

ANALYSIS OF  
NORTH CAROLINA CLERKS OF SUPERIOR COURT  
RESOURCES AND PROCEDURES

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# **ANALYSIS OF NORTH CAROLINA CLERKS OF SUPERIOR COURT RESOURCES AND PROCEDURES**

## **PREFACE AND ACKNOWLEDGMENTS**

The Jefferson Institute for Justice Studies is pleased to present this assessment of the resource requirements of clerks of superior court in North Carolina. To our knowledge, this is the first study that has systematically addressed resource requirements of superior court clerks statewide. The members of the Governor's Crime Commission who funded the study and the Association of NC Clerks of Superior Court who made it possible should be commended for their foresight and support. There are few published guidelines and standards for clerks' offices nationwide. As a result, the importance of this study is that it may serve as a model for comparable studies in other states.

In 1995 the Jefferson Institute conducted the first statewide resource analysis of the offices of district attorney in North Carolina. The clerks of superior court resource analysis is adapted from that approach. We recognize that resource analysis is of great interest to many persons both within and outside the state. Therefore, we have identified major factors that affect the nature of the clerk's office in this state and have estimated their impact on the work of the office. We believe that one cannot and should not undertake state studies without accounting for some of the distinctive characteristics of the state's judicial system. Therefore, although others may look to this report for guidelines and/or standards in developing resource allocation models, we urge them to frame their resource needs to their own environments.

If there was a single factor that contributed to the validity of this study, it was the high level of cooperation and assistance that we received from everyone to whom we turned for advice, assistance, and information. The positive and active support of the Administrative Office of the Courts (AOC) and its director, Judge Thomas Ross, his staff and especially Jane Lusk, Grants Coordinator, provided us with information and data that allowed us to examine trends and the effects of changing environments.

In assembling the statistics needed for estimating case filings and performing the demographic trend analysis, we are grateful for the substantial help provided by Patrick Tamer, Statistical Programmer Analyst in the AOC's Court Management and Information Services Division and by Nisha Datta in the Office of State Planning.

The cooperation and assistance provided by the clerks of superior court was outstanding. Because of them, we have a 99 percent survey response rate and because of their participation in the focus group meetings, they provided us with crucial information that helped us interpret the qualitative impact of changes on the management and operations of their offices.

When it comes to the bottom line, however, there is no way that this study could have been undertaken and completed without the active assistance and participation of the Association of Clerks of the Superior Court (ACSC) and The Advisory Board to the Governor's Crime Commission, Clerks Resource Study Committee, whose 8 members include:

Warren Hughes, Yancey County, Co-Chairman  
John Kennedy, Wake County, Co-Chairman  
Georgia Lee Brown, Harnett County  
Whit Gibson, Scotland County  
Diana Morgan, Brunswick County  
Tommy Thompson, Henderson County  
Barbara Towery, Catawba County  
Brenda Tucker, New Hanover County

Finally, our very special thanks are extended to Nathan T. (Tommy) Everett, Clerk of Superior Court, Tyrrell County, and immediate past President of the Association of Clerks of Superior Court (ACSC) who served as chairman, leader and coordinator, and grants administrator for the project in addition to unofficial coach and advisor. Without his input and leadership, this study may not have occurred. Our sincere thanks go to all the clerks of superior court in North Carolina.

*Joan E. Jacoby*, Jefferson Institute for Justice Studies,  
*Edward C. Ratledge*, University of Delaware  
*Noddie Barrion*, Jefferson Institute for Justice Studies

## INTRODUCTION AND BACKGROUND TO THE STUDY

### OFFICE OF THE CLERKS OF SUPERIOR COURT

The clerks of superior court in North Carolina are elected officials representing each of the 100 counties in the state. The Administrative Officer of the Courts, who serves at the pleasure of the Chief Justice of the Supreme Court, manages the business and administrative activities of the judicial branch of government including among others, the offices of superior court clerks, district attorneys, public defenders, and indigent defense services.

The North Carolina clerks of superior court differ from clerks in other states because they have a judicial probate function in addition to the more traditional duties of clerks of court. The clerks act as judicial officers of the superior court and ex-officio judges of probate. Their jurisdiction includes: probate, estates, and guardianships; special proceedings; and ancillary civil jurisdiction. They also serve as record-keepers for the court system and custodians of many county records. As administrators, they manage offices that process high volumes of paper for diverse transactions; and as comptrollers they hold, manage, invest, and disburse large sums of money.

Positions for the clerks' offices are authorized by the legislature and allocated by the AOC based on a formula<sup>1</sup> that is generally based on workload, that is, the ratio of various types of filings to staff. North Carolina is a predominately rural state containing six major metropolitan areas although it is gradually becoming more urbanized. Funding for the clerks' offices, therefore, has to consider the needs of a few large offices, many medium sized ones and some small offices.

There has been some discontent expressed about the adequacy of the current level of support provided to the offices. One concern is the sensitivity of the funding formula to major system changes, some of which are due to legislation. Such changes may substantially affect the nature and volume of the clerk's work.

Over the past decade, the work of the clerks of superior court has increased dramatically – due in part to a substantial rise in the volume of cases handled and in part, by the increasing complexity of the law that has required more transactions and notifications, i.e. more work per case. Most notable are the, as yet, uncertain effects of implementing the victims rights amendment and the new juvenile legislation both of which became effective in July 1999.

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<sup>1</sup> *Weighted Workload Measures for Court Personnel*, presented to the Judicial Advisory Commission by Jeanne Bonds, Administrative Office of the Courts, August 21, 1998.

In July 1999 the state of North Carolina implemented a victim's right amendment (VRA) and new juvenile legislation. The VRA requires notification of the victim about their rights for certain offenses committed on or after that date. Both the courts and the prosecutors are affected by the additional work created by this legislation. In response to an anticipated increase in workload, North Carolina legislators increased staffing for the clerks' offices by 149 positions effective December 1, 1998. It is anticipated that the new juvenile legislation, also effective in July 1999, will add to the work of the clerks and prosecutors although the extent of its impact is largely unknown at this time.

Each clerk of superior court recognizes that the two new statutes will add new duties, responsibilities and work to their office, but it is difficult for them to estimate the nature of the impact and how procedures will be changed. Estimating the effect of these changes is not a simple matter. The 100 offices reflect the widely different characteristics of North Carolina's counties, ranging from small rural offices to large metropolitan centers. Past experience shows that the impact of changing the law will vary depending on the size of each individual office. In small jurisdictions with 3 to 6 man offices, for example, the changes required by the new legislation may simply overwhelm the office. For larger offices with more staff, it is possible that they can redistribute the workload or they too will need additional staff.

The Association of Clerks of Superior Court requested the Administrative Office of the Courts (AOC) to support a study of the current allocation of resources for the clerks; an analysis of their needs; and, a review of the present AOC staffing model for its ability to be sensitive to the staffing requirements of the offices on a continuing basis.

Supported by a grant from the Governor's Commission, the Association of Clerks of Superior Court and the AOC contracted with the Jefferson Institute for Justice Studies to survey the clerks' offices, establish a baseline from which further analysis could proceed, provide a critique of staffing models, and present recommendations.

## **THE PROBLEM**

Adding to the uncertainty about the work created by the victims' rights and juvenile legislation is another more basic issue – namely, we do not know at this time whether the present staffing levels (pre-victims rights and juvenile) are adequate. We suspect that some offices have adequate resources and some do not. To begin addressing this issue, we measured not only the current staffing level but also the optimal level as stated by the clerks themselves.

At the present time, the allocation of new positions to the 100 clerks' offices is based on a combination of an objective formula identifying the volume of various activities in the clerks' offices and the successful intervention of the elected clerk with legislators. Thus there are two sets of issues, one concerning the overall level of positions statewide and the other concerning the proper distribution of staff among the counties.

Both areas need to be addressed if the clerks, the AOC and the legislature are to make informed decisions about what is needed to provide adequate levels of service to the public at the lowest costs. In addition, a qualitative assessment of areas which are likely to affect workload in the future is needed.

#### **PURPOSE AND OBJECTIVES**

The purpose of this study is to:

1. Describe the characteristics of the offices of the clerks of superior court
2. Establish a baseline for the analysis of resources and needs of the clerks in the future
3. Forecast future changes in filings and workload based on past trends and the projected impact of the victims rights amendment and the new juvenile legislation
4. Produce a modified AOC resource allocation formula (or model) and alternative models for consideration by the clerks of superior court and AOC
5. Identify the critical issues and factors that support the uniform and equitable distribution of services to the court and the public at the lowest costs

#### **METHODOLOGY AND APPROACH**

The evaluation of the needs of the clerks of superior court was based on a multi-phase, multi-task plan. It included the following:

- Task 1. Obtain baseline information about the office of the clerk by means of a survey
- Task 2. Identify the areas creating the most impact on the work of the clerks and their needs through six focus group meetings
- Task 3. Analyze court data spanning the previous 10 years to identify trends and changes in work composition that affect the work of the clerk's office
- Task 4. Examine the formula presently being used to allocate positions for its ability to accurately and reliably reflect the work of the clerks' offices
- Task 5. Present the results and findings of the assessment to the Association of Clerks of Superior Court (ACSC), the AOC and other interested parties

A baseline survey identifying the resources and the needs of the clerks of superior court as of 1998/99 was completed in March 1999. Ninety-nine of the 100 clerks responded.



The analysis of this survey provides a baseline describing the present state of the art of the clerks' offices in 1998/1999 (fiscal year 1999). This was documented in a report *North Carolina Clerks of Superior Court Resources and Procedures – 1998* and submitted to the AOC and the NC Association of Clerks of Superior Court (ACSC) in August 1999.

Focus group meetings were conducted in Charlotte February 16-17, 2000. Offices were grouped by size of staff and six groups of 3-9 clerks each participated in the meetings conducted by the Jefferson Institute. The purpose of the focus groups was to obtain the clerks' perspectives and opinions about issues and changes that affected their work. Specifically the focus was on the effects of legislative changes, such as victims rights and juvenile justice; program changes, such as the recent transfer of child support enforcement activities; automation and its effect on productivity; discussion about changes observed in the trend data, for example in filings for small claims; and, critiques of the factors or their weights presently included in the AOC formula for positions with respect to workload.

The second purpose of the focus group meetings was to identify areas of emphasis or priorities that differed because of the size of the office.

Following the focus group meetings, the analysis of the trend data was undertaken. The purpose of this analysis was to:

1. Determine whether there have been changes in filings or the mix of cases over the past 10 years
2. Forecast future changes in filings and workload based on past trends and the projected impact of the victims rights amendment and the new juvenile legislation
3. Produce a modified AOC resource allocation formula or model and alternative models for consideration by the clerks of superior court and AOC
4. Identify the critical issues and factors that support the uniform and equitable distribution of services to the court and the public through the state at the lowest costs

The preliminary results of the project were presented in draft form to the ACSC. Their review and comments were included in the development of this the final report.

#### **COMPOSITION OF THE STUDY TEAM**

The study was conducted by the Jefferson Institute for Justice Studies, an independent, non-profit, research and evaluation organization located in Washington DC. The Jefferson Institute was founded in 1980 and specializes in criminal justice management and analysis projects.

The study team has extensive experience in providing technical assistance to local justice entities across the United States. It has completed a number of evaluations of state funded local programs such as the evaluation of multi-jurisdictional and local drug prosecution support programs for Illinois and the evaluation of the resources for district attorneys in North Carolina. The team members also were principals in the largest cost study funded by the National Institute of Justice in 1983-1985 estimating the cost of processing adult offenders from the time an incident was reported through law enforcement, prosecution, public defenders, the court, jail, probation, corrections and parole. This study was called the National Baseline Information (NBI) study and was conducted in four locales throughout the United States.

The team members include:

*Joan Jacoby*, Executive Director of the Jefferson Institute. Ms. Jacoby is an internationally recognized expert on prosecution, performance measurement, cost analysis, information systems and criminal justice program and management evaluations at the local level. She has over twenty five years experience in local criminal justice affairs with expertise in management audits, organizational analysis, performance and productivity analysis, cost analysis, program development and implementation and criminal justice research. She was formerly the Executive Director of the National Center for Prosecution Management and the Director of the Office of Crime Analysis in the District of Columbia Government. She is the author of a book, *The American Prosecutor: A Search for Identity*. She has a M.A. in statistics and a B.A. in sociology.

*Noddie Barrion*, Principal Associate of the Jefferson Institute has been associated with the Jefferson Institute since its origin in 1980. He has extensive experience in financial management systems, analysis and evaluation. He has conducted the expenditure analyses required by all the resource allocation and cost studies including the Marin County CA adjudication study, the National Baseline Information cost study and the Kalamazoo Prosecuting Attorney's management appraisal. Mr. Barrion has a B.Sc. in accounting from the Far Eastern University, Manila.

