

THE AMERICAN UNIVERSITY

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

A Program of the
Adjudication Division
Office of Criminal Justice Programs
Law Enforcement Assistance Administration
U.S. Department of Justice

499226

THE AMERICAN UNIVERSITY
Joseph J. Sisco, President
Richard Berendzen, Provost
Nicholas N. Kittrie, Dean (Interim), Law School



INSTITUTE FOR ADVANCED STUDIES IN JUSTICE

Harold C. Petrowitz, Acting Director
Joseph A. Trotter, Jr., Executive Associate Director
David J. Saari, Associate Director
B.J. Tennery, Associate Director (On leave)
Jill Berman Wilson, Administrative Officer

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT

Joseph A. Trotter, Jr., Director
Caroline S. Cooper, Deputy Director (12/72-8/77)
R. William Linden, Jr., Technical Assistance Specialist
Kathy Bradt, Evaluation Specialist
Sara Travis, Administrative Secretary
Susan Ellis, Student Intern
David Trebach, Student Intern

PROJECT ADVISORY BOARD

Nicholas N. Kittrie, Law School
Richard A. Myren, Center for the Administration of Justice
David J. Saari, Center for the Administration of Justice
Elliot S. Milstein, Law School

OTHER INSTITUTE PROJECTS

EMPLOYMENT AND CRIME PROJECT

Leon Leiberg, Project Director
Fran Lazerow, Research Director

COURT MANAGEMENT PROJECT

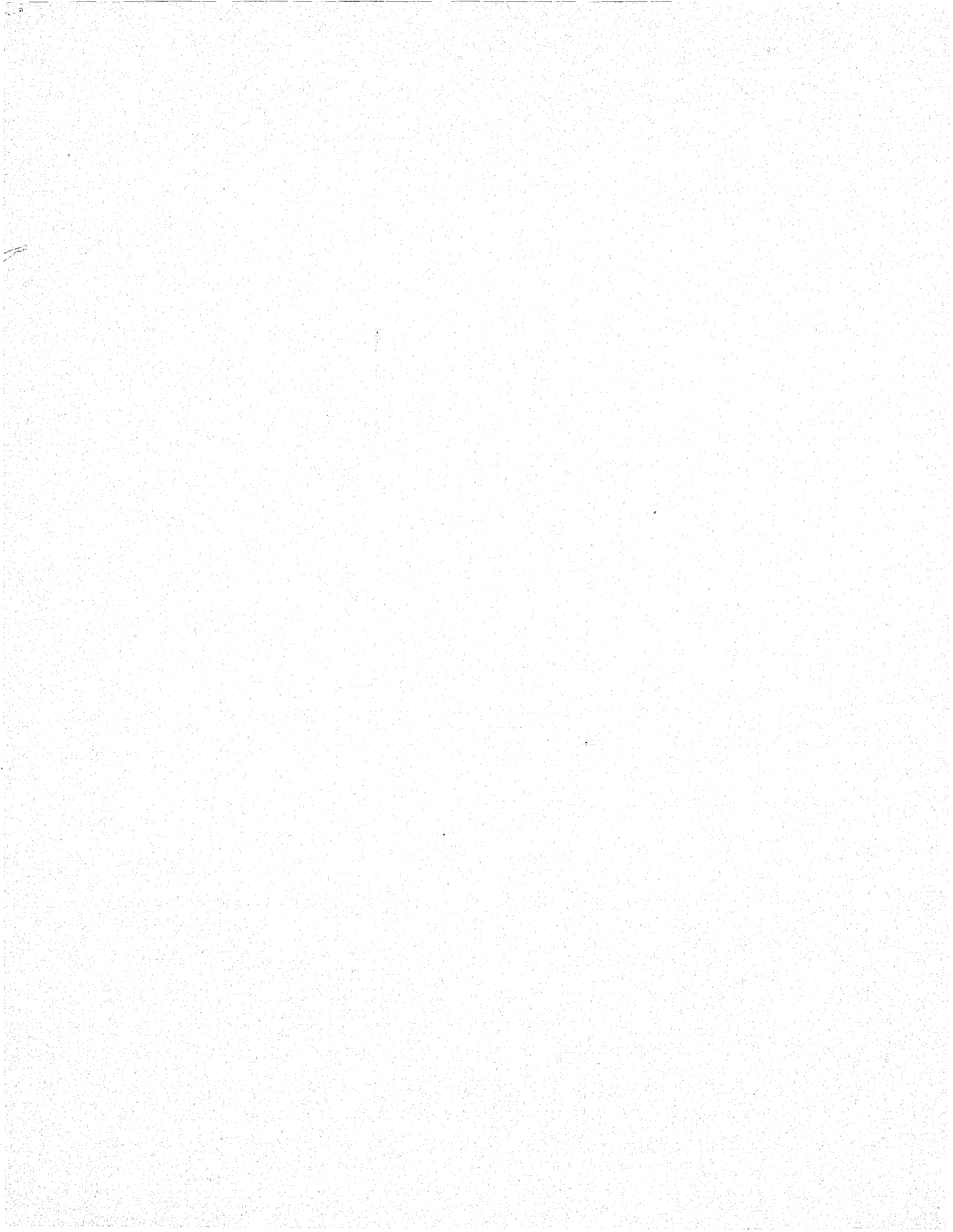
Caroline S. Cooper, Project Director

NATIONAL ADVISORY COMMITTEE TASK FORCE ON DISORDERS AND TERRORISM

WAR ON CRIME IN THE DISTRICT OF COLUMBIA 1955-1975

ASSESSMENT OF THE CRITICAL ISSUES IN ADULT PROBATION SERVICES

THE IMPACT OF DECRIMINALIZATION ON THE INTAKE PROCESS FOR PUBLIC INEBRIATES



ADMINISTRATIVE IMPLEMENTATION OF THE
NEW JUDICIAL ARTICLE, NEW CRIMINAL CODE,
AND SPEEDY TRIAL RULE BY THE MISSOURI
SUPREME COURT AND THE STATE
COURTS ADMINISTRATOR

NCJRS

AUG 11 1978

APRIL 1978

ACQUISITIONS

Consultants:

Harry O. Lawson
Beatrice Hoffman
Gerald B. Kuban

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
The American University Law Institute
4900 Massachusetts Avenue, N.W.
Washington, D.C. 20016
(202) 686-3803

This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U. S. Department of Justice.

