ABSENT Minded Approach to New Employee Orientation

Institute For Court Management
Court Executive Development Program
Phase III Project

By Sean F. McAvoy
Clerk of the U.S. Bankruptcy Court
Northern District Of Iowa

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Table of Contents

List of Illustrations..... i

List of Appendices..... ii

Executive Summary..... 1

Abstract..... 6

Introduction..... 8

Relevant Operational Information..... 9

Statement of Current Problem..... 10

Financial and Operational Impacts..... 11

Significance of Problem..... 13

Significance and Goals of Program/Measurable Objectives..... 14

Review of Relevant Literature..... 16

Methodology..... 21

Findings and Conclusions..... 22

Implementation Plan..... 27

Conclusion..... 30

Works Cited..... 31

List of Illustrations

Illustration #1	Responses to Number of New Employees Hired	22
Illustration #2	Responses to Number of Years Experience	23
Illustration #3	Response to Current Orientation Provided	24
Illustration #4	Responses to Duration of Current Orientation	24

List of Appendices

Appendix #1	Orientation Survey Questionnaire
Appendix #2	Cover Letter to Arizona Clerks Association
Appendix #3	New Clerk Employee Comprehension Assessment
Appendix #4	New Clerk Employee Orientation Training Curriculum

Executive Summary

Background Information

The Arizona Constitution establishes the operation of a Superior Court in each of the state's fifteen counties. The Superior Court is a court of general jurisdiction that maintains the authority for its assigned judges to hear and decide cases of criminal, civil, probate, domestic relations and juvenile jurisdiction. To assist the presiding judge of each Superior Court, that county's constituency elects a Clerk of the Superior Court.

The Clerk of the Superior Court maintains the statutory responsibility for the acceptance and maintenance of all legal documents/filings presented to the Superior Court. The Clerk is entrusted with the maintenance of court files and exhibits, as well as being largely responsible for ensuring public access to court files. It is the assignment of these responsibilities/duties that clearly establish the Clerk's role as the Customer Service entity for the judiciary.

According to statistics published by the Press Secretary for the White House, the national Unemployment Rate for 1999 was 4.2%, the lowest rate in thirty years. This percentage exemplifies the downward trend in unemployment that is impacting the work force available to Arizona employers.

Problem Statement

The current downward trend in unemployment has severely restricted the hiring pool of applicants available to fill vacancies within the Superior Court. The Clerks of the Superior Court

within the State of Arizona are required to interview and hire applicants who possess limited, or, in what is more often the case, no knowledge of the judicial system, the operations of a Superior Court, or the duties and responsibilities assigned to the Office of the Clerk

Although Superior Court filings within the State of Arizona decreased 2.3% from FY 1998 to FY 1999 the number of pending cases increased by 1.3% in the same time period (1999 Report of the Arizona Judiciary, AZ Supreme Court Website). Over the previous two Fiscal years, case filing statistics for the Arizona Superior Court increased a total of 13.4%. These statistics reflect the increased complexity of the average Superior Court case as well as the increased workload for judicial employees who are now required to perform in-depth processing of the existing caseload. The Arizona Superior Court is funded through local county funds, appropriated by each county's Board of Supervisors. A majority of the Clerk's Offices throughout the state are continually required to operate with zero-growth budgets or annual budget reductions. A combination of the fund shortages and workload increases within the Arizona Superior Court often results in either a stagnant work force or an exceptionally high turn-over rate due to stress and fatigue. Supervisors maintain management pay and status, but are often called upon to perform front-line duties and responsibilities on a full-time basis just to maintain pace with the increasing workload, while Clerks scramble to fill vacancies that are consistently occurring within their organization.

As a result of the reduced staff to workload ratio within the Clerks' offices, new employees are tendered a position, oriented to the county's benefit package and policies, and thrust upon the supervisor to train in his/her copious spare time. The average training received in the Superior Court Clerk's Office by new-hires is duty/responsibility specific and is acquired through small blurbs of information spread sporadically throughout their periods of on-the-job training. Once a satisfactory

competency level is displayed, the new-hires are released to their respective tasks and expected to perform.

Front-line staff within the Clerk of the Superior Court's Office are undertrained and seldom afforded the opportunity to fully understand the impacts that their specific duties have upon their co-workers, other members of the court's team or the litigant's operating within the judicial system.

Solution

The development of a standardized Clerk of the Superior Court Orientation Training Program is necessary to decrease the training time of new employees and widen the knowledge base of those employees filling front-line positions within the Clerk's Office.

This training will be developed under the direct authority of the Arizona Clerk's Association and the Administrative Office of the Supreme Court. Prior to the training program's implementation, each of the Clerk's Offices will have the opportunity to review and modify the curriculum. Once the training program has been completed, eighteen copies of course slides, facilitator and participant guides will be printed and presented to each of the Clerk's Offices, the Arizona Supreme Court, the Arizona State Bar Association and the Administrative Office of the Courts.

The final step of the implementation process of this general jurisdiction court orientation program will be the training of select staff members from the Clerk's Offices in each of the counties. The training will be provided at the Arizona Courts Building and will prepare each of the attendees to return to their respective counties as "site experts/trainers". It will be these experts who assume the responsibility for training the remaining and all future staff members within their counties.

Cost/Benefit Analysis

Implementation of this training program and reduction of the supervisor's time spent training the basics will provide additional man-power to reallocate to the processing of the caseload within the Superior Court. Currently the crime reduction funding appropriated from the Legislature is specifically ear-marked for law enforcement agencies and the construction of additional correctional facilities to house the recently arrested criminals. The lack of funding provided to the judicial branch within the state has created a bottle-necked situation in criminal case processing. Through successful reallocation of the supervisors' time and the quicker preparation of new employees, more resources can be devoted to the enhancement of efficiency within the Superior Court's criminal caseflow management.

Barring the implementation of such a training program, counties will be called upon to significantly increase the staffing of the Clerk's Offices to handle and enhance caseflow management. The average annual salary for Deputy Clerk II's within the state is $20,800. If each county were to hire just one additional staff member to assist with the increasing caseload, an approximate total of $312,000 would be spent statewide within the first year. Rather than increasing expenditures, Clerk staff should receive more comprehensive training upon employment while front line supervisors are freed up to evaluate and improve current processes.

Financial Impact

The financial impact to Clerk's Offices within the state will be minimal. Expenditures for supplies and/or materials will be limited to the printing of all subsequent copies of the participant guide, as well as additional copies of all associated hand-outs and instructional packets. Salary costs may only be computed once the site expert and starting salaries of new deputy clerks are identified. Although the site-experts are already assigned to their respective Clerk's office, their absence from

Abstract

Evaluated Practice – At the time of this study, the Clerks of the Superior Court within the State of Arizona rely solely on "on-the-job" training to orient newly hired employees to their positions and assigned duties. Information presented in existing orientation programs pertains primarily to county benefit plans and local employment policies. Applicants are interviewed, tendered a position with the Clerk's Office, report for an average of six hours worth of county and office orientation and are released to first-line supervisors to receive instruction on assignment specific processes and procedures. In a majority of the Clerk's Offices throughout the state, first-line supervisors are required to perform daily duties and responsibilities directly effecting the workflow throughout the office, therefore training is provided sporadically and on an "as-needed" basis. This results in an extended training period for new employees, inconsistent initial understanding among new-hires and a undertrained new employee.

Goals and Testable Objectives - The goal of this study will be to identify those areas lacking in a comprehensive orientation program for new employees. Data collected will be used to develop the curriculum for an initial, on-site training program specifically designed to orient new hires to the operations of the Clerk of the Superior Court's office as well as the Arizona Judiciary. This training program, complete with PowerPoint presentation, Facilitator's Guide, Participant Guide and supplemental handouts will be included within this project submission and will be forwarded to the President of the Arizona Association of Superior Court Clerks for implementation throughout the

state. The testable objectives of this program, once initiated, will be a decreased initial training period for newly hired employees, an increased understanding of the entire operation of the Clerk's Office as well as individual contributions to the organization, and increased morale of all employees assigned to employment within the Arizona Superior Court.

Research Methodology - On July 10, 2000 a survey questionnaire was mailed to each of the fifteen Clerks of the Superior Court within the state of Arizona (Appendix A). This questionnaire was designed to identify current orientation practices throughout the state, hiring practices within each of the Clerk's Offices and areas believed to be lacking in initial training for newly hired employees. Additionally, a review of relevant literature was conducted. This review resulted in the identification of two prior Court Executive Development Program (CEDP) projects that were similar in nature to the focus of this project; one from the State of Wisconsin and the other from the State of Missouri. There were also a plethora of articles that discussed the advantages and disadvantages of instituting an orientation program.

Program Success - Success of the orientation program will be judged locally by first- line supervisors, departmental directors and the Clerk of the Court him/herself. Each of the fifteen offices will be requested to develop morale, competency and efficiency indicators and submit these measures and statistics to the Administrative Office of the Supreme Court for determination of success and feasibility of widespread adoption. Program success will be determined through comparisons of training time, comprehension and employee morale with historical averages.

Conclusions and Recommendations - The conclusions reached thus far, through independent survey research and literature review are reflected in the attached "Arizona Basic Skills Education Nexus Training" Manual.

Introduction

The specific venue of focus for this project will be the Superior Court. The Arizona Supreme Court has established a single Superior Court which operates in each of the state's fifteen counties. Pursuant to Article VI, Section 14 of the Arizona Constitution, the Superior Court is a court of General Jurisdiction, and practices jurisdiction over

- Cases and proceedings in which exclusive jurisdiction is not vested by law in another court.
- Equity cases that involve title to or possession of real property or the legality of any tax, impost, assessment, toll or municipal ordinance.
- Other cases in which the value of property in question is more than $5,000, exclusive of interest and costs.
- Criminal cases amounting to a felony, and misdemeanor cases not otherwise provided for by law.
- Forcible entry and detainer actions (evictions of renters).
- Proceedings in insolvency (however, bankruptcy is handled in federal court).
- Actions to prevent or stop nuisances.
- Matters of probate (wills, estates).
- Dissolution or annulment of marriages (divorces).
- Naturalization and the issuance of appropriate documents for these events.
- Special cases and proceedings not otherwise provided for by law.

- The Superior Court also acts as an appellate court for Justice of the Peace and Municipal Courts.

The local control of the Superior Court is assigned to a Presiding Judge who not only maintains a division of court within the courthouse, but is also responsible for all judicial and administrative duties relating to the operation of the Superior Court. Arizona Rules of the Supreme Court authorize the Presiding Judge to appoint a Court Administrator to attend to the administrative matters of the court, thus allowing a greater percentage of the judges time for dispute resolution and adjudication of statute violation. To assist the Presiding Judge in each county with the maintenance of the court file and court finances, that county's constituency elects a Clerk of the Superior Court.

Product or Service – The Clerk of the Superior Court "shall, in addition to other duties prescribed by law or rule of the court, attend each session of the court held in the county, keep a list of the fees charged in actions, and keep books of record required by law or rule of court" (A.R.S. § 12-283). Local rule and administrative orders of the court dictate the role the Clerk must play, ranging from Jury Commissioner to Court Fiduciary Officer for the county. The Clerk of the Superior Court is also responsible for fulfilling the expectations of the constituency by whom he/she was elected. The Clerk is the first agent of the court encountered by litigants, attorneys, and the general public. Every action to be lodged with, and considered by the court must be filed first through the Clerk's office.

