

**Final Report
July 23, 1999**

Management Audit

Pierce County District Court No. 1

Audit Conducted for Pierce County Council

by

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SUMMARY

Pierce County District Court No. 1 operates on an annual budget of \$5.3 million and includes five elected judges, three appointed commissioners, and 61 staff. This audit is a follow-up analysis of organizational issues that were raised in a county-wide performance audit by KPMG Peat Marwick (March 1998). The audit includes workload analysis and organizational assessment and is based in part on comparative information from seven other district courts.

Workload Analysis

The caseload of District Court No. 1 has declined by 16,837 cases (21%) since 1994 as a result of municipal incorporation and other factors. Despite the decline in cases, the staffing level has remained stable.

Staffing level can be measured in terms of staff members per judicial officer (judges and commissioners). As of July 1999, District Court No. 1 has 8.5 staff members per judicial officer, which is considerably higher than the other courts that were studied.

Staff workload can be measured in terms of court cases per staff member. District Court No. 1 ranks low by this measure (sixth out of eight courts). The main reason is that case filings have declined while staffing has remained stable. Case mix does not appear to explain the lower workload level in District Court No. 1.

If Pierce County wishes to address this situation, it could reduce court staffing and/or increase workload, such as by transferring cases or proceedings from Superior Court.

Transferring matters from Superior Court would increase staff workload and also increase the workload of District Court judges. According to the state caseload formula for courts of limited jurisdiction, the number of judicial positions in District Court No. 1 was 0.72 FTE higher than needed in 1997 and 1.03 FTE higher than needed in 1998. If Pierce County wishes to follow the state formula, it could eliminate or reallocate one judicial position.

Organizational Assessment

In 1998 the court changed its organizational structure and redistributed its management team as part of a strategic planning process. These are positive steps and examples of good management practice designed to improve court performance. The average span of control, excluding judges and judicial assistants, is now 13% broader than in early 1998.

The court, to its credit, has used previous consulting or audit reports as springboards for organizational change, such as reorganizing in 1998 based on a report by SMG/Columbia and broadening span of control in response to the audit by KPMG. This report includes an update on organizational issues addressed in the previous studies. It also identifies areas for continued organizational development. More cross training of line staff and development of self-directed work teams could reduce the need for direct supervision. Management and supervisory roles need to be clarified.

In reviewing materials from other district courts, we learned that the position of Judicial Assistant, a courtroom clerk who is personal staff to a judge, is unique to Pierce County.

We also collected salary data on positions in District Court No. 1 and seven other district courts. Unexpectedly, we found that the salary range for each key position is highest in District Court No. 1. We did not study "internal equity," that is, compare District Court No. 1 salaries with similar positions in Pierce County.

The report includes discussion of performance measurement, which in our opinion is the key to improving agency performance. With good management data, we believe that the funding (staffing) level of the court can be tied to the level of service. That is not possible at the current time.

Recommendations

1. If Pierce County wishes to adjust staffing for District Court No. 1, consider staff reductions **and/or** workload increases by transferring proceedings from Superior Court.
2. To reduce the need for direct supervision and better utilize experienced staff, adopt self directed work teams and expand the opportunities for job rotation and cross training.
3. The county Personnel Department should review job classifications and salary ranges in District Court No. 1 for external and internal equity and report with a plan for corrective action to the Performance Audit Committee within the next two to four months.
4. As part of strategic planning, implement performance measurement to assess the court's effectiveness and efficiency in attaining goals and levels of service quality.

District Court No. 1's response to the audit can be found starting on page 26, followed at page 32 by comments by the auditors.

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A. Introduction

District courts are courts of limited jurisdiction that handle criminal misdemeanor cases, traffic violations and other infractions, and civil cases up to \$35,000. There are four district courts in Pierce County. District Court No. 1, the subject of this study, handles approximately 86 per cent of the Pierce County district court caseload. Its mission is to “*provide justice through fairness, service and efficiency, which promotes respect for law, society and individual rights.*”

District Court No. 1 operates on an annual budget of \$5,340,660. Total staffing for the court is 68.2 full-time equivalents (FTE), including five elected judges, three appointed commissioners (2.2 FTE), and 61 administrative staff.

In November 1998 the county’s Performance Audit Committee selected District Court No. 1 as the subject of a management audit to examine issues that were raised in a county-wide performance audit report by KPMG Peat Marwick (March 1998). The goals of this audit are to analyze the court's organizational structure and management practices and to make recommendations to enhance performance, efficiency, and effectiveness. The focus is on court organization, management, operations, staff workload, and staffing level. The audit does not evaluate the court in terms of judges' actions or decisions, nor does it evaluate the quality of services that are provided. **Appendix 1** contains the scope and objectives that guided this audit.

Sources included interviews with the Court Administrator, the Presiding Judge, and all of the court's management and supervisory staff. Written sources included workload and other summary data prepared by court administration, the KPMG audit report and work papers, and a strategic plan and organizational analysis by SMG/Columbia (June 1998). Comparative data on caseload, staffing, and organization were obtained from seven peer courts and from the state Office of the Administrator for the Courts in Olympia.

Acknowledgments

We appreciate the cooperation of Mike Kilborn, Court Administrator, who provided much of the information about District Court No. 1. Special thanks go to Matt Temmel, Pierce County Performance Audit Coordinator, who collected the workload data, organizational charts, and salary data for other district courts. We are especially grateful to the court administrators in seven other counties who provided detailed information about their courts.

B. Workload Analysis

Summary

The caseload of District Court No. 1 has declined by 21 percent since 1994 as a result of municipal incorporation and other factors. The court's staffing level was not adjusted for the caseload decline.

Of the eight courts reviewed for this audit, District Court No. 1 has the highest number of staff per judicial officer. In theory, case mix might justify the need for a high number of staff. However, we could find nothing unusual or staff intensive in the case mix of District Court No. 1 compared with the other courts.

Workload can be measured in terms of cases filed per staff member. District Court No. 1 ranks low by this measure (sixth out of eight courts). The main reason is that case filings have declined while staffing has remained stable. Pierce County might address this problem in District Court No. 1 by reducing court staffing and/or increasing workload, such as by transferring certain cases or proceedings from Superior Court.

1. Workload Trend in District Court No. 1

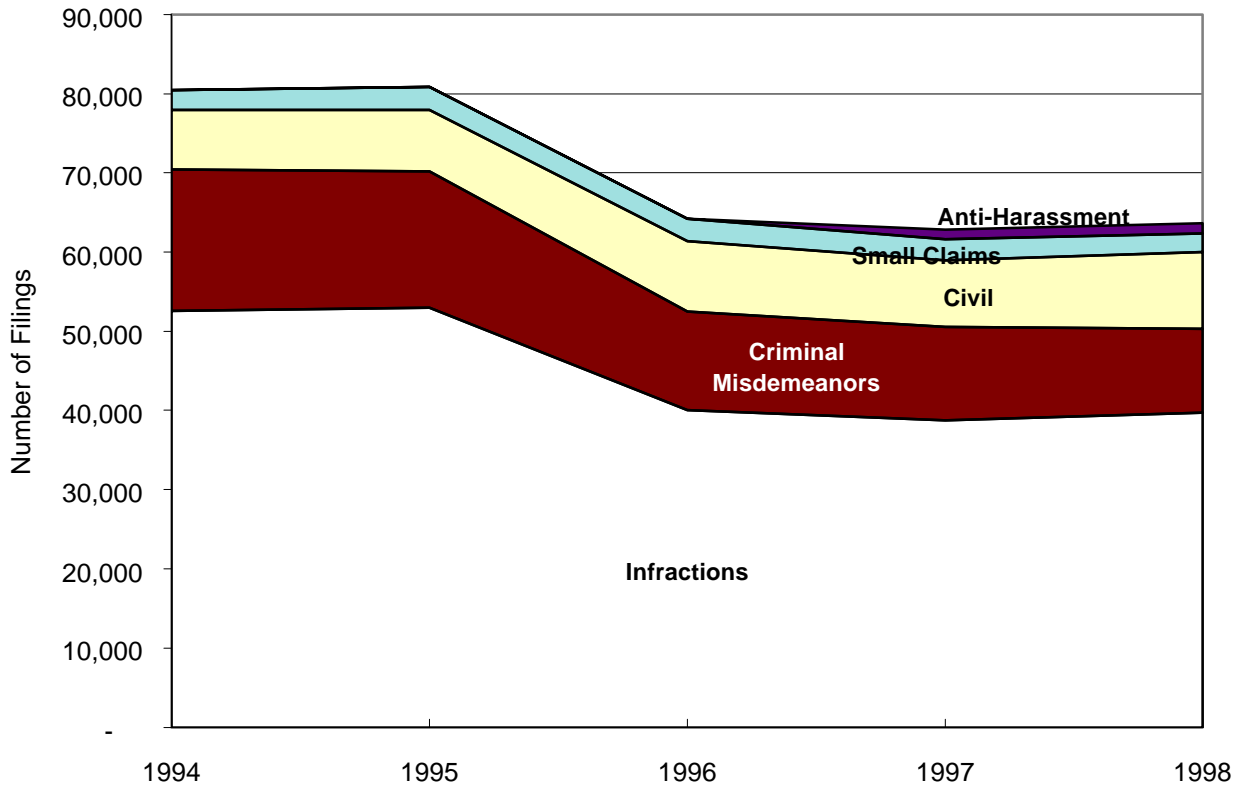
Court workloads are often expressed in terms of "filings," or cases filed. A district court in Washington State handles three general types of cases:

