



NEBRASKA COURT CLERKS' OFFICE STUDY

*A Report to the Nebraska Supreme Court
Advisory Committee*

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I. EXECUTIVE SUMMARY

The National Center for State Courts has been engaged by the Nebraska Supreme Court and Administrative Office of the Courts to assess current operations in the offices of clerk of the district court and county court clerk magistrates relative to a proposal to combine these offices into a single entity that supports both courts. In practical terms, the proposal would eliminate the locally elected and funded position of clerk of the district court, combining these duties with that of the Supreme Court appointed position of county court clerk magistrate.

The conclusions in this report are based on a background information provided by the Administrative Office of Courts, combined with interviews conducted with county and district court clerks, judges, county officials and others concerned with the improvement of the judiciary. Many noted that there is nothing fundamentally wrong with the current system that would warrant change, although there was general concern about the ex officio system for providing district court clerk support in the most rural counties.

The surveys and interviews revealed a wide range of opinions about the potential benefits of combining the offices. Generally, the idea was looked upon more favorably in the smaller counties where providing court services to a widely dispersed population poses special challenges. Those that supported the transition indicated that it would be easier to provide coverage for staff absences and that a single point of contact would be less confusing for the public. For reasons noted in this report, consolidation would not necessarily result in less staff overall, particularly in the smaller counties.

Opinions about the feasibility of taking on the duties of both positions were mixed, with those opposing the elimination of elected clerks viewing this as more of an obstacle, and others seeing the proposal as something that would work with adequate training and support. The existence of a state-wide case management system serving both district and county courts, along with the existing training programs offered by the Administrative Office of Courts are factors that would make the transition easier.

There are several options presented in this report for consolidating clerks' offices. These options are not necessarily exclusive:

- A. Transfer ex officio duties to clerk magistrates
- B. Transfer district court clerks and staff to Nebraska Supreme Court funding
- C. Consolidate all or some of the district and county clerk offices
- D. Provide statutory authority for consolidation as a local option
- E. Establish further pilot projects

In addition to the question of improved efficiency by combining the offices, there are two additional considerations. First, would the judiciary and the public be better served if an appointed, rather than an elected position, was responsible for the maintenance of records and

administration of local trial courts. Second, and very much related to the first question, is would moving the funding and control of all district court clerk offices under the control of the Nebraska Supreme Court improve the overall administration of the trial courts in Nebraska.

Should the legislature move forward with some form of consolidation, the Supreme Court will assume responsibility for funding positions which are transferred from the counties, as well as providing the necessary training and support. Offsetting the savings to counties for salaries will be a reduction in revenues currently received by the counties as reimbursement for Title IV-D activities. The current distribution of filing and related fees that offset district clerk operational expenses should be subject to review and possible reallocation. Other transition costs, such as changes in office layouts in county courthouses, will need to be determined on a local level.

II. INTRODUCTION AND METHODOLOGY

As part of the Nebraska legislature's effort to increase efficiency in local, county, and state government, a proposal to combine the positions of clerks of the district and county courts has been presented. At the request of the Nebraska Supreme Court, the introduction of legislation has been deferred to allow for a more thoughtful analysis of the potential impact and benefits of such a proposal. To respond to the legislature's proposal and ensure that both clerks' offices are providing the most efficient service possible, Chief Justice Heavican has appointed an Advisory Committee comprised of representatives of the judiciary, the Administrative Office of Courts (AOC), the clerks' offices, the bar, and the public. The AOC asked the National Center for State Courts (NCSC), under a grant from the State Justice Institute, to review court clerk operations in Nebraska and to report to the Advisory Committee on the following issues:

- Is the current structure efficient and effective?
- Does the current system provide the needed service to the public?
- Does the current system provide the needed service to the courts?
- What changes, if any, are necessary?
- If consolidation was recommended:
 - What would be a viable transition plan?
 - What statutory changes would be needed?
 - What court rules and procedures would need to be amended?
 - What personnel issues, including salaries, benefits, and retirement, would need to be considered?
 - How would Federal funding that counties receive for court programs be transitioned?

Following phone conferences with the Advisory Committee, the NCSC project consultant began collecting background information with the assistance of AOC staff. It was also determined at this time that visits to a representative sample of courts of various sizes across the state to meet with court clerks, judges, and other county officials to solicit their views on the proposal and to observe court operations would be beneficial. Visits were conducted during two different weeks.

The first occurred November 1 through 4, 2016, and included courts in the western part of the state. The second round of visits occurred November 28 through December 2, 2016, and included courts in the eastern and middle portion of the state. A complete schedule of visits, including the individuals who participated, is included in Appendix A.

Phone calls were scheduled with individuals who could not be visited in person. These are also included in Appendix A. Prior to the visits, an on-line survey was distributed to all district and county court clerk magistrates. Following the visits, the NCSC project consultant continued to work with AOC staff to obtain further information which forms the basis for this report.

III. BACKGROUND

This section provides an overview of the Nebraska trial courts, comparative workloads and workload trends of district, county, and juvenile courts based on data from the AOC, and the duties and qualification of clerks as reported by participants in the survey.

A. District and County Court Structure and Jurisdiction

Nebraska's **district courts** have jurisdiction to hear all felony criminal cases, equity cases, and civil cases involving more than \$53,000. Certain appeals from county courts and administrative agencies may be filed with the district courts. A district court clerk's office is established in each county to manage court records and provide administrative support for the district court. In counties with 7,000 inhabitants or more, a clerk of the district court is required by law to be elected by the voters. In counties with less than 7,000 inhabitants, the county board and district judge determine whether there should be a clerk of the district court. In smaller counties, the county clerk serves as ex officio clerk of the district court, in addition to other non-judicial duties. Courts are assigned to judicial districts as illustrated below:

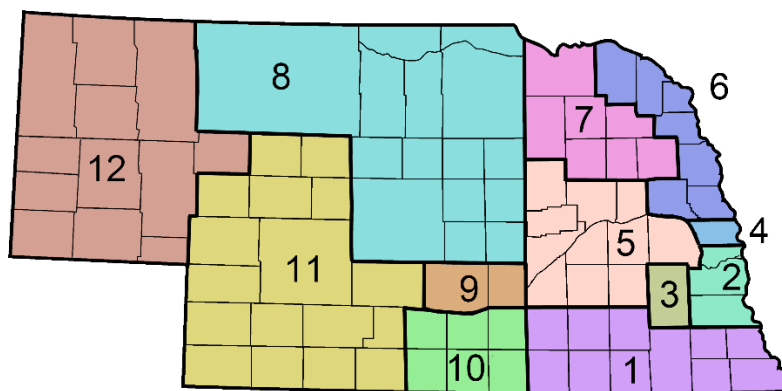


Figure 1: District Court Judicial District Assignments

A map of counties with ex officio clerks is included in Appendix B.

County courts have jurisdiction to hear misdemeanor offenses; traffic and municipal ordinance violations; preliminary hearings in felony cases; civil cases involving \$53,000 and less; small claims cases; some divorce cases; probate, guardianship, conservatorship, and adoption proceedings; and juvenile matters. Separate juvenile courts have been established in the larger counties of Douglas, Lancaster, and Sarpy Counties. The assignment of county courts to judicial districts varies slightly with the district court map in districts 1 and 10.

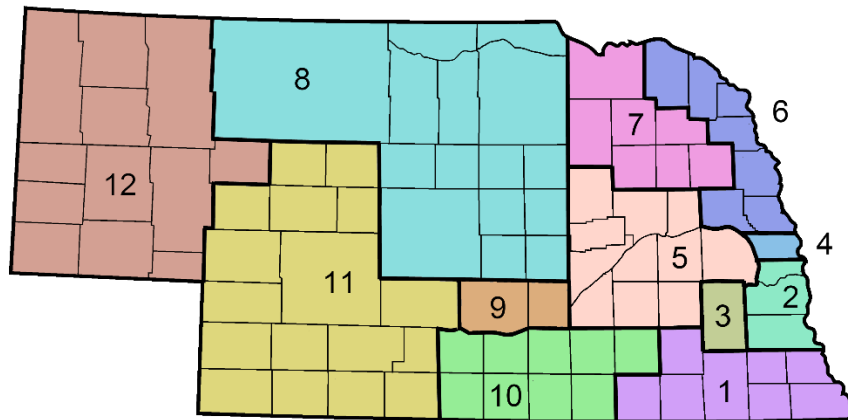


Figure 2: County Court Judicial District Assignments

With the exception of Douglas, Lancaster, and Sarpy Counties, clerk magistrates are responsible for record keeping and the administrative functions of the county court offices. These duties are performed by judicial administrators in Douglas, Lancaster, and Sarpy Counties. Clerk magistrates also have limited authority to conduct certain judicial proceedings, such as the accepting pleas in traffic and misdemeanor cases, setting bail, and performing weddings and other judicial services. County clerk magistrates are hired by and serve the county court bench. A state map showing county court staffing levels is available in Appendix C.

The county and district courts have concurrent jurisdiction under Neb. Rev. Stat. § 24-517 in a number of areas, including misdemeanor criminal, some divorce proceedings, protective orders, search warrants, and civil proceedings excluding those involving equity issues. The statute lays out some exceptions where the county court has exclusive original jurisdiction, meaning the matter can only be heard in county court.

B. District and County Court Workloads and Trends

Many individuals the NCSC project consultant spoke with during the preparation of this report noted that “one size doesn’t fit all” when it comes to understanding Nebraska courts. This is illustrated by the wide variation in workloads across courts in the state, varying from the high volume courts in Douglas, Lincoln, and Sarpy Counties, to counties in the western part of the state where only a handful of cases are filed in a year. The following charts, based on information

provided by the AOC, compare workloads for the last fiscal year by district, as well as long term filing trends by general case type.

Figure 3 illustrates the variation in new filings for adult district court cases by district for FY 2016:

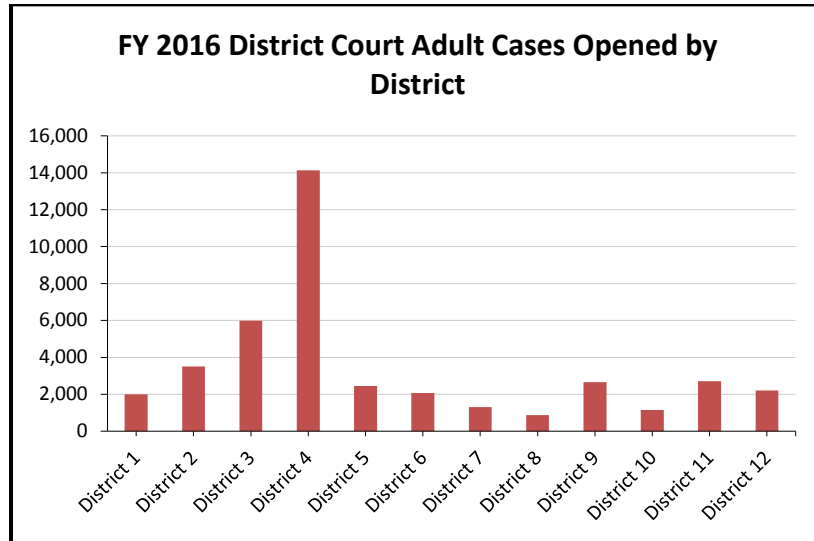


Figure 3: New District Court Filings for FY 2016

A downward trend of new filings of adult case types in district courts beginning in 2010 was reversed in the last two years:

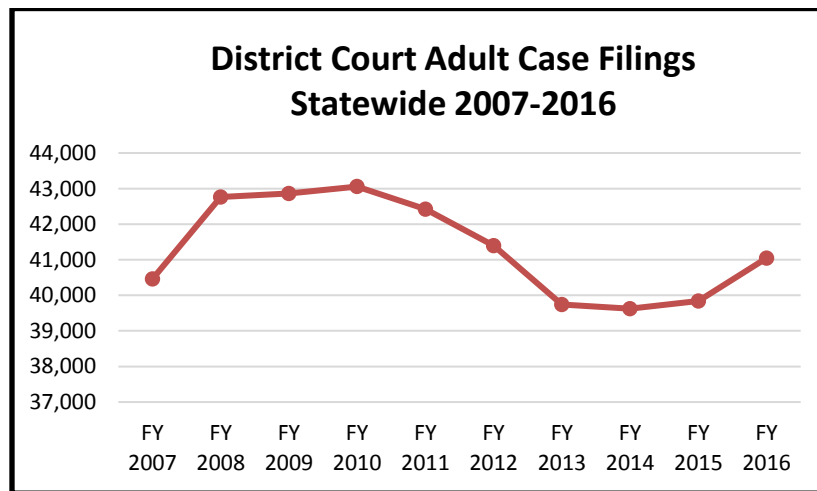


Figure 4: Statewide Filing Trends - District Court Adult Cases

Caseload trends have varied by judicial district. Most judicial districts have followed the general state-wide trend of a steady decrease in new adult cases marked by an increase over the past one to three years. Exceptions have been the 1st Judicial District which experienced a drop in 2012, the 3rd and 9th Judicial Districts which have had relatively volatile caseload swings, and the 11th Judicial District which has seen a slow but steady increase in caseload over the years.