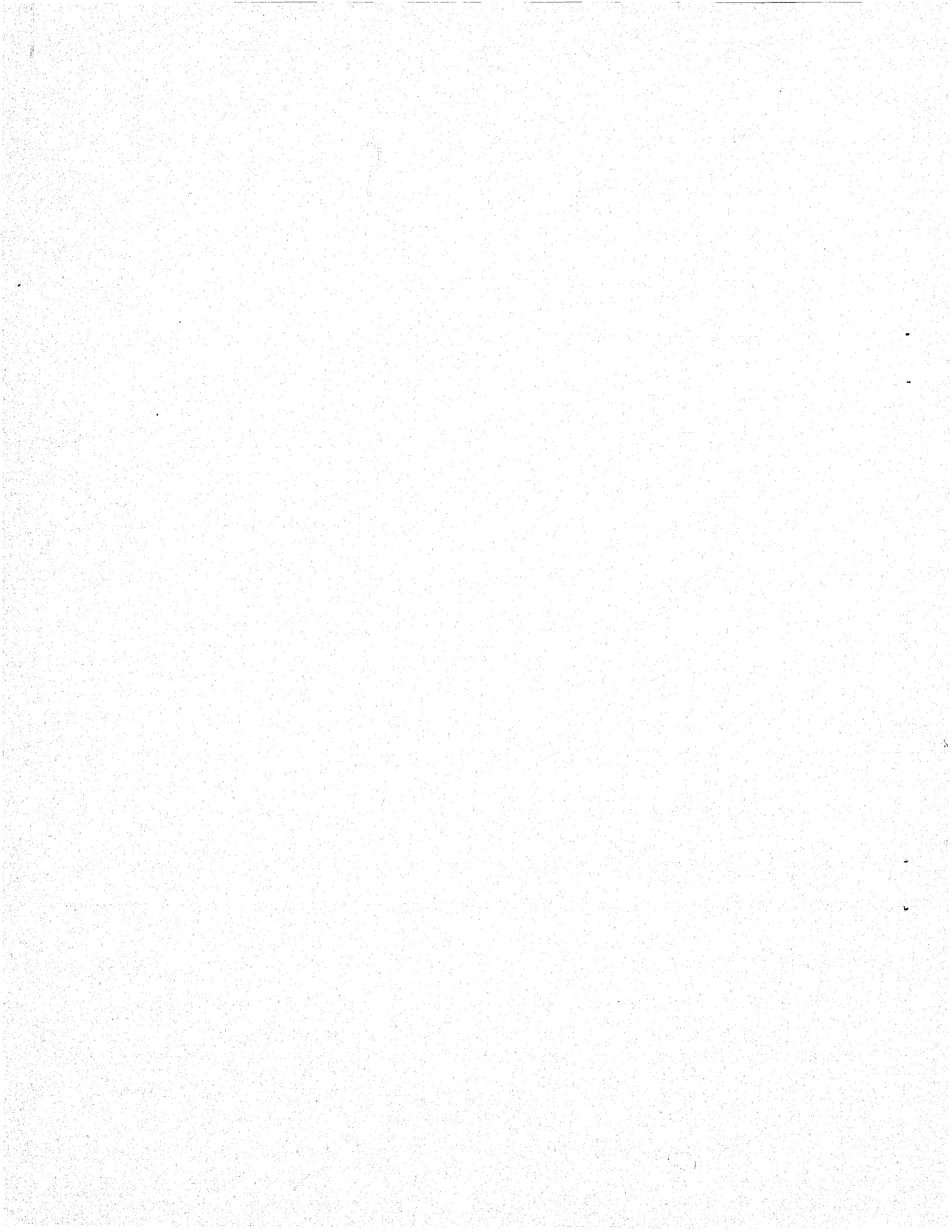
Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The American University is solely responsible for the factual accuracy of all material presented in this publication.

The Law Enforcement Assistance Administration reserves the right to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use all or any part of the copyrighted material contained in this publication.

Copyright © 1978 by The American University, Washington, D. C. 20016

TABLE OF CONTENTS

	<u>Page</u>
PREFACE	1
I. SUMMARY OF RECOMMENDATIONS	3
II. BACKGROUND.	5
A. Overview of Recently Enacted Legislation.	5
1. The Judicial Article and Implementing Legislation	5
2. The Criminal Code.	5
3. Speedy Trial Statutes.	6
B. Description of the State Courts Administrator's Office	6
III. IMPACT OF NEW LEGISLATION ON THE STATE COURTS ADMINISTRATOR'S OFFICE	7
A. Tasks for the State Courts Administrator's Office Imposed or Expanded by the Legislation.	7
1. Personnel and Budget Administration.	8
a. Employee Inventory.	8
b. Classification and Pay Plan	10
c. Reasons for Classification Study Plan	11
d. Classification Plan Maintenance	12
(1) Personnel Board	12
(2) State Courts Administrator's Office	13
(3) Inclusion of Other Units.	13
e. Staff Needs	13
(1) EDP	14
(2) Other Staff	14
f. Budget Preparation.	16
2. Fiscal Administration.	16
a. Payroll Processing.	17
b. Fiscal Monitoring	18
c. Auditing.	18
d. Bonding	19
3. Training	19
4. Technical Services to the Circuit Courts	20
5. Increased Local Administrative Capability.	21
6. Record Keeping	22
7. Central Transcript Reporting	23
8. Planning and Research Capability	24
B. Reorganization of the State Courts Administrator's Office	24
IV. LONG-RANGE IMPLICATIONS	27
APPENDIX A: Organization Chart, By Functions, of the Missouri State Courts Administrator's Office	
APPENDIX B: Recommended Personnel and Starting Dates of Addition to the Missouri State Courts Administrator's Office	