- *Infractions* (non-criminal violations, mostly traffic cases such as speeding).
- *Criminal misdemeanors* (such as driving under the influence, driving while license suspended, simple assault, and other gross misdemeanors).
- *Civil actions* (such as lawsuits to \$35,000, small claims, anti-harassment petitions, name change petitions, and impound hearings).

Filings have declined in District Court No. 1 from a high of 80,816 cases in 1995 to 63,637 in 1998. The greatest decline occurred in 1996, when filings dropped by 20 percent, partly as a result of the incorporation of Lakewood and opening of its municipal court.

Exhibit 1 (on the next page) shows the trend in the number and type of case filings over the last five years. The detailed data appear in ***Appendix 2***.

Exhibit 1
District Court No. 1 Filings by Case Type, 1994 - 1998



As total filings have declined, the case mix (the types of cases filed and disposed of in the court) has also changed. Some key points are as follows:

- Infractions reached a high point in 1995 of 52,983 cases (64% of the total caseload) and declined to 39,700 cases in 1998 (62%).
- Criminal misdemeanor filings have dropped since 1994 from 17,798 cases (22%) to 10,627 cases filed in 1998 (17%).
- In the criminal misdemeanor sub-category of DUI, filings fell from 2,319 cases in 1994 to 1,780 cases in 1998. DUI made up 3% of the court's cases each year.
- Civil lawsuits increased by a total of some 2,100 cases from 1994 to 1998, partly as a result of a legislative change that raised the limit for district court cases from \$25,000 to \$35,000. Civil suits have grown from 9% to 15% of the court's caseload.

- In 1997 anti-harassment petitions were transferred from Pierce County Superior Court to the county's district courts. Some 1,200 cases per year, or 2% of total cases in 1997 and 1998, were thus added to the caseload of District Court No. 1. This workload addition partially offset the loss of infraction and misdemeanor cases that occurred after incorporation of Lakewood.¹

Despite the overall decline in cases, the staffing for District Court No. 1 has remained stable. It is possible that the court was under-staffed in 1995 and is staffed at a reasonable level today after the caseload has declined. It is also possible that staffing was appropriate in 1995 and needs adjustment today. To evaluate the situation, we considered four other kinds of information:

1. Clerical workload study in King County District Court.
2. Current staffing level of District Court No. 1 and seven other courts.
3. Current staff workload in District Court No. 1 and seven other courts.
4. Estimated need for judicial officers according to the state's formula.

King County Clerical Workload Study

Workload studies are designed to identify staffing needs based on measured work times. The study of King County District Court (1998) identified clerical tasks associated with each type of case, measured the time taken for case-related work and other tasks, and calculated clerical staffing needs. The issue of interest is to what extent the King County formula can be applied to other jurisdictions. Based on the King County approach, the need for clerical staff in District Court No. 1 can be estimated, but the results will differ because of different assumptions and computations.² The estimates are not conclusive because the King County methodology and time standards are unverified in other courts.

¹ Different types of cases have different impacts on the court's clerical workload, as shown in a 1998 study of King County District Court. The study methodology is complex, and the resulting clerical times are somewhat controversial. Nevertheless, it is interesting to apply the clerical times measured in the King County study to the caseload of Pierce County District Court No. 1. On that basis, we calculate that the 1,206 anti-harassment petitions added to District Court No. 1 (1997) are equivalent in clerical workload to 14.6% of the estimated 9,200 infractions and misdemeanors that were lost to the new Lakewood court.

² Applying the clerical case-weight portion of the formula to District Court No. 1, the result is a need for 43.8 clerical staff according to the auditor's computations or 44.54 FTE according to District Court No. 1. King County also measured time for operational support tasks, but it is unclear to what extent this time is applicable to another jurisdiction. (Also, the King County Council funded the clerical case weights but not the operational support tasks.) Using both components of the formula, District Court No. 1 indicates a total clerical need of 57.45 FTEs, whereas the auditor's result is 49 to 52 FTEs, depending on assumptions. District Court No. 1 maintains it currently has 49 clerical FTEs, while the auditor believes that the number is 53. Despite such issues of detail, the main point is that there are many methodological issues as to whether and how the time standards developed in King County can be validly applied to another court.

2. Comparisons with Other Courts

Another way to evaluate workload is to analyze actual case filings and the actual staffing level in various courts and make appropriate comparisons with District Court No. 1. Caseload and staffing data for all courts in Washington are available from the state Office of the Administrator for the Courts (OAC). We analyzed the data while recognizing that comparisons are complicated by different demographics, law enforcement practices, case mix, and other factors.

As benchmarks for Pierce County District Court No. 1, we selected other district courts in the state with three or more judicial officers (judges and commissioners), as listed below.

Exhibit 2: Selected Courts

<i>District Court</i>	<i>Judicial Officers FTE</i>	<i>Staff FTE (excluding Probation)</i>	<i>Staff per Judicial Officer</i>
Pierce #1	7.20	61	8.5
Benton	4.64	23.25	5.0
Clark	6.21	39.5	6.4
King	28.25	197	7.0
Kitsap	3.27	21	6.4
Snohomish South	3.00	20	6.7
Spokane *	6.87	46.8	6.8
Yakima	5.10	37	7.3

* The Spokane organization chart indicates 54 FTE staff. However, we show 46.8 here because 7.2 bailiffs, secretaries, and other staff are assigned to work in Municipal Court.

Source: Organization charts and discussions with local court administrators.

Below we address three kinds of comparisons:

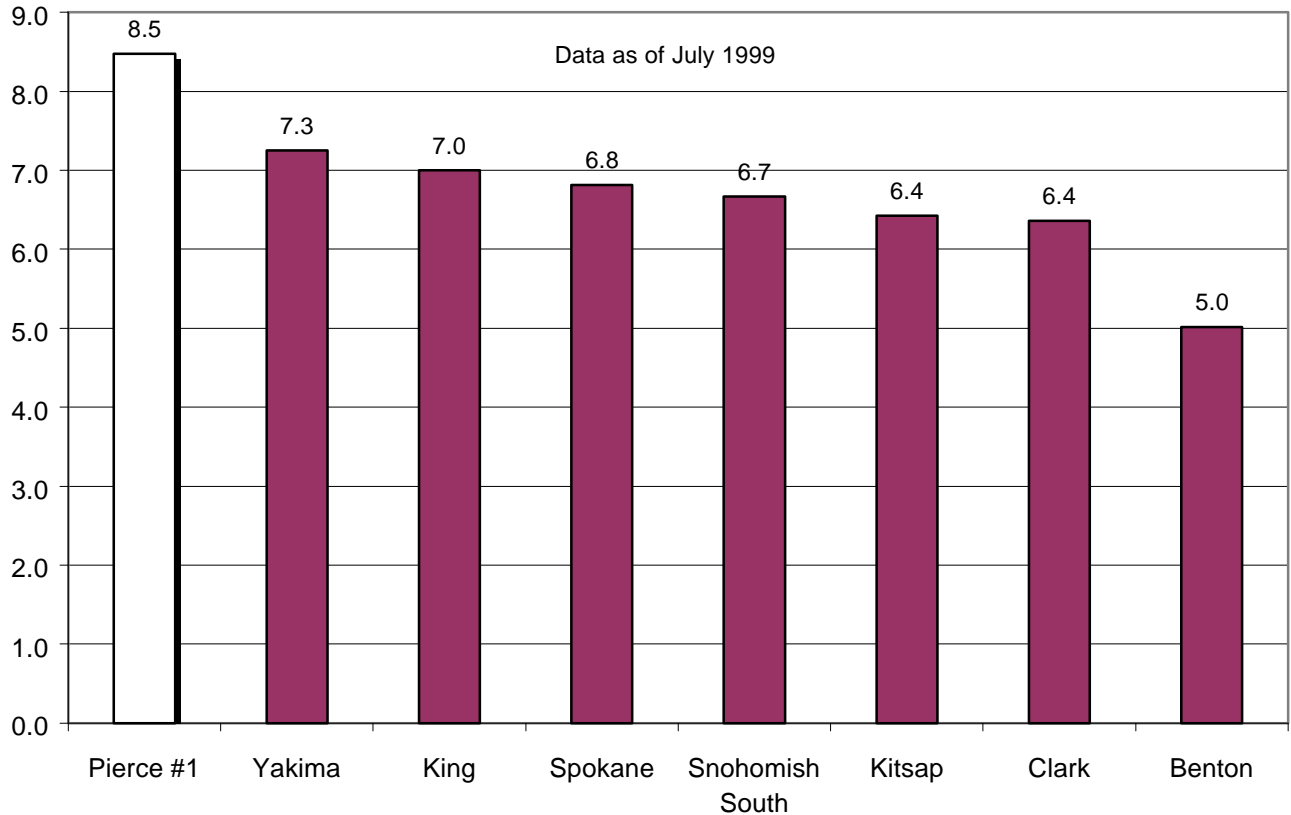
1. Staffing level
2. Case mix
3. Staff workload.

