



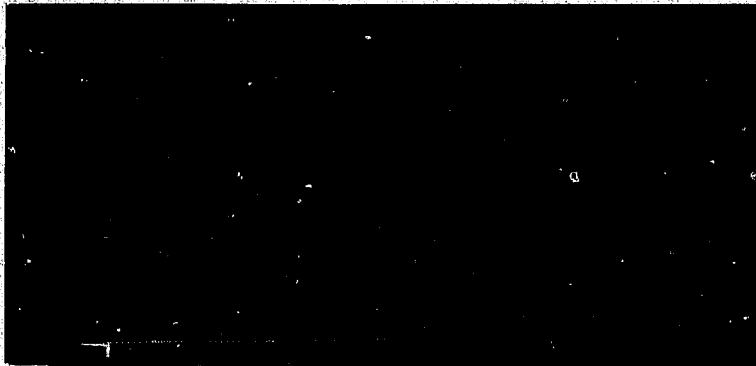
**THE AMERICAN UNIVERSITY**

**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  
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U.S. Department of Justice

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DEVELOPMENT OF A COURT CLERKS

TRAINING PROGRAM,

KING COUNTY SUPERIOR COURT,

SEATTLE, WASHINGTON

**NCJRS**

JAN 15 1980

**ACQUISITIONS**

September 1979

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION . . . . .	1
II. FINDINGS AND COMMENTARY . . . . .	3
A. Climate for Change . . . . .	3
B. Clerk's Office Organization . . . . .	3
C. Productivity Improvement Efforts . . . . .	4
D. Stature of Court Clerks . . . . .	4
III. RECOMMENDATIONS AND COMMENTARY . . . . .	5
A. Court Training Officer . . . . .	5
1. Recommendation . . . . .	5
2. Commentary . . . . .	5
B. "Buddy System" Training . . . . .	5
1. Recommendation . . . . .	5
2. Commentary . . . . .	5
C. Training Committee . . . . .	6
1. Recommendation . . . . .	6
2. Commentary . . . . .	6
D. Court Clerk's Manual . . . . .	6
1. Recommendation . . . . .	6
2. Commentary . . . . .	6
E. Training Program Outline . . . . .	7
1. Recommendation . . . . .	7
2. Commentary . . . . .	7
F. Training Program Length . . . . .	7
1. Recommendation . . . . .	7
2. Commentary . . . . .	7
G. Cross Training and Juvenile Division Clerks . . . . .	8
1. Recommendation . . . . .	8
2. Commentary . . . . .	8
H. Rotation Program . . . . .	9
1. Recommendation . . . . .	9
2. Commentary . . . . .	9

	<u>Page</u>
I. Identification of Preferred Operating Methods and Procedures . . . . .	9
1. Recommendation . . . . .	9
2. Commentary . . . . .	9
J. District Court Training . . . . .	10
1. Recommendation . . . . .	10
2. Commentary . . . . .	10
K. Clerk Salaries and Benefits . . . . .	10
1. Recommendation . . . . .	10
2. Commentary . . . . .	10
L. Court Clerk Position Description. . . . .	11
1. Recommendation . . . . .	11
2. Commentary . . . . .	11
M. Court Clerk Oral Examination. . . . .	13
1. Recommendation . . . . .	13
2. Commentary . . . . .	13
IV. SUMMARY. . . . .	14
V. APPENDICIES. . . . .	15
A. Training Course Outline and Time Schedule, Los Angeles County Superior Court . . . . .	

## I. INTRODUCTION

Mr. Kenneth S. Helm, Director of the King County (Seattle), Washington Department of Judicial Administration and Clerk of the County Superior Court, requested technical assistance from LEAA's Criminal Courts Technical Assistance Project to obtain expert help in restructuring the Court's Clerk training program. Mr. Helm was concerned with both improving the substantive areas covered in the training process and in reducing the length of the training sequence from its present sixteen-week period to a six- to eight-week period. He also asked that consultant(s) examine the ancillary issue of the high turnover rate for court clerk positions.