*Edward C. Ratledge* has over 25 years experiences in public policy and public sector economics as the Director of the Center for Applied Demography and Survey Research at the University of Delaware since 1978. He also holds faculty rank as Associate Professor teaching graduate courses in research design and advanced statistics. The Center for Applied Demography and Survey Research provides full service regional survey research capability to the state government and its agencies. Mr. Ratledge has broad expertise in criminal justice management studies, statistical analysis and advanced computer technology. He has been a professional colleague of Joan Jacoby since 1971 and has participated in all Jefferson Institute projects since 1980. He is

co-author with Joan Jacoby of books and publications including the *Handbook on Artificial Intelligences and Expert Systems in Law Enforcement*. He has a B.S. and M.A. in economics.

## **ORGANIZATION OF THE REPORT**

This report presents the findings of our study. It is divided into three parts.

**Part one** examines the management issues that affect resource allocation. It looks at the effects of changes in demography, legislation, statutes, procedures and programs on the work of the clerk. This section focuses on work and work intensity of specific activity areas. It explores some of the organization, management and operational effects on the clerks' offices.

**Part two** discusses trends and resource allocation models. An analysis of the trends in case filings for a ten year period identifies variations in rates of change and projects caseload to 2004. The examination of staffing trends determined whether the resources assigned to the clerks' offices have kept up with increases in the volume of work. A refined version of a staff allocation model is presented and discussed. The assumptions and issues associated with using the model to predict staffing for individual offices are presented.

**Part three** identifies the critical factors that affect the work of the clerk and presents areas that should be monitored in the future. It summarizes the findings from both the qualitative and quantitative discussion and presents recommendations that focus on increasing the efficiency of operations and improved levels of service to the court and public.

**Appendix A** presents the statistical model developed for the resource allocation effort.

## **PART I. ISSUES AFFECTING THE MANAGEMENT OF RESOURCES**

### **INTRODUCTION**

Traditionally, clerks of superior court have suggested that smaller offices have little in common with larger ones. In one sense they are correct. The differences created by office size are those of scale and complexity. Large offices process more work and have more complex organizations than smaller offices. Small offices do not have the resources to easily cope with emergencies or changes in procedures or legislation. The differences are organizational and administrative in nature not genetic. This is confirmed by the similarity that exists in staffing patterns. The information presented in Part I is based on the results of the focus group meetings conducted by the Jefferson Institute, visits to individual offices and communications received from the clerks themselves.

Although resource allocation formulae can predict the number of staff needed based on volume, they may not accurately reflect management and operational conditions that face the clerks. In this section we examine some of the factors that affect the clerk's ability to provide efficient and effective services. We will examine the impact of population, changes in legislation and procedures, and automation and productivity. In each of these discussions we will identify the areas of work that are most affected.

The impact of the factors has to be judged by their impact on work. Not all filings need the same levels of work; for example, estates are the most work intensive, district court filings, the least. . In the final section, we present a summary of the work areas classified by their work intensity and provide a prognosis for future changes.

### **FACTORS AFFECTING THE DELIVERY OF SERVICES BY THE OFFICE OF CLERK OF SUPERIOR COURT**

In this section we discuss some of the characteristics of the clerks' environments and describe how they affect their work. We recognize that there are factors that exist in the state and judicial environments that are essentially outside the clerk's control. Yet we also recognize that different responses by the clerks to the same factors produce different effects. In the sections that follow, we address some of the more significant factors.

#### **Population**

Population is an often cited predictor of staff need largely because it is readily available and is adequately measured. Unfortunately it is usually not highly correlated with staff needs. Frequently it is the sub-components of demographic change such as the juvenile population, the oldest age

group or the crime-prone group that are more relevant. Also affecting future services are changes in the population mix resulting from aging, increases in non-English speaking minorities and juveniles. These are the ingredients that need monitoring so that clerks' offices can develop new services or improve existing ones.

In a state with an estimated 1998 population of 7.5 million and a projected population of 8.5 million by the year 2008<sup>2</sup> we expect to see more counties becoming urbanized. In the baseline survey, 55 percent of the clerks rated their offices on a rural-urban continuum as being more urban than rural. Increasing urbanization will increase the need for more staff, top-of-the-line automation and more complex organizations and procedures.

Most clerks of the superior court are in small or medium-size offices. Among the 100 counties and 39 judicial districts, there are only about six major metropolitan areas (Raleigh, Durham, Winston-Salem, Monroe, Charlotte and Fayetteville); but that picture is changing. The median office has 15 staff consisting of 2 assistant clerks and 13 deputy clerks. Only three offices have more than 100 staff while 17 offices have between three and six staff members.<sup>3</sup>

Experience has indicated that the need for more staff, space and equipment will increase faster than population growth. It is spurred by changes in legislation and the growing diversity of the population. The combined effect is to increase complexity in the clerks' operations.

### **Special populations**

Special populations affect the clerk's workload either by increasing the volume of work in the office or changing the intensity of work.

Special populations are identifiable groups of people who increase workload by generating demands for increased or specialized services. Special populations may be created by prisons, colleges or universities, interstate highways, private or county hospitals that accept psychological commitments, resorts, military bases and state mental hospitals, among others.

Generally special populations either increase workload or generate a demand for specialized and time-consuming procedures. The survey indicates that two out of three clerk's offices are affected by either prisons, college or university populations. Almost one half of the offices experience increased work because of interstate highways. The effect of these populations may substantially increase the need for additional resources or improved procedures. For example, mental

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<sup>2</sup> Source: North Carolina Office of State Planning. State Demographics (<http://www.ospl.state.nc.us>)

<sup>3</sup> All analysis in this report is based on state-funded positions. Excluded are the 100 elected clerks, temporary or per diem positions and positions funded by other sources including grants.

competency filings are very work intensive activities. In the 46 counties with hospitals that accept psychological commitments or with state mental hospitals, clerks adjust staff assignments differently than they would if they were in counties that have few mental competency hearings.

It is important that changes in the mix or volume of special populations be monitored to help clerks manage their offices and work assignments more efficiently. Table 1 summarizes the effects of special populations on volume and work.

Table 1  
**Effects of Special Population on Work, ranked by intensity**

<b>Type of Special Population</b>	<b>Effect on Clerk's Work</b>
State Mental Hospitals	Increase work, especially mental commitments and competency hearings.
Private or County Hospital*	Increase work especially mental commitments and competency hearings
Military Bases	Increase filings and work especially DV cases
Prison	Increase filings in many service areas
College or University	Increase filings especially traffic and infractions
Interstate Highway	Increase filings especially traffic and moving violations
Significant Resort Population	Increase filings especially minor misdemeanor and traffic
* Includes those that accept psychological commitments	

Although these populations generate different types of work, since almost every county has one or more of these populations, the overall distribution of staff may be unaffected.

### **Legislation**

The single most important factor in changing the volume and/or complexity of the work performed by clerks is new legislation or legislative changes.

New legislation or legislative changes may require substantial new resources to process the additional work. Examples include expanding services to victims of domestic violence, modifying juvenile processing, implementing the Victims Rights Amendment (VRA), and increasing the limits of small claims court.

### **Domestic violence**

The scope of legislation concerning domestic violence (DV) was expanded in the latter part of 1998 to include all relatives in addition to spouses. Attorneys are not required to represent victims

seeking restraining orders and protective orders of custody. District court judges typically grant orders, although in some instances (like after court hours), temporary orders may be granted by magistrates. (Judge availability may be a frequent problem in judicial districts with multiple counties).

All but one office reported substantial increases in domestic violence (50-B) filings in the past three years. Eight-five offices noted that shelters and/or legal counseling programs dealing with domestic violence were available in their counties. These resources have not reduced the work of the clerk but rather contributed to increased filings.

Adding to the volume of filings is the substantial increase in DV coalition groups that have increased public awareness and educated the victim on how to use, and sometimes abuse, the system. Adding to the volume are repeat victims who may file for protective orders 10 to 12 times before leaving the home.

DV hearings have also become more complex because they have been expanded to include equitable distributions and child support enforcement. The result is that the system is ripe for abuse. Typically, this occurs when victims take advantage of the defendant being locked up to move out of the home taking all the furnishings. They then obtain a protective order and an equitable distribution order that is in effect for one year. This course of action avoids lawyers and divorce. One indicator of the extent of both repeat victimization and abuse of the process is the number of voluntary dismissals. Clerks estimate that 75 to 80 percent of all DV filings end in voluntary dismissals. Given the large number of filings (21,000 in 1998) this reflects a substantial workload. To control the abuse and reduce repeat filings, some courts require victims to appear in court before dismissing charges. But the end result is that there is a general lack of control over the process and a substantial increase in the workload of the clerks who must treat all filings as legitimate.

The legislation requires that clerks assist victims in filing requests. For the most part, smaller offices that do not have full-time staff assigned to DV cases suffer major disruptions to their normal office activities. DV filings require immediate attention by the court. Orders must be taken to the sheriff immediately and until the orders are issued, deputy clerks remain with the victims. The clerks estimate that if district court judges are in the courthouse, a DV (50-B) filing takes four hours of a deputy clerk's time. If the judge is not available, the work may take all day. The impact on smaller offices where staff perform multiple activities is significant.

### ***Juvenile legislation***

The new juvenile legislation implemented in July 1999 produced a number of changes in processing and adjudicating juveniles. Its effect was to change the level of work associated with juvenile filings from low intensity to one of the top three most work-intensive activities. Adding to this effect were increases in the volume of juvenile violent crime experienced by 73 offices. Even with less than a year's implementation, 44 offices reported that they had to allocate additional resources and/or facilities to process juvenile cases.

Some of the factors that changed the complexity of the clerk's work were the unanticipated consequences of implementing new legislation in a court environment that is not automated. Many of the difficulties now being experienced by the clerks could be surmounted by automation. Presently the clerks cope with a number of problems including forms and recordkeeping, increases in court hearing, increased use of treatment and rehabilitation programs and mandated time limits.

There is wide variation in paperwork and recording systems. In one county, court counselors prepare all the petitions and type orders. In another county, the county attorney performs these duties. With more sentencing options the length of orders increased and new forms had to be designed.<sup>4</sup> Previously court orders were recorded on a standardized form using a check box. Now orders have to be typed and court records manually updated.

The legislation also increased the number of juvenile counseling officers. That action increased the number of hearings, the number of court days and, of course, the number of orders. The length of hearings was also expanded. For example, hearings that once took half a day now take one or two days. When combined with increased filings the result increased the number of juvenile court clerks needed to prepare orders and process criminal cases.

As the number of juvenile programs increased, it expanded the revolving door for juveniles who after failing a program, returned to court, were ordered into another program, only to fail again. Additionally some courts have increased the scope of juvenile proceedings by including the family group as well as the juvenile.

Finally, ten-day time limits were imposed by the legislation for certain hearings. This placed smaller offices at a disadvantage if juvenile court was not scheduled within that time frame. To

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<sup>4</sup> Forty-three new forms were designed and delivered to the clerks for juvenile filings in Feb. 2000. However, they were not accompanied by written instructions nor were the clerks provided training in their use prior to receiving them



meet the ten-day time limit in one jurisdiction, for example, one clerk drove 70 miles to the nearest judge for a hearing.

The new legislation has impacted all clerks' offices, large and small. According to the clerks, it has strained resources and increased the need for backup personnel for associated areas such as juvenile criminal cases, juvenile small claims court filings and even juvenile estates. It has created a need for specialization, e.g. juvenile court clerks and a need for more district court judges or juvenile sessions.

Temporary relief was given when child support enforcement (CSE) collection activities were transferred to the Department of Health and Human Resources (DHHR). Many of the clerks reported that they were able to shift CSE resources to process juvenile work. However, this relief may only be temporary. Already, it has been noted that some judges are relying on purge orders to support enforcement orders. The net effect is to restore some of the clerks' CSE activities.

A longer-term solution would be the development of comprehensive plans and uniform procedures for conducting the work of the court until automation is available. To achieve this would require the formation of a working task force of all participants in the juvenile case processing system.

#### ***Victim-witness legislation***

The victim's rights amendment (VRA) was effective July 1, 1999. It required the notification of witnesses for a mandated set of offenses unless the victim "opted out". If applicable, it also required the filing of an order of restitution, which for criminal cases is docketed as a civil case. Almost immediately, the VRA substantially increased the work of the prosecutor, courts and the clerks. Prosecutors could not justify providing victim-witness services to one group who were involved in the mandated offenses while ignoring services to the other group involved in non-mandated crimes. Equity demanded that all victims be treated uniformly. Thus, the requirements and services ordered by the legislation was extended to all victims regardless of the type of offense. The effect was an immediate increase in work with few standardized procedures among the counties.

To support the implementation of the VRA, the legislature authorized additional positions for each of the 39 district attorneys' offices. Some prosecutors promoted staff from within to the new position, other prosecutors hired additional personnel specifically for these duties. There was at

that time<sup>5</sup> little training, few guidelines and much variation in how these services were to be provided. The variation in procedures and management of this function in the prosecutors' offices directly affected the clerks when restitution was requested. Missing or incomplete financial information from the victim-witness staff in the prosecutors' offices produced an increase in the number of "pending" cases in the clerks' offices and delays in court orders.

The net effect of the legislation on the clerks' offices was twofold. It added a new step to the workflow, namely civil court activity, and it increased the volume of work between the criminal filing of the case and the bookkeeper's processing of the case.

