

This is a VSEA class action Request for Classification Review for the class of Docket Clerks, specifically the Docket Clerk B positions.

The unification of the Courts and the consolidation of many of the clerk's offices within the various units has required that all docket clerks be available to move from docket to docket within the Criminal, Family, Environmental, Civil, and Probate divisions, as well as the Judicial Bureau to provide the Judiciary with the flexibility of allocating resources where demand is greatest at any given time. Another change recently caused by the relocation of the Environmental Division is the need for crossover into that division which until now had been isolated and exclusive from all the other divisions. There are two divisions, Probate and Civil, that had not been classified before the unification because they had been part of the County Court system. Both of these divisions have brought additional duties requiring certain knowledge and skills that were not present for the criminal and family divisions. These additional skills mainly involve duties that are financial in nature.

Along with the changes outlined above various dockets have experienced many changes in procedures, timelines, and final resolution due to new legislation that has created new Titles, ie. Title 14a, amendments to existing statutes, ie. the crossover of parent child contact establishment in the Juvenile docket with enforcement to be under the Probate Division, changes or additions to rules and procedures, policies outlined by the Supreme Court, and the introduction of new technology, i.e. x-mail, VTADS to Word, FTR recording Program, Video Arraignments, and e-filing.

Knowledge and Skills

Knowledge of the following is expected to be possessed by docket clerks on a scale of "well versed" to "familiarized with" depending on the particular docket or case type within that docket as well as the expectation of being current and updated on any new or amended versions:

1. Vermont Titles 4, 11, 12, 13, 14, 14a, 15, 15a, 15b, 18, 23 and others as they pertain to appeals and various jurisdictions.
2. Rules of Civil Procedure, Family Procedure, Criminal Procedure
3. Policies created and enacted by the Vermont Supreme Court
4. Division manuals

Because of statutes and other policies implemented by the State of Vermont the Judicial Officers do not have legal assistants and personal law clerks at their exclusive disposal as do other States' Judicial Officers. In many other States the judges are served by their own legal assistant and a personal law clerk leaving the docket clerk to provide customer service support and docket work exclusively. The docket clerks within the Vermont Judiciary perform the duties of a customer service representative, docket clerk, legal assistant, and paralegal to aid and assist both the Court users and the Judicial Officers. They are required to keep up to date on all current statutes, new legislation

and amendments, rules of procedures for each division, and policies implemented by the Supreme Court.

Job Duties

1.) WHAT: Provide customer service to all court users in-person at each clerk's office window, by telephone calls received and placed, through traditional mail correspondence, and by e-filing. Court users are comprised of but not limited to litigants, private citizens, attorneys, personnel from other government agencies, guardian ad litem, victims' advocates, and law enforcement.

HOW: Engage court users in dialogue to determine the purpose of the person's visit to the courthouse. Provide appropriate forms and applications as needed. Listening skills and the ability to ask questions that will lead to the quickest and most appropriate action to be taken are critical. The docket clerk presents the options available to the customer for their particular situation. They explain the court procedures and policies that apply to the particular type of filing or request. They walk customers through the required steps and paperwork that is needed as well as any required fees and timelines. They provide information regarding the location of statutes, rules and procedures, and policies either on the Judiciary website or through local community resources. They also provide information regarding outside agencies or services that may be useful or necessary for the best outcome of the customer's particular situation. De-escalation skills must be exercised on a regular basis because of the unpredictable and volatile behavior displayed by some Court users.

WHY: The majority of court users do not have any background in the legal field. Many are stepping into a courthouse for the very first time in their lives. Most are either in crisis or anticipate that a crisis is developing in their lives. The court process is complex and the terminology is foreign to an untrained ear. Even professionals within the legal field often need guidance from the docket clerk especially regarding rules, procedures, and policies.