County court adult caseloads across districts follow a similar pattern:

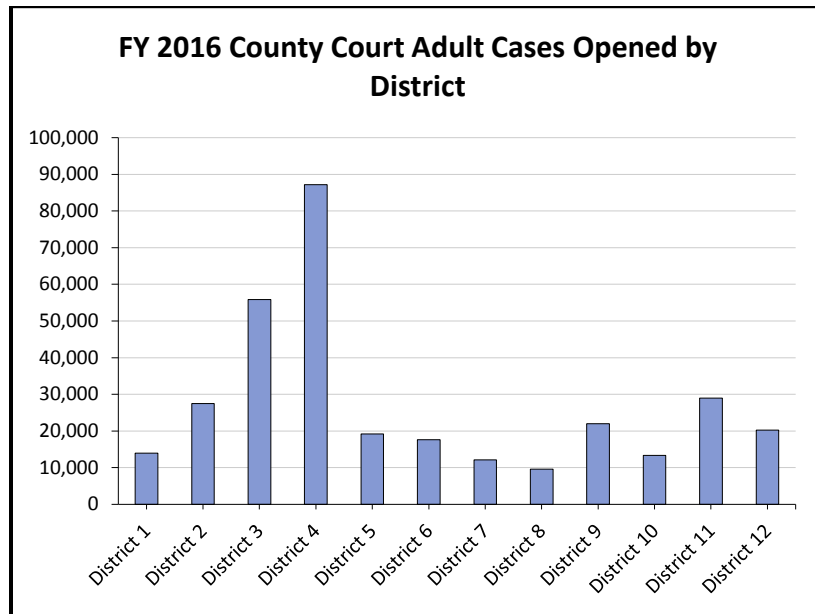


Figure 5: New County Court Adult Filings for FY 2016

Adult case filings in the county courts have been trending downward since the 2008-2009 recession:

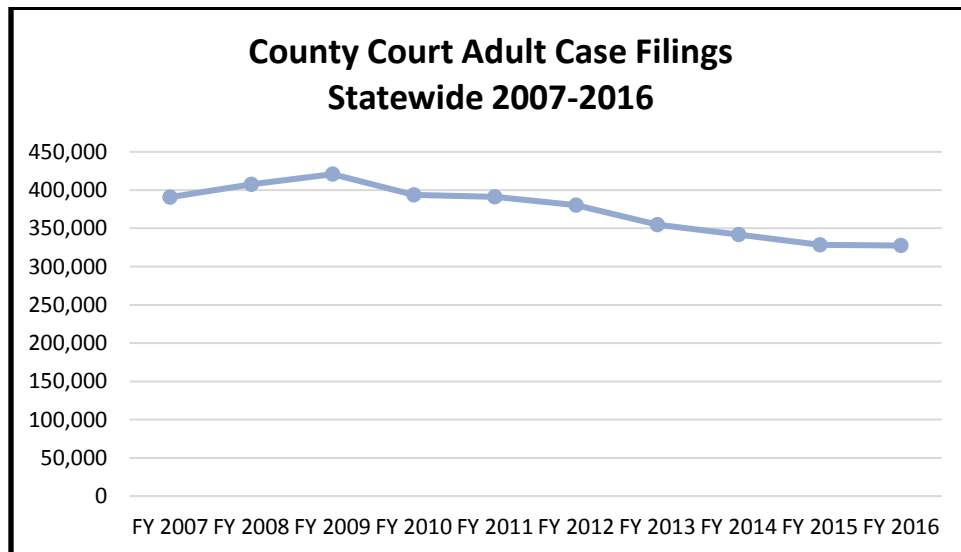


Figure 6: Statewide Filing Trend - County Court Adult Cases

Juvenile caseloads in the county courts, when cases in the separate juvenile court caseloads in the 3rd and 4th Judicial Districts are excluded, still show a fair amount of variation between judicial districts:

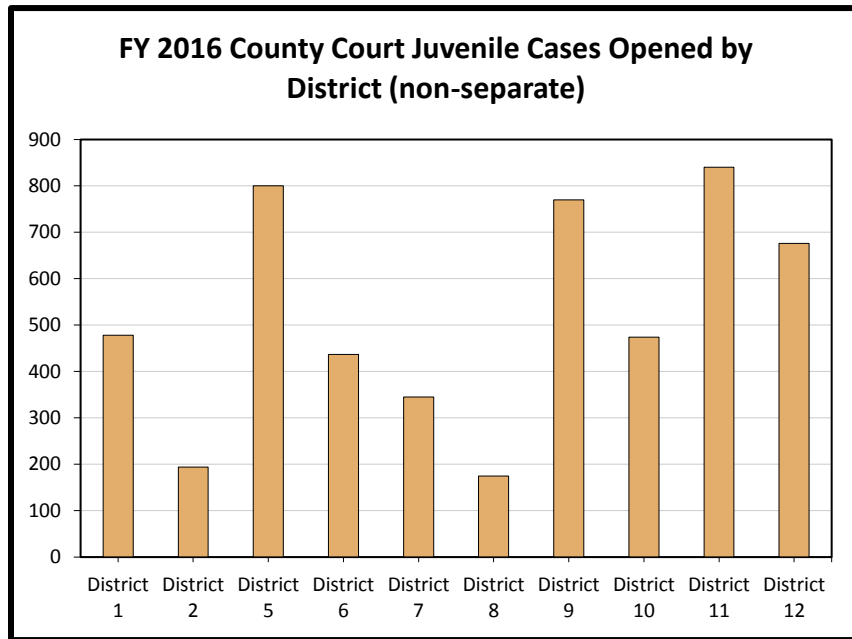


Figure 7: New County Court Juvenile Case Filings for FY2016 (excluding separate juvenile courts)

New county court juvenile filings have shown a general downward trend since 2007, leveling off in the past two years:

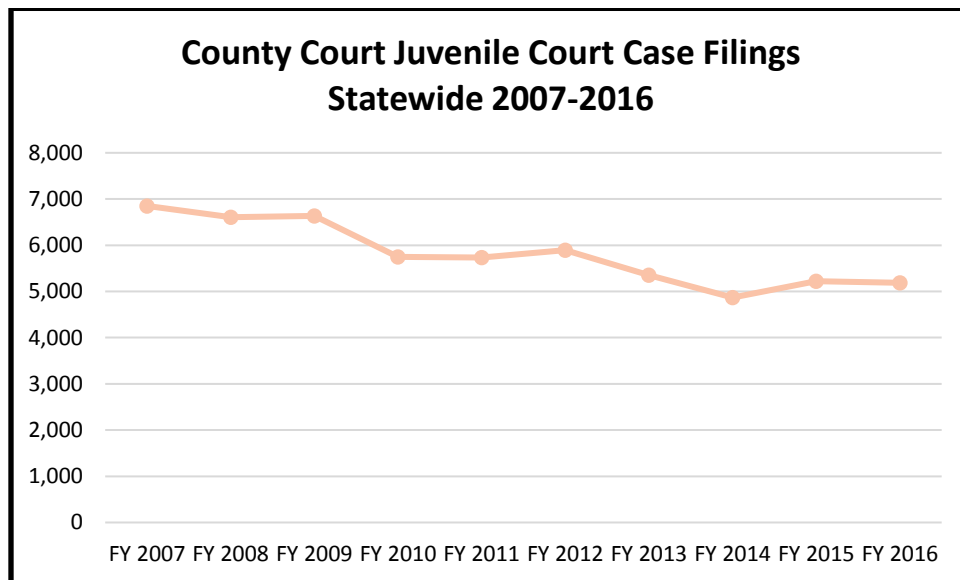


Figure 8: New Statewide Juvenile Court Case Filings

The large majority of juvenile cases filed in Nebraska occur in the three larger counties of Douglas, Lancaster, and Sarpy, where a separate juvenile court has been established. Juvenile case filings are generally following a downward trend in these three larger courts:

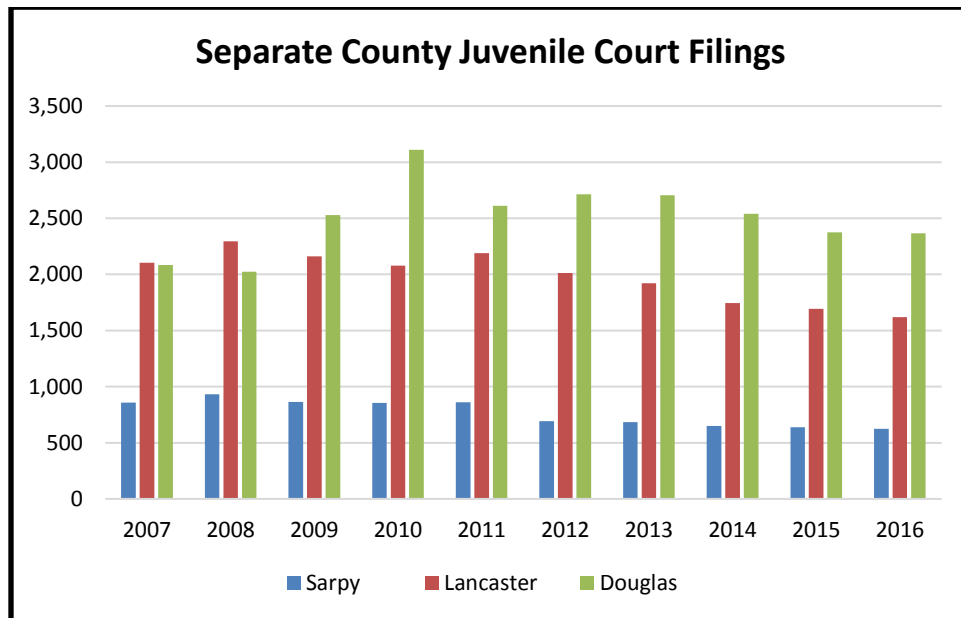


Figure 9: Filing Trends for Separate Juvenile Courts

C. Duties and Authority of Clerks

The powers and duties of clerks of court are generally defined by Neb. Rev. Stat. § 25-2214, which states in part:

*The clerk of each of the courts shall exercise the powers and perform the duties conferred and imposed upon him by other provisions of this code, by other statutes and by the common law. In the performance of his duties he shall be **under the direction of his court.** (emphasis added)*

Further duties, powers, and limitation of the offices of clerk of the district court and county court clerk magistrates are defined in numerous sections of the Nebraska Revised Statutes.

Clerks of the District Court

Each of the ninety-three counties in the State of Nebraska has a clerk of the district court responsible for the maintenance of court records and administrative support. As elected county officials, clerks of the district court and their staff are employees of county government. With the exception of one county, clerks of the district court are currently in the middle of the election cycle.

In a county where an elected clerk position has not been established, the county clerk serves as ex officio clerk of the district court. There are 37 ex officio clerks. Workloads in counties with ex officio clerks range from a total of four cases for the recent year in McPherson and Arthur

Counties, to 238 total cases in Johnson County. The most recent annual filing information for all ex officio offices is included in Appendix D. Ex officios may wear many hats as county clerk, register of deeds, election commissioner, board secretary, and assessor.

County Clerk Magistrates

County court clerk magistrates are similarly responsible for the maintenance of records and administrative support of the county courts. However, in Douglas, Lancaster, and Sarpy Counties, these duties are performed by judicial administrators. There are 71 clerk magistrates. In addition to their clerical and administrative duties, clerk magistrates have limited judicial powers which include accepting pleas in traffic and misdemeanor cases, setting bail, and performing weddings or other judicial services. Clerk magistrates are hired by the county judges of the district in which they serve, and along with their staff are employees of the Nebraska Supreme Court.

The Nebraska Supreme Court has established five position classifications for individuals who serve as clerk magistrates or judicial administrators, based on the size of the court they serve by caseload. Court Magistrate levels I, II, and III are determined by three-year average caseloads of 3,500 or less, 3,500 to 7,000, and 7,000 cases or more, respectively. In addition, clerk magistrates who also serve as ex officio clerk of the district court are classified at the Clerk Magistrate II level. The Judicial Administrator I classification is for courts with a three-year average of 20,000 or more cases, and the Judicial Administrator II classification for courts with 50,000 or more new cases based on the three-year average.

In preparation for site visits around the state, an online survey was sent to all clerks of the district courts and county court clerk magistrates. The purpose of the survey was to gain a better understanding of clerk of the district court and county court clerk magistrate roles and responsibilities, work environment, and qualifications. The survey questions are available in Appendix E. Some general findings from the survey included:

- Of those responding to the survey, over half (57 percent) are district clerks and the remainder clerk magistrates. For the district clerk respondents, over two thirds (69 percent) reported that they were originally elected to their position, and the remainder were appointed.
- Of the clerk magistrates responding to the survey, nearly half are currently classified as Clerk Magistrate I, about a quarter as Clerk Magistrate II, and the remainder classified at level III, in addition to two judicial administrators who responded.
- Over half of the respondents overall reported that they serve a population of less than 7,000, and 80 percent reported that they support one to two judges. In addition, most (87 percent) are responsible for one court location.
- Less than a fifth of the respondents serve in counties with populations over 3,500.
- Most indicate they support only one (71 percent) or two (19 percent) judges.

The survey asked clerks to indicate their major administrative activities, which are summarized by percentage of responses in the following figure:

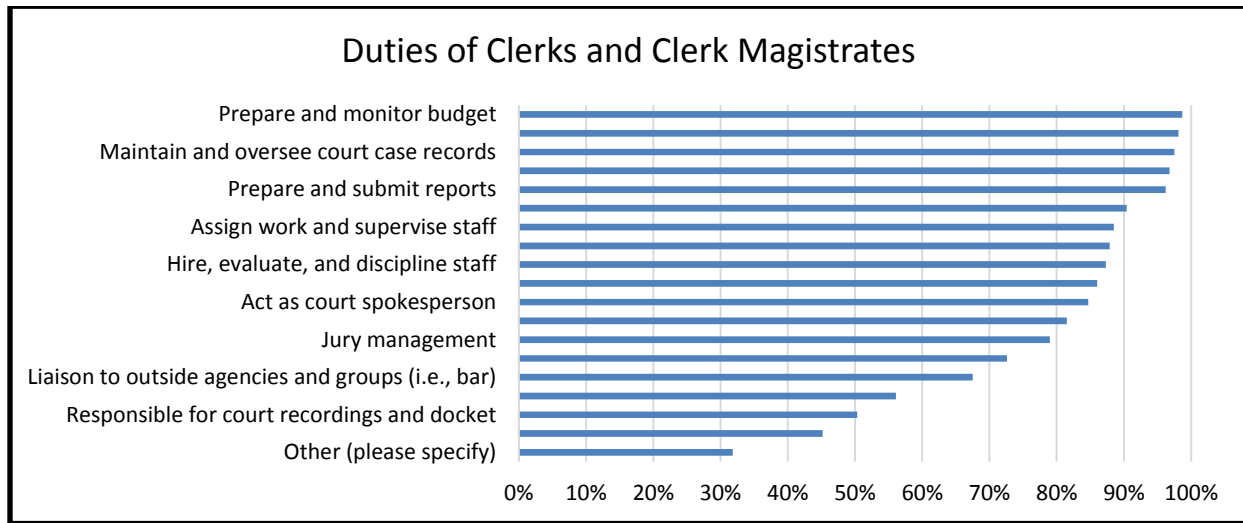


Figure 10: Responses to Question "What duties do you perform?"

According to the survey responses, most clerks in district and county courts have broad administrative responsibilities for operations and personnel in their offices. In both the site visits and responses to the survey, many clerks of the district court indicated that their office also handles passport applications, and many serve as a lay member on the local Mental Health Board and as Jury Commissioner. Clerks of the district courts report that they also participate on a variety of local government committees. Some indicated that they serve as notaries. The majority of respondents manage relatively small offices, with over two thirds having two or fewer staff members under their supervision, reflecting the rural nature of most courts. Most of the clerk magistrates interviewed during the site visits indicated that they spend very little time performing quasi-judicial functions as magistrate.

