

## MEMORANDUM

**TO:** Judge Mary T. Noonan, State Court Administrator

**FROM:** Clerks of Court

**RE:** Clerical Staff Burnout

**DATE:** 12-16-2020

---

This memorandum is an attempt to memorialize some of the sentiments expressed by the collective Clerks of Court group during a meeting in which staff burnout was discussed. Our discussion started with a question posed to one of our Clerks of Court by a judge in her respective district -- "*What can judges do to support our clerical staff?*" While our discussion may not have led to concrete answers, we have identified some common themes as indicated below.

We know you have asked a few times during our statewide calls how staff are doing and we have been told the Chief Justice has inquired as well. We hope this memo will help you and others more fully understand the experiences our clerical support staff have had during the pandemic so that you can partner with us in finding ways to sustain that support. Clerks of Court have also committed to making sure their local admin teams and presiding judges are aware of the strain on their clerical teams. While we tend to shy away from presenting problems without a solution, we believe it is our duty and responsibility to advocate for our staff, despite the limitations we feel in our ability to solve these complex issues on our own.

The combined group of Clerks of Court discussed the burden placed on clerical staff during the pandemic. The following concerns and experiences were shared.

If it hasn't reached the breaking point, it's very close. The extra "little things" that clerks are continually required to take on is adding up to be more than we can bear. Many solutions found during the pandemic have fallen directly on the clerical staff to carry out and now, several months in, we are out of bandwidth to take on any more. Our teams, including leadership, have more work than they can complete during the workday or work week and the mental strain has caused a variety of health concerns. We are fearful of losing valued and skilled staff; some have already moved on.

We want to help our teams and appreciate the ideas shared by the committee regarding ways to improve staff morale. We're just not sure how to apply them or when we would even have time as we are very much focused on keeping our heads above water. Workgroups are great in starting important conversations but we are seeking to effectuate change.

**The mission of the Utah judiciary is to provide an open, fair, efficient, and independent system for the advancement of justice under the law.**

Clerical staff have remained in the office doing whatever it takes to ensure judges, attorneys, patrons and their teammates' needs are being met so that court operations can continue. They sort of feel “left behind” to carry the burden. Court is crazy-- prep has doubled, clerking is stressful, and phone calls are through the roof. In some locations, front counters are experiencing heavier traffic than before the pandemic. Case numbers aren't a good measurement of how busy staff are because the time it takes to manage each case has increased so substantially. Attorneys still aren't helping to get clients to court and some are refusing to provide the Webex hearing links to those they represent. Emotions are high and the constant strain is taking both a mental and physical toll, causing some to contemplate retirement. Succession planning was already hard enough due to pay issues, the stress of managing court during a pandemic makes these positions even less appealing.

Supervisors have tried to fill the gap for staff working at capacity and unable to take on additional work but they too are overburdened as they are often covering for staff who are affected by the pandemic. Many don't feel like they can take time off and are constantly at the disposal of their staff who are seeking answers from them regarding their health and potential exposure that they are not qualified to make. Decision fatigue is real and rampant.

Judges are creeping back into the courthouse which puts pressure on clerical staff to be in the courtroom as well. Also, many judges are focused on the backlog of cases and may be overlooking the fact that large calendars are now requiring more clerical time due to Webex, and should be aware of the trade-off there. Limiting the number of hearings on a calendar day should not be dismissed out of hand, despite the backlog. Clerical staff know they are falling behind on case pending and other case management duties, but clerical resources are being dedicated to calendar management. The administrative order is asking clerical staff to focus on essential duties, which may not include case management at this time. We're not sure when we will be able to catch up or what is most concerning-- large virtual dockets or a backlog?

Committee participation, clean up projects and pilots are exciting and creative, but equally exhausting. Clerks of Court would like the opportunity to weigh in on whether or not their clerical staff can accommodate the extra burden being asked of them prior to being committed.

In terms of what judges can do, we identified the following.

*Patience and understanding.* Both judges and clerks feel a sense of responsibility for the patron's virtual court experience, however, clerks are doing the very best they can and are not qualified to fix complex technology issues. Patience and understanding of the difficulties we share is appreciated. Reaching out to the technology experts, when more appropriate, would also help a great deal.

