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## Southeastern Regional Office

Management Review,  
Wichita Municipal Court,

October 1984

### Project Staff

Don Hardenbergh, Senior Staff Associate  
Gerald Kuban, Staff Consultant  
Martha M. Parrish, Staff Attorney  
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## 1. Introduction

This study of the Wichita Municipal Court, the Clerk's Office, and Office of Probation, was conducted at the request of the Administrative Judge. The project was designed to cover the following subjects:

1. An analysis of the internal operating procedures and practices including casflow management and case processing;
2. A review of the organization and administration; and
3. An analysis of staffing and non-judicial personnel management.

This report is intended to be Phase I of a two-phase project. The second phase will be an analysis of the need and the requirements for automation and is projected to begin in late 1984 or early 1985.

In early August a team of four National Center staff and consultants visited the court to observe and interview key personnel. Among those interviewed were: Judge Robert A. Thiessen, Administrative Judge; Judge Harold E. Flaigle; Judge Thomas A. Bush; Maurice Mowrey, Clerk of Court; Rose Kurz, Accountant Clerk; Gene Moffitt; John Eisenbart, Chief Probation Officer; Margie Studemine, Administrative Assistant; Jean Maxwell, Office Manager; Irene Dargel, Administrative Aide; Beverly Batt, Supervisor of Traffic Bureau; and Kathy Erskin, Programmer.

The National Center project team consisted of James R. James, Don Hardenbergh, Martha Parrish, David Steelman, and Gerald Kuban. Mr. James is the director of the National Center's Southeastern Regional Office and is the former judicial administrator of Kansas. Don Hardenbergh is a senior staff associate with the National Center's Southeastern Regional Office and has participated in a wide range of court management projects. Among his projects have been the New Jersey State Judicial Information System Study, the Management Review of West Virginia's Court System, the New Orleans Traffic Court project, and the Orleans Parish

Civil District Court project. Martha Parrish is a staff attorney for the Southeastern Regional Office. While with the National Center, she has staffed the Judicial Administration Working Group on Asbestos Litigation, the COSCA Committee to Examine Court Reporting Services, and the CCJ Committee on Arbitration. David Steelman, a senior staff attorney with the National Center's Northeastern Regional Office, is a member of the ABA Traffic Court Committee and has co-authored the second edition of Traffic Court Procedure and Administration. He is currently working on the New Orleans Traffic Court study and has done extensive work in the areas of court reporting, caseload management, and traffic courts. Gerald Kuban is a senior staff consultant who specializes in personnel and organizational studies. He has conducted personnel studies of many state and local governmental agencies for both the National Center and Public Administrative Services of Washington, D.C. Among his project work was a personnel position classification and pay plan study of the Third Judicial District in Kansas. Other personnel projects were conducted for the Delaware State Court System; the Eighteenth Judicial District in Kansas; and the cities of Chapel Hill, North Carolina; Morgantown, West Virginia; Gary and Hammond, Indiana.

## 2. Overview

### Establishment and Jurisdiction of the Court

As a commission-manager city of the first class, Wichita has the power of "home rule," as provided for in Article 12, Section 5 of the Constitution of Kansas. The City has enacted charter ordinances that exempt it from some or all of the provisions of the state code of procedure for municipal courts, as have approximately 42 other cities in the state.<sup>1</sup>

Charter Ordinance No. 90 of the Code of the City of Wichita establishes that the judicial power of the City is vested in the Municipal Court.<sup>2</sup> This ordinance specifically exempts the City from the provisions of the selected state statutes on municipal court judges and the municipal court clerk, K.S.A. 13-628a, 13-628d, and 12-4108, and provides substitute and additional provisions on the same subjects. Note, however, that this ordinance is not in conflict with K.S.A. 12-4104, which provides that the municipal court of each city "shall have jurisdiction to hear and determine cases involving violations of the ordinances of the City. Search warrants shall not issue out of a municipal court." The Ordinance further specifies in section 10: "the judges of the three divisions of the court have concurrent jurisdiction over all criminal and traffic violations involving the ordinances of the City and arising within the corporate limits of the City." Rule 1, 1.1, of the Rules of the Wichita Municipal Court provides that the Court "has

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<sup>1</sup>Kansas Municipal Court Manual, Judicial Council Advisory Committee for a Municipal Court Manual (1974, revised June 1981)

<sup>2</sup>Charter Ordinance 90 was approved on August 2, 1983, and repealed the prior Charter Ordinance on the subject, Charter Ordinance No. 75.

exclusive original jurisdiction to hear and determine all cases arising within the legal geographical limits of Wichita, Kansas, and shall hear and determine all cases thereunder filed in this court arising from violations of the Code of the City of Wichita, Kansas." The Code includes several categories of non-traffic violations such as public safety and morals (Title 5), animals (Title 6), public health (Title 7), and parks, airports and public property (Title 9).

#### Judges of the Court

Charter Ordinance No. 90 also does not replace K.S.A. 12-4105, 12-4106 and 12-4107, which provide generally for the qualifications, appointment, and duties of municipal court judges. However, the ordinance sets out in greater detail the composition of the court and the selection process and requirements of the judicial office.

Section 2 of the Ordinance provides that there shall be no less than three judges, with an equal number of divisions. The presiding judge, who is in charge of the administration of the court, is designated as division one. Rule 5 provides that the Presiding Judge is responsible for overseeing the preparation of the daily dockets and the even distribution of the cases among the judges.

In addition to the statutory requirements of U.S. citizenship, a minimum age of eighteen years, and Kansas bar admittance,<sup>1</sup> judges of the court must be Wichita residents at the time of selection and at the time for taking and holding office.<sup>2</sup> Charter Ordinance No. 90 also requires that a judge have experience in the active practice of law (as a

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<sup>1</sup>K.S.A. 12-4105

<sup>2</sup>Charter Ordinance No. 90, §3(a)

lawyer, judge, or full-time teacher of law at any accredited law school) for a combined period of not less than three years.<sup>1</sup> Judges serve full-time, for four-year terms and are not allowed to practice law.<sup>2</sup> Compensation (including city benefits and retirement system) is set by the Board of City Commissioners. Salaries are in the same pay grade for all judges and may not be diminished during a term of office unless economic conditions cause reductions for all city employees.<sup>3</sup>

The selection and appointment process of K.S.A. 13-628a (appointment by the judges of the district court) has been substituted by the provisions of Charter Ordinance 90, which requires the City Attorney to notify the judges of the Eighteenth Judicial District of Kansas when a vacancy for the office of municipal court judge arises and request that they nominate no more than three candidates to fill the vacancy. These nominees are submitted to the Board of City Commissioners, which appoints one of the candidates (unless they reject all of the candidates and request another list of nominees). The Board may make the appointment from among interested persons if the District Court declines to nominate candidates within 30 days after notice of the vacancy.<sup>4</sup>

Municipal court judges in Wichita are subject to recall or removal as provided in the Rules of the Kansas Supreme Court Relating to Judicial Conduct. They can be suspended by a committee made up of the

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<sup>1</sup>Charter Ordinance No. 90, §3(c)

<sup>2</sup>Charter Ordinance No. 80, §5, 4(a), 6

<sup>3</sup>K.S.A. 12-4105; Charter Ordinance No. 90, §5

<sup>4</sup>Charter Ordinance No. 90, §8



administrative judge and two senior district court judges of the Eighteenth Judicial District.<sup>1</sup>

Judges pro tempore are selected according to K.S.A. 12-4107, which authorizes municipal judges to appoint an attorney or other qualified person to serve in the event of absence, illness, or disqualification. Rule 6.2 states that judges pro tempore have the same powers and duties except for the granting of parole (for cases not on the normal docket), the altering of previous court orders, and the disposition of cases in any manner except by plea of guilty unless the case is on the normal docket.

Each judge sitting at a regular session of the division has all the powers and functions which he or she might have and exercise as the sole judge of the court.<sup>2</sup> These powers and duties include administering oaths and enforcing obedience to orders, rules and judgments, including the power to fine and imprison for contempt or failure to obey process-- in the same manner and to the same extent as district court judges. In addition, municipal court judges have the power to hear and determine cases, grant continuances, impose fines, or sentence the guilty to confinement (or both), to commit those in default of bond to jail, to determine applications for parole and probation, to grant time for fine payments, and to correct or suspend sentences. The power to set aside judgments, hear post-trial motions, and discharge accused persons, also is included. The duty of maintaining a docket includes the entry of

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<sup>1</sup>Charter Ordinance No. 90, §9

<sup>2</sup>Charter Ordinance, No. 90, §10(e)

every cause commenced with accompanying facts of the full proceedings, including the name of the accused person and complainant, the nature or character of the offense, date of trial, witnesses, finding, judgment, sentencing, date of payment, and date of issuing commitment.<sup>1</sup>

Rule 24 notes the Court's preference for an individual calendar by stating that once a judge has acted in a case, that judge shall determine all other matters, to the exclusion of the other judges.

The Court is required to be in session at least once each day with the exception of Saturdays, Sundays, and holidays. The judges of the Court may specify the hours. Additional sessions of the Court may be called by order of any of the divisions.<sup>2</sup> Rule 3 specifies that Court shall convene at 8:15 a.m. and that each division shall have two daily dockets (8:15 a.m. and 12:15 p.m.).

#### Clerk of the Court and Other Personnel

The Clerk of the Wichita Municipal Court, whose office is established by Charter Ordinance No. 90, is appointed by the City Manager and is an employee of the City.<sup>3</sup> The ordinance exempts the City from the provisions of K.S.A. 12-4108, which provides that the municipal judge appoints a clerk for the court. Like the judges' compensation, the Clerk's salary is set by the Board of City Commissioners.<sup>4</sup>

The responsibilities of the Clerk include issuing process, administering oaths, filing and preserving of papers, and the docketing

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<sup>1</sup>K.S.A. 12-4106

<sup>2</sup>Code Ordinance 1.04.140

<sup>3</sup>Charter Ordinance No. 90, §12(a)

<sup>4</sup>Id.

of cases for trial. The Clerk also is required to keep an accounting of all fines, costs, and forfeited bonds paid into the court for monthly payment to the City Treasurer. In this specific regard and for the faithful performance of duties in general, the Clerk's performance is guaranteed by a bond executed on the City's behalf and paid for by the City. Reports to the judicial administrator or department of justice also may be required of the Clerk.<sup>1</sup>

The position of the Chief Probation Officer of the Municipal Court also is established by Charter Ordinance No. 90. The Chief Probation Officer is appointed by the City Manager and is a City employee. The Board of City Commissioners also sets the compensation for this position. In addition to coordinating the activities between judges, probation officers, and the Clerk's office, the Chief Probation Officer supervises probation officers, who act as bailiffs to each of the divisions of the court. The Chief Probation Officer provides presentence investigations, diversion evaluations, sentencing recommendations (as required by the Court or the city attorney), and supervises persons convicted in municipal court who are placed on probation or parole.<sup>2</sup>

#### Procedure

The Kansas Code of Procedure for Municipal Courts governs the practice and procedure in all cases in the state's municipal courts. The Wichita Municipal Court generally follows this uniform code, but has elected exemption in the areas of warrant issuance, powers of arrest, the fine schedule, witness fees, and court costs. Sentencing options also are established by charter ordinance, which are not included in the Code.

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<sup>1</sup>Charter Ordinance No. 90, §12

<sup>2</sup>Charter Ordinance No. 90, §12(b)

In order to commence the prosecution of a violation of a municipal ordinance, a complaint is filed with the municipal court.<sup>1</sup> The form of complaint is set out by statute. K.S.A. 12-4202 and 12-4205 require the complaint to be in writing and in substantial compliance with specified formats. Charter Ordinance No. 61, section 1 (amends Charter Ordinance No. 35, section 3) specifies that in the event a citation (uniform complaint and notice to appear as required under K.S.A. 12-4205) includes a written statement of the essential facts constituting a violation of a Wichita city ordinance and is signed by the law enforcement officer preparing it, it is to be deemed lawful, when filed with the Clerk. This charter ordinance further provides:

A copy of the complaint shall be served together with a notice to appear or a warrant, by a law enforcement officer upon the accused person, and the complaint shall forthwith be filed with the municipal court, except that a complaint may be filed initially with the municipal court and, if so filed, a copy of the complaint shall forthwith be delivered to the city attorney. The city attorney shall cause a notice to appear to be issued unless he has good reason to believe that the accused person will not appear in response to a notice to appear, in which case he may request that a warrant be issued.<sup>2</sup>

Charter Ordinance No. 61 substitutes for K.S.A. 12-4203 by providing that the Clerk, in addition to the municipal court judge(s), may issue warrants:

Such warrant will be issued if the complaint is positively sworn to and the municipal judge, or in the absence of the judge but pursuant to his written authorization, the municipal court clerk or assistant clerk has probable cause to believe that (a) there has been the commission of a violation of a municipal ordinance, (b) the accused person committed such violation, and (c) the accused person will not appear in response to a notice to appear.<sup>3</sup>

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<sup>1</sup>K.S.A. 12-4201

<sup>2</sup>Charter Ordinance No. 61, §1 (amends Charter Ordinance No. 35, §3)

<sup>3</sup>Id.

As also provided for in K.S.A. 12-4203, Charter Ordinance 61, section 1 (amends Charter Ordinance No. 35, section 3) allows the municipal judge, upon the city attorney's failure to issue a warrant or a notice to appear, to order the city attorney to institute proceedings against any person. Any judge who so orders, however, is disqualified from sitting in that case and prohibited from communicating about the case to the presiding judge.

The notice to appear is used in all cases involving municipal ordinance violations, except when a warrant is issued.<sup>1</sup> It is served by personal service, substituted service, or by mail. If mailed (by either a law enforcement officer or the clerk's office in the municipality of issuance), a verification of mailing must be completed, noting the date of mailing, to whom mailed, with signature of officer or clerk.<sup>2</sup>

The form of warrants is set out in K.S.A. 12-4208, which requires the name of defendant (or a description to allow identification with reasonable certainty), the nature of the ordinance violation, and the judge's signature. In addition, the amount of the appearance bond is to be stated.<sup>3</sup> It is issued when an accused fails to appear (as required by a notice to appear) or when a judge so determines.<sup>4</sup> Also see Rule 14.2. Any law enforcement officer within the state may execute a warrant

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<sup>1</sup>K.S.A. 12-4206

<sup>2</sup>K.S.A. 12-4207

<sup>3</sup>K.S.A. 12-4208

<sup>4</sup>K.S.A. 12-4209

by the arrest of the accused and need not have the warrant in his/her possession.<sup>1</sup>

Discovery practice in the municipal court is quite limited. Although every person charged is required to receive a copy of the complaint prior to entering a plea,<sup>2</sup> depositions cannot be taken or used except by written agreement of both parties filed with the Court or by order of the Court.<sup>3</sup> Rule 7, Defendants Rights, gives each defendant the right to examine all matters relevant to the case by request to the City Prosecutor. Leave of Court is not required if this right is exercised three days prior to trial.

The Court's continuance policy is outlined in Rule 12. Requests for a continuance that are made within five days of trial are granted only within exceptional circumstances and after a hearing has been held. This does not apply to transfers of cases between court divisions, which are

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<sup>1</sup>K.S.A. 12-4210. Note also that Charter Ordinance No. 84, section 1 (amends Charter Ordinance No. 61, section 2) exempts the City from substitutes for K.S.A. 12-4212 and 12-4213 by providing that not only may an officer arrest a person without a warrant when he or she has probable cause to believe that the person is committing or has committed a violation of an ordinance, or that an ordinance is being committed in view (K.S.A. 12-4211), but that officers also may arrest when: (1) such person refuses to give his written promise to appear in court when served with a notice of appear, or (2) such person is unable to identify himself to the reasonable satisfaction of the law enforcement officer, or (3) such person is not a resident of the State of Kansas, or (4) the law enforcement officer has probable cause to believe that such person may cause injury to himself or others or may damage property unless immediately arrested, or (5) such person is alleged to have violated an ordinance which has been designated specifically by the Chief of Police, with the approval of the Municipal Judge, as an offense for which an arrest shall be made but for which such person may be detained not more than twelve (12) hours without the issuance of a warrant."

<sup>2</sup>K.S.A. 12-4401

<sup>3</sup>Charter Ordinance No. 35, §7, exempting the City from and substituting for K.S.A. 12-4410.

governed by Rule 10.5. Costs may be assessed against the absent defendant, when no request for continuance has been made.