The King County Superior Court is a trial court of general jurisdiction hearing felony, civil, domestic relations, and probate matters. The court also has appellate jurisdiction over cases originating in the County's District Court. The Superior Court Clerk's Office, which Mr. Helm directs, employs forty courtroom clerks to handle in-court and clerical duties. At the time of the request, the clerk's training program involved assigning new employees to different clerical sections and then teaming them up with experienced personnel for in-court exposure. As mentioned above, the average length of the training process approached sixteen weeks.

To provide the required assistance, the services of Mr. Frank S. Zolin and Mr. John J. Corcoran were obtained. Mr. Zolin is the Executive Officer for the Los Angeles County Superior Court, while Mr. Corcoran is the Clerk of the Superior Court. Both have been, and are, involved in the training of L.A. Superior Court employees, and given the similarities in jurisdiction and staffing between the L.A. County Court and the King County Court, it was felt that their experiences were ideally suited for this assignment.

Mr. Helm provided the consultants with extensive documentation of the King County Court System and of the Clerk's Office Operations, which they reviewed in preparation for their site visit. They were on-site in Seattle June 21-22. Mr. Helm served as the local coordinator for this work.

While on-site, Messrs. Zolin and Corcoran observed court operations and interviewed a number of court and county officials including Mr. Lewis P. Stephenson, the Superior Court Administrator, a representative of the County Division of Personnel, King County Superior Court, Judge T. Patrick Corbett and Ms. Dorothy Coy, the District Court Administrator in Tacoma, Washington.

Following the site work, the consultants prepared a report of the assistance which was forwarded in draft form to Mr. Helm for his review and comments. The following report constitutes the consultant's final documentation of this assistance. On October 4, 1979, they will be returning to Seattle to present their findings to the Superior Court Board of Judges as the initial step in implementing the new training program for court clerks.



## II. FINDINGS AND COMMENTARY

It would be beneficial to present some general findings and comments regarding the organization and administration of the Superior Court Clerk's Office. An overview of the work environment and relationships with the Judges of the Superior Court, the County Executive, the Court Administrator, the public, the Bar, and other agencies places a detailed discussion of the court clerk training program in better perspective.

### A. Climate for Change

Since assuming the position of Director of Department of Judicial Administration and Superior Court Clerk approximately one and one-half years ago, Mr. Helm has implemented a reasoned and logical program of managed change. Despite the traditional opposition to change by some long-time employees, it is evident from the attitude expressed by many employees interviewed that a positive climate for change exists.

It appears that restructuring of the court clerk training program will be well received. To insure successful implementation of the new training program -- or any change for that matter -- strong support should be provided by the Superior Court Judges.

### B. Clerk's Office Organization

The present six divisions (Microfilm being eliminated as a separate unit) reflect the special processes and activities carried out by the Clerk's Office.

Forty court clerks are assigned to the Court Clerks Division in the Main Courthouse. Four court clerks are assigned to the Juvenile Division, which is located in a juvenile facility some five miles away.

Several benefits, discussed later in this report, would accrue from transferring the four court clerks from the Juvenile Division so that all court clerks would be in a single division.

C. Productivity Improvement Efforts

Restructuring of the court clerk training program is compatible with on-going comprehensive efforts to upgrade and improve the overall performance of the Clerk's Office. The planned streamlining and automation of activities should be a major improvement.

D. Stature of Court Clerks

The para-legal and para-professional stature of court clerks should be recognized by the Judges of the Superior Court and the County Executive. The consultants review of the King County Personnel Classification Index, salary relationships and class specification indicates that court clerks are not afforded adequate recognition for the important contributions they make to the operation of courts and the administration of justice. Furthermore, current personnel practices do not recognize the importance of court clerks and, therefore, must be altered.

### III. RECOMMENDATIONS AND COMMENTARY

The following recommendations represent opportunities to aid present and new court clerks to function effectively in their positions through the proper development of knowledge, skills and attitudes:

#### A. Court Training Officer

##### 1. Recommendation

ESTABLISH THE FULL-TIME POSITION OF TRAINING OFFICER TO ADMINISTER A FORMAL AND WELL-STRUCTURED TRAINING PROGRAM.

##### 2. Commentary

Court clerk training requires full-time, centralized direction to provide continuity and expertise. This position should report directly to the Director so that training matters receive appropriate priority. The Training Officer should be compensated on a level at least equal to a Supervisor I.