Staffing Level

Staffing level can be expressed as the number of court staff members per judicial officer (judges and commissioners). Of the eight courts that were considered, District Court No. 1 has the highest staffing level as of July 1999. The figures are shown in the above table and graphed on the next page.

Exhibit 3

Staff per Judicial Officer in 8 District Courts



Case Mix

To analyze case mix, we compared the percentages of infractions, misdemeanors, and other cases between District Court No. 1 and the other courts. The data appear in **Appendix 3**. Nothing was found to suggest that District Court No. 1 has a more difficult mix of cases. Four examples are given below.

- Infractions typically take a small amount of court and clerical time on a per case basis. In 1998 infractions made up 62% of District Court No. 1's caseload, versus a peer average of 55%. The state average for district courts was 58%.
- Misdemeanor cases take up a large amount of court and clerical time on a per case basis. In District Court No. 1, misdemeanors were 17% of the caseload in 1998, versus a peer average of 22%. The criminal misdemeanor percentage for District Court No. 1 (17%) is the lowest among the eight courts. The state average for district courts was 20%.

- Civil lawsuits may involve multiple motions and proceedings and generally take up a large amount of court and clerical time on a per case basis. In 1998 civil lawsuits were 15% of the total caseload in District Court No. 1, versus a peer average of 17%. The state average for district courts was 16%.
- Another time-consuming type of case involves anti-harassment petitions, which District Court No. 1 took over in 1997. These cases make up 2% of the caseload, which is slightly above average.

Overall, it appears that District Court No. 1 has a relatively less staff intensive case mix compared with other counties. This condition may be kept in mind when reviewing the staff workload data presented below.

Staff Workload

To compare staff workload across jurisdictions, we calculated the number of case filings per FTE staff member. In our opinion, this is the best comparative measure of staff workload that can be calculated from data reported to the state. Filings include all cases except parking. (District Court No. 1 does not handle parking cases.) "Staff" includes all court personnel except judges and commissioners.³ This approach presents the workload of court staff on a uniform basis and thus permits comparisons of staffing levels in jurisdictions with caseloads that differ greatly in size.

Exhibit 4 (on the next page) compares District Court No. 1 as of 1998 to the other courts in terms of case filings per FTE staff member. District Court No. 1 ranks sixth out of eight courts.

Exhibit 4 is calculated from data reported to the state and published in the annual *Caseloads of the Courts of Washington*. In our opinion, the data are reasonably comparable and fairly portray the staff workload of District Court No. 1 in relation to the other courts.⁴

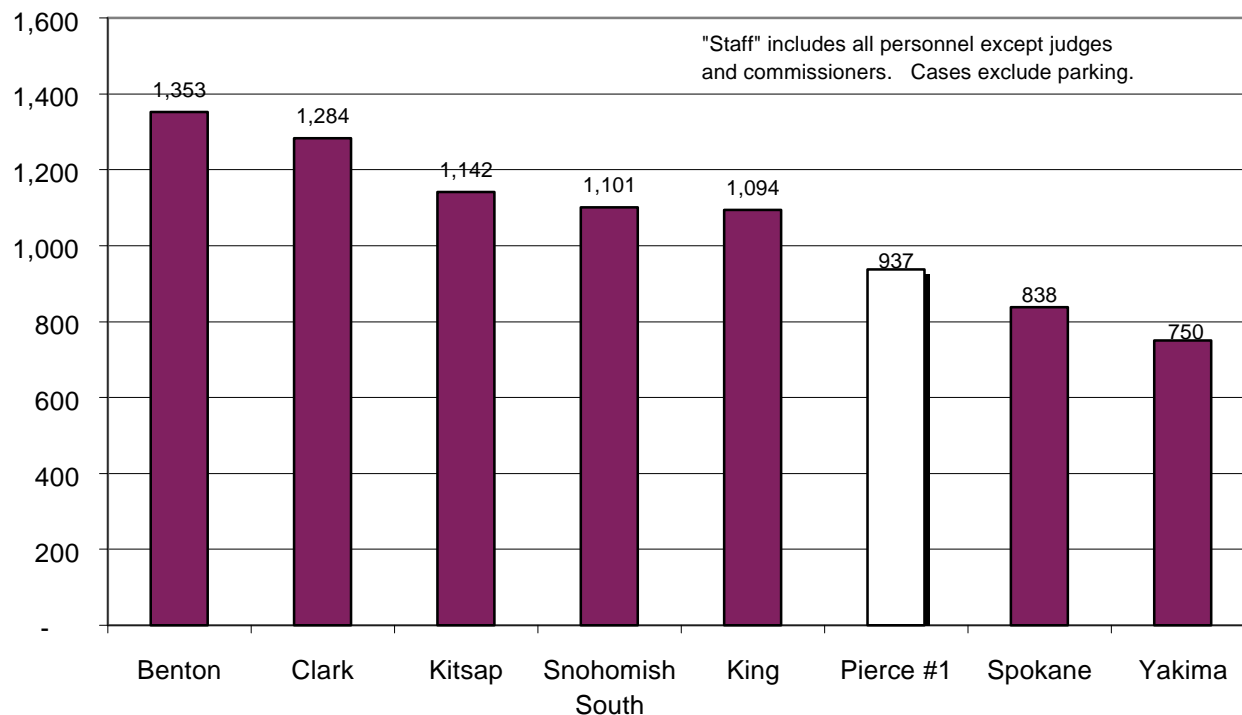
In 1994 and 1995, when the caseload was higher prior to incorporation of Lakewood, District Court No. 1 ranked first among the eight courts when the staff FTE data are normalized to a 35-hour or 40-hour workweek. The ranking then slipped to fifth in 1996, sixth in 1997, and sixth in 1998.

³ This is the same as the term "administrative staff" in OAC annual caseload reports and also the same as the term "support staff" in the Pierce County budget book and other publications. For a discussion of how staff FTEs are calculated, see Technical Note on the Data, Appendix 3.b.

⁴ Some reporting errors are known to have occurred and have a minor effect on the data. See Technical Note on the Data, Appendix 3.b.

Exhibit 4

1998 Filings per Court Staff in 8 District Courts



Source: Calculated from OAC, 1998
Caseloads of the Courts of Washington

See Appendix 3.b. for
analysis of data details.

As a check on case mix, we also analyzed the filings at a more detailed level by computing specific types of filings (infractions, misdemeanors, and other cases) per staff member. In 1998, District Court No. 1 ranked sixth out of the eight courts in terms of infractions per staff member. The court's ranking was also sixth for misdemeanors and sixth for civil cases.

Besides filings, another possible workload measure is the number of proceedings (hearings and trials held in open court). We found that District Court No. 1's decline in filings since 1995 has included a similar decline in proceedings. As of 1998, District Court No. 1 ranked seventh or eighth among the eight courts in terms of proceedings per staff member. The figures are shown in Appendix 3.c.

