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Western Regional Office

MONTEREY COUNTY MUNICIPAL COURT CLERICAL SUPPORT PROJECT

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I. BACKGROUND AND SCOPE OF THE PROJECT

In June, 1980, the Monterey County Board of Supervisors, with the concurrence of the Monterey County Municipal Court, authorized the County Administrative Office to administer and supervise a management audit of the Monterey County Municipal Court. The goals of this management audit were to study current workload, organization, procedures, work assignments, staffing requirements, adequacy of staff training and to design and recommend necessary system changes. The Western Regional Office of the National Center for State Courts was selected on a competitive bid basis to conduct the study.

The project team used two basic techniques to make its assessment: statistical comparisons with California courts of similar size and structure, and project team evaluation of the Monterey County Municipal Court operation. The sample of courts selected included courts having six to ten judicial positions with two or more court locations. Although some municipal courts in Los Angeles County meet these criteria, they were excluded because they function in a unique, highly urbanized environment. The sample consists of nine courts: Consolidated Fresno, North County San Diego, Riverside, Sonoma, Southern San Mateo, Stanislaus, Ventura, and West Kern. This sample is used throughout the report.¹

¹ For information on the number of court locations and the estimated percentage of Spanish-speaking inhabitants served, see Appendix I.

Several explanatory notes are necessary relative to this audit. First, the statistics and procedures analyzed represent an isolated segment of time; even so short a period as a few months can entail significant changes, particularly in a court experiencing such rapid change as the Monterey County Municipal Court. Second, by its very nature, the audit process tends to focus on needed changes while ignoring the positive aspects of an operation. The number of recommendations is not meant to suggest that the court is not moving in a generally positive direction. In the project team's opinion, it is. Third, the clerk/court administrator has been receptive to the suggestions of the project team and has already begun to implement several of the recommendations. Recommendations that, to the project team's knowledge, have been implemented are so noted in the text. Fourth, the recommendations that are considered to be of highest priority are noted with an asterisk (*). This should assist both the clerk/court administrator and the county in developing an implementation strategy. Finally, as requested in the request for a proposal, the performance of judicial officers is excluded from the audit.

This report represents the preliminary findings of the project team. The National Center will continue to work with the Monterey County Municipal Court in implementing the recommendations after the submission of this report and will submit a final evaluation report in September, 1981.

II. SUMMARY

The Monterey County Municipal Court is in a period of transition from three independent municipal courts which function largely on a manual basis and use varying procedures to a major consolidated municipal court with high filing volume which uses automation and newly implemented standardized procedures. The transition is a difficult one as it represents significant change for all court employees, some of whom have been working with the same procedures for years. The change in clerk/court administrators at the time of consolidation has introduced a new management style and philosophy to court operations. The high turnover rate of typist clerks and reliance on temporary employees further contributes to an unsettled atmosphere.

At the same time, during the first year of consolidation progress has been made in a number of areas. Since his appointment, the clerk/court administrator has implemented various changes that ultimately will improve the efficiency of the court. These include in-court docketing, standardization of forms and procedures, initial work on procedures manuals, preliminary work on automating parking and index functions, the introduction of microfiche indexes, and the initiation of programs to improve the management capacity of supervisory personnel.

The numerous changes, coupled with a sharp increase in caseload, make a somewhat unstable period almost inevitable. However, the project team believes that a number of steps are available that will stabilize the operation of the court and

further improve its overall efficiency. This can be done without significant cost to the county, and, in fact, areas of cost savings are available.

The key elements of the project team's assessment of the operation of the Monterey County Municipal Court are as follows:

- . Statistical comparisons made by the project team indicate that the Monterey County Municipal Court does not rank favorably when compared to courts of similar size by weighted filings per employee or unweighted filings (excluding parking) per employee. The court fares better in a comparison of unweighted filings (including parking) per employee.

- . Filing volumes have increased sharply during the last five fiscal years, more than five times the growth experienced by municipal courts in the state as a whole. Caseload projections indicate that the high rate of growth will continue. The current productivity rates suggest that in the short run, improved procedures and automation, rather than an increased staff, should be used to meet the demands of this projected growth.

- . The net cost of operating the municipal courts has increased significantly during the past five years due to the cost of operation outdistancing the revenues received. Processing parking citations is a particular problem for the County, as this function requires a significant expenditure in personnel and the county is, at best, just breaking even financially.

- . The court has instituted numerous improvements in records management, some of which are still in the process of being implemented. The general direction in this area is positive.

. The movement toward automation of the indexes and parking will have positive impact on the court. Other areas that would benefit from automation are apparent and should be studied.

. The initiative to standardize forms and procedures, although requiring an initial investment in personnel, will ultimately have a positive effect on the court operation. Judges in the different branches have not always supported the effort to standardize, which has resulted in some residual differences in procedures and forms.

. A new organizational structure should be adopted which reflects new responsibilities recommended for court personnel. The heavy reliance on temporary employees should be curtailed. A stable permanent staff should be sought and career incentives built into the personnel classification system to maintain this stability.

. Work assignments of personnel should be clarified and procedures to be followed need to be more specifically defined. A first step is the development of procedures manuals for divisions that do not presently have them.

. An ambitious training program for employees, which includes cross-training within divisions, between court locations, and attending educational programs outside the court, has been implemented. While this program is commendable, it needs to be given greater direction in terms of identifying the areas in which training is needed, who needs the training, and what programs will meet those needs.

. Improvement is needed in maintaining and monitoring management information. The clerk/court administrator indicates that he has been hampered by the apparent failure of his predecessor to create and maintain pertinent management reports. Informed management decisions cannot be made until this problem is rectified.

The specific recommendations of the project team are listed in the following pages. These recommendations are offered as a blueprint for improvement. Some represent changes that can be accomplished immediately; others will require more time and, in some cases, additional study.

COURT ORGANIZATION AND STAFFING

- * . The Monterey County Municipal Court should adopt a new organizational structure which reflects the following changes (p. 37):
 - a. An administrative support services unit should be created consisting of the data processing and accounting divisions and other support functions operating under the direction of an administrative services officer.
 - . The duties of the administrative services officer position should include planning, research, development of legislative programs, forms control, coordination of standardization between branches, procedural analyses, and other duties as delegated by the clerk/court administrator, as well as direct supervision of the data processing and accounting divisions.
 - . The day-to-day operations of the accounting unit should be supervised by a lead clerk. Payroll, purchasing and forms control functions should be incorporated into that unit.
 - . The typist clerk in charge of the work program should be assigned to the accounting unit.
 - . Data processing personnel in each branch should report directly to the administrative services officer. A lead worker should be named for each branch. The lead worker in the Salinas branch should have general supervisory responsibility for data processing.

b. Each branch should be supervised on a day-to-day basis by an assistant clerk/court administrator. The duties should include overseeing the operational divisions, including courtroom clerks, and overseeing leave, hiring, supplies and budget recommendations for that branch.

- . Courtroom clerks and calendar clerks should report directly to the assistant clerk/court administrator in each branch.

- . The jury clerk in the Monterey branch should be assigned to the court services division and should report directly to the assistant clerk/court administrator.

- . Stenographic clerks should report directly to the assistant clerk/court administrator(s).

c. Legal process clerks presently in the Salinas court service division should be assigned to the traffic division.

* . The permanent staff of the court should be 71 positions to meet the current caseload. (p. 45)

PERSONNEL MANAGEMENT

* . A personnel classification system for core personnel should be developed which allows for more flexibility in assignment and training and for the development of a career ladder based on the general classification of "municipal court clerk." (p. 48)

* . Classifications should be adopted for the non-case processing positions within the court requiring specific skills. (p. 51)

* . Classification reviews should be conducted of positions affected by the proposed reorganization. This includes the supervising municipal court clerk in court services, the senior municipal court clerk in charge of purchasing, payroll, and forms control, and the proposed principal clerk in the data entry division in the Salinas branch. (p. 52)

* . Any clerical personnel performing case processing duties characterized by the exercise of substantial independent judgment and discretion and high consequence of error should be classified at a level comparable to a legal process clerk. (p. 52)

- . Each division generally should be organized on the basis of a supervisor, an assistant supervisor, and staff positions. (p. 53)
- . The position of legal process clerk in the parking section in the Monterey branch should be the subject of a reclassification study due to the supervisory duties performed. (p. 54)
- . A position control system should be adopted to monitor and track the number and classification of permanent and temporary positions. (p. 54)
- . New and promoted employees should have their performance evaluated during the second and fifth months of their probationary periods as well as at the end of the period. (p. 55)
- . Annual written performance evaluations should be conducted for employees immediately prior to their anniversary dates. (p. 57)
- . Employees should be required to review and update their position description questionnaires as part of their annual performance evaluation. (p. 58)
- . The county should provide bilingual skill pay to court employees who qualify under paragraph 20 of the Salary and Benefits Resolution (No. 80-517). (p. 58)
- . Assignment to any of the court locations should be made a condition of employment for supervisory and management personnel. (p. 59)

RESOURCE MANAGEMENT

- . Once the permanent staffing level of the court is established, the clerk/court administrator and the county should agree on the maximum level of temporary help to be employed. Any number beyond this level should be agreed to by the county administrator's office. (p. 61)
- . An exit interview program should be initiated to enable the court to monitor employee turnover rates. (p. 63)
- . Monthly statistics on sick, vacation, and compensatory leave should be maintained for review by the clerk/court administrator. Any excessive use of leave should be discussed with the individual employee. (p. 64)

- . The recording of expenditures for the Monterey County Budget should be changed to better serve the clerk/court administrator's need to review specific expenses. The following budget units or line items should be changed:
 - . Line item 62407, "court reporter services and transcripts", should be divided into two separate categories.
 - . A separate line item should be created for per diem interpreters.
 - . Line item 62441, "jury and witness expense", should be divided into two separate categories to cover individually those jury and witness expenses still charged to the municipal court under unit 206.
 - . Line item 62406, "Legal", should be divided into "assigned judges", "appointed counsel", and other "legal".
 - . All expenditures for assigned judges should come out of the new line item above, instead of the three different line items presently used (62406, "Legal", 61012, "Temporary Employees" and 62141, "Transportation and Travel"). (p. 68)
- . The county should request proposals for a consortium contract for second-level conflict cases to seek cost reductions. (p. 72)
- . The clerk/court administrator should study the benefits of the visiting judge program based on its cost. (p. 74)

RECORDS MANAGEMENT

- * . Electronic cash registers should be purchased for the Monterey, Salinas and Castroville court locations. The cash registers should have the capacity to access the present computer system. (p. 76)
- * . New filings should be filed in letter size folders, but other cases should be kept in their present file folders. (p. 77)
- * . Case papers should be filed chronologically and the case file not reordered after each appearance. The complaint should be identified in the file folder with a red label on its side. (p. 78)

- . The clerk/court administrator should study the feasibility of reusing file folders, either at the time of moving files to secondary storage or at the time of the destruction of the contents of the file. (p. 79)
- . Docket and case files should be allowed away from their file location for a maximum agreed-upon time period and the courtroom and person for whom the file docket is checked out should be stated specifically on the out-card. (p. 79)
- . The notebook indexing system in criminal cases should be eliminated. (p. 80)
- . The plaintiff index in small claims matters should be eliminated. (p. 80)
- . The court should cease microfilming. (p. 82)
- . A staff member of each branch should be named as a records management specialist with the responsibility to ensure that records are destroyed in accordance with the records retention schedule. (p. 82)
- * . A case numbering system should be adopted to include the year, court location and a consecutive number. (p. 83)
- * . Case numbers should be color coded. (p. 83)
- . The terminal digit filing system should be adopted in civil and criminal matters. (p. 84)
- . The possibility of developing preprinted computer-generated forms should be studied. (p. 84)
- . The signs on the front counter in Salinas should be in Spanish as well as English. (p. 85)
- * . Additional tubs for criminal dockets should be obtained for the Salinas branch. (p. 85)
- * . Numbered dividers with end tabs should be used between every 100 folders to make file access easier. (p. 85)

FINANCIAL PLANNING AND BUDGET CONTROL

- * . The budget process and budget limitations must be respected. Substantial progress toward monitoring of expenses is being made, but a greater commitment to living within budget restraints is required. (p. 86)

- . Bond forfeitures should be processed by the divisions. A tickler system should be set up to monitor bond forfeitures. (p. 89)
- . Daily bank deposits should not be made until cash, checks, and money orders on hand balance with the cash register. (p. 89)

JURY MANAGEMENT

- . Terms of service of jurors in the Monterey and Salinas branches should be the same -- two weeks. (p. 90)
- . The size of panels sent to a courtroom in the Monterey branch should be reduced to 25. (p. 92)
- . Jury management in the Monterey and Salinas branches should be coordinated with respect to juror orientation, the use of exit questionnaires, and the use of internal forms for management purposes. (p. 92)
- . The jury clerk in the Monterey branch should have the opportunity to observe jury management in Salinas. (p. 93)
- . The jury clerk in the Monterey branch should maintain data regarding juror usage to permit identification of areas in which improvements could be made. (p. 94)
- . The forms used for recording information about jurors should be redesigned to reduce the number of occasions on which the jurors' names and addresses are entered. (p. 94)
- . The county should consider the purchase and installation of a telephone call-in system for all jurors. (p. 95)
- . The jury clerk in the Monterey branch should cease sending out weekly postal reminders of their service to jurors. (p. 96)

CASE FLOW AND CALENDAR MANAGEMENT

- . The court should examine the differences in the calendars in the Monterey and Salinas branches to determine whether the hours allocated for each activity in each location are necessary. (p. 102)
- . Since a majority of the jury cases require more than one day to complete, jury trials should be scheduled for two and a half days rather than two. Tuesday, Wednesday, and Thursday morning are recommended. (p. 102)

- . The court should consider experimenting with the elimination of the jury trial conference the afternoon before a scheduled jury trial, or efforts should be made to make the conference more productive. (p. 106)
- . All custody arraignments should be held in the Salinas branch. (p. 107)
- . Jury trials in each branch should be called for trial in one courtroom and then assigned to available courtrooms based on information developed at calendar call. (p. 107)
- . Preliminary hearings should be scheduled for Thursday afternoons and all day Friday. (p. 108)

TRAINING

- . New employees should be given a copy of the county's general employee unit memorandum of understanding, Personnel Resolution No. 80-399 and the Salary and Benefits Resolution No. 80-517 as part of their orientation. New memoranda and resolutions should be provided to all employees and posted on employee bulletin boards. (p. 110)
- . Each employee should receive a copy of his or her job description at the time of hiring or promotion. (p. 111)
- . Employees should be provided with a copy of the portions of the department's procedures manual that cover their duties and responsibilities. (p. 111)
- . Standard test questions should be developed for each portion of a department's manual. Employees should be required to study relevant portions of the department's procedures manual and pass a written test relating to relevant duties during the probation period. (p. 112)
- . Attendance at training programs outside the court should be limited to selected employees and courses of major importance to the court. (p. 114)
- . The clerk/court administrator should develop an annual training program which outlines training objectives for the year. (p. 114)
- . The practice of exchanging staff between the Monterey and Salinas branches for training purposes should be discontinued. (p. 115)

- . Employees should be cross-trained at all positions within their division. (p. 115)
- . A program should be developed to rotate employees to other divisions for periods of at least three months. (p. 116)

PROCEDURES MANUALS

- . Statewide manuals in use should be reviewed, local forms substituted for the sample forms used, and procedures adapted to local procedures, where necessary. (p. 118)
- . A procedure for periodically updating the procedural manuals that will be drafted as a part of this project should be adopted. This includes assigned responsibility for drafting revisions, developing a distribution list, and ensuring that each division adheres to the procedures outlined. (p. 118)

MANAGEMENT AND PLANNING

- . The Monterey County Municipal Court should prepare an annual report which includes a statement of the activity during the previous year and the programs that the court will undertake during the coming year and subsequent years. This can be accomplished through the adoption of a program budget approach. (p. 119)
- . Management reports reflecting the workload of each division should be developed. The indicators of workload should be developed by each division. (p. 120)

TRAFFIC

- * . A tape recorder answering system for the court should be installed to answer the most commonly asked questions. (p. 126)
- . Policy should be established for the type of information to be given over the telephone, and when the information should be given. (p. 126)
- . A specific person should be designated to answer the telephone on a rotational basis. (p. 127)
- * . The court should experiment with allowing defendants to call for an appointment for the walk-in arraignment calendar. (p. 128)

- . The traffic files in the Monterey branch should be kept in one location instead of three as at present. (p. 129)
- . A microfiche reader should be on the desk near the telephones to assist clerks in responding to telephone requests without having to leave their desks. (p. 129)
- . Infractions should be scheduled first on the walk-in calendars to allow these minor matters to be resolved and the defendant to leave the court. (p. 130)
- . Clerks should use dummy ring-up sheets in the Salinas and Monterey branches to ring up cases when the envelope is not present. (p. 131)
- . The judges of the Monterey County Municipal Court should consider establishing policies for qualifying for traffic school so defendants do not have to appear in court. (p. 131)
- . A map indicating the boundaries of the district should be placed near the front counter in each branch to assist front counter personnel in giving proper information to customers. (p. 132)
- . A public information clerk should be stationed in the corridor of the Monterey branch at least 45 minutes prior to the 1:30 traffic arraignment calendar to provide information to people attending that calendar. (p. 132)

PARKING

- * . The county should explore with the cities a different financial arrangement for the sharing of revenue from parking citations. (p. 140)
- . The owner's information should not be typed on the citation. The owner's name should be typed only on the notice. (p. 140)
- . The parking section in the Monterey branch should not have front-counter responsibility. (p. 141)
- . The parking section in the Monterey branch should not be responsible for outgoing daily mail. (p. 141)
- . Clerks in the parking section of the Monterey branch should not work in any other section when parking citations are backlogged. (p. 141)

COURT SERVICES AND JUDICIAL SUPPORT FUNCTIONS

- . A job classification of "municipal court clerk/interpreter" should be developed for clerks who spend more than 50 percent of their time interpreting in court. (p. 144)
- . Only certified interpreters should interpret proceedings in court. (p. 145)
- . Per diem stenographic reporters should be hired only for the purpose of taking the official record of preliminary hearings. (p. 148)

CIVIL/SMALL CLAIMS

- . Civil and small claims clerks should not serve as courtroom clerks. (p. 152)
- . Civil and small claims staff in the Salinas branch should do its own case filing. (p. 152)
- . The calendar book in the Monterey branch kept by civil and small claims clerks should include additional information relevant to calendars and statistical reporting: attorneys' names, estimated time the case will take, type of matter, whether a reporter is needed, and the date the memo to set was filed. (p. 153)
- . The preparation of a work sheet for law and motion should be discontinued. The calendar sheet should be used to record actions taken. (p. 154)
- . Appeals should be processed only by the clerks in the civil/small claims division in the Monterey branch. (p. 154)

DATA ENTRY

- . One data entry clerk from the Monterey branch should be transferred to the Salinas branch. (p. 156)
- . Clerks assigned to the data entry division should not work in other divisions. (p. 156)
- . The supervisor of the data entry section in the Monterey branch should not act as a courtroom clerk. (p. 156)
- . Standards for error rates should be established for data entry clerks. Once these standards are met, verification of a clerk's initial entries should be eliminated. (p. 157)

- . Manual typing of information on warrants in the Monterey branch should be done by clerks in the traffic division not by data entry. The registered owner's name should not be added to the warrant. (p. 158)
- . The requirements to input dispositional information into the computer should be explained to the judges in order to minimize the need to enter unique dispositions which do not fit the computer program. (p. 159)
- . The purge date in traffic cases should be calculated from the date of disposition, not from the date of the infraction as it is at present. (p. 159)
- . The courtesy letter on traffic citations should state that the defendant may disregard the letter if the fine has already been paid, and request that the defendant write the citation number on his or her check. Letters issued from the Salinas branch should be in Spanish and English. (p. 160)

CRIMINAL

- . Periodic review of the status of outstanding arrest and bench warrants should be made. In appropriate cases, certain warrants should be dismissed for lack of prosecution. (p. 162)
- . A monitoring system should be developed to determine if a warrant has been returned to the court after it has been recalled. (p. 163)
- . The Salinas branch should place an "Order of Examination" summons in the file folder after they are issued to the sheriff and place the file folder in the continuance file under the scheduled hearing date. (p. 164)
- . The Salinas branch should adopt the practice of the Monterey branch in having police officers schedule criminal citation appearance dates "on or before" a date 15 days later. (p. 164)
- . Criminal complaints in the Monterey branch should be time stamped. (p. 165)

III. WORKLOAD, EXPENDITURES AND TRENDS

. Filing Volumes: FY 1975/76 - 1979/80

The Monterey County Municipal Court has experienced significant growth in its workload during the last five fiscal years. Filings, excluding parking violations, increased from 67,941 in FY 1975-76 to 86,212 in FY 1979-80, a 27 percent increase (Table 1). This growth far exceeds growth experienced by municipal courts in the state as a whole. Statewide municipal court filings increased from 6,564,378 to 6,817,067, a four percent increase.

Major changes in filings occurred in nontraffic infractions, which increased by 97 percent, but which still form a minor part of the caseload, and Group C misdemeanor violations. Only Group B misdemeanors declined during this period, by 15 percent. Overall, nontraffic misdemeanors and infractions, and nonparking traffic misdemeanors and infractions increased by 15 and 28 percent respectively. Parking violations increased by 16 percent.

Civil filings increased by 33 percent in the last year. This increase is, in part, attributable to the increase in the municipal court civil jurisdiction from \$5,000 to \$15,000 in July of 1979.

Statistics for the first five months of FY 1980-81, when compared to the same period for the previous year, indicate that the noted rate of growth may increase. A significant increase in filings of six percent or an annual rate of 15 percent has been observed.

TABLE 1
MONTEREY COUNTY MUNICIPAL COURT
FILINGS
FY 1975-1980

Type of Proceeding	Fiscal Year				Percent Change 1975-80
	1975-76	1976-77	1977-78	1978-79	1979-80
Felony	1,532	1,466	1,533	1,462	1,700
Nontraffic					
Group A misdemeanors	3,809	4,126	4,504	4,231	4,606
Group B misdemeanors	1,945	2,140	2,348	1,824	1,654
Nontraffic infractions	470	431	562	1,248	924
Traffic					
Group C misdemeanors	2,804	3,212	3,393	3,452	4,003
Group D misdemeanors	5,817	5,995	5,439	5,716	7,296
Traffic infractions	43,820	47,734	49,940	49,858	55,589
Small claims	4,674	4,803	4,657	4,962	5,714
Civil	3,074	3,083	3,203	3,542	4,726 ¹
Subtotal	67,945	72,990	75,579	76,295	86,212
Parking	144,692	141,422	171,184	158,343	167,535
Total	212,637	214,412	246,763	234,638	253,747
					19.3

¹Civil jurisdiction increased from \$5,000 to \$15,000 in July, 1979.

Source: Annual reports of the Administrative Office of the Courts.

<u>Type of Proceeding</u>	<u>FY 1979/80</u>	<u>July, 1980- Nov., 1980</u>	<u>Percent Increase</u>
Felonies	732	767	4
Nontraffic Misdemeanors and Infractions	2,911	3,702	27
Non-Parking Traffic	25,255	29,266	15
Civil	1,920	1,943	1
Small Claims	<u>2,249</u>	<u>2,592</u>	<u>15</u>
Total	36,067	38,270	6

While five months is not long enough to define a trend, there is no question that the workload in the Monterey County Municipal Courts is increasing at a rapid rate.

. Weighted Filings

As has been demonstrated elsewhere,² the numerical level of filings is not reflective of resultant judicial workloads. The use of a weighted caseload system which quantifies the average times required to process the various case types to disposition, results in a more accurate measure of present and future workloads, and the judicial positions required. This ultimately reflects on the required nonjudicial staff, as the workload of nonjudicial staff is also dependent on how complex

² Final Report Prepared for the Judicial Council of California, Judicial Council Weighted Caseload Project, Arthur Young and Company, 1970.

the caseload is. Weighted filings for FY 1979-80, using the weighting system adopted by the California Judicial Council,³ for the Monterey County Municipal Court are as follows:

<u>Type of Proceedings</u>	<u>Weighted Filings</u>
Felony	127,100
Nontraffic	
Group A Misdemeanors	142,786
Group B Misdemeanors	9,924
Nontraffic infractions	3,696
Traffic	
Group C Misdemeanors	124,093
Group D Misdemeanors	29,184
Traffic Infractions	50,030
Small Claims	45,712
Civil	47,260
Subtotal	<u>576,785</u>
Parking	<u>5,026</u>
Total	<u>581,811</u>

Using the judge year value of 72,000 which is the standard adopted for courts with three to ten judges, the present judicial requirements for the court are 8.1 full-time equivalent (hereinafter referred to as F.T.E.) judges. This suggests that the court is properly staffed, as it presently has seven judges and a commissioner.

³ Weights adopted are: felony preliminary - 73, Group A Misdemeanor - 31, Group B Misdemeanor - 6, nontraffic infractions - 4, Group C Misdemeanor - 31, Group D Misdemeanor - 4, traffic infractions - 0.9, parking -0.03, small claims - 8, civil - 10.

. Distribution of Filings

The distribution of filings among the three court locations has remained quite stable during the last five years, both in terms of overall filings and type of proceedings. Comparing FY 1975-76 to FY 1979-80, the percentage distribution of total filings among the three court locations was as follows:

<u>Court Location</u>	<u>FY 1975-76</u>	<u>FY 1979-80</u>
Salinas	.45	.47
Castroville	.13	.12
Monterey	<u>.42</u>	<u>.41</u>
	1.00	1.00

Under the consolidation plan, some cases formerly filed in Castroville, such as Marina cases, are now filed in the Monterey branch, therefore the percentage distribution of caseload in the future may shift somewhat toward Monterey.

. Monthly Fluctuations in Filings

Due to the location of one branch, Monterey, in a region frequented by tourists, seasonal fluctuations in filings can potentially be an important factor in staffing the court. If the preponderance of the workload falls during a specific period, the court might achieve some personnel efficiencies by employing a core staff and using temporary help during the high volume months.

