

District Court Staffing in Virginia's Courts

Supreme Court of Virginia
Office of the Executive Secretary
2019

Introduction

The purpose of this presentation is to highlight and discuss issues surrounding the shortage of deputy clerk positions in the district courts, including the impact on the following:

- ❑ the administration of justice;
- ❑ public perception and customer service;
- ❑ court and government operations; and
- ❑ the health and well-being of the court staff.

2019 Survey of District Court Clerks

This presentation will include responses from a survey of district court staff about their experiences and the challenges they face daily, including long dockets, tremendous amounts of paperwork and data entry, work related stress, and contact with the public who often project their anger or unhappiness with their case onto staff in the clerk's office.

Expected Outcomes

The Judiciary seeks funding for deputy clerk positions in our district courts, which are currently understaffed by 276 positions. This staffing shortage, along with other factors discussed in this presentation, is making it increasingly difficult for the Judiciary to provide its core government services to the citizens of the Commonwealth.

**“Being understaffed
impact[s] the court by
constant low morale.”**

Clerk of Court

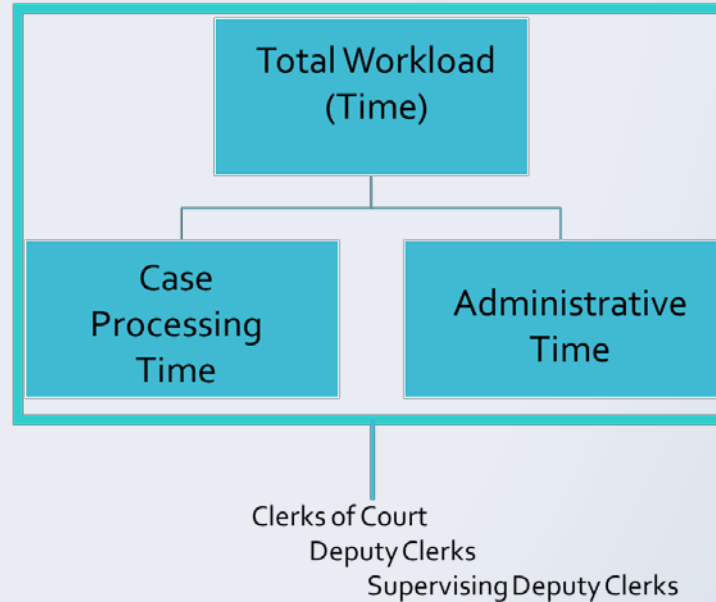
How many district court deputy clerks does Virginia need?

District Court Staffing Model



District Court Staffing Model

- ❑ Analyzes the types of cases rather than the total number of filings.
- ❑ Provides an explicit process for shifting the emphasis from caseload to workload.
- ❑ Provides workload information, which can serve as an effective means to allocate work more evenly among staff and examine the various steps of case processing.