#### **CHANGES IN PROCEDURES**

Not all changes are initiated by legislation. Some are the result of administrative decisions. As we noted previously, when changes are made to existing procedures. It is essential that adequate planning and testing be conducted to minimize disruption to normal operations. The importance of planning, testing and coordination can be observed in the changes made to small claims and child support enforcement.

##### **Small claims**

In 1999 the limits for filing in small claims court was increased to \$2,500. This change not only increased the volume of work in small claims court, but more importantly it increased the number of *pro se* representations. The absence of an attorney places more workload on the clerks. It also may produce wide variation in the levels of service provided to the public particularly if the office does not have sufficient staff to respond to increases in citizens' requests for information.

##### **Child support enforcement**

On September 24, 1999 the receipting function of child support enforcement was transferred from the clerks' offices to the Department of Health and Human Resources (DHHR). This move was to centralize operations, provide better control over the receipt of support payments and make more efficient and less costly payments to recipients of child support. The long-term goal was to free up resources in the clerks' offices while taking advantage of economies of scale.

The immediate effect was one of confusion and complaints as recipients who were used to one form of payment now suffered delays. The clerk's office, as the face-to-face source for recipients, became the recipient of citizen complaints and was forced to act as an intermediary in resolving problems originating in DHHR. We recognize that over time procedures will shake down and this problem will diminish. However, the experience demonstrates the need for better coordination

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<sup>5</sup> The NC Conference of District Attorneys is presently providing training to victim-witness staff and conducting a study of their activities. It is anticipated that their activities will promote uniformity in operations.

between the clerks and the agency in the planning and development stages, pretesting procedures at demonstration sites and the essential need for involving and educating clients about changes in services.

Prior to the transfer, work in CSE was about 55 percent receipting and 45 percent enforcement. Transferring receipting to DHHR did in fact reduce workload and free up personnel for other duties. However, the reduction in work did not eliminate the clerks' involvement in child support enforcement. They still initiate new cases and monitor enforcement and compliance. If the Title IVD agency took over the enforcement function, then child support would become just another civil case. The benefit to the clerk would be to free up resources for other work. From a management perspective, the division of functions between two agencies means a loss of control and accountability over the program and an increased need for coordinated plans and procedures.

#### **AUTOMATION AND PRODUCTIVITY**

The level and quality of automation significantly affects the ability of the clerks to provide efficient and effective services to the public, the court and the criminal justice system. In North Carolina, the level and quality of automation varies by the jurisdiction of the court; some are automated, some are not. In the following sections, the various types of automated systems are described. The fact that the systems are fragmented and not integrated and that planning efforts do not involve the clerks has seriously hampered the delivery of services.

##### **Magistrate system**

The magistrate system collects basic information about warrants including name and address of the defendant, the offense, name of the arresting police officer and date of arrest among others. Data entry and updates are the sole responsibility of the magistrate's office. One justification of the system was its potential for reducing the clerk's paperwork since the information would be transferred over to the clerks eliminating the need for another entry. When the system works properly, the clerks were able to reduce the number of clerks needed for processing warrants.

One major weakness of the system lies in its exclusivity and independence. Only the magistrate can update the data. As a result, errors that are caught by the clerks, such as incorrect charges, missing addresses, or unintelligible handwriting, cannot be corrected by the clerk. Referral to the magistrates for correction is typically given a lower priority over the daily input of new cases. The system has little flexibility for the clerks' use. For example, in counties with two or more courthouses, the clerk cannot produce separate calendars for each of the courts.

In many offices, the clerks have assumed responsibility for auditing the information received from the magistrates, checking it and correcting it. This creates a lack of accountability on the part of the magistrates for the accuracy and completeness of their work and increases the workload on the clerk's office.

As a stand-alone system, it is not linked to other automated criminal justice systems in the county. (Although it does link to the AOC reporting system). Communication with other agencies is not automatic and the notification process suffers as a result. For example, if bench warrants are issued for a failure to appear but the defendant subsequently appears, law enforcement may not necessarily be notified of the orders for recall.

Because this is a high volume work area, the potential for reducing workload and improving services in this area is high.

#### **Criminal district court traffic and misdemeanor system**

Information about traffic and misdemeanor citations is entered by the clerk's office. This procedure suffers from poor quality police reports, the absence of state-of-the-art technology and a lack of integration with other systems.

A major problem is created by illegibly written reports submitted by traffic officers. This coupled with the fact that the system cannot check license numbers or names for prior convictions and dispositions is a major inefficiency. New technology such as bar codes for scanning names and number, and an automated index for dispositions could increase productivity in this high volume area.

A demonstration project is underway in the district court in Cumberland County for processing state police traffic tickets. The results of this project and its findings should be monitored by the clerks' association for their potential replication.

#### **Court Flow system in superior court**

The Court Flow system is being expanded to all superior courts and should be operational by the end of FY2001. The system allows clerks in the courtroom to enter information about judgments into the system on a real-time basis, or in the case of administrative sessions, on a daily basis.

The overall response to the system by the clerks has been positive for what it does. The system works well when the court is slow-paced. One clerk generally can handle the data entry. If the volume of cases processed increases, two clerks may be assigned to the courtroom, one to enter data the other to capture by hand information that cannot be entered immediately.

The clerks who have worked with the operational system noted areas where its efficiency and productivity could be enhanced. One area concerns the screen design. They noted that the format displayed on the screen is not comparable to the manual form they previously used and that inadequate space was given to record judgments and probation violation hearings. Similarly, they noted that some judges did not follow the screen's format when they issue orders or judgments. This makes it difficult to enter judgments in real time.

In general, the clerks noted the potential increases in productivity that could result if it was extended to district court applications, if it could relieve probation office clerks from typing orders, and if it could interface with the jail so judgments could be transferred automatically.

### **Conclusion**

Overall the state of automation in the clerks' offices is inadequate. There is a critical need for an integrated system that can increase productivity and free up positions to service other areas. The fact that the judgment book is not automated, that the juvenile process is completely manual and that the existing systems cannot interface with each other, substantially decreases the productivity of the offices resulting in higher costs to the public.

The clerks need to develop a strategic view of the value of information systems. They need to identify the high-value systems and proceed to full implementation incrementally. Opportunities for system integration need to be identified and some method of clerk-to-clerk technical assistance should be developed.

### **DIFFERENCES IN WORK-INTENSITY AND PROGNOSIS FOR CHANGE**

Office size is not the most important issue when the focus is on the work performed by the clerks. The critical issue is how intensive is the work. We know that different activities have different levels of work intensity. The work associated with processing estates, for example, is not comparable to the work associated with district court criminal cases. The volume of work in clerk's offices may vary but the intensity of the work associated with different types of filings should not vary from one office to another.

The most important finding resulting from the focus group meetings is the extremely high level of agreement about work, the complexity associated with different types of activities, and their ranking by level of intensity. This high level of agreement existed independent of the office's size. The common denominator among all the offices regardless of size is that they perform the same activities with comparable levels of complexity or intensity.

The importance of this finding is that it justifies the use of a "formula" or model to allocate resources statewide based on the volume and type of work in the office. In other words, the staffing resources needed by each clerk's office may be estimated by the same set of factors, namely, the volume in district court criminal non-motor vehicle and civil filings, estates and superior court dispositions.

The fact that the each focus group classified activities by their level of intensity for work in the same order, without regard to office size, was a significant result. Also important was the fact that the ranking by work intensity, with a few exceptions, was based on the set of activities currently reported to the AOC.

Until a more detailed study of work intensity is conducted that will estimate the relative weights for each activity, we will use a broader classification system that places activities into one of four categories, most work-intensive; high work intensity; medium work intensity and low work intensity. Table 2 shows these categories and provides a prognosis for changes in either volume or the level of its current intensity.

**Table 2**

**Work-Intensive Priorities and Prognosis for Change**

<b>Most work-intensive</b>	<b>Prognosis</b>
<b><i>Estates</i></b>	<p><i>Volume:</i> May substantially increase but not necessarily uniformly across offices. Can be projected by demographics. May also increase if more class action suits are forthcoming.</p> <p><i>Work Intensity:</i> Very high. Will remain the same. No major changes unless class action suits continue. They add to the existing level of work by requiring extensive review of records.</p>
<b><i>Domestic violence</i></b>	<p><i>Volume:</i> Will increase as more public information and services are made available.</p> <p><i>Work intensity:</i> Remains very high and disruptive to smaller offices. Will not change unless other agencies and the courts provide more comprehensive services to the victims.</p>
<b><i>Juvenile filings</i></b>	<p><i>Volume:</i> Will increase. Demographics will project expected volume for each office.</p> <p><i>Work intensity:</i> Very high and unstable at the present time. Will stabilize once procedures are in place. No significant reductions in work intensity, however, until the system is automated.</p>
<b>High work intensity</b>	<b>Prognosis</b>
<b><i>Special proceedings</i></b>	<p><i>Volume:</i> Will increase as population ages. Volume may be undercounted by 35-40 percent because filings are not counted until law enforcement serves orders even though clerk has initiated the casework.</p> <p><i>Work intensity:</i> High is not likely to change substantially. Because the increase in level of probate eliminated need for attorney, it increased clerk's work.</p>
<b><i>District court civil</i></b>	<p><i>Volume:</i> <u>Excluding domestic violence filings</u>, volume will increase. However, this may be offset by increasing the availability and use of arbitration or mediation to reduce filings.</p> <p><i>Work intensity:</i> High but unstable. Likely to decrease if procedures change, e.g. combining trials and waivers in one court hearing. May increase if procedures for V-W restitution orders are not stabilized. This activity needs to be monitored.</p>
<b><i>Child support enforcement</i></b>	<p><i>Volume:</i> Increases expected in cases initiated, enforced or pending.</p> <p><i>Work intensity.</i> Has been reduced because collections are no longer processed by clerk. If some or all of the remaining activities are transferred to another agency, then volume and work will be reduced. This is an area that could produce substantial savings to clerks and allow them to shift resources to other more critical areas.</p>

Table 2 (continued)

**Work-Intensive Priorities and Prognosis for Change**

<b><u>Medium work intensityPrognosis</u></b>	
<b><i>Superior court civil</i></b>	<p><i>Volume:</i> Increase in volume. No significant changes unless more class action suits (e.g. EPA stucco contamination). May decrease if appeals from district court are decreased or eliminated.</p> <p><i>Work Intensity:</i> Medium. Stable, should not change dramatically.</p>
<b><i>Small claims</i></b>	<p><i>Volume:</i> Increase in limits to \$4000 in 10/99 will increase volume of filings. Public awareness may also increase volume.</p> <p><i>Work intensity:</i> Medium. Will remain about the same</p>
<b><u>Low work intensity Prognosis</u></b>	
<b><i>District court criminal</i></b>	<p><i>Volume:</i> Slow increases. Strongly dependent on enforcement policy of law enforcement. Will increase if enforcement is strong, decrease if not.</p> <p><i>Work intensity:</i> Low. Not likely to change</p>
<b><i>Superior court criminal</i></b>	<p><i>Volume:</i> Average increases expected. Crime trends are down which may reduce rate of increase.</p> <p><i>Work intensity:</i> Low. Stable. Not likely to change.</p>

One conclusion that can be drawn from this comparison is that while models based on volume are reliable indicators of staffing needs statewide, the allocation of staff has to take into consideration the management implications of the work being processed in the office. Where the pattern of work varies from the average substantially, then staffing levels should be adjusted to reflect this. Similarly, if some offices are more efficient or less efficient than others, this too has to be taken into consideration.

**Comparison of Relative Rankings with AOC Formula Weights**

If we compare the clerks' ranking of activities based on work intensity to the weights presently used in the AOC formula, we note that there have been some significant shifts in the work associated with various activities since the original survey of clerks was conducted in 1992. Much of this is due to new legislation, changes in procedures and a shift in public emphasis and awareness of issues like domestic violence and juvenile violence.

The following table compares the clerks' ranking of activities by work intensity and the current AOC ranking based on the weight used for the current formula. The weights reflect the average



number of filings that can be processed by a clerk. The fewer the filings per clerk, the more work-intensive is the activity. (Table 3)

Table 3  
**Comparison of Clerks' and AOC's rankings by work intensity**

	Clerks' Rankings	AOC Ranks	AOC Filings/clerk
<b><i>Very high work intensity</i></b>			
Estates	1	2	300.2
Domestic Violence	2	*	*
Juvenile Filings	3	5	676.1
<b><i>High work intensity</i></b>			
Special Proceedings	4	4	639.5
District Court Civil	5	7	1034.6
Child Support Enforcement	6	3	492.7
<b><i>Medium work intensity</i></b>			
Superior Court –civil	7	1	270.3
Small Claims	8	8	2462.5
<b><i>Low work intensity</i></b>			
District Court – criminal	9	9	5136.5
Superior Court – criminal	10	6	1012.1

\*Domestic violence is included in AOC's District Court –civil filings.

There is mixed agreement between the clerks and AOC rankings with respect to the order of work intensity. The *highest intensity level* was shared by two activities that do not match the AOC ratings. Domestic violence cases were identified as a separate activity category because of their substantial time-consuming features. The change in juvenile legislation has already shifted these matters to the most work intensive category. Estates still remain at the top of the work list for the clerks.

