

**SURVIVING CUTBACKS IN A RURAL COURT:
ASSESSING PERFORMANCE AFTER COURT CONSOLIDATION**

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ABSTRACT

January 1, 2007 brought consolidation to the courts of rural Scott County. Though designed to increase efficiency and reduce costs, consolidation was not always a welcomed concept. The road to court consolidation wasn't easy and arriving there was met with greater challenge than many were prepared for. Once implemented, long standing traditions had to be overcome, an issue we are still hurdling today. Despite those challenges, there remains no doubt to the benefits of court consolidation. With our nation suffering a recession that ultimately caused Missouri's courts to absorb traumatic reductions, consolidation may very well have helped the survival of our rural court. There were no longer three offices functioning individually but now one clerical staff whose appointing authority had the ability to maneuver personnel wherever needed. As budgetary appropriations continued to fall short, deeper cuts were needed. Unfortunately, Scott County had never before participated in any kind of user or employee assessment. Not knowing how our customer service fared before consolidation, it was necessary to create a baseline, a gauge by which we could continuously measure the quality of services provided to all court users including employees. To do this, four surveys were distributed to measure the effectiveness of the court's response to these challenges. An Access and Fairness survey, a Juror Satisfaction survey, an Employee Satisfaction survey and a Peer Insight survey, sent to fellow Missouri circuit clerks and court administrators, provide a valuable foundation of information about court performance.

The findings from this inquiry can be summarized in the following themes:

1. Juror dissatisfaction
2. Employee and court user safety

3. Employee disengagement/dissatisfaction
4. Multiple court staff locations

This information had never before been sought or made available to court decision makers.

From those findings it was possible to conclude that:

1. Scott County jurors are dissatisfied with the conditions of their environment and in addition, feel a brief juror orientation would be beneficial to their duties.
2. Safety in the courtrooms and clerical office space is of great concern.
3. Developing a higher level of employee accountability would greatly improve staff morale.
4. Relocating clerical staff to a single location would increase efficiency and productivity as well as provide potential benefits to juror satisfaction.

This was not surprising given the magnitude of change to the personnel structure the court had experienced or, due to the age of the courthouse, the outdated juror facilities in the courtroom. As a result of what was learned from this evaluation three recommendations seem clear.

1. In a combined effort to provide adequate facilities for jurors and a single working location for court clerks, county stakeholders should actively seek means to facilitate relocation of the sheriff's department to the third floor of the county jail. The vacant sheriff's building, along with the adjacent associate court/judicial building, should then be remodeled adding a

courtroom, with updated juror facilities, and a centralized office space for court personnel.

2. While planning the fore-mentioned construction/remodeling, stakeholders should seek consultation from OSCA and NCSC to ensure proper safety provisions and measures are included
3. The appointing authority should focus attention on employee accountability by implementing regular performance reviews, develop a new clerk orientation program, a supervisory leadership program, and an incentive program that rewards staff members' ideas to reduce waste and increase efficiency. All of which will directly enhance the level of customer service provided to court users.

Scott County, already so far behind due to the hiring freeze that reporting requirements were not being met, now has an opportunity to make use of this data created through the 2010 baseline surveys. The court intends to continue this feedback process annually as a means of making important management decisions for improved service to those who use and work in the court. Any court, attempting to consolidate, should actively seek input from its users, jurors and employees to establish a comparable baseline for future use. Though a peer survey proved beneficial to Scott County and may do so for others as well, it would not be necessary annually for either as its use is more effective in creating baseline measures.

Introduction and Background

The Scott County Circuit Court, like any Missouri Court, is guided by Supreme Court Operating Rules, Missouri Statutes and local court rules. Court Clerks are responsible for maintaining complete and accurate case files, miscellaneous records and financial transactions of the court. The circuit court appointing authority bears the responsibility of ensuring the integrity and accuracy of each deputy clerk under his or her supervision. (Office of State Courts Administrator, 2011)

Missouri's Office of State Court Administrator is located in Jefferson City, the State's Capital, and works in a capacity directly supervised by the Supreme Court of Missouri to provide "administrative support to all Missouri courts as they endeavor to deliver fair, effective and expeditious justice to the citizens of this state." (Your Missouri Courts, 2011) This is done by maintaining the statewide Circuit Court Personnel System, the Circuit Court Personnel Handbook, processing payroll for all circuit court employees, maintaining the payroll handbook for designees in each county, and by providing training as needed to the courts. (Your Missouri Courts, 2011)

Prior to 2007, Scott County's Circuit, Associate and Probate divisions functioned as separate entities. Each bore their own checking accounts, procedures and appointing authority that, among other things, lead to duplication, monetary waste, varying clerical standards of accountability and minimal cross-training skills. There was simply no time for cross-training between the three offices. Furthermore, interoffice training wasn't exactly welcomed by all either. Years in the making, a deeply driven wedge between the circuit and associate offices confirmed their division. The first step towards unification didn't begin to take place until late into 2006 when then circuit clerk Pam Glastetter,

realizing the significant difference in civil workloads between the associate and circuit divisions, extended an offer to help. Together an agreement was reached and all civil case processing was moved to the circuit office. Aside from that agreement, offices remained significantly divided. It was a start.

The Road to Consolidation

In 1996, and in response to multiple inquiries, the Office of State Court Administrator, OSCA, introduced and began promoting the consolidation concept to its Missouri Courts. The idea was not a new one. Roscoe Pound spoke of the need for court restructuring in his 1906 address “*The Causes of Popular Dissatisfaction with the Administration of Justice.*” (Pound, 1906) Pound’s theories were based on principles and traditions dating much farther back in history and suggested a more linear approach to the court system, more of a “consolidated” approach to judicial business.

OSCA explained, as it would apply to the Missouri courts, consolidation as “all non-statutory state paid positions assigned to the county and funded pursuant to 483.245 RSMo are under a single appointing authority” (Nelson, 2001), noting that the presiding judges’ secretaries and court reporters fell under a different statute. According to the OSCA, consolidated courts offered a larger pool of resources and greater efficiencies such as elimination of duplication in matters bound over to the circuit court from the associate; a single bank account and streamlined accounting; easier location of files; establishment of a single location for filings and payments; standardized procedures;

better interest rate returns with all funds on deposit in a single account; and ideally a reception area reducing customer confusion...improved customer service. (OSCA, 1996)

In addition consolidation offered to assist with personnel management issues by allowing a more specific case processing structure thus decreasing the need for manager involvement; designated receptionists that would result in decreasing case processor interruptions; segregation of financial responsibilities; cross-training; and the removal of administrative responsibilities from the associate judges.

Consolidation promised to address equipment and facility issues too. In terms of automation wiring and servers, it would be easier to set up in a single location and ordering equipment in bulk offered greater discounts. In terms of the office's physical setup, reallocating staff would provide a more comfortable working environment; combining furniture and equipment would accommodate the needs of all; and more available storage would be created by the elimination of duplicate files.

Assistance to individual courts was in the form of incentives. The list included: financial assistance, based on the number of court employees, to be used for training, mileage and expenses; equipment such as filing units, computers and microfilm equipment; daily supplies such as pre-printed stationary and envelopes that would need to be replaced with the consolidated court information; remodeling or furniture; special assistance overtime hours based on individual county need; automation priority and preference; for the judges, and subject to approval, a possible one year exemption from judicial transfer; and with larger offices/staff, the possible reclassification of some positions. For courts willing to consider the proposal, OSCA offered on-site consultation and assistance; coordination of site-visits for those considering consolidation; travel

expenses for authorities interested in visiting other consolidated counties; press/publication releases explaining its benefits to the constituents of the court; and a possible visit by a Supreme Court judge to any consolidating court.

Even with such an attractive incentive package few courts rushed to take OSCA up on their generously presented offer. As of the year 2000, only 17 of Missouri's 115 courts had committed to consolidation. (Mikeska, 2000) In March of 2005, after returning from a Presiding Judge's meeting, Presiding Judge David A. Dolan sent a letter to his fellow Scott County appointing authorities warning of possible "...20-25% core cuts from the judiciary..."(Personal communication, March 30, 2005) To emphasize the severity of the situation, Dolan's letter warned that grant funding was going to be lost in the Division of Youth Services requiring the lay off of a juvenile officer. He further stated "the matter of most concern to the Circuit Courts came from Budget Committee Chairman, John O'Malley who advised that if personnel cuts are going to be required they would look first to non-consolidated courts..."(Personal communication, March 30, 2005) Dolan's letter asked the appointing authorities of Scott County to give further consideration to consolidation while fearing a continued stall may result in the loss of incentives or even worse, personnel cuts that might possibly have been prevented through consolidation. Dolan closed his letter with "Our windows of opportunity are not going to be open for very long."(Personal communication, March 30, 2005) Though two of the three recipients of Dolan's letter were ready and willing to cooperate, the third, an associate division judge, was not and consolidation fell by the wayside once more.