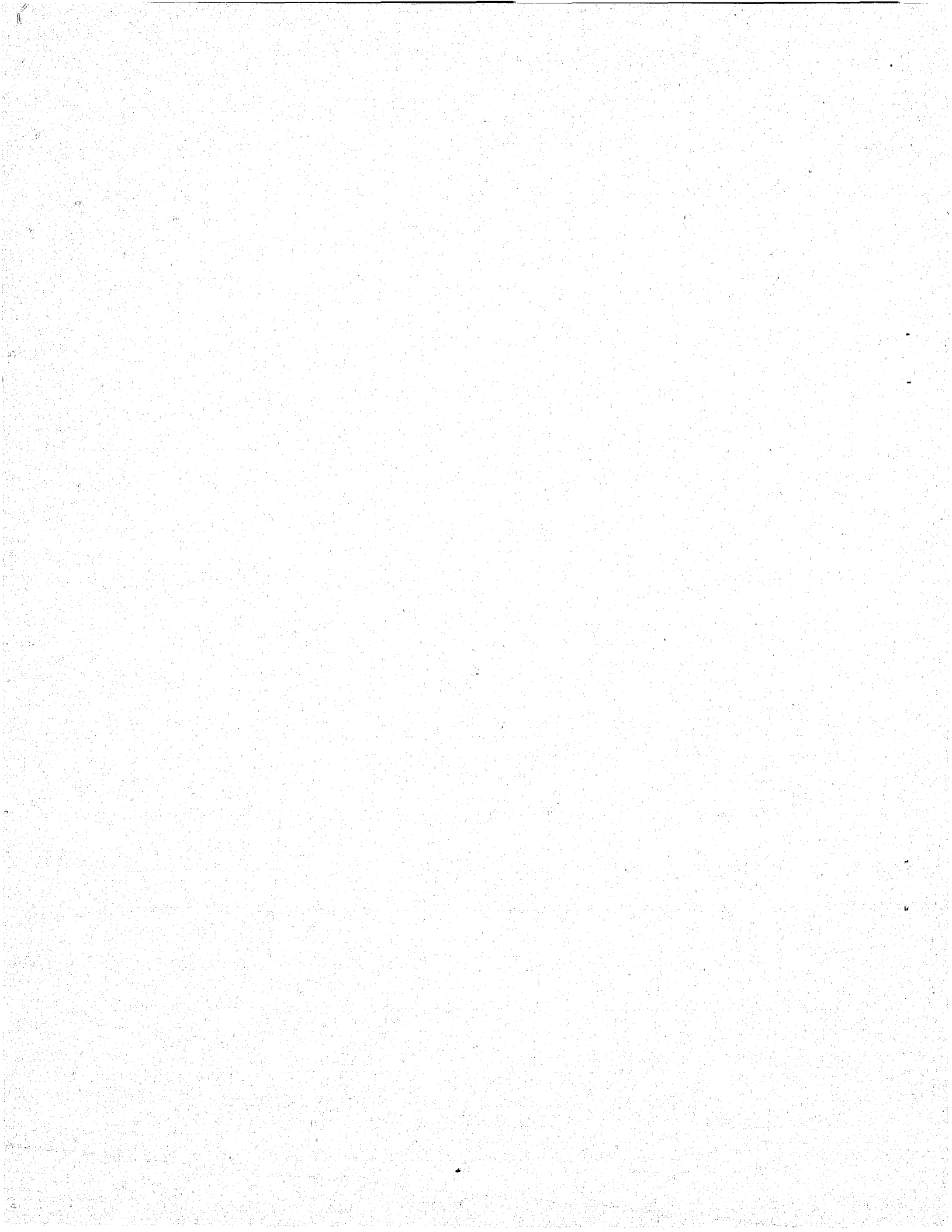


PREFACE

The State of Missouri has recently enacted by public referendum and legislative action a new Judicial Article and implementing legislation, a new Criminal Code and a Speedy Trial Bill. As the administrative arm of the Supreme Court, the State Courts Administrator's office recognized the need for help in defining its role in the transition and implementation phases of these changes in the Missouri court system and criminal justice process. Mr. James Parkison, Missouri State Courts Administrator, requested the assistance of LEAA's Criminal Courts Technical Assistance Project at The American University in obtaining the services of consultants with experience in court reorganization planning and statewide court system administration. Mr. Parkison asked that the consultants review the short and long-range impact of the new legislation on his office, focusing particular attention on evaluating staffing patterns and office administration and identifying areas in which changes would be required as a result of the legislation.

The consultants assigned to provide this assistance were Professor Harry O. Lawson, Director of the Judicial Administration Graduate Program at the University of Denver College of Law and former Colorado State Court Administrator; Beatrice Hoffman, independent criminal justice system consultant and former Director of Planning and Research for the Colorado Judicial Department; and Gerald B. Kuban, a specialist in court personnel systems and public administration. Prior to their site visit, Mr. Parkison provided each member of the team with copies of the new legislation and other information relevant to the administration and staffing pattern of his office.

The team was on-site in Jefferson City, Missouri, from April 5-7, 1978. During this period the consultants met with Mr. Parkison and key members of his staff and also interviewed the clerk of the Supreme Court



and the Supreme Court librarian. The operations of the State Courts Administrator's office were observed in light of the implications of the new legislation and the preliminary plan and proposals developed by Mr. Parkison's staff were reviewed.

I. SUMMARY OF RECOMMENDATIONS

A) It is imperative that the State Courts Administrator's office begin immediately to develop the capacity to undertake, in the very near future, the following new or expanded responsibilities: 1) Personnel and Budget Administration; 2) Fiscal Administration; 3) Training; 4) Technical Services to the Circuit Courts; 5) Increased Local Administrative Capability; 6) Circuit Court Record Keeping; 7) Central Transcript Preparation; and 8) Planning and Research.

B) The Supreme Court must establish salary ranges and classifications.

This will require several tasks:

- 1) an immediate inventory of all employees as of January 1, 1978 who will become state funded on July 1, 1981;
- 2) a subsequent inventory, in more detail, after consolidation occurs on January 2, 1979;
- 3) preparation of a classification and salary plan to be presented to the Supreme Court for approval;
- 4) the creation of a personnel board or commission by Supreme Court rule to oversee the classification and salary plan and to serve as a review body for appeals from employees; and
- 5) the development of an automated personnel information system, to be operational by July 1, 1981, to include a payroll information for the State Comptroller's office.

C) If central budget review is required by legislation, a budget committee should be created by Supreme Court rule to be responsible for budget analysis, review, and consolidation of the separate circuit court requests.

D) An extensive training effort should begin, as soon as possible, to include not only training of court personnel but also others in the court and justice system affected by the changes in the Judicial Article, the Criminal Code, and the Speedy Trial bill.

E) To aid the circuit courts in the monumental job of consolidation, technical assistance capability should be developed in the State Courts Administrator's office. This would include direct assistance to the courts with sound recording equipment and with space and financial management problems, among others.

F) The present plans within the State Courts Administrator's office to extend the SWJIS system to include all divisions of the new consolidated circuit courts should be carried out.

G) To increase local administrative capacity, a pilot program should be instituted and evaluated within three to five circuit courts to provide a court administrator for the chief judge, or a regional administrator for two to three circuits.

H) Planning, research, and training capability should be expanded by combining these functions under a coordinator who answers directly to the State Court Administrator.

I) If the State Courts Administrator's office is to assist the Supreme Court in following constitutional mandates, a larger staff is essential. To assure that coordination and efficiency will continue in the coming period of sudden growth and demanding schedules, it is recommended that a Director of Operations position be created, to report directly to the State Courts Administrator.

J) The staff increase in the office of State Courts Administrator will require additional space. The short-range solution may be to rent space in other locations, but in the long run, the office should be consolidated to maximize efficiency and communication.

II. BACKGROUND

A. Overview of Recently Enacted Legislation

The recent Missouri legislation designed to effect changes and improvement in the justice process and state court system includes:

Senate Joint Resolution 24 (the new Judicial Article)

House Bill 1634 (implementing judicial legislation)¹

Senate House 60 (the new Criminal Code)

House Bill 241 (Speedy Trial Bill)

1. The Judicial Article and Implementing Legislation

The new Judicial Article abolishes courts of limited or special jurisdiction and establishes a three-tier structure: the Supreme Court; the Court of Appeals, with three geographical locations; and the Circuit Court, with magistrate, probate and municipal division. Statutory provisions are expected to specify state funding of some personnel previously funded by counties, establishment of administrative authority in the chief circuit judge in each judicial district, and a number of other changes designed to improve the judicial system. Although the Article becomes effective January 1, 1979, some statutory provisions relating to state funding are postponed until July 1, 1981.

2. The Criminal Code

Effective January 1, 1979, this revision consolidates and simplifies the old criminal code, reducing the number of sections from 491 to 238. It constitutes a complete restructuring of the criminal laws of Missouri, repealing archaic terminology and substituting clear, modern and specific standards.

¹ This bill has not passed as of this writing, but is expected to be enacted in the 1978 season.

3. Speedy Trial Statutes

Effective September 1, 1978, a defendant must be arraigned within ten days from filing of information of indictment and, if a plea of "not guilty" is entered, must be tried within 180 days from arraignment.

B. Description of the State Courts Administrator's Office

By Supreme Court Rule 82103, the State Courts Administrator is responsible for, among other things:

- 1) the improvement of the administrative methods and systems in the office of the clerks of the Missouri courts;
- 2) the collection and compilation of statistical data relating to court caseload, expenditures and facilities; and
- 3) budgetary estimates and recommendations on state appropriations necessary for the maintenance and operation of the judicial system.