In regard to a schedule of fines, Charter Ordinance No. 89 (amends Charter Ordinance No. 35, section 6) exempts the City from and substitutes for K.S.A. 12-4305. In electing exemption, the City increased the types of violations that may be paid upon a voluntary entry of appearance and upon a plea of guilty or no contest and excludes from the schedule of fines only (a) Reckless Driving, (b) Driving While Under the Influence of Intoxicating Liquor or Drugs; and (c) Driving on a Cancelled, Suspended, or Revoked License.<sup>1</sup> The municipal judge may authorize the clerk or some other person to accept voluntary appearances, guilty pleas, and the payment of fines. The schedule of fines and persons authorized to accept pleas is to be conspicuously displayed in the office.<sup>2</sup>

The City has elected exemption from K.S.A. 12-4112, which disallows the assessment of costs for the administration of justice in municipal court cases. Charter Ordinance No. 52, section 1 (amends Charter Ordinance No. 35, section 2) provides that costs for the administration of justice may be assessed against accused persons who are found guilty or plead guilty. These costs are to be assessed in accordance with Section 1.04.070 of the Code of the City. That schedule requires costs of: \$5.00 for pleas of guilty or nolo contendere without the cause being placed on the docket (except for parking violations); \$10.00 for each

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<sup>1</sup>Note that K.S.A. 12-4305 also excludes offenses arising from a motor vehicle collision or accident, speed violations fifteen (15) miles over the limit, and a second moving violation within the previous twelve-month period.

<sup>2</sup>Charter Ordinance No. 89, §1 (amends Charter Ordinance No. 35, §6)

trial date, attributable to the accused person, for which subpoenas have been issued, who is subsequently found guilty; and an additional cost of \$5.00 for each accused person who files a notice of appeal in district court (to be added to pre-existing court costs upon receipt by the clerk's office of the notice of appeal from the district court). Also see Rule 17, 17.1-17.3.

The court is to assess costs at the conclusion of each case and deliver to the responsible party a complete statement of the costs.<sup>1</sup> Charter Ordinance No. 52 further provides that the judge may assess costs against the complaining witness or other person initiating the prosecution if it appears that the case was initiated without probable cause and for malicious motives.

Witness fees, although not disallowed by K.S.A. 12-4112, are provided for in the substitute provisions of Charter Ordinance No. 58 (amends Charter Ordinance No. 35, section 8), which exempts the City from K.S.A. 12-4411. Parties are entitled to the use of subpoenas to compel attendance of witnesses within the state. The fees and mileage for witnesses (\$2.50 per day or any part thereof for an appearance and 10¢ per mile actually driven, over ten miles) may be charged against the accused person as costs, if the judge finds there has been an abuse of the use of subpoenas by the accused person. Charter Ordinance No. 58 also provides that the costs for filing a post-conviction remedy is \$25.00, unless the movant is found to be indigent.

Code Ordinance 1.04.080 provides for the disposition of those who fail to pay fines, penalties, or costs following conviction of code

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<sup>1</sup>Charter Ordinance No. 52, §1 (amends Charter Ordinance No. 1, §2)



provisions or city ordinances as including confinement in the Sedwick County Jail until paid or sentence served. An additional cost of \$10.00 is assessed against each person committed to confinement.

Sentencing procedures are specified in Charter Ordinance No. 85, which exempts the City from K.S.A. 1981 Supp. 12-4509 and K.S.A. 12-4511. Unless required to impose a mandatory, minimum sentence, the judge is authorized to release the accused without imposition of sentence, to release on probation after the imposition of sentence, without imprisonment or fine, or impose such fine or imprisonment as may be authorized. If the violation involves the use of alcoholic beverages, the judge may (in addition to the previous dispositions) order the person to attend an educational or training program. This charter ordinance also provides for the judge's parole of a person confined to jail, unless he is serving a mandatory, minimum sentence.

K.S.A. 22-3609(2)(Supp. 1983) outlines the procedures for appealing a case to the district court. The appellant is required, within 10 days after judgment, to file a Notice of Appeal and any appearance bond (required by the municipal court) in the district court of the county in which the municipal court is located. The municipal court clerk's office, however, is authorized by this statute to accept notices of appeal and appearance bonds and is further required to forward them to the district court.

### 3. Personnel/Organization/Staffing

There are a number of organization, management, and personnel issues that need to be addressed to assure the continued smooth functioning and operation of the Wichita Municipal Court. These include:

1. The need for increased administrative assistance to the Administrative Judge of the Court in order to provide research, analysis, and coordination of various day-to-day administrative activities.
2. The need to better match court employees' knowledge and abilities to their duties.
3. The need to create career paths opportunities for employees so that they might become aware of and take advantage of a natural career progression in court clerical and supervisory positions.
4. The adequacy of existing supervisory roles and relationships.
5. The need for greater delegation of responsibilities where appropriate.
6. The need to expand the attendance of appropriate employees at staff meetings in order to convey policy and information needs, particularly in the area of computerization.
7. The need for increased attention to security in public buildings and at gatherings.

#### Organization

The Court has three judges, one of which serves as the administrative judge and supervises the court's administrative operations. Offices within the Court include the probation office, supervised by the chief probation officer, and the clerk's office, supervised by the clerk of court (see Charts 1 through 5).

#### Increased Administrative Support

Courts at all levels have generally lagged behind other government agencies in providing administrative staff support to carry out research, analysis, budgeting, and personnel management, as well as examination of

