

STAFFING LEVELS IN THE CLERK'S OFFICE,
DISTRICT COURTS DIVISION
11TH JUDICIAL CIRCUIT, MIAMI-DADE COUNTY, FLORIDA

Fostering Excellent Court Performance Through Adequate Staffing Levels
Executive Summary
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Executive Summary

The primary objective of this research is to look at the number of employees assigned to the five full service district court locations and the four limited service offices that comprise the District Courts Division to determine if the level of staffing is adequate to meet the standards set forth by the Trial Court Performance Standards and/or if additional personnel are needed to foster court performance and meet customer service needs of the District Courts.

The District Courts Division is an operational division of the Clerk of the Circuit and County Courts of the 11th Judicial Circuit in Miami-Dade County, Florida. The Eleventh Judicial Circuit encompasses an area of almost 2,000 square miles. Serving a population of over two million, it is the largest judicial circuit in Florida and the fourth largest trial court in the nation, with 111 judges presiding in nine court locations throughout the community(*1).

The duties and boundaries of the Districts are established by Administrative Order of the Chief Judge and periodically amended to accommodate the dynamics and challenges of the growing and ever-changing population. The small claims jurisdictional limit went from \$1,499.99 to \$4,999.99 over the last 15 years. Litigation has become more sophisticated and caseload volume has increased. The downside to growth is that customer service has been adversely impacted.

In 1999, there was a total of 21,123 small claims cases filed, 26,959 county court cases filed, 3,753 injunctions for protection from domestic violence, 16,132 marriage licenses processed, 6,000 hearings for uncontested divorce, 8,387 driver license reinstatements processed, 102,514 parking tickets paid, 213,611 traffic civil infractions processed, 100,918 traffic criminal cases and an astounding 297,096 traffic infractions cases heard. New judges and hearing officers are appointed to keep up with the increasing workload. There are a total of 15 judges sitting in these district locations and 8,762 civil infraction sessions are heard by 32 hearing officers. As the caseload continues to grow, staff are added only sporadically.

At a time when much is being published and discussed about fostering public trust and confidence,

making courts more user friendly, the District Courts Division is being forced to cut services or to reduce the amount of information offered to the public due to personnel shortage. The extent to which the Clerk's Office is able to perform its duties is positively correlated with public trust and confidence, access to justice, and equality and fairness. Conversely, the extent to which the Clerk's Office is unable to perform its duties is negatively correlated with court performance standards.

To determine if the District Courts Division has adequate staffing to meet the standards set forth by the Trial Court Performance Standards and/or if additional personnel is needed to foster the performance and customer service of the District Courts three different studies were conducted including: staffing level assessment, a customer satisfaction survey, and a survey of employee perception of court performance.

To develop a working outline for this study, literature regarding court administration, proper level of staffing, and customer service and court performance standards was reviewed and studied. These resources were used to gather the tools for the development of the tasks survey, the procedure for assessing the proper staffing levels, customer surveys, and employee perceptions survey.

The most widely respected current source for information on weighted caseload methodologies *Assessing the Need for Judges and Court Support Staff*(*2) manual by Victor E. Flango was used to develop the methodology for staffing level for the District Courts. Other National Center for State Court literature on staffing needs for court clerk's offices reviewed includes: *Staffing Standard Model for Court Clerk's Office in the Commonwealth of Kentucky*(*3), *Court Clerk's Staffing Standards Study for the South Dakota State Court Administrator's Office*(*4) and *The Management Audit of the Court Services Division of the Office of the Clerk of the Court, Charlotte County, Florida*(*5). These studies were valuable because they provided an example in how caseload methodology can be applied at the clerk's level.

Other resources were used to collect background and data for this report. The Court's Annual Reports for the years 1997 and 1998 provided background information and perspective of the District Courts Division as part of the Clerk's Office in Miami-Dade County. Resources used to collect the data for determining the staffing assessment were December 1999's monthly statistical report prepared by the District Courts Division and the 1999 Calendar year to date reports generated by the Civil Computer System, the Marriage License Information System, the Traffic Information System, the Criminal Information System and the Cash Management Revenues Reports and the Traffic Hearing Setting Log maintained by the Administrative Office of the Courts.