In the *high work intensity group* district court civil filings (even excluding domestic violence) have increased in work intensity due to an increased number of hearings and new procedures introduced by victim restitution. Child support enforcement is still considered to be high intensity even after the transfer of collection and payment duties to the DHHR.

In the *medium and low intensity work areas* there are some notable changes. A major shift occurs in superior court-civil filings. This activity is considered as the most work intensive of all activities by the AOC but only of medium work intensity by the clerks. Similarly criminal filings in superior court are considered to be the least work intensive, although they were ranked sixth by the AOC weights. It appears that despite increases in the volume of filings (e.g. small claims), the areas that the clerks define as least work intensive are those that are operationally stable, i.e. they have not changed procedurally and work is performed routinely.

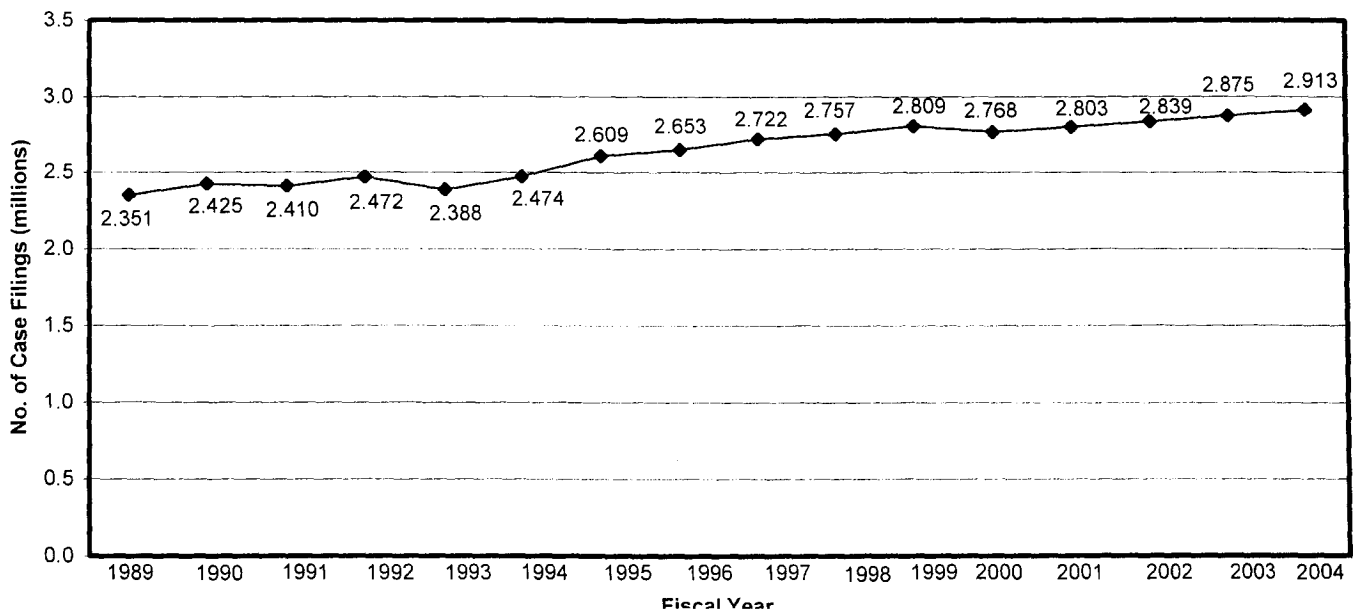
## PART II. RESOURCE ALLOCATION TRENDS AND MODELS

In this section we present the results of the analysis of the annual statistics provided by the AOC with respect to case filings and dispositions. The two sections presents the results of the analysis of trends in case filings and staffing to identify changes that may affect the clerks' workload. The last three sections presents the results of developing resource allocation models and discuss their implications.

### OVERVIEW AND TRENDS IN CASE FILING ACTIVITIES

There has been a steady increase over the past decade in the total number of case filings. As Figure 1 indicates case filings were 2.351 million in FY1989 and 2.768 million in FY2000. Based on this relatively steady annual increase, the number of filings by 2004 is projected to be 2.913 million.

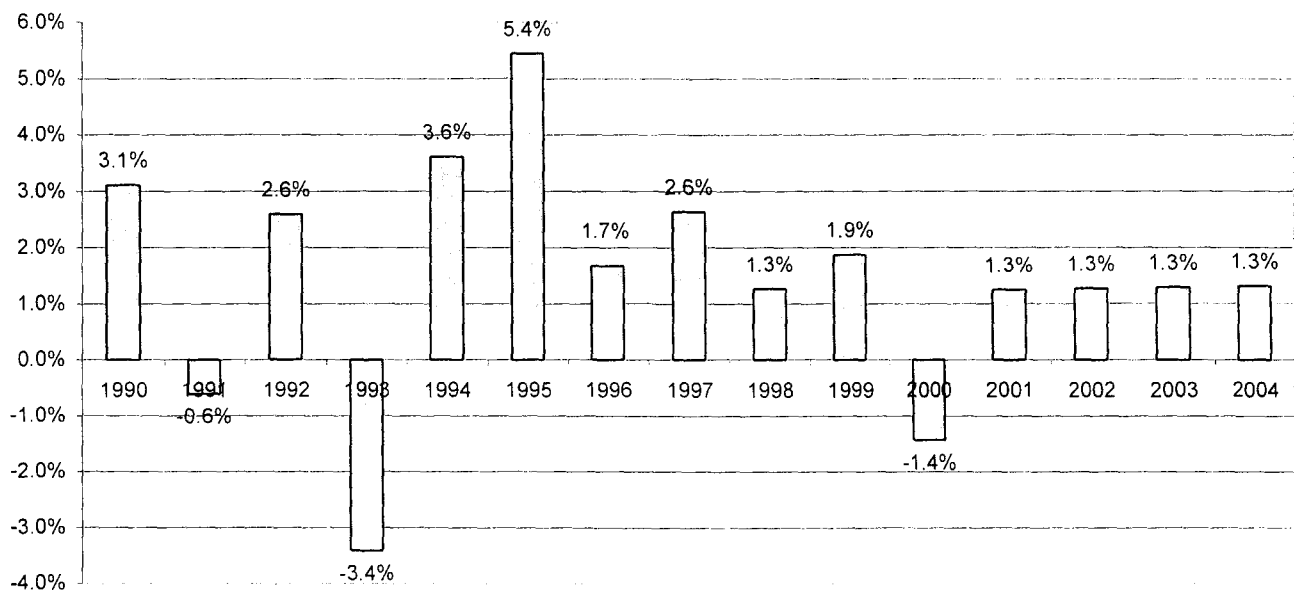
Figure 1.  
No. of Case Filings 1989-2000 and Projected 2001-2004



The overall trend in Figure 1 masks some major fluctuations in the average annual growth rates of case filings. (Figure 2). They vary from a decrease in case filings by 3.4% in 1993 to an increase of 5.4 percent in 1995. Since 1995, the rates of change have become more stable with

the exception of the year 2000 when winter weather resulted in the closing of many offices for a number of weeks. The data suggest a 1.3 percent annual increase in case filings for each year from 2001 to 2004.

**Figure 2**  
**Average Annual Rates of Change in Case Filings, 1990-2004**

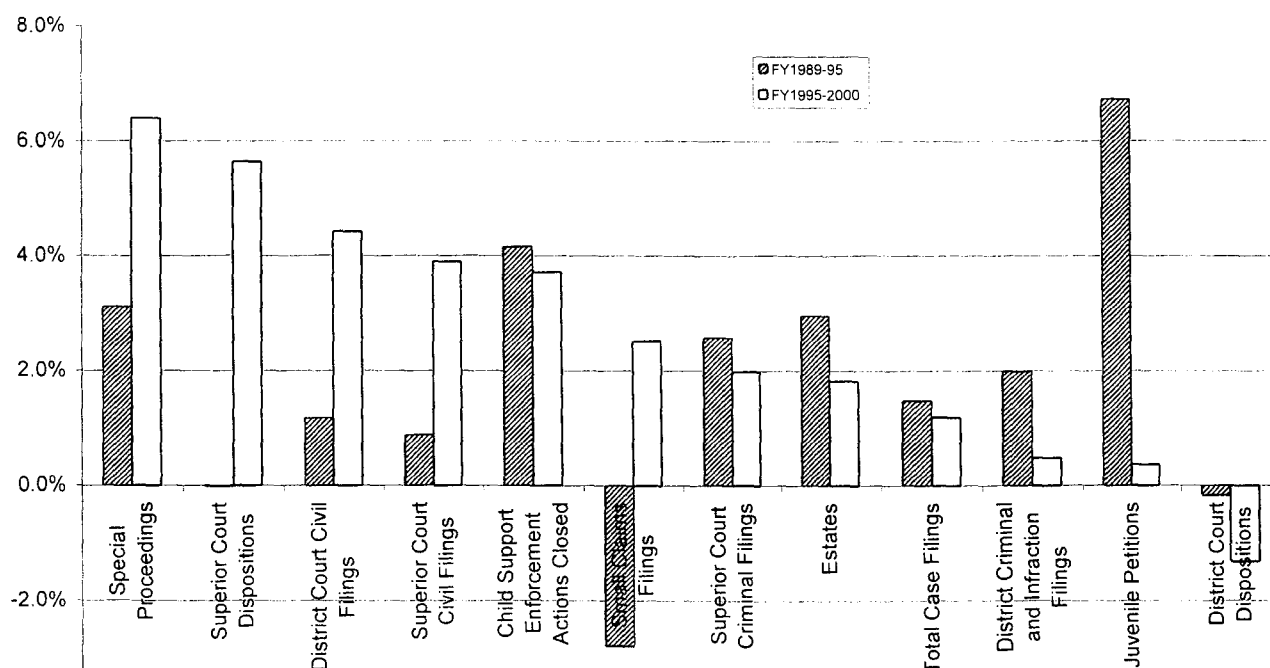


There may be other explanations for the fluctuations seen in the annual rates of change in addition to just changes in volume. Some variation may be caused by inconsistencies in reporting procedures among the clerks. Other shifts may be created by inaccuracies in AOC's data collection or entry since some parts of the system are not automated, e.g. juvenile records. Thus the variations may be due to a combination of these three factors and perhaps others. To the extent that these fluctuations are due to errors in measurements, there should be concern about how these data are used in the formula.

A more stable comparison is obtained if we compare the annual average rates of change in activities over five year periods – i.e. compare the average rates of change in the first five years of the 1990s with the last five years. Figure 3 indicates that there are still some substantial shifts and changes not merely in the volume of work but additionally, in the distribution of work being performed by the clerks.

The most dramatic increases occurred in **special proceedings** and **superior court dispositions**. Figure 3 shows that special proceedings rate of growth increased three percent for the earlier five year period and more than doubled to 6.4 percent for the latest five year period. In like manner, the earlier period between 1989 and 1995 noted no growth in superior court dispositions while the latest period shows an average annual rate of growth of 5.7 percent.

**Figure 3**  
Average Annual Rates of Change for FY1989-1995 and FY1995-2000 by Activity



Also experiencing increasing growth rates in the most recent five-year period relative to the earlier period were: **civil filings** in both superior court and district court and **child support enforcement actions**. Filings for **small claims** shifted from decreasing rates of growth to an average annual growth rate of 2.5 percent in the latest five-year period.

The rate of change for **juvenile petitions** decreased dramatically in this latest period, showing an average growth rate of 0.4 percent in the latest period as compared to 6.7 percent in the earlier years. **District court dispositions** (down 1.3 percent) continued to show declining rates of growth. Table 3 presents the average annual growth rate comparisons.

Table 3  
Average Rates of Change  
for FY1989-95 and FY 1995-2000 by Activity

	Average Rates of Change	
	FY1989-95	FY1995-2000
Special Proceedings	3.1%	6.4%
Superior Court Dispositions	0.0%	5.7%
District Court Civil Filings	1.2%	4.4%
Superior Court Civil Filings	0.9%	3.9%
Child Support Enforcement Actions Closed	4.2%	3.7%
Small Claims Filings	-2.8%	2.5%
Superior Court Criminal Filings	2.6%	2.0%
Estates	3.0%	1.8%
Total Case Filings	1.5%	1.2%
District Criminal and Infraction Filings	2.0%	0.5%
Juvenile Petitions	6.7%	0.4%
District Court Dispositions	-0.2%	-1.3%

We note that the latest five-year period is less volatile than was observed in the earlier period. This suggests that the clerks' concerns that the fluctuations in rates of change are due to factors other than actual changes in volume may have some merit. However, if the data are accurate, they have some serious management implications.

### **Implications**

The fluctuations in case filings suggest that the clerks' workload is not stable. Changes in the types of filings require clerks to respond not only to the volume of work but also to the type of work. The management implications are obvious – staff assignments have to be changed. The impact is of particular concern for the smaller offices since they have fewer resources available to shift.

To be effective in responding to a changing environment, clerks need to be aware that they can be affected by changes both in volume and type of filing. Clerks need to have a mechanism that can regularly monitor changes in activities and produce annual forecasts of filings by type of activity. They also may need technical assistance in deciding the best ways to respond to changes in the distribution of work.