D. Qualifications and Experience of Clerks

Nebraska law requires that district clerks possess a high school degree or equivalent. Of the district clerks responding to the survey, most possess a high school or associates degree. The proportion is similar for clerks who were originally appointed to their position and those that were originally elected:

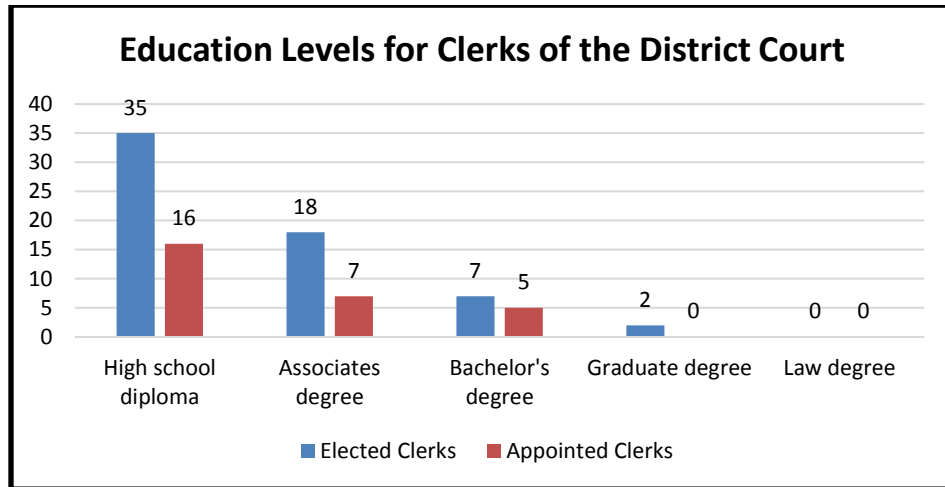


Figure 11: Education Levels for Clerks of the District Court

Clerks of the district court have substantial work experience, as illustrated by Figure 10. Over half of the respondents report having served ten or more years in their current position:

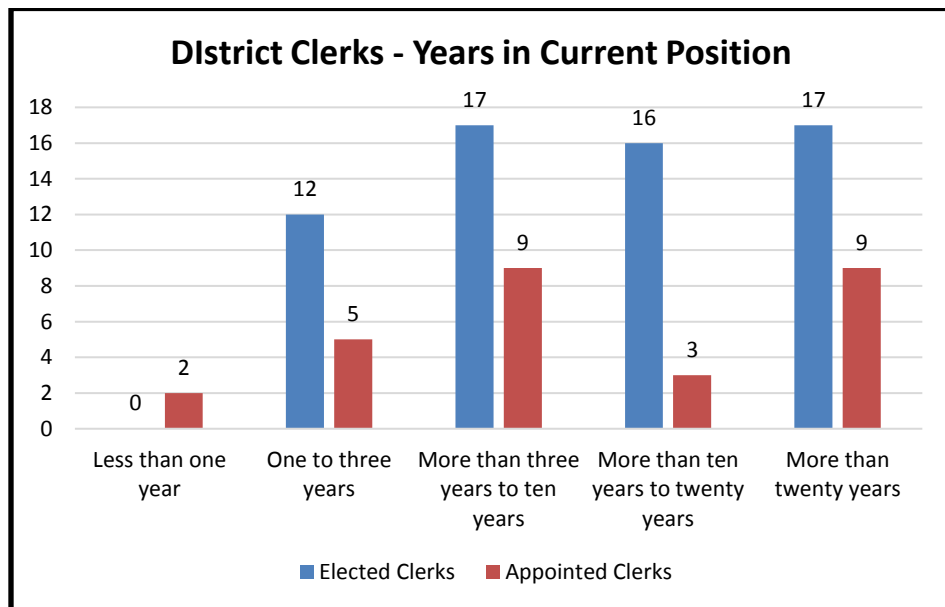


Figure 12: Years in Current Position - Elected and Appointed District Clerks

When asked about total years' experience with the courts, the numbers are even higher:

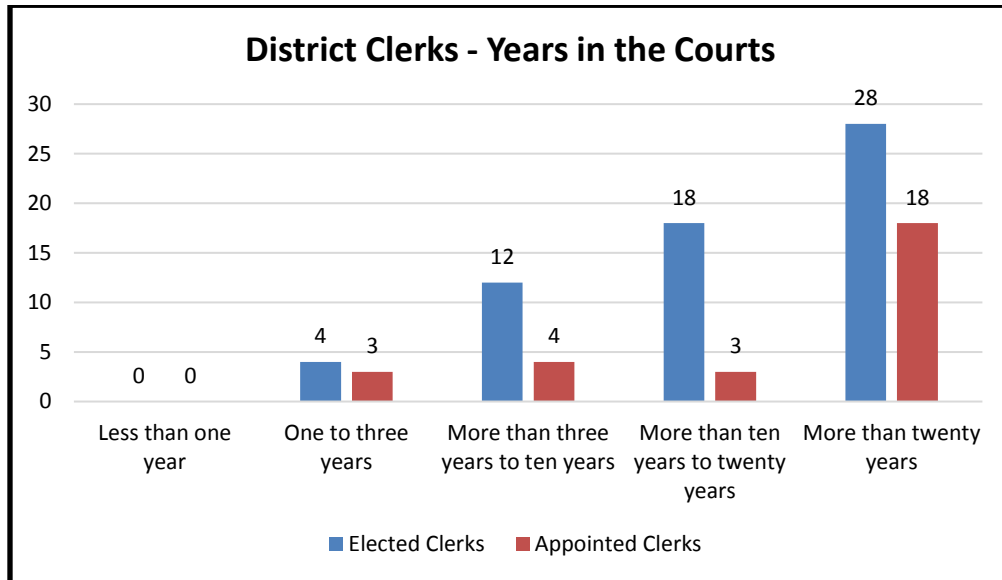


Figure 13: Total Years Employment in the Courts - Elected and Appointed District Clerks

Current Supreme Court job descriptions for Clerk Magistrate I, II and III require a bachelor’s degree in public/business administration, court administration, or related field, and five years of progressively responsible experience in court administration or experience in another law-related setting, including some supervisory experience. Court employment experience may substitute for a bachelor’s degree on a year-for-year basis.

Minimum qualifications for Judicial Administrator I and II are a master’s degree in judicial, public, or business administration or a related field and at least five years’ experience in an administrative capacity, including experience in court or related administrative or professional work. With a bachelor’s degree, additional work experience with the courts can be substituted on a year-for-year basis for the master’s requirement. Possession of an Institute for Court Management fellowship is a preferred credential for Judicial Administrator candidates. A larger percentage of clerk magistrates reported post-high school education in the survey:

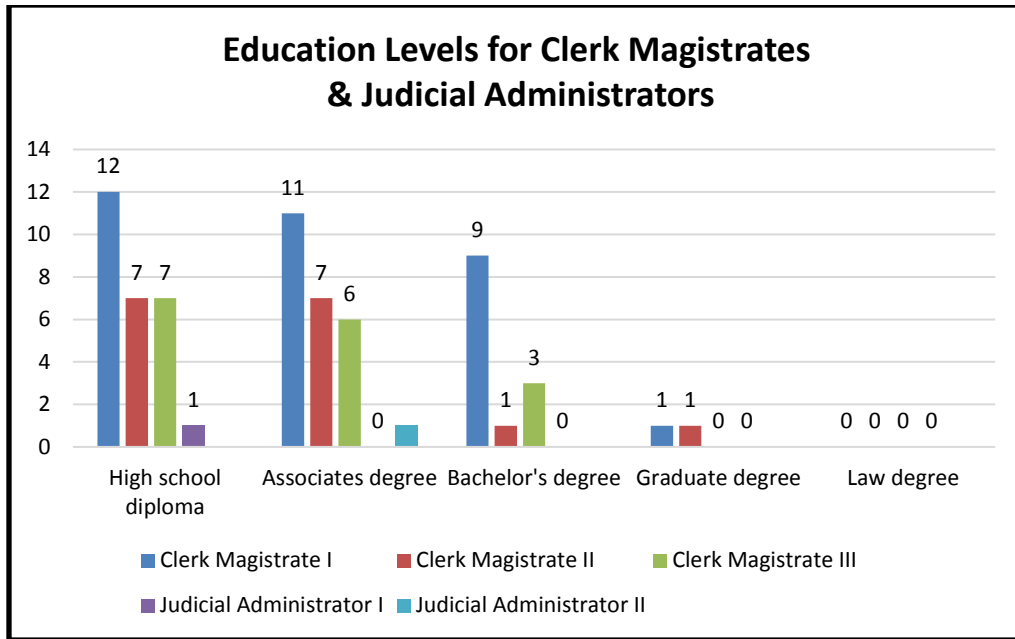


Figure 14: Education Level of Clerk Magistrates and Judicial Administrators by Position Title

This group also reported a significant amount of time in their current positions and in the courts, though not as significant as clerks of the district court:

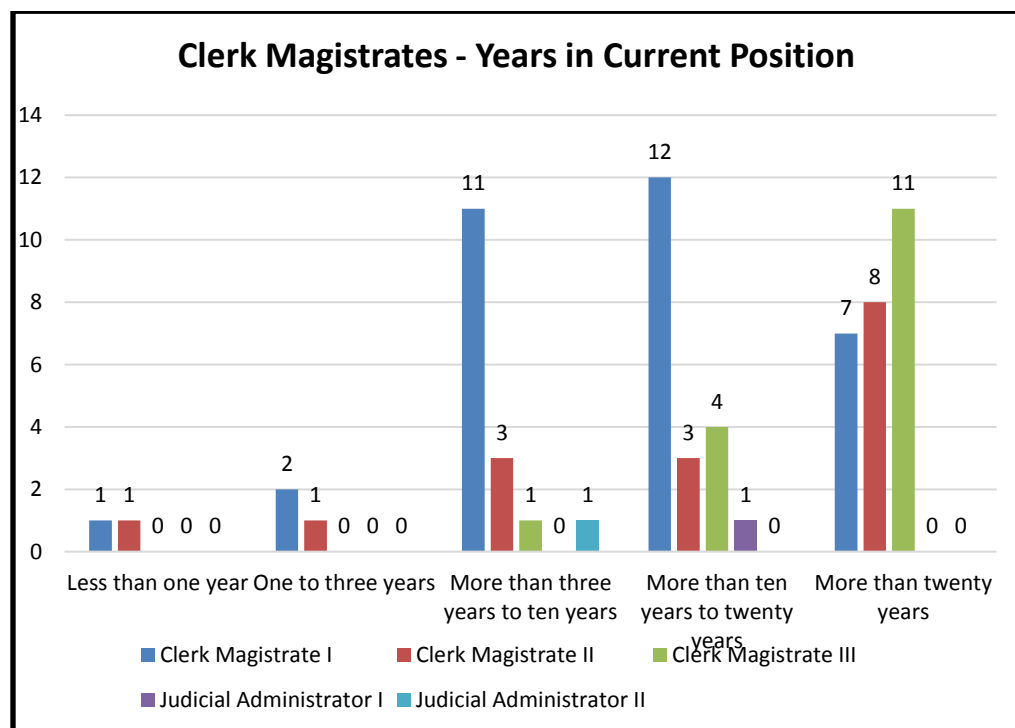


Figure 15: Clerk Magistrates Total Years as Clerk by Position Title

Total years of service is very high for those holding clerk magistrate positions:

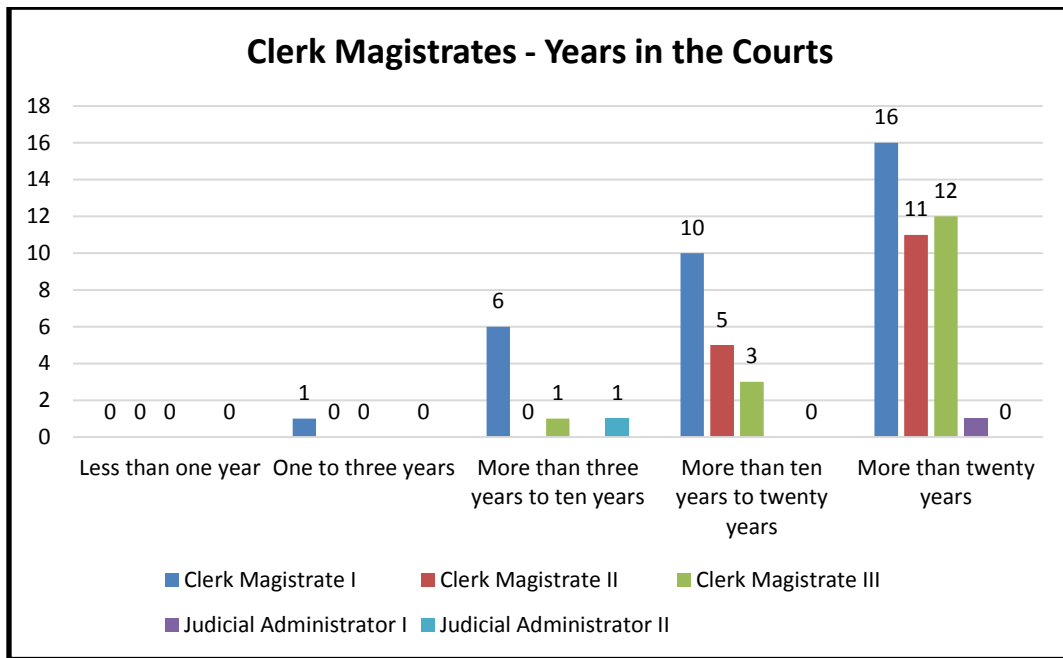


Figure 16: Clerk Magistrates Total Years with the Courts by Position Title

Judicial branch education standards and requirements were updated by the Nebraska Supreme Court in 2013. These standards include new employment orientation and continuing annual education of a minimum of eight hours of approved course work, as well as JUSTICE training for clerks and county clerk staff. Curriculum standards state that such education should address proficiency, competency, and job performance. Education and training programs are offered in a variety of formats, including on-site, distance, and webinar programs. Each new clerk is encouraged to consult with the Judicial Branch Education office within the first week of employment to develop an education plan commensurate with the skills and knowledge of the new clerk.

In addition to college-level education and Judicial Branch Education training, clerks from both district and county courts reported other educational qualifications such as Institute for Court Management certification, Certified Records Manager qualification, court administration certificate, paralegal training, and a variety of work-related continuing education programs in compliance with Nebraska Supreme Court annual training requirements. A number of clerks have participated in the Nebraska Association of County Officials (NACO) Institute of Excellence programs.

Given the length of service that many clerks of the district court and clerk magistrates report, and the discussions about tenure that were had during the court visits, many individuals are approaching or have reached retirement eligibility. As is the case in many public organizations today, the exodus of a significant number of experienced personnel in the near future is likely.

IV. EFFICIENCY AND ACCOUNTABILITY

The *Nebraska Supreme Court Strategic Agenda* identifies two objectives under Goal 4: Being Accountable to the Public, that are related to this discussion. These are a *Customer Service Oriented Workforce* and *Efficient Business Practices*. The following section discusses the potential impact of the proposed change in terms of operational efficiency and accountability. The outcomes of any effort to improve operational efficiency should include not only cost savings, but comparable or better service to the public. The other consideration is whether the proposed consolidation of clerk services would enhance accountability to the public and the justice system overall.