Chart 1  
Wichita Municipal Court

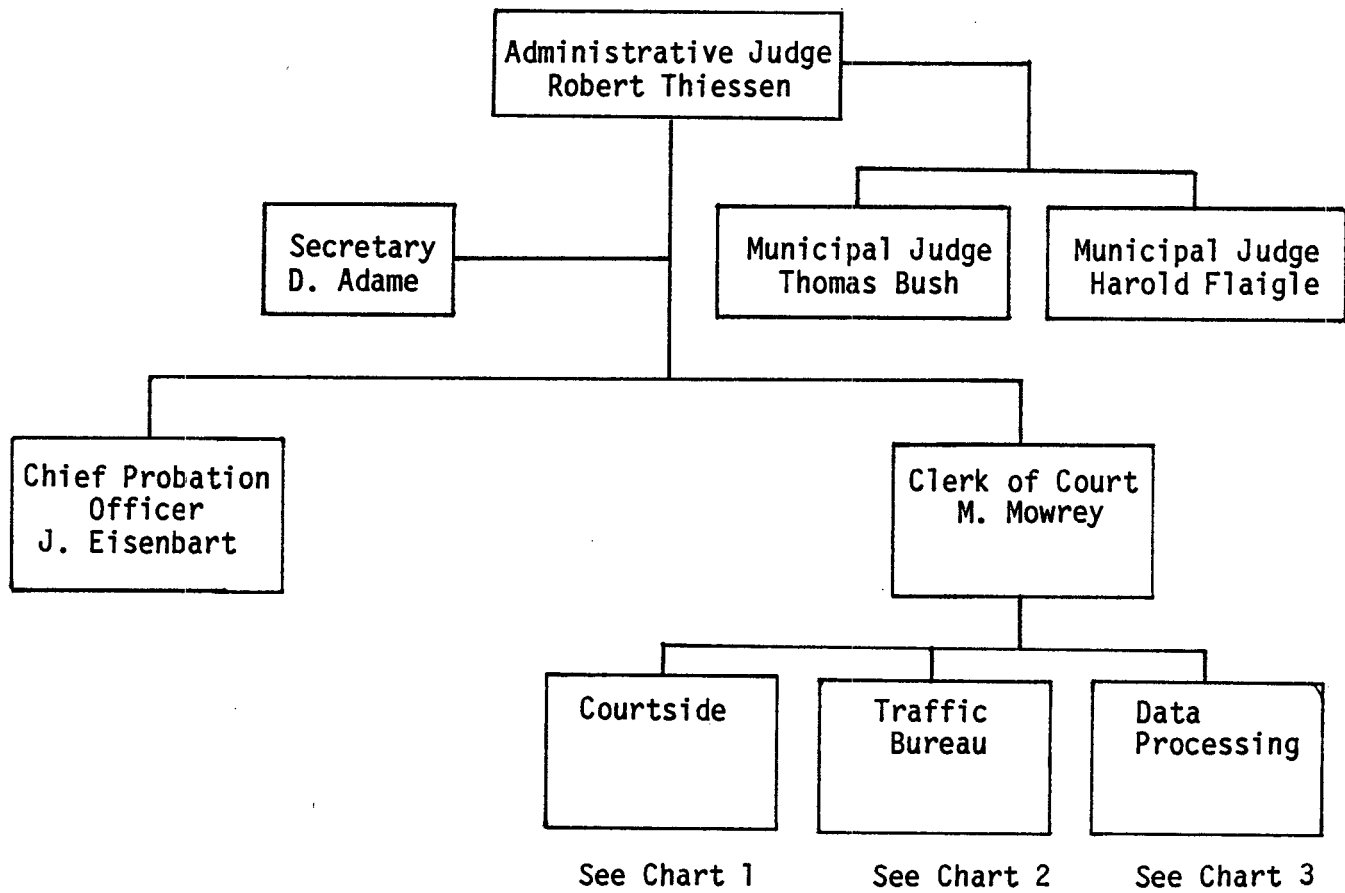


Chart 2  
Wichita Municipal Court  
Court Section

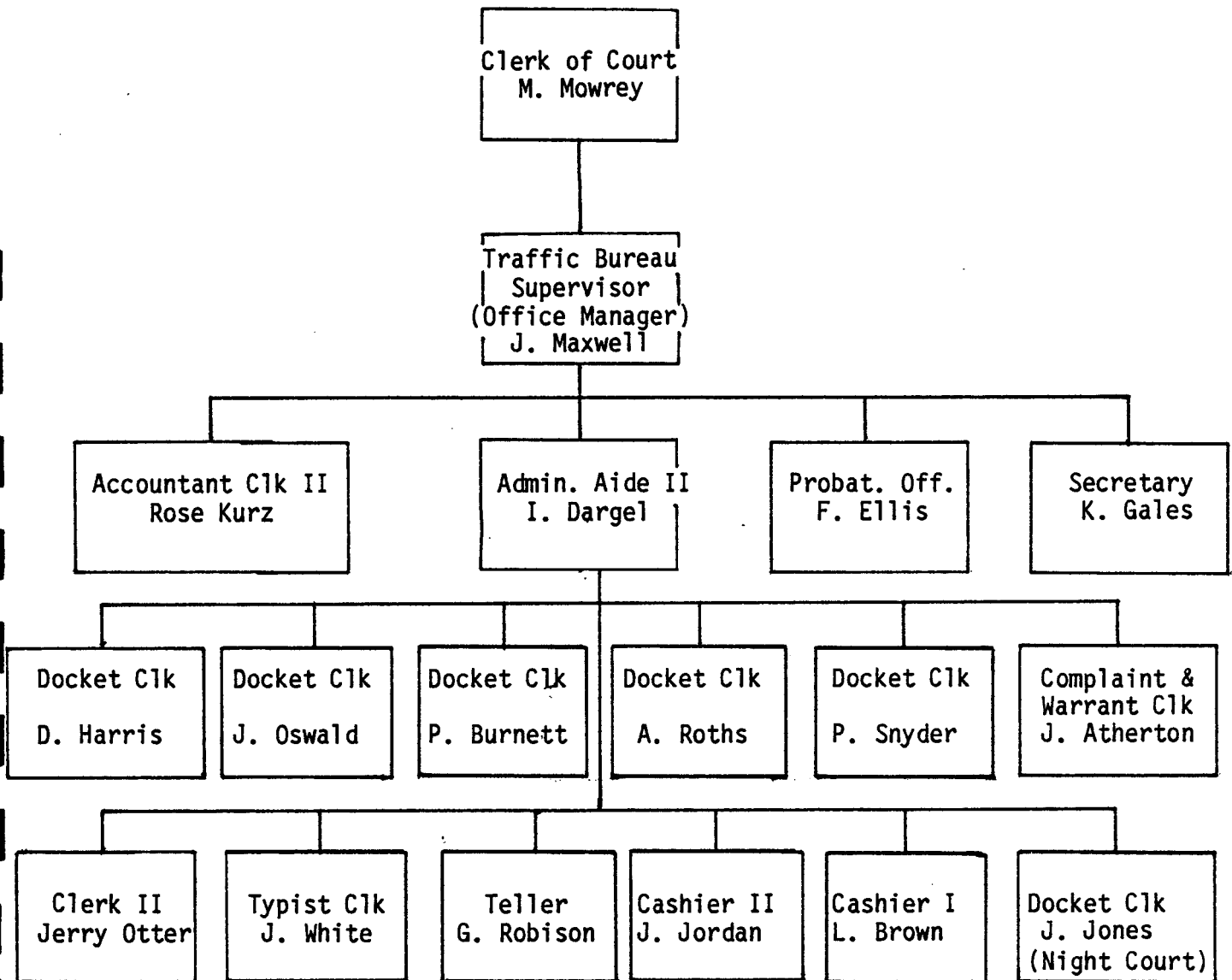


Chart 3  
Wichita Municipal Court  
Traffic Bureau

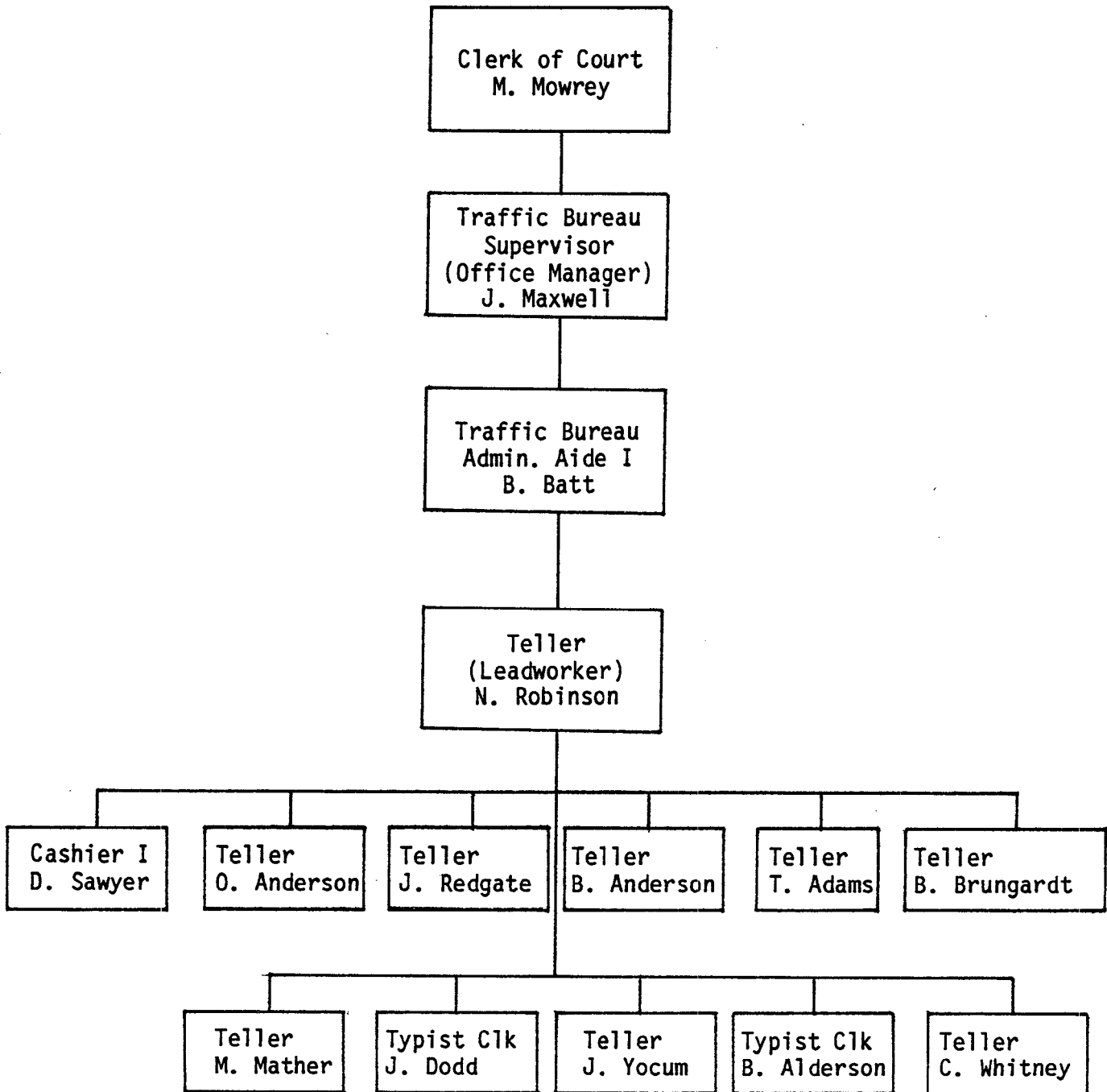


Chart 4  
Wichita Municipal Court  
Data Processing

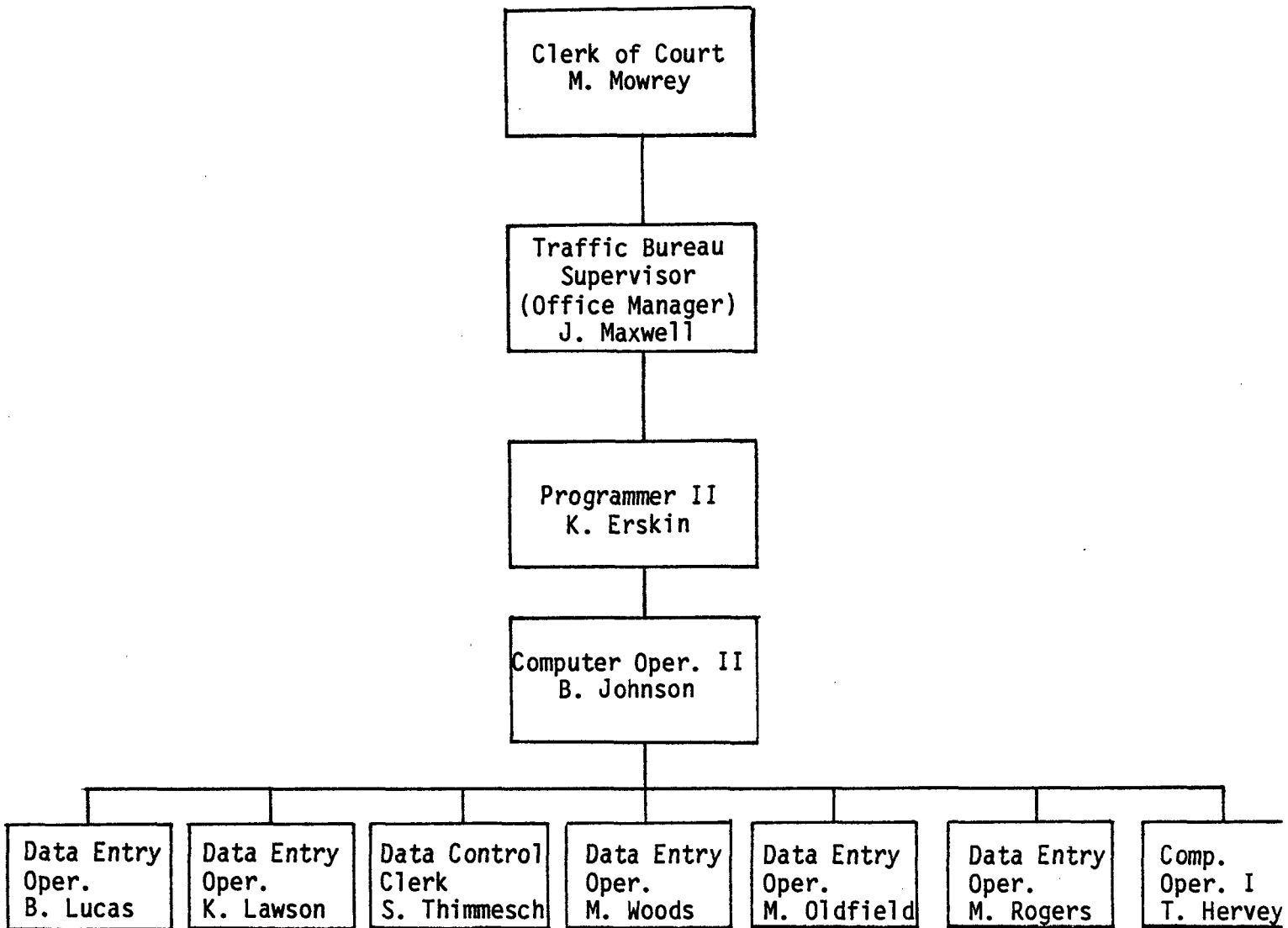
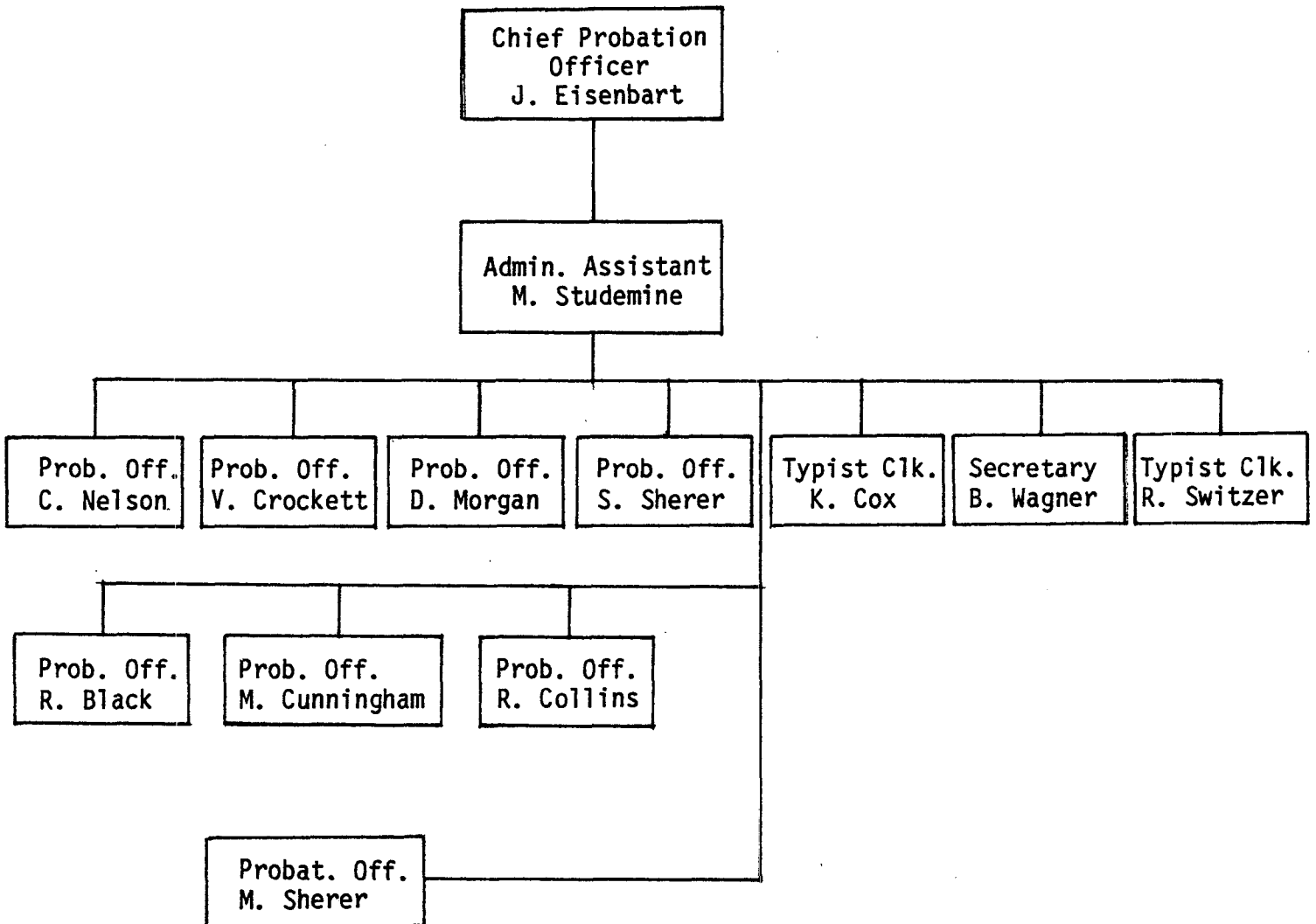


Chart 5  
Wichita Municipal Court  
Probation



alternatives to solve operational problems. During the last decade, as caseloads have grown, automation has increased, and financial resources have become restricted; courts have become increasingly aware of the need for such administrative support.

In an effort to increase the Court's administrative support, an account clerk (R. Kurz) in the clerk's office has recently been given the added responsibility of performing beginning-level tasks in administration under the supervision of the administrative judge. These duties have been assumed in addition to serving as the chief account clerk and performing the bookkeeping associated with the collection and accounting of court revenues. This employee has been assigned the following additional responsibilities:

- o Assisting in the preparation of the yearly budget;
- o Attending budget hearings;
- o Monitoring expenditure reports;
- o Assisting the administrative judge in administrative duties;
- o Serving as liaison for the management review of the municipal court by the National Center for State Courts;
- o Assisting the department and division heads in administrative matters; and
- o Evaluation for Employee Suggestion Award Program (ESAP).

The invaluable assistance given to the NCSC consulting team by the employee in providing organizational information, gathering necessary study materials, and acting as liaison with other city officials is demonstrative of her knowledge of court procedures and her effectiveness in the new role.

Recommendation: The administrative judge should formalize the position of administrative assistant in his office with the appointment of the current account clerk.



This position should receive the same level of pay as that received by the administrative assistant in the probation office. As the job duties of the administrative assistant are increased and as additional training and certification in court administration is obtained, the position could be advanced to an even higher administrative classification. The additional duties which might be assigned include:

- o Analysis of workflow, operating practices, and procedures;
- o Records and space management;
- o Equipment analysis; and
- o Preparation of manuals.

#### Span of Control of Intermediate Supervisors

Charts 2 and 3 indicate the organizational arrangements of the court section and traffic bureau respectively.

On the courthouse, one intermediate supervisor (Dargel) supervises 12 subordinates while in the traffic bureau, another intermediate supervisor supervises another 12 subordinates with the assistance of a leadworker.

The concept of span of control in organizations is a critical one and refers to the situation whereby individuals or organizational units reporting directly to a supervisor should not exceed the number which can be feasibly and effectively coordinated and directed. It is generally accepted that seven employees is the maximum number of subordinates that can be effectively supervised by a supervisor.

Recommendation: Additional intermediate supervisory positions should be created both in the court's section and the traffic bureau.

#### Delegation of Responsibilities by Supervisor on Courthouse

The on-site interviews conducted by the NCSC project team indicated that the intermediate supervisor of court personnel (Dargel) was overburdened with clerical work and that this hampered her ability to

supervise subordinates and monitor workload. In particular, the delegation of expungements and appeals was explored as a possible area that could be assigned to subordinates. This delegation, along with the creation of another intermediate supervisor, should alleviate the shortcomings of the present organizational arrangement.

#### Creation of Career Paths

The creation of additional intermediate supervisory positions also will help to alleviate the perception of "dead-end" jobs for court employees. While most court clerk's offices have a limited measure of job mobility in comparison with other governmental operations, it is desirable to build in as much mobility as is feasible. This can be done through job restructuring and reassignment of duties as is indicated in the previous section of this report.

#### Staff Assignments and Adequacy of Supervisory Roles and Relationships

Of all the organization, management, and personnel areas explored during the on-site visit, assignments and supervision proved to be the one requiring the most immediate attention. The project team found problems in the office of clerk of court that require revision if the court is to achieve an efficient operation.

One of the most difficult areas of personnel management is that of assigning personnel to proper jobs based on their training, experience, and motivation. Assignments should achieve three objectives: 1) maximum productivity from an employee; 2) optimum use of employee talent; and 3) high morale. Many times, hard working and capable employees who are a credit to the organization rise through the ranks. The assignment of such employees to supervisory positions may bring the required technical expertise to that level, but the attainment and exercise of supervisory

skills is not automatic as few individuals ever receive training in supervision skills. Even extra training in supervision may not be enough to hone the skills necessary for decision-making, leadership, and recognition of management problems.

It was pointed out during our interviews with the administrative judge, supervisors, and employees that there are a number of supervisory problems that must be addressed. These were verified by on-site observations and include:

- o Are supervisors being used effectively and do they understand their roles?
- o Would a rearrangement of supervisory positions in the clerk's office prove beneficial?
- o Would additional supervisory training be helpful?
- o Do existing supervisory assignments enhance or hinder the decision-making and work-monitoring process?
- o Would employee morale be improved through an office reorganization and reassignment of personnel?

The clerk's office has the employee talent to operate more efficiently and reassignments should be made. Some of the specific problems are detailed below.

Clerk of Court. The clerk of court is a key management position in the overall operation of the court. The clerk must not only possess technical expertise in clerical case processing operations but also must have the management and supervisory aptitude to manage and administer a large office. The Clerk (Mr. Mowery) came to the position with a background in data processing. His background in this area is an asset to the Clerk's office and the Court in light of the need for continuing automation of office operations. Mr. Mowery appears, however, to be less experienced in court management and general administrative skills.

Recommendation: The Clerk should be required to seek additional training and education in court administration and be reevaluated in six months.

Traffic Bureau Supervisor (Office Manager). The Traffic Bureau Supervisor (Maxwell) also came up through the ranks in the traffic bureau and the data processing unit. In the position of office manager, this employee must exercise supervision (through subordinate supervisors) over all office units including court section employees, traffic bureau, and data processing.

An area of weakness in this position is the supervision of court section operations. The office manager acknowledged during the site visit that because of her lack of knowledge of court operations, she is uncomfortable with making decisions that affect the functioning of that unit. This leads to two important related questions. If this individual is not knowledgeable about court operations, then her ability to properly evaluate employee performance and solve management problems, such as problems in paperflow, work processes and procedures, and the attendant interrelationship with the bench must be questioned.

Recommendation: The current Traffic Bureau supervisor (office manager) should be relieved of the direct supervision of line employees.

Intermediate Supervisor - Courtside (I. Dargel). The problems associated with this position, relative to delegation of some of the clerical responsibility and resulting lack of time for effective supervision, have already been covered. It is mentioned again here only to indicate that these problems may be a direct result of the inability of the incumbent office manager to recognize the time frame and workflow problems of the court operations.

Intermediate Supervisor - Traffic Bureau (B. Batt). Although this employee is designated as the supervisor of the traffic bureau, she also

is knowledgeable about court operations. This is experience gained during twenty years of employment with the court. On-site interviews indicated that this employee also assists in court operations and the administrative judge on special projects.

The interviews also indicated that this employee is underutilized based on her level of experience. The administrative judge also is of the opinion that this employee's job could be enriched through eventual reassignment and added responsibilities.

Recommendation: This employee's position should be reassessed and given additional duties and responsibilities, with commensurate pay.

Intermediate Supervisor - Data Processing (K. Erskin). The only problem indicated in this area of office operations is that the intermediate supervisor for data processing, who also functions as the programmer of the computer system, does not attend the periodic staff meetings held by the administrative judge. It may be that the expertise of the clerk of court in matters of data processing was believed to preclude the necessity of including this person as a member of the court's management team.

Recommendation: The intermediate supervisor for data processing should be included along with other intermediate supervisors in all management meetings.

The development of new computerized applications or modifications to the existing system require close cooperation and information sharing among top-level management, which can be obtained through attendance and participation at staff meetings.

#### Organizational Alternative to Existing Organization

Chart 6 indicates a possible organizational realignment that might be considered to enhance the management of the clerk's office.

This structure is designed to achieve the following objectives:

- o Strengthen the administrative support function of the court;
- o Strengthen the control of the administrative judge over the internal operations of the clerk's office;
- o Utilize to the greatest extent possible the existing levels of supervisory employee training and experience;
- o Improve supervisory relationships and roles;
- o Improve employee morale and create additional career paths; and
- o Strengthen the supervisory decision-making process, monitoring of work flow, and delegation of work tasks.