Relevant Operational Information

Leadership/Management Style and Clerk Staffing - Clerk of the Superior Court offices throughout the state maintain a hierarchical structure, with the locally elected Clerk presiding over his/her staff. Front line supervisors and office managers are responsible for daily task assignment and

quality control, while the administrators and coordinators focus on case-flow management and strategic planning. Administrators within the court system rely on a combination of education and experience to provide leadership and direction for their staff. The U.S. Supreme Court, in conjunction with the National Center for State Courts, offers Court Executive Development programs, as well as Court Operations and Judicial Education training throughout the year to enhance upper management's knowledge and abilities.

Management styles vary among Arizona's fifteen Superior Court Clerk's Offices. Depending upon the size of the office/size of the county, Clerks are employing management tactics ranging from totalitarian control to management through cross- functional teams and employee empowerment. Staffing levels throughout Arizona's fifteen Clerks' Offices are directly correlated with the population and caseload of each individual county. The smallest Clerk's Office within the state is staffed by seven full time employees, while the largest requires in excess of eighty full time employees, excluding administrators. Of particular interest in this plan will be the newly hired employees assigned to each of the Superior Court Clerk's Offices.

Employee Profile - The deputy clerks assigned to the Clerks' offices throughout the state range from Deputy Clerk I's to Deputy Clerk III's, and maintain an average tenure with the court of five to seven years. Deputy Clerk I's are often hired directly out of local high schools while the Deputy Clerk II's and III's have accumulated some college experience, up to and including an Associate's Degree.

Statement of Current Problem

According to statistics from the Arizona Department Economic Security, the unemployment rate within the state for 1999 was 4.0%. In 1998 the unemployment rate was 4.1%. This downward

trend in unemployment has been consistent since 1982, when the unemployment rate was 9.9%. As the number of state residents without jobs decreases, so too does the size of the hiring pool from which Clerks are able to fill existing vacancies within their offices. According to a recent survey of the Arizona Clerks of the Superior Court, 92% of the new employees that were hired to work within their offices had less than one year education about, or experience with the Superior Court.

A majority of the training received by new employees within the office of the Clerk of the Superior Court, is conducted on-the-job and is specifically related to the duties and responsibilities that are directly assigned to that new employee. This practice significantly minimizes the learning curve of the new court employee and creates a perception of responsibility isolation. New employees are not encouraged to develop an understanding of the "big picture" within the general jurisdiction court, due to the minimal amount of training time available as dictated, and severely restricted by the office's increasing workload.

Supervisors are incapable of providing comprehensive training to newly assigned employees without falling behind in their assigned work responsibilities, therefore the new employee is left to his/her own devises to acquire knowledge outside of the targeted responsibility/duty training. The combination of such factors as increasing workload and stagnant/static staffing levels creates an environment where learning and thinking "outside the box" are not encouraged nor time permissive.

Financial and Operational Impacts

The Arizona Supreme Court and its Administrative Offices are scrambling to secure funding for continued judicial operation and growth. Local county governments and Board of Supervisors are assisting with funding necessary to maintain current levels of Superior Court operations, but increasing caseloads and population explosions demand more than maintenance. Maintenance simply

will not suffice. According to the 1998 Report of the Arizona Judicial Branch, total case filings in the Superior Court for Fiscal Year 1998 increased 4.1 percent over Fiscal Year 1997 and increased a total of 9.3 percent over total case filings in Fiscal Year 1996. The growth trend is abundantly apparent.

In recent years several Arizona legislative sessions have established crime reduction as the primary platform. In an overzealous attempt to create a safer living environment within the state, the Arizona State Legislature lost sight of the overall picture. Appropriations were made to enhance law enforcement efforts and build larger prison and correctional facilities to house the newly arrested and convicted criminals, but the judiciary was ignored. An increase in arrests and indictments created a "bottle-neck" within the Superior Courts of the state, and failed to properly fill the recently constructed correctional facilities. Several committees have been formed to study the impact of recent legislative appropriations on the courts throughout the state. According to a study conducted by the Arizona Supreme Court's Administrative Office of the Courts, federal and local funding initiatives between 1992 and 1996 have resulted in a 21 percent increase in the number of police officers on the street and through those same initiatives the Legislature has responded to the more than 40 percent growth in daily prison populations by increasing the operational capacity of the state's prisons by more than 6,600 beds (AOC Funding Study, 23).

The Forty-third Legislature of the State of Arizona adopted a measure entitled "Fill the Gap" that appropriates funds to the limited and general jurisdiction courts throughout the state to assist in meeting the needs of the increased caseload. The amount of revenues generated for these funds, however, falls short of the projected levels, therefore, the Arizona Judiciary, to include the Clerks of the Superior Court, is expected to do more with less. This expectation precludes any possibility of

staff increases for the Clerk's Office, and has resulted in continuous re-distribution of duties and responsibilities between existing Clerk employees just to maintain pace with the caseload and statutory/rule requirements.

Significance of Problem

Time, constitutional rights and public funds are all lost as a result of the extended training period and minimal training content required for marginal performance of daily assigned duties within the Clerk's Office. The detraction of supervisors' time from maintaining pace with daily workflow and caseflow assignments often results in the violation of statutory time-frames and limits for the processing of pleadings and matters of the court. These time frames were established to ensure that each party within the case were afforded rights of due process, therefore violation of these time restrictions tends to carry significant due process consequences, up to and including case dismissal.

Minimized training simply to effect proficiency in limited task assignment is not cost effective in any organization or employment venue. The newly-hired employee that is allowed, let alone encouraged, to place "blinders" upon their conceptualization of the work product cannot optimally contribute to the overall work product. Employees who develop a general understanding of the entire operation are more capable of comprehending the effects of their work upon their co-workers/peers. They are able to more readily perform quality control over the work which was conducted prior to reaching their post in the workflow, and, in turn, are more likely to produce a more polished product for the next person in the workflow. The informed and educated clerk is also more likely to effect positive chain in the overall workflow by offering suggestions of improvement that take into account all stages of the product workflow.

Significance and Goals of Program

The creation and implementation of a two week, on-site orientation program designed to provide a comprehensive overview of the Superior Court's operation, the duties and responsibilities of the Clerk of the Superior Court, the Clerk of the Superior Court's mission statement and an introduction to the State-wide Case Management System (FACTS) will significantly reduce on-the-job training time, expand the initial knowledge base of the newly hired employee and allow front line supervisors to maintain pace with the increasing caseload/workload. The curriculum will establish a general understanding of the Arizona Judicial System, the types of cases heard within the Superior Court and the average case stages associated with each case type. Employee morale is expected to sharply increase due to a sense of "teamwork" and the focused efforts associated with sharing in a common goal.

Measurable Objectives

Reduced Initial Training Period 93% of the Clerk's offices throughout the state reported that 1-3 months was the average length of training necessary for a new employee to effectively perform their assigned duties. Prior to the implementation of this orientation training program each office will submit the name and date of hire of most recent employee added to their respective front line staffs. This control group of employees' progress, throughout their on the job training, will be charted and at the end of their training period they will be administered a test (Appendix 3). This group will establish not only the baseline for training time, but comprehensive knowledge as well. Once the program has been initiated the participating counties will submit the name and date of hire

of the most recent employee added to their respective front line staffs, progress will be checked, charted and tested and the comparison shall be made.

Reduction in Backlog This measure will be accomplished by multiplying the number of cases processed each day by the front line supervisor by the number of days on-the-job training time was reduced in the experimental group. As an addition to this measure, the number of cases processed by the newly trained employee once the abbreviated training program is completed may be added.

Cost Savings This measure will be accomplished by multiplying the daily pay rate of the front line supervisor and the newly hired employee by the number of days that on-the-job training was reduced in the experimental group

Morale, Enhanced Understanding and Teamwork This measure shall be conducted throughout the employees' life cycle through written performance appraisals, tracking of unsubstantiated absences (call-ins), contributions to the efforts of co-workers, and expressed understanding and compliance with the goals, mission and vision of the employee's organization.

Review of Relevant Literature

On March 28, 2000, Ohio State University released the results of recent studies of employees attending the University's new employee orientations to determine if the program was of any benefit to the hiring organization. According to an article on the university's web page, "Researchers found that new employees who completed a three-hour orientation program showed a higher level of commitment to their employer than did those who skipped the program" (Klein).

The co-author of the study and professor of management and human resources at Ohio State University's Fisher College of Business, Howard Klein, explained, " We found that employees who knew and understood the university's values, goals and history-- all of which were discussed as part of the orientation program-- were the ones who showed the greatest commitment. They understood their mission as part of the university, and that helped build loyalty"(Klein).

In a recent article written for Management Magazine, F. John Ruh cites a study conducted by Dr. Edward Gordon which found that many Fortune 500 companies, such as Sprint, Xerox, General Electric and General Motors have opted to establish Corporate Universities whose primary purpose is the initial and continued training of newer employees. The study found that in a growing number of corporations, training is becoming a stand-alone function and is no longer considered a component or side function of Human Resources. According to the article, companies are placing a greater emphasis than ever before on new employee orientations. "The Orchard Supply Hardware corporation considers its New Employee Orientation program

important enough to include in their list of benefits for full and part-time employees." The general attitude towards new employee orientation, of all companies researched in Dr. Gordon's study, was captured in the American International Assurance Company's commitment to training which "recognizes that the training and development knowledge, attitude and skills of the staff and agency field force are fundamental to its continued efficient and profitable performance" (Ruh, 1).

In an attempt to respond to the shifting labor market, John Ruh has also developed a theoretical time span which he calls "The Life Cycle of the Employee". According to Mr. Ruh the Life Cycle of the Employee through three phases; Recruitment and Hiring, Employee Orientation, and Systematic, Ongoing Employee Training. In a June 23, 2000 article for The Human Resource Store Web site, Mr. Ruh explains the significance of an employee orientation in the accomplishment of the company's mission/vision; "A comprehensive program–one that gives new employees and management a clear picture of the business and what is expected of everyone–will serve as a foundation upon which accountability, productivity and cooperative relationships can be built. Any orientation program should include the following basic goals:
1) Understand why he/she is on the payroll; 2) Know what good performance looks like;
3) Receive basic direction on how to achieve good performance, including instruction on all company forms/IRS requirements; and 4) Totally comprehend "Your Way of Doing Business"--your goals, values and expectations." (Ruh, 2).

Now that I have reviewed the importance of New Employee Orientations in general, I will sharpen the focus of this literature review to the significance of orientation programs within the judiciary.

