


# District Court Staffing in Virginia's Courts

Supreme Court of Virginia  
Office of the Executive Secretary  
2020



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.

**“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**

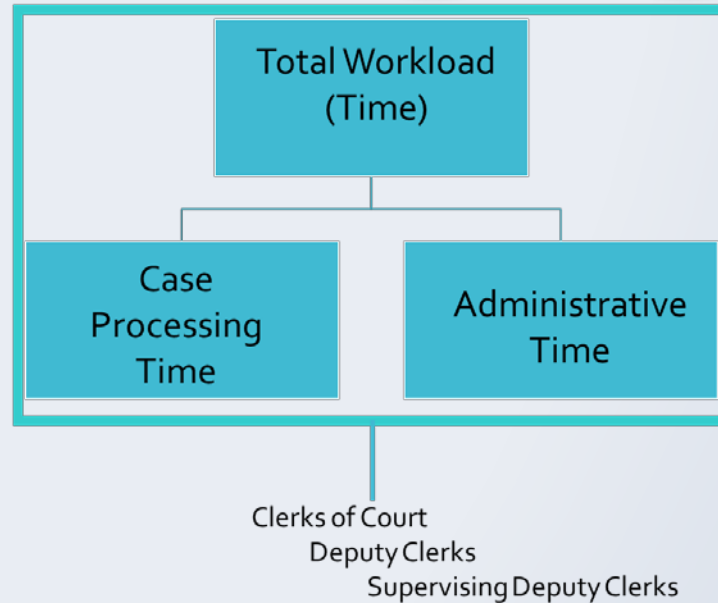
# How many district court deputy clerks does Virginia need?

District Court Staffing Model



## District Court Staffing Model

- ❑ Provides an objective means to measure relative need for staff in courts of different sizes and operational factors.
- ❑ Analyzes the types of cases rather than the total number of filings.
- ❑ Measures the work of Deputy Clerks converting caseload into workload.



## District Court Staffing Model: Weights

- ❑ Case weights are the average time spent processing cases in minutes.
- ❑ Re-measured every 2 -4 years, most recently October/2019

### 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 in 192 Courts

**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.

## 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.

# 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
- Unable to take earned vacation time
- Divorce and stressful relationships caused by the excessive time spent at the courthouse and work pressures
- Compensation is low which leads to high turnover/low retention; hiring takes time and then basic training takes 9 -12 months
- 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
- Some clerks experience secondary trauma especially in J&DR courts
- Feel unappreciated and undervalued
- Even when fully staffed, they are frequently short-handed due to employees out on sick or maternity leave, so constantly falling behind
- Feel rushed and unable to give the level of customer service they would like to provide

**“ 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.”
- “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:

- “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.”
- “I pray you (The General Assembly) will hear our cry for help.”



# Budget Request

- ❑ Budget request submitted to Governor 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. (43.5% of need)
- ❑ Governor included funding for 30 new positions in each year of the 2020 -2022 Biennium for a total of 60 positions. (21.7 of need)
- ❑ Submitted Budget Amendment (Chief Patron Senator Edwards) requesting an additional 30 positions in each year of the biennium.
- ❑ Re-evaluate staffing needs again after two years

# Questions?