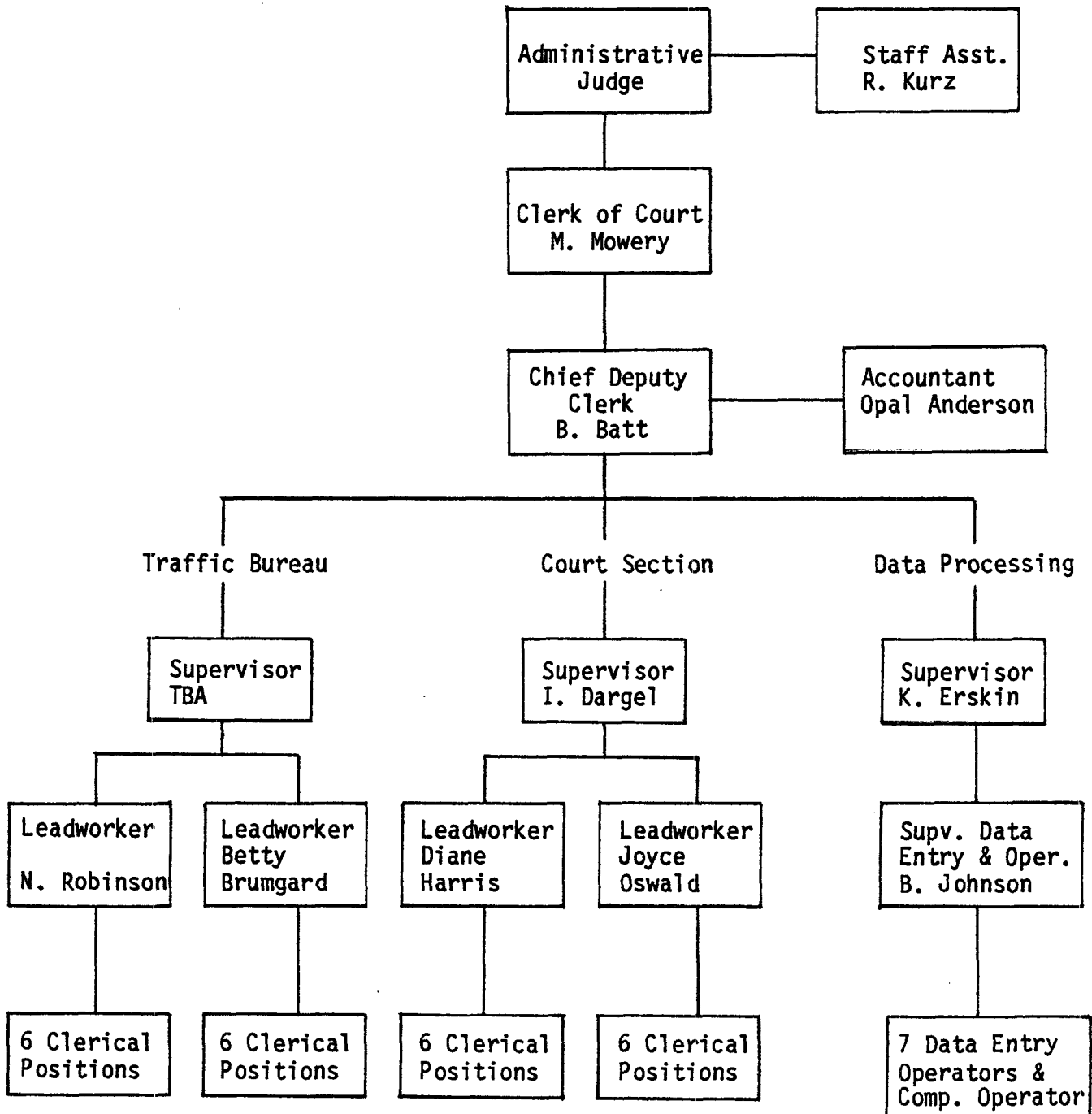
Under this plan of reorganization, Rose Kurz (account clerk) would be made an assistant to the administrative judge. The current office manager in the clerk's office would be removed from direct line supervision and reassigned. Her position should be retitled as chief deputy clerk and filled by Beverly Batt. The accountant position would likewise be elevated to a position reporting directly to the new chief deputy clerk. Under the chief deputy would be three line supervisors (traffic bureau, court section, and data processing).

Within both the court section and traffic bureau, one additional leadworker position would be created in each section in order to reduce the span of control. These two positions should be filled by promotion from within the office. These changes do not contemplate the addition of staff, other than a replacement for Rose Kurz in the accountant position.

#### General Salary Considerations

City salaries for the classifications of docket clerk, complaint and warrant clerk, traffic bureau supervisor, municipal court clerk, probation officer, and chief probation officer were compared to similar classifications in the State of Kansas judicial system. The salaries compared favorably for all classifications except probation officer and

Chart 6  
Recommended Administrative Structure  
Clerk's Office



chief probation officer. In these two instances, salaries were somewhat lower than the Kansas judicial personnel system.

Recommendation: The salaries of probation officer and chief probation officer should be adjusted to be comparable to those in the State of Kansas judicial system.

### Court Security Issues

Probation officers of the court also function as bailiffs during court sessions. Concern was expressed by the chief probation officer over the security training received by these personnel. They have recently attended a short training session provided by the Wichita Police Department; however, there is still concern over the ability of the bailiffs to provide security when they are unarmed. They are on occasion required to remove dangerous weapons from defendants (i.e. knives) and the physical stature of the bailiffs is not that required of other law enforcement officers. All probation officers, including female officers, rotate through the bailiff assignment.

Recent attempts at installing a "hot line" to the Wichita Police Department in the building have failed, thus the bailiffs would, in an emergency, be forced to rely on the normal "911" emergency number.

A further problem exists where prisoners awaiting court appearances are detained in holding cells on the same floor of the courtroom. These prisoners are, at times, left in these cells for two or three hours and are largely unobserved by the bailiffs because of limited staffing and other work responsibilities.

Because of these concerns, the following actions are recommended with regard to court security:

Recommendation: The court should have an outside evaluation of its security needs conducted by a firm that is experienced in security matters.



Recommendation: A contingency plan should be developed to deal with the common types of public or prisoner disruptions in the courtroom or public areas.

Recommendation: The desirability of a "hot line" to the Wichita Police Department or the presence of armed law enforcement officers should be reexamined.

Recommendation: Further training in security measures should be provided to probation officers/bailiffs to assure their ability to handle a variety of situations.

Staffing of the Court. The Court and the Clerk's Office have a combined nonjudicial staff of 41 full-time personnel, excluding probation officers.

The number of cases (criminal, DWI, moving violations, and parking violations) disposed of by the Court in 1983 was 278,595. Using full-time positions, the Court handles approximately 6,795 cases per employee. While there are no standards against which to judge case-per-employee ratios, comparisons of one court to another can be instructive by offering a rough indicator of a particular court's productivity and staffing level. Such comparisons, however, should be used with extreme caution, because no two courts are identical. The problems of comparison are even greater when made among courts from different states and somewhat different subject-matter jurisdiction. Differences in jurisdiction, procedures, rules and statutes, the utilization of technology and automation, and the organization and management of the court all work to create wide variations in staff productivity.

Nonetheless, the National Center for State Courts, based upon experiences in a wide number of courts, has made use of filings-per-

employee ratios in the past in order to assess staffing levels and employee productivity.<sup>1</sup>

A brief survey of several limited-jurisdiction courts with traffic jurisdiction was made for another study,<sup>2</sup> and project staff members found the filings-to-staff ratios shown in Table 1. Such a table suggests, in the absence of explanation to the contrary, that the court with the lowest filings-to-staff ratio may be overstaffed in comparison to the other courts in the table. The comparison of Wichita Municipal Court with the others is slightly skewed because of the inclusion of parking violations and the extra staff needed to process such violations. If it is assumed that approximately one-half of the traffic section is required to process the 131,481 parking dispositions, then total dispositions and total staff can be adjusted to make them more comparable to the other courts. It is estimated that seven of the 13 clerks in the traffic section are needed to handle the non-contested parking. The remaining staff of 34 are needed to process the remaining 147,114 dispositions. Based upon these figures, the staff-disposition ratio is then 4,327, which is much more in line with those from Akron (OH), DuPage (IL), and Riverside (CA), and indicates that the current level of staffing in the office is adequate to handle the current caseload.

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<sup>1</sup>See National Center for State Courts, A Management Analysis of the Broward County Clerk's Office (Williamsburg, VA: Southeastern Regional Office, 1982), p. 15; and National Center for State Courts, A Management Study of the Lafayette City Court (Williamsburg, VA: Southeastern Regional Office, 1982), p. 54.

<sup>2</sup>National Center for State Courts, Operation and Management of the Traffic Court, City of New Orleans, Preliminary Draft (Williamsburg, VA: Southeastern Regional Office).

Table 1

Comparison of Filings and Staff Among Selected Traffic Courts<sup>a</sup>

<u>Court</u>	<u>Annual Filings<sup>b</sup></u>	<u>Staff<sup>c</sup></u>	<u>Filings-to-Staff Ratio<sup>d</sup></u>
New Orleans (LA) Traffic Court	140,000	91	1,538
Riverside (CA) Municipal Court	50,000 <sup>e</sup>	13 <sup>f</sup>	3,846
DuPage County (IL) <sup>g</sup> Circuit Court	141,000	31	4,548
Akron (OH) Municipal Court	42,300	10.25	4,127
Milwaukee (WS) Municipal Court	69,200	32	2,163
Wichita Municipal Court	278,600 <sup>h</sup>	41 <sup>i</sup>	6,795

<sup>a</sup>Source: National Center for State Courts, telephone survey, May 1984.

<sup>b</sup>Filings are generally rounded and are usually for the latest calendar year. The total shown here for each court includes both traffic (moving violations) and DWI cases and excludes parking violations, except where otherwise noted.

<sup>c</sup>The figure shown for each court under "Staff" is an estimate of full-time employees, and it includes in-court staff and calendaring clerks, except where otherwise noted; but it excludes process servers and probation officers.

<sup>d</sup>The "filings-to-staff ratio" is determined by dividing the number of staff members shown into the number of filings shown.

<sup>e</sup>This total is for routine traffic violations only, and it does not include DWI cases.

<sup>f</sup>This total excludes in-court personnel.

<sup>g</sup>Circuit Courts in Illinois are unified trial courts of general jurisdiction, whose associate judges hear traffic matters. These figures are only for associate judges, their caseloads, and the non-judicial personnel who work with them.

<sup>h</sup>Statistics are for dispositions instead of filings. Dispositions include DUI, contested moving violations, contested parking violations, criminal misdemeanors, and uncontested parking and moving violations.

<sup>i</sup>Excludes bailiffs and probation officers.

#### 4. Case Processing

The Wichita Municipal Court processes over 278,600 parking violations, moving violations, DUI, and criminal (misdemeanors) cases annually. See Table 2 for a summary of caseload. This section details the clerical procedures followed by the clerk's office to process different cases from arrest or issuance of the ticket through disposition and completion of sentence.

##### Traffic Cases

Ticket Issuance and Control. Traffic tickets are ordered by the court and then issued to the police department. The police department signs for the boxes of ticket books as they are issued by the court to the department and then maintains a signout list of the books assigned to each individual officer. In the past, the court has reportedly performed periodic audits of the issued, destroyed, and voided tickets, but the police department has resisted these efforts to establish accountability.

The establishment of a master ticket control system is essential to maintaining accountability for each ticket, from issuance in books to the police officer, through issuance to motorists, and final disposition by the court. The lack of such accountability in the issuance and processing of tickets can create an appearance of fraud and ticket-fixing opportunities and thus, are a potential source of scandal.

Recommendation: The administrative judge and the police chief should work cooperatively to develop a ticket control system.

The basic elements of such a ticket control system should include:<sup>1</sup>

1. Regular storeroom records should be kept to monitor the receipt and distribution of all ticket books;

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<sup>1</sup>James P. Economos and David C. Steelman, Traffic Court Procedure and Administration, American Bar Association Press, pp. 92-95.

Table 2 Summary of Dispositions - 1983

<u>Casetype</u>	<u>Dispositions</u>
Court	
Criminal	8,516
Traffic (moving violations and DUI)	<u>27,072</u>
Total	35,288
Traffic	
Moving Violations	111,827
Parking Violations	<u>131,481</u>
Total	<u>243,307</u>
Total All Cases	278,595

Source: "Summary of Dispositions of Cases in Police Court" and "Traffic Bureau Monthly Summary."

2. The use of new books should be required at the beginning of each new year, and books from the previous year recalled;
3. All unaccounted complaint numbers should be audited;
4. No disposition of a ticket by police department should be permitted; and
5. The police department should establish its own internal controls.

Initiation. Newly issued tickets/citations are picked up each morning from the police department's records section. Moving violation tickets consist of the original ticket, an abstract, and a warrant copy; parking tickets consist of the original and a warrant copy. All tickets are checked to see that they are legible. Moving violations are already in day order, having all been issued on the previous day. They are then given to data processing for data entry. Parking violations are similarly already in day order but are then hand-sorted according to who wrote the ticket and type of violation, before being given to data processing for computer entry.

Recommendation: Parking tickets should not be sorted by officer or type of violation at this point.

Because most tickets are paid at this point, filing by other than violation or appearance date at this time is wasted effort. This should wait until the ticket is to be placed on warrant.

Both moving and traffic violations are keyed into the computer and verified by re-keying the data. Once data entry is completed, all tickets are filed at the traffic bureau counter: moving violations by defendant's name and appearance date; and parking tickets by tag number and appearance date. (The tag number serves as the defendant's name for parking tickets at this point because defendant name is not known.

Defendant's name is checked only if ticket is placed on warrant.) Moving violators have ten days in which to appear, and parking violators have five.

Payment - Uncontested. When the defendant appears within the time allowed to make an appearance, the cashier goes to the moving or parking violation file and retrieves the original copy of the ticket. If the defendant pays the fine, payment is accepted and rung on the cash register, and the defendant is given a receipt. The ticket is then sent to Data Processing for entry into the computer and filed with the closed cases.

Defendants may, however, request an extension of up to one month for payment of the fine. A new appearance date is set by the cashier which is entered into the computer, and the original ticket is refiled in a separate extension file by the new appearance date and ticket number. Extensions are granted in both parking and moving violations.

Failure to Appear. Parking defendants have five days to appear, but defendants who have failed to appear for the initial appearance by the fourth day, have their tickets pulled, and the vehicle's owner's name and address are obtained via teletype from Topeka. The clerk enters the license plate number and receives the owner's name and address. This information is then entered into the computer, and a parking notice is generated by the computer and mailed.

No notice, however, is sent for moving violations; they are instead placed on warrant.

Recommendation: Before moving violations are placed on warrant, a notice, similar to the parking notice, should be sent to the defendant.

Because of reported delays in placing delinquent motorists on warrant (see section on Warrants), a notice that the motorist will be placed on warrant at this point might encourage more motorists to appear to pay the fine without having to place them on warrant. The notice should explain their rights and what will happen if they do not appear. It also should explain how much the fine is and how it can be paid. If the notice can encourage additional defendants to pay their fine, it will decrease the amount of effort later required to place the tickets on warrant. The clerk, however, should monitor this procedure for several months to see how many additional motorists respond as a result of the notice and, if the number is slight, the effort could be discontinued.

Warrants. While moving violations are considered delinquent after 10 days and parking after five, it may take up to one month or more to place the ticket on warrant. During that time, motorists are allowed to pay the fine without penalty. Once the ticket has been placed on warrant, however, a penalty must be paid.

As time is available, the warrant clerk pulls delinquent tickets (these are already filed by suspense date, including extensions) and hand-sorts the tickets by police officer (metermaid in the case of parking tickets).

The officers and metermaids must come to the clerk's office to swear that the tickets were written by them before the warrant may be issued. This procedure has created delays in placing tickets on warrant because some officers apparently delay appearing to verify their tickets. While many officers apparently stop by when they appear in court to check on their tickets, some officers are difficult to contact, and some tickets wait additional months before being placed on warrant.



Recommendation: An improved system for prompt officer signatures in default cases is needed to ensure that delinquent tickets are placed on warrant as quickly as possible.

Among the procedures that might be attempted is the delivery of delinquent tickets to the police department for the officer's signature. This would allieviate the delay involved with waiting for officers to stop in the clerk's office. Another possibility is to redesign the traffic ticket by adding another copy to serve as the "warrant copy." This copy of the ticket would remain with the court's copy until the case is to be placed on warrant. At that point, instead of having the officer come to court to sign the ticket, the warrant copy could be sent to the police officer for his or her signature while the original stayed in the clerk's office.

Recommendation: The clerk should prepare a monthly report of outstanding fine payments for the administrative judge.

The preparation and presentation of a monthly report will serve to elevate concern for unpaid fines and permit the monitoring of progress in collections. The court also should set a target of having full fine payment within 90 days of case disposition in 90% of its cases.