Kerry M. Connelly and David E. Bubier created a foundational structure for new employee orientation programs within the judiciary in their 1996 "Court Manager" article entitled "Welcome to the Justice System: A Model Court Orientation Program for New Employees". Connelly and Bubier state that orientation is a necessary and important first step in good personnel management and stress that "...orientation is not a singular event, but it is a process that takes place over time. That time can be as short as a week or as long as six months" (Connelly & Bubier 25). The article makes the point abundantly clear that regardless of the duration of the orientation, the focus must be to familiarize the new employee not only with specific job responsibilities, but with the organization/court as a whole. Connelly and Bubier define twelve mandatory sections of a comprehensive and successful orientation program within the judiciary. These sections are:

1. Benefits and Insurance
2. Courthouse Directory
3. Ethics/Ordinance Policy
4. Job Description
5. Legal Terms
6. Media Information
7. Office Policies
8. Organizational Chart
9. Records Management
10. Security and Safety
11. Telephones, Faxes and Copiers
12. Training and Related Materials

Kerry M. Connelly is the District Court Administrator for the Director of State Courts Office for the State of Wisconsin and a fellow Court Executive Development Project (CEDP)

Alumnus. In his Spring 1994 CEDP project entitled "Do Orientation Programs for New Court Employees Improve Job Satisfaction and Performance?", Connelly provided a number of recommendations to the Director of State Courts for Wisconsin pertaining to the implementation of a statewide orientation program. Among these was the recommendation that "The Director of State Courts should develop, in conjunction with the Clerks of Court, a written orientation program (boiler-plate) for Clerk's new employees and existing staff. New and existing staff could review their respective policies and procedures, all personnel benefits and programs and specific job duties. The overall mission statement and organizational goals of each court office should be reviewed and redefined as necessary. Lastly, all employees should be made aware of the functioning of the court and the administration of justice in their work setting (locally and state-wide)". (Connelly 45)

Although not specifically targeted at the orientation of new employees, Janet Scheiderer's April 12, 1996 CEDP Project "Assessment of Court Clerk Training Needs in Missouri" identified a significant shortcoming in that state's approach to training Clerks of Court. In a study of training programs provided to Missouri Clerks of Court in 1995, Scheiderer found "With the exception of the New Clerk Orientation, all of the programs offered were one day sessions addressing any where from 5 to 11 different topics in less than 6 hours," and further deduced, "Unfortunately, it is not possible to cover any of the topics offered in-depth in such a short period of time". (Scheiderer 8)

Scheiderer's final recommendation was the development of a "Clerk Training Academy" for the State of Missouri. The overall objective of this academy, according to Scheiderer would be "to improve courts' responsiveness to the public by: improving clerks' understanding of

technological capabilities and their use of technological resources; improving clerks' understanding of the legal process rules and recommended model procedures and teaching them how to more efficiently and accurately handle each step of the process; enhancing clerks' knowledge of new laws that impact court services; improving the delivery of court information and services; increasing collections and interest earning and limiting losses due to theft and mishandling of finances; and improving the functioning of the court through improved coordination and communication with local and state agencies"(Scheiderer8).

The final recommendation of this project is a melding of Bubier's, Connelly's and Scheiderer's concepts into a comprehensive, on-site orientation training program for all new Clerk of Court employees within the State of Arizona.

Methodology

On July 10, 2000 a survey questionnaire was distributed to each member of the Arizona Association of Superior Court Clerks, via First Class Mail (Appendix 1). This questionnaire was accompanied by a cover letter describing the nature of the study and the desired results (Appendix 2). The intent of this questionnaire was to identify hiring, prior education, and training levels of newly hired employees within the fifteen Arizona Clerk of Superior Court offices. Responses to this questionnaire were tabulated and entered into a Microsoft Excel spreadsheet that had been created to resemble the questionnaire itself. Each of the potential responses were awarded point values, which were combined and are represented in the Findings and Conclusions section of this project.

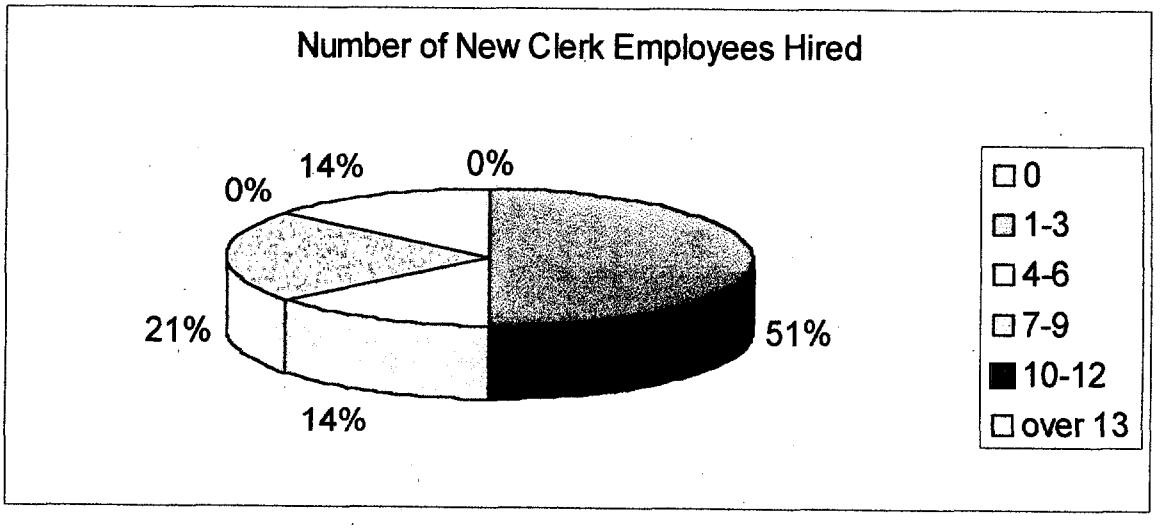
Following the submission of the questionnaire, the responding Clerks' offices participated in a subsequent telephonic interview. The interview was conducted on July 24, 2000 and was designed to determine the average length of new hire/on-the-job training for front line employees. The results of this telephonic interview are represented in the Findings and Conclusions section of this project

Findings & Conclusions

Of the fifteen surveys mailed to Clerks throughout the state, fourteen completed responses were collected, thus a 93.3% response ratio was experienced. Within this sampling two metropolitan and twelve rural counties were represented.

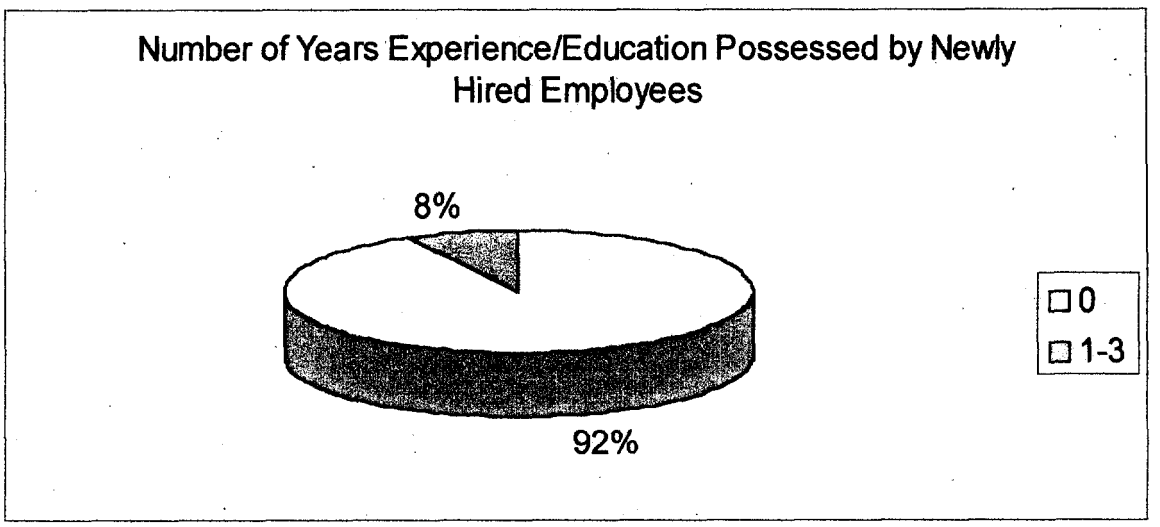
Within Fiscal Year 1999, 51% of counties surveyed hired between 1-3 new employees onto the staff of the Clerk of the Superior Court. An additional 35% responded noting that between 4-9 new employees were hired within the Fiscal year, while the remaining 14%, represented strongly by the two metropolitan counties, hired more than thirteen new employees. (Illustration #1)

Illustration #1



Of the counties responding, 92% of the employees hired had no experience within the judiciary and the remaining 8% had acquired one to three years experience, none of which was directly acquired through the Clerk of the Court's Office. (Illustration #2).

Illustration #2



As illustrated in Graph # 3, 35.7% of the Clerks responding provide absolutely no orientation training program to newly hired employees. Applicants are interviewed, tendered a position within the Clerk of the Superior Court's Office, and are released into the office and into public service immediately upon completion of their new-hire paperwork. The sole source of training conveyance is on-the-job mentoring provided by front-line supervisors or, in the more rural counties with reduced staffing levels, the Clerk of the Superior Court him/herself. The remaining 64.3% of Arizona's Clerks of the Superior Court responded that an orientation program is indeed provided to newly hired employees within their respective counties. 43% of those Clerks commented that the orientation program was limited to between 1-3 hours while the

final 21.3% responded that the orientation conducted in their counties ran between 4-6 hours in duration. (Illustration #4).

Illustration #3

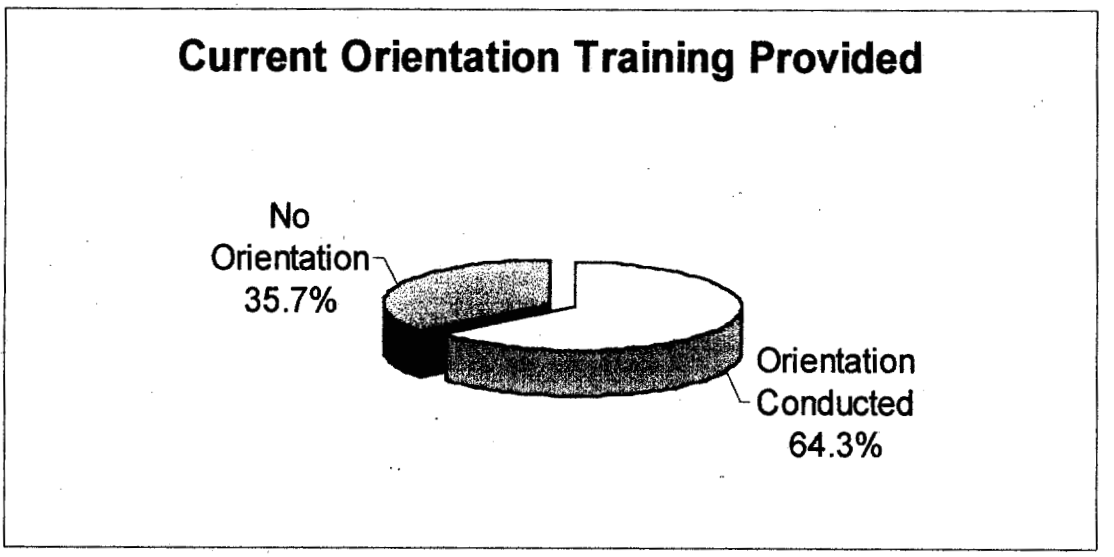
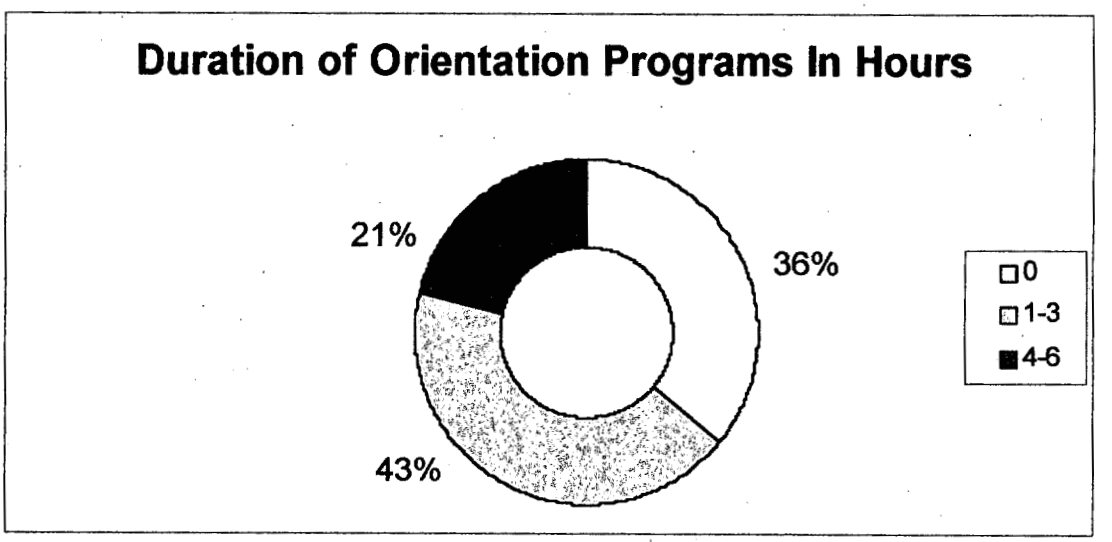


Illustration #4



Most of the counties responding that an orientation program was currently in place, reported that the 1-6 hours of training focused primarily on Human Resource matters such as payroll, benefits, sexual harassment and personnel policies and procedures.