In 2006 a local attorney, Scott T. Horman, threw his hat in the ring for a serious runoff against the associate judge that stood in opposition to the court's consolidation. It

was a long summer and hard fought battle with the attorney standing on a platform to bring change to the county. (Scott T. Horman, personal communication, August 12, 2010) One of those changes was strong support of consolidation which promised to save the county and its tax paying citizen's money. The attorney warned voters that mandatory consolidation was coming and when it did, the incentives would be lost. His position included that we would be better off to take advantage and reap the incentive benefits while we still could. Tension was not only being felt on the campaign trail. "What ifs" quickly created rumors throughout the court offices as clerks worried about their future. Opinions ran deep before the race was even decided. Many clerks had been with the court for a long time, a couple nearing 30 years each. If this attorney won, literally decades of tradition would be changed. His campaign was growing incredibly strong and election year 2006 ultimately brought victory to the attorney while defeat to the long standing incumbent. Meanwhile apprehension regarding consolidation continued to escalate among the clerical staff.

Consolidation Comes to the Scott County Court

On December 5, 2006, a consolidation agreement was signed by the Scott County Court En Banc and Circuit Clerk. Scott County officially consolidated January 1, 2007 reaping many promised incentive benefits. Within three years, other counties would not be so fortunate.

In 2009 Missouri Supreme Court Justice William Ray Price Jr. announced, due to the judiciary budget situation, mandatory consolidation for all courts that had not already

voluntarily done so. (Wagman, 2009) This mandate would go into effect on January 1, 2010. A few circuit clerks immediately announced their intent to retire, one effective that very week and along with her, went her deputy clerk as well. Of those remaining courts, some complied without incident, others struggled. Many were forced to make tough decisions like designating an appointing authority amidst, what would appear to be, a power struggle.

Such was the case in the St. Louis City Circuit Court where, due to his discontent with not being designated as the county's appointing authority for the mandatory consolidation, Circuit Clerk Mariano V. Favazza filed a lawsuit fighting to keep his patronage powers from being turned over to the court's presiding judge. Though he took his case all the way to the Missouri Supreme Court, it was still a loss and his efforts ended in vain after his August 3, 2010 loss in the primary. (Wagman, 2009)

The story of Mariano Favazza and the County of St. Louis City drives home the point to its very core, not everyone wanted consolidation. Just like the long standing incumbent in Scott County and a few members of the staff, some fought consolidation to the bitter end while others opted for retirement to avoid it. Be it by choice or force on January 1, 2010, in an attempt to further chip away at the state's budget shortfalls, all Missouri courts were consolidated in theory if not practice.

There has always been talk, rumors included, of the challenges of consolidation, its small victories and massive nightmares. Thoughts and ideas have often been tossed around between appointing authorities. As Circuit Clerks across the State gathered for the 2007 Clerk's Association Conference, the opportunity was utilized to its fullest. Informally, many circuit clerks were informally interviewed. The mission...seek ways to

make consolidation's transition work, as quick as humanly possible, preferably without bloodshed....and were there stories to be shared! All clerks tended to lean towards one critically important matter to remember. Consolidation, be it through a voluntary sign-on or by mandatory force, was not going to be an overnight process, nor one that could be rushed. Rather, every clerk extended caution of an adjustment period, taking five years on average. What did the adjustment period consist of and why would it take so long? It was frequently hard for clerks to explain because each court had encountered its own unique problems. At this point the Scott County consolidation effort was still in its infancy and the five year concept seemed ridiculous. At its earliest stages all appeared to be coasting along well, seemingly manageable. But as time went on, the "new" began to wear off and much deeper issues began to surface. In the excitement of change, the clerical staff appeared to be extremely cooperative. Most truly were. But the actions of those that were not, were starting to surface bringing a clear understanding to the five year adjustment period theory.

Local records acknowledge office holders for the position of Scott County Circuit Clerk dating back to 1856 when Chas D. Cook served the then, combined role of Circuit Clerk and Recorder of Deeds. At the point of consolidation, Pam Glastetter was the 23rd Circuit Clerk of record. (Gunter & Hudson, 2010) Never before had an office holder encountered this massive a structural change in the processing of business. There were no notes, instructions or blueprints to follow and while advice was frequently sought from other circuit clerks, each county encountered its own unique challenges making cookie cutter decisions or procedural implementations nearly impossible. Glastetter

simply took it day by day and made, what she felt were, the best decisions possible to make consolidation run smoothly. (Personal communication, August 7, 2010)

Some decisions worked well while others failed miserably. The biggest disadvantage of the entire consolidation project was that Scott County had no baseline, or means by which to measure its previous satisfaction rate to its performance as a consolidated court. Internally things would fluctuate on, what seemed to be, a daily basis. There was little comfort level as often clerks felt “everything was up in the air and always changing.” (Nancy Weissmueller, personal communication, August 7, 2010) Despite those feelings, many clerks openly admitted consolidation was obviously beneficial and with time, the details would work themselves out. But how could we know for sure? Feelings of uncertainty weighed heaviest on Glastetter, who prior to consolidation, had always prided herself on running a highly efficient office with a very manageable staff. (Personal communication, August 7, 2010)

Post consolidation, non-stop issues in case processing, personnel, and a small group of disgruntled court users – who were not adjusting well to the “change” – kept her under constant pressure and mentally exhausted. Externally court users *seemed* to be satisfied with the “new” court’s performance and, quite honestly, were now being better served.

Unaware of the inner turmoil of the offices, many were surprised when Glastetter announced her retirement effective December 1, 2009, though court personnel were not. The transition had not been easy and the physical effects on Glastetter concerned her staff. As a result of her retirement, Governor Jeremiah “Jay” Nixon appointed her office manager, the author of this project, to complete the 13 months remaining of her term.

Immediately following the appointment process would be an election year with more “what ifs” for the staff, and newly appointed clerk, as they wondered if voters would elect to keep the new clerk in office? In only a few short months would come the retirement of a deputy clerk taking her 32 years and 7 months of service and long standing post as supervisor for the associate court division with her. This just as the ill effects of a nation in recession were being felt in Missouri’s judicial system. Delays in hiring replacement personnel had just been imposed and within months that delay would become a full fledged hiring freeze.

In August, 2010, the former office manager, and temporarily appointed clerk, officially won a four year term. A sense of stability began to return to the office that, still struggling with the aftermath of consolidating its courts, peered into a dimly lit future of cutbacks.

Project Purpose

Understanding the importance of bringing consolidation full circle amidst a budget crisis with continuous cutbacks, the goal of this project was to assess whether there was improvement in the daily operations of the Scott County Court, now consolidated, but with increasingly limited resources. The Scott County Circuit Court had never before assessed its user satisfaction, specifically since its consolidation in 2007. Certain relevant Courtools survey instruments were selected for generating feedback. Identifying the “customers” as both internal and external, three key areas were

selected for research: Access and Fairness; Effective Use of Jurors; and Court Employee Satisfaction. (National Center for State Courts, 2005)

In addition to Courtools, other surveys and personal interviews were employed to gather corroborating data. Surveys were submitted to a test panel consisting of supervisors in the court system and the circuit judge. The purpose of the test panel review was to ensure clarity in both the questions and response options. Once input was received, and clarifications resolved, the final surveys were prepared.

Literature Review

In a recent article, Ken Miller listed, what he felt were the problems that currently plague government performance. Found among those were rising costs, reduced revenue, slashed budgets, low morale, huge backlogs and critical mistakes. Miller used an analogy of the government as a set of water pipes with needs that far exceed the pipes capacity to supply. Miller states, “Simply put, government does not have the capacity to do all it needs to do or all its citizens want it to do.” (Miller, 2010) While the pipes of government haven’t changed in size over the years, the needs of its people certainly have. For example despite a 40% increase in demand for human services such as food stamps or unemployment, the availability of such has decreased by 20%. Miller further suggests two obvious solutions, reduce demand or increase availability. But when the obvious isn’t that easy, Miller sites hope in a third option: reduce red tape detours and delays by simply eliminating any unnecessary handling to get the job done faster. (Miller, 2010) But, let’s say Miller’s government agency was a metropolitan court and, due to the sheer

volume of cases filed, the court has no choice but to operate like a factory where clerks produce “piece work” in a file. (See Appendix A)

Miller’s theory suggests a significant opportunity for improvement, which will enhance customer service *and* provide substantial savings to the organization by decreasing the quantity of steps, and people, a process must encounter along the way. But ultimately eliminating even one clerks’ involvement in the process creates a bigger burden to those remaining. If implemented, how would clerks be able to absorb the additional responsibilities, remain in compliance with Supreme Court Operating Rules *and* continue to provide quality service to the court users?

The Internal Customers – Improvement Strategies

Kearney and Berman suggest five categories of improvement strategies available to government entities. They include: technology enhancements, improved operational procedures, organizational restructuring, training enhancements, and improving employee motivation. Considering personnel costs can represent anywhere from 42% to 80% of a governmental operating budget, better use of the entities’ human capital, through incentive programs, additional training, and growth opportunities could potentially result in significant savings. Yet, in times of budgetary hardship these areas instead are often targeted for reduction and delay. In return employees become disengaged, cutting “their losses by reducing their contributions to the organization” (Kearney & Berman, 1999) thus becoming less productive and reliable. The end result: A significant decline of public confidence in the governmental agency. Kearney and Berman share three motivational approaches for preventing employee disengagement and increasing

employee contribution by focusing on performance targeting, monetary incentives, and job enrichment.