#### B. "Buddy System" Training

##### 1. Recommendation

RECOGNIZE THE "BUDDY SYSTEM" AS AN INDISPENSABLE ELEMENT OF THE TRAINING PROGRAM BY SPECIALLY SELECTING, TRAINING AND COMPENSATING THE BEST QUALIFIED COURT CLERKS TO SERVE AS TRAINERS OR "BUDDIES".

##### 2. Commentary

The most important phase of court clerk training takes place in the courtroom while court is in session. Utilization of the "buddy system" is the most practical method to provide such courtroom training in King County.

The present "buddy system" method of training should be restructured to insure maximum effectiveness.

Only the most qualified court clerks should be selected as buddies or trainers. They should be provided appropriate training materials and manuals and should be exposed to training techniques.

Last but not least, the trainers should receive additional compensation for this service. Although recognition for superior skills and abilities is an important form of compensation, it is strongly recommended that court clerks providing training receive a paid bonus during the period they are training a new court clerk.

C. Training Committee

1. Recommendation

A TRAINING COMMITTEE SHOULD BE ESTABLISHED TO PROVIDE GENERAL POLICY DIRECTION AND TECHNICAL ADVICE TO THE DIRECTOR AND THE TRAINING OFFICER.

2. Commentary

An advisory committee can provide effective guidance and needed assistance to the Training Officer. It is recommended that the committee include experienced court clerks that have been designated as trainers.

A representative from the King County Personnel Division should be included to provide training "know how", but more importantly, including such a person will establish a permanent communications link for transmitting information concerning the difficulty and importance of court clerk duties.

Consideration should be given to having representatives of the bench and bar as both groups would have useful suggestions on training and on performance requirements.

D. Court Clerk's Manual

1. Recommendation

A NEW COURT CLERK MANUAL SHOULD BE PREPARED.

2. Commentary

A detailed Court Clerk Manual is required for use by existing staff and for training new court clerks. The "General Instruction and Duties" document prepared by the Superior Court Clerk's Office is an excellent foundation upon which to build.

The Court Clerk's Manual from Los Angeles County was provided to Mr. Helm as an example of an alternative format.

The Training Committee discussed in recommendation C should participate in the development of the Manual.

E. Training Program Outline

1. Recommendation

A BRIEF WRITTEN OUTLINE OF THE TRAINING PROGRAM SHOULD BE PREPARED FOR USE BY THE NEW COURT CLERKS AND THE TRAINER.

2. Commentary

A sample outline of the Los Angeles County Superior Court training schedule is attached at Appendix A. This format can be greatly improved upon by adding a narrative description of the training program and the court.

The significant goal to be achieved is to inform the new court clerk what will happen each day for the duration of the training program.

F. Training Program Length

1. Recommendation

THE EXISTING TRAINING PROGRAM SHOULD BE SHORTENED.

2. Commentary

The existing training program familiarizes new court clerks with the office, legal terminology, legal forms and procedures by initially assigning them to the files and dockets divisions for the following periods:

Files	2 weeks
Docket-Civil	2 weeks
Docket-Criminal	2 weeks
Docket-Domestic Relations	<u>2 weeks</u>
	8 weeks

A review of these assignments indicates that they have limited relevance to the duties of a court clerk. Although they may be helpful as an orientation technique, these assignments do not effectively teach a person how to be a court clerk.

The training program should be immediately shortened by at least four weeks by cutting the time spent in files and dockets to one-half the present assignment.

Caution should be exercised in reducing the present eight-week training time in the courtroom. It is reasonable to assume, however, that the development of a manual and improved management of the training program permit a reduction in the future.

During the eight-week courtroom training period, out of court time should be spent becoming familiar with files and dockets.

Cross-Training in the following areas should be scheduled when appropriate personnel are available:

- Mental Health (3 days)
- Juvenile Court (3 days)
- Criminal Motions (1 week)
- Presiding Department (2 days)
- Ex parte Civil (1 week)
- Ex parte Probate (1 week)

Finally, new employees should be given a complete tour of all departments, preferably on their first day.

#### G. Cross-Training and Juvenile Division Clerks

##### 1. Recommendation

CROSS-TRAINING SHOULD BE PROVIDED AND THE FOUR COURT CLERKS IN JUVENILE DIVISION SHOULD BE TRANSFERRED TO THE COURT CLERKS DIVISION.