Of the fourteen counties that responded to the July 10th questionnaire, 93% stated in a subsequent telephonic interview, that a new employee required one to three months of on-the-job training before being released to perform on his/her own. 7% responded that three to six months of training were required for a new employee to build the necessary proficiency/skills to work independently.

A vast majority of the Clerks who responded to the questionnaire, when polled in the follow-up telephonic interview, agreed that a void currently exists in the orientation of new employees within their offices. Although the general consensus was that county specific information was satisfactorily presented and understood, the overall mission of the Clerk of the Superior Court and the processes of the judiciary were not broached until the employee reached his/her permanent post of duty, and were then provided "ad-hoc" throughout the course of that employee's training. Each of the Clerks who were queried identified the need for a comprehensive initial training program to ease the burden on existing front-line supervisors, reduce the backlog incurred throughout the course of new hire training and decrease the amount of on-the-job training time required for new employees to reach an acceptable level of proficiency in assigned tasks.

Unanimous support from the Clerks was voiced for the development of a new employee orientation training program that incorporated the structure of the Arizona Judiciary, the progression of cases through the Superior Court, the duties and responsibilities of the Clerk of the

Superior Court and the basic functioning of the Arizona automated case management system (FACTS/ACAP). These findings and conclusions were utilized in the development of the Arizona Basic Skills Education Nexus Training (ABSENT) Minded Program's New Employee Orientation Manual.

Implementation Plan

The initial draft "Training Package" will be produced and included as part of this CEDP project. This package will contain Facilitators Guides;Student Guides; pertinent handouts, flow charts and quick reference guides; pre-tests and post tests; as well as the power point presentation and training slides. The Training Package will also be forwarded to Lynn Bashe, Court Services Administrator for the Pinal County Superior Court. She has volunteered to present the package to the Arizona Clerks Association for review and comment. Pinal County will bear the cost of this "first draft" publication of the fifteen training packets.

The initial approving authority will be the Arizona Association of Superior Court Clerks (AASCC). Each of the County Clerks will have the opportunity to review the training materials, as well as the course outline, and present modifications to the Association for unanimous approval and acceptance. Following AASCC approval, two training packages which contain the approved training material and all modifications instituted by the Clerks Association, will be produced and provided to the Administrative Office of the Supreme Court and the Chief Justice of the Supreme Court for final approval. The Administrative Office of the Court will review the the training curriculum for legal content and accuracy as well as cost effectiveness and compliance with Supreme Court initiatives and programs.

Once approval has been gained from the Arizona Supreme Court, the Arizona Clerks Association will request that the Administrative Office of the Supreme Court produce eighteen

"Final Draft" copies of the training manual/package and all associated handouts. Fifteen copies will be disseminated to the Clerks of the Superior Court, while the Administrative Office's Training Division will maintain three copies (one archived master copy and two for training purposes).

At this point, Train the Trainer classes must be coordinated with the Administrative Office of the Arizona Supreme Court and a conference room must be scheduled at the Supreme Courts building located at 1500 W. Jefferson, downtown Phoenix.

Each of the fifteen county Clerk's Offices will be contacted and invited to participate in a three day seminar on the new training program. It will be proposed that one to two people from each office attend the seminar. Each person that attends the one time seminar will become a qualified "site expert" and will assume the responsibility of training the remainder of his/her county's staff and any new hires employed by their respective offices.

Once trained, the site experts will be required to conduct the initial two-week training of new hires at their respective sites. The first week will focus primarily on the Arizona Judiciary, the role of the Superior Court, and the duties and responsibilities assigned to the Clerk of the Superior Court. The second week of training will be hands-on computer training with the FACTS program and will focus primarily on party look-up, case creation, receipting, docketing, and case management.

Depending upon the hiring cycles and the hiring needs of the local Clerks' offices, a recommendation will forwarded to each of the counties to have their "site expert" conduct initial new hire training once each quarter of the fiscal year. Although training provided immediately upon the tendering of a position to a new employee is optimal, staffing shortages and daily

workflow assignments held by the "site expert" might make this type of training schedule an impossibility. Also, depending upon class size and workload feasibility in each of the respective counties, the recommendation will be made to assign tenured employees to attendance in the orientation program to sharpen comprehension and understanding of the roles of the court as well as to reinforce standardization of procedures.

The Supreme Court will be requested to lend ongoing support through the continued dissemination of court pleadings, handouts and on-site training/update materials, while the local county offices will be responsible for all necessary reproduction of the training package and associated hand outs, as well as modification of the training content to conform with local Rules of Court.

Pre-tests and post tests will be conducted with each employee attending training (new or tenured). Results from those tests will be evaluated and maintained by each of the county Clerk's offices and will be used as one measure of success for the training program.

Conclusion

Appendix 4 is the actual New Superior Court Employee Orientation Training Program, as it will be presented to the Arizona Association of Superior Court Clerks. The curriculum has been designed to shorten the overall training time necessary for new employees to gain proficiency in their assigned tasks while broadening the knowledge base from which they operate. By developing a more comprehensive understanding of the system within which one works, the new employees of the Superior Court are expected to assimilate more quickly, become productive in a shorter period of time and develop a thorough understanding of the operation of the Clerk of the Superior Court and the Arizona Judiciary.

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Appendix

Arizona Association of Superior Court Clerks

Training Needs Assessment

SURVEY QUESTIONNAIRE

1) Does your office currently conduct new employee orientation training prior to job/duties specific training and assignment? (If "No" proceed to question number 6)

_____ Yes

_____ No

2) What is the length of the training?

_____ 1-3 hours

_____ 4-6 hours

_____ 7-9 hours

_____ 10-12 hours

_____ Over 13 hours

3) What topics are covered? (check all that apply)

____ Office Procedures
____ Jury Management
____ Calendaring
____ Docketing
____ Employee Benefits
____ Case flow/Work Flow
____ Case Management
____ Financial Management
____ Word Perfect
____ Other computer training
____ Court Structure
____ Clerk Duties

4) Who in your office is responsible for orienting new employees to their job? (Check all that apply)

____ Clerk of Court
____ Immediate Supervisor
____ In-house Trainer
____ Other (Please Identify) _____
____ Deputy Clerk
____ Personnel Manager
____ Fellow Employee

5) Do you use outside assistance (i.e. Personnel Office) for the orientation of your new employees?

_____ Yes

_____ No

6) How is the training presented to new employees?

____ Videos
____ On Site Classroom Presentation
____ Off Site Classroom Presentation
____ Reading Materials
____ Shadowing
____ Other (Please Specify)_____

7) Do you have a written lesson plan for orienting a new employee to the Clerks Office?

_____ Yes

_____ No

8) If you answered "No", would you be willing to use one if it were developed for you and your office?

_____ Yes

_____ No

9) In calendar year 1999, how many new employees did you hire into your office?

_____ 0
_____ 1-3
_____ 4-6
_____ 7-9
_____ 10-12
_____ Over 13

10) Of those employees hired, how many had the following number of years experience in the court/judicial system?

_____ 0
_____ 1-3
_____ 4-6
_____ 7-9
_____ 10-12
_____ Over 13

11) Of those employees with "0" years experience, what was the average level of judicial specific education received prior to hire?

_____ 0
_____ Some coverage in high school
_____ Some legal or government courses in college
_____ College degree with Political Science or Judicial specific major

12) Are your new employees trained to know and understand the office's mission statement?

_____ Yes

_____ No

13) Does the average employee within your office fully understand how the performance of his/her duties effects the duties and responsibilities of his/her co-workers?

_____ Yes

_____ No

14) What is the average length of training necessary for a new employee to effectively perform in their assigned duties?

_____ 1-3 months
_____ 4-6 months
_____ 7-9 months
_____ 10-12 months

15) In your opinion, would this training time be decreased with the implementation of a Court and Superior Clerk overview orientation training?

_____ Yes

_____ No

16) What is the average tenure of your front line (non-management) employee?

_____ 0-2 years
_____ 3-5 years
_____ 6-8 years
_____ Over 9 years

17) How many front line (non-management) employees do you currently have within your employ?

_____ 0-10
_____ 11-25
_____ 26-35
_____ 35-50
_____ Over 50

18) Would you consider your front line (non-management) employees:
_____ Specialists
_____ Generalists

19) Does your office employ cross-training as a means of enhancing employee understanding, productivity, or performance?
_____ Yes
_____ No

20) Overall how would you evaluate the morale of your front line (non-management) employees?

_____ Very High
_____ Moderately High
_____ Medium
_____ Needs Improving
_____ Very Low

Please return completed questionnaire no later than Friday, July 28, 2000, to:

Pinal County Clerk of the Superior Court's Office
Attn: Sean McAvoy
P.O. Box 2730
Florence, AZ 85232

PINAL COUNTY
CLERK OF THE SUPERIOR COURT
Alma Jennings Haught, Clerk
Sean McAvoy, Director
smcavoy@courts.sp.state.az.us

P.O. Box 2730
Florence, AZ 85232
Phone: (520) 868-6295
Fax: (520) 868-6252

July 10, 2000

Salutations Clerks of the Superior Court:

Enclosed you will find a survey questionnaire pertaining to the orientation training provided within each of your respective offices. The results of this survey are intended to assist in the development of a pilot program of standardized, initial training for new Superior Court Clerk employees throughout the state of Arizona.

Once all responses from this questionnaire have been compiled and measured, I will develop and circulate to each of you, for your review and critique, a training program that is expected to allow more efficient assimilation of new employees into the Arizona Judicial System. This first phase of training will target those new employees possessing limited knowledge and/or understanding of the Court's functions and Clerks' responsibilities. Successful completion of this type of orientation training is projected to significantly decrease the amount of "On-the Job" training necessary to develop proficiency in assigned duties.

I have chosen this research and project development as the focus of my Court Executive Development Program's Individual Project and I fully intend to deliver the package to the Administrative Office of the Courts once it has received unanimous approval from the Arizona Superior Court Clerks. Please return the completed questionnaires to me by July 28, 2000, so that I may conclude the tests and measures portion of my research and progress into the development of the training curriculum.

My most sincere appreciation to each of you in advance for the assistance your responses will lend to my successful completion of the CEDP program.