It has been found that a workload range of ± 15 percent per month is within the capability of the regular court workforce.⁴ Beyond this level, either more personnel or, if the workload drops, fewer personnel, are necessary to remain

⁴ Arthur Young & Company, Management Study, Orange County Municipal Court, Harbor Judicial District, 1976, p. 13.

current. The project team analyzed the monthly fluctuations in filings from January, 1979 to November, 1980 by comparing monthly filings to average annual filings (Table 2).

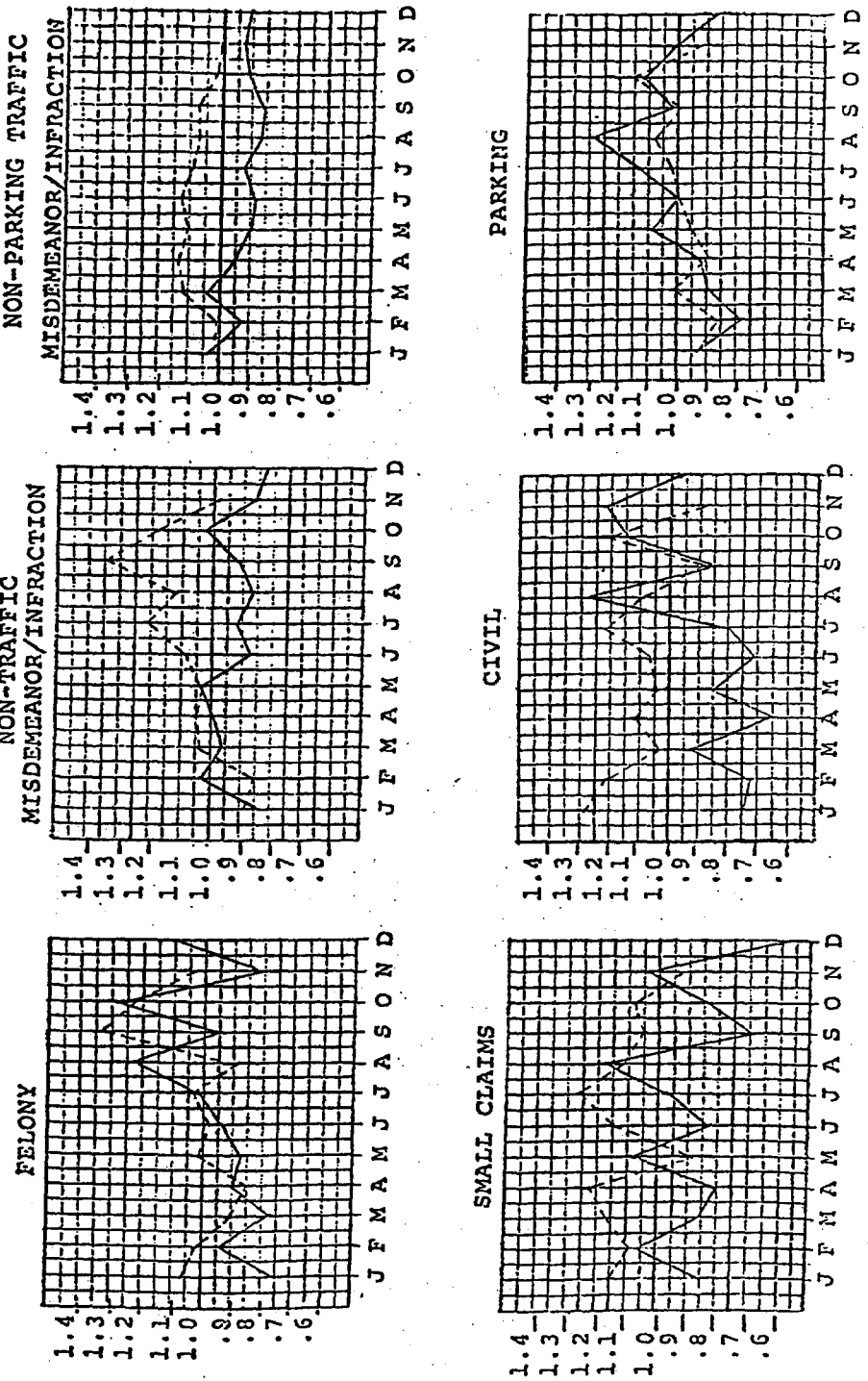
This analysis does not reveal a definite trend upon which planning and allocation of personnel could be structured. There is a rather sporadic pattern, although there are definitely higher filing levels during the summer months. The months which have the highest percentages are October and August. Both are within the acceptable workload range. The lowest monthly average is in December, also within the acceptable workload range.

. Caseload Projections

The projected caseload for the next five years will be approximately the same as experienced over the previous five years (Table 3). An overall increase in filings, excluding parking, of 19 percent is projected. The straight line with smoothing projection⁵ technique employed suggests that the most significant numerical increase will be in traffic infractions and Group C misdemeanors while the smallest numerical increase will be in Group B misdemeanors. Parking filings should increase by 12 percent versus the 16 percent increase during FY 1975 through 1980. However, parking filings have fluctuated greatly during the past five years and could easily depart from this predicted growth.

⁵ Final Report Prepared for the Judicial Council of California Judicial Weighted Caseload Project, Arthur Young & Company, 1970, pp. 21-23.

TABLE 2
MONTEREY COUNTY MUNICIPAL COURT
MONTHLY FLUCTUATIONS IN FILINGS
JANUARY, 1979 - NOVEMBER, 1980



Note: Each graph portrays the monthly filing volume as a ratio of the average filing for the period from January 1979 through November 1980. Solid line is calendar year 1979 filings, broken line is 1980.

TABLE 3
MONTEREY COUNTY MUNICIPAL COURT
CASELOAD PROJECTIONS
FY 1980-1985

Type of Proceeding	1980-81		1981-82		1984-85		Percent Change 1980-85
	Filings	Weighted Filings	Filings	Weighted Filings	Filings	Weighted Filings	
Felony	1,690	123,370	1,740	127,020	1,980	144,540	17.1
Nontraffic							
Group A misdemeanors	4,750	147,250	4,950	153,450	5,500	170,500	15.8
Group B misdemeanors	1,250	10,500	1,700	10,200	1,650	9,900	5.7
Nontraffic infractions	1,200	4,800	1,450	5,800	2,100	8,400	66.7
Traffic							
Group C misdemeanors	4,100	127,100	4,400	136,400	5,300	164,300	29.3
Group D misdemeanors	6,900	27,600	7,200	28,800	8,000	32,000	15.9
Traffic infractions	57,000	51,300	59,500	53,550	68,000	61,200	19.3
Small claims	5,800	46,400	6,090	48,720	6,925	55,400	19.4
Civil	4,890	48,900	5,050	50,500	5,650	56,500	15.5
Subtotal	88,080	587,220	92,080	614,440	105,105	702,740	19.3
Parking	172,000	5,160	177,000	5,310	192,500	5,775	11.9
Total	260,080	592,380	269,080	619,750	297,605	708,515	14.4
FTE Judicial positions required		8.2		8.6		9.8	

¹ Weights are felony preliminary 73, Group A misdemeanors 31, Group B misdemeanors 6, nontraffic infractions 4, Group C misdemeanors 31, Group D 4, traffic infractions .9, parking .03, civil 10, small claims 8.

The judicial requirements for each case type will shift from FY 1980-81 to FY 1984-85 as follows:

<u>Case Type</u>	<u>FY 1980-81</u>	<u>FY 1984-85</u>
Felony	1.7	2.0
Nontraffic		
Group A Misdemeanors	2.0	2.4
Group B Misdemeanors	.1	.1
Nontraffic infractions	.1	.1
Traffic		
Group C Misdemeanors	1.8	2.3
Group D Misdemeanors	.4	.4
Traffic Infractions	.7	.8
Small Claims	.6	.8
Civil	.7	.8
Subtotal	<u>8.1</u>	<u>9.7</u>
Parking	<u>.1</u>	<u>.1</u>
Total	8.2	9.8

Felony preliminary hearings and the serious misdemeanor (Group A) and traffic (Group C) cases will continue to make the major demands on judicial time in the future. By FY 1984-85 at least another judge, and perhaps two if the level of assistance from visiting and pro tempore judges drops, will be required for the court.

As a note, the caseload projections should be used with caution. The caseload of a municipal court is subject to enforcement policies and changes in the law that can alter workload within a very short period of time. The observed sharp increase in filings during the first five months of the fiscal year is an example, and if the increase continues during the next few months, the caseload projections will have to be revised upward.

. Revenue and Expenditures

During the past five fiscal years, expenditures of the Monterey County Municipal Court increased from \$1,164,756 to \$1,939,581, an increase of 67 percent (Table 4). During the same time period, overall county government expenditures increased by 22 percent. If the growth of the court is taken into account by analyzing the cost per filing, operating costs of the court have increased from \$17 at the beginning of the period to \$23 at the end.

Revenues increased from \$2,167,990 in FY 1975-76 to \$3,472,811 in FY 1979-80, or by 60 percent (Table 5). The major benefactors of the increased revenue have been the state and the cities that file their matters in the municipal court. The revenue returned to the state increased by 69 percent and to the cities by 62 percent during the five-year period while revenues retained by the County increased by 54 percent. At the end of the five-year period, the net cost to the county of operating the municipal court had increased from \$262,537 to \$549,370, an increase of 109 percent.

TABLE 4
MONTEREY COUNTY MUNICIPAL COURT
EXPENDITURES FY 1975-80¹

Expense Category	Fiscal Year					Percent Increase
	1975-76	1976-77	1977-78	1978-79	1979-80	
Salaries and employees' benefits	805,305	896,987	1,004,677	1,036,558	1,393,578	73.0
Services and supplies	359,451	406,433	444,258	454,200	543,044	51.1
Jury, witness interpreter fees ²	128,724	143,790	104,749	64,748	66,784	(48.1)
Office expenses	50,849	59,714	79,592	65,063	90,294	77.6
Professional/specialized services	151,380	163,977	222,396	275,699	334,082	120.7
Other expenses ³	26,427	34,811	37,522	48,691	51,884	96.3
Equipment	2,071	4,141	5,690	-0-	2,959	42.9
TOTAL expenditures	1,164,756	1,303,420	1,454,626	1,490,759	1,939,581	66.5
TOTAL county expenditures	70,990,607	77,176,438	82,902,162	80,263,285	86,342,047	21.6
Annual filings (excludes parking)	67,941	72,991	75,579	76,295	86,212	26.7
Cost per filing	\$17.14	\$17.86	\$19.25	\$19.54	\$22.50	31.3

- ¹ Some jury and consortium assigned counsel expenses of the Monterey County Municipal Court are not included in these expenditures as they are recorded in separate budget units 220 and 228 which combine superior court and municipal court expenses in these categories. Expenditures include Castroville-Pajaro and Pacific Grove Justice Courts.
- ² Witness fees for all but specially court-appointed witnesses were transferred to the District Attorney's and Public Defender's budgets in January, 1979.
- ³ Includes communications, transportation and travel, rents and leases of equipment, maintenance of equipment, publishing and legal notices, memberships, and special departmental expenses.

Source: Monterey County Budgets

TABLE 5
MONTEREY COUNTY MUNICIPAL COURT
REVENUES FY 1975-80

Revenue Distribution	Fiscal Year				Percent Increase
	1975-76	1976-77	1977-78	1978-79	1979-80
County of Monterey	902,219	1,057,064	1,070,543	1,156,825	1,390,211
Cities	858,858	1,020,721	1,223,362	1,180,180	1,395,200
State	<u>406,913</u>	<u>469,420</u>	<u>521,656</u>	<u>573,701</u>	<u>687,400</u>
TOTAL	2,167,990	2,547,206	2,815,562	2,901,706	3,472,811
					<u>68.9</u>
					60.2

Source: Monterey County Municipal Court Clerk/Court Administrator's Office.

Staffing

To obtain a measure of staffing levels, the project team compared nonjudicial staffing levels in the Monterey County Municipal Court to the sample courts. The Monterey County Municipal Court ranks last in the sample in terms of weighted filings per employee, using 1980 statistics through November 30, and the California Judicial Council system for weighting filings for nonjudicial staff.^{6, 7}

FILINGS PER EMPLOYEE JANUARY 1 THROUGH NOVEMBER 30, 1980

<u>Court</u>	<u>Employees^a</u>	<u>Weighted Filings</u>	<u>Unweighted Filings (excluding parking)</u>	<u>Unweighted Filings (including parking)</u>
Sonoma	47	110,757	1,369	3,154
So. San Mateo	73	107,338	1,684	4,195
West Kern	90	107,078	1,755	2,250
Consol. Fresno	72	100,755	1,337	2,959
Stanislaus	57	99,653	1,396	2,396
No. Co. San Diego	76	98,626	1,635	1,814
Riverside	57	88,288	1,295	1,589
Ventura	96	83,621	1,253	1,812
MONTEREY	79 ^b	80,154	1,076	2,972

^a Includes temporary employees working full-time.

^b Monterey County Municipal Court reduced its staff from 86 as of October 31, 1980 to 79 as of December 31, 1980. The remaining courts are as of October 31, 1980.

⁶ For a more detailed breakdown, comparing number of personnel by department, see Appendix I.

⁷ Final Report Prepared for the Judicial Council of California, Non-Judicial Staffing Study, Arthur Young & Company, 1974. Weights adopted are: felony preliminary - 203.4, misdemeanors, citations and infractions - 149.5, group C traffic - 160.8, group D traffic and traffic infractions - 34.8, small claims - 70.2, civil - 141.0, and parking - 7.2.

In calculating the staffing of the Monterey County Municipal Court, temporary employees as of December 31 were included.

In fairness to the Monterey County Municipal Court, the preceding statistics do not fully reflect the experience of a consolidated court, but are more the aggregate of the three courts functioning independently. Also, such comparisons must be used with caution, as they do not reveal any procedural differences that may affect the need for personnel. For example, the Southern San Mateo County Municipal Court does not send courtesy notices on parking citations, while the Monterey branch of the Monterey County Municipal Court has 4.5 FTE clerks working on this function alone. Finally, the upswing in filings noted during the first five months of FY 1980-81 suggests that the filings-to-staff ratio of the Monterey County Municipal Court is improving. The statistics do suggest that the court and the county should have an expectation of improvement as the effects of consolidation are felt. They also suggest that means for improvement are available.

IV. REPORT

1. Court Organization and Staffing

Organizational Structure

The administrative structure of the Monterey County Municipal Court is supervised by the clerk/court administrator who is charged with the administrative responsibility for planning, assigning, coordinating, and evaluating the work of the consolidated court. The clerk/court administrator has a staff consisting of a senior municipal court clerk and a stenographic clerk II. The Monterey and Salinas branch locations each have a supervisor who reports to an acting assistant clerk of the municipal court, who in turn reports to the clerk/court administrator (see Working Organizational Chart, page 32).⁸

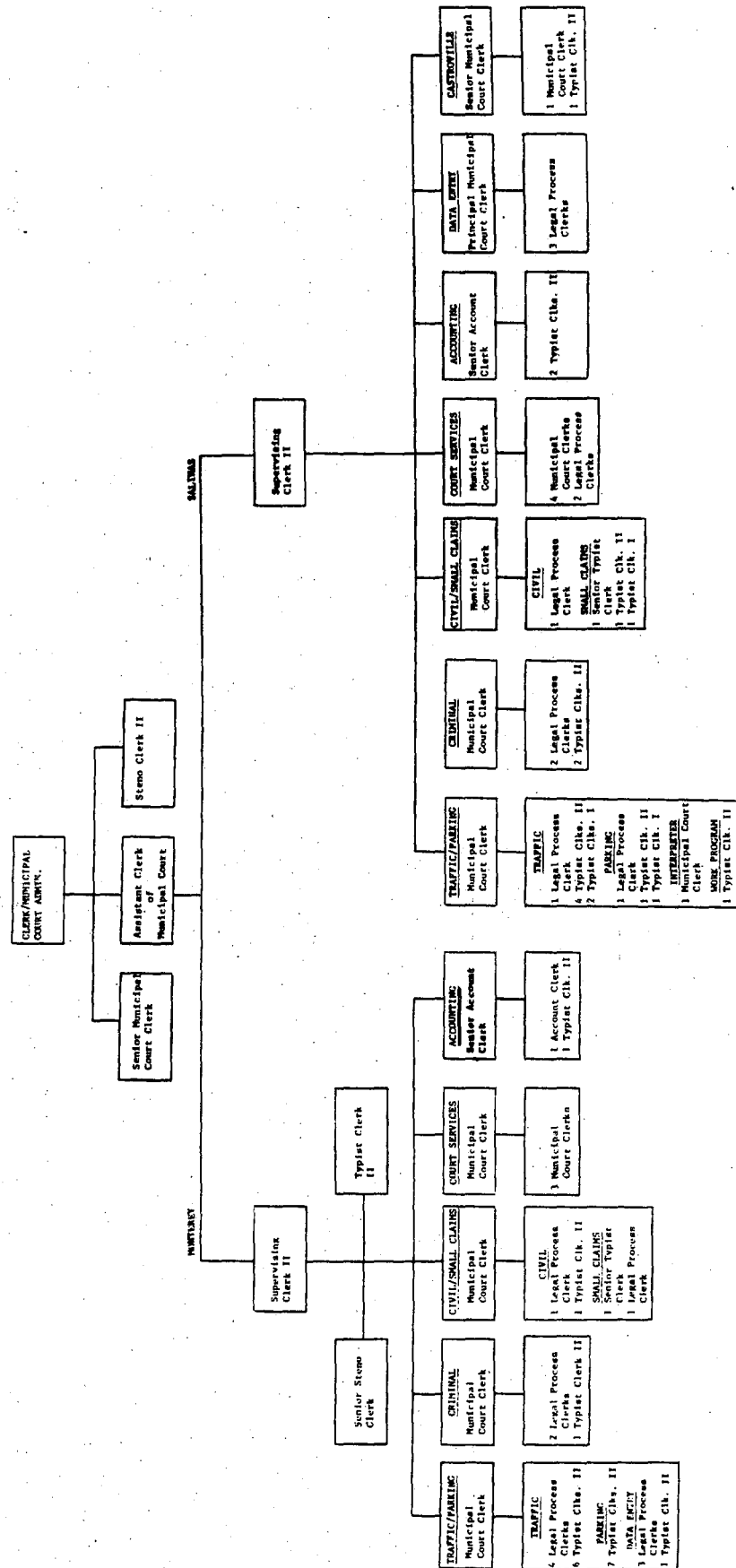
Each branch location has the following five (5) divisions:

- Traffic/Parking receives and processes all vehicle citations requiring court appearances or payment at the counter;
- Criminal is responsible for misdemeanor and felony cases filed by the city attorneys for Monterey, Salinas and Castroville or the county attorney;
- Civil/Small Claims division handles cases involving civil matters up to \$15,000 and small claims for cases involving \$750 or less;
- Court Services consists of municipal court clerks in each location who are assigned to individual judges to assist with courtroom proceedings; and
- Accounting receives, records, and disburses all revenues collected by the court.

⁸ Several court personnel are working in an "acting" status. The project team's analysis is based on duties actually performed and the working organizational chart.

MONTEREY COUNTY MUNICIPAL COURT¹ WORKING ORGANIZATION CHART

AS OF OCTOBER 31, 1980



¹Includes temporary personnel working full time.

In addition, the Salinas branch includes the data entry and Castroville divisions.

Based on project team examination of the present organizational structure, it is recommended that the clerk's operation be organized into two major units: operational and administrative services.

. Operational Unit

The operational unit should consist of four divisions in each branch: court services, criminal, civil and traffic. It should be supervised by an assistant clerk/court administrator charged with the responsibility for day-to-day branch operations. Duties will include planning, coordinating, and evaluating the work of subordinate supervisors, nonsupervisors, and technical employees; preparing budget estimates and monitoring expenditures; and inventorying and requisitioning supplies and equipment.

Courtroom clerks should report directly to the branch manager, thereby eliminating what appears to be an unnecessary intermediate supervisory level. The normal work of courtroom clerks does not appear to justify a full-time supervisor. Additionally, courtroom clerks are assumed to work in the operational divisions when not in court. For that reason, it is important that they report directly to the person ultimately responsible for the productivity of the divisions. Only the branch manager has the overall condition of the divisions in mind and is in a position to best determine where this help should be allocated.

The two municipal court clerks who now supervise court services in each branch should continue to carry out their present responsibility for calendaring, California Judicial Council reports, and coordinating court reporters and interpreters. By removing the supervisory responsibilities from these positions, it is possible to utilize them as back-up and second courtroom clerks, thereby relieving the case-processing divisions of some of this responsibility. Because of the proposed reassignment of duties, it is recommended that the county personnel department undertake a classification review of these positions.

In the Salinas branch, the two legal process clerks who presently serve as second courtroom clerks should be reassigned from the court services division to the traffic division where their time out of court can best be utilized. This shift coupled with the increased use of the senior municipal court clerk as a back-up should provide needed additional manpower to that division. This approach is consistent with the practice now used in the Monterey branch. The clerk/court administrator has implemented this recommendation.

. Administrative Services Unit

The administrative services unit will provide necessary support for the operational units and will be under the direction of an administrative services officer who is located in the Salinas branch. At present, one assistant clerk of the municipal court acts as the intermediate supervisor between the Salinas and Monterey branch operations and the clerk/court

administrator and is informally responsible for conducting planning and research projects. It has been suggested that this structure be formalized. It is the project team's judgment that this assignment creates an unnecessary level of supervision between the branches and the clerk/court administrator and fails to fully utilize the position. It also would seem to undermine the direct relation between the clerk/court administrator and the branch managers, and divert the amount of attention given to the important functions of research and planning that are essential to achieve better efficiency under the consolidated system.

The expansion in automation, through the parking and index systems as well as in other areas identified in this audit, suggests that data processing will be increasingly important to the court in the future. Research and planning, therefore, should focus on the applications of automation to clerical operations. Responsibility for data processing development and maintenance should be assigned to the administrative services division.

In locating accounting the division in the administrative services unit, several objectives are sought. First, the accounting division will be expanded to incorporate the related functions of payroll, purchasing, statistical reporting and forms control that are handled by the senior municipal court clerk who now reports to the clerk/court administrator. It is

recommended that the senior municipal court clerk continue to carry out these functions, but report to the lead clerk and be available to assume other duties. Also, the typist clerk in charge of the work program in the Salinas branch should be a part of the support service units assigned to the accounting division, as this position is assigned the responsibility for processing time payments, which is an accounting function. It is also intended that, by combining accounting and some of the special support functions into one section, some staff reductions will eventually result.

Recommendation: The Monterey County Municipal Court should adopt a new organizational structure which reflects the following changes:

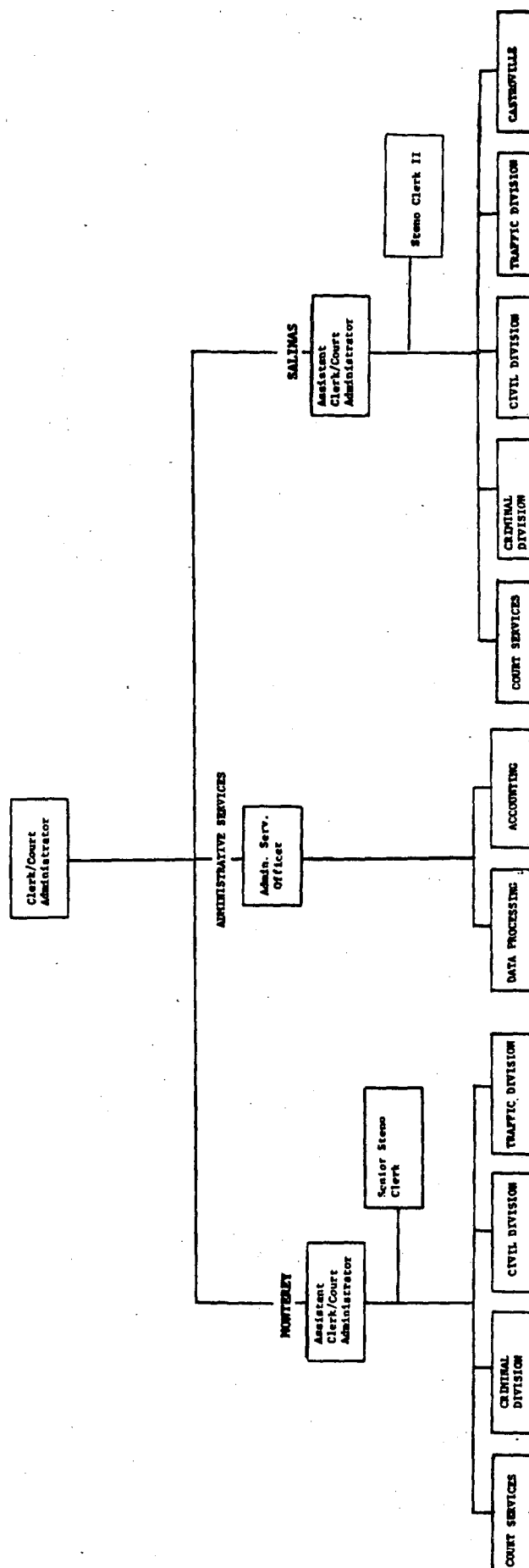
- a. An administrative support services unit should be created consisting of the data processing and accounting divisions and other support functions operating under the direction of an administrative services officer.
 - . The duties of the administrative services officer position should include planning, research, development of legislative programs, forms control, coordination of standardization between branches, procedural analyses, and other duties as delegated by the clerk/court administrator, as well as direct supervision of the data processing and accounting divisions.
 - . The day-to-day operations of the accounting unit should be supervised by a lead clerk. Payroll, purchasing and forms control functions should be incorporated into that unit.
 - . The typist clerk in charge of the work program should be assigned to the accounting unit.

- . Data processing personnel in each branch should report directly to the administrative services officer. A lead worker should be named for each branch. The lead worker in the Salinas branch should have general supervisory responsibility for data processing.
- b. Each branch should be supervised on a day-to-day basis by an assistant clerk/court administrator. The duties should include overseeing the operational divisions, including courtroom clerks, and overseeing leave, hiring, supplies and budget recommendations for that branch.
 - . Courtroom clerks and calendar clerks should report directly to the assistant clerk/court administrator in each branch.
 - . The jury clerk in the Monterey branch should be assigned to the court services division and should report directly to the assistant clerk/court administrator.
 - . Stenographic clerks should report directly to the assistant clerk/court administrator(s).
- c. Legal process clerks presently in the Salinas court service division should be assigned to the traffic division.

. Staffing Levels

A basic objective of both the county and the clerk/court administrator in agreeing to conduct an audit in the Monterey County Municipal Court was to obtain the project team's assessment as to the present permanent staffing requirements for nonjudicial staff of the court. To this end, the project

MONTEREY COUNTY MUNICIPAL COURT
Proposed Organization Chart



team made statistical comparisons with the other courts in the sample, observed workloads, held discussions with supervisory personnel, and attempted to assess the impact of recommendations made in this audit on staffing requirements.

The analysis indicated that although the staffing level in the clerk's office⁸ does not at this time compare favorably with other courts of similar size, an increase in permanent staff is necessary to eliminate existing backlogs, particularly in the traffic division of the Salinas branch and the parking section of the Monterey branch. This increase also is necessary to meet the predicted increase in filings. At the completion of the current fiscal year, workload comparisons among courts in the sample should be more favorable. In the future, the project team foresees some staff reductions that can be implemented if recommended changes are made. The following is the project team's analysis.

Administration

The administration of the court should continue with the same number of personnel as at present, with duties modified as outlined under the section on organization. There should be a clerk/court administrator, an administrative services officer, and two assistant clerks/court administrators. One stenographic clerk should be assigned to each assistant clerk/court administrator to do secretarial work both for the judges and for the administrative staff.

⁸ Including full-time temporary personnel.

Monterey Branch

The traffic division in the Monterey branch should consist of six employees including the supervisor. The present temporary employees should be eliminated. The elimination of the temporary employees is warranted as docketing by traffic personnel is decreasing as in-court docketing replaces out-of-court docketing. Only approximately 25 percent of the current cases continue to require out-of-court docketing. Also, the recommended introduction of a telephone answering system should cut down on the time clerks spend answering the telephone. Presently, 2.8 F.T.E. clerks are required to answer the telephone and staff the front counter.⁹ These two changes, as well as the project team's assessment that the traffic unit is not always fully occupied, warrant this reduction.

The parking section appears to require at least eight persons to handle the volume of work. The section is operating with 7.7 F.T.E. clerks and falling further behind. The project team has made recommendations to improve the operations in the parking section but ultimately, either automation of parking or a shift of the responsibility to the municipalities are seen as the only ways to reduce personnel. According to the Judicial

⁹ Allocation of personnel time to tasks in this section and throughout the audit is based on estimations of percentages of time dedicated to these tasks made by Monterey County Municipal Court personnel in completing position description questionnaires. These distributions are summarized in Appendix III.

Council weighted caseload system for clerical personnel, the parking section in the Monterey branch should have ten clerks (905,406 weighted filings divided by the clerk-year value of 93,000). In the opinion of the project staff, the section can manage with eight. Six of the positions should be permanent and two temporary. Temporary positions are recommended as after the automated parking system is operational, manual follow-up processing will be eliminated. At present, there are 4.5 F.T.E. clerks working on follow-up processing.

Approximately 2.5 F.T.E. clerks will be required to input parking citations into the automated system, which means that the two temporary positions can be eliminated.

A clerk from the Monterey branch data processing section should be transferred to the Salinas branch. The data entry section is not fully occupied. Clerks from this section work in other divisions and the lead worker spends approximately 50 percent of her time clerking for the court commissioner. The recommendation of the project team is that work outside the division be terminated. This will leave three people working full-time in data entry, which is approximately the same amount of data entry work as is presently being conducted. Transfer of the fourth clerk to the Salinas branch follows because the Salinas branch had almost 5,000 more traffic filings in fiscal year 1979-1980 than did the Monterey branch. Further, coordination of data entry with other county departments should be done from the Salinas branch, which requires staff time.

The criminal division in the Monterey branch presently is staffed with four clerks, which is adequate. Similarly, the civil and small claims division, with four clerks, basically two for civil and two for small claims, is adequate. Court services consists of the calendar clerk and three municipal court clerks, which is necessary given the one-to-one clerk-to-judge ratio and the need for a calendar clerk. The jury clerk should be assigned to this division.

The senior account clerk in the Monterey branch has been transferred to the Salinas branch after discussions between the project team and the clerk/court administrator. This shift was important in order to have the senior account clerk in the same location as the clerk/court administrator and the other county offices she must deal with. This leaves a staff of two in the accounting section and gives a recommended total of 33 permanent and two temporary personnel for the Monterey branch.

. Salinas Branch

In the Salinas branch, the traffic and parking division is the main source of staffing problems. Parking is current, but traffic is backlogged. Warrants ordered in December still have not been issued. Many of the recommendations made in this audit, if implemented, will impact the traffic division; for example, the telephone answering system and the electronic cash registers. Consequently, it is difficult to assess the proper staff level for this division. Discussions with the division supervisor indicated that an ideal operating environment would

include three clerks for front counter work, two clerks to process cash bail, and four clerks to do post-appearance work such as issuing bench warrants, filling out disposition sheets, processing continuances, and serving as the second courtroom clerk. The project team believes that a lesser increase coupled with a shift in personnel from other divisions will meet the needs of the division. First, the two legal process clerks should be transferred to the traffic division from the court services division. These clerks will be available less than full time because of their courtroom clerk duties, but more than at present, if the calendar clerk assumes more back-up clerk duties as recommended. This transfer has been made. Four additional permanent positions should be created in the division. This represents an additional position to the three temporary clerks currently working in the division.

Staffing at this level will equalize workload between the Salinas and Monterey branches. Parking section employees will have 121,126 weighted units per clerk in the Salinas branch versus 123,175 weighted units per clerk in the Monterey branch. In traffic, the combined traffic and data entry clerks who process traffic in the Monterey branch will have 132,654 weighted units per employee versus 133,355 weighted units for the clerks in the Salinas branch.

The criminal division presently has five clerks; the clerk/court administrator has agreed with the project team that this should be reduced by one. Both the Monterey and Salinas branches should be able to function with four permanent staff members.

The civil/small claims division should function with four permanent staff members, one less than at present. The civil/small claims weighted units for calendar year 1980 in the Monterey branch were 550,641 and in the Salinas branch 540,289. The almost identical workload in the two branches reinforces the project team recommendation for staff reduction in the Salinas branch.

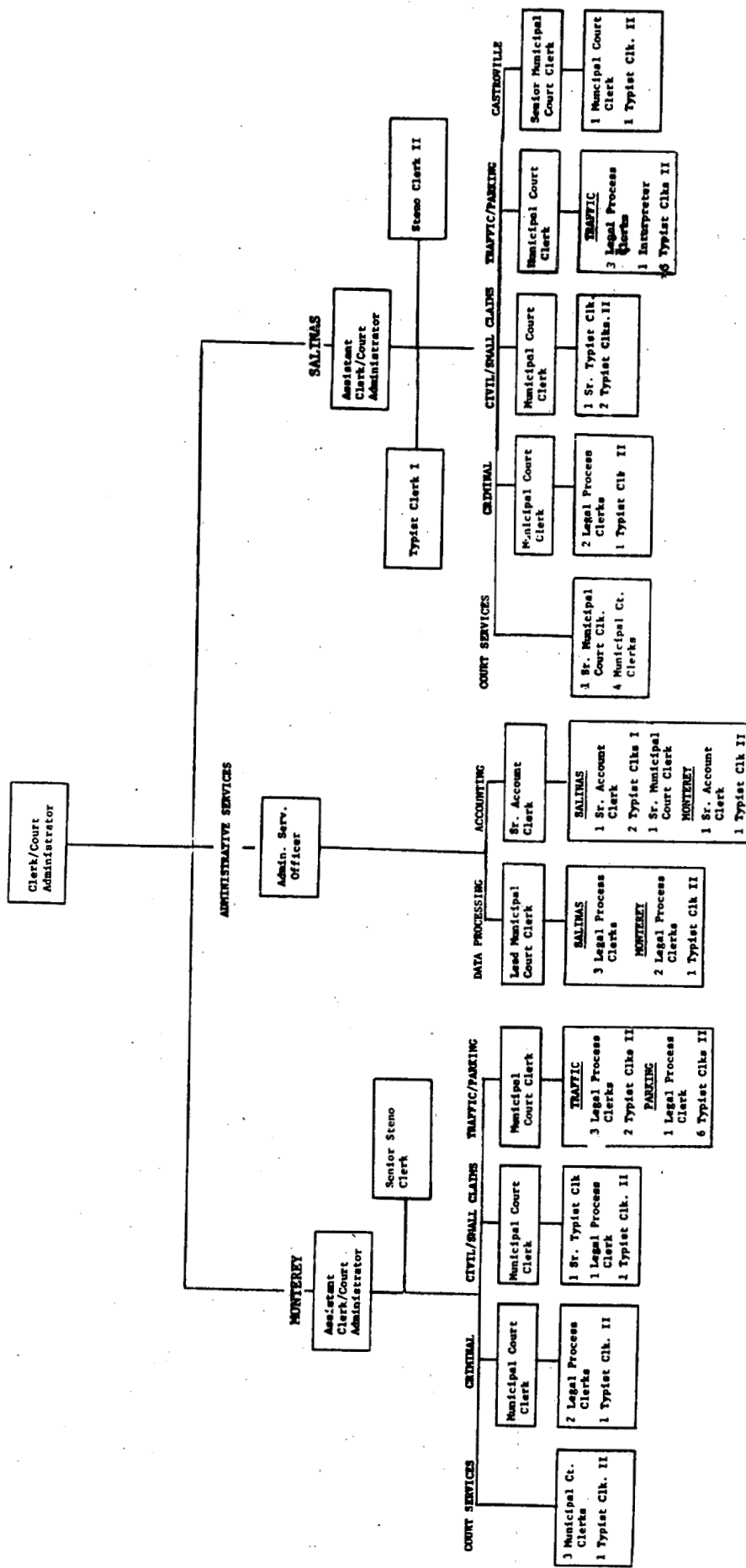
Court services should have four municipal court clerks to serve the four judges and the one calendar clerk.

The accounting section should consist of a supervisor, a senior account clerk, one typist-clerk, the senior municipal court clerk and the work program typist-clerk. With the introduction of the electronic cash register, the possibility of eliminating one full-time equivalent person from this section should be studied. The Castroville branch should continue to have three persons as at present.

The total staff at the Salinas branch, including Castroville, should be 41, giving a total permanent staff of 71 and two temporary positions for the court to meet the present caseload -- an increase of nine permanent positions; but six clerks fewer than are presently working in the clerk's office. With 71 authorized positions, the Monterey County Municipal Court will have 89,185 weighted filings per employee, which will improve the Court's ranking in the sample from last to seventh out of nine. This position should improve even more when the FY 1980-81 filings are applied.

Recommendation: The permanent staff of the court should be 71 positions to meet the current caseload.

MONTEREY COUNTY MUNICIPAL COURT ALLOCATION OF PROPOSED PERSONNEL



2. Personnel Practices and Management

The project team's analysis of personnel practices and management indicated the need for some basic improvements as outlined.

. Position Classifications

The Monterey County Municipal Court presently has fourteen classes of positions, which are:

- . Clerk/Municipal Courts Administrator
- . Assistant Clerk of Municipal Court
- . Principal Municipal Court Clerk
- . Senior Municipal Court Clerk
- . Supervising Clerk II
- . Municipal Court Clerk
- . Senior Stenographic Clerk
- . Senior Account Clerk
- . Senior Typist Clerk
- . Account Clerk
- . Stenographer Clerk II
- . Legal Process Clerk
- . Typist Clerk II
- . Typist Clerk I

None of these classifications has been reviewed since 1969, and there is no written class specification for three of these classes (clerk/court administrator, assistant clerk of municipal court, and principal municipal court clerk).

The above would indicate that the classification system needs to be updated. This was confirmed by the project team's desk audits, which frequently revealed a disparity between work performed and the class specifications. This is due, in part, to the court consolidation in 1980 which changed the responsibilities of a number of employees. For example, supervisors of each court location no longer report directly to

the judges. Several employees assumed new responsibilities and have since been working under "acting" status, for example, the principal municipal court clerk acting as assistant municipal court clerk in the Monterey branch and the employee filling her position, who now serves as acting supervisor of the data processing division. Other employees are filling positions previously funded at higher classifications, for example, the municipal court clerk supervising court services in the Monterey branch.

In addition to these shifts in positions and responsibilities, when the project team analyzed the responses to the position description questionnaire completed as part of this audit, it became apparent that many employees work under titles that do not reflect the type of work being performed. Employees with typist clerk titles perform duties which do not require typing skills. Some typist clerk II positions perform work more specialized than other employees with the same position title.

Finally, a number of additional changes in classification will occur if the proposed reorganization and procedural recommendations of this project are implemented.

For the reasons observed, the project team believes a classification analysis must be undertaken, but recommends a system based on fewer generic classifications.

Recommendation: A personnel classification system for core personnel should be developed which allows for more flexibility in assignment and training and for the development of a career ladder based on the general classification of "municipal court clerk."

Such a system would be based on a basic classification of municipal court clerk and have four classifications (I -- IV). Positions other than management (court administrator, administrative services officer, two assistant court administrators) and specialized non-case processing positions, such as account clerk, would be allocated to one of these classifications. The basic functions carried out by the municipal court are not, in the opinion of the project team, varied enough to require more classifications. The benefit of fewer classes would be ease in administration and the creation of a more visible career ladder. It is hoped that this would provide incentives to entry level personnel to pursue advancement within the clerks' personnel structure. The proposed qualifications and general duties for each classification are described in Appendix II.

In developing these classes, should the county not wish to establish entirely separate classifications for the municipal court, classifications presently used in the county should be considered. Chart 4 lists and compares the positions presently being used in the three courts.⁹ The important aspect of the recommendation is the consolidation of the classifications into a simpler, more manageable system for both the court and the personnel department.

⁹ No position descriptions exist for assistant county clerk, chief deputy county clerk, senior legal process clerk, Senior Keypunch Operator or Aide (I-IV).

**CHART 4
MONTEREY COUNTY PERSONNEL CLASSIFICATIONS**

<u>Superior Court</u>	<u>Justice Court</u>	<u>Municipal Court</u>	<u>County</u>
(3,024F) Sup. Ct. Admin.		(2,716F) C/M Ct. Admin.	(2,269F) Asst. County Clerk (442) Adm. Serv. Off. II
		(2,024F) Asst. Clk. of Municipal Court	(421) Adm. Serv. Off. I (407) Assoc. Accountant Aud. (385) Chief Dep. Ct. Clerk (372) Accountant Auditor (359) Data Entry Supervisor
(342) Sup. Superior Court Clerk (1,081F) Ct. Reporter (327) Sup. Ct. Adm Clk.		(358) Prin. Muni. Ct. Clk. (348) Supervising Clk. II (348) Sr. Muni. Ct. Clk.	(349) Legal Assistant (348) Supervising Clk. II (348) Sr. Adm. Analyst
	(322) Superv. Justice Court Clerk	(327) Muni. Ct. Clk.	(327) Superv. Clk. I (322) Prin. Steno. Clk. (322) Senior Legal Steno (321) Accounting Tech. (319) Sr. Legal Proc. Clk. (307) Legal Steno (307) Principal Clerk (307) Sr. Legal Steno (297) Sr. Key Punch Oper. (296) Sr. Accountant Clk. (296) Sr. Civil Clerk* (286) Sr. Typist Clerk (286) Senior Clerk (281) Steno. Clk. II (281) Aide IV (276) Account Clerk (276) Civil Clerk* (276) Key Punch Oper. II (266) Typist Clerk II (266) Clerk II (266) Telephone Operator (261) Steno. Clerk I (261) Aide III (256) Key Punch Oper. I (245) Typist Clerk I (245) Clerk I (235) Aide II (205) Aide I
(307) Legal Steno (307) Sr. Steno Clerk	(307) Sr. Just. Ct. Clk.	(307) Sr. Steno. Clk.	
(286) Sr. Typist Clerk		(296) Sr. Acc't. Clk. (286) Sr. Typist Clerk (281) Steno Clerk II	
(276) Legal Proc. Clk.	(276) Justice Ct. Clk.	(276) Account Clerk (276) Legal Proc. Clerk	
(266) Typist Clerk II		(266) Typist Clerk II (245) Typist Clerk I	

*Sheriff's Department

. Classifications for Specific Skills

The exceptions to the general proposition that the classification system in the Monterey County Municipal Court be simplified and consolidated are specialized positions such as account clerk and data entry operator. Special classifications must be developed for these positions in order to generate appropriate lists of qualified personnel when vacancies exist. For example, the qualification for a data entry operator must include an ability to input, measured in words per minute or hour. This type of special skill would not be reflected in the position requirements for a municipal court clerk position. Similarly, the account clerk position requires specialized skills in accounting procedures which should be reflected in minimum requirements in the position description.

Recommendation: Classifications should be adopted for the non-case processing positions within the court requiring specific skills.

. Reclassification Studies

The proposed reorganization of the Monterey County Municipal Court will result in a change in the duties and responsibilities assigned to several positions. These positions should be the subject of a classification study to determine if the current classifications and pay rates continue to be appropriate. A classification review of the lead municipal court clerks in the court services divisions in both the Monterey and Salinas branches, the senior municipal court clerk who performs purchasing, payroll and forms control

functions in the Monterey branch, and the proposed principal clerk in the data entry division in the Salinas branch, should be undertaken.

Recommendation: Classification reviews should be conducted of positions affected by the proposed reorganization. This includes the supervising municipal court clerk in court services, the senior municipal court clerk in charge of purchasing, payroll and forms control, and the proposed principal clerk in the data entry division in the Salinas branch.

. Classification of Legal Process Clerks

Many of the duties performed by clerks in the municipal court require significant knowledge and interpretive ability and have a high consequence of error. Clerks working on the front counter, for example, have to deal with the public in matters that can result in fines or even jail sentences. Performing their duties correctly is essential to an effective court. Many of the clerks presently performing such duties are inappropriately classified as clerk typists. These positions do not require typing skills and are characterized by the exercise of substantial independent judgment and discretion, and high consequence of error, not typically associated with the positions allocated to the clerk typist class.

Recommendation: Any clerical personnel performing case processing duties characterized by the exercise of substantial independent judgment and discretion and high consequence of error should be classified at a level comparable to a legal process clerk.

. Divisional Organization

Each division in the Monterey County Municipal Court is assigned a supervisory position. The use of a second in command is also generally followed, although on a more informal basis. In the opinion of the project team, the functioning of the divisions would be strengthened if an assistant supervisor were formally designated in each division. In the absence of the supervisor, the person responsible for the division would be clearly designated. In the smaller divisions, this designation can be made not as a classification change, but as an informal step toward promotion. In the larger divisions, this designation should be reflected within the classification structure.

Recommendation: Each division generally should be organized on the basis of a supervisor, an assistant supervisor, and staff positions.

. Legal Process Clerk in the Parking Section

The parking section in the Monterey branch is a part of the traffic division, although the lead worker in the parking section supervises more employees than some division supervisors. There are presently 7.7 F.T.E. positions in the parking section. As a part of the traffic division, this section is under the direction and supervision of the traffic supervisor; however, in practice, the parking section functions somewhat independently and the work of the section is generally supervised by the legal process clerk. It is recommended that this position be formally assigned the supervisory responsibilities and that a classification review be undertaken.

Recommendation: The position of legal process clerk in the parking section in the Monterey branch should be the subject of a reclassification study due to the supervisory duties performed.

. Position Control System

Presently, there appears to be confusion regarding the official classification of certain employees. The position questionnaires list various titles for positions which appear to do the same actual work.

No written record is maintained of what happens to certain positions, or why there are more positions in a specific classification than originally authorized in the budget. The development and adoption of a position control system in which each authorized position is numbered is recommended. Also, court personnel should be instructed to use their official job titles in any dealings they have with other agencies. An outline of a simple manual system has been given to the clerk/court administrator.

Recommendation: A position control system should be adopted to monitor and track the number and classification of permanent and temporary positions.

. Probation Periods

Monterey County Personnel Resolution No. 80-339, Section 10, outlines the terms of employee probationary periods as follows:

The probationary period shall be the final phase of the examination of qualification process. It shall be used by the appointing authority for the evaluation and effective adjustment of any newly appointed employee and for the termination of any probationary employee whose performance or work related behavior does not meet the required standards for the position to which they have been appointed. . . .

Each appointment, demotion, promotion, reclassification, re-employment, reinstatement, or transfer to a permanent position shall be subject to a probationary period of one (1) probationary period of one (1) year. . . .

At the end of this one year period, in addition to completing the probationary period, an employee becomes eligible for advancement to the next higher step in his/her pay range.

Under present court practice, performance evaluations are not conducted for new hires or promoted employees at the end of the one year probationary period. No system exists for monitoring the completion of probation periods for individual employees. Frequently, court employees complete their probation without a formal evaluation at any time during the one-year period and are given a step increase by default. The clerk/court administrator has indicated that he would "veto" any pay increase if an employee is not performing satisfactorily. Nevertheless, there is no system that assures review of "marginal" employees during the probation period or at twelve months.

Recommendation: New and promoted employees should have their performance evaluated during the second and fifth months of their probationary periods as well as at the end of the period.

To implement this proposal, a monitoring system will have to be developed for evaluations and for determining when probationary periods will end. Prior to the completion of the probationary period, the court should determine if an employee will be approved for permanent status. This decision should be the result of the preliminary performance reviews at two (2) and five (5) months, and a final formal probationary evaluation just prior to the end of the one year period. The preliminary reviews need not be written evaluations,¹⁰ but should give the employee a clear understanding of any areas needing improvement and what level of improvement is expected in order to be granted permanent status as a result of the final formal probationary evaluation.

. Annual Performance Evaluations

The new administration of the Monterey County Municipal Court has just completed its first performance evaluations of all employees. Another mass evaluation process is being

¹⁰ In fact, Section 3.30 of Resolution No. 80/339 provides, in part, that ". . . (an) employee on probationary status serves at the pleasure of an appointing authority." However, the "Garza" consent decree requires written reasons for involuntary demotions or terminations of minorities "(w)henever the affirmative action goals set forth in Appendices A and B are not complied within any department or job category in any year. . . ." If the court does use a written performance evaluation and articulates a reason for not allowing an employee to pass probation, a factual situation is created where the court may have to prove the allegation, even though Section 3.28 of Resolution No. 80-339 provides, in part, that "(a) probationary employee has no right to appeal and serves at the pleasure of the appointing authority. . . ." The section further provides "provided however, that in the case of an employee serving a period of disciplinary probation the forfeiture of appeal rights shall extend only to the acts or omissions relating to the conditions of such disciplinary probation."

considered for next year. These evaluations would not necessarily coincide with an individual's anniversary dates. If the evaluation is not close to an anniversary date, it will be of little use in determining the appropriateness of a step advancement. Conducting individual evaluations of employees just prior to their anniversary dates is timed more appropriately and reduces the burden on supervisors. The court may also wish to consider interim six (6) month performance evaluations between annual anniversary dates. Such a practice would establish a non-threatening environment to set performance goals, and avoid later complaints of "why wasn't I told sooner that I wasn't doing a good job".

The clerk/court administrator is presently setting up evaluations in accordance with this recommendation.

Recommendation: Annual written performance evaluations should be conducted for employees immediately prior to their anniversary dates.

. Position Description Questionnaires

In many cases during the course of this study, the project team found that task assignments had changed even over the one-month period between completion of the description questionnaires and the performance of the desk audit. Some employees had assumed additional or different duties. Current position descriptions are essential to provide supervisors and the court periodic feedback on changes in duties and responsibilities of employees and to serve as the basis for requesting classification revisions as may be necessary. For that reason, a system should be implemented which ensures regular updating of all position descriptions.

Recommendation: Employees should be required to review and update their position description questionnaires as part of their annual performance evaluation.

. Bilingual Skill Pay

A number of clerks in the municipal court are required to use their translation skills to communicate with non-English speaking clients at the front counter or over the telephone. Bilingual skill pay for this service appears reasonable. There is precedent for this within the county. Pursuant to a bargaining agreement, certain social services employees (Unit K) are provided a bilingual pay differential pay of fifteen dollars and twenty cents (\$15.20) per pay period if the employee uses his or her bilingual skills on the average of at least 33 percent of the time. (See Salary and Benefits Resolution No. 89-517, Section 20.) No such provision or pay is currently provided to court employees.

One employee assigned to the traffic division in the Salinas branch has been promoted to a municipal court clerk position primarily to compensate her for interpreting in the courtroom. However, it is estimated that several clerks in the Salinas Traffic Division interpret at the counter between 30 percent and 75 percent of the time.

Recommendation: The county should provide bilingual skill pay to court employees who qualify under paragraph 20 of the Salary and Benefits Resolution (No. 80-517).

. Working At All Court Locations

One of the benefits of consolidation should be the ability to shift personnel between one court location and another as necessary. With nonmanagement personnel this should only be temporary, and may require payment of travel expenses due to the economic burden. With management personnel, however, the clerk/court administrator should have the flexibility to assign personnel to any location within the court for whatever period. This should be made a condition of hire.

Recommendation: Assignment to any of the court locations should be made a condition of employment for supervisory and management personnel.

3. Resource Management

The operation of the Monterey County Municipal Court is affected by both the personnel resources available to it from its own staff and the outside resources upon which it calls for assistance. This section reviews staffing level fluctuations through an analysis of the use of temporary employees, terminations, sick leave, vacation leave, compensatory time and overtime, and the mandated non-staff services of court reporters, per diem interpreters, conflict case indigent defense, witnesses, and jurors.

. Temporary Employees

A review of expenditures from FY 1974-75 through FY 1979-80 shows that costs for temporary employees have increased 191 percent.

ACTUAL EXPENDITURES FOR TEMPORARY EMPLOYEES FY 1974-75 -- FY 1979-80

<u>Fiscal Year</u>	<u>Salinas</u>	<u>Monterey</u>	<u>Castroville</u>	<u>Total</u>
1974-75	12,176	10,390	9,921	33,027
1975-76	10,495	11,686	15,258	37,439
1976-77	20,934	18,907	13,661	53,502
1977-78	45,143	15,692	6,506	67,338
1978-79	27,048	38,598	7,406	73,052
1979-80	--	--	--	96,017 ¹

¹ Expenditures were recorded by court location until consolidation. The final recording of expenditures by court location is dated February 27, 1980. Salinas had spent \$19,691; Monterey \$2,093; and Castroville \$19,781. The combined expenditures after consolidation total \$54,453. These figures total \$96,017 for FY 1979-80.

As of October 1, 1980 there were 25 temporary employees: 17 clerk typist II's; five legal process clerks; and three typist clerk I's. At this staffing level, the \$43,000 approved for the current fiscal year would be completely expended in just over two months, as 25 temporaries on a yearly basis would cost approximately \$238,000. Faced with this gulf between amounts budgeted and amounts spent, the clerk/court administrator appeared before the Board of Supervisors on October 21, 1980 to request another \$127,000 to provide salaries for temporary employees.

Aside from the basic issue of whether the number of temporary employees on staff is warranted, as is discussed elsewhere, there are other disadvantages in the use of temporary employees. When positions are filled by temporary personnel, performance is often adversely affected by a lack of training and the employee's knowledge that he or she is not permanent, does not have a career ladder, and receives fewer fringe benefits than co-workers who may be performing the same tasks.

Recommendation: Once the permanent staffing level of the court is established, the clerk/court administrator and the county should agree on the maximum level of temporary help to be employed. Any number beyond this level should have to be agreed to by the county administrator's office.

. Employee Turnover

The turnover of court employees represents a problem for the Monterey County Municipal Court. In 1980 alone, 38 employees had terminated by the end of October.

<u>Year</u>	<u>Number of Employees Terminated</u>			
	<u>Salinas</u>	<u>Monterey</u>	<u>Castroville</u>	<u>Total</u>
1975	4	3	2	9
1976	5	6	0	11
1977	11	7	0	18
1978	8	9	2	19
1979	9	10	2	21
1980	<u>23</u>	<u>14</u>	<u>0</u>	<u>38</u>
Court Totals	60	49	6	115

The biggest source of this turnover was in the typist clerk II classification, which is the largest court personnel classification, with about one-third of the court positions. Typist clerk II's have accounted for over half of the turnovers during the last five years.

<u>Year</u>	<u>Typist Clerk II Turnover</u>			
	<u>Salinas</u>	<u>Monterey</u>	<u>Castroville</u>	<u>Total</u>
1975	4	3	0	7
1976	2	0	0	2
1977	7	5	0	12
1978	5	4	2	11
1979	2	6	0	8
1980	<u>16</u>	<u>11</u>	<u>0</u>	<u>27</u>
Court Totals	36	29	2	67

The project team reviewed the terminations of both temporary and permanent typist clerk II's in the Monterey branch to analyze possible correlations between the high use of temporary personnel and the turnover rate of typist clerk II's. Over the last five years in the Monterey branch, 34 typist clerk II's have terminated; 19 of these clerks were temporary, while 15 were permanent employees. A disproportionately high number of terminations of temporaries, which the project team had anticipated, is not borne out by these statistics.

High turnover is common in clerical operations. However, the rate in the Monterey County Municipal Court appears to exceed the 20 percent prejudicial turnover rate which is generally recognized in the field of personnel management as a maximum acceptable rate. This may, therefore, suggest other problems such as low pay, the lack of advancement opportunities, etc. Additional information necessary to identify causes of the high turnover rate in the Monterey County Municipal Court was not available.

Recommendation: An exit interview program should be initiated to enable the court to monitor employee turnover rates.

Two recommendations made in the personnel management section of this report have particular importance. First, a position control system would greatly facilitate the study of terminations of court personnel. Secondly and more importantly, the development of a municipal court clerk career ladder which would include entry-level clerks may have a beneficial effect on the turnover rate of typist clerk II's.

. Sick Leave, Vacation Leave and Compensatory Time

Personnel resources available to the court are affected by the amount of time the average employee is at work. Sick leave, vacation leave, and compensatory time are factors which should be considered when calculating appropriate staffing levels. Variations from the norm in any one of these areas can signal staffing problems. At present, these leave times are not periodically reviewed. Leave taken in the last three

fiscal years was reviewed for this audit. Table 6 summarizes the hours of vacation, sick leave, and compensatory time earned, taken, and the balances.

Recommendation: Monthly statistics on sick, vacation, and compensatory leave should be maintained for review by the clerk/court administrator. Any excessive use of leave should be discussed with the individual employee.

. Sick Leave

In FY 1978-79, court employees took an average of 9.3 sick days; this number increased to 11.1 days in FY 1979-80. Sixty-two percent of the number of sick leave hours earned were taken in FY 1978-79, while in FY 79-80 the percentage increased to 73 percent. The State of California Personnel Board conducts a yearly analysis of sick leave taken by employees in its agencies with more than 50 employees. State employees earn 12 sick leave days per year. For FY 1979-80 the average sick leave for over 100,000 state employees was 8.8 days, which is 73 percent of an employee's annual earned sick leave. The Monterey County Municipal Court is within the norms observed statewide.

. Vacation Leave

The court has no formal procedure for vacation leave requests and approvals. Each employee requests vacation time from his or her supervisor; if there is no serious conflict with other requests or workload, the request is forwarded to the clerk/court administrator for approval.

TABLE 6
MONTEREY COUNTY MUNICIPAL COURTS

SICK LEAVE

	<u>Hours Earned</u>	<u>Hours Taken</u>	<u>Balance at the Beginning of the Fiscal Year</u>
FY 1978-79	6,705	4,156	21,030
FY 1979-80	7,094	5,233	19,569
FY 1980-81 ¹	8,064	4,144	--

VACATION LEAVE

	<u>Hours Earned</u>	<u>Hours Taken</u>	<u>Balance at the Beginning of the Fiscal Year</u>
FY 1978-79	7,227	6,137	6,191
FY 1979-80	7,601	6,338	6,664
FY 1980-81 ¹	8,632	8,976	--

COMPENSATION LEAVE

	<u>Hours Earned</u>	<u>Hours Taken</u>	<u>Balance at the Beginning of the Fiscal Year</u>
FY 1978-79	102	128	21
FY 1979-80	845	456	414
FY 1980-81 ¹	768	1,128	--

¹ Straight line projection from first quarter statistics.

The county Salary and Benefits Resolution discourages splitting vacation time during the calendar year. The court, on the other hand, prefers its employees to split up vacation time, with the rationale that it is more difficult to adjust workloads when someone is absent for several weeks than it is when someone is absent for a few days, and can catch up on his or her workload upon return.

The limited statistics compiled on the use of vacation leave do not indicate any problems. In FY 1978-79, 85 percent of vacation leave earned was used and in FY 1979-80, 83 percent was used.

August, September, and October were the months with the highest level of vacation time taken. This is also the period with the greatest number of cases filed. A high level of vacation time was also taken during the month of December. Fortunately, the number of filings during December is lower than the monthly average. The highest number of vacation hours taken during any one month studied by the project team was 485 hours in a single branch court, or the equivalent of 2.8 full-time employees on vacation for the month.

In an effort to maintain an appropriate and efficient staffing level for the court, vacation leave should be monitored. If vacation leave increases during the months of heaviest filings, the clerk/court administrator should formalize a vacation request procedure.

. Compensatory Time and Overtime Expenditures

Salary and Benefits Resolution No. 80-517 states: "It shall be the policy of the Board to discourage overtime." The decision to work staff overtime is left to the judgment of the clerk/court administrator. Employees working overtime are compensated either by pay at 1-1/2 times their salary or by time off at 1-1/2 times the number of overtime hours worked. The clerk/ court administrator, in consultation with the employee, decides whether to pay overtime or to grant compensatory leave.

In keeping with county policy, the court has made very limited use of overtime. The Salinas branch is the only branch that had overtime expenditures from FY 1974-75 to FY 1979-80.

The figures for earned compensatory leave show an increase for FY 1979-80. This increase is attributed to the extra effort required of employees during consolidation. Projection from the first quarter statistics for FY 1980-81 indicate a downward trend in the use of compensatory time. This straight line projection of compensatory time has employees earning compensatory leave at the rate of 9.7 hours per employee annually.

. Mandated Costs

A major element of court expenditures includes mandated costs. These operating costs are difficult to regulate because they are statutorily mandated or dependent upon factors not within the control of the court. These costs include expenses

for court reporters, transcripts, interpreters, indigent defense counsel, witness fees, and jury fees. Expenditures for mandated costs in FY 1978-79 accounted for 23 percent of the Municipal Court expenditures. Table 7 illustrates the expenditures for these services from FY 1978-79 to a projected estimate for FY 1980-81. The project team found that the municipal court is using relatively cost-efficient methods of providing mandated services. However, the project team does have some suggestions for providing these services that may assist in controlling costs.

• Recording Expenditures

A problem has been that the records maintained for county budget purposes grouped different expenditure items together, making it difficult to measure how the court was doing relative to previous years. Recently, however, the chief of the accounting department started keeping more detailed records of these expenses. A current record of expenditures is kept by review of all vouchers. These records should serve as a useful planning tool.

Recommendation: The recording of expenditures for the Monterey County Budget should be changed to better serve the clerk/court administrator's need to review specific expenses. The following budget units or line items should be changed:

- Line item 62407, "court reporter services and transcripts," should be divided into two separate categories.
- A separate line item should be created for per diem interpreters.

- . Line item 62441, "jury and witness expense," should be divided into two separate categories to cover individually those jury and witness expenses still charged to the municipal court under unit 206.
- . Line item 62406, "Legal," should be divided into "assigned judges," "appointed counsel," and "other legal."
- . All expenditures for assigned judges should come out of the new line item above, instead of the three different line items presently used (62406, "Legal," 61012, "Temporary Employees," and 62141, "Transportation and Travel").

. Court Reporters

Although court reporters and transcripts are discussed at greater length in a separate section of this report, the need to monitor court reporter costs is considered here. The court's use of per diem court reporters is considered appropriate since it saves the county the expense of fringe benefits, and results in paying reporters only when they are necessary. The rate paid by the Monterey County Municipal Court of \$75 per day compares favorably with the average paid by the sample courts of \$90 per day.

As of January 1, 1981, transcript fees increased \$.15 per folio of original transcript. The court should analyze the fiscal impact of this fee increase.

. Per Diem Interpreters

The cost of per diem interpreters has increased substantially in the last few years. The court is statutorily required to provide interpreters, and pay their fees from the

TABLE 7

MONTEREY COUNTY MUNICIPAL COURTS

MANDATED COSTS

ITEM	FY 1978-79 ACTUAL		FY 1979-80 ACTUAL		FY 1980-81 ¹ ESTIMATE		PERCENT INCREASE	
	Monterey Salinas TOTAL		Monterey Salinas TOTAL		Monterey Salinas TOTAL		Monterey Salinas TOTAL	
Court Reporters	23,265	48,976 ²	25,640	49,820 ³	39,000	65,100	67.6	32.9
Transcripts	27,888	31,812 ⁴	22,061	43,368 ⁵	32,782	47,368	17.5	48.9
Per Diem Interpreters	(not avail)	13,590 ⁶	735	10,904	1,820	20,600	147.6 ⁷	51.6
Indigent Defense Conflict Cases								91.9 ⁷
Appointed counsel Consortium ⁹	20,237	27,687 ⁸	—	89,620	—	—	—	93.8
Witness Fees ¹⁰	322	562	156	997	766	308	137.9	(45.2)
Jury Fees	31,694 ¹¹	75,582	33,578	80,000	44,908	86,948	41.7	15.0
		107,276		113,578		131,856		22.9

1 Straight line projection using first quarter expenditures.

2 Includes \$8,111 for Castroville court reporters.

3 Includes \$5,495 for Castroville court reporters.

4 Includes \$4,927 for Castroville transcripts.

5 Includes \$2,841 for Castroville transcripts.

6 Estimate based on data 05/09/79 - 06/30/79.

7 Percentage increase between FY 1979-80 and FY 1980-81.

8 Includes \$2,765 for Castroville appointed counsel.

9 Estimated percentage of consortium contract applicable to Municipal Court defense at 45% of total municipal and superior court expenses.

10 Witness fees assumed by District Attorney and Public Defender January 1, 1979.

11 only court-ordered witnesses.

Expenditure based on ten months' actual FY 1978-79 expenditures.

county treasury. The court presently uses its own personnel, three of whom are certified by the county to interpret in court, and hires per diem interpreters when the court's interpreter is not available, or when interpretation is needed for a language other than Spanish. (Front counter interpreting is done by legal process clerks who speak Spanish.)

The project team compared the cost to the court of using its own personnel against the cost of hiring per diem interpreters. The court interpreter in the Salinas branch is classified as a municipal court clerk, and receives \$19,905 including fringe benefits annually. The daily salary for this interpreter is \$84 versus \$60 for a per diem interpreter.¹¹ On an average, a full day of interpreting lasts only about six hours.¹² While a per diem interpreter does not provide any further service to the court, a court employee can perform clerical work for the remaining two hours of a work day. The courtroom clerk utilization survey indicates the interpreter in Salinas provided 46 hours of clerical assistance in 19 days, or 2.4 hours per day. The cost for the court interpreter, therefore, is 70 percent of her salary or \$58 a day, approximately equal to the cost of a per diem interpreter.

¹¹ The daily salary for the court interpreter was computed by taking \$19,905 and dividing the annual number of days a clerk serves the court: 52 weeks at five days or 260, less 15 vacation days and nine holidays.

¹² Based on data from the courtroom utilization survey conducted as a part of this audit.

. Indigent Defense Conflict Cases

When the public defender does not represent indigent defendants in municipal court because of conflict, counsel is provided in one of two ways. The superior and municipal courts have a consortium contract for first-level conflicts. When there is a second-level conflict and the consortium cannot handle the case, counsel is appointed by the court. The combined cost for first and second-level conflicts has increased 57 percent since FY 1978-79. The cost of appointed counsel has increased 93 percent while the consortium contract price has increased 32 percent.

The average price per case under the consortium contract for both misdemeanors and felonies, including the superior court costs of more complex trials, was \$300. The average cost per attorney appointed in municipal court was \$467.¹³ The consortium contract cost is considerably less than the cost per appointed attorney, and is therefore more cost effective. This suggests that proposals for a consortium contract for second-level conflict cases should be requested and reviewed.

Recommendation: The county should request proposals for a consortium contract for second-level conflict cases to seek cost reductions.

. Witness Fees

In January, 1979 the district attorney's and public defender's offices assumed responsibility for payment of regular witnesses in municipal court. The fees paid by the municipal

¹³ There were 96 attorneys appointed from January 1, 1980 to June 30, 1980. One half of FY 1979-80 expenditures for appointed counsel was \$44,810, averaging \$467 per attorney.

court for court-appointed witness since January, 1979 represent a fraction of that which is paid by the district attorney and the public defenders for regular witnesses. The district attorney's estimated jury and witness expenses for 1979 were \$105,000, compared to the municipal court's expenses of \$1,153.

. Jury Fees

Jury fees increased 23 percent from FY 1978-79 to FY 1979-80. The increase in the Monterey branch was 42 percent, while in the Salinas branch the increase was 15 percent. This cost may be reduced, particularly in the Monterey branch, if the recommendations made in the jury section of this report regarding smaller jury panels in the Monterey branch, and better communications between the court and the jury commissioner are implemented.

. Use of Assigned Judges and Pro Tempore Judges

There are a variety of reasons suggested for using assigned and pro tempore judges: to fill judicial vacancies, illnesses and vacations; to assist in special cases in which local judges are disqualified; and to attempt to reduce delay in getting cases to trial.

The use of assigned and pro tempore judges is not without criticism: excessive use of judicial assistance is not a substitute for the appointment of an appropriate number of judges. Also, some courts have found that there is no negative

impact on the court calendar if the visiting judge program is eliminated. The South San Mateo court eliminated its assistance program in FY 1979-80 without adverse effect.

In FY 1979-80 the Monterey County Municipal Court received more judicial assistance from visiting judges than any other court in the sample.

JUDGE-DAYS OF ASSISTANCE RECEIVED

	<u>Received</u>	<u>Rendered</u>	<u>Net</u>
MONTEREY	324	90.5	233.5
Sonoma	89	7	82
Consol. Fresno	64.5	18	46.5
Stanislaus	45	9	36
Riverside	39	5	34
So. San Mateo	17	0	17
West Kern	70	56	14
Ventura	24	34.5	(10.5)
No. County San Diego	97	299.5	(202.5)

The weighted caseload figures applied to the FY 1980-81 caseload indicate that the court's judicial requirement is 8.2 positions. The annual amount of judicial manpower used at this time is 8.6 F.T.E. positions. This suggests that greater efficiency in calendar management might result in a reduction in the need for assistance. The recommendations made in the section on calendar management are directed toward achieving that efficiency. Concurrent with the study of the calendar system, the court should review the need for the amount of assistance that it is presently receiving.

Recommendation: The clerk/court administrator should study the benefits of the visiting judge program based on its cost.

4. Records Management

The records management systems and filing equipment used by the Monterey County Municipal Court has been an area of particular focus for the new clerk/court administrator. At present, some of the systems employed and equipment used are inadequate and result in procedural inefficiency, as well as a lack of proper utilization of the space allotted for clerical operations. However, the project team found that in most of the areas in which deficiencies were noted, the clerk/court administrator has either initiated programs to address the problems or was unable to do so because of lack of financial support for necessary programs or equipment. The following is the project team's assessment of the records and filing systems employed.

. Electronic Cash Registers

The need for electronic cash registers is clear. The present manual machines are antiquated and cannot perform the distribution and accounts receivable functions that an electronic cash register can. Furthermore, the present machines are no longer manufactured and spare parts are increasingly scarce. These machines should be replaced as soon as possible.

Specifications for an electronic cash register for the Monterey County Municipal Court have been developed by the court and the data processing division of the auditor's office. Both agreed that the system produced by Data Terminal Systems is

appropriate for the needs of the court and compatible with the automated system now in use. Consequently, the project team did not conduct further analysis.

Recommendation: Electronic cash registers should be purchased for the Monterey, Salinas and Castroville court locations. The cash registers should have the capacity to access the present computer system.

. Filing Equipment

Civil, criminal, traffic and small claims file folders are presently stored in various types of open and closed shelf, legal sized, cabinet filing equipment located throughout the clerk's office. A general system of moving older files to secondary storage locations is utilized. Problems are created by the filing equipment as it is not standardized and is not always located as near to the clerks as it should be. For example, in the Monterey branch, traffic division clerks have to go to three locations for files, only one of which is in the traffic section.

The clerk/court administrator has recognized this problem and obtained standardized open shelf filing equipment for Monterey, Salinas and Castroville. Also, in the proposed relocation of the clerk's office in the Salinas branch, the architects are giving careful consideration to the location of the filing equipment. The project team agrees with the decision to convert to uniform open shelf filing as such systems have proven to be cost and space effective, and provide easy access to the files.

. File Folders

The court primarily uses legal size, top tab file folders for criminal, civil, and small claims matters. Matters such as parking violations are not filed in file folders and traffic cases are filed in a computer-generated envelope known as a convelope. Legal size file folders are used, because until recently some of the court-generated forms were legal size. The unified forms program initiated by the clerk/court administrator has had as one of its goals elimination of legal size documents. This has been accomplished by the introduction of the new letter sized criminal docket. Thus, the last impediment to using letter sized file folders has been removed, and the conversion to letter sized file folders is being implemented.

The project team agrees with this conversion as the advantages are numerous. First, letter size paper, equipment, and supplies cost 10 to 30 percent less than legal size. Second, letter size filing equipment occupies 30 percent less floor space than comparable legal size equipment. As a result of these compelling cost and space benefits, courts in eight states have mandated that all court case files be on letter size paper.

The conversion to letter size equipment should be done on a staged basis. There is no reason to convert files already in folders and the cost to do so would be prohibitive.

Recommendation: New filings should be filed in letter size folders, but other cases should be kept in their present file folders.

. Filing of Case Papers in the Case File

In traffic matters, the case file is taken apart after each appearance and reordered. This time-consuming process is done at the judges' request. Changing the practice will require their understanding of the cost in terms of clerical effort versus minimal perceivable benefits. The project team suggests that papers should be filed chronologically. This is the practice in practically all courts with which the project team is familiar. To assist judges in finding the complaint in traffic and criminal matters, a red label should be attached on its side so that it can be immediately identified.

Recommendation: Case papers should be filed chronologically and the case file not reordered after each appearance. The complaint should be identified in the file folder with a red label on its side.

. Recycling File Folders

The cost of individual file folders is \$.33 per folder assuming color coding and end tabs. This cost can represent a significant recurring investment given the annual filings of approximately 70,000 civil, criminal, and small claims cases. Consequently, the court should consider recycling file folders, at a minimum when the contents of the file are destroyed. Even greater savings and faster recycling could be achieved if, at the time file folders are removed to secondary storage, files are combined, say ten to a file folder, as is done with small claims filings. The feasibility of combining folders in this manner can only be determined after study of the frequency of reference and the volume of paper in each individual case.

Recommendation: The clerk/court administrator should study the feasibility of reusing file folders, either at the time of moving files to secondary storage or at the time of the destruction of the contents of the file.

• Out-Cards

A new system of out-cards has been instituted for both case files and dockets. The out-card system is a significant records management tool as it provides a control over the location of these records. As with other control systems, however, it is only valuable to the extent to which it is properly administered and adhered to. A sample of 12 out-cards for criminal dockets was reviewed, and the sign-out periods had a mean of 12.5 days. This is excessive. The clerk/court administrator should establish a policy for the length of time dockets and case files are to be allowed out of the docket bins or off the shelf. This policy should require a person removing a docket or file to sign his or her name, as opposed to merely signing "the court," as is the present practice. The supervisor of each division should then review the cards on a periodic basis and retrieve any dockets or files that are out for longer than the agreed-upon period.

Recommendation: Docket and case files should be allowed away from their file location for a maximum agreed-upon time period and the courtroom and person for whom the file docket is checked out should be stated specifically on the out-card.

. Indexes

The court maintains indexes for civil, small claims, criminal, and traffic matters. The traffic index is automated and on microfiche. The other indexes are maintained manually, but the court intends to automate these indexes. One problem pertaining to the manual index is the use of a dual indexing system.

In criminal matters prior to May, 1980, the defendants' names were indexed onto 3" x 5" cards. After May 1, the names are entered into a notebook, and onto the index cards. This is unnecessary. The flexibility of the 3" x 5" card index suggests that this system is better, and therefore the notebook indexing system should be eliminated.

Recommendation: The notebook indexing system in criminal cases should be eliminated.

A number of courts have found that it is unnecessary to index small claims matters by plaintiff as well as by defendant. Their reason is that the plaintiff is aware of who he or she is suing and can therefore retrieve a case by the defendant's name. Also, title companies and others researching matters filed with the court are interested in defendants who might have judgments against them or matters pending. This information can be obtained by having only a defendant name index. The importance of this issue will increase as the cost of an automated indexing system is considered.

Recommendation: The plaintiff index in small claims matters should be eliminated.

. Forms

One of the significant benefits of consolidation has been the development of uniform forms for the two branch locations of the Monterey County Municipal Court. The clerk/court administrator has assigned the assistant clerk of the municipal court the task of unifying forms as well as establishing a forms inventory and control procedure. Forms have been standarized between the three court locations and procedures have been established for maintenance of an inventory, revision of forms and improvement of their overall usage. Standarization has included a movement toward more checkbox type forms and reduction to letter size paper. The procedures adopted appear excellent and represent a significant improvement in the operation of the courts.

. Microfilming

At present, the Salinas branch does not microfilm, but the Monterey branch microfilms its case files older than 1970. Since statutory law does not allow for the destruction of hard copy case files even if these files have been microfilmed, microfilming does not achieve any savings to the court in storage space. After January 1, 1981 revisions in the California code allow dockets to be microfilmed and destroyed according to the records retention schedule, but the project team questions the value of microfilming, as the major cause of storage problems is the case file. At present, the cost to microfilm is 40 percent of the time of one clerk typist II, or

approximately \$5,000 in personnel costs (including fringe benefits) plus materials and developing. Given the cost and limited benefit, this practice is questioned.

Recommendation: The court should cease microfilming.

The clerk/court administrator agrees with this assessment and intends to discontinue microfilming.

. Records Retention

Records are retained according to the statutory records retention schedule (71001-8 Government Code). Case files are purged once a year to determine what files can be destroyed. However, some records are retained longer than the statutory time period required. For example, receipts issued in 1970 are currently being stored by the court. It would appear from Section 4(b)(2) of Section 71001-8 that these receipts could be destroyed after three years. The clerk/court administrator should delegate the responsibility for records management to a senior staff person in each branch with the responsibility to ensure that purging and destruction of court documents is carried out at the appropriate time.

Recommendation: A staff member of each branch should be named as a records management specialist with the responsibility to ensure that records are destroyed in accordance with the records retention schedule.

. Numbering System

At present, the numbering system for civil, criminal, traffic and small claims matters consists only of a consecutive number. A numbering system should be adopted which includes the year and

the court location. For example, a case number would be 81-M-10,000. The elements in the number show that the case was filed in 1981, in the Monterey branch and is the 10,000th case to be filed. This system has the advantage of making cases from any branch immediately identifiable. This will be increasingly important as cases begin to be transferred from branch to branch.

Recommendation: A case numbering system should be adopted to include the year, court location and a consecutive number.

. Color Coding

The court currently does not use color coding to identify either file folders or the numbers of particular file folders. The use of color coding can save personnel time in accessing files, reduce the risk of misfiling, and is a recommended records management technique. While this adds cost to the file folder, the benefit of ease of access and reduction in the risk of misfiling is considered to outweigh the added costs. The clerk/court administrator has recognized the value of color coding, and has ordered case files with color coded numbers.

Recommendation: Case numbers should be color coded.

. Terminal Digit Filing

At present case files are filed on a sequential basis, which results in the available file space being gradually occupied as more cases are filed. A filing system called terminal digit filing has proven to be very successful in distributing current files throughout the available file space, as well as minimizing misfiling. In this system, the filing area is divided into a

hundred equal parts so that each part has the same number of case files and consequently the same activity rate. This results in the file equipment being filled up equally throughout the file area and cuts down on congestion in accessing files.¹⁴

Recommendation: The terminal digit filing system should be adopted in civil and criminal matters.

. Preprinted NCS Forms

At present, the court uses several forms such as the NCS and the docket form which require similar types of hearing information to be filled out individually by the clerk completing the form. The location of the information suggests that a preprinted computer generated form, or multi-part form, may result in increased efficiency. The court should review the possibility of computer generated forms with the county's EDP department.

Recommendation: The possibility of developing preprinted computer-generated forms should be studied.

. Bilingual Signs for the Salinas Branch

The Salinas branch has up to 70 percent either non-English-speaking or bilingual clients, yet the front counter signs are written in English only. To assist the clients, as well as to minimize questions put to court personnel, the front counter signs should be in both Spanish and English.

¹⁴ For a complete discussion of terminal digit filing refer to Business Equipment and the Courts, National Center for State Courts, Publication No. R00309, 1977, page 23.

Recommendation: The signs on the front counter in Salinas should be in Spanish as well as English.

. Criminal Docket Tubs

Because the criminal dockets are stored in a few tubs, the area around the criminal docket tubs in the Salinas branch is crowded and at times hard to access. Adding more tubs will make access to the dockets easier for clerical personnel.

Recommendation: Additional tubs for criminal dockets should be obtained for the Salinas branch.

. Accessing Convelopes

A specific problem that needs to be addressed is accessing convelopes. Because the convelopes do not have side or top tabs, the case number is not readily visible. The court should use numbered dividers with end tabs between every 100 files to make file access easier.

Recommendation: Numbered dividers with end tabs should be used between every 100 folders to make file access easier.

5. Financial Planning and Control

. Budget Process and Limitations

The Monterey County Municipal Court has already overrun several budget accounts and is projecting overruns for several others. In a few cases, such as per diem court reporters and travel for judges and visiting judges, there is little the clerk/court administrator can do to control such expenses. For most of the accounts, however, the overruns seem to have occurred through lack of attention and concern regarding budget limitations, rather than because the expenses are beyond anyone's control. The necessity to live within a budget must be acknowledged and adhered to by the clerk/court administrator and each of the division supervisors, to the extent that the latter control any part of the budget.

Since the commencement of this audit, the clerk/court administrator, the head of the accounting department, and the county's administrative analyst have initiated regular meetings to review expenses. Also, the chief of the accounting department now receives a copy of every voucher to keep records on expenses current. Both of these developments are desirable. This monitoring alone, however, is not sufficient absent the commitment mentioned above.

Recommendation: The budget process and budget limitations must be respected. Substantial progress toward monitoring of expenses is being made, but a greater commitment to living within budget constraints is required.

. Standardization of Processing of Bond Forfeitures

If a defendant does not appear as scheduled, and he or she has been released on bond, the judge normally orders bond forfeited and a warrant issued. State law requires notification of the person posting bond in order for the court to collect the amount posted as collateral for appearance.¹⁵ In the Monterey branch, bond forfeitures are monitored by the traffic and criminal divisions. In the Salinas branch, they are monitored by the accounting division. The traffic and criminal division staff formerly handled bond forfeitures in the Salinas branch, too, but the clerk/court administrator centralized the responsibility in the accounting division this past spring because a number of forfeitures appeared to be slipping through without notification of the bondsman. If proper notice is not sent within the statutory time limits, the court loses the right to collect the bond forfeiture from the bondsman.

Since the Monterey branch presently assigns the task to the divisions and the Salinas branch assigned it to divisions until recently, it would seem best to have the divisions process forfeitures. Such assignment eliminates one step now required in the Salinas branch: getting the information that a forfeiture has occurred from the criminal or traffic division to the accounting staff. At present, Salinas branch courtroom clerks are to fill out an information slip for each case involving a forfeiture, and tell the office staff to route

¹⁵ California Penal Code Section 1305.

files involving a forfeiture to accounting. The accounting division apparently does not receive information about some cases. Therefore, they must check their bond book periodically, and double-check the case file if information is missing. Presumably, if the division were handling this work, at least one link in this information chain would not be needed.

The acting assistant clerk has recommended that a tickler card system used in Ventura County be adopted in Monterey County. In this system, a card is made for each case involving a bond. Cards are filed by the date of the next scheduled action, pulled daily, and the cases checked for what happened. If a forfeiture notice is to be sent out, it is sent at that time. If a case is continued, another date set, or some other event is to occur, the card is moved to a new date. In this fashion, the staff is able to take the appropriate action as soon after the prescribed date as possible. This system should preclude overlooking needed notices if the cards are checked regularly.

The chief account clerk in the Salinas branch estimates that the clerk handling bond forfeitures spends two hours or more a day on them. The card system may require slightly more time than the present system; if the monitoring of forfeitures is returned to the divisions, that time will have to be absorbed by the divisions' staff.

The project team did not review the processing of bond forfeitures in Castroville, but believes the work flow there is light enough that it would not make much difference to whom it was assigned.

Recommendation: Bond forfeitures should be processed by the divisions. A tickler system should be set up to monitor bond forfeitures.

. Daily Bank Deposits

The Monterey branch does not make a deposit in the bank if there is any discrepancy between the cash register tapes and the cash on hand. In the Salinas branch, however, deposits may be made when the total of the cash register tapes exceeds the cash on hand. The cash-on-hand total must be confirmed by a recount, but if it is confirmed, the deposit is made. The assumption is made that the error is an over-ring on the cash register that can be traced and corrected the next day. If there is more cash than the cash register total, however, the deposit is held until the error is found. The chief of the accounting department would prefer that no deposit be made until the cash and the register tapes balance. This is not a major problem and entries can be reversed once the error is found, but the practice of withholding the deposit until the cash and the register tapes balance seems to be a better practice. The Salinas branch has a secure safe if cash must be held overnight.

Recommendation: Daily bank deposits should not be made until cash, checks, and money orders on hand balance with the cash register.

6. Jury Management

Jurors serving in the Salinas branch come from a superior court pool of jurors managed by the superior court jury commissioner. The only involvement of municipal court staff is a check by the municipal court calendar clerk with the superior court staff regarding the number of panels needed on jury trial days and the responsibility of the courtroom clerk and bailiff for the jurors once they arrive in the courtroom.

Jury management in the Monterey branch is the responsibility of the municipal court jury clerk, except that the superior court jury commissioner prepares the annual list of qualified jurors. The present jury clerk has held the position since early summer of 1980.

. Jury Service

The term of service for jurors in the Salinas branch is two weeks, while the term of service in the Monterey branch is three weeks. There is no reason for this difference except that the difference existed before the court was consolidated. The trend nationally is clearly toward shorter terms of service. The terms should be made the same in the two branches; two weeks is the appropriate term. Terms of one week might be suggested, but would be difficult to achieve in the Salinas branch, as the superior court is not likely to change its term of service at this time.

Recommendation: Terms of service of jurors in the Monterey and Salinas branches should be the same -- two weeks.

. Panel Size

The size of a panel of jurors sent to a courtroom in the Monterey branch can be smaller. The experience in the Salinas branch is that most of the time a panel of 25 is sufficient. On the rare occasions when it is not, additional jurors are obtained from the superior court pool. The Monterey branch uses initial panels of from 35 to 45. These numbers for a specific trial may be less than the initial panel size because of excuses for the day or permanent excuses that are recognized after jurors start their term of service. Also, over the course of two weeks some jurors can be expected to drop out even in the best of systems.

The appropriate number for the initial panel in the Monterey branch cannot be known at this time because the data for the Monterey branch are so sparse, but a reduction in total panel size of ten people over two weeks is about the rate now experienced. If the initial panels are held to 35, it will be easier to limit the size of a panel going into a courtroom for a particular trial to 25, which experience in the Salinas branch suggests is adequate.¹⁶ As data are collected and patterns begin to emerge, this figure should be reexamined and adjusted, if necessary. Each juror is paid \$5.00 per day plus 23¢ mileage. If each of the three judges in the Monterey

¹⁶ When 25 jurors proves to be insufficient for a particular trial, additional jurors can be obtained from the other courtrooms. Presently jurors are not released following completion of voir dire in one courtroom until voir dire is completed in all courtrooms in case extra jurors are needed. Reducing panel size would build on this practice.

branch had started voir dire with five to ten fewer jurors in the jury trials held between December 13, 1979 and September 1980, there would have been a savings of between \$2,250 and \$4,500 (not including mileage) from the smaller panels.

Recommendation: The size of panels sent to a courtroom in Monterey should be reduced to 25.

. Uniform Jury Procedures

Jurors in the Salinas branch are oriented by the superior court staff. Jurors in the Monterey branch are oriented, if at all, by individual judges. As indicated above, the size of panels sent to the courtrooms differs in the two locations. The Monterey branch has a brief exit questionnaire on the back of a thank-you letter sent to each juror; the Salinas branch does not use a thank-you letter or an exit questionnaire. There are only a few forms used for management and the financial ones are the same in both locations. There still are some differences with respect to the forms used by the jury staffs. There is no apparent reason for these differences and no advantage to maintaining them.

Recommendation: Jury management in the Monterey and Salinas branches should be coordinated with respect to juror orientation, the use of exit questionnaires, and the use of internal forms for management purposes.

. Training of Jury Clerk

The jury clerk in the Monterey branch has been on the job about seven months and has had no training in jury management. The superior court jury commissioner's staff appear to be well trained and the jury commissioner has a firm understanding of the principles of jury management. The Salinas and Monterey operations are different, but the jury clerk in the Monterey branch would benefit nonetheless from meeting with and talking to the superior court staff and observing the superior court jury operation.

Recommendation: The jury clerk in the Monterey branch should have the opportunity to observe jury management in Salinas.

. Maintaining Data on Jury Service

Data maintained on municipal court jury service are inadequate. The superior court jury commissioner in the Salinas branch has better data than the Monterey branch, which has none. It is difficult to manage a jury system intelligently without a statistical picture of how it is operating. For instance, the typical panel sent to a courtroom in the Salinas branch is 22 to 25 people. In the Monterey branch, it is 30 to 35 and sometimes more. Data are needed to determine whether the extra jurors are used in the Monterey branch.¹⁷ In order to determine the proper initial panel to call for service, one needs to know how many jurors are excused

¹⁷ One judge in the Monterey branch says he regularly uses 35 jurors or more, but that need not be the case for the other two judges.

before the term of service starts and how many fall out during the term of service. The jury clerk in the Monterey branch has a "guesstimate" based on her short experience on the job, but there are no data. Data should be kept and reviewed from time to time to assure that the system is operating efficiently.

Recommendation: The jury clerk in the Monterey branch should maintain data regarding juror usage to permit identification of areas in which improvements could be made.

The superior court jury commissioner should be requested to maintain similar data, at least with respect to municipal court jurors. Municipal court courtroom clerks will have to assist in the collection of those data.

. Multiple-Part Juror Forms

In both the Monterey and Salinas branches the jury staff has to type the names and addresses of jurors on several different forms. Each time a name and address is typed the chance of error increases. It should be possible to redesign two or three forms so that the space for names and addresses is the same on each form, thereby permitting carbon paper or pressure-sensitive paper to be used to reduce the number of times the name and address must be retyped.

Recommendation: The forms used for recording information about jurors should be redesigned to reduce the number of occasions on which the jurors' names and addresses are entered.

. Telephone Call-In by Jurors

The Monterey branch uses a telephone message system to advise jurors each day whether their service is required the next day. This type of system has saved courts across the country substantial amounts through better control of the number of jurors appearing and the timing of their appearance. Savings also are achieved in some courts because staff is saved the often time-consuming and frustrating task of calling each juror to provide this information.

The superior court jury commissioner does not use this system. Instead, his staff calls each juror if there are any changes in need. The jury commissioner is aware of the systems and has reasonable justification for not installing them. Even acknowledging the validity of those arguments, however, there remain occasions when the system might help in the Salinas branch, too.

Recommendation: The county should consider the purchase and installation of a telephone call-in system for all jurors.

. Weekly Postcard Reminders

Each Wednesday of the first and second week of a term in the Monterey branch the jury clerk types and mails out a postcard reminding jurors of their service the following week. This is time-consuming for the clerk and expensive in terms of postage (over 100 postcards a week are mailed). The clerk and court should assume that when jurors are summoned to appear and do appear the first week, they can be expected to remember the

length of their service. The judges also should be advising jurors at the completion of a trial to check with the code-a-phone regarding future service. It should be even less necessary to send out cards if the term of service is reduced to two weeks.

The card is used also to advise jurors of their panel number. This, too, they should be expected to remember. If the court wishes to change a juror's panel number, this can be done through the code-a-phone. To make sure that the jurors do not forget the code-a-phone number, a small business card can be printed with the code-a-phone number on it, which can be handed to each juror on the first day of service.

Recommendation: The jury clerk in the Monterey branch should cease sending out weekly postal reminders of their service to jurors.

7. Caseflow and Calendar Management

The assessment of judicial performance is not a part of this audit. An analysis of certain caseflow and calendar management issues is offered here as their efficiency affects clerical operations. Any clerical time saved in scheduling, appearing in court, or other calendar activity represents potential time that can be spent working in the operational units.

. Differences in Calendaring Between Branches

There are several differences in the overall calendars in the Salinas and Monterey branches that extend beyond the fact that the Salinas branch has Castroville to service and has an extra judge. Perhaps the most striking difference is the 15.5 hours of judicial time per week devoted to traffic arraignments in the Salinas branch compared to only five hours per week by a commissioner in the Monterey branch. It is not clear why the Salinas judges devote so much time each week to traffic arraignments. Other differences exist as well, as evidenced by the analysis in Table 8. The Salinas branch calendar also contains more short blocks of time allotted to various calendar items than the calendar in the Monterey branch. There may be legitimate reasons for the differences in calendars in the two locations, the most obvious being the language problems in the Salinas branch, but a greater similarity would seem to be possible.

TABLE 8

ANALYSIS OF PRESENT CALENDARS
FOR SALINAS AND MONTEREY

<u>Calendar Activity</u>	<u>Week Days Scheduled</u>		<u>Total Hours Scheduled</u>	
	<u>Monterey</u>	<u>Salinas</u>	<u>Monterey</u>	<u>Salinas</u>
Traffic Arraignment				
General	MTWThF		5 (CMR) **	
Walk-in		MTWThF		5
Special		MTWThF		10.5
Sentencing	MTWThF	MWF	3.75	4
Criminal Arraignments	MTWThF	MTWThF	15	15
Law and Motion				
Civil	Th	M	.5	1.5
Criminal	MTWThF	M	3.75	5
Pretrial Conferences	MTWThF	MWF	3.75	4.5
Preliminary Hearings	ThF	WF	14 + 15*	28.5
Civil Court Trials	M	MTTh	4.5 + 3*	2.5 + 13*
Criminal Court Trials	M	M	3 + .5 (CMR) **	3
Traffic Court Trials	TW	MTh	6 + .5 (CMR) **	13 (CMR) **
Small Claims Trials	MThF	WF	3 + 3* + 2 (CMR) **	6.5 + 6.5 (CMR) **
Jury Trials	TW	TTh	30 + 15*	26 + 13*
Jury Trial Conferences	MTu	MTWTh	3	5

* Time scheduled for two possible case activities, depending on need.

** Time scheduled for the commissioner.

PROPOSED CALENDAR - MONTEREY MUNICIPAL COURT - OPTION 1

	Monday		Tuesday		Wednesday		Thursday		Friday	
	Salinas	Monterey	Salinas	Monterey	Salinas	Monterey	Salinas	Monterey	Salinas	Monterey
8:30	Pretrial Conf. Sentencing Motions Traffic Walk-Ins Civil Crt. Trials Small Claims Trials Special Traffic Arraign.	Pretrial Conf. Sentencing Motions Traffic Walk-In Jury Trials	Pretrial Conf. Sentencing Motions Traffic Walk-In Jury Trials	Pretrial Conf. Sentencing Motions Traffic Walk-In Jury Trials	Pretrial Conf. Sentencing Motions Traffic Walk-In Jury Trials or Civil Crt. Trials	Pretrial Conf. Sentencing Motions Traffic Walk-In Jury Trials or Civil Crt. Trials	Pretrial Conf. Sentencing Motions Traffic Walk-In Prelim. Hearings	Pretrial Conf. Sentencing Motions Traffic Walk-In Prelim. Hearings	Pretrial Conf. Sentencing Motions Traffic Walk-In Prelim. Hearings	Pretrial Conf. Sentencing Motions Traffic Walk-In Prelim. Hearings
9:30	Criminal Arraign. Criminal Court Trials Special Traffic Arraign.	Criminal Arraign. Criminal Court Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings
1:30	Criminal Arraign. Criminal Court Trials Special Traffic Arraign. Court Trial Small Claims Trials	Criminal Arraign. Criminal Court Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings
3:00	Criminal Arraign. Criminal Court Trials Special Traffic Arraign. Court Trial Small Claims Trials	Criminal Arraign. Criminal Court Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Jury Trials	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings	Criminal Arraign. Prelim. Hearings

PROPOSED CALENDAR - MONTEREY MUNICIPAL COURT - OPTION 2

	Monday		Tuesday		Wednesday		Thursday		Friday	
	Salinas	Monterey	Salinas	Monterey	Salinas	Monterey	Salinas	Monterey	Salinas	Monterey
8:30	Pretrial Conf. Motions Sentencing	Pretrial Conf. Motions Sentencing	Jury Calendar Call Traffic Trials	Jury Calendar Call Traffic Trials	Jury Calendar Call Trials	Jury Calendar Call Trials	Pretrial Conf. Motions Sentencing	Pretrial Conf. Motions Sentencing	Prelim. Hearings	Prelim. Hearings
9:30	Criminal Court Trials	Criminal Court Trials	Jury Trials	Jury Trials	Jury Trials	Jury Trials	Jury Trials	Jury Trials		
1:30	Criminal Arraign. Civil Court Trials	Criminal Arraign. Civil Court Trials	Criminal Arraign. Jury Trials	Jury Trials	Criminal Arraign. Jury Trials	Jury Trials	Criminal Arraign. Prelim. Hearing	Criminal Arraign. Prelim. Hearing	Criminal Arraign. Prelim. Hearings	Prelim. Hearings
3:00	Jury Trial Conf. Small Claims Trials	Jury Trial Conf.	Jury Trial Conf.	Jury Trial Conf.						Small Claims Trials

The project team did not identify any major problems associated with the differences in the two calendars. The present calendars may be affecting jury management adversely, however. More than half of the jury trials in both locations extend to a second day. In the Monterey branch, jury trials are scheduled for two consecutive days (Tuesday and Wednesday) while in the Salinas branch they are scheduled for two days (Tuesday and Thursday) but with an open day in between. In the Monterey branch, jury trials often are continued to Friday for completion and in the Salinas branch trials that start on Tuesday often end on Wednesday and those on Thursday often end on Friday. The consequence in both courts is disruption of the next day's calendar. The jury trial schedule suggested here attempts to deal with this problem. It is not clear whether the time allotted in the National Center's suggestion is sufficient, however, because there are no good data on jury trials. The calendar clerks and jury clerks should be consulted by the judges before the judges make a final decision about how jury trials might be rescheduled.

The project team has developed two alternatives to serve as a starting point for discussion for the judges. Both options are based on the following propositions or attempt to move toward the following goals:

- . Each day should have as few different types of cases and calendar activities as possible in order to minimize confusion of staff and the public and to maximize the efficient flow of paper through the court.
- . The commissioner should hear all traffic arraignments and virtually all small claims and traffic trials.

- . Recessing a jury trial for 36 to 40 hours is disruptive to jurors, attorneys, and litigants.
- . If, in the future, cases are transferred from one location to another, similar calendars in the two locations will minimize possible confusion among court staff, litigants, and attorneys.
- . If judges are shared between branches, it will be easier to move a judge from one location to another, especially on short notice, if the calendars are arranged similarly.

Comparison of the analysis in Table 8 with Tables 9 and 10 will identify the differences between the present and proposed calendars.

Recommendation: The court should examine the differences in the calendars in the Monterey and Salinas branches to determine whether the hours allocated for each activity in each location are necessary.

Recommendation: Since a majority of the jury cases require more than one day to complete, jury trials should be scheduled for two and a half days rather than two. Tuesday, Wednesday, and Thursday morning are recommended.

TABLE 9

ANALYSIS OF PROPOSED CALENDAR: OPTION 1
FOR SALINAS AND MONTEREY

<u>Calendar Activity</u>	<u>Week Days Scheduled</u>		<u>Total Hours Scheduled</u>	
	<u>Monterey</u>	<u>Salinas</u>	<u>Monterey</u>	<u>Salinas</u>
Traffic Arraignment				
General				
Walk-in	---	MTWThF	CMR**	5
Special	---			5.5
Sentencing	MTWThF	MTWThF	5	5
Criminal Arraignments	MTWThF	MTWThF	15	15
Law and Motion				
Civil)				
))	MTWThF	MTWThF	5	5
Criminal)				
Pretrial Conferences	MTWThF	MTWThF	5	5
Preliminary Hearings	ThF	ThF	18	26.5
Civil Court Trials	MTh	MTh	5 + 7.5*	2.5 + 10*
Criminal Court Trials	M	M	4.5	3.0
Traffic Court Trials			1.5 + CMR**	3.0 + CMR**
Small Claims Trials	MF	MF	4	5.5
Jury Trials	TWTh	TWTh	27 + 7.5*	38 + 10*
Jury Trial Conferences	---	---	0	0

* Time scheduled for two possible case activities, depending on need.

** Time scheduled for the commissioner.

TABLE 10

ANALYSIS OF PROPOSED CALENDAR -Option 2
FOR SALINAS AND MONTEREY

<u>Calendar Activity</u>	<u>Week Days Scheduled</u>		<u>Total Hours Scheduled</u>	
	<u>Monterey</u>	<u>Salinas</u>	<u>Monterey</u>	<u>Salinas</u>
Traffic Arraignment				
General	---	---	---	---
Walk-in	---	---	CMR**	CMR**
Special	---	---		CMR**
Sentencing	MTh	MTh	2	2
Criminal Arraignments	MTh	MTWThF	6	15
Law and Motion				
Civil)				
)	MTh	MTh	4.5	5.5
Criminal)				
Pretrial Conferences	MTh	MTh	4.5	4.5
Preliminary Hearings	ThF	ThF	22.5	32.0
Civil Court Trials	M	M	4.5	4.5
Criminal Court Trials	M	M	2.5	2.5
Traffic Court Trials	T	T	2.0	2.0
Small Claims Trials	F	M	3.0	3.0
Jury Trials	TWTh	TWTh	43	51.5
Jury Trial Conferences	---	---	3	3

** Time scheduled for the commissioner.

. Jury Trial Conferences

The effectiveness of the jury trial conferences is questionable. Better than half of the cases scheduled for jury trial conferences settle or are continued, but the cases left on the calendar for the following day are often not ready for trial. The trial attorneys from the district attorney's and the public defender's offices do not always attend the conferences. The credibility of both the conferences and the trial calendar is lessened in these circumstances. Even when public or private trial attorneys attend the conferences, the conferences observed by the project team suggest that the attorneys prepare the case after the conference rather than before, making the conference itself of only marginal value.

There were 11 occasions between between October 1, 1979 and September 30, 1980 on which the superior court brought in two panels of jurors, yet no jury trial started. (Proportionately, more of those were in the last quarter of 1979, before the consolidation.) In every case in which the superior court jury commissioner was told that there would be three panels needed, at least one trial started, but even so there were 43 days in which three jury panels were called in and only 18 on which all three panels were used.

Despite the evidence suggesting the conference could be more efficient, the judges interviewed believe quite strongly that the conference is beneficial. Since the data are not good enough to argue convincingly otherwise at this time, it would be useful to test the judges' support for the value of the conferences in a controlled experiment. Some cases should be

selected randomly not to have a conference and the results regarding continuances, settlements, and length of trial compared with the same results in cases that had the conference.

If the court would prefer not to undertake a controlled experiment to test the conferences' value, some change in procedure seems to be required to make the conferences more effective. Experience across the country suggests that pretrial conferences are most effective when lawyers have to do some work before coming to the conference and have to prepare a written document in advance of the conference to document that work. It would also help if the attorneys trying the cases attended the conferences. The written material that might be provided by the lawyers should include confirmation that they have talked about the case prior to the date of the writing and outline of all offers made and the present prospects for settlement. The written submission could be required even if it is not possible to require the trial attorneys to attend the conference.

Recommendation: The court should consider experimenting with the elimination of the jury trial conference the afternoon before a scheduled jury trial, or efforts should be made to make the conference more productive.

. Criminal Arraignments

Both the Monterey and Salinas branches arraign criminal defendants daily. Incarcerated defendants charged in the Monterey branch are arraigned there and therefore must be transported from Salinas to Monterey. The calendars for criminal arraignments doubtless reflect practices before the two courts were consolidated.

The jail in Salinas is approximately three miles from the courthouse; it is sixteen miles from the Monterey courthouse. It would be energy efficient, should reduce the sheriff's personnel needs for prisoner transportation, and probably would improve security if all incarcerated defendants were arraigned in Salinas. Before a final decision is made regarding the change, however, the sheriff, district attorney, and public defender should be consulted regarding how this change would effect their operations.

Recommendation: All custody arraignments should be held in the Salinas branch.

. Master Jury Calendar Call

Jury trials in both the Monterey and Salinas branches are scheduled for and controlled by each judge on an individual basis. Thus, one judge may have two or three cases ready for trial and another none, but there is no mechanism for the second judge to receive a case from the first.

Cases are assigned to trial judges at the jury trial conferences. Factors such as the likelihood of a trial start, the attorneys involved, and the estimated length of trial are considered when cases are assigned. This scheduling of trials the afternoon before the trial date is intended to serve the same purpose as a master calendar assignment, but because of the problems noted above, it is not effective in doing so.

Recommendation: Jury trials in each branch should be called for trial in one courtroom and then assigned to available courtrooms based on information developed at calendar call.

Use of a master calendar on the day of trial will not increase the likelihood of judge-shopping and therefore delay settlement now achieved at the jury trial conferences, because assignments to courtrooms now occur after discussion of settlement has concluded in the jury trial conferences. If judge shopping is a factor inhibiting settlements now at the jury trial conferences, the new arrangement will not change that. If it is a factor, there should be no change, either.

. Scheduling Preliminary Hearings

The Monterey branch presently schedules preliminary hearings for all day Thursday, but often has to extend them into Friday. The Salinas branch schedules most of Friday for preliminary hearings. The project team did not hear complaints that there were problems completing preliminary hearings on Fridays in the Salinas branch. Additional time seems to be required in the Monterey branch and might be desirable in the Salinas branch as well. If it is not required in the Salinas branch, other matters can be scheduled for Friday afternoon.

Recommendation: Preliminary hearings should be scheduled for Thursday afternoons and all day Friday.

8. Training

One of the major efforts of the clerk/court administrator has been in the area of training. This emphasis has resulted in regular staff meetings, a mass orientation for all employees, in-service training programs, and attendance at local, state and national training programs. Comments from court staff indicate a general support and enthusiasm for such training. Nevertheless, future training efforts will better serve the court if certain practices are modified and integrated into a coordinated training program.

. Orientation

A general orientation to the California judicial system was given to court employees in August and September of 1980 by the clerk/court administrator. The clerk/court administrator used the California Courts manual prepared by the Conference of California Judges. The manual describes the various courts in the state, pre-trial civil procedures, pre-trial criminal procedures, and trial procedures.

Any new clerk hired by the court is required to study the Judicial Council of California's Introduction to the Municipal and Justice Courts, which is a basic in-service training program for entry level deputy clerks of trial courts in California. At the end of each section they must complete a self-administered test that comes with the manual. This test is scored and retained in the employee's personnel file. New employees are given a copy of the Monterey County Court Manual

as an orientation to the Monterey County Municipal Court, a copy of the court's Offical Rules, a standard county Employee Benefits Check-List, and copies of "Clerk's Vocabulary," Book 1 (Criminal Action) and Book 2 (Civil Action). All of the above noted practices are helpful to a new employee and should be continued.

Although the court has never signed any union contract, employees with classifications covered by county bargaining agreements may join such bargaining units. The court does follow all county personnel policies, practices and procedures, and provides to its employees the same fringe benefits available to county employees. However, court employees are not presently provided copies of documents relating to these items. They should be given copies.

Recommendation: New employees should be given copies of the county's general employee unit memorandum of understanding, Personnel Resolution No. 80-399, and the Salary and Benefits Resolution No. 80-517 as part of their orientation. New memoranda and resolutions should be provided to all employees and posted on employee bulletin boards.

Job Descriptions

Most of the employees interviewed did not have copies of their job descriptions. As indicated earlier in this report, some were even confused as to their official job title. Each employee should be provided a copy of his or her job description.

Recommendation: Each employee should receive a copy of his or her job description at the time of hiring or promotion.

. Procedures Manuals

Each division in the court has a binder or folder with copies of forms used in their unit. Some divisions, such as parking, have even developed in-house procedures manuals to supplement the California Municipal Court Clerks Association Manuals. These items are not provided to individual employees. The procedures manual being developed as a part of this project will describe the tasks required for each function within a division. Portions of these manuals should be copied from the master manual and given to an individual employee. These sections should relate to the specific duties assigned to that employee. Additional sections should be given to the employee when there is a change in tasks or duties.

Recommendation: Employees should be provided with a copy of the portions of the department's procedures manual that cover their duties and responsibilities.

. Standard Tests for Clerks

The Clerks Association Manuals should still be used by the court as basic orientation materials. The supplemental training and testing from the courts' procedures manuals will assure the development on uniform practices and eliminate the typical "learn by your mistakes" method of training.

Recommendation: Standard test questions should be developed for each portion of a department's manual. Employees should be required to study relevant portions of the department's procedures manual and pass a written test relating to relevant duties during the probation period.

. Attendance at Training Programs

The clerk/court administrator has instigated an ambitious program of attendance at training programs at the local, state and national level. While the programs attended, in most instances, appear to have merit, taken collectively, there seems to be an overemphasis on attendance at these programs to the detriment of the day-to-day operations of the court.

For example, during the period from July 1, 1980 to November 30, 1980, court employees attended a total of 76 days at programs offered by the Monterey Bay Area Regional Training Center. Four employees attended the Judges, Marshals and Constables Association meeting for three days, three employees attended the records management seminar of the National Center for State Courts for three days, and two employees attended the Grantsmanship Training Conference for five days. The dollar cost in fees for these programs was \$7,413, and the total number of days in attendance was 115.

The positive aspect of these programs is the knowledge that the court employees obtain through their attendance. On the other hand, overemphasis on training outside the court can have negative impact on its operation. The most obvious such impact is the loss of personnel time. The 115 days of training

represents the equivalent of one clerk per day away from the court for the entire six-month period. This is akin to a one to two percent reduction in staff. More importantly, the persons attending the programs generally are key management personnel whose daily presence is crucial to the smooth operation of the court. Also, the cost of attendance at these programs quickly mounts. This can be seen by the shift in the sources of expenditures in the mileage and travel line items for the court between FY 1979-80 and July 1 through December 5, 1980.

Percentage of Total Expenditures

<u>Source</u>	<u>FY 1979-80</u>	<u>July 1-Dec. 5 1980</u>
Visiting Judges	62.1	31.5
Monterey County Judges	12.9	14.3
Clerk/Court Administrator	6.3	17.2
Other Employees	18.7	36.5

The cost of mileage and travel for the nonjudicial personnel represents 54 percent of the total expenditures, up from 25 percent the previous fiscal year. \$17,000 of the \$24,550 budget has already been spent after only six months of the fiscal year.

The content of the programs selected for attendance is, in some instances, of questionable value. For example, 15 employees were registered for the "Positive Approaches to Effective Discipline" seminar offered by the Monterey Bay Area

Regional Training Center. Attendance at a program of this nature would seem to be more appropriate for employees to attend on their own time, at night or on the weekend, and not during court hours.

In general, it is the project team's assessment that out-of-court training programs and seminars need to be selected carefully with a demonstrated benefit to the court that will justify the loss of employee time during the training.

Recommendation: Attendance at training programs outside the court should be limited to selected employees and courses of major importance to the court.

. Annual Training Program

The ambitious emphasis on training at the Monterey County Municipal Court is positive. However, the different initiatives in the training area do not appear to fit into an overall training program with clearly stated objectives. There do not appear to be goals associated with the program and there is no way to measure its success or lack thereof. Other departments within the county outline in considerable detail the objectives of their training programs, employees to be targeted and the types of training and programs to be sought out. The clerk/court administrator should give the development of such an annual program high priority.

Recommendation: The clerk/court administrator should develop an annual training program which outlines training objectives for the year.

. Exchanging Staff Between Branches

The clerk/court administrator is actively attempting to standardize practices, procedures and forms between court locations. Supervisors for a given division are exchanged between locations for a week. During this time they work at all the desks in the other location's division. Staff also are exchanged for a day to work at the desk of their counterparts in the other location. This practice has helped in the standardization effort. However, it is time-consuming and disruptive of normal operations. As has been stated elsewhere, the project team believes one of the greatest needs of the court at this time is stability, to have division supervisors working uninterruptedly with personnel in their division. The exchange of supervisors among branches undermines this need. When stable, trained staffs have been developed in each division, the idea of exchanging supervisors and other court personnel for short periods can be reconsidered.

Recommendation: The practice of exchanging staff between the Monterey and Salinas branches for training purposes should be discontinued.

. Cross-Training

Most divisions have attempted to cross-train employees within a division. This effort should be continued.

Recommendation: Employees should be cross-trained at all positions within their division.

. Rotating Employees

While rotating personnel between branches is not recommended at this time, the project team does see benefits in having selected employees assigned to a new unit. This experience, particularly in related areas such as parking and traffic, will expand the employees' understanding of the clerk's operation, create a broader base of backup personnel for coverage during employee absence due to vacation or illness, and provide the clerk/court administrator with another source of evaluation of the individual employee's performance to ultimately determine the best placement for him or her and work areas that need to be improved. Such transfers should be for a minimum of three months to allow the clerk to truly become familiar with the work of the division.

Recommendation: A program should be developed to rotate employees to other divisions for periods of at least three months.

9. Procedures Manuals

. Statewide Manuals

At present, the basic procedural manuals in use consist of the California Municipal Court Clerks Association manuals for criminal, civil, small claims, courtroom clerks, and appeals matters. In addition, there are manuals related to the technical aspects of using the automated systems, such as the data entry procedures manual. The accounting section uses a manual of accounting developed by the office of the state controller. The manuals outlining processing of cases are well thought out, but are necessarily quite general as they apply to procedures used in all municipal courts in California. Consequently, these manuals are referred to by clerks regarding general questions they might have. They do not have specific guidelines as to the procedures followed by any one desk in the Monterey County Municipal Court.

The clerk/court administrator's staff has not gone through the manuals and eliminated procedures not used or adapted the procedures to the Monterey County Municipal Court. For example, the forms in these manuals are the forms suggested by the California Municipal Court Clerks Association Manuals as opposed to the actual forms used in Monterey County. The clerk/court administrator should review these manuals and insert local forms in place of the sample forms that are presently in the manual and, as possible, adapt procedures outlined to local practice.

Recommendation: The statewide manual in use should be reviewed, local forms substituted for the sample forms used, and procedures adapted to local procedures where necessary.

. Local Procedures Manuals

The assistant clerk/court administrator and the division supervisors have been working on documenting procedures in specific areas where there has been a procedural change, or a difficulty has been noted in carrying out procedures. These procedures are written out and kept in each division to which they apply, as well as in the master folder maintained by the clerk/court administrator. Procedures which have been documented are as follows: 1) parking, 2) bail bonds, 3) duplicate abstracts, 4) search warrants, 5) filing returns and inventory, 6) payment of attorney fees, and 7) appeals.

As a part of this project, procedural manuals will be developed. The development of these procedures will fill a gap which exists at present. However, the court must realize that procedural manuals will be valuable only if there is commitment to ensure that they are properly used, and especially that they are kept current. Any changes in forms, procedures, or legal requirements must be immediately integrated into the procedural manual. Too often, there is a tendency not to see procedural manuals as dynamic documents requiring periodic upkeep in order for them to retain their value.

Recommendation: A procedure for periodic updating of the procedural manuals that will be developed as a part of this project should be adopted. This includes assigned responsibility for drafting revisions, developing a distribution list, and ensuring that each division adheres to the procedures outlined.

10. Management and Planning

. Annual Report

At present, the Monterey County Municipal Court does not have some of the elements that the project team associates with strong management and planning. For example, the court does not prepare an annual report, nor is there a statement of an annual program that the court is going to undertake. This is the result, in part, of the major task the clerk/court administrator has had to undertake to bring the court into a consolidated structure. His priorities properly have been dedicated to issues that relate directly to consolidation. However, as this administration moves into its second year, it is essential that better documentation and commitment to management and planning documents be developed. In the opinion of the project team, some of the problems with cost overruns that occurred in the expenditures for temporary help and travel budgets would have been better understood had the board of supervisors and the administrative office been provided with more complete documentation of the programs of the clerk/court administrator and their directions.

Recommendation: The Monterey County Municipal Court should prepare an annual report which includes a statement of the activity during the previous year and the programs that the court will undertake during the coming year and subsequent years. This can be accomplished through the adoption of a program budget approach.

. Management Reports

The clerk/court administrator has instituted a number of policies that should prove beneficial in terms of management and planning. For example, there are meetings held on a regular basis with the supervisors of the divisions to discuss mutual problems. However, there are no management reports that provide information on which to base decisions such as the need for additional personnel. The clerk/court administrator should seek to remedy this situation.

Recommendation: Management reports reflecting the workload in each division should be developed. The indicators of workload should be developed by each division.

The appropriate workload indicators must be determined on a division by division basis. They should be indicators, like filings, that can be charted on an annual basis. They should be reflective of clerical workload, and be useful in policymaking decisions. For example, at present the parking division does not regularly maintain information on the number of courtesy notices sent, and how many parking citations are paid after notice. This is basic management information for justifying additional personnel, as well as establishing policies regarding how aggressively the court should pursue sending notices. As has been mentioned, one court, after analyzing the returns relative to the costs in this area, has elected not to send notices.

The development of management reports requires a time commitment, and there is a chance of over-reporting information. There are ways to minimize time requirements. The best method is to limit the reports to a sample basis, e.g., gather the information for a month once every six months. At this point, the most important step is for the court to identify the workload indicators on which to base decisions such as the need for additional personnel.

11. Facilities

. Salinas Branch

The issue of facilities, in an audit of court operations, is considered primarily in terms of the adequacy of present facilities and whether improvements can be made, and secondly, whether the projected growth of the court warrants initiating an effort to obtain new facilities. In the Salinas branch of the Monterey County Municipal Court, these two issues have been joined. The county is in the process of shifting the clerk's office to another part of the county office complex and converting the area presently occupied by the clerks into a courtroom, with space for the construction of a second courtroom. The addition of a courtroom will provide a permanent department for the fourth judge. The capacity to create a second new courtroom will handle the projected need to create another judicial position within the next five years. Regarding the move of the clerk's office, the project team is working with the architects contracted by the county reviewing the sequence of the moves and the layout of the office space. Recommendations are being made directly to the county and to the architects in separate documentation.

. Monterey Branch

The court and clerical facilities in the Monterey branch are adequate and provide the non-judicial personnel with a good working environment. One problem is the separation of the

civil and small claims division from the remainder of the clerk's office. This division should be located in closer proximity to the rest of the clerk's office.

12. Analysis by Division

The project team analyzed the operation and procedures in each division. To do this, supervisory and staff personnel were interviewed, position description questionnaires were analyzed, and workflow was observed. Where appropriate, the work performed by the clerks in a division was summarized into tables showing percentage distribution of time by task. These tables are in Appendix III.

12a. Traffic

The traffic section in the Monterey branch employs six F.T.E. permanent clerks and 2.5 F.T.E. temporary clerks. At present, the Monterey branch traffic section is current in its processing of cases, and at times assists in the processing of parking citations. In the Salinas branch, six clerks are assigned to traffic processing. There are three permanent employees, including the court interpreter who spends about 30 percent of her time in the traffic division, and three temporary positions. Four of these employees are at least conversant in Spanish. The Salinas division is backlogged.

The basic functions of the section are to receive and process new complaints and citations, prepare cases for both the walk-in and scheduled calendars, and process cases after hearing. An ongoing function is front counter service, which includes ringing up cases on the cash register, giving information, and answering the phone. A significant amount of time in the division is spent on processing warrants.

The training materials presently in use are minimal. The supervising clerk in the Monterey branch has outlined the procedures used in the declaration of the order of examination and the issuance of warrants. Otherwise there is no written documentation of procedures.

. Telephone Answering System

A frequent comment made by clerks interviewed during this audit concerned the amount of time spent answering repetitive telephone inquiries. Questions such as the time at which a person should appear in court, or the amount of bail on the citation, recur again and again. Responding to these questions involves the clerk's time to answer the telephone, look up the defendant's name in the index, and then obtain information from the case file. Often the same information is printed on the citation which is in the defendant's possession.

The amount of time spent responding to telephone inquiries is not insignificant. It is impossible to quantify exactly, but the estimate given to the project team indicates that at least one-half of an F.T.E. clerk is required to answer the telephone in each branch.

Several of the courts surveyed have overcome this problem by installing telephone answering systems that have call sequencers. In such a system, the caller is greeted with a taped message which answers the most frequent questions asked. This should eliminate a significant number of the calls the clerks have to handle. For those persons requiring more information, the call is placed in a sequence to be answered.

In the Southern San Mateo County Municipal Court, the system was installed by the Automatic Telephone Company of Palo Alto, California, and the purchase cost of the system was in the neighborhood of \$1,000 to \$1,500 per telephone line. Installation of such a system would reduce the frequency of interruption of clerical work and yet maintain the level of service to the clients of the court.

Recommendation: A tape recorder system for the court should be installed to answer the most commonly asked questions.

. Policy Regarding Information to be Given Over the Phone

A corollary issue is the amount of information that should be given over the telephone. Many telephone requests are from litigants or attorneys who find it more convenient to contact the court than to review their own files. The information in the court docket or case file is public record, but there is no requirement in California that this information be made available by telephone. This service is important to the legal community and should be provided, but limits should be placed on it. The clerk/court administrator should develop a policy regarding information to be given from the docket system, and both post a public notice and contact the Bar Association to inform them of the policy.

Recommendation: Policy should be established for the type of information to be given over the telephone and when the information should be given.

. Designation of Personnel to Answer the Telephones

The system for answering the telephone is more informal, particularly in the Monterey branch, than is appropriate for the efficient operation of the court. Each time the telephone rings, there is uncertainty as to who should answer it and work is interrupted for numerous employees. A rotational assignment of the responsibility to answer the telephone within each division will allow the unassigned clerks freedom to work more efficiently. Although the problem was particularly noted in the traffic division, the system should apply to all divisions.

Recommendation: A specific person should be designated to answer the telephone on a rotational basis.

. Walk-In Arraignment Calendars

The present system for traffic arraignment in both branches is a walk-in calendar. It begins at 8:30 a.m. in the Salinas branch and at 1:30 p.m. in the Monterey branch. Any person wishing to appear must register in the clerk's office immediately prior to the calendar. There is no serious congestion problem in the Monterey branch as parties begin to arrive at 12:30, an hour prior to the calendar call. In the Salinas branch, however, the defendants arrive at 8:00 a.m. when the clerk's office opens, and long lines form.

A possible solution would be to change the morning walk-in calendar to a 1:30 p.m. starting time as exists in the Monterey branch. Another possibility would be to allow defendants to call and make an appointment to appear on the calendar. The project team recognizes that this invites potential problems in

that defendants may not appear and the clerks will have expended the time preparing the calendar and pulling the files. It was also suggested by several clerks that it is not always clear whether or not a defendant should be on the walk-in calendar. Only after a conversation with the defendant can that determination be made.

Notwithstanding these possible problems, the long waiting line is a cause of aggravation to the public, to other county employees, and to court clerical personnel. Consequently, experimentation with another method is suggested. The benefit of an appointment approach is that the clerks can set up the calendar the day before and have the case files prepared and ready for the judge the first thing in the morning. Secondly, the citizen would not have to go through the inconvenience of waiting to register. If a case was set by appointment for 8:45 a.m., the defendant would not have to arrive at 8:00 and wait in line. The court should experiment with this system for a period of three months and then evaluate its effectiveness to make a final determination as to the proper approach to managing the walk-in calendar.

Recommendation: The court should experiment with allowing the defendants to call for an appointment for the walk-in arraignment calendar.

. Location of Traffic Files in the Monterey Branch

The traffic files in the Monterey branch are presently kept in three different locations. This results in problems for the clerks pulling files. With the delivery of the open shelf

filing equipment, this problem should be eliminated. The clerk/court administrator should make sure that case files for the traffic division, and any other division of the Monterey County Municipal Court, are located in proximity to the work areas of the clerks who use the files.

Recommendation: The traffic files in the Monterey branch should be kept in one location instead of in three as at present.

. Location of Microfiche Reader

Clerks answering telephone inquiries must access the microfiche index to obtain the case number if the request requires obtaining the case file. In both the Monterey and Salinas branches, this means that the clerk must leave his or her desk to go to the front counter, insert the microfiche in the microfiche reader and look up the defendant's name on the index. A more efficient and convenient system would be to locate a microfiche reader in the desk area of the clerks who answer the telephone. The reader could be moved from desk to desk as the assignment to answer the telephone rotates. This would save the clerks having to leave their desks to respond to telephone inquiries and generally assist clerks working at their desks in accessing index information.

Recommendation: A microfiche reader should be on the desk near the telephones to assist clerks in responding to telephone requests without having to leave their desks.

. Scheduling of Infractions

Infractions are now scheduled after custody and more serious traffic matters have been heard on the walk-in calendar, at least in the Monterey branch. This allows time to bring custody defendants to the courtroom prior to the opening of court and also to have those matters requiring two clerks to be heard first. While this system has some benefits for the court, citizens appearing in court on the most minor matters are forced to wait the longest to have their matters resolved or another hearing set. A more logical approach would be to schedule the most minor matters first and then have custody and more serious traffic matters commence following the completion of the infraction calendar.

Recommendation: Infractions should be scheduled first on the walk-in calendars to allow these minor matters to be resolved and the defendant to leave the court.

. Dummy Ring-Up Sheets

The clerks in both the Monterey and Salinas branches face a problem with the payment of fines by defendants who have just had their cases heard. The envelope for these defendants often is still in the courtroom. The practice in the Salinas branch is for the front counter clerk to get the envelope from the courtroom and ring up the fine paid directly on the envelope. In the Monterey branch, the clerk receives the fine payment and rings up the amount received with the necessary information on a dummy sheet which is subsequently entered on the envelope when the envelope is returned from the

courtroom. The dummy sheet then is placed in the envelope. The latter system appears to function best, since it is inefficient to have the front counter clerk go into the courtroom each time a fine payment is made without a envelope present.

Recommendation: Clerks should use dummy ring up sheets in the Monterey and Salinas branches to ring up cases when the envelope is not present.

. Non-Appearence to Qualify for Training Schools

The outcome of a number of traffic appearances is that the violator is allowed to attend traffic school in lieu of paying a fine. This decision is generally made based on the nature of the offense and the violator's driving record. Since these are objective measures, a policy could be adopted by the court which would allow clerical personnel to determine if the violator qualifies for traffic school, and can go directly to traffic school without having to make an appearance in court. These policies would apply only to the most obvious cases. For any case in which there was doubt, the party would have to appear before a judge. This approach is consistent with practices in the other courts surveyed.

Recommendation: The judges of the Monterey County Municipal Court should consider establishing policies for qualifying for traffic school so that defendants would not have to appear in court.

. Map

A minor problem but one which should be rectified is the lack of a map indicating the boundaries of the Monterey County Municipal Court. No such map is available in either branch. At times this causes problems in determining whether a party is in the proper court.

Recommendation: A map indicating the boundaries of the district should be placed near the front counter in each branch to assist front counter personnel in giving proper information to customers.

. Public Information Clerk

A problem with the walk-in calendar in the Monterey branch is the public's general confusion as to what to do. Consequently, front counter clerks are often asked unnecessary questions, and at times defendants do not register for the calendar properly. If a member of the clerk's office were stationed in the public waiting area from 12:30 to the commencement of the calendar, some of the questions could be answered without the defendant having to wait in line and interrupt the front counter clerk trying to set up the calendar. The clerk/court administrator has implemented this recommendation.

Recommendation: A public information clerk should be stationed in the corridor of the Monterey branch at least 45 minutes prior to the 1:30 traffic arraignment calendar to provide information to people attending the calendar.

12b. Parking

The parking section is a part of the traffic division in both the Monterey and Salinas branches. In the Salinas branch, the parking section consists of a legal process clerk and a Youth Corps person working about five hours a day. In the Monterey branch, the section consists of a lead clerk, three permanent employees, three temporary employees working full time in the section and two additional temporary employees working 40 percent and 30 percent of their time.

The basic functions are receiving, counting, and tallying parking citations from police agencies that file with the court; processing mail payments and in-person payments, which involves pulling the citation on file, ringing up the amount of bail received, and moving citations to the closed citation file; processing delinquent parking citations, which consists of typing and filing notices; preparing lists to be sent to the Department of Motor Vehicles to obtain the names of licensed owners of vehicles; and processing stops and releases of licenses.

. Cost of Processing Parking Citations

To assess the cost of processing parking citations, a one-month analysis of parking citations in the Monterey and Salinas branches was conducted.

	<u>Monterey</u>	<u>Salinas</u>
Citations filed	10,497	2,067
Citations paid without notice	6,828	1,217
Percent paid without notice	65	59
Total received	\$53,159	\$11,932
Average payment per citation filed	\$5.06	\$5.77
Courtesy notices sent	3,669	861
Citations paid after notice sent	1,311	361
Percent paid after notice sent	36	42
Original bail on citations paid after notice sent	N/A	\$ 2,729
Total received on citations paid after notice was sent	N/A	\$ 4,860

The statistics indicate that over 75 percent of the citations eventually are paid. Between 60-65 percent of the citations are paid without a notice being sent, while between 12-17 percent are paid after a notice is sent. Slightly more than one payment is received for every three notices sent. The average payment per citation filed is slightly more than \$5.

Cost and revenue figures for FY 1979-80 are estimated as follows:

ACTUAL REVENUE FY 1979-80	
Monterey County	109,172
Citing Agencies	<u>419,172</u>
Total Revenues	528,344

ESTIMATED COSTS FY 1979-80

Personnel (ten clerks at an average of \$13,000 including fringe benefits) ¹	130,000
Supplies (notice forms, postage, envelopes) @ \$.31 per delinquent citation (68,000) and miscellaneous supplies	25,000
Overhead (12.06% of personnel costs, based on the Monterey County cost allocation plan)	14,500
Total cost to the county	169,500
Net cost to the county	60,328

¹ The clerk/court administrator estimated a higher figure for personnel costs, \$123,000 excluding fringe benefits or close to \$148,000 in total. The project team's assessment indicates that this figure is high. At the same time, the Monterey branch is backlogged so the estimate of \$148,000 to be current is not unrealistic.

The project team projected revenues for FY 1980-81 using the average payment of \$5.18 for all citations filed noted during the survey. With projected filings of 172,000, the total revenue will be \$890,000. Based on the experience of the past several fiscal years, the county's share will be 20 percent or approximately \$178,000. Thus, the county will just break even, assuming the slightly higher cost than the \$169,500 expended in FY 1979-80.

The county has made a commitment to an automated parking system. The system should eliminate the backlogs that have developed in the Monterey branch and, because notices increasing bail will be sent in a more timely fashion, revenue should increase. Implementation of the automated system also should result in cost avoidance for the county in the future as greater caseloads can be handled without the added personnel that would be required under the manual system. However, the automated system has costs. In the opinion of the representative of the data processing division of the county auditor's office, the start-up costs of the system are approximately \$47,000. The operational costs have not been calculated, but the estimate was that they would be similar to the costs of the automated traffic system, which for FY 1979-80 was approximately \$60,000. Thus, the approximately \$25,000 in personnel savings that will be realized by the reduction of two positions will be offset by increases in automation costs, leaving the county with a net cost to operate the parking system.

The project team believes that a net cost to the county will remain until a change in the distribution of revenues received is achieved. Since these changes will require negotiation between the county and the municipalities, the project team does not at this time draw conclusions, but rather presents the implications of the various changes.

One option available is for the municipal courts to cease processing parking citations. The Municipal Court is under no legal obligation to process parking citations. In Board of

Trustees v. Municipal Court 95 Cal. App. 3d 322 (1979), the Court of Appeals held that notices of illegal parking are not the equivalent of a "notice to appear" as authorized in Vehicle Code Section 40513 to which a plea could be entered.¹⁸ A court can only be required to assume jurisdiction when a complaint with supporting affidavit is filed. The payment and receipt of money for parking tickets prior to the filing of a verified complaint is an administrative act which does not require court participation.¹⁹

If the processing of parking citations were returned to the citing agencies, most of the personnel and supply costs would be saved, although some personnel would still be required to process county parking violations. Some overhead costs would be saved. The net effect for the county would probably be an equal reduction in costs and revenue.

Another possibility is for the court to continue processing parking citations but not to send out courtesy notices. Parking citations would be processed only to the extent of accepting bail, and cases for which bail is not paid would be dismissed at the appropriate time. This system might result in a lower rate of payment than at present due to a possible drop when citizens become aware that follow-up noticing is no longer being carried out. The county revenue would be approximately \$106,500 (or 20 percent of the \$534,000

¹⁸ California Polytechnic State University petitioned for a writ of mandate that would have required the Municipal Court to process parking citations.

¹⁹ City of San Diego v. Municipal Court 102 Cal. App. 3d 7775 (1980).

revenue from the 60 percent of the citations that would be paid). Since approximately five F.T.E. clerical positions in the municipal court are allocated to the processing of notices and other follow-up work, probably one-half of the personnel costs and all of the supply costs could be saved. This would leave the county with revenues of \$103,000 and operational costs of \$60,000 in direct costs and \$7,200 in overhead, or a net revenue to the county of approximately \$35,800.

This approach is not unique. Several other municipal courts surveyed have eliminated the processing of follow-up notices. These courts acknowledge that the adoption of this system is due to lack of sufficient staff. Such an approach raises questions concerning the fairness of receiving payment from conscientious citizens while not pursuing those who do not pay their fines.

Another possibility would be to develop a user concept and have the revenues received by the county be reflective of the resources allocated to obtain those revenues. Such a system could be organized on the basis that the citing agency would receive the initial bail. The county would retain any monies received as a result of processing delinquent citations.

The advantage of this system is that the cities would continue to receive significant revenue and the county would begin to be compensated more directly for its enforcement procedures. Such an agreement is authorized by Penal Code Section 1463(1)(c). The shift in revenues that would occur can be seen from the following analysis of the projected FY 1980-81 caseload.

Projected parking citations	172,000
Parking citations paid without notice	60%
Failures to appear/pay	40%

RETURN UNDER PROPOSED SYSTEM

Payments without notice (\$5.16 x 130,200)		\$532,510
Delinquency notices processed	68,800	
Citations cleared after notice (40%)	27,520	
Average bail and penalty assessment \$11		302,720
City return	\$532,510	
County return	\$302,720	

The system would result in net revenue to the county. Also, as enforcement costs rose, penalty assessments could be raised. This approach would place the financial burden for the costs of processing delinquency matters on the persons who created that cost and not penalize those who pay their tickets within the statutory time limit.

A final method would be to simply renegotiate the agreements the county has with the cities. The present distribution between the county and the cities is as follows:

	Percentage of fee:	
	<u>City</u>	<u>County</u>
Monterey	87	13
Carmel	83	17
Salinas	64	36
Pacific Grove	78	22
Seaside	76	24
Del Rey Oaks	76	24
Marina	78	22
Monterey Penn College	50	50
Airport	50	50
Hartnell College	50	50

If the county received a minimum of 25 percent from each citing agency, the county return for the projected FY 1980-81 filings would be in excess of \$205,000.

Recommendation: The county should explore with the cities a different financial arrangement for sharing the revenue from parking citations.

. Typing Owner Information on Citation

In the Monterey branch, the clerk types the vehicle owner's name and address on the citation and on the notice at the time the notice is sent. In the Salinas branch, the name is typed only on the notice and the citation is attached to the notice. This appears to be a better system as it eliminates typing the driver information twice.

Recommendation: The owner's information should not be typed on the citation. The owner's name should be typed only on the notice.

. Front Counter Responsibility

In the Monterey branch, the parking section is located quite far from the front counter. However, the parking section does maintain some responsibility for servicing the front

counter. The responsibility for serving the front counter should be assigned specifically to the front counter section of the traffic division and the parking section should be freed of any responsibility for serving the front counter except in instances where an explanation or special instructions are required.

Recommendation: The parking section in the Monterey branch should not have front-counter responsibility.

. Processing of Mail

Presently, the processing of outgoing daily mail for the court and other agencies in the courthouse is the responsibility of the parking section. This means that one clerk gathers all mail, runs it through the postage meter and keeps a tally of the postage used by each agency. Parking is the most backlogged section of the clerk's office and so should not be burdened with this added responsibility.

Recommendation: The parking section in the Monterey branch should not be responsible for out-going daily mail.

. Working in Other Sections

Three clerks in the Monterey branch indicated on their position questionnaires that they spend some time working in the traffic section. Again, because of the backlogged situation in processing parking citations this practice should be curtailed until the backlog is eliminated.

Recommendation: Clerks in the parking section of the Monterey branch should not work in any other sections when parking citations are backlogged.

12c. Court Services and Judicial Support Functions

. Courtroom Clerks

The court services division in the Monterey branch has one supervisor and three permanent municipal court clerks. The supervisor of the data processing division, a legal process clerk, acts as courtroom clerk for the commissioner. The court services division in the Salinas branch is supervised by a senior municipal court clerk and staffed by four municipal court clerks. Two legal process clerks, formerly in this division, have been transferred to the traffic division.

To assess the utilization of courtroom clerks, courtroom clerks in both branches recorded their courtroom activity for 19 court days from October 20 through November 14, 1980. Courtroom clerk assistance provided to the operational divisions of the court was also recorded.

In the Monterey branch, the three permanent courtroom clerks served an average of 6.5 hours in the courtroom each day. On the two occasions that one of the permanent courtroom clerks was absent, a criminal division clerk filled in. When the courtroom clerks were not in court, they provided various assistance including counter work, answering telephones, and processing filings and dismissals. The study did not indicate how much time was devoted to any one division by the courtroom clerks. These clerks also spent out-of-court time preparing cases for the court. The three clerks served a total of 83 hours performing out-of-court duties. This equals 4.4 hours

per day for all three clerks or 1.5 hours per clerk. Courtroom clerk time and out-of-court assistance, therefore, total a full eight-hour day for each courtroom clerk.

The data processing supervisor served, on the average, 3.4 hours per day as a courtroom clerk for the commissioner. This employee indicated that she served four to six hours in data processing and other clerical activities.

In the Salinas branch, the average time spent in the courtroom per clerk was six hours. The six clerks assisted with other clerical work by performing five hours of work in the traffic division, 7.5 hours in the civil division, 29 hours in the criminal division, and 108.5 hours of calendaring assistance and case preparation. This clerical assistance averages to 1.5 hours per day per clerk. The clerks, therefore, provide on a daily basis an average of 8.9 hours of assistance, more than one full-time employee. When clerical assistance of 1.5 hours is added to the six hours served in court, the courtroom clerk's day averages 7.5 hours, again indicating a full workday.

. Interpreters

The Monterey County Municipal Court has three clerical personnel who are certified to interpret in court by the county. The court also hires per diem interpreters when its employees are not available or when interpretation for a foreign language other than Spanish is required.

Of the courts surveyed, several had significant Spanish-speaking populations, as does Monterey County. Both Stanislaus and West Kern are approximately 40 percent Spanish-speaking. All the courts except Ventura use per diem interpreters when needed. Ventura County has four full-time interpreter positions allocated, but had only hired one person at the time of the survey. The interpreters' employment agreement in Ventura County requires them to perform clerical duties when they are not interpreting in court. Several courts occasionally use bilingual staff who are not certified to interpret.

The clerk who does most of the interpreting in the Monterey branch is classified as a legal process clerk and receives a salary substantially less than the municipal court clerks who interpret in Salinas and Castroville. In the Monterey branch, the demand for Spanish-language interpretation is less and this employee spends more time clerking than does her counterpart in Salinas. If the interpreting work in the Monterey branch increases to the point that the clerk spends the majority of her time interpreting, she should be reclassified as a municipal court clerk. In the meantime, she should receive a pay supplement for interpreting as recommended in Section 3, Personnel Practices. This is true of any employee doing interpreting.

Recommendation: A job classification of "municipal court clerk/interpreter" should be developed for clerks who spend more than 50 percent of their time interpreting in court.

A clerk in the traffic division in the Monterey branch occasionally is required to translate in court for Spanish-speaking persons. She is not certified and has no formal training as an interpreter or in legal terminology. This practice should be discouraged. Every defendant is entitled to a true and accurate translation of the proceedings in court.

Recommendation: Only certified interpreters should interpret proceedings in court.

. Courtroom Security

The sheriff's department presently assigns eight bailiffs to the seven judges and one commissioner. Bailiffs are permanently assigned courtroom duty. When they are sick or on vacation leave, one of the two supervising bailiffs substitutes or a correctional officer is used. Bailiffs are hired specifically for bailiff duties and receive slightly less salary than other deputy sheriffs.

Transportation of prisoners to and from the court is performed by correctional officers. There is one correctional sergeant and six officers allocated to this transportation detail for both the superior and municipal courts.

The courtrooms in the Monterey and Salinas branches are equipped with alarm systems to call in extra security in emergency situations. The sheriff's station in Monterey is in the basement of the court building and in Salinas is next door to the court. The alarm systems are checked on a regular basis to ensure their reliability.

There has been a recent trend to replace bailiffs with non-sworn courtroom attendants in courtrooms handling civil cases. Both Ventura and Los Angeles Counties have adopted this approach. Some courts have even eliminated any use of security personnel in civil courts. Municipal courts the size of those surveyed are not usually divided into civil and criminal panels and therefore continue with a one bailiff per courtroom configuration without plans to change. The Monterey County Municipal Court is in a similar situation. If the size of the court increases or the calendar system changes to result in a civil panel, consideration should be given to something other than full-time bailiff staffing.

. Court Reporters

The Monterey County Municipal Court presently hires court reporters on a per diem basis from private court reporting firms in Salinas and Monterey. The total cost of per diem court reporters was \$75,460 in FY 1979-80.

The project team's analysis of court reporting included a review of the statutes governing court reporting and the existing court reporting methods in the courts in the sample.

The California Government Code Section 72194 places the authority in the municipal court judges to determine the number of court reporters needed by the court. Section 72194 states:

By order entered upon the minutes of the court, a majority of the judges of the municipal court may appoint as many competent phonographic reporters as the business of the court requires, to be known as official reporters of such court. The official reporters shall hold office during the pleasure of the judges of such court.

With the installation of electronic recording systems provided by the California Judicial Council, all the Monterey County Municipal Courts will be equipped to take a taped record of the proceedings. Authority to use electronic recording as the official means of preserving a record of proceedings in municipal courts in California is found in Government Code Section 72194.5, which states:

Whenever an official court reporter or a temporary court reporter is not available to report a civil action or misdemeanor criminal proceeding in a municipal or justice court, the court may order that such action or proceeding be electronically recorded, including all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in misdemeanor criminal cases, the arguments of the attorneys to the jury, and all statements made and oral instructions given by the judge. The electronic recording device and appurtenant equipment shall be of a type approved by the Judicial Council for courtroom use.

The use of tape recorders to provide an official record has proven to be an effective method for obtaining a transcript of proceedings. The experience of Alaska, which since statehood has used tape recorders in all courts, has been positive.²⁰ More recently, the newly created circuit courts of Utah, which are the limited jurisdiction courts for that state, have found that tape recorders provide a satisfactory record at significant savings over stenographic reporters.²¹

²⁰ "Electronic Court Reporting in Alaska," Office of Administrative Director, Alaska Court System, Anchorage, July 1979.

²¹ Court Administrator, Utah Judicial Council, Salt Lake City, Utah.

Recommendation: Per diem stenographic reporters should be hired only for the purpose of taking the official record of preliminary hearings.

A courtroom utilization survey conducted over a four week period (October 20 through November 14, 1980) indicated that 28.5 court days were used for preliminary hearings in the Salinas branch. If the Monterey County Municipal Court hired per diem stenographic reporters only for preliminary hearings, the cost of court reporters in the Salinas branch would have been \$2,137 for the survey period, or \$27,781 annually, using the \$75 per diem figure. In FY 1979-80, court reporters cost \$44,325 in the Salinas branch; thus there is a potential saving of \$16,544 in the Salinas branch alone.

Furthermore, court reporter days required were based on the scheduling as it existed. For example, some days preliminary hearings were held for three hours, but were scheduled both before and after lunch. If this three-hour period had been scheduled all in the morning, then a per diem reporter could have been hired for a half-day only. If preliminary hearings were handled this efficiently, the actual use during the one month studied could have been reduced to 22 court reporter days or \$1,650 monthly and \$19,800 annually, a saving of \$25,525 for the Salinas branch.

In the Monterey branch, 21.5 court reporter days were used for preliminary hearings. The annual cost at this rate would be \$20,962 or a \$4,678 potential saving over the \$25,640 spent in FY 1979-80.

Courtroom clerks presently operate the electronic recording equipment and would continue to do so, preparing a log sheet of the taped proceedings. Transcripts would be prepared directly from the tape. The court should make arrangements with a transcriptionist to perform as-needed transcription of tapes when ordered. The vast majority of transcripts ordered for municipal court proceedings are the official record of preliminary hearings; thus the transcript production will probably be as at present.

As the court explores this issue, it should consider the possibility of using the full-time court reporters employed by the superior court when their superior court judge is absent. If such sharing could be implemented even for a portion of the reporting requirements of the municipal court, significant cost savings would result.

12d. Civil/Small Claims Division

The civil/small claims divisions in the Salinas and Monterey branches are staffed by five and four employees respectively. The Salinas branch civil/small claims supervisor is a permanent municipal court clerk; her staff includes two permanent positions, a senior typist clerk and a typist clerk II, and two temporary positions, a legal process clerk and a typist clerk I. The Monterey division is supervised by a permanent legal process clerk with two additional permanent positions, a senior typist clerk and a legal process clerk, and one temporary typist clerk II.

The Association of Municipal Court Clerks' Civil Procedures Manual is used as the main procedural guide for civil matters; the Clerk's Manual of Procedures in Small Claims Cases and the Judicial Council's Basic In-Service Training Program are used for small claims matters. In addition, the supervisors in both divisions have developed a series of sample small claims forms with instructions. In the Monterey branch, the supervisor also has collected a sample of filings. The supervisors should continue to update and expand their materials.

The civil/small claims divisions in the Monterey County Municipal Courts provide a good example of the consolidation process through which the court has been going. The small claims procedures in each branch were somewhat different prior to consolidation. In the judgment of the clerk/court administrator and the clerical staff concerned, the Monterey

branch small claims procedures were more efficient and orderly. Consequently, a clerk from the Monterey branch was transferred to the Salinas branch for one month to standarize the Salinas branch's small claims procedures. The following is a sample of the problem areas addressed:

1. The filing system was improved. Cases had been kept in files of ten each, but within the file they were out of order. This was corrected, placing the lowest numbered case on top to correspond with the file number.
2. Attaching the proof of service was standardized.
3. Filing drawers were standardized to 549 cases.
4. Docket entries were standardized.
5. A simplified indexing system was instituted.

Although the transfer of a clerk from the Monterey branch to the Salinas branch put a strain on the Monterey branch staff, the standarization of procedures ultimately will improve the efficiency of the civil/small claims operation.

. Service as Courtroom Clerks

Clerks in the Salinas and Monterey branches serve as courtroom clerks for some civil and small claims cases. Although this represents a relatively small percentage of time and some clerks claim that their familiarity with the cases ensures more accurate clerking, this time would be better spent within the division. When the project team first analyzed the time allocated to different civil/small claims duties,

30 percent of an F.T.E. position was spent clerking in courtrooms. This has been reduced to 10 percent at the writing of this audit.

Recommendation: Civil and small claims clerks should not serve as courtroom clerks.

. Use of File Clerk

The Salinas branch has a file clerk who does filing for all divisions in the branch and spends approximately one day per week doing civil/small claims filing. It is the project team's judgment that the Salinas civil/small claims division can perform its own filing and will have greater control of its procedures if it does so.

Recommendation: Civil and small claims staff in the Salinas branch should do its own case filing.

. Calendar Book

When a civil case is calendared, it is entered in a calendar book. This book provides quick reference to the number of cases calendared on a given date. In the Monterey branch, only a case number and name entry is made in the book. In the Salinas branch, additional information is entered and the calendar book becomes a more comprehensive resource document.

The more complete calendar book assists the clerk in the Salinas branch in determining the proper calendar setting. For example, the clerk may consider setting another case on a day which is already heavily calendared if she notes that the attorneys involved have consistently settled their cases prior

to trial. Similarly, an attorney who has a reputation for going to trial on many of his or her cases would not be scheduled for a date which did not provide adequate time.

Recommendation: The calendar book in the Monterey branch kept by civil and small claims clerks should include additional information relevant to calendars and statistical reporting: attorneys' names, estimated time the case will take, type of matter, whether a reporter is needed, and the date the memo to set was filed.

Implementation of this recommendation will have the added benefit of saving some time in transcribing calendars. Presently, in the Monterey branch, the court services supervisor prepares a calendar book for the entire branch. The civil/small claims division gives all notices of trial to the court services supervisor, who records case information from the notices into her calendar book. Civil cases could be incorporated into the full branch calendar by making a photocopy of the civil/small claims calendar book, if it is kept as comprehensively as recommended.

The civil/small claims calendar book can also be used to prepare management and Judicial Council reports and will assist in reviewing how long it takes to get to trial from the date of the memo to set.

. Worksheets for Law and Motion

When cases are set for law and motion calendars, there are two procedures which can be consolidated. A calendar is prepared which includes cases set for that day. This calendar contains basic case information. A work sheet also is prepared

upon which is entered the same basic case information. This work sheet provides the courtroom clerk space to enter the outcome of the proceedings.

Recommendation: The preparation of a work sheet for law and motion should be discontinued. The calendar sheet should be used to record actions taken.

Minor adjustments to the form of the calendar will allow adequate space for it to serve the purpose of the work sheet. Actions taken in court can be recorded on the calendar instead of the work sheet. If, for example, the calendar contains eight cases per page, after court the clerk would make seven photocopies of the calendar and place the original and copies in the case files, highlighting the case entry on the calendar sheet for each case by circling it.

. Processing Appeals

In the Monterey branch, some appeals are processed by the assistant clerk/court administrator. This function detracts from her administrative responsibilities and should be terminated.

Recommendation: Appeals should be processed only by the clerks in the civil/small claims division in the Monterey branch.

12e. Data Entry

There are eight data entry operators in the Monterey County Municipal Court. In the Salinas branch there are three clerks who work full-time in data entry. The lead worker in the Salinas branch was promoted to supervisor of the data entry division. She subsequently requested to be relieved of division-wide supervisory duties and is now classified as a legal process clerk. The two other clerks in the Salinas data entry section are a permanent legal process clerk and a temporary clerk typist II.

The Monterey branch data entry section is staffed by three permanent legal process clerks and one permanent clerk typist II. The section is supervised by one of the legal process clerks. Each of the clerks provides clerical assistance to other divisions or clerks in courtrooms.

A permanent municipal court clerk in the Castroville court spends approximately 20 percent of her time performing data entry at that court. This employee also has other traffic division duties and acts as interpreter and back-up clerk in the courtroom.

A "Data Entry Procedures Manual" has been prepared for the computerized traffic operations. The manual has been kept current by court staff and modifications to procedures have been inserted.

. Transfer of Staff to Salinas

The computerized systems in the Monterey County Municipal Court will be expanded this year to include processing of parking violations and there are future applications planned in the criminal and civil divisions. Consequently, full utilization of data entry staff within their division should be sought. To this end, the project team recommends the transfer of one data entry clerk from Monterey to Salinas. The Salinas section has the extra responsibility of coordinating operations with the county data processing offices and entry of new bail computations and other legal changes. This transfer will increase the workload of the remaining data entry staff in the Monterey section. However, one F.T.E. position is presently devoted to assisting divisions, courtroom clerking, and mailroom duties in Monterey. Transfer of one employee will require the Monterey branch data entry staff to discontinue this assistance.

Recommendation: One data entry clerk from the Monterey branch should be transferred to the Salinas branch.

Recommendation: Clerks assigned to the data entry division should not work in other divisions.

Recommendation: The supervisor of the data entry section in the Monterey branch should not act as a courtroom clerk.

. Verification of Data Entries

Information from citations, complaints, load sheets, and bail forfeitures is initially keyed into the computer on a daily basis. Verification of the data entered is done by

completely reentering the data by a second clerk. If the initial and verification entries do not match, the terminal signals a mistaken entry. Verification entries do not take quite as long as initial entries because the reentry operator can use slightly less caution. Nevertheless the verification process takes approximately one F.T.E. position. If no verification were done, a slight increase in mistakes would probably result on the transaction log and some mistakes would go uncorrected. Reviewing and correcting mistakes from the transaction log might take slightly longer.

Most courts operating computer systems such as that of the Monterey County Municipal Court verify their entries as described above. However, the Ventura County Municipal Court, which operates a computer system similar to Monterey's, discontinued verification and did not find a marked increase in entry errors.

Recommendation: Standards for error rates should be established for data entry clerks. Once these standards are met, verification of a clerk's initial entries should be eliminated.

Operators who are new to the system or who are error-prone should continue to have their work verified. Prior to a full commitment to cessation of verification, a one-month study should be conducted to compare error increase, if any, when work is not verified and the time saved. After this study, it will be clearer where the break-even point is between time spent verifying entries and time spent correcting unverified entries at a later point.

. Manual Typing of Information on Warrants

The computer generates warrants for defendants who have failed to appear or pay for their traffic violations. Presently, the Monterey branch data entry clerks manually enter additional information on the warrant. This work properly belongs in the traffic division. The most common manual entries are a description of the vehicle and the registered owner's name if different from that of the operator/violator. The traffic clerks in the Salinas branch make manual entries on warrants.

Recommendation: Manual typing of information on warrants in the Monterey branch should be done by clerks in the traffic division, not by data entry. The registered owner's name should not be added to the warrant.

Entry of the vehicle owner's name when it is different from that of the violator is done as a courtesy to the police department, but is not necessary for the court's operation.

. Requirements to Key Dispositional Information

Dispositions are keyed into the computer in two different ways. If the defendant is fined and pays the full fine amount, that payment is read from the envelope and entered as paid into the computer. On other dispositions, the action taken is entered on a load sheet for computer entry at a later time. The load sheet has some eight different disposition codes. It is not expected that all dispositions will fit neatly into a computer program. However, if the bench knew the parameters

within which the data entry clerks operate, a disposition which might not be keyable in the program for some minor reason might be fashioned so as to fit the system.

Recommendation: The requirements to input dispositional information into the computer should be explained to the judges in order to minimize the need to enter unique dispositions which do not fit the computer program.

. Purge Date of Traffic Files

At present, the computer in traffic cases generates and prints a purge date on the case file folder which is four years after the date of the infraction. This date is erroneous as the proper purge date is four years after the case is disposed. This function should be modified in the computer system or eliminated and the purge date added manually at the time the case is closed.

Recommendation: The purge date in traffic cases should be calculated from the date of disposition, not from the date of the infraction as it is at present.

. Courtesy Letter on Traffic Citations

The courtesy letter on traffic citations at present does not indicate that the letter may be disregarded if the defendant has already paid the fine. The files are researched between the time the courtesy letter is generated and sent to ensure that cases in which payment has been made do not receive a courtesy letter. A more efficient approach would be to indicate on the courtesy letter that it may be disregarded if payment has already been made.

Another problem with courtesy notices is that while the boilerplate is written in Spanish and English, the body of the letter itself is written in English only. With the high percentage of non-English speaking clients in the Salinas branch, the courtesy letter should be written in both Spanish and English in that branch.

Finally, many checks are received without the citation, causing problems in crediting the defendant with payment. If the courtesy letter requested the defendant to write the citation number on the check, fewer problems would result.

Recommendation: The courtesy letter on traffic citations should state that the defendant may disregard the letter if the fine has already been paid, and request that the defendant write the citation number on his or her check. Letters issued from the Salinas branch should be in Spanish and English.

The project team was informed that the county computer cannot accomodate the recommended changes. The clerk/court administrator should explore the possibility of using other methods such as word procesing to implement the above.

12f. Criminal

The criminal division in the Salinas branch consists of a supervisor (municipal court clerk), two permanent legal process clerks, and two temporary typist clerks II. An additional "floating" typist clerk II occasionally assists the division with filing. The criminal division in the Monterey branch consists of a supervisor (municipal court clerk), two legal process clerks, and one typist clerk II.

The criminal division is responsible for receiving, and maintaining court records, preparing court files, and processing criminal complaints and citations filed by local police agencies and prosecuting attorneys. An important function of this division is the issuance and recall of arrest warrants. The criminal division also works closely with the prosecuting attorney, probation, and the superior court.

. Outstanding Warrants

If a defendant fails to appear for arraignment and a warrant is issued, no review of the status of the warrant is made by the court. The warrant remains outstanding until the police department requests a dismissal. Therefore, unless the police department initiates efforts to dismiss an arrest or bench warrant, such warrants remain indefinitely.

Until the warrant has been dismissed by the court, police agencies can arrest an individual regardless of the age of the warrant. If a case becomes unreasonably old, the court should review the advisability of dismissing said warrant. Presently, this review process is initiated only by the police department.

Recommendation: Periodic review of the status of outstanding arrest and bench warrants should be made. In appropriate cases, certain warrants should be dismissed for lack of prosecution.

Each agency should be provided a list of any warrants to be reviewed and be given an opportunity to show cause why the warrant should not be dismissed. These matters should be scheduled for a specific hearing date and dismissed if no good reason is provided to the court.

. Warrant Recall

Although the court does have a formalized process for recalling arrest and bench warrants which involves calling the police agency and sending a written notice of recall, no procedure exists to determine if, in fact, the warrant is returned to the court pursuant to the recall. When a warrant is returned, it is placed in the case file. However, no procedure exists to follow-up when the warrant is not returned. Consequently, even though the court properly has recalled the warrant, it may not be returned to the court and an individual could be arrested.

The project team was informed by court employees that there have been incidents of false arrests under these circumstances.

Recommendation: A monitoring system should be developed to determine if a warrant has been returned to the court after it has been recalled.

. Order of Examination

Indigent defendants who had counsel appointed and are convicted sometimes are ordered by the court to reimburse the county for the cost of appointing counsel. The court closes out its case and instructs the defendant to pay the county directly. If the defendant fails to reimburse the county per the court's order, the county will file a "Declaration and Order of Examination". A hearing date is scheduled for the matter and copies of the order are returned to the sheriff for service.

In the Monterey branch, the clerk pulls the court file from the closed files, places the original in the file and refiles the folder in the continuance file according to the scheduled hearing date. In the Salinas branch, a different procedure is followed. An original order is kept in a folder on the clerk's desk and the court file remains in closed filing. Consequently, the Salinas branch must periodically review a folder on the clerk's desk to determine which orders have not been returned. In the Monterey branch, the criminal division is able to determine automatically, as a result of their "tickler system," which ones have not been returned.

Recommendation: The Salinas branch should place an "Order of Examination" summons in the file folder after they are issued to the sheriff and place the file folder in the continuance file under the scheduled hearing date.

. Criminal Appearance Date

Both Monterey and Salinas police order traffic defendants into court "on or before" a date 15 days after the issuance of the traffic citation. The Monterey police also schedule criminal citations in the same manner. However, the Salinas police have been instructed by the court to schedule criminal appearances no later than five days after their issuance.

The project team was unable to identify any court operational problems resulting from this practice in the Salinas branch. Nevertheless, the police department did indicate to the project team that the variance in practices between traffic and criminal matters in the Salinas branch did cause some confusion with police officers.

Recommendation: The Salinas branch should adopt the practice of the Monterey branch in having police officers schedule criminal citation appearance dates "on or before" a date 15 days later.

. Time Stamp

The Monterey and Salinas branches both have date and time stamps for pleadings and complaints filed. It is the practice of both branches to date and to time-stamp all documents filed with the court. However, in the Monterey branch, at times criminal complaints are not time-stamped. The explanation was

"a clerk gets busy and forgets to time-stamp the complaint."

There appears to be no problem with processing criminal complaints. However, if a complaint is not time-stamped, there is no way of determining how long a complaint has been in the clerk's office that day before being processed.

Recommendation: Criminal complaints in the Monterey branch should be time-stamped.

12g. Accounting

The accounting division in the Salinas branch contains the head of the division, a senior account clerk, and an account clerk who is still in training. The Monterey branch has two account clerks. The chief of the accounting division recently moved to the Salinas branch, based on a recommendation by the project team.

The division is responsible for accounting for all cash, checks and money orders received by the court and preparing daily and monthly reports from the court to the county's auditor and treasurer.

The accounting staff assists in opening the daily mail and accounting for the money received. The account clerks in each branch close out the cash registers and cash drawers each afternoon, balance the receipts and money on hand, and then prepare the daily bank deposits. Any needed corrections and adjustments to previous daily reports also are made. The accounting staff also checks attorneys' fee requests for accuracy and prepares necessary paperwork for the judges' signatures.

In the Salinas branch, the account clerk also maintains the bond forfeiture book and keeps records on bonds filed, bonds to be returned and bonds forfeited.

Recommendations that relate to the accounting division are made under the Finalcial Planning and Control section of this report.

I. STATISTICAL APPENDIX

TABLE 11

MUNICIPAL COURTS WITH SIX TO TEN JUDICIAL POSITIONS
WITH TWO OR MORE COURT LOCATIONS
(EXCLUDING LOS ANGELES COUNTY)

	<u>No. and Type of Court Locations</u>		<u>Percentage of Hispanic Population</u>
	<u>Main</u> ¹	<u>Branch</u> ¹	
MONTEREY	2	2	21
Consol. Fresno	1	2	23
No. County San Diego	1	2	18
Riverside	1	1	15
Sonoma	1	4	13
So. San Mateo	2	0	15
Stanislaus	1	6	40
Ventura	1	1	20
West Kern	1	8	40

¹ For purposes of this table, "main court" is defined as a court location with two or more judges, "branch court" as a court location with one or less full-time judge assigned.

TABLE 12
MUNICIPAL COURTS WITH SIX TO TEN JUDICIAL POSITIONS AND MORE THAN ONE COURT LOCATION
(EXCLUDING LOS ANGELES COUNTY MUNICIPAL COURTS)

COMPARISON OF PERSONNEL BY JOB CLASSIFICATIONS AS OF OCTOBER 31, 1980.

County Job Classifications	Monterey	Consolidated Fresno	North County San Diego	Riverside	Sonoma	Southern San Mateo	Stanislaus	Ventura	West Kern
Administration ¹	6	4	7	4	6	5	3	6	3
Clerks by Division:									
Traffic	23	19	22	10	6	19	11	17	17
Criminal	9	10	11	12	7	15	10	7	15
Civil/Small Claims	9	9	4	6	5	13	6	13	8
Accounting	5	3	6	0	3	4	2	6	8
Courtroom Clerks	9	10	14	5	4	8	8	17	11
Court Reporters	0	7	1	0	0	6	2	0	3
Interpreters	1	0	0	0	0	0	0	4	0
Temporary Employees	0 ³	2	0	6	4	3	3	1	3
Other ²	13	8	11	14	12	0	12	25	22
TOTAL	79 ⁵	72	76	57	47	73	57	96	90

¹ Includes administrative secretaries and judicial secretaries.

² Includes data processing, court services, calendaring, and jury clerks when separate division.

³ Temporary employees in Monterey are distributed by division. There are 21 in total.

⁴ Four authorized, only one employed.

⁵ Monterey County Municipal Court personnel as of December 31, 1980.

II. PROPOSED PERSONNEL CLASSIFICATIONS

MUNICIPAL COURT CLERK I

DEFINITION

Under close supervision, performs legal clerical work of average difficulty in the office of the municipal court and in the courtroom; and performs related work as required.

DISTINGUISHING CHARACTERISTICS

Municipal court clerks are assigned to the county's municipal courts. Employees are responsible for the accurate and timely processing of legal documents and related legal transactions. Employees may be assigned to the criminal, civil and small claims, traffic or accounting divisions of the court.

This is the entry level clerical class in the municipal court clerk series. Employees perform routine and repetitive work related to legal documentation and transactions. Work may require public contact. Positions in this class differ from those of the higher class of municipal court clerk II in that the municipal court clerk II class involves duties that require the frequent use of judgement in applying legal codes, procedures, and policies.

For successful performance, employees must have the ability and willingness to work with the public; ability to read and comprehend legal documents accurately; ability to do simple arithmetic; ability to communicate orally; ability to follow written and oral instructions; ability to file a variety of documents using alphabetical and numerical codes.

EXAMPLES OF DUTIES

Types various legal forms such as writs, abstracts, register pages, warrants, etc. by copying certain information from other documents in order to formalize the papers.

Processes certain legal documents such as traffic citations, dockets, abstracts, or bail, by sorting according to prescribed procedures and matching citations with payments.

Computes amounts of bail from bail schedules and posts to citations.

Prepares, issues, and mails certain legal documents such as warrants, citations, etc.

Assist public clientele on subject matter related to work assignment by answering telephone inquiries or calling them to give factual information.

May assist at window by providing, accepting, or eliciting written or verbal information necessary for certain action or advice to assist the public clientele.

Receives fines, fees, or other monetary payments by verifying amounts, issuing receipts, and entering in cash register to properly account for such transactions.

MUNICIPAL COURT CLERK I, continued

Distributes mail, memos and other documents to appropriate work area by opening and sorting into several categories to effect an efficient flow of information.

Maintains files of legal documents by sorting, retrieving, searching and matching forms, records, citations and case folders in order to systematically and logically store documents.

May perform simple bookkeeping duties such as posting, computing, balancing, etc. to maintain accurate financial records.

Duplicates records, forms and other documents using an electronic or electric machine.

May operate teletype machine.

May perform duties related to the jury system including, but not limited to, notification and compensation for jurors.

(NOTE: The preceding duties are those usually performed by most employees in this class, but are not necessarily inclusive.)

MINIMUM QUALIFICATIONS

Typing Requirement: Ability to type at a speed of 30 words per minute.

Education and Experience: One year of general clerical experience.

Knowledge and Abilities: Willingness to work with the public and ability to be tactful and patient when dealing with clientele.

Ability to read and comprehend legal documents accurately.

Ability to do simple arithmetic computation (addition, subtraction, multiplication and division).

Ability to speak clearly, listen carefully, and give correct information to the public.

Ability to accurately file a variety of documents using alphabetical and numerical codes.

Ability to follow written and oral instructions.

Ability to work well with others.

MUNICIPAL COURT CLERK II

DEFINITION

Under general supervision, performs difficult legal clerical work in the municipal court; and performs related work as required.

DISTINGUISHING CHARACTERISTICS

Municipal court clerks are assigned to the county's municipal courts. Employees are responsible for the accurate and timely processing and maintenance of legal documents and related legal transactions. Employees may be assigned to the criminal, civil and small claims, traffic or accounting divisions of the court.

This is the experienced level in the municipal court clerk series. Employees perform a variety of difficult work related to legal documentation and transactions which require the frequent use of judgement in applying legal codes, procedures, and policies. Public contacts are usually present. Positions in this class differ from those in the municipal court clerk I class in that the municipal court clerk I class performs routine, repetitive and limited tasks which involve less responsibility for ascertaining the correct legal procedures. They differ from positions in the municipal court clerk III class in that the latter are assigned responsibility for a full range of difficult and complex clerical tasks which comprise a major process or function.

For successful performance, employees must have knowledge of municipal court procedures and related statutes; knowledge of legal terminology and documents; ability to read and interpret related legal codes; ability to accept responsibility; ability to follow written and oral instructions; ability to solve problems and make decisions; ability to deal tactfully with the public; ability to adapt to changes in assignments or procedures; ability to assume lead worker responsibility over other subordinate clerks.

EXAMPLES OF DUTIES

Issues various legal documents by completing and signing various forms.

Determines appropriate legal document or actions according to codes or as required as the result of a judgment.

Reviews completeness and accuracy of criminal, civil, or small claims complaints and other cases to ensure compliance with legal procedures or instructions.

Processes legal documents such as dockets, abstracts, bail and complaints by following prescribed procedures or instructions to forfeit or exonerate bail, recall warrants, or to record certain legal actions.

Assists public on subject matter related to work assignment by answering telephone inquiries or by personally attending counters; receives fines, fees, or other monetary payments by verifying amounts, issuing receipts, and entering in cash register to properly account for such transactions.

Types, writes, or posts various information in appropriate records or documents such as register pages, books, logs, ledgers, and calendar sheets by transferring data obtained from source documents. May perform simple bookkeeping duties such as posting, computing, or balancing figures or data in various fiscal records.

Maintains files of legal documents, records, etc. following established procedures.

May perform duties related to the jury system including, but not limited to, selection, notification and compensation for jurors.

May serve as lead worker over other subordinate clerks or as a relief courtroom clerk.

May instruct or train subordinate clerks.

(NOTE: The preceding duties are those usually performed by most employees in this class, but are not necessarily inclusive.)

MINIMUM QUALIFICATIONS

Typing Requirement: Ability to type at a speed of 30 words per minute.

Education and Experience: One year of full-time clerical experience which must have provided substantial experience in processing legal documents and handling legal transactions.

Knowledge and Abilities: Knowledge of municipal court procedures and related statutes;

Knowledge of legal terminology and documents;

Ability to read and interpret legal codes related to municipal court procedures;

Ability to follow written and oral instructions.

Ability to solve problems and make decisions;

Ability to deal tactfully with the public;

Ability to adapt to changes in assignments or procedures;

Ability to accept responsibility;

Ability to assume lead worker responsibility.

MUNICIPAL COURT CLERK III

DEFINITION

Under general supervision, is responsible for a full range of difficult and complex legal clerical work in the municipal court; and performs related work as required.

DISTINGUISHING CHARACTERISTICS

Municipal court clerks are assigned to the county's municipal courts. Employees are responsible for the accurate and timely processing and maintenance of legal documents and related legal transactions. Employees may be assigned to the criminal, civil and small claims, traffic or accounting divisions of the court.

This is the advanced level in the municipal court clerk series. Employees have the responsibility for a full range of difficult and complex legal clerical tasks comprising a major process or function. Major duties require the substantial use of judgment in applying legal codes, court procedures and policies. Employees may provide lead work responsibility or act as assistant to the division supervisor. Public contacts are normally present. Positions in this class differ from those in the lower class of municipal court clerk II in that the municipal court clerk II class entails duties which are less comprehensive and complex and are not substantially responsible for an entire major legal process or function. They differ from those in the municipal court clerk IV class in that the latter assume responsibilities as division supervisors or courtroom clerks.

For successful performance, employees must have a thorough knowledge of municipal court procedures and related statutes; thorough knowledge of legal terminology and documents; ability to comprehend, interpret and apply legal codes and other procedures; ability to coordinate the flow of legal documents; ability to accept responsibility for a defined clerical function; ability to deal with the public and other court professionals; and ability to solve complex procedural problems.

EXAMPLES OF DUTIES

Supervises a major function in processing of legal documents and legal transactions.

Coordinates clerical procedures and transactions with other interested parties such as attorneys, law enforcement officers, defendants, plaintiffs, etc.

Reviews filings in the civil and small claims division for venue and jurisdiction; may research codes, laws, etc.

Receives and reviews complaints for civil matters to ensure completeness and accuracy.

Resolves complex procedural problems related to the assigned functional area.

Maintains accurate records related to complex legal procedures.

Receives fees, fines, etc. and prepares and signs receipts.

Calculates fees, interest and other costs using basic arithmetical processes.

Determines the proper documents needed to be processed for a particular judgment by reading the case and verifying compliance with codes and procedures as necessary.

May serve as a relief courtroom clerk or traffic courtroom clerk.

May train or supervise subordinate clerks.

(NOTE: The preceding duties are those usually performed by most employees in this class, but are not necessarily inclusive.)

MINIMUM QUALIFICATIONS

Typing Requirement: Ability to type at a speed of 30 words per minute.

Education and Experience: Two years of full-time experience which must have provided substantial experience in processing legal documents and handling legal transactions.

Knowledge and Abilities: Knowledge of municipal court procedures and related statutes;

Knowledge of the Code of Civil Procedures;

Knowledge of legal terminology and documents;

Ability to comprehend, interpret and apply legal codes and other procedures;

Ability to coordinate a variety of clerical procedures and monitor deadlines;

Ability to accept responsibility for a defined clerical function;

Ability to deal with the public and other court professionals;

Ability to solve complex procedural problems;

Ability to supervise a few subordinate clerks.

MUNICIPAL COURT CLERK IV

DEFINITION

Under direction, performs duties of a courtroom clerk to a judge of the municipal court, or supervises the work of a major division of the municipal court; and performs related work as required.

DISTINGUISHING CHARACTERISTICS

Municipal court clerks are assigned to the county's municipal courts. Employees are responsible for the accurate and timely processing and maintenance of legal documents and related legal transactions. Employees may be assigned to the criminal, civil and small claims, traffic or accounting divisions of the court.

Municipal court clerks IV are responsible for the supervision of a major division of the court, such as criminal, civil and small claims, traffic or accounting, or the courtroom clerk function. Employees report to the chief deputy municipal court clerk or to the clerk of the municipal court. Positions in this class differ from those in the lower class of municipal court clerk III in that the municipal court clerk III class entails no responsibility for the supervision of a major division or permanent assignments as permanent courtroom clerks.

For successful performance, employees must possess thorough knowledge of municipal court procedures and relevant statutes related to the municipal courts; thorough knowledge of legal terminology and legal documents; ability to supervise a group of subordinate clerks; ability to accept responsibility and make decisions; ability to communicate effectively; and ability to work under pressure.

EXAMPLES OF DUTIES

Courtroom Clerks:

Serves as a courtroom clerk in a municipal court and as secretary to a judge.

Calls cases in the courtroom to determine attendance and hands out copy of complaints or case.

Takes attendance of jury; administers oaths and affirmatives.

Receives, marks, and assumes custody of exhibits, entering them into evidence as ordered.

Records verdicts and court proceedings.

Types various legal documents, letters, and drafted handwritten documents.

Composes letters from notes or verbal instructions.

Maintains appointment calendars, workload data, and files; and performs other tasks as minor duties.

Division Supervisor:

Responsible for the work performed in a major work area such as criminal, traffic, or civil/small claims by planning, assigning, training, directing and evaluating work of subordinate clerks.

Reviews reports, forms, complaints, cases, and other documents to insure completeness and accuracy, and takes appropriate steps to correct discrepancies.

Determines appropriate documents when processing legal actions according to codes, judgment or administrative procedures.

Resolves clerical/technical problems by determining the nature of the problem and the corresponding solution.

Types various legal documents, forms, etc., and letters of substantial technical content and complexity.

Maintains files, workload data, and office supplies.

(NOTE: The preceding duties are those usually performed by most employees in this class, but are not necessarily inclusive.)

MINIMUM QUALIFICATIONS

Typing Requirement: Ability to type at a speed of 30 words per minute.

Education and Experience: Three years of full-time clerical experience which must have provided substantial experience in processing legal documents and handling legal transactions.

Knowledge and Abilities: Knowledge of municipal court procedures and statutes related to the municipal courts;

Knowledge of legal terminology and legal documents;

Knowledge of modern office methods and practices;

Ability to accept responsibility and make decisions;

Ability to work quickly and accurately;

Ability to speak clearly, listen carefully, and express oneself orally;

Ability to work under pressure;

Ability to be emotionally stable;

Ability to train, motivate and supervise subordinate personnel;

Ability to maintain an impartial attitude;

Ability to cooperate with others.

III. PERCENTAGE DISTRIBUTION OF
CLERICAL DUTIES BY DIVISION

SALINAS BRANCH
TRAFFIC DIVISION AND PARKING SECTION DUTIES

DUTIES	PERMANENT				TEMPORARY			TOTAL
	(1) Chief Div. Clerk (Silva)	(2) Typist Clerk Marmolejo (Ramirez)	(3) Court Interpr. (Ramirez)	(4) Legal Process (Garcia)	(5) Typist Clerk (Kinman)	(6) Typist Clerk (Avey)	(7) Typist Clerk (Linen)	
• Receive and process new complaints and citations	.15			(parking) .30				.45
• Prepare for scheduled cases	.40		.40		.20		.20	1.20
• Process cases after hearing		.45						.45
• Process warrants		.05				.08	.10	.23
• Front counter including NCR and answering phones		.20		.30	.15	.72	.60	1.97
• Answering and processing correspondence		.30			.40	.20	.10	1.00
• Filing docket and other papers								
• Court clerk					.25			.25
• Train and assist other employees	.30							.30
• Translate			.60					.60
• Process policy notices				.30				.30
• Prepare dismissal list				.10				.10
• Process appeals and change of venue	.15							.15
	1.00	1.00	1.00	1.00	1.00	1.00	1.00	7.00

MONTEREY BRANCH
PARKING SECTION DUTIES

Duties	Permanent			Temporary					Total	
	(1) Legal Proc. Clk. (Morris)	(2) Typist Clerk (Costy)	(3) Typist Clerk (Costy)	(4) Typist Clerk (Pope)	(5) Typist Clerk (Mavberry)	(6) Typist Clerk (Moseley)	(7) Typist Clerk (McLaughlin)	(8) Typist Clerk (Tagle)		(9) Typist Clerk (Franzen)
1. Received count, tally and file citations	.10									.10
2. Process daily mail				.30						.30
3. Pull, post, ring and file mail Payments	.20	.45	.15	.10	.35	.05				1.30
4. Type and file notices			.05		.55	.55			.05	1.75
5. Prepare DMV lists for ownership information	.10		.05	.30			.30		.03	.78
6. Follow-up processing (changes, stops, look-ups, releases)	.20	.85	.40	.15			.10	.40	.05	1.65
7. Prepare dismissal list			.30							.30
8. Attach returned warrants to the citation		.05								.075
9. Type names on citations					.05		.05		.075	.175
10. Prepare judicial council report	.10									.10
11. Answer the telephone	.05	.075	.05	.05	.05	.125				.40
12. Serve front counter	.05	.075								.125
13. Correspondence				.05		.05			.05	.15
14. Process mail through postage meter						.05				.05
15. Work in traffic	.20			.05		.175				.425
TOTAL	1.00	1.00	1.00	1.00	1.00	1.00	1.00	.40	.28	7.68

¹ Duties include supervision of members of the department.

MONTEREY BRANCH
TRAFFIC DIVISION DUTIES

DUTIES	PERMANENT						TEMPORARY			TOTAL
	(1) Chief Div. Clerk (Jordan)	(2) Legal Process (Weaver)	(3) Legal Process (Lauderdale)	(4) Legal Process (Holtz)	(5) Typist Clerk (Coreaga)	(6) Typist Clerk (Ostrom)	(7) Legal Process (Hunt)	(8) Typist Clerk (Tagle)	(9) Typist Clerk (Tenny)	
• Receive and process new complaints and citations	.10					.10				.20
• Prepare for scheduled cases	.10				.75	.10			.08	1.03
• Process cases after hearing	.10			.70	.20	.40	.10			1.50
• Process warrants	.10	.10	.10		.02	.20				.52
• Front counter including NCR and answering phones	.10	.60	.50	.05	.02	.20	.70	.50		2.67
• Answering and processing correspondence	.10	.20	.20				.20		.08	.78
• Filing docket and other papers		.10	.05						.15	.30
• Court Clerk			.15							.15
• Train and assist other employees	.40			.20						.60
• Wedding appointments				.05						.05
• Translate					.01					.01
	1.00	1.00	1.00	.100	1.00	1.00	1.00	.50	.31	7.81

SALINAS AND MONTEREY BRANCHES
CIVIL/SMALL CLAIMS DUTIES

DUTIES	SALINAS					MONTEREY				TOTAL
	(1) Municipal Crt. Clk. (Smilie) Perm.	(2) Senior Typ. Clk. (Cole) Perm.	(3) Typist Clerk II (Maggini) Perm.	(4) Legal Proc. Clk. (Wedekind) Temp.	(5) Typist Clerk I (Meyers) Temp.	(6) Legal Proc. Clk. (Danelon) Perm.	(7) Senior Clk. Typ. (Dampier) Perm.	(8) Legal Proc. Clk. (Tally) Perm.	(9) Typist Clerk II (Smith) Temp.	
• Case intake and processing Civil predominantly Small claims predominantly Both civil and small claims	.17		.30	.45	.45	.20		.40	.30	.82 1.00 1.00
• Filing		.25					.30			
• Reviewing orders, judgments, other papers for accuracy	.13	.02	.05	.10	.05		.05	.10	.8	.45
• Entering default judgments, preparing judgments	.12	.05	.10	.10	.05	.15	.05			.48
• Issuing writs, abstracts, orders, exams	.10					.12	.10		.7	.61
• Preparing calendar	.10	.05	.10	.15	.15	.10	.10	.12	.5	.92
• Supervising employees	.10	.05	.10			.05	.10	.15	.15	.70
• Training, management, preparation of reports	.10	.30				.10	.15			.65
• Answering telephone and over the counter inquiries	.17	.05				.10	.05			.30
• Clerk in courtroom		.15	.30	.20	.30	.15	.10	.15	.15	1.67 .10 .10
• Appeals and transfers	.01	.03				.03		.03	.15	.10
• Mailroom assistance			.05							.20
	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	9.00

MONTEREY AND SALINAS BRANCHES
DATA ENTRY DUTIES

DUTIES	MONTEREY				SALINAS			TOTAL
	(1) Legal Process Clerk (Vogl) Perm.	(2) Legal Process Clerk (Marcos) Perm.	(3) Legal Process Clerk (Hicks) Perm.	(4) Typist Clerk (Powell) Perm.	(5) Legal Process Clerk (Corliso) Perm.	(6) Legal Process Clerk (Ausderau) Perm.	(7) Typist Clerk (Sampson) Temp.	
• Daily Distribution			.03				.05	.08
• Mail Room (Monterey)				.145				.145
• Review: Courtesy Notices		.02	.02	.02		.03	.02	.11
DMV Exception Report	.02	.03	.03	.03		.07	.05	.28
Transaction Log	.03	.075	.05	.05		.05	.05	.305
• Process Citations and Complaints	.03	.05	.05	.05	.10	.15	.15	.58
• Key Citations, Complaints, Load Sheets and Bail Forfeitures	.10	.20	.225	.23	.15	.20	.20	1.305
• Key Dispositions	.03	.05	.05	.05	.03	.05	.05	.30
• Verify	.07	.17	.17	.17	.10	.17	.17	1.02
• Prepare: Weekly Reports	.025	.025	.025	.025			.07	.17
Monthly Reports	.05	.10	.10	.09		.12	.09	.55
Warrants		.15	.12	.09	.20	.16	.10	.82
• Supervise Other Employees	.10				.20			.30
• Coord. Work with Co. EDP					.22			.22
• Clerk in Courtroom	.50							.50
• Assist in Divisions	.045	.125	.125	.05				.345
	1.00	1.00	1.00	1.00	1.00	1.00	1.00	7.00