A. Operational Efficiency

Opinions expressed during the site visits about the impact of consolidation on efficiency were varied. There was a fairly general agreement that this would make the most sense in lower volume counties where staff are spread thin. A combined clerk's office would allow for better coverage and public service, assuming staff are trained and qualified. The main caveat is that adequate training and time for transition is needed to avoid problems during a transition. Not everyone believed that staff would be able to handle processing all case types, citing the differences between case processing procedures in the two courts. Considerably less enthusiasm was expressed for merger of larger courts with much larger staff contingents and separate facilities.

A pilot project initiated in 2015 in Polk County provides some insight into the impact of combining these duties. The pilot project was the result of a voluntary agreement to transfer the duties of ex officio clerk to the county court clerk magistrate. The original request was initiated by the ex officio clerk who indicated that a staff person assigned these duties was about to retire. With approval from the Polk County Commissioners, an agreement was signed to allow the transfer of duties. The county requested that a full time person be assigned as part of the agreement, as the clerk magistrate was located in Merrick County and a .5 FTE staff person was assigned to Polk County. This additional staff coverage was needed to cover conflicts in court dates and provide better service. As part of the agreement, court offices were combined by the county. The county reimbursed the state for increased compensation for the clerk magistrate's additional duties. No changes were made to the distribution of fees or IV-D reimbursements.

In terms of public service and efficiency, one of the conclusions was that a clerk magistrate assuming ex officio duties would be more accessible and have time for training in his or her home county. Where this is not possible, one full time staff person acting as a deputy at an offsite court would provide better service to the public. Overall, the arrangement seems to have been well received and there are no indications that the single office has not been able to provide services for both courts.

The Polk County experience points to one of the intended benefits of the ex officio model, and that is having someone available on a full-time basis to accept pleadings and respond to inquiries in smaller counties. Transferring these duties to the clerk magistrate who is available only part-time in a given county potentially reduces the availability of a person to accept filings and pleadings on a full-time basis. The tradeoff is in having someone who is specifically dedicated to court services available and resulting improvement in the quality of service. However, as e-filing capabilities expand and court records become accessible on line, the need for full-time staff to respond to public inquiries and accept pleadings becomes less critical.

Nebraska courts all utilize the AOC-maintained case management software known as JUSTICE. In addition, most, if not all courts are utilizing document management systems to electronically save and distribute court documents. The actual use of workflow management, including e-filing is somewhat mixed. County courts appear to have embraced electronic workflow more broadly, particularly with civil cases, which may in part be due to software features that support county court case types. Adoption of electronic workflow also depends on acceptance by the bench.

Merger of clerks' offices should be accompanied by an effort to increase electronic workflow capabilities for district court cases. The presence of a state-wide system greatly simplifies the transition since basic features and navigation are similar across both courts. One of the goals noted in the *2012-2016 Nebraska Supreme Court Technology Plan* is to "allow for work sharing using electronic access between clerks of the district courts and clerk magistrates and working with the Court Reengineering Committee to implement this objective." The plan notes under this goal indicate that there are no remaining technological barriers to collaboration between clerk of court offices as "electronic tools are available to aid in all aspects of work sharing."

B. Accountability

In recent years, judicial leaders have acknowledged that the judicial branch must take responsibility for its own administration and management to fully function as a separate branch of government. Since the 1950s, proponents of court administration have emphasized that the judiciary was envisioned by founders as a system that is distinct from other government structures, and it should therefore operate under the administrative direction of the state court of last resort and be managed by competent and professional administrative staff. The American Bar Association underscored the importance of court control and responsibility for all judicial functions, including clerks' office operations, in the following statement:

"There should be complete abolition of the practice whereby court auxiliary staff, such as the clerk of court, are elected or appointed from outside the court system."¹

As the officials responsible for maintaining the books, dockets, and records of courts, court clerks provide essential services to judges, lawyers, and other court support staff. The underlying premise is that without the ability to exercise control over a substantial portion of the court

¹ American Bar Association (1994). *Standards of Judicial Administration*, American Bar Association, Chicago, IL.

system, the judiciary cannot function as a separate, accountable, and independent branch of government.² Many judges expressed frustration during the NCSC project consultant's interviews with the performance and responsiveness of current or past clerks of the district court in their counties.

Despite these arguments, elected courts remain a feature in many state trial courts:

- General jurisdiction court clerks are elected in 32 states.
- Limited jurisdiction court clerks are more likely to be appointed or hired competitively.
- In 27 states all court clerks are elected.

In four others (Nevada, Missouri, New York, and Washington) most clerks are elected; in select counties/independent cities the clerk is chosen by the court. North Dakota uses a mixed approach of election (13 counties), court-appointment (14 counties), and selection by the county commission (26 counties). Two states that most recently ended elected clerks are California, where the clerk functions were gradually transferred from the elected county clerk to the court executive, and Delaware, where prothonotaries became appointed officials pursuant to a 1989 constitutional amendment.

The issue of appointment versus election of clerks has been part of a broader discussion about governance. This is addressed in the recently released *Principles for Court Governance* which set forth a number of principles related to effective administration of the judiciary.³

Principle 4: Court leaders, whether state or local, should exercise management control over all resources including staff and funding that support judicial services within their jurisdiction.

Commentary: Fundamental to effective management control is control of resources. Court leadership must be given authority to manage the available resources. While this authority may be shared with professional court administrative staff within the court system, it should not be exercised by anyone outside the court system.

Proponents of greater administrative control argue that the authority to appoint the clerks, establish expectations and monitor the performance of the office, and, as necessary, to discipline or remove the clerk from office for poor performance, are all central to ensuring that the clerk's office is operating efficiently and effectively. Having what is in effect an executive branch agency

² Tobin, Robert (1999). *Creating the Judicial Branch: The Unfinished Reform*. Williamsburg, Va.: National Center for State Courts, pp. 21-23.

³ National Center for State Courts (2012). *Principles for Court Governance*. Williamsburg, VA. <http://www.ncsc.org/~media/Files/PDF/Information%20and%20Resources/Budget%20Resource%20Center/Judicial%20Administration%20Report%209-20-12.ashx>

with separate funding control significantly diminishes the ability of the court to set budget priorities, control spending, and manage resources to meet changing needs.

Discussion of the benefits and drawbacks of an elected clerk position came up in many of the NCSC project consultant's discussions with clerks of the district court. Those who advocate for the current arrangement note that as an elected official they are more responsive to the public, take pride in the office they hold, and can work more effectively with other funding unit (county) officials as an elected official. Many of those we spoke to are justifiably proud of their success in being elected to a public office of trust. Both elected clerks and county officials expressed concerns that the proposal would take control away from the local counties and result in less accountability. Sentiment seemed particularly strong in the western counties that the result would be centralized control by state officials in the capitol. Comparisons were made to the problems experienced with other state agencies, such as the Nebraska Department of Health and Human Services (NDHHS), as well as the takeover of child support enforcement, as examples of the negative impact of state funding and control.

Several district clerks did express support with the concept of transfer to appointed status, noting that the qualifications and personality of the incumbent are important factors. One clerk mentioned that the election process seemed to have little to do with qualifications, as in this individual's case a more qualified opponent was defeated in an election that was based more on the candidate's community involvement than qualifications or specific experience with the courts.

Another argument often made for more centralized administration and accountability is that this lends itself to more consistency and predictability in office organization and service delivery. The variation in local procedural practices, record keeping, and expectations for litigants always makes for interesting discussion. Time did not allow for opportunity to explore this in more depth with attorneys and others who regularly do business with the court, however, during the site visits considerable differences in manual record keeping practices were visible.

It should be noted that two factors already contribute to greater consistency in terms of procedures and work practices: technology and procedural guidance. With all courts on the JUSTICE case management system and e-filing capabilities being utilized for many case types, clerk's offices across the state are using the same electronic tools and forms made available through this technology. Secondly, the AOC publishes manuals that clerk's offices can refer to on a number of topics. Most of the clerks we spoke with are well aware of and use the information provided in these publications. This is further supported by the availability of training and direct assistance from staff in the AOC.

As the preceding discussion indicates, there are compelling arguments on both sides of this issue, which in the opinion of the NCSC project consultant is one of the fundamental questions that underlies the proposed merger of clerks' offices. Another underlying question is whether state funding of the clerks of the district court function would be beneficial to the efficiency of administration and delivery of services. Transferring the district clerks to state employment

would substantially complete state funding of court services, other than non-clerk's office staff, facility, security, and operating expenses, which would remain the responsibility of county government. This subject is also addressed in the *Principles of Court Administration*:

Principle 1: Effective court governance requires a well-defined governance structure for policy formulation and administration for the entire court system.

Commentary: A well-defined governance structure enables the court system to present a unified message to the public as well as to legislative and executive branches. The court system benefits from the continuity, stability and consistency of an effective governance structure.

This principle suggests that the “one court of justice” concept is the preferable approach. The Nebraska Constitution vests general administrative authority for state courts with the Nebraska Supreme Court under direction of the Chief Justice. The Chief Justice functions as chief executive officer of the courts and appoints an administrative director to oversee branch operations. Locally, trial court judges are responsible for the management and leadership of the courts that they serve with support from the AOC.⁴ Judges are encouraged to let clerk magistrates take an active role in administration of their courts. One of the significant outcomes of the proposed merger would be to place all clerk functions under Nebraska Supreme Court supervision and control, more fully implementing the one court of justice concept.

V. OVERALL FISCAL IMPACT

The following is an overview of the fiscal impact of consolidation based on the information available at this time. Generally, the primary fiscal impact of the proposal would be a shift of responsibility for the salary and benefits of transferred employees. Reimbursements for Title IV-D would be impacted as counties would no longer be entitled to reimbursement of costs for staff who become Nebraska Supreme Court employees. The legislature should also consider whether statutes governing the disbursement of certain fee revenues collected by clerks of the district court should be amended. Additional costs for training and some capital expenditures by the Supreme Court will need to be taken into account, as well as capital expenditures by the counties. Each of these areas is discussed in more detail below.

A. Salary and Benefits

The principal cost issue will be the transfer of salary and benefit costs. Given the assumption that existing district court clerk positions will become appointed positions under the Nebraska Supreme Court budget and possibly merged with existing county court clerk magistrate positions, payroll costs for clerks of the district court and their staff will shift from the counties to the Nebraska Supreme Court. The impact of this move will depend on a variety of factors. Foremost

⁴ Nebraska Administrative Office of the Courts and Probation (2015). *Annual Report for Fiscal Year July 1, 2014 - June 30, 2015*.

will be the number of positions actually transferred and the related salary and benefit costs. This will be complicated by the fact that district clerk salary and benefit packages vary somewhat across counties.

Another issue will be determining proper staffing levels if offices are consolidated. The AOC conducted a workload study in 2013 to provide a more accurate view of staff needs in the county court offices. A committee of judges, clerk magistrates, and an NCSC consultant was convened to oversee the study. The workload methodology involved determining the time needed to complete various case-related activities to develop "case weights" which represented the average time to process each case type. The study further considered the time available for case-related work, subtracting time for non-case activities, such as travel. The number of workdays in a year was estimated taking into account vacation, sick, and training days. It was noted that larger courts are generally more efficient and individual employees less impacted by routine interruptions than in small courts, including time spent in travel between courts.

The results were used to determine the adequacy of staffing levels in each court based on caseloads and the time required to process various case types. A similar study for the district courts would be helpful to determine ideal staff levels in the district courts. At this point, that information is primarily anecdotal and during the interviews some clerks indicated that they were short-staffed, while others noted that they are currently overstaffed.

Another important cost issue will be the transfer of benefits. Many of the individuals who were interviewed expressed concern about what would happen to their existing medical and retirement benefits upon transfer from county to state employment, as well as sick and leave benefits. There is a general perception that county medical benefit plans, which although specific to each county, have lower co-pays than the current state system. It was noted that most county employees participate in the same defined contribution plan.

Other variables in moving staff from local to state employment include longevity and cost of living increases that counties may provide, as well as the fact that some staff in Douglas County are unionized. A 2013 NACO compensation survey details many aspects of compensation for local elected officials. A comparative chart of district and county clerk salaries compiled by the AOC is available in Appendix F.

It is important to note that the proposal has created a great deal of anxiety for many individuals the NCSC project consultant spoke with who would be impacted either directly or indirectly by these changes. The many questions that are unresolved at this point include how the transition will occur, whether anyone will lose their job, how will a clerk of both courts be selected, and what will happen to salary and benefits. These are all very legitimate concerns that will hopefully be addressed as soon as practically possible.

One additional note regarding non-clerical staff in the district courts, as well as staff of the separate juvenile courts. The legislative proposal does not address the status of non-clerk's office employees in the district courts, specifically bailiffs, judicial assistants, and other appointed

personal or administrative staff assigned to assist judges. Some of these individuals may have duties, such as calendaring and scheduling or courtroom support, that are performed by clerks or handled by the judges in other counties. Juvenile court non-clerical staff include administrators, child support referees, and their staff. If full state funding for personnel is an objective, the question of whether these positions should be brought under Supreme Court supervision and funding should be considered.

B. Fee Revenue

Clerks of both courts collect and transmit a wide variety of penalty and fee assessments to state and county government. Many of these fees are dedicated to specific funds such as the crime victims', indigent defense, and dispute resolution funds. However, there are a number of fees paid to the district court clerk that appear to be designed to offset the costs of providing clerk services that are currently transmitted to the county general fund. If the district court clerk becomes a state-funded operation, it would follow that these fees would be paid to the state general fund rather than the counties.

Based on a brief review of the fees and their related statutory authority, the following fees are candidates for consideration:

- Docket fees (currently split between state and county)
- Complete record fees
- 10 percent bond fee
- County court and administrative agency appeal fees
- Transfer from another court for obtaining lien
- Execution, restitution, garnishment, attachment, and examination in aid of execution fees

Nebraska has a relatively unique process of assessing and collecting fees, as explained by an AOC JUSTICE business analyst supervisor. In a criminal case, the filing fee is \$87. When the costs are claimed, the district court only claims and receives \$36 from the county. The \$35 county fee, a \$15 complete record fee, and \$1 crime victim fund fee are not claimed or paid up front. If the defendant is later ordered to pay the costs and actually does pay the costs, the court would collect the full \$87 from the defendant and those county fees would then be paid to the county.

For a paternity case filed by the county attorney, the filing fee is \$83. The court would only claim \$33 dollars and would not claim the \$35 county filing fee and the \$15 complete record fee. If the defendant is later ordered to pay the costs, he or she would be ordered to pay the full \$83. In these examples, the county attorney does not pay the fees up front and if the defendant is not ordered to pay the cost, these fees are never collected. For other civil matters that are filed by private attorneys, the filing fee would be \$83 and the full \$83 would be paid at the time of filing.