The customer often comes to the courthouse not knowing what they need or how to ask for help with their particular problem. The docket clerk must glean certain information from the very emotional and convoluted stories that the customer is telling them or from written correspondence that must be combed through and deciphered to determine what type of motion or filing the filer intends. Unlike other agencies' customer service representatives the docket clerks are not allowed to refuse to serve a customer because they do not have the required paperwork or documents already prepared for their particular needs. On the contrary, docket clerks are required to work with the customer at all stages.

2.) WHAT: Perform docketing procedures for a wide range of cases filed by court users. Create a record of the filing by placing a date stamp on each document filed, assigning a docket number, making the appropriate entries in VTADS, and assembling a paper file folder to organize the filing in a manner consistent with the rules and procedures for

each type of case. In the Judicial Bureau similar actions are taken to identify the various tickets and citations received in order to be docketed according to their specific rules and procedures. A "tickler" system must be maintained and monitored to ensure that the case moves to final resolution within certain procedures and required time lines. Reports are generated and reviewed on a regular basis to ensure that no case falls through the "cracks" as well as to provide statistical data to the Court Administrator's Office.

HOW: They must properly date stamp filings and maintain a chronological docket numbering system. They must execute "Service" to appropriate parties and maintain proper case status throughout the life of the case from pre-Service to Post Judgment. Identifying confidentiality issues during various stages of the case, i.e. prior to service, findings of probable cause, and in the Mental Health, Probate, and Juvenile dockets for the life of the case, is paramount. They must identify, redact, and/or isolate confidential documents and information as they are filed.

They assign attorneys and Guardian ad Litem as needed. At the same time they must identify conflict of interest issues either between attorney and litigants or between the judge and any particular party which requires research and location of conflict counsel to alleviate these conflicts.

When a case has been identified as needing an interpreter for any party involved with the case including public observers who are not a party to the case they find and hire the interpreter. Interpreters can be sign interpreters, language interpreters, and cognitive interpreters from an in-State source or an out-of State source.

They set court events and hearings as dictated by the nature of the case, statutes, and rules of procedures. They send notice to all parties in the case and in some types of cases to outside agencies or parties ensuring that all timelines have been observed and followed in doing so.

In certain cases the docket clerk performs specific accounting checks and balances in cases that involve the value of assets or disputed property or other liabilities. They research or seek further information from parties in the case to ensure that the judge has everything in place to make their final decision. The judge does not receive this accounting until it is wholly accurate. They also perform calculations accurate to the penny to ensure all amounts are included when a property owner wishes to redeem property once they have been contacted by the other party.

At times they communicate to the judge historical context of a case or of particular litigants as well as information received through communications at the counter or by phone conversations. They prepare and provide the judge with standard forms for orders and entry orders if the judge is not going to write up formal findings and order. They enter the judge's decision that may come in many forms; entry orders from hearings, motion reaction forms, formal findings and orders, and orally from the judge to the docket clerk. The docket clerk provides the decisions to all parties either through traditional mail, x-mail, or oral communication. A copy of all judge's formal findings and

orders are recorded and stored for the Court and copied to the Bar Association per local agreement between each chapter.

Once a case reaches final resolution the docket clerk makes the appropriate entries into the VTADS system, sends all final decisions and required forms to parties, prepares the case for storage which varies depending on the type of case. In the Probate Division some finalized cases are monitored and reviewed on a regular ongoing basis that may entail several years and even decades. In the Juvenile docket some case types must be sealed according to very specific statutory requirements. Within every Division each type of case may be subject to Post Judgment Motions and Appeals. Post Judgment motions are a regular occurrence in every division and requires a specific docket to manage these types of motions. In some Divisions the Post Judgment Docket is managing cases that are 2 to 3 decades old.

WHY: Monitoring timelines, actuating service, maintaining clear and accurate records, following all statutes and rules of procedure is critical to the Judiciary's purpose of upholding the Rule of Law by providing every citizen with their right to due process. A misapplication of any of the rules or processes resulting in a clerical error may lead to a dismissal, the slowing down of a case's resolution, an overturning of a final decision upon appeal, the denial of an individual's right to liberty as well as many other unintended outcomes. The judge relies on the docket clerk to ensure that everything that is in the file or being presented to them has been docketed and served according to rules and procedures, and that time lines have been adhered to so that they can make the decisions necessary to move the case to its proper resolution.

