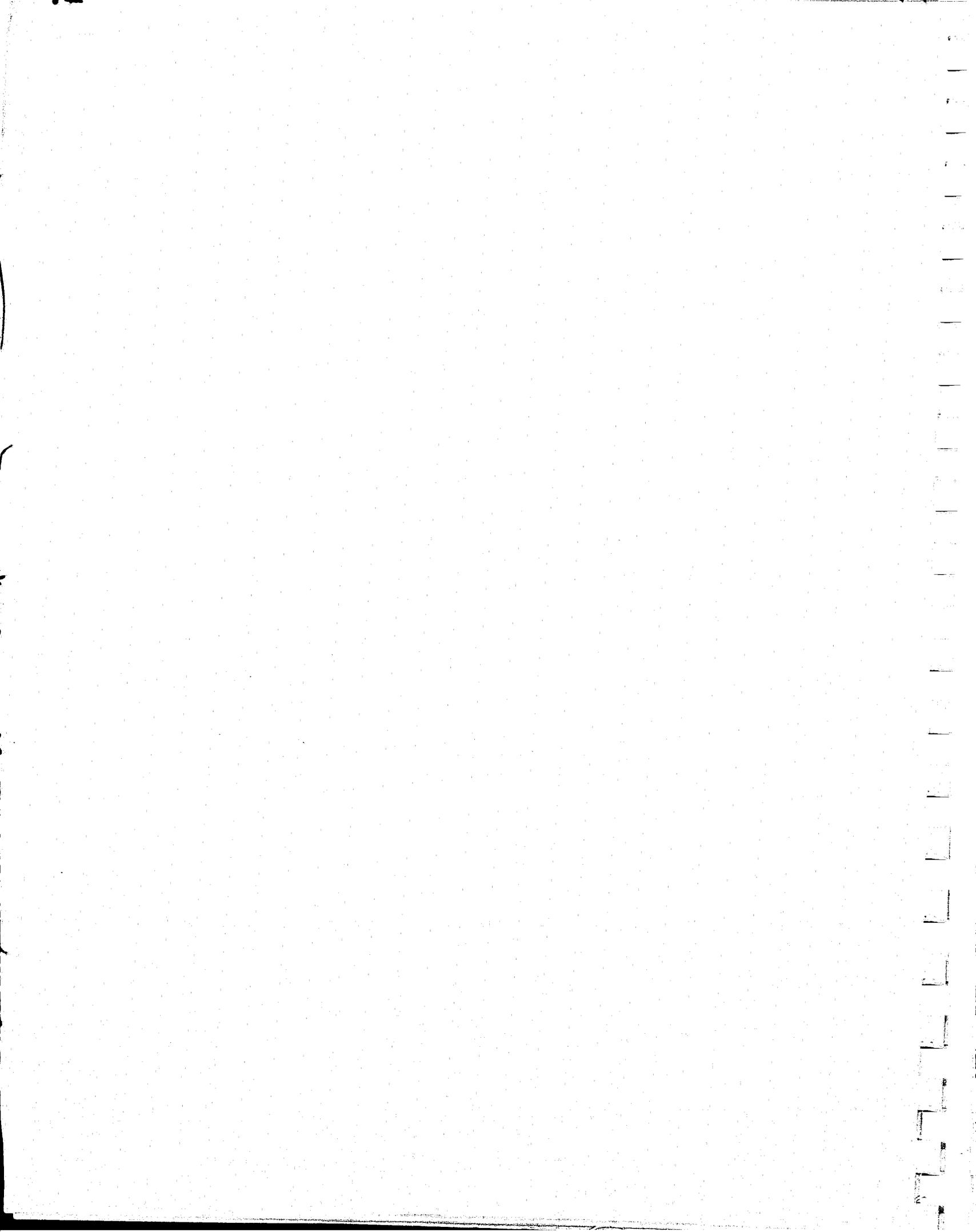
	F.O.B. (Cont'd.)	AUGMENTATION OF RECORD	DELINQUENT PROCEDURE PER RULE 17B								
	38	39	40	41	42	43	44	45	46	47	
1	Original placed with case record copies placed in storage room.	Same		17B notice prepared (form letter) & mailed.		Place copy of form letter in register. Pencil entry in register.				Note mailing date on pending list.	After 30 days, record stamped with dismissal stamp. <i>calculated</i>
2	Original & three copies placed with case record.	Application to augment the record is received.		Same (Postcard notice)		Register entry.					After 30 days, same.
3	Same	Same		Same (Form letter)		Same				Desk calendar notation.	After 35 days, same.
4	Same	Same		Same (Form letter)	Manifold entry.	Same		Same		"30 Day Book" entry.	After 60 days, same.
5	Same	Same	Make daily check of 17A & B reminder list.	Same (Form letter)		Same	Copy of 17B notice is "filed" stamped.	Copy of 17B notice is placed with case record.			After 37 days, same.



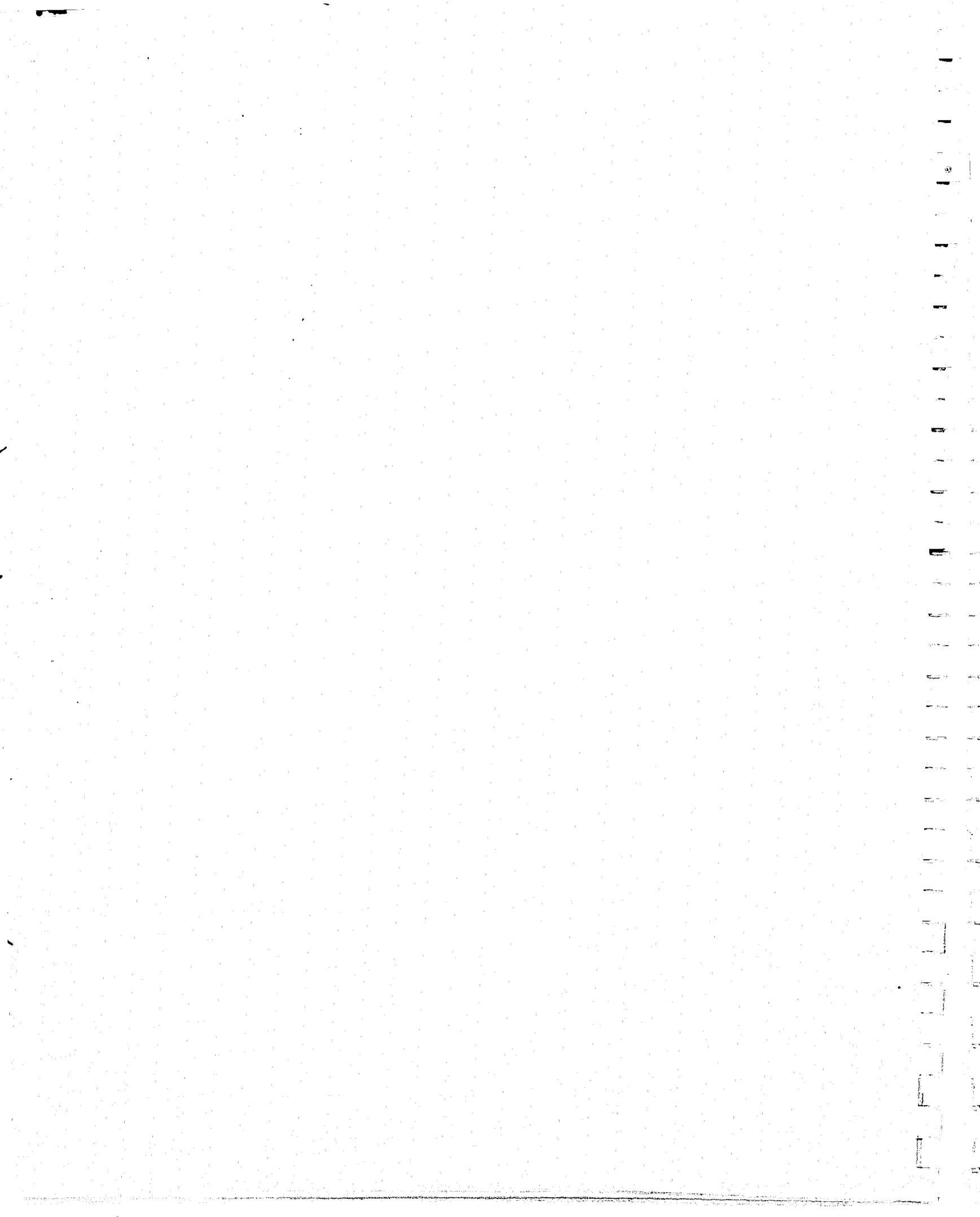
FILE RESPONDENTS BRIEF								FILE CLOSING BRIEF (OPTIONAL)		
	48	49	50	51	52	53	54	55	56	57
1	Respondents brief filed • Original & 3 copies • 17 copies to Supreme Court		Check for service on • Opposing Counsel • Trial Judge	File stamp all copies. Stamp 1 copy "Original". Stamp 3 copies "Copy."		Register entry.		Original placed with case record. Copies placed in storage room.	Notice is sent to appellant counsel reminding him that closing brief is due.	If closing brief not filed within 10 days, case is ready for calendaring. Place case on "ready" list.
2	Same • Original & 20 copies. Seventeen sent by clerk to Supreme Court		Same	Filed stamp and sign cover of briefs.		Same		Original & three copies placed with case record.		Same. Within 20 days.
3	Same (as 1st)	Postcard acknowledging receipt sent to counsel.	Same	Same as 1st.		Same	Place case on "ready" list.	Same	Postcard reminder sent to appellant counsel.	Same (No "ready" list. Already prepared).
4	Same (as 1st)		Same	Same as 1st.	Manifold entry.	Register entry.		Same		Same (No "ready" list).
5	Same (as 1st)		Same -- Plus, check for service on Supreme Court.	Same as 1st.	Same	Same	Same	Same		Same Place case on "ready" list.



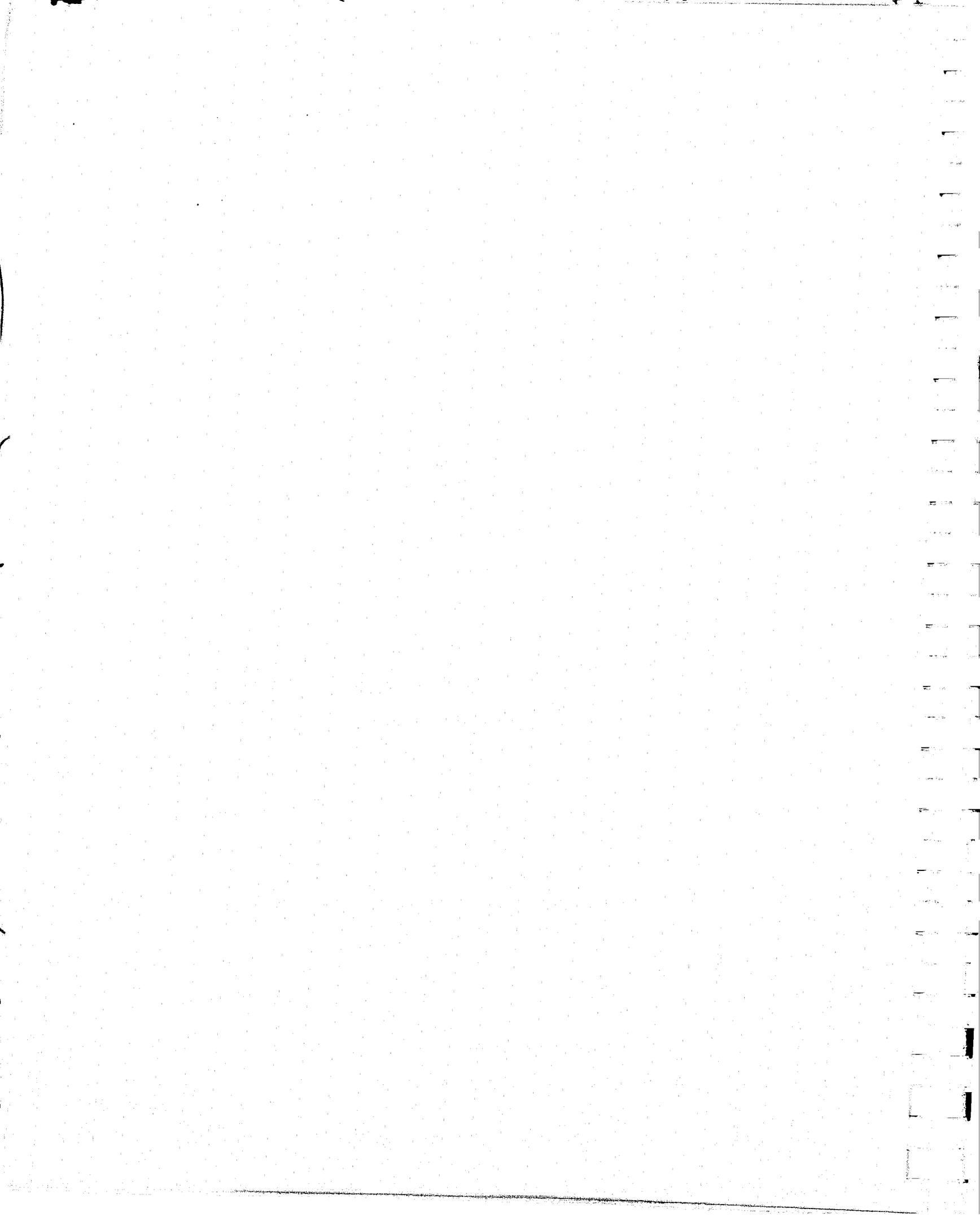
FILE CLOSING BRIEF (OPTIONAL) (Cont'd.)						ORIGINAL SUPERIOR COURT FILE OR EXHIBITS			
58	59	60	61	62	63	64	65	66	67
1 If filed, original & three copies of brief to court clerk. Seventeen copies to the Supreme Court.	Check for service on • Opposing counsel • Trial Judge	Same as 5		Register entry.	Original placed with case record. Copies placed in storage room.	Original Superior Court file and original exhibits may be filed. Make register entry. Check items against transmittal list, if not transmitted.	Same		Same
2 Same • Original & 20 copies. Seventeen sent by clerk to Supreme Court.	Same	"Filed" stamp & sign cover of briefs.		Same	Original & three copies placed with case record.	Original Superior Court file and original exhibits may be filed — Make register entry.			Exhibits placed in exhibit holding area until needed.
3 Same as 1st	Same	Same as 5		Same	Same.	Same as 2. Check items against transmittal list.	Register entry.	Stamp code number on each exhibit item.	Same
4 Same as 1st	Same	Same	Manifold entry.	Register entry.	Same	Same. Manifold entry	Register entry.		Same.
5 Same as 1st	Same — Plus check for service on Supreme Court.	Same — Plus stamp "original" on one cover, & copy on three covers.	Same	Same	Same	Same. Register entry.			Same



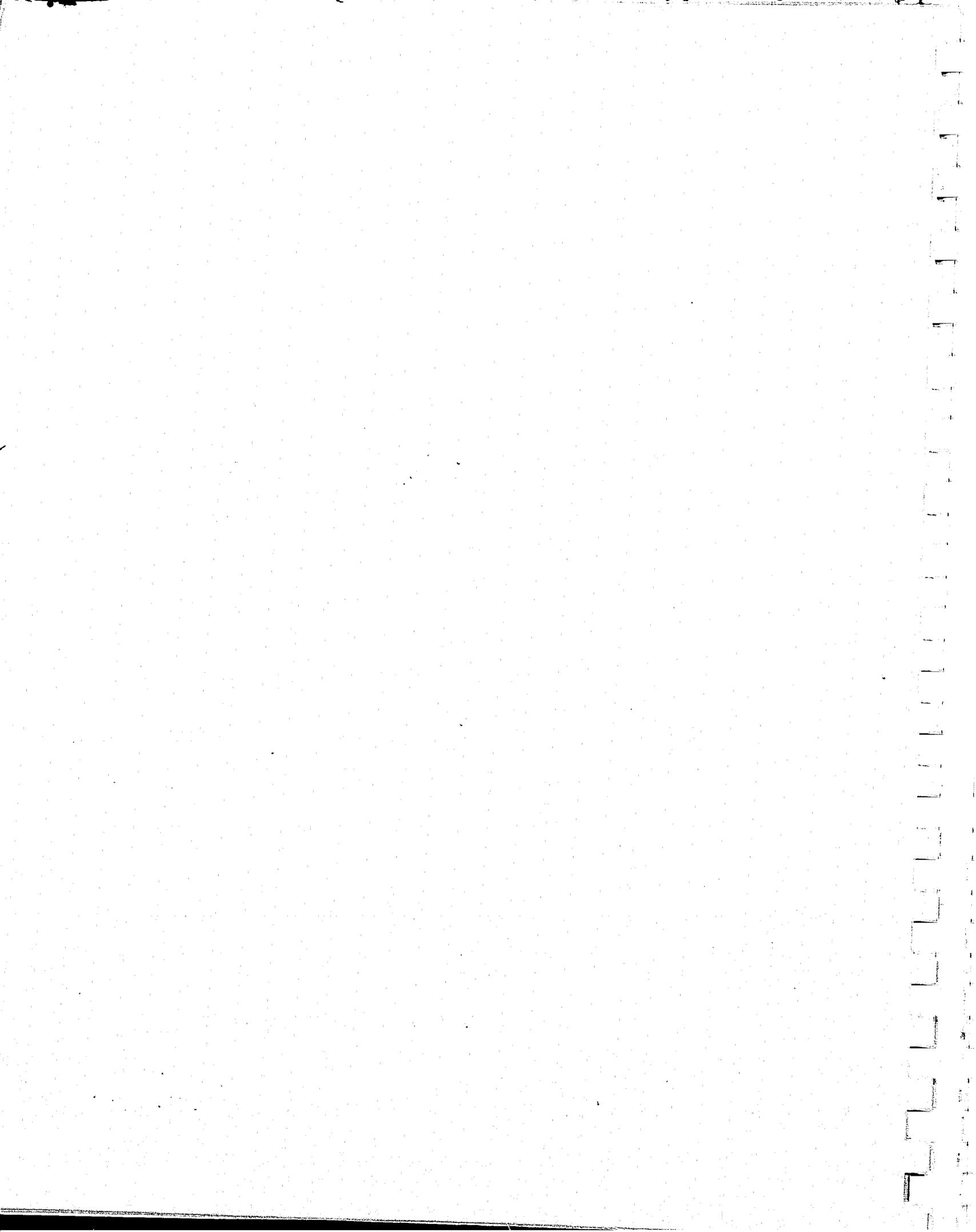
CALENDAR & ASSIGNMENT PROCEDURE										
	68	69	70	71	72	73	74	75	76	77
1				From "ready" list, a draft division calendar is handwritten.				At conference with presiding justice, cases to be placed on calendar two months hence are agreed upon. Assign justices, Div. 2.	Secretary types the division calendar and motion and term calendar.	
2	From the master calendar book, a district drawing list is typed (about 50 cases/list).	At meeting of presiding justices on 1st Monday of each month, cases are assigned from drawing list to each division.	From district drawing list with division notations, register entry made.	From district drawing list, deputy enters assigned cases in division case book.	Cases assigned are deleted (striking line through entry) from master calendar book.	Prepare jackets for case records of cases assigned.	Case record placed on division storage shelf.	At conference between each division presiding justice and assigned deputy, cases to be placed on next calendar are designated.	Deputy types list of cases for next calendar.	Case records of cases for next calendar are pulled from storage shelf and taken to presiding justice.
3				Research attorneys review "ready" list and determine case assignments (about 30 cases).	Cases selected are crossed off the "ready" list.		Cases to be on calendar are checked against docket sheets. Sheets (cases) placed in calendar sequence.		Calendar work sheet preparation <ul style="list-style-type: none"> • Typing • Labeling • Xeroxing 	
4				From "ready" list, list of cases to be assigned is typed. Cases entered based on chronological order & priorities.				At meeting with presiding justice once each month, cases assigned to each justice.	Type calendar.	
5								In the order respondents brief is filed, cases are removed from holding shelf and taken to presiding justice for assignment (about 15 cases).	Deputy types case assignment sheet.	



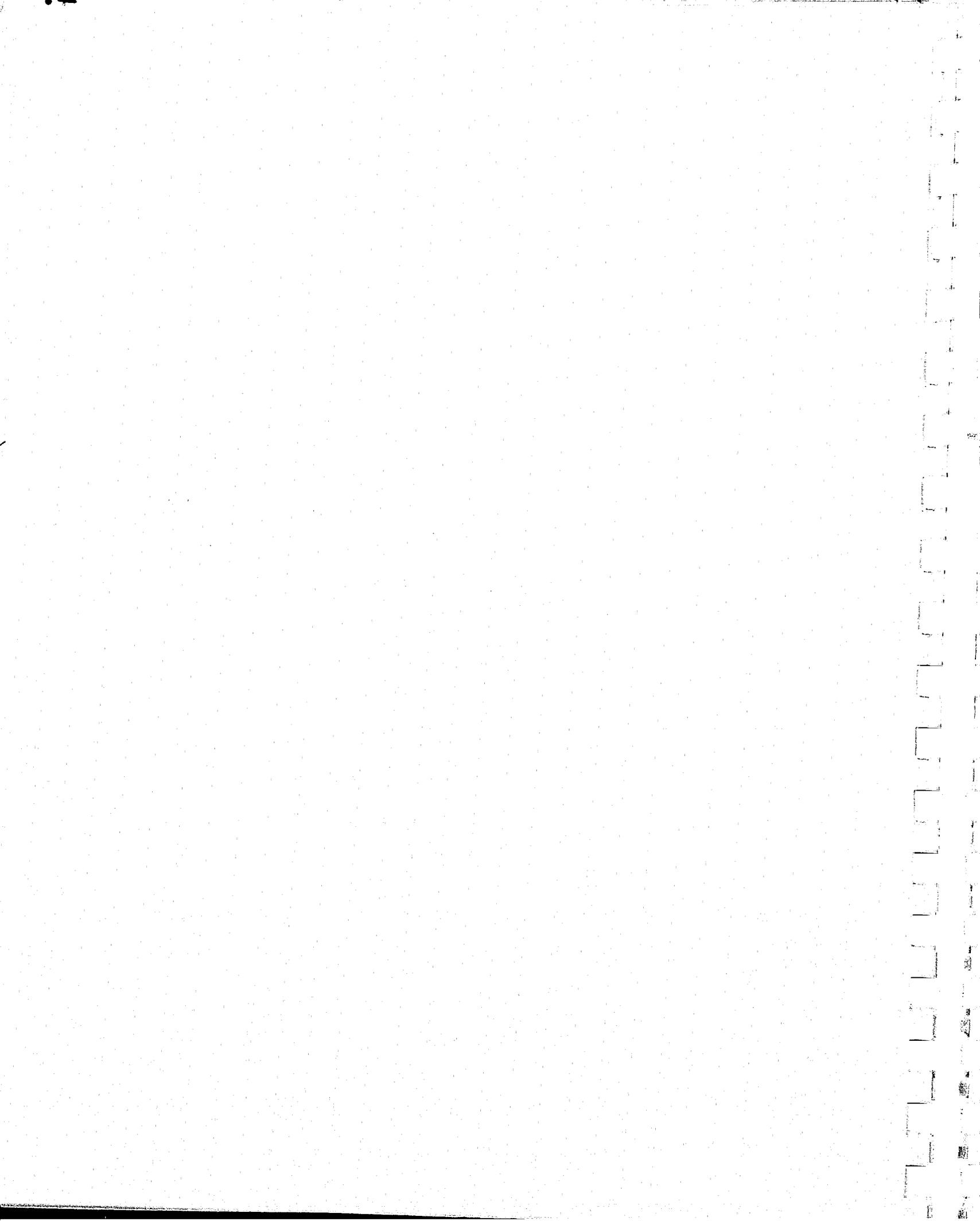
CALENDAR & ASSIGNMENT PROCEDURE (Cont'd.)									WAIVING ORAL ARGUMENT		
	78	79	80	81	82	83	84	85	86	87	
1		Division calendar used to type notice to counsel (100 copies. Mailed 30 days before calendar.			Register entry.	Case record and copies of briefs are on shelves available for justice, secretary or researcher to pick up for review.				Division calendar used to type final calendar.	
2	Case list used to make register entry Re: Calendar order.	Case list used to type calendar notices (postcard) — mailed.					Case list placed in division calendar book for retention.				Receive stipulation from counsel to waive oral argument.
3		Minute entry.	Calendar & questionnaires mailed to all attorneys whose cases are on the calendar.	Yellow copy of calendar & questionnaires retained in ring binder.	Calendar work sheet. (Master calendar, docket sheets and returned questionnaires used to type final calendar.)	Reproduce 4 copies of final calendar for: • Clerk • Reporter • Bailiff • Public counter	Make notation on assignment of justices.	Reproduce 20 copies of final calendar for justices, secretaries & research attorneys. (One copy in justice calendar book).	Type rough minutes.	Receive completed questionnaire from attorneys.	
4	Type calendar order from calendar. Copy of order used as calendar work sheet.	Enter calendar order in minutes.	Calendar notices (Postcard) typed & mailed.	Cases assigned are deleted from "ready" list.	Same	Case record moved to calendar storage shelf for use by research attorneys & justices.	Calendar placed in calendar book for retention.				Same as in 2
5		Calendar notice and questionnaire is typed for each case assigned.	Calendar order is typed.	Minute entry.	Same		Calendar order is placed in calendar order folder.	Counsel for parties may return notice. If so, it is placed in black looseleaf notebook in calendar day order.	Five days before calendar day, returned notice pulled to type calendar.		Same as 3



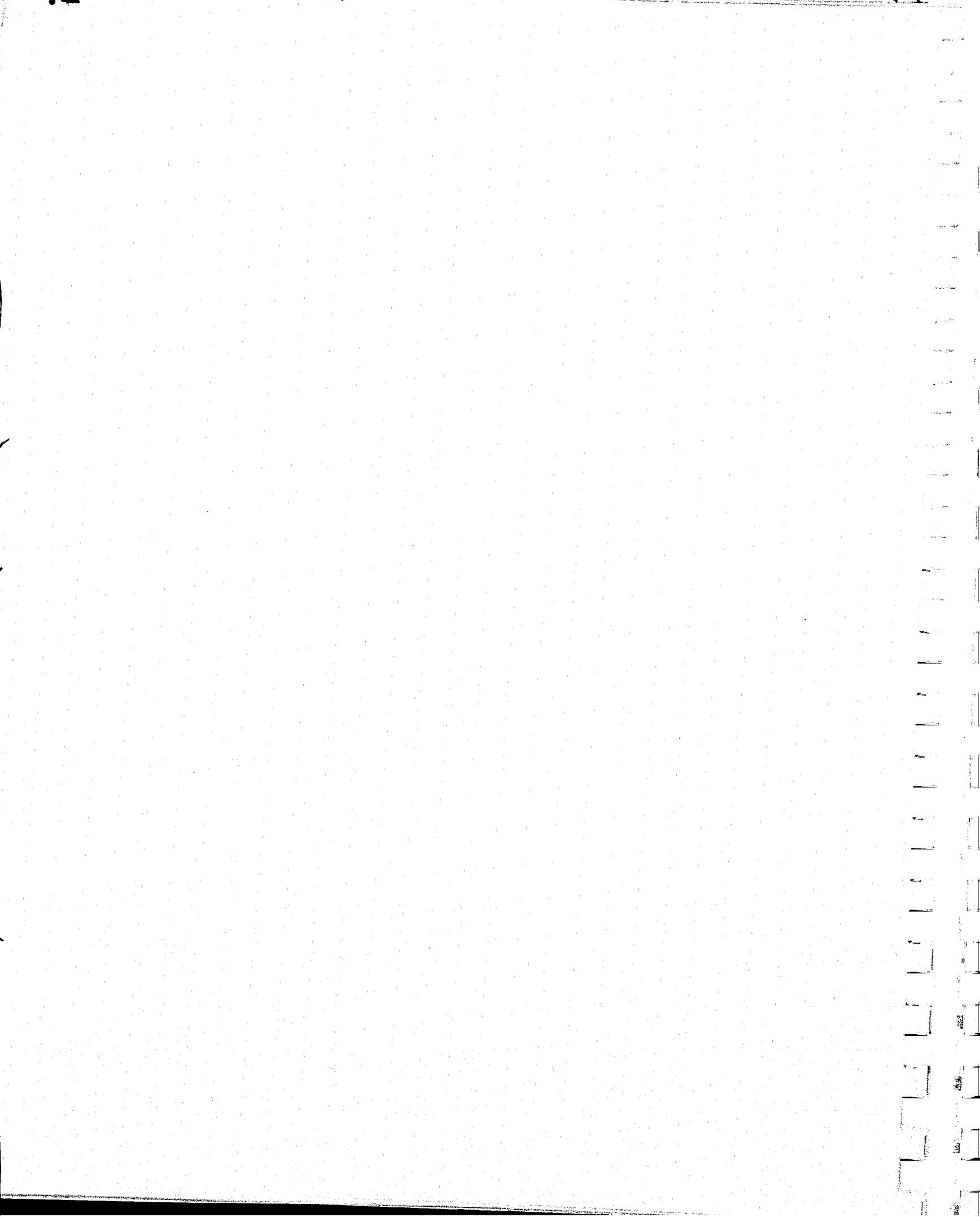
WAIVING ORAL ARGUMENT (Cont'd.)					PREPARATION FOR CALENDAR & CALENDAR DAY				
88	89	90	91	92	93	94	95	96	97
1									
2	Register entry.	Division calendar book entry.	Stipulation filed stamped.	Stipulation taken to justice chambers and placed with case record.					
3					Type I.D. cards for blue binders.	Get blue binders and prepare checklist of cases in order of appearance.	Pull records from shelf and note all missing documents.	Make up one complete set of briefs for the whole session.	After justice has reviewed briefs, they are returned to clerks office & shelved.
4	Manifold entry.	Register Entry.	Same	Same				Compile calendar package including index of cases, calendar & draft opinions.	
5									



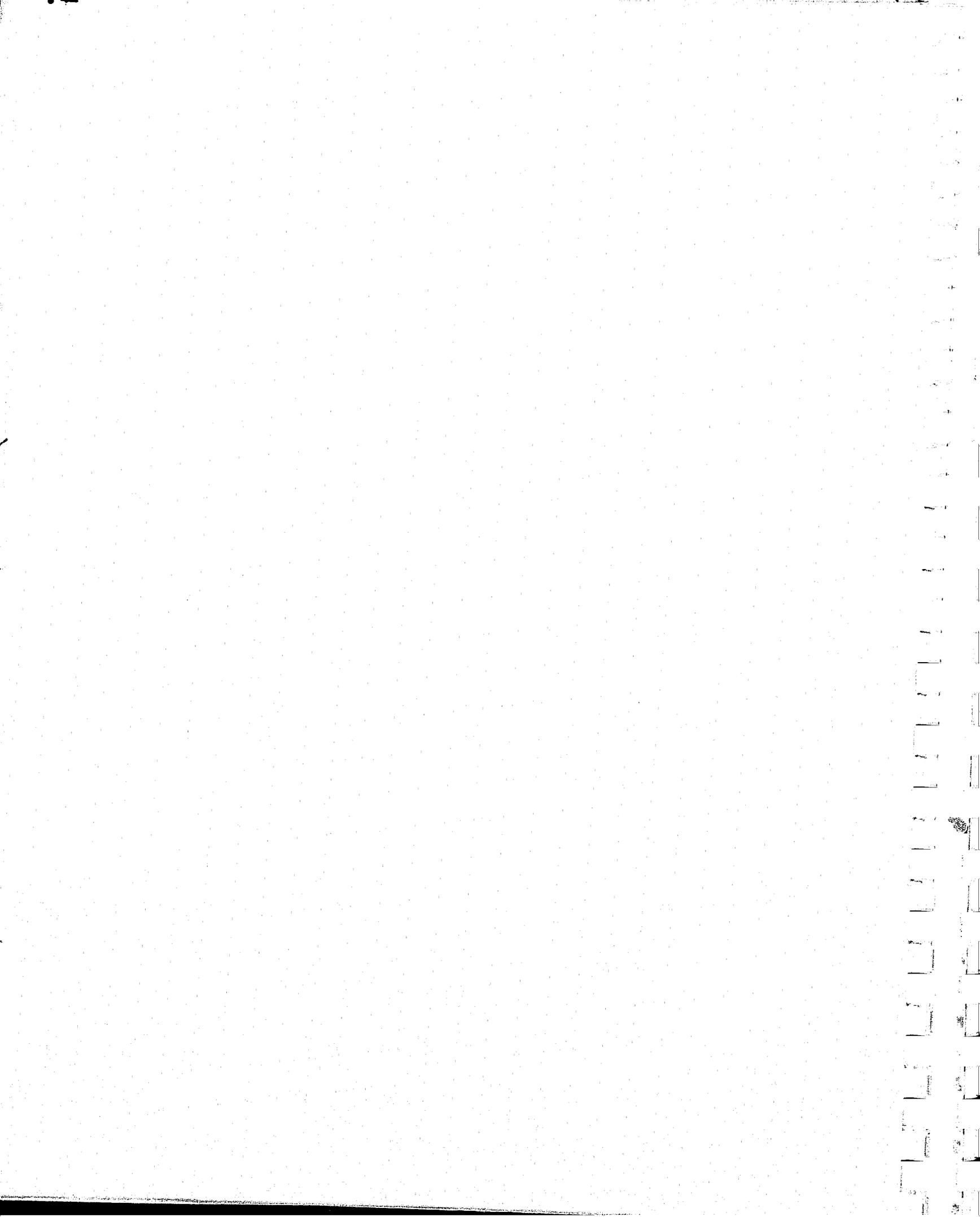
PREPARATION FOR CALENDAR & CALENDAR DAY (Cont'd.)				MATTER SUBMITTED					
98	99	100	101	102	103	104	105	106	107
1	On day of court, deputy takes calendar and case records to court room.		As each appeal is heard, deputy prepares an information card; later attached to case file.	On calendar from, deputy makes handwritten entries.	Return case records to justice's chambers.				
2	Day before court day, deputy takes cases to court room.	On court day, deputy takes rough minute book, appearance slips, copy of calendar & supplies to court room.	As each appeal is heard, deputy makes entry in rough minutes book of what occurred.	As court is in process, deputy makes notations on calendar sheet.	Return case records to justice's chambers.				
3	On day of court, take all cases to Bailiff's table in court room.		As each appeal is heard, clerk makes entries in rough minutes on 6½" by 10" lined paper.		After court return cases & other materials to clerk's office. Place on table.	For each case, remove I.D. card from blue binder and stamp assigned justices & collaborating justice's names.	Replace card in binder.	Place one set of briefs in blue binder.	Place other copies of briefs on holding shelf. Case records taken to justice's chambers.
4	Day before court day, deputy takes cases to court room.			As each appeal is heard, deputy makes entries in calendar package.	Return case records to justice's chambers.				
5	On day of court, clerk takes case records to court room.			Same as 2	Return case records to office holding shelf.				



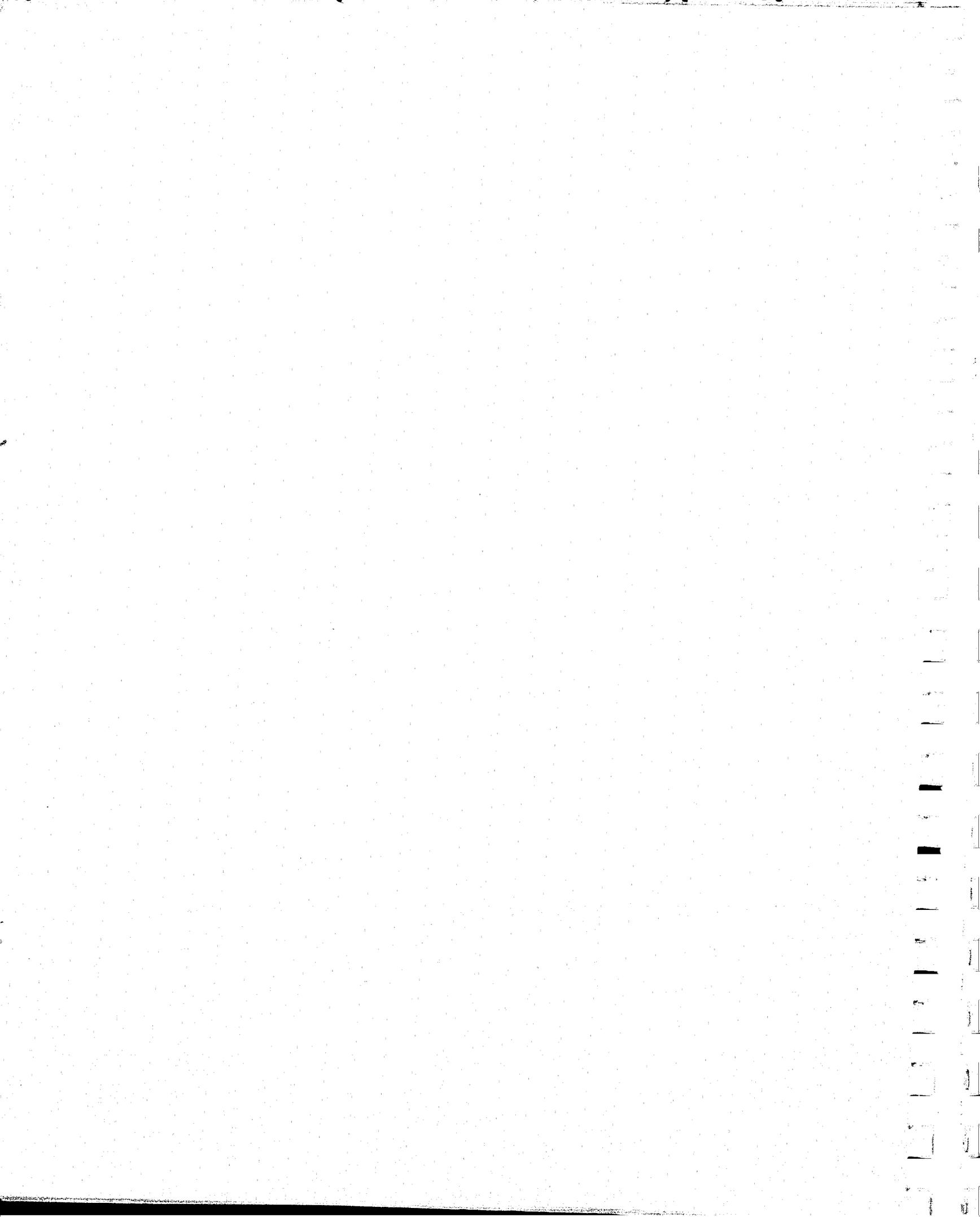
MATTER SUBMITTED						OPINION ISSUANCE & REMITTITUR PREPARATION				
	108	109	110	111	112	113	114	115	116	117
1	Register entry.	Final minutes typed.			Deputy types list of submitted cases.		When opinion is completed, original plus copies are delivered to clerk's office.	Opinion is filed stamped.	Original of opinion is reviewed for correctness & completeness by deputy and initialed.	Minutes entry.
2	Same	Final minutes typed.		Matters submitted for decision or for which remittitur will issue in future are entered in remittitur tally book.	Enter date of submission in division case book.	Copies of briefs not being used by justices are placed in numerical sequence in division storage shelf.	Same plus case record returned.	Same		
3	Final minutes typed.	Register entry.	Bailiff prepares "dog houses" for each case.	Assemble index dividers for each case.	Assignment sheet typed showing justices who are to participate in decision.		Same as 1st.	Same	Compute time intervals for judicial council statistical report.	Cross off case on assignment list.
4	Final minutes typed.	Register entry.		Matters submitted for decision or for which remittitur will issue in future are entered in remittitur book.	Deputy types list of cases to be submitted and those cases under submission.	Same	Same plus case record returned.	Same		Minutes entry.
5	Final minutes typed.	Register entry.	Day after calendar, clerk removes cases from holding shelf and delivers to presiding justice.			After meeting in justice chambers, case records placed in holding shelf awaiting opinion.	Same as 1st.	Same		



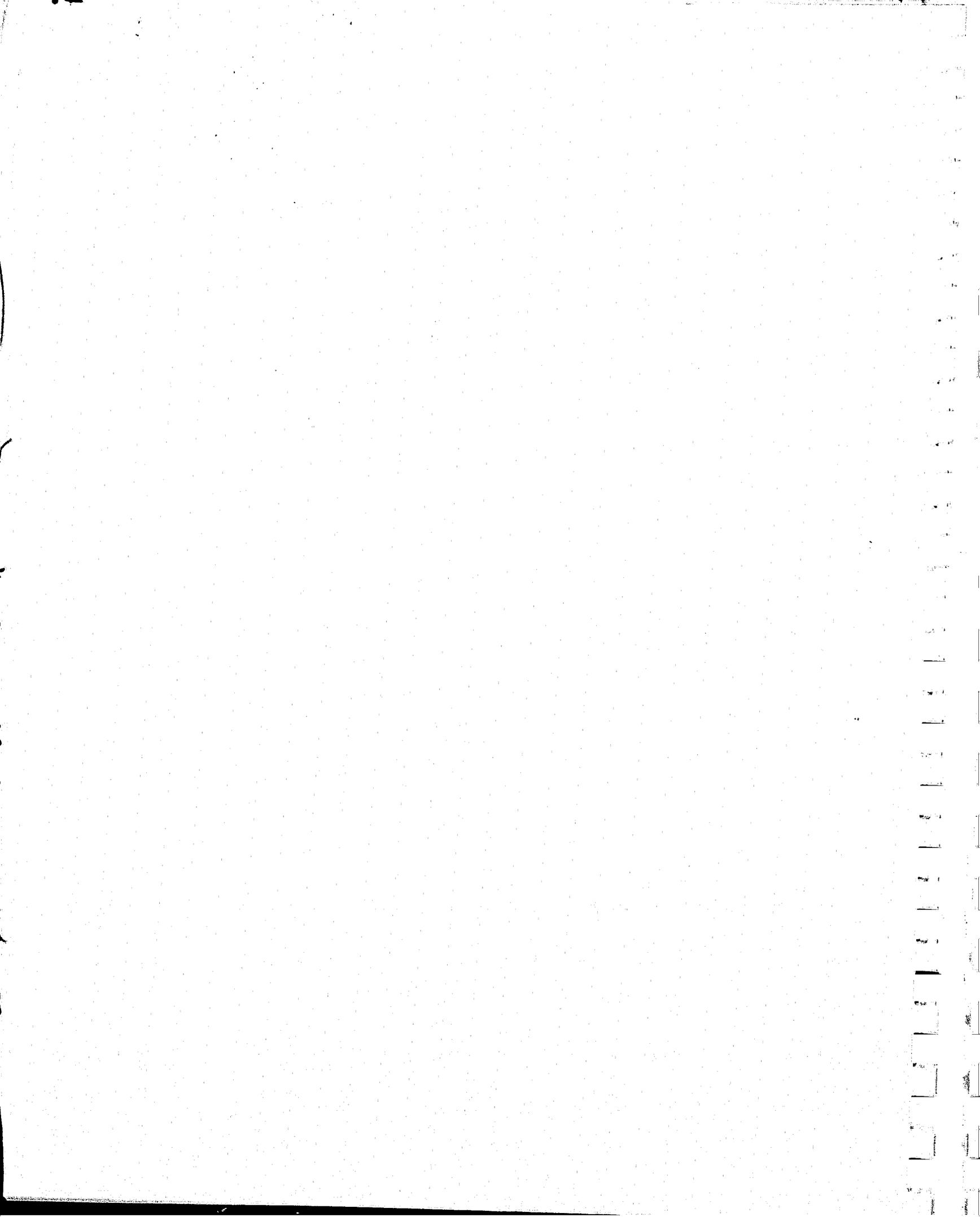
OPINION ISSUANCE & REMITTITUR PREPARATION (Cont'd.)										
	118	119	120	121	122	123	124	125	126	127
1	If non-published, it is so stamped.	Register entry.	Judgement book entry.	Note the name of the county and superior court No. on the remittitur copy of the opinion.	Type envelopes for mailing (Distributing) opinion copies.					Case record returned to holding shelf.
2		Same		Same plus No. of division rendering opinion.	Same	Remittitur book entry.	Remittitur tally book entry. (This information useful re: justice salary payment.) (Calif. Const. Article VI, Sec. 19)	Rough minutes entry.	Minutes entry.	
3		Register sheets entries • Order submitting cause • Opinion of court			Same					
4		Register entry.			Same	Remittitur book entry.				
5	If non-published, it is so stamped & signed by justices Re: Certification.	Same	Opinion cover is typed on inside & outside.	Clerk transfers case briefs from active holding shelf to storage room shelf.	Same				Minutes entry.	