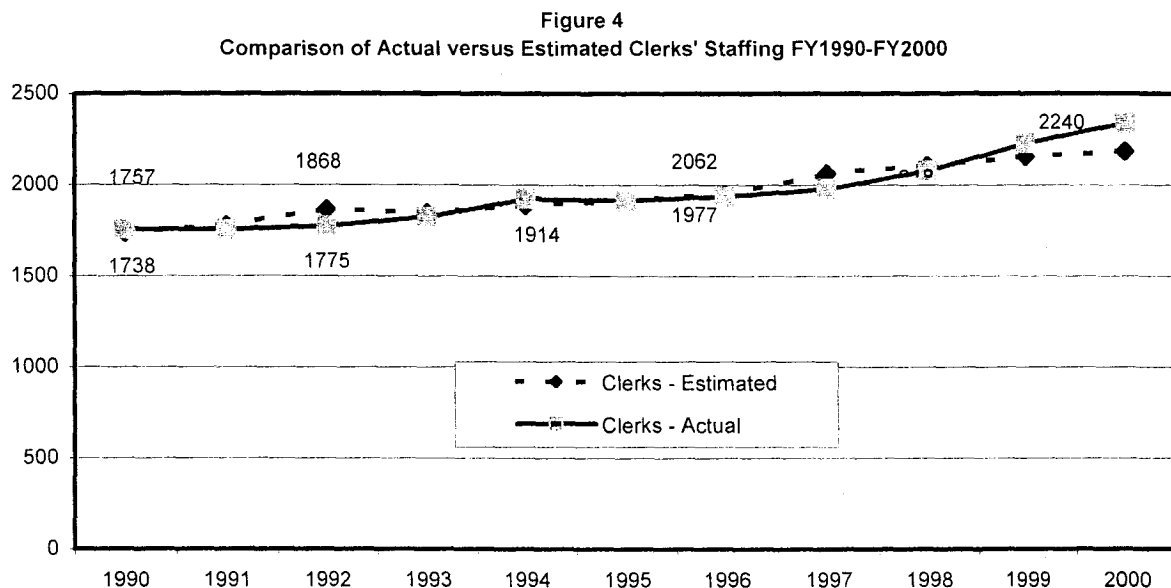
### **TRENDS IN STAFFING AND WORK ACTIVITY**

The study examined staffing data from FY 1989 to FY 2000. We estimated the staffing needed by the clerks if they were to maintain the same ratio of filings to staff that they had in 1989. We then compared these estimated figures with actual staffing. Finally, based on this 10-year period, we projected staffing needs to FY 2004.

With few exceptions, the number of clerk positions has kept pace with the number estimated from the FY1989 ratio of workload to staff. *This is not to say that 1989 represents the optimal workload ratio. It only says that compared to 1989, the ratio of workload to staff has not deteriorated over time.* It also should be noted that the increase given in 1998 was to address changes in legislation. These positions should be considered over and above what we forecast.

Figure 4 shows the number of clerk positions compared to those estimated from the FY1989 workload to staff ratio. The number of positions has increased over the ten-year period from 1,667 positions in 1989 to 2,240 in 2000. Projections estimate that by 2004 the number of positions will increase to 2,441 (Table 4).

However, if we look at how staff positions are allocated to the clerks annually, a different story emerges -- one that places the clerks at a distinct disadvantage in conducting their work.



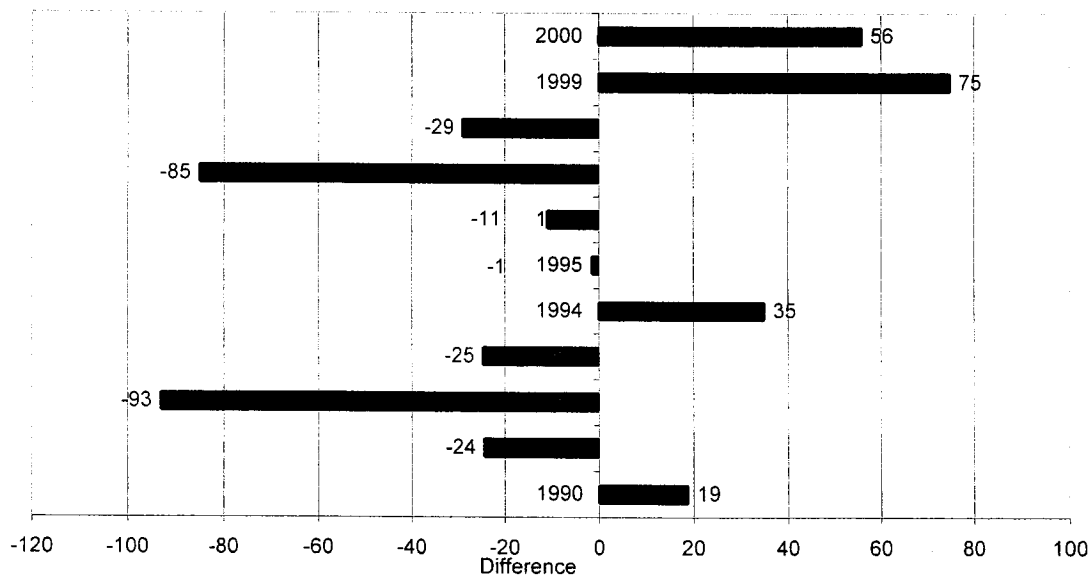
Historically, the authorization for new positions has not been stable even though the estimated number of new positions needed annually has remained in the range of 40 - 45 positions.

The yearly differences between the clerks' actual staffing and what they should be working with based on the 1989 workload shift drastically from year to year. In some years they are understaffed and in other years, overstaffed. (Figure 5)

For example, in 1990 clerks had 19 more positions than what the workload ratio estimated; but two years later, in 1992, they were 93 positions short. This "understaffing" continued until 1994 when they went over by 35 positions. A negative trend continued until 1999.

A comparison of the number of positions needed annually based on the 1989 workload to staff ratio with what they actually had documents this variation (*Table 4*). If we assume that the 143 positions provided in 1998 were to address legislative changes, then the +75 positions in 1999 actually reflects a deficit of 118 positions. This situation was overcome in 2000 when increases in actual staff positions created a difference of 163 positions.

**Figure 5**  
**Difference Between Actual and Estimated Number of Clerks Needed Annually**  
**FY1990-FY2000**



Based on the trend data, we projected total case filings by type for the period 2000-2004, estimated the number of staff positions needed and calculated the number of new positions that would be needed annually during this time period.



Table 4 shows that additional positions will be needed each year in the five-year period from 2001-2004 just to keep up with the workload ratio established in 1989. The number of new positions ranges from 62 in 2001 to 71 in 2004.

Table 4  
Staff Requirements, Actual and Estimated, 1989-2004

Fiscal Year	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
No. of Clerks	1667	1757	1757	1775	1825	1925	1914	1939	1977	2079	2227	2240	<i>New Positions</i>			
Clerks - Est. from FY89 Base	n/a	1738	1781	1868	1850	1890	1915	1950	2062	2108	2152	2184	2246	2310	2377	2448
Difference		19	-24	-93	-25	35	-1	-11	-85	-29	75	56	62	64	67	71

We noted earlier that the activities conducted by the clerks are also subject to increases or decreases in volume. Based on the annual rates of change, we can project how the new positions estimated for 2001-2004 should be allocated by the various activity areas. Table 5 shows the distribution of positions based on projected filings. District court filings (criminal and civil) require the highest proportion of the new positions followed by special proceedings. Only district court dispositions show a negative (decreasing) need for new positions. Child support enforcement activities remain unchanged with no additional positions needed.

Table 5  
Distribution of New Clerk Positions based on projected activities, FY 2001-04

Activities	2001	2002	2003	2004
	New Clerks	New Clerks	New Clerks	New Clerks
<b>Estates</b>	4	4	4	4
<b>Special Proceedings</b>	8	8	9	9
<b>Juvenile Petitions</b>	0	0	0	0
<b>Superior Court Dispositions</b>	7	7	8	8
<b>District Court Dispositions</b>	-2	-2	-2	-2
<b>Superior Court Criminal Filings</b>	3	3	3	3
<b>District Criminal and Infraction Filings</b>	2	2	2	2
<b>Superior Court Civil Filings</b>	4	4	4	4
<b>District Court Civil Filings</b>	8	8	9	9
<b>Small Claims Filings</b>	3	3	3	3
<b>Child Support Enforcement Actions Closed</b>	7	7	7	8
<b>Total Case Filings</b>	2	2	2	2
<b>Total Positions</b>	43	45	47	49

### **Implications**

The analysis of the trends in staffing and work suggest that in most years the clerks are on a roller coaster, swinging back and forth between enough and too little staff, in general, playing catch-up. Because of this volatility, clerks find that managing their resources and assigning staff to various activities are unnecessarily difficult.

Simply stabilizing the appropriation process for funding new positions would alleviate many staffing and management problems and allow for the more efficient delivery of services. The issue is not that the clerks are systematically understaffed (or even overstaffed); it is that the legislative process does not provide new positions as they are needed.

A more timely authorization process for new positions based on workload projections is clearly needed. It is imperative that a more strategic view to staffing the clerks' offices be put in place. In its absence, the delivery of services to North Carolina residents will be less timely and/or less efficient.

### **TESTING FOR DIFFERENCES IN STAFFING BASED ON SIZE OF OFFICE**

It was thought that the size of the office would be an indicator of differences in activities that would affect staffing requirements. Based on statistical analysis, five relatively homogeneous groups were identified having the following size characteristics. (*Table 6*)

Table 6  
**Characteristics of Office Groups**

Group	Office size	No. Offices
1	3-6.75	17
2	7-15	34
3	16-39	38
4	40-99	8
5	100+	3

As part of the baseline survey, the clerks distributed their staff by the percent of time they spent on various activities. We examined how staff were assigned in the groups expecting that the patterns would differ among them. With the exception of group 5 (the three largest offices) the pattern of assignment among the groups was very similar. Additionally, we had published data

from the AOC reporting the staff assignments that were used in the weighted caseload formula. This is shown in the last row of the table. (*Table 7*)

Table 7  
Percent of Staff Assigned to Various Activities by Group

	Percent of Staff						
Group	Average Clerk Personnel	Estates	Special Proceeding	Juvenile	District Criminal & Infraction	Small Claims	Child Support Enforcement
1	4.1	7.2%	4.5%	3.4%	13.7%	5.2%	8.4%
2	9.0	8.7%	5.3%	3.5%	16.3%	5.1%	7.9%
3	20.6	8.1%	4.3%	3.2%	17.7%	5.4%	8.0%
4	47.7	7.9%	4.2%	2.9%	19.9%	5.1%	7.6%
5	105.7	8.3%	2.4%	2.7%	22.0%	2.8%	5.1%
AOC 98	2195.5	8.2%	4.2%	2.8%	17.9%	5.0%	8.2%

The different pattern of assignments to activity areas reported by Group 5, the three largest offices in the state, could be explained by factors that affect large offices more than smaller offices. The lack of automation in the district court and for traffic cases may substantially increase Group 5's need for staffing in these high volume areas. As a result, one interpretation of Group 5's assignment pattern is that they "steal" resources from other areas such as special proceedings, juvenile and small claims to provide the services needed in district court. Unfortunately, until measures about the time from filing to disposition are collected, we will not be able to reach a more satisfactory interpretation than this.

The AOC assignment pattern established with 1998 data is not dissimilar to the ones reported by the groups (with the exception of the 3 largest offices).

### Implications

With the exception of the three largest offices (Group 5) there appears to be little difference in work assignments among offices based on size of office. This suggests that specialization and/or automation may not be producing gains in efficiency or productivity. It is particularly surprising to find relatively higher staff assignments in the high volume areas of the largest offices. These findings produce more questions than answers.

## USING MODELS TO ESTIMATE STAFFING REQUIREMENTS

The present AOC formula includes some 13 factors for estimating staffing needs. Most of these are highly inter-correlated (usually well above 0.9). This means that there are many factors that do not add to the explanatory power of the formula or more precisely predict the number of staff needed. In addition, some of them are measured with some precision (such as superior court case filings) while others are highly variable in quality.

Using a subset of the factors presently reported to the AOC, it is possible to develop a simpler model that explains 99.1 percent of all the differences in staffing among the offices. This model is based on four factors. They are:

1. The number of **district court criminal non-motor vehicle filings**
2. The number of **district court civil filings**
3. The number of **estates** processed
4. The number of **superior courtroom dispositions**.

The reasonableness of this model stems from the fact that the largest volume of work in all offices emanates from district court (both civil and non-motor vehicle criminal). Estates reflect the judicial function of the clerk which is recognized as being among the most time-consuming and complex of all their duties. Finally superior court dispositions are indicators of the amount of time expended by the clerks in the courtroom on time-consuming serious criminal and civil matters that reach the courtroom. The factors, in sum, reflect three primary dimensions of the clerks' work, i.e. volume, complexity and manning courtrooms.