To carry out these duties, a staff of thirty (30), including a data processing (EDP) section of ten (10), is deeply involved in the development and implementation of a manual record-keeping system for the circuit courts with an automated statistical component and the development of an appellate court automated statistical system. The State Courts Administrator's office handles budget preparation; grant procurement and administration; processes payroll, appointed counsel and operational obligations; administers the public defender offices and the temporary assignment of judicial manpower; and administers and conducts training programs for judges and other court personnel.

The staff is hampered in carrying out its responsibilities by particularly crowded quarters in the Supreme Court building. The offices, originally spacious and airy in design, cannot accommodate the numbers of people necessary for efficient performance of the above tasks and others resulting from the new judicial article and legislative action.

III. IMPACT OF NEW LEGISLATION ON
THE STATE COURTS ADMINISTRATOR'S OFFICE

A. Tasks for the State Court Administrator's Office Imposed or Expanded by the Legislation

Within recent years, Kentucky, Alabama, South Dakota, Maine, Nebraska, and West Virginia have experienced some court consolidation and partial or total state funding of courts. Their experience has demonstrated that orderly transition and successful implementation entailed extensive analysis of administrative duties and anticipated problems, long and careful advance planning, assessment of resources available and needed, and detailed decisions by the State Courts Administrator's office. Oregon, Kansas, North Dakota, and Nevada are presently going through the same process, at least in part.

Missouri is one of the most recent states to respond to a perceived need for improvements in its court system and criminal justice process. It has chosen to amend its constitution and pass three significant pieces of legislation, all of which will bring substantial changes at almost the same time. It cannot be stressed too forcefully that to accomplish and implement these changes successfully will be a monumental task.

It is imperative that the State Courts Administrator's office immediately begin developing the capability to undertake, in the very near future, the following new or expanded responsibilities:

- 1) Personnel and Budget Administration
- 2) Fiscal Administration
- 3) Training

- 4) Technical Services to the Circuit Courts
- 5) Increased Local Administrative Capability
- 6) Circuit Court Record Keeping
- 7) Central Transcript Preparation
- 8) Planning and Research

The State Courts Administrator is to be commended for anticipating the need for intensive planning and for beginning the process now.

1) Personnel and Budget Administration

Under House Bill 1634 (1978), the clerks of the circuit court, all deputy clerks and division clerks will become state employees on July 1, 1981, including those working in the probate and associate circuit court divisions.² The circuit court clerks' salaries are set by statute, but the salaries of the deputy and division clerks shall be within salary ranges and classifications established by administrative rule of the Supreme Court.³

a) Employee Inventory

The establishment of salary ranges and classifications by the Supreme Court will require several tasks to be completed first by the office of the State Courts Administrator. The first of these will be to make an inventory of all employees who will become state funded. For each location, the inventory should list each employee by name, social security number, job title, assignment, and salary. The inventory is necessary, because it is obvious that a classification and salary plan cannot be established without knowing what already exists.

Fiscal responsibility also dictates that an inventory be made, because there is no provision in House Bill 1634 requiring any state-level review or approval for the creation of new positions prior to the

² See § 483.245, p. 373 House Bill 1634 (1978).

³ Ibid. § 483.245 2., p. 373

advent of state funding on July 1, 1981. There is also no limitation on salary increases. The only limits imposed in House Bill 1634 (1978) is the total amount that may be spent in the probate and associate circuit judge divisions according to county population and assessed value. These limitations do not apply to the number of FTE (full-time equivalents) that may be employed.

It is recommended that consideration be given to imposing the controls and limitations mentioned above through amendment to House Bill 1634, either in the 1978 or 1979 sessions. Otherwise, the cost to the state might increase substantially over the estimates in the fiscal note attached to House Bill 1634 (1978), notwithstanding the provision that "the payment of the salaries and emoluments of deputy circuit clerks and division clerks shall be subject to the availability of monies appropriated for those purposes by the General Assembly or federal grant monies."⁴

It is also recommended that the State Courts Administrator request, as soon as possible, a list containing the required information on the employees of the circuit, probate, and magistrate courts and any others whose salaries will be paid by the state as of July 1, 1981. This list should include employees as of January 1, 1978 and any changes or additions to date. It appears that the State Courts Administrator has this authority under Rule 82.03 and 82.04, Missouri Rules of Civil Procedure. If not, it is recommended that the Supreme Court authorize the State Court Administrator to request this information and require compliance therewith.

The preparation and analysis of this list is the first step in preparing for the establishment of salary ranges and classifications by the Supreme Court, and it will enable the State Courts Administrator to keep track of salary and staff changes prior to July 1, 1981. This is

4. Ibid. § 483.245., p. 373.

extremely important, especially if the amendments to House Bill 1634 (1978) recommended above are not adopted. The list should include all employees from federal grants.

This step should be followed by an inventory to be taken after the consolidation authorized by the new judicial article takes place on January 2, 1979. This subsequent inventory should also include grant funded personnel and should be verified by examination of county payrolls and other appropriate documents and follow-up field visits as required.

The personnel inventory is the first step in the process that will lead to the preparation of a salary and classification plan to be submitted for Supreme Court review and adoption by rule, as provided in House Bill 1634 (1978).⁵ The personnel inventory should be completed and verified no later than July 1, 1979.

b) Classification and Pay Plan

Preparation of the classification and pay plan should begin after completion and verification of the personnel inventory.

This task involved several sub-tasks:

- 1) completing questionnaires by all affected employees, covering their duties, functions, and job content;
- 2) conducting desk audits on 60 to 75 percent of the employees filling out questionnaires to verify responses, answer any remaining questions and provide on-site information on court operations;
- 3) determining the position categories or classes to be contained in the classification and salary plan;
- 4) preparing job descriptions for each category and class, outlining duties and level of responsibility and establishing qualifications;
- 5) preparing a salary plan, taking into consideration present compensation for comparable positions in the executive branch and the executive branch salary plan, compensation for comparable positions in county government where the employees are located, and any existing classification and salary plans covering court employees; and

5. Supra., note 2.

- 6) preparing rules for the maintenance and periodic updating of the classification and salary plan.

These sub-tasks should be completed by May 1, 1980, so that the classification and salary plan and the rules required to administer it can be submitted to the Supreme Court for review and adoption no later than June 1, 1980. This time limit must be met if the classification and pay plan is to be established in advance of budget preparation for FY 1981. Budget submission for FY 1981 is required by early Fall of 1980.

Most of the work on the classification and salary plan will be accomplished separately for the City of St. Louis as part of the overall court consolidation study recently authorized by the judges of the 22nd Circuit. The findings and recommendations resulting from this portion of the St. Louis study should be harmonized with the study covering the rest of the state and incorporated therein.

c. Reasons for Classification Study and Plan

There are several reasons why a classification study and establishment of a plan are necessary:

- (1) It would not be possible for the Supreme Court to establish realistic, equitable pay ranges without a thorough study of employees' duties and comparable compensation schedules.
- (2) Circuit court clerks are already classified by statute purposes. This would do the same for other court employees to be state funded and make them similar to employees in the executive branch who are covered by a classification and salary plan.
- (3) A classification and compensation plan fosters fiscal responsibility and reliability by making it possible to estimate budgetary needs more accurately for an upcoming fiscal year and to account for expenditures in a preceding fiscal year.
- (4) A classification and salary plan would provide a vehicle to assure that employees are treated fairly. The ABA Commission on Standards of Judicial Administration observed that a classification plan should be designed to "assure parity of treatment of employees who do essentially the same work, [and] to assure fair relationships regarding compensation and responsibilities between levels of employee positions."⁶

6. American Bar Association Standards Relating to Court Organization, Chicago, Illinois, 1974, p. 94

d. Classification Plan Maintenance

Once adopted, a classification and compensation plan is not cast in concrete. Proper plan maintenance requires continuous review and revision, so that the plan is periodically updated to reflect changes in job assignment and content, employment standards, labor market conditions, and to maintain parity with employees in the executive branch.