District Court Staffing Model: Strengths & Opportunities for Improvement

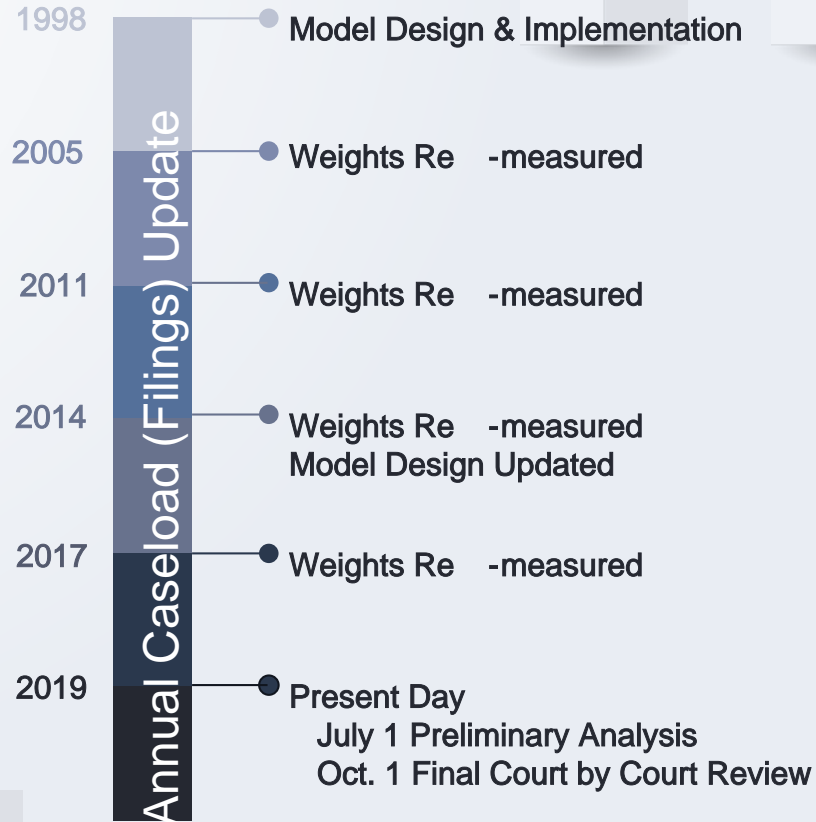
Strengths

- ❑ Provides an objective means to measure relative need for staff in courts of different sizes and operational factors.
- ❑ Measures the work of Deputy Clerks converting caseload into workload.

Opportunities for Improvement

- ❑ Lacks distinction between types of clerks (i.e. Clerks of Court, Supervising Deputy, and Deputy).
- ❑ Average court model does not include individualized characteristics of courts.

District Court Staffing Model: Recent History



District Court Staffing Model: Weights

- ❑ Case weights are the average time spent processing cases in minutes.
- ❑ Re-measured every 3 -5 years.

Case Weight* Ranges (Lowest & Highest)

General District

Infraction/Civil Violation

15 min

Protective Orders

100 min

JDR District

Mental Health

56 min

Child Dependency

221 min

*2019 Case Weights located in Appendix on page 3.

District Court Caseload - 2018

- ❑ Cases filed in General District Court – 2,786,432
- ❑ Hearings held in General District Court – 3,371,408

- ❑ Cases filed in J&DR Court – 444,645
- ❑ Hearings held in J&DR Court – 1,100,350

District Court Staffing Model: 2019* Analysis

1,582

Current Authorized FTE

276

Additional FTE Need

52 Courts at or below 80.0%
of Staffing Model

*Based on case filings CY2016 -CY2018. Full report located in the Appendix, pages 4 -9.

District Court Staffing Model: Court Analysis

	Grand Total	General District	JDR District	Combined District
Understaffed	131	63	46	22
Fully Staffed	57	12	25	20
Overstaffed	4	2	1	1

Full report located in the Appendix starting on page 4.

Top 5 Understaffed Courts by FTE Positions

Fairfax County GD – 21.9 positions

Prince William GD – 15.5 positions

Chesapeake GD – 12.8 positions

Chesterfield GD – 11.8 positions

Henrico GD – 11.0 positions

Full report located in the Appendix starting on page 4.

**“ When you are understaffed,
everyone suffers, the judges,
clerks, lawyers, officers and of
course the public. Every single
person is not given the
attention that is required . The
entire reputation of the court
becomes tainted ”**

Clerk of Court

Staffing Needs Survey

Survey Questions

Understaffing/Staffing

1. How does being understaffed impact your court?
2. What would you say is your biggest issue/hurdle or struggle?
3. Is your judge/supervisor supportive when you ask to use your leave/take time off? How does time off impact your office?
4. Do you feel that there is more work to do than you practically have the ability to do? If so, why?
5. What would you like to be able to do in your office that you are not able to currently do?

Salary

1. Is your court currently receiving supplements from your locality and if so, what positive impact(s) does that bring to your office/staff?
2. How many employees receive supplemental income from outside sources?

Mental/Physical Health (Stress) & Secondary Trauma (stress is the emotional duress that results when an individual hears about the firsthand trauma experiences of another)

Please share the definitions with clerks.

1. Tell me how your exposure to secondary trauma has impacted you or your family.
2. Tell me how your exposure to secondary trauma impacts the service you provide the public.
3. How would you describe your work/home life balance?

Staffing Needs Survey: Results

Responses: 206
Stress appeared 379 times



Response Highlights/Common Themes

- Long, uncompensated extra hours during the week and weekends
- Compensation is low which leads to high turnover/low retention; hiring takes time and then basic training takes 8 -12 months
- No lunch breaks, unable to take earned vacation time
- Divorce and stressful relationships caused by the excessive time spent at the courthouse and work pressures
- People have to borrow from parents and seek other sources of income (some 2nd and 3rd jobs) and some receive public assistance

Staffing Needs Survey: Results



Response Highlights/Common Themes Continued

- Low employee morale
- Sense of hopelessness
- Unhealthy work environment, burnout, poor life balance
- Feel unappreciated and undervalued
- Little time to train new employees, leads to mistakes, frustration and stress
- Even when fully staffed, they are frequently shorthanded due to employees out on sick or maternity leave, so constantly falling behind