Thus the data indicate that most of the other courts have fewer staff and more work than District Court No. 1. Budget cuts might be made to bring the District Court No. 1 staffing level into line with the 1998 peer average or some other level chosen by policymakers. Another option, probably in combination with a staff reduction, would be to increase workload in District Court by transferring certain types of cases or proceedings from Superior Court.

3. Note on Judicial Workload

Transferring cases from Superior Court would increase the workload of District Court judges. It is beyond the scope of this report to examine judicial workload in detail, but the following brief comments are offered.

The state has a weighted caseload model that calculates judicial workload in courts of limited jurisdiction and estimates the number of judicial positions that are needed. We did not examine the formula in detail.⁵ Nevertheless, according to the formula, the number of judicial officers in District Court No. 1 was 0.72 FTE higher than needed in 1997 and 1.03 FTE higher than needed in 1998.

4. Revenue

The amount of revenue generated by a court is sometimes considered a performance measure. In 1998 District Court No. 1 had "gross receipts"⁶ of some \$6.9 million, or \$431,000 (7%) higher than in 1994, despite the smaller caseload. Clearly, the court produces a large amount of revenue for Pierce County. Receipts per filing increased from \$81 in 1994 to \$109 last year, a 35% increase that the court attributes to better collection practices. Receipts per FTE staff are flat, as the 1998 amount is only 1% higher than in 1994.

In view of the workload and staffing issues raised earlier in the report, it is important to consider whether the relatively high staffing level of District Court No. 1 has a favorable impact on gross receipts. It is possible that revenues remain fairly high because the staffing level has remained high and that revenues would decline if the staffing level were reduced. It is also possible that revenue and staffing level do not necessarily go hand in hand.

Some other courts have a lower staffing level than District Court No. 1 but generate high revenue. For example, Clark County District Court in 1998 had gross receipts of \$6.5 million, or \$157,000 per staff member. In District Court No. 1 the apparently comparable figure was \$113,734 per staff member.

Assuming that the data are comparable, it appears that local policies and practices have a strong impact on revenue levels and that lower staffing does not have to mean lower revenue.

⁵ Our understanding from OAC research staff is that the formula for courts of limited jurisdiction may be revised within the next year, but there are no indications at present that the formula has major errors. In contrast, the formula for Superior Court positions has major problems and is now under judicial review.

⁶ "Gross receipts" means total court income from fines, fees, and other assessments. By state law, a portion of the income is transmitted to the state treasurer, and the county retains the rest. In 1998 Pierce County retained approximately 52% of the court's gross receipts, according to an informal estimate by court staff.

C. Organizational Assessment

Summary

District Court No. 1 has reorganized within the past year as part of its strategic planning process. Various organizational issues identified by previous consultants or performance auditors have been partially addressed. The court eliminated one supervisor position and one layer of management. The average span of control (excluding judges and judicial assistants) is now 13% wider than in early 1998.

There may be opportunities for further reduction or refinement of managerial and supervisory roles. More cross training and development of self-directed work teams among the line staff could reduce the need for direct supervision. Management and supervisory roles need to be clarified.

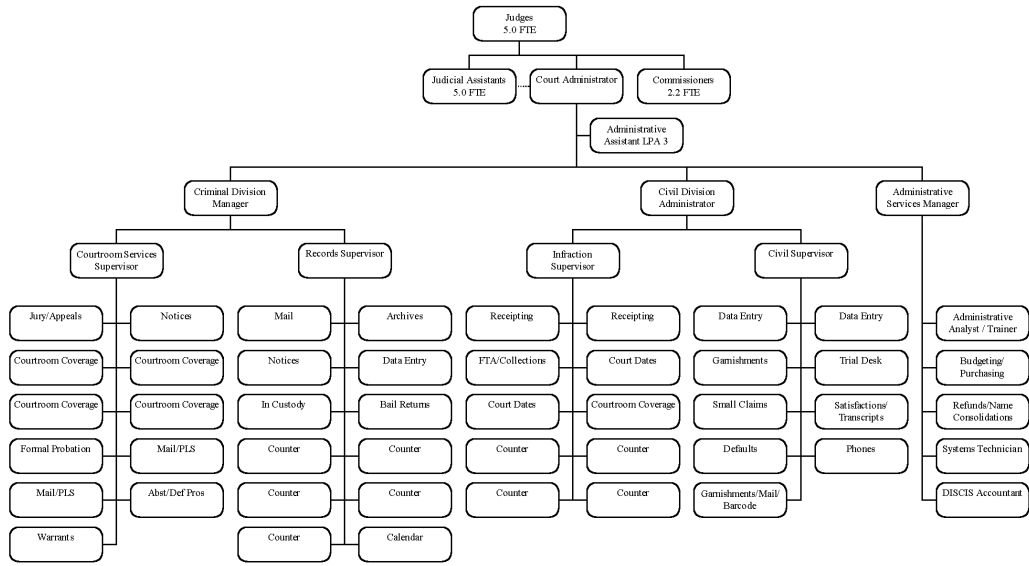
In reviewing other courts, we found that the position of Judicial Assistant, a courtroom clerk who is personal staff to a judge, is unique to Pierce County. We also gathered salary data on the eight courts and found that District Court No. 1 has the highest salary ranges for similar positions.

1. Organizational Structure

Exhibit 5, on the next page, is the court's current organization chart. The staff who report directly to the five elected judges include the three commissioners, the Court Administrator, and the five judicial assistants. Each judge has a judicial assistant who serves as courtroom clerk and performs other duties.

The Court Administrator reports to the Presiding Judge and is the chief operating officer responsible for court management. The other staff members report to court administration and are organized into three divisions (Criminal, Civil, and Administrative Services).

The Criminal Division, which is located in the County-City Building, is the largest in terms of staffing (26 FTE). This division is responsible for misdemeanor cases, which comprise 17 percent of the court's caseload. The Criminal Division Manager oversees two supervisors. The Courtroom Services Supervisor is responsible for the work of 11 Legal Processing Assistants (LPAs) who coordinate with the judicial assistants for courtroom coverage and perform other related functions. The Records Supervisor oversees the work of 12 LPAs.



The Civil Division, located at the court's Hosmer Road facility, includes 22 FTE staff. This division is responsible for civil cases, including infractions (62% of the court's total caseload), civil lawsuits (15%), and small claims (4%). The Civil Division Administrator oversees two supervisors (Infractions and Civil), who between them oversee the work of 19 LPAs.

Administrative Services (6 FTE) was created in 1998 to support the court by providing fiscal, accounting, information systems, and human resource assistance. The Administrative Services Manager heads this unit.

The current organization of District Court No. 1 addresses many of the issues raised in 1998 by SMG/Columbia and KPMG Peat Marwick, as discussed below.

2. Strategic Planning and the SMG/Columbia Report

This section discusses the origins of the current organization chart and shows the changes that were involved. In late 1996 District Court No. 1 established a branch court on Hosmer Road to accommodate growth. The court moved the Infractions and Civil work units to the new facility. This move relieved congestion in the County-City Building, but it also raised problems of how to manage operations and coordinate staffs located at the two sites.

In 1998 the court began a strategic planning process. A consulting firm, SMG/Columbia, facilitated the strategic planning and conducted an organizational study (June 1998). This included reviewing functional job descriptions, identifying organizational issues that hindered performance, and proposing four options for reorganizing the court's staff.

As part of the strategic planning process, the court's management team considered the consultant's options and developed a hybrid plan that became the current organization (Exhibit 5 above). The main organizational changes in 1998 were as follows.

- A full-time manager was provided at the Hosmer court, by converting the Deputy Court Administrator into the Civil Division Administrator. This change eliminated one layer of management.
- Five supervisory positions were trimmed to four. The fiscal supervisor position was reassigned and became the Administrative Analyst position in the new Administrative Services unit.

- The fiscal manager position was redefined to include a broad range of administrative support duties and renamed Administrative Services Manager.
- The number of line staff increased from 44 to 47.
- Overall, these and other changes broadened span of control. The average span of control for managers and supervisors (excluding judges) was increased from 6.1 to 6.9 staff, a change of 13 percent.

According to managers and supervisors, these changes have been for the better. Through reorganization and continued strategic planning, they indicate that the court has begun to address the organizational issues.

The SMG/Columbia report identified various problems that affect agency performance. **Exhibit 6** lists the issues, including this auditor's comments on the progress the court has made in addressing each issue.