Failure to maintain the plan in this way will lead to an outdated, out-of-kilter plan, which can result in recruitment difficulties, a higher than normal turnover rate, and general employee dissatisfaction. It is also likely that the plan may no longer be an accurate reflection of the tasks performed and the responsibilities and duties assigned to employees covered by it.

Maintaining a compensation and pay plan requires:

- examination and evaluation of reclassification requests properly and promptly;
- continuous comparisons with classification and pay revisions for comparable positions in the executive branch; and
- periodic reclassification studies of different position classes within the system.

(1) Personnel Board

It is recommended that a personnel board or commission be created by Supreme Court rule to oversee the classification and salary plan and make policy decisions pertaining to it. The personnel board or commission should also serve as the review body for appeals from any employees whose requests for reclassification have been denied by staff.

It is further recommended that the personnel board consist of a Supreme Court Justice, Chief Circuit Judges, Circuit Court Clerks, and a trial court administrator. The exact composition of the personnel

board should be determined by the Supreme Court. It should be small enough that it does not become unwieldy, but it should still be representative of the officials mentioned above. The State Courts Administrator or his designated representative should serve as executive secretary to the personnel board.

(2) State Courts Administrator's Office

The staff of the State Courts Administrator should be included in the classification and salary plan, especially since the State Court Administrator will have staff responsibility for monitoring and maintaining the plan under the direction of the personnel board.

(3) Inclusion of Other Units

The classification and salary plan as outlined above will include most of the state funded non-judicial court personnel. Consideration should be given to including the Supreme Court Clerk's office and the Court of Appeals. If these are included, representation on the personnel board should be adjusted accordingly.

e. Staff Needs

It is recommended that a personnel specialist be added to the staff of the State Courts Administrator, effective September 1, 1978, to analyze the preliminary personnel inventory and to prepare the format and procedures to be followed in compiling and validating the personnel inventory to be made after circuit court consolidation takes place on January 3, 1979. This position should be on the senior or journeyman level, requiring at least three years of personnel experience. It is desirable that some of this experience be in a court environment. The person filling this position will have the major responsibility for conducting and maintaining the plan under the direction of the personnel board and the State Courts Administrator.

In designing the format and procedures to be followed in making the personnel inventory, the personnel specialist should work closely with the director of information systems. The inventory should be automated, not only for the efficient and timely compilation of data, but also to provide the basis for an automated personnel information system when the classification and pay plan is established. The automated personnel information system will provide the data necessary for generating the payroll and updating the plan. If this process is automated, the controller will need only one additional employee at the most to handle the increased workload when state funding takes effect on July 1, 1981, rather than four to six estimated, if the payroll is handled manually.

(1) EDP

The development of the automated personnel information system will require 1.5 FTE for system analysis and programming. This staff should be added on September 1, 1978, at the same time the personnel specialist comes on board, but can be reduced to .5 after the personnel record-payroll system is in the maintenance mode.

(2) Other Staff

A second personnel professional should be hired at the time that work begins on the classification plan. This person can be at the beginning level with limited personnel experience or with a recent degree in public administration, judicial administration, or personnel. This person will be supervised by the personnel specialist already on the staff. It will require at least two staff members to maintain and update the classification and salary plan once it is established, because of the number of employees involved.

It is recommended that both the personnel inventory and the development of the classification and salary plan be the responsibility of in-

house staff, so that trained staff with knowledge of the Missouri court system and its operation will be already available to maintain and monitor the plan. With the amount of lead time prior to state funding, this approach is preferable to using outside consultants to conduct the study and then adding personnel staff later. It is important that the recommended schedule be followed as closely as possible to insure that the classification and salary plan be adopted prior to budget preparation for FY 1981. Even though the classification and pay plan study is not made by consultants, there should be a small amount of technical assistance funds available to provide outside assistance as needed on various phases of the study.

It is also recommended that a budget analyst be added to the office of the State Courts Administrator on January 1, 1979. This person should have two or three years of public budgeting experience, preferably in a court setting. This person initially would assist in the compilation, analysis, and field work involved in the personnel inventory.

There are several reasons for adding a budget analyst at that time. It would provide experience with the Missouri court system, which is a requisite for technical assistance to the circuit courts in budget preparation for FY 1981 and subsequent years. Technical assistance to the circuit courts in related fiscal areas will also be required, especially in those circuits without an administrator. These include: consolidated purchasing, inventory control, and budget consolidation for those expenditures, such as equipment and operations, which will still be county funded.

Last but not least, adequate secretarial and clerical support for new staff and functions will be required. A secretary should be added on January 1, 1979 and a clerk-typist on July 1, 1979.

f. Budget Preparation

House Bill 1634 (1978) presently provides that the circuit judges en banc shall determine the number of employees after the circuit court is consolidated, even for those employees who will be state funded after July 1, 1981. This, in effect, will require the General Assembly to consider 44 separate budgets, in addition to those for the Supreme Court, the Court of Appeals, and the State Courts Administrator's office. Overall fiscal responsibility and the funding source should be at the same governmental level. This is the case in virtually all of the states where the judicial system is state funded entirely or substantially.

It is recommended that serious consideration be given to placing some central budget overview responsibility within the judicial system for the circuit court personnel who will become state funded. An appropriate mechanism for this overview might be a budget committee composed of a member of the Supreme Court and Chief Circuit judges representative of urban, suburban, and rural districts. The State Courts Administrator should serve as executive secretary to this committee, and his staff should assist the committee in budget analysis and review. As part of this process, hearings could be had with the largest circuits and regionally with the rural ones to determine needs first hand. The budget committee would then be responsible for preparing a consolidated budget, making those changes in requests as it deems appropriate after thorough examination.

2) Fiscal Administration

The State Courts Administrator's office, in particular its accounting division headed by the comptroller, will face an expanded fiscal workload in 1979 and 1981. Preparation for that expansion should

begin in 1978.

a. Payroll Processing

Presently six people in the accounting division process the paperwork necessary for the State Comptroller to pay partial or total salaries and travel expenses for the state's appellate and circuit judges, court reporters, magistrate judges and clerks, public defenders, and the staff of the State Courts Administrator's office. That responsibility will expand in 1979 to include judges' secretaries and in 1981 to include juvenile officers and clerks, deputy clerks, and division clerks of all divisions of the circuit courts. While the exact number is not known, estimates have been made that from 1,200 to 2,000 employees will be added to the state payroll.

An automated payroll component should be developed as an intrinsic part of the automated personnel information system described previously. This should result in comprehensive payroll information being sent to the State Comptroller monthly, either on tape or in printout format. If this is done, the State Courts Administrator will need, on a maintenance basis, one additional person in the comptroller's office and a .5 employee in the EDP section. If the payroll continues to be processed manually, in its present manner, it is estimated that the comptroller would need to add four to six persons to his staff to handle the anticipated workload.