Performance Targeting: Employers should make “explicit to employees, either individually or as a group, the level and type of work performance expected” (Kearney & Berman, 1999) and provide subsequent feedback with discussions of performance achievements. Some benefits provided by this are goal setting, better communication between management and staff, and a clearer understanding of expectations. (Kearney & Berman, 1999)

Monetary Incentives: Not necessarily implying cold hard cash, Kearney and Berman offer in this motivational approach that, incentives can take many forms including “performance bonuses, merit and other performance-based wage increases, shared savings plans, suggestions awards, safety and attendance incentives.” (Kearney & Berman, 1999) These types of incentive programs have proven to be not only very effective but especially important during times of economic hardship by serving “as a means for combating employee disinvestment.” (Kearney & Berman, 1999) Unfortunately, these means are not commonly available in the public sector and are difficult to implement as they are funded by taxpayers dollars.

Job Enrichment: Consider implementing small groups of “Quality Circles” to meet regularly for the purpose of problem solving. The groups should openly present and diagnose situations working together to find solutions. Participants are typically non-management/supervisory. (Kearney & Berman, 1999)

Satisfying the External Customer

According to Wagenheim and Reurink, there is a special need for public sector organizations to focus on the people they serve.

The customer-service philosophy is the belief that cooperating with the customer and offering what the customer wants is more efficient and effective than attempting to dictate and control what the customer receives. From the public administration view, government exists to satisfy the needs of the citizens. (Wagenheim & Reurink, 1991)

Their 1991 study was instrumental in laying out the expectations of public sector customers including competence, responsiveness and courteous service from government employees.

In her 1998 ICM Court Executive Development Program project report, Cathy W. McCumber, a Dekalb County Clerk in Decatur, Georgia applied this notion to courts.

Customer Service in the Courts seems to be the “catch phrase” of the nineties. However, it is interesting that the Courts, those institutions that are tasked with providing fair and impartial treatment to all citizens regardless of their status or situation, are seemingly the last area to consider their “users” as customers or individuals to be “served.” Instead, our clientele has historically been thought of as “cases” to be updated, informed, directed, judged, fined, ordered, supervised and “managed.” We tend to be stingy with our information and assistance. In many courts the prevailing approach is to establish a system that is the most efficient for the people who work in the system and then to create a myriad of procedures, policies and requirements to hinder and discourage the people who must use the system. (McCumber, 1998 p 1)

McCumber further stated, “Failing to project an attitude of willing service will damage the reputation and undermine the authority of the courts.” (McCumber, 1998, p 3-4)

Indeed, public servants should project an attitude that the government, for whom they represent, exists to satisfy the needs of its citizens. (McCumber, 1998)

Unfortunately significant backlogs and mountains of filings distract even the most customer-oriented public servant. Wagenheim and Reurink explain that public servants can take little solace from the attitude of general public toward them, explaining that tax paying citizens want more for less. More service for less tax dollars. And they're not alone, State and Federal elected officials do to. (1991)

Organizations need to know the customer's needs, implement management requirements to support performance, and monitor and measure that performance. Customers need, and want, timely assistance, understandable responses, to be treated with dignity and respect, to be informed with accurate and reliable information by competent staff, and they desire resolution to issues that arise. Wagenheim and Reurink describe the management requirements needed.

Support the Strategy: Start by making a detailed analysis of the process that delivers the service. Eliminate waste, make modifications and adjustments to the process, ensure proper training, adequate equipment, and communication skills that will assist in the ultimate goal of improving customer satisfaction.

Monitoring and Measuring: As needs are constantly changing, stay in tune with customers and the organization's ability to meet those needs by gathering information, i.e. surveys, and act accordingly to remedy changes that are not being satisfied. When an organization pays attention to the needs of *all* its customers, both internal and external, the organization finds within itself those attitudes and processes that bring satisfaction to all, creating a win-win atmosphere. (Wagenheim & Reurink, 1991)

Peer Group Comparisons: Surely We're Not The Only Ones?

As reported in 2009, only two state governments are relieved from the burdening pressures of budgetary cuts resulting from revenue shortfalls. (Hall, 2009) It appears that Missouri is to be found in the same boat with the vast majority of states, but why? By 2010, the state experienced a 22% general-revenue budget reduction. The judiciary's share of that reduction was slightly more than two percent. Two percent may seem small but the greatest portion of Missouri's judicial budget is personnel, 90% in fact. (Linhares & Janku, 2010) Clerical reductions would ultimately be unpreventable and individual counties would be directly affected.

Given the stark reality that budgets throughout the country are not likely to return to previous levels for some time – if ever – it is even more incumbent upon court staff to use empirical analysis to determine the best possible course of action. (Linhares & Janku, 2010, p 32)

In February 2011, Janku's latest research went a step further. Her purpose was to "identify impacts of clerical vacancies on circuit court functioning" (Janku, 2011, p 1) in Missouri's courts. While statistical data could shed some light on the matter, the data was limited and wouldn't reveal the true depths of impact Janku desired. Seven circuit clerks and court administrators representing a range of court sizes, each with two or more vacancies, were interviewed by phone. The Scott County circuit clerk took part in this survey. Janku's interview questions (See Appendix B) provided clerks and court administrators the opportunity to discuss candidly the affects of Missouri's current judiciary hiring freeze. (Janku, 2011)

Included in Janku's final report were anonymous quotes that precisely summed up the thinking of court personnel throughout the state. "In my 28 years in state

government, I have never seen it this bad” stated one interviewee. “Customer service is dying” quoted another. “We are killing ourselves to keep up” and “There is no future in state government” quoted two more.

And it’s not over. Of the seven courts Janku interviewed, six were fully aware that additional positions would be vacated and lost due to retirement or staff looking for higher paying, less stressful positions in the private sector. As each position is vacated, individual workload expectations are increased, remaining staff are afforded less opportunity to use annual or sick leave, and many are forced to process work above their pay grade, sometimes in unfamiliar categories, with less training. Janku reports in at least one court, managers feel forced to hold onto ‘problem’ employees “just to have a body filling a position,” (2011, p 3) rippling down to overall decreased staff morale.

Janku’s research represented a small group of counties and was limited to only those having two or more vacancies due to the hiring freeze. Though comfort was found in the realization that Scott County was not alone in its dilemma, this author sought to find suggestions and support from a wider audience. Perhaps other counties were fairing better due to procedural implementations that had been established long before the onset of the financial crisis. Perhaps some were simply lucky. Regardless, the collective years of experience that the circuit clerks throughout Missouri share, would surely produce valuable insight and recommendations.

Methodology

The methodology first used was to sit down with each court clerk staff member for a one on one interview. Fearing the lack of anonymity prevented candid honesty, the

one on one interviews were followed by a confidential survey conducted through surveymonkey.com. By consulting resources from previous trainings both at the Office of State Court Administrator, (OSCA), and the National Center for State Courts, (NCSC), it was determined surveys would be of greatest benefit to uncovering the true concerns of our court users and jurors. Finally it was determined a Peer Insight survey, sent to other circuit clerks and court administrators, would provide a gauge to compare Scott County's progress to that of its peers.

Measuring Access and Fairness

By definition, Access and Fairness is the "rating of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect." (NCSC, 2005) Access and fairness is a standard that, the author felt, should long ago have been measured. As a public service entity, the Scott County Court needed to know if it was meeting the needs of its users in all three facets of this measure.

In addition, the court needed to establish the effectiveness of its resources, an area most critical during a weak economy. Serious consideration needed to be given to the court's website and its contents, to the public access station, as well as to the phone and email systems. Were these tools being utilized to the fullest extent possible and if they were, were they accurate and up to date? The National Center for State Courts Access and Fairness survey (Appendix C) was submitted to each judge prior to the scheduled survey collection dates for review and approval. Law days, or docket days as they are known in some courts, were carefully chosen in order to ensure that individuals from all varieties of cases were included in the data collection. The judges were then fully

advised of the proceedings that would be occurring outside their courtrooms and the intended purpose for the data collected.

To find the best method of data collection, the project author took the first scheduled law day alone, setting up outside the courtroom with two boxes, many pens, clipboards, and a very friendly smile. Users were acknowledged as they exited the single public courtroom door and asked if they would be willing to take just a few moments to complete a survey. Users were then advised that the courts were seeking to ensure equal access and fairness to all of its users. Respondents were asked not to list personal information since results were to be anonymous. Further, they were requested to be honest since this was their chance to “judge” us on our performance.

Approximately 85% of court users agreed to take a survey. The remaining 15% either refused or were so emotionally charged from the proceedings that just concluded, that they refused. Those willing were asked to have a seat on the chairs and benches outside of each courtroom, complete the survey and return it to the same clerk upon completion. The clerk then carefully accepted completed surveys face down and immediately placed those completed in a collection box where the surveys remained face down. It was strongly felt by this author that the anonymity of the process be honored. Clerks assisting were instructed not to read, review or display any such interest in the surveys in performing their task. Surveys were kept sorted by judge and court date. This was done for the judges’ benefit, should they want to review their own results. A total of 167 responses were received.