Sincerely,

Sean F. McAvoy
Director

Clerk of the Superior Court
New Employee Orientation
Comprehension Assessment

1. What is a pro-se litigant?
   a. A party to a case who has had all filing fees waived or deferred
   b. A party to a case who has had an attorney assigned by the Court
   c. A party to a case who has chosen to represent him/herself
   d. An attorney who has been assigned, by the Court, to represent a client

2. What is another name for the case docket?
   a. Court File
   b. Register of Actions
   c. Judge's Calendar
   d. Record on Appeal

3. What are the seven steps of a normal criminal case's progression?
   a. _____
   b. _____
   c. _____
   d. _____
   e. _____
   f. _____
   g. _____

4. If a Grand Jury finds that there is adequate evidence to believe that a person has committed a crime they issue an:
   a. Indictment
   b. Injunction
   c. Information
   d. Inquiry

5. The statute that identifies the appropriate fees to be charged in the Superior Court is :
   a. 12-264
   b. 25-284
   c. 25-264
   d. 12-284

6. Within how many days of the Information/Indictment/Preliminary Hearing must the arraignment occur?

a. 2
b. 5
c. 10
d. 30

7. What are the two primary functions a courtroom clerk serves throughout a hearing/trial?

a. _____

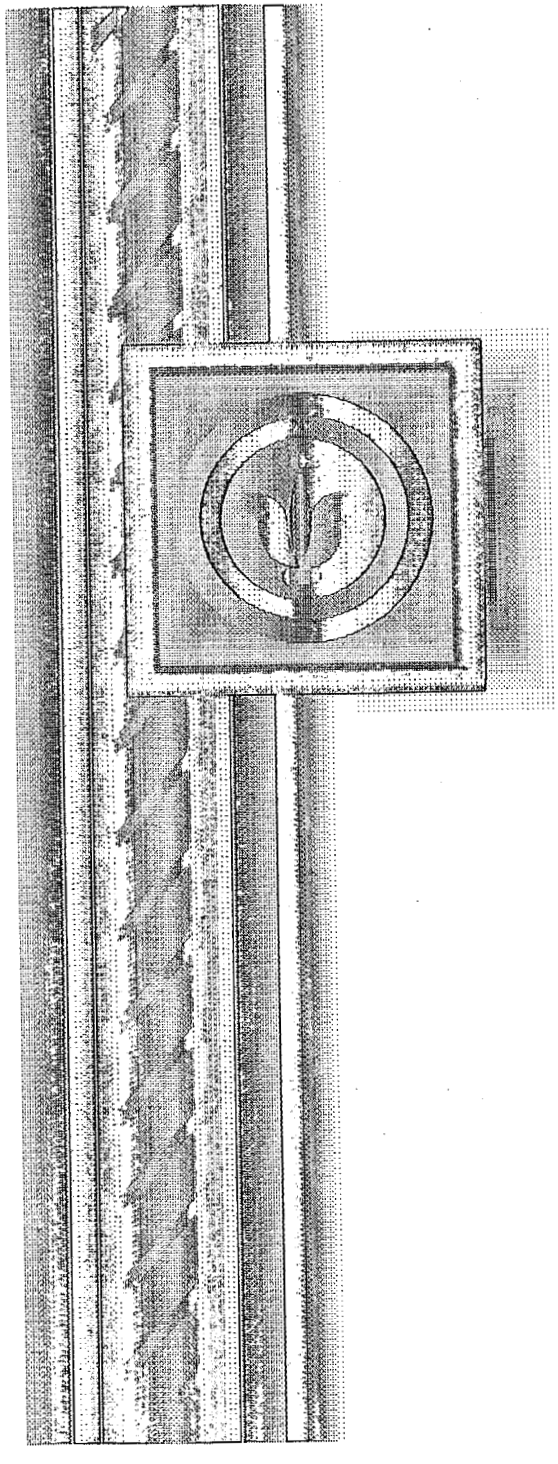
b. _____

8. The Arizona Rules of Court identify the Clerk of the Superior Court as the Court's Fiduciary Officer. What does this mean?

a. _____
_____
_____
_____
_____
_____

9. What is the title of the document/pleading that initiates a Civil Case?
   a. Wage Assignment
   b. Preliminary Injunction
   c. Complaint
   d. Notice of Supervening Indictment

10. Which of the following transactions would be appropriate for an employee of the Clerk to conduct with a customer?
   a. Providing the paperwork necessary for initiating a modification of child support.
   b. Providing copies of past successful pleadings from domestic relations cases (with party names redacted).
   c. Reviewing a pay stub of a non-English speaking litigant and telling them the figures to enter into the parent's worksheet for child support.
   d. Informing the customer of subsequent pleadings that might expedite and further his/her cause.



ABSENT Minded Approach to New Employee Orientation

Arizona Basic Skills Education Nexus Training

Sean F. McAvoy

CEDP Project, Spring 2001

03/01/2001

Course Overview

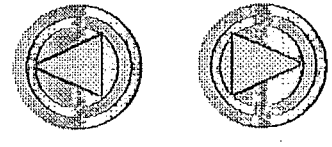
- Week One
  - Monday - The Arizona Judiciary
  - Tuesday - The Clerk of the Superior Court
  - Wednesday - Criminal Case Processing
  - Thursday - Domestic and Civil Case Processing
  - Friday - Customer Service within the Judiciary

Course Overview (Cont.)

- Week Two
  - Monday - Introduction to ACAP/FACTS
  - Tuesday - Person/Case Look-up and Case Initiation
  - Wednesday - Receipting
  - Thursday - Docketing
  - Friday - Review

Week One - Monday
The Arizona Judiciary

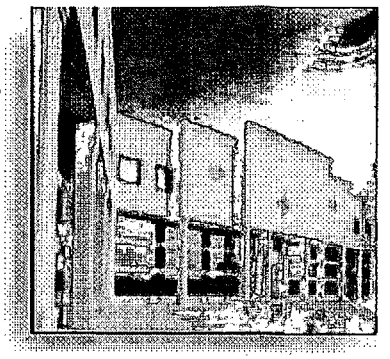
- The Arizona Court System
  - The Levels of Court with Corresponding Jurisdiction
- The Superior Court
  - Constitutional Authority
  - Types of Cases Heard
- Legal Terms and Definitions



The Arizona Judiciary

- Timeline
  - 1910 Arizona Constitution creates the judicial system (Article VI)
  - 1912 Arizona Legislature establishes superior, juvenile and Justice of the Peace courts
  - 1913 Arizona Legislature establishes Municipal Courts
  - 1965 Legislation establishes Court of Appeals

Three Levels of Arizona Judiciary

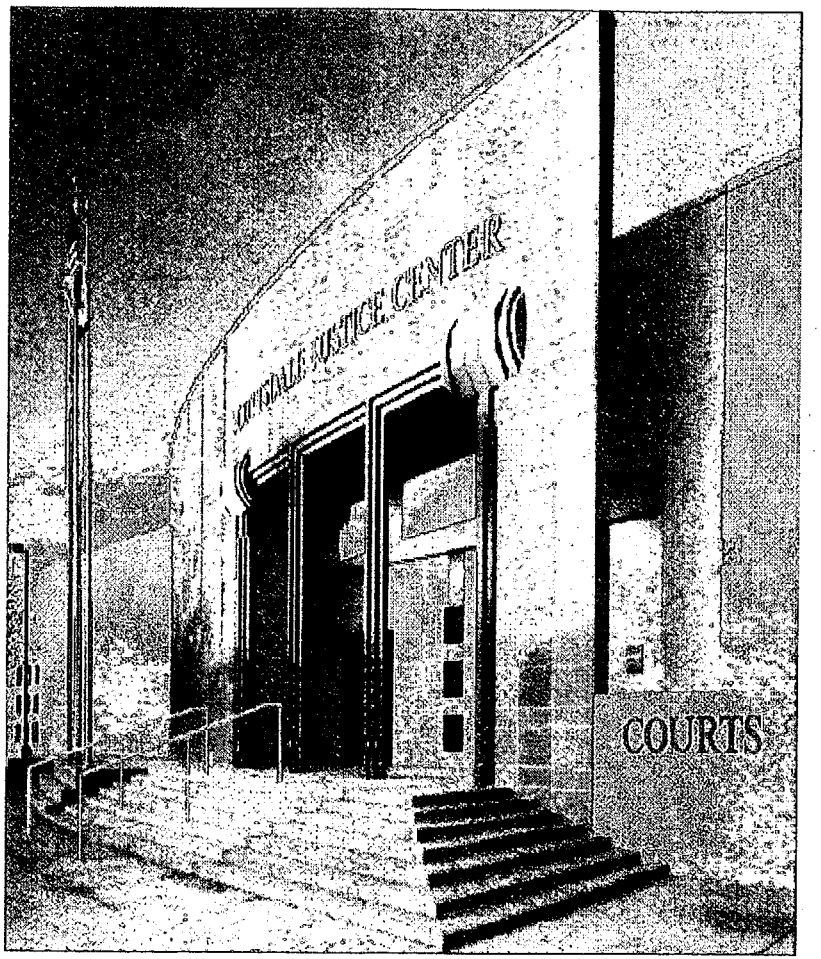


- Limited Jurisdiction
  - Municipalities and City Courts
  - Not Courts of Record
- General Jurisdiction
- Appellate Courts
  - Court of Appeals
  - Arizona Supreme Court

Limited Jurisdiction

Municipal/City Courts

- **Jurisdiction**
  - misdemeanor crimes and petty offenses committed within city/town
    - misdemeanor criminal traffic offenses such as DUI, Hit-and-run, and reckless driving where no serious injury occurred



Municipal Courts

- **Jurisdiction** (Cont.)
  - Civil Traffic Cases
  - Violation of City ordinances/codes
  - Issue Orders of Protection and Injunctions Against Harassment
  - Issue Search Warrants
  - Handle Domestic Violence and Harassment Cases
- Judges/Magistrates are appointed by city/town council (Except Yuma)

Justice of the Peace Courts

- Jurisdiction
  - Civil jurisdiction limited to cases involving claims of $5000 or less
  - Shares jurisdiction with the Superior Court in landlord/tenant cases where rental value does not exceed $1000/month and damages are $5000 or less
  - Can hear matters of possession of-but not title to- real property

Justice of the Peace Courts

- Jurisdiction (Cont.)
  - Criminal Jurisdiction over
    - Petty Offenses and Misdemeanors
    - Assault or battery - less serious offenses not committed on a public officer while performing his/her duties
    - Breaches of peace and committing a willful injury to property
    - Misdemeanors and criminal offenses punishable by fines of not more than $2500 or imprisonment in county jail, not more than six months, or both fine and imprisonment

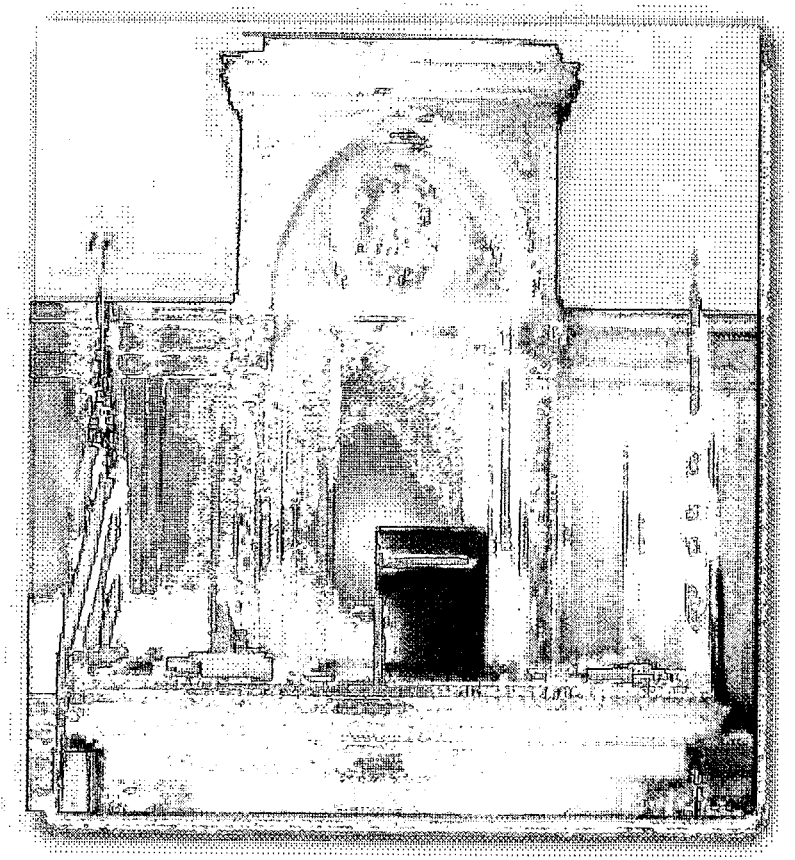
Justice of the Peace Courts

- Jurisdiction
  - Felony hearings for the purpose of issuing warrants and conducting preliminary hearings
- Justice of the Peace serves a county precinct and is elected by the constituency