All other factors used in the present AOC formula were added into the model to examine whether they could add to the accuracy and efficiency of its predictions. None provided anything of importance beyond the above four factors. Thus we recommend using these four factors (along with a constant term) to predict individual office staff size and statewide needs. (See Appendix A)

Table 8 compares the actual staffing that existed in FY00 with the number of staff predicted by the new model. This table is in alphabetical order by county. Table 9 presents the same results but the information is ranked from the most seriously understaffed (displayed as negative numbers) to the most overstaffed (positive numbers).

Table 8  
Comparison between FY00 Actual and Predicted Staffing by County and Group Size

GROUP	COUNTY	Actual Staff	Predicted Staff	Difference	GROUP	COUNTY	Actual Staff	Predicted Staff	Difference
3	Alamance	37.00	36.88	.12	3	Johnston	29.00	29.06	-.06
2	Alexander	9.00	10.18	-1.18	1	Jones	5.75	5.66	.09
1	Alleghany	3.75	6.50	-2.75	3	Lee	18.00	17.82	.18
2	Anson	10.75	10.40	.35	3	Lenoir	23.00	21.23	1.77
2	Ashe	7.00	7.88	-.88	2	Lincoln	13.50	15.39	-1.89
2	Avery	7.00	7.74	-.74	1	Macon	6.00	9.22	-3.22
3	Beaufort	18.75	17.63	1.12	1	Madison	6.75	7.38	-.63
2	Bertie	10.00	8.63	1.37	2	Martin	11.00	9.45	1.55
2	Bladen	15.00	12.50	2.50	2	McDowell	13.00	12.63	.37
3	Brunswick	18.00	22.52	-4.52	5	Mecklenburg	138.75	143.82	-5.07
4	Buncombe	56.00	61.40	-5.40	1	Mitchell	6.00	6.97	-.97
3	Burke	25.00	21.10	3.90	2	Montgomery	10.75	10.90	-.15
3	Cabarrus	32.00	31.88	.12	3	Moore	20.75	21.33	-.58
3	Caldwell	25.00	21.04	3.96	3	Nash	32.00	28.69	3.31
1	Camden	4.50	4.67	-.17	4	New Hanover	45.75	49.95	-4.20
3	Carteret	19.00	20.59	-1.59	2	Northampton	10.00	9.34	.66
2	Caswell	8.00	8.12	-.12	3	Onslow	38.00	34.79	3.21
3	Catawba	35.00	36.05	-1.05	3	Orange	24.00	21.69	2.31
2	Chatham	13.00	12.61	.39	1	Pamlico	4.00	6.77	-2.77
2	Cherokee	8.00	8.68	-.68	2	Pasquotank	12.00	12.42	-.42
2	Chowan	8.00	6.84	1.16	2	Pender	11.75	12.51	-.76
1	Clay	3.75	5.21	-1.46	1	Perquimans	6.00	5.60	.40
3	Cleveland	30.00	25.46	4.54	2	Person	14.00	13.21	.79
3	Columbus	21.00	18.85	2.15	4	Pitt	40.00	41.09	-1.09
3	Craven	27.00	27.35	-.35	1	Polk	5.75	7.61	-1.86
4	Cumberland	69.00	71.61	-2.61	3	Randolph	29.75	27.11	2.64
2	Currituck	7.00	7.40	-.40	3	Richmond	17.75	20.33	-2.58
2	Dare	15.00	12.74	2.26	4	Robeson	45.00	42.61	2.39
3	Davidson	35.75	36.73	-.98	3	Rockingham	29.00	26.62	2.38
2	Davie	10.75	11.85	-1.10	3	Rowan	31.00	33.31	-2.31
3	Duplin	16.00	14.22	1.78	3	Rutherford	19.00	19.43	-.43
4	Durham	59.25	54.34	4.91	3	Sampson	19.75	17.84	1.91
3	Edgecombe	25.00	20.39	4.61	3	Scotland	16.75	16.56	.19
4	Forsyth	82.00	78.68	3.32	3	Stanly	16.75	16.40	.35
2	Franklin	13.50	13.98	-.48	2	Stokes	11.75	13.13	-1.38
4	Gaston	52.00	57.47	-5.47	3	Surry	20.00	21.81	-1.81
1	Gates	3.75	5.83	-2.08	1	Swain	5.75	5.89	-.14
1	Graham	4.00	5.64	-1.64	2	Transylvania	9.00	9.77	-.77
3	Granville	16.75	15.63	1.12	1	Tyrrell	4.00	4.31	-.31
1	Greene	6.00	6.79	-.79	3	Union	27.00	23.98	3.02
5	Guilford	122.00	119.37	2.63	3	Vance	19.00	18.32	.68
3	Halifax	22.75	19.16	3.59	5	Wake	113.00	109.58	3.42
3	Harnett	22.00	25.65	-3.65	2	Warren	8.00	8.58	-.58
2	Haywood	15.00	16.17	-1.17	2	Washington	7.00	6.42	.58
3	Henderson	23.00	22.69	.31	2	Watauga	11.00	12.27	-1.27
2	Hertford	11.75	10.69	1.06	3	Wayne	34.75	32.78	1.97
2	Hoke	10.00	10.56	-.56	3	Wilkes	20.75	19.19	1.56
1	Hyde	3.00	4.87	-1.87	3	Wilson	26.00	25.77	.23
3	Iredell	31.75	32.44	-.69	2	Yadkin	9.75	9.92	-.17
2	Jackson	8.00	10.19	-2.19	1	Yancey	6.00	7.24	-1.24

Table 9  
Ranked Difference between Predicted and Actual FY00 Staff

GROUP	COUNTY	Actual Staff	Predicted Staff	Difference	GROUP	COUNTY	Actual Staff	Predicted Staff	Difference
4	Gaston	52.00	57.47	-5.47	2	Montgomery	10.75	10.90	-.15
4	Buncombe	56.00	61.40	-5.40	1	Swain	5.75	5.89	-.14
5	Mecklenburg	138.75	143.82	-5.07	2	Caswell	8.00	8.12	-.12
3	Brunswick	18.00	22.52	-4.52	3	Johnston	29.00	29.06	-.06
4	New Hanover	45.75	49.95	-4.20	1	Jones	5.75	5.66	.09
3	Harnett	22.00	25.65	-3.65	3	Alamance	37.00	36.88	.12
1	Macon	6.00	9.22	-3.22	3	Cabarrus	32.00	31.88	.12
1	Pamlico	4.00	6.77	-2.77	3	Lee	18.00	17.82	.18
1	Alleghany	3.75	6.50	-2.75	3	Scotland	16.75	16.56	.19
4	Cumberland	69.00	71.61	-2.61	3	Wilson	26.00	25.77	.23
3	Richmond	17.75	20.33	-2.58	3	Henderson	23.00	22.69	.31
3	Rowan	31.00	33.31	-2.31	2	Anson	10.75	10.40	.35
2	Jackson	8.00	10.19	-2.19	3	Stanly	16.75	16.40	.35
1	Gates	3.75	5.83	-2.08	2	McDowell	13.00	12.63	.37
2	Lincoln	13.50	15.39	-1.89	2	Chatham	13.00	12.61	.39
1	Hyde	3.00	4.87	-1.87	1	Perquimans	6.00	5.60	.40
1	Polk	5.75	7.61	-1.86	2	Washington	7.00	6.42	.58
3	Surry	20.00	21.81	-1.81	2	Northampton	10.00	9.34	.66
1	Graham	4.00	5.64	-1.64	3	Vance	19.00	18.32	.68
3	Carteret	19.00	20.59	-1.59	2	Person	14.00	13.21	.79
1	Clay	3.75	5.21	-1.46	2	Hertford	11.75	10.69	1.06
2	Stokes	11.75	13.13	-1.38	3	Granville	16.75	15.63	1.12
2	Watauga	11.00	12.27	-1.27	3	Beaufort	18.75	17.63	1.12
1	Yancey	6.00	7.24	-1.24	2	Chowan	8.00	6.84	1.16
2	Alexander	9.00	10.18	-1.18	2	Bertie	10.00	8.63	1.37
2	Haywood	15.00	16.17	-1.17	2	Martin	11.00	9.45	1.55
2	Davie	10.75	11.85	-1.10	3	Wilkes	20.75	19.19	1.56
4	Pitt	40.00	41.09	-1.09	3	Lenoir	23.00	21.23	1.77
3	Catawba	35.00	36.05	-1.05	3	Duplin	16.00	14.22	1.78
3	Davidson	35.75	36.73	-.98	3	Sampson	19.75	17.84	1.91
1	Mitchell	6.00	6.97	-.97	3	Wayne	34.75	32.78	1.97
2	Ashe	7.00	7.88	-.88	3	Columbus	21.00	18.85	2.15
1	Greene	6.00	6.79	-.79	2	Dare	15.00	12.74	2.26
2	Transylvania	9.00	9.77	-.77	3	Orange	24.00	21.69	2.31
2	Pender	11.75	12.51	-.76	3	Rockingham	29.00	26.62	2.38
2	Avery	7.00	7.74	-.74	4	Robeson	45.00	42.61	2.39
3	Iredell	31.75	32.44	-.69	2	Bladen	15.00	12.50	2.50
2	Cherokee	8.00	8.68	-.68	5	Guilford	122.00	119.37	2.63
1	Madison	6.75	7.38	-.63	3	Randolph	29.75	27.11	2.64
3	Moore	20.75	21.33	-.58	3	Union	27.00	23.98	3.02
2	Warren	8.00	8.58	-.58	3	Onslow	38.00	34.79	3.21
2	Hoke	10.00	10.56	-.56	3	Nash	32.00	28.69	3.31
2	Franklin	13.50	13.98	-.48	4	Forsyth	82.00	78.68	3.32
3	Rutherford	19.00	19.43	-.43	5	Wake	113.00	109.58	3.42
2	Pasquotank	12.00	12.42	-.42	3	Halifax	22.75	19.16	3.59
2	Currituck	7.00	7.40	-.40	3	Burke	25.00	21.10	3.90
3	Craven	27.00	27.35	-.35	3	Caldwell	25.00	21.04	3.96
1	Tyrrell	4.00	4.31	-.31	3	Cleveland	30.00	25.46	4.54
1	Camden	4.50	4.67	-.17	3	Edgecombe	25.00	20.39	4.61
2	Yadkin	9.75	9.92	-.17	4	Durham	59.25	54.34	4.91

We examined the groups to see whether there were group differences that were substantial. For example, the largest offices, on the average, were slightly overstaffed and the smallest offices were understaffed. As Table 10 indicates the smallest offices are about 1.3 persons understaffed and group 4, the medium to large offices are understaffed by about one person. This finding for small offices is particularly important since small offices are the most vulnerable to changes in workload and loss of staff. It appears that the minimum staff size needed by small offices to adequately provide services should be four of four and a half positions in addition to the clerk

Table 10

**Average Difference FY00 between  
Actual and Predicted Staff by Group Size**

Group	Office size	Average Difference
1	3-6.75	-1.3
2	7-15	-0.1
3	16-39	0.8
4	40-99	-1.0
5	100+	0.3

### Implications

Predictive models are handy tools for long-range, statewide planning and budgeting. They allow one to evaluate the distribution of staff between counties. However, when they are used to predict the staffing needs of individual offices, they are based on a set of assumptions that may not always be appropriate.

This predictive model is based on the volume of four types of activities and a constant term.

1. The number of district court criminal, non-motor vehicle filings
2. The number of district court civil filings
3. The number of estates processed
4. The number of superior courtroom dispositions.

The model assumes that all offices are operating at the same levels of efficiency and service. As a result, if the model predicts a shortage in staffing for a particular office, we could interpret this finding in one of three ways. (1) There may be a real shortage; (2) the office may be more efficient than other offices and therefore uses fewer resources; or (3) the office may be offering fewer services or a lower level of service and thus, doesn't need more staff.

If the model predicts an overstaffing situation, it may not be real. An example of this situation could occur when an office provides a higher level of service that requires more staff than the average office. Another situation may occur when an office appears to be overstaffed but in reality is inefficient and needs additional personnel to provide mandated services. It is important to remember that the model always assumes average conditions across all offices.

The model also does not address different office environments. For example, if an office has to man more than one court location in the county, there is an added administrative burden on the office. Similarly if the office is poorly managed, exists within a hostile court environment, or assumes additional work that in other courthouses are not performed by clerks, these factors will not be considered by the model. For example in one clerk's office juvenile petitions may be completed by juvenile counselors while in other offices, the clerk prepares these petitions.

Since we do not have measures of efficiency, management or levels of service at this time, it is important that these factors be recognized and taken into consideration when individual office differences between actual and predicted staffing are examined. This also implies there may be a need for service level standards and technical assistance.

#### **ACTUAL OR OPTIMAL STAFFING**

There are two ways of measuring staff size. Different sets of weights are produced depending on which measure is used.

The results previously presented in Tables 8 and 9 are based on the **actual** size of the offices in FY00. If we use these "actual" figures to produce weights for the formula, we need to recognize that the results do not take into consideration whether an office is currently staffed properly. The resulting formula will develop weights for each of the factors based on the assumption that all offices are operating at similar capacities.

