

Executive Summary

The following report, "The Hidden Backbone of Justice: Insights into Staffing Levels and Salaries of Court Support Personnel," was commissioned by the Texas Office of Court Administration (OCA) in response to a legislative rider to assess the staffing levels and salaries of court personnel across Texas. Specifically, the study looks at district courts, statutory county courts, statutory probate courts, and OCA children's courts. Although not required to participate, District and County Clerks' Offices were invited to take part in the study, given that staffing levels in courts can impact clerks' offices, and vice versa.

Conducted by the Public Policy Research Institute (PPRI) at Texas A&M University, the study evaluates the perceptions of workload, hiring challenges, retention issues, and compensation disparities. Additionally, it provides data-driven recommendations to optimize staffing levels and salaries to enhance the efficiency and effectiveness of the Texas justice system. In addition to the study, PPRI developed a tool for offices to use to project appropriate administrative staffing support for their respective operations. Lastly, recommended appropriate salary ranges were developed for courts and clerks' office staff.

Purpose and Scope

The study employed a mixed-methods approach, combining qualitative and quantitative research methods:

1. **Clerk and Court Staff Salary Collection:** In a first of its kind effort, PPRI collected information on court and clerks staffing levels and salary from 181 of 254 counties gathered through Texas Public Information Act requests.
2. **Salary and Staffing Perception Survey of Managers:** Surveys were distributed to over 1,200 judges, senior court staff court, and clerks' office personnel, with 403 completed responses analyzed.
3. **Interviews:** Thirty-six structured interviews were conducted with staff ranging from court administrators, clerks, judges, court reporters and court coordinators, providing in-depth insights into staffing realities, tasks, and workload.
4. **Validation Techniques:** Findings from interviews were refined through Delphi Panels and cognitive interviews to ensure relevance and accuracy and used to draft initial staffing tools.

Key Findings

1. **Staffing Perceptions:**
 - Across both court and clerks' staff, a majority of respondents (72%) reported that their workload was heavy.
 - By contrast, 57% of court staff and 54% of clerk staff reported their current staffing levels were sufficient to address workloads effectively.
 - There is significant variation in this perception between urban and rural counties with 55% of urban court staff reporting they **did not have sufficient staff** and 60% of

urban clerk staff reporting the same. Their rural counterparts reported 29% and 43% **did not have sufficient** staff respectively.

- When interviewed about key staffing needs, judges and court staff reported needing more courts, staffing attorneys, and judges to meet the demand; followed by improved technology integration that can work across agencies and platforms at the county and district levels.

2. **Hiring and Retention:**

- Both court and clerk staff (45%) reported hiring new employees to be somewhat extremely difficult.
- Hiring difficulties were more pronounced in clerks' offices (54%) compared to court support roles (36%), with most clerk staff having been in their role less than 5 years.
- When surveyed about the most important factors impacting hiring, 97% of those surveyed indicated that salary was the most important factor for hiring and retaining employees.
- Low pay relative to cost of living, lack of qualified applicants, and competition from larger counties or private employers were major barriers to hiring and retaining staff, particularly in rural areas.
- Retention issues were particularly acute in clerks' offices in rural and counties bordering urban areas where staff regularly leave for offers in neighboring counties or other higher paying positions within their respective county.
- In courts, court reporters were the hardest to hire and retain. On average, court reporters were often the highest paid court position, excluding the judge.

3. **Compensation:**

- There is profound variation in compensation levels in court and clerk staff across the state with some court and clerk staff being salaried as low as \$16,523 per annum in some rural areas.
- Comparatively, coordinator staff in urban areas average a salary of \$68,727 per annum.
- Salaries for many court and clerk positions fell below living wage standards. In urban counties, 42% of clerk staff make below the estimated local living wage in their roles. That number reaches as high as 47% in other areas of Texas.
- Clerks report having to hire most staff at entry level wages, and believe their staff are frequently underpaid relative to their workload and responsibilities, contributing to the high rate of turnover in District and County Clerks' offices.