Exhibit 6: District Court No. 1 Issues Identified by SMG/Columbia *

<i>Issue (June 1998)</i>	<i>Current Status (June 1999)</i>
1. Need for management coverage at Hosmer site.	1. Addressed through reorganization. Deputy became Civil Division manager and full-time Hosmer site administrator.
2. Employee dissatisfaction with position coverage and cross training.	2. Focus on more cross training. Administrative Services unit provides human resources support.
3. Overlap in responsibilities between JA's & courtroom services staff for courtroom coverage and court file processing.	3. Under study. Job descriptions are being redefined.
4. Narrow span of control	4. Addressed through reorganization. Eliminated one supervisor. Increased average span of control.
5. Confusion about roles of Court Administrator and Deputy.	5. Addressed through reorganization. See #1 above.
6. Dissatisfaction with decision processes that require judicial participation. Decisions not timely, inadequate feedback to staff.	6. Under study.
7. Low employee morale, stagnation.	7. Partially addressed by redefining roles and responsibilities, better communication. Cross-training?
8. Internal communication problems.	8. Completed survey of all employees. Action plan is being developed.

* SMG/Columbia, *Pierce County District Court No. 1 Organizational Study, Final Report, June 1998.*

3. KPMG Report

The KPMG report (March 1998) was a comprehensive, county-wide overview and included statistical measures such as span of control and layers of management. **Appendix 4** is a profile of the current organization of District Court No. 1 compared with the KPMG data.

KPMG expressed concern about the number of "narrow relationships" (a manager or supervisor with three staff or less). KPMG counted 8 such relationships, or 3 if the judges and their judicial assistants are excluded. After the 1998 reorganization, the court now has 7 narrow relationships, or 2 if the judges are excluded. The Civil Division Administrator and the Criminal Division Manager have narrow spans of control (two supervisors each). The supervisors in turn oversee 11, 12, 10, and 9 staff respectively.

4. Future Considerations

District Court No. 1 used the SMG/Columbia and the KPMG reports as springboards for organizational change. The results of this audit point to the potential for continued improvement in three areas:

- Technology
- Self-directed work teams
- Clarification of management roles.

Technology

Information technology, which was stressed by KPMG, offers the potential for productivity gains in a paper-intensive environment. District Court No. 1 is recognized statewide as a leader in the implementing innovative technology and systems in case processing, most notably as a pioneer in the Law Enforcement Case Scheduling System. A major reason for the 1998 reorganization was to assure that technology problems could be addressed by a specific component, the Administrative Services unit. The court's introduction of a new server, scheduled to go on-line later this year, will enhance existing operations.

Self-Directed Work Teams

In the criminal and civil divisions, District Court No. 1 has four supervisors (one for each business unit) and two managers immediately above the supervisors. Many of the line staff have years of experience and in our opinion could operate

as self-directed work teams. The teams would set their own goals and decide, among themselves, how they will work together to achieve their goals. This approach could considerably reduce the need for direct supervision.

In our view, self-directed work teams are appropriate in the two sections that provide counter service to the public (criminal and civil division). With proper training, the teams could learn to manage their own work without direct supervisory oversight. This includes assignments, daily operational decisions, work schedules, job rotation, quality control, and possibly even peer evaluations. Supervisors, who now seem to focus on making decisions that the teams could make, would be freed up to concentrate on substantive issues such as training, cross-training, quality improvement, and perhaps personnel evaluations.

Management Roles

The reorganization that grew out of the SMG/Columbia study focused on providing adequate supervision at the two court facilities. New management roles were created, and old roles were eliminated or modified. In our opinion, reorganization needs to be continued with attention to clarifying management and supervisory roles so that responsibilities are appropriately assigned, equitably distributed, and properly arranged to ensure clear communication and optimal decision-making between facilities and across programs.

For example, many issues remain to be resolved regarding the newly-formed Administrative Services unit, including its mission, ability to serve other parts of the court, and the level of management or supervision required to oversee the unit. It might be possible for the administrative services staff to report directly to the Court Administrator rather than to a unit manager. Staffing level in this unit should also be considered.⁷

An on-site manager is clearly needed for the Civil Division. However, it is not clear whether a separate manager is needed for the Criminal Division, or whether this responsibility could be included in the duties of the Court Administrator. Since both the criminal and civil divisions have a manager, the Court Administrator's responsibility for management of those divisions needs to be clarified.

⁷ King County District Court has a centralized administrative services unit in the Office of Presiding Judge. Besides the presiding judge and a commissioner, the unit includes 7 staff to provide services to 190 staff in the ten divisions of King County District Court. In District Court No. 1, the 6 administrative services staff provide services to 55 staff in other parts of the court.

5. Organization of Other District Courts

To gain a comparative perspective, we studied the organization of seven other district courts. The courts are the same as previously analyzed for staff workload, with one exception. King County District Court has ten divisions. We selected the Northeast Division (Redmond), which includes 4 judges and 31 staff (28 FTE) and is the second largest division of King County District Court.

Appendix 5 contains the organization chart of each court. Comparisons are complicated by the different sizes of the courts. Job titles differ to some extent. For example, a "supervisor" in one court might be considered a "manager" in another, and courtroom clerks have various titles. To increase our understanding, we interviewed each court administrator and discussed job functions. We also collected salary information for the key jobs.

The organization charts suggest there are many different ways to organize a court. Two of the courts, Yakima and Spokane, have unusual structures that are difficult to compare with other courts.⁸ Business units can be organized in various ways, and different supervisory arrangements are possible.

Some courts (King Northeast, Kitsap, Snohomish South, and Spokane) have a single layer of supervisors or managers between the line staff and the court administrator, whereas District Court No. 1 has separate layers of supervisors and managers. Clark County District Court has an extremely flat organization with no intermediary supervisors or managers; the line staff report to the court administrator or the deputy administrator.⁹

In reviewing the organization of other district courts, we learned that judicial assistants are unique to Pierce County, as discussed below.

⁸ Yakima has a consolidated court for District and Superior Court, and the organization chart is color coded to identify the staff assigned to each court. Spokane District Court also provides the judges and some staff for Spokane Municipal Court, but this is not reflected on the organization chart, which shows a total of 54 FTE staff (clerks, bailiffs, and others). Based on discussions with the Assistant Court Administrator, we estimate that 7.2 of the bailiffs, secretaries, and other staff are assigned to Municipal Court work.

⁹ According to the organization chart of Clark County District Court, the line staff report to the Deputy Administrator, who reports to the Administrator. In practice, the two administrators are said to work as a team and informally divide supervisory responsibilities over the line staff. Note that this court has no supervisors or managers except the two administrators.

Judicial Assistants

A Judicial Assistant in Pierce County is a clerk permanently assigned to a judge who functions as courtroom clerk and the judge's secretary. The JA is hired by and reports to the judge rather than court administration. None of the peer courts has a Judicial Assistant in this sense.

Five of the other courts (King Northeast, Kitsap, Snohomish South, Spokane, and Yakima) do not have Judicial Assistants. The person in the courtroom with the judge is a clerk who is skilled in many facets of court work and is rotated frequently to other courtrooms. These are career positions similar in function to Legal Processing Assistant 3 in Pierce County.

Two of the other courts, Benton and Clark, have a position that somewhat resembles a Judicial Assistant but is also different. The basic function is to serve as courtroom clerk for a particular judge, to which the clerk is permanently assigned. At the top of the salary range, the Benton and Clark courtroom clerks are paid about \$10 per hour less than the Judicial Assistants in Pierce County. The Benton and Clark courtroom clerks are career positions that report to court administration and are not intended to function as personal staff to the judge.

This reporting structure, through court administration, is said to avoid the problems experienced in District Court No. 1 in which Judicial Assistants and non-JA courtroom clerks have somewhat overlapping job roles and responsibilities and different reporting structures. Each Pierce County JA reports to a judge, while the clerks report to court administration.¹⁰

6. Salary Comparisons

In analyzing the organization charts of other district courts, we inquired about salaries for the various positions to help us understand job functions and to what extent the jobs are comparable to those in Pierce County. Unexpectedly, we found that the salary for each position in District Court No. 1 is higher than its functional counterpart in the other courts. Exhibit 7 shows the salary ranges for most staff positions. The positions are described in functional terms, such as clerk entry position, line staff, and so forth. Some courts do not have a particular kind of position, as indicated by a dash in the chart.

¹⁰ The Organizational Study by SMG/Columbia (June 1998) emphasized this issue (pp. 25-27) and maintained that the different reporting structures delay the resolution of daily operational issues.