Recommendation: Consideration should be given to seeking the enactment of legislation that would permit the court to revoke delinquent motorists' driving privileges within the City of Wichita and charging them with "driving under suspension" if caught.

Recommendation: The court, through the Kansas Municipal Judges' Association, also should urge enactment of legislation authorizing statewide license suspension upon default of fine payment in traffic, parking, and DUI cases.

Once the tickets are sworn to, they are then hand-sorted again into alphabetical order by defendant name and keyed into the computer. The Moving Warrant List and Parking Warrant List are prepared listing all cases on warrant. These are sent to the warrant office in the police department while the original ticket is placed in alphabetical order in the moving warrant or parking warrant file.

Defendants who appear on their own may pay the fine and additional warrant charges without going to court, but if the motorist is apprehended by the police, the motorist is likely to be booked. If booked, the defendant's name is crossed off the warrant list, and the date of booking is noted. The motorist then appears in court, and the case proceeds as a court case with the warrant copy and disposition sheet received from the police department (see discussion of court cases).

### Court Cases

Initiation. All DUI, criminal, and certain moving violations where the motorist is arrested, are scheduled for mandatory court appearances for arraignment. Additional court cases result from contested moving and parking violations. All court cases are processed by the court section of the clerk's office. Initiation of court cases, however, is very similar to traffic cases with the exception that the police department's booking section opens the case by filling out a disposition sheet, retaining the last sheet of the form, which is the arrest sheet, for their files. Where no arrest is made, as in contested traffic cases, the disposition sheet is prepared by the clerk's office, and the arrest sheet is discarded.

Once the defendant is booked, the disposition sheet and the warrant copy of the ticket/citation are sent to the clerk's office. The original of the ticket is sent to the police records room and then to the clerk's office along with traffic tickets to be keyed into the computer. Once entered in the computer, the original ticket is matched by court staff with the warrant copy, a case folder is prepared by one of the clerks with the defendant's name, and the disposition sheet and ticket are filed in the folder. A court date is then scheduled, and the folders are filed in alphabetic order in the pending file.

Twenty-five cases per day are scheduled and divided between the two divisions. Contested traffic cases are scheduled for about six weeks in the future while DUI defendants are given a court date within three weeks if they are released on bond. Defendants remaining in jail appear in court for arraignment at 8:15 a.m. the following day. When scheduling court dates, the clerks check the tickets to find the officers' days off. Cases are to be scheduled for a time when officers are on duty in order to avoid paying overtime. Officers are to write their days off on each ticket, but many fail to do so, reportedly to increase the likelihood of being scheduled for their day off.

Recommendation: Clerks should maintain an alphabetical list of each officer's work schedule.

Based upon interviews with clerical personnel, a "rolodex" was used at one time by minute clerks in the courtroom to keep track of officers' work schedules for the purpose of scheduling cases. This practice was discontinued because of the inconvenience in having to go to the central rolodex to look up each officer. Since the project team's visit to the Court, the Clerk's office has begun to receive rosters of all officers listed in alphabetical order and by officer ID number which shows officers' days off.

Indexing. The court section maintains a defendant card index system that is stored in a rotating drawer file. A 3x5 index card is prepared on all new defendants showing:

Name  
Address  
Date of Birth  
Case Number  
Docket Number  
Violation/Charge  
Violation Date

This index card is used primarily to look up the docket number of a case and to coordinate scheduling of court dates. If a defendant has been arrested several times, this will be noted on the card and alerts the clerks to the fact that the defendant may have another appearance already scheduled. If so, the cases may be combined and heard on the same day.

Docketing. The docket (daily court calendar) is prepared by the docket clerks. The court cases are assigned a docket number which is stamped onto the docket sheet and entered on the case index card. (The docket sheet is a consecutive listing of all new court cases.) Case folders are stored alphabetically in a pending court file (traffic and criminal cases are filed separately). The docket clerks regularly pull all cases in the pending file to check the cases scheduled for court on a given day, or days. Clerks usually pull cases three days in advance and may pull cases for several days at one time. Court cases are then separated into three categories: (1) trials, (2) general cases, and (3) pre-sentence investigations (PSI's). The docket clerks then prepare the daily court docket. Next, the defendant's prior violations history is checked with Topeka for prior violations and record of delinquent payments.

While the number of pending criminal cases is not large, there are an estimated 3,300 pending traffic cases. It takes a considerable amount of time to sort through all the cases each time the docket is prepared. (It was estimated by the docket clerks that it takes one-half hour to sort through the criminal cases and about two hours to do the traffic cases.)

Recommendation: A case tracking system, using a 3x5 index card or daily calendar, should be instituted.

The case tracking card could be identical to the index card now used to index all court cases. If part of a multi-part card, preparation of the case tracking card would take no additional time and would be prepared as a by-product of the index card.

The case tracking cards can be used to monitor the progress of cases instead of moving the case file. The scheduled appearance date would be entered on the card and the card filed by its date of appearance. After the initial appearance and the case is scheduled for hearing or trial, the card is re-filed by the next date. Cases placed on probation, given deferred sentencing, or deferred payment would be re-filed by a suspense date; and cases in which warrants have been issued should be filed in a warrant file by some future date (perhaps one year) so that they can be checked periodically. While maintenance of a case tracking system may take additional time and effort, the time saved in trying to locate files under the present system should more than compensate.

Recommendation: All active case files, including those waiting trial, on warrant, on probation, or on deferred payment, should be filed numerically by case number (docket number) using open-shelf filing and color-coded side tab folders.

Use of the case tracking system should ensure that cases are not neglected, lost, or misplaced. At the conclusion of an event, the case tracking card should be re-filed according to some future event or suspense date until the case is finally closed. No case should ever be continued without a new date being assigned. All cases should be checked on their suspense date in order to evaluate their status.

By filing all active cases together by docket number, inquiries into a particular case can be quickly handled. If the inquirer does not know the docket number, it can be quickly found in the index and the case

quickly located in the active case file. If cases have been removed from the active case file an out-card should be inserted with a note of who took the case, when, and where.

A side-tab color-coded numbering system reduces the likelihood of misfiled cases. The color side tabs permit quick visual scanning of cases and out-of-order files are easily spotted. Such a system should greatly reduce the number of misfiled cases.

Court. Both the Docket and disposition sheets are taken to the courtroom and are used to record the disposition of each case. The court's case jackets remain in the clerk's office; instead the police file is brought to court. The docket clerks prepare the court list that lists cases by police case number. Court lists are sent to the police records room and used to pull the police record on the case for court. The bailiff and probation officer also receive the court lists to inform them of which cases are to appear. The bailiff uses the copy of the docket to call the cases. The judge uses the docket sheet to record the disposition, while the disposition sheets are completed by the docket clerks and used to update the computer file after court. The docket sheets then are stored by hearing date once the hearing is completed.

Once the case is returned from the hearing, the case folder in the pending file is moved depending upon what action was taken. Cases returning from court are divided into disposed and pending, and the disposition is entered onto the monthly report. If a new court date was scheduled, the case folder remains in the pending file. If the case was concluded and the motorist jailed, fined, or placed on probation, the folder is filed alphabetically in the open file until sentence is satisfied. When the case is completely closed (e.g. sentence is

satisfied), the case is filed by docket number in the closed file. Again, traffic and criminal cases are filed separately.

Subpoenas. Docket clerks prepare the subpoenas for the police officers. These are sent to the police liaison officer, along with a list of subpoenas, who sees that the police officer is served. The docket clerks also check the witness sheet for cases scheduled to see if these are civilian witnesses that need to be subpoenaed. These subpoenas are sent to the warrant office along with a list of civilian witnesses and mailed to the witnesses.

Appeals. Defendants convicted of a violation may appeal their conviction to the District Court of the Eighteenth Judicial District. The appeal is for a new trial and the appellant may request a jury trial. To appeal the final judgment the defendant is to take the blue copy of the Docket Sheet (defendant's copy) marked with the final judgment and the amount of the appeal bond, and file a notice of appeal, an appearance bond, and pay a docket fee at the District Court within 10 days. Defendants are to advise the Municipal Court immediately upon conviction of their intent to appeal (usually done in open court) so that the judge may stay execution of the fine, sentence, and costs during the appeal period.

Once the notice of appeal has been filed, the notice is sent to the municipal court, and the clerk's office prepares a transcript of the case, which is typed from the disposition sheet. This is then sent to the District Court along with the ticket.

Inquiries. Each day docket clerks check the status of 20-25 cases at the request of attorneys, defendants, and complainant witnesses. The clerks usually first check the pending case file, searching alphabetically if the person inquiring has the defendant's name. If this

fails, the clerks go to the monthly report which lists all cases received that month by docket number; and if they still cannot find the case, they check the computer by using one of the terminal screens.

If the case has already been disposed, the docket clerks must check the index for the docket number and then check the closed cases file.

The docket clerks appear to use the computer as a last resort when searching cases, even though the computer file contains more information on the case than does the Monthly Report. The problem reportedly with using the computer is that the case disposition may not yet be entered in the case.

#### Removal of Cases From Office

Occasionally cases (tickets and/or disposition sheets and citations) must be removed from the clerk's office. Attorneys and defendants may request to take the ticket to the judge's office or prosecutor's office. When traffic cases are removed from the violations section, an entry is to be made on a log sheet showing date, case/ticket number, and who removed it. For court cases, an out-card is placed in the case file and used to indicate that a case file is out.

A problem arises when tickets and/or disposition sheets are returned and are not checked off the log. A brief check of "missing" tickets over a three months' period revealed that although shown as still out, the tickets were in fact returned and had been refiled. The problem appears to be that when returned, the clerks may be busy, and the tickets are placed on the counter and left. Several solutions were discussed with clerical staff. Among the ideas suggested were:

1. Require that instead of returning tickets, they be left with the judges, police, or prosecutor's office where they could be collected at the end or beginning of each day by clerk's staff. Someone should be assigned the specific duty of checking each office to collect tickets and then to check off tickets as returned.



2. Tickets or case files could be placed in a brightly colored jacket (orange) when they are to leave the clerk's office. This would make them more visible and identify them as important documents to be returned as quickly as possible. The size and color of the folder also would lessen the possibility of tickets being lost or misplaced.

### Assessment of Case Processing Procedures

Attached to this report (see Appendix A) is a description of model case processing procedures for Wisconsin's traffic courts prepared by the National Center. While there are undoubtedly differences necessitated by different state laws and local ordinances, as well as local custom and practice, the more general practices and principles offer a valuable means of assessing Wichita's Municipal Court. The following sections give a brief description of the model procedures and a short assessment of how well Wichita compares. This is done strictly for its instructional value and does not imply that the Wichita Municipal Court is deficient in these areas.

Streamline Recordkeeping. Most traffic court cases are disposed of by the defendant pleading guilty and paying the fine in the clerk's office. Creation of formal case files in such cases is unnecessary and wasteful of staff time and resources; only when cases must appear in court should more formal records be kept.

Current practice in the Wichita Municipal Court conforms to this principle and makes efficient use of staff and resources. Case files are prepared only for cases scheduled for a court appearance, and a minimum of case processing is done on the majority of the cases where the defendant pays the fine.

Abbreviated Court Record Card. Even in contested and other cases requiring a court appearance, the information required on the case is generally minimal and usually can be recorded on a card-sized record.

The Wichita Municipal Court currently makes use of an 8 1/2 x 11 multi-part Docket Sheet. The current form, although larger than may be required, appears well-designed and functional, and use of the multi-part copies is an important development and makes use of principles of modern forms design. The court might, however, wish to consider redesign of the Docket Sheet to fit on a 8 1/2 x 4 1/2 multi-part card (see attached example as part of Appendix A).

Use of Descriptive Files for Quick Retrieval. The primary objective of any case processing system is the efficient and quick retrieval of all case-related materials with the minimum amount of paperwork. This can be accomplished without the recording of extensive case information by making use of descriptive case files.

The Wichita Municipal Court already makes excellent use of such case files that make the tracking of retrieval of non-contested cases more efficient. The appearance date file contains tickets awaiting the initial appearance. Tickets are filed by the next scheduled appearance date, which allows clerks to monitor when cases become delinquent. The clerk's office, however, uses this file only for uncontested traffic cases. Contested traffic, DUI, criminal, and other mandatory court cases are instead filed in alphabetic order awaiting a hearing date (see section on Court Cases). This is inefficient and results in the docket clerks having to spend considerable time in checking every pending case in order to prepare the daily docket. Recommendations made elsewhere in this section prescribe case tracking and open-shelf, color-coded filing systems for court cases. The court already makes excellent use of descriptive case files for uncontested cases and little change is suggested.

The extension file (the open file) for uncontested cases consists of cases in which the defendant has been adjudicated, but granted an extension in which to pay the fine. Currently, these tickets are pulled from the pending (appearance date) file and filed by alphabetical order (traffic cases) or tag number (parking) in a separate extension file. Consideration should be given to filing extension cases by the new appearance date in order to permit easy identification of delinquent cases. This will permit the easy identification of extension cases as well as those cases that are delinquent. Extensions in court cases may include defendants on parole or probation, who have not yet completed paying the fine, as well as defendants who have failed to appear or pay the fine and have been placed on warrant. All of these cases are filed in alphabetic order which makes it difficult to check the current status of the cases. A quick check of 23 of these cases revealed that nine (39%) were on warrant for unpaid fines--some dating back to 1980.

The use of a case tracking system will permit the periodic assessment of all cases placed on warrant. In this way, cases that are three to four years old can be easily checked as to their status and a decision as to final disposition can be made.

The disposed files consist of cases that are completely disposed of. These include traffic and parking tickets in which the fine has been paid, and court cases that have either been dismissed or where the fine has been paid, or the individual is off parole or has otherwise satisfied the judgment. Parking tickets are filed by date of payment, traffic by ticket number, and court cases by docket number. Court cases contain the disposition sheet and original copy of the ticket, while traffic and parking consist of only the court's copy of the ticket.

Use of these files for uncontested cases permits the clerk to track cases without the necessity of recording extensive information on each case or the preparation of a large volume of management reports. Generally, files appear to be well maintained. Court cases, however, require additional attention and with the implementation of the few recommendations made here, the tracking and processing of these cases can be improved.

Filing Statistics Worksheet. Information of the annual number of cases filed by casetype is an important management tool that the court should have available in order to monitor case filing trends. Analysis of such data can be helpful in projecting future trends in workload. The court, unfortunately, does not have available adequate statistical information on which to base management decisions (see section on Statistical and Management Information for recommendations).

Always Schedule Cases for Next Date. One of the basic principles of a model case processing system is that no case should be granted a continuance without setting a next appearance or review date. This assures constant court control of all cases and provides necessary monitoring for good records management. One method that has been recommended for tracking cases is to maintain a case tracking card file of calendar cards by next scheduled event date. The use of a case tracking file will prevent cases from becoming "lost" or misfiled in the system.

## 5. Scheduling and Continuances

In cases where the defendant is released from jail on bond, the police department schedules the defendant for an initial court appearance three weeks from the date of arrest. The court date appears on the defendant's receipt for the bond. Defendants who are arrested and do not raise bond remain in jail overnight and appear in court for arraignment the next morning. Motorists who are not arrested and wish to contest a parking or moving violation ticket are scheduled for a court appearance by the clerk's office and are given a blue slip with the court date.

Cases are then assigned to divisions: odd-numbered cases to Division One, even-numbered cases to Division Two, and all DUI cases are assigned to Division Three. Case folders are prepared and filed alphabetically in the pending file. Several days prior to the court date the docket clerks prepare a court list (list of cases scheduled for court by day) that is sent to the Police Records Division and used by them to pull case files for court.

Attorneys are permitted one continuance without seeing the judge. Defendants without an attorney, however, must come and talk with the judge. When continuances are granted in court, the defendant is to receive a white slip from the docket clerk showing the new court date.

Continuances was one of the problems specifically mentioned by the court as a concern that should be examined. While there are always going to be a certain number of continuances for sicknesses or other unavoidable reasons, most continuances are reportedly the result of attorney conflicts, defense emergencies, client illness, or defendant's failure to appear. Whatever the reason, continuances contribute indirectly to increased costs and to lowered efficiency, and every effort should be made to keep continuances to a minimum.