*More meaningful hearings.* The number of continuances is high and is often due to attorneys not being prepared for the hearing or having failed to provide their client with

the Webex link. This results in an increased clerical workload and shifts the burden of the work from attorney's office to the clerk. Requiring attorneys to provide their clients with the Webex link or to file motions to continue in advance of the hearing when not prepared to proceed would save valuable clerical time.

*Strike a balance.* Virtual calendars are more time intensive for clerical staff due to Webex scheduling. While we initially saw a reduction in calendar sizes, most locations are now back to holding full calendars virtually. Full calendars help with the backlog or to prevent one but are not sustainable. Additionally, clerical resources are finite which means judicial expectations for large calendars plus timely case management may not be attainable right now.

For consideration by court administration, we offer the following.

*Consult clerical leadership.* Many teams and departments are interconnected and interdependent but none are more so than the clerical support team. Almost every project or initiative that a department is working towards will ultimately impact the clerical staff in some way. We ask that other departments be cognizant and sensitive to that and consult the Clerks of Court group to assess impact and feasibility.

*Is temporary clerical staff a possibility?* Over the past several years, clerical staff have been scaled back to bare minimum staffing levels. Due to the increased clerical workload caused by virtual hearings, staffing levels are insufficient. We recommend that consideration be given to temporarily hiring skilled staff (retirees) as an interim solution. In some circles, bringing on senior judges to handle backlogs has been contemplated to help reduce large calendars. Senior judges without additional clerical support will only compound the problem for clerical staff.

*Support for overtime/comp time.* To compensate for insufficient staffing levels, some staff are accruing extra hours. It is difficult and sometimes impossible to find time for staff to flex the additional time during the week and this becomes yet another stressor for clerical employees and their supervisors. We are asking for support for when overtime/comp time is accrued while we seek other resources to help carry the clerical workload. Our staff are worn out and while granting comp time/overtime deprives them of the break they need, they should still be compensated for their time.

*Can probation staff help fill the gap?* Many clerical duties are complex enough in nature that probation staff would likely struggle a great deal to assist without undergoing intensive training. However, there may be some tasks worth exploring. Some of those duties may include: processing jury qualification questionnaires and juror summons questionnaires, providing logistical support for jury trial pilots, assisting with sanitization efforts, and cleaning supply inventory and restocking. Additional opportunities may exist for some teams to incorporate a virtual bailiff and assistance in disseminating Webex links to parties.

*Encourage more communication, locally.* Working remotely has made communication more difficult and during a pandemic, consistent and frequent communication is even more essential. The statewide calls are helpful but should not be a substitute for local discussions.

*Share the burden.* Because clerical team members must staff our offices and be available to perform critical functions, we are addressing a variety of issues in addition to our already full plates, including security and building issues, office supply delivery, running to IT, cleaning needs, and COVID supplies. We ask that others be physically present more often to create an opportunity for them to assist.

*Compensation.* We are very appreciative of the efforts made by you and others in the past to address pay inequities for clerical staff. And, while we recognize paying clerical staff more would not resolve many of the issues we have identified in this memo, and that the current budget constraints make this timing of our request less than ideal, we also feel it is an important contributor to clerical burnout that cannot be overlooked.

Clerical job duties have always been more complex than given credit for and now it is even more so. For some districts, this has resulted in the loss of valued and experienced clerical staff and difficulties in keeping Training Coordinator positions filled. Bringing on new staff with a career track in limbo has only added to the stress and burden placed on our Case Managers who are responsible for keeping their offices staffed and judge teams running efficiently.<sup>1</sup>

The work of Judicial Assistants has been deemed a critical function of the courts in the context of the Administrative Order and our response to the pandemic. This has necessitated continual sacrifice from our clerical staff members who are responsible for opening offices and serving the public, risking their health and that of their family, on top of responding to overwhelming changes and demands on their time. It is clear that we highly value the work of the clerical department, yet large pay disparities continue to exist between clerical and probation staff.<sup>2</sup> Pay inequality undermines our values and contributes to the decreased morale of our clerical department.

---

<sup>1</sup> Judicial Case Managers starting wage \$20.53/hr.; Probation Supervisors starting wage \$26.26/hr. (\$5.73/hr. difference)

<sup>2</sup> Judicial Assistant starting wage \$16.54/hr.; Probation Officer starting wage \$19.50/hr. (\$2.96/hr. difference)