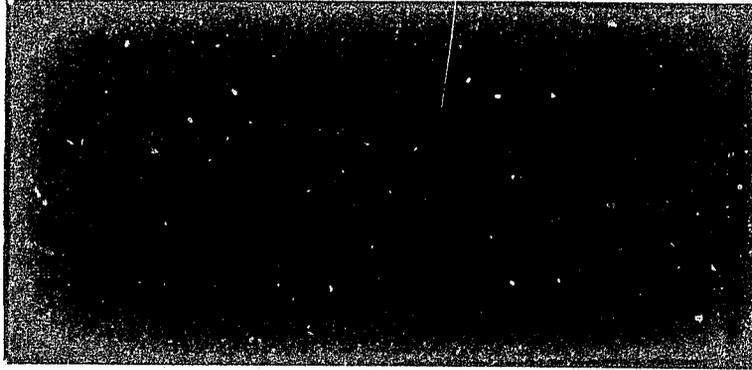


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CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
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The American University Law School
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RECOMMENDATIONS FOR IMPROVING
THE SERVICES PROVIDED BY THE
ADA COUNTY, IDAHO COUNTY CLERK'S OFFICE
TO THE FOURTH JUDICIAL DISTRICT
COURT IN BOISE

May 1977

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I. INTRODUCTION

In an effort to improve the accuracy and completeness of case-related information, Judge Warren Gilmore, Administrative Judge of Ada County, Idaho's Fourth Judicial District Court, requested LEAA's Criminal Courts Technical Assistance Project at The American University to review the present caseflow and recordkeeping systems of the Court. The frequent inaccuracy of portions of this data not only had affected the operations of the Court but had also jeopardized the Court's required input to the county and state information systems. Responsibility for maintenance of District Court records in Idaho is lodged in an elected clerk who also performs county auditor and recorder functions. However, since the content of these records is a product of a number of operational factors beyond those of the Clerk's Office alone, the focus of this study has been upon the court's overall case management and information process.¹

The consultants assigned to this study were Gordon Allison, Administrator for Maricopa County, Arizona's Superior Court; and John Petersen, retired Clerk of the San Diego Municipal Court. These consultants met with Judge Gilmore, Grant Yee, Court Administrator, and other court and data processing staff during their site visit March 31 and April 1. In connection with this site study, the consultants reviewed recent caseload and other relevant information prepared by Mr. Yee in preparation for the study. Their resultant analysis and recommendations are presented in this technical assistance report. Pending review by the Court, limited additional technical assistance services are available to aid in implementation.

¹Study of the Court's Traffic Division which operates in a separate facility was not included in this technical assistance report.

II. ANALYSIS

A. Background

Since 1950 Ada County has almost doubled its population as the following figures indicate:

<u>Year</u>	<u>Population</u>
1950	70,649
1960	93,460
1970	112,230

A 1975 demographic projection indicated the County's population of 139,400, with an annual growth rate estimated at 4% per year.

B. Description of the Court

1. Judicial Staff

Ada County is one of four counties located in Idaho's fourth judicial district. There are five district court judges and thirteen magistrates serving the entire district. Of these, four district court judges and five of the magistrates serve Ada County. A fifth district judge sits in Elmore County but spends considerable time in Ada County.

2. Jurisdiction²

Included in the District Court is a Magistrates Division which also has a Small Claims Department. The District Court exercises original jurisdiction over civil, criminal, habeas corpus, family cases, and civil cases over \$5,000. In addition, the Court exercises appellate jurisdiction over appeals from the Magistrates Division, state agencies and the Small Claims Department. The Magistrates Division exercises jurisdiction over civil cases up to \$5,000, probate matters, misdemeanors, preliminary hearings of felony complaints, juvenile and domestic relations. The Small Claims Department has a jurisdiction limited to \$500.

²In January 1971, a court reform act was passed whereby Justices of the Peace were eliminated and the present judicial structure of the state was created.