3.) WHAT: Processing emergency filings in various dockets is an essential and ongoing duty. Emergency filings are processed on a priority basis taking precedence over any other duty at any given moment in the work day. The timely and accurate processing of the emergency is critical to ensure the safety and well being of victims and vulnerable parties involved. The same docketing procedures are performed as outlined above but with additional steps and compressed time lines.

HOW: Emergency filings are submitted by other State agencies as well as private citizens and businesses. The docket clerk must process the initial filing within a range of 1-2 hours in certain dockets or 48 to 72 nonbusiness hours in others, depending on the type of case. Non-emergency filings are processed within the range of 5-7 business days depending on the case type.

Temporary Orders and Protective Orders are generated by the docket clerk and presented to the judge for an immediate decision. Hearings are set within very compressed timelines and often prior to service being fully actuated due to the need for immediate relief. Maintaining confidentiality is a major concern of the docket clerk during the emergency stage. A very focused effort to move these cases through on shorter timelines is essential for the safety and well being of certain parties. All the same concerns about confidentiality, conflict counsel, interpreters, and rules of procedure are

present, but must be handled in less than half of the time and in some cases within a couple of hours after filing.

WHY: The Mental Health docket, the Juvenile docket, the Civil docket, the Probate docket, and the RFA docket have a high volume of emergency filings. The affected party seeking relief is often a minor, a vulnerable adult, or a victim of domestic violence. In many cases the immediate safety of an individual or individuals is at stake. Even cases that involve a criminal defendant's rights or a private citizen with a civil complaint are entitled to have their rights to an emergency injunction, a Temporary Restraining Order or a timely arraignment under the law.

4.) WHAT: Perform financial transactions for jury duty, collection of fine payments, posted bail money, and other fees and surcharges dictated by particular statutes or decisions issued by the judge in all Divisions and their various case types. Docket clerks prepare daily deposits as well as monthly and quarterly reports for various accounts. Docket clerks review and make determinations regarding reduced filing fees from an In Forma Pauperis that has been filed by a litigant. They also make a determination regarding Public Defender fees based on the most current Poverty Guidelines. They docket and manage the required fees through VTADS and the "tickler" system.

HOW: Docket clerks receive payments as cash, check, money order, or credit card in person at the clerk's counter or through the mail. They research the case or ticket in the computer to make sure that the correct amount is collected and that it is being credited to the correct case. They monitor cases to determine what fines or surcharges are still outstanding and need to be collected.

Docket clerks count money collected and entered into VTADS, fill out deposit slips for daily deposits, research and correct errors, finalize bail deposits in computer, fill out Vision worksheets, enter deposits into the Vision program, make a copy of each deposit and send it to CAO-Finance at the end of each month.

They docket bail checks into applicable cases, return bail to bailors when available. They research the case, locate the bail entries, review the judge's entries, type the check, enter the information in the case, enter the check information into appropriate bank accounts, balance the checkbook each week, and print out quarterly reports and verify balance of input and output. Copies of reports are sent to CAO-Finance.

They keep track of W-9's for jurors who want to get paid for jury duty, process reports for payment of jurors, compare W-9's to list of payment requests, type check for jurors, give to COM for signature, enter check into Positive Pay, send checks out to jurors, balance checkbook each week, generate quarterly reports and send copies to CAO-Finance.

WHY: The Judiciary relies on filing fees and certain surcharges to generate revenue needed to operate. The fines are a punitive measure to deter further violation of the law

by litigants. It is important for the proper collection of these various types of monies to ensure the ongoing functions of the Judiciary and that justice is being served.

5.) WHAT: Docket clerks perform courtroom