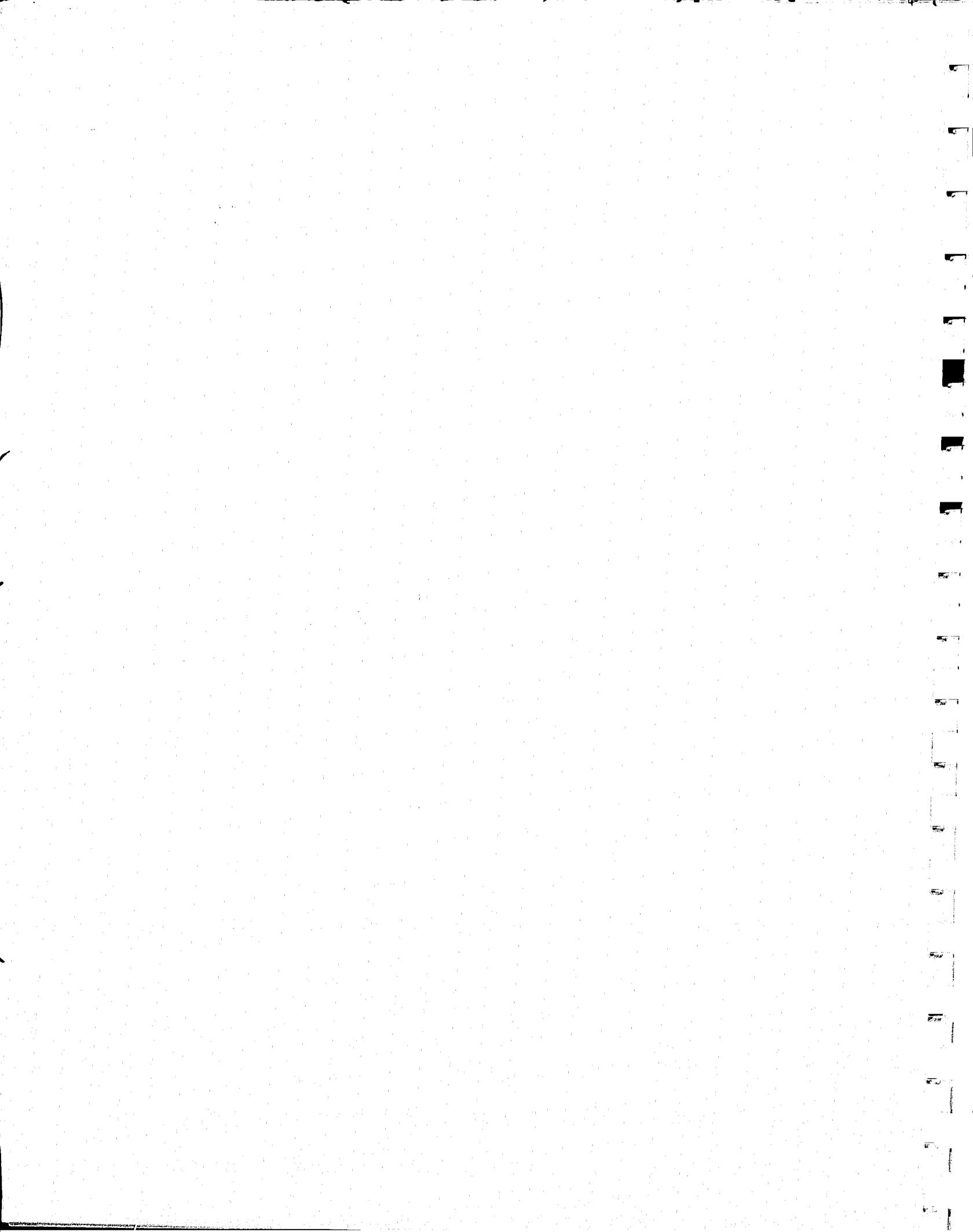
OPINION ISSUANCE & REMITTITUR PREPARATION (Cont'd.)								REMITTITUR ISSUANCE	
128	129	130	131	132	133	134	135	136	137
1	Certificate is prepared and attached to remittitur copy of opinion.		Division deputy types remittitur and receipt.				Remittitur and receipt placed in suspense file. Filed chronologically.	Check suspense file daily for remittiturs which are to issue.	Remove opinions & remittiturs from suspense file.
2			Same		Remittitur and opinion are certified (sealed)		Judgment, remittitur and opinion placed in file drawer to await issuance on 61st day. Filed alphabetically.	Review remittitur book for remittiturs to issue (daily).	Remove remittiturs from remittitur drawer.
3	Copy of opinion placed in designated desk drawer.		Secretary types judgment and remittitur. Envelope and receipt typed concurrently.	Clerk or deputy checks judgment and remittitur.		Notation for follow-up on 61st day made on clerk's desk calendar.		Clerk checks desk calendar daily for remittiturs which are to issue.	
4			Division deputy types judgment and remittitur.				Judgment, remittitur and opinion placed in file drawer to await issuance on 61st day. Filed chronologically.	Same as 2nd.	Same as 2nd.
5	Same		Deputy types judgment and remittitur.		Certificate is sealed.	Remittitur reminder book entry.	Original of opinion and remittitur copy are placed in opinion holding file. Filed alphabetically.	Same as 2nd.	



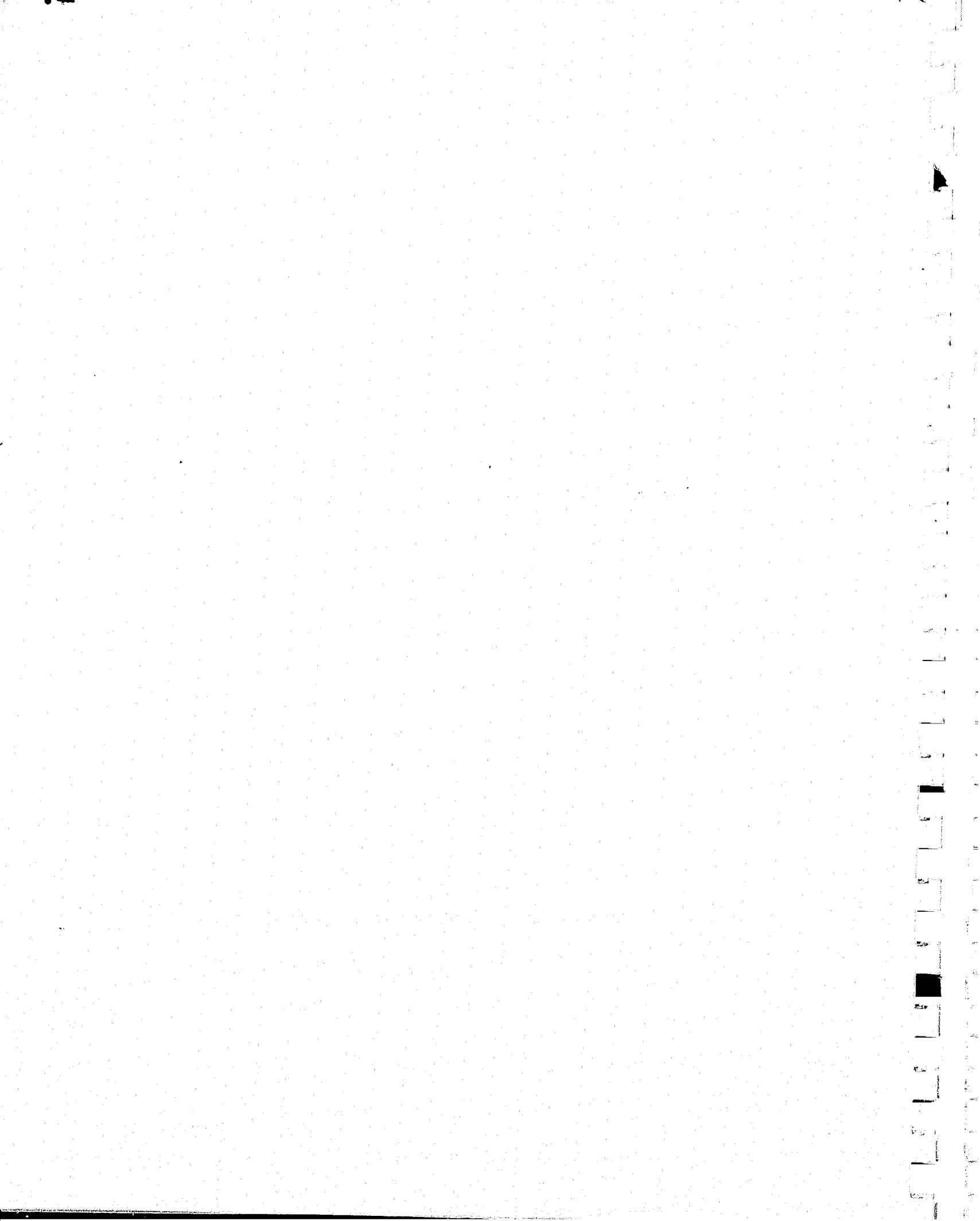
REMITTITUR ISSUANCE (Cont'd.)										
	138	139	140	141	142	143	144	145	146	147
1	Original of remittitur is signed by clerk or division deputy and sealed. Copy is stamped with deputy's name & sealed.	Register entry.	Judgment book entry.	Manifold entry.	Check for exhibits on exhibit memorandum in exhibits drawer.	If exhibits with case, stamp date.		Prepare for mailing & mail 2 remittiturs to county clerk (May be with exhibits or original file, if any.)	One copy of remittitur returned from county clerk indicating receipt.	
2	Remittitur signed by division deputy.	Register entry.	Remittitur book check off next to earlier case entry.	Manifold entry.	Check register for original superior court file or exhibits not returned.	Prepare exhibits or original file for return to superior court.	Register entry Re: Exhibits or original file.			
3	Remittitur signed by deputy.	Register entry (docket sheet).		Same as 1st.	Same as 2nd.			Prepare remittitur receipt form and send with remittitur to county clerk.	Secretary retains remittitur copy until receipt returned from county.	
4	Remittitur signed by division deputy.	Manifold entry.	Remittitur book entry.	Register entry.	Same as 2nd.	Same as 2nd.	Register entry. Re: Exhibits or original file.			
5	Remittitur signed by deputy.	Register entry.	Remittitur reminder book entry.	Manifold entry.	Same as 2nd.					Opinion proofs are compared with original opinion.



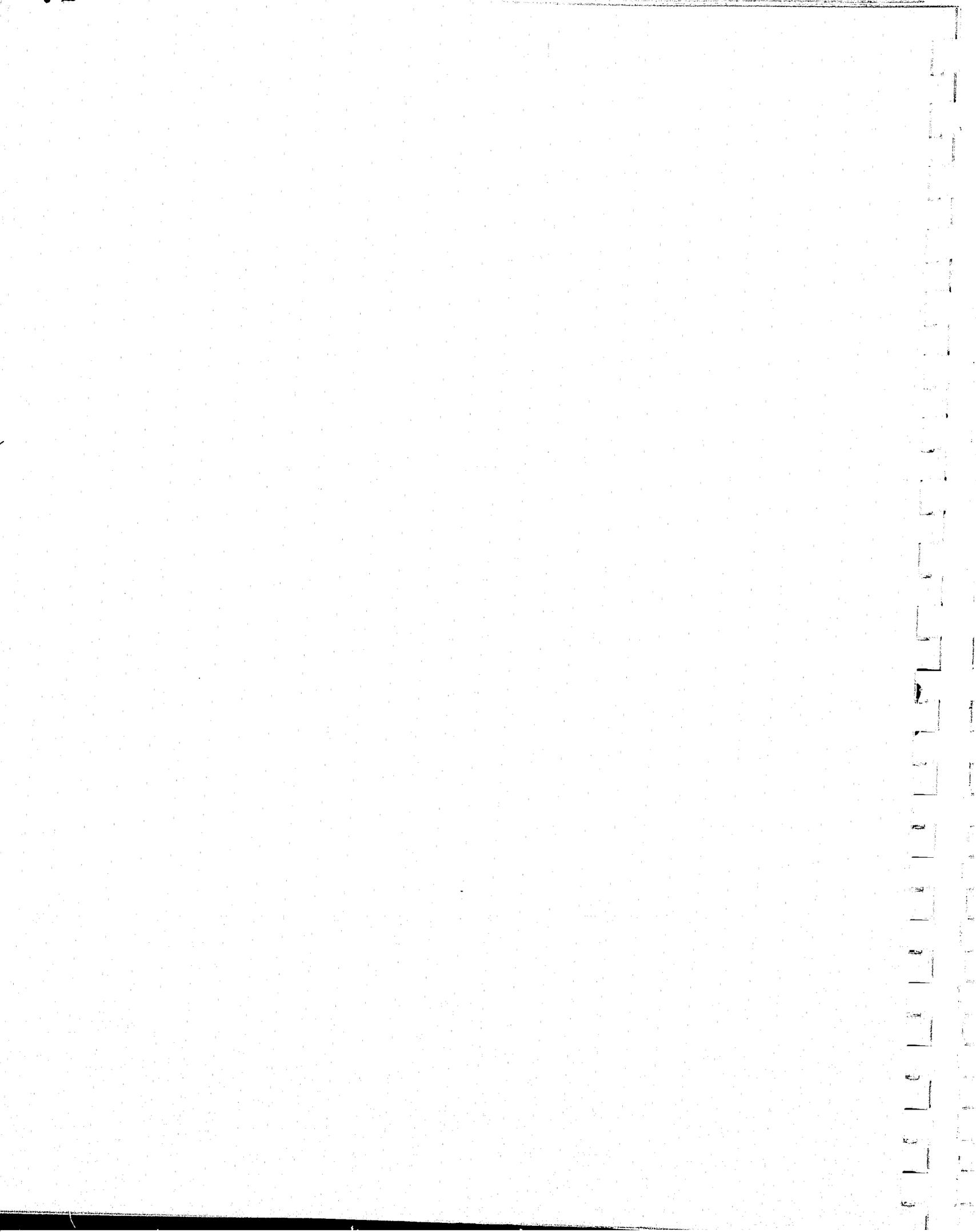
REMITTITUR ISSUANCE (Cont'd.)			CIVIL RECORD ON APPEAL — SUBROUTINE DELINQUENT PROCEDURE PER RULE 10A							
	148	149	150	A	B	C	D	E	F	G
1				If fee not paid by deadline, set in notice, record is lodged.	Case No. is assigned.	Register entry.	Assigned to a division (Multi-division; one location).			
2		Records removed from remittitur shelf and copies disposed of.	Opinion placed in jacket & placed on civil "dead" shelf.	Once per month, 10A dismissal transcripts are collected for civil miscellaneous processing.	Civil miscellaneous case No. is assigned.	Civil miscellaneous register entry (One case per page).	Assigned to writ division (multi-division; one location).	Index card typed for plaintiff only.	Index card filed in alphabetical file, miscellaneous index file.	Manifold entry.
3				Same as in Dist. 1	Same as in Dist. 1	Looseleaf register page entry.		Index cards typed.		
4		Records removed from remittitur shelf and copies disposed of.	Opinion placed in jacket & placed on civil "dead" shelf.	Same as in Dist. 2	Same as in Dist. 2	Civil miscellaneous register entry (two cases per page).		Index cards typed	Index card filed.	Manifold entry.
5	Proofs are returned to reporter of decisions.	Opinion with all corrections is placed in case record.	Case record placed on civil "dead" shelf.					Index card typed.	Index card filed in miscellaneous index file.	



CIVIL RECORD ON APPEAL (Cont'd.)										
	H	I	J	K	L	M	N	O	P	Q
1	Order for dismissal typed in original plus two copies (may be more based on parties involved).	Envelopes typed for mailing.	Transcripts and original of order are taken to presiding justice of assigned division for signature.	Transcripts and original of order are returned to clerk's office.	Order for dismissal is recorded in civil register.	Minutes entry.	Order is "filed" stamped and mailed to counsel.	Remittitur is typed & receipt.	Remittitur is placed in basket. Assigned deputy makes remittitur book entry.	Remittitur placed in suspense file Chronologically (checked daily for remittiturs to issue.)
2	Same	Same	Same	Same	Same -- In civil miscellaneous register.	Write division rough minute book entry.	Same	Remittitur typed.	Same as in 1st. (Check daily)	Remittitur is placed with transcripts in jacket.
3	Same	Same	Same	Same	Same as in Dist. 1	Minutes entry	Same	Same as 1st	Make notation on clerk's calendar 61 days hence that remittitur is to issue (check daily).	Same as in 2nd. Placed on active civil holding shelf.
4	Same	Same	Same	Same	Same as Dist. 2	Minutes entry	Same	Same as 2nd	Same as in 1st	Same as in 2nd.
5										



CIVIL RECORD ON APPEAL (Cont'd.)									
	R	S	T	U	V	W			
1	If no filing to the contrary, remittitur is issued on 61st day. Register entry.	Remittitur and receipt mailed to county clerk.							
2	Same as in 1st. Civil miscellaneous register entry.	Remittitur mail.							
3	Same as in 1st. Docket sheet typed & placed in inactive file.	Same as in 1st, plus mail receipt.	Receipt returned from county clerk.	Attach receipt to copy of remittitur and place in case record jacket.	Moved to basement storage room.				
4	Same as in 2nd.	Same as in 1st.							
5						After 6 months, case material removed from table & placed in storage room indefinitely.			



B. FORMS AND RECORDS

We have compared the forms presented to us by the five districts. Standard State forms, such as those used for personnel transactions, have not been included in this analysis.

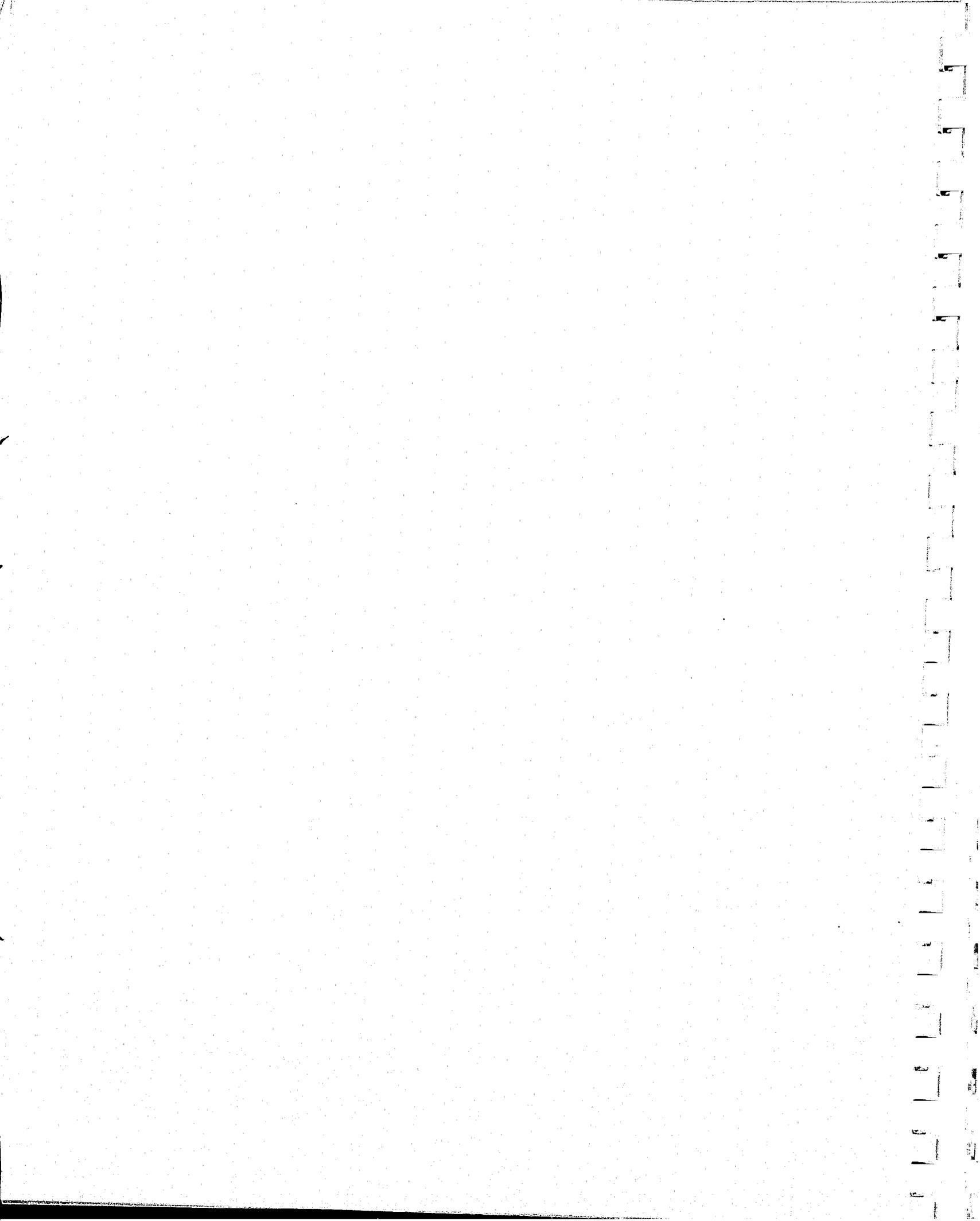
In some instances, identical forms, or nearly identical wording is used by all of the districts. It is more commonly found, however, that each district has developed forms over the years which seem to best meet their own requirements or philosophy. Many forms found useful by some districts are required so seldom by others that typing is adequate. Of one hundred thirty-seven forms charted, there are only nine types of action in which all five districts use a form which has been specifically designed for that purpose.

Although most of the forms are either 8½" x 11" or 8½" x 14", there are other sizes used in all of the districts. For easier handling and filing, we suggest that most forms be standardized to 8½" x 11". Post card forms would, of course, not change, and some special purpose forms might be retained in a smaller size.

Forms spacing has not been designed for the best typewriter use. In some instances lines are established for inserting information but are not designed for typewriter spacing so each entry must be manually aligned. To reduce the possibility of clerical error, and make forms easier to process, typing positions should start at the same locations on a form and information should be placed in specific locations.

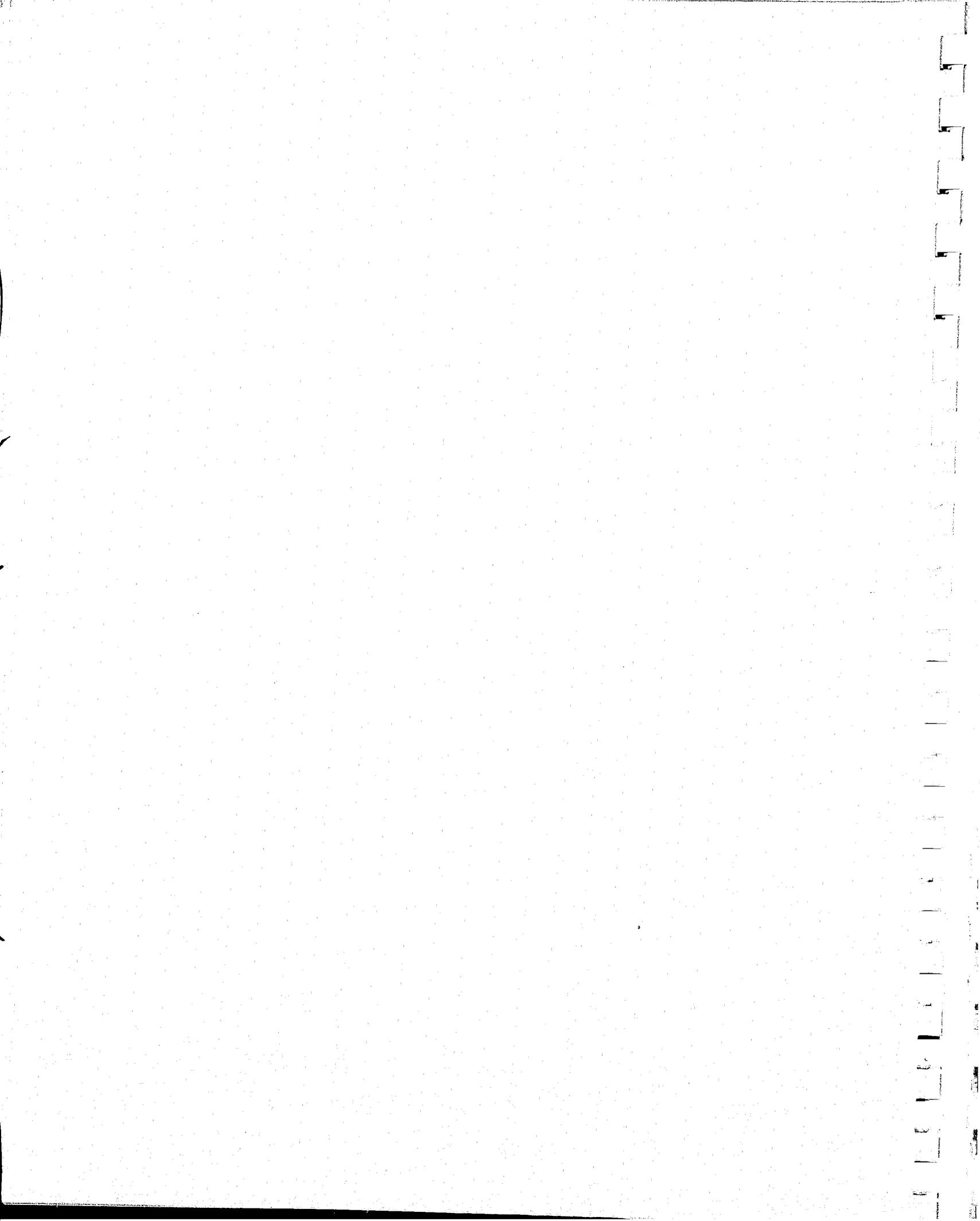
Records maintained by the Clerks' offices vary in similar fashion to the forms. Most of the records were in bound books and photo copies of various pages were made for analysis. This material is being submitted as part of the original working papers supporting this study.

To provide an example of these findings, we have prepared the following comparison chart with comments regarding the usage and preparation of the forms. The actual forms are compiled in chart sequence by district and can be found in the original working papers bound in the buff work folders.

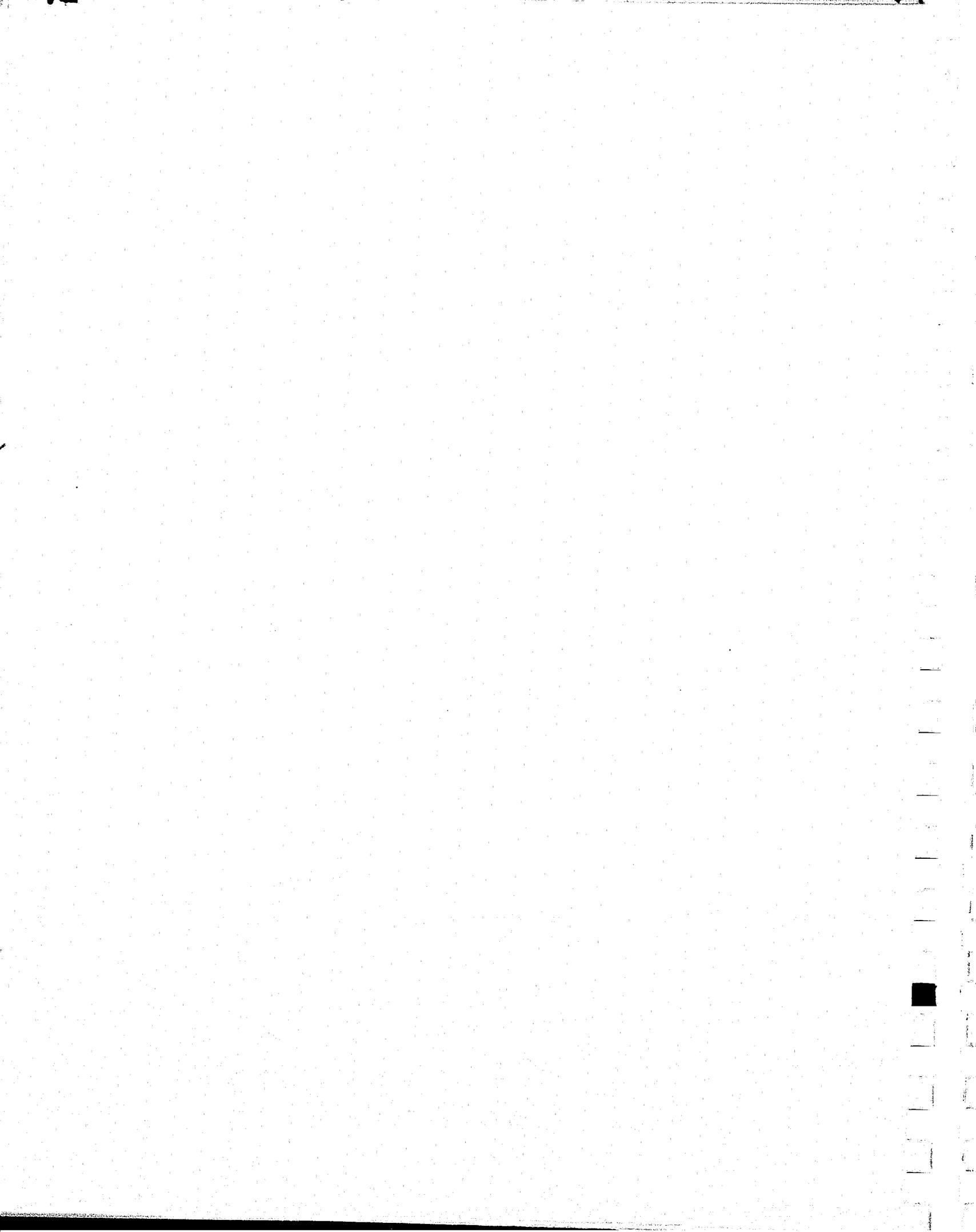


DISTRICT FORMS COMPARISON

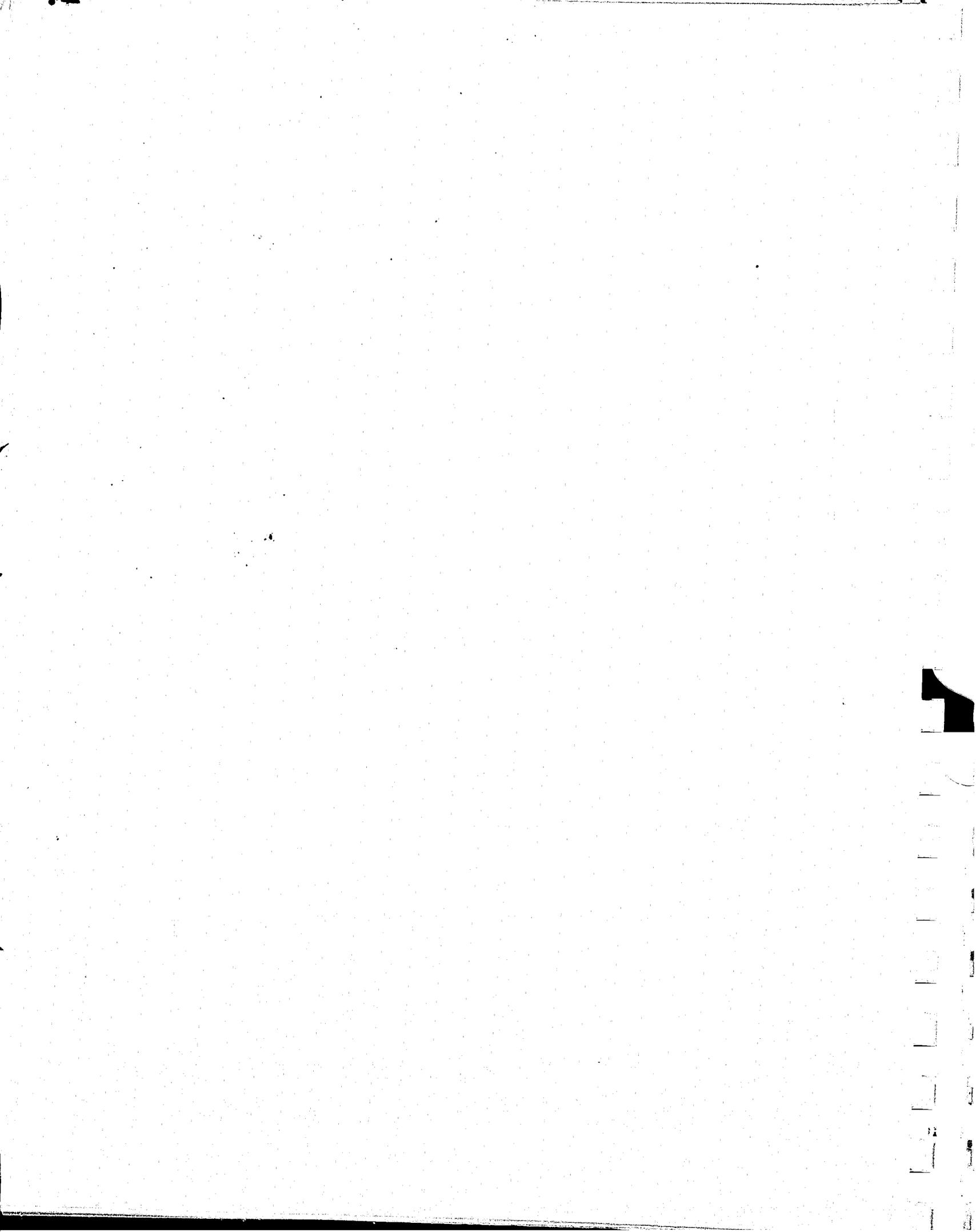
<u>FORM IDENTIFICATION</u>	<u>DISTRICT 1</u>	<u>DISTRICT 2</u>	<u>DISTRICT 3</u>	<u>DISTRICT 4</u>	<u>DISTRICT 5</u>	<u>COMMENTS</u>
1. NOTICE OF RECEIPT OF RECORD ON APPEAL AND REQUEST FOR FILING FEE	Form letter	Postcard form	Form letter	Form letter	Form letter	Three districts use almost identical letters with the number of appeals to be filled in. One of these districts also fills in a total dollar amount. One district's letter is identical to the first three except only a statutory filing fee of fifty dollars is mentioned. The remaining district uses a postcard on which the fee must be entered.
2. NOTICE OF FILING CIVIL	Form letter	Postcard form ERROR RECEIPT w/RUBBER STAMP (CRIM. IS PRINTED FORM)	Form letter & priority questionnaire	Postcard Rubber stamp	Postcard Rubber stamp ERROR SEE P 2	Two districts use form letters for all filings. They are mailed with the receipt for fee payment where it applies. Three districts rubber stamp a Notice of Filing statement and reminder for opening brief on the cash receipt or use a postcard. Two rubber stamp a general purpose postcard and one uses a preprinted postcard. One district mails a priority questionnaire with this notification.
3. 17(a) NOTICE	Form letter	Rubber stamp on general purpose postcard	Form letter	Form letter	Form letter	Four districts send almost identical letters while one uses a rubber stamp on a postcard.
4. 17(a) EXTENSION - NO FURTHER TO BE GRANTED	Form letter		Form letter			This letter is used to establish a final date for filing the opening brief after extensions have been granted (1st District) or denied (3rd District) with no further extensions to be allowed.
5. 17(b) NOTICE	Form letter	Rubber stamp on postcard	Form letter	Form letter	Form letter	The form letters are almost identical.
6. 17(b) EXTENSION - NO FURTHER TO BE GRANTED	Form letter		Form letter			Same as item 4.
7. CLOSING BRIEF NOTICE	Form letter					
8. TRANSMITTAL OF AUGMENTATION ORDER	Form letter					
9. MEMORANDUM OF EXHIBITS RECEIVED	Form letter					
10. COURT CALENDAR 4 CASES PER PAGE	Form letter					



<u>FORM IDENTIFICATION</u>	<u>DISTRICT 1</u>	<u>DISTRICT 2</u>	<u>DISTRICT 3</u>	<u>DISTRICT 4</u>	<u>DISTRICT 5</u>	<u>COMMENTS</u>
11. PETITION FOR REHEARING CONTROL CARD	Form + ORDER	STAMPED ON COVER OF PETITION + POSTCARDS	NOTE ON PETITION + ORDER	SAME AS D3	SAME AS D2	The card is attached to petitions and judges initial under the action recommended. When the order is prepared, this card is attached to verify the action to the judge signing the order. The card is then filed for the record.
12. REMITTITUR RECEIPT ACKNOWLEDGEMENT FROM COUNTY CLERK	Form		Form			
13. ORIGINAL PROCEEDING CONTROL CARD	Form					Used similarly to the Petition for Rehearing Card.
14. NOTICE OF FILING AND RIGHT TO COUNSEL - CRIMINAL	Form letter	Form letter	Form letter	Form notice of filing only	Form letter includes 15	Four districts have form letters combining these two functions. The 4th District has separate forms for the notice of filing and right to counsel entitlement. Three districts use this letter as the transmittal for Request for Appointment of Counsel forms.
15. TRANSMITTAL OF APPLICATION FOR APPOINTMENT OF COUNSEL	Form letter		Included in 14	Form letter		4th District requests a negative response if counsel will not be requested.
16. APPLICATION FOR APPOINTMENT OF COUNSEL	Forms in jail - not in jail	Forms in jail - not in jail	Form	Form	Form	Application (Request) for Appointment of Counsel (Attorney) (Affidavit of Financial ability). Two districts have separate forms for persons in prison and two have a place for a certificate from a prison official on their standard form, while one has a very simple statement to be signed. The form for prisoners in one district is 3 pages long, including a questionnaire on assets and employment.
17. TRANSMITTAL LETTER FOR PETITION FOR PAYMENT OF COURT APPOINTED ATTORNEY	Form letter		Form letter			
18. PETITION FOR PAYMENT FOR COURT APPOINTED ATTORNEY	Claim form	Claim form	Claim form	Claim form	Claim form	All districts have essentially the same petition form.
19. MINUTE SHEET	Form with heading only					
20. MINUTE ORDER <i>see #49</i>	Form					
21. CERTIFICATE OF BAIL (HABEAS CORPUS)	Form			Form	Form	Two are essentially the same in appearance and wording and one is quite different.
22. WRIT OF HABEAS CORPUS	Form				Form	Printed forms are identical with very minor exceptions.
23. WRIT OF REVIEW A.B.C. APPEALS BOARD	Form					



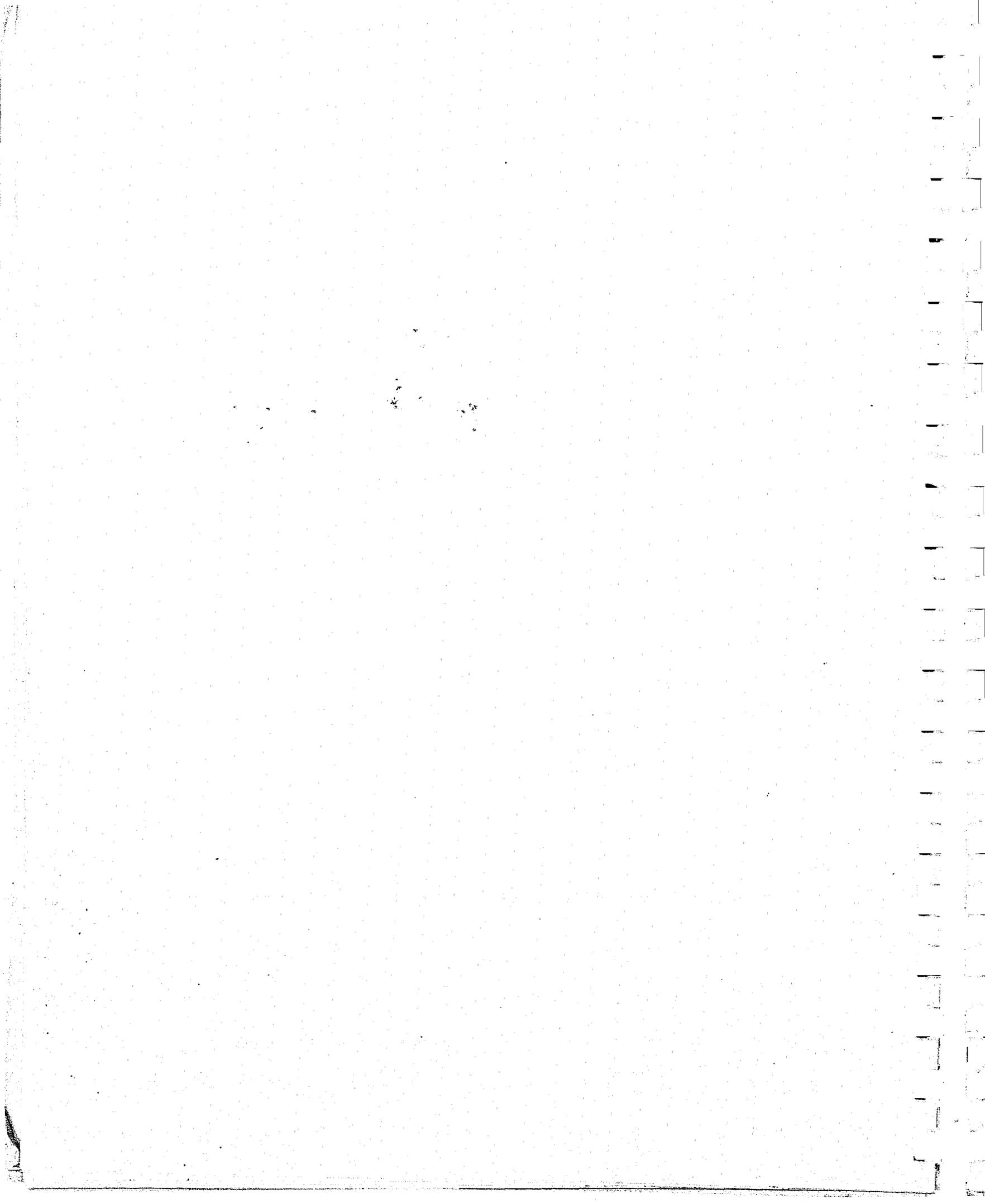
<u>FORM IDENTIFICATION</u>	<u>DISTRICT 1</u>	<u>DISTRICT 2</u>	<u>DISTRICT 3</u>	<u>DISTRICT 4</u>	<u>DISTRICT 5</u>	<u>COMMENTS</u>
24. WRIT OF REVIEW W.C.A.B.	Form			Form	Form	All three forms are almost identical.
25. GENERAL REMITTITUR FOR DISMISSALS	Form	Form	Form	Form	Form by stipulation	Four districts have very similar forms. One specifies by stipulation.
26. REMITTITUR FOR JUDGEMENTS	Form	Form	Form	Form	Form	All are different formats although two districts have very similar wording.
27. REMITTITUR FOR MOTION TO DISMISS	Form	Form				Different wording and format.
28. REMITTITUR FOR A.B.C. REVIEW	Form					
29. REMITTITUR FOR W.C.A.B. REVIEW	Form			Form		Identical except for size and style of print.
30. CERTIFICATION OF OPINION FROM ORIGINAL PROCEEDING	Form					
31. CERTIFICATION OF COPY OF RECORDS	Form	Form				
32. CERTIFICATION OF SIGNATURE	Form					
33. CERTIFICATION OF OPINION	Form	Form	?	Form	Form	
34. CERTIFICATION OF OPINION A.B.C APPEALS BOARD	Form					
35. CERTIFICATION OF OPINION W.C.A.B.	Form					
36. ORDER-PETITION FOR REHEARING DENIED	Form				Postcard	
37. NOTICE TO COURT APPOINTED COUNSEL (INSTRUCTIONS)	Instr. 2 pages	Instr. 1 page	Instr. 3 pages	Instr. 1 page	Instr. 2 pages	There is a difference in emphasis between districts in their instructions.
38. REPLY TO REQUEST FOR ATTORNEY PRIOR TO RECEIPT OF TRANSCRIPTS		Form letter	Form letter			
39. ORDER OF COURT APPOINTED ATTORNEY		Form	Form			
40. PRIORITY QUESTIONNAIRE TO COUNSEL (USED AT TIME OF FILING)			Form			



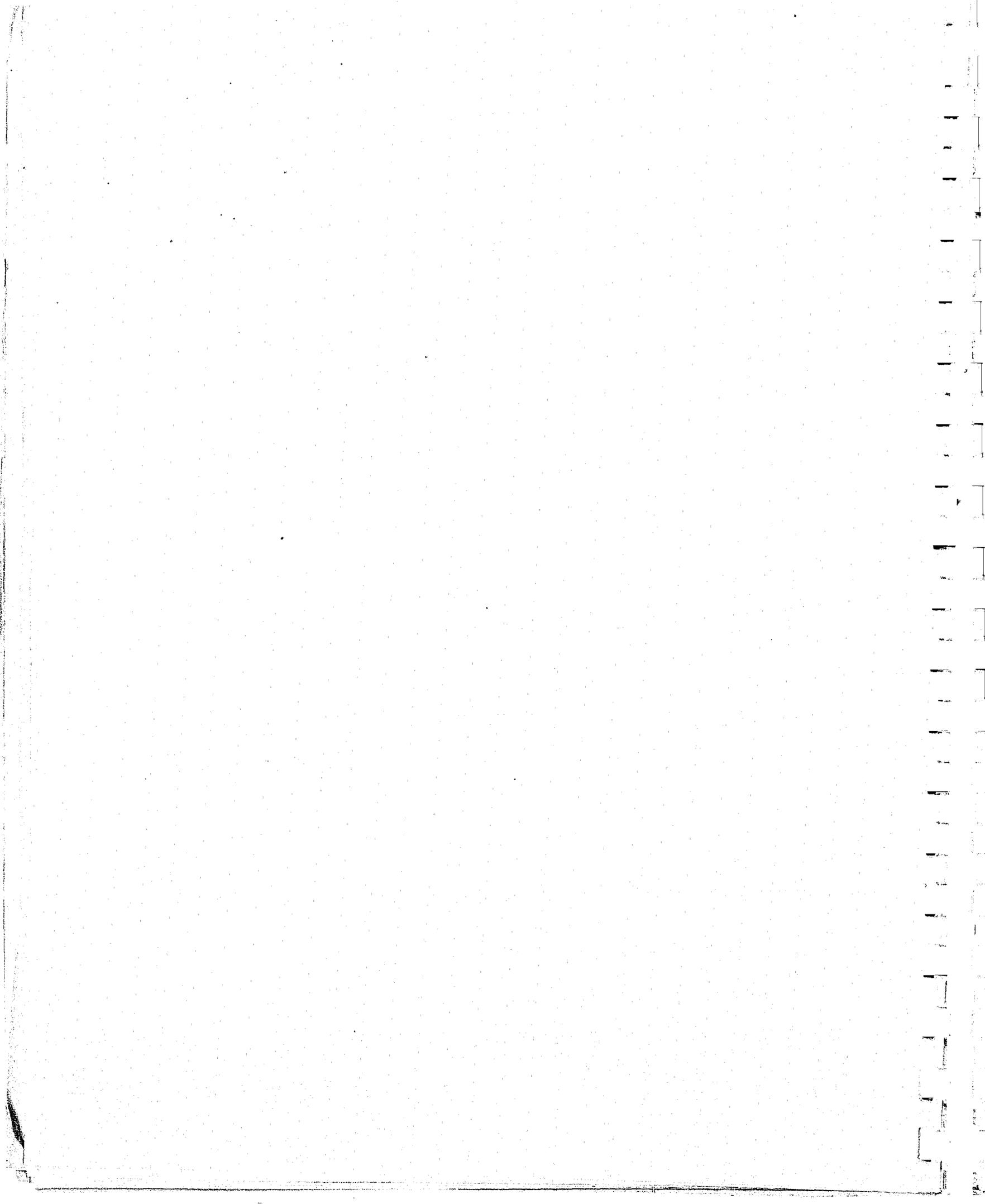
<u>FORM IDENTIFICATION</u>	<u>DISTRICT 1</u>	<u>DISTRICT 2</u>	<u>DISTRICT 3</u>	<u>DISTRICT 4</u>	<u>DISTRICT 5</u>	<u>COMMENTS</u>
41. LETTER SOLICITING COURT APPOINTED ATTORNEY			Form letter			
42. NEW BAR ADMITTEE LETTER AND REQUEST TO VOLUNTEER FOR COURT APPOINTMENT			Form letter			
43. CALENDAR NOTICE AND QUESTIONNAIRE		46↓	Form		Form	
44. GENERAL NOTIFICATION POSTCARD TO COUNSEL FOR ACKNOWLEDGEMENTS			Pre-printed fill-in Date and Case I.D.			
45. JUDGE'S CERTIFICATE TO STATE CONTROLLER	Form	Form	Form	Form	Form	
46. CALENDAR NOTICE	Copy of motion and term calendar used	Postcard form	See item 43	Postcard form	See item 43	
47. STANDARD NOTIFICATION POSTCARD - GENERAL PURPOSE		Card		Postcard form	Card	
48. RETURNED DOCUMENT TRANSMITTAL		Check off form		Check off form		
49. BLAND FORM FOR ORDERS ONIONSKIN COPY <i>see #10</i>				Form	Form	
50. ORDER FOR FEE COURT APPOINTED ATTORNEY		Form		Form		
51. OPINION COVER				Blue cover	Blue cover	
52. RECEIPT FROM SUPREME COURT		Form		Form	Form	These forms are similar, but they contain different items, in different sequence, in different type style.
53. CERTIFICATION OF COPY OF DISMISSAL ORDER FROM RESPONDENT'S MOTION		Form		Form <i>letter</i>	Form	These forms are almost identical.
54. 17(a) DISMISSAL ORDER <i>#20</i>		Rubber stamp on general purpose postcard	Form	Form	Form	The 4th and 5th District forms are almost identical.