Appendix G summarizes the amounts collected by county for FY 2016 for these fees currently paid by clerks of the district court to their county general funds based on information from the

JUSTICE system, which total just under \$1.4 million. This provides a rough idea of the amounts in question. Predicting the impact of changes to the fee distribution will depend on a determination of which fees should be redirected in part or in whole to the state, as well as the projected filing activity. If filing trends in district court continue to rebound, the total could increase slightly in future years, although this also depends on collection rates.

C. *IV-D Reimbursements*

The counties are currently receiving Title IV-D reimbursements for child support enforcement activities performed by the district court clerks. Appendix H provides IV-D reimbursement amounts by county processed for state fiscal year 2015/16, which total just under \$2.9 million. This information was provided by NDHHS. Gaps in the numbers are for six counties that do not have an agreement to receive reimbursements, as well as some counties that have delayed filing a reimbursement claim, according to NDHHS staff. While the reimbursements are primarily for staff costs, in some counties these numbers include reimbursement for indirect costs such as heat and facilities which have been negotiated under local agreements. Further research will be required to specify the impact of reimbursement to the state if district court services become state-funded.

D. *Training and Support Expenses*

AOC Judicial Branch Education (JBE) staff note that clerks of the district court are responsible at the local level for training new staff and dealing with the variety of situations that may occur on a daily basis. Support provided by the JBE includes introductory training on some generalized procedural topics and basic JUSTICE case data entry. JBE also offers webinars covering new or changed procedures. In addition, JBE delivers educational programs at meetings once a year for clerk magistrates and twice a year for district clerks. The Court Improvement Program also has a training role as they work with regional teams specifically on juvenile case management issues. The JUSTICE help desk has business analysts available to answer questions, and these analysts are also responsible for developing JUSTICE and the associated court applications/systems procedural manual, supplemented by in-person group trainings and onsite visits to courts to troubleshoot issues.

Nebraska Supreme Court rules regarding the AOC's role to educate court staff include the district courts, so some education resources and programs are already in place. Additional education costs if district court clerk operations are under the Supreme Court would include an increase in spending for new employee orientation. This would be provided at an additional cost of \$4,000 per year in the AOC training budget. Currently, counties are responsible for JUSTICE training expenses, such as hotels and mileage, for district court employees. This would be an additional expense that the counties would no longer be responsible for.

An expansion of responsibilities of court clerks and their staff members to process a wider variety of case types and related procedures could require cross-training in a relatively short period of

time. This may place significant demands on AOC training resources, particularly if the transition is widely implemented in a short period of time. A timely and well-defined education effort is critical to a smooth transition. The needs and related costs in this area will depend on how many clerks' offices decide to cross assign or re-train staff, and the length of the transition period.

E. Capital Expenditures

The impact on county capital expenditures will depend on whether changes to consolidation will require modification of existing office space to better serve the public. These costs would be assumed by the counties under the current arrangement. This occurred in the Polk County pilot project where remodeling was necessary to allow a single staff person to serve both courts. As noted during the site visits, combining clerks' offices opens the opportunity to re-configure how these services are delivered. For instance, where there is currently a separate office for each court as is the case in most courthouses it might be more feasible to designate the space by type of case, such as having criminal and traffic cases on one floor, and civil and domestic on another. While counties are generally responsible for office equipment and supplies, various arrangements have been made with individual counties concerning the provision of computers and related equipment. If district court clerks' staff are transferred to state employment there may be some impact on office equipment usage and needs, as well as changes to existing computer equipment and connections that will need to be addressed.

VI. OPTIONS FOR CONSIDERATION

The following are several options for consideration by the Advisory Committee that range from a limited transfer of duties by eliminating the ex officio system to a complete transfer of clerks of the district court and their offices to state funding and control. Additionally, the creation of additional pilot projects is an interim option that could be considered. Based on information available at this time, general estimates of the fiscal impact are noted, along with the impact on human resources and operations. A suggested timeline for each option is also provided.

These options are not necessarily exclusive; one or more could be implemented in a phased manner, such as starting with the transfer of ex officio duties and a pilot period to further evaluate the impact of more extensive consolidation, followed by transfer of clerks of the district court to Nebraska Supreme Court control, and eventual consolidation of some or all offices. All of these options, with the possible exception of pilot projects, will require modification of existing statutes and court rules.

Some of the important issues that will need to be addressed legislatively include the transfer of salary, retirement and medical benefits; longevity, medical and annual leave transfer or credit; termination of electoral terms; and material costs, such as technology infrastructure, that may be incurred during the process. Statutory sections referring specifically to the duties of clerks of

the district court and court magistrates could be revised by language that construes the general designation of “clerk of court” to be comprehensive.

A. *Transfer of Ex Officio Duties*

Given the fairly wide interest in finding an alternative to the ex officio system, this change would likely face little resistance. Duties would be transferred to current county clerk magistrates. Statutory authority for the transfer of ex officio duties to the county clerk magistrate already exists in Neb. Rev. St. § 24-507 where the district court clerk or staff is “temporarily unavailable” and must be signed and stipulated by the county board. However, an across the board transfer of duties may require amendment of this section.

i. Human Resources

Existing positions will likely be reclassified to a Clerk Magistrate II to reflect the additional responsibility. Additional staffing may be required, as was the case in Polk County, to provide adequate coverage in counties where the district court caseload is higher.

ii. Operational

Clerk magistrates will be responsible for maintaining manual and electronic records for both courts and will need to train and assign staff accordingly to serve the public and district judges.

iii. Implementation

Once necessary statutory and court rule changes are in place, implementation could occur in a relatively short time. Sufficient time should be allowed for transfer of files, remodeling office space if needed, and training of staff who are assuming new duties.

iv. Fiscal

Incremental personnel costs to the counties of ex officio services would be assumed by the state upon transfer of duties to the clerk magistrate’s office. Any IV-D reimbursements attributable to staff expenses in the former ex officio offices would be reimbursable to the Nebraska Supreme Court. Changes in fee distribution are not anticipated under this option given the relatively small impact on either the county or state budgets.

B. *Transfer of District Court Clerk Offices to State Funding*

One option that has not been anticipated by the legislative proposal is to transfer clerks of the district court and their staff to Nebraska Supreme Court funding without *immediate* merger of clerks’ offices. This would require legislation to convert the elected office of district court clerk to a comparable appointed Supreme Court position, but would not involve consolidation of the

offices of clerk of the district court and clerk magistrate at the outset. While this is not the primary idea being considered by the legislature, it is nonetheless a possible option, particularly as an interim step that would allow time to further assess the feasibility of combining the clerk functions in some or all jurisdictions, and conduct a study of staffing needs. Legislation could provide authority for the Supreme Court to merge the functions at its discretion.

i. Human Resources

Clerks of the district court and their staff would be transferred to the Nebraska Supreme Court personnel system, including job descriptions, pay scales, and benefits. District clerks would be under the supervision of the judges of the local district court. All employees would be subject to personnel policies of the Nebraska Supreme Court.

ii. Operational

Initially, existing district court clerks' offices could remain in place and continue to function separately from county court. However, cross assignment of staff would be facilitated by having all under the Nebraska Supreme Court personnel system. Taking this step would include elimination of the ex officio system. Clerks would be under the supervision of the district judges for their area with support from the AOC.

iii. Implementation

Implementation could not occur until the expiration of current terms, retirement, or resignation. At the conclusion of current election terms the transfer could be implemented in a relatively short period of time, allowing adequate time to transfer benefit programs and make appropriate salary adjustments.

iv. Fiscal Impact

Salary and benefit liabilities would transfer from the counties to the Nebraska Supreme Court. IV-D reimbursements for staff-related expenses would be billed by the Nebraska Supreme Court. Changes to fee disbursement could occur to offset costs to the state budget. Incremental cost increases for training and technology will be incurred by the AOC. Capital costs for remodeling would remain the responsibility of county government.

C. Consolidation of District and County Clerk Magistrate Offices

This option would implement the consolidation of district and county court clerk offices and services across the state, and bring all clerks under Nebraska Supreme Court funding and control. Consolidation could be limited to courts based on caseload, population served, by district, or other criteria. Adjustments could be made to the geographical areas assigned to clerks based on combined staffing and caseloads.

i. Human Resources

The terms of clerks of the district court designated for consolidation would end as of a future date. This could be at the end of the current term unless the position is vacated prior to the expiration of the term, or could be implemented over a period of time by district or size of court. At the time of the merger, one of the two clerk positions would likely be reclassified. District court clerks' staff would be transferred to the Nebraska Supreme Court personnel system, and rolled into new or existing job descriptions, pay scales, and benefits. The combined clerk position would be under the supervision of the judges of the local district and county court. All employees would be subject to personnel policies of the Nebraska Supreme Court.

ii. Operational

The consolidated clerk offices will be responsible for maintaining manual and electronic records for both courts and need to train and assign staff accordingly to serve the public and judges. Clerks will be responsible for merging and maintaining manual record systems, if needed. Staff will need to be reassigned and trained to maintain records for both courts and provide related judicial support. Modifications to office space may be needed.

iii. Implementation

The implementation timeline will depend on how positions are transitioned. At a minimum, action could not be taken until the expiration of current terms, which would be the end of 2019. Beyond that, implementation could be phased in over a number of years, allowing vacancies due to retirements and resignations take effect up to a limited period of time.

iv. Fiscal Impact

Salary and benefit liabilities would transfer from the counties to the Nebraska Supreme Court. IV-D reimbursements for staff-related expenses would be billed by the Nebraska Supreme Court. Changes to fee disbursement could occur to offset costs to the state budget pursuant to legislative amendment. Incremental cost increases for training and technology will be incurred by the AOC.

D. Local Option Consolidation

A variation on consolidation would be to give local units of government the option to agree to consolidate the offices and turn control and funding over to the state. Local option consolidation could be designed as an open-ended process with no date certain for full conversion, or a future date could be set several years into the future to allow gradual conversion as opportunities arise, with a date certain for full transfer to Nebraska Supreme Court funding and control. A process for review and approval of plans by the Nebraska Supreme Court would need to be developed, along with appropriate memoranda of agreement between county and Nebraska Supreme Court officials.

North Dakota has adopted a similar process for transfer of clerk of the district court services. In North Dakota a county may elect to continue clerk of district court services at the county's own expense under agreement with the Supreme Court. Clerks who become a state employee under this arrangement shall receive a salary not less than that they received as a county employee. The transferred clerk remains a state employee until they retire, resign or the expiration of their initial term expires. Thereafter the position is filled as provided by supreme court rule.⁵

i. Human Resources

Transition of district clerks and their staff to the Nebraska Supreme Court system as outlined in consolidation (Option C) for those counties and clerks' offices that elect to transfer to Nebraska Supreme Court funding.

ii. Operational

As with full consolidation, the appointed clerk will be responsible for maintaining manual and electronic records for both courts and need to train and assign staff accordingly to serve the public and judges. Clerks will be responsible for merging and maintaining manual record systems. Staff will need to be reassigned and trained to maintain records for both courts and provide related judicial support. Modifications to office space may be needed.

iii. Implementation

Implementation issues would be similar to those outlined in the full consolidation option, except that implementation would occur on a county-by-county basis. The primary question is whether clerks would be required to complete their current term, or could take the conversion option at any point in their term.

iv. Fiscal

The fiscal impact would be incremental as the transition occurs, and would involve those revenues and expenditures described in Option C. Very likely the process would not start in earnest until the end of the current election cycle for clerks, when some may decide to vacate office or prefer to be transitioned to appointed status and Nebraska Supreme Court employment.

E. Pilot Projects

Pilot projects allow courts to test new policies and procedures before engaging in a major change effort. They allow policy makers to try various options, identify costs and benefits, and determine obstacles to implementation. Pilots can serve as a testing ground to evaluate efficiency and effectiveness, and can be applied on a broader basis if proven to be successful.

⁵ North Dakota Statutes 27-05.2, Clerk of District Court Funding and Fees.

Nebraska already has piloted the limited concept of transferring the ex officio clerk duties of the district court to those of the county court clerk magistrate. As noted previously, there were several lessons learned which can be applied in the future. One option would be to expand the pilot concept to include the transition of additional ex officio assignments to the county court clerk magistrates, as well as expanding this to include pilot projects testing consolidation of district and county clerk positions in various size courts that are willing to participate.

Participation could be voluntary and include counties in which the clerk of either court desires to leave employment for retirement or other reasons, avoiding issues of position downgrades or elimination. Additionally, these pilot locations could participate in a workload assessment to obtain a preliminary idea of staffing levels pending a more comprehensive assessment in the future if there are sufficient numbers to generate accurate data. This would enable a more accurate prediction of the fiscal impact of transferring district court clerk services to state funding.

i. Human Resources

The immediate impact on personnel under pilot projects would be primarily in the temporary assumption of new duties. District court employees would remain on the county payroll. This might pose some challenges in terms of oversight and supervision by the Nebraska Supreme Court, requiring a memorandum of understanding to establish roles and responsibilities during the duration of the project.

ii. Operational

Upon approval as a pilot, duties would be transferred to the single clerk of court, who would be responsible for managing the changes noted above to support district and county court case processing and judicial support.

iii. Implementation

Ideally, pilot projects should run concurrently. Several months would be needed to select participating courts, manage transitions, and establish evaluation measures. Projects typically run for at least a year in order to give adequate time for the transition and to assess the impact once the change is fully implemented.

iv. Fiscal Impact

Assuming the pilot projects are considered a temporary arrangement, current revenue streams and reimbursements could be maintained, and county employees would not be transferred to Nebraska Supreme Court employment.

VII. STRENGTHENING NEBRASKA COURTS' ADMINISTRATION

As experienced judges and clerks well know, the work of the courts has become more demanding. Increasing pressure from self-represented litigants,⁶ a factor that was noted by many of the NCSC project consultant's interviewees, coupled with more complex and mandatory procedures in such areas as guardianship/conservatorships, juvenile justice and abuse/neglect, protection proceedings, and criminal procedure have substantially increased the demands placed on judges and court support staff. Across the country, courts are faced with a steady drain of experienced court clerks and administrators as these individuals reach retirement age in large numbers. As the survey results indicate, Nebraska is no exception in the proportion of clerks in this cohort. The challenge of finding qualified personnel to fill these increasingly complex positions will need to be addressed.

During the past several years, the AOC has already taken steps to increase administrative expertise by creating specialist positions in the county courts. Employees who are designated as specialists spend part of their regular work week (up to 20 hours per month) providing technical assistance to other courts. There are currently three accounting/audit specialists, two collections specialists, three guardian/conservator specialists, one juvenile specialist, three procedures manual specialists, one transcription coordinator, and four specialists that answer questions from the public on live chat, email, and phone.

A number of states in the central and eastern Midwest regions have adopted intermediate administrative structures at a regional or district level to provide additional administrative support and oversight to state trial courts. These administrative areas are referred to as either districts (Idaho, Iowa, Minnesota), circuits (South Dakota, Wisconsin), units (North Dakota), or regions (Michigan). The individuals who fill positions are experienced administrators who report to either a chief/administrative judge for the administrative area, or in some cases, to the state court administrator.