Exhibit 7: Salary Ranges for District Court Staff as of May 1999

Hourly Rates for Comparable Positions, Lowest and Highest Step on the Pay Scale

Staff Position		Pierce #1	Snohomish						
			King	Kitsap	South *	Clark	Benton	Spokane	Yakima **
Clerk Entry Position (LPA 1 in Pierce County)	Low	\$12.99	\$11.84	\$10.05	-	\$9.38	\$11.20	\$8.92	\$10.67
	High	\$17.26	\$15.01	\$13.47	-	\$11.98	\$14.54	\$12.03	\$13.52
Clerk Line Staff (LPA 2 in Pierce County)	Low	\$14.20	\$11.84	\$10.59	\$13.42	\$10.87	\$11.76	\$8.92	\$10.67
	High	\$19.03	\$15.01	\$14.18	\$16.32	\$13.87	\$15.28	\$12.03	\$13.52
Clerical Staff Lead Worker Not shown if court has supervisors	Low	-	\$11.84	\$11.78	\$14.43	\$13.20	-	-	\$12.67
	High	-	\$15.01	\$15.82	\$17.55	\$16.86	-	-	\$17.03
Supervisor of Line Staff (LPA 4 in Pierce County) Not shown if court has lead workers instead	Low	\$17.13	-	\$13.85	-	-	\$12.97	\$13.23	\$14.40
	High	\$24.04	-	\$18.57	-	-	\$16.83	\$17.85	\$19.35
Manager responsible for one or more work units who reports to Court Administrator or Assistant Administrator	Low	\$27.83	\$21.20	-	\$21.31	-	\$13.62	-	\$18.47
	High	\$35.98	\$26.96	-	\$30.12	-	\$17.67	-	\$26.63
Assistant Court Administrator or equivalent position	Low	\$30.42	-	-	-	\$19.21	\$14.96	\$18.12	\$19.59
	High	\$41.06	-	-	-	\$27.13	\$18.76	\$24.45	\$30.52
Court Administrator	Low	\$36.24	\$33.56	\$25.02	\$25.89	\$23.98	\$22.10	-	\$24.98
	High	\$48.90	\$42.10	\$31.93	\$36.59	\$33.88	\$27.73	-	\$42.53
Judicial Assistant: a clerk permanently assigned to a judge, functions as courtroom clerk & judge's personal assistant. Hired by and reports to the judge, not Court Administration.	Low	\$18.70	-	-	-	-	-	-	-
	High	\$25.23	-	-	-	-	-	-	-
Court Recorder/Assistant: a clerk permanently assigned to a judge, functions as courtroom clerk. Career path position, reports to Court Administration. Called Courtroom Recorder in Benton County and JA or Court Assistant III in Clark County.	Low	-	-	-	-	\$11.98	\$11.20	-	-
	High	-	-	-	-	\$15.30	\$14.54	-	-
Courtroom Clerk: Rotates to different courtrooms, works with various judges. Pierce Co. position is LPA 3.	Low	\$15.66	\$11.84	\$10.59	\$12.25	-	-	\$9.61	\$10.67
	High	\$20.95	\$15.01	\$14.18	\$14.89	-	-	\$12.97	\$13.52

* Snohomish received a pay increase in July 1999 retroactive to January 1999. Figures in chart are revised from preliminary report.

** Yakima courts are consolidated. Supervisors, managers, assistant court administrator, and court administrator have responsibilities for both District and Superior Court.

Source: Pierce County Performance Audit survey, May 1999.

Major pay differences can be seen in the chart.

- Clerical staff are paid much more in District Court No. 1.
- A line staff supervisor in District Court No. 1 at the top of the salary range is paid \$5 to \$7 per hour more than a supervisor in the other counties.
- A manager in District Court No. 1 compared to a manager in the King County court is paid \$6.63 per hour more at the bottom of the salary range and \$9.02 per hour more at the top of the range.
- The Administrator salary is considerably higher in District Court No. 1.
- Judicial Assistants at the top of the range are paid \$10 to \$12 more per hour than courtroom clerks in the other district courts.

The norm in District Court No. 1 is to have a Judicial Assistant in the courtroom, with pay up to \$25.23 per hour. If a JA is unavailable because of sick leave or vacation, the courtroom clerk is a Legal Processing Assistant 3, earning up to \$20.95 per hour. In the other counties, as shown in the chart (box at the bottom), the top salary for the courtroom clerk ranges from \$12.97 to \$15.30 per hour.

In studying the salary data, one can focus on the counties most comparable to Pierce County in labor market conditions, such as King and Snohomish and perhaps also Clark and Kitsap. However, no matter which counties are selected for external comparisons, it is clear that the salaries in District Court No. 1 are the highest among the courts that were studied.

Besides the external comparisons reported above, salaries in District Court No. 1 should be compared internally to positions in other agencies of Pierce County government. Personnel experts can undertake that work.

D. Performance Measurement

Summary

During the course of this audit, District Court No. 1 has begun to use performance measurement to monitor and manage court activity. The agency's management team has developed output and outcome measures. This is the start of developing a system of performance measurement that indicates the court's effectiveness in reaching its goals. Further work is needed to define levels of service. The court can continue its work and develop a performance-based budget.

Much of the ambiguity about District Court No. 1's performance could be removed if clear performance measures were in place. Performance measures define the key outcomes to which an organization can be held accountable. During the course of this audit, as a result of discussions with the auditor, District Court No. 1 began to develop output and outcome measures. This is the first step in using performance measurement to manage court activity.¹¹

The court routinely collects certain data to measure court activity, although it is unclear to what extent the data are used for management purposes. Some data are required by the state's District Court Information System (DISCIS) or by the county's annual budget process. The data collected for those purposes, however, give a limited picture of what the court achieves for its efforts.

The court's management team is aware of this problem and recently took the first steps to clarify the court's outputs and outcomes. As outputs, the management team developed the following measures for consideration by the judges:

Receive, analyze cases ... initiate processes.

Maintain and monitor processes.

Document processes.

Close, dispose cases.

¹¹ The court's interest in performance measurement coincides with a national initiative to hold trial courts accountable to Trial Court Performance Standards developed by the National Center for State Courts and promoted by Washington State's Office of the Administrator for the Courts. (See Appendix 6.) Most of these standards speak to issues of justice and fairness. Court management issues are addressed to a limited extent by the standards of expedition and timeliness and also independence and accountability. For the most part, it is not possible to apply the standards and the related measures to the issues considered in this audit. See below, page 32, for further comments on the Trial Court Performance Standards.

Court outcomes were defined as:

Effective judicial process (meet statutory requirements).
Completed process (case brought to closure).
Respect for the law, society and individual rights.
End user satisfaction.

Focusing on outcomes, the management team identified ways in which the court's achievements could be operationally defined. **Appendix 7** displays the performance measures developed by the team. In our opinion, using the measures identified in this exercise as an ongoing part of court management could result in a much clearer picture of District Court No. 1's effectiveness in reaching its goals.

Identification of measurable indicators of court outputs and outcomes opens the door to improved management practices of several sorts:

- Use of data as a baseline to identify targets for continuous quality improvement.
- Use of measures to make benchmarked comparisons of the court's performance with other courts or county agencies.
- Tying inputs, quantitatively measured in dollars or FTE's, to outputs and outcomes. This is the foundation for performance-based budgeting.

In performance-based budgeting, budget allocations can be viewed as investments in anticipated levels of outcome. In other words, performance-based budgeting holds agencies accountable for specifying how they will spend their allocations and allows for a reckoning of the extent to which those investments paid off. Future allocations can be tied to past levels of performance. Budget increases or decreases, rather than being made "across the board," can be made in a context of impacts on different levels of service across a range of program activity and quality.

To develop a system of performance measurement, District Court No. 1 can take what it has accomplished over the last few months and move forward to identify, with key clients and stakeholders, levels of service for each outcome measure. For example, stakeholders could help to validate an outcome measure such as *end user satisfaction*. The stakeholders could also help to define at least three levels of service:

1. *Threshold*: a minimally acceptable level of service.
2. *Goal*: an expected level of service.
3. *Superior*: one step up in level of service.

Levels of service can speak to both workload and quality issues. They could be tied to the amount of output required to reach "threshold" and "goal" levels of service. Future budgets could weigh the advisability or potential return for an investment necessary to improve service to superior levels.

Looked at in this fashion, the budget of District Court No. 1, or any county department, can be seen as an array of possible investment decisions.