Measuring the Effective Use of Jurors

Scott County jurors are randomly selected by computer for a four month term of duty beginning on the first Monday of March, July, and November. There is no limit to the quantity of “terms” a juror can be called to serve. Once a term panel has been finalized, jurors are once again randomly chosen from their panel to serve on individual trials. Scott County, being a rural court with far fewer jury trials than a major metropolitan area, only summons prospective jurors when a date certain trial approaches. Typically a juror is excused for the remainder of a term after serving two jury trials. The clerk’s office, with the assistance of the circuit judge’s secretary, maintains a dedicated phone line for the jurors. Jury summons provide prospective jurors with this phone number. When called, jurors are greeted with an out-going only message that provides the trial status for which they have been summoned to appear. The message also instructs jurors when and where to appear. This service is available 24 hours a day, seven days a week. By keeping the outgoing message updated and accurate jurors are prevented from needless travel and the juggling of work, daycare, and school schedules when a trial has been cancelled.

Though based on the principles behind Courtools Measure 8, which aims more at jury yield and utilization, the Scott County Court took a different approach. Scott County was interested in getting to the heart of the jurors. Were they treated with respect? Did they receive adequate notice? What was their impression of the court system? The court sought to make sure these critical participants in the administration of justice were treated properly. Jurors’ views were very important since their impressions could certainly impact society’s perception of the court system.

Jurors for the March, 2010 term were prime candidates since they had been summoned frequently during their term. Two resources were drawn from to help create the first Scott County juror satisfaction survey. The first, Missouri Judicial Circuit Court Juror Survey, (Appendix D) came from Missouri's Office of State Courts Administrator and the second untitled survey, (Appendix E), came from the United States District Court, Central District of Illinois, Peoria Division.

A trial committee was created utilizing supervisory personnel and the circuit judge. Input was given, considered and jointly incorporated into the finished survey to ensure clarity and simplicity while seeking input that could be useful if results warranted change. For example, there was no need to ask jurors if a shuttle bus would assist with parking, if it would not be possible to fund the purchase of such. Questions asked were guided by the realistic consideration of possible implementation.

Once a final draft was deemed acceptable, the first Scott County Juror Satisfaction Survey (Appendix F) was mailed to 156 jurors. A total of 46 responses were received indicating a 29% response rate.

Measuring Court Employee Satisfaction

The defined purpose of this measure is to “measure opinion and satisfaction of employee work and working environment.”(NCSC, 2005) To accomplish this, multiple tools were utilized.

Face to Face Contact: An initial one on one interview was held with all 16 staff members. In this initial discussion, clerks were simply asked, “How are things going?” and “Is there anything we can do to make things better?” Though some good feedback

was received, it was obvious that several clerks were not comfortable in the face to face approach, even if held in confidence.

To bring consolidation full circle, a sense of unity was needed and superficial answers were not going to fill the bill. Due to consolidation, the Court's newly appointed, later elected, Circuit Clerk was left with many dangling projects, and was keenly aware that the pressures of those loose ends affected the staff. For example: vaults, in the middle of reorganization, were in chaos which caused valuable clerk time to be wasted searching for files; with the retirement of two highly knowledgeable clerks, both in administrative/supervisory roles, "go-to" sources were lost requiring more clerical time researching questions and procedures than the staff had been accustomed to; staffing turnover reduced the quantity of trained sound recording courtroom clerks and put great strain on the handful that remained to cover four regular courtrooms and frequent visiting judges as well; and finally, changes in clerical responsibilities and new clerks, hired prior to the freeze, required substantial training. Things were not moving quickly leading to serious backlogs. It was obvious that the author needed to probe much deeper to get a grip on all the issues currently being faced.

Employee Satisfaction Survey: Using NCSC's Trial Court Performance Measures, Court Employee Satisfaction Survey (Appendix G) as a base, an employee satisfaction survey was created. 20 of 21 questions from NCSC's survey were used and expanded upon based on the specific needs that surfaced from the author's personal experience, including those 16 face to face interviews. The 21st question from NCSC's

survey was not intentionally omitted but rather, unintentionally missed with regret. This further validates the need to create a trial committee before all surveys are released.

The Scott County Employee Satisfaction Survey (Appendix H) was administered in July, 2010. Surveys were prepared using SurveyMonkey.com and invitations forwarded to the court staff including the Court En Banc. A total of 21 surveys were sent with 18 responses received. From this survey valuable feedback was gained including many responses that were very frank and specific. Growth is more easily cultivated when one remains open to accepting constructive criticism.

Peer Group Insight

Are You Feeling This Too? (Appendix I) a 10 question survey was created and sent to all 115 Missouri circuit clerks using SurveyMonkey.com. A total of 66 responses were received. This survey sought to determine how many other circuit courts were impacted by the state's hiring freeze; if so by how many FTE/PTE; in what areas were the impacts being felt; and how are other offices dealing with the situation. This author was surprised with the quantity of responses received and the valuable insight that was offered by the comment/suggestion questions. The final question of the survey sought advice to help struggling peers through this difficult time. Amazingly 50 comments were yielded. The survey results indicated that though not everyone is feeling this crunch, many of us are and Scott County is certainly not alone.

Findings: Creating a Baseline

Four surveys were used to create a measurable baseline for future years. By maintaining a regularly structured data collection initiative, comparable data will continue to provide valuable insight to areas that are both successful and areas in which the courts are in need of improvement. This information, when collected and analyzed properly, will allow focus to be centered on the true needs of the court rather than incorrectly assumed perceptions.

Access and Fairness

A total of 197 Access and Fairness Surveys were completed by Scott County Court users. A complete copy of the survey and results are found in Appendix J. Summarizing those results, the majority of Scott County Court users felt the courthouse and court offices were easy to find, with convenient accessibility, forms were clear and easy to understand, and users felt safe in the courtrooms. Some 66% of those surveyed indicated they were able to get court business done in a reasonable amount of time with 75% feeling that the court staff paid attention to their needs. Though 46% responded “strongly agree,” indicating the court’s website was useful, a careful study of the website line by line revealed an unbelievable quantity of errors, broken links or simply outdated information. If users are truly utilizing the website, it is almost guaranteed that many errors are being made.

Regarding judicial fairness, the vast majority of individuals surveyed believe that the Scott County Courts are handling cases fairly and judges are listening to both sides of the story before handing down a ruling. Survey results indicate people feel the judges

have the necessary information to make a good decision about their case, that they are treated the same as everyone else and they are informed enough to know what to do next about their case.

With definite room for improvement, it appears Scott County is not far off course with providing access and fairness to its users. The harsh reality lies in the fact that these survey results were received prior to losing three FTE in the circuit clerk's office. Future surveys may not deem such positive results.

Measuring the Effective Use of Jurors

The Scott County Juror Satisfaction survey (Appendix K) was certainly an eye opener in many areas. Less than half of the Scott County jurors surveyed indicated that they reported to the courthouse for jury duty only one time during their term. This brought to realization for our court an efficient and effective juror system is not a luxury, but a necessity. With the majority of jurors having no prior jury experience, a first impression was often the only impression jurors were given of our court.

The Scott County courthouse is a historic building, built long before the technological advances of today. The acoustics, in at least one courtroom, leave much to be desired. Unsurprisingly, 11% of responding jurors could not easily hear and understand what was happening in court, "Hard to hear for most of us," quoted one juror and, "Felt I had to always strain to hear them," said another. As a frequent clerk in the courtroom, the author must agree. It is quite difficult sometimes to hear and understand what is being said in our largest courtroom. This not only causes difficulty for jurors, but also for the courtroom clerks who are striving to take accurate notes for the official court

records and processing of cases. The quaintness of our old building also means that it lacks modern technological safety features. Despite having typically only one bailiff, and no means to screen parties, witnesses, personnel, courtroom attendees or even jurors, survey results indicated that no jurors felt unsafe in the courtroom.

The majority of jurors strongly agreed that they were given adequate notice of required court appearances and the juror phone message system was clear and easy to understand. This outgoing-only message system provides jurors updated information regarding changes to the jury trial schedule.

Jurors indicated they were treated with respect by court personnel who cooperated with their needs. These high figures indicated that the courts are on target with how we treat our jurors. Jurors were then asked if they felt a jury service orientation program would be beneficial. Given the choice of yes, no or undecided, the results could not have been any closer with 30% indicating yes, 28% indicating no, and 28% indicating undecided. Six responses preferred handouts or booklets would be beneficial; two responses stated a video would suffice and eight commented a personal presentation by a court clerk would best assist to educate jurors on the impending court procedures.

Perhaps the most beneficial information received from the juror survey came from the suggestions section where respondents were given space to comment in any way they choose. A few of the more poignant comments focused on the restroom facilities, “Very unsanitary,” “Should have separate bathrooms for men and women,” and “more bathrooms.” Regarding a jury orientation program one juror responded, “I do think an orientation at the courthouse by a court representative would be helpful.” Further the juror explained, jury duty as “...a very important job to be taken seriously and an

orientation at the courthouse would take away some of the mystery and anxiety so one could make a better juror.” The comments section also surfaced a significant remark regarding jurors with disabilities. The courthouse has an elevator and meets ADA requirements, but the juror room does not have sufficient seating for jurors prior to voir dire. “Being disabled myself, there were not enough chair(s) to set during the time we had to wait before going into the courtroom, no snack machines or drinks available, diabetics and disable(d) people had a hard time with the stairs and amount of walking...” commented one juror. The clerk’s office currently supplies coffee and bottled water but nothing else aside from meals, which are only provided in criminal cases. In that one comment, the juror had many significant points. The comments also reaffirmed the Scott County courts are again, on the right track. Here are a few: “Overall it was a good experience. Well managed. Thank you,” quoted one juror. “Doing a great job!!!” and “The experience was awesome,” quoted two others.