The following chart illustrates the organization of regional administration, including the number of positions and administrative areas (districts, regions, circuits), range of counties within those areas, and how the positions are filled and supervised in seven selected states:

STATE	POSITIONS	AREAS	COUNTIES/AREA	REPORT TO	HIRED BY
Idaho	7	7	4-10	Chief Admin. Judge	AOC Director/Chief Judge
Iowa	8	8	5-22	District Chief Judge	District Chief Judge
Michigan	6	6	1-29	AOC Director	AOC Director
Minnesota	9	10	1-17	District Judges	Chief District Judge
North Dakota*	4	4	6-17	AOC Director	Presiding Judge/AOC Director
South Dakota	7	7	2-24	Circuit Presiding Judge	Presiding Judge/AOC Director
Wisconsin	10	10	1-13	Chief Circuit Judge	AOC Director

*North Dakota is organized by four administrative units each consisting of two judicial districts.

⁶ Nebraska Judicial Branch Education has developed a 10-hour course for court clerks on providing service to self-represented litigants and is based on a pro se manual developed by members of the Committee on Self-Represented Litigation.

The following are examples of the types of responsibilities assigned to these positions:

- Providing technical assistance and procedural advice to court staff.
- Review and approval of local court rules.
- Assistance in recruitment, selection, training, evaluation, and discipline of court personnel.
- Review of current operational practices in local courts for consistency and compliance.
- Assisting courts with planning and preparation of budgets.
- Responding to inquiries and complaints from the public and local government.
- Monitoring court performance reports and addressing performance issues.
- Overseeing compliance with standards and guidelines.
- Evaluating pending caseloads, caseload trends, and calendaring methods.
- Coordinating coverage for staff and judicial vacancies.

Overall, these positions can be a valuable resource for local courts which may not have adequate administrative staff. This approach also can help ensure greater consistency in practice and policy across the state. In many cases, the administrators are teamed with a chief or presiding judge who has administrative responsibility for the district, circuit, or region. Judges who are assigned these additional duties for an administrative region typically have a reduced caseload and serve a longer term as chief or presiding judge than is typically the case. This team approach can be particularly effective in enhancing the credibility and authority of the office. A similar model could be considered in Nebraska. This could be accomplished without significant increases in staff by upgrading a qualified clerk to a trial court administrator classification in recognition of the increased duties and qualifications.

VIII. SUMMARY

The following is a summary of some of the key considerations in moving forward with one or more of the options outlined in this report:

Does consolidation better serve the needs of the community?

As described in this report, there are a number of potential benefits associated with consolidation of these offices. Consolidation usually results in more consistent practices and procedures. Court offices could be reconfigured to better serve the public with one point of contact for all court services. Many individuals noted that the public has difficulty understanding the difference between the courts and it might make sense to eliminate the distinction at the point where the public comes into contact with the court. The primary potential benefit in smaller courts is being able to provide a broader range of service with the same staff. Some district and county court offices provide limited coverage for each other when staff are not available to assist the public.

Does consolidation better serve the needs of the judiciary?

There appears to be a fair amount of consensus that the ex officio situation is not ideal from the perspective of judges, litigants, and even many of the individuals who have this added

responsibility. The experience of the Polk County pilot points to the benefits of having someone who is well-trained and regularly performs the clerk function as opposed to having these duties as part of a list of other non-judicial responsibilities.

The most contentious question is whether the bench is better served by an appointed clerk under the supervision and control of the judges. This issue has been outlined in length in this report. The experiences that many judges related during the site visits and interviews suggests that while problems with performance of clerks of the district court is not necessarily the norm, it is not unusual. The shift from an elected to appointed position in the district courts will result in more direct accountability to the judiciary and allow the AOC to more effectively manage the administration of Nebraska courts.

Are opportunities created for more efficient use of staff and resources?

The proposed options offer varying potential for more efficient clerical operations. Most of the individuals interviewed during the site visits who believe the idea has merit noted that it probably makes more sense in smaller counties. One of the main benefits of consolidation in small to medium-sized courts is the ability to cover absences and workload imbalances by having staff who are trained to handle multiple case types. There may be opportunities to collaborate in other areas, such as collection of outstanding financial obligations, as well. As noted, the single case management system used by both courts makes it easier for cross training and collaboration. One of the keys to the success of consolidation will be meeting the needs of clerks and their staff for training and mentoring during the transition.

In terms of potential position savings, it was also noted that clerks in smaller counties spend most of their time performing regular case processing activities and only a small portion in managerial or supervisory activities. In these offices, the consolidation of two clerks' positions would likely not mean the elimination of one of the positions, but rather a reclassification of one position to a lower level. However, the consolidation of these offices, followed by a revised workload and staffing study, would provide an opportunity to take a more critical look at staffing needs and make appropriate adjustments.

How would local agencies be impacted?

The consolidation of these offices should not have a significant impact on local agencies doing business with the court based on our conversations during the site visits. There will likely be better coordination of the court schedule and prisoner transports with a single office responsible for scheduling. There are concerns that transferring the district court to state funding could diminish the relationship that current elected clerks have with other county officials, but this is difficult to quantify. Previous legislation included a requirement for the development of a consolidation plan subject to Supreme Court approval. This could be a useful activity, particularly if consolidation is allowed as a local option or is implemented in stages under a broad mandate.

What would the impact be on facility usage?

The consolidation of clerks' positions would not necessarily require remodeling or consolidation of existing court offices, but should be considered. This is something that will need to be

determined at the local level. Certainly, consolidation opens up the possibility of changing the way in which court services are delivered, as has been the case in Polk County. There may be opportunities to reduce redundancies in the deployment of office equipment and certain operating expenses for the counties.

What cost savings or increases could be expected in the short and long term?

State assumption of some or all of the district court clerk operations will save counties the salary and benefit expenses associated with these positions over the long run. The state will assume these costs along with any transition costs, such as salary and benefit adjustments, to keep these individuals at or above the previous compensation levels. Some savings may be realized by salary adjustments for positions which are no longer classified at the clerk of district court or clerk magistrate level. In offices which are staffed at or above the level required for current workloads, some positions may be phased out through attrition. Other positions may need to be upgraded to reflect additional responsibilities.

Changes in revenue and reimbursements can be expected in counties where the district court office becomes permanently state-funded. Reimbursement for IV-D expenses directly related to staff costs will be returned to the state for Nebraska Supreme Court employees. As noted in this report, an assessment of current filing and processing fees collected by the clerks and transmitted to the counties that may be re-directed to the state should be conducted. Because of the many variables and need for closer analysis of the current numbers, a more precise estimate of savings to the counties and impact on the state budget will require further analysis.

IX. APPENDICES

A. *Site Visit Interviewees*

WESTERN NEBRASKA COURTS (November 1-4, 2016)

Lincoln County and District Courts in North Platte

Melissa Ireland, Clerk Magistrate
Debra McCarthy, Clerk of the District Court
Judge Rowlands and Judge Birch

Keith County and District Courts in Ogallala

Lori Hill, Clerk Magistrate
Tina Devoe, Clerk of the District Court
Judge Steenburg

Garden County and District Courts in Oshkosh

Lori Bartling, Clerk Magistrate, Deputy Jonna Jasnoch
Teresa McKeeman, County Clerk and Ex Officio, Deputy Mindy Santero
Judge Rowlands

Cheyenne County and District Courts in Sidney

Lori Bartling, Clerk Magistrate
Judge Rowlands met again with us.
Deb Hume, Clerk of the District Court
Judge Weimer

Kimball County and District Courts in Kimball

Michelle Woods, Clerk Magistrate
Deb Diemoz, Clerk of the District Court, and her Deputy, Darcie Wheeland
Cathleen Sibal, County Clerk
County Commissioner, M. Timothy Nolting
County Commissioner, Darla Anderson-Faden
County Attorney, David Wilson

Scotts Bluff County and District Courts, Gering

Diane Lana, Clerk Magistrate
Darla Simpson, Clerk of the District Court

Box Butte County and District Courts, Alliance

Joni Woods, Clerk Magistrate
Kevin Horn, Clerk of the District Court

Morrill County and District Courts, Bridgeport

Linda Hayden, Clerk Magistrate

Julie Schildt, Clerk of the District Court, Deputy Irene Cooper

EASTERN NEBRASKA COURTS (November 28 - December 2, 2016)County and District Courts in Douglas County

John Friend, Clerk of the District Court – Douglas

Jane Alexander, Deputy Clerk of the District Court - Douglas

Ray Curtis, Juvenile Court Administrator

Sheryl Connolly, Acting County Court Judicial Administrator

Bob Gast, Court Analyst District Court Administrator's Office,

Dianna Hughes and Tom Olson, DOT com

Marcie Keim, Presiding Judge Douglas County Court

County and District Courts in Washington County

Vicki Kuhlman, Clerk Magistrate, County Court

Judge Sampson, District Court Judge

County and District Courts in Colfax County

Ellen Faltys, Clerk Magistrate

Judge McDermott, County Court Judge

Dori Kroeger, Clerk of the District Court

County and District Courts in Fillmore County

Cindy Carrigan, Clerk Magistrate

Peggy Birkey, Clerk of the District Court

Judge Michael Burns, County Court Judge

County and District Courts in Adams County

Tom Hawes, Clerk Magistrate

Chrystine Setlik, Clerk of the District Court

Judge Terri Harder, District Court Judge

Judge Hoeft, County Court Judge

County and District Courts in Hall County

Reynalda Carpenter, County Court Clerk Magistrate

Val Bendixen, District Court Clerk

Judge Young, District Court Judge

Judge Wetzell, County Court Judge

Doug Tridoc, IT Administrator

Tia Pazarena and Pat Veburg, Division Managers

County and District Courts in Howard

Marsha Anderson, Clerk Magistrate
Judge Noakes, District Court Judge
Judge Schendt, County Court Judge

County and District Courts in Custer County

Debra Hansen, Clerk Magistrate
Amy Oxford, Clerk of the District Court
Judge Schendt, County Court Judge

County and District Courts in Holt County

Laura Reynoldson, Clerk Magistrate
Judge Alan Brodbeck, County Court Judge
Junior Young, Clerk of the District Court

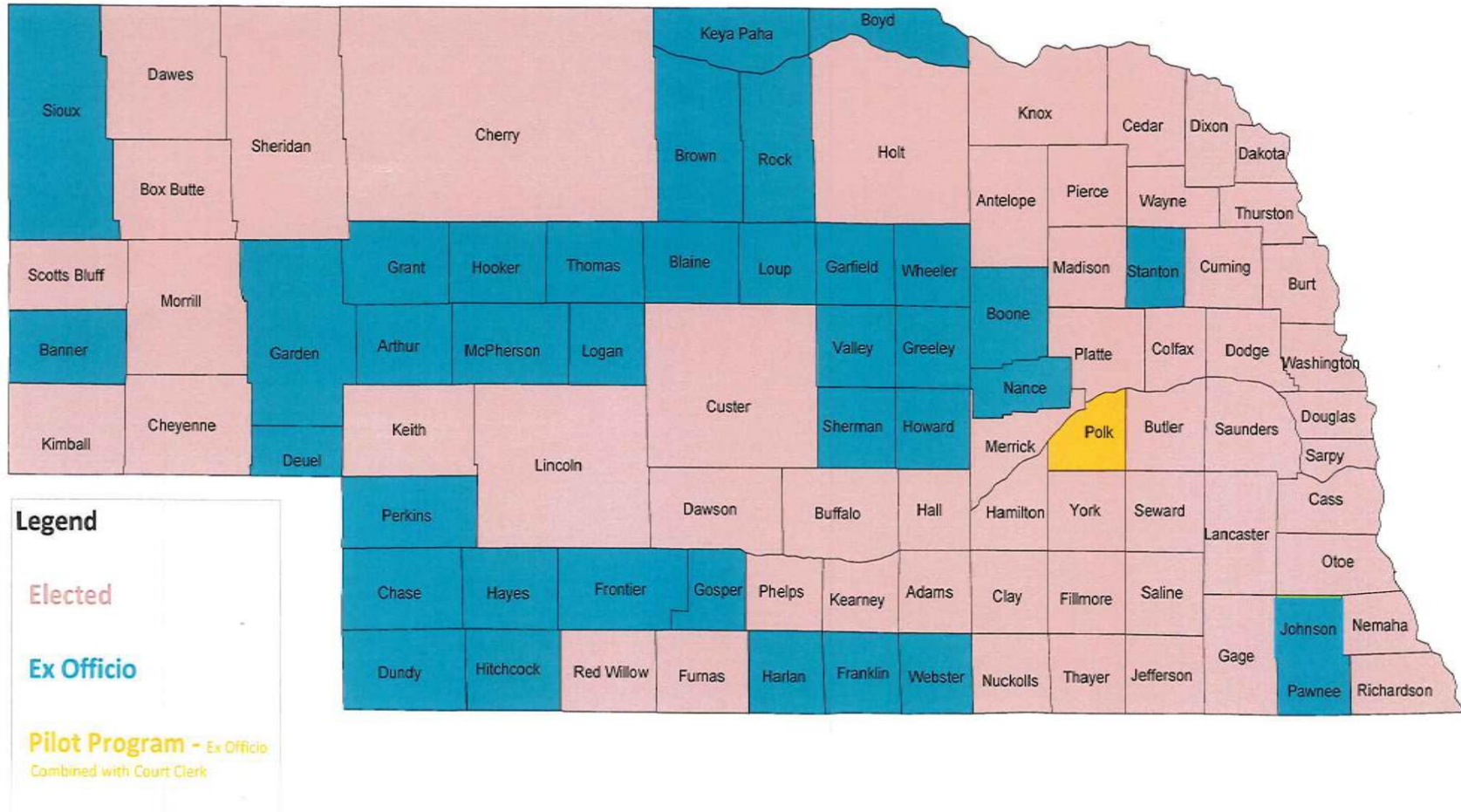
County and District Courts in Madison County

Lori Bohn, Clerk Magistrate
Monica Rotherham, Clerk of the District Court

PHONE INTERVIEWS

Judge Vicki Johnson, Saline County District Court
Judge Rachel Daugherty, Polk County District Court
Mr. Tom Maul, President of NE Bar Association
Justice William Cassel
Bev Sak, Ex-Official Clerk of the District Court

B. Ex Officio District Court Clerk Counties



D. Ex Officio Workload by County FY 2015/16

County	TOTAL	Criminal	Civil	Domestic Rel.	Appellate
Sioux	9	2	6	1	0
Banner	11	3	6	2	0
Garden	50	14	8	28	0
Deuel	65	49	5	10	1
Grant	8	1	3	3	1
Hooker	3	0	0	3	0
Thomas	9	2	4	3	0
Arthur	2	0	2	0	0
McPherson	2	0	2	0	0
Logan	5	1	3	1	0
Keya Paha	8	0	5	3	0
Boyd	16	4	5	7	0
Brown	72	19	10	43	0
Rock	20	3	8	8	1
Blaine	4	0	2	2	0
Loup	4	0	2	2	0
Garfield	17	4	3	10	0
Wheeler	6	1	3	2	0
Valley	87	25	14	47	1
Greeley	22	1	9	11	1
Boone	66	17	14	35	0
Sheridan	96	39	12	42	3
Nance	77	13	12	52	0
Sherman	37	3	12	22	0
Howard	82	18	11	53	0
Stanton	79	14	15	49	1
Johnson	119	21	34	46	18
Pawnee	53	7	2	44	0
Franklin	44	5	18	21	0
Harlan	64	12	19	33	0
Webster	90	12	21	57	0
Gosper	23	3	8	12	0
Frontier	28	6	14	8	0
Hayes	13	8	2	3	0
Hitchcock	53	8	21	23	1
Perkins	39	4	15	20	0
Chase	43	15	7	21	0
Dundy	26	2	4	20	0

E. Clerks Survey

SURVEY OF DISTRICT COURT CLERKS AND CLERK MAGISTRATES

The following anonymous survey will assist with the evaluation of the current Clerk's offices in Nebraska. Thank you for providing your feedback.