##### 2. Commentary

All court clerks should be budgeted in the Court Clerks Division to improve present assignment practices and performance.

The total staff of about 44 court clerks can be more effectively directed in one division. Cross-training should be provided so that each of the 44 clerks is capable of handling any assignment on a temporary and regular basis.

Central assignment and cross-training will enhance present capabilities to

provide for relief assignments, and impose uniform performance standards. It will provide maximum flexibility for the use of existing staff.

Although the Juvenile Court is not physically located in the Main Court-house, there is no functional or operational reason for their court clerks to be supervised or trained separately. On the contrary, there is every reason to encourage centralized supervision.

#### H. Rotation Program

##### 1. Recommendation

A ROTATION PROGRAM FOR COURT CLERKS SHOULD BE ADOPTED WITH THE APPROVAL OF THE SUPERIOR COURT JUDGES.

##### 2. Commentary

Adoption of a rotation program would facilitate cross-training and increase job interest. Obviously, the periodic rotation of court clerks may disrupt some effective working relations with individual judges, but on the whole, it improves overall performance. Rotation every twelve months is not only an effective cross-training technique, it may also act as a rejuvenator.

#### I. Identification of Preferred Operating Methods and Procedures

##### 1. Recommendation

AN ONGOING PROGRAM TO IDENTIFY PREFERRED METHODS AND PROCEDURES MUST BE ESTABLISHED.

##### 2. Commentary

A by-product of the recommendations to establish a Training Committee, to prepare a manual and to provide cross-training and rotation will be controversy. Unavoidable controversies will spring up concerning preferred methods and procedures.

From the on-site visit, it appears that most court clerks follow general guidelines but do many things their own way. Very little information seems to be shared concerning the best way to do it. When personnel are rotated or

when sections of the manual are being drafted, different methods of achieving a certain task will be advocated.

The Training Committee will have the expertise to resolve most controversies concerning preferred methods and procedures. It is likely, however, that some controversies will have policy implications. Therefore, it is recommended that the Director assume personal responsibility for all efforts to identify improved methods and procedures.

J. District Court Training

1. Recommendation

THE FEASIBILITY OF EXTENDING TRAINING SERVICES TO DISTRICT COURTS SHOULD BE STUDIED.

2. Commentary

The additional time and effort devoted to improving the training program will be considerable. The end products may be of value to all courts in the State of Washington. The feasibility of extending some of these training services to District Courts should be investigated.

It may be a way to spread the developmental costs over a broader base and get a better return for the tax dollar.

K. Clerk Salaries and Benefits

1. Recommendation

SALARIES AND BENEFITS OF COURT CLERKS SHOULD BE ANALYZED IN RELATION TO COMMUNITY AND COUNTY STANDARDS TO DETERMINE IF AN EQUITY INCREASE IS JUSTIFIED.

2. Commentary

The consultants were unable to determine the actual cause for the excessively high turnover rates for court clerks. The actual rate of 34 percent in 1978 and the anticipated 30 percent in 1979 are disastrous to performance.

It is suspected the primary problem is lack of recognition of court clerks as para-professionals and the lack of adequate pay.



A court clerk's job is difficult and subject to a great deal of pressure. The consequences of error are great.

Our review of King County salaries and benefits indicates that the compensation of court clerks may be inequitable in relation to less demanding positions in County service.

It is strongly recommended that the Director and the Judges of the Superior Court submit separate requests for audit and salary analysis of court clerk positions.

The feasibility of providing a bonus for court clerks serving as trainers should be included in this study.

It cannot be too strongly stressed that the suspected inequities in clerk salaries detrimentally affects turnover rates and necessitates remedial action.

L. Court Clerk Position Description

1. Recommendation

THE PRESENT SUPERIOR COURT CLERKS POSITION DESCRIPTION SHOULD BE REVISED.

2. Commentary

The Court Clerk description should be revised to more accurately reflect actual responsibilities. A suggested new description follows:

KING COUNTY OFFICE OF PERSONNEL

SUPERIOR COURT CLERK I

DEFINITION

This is specialized work assisting a judge in a department or Superior Court by maintaining the official record of the Court and has immediate charge of the clerical Courtroom activities.