Employee Satisfaction

With the intention being to “measure opinion and satisfaction of employee work and working environment,” (NCSC, 2005) the employee satisfaction survey, (Appendix L), harvested many useful, and sometimes highly opinionated, comments. In that sense, the author considered this summary of results a significant finding.

When asked if the individual understood what is expected of them, results indicated that attention, as well as a more defined structure, needs to be given to daily performance expectations since not all clerks have a clear understanding. With responses ranging widely regarding performance reviews, it is clear a more consistent

approach needs to be taken to provide and receive clerical feedback as well. Staff overwhelmingly indicated they would like to see a new clerk orientation program but as one anonymously put it, "...who would perform this duty with us not having enough staff as it is?"

Regarding employees being kept informed about matters that affect them, the majority felt that they were. Unfortunately, more expressed concerns about poor communication within their division. Referring to her supervisor, one clerk felt that there was "...too much time nick picking..." "It's embarrassing to be called out. I have heard upper management complain about other employees behind their back so I'm sure they have talked behind my back..." Another comment revealed a lack of confidence in his/her supervisor passing on much needed information, "My supervisor does not share information well." Another comment indicated, "Sometimes I found out things after the fact." While yet another aired more arrogantly, "Most times I don't need communication because I know what needs to be done without it."

It was very alarming to see that over 61% of those responding to the survey indicated they do not feel that every clerk in our office works to their full potential. A significant percentage felt there were areas of waste that could be eliminated or improved. Those included time, priorities, resources and environment.

The survey also inquired about the physical set up of our clerical offices. Absolutely no one disagreed with the possibility that one location for all clerks would increase productivity and efficiency in our courts. Though Scott County is consolidated in theory, physically it is not. A significant number expressed disagreement with the statement that working conditions and environment enable them to do their job well

citing comments such as: “We spend a lot of time searching for things, due to being split in three physical locations with a vault upstairs making it four. Entries are delayed while we try to find the file.” Unanimously all agreed that having all files and records in one area would increase efficiency. Maintaining multiple offices not only has physical drawbacks, but can also cause issues relating to human resources.

A number of responses indicated a feeling that not all clerks are treated equal. When asked more specifically if individuals felt clerks were held accountable for their personal actions as well as work performance, more tangible feedback was provided. “Those that work hard, tend to get more work to do.” “Some do just enough to get by.” “There is not equal here in the sharing the work load.” Another reminded of the ill effects of overloaded expectations and how short staffing, can contribute to one’s inability to do their job well. “We are extremely understaffed which puts a stressful burden on us due to the increased work load...it is a concern, that I’m responsible for the volume of work that I have, and the amount of time available to accomplish the tasks.”

Could the feelings of unfair treatment or overloaded expectations all be a matter of one’s perception? After all, during the initial individual interviews, each clerk expressed concern about their workloads. Many felt that they were pulling the weight of others. Unsurprisingly “the others” felt they were pulling more weight as well. This dissatisfaction was most noted, not between co-workers sitting in the same room, but significantly expressed between offices. Workers in the circuit office felt they were continuously being asked to accept additional responsibilities from the associate clerks. Associate clerks in turn commented that they were bombarded daily with phone calls, walk-ins, and attorney interruptions, keeping in mind that they were functioning with two

fairly new clerks and a third clerk assigned to courtroom duties three days a week. The associate division clerks felt that the circuit divisions clerks had no understanding of the stress they were under, and expressed great frustration that more help couldn't be given. The only difference was personal perception. The staff in each office, working in completely different buildings, failed to see what was being done daily by the others, and resentments developed. Would all clerks working in one location help improve individual accountability? Most agreed.

As with any job, regardless of where a desk is located, employees are only able to perform their duties when provided with the equipment and tools to do so. Though most felt they did in fact have the resources necessary to do their job well, some indicated they did not, while others see barriers to quality performance such as understaffing, too many interruptions and the like. Often changes to how a court might process its business are handed down from the top. In some ways this is necessary and beneficial, such as a legislative update that imposes a mandatory change in case processing in order for the court to be in compliance with the law. In other ways though, it can innocently decrease clerical efficiency. Avoiding such mistakes requires input from those who process the business. Staff expressed they are given opportunities to express their opinions, are encouraged to try new things and are also encouraged to contribute their suggestions for improvements to the office and case-flow management. While we are promoting an environment of active participation from the bottom up, fewer felt their knowledge and contribution to the department were personally valued by the supervisor.

With a daily emphasis on the work at hand, sometimes it is easy to overlook the person sitting behind the computer. As case backlogs grow and deadlines loom, it is

sometimes feared that more often than not the worker is viewed as yet another machine. Balancing both compassion and hard work isn't always an easy task but one at which the Scott County circuit clerk's office appears to be successful. The responses are not perfect, but still very encouraging. The majority of staff enjoy coming to work, feel they are treated with respect, and are proud to work in the court system. Though 100% agreed/strongly agreed that they understood the connection between the work done and mission/goals of the court, the reality is that the Scott County circuit court does not have a written mission statement or clearly defined goals. One can only assume by the responses provided, that the goals of the court are simply understood to be: get the work done and cases processed in compliance with local court rules, local practices, legislation and court operating rules.

Despite such an understanding, there are clearly areas where the Scott County circuit court is currently unsuccessful, such as our humble 21% success rate in reporting records of conviction to the Department of Revenue. (Nancy Griggs, personal communication, February 22, 2011) Results, that probed into a peer assessment of staff's concern over the quality of services and programs we provide, were not impressive with comments ranging from poor customer service to slow case processing. Staff failed to directly correlate the importance of compliance in reporting requirements, local court rules, and statutes to the job they do.

Comments also provided a glimpse of the harsh reality that we lack serious measures to keep our employees safe. "...we are very vulnerable to the public..." "Security is an issue that needs to be addressed for both employees and clients." "...Anyone at anytime could walk into this courthouse with a weapon and use an

employee as a target of their anger.” “...there are no measures...to prevent any violence.” “...two of the courtrooms have only one access/exit.” Compounding the safety concerns, a looming lack of respect for the court warrants attention.

Peer Group Insight

To determine how the Missouri Judiciary budgetary cuts were affecting other Missouri Courts, and how those impacts compared to Scott County’s, a ten question Peer Group Insight survey was sent to all circuit clerks and court administrators. (See Appendix M) Other offices *were* being seriously impacted, significantly in the areas of personnel and case processing. The comments section resounds with concerns over decreased morale, resignations for higher paying positions, and opportunistic staff taking full advantage of the knowledge they won’t be fired because the appointing authority knows they cannot be replaced. Responses indicated varying clerical shortages from 0 to 9 FTE (full time employee) and 0 to 3 PTE (part time employee). Other comments referred to consolidation, processing backlogs, equipment and supply budget cuts. Overwhelmingly, clerks feel the need to find more creative ways to motivate and encourage staff and many quality ideas were shared.

With only a small percentage of the responding offices reporting they were “caught up” daily, the statistics indicated that only 1.5% suffered comparably to the Scott County circuit court, which was enduring case processing backlogs that exceeded one month, sometimes more. Despite backlogs, the majority have been able to maintain the same level of services to their users. They offered many insights about how they have been able to accomplish such an impressive feat, including reviewing and modifying

processes when possible. But the changes have not come without a price, since clerks feel there are more mistakes being made due to decreased or eliminated training which had “negligible impact.” The survey provided takers an opportunity to give advice that might help others through this difficult time. In fact, 53 comments were shared ranging from the simple admonition to have “patience” to:

“It is very difficult to do, but you can only do what is humanly possible and to keep from making crucial errors and putting yourself in jeopardy, you may need to reprogram yourself and staff by taking a step back and re-evaluating priorities, then work as a “team” to accomplish those goals as best you can. I definitely believe you must be a “team player” to be successful with the challenges we face daily in the economic crises we are facing right now.”
~author unknown

It is certain that the Scott County clerical “team,” though still in the midst of recovery and reorganization from consolidation, has been the glue that held our office together through this economic storm.

Conclusions and Recommendations

Access and Fairness:

CONCLUSION 1: The court website is ineffective in many key areas. Though the Access and Fairness survey resulted in positive opinion of the overall Scott County court, as in initial assessment, undoubtedly there are areas that need attention such as the court’s website. With 83 users neither agreeing nor disagreeing, and an additional 49 feeling it was not applicable, how effective is our website and do people truly know its contents and usefulness? In an intensely electronic age, the Scott County court certainly needs to look into improving its electronic resources. User educational opportunities are being

missed that could decrease clerical time answering general phone call and walk-in questions.