3. Court Organizational Structure

The organizational structure of the county and the judicial system is such that the county clerk also bears the title of auditor and recorder and performs several functions. In addition to maintenance of the District Court's records, the County Clerk is responsible for the conduct of elections, recording of deeds, county budget preparation, and county auditing functions. The County Clerk, Mr. Clarence Planting, has served Ada County for 21 years and performs the record-keeping tasks related to the Court's operation, including the microfilming and recording of all judgments and satisfactions. The complete clerk's function for the aforementioned courts is contained in one office which is organized into three divisions classified as "criminal and small claims", "district court and probate", and "civil". Mr. Planting has assigned Ms. Hazel Hampton to supervise the division of the Clerk's Office dealing with the district courts.

The Court has an administrative judge, The Honorable Gerald F. Schroeder, who is responsible for the administration of the District Court, including the Magistrates Division. This position is rotated each year. The Court Administrator, The Honorable Warren Gilmore, is a judge of the Magistrate Division and is assisted by Mr. Yee who is primarily responsible for preparation of the court's budget and performing other management functions related to the Court's operations. The judges of the district court and magistrate division do not meet on a regular basis but only at such times as is necessary. These are usually noon sessions.

4. Data Processing Resources

The district court has available to it the county data processing system which is presently an IBM "System 3", Model 15. The county data processing department is headed by Mr. Jerry Rule. The system is available to

the sheriff and the prosecuting attorney and has been designed to be an integrated system whereby input would be provided by all parties to a case, i.e., the sheriff for the booking and detention, the prosecuting attorney for the filing of complaints or informations and the court for the scheduling of the trials, arraignments and other hearings and dispositions.

C. Focus of the Study

The problem as stated by the judges is that for various reasons, they are dissatisfied with the service provided by the district court and probate division in the clerk's office. Although the supervisor is an excellent worker and has complete knowledge of all phases of the division's operation, she has not been able to exercise effective supervision of the employees to provide the services which the court needs. It has been the feeling of the court that they would like to exercise more direct supervision of the clerk's operations but their knowledge and ability is no better than what is currently being done today and they have no one available who could adequately perform this function. The relationship between the court and the clerk of court is defined in Section 1-907 and Section 1-1001 of the Idaho Code and has resulted in a bifurcation of responsibility between the individual trial division and the County Clerk's office. This bifurcation of responsibilities has resulted in confusion between the court staff and the clerk's office. This is evidenced, for example, by the fact that some calendars are set in the clerk's office and other calendars are set in the court. This confusion is complicated by a reluctance on the part of both the court and the clerk's office to discuss problems which they arise and attempt to achieve solutions immediately, so that in many cases insignificant situations have become large-scale problems.

It appears obvious that the concept of a county clerk who performs all county functions may still be valid in rural jurisdictions in Idaho. However,

with the growth of population and the number of judges and cases which urban centers such as Boise are handling, the county clerk is no longer capable of providing individual attention and responsiveness to the judicial functions and operations which is essential.

III. DISCUSSION AND RECOMMENDATIONS

Idealistically, a constitutional revision or statutory change would be necessary to effect an ideal reorganization. Although under the state reform of 1971, the Idaho Supreme Court is playing an aggressive role in local court management, these efforts do not necessarily address the immediate needs of Ada County. For example, the Supreme Court is developing a clerk's manual but the distribution and application of such a manual is still more than a year away.

Some of the changes which can be made regarding the operation of the Fourth Judicial District are quite simple and involve no expense. Others would be much more complicated, may take a longer time to implement, and may involve sizeable expenses. Obviously, changes which the court wishes to make should be planned on the basis of need and these changes prioritized so that the court, the clerk's office, and the employees of these agencies will understand what is going to happen and what is expected of them. Some changes to consider are:

A. District Court Supervision of County Clerk's District Court Division

Obviously highest on the list of priorities is the direct supervision of the district court division of the County Clerk's office by a responsible party of the district court. The consultants feel that such supervision is possible under existing laws and court rules, although some rule changes may be necessary to implement such action.

Hazel Hampton, the present supervisor, has mentioned that she will be retiring shortly. Although the Court may want to institute such supervision through her successor, Ms. Hampton should be heavily relied upon for her knowledge and experience within the office.