If we substitute the number of positions the clerks reported they needed to be efficient, instead of their actual staff, we can produce a second formula (or model) still based on the same four factors. This model predicts staffing needs based on the "optimal" size of the offices. The number of positions was collected in the baseline survey when the clerks were asked to state the number of positions they needed to run their offices' efficiently.

If we use these "optimal" staffing figures for the model, we can reduce the problems of over- and under-staffing because we assume that understaffed offices would add additional staff and over-



staffed offices would not. We prefer the optimal model because of this benefit. However, this is an issue for the clerks to decide since either approach is statistically valid.

Table 11 compares the optimal staffing that existed in FY00 with the number of staff predicted by the new model. This table is in alphabetical order by county. Table 12 presents the same results but the information is ranked from the most seriously understaffed (displayed as negative numbers) to the most overstaffed (positive numbers).

Table 11  
Comparison between FY00 Optimal and Predicted Staff

GROUP	COUNTY	Optimal Staff	Predicted Staff	Difference	GROUP	COUNTY	Optimal Staff	Predicted Staff	Difference
3	Alamance	38.00	39.24	-1.24	3	Johnston	36.00	31.20	4.80
2	Alexander	9.00	11.15	-2.15	1	Jones	6.50	6.29	.21
1	Alleghany	4.00	7.17	-3.17	3	Lee	18.00	19.32	-1.32
2	Anson	13.00	11.49	1.51	3	Lenoir	24.00	22.85	1.15
2	Ashe	7.00	8.52	-1.52	2	Lincoln	17.00	16.47	.53
2	Avery	8.00	8.56	-.56	1	Macon	7.00	9.98	-2.98
3	Beaufort	19.00	18.87	.13	1	Madison	7.00	8.07	-1.07
2	Bertie	10.00	9.36	.64	2	Martin	11.00	10.25	.75
2	Bladen	18.00	13.65	4.35	2	McDowell	15.00	13.82	1.18
3	Brunswick	19.00	23.99	-4.99	5	Mecklenburg	150.00	154.68	-4.68
4	Buncombe	55.00	65.44	-10.44	1	Mitchell	8.00	7.65	.35
3	Burke	26.00	22.52	3.48	2	Montgomery	12.00	11.97	.03
3	Cabarrus	36.00	34.07	1.93	3	Moore	21.00	22.59	-1.59
3	Caldwell	27.00	22.64	4.36	3	Nash	32.00	31.04	.96
1	Camden	5.00	5.28	-.28	4	New Hanover	54.00	53.96	.04
3	Carteret	23.00	21.88	1.12	2	Northampton	9.00	10.17	-1.17
2	Caswell	10.00	8.89	1.11	3	Onslow	42.00	37.71	4.29
3	Catawba	39.00	38.54	.46	3	Orange	25.00	23.07	1.93
2	Chatham	15.00	13.43	1.57	1	Pamlico	5.00	7.52	-2.52
2	Cherokee	9.00	9.44	-.44	2	Pasquotank	14.00	13.52	.48
2	Chowan	9.00	7.51	1.49	2	Pender	12.00	13.66	-1.66
1	Clay	4.00	5.82	-1.82	1	Perquimans	6.00	6.20	-.20
3	Cleveland	31.00	27.28	3.72	2	Person	14.00	14.37	-.37
3	Columbus	21.00	20.48	.52	4	Pitt	40.00	44.44	-4.44
3	Craven	29.00	29.51	-.51	1	Polk	6.00	8.24	-2.24
4	Cumberland	69.00	77.36	-8.36	3	Randolph	30.00	28.85	1.15
2	Currituck	7.00	8.20	-1.20	3	Richmond	20.00	22.17	-2.17
2	Dare	15.00	13.80	1.20	4	Robeson	47.00	46.33	.67
3	Davidson	42.00	39.30	2.70	3	Rockingham	30.00	28.24	1.76
2	Davie	11.00	12.85	-1.85	3	Rowan	31.00	35.29	-4.29
3	Duplin	16.00	15.26	.74	3	Rutherford	20.00	20.72	-.72
4	Durham	62.50	58.25	4.25	3	Sampson	22.00	19.24	2.76
3	Edgecombe	26.00	22.17	3.83	3	Scotland	17.00	18.13	-1.13
4	Forsyth	90.00	84.54	5.46	3	Stanly	21.00	17.54	3.46
2	Franklin	16.00	15.23	.77	2	Stokes	15.00	14.07	.93
4	Gaston	54.00	61.91	-7.91	3	Surry	21.00	23.36	-2.36
1	Gates	4.00	6.46	-2.46	1	Swain	7.00	6.64	.36
1	Graham	4.00	6.32	-2.32	2	Transylvania	9.00	10.52	-1.52
3	Granville	17.00	16.94	.06	1	Tyrrell	4.00	4.91	-.91
1	Greene	6.00	7.50	-1.50	3	Union	32.00	25.76	6.24
5	Guilford	136.00	128.53	7.47	3	Vance	19.00	19.99	-.99
3	Halifax	25.00	20.70	4.30	5	Wake	119.00	117.71	1.29
3	Harnett	23.00	27.67	-4.67	2	Warren	8.00	9.36	-1.36
2	Haywood	19.00	17.32	1.68	2	Washington	8.00	7.11	.89
3	Henderson	23.00	23.98	-.98	2	Watauga	11.00	13.20	-2.20
2	Hertford	15.00	11.63	3.37	3	Wayne	40.00	35.20	4.80
2	Hoke	12.00	11.59	.41	3	Wilkes	23.00	20.81	2.19
1	Hyde	3.00	5.48	-2.48	3	Wilson	29.00	27.84	1.16
3	Iredell	34.00	34.72	-.72	2	Yadkin	10.00	10.64	-.64
2	Jackson	10.00	11.10	-1.10	1	Yancey	6.00	7.83	-1.83

Table 12  
Ranked Differences between Predicted and Optimal FY00 staff

GROUP	COUNTY	Optimal Staff	Predicted Staff	Difference	GROUP	COUNTY	Optimal Staff	Predicted Staff	Difference
4	Buncombe	55.00	65.44	-10.44	3	Beaufort	19.00	18.87	.13
4	Cumberland	69.00	77.36	-8.36	1	Jones	6.50	6.29	.21
4	Gaston	54.00	61.91	-7.91	1	Mitchell	8.00	7.65	.35
3	Brunswick	19.00	23.99	-4.99	1	Swain	7.00	6.64	.36
5	Mecklenburg	150.00	154.68	-4.68	2	Hoke	12.00	11.59	.41
3	Harnett	23.00	27.67	-4.67	3	Catawba	39.00	38.54	.46
4	Pitt	40.00	44.44	-4.44	2	Pasquotank	14.00	13.52	.48
3	Rowan	31.00	35.29	-4.29	3	Columbus	21.00	20.48	.52
1	Alleghany	4.00	7.17	-3.17	2	Lincoln	17.00	16.47	.53
1	Macon	7.00	9.98	-2.98	2	Bertie	10.00	9.36	.64
1	Pamlico	5.00	7.52	-2.52	4	Robeson	47.00	46.33	.67
1	Hyde	3.00	5.48	-2.48	3	Duplin	16.00	15.26	.74
1	Gates	4.00	6.46	-2.46	2	Martin	11.00	10.25	.75
3	Surry	21.00	23.36	-2.36	2	Franklin	16.00	15.23	.77
1	Graham	4.00	6.32	-2.32	2	Washington	8.00	7.11	.89
1	Polk	6.00	8.24	-2.24	2	Stokes	15.00	14.07	.93
2	Watauga	11.00	13.20	-2.20	3	Nash	32.00	31.04	.96
3	Richmond	20.00	22.17	-2.17	2	Caswell	10.00	8.89	1.11
2	Alexander	9.00	11.15	-2.15	3	Carteret	23.00	21.88	1.12
2	Davie	11.00	12.85	-1.85	3	Randolph	30.00	28.85	1.15
1	Yancey	6.00	7.83	-1.83	3	Lenoir	24.00	22.85	1.15
1	Clay	4.00	5.82	-1.82	3	Wilson	29.00	27.84	1.16
2	Pender	12.00	13.66	-1.66	2	McDowell	15.00	13.82	1.18
3	Moore	21.00	22.59	-1.59	2	Dare	15.00	13.80	1.20
2	Ashe	7.00	8.52	-1.52	5	Wake	119.00	117.71	1.29
2	Transylvania	9.00	10.52	-1.52	2	Chowan	9.00	7.51	1.49
1	Greene	6.00	7.50	-1.50	2	Anson	13.00	11.49	1.51
2	Warren	8.00	9.36	-1.36	2	Chatham	15.00	13.43	1.57
3	Lee	18.00	19.32	-1.32	2	Haywood	19.00	17.32	1.68
3	Alamance	38.00	39.24	-1.24	3	Rockingham	30.00	28.24	1.76
2	Currituck	7.00	8.20	-1.20	3	Cabarrus	36.00	34.07	1.93
2	Northampton	9.00	10.17	-1.17	3	Orange	25.00	23.07	1.93
3	Scotland	17.00	18.13	-1.13	3	Wilkes	23.00	20.81	2.19
2	Jackson	10.00	11.10	-1.10	3	Davidson	42.00	39.30	2.70
1	Madison	7.00	8.07	-1.07	3	Sampson	22.00	19.24	2.76
3	Vance	19.00	19.99	-.99	2	Hertford	15.00	11.63	3.37
3	Henderson	23.00	23.98	-.98	3	Stanly	21.00	17.54	3.46
1	Tyrrell	4.00	4.91	-.91	3	Burke	26.00	22.52	3.48
3	Iredell	34.00	34.72	-.72	3	Cleveland	31.00	27.28	3.72
3	Rutherford	20.00	20.72	-.72	3	Edgecombe	26.00	22.17	3.83
2	Yadkin	10.00	10.64	-.64	4	Durham	62.50	58.25	4.25
2	Avery	8.00	8.56	-.56	3	Onslow	42.00	37.71	4.29
3	Craven	29.00	29.51	-.51	3	Halifax	25.00	20.70	4.30
2	Cherokee	9.00	9.44	-.44	2	Bladen	18.00	13.65	4.35
2	Person	14.00	14.37	-.37	3	Caldwell	27.00	22.64	4.36
1	Camden	5.00	5.28	-.28	3	Wayne	40.00	35.20	4.80
1	Perquimans	6.00	6.20	-.20	3	Johnston	36.00	31.20	4.80
2	Montgomery	12.00	11.97	.03	4	Forsyth	90.00	84.54	5.46
4	New Hanover	54.00	53.96	.04	3	Union	32.00	25.76	6.24
3	Granville	17.00	16.94	.06	5	Guilford	136.00	128.53	7.47

As we see in Table 12 the model indicates that there are eight offices that are four or more positions short and ten offices that are four or more positions over their optimal staff. The large majority of offices are within 2 positions or less than what the model predicted.

We examined the groups to see whether there were different patterns emerging based on the size of office and found that groups 1 and 4 were, on the average, understaffed (1.1 and 1.7 positions respectively). The other groups reflected little difference between the optimal and predicted staffs. Of interest is that this finding is comparable to that produced when the actual staffing positions were used (See Table 10).

Table 13

**Average Difference between  
Optimal and Predicted by Group Size**

Group	Office size	Average Difference
1	3-6.75	-1.1
2	7-15	0.1
3	16-39	0.3
4	40-99	-1.7
5	100+	0.2

**Implications**

Statewide the optimal model explains 98.6 percent of the variation in staffing. Adding in other factors has only a negligible impact on the explanatory power of the model. It is also important to note that all of the variables in the model are well measured and have a substantive relationship to the clerk's workload.

The optimal model gives evidence to the overall ability of the clerks to realistically assess the staffing needs of their offices. For those offices at the ends of the distribution, the results should not be viewed immediately as an issue of over-staffing or under-staffing. Rather they should be viewed as identifying offices that should be examined further before adjusting staffing levels. The staffing allocations predicted by the model for the individual offices are not rigid and inflexible.

When it comes to predicting staff in individual offices other factors intervene and most of them are management issues. To a large extent they are also immeasurable. Nevertheless, they should not be ignored because they may greatly influence the efficiency and the effectiveness of services. If the goal is to provide uniformly consistent services to the courts and the public at the least cost, management and operations play a crucial role in achieving this.

### PART III. LOOKING TOWARD THE FUTURE

In this section we look at some of the dynamics surrounding the clerks' operations that should be considered before changes are implemented because they may have important effects on workload. The Lessons Learned section sets forth seven principles or rules that emerged from the focus groups. The Recommendations presented in the following section are based on our observations and findings as management analysts. They focus on the ability of the clerks to influence and change their working environment and what they need to strengthen their operations in the future.

#### LESSONS LEARNED

There are seven principles that affect the dynamics of the clerks' operations and workload. Each should be considered before changes in procedures or legislation are being introduced since they may substantially affect either workload and/or the volume of work.