RECOMMENDATION 1: A complete and intensive review of the court's website should be performed by a team of court personnel. It is recommended that a small team of clerical personnel, with varying degrees of experience, view the court website, as well as that of several other courts, for comparison and ideas. Following said research, a detailed comprehensive report should be submitted to the appointing authority. Credible suggestions should then be submitted to programmers for implementation. It is further recommended that this process be implemented as an annual review, at minimum, to ensure the future effectiveness of the court's website. This proactive approach will allow clerks to confidently refer users to the county's website which will result in a considerable amount of time saved that can be focused on case processing.

CONCLUSION 2: Major improvements to customer service are needed.

Users generally indicated the courthouse, courtrooms and/or office needed was easy to locate but a significant, over a third, do not feel strongly that they are safe within them. Safety was of equal concern to court employees. Scott County was the recipient of a metal detector grant some years ago but has lacked the funding, or priority to procure funding, for an officer to operate it *and* with courtrooms in multiple buildings, only one would seemingly be inadequate. With multiple entryways to the courthouse itself, a feasible consideration would be to reduce public access entries to the main doorway and install employee key pass equipment for the remaining doors. For safety purposes those

remaining doors would act as emergency exits as well. With the judicial building only having one public entryway, it would not necessarily require an employee key pass. Perhaps by limiting points of entry and as a feasible compromise to the expense of full time guard, the county could begin a course of safety improvement by focusing on high volume or high profile case court days.

Two areas pose potential difficulty in improvement themselves but could be reviewed for improvements to user perception instead. These areas are clarity of the forms needed and hours of court operation. Section 484.020, RSMo forbids any person, who is not a licensed attorney, from engaging in the practice of law. Inasmuch, court clerks are not permitted to provide legal assistance regarding interpretation of court forms, though certain exceptions do apply in matters of protection orders, small claims and family access motions. The attitude of court personnel is imperative to the users' impression. By working in conjunction with outside agencies, court personnel can refer individual to those agencies for assistance. This will not answer specific questions, nor provide legal advice, but may potentially leave users with a greater sense of satisfaction regarding the court's performance and attention to user's needs. It is imperative that referrals be carefully monitored.

Also, the courts hours of operation are set by local court rule and the actual courthouse hours are set by the county commissioners leaving little to no flexibility to accommodate all users. This further substantiates the need for electronic resources, such as the previously recommended measures to update the court's website, as well as research into the implementation of e-filing in Scott County. Both of which would provide users increased accessibility to the court.

With little effort or expense, Scott County could quickly improve their user opinion regarding physical and language barriers. The courts have available “I speak” multiple language cards, translators, and amplified hearing equipment, but limited staff are aware of these resources with very little knowledge of where and how they can, or should be, used. In addition, little to no “advertising” of such equipment is posted.

Getting court business done in a reasonable amount of time depends greatly on the business at hand. With law days divided up into time “slots,” users must wait, sometimes extended periods of time, for their case to be called. This is due in part to a smaller quantity of judicial officers and heavily crowded calendars. Though the procurement of an additional judge would be one ideal solution, it would also increase the daily workload on an already strained clerical staff.

The Scott County courts currently display docket rosters on bulletin boards outside each courtroom. These dockets are posted prior to court allowing parties to visually identify if they are in the right courtroom and the approximate time their case will be called. Yet when the days docket has been thrown off course by a lengthy unexpected delay, or by a matter being heard out of order, the docket postings lose credibility. As a rural court, it should be determined if a monitor system would be cost prohibitive to the efficiency of the court dockets.

RECOMMENDATION 2: County stakeholders should focus on means to enhance user safety; while the appointing authority should ensure clerical knowledge of available resources, work with the court en banc to monitor and implement electronic enhancements upon availability, and improve where possible court docket delays. It is recommended that the appointing authority seek key players such as the court en banc, county funding authorities, emergency management personnel, Sheriff's Department, for the development of a courthouse security committee using qualified candidates from each division. Seeking advice from the National Center for State Courts, the security committee shall review current safety policies, research options for additional security measures such as the suggested key pass entryways, research current funding options and possible grant opportunities, analyze the costs effectiveness of all options, develop a strategic implementation schedule and present said findings to the county's funding authorities for approval.

It is strongly recommended that the appointing authority, along with divisional supervisors, develop a list of permissible agencies that court personnel may refer users to. (An example: Missouri's Lawyer Referral Service for an unbiased resource to help court users find an attorney in the specific field of law needed.) The list should then be provided to the entire clerical staff with an emphasis that varying from said list could be considered providing legal advice. Regarding court forms, it is recommended that the court continue to keep updated and approved forms for distribution available in multiple formats such as a pre-printed supply, electronic, and most importantly through updated availability on the county's website.

Two Missouri courts, St. Charles and the Supreme Court, will soon begin pilot programs for Missouri's e-filing system. (Shane, 2011) It's recommended that the Scott County court en banc closely monitor the progress of this program and proactively take all measures recommended by the Office of State Courts Administrator to procure e-filing as soon as it becomes available to additional courts.

It is recommended that the appointing authority clearly post the availability of language resources, see to the free distribution of their brochures, and regularly review those resources with court staff to alleviate possible physical and language barriers being experienced by court users.

It is recommended that the circuit clerk meet with the court en banc to discuss further implementation of the principles as recommended by James E. McMillan, Principal Court Management Consultant, National Center for State Courts:

1. Time-certain scheduling: Eliminate the "cattle call" approach of everyone scheduled simultaneously and first come-first served courts and schedule court appearances in time slotted chunks.
2. Reminders: Adopt a time appropriate means of "reminding" customers of their court appearances, i.e. in an age of email, text, communications, consider sending reminders via those medias.
3. Check-in systems: Similar to those used in airports, establish a means for court users to "check-in" allowing the courtroom to utilize the availability of those present in lieu of creating second call gaps as well as rewarding those who arrive promptly and prepared to jump ahead in line.

4. Visible queuing: Post signs or monitors that inform court users of the status of, for example, the current docket or estimated wait time. (McMillan, 2007)

As recommended in Time-certain scheduling, time slotted chunks for high volume law day dockets were implemented by Scott County many years ago and have proved effective to the extent the parties and counsel are present timely. However, lacking a check-in system, second calls backlogs are frequent. It is recommended that the circuit clerk meet with the varying judges to determine if such a check-in system, as recommended by McMillan, can be implemented to meet the needs of the individual courtrooms.

Docket entries and scheduling are handled through the Missouri Judicial Information System, JIS, which provides real time access to public cases via case.net, the State of Missouri's judicial information website. This automation allows for parties and counsel, to check the scheduled date and time of their upcoming court appearances. This has also proven beneficial economically, with the elimination of an attractive portion of postage expenses due to the decreased necessity of mailing notices for court appearances.

It is recommended that the circuit clerk review the matter of docket postings by speaking to or visiting with other courts of similar size to observe varying procedures. The circuit clerk should then report back to the court en banc any suggestions that would be deemed effective for the Scott County courts. In addition, great benefit could be received by simply placing a free standing billboard in the main entrance of the court house to direct users to the correct courtroom for both local and visiting judges. It is strongly recommended that the freestanding billboard be researched and presented to the county funding authority for approval to purchase. Following said purchase, it will be

necessary to assign the duty of updating this board daily to a designated court personnel or group. The benefit of any improved visible queuing would decrease clerical time spent answering basic questions such as “Which courtroom am I supposed to be in?” or “What time is my case?”

Juror Satisfaction:

CONCLUSION 3: Jurors find their current facilities do not meet their needs. A certain benefit to being a rural court would be fewer jury trials. Since there is no need to bring panels of jurors in daily, they are only summoned for specific trials. It was important to create a baseline in regards to the satisfaction of our jurors but it was approached with less concern regarding the effective use of the jury, but rather, concerns focused on juror satisfaction.

A total of 41% of jurors reported to the courthouse only once with 56% sent away not chosen for duty. This leaves the court with a very slim window of opportunity to impress an efficiently run program. Jurors are hoarded into an unreasonably small area and packed like sardines, where they wait for various periods of time with only a single shared bathroom. A second restroom is available if jurors wish to climb two flights of stairs. While court is in recess, the bailiff sometimes allows jurors to walk across the street to the judicial building to use its single stall men’s and single stall women’s restrooms. Going across the street requires going down two flights of stairs and exposure to weather elements.

The Scott County Courthouse is listed on the Historical Registry therefore making this particular issue a more complicated one, as physical changes to the building are

difficult and strongly discouraged. There are more restrooms available, as well as a handicap accessible restroom for both males and females, but their use requires jurors to be escorted through the courtroom and hallways where parties, family members and friends of the case at hand could, and usually are, gathered.

Currently a matter of discussion in Scott County, is the consideration to relocate the Sheriff's Department into the third floor of the county jail, which has sat vacant and unfinished since the jail began housing prisoners in 2003. There are complicated details involved in this consideration including the need to provide additional emergency exits, ductwork, and of course, funding it all but if the sheriff's office staff were able to relocate, their current work space could, combined with the adjacent judicial building, serve multiple uses, one of which would include the possibility of a jury trial courtroom complete with a jury deliberation chambers and quality restrooms *while* also providing a centralized clerical space for court clerks.

Though the county provides coffee and water for the jurors, their tiny room lacks space for a snack or beverage machine. As jurors have been on duty well into evening hours, occasionally even early morning hours while in deliberation, or in an attempt to wrap up a case without an additional day, this not only poses an uncomfortable situation but a possible harmful one as well should a juror with a dietary illness, such as diabetes, need something quickly. Within immediate access to the jurors the bailiff has a slightly larger than closet sized office that currently holds a desk and small refrigerator.