B. Recruitment for District Court Division Staff

The court should establish recruiting procedures and utilize structured tests or oral interviews to screen and qualify potential staff. Wherever possible, staff from within the court and clerk's organization should be promoted or transferred in order to provide as high a degree of experience as possible whenever there is a vacancy. A long-range goal should be the development of a complete personnel system for the courts.

C. Job Descriptions

Jobs and the duties throughout the court must be defined. The court should keep in mind the distinction between jobs and those persons performing them. Job definitions and pay rates should be set, after which capable people should be hired to fill them. As an adjunct to defining all jobs and duties within the clerk's office and the court, an effort should be made to prepare procedural manuals and delegate someone to be responsible for training new employees.

D. Tracking Case Files

Obviously with the county clerk being responsible for the case files, the clerk should require each division to furnish an "out" card every time a file is pulled in order that the location of that file may be tracked. If additional papers are then filed in the clerk's office for insertion into the case file, the "out" card will provide an easy method for locating the appropriate case file.

E. Filing Motions and Pleadings

A common problem appeared to be that of assuring that last minute motions or other pleadings were included in the file prior to the judge's conduct of the hearing. Several solutions might be considered in this matter, such as requiring counsel to file a copy in the trial division of all motions filed in the clerk's office using the "out" card system described in Recommendation D

above, etc. It would also be wise for the court to establish a rule regarding the filing of responsive pleadings since, in many instances, judges will not take the time to read responsive pleadings when they are filed the day before the hearing.

F. Review of Microfilm Procedures

A complete examination should be made of the Clerk's microfilming procedures in order that a definite, concise program can be defined. In this regard a number of issues should be addressed. For example, what is the purpose of the microfilming to begin with? Saving space? Providing a means for the public to read files? Security? Once the policies are established, they should be adhered to and the microfilming done in a professional and accurate manner.

G. Register of Actions

The register of actions is the official record of the court and is a chronological listing of all papers, documents and minute entries filed in respective case filings. It corresponds with what has been actually placed in the case file or folder. This is an area where some changes should be considered to save man hours and floor space. Currently, the register of actions consists of a page for each case which is housed in a large detachable binder. Each binder holds approximately six months' business. Each time an entry is made in the register of actions, the individual page (case record) must be removed from the binder, a typewritten entry made and the page then replaced in the binder. This is a time-consuming operation and limits the availability of each binder to one deputy at a time when an entry must be made.

As stated above, the papers, documents and typewritten minute entries are housed in a case file or folder and inside the front cover is also a list of its contents. It was observed that the entries made in the computer terminal

or C.R.T. unit was similar if not the same as those entered in the register of actions. Thus it appears that the computer could be utilized to replace the computer could be utilized to replace the current manual system with the possible need for additional programming. The computer terminal could also be used to make inquiries whenever necessary as to the status of each case. The space now used to house the register of actions would then be available for other use. The computer program should have some safeguards to protect the records. Certainly this was given consideration when the current system was implemented. It should be noted, however, that the court does have a duplicate record in the case file or folder should the computer be "down" for any length of time.

If the court would feel it desirable to maintain a manual register of actions, the current system could be improved by making it a loose-leaf type register and house it in "V-Line" trays or similar equipment which would occupy less floor space and make the records more readily available.

H. Indexes

The indexes are maintained similarly to the register of actions. An index for one type of case is kept in a separate binder, with the others in the front section of the register of actions. In both cases, the index page must be removed each time an entry is to be made.

It is suggested that all indexes be computer produced. Currently the information necessary to produce these indexes is entered by a deputy through the terminal. (We were informed that, for some reason, the clerk was not entering civil cases although the system was programmed to include them.) The computer could produce a daily, weekly or monthly index. A daily index could be up-dated each day on an accumulative basis. That is, each day's cases would be added in alphabetical order and computer produced. The prior days

index then could be discarded and so on until a months index had been accumulated. The monthly indexes could then also be combined into a six-month or a yearly index, whichever is desired, and become the permanent index. This system would save the clerk a considerable amount of man hours and produce an index that would be in alphabetical order, something they do not have now.

An alternative would be to simply use an "on-line" computer index but present computer hardware may not have the capability to handle such an index if it became large.