Development of the personnel-payroll automated system should begin September 1, 1978 with the addition of 1.5 FTE in the EDP division. Although the personnel component, as has been described previously, will be the first and most critical stage, the design of the information system must include, from its inception, file space for the data that will be needed to generate payroll. Although it is not necessary that this second stage be completed until early 1981, it would be advisable

to have it operational by early or middle 1980. By using the system for personnel already on the state payroll, any problems in the process or "bugs" in the program can be corrected before the addition of the large numbers of new employees in July of 1981.

b. Fiscal Monitoring

There is presently no system for assuring that fees, fines, costs, and forfeitures are sent to the State Department of Revenue by the courts accurately, timely, and completely. One person should be added to the comptroller's staff to:

- 1) identify all relevant statutes and court rules;
- 2) determine the degree of compliance with them by the courts;
- 3) work with the clerks' offices, the courts, and the Supreme Court, if necessary, to assure compliance; and
- 4) develop and maintain a system that would permit the comptroller to monitor compliance on an ongoing basis.

At the very least, the comptroller's office should be receiving copies of transmittals sent to the Department of Revenue by the clerks' offices.

c. Auditing

Although not of immediate priority, consideration should be given to adding the position of an internal auditor to the staff of the State Courts Administrator. This person would be a liaison between the office and that of the State Auditor and would perform audits on the office's accounting division and the clerks' offices of the appellate and circuit courts.

Responsible directly to the State Courts Administrator, the person who holds this position should have extensive public auditing experience, preferably in a court setting.

d. Bonding

The comptroller should investigate the possibility of obtaining blanket bonding for all state court employees. If possible, it would eliminate the time-consuming and more expensive process of obtaining bonding on an individual basis.

3) Training

The fact that there will be a statewide consolidation of the trial courts about the same time as a major revision of the Criminal Code and the initiation of a Speedy Trial Bill are augmented calls for extensive training, not only of court personnel, but also of others affected by the changes, i.e., law enforcement, prosecution, public defense, Attorney General's office, and juvenile justice and corrections personnel. In addition, there is a need to inform the general public about the Judicial Article, the Criminal Code, and Speedy Trial statutes.

The enormity of its task is matched by its importance. It is estimated that to develop all needed training and information materials and conduct training sessions would entail as many as 15 people for three years, to be followed by a maintenance staff of three: a training director, an assistant, and a secretary. As a better alternative, it is recommended that these additional people be added as soon as possible to assist the present training director, and that training funds be obtained and dispensed on a contract basis as needed. For example, training manuals can be written and workshops conducted by outside consulting firms to the specifications and under the general guidance of the training staff.

As an integral part of the State Courts Administrator's office, the training staff must be kept informed regarding the various projects being undertaken by the rest of the staff and should be available to

assist them in planning and conducting training sessions for court personnel on those projects, whenever necessary.

4) Technical Services to the Circuit Courts

The consolidation of the trial courts in Missouri will give rise to innumerable space, property, and financial management problems. The courts will look to the State Courts Administrator's office for assistance in resolving these problems. This is not only to be expected, but to be encouraged, as the office is in the best position to assess whether needs are specialized or common to all courts, to disseminate solutions used by others or provide individualized answers, and to encourage conformity where it appears desirable.

At the present time, the office has limited ability to respond to technical assistance requests, with the possible exception of the court services division. This division has the responsibility for completing record keeping obligations, which will occupy its staff full time. (Record keeping will be discussed in detail below.)

It is strongly recommended that at least one management analyst be added to the office staff as soon as possible to respond to requests for technical assistance, with a second employed as soon as funding permits. These staff members should be able to analyze and make recommendations in the following areas:

- building management, including security and safety measures;
- space management, including efficient traffic patterns, space allocation, and best use of court facilities;
- equipment management, including telephone and other communication systems, typewriters and word processors, and other mechanical office aids;
- property management, including maintenance plans and inventory control methodology;

- record management, including storage, micro filming and record retention methodology; and
- financial management, including purchasing and accounting systems.

Because it is anticipated that requests will frequent and varied, needing immediate responses, the use of consultants would not be expedient. It is essential to build up and maintain in-house capability.

As well as the two generalists, a third technician will be needed who can perform some of the tasks listed above, but who will be primarily responsible for and knowledgeable about sound recording equipment. Because the associate circuit courts will be using electronic sound recording equipment, the office will need a permanent person who can train courts in the use of the equipment and arrange for repairs and replacements when necessary.

5) Increased Local Administrative Capability

The Judicial Article provides that there will be one large, consolidated circuit court within each circuit to include probate, associate circuit, and municipal divisions. It is certain that this will result in increased and demanding duties for the chief judge of the circuit court. What is less certain is exactly what kind of duties these will be, how frequent and time-consuming, and what kind of assistance would be most helpful to the chief judge in fulfilling them.

Colorado met the challenge by gradually providing a court administrator for each of its district courts;⁷ Maine immediately divided the state into five regions and provided a regional court administrator to serve all courts within each region.

It is recommended that Missouri experiment to see what kind of administrative assistance best serves it courts. Three to five circuit

7. The court of general jurisdiction.

courts, representative of urban, suburban, and rural areas, should be selected as pilots. Each would have a court administrator responsible to the chief judge, or, for a combination of two or three, to the respective chief judges. The administrator would work with the chief judge to determine the priorities in that circuit for implementation of the Judicial Article, and would carry out the wishes of the court according to the plan.

It is expected that each circuit or group of circuits might use its court administrator for somewhat different functions. Evaluation of the administrator's role vis-a-vis the judges and the court clerks, together with the type and amount of assistance expected and provided, should be built into the pilot study design, so that at the end of a two or three year period, the circuit court judges, the State Courts Administrator, and the Supreme Court would have valid conclusions as to the utility of this type of administrative help.

It is recommended that the administrators also serve as liaison with the staff of the State Courts Administrator's office to insure that the courts will have a direct role in the development of the personnel, payroll, and record-keeping systems and in any other administrative procedures that affect the circuit courts.

6) Record Keeping

The State Courts Administrator's office has developed and is implementing a statewide record-keeping system for the circuit courts. The court services division has instituted a manual system in all circuits, which is expected to be fully automated by July 1978. Following is the office's schedule for achieving an integrated record-keeping system that consolidates the new divisions into one Statewide Judicial Information System (SWJIS):

<u>Goal</u>	<u>Operational Date</u>
Associate Circuit Component	July 1979
Probate Component	March 1979
Municipal Component	July 1979

The office estimates it needs six implementers for the court services division and three programmer-analysts and two keypunch or terminal operators in the EDP section to achieve the above goals on schedule. The staff needs are realistic, but, when the system is in a maintenance mode, it would appear that the office need retain only one implementer, one programmer-analyst, and the two data input operators.

Reports that would monitor and evaluate the effect of the Speedy Trial Act and the new Criminal Code were not originally planned, because these plans were made prior to their adoption. Modifications to include any necessary coding changes or additions and the programming of new output reports should be started immediately. Additional staff other than specified above should not be necessary, but may have to be hired earlier than planned.

7) Central Transcript Reporting

House Bill 1634 (1978) may pass with provisions that the Supreme Court devise a method of handling transcripts taped in the associate circuit court and transcribing them at the time the case is appealed. This can be handled by a central pool of typists in Jefferson City, either in the Supreme Court clerk's office or the State Courts Administrator's office.

A better alternative that would eliminate double mailing costs would involve placing one or more typists (depending on the load) in each of the three districts of the Court of Appeals.

8) Planning and Research Capability

A laudable effort has been initiated and is expected to be expanded to collect information that will enable circuit court judges to make more informed management decisions. Unfortunately, there is no staff in the office to compile and analyze data or to disseminate the results of analysis to the judges.

This is a common difficulty for all managers, not only those in the courts. Often they can convince policy makers that a data processing system is essential, but are unable to persuade them to provide the staff to analyze the data produced by the system. Planning can only be guesswork, if it is not based on reliable information, and innovations are more valuable if they can be evaluated with suggestions for improvement. Also, the accuracy of the information improves markedly when the court sees it used and uses it itself.

A statistician should be employed to work in concert with the planner and the trainer. Such tasks as the production of the annual statistical report, the production of legislative impact statements, the projection of caseload, and the evaluation of procedural changes in the courts should be part of this person's duties.

B. Reorganization of the State Courts Administrator's Office

It is evident that to meet the challenge of implementation of a new Judicial Article, a new Criminal Code, and a Speedy Trial law, the State Courts Administrator's office must expand its present responsibilities and enlarge the scope of its services to the courts. If the office is to follow constitutional mandates, a larger staff is essential.

Other states who have had court consolidation or state funding of the courts have experienced rapid staff growth. Kentucky went

from a staff of one to 50 in the three years from passage of the Judicial Article to implementation; in the same transitional period, Alabama grew from three to 33 and Colorado from 2.5 to 25, even without EDP personnel at the time. Other offices with state funded court systems have seen the need to employ large staffs. Hawaii has 35; Alaska has 62; North Carolina has 67; Colorado now has 58, including EDP; and Connecticut has 75 people.

With expanded duties and enlarge staff come growing pains. It will be essential to have a tight organization, a more formal structure, and a strong communications network within the office. All three are necessary in a time of sudden growth to be certain that members of the staff coordinate their activities, know what each other is doing, and that the State Courts Administrator knows what everyone is doing.

To assure communications flow in both directions, it is recommended that a director of operations position be created, to report directly to the State Courts Administrator. The director of operations would be responsible for coordinating the activities of personnel involved in budget, personnel, record keeping, data processing, and other technical assistance or services to the courts. This person would be delegated limited authority to act in the absence of the State Courts Administrator and would be able to represent him when conflicting times prevent him from appearing at important meetings.

Only five people (besides his secretary) would report directly to the State Courts Administrator: the director of operations; the director of special projects; the internal auditor; the director of planning, research, and training; and the Comptroller. The audit function was discussed previously. The director of planning, research, and training is a new position that should be created to coordinate these functions. By creating this kind of second level of management, the State Courts

Administrator would have a workable number of people with whom to make internal policy decisions, plans and priorities.

The director of operations would supervise the largest number of people, but should, of course, organize a hierarchial structure to promote efficiency and communication.

A recommended organization chart is provided. It has been organized according to function rather than by personnel. It does not represent numbers of present or anticipated staff, nor does it recommend hierarchies within the five categories of staff supervisors responsible directly to the State Courts Administrator.

The necessity of adding personnel to the office dramatizes an already severe problem of space limitation in the State Courts Administrator's office. This is not an uncommon situation; the Colorado State Court Administrator's office, for example, operated from four separate offices at one time before moving to a central location in the new Judicial Building.

The difficulties of working in separate locations cannot be over-emphasized. Communication, which has been already noted as being of high priority, suffers. Time is wasted in travelling, be it by foot or car. Telephone and reproduction costs rise. Worse, the staff tends to segment itself and develop division, rather than system, loyalties.

It is strongly recommended that the State Courts Administrator attempt to keep all his staff in one location. Failing that, he should try to have no more than two. If he has to make the latter compromise, it would make sense to keep the data processing section where it is presently located. Costs of building a new computer room and moving computer hardware are very high.