CONTINUED

1 OF 3



<u>FORM IDENTIFICATION</u>	<u>DISTRICT 1</u>	<u>DISTRICT 2</u>	<u>DISTRICT 3</u>	<u>DISTRICT 4</u>	<u>DISTRICT 5</u>	<u>COMMENTS</u>
55. ATTORNEY APPEARANCE SLIP	Form	Form			Form	
56. CERTIFICATION OF JUDGEMENT DISMISSING APPEAL		Form				
57. 10(a) DISMISSAL ORDER		Form				
58. CERTIFICATE OF MAILING		Form				
59. APPEALS PENDING WORKSHEET		Form				
60. TIME INTERVALS FOR FILING WORKSHEET - CIVIL		Form				
61. TIME INTERVALS FOR FILING WORKSHEET - CRIMINAL		Form				
62. NOTICE OF TRANSFER OF CASE TO COURT OF APPEAL - BRIEF SIZE REF. TO RULE 65					Form	
63. CERTIFICATION OF COPY OF JUDGEMENT					Form	
64. CERTIORARI					Form	



C. DISTRIBUTION OF WORK

Each court district, including the two offices in the Fourth District, have been included in an assessment of work distribution within individual offices. As part of the data collection conducted in each office, the Court Clerk and each staff member was requested to complete a task list or description, defining the different tasks performed and an estimate of how much time was devoted to each task on a weekly basis.

The consultant provided the task description forms and general instructions for their completion. No attempt was made to pre-structure employee responses; every effort was made to preclude biasing the individual employee's perception of what he does during the work week. There was no formal work measurement program in this study.

Copies of the task descriptions prepared and submitted are included with the original working papers. Responses varied from broad categories of work and detailed descriptions to a list of tasks and abbreviated descriptions. Common as well as unique tasks can be identified. Also, the task description shows the task(s) that are most time consuming and the variation in time spent among the several tasks performed by each employee.

While an analysis could be made of each task description completed, it is more meaningful to transcribe the task descriptions into a work distribution chart, which is categorized by major activity area and covers every employee in one office location. Applying this method, division of labor is depicted; the contribution of each employee to each major activity area is identified. Work distribution charts for the six Court Clerk office locations are presented at the end of this section.

The hourly totals for each employee do not include hours shown for tasks which are performed less frequently than on a weekly basis. The nature of these tasks is such that the total hour utilization cannot be reduced to weekly increments. Therefore, there can be differences in the total weekly hours reported.

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First District, San Francisco

During employee interviews, an attempt was made to establish the number of hours in the standard work week. Owing to the differences in assignments between office personnel and periodic work such as monthly reports, it was estimated that the standard work week ranged between 37.5 and 40 hours. For the Clerk Typist, the total hours worked in the Clerk's office are less than standard because she is also the receptionist for the court.

Three of the seven activity areas are major time-consumers. These are Document Filing, Processing Communications and Inquiries, and Preparation and Review of Court Documents. About 35 per cent of the total work week is devoted to the Communications and Inquiries activity. More than one fifth of the work week is required for Document Filing and Processing. One fifth of the work week is allocated to the Preparation and Review of Court Documents.

The handling of Communications and Inquiries is distributed very unevenly among the Court Clerk and his entire staff of six. Time committed to tasks such as answering phone and counter inquiries, contacting other courts and correspondence processing ranges from 17.5 hours per week to 5 hours per week per person.

For the Document Filing and Processing activity, the four Deputy Clerks are involved. The distribution of these types of tasks among the four is relatively even. In addition to the filing and processing of civil and criminal appeals, some specialization is indicated in the other tasks assigned to each of the deputies and grouped in this activity area. This appears to be a logical and equitable division of labor for special tasks.

The Preparation and Review of Court Documents activity is performed by the Clerk and five members of his staff. The tasks and time requirements appear equitably spread.

Second District, Los Angeles

A similar situation was encountered in this office to that found in the First District in terms of defining the standard work week. The 37.5 to 40 hour range was applied.

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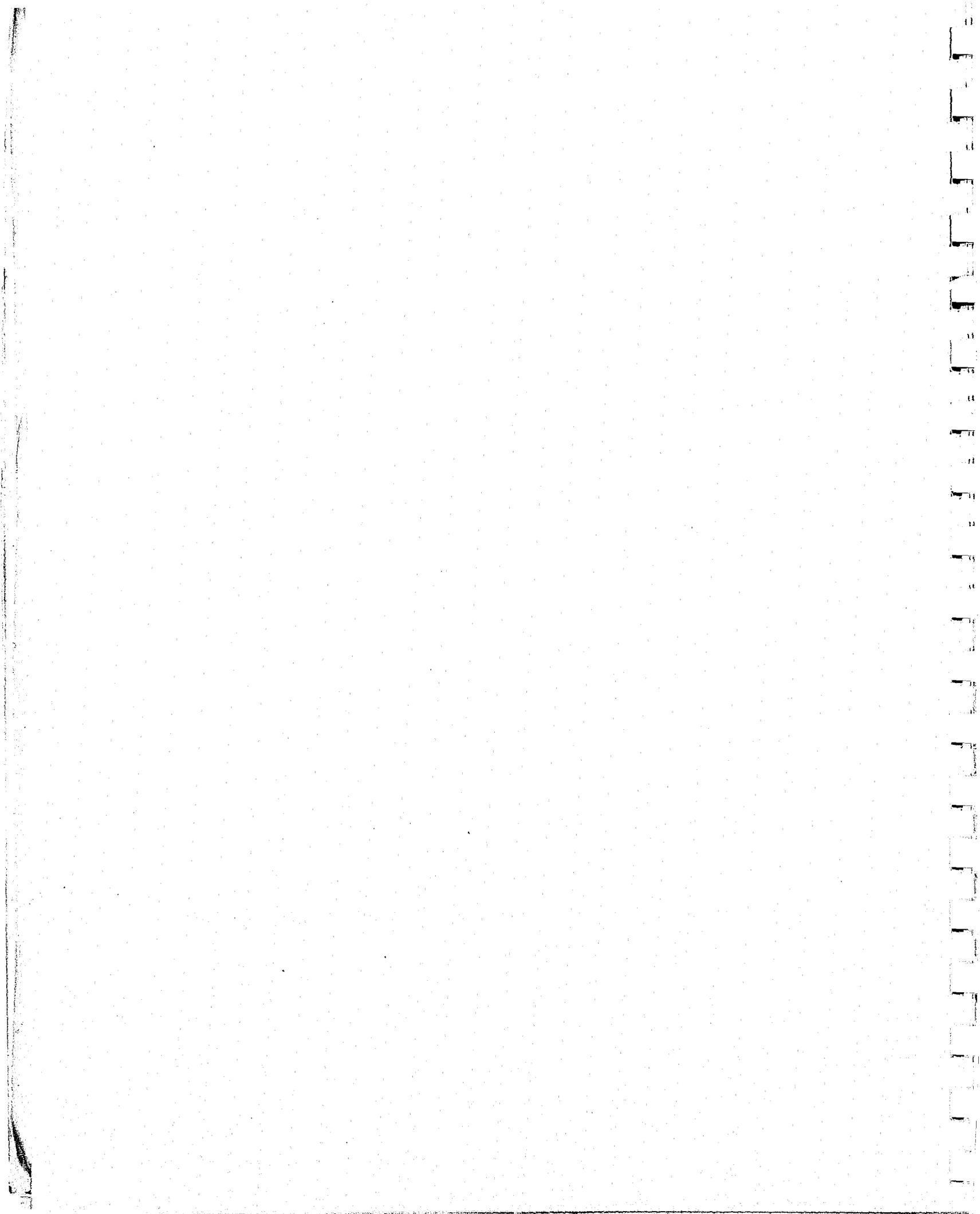
It appears that these estimates are as accurate as could be provided; each employee was given the opportunity to modify original hourly estimates in terms of the standard work week hourly range. With a complement of 11 employees, including the Court Clerk, the average work week contains 36.9 hours in this office.

Three of the seven activity areas are major time-consumers. These are Document Filing and Processing, Communications and Inquiries, and Miscellaneous. Communications and Inquiries account for more than one fifth of total staff working hours. The Document Filing and Processing tasks account for approximately 18 per cent of total staff working hours.

The handling of Communications and Inquiries is unevenly distributed among ten staff members. Variation in individual time allocated to this activity is from 14 hours per week to 1 hour per week. Here, as in the First District, the assignment of deputies to divisions and their respective workloads serve as partial rationale for this unevenness.

Seven staff members specified their involvement in Miscellaneous activity. This individual contribution of hours in this activity area varies from 40 hours per week to 1 hour per week. This variance is due to the inclusion of the library tasks in this activity area. These tasks are not interrelated with the other Court Clerk tasks. However, the position and tasks are included as they are part of the Court Clerk's office organization. Aside from this biasing, the variation in hours contributed is significant. Assessment of the specific and non-specific tasks cited suggests there may be some misdirected effort.

Document Filing and Processing is performed by nine staff members. Individual hourly contribution ranges from 15 hours per week to 3.5 hours per week. This variation is effected by workload differences among the five divisions of the Court as well as work assignments (for training purposes) specified by the Court Clerk for the newer deputies in the office.



Third District, Sacramento

With the small number of office personnel and the varied classifications, evaluation of assignments must be limited. The Third Appellate District has divided the work load equitably between the personnel assigned. As experienced by the other districts, Communications and Inquiries require a significant amount of time, although as a percentage, the required time is lower than all but the Fifth Appellate District. This may be because of a smaller number of lawyers with cases before the court, or it may be due to increased use of notifications to counsel by this office.

Document Filing and Processing required the highest percentage of time in relation to the other districts. However, because this study did not include work measurement, all times were estimated by the personnel involved, based upon their recording activities for a week. This was necessarily an arbitrary selection and may not be representative of the "average" week.

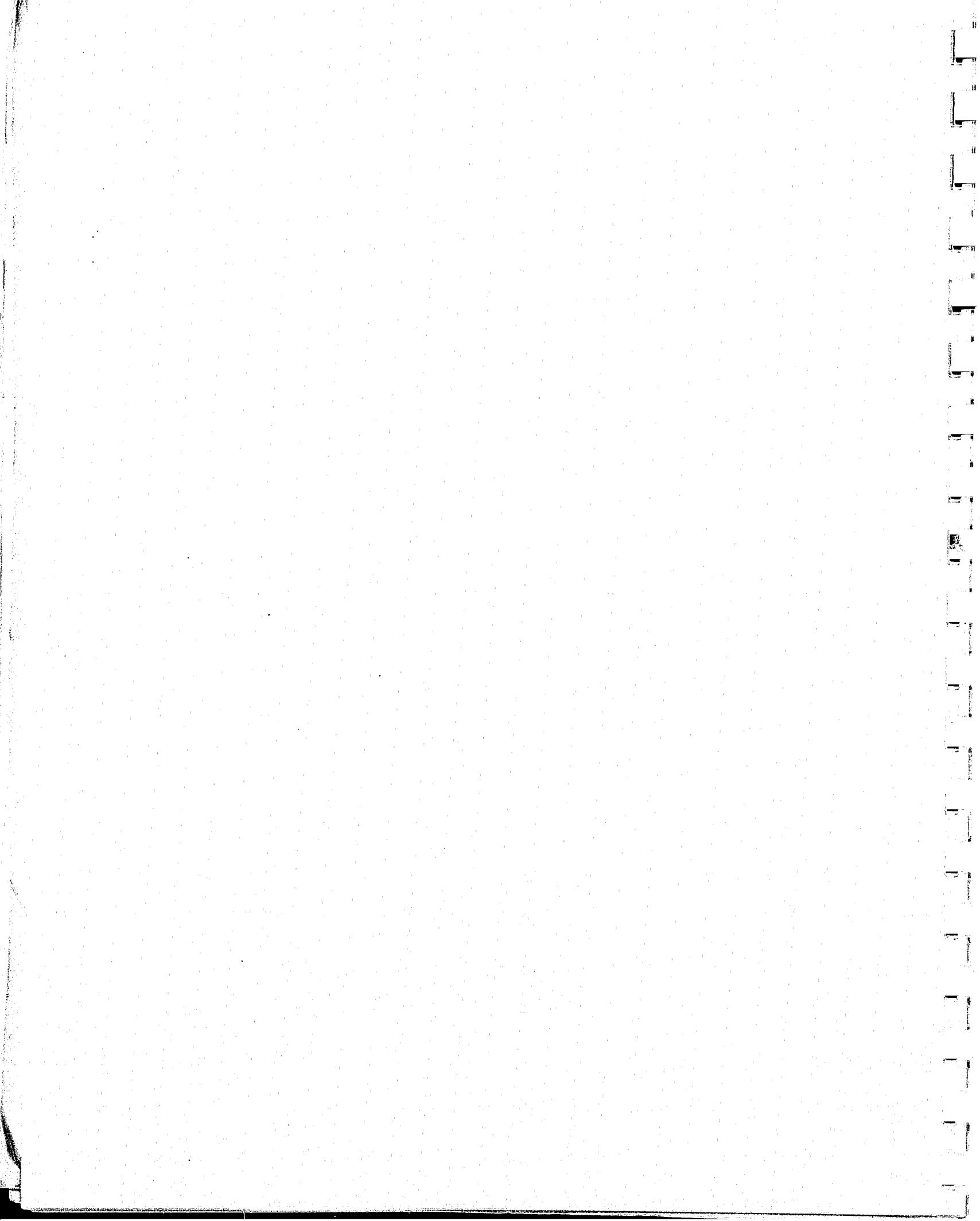
Fourth District, San Bernardino

The work week range of 37.5 to 40 hours was applied. The complement of employees for this office is 4. On this basis, the average work week contains 37.4 hours.

Three of the seven activity areas are major time-consumers. These are Record Keeping, Communications and Inquiries, and Preparation and Review of Court Documents. Approximately 30 per cent of the total work week is devoted to Communications and Inquiries. Record Keeping takes about one fifth of the total weekly work hours, and the Preparation and Review of Court Documents consumes slightly less than one fifth of the work week.

Communications and Inquiries processing is unevenly distributed among the four personnel in the office. The individual employee time allocations range from 4.5 hours to 21.75 hours per week. Individual tasks as presently assigned vary significantly in hourly requirements.

Record Keeping is divided between one Deputy Clerk and the judicial secretary. This distribution appears very uneven in this activity. Further evaluation is warranted.



Preparation and Review of Court Documents is unevenly distributed among the 4 personnel in the office. Based on the tasks cited, assignments appear to have been made with some degree of specialization related to employee level of familiarity with the Court Clerk's operation.

Fourth District, San Diego

For this office, the distribution chart shows that each employee works an equal number of hours per week. The average work week contains 42 hours. The hours in excess of standard work week hours may be explained by the heavier workload experienced during the time this study was in progress. The office has a complement of 3 employees.

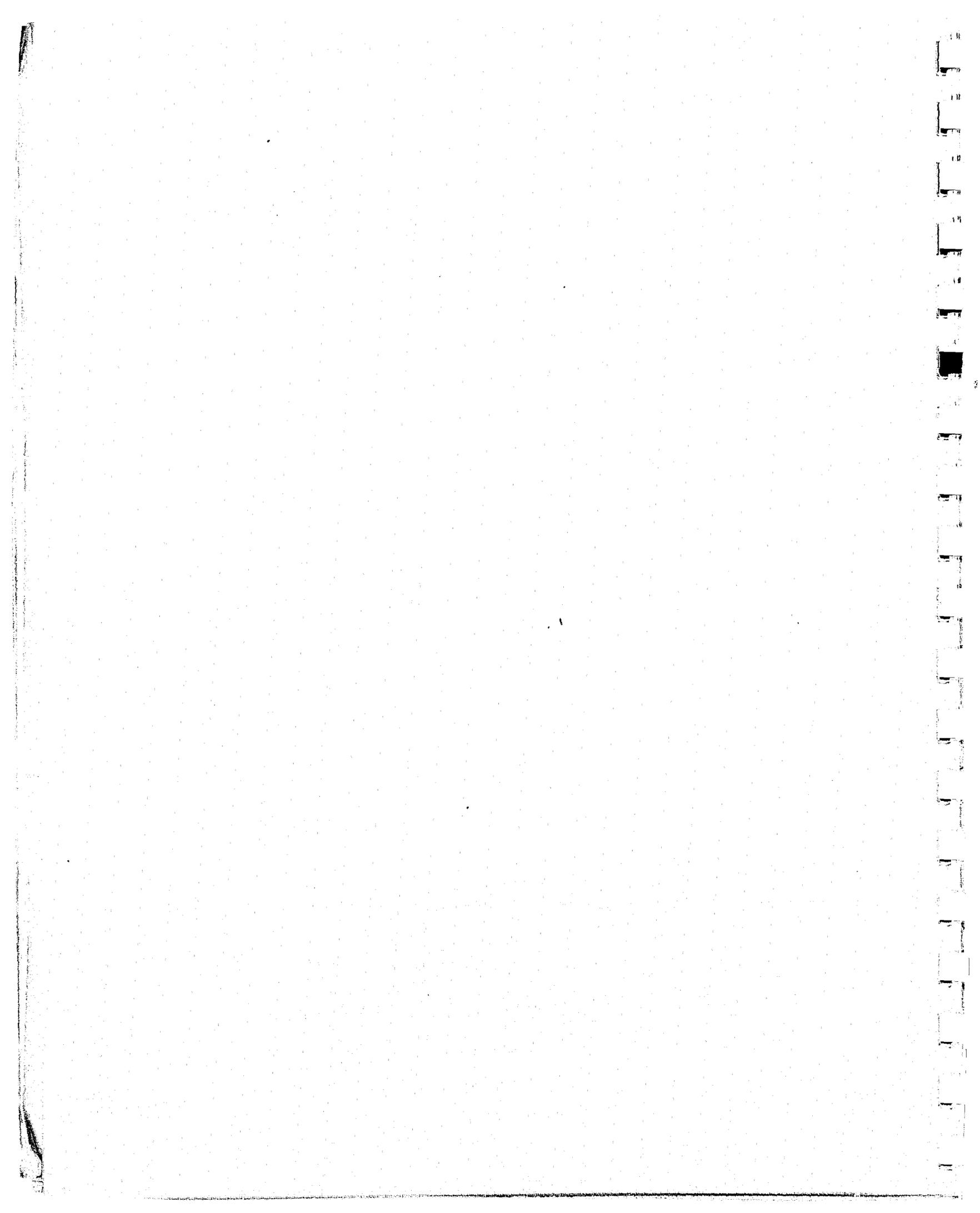
Two of the seven activity areas are major time-consumers in this office. They are Record Keeping and Communications and Inquiries.

Communications and Inquiries take more than 34 per cent of the total work week. The Record Keeping activity accounts for more than one fifth of the total work week.

Communications and Inquiries is spread among the 3 personnel in the office. However, the range of hours contributed is between 7 and 29 per employee. The extensive assignment for one deputy in this activity may preclude his familiarity with other significant aspects of the Court Clerk's operation. Ultimately, this could have negative impact on the operation of the San Diego office, especially in an emergency situation where the senior member of the staff is away from the office. Owing to the small size of the staff in this office, specialization of task assignments is to be expected.

Record Keeping is performed by two staff members. The time contributed is 5 hours and 22.5 hours. The junior deputy clerk is not assigned to tasks in this activity area. Also, he is not performing any tasks in the Court Calendar and Assignment Tasks and Assistance activity area.

At the time of data gathering for this study was in progress, in the Fourth District, it was noted that the Court Clerk was attempting to prepare task assignments for the different classes of personnel in the First Division, San Diego. Subsequent to the consultant's visits in San Bernardino and San Diego, the Court Clerk provided copies of these assignment

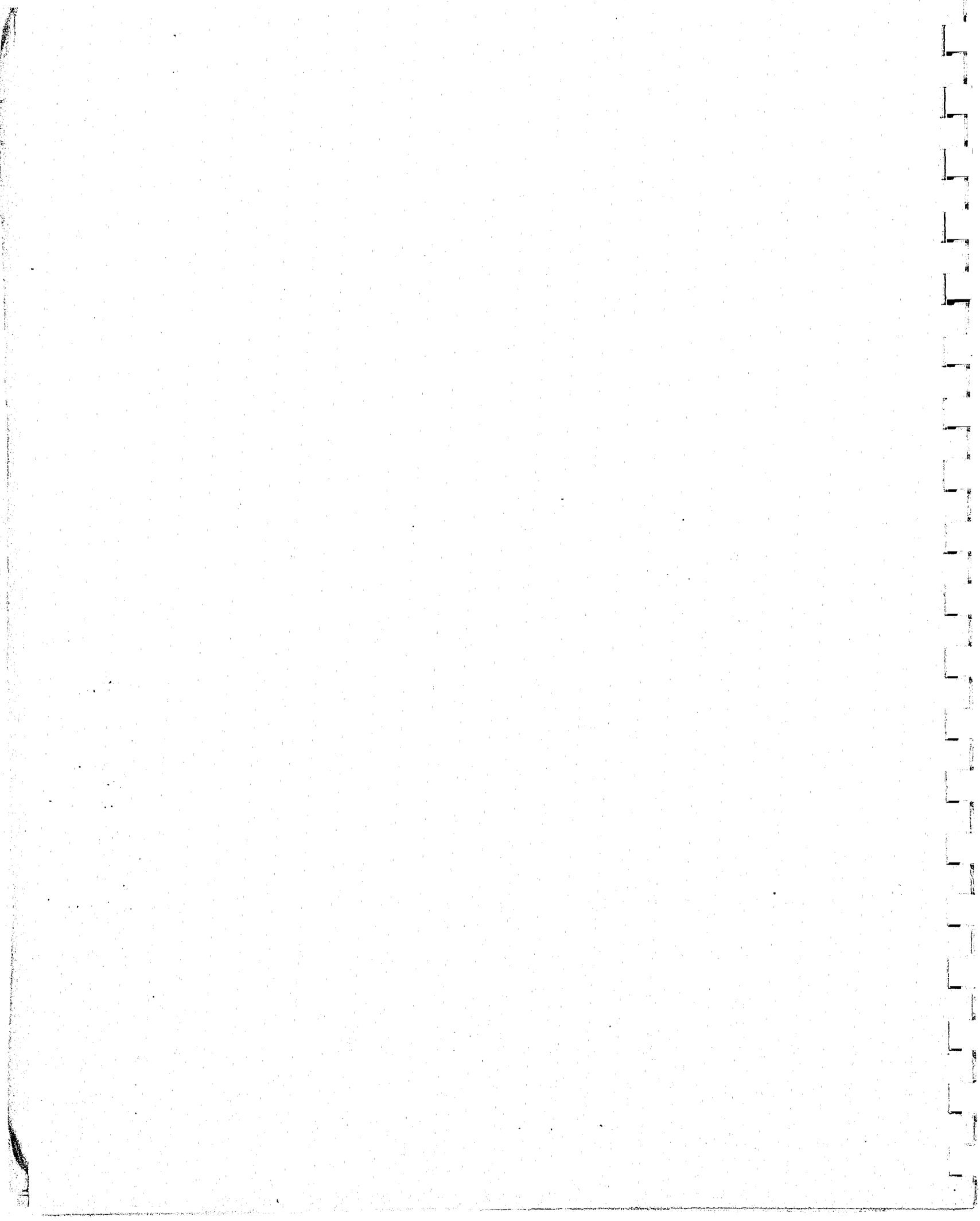


lists. These are included in the original working papers and bound in the buff work folders. This material in conjunction with the data and analysis supplied in this report may serve as the baseline for more thorough analysis and work design in these two offices.

Fifth District, Fresno

With two employees, the Court Clerk and one deputy, in this office evaluation is necessarily limited. Discussions with them as well as the task description data provided indicates that tasks tend to be assigned based on individual skills and specialization. Generally, the division of work appears equitable.

Three of the seven activity areas are major time-consumers. They are Record Keeping, Communications and Inquiries, and Preparation and Review of Court Documents activities. Each of these activity areas accounts for approximately one fifth of the total work week.



Distribution and Schedule of Work

In addition to the evaluation of task lists and division of labor in the different Court Clerk offices, statistical data has been gathered to elucidate the work load and work distribution data available. To augment the data previously set forth in the work distribution chart, several different types of counts have been taken. Part of the findings are presented in the Public Contacts section of the report. In this section, incoming mail count statistics are compiled and mail handling discussed.

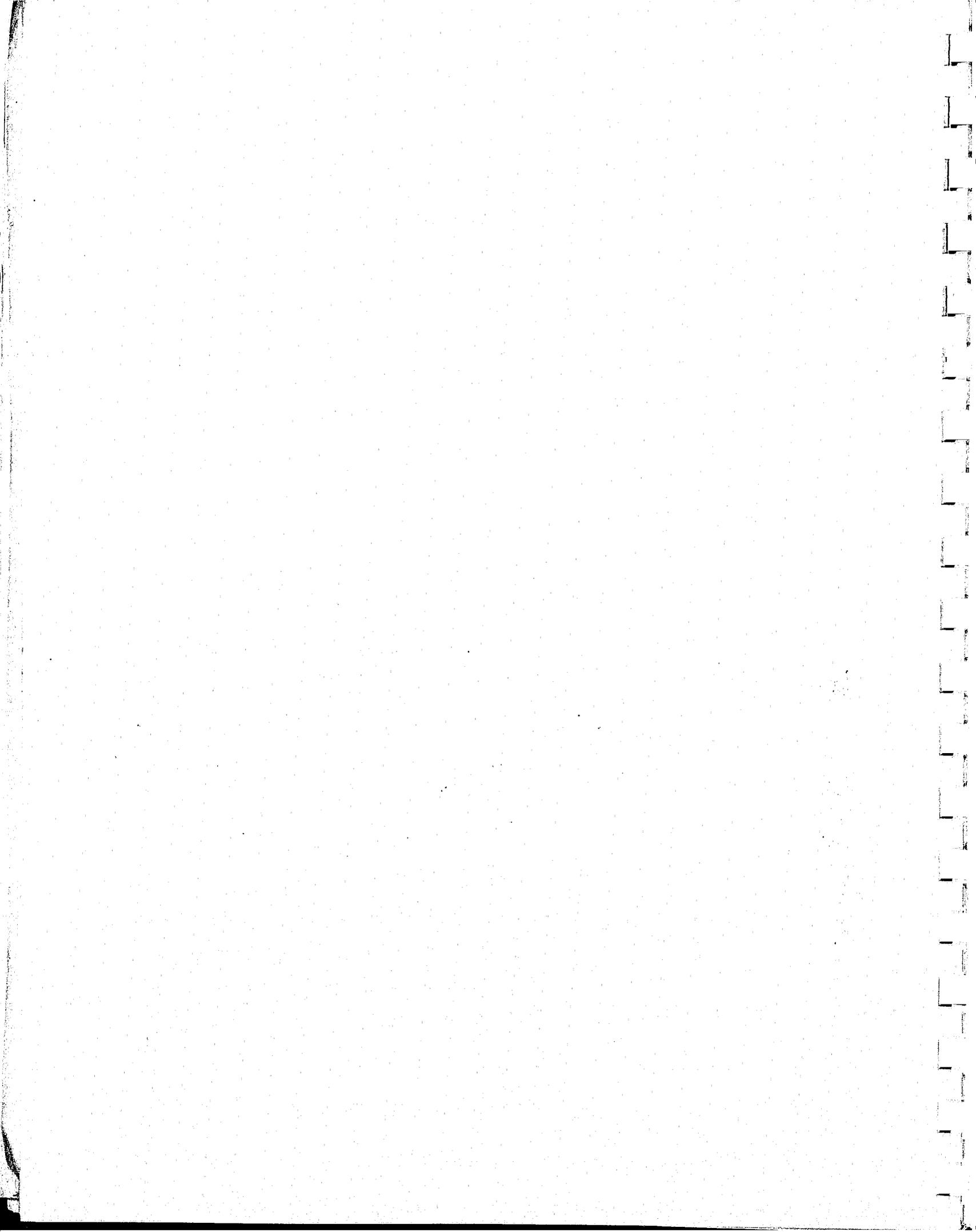
Mail Counts

The mail count tabulations for incoming mail was taken in each office location. The summary of the tabulations is shown below.

MAIL COUNT	OFFICE LOCATIONS					
	S.F.	L.A.	SAC.	S.B.	S.D.	FRS.
AVERAGE MAIL RECEIVED/DAY						
CIVIL MATTERS	24	20	17	13	7	3
CRIMINAL MATTERS	16	18	11	10	8	6
ADMINISTRATION	5	6	3	5	3	3
LIBRARY	3	8	5	5	4	5
JUSTICES, COURT PERSONNEL & MISCELLANEOUS	--	3	--	8	28*	11
TOTAL	48	55	36	41	50	28

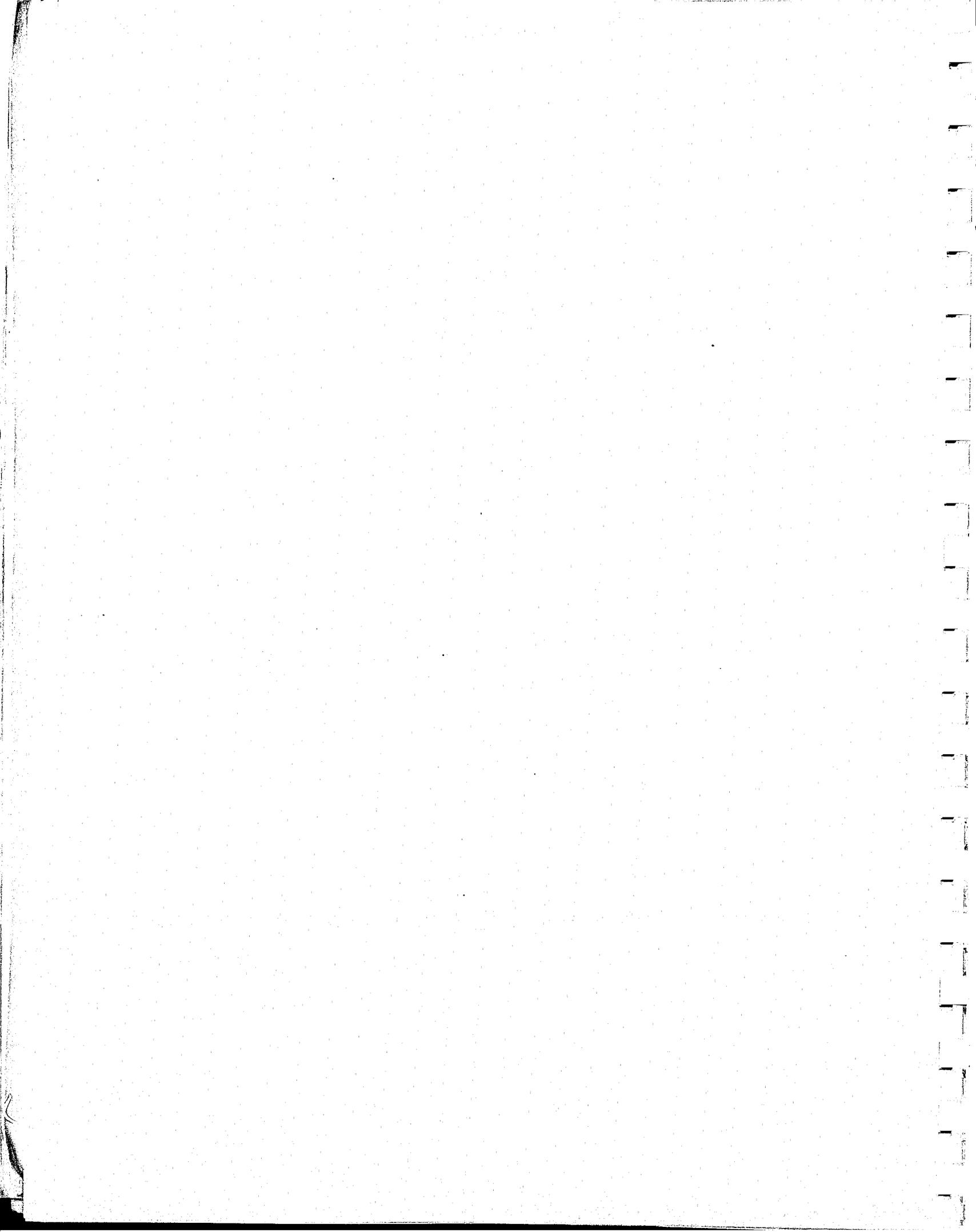
* This count was taken during the Christmas season which may contribute to the higher volume.

Owing to the limited data gathering period (between two and five days per office), trends should not be established from this data. However, this data provides further insight into the time required for processing incoming mail, an increment of the Communications and Inquiries activity. Approximately 90 per cent of the daily mail is delivered to the offices in the early morning. The Monday mail is generally heavier than for the other week days.



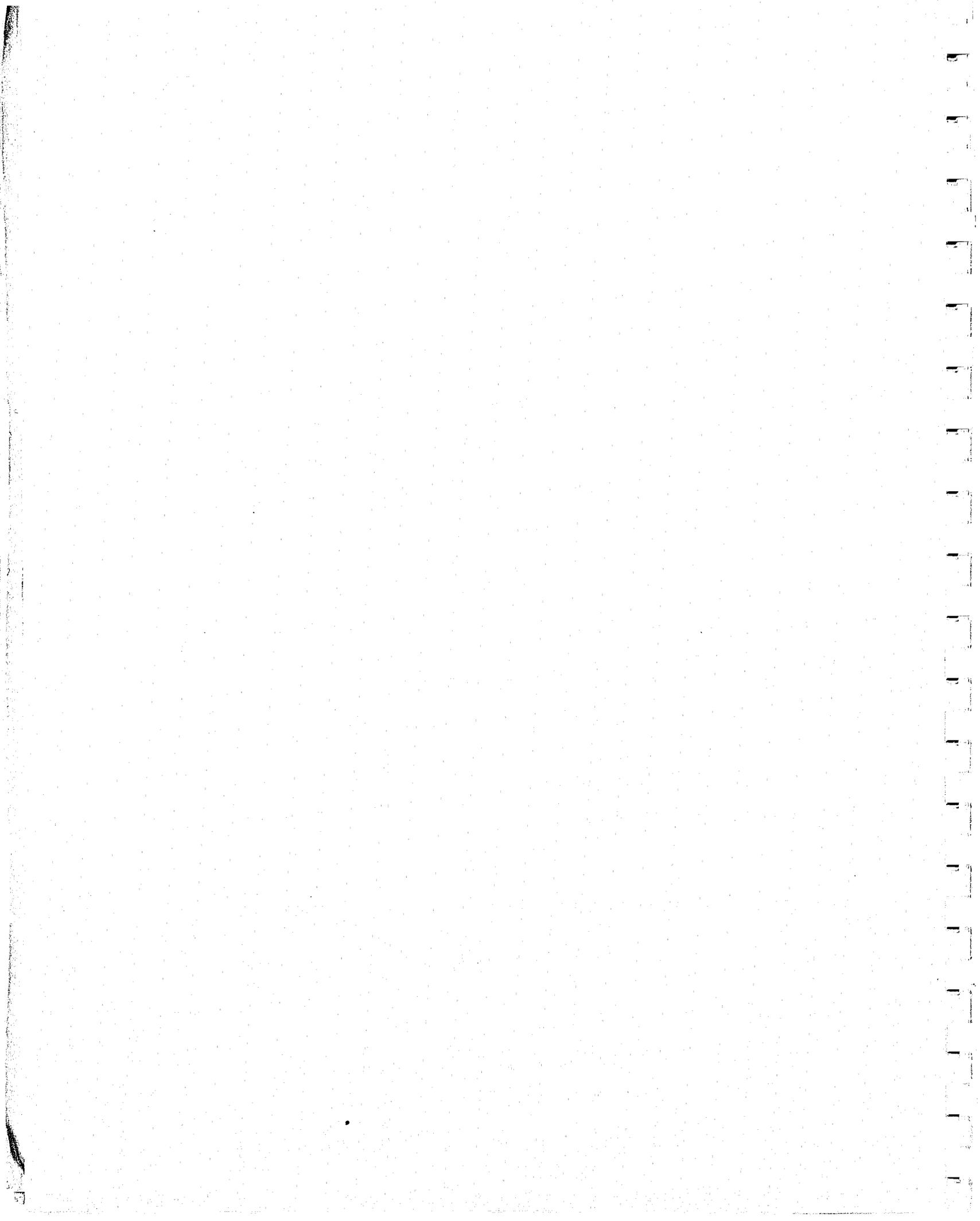
Upon the opening and distribution of the mail, work is generated such as the preparation and return of correspondence, the filing of appeals, motions, petitions, applications, etc. In the first and second districts the incoming mail is processed differently, although both are multi-division districts. In the First District, the Court Clerk opens and reviews the mail. After review, he places matters to be worked in a basket from which individual deputies draw as the materials are stacked. In the Second District, the Court Clerk and one or possibly two deputies sort mail into categories such as those shown in the mail count tabulation above. Beyond this, the civil and criminal matters are broken down by division if designated. Civil and criminal matters not designated for a division are placed in a basket to be worked by the deputies as the material is stacked. In stacking the material, care is taken to sort out and move to the top of the stack matters which fall into certain priority categories established by the court, i.e. probate.

The Third, Fourth and Fifth District office locations each service one division of the Court. Thus, divisional mail distribution is not required. However, with the two divisions in the Fourth District (one in San Diego and one in San Bernardino), there is some inter-divisional mailing required, both for administrative and misdirected mail. Mail containing civil and criminal matters is mailed directly to either the San Diego or San Bernardino Clerk's office.