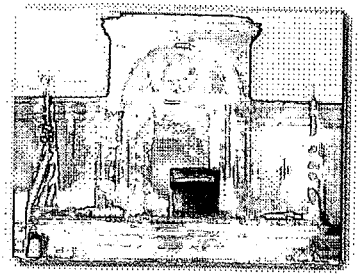
General Jurisdiction

Superior Court

- One Superior Court for the state operating in each of Arizona's fifteen counties
- Each court served by Presiding Judge, Clerk of the Superior Court and Court Administrator

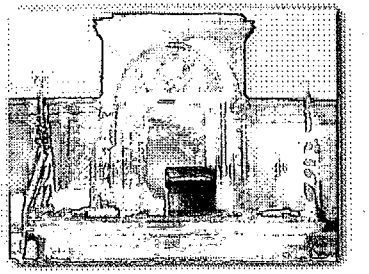


Superior Court Jurisdiction



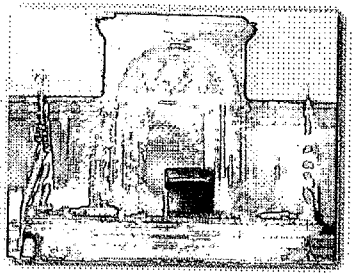
- Cases and proceedings in which exclusive jurisdiction is not vested by law in another court.
- Equity cases that involve title to or possession of real property or the legality of any tax, impost, assessment, toll or municipal ordinance.
- Other cases in which the value of property in question is more than $5,000, exclusive of interest and costs.

Superior Court Jurisdiction



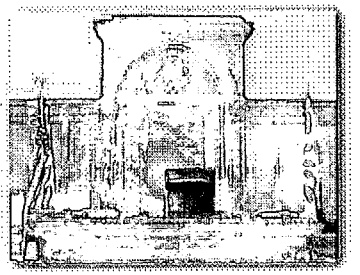
- Criminal cases amounting to a felony, and misdemeanor cases not otherwise provided for by law.
- Forcible entry and detainer actions (evictions of renters).
- Proceedings in insolvency (however, bankruptcy is handled in federal court).
- Actions to prevent or stop nuisances.
- Matters of probate (wills, estates).
- Dissolution or annulment of marriages

Superior Court Jurisdiction



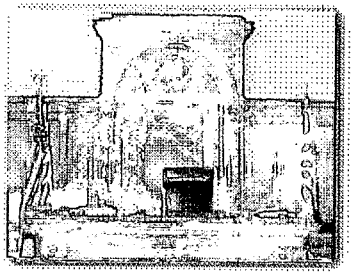
- Naturalization and the issuance of appropriate documents for these events.
- Special cases and proceedings not otherwise provided for by law.
- The Superior Court also acts as an appellate court for Justice of the Peace and Municipal Courts.
- Counties with more than one Superior Court Judge also have special juvenile court

Superior Court



- Probation Supervision
  - Superior Court maintains probation department responsible for supervising adults and juveniles on probation

Additional General Jurisdiction

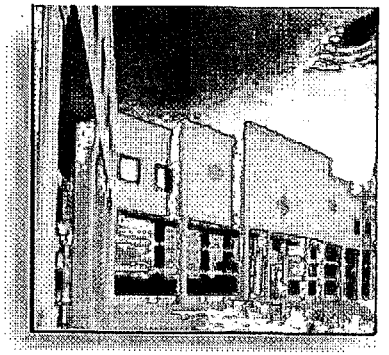


- Arizona Tax Court
  - Jurisdiction over all questions of law and fact relating to disputes involving the imposition, assessment or collection of Arizona Taxes (Maricopa Only)
- Arbitration
  - Civil Cases involving less than $50,000 are assigned to private attorneys for informal hearing

Appellate Court

- Court of Appeals
  - Phoenix & Tucson
  - Three judge panels
- Jurisdiction
  - All Matters properly appealed from Superior Court
  - Reviews all decisions appealed to it

Arizona Supreme Court



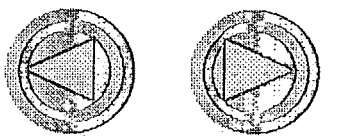
- Article VI, Sec. 5 Arizona Constitution
  - review appeals
  - provide rules of procedure for all courts
- Jurisdiction
  - May choose to review a decision of the Court of Appeals
  - Hears Superior Court Appeals when Death Sentence is imposed

Arizona Supreme Court

- Jurisdiction (Cont.)
  - Regulates activities of State Bar and oversees admission of new attorneys to the practice of law
  - Reviews charges of misconduct against attorneys and may suspend or disbar them
  - Serves as final decision making body when disciplinary recommendations are filed against Arizona Judges

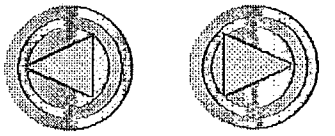
Legal Terms and Definitions

- A.R.S. - Arizona Revised Statutes.
- Acquit - To find a criminal defendant not guilty.
- Admissible - Evidence that is properly introduced in trial.
- Affidavit - Written and confirmed statement or declaration of the facts.
- Affirm - Uphold decision of lower court.
- Appellant - Person/party appealing the decision of the court.
- Appellee - Party against whom an appeal is taken.



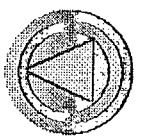
Legal Terms and Definitions

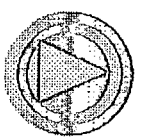
- Arraignment - Court proceeding in which the defendant stands before the judge to answer to criminal charges by pleading guilty or not guilty.
- Civil Complaint - Document filed by the plaintiff in a civil case that outline's the claim against the defendant.
- Default - Failure of defendant to file an answer or appear in a civil case within the allowed period of time.
- Defendant - The person/party sued in a civil case or accused in a criminal case.



Legal Terms and Definitions

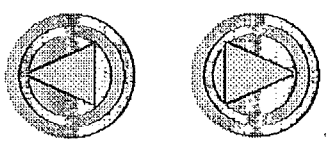
- Due Process - Govt. must treat all individuals fairly and justly by following certain procedures that limit the govt.'s power and protect the life, liberty and property of the people.
- Evidence - Testimony of witness, an object or written documents submitted in court regarding the facts of the case.
- Exhibit - A document or object that is offered into evidence during trial or hearing.





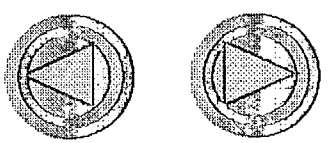
Legal Terms and Definitions

- Felony - A serious crime punishable by imprisonment with the Dept. of Corrections or death.
- Forcible Entry and Detainer - special proceeding for returning possession of lands, tenements and other real property to a person who has been kept off the land/property (eviction).
- Grand Jury - A group of 12-16 citizens who usually serve a term of not more than 120 days to hear or investigate charges of criminal behavior.



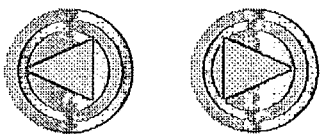
Legal Terms and Definitions

- **Indictment - A formal written accusation by the Grand Jury charging that a person or business committed a crime.**
- **Initial Appearance - The 1st appearance in court by the defendant in a criminal case.**
- **Litigant - Person involved in a law suit.**
- **Misdemeanor - Offense less serious than a felony, punishable by sentence other than being sent to prison.**
- **Plaintiff - Person/Party in civil action who files the lawsuit. (In a criminal case the State is the plaintiff.)**



Legal Terms and Definitions

- Preliminary Hearing - Court proceeding used to determine if there is enough evidence against a person charged with a felony to proceed to trial.
- Pro Per/Pro Se - A litigant who appears in court without representation by an attorney.
- Prosecutor - Attorney representing the citizens of a particular community or the state in a criminal case .
- Sentence - Punishment set by the court.
- Summons - legal document issued by court that is served on defendant notifying him/her that they must appear and answer the complaint on the time/date specified.



Legal Terms and Definitions

- Trial De Novo - A new trial that is held upon an appeal from a non-record court, or the appeal of an arbitration award.
- True Bill - Indictment by the Grand Jury.
- Verdict - Formal decision of a trial jury.
- Wage Assignment - A notification mailed by the Clerk, pursuant to an order of the Superior Court, to an employer of a Non-Custodial Parent for the collection of wages as payment of Child Support.
- Witness - person who gives testimony regarding what he/she saw or heard.

Week One - Tuesday
The Clerk of the Superior Court

- Constitutional Authority
- Statutory Responsibilities
  - Court Attendance
  - Court File and Exhibit Maintenance
- Duties as Assigned by Court Rule
  - Supreme Court Rules
  - Local Rules

Clerk of the Superior Court

Constitutional Authority

- **Article 6 Section 23 of Arizona Constitution reads:**
  - **There shall be in each county a clerk of the superior court. The clerk shall be elected by the qualified electors of his county at the general election and shall hold office for a term of four years from and after the first Monday in January next succeeding his election. The clerk shall have such powers and perform such duties as may be provided by law or by rule of the supreme court or superior court. He shall receive such compensation as may be provided by law.**

Clerk of the Superior Court

Statutory Responsibility

- **Article 8 of Chapter 12, Arizona Revised Statutes**
  - ARS § 12-282 provides that the Clerk shall maintain custody, safely keep and properly dispose of all books, papers and records which may be filed or given into custody
  - also provides for the proper destruction of records, exhibits, etc in accordance with Supreme Court Rule

Clerk of the Superior Court

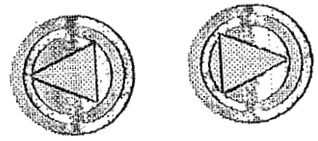
Statutory Responsibility

- **The Clerk is responsible for providing both names of parents involved in a child support/child custody matter to the Central Child Support Registry**

- ARS § 12-283 defines the powers and authority of the Clerk of the Superior Court

ARS § 12-283

- The clerk, in addition to the other duties prescribed by law or rule of court, shall:
- 1. Attend each session of the court held in the county.
- 2. Keep a list of fees charged in actions.
- 3. Keep books of record required by law or rule of court.



ARS § 12-283

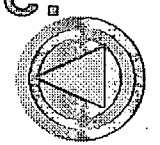
- B. The clerk may provide a consumer reporting agency, as defined in title 44, chapter 11, article 6, with a copy of:
- 1. A court order obligating a person to pay child support or spousal maintenance.
- 2. An order for assignment under section 25-323 or 25-504.

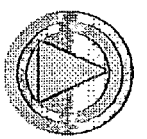
ARS § 12-283

- C. A clerk who provides the information in subsection B of this section to a consumer reporting agency shall also provide the information to the child support enforcement administration in the department of economic security.