4. **Workload Challenges:**

- Of those surveyed and interviewed, most court and clerk staff reported working in excess of 40 hours per week, most weeks in order to meet the demands of the job.
- In courts, the caseload had a far lesser impact on the perceived workload than expected. More impactful on staff workload was case type and complexity. Complex civil cases, probate, or criminal trials involving juries and serious criminal matters were more likely to extend a week.
- Judges and court staff in urban areas report the benefit of having staff attorneys to support complex legal work and administrative duties, while judges in surrounding areas believe that a shared staff attorney position would be a value add.

- District and County Clerks are responsible for a wide mandate including maintaining the data and record of the courts in their respective county or district. Often extending beyond clerical duty and into privacy protections, federal reporting requirements, and maintaining and updating case management software and databases.
- Clerks' offices often faced additional pressures from legislative mandates that require ever increasing granularity and precision in reporting, without accurately accounting for local costs or time. This is compounded by a lack of technology integration or any advanced technology at all, and limited resources for records management and jury administration at the county and district level.

5. Technology and Resources:

- While some counties utilized technology to improve efficiency, inconsistencies in adoption and implementation were noted.
- In some counties, case management systems employed by the courts may be different from the one employed by the clerks.
 - Even when all agencies use the same software, the version of that software may be out of date and incapable of meeting the demands of reporting requirements causing significant cost in time and resources to update systems and retrain staff.
- Courts and clerks emphasized the need for integrated case management systems and paperless workflows, which can often come with significant costs as well as further technical support from the state to meet ongoing reporting requirements.

Recommendations

1. Increase Salaries to Federal Living Wage and Set Suggested Pay Scale Statewide:

- Nearly half of all clerk staff in Texas are paid below the estimated local Living Wage for their respective county.
- To address this disparity, the state should establish competitive salary ranges for court and clerk positions, considering cost-of-living variations across counties.
- To combat turnover, the state should prioritize raises for entry-level staff and positions with high turnover.
- The establishment of statewide recommended pay scales can encourage competitive salaries for court and clerk staff at the county level.
- To achieve this recommendation, the state should provide additional funding to counties to make up that gap in budget and the local living wage standard.

2. Further Research and Analysis:

- Over 70 counties did not submit the requested data regarding salaries and staffing. Among those that did, many conflated clerk and court positions.
- Further research would leverage these salaries, clean up discrepancies in the data and provide the opportunity to conduct a time study of court and clerk positions to more accurately measure workload.
- Moreover, a recurring theme was loss of staff to other county agencies. Further comparison between court staff and other relevant county positions can help

determine appropriate minimum pay levels.

3. Resource Allocation:

- There are limited statewide resources and professional opportunities for court and clerk staff in Texas. Training and professional development is typically provided through the Texas Association for Court Administration (TACA), the County and District Clerks Association (CDCAT), the Rural Association for Court Administration (RACA) and the Texas Association of Counties (TAC).
- Texas should explore additional resources to support training and support for court and clerk personnel to address legislative changes and new mandates including:
 1. Increased funding for technology modernization, including paperless initiatives, digital archiving, data management, and recordkeeping.
 2. Increased institutional support by OCA to assist courts and clerks in meeting legislative mandates via technical assistance.
 3. Increased financial resources for local training organizations to carry out ongoing support.

4. Specialized Support:

- Among court staff and judges, managing complex cases was reported as the highest challenge to workload. Case complexity can arise from complex questions of law, cases with multiple parties, and guardianship and probate cases that can stretch across the tenure of multiple judges.
- Funding for direct technical assistance to judges and clerks to help review case flow and best practices will support judges in meeting the judicial administration performance standards set by HB 2384 in 2023.
- Support counties in establishing shared resources for their courts including sub-coordinators and staff attorneys.

Conclusion

This comprehensive analysis highlights critical gaps in staffing, compensation, and resources that undermine the operational efficiency of Texas courts and clerks' offices. The recommendations outlined in this report offer a pathway for jurisdictions to enhance their administrative capabilities, ensure equitable pay, and foster a more sustainable workforce. By addressing these challenges, the Texas judicial system can continue to uphold its commitment to delivering justice effectively and efficiently across all communities.