The comfort of jurors is important to the court, their presence is imperative. Once selected for a jury term, jurors are notified of their need to appear by postcards. The postcards are issued seven days prior to the trial arriving to the average juror with an

estimated five day advanced notice and contain a phone number for an outgoing message that will advise potential jurors of the status of the case. (Lisa Vetter, personal communication, January 12, 2011) This system was established to prevent the unnecessary appearance, and payment by the county for those unnecessary appearances, many years ago. Some 39 out of 47 jurors responded that they strongly agree or agree that the current system of notification provides adequate time. Another 42 out of those 47 felt the phone message system was clear and easy to understand with 41 out of 47 indicating the instructions telling them where to report were easy to understand. Granted a more advanced notification would be ideal, the current system seems to be meeting the needs of the Scott County jurors therefore no changes are recommended at this time.

Another attribute to Scott County's historic building is its acoustics in the Division III (jury trial) courtroom. Truly the expectation was that the surveys would prove this area as a significantly weak one. However, with 37 out of 43 jurors responding to the comment, "I could easily hear and understand what was happening in court," with strongly agree or agree, it may not be as weak after all. Four additional jurors were neutral on the matter with only five disagreeing or strongly disagreeing. The court is equipped with amplified listening devices therefore the recommendation would be to promote said equipment, ensure that it is properly functioning and to provide staff training staff. Promoting the equipment should include posting signs and displaying brochures throughout the courthouse including the juror areas. Staff training ensures clerical familiarity of the various types of equipment, their uses, how each is operated, troubleshooting and proper storage.

RECOMMENDATION 3: County stakeholders need to make development of a new courtroom, with attention to jurors concerns including additional seating, restrooms and snack/beverage vending machines, a priority. It is strongly recommended that the circuit clerk, the individual responsible for the jury program, meet with the funding authorities of the county to, at minimum, ensure their awareness of the situation so when working on future projects it may be kept on the “needs” table. It is recommended that circuit clerk visit regularly with the court en banc and county funding authorities to ensure the jury needs remain a priority pursuit.

It is recommended that the circuit clerk meet with the sheriff’s department in an effort to reallocate the use of the Bailiff room. Further, the circuit clerk should schedule a meeting with the commissioners to obtain approval to contract a vending service. Any possible equipment installation issues should be discussed and finalized as well such as ensuring proper electrical wiring.

CONCLUSION 4: Clarification is sometimes needed regarding jurors’ roles and benefits. As expressed by an anonymous juror, “Jury duty is a very important job to be taken seriously and an orientation at the courthouse would take away some of the mystery and anxiety....” Yet only 35% of jurors agreed, with a tie of thirty-two percent each disagreeing or undecided as to the benefit of a juror orientation program. Additional comments indicated frustration with too much lag time or a misunderstanding regarding the jurors pay rate. Considering these factors, and keeping in mind that 41% of jurors surveyed indicated they only reported for duty one time it, is important to provide jurors with appropriate information about their service.

RECOMMENDATION 4: Provide the factual information jurors desire such as pay rate or frequently asked questions. It is recommended that a short jury orientation program be developed using a combination of personal presentation by a court clerk and a brochure with details such as, but not limited to, the pay rates, mileage rates, emergency contact numbers, and regular contact information. This brochure should also include frequently asked questions and answers such as, “What will happen if I don’t appear?” or “I haven’t received my check yet, who should I call?” even “What do I do if I cannot hear a witness? Is it okay to raise my hand?” “Can I get a snack or soda while the court’s in recess?” It is recommended that this presentation be done prior to every jury trial and keep minimized to ten minutes or less. This is a golden opportunity to interact with the jurors of Scott County and should be used to its fullest potential during a period of time that is usually spent in uncomfortable wait.

Employee Satisfaction:

CONCLUSION 5: Clerical staff does not feel all employees are held to the same level of accountability and performance. This is leading to decreasing staff morale. The ability to get court business done in a reasonable amount of time doesn’t center only in the courtroom, but also the court clerk’s office where much business is done on a daily basis. Visits to the office can be for something as simple as obtaining a copy of a divorce degree to a much more complex issue like filing a family access motion or petition for order of protection. What people expect of a court is service, expertise in fundamentals of the work, knowledge of needs, standards/rules, to hold the court accountable, real help

and consultation. (Straub, 2005) By ensuring quality front line clerks that can effectively answer questions, assist with protection orders, take payments or direct individuals where to go, user delays and displeasure with the courts' performance are significantly decreased. Quality customer service requires staff to pay close attention to the users needs while treating them with courtesy and respect. As the old saying goes, "one bad apple can spoil the bunch" leaving a bad impression for the entire office.

As discussed in the previous fairness and access section, personal safety is truly an issue of great concern to the court staff. With only one third of the staff agreeing that they feel safe at their job, and even less feeling safe while in the courtrooms, it is truly an area that warrants attention. Putting it rather blunt, one anonymous survey comment stated, "The security at BOTH court houses are a joke." Neither building has a security guard or a working metal detector. Though the courtrooms are equipped with a bailiff each, the bailiff performs multiple duties that lead to distraction to the overall security of the room. At any time anyone could walk into an office or a courtroom with a loaded weapon and judicial staff, personnel and court users would be left as sitting ducks. Nearly every office of the courthouse has a "panic button," that would alarm the sheriff's department if the office was in need of security, but the reality is, as far as the Circuit Clerk's office, there is only one panic button in a room filled with eleven desks. The hope is, if a dangerous person walks in the door, the one clerk out of eleven with the panic button access is at her desk and not in the vault filing. Agreeing that ultimately "where there is a will, there is a way," it is time to, at minimum, be proactive in preventing "the way" from appearing as a blatant invitation. Staying in line with the previously recommended suggestions for security enhancements, again a feasible

consideration would be to reduce public access entries to the main doorway and install employee key pass equipment for the remaining doors. For safety purposes those remaining doors would act as emergency exits as well. With the judicial building only having one public entryway, it would not necessarily require an employee key pass. Perhaps by limiting points of entry and as a feasible compromise to the expense of full time guard, the county could begin a course of safety improvement by focusing on high volume or high profile case court days.

Creating a baseline for employee satisfaction revealed many areas in need of attention for Scott County. Though it is a small rural court, it does not lack for need of a more structured work environment. It is one experts' opinion, Dr. Jennifer Baker, Psy.D. that people leave their companies for three main reasons: their supervisors, lack of personal development, and they haven't been praised in the last seven days. Dr. Baker further offers, "Even subtle negative patterns, if ignored can create conflict in the workplace." and "Building positive relationships require that we stop the negative patterns." (Baker, Psy.D., Jennifer)

When staff members were asked if they understood what is expected of them, the answers were across the board as roughly 72% agreed/strongly agreed and nearly 17% disagreed/strongly disagreed. Yet a few questions later the staff overwhelmingly agreed that they understood the connection between their work and the mission/goals of the court, as well as understanding how the work done is directly related and guided by local court rules and practices, legislation and the Supreme Court. It appears employees understand they are expected to work and they realize what guides their work, but it seems they may lack complete understanding of how their individual piece of the puzzle

fits in with the whole regarding that work. With approximately 28% of court staff disagreeing that all clerks were held accountable to the same standards of case processing techniques and performance measurements, and approximately only one third of the staff agreeing that in the last month someone in the court has talked to them about their performance, the performance measurement system seems to be in need of improvement.

Roughly 78% of staff members agreed they are able to do their best every day and approximately 61% see areas of waste that could be eliminated or improved. Considering those figures, along with the nearly 28% that feel the divisions lack good communication, this area is in need of review.

At present only 55% of court personnel feel their co-workers care about the quality of services and programs provided. This is another red flag for management attention. Employees seem to have no incentive for creativity or innovative thinking about their work and their team.

Wrapping up the recommendations are the personal side of Scott County's employee satisfaction baseline survey. Commented in an anonymous survey response, "...due to the workload sometimes, 'the person' is forgotten." Though 76% of those surveyed agree/strongly agree that someone in the court cares about them as a person, and 72% feel they are treated with respect, in a small rural court those percentages could certainly be improved.

Though 94% of staff expressed that they are proud to work in the court system, only slightly more than 77% enjoy coming to work. One anonymous comment summed it up best, "I love what I do, and where I'm at, but we do have some problems that need to be addressed." By taking the advice of the recommendations throughout this report,

the Scott County circuit clerk's office can do just that, address its plaguing issues and improve customer service both internally and externally.

Comparatively speaking, the Peer Insight survey results indicated the Scott County Circuit Court to be slightly worse off, but far from alone, in its struggles due to the weakening economy. Having never before assessed the courts' performance, creating baselines became a necessity. While some results were 100% economically driven, other results revealed issues plaguing the court that truly had no direct link to the economy, rather, were simply due to outdated resources, facilities or procedures. The historical beauty of the courthouse, though preserving heritage and providing nostalgia, does not adequately meet the needs of jurors or the newly consolidated court staff. This was proven by the strongly voiced concerns revealed in both related surveys.