ARS § 12-283

- D. The clerk may, in accordance with procedures established by the board of supervisors, appoint deputies, clerks and assistants necessary to conduct the affairs of the office of the clerk. The appointments shall be in writing and shall be filed in the office of the county recorder. The clerk shall be the appointing authority and shall administer and supervise all employees of the clerk's office.





ARS § 12-283

- E. The clerk shall submit an annual budget request, which shall be coordinated with the presiding judge, to the county board of supervisors. The clerk shall be responsible for the funds appropriated by the board to the clerk.

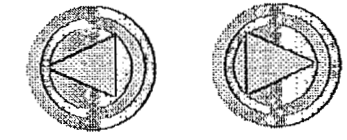
ARS § 12-283

- F. The clerk shall maintain and provide access to court records in accordance with applicable law or rule of court. The clerk shall keep a docket in the form and style as prescribed by the supreme court.
- G. The clerk is responsible for the operations of the clerk's office.

Clerk of the Superior Court

Authority Granted By AZ Supreme Court Rules

- **In addition to the requirements established by Statute and Local Rules, Rules 91 and 94 of the AZ Rules of Supreme Court empower the Clerk to:**
  - Coordinate with the Presiding Judge and Court Administrator for the prompt and orderly disposition of the business of the court



Clerk of the Superior Court

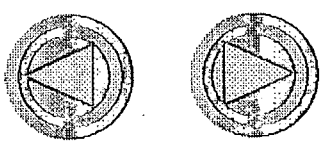
AZ Supreme Court Rules Authority

- Review with the presiding judge budgetary and other matters relating to the operations of the office of the clerk;
- Prepare statistical and such other reports as shall be prescribed by the Supreme Court;

Clerk of the Superior Court

AZ Supreme Court Rules Authority

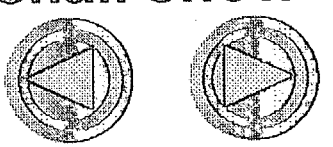
- Clerk's Office and Orders by Clerk
  - The Clerk's Office is to remain open during business hours on all days except Sundays and Legal Holidays.
  - The Clerk's Office may enter defaults and other proceedings which do not require allowance or order of the court, but the clerk's action may be suspended or altered or rescinded by the court upon cause shown.



Clerk of the Superior Court

AZ Supreme Court Rules Authority

- The Clerk of Court is responsible for maintaining the Civil Docket and Indices.
  - Actions and proceedings shall be assigned consecutive file numbers. The file number of each action or proceeding shall be noted on the civil docket and entered in the civil docket index.
  - All papers filed with the clerk, all process issued and returns made thereon, all appearances, orders, verdicts, and judgments shall be noted chronologically in the civil docket assigned to the action or proceeding and shall be marked with its file number.
  - The notation of an order or judgment shall show the date the notation is made.



Clerk of the Superior Court

AZ Supreme Court Rules Authority

- Civil Orders. The clerk shall also keep copies of final judgments and orders, orders affecting title to or liens upon real or personal property, appealable orders, and such other orders as the court may direct.
- Calendars. There shall be prepared under direction of the court calendars of all actions ready for trial, which shall distinguish "jury actions" from "non- jury actions."

Clerk of the Superior Court

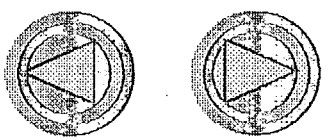
AZ Supreme Court Rules Authority

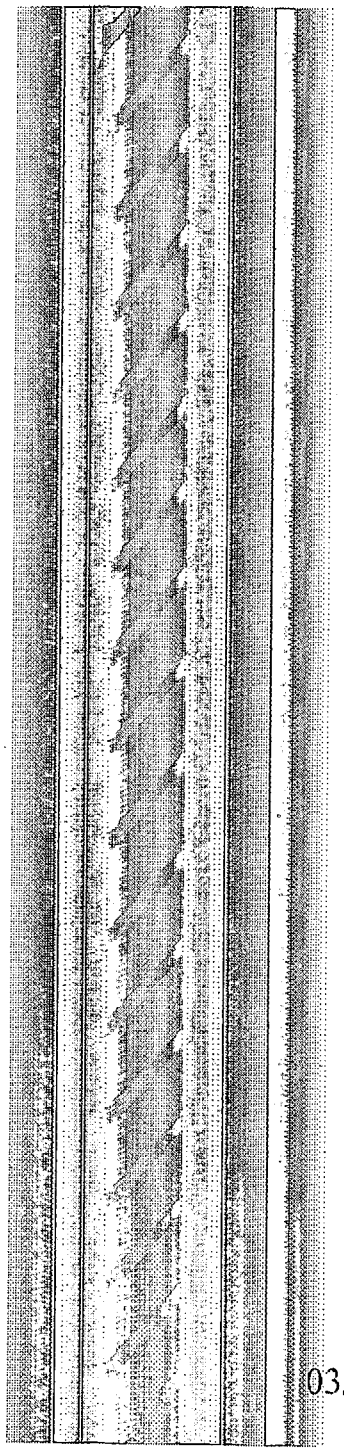
- Matters to Be Recorded and Method of Recording. The Clerk shall record wills and letters in probate matters, bonds, minutes, final orders of adoption, judgments and all other matters which the clerk is required to record by statute or rule of court, in a fair and legible hand, by typewriter, by photostatic or photographic process, or by any other means provided by law or rule of court.

Clerk of the Superior Court

AZ Supreme Court Rules Authority

- Records. The requirements of this rule may be satisfied by computer- recorded or computer- generated documents, or with a photographic or electronic reproduction or image of the original record, provided adequate safeguards are employed for the preservation and integrity of such documents, and the public is afforded reasonable access to such documents.





Clerk of the Superior Court

AZ Supreme Court Rules Authority

- Records Management. All records in custody of the Clerk will be maintained according to this rule, Rule 29. Rules of the Supreme Court, and purge lists and retention and disposition schedules adopted by the Supreme Court.
  - **Also Covers record and Voucher destruction time tables**

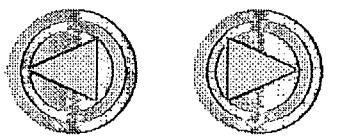
Clerk of the Superior Court

Varying Assignments/Local Rules

- Jury Commissioner
- Court Fiduciary Officer
- Court Automation Officer
- Calendar Preparation
- Child Support Payment and Information Liaison
- Juvenile and Adult Probation Liaison for Fines and Restitution Payments
- Customer Service Entity of the Court

The "Oh my God, my head is swimming! Will you please just sum it up for me?!?" Slide #1

- **The Clerk of the Superior Court:**
  - Is the 1st agent of the Court that a litigant encounters;
  - Initiates all Case Files for the Court;
  - Accepts and Files all documents/pleadings within every Court case;
  - Attends each session of court and prepares minutes/records orders;
  - Maintains a docket/register of actions for all actions occurring within a case;

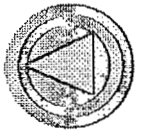


The "Oh my God, my head is swimming! Will you please just sum it up for me?!?" Slide #2

- **The Clerk of the Superior Court**
  - **Stores, maintains, safeguards and, when appropriate, returns or destroys all case exhibits;**
  - **Is responsible for ensuring public access to the Court's records;**
  - **Receives and Disburses all monies that are payable through the Court to include fines, fees, surcharges and restitution**

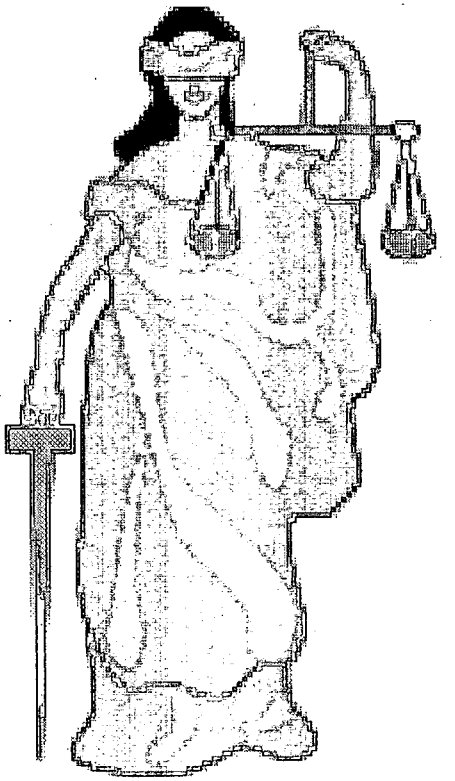
Week One - Wednesday
Criminal/Juvenile Case Process

- **Normal Case Progression**
  - Seven Steps of Criminal Case
  - Steps in a Juvenile Case
- **Clerk of Superior Court Responsibilities in Criminal and Juvenile Matters**



Criminal Case Initiation

- Seven Steps in a Criminal Case
  - The Arrest
  - Initial Appearance
  - Preliminary Hearing
  - Arraignment
  - Trial
  - Sentencing
  - Appeals



The Arrest

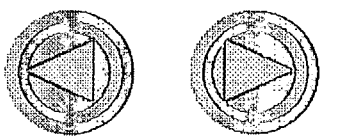
- Law Enforcement Officer either observes a crime or has warrant for arrest
- Must be brought before a judge within 24 hours of arrest for an initial appearance or must be released

Charging (Moves Case to Superior Court)

- Information
- Grand Jury Indictment
  - Summons Issue
  - Warrant Issue
  - Notice of Supervening Indictment
- Direct Complaint (Preliminary Hearing in the Superior Court)

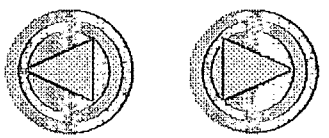
The Initial Appearance

- Judge Determines Name and Address of Defendant;
- Informs Defendant of Charges and his/her right to remain silent;
- Appoints Attorney if Defendant cannot afford one; and
- Sets Conditions for Release from Jail



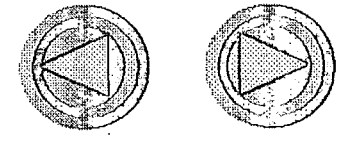
Arraignment

- Must occur within 10 days of Information, Indictment or Preliminary Hearing
- Defendant enters Plea of "Guilty" or "Not Guilty";
  - If "Not Guilty" the Judge will set a Trial Date;
  - If "Guilty" or "No Contest", the judge will set a date to Sentence the Defendant for the Crime.



Trial

- Defendant has the right to trial before a judge or jury
- Steps of a trial:
  - Opening Statements
    - Both sides with Prosecutor First
  - Witnesses
    - Presentation of Evidence and Introduction of Exhibits - Prosecution first (Burden of Proof), then Defense with both provided opportunity to cross examine and re-direct

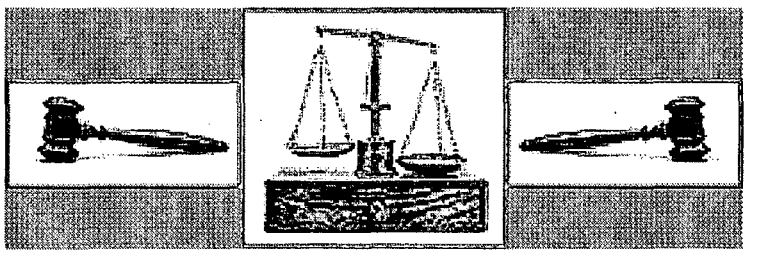


Trial (Cont.)

- Closing Arguments
  - Prosecutor, Defendant, Prosecutor
- Verdict
  - If found not guilty, the defendant is released immediately, if found guilty a date for sentencing is set
- Sentencing
  - Judge hears from both the prosecution and defense regarding the punishment each side feels is appropriate
  - Judge follows Legislative Sentencing Guidelines

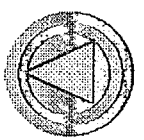
Trial (Cont.)