Court control of its caseload is the cornerstone upon which improvements can be built.<sup>1</sup> An essential ingredient in the exercise of such control is the development and implementation of a continuance policy. Continuances are more than a mere inconvenience; they contribute to a poor public image and the appearance that nothing is accomplished. They result in unnecessary costs for police witnesses and other personnel who need to be present at hearings, and extra clerical staff time and effort is required to relist cases for hearings, to record entries in case files, and to file, refile, and locate case files for each rescheduled hearing. All this represents time that could be spent on other matters.

Continuances also cause inconveniences and hardship for civilian witnesses and complainants who have to return to court time after time only to have the case rescheduled. Continuances also contribute to a sense of injustice. When cases are continued several times with the result that the case is eventually nolle prosequi because prosecution witnesses fail to appear, it appears as if the defendant escapes justice. Conversely, defendants deserve a speedy conclusion to their case and delays caused by unnecessary continuances only contribute to the public's disrespect for the law and the courts.

A court's continuance rate is one indicator, or measure, of performance and of its caseload management program, and one of the most effective management tools for controlling caseloads is the establishment of case processing times and performance standards. Maureen Solomon, in her monograph on caseload management, recommends a maximum continuance rate of 15% to 20%.

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<sup>1</sup>Soloman, American Bar Association Commission on Standards of Judicial Administration, Caseload Management in the Trial Court, p. 30 (1973).

"Experience in both large and small courts of general jurisdiction indicates that when the continuance rate rises above 20% of scheduled cases, the court is failing to be vigorous in evaluating continuance requests."<sup>1</sup>

Recommendation: Greater attention needs to be paid to more strict management of continuances. The court should establish a continuance policy that identifies when and for what reasons continuances will be granted. Adherence to the policy should be monitored by the presiding and other judges of the court.

The single most important step a court can take to control unnecessary continuances is to make a commitment to that effect. It is evident that the court has already taken substantial steps to deal with continuances, although there are some additional actions that might be tried.

It is suggested that the administrative judge and his colleagues on the bench should review their continuance decisions on a regular basis (perhaps monthly). The purpose of such a collective review is to maintain consistency among the judges regarding the reasons for granting continuances, their relative frequency, and to reduce case delay occasioned by continuances.

The court should also consider the collection of continuance data such as: (1) the number of continuances granted by each judge per month and (2) the reasons for continuances.

Unavailable police witnesses seems to be a relatively minor reason for continuances. If anything, officers may appear when they are not needed because they have not made prior contact with the police liaison officer. While this problem seems to be one for police management, the court should monitor officer appearances to see if there are undesirable side effects for the court.

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<sup>1</sup>Soloman, p. 39.

Officer scheduling appears to be a problem because of shifting off-days for individual officers and because officers are unwilling to note their days off on their tickets. There must be regular communication by the police department with the court of all changes in officers' schedules. The administrative judge and police chief should reach an agreement on this matter, and specific responsibility for maintaining contact with the police should be assigned to one person within the court. (This responsibility might best be assigned to the position of assistant to the administrative judge which is recommended elsewhere in this report.)

As mentioned previously, the Court should also maintain an alphabetical "rolodex" file in each courtroom and clerk's office of all police officers and their days off. This should be regularly updated by information from the police department. At a later date, when the court is more fully automated, this information could be maintained on the computer.

Attorney scheduling conflicts appear to be another source of continuance problems because the court must defer to scheduled court appearances in the district court. While it would be difficult for clerical personnel to pressure attorneys, judges are not so constrained.

Recommendation: Continuance requests, other than the first, should be decided by a judge and even the first request should be decided by a judge if made later than three days prior to the court hearing.

When scheduling dates in the courtroom, the judge should ask counsel whether he or she has any scheduling problems with the date assigned and should request the attorney to mark the date in his or her calendar. When attorneys ask for a continuance at the last minute, the court should further ask when the attorney first learned of the conflict and why the request was made at the last minute.



The most common reason for continuance appears to be non-appearance by the defendant. While approaches to dealing with this problem may be uniformly unsuccessful, the following suggestions may be helpful. The court should make sure that defendants always receive a notice of the next hearing date before leaving the courtroom. Although this procedure is practiced now, some question exists as to whether it is uniformly followed. In addition to the notice, the court should explain that the defendant should notify the court immediately of any problems in being able to make the scheduled court date and that the court looks with disfavor on failure to appear.

To the extent that defendants' appearance problems are a result of noticing, the court should make an effort to reduce those difficulties through more effective communications with the state's licensing agency and additional methods of giving notice, such as by mail.

There is one practice that courts can easily alter to reduce the number of continuances. It is common for courts to schedule more cases for hearing than can possibly be reached on a given day, because experience teaches that some cases will not be available for hearing when called. The task for each judge is to find the optimum number by which to "overset" the court's daily calendar.

Some courts schedule a lot of cases for hearing knowing that most will "fold" and not be ready for hearing. But by scheduling too many cases for hearing, these courts may be creating continuances. Attorneys with cases at the bottom of the trial list assume that their cases will not be reached and so they do not bother to prepare. Yet, if cases above them on the trial list fold, these attorneys must then request a continuance. An example of this was observed in a general jurisdiction

court in Warren, Ohio.<sup>1</sup> For a three-judge division hearing both civil and criminal cases, the settlement/continuance rates were as follows:

	Trials Scheduled	Settled or Continued	Trials Held	% Settled or Continued
Judge A	19	4	15	21%
Judge B	35	11	24	31%
Judge C	47	28	19	60%

The authors drew two conclusions from the data. First, having a heavy "overset" factor, as in the case of judge C, did not result in having more cases ready for trial. Second, there may be an optimal "overset" ratio at which more trials can be held while still recognizing many cases may settle or not be ready when called.

Recommendation: The court should collect statistical information on cases set for trial: the number that actually go to trial; number disposed before trial date, and the number that must be rescheduled.

With this information, the judges can then experiment with different "overset" ratios in an effort to find the optimum number of cases to schedule daily.

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<sup>1</sup>Steelman and Adams, Civil Case Scheduling in the Trumbull County (Ohio) Court of Common Pleas Findings and Recommendations, National Center for State Courts, 1982.

## 6. Fine Payment

All payments are rung on the NCR cash register. Uncontested parking and moving violations are paid at the traffic counter while fines resulting from contested violations (parking or moving violations), DUI, mandatory appearances cases, and criminal violations are paid at the court's counter in the clerk's office.

There are four registers at the traffic counter, one at the court counter, and one register for mail payments. When defendants appear at the traffic counter to pay uncontested parking and moving violations, the clerks compare their copy of the citation against the court's copy and the amount of the fine is determined. The cashier rings the payment on the cash register and issues the defendant a receipt.<sup>1</sup> The defendant is to sign the back of the ticket to waive trial. The original ticket is placed in the register and the transaction is printed onto the front of ticket. The entry shows the citation number, amount of fine, court costs, state of transaction, receipt number, and register number. The register entry is rung onto the ticket so that if there is a question as to the proper amount, the actual amount paid is quickly available from examining the ticket.

Mail payments are opened each morning, and the check or money is clipped to the defendant's ticket. These are then placed behind the traffic counter on top of the files holding the pending tickets until one of the cashiers has time to pull the original ticket. These are then taken to the register used for mail payments and the transaction is entered. (No receipt is issued in mail payments, otherwise the procedure

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<sup>1</sup>If defendant appears before court's copy has arrived from police, cashiers will still accept payments.

is the same as above.) Occasionally defendants mail the wrong amount. If they have mailed too much, the proper amount is refunded immediately before the register is rung.

At the end of each day, all cash from the registers is placed in the safe overnight; the next morning all registers are rung out and a register report printed. This register report is balanced against the cash in the drawers. Once the cash and the register report balance, the three register reports for traffic cases are sent to data processing and used to check the revenue totals from the computer. (After the fine is paid, tickets are released and sent to data processing for entry of the transaction into the computer.) The register report is used to check that all tickets have been entered.

An end-of-month money report is prepared from the computer; the accounting offices also maintains a manual tally of fines paid daily, which is used to prepare the monthly report sent to the commissioners.

Once the registers are balanced each morning, the cash is taken to the City Treasurer's office along with the daily cash report. Copies of the report also are sent to the controller, and one is kept by the clerk's office.

During 1983, the clerk collected \$597,658 in fines and costs for court cases (see following table). An additional \$2,789,657 was collected for parking and moving citations which represented 81% of all revenues collected by the court.

#### 1983 Revenues

1. Criminal Fines and Costs	\$ 210,009
2. Traffic Court Fines and Costs	387,649
3. Parking Violations	567,357
4. Moving Violations	<u>2,222,300</u>
Total	\$3,387,315

The court clerks estimate that as many as 20-25% of guilty defendants fail to make full payment of their fines.<sup>1</sup> In an effort to verify these observations, the National Center project team selected a mini-sample of 24 court traffic cases (DUI, moving, and parking violations). There are approximately 7,800 open court cases in which a sentence is being served or a fine is being paid. Of the 24 cases in the sample, nine (38%) had unpaid fines in which a bench warrant was issued. It is estimated that total fines among all 7,800 open court cases amounted to \$1,076,000 (the average fine among sampled cases was \$138). Of this, an estimated 40% are unpaid. If we allow for an error rate of plus or minus 10%, then the amount of unpaid fines among court cases ranges from \$407,000 to \$497,000. This includes only court cases and does not include uncontested parking and moving violations on warrant. The amount of unpaid fines in the Wichita Municipal Court, therefore, is substantial.

The existence of large unpaid fines has serious consequences: it seriously undermines the public's respect for the judicial process and the court because justice is not served, and the City loses hundreds of thousands of dollars. Recommendations made elsewhere for a case tracking system should help alleviate the problem of unpaid fines and costs by permitting the periodic review of delinquent cases.

Recommendation: The clerk should conduct a thorough review of all warrant cases, both court and uncontested, to ascertain the extent of delinquent fine payments.

Recommendation: If delinquent fine payments are as sizable as indicated by the National Center sample, the court should consider contracting with a private collections bureau to handle cases on warrant.

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<sup>1</sup>Interview with Maurice Mowrey, August 7-8, 1984.

Presently, mail payments are left lying on top of the cabinet behind the traffic bureau counter until the cashier has time to pull the clerk's copy of the ticket. There is open access to this area and even visitors to the office have access to this area. To strengthen controls over these months, it is suggested that one clerk be given responsibility for opening the mail and immediately pulling tickets for payments so that these payments are not left lying in the open.

Recommendation: Direct mail payments should be processed immediately and should not be left lying in the open waiting for the ticket to be pulled.

The current procedure of ringing the transaction on the cash register and subsequently entering the same data into the computer requires a duplication of work that can be eliminated.

Recommendation: The first step in further automating the clerk's office should be the installation of on-line cash registers that are linked directly to the computer so that transactions are automatically entered into the computer at the point of transaction.

It is estimated that the use of on-line cash registers should save about one to two hours of data entry time daily. An additional saving will be realized by the elimination of one step in balancing the books each day. Once the cash is balanced against the register reports, there would be no need to re-balance against the computer file.

### Financial Audits

Recommendation: The court and clerk's office should be subjected to an annual financial audit.

The audit should be conducted by an independent and reputable accounting firm, and should contain recommendations not only for improvement of cash accounting, but also for general management and collection of fines. There should be quarterly audits conducted of traffic ticket issuance and disposition.

## 7. Probation

### Pre-Sentence Investigations

When the judge states that a PSI should be undertaken prior to sentencing, the bailiff (probation officer) brings the disposition sheet with the order for the PSI to probation, and the case is continued for 30 days while the PSI is completed.

After a PSI referral form is completed, the secretary pulls the police report and arrest record and prepares the file folder. Officers complete the PSI report and the bailiff returns the PSI to court for sentencing. The PSI referral form is a multi-part form with copies for the probation file, the defendant, the clerk, and the secretary who keeps a copy to serve as a tickler for the sentencing date. Prior to sentencing, the secretary prepares the PSI list which contains defendant name, probation officer, judge, casetype, and due date.

During June the department conducted 24 written PSI's and 81 non-written investigations. The total number of investigations performed this year is up 81% from 832 to 1,511.

Once the PSI is complete, the bailiff checks the PSI lists and court docket daily for cases set for sentencing and takes the reports due that day to court.

### DUI Programs/Treatment

Persons charged with DUI, and who have not been convicted within the past five years of a DUI violation in Kansas or any other state, are eligible for diversion. Under the court's diversion program, the City will postpone for one year any criminal proceedings relating to DUI. In return, the defendant agrees to pay a fee of \$365 to cover both the fine of \$200 and other costs. The \$200 fine may be reduced later if the

defendant performs approved community service at the rate of \$5.00 for each hour worked. The defendant also must attend an alcohol and drug safety action program or alcohol and drug treatment program; agree to waive rights to a speedy trial and jury trial or charges; agree to abide by whatever conditions the City Attorney feels appropriate, including restitution, attending counseling sessions, maintaining employment, and not violating the law. The defendant who completes the diversion program without violation of the conditions will have the DUI charge dismissed. Failure to abide by the conditions for diversion will result in the resumption of criminal proceedings.

At the time of arraignment, defendants are informed of the diversion program and provided an information sheet that tells them who is eligible and how to apply. During June 1984, the probation department performed 72 DUI evaluations and had performed 388 DUI evaluations as of June 30, an increase of 86 over the same time last year. The office also conducted 69 diversion evaluations in June for a total of 526 diversion evaluations conducted during the first six months of the year.

The court is to be commended for its enlightened attitude toward DUI violators. Diversion does not mean that DUI violators escape justice, but that persons who need treatment, counseling, or education have an opportunity to obtain the help they need and to rehabilitate themselves.

Another program that has been used with great effectiveness by the court is its weekend intervention program for first-time DUI offenders. The program is designed to educate social drinkers in the use of alcohol and other drugs, the law, the seriousness of their offense, and to change attitudes about alcohol and drug use. Participants are to report on Saturday mornings and classes last all day Saturday and Sunday. Instead



of being locked up in jail, violators are presented with an intensive educational experience aimed at altering their behavior.

Both programs appear to be highly successful and the court should attempt to document their effectiveness through development of recidivism rates.

### Supervision

The department also supervises defendants placed on probation. The judge sets the conditions of probation and the bailiff returns to the probation office with the disposition sheet. The probation office secretary types out the conditions and the disposition sheet is returned to the clerk's office. The secretary then checks to see if the defendant has been on probation before. If not, she prepares a case jacket, pulls the police report and arrest record, and the defendant is scheduled for probation interview. A reporting card is prepared on each probationer to keep track of his/her attendance. If the probationer has no prior record, the secretary types a 3x5 index card which is filed in the probation index. This file is used to keep track of all prior contacts and currently contains over 10,000 entries.

Each time the probationer comes for an interview, the contact is recorded on the reporting card.

### Bond Recommendations

The department also makes bond recommendations, in cases where defendants are in jail, to the judge. Each morning, the office interviews 10-25 prisoners for whom the judge needs a recommendation on whether to grant release on the defendant's own recognizance or on the amount of bond that should be set.

### Space Utilization

A problem exists in the probation office in that there is a lack of office space. There are presently ten probation officers and only eight offices. Officers conduct approximately twelve interviews each week as well as prepare probation reports, which require privacy. It is not convenient for officers to share an office. Additional space does exist in the form of a storage room that contains unissued traffic tickets and probation supplies.

Recommendation: The probation supplies should be moved to another storage area. The tickets and other items belonging to the clerk's office should be removed and stored in the clerk's office. This space in the probation office should be converted into additional office space.

## 8. Automation

The Court's automated management and information system will be examined in the next phase of this study. While no effort has been made to focus on automation at this time, some issues came to light during our visit, and some brief observations and comments are included where we feel they will be helpful. This in no way lessens the need for a complete needs assessments and requirements analysis of the court's automation system before revising the present automated information system.

During our work, it became evident that considerable improvement can be made in the Court's use of automation. Presently the Court runs two separate systems--a manual operating system and an automated management information system with limited points of contact between the two. An example of this is in accounting where the balancing of the cash registers is basically a manual operation. The same transaction data must, however, also be rekeyed into the computer in order to update the record. Another example is in the preparation of trial calendars (dockets). Although future court dates are entered into the computer, the court docket and court lists are all prepared manually. In fact, nearly all documents, dockets, indexes, lists, and reports are manually prepared. Nearly all of the court's daily operations continue to be performed manually.

