

**WORKFORCE ANALYSIS: THE FIRST STEP IN SUCCESSION PLANNING
FOR THE CLERK OF COURT STAFF IN THE
THIRD JUDICIAL CIRCUIT COURT
OF SOUTH DAKOTA**

INSTITUTE FOR COURT MANAGEMENT
COURT EXECUTIVE DEVELOPMENT PROGRAM
PHASE III PROJECT
MAY 2004

PATRICIA GARCIA DUGGAN
ADMINISTRATOR, THIRD JUDICIAL CIRCUIT COURT
UNIFIED JUDICIAL SYSTEM OF SOUTH DAKOTA
BROOKINGS, SOUTH DAKOTA

Table of Contents

Acknowledgements	ii
Abstract.....	iii
Introduction.....	1
Literature Reviewed	10
Methodology.....	26
Findings	43
Conclusion	62
End Notes.....	

List of Illustrations and Graphs

Fig. 1..... Map of Third Judicial Circuit.....	4
Fig. 2..... Typical executive pyramid.....	18
Fig. 3..... Kansas Competency model.....	20
Fig. 4..... Workforce Analysis Planning Model.....	27
Fig. 5..... Rating scale used for Continuum exercise.....	38
Fig. 6..... Rating scale used for Self Assessment surveys.....	39
Fig. 7..... Ability/Consequences matrix.....	49
Fig. 8..... Summary of highest and lowest ability ratings.....	52
Fig. 9..... Summary of highest and lowest consequence ratings.....	53

List of Tables

Table 1..... Judge and staff FTE need history.....	42
Table 2..... Turnover history.....	45
Table 3..... Retirement eligibility for clerk staff.....	46
Table 4..... Workforce Continuum dimensions and rating	48
Table 5..... Comparison of Clerk and Deputy ratings on performance ability.....	52
Table 6..... Comparison of Clerk and Deputy ratings on consequences.....	53

Appendices

A	Job Description: Clerk of Court/Magistrate I
B	Job Description: Clerk of Court/Magistrate II
C	Job Description: Deputy Clerk of Court/Magistrate
D	Lay Magistrate Duties in 3 rd Circuit
E	Third Judicial Circuit Organizational Chart
F	Competency Model for Clerks of Court Office Staff and descriptions of competencies
G	Knowledge, Skills, and Abilities required under Competency Model
H	Self Assessment Survey tool
I	Results of Self Assessment Survey: Clerks
J	Results of Self Assessment Survey: Deputy Clerks
K	Cover letter for survey tool
L	Results of Workforce Planning and Staff Development Continuum
M	Map of 7 judicial circuits in South Dakota
N	Performance Planning and Review Document for Clerk of Court position
O	Performance Planning and Review Document for Deputy Clerk position
P	Agenda for meetings with clerks

ACKNOWLEDGEMENTS

Without the investment of time, patience, kind words, monthly motivational messages, and cheerleading by many others, the paper still may have been submitted, but I would be one crazy woman!

I acknowledge the assistance of and offer my thanks, appreciation, and gratitude to the following people, each of whom championed my cause when I asked for it, and if I didn't ask, then when they thought I needed it:

My husband Kevin, and our sons Gabe and Ethan

My presiding judge Rodney Steele and my secretary Linda Donley

My advisor Eric Silverberg and consultant Brenda Wagenknecht-Ivey

The Dirty Dozen

And the clerks and deputy clerks of the Third Judicial Circuit Court.

ABSTRACT

Maintaining performance while maintaining relevance in a changing, evolving environment is a complex task facing the courts today. One of the fundamental issues small, rural courts face is that of matching the court's needs with the shifting needs of our employees and the public we serve. It is especially important now because of the aging of our current workforce, the looming eligibility for retirement, the tight labor market in South Dakota, population movements, changes in the nature of our rural areas, and the continuing implications of technology on our productivity.

This is vital in rural jurisdictions, where offices are typically staffed by only one person. The opportunity for formal professional development and informal on-the-job training of subordinate staff to assume increasing responsibilities, and eventually, the top spot in the office, is almost nonexistent.

Current literature indicates that succession management is one way to address this matter. Succession management focuses on harnessing individual strengths and talents for achieving organizational goals and objectives. It is a process by which staff is systematically prepared to move from yesterday's work into tomorrow's jobs. With formal planning, studies show that businesses can positively influence continuity and stability in daily operations in the face of change, reduce the risk of a brain drain due to turnover, and invigorate an existing workforce. A key component of this process requires challenging the observations and assumptions of current administration and leadership, as well as exploring the attitudes and mindsets that guide the way court staff in the Clerk's offices think and behave. Thus, this paper reports on an analysis of how well the work force of the Clerk of Courts offices in the 3rd Circuit is prepared for future job requirements and how ready they may be to assume leadership and other key roles.

In this study, Clerks and Deputy Clerks were surveyed on two key matters that would establish the foundation for a circuit-wide approach to this issue. The questions that form the core of this project are:

1. Does the 3rd Circuit have all the appropriate policies, procedures, standards, and rules in place that staff need to effectively perform their jobs? If not, what is needed?
2. Does staff feel accomplished, knowledgeable, and prepared for their jobs, such that they are ready to assume additional key responsibilities or to move into supervisory or technical positions? If not, what are ways we can improve this?

To answer these questions, all Clerk of Court staff met to discuss and rate the Circuit on eight management and leadership dimensions. The prime benefit of this effort was to create a positive synergy from which the staff could agree on a common purpose, gain a stronger sense of direction, clarify what they were accountable for individually and collectively, and interact to share information and help each other perform.

Using the results of that exercise, self-assessment surveys were designed for both clerks and deputy clerks to identify the areas of competency that they feel most and least confident about and able to perform. This was the basis for getting staff to understand and buy into the concept that there are intangible elements, more than job descriptions, that are essential for success, and that results are achieved by individuals, not by the court.

During the course of this project, the following products were generated:

- A mission statement for clerk of court offices
- A prioritization of circuit efforts toward staff development
- A competency model defining the roles of clerks and their deputy staff

- A self assessment by clerks and their deputy staff of their current performance ability and perceptions of consequence of error

Based on this analysis of the workforce, the study concludes that succession management is feasible and desirable as a method of achieving continuity and stability in administrative operations for the Third Judicial Circuit. This author recommends two primary strategies for the 3rd Circuit to consider:

1. Forming a professional development committee that participates in designing educational programming for the clerk's office staff and develops a career path program that will provide opportunities for and resources to assist staff in their professional development; and
2. Introducing a formal succession plan initiative.

Further research will be needed to explore best practices for determining individual interest in succession opportunities and leadership growth potential.

INTRODUCTION

How often have you seen it happen that urgent work trumps planning and development, regardless of importance? Maybe it has happened to you; maybe you have caused it to happen. It does not seem to matter where you are, in the city or the country, at a government service counter or a desk in a private office, with a few weeks on the job or several years of experience. There never seems to be enough time to do things right, but there is always enough time to do them over. It is time to take a serious look at not “just doing it right,” but doing the right thing.

What is the right thing, especially in small courts in rural jurisdictions, which are predominant in South Dakota’s 3rd Judicial Circuit Court? To promote stability and continuity in their daily operations in the face of change, reduce the risk of a brain drain due to turnover, and keep the existing workforce productive and motivated, the right thing right now is to abandon the traditional staff replacement practices and engage in succession management.

Succession planning and management is a process by which staff is systematically prepared to move from yesterday’s work into tomorrow’s jobs. Unfortunately, preparing the next generation of leaders, and the generations after them, is often not linked to a formal planning practice. When it is, the scope is usually limited to grooming key executive personnel: the chief or presiding judge and the court administrator. Staff vacancies continue to be filled with a usual top-down replacement approach.

One problem with this practice is that executive-level authority and control is a moving target, particularly in the rural court arena. In these small offices, leadership is not limited to those persons with titles in the boxes at the top of the organizational chart. In fact, those people are not often on-site; they are physically located miles away and may be present only one day a week or even a few hours each month. The everyday face of the courts is the Clerk’s office. In

a setting where the majority of offices only employ one person, that person leaving creates a 100% turnover rate, taking our intellectual capital and institutional memories with them. While a permanent government position in a small town is often thought to be a sweet deal, the fact is that fewer people are available for and apply for what is traditionally seen as a lower paying clerical job. Those who do apply seem to have questionable qualifications for work that is administratively exacting and demanding, yet publicly influential. One of the fundamental issues we face is that of matching the court's needs with the shifting needs of our employees and potential candidates for those openings. This is important now because of the aging of our current workforce, the looming eligibility for retirement, the tight labor market in South Dakota, population shifts and movements between rural and urban areas, changes in the nature of our rural areas, and the continuing implications of technology on our productivity.

This paper reports on an analysis of how well the work force of the Clerk of Courts offices in the 3rd Circuit is prepared for future job requirements and how ready they may be to assume leadership and other key roles. The overall goal was to:

- (1) establish the knowledge, skills and abilities of a competent clerk;
- (2) communicate those competencies expected of clerk of court staff;
- (3) assess the current ability level and aggregate skill level of our workforce;
- (4) identify any gaps in either certain competencies, or among certain job classifications, but not of individuals; and
- (5) develop strategies for closing the gaps.

Of course, gaining competence among our clerk of courts staff requires more than just a quick fix of signing people up for additional training. Competency is an innate and individual trait that leads an employee, not the court as an organization, toward performance results. The

court's challenge here is to discover and harness those individual strengths and talents to get the results it desires. This necessitates changes in the way we staff our offices. Simply hoping for the best will not ensure our future. Rather than one single event or effort, smooth succession in staffing practices should resemble a seamless flow that occurs over time. Thus, we jump over a job description and look at organizational objectives, and then work backward to get to those qualities that staff needs to have to produce the results we want. When staff understands not only what is expected of them, but also how their performance affects our ability to achieve results, then they are more able to develop and align their personal behaviors with those expectations.

Structure of the Third Judicial Circuit Court

The Third Judicial Circuit Court encompasses Clerk of Court offices in 14 counties in East Central South Dakota.¹ The definition of the following terms will clarify those involved in this study:

Clerk of court, or “the Clerk”: An appointed supervising clerk who has the ultimate responsibility for managing the day-to-day operations of a Clerk of Courts office in a single county within the circuit; provides work direction and supervision for deputy clerks. The job descriptions for a Clerk I and Clerk II are included in the end materials as Attachments A and B respectively; the primary difference is in the number of subordinate staff supervised.

Deputy court clerk, “deputy” or “deputy clerk”: Performs clerical duties under the direction of the Clerk; does not have subordinates reporting to her (note: there are no male deputy clerks in the circuit as of this writing). All deputy clerks in this Circuit are classified as Deputy Clerk I; a copy of this job description can be found at Attachment C.

Lay Magistrate: a Clerk or deputy clerk who performs limited judicial functions; all Clerks and deputy clerks in this circuit are also lay magistrates. This Circuit’s policy that establishes the role of the lay magistrate is Attachment D.

Circuit Court: the unified trial court having both general and limited jurisdiction.

Circuit Court Administrator, or “the administrator”: the person providing ongoing leadership and management of all non-judicial functions of the circuit court, including the direct supervision of the Clerks of Court offices.

There is 1 supervising Clerk in each county, plus 22 deputy clerks in 16.5 FTE positions. Some deputies work full time, but others work in permanent half time or in on-call hourly positions. The Circuit Court Administrator manages these offices. As shown in Figure 1 below, five of the offices have at least two full-time staff; the remaining nine have one or less full-time staff and less than half-time permanent deputy clerk support. For example, Hamlin County shows 1.05 FTE. This office has a .75 FTE Clerk and a .30 deputy clerk serving the county.

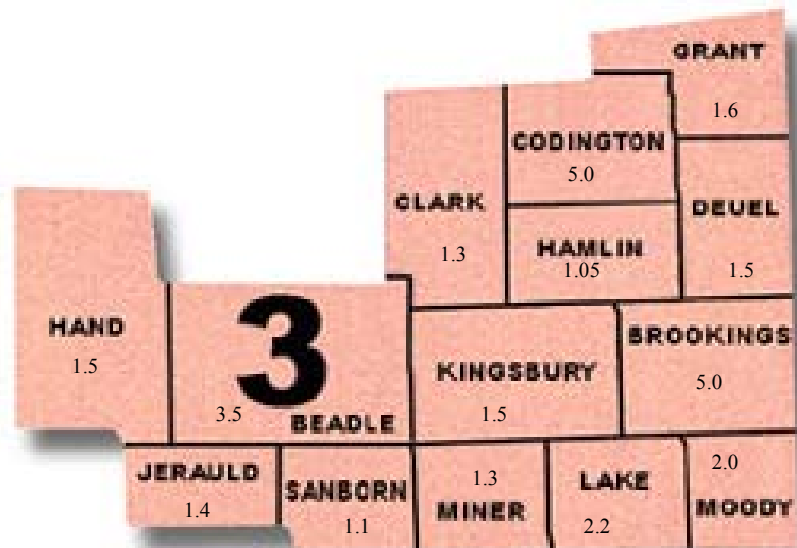


Figure 1

Due to the small judicial caseloads and rural nature of our communities, the Circuit is served by 6.9 judicial FTE. Thus, in addition to their clerical duties, all Clerks and deputies serve as lay magistrates, performing limited judicial or quasi-judicial functions. An example of a magistrate function is to advise detained offenders of their rights under South Dakota law, and to set bond and conditions of release. In this sense, the Clerks and deputy clerks are leaders in their communities, as well as in the judiciary.

This circuit is also served by one law clerk, six court reporters, ten court services officers who are supervised by one chief court services officer, and five administrative secretaries. A copy of the organizational chart for the Third Circuit is attached in the end materials as E.

The Third Judicial Circuit covers a population of 128,449 persons. With approximately 17% of the state's people, it is the second largest circuit in the state. The most populated county in the circuit, Brookings, has 28,220 people; the smallest county in the circuit, Jerauld County, has only 2295 residents. Six of the 14 counties have a population of less than 5000 residents.

Currently, staff appears to be adequate in numbers, qualifications, and skill levels to complete their work effectively, given their experience. In past three years, four (of 14) Clerks are new to their positions, with only two of them having judicial system experience. Eleven (of 22) deputies are new to their positions, with three having prior deputy clerk or related experience, and only one having familiarity with legal procedures and terminology. However, it cannot be assumed this will hold true as long-tenured employees seek retirement and either other staff is shifted into new positions or new employees are hired. The average age of a Clerk is 46, and the average of a deputy clerk is 47. Four of the 14 Clerks have more than 21 years of experience. Of those employees in supervisory positions in this Circuit, 12.5 % are now eligible

for full retirement; 25% will be eligible for full retirement within 5 years; and 56% will be eligible for early retirement within 5 years. This is cause for concern.

This paper does not limit the scope of succession planning to the obvious leadership of a presiding judge and court administrator. While this paper recognizes that a complete succession management plan would include incorporate the complexities of top court leadership and management positions, as a starting point, our focus is on the key people that the public sees as the face of the judicial system, the Clerk of Courts office. There are two reasons for this.

First, the administrative leadership positions are the key specialists responsible for the operations of the court system. They often survive other judicial changes, participate in or manage transitions between presiding judges and judicial rotation assignments, act as the agents responsible for overseeing change in daily procedures, and exercise supervisory authority over other court personnel.

Second, while the Clerk position has not been traditionally viewed as an executive-level position, it is still a leadership position in that this person oversees most of the day-to-day work in the trial courts, including acting as a lay magistrate in the absence of a judge. The Clerk is a supervisor of deputy clerks, and is responsible for all the bookkeeping, record maintenance, and local-government relations within the county, in addition to routine clerical functions. In the majority of counties, the Clerk works in a solo environment, with only part-time assistance of a deputy clerk; often, the deputy only works when the Clerk is absent. Therefore, the opportunities to learn on the job that would normally be associated with subordinate staff are minimal, and successors to the Clerk position are often not as well trained as would be hoped for such an important position. The Clerk's management responsibilities are not insignificant; if they were, they would have lead worker jobs instead of exercising some modicum of independent authority

and influence in the office and in the community. The subordinate deputy clerks are the logical pool of candidates for transition to supervisory clerk positions.

Nevertheless, as the labor market continues to change and churn in South Dakota, it is difficult for even the best employers to retain key talent. Turnover costs businesses not only in terms of the hard dollars spent on advertising and recruiting new employees. There is also the soft cost of training time, work disruption, loss of knowledge, and stress. Some research suggests that more than half of all new hires leave their jobs for one reason or another within the first seven months. Other research claims that it can take up to four years for an employer to recover hiring costs.² In the courts in South Dakota, the usual time for hiring is two months, and it is expected that someone coming new into the system will require seven years to get to job worth of the salary grade, or to be considered as having fully mastered the position in all aspects.³

In addition, experience has also shown that internal talent cannot or does not always fulfill the needs of the court, sometimes forcing the search for external candidates who can hopefully fill the gaps. Of course, new skills and experiences can offer fresh perspectives and infuse new energy into an office; yet, this act can have the effect of demotivating internal employees or by blocking career opportunities, resulting in untapped potential lying dormant.

A program established to prepare for the possible (and probable) work of tomorrow would yield increased productivity, minimize the learning curves, and help staff feel more confident and positive about changes they have taken time to prepare for.

Certainly, change often happens so fast that it is difficult to plan too far ahead. Change takes time, and it is tempting simply to hire outside than risk the investment in leadership or managerial development. However, we risk more than just our productivity and momentum.

More importantly, we jeopardize the trust and respect that has been built up between the public and the court. The result is the very significant impact on the quality of our services, making workforce planning and succession management for Clerk staff of primary importance.

Everyone stands to benefit. As Clerks become better supervisors, their subordinates are better prepared to perform their jobs. The deputies are more productive and more confident. There is less risk of error. As Clerks develop their talents, they look toward their own ladder of success and become better candidates for other circuit administrative or state level liaison positions. Thus, the “executive team” concept takes shape. As administrators become more mobile and expand the breadth and depth of their own competencies, they are prepared to fill the gaps in the growing shortage of qualified administrators.⁴ The court system as a whole gains a well-trained, competent, reserve of intellectual capital that is productive and self-motivated to perform at high capacity, participating in creating its own future, making us an employer of choice and thus attractive to outside candidates as well.

The literature reviewed for this project focuses on succession management and workforce planning. This research centers on objectives to be achieved through the planning processes, benefits for doing succession planning, managing talent shortages and surpluses, and ways that different organizations have built talent pools of their own. Finally, workforce analysis models from state and federal government organizations were reviewed for guidance on planning steps and implementation considerations.

The paper followed a four-step analysis of the workforce in this Circuit. Initially, office personnel records were examined to gather data on the current and projected workload needs and about ability to meet the demand. Then staff was directly involved through face-to-face group meetings and self-assessment surveys to gauge what levels of competency currently exist and

where we may need to be in the future. Analysis of those findings leads this author to recommend two primary strategies for the Circuit to consider in addressing the future Clerk's office staffing needs, capitalizing on the newly-developed competency model, and making the case for an effective career and succession planning process.

LITERATURE REVIEWED

This section summarizes the published literature and work of other companies and agencies that have explored ways to manage employee performance, competency, and development under the umbrella of succession planning. While there is a wealth of information available on the subject, this author primarily relied on four sources for this paper. The first is the work of William Rothwell, a Pennsylvania State University professor, and the author of more than 40 books or articles on the subject of human resource management, including specifically succession planning and competency modeling in the business environment. Next, the State of Kansas Competency Model addressing behavioral competencies and the State of Washington's Workforce Analysis Planning Model were reviewed. The last work, and the only publication that speaks directly to the courts, is the JERITT Monograph Thirteen, Developing a Court Leadership and Management Curriculum. The relevancy of each of these references will be discussed below.

What is succession planning and management, and why do it?

Generally, succession planning is known as a process for identifying the next in line for a certain position or group of positions, and includes some kind of activity by which these selected persons are groomed for the next rung on the proverbial career ladder. Rothwell defines the concept more broadly, saying that succession planning and management is “any effort designed to ensure the continued effective performance of an organization, division, department, or work group by making provision for the development, replacement, and strategic application of key people over time.”⁵ He goes on to synthesize this by saying that this process matches present talent to the talent that will be needed in the future and so helps the organization meet its goals.

These definitions imply a limited application outside executive levels and seem to ignore that there oftentimes are people and jobs that simply are not matched up between talent and need when there is a vacancy, and that known gaps in competency levels exist regardless of positions available. This author prefers the definition used by the Washington State Government Department of Personnel. They say succession planning is about getting the right number of people with the right set of competencies in the right jobs at the right time.⁶

Thus, such planning results in much more than a document that lists who the next key executive personnel will be. It is the active development of both the current and future talent pools, for which there is or will be some leadership need, which effectively prepares for continuity by tomorrow's leaders while yet attaining competency for today. The positive impact for the courts includes the ability to respond to planned and unplanned turnover and, thus, smoothing out the transition process. It also allows for early problem identification, through competency analysis, and preventing the same problems from repeating. Having to fix problems, whether due to errors made because of inattention or ignorance, or conflicts resulting in a tarnished image and credibility, is time consuming, costly, and painful. Finally, a significant advantage is the ability to take action on opportunities that present themselves, such as exploring innovations and integrating best practices, with the energy that is saved from not having to be reactive and regularly jumping into and out of crisis mode.

While the trends show some changes, many businesses still follow an informal practice of succession planning. As the model that has been passed down the generations from prior leaders, the basic procedure remains for a slate of candidates to be identified for openings that may occur in the following year. Assuming that the position requirements will stay the same, attention is increased and emphasis is shifted toward polishing functional skills that are particular to the

industry. Judgment of who these heirs-apparent are is left up to individual managers, and is often a closed ranking process with little input from the candidate.

The flaw of this practice is that it is the simple refilling of existing jobs, by growing or replacing people to do yesterday's work; in other words, a job replacement strategy. It's not much of a surprise, then, when four in 10 senior leaders fail within the first 18 months on the job.⁷

An effective succession plan will also incorporate career management, meaning planning for tomorrow's jobs. However, in a traditional court environment, an environment where we don't view ourselves as competing for customers or being concerned about market share and profits, we are comfortable with sticking close to the way we've always done things. Conner's assessment rings true when she states that the courts face a special challenge in maintaining stability and continuity because our top leaders, the judges, do not enter the system at the bottom; rather, as elected officials, they come in holding rank, without consideration of their leadership styles and management skills.⁸

Furthermore, as Feeney argues, there is a noticeable disparity between skills of supervisors in the public sector versus those in the private sector. She states that most managers in the private industry hold degrees and participate in formal management training. In contrast, government workers tend to make long-term careers in particular fields by working their way up the ladder with little, if any management education.⁹ This is true in our courts, where we succumb to the time-honored tradition of rewarding longevity, rather than performance or contribution, with a promotion, regardless of preparedness for advancement.

The benefits of succession planning – no matter what you call it or whom you direct your initial efforts at – are many. Among them are some more obvious rewards: improved hiring

practices, reduced brain drain when long-term employees leave, promoting career progress and job satisfaction, and prioritization of the allocation and funding of existing educational programs. Other benefits include continuity of leadership and management; capitalizing on the knowledge, skill and expertise of those already employed; minimizing the impact of changes caused by turnover of staff; promoting the growth and development of existing staff; clarifying what is needed when recruiting new staff; and making courts more attractive as employers, thus improving the quality and quantity of potential candidates.¹⁰

Several underlying considerations outlined by Conner support why the courts should step forward and commit to this effort. I agree with these premises, particularly when targeted at the operational level of the courts, the Clerks of Court offices. These are:

- (1) courts function through the broad range of skill and effort by their employees;
- (2) there is combined judicial/staff responsibility for management of the courts;
- (3) all who work within the judicial system contribute to the court's ability to serve the public;
- (4) preparedness for leadership is important not only for excellent management but also for the example it sets for future leaders;
- (5) not all skills can be taught or learned in a classroom;
- (6) there is no one-size-fits-all answer for every court, and any succession plan will have to be developed to meet local needs;
- (7) this approach is easily applicable to others besides judges and managers; and
- (8) a flexible plan is preferable to a single curriculum that attempts to be all-inclusive.¹¹

Principles of Succession Planning

What is needed to establish such a plan? According to Rothwell, six issues need to be resolved when establishing any succession management program.¹² These are:

(1) Direction - which approach will be used in development of the program. The options are: a top-down approach, in which all decisions about competence and performance are made by the person(s) at the highest level; a bottom-up approach, in which all interested individuals are actively involved in the process; and a combination approach, in which the decision-makers and the employees both participate in the process;

(2) Timing – whether the program is managed in an ad-hoc, periodic, or ongoing manner;

(3) Planning – whether the program is formal and systematic, or informal and discretionary;

(4) Scope – what positions are covered in the program, from the executive level to middle management or operational;

(5) Dissemination – whether the program is open or closed. An open program is one in which information about the program and individual performance is discussed with those interested in participation, and a closed program is a proprietary one, with limited inclusion and all decisions being made without regard to individual expectations or widely-disseminated information; and

(6) Discretion – whether a mandated or optional choice will be made with regard to the organization's and the individual's needs and desires. In a mandated program, an employee is required to comply with the program, including such things as relocation, at the expense of job

security, and an optional approach is one in which a potential candidate's preference and interest is verified prior to participation.

Workforce Planning: Beginning a Succession Planning Program

Assuming that there is acceptance and support for the concept of succession management in the courts, the Washington State Workforce Planning Model offers a blueprint for getting started. This is the process of determining the organization's strategic plan, analyzing the current workforce and developing strategies to address competency gaps, implementation of the strategies via a workforce plan, and finally, regular evaluation and adjustment to meet changing needs.¹³

This Washington State model is reflective of the style and actions of others engaged in succession planning, and it appeared to be easily adaptable for the 3rd Circuit. While the statistics and anecdotal information were available and revealed the preliminary need to proceed, though, a hurdle to be overcome was the fact that the foundation pieces, such as a vision statement, balanced scorecard, or long-term plan, did not exist. As tempting as it was to move on to the seemingly easier task of reviewing resource requirements, it was also clear that these elements could not be overlooked. However, writing a mission statement and setting goals is not a singular task. The focus on identifying performance gaps was diverted temporarily until these pieces were in place.

With our courts changing so fast, particularly as we implement more and more technology, we have to acknowledge that we do not have a crystal ball to know or predict everything that might happen down the road. Moreover, succession planning does not stand alone. Its value will come from an association with a career support path, strategies for skill development to build the talent pool, a job filling process rather than an event, and an assessment

process to ensure that job specific and functional skills are provided for, in addition to leadership competencies.

Believing that success would come from strength in both performance capability and knowledge competency, the way the 3rd Circuit chose to proceed was to find out the “real” (as opposed to “assumed”) career expectations of staff, with management standing ready to fulfill its responsibility to set the job expectations. Washington’s second step, the workforce analysis, became the core of our planning process. That exercise gave voice to previously unexpressed desires and goals, and also helped the staff gain understanding on the validity of developing circuit-wide goals to drive future performance. It was also realized that it is important to not just designate certain positions and develop specialized talent, but to start attaining general competencies among staff, developing flexibility, and searching for leadership potential among the rank and file. Staff recognized the need to move away from our current replacement strategy, where we take the best back-up person and settle for the status quo. Rather, it is a competency strategy for the future, where we can choose from the strengths of the entire staff base.

Byham’s statement came to mind and is especially useful in relating to the shift from finding qualified successors to attaining higher levels of competency. He said that “identifying talent is usually the easy part. It’s providing people with the skills and knowledge necessary to become leaders that presents a challenge.”¹⁴ This is where it became important to research and discuss the responsibility for staff development.

Competency and Development

According to Catherine Mergen,¹⁵ development is done for four reasons. First, to communicate the key competencies, skills, abilities and behaviors that are expected in an organization; to assess individual and aggregate current skill levels; to identify skills gaps; and to

prepare a plan to close the gaps. She goes on to state that a competency model should reflect what is expected now and in the immediate future.