What is your current position?

- Clerk of the District Court
- Clerk Magistrate

(If Clerk of the District Court) Did you start your position by?

- election
- appointment

(If Clerk of the District Court) Do you serve as an ex officio Clerk of the District Court?

- yes
- no

(If Clerk Magistrate) What is your current job classification?

- Clerk Magistrate I
- Clerk Magistrate II
- Clerk Magistrate III
- Judicial Administrator I
- Judicial Administrator II

What is the population size of the county your office serves?

- 7,000 or less people
- over 7,000 to 10,000
- over 10,000 to 20,000
- over 20,000 to 50,000
- over 50,000 to 100,000
- over 100,000

What is the three-year average caseload at your court?

- 3,500 or less
- over 3,500 to less than 7,000
- 7,000 to less than 20,000
- 20,000 to less than 50,000
- 50,000 or more

How many judges do you support?

- one
- two
- three to five
- six to ten
- over ten

How many separate court locations are you responsible for?

- one
- two
- three or more

How many court staff are employed at your court, (all locations) excluding judges?

- two to five
- over five to ten
- ten to twenty
- over twenty

How many full-time staff report directly to you?

- one to two
- three to five
- six to ten
- over ten

How many **additional** part-time staff report directly to you?

- one
- two
- three
- four or more

What duties do you perform in your position? (Check as many as apply.)

- Assign work and supervise staff
- Hire, evaluate and discipline staff
- Case calendaring and management
- Prepare and submit reports
- Perform basic clerical functions
- Courtroom clerk or register duties
- Train staff
- Prepare and monitor budget
- Maintain and oversee court case records
- Maintain court financial records and controls
- Act as court spokesperson
- Develop policies and procedures
- Liaison to outside agencies and groups (i.e., bar)
- Manage facilities and equipment

- Jury management
- Security management
- Maintenance of technical infrastructure (hardware, networks)
- Responsible for court recordings and docket during hearings

Other: _____

What additional duties do you perform not directly related to court operations?

How long have you been in your current position?

- less than one year
- one to three years
- more than three to ten years
- more than ten years to 20 years
- more than 20 years

Including your current position, how long have you worked in the court system?

- less than one year
- two to three years
- more than three to ten years
- more than ten years to 20 years
- more than 20 years

What is your highest level of education?

- high school diploma
- associates degree
- bachelor's degree
- graduate degree
- law degree

Please list any certificates or specialized training you have received outside of Judicial Branch Education that are related to your job (i.e., ICM fellow, certified records manager):

Please provide us with any other relevant feedback that may assist us in the evaluation of the current Clerk's offices in Nebraska. Thank you for taking the time and providing us with feedback needed in this survey.

F. Comparative Clerk Magistrate and Clerk of the District Court Salaries

**2015 Salary Comparisons of
Clerk Magistrates/Judicial Administrators (CM/JA)
and Clerks of District Court (CDC)**

County	CM/JA Salary	CDC Salary
Adams	\$60,621.00	\$57,000
Antelope	\$68,298.92	\$47,964
Arthur		ex officio
Banner		ex officio
Blaine	\$13,977.23	ex officio
Boone	\$48,678.17	ex officio
Box Butte	*\$46,579.38	\$47,500
Boyd	***\$70,513.09	ex officio
Brown	*\$54,990.11	ex officio
Buffalo	\$54,957.47	\$65,000
Burt	***\$71,713.75	\$45,830
Butler	\$47,640.33	\$50,000
Cass	\$52,328.57	\$58,736
Cedar	**\$51,300.84	\$55,900
Chase	\$66,952.03	ex officio
Cherry	\$51,122.38	\$44,700
Cheyenne	**\$49,635.72	\$55,000
Clay	\$56,387.91	\$46,000
Colfax	**\$62,410.63	\$48,487
Cuming	\$51,122.38	\$52,428
Custer	*\$66,912.96	\$50,284
Dakota	\$57,719.44	\$54,669
Dawes	*\$52,359.47	\$43,000

Dawson	***\$60,884.46	\$54,610
Deuel		ex officio
Dixon	\$48,678.17	\$49,000
Dodge	\$51,312.41	\$54,729
Douglas	\$80,506.06	\$104,653
Dundy	**\$51,300.88	ex officio
Fillmore	\$52,390.50	\$44,519
Franklin	*\$49,700.29	ex officio
Frontier	\$68,298.92	ex officio
Furnas	\$53,690.04	\$22,825
Gage	\$71,713.75	\$55,000
Garden		ex officio
Garfield	*\$48,018.48	ex officio
Gosper		ex officio
Grant		ex officio
Greeley	*\$47,650.78	ex officio
Hall	\$56,307.97	\$59,294
Hamilton	**\$55,287.15	\$53,814
Harlan		ex officio
Hayes		ex officio
Hitchcock	**\$56,581.67	ex officio
Holt	\$52,514.00	\$55,000
Hooker		ex officio
Howard	\$56,387.91	ex officio
Jefferson	**\$63,960.07	\$47,502
Johnson		ex officio
Kearney	\$46,579.26	\$46,000
Keith	*\$49,615.87	\$50,500
Keya Paha		ex officio

Kimball	**\$46,579.26	\$45,000
Knox	\$63,745.11	\$55,000
Lancaster	\$80,506.06	\$90,288
Lincoln	\$49,515.72	\$60,000
Logan		ex officio
Loup		ex officio
Madison	\$74,554.98	\$56,500
McPherson	*\$48,488.20	ex officio
Merrick	\$69,997.29	\$46,150
Morrill	\$68,298.92	\$44,576
Nance	\$45,731.79	ex officio
Nemaha	\$47,500.74	\$45,000
Nuckolls	**\$56,581.66	\$39,108
Otoe	\$48,488.20	\$54,000
Pawnee	*\$52,359.62	ex officio
Perkins	\$52,390.13	ex officio
Phelps	\$49,885.22	\$53,024
Pierce	\$63,745.11	\$48,800
Platte	**\$65,470.59	\$56,500
Polk	\$46,847.28	ex officio
Red Willow	***\$58,236.12	\$46,000
Richardson	\$49,279.00	\$47,750
Rock		ex officio
Saline	\$46,579.26	\$53,600
Sarpy	\$63,217.28	\$91,500
Saunders	\$71,713.75	\$58,020
Scotts Bluff	*\$57,719.44	\$58,124
Seward	\$71,061.84	\$57,500
Sheridan	\$46,589.21	ex officio

Sherman	\$51,122.38	ex officio
Sioux		ex officio
Stanton	\$68,298.92	ex officio
Thayer	\$46,179.32	\$46,353
Thomas		ex officio
Thurston	\$46,189.12	\$43,000
Valley		ex officio
Washington		\$51,253
Wayne	\$47,500.74	\$53,000
Webster	\$49,885.22	ex officio
Wheeler		ex officio
York	\$56,387.91	\$53,290

- * Salary is for an individual who serves as Clerk Magistrate for more than one county court.
- ** Salary is for an individual who serves as Clerk Magistrate for one county court and also receives compensation for extra duty responsibilities (8% of salary).
- *** Salary is for an individual who serves as Clerk Magistrate for more than one county court and also receives compensation for extra duty responsibilities (8% of salary).

G. Selected District Court Fee Disbursements FY 2016

	Petition	Information	Complete Record	10% Bond	Transcript of Lien	Issuance of Writ	Total
1 Douglas	151,238.00	40,700.25	86,396.50	226,350.50	7,643.25	2,630.00	514,958.50
2 Lancaster	69,607.54	22,368.91	39,490.50	30,965.00	3,650.00	1,140.00	167,221.95
3 Gage	5,285.00	1,530.25	3,215.00	2,145.00	575.00	155.00	12,905.25
4 Custer	2,825.00	700.00	1,560.00	600.00	175.00	95.00	5,955.00
5 Dodge	9,205.00	2,485.00	5,340.00	11,120.00	450.00	130.00	28,730.00
6 Saunders	4,585.00	2,063.00	3,070.00	1,175.00	375.00	30.00	11,298.00
7 Madison	7,070.00	105.00	3,285.00	12,765.00	375.00	120.00	23,720.00
8 Hall	14,630.00	7,678.37	10,050.04	9,192.50	1,050.00	310.00	42,910.91
9 Buffalo	9,275.00	2,909.00	5,490.00	3,005.00	425.00	235.00	21,339.00
10 Platte	5,845.00	2,606.00	4,043.30	8,375.00	775.00	65.00	21,709.30
11 Otoe	3,500.00	1,605.00	2,346.00	1,625.00	225.00	35.00	9,336.00
12 Knox	1,785.00	427.50	1,009.00	300.00	100.00	70.00	3,691.50
13 Cedar	1,085.00	151.00	630.00	2,000.00	125.00	65.00	4,056.00
14 Adams	6,580.00	0.00	3,390.00	11,935.00	925.00	920.00	23,750.00
15 Lincoln	9,695.00	1,818.50	5,284.00	13,500.00	575.00	450.00	31,322.50
16 Seward	3,255.00	2,681.02	2,640.00	4,375.00	275.00	70.00	13,296.02
17 York	2,625.00	910.00	1,685.00	2,125.00	225.00	70.00	7,640.00
18 Dawson	4,970.00	7,000.00	5,130.00	10,370.00	425.00	150.00	28,045.00
19 Richardson	1,645.00	700.00	1,155.00	580.00	275.00	75.00	4,430.00
20 Cass	5,978.00	1,978.00	3,746.00	6,540.00	625.00	190.00	19,057.00
21 Scotts Bluff	15,543.00	4,680.00	8,931.00	19,040.00	450.00	1,530.00	50,174.00
22 Saline	3,360.00	1,135.00	2,043.00	2,775.00	225.00	165.00	9,703.00
23 Boone	945.00	385.00	585.00	0.00	75.00	20.00	2,010.00
24 Cuming	1,330.00	595.00	855.00	300.00	50.00	160.00	3,290.00
25 Butler	1,400.00	1,155.00	1,245.00	750.00	250.00	0.00	4,800.00
26 Antelope	1,435.00	605.00	840.00	500.00	50.00	50.00	3,480.00
27 Wayne	1,330.00	420.00	798.00	790.00	150.00	40.00	3,528.00
28 Hamilton	2,135.00	819.00	1,395.00	3,150.00	175.00	45.00	7,719.00
29 Washington	4,935.00	919.00	2,700.00	4,965.00	350.00	80.00	13,949.00
30 Clay	1,503.00	210.00	780.00	0.00	100.00	75.00	2,668.00
31 Burt	1,890.00	70.00	915.00	1,370.00	50.00	55.00	4,350.00
32 Thayer	1,295.00	40.00	705.00	200.00	125.00	65.00	2,430.00
33 Jefferson	1,505.00	524.65	982.50	2,190.00	225.00	205.00	5,632.15
34 Fillmore	665.00	350.00	540.00	660.00	175.00	55.00	2,445.00
35 Dixon	980.00	105.00	495.00	1,135.00	50.00	55.00	2,820.00
36 Holt	2,345.00	795.02	1,470.00	0.00	225.00	50.00	4,885.02
37 Phelps	2,205.00	560.00	1,326.00	100.00	250.00	120.00	4,561.00
38 Furnas	1,353.00	245.00	754.00	1,050.00	125.00	35.00	3,562.00

39 Cheyenne	3,062.50	1,618.30	2,110.00	1,630.00	200.00	60.00	8,680.80
40 Pierce	1,645.00	560.00	930.00	350.00	25.00	10.00	3,520.00
41 Polk	840.00	245.00	540.00	125.00	125.00	5.00	1,880.00
42 Nuckolls	896.00	175.00	420.00	675.00	0.00	40.00	2,206.00
43 Colfax	2,010.01	1,037.00	1,425.00	960.00	300.00	45.00	5,777.01
44 Nemaha	1,680.00	1,435.00	1,050.00	100.00	25.00	5.00	4,295.00
45 Webster	1,436.00	35.00	675.00	50.00	100.00	25.00	2,321.00
46 Merrick	1,400.00	345.56	820.00	800.00	100.00	0.00	3,465.56
47 Valley	1,155.00	280.00	660.50	675.00	150.00	25.00	2,945.50
48 Red Willow	3,185.00	1,225.00	1,999.00	2,185.00	200.00	145.00	8,939.00
49 Howard	1,015.00	0.00	510.00	350.00	125.00	20.00	2,020.00
50 Franklin	875.00	35.00	435.00	50.00	75.00	105.00	1,575.00
51 Harlan	910.00	105.00	450.00	150.00	50.00	10.00	1,675.00
52 Kearney	1,085.00	120.00	530.00	600.00	25.00	70.00	2,430.00
53 Stanton	1,225.00	457.21	730.00	600.00	25.00	15.00	3,052.21
54 Pawnee	385.00	210.00	240.00	0.00	0.00	10.00	845.00
55 Thurston	1,155.00	175.00	570.00	400.00	25.00	0.00	2,325.00
56 Sherman	770.00	0.00	375.00	0.00	75.00	15.00	1,235.00
57 Johnson	560.00	455.00	930.00	50.00	150.00	65.00	2,210.00
58 Nance	735.00	395.00	535.00	500.00	75.00	5.00	2,245.00
59 Sarpy	47,804.00	13,272.00	24,915.00	26,275.00	1,750.00	450.00	114,466.00
60 Frontier	630.00	35.00	315.00	0.00	50.00	35.00	1,065.00
61 Sheridan	1,063.00	525.00	795.00	700.00	125.00	80.00	3,288.00
62 Greeley	595.00	0.00	270.00	0.00	0.00	0.00	865.00
63 Boyd	385.00	70.00	210.00	0.00	25.00	5.00	695.00
64 Morrill	1,435.00	175.00	795.00	105.00	150.00	125.00	2,785.00
65 Box Butte	3,850.00	700.00	2,175.00	1,000.00	325.00	120.00	8,170.00
66 Cherry	1,575.00	514.00	925.00	900.00	50.00	5.00	3,969.00
67 Hitchcock	840.00	105.00	510.00	0.00	175.00	30.00	1,660.00
68 Keith	2,730.00	2,415.00	2,365.00	3,325.00	300.00	170.00	11,305.00
69 Dawes	1,610.00	245.00	930.00	500.00	175.00	125.00	3,585.00
70 Dakota	5,460.00	4,764.00	4,438.75	6,775.00	275.00	85.00	21,797.75
71 Kimball	1,540.00	546.50	915.00	276.00	50.00	70.00	3,397.50
72 Chase	525.00	140.00	345.00	150.00	100.00	30.00	1,290.00
73 Gosper	525.00	0.00	240.00	0.00	25.00	15.00	805.00
74 Perkins	490.00	70.00	240.00	150.00	25.00	5.00	980.00
75 Brown	840.00	175.00	410.00	50.00	0.00	25.00	1,500.00
76 Dundy	560.00	105.00	300.00	150.00	25.00	0.00	1,140.00
77 Garden	560.00	210.00	360.00	600.00	50.00	5.00	1,785.00
78 Deuel	315.00	0.00	180.00	3,050.00	75.00	15.00	3,635.00
79 Hayes	140.00	0.00	105.00	0.00	25.00	10.00	280.00
80 Sioux	210.00	0.00	90.00	0.00	0.00	0.00	300.00