A staffing model consisting of workload standards based on "Delphi survey technique" was used. This technique uses expert opinions to estimate the time it takes to perform various functions in each case type as opposed to a full scale time study to arrive at time per case or "weight." In this research, once the weight was determined, it was multiplied time the volume of cases for that case type to determine the amount of hours is needed to perform that tasks during the year. The sum of the total hours in a year needed to perform all tasks equals the total amount of hours needed to perform all tasks in the District Courts Division. This total amount of hours was then divided by the "Clerk Year."

Using the steps outlined on the *Assessing the Need for Judges and Court Support Staff*(*6) and tailoring them to the needs of the District Courts Division, the following complex process was developed:

1. A table listing the different functions to be performed on most case types processed at the District Courts Division was prepared.

2. Once the major functions were identified, the kind of case types that are processed in the district court locations were determined. Eleven case types were identified for which surveys needed to be prepared to have the workload standards developed.
3. When the case type was identified, event/functions that take place in each case type were outlined and then collapsed into major groups of cases which similar case functions.
4. An analysis of each case type was conducted and each case type was divided into sub-case type according to the variables and complexities involved with the cases within each case type.
5. A group of "experts" in different tasks performed at the Districts were identified. Nine meetings and several telephone conferences were set up throughout the course of four days to complete the tasks surveys and determine the amount of time to perform each tasks.
6. Using the experts opinion a "weight" or time in minutes per case was assigned to each case type identified.
7. The amount of cases for each case type was determined using data from different monthly and annual statistical reports.
8. To use the weights or time per case effectively, the weights were applied to the amount of cases in each case type to determine the total amount of time in minutes necessary to perform those particular tasks.
9. After the surveys and calculation was completed for case related activities and tasks, the time spent by the staff on administrative non-case related tasks was accounted for.
10. A Clerk's Year of 1,362.38 hours was used. (This formula was developed by Brocoline and Weber(*7)). The clerk's year was then multiplied by the amount of staff available including supervisory staff to come up to the amount of possible hours.
11. The result of the amount of hours available was then compared to the amount of hours needed to properly perform all tasks related to case related functions and administrative function to determine the sufficiency of staff.

The study showed that the District Courts Division needs an additional 21 full time positions to perform all the tasks in the district courts.

To measure customer satisfaction the survey from the Phelps County Circuit Clerk, Recorder of Deeds and Probate Office in Missouri, was reproduced. The survey was developed by a "customer service committee" whose chairperson was Sue Trueblood(*8), Chief Deputy in the Civil Division.

A total of 2,000 surveys were distributed within five full service office and the Sweetwater Sub-office and handed to customers for a period of three weeks. Of the 2,000 surveys distributed, 453 surveys were returned for a 23% participation. Additionally, due to the language barrier of customers at the Sweetwater Office, where 85% of the clientele is Hispanic, a Spanish survey was developed and made available.

Once all the surveys were received the results were tabulated and analyzed. Connecting these answers with questions set forth to measure Court Performance Standards, the customer satisfaction survey

showed that:

On **Access to Justice**, the District Courts Division is not meeting the TCPS because:

- The customers are waiting too long for service.
- The staff do not have time to answer their questions.

On **Equality, Fairness and Integrity**, the District Courts Division is not meeting the TCPS because:

- Only 68% found that the service received was helpful and understandable.
- Only 72% found that the question or concern was brought to a satisfactory conclusion.

On **Public Trust and Confidence**, the District Courts Division is not meeting the TCPS because:

- The public does not feel that they can take care of their problem expeditiously.

Of the 474 surveys returned, 226 or 47% have a comment about the service received. The higher the discontent with the service, the higher the percentage of comments received.

A quick look to the comments shows that:

- 20% found the service excellent
- 19% expressed good service
- 20% stated the need for additional personnel
- 19% expressed that the lines were too long
- 17% stated that service was too slow
- 7% expressed that the service was no good
- the waiting time was reflected to be within one hour to two hours
- 39% found the service acceptable or better
- 43% expressed dissatisfaction with the services.

The third component of this study looks at the relationship of the inadequacy of staffing level in the District Courts with employees perception of the court performance using the employees' survey.

The employees' survey was developed using Form for 5.1.1 "Court Employees Perceptions of Court Performance" in the Trial Court Performance Standards and Measurement System Implementation Manual. No testing and validation of this survey were necessary as this particular instrument has been tested and validated in different state courts by the Trial Court Performance Standards Project Staff.

Surveys were personally hand delivered in order to ensure the employees that the answers were to remain confidential. Of the 106 total employees available, 82 employees returned the survey for a **77%** participation.