The court should proceed with full automation of the operating systems in the clerk's and other offices with particular attention to on-line data entry and updating of the automated data base by operational personnel at the traffic and court counters, as well by as docket clerks in the courtrooms. Additionally, in order to take full advantage of

automation technology, the court should insist that as many of the manual operating systems as possible be automated with the eventual elimination of such manual operations as indexing, accounting, scheduling, and trial calendar preparation. Under such a system, the production of automated management reports would be a by-product of the court's case processing activities.

## 9. Statistical and Management Information

The importance of statistics as a management tool is often underestimated, but the collection of appropriate statistics can be an invaluable aid in performing many management functions from resource allocation to public relations. One of the main purposes to which statistical data can be put is the preparation and justification of the court's budget. The availability of workload and caseload statistics would greatly aid the court and the clerk in this annual exercise. There are also many other uses that can be made of court statistics by courts that need to be considered when evaluating the need for statistics. These include (1) resource allocation, (2) caseload forecasting, (3) caseflow management, (4) performance measurement, and (5) public information.<sup>1</sup> Presently the court compiles the reports shown in Table 3.

While these reports provide much of the statistical data required for management decisions, there appear to be some gaps in the data, and it was difficult to gain a complete picture of the flow of cases through the court using the available data.

Recommendation: The Court should collect and report the following for all casetypes:

1. Caseload inventory,
2. Manner of disposition,
3. Age of pending and disposed cases, and
4. Case status reports.

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<sup>1</sup>Mary Louise Clifford and Lynn Jensen, Court Case Management Information Systems Manual, Williamsburg, VA: National Center for State Courts, 1984, p. 52; and National Center for State Courts, Management Review of the West Virginia Court System, Williamsburg, VA: Southeastern Regional Office, January 1984.

Table 3  
Automated Management Reports

<u>Report</u>	<u>Description</u>
1. DUI Arrest	Total number of DUI arrests by month
2. DUI Disposition	Total number of DUI dispositions by type of disposition
3. Court Activity	Monthly total of cases on the docket, initiated and pending
4. Traffic Bureau Report	Number of parking and moving tickets issued by month and amount of fine paid
5. Dispositions in Police Court	Type of disposition of criminal and traffic cases by month
6. Monthly Traffic Court Report	Type of traffic disposition by violation
7. Monthly Criminal Court Report	Type of criminal disposition by violation
8. Supplemental Report for Time Pending - DUI	Number of DUI cases by length of time pending
9. Parking Statistics	Number of parking tickets by violation
10. Parking Paid	Number of tickets and amount paid by violation
11. Discharged Parking	Number of parking tickets discharged
12. Parking Warrant	Number of parking tickets on warrant by violation
13. Motorcycle Grant Report	Number of citations issued and amount paid
14. Moving Warrant	Number of moving tickets on warrant by violation
15. Monthly Moving Paid Discharge Report	Number of moving tickets discharged by reason

With the exception of age of cases and status reports, much of this information is already reported on a monthly basis. The following, however, presents a comprehensive inventory of management reports along with a recommended format based upon the work of the National Center's Court Statistics and Information Management Project.

Caseload Inventory. Much of the data required for caseload inventory reports are already collected, but the project team proposes a different report format, as follows.<sup>1</sup>

Casetype	Beginning Pending	Filed	Disposed	Ending Pending
Reckless driving				
DUI				
Fleeing from police				
Other moving violations				
Parking Violations				
Crimes against persons				
Crimes against property				
Other				
Total				

Data for this report is already collected and should not require additional work. Monthly cases initiated can be obtained from the computer.

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<sup>1</sup>Based upon recommendations found in Court Case Management Information Systems Manual. Casetypes conform to that being reported to the Kansas Judicial Center. Collection of case filing statistics began September 30, 1984, and is to be reported quarterly.

Manner of Disposition. Data on the type of disposition is already collected and reported, but current reports only show court cases; they do not present a complete picture of dispositions. Court cases require greater resources than those settled by a guilty plea and paying the fine at the traffic counter. It is important, therefore, to know how many cases are disposed of at court and the manner of disposition. The following format is recommended.<sup>1</sup>

Casetype	Manner of Disposition						Total All Cases
	Bond Forfeiture	Guilty Plea	Trial	Dis- missals	Diversion	Total	
DUI							
Criminal							
Contested moving violations							
Other moving violations							
Contested parking violations							
Other parking violations							
Other							
Total							

Age of Cases. One of the only ways the Court has to monitor its backlog and control delay is to collect statistics on the age of pending and disposed cases. This data is much more difficult to collect and report than caseload data, but should be greatly eased by an automated system. Data are already reported on DUI cases; however, time data should be collected on all casetypes.

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<sup>1</sup>Manner of disposition categories conform to those being used in the reporting of disposition data to the Kansas Judicial Center.



Casetypes	<u>Age of Pending Cases</u>					
	Total Pending	30 days	31- 60 days	61- 90 days	91- 180 days	181 days
Reckless driving						
DUI						
Fleeing from police						
Other moving violations						
Parking Violations						
Crimes against persons						
Crimes against property						
Other						
Total						

Casetypes	<u>Age of Disposed Cases</u>					
	Total Disposed	30 days	31- 60 days	61- 90 days	91- 180 days	181 days
Reckless driving						
DUI						
Fleeing from police						
Other moving violations						
Parking Violations						
Crimes against persons						
Crimes against property						
Other						
Total						

### Status of Pending Cases

Casetype	Total Pending	Awaiting First App.	Awaiting First Trial Setting	Awaiting Trial	Awaiting Sentence	Awaiting Terminat.
Reckless driving						
DUI						
Fleeing from police						
Other moving violations						
Parking Violations						
Crimes against persons						
Crimes against property						
Other						
Total						

Status of Pending Cases. Status reports give a quick view of how well the Court is processing cases and assess where bottlenecks may be occurring. By comparing the number of cases pending at different stages with prior months, it is possible to tell if cases are moving smoothly or being stalled at some spot.

APPENDIX A

## 6. TRAFFIC PROCEDURE

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## TRAFFIC PROCEDURE

### A. INTRODUCTION

The traffic case processing procedure, as described in this model system, includes only those actions which are considered non-criminal offenses. There are a number of significant changes from the traditional recordkeeping practices which are envisioned in the model system. The key elements are outlined in the following:

1. A streamlined recordkeeping procedure for routine traffic cases.

Experience has shown that the majority of traffic offenses are satisfied by the defendant stipulating to a plea of guilty and paying the forfeiture. Accurate and retrievable records must be kept of such cases, but the creation of formal case dockets, indices and other case records for these routine occurrences is not necessary in the model system. Only when a case is contested by a plea of not guilty will the formal procedures of assigning a case number, creating a court record card and a calendar card be required. In the routine cases which are satisfied by a stipulation of a plea of guilty or payment of the fine prior to the return date or by a plea of guilty on the return date, the entire record of the matter will be kept on the back of the original (white) copy of the citation.

2. A new multi-part court record card is used for contested cases.

The new traffic court record card measures approximately 4 1/2" x 8 1/2" and will replace the traditional docket book or legal size court record. In contested cases, the clerk will only have to type basic case information once to create the court record, WCIS filing and disposition reports and a calendar card.

3. Descriptive files are used for quick retrieval of all traffic cases filed.

The Pending Alpha File includes the yellow citation (provided by arresting agencies to report to the Department of Transportation) for uncontested cases and contested case files. Thus, the pending alpha file will include all cases pending before the court filed in alphabetic order by defendant name.

The Appearance Date File includes the original citation for cases awaiting initial appearance and calendar cards for contested cases scheduled for a hearing after the initial appearance. The citations and calendar cards are filed by the next appearance date. This file is used for calendar preparation and is monitored on a daily basis to insure that appearances take place as scheduled.

An Annual Warrant Suspension File will be maintained for those cases in which a warrant or suspension has

been issued. When a warrant or license suspension is issued, the case file is placed in alphabetical order in the annual warrant suspension file within the year of issuance. The model system suggests warrants or suspensions active over two years be reviewed by the prosecuting agency for possible dismissal.

The Disposed Alpha File is an alphabetic index by defendant name of all cases disposed within a given year. The disposed alpha file will contain calendar cards for contested cases and the white copy of the citation in uncontested cases.

A primary objective of the model system is to process uncontested traffic cases without creating new paperwork. To do this, it is necessary that both the original (white) and yellow copies of the citation be filed with the court within 48 hours of issuance.

4. A new filing statistics worksheet will log the number of cases received for each agency daily.

When each agency files traffic citations with the court, the number of filings will be annotated on this log or worksheet. Management information which can be gained from analyses of this information can be very helpful in projecting peaks and valleys in the workload. Since traffic matters account for a large percentage of the workload in the clerk's office, improved management information may be very useful.

5. Traffic cases will be processed for disposition upon receipt of a fine payment.

The model system will reduce the clerk's workload substantially by establishing procedures which simplify traffic accounting. Monies received in connection with a traffic or forfeiture citation, in non-mandatory appearance cases, prior to the return date or in uncontested cases on or after the return date will be receipted as the fine payment. In those cases when the defendant subsequently appears and enters a not guilty plea the accounting system provides a method for transferring those funds to a bail account, if necessary, with a simple bookkeeping transaction.

6. Cases are always scheduled for next action or review date.

One of the basic principles of the model system is that no case is allowed to be without a next appearance or review date. This principle assures constant court control of all cases and gives a monitoring element basic to good records management. In the model system the original copy of the citation for uncontested cases and calendar cards for contested



cases will be filed in the appearance date file by the next action date. The monitoring of this tickler file will prevent cases from becoming "lost" in the system.

7. A clear plastic sleeve will be used as the case file.

Legal size case folders and/or jacket will be replaced by clear plastic sleeves, which will eliminate any file folder preparation and minimize necessary storage space. Plastic sleeves are recommended for use in the clerk's office for those cases in which a number of documents have been filed in addition to the citation (e.g., in contested cases).

8. In addition to these major "key elements" of the model system, there are several other important features of the model system addressed in the General Standards. The General Standards are referenced throughout the traffic case processing procedure. A comprehensive understanding of the General Standards is essential for successful implementation and benefit from the model system.

## B. PROCEDURE

### 1. CASE INITIATION

The action is commenced by an initiating document (Wisconsin Uniform Traffic Citation and Complaint) [§ 345.11(2)(m) and § 345.25(1)(2)]. The date of the first appearance is determined by the arresting agency, using time periods allocated by the court. At times, when the defendant is in custody, the complaint/citation will not be filed prior to the first appearance. If so, the case will be opened at that time. [§ 345.23(3)]

1.1 Receive citation/complaint. You should receive two copies of the citation/complaint within 48 hours of issuance: One white copy which acts as the official court complaint and one yellow copy which will be used for reporting the case disposition to the Department of Transportation. [§ 110.07(1)(b)]

1.2 Carry out quality review procedures as follows:

(a) Check for the following information elements necessary to complete the case initiation: 1) defendant's name; 2) address; 3) birth-date, check for determination of juvenile status: traffic offenders under age 16; 4) the offense alleged, including the section number and description of the offense; 5) the date, time and location of the initial appearance.

(b) If the date of birth indicates a person is under 16 years of age, transfer the citation to the juvenile court clerk.

- (c) If a representative of the agency is present, bring the problem to his or her attention. If the problem is noticed when the filing agency or party is not present, follow through with action to obtain the necessary information in accordance with local procedure. Always accept the citation for filing whether or not the problem is corrected.

1.3 Receive and attach documents to the white copy of the citation. Along with the two copies of the citation, you may receive:

- A deposit of money with arresting agency's receipt, if cash. [§ 345.23 (2) (a)]  
  
(In mandatory appearance cases, it is a deposit; non-mandatory appearance cases, it is the forfeiture payment.)
- A deposit of a valid Wisconsin drivers license. [§ 345.23 (2) (c)]
- A signed stipulation (pink copy of the citation) accompanied by the fine payment. [§ 345.23 (2)]
- An arrest bond certificate, [§§ 345.23 (2) (d), 345.61 (c)]
- A Visa or Master Card charge slip which constitutes the fine payment in accordance with local procedures.

1.4 Write one receipt for all fine payments or deposits received from an issuing agency. [§ 345.26 (5)] (See Accounting Procedure later in this manual.)

1.5 File stamp the original citation and any subsequent documents; do not file stamp the yellow copy of the citation, a drivers license or arrest bond certificate.

1.6 Check for outstanding warrants. If a warrant is found, indicate (by stapling a note to the citation) that a warrant is outstanding.

- 1.7 File the yellow copy of the citation alphabetically by the first letter of the defendant's last name in the pending alpha file.
- 1.8 Place the white copy of the citation and attachments in the appearance date file by date and time of appearance.
- 1.9 Place a tally mark on the filing statistic worksheet under the appropriate filing agency. (See Form TR 303 in the Forms Manual for suggested format.)

## 2. RECEIPT OF FORFEITURES

When a payment of a forfeiture is received by the clerk of courts' office prior to return date, the citation should be separated in the appearance date file from those citations in which the defendant actually is expected to appear. This will expedite calendar preparation and case disposition processing.

[§ 345.27]

- 2.1 Receive forfeiture and issue receipt.
- 2.2 File stamp pink citation copy, if received.
- 2.3 Pull the white and yellow copies of the citation from the respective pending alpha file and appearance date file.
- 2.4 Review citation for mandatory appearance. If appearance is required, refile the citation in the appearance date file alphabetically by date and time of appearance. Place the yellow copy back in the pending alpha file.
- 2.5 If no appearance is necessary, immediately process the citation for distribution to the disposed file and to DOT on the return date. (Current computer programing restraints do not allow DOT to process cases until on or after the return date entered on the citation by the officer.) See Section 12 (Case Disposition Procedure).

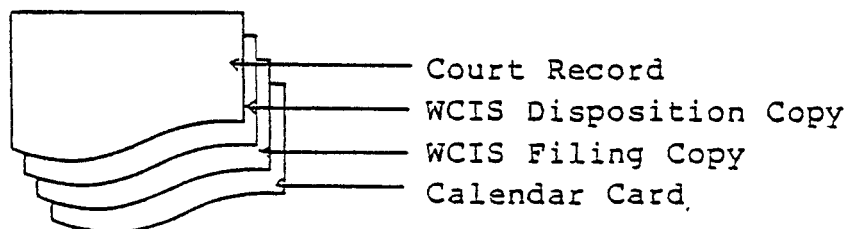
When payment is made and processed before the return date, the court and DOT copies should be annotated to reflect both the actual date paid as well as the return date (e.g., paid-6/18/82 A/O 6/28/82). By marking the citation in this manner, records will be accurate and DOT computer input operators will enter the proper date.

- 2.6 File the processed copies in the appearance date file with other paid forfeitures scheduled for the same return date.

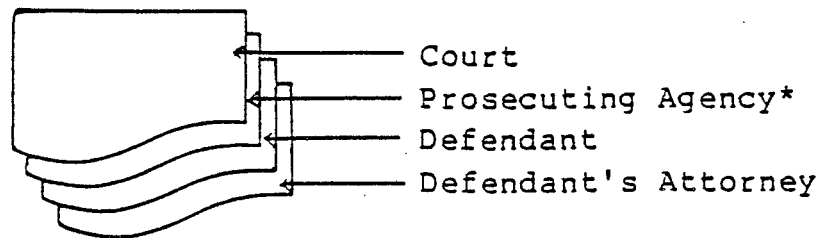
### 3. NOT GUILTY PLEA BY MAIL

The model system recommends that letters entering a plea of not guilty received by the clerk of courts' office prior to initial appearance (return date) be handled administratively upon receipt. [§ 345.34 (3)]

- 3.1 File stamp letter entering plea.
- 3.2 Retrieve the white copy of the citation from the appearance date file.
- 3.3 Assign the next consecutive traffic case number using standard WCIS case numbering format.
- 3.4 Assign the next action date for pre-trial or trial in accordance with local procedure.
- 3.5 Create a four-part traffic court record card. Enter the basic case information on the top portion of the record card form and enter the filing of the complaint, other documents and the next action date on the lower portion of the form. (See Form No. TR 300 in Forms Manual for detailed instructions.)



- 3.6 Prepare and distribute the four-part notice (defendant by mail). [§ 345.34 (3)] (See Form No. CR 202 in Forms Manual for detailed instructions.)



\* Prosecuting agency to inform arresting agency.

- 3.7 Pull yellow citation from the pending alpha file. Place assigned case number in upper right-hand corner and refile.
- 3.8 Detach the calendar card, enter the next action date, place in the appearance date file under the next action date.
- 3.9 Detach and send the filing report to WCIS. Place the court record white citation copy and other documents in the plastic sleeve; file by case number.