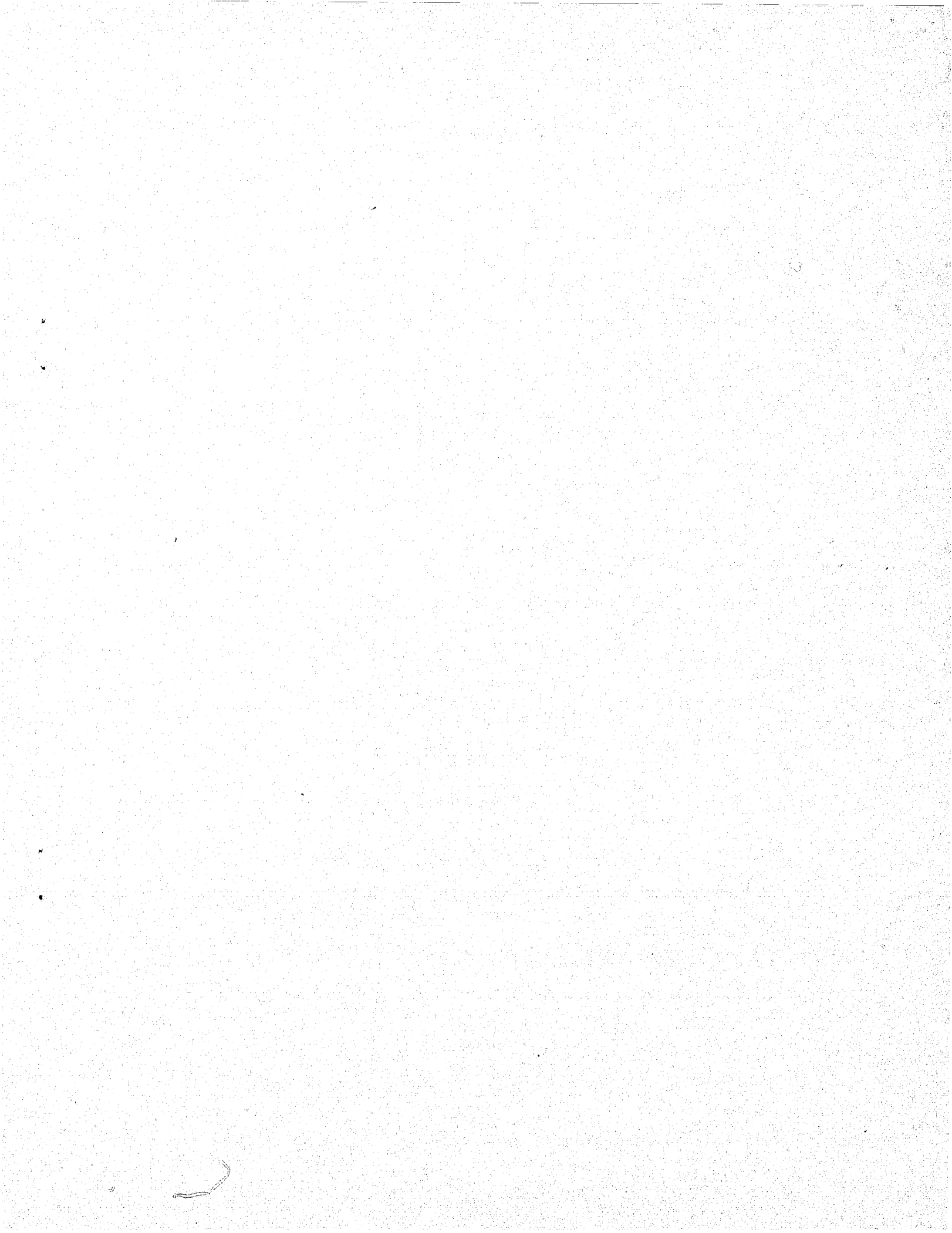
IV. LONG-RANGE IMPLICATIONS

The recommendations in this report are primarily short-range, covering the period between the date of this report and July 1, 1981. Nevertheless, they have long-range implications. Most of the additional staff positions recommended for the State Courts Administrator's office will remain after July 1, 1981. These staff additions make it imperative that more office space be found in the immediate future, but, if this additional space is in one or more separate locations, there should be a long-range plan for eventual staff consolidation. One possibility bearing consideration is a separate building with adequate facilities for judicial education programs and training for other court personnel. Education and training requirements will continue to grow, as the Missouri judicial system faces the needs of the last two decades of the 20th century.

It is not possible to forecast additional long-range staff needs of the State Courts Administrator. These will depend on several factors, including, but not limited to:

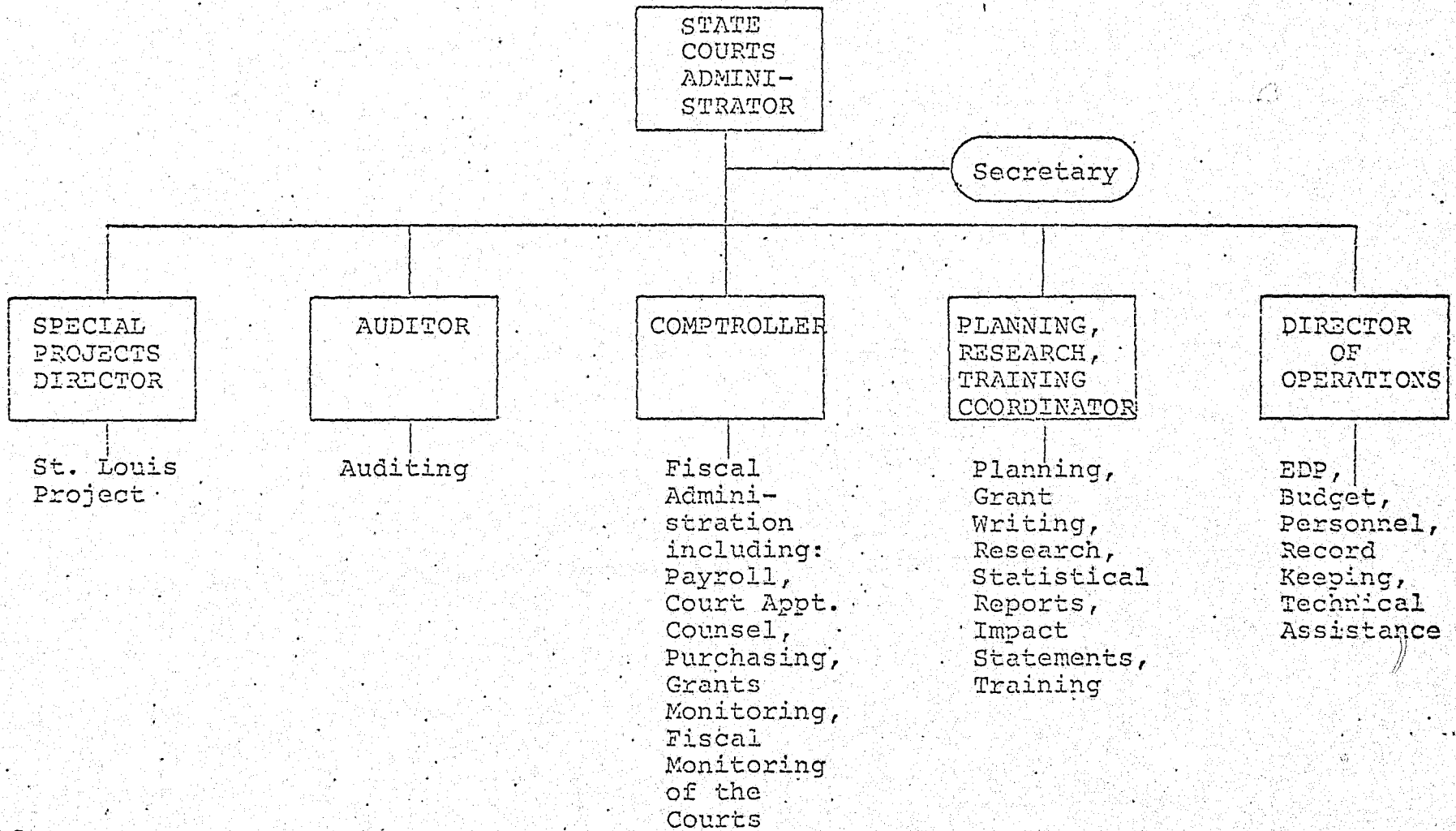
- 1) technical assistance requests by the circuit courts;
- 2) type of administrative structure adopted by the circuit courts;
- 3) possible expansion in the scope of state funding to include operations, equipment, or both;
- 4) technological change;
- 5) appellate and circuit court caseloads; and
- 6) possible legislation imposing additional or different responsibilities on the courts.

Any of these could lead to additional staff needs, but the organizational structure recommended for the State Courts Administrator's office should be sufficient to meet both short-range and long-range duties and responsibilities.



APPENDIX A

ORGANIZATION CHART, BY FUNCTIONS, OF THE MISSOURI STATE COURTS ADMINISTRATOR'S OFFICE



APPENDIX B
 RECOMMENDED PERSONNEL AND STARTING DATES FOR ADDITION
 TO THE MISSOURI STATE COURTS ADMINISTRATOR'S OFFICE

<u>FTE</u>	<u>TITLE</u>	<u>DATE</u>
1	Director of Operations	September 1, 1978
1	Secretary for the above	September 1, 1978
1	Personnel Specialist	September 1, 1978
1	Management Analyst	September 1, 1978
1.5	Programmer-Analysts for personnel-payroll system	September 1, 1978
1	Sound Recording Technician	September 1, 1978
6	Record-Keeping Implementers	September 1, 1978
2	Programmer-Analysts for SWJIS	September 1, 1978
1	Training Assistant	September 1, 1978
1	Clerk-typist for training	September 1, 1978
1	Secretary for personnel, budget	January 1, 1979
1	Management Analyst	January 1, 1979
1	Budget Analyst	January 1, 1979
1	Programmer-Analyst for SWJIS	January 1, 1979
2	Data Input Operators	January 1, 1979
1	Research, Planning, Training Coordinator	July 1, 1979
1	Statistician	July 1, 1979
1	Secretary for Research-Planning	July 1, 1979
1	Personnel Assistant	July 1, 1979
1	Clerk-typist for personnel, budget	July 1, 1979
1	Fiscal Monitor	July 1, 1979
1	Payroll Clerk	July 1, 1981
1	Auditor	July 1, 1981
1	Clerk-typist - general office	July 1, 1981

END