Connecting these answers with questions set forth to measure Court Performance Standards, the employee survey shows:

On **Expedition and Timeliness** the District Courts Division is not meeting the Standard because:

- Pleadings are not docketed the same day.
- Cases are not being updated on the same day of activity.
- Pleadings are not filed in the case file by the next day.
- Motions and ex-parte orders are not submitted promptly to the judges for consideration.

On **Equality, Fairness and Integrity** the answers on the employees' survey are too close to determine if the District Courts Division is meeting the court performance standards. While 51% of the employees agreed that the Clerk's Office takes an active role in informing the public about court procedures, 40% of the employees agreed that the clerks have the time to provide information to the customers while 39% disagreed. This number suggests that the quality of the information provided may be lacking.

On regarding **Independence and Accountability**, the employees show an understanding of their duties toward the public. On the side of responsibilities toward them, 48% of the employees do not believe that "Clerk's Office employees are recruited, selected, supervised in a fair manner," while 32% of those surveyed agreed with the statement.

On questions regarding **Public Trust and Confidence** the employees' answers show their belief that the service provided to the public is courteous, helpful and polite and that the Clerk's Office does treat everyone equally.

When asked about the main reason for the lack of expedient service to the public, **74%** mentioned the lack of personnel while 18% answered that it is the lack of proper training.

In conducting this research, main hindrances were the limited information in the development of proper staffing models for court personnel, the complexity of the methodology, and inexperience. Lessons learned include:

1. Oversimplification of the formula may have slightly understated the amount of additional personnel needed. The formula was used and applied to the District Courts Division as a unit without consideration that nine separate locations produced the workload. Another problem that each one of the five different full service locations has three or four different areas of assignment and each area should have had their own counter. To be more accurate three extra steps are needed which are going to be included in the process presented to the District Courts Division:
 - a. Tasks should be grouped by area of assignment and the total number of hours needed to perform tasks should be divided by Clerk's year to determine the amount of clerk's needed for each area rounding to the highest number.
 - b. Add up all the groups to determine the amount of clerk's needed as a whole rounding the amount to the next full number.

- c. Repeat the process in each location separately and add up the individuals results.
2. Consider making the customers' survey available in at least a second language. In Miami-Dade County where the Hispanic population represents at least 55% (*9) of the total population, this will have made a big difference.

The results of this research show that the staffing levels of the District Courts Division are inadequate to perform all their duties and this inadequacy affects customer satisfaction and employee perception of the court's performance.

The ordinary administration of criminal and civil justice . . . contributes, more than any other circumstances, to impressing upon the minds of the people affection, esteem, and reverence toward the government(*10). Alexander Hamilton challenged the courts to meet the needs of the individuals served by the courts. The District Courts Division can meet this challenge by obtaining funding for additional staff needed and fostering excellent court performance through adequate staffing levels.

(*1) Eleventh Judicial Circuit's Administrative Office of the Courts and the Clerk of the Courts, Miami-Dade County, Florida, "Window on a New Millennium", October 1999.

(*2) Flango, Victor E and Brian J Ostrom, Assessing the Needs for Judges and Court Support Staff, Williamsburg, VA: National Center for State Courts, 1996.

(*3) National Center for State Courts, Staffing Standard Model for Court Clerk's Offices in the Commonwealth of Kentucky, Court Services Division, Denver, Colorado, 1997.

(*4) National Center for State Courts, Court Clerk's Staffing Standards Study for the South Dakota State Court Administrator's Office, Court Services Division, Denver, Colorado, 1998.

(*5) National Center for State Courts, Management Audit of the Court Services Division of the Office of the Clerk of the Court, Charlotte County, Florida, Court Services Division, Denver, Colorado, 1990.

(*6) Flango, Victor E and Brian J Ostrom, Assessing the Needs for Judges and Court Support Staff, Williamsburg, VA: National Center for State Courts, 1996.

(*7) Flango, Victor E and Brian J Ostrom, Assessing the Needs for Judges and Court Support Staff, Williamsburg, VA: National Center for State Courts, 1996.

(*8) Circuit Clerk of Phelps County Office, tel. # 573-364-1891, fax # 573-364-1419

(*9) United States Government, *Estimates of the Population of Counties by Age, Sex and Race/Hispanics Origin*, Bureau of the Census, Washington: The Bureau, 1996.

(*10) 10Hamilton, Alexander, The Federalist, No. 17 (1787)

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