#### 4. RECEIPT AND ENTRY OF SUBSEQUENT PAPERS

Once a traffic citation has been filed, other papers called subsequent papers are received periodically to be entered and filed with the case file. These papers may be filed in person by the parties, received through the mail or received directly in the courtroom. Separate processes have been outlined for high volume occurrences. (See Step 2, Receipt of Stipulated Forfeitures and Step 3, Receipt of Not Guilty Pleas by Mail.)

- 4.1 Receive and file stamp the first page of the subsequent paper.
- 4.2 Enter the date and paper title onto the court record card (if contested) or white copy of the citation (if uncontested).
- 4.3 File subsequent papers with the citation by stapling the papers to the citation or using a plastic sleeve file.

5. PREPARATION FOR INITIAL APPEARANCE (RETURN DATE)

Preparation for the initial appearance (return date) consists of preparing a calendar and pulling the unsatisfied citations from the appearance date file.

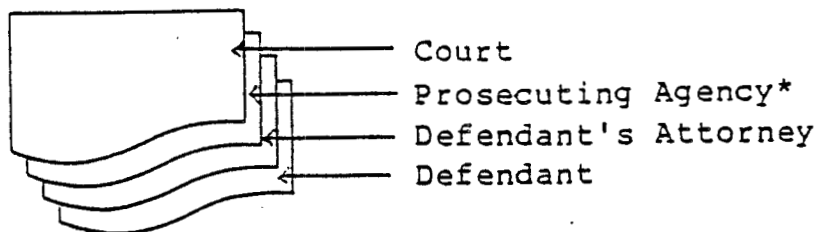
- 5.1 Prepare the calendar for the initial appearance hearings by pulling the white citation copies for all cases which have not yet been satisfied by a paid forfeiture.
- 5.2 Type a court calendar reflecting basic case information. (See Form No. TR 301 in Forms Manual for suggested format.)
- 5.3 Distribute calendars as prescribed by local practice.
- 5.4 Refile the citation copies in the appearance date file.

6. INITIAL APPEARANCE HEARING (RETURN DATE)

At the initial appearance (return date) the defendant may appear before the court to enter a plea, request a trial, or ask for an extension of "time to pay". If the defendant fails to appear in person or by mail, the court may find the defendant guilty in absentia. In the event the defendant exercises his right to appear on the return date and change his plea, it will be necessary to pull out the citation and take appropriate action. (See Step 7, Actions to be Taken After Initial Appearance.) An immediate hearing may be granted at initial appearance. [§ 345.35(2)] If so, see Step 11 (Hearing/Trial).

- 6.1 Take minutes on the courtroom clerk calendar. Mark appearance status and brief notes as to disposition. (See Form No. TR 301 in Forms Manual for suggested format.)

- 6.2 For cases continued or scheduled for another court appearance, give the parties verbal notice or hand-written notice of the next appearance. (See Form No. CR 202 in Forms Manual for detailed instructions.)



\*Prosecuting agency to inform arresting agency of next action date.

7. ACTIONS TO BE TAKEN AFTER INITIAL APPEARANCE (RETURN DATE)

Different steps will have to be taken by the clerk depending on the results of the initial appearance. Using the initial appearance calendar, follow the appropriate alternative procedure described below.

- 7.1 If the case is disposed through a guilty plea, no contest plea, dismissal or default judgment, go to Step 12 (Case Disposition).
- 7.2 If the case is continued to a new initial appearance date, but is not contested, use the following procedure:
- (a) Place continuance information on the back side of the white citation. Refile in the appearance date file under the new action date.
  - (b) Place new appearance date on the yellow copy of the citation. Refile in pending alpha file.

NOTE: Place an asterisk next to the original court date and place the new court date on the back side next to judge number. Be careful not to mark up the face of this copy because the Department of Transportation enters information from this form.

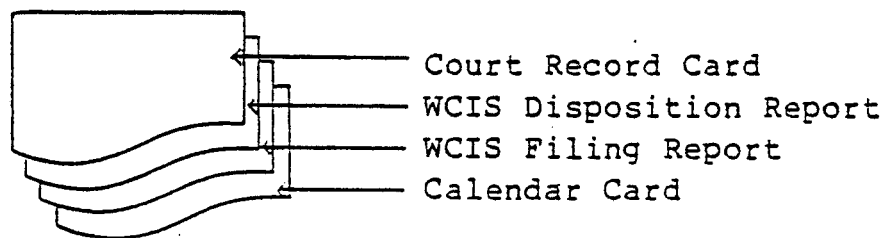
- 7.3 If a warrant is issued in a traffic case for the defendant's arrest, use the following procedure:



- (a) Prepare a criminal calendar card and file it in the integrated warrant/suspension file by the first letter of the defendant's last name. (See Form No. CR 200.4 in Forms Manual.)
- (b) Attach the white copy of the citation to other case documents and file alphabetically in the annual outstanding warrant file.

7.4 If the case is contested (not guilty plea entered), use the following procedure:

- (a) Assign the next consecutive traffic case number using standard WCIS case numbering format.
- (b) Create a four-part court record card. Enter the basic case information on the top portion of the court record card and enter the filing of the citation and other documents and next action date on the lower portion of the form. (See Form No. TR 300 in Forms Manual for detailed instructions.)



- (c) Detach and send filing copy to WCIS.
- (d) Detach and update the calendar card with the next action date and file in the appearance file by date and time of appearance.
- (e) Place the court record card, white copy of the citation and miscellaneous papers in a plastic sleeve; file by case number.
- (f) Place assigned case number in the upper right-hand corner of the yellow copy and refile in the pending alpha file.

## 8. ADJOURNMENTS

At any time during the processing of a contested case, a hearing or activity may be cancelled (adjourned) on request of a party or the court and rescheduled for a new date. Clerk responsibilities as a result of an adjournment

include updating the court record card, or back side of the white citation copy, and moving the calendar card to a new date.

- 8.1 Receive notice and approval of adjournment.
- 8.2 Reschedule or receive notice of the new hearing or review date.
- 8.3 Pull the citation; note the adjournment and new hearing or review date on the court record card; refile in case number order.
- 8.4 File the calendar card under the new hearing or review date in the appearance date file.
- 8.5 Note the new date on the calendar book or calendar worksheet in accordance with local procedures.

9. CALENDARING OF SUBSEQUENT CONTESTED CASE HEARINGS

The court is responsible for calendaring the activities of traffic cases as they proceed through the court system. In contested cases, these activities may include a subsequent return appearance hearing, pre-trial and motion hearings, trial and post-trial hearings. For each of these types of hearings, certain basic procedures apply. The same procedures apply whether the calendar prepared is a daily, weekly or monthly calendar. But a distinction is made between contested and uncontested cases. Only "contested" cases require a case number and court record card. [§§ 345.32, 345.34, 345.35, 345.36, 345.37]

- 9.1 In advance of hearing, prepare the court calendar by pulling the calendar cards filed under the appropriate hearing date or by referring to the calendar book or calendar worksheet.

- 9.2 Type and distribute the calendar in accordance with local procedure.
- 9.3 Using the calendar, pull the citation(s) and bring or send to courtroom for use during the hearing.

#### 10. CASE MONITORING

Case monitoring consists of the regular checking of the appearance date file to identify cases in which a scheduled activity appears not to have occurred and to determine what necessary follow-up action should be taken.

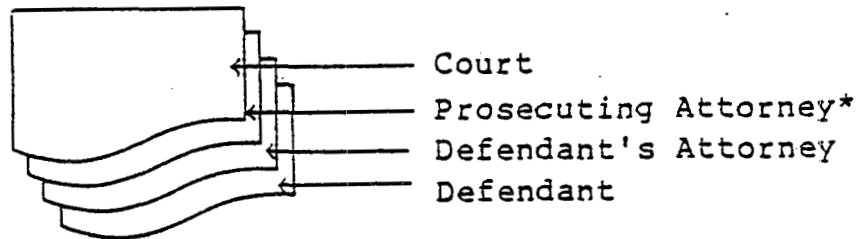
- 10.1 Each day, check the appearance date file for calendar cards which remain filed under the previous day in the appearance file.
- 10.2 If the event scheduled for the previous day was a hearing, determine if no appearance was made or if the clerk's office was not notified of the results of that hearing.
  - (a) If no appearance was made, notify the trial judge to determine action to be taken.
  - (b) If an appearance was made, determine the results of the event including the date of next action; move the calendar card in the appearance file to the date of the next action; update the calendar book or calendar worksheet and the court record card.

#### 11. HEARING/TRIAL

The clerk's basic recordkeeping responsibility for all court hearings and trials is the same. It consists of taking concise minutes of the proceeding, updating the citation or court record card, and filing the minutes and case papers received during the hearing in the case sleeve. (Clerk responsibilities for keeping trial records

such as exhibits and juror attendance are not covered by the model system. These duties should be performed in accordance with local procedures.)

- 11.1 Take minutes in longhand on WCIS traffic minute forms. (See Form No. TR 302 in Forms Manual.)
- 11.2 If a next appearance or action date is given, prepare and distribute in the courtroom the notice form. (See Form No. CR 202 in Forms Manual for detailed instructions.)



\*Prosecuting agency to inform arresting agency of next action date.

- 11.3 After court, review the minutes for any actions required for calendaring, next action date or review dates.
- 11.4 Update the court record card including entry of the next action date, if appropriate. If the case was completed, go to Step 12 (Case Disposition).
- 11.5 File minutes, court record card, and other case documents received during the hearing in the plastic sleeve, and file by case number.
- 11.6 Update and file the calendar card under the next action date in the appearance date file.
- 11.7 Send the copy of minutes (Form No. TR 302.1) to WCIS.

## 12. CASE DISPOSITION

Whether the traffic matter is contested or uncontested, the defendant found guilty or not guilty, the basic disposition procedure is the same.

- 12.1 On the yellow copy of the citation, enter disposition and send to the Department of Transportation. [§§ 110.07(1)(a), 345.48(1)]
- 12.2 Send a copy of court minutes or initial appearance calendar for cases disposed at initial appearance to clerk's employee(s) responsible for disbursement of money held as bail and for disbursement of forfeitures received. (See Accounting Procedures)
- 12.3 Prepare and disburse appropriate and required court orders in accordance with local procedure and statutory requirements to satisfy the Department of Transportation. [§§ 343.28, 343.30, 343.305, 343.32]
- 12.4 Update calendar book and calendar card if a review date is scheduled.

Hearings relating to judicial review will be considered under post-judgment activity.  
(See Step 14 below.)
- 12.5 Update court record card (if contested) or citation (if uncontested), listing date and title of final orders. Also, note location of exhibits filed separately from case file. Refile the calendar card or citation copy in the appearance file under the appropriate date and time if review date is scheduled.
- 12.6 Send disposition report to WCIS.
- 12.7 Remove all staples, paper clips and rubber bands from case related papers.
- 12.8 File disposed uncontested cases and the calendar cards for contested cases alphabetically, by year, in the disposed alpha file.
- 12.9 File disposed contested cases by case number.

### 13. POST-JUDGMENT

A number of clerk and judicial activities can be involved after a case is closed (i.e., judicial disposition reviews, motions to reopen, etc.). [§§ 345.37(3), 345.57] The following describes the general procedures to be used when the post-judgment activity is initiated using the original case documents (citation, court record card and calendar card.) If a motion to reopen is granted in a previously uncontested case, follow Step 3 to assign a case number and create a court record card.

- 13.1 Receive and file stamp initiating papers.
- 13.2 Pull case file (citation or plastic sleeve), and insert an outfolder in its place.
- 13.3 Schedule court activity in accordance with local procedures.
- 13.4 Prepare notice form. (See Form No. CR 202 in Forms Manual for detailed instructions.)
- 13.5 Update the court record card or back of citation as to papers filed and enter next action date.
- 13.6 Enter next action date on the calendar card and file in the appearance date file by appearance date and time of appearance. If the case was not originally contested, file the citation in the appearance file under the date and time of appearance.
- 13.7 Note appearance date and time on calendar book or calendar worksheet in accordance with local procedures.
- 13.8 Continue the process according to procedures described above for Receipt and Entry of Subsequent Papers, Adjournments, Case Monitoring, Hearing/Trial and appropriate Case Disposition steps.

## SPECIAL PROCEDURES

Certain legal events, if they occur in a case, entail clerical procedures which are specialized. These procedures are outlined in the following:

### 14. HABITUAL TRAFFIC OFFENDERS

The district attorney, upon receipt from the Division of Motor Vehicles of a certified copy of the conviction record [§ 351.03], shall file a petition in the county of residence. [§ 351.04]

- 14.1 File stamp the district attorney's petition and order to show cause (if accompanied).
- 14.2 Assign next consecutive habitual traffic offender (HT) case number.
- 14.3 Create a court record card. Enter the basic case information on top portion of the court record card and enter the filing of the complaint and other documents and the next action date on the lower portion of the form. (See Form No. TR 300 in the Forms Manual for detailed instructions.)
- 14.4 Provide a copy of the petition to the court for preparation and/or signature of the order to show cause.
- 14.5 File the calendar card in the appearance file allowing 20 days for review and preparation of the order to show cause.
- 14.6 Place petition, court record, and miscellaneous papers in plastic sleeve and file by case number.
- 14.7 Receive and file stamp the order to show cause.
- 14.8 Prepare and obtain service of summons as prescribed under Chapter 801, and forward with a copy of the order to show cause. A copy of the record and explanation of effects of being a habitual offender must be attached. [§ 351.05]

- 14.9 Update court record card and calendar card as to date and time of hearing.
- 14.10 Place calendar card in the appearance date file by date and time of hearing.
- 14.11 Place filed documents and court record in plastic sleeve and file by case number.
- 14.12 Follow Steps 7 and 8 above for continuation of process.

#### 15. REPORTING OF APPEALS

Two steps must be taken in addition to the standard appeal procedure. [§§ 345.48 and 343.30] These steps are outlined below.

- 15.1 Forward to the Department of Transportation a certificate stating appeal has been perfected. (See Form No. TR 304 in Forms Manual for sample format and information required.)
- 15.2 Report decision on appeal from the Appellate Court to the Department of Transportation.

#### 16. DISPOSITION OF AN OUTSTANDING WARRANT

The following procedure is outlined to ensure that all records of warrants or suspensions are erased after dismissal or apprehension of the defendant.

- 16.1 Upon formal dismissal of a case or apprehension of the defendant, pull the calendar card from the integrated warrant/suspension file and pull the citation from the annual warrant file.
- 16.2 Update the court record with the date and reason for recall.



- 16.3 Notify the responsible agencies (police, sheriff, state patrol) and request that the warrant order be returned to the clerk of courts' office within 24 hours. (Notification can be done in accordance with local procedure. Written notice may be necessary.)
- 16.4 Indicate the agency and the date the warrant order was returned on the court copy of the warrant. Destroy all returned copies of the warrant.
- 16.5 Continue the process according to the procedures described above for Hearing/Trial and Case Disposition.



**H C Miller Company**

TR 300, 11/82 COURT RECORD

**MINUTES**  
**TRAFFIC or FORFEITURE**

County		Code	<b>TRAFFIC or FORFEITURE</b>				Case Number	
<input type="checkbox"/> State of Wisconsin <input type="checkbox"/> County <input type="checkbox"/> Municipality of _____ <div style="text-align: center;">vs.</div>			<div>Prosecuting Attorney</div> <div>Defense Attorney</div>					
Residing Court Official		Code	Court Activity			Code	Date	
Case Transferred to Judge		Code	Special Status or Continuance		Code			
How Disposed		Code	Sentence				Code	
Section No.		or	Classification No.		Comments:			
					Fine/Forfeiture			
					Penalty Assessment			
					Suit			
					Fee			
					Costs			
					<b>TOTAL</b>			

SC 1 TR-302



**T 303, 5/83**

# TRAFFIC/FORFEITURE TRANSMITTAL

Date: \_\_\_\_\_  
Page \_\_\_\_\_ of \_\_\_\_\_

CITATION OR CASE NUMBER	DEFENDANT'S NAME	CITATION ENCLOSED		PAYMENT AMOUNT	PAYMENT TYPE			RECEIVED BY CLERK (✓)	COMMENTS
		YES	NO		CH	CK	CIG		
1					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
4					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
9					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
10					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
11					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
12					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
13					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
14					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
15					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
16					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
17					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
18					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
19					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
20					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

I certify that citations and payments were received as noted above. Clerk:

Date: