ANALYSIS OF CASEFLOW MANAGEMENT
MARION COUNTY, OREGON CIRCUIT COURT:
PROBLEM DEFINITION REPORT

THE AMERICAN UNIVERSITY
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.
ANALYSIS OF CASEFLOW MANAGEMENT
MARION COUNTY, OREGON CIRCUIT COURT:
PROBLEM DEFINITION REPORT

April 1982

Consultant:
Frank Zolin

COURTS TECHNICAL ASSISTANCE PROJECT
The American University Law Institute
5010 Wisconsin Avenue, N.W., Suite 308
Washington, D.C. 20016
(202) 686-3803

Law Enforcement Assistance Administration Contract No. J-LEAA-016-81
CONTENTS

I. INTRODUCTION ........................................... 1
   A. Background ........................................... 1
   B. Methodology ......................................... 2
II. ANALYSIS OF THE EXISTING SITUATION .................. 4
III. CONCLUSIONS AND RECOMMENDATIONS ..................... 5
   A. Court Management .................................... 5
       Recommendation #1 ................................ 5
   B. Court Organization ................................... 6
       Recommendation #2 ................................ 6
   C. Clerical Support Activities ......................... 7
       Recommendation #3 ................................ 7
       Recommendation #4 ................................ 8
       Recommendation #5 ................................ 8
       Recommendation #6 ................................ 8
   D. Legal Research ....................................... 9
       Recommendation #7 ................................ 10
   E. Secretarial Service .................................. 10
       Recommendation #8 ................................ 10
   F. Reporter Services .................................... 11
       Recommendation #9 ................................ 11
   G. Finance Administration ................................ 12
IV. SUMMARY .................................................. 14

ATTACHMENT I: Standards of Judicial Administration
                 Recommended by the Judicial Council of California .. 16

ATTACHMENT II: Responsibilities of a Court Administrator Adopted by the American Bar Association. 17
I. INTRODUCTION

A. Background

The Circuit Court in Marion County, Oregon, is located in Salem, the state capitol. The Court is served by six judges, one of whom is assigned primarily to juvenile and domestic relations matters. The Court's caseload has been rising steadily, with a 1980 volume of 5,387 cases consisting of the following:

Civil: 2,605
Criminal: 1,205
Dissolutions: 1,577

In November 1981, Elizabeth Belshaw, Oregon State Court Administrator, requested technical assistance from LEAA's Courts Technical Assistance Project (CCTAP) at The American University for the purpose of assisting the court in more efficiently handling the caseload in the face of recent severe budget cuts. These cuts had resulted in the reduction of the clerk's office staff to approximately sixty percent of its original strength, the reduction of the staff available to the judges to two full-time and five part-time positions, and severe operating problems.

Presiding Judge Val Sloper expressed concerns regarding the court's ability to process anticipated caseloads with the present judicial
complement and supporting staff provided in the court's budget and the County Clerk's office. Although a seventh judge will be authorized effective January, 1983, the inadequacy of staff support is a major problem.

Although the limited resources available to the CCTAP would not permit a comprehensive study of the Court's caseflow process, the CCTAP agreed to provide limited assistance to review the internal operations of the Court with a view to identifying the nature of the caseflow problems which the Court was facing and determining how best these problems could be addressed. The consultant assigned to conduct this preliminary study was Frank Zolin, Executive Officer for the Los Angeles Superior Court. On February 25 and 26, 1982, Mr. Zolin made a site visit to Salem and met with judges of the Court, court staff and other local officials. Judge Sloper served as the coordinator for this visit.

This report documents the results of the February site study and recommendations for further action. Mr. Zolin is available to provide an additional day of follow-up assistance, if desired, to assist the Court in implementing this report.

B. Methodology

To obtain an overview of court operations interviews were conducted with key individuals including: Presiding Judge Val Sloper, State Court Administrator Betsy Belshaw, County Clerk Edwin P.
Marion, Judge Norblad, Court Administrators Jean Elfstrom and Marge McLauchlan. In addition, Administrative Officer Ken Randybush was interviewed and follow-up discussions were held with a member of the Board of Commissioners and a representative from the County Personnel Department. Various members of the County Clerk's staff were interviewed regarding clerical support provided the court.

The 1981-1982 Marion County Budget was reviewed to determine staffing patterns and the general level of financial support provided the Circuit Court and County Clerk’s office.

Caseflow management was evaluated by reviewing calendaring procedures and the organization of County Clerk records. Various court documents and records were examined.
II. ANALYSIS OF THE EXISTING SITUATION

Revenue shortfalls and resultant budget curtailments in Marion County have reduced Circuit Court supporting staff to the extent that the court cannot perform its mandated responsibilities in an efficient manner. The elimination of courtroom clerks necessitated implementation of an ineffective arrangement requiring secretaries to perform courtroom clerk duties on a part-time basis. This causes serious operational problems because files are returned from trial courts to the County Clerk's office without proper completion of all necessary clerical tasks.

Despite staff shortages, the Circuit Court's calendar is in good condition. Civil cases can be set for trial within three months. Criminal calendars are current. The consultant did not have time to visit the Marion County Family Law Court. Their calendars appear to be current although the volume of cases is excessive. Provision of the additional judge in January, 1983 will enable the court to cope with this excessive caseload.

It is apparent that the judges and court staff have performed well under extremely difficult circumstances. Increased staff support and organizational changes are necessary, however, to avert a breakdown in court operations.
III. CONCLUSIONS AND RECOMMENDATIONS

A. Court Management

The Presiding Judge provides effective policy direction and general supervision of the court's activities. A trained professional manager is required to assist the Presiding Judge by organizing and supervising the non-judicial activities of the court. More detailed attention and supervision must be given to the court's day-to-day activities. Therefore, it is recommended that:

Recommendation #1

A position of Chief Court Administrator be established to supervise all nonjudicial personnel.

Discussion

The Chief Court Administrator would perform his duties under the general direction of the Presiding Judge and assume primary responsibility for finance and personnel administration (see Attachment I for detailed job description). The salary for this position should be
roughly comparable to the County Clerk's salary and receive a
differential at least 40% greater than the salary of the existing court
administrators (Circuit Court and Family Law) who received $16,500 and

The existing court administrators would retain their primary
responsibilities of calendar preparation. The Civil Court
Administrator's (Jean Elfstrom) responsibilities for juror qualification
and assignment should be reviewed.

B. Court Organization

The support activities provided by the County Clerk's office are
not fully responsive to the Circuit Court's requirements. Therefore, it
is recommended that:

Recommendation #2

Division 10 of the County Clerk's office be transferred to the
Circuit Court and placed under the supervision of the Chief Court
Administrator.

Discussion

With the exception of the County Clerk and his secretary, the 24
positions in this division and the concomitant 1981-1982 budget
appropriation of $633,658 are almost exclusively devoted to providing
staff support for the Circuit Court and maintaining court records. Performance of these support activities will be more effective and efficient if they are placed directly under the control of the court. The County Clerk's responsibilities for elections and recording activities apparently receive high priority and have resulted in deterioration of court support activities.

C. **Clerical Support Activities**

The manual procedures utilized by the County Clerk's office for preparing calendars, indexing cases, maintaining the register of actions, judgment dockets and case files are basically sound. Automation of several of these activities may provide cost benefits and improve performance. Therefore, it is recommended that:

**Recommendation #3**

A detailed study of County Clerk systems and procedures be conducted as soon as possible to streamline operations and determine the feasibility of automating selected activities.

**Discussion**

The labor intensive nature of manual systems now utilized by the County Clerk's office is costly. Significant improvement may be achieved through the development of more efficient systems and procedures. Automation of selected activities such as case indexing,
register of actions, and calendar preparation, provides further opportunities for cost savings and service improvements.

Budget curtailments forced the County Clerk to relieve court clerks of their courtroom duties and assign them to office duties. Courtroom support services provided by trained court clerks are presently limited to part-time assistance when the criminal calendar is called. Also, court secretaries have been assigned courtroom duties on an irregular basis without training or proper duty descriptions. To improve courtroom clerical activities, it is recommended that:

**Recommendation #4**

Six additional court clerk positions be established immediately and a seventh position be provided when the seventh judge is appointed in January, 1983.

**Recommendation #5**

The salary level for court clerks be reviewed to verify that their compensation is commensurate with their level of responsibility.

**Recommendation #6**

A formal training program should be established for court clerks.
Discussion

The need for court clerks to provide clerical assistance in the courtroom is obvious. Without permanent assignment of trained personnel the essential tasks of maintaining court records, marking exhibits, etc. will not be adequately performed.

The 1981-1982 salary for a court clerk is $11,988. A brief salary comparison indicates that this level of compensation may be inadequate in comparison to other positions in Marion County. Therefore, a detailed salary analysis should be conducted to determine whether an upward adjustment is necessary.

To insure uniform and effective performance of courtroom clerk duties, a formal training program should be established. In addition, a manual for court clerks should be developed for use during the training program and for future reference.

D. Legal Research

The Circuit Court judges must perform their own legal research which limits their availability to perform other judicial duties. It would be cost beneficial to provide a law clerk to assist in some legal research. Therefore, it is recommended that:
Recommendation #7

A law clerk position be established immediately.

Discussion

The law clerk should report to the Chief Court Administrator for administrative purposes (payroll, etc.) but receive his research assignments and functional supervision from the Presiding Judge. The law clerk would perform legal research for all seven judges of the court and assist the Chief Court Administrator in accordance with assignment priorities established by the Presiding Judge.