DISTINGUISHING CHARACTERISTICS OF WORK

Employees in this class serve as designated court clerk for civil, juvenile, domestic relations or criminal actions in Superior Courts and provide related technical and clerical services. Duties require considerable knowledge of legal

terminology, documents, and procedures, in addition to general clerical competence. This is a skilled work level, signifying completion of orientation, training, and a period of supervised experience in court clerk duties. Duty time not committed to court clerk functions may be spent performing a variety of general and specialized services related to Judicial Administration. Duties may also include training and monitoring courtroom experience of trainee court clerks.

#### REPRESENTATIVE EXAMPLES OF WORK PERFORMED

Ascertains whether cases are ready for hearing and trial. Makes detailed entries, using proper format for each purpose, such as sentencing, revocations, plea calendars, changes of plea, arraignments, filiation cases, petitions, perpetuation of testimony, motion calendars and departmental calendars and probates.

Keeps statistics and prepares records and reports concerning work of the Court.

Assists the judges impanel juries and administers oath.

Makes minute entries on each cause brought before the Court for hearing as the case proceeds; obtains signatures of trial lawyers on pertinent documents and prepares court files for submission to trial judge.

Identifies, numbers, files and exercises responsibility for safe keeping of every exhibit offered in open Court as evidence in any lawsuit; assists the Court in locating and presenting exhibits; opens, publishes and files all despositions pertinent to the cause being heard, as directed.

Selects all admitted exhibits and Court's instructions for submission to jury when jury retires to deliberate. Reads the verdict of the jury and polls each juror by name as to whether it is his or her individual verdict and the verdict of the jury.

Assists the Court and the Bar on matters of procedural law, when required.

Performs the Court bailiff's administrative duties in their absence.

Remains after duty hours to perform duties when a jury is deliberating.

Performs similar and related functions to maintain smooth and expeditious Court routine, working directly with the Judge, attorneys and other personnel.

Performs related work as required.

#### KNOWLEDGES, ABILITIES AND SKILLS

Considerable knowledge of legal terminology, documents and supportive Judicial Administration functions and of Courtroom procedures.

Ability to establish and maintain effective working relations as necessitated by work assignments.

Ability to speak and write clearly and effectively.

Ability to maintain accurate and complete Court records.

Ability to work under pressure and under distracting or otherwise difficult conditions.

EDUCATION AND EXPERIENCE REQUIRED

Minimum: Graduation from high school or G.E.D. and two (2) years of office work experience involving court or legal procedures;

OR

Two years of college or two years of specialized post-high school training such as legal secretarial, pre-law or judicial procedures courses where content is directly relevant to duties of the position.

NECESSARY SPECIAL REQUIREMENTS

Successful completion of the training program for Superior Court Clerks and supervised experience in court clerk duties subsequent to the examination and certification processes.

M. Court Clerk Oral Examination

1. Recommendation

REVISE SUPERIOR COURT CLERK'S EXAMINATION TO INCLUDE AN ORAL QUESTION AND ANSWER SESSION WITH THE TOP TEN APPLICANTS.

2. Commentary

In the court clerk recruitment process, consideration should be given to incorporating a question and answer session for top applicants. This should prove to be a valuable tool for selecting the most qualified employee.

#### IV. SUMMARY

A Clerk's Office of the size and complexity of King County requires a formalized court clerk training program to provide adequate service to the public and the Judges of the Superior Court. Steps should be taken to implement the training program as soon as possible.

For the training program to be successful, Director Kenneth Helm must have the support and cooperation of the Superior Court Judges, the County Executive, the Superior Court Administrator and the County Personnel Division. The support of the Judges is particularly important because of the personal and working relationships between Judges and clerks.

The consultants were favorably impressed with the efforts to improve the overall operation of the Clerk's Office.