Staffing Needs Survey: Results



Response Highlights/Common Themes Continued

- Clerks feel rushed, not able to give the level of customer service they would like to provide
- Clerks need someone to talk to when their families don't want to hear it, some experience secondary trauma especially in J&DR courts
- Combined courts expressed major issues (i.e. have to learn processes for both the GD and JDR courts; little time for training; unable to pull help from other courts)

**“ It is impossible to keep up with
the caseload, the duties continue
to become more complex. I
compare my office to a sinking
boat, all we do is bail it out and
try to keep afloat ”**

Clerk of Court

In Their Own Words....

Staffing Needs Survey: Results

Memorable Quotes From Clerks:

- “Being understaffed impacted the court by constant low morale. People were always worrying about if they could take time off, some of the people who had been with the court a long period of time were worried about losing leave. You feel an obligation to come to work even if you didn’t feel well because you felt the other staff needed you there. If you took off because you were sick you would feel guilty for taking off.”
- “I do not have much of a home life balance.”
- I remember once I broke my arm and had to have surgery and I came into work the very next day because I knew there were already too many people off. Working one handed was better than not having anyone here ...”
- “Everyone is overworked. Difficult to allow employees to take leave. Have to say No. Have to limit it.”



Staffing Needs Survey: Results

Memorable Quotes From Clerks:

- “My husband had a heart attack when my deputy clerk was out for 12 weeks. I did not have another employee to cover the court responsibilities and keep the office open. Had it not been for the gracious help of another court that provided assistance to me I would not have been able to go to my husband in the hospital during this tremendous time of need.”
- “Sometimes I do not sleep well at night because I worry about the cases I have heard and the people involved.”
- “About half of staff either receive public assistance, work a second job or must live with family to supplement their income. A couple of months ago, an employee received emergency funds from the city to have her power turned back on.”
- “Retention/turnover is our biggest issue. By the time we have trained staff, they are leaving for a higher paying job.”



Staffing Needs Survey: Results

Memorable Quotes From Clerks:

- “We are continuously stressed out about not getting things entered in a timely manner. Our focus is to get as much done as we can and not get too far behind. Because it seems like we are bombarded and overworked we make mistakes and we get very frustrated at ourselves....It would be nice to be able to have a lunch break. We tend to work at our desk and answer phones between bites, we seem to rush through any food we get an opportunity to eat throughout the day.”
- “This job requires you to be a counselor, teacher, public servant, manager, and referee while maintaining ones own sanity....I had a customer spit at one of [my] deputy clerks. Many stories surrounding protective orders affect staff over time. The trauma takes time away from my family. It is difficult to concentrate or focus right after you spent the day dealing with difficult irate customers. I have become emotional over cases [I have] heard in court.”
- “I pray you (The General Assembly) will hear our cry for help.”



Staffing Needs Survey: Demographic Statistics

Clerks of Court

Administration

Demographic Statistics:

- 95% Female
- Median Length of Service (LOS): 18.1 years
- 6.2% - 0-5 years LOS

Supervising Deputy Clerks

Management/Supervision

Demographic Statistics:

- 94% Female
- Median Length of Service (LOS): 14.1 years
- 15.5% - 0-5 years LOS

Deputy Clerks

Caseload → Workload

Demographic Statistics:

- 97% Female
- Median Length of Service (LOS): 4.0 years
- 56.4% - 0-5 years LOS
- Training = 2-2 ½ years

GD and JDR New Employee Training Standards located in the Appendix page 13 (GD) and page 31 (JDR).

16.8% Turnover Rate* in District Courts (2016 -2018)

GD	10.0%
JDR	14.9%
Comb.	25.4%

*Reasons including, but not limited to, voluntary separation (includes low compensation), stress, and disciplinary action. Does not include retirements.

50.5% of District Court Workforce turned over during the same time period when we add in retirements.

Staffing Needs Survey

Other Variables Affecting Staffing

- Legislative changes
- New Judgeships
- New Employee Training

Details about these variables are located in the Appendix, pages 10

-37.

Concluding Remarks & Recommendations

- ❑ Budget request* for 60 new positions in both the first and second year of the 2020 -2022 Biennium budget for a total of 120 deputy clerk positions
- ❑ Re-evaluate staffing needs again after two years
- ❑ Continue work on compensation and retention issues

* Budget request detail located in Appendix, pages 38

Questions?

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