In its most advanced use, performance based budgeting encourages trade-offs so that new initiatives or efforts to improve service levels are achieved by reallocating resources between output-outcome relationships. Thus any increase in an item could be associated with a decrease in one or some of the others. This way of viewing the budget encourages the County Council and court to be clear about what it hopes to achieve by its investments and to weigh redistributed resources wisely in terms of their impacts on service levels.

In our opinion, District Court No. 1 has begun the process of defining outputs and outcomes consistent with its mission and collecting the data needed to validly measure those indicators of performance.

E. Conclusions and Recommendations

Workload analysis and organizational assessment indicate that District Court No. 1 has made significant management improvements in recent years. However, further changes can be made to achieve greater efficiency. On workload issues, the key facts in our opinion are as follows:

1. The court's workload dropped 20 per cent in 1996 and never recovered. When the decline in case filings occurred, the staffing level was not adjusted. Among the eight courts that were studied, District Court No. 1 has the highest number of staff per judicial officer.
2. Workload comparisons with the other courts reveal that most of the other courts have a higher number of case filings per staff member. Case mix does not explain the lower workload and higher staffing level found in District Court No. 1. For example, the court also ranks low in terms of infractions, misdemeanors, and civil cases per staff member.
3. Regarding judicial workload, the current 7.2 FTE (judges and commissioners) exceeds by 1.03 positions the need estimated by the state. While we did not investigate the state formula in detail, this result seems consistent with the caseload decline after 1995.
4. Revenue generated by District Court No. 1 through the collection of fines and other fees has increased over the last five years, despite the large decline in cases. It is unclear what would happen to revenues if staffing were reduced, although there is some evidence that courts with a low staffing level do in fact collect a large amount of revenue.

If Pierce County wishes to address this situation, it could reduce court staffing to the current peer average or some other level chosen by policymakers. A reduction or reallocation of one judicial position might also be appropriate if Pierce County wishes to follow the state judicial caseload formula for courts of limited jurisdiction.

Workload increases could offset FTE reductions to some extent. Pierce County might consider increasing workload in District Court by transferring certain types of cases or proceedings from Superior Court. Some examples are:

- Transfer first appearances in felony cases to District Court No. 1.

- Hear domestic violence protection order cases in District Court so that one court is responsible for both domestic violence and anti-harassment protection orders.
- Establish a domestic violence court to hear protection order cases as well as criminal cases involving domestic violence.

As a point of information, Clark County has a domestic violence court in which a District Court judge serves as a Superior Court commissioner and the District Court staff are deputized as officers of the Superior Court. This approach may be considered in Pierce County. Many other approaches are also possible. The goal is to redistribute judicial resources to better address workload issues.

Recommendation 1

If Pierce County wishes to adjust staffing for District Court No. 1, consider staff reductions and/or workload increases by transferring proceedings from Superior Court.

On organizational assessment issues, District Court No. 1 should be commended for starting a strategic planning process and making organizational changes that address to some extent the issues raised by SMG/Columbia and KPMG. Court administration was reorganized in 1998 to provide management coverage at the Hosmer branch by laterally moving the Deputy Administrator to the position of Civil Division Administrator. Similarly, the fiscal supervisor position was shifted into an Administrative Analyst position, and a fiscal manager position was redefined and renamed Administrative Services manager.

Supervisory and management responsibilities need to be clarified. We believe that more cross training, job rotation, and development of self-directed work teams among the line staff could potentially eliminate the need for either the layer of supervisors or the layer of managers.

Recommendation 2

To reduce the need for direct supervision and better utilize experienced staff, adopt self directed work teams and expand the opportunities for job rotation and cross training.

Although this assessment was not planned to include a salary review, major salary issues were encountered. In comparing organizational structures, we discovered that the salary ranges in District Court No. 1 are considerably higher

than in other district courts. This finding is troubling in view of the declining staff workload in District Court No. 1 compared to the other courts. To address the issues and develop other relevant detailed information, it is necessary to bring in personnel experts.

Recommendation 3

The county Personnel Department should review job classifications and salary ranges in District Court No. 1 for external and internal equity and report with a plan for corrective action to the Performance Audit Committee within the next two to four months.

Since early 1998 District Court No. 1 has been involved in strategic planning. Actions spelled out in the strategic plan have resolved, to some degree, various issues affecting morale, communications, and decision-making raised by a previous consultant. There are still unresolved issues concerning communication, cross training, and administrative coverage. In addition, this report has revealed other issues.

We hope that District Court No. 1 will approach the issues by continuing its strategic planning and giving new emphasis to performance measurement. In our opinion, performance measurement is the key to improving the agency. With good management data, we believe that the funding (staffing) level of the court can be tied to the level of service.

If a system of performance measurement were in place, staffing adjustments and/or workload enhancements such as recommended in this report could be analyzed for their impact on service levels. That is not possible at this time, but we hope the court develops such measures for use in the future.

Recommendation 4

As part of strategic planning, implement performance measurement to assess the court's effectiveness and efficiency in attaining goals and levels of service quality.

F. Audit Response by District Court No. 1

The court's response to the audit report appears on the following pages.

[Letter from James R. Heller, Presiding Judge, District Court No. 1, on court letterhead. The letterhead is not available in this electronic version.]

July 15, 1999

Matthew R. Temmel
Performance Audit Coordinator
955 Tacoma Avenue South, Room 302
Tacoma, WA 98402

Dear Mr. Temmel:

In reply to your letter of July 8, 1999, regarding the June 25 Preliminary Report, we continue to differ in opinion on the value of attempting to make court-to-court comparisons. Further, there is a disagreement about the specifics of the figures used to base those comparisons. It is not helpful to point out the specifics, since we have a general disagreement about the concept.

Without an in-depth study of each courts' operations, any comparison will lead to inaccurate and questionable conclusions. We believe that it is axiomatic that some type of best practices analysis is also necessary to then interpret any such comparative data. This is particularly true when attempting to arrive at workload analysis. An analysis of filings-to-staff ratio implies that there is a common understanding as to the definition of workload as well as a standardized measure. Such a definition does not exist. Likewise the audit did not develop one. This is not a criticism of the audit so much as a statement of the difficulty of the undertaking. District Court would invite such an undertaking, though the cost would most likely be prohibitive at a county level. Additional problems would also be encountered with issues of cooperation when working with a multitude of jurisdictions and counties. Such an undertaking is better suited to the Office for the Administrator of Courts (OAC) in Olympia.

We concur in the audit's recognition of the professionalism and leadership of District Court One in areas of technology, strategic planning and performance measurements. The Court is dedicated to providing justice services in an efficient and cost effective manner with high regard for public safety. We have adopted the Trial Court Performance Standards. With this endeavor, we now are searching for and implementing standards and measurement tools to give a true measure of the services we provide for Pierce County.

Our response to the specific recommendations contained in the June 25, 1999, Preliminary Report is as follows:

Recommendation 1: If Pierce County wishes to adjust staffing for District Court No. 1, consider staff reductions and/or workload increases by transferring proceedings from Superior Court.

Do not concur.

The basis of the audit recommendation is a belief that staff levels were appropriate in 1994 and that an adjustment is warranted due to a decline of filings in subsequent years. We disagree with this assumption. We invite a specific workload analysis, such as was done in King County District Court. When that study is applied to our court, we are found to be under staffed. We believe a study designed for our court would show that the court is only adequately staffed at this time to do the necessary tasks currently accomplished. We further believe that such an analysis will only be of value when coupled with a "best practices" analysis using measurements of Trial Court Performance Standards. If such studies then show a disparity of staff to workload, appropriate adjustments should be undertaken.

With regard to transfers of workload between Superior Court and District Court, we have and continue to work with Superior Court to pursue opportunities to bring efficiencies to the court component of the justice system for Pierce County. We have had discussions regarding the possibility of District Court handling first appearances for criminal matters in Superior Court as well as anti-harassment hearings involving juvenile respondents. We will explore these and other possible activities that will bring to the county the highest level of service and efficiency.

Recommendation 2: To reduce the need for direct supervision and better utilize experienced staff, adopt self directed work teams and expand the opportunities for job rotation and cross training.

Partially concur.

The court has and continues to place staff training and organization as a high priority. As noted in the audit, we have recently completed a major reorganization after an in-depth study. We stand by the changes implemented with the SMG/Columbia organizational study. We will evaluate and implement, if appropriate, the use of self directed work teams. We will also work with OAC to find optimal organizational models for a court of our size and complexity.

Recommendation 3: The county Personnel Department should review job classifications and salary ranges in District Court No. 1 for external and internal equity and report with a plan for corrective action to the Performance Audit Committee within the next two to four months.