- Appeals
  - Defendant may appeal any guilty verdict. Death Sentence cases are automatically appealed to the Supreme Court



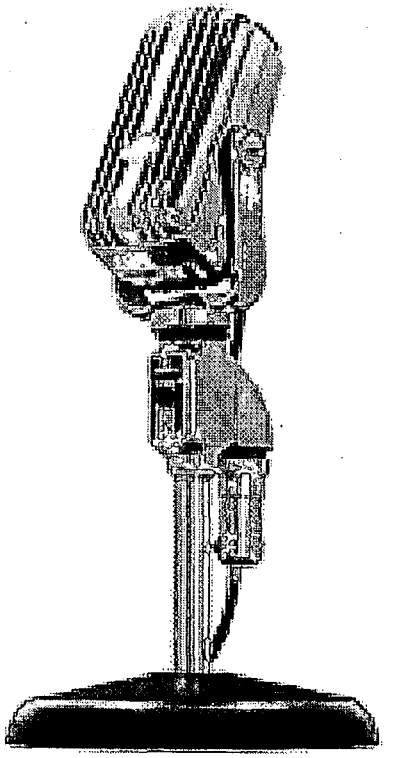
Clerk Responsibilities in Criminal Case Processing

- Case Initiation
- Calendaring
- Assembling a Jury
- Attendance at all hearings; Order generation and distribution
- Filing in and maintenance of exhibits
- Docketing
- Case Aging Reports



County Specific Clerk Responsibilities and Procedures

- Criminal Case Processing



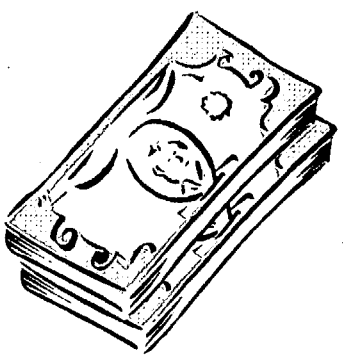
03/01/2001

Juvenile Case Processing

- Identical to Criminal with limited exceptions:
  - County Attorney files Petition/Complaint with charges
  - Juvenile required to appear at all:
    - Adjudication Hearings
    - Transfer Hearings
    - Change of Pleas
    - Disposition Hearings
  - Consolidation of all hearings listed above permitted

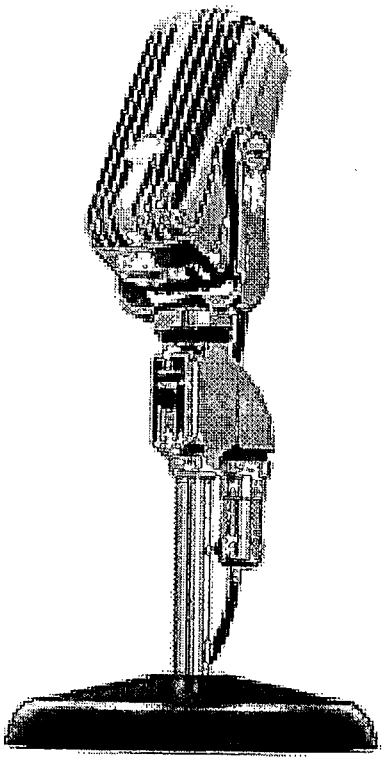
Clerk Responsibilities in Juvenile Case Processing

- Same as Criminal
- Public Access to Court Files
- Some Counties accept and disburse Restitution and Fines Payments



County Specific Clerk Responsibilities and Procedures

- Juvenile Case Processing



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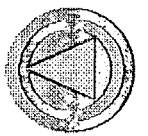
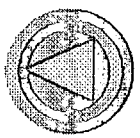
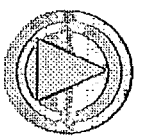
Week One - Thursday
Civil and Domestic Case Processing

- Initiation of Civil and Domestic Relations Case
- How Case Initially Appears in Superior Court
- Normal Case Progression Through Superior Court
- Clerk of Superior Court Responsibilities in Civil and Domestic Relations Matters



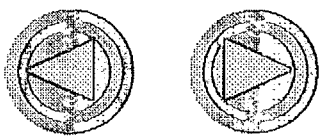
Civil Cases

- Disagreements between individuals, businesses, corporations, partnerships, or governmental agency.
- Most cases involve:
  - breach of contract
  - collection of debt
  - monetary compensation for injury or property damage

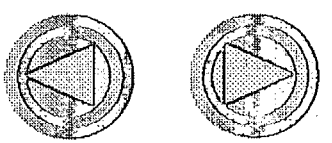
Steps in Bringing a Civil Lawsuit

- Plaintiff files Complaint with the Clerk
  - reasons why plaintiff is suing the defendant
  - what action the plaintiff wants the court to take;
- Plaintiff must state whether case is eligible for arbitration;
- Copy of Complaint & Summons served on Defendant;



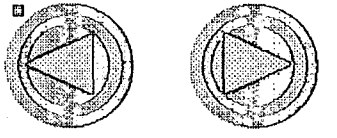
Steps in a Civil Lawsuit (Cont.)

- Defendant has limited time (20 days) to file written answer
  - Admits or Denies statements in Complaint;
- Plaintiff and Defendant exchange information about the case (Discovery);
- Each side may file motions asking the court to decide disagreements prior to trial;



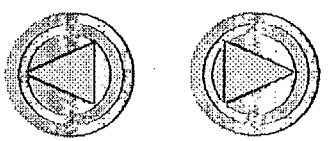
Steps in a Civil Lawsuit (Cont.)

- The parties may agree to a settlement before going to court & avoid the cost of a trial;
- Either party can ask the court to schedule the case for trial;
- Case is tried before a jury or judge
- The Judge or Jury makes its decision (verdict);
- The losing party may appeal.



Clerk Responsibilities in Civil Case Processing

- Case Initiation and Issuance of Summons (Acceptance of Filing Fees)
- Ensuring service is complete
- Calendaring
- Docketing
- Attendance at all hearings/trials, preparation and distribution of orders

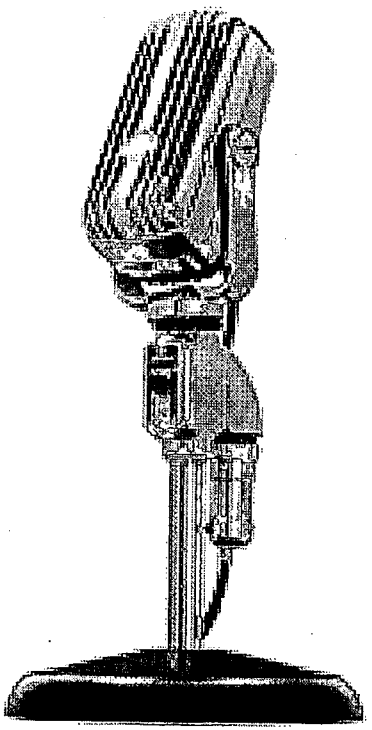


Clerk Responsibilities in Civil Case Processing

- Assembling Jury
- Accepting, Marking and Maintaining all Exhibits

County Specific Clerk Responsibilities and Procedures

- Civil Cases



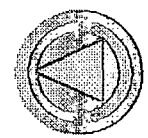
03/01/2001

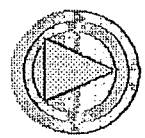
Domestic Relations

- Family Law issues such as:
  - Divorce
  - Paternity
  - Child Custody
  - Child Support

Domestic Relations/Family Law Actions

- Marriage
- Dissolution of Marriage
- Legal Separation
- Establishment of Paternity
- Establishment and Modification of Child Support/Custody



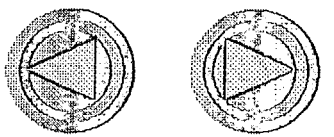


Clerk Responsibilities in Domestic Relations Matters

- Issuance and Recording of Marriage License
- Accept pleadings/filings and initiate Superior Court case
- Docket
- Calendar
- Attend each session of Court, prepare and disburse the Court's orders

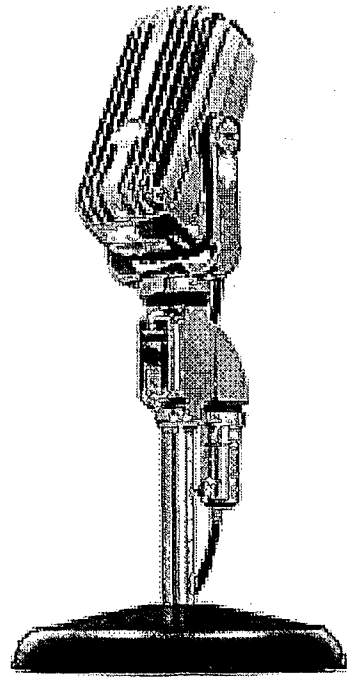
Clerk Responsibilities in Domestic Relations Matters

- Ensure Public Access to the Court's File
- Filing in and maintenance of exhibits
- Issuance of Wage Assignments
- Reporting parties to the Federal Child Support Registry
- Issuance of Preliminary Injunctions



County Specific Clerk Requirements and Procedures

- Domestic Relations Case Processing



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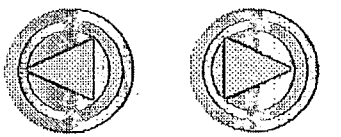
Week One - Friday
Customer Service Within the Judiciary

- **Explanation of Front Counter Responsibilities**
- **Telephonic Inquiries**
- **Assistance vs. Legal Advice**

Front Counter Responsibility

- Receipt of Pleadings
- Receipt of Statutory Fees
  - ARS 12-284
- Case Initiation
- Issuing Summons/Injunctions
- Issuing Marriage Licenses
- Routing appropriate pleadings to Judge for immediate consideration

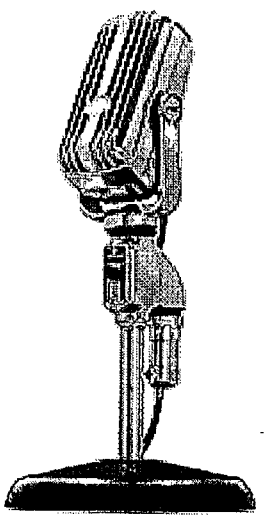


Front Counter Responsibility

- Routing filings to appropriate deputy clerk (Calendaring, Docketing, etc.)

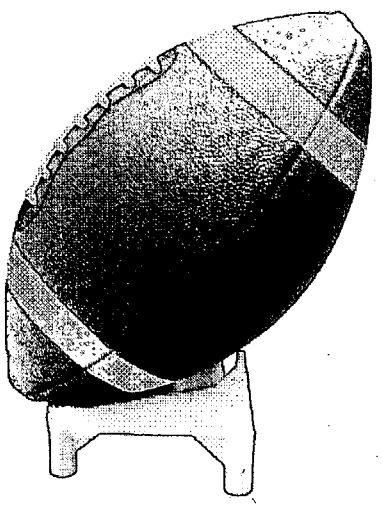
Telephonic Inquiries

- Customer Service Unit for the Court
- Sealed/Confidential Information
- County Specific Telephone procedures



Legal Assistance vs. Legal Advice

- A.R.S. § 12-281 prohibits the Clerk or his/her employees from practicing law.
- Procedural Questions and Responses are permitted
- Advising litigant in Next Course of Action or Content of Pleading are prohibited

Legal Assistance Frame of Reference

You can tell them the rules of the Game, and you can tell them the equipment they will need to get off of the bench, but they must call the plays.