It is this author's opinion that acceptable levels of competency will be (and should be) determined by the management. The goal is not just to increase job knowledge or performance on an individual basis but to progress toward achievement of organizational goals for improving effectiveness. This author does not hold, though, that leadership should be or think they are completely responsible for providing all the solutions that lead toward improved effectiveness. Failing to ask for staff participation can lead to black holes, continuation of archaic procedures, and other basic organizational problems. Staff input can help identify not only problems or weaknesses, but also the underlying causes of those problems or fresh perspectives for treating their symptoms. The what-is v. what-should-be is the focal point: the *what is* is the clerk's input; the *what should be* is the leader's job.

The key is to develop, communicate, and implement a set of tangible performance criteria that is directly related to our court's objectives and goals, as well as our organizational values and culture. This is necessary in order for staff to understand how they need to and will be able to align their individual performance with our expectations. Those who consistently meet or exceed the expectations then can be identified, thus creating the pool of potential successors.

Competency Defined

It is important to distinguish between an individual competence and a business core competency. In business, an area of core competency is usually associated with gaining or sustaining a competitive advantage. For example, the professional association of certified public accountants states that a core competency is a unique mix of skill sets that are difficult for competitors to imitate.¹⁶ For this project, the author relied on the concept of core competencies

as being about individual strengths and weaknesses, not an organization’s functions or particular services that are difficult for competitors to imitate. The goal of the competency effort developed during this project is to not only provide staff with an understanding of expectations, but to establish a method for distinguishing between average and above-average performers, and to clarify minimum expectations for entry-level staff as well as those seeking advancement.

Two models were explored for reference: the State of Kansas Competency Model and the one illustrated by Case Corporation (now CNH), a private industry manufacturer. Both of these accept the concept that Bergenhenegouwen suggests. He states, “individual competences are concerned with fundamental personality characteristics that are inherent in a person’s actions in relation to all kinds of tasks and situations.”¹⁷

The pyramid below, as used by Nitzel at Case,¹⁸ demonstrates that in a typical business environment, there is a stronger need for technical competency among skilled professionals, and as one moves into executive positions, higher leadership competency is needed. This is why, Nitzel says, the importance of any competency is relevant to a specific job and must be considered as only one of several factors when diagnosing performance issues.

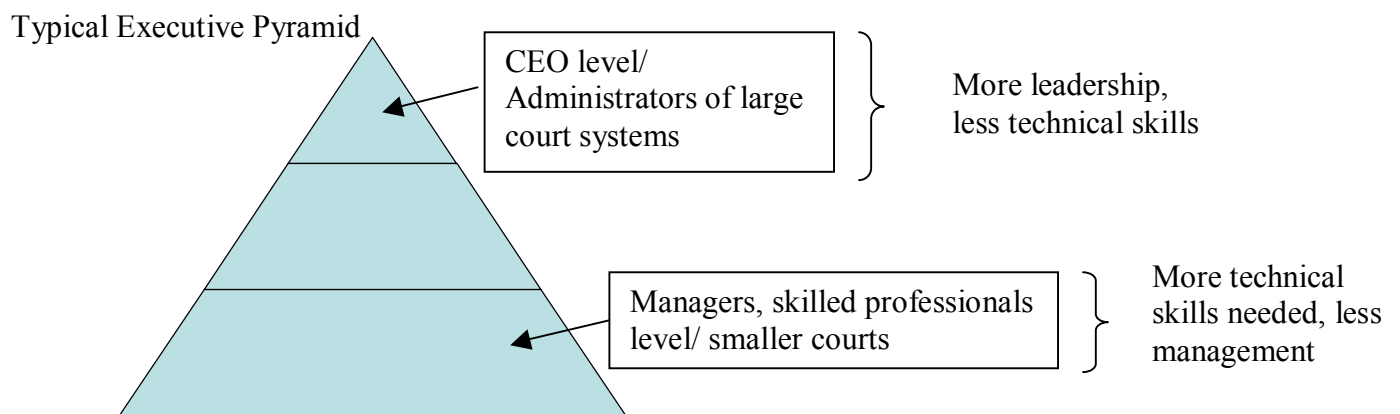


Figure 2

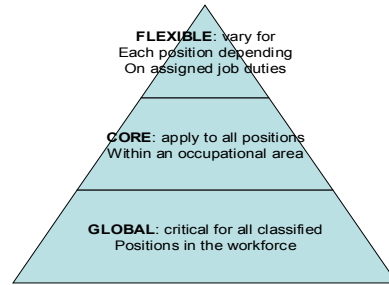
While it is important to look at the performance requirements of the organization, it is equally important to consider the performance environment and the individual performer's needs. Some businesses or managers prefer to close identified gaps in performance. Others, such as Davis, assert that because change happens faster than adaptation, closing gaps is futile. Rather, managers should seek a more balanced measure of performance by first seeking to prevent gaps from developing.¹⁹ That is the approach that guided the author's deviation from the Washington model.

This concept holds true in the court environment, where cookie-cutter rules cannot necessarily be imposed upon the small courts by replicating what works in a large court schema. In a smaller court, where there are typically more generalists than specialists, technical competence even among management staff is highly desirable. As the size of the court grows, and the more staff that is allocated, less technical competence is needed among managers; on the contrary, stronger leadership competence is necessary to direct the staff and daily operations.

Another view, that used by the state of Kansas, includes competencies in three categories: global, core, and flexible. The global competencies are defined as being critical knowledge, skills, and behaviors required for all positions. As illustrated below, this is the base of their pyramid. The center range is core competencies that are specific to all positions in a defined occupational area. The top field is flexible competencies, and these vary depending on each position. They may be other competencies, for example, that are assigned to perform a specific job successfully.²⁰ Additionally, there are two tracks, an occupational focus and a leadership focus. There are separately defined global, core, and flexible competencies within each focus area. It is presumed that one would have to demonstrate competency within the leadership focus to be considered for promotions, although that is not spelled out in detail in the literature.

Their model looks like this:

Figure 3



Competency in the 3rd Circuit

The Clerk of Courts staff of the 3rd Judicial Circuit have adopted 11 areas of competency. The development of this model is discussed in more detail in the methodology section. For purposes of discussion here, however, it is noteworthy that this model simulates the NACM competency wheel. Staff reached quick agreement that, with one exception, all competencies apply to both Clerks and deputy clerks. The singular competency that applies to Clerks but not to deputies is that of supervision. There was also consensus that the relative importance of any of the competencies at any given time will vary according to the court activity and organizational structure.

The Clerks and deputies may agree on that point, and this author can agree that a supervising Clerk will have at least basic competency in each area to be effective and successful. However, the results of the self assessment survey will show that there is a marked drop in level of ability between Clerks and deputy clerks in more than just the area of supervision. This disparity is not tied to length of service or size of office, suggesting that further analysis is needed to explain this belief. One obvious factor is the availability of annual training programs, primarily offered to Clerks, and the way this education is shared between the Clerk and deputy clerks.

Regardless of whether the court is small or large, however, there is sufficient evidence to point to the need for continuing professional development. As Allee states, knowledge has

become the primary asset in any organization, and efforts must be made to make the most of it. As society changes, so do courts and people change. “Every business is a knowledge business; every worker is a knowledge worker.” And knowledge, says Allee, is perishable.

“The shelf life of expertise is limited because new technologies, products, and services continually pour into the marketplace. No one can hoard knowledge. People and companies must constantly renew, replenish, expand, and create more knowledge...As a company adapts and changes, performance capabilities and knowledge competencies combine and recombine in new configurations that enable a flexible response to changing conditions.”²¹

No one argues that qualifications or competencies are not desirable or useful even in a very small office staffed by one person. The reality of achieving competency in these small offices is no less complex where accessibility to resources and shifting priorities drive the daily operations of the court, and thus, the overall performance process.

Responsibility for Professional Development

This issue has been much debated. Although professional development might be an expectation of an organization, it is this author’s opinion that it is a function of the staff member and cannot be mandated in the same manner as continuing education requirements are imposed. Professional development is centered on the staff member, who is expected to contribute to if not fulfill the organization’s objectives. Assuming there is this desire to learn, nonetheless some barriers stand in the way of effectively supporting professional development for court administration and staff.

One barrier is the attitude of staff and funding bodies. First, South Dakota does not have any in-state clerk associations that sponsor training and education efforts. The State Court Administrator’s office does conduct annual Clerk’s Institutes, but attendance is primarily limited

to the Clerk position and not deputy clerks. Regional Deputy Clerk training has been offered in the past but does not replicate the Clerk training. Thus, there are disparities in knowledge levels. Also, organizations such as the National Association for Court Managers are comprised of a voluntary membership. NACM asserts that their competencies are not intended to grade or evaluate performance. Instead, they are intended to link the purposes of the courts and management objectives to the learning needs of individuals. Thus, all motivation to improve or achieve a higher level of competence is squarely upon the individual.

Furthermore, employers historically pay for jobs, not people, and the job is considered the most critical aspect to the organization. People who hold these jobs just happen to get the salary assigned to that position. That model of thinking is changing; unfortunately, change in the courts has been slow. To motivate court staff, what needs to occur is a pay scheme that rewards skills, knowledge, and behaviors of that individual. DeCenzo suggests that pay increases would then be “awarded for growth in personal competencies, as well as the contribution one makes to an organization. Accordingly, career and pay advancement will not be tied to a promotion, *per se*, but rather to how much more one is capable of contributing to the organization’s goals and objectives.”²²

Achievement of the competencies is not mandatory, and conversely, there is no obvious consequence to one’s failure to progress toward competency. In addition, considering the current economic situation, it is likely that existing methods of pay based on various identifiable criteria, such as skill, effort and responsibility, will continue.

Assuming the desire to learn is present, however, another barrier stands in the way of effectively supporting professional development. This barrier is the availability of learning resources, which is problematic because of the physical location of some of the courts. With

smaller, rural courts particularly, the issue of travel time and expense creates a dilemma.

Although some competencies could be achieved through programs at local schools, for instance, not all towns or counties have such facilities accessible.

The final barrier is the competition for allocation of resources. As stated above, the cost of attending programs affects a training budget. Also, a court may have other priorities for the time of a staff member, and this must be weighed against the availability of learning resources and timing of education programs. It would be nearly impossible to resolve the conflicting trial schedules and daily assignments without significant advance planning or sometimes having to close the office for at least a day.

Strengths and Weaknesses

Where do we go from here? If we agree that the first priority is attaining a base level of competency, and our goal is to achieve higher levels of competency, then we must support professional development. The paradox here is that training is often directed at addressing problem areas or on new tasks for which clerks have no point of reference or experience to enhance the schooling offered. Clifton is right on point when he suggests, “like a trap for a mouse, our national system is rigged to catch people’s weaknesses rather than to build on their strengths.” He maintains that fixing weaknesses does not “make everything all right,” and that it is a myth to expect that strengths will take care of themselves. Furthermore, Clifton argues that not “everyone can do anything they put their minds to.” This would assume, he points out, that “all people are clones, possessing an identical set of talents.” He goes on to state that this “assumes all people have the same characteristics whether they are top performers or poor performers, that the best performers have the same qualities as the average performers, and that the only difference is degree.”²³

The implication for small courts however, is that there is no one else available on a daily or other regular basis to compensate for one another's weaknesses. When there is only one person in the office, the option to balance and cross-check for competency deficiencies can only be exercised outside the walls of the office, theoretically within a network of similarly-situated persons. To find a successor for a vacancy, then, requires more than an assumption that someone else who has been doing a similar job, by virtue of their relative access to information, is the right person for any given position. Thus, the need for the establishment of standards is brought into the mix of components for a system of accurately gauging attainment of given levels of competency. As Queeney says, "identifying standards to define the level of need is not to be taken lightly, but should reflect conscious decisions regarding the standards to be met to protect the public health and welfare, the integrity of the judiciary, the individual practitioner, and the court system."²⁴

This is emphasized by Zemke, who states that "the acid test of any competency model is whether and how it fits into a system of performance management that produces the right results in accordance with the organization's strategic and operating plans."²⁵ This shift from performance thinking to competency requires that the focus be taken off the job or the task as the most critical aspect of an organization, and view the people as the assets that actually assist the organization in achieving its goals.

Despite differences in missions and programs, all court staff should focus on providing quality service. Doing this will require a shift in emphasis from technical competence to executive experience and potential. The goal is to ensure that technical expertise does not outweigh leadership skills, but still appreciating that technical skills are important and necessary

in a small office. Implementation of a succession plan will help develop not only talent but also energy to drive change, not be driven by it.

Summary of Literature Reviewed

In summary, the literature supports the notion that training is only one of many possible interventions for organizations to consider in determining how best to achieve their goals. A process is needed that will do more than deliver knowledge, skill, and information. While building skill and knowledge is critical, this traditional training approach has limitations for improving performance. Leaders need to change their thinking and challenge their own assumptions to balance individual performance with organizational goals. With a restructured vision rather than a restructured organizational chart, a complementary intervention then is to manage career paths and succession practices.

Rather than focusing on job titles, today's leaders recognize that individual knowledge, skills, and abilities are what affect productivity and performance, and thus, influence an organization's capacity to greet the future.

By blending the various models reviewed, this circuit was able to develop a competency model that is responsive to our circumstances. The NACM model focuses on an employee who has much broader responsibilities than are within the scope of the Clerk of Court position in South Dakota due to our organizational structure and classification system. The Case model does not seem to allow for the range of fluency that generalists in small offices are accountable for, such as dual clerical and judicial functions. The Kansas model provides for the commonalities that exist between small and large offices in the circuit, but targets specific behaviors. Accordingly, a tailored model incorporating our own best practices was most acceptable to staff. How the tailoring was accomplished is discussed in the next section.

METHODOLOGY

Overview

Succession planning begins with an analysis of the workforce. Most models are built on the premise that the goal is to find ways to close performance gaps that are identified in this review. To do that, current performance is measured and evaluated in comparison to what future performance levels should be, all with a view toward achieving the stated mission and objectives of the organization. This was problematic, as the Clerk's offices in the Third Circuit had no formal mission statement reduced to writing. Furthermore, planning and performance review documents (called PPAR) recently had been revised,²⁶ so that expectations were still in need of being communicated and discussed. Into this mix was a statewide "maintenance review" of job descriptions and the state's classification and compensation system, the end results of which staff did not agree with. And finally, the pace of technology implementation, and some turnover of staff, resulted in complaints about the adequacy of procedural documentation and training efforts. Whereas a prototype analysis would focus attention on areas where there was a significant difference between current and future performance levels, the author made some mid-stream changes and adapted the analysis model. For this project, it was determined that closing gaps was secondary to solidifying the framework for a comprehensive, basic human resource relationship between administration and staff.

However, the project began with, and relied on, Washington State's Workforce Planning Model.²⁷ The core results of this study were derived from an analysis of records maintained by or readily available to the author and by two surveys, a Workforce Planning and Staff Development Continuum and a Self Assessment Survey. The Workforce Planning and Staff

Development Continuum exercise was conducted during separate meetings with the Clerks and deputy clerks, and consisted of an interactive dot exercise. The Self Assessment Survey was later administered by mail to all Clerks and deputy clerks in the circuit. This is illustrated in the model below.

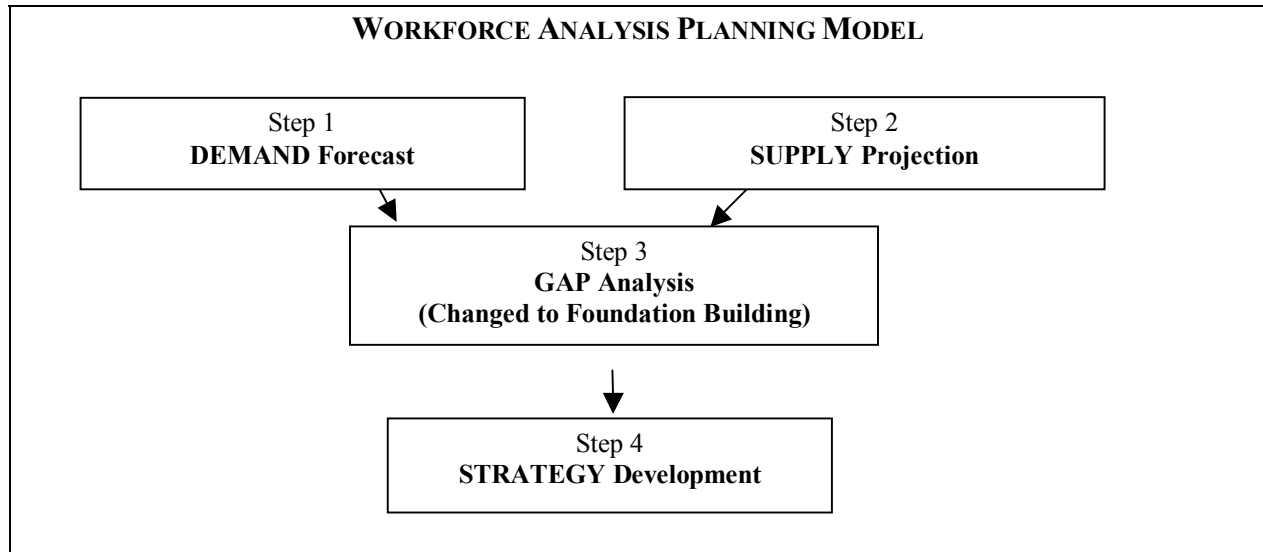


Figure 4

Steps 1 and 2: Workforce Data Review

Initially, for Steps 1 and 2, secondary data was reviewed to determine the possible future staffing needs based on caseload trends and population projections. This presented a picture of the future demands that could be placed on the Circuit. Then a profile of the current workforce composition was generated, considering positions allocated, job classifications, employee demographics, performance abilities, turnover, and retirement rates.²⁸ This resulted in a projection of the supply of staff and their ability to meet those demands. From these compilations, further summarized below, the author surmised that our staffing needs would change significantly in the next five years. Furthermore, our traditional staff replacement

practices would lead to an inability to promote stability and continuity in our smaller offices. It was now necessary to establish where and how these shortfalls, or gaps, would occur, and what to do about them. A survey was designed to capture the staff's perceptions of their current ability levels, and to compare that with what the future would be demanding of them. However, the process was not simply that of making mathematical calculations, although it was important to have a point of reference for comparing acceptable performance with preferred performance. An analysis of any gaps that were identified would be needed to determine potential solutions or prioritize strategies to address them. It became clear that more than a scoring mechanism for staff performance was desirable; a complete analysis would require an honest assessment of the environment in which they performed.

Step 2-1/2: Exploring Attitudes and Mindsets

Because the research on succession planning exposed the need for a philosophical shift in human resource practices, an exercise then was designed to first challenge the assumptions held by and further explore observations of the author. At separate meetings held with Clerks of Court and with deputy clerks, the staff was asked to evaluate the Circuit's efforts in eight dimensions. All Clerks and deputy clerks were invited to participate in these meetings. All of the Clerks attended the session directed to them, and 15 of 22 deputy clerks (68%) were present for their day. The results provided validation, created awareness, and assisted with prioritizing areas that needed more attention. A complete description of this process and the specific results are outlined below. The same agenda was used for both the Clerks' meeting and the Deputy Clerks' meeting; a sample can be found in the end materials as Attachment P.

As expected, staff expressed a need for a focus on training that would improve their feelings of competency and preparedness to assume additional or increased responsibilities. The

ensuing discussion resulted in the creation of a mission statement for the Clerk of Court offices, by the Clerks and their deputies. More importantly, there was productive discussion about the roles, functions, and responsibilities of the Clerks and their deputies, and the distinctions between them.

Step 3: Laying the Foundation... Mission and Competency Model

The Planning Model suggested that once a basis was established for measuring performance, collecting data would be the next logical step to take. The staff had communicated their thoughts about what needed attention and expressed their willingness to participate in addressing those needs. However, as mentioned earlier, attaining higher levels of competence among our clerk of courts staff requires more than just a Band-Aid approach or quick fix of signing people up for additional training. Competency is an innate and individual trait that leads an *employee*, not the *court* as an organization, toward performance results. The court's challenge here is to discover and harness those individual strengths and talents to get the results it desires.

In a roundabout way, then, we consider job descriptions, but before that, we must look at organizational objectives, and then work backward to get to those qualities that staff needs to have to produce the results we want. When staff understands not only what is expected of them, but also how their performance impacts our ability to achieve results, then they are more able to develop and align their personal behaviors with those expectations. Since expectations are linked to performance, and performance is linked to objectives, following this chain soon revealed that there was a missing link: no mission statement, or at least, not a formalized one that everyone could commit to. This, then, had to be established before we could proceed further.

Mission Statement

The development of the mission statement for the office of the Clerk of Courts was the culmination of two years of formal and informal discussion by staff. This step was a guiding premise as the areas of competency and the related KSAs were developed. From an exercise where the Clerks brainstormed and prioritized lists of tasks they thought should be included, added to, or withdrawn from their stated responsibilities, to a vision of how they wanted their customers to describe their offices, the following statement evolved and was agreed upon by Clerks and their deputies:

“To respectfully, positively, and competently serve, by providing accurate and timely information about and access to the judicial process in South Dakota.”

This process required staff to challenge their personal observations and assumptions about their role, as well as to openly consider the attitudes and mindsets of others. Added benefits of this effort were the building of unity of purpose, providing a sense of direction, clarifying what they were accountable for individually and collectively, and interacting to share information and help each other perform. With the mission statement established, it was time to clarify how the mission could be achieved.

Competency Wheel and KSAs

With the mission statement in place, discussions were shifted to focus on specific functions of the Clerk's office. Existing performance documents, job descriptions, and staffing data were relied on for the development of a competency model. First, the PPAR document establishes the basis for the KSAs required for a satisfactory performance rating (see Attachments N and O). Second, South Dakota Court Clerk's Staffing Standards, a product of the South Dakota Supreme Court State Court Administrator's Office and the National Center for State Courts, identifies the broad but key functions of a Clerk of Court's office.²⁹ This document is the basis of the state's determination of FTE staffing needs on an annual basis. Third, the National Association for Court Management's Core Competencies provides a visual model.³⁰

Eleven functional areas of responsibility for the staff were identified, supported by a listing of desired or required knowledge, skills, and abilities (KSAs) in each area. "Knowledge" was defined as what a person knows; "skills" was defined as the ability to use one's knowledge; and "ability" was defined as natural talent or acquired proficiency. Collectively, the knowledge, skills, and abilities that affect a job, a role, or a responsibility comprise an area of competency. The competency wheel and the summary of the KSAs that were developed are attached as F and G, respectively. The 11 areas of competency for Clerk office staff in this Circuit are:

- case processing,
- calendar management,
- records management,
- financial management,
- courtroom support,
- jury management,
- social work,
- administrative tasks,
- supervision and staff management,
- lay magistrate duties, and
- technology and computer management.

For an explanation of what is included in each area, refer to attachment F. The consensus of the staff was that because of overlapping functions in small offices, individually defining the KSAs for each competency would be repetitive and unnecessary; thus, they adopted a general statement for all competencies combined.

With only one exception, the staff unanimously agreed that the competencies should be the same whether one holds a Clerk or a deputy position. The area of distinction, for them, is supervision. The author does not agree with that, nor is that presumption borne out in the survey results. This is a significant disparity, partly because of both unrelated and related discussions surrounding the compensation system within the UJS. The author's position is explored further on in the Findings and Analysis section of this paper.

These competency areas were used as the focal point of the Self Assessment Survey. They have ancillary applications in that they will be beneficial for explaining the position to new hires, tailoring educational programs aimed at improving performance, and supporting other human resource initiatives. Most importantly, for the succession planning contemplated in this study, the specificity will clarify leadership expectations for deputy staff who are seeking professional development, by highlighting necessary areas of concentration for growth.

To ensure the continued relevancy of these competencies into the future, further discussion was directed to how staff expected their work to change. This was a difficult area for them to engage in. Many major changes have taken place in the South Dakota courts in the past three to four years, including the conversion to automated processes and other technological installations, a change in geographical boundaries of the circuits, a change in Presiding Judge for some counties due to the boundary changes, and a shift from circuit administrative assistants to management and supervision by circuit court administrators.

Although efforts were made to encourage the staff to project five years from now, they were only able to realistically contemplate one year out. Many of the things they are anticipating are, in fact, already on the calendar for development and implementation within the next year. The four broad areas they did agree on were increased use of technology, the need for physical security, upswings in demand for services by self represented litigants, and the psychological disappearance of geographical boundaries due to technology and personal mobility. This discussion formed the basis for how staff's jobs might change five years from now, and what impact that would have on the competencies needed then. The consensus of both the groups was that what they do will not change so much as how they do what they do. As a result, they will not need to acquire new skills, but rather, they will need to enhance the skills they already have, particularly in use of technology.

Step 3-1/2: Assessing Performance Ability

Finally, it was time to gauge staff's performance ability and behavior in each area of competency. While statewide performance expectations exist, and no one is currently performing at less than acceptable levels, a more effective measurement by competency area was needed to determine where there might be particular gaps to address. The author also considered that this survey could be repeated in the future and used to identify patterns of change in ability over time. A skills analysis tool was developed for staff to self-assess their current performance ability. As a result of pre-testing, an additional component was added to measure staff's perception of the degree of consequence of error for tasks within each area of competency. It was expected that there would be some connection between ability levels and impact of errors, but the results were revealing and somewhat unanticipated. That is, our existing expectations of new hires are generally the same as for veteran staff, although we do not have a logical

progression of training and experience from low to high consequence tasks. This finding is discussed further below.

Because the number of clerk staff in the Circuit is so small (36 total), all of them were asked to respond. Return rates were extraordinary: 93% of the Clerks (13 of 14) and 95% of the deputy clerks (21 of 22) took part. Therefore, the data provides very valuable information and opinions from all those who will benefit directly from this project. Nonetheless, since the surveys were not administered randomly, the results cannot be generalized to clerks in other Circuits in the state.

It must also be noted that it would be impossible to list every task a clerk performs within any given area of competency. Therefore, selected tasks were chosen from the Clerks' Staffing Study and from procedural directions and instructions contained in the South Dakota Clerk's Manual. The tasks were considered to be representative of those that would be commonly performed in any clerk's office, but the sample tasks were hand-picked, based on the author's judgment of the position and with input from two clerks outside this Circuit. Since these tasks were not randomly selected, statistical inference cannot be established. Any measure of significance is strictly based on the author's personal opinion.

The survey instruments for Clerks and deputy clerks are identical except for the title; a copy is attached as H. The full results from both the Clerks and the deputy clerks are attached as I and J, respectively. The cover letter accompanying the surveys can be found at K.

Measuring units and Answering

Rating scales were used for both the Continuum exercise and the self assessment survey. For the Continuum exercise, a scale of 6-1 was used, with 6 being high or best, and 1 being low or worst. Dots were placed by staff by the number representing that person's perception.

Initially, and for the purposes of discussion at the meetings where this was done, no quantitative value was assigned. The rating with the most number of dots was the value given to the effort in each dimension. Later, a mathematical score was determined by assigning points, with a dot in the rating area 6 equaling 6 points, and a dot in the 5 box equaling 5 points, and so on. These latter results were used to compare perceptions between the Clerks and the deputies, and among other groups by job classification in the Circuit. For example, the exercise was also administered to Court Services Officers, although not part of this study, to gain a broader perspective.

The Survey also contained two other sections in addition to the main self-assessment portion. Open-ended questions on task difficulty, personal strengths and weaknesses, pressing issues, and prioritizing of previously-suggested options for addressing improving competency were included. This was an opportunity for the staff to provide information about their jobs that was not solicited nor readily observable from the data in the ratings section. A final section asked only two questions about years of experience and office size to help the author categorize the responses in other ways. Responses to these questions are summarized below.

The findings of both the Continuum exercise and the Self Assessment Surveys are summarized later, accompanied by the author's analysis. Full detailed responses to the Continuum exercise are attached as L.

Pre-testing of Instruments Used

Workforce Planning and Staff Development Continuum

The Workforce Planning and Staff Development Continuum tool was pre-tested with two different groups of experts. First, the six other circuit administrators in the state performed the exercise at a regularly scheduled staff meeting. This helped to determine the level of understanding of directions, time to complete, and ease of use. As a result, the rating scale was

changed from a 5-point system to a 6 point system, to eliminate people “riding the fence” at 3.0 and thereby not providing definitive enough data. A few statements were also reworded to clarify some terms.

The second reviewer was a professional court consultant. As a result, the title of the document was changed to clarify the need for the exercise, which was to challenge and explore observations and assumptions. A further change was that the questions and sample phrases given for choosing ratings were modified. Sample statements provided were not opposites to choose from, which was implied by the title “Continuum.” Since they were intended to provoke thoughtful consideration, they were made more opposite but not completely so, so that the responder had the opportunity to exert some personal interpretation and not be limited in that regard.

The Self-Assessment Survey

The Self Assessment Survey was pre-tested by three different reviewers. The first review was by the same court consultant³¹ who reviewed the Continuum document. The initial comments were directed to the design layout and formatting, resulting in an improved style and readability, including repeating of the rating scale on every page for ease of use by the responder. The consultant also was instrumental in the addition of open-ended questions at the end of the survey document. The initial version had asked for varying pieces of identifying information to allow for analysis by differing categories; upon advice from the consultant, the final survey only asked for size of office and responder’s years of experience. Furthermore, these categories were made large enough to preserve some measure of anonymity for the responders by eliminating the possibility of one lone answer in any option box.

Most importantly, the recommendations of the consultant were instrumental in the design of the dual ratings categories. The survey instrument was initially written to have responders rate their current level of ability, and what level they thought they needed to achieve in five years, i.e., the future. After discussion that centered on management's responsibility for establishing performance expectations, other options for comparison data were considered. These included degree of task difficulty, and priority. Ultimately, the survey was rewritten to gauge the degree of consequence for error. This decision was because of the belief that management should establish the priorities, and thus, this data would assist in determining if this was adequately communicated to staff and to help prioritize training efforts if it proved that there was a low level of ability in performing tasks of high consequence.

An administrative secretary who was not assigned to work in a clerk's office but who occasionally did provide some backup assistance and handled overflow work then reviewed the revised survey. Two clerk/administrators outside of South Dakota also reviewed it. Comments were focused on format and terminology. As a result, some words were replaced or clarified.

The final review was done by two Clerks of Court from outside the 3rd Judicial Circuit but within the state. One was a veteran of many years of experience, and one had only a few years of experience. Both were from counties comparable in size and case complexity to courts in this Circuit. They offered no negative substantive comments but were helpful in estimating the time necessary to complete the survey, readability of the form, clarity of the instructions, and applicability of selected tasks within the competencies.

Data collection

The author (Circuit Court Administrator) collected all data, conducted the meetings, designed the survey instruments, and mailed them. An objective observer from the State Court

Administrator's office assisted with taking of notes at the meetings. All the survey responses were mailed to a designated Clerk or a deputy in the Clerk's office, which is physically located in the same building as the author's office in Brookings, South Dakota. There, the responses were removed from the envelopes and hand delivered to the author, thus ensuring the anonymity of the sender.

The meetings were thought to be a cost-effective way to reach a large group of people with consistent information and opportunity to participate with their peers. Staff meetings are also used to help generate trust, create unity, and develop relationships between the Administrator and clerk staff. Further, the meetings offered the chance to clarify questions and observe staff responses to the concept of succession planning.

The follow-up mailed questionnaires had the primary advantage of offering anonymity to the responders, which was a concern expressed at the meetings. They also allowed the staff the benefit of time and privacy to assess their skills, and they were inexpensive to produce and mail.

The initial meetings where the Continuum exercise was held lasted about 4 hours each. One meeting was just for the Clerks; the next day, only the deputy clerks attended. In addition to that exercise, there was discussion on the Clerks' mission statement, adoption of the competency wheel, a preview of the goals of the Self Assessment Survey, and introduction of the succession planning concept and process.

The Surveys took the staff approximately 30 minutes each to complete. Once the surveys were mailed, they were requested to reply within two weeks. All but two of the 34 total responses were received by the requested due date; two more arrived one day later. One Clerk and one deputy chose not to respond. Two days prior to the due date, reminder notices were emailed to spur the response rate.

Each of the 36 total surveys mailed out to the Clerks or deputy clerks was accompanied by a cover letter that reminded them of the purpose of the survey, the expectation that it would take about 30 minutes to complete, how the results would be used, and when the responses were due. They were also specifically reminded that the responses would be compiled collectively, not individually, and that confidentiality would be maintained.

Procedures used to code data.

Data was collected in two ways. For the Continuum exercise, Clerks and deputy clerks placed colored dots in numerically labeled boxes. There was no color significance to the dots used. All that was required to use the data was to look at the charts and see where the dots were placed. No other coding was required at that time. As stated earlier, points were assigned to the ratings given for comparison purposes. These were done manually, using a simple mathematical average.

The rating scale used for this exercise was six points, as shown below:

6	We're doing very well
5	We're pretty good
4	We're usually okay
3	Could do better
2	Change would be good
1	Help!

Figure 5

For the Self Assessment Surveys, a Microsoft Excel spreadsheet was used. Data from the Surveys was transferred manually to the worksheets. One workbook was prepared for each job classification (Clerk, deputy clerk), and for each category rated in the survey (ability, consequence). Within each workbook, separate worksheets were prepared for the overall responses, and then broken down by office size and experience of the responder. Numerical values were assigned: one point for each rating given. Then the averages were calculated using Excel formulas.

The rating scale for the Self Assessment Survey was a four-point scale, illustrated below.

Your performance level	Degree of consequence for error in the task
<i>0 Not applicable, don't know, not sure</i>	<i>0 Not applicable, don't know, not sure</i>
<i>1 Beginner's level, learning, slow at this</i>	<i>1 No or low impact for customer, easily detected and corrected by me</i>
<i>2 Intermediate, mostly accurate but not fast</i>	<i>2 Medium, extra attention required to detect and fix</i>
<i>3 Competent, well able, proficient</i>	<i>3 High impact for customer, may require effort of supervisor to fix</i>
<i>4 Master, confident, accurate and fast</i>	<i>4 Very serious consequences, need higher authority to resolve</i>

Figure 6

One point was assigned for each rating given, so that a “1” response equaled one point, and a “3” rating equaled three points. The replies were totaled, and a mathematical average was developed for each task, and for each competency, by job classification (clerk or deputy).

One design flaw was immediately discovered when a “0” rating was used. The scale was developed so that a 0 would mean “not applicable,” “don’t know,” or “not sure”, and it turns out that those could be different answers. This became clear when some responders did use the 0 where the task was one they were not sure of, but on the same surveys, they might have left the rating box empty if it did not apply, or wrote in “n/a.” Rather than completely discard those 0 responses, they were assigned zero points and used in determining the total number of responses to figure an average. Upon reflection, this is one area that would be changed if the survey were to be used again.

Using the averages, the results were then sorted to arrive at a ranked or prioritized list of most and least competency, and for most and least serious consequence. The office size and experience data were also used to re-sort competencies based on those categories.

Responses to the open-ended questions were transferred onto a Word document. Clerk responses were assigned a numerical indicator, and deputy responses were assigned an alphabetical indicator, so that if both gave the same reply, it could be determined how many of each job classification gave the same answer.

Obstacles and how they were dealt with:

Three obstacles were addressed, in addition to the “0” rating on the scale, noted above. The first was raised by the Clerks. This was the issue of anonymity of the responses to the surveys. Clerks were assured that although a self assessment was necessary to evaluate our current talent pool, the intention was not to use any responses for individual performance evaluation or disciplinary purpose. Clerks were told that their responses could not be held in strict confidence, as the results would be used publicly, but that anonymity of responders would be assured. To do this, responses were mailed to a third party of their choosing, who removed the documents from the postmarked envelopes and presented them to me without any identifying information other than the size of office and years of experience.

The second obstacle was the timing of the surveys. Clerks in this state were surveyed in the summer in relation to a statewide project to develop solutions for access to core court services in rural South Dakota. Further, the Clerks had been notified that would be surveyed toward the end of the calendar year regarding estimates of time necessary to complete certain tasks that have been changed in the past two years due to automation. This survey was part of our ongoing statewide weighted caseload staffing study that annually captures data used in determining and allocating clerk FTE. The Clerks were somewhat weary of more surveys, particularly as the holiday season approached. The method of handling this was to work on credibility at face-to-face group meetings, during which the Presiding Judge addressed the clerks and expressed his interest in the project and the importance of their participation. If this project were to be repeated, care would be taken to not overburden staff by timing of the survey.

The third, and most troublesome, obstacle was analyzing the data. This was due to several factors, including the volume of data collected and the variable purposes for the tools that

were discovered after the fact. The project turned out to be so broad in scope that it touched on multiple prospects for further exploration. An example of this is that because of the confidentiality promise, the results of the surveys are not usable for individual performance enhancement or improvement. The matrix later discussed that attempted to correlate ability and consequence of error data could be very useful in establishing a mentor program or buddy system to match up vulnerable, inexperienced staff with veterans in need of a challenge. As a result, some data was summarized and some general conclusions were drawn from an organizational development focus rather than a self-development focus, seemingly contradicting the competency model because it is, in fact, designed for building individual strength and talent.

Trying to stay on target became overwhelming at times, due to the sometimes-distracting implications of other uses for the surveys or the time-consuming analysis or the fascination with more possibilities. This was mostly dealt with by others who were in my support network, mainly my family and my secretary. They kept after me, asking questions, encouraging me to keep on keeping on, reminding me of my goals. The final section of this paper contains further advice for the reader about making this project more manageable.

Summary of Methodology

Succession planning begins with a comprehensive analysis of the caseload trends and the workforce, both current and future. Personnel data was compiled and evaluated. The next step was to challenge and explore management's own assumptions about staff needs. This was done through a group exercise, which revealed that administration needed to step up its efforts to prepare staff for future responsibilities and shore up current performance ability. Further study was then conducted to determine where staff development efforts should be focused. This was

done through mailed surveys to all clerk staff. Finally, the results were analyzed for direction on how to proceed. Findings derived from those results are contained in the next section.

Findings & Analysis

This section consists of two parts. The first summarizes the results from the demand forecast, the supply projection, the Continuum exercise, and the Self Assessment Survey, as they relate to a succession management plan. The full results are contained in the end materials of this report. The second part is an analysis of the findings based on the data collected.

Results of Data Collection Efforts

Demand Forecast

In evaluating the feasibility of a succession plan, the first consideration is what the future will require in terms of staffing levels and functional requirements. South Dakota uses annual weighted caseload formulas to determine its judicial and clerk staffing FTE needs. As the table below shows, in the 3rd Circuit, the court's workload and staffing needs have been relatively stable.³²

FTE Need	2000	2001	2002	2003
Judges	7.07	7.49	7.27	7.26
Clerks	26.8	29.53	29.24	30.64

Table 1

As stated earlier, the Third Circuit covers a population of 128,449 persons. Census Bureau data reveals that population has increased by 3% since the 1990 census. Still, six of the 14 counties in this circuit have a population of less than 5000 residents, with the smallest one having just 2295. The Circuit is adjacent to the fastest growing area of the state, Minnehaha County, and includes a growth corridor along I-29. However, with continued growth expected due to the migration from rural areas to the urban centers, the more likely scenario in the next five years is a redistribution of population within the circuit.

The age distribution for the circuit shows 25% of residents are under the age of 17, and 17% are over the age of 65, leaving 58% in the working-age group of 18-64. Statewide

unemployment has dropped to 2.3%. Thus, the supply of workers should not be critical. However, the South Dakota Department of Labor projects that the fastest growing industries through the year 2010 will be business and legal services, two of the largest competitors for candidates to work in court offices. Similarly, the fastest growing occupations are projected to be personal aides, social and human service assistants, computer support specialists, desktop publishers, and medical records technicians.³³ These occupations will require essentially the same skill sets that a potential clerk or deputy clerk will need to have to be successful working in the judicial system.

Accordingly, the kinds of services that will be requested will continue to shift toward the provision of information about procedures and available data. The Clerk staff believes that what they do will not likely change significantly, but how they do their work is where there will be new or expanded methods and procedures initiated. Primarily, as software programming is updated or replaced, staff will be relying more on the use of computers and automated processes to capture, store, and retrieve information. Secondly, as the public becomes more adept at using technology themselves, they will be self-educating and asking for different kinds of assistance from the staff from what they now seek. An example of this would be the production of forms used by self-represented litigants. While South Dakota does not currently have forms available for court use (except in two limited situations, small claims and protection orders), the public finds forms from other states on the Internet and wants to know how to adapt them for use here, thus avoiding expensive legal fees for what they see as simple or routine matters.

If the kinds of work that clerks perform will not be changing, as predicted by the staff, then the competencies they have defined will not change substantially. Therefore, the need for

knowledge, skill, or ability in new competencies is unlikely. At best, they will have to expand their performance capability in the areas of technology use and records management.

Supply Projection

The issue to be addressed, though, is who will be the people working in the Clerk's office and what kind of experience and talent will they bring to the job? Consider the following:

- The 14 Clerks now employed in the 3rd Circuit range in age from 29 to 55, with the average being just over 46 years, and the median being 51.
- Deputies range from 33 to 62 years old, with the average and median age both being 47. It is interesting to note that the deputies are slightly older than the clerks, which could mean that they all decide to retire around the same time, creating a significant brain drain.
- The Clerks range in experience from 2 to 29 years on the job. Seven of them have more than 13 years of experience, and the other seven have six or less years of experience.
- Among the deputies, the experience range is from 1 to 28 years. Six have more than 10 years of experience, and 2 of those have more than 20 years. More than half (55%) have less than five years of experience.
- 2 clerks' offices (of 14) are currently staffed less than full time, with only on-call assistance
- 7 clerks' offices (of 14) have only one full time clerk, with only part-time (permanent) deputy assistance; 3 of those have only on-call assistance

- The South Dakota Retirement System states that the average age of employees (not including judges) in the state’s General Retirement Group is 61.60, and the average years of service upon retirement is 21.50.

In terms of experience, the Circuit is fortunate to have a veteran crew working in the clerks’ offices. That good luck will be our bad luck when the time comes for them to leave.

Of course, turnover also plays a role in assessing future needs. Within the past year, the Circuit has had no turnover in the Clerk or deputy clerk positions. This is unusual in light of the tenure of existing staff and how many have not yet reached the full competency, by their own assessment, or under the premise of the UJS compensation system. The pay grades based on a philosophy that most positions require seven years to get to “job worth” of the salary grade, or to be considered as having “fully mastered the position in all aspects.”³⁴ This seems to be in conflict with staff’s self-assessment of their ability, whereby not even the very senior staff felt they were performing much above an intermediate level.

In any event, aside from the calm last year, the three years prior to that were fraught with changes in personnel. This unrest has likely contributed to staff’s feelings of inadequacy. Several factors influenced that turnover, such as health issues, spouse employment changes, and retirement after many years of service, but exit surveys related that some of them were due to other changes going on in the administrative structure at that time. As the following table shows, turnover was significant.

Job Class	Budgeted FTE	Filled Positions	Total # Vacancies in 3 years	Turnover FY03	Turnover FY02	Turnover FY01
Clerks	13.5	14	4	0%	7%	22%
Deputy clerks	15.2	18	11	0%	61%	17%
On-call deputies	4	4	1	25%	40%	17%

Table 2

Under South Dakota’s Retirement System (SDRS), judicial staff is eligible for early retirement when they have reached age 55 and have at least 3 years of membership. Full retirement benefits are payable when the employee reaches the Rule of 85, which is their age plus their years of experience. Our four non-benefited, on-call deputy clerks are not eligible for retirement benefits under the SDRS plan. The following chart shows the number of staff eligible for early or full retirement now and within the next five years.

Classification	Early Now	Full Ret now	Early in 5	Full in 5
Clerks (14 eligible)	1	0	8	3
Deputy clerk (18 eligible)	3	1	6	4

Table 3

Given these possibilities, and the self-assessment results detailed below, the need for a succession plan that prepares staff to move into new positions or to assume increased responsibilities is of paramount importance.

ANALYSIS: Evaluating existing efforts in Workforce Planning and Staff Development

The attention now shifts to an evaluation of what the Circuit is currently doing to train, educate, and develop current staff, and what could be done better. Using areas previously complained of or complimented on, either anecdotally or formally, staff was asked to rate the Circuit’s actions and prioritize efforts for the next year.

The Clerks and deputies were not unified in their evaluations. The clerks indicated that the area needing most attention was integrity, described as the reputation for honesty, fairness and trustworthiness, respect and recognition. Follow-up questions and comments at the meetings revealed that the sticking point was related to pay for deputies.³⁵ Interestingly, this area was rated the third highest by the deputy clerks.

The deputy clerks indicated that the area needing the most attention was achievement of competency. This dimension was described as ability of staff to perform their jobs effectively, timeliness of training, adequacy of documentation, and availability of resources. The clerks also felt this area was low, but it was their third lowest, behind preparedness & initiative, and integrity.

The highest rating for both clerks and deputies was leadership emphasis, described as the emphasis placed on promoting our mission and vision, and setting our priorities according to plans and established goals.

After the meetings, points were assigned to the responses given, so that a comparison could be made between both groups. A summary of those averages is contained in the following table.

<u>Dimension</u>	<u>Deputy Clerks</u>	<u>Clerks (Supervisors)</u>
Leadership emphasis (What emphasis does Circuit place on promoting its mission and looking to the future? Has our mission and vision been clearly communicated? Do you know what our priorities are?)	4.27 (highest)	4.07 (highest)
Performance Standards (What inducements does the circuit have to accomplishing what it wants to accomplish? Are goals established? Are they measurable? Do you know how well we're meeting them?)	3.4	3.9
Responsibility for Resources (Does management honor its responsibility for ensuring staff has what it needs to do its jobs? Do you get by with bare essentials or do you have the latest and best that's available to you?)	3.39	3.57
Staff Development (Does the circuit provide opportunities for staff to learn and feel competent and accomplished? Are PPARs meaningful? Are individual talents being used effectively?)	3.13	3.43

Preparedness & Initiative (Is staff prepared for advanced responsibilities? Do they take an interest in their own personal And professional development?)	4.13	3.07
Integrity (Does management have a reputation for honesty, fairness and trustworthiness? Can you count on them and their word?)	3.40	2.93 (lowest)
Conformity/Diversity (Do established patterns of hiring or promotion influence staff's decisions about applying for vacant positions? Is everyone (customers and co-workers alike) treated fairly and equally?)	3.07	3.71
Competency (Does existing training enable staff to perform their jobs effectively? Is it offered in a timely manner? Is documentation available? Are there other resources available to you to help you perform your job?)	2.80 (lowest)	3.29

Table 4

Establishing a Baseline: Staff's Self-Assessment

The Self Assessment Survey was the initially thought to be able to provide data about staff's current abilities and what level of ability they thought they would need in the future. Partly because the discussion about how their jobs might change in the future did not yield any prospective changes in the areas of competency, a departure from a strict gap analysis model was made. Instead, the plan was for management to set the expectations, priorities, and the acceptable levels of performance within each competency area.

By replacing the second rating area with a measure of degree of consequence, it was hoped that a grid could be developed that would relate ability level and consequence for error. This would presumably point to what kinds of training might best meet the need of staff. For example, if a person felt s/he had a beginner's level of performance (1), but was performing tasks that had a high consequence for error (4), more formal classroom time, supplemented by clear documentation including samples of how to perform the task, might be appropriate. In contrast,

if someone has a higher level of ability (3 or 4) and is performing tasks that have a low consequence of error (1 or 2), this person could be a mentor or trainer for those with less ability, or they could be tagged for potential supervisory positions. Another scenario would place a person with a high ability (4) performing routine low-consequence tasks (1) in danger of leaving due to boredom or lack of challenge.

This could result in a grid somewhat like this:

Consequence (Hi) (Lo)	4	Train often; reinforce concepts Needs direct supervision Coach them; potential problems	Experts, quality control Assign most complex tasks Future leaders, trainers	
	3	Refer to checklists, manuals	Committee members	
	2	New hires; trainees in new areas Need regular checking, supervision Introduce checklists, manuals	Need to challenge, stretch Can develop forms, checklists Cross-training candidates; resources	
	1	Give repetitive tasks	Danger of boredom	
	1	2	3	4
	(Lo)	Level of Ability		(Hi)

Figure 7

While the concept seemed sound at the time of design, and it could work in an office with more than just a couple of staff, it proved to be illogical for a small, one-person office. In such offices, of which there are six in this Circuit, there is no option for direct daily supervision, nor to control the public’s presentation of high-consequence tasks to the Clerk for resolution. The reality in a rural office is that after the initial training on the statewide uniform case information system and financial management software applications, the training is primarily achieved on the job. Each circuit is left to its own to plan any mentoring or sponsor-type relationship. In this Circuit, an informal mentor assignment has been used to assist a new Clerk for the first few weeks on the job, but because of their own daily responsibilities, much of this buddy-assist is reduced to long-distance support.

While training is required before lay magistrates are to take office it is customary for this to be waived in view of the fact that training is only offered once a year, usually in the spring in conjunction with the annual Clerk Institute. The new Clerk is essentially left alone with a telephone, email, and a few procedures manuals, to face high consequence tasks with very low level of ability.

Another flaw with this proposed grid is that the Self Assessment Surveys were designed to provide anonymity; thus, there is no way to know who belongs where in this scheme. The author believes that if the proposed matrix were used in conjunction with period individual self assessments, a better system could be developed for education of a new hire. This avenue should be explored further, possibly as a charge to the professional development committee recommended elsewhere in this paper.

Thus, it is the author's opinion that such a model is useful in illustrating the need for succession planning. Ideally, a new staff person would come into the system performing tasks with low consequence until proficiency was gained, and then would move to progressively more complex and higher consequence tasks. If the primary pool of candidates for Clerk positions was deputy clerks, those with experience, the transition would most likely be more smooth, creating less tension for the Clerk and lowering the exposure for the Circuit (and the public) for errors made by inexperienced staff.

Clearly, no career path could or should lead one progressively through all four quadrants of this proposed grid. The goal is to provide what each person needs in terms of training, documentation, or supervision at appropriate times, while simultaneously balancing the court's needs. To accomplish this, there needs to be acknowledgement that our current replacement

practices need to be replaced with a succession plan that contains a career path component as well as a method to identify and address individual needs.

In fact, the author tried to predict where staff would land by plotting the coordinates for each competency, using the average performance ability ratings and degree of consequence from the Self-Assessment Surveys. The result was that the majority of Clerks and deputy clerks in this Circuit would place themselves in the mid-ability/low consequence quadrant. This author believes this to be a false placement, however, based on the fact that staff did not rate any given area of competency as having high consequence. There were individual tasks that were rated a 3 or 4, but when the tasks were grouped together as one competency, average scores were all less than a 3. This points to a need for further understanding by staff of what carries high consequences. It also highlights the difficulty discovered in analyzing the data, the need for an improved performance rating scale, and multiple uses for the resulting data.

Still, some generalizations can be made of which competencies need attention in future training or are in need of improved documentation.

Overall, the ability ratings by the Clerks ranged from a low of 2.58 to a high of 3.3, indicating that no one feels particularly unsure, still at a beginner's level (0, 1), or is performing at the master level (4) for any competency area, although there are particular tasks within the competency field that clerks rated from 1 to 4. The following figures show and compare the areas of most and least ability as rated by the Clerks and by the deputies. The first is based on an average of the scores tallied from the surveys, and the second is a narrative summary of those results.

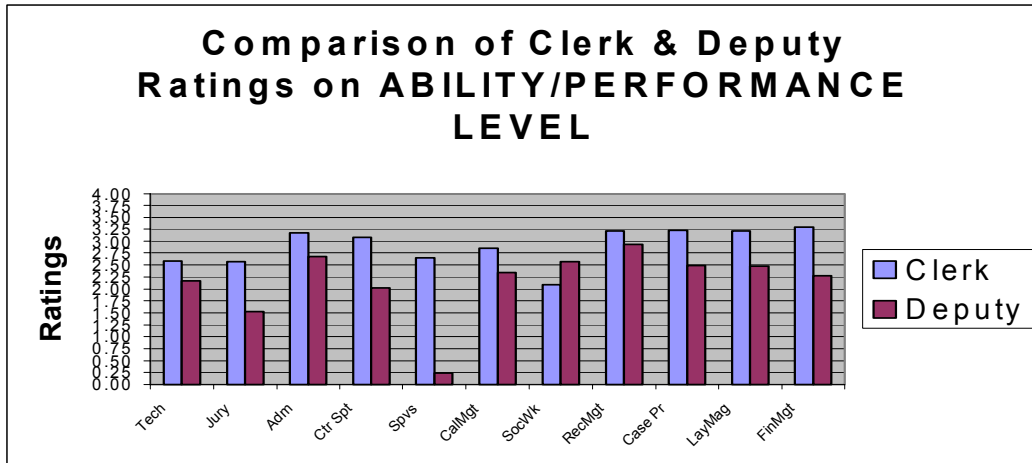


Table 5

	Highest ability	Lowest ability
Clerks	Financial management Case processing Lay magistrate duties	Jury management Technology Supervision
Deputies	Records management Administrative matters Social work (non-case work)	Supervision Jury management Courtroom support

Figure 8

In addition to overall groupings by job class, the results were categorized by office size and experience. The author found that there was little variation in what staff felt competent about based on either of those categories. There was some measurable difference in the actual ratings numbers between clerks and deputies, indicating that Clerks generally rated their performance abilities higher than the deputies did. (See full results are contained in the end materials as F and G).

In terms of what competency areas staff perceives to be of higher consequence than others, there was more distinction between clerks and deputies, as illustrated by this summary:

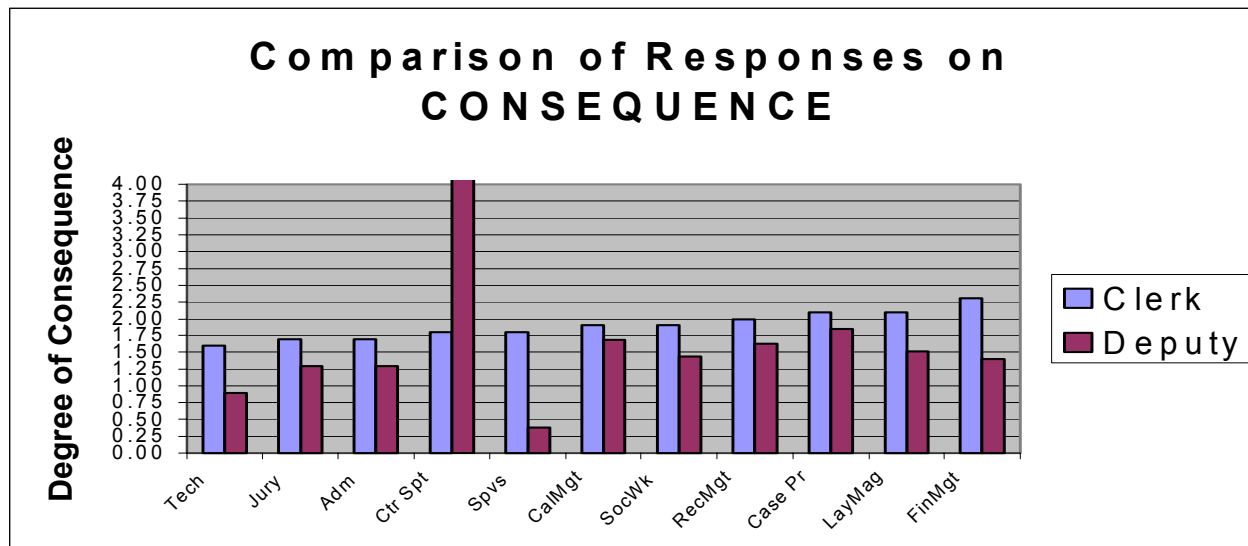


Table 6

	Highest Consequence	Lowest Consequence
Clerks	Financial management Lay magistrate duties Case processing	Technology Jury management Administrative matters
Deputy clerks	Courtroom support Case processing Calendar management	Supervision Technology Administrative matters

Figure 9

Although several findings could be made from the results of the Continuum exercise and the Self Assessment Survey, one other significant point warrants further discussion. This is the perception of the Clerks and deputies that their jobs are essentially identical except for the supervision competency.

Clerk and Deputy Competencies

During the development of the competency wheel for the clerk’s office, both clerks and deputies stated that they felt the competencies should be the same for their classifications, with the exception of the area of supervision. This author can agree that, in theory, the jobs are quite

similar. Very often in the smaller offices, the deputy acts as the clerk when the clerk is absent. However, in practice, there are clear limitations of a deputy.

For example, in nine of the 14 counties in this Circuit, only the Clerk performs the function of courtroom support during hearings and trials. Usually, a Clerk will schedule personal time off around the judge's court schedule. In the event a Clerk does happen to be absent on court day, another Clerk is brought in to cover the courtroom work rather than the deputy performing that function. Similarly, with respect to financial management in those small counties, the deputy is not authorized to sign checks for bond refunds or to make the mid- and end-of-month disbursements. In the larger counties, those with at least one full-time deputy, there is less distinction in these functions, but there is still a definite hierarchy of authority. Also, it is the Clerk who is ultimately responsible for all the office operations, including errors made by subordinate staff.

These distinguishing characteristics are borne out in the Self Assessment Survey. With the exception of Technology, which Clerks and deputies alike describe a fairly low level of ability, the deputies report less ability in the areas of supervision, jury management, courtroom support, and financial management. Furthermore, the Deputy clerks used the ability rating of 0 much more than Clerks did; Clerks rarely reported a 0 rating. This rating equates to a task that was not applicable to the respondent, or they were not sure of their ability. Since these are the areas that Clerks primarily perform, this is noteworthy. A career path program should give priority attention to developing skill among the deputies, and building strength among the Clerks, in these areas.

Responses to Open-ended Questions

Following the survey's ratings section, seven open-ended questions were asked of staff. The responses provided information from an individual perspective of task difficulty and seriousness, changes needed, personal strengths and weaknesses, pressing issues, and ways for staff to attain higher levels of competency.

The first question asked was, what are the three most difficult tasks to be performed in the clerk's office. With 31 total different responses, both the Clerks and the deputies consistently said that the most difficult things were to deal with the public and provide them with information, process appeals, and prepare for jury trials. Other responses included handling the changes that have occurred and remembering how to perform all the many tasks that are possibly requested of them.

The next question asked what were the three most critical tasks, those having the most serious consequences if not performed correctly. Twenty-seven different responses were given, but there was unanimous consent that the most serious task was to properly process warrants, followed by civil judgments, appeals, and protection orders.

The third question asked what three things they would like to see changed. Forty individual responses were given, falling within six broad categories: public perception, technology, training, organizational efficiency, case processing tasks, and pay scales. On public perception, the biggest change was to provide printed information and forms for the public to use. This is a suggestion that the Circuit has already responded to, by developing general information brochures for distribution at the courthouses and public libraries.

On technology, the requests were for improved applications, such as a database for civil judgments or development of merge forms. In the area of training, which had the most requests,

there was a demand for more printed documentation on procedures and generally more learning opportunities. Organizational efficiency changes requested were related to personal work space, staff meetings, and more uniformity from county to county, circuit to circuit, across the state. This Circuit has also addressed the uniformity issue by publishing a monthly Question & Answer bulletin called FYI Notes, by which all procedural questions asked during the month by individual clerks (and which have been privately responded to at the time of inquiry) are answered for the benefit of all other staff in the circuit. Additionally, opportunities to visit or work in other counties (for example, during someone's maternity leave, or while someone else is attending a meeting) have been provided. Of the fourteen Clerks, all but one has been able to participate in this travel duty at some point in the last three years, and that one has been host to a visiting Clerk.

In the area of case processing, the suggested changes involved removing some responsibilities from the Clerk's office, such as performing weddings, processing passport applications, and preparation of judgments of conviction. Others wanted to increase clerk roles to include setting more bonds, appointing attorneys, and taking guilty pleas. The last area of change is to improve the pay scale, particularly for the deputy clerks or in comparison to neighboring county officials. This discussion has been ongoing and continues to generate discussion at quarterly Clerks' meetings and Judges' meetings within the Circuit.

The next area asked for the responder's personal strengths; 38 different strengths were offered in response. Just over half of the clerks responded that they thought their knowledge of the job was their greatest strength (7/13 replies), followed by patience (4/13), ability to interact with customers (4/13), and organizational skills (4/13). Deputy clerks replied that their skill in being accurate was their top strength (7/21 replies), followed by their adaptability (6/21),

dedication (3/21), and knowledge of the job (3/21). Other responses common to both clerks and deputies were understanding, dependability, and interaction with customers. Should a succession plan be adopted, this information will be useful for evaluating potential program candidates.

This question was followed by a request to list the personal weakness they most needed to manage. Nineteen different weaknesses were reported out of 31 total responses; some people listed more than one weakness. Procrastination (5/13) was at the top of the list for clerks, followed by computer skills (3/13). The deputies were more homogeneous, with lack of confidence and assertiveness the area deputies felt was their weakness (7/21). Other weaknesses listed were communication skills, personal organization, time management, stress management, and “putting up with stupidity.”

The responders were then asked to list what they thought was the most pressing issue facing the clerks’ offices in our circuit, and what should be done about it. Thirteen issues were offered, the lowest variety of responses, but 39 total answers, the most responded-to question. However, almost no one had a suggestion or solution to offer. More Clerks thought that balancing the workload between small and large offices needed to be addressed (5/13), followed by integrating and using technology (4/13) and staff morale and pay (4/13). The deputies replied that inadequate security (6/21) was the most pressing issue, followed by the public’s changing expectations of the clerk’s office (5/21), and use of technology (3/21). Other replies included job security, particularly in smaller offices with declining caseloads, and the financial status of defendants that result in low collection rates by the courts.

The final question asked was the three best ways, in order of priority, to address the objective of attaining job competency. A list of ten suggestions, previously generated by clerks from across the state, was provided. Responders were also invited to add their own suggestions.

Some responders simply checked three items; some ranked the top three; and others ranked every item from 1 to 10.

The overwhelming number 1 priority by both clerks and deputies was to develop and maintain more reliable documentation, in the form of manuals and checklists (17 responses, 44 points). The number 2 priority was to increase the number of training sessions from the one mandatory program currently offered (13 replies, 29 points). The number 3 priority was to allow offices to close so all staff could attend training (12 replies, 24 points). This was followed by the establishment of an education committee of clerks and deputies to assist in educational programming (10 replies, 18 points). The next priority was to provide incentives or financial rewards for furthering education on one's own (10 replies, 14 points). Many of these solutions are possible to achieve at the Circuit level, but some will have to have Supreme Court approval, such as closing of offices or providing financial rewards. However, for those that can be addressed locally, this Circuit continues to be responsive to its staff. This author has drafted a Survivor's Guide for new employees and a Mini Manual to supplement the statewide software application manuals and code books. Annual statewide training programs have been supplemented with Circuit programs. This author believes that a professional development committee at the statewide level is long overdue, but also sees the benefit of having a Circuit-level committee to work on programs that reflect our specific needs. This committee will be established at the start of the next fiscal year.

The survey concluded with two brief questions on office size and experience level of the responder. While there was an occasional anomaly, for the most part, there was no marked difference in perception of ability level or degree of consequence based on either of those categories. This may be due to the fact that so many changes have taken place over the past

three to four years, with the implementation of automated processes and increasing technology, as well as circuit boundary changes and administrative structure, that perhaps most of the staff feel the playing field has been leveled and they are starting another season. Keeping in mind that thought, the following conclusions are offered.

Summary of Findings

The primary objective of this project was to determine how well prepared the 3rd Circuit is to put the right people into the right jobs at the right time. This required an investigation into the court's needs, now and in the future, and how those needs could be matched up with the shifting needs of current and future employees.

The first exercise, the Workforce Planning and Staff Development Continuum exercise, revealed that the current staff, particularly the Deputy Clerks, think that current training is not sufficient to allow them to feel as accomplished, knowledgeable, and prepared as they would like. There is agreement among Clerks and Deputies that existing training is not offered in a timely manner, and documentation is not reliable. Thus, the learning curve is long and steep. This is consistent with the results of the Self Assessment Survey,

The Continuum exercise also showed that staff does not feel well prepared for advanced responsibilities or to assume new positions, although deputies feel more ready than Clerks to move into advanced positions. There is a perception that employee diversity is an issue, with not enough representation of the people we serve.

At the same time, both Clerks and deputies agree that the Circuit does a good job of promoting its mission, looking to the future, and clearly communicating its goals. Therefore, there is a great likelihood that Clerks and deputies would accept adoption of a workforce plan.

The Self Assessment revealed that the clerks and deputies in the 3rd Circuit feel adequate to perform their jobs, but they do not consider themselves especially proficient or confident about their responsibilities. Furthermore, their perception of what is a serious consequence is open to interpretation. What seems to be missing is a standard that defines the point of acceptable level of performance. Without this definition, we leave ourselves open to differing levels and methods of service, a bottom line of competence above which no one is motivated to rise above, and the potential for real error due to inadvertence.

This is also reflected by the indication that learning and movement through the system is undefined, particularly as it applies to one-person offices. The relationship between ability and consequence indicates that we are placing low ability clerks into high consequence situations. What we should be doing is moving low ability to higher abilities before holding clerks responsible for high consequence matters.

The next, and last, section of this paper contains the author's recommendations for the Circuit regarding action to take in response to the aforementioned results. The Appendices following that contain background data on the specific jobs covered by this study, as well as the raw data generated by the exercises and survey.

CONCLUSION

This paper examined how well the work force of the Clerk of Courts offices in the 3rd Circuit is prepared for future job requirements and how ready they may be to assume leadership and other key roles. The initial objectives were to:

- (1) establish the knowledge, skills and abilities of a competent clerk;
- (2) communicate those competencies expected of clerk of court staff;
- (3) assess the current ability level and aggregate skill level of our workforce;
- (4) identify any gaps in either certain competencies, or among certain job classifications, but not of individuals; and
- (5) develop strategies for closing the gaps.

As a result of the exercises developed to accomplish these objectives, some adjustments were made during the course of the study. This involved mainly the departure from a strict gap analysis of current versus future needs, to establishing a framework for evaluating individual performance versus organizational performance. Thus, the following products were generated:

- A mission statement for clerk of court offices
- A prioritization of circuit efforts toward staff development
- A competency model defining the roles of clerks and their deputy staff, and
- A self assessment by clerks and their deputy staff of their current performance ability and perceptions of consequence of error.

Therefore, this project not only met its objectives, it exceeded expectations. Where it was thought that some version of a numerical gap analysis would direct our future planning efforts, it was discovered that assumptions by management and staff had to be opened wide and realigned. The project proved that by preparing to systematically develop the next generation of

leaders, the court as an organization was also enhanced through the systematic development of key components that will impact effectiveness.

The author concludes that succession management is feasible and desirable as a method of achieving continuity and stability in administrative operations for the Third Judicial Circuit. Furthermore, the by-products of the study – the mission statement and the competency wheel model – establish a solid foundation for other organizational objectives.

Recommendations

This study revealed that there could be several ways to use the tools developed herein and the results generated by them. It also underscores the importance of directing educational programming toward building skill and knowledge, and improving daily performance. This presumes that the Circuit leadership will continue its communication of acceptable levels of ability for each competency, and its measurement of performance for the Clerks and deputies. Accordingly, the author offers two recommendations for consideration.

First, a professional development committee of Clerks and deputy clerks should be appointed. Their charge would be to coordinate educational sessions and develop growth opportunities within the Circuit, supplemental to the states' annual programs. Particular emphasis should be placed on the need to identify training tracks for beginner, intermediate or average, and above-average performers. Using the Self Assessment Survey results as a broad guide, a method should be endorsed for re-evaluating all staff performance on an individual basis to determine who is best suited for what types of performance-based training.

Simultaneously, the professional development committee should consider expanding the training tracks to a career path for staff. This would provide a guide for increasing performance levels and establishing incentives for the added asset value of skill, strength, and experience in

each area of competency. This author believes that staff would be motivated to accept personal responsibility for development and be invigorated to become involved in future succession management plans.

Second, a formal succession management initiative should be adopted and announced by the Circuit. Based on the considerations previously outlined, the following recommendations are offered for such a plan.

1. **Direction.** A combination approach is recommended. This would include executive decision making at the Circuit level, involving the Circuit Presiding Judge and Circuit Court Administrator. Current and future competency and performance should be addressed in this approach, with the setting of standards and expectations for acceptable levels of attainment by staff.

2. **Timing.** The Third Circuit's succession plan should be an ongoing, continuous program that is regularly evaluated and adjusted. Everyone who interested in the succession management program should be encouraged to become involved in individual career planning and contributing to their own improvement.

3. **Formality.** The program should be formal, and changes should be planned and transitions managed. The succession plan should be incorporated into the Circuit's mission and vision statements. Staff should be openly and honestly encouraged and expected to take on increasingly complex and responsible positions.

4. **Scope.** The program should be initially directed at the Clerks and deputy clerks. The number of staff involved is manageable, and well suited for early success, given the possibility of turnover in the next few years. The program could be easily expanded to other units within the Circuit as the program evaluations show accomplishments.

5. Dissemination. The program should be publicly announced and promoted. All clerk staff should be advised of its implementation and how to get involved. Requirements for remarkable performance should be openly stated. Staff should be advised, though, that while all may apply, not all will be chosen for selective opportunities. Those who exhibit interest will also need to demonstrate ability to be considered a preferred candidate.

6. Finally, the program should be open and voluntary. The needs of the Circuit should be honestly stated, and staff needs to understand that the goal of the program is to balance the Circuit's needs with individual needs. Potential candidates may be selected from referrals by supervisors or co-workers/colleagues, or may volunteer, but all interest will be verified. Participation should not be mandatory, and those who defer at any given time should be encouraged to restate their interest if their circumstances or preferences change. Relocation should not be required but may be an option, especially with the small town venues, and it should be clear that declining an offer for a successive promotion would not inhibit future promotion opportunities.

With the adoption of these recommendations, the Circuit's goal to groom future leaders and develop a court environment that is responsive to the changing needs around us, has every chance to be achieved.

Advice for the reader.

There are two things that the author would change if this project were freshly undertaken. First, the survey format was quite extensive. A shorter survey, limited to perceptions of ability, could provide the basis of the skills analysis, and would be a logical repeat tool to measure change at future points in time. The additional request for perceptions of consequence of error provided some insights for the author but seemed to not meet the earlier goal of establishing a

usable method of addressing low levels of ability. There was no obvious correlation between ability and consequence, other than the differences in the perceptions between Clerks and deputies and the Administrator. This created some confusion and frustration when the survey results were being analyzed, although it signifies the need for further discussion with staff and definitely graphically illustrated the flaws in our current staff replacement strategies. The matrix identified on page 48 would be useful on an individual basis, rather than from an organizational perspective. Therefore, use of the dual ratings on the surveys was premature. The survey initially could be administered with only performance ability ratings, and then when it was time to work on a personal basis, the consequence data could be worked in to provide clarity in determining order of training programs, need for supervision, and staff motivation or stimulation.

The second piece of advice offered is to consult a database expert to assist with the recording and reporting of survey results. In the author's small office, which is supported by one administrative secretary, this skill was not readily available. Therefore, tedious manual processes were used for this function, which added to the pressure of producing readable results within the time set aside for the purpose of this project. Assistance would have allowed for more consistent attention to the analysis function. That is not to say, though, that the research could not be assessed without this help. An alternative would be to make sure that plenty of time is allocated for this step.

Implications for Further Study

One significant piece of research that would supplement this study is the development of a method for evaluating leadership or development potential of individuals and assessing their personal interest in a succession program. This author has recommended that a professional development committee be formed to design educational programming and assist in defining a

career pathway for clerk staff. A logical extension of that work would be to investigate best practices into the performance review process for a way to identify potential candidates for the succession program.

End Notes

-
- ¹ The Third Circuit is one of seven judicial circuits in the Unified Judicial System of South Dakota, and it is the second largest of the seven circuits in terms of population. A map of the seven circuits in the state can be found in the end materials as Attachment M.
- ² “As the Labor Market Churns,” South Dakota Labor Market Bulletin; February 2001; <http://www.state.sd.us/dol/lmic/bartlabormarkshurnshtm.htm>
- ³ Interview with Dan Schenk, Director of Personnel and Judicial Education, Unified Judicial System of South Dakota, Pierre, South Dakota, Dec. 18, 2003
- ⁴ Martin, John and Brenda Wagenknecht-Ivey, “Courts 2010: Critical Trends Shaping the Courts in the Next Decade,” *The Court Manager* (Vol 15, No 1, 2000), 6, at 6-12.
- ⁵ Rothwell, William J. *Effective Succession Planning*. 2d ed. 2001, New York: AMACOM, 5-7 (as quoted in *JERITT Monograph Thirteen*, East Lansing, MI: The Judicial Education Reference, Information and Technical Transfer Project, 2002, p 61)
- ⁶ “Workforce Planning in Washington State Government” Department of Personnel, October 2001 <http://www.wa.gov/dop/workforceplanning>
- ⁷ Ellis, Kristine, “Making Waves,” *Training Magazine*, June 2003, p 16, reporting research by Manchester Consulting
- ⁸ Conner, Maureen, “An Integrated Education and Training Approach to Court Leadership and Management,” *JERITT Monograph Thirteen*, East Lansing, MI: The Judicial Education Reference, Information and Technical Transfer Project, 2002), 45
- ⁹ Feeney, Sheila Anne, “Developing a New Generation of Public-Agency Leaders,” *Workforce Management*, November 2003, pp. 78-80; <http://www.workforce.com/archive/feature/23/55/53.index.php>
- ¹⁰ *JERITT Monograph Thirteen*, Developing a Court Leadership and Management Curriculum, 61-62.
- ¹¹ *JERITT Monograph Thirteen*, Developing a Court Leadership and Management Curriculum, 44-45.
- ¹² *JERITT Monograph Thirteen*, Developing a Court Leadership and Management Curriculum, 62-63.
- ¹³ “Workforce Planning in Washington State Government” Department of Personnel, October 2001 www.wa.gov/dop/workforceplanning
- ¹⁴ “Replacement Planning versus Succession Planning,” *Workforce*, Dec 2001, p.38; <http://www.workforce.com/section/00/feature/22/97/54/229757.html> printed 4/1/03; quoting William C. Byham, CEO of Development Dimensions International.
- ¹⁵ Mergen, Catherine, as quoted in Workforce-HR Trends & Tools for Business Results, www.workforce.com, 20 Nov 03 dearworkforce@email.workforceonline.com
- ¹⁶ AICPA, The CPA Letter, Dec. 1997: Core Competencies are Critical to Competitive Success
- ¹⁷ Bergenhenegouwen, G.J., HFK ten Horn, and EAM Mooijman. Competence Development – A Challenge for HRM Professionals. *Journal of European Industrial Training*, Sept 1996, vol 20, n9, p 29
- ¹⁸ Nitzel, Paul, Director of Human Resources for Case Corporation, personal interview, March 2, 1999.
- ¹⁹ Davis, Stan, “Competencies for Performance Improvement.” American Society for Training and Development, Alexandria, Virginia, 1998.
- ²⁰ State of Kansas Competency Model, Department of Administration, Division of Personnel Services; <http://da.state.ks.us/ps/subject/comp>
- ²¹ Allee, Verna. 12 Principles of Knowledge Management, Training & Development, Nov 1997, Vol 51, N11, p 71
- ²² DeCenzo, David A. and Stephen R. Robbins. *Human Resources Management*, 5th Ed., John Wiley & Sons Inc. 1996, p 368
- ²³ Clifton, Donald and Paula Nelson. *Soar With Your Strengths*. Dell Publishing, New York 1992, p 11, 23, 72-73.
- ²⁴ Queeney, Donna S., “Needs Assessment” in *Adult Education Perspectives for Judicial Education*, produced by JEAP (Judicial Education/Adult Education Project), Diane Tallman editor; Georgia Center for Continuing Education, Uof Ga, Athens published by Georgia Center for Continuing Education, University of Ga 1992 (p.3.7)
- ²⁵ Zemke, Ron, “Putting Competencies to Work,” *Training Magazine*, Jan 1999
- ²⁶ The UJS Performance Planning And Review document (PPAR) is a South Dakota Supreme Court-approved form. All employees are subject to annual written evaluations of their professionalism, work, and optional factors determined by their immediate supervisor pursuant to Rule 7.1 of the UJS Personnel Rules, revised July 1998. Circuit Court Administrators developed standard performance expectations for each criteria listed on the form.

Ratings used are Excellent, Proficient, or Marginal. A copy of the PPAR form for Clerks is attached as N, and for the deputy clerks as O.

²⁷ “Workforce Planning in Washington State Government,” Department of Personnel, October 2001; <http://www.wa.gov/dop/workforceplanning>

²⁸ This included data maintained by or readily available to the author from standardized UJS personnel reports, internal staffing studies used for determining statewide FTE need, and caseload reports, as well as the annual reports of the South Dakota Retirement System, labor projections of the South Dakota Department of Labor, and the population data of the United States Census Bureau.

²⁹ Court Clerk’s Staffing Standards Study for the South Dakota State Court Administrator’s Office, Final Report, October 1998, National Center for State Courts; and V. Flango and B. Ostrum, *Assessing the Need for Judges and Court Support Staff* (National Center for State Courts, 1996)

³⁰ *The Court Manager*, National Association for Court Management (NACM), 2003, Vol 18 Issue 2, p6-10

³¹ Brenda Wagenknecht-Ivey, president of Praxis Consulting, Inc. of Denver, Colorado, graciously assisted the author in the design phase of the self assessment survey tools.

³² In 2000, the state changed circuit boundaries, increasing the size of the 3rd Circuit by five counties, to 14. For comparison purposes, only data from that point forward has been used. Also, the totals of clerk FTEs does not equal those participating in this project, as some positions are only part-time.

³³ State Profiles: The Population and Economy of Each US State, 2nd Ed. 2002, ed. Helmut F. Wendel; South Dakota Department of Labor, <http://www.state.sd.us/dol/lmic/> June 2003 Labor Bulletin; US Census Bureau, Census 2000, <http://www.census.gov/sdc/>; US Bureau of Labor Statistics, “Household Data Annual Averages: Employed Persons in Nonagricultural Industries by Age, Sex, and Race,” Jan 1998

³⁴ Schenk, Dan, Director of Personnel and Judicial Education for the Unified Judicial System of South Dakota; personal interview December 18, 2003

³⁵ A state-level review of the UJS classification system resulted in some positions being reclassified upward, but not deputy clerks positions, and no pay was associated with any movement. Furthermore, there is lingering frustration with what is perceived to be a limited career path and an inability to gain salary increases once someone has reached midpoint of the salary grade. The matter has been considered by the Supreme Court, but the result was that no action would be taken at this time. It is this author’s opinion that implementation of a career path as part of a succession management plan would address this matter.

Bibliography

- AICPA, The CPA Letter, Dec. 1997: Core Competencies are Critical to Competitive Success
- Allee, Verna. 12 Principles of Knowledge Management, Training & Development, Nov 1997, Vol 51, N11, p 71
- Bergenhengouwen, G.J., HFK ten Horn, and EAM Mooijman. *Competence Development – A Challenge fro HRM Professionals*. Journal of European Industrial Training, Sept 1996, vol 20, n9, p 29
- Byham, William C. , quoted in “Replacement Planning versus Succession Planning,” *Workforce*, Dec 2001, p.38; <http://www.workforce.com/section/00/feature/22/97/54/229757.html> printed 4/1/03
- Clifton, Donald O. and Paula Nelson. *Soar With Your Strengths*. Dell Publishing, New York 1992, p 11, 23, 72-73
- Conner, Maureen, “An Integrated Education and Training Approach to Court Leadership and Management,” *JERITT Monograph Thirteen*, East Lansing, MI: The Judicial Education Reference, Information and Technical Transfer Project, 2002), 45
- Court Clerk’s Staffing Standards Study for the South Dakota State Court Administrator’s Office, Final Report, October 1998, National Center for State Courts; and V Flango and B. Ostrum, *Assessing the Need for Judges and Court Support Staff* (National Center for State Courts, 1996)
- DeCenzo, David A. and Stephen R. Robbins. *Human Resources Management*, 5th Ed., John Wiley & Sons Inc. 1996, p 368
- Donovan-Wright, Mary Anne, quoting William Rothwell, “How to Capitalize on Competencies,” *Workforce online*, September 2002; <http://www.workforce.com/archive/feature/23/31/50/index.php>
- Ellis, Kristine, “Making Waves,” *Training Magazine*, June 2003, p 16, reporting research by Manchester Consulting
- Feeney, Sheila Anne, “Developing a New Generation of Public-Agency Leaders,” *Workforce Management*, November 2003, pp. 78-80; <http://www.workforce.com/archive/feature/23/55/53.index.php>
- Martin, John and Brenda Wagenknecht-Ivey, “Courts 2010: Critical Trends Shaping the Courts in the Next Decade,” *The Court Manager* (Vol 15, No 1, 2000), 6, at 6-12
- Mergen, Catherine, as quoted in *Workforce-HR Trends & Tools for Business Results*, www.workforce.com, 20 Nov 03 dearworkforce@email.workforceonline.com

New York State Department of Civil Service and New York State Governor's Office of Employee Relations, *Our Work Force Matters*, September 2001;
<http://www.goer.state.ny.us/workforce>

Nitzel, Paul, Director of Human Resources for Case Corporation, Fargo, ND, personal interview, March 2, 1999

Queoney, Donna S., "Needs Assessment" in *Adult Education Perspectives for Judicial Education*, produced by JEAP (Judicial Education/Adult Education Project), Diane Tallman editor; Georgia Center for Continuing Education, Uof Ga, Athens published by Georgia Center for Continuing Education, University of Ga 1992 (p.3.7)

Rothwell, William J. *Effective Succession Planning*. 2d ed. 2001, New York: AMACOM (as quoted in JERITT Monograph)

Schenk, Dan Director of Personnel and Judicial Education, Unified Judicial System of South Dakota, Dec 18, 2003

South Dakota Labor Bulletin, *As the Labor Market Churns*, February 2001;
<http://www.state.sd.us/dol/lmic/lbartlabormarkchurnhtm.htm>

State of Kansas Competency Model, Department of Administration, Division of Personnel Services

State Profiles: The Population and Economy of Each US State, 2nd Ed. 2002, ed. Helmut F. Wendel; South Dakota Department of Labor, www.state.sd.us/dol/lmic/ June 2003 Labor Bulletin

The Court Manager, National Association for Court Management (NACM), 2003, Vol 18 Issue 2, p6-10

US Census Bureau, Census 2000, www.census.gov/sdc

US Bureau of Labor Statistics, "Household Data Annual Averages: Employed Persons in Nonagricultural Industries by Age, Sex, and Race," Jan 1998

Zemke, Ron, *Putting Competencies to Work*, Training Magazine, Jan 1999

APPENDICES

		Page
A	Job Description: Clerk of Court/Magistrate I	A-2
B	Job Description: Clerk of Court/Magistrate II	A-6
C	Job Description: Deputy Clerk of Court/Magistrate	A-10
D	Lay Magistrate Duties in 3 rd Circuit	A-14
E	Third Judicial Circuit Organizational Chart	A-17
F	Competency Model for Clerks of Court Office staff and descriptions of competencies	A-19
G	Knowledge, Skills, and Abilities required under Competency Model	A-22
H	Self Assessment Survey tool	A-24
I	Results of Self Assessment Survey: Clerks	A-35
J	Results of Self Assessment Survey: Deputy Clerks	A-52
K	Cover letter for survey tool	A-62
L	Results of Workforce Planning and Staff Development Continuum	A-64
M	Map of 7 judicial circuits in South Dakota	A-66
N	Performance Planning and Review Document for Clerk of Court positions	A-68
O	Performance Planning and Review Document for Deputy Clerk positions	A-75
P	Agenda for meetings with clerks	A-81

APPENDIX A
JOB DESCRIPTION: CLERK OF COURT/ MAGISTRATE I

**UNIFIED JUDICIAL SYSTEM
POSITION DESCRIPTION**

COURT CLERK MAGISTRATE I

Class Code: 99-12-11

POSITION PURPOSE

The clerk of court has the ultimate responsibility of maintaining the official court record. They shall ensure that the clerk of court office operates efficiently and in accordance with the rules and regulations set by the circuit court and South Dakota statutes.

DISTINGUISHING FEATURES

The incumbent is required to supervise up to 3 people.

NATURE AND SCOPE

FUNCTIONS

Note: The duties listed are typical examples of work performed by positions in this job classification. Not all duties are included, nor is the list inclusive.

- Provides work direction and supervision for the deputy clerks.
- Maintains complete bookkeeping records of all monies collected; records support payments; maintains accounts receivable and restitution payments; compiles end of month reports on transactions and monthly statistic reports; makes daily deposits and submits money to County Treasurer.
- Performs technical clerical work in the areas of probate, small claims, criminal, civil, juvenile, guardianships or adoptions, etc.
- Reviews legal documents for completeness, adequacy, and accuracy; determines processing required and takes necessary action in accordance with court rules.
- Files and indexes documents on any new or ongoing action for Civil, criminal, probate, juvenile, adoption, mental illness, child surrenders, juvenile habeas corpus, guardians, domestic protection, stalking and abortion by pass cases
- Responsible for preparation of all appeal files

- Enters and processes traffic tickets issued by the state, county and city law enforcement officers.
- Fixes bonds and assigns court appointed attorneys for indigent persons.
- Serves as clerk magistrate for Class 2 misdemeanors: Holds initial appearances, preliminary hearings on class 1 misdemeanors, bond hearings, sets bonds, sentences on Class 2 misdemeanors. Issues warrant for failure to appear or failure to pay and notify defendants of non-compliance of traffic tickets. Prepares restricted driver permits.
- Performs wedding ceremonies
- Schedules court dates and attend court hearings.
- Processes small claims cases from taking the complaint, mailing the notices, scheduling the hearing, transcripts, change of venues, docketing the judgments and issuing executions.
- Selects master jury panels, jury term panels and trial panels. Sends out notices to jurors and manages the jurors when reporting. Administers the oath and assisting during the voir dire and clerk's jury trials.
- Answers all general correspondence and complaints from the public or other court staff, picks up mail.
- Supervises employees to ensure that office procedures are carried out according to proper procedures, completes performance evaluations and trains new employees.
- May process passports

Subordinate Functions

Subordinates typically reporting to this position are deputy court clerk I and bailiffs.

Challenges

The incumbent is challenged to manage office personnel and solve personnel problems and ensure that office documents are kept in an efficient and orderly system

Typical problems encountered by the incumbent include resolving personnel differences, personnel questions assisting pro se litigants, dealing with difficult public and assisting and answering questions from attorneys and judges.

Control on Actions

The incumbent decides appropriate payment plans for defendants, sets appropriate bonds for defendants, orders fines and costs on Class 2 misdemeanors and sets or reschedules court appearances. The incumbent also has the responsibility to do performance appraisals for subordinates and initiate disciplinary actions.

Contact with Others

The incumbent has daily contact with state's attorney's offices to discuss filings, dismissals, court hearings; the sheriff's office to check warrants and in custody prisoners; judges and court staff to discuss case problems and with the public to answer questions and file pro se cases.

Working Conditions

The incumbent works in a typical office environment.

Performance Measurement

Performance is measured by accuracy of duties completed and feedback from co-workers, attorneys, judges, and the public.

QUALIFICATIONS FOR APPOINTMENT

Knowledge, Skills and Abilities

- Knowledge of principles and practices of accounting, bookkeeping, office management, court procedures and policies and legal terminology.
- Ability to work with computers and communicate effectively both orally and in writing.

Education

Graduation from high school or possession of a GED certificate.

Experience

One year of experience in office management or equivalent combination of education and experience.

Principal Accountabilities

APPENDIX B
JOB DESCRIPTION: CLERK OF COURT/MAGISTRATE II

**UNIFIED JUDICIAL SYSTEM
POSITION DESCRIPTION**

COURT CLERK MAGISTRATE II

Class Code: 99-12-12

POSITION PURPOSE

The clerk of court has the ultimate responsibility of maintaining the official court record. They shall ensure that the clerk of court office operates efficiently and in accordance with the rules and regulations set by the circuit court and South Dakota statutes.

DISTINGUISHING FEATURES

The incumbent is required to supervise a staff of 4 to 8 people.

NATURE AND SCOPE

FUNCTIONS

Note: The duties listed are typical examples of work performed by positions in this job classification. Not all duties are included, nor is the list inclusive.

- Provides work direction and supervision for the deputy clerks working under the clerk.
- Maintains complete bookkeeping records of all monies collected; records support payments; maintains accounts receivable and restitution payments; compiles end of month reports on transactions and monthly statistic reports; makes daily deposits and submits money to County Treasurer.
- Performs technical clerical work in the areas of probate, small claims, criminal, civil, juvenile, guardianships or adoptions, etc.
- Reviews legal documents for completeness, adequacy, and accuracy; determines processing required and takes necessary action in accordance with court rules.
- Files and indexes documents on any new or ongoing action for Civil, criminal, probate, juvenile, adoption, mental illness, child surrenders, juvenile habeas corpus, guardians, domestic protection, stalking and abortion by pass cases
- Responsible for preparation of all appeal files

- Enters and processes traffic tickets issued by the state, county and city law enforcement officers.
- Fixes bonds and assigns court appointed attorneys for indigent persons.
- Serves as clerk magistrate for Class 2 misdemeanors: Holds initial appearances, preliminary hearings on class 1 misdemeanors, bond hearings, sets bonds, sentences on Class 2 misdemeanors. Issues warrant for failure to appear or failure to pay and notify defendants of non-compliance of traffic tickets. Prepares restricted driver permits.
- Performs wedding ceremonies
- Schedules court dates and attend court hearings.
- Processes small claims cases from taking the complaint, mailing the notices, scheduling the hearing, transcripts, change of venues, docketing the judgments and issuing executions.
- Selects master jury panels, jury term panels and trial panels. Sends out notices to jurors and manages the jurors when reporting. Administers the oath and assisting during the voir dire and clerk's jury trials.
- Answers all general correspondence and complaints from the public or other court staff, picks up mail.
- Supervises employees to ensure that office procedures are carried out according to proper procedures, completes performance evaluations and trains new employees.
- May process passports.

Subordinate Functions

Subordinates typically reporting to this position are deputy court clerk I and bailiffs.

Challenges

The incumbent is challenged to manage office personnel and solve personnel problems and ensure that office documents are kept in an efficient and orderly system

Typical problems encountered by the incumbent include resolving personnel differences, personnel questions assisting pro se litigants, dealing with difficult public and assisting and answering questions from attorneys and judges.

Control on Actions

The incumbent decides appropriate payment plans for defendants, sets appropriate bonds for defendants, orders fines and costs on Class 2 misdemeanors and sets or reschedules court appearances. The incumbent also has the responsibility to do performance appraisals for subordinates and initiate disciplinary actions.

Contact with Others

The incumbent has daily contact with state's attorney's offices to discuss filings, dismissals, court hearings; the sheriff's office to check warrants and in custody prisoners; judges and court staff to discuss case problems and with the public to answer questions and file pro se cases.

Working Conditions

The incumbent works in a typical office environment.

Performance Measurement

Performance is measured by accuracy of duties completed and feedback from co-workers, attorneys, judges, and the public.

QUALIFICATIONS FOR APPOINTMENT

Knowledge, Skills and Abilities

- Knowledge of principles and practices of accounting, bookkeeping, office management, court procedures and policies and legal terminology.
- Ability to work with computers and communicate effectively both orally and in writing.

Education

Graduation from high school or possession of a GED certificate.

Experience

One year of experience in office management or equivalent combination of education and experience.

Principal Accountabilities

APPENDIX C
JOB DESCRIPTION: DEPUTY CLERK OF COURT/MAGISTRATE

**UNIFIED JUDICIAL SYSTEM
POSITION DESCRIPTION**

DEPUTY COURT CLERK MAGISTRATE I

Class Code: 99-11-11

POSITION PURPOSE

The deputy court clerk magistrate shall maintain the official court record. They shall also ensure that the clerk of court's office operates efficiently and in accordance with the rules and regulations set by the court.

DISTINGUISHING FEATURES

The deputy court clerk magistrate performs clerical duties for the clerk's office under the direction of the deputy court clerk II or clerk magistrate.

NATURE AND SCOPE

Functions

Note: The duties listed are typical examples of work performed by positions in this job classification. Not all duties are included, nor is the list inclusive.

- Maintains complete bookkeeping records of all monies collected; records support payments; maintains accounts receivable and restitution payments; compiles end of month reports on transactions and monthly statistic reports; makes daily deposits and submits money to County Treasurer.
- Performs technical clerical work in the areas of probate, small claims, criminal, civil, juvenile, guardianships or adoptions, etc.
- Reviews legal documents for completeness, adequacy, and accuracy; determines processing required and takes necessary action in accordance with court rules.
- Files and indexes documents on any new or ongoing action for Civil, criminal, probate, juvenile, adoption, mental illness, child surrenders, juvenile habeas corpus, guardians and abortion by pass cases
- Responsible for preparation of all appeal files

- Enters and processes traffic tickets issued by the state, county and city law enforcement officers.
- Fixes bonds and assigns court appointed attorneys for indigent persons.
- Serves as clerk magistrate for Class 2 misdemeanors: Holds initial appearances, preliminary hearings on class 1 misdemeanors, bond hearings, sets bonds, sentences on Class 2 misdemeanors. Issues warrants for failure to appear or failure to pay and notifies defendants of non-compliance of traffic tickets. Prepares restricted drivers permits.
- Performs wedding ceremonies
- Schedules court dates and attends court hearings.
- Processes small claims cases from taking the complaint, mailing the notices, scheduling the hearing, transcripts, change of venues, docketing the judgments and issuing executions.
- Selects master jury panels, jury term panels and trial panels. Sends out notices to jurors and manages the jurors when reporting. Administers the oath and assisting during the voir dire and clerk's jury trials.
- Answers all general correspondence and complaints from the public or other court staff, picks up mail.
- May process passports

Subordinate Functions

No subordinates report to this position.

Challenges

The incumbent is challenged to ensure that office documents are kept in an efficient and orderly system.

Typical problems encountered by the incumbent include assisting pro se litigants, dealing with difficult public and assisting and answering questions from attorneys and judges.

Control on Actions

The incumbent decides appropriate payment plans for defendants, sets appropriate bonds for defendants, orders fines and costs on Class 2 misdemeanors and sets or reschedules court appearances.

Contact with Others

The incumbent has daily contact with state's attorney's office to discuss filings, dismissals, court hearings; the sheriff's office to check warrants and in custody prisoners; judges and court staff to discuss case problems and with the public to answer questions and file pro se cases.

Working Conditions

The incumbent works in a typical office environment.

Performance Measurement

Performance is measured by accuracy of duties completed and feedback from co-workers, deputy court clerk II, clerk of courts, attorneys, judges and the public.

QUALIFICATIONS FOR APPOINTMENT

Knowledge, Skills and Abilities

- Knowledge of principles and practices of accounting, bookkeeping, office management, court procedures and policies and legal terminology.
- Ability to work with computers and communicate effectively both orally and in writing.

Education

Graduation from high school or possession of a GED certificate.

Experience

No experience required.

Principal Accountabilities

APPENDIX D
LAY MAGISTRATE DUTIES IN 3RD CIRCUIT

3rd Judicial Circuit Court
Clerk/Lay Magistrate Duties

I. CLERKS/LAY MAGISTRATES WILL PERFORM THE FOLLOWING DUTIES:

1. Initial advisement of rights for defendants.
 - a. If a defendant has been in jail for more than 24 hours during the week, or more than 48 hours on a weekend, and does not bond out under the After Hours Bail Policy or the Fine & Bond Schedule, the State's Attorney of the county of venue shall notify the clerk of the court nearest the detention facility that the defendant is still in custody. The clerk shall thereupon read the defendant his/her rights. A judge or magistrate judge should be contacted to set bail, and the defendant advised thereof.
 - b. If the defendant requests a court-appointed attorney, the clerk shall have the defendant complete an application and forward it to the appropriate judge or magistrate judge immediately.
 - c. An appearance date shall be set before the appropriate judge or magistrate judge at the earliest available regular court date.
 - d. When the detention facility is out of circuit, the above procedure may be conducted telephonically.
2. If a defendant is in jail and has not been able to pay the bond, upon request of the defendant, the clerk shall schedule a bond review hearing before a judge or magistrate judge as soon as possible.
3. Issue arrest warrants per SDCL 16-12A-13. (See #6 below for endorsing bond.)
4. Accept defaults for petty offenses per SDCL 16-12A-16.
5. Accept pleas of guilty or nolo contendere for POA offenses, if the punishment is a fine not exceeding \$200 and/or 30 days in jail in accordance with SDCL 23-1A-22 or the bond schedule. SDCL 16-12A-16. If a defendant wants to plead not guilty, a court appearance is required before a judge or magistrate judge.
6. Set bond. If the violation is a misdemeanor and is not on the Fine & Bond schedule, or on a uniform schedule issued by a judge or magistrate judge, a court appearance is required before a judge or magistrate judge. All felony bonds shall be set by a judge or magistrate judge.

7. Accept forfeitures of appearance bonds for violation of any ordinance, bylaw or other police regulation of a political subdivision in accordance with schedules adopted pursuant to subdivision 16-2-21(8). SDCL 16-12A-18.

8. In non-contested small claims proceedings where the amount of money or damage does not exceed \$8,000, take the necessary evidence and enter a judgment. SDCL 16-12A-19.

9. Sign summons.

10. Perform marriage ceremonies.

11. Accept grand jury indictments by filing the same, but do not issue an arrest warrant upon the request of the State's Attorney (per PJ meeting 4/12/03).

II. CLERKS (LAY MAGISTRATES) WILL NOT PERFORM THE FOLLOWING DUTIES:

1. Accept any pleas on class 1 misdemeanors.

2. Accept waivers of appearance on class 1 misdemeanors.

3. Issue search warrants.

4. Conduct a preliminary hearing, or accept or take a waiver of a preliminary hearing.

5. Set bond on felony matters. A judge or magistrate judge should be called.

6. Try contested petty offenses.

7. Take evidence or enter a judgment in a non-contested civil action that is not a small claims proceeding.

8. Question a foreperson or poll members of a grand jury about the return of an indictment.

9. Sign orders appointing court-appointed counsel.

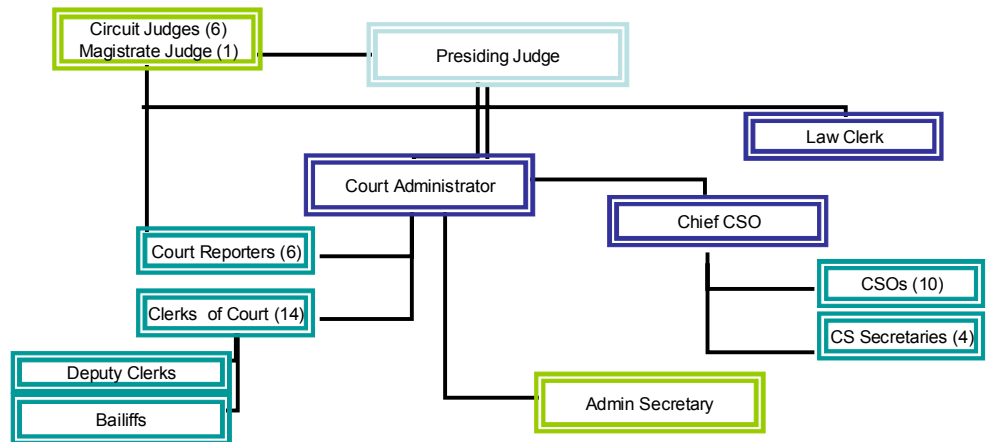
Dated this 21 day of Feb., 2002.

s/

Rodney J. Steele
Presiding Judge

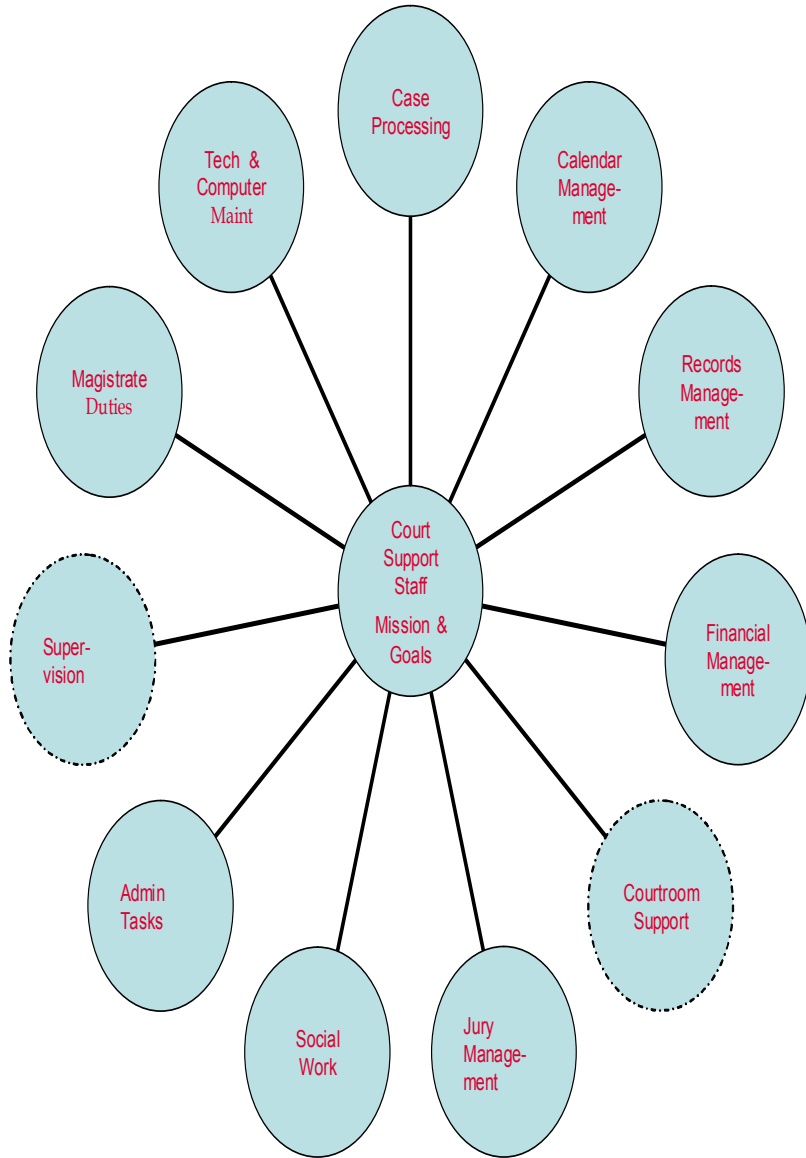
APPENDIX E
ORGANIZATIONAL CHART OF 3RD CIRCUIT

3rd Circuit Organizational Chart



APPENDIX F
COMPETENCY MODEL AND DESCRIPTIONS OF COMPETENCIES

Competencies for Clerk of Court Office Staff



COMPETENCIES

Case Processing Filing, docketing, and case-person indexing; assisting litigants regarding conditions of case or document; updating the case record; providing summaries of financial transactions; duplicating documents; transmitting documents to other courts; notifying department of licensing about judgments related to motor vehicle and traffic cases; monitoring compliance with court orders.

Calendar Management Scheduling cases, assigning cases, and handling notifications of hearing dates; screening records' completeness and consistency; screening cases for procedural compliance prior to proceeding; scheduling events

Records Management Maintaining cases and exhibit records; managing file storage, archiving, and destruction; managing file checkout and security; designing, inventorying, and distributing forms

Financial Management Managing the receipt and disbursement of money; handling bail, child support accounts, time payments, and installments; formulating budgets, negotiations with state or local funding agencies; monitoring compliance

Jury Management Listing all upcoming jury trials; managing juror list and summons; overseeing assembling of jurors on trial day; empaneling juries.

Courtroom Support Maintaining courtroom files and minutes of proceedings; handling in-court exhibits and security; empaneling juries; court recording; maintaining responsibility for sound and video equipment, court interpretation services

Social Work Serving customers; performing non-case related work; public relations for the judicial system; maintaining working relationships with non-court agencies; managing security

Technical Assistance and Computer Maintenance Troubleshooting minor equipment problems; arranging for service; resolving errors and incompatibility issues

Lay Magistrate Duties Performing equivalent judicial functions; issuing enforceable orders; taking oaths; conducting hearings

Administrative Reception duties; answering phone; writing letters; attending meetings; updating manuals; researching unfamiliar procedures; resolving disputes; organizing and prioritizing work; using computer software programs

Supervision Interviewing; training new employees; assigning work among staff; overseeing daily tasks; coordinating facilities needs; evaluating performance

APPENDIX G
KNOWLEDGE, SKILLS AND ABILITIES

KNOWLEDGE REQUIRED: Court processes and organization; South Dakota Codified Laws; Supreme Court Rules of procedure; 3rd Circuit policies; legal terminology; accounting principles; general office practices; case processing time requirements by law and by rule; principles of case management; all steps required to move a case through the system; personal factors and preferences that impact processing and scheduling; computer codes and software programs; specialized terminology; fees and costs required or authorized by law; local resources or service providers; fundamentals of customer service; policy governing legal information and legal advice; legal terminology

SKILL IN: data entry and word processing; reading; filing; critical thinking; telephone answering; operating office equipment; organizing and prioritizing work; recognizing all steps required in processing all case types; computing time requirements; using Microsoft Outlook features; planning ahead; time management; listening; short-term memory; public speaking; use of specialized software programs; completing forms; calculating totals; spelling; name recognition; mathematical calculations; making change and handling money; explaining fees and costs; questioning; persistence; decision-making; thinking; drawing conclusions

ABILITY TO: remain neutral; recognize and diffuse escalating behaviors; project confidence; accept responsibility for others' actions; acquire and analyze information from various sources; manage time; manage stress; multi-task; recognize and resolve errors; resist premature problem closure; assess need for changes to procedures; match records and names; draw conclusions; work cooperatively; stay focused and not be easily distracted; pay attention to detail; anticipate next action; work in confined space; adapt and work effectively within changing situations, with various individuals; maintain confidentiality; speak in public; communicate effectively; meet deadlines

APPENDIX H
SELF ASSESSMENT SURVEY TOOL

(Same survey tool used for Clerks and Deputies, only title has changed)

Self Assessment Survey for Clerks of Court

SECTION I INSTRUCTIONS

Please review the separate description of the Competencies for your job, and the summary of the Knowledge, Skills, and Abilities. Then, using the scale below, in the first box indicate the level of your ability to complete the task. In the second box indicate the degree of seriousness of the consequences of errors. Be sure to use the appropriate box for your rating that matches up to the task.

PLEASE NOTE: THERE ARE **NO RIGHT** OR **WRONG** ANSWERS. YOUR HONEST ANSWERS WILL GIVE US VALUABLE INFORMATION. THE SCALE IS DESIGNED TO HELP US GAUGE WHERE ADMINISTRATION NEEDS TO FOCUS ITS WORKFORCE PLANNING AND STAFF DEVELOPMENT EFFORTS.

Your performance level	Degree of consequence for error in the task
0 <i>Not applicable, don't know, not sure</i>	0 <i>Not applicable, don't know, not sure</i>
1 <i>Beginner's level, learning, slow at this</i>	1 <i>No or low impact for customer, easily detected or corrected by me</i>
2 <i>Intermediate, mostly accurate but not fast</i>	2 <i>Medium, extra attention required to detect and fix</i>
3 <i>Competent, well able, proficient</i>	3 <i>High impact for customer, may require effort of supervisor to fix</i>
4 <i>Master, confident, accurate and fast</i>	4 <i>Very serious consequences, need higher authority to resolve</i>

EXAMPLE:

Task	My ability	Degree of
COMPETENCY - CASE PROCESSING: Filing, docketing, and maintaining registers of action for person-specific cases needing judicial attention; assisting litigants; answering questions about case records; receipting fines and fees; copying papers; working with attorneys, other agencies, other circuit personnel		
1. Open new civil file of <i>any</i> type: receive and review documents, assign case number and judge, receipt fees, create and update ROA, record statistics	2	1
2. Open new felony criminal file: screen record for accuracy, assign case number, record bond, calendar the appearance, merge demographics, create CJIS record, update ROA	4	2

SECTION II SURVEY

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

A	COMPETENCY - CASE PROCESSING: Filing, docketing, and maintaining registers of action for person-specific cases needing judicial attention; assisting litigants; answering questions about case records; receipting fines and fees; copying papers; working with attorneys, other agencies, other circuit personnel	My ability	Degree of
	Task		
1.	Open new civil file of <i>any</i> type: receive and review documents, assign case number and judge, receipt fees, create and update ROA, record statistics		
2.	Open new felony criminal file: screen record for accuracy, assign case number, record bond, calendar the appearance, merge demographics, create CJIS record, update ROA		
3.	Process a civil judgment: receive and file documents; prepare certified copies, prepare judgment card, docket the judgment, update ROA		
4.	Set juvenile delinquency case for hearing; prepare calendar; prepare certified copies for service		
5.	Prepare civil judgment execution to sheriff; prepare transcript to another county, receive and review satisfaction; update ROA and file paperwork		
6.	Verify compliance with court order; screen records for completeness; issue bench warrant for failure to comply; notify appropriate parties; update CJIS		
7.	Explain costs or fees assessed by the court in response to inquiry from litigant or attorney		
8.	Compute time requirements for filing of notice of appeal to the Supreme Court		
9.	Remain calm and neutral when an irate party directs anger at the court toward you		

B	COMPETENCY – CALENDAR MANAGMENT: Scheduling cases for hearing, notifying parties of trial dates, screening records’ for readiness for trial, completeness and consistency	My ability	Degree of
	Task		
	10. Arrange a bond review hearing for an in-custody defendant		
	11. Calculate answer and default judgment dates for small claims case		
	12. Prepare circuit court motions calendar for Temporary Protection Order hearings		
	13. Notify jurors of canceled jury trial		
	14. Determine when Record on Appeal is due to Supreme Court Clerk’s office		
15. Assess need for changes to procedures			
Your performance level		Degree of consequence for error in the task	
0 Not applicable, don’t know, not sure		0 Not applicable, don’t know, not sure	
1 Beginner’s level, learning, slow at this		1 No or low impact for customer, easily detected and corrected by me	
2 Intermediate, mostly accurate but not fast		2 Medium, extra attention required to detect and fix	
3 Competent, well able, proficient		3 High impact for customer, may require effort of supervisor to fix	
4 Master, confident, accurate and fast		4 Very serious consequences, need higher authority to resolve	

C	COMPETENCY – RECORDS MANAGEMENT: Maintaining and storing cases and exhibit records; managing destruction of records; processing requests for file checkout; maintaining confidentiality; designing forms	My ability	Degree of
	Task		
	16. Give forms for Protection Order relief to a petitioner, explaining their use, and assisting in completing them		
	17. Prepare a criminal history search for an employer		
	18. Prepare a judgment search for a debtor about to file bankruptcy		
	19. Determine if a 15-year old petty misdemeanor record is accessible to the public		
	20. Return exhibits to an attorney or self-represented litigant		
21. Confidently and patiently explain why an attorney cannot remove a file from your office			

D	COMPETENCY – FINANCIAL MANAGEMENT: Managing the receipt and disbursement of money; handling bail, child support payments, and time payments; formulating budgets; negotiating with local funding agencies; monitoring compliance	My ability	Degree of
	Task		
22.	Process payments; make change; receipt fees, fine, costs, and restitution; update JAS and CJIS or ROA records		
23.	Prepare mid-month and end-of-month disbursement reports		
24.	Forfeit a bond to the county treasurer		
25.	Explain to a defendant the process for getting approval to make time payments		
26.	Calculate fees and costs owed or remaining		
27.	Determine why bank statement cannot be reconciled		

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, , may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

E	COMPETENCY – COURTROOM SUPPORT: Maintaining courtroom files and minutes of proceedings; handling in-court exhibits and security; empaneling juries; recording court proceedings using automated or manual measures; maintaining courtroom audio, video, and computer equipment	My ability	Degree of
	Task		
28.	Accurately and speedily operate CJIS or manually record judicial action during court		
29.	Display a neutral and poised demeanor while a witness is testifying; stay focused and not be easily distracted		
30.	Administer oaths or swear in a witness		
31.	Mark and maintain custody of trial exhibits		
32.	Determine a party's prior court history upon demand while court is in session		
33.	Explain trial procedure to a self-represented litigant		

F	COMPETENCY – JURY MANAGEMENT: Listing all upcoming jury trials; managing juror lists and summons; overseeing assembling of jurors on trial day; assisting with empaneling Task	My ability	Degree of
34.	Compile the annual master jury list for grand and petit jury panels in your county		
35.	Conduct orientation for new jurors		
36.	Qualify, excuse or defer jurors for a term of service		
37.	Assist with voir dire and jury selection in the courtroom		
38.	Prepare reports of juror yield or number of available, qualified jurors, or the number of jury trials held		
39.	Explain to the newspaper reporter why a grand jury has been summoned		

G	COMPETENCY – SOCIAL WORK (NOT CASE-SPECIFIC): Serving customers; public relations for the judicial system; maintaining working relationships with non-court agencies; ensuring safety of self and others Task	My ability	Degree of
40.	Explain how to get married in a civil ceremony		
41.	Process an expedited passport application		
42.	Explain what you do to a group of visitors, and conduct a tour of court facilities		
43.	Refer a visitor to the appropriate office for a copy of a birth certificate		
44.	Deal calmly and respond effectively to a perceived security or personal safety threat in the office		
45.	Verify list of outstanding bench warrants		

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

H	COMPETENCY – ADMINISTRATIVE TASKS: Reception duties; answering telephone; writing letters; attending meetings; updating manuals; researching unfamiliar or new procedures; resolving disputes; organizing and prioritizing work			
	Task		My ability	Degree of
46.	Order supplies or forms for the office			
47.	Report an injury that occurred on the job			
48.	Send a bulky package containing a file and trial exhibits to the Supreme Court Clerk			
49.	Reorganize and clean work area, including destroying old memos and emails			
50.	Recognize and diffuse escalating, disruptive behavior of a distressed customer			
51.	Update the JAS Manual with inserts or information received from the state office			

I	COMPETENCY –SUPERVISION: Interviewing; training employees; assigning work to staff; overseeing daily tasks; assessing the needs of the office; evaluating staff performance; preparing reports; coordinating or resolving issues related to facilities			
	Task		My ability	Degree of
52.	Conduct a Performance Planning and Review Document (PPAR), including setting goals for future performance and measuring achievement			
53.	Justify a request for additional staff hours in the office			
54.	Address a situation where an employee has been discriminatory toward a customer or co-worker			
55.	Train staff on an issue you have learned about at a statewide or circuit meeting			
56.	Approve a request for personal leave			
57.	Develop a plan for cross-training your staff for reassigning responsibilities in the office			

J	COMPETENCY –LAY MAGISTRATE DUTIES: Performing equivalent judicial functions; issuing enforceable orders; taking oaths; conducting hearings; advising defendants of legal rights		
	Task	My ability	Degree of
58.	Set a bond for a Class I Misdemeanor		
59.	Advise an in-custody defendant of the Preliminary Statement of Rights and how to request a bond review hearing		
60.	Perform a civil wedding ceremony		
61.	Determine if a default judgment should be entered in a Small Claims matter, considering the completeness of the evidence and compliance with time limits		
62.	Accept a plea of guilty for a Power of Attorney (POA) offense		

K	COMPETENCY –APPLIED TECHNOLOGY AND COMPUTER SUPPORT: Troubleshooting minor equipment problems; arranging for service of nonfunctioning equipment; resolving errors and incompatibility issues; learning and using appropriate software to improve effectiveness;		
	Task	My ability	Degree of
63.	Using appropriate, available equipment/machines and/or software programs to ensure timeliness and consistency		
64.	Move a computer from one desk to another, including disconnecting and reconnecting cables		
65.	Access and refer others to the UJS website for current Supreme Court Rules and UJS administrative policies, such as Personnel Rules, Retention Schedule, or Parenting Guidelines		
66.	Determine why an automated report does not match a manually prepared report		
67.	File a court order with an electronic signature of the attorney or judge		

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

SECTION III
ADDITIONAL OPEN-ENDED QUESTIONS

For this series of questions, please rank your responses in order of priority, with #1 being the highest or “most.” The tasks referred to are not limited to those asked about earlier in the Survey. Please consider all tasks in the office, not just those that are within in your responsibility.

68. In your opinion, what are the three most **difficult** tasks to perform in your office, in order of priority?

- 1) _____
- 2) _____
- 3) _____

69. In your opinion, what are the three most **important, critical** tasks (having the most serious consequences if not done correctly or timely) in your office, in order of priority?

- 1) _____
- 2) _____
- 3) _____

70. In your opinion, what are three **changes** you would most like to see made in your job?

- 1) _____
- 2) _____
- 3) _____

71. In your opinion, what are three of your greatest personal **strengths** on the job?

- 1) _____
- 2) _____
- 3) _____

72. In your opinion, what **weakness** of yours do you most need to manage?

73. In your opinion, what is the **most pressing issue** facing the clerks' offices in our circuit (e.g., integrating technology, inadequate security, changing public expectations of your job, workload shifting, or anything else)? What do you think we should do about it?

74. Clerks have recently identified **attainment of job competency** as a dimension of workforce planning that needs attention. In order of priority, what do you think are the three best ways to address this? (*Mark 1, 2, and 3 on the suggestions below, or add other ideas and rank them, with 1 being top priority, 2 being the next highest priority, and then 3.*)

- Increase number of training classes per year
- Make training mandatory
- Establish an education committee of clerks and deputies to plan programs
- Develop and maintain more reliable documentation/manuals and checklists
- Create a mentoring program to help new clerks and utilize experienced clerks
- Provide incentives or financial rewards for furthering education on your own
- Provide on-line or web-based training courses
- Allow offices to close so that all staff can attend training
- Develop rotational assignments between counties
- Expand promotion opportunities by creating entry-level jobs like file clerks
- _____
- _____
- _____

SECTION IV
BACKGROUND INFORMATION

Please answer the following so that results can be analyzed by differing categories later. You do not have to identify yourself by name. Your answers are for statistical purposes only and will not be reported individually. (Please check the appropriate box for each statement.)

75. My office size is:

1 clerk plus on-call help 1-2 clerks 3+ clerks

76. My years of experience with the courts are:

less than 1 yr 1<2 yrs 2<5 yrs 5<10 yrs 10<15 yrs 15+ yrs

Thank you for completing and returning this survey by November 19, 2003.

APPENDIX I
RESULTS OF SELF ASSESSMENT SURVEY: CLERKS

RESULTS OF Self Assessment Survey for Clerks of Court

SECTION I INSTRUCTIONS

Please review the separate description of the Competencies for your job, and the summary of the Knowledge, Skills, and Abilities. Then, using the scale below, in the first box indicate the level of your ability to complete the task. In the second box indicate the degree of seriousness of the consequences of errors. Be sure to use the appropriate box for your rating that matches up to the task.

PLEASE NOTE: THERE ARE **NO RIGHT** OR **WRONG** ANSWERS. YOUR HONEST ANSWERS WILL GIVE US VALUABLE INFORMATION. THE SCALE IS DESIGNED TO HELP US GAUGE WHERE ADMINISTRATION NEEDS TO FOCUS ITS WORKFORCE PLANNING AND STAFF DEVELOPMENT EFFORTS.

Your performance level	Degree of consequence for error in the task
0 <i>Not applicable, don't know, not sure</i>	0 <i>Not applicable, don't know, not sure</i>
1 <i>Beginner's level, learning, slow at this</i>	1 <i>No or low impact for customer, easily detected and corrected by me</i>
2 <i>Intermediate, mostly accurate but not fast</i>	2 <i>Medium, extra attention required to detect and fix</i>
3 <i>Competent, well able, proficient</i>	3 <i>High impact for customer, may require effort of supervisor to fix</i>
4 <i>Master, confident, accurate and fast</i>	4 <i>Very serious consequences, need higher authority to resolve</i>

EXAMPLE:

Task N=13	My ability	Degree of
COMPETENCY - CASE PROCESSING: Filing, docketing, and maintaining registers of action for person-specific cases needing judicial attention; assisting litigants; answering questions about case records; receipting fines and fees; copying papers; working with attorneys, other agencies, other circuit personnel		
1. Open new civil file of <i>any</i> type: receive and review documents, assign case number and judge, receipt fees, create and update ROA, record statistics	2	1
2. Open new felony criminal file: screen record for accuracy, assign case number, record bond, calendar the appearance, merge demographics, create CJIS record, update ROA	4	2

SECTION II SURVEY RESULTS

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

A	COMPETENCY - CASE PROCESSING: Filing, docketing, and maintaining registers of action for person-specific cases needing judicial attention; assisting litigants; answering questions about case records; receipting fines and fees; copying papers; working with attorneys, other agencies, other circuit personnel Task N = 13	My ability	Degree of consequences
1.	Open new civil file of <i>any</i> type: receive and review documents, assign case number and judge, receipt fees, create and update ROA, record statistics RESULTS ABILITY 0=0 1=0 2=0 3=8 4=5 RESULTS CONSEQ 0=0 1=8 2=2 3=2 4=1	3.4	1.7
2.	Open new felony criminal file: screen record for accuracy, assign case number, record bond, calendar the appearance, merge demographics, create CJIS record, update ROA RESULTS ABILITY 0=0 1=0 2=0 3=9 4=4 RESULTS CONSEQ 0=0 1=3 2=7 3=3 4=0	3.3	2.0
3.	Process a civil judgment: receive and file documents; prepare certified copies, prepare judgment card, docket the judgment, update ROA RESULTS ABILITY 0=0 1=0 2=0 3=8 4=5 RESULTS CONSEQ 0=0 1=3 2=3 3=3 4=4	3.4	2.6
4.	Set juvenile delinquency case for hearing; prepare calendar; prepare certified copies for service RESULTS ABILITY 0=0 1=0 2=0 3=9 4=4 RESULTS CONSEQ 0=0 1=0 2=3 3=2 4=8	3.3	1.5
5.	Prepare civil judgment execution to sheriff; prepare transcript to another county, receive and review satisfaction; update ROA and file paperwork RESULTS ABILITY 0=0 1=0 2=1 3=6 4=6 RESULTS CONSEQ 0=0 1=3 2=6 3=3 4=1	3.4	2.2
6.	Verify compliance with court order; screen records for completeness; issue bench warrant for failure to comply; notify appropriate parties; update CJIS RESULTS ABILITY 0=0 1=0 2=1 3=7 4=5 RESULTS CONSEQ 0=0 1=3 2=1 3=7 4=2	3.3	2.6
7.	Explain costs or fees assessed by the court in response to inquiry from litigant or attorney RESULTS ABILITY 0=1 1=0 2=2 3=5 4=5 RESULTS CONSEQ 0=1 1=5 2=5 3=2 4=0	3.0	1.6
8.	Compute time requirements for filing of notice of appeal to the Supreme Court RESULTS ABILITY 0=0 1=2 2=3 3=4 4=4 RESULTS CONSEQ 0=0 1=1 2=5 3=4 4=3	2.8	2.7

9.	Remain calm and neutral when an irate party directs anger at the court toward you						3.2		2.4
	RESULTS ABILITY	0=0	1=0	2=2	3=7	4=4			
	RESULTS CONSEQ	0=0	1=2	2=5	3=5	4=1			

Your performance level		Degree of consequence for error in the task	
0 Not applicable, don't know, not sure		0 Not applicable, don't know, not sure	
1 Beginner's level, learning, slow at this		1 No or low impact for customer, easily detected and corrected by me	
2 Intermediate, mostly accurate but not fast		2 Medium, extra attention required to detect and fix	
3 Competent, well able, proficient		3 High impact for customer, may require effort of supervisor to fix	
4 Master, confident, accurate and fast		4 Very serious consequences, need higher authority to resolve	
B	COMPETENCY – CALENDAR MANAGEMENT: Scheduling cases for hearing, notifying parties of trial dates, screening records' for readiness for trial, completeness and consistency		
	Task	N=13	
		My ability	Degree of consequences
10.	Arrange a bond review hearing for an in-custody defendant	AVG	AVG
	RESULTS ABILITY 0=3 1=1 2=1 3=4 4=4	2.4	2.1
	RESULTS CONSEQ 0=2 1=3 2=3 3=2 4=3		
11.	Calculate answer and default judgment dates for small claims case	3.4	2.1
	RESULTS ABILITY 0=0 1=0 2=1 3=6 4=6		
	RESULTS CONSEQ 0=0 1=4 2=5 3=3 4=1		
12.	Prepare circuit court motions calendar for Temporary Protection Order hearings	3.1	2.2
	RESULTS ABILITY 0=1 1=0 2=1 3=6 4=5		
	RESULTS CONSEQ 0=0 1=4 2=5 3=2 4=2		
13.	Notify jurors of canceled jury trial	3.3	1.5
	RESULTS ABILITY 0=0 1=0 2=1 3=7 4=5		
	RESULTS CONSEQ 0=1 1=5 2=6 3=1 4=0		
14.	Determine when Record on Appeal is due to Supreme Court Clerk's office	2.5	2.4
	RESULTS ABILITY 0=1 1=2 2=3 3=3 4=4		
	RESULTS CONSEQ 0=2 1=1 2=3 3=4 4=3		
15.	Assess need for changes to procedures	2.4	1.4
	RESULTS ABILITY 0=1 1=2 2=3 3=5 4=2		
	RESULTS CONSEQ 0=5 1=1 2=5 3=1 4=1		

C	COMPETENCY – RECORDS MANAGEMENT: Maintaining and storing cases and exhibit records; managing destruction of records; processing requests for file checkout; maintaining confidentiality; designing forms		
	Task	N=13	
		My ability	Degree of consequences
16.	Give forms for Protection Order relief to a petitioner, explaining their use, and assisting in completing them	AVG	AVG
	RESULTS ABILITY 0=0 1=0 2=0 3=8 4=5	3.4	2.4
	RESULTS CONSEQ 0=0 1=3 2=3 3=6 4=1		
17.	Prepare a criminal history search for an employer	3.5	2.5
	RESULTS ABILITY 0=0 1=0 2=1 3=4 4=8		
	RESULTS CONSEQ 0=0 1=2 2=4 3=5 4=2		

18.	Prepare a judgment search for a debtor about to file bankruptcy RESULTS ABILITY 0=0 1=0 2=1 3=5 4=7 RESULTS CONSEQ 0=0 1=3 2=4 3=3 4=3	3.5	2.5
19.	Determine if a 15-year old petty misdemeanor record is accessible to the public RESULTS ABILITY 0=1 1=0 2=0 3=8 4=4 RESULTS CONSEQ 0=2 1=5 2=4 3=1 4=1	3.1	1.4
20.	Return exhibits to an attorney or self-represented litigant RESULTS ABILITY 0=1 1=0 2=4 3=5 4=3 RESULTS CONSEQ 0=1 1=8 2=2 3=1 4=1	2.7	1.5
21.	Confidently and patiently explain why an attorney cannot remove a file from your office RESULTS ABILITY 0=0 1=0 2=3 3=6 4=4 RESULTS CONSEQ 0=2 1=5 2=2 3=3 4=1	3.1	1.7

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

D COMPETENCY – FINANCIAL MANAGEMENT: Managing the receipt and disbursement of money; handling bail, child support payments, and time payments; formulating budgets; negotiating with local funding agencies; monitoring compliance		My ability	Degree of consequences
Task	N=13		
22.	Process payments; make change; receipt fees, fine, costs, and restitution; update JAS and CJIS or ROA records RESULTS ABILITY 0=0 1=0 2=0 3=7 4=6 RESULTS CONSEQ 0=0 1=3 2=2 3=5 4=3	AVG 3.5	AVG 2.6
23.	Prepare mid-month and end-of-month disbursement reports RESULTS ABILITY 0=0 1=0 2=0 3=7 4=6 RESULTS CONSEQ 0=1 1=2 2=3 3=3 4=4	3.5	2.5
24.	Forfeit a bond to the county treasurer RESULTS ABILITY 0=0 1=1 2=1 3=7 4=4 RESULTS CONSEQ 0=1 1=1 2=5 3=5 4=1	3.1	2.3
25.	Explain to a defendant the process for getting approval to make time payments RESULTS ABILITY 0=0 1=0 2=1 3=7 4=5 RESULTS CONSEQ 0=0 1=5 2=5 3=2 4=1	3.3	1.9
26.	Calculate fees and costs owed or remaining RESULTS ABILITY 0=0 1=0 2=1 3=7 4=5 RESULTS CONSEQ 0=0 1=4 2=5 3=1 4=3	3.3	2.2
27.	Determine why bank statement cannot be reconciled RESULTS ABILITY 0=0 1=0 2=3 3=6 4=4 RESULTS CONSEQ 0=3 1=2 2=3 3=2 4=3	3.1	2.0

E	COMPETENCY – COURTROOM SUPPORT: Maintaining courtroom files and minutes of proceedings; handling in-court exhibits and security; empaneling juries; recording court proceedings using automated or manual measures; maintaining courtroom audio, video, and computer equipment Task N=13	My ability	Degree of consequences
28.	Accurately and speedily operate CJIS or manually record judicial action during court RESULTS ABILITY 0=0 1=0 2=3 3=6 4=4 RESULTS CONSEQ 0=0 1=3 2=4 3=3 4=3	AVG 3.1	AVG 2.5
29.	Display a neutral and poised demeanor while a witness is testifying; stay focused and not be easily distracted RESULTS ABILITY 0=0 1=0 2=0 3=7 4=6 RESULTS CONSEQ 0=1 1=7 2=3 3=2 4=0	3.5	1.5
30.	Administer oaths or swear in a witness RESULTS ABILITY 0=0 1=1 2=1 3=4 4=7 RESULTS CONSEQ 0=3 1=6 2=2 3=2 4=0	3.3	1.2
31.	Mark and maintain custody of trial exhibits RESULTS ABILITY 0=0 1=1 2=2 3=4 4=6 RESULTS CONSEQ 0=1 1=4 2=4 3=2 4=2	3.2	2.0
32.	Determine a party's prior court history upon demand while court is in session RESULTS ABILITY 0=0 1=0 2=2 3=7 4=4 RESULTS CONSEQ 0=1 1=2 2=5 3=4 4=1	3.2	2.2
33.	Explain trial procedure to a self-represented litigant RESULTS ABILITY 0=4 1=1 2=1 3=3 4=4 RESULTS CONSEQ 0=5 1=3 2=2 3=3 4=0	2.2	1.2
Your performance level 0 Not applicable, don't know, not sure 1 Beginner's level, learning, slow at this 2 Intermediate, mostly accurate but not fast 3 Competent, well able, proficient 4 Master, confident, accurate and fast		Degree of consequence for error in the task 0 Not applicable, don't know, not sure 1 No or low impact for customer, easily detected and corrected by me 2 Medium, extra attention required to detect and fix 3 High impact for customer, may require effort of supervisor to fix 4 Very serious consequences, need higher authority to resolve	

F	COMPETENCY – JURY MANAGEMENT: Listing all upcoming jury trials; managing juror lists and summons; overseeing assembling of jurors on trial day; assisting with empaneling Task N=13	My ability	Degree of consequences
34.	Compile the annual master jury list for grand and petit jury panels in your county RESULTS ABILITY 0=0 1=1 2=3 3=6 4=3 RESULTS CONSEQ 0=1 1=1 2=3 3=6 4=2	AVG 2.8	AVG 2.5
35.	Conduct orientation for new jurors RESULTS ABILITY 0=4 1=1 2=2 3=3 4=3 RESULTS CONSEQ 0=5 1=4 2=3 3=1 4=0	2.0	1.0
36.	Qualify, excuse or defer jurors for a term of service RESULTS ABILITY 0=0 1=1 2=3 3=5 4=4 RESULTS CONSEQ 0=2 1=4 2=5 3=2 4=0	2.9	1.5

37.	Assist with voir dire and jury selection in the courtroom RESULTS ABILITY 0=1 1=1 2=2 3=5 4=4 RESULTS CONSEQ 0=1 1=5 2=4 3=3 4=0	2.8	1.7
38.	Prepare reports of juror yield or number of available, qualified jurors, or the number of jury trials held RESULTS ABILITY 0=0 1=1 2=4 3=5 4=3 RESULTS CONSEQ 0=0 1=7 2=4 3=2 4=0	2.8	1.6
39.	Explain to the newspaper reporter why a grand jury has been summoned RESULTS ABILITY 0=4 1=2 2=1 3=1 4=5 RESULTS CONSEQ 0=6 1=1 2=1 3=1 4=4	2.1	1.7

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, , may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

G	COMPETENCY – SOCIAL WORK (NOT CASE-SPECIFIC): Serving customers; public relations for the judicial system; maintaining working relationships with non-court agencies; ensuring safety of self and others	My ability	Degree of consequences
	Task N=13		
40.	Explain how to get married in a civil ceremony RESULTS ABILITY 0=0 1=0 2=1 3=4 4=8 RESULTS CONSEQ 0=3 1=4 2=3 3=3 4=0	AVG 3.5	AVG 1.5
41.	Process an expedited passport application RESULTS ABILITY 0=4 1=1 2=2 3=4 4=2 RESULTS CONSEQ 0=3 1=0 2=2 3=4 4=4	1.9	2.5
42.	Explain what you do to a group of visitors, and conduct a tour of court facilities RESULTS ABILITY 0=2 1=0 2=0 3=5 4=6 RESULTS CONSEQ 0=7 1=1 2=5 3=0 4=0	3.0	.8
43.	Refer a visitor to the appropriate office for a copy of a birth certificate RESULTS ABILITY 0=0 1=0 2=0 3=4 4=9 RESULTS CONSEQ 0=4 1=6 2=3 3=0 4=0	3.7	.9
44.	Deal calmly and respond effectively to a perceived security or personal safety threat in the office RESULTS ABILITY 0=1 1=1 2=1 3=5 4=5 RESULTS CONSEQ 0=1 1=2 2=2 3=3 4=5	2.9	2.7
45.	Verify list of outstanding bench warrants RESULTS ABILITY 0=0 1=0 2=0 3=7 4=6 RESULTS CONSEQ 0=0 1=3 2=2 3=2 4=6	3.5	2.8

H	COMPETENCY – ADMINISTRATIVE TASKS: Reception duties; answering telephone; writing letters; attending meetings; updating manuals; researching unfamiliar or new procedures; resolving disputes; organizing and prioritizing work	My ability	Degree of consequences
	Task N=13		

46.	Order supplies or forms for the office RESULTS ABILITY 0=0 1=0 2=0 3=7 4=6 RESULTS CONSEQ 0=4 1=5 2=3 3=1 4=0	AVG 3.5	AVG 1.1
47.	Report an injury that occurred on the job RESULTS ABILITY 0=3 1=1 2=2 3=3 4=4 RESULTS CONSEQ 0=1 1=4 2=1 3=3 4=4	2.3	2.4
48.	Send a bulky package containing a file and trial exhibits to the Supreme Court Clerk RESULTS ABILITY 0=0 1=0 2=1 3=6 4=6 RESULTS CONSEQ 0=0 1=5 2=6 3=0 4=2	3.4	1.9
49.	Reorganize and clean work area, including destroying old memos and emails RESULTS ABILITY 0=0 1=1 2=1 3=6 4=5 RESULTS CONSEQ 0=2 1=8 2=3 3=0 4=0	3.2	1.1
50.	Recognize and diffuse escalating, disruptive behavior of a distressed customer RESULTS ABILITY 0=0 1=0 2=2 3=8 4=3 RESULTS CONSEQ 0=0 1=4 2=3 3=5 4=1	3.1	2.2
51.	Update the JAS Manual with inserts or information received from the state office RESULTS ABILITY 0=0 1=0 2=1 3=4 4=8 RESULTS CONSEQ 0=1 1=7 2=2 3=2 4=1	3.5	1.6

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, , may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

I	COMPETENCY –SUPERVISION: Interviewing; training employees; assigning work to staff; overseeing daily tasks; assessing the needs of the office; evaluating staff performance; preparing reports; coordinating or resolving issues related to facilities	My ability	Degree of consequences
	Task N=13		
52.	Conduct a Performance Planning and Review Document (PPAR), including setting goals for future performance and measuring achievement RESULTS ABILITY 0=0 1=0 2=5 3=6 4=2 RESULTS CONSEQ 0=0 1=5 2=5 3=2 4=1	2.8	1.9
53.	Justify a request for additional staff hours in the office RESULTS ABILITY 0=2 1=2 2=3 3=3 4=3 RESULTS CONSEQ 0=3 1=5 2=3 3=1 4=1	2.2	1.4
54.	Address a situation where an employee has been discriminatory toward a customer or co-worker RESULTS ABILITY 0=3 1=0 2=3 3=2 4=5 RESULTS CONSEQ 0=1 1=2 2=3 3=3 4=4	2.3	2.5
55.	Train staff on an issue you have learned about at a statewide or circuit meeting RESULTS ABILITY 0=0 1=0 2=3 3=6 4=4 RESULTS CONSEQ 0=0 1=5 2=4 3=4 4=0	3.1	1.9
56.	Approve a request for personal leave RESULTS ABILITY 0=0 1=0 2=0 3=5 4=8 RESULTS CONSEQ 0=2 1=4 2=3 3=3 4=1	3.6	1.8

57.	Develop a plan for cross-training your staff for reassigning responsibilities in the office RESULTS ABILITY 0=5 1=0 2=1 3=5 4=2 RESULTS CONSEQ 0=5 1=2 2=5 3=1 4=0	1.9	1.2
-----	--	-----	-----

J		COMPETENCY –LAY MAGISTRATE DUTIES: Performing equivalent judicial functions; issuing enforceable orders; taking oaths; conducting hearings; advising defendants of legal rights		My ability	Degree of consequences
Task N=13					
58.	Set a bond for a Class I Misdemeanor RESULTS ABILITY 0=1 1=1 2=2 3=3 4=6 RESULTS CONSEQ 0=1 1=4 2=3 3=3 4=2	AVG 2.9	AVG 2.1		
59.	Advise an in-custody defendant of the Preliminary Statement of Rights and how to request a bond review hearing RESULTS ABILITY 0=3 1=0 2=2 3=4 4=4 RESULTS CONSEQ 0=2 1=2 2=2 3=4 4=3	2.5	2.3		
60.	Perform a civil wedding ceremony RESULTS ABILITY 0=0 1=1 2=0 3=3 4=9 RESULTS CONSEQ 0=1 1=6 2=4 3=0 4=2	3.5	1.7		
61.	Determine if a default judgment should be entered in a Small Claims matter, considering the completeness of the evidence and compliance with time limits RESULTS ABILITY 0=0 1=0 2=0 3=6 4=7 RESULTS CONSEQ 0=0 1=4 2=1 3=4 4=4	3.5	2.6		
62.	Accept a plea of guilty for a Power of Attorney (POA) offense RESULTS ABILITY 0=0 1=0 2=0 3=4 4=9 RESULTS CONSEQ 0=1 1=5 2=3 3=3 4=1	3.7	1.8		

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, , may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

K		COMPETENCY –APPLIED TECHNOLOGY AND COMPUTER SUPPORT: Troubleshooting minor equipment problems; arranging for service of nonfunctioning equipment; resolving errors and incompatibility issues; learning and using appropriate software to improve effectiveness;		My ability	Degree of consequences
Task N=13					
63.	Using appropriate, available equipment/machines and/or software programs to ensure timeliness and consistency RESULTS ABILITY 0=0 1=0 2=3 3=6 4=4 RESULTS CONSEQ 0=0 1=5 2=4 3=3 4=1	AVG 3.1	AVG 2.0		

64.	Move a computer from one desk to another, including disconnecting and reconnecting cables RESULTS ABILITY 0=0 1=0 2=3 3=6 4=4 RESULTS CONSEQ 0=2 1=4 2=4 3=1 4=2	3.1	1.8
65.	Access and refer others to the UJS website for current Supreme Court Rules and UJS administrative policies, such as Personnel Rules, Retention Schedule, or Parenting Guidelines RESULTS ABILITY 0=2 1=1 2=3 3=5 4=2 RESULTS CONSEQ 0=3 1=6 2=3 3=1 4=0	2.3	1.2
66.	Determine why an automated report does not match a manually prepared report RESULTS ABILITY 0=2 1=0 2=5 3=3 4=3 RESULTS CONSEQ 0=2 1=3 2=5 3=2 4=1	2.4	1.8
67.	File a court order with an electronic signature of the attorney or judge RESULTS ABILITY 0=5 1=1 2=1 3=1 4=5 RESULTS CONSEQ 0=6 1=1 2=2 3=2 4=2	2.0	1.5

SECTION III

COMBINED CLERK & DEPUTY RESPONSES TO OPEN-ENDED QUESTIONS

For this series of questions, please rank your responses in order of priority, with #1 being the highest or “most.” The tasks referred to are not limited to those asked about earlier in the Survey. Please consider all tasks in the office, not just those that are within in your responsibility.

68. What are the three most **difficult** tasks to perform, in order of priority:

- Successfully training deputy, keeping all informed of changes 11
- Magnitude of knowledge/info expected to know and be responsible for 1 *****
- Judge’s understanding of what we do in courtroom – having compassion 1*
- Protection Orders 1, **
- Appeals 111****
- Courtroom ROA, CJIS 1**
- Jury notices, prep for jury trial 11***
- Timeliness of documents and managing mountains of emails, notices, mail 11**
- Dealing with public (public info, protection orders, pro se) 1111****
- Arrest/bench warrant list, canceling warrants
- Computer changes 1, *
- Judgments and docket cards 11*
- Forfeiting bonds
- Probate applications 1*
- Difficult/irate customers 1, *
- Managing staff, morale 11
- Court day when computers are down
- Prioritizing work to be done
- Finding help in manual on things not done frequently
- Keeping up with changes, keeping current 111*
- Using phone system 1*
- Timekeeping system for payroll
- Discarding old records **
- Knowing procedures from past years***
- Passports*
- Juvenile **
- Legal definitions*
- Working with news media *
- Criminal processing *
- Resolving computer problems *
- Time for training*

<p>1 = number of Clerk responses (111 = 3 clerks offered this response) * = deputy responses (** = 2 deputies offered this response) (11** = 2 clerks and 2 deputies offered this response)</p>

69. What are the three most **important, critical** tasks (having most serious consequences if not done correctly or timely), in order of priority:

- SCT appeals 11111*****
- Judgments (sentencing orders) for those going to Pen
- Monthly and annual reports, daily and accounting procedures 1111***
- Warrants 111111*****
- Civil judgments (docketing and satisfying) 111111*****
- Criminal info during court 11
- Satisfactions and dismissals in small claims court
- Keeping court calendar
- Protection orders 11111*****
- Starting new files
- Names/DOB on crim files
- Correct amount on small claims
- Bonds and money management **
- Secure documents
- Keeping all kinds of records *
- Maintaining image of office *
- 059's *
- Entering all info correctly and completely ****
- Respect of each other*
- Communicating in office and with other departments*
- Reading rights to defendants ***
- Coding charges correctly *
- Keeping information confidential *
- Trial management *
- Date stamping *
- Opening new cases *
- Customer service *

<p>1 = number of Clerk responses (111 = 3 clerks offered this response) * = deputy responses (** = 2 deputies offered this response) (11** = 2 clerks and 2 deputies offered this response)</p>

70. What three **changes** would you most like to see made in your job:

Public perception that we can give legal advice
No weddings 11
Less emails and surveys 11
Not have clerks prepare judgments of conviction or juvenile forms
Give clerks brochures to hand out to pro se litigants
Have list of interpreters that is updated 2x year
Sense all headed in same direction
More uniformity and consistency 1*
More training, help with computer changes 111111***
Morale is low, support and pay would help 111
Compatible computers, computers that work 11
Less paperwork
More technology
Uniform guidelines for collection overdue accounts
Develop tools for pro se litigants
Pay for deputies ***** (or more time off)*
Update on lay magistrate manual
Higher wages compared to county elected officials
Deputy positions on higher status rating *
Allow clerks to appoint attorneys
Allow clerks to set bonds on warrants
Take guilty pleas in court
Computerized forms
More accurate clerks' manual *
Judgment cards on computer **
Record storage and retrieval, microfilming****
Being able to work overtime if needed*
Promotion from within **
New scale for longevity*
More cross-sharing of work, cross training *
More personal work space*
Staff meetings on regular basis**
New phone system**
More hours***
More work *
More organization in office, designated windows/counters in office **
Get rid of PPAR *
Open discussion of office issues*
Floating clerk to help out with training*
No passports*
Improve Detention Center's quality of work*
Cut down time on small claims*
Easier access to protection orders*

<p>1 = number of Clerk responses (111 = 3 clerks offered this response) * = deputy responses (** = 2 deputies offered this response) (11** = 2 clerks and 2 deputies offered this response)</p>

71. What are your three greatest personal **strengths** on the job?

Ability to calm a disruptive customer
Ability to organize multiple tasks 111**
Open mindedness to accept new rules and guidelines all the time 1**
Intelligence 11**
Experience 1*
Common sense
Dependability 11**
Eagerness to learn new skills 1*
Willingness to help others out
Fair knowledge of all aspects of job 111***
Confidence in dealing with customers 11
Confidence in answering questions from other offices
Patience 111*
Flexibility **
Detail oriented 1 *
Computer skills
Ability to interact with customers 111**
Ability to stay calm and not stress out 1 ***
Know how to utilize available resources
Understanding 1, ***
Longevity
Personality/attitude, 1, ** (positive)
Perfectionism
Persistence
Accuracy *****
Cooperation with coworkers*
Ability to adapt****
Prioritizing work *
Helping people at counter*
Enjoyment of job *
Endurance *
Honest , trustworthy **
Timely ***
Dedication ***
Work ethic *
Communication *
Leadership *
Diversity *

<p>1 = number of Clerk responses (111 = 3 clerks offered this response) * = deputy responses (** = 2 deputies offered this response) (11** = 2 clerks and 2 deputies offered this response)</p>

72. What **weakness** of yours do you most need to manage?

Computer skills 111**

Procrastination 111

Frustration with things I cannot control 11

Communication in the office **

Understanding relationship between judgment and liens; answering debtors' questions

Finding time to get everything completed in timely fashion

Ego

Written communications skills

Not confronting situations immediately

Stubbornness*

Confidence in dealing with public **

Being more assertive with my opinions and ideas****

Focusing on system rather than individual/task*

Putting up with stupidity*

Personal organization *

Not asking for help*

Protection orders

Remembering after not working for a couple of weeks

Time management

1 = number of Clerk responses (111 = 3 clerks offered this response)

* = deputy responses (** = 2 deputies offered this response)

(11** = 2 clerks and 2 deputies offered this response)

73. What is the **most pressing issue** facing the clerks' offices in our circuit?

Inadequate security – make funds available to improve 1*****

Service to the public – workload shifting may be only answer

Getting deputies to better scale of pay, making them feel appreciated 1111***

Changing technology, integrating technology 1111***

Increasing workload and stress 11** (allow other counties to help us)

Ease workload in bigger counties, ensuring job security in smaller counties 11

Need to hire, train people with higher education level & advanced computer knowledge

Financial status of people coming into court system, no money collection of A/R, go through system over and over again

Changing public expectations, public awareness of services we offer***

Uniformity among offices**

Small offices don't have enough work to justify keeping them open**

So many changes, keep up with changes**

1 = number of Clerk responses (111 = 3 clerks offered this response)

* = deputy responses (** = 2 deputies offered this response)

(11** = 2 clerks and 2 deputies offered this response)

74. What are the three best ways to address attainment of job competency, in order of priority?

Increase number of training classes per year 2121AAABACCBC

Make training mandatory 22CCBBA

Establish an education committee of clerks/deputies to plan programs 33313BABCA

Develop, maintain more reliable documentation/manuals, checklists 1111221CBBAAAAAB

Create mentoring program to help new clerks, utilize experienced clerks 2231CCBC

Provide incentives or financial rewards for furthering education on own 2333CCCABC

Provide online or web-based training courses 22AACAB

Allow offices to close so all can attend training 113BBACCBBAC

Develop rotational assignments between counties 3BC

Expand promotion opportunities by creating entry-level jobs like file clerks

Have proper equipment 2

More staff when needed 3

Increased salary to create better morale ACAC

Promotions for job worth B

1, 2, 3 = ratings given by Clerk; 1 is top priority

A, B, C = ratings given by Deputies, A is top priority

Example: 22AACAB = 2 clerks rated this their second priority, 3 deputies rated it their first priority, 1 deputy rated it her second priority, and 1 deputy rated it her third priority

APPENDIX J
RESULTS OF SELF ASSESSMENT SURVEY: DEPUTY CLERKS

RESULTS OF Self Assessment Survey for DEPUTY Clerks

SECTION I INSTRUCTIONS

Please review the separate description of the Competencies for your job, and the summary of the Knowledge, Skills, and Abilities. Then, using the scale below, in the first box indicate the level of your ability to complete the task. In the second box indicate the degree of seriousness of the consequences of errors. Be sure to use the appropriate box for your rating that matches up to the task.

PLEASE NOTE: THERE ARE **NO RIGHT** OR **WRONG** ANSWERS. YOUR HONEST ANSWERS WILL GIVE US VALUABLE INFORMATION. THE SCALE IS DESIGNED TO HELP US GAUGE WHERE ADMINISTRATION NEEDS TO FOCUS ITS WORKFORCE PLANNING AND STAFF DEVELOPMENT EFFORTS.

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

EXAMPLE:

	COMPETENCY - CASE PROCESSING: Filing, docketing, and maintaining registers of action for person-specific cases needing judicial attention; assisting litigants; answering questions about case records; receipting fines and fees; copying papers; working with attorneys, other agencies, other circuit personnel	My ability	Degree of consequences
Task N=21			
1.	Open new civil file of <i>any</i> type: receive and review documents, assign case number and judge, receipt fees, create and update ROA, record statistics	2	1
2.	Open new felony criminal file: screen record for accuracy, assign case number, record bond, calendar the appearance, merge demographics, create CJIS record, update ROA	4	2

SECTION II SURVEY RESULTS

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

A	COMPETENCY - CASE PROCESSING: Filing, docketing, and maintaining registers of action for person-specific cases needing judicial attention; assisting litigants; answering questions about case records; receiving fines and fees; copying papers; working with attorneys, other agencies, other circuit personnel	Task N = 21	My ability	Degree of consequences
			AVG	AVG
1.	Open new civil file of <i>any</i> type: receive and review documents, assign case number and judge, receipt fees, create and update ROA, record statistics RESULTS ABILITY 0=1 1=3 2=5 3=7 4=5 RESULTS CONSEQ 0=2 1=14 2=4 3=0 4=1		2.6	1.3
2.	Open new felony criminal file: screen record for accuracy, assign case number, record bond, calendar the appearance, merge demographics, create CJIS record, update ROA RESULTS ABILITY 0=3 1=5 2=1 3=5 4=7 RESULTS CONSEQ 0=4 1=4 2=8 3=4 4=1		2.4	1.8
3.	Process a civil judgment: receive and file documents; prepare certified copies, prepare judgment card, docket the judgment, update ROA RESULTS ABILITY 0=0 1=2 2=5 3=8 4=6 RESULTS CONSEQ 0=1 1=6 2=5 3=7 4=2		2.9	2.3
4.	Set juvenile delinquency case for hearing; prepare calendar; prepare certified copies for service RESULTS ABILITY 0=2 1=7 2=2 3=6 4=4 RESULTS CONSEQ 0=2 1=11 2=3 3=4 4=1		2.1	1.7
5.	Prepare civil judgment execution to sheriff; prepare transcript to another county, receive and review satisfaction; update ROA and file paperwork RESULTS ABILITY 0=0 1=0 2=6 3=6 4=9 RESULTS CONSEQ 0=1 1=6 2=8 3=5 4=1		3.1	2.1
6.	Verify compliance with court order; screen records for completeness; issue bench warrant for failure to comply; notify appropriate parties; update CJIS RESULTS ABILITY 0=3 1=5 2=4 3=4 4=5 RESULTS CONSEQ 0=3 1=2 2=6 3=7 4=3		2.1	2.4
7.	Explain costs or fees assessed by the court in response to inquiry from litigant or attorney RESULTS ABILITY 0=0 1=2 2=5 3=5 4=9 RESULTS CONSEQ 0=2 1=9 2=6 3=3 4=1		3.0	1.7
8.	Compute time requirements for filing of notice of appeal to the Supreme Court RESULTS ABILITY 0=11 1=2 2=2 3=4 4=2 RESULTS CONSEQ 0=9 1=2 2=3 3=3 4=4		1.2	1.7

9.	Remain calm and neutral when an irate party directs anger at the court toward you						3.0		1.9
	RESULTS ABILITY	0=0	1=0	2=5	3=12	4=4			
	RESULTS CONSEQ	0=5	1=4	2=5	3=4	4=3			

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

B	COMPETENCY – CALENDAR MANAGMENT: Scheduling cases for hearing, notifying parties of trial dates, screening records' for readiness for trial, completeness and consistency	Task	N=21	My ability		Degree of consequences	
				AVG	AVG		
10.	Arrange a bond review hearing for an in-custody defendant	RESULTS ABILITY	0=8 1=6 2=2 3=2 4=3	1.3	1.4		
		RESULTS CONSEQ	0=8 1=5 2=3 3=4 4=1				
11.	Calculate answer and default judgment dates for small claims case	RESULTS ABILITY	0=0 1=2 2=4 3=7 4=8	3.0	1.8		
		RESULTS CONSEQ	0=1 1=9 2=7 3=3 4=1				
12.	Prepare circuit court motions calendar for Temporary Protection Order hearings	RESULTS ABILITY	0=2 1=0 2=7 3=5 4=7	2.7	1.8		
		RESULTS CONSEQ	0=2 1=9 2=5 3=3 4=2				
13.	Notify jurors of canceled jury trial	RESULTS ABILITY	0=0 1=0 2=2 3=10 4=9	3.3	1.9		
		RESULTS CONSEQ	0=1 1=11 2=4 3=2 4=3				
14.	Determine when Record on Appeal is due to Supreme Court Clerk's office	RESULTS ABILITY	0=8 1=4 2=3 3=2 4=4	1.5	1.8		
		RESULTS CONSEQ	0=9 1=0 2=4 3=5 4=3				
15.	Assess need for changes to procedures	RESULTS ABILITY	0=3 1=3 2=3 3=8 4=4	2.3	1.5		
		RESULTS CONSEQ	0=4 1=8 2=6 3=2 4=1				

C	COMPETENCY – RECORDS MANAGEMENT: Maintaining and storing cases and exhibit records; managing destruction of records; processing requests for file checkout; maintaining confidentiality; designing forms	Task	N=21	My ability		Degree of consequences	
				AVG	AVG		
16.	Give forms for Protection Order relief to a petitioner, explaining their use, and assisting in completing them	RESULTS ABILITY	0=0 1=1 2=6 3=2 4=12	3.2	1.8		
		RESULTS CONSEQ	0=2 1=11 2=2 3=3 4=3				
17.	Prepare a criminal history search for an employer	RESULTS ABILITY	0=0 1=0 2=3 3=6 4=12	3.4	1.7		
		RESULTS CONSEQ	0=2 1=11 2=3 3=3 4=2				

18.	Prepare a judgment search for a debtor about to file bankruptcy RESULTS ABILITY 0=1 1=0 2=3 3=6 4=11 RESULTS CONSEQ 0=2 1=8 2=2 3=6 4=3	3.2	2.1
19.	Determine if a 15-year old petty misdemeanor record is accessible to the public RESULTS ABILITY 0=2 1=2 2=7 3=4 4=6 RESULTS CONSEQ 0=4 1=8 2=4 3=3 4=2	2.5	1.7
20.	Return exhibits to an attorney or self-represented litigant RESULTS ABILITY 0=4 1=3 2=3 3=4 4=7 RESULTS CONSEQ 0=7 1=8 2=5 3=0 4=1	2.3	1.1
21.	Confidently and patiently explain why an attorney cannot remove a file from your office RESULTS ABILITY 0=1 1=2 2=3 3=5 4=10 RESULTS CONSEQ 0=4 1=12 2=1 3=2 4=2	3.0	1.4

Your performance level		Degree of consequence for error in the task	
0 Not applicable, don't know, not sure		0 Not applicable, don't know, not sure	
1 Beginner's level, learning, slow at this		1 No or low impact for customer, easily detected and corrected by me	
2 Intermediate, mostly accurate but not fast		2 Medium, extra attention required to detect and fix	
3 Competent, well able, proficient		3 High impact for customer, may require effort of supervisor to fix	
4 Master, confident, accurate and fast		4 Very serious consequences, need higher authority to resolve	
D	COMPETENCY – FINANCIAL MANAGEMENT: Managing the receipt and disbursement of money; handling bail, child support payments, and time payments; formulating budgets; negotiating with local funding agencies; monitoring compliance	My ability	Degree of consequences
	Task N=21		
22.	Process payments; make change; receipt fees, fine, costs, and restitution; update JAS and CJIS or ROA records RESULTS ABILITY 0=0 1=1 2=1 3=7 4=12 RESULTS CONSEQ 0=2 1=10 2=2 3=5 4=2	AVG 3.4	AVG 1.9
23.	Prepare mid-month and end-of-month disbursement reports RESULTS ABILITY 0=9 1=4 2=1 3=6 4=1 RESULTS CONSEQ 0=12 1=3 2=2 3=1 4=3	1.3	1.1
24.	Forfeit a bond to the county treasurer RESULTS ABILITY 0=11 1=2 2=3 3=1 4=4 RESULTS CONSEQ 0=10 1=5 2=0 3=3 4=3	1.3	1.3
25.	Explain to a defendant the process for getting approval to make time payments RESULTS ABILITY 0=2 1=0 2=4 3=4 4=11 RESULTS CONSEQ 0=4 1=11 2=4 3=1 4=1	3.0	1.3
26.	Calculate fees and costs owed or remaining RESULTS ABILITY 0=1 1=0 2=2 3=6 4=12 RESULTS CONSEQ 0=2 1=9 2=6 3=3 4=1	3.3	1.7
27.	Determine why bank statement cannot be reconciled RESULTS ABILITY 0=11 1=1 2=2 3=5 4=2 RESULTS CONSEQ 0=10 1=5 2=2 3=2 4=2	1.3	1.2

E	COMPETENCY – COURTROOM SUPPORT: Maintaining courtroom files and minutes of proceedings; handling in-court exhibits and security; empaneling juries; recording court proceedings using automated or manual measures; maintaining courtroom audio, video, and computer equipment			
	Task N=21		My ability	Degree of consequences
28.	Accurately and speedily operate CJIS or manually record judicial action during court RESULTS ABILITY 0=6 1=4 2=3 3=3 4=5 RESULTS CONSEQ 0=6 1=4 2=5 3=3 4=3	AVG 1.8		AVG 1.8
29.	Display a neutral and poised demeanor while a witness is testifying; stay focused and not be easily distracted RESULTS ABILITY 0=4 1=1 2=2 3=5 4=9 RESULTS CONSEQ 0=7 1=9 2=0 3=3 4=2	2.7		1.3
30.	Administer oaths or swear in a witness RESULTS ABILITY 0=10 1=2 2=1 3=2 4=6 RESULTS CONSEQ 0=9 1=9 2=0 3=1 4=2	1.6		1.0
31.	Mark and maintain custody of trial exhibits RESULTS ABILITY 0=8 1=1 2=4 3=2 4=6 RESULTS CONSEQ 0=7 1=3 2=6 3=2 4=3	1.9		1.7
32.	Determine a party's prior court history upon demand while court is in session RESULTS ABILITY 0=6 1=2 2=2 3=5 4=6 RESULTS CONSEQ 0=6 1=6 2=4 3=2 4=3	2.1		1.6
33.	Explain trial procedure to a self-represented litigant RESULTS ABILITY 0=7 1=2 2=1 3=7 4=4 RESULTS CONSEQ 0=6 1=7 2=2 3=3 4=3	2.0		1.6
	Your performance level	Degree of consequence for error in the task		
	0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure		
	1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me		
	2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix		
	3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix		
	4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve		
F	COMPETENCY – JURY MANAGEMENT: Listing all upcoming jury trials; managing juror lists and summons; overseeing assembling of jurors on trial day; assisting with empaneling			
	Task N=21		My ability	Degree of consequences
34.	Compile the annual master jury list for grand and petit jury panels in your county RESULTS ABILITY 0=10 1=4 2=3 3=3 4=1 RESULTS CONSEQ 0=9 1=6 2=2 3=1 4=3	AVG 1.1		AVG 1.3
35.	Conduct orientation for new jurors RESULTS ABILITY 0=14 1=1 2=1 3=1 4=4 RESULTS CONSEQ 0=12 1=5 2=0 3=2 4=2	.9		1.0
36.	Qualify, excuse or defer jurors for a term of service RESULTS ABILITY 0=4 1=6 2=2 3=2 4=7 RESULTS CONSEQ 0=6 1=10 2=0 3=2 4=3	2.1		1.5

37.	Assist with voir dire and jury selection in the courtroom RESULTS ABILITY 0=8 1=3 2=3 3=1 4=6 RESULTS CONSEQ 0=8 1=4 2=4 3=2 4=3	1.7	1.6
38.	Prepare reports of juror yield or number of available, qualified jurors, or the number of jury trials held RESULTS ABILITY 0=6 1=4 2=2 3=3 4=6 RESULTS CONSEQ 0=7 1=9 2=1 3=1 4=3	2.0	1.4
39.	Explain to the newspaper reporter why a grand jury has been summoned RESULTS ABILITY 0=13 1=0 2=1 3=0 4=7 RESULTS CONSEQ 0=11 1=6 2=1 3=1 4=2	1.4	1.0

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

G	COMPETENCY – SOCIAL WORK (NOT CASE-SPECIFIC): Serving customers; public relations for the judicial system; maintaining working relationships with non-court agencies; ensuring safety of self and others	My ability	Degree of consequences
	Task N=21		
40.	Explain how to get married in a civil ceremony RESULTS ABILITY 0=0 1=2 2=2 3=5 4=12 RESULTS CONSEQ 0=6 1=9 2=2 3=3 4=1	AVG 3.3	AVG 1.3
41.	Process an expedited passport application RESULTS ABILITY 0=11 1=2 2=4 3=3 4=1 RESULTS CONSEQ 0=12 1=4 2=1 3=2 4=2	1.1	1.0
42.	Explain what you do to a group of visitors, and conduct a tour of court facilities RESULTS ABILITY 0=1 1=1 2=7 3=7 4=5 RESULTS CONSEQ 0=8 1=11 2=0 3=0 4=2	2.7	1.0
43.	Refer a visitor to the appropriate office for a copy of a birth certificate RESULTS ABILITY 0=0 1=0 2=2 3=4 4=15 RESULTS CONSEQ 0=7 1=9 2=3 3=1 4=1	3.6	1.2
44.	Deal calmly and respond effectively to a perceived security or personal safety threat in the office RESULTS ABILITY 0=1 1=1 2=5 3=11 4=3 RESULTS CONSEQ 0=8 1=1 2=0 3=4 4=7 5=1	2.7	2.4
45.	Verify list of outstanding bench warrants RESULTS ABILITY 0=6 1=1 2=4 3=4 4=6 RESULTS CONSEQ 0=7 1=4 2=3 3=3 4=4	2.0	1.8

H	COMPETENCY – ADMINISTRATIVE TASKS: Reception duties; answering telephone; writing letters; attending meetings; updating manuals; researching unfamiliar or new procedures; resolving disputes; organizing and prioritizing work		
	Task N=21	My ability	Degree of consequences
46.	Order supplies or forms for the office RESULTS ABILITY 0=4 1=0 2=5 3=7 4=5 RESULTS CONSEQ 0=9 1=9 2=2 3=1 4=0	AVG 2.4	AVG .8
47.	Report an injury that occurred on the job RESULTS ABILITY 0=5 1=3 2=6 3=4 4=3 RESULTS CONSEQ 0=12 1=6 2=1 3=0 4=2	1.9	.8
48.	Send a bulky package containing a file and trial exhibits to the Supreme Court Clerk RESULTS ABILITY 0=3 1=4 2=4 3=1 4=9 RESULTS CONSEQ 0=8 1=6 2=2 3=3 4=2	2.4	1.4
49.	Reorganize and clean work area, including destroying old memos and emails RESULTS ABILITY 0=0 1=1 2=4 3=6 4=10 RESULTS CONSEQ 0=7 1=10 2=1 3=1 4=2	3.2	1.2
50.	Recognize and diffuse escalating, disruptive behavior of a distressed customer RESULTS ABILITY 0=0 1=1 2=5 3=12 4=3 RESULTS CONSEQ 0=4 1=6 2=4 3=4 4=3	2.8	2.0
51.	Update the JAS Manual with inserts or information received from the state office RESULTS ABILITY 0=1 1=0 2=2 3=5 4=13 RESULTS CONSEQ 0=6 1=8 2=4 3=1 4=2	3.4	1.4

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, , may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

I	COMPETENCY –SUPERVISION: Interviewing; training employees; assigning work to staff; overseeing daily tasks; assessing the needs of the office; evaluating staff performance; preparing reports; coordinating or resolving issues related to facilities		
	Task N=21	My ability	Degree of consequences
52.	Conduct a Performance Planning and Review Document (PPAR), including setting goals for future performance and measuring achievement RESULTS ABILITY 0=18 1=0 2=1 3=1 4=1 RESULTS CONSEQ 0=18 1=1 2=1 3=0 4=1	.4	.4
53.	Justify a request for additional staff hours in the office RESULTS ABILITY 0=18 1=0 2=1 3=2 4=0 RESULTS CONSEQ 0=18 1=1 2=1 3=0 4=1	.4	.4

54.	Address a situation where an employee has been discriminatory toward a customer or co-worker RESULTS ABILITY 0=19 1=0 2=0 3=1 4=1 RESULTS CONSEQ 0=18 1=0 2=1 3=1 4=1	.3	.5
55.	Train staff on an issue you have learned about at a statewide or circuit meeting RESULTS ABILITY 0=19 1=0 2=0 3=1 4=1 RESULTS CONSEQ 0=18 1=1 2=1 3=0 4=1	.3	.4
56.	Approve a request for personal leave RESULTS ABILITY 0=21 1=0 2=0 3=0 4=0 RESULTS CONSEQ 0=19 1=1 2=0 3=0 4=1	.0	.3
57.	Develop a plan for cross-training your staff for reassigning responsibilities in the office RESULTS ABILITY 0=21 1=0 2=0 3=0 4=0 RESULTS CONSEQ 0=19 1=0 2=0 3=2 4=0	.0	.3

J	COMPETENCY –LAW MAGISTRATE DUTIES: Performing equivalent judicial functions; issuing enforceable orders; taking oaths; conducting hearings; advising defendants of legal rights Task N=21	My ability	Degree of consequences
58.	Set a bond for a Class I Misdemeanor RESULTS ABILITY 0=9 1=3 2=2 3=3 4=4 RESULTS CONSEQ 0=9 1=4 2=4 3=2 4=2	AVG 1.5	AVG 1.4
59.	Advise an in-custody defendant of the Preliminary Statement of Rights and how to request a bond review hearing RESULTS ABILITY 0=8 1=2 2=3 3=3 4=5 RESULTS CONSEQ 0=5 1=5 2=6 3=3 4=2	1.8	1.8
60.	Perform a civil wedding ceremony RESULTS ABILITY 0=2 1=0 2=3 3=5 4=11 RESULTS CONSEQ 0=5 1=12 2=2 3=1 4=1	3.1	1.9
61.	Determine if a default judgment should be entered in a Small Claims matter, considering the completeness of the evidence and compliance with time limits RESULTS ABILITY 0=2 1=0 2=3 3=8 4=8 RESULTS CONSEQ 0=4 1=5 2=5 3=5 4=2	3.0	1.4
62.	Accept a plea of guilty for a Power of Attorney (POA) offense RESULTS ABILITY 0=4 1=0 2=0 3=4 4=13 RESULTS CONSEQ 0=6 1=8 2=3 3=2 4=2	3.0	1.2

Your performance level	Degree of consequence for error in the task
0 Not applicable, don't know, not sure	0 Not applicable, don't know, not sure
1 Beginner's level, learning, slow at this	1 No or low impact for customer, easily detected and corrected by me
2 Intermediate, mostly accurate but not fast	2 Medium, extra attention required to detect and fix
3 Competent, well able, proficient	3 High impact for customer, , may require effort of supervisor to fix
4 Master, confident, accurate and fast	4 Very serious consequences, need higher authority to resolve

K	COMPETENCY –APPLIED TECHNOLOGY AND COMPUTER SUPPORT: Troubleshooting minor equipment problems; arranging for service of nonfunctioning equipment; resolving errors and incompatibility issues; learning and using appropriate software to improve effectiveness; Task N=21	My ability	Degree of consequences
63.	Using appropriate, available equipment/machines and/or software programs to ensure timeliness and consistency RESULTS ABILITY 0=1 1=1 2=3 3=9 4=7 RESULTS CONSEQ 0=5 1=13 2=0 3=2 4=1	AVG 3.0	AVG 1.1
64.	Move a computer from one desk to another, including disconnecting and reconnecting cables RESULTS ABILITY 0=2 1=0 2=5 3=7 4=7 RESULTS CONSEQ 0=7 1=11 2=0 3=2 4=1	2.8	.9
65.	Access and refer others to the UJS website for current Supreme Court Rules and UJS administrative policies, such as Personnel Rules, Retention Schedule, or Parenting Guidelines RESULTS ABILITY 0=4 1=1 2=6 3=3 4=7 RESULTS CONSEQ 0=11 1=6 2=2 3=1 4=1	2.4	.8
66.	Determine why an automated report does not match a manually prepared report RESULTS ABILITY 0=6 1=2 2=4 3=6 4=3 RESULTS CONSEQ 0=10 1=9 2=0 3=1 4=1	1.9	.7
67.	File a court order with an electronic signature of the attorney or judge RESULTS ABILITY 0=16 1=1 2=0 3=2 4=2 RESULTS CONSEQ 0=16 1=1 2=1 3=2 4=1	.7	.0

(For results of the Open-Ended Questions, Nos. 68-74, see Appendix I, Clerk Results. Answers have been combined for reporting purposes.)

APPENDIX K
COVER LETTER FOR SURVEY

STATE OF SOUTH DAKOTA
THIRD JUDICIAL CIRCUIT COURT

314 Sixth Avenue, Brookings, South Dakota 57006

RODNEY J. STEELE

Presiding Judge
(605) 688-4202

PATRICIA GARCIA DUGGAN

Administrator
(605) 688-4621

Counties

*Beadle, Brookings, Clark
Codington, Deuel, Grant
Hamlin, Hand, Jerauld
Kingsbury, Lake, Miner
Moody and Sanborn*

November 6, 2003

Dear Clerks,

As you know, the Court has embarked on a project to assess and plan for the current and future needs of our workforce throughout the Third Judicial Circuit. All clerks and deputy clerks are being surveyed to gather their views about their own level of knowledge, skills, and abilities on all aspects of their jobs. Instructions are stated on the survey, and it should take about 30 minutes of your time to complete.

Each job dimension, or competency area, was developed as a result of meetings with the clerks to determine the key functions in every clerk's office. The individual tasks have been selected from the South Dakota Staffing Standards Study, which identifies both case-specific and non-case-specific tasks that are within the scope of a clerk's position. The results of this Self-Assessment Survey will help our Circuit's leadership target future staff development efforts and assist in long-term workforce planning.

All of the responses to this Survey will be compiled and analyzed *collectively*, not *individually*. Thus, your responses will be confidential and not attributed to you in any way. A summary of the survey findings and full report on the entire project will be available in February 2004.

Please complete and return the survey no later than Wednesday, November 19. As we agreed, you should send them to Judy Kuhlman in Brookings, in the enclosed envelope. To ensure your anonymity, she will remove them from the envelopes and turn them in to my office. If you have questions or need additional information about this survey, please feel free to contact me directly by phone or email.

Thank you in advance for taking time to complete and return the survey within the next two weeks.

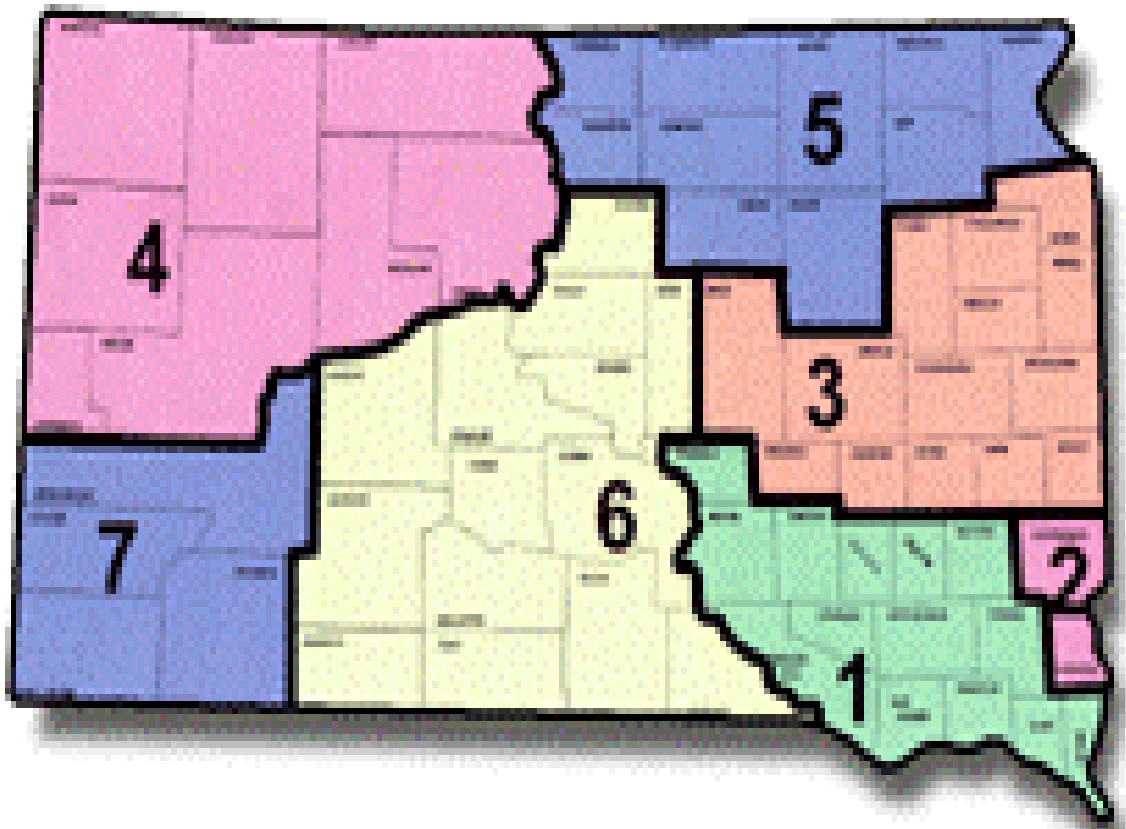
Sincerely,
Patricia Garcia Duggan
Circuit Court Administrator

APPENDIX L
RESULTS OF WORKFORCE PLANNING AND STAFF DEVELOPMENT CONTINUUM

WORKFORCE PLANNING AND STAFF DEVELOPMENT CONTINUUM

LEADERSHIP EMPHASIS	6	5	4	3	2	1	LEADERSHIP EMPHASIS
<p><i>What emphasis does the Circuit place on promoting its mission and looking to the future? Has our mission and vision been clearly communicated? Do you know what our priorities are?</i></p> <p>Management and staff would defend this circuit's mission and purpose if challenged.</p>							<p>We don't look ahead; we have no plan. We spend all our time putting out fires.</p>
<p>PERFORMANCE STANDARDS</p> <p><i>What inducements does the circuit have to accomplishing what it wants to accomplish? Are goals established? Are they measurable? Do you know how well we're meeting them?</i></p> <p>This circuit has appropriate policies, procedures, standards, and rules. I generally receive all the information I need to do my job effectively.</p>							<p>PERFORMANCE STANDARDS</p> <p>The rules keep changing. There is no consistency. Standards and expectations are either low or do not exist.</p>
<p>RESPONSIBILITY FOR RESOURCES</p> <p><i>Does management honor its responsibility for ensuring staff has what it needs to do its job? Do you get by with bare essentials, or do you have the latest and best that's available to you?</i></p> <p>Resources are adequate; current staff is adequate in numbers, qualifications, and skill levels to complete their work effectively</p>							<p>RESPONSIBILITY FOR RESOURCES</p> <p>Most offices have to look out for themselves. Some people do not possess the requisite knowledge, skills, abilities, or traits needed to be successful in our circuit.</p>
<p>STAFF DEVELOPMENT</p> <p><i>Does the circuit provide opportunities for staff to learn and feel competent and accomplished? Are PPARs meaningful? Are individual talents being used effectively?</i></p> <p>Supervisors know the staff and what each one of them needs. Staff is "stretched" to achieve high performance goals. Learning is encouraged.</p>							<p>STAFF DEVELOPMENT</p> <p>Opportunities are not provided to learn and utilize new skills. Most staff does not have a high level of job satisfaction.</p>
<p>PREPAREDNESS & INITIATIVE</p> <p><i>Is staff prepared for advanced responsibilities? Do they take an interest in their own personal and professional development?</i></p> <p>Many people are ready now to assume additional key responsibilities or move into supervisory or technical positions. Staff is "alive" and interested in their work. Vacancies are filled quickly and easily.</p>							<p>PREPAREDNESS & INITIATIVE</p> <p>Staff is ill-prepared to take on new tasks. Few people are ready to assume new positions or develop their own ideas. It takes a long time to fill positions. Staff only attends mandatory training.</p>
<p>INTEGRITY</p> <p><i>Does management have a reputation for honesty, fairness and trustworthiness in dealing with staff? Can you count on them and their word?</i></p> <p>Staff is treated with respect, recognized for their contributions, and paid fairly for their work. Most staff is long-tenured and loyal to the circuit.</p>							<p>INTEGRITY</p> <p>Some of the most talented, knowledgeable people have left our court; many will likely leave as soon as they can retire. Staff is not appreciated or valued.</p>
<p>CONFORMITY/DIVERSITY</p> <p><i>Do established patterns of hiring or promotion influence staff's decisions about applying for vacant positions? Is everyone (customers and co-workers alike) treated fairly and equally?</i></p> <p>We have a diverse workforce. We strive to meet the changing needs of our constituents. New ways and ideas are sought and considered.</p>							<p>CONFORMITY/DIVERSITY</p> <p>Employee diversity is an issue. We are not representative of the people we serve. We do things the way they have always been done.</p>
<p>COMPETENCY</p> <p><i>Does existing training enable staff to perform their jobs effectively? Is it offered in a timely manner? Is documentation reliable? Are there other resources available to you to help you perform your job?</i></p> <p>Current training is sufficient for staff to feel accomplished, knowledgeable, and prepared.</p>							<p>COMPETENCY</p> <p>There is a steep and long learning curve for new people. Staff often has difficulty with maintaining a level of comfort</p>

APPENDIX M
MAP OF 7 JUDICIAL CIRCUITS IN SOUTH DAKOTA



APPENDIX N
PERFORMANCE PLANNING AND REVIEW DOCUMENT: CLERKS

UNIFIED JUDICIAL SYSTEM
PERFORMANCE PLANNING AND REVIEW DOCUMENT

EMPLOYEE NAME: _____	HIRE DATE: _____									
POSITION TITLE: <u>Clerk of Court</u>	OFFICE: _____									
SUPERVISOR'S NAME: _____	REVIEW DATE: _____									
<p>PERFORMANCE LEVEL:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">“E”</td> <td style="width: 30%;">Excellent</td> <td>Generally meets or exceeds required performance in all areas on a consistent basis.</td> </tr> <tr> <td>“P”</td> <td>Proficient</td> <td>Generally meets expectations.</td> </tr> <tr> <td>“M”</td> <td>Marginal</td> <td>Doesn't meet expectations.</td> </tr> </table>		“E”	Excellent	Generally meets or exceeds required performance in all areas on a consistent basis.	“P”	Proficient	Generally meets expectations.	“M”	Marginal	Doesn't meet expectations.
“E”	Excellent	Generally meets or exceeds required performance in all areas on a consistent basis.								
“P”	Proficient	Generally meets expectations.								
“M”	Marginal	Doesn't meet expectations.								

PROFESSIONALISM

EXPECTATIONS

Acceptance of Responsibility	<input type="checkbox"/> Willingly accepts and completes job tasks and projects as directed <input type="checkbox"/> Follows and complies with all State, UJS & Circuit policies and procedures <input type="checkbox"/> Takes responsibility for actions of self and staff
-------------------------------------	---

Appearance	<input type="checkbox"/> Maintains professional attire and appearance of self and workplace
-------------------	---

Attitude	<input type="checkbox"/> Enthusiastic toward job, coworkers and organization <input type="checkbox"/> Accepts direction well from supervisor <input type="checkbox"/> Has a positive disposition with others and projects a professional demeanor at all times
-----------------	--

Dependability	<input type="checkbox"/> Reliable, conscientious and timely <input type="checkbox"/> Observes established procedures with minimal supervision
----------------------	--

Management Technique	<input type="checkbox"/> Serves as a role model for staff; recognizes need for change and implements as needed or directed with minimal resistance <input type="checkbox"/> Gives clear direction to staff and treats all staff with fairness and professionalism; enforces policies uniformly
-----------------------------	---

Planning and Organizing	<input type="checkbox"/> Effectively structures flow of work and establishes priorities for office <input type="checkbox"/> Sets and meets goals; recognizes and solves problems; able to keep self and office organized <input type="checkbox"/> Notifies supervisor of problems or delays in accomplishing tasks
--------------------------------	--

Professional/Personal Growth	<input type="checkbox"/>	Demonstrates initiative to improve knowledge, skills and performance
	<input type="checkbox"/>	Takes advantage of educational and training opportunities
	<input type="checkbox"/>	Sets goals and takes action
	<input type="checkbox"/>	Positive efforts and attitude toward suggestions, recommendations, and/or direction given by supervisor
	<input type="checkbox"/>	Effective utilization of office equipment and technology provided by UJS

WORK

EXPECTATIONS

Attendance	<input type="checkbox"/>	Prompt and timely attendance at work
-------------------	--------------------------	--------------------------------------

Communications	<input type="checkbox"/>	Honest and direct with supervisor and co-workers; accepts constructive criticism in a positive manner; avoids gossip
	<input type="checkbox"/>	Positive, accurate and professional with public and within organization at all times
	<input type="checkbox"/>	Documents, correspondence and reports are timely and error free
	<input type="checkbox"/>	Maintains confidentiality and decorum appropriate to a court employee

Customer Service	<input type="checkbox"/>	Provides positive interaction with both internal and external customers
	<input type="checkbox"/>	Respectful, confident and professional at all times to present a positive image of the courts
	<input type="checkbox"/>	Answers phone promptly and identifies office and self
	<input type="checkbox"/>	Responsive to all requests for information but does not give legal advice
	<input type="checkbox"/>	Handles tense situations in a calm and objective manor

Flexibility	<input type="checkbox"/>	Able to adapt to changing priorities and policies with minimal resistance
	<input type="checkbox"/>	Responds favorably to direction from Administration

Job Knowledge	<input type="checkbox"/>	Understands job expectations, required skills, methods and procedures as well as how to apply those attributes; reads and adopts all directives from Pierre and Circuit Administration
	<input type="checkbox"/>	Seeks to improve knowledge and skills by participating in training

Judgement	<input type="checkbox"/>	Generally makes correct decisions and prioritizes workload effectively
	<input type="checkbox"/>	Foresees consequences of actions and behavior
	<input type="checkbox"/>	Requests input as needed

Work Output	<input type="checkbox"/>	Consistently produces accurate and complete work in a timely manner
	<input type="checkbox"/>	Carries an equitable workload and assists staff in completing priority work when own work is completed or as needed

Safety Practices/Record	<input type="checkbox"/>	Is aware of and complies with safety and security polices
	<input type="checkbox"/>	Shows concern for safety and promptly reporting unsafe conditions

Teamwork	<input type="checkbox"/>	Promotes a cooperative, positive atmosphere in office, willing to share ideas, suggestions and techniques with staff
	<input type="checkbox"/>	Displays positive enthusiasm and pride in office
	<input type="checkbox"/>	Participates actively and positively with Circuit Administration and state teams and committees

SUPERVISORY FACTORS

EXPECTATIONS

Commitment to Policies	<input type="checkbox"/>	Demonstrates loyalty to UJS and Circuit Administration; is trustworthy
	<input type="checkbox"/>	Able to understand and promote compliance with workplace policies, rules and regulations; cooperative

Conducting Performance Reviews	<input type="checkbox"/>	Commitment to utilizing performance appraisals as a tool for feedback and communicating expectations for performance
	<input type="checkbox"/>	Confronts problems immediately and documents; recognizes and communicates accomplishments of staff

Delegating	<input type="checkbox"/>	Knows when and how to delegate effectively and provides staff with information and knowledge to carry out; monitors workflow of staff; encourages staff to resolve problems
-------------------	--------------------------	---

Development of Staff	<input type="checkbox"/>	Realizes the importance of keeping staff informed; does not hoard Information; passes on all relevant information
	<input type="checkbox"/>	Inspires staff to set and achieve goals; suggests appropriate training
	<input type="checkbox"/>	Uses discipline effectively
	<input type="checkbox"/>	Rewards staff initiative and accomplishments

Leadership	<input type="checkbox"/>	Creates and maintains a positive atmosphere; treats all fairly; promotes teamwork; seeks creative approaches; provides vision; empowers employees to accept responsibility
	<input type="checkbox"/>	Anticipates problems and develops resources to solve
	<input type="checkbox"/>	Adapts and encourages staff to adapt to meet changing needs of office, Administration, and public

Productivity	<input type="checkbox"/>	Consistently meets or exceeds expectations for work output in an acceptable, accurate and timely manner
---------------------	--------------------------	---

Scheduling and Coordinating	<input type="checkbox"/>	Ability to delegate tasks, to get work completed timely; and to maintain adequate coverage for the office and courtrooms
------------------------------------	--------------------------	--

Optional Factors:	<input type="checkbox"/>	_____
_____		_____

Overall Performance Level	<input type="checkbox"/>	_____
----------------------------------	--------------------------	-------

Other performance issues discussed during the past year

- YES** Other documentation can be found: _____
- NO**

Employee input form attached and discussed

- YES**
- NO**

PERSONAL AND PROFESSIONAL ACTION REPORT
(Performance Planning and Review, PPAR)

Additional comments by supervisor: _____

Comments by employee: _____

Supervisors and employees are required to sign this form. Signatures indicate that the supervisor and employee have discussed this form and the comments thereon. Signatures do not indicate agreement.

Employee's Signature

Date

Circuit Administrator/Presiding Judge

Date

PERFORMANCE PLANNING AND REVIEW DOCUMENT

Employee Name: _____

Department: _____

Review Date: _____

PPAR—EMPLOYEE INPUT FORM

Supervisors: Please add three additional questions, either from the list of suggested questions, or questions of your own.

- 1. Identify two key projects and/or goals you would like to accomplish in the next review period and what you need to accomplish these projects and/or goals.

- 2. How can I as your supervisor provide more feedback/support to you?

- 3.

- 4.

- 5.

APPENDIX O
PERFORMANCE PLANNING AND REVIEW DOCUMENT: DEPUTY CLERKS

UNIFIED JUDICIAL SYSTEM
PERFORMANCE PLANNING AND REVIEW DOCUMENT

EMPLOYEE NAME: _____ **HIRE DATE:** _____

POSITION TITLE: Deputy Clerk of Court **OFFICE:** _____

SUPERVISOR'S NAME: _____ **REVIEW DATE:** _____

PERFORMANCE LEVEL:

“E”	Excellent	Generally meets or exceeds required performance in all areas on a consistent basis.
“P”	Proficient	Generally meets expectations.
“M”	Marginal	Doesn't meet expectations.

PROFESSIONALISM

EXPECTATIONS

Acceptance of Responsibility	<input type="checkbox"/> Willingly accepts and completes job tasks and projects as directed <input type="checkbox"/> Follows and complies with all State, UJS & Circuit policies and procedures <input type="checkbox"/> Takes responsibility for actions
-------------------------------------	---

Appearance	<input type="checkbox"/> Maintains professional attire and appearance of self and workplace
-------------------	---

Attitude	<input type="checkbox"/> Enthusiastic toward job, coworkers and organization <input type="checkbox"/> Accepts direction well from supervisor <input type="checkbox"/> Has a positive disposition with others and projects a professional demeanor at all times
-----------------	--

Dependability	<input type="checkbox"/> Reliable, conscientious and timely <input type="checkbox"/> Observes established procedures with minimal supervision
----------------------	--

Planning and Organizing	<input type="checkbox"/> Is able to effectively schedule and organize work to ensure that it is completed in an efficient and timely manner <input type="checkbox"/> Notifies supervisor of problems or delays in accomplishing tasks
--------------------------------	--

Professional/Personal Growth	<input type="checkbox"/> Demonstrates initiative to improve knowledge, skills and performance <input type="checkbox"/> Takes advantage of educational and training opportunities <input type="checkbox"/> Sets goals and takes action <input type="checkbox"/> Positive efforts and attitude toward suggestions, recommendations, and/or direction given by supervisor <input type="checkbox"/> Effective utilization of office equipment and technology provided by UJS
-------------------------------------	--

WORK

EXPECTATIONS

Attendance

Prompt and timely attendance at work

Communications

- Honest and direct with supervisor and co-workers; accepts constructive criticism in a positive manner; avoids gossip
- Positive, accurate and professional with public and within organization at all times
- Documents, correspondence and reports are timely and error free
- Maintains confidentiality and decorum appropriate to a court employee

Customer Service

- Provides positive interaction with both internal and external customers
- Respectful, confident and professional at all times to present a positive image of the courts
- Answers phone promptly and identifies office and self
- Responsive to all requests for information but does not give legal advice
- Handles tense situations in a calm and objective manor

Flexibility

- Able to adapt to changing priorities and policies with minimal resistance
- Responds favorably to direction from supervisor and Administration

Job Knowledge

- Understands job expectations, required skills, methods and procedures as well as how to apply those attributes
- Seeks to improve knowledge and skills by participating in training

Judgement

- Generally makes correct decisions and prioritizes workload effectively
- Foresees consequences of actions and behavior
- Requests input as needed

Work Output

- Consistently produces accurate and complete work as assigned in a timely manner
- Seeks additional tasks and is willing to assist others in completing priority work when own work is completed
- Strives to work with minimal required supervision.

Safety Practices/Record

- Displays awareness of and compliance with safety and security polices
- Shows concern for safety and promptly reporting unsafe conditions

Teamwork	<input type="checkbox"/>	Willing to share ideas, suggestions and techniques with co-workers
	<input type="checkbox"/>	Displays positive enthusiasm and pride in office
	<input type="checkbox"/>	Functions productively within the office environment by sharing work equally and volunteers to assist co-workers when necessary
	<input type="checkbox"/>	Establishes and maintains a good working relationship with others in the work place; strives to be a "team player"

Optional Factors:	<input type="checkbox"/>	_____
_____		_____

Overall Performance Level	<input type="checkbox"/>	_____
----------------------------------	--------------------------	-------

Other performance issues discussed during the past year

- YES** Other documentation can be found: _____
- NO**

Employee input form attached and discussed

- YES**
- NO**

PERSONAL AND PROFESSIONAL ACTION REPORT
(Performance Planning and Review, PPAR)

Additional comments by supervisor: _____

Comments by employee: _____

Supervisors and employees are required to sign this form. Signatures indicate that the supervisor and employee have discussed this form and the comments thereon. Signatures do not indicate agreement.

Supervisor's Signature

Date

Employee's Signature

Date

Presiding Judge/Circuit Administrator

Date

PERFORMANCE PLANNING AND REVIEW DOCUMENT

Employee Name: _____

Department: _____

Review Date: _____

PPAR—EMPLOYEE INPUT FORM

Supervisors: Please add three additional questions, either from the list of suggested questions, or questions of your own.

1. Identify two key projects and/or goals you would like to accomplish in the next review period and what you need to accomplish these projects and/or goals.

2. How can I as your supervisor provide more feedback/support to you?

- 3.

- 4.

- 5.

APPENDIX P
AGENDA FOR MEETINGS WITH CLERKS

WORKFORCE PLANNING & STAFF

DEVELOPMENT MEETING

Deputy Clerks of Court Agenda
3rd Judicial Circuit
October 17, 2003

GROUND RULES

- **Anonymous but not confidential**
- **Everyone gets a turn**
- **No “stupid” or “wild” ideas**
- **One talking at a time**
- **Other??**

GOALS

- **Continue creating our future**
- **Gather feedback, information, ideas**
- **Focus and prioritize circuit efforts**
- **Validate some assumptions**
- **Prepare for the next step**

A CLERK’S JOB (YOU DECIDED LAST YEAR SHOULD BE THIS)

- **To provide access to courts**
- **To act as liaison to judges/judicial process**
- **To be accurate and timely**
- **To file documents and record courtroom information**
- **To be presence in courtroom**
- **To manage the court calendar**
- **To provide information to the public/educate the public**
- **To take money, keep accounting records**
- **To serve the public and judges/provide customer service/be friendly and helpful**
- **To store, retrieve, and keep records**
- **To train staff**
- **To manage the jury process**
- **To conduct searches of records**
- **To issue warrants (search and arrest)**
- **To supervise staff**

NOT A CLERK'S JOB (YOU SAID YOU WISH YOU DIDN'T DO THIS)

- To track down orders
- To dismiss cases
- To perform marriages
- To issue passports
- To assist victims with TPOs
- To collect money (for atty's fees, or DSS or child support)
- To conduct coroner's inquest
- To give legal advice
- To receive grand jury indictments

THINGS YOU WOULD LIKE TO SEE DIFFERENT

- Open +8 hours/day, to provide better customer service
- To provide more public information/education for public
- Training time for new employees
- More deputy hours
- Respect for UJS
- Intercoms between courtrooms and clerks, or chambers and clerks' offices on different floors
- Better telephones
- No court on Mondays
- Understanding by people in Pierre of the clerks' jobs
- *More cooperation and communication with state's attorney's offices, sheriff's offices, city; reg mtgs*
- More computers; compatible keyboards
- Consistent information and procedures from judges; more guidelines from Pierre; guidance from judges
- To know of hearing dates and status of cases
- Public terminals; judgments online
- To not perform marriage ceremonies
- *Training for themselves and deputies; on people skills, technical aspects; procedures; public records*
- Computer training
- Timely ticket filing law enforcement officers; and other paperwork filed timely by SA and SO
- Ability to travel and work in other offices
- Ergonomic furniture
- Judge rotation (prefer stability, same judge)
- Ease of finding a judge
- Electronic tickets
- Credit card payments
- Scanners for computers
- More pay for deputies and clerks

- **Bold=**highest priority
- *Italics* = next priority

I M A G E (YOU WANT OTHERS TO SEE YOUR OFFICE LIKE THIS)

- **Professional**
- **Courteous**
- **Positive**
- **Knowledgeable**
- **Friendly**
- **Trustworthy**
- **Competent**
- **User-friendly**
- **Respectful**

MISSION STATEMENT

- **“To respectfully, positively, and competently serve by providing accurate and timely information about and access to the judicial process in South Dakota.”**

COMPETENCIES: KSAS

Review functions listed in Staffing Study, PPARs, and NACM Model

RATING THE CIRCUIT: CHALLENGING OBSERVATIONS AND ASSUMPTIONS

- **Workforce Planning & Staff Development Continuum exercise**

COMPETENCY: ASSESSING YOUR LEVEL

The next step is, yes, another “survey” ... but not today.