WORK DISTRIBUTION CHART -- COURT CLERK'S OFFICE, FIRST DISTRICT

Activity	Total Man-Hours	Lawrence Elkington Clerk, Court of Appeal	Clifford Porter Chief Deputy Clerk	Roy Lippi Deputy Clerk	Leo Weissmann Deputy Clerk	Kevin Swanson Deputy Clerk	Yvonne McGarry Secretary
Document Filing & Processing	52.96 21.6%		<ul style="list-style-type: none"> Examine Re rules of court File records on appeal, briefs, motions, original proceedings, etc. Filing documents 	<ul style="list-style-type: none"> Examine Re rules of court File records on appeal, briefs, motions, original proceedings. Assemble appeal records Filing new criminal & civil records Checking petitions for writs Processing of applications & motions 	<ul style="list-style-type: none"> Examine & file records on appeal, briefs, motions, original proceedings, applications. Check in exhibits 	<ul style="list-style-type: none"> Processing new appeals & petitions for writs Processing mail & documents other than new proceedings Filing documents 	
Record Keeping	21.50 2.7%		<ul style="list-style-type: none"> Manifold for Supreme Court 	<ul style="list-style-type: none"> Transcribe entries in register, minutes, manifold 		<ul style="list-style-type: none"> Check & update original proceedings list 	<ul style="list-style-type: none"> Maintain file of cases appealed (index) Maintain court-appointed attorney fee records
Communications & Inquiries	86.71 35.4%	<ul style="list-style-type: none"> Review in-coming mail Dictate correspondence Phone inquiries Answer staff inquiries 	<ul style="list-style-type: none"> Process mail Phone calls to public, attorneys, other courts Answer inquiries Re rules of court Counter Questions from deputies 	<ul style="list-style-type: none"> Phone calls to public, attorneys other courts Answer inquiries Re rules of court Processing mail, etc. Sending notices, incl. 17A & B 	<ul style="list-style-type: none"> Phone calls to public, attorneys, other courts Answer inquiries Requesting opposition to petitions for court Send default notices 	<ul style="list-style-type: none"> Pick up & segregate mail Answering phone inquiries Outgoing phone calls for various reasons 	<ul style="list-style-type: none"> Open mail Typing of correspondence Phone inquiries
Preparation & Review of Court Documents	49.08 20.0%	<ul style="list-style-type: none"> Court order drafting and review Review court opinions 	<ul style="list-style-type: none"> Process court opinions & orders 	<ul style="list-style-type: none"> Prepare orders & remittiturs Process court opinions & orders 	<ul style="list-style-type: none"> Prepare orders & remittiturs Issue remittiturs & return exhibits Process court opinions & orders 	<ul style="list-style-type: none"> Issuing & processing remittiturs. Returning exhibits to lower court Prepare remittiturs & certified copies 	<ul style="list-style-type: none"> Type minute orders
Court Calendar & Assignment Tasks, & Assistance	10.95 4.5%	<ul style="list-style-type: none"> Select cases for calendaring & make assignments to justices. 	<ul style="list-style-type: none"> Maintain personal contact with members of court 	<ul style="list-style-type: none"> Prepare monthly calendar & send notices Maintain personal contact with members of court Court session (once/mo.) Court order signing, assist Checking ready cases 	<ul style="list-style-type: none"> Prepare master calendar Court calendar day 	<ul style="list-style-type: none"> Court session Pre-court preparation of calendars, notices of hearing, etc. Closing court room, delivery of files, update submitted list Check & update pending lists 	
Administration	14.50 5.9%	<ul style="list-style-type: none"> Personal contact with court Re court business 		<ul style="list-style-type: none"> Maintain statistical record & make monthly computations Bank deposit 			<ul style="list-style-type: none"> Personnel matters Order & maintain supplies for court
Miscellaneous	9.20 3.8%	<ul style="list-style-type: none"> Assist with general workload 	<ul style="list-style-type: none"> Review status of appeals pending 	<ul style="list-style-type: none"> Special assignments 	<ul style="list-style-type: none"> Review status of appeals pending 	<ul style="list-style-type: none"> Library maintenance 	
	244.90	40	37.60	39.00	29.30	34.00	37.50

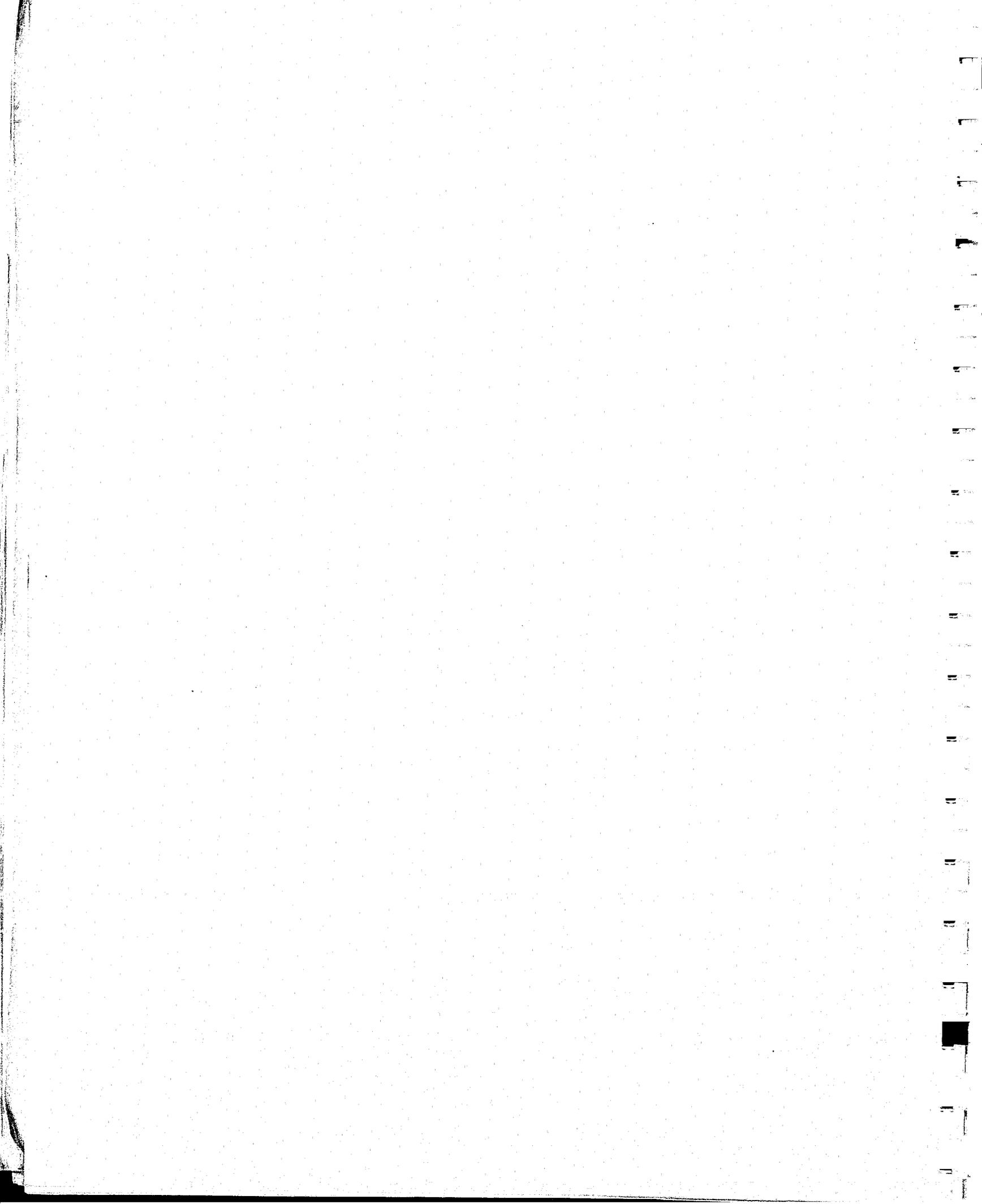


FIRST DISTRICT (Cont'd.)

2ND DISTRICT

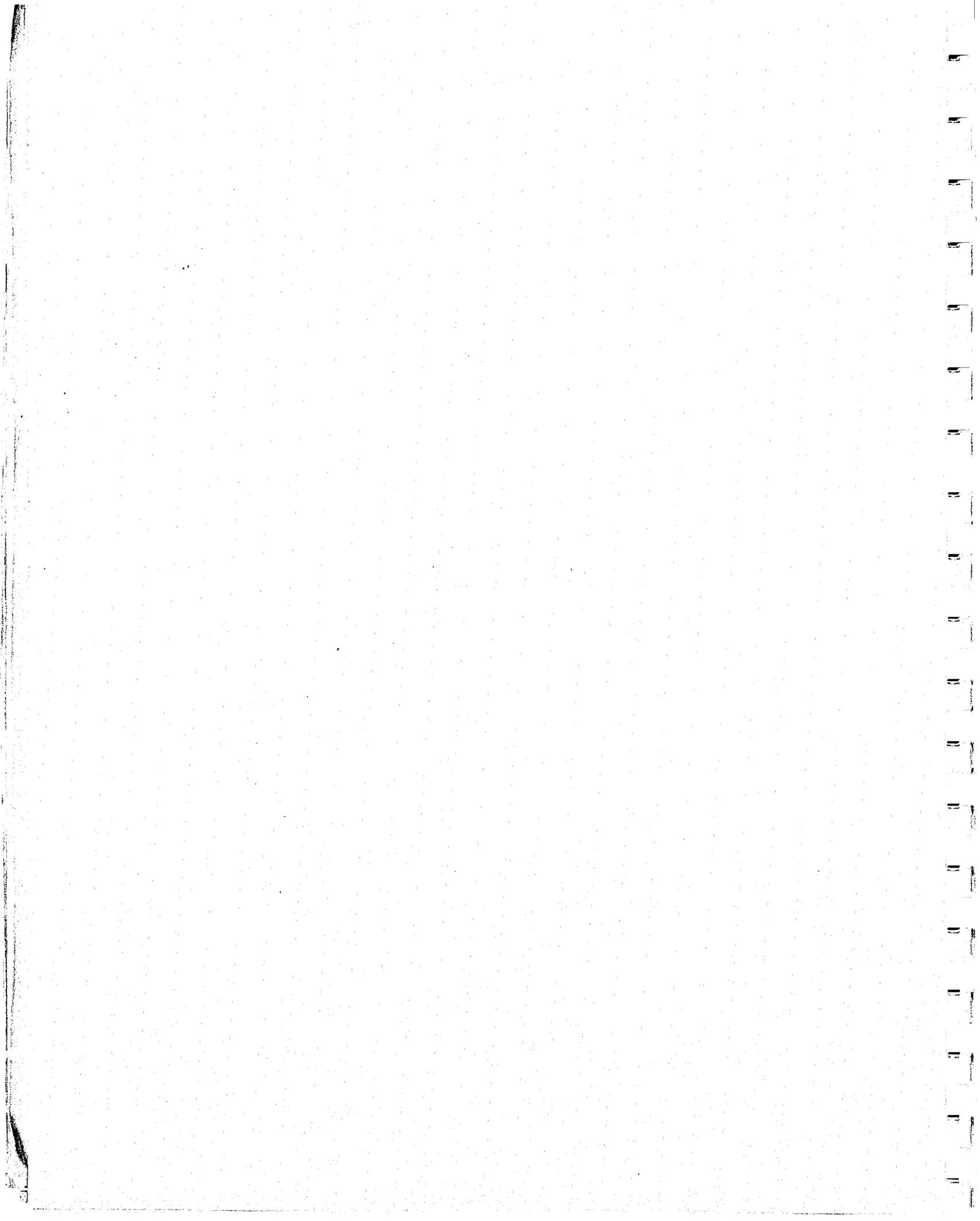
Activity	Elizabeth Marota Clerk Typist	Total Man-Hours	Clay Robbins Court Clerk *	Robert Wilson Chief Deputy Clerk	Jack Kavanagh Deputy Clerk	Howard Cunningham Deputy Clerk		
Document filing & Processing		73.15 17.9%		5.0 • Processing mail & filing documents • Assembling court records	3.0 .5	1.25 7.0 • Filing new cases • Processing different petitions applications & motions	1.5 3.5	
Record Keeping	• Type court minutes • Type index cards	7.5 5.0 23.00 5.6%	• Entries & summarization of various records	5.0				
Communications & Inquiries	• Type notices (17A, B, C) • Public Counter, and internal inquiries	12.5 2.5 88.58 21.8%	• Attorney inquiries, justice & research atty. inquiries, staff questions, correspondence, & review mail	6.5	• Phone inquiries Re procedure briefs, status of record, etc. • Calls to attorneys & other courts • Counter inquiries • Reading & answer correspondence	6.0 2.5 2.0 1.5 • Answering phone inquiries • Correspond with proprs • Correspondence to attorneys & other courts	2.5 1.5 1.0 4.0 2.5 6.5 • Processing mail and distributing to division • Obtaining counsel to accept court appointments and fee payments • Mailing notices	
Preparation & Review of Court Documents		51.25 12.6%	• Review of Court documentation	2.5	• Prepare orders & remittiturs • Processing opinions & orders	1.5 2.0 • Process opinions • Process & prepare orders • Subpoenas (one day/month)	3.0 2.5 2.0 • Extension of time & related orders processing • Processing opinions	3.0 3.5
Court Calendar & Assignment Tasks & Assistance		48.25 11.9%	• Assistance to justice of the court as needed	10.0	• Court session (once/month) • Personnel contact with justices • Review appeals pending prepare calendar & send notices (once/month)	7.0 3.5 2.0 • Conferring with justices and secretaries • Court session (once/month)	1.0 7.0 • Court session (once/month) • Contact with justices • Processing court calendar & associated notices • Checking ready cases, making lists compiling documents & briefs	8.0 2.5 2.0 7.5
Administration		39.50 9.7%	• Budgeting, accounting, printing requests, equipment ordering & supplies	5.0	• Statistical reporting (once/month) • Assisting & advising deputies	.5 6.0 • Assist junior deputies	2.0	
Miscellaneous	• Call director for court – non court clerk office hours (10)	– 83.00	• Office furniture moving, employee parking committee, preparation of speeches to Bar Assns., etc.	6.0	• Health benefits for processing and assistance • General • Special assignments as required	1.5 3.5 2.5 • Reading & research • General Office work • Move furniture, books, files (one day/month)	1.0 10.00 2.0	
		87.50 406.73		40.00	36.00	82.75	84.50	

* ACTIVITIES & RELATED HOURS HAVE BEEN ESTIMATED BY THE CONSULTANT TO COMPLETE ANALYSIS.



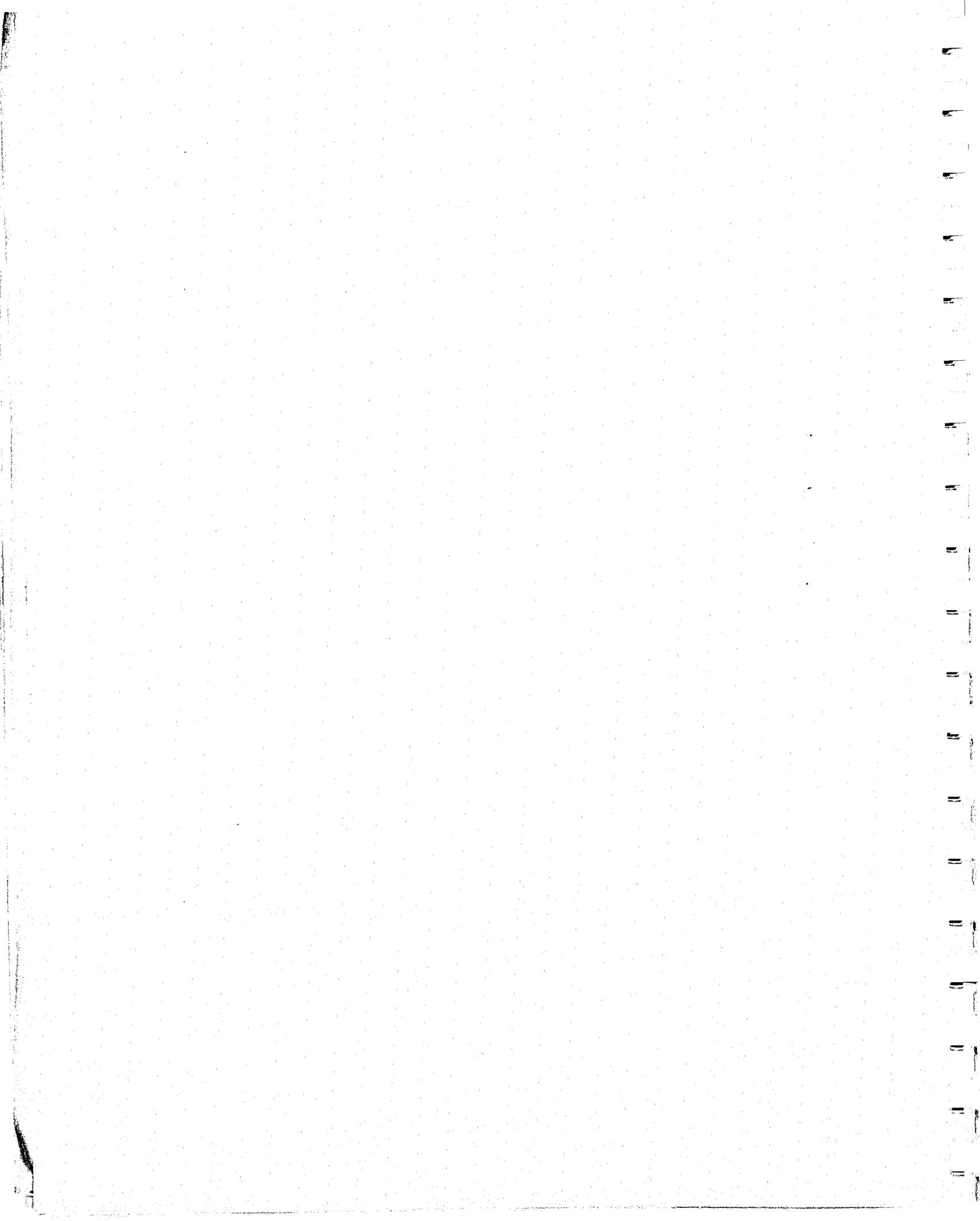
2ND DISTRICT (Cont'd.)

Activity	Harvey Reeves Deputy Clerk	Henry Lay Deputy Clerk	Gilbert Villanueva Deputy Clerk	Frank Stapleton Deputy Clerk	Robert Barrow Deputy Clerk	Lily Agajanian Accounting Technician	Dudley Stephenson Librarian
Document filing & Processing	<ul style="list-style-type: none"> Examine documents for rules compliance File records on appeal, briefs, motions, original proceedings, etc. Assemble appeal records 	<ul style="list-style-type: none"> Process mail making necessary register entries Filing new appeals Filing petitions and original proceedings Filing opinions of court 	<ul style="list-style-type: none"> Filing records on appeal, petitions, registering, indexing, manifold 	<ul style="list-style-type: none"> Filing & storing briefs Processing petitions Receiving documents to be filed at counter Filing Civ. & Crim. appeals Ordering S.C. files & exhib. File original proceedings 	<ul style="list-style-type: none"> Opening mail & filing related thereto 		
Record Keeping	<ul style="list-style-type: none"> Transcribe entries in register of actions, minutes, misc. registers, manifold 	<ul style="list-style-type: none"> Calendar & register entries (once/month) 		<ul style="list-style-type: none"> Record entries post court session 	<ul style="list-style-type: none"> Minute entries 	<ul style="list-style-type: none"> Type court minutes 	
Communications & Inquiries	<ul style="list-style-type: none"> Process mail Read, formulate & type correspondence Answer inquiries Re procedure & rules of court Phone attorneys, public, other courts 	<ul style="list-style-type: none"> Notify appellants of right to counsel Contacting counsel to represent indigents Answering phone inquiries Answering mail 	<ul style="list-style-type: none"> Assistance to Div. 2 deputy Public inquiries at counter Phone inquiries 	<ul style="list-style-type: none"> Answering pro pers mail Process regular mail Phone inquiries 	<ul style="list-style-type: none"> Deliver papers & pick up mail Mailing notices, etc. 17A & B (once/month) Answering inquiries by phone & mail Metering outgoing mail Phone attys. & other courts 	<ul style="list-style-type: none"> Letters transcribed & typed for clerk 	
Preparation & Review of Court Documents	<ul style="list-style-type: none"> Type orders & remitturs Process opinions & orders 	<ul style="list-style-type: none"> Type & issue remittiturs Processing of applications & motions Typing orders of appointment of counsel, fee payment, etc. 	<ul style="list-style-type: none"> Assistance to Div. 2 deputy 	<ul style="list-style-type: none"> Processing extensions of time Processing orders & opinions Type remittiturs Re 17A dismissal 	<ul style="list-style-type: none"> Processing opinions & orders Typing orders & remittiturs 		
Court Calendar & Assignment Tasks & Assistance	<ul style="list-style-type: none"> Review appeals pending for division as to current status (once/month) Type & copy monthly calendar & send notices Court session (once/month) Personal contact with court 	<ul style="list-style-type: none"> Daily visits to court for signatures, liaison Type court calendar & send notices Checking for cases to be calendared 	<ul style="list-style-type: none"> Assistance to Div. 2 deputy 	<ul style="list-style-type: none"> Conferring with presiding justice & associate justices Calendar notices (once month) Court session (twice/month) Make up jackets & civil assignment list (once/mo.) Deter. Crim. cases ready for hearing 			
Administration	<ul style="list-style-type: none"> Maintain statistical records & make monthly computation 	<ul style="list-style-type: none"> Compile & summarize statistics for monthly & quarterly reports (once/month) 	<ul style="list-style-type: none"> Assistance to accounting technician, incl. payroll, budgets, personnel matters, quarterly reports, maintain S.A.M. 		<ul style="list-style-type: none"> Receive training Compile statistical report (once/monthly) 	<ul style="list-style-type: none"> Stamp machine records Count daily cash & post Deposit cash receipts & post by month Make up claims schedules Quarterly trial balances Year-end trial balances Month-end postings 	
Miscellaneous		<ul style="list-style-type: none"> File shelf organization and different miscellaneous tasks 		<ul style="list-style-type: none"> Assistance to assigned division deputy 	<ul style="list-style-type: none"> Special assignments by clerk 	<ul style="list-style-type: none"> Order supplies Type printing & equip. estimates & postings Type all personnel documents & records Pass out paychecks in clerks office & court (once/month) 	<ul style="list-style-type: none"> Perform all library tasks—receipt, cataloging, storing, controlling, ordering, disposal of books & periodicals
	36.25	45.25	40.00	36.48	38.00	27.50	40.



3RD DISTRICT

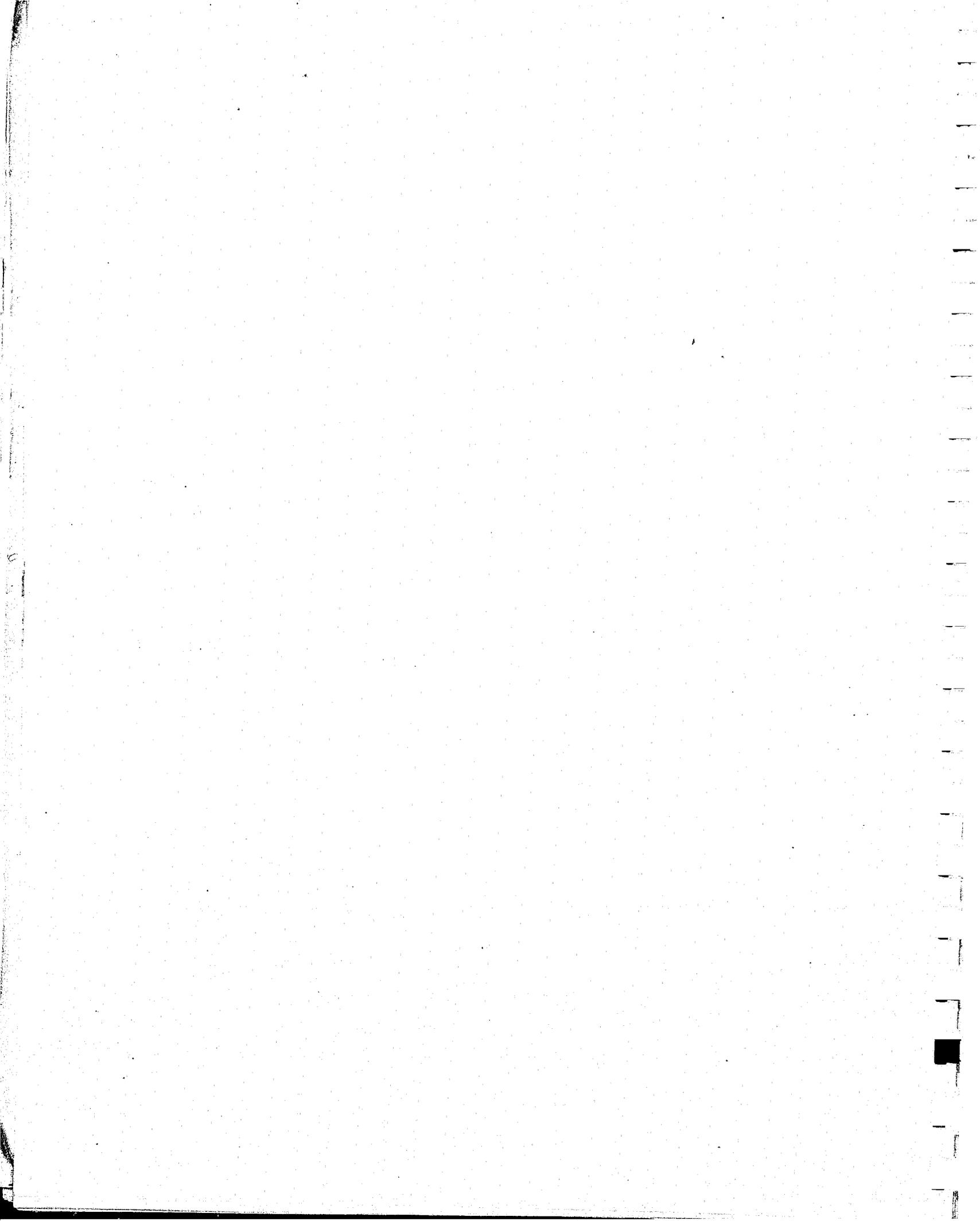
Activity	Total Man-hours	Wilfred Kramer Court Clerk	Mary Louise King Deputy Clerk	Tom Allen Bailliff	Dorothy Wert Secretary
Document filing & Processing	38 23.75%	• File briefs & transcripts	6 • File Civ. & Crim. appeals • File applications for writs • File briefs	10 • Jacketing • Processing of criminal cases & briefs • File petitions for Habeas Corpus	13 • File briefs • File petitions for writs • File criminal appeal transcripts • Occasionally file civil transcripts
Record Keeping	23 14.38%		• Type Supreme Court manifold	5 • Lodging exhibits & sending receipts	7 • Type minutes • Maintain records on petition for hearing in Supreme Court
Communications & Inquiries	37 23.13%	• Mail & correspondence • Answer inquiries • Appointment of Counsel	12 • Contact County Clerks and prison officials for research attorneys. • Appointment of counsel • Phone • Follow-up with County Clerks re transcript submittal	5 • Send out notices – 10A, 17A & B • Type misc. letters • Stamp mail	10 • Take dictation & type correspondence • Contact county clerks and prison officials for research attorneys • Notice to Counsel of default • Phone
Preparation & Review of Court Documents	26 16.25%	• Process extensions of time • Process opinions • Draft minute orders • Draft alternative writs	13 • Process opinions • Check & Issue remittiturs • Prepare minute orders & orders to show cause	5	8 • Process extensions of time • Process opinions • Type remittiturs • Type minute orders • Type appointment of council forms
Court Calendar & Assignment Tasks & Assistance	17 10.62%	• Prepare calendar	5 • Assist in preparation of calendar • In absence of clerk, sits in court session.	5 • Type & Mail calendar questionnaires • Court session	7
Administration	16 10.00%	• Manage office • Budgets • Personnel • Judicial council reports	4 • Prepare all personnel papers • Prepare claim schedules • Prepare attendance reports • Maintain leave records • Order supplies	10	2 • Processing claims schedules • Maintains S.A.M. • Maintains controller's manual • Maintains personnel manual • Maintains health benefits manual • Prepares mthly. treas. report • Log in legal books
Miscellaneous	3 1.87%			• Library Maintenance	3
	160		40	40	40



4TH DISTRICT – SAN BERNARDINO

Activity	Total Man-Hours	John McDowell Court Clerk*	Robert Ford Deputy Clerk	Mary Sather Judicial Secretary	Ronald Albiston Deputy Clerk
Document filing & Processing	16.00 10.7%		• Screening new civil records filed 5.0		• Process all mail Re civil & criminal matters • Filing documents in proper case file 1.0
Record Keeping	30.25 20.2%			• Maintain entries from manifold & minutes in register, 30 day book, cases pending list, status lists. • Type & file index cards 1.0	• Maintain dead record storage • Prepare records for shipment to archives (once/year) 2.0 • Type manifold 7.5
Communications & Inquiries	44.50 29.7%	• Phone calls related to administration & inquiries • Processing mail 11.25	• Answering correspondence • Phone, counter, internal inquiries 10.5	• Notices typing • Type & assemble outgoing mail & deliver to post office • Take dictation & type letters & memos • Phone & counter inquiries • Type minutes 2.0 2.5	• Prepare records for mailing to Supreme Court • Return exhibits to Superior Court • Phone & counter inquiries • Receive & distribute mail 1.0 5.0 3.5 .5 4.0
Preparation & Review of Court Documents	29.00 19.3%	• Proofread opinions 1.5	• Formulate, type minute orders as directed by court • Processing opinions 15.0	• Type minutes 6.0	• Process opinions & remittitur • Type court orders 4.0
Court Calendar & Assignment Tasks & Assistance	3.00 2.0%	• Confer with justices 2.5	• Court session & related record entries • Calendar typing 1.0	2.0	• Complete information & type calendar with summaries • Minute order and notices RE court, session • Assist Justices & researchers 1.25 1.33 .5
Administration	19.00 12.7%	• Staff meetings • Office supervision • Office supervision & meeting with justices in San Diego (once/month) 1.6	• Supervises day-to-day work in clerks office • Compile statistical report monthly • Prepare monthly financial report • Certify justice warrants 1.25 3.75 6.5	• Receive supplies & books update reference books 5.0 .6 .2 .1	• Prepare monthly report of financial deposits • Prepare bank deposits and bank • Receive court supplies & books • Help supervise judicial sec. .5 .75 .25 .30
Miscellaneous	8.00 5.3%	• General • Visit San Diego office (1/month) • Travel to San Diego (once/month) .6	• Compile information Re enlargement of court • Assist clerk of court as directed 7.5 2.5	.1 5	
	149.75	38.25	36.00	40.00	35.50

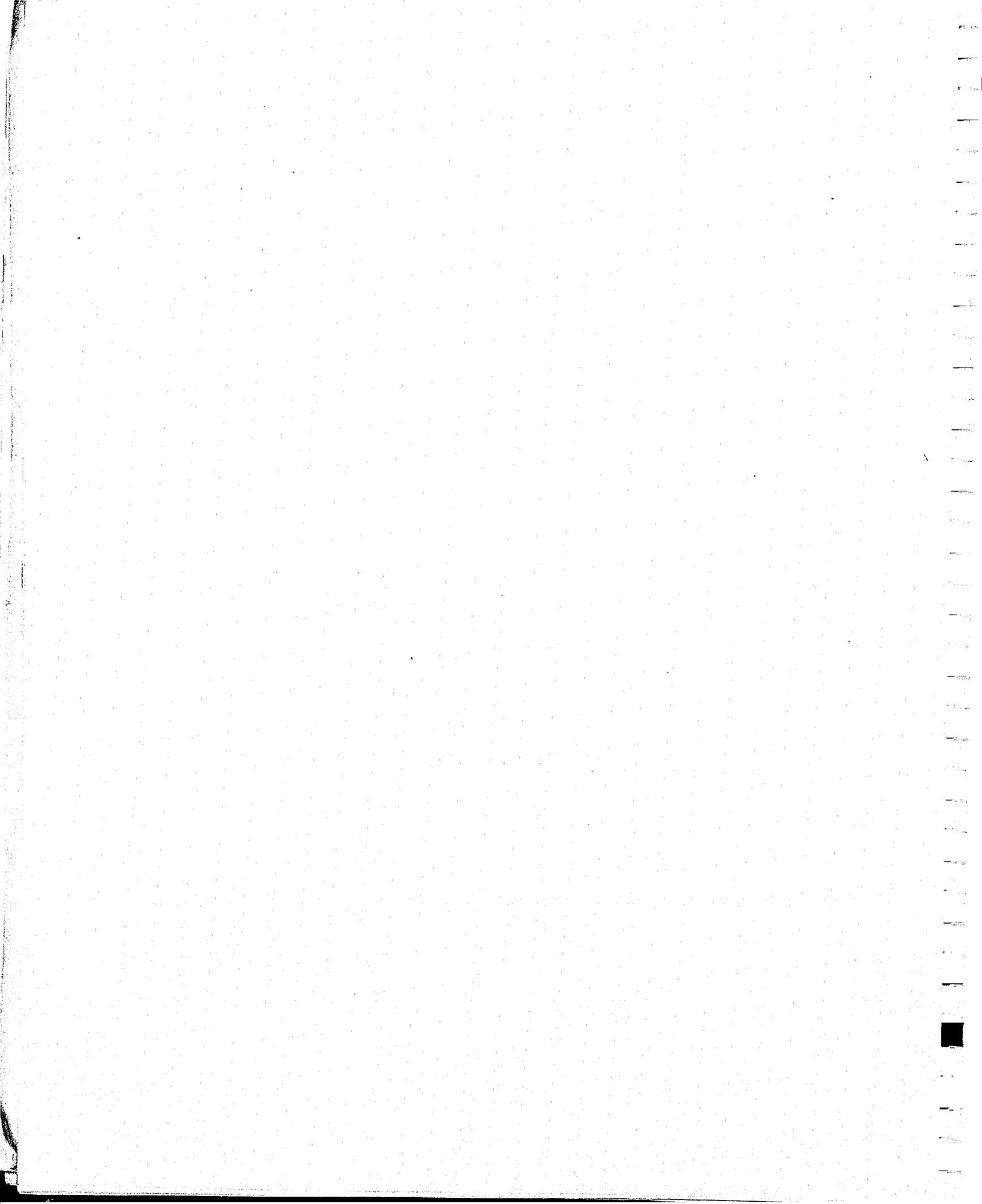
* THE TASK LIST DATA SUPPLIED BY THE COURT CLERK REQUIRED THE CONSULTANT TO MAKE TIME PROJECTIONS FOR TASKS DELINEATED.



4TH DISTRICT – SAN DIEGO

5th DISTRICT

Activity	Total Man-hours	Richard Smith Deputy Clerk		Ervin Tuszynski Deputy Clerk		Ed Peterson Judicial Secretary		Activity	Total Man-Hours	James Huggins Court Clerk		Elizabeth Pliske Deputy Clerk	
Document filing & Processing	10.5 8.3%			• File records, original proceedings, motions, applications, petitions.	10.0	• Pick up & return of exhibits.	.5	Document filing & Processing	5.00 8.5%	• Assign numbers to each new appeal as received • Place files on dead shelf after opinions issued	2.0 2.0	• Check new cases for certificates, correctness	1.0
Record Keeping	27.5 21.8%	• Manifold & minute entries	5.0			• Entries in register, typing index cards • Minute & manifold entries – type	20.0 2.5	Record Keeping	11.50 19.6%	• Register entries	1.0	• Type manifold • Enter orders & opinions in minutes • Make up & mail receipts for fees paid • Make remittitur book entries • Type index cards • Type submission lists	2.0 3.0 1.0 2.0 2.0 .5
Communications & Inquiries	43.5 34.5%	• Correspondence with incarcerated persons Re. cases • Public counter & phone inquiries	3.0 3.0	• Process mail – briefs, extensions of time, correspondence & court orders. Monitor & prepare calendar • Process notices on rule 17A & B	25.0 4.0	• Phone inquiries • Counter inquiries & processing documents	5.0 2.5	Communications & Inquiries	13.00 14.00 22.17%	• Receive & segregate mail • Ship cases to Supreme Court	5.0 1.0	• Answer correspondence • Type & mail 17A & B notices • Notify counsel Re decision on motions (1/mo.) • Notices Re time exten's. • Notices repetitions	3.0 1.5 1.0 1.5 1.0
Preparation & Review of Court Documents	20.0 15.8%	• Type court orders as directed	8.0	• Check, type & issue remittiturs	2.5	• Calendaring & notices typing • Processing opinions • Type remittiturs	2.5 2.0 5.0	Preparation & Review of Court Documents	12.50 21.3%	• Processing & mailing of opinions	2.0	• Type orders as directed • Processing & mailing of opinions • Check case records for statistical purposes • Type & issue remittiturs	5.0 3.0 .5 2.0
Court Calendar & Assignment Tasks & Assistance	10.0 7.9%	• Contact with justices for signature, etc. • Court session (once/mo.)	10.0 7.0					Court Calendar & Assignment Tasks & Assistance	3.50 12.50 5.9%	• File preparation for en banc meetings, court & after court place on waiting shelf • Court sessions (2/mos.) • Prepare for court session	2.0 2.0 1.0	• Confer with presiding justice Re orders & obtaining signatures • Type calendar as directed by court (once/month) • Type calendar for use in court (Once/month)	1.5 3.0 3.0
Administration	14.5 11.5%	• Judicial council reporting • Fees collected report (once/month) • Attendance report (once/month) • Office supervision • Admin. control for justices, research attor's. & clerks	5.0 1.0 .5 5.0 2.0	• Process deposit slips	.5	• Receiving library books and stock	2.0	Administration	6.15 8.65 10.5%	• Make bank deposit weekly • Order supplies – stores • Buy supplies locally • Payroll & attendance record keeping • Physical inventory (1/yr.)	1.0 1.0 3.0 1.0 .5	• Make up bank deposit • Compile statistical report (once/month)	.15 2.0 .5
Miscellaneous	– 11.9%	• Attorney Admissions (once/6 months) • Health benefits assistance (once a year)	3.0 3.0					Miscellaneous	7.00 7.25 11.9%	• Place supplements in back of codes (West, Deering, etc.) • Place supplements in Calif. Admin. code • Pack briefs (inactive) to ship to law libraries • Make arrangements for swearing in new attor.(1/yr.)	1.0 2.0 4.0 .25		
	126.00		42.0		42.0		42.0		58.65		28.0		20.65



D. JOB SPECIFICATIONS AND TASKS

As part of the data gathering process, each Court Clerk was requested to provide any available job specifications and/or task descriptions for the personnel in his office. The documentation provided from the Second and Fourth Districts is described further in this section. The only job or task descriptions in the First, Third and Fifth Appellate Districts were those developed as justification for the recent personnel reclassifications. Task lists were developed as part of the data gathering process for all districts, and are included in the original working papers.

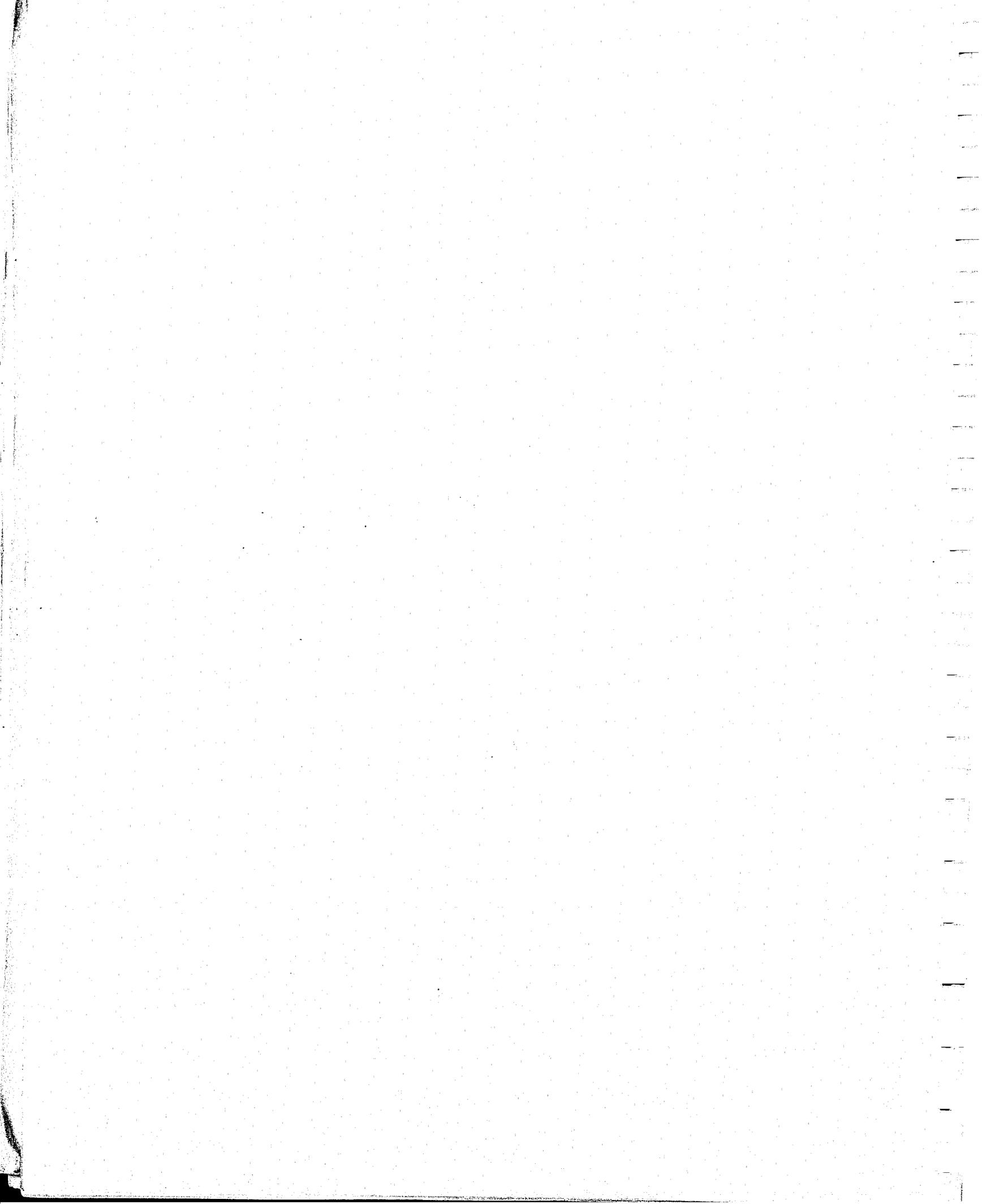
In terms of classification, compensation, and performance evaluation, it is sound personnel management practice to maintain up-to-date job descriptions for each Court Clerk staff member. This is meaningful from an individual Court district's standpoint as well as from the standpoint of the State of California as employer. Further evaluation is warranted. Inasmuch as the Courts of Appeal is a major level of the court system of California, the personnel management practices for the five Court districts should be uniform.

Second District

The Court Clerk had on file a Job Description Card (Form 651, State Personnel Board) which was prepared by John Shenk, a Deputy Clerk, in December 1947. However, the Task Description prepared and the work distribution analysis completed as part of this study indicate that the information prepared twenty-two years ago is not reliable. Some of the modifiers considered include the increased volume of the workload, changes in the Rules of Court and district and division procedural peculiarities and changes. The Court Clerk also provided a copy of a duties description for the Court Clerk which was an undated, incomplete and informal statement.

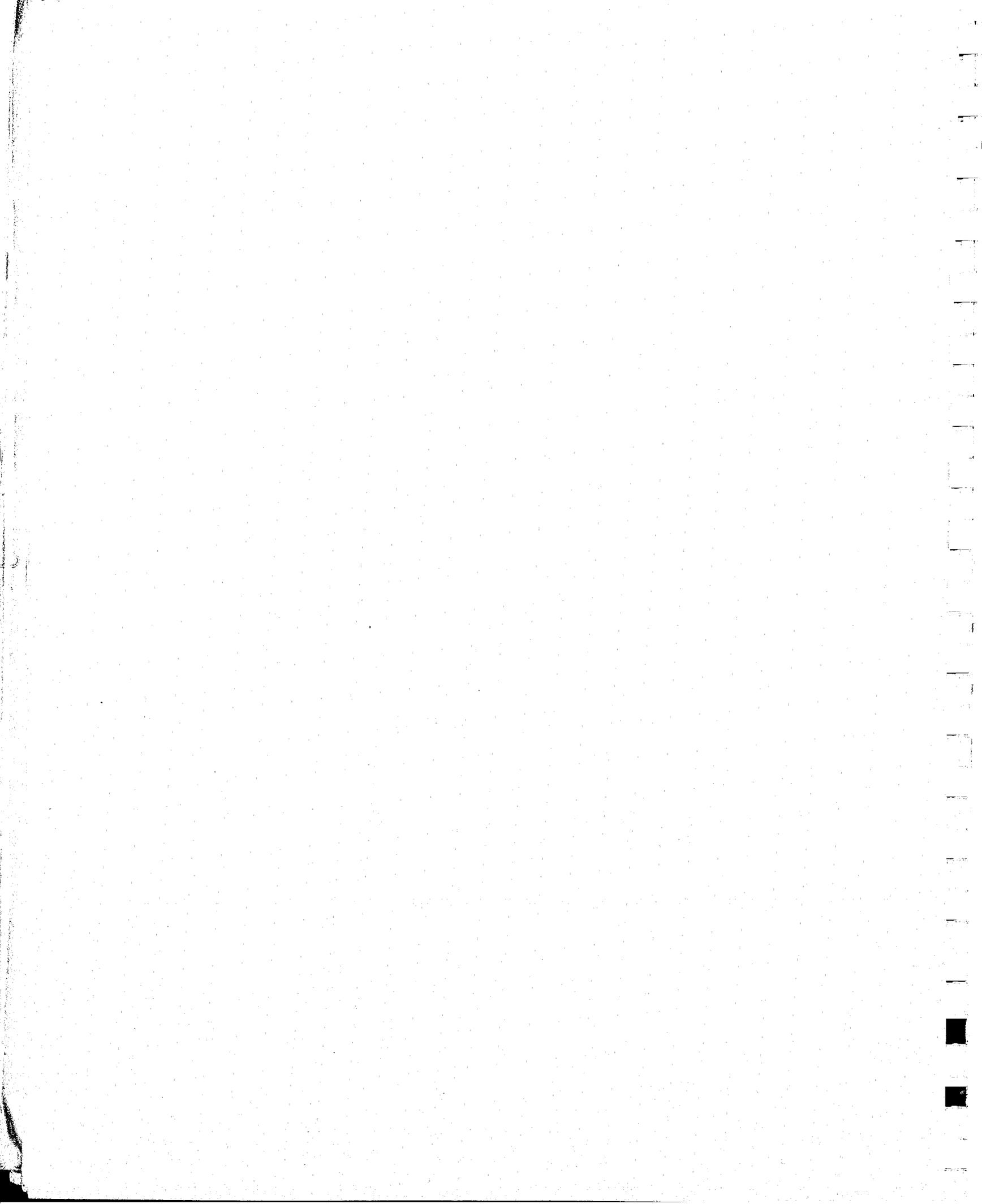
Fourth District

At the time of the data gathering in this district, the Court Clerk was preparing duties lists or descriptions for each class of position in his office (both for San Bernardino and San Diego). The Clerk was requested to do this by the Presiding Justice of the First Division, San Diego. This evolved from questions raised shortly



before concerning the division of responsibility and assignments of work with the Clerk's office in San Diego. Copies of the duties descriptions are included in the original working papers.

This reaction to a problem situation may provide a satisfactory, immediate solution. However, there is a need for a uniform, viable job specification and task description system for each Court Clerk's office.



E. ORGANIZATIONAL RELATIONSHIPS

Operating procedures and recordkeeping in the Court Clerks' offices cannot be assessed completely without consideration of the organization and staffing structure and relationships of these offices.

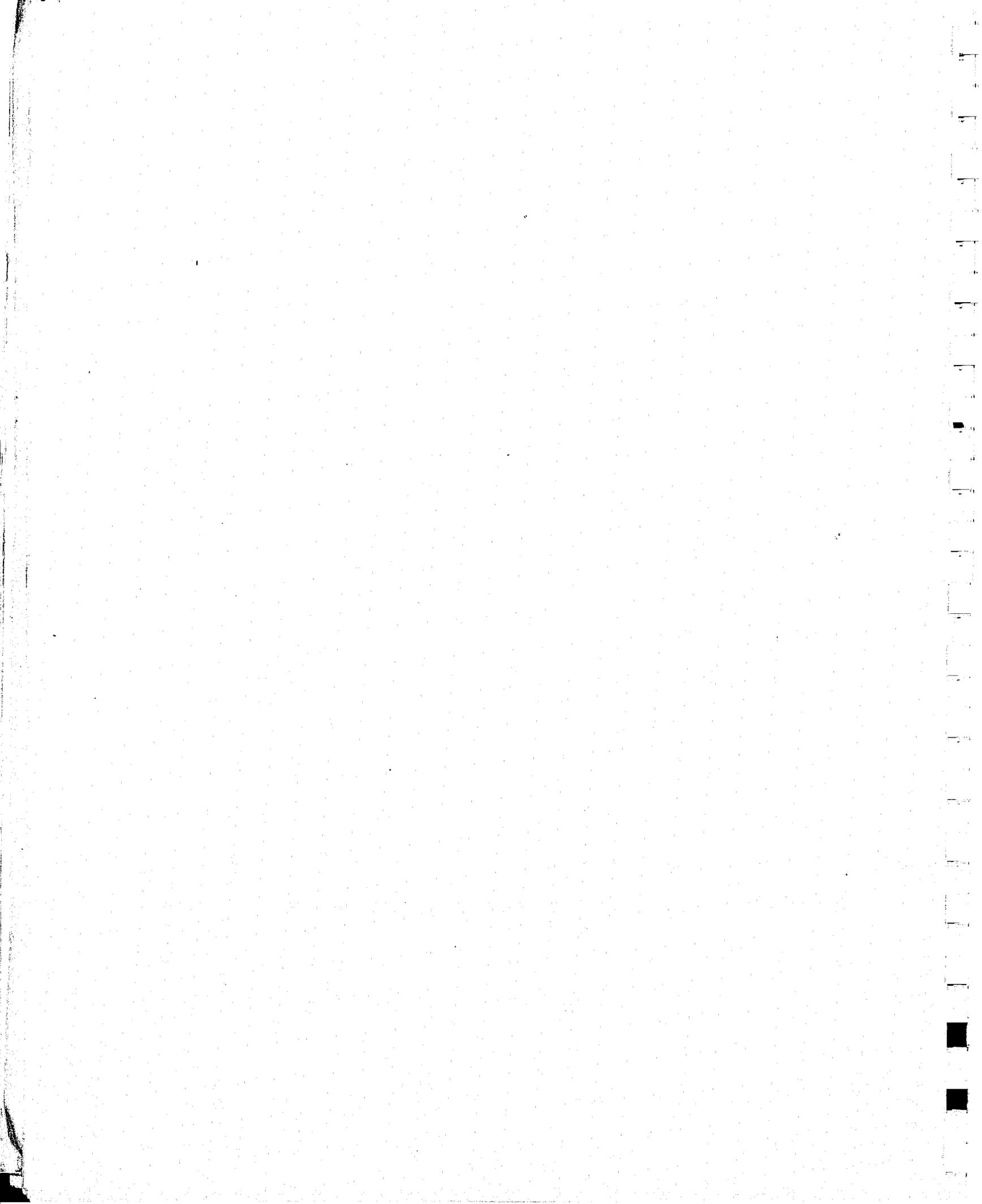
Organization and Staffing Structure

The organization charts in this section show the structure of the Court Clerk's offices in the five districts of the Courts of Appeal. No two offices have the same organization and staffing pattern. The differences tend to derive from the number of divisions and justices in each district as affected by the district caseload. The offices in Sacramento, Fresno, San Bernardino and San Diego each serve one division of the court. The office in San Francisco serves four divisions and the office in Los Angeles serves five divisions.

Considering the functional similarities among the five districts attention is drawn to the differences in staffing composition in the five districts. This is depicted below.

STAFFING COMPOSITION IN COURT CLERKS' OFFICES (1)						
POSITION CLASSIFICATION	DISTRICTS USING & NUMBER EMPLOYED					
	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	TOTAL
- Court Clerk	1	1	1	1	1	5
- Chief Deputy Clerk	1	1	-	-	-	2
- Deputy Clerk	3	7	1	4	1	16
- Judicial Secretary	-	-	1	2	-	3
- Clerk Stenographer	1	-	-	-	-	1
- Clerk Typist	1	-	-	-	-	1
- Accounting Technician	-	1	-	-	-	1
- Librarian	-	1	-	-	-	1
- Bailiff	-	-	1	-	-	1
TOTAL STAFF	7	11	4	7	2	31

(1) Secretaries to the judges, and law researchers are responsible to their judge for performance and attendance, although the clerk signs the payroll attendance forms. These positions are not included in this survey.



Determination of the rationale for the utilization of specific classes in each district extends beyond the scope of this study. However, we believe that in terms of overall effectiveness and efficiency in the Court Clerks' operations, this is an area which merits further evaluation by the Administrative Officer of the Courts in conjunction with each of the Court Clerks. Organization of the administrative functions need to be assessed fully and clarified in the interest of good management practices.

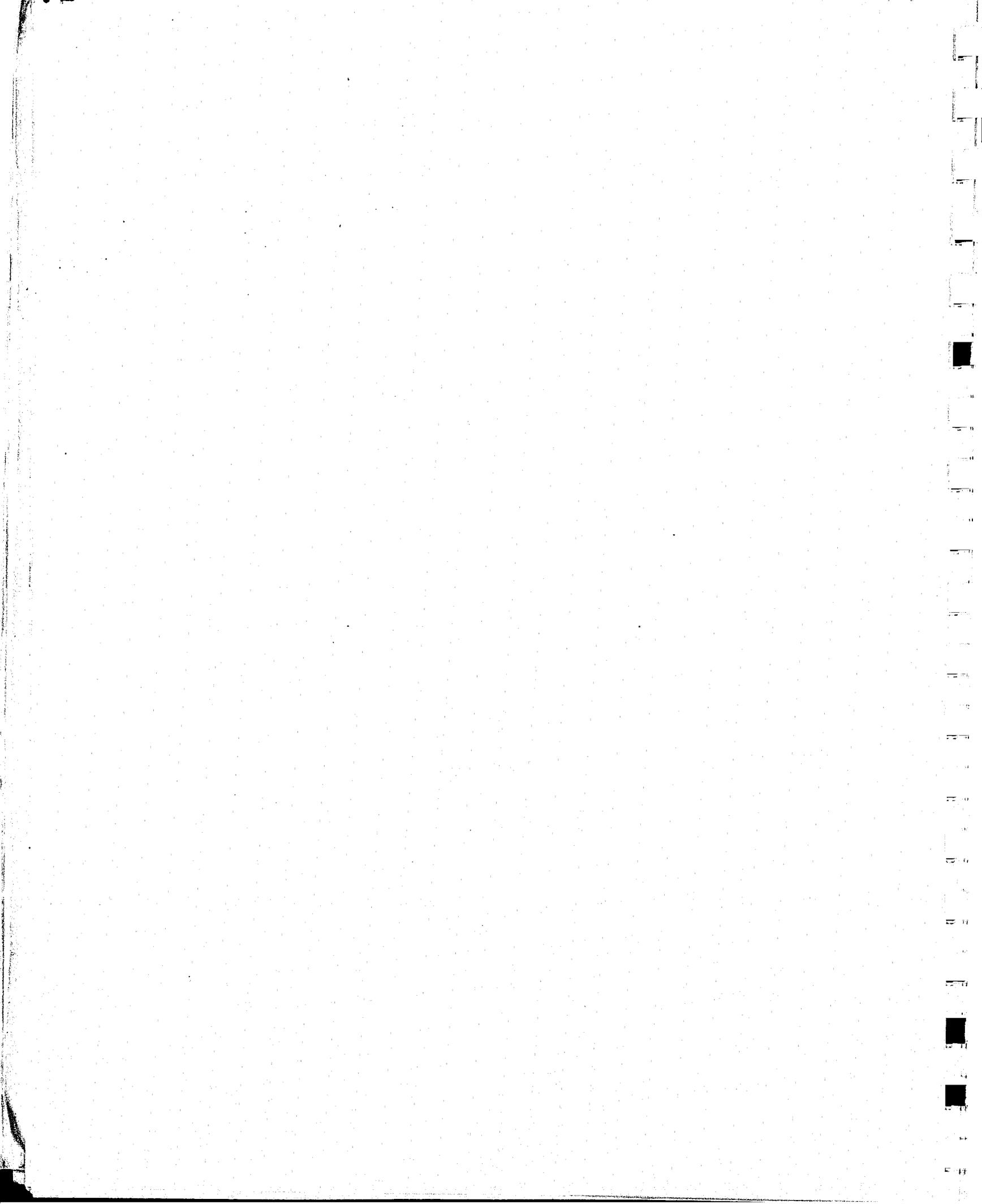
Our observation of organizational relationships was necessarily limited. However, it appears that good working relationships exist between each of the Court Clerks and their respective Court justices and staff. Inter-district and inter-court system relationships are conducted for the most part on an informal basis. During the interviews in each of the districts, the Court Clerk and/or members of his staff alluded to or specifically identified the independent or autonomous characteristic of each district office. Above all, loss of autonomy in planning and control for the five districts seemed to be of utmost concern.

The ramifications of the present mode of organization are as follows:

1. Differences, and in some cases, inequities, in service to the public and court;
2. Operational inefficiencies, i.e. excess printing costs, misapplication of assigned floor space, performance of unnecessary steps in the file processing and record keeping activities, etc.;
3. Overall managerial ineffectiveness in terms of the Court of Appeal being a single entity in the California justice system.

Attempts were made to define the rationale for adhering to this independent approach in each of the Court Clerk offices. The most significant single reason given was that the Court Clerk was responding to the needs and desires of the Presiding Justice(s) and Associate Justices. Inasmuch as the Court Clerk is appointed by the Court and he retains his position by fulfilling the needs of the Court as perceived by the Presiding Justice(s), this reasoning is understandable.

However, in terms of achieving the most effective and efficient management and operation of the Court Clerk offices throughout the Courts of Appeal (a single entity in the California justice

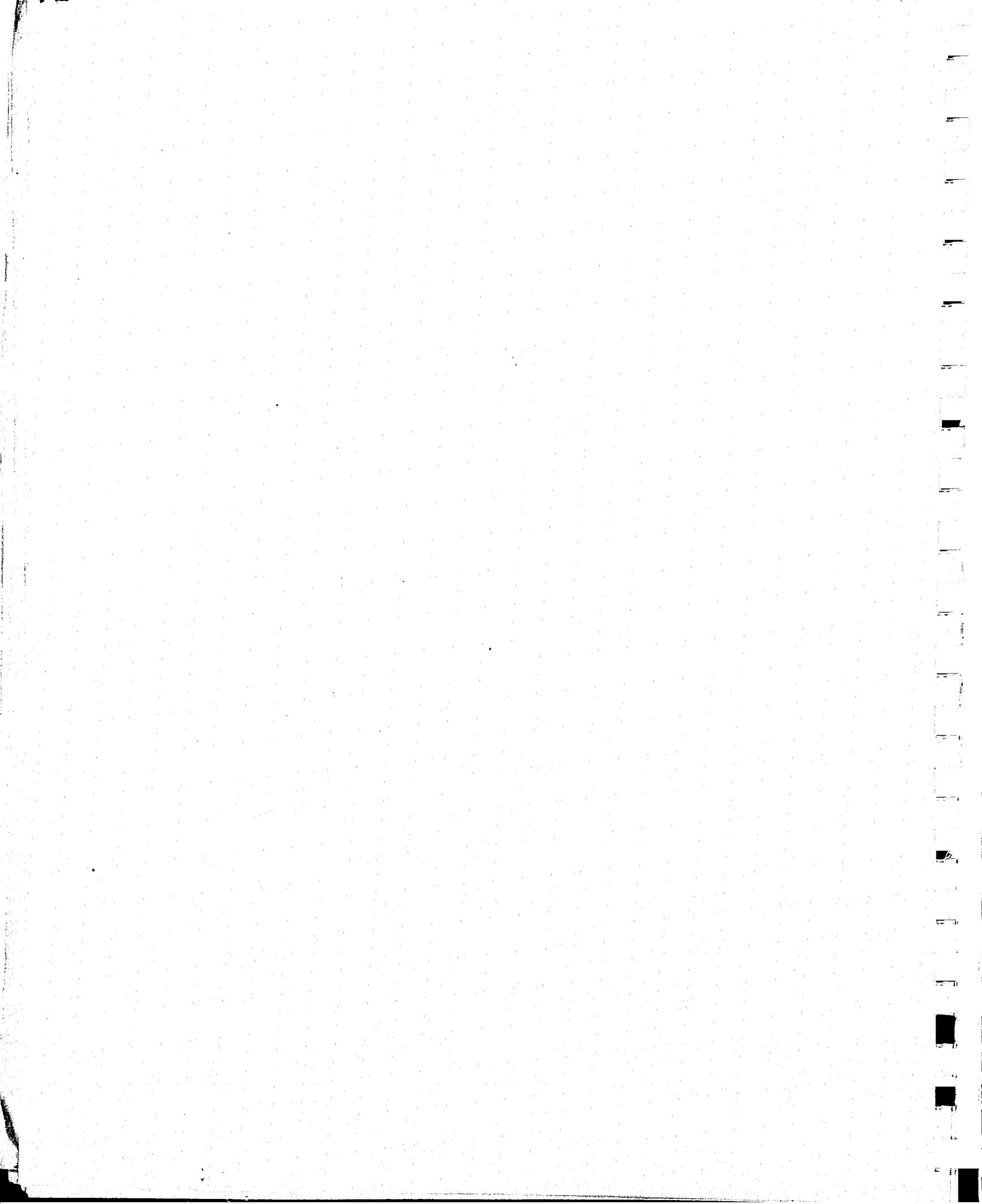


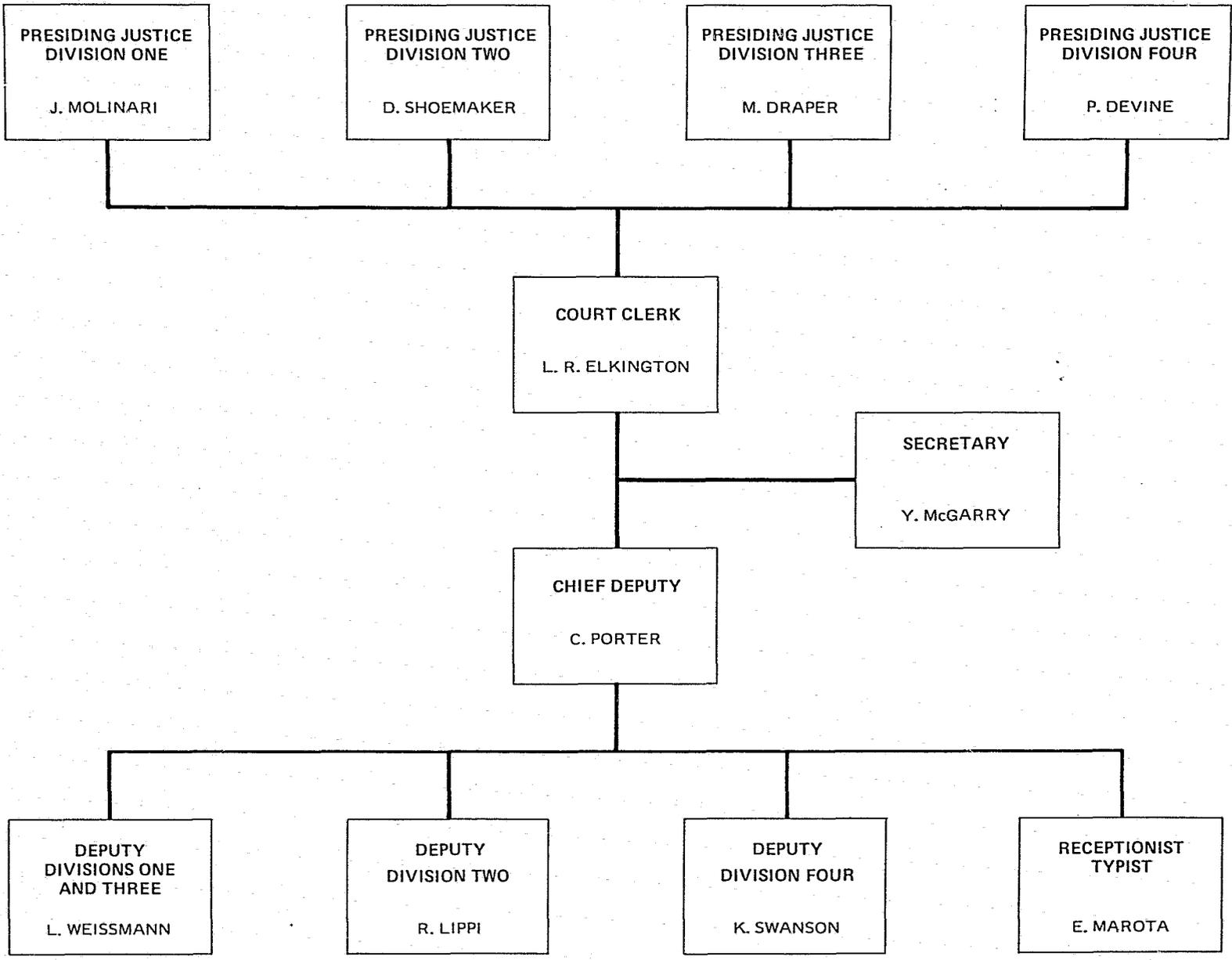
system), this reasoning is difficult to accept. The underlying problem is that of independent thinking and judgment. The justice in fulfilling his judicial duties must of necessity ultimately arrive at a decision on a case independent of other justices. This is a hallmark of the appellate judicial process. Transferring this approach to the administration of the Court and the clerk functions (as several sources suggest is the case) has, for example, propagated multiple modes of operation in the different districts of the Court. This situation is counter to the philosophy of equity and uniformity on the judicial process.

Another characteristic of the organization structure that is more related to the assessment of the Court Clerk operating procedures is the appointment and utilization of the Chief Deputy Clerk in the First and Second Districts. In the First District, the Chief Deputy Clerk functions as operations supervisor. He does not have Division responsibility and can back up any of the Deputies, if needed. He assumes the responsibilities of the Clerk in his absence and generally performs as expected of this position.

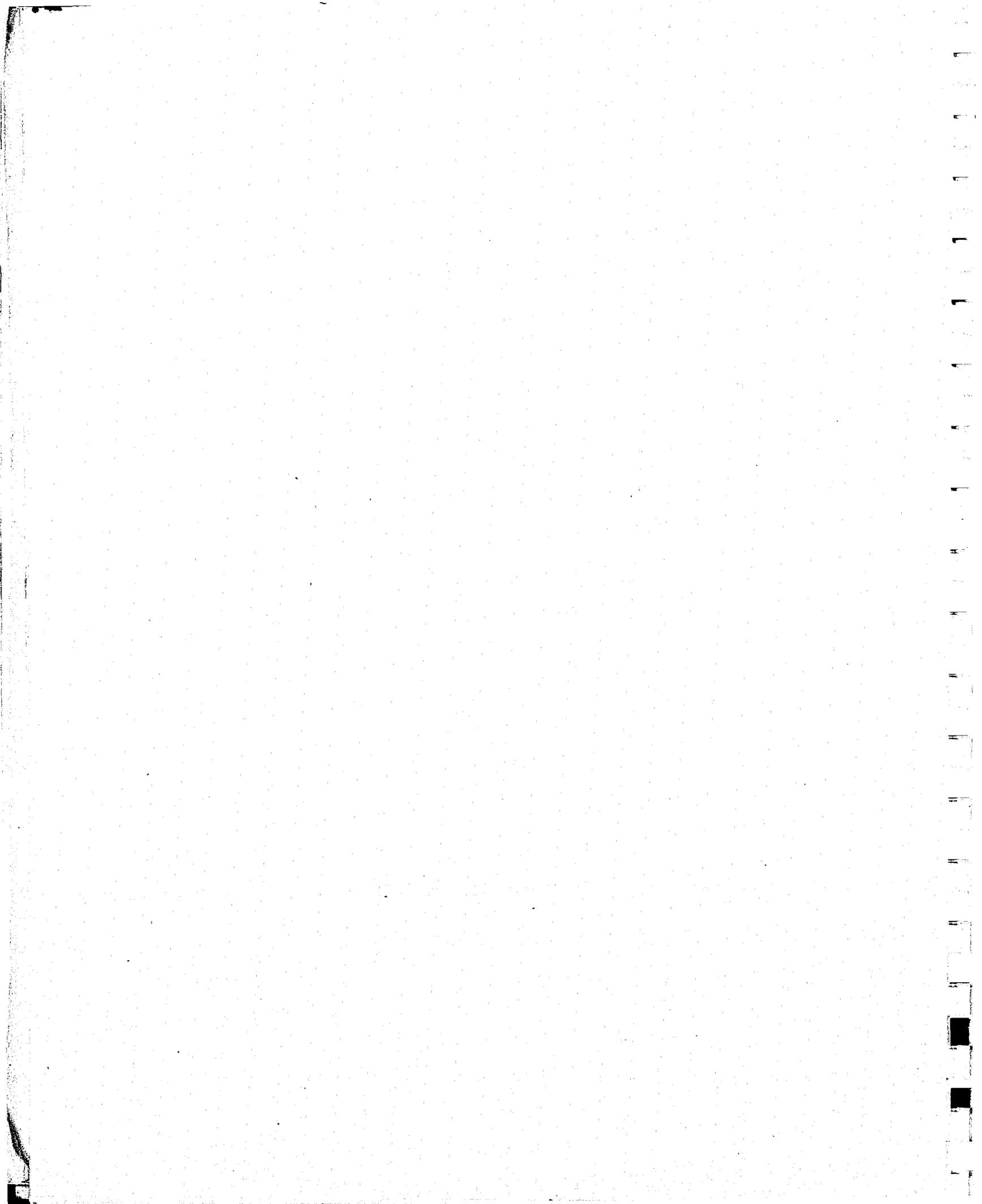
In the Second District it would seem that the Chief Deputy Clerk should function as an operations supervisor assuming responsibility for day-to-day administrative matters. However, the authority to fulfill such a role has not been relinquished by the Court Clerk. Accordingly, the charted hierarchy purports operational and reporting relationships among the different members of the staff which in actual practice do not exist. The Chief Deputy Clerk essentially performs the functions performed by each of the Deputies. From observation and interviewing during several different visits to the office, this lack of distinction is pronounced. If this situation were corrected it would permit the Court Clerk to assume a more strategic role in terms of overall operational review and planning.

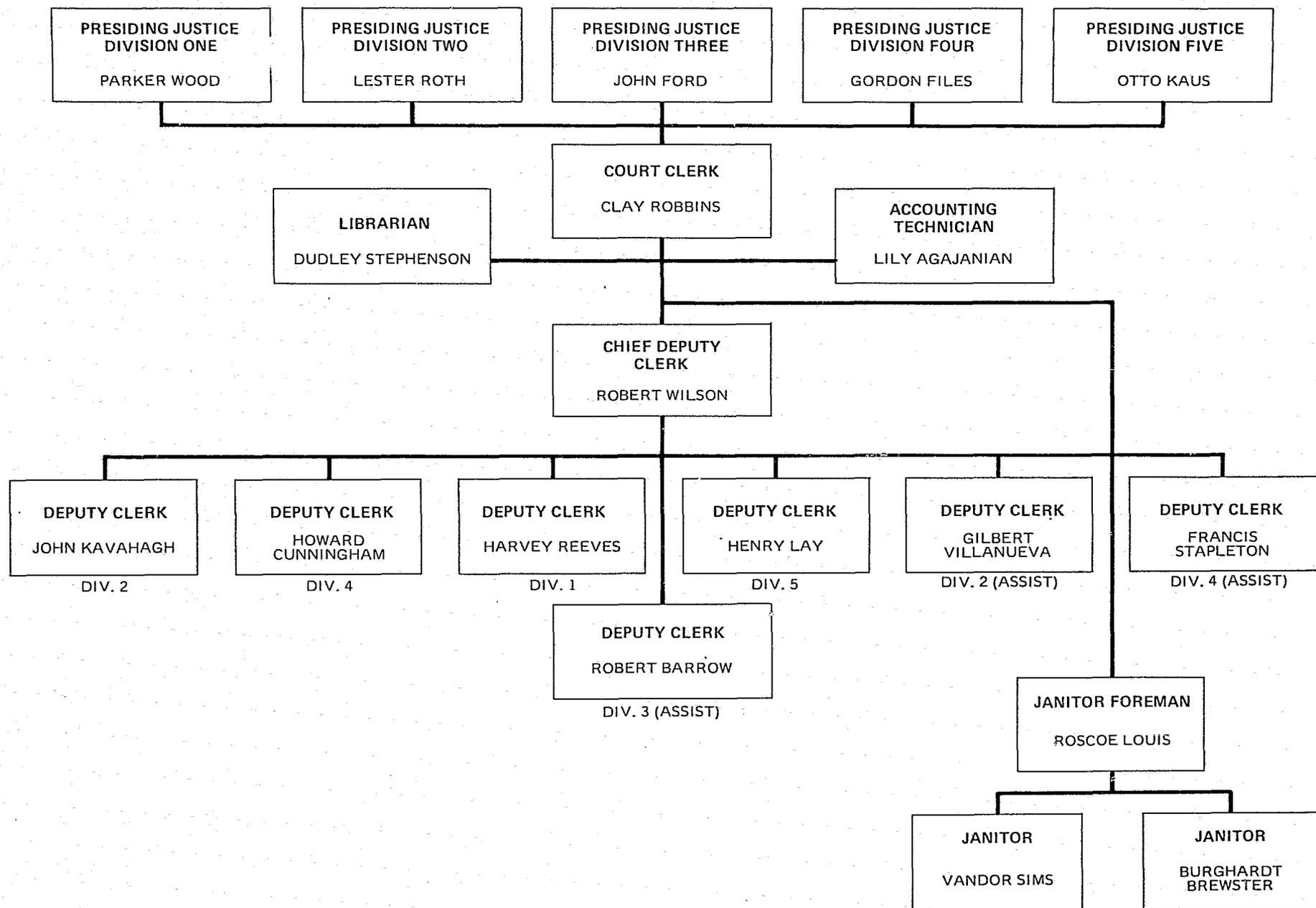
For easy comparison, you will find organization charts on each of the five appellate districts immediately following this page.



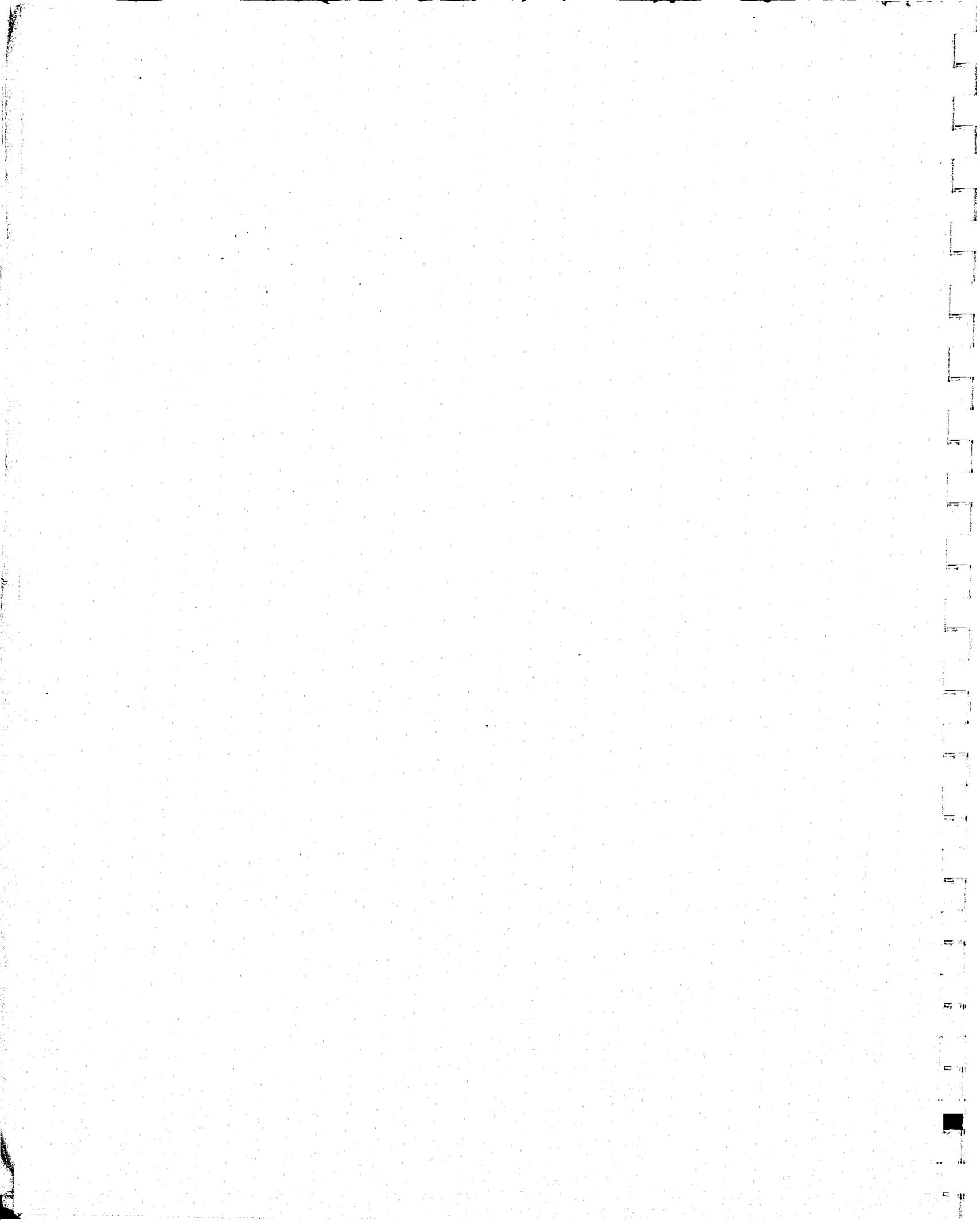


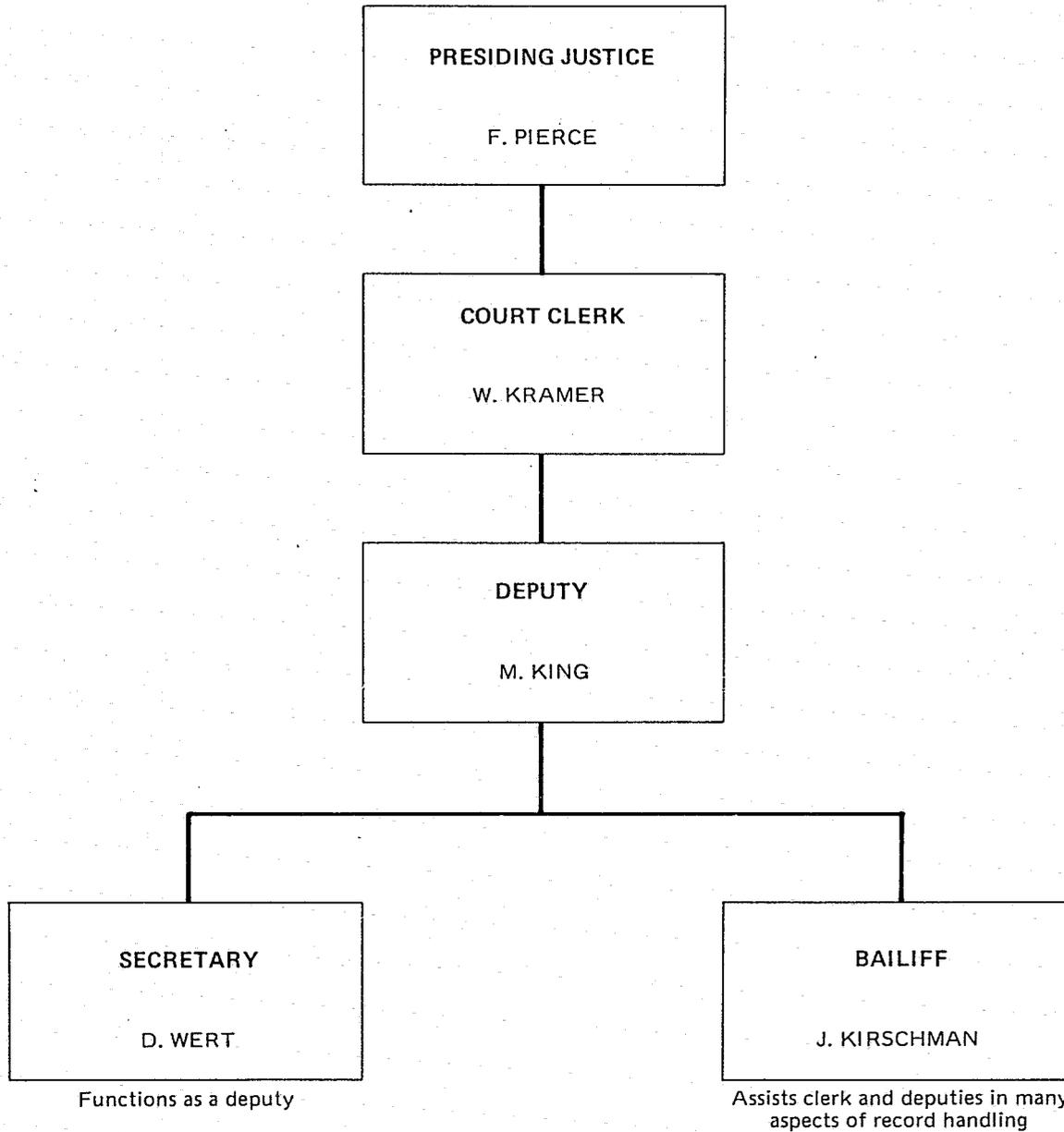
FIRST APPELLATE DISTRICT — San Francisco



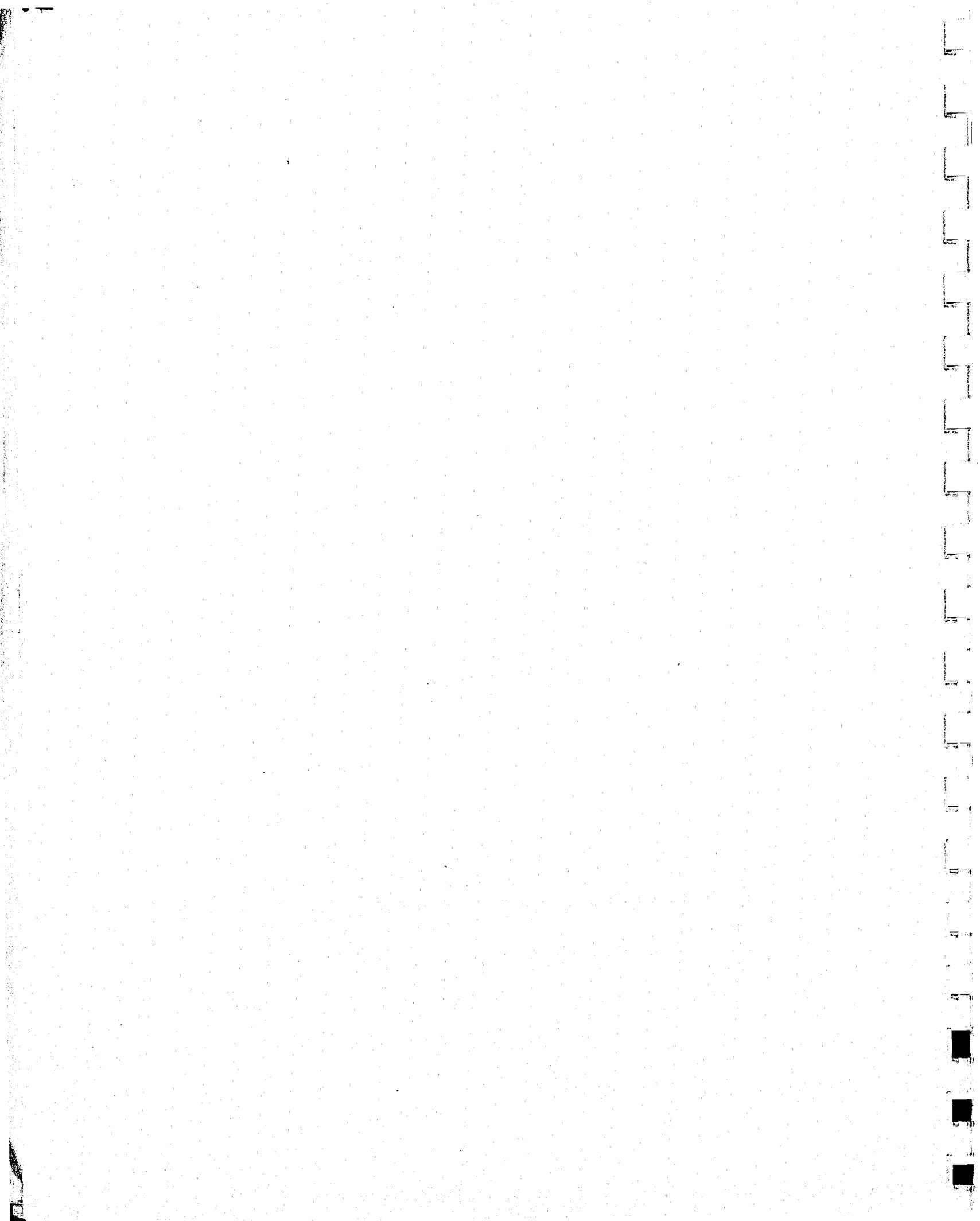


SECOND APPELLATE DISTRICT – Los Angeles





THIRD APPELLATE DISTRICT — Sacramento



SAN DIEGO

SAN BERNARDINO

**PRESIDING JUSTICE
DIVISION ONE**

GERALD BROWN

**PRESIDING JUSTICE
DIVISION TWO**

HILTON McCABE

COURT CLERK

JOHN McDOWELL

DEPUTY CLERK

DICK SMITH

DEPUTY CLERK

ERVIN TUSZYNSKI

**JUDICIAL
SECRETARY**

ED PETERSON

DEPUTY CLERK

ROBERT FORD

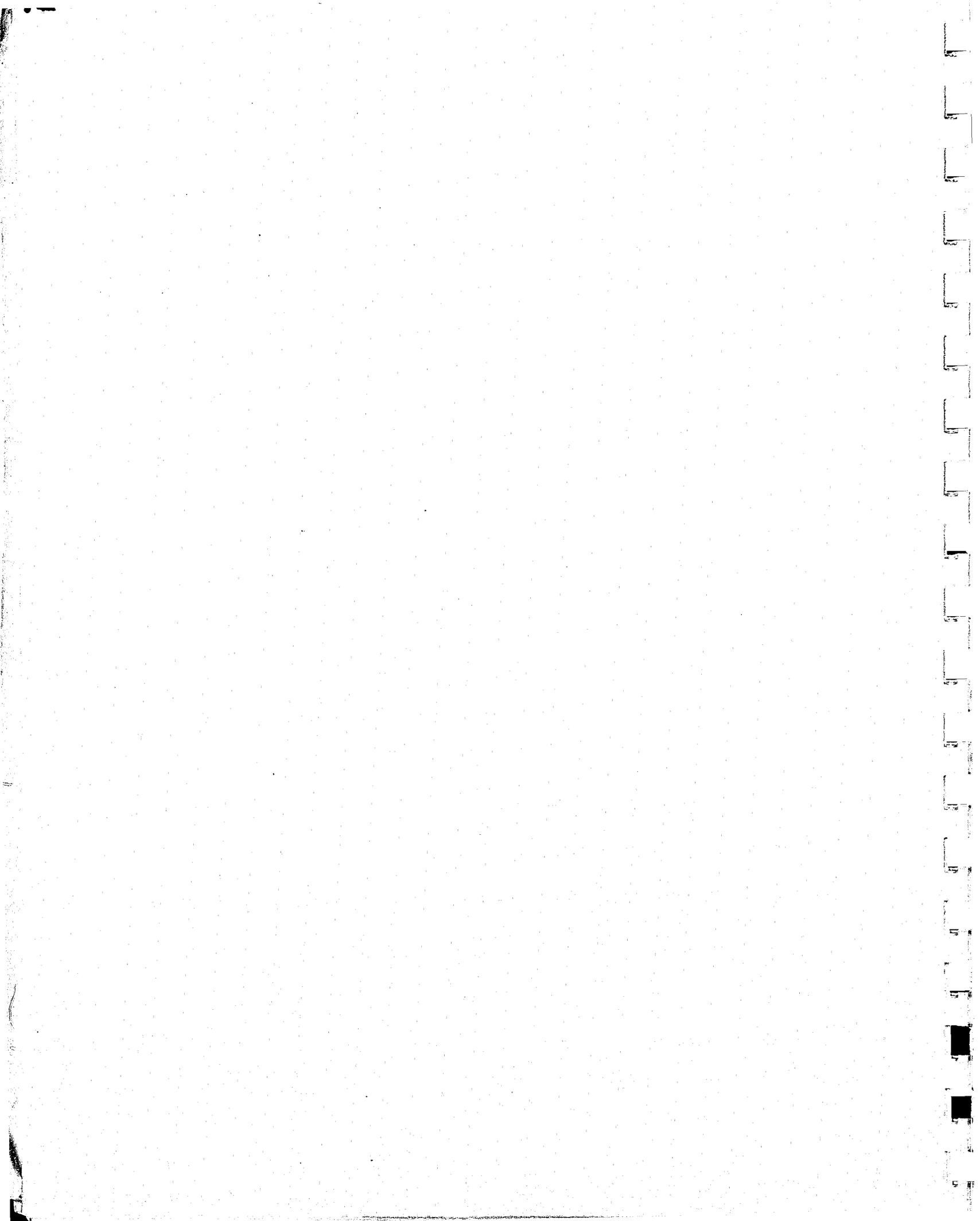
DEPUTY CLERK

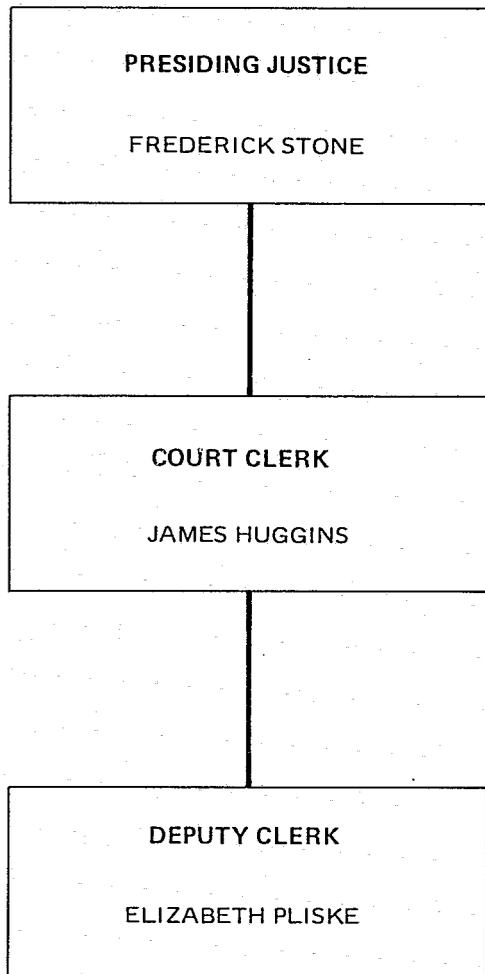
RONALD ALBISTON

**JUDICIAL
SECRETARY**

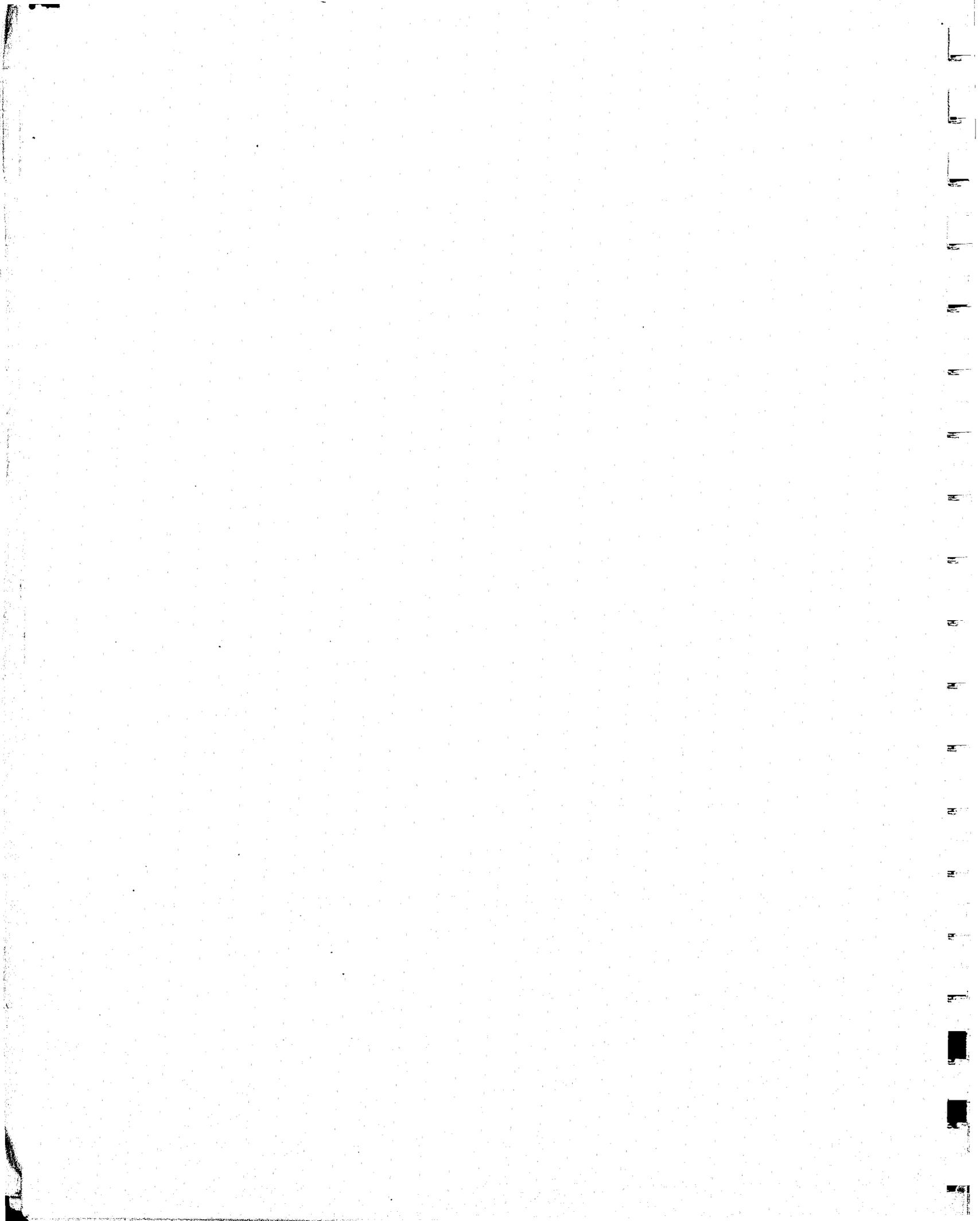
MARY SATHER

**FOURTH APPELLATE DISTRICT – San Bernardino
San Diego**





FIFTH APPELLATE DISTRICT — Fresno



F. PUBLIC CONTACTS

The focus of this study is on the operating procedures and record keeping within the Court Clerks' offices, and the significance of the communications and inquiries' activity quickly became apparent. A significant portion of the working time in each office is devoted to answering questions on procedures and status of cases.

Inquiry Count

As part of the data gathering in each office location, an inquiry count was taken. Each employee in the Clerk's office was requested to make entries on an Inquiry Count form as inquiries were received during the day. The forms provided for counting by different methods of inquiry (telephone, counter, mail, and other such as intra-office). The form also provided for identification of the time at which an inquiry was received, the time period between inquiries and the approximate total time devoted to answering inquiries.

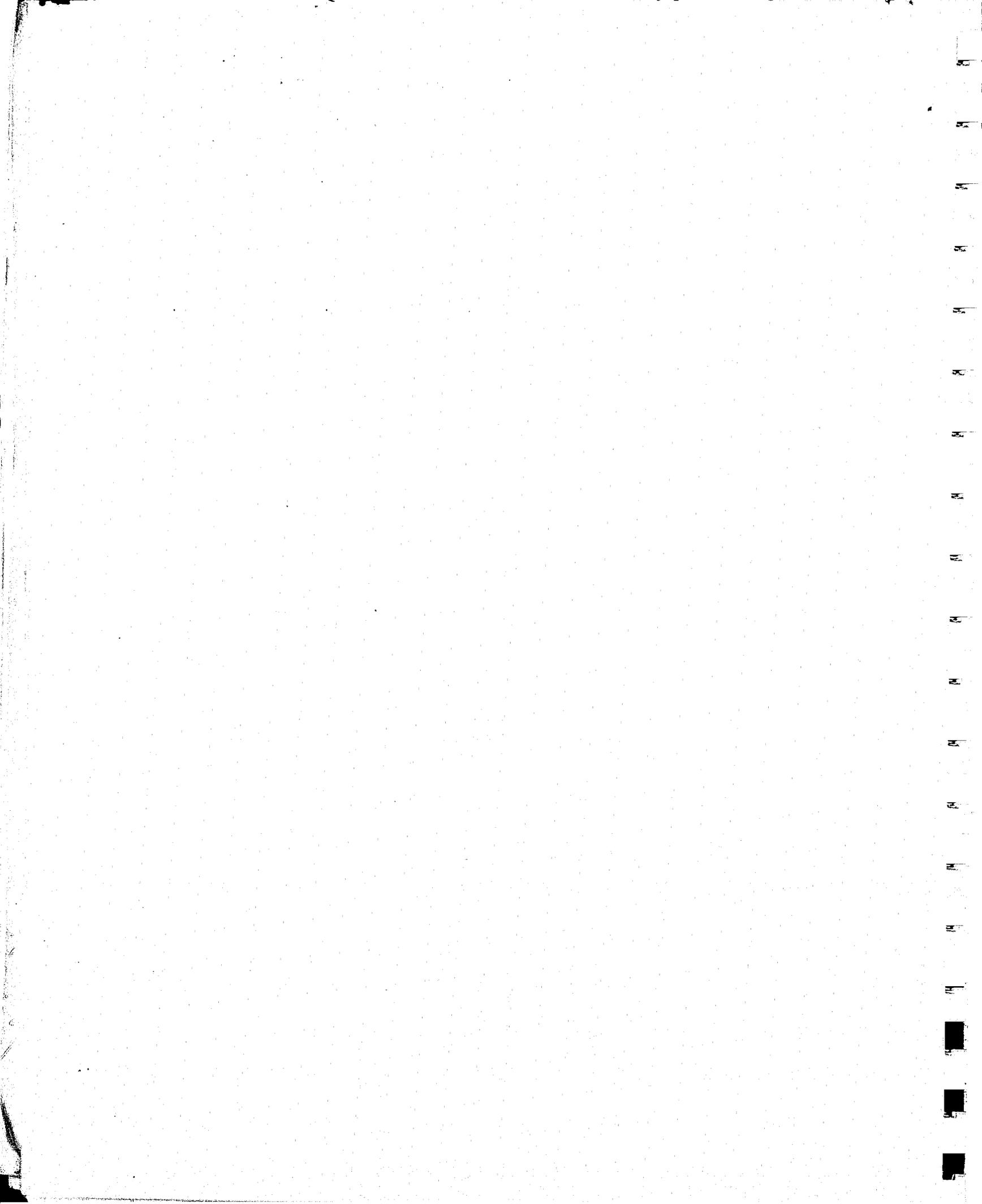
After the forms were completed, a statistical tabulation and analysis was completed. From that, the summary charts on the following pages have been prepared.

In addition to the charted data, it should be noted that in all cases inquiries occur on a random basis. A constraining factor on inquiry receipt is the number of available incoming phone lines. Otherwise, there is no control over the number and time received. Also, handling of inquiries sometimes necessitates response from two or, infrequently, three, Court Clerk staff members.

Inquiries are received from attorneys, other courts, the Attorney General's office, appellants, respondents, and incarcerated individuals, etc.

The Inquiry Count Analysis Summaries clearly depict the key characteristics of inquiry handling in each of the district offices. Assessing them in composite, the following characteristics are apparent:

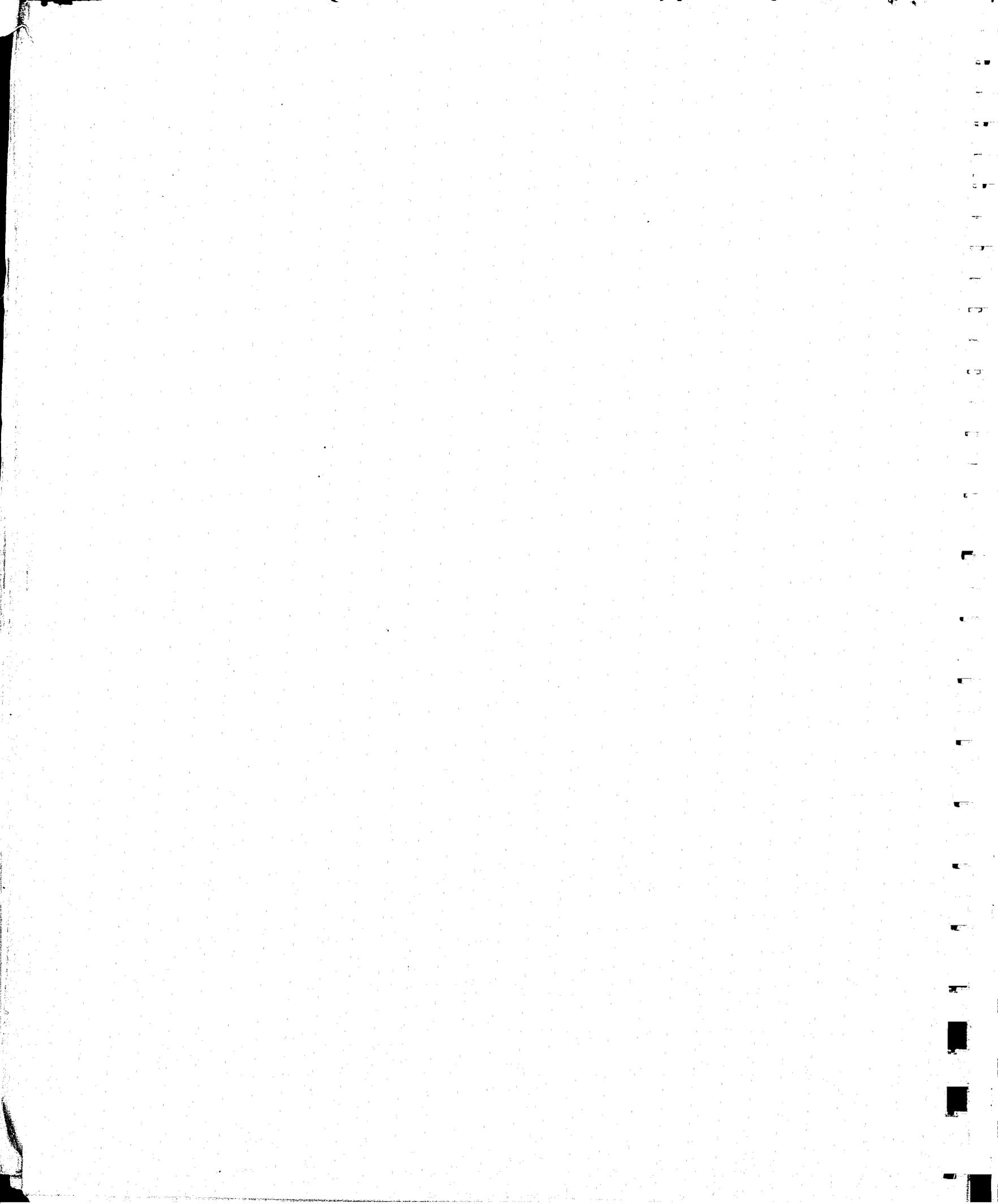
1. The average number of inquiries handled per day varies significantly among the employees.
2. More than 100 phone calls per day is common in the larger district offices.
3. The Courts of Appeal, in total, average almost 450 inquiries per day.
4. The time consumed in answering inquiries is generally a significant increment of the workday. One hour or more per day per employee is the mode.



5. The most common method of inquiry is by telephone.
6. By far the greatest time-consuming method of inquiry is the telephone.

Considering the number of inquiries received per day, the time required to respond to these inquiries, and the random manner in which inquiries are received, the Court Clerk employees workday is one of commonplace interruptions from the court document processing and record keeping required.

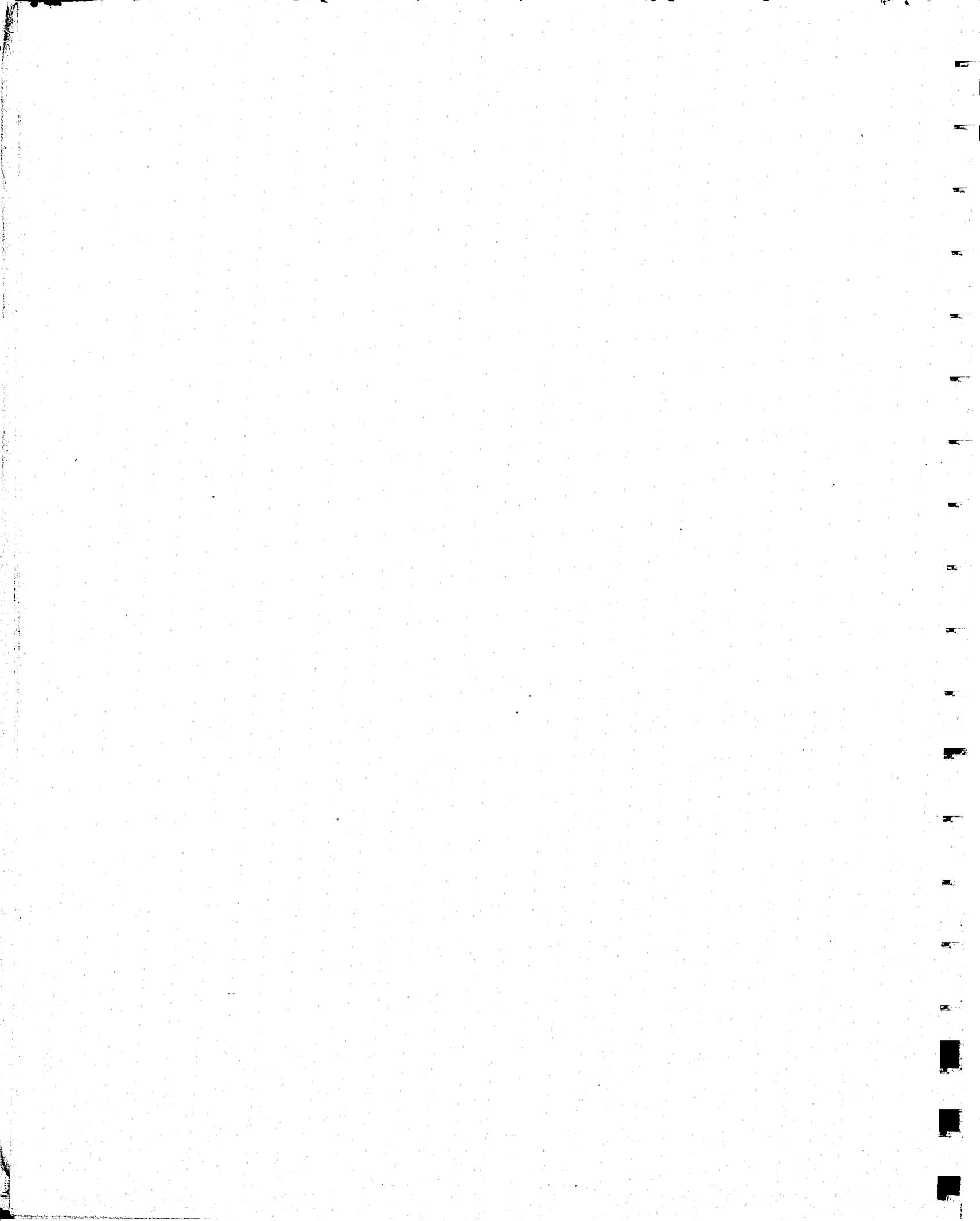
Discussions with several deputy clerks disclosed that these interruptions are the source of much duplicated effort, especially in the larger district offices. For example, a deputy starts working a newly filed matter. In the process, he receives a phone inquiry. While he is responding to the inquiry, another deputy picks up the newly filed document(s) already partially reviewed and starts the reviewing process, repeating the steps completed by the first deputy clerk. From the deputy's viewpoint, this occurrence is sufficiently common that it is considered a procedural problem. Alternative methods are available for alleviating this problem.



INQUIRY COUNT ANALYSIS SUMMARY

FIRST DISTRICT, SAN FRANCISCO

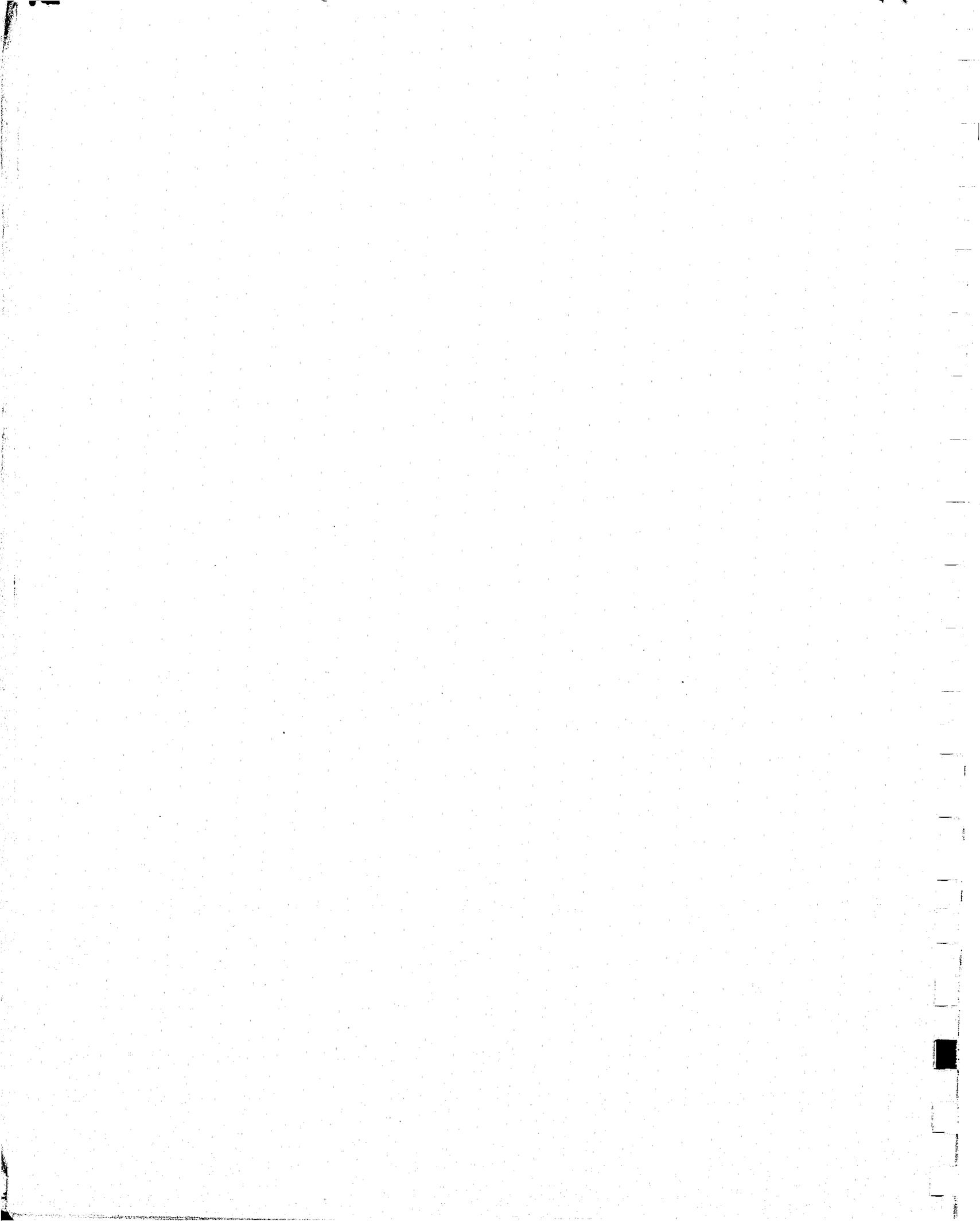
COURT CLERK PERSONNEL	Average Number of Inquiries Per Day	Average Estimated Time Used Per Day (Minutes)	Most Common Method of Inquiry	Method of Inquiry Most Time- Consuming
LARRY ELKINGTON	5	50	PHONE	COUNTER
CLIFF PORTER	21	49	PHONE	PHONE
ROY LIPPI	32	63	PHONE	PHONE
LEO WEISSMAN	27	64	PHONE	PHONE
KEVIN SWANSON	13	27	PHONE	PHONE
YVONNE MCGARRY	5	34	MAIL	MAIL



INQUIRY COUNT ANALYSIS SUMMARY

SECOND DISTRICT, LOS ANGELES

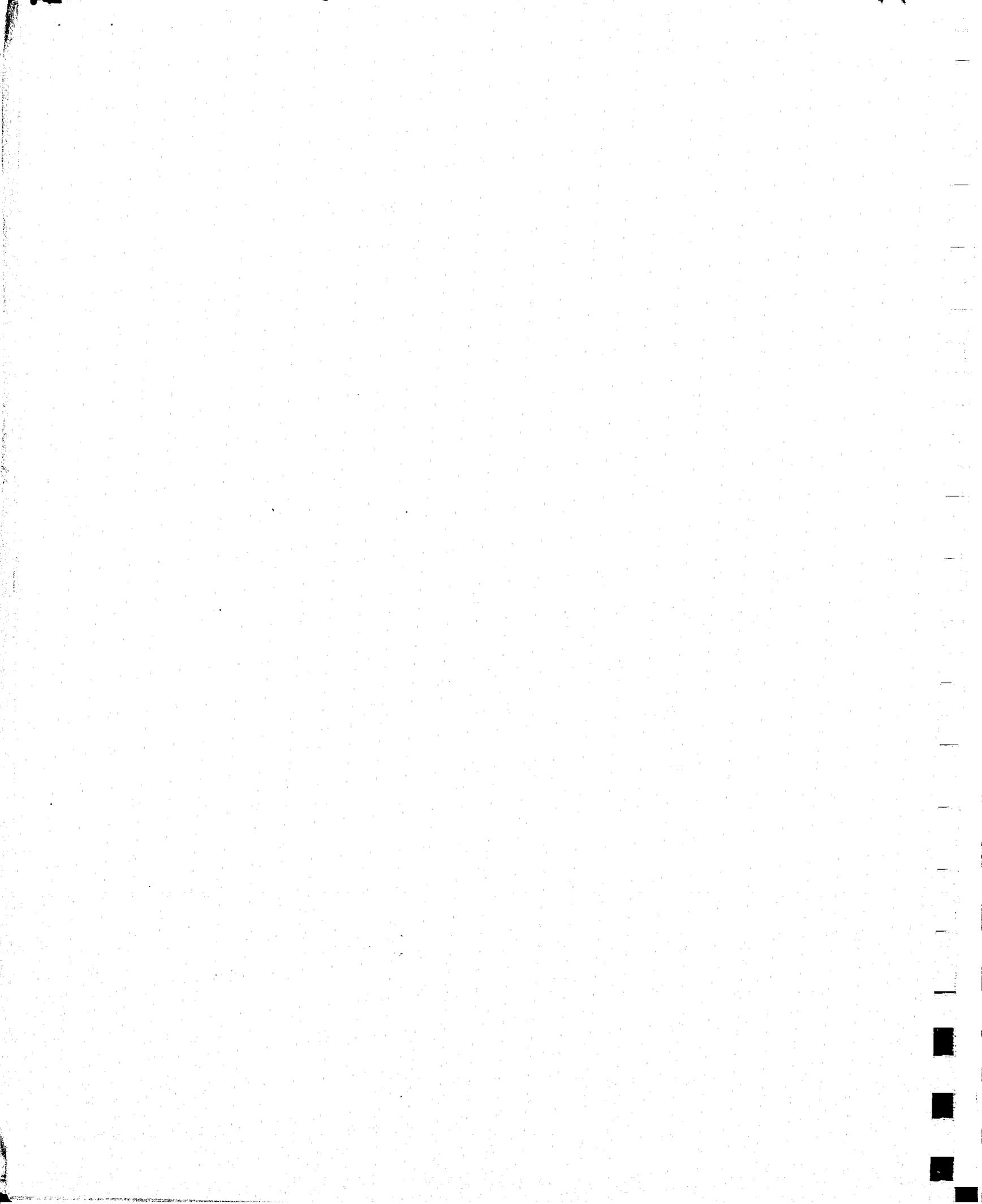
COURT CLERK PERSONNEL	Average Number of Inquiries Per Day	Average Estimated Time Used Per Day (Minutes)	Most Common Method of Inquiry	Method of Inquiry Most Time- Consuming
BOB WILSON	22	77	PHONE	PHONE
JACK KAVANAUGH	17	63	PHONE	PHONE
HOWARD CUNNINGHAM	22	43	PHONE	PHONE
HARVEY REEVES	15	53	PHONE	PHONE
GILBERT VILLANUEVA	13	50	PHONE	PHONE
FRANK STAPLETON	9	37	PHONE	PHONE
BOB BARROW	11	38	PHONE	PHONE
HENRY LAY	24	62	PHONE	PHONE



INQUIRY COUNT ANALYSIS SUMMARY

THIRD DISTRICT, SACRAMENTO

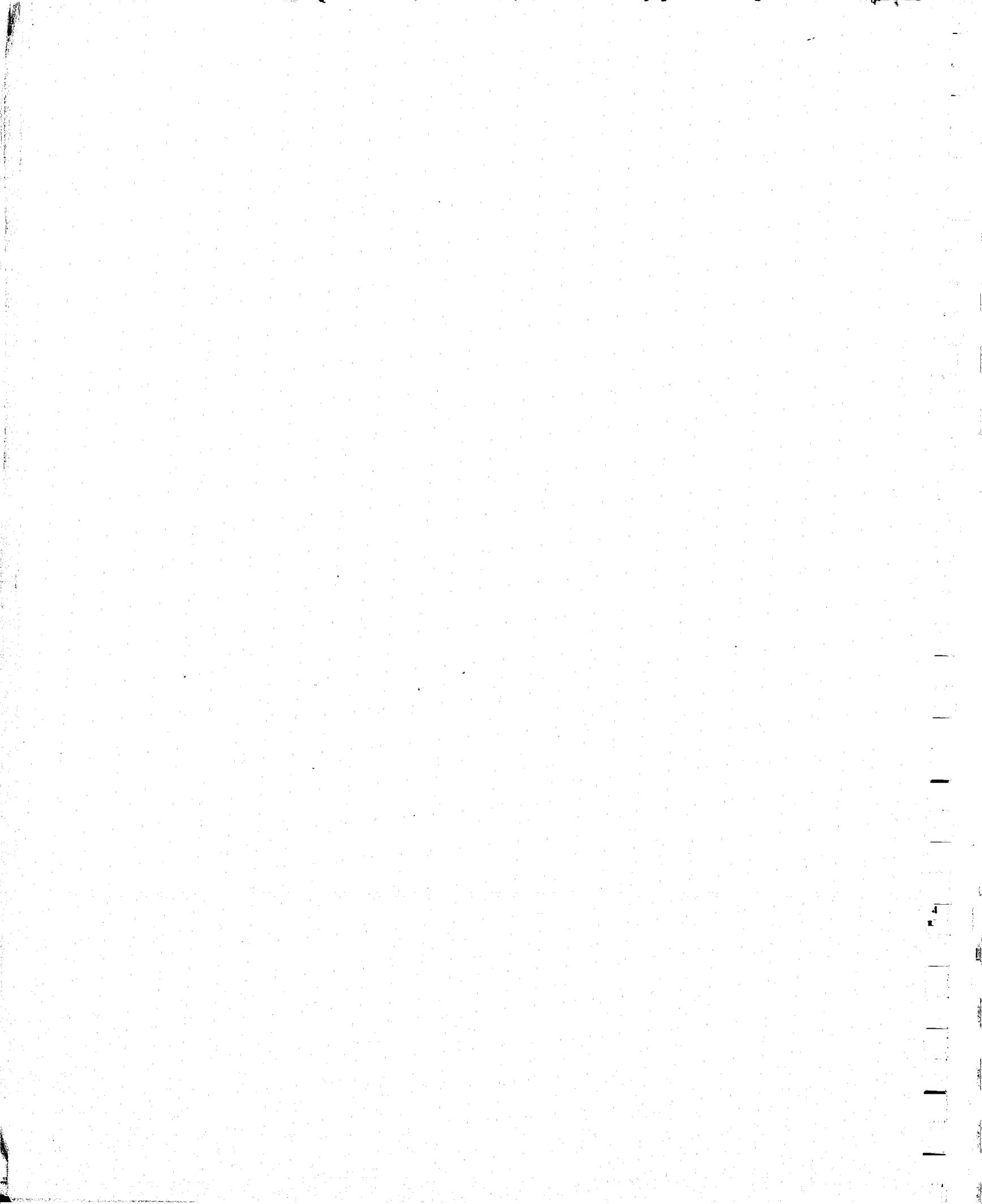
COURT CLERK PERSONNEL	Average Number of Inquiries Per Day	Average Estimated Time Used Per Day (Minutes)	Most Common Method of Inquiry	Method of Inquiry Most Time- Consuming
WILFRED KRAMER	15	71	PHONE	PHONE
MARY LOU KING	14	61	PHONE	PHONE
DOROTHY WERT	13	94	PHONE	PHONE



INQUIRY COUNT ANALYSIS SUMMARY

FOURTH DISTRICT, SAN BERNARDINO

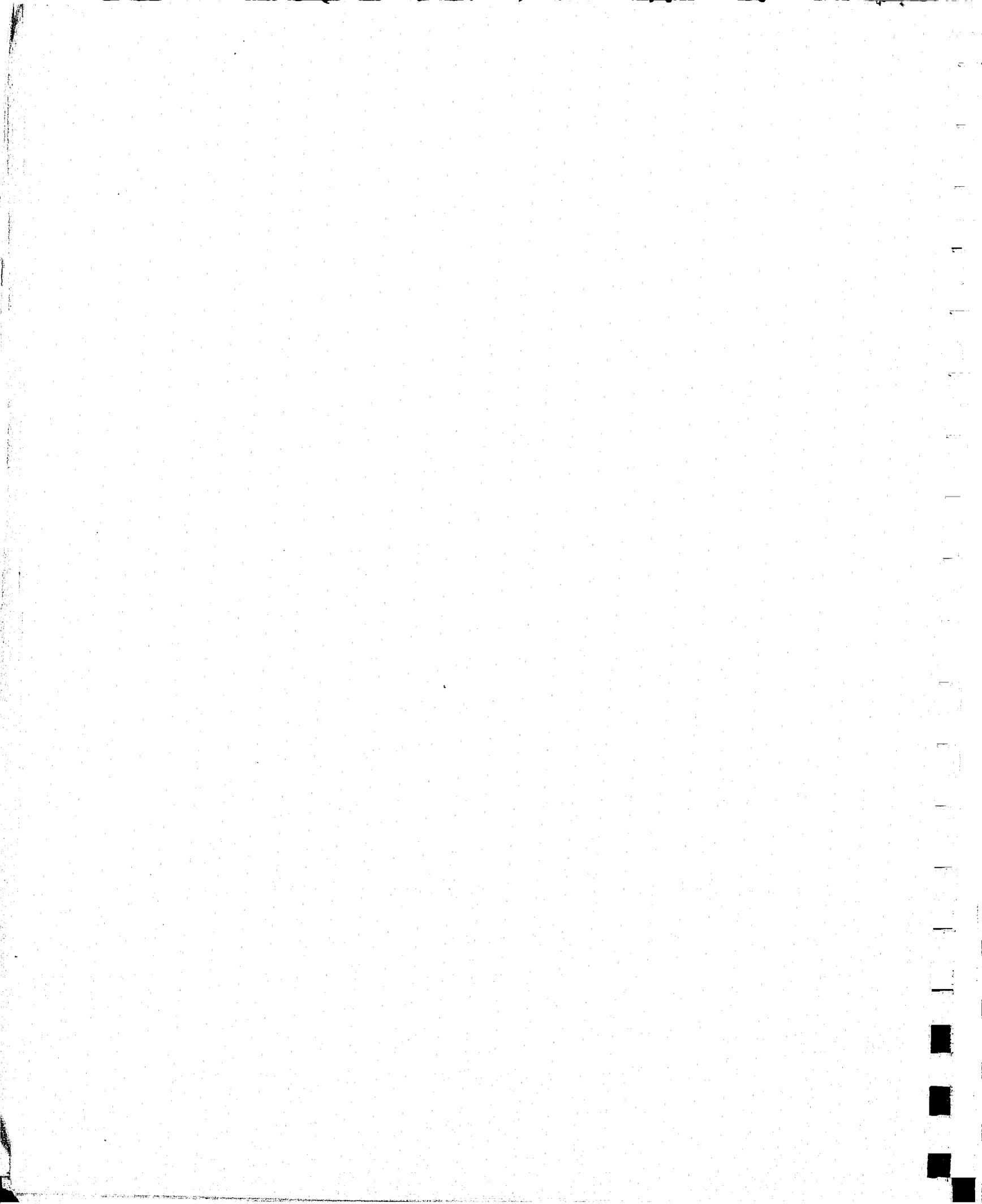
COURT CLERK PERSONNEL	Average Number of Inquiries Per Day	Average Estimated Time Used Per Day (Minutes)	Most Common Method of Inquiry	Method of Inquiry Most Time- Consuming
ROBERT FORD	16	91	PHONE	PHONE
RON ALBISTON	25	76	PHONE	PHONE
MARY SATHER	5	19	PHONE	PHONE



INQUIRY COUNT ANALYSIS SUMMARY

FOURTH DISTRICT, SAN DIEGO

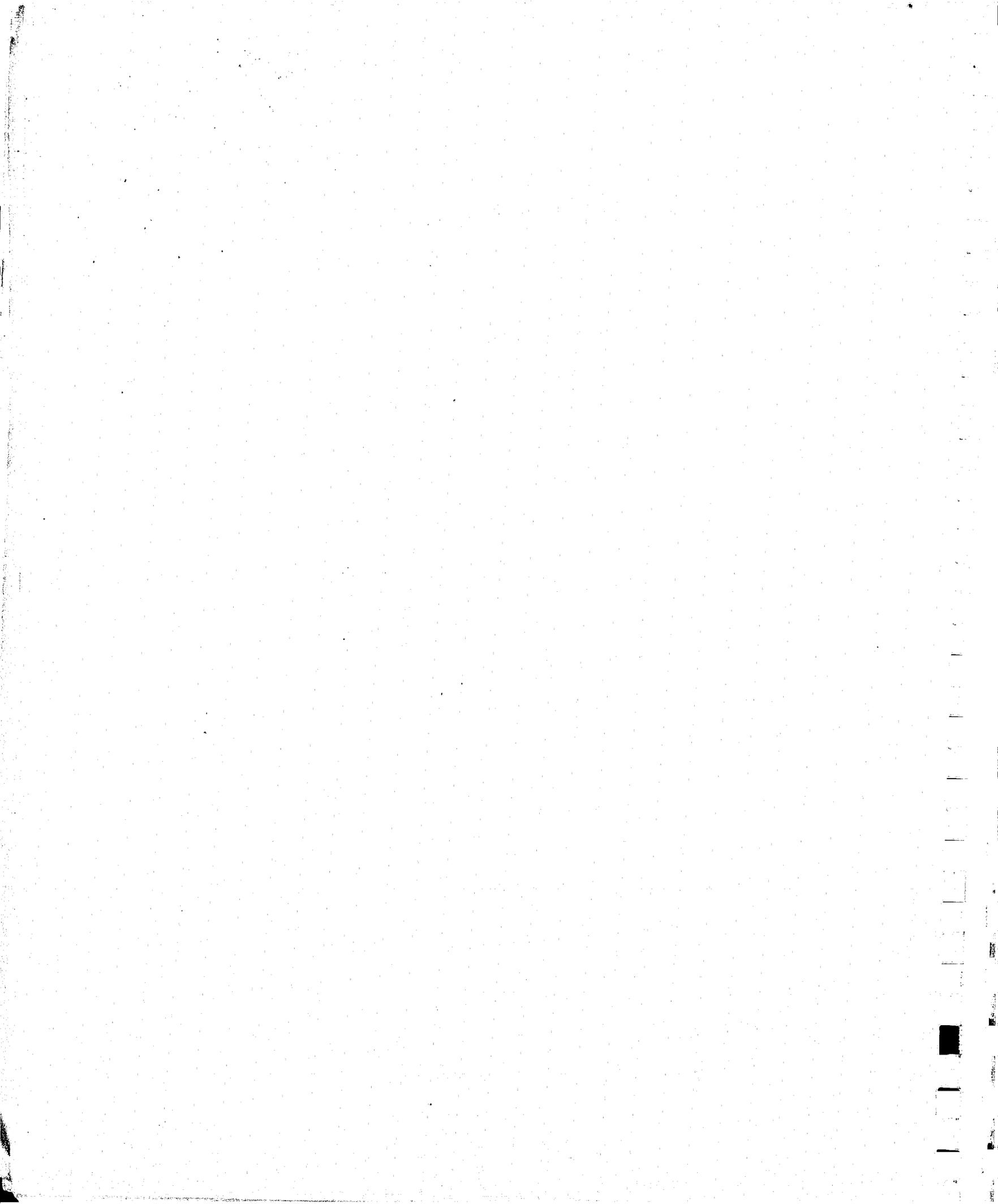
COURT CLERK PERSONNEL	Average Number of Inquiries Per Day	Average Estimated Time Used Per Day (Minutes)	Most Common Method of Inquiry	Method of Inquiry Most Time- Consuming
DICK SMITH	17	107	PHONE	PHONE
ERVIN TUSZYNSKI	32	196	PHONE	PHONE
ED PETERSON	46	104	PHONE	PHONE



INQUIRY COUNT ANALYSIS SUMMARY

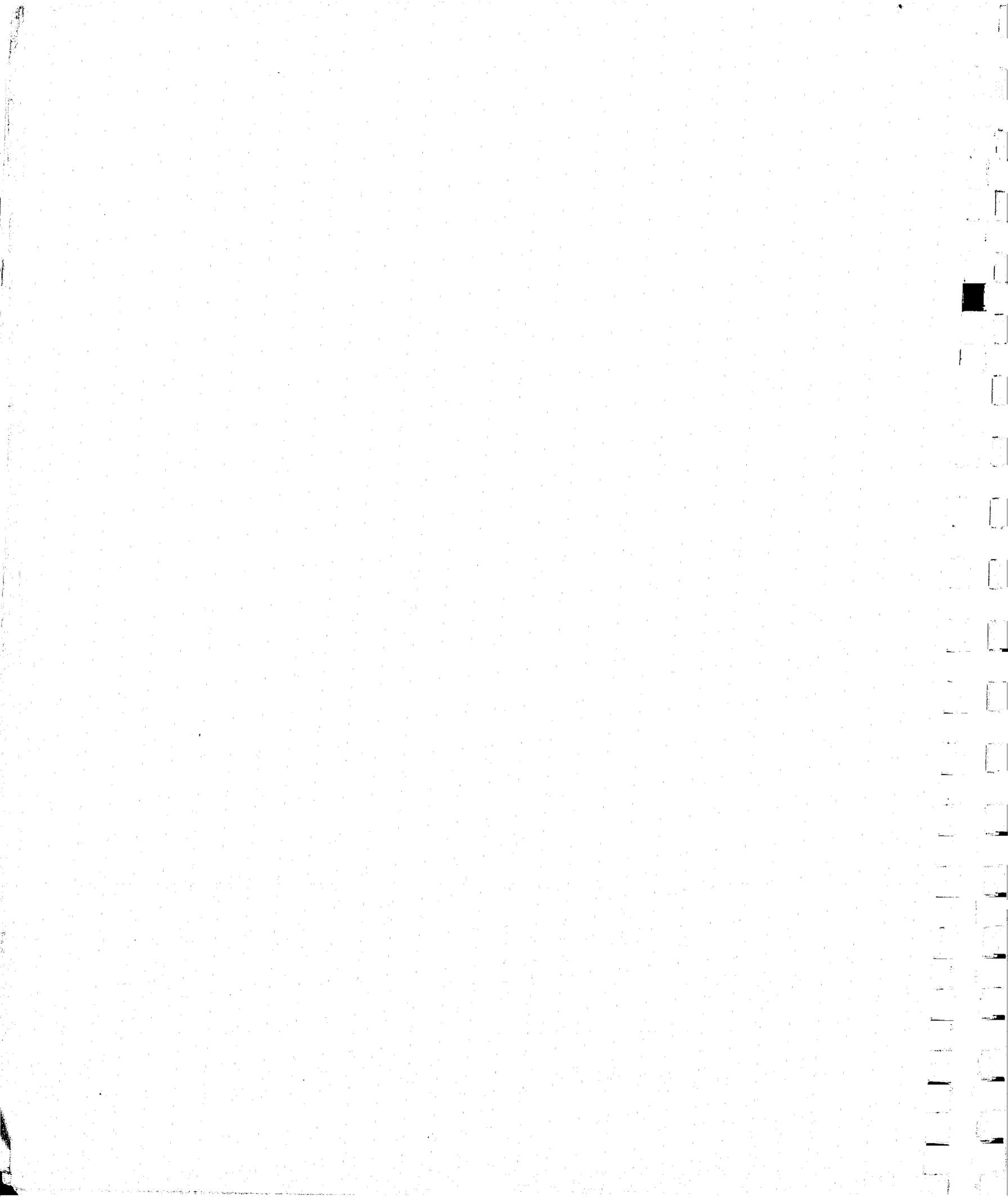
FIFTH DISTRICT, FRESNO

COURT CLERK PERSONNEL	Average Number of Inquiries Per Day	Average Estimated Time Used Per Day (Minutes)	Most Common Method of Inquiry	Method of Inquiry Most Time- Consuming
JIM HUGGINS	11	23	PHONE	PHONE
ELIZABETH PLISKE	11	62	PHONE	MAIL



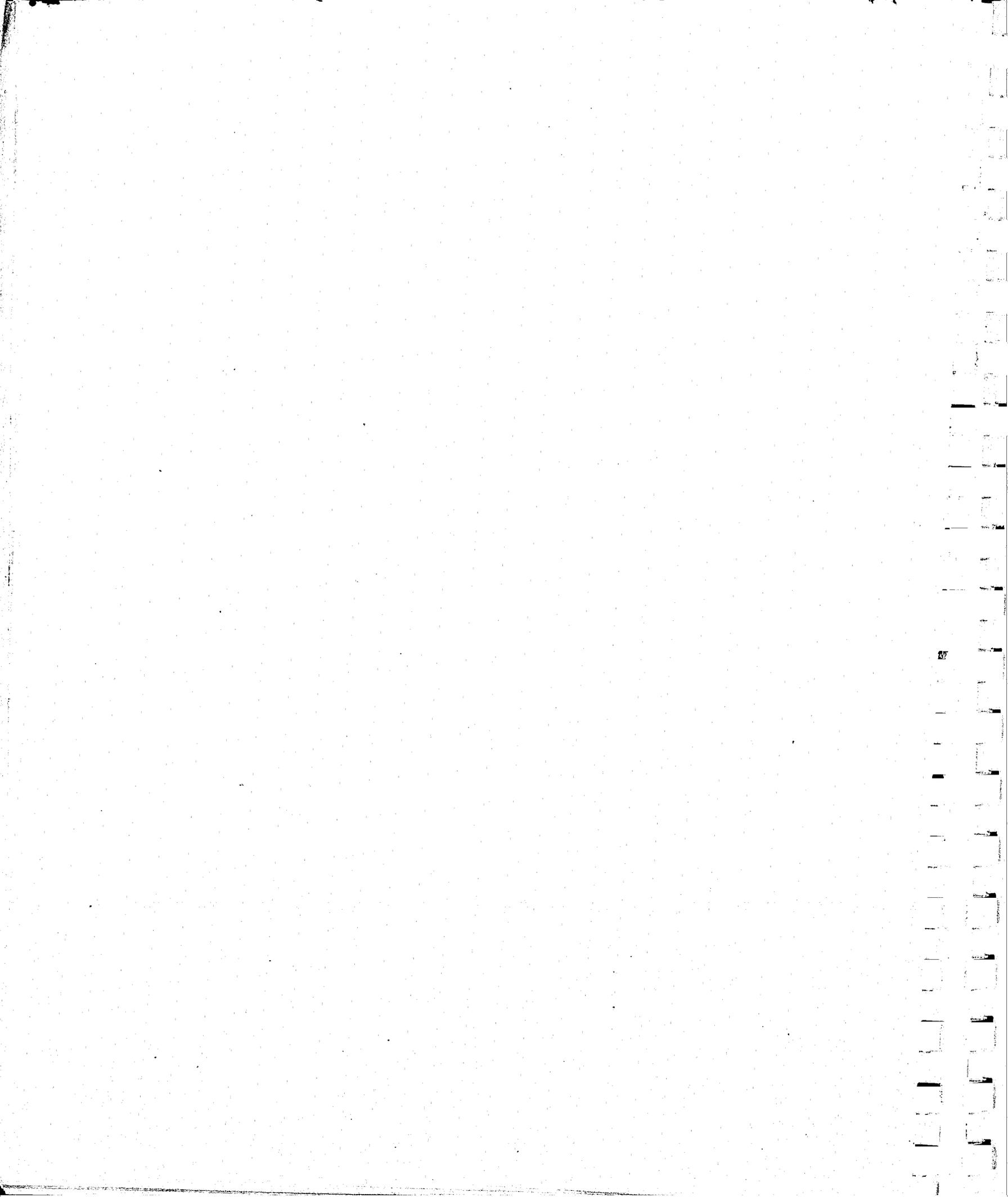
SUBJECTS OF INQUIRY

1. Extension of Time
2. Address of Court
3. Address of Attorneys of Record
4. Calls Referred to U. S. Court
5. Calls Referred to Other Offices
6. Filing Fees
7. Filing Due Dates
8. Format for Filing Briefs
9. Number of Copies
10. Relief from Default
11. Justices
12. Number Assigned to Case
13. Is Matter on File
14. Compensation for Attorneys
15. Appointments Re: Indigents
16. Has Opinion Been Filed
17. Has Remittitur Been Sent
18. Court Procedure
19. Original Proceedings
20. Request for Information from Records
21. Status of Cases
22. Reference to a Rule



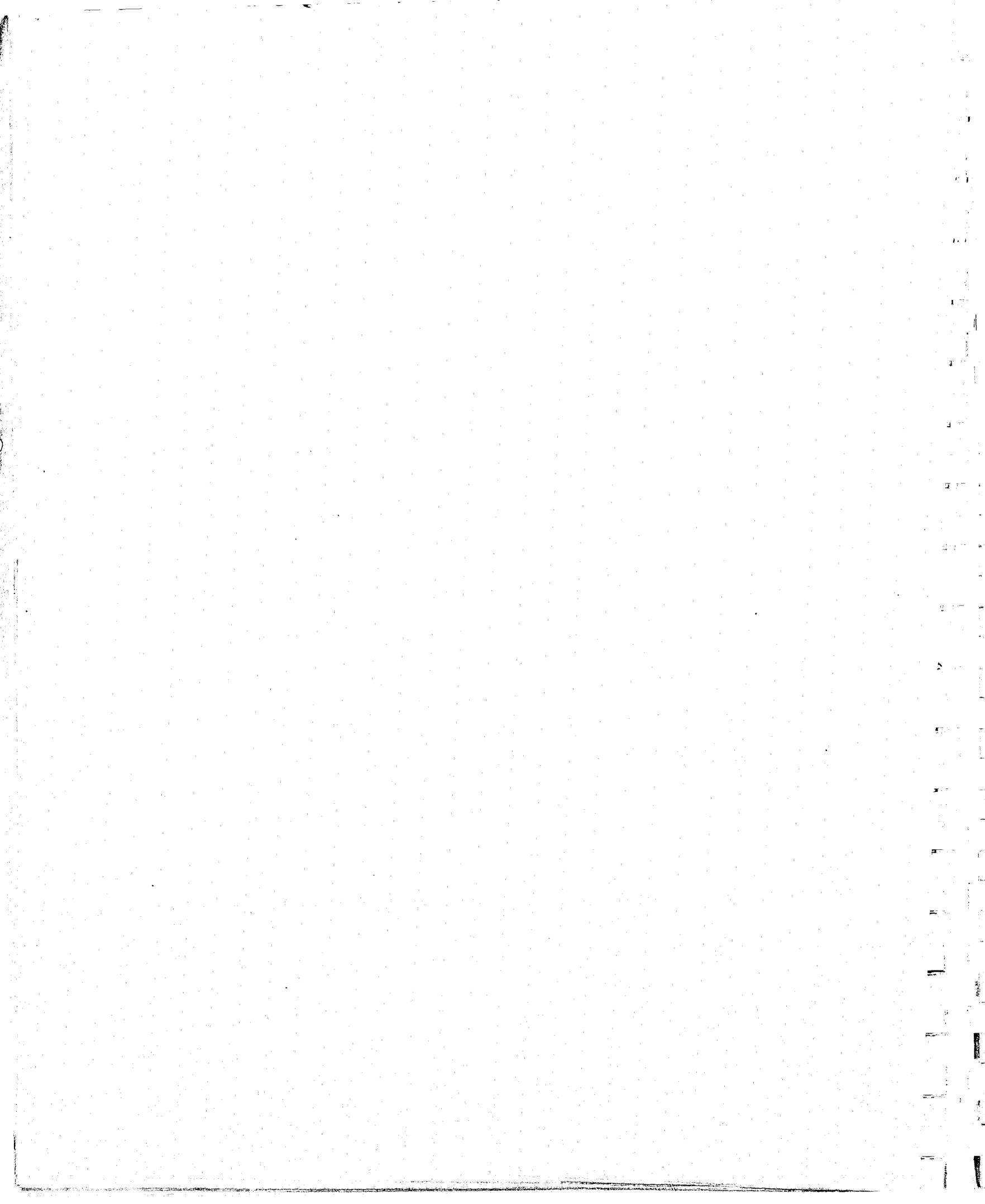
SUBJECTS OF INQUIRY (continued)

23. Shipment of Records to Supreme Court
24. Augment Records
25. Bail
26. Relief from Default
27. Continuance of Oral Argument
28. Rulings on Matters Submitted ExParte
29. Motions to Dismiss
30. Voluntary Dismissals
31. Calendar - Information
32. Proof of Service - Distribution
33. Special Proceedings
34. Release
35. Noticed Motions
36. Civil Cases
37. Criminal Cases
38. Costs of Appeal
39. Office Accounting
40. Petitions
41. Denials of Writs
42. When Will Opinion Be Released
43. How to Correct Record
44. What Divisions Counties Are In
45. How to File Habeas Corpus



SUBJECTS OF INQUIRY (continued)

46. Change Status of Counsel
47. Are Exhibits on File?
48. Attendance Report
49. Permission to Waive Oral Argument
50. Miscellaneous (Administrative, General, Unclassified)

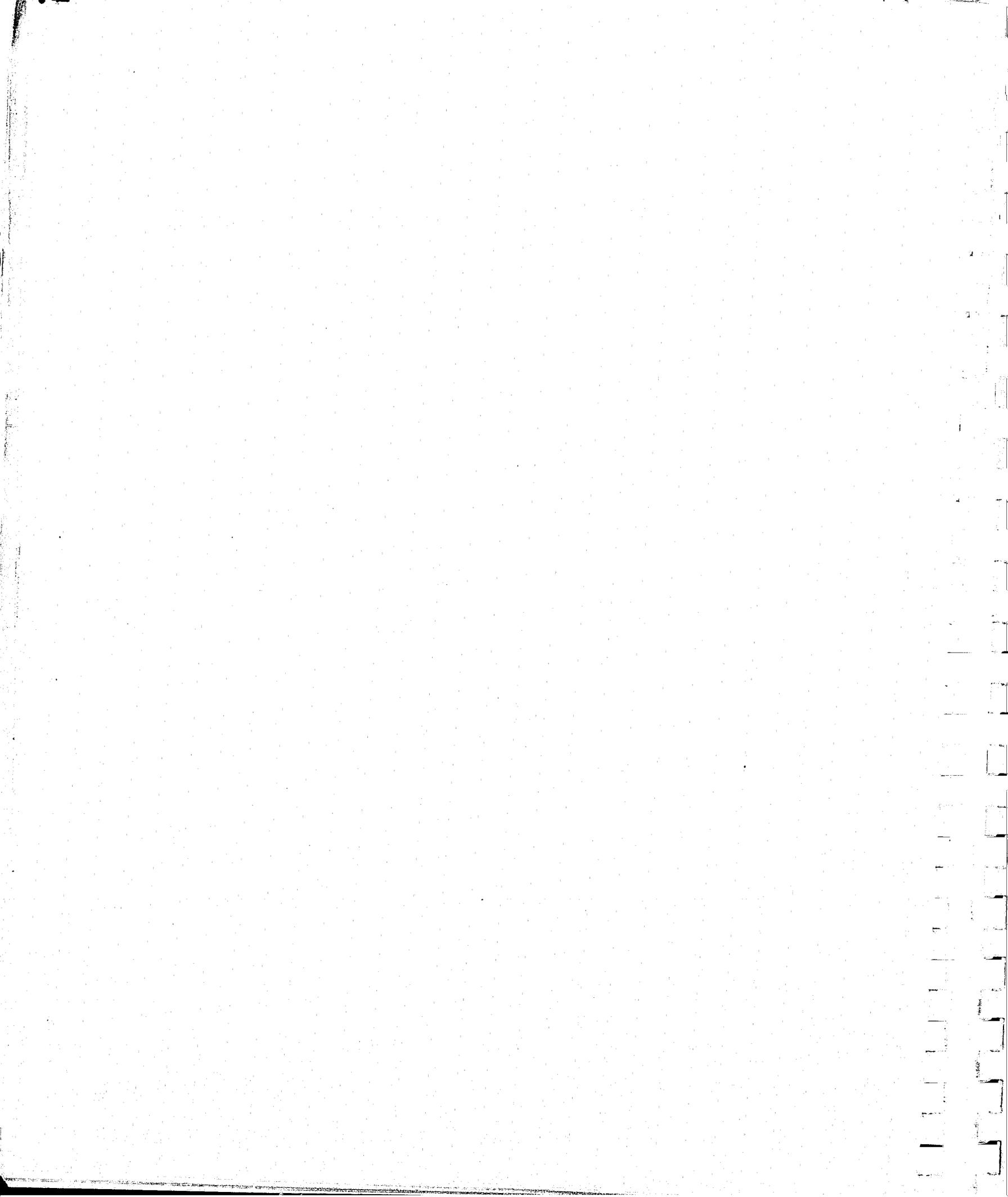


Inquiry Subjects

During the field survey, data was collected on the subject matter of inquiries made by the public in each of the offices of the Court Clerk. In keeping with the scope of this study, this data was developed almost entirely by the Court Clerks and their staff members after general guidelines were set by the Ernst & Ernst consultants.

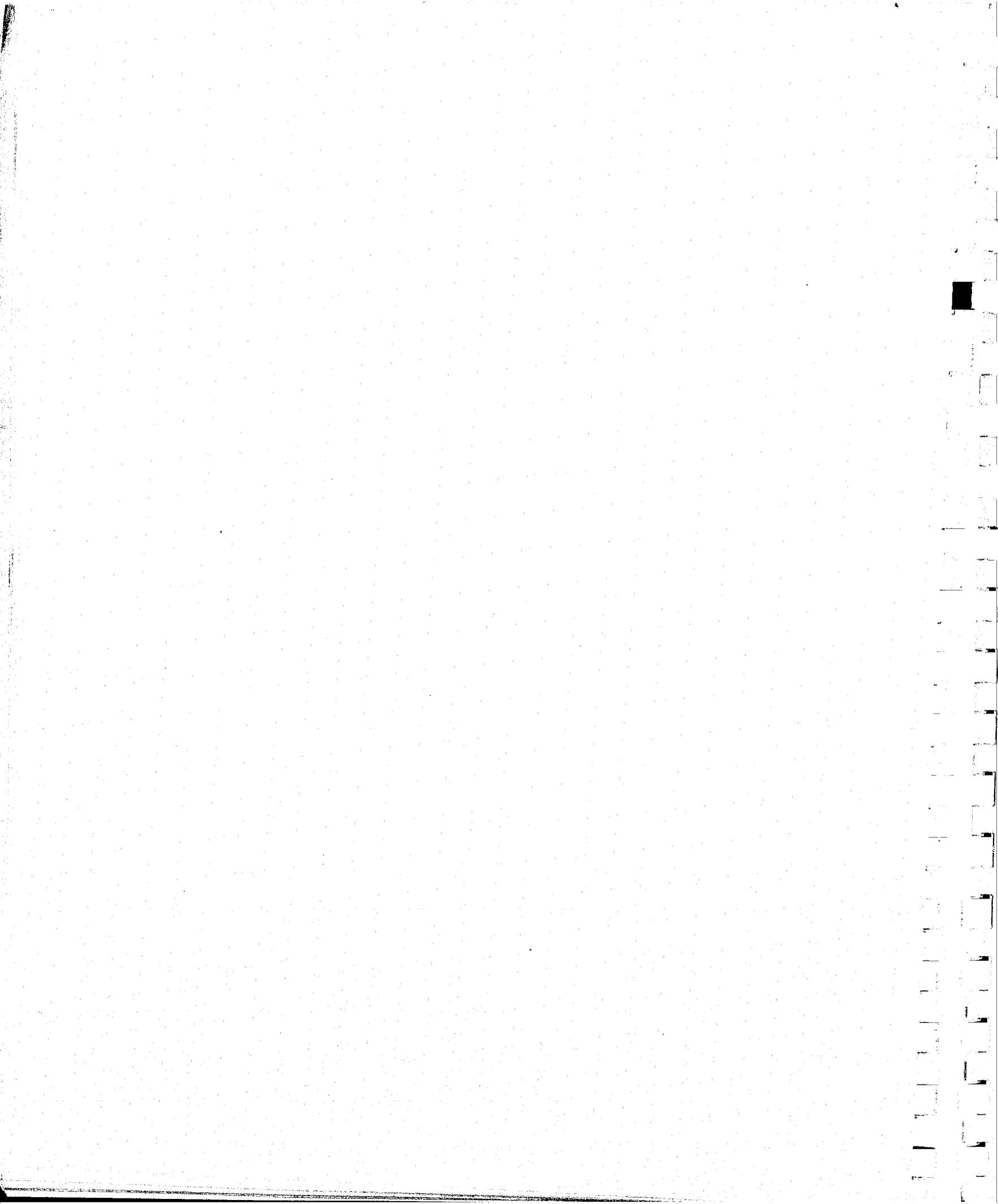
The range and categories of subjects were not constrained. Estimates were made based on experience. The accompanying list includes fifty subjects of public inquiry. An individual phone call or public counter inquiry may cover one or several of these subjects. Also, one or more representatives of the Clerk's office may be involved in responding to a single inquiry. The number of inquiries received per subject during a given time period varies from district to district. Inquiries in each of these subject areas are not common to every district office. Significance of the subject varies greatly.

Of the fifty subject areas, sixteen are suggested as the most common areas of inquiry. The most common subjects of inquiry shown as percentages of the total major inquiries received per month are shown in tabular form. None of these was common among all districts. The subjects most common among the five districts include "Extension of Time," "Filing Due Dates," and "Miscellaneous Contacts."



MOST COMMON SUBJECTS OF INQUIRIES
(Shown as Percentages of Total Major Inquiries)

MOST COMMON INQUIRY SUBJECTS	COURT DISTRICTS				
	1	2	3	4	5
1. Extension of Time	20.7	17.0	--	26.2	22.3
2. Filing Due Dates		9.9		3.7	18.2
3. Calls Referred to Other Offices			14.9		
4. Format for Filing Briefs	12.0	7.7			17.1
5. Number of Copies		17.6			21.4
6. Number Assigned to Case		17.5		4.1	
7. Original Proceedings		5.1			
8. Request for Information from Records		5.1			
9. Status of Cases		4.6		13.3	
10. Court Procedure				6.3	
11. Reference to a Rule			10.6		
12. Calendar Information	15.5				20.8
13. Civil Cases		5.3	27.6		
14. Criminal Cases		4.8	17.0		
15. Petitions				4.1	
16. Miscellaneous	51.7	5.3	29.8	42.2	--
TOTAL	99.9	99.9	99.9	99.9	99.8



G. FACILITIES APPRAISAL

Organization systems and procedures can be supported or constrained by the physical environment in which systems operate and procedures are performed. Because of this interrelationship, part of this study was devoted to an appraisal of the Court Clerk Office facilities. The scope of the study dictated that the analysis be conducted on a summary basis.

First District, San Francisco

The Court Clerk's office is located on the fourth floor of the State Building in San Francisco. The total space appears adequate; however, there is a significant amount of storage required for inactive case records.

There is no central supplies storage. Supplies are kept in a number of cabinets and drawers throughout the office. Court personnel obtain their office supplies from the Clerk's office. With the exception of some items, which are kept in the cabinet behind the Clerk's secretary, there is open access to all supplies by those requiring them.

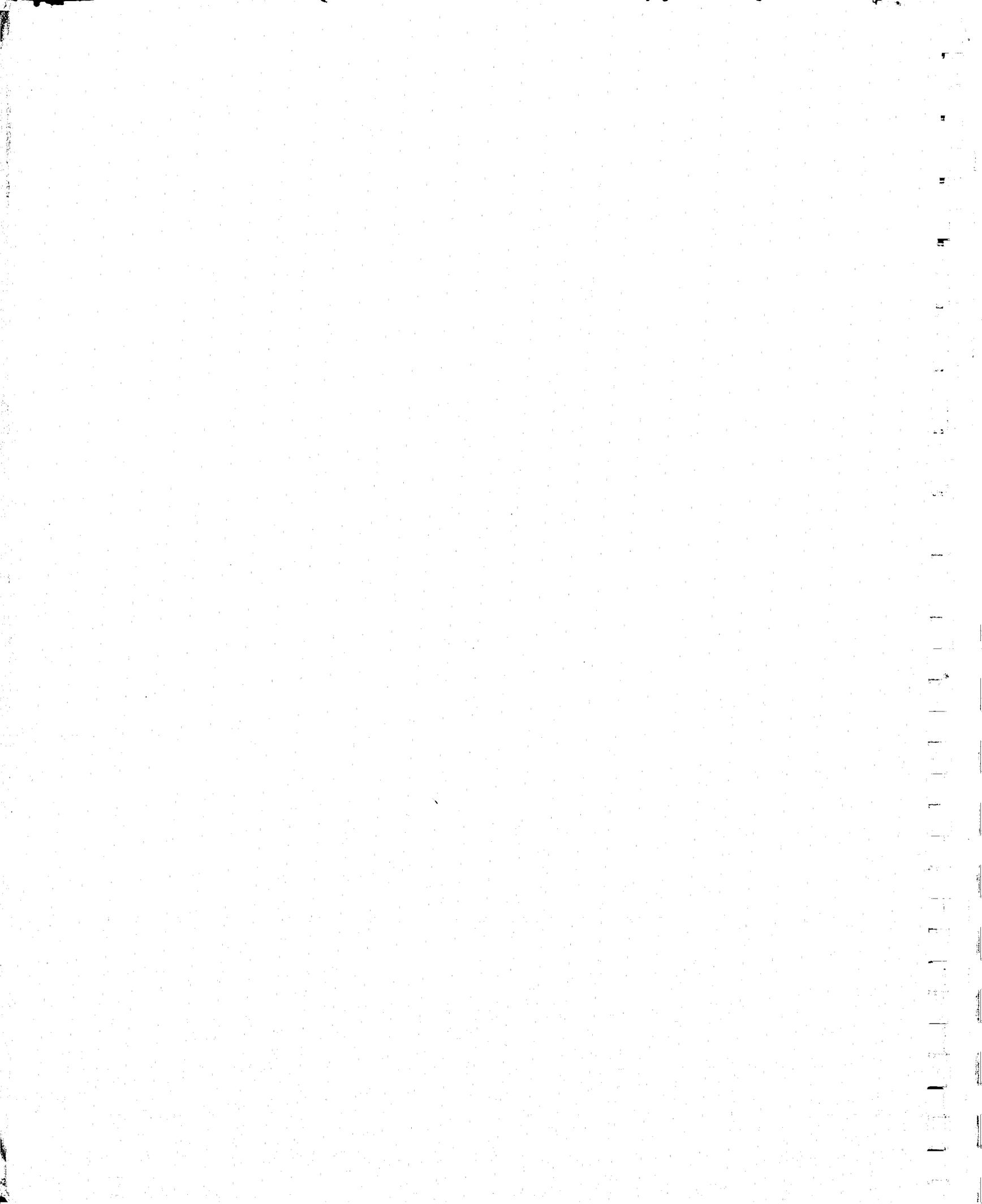
The floor plan showing the present space, except for the recent partition between the Clerk and his secretary, is included in the original working papers bound in the buff work folders.

Second District, Los Angeles

The Court Clerk's office is located on the twelfth floor of the State Building in Los Angeles. The total square footage allocated to the Court Clerk's office appears adequate. Constraining factors are the age of the building, the shape of the space allocated, structural column spacing, and lobby area required for the main elevator bank. Other interior features include two fully enclosed offices and an attic.

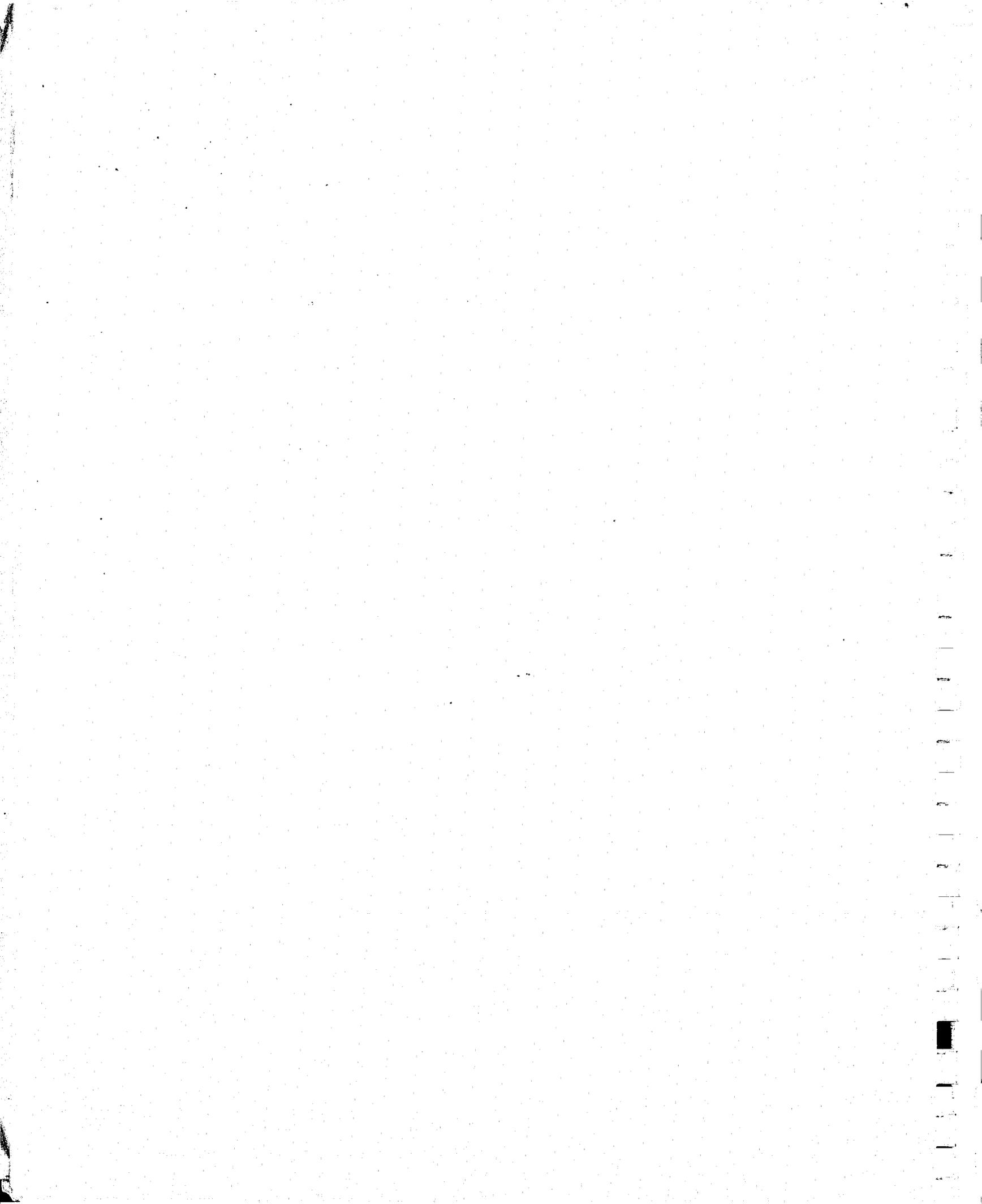
The characteristics of current utilization of the interior space are as follows:

1. Desk arrangement in the main office area causes unnecessary and irregular foot traffic. Desks



are arranged in a single line, end to end, with several openings for access among six desks.

2. The areas where active civil and criminal registers of action are stored and used for working entries and/or case review are so closely located to one another that office traffic congestion is common, particularly in the mornings between approximately 8:30 and 10:00.
3. The "dead" storage area for inactive case files or records covers between 35 and 40 per cent of the useable office floor area. This is excessive in terms of present office space need for individual deputies and the currently congested areas in the office.
4. The public space within the office and the public counter area are both less than adequate. No more than two people can be served concurrently at the public counter without inconvenience. The public entry area and area for receiving registers, case records, etc., are minimal.
5. For the type of work performed in this office area, the lighting, heating and air conditioning appear to be sub-standard. Also, the interior decoration at the time of observation was less than satisfactory.
6. A significant encroachment on the office floor area is the placement of aged and stored furniture - several chairs, sofas, etc. These do not enhance the office decor and preclude maximum utilization of the total office area.
7. Inasmuch as there is no central supplies area, the acquisition of supplies in the Court Clerk's office necessitates access to cupboards and closets in several different areas within the office. Court personnel (secretaries, research attorneys, etc.) obtain their office supplies in the Clerk's office. The present arrangement is the source of periodic interruption for the deputy clerks.



8. Equipment location (typewriters) is a source of congestion. This characteristic is related to the first two characteristics listed.

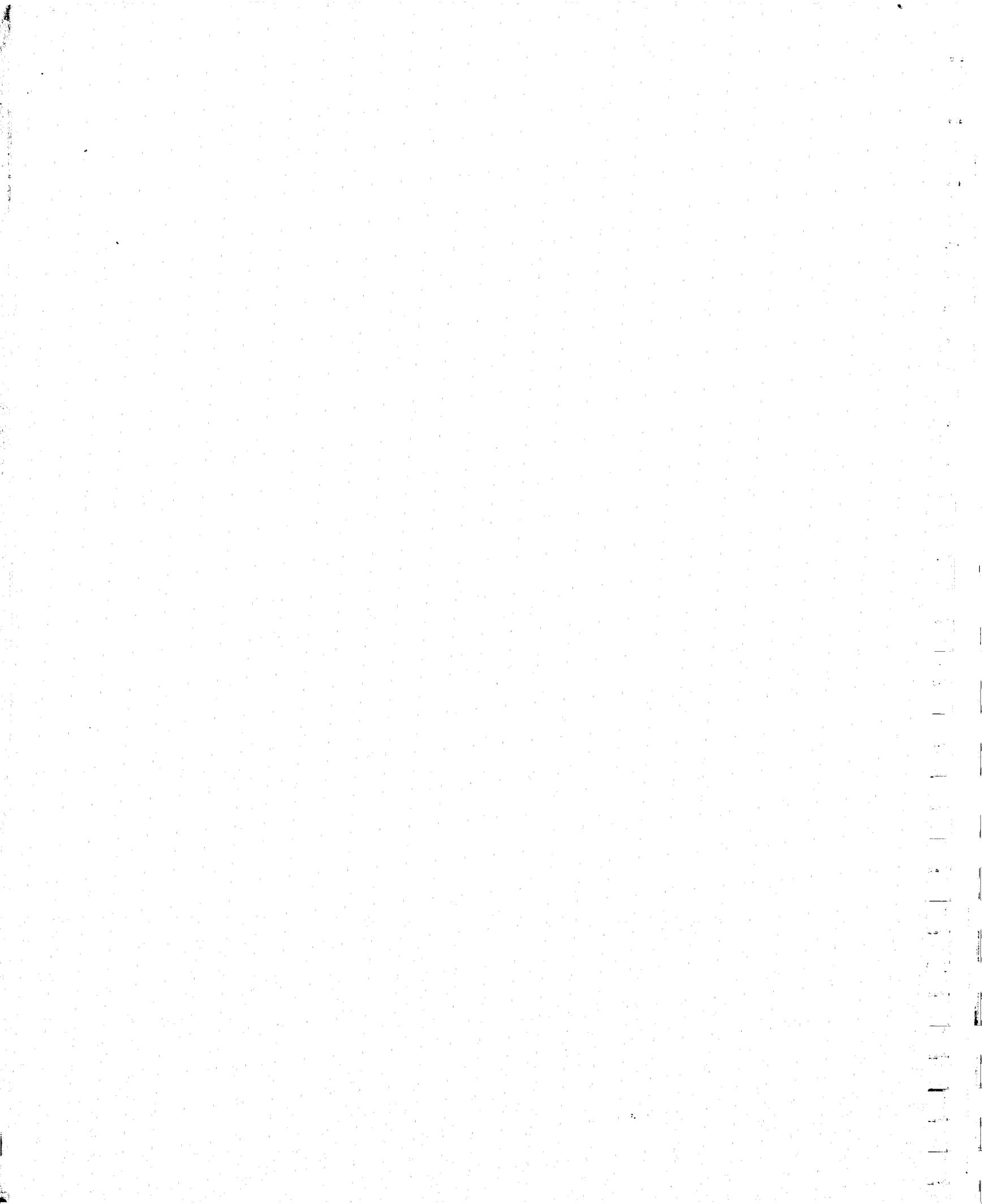
The following are facility characteristics external to the Court Clerk's office which impact operation.

1. The Courtroom, justice chambers, staff offices, and the Court Clerk's office are not on the same floor within the State Building. Court chambers are as many as four floors away from the Court Clerk's office. Owing to the interrelationship between the Clerk and his Deputies, and the justices and court staff, this arrangement is far from optimum. Travel time is not significantly reduced by use of the elevator system.
2. Historical case record storage outside of the Clerk's office is in the Records Repository in the State Office Building. A trip to the Records Depository can take between twenty and thirty minutes, including time at the Repository. Requirements for such trips are infrequent.
3. Xerox copying equipment is located on a separate floor from the Court Clerk's office and is used by the court staff as well as the Clerk's office.

Discussion with the Clerk disclosed that an effort to re-design and remodel the office has been made in conjunction with the Facilities Planning Division of the Department of General Services. A tentative revision of the Court Clerk's office quarters was completed on October 2, 1969. A copy of this plan is included in the working papers. This plan was discussed with the Clerk and Mr. George Schaaf of the Facilities Planning Division. Although the design and office layout appear less congested and more organized in terms of day-to-day operation than the present one, the Court Clerk does not favor the plan.

Third District, Sacramento

The Clerk's office is located on the main floor of the Library and Courts Building in Sacramento. The office is divided into two rooms, with three people occupying the main office area and the bailiff using the small back room which is also used as a coffee room, rest area, and a storage space. Storage is available



in the basement and is used for holding old case records.

Plans are being prepared for minor remodeling to provide additional shelf space and improve the working area for the bailiff. It appears that the office is adequate for planned requirements. The present office layout is shown on the floor plans included in the project working papers.

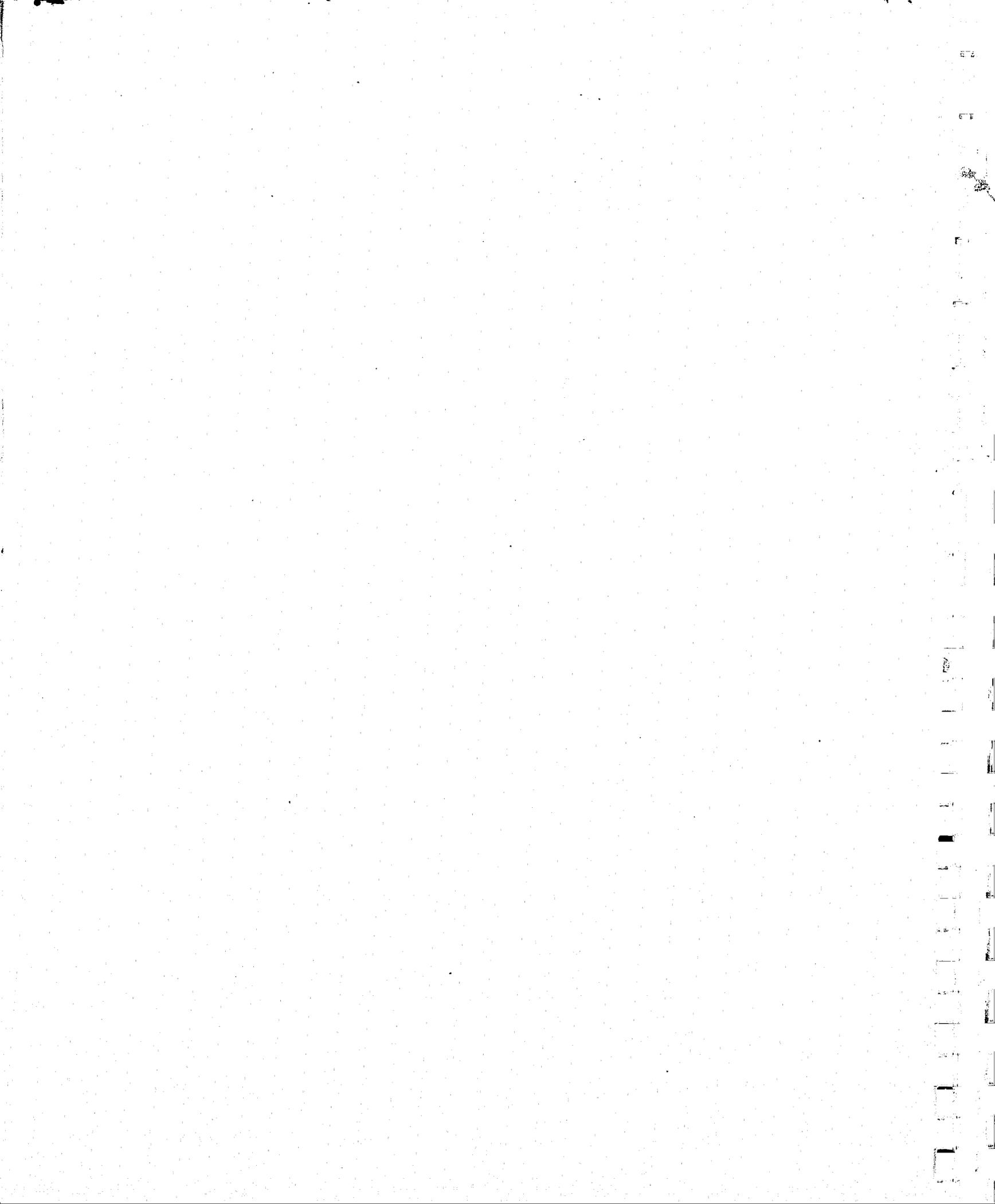
Fourth District, San Bernardino

The Court Clerk's office is located on the sixth floor of the State Building in San Bernardino. The total square footage allocated to the Clerk's office is inadequate for the four employees of this office to perform their duties with maximum effectiveness. Constraining factors are the shape of the space allocated and the structural column locations. The office is divided into two rooms; the main Clerk's office area, and the storage and supplies room. The four employees' desks are spaced through the length of the main office area. Limited floor space dictates a crowded condition with less square footage than standard for employee stations and limited aisles in the work area. For example, when steel file drawers are fully extended, the work area aisle on the north side of the room is blocked. This is a recognized office hazard to personnel.

During discussion with the Clerk, he disclosed that plans were being prepared to relocate the office to that portion of the sixth floor directly west of its present location. The floor plan presented in the working papers delineates the proposed Clerk's office space, location, and interior wall changes. From review of this plan and detailed descriptions provided by the Clerk of the contemplated layout of furniture and equipment, it appears that the planned office will be adequate and will allow for future expansion as needed.

In addition to the Clerk's office, a room is assigned to the Clerk on the fifth floor, room 524. This room is used for the following storage purposes:

1. Briefs and appeal data to be eventually destroyed or otherwise disposed of
2. Old manifolds



3. Old remitter books
4. Library books (legal)
5. Old furniture
6. Bulk items, boxes

No mention was made of the disposition of this space once the new office location is occupied. If changes are effected whereby each Court Clerk is relieved of the responsibility of retaining historical case records, the Court would be able to use this space otherwise, or, if not needed, relinquish it for other State uses.

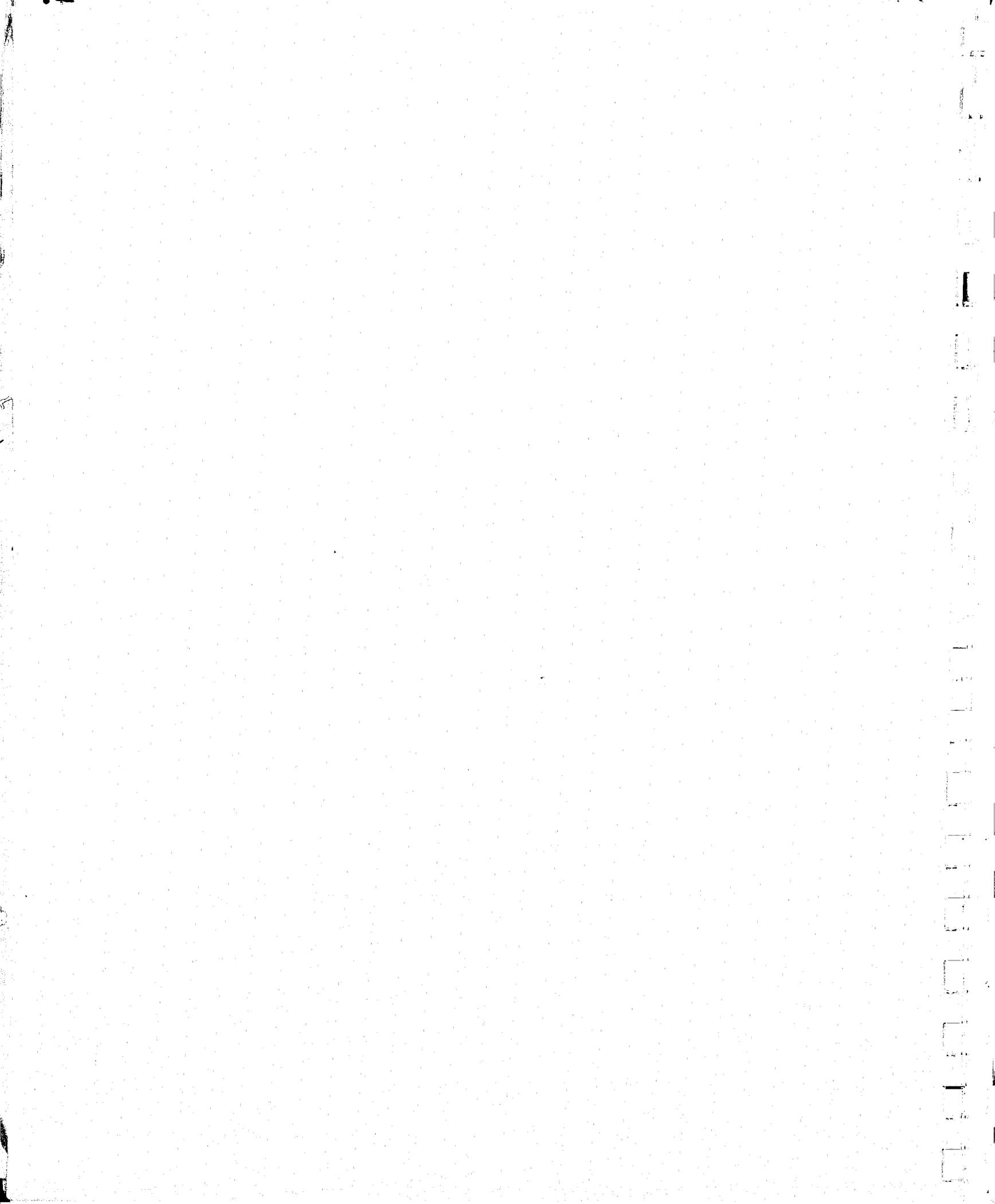
Fourth District, San Diego

The Clerk's office is located on the sixth floor of the State Building in San Diego. This office has been relocated and remodeled recently. The present space allocation, and the design and layout of the office are adequate for the activities performed and the number and classes of personnel assigned. Staff expansion has been allowed for in the space assigned. The Clerk's office space, design and location are shown on the floor plan in the working papers.

Fifth District, Fresno

The Clerk's office is located on the fifth floor of the Fresno State Building. The present space allocation and the design and layout of the office are adequate for the activities performed and the classes of personnel assigned. Room for expansion is limited in terms of present operating requirements. The Clerk's office space, design and location are shown on the floor plan in the working papers.

Space could be reallocated in this office also if historical case record retention practices are modified.

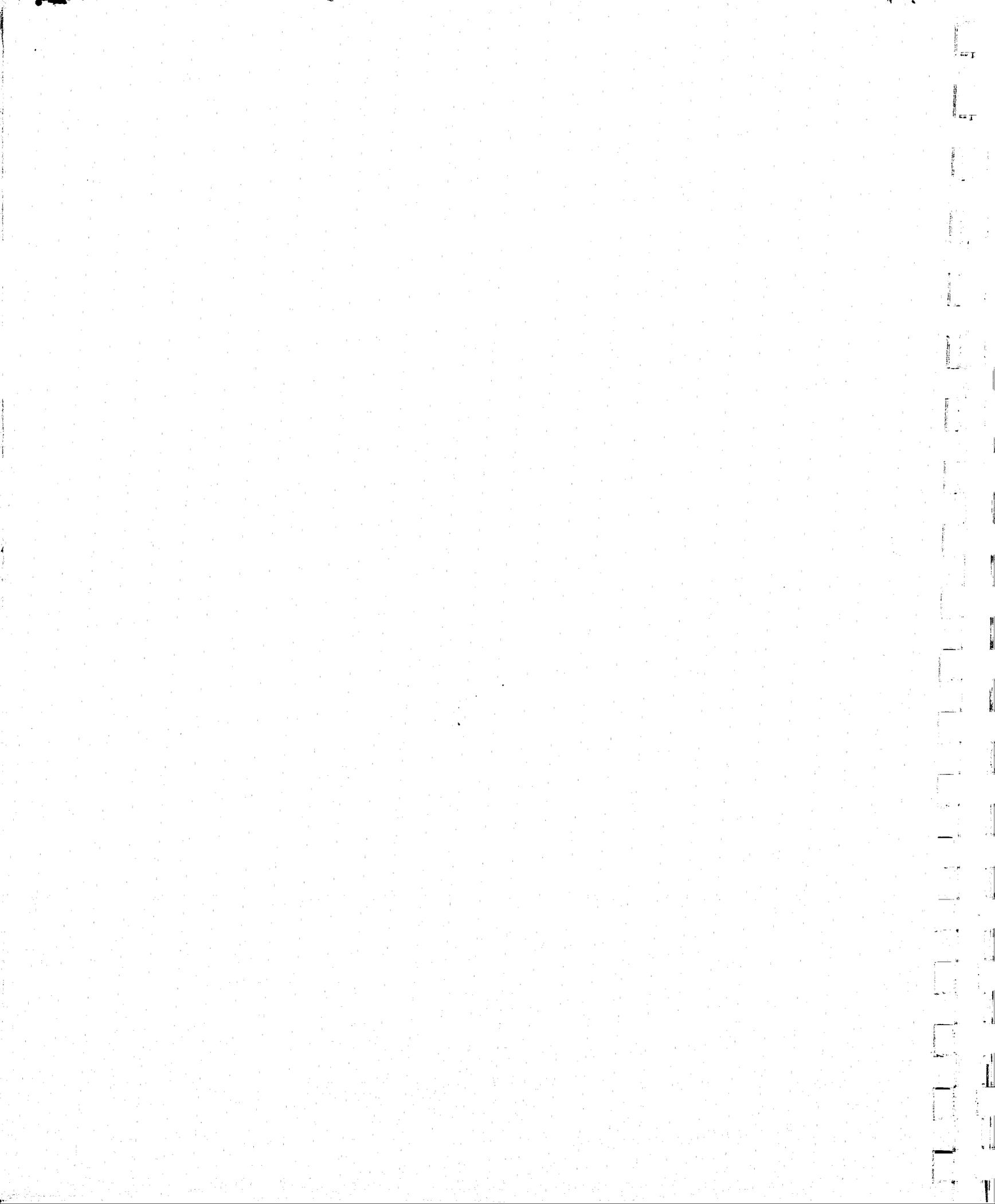


H. EQUIPMENT

Equipment has been selected to meet individual office needs or preferences. Some offices have all electric typewriters, some have manual and electric. Copy machines are of different varieties and speeds, with no apparent relationship to case loads or size of the office.

In each case, however, equipment selection does not appear to cause any problems, nor does there appear to be any major changes required on a short term basis. As part of a long range plan, encompassing all of the offices, equipment will begin to play a more important part.

Equipment inventories are included in the working papers.



I. LAWYERS' RESPONSES

In every instance, replies included comments about receiving cooperative, courteous, timely service from the Clerk's office. Most of the lawyers questioned saw no particular need for changes because their service requirements are being met. A number of suggestions were made by a few who took the extra time to evaluate their experiences in the Courts of Appeal. These suggestions or comments have revolved around several observations also made by the team of consultants which would tend to mutually validate the recommendations in these areas. All of the suggestions by lawyers are included in summary form even though they extend beyond the scope of this study. We believe that if there was sufficient concern on the part of the lawyers to make these suggestions, they should be passed on to the Judicial Council but without comment.