## V. Appendices

**A. Appendix A - Training Course Outline and Time Schedule, Los Angeles County Superior Court**

TRAINING COURSE OUTLINE AND TIME SCHEDULE

C I V I L

FIRST DAY:

May 7, 1979

Processing, orientation to department,  
orientation of training program and film  
"Right Hand of the Court:

---

SECOND DAY:

May 8, 1979

Session 1 (Code of Ethics) and Session 2  
(General Duties)

Session 3 (Assisting the Judge in Chambers)

Session 3A (Oaths)

---

THIRD DAY:

May 9, 1979

Session 3B (Conducting Court Business by  
Telephone)

Session 3C (Scheduling Matters to Appear  
before the Court)

Session 4 (Preparation for Trial - Civil)

---

FOURTH DAY:

May 10, 1979

Session 4A (Pre-Trial and Settlement  
Conferences)

Session 5 (The Jury Selection Process)

---

FIFTH DAY:

May 11, 1979

Session 6 (Collection, Receipt and  
Transmittal of Fees)

Session 7 (Jury Instructions)

---

SIXTH DAY:

May 14, 1979

Session 8 (Preparation of Work Sheets  
and Minute Orders)

Review for Examination #1

---

SEVENTH DAY:

May 15, 1979

Examination #1

Session 9 (Exhibits)

EIGHTH DAY:

May 16, 1979

Session 10 (Verdicts)

Session 11 (Reading of Verdicts)

---

NINTH DAY:

May 17, 1979

Session 12 (Civil Judgments and Costs)

Begin Session 12A (Judgment on the Verdict,  
Findings of Facts and Motions for New Trials)

---

TENTH DAY:

May 18, 1979

Conclude Session 12A (Judgments on the Verdict,  
Findings of Facts and Motions for New Trials)

Session 13 (Procedural Law) and Session 13A  
(Civil Appeals)

Review for Examination #2

Examination #2

---

ELEVENTH through  
FIFTEENTH DAY:

May 21 to 25, 1979

Civil On-the-job training in the  
Central District (5 days)

---

SIXTEENTH DAY:

May 29, 1979

Session 14 (Family Law)

---

SEVENTEENTH DAY:

May 30, 1979

Conclude Session 14 (Family Law)

---

EIGHTEENTH DAY:

May 31, 1979

Session 15 (Specialized Departments)

Adoptions

Probate

Law and Discovery

Writs and Receivers



NINETEENTH DAY:

June 1, 1979

Supplemental Proceedings

Review Session 15 (Specialized Departments)

Examination #3

---

TWENTIETH through  
TWENTY-FOURTH DAY:

June 4 to 8, 1979

Trainees assigned to District Operation for five (5) days on-the-job training. Training shall consist of one (1) day Civil Master Calendar; two (2) days Family Law; and two (2) days Specialized Departments.

---

C R I M I N A L

TWENTY-FIFTH DAY:

June 11, 1979

Session 16

General Criminal

Case Files

Calendar Book

Daily Calendars including  
trailing and add-on

Court Seal

Commonly Used Code Sections

Arraignments and Pleas

Defendants' Status

Bench Warrants

Bail

Own Recognizance

Remanded

Preparation of Arraignment & Plea Minute Orders

---

TWENTY-SIXTH DAY:

June 12, 1979

Session 16 (Criminal)

Motions

Court Trials

Submitted on Transcript

Waivers

Exhibits

Preparation of Pre-Trial/Trial Minute Orders

• Commitments

Releases

TWENTY-SEVENTH DAY:

Session 16 (Criminal)

June 13, 1979

Probation and Sentencing  
Violation of Probation  
Modification of Probation  
Regrant of Probation  
Reinstatement of Probation  
Verdicts  
Appeals, Writs and Other Post Trial Processes

---

TWENTY-EIGHTH DAY:

Session 16 (Criminal)

June 14, 1979

Criminal Special Proceedings  
1026A  
1368  
N.D.A.  
M.D.S.O.  
Juvenile Certification  
Statistics  
Coding  
Determinant Sentencing

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TWENTY-NINTH DAY:

Session 16 (Criminal)

June 15, 1979

Calendar Call

---

THIRTIETH DAY:

Review

June 18, 1979

Examination #4

---

THIRTY-FIRST through  
THIRTY-FIFTH DAY:

Criminal on-the-job training -  
Central District

June 19 to 25, 1979

---

J U V E N I L E

THIRTY-SIXTH through  
THIRTY-NINTH DAY:

Sessions 17 and 17A (Juvenile-  
Mental Health)

June 26 to 28, 1979

FORTIETH through  
FORTY-FOURTH DAY

Juvenile on-the-job training in  
the Central District

June 29 to July 6, 1979

**END**