I. Identification of Active Cases

A system for identifying active cases could also be programmed from the computer. A list of "case status" could be produced from time-to-time to assist the court in calendaring cases. In addition, active cases could be housed separately for better control. Consideration should also be made to assigning a "calendar clerk" to be responsible for handling all active cases.

J. Uniform Calendar-Setting Program

A uniform calendar-setting program should be established for the court and someone within the clerk's office should be designated responsibility for that important function. This deputy or "calendar clerk" should be authorized by the court to set cases for trial or hearing in each of the respective courts. The deputy should also have the authority to contact attorneys regarding their readiness immediately prior to trial and advise the court accordingly.

K. Need for Uniform Systems and Procedures Among the Court's Divisions

It should be remembered that in an individual calendar system, there is a tendency for each judge to operate in a different manner from all others. This tendency spills over onto the court reporter and clerk and thus the way cases are calendared will differ from court to court. The result is that attorneys have great difficulty in knowing the various procedures in the different divisions of the court and it becomes very difficult to implement

uniform procedures within the court. It must be remembered that the larger the court gets in total number of judges and employees, the more uniformity is needed in procedures and systems.

L. Need for Procedural Directives

The district court should establish procedural directives and these procedural directives should be retained in organized files or notebooks. Ultimately these documents should become the operating manuals of the court.

M. Use of Exit Interviews to Analyze Employee Turnover

An examination of employee turnover has shown that average or at least adequate salaries are being paid. The reasons given for employees leaving is that the job is too busy, they have moved, they have left at the request of their spouse or that they just wanted to stay home. In order to effectively evaluate the efficiency of the clerk's department, exit interviews should be given to employees before leaving the court and an analysis of turnover made.

N. Open Shelving for Records

Currently there is a limited amount of office space for the employees of the clerk's office. Using more up-to-date office equipment would give added space as well as a more efficient operation. It is suggested that the clerk use "open shelf" filing instead of the current file drawers. This system uses less space and makes the files more accessible.

O. Computer Data Entry

The courts utilization of the county's computer has been very weak and the attitude prevails that "we keep putting things in but don't get anything back". Errors in the computer are obviously errors entered by the operators since the computer only gives back what is put in. The person employed to enter data in the terminal has had no court experience, is unfamiliar with terminology and may not, therefore, be sensitive to problems or errors which may be in the computer or which are being entered.

The individual doing the data entry should be completely familiar with all facets of the operation of not only the clerk's office but of the court as well. An effort should be made to enter all data which is required and enter it as accurately and as timely as possible. As previously stated, it is not unreasonable to request the computer department to provide inquiry capability for case indexes and case status. The computer department should also be able to print the daily calendar of each division as well as certain records utilized by the clerks and the courts.

P. Organizational Chart

One of the best beginnings a court can have to understand what is happening and identify where problems exist is to establish an organizational diagram, a chain of command and a paper-flow diagram and use this as a beginning in planning and priorities.

Q. Meetings of the Court

It is recommended that at least during the organizational period that the court meet at least bi-weekly and discuss policies and procedures. It is also recommended that the individual who the court designates to be responsible for the operations of the district court division of the clerk's office be in attendance at these meetings. Again policy decisions developed during these sessions should be documented and filed for the benefit of all in their procedure manuals.

IV. SUMMARY

The problems which the judges in Ada County are evidencing are basically brought on by the archaic clerk's office structure where the responsible party does not play an active role in the operation of the clerk's office. Therefore, it is necessary for someone to operate the clerk's office who is responsive to the needs of the judges and coordinates the activity of the clerk's office by virtue of rule, statute or the fact that they are an employee of the court. There are obviously many improvements which can be made in the management and administration of the office as well as the systems and procedures and relative use of equipment. These things are going to have to be done by the employment of an individual with management experience, preferably in the field of courts, who would be dedicated to the improvements needed and work with the judges. Although some changes may be expensive, any expense can be shown to be cost-effective due to the fact that time or space may be saved and the effectiveness of the courts would be increased. Any additional expenses would also be minimal and would be easily borne by the court's budget.

END