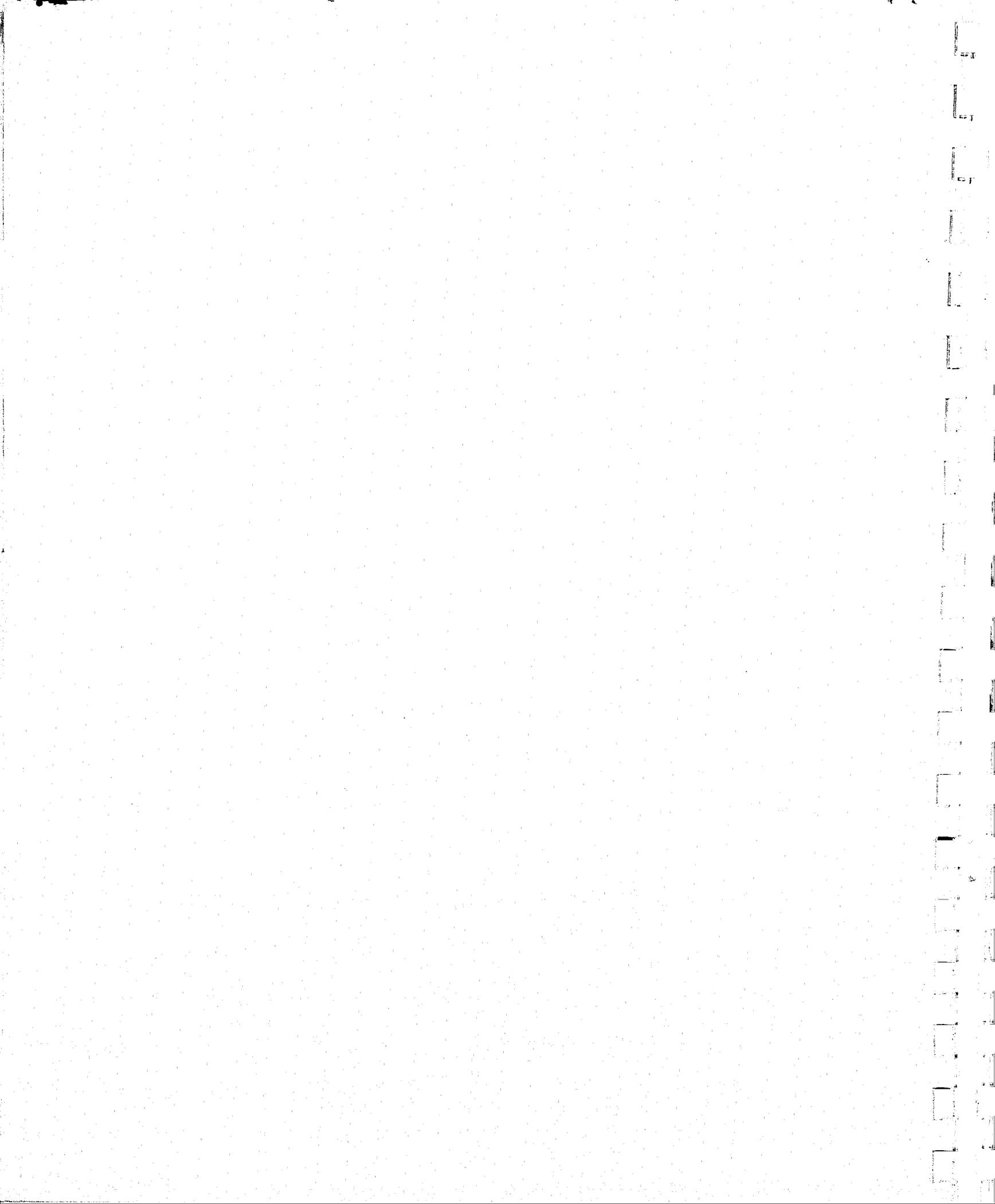
Comments on:

1. Rules of Court

- Rules unclear.
- Clerks interpret rules differently; therefore much direct contact is required.
- Rules not established for some things.
- Change system for petition for hearing in Supreme Court so defendant must personally waive his right.
- Change rule 31a to permit either (1) waiver of appeal, (2) appeal with defendant and counsel signing a waiver if this is the decision.

2. Records Retention and Use

- Opposed to total record destruction; use microfilm.
- Little use of historical records from Courts of Appeal.
- Can wait three to four days for records from archives.
- Transcripts prior to 1950 can be destroyed.
- Keep records for six months in Clerk's office.
- Keep case records in a reference status.
- Briefs and clerk's transcript are most important to keep.
- After time for petition for hearing to Supreme Court expires, notify counsel that the case record will be destroyed unless he wishes to be custodian.



3. Filing of Appeals

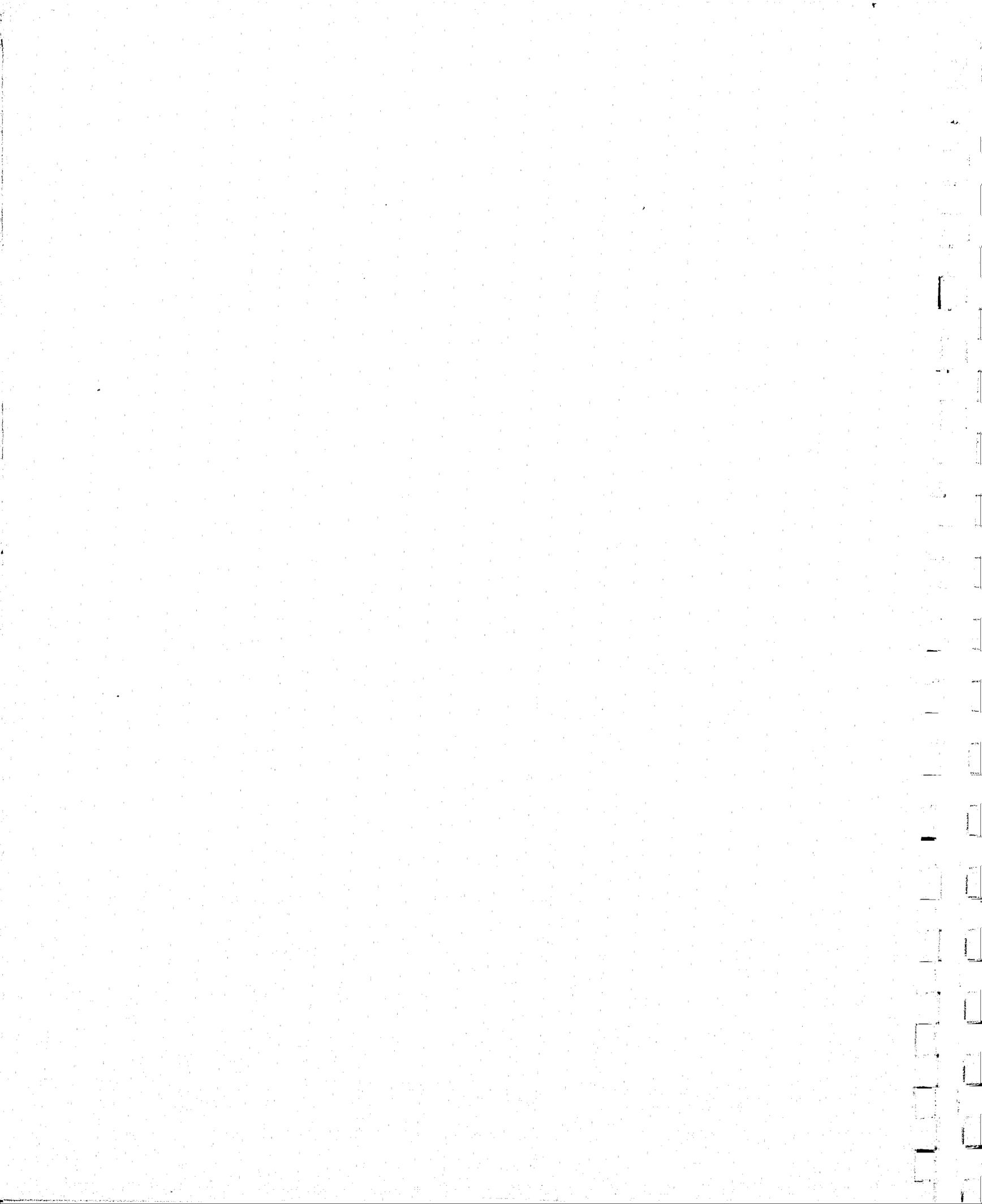
- Allow more time initially to reduce paper work for extensions. Be tough on granting more than one extension.
- Shorten brief filing time.
- Start time for filing of brief and payment of fee concurrently.
- Reduce number of copies of briefs to cut printing costs.
- Clarify rules on joint filings.
- Establish a standard for mailings to appellants' counsel.
- Serve defendant with brief in addition to counsel.

4. Forms

- Determine a standard method of preparation of papers and simplify the rules.
- Eliminate covers on briefs.
- Use standard forms for extensions with fill-in or check-off blanks.
- Establish a system of single page forms in questionnaire fashion.

5. Other Suggestions

- Have separate criminal and civil Courts of Appeal.
- Have a Public Defender at the Court of Appeal level.
- Have penalties for frivolous appeals.
- Establish a standard method of notification or of determining the status of cases in the Court. This presently generates many telephone calls.
- There should not be certification for non-publication.
- Cost recovery on appeal for Eminent Domain should be clarified.
- The Superior Court system needs a through review.



JUDGES' RESPONSES

Many comments were made during the study which indicate the need for a careful analysis of the overall needs in the courts. Judges were complimentary towards the service received from the Clerks and suggested what the judges believe were even more profitable areas to explore and which are not confined to the Appellate Courts. Some of these are:

Record trials on tape, including examining of jurors during jury selection. It was felt that this should save thousands of dollars in transcript fees for augmenting records, affidavits, etc.

Xerox original documents or send original file in place of Clerk's transcript.

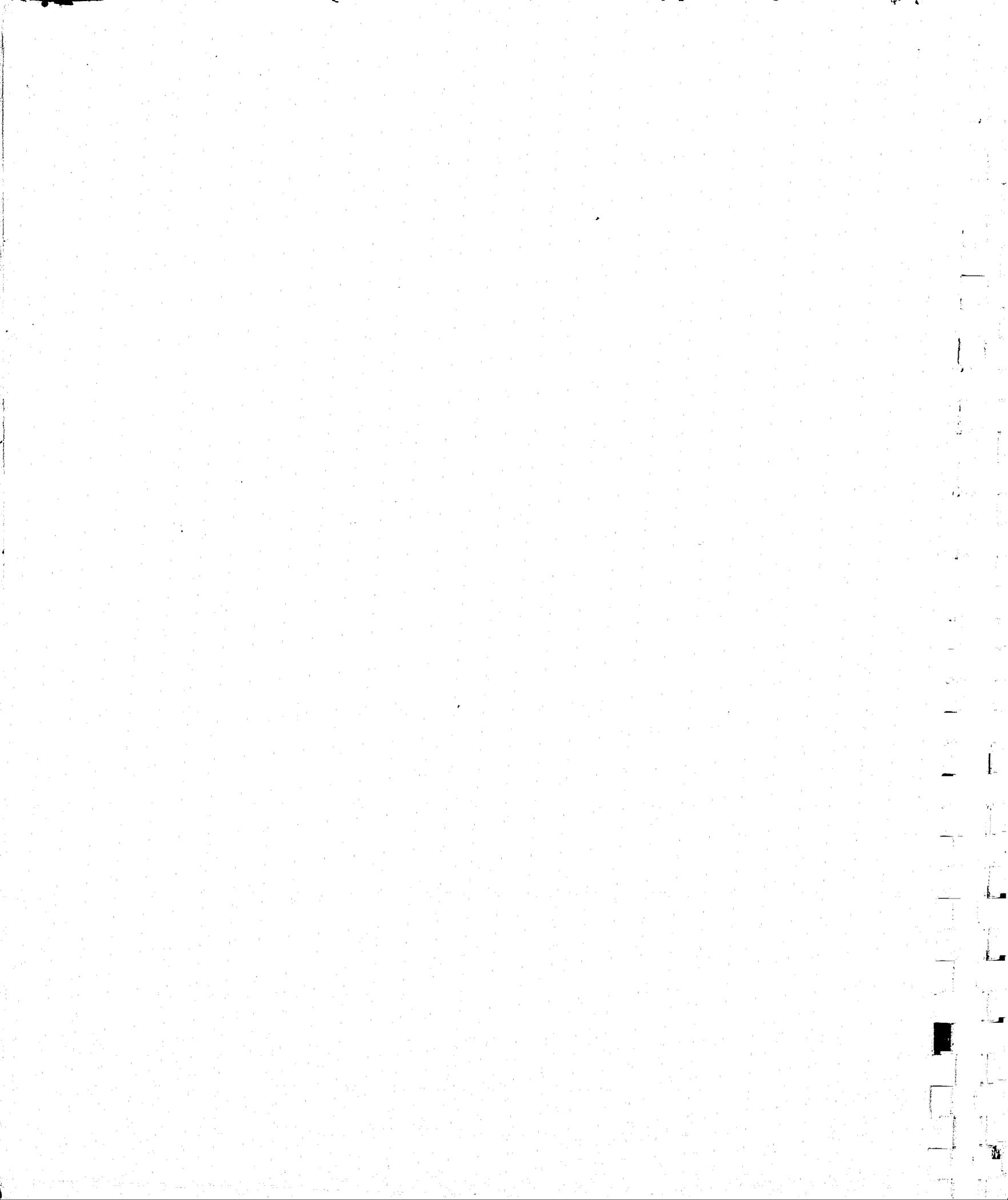
Develop computer researching.

Obtain continuity of trained researchers.

Screen cases and then make assignments to obtain the fastest action.

Establish a Public Defender for the Appellate Courts.

Permit a summary disposition in criminal cases where no new points of law are raised from a previous appeal.



V. SUPREME COURT

The Supreme Court Clerk's office serves as a central information service for Courts of Appeal transactions. This service was originally developed to provide control over the jurisdiction of cases and to have status information available in San Francisco, Los Angeles, and Sacramento.

Minutes and Manifold comprise the traditional form of communication between the Courts of Appeal and the Supreme Court. Copies of orders are also received each week. The telephone is normally used for daily contact with the Courts of Appeal rather than writing memos or letters.

To maintain the information center concept, each of the three offices keep identical sets of the Supreme Court dockets. San Francisco keeps a duplicate set of dockets for the Courts of Appeal with a card index. Los Angeles and Sacramento keep a card index for all Supreme Court and Courts of Appeal cases and post detailed transactions to the Courts of Appeal cards. In effect, this gives three complete sets of Courts of Appeal records in addition to those maintained in the appellate districts.

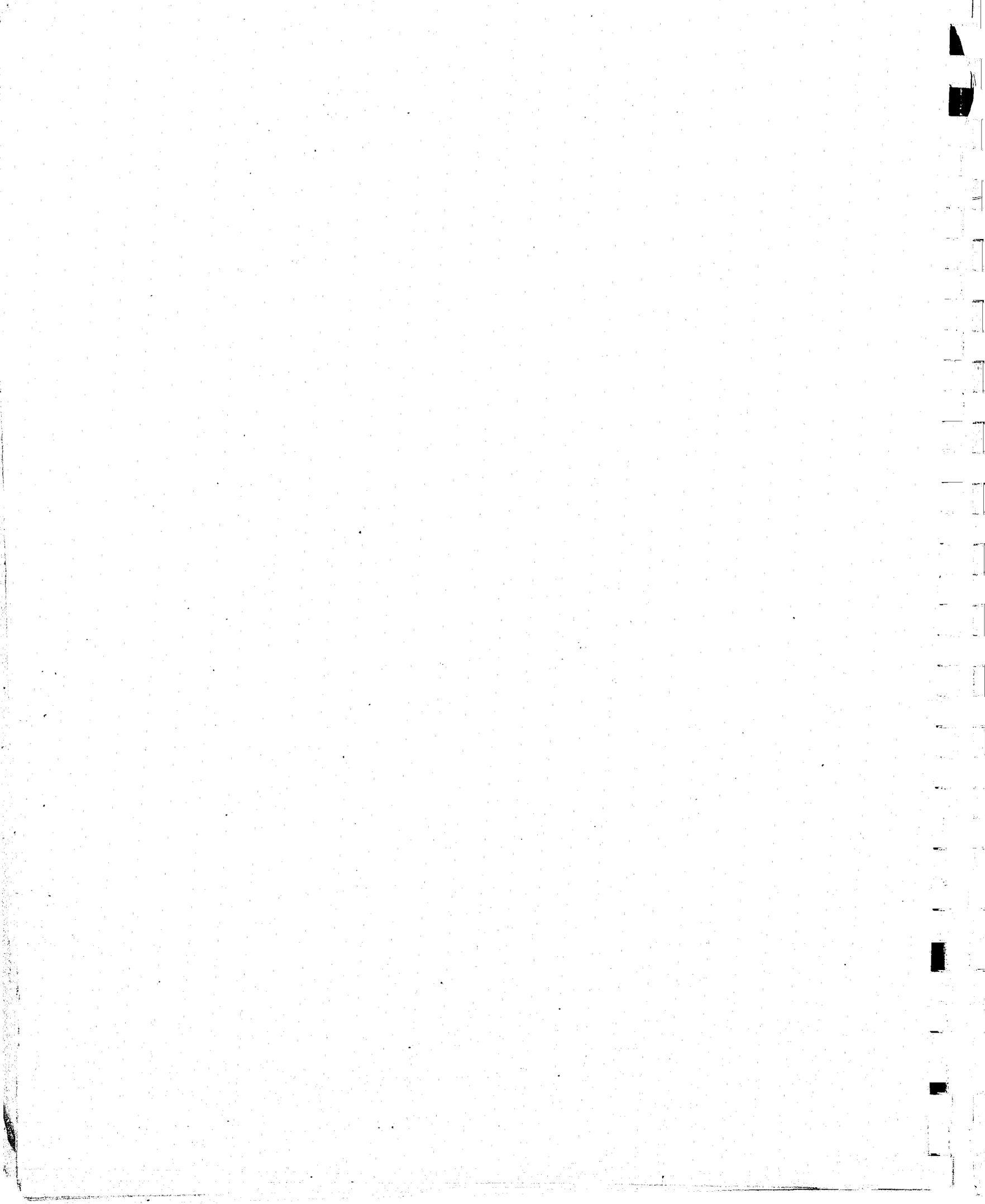
The major types of records from the Courts of Appeal and their retention time by the Supreme Court are as follows:

Registers	(kept indefinitely)
Manifold	(5 years)
Minutes	(5 years)
Index Cards	(10 years)

Two main areas were cited as needing improvement. Manifolds should have a standard format and include the same items of information from all appellate districts. Rules of Court are not clear as presently written, therefore, additional consultation with the Clerks of the Courts during modification could help in simplifying them.

CONTINUED

2 OF 3



VI. PERTINENT PRACTICES IN OTHER STATES

Eight states were contacted by a letter from Mr. Ralph N. Kleps, Director, Administrative Office of the Courts. Ernst & Ernst personnel contacted Judge Charles E. Bennett and Mr. Theodore J. Soja, Clerk of the Superior Court, Denver, Colorado to learn details of their revised system. Much of what has been accomplished was summarized in an article by Mr. Soja which was printed in Judicature/Volume 52, Number 4/November 1968. Portions of this article are quoted in the summary for Denver.

In addition to the information obtained directly from Denver, replies with positive information were received from the First Department and Third Department, Supreme Court Appellate Division, State of New York; the Supreme Court of Ohio; the Supreme Court, State of Louisiana; Superior Court Appellate Division, State of New Jersey; and Court of Appeals, State of Michigan. The information received is summarized by state as follows:

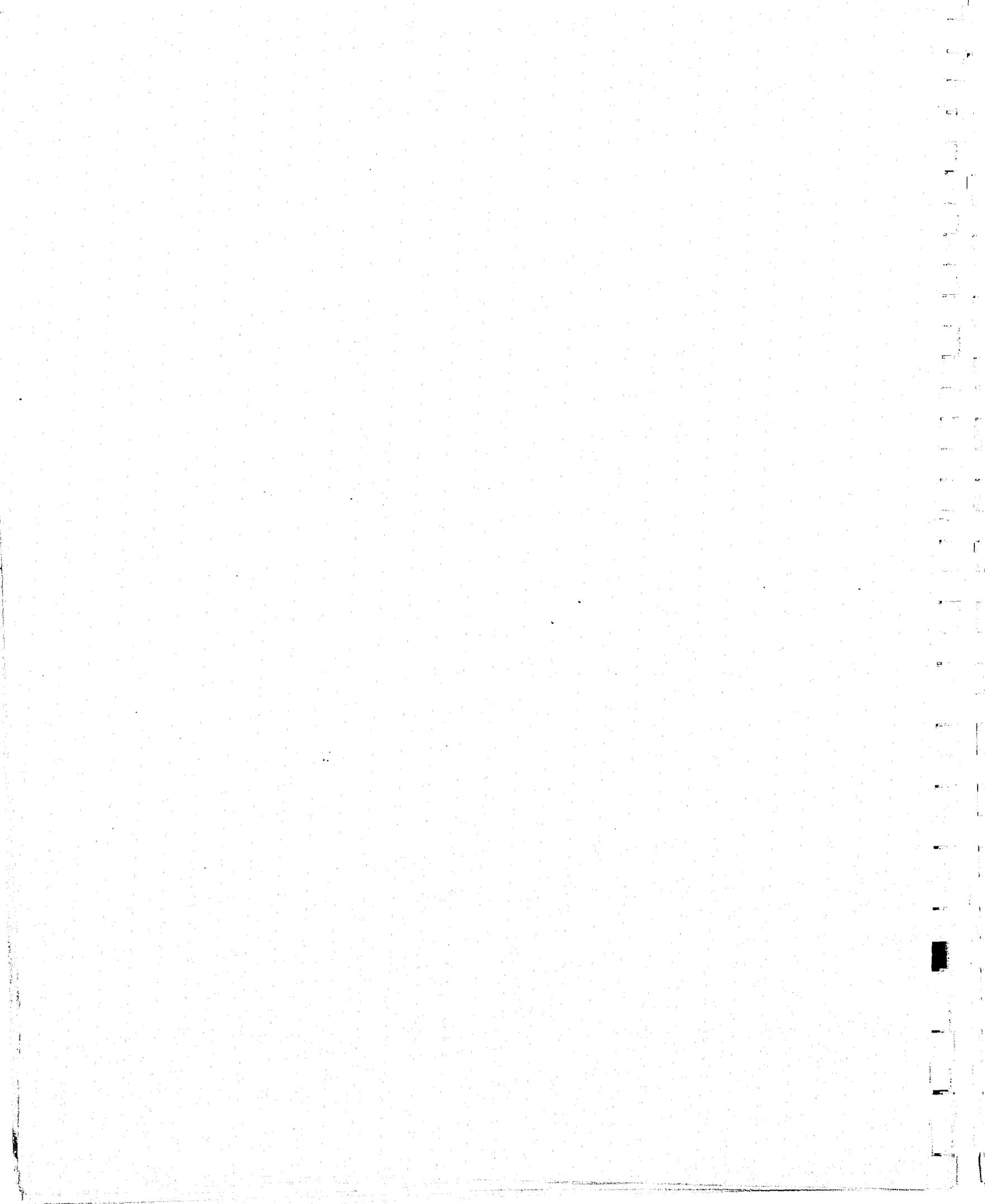
New York, First Department

To relieve the space problem of record keeping, this department has installed microfilming equipment and is able to destroy various books, orders, motion papers, briefs, etc. They make two copies of these documents and papers and have placed one copy for safe-keeping with the County Clerk of New York County, whose office is maintained in another part of the City of New York, and the other copy is kept on the premises.

They have eliminated the clerical detail involved in certifications by installing an electric certifier. It is no longer necessary to prepare and paste or staple separate certification certificates, describing the document certified, etc.

They have generally eliminated the need for carbon copies and manual collation of reports, orders and opinions by the preparation of one master copy and the use of a 2400 series Xerox and collater.

Records and orders are forwarded to attorneys by mail at the earliest possible moment, which helps relieve the strain on the switchboard which resulted from the many inquiries of attorneys relating to such orders and records. Forwarding these documents quickly, also relieves the clerical staff of making copies for the attorneys handling the case.



New York, Third Department

Some thirteen years ago at the direction of the then Presiding Justice of this Court, the practice of keeping bound record books was discontinued and an index card system substituted in its place. A simple index card has replaced the large record book entitled "Index of Cases". Decisions and orders are no longer bound in large type record books but are filed flat in file folders, together with important interoffice communications and correspondence.

Index cards are filed alphabetically while all other papers pertaining to a case are filed numerically. Each case receives a permanent number under which all papers pertaining to the case are filed, including motions, records on appeal, briefs, decisions and orders. Samples were provided of (1) motion index card, (2) case index cards (five different kinds), (3) instructions for completing case index cards and (4) transmittal slip for forwarding records, briefs and exhibits from the receiving department to the control desk in the Clerk's office.

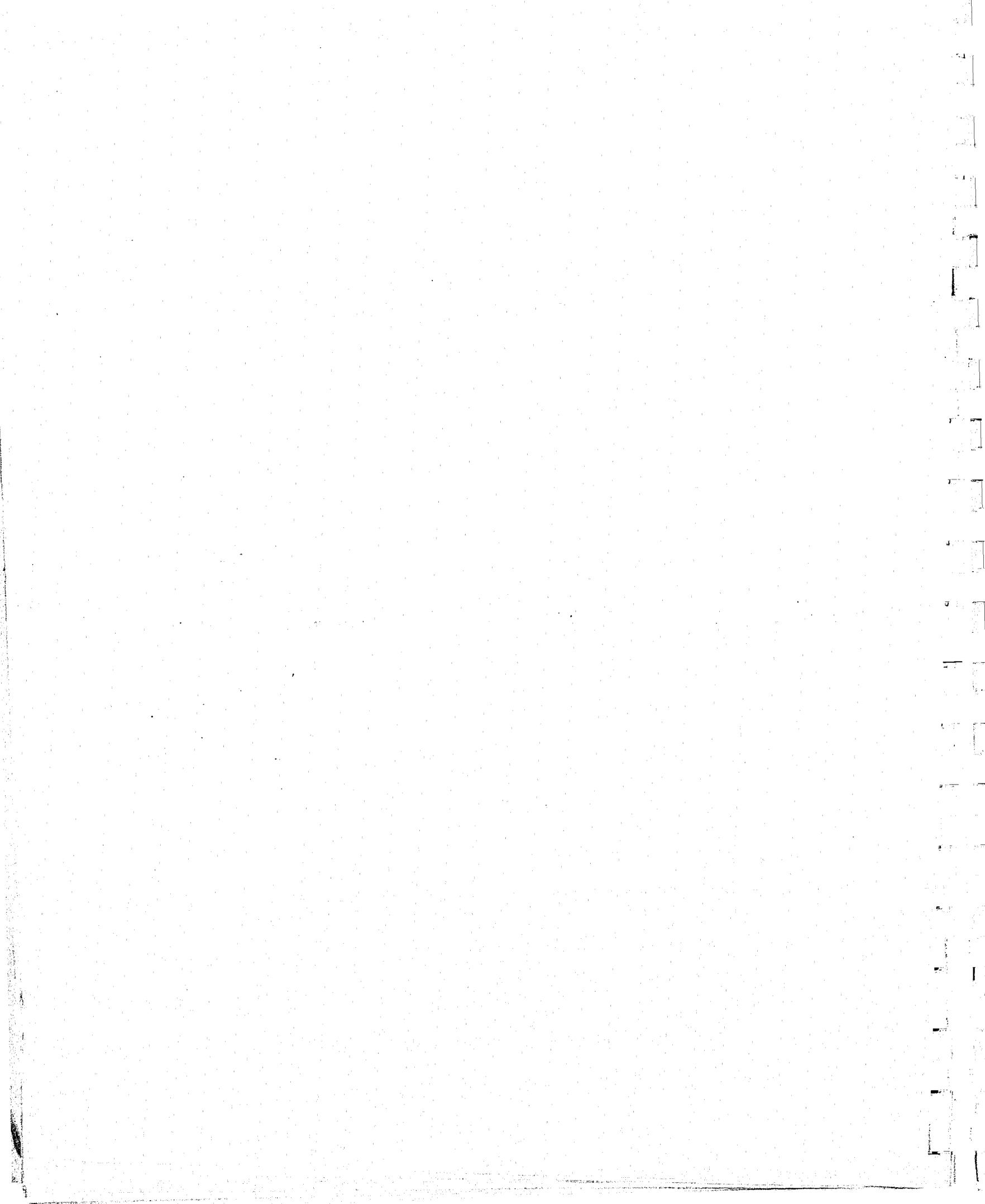
The Third Department has also developed instructions for preparing a typewritten record on appeal and an appendix to a brief, called Special Aids to Practice; instructions to assigned counsel for preparing records in habeas corpus, coram nobis and criminal appeals; questionnaire form for a prisoner's use in making application for assignment of counsel; and various other forms and procedural aids. (Copies of these were submitted.)

State of Ohio

In May 1968, the power of general superintendence over all courts in the state was granted the Supreme Court by constitutional amendment. This is broad enough to permit the Supreme Court to make rules governing all aspects of the court-related functions of clerks of courts, or even to take the court-related functions away from the elected clerks and give them to appointed officials at some centralized location in each appellate district. At this time, no sweeping changes have been made.

State of Louisiana

Seminars are being planned for district court clerks and clerks of the appellate courts on the preparation of the records for transmittal to the appellate court.



State of New Jersey

Permanent record keeping relies on dockets, indices, case files and the eventual microphotography of the case file, brief and appendix. Cash filing fees are put through a bookkeeping machine and attorneys' accounts with ledger cards go through the machine.

Although dockets are the permanent record of papers filed and dates of filing, they rely more heavily on cards and tally sheets (samples were provided). The cards are filed by stage of completion of the case. This is helpful in preparing lists of appeals for dismissal for failure to prosecute and for calendaring. Tally sheets are largely used for preparing monthly reports on appeals pending by date and on cases disposed of and the manner of such disposition. The tally sheet also helps in listing opinions which are due, and from which judge they should emanate.

State of Michigan

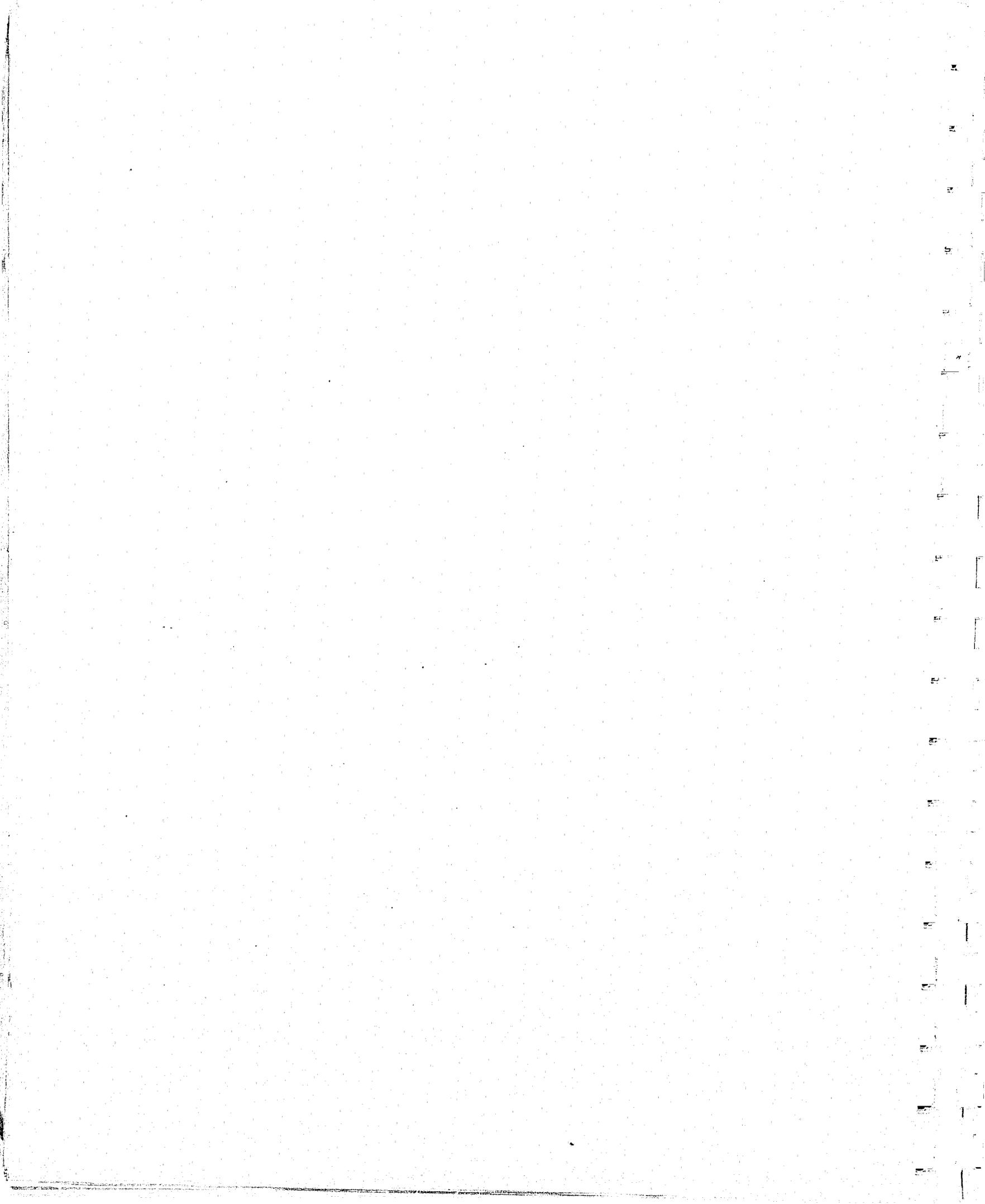
The materials illustrating procedures adopted by the Court of Appeals of Michigan which were previously presented to California Appellate Court Justices were supplied for this study. It covers constitutional and statutory provisions, procedural rules, organization, and other illustrations of the Court of Appeals. A primary part of this document is the pre-hearing system to attempt to increase the productivity of the judges.

Denver, Colorado

The Superior Court in Denver has jurisdiction of civil cases between \$500 and \$5,000 and all appeals certified from the eleven County Courts. The average caseload is about 3,000 cases a year.

The use of gum paper and the Xerox machine has reduced paper work and typing sharply. This allows employees time to provide numerous other services to the lawyers, litigants and the court. A combination of a cash register and a modern accounting system provide the court with a speedy, efficient and secure method of handling fees, checks and money judgments.

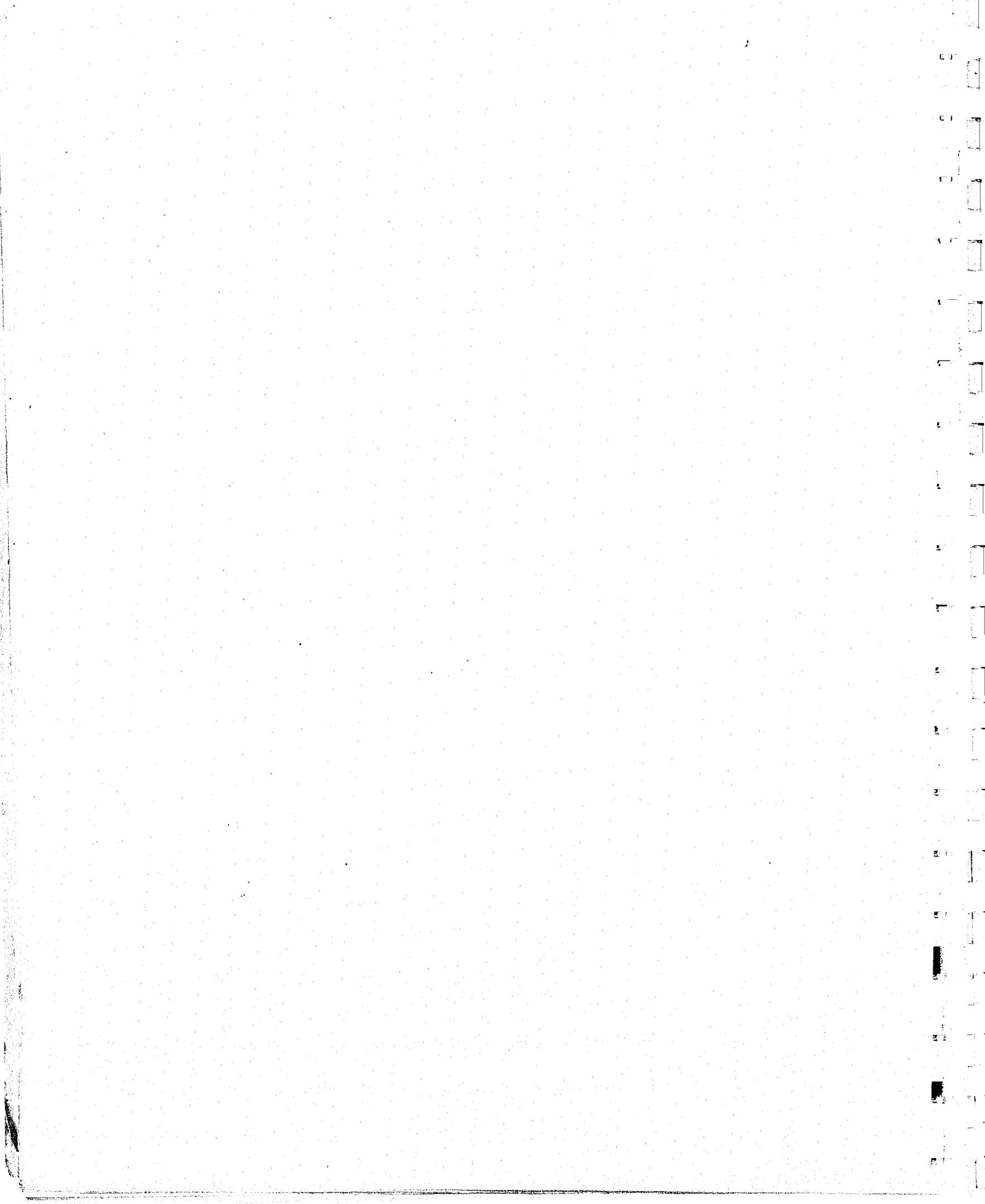
Microfilming records, deletion of old traditional book systems, and adoption of check lists and work-flow patterns have made the record system accurate, secure and easily accessible.



The use of open end filing cabinets with a new system of identification numbers with color spectrum on the filing jackets resulted in a sharp reduction in time and effort expended in locating mis-filed jackets, removing and replacing filing jackets containing the pleadings of a case.

Docketing of cases for trial was based upon information gathered through the use of simple statistical forms. The data gathered aided the court in establishing a docketing system for setting cases for trial in an expeditious and accurate plan. Security procedures were drafted for records, monies, exhibits and file jackets; eliminating repetition, loss of files and mounting paper work.

In-service training programs for personnel combined with work-flow patterns, work check lists and open lines of communication helped eliminate time-consuming traditional obsolescent work procedures.



VII. LONG RANGE PLANNING

This survey is only one facet of the overall requirements of the courts. In addition to the findings discussed in the report and the in-depth studies recommended in special problem areas, there needs to be a long range plan. To reduce the present backlog of cases before the courts, decisions must be made now. The questions that must then be faced are:

What effect will these decisions have on a long-range basis?

Will they support, or detract, from what really needs to be accomplished?

With a plan for a guideline in making present decisions systematically, the results of these decisions can be evaluated and measured against what was expected.

The first step involved in the planning process is establishing objectives. The objectives must be attainable, and may be established for different time periods and at different levels of emphasis.

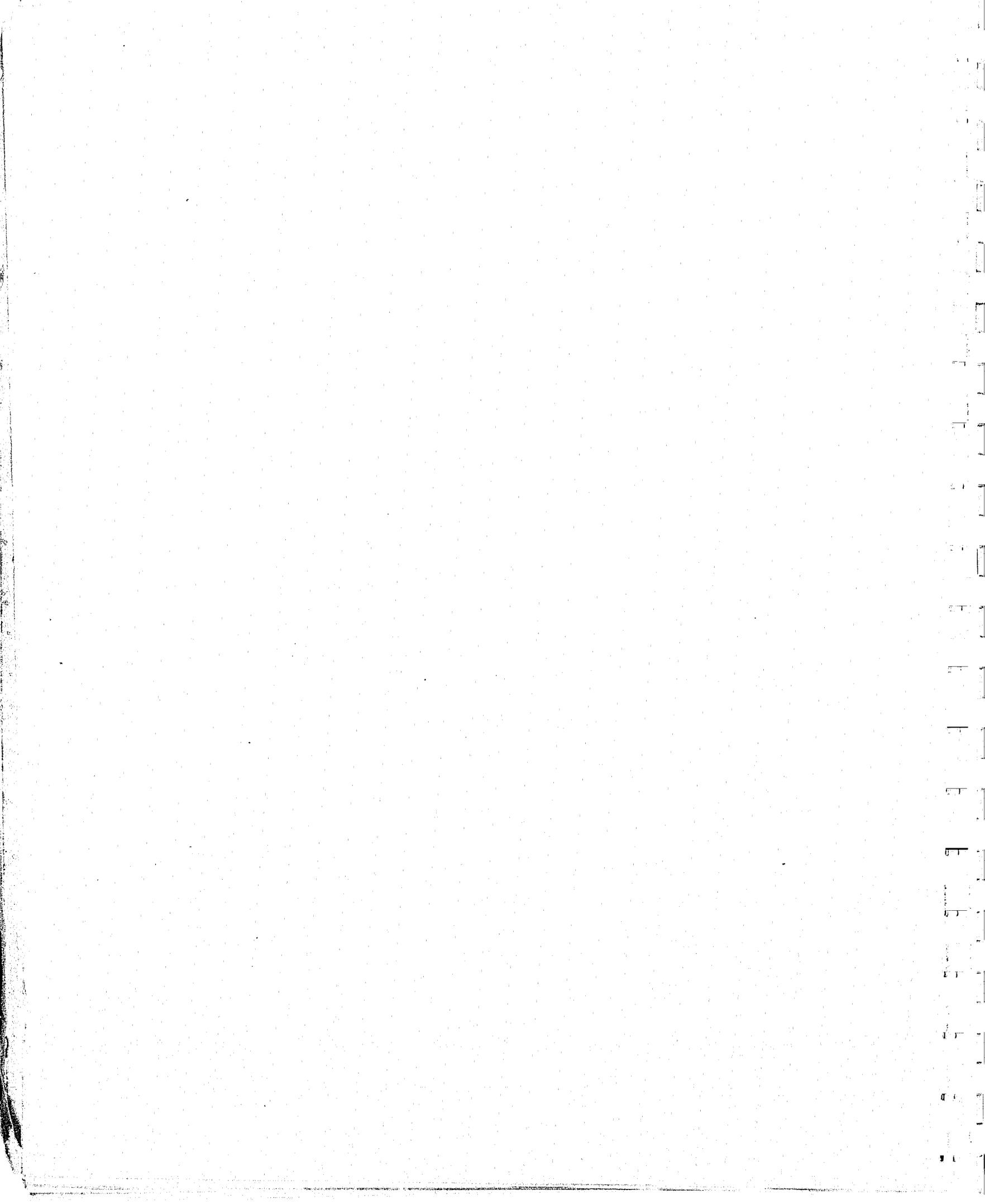
The second step is to establish assumptions to be used. This will include growth projections, organizational changes and policy changes. Some projections will be controllable and some will be independent. As the plan progresses, the assumptions must be adjusted to reflect the actual situation.

Alternate courses of action must be proposed, evaluated and a course of action selected to follow. At this point, more detailed plans must be developed to support the overall plan.

Long range planning for the Courts of Appeal should be established before making structural changes, such as establishing additional offices. Short-range planning to alleviate judicial caseload problems can be handled without disturbing the present size of the administrative organization since the processing in the clerks' offices does not now contribute to the backlog.

Administrative processing within the judicial system will, undoubtedly, become computer oriented on a statewide basis during the next two decades. Many trial courts throughout the nation are now using automatic data processing systems for:

- Traffic tickets
- Case -oriented indexing
- Accounting
- Document printing



- Jury management
- Docketing
- Calendaring and
- Statistics of all types

Most applications are for elementary court tasks and have been slow to be adopted on a general basis. Some California superior and municipal courts have been leaders in automation.

As additional needs can be met in law research, statute retrieval, and dynamic interaction of data between court locations, a court oriented information system can become a reality. To achieve this capability will require statewide coordinated action among the courts, long range planning and significant levels of funding. Recent activities on a local level, such as the Los Angeles Regional Justice Information System Project, show that the total information needs are being recognized. The State of California Legislature is presently searching for a system to codify, index, and publish statutes with the assistance of a computer.

This is not intended to imply that long range planning must be computer oriented, but rather to show that to fully utilize computer capabilities, a plan is required which will permit the courts to take advantage of the available technology.

END