E. Secretarial Services

The present staffing pattern provides a private secretary for each Circuit Court judge. Since traditional secretarial duties such as taking dictation, transcribing, telephone answering services, etc. do not require the full eight-hour day, secretaries are assigned other miscellaneous responsibilities. The 1981-1982 salary for Circuit Court secretaries is $13,668. To provide more efficient use of secretarial skills and reduce the total cost of secretarial services, it is recommended that:

Recommendation #8

Secretarial services be pooled to achieve a savings of at least one and possibly two positions.
Discussion

The only permanent secretarial position required to handle the volume of secretarial workload is the Secretary to the Presiding Judge. The additional correspondence and administrative duties associated with this assignment justify retention of this position.

The remaining secretaries can be pooled to provide secretarial services on an as-needed basis. Since secretaries presently devote a significant portion of the time to courtroom duties which will be assumed by the court clerks provided in Recommendation #4, a savings can be achieved by the elimination of one or two secretarial positions. Depending on the salary level established for court clerks after the survey (Recommendation #5), some secretaries may choose to change careers and become court clerks.

F. Reporter Services

A court reporter is now provided for each Circuit Court judge, except the family law judge who is assigned a recorder-bailiff. To improve utilization of court reporters, it is recommended that:

Recommendation #9

Court reporter services be pooled to achieve a reduction of at least one position.
IV. SUMMARY

The financial problems confronting Marion County have had an adverse impact on Circuit Court operations. Management of Circuit Court operations must be strengthened to improve performance and insure that staff and financial resources available to the Circuit Court are utilized as efficiently and effectively as possible. This report concludes that the nonjudicial activities of the court should be reorganized to provide more effective central control. In addition, it is necessary to augment staff immediately to enable the court to carry out its mandatory responsibilities. In short, additional expenditures are required now to achieve necessary operational improvements and long-range economics and efficiencies. The old adage that you have to spend money to make money holds true in this instance.

A total of nine (9) additional positions are recommended as follows:

1. Chief Court Administrator
7. Court Clerk
1. Law Clerk

The addition of these nine positions is partially offset by an anticipated reduction of at least three secretarial and court reporter positions.
The remaining net increase of six (6) positions may be partially or totally offset in the future. Opportunities to achieve future savings can be realized through:

A. Improved central administrative controls exercised by the Chief Court Administrator.

B. Streamlining of County Clerk support services by completion and implementation of a detailed systems and procedures study.

C. Automation of selected clerical activities.

In conclusion, additional technical assistance should be provided to implement the recommendations submitted in this preliminary survey and conduct the systems and procedures studies necessary to improve manual systems and determine the feasibility and cost effectiveness of automating selected activities.
ATTACHMENT I

STANDARDS OF JUDICIAL ADMINISTRATION
RECOMMENDED BY THE JUDICIAL COUNCIL OF CALIFORNIA

Sec. 4. Qualifications and functions of a trial court administrative officer.

(a) (Qualifications) A trial court administrator should be a graduate of an accredited university or college with a degree in law, court administration, public administration, business administration, personnel accounting, or related fields and have a minimum of one year's experience in a responsible management capacity in a public agency or in private business. (Amended Jan. 1, 1973.)

(b) (Functions) A trial court administrator should, under the direction of the presiding judge, organize and administer the nonjudicial activities of the court. He should supervise and assign work to a staff that serves the judges in the execution of the court's business; assist in the dispatch of judicial business particularly in calendar management; provide or supervise administrative services in the selection and supervision of jurors; prepare and submit for court approval a personnel plan or merit system for the classification, recruitment, promotion, discipline and removal of persons employed by the court; assist in arranging for court accommodations and be responsible for procuring necessary books, equipment and supplies; assist in the preparation and administration of the court budget; prepare judicial statistics, maintain accounting, personnel and judicial assignment records; assist in providing information services to news media and other groups; assist in maintaining liaison with other public or private agencies concerned with the court; evaluate and recommend improvements in the court's administrative system and procedures; prepare an annual report, and such other reports as directed by the court. (New Jan. 1, 1969.)

(c) (Title) A trial court administrative officer should be identified as such by title. (Adopted effective July 1, 1977.)
Responsibilities. Under the authority of the judges of the court and the supervision of the presiding judge, the administrative office of each court unit should be responsible for:

(a) Management of the court's calendar.

(b) Administration of all its staff services, including the functions traditionally performed by the clerk of court, courtroom clerks and bailiffs, court reporters, law clerks and secretaries, probation officers, court-affiliated caseworkers, professionals such as doctors and psychologists retained by the court to perform diagnostic or consultative functions, and all other comparable officials.

(c) Personnel, financial, and records administration, subject to the standards of the central administrative office.

(d) Secretariat for meetings of the judges of the court that it serves.

(e) Liaison with local government, bar, news media, and general public.

(f) Management of physical facilities and equipment and the purchase of outside services.

(g) Reporting to and consulting with the central administrative office concerning the operation of the court.