RECOMMENDATION 5: The appointing authority must immediately seek to improve the staff morale by holding clerks equally accountable to existing policies and procedures through means such as annual performance reviews, implementation of a time clock, updating the local employee policy and procedure handbook, and development of three key initiatives: a new clerk orientation program, a supervisory leadership program, and a suggestion incentive plan to seek ways of reducing waste and inefficiencies from the front line.

It is recommended that court staff be strongly encouraged to attend regular and routine training by taking advantage of OSCA provided webinars, online training courses, classroom training sessions, and semi-annual clerk colleges. Supervisors must seek to accommodate scheduling that will allow clerks the advantage of such learning

opportunities. It is further recommended, that the appointing authority devise a chart for the assessment of the staff's knowledge and skills by case type. Following the initial assessment, it is imperative that a proactive and ongoing approach to training and cross training be committed to. In addition to training, staff must also be provided with clearly defined expectations. Routine evaluations are strongly recommended for the entire clerical staff. Evaluations should be direct and executed tactfully allowing the staff the opportunity to supply feedback as well. Personnel must be held accountable and counseled for improvement when areas are neglected, but also acknowledged and rewarded when outstanding customer service is provided.

It is recommended that the appointing authority seek key players such as the court en banc, county funding authorities, emergency management personnel and sheriff's department for the development of a courthouse security committee using qualified candidates from each division. Seeking advice from the National Center for State Courts, the security committee shall review current safety policies, research options for additional security measures such as the suggested key pass entryways, research current funding options and possible grant opportunities, analyze the cost effectiveness of all options, develop a strategic implementation schedule and present said findings to the county's funding authorities for approval and project implementation.

To help with this, it is highly recommended that the appointing authority of Scott County perfect and distribute the office rules and local office procedures handbook. It is further recommended that the current staff be required to review the updated handbook and return a signed confirmation stating they have done so at a time in which they are able to sit down with the appointing authority to ask any questions that may have arisen

from the review. The contents of the handbook should detail information such as attendance, dress and leave policies; job responsibilities; a specific list of supervisor authorities; electronic usage agreements; case processing time standards for clerk staff; resources information such as location of the case processing handbook and judicial education website, important phone numbers, and room for performance evaluations, notes and update. As an overwhelming 89% of staff agreed that a new clerk orientation program would be beneficial to their office, it is recommended that such a course be developed. The appointing authority, calling on the expertise of each divisional supervisor and program specialist, should coordinate this effort and also be responsible for procuring a location to serve as the training center.

This program shall include all materials covered in the newly updated personnel policy and procedure handbook but also include explanation of the court process, the various divisions of workload duties, a history of the courts in Scott County, basic data entry and terminology that is used for multiple case processing types, and an overview of the roles of each office in the courthouse. Additional important information to disseminate is the role the court clerk's office plays with outside agencies such as the Highway Patrol, Division of Youth Services, Division of Child Support Enforcement, FBI, local police departments, and Office of State Courts Administrator. Though it is seemingly impossible to train a new clerk with 100% efficiency on every aspect of the court system, by providing the basic skills and knowledge of resources available, clerks will possess the knowledge of where to obtain directions on nearly every situation that may arise. With clearly defined expectations and job duties, clerks will have a pristine concept of the matters that they are being held accountable for on an individual basis.

It is strongly recommended that routine performance reviews be implemented immediately. It is critical that court staff understand their respective roles in the court system and appreciate their importance, while being held accountable to the responsibilities of that role. Performance reviews should be geared toward multiple purposes including keeping staff informed about matters that affect them, collecting feedback from the clerks who process the court's business in an effort to mainstream court functions, to correct negative behaviors or habits and as an opportunity to motivate and encourage staff.

Rewarding negative behavior by ignoring it will ultimately result in more negative behavior. A prime example of such would be the habitually tardy clerk. If left unaddressed, the end result will be the disgruntlement of other staff members, feelings of unfair treatment, and ultimately a loss of respect towards the appointing authority/supervisor. With over 43% of those surveyed indicating that they disagree and strongly disagree that every clerk in the office works to their full potential, it is recommended the performance reviews begin immediately in an effort to increase staff morale.

It is recommended the appointing authority open lines of communication by ensuring information that could affect the staff, is disseminated promptly as well as encouraging and rewarding feedback. Court personnel need to be assured that it is safe to voice their concerns, suggestions and ideas if done so properly. To maintain buy-in, supervisory positions must respect the input from their staff and provide constructive feedback. With seventy-two percent either agreeing or strongly agreeing they have opportunities to express their opinion about how things are done, approximately 72%

feeling that they are encouraged to contribute suggestions for improvement, and nearly 67% feeling that they are encouraged to try new things, it would appear Scott County has a good head start towards ensuring open lines of communication. Yet with roughly 52% feeling valued by their supervisor based, on their knowledge and contribution to their division, and only 55% feeling free to speak their minds, there appears to be a gap in how beneficial staff feel providing feedback really is to the improvements of the office.

It appears the lines of communication might lack good support and follow through. Keeping in mind the office is still in the midst of a five year suggested consolidation adjustment period, it is recommended the appointing authority, along with the division supervisors, in an effort to create unity and fellowship between the former individual offices, create an incentive program for staff members with varying degrees of “rewards” based on idea submission, suggestion implementation, and the successful improvement to case processing or overall benefit to the office based on a submitted idea. Given opportunity to actively contribute to the successful day-to-day functioning of the office, a greater sense of pride and ownership could develop among the staff.

An incentive program that rewards out of the box thinking and acknowledges superior customer service, when heavily promoted throughout all divisions, could help unify the overall teamwork of the office.

The appointing authority, along with her supervisors, must understand they *can* impact an employee’s well being by taking the advice of Judy Statler, Licensed Professional Counselor, “Giving workers an opportunity to be heard has the potential to lift moods. Employers should also consider piping music in the workplace, praising jobs well (done) and acknowledging employees family needs.” (Statler, Judy, 2011) In the

rural court, with a staff of only sixteen clerks, the size certainly permits supervisors to treat each employee differently, while continuing to maintain equal accountability to the demands of the respective job roles. It is recommended that the appointing authority ensure the compassionate leadership of her supervisors by first setting such an example herself. It is further recommended that the appointing authority develop a leadership development program for supervisory positions, ensure enrollment and attendance of available training on effective management and both encourage and reward supervisors for their personal development in the area of quality management.

CONCLUSION 6: Multiple clerical locations cause inefficiencies and decreased productivity. Unfortunately when Scott County's courts consolidated in 2007, facility limitations prevented a true physical consolidation. Clerks continued to work out of three separate offices in two different buildings. Although the intent of consolidating a court would be to improve these areas and more, for Scott County the drawbacks of an unconsolidated-consolidation limited progress in three key areas:

1. Developing a true team environment;
2. Equal and fair treatment of all employees;
3. Increased productivity and efficiency.

while a hiring freeze, imposed in 2010 further crippled the office's ability to fully cross train as well. Overwhelmingly those surveyed indicated they felt a single location for all clerks would improve the overall co-worker environment, better aid in individual accountability, increase productivity and efficiency in the courts, and instill better working conditions. As an anonymous clerk stated, "We spend a lot of time searching

for things, due to being split in three physical locations with a vault upstairs making it four. Entries are delayed while we try to find the file.” Yet another, regarding co-workers working well together stated, “...I think a central location would improve that.” To reap the full benefits of consolidation it is recommended that the circuit clerk actively communicate in an ongoing manner with the county’s funding authorities to procure a centralized office location. Relocating into a centralized location was previously touched upon regarding its benefits for the jurors of Scott County. The best proposed solution to date, vacating and remodeling the current sheriff’s department building and adjacent judicial building, would also include a new courtroom with updated juror facilities. Though the jurors would certainly benefit, no group would benefit greater than that of the Circuit Clerk’s staff, but the change will not be cheap. As stated before, there are complicated details involved in this consideration including the need to provide additional emergency exits, ductwork, and of course, funding. Such a massive objective will not be given opportunity unless the subject remains actively fresh on the minds and agenda of the official meetings.

RECOMMENDATION 6: Working together with county stakeholders, the appointing authority should seek means to consolidate clerical offices. It is recommended the circuit clerk begin contacting expert authorities such as the Office of State Courts Administrator and the National Center for State Courts for advice on the subject, followed by the need to gather specific details for presentation to the funding authorities. Such presentation should provide detailed information regarding the approximate costs involved, including any possible grant opportunities, restrictions and deadlines; projected productivity and

efficiency impacts of all divisions affected by such a move; direct benefit to the county. Improved security should be an additional consideration in the planning stages, should the current sheriff's department be converted to court clerk office space and a jury trial courtroom.

Summary

Due to a hiring freeze, the clerk's office found itself significantly understaffed with overwhelming expectations placed on its employees. As clerks grew tired and morale decreased, customer service succumbed to machine like processing of business, slowly losing compassion or ability to provide attention to detail. The employee satisfaction survey revealed excessive workloads weren't the only negative impact on the court staff but also the circuit clerk's need to enforce accountability. Setting a standard of accountability is only as effective as the enforcement thereof and when done so properly, improves employee satisfaction. Ultimately satisfied employees provide a higher quality of customer service as well.

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