81 Rock	490.00	0.00	240.00	0.00	50.00	15.00	795.00
82 Keya Paha	245.00	0.00	105.00	0.00	0.00	5.00	355.00
83 Garfield	350.00	35.00	180.00	100.00	25.00	30.00	720.00
84 Wheeler	105.00	105.00	165.00	0.00	0.00	0.00	375.00
85 Banner	245.00	35.00	135.00	0.00	25.00	5.00	445.00
86 Blaine	70.00	0.00	30.00	0.00	0.00	0.00	100.00
87 Logan	105.00	0.00	90.00	25.00	75.00	10.00	305.00
88 Loup	175.00	0.00	75.00	0.00	0.00	0.00	250.00
89 Thomas	105.00	0.00	75.00	500.00	50.00	0.00	730.00
90 McPherson	70.00	0.00	30.00	0.00	0.00	0.00	100.00
91 Arthur	70.00	35.00	45.00	0.00	0.00	0.00	150.00
92 Grant	210.00	0.00	120.00	0.00	0.00	0.00	330.00
93 Hooker	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	468,784.05	147,214.04	275,368.09	452,899.00	28,218.25	11,955.00	1,384,438.43

H. IV-D Payments to Counties 2015/16

CLECK OF THE DISTRICT COURT IV-D PAYMENTS
STATE YEAR 2015-2016

COUNTY	Paid 09/30/2015	PAID 12/31/2015	PAID 03/31/2016	PAID 06/30/2016	State Year 2015-2016 Total
ADAMS	\$ 9,673.33	\$ 10,616.13	\$ 10,378.55	\$ 7,148.63	\$ 37,816.64
ANTELOPE	\$ 3,066.10	\$ 3,119.14	\$ 3,508.44	\$ 4,299.29	\$ 13,992.97
ARTHUR	\$ -	\$ -			\$ -
BANNER	\$ -	\$ -			\$ -
BLAINE	\$ -	\$ -			\$ -
BOONE	\$ 2,623.70	\$ 4,247.60	\$ 2,365.57	\$ 3,285.66	\$ 12,522.53
BOX BUTTE	\$ 6,943.05	\$ 8,258.36	\$ 8,282.29	\$ 7,348.03	\$ 30,831.73
BOYD	\$ 425.63	\$ 182.49	\$ 320.40		\$ 928.52
BROWN	\$ -	\$ -			\$ -
BUFFALO	\$ 28,808.52	\$ 36,018.99	\$ 30,843.67	\$ 38,158.46	\$ 133,829.64
BURT	\$ 6,415.54	\$ 5,264.96	\$ 7,185.45	\$ 5,118.41	\$ 23,984.36
BUTLER	\$ 6,518.77	\$ 5,630.59	\$ 4,850.39	\$ 6,380.56	\$ 23,380.31
CASS	\$ 10,897.68	\$ 8,532.76	\$ 8,257.23	\$ 9,180.42	\$ 36,868.09
CEDAR	\$ 5,589.41	\$ 3,348.46	\$ 5,724.49	\$ 3,932.87	\$ 18,595.23
CHASE	\$ 1,588.05	\$ 1,388.78	\$ 2,751.41	\$ 1,867.42	\$ 7,595.66
CHERRY	\$ 3,569.52	\$ 2,061.54	\$ 2,098.97	\$ 2,983.94	\$ 10,713.97
CHEYENNE	\$ 10,143.34	\$ 7,924.89	\$ 11,035.40	\$ 7,972.91	\$ 37,076.54
CLAY	\$ 6,893.73	\$ 4,723.71	\$ 6,496.95	\$ 7,697.76	\$ 25,812.15
COLFAX	\$ 5,561.69	\$ 4,188.63	\$ 4,031.25	\$ 5,737.83	\$ 19,519.40
CUMING	\$ 6,068.54	\$ 4,108.27	\$ 4,093.52	\$ 6,192.32	\$ 20,462.65
CUSTER	\$ 6,665.93	\$ 5,231.21	\$ 5,792.13	\$ 5,764.29	\$ 23,453.56
DAKOTA	\$ 6,604.49	\$ 7,676.41	\$ 8,258.53	\$ 7,725.69	\$ 30,265.12
DAWES	\$ 4,407.02	\$ 5,447.55	\$ 5,239.01	\$ 4,954.42	\$ 20,048.00
DAWSON	\$ 9,198.96	\$ 7,221.22	\$ 7,854.50	\$ 7,025.28	\$ 31,299.96
DEUEL	\$ 798.19	\$ 136.80	\$ 1,080.80	\$ 411.95	\$ 2,427.74
DIXON	\$ 5,325.64	\$ 5,784.49	\$ 6,383.81	\$ 4,724.21	\$ 22,218.15
DODGE	\$ 16,709.99	\$ 13,970.87	\$ 17,170.92	\$ 15,122.09	\$ 62,973.87
DOUGLAS	\$ 147,986.59	\$ 155,793.94	\$ 130,221.28	\$ 131,596.51	\$ 565,598.32
DUNDY	\$ 868.70	\$ 771.25	\$ 248.77	\$ 844.89	\$ 2,733.61
FILLMORE	\$ 2,845.91	\$ 2,716.74	\$ 4,081.12	\$ 6,061.25	\$ 15,705.02
FRANKLIN	\$ -	\$ -			\$ -
FRONTIER	\$ -	\$ -			\$ -
FURNAS	\$ -	\$ -			\$ -
GAGE	\$ 10,143.76	\$ 11,046.67	\$ 8,748.74	\$ 11,311.87	\$ 41,251.04
GARDEN	\$ 1,110.24	\$ 323.24	\$ 751.15	\$ 440.87	\$ 2,625.50
GARFIELD	\$ 4,831.17	\$ 3,225.94	\$ 4,513.57	\$ 4,470.43	\$ 17,041.11
GOSPER	\$ 1,973.93	\$ 2,874.17	\$ 2,019.10	\$ -	\$ 6,867.20

GRANT	\$	-	\$	-	\$	-	\$	-		
GREELEY	\$	-	\$	-	\$	-	\$	-		
HALL	\$	29,005.68	\$	28,164.27	\$	25,291.48	\$	27,750.05	\$	110,211.48
HAMILTON	\$	5,436.85	\$	6,498.87	\$	6,914.82	\$	6,700.60	\$	25,551.14
HARLAN	\$	982.14	\$	-	\$	-	\$	-	\$	982.14
HAYES	\$	-	\$	-	\$	-	\$	-	\$	-
HITCHCOCK	\$	-	\$	-	\$	-	\$	-	\$	-
HOLT	\$	6,725.43	\$	8,410.99	\$	6,927.92	\$	7,084.28	\$	29,148.62
HOOVER	\$	-	\$	-	\$	-	\$	-	\$	-
HOWARD	\$	3,341.79	\$	2,661.54	\$	2,242.86	\$	2,229.86	\$	10,476.05
JEFFERSON	\$	4,052.60	\$	5,199.87	\$	3,555.24	\$	3,052.92	\$	15,860.63
JOHNSON	\$	2,458.77	\$	2,732.91	\$	1,643.56	\$	2,795.53	\$	9,630.77
KEARNEY	\$	3,675.40	\$	4,234.80	\$	4,882.38	\$	5,703.14	\$	18,495.72
KEITH	\$	3,963.94	\$	4,762.07	\$	3,918.53	\$	3,321.48	\$	15,966.02
KEYA PAHA	\$	-	\$	-	\$	-	\$	-	\$	-
KIMBALL	\$	10,804.79	\$	12,462.02	\$	9,555.33	\$	9,141.16	\$	41,963.30
KNOX	\$	6,517.97	\$	7,248.37	\$	6,605.79	\$	5,140.03	\$	25,512.16
LANCASTER	\$	78,435.68	\$	76,438.34	\$	87,190.63	\$	83,920.27	\$	325,984.92
LINCOLN	\$	17,807.81	\$	16,822.65	\$	16,756.71	\$	16,935.74	\$	68,322.91
LOGAN	\$	1,103.83	\$	2,740.56	\$	235.31	\$	317.48	\$	4,397.18
LOUP	\$	-	\$	-	\$	-	\$	-	\$	-
MADISON	\$	9,033.42	\$	8,746.04	\$	7,111.89	\$	7,799.25	\$	32,690.60
MCPHERSON	\$	-	\$	-	\$	-	\$	-	\$	-
MERRICK	\$	5,718.87	\$	6,535.69	\$	6,049.58	\$	5,645.16	\$	23,949.30
MORRILL	\$	3,578.10	\$	2,945.44	\$	4,407.23	\$	3,217.08	\$	14,147.85
NANCE	\$	4,356.28	\$	5,465.51	\$	4,957.41	\$	3,998.17	\$	18,777.37
NEMAHA	\$	4,295.77	\$	3,483.24	\$	3,652.84	\$	3,499.70	\$	14,931.55
NUCKOLLS	\$	3,952.48	\$	3,006.36	\$	2,175.72	\$	2,665.56	\$	11,800.12
OTOE	\$	8,032.78	\$	6,658.83	\$	7,482.53	\$	7,466.98	\$	29,641.12
PAWNEE	\$	2,399.89	\$	2,929.91	\$	2,966.42	\$	2,559.91	\$	10,856.13
PERKINS	\$	1,566.33	\$	2,638.22	\$	3,960.69	\$	3,810.83	\$	11,976.07
PHELPS	\$	10,873.81	\$	11,135.15	\$	11,331.72	\$	10,288.02	\$	43,628.70
PIERCE	\$	6,333.15	\$	3,085.28	\$	5,074.36	\$	3,961.87	\$	18,454.66
PLATTE	\$	14,362.27	\$	16,932.60	\$	14,251.49	\$	17,920.10	\$	63,466.46
POLK	\$	-	\$	-	\$	-	\$	-	\$	-
RED WILLOW	\$	6,752.07	\$	6,678.34	\$	7,870.70	\$	8,514.73	\$	29,815.84
RICHARDSON	\$	6,633.25	\$	5,441.67	\$	8,874.71	\$	7,274.07	\$	28,223.70
ROCK	\$	-	\$	-	\$	-	\$	-	\$	-
SALINE	\$	10,298.88	\$	12,143.79	\$	11,025.50	\$	10,580.84	\$	44,049.01
SARPY	\$	33,869.20	\$	42,495.78	\$	37,553.53	\$	41,650.49	\$	155,569.00
SAUNDERS	\$	9,876.98	\$	10,346.01	\$	8,692.95	\$	11,141.03	\$	40,056.97
SCOTTS BLUFF	\$	8,156.92	\$	9,815.75	\$	8,653.76	\$	9,143.43	\$	35,769.86
SEWARD	\$	9,735.73	\$	10,885.06	\$	7,718.95	\$	8,889.66	\$	37,229.40
SHERIDAN	\$	1,125.18	\$	1,915.53	\$	1,787.89	\$	-	\$	4,828.60

SHERMAN	\$	2,260.96	\$	2,763.47	\$	3,109.95	\$	2,492.18	\$	10,626.56
STANTON	\$	4,693.50	\$	6,210.96	\$	5,835.73	\$	5,020.69	\$	21,760.88
THAYER	\$	4,291.66	\$	2,892.42	\$	4,342.65	\$	3,526.41	\$	15,053.14
THOMAS	\$	-	\$	-	\$	-	\$	-	\$	-
THURSTON	\$	9,837.35	\$	9,338.00	\$	6,407.77	\$	7,449.85	\$	33,032.97
VALLEY	\$	2,489.03	\$	1,840.91	\$	2,172.93	\$	1,773.53	\$	8,276.40
WASHINGTON	\$	7,591.15	\$	7,380.27	\$	8,960.50	\$	7,650.44	\$	31,582.36
WAYNE	\$	6,584.67	\$	6,391.95	\$	7,141.39	\$	7,159.61	\$	27,277.62
WEBSTER	\$	2,108.91	\$	2,029.91	\$	3,014.90	\$	3,975.44	\$	11,129.16
WHEELER	\$	-	\$	-	\$	-	\$	-	\$	-
YORK	\$	17,875.57	\$	17,757.37	\$	15,666.94	\$	18,936.19	\$	70,236.07
TOTAL	\$	727,253.96	\$	740,102.52	\$	712,560.60	\$	719,862.02	\$	2,899,779.10



ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Corey R. Steel
State Court Administrator

Ellen Fabian Brokofsky
State Probation Administrator

Advisory Committee of the Nebraska Court Clerks' Office Study Recommendations

The Advisory Committee of the Nebraska Court Clerks' Office Study met on January 5, 2017. The following members were present: Becky Bruckner, Larry Dix (by phone), Ellen Faltys, John Friend, Debra Hume (by phone), Judge Mark Young, Judge Michael Piccolo, Chief Justice Mike Heavican, Judge Roger Heideman, Tom Maul, Corey Steel, Senator Dan Watermeier, Corey Steel, Judy Beutler, and Nial Raaen.

The following recommendations were made by the committee:

- Craft legislation to transfer all Ex Officio duties to current county clerk magistrates. Determine statutory and court rule changes and establish a timeline.
- Craft legislation to allow for the local option to consolidate the district court and county court clerk magistrate offices when a vacancy occurs in either the district court or county court. Determine statutory and court rule changes necessary and establish a projected phase in over time.