1. Increases in sentencing options increase the clerks' work.  
*As observed with juvenile legislation, structured sentencing and victims rights*
2. Eliminating requirements for attorney representation increases the clerks' work.  
*As observed in small claims, district court - civil and domestic violence filings, and small estates filings*
3. Imposing time limits on court actions without ensuring the availability of judges (or magistrates) disrupts normal work activities, creating delays in service.  
*As observed in juvenile and domestic violence cases*
4. Implementing new legislation or changing existing procedures without coordinating changes with clerks prior to implementation increases disruption and creates delays in service.  
*As observed in the transfer of child support enforcement (CSE) collections from the clerk's office to the Department of Health and Human Resources (DHHR)*
5. The absence of a full-time coordinating and planning body for clerks impairs setting program priorities for making statewide improvements in services and increases the cost of services.  
*As observed in the effects of legislative changes in juvenile and domestic violence cases and victims rights amendment*
6. The local governments' responsibility for providing space and equipment creates inconsistencies in the delivery of services.  
*As reported by the clerks survey*

7. The lack of authority for individual offices to obtain grants for special programs or procedures impedes change, innovation and improvement, and maintains their *status quo*.

*As a basic management principle*

## **STATEWIDE RECOMMENDATIONS**

In this section we look at the overarching needs of all clerks as they operate within a state judicial system. The primary objective of a statewide focus is to establish mechanisms that support the uniform and equitable delivery of services by all clerks efficiently and effectively.

### **1. Stabilize the funding process that authorizes staff positions annually**

- 1.1 Create an on-going budget planning committee of elected clerks within the Superior Court Clerks Association with the mission to develop annual and five-year staffing plans
- 1.2 Obtain full-time staff to support the budget planning committee
- 1.3 Use the resource allocation model to project staffing needs statewide and submit budget requests to the AOC for inclusion in annual budget reviews.

#### *Commentary*

As we noted previously, the annual authorizations for staff fluctuate widely. It is important that the funding process becomes more stable so that positions are authorized and appropriated based on need not politics. The clerks presently have limited capability to develop statewide plans both for annual budget requests and for long-term planning. This recommendation provides for a committee and staff to support the budget planning process. An on-going planning mechanism supported by permanent staff having a mission and capacity to develop staffing plans statewide will allow the clerks to help stabilize the funding process. Using the resource allocation model which explains 99 percent of the staffing needs provides the clerks with an objective and comprehensive tool for projecting the number of positions needed statewide.

### **2. Establish a budget planning process that recognizes individual office variations in staff requirements based on special conditions that affect workload, and variations in levels of efficiency and/or service.**

- 2.1. Authorize the staff assigned to the budget planning committee within the Superior Court Clerks' Association to develop techniques and procedures for assessing and adjusting allocations to individual offices and make recommendations for adjustments.

#### *Commentary*

We recognize that the staffing model can reliably project staffing needs statewide. At the same time we also recognize that among the 100 offices, there will be variations in workload or volume based on other factors not included in the model. At the present time, individual needs are

addressed by the individual offices without regard to the relative needs of other offices. By targeting the needs of the most "underfunded" offices first, a priority system for allocation can be established that will add rationality to the allocation process. If the primary goal is to ensure that services are provided efficiently and effectively by all offices throughout the state, then it is important that each office be provided the staff needed given its management and operational needs. The scope of services provided by the budget planning committee should be expanded to address individual office needs. The staff should develop techniques to assess the special needs of individual offices and incorporate them into the budget planning and staff allocation processes.

**3. Promote innovation in management and operations through demonstration projects, studies of other court environments throughout the United States and communication with court-related associations such as the National Center for State Courts.**

- 3.1 Establish a working group within the Association to identify areas needing innovation and develop proposals for funding demonstration projects or studies and a long-range plan for future improvements
- 3.2 Acquire the authority to receive grant monies for the implementation of projects and studies
- 3.3 Develop a staff capability to support demonstration projects, travel and communication with other associations and new proposals for other areas of need.
- 3.4 Request the AOC to designate a staff person to act as liaison between the AOC and the Superior Court Clerks Association and coordinate programs and procedures between the two groups.

*Commentary*

At the present time, clerks have few resources to support innovation in the management and operations of their offices. They do not have an organizational unit that encourages new projects, creative procedures or improved operations. Nor do they have the ability to attract funds because they do not have staff or budgetary authority. The grant process can be used to provide the clerks with support for new programs, on-site visits to other jurisdictions and the implementation of demonstration projects. On-going attention by staff to innovations and improvements will allow for pretesting and evaluation of new demonstration projects and the dissemination of the results to others. The overall result would be to modernize and improve the delivery of services provided by the clerks statewide.

**4. Establish an automation advisory group, supported by staff, to work specifically on automation issues.**

- 4.1 Obtain one professional and one support person to work on automation issues, identify bottlenecks in systems and areas needing systems integration.
- 4.2 Identify high valued automation options with broad application. Pick one producing a substantial benefit and having a high probability of successful implementation.

- 4.3 Visit all clerks in the state to understand individual office problems and needs
- 4.4 Develop a five-year technology plan focused on functions or activities not just equipment.
- 4.5 Request an increase in the number of computer maintenance support personnel available to assist the clerks.

*Commentary*

The lack of technology substantially impedes the efficiency of the clerks' offices. It is very clear that without automation the state is supporting an inefficient, unproductive and costly process. We understand that a large-scale study has been undertaken by the Gartner Group to examine the infrastructure for automation in the courts. However, we also note that the clerks are limited by a lack of continuous and substantive communication about the AOC's plans for automation and the priority needs of the clerks. For example, the clerks are almost one in their belief that automating the judgment book will increase the productivity of the court and reduce errors or confusion about the status of cases. Communication needs to flow from the bottom up as well as the top down. This situation would be improved with the addition of a professional person and support staff who could identify the areas and programs needing automation, develop systems that can be implemented incrementally, follow through on the development and implementation efforts and provide training and technical assistance to the clerks as they use the new systems. In addition, the staff should develop a five year automation plan based on the long-term needs of the clerks. Finally, there needs to be an increase in the number of computer maintenance support staff within AOC to assist the clerks in the operations of the existing state systems on a timely and responsive basis.

- 5. **Establish a management assistance program that will help clerks improve the management and operations of their offices**
  - 5.1. Obtain staff and funding for an on-going management assistance program designed to assist new clerks and to help offices improve the delivery of services
  - 5.2. Develop a communications network to keep clerks informed about new programs and procedures
  - 5.3. Develop and conduct workshops on a statewide or regional basis to provide management assistance for specific functional areas or topics such as domestic violence filing abuses, juvenile hearings, notifications and subpoenas
  - 5.4. Undertake studies of the impact of new procedures or legislative changes on the clerks' offices. Disseminate the findings so clerks will have an early warning notification of potential effects.



*Commentary*

The Superior Courts Clerks' Association has been very active in providing support and assistance to clerks, especially newly elected clerks. However, this assistance is provided on an *ad hoc*, informal basis with varying degrees of success based on the time available to the clerks providing help. With 100 offices, increasingly complex legislation and the need to move forward with automation, it is time to formalize a management assistance program so that resources are available on a continuing basis and so that the needs of the clerks can be addressed in a timely fashion. By linking a management assistance program with the budget planning process, and the staff dedicated to automation, the clerks will have the ability to make major improvements in how they use existing resources and manage their offices in addition to reducing costs to the taxpayer through increased efficiency and productivity.

**6. Establish *ad hoc* joint task forces as needed to focus on the impact of new legislation or changes that affect the clerks and other agencies.**

- 6.1. A joint task force between the NC Clerks of Superior Court Association and the NC Conference of District Attorneys should be established to examine the dimensions of the victim-witness interface and develop uniform procedures between the two agencies.
- 6.2. The clerks and the heads of the Title IVD operations in the Department of Health and Human Resources (DHHR) should form a task force to study the feasibility of transferring the enforcement function to the IVD agency and to estimate the effect on the workload of both offices.

*Commentary*

It is clear that the ability of the clerks to participate in the planning processes of other agencies with whom they interface is very limited. Part of this is due to the limited amount of time available to the clerks to devote to planning and program issues. Part is also due to the absence of designated personnel in AOC and other agencies who can act as liaison with the clerks association. We believe that the addition of staff to support planning, management assistance and automation efforts will increase the ability of the clerks to actively coordinate with other agencies that interface with them. We also believe that participation in task forces will benefit all participating agencies because it requires the designation of specific personnel to represent each agency's interests.

**7. The AOC in conjunction with representatives from the clerks' association and local government officials should conduct a statewide space study.**

- 7.1 The study should determine the needs of the clerks, develop indicators or guidelines to assess the adequacy of space and develop techniques or methods to help counties provide adequate space.

### *Commentary*

Even though the state provides counties with facilities fees, it appears that these funds only partially offset the costs of providing adequate space. The survey of the clerks offices conducted for this study indicated that 68 percent of the clerks reported that their office space was either poor (46 percent) or fair (22 percent). Nine percent of the offices are located in more than one building in the same town while six percent have offices located in more than one town or city. Additionally, there is a need to develop indicators or guidelines that define at least minimum acceptable levels of what constitutes adequate space. Finally, since the counties themselves vary in the amount and quality of space they can provide in addition to all their other local government activities and services, it is important that flexible procedures or alternative funding sources be considered as part of the space study.

## **8. Create a statutorily based organization for the clerks of superior court that will have the ability to support and implement recommendations 1-7 above.**

- 8.1 Create a planning committee within the Association of the Clerks of Superior Court to specify in detail the purpose and objectives of the new organization, its organizational structure, duties, and scope of operations. Produce a plan for legislation.

### *Commentary*

If recommendations 1-7 above are accepted (either in whole or part), their implementation will not be successful unless there is an organizational entity that is statutorily authorized to plan, develop, implement and coordinate the activities identified in the recommendations. The Association of the Clerks of Superior Court presently does not have the authority or resources to make improvements on a systematic basis. Nor do they have the authority to move forward in many of the recommended areas. Therefore, some statutory organization should be created that will allow for increased productivity and reduced costs. We recognize that this recommendation may not be universally accepted on its face. As a result, it is important that the clerks form a planning committee to flesh out the details of the organizational entity and develop an organizational plan that can be submitted to the legislature.

## RECOMMENDATIONS FOR INDIVIDUAL OFFICES

In this section we present recommendations that apply to the management and operations of individual offices. These recommendations have a local county focus rather than a statewide focus. Thus, they address more of the factors that affect the individual clerk's office's work such as juvenile filings, child support enforcement, etc.

**9. As elected officials clerks should actively participate in the county's criminal justice coordinating council. If there is none established, then they should work with other elected officials to establish one.**

9.1 Clerks should institute regularly scheduled meetings with the heads of agencies or programs that interface with their offices for the purpose of sharing priorities and goals, and improving the delivery of services.

9.2 Clerks should work with the court and other agencies to establish delay reduction procedures including techniques or procedures to reduce the number of court appearances or hearings, streamlining notification and subpoena procedures, establishing realistic time limits for reports, and improve post-conviction paper flow.

9.3 Clerks should work with community service providers or agencies to Increase their ability to provide services to non-English speaking populations

### *Commentary*

Because the clerks' activities interface with so many different agencies, programs and clientele, it is vital that they be active participants in coordinating the planning and development of new programs or procedures. At the present time, the clerks are more likely to be reactive to changes rather than proactive, especially during the planning stages. If a criminal justice coordinating mechanism does not exist, then its establishment should be sought. It is important that all participants in the criminal and civil justice systems take responsibility for shaping the quality of services in the community.

**10 Clerks should establish closer and more collaborative relations with the executive branch of the county government to improve the delivery of services.**

10.1 Clerks should give priority to participating in joint programs with county agencies and the sheriff's office to improve the delivery of services and reduce costs to the public

10.2 Clerks should actively coordinate their needs and programs between state and local governments to increase accountability between the two entities and provide for adequate levels of service.

### *Commentary*

At the present time, clerks receive space, equipment and sometimes other services from their county governments. In some instances, the supplies and services are adequate; in some, they are not. It is important that the clerk focus on the local needs of the county and develop

coordinated and collaborative relationships with county agencies even participating in joint programs. For example, working with the sheriff's department to streamline serving papers; collaborating with the juvenile court counselors, juvenile probation, and the schools to ensure that no juvenile under supervision gets "lost in the system". The clerk could work collaboratively with juvenile court counselors to increase uniformity in procedures and streamline paperwork. The need to better coordinate reports between the law enforcement agencies and the clerk's office is another example where coordination could reduce delay and save the public money. The work-intensive activities involving domestic violence, restitution and class action suits could all benefit from interagency coordination and communication.

## **CONCLUSION**

There are always difficulties in improving services to the public particularly when the service is provided at the local level by state institutions. The 100 elected clerks of superior court represent a variety of county environments. Yet they all perform the same activities with about the same levels of complexity. Smaller offices have less flexibility in responding to changes hence their situations need to be carefully considered and given extra support if needed. Larger offices have the ability to "rob Peter to pay Paul" but in doing so, their services in one area may suffer as the changes make demands on special activities. It is, therefore, all the more important that there be a planning mechanism that can weigh the various effects when distributing resources to local offices statewide. The allocation model developed for this study and presented here is a good start for estimating statewide needs. But there is another side, office management, that is not addressed by the model. Increasing productivity and reducing costs can only be accomplished by improving the management of the clerks' offices. This is the real priority that needs to be addressed.