Partially concur.

We have reviewed and believe that our staff salaries are equitable to similar positions within Pierce County. All positions were reviewed by Pierce County Personnel for internal equity before staff salary schedules were adopted. We take no position on whether the county's salary schedules in general should be adjusted or reviewed.

Recommendation 4: As part of strategic planning, implement performance measurement to assess the court's effectiveness and efficiency in attaining goals and levels of service quality.

Concur.

We have and will continue to pursue performance measurements. These should be a high priority for any organization interested in the quality and efficiency of its activity.

Additionally, it is our understanding that you have requested the court administrators of the courts you used as comparisons to comment with regard to the preliminary draft of the audit. To date, you have advised us that no responses have been received. Upon receipt of those responses, please forward to us so that we may have an opportunity to review prior to the formal presentation to the Performance Audit Committee.

We are attaching to this response, a copy of a letter addressed to you from Janet McLane of OAC. Further, it is our expectation that the Summary of Appendices dated June 25, 1999 and forwarded to the Audit Committee will become a part of our formal response.

Very truly yours,

James R. Heller,
Presiding Judge

OFFICE OF THE ADMINISTRATOR FOR THE COURTS

MARY CAMPBELL McQUEEN
Administrator

July 14, 1999

Matt Temmel, Ph.D.
Performance Audit Coordinator
955 Tacoma Ave. South, Room 302
Tacoma, Washington 98402

Dear Dr. Temmel:

Thank you for forwarding the preliminary audit report on Pierce County District Court No. 1. There are several general observations I would make in lieu of responding to the specific conclusions the report reaches.

Although it is tempting to gauge appropriate staffing levels by analyzing filing to staff ratios, these ratios offer only a one-dimensional view of how effectively work is processed. The survey responses from six district courts are very illustrative of the differences in practice and procedure among the trial courts. Unique practices in a court develop as a result of local demands or expectations, resource constraints, caseload characteristics, legal culture, and a variety of other factors. Some practices are, of course, more cost effective than others. Some practices may *appear* to be more cost effective than others, but in fact may have cost implications that are not recognized until much later. Other practices may simply represent the cost of providing quality justice, ones that should not be sacrificed if the court is to operate properly.

Staffing levels and the manner in which courts organize their operations are most appropriately determined by analysis of what practices are best for a court. From our review, the Pierce County Audit, with the accompanying survey information collected by the District Court, has taken an important first step in documenting some of the different practices that exist among courts. The analysis falls short however, since it is not designed to objectively evaluate which of the various court practices should be used as the *standard* for calculating staffing levels.

The Office of the Administrator for the Courts intends to undertake a comprehensive review of trial court business practices under the direction of the Judicial Information Systems Committee (JISC). Establishing various model business practices will give us the basis from which to measure workload needs. In addition to arriving at staffing needs, any best practice

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July 14, 1999
Page Two

analysis carried out by OAC would include an investigation of optimal organization for courts of different sizes. An optimal structure would depend on much more than the traditional span of control. For example, experts in court efficiency emphasize the importance of good caseload management. The volume of cases and number of case tracks used to manage cases, directly impact the desired organization of the court.

I fully appreciate the desire of the Pierce County Council to audit its departments and the judicial branch for performance and cost effectiveness. I would, however, caution against making significant modifications in the judicial or clerical staffing of the court until a best practices review can be undertaken.

Thank you for the opportunity to comment.

Sincerely,

Janet McLane, Director
Judicial Services Division

cc: Honorable James Heller
Mary McQueen

llmcW9/ltr to temmel

G. Auditors' Comments

July 21, 1999

To: Performance Audit Committee

From: Lowell L. Kuehn, Consultant
Matt Temmel, Performance Audit Coordinator

We have reviewed the court's response to the audit and wish to offer the following comments. In our view, the report contains three primary facts:

1. District Court No. 1's caseload declined by almost 17,000 cases (21%) between 1995 and 1998, as graphed in Exhibit 1 (page 3). Over that period, there has been little adjustment in the court's staffing level.
2. Of the eight courts that were studied, the court now has the highest number of staff members per judicial officer, as shown in Exhibit 3 (page 6).
3. As of 1998, in terms of case filings per staff member, District Court No. 1 ranked sixth or seventh out of the eight courts, depending on which set of data is used. (See Exhibit 4, page 8, and Technical Appendices, page 8.) In the number of court proceedings per staff member as of 1998, the court ranked seventh or eighth. (See Technical Appendices, page 13).

The court's response glosses over the caseload decline (#1 above) and the relatively high staffing level (#2). In our opinion, those facts are sufficient to support Recommendation 1, which suggests either a staff reduction and/or a workload increase by transferring matters from Superior Court. The court's response takes issue with fact #3, that is, the court's low ranking as of 1998 in terms of filings per staff member.

Comparisons with Other Courts

Our cross-court comparisons were prompted by a desire to understand the caseload decline. To assess that information, it is essential to provide a context. Thus the report: (1) compares filings to a baseline (the court's trend in filings per staff member), and (2) compares filings to benchmarks (filings per staff member in other courts).

The court does not dispute the decline in filings per staff member, but it insists that this is not a meaningful measure of staff workload. We agree it is not an ideal measure. However, filings per staff is the best comparative measure of staff workload that can be calculated from data reported to the state. It is a standard measure often included in court budgets. The information appears on page 154 of the 1999 Pierce County budget,

and budgets in other counties often include this information or the number of court proceedings per staff member.

We agree with Janet McLane of OAC that the filings to staff ratios give a "one-dimensional view." That is why the report explored and reported on other measures such as proceedings per staff member, staff members per judicial officer, and the number of judicial officers compared with the state formula.

This research approach is known as "triangulation." In an area where there are no clear standards, it is useful to make multiple comparisons. If the comparisons all point to a similar conclusion, as they do in this case, we can be more confident that the finding is valid.

The report does not propose any particular staffing level. Rather, it provides high-quality comparative information on which policy makers can base a decision. This is the third study (after KPMG and SMG/Columbia) to raise questions about the staffing level. It is unrealistic of the court to suggest that the policy makers should do nothing until further studies can be conducted to find a staffing level to the court's liking.

OAC Data

Virtually all of the staffing and workload figures in the report were based on data in *Caseloads of the Courts of Washington*, which is published annually by the Office of the Administrator for the Courts. The 1998 volume runs to 259 pages, and the earlier volumes are equally weighty. They contain data by court on the number of judges, commissioners, staff, filings, types of filings (infractions, misdemeanors, civil, and various subcategories), charges, jury trials, bench trials, appeals, and other matters.

The OAC information is a matter of public record and is published at considerable expense. It is not credible to suggest that the data should not be used for court comparisons.

Best Practices and Trial Court Performance Standards

To determine how many staff are needed, the court calls for a clerical workload study such as was conducted in King County District Court. The response adds: "We further believe that such an analysis will only be of value when coupled with a 'best practices' analysis using measurements of [the] Trial Court Performance Standards."

By adding such qualifying language, the court has greatly complicated matters. In our opinion, it is not feasible to conduct a clerical workload study with a meaningful "best practices" component using measurements from the Trial Court Performance Standards.

"Best practices" is an elusive concept. It is unusual for an organization that has experienced a decline of 17,000 cases and enjoys a much higher staffing level than its peers to declare itself a model of "best practices."

We agree that District Court No. 1 might become a model if it implements performance measurement, as recommended in the report. If good measures are put into place, the court may be able to show improvements compared to baselines or benchmarks. Without performance measures, "best practices" will remain a term of art.

What about the Trial Court Performance Standards (TCPS)? The standards were adopted by the National Center for State Courts in 1990. District Court No. 1 has adopted the standards, but it has yet to find ways to implement the standards by applying the measures suggested by NCSC. Little progress seems to have been made since the early 1990s, when the measures were field tested in various states, including three courts in Washington State. See OAC, *Trial Court Performance Standards Project, Washington State, Final Report* (undated). The report indicates that the measures were not very successful.¹²

It appears that the standards were designed mainly for judges to assess judicial performance in the courtroom. Those matters are outside the scope of the audit. The TCPS standards and measures do not clearly address the organizational, management, staffing, and workload issues of interest in this audit.

¹² For instance, the report says on page 3: ". . . with few exceptions, the measures do not specify clear benchmarks against which performance can be assessed. The results therefor [sic] are left for open interpretation by whomever [sic] is reviewing the results. At times, even experienced court personnel may wonder whether the results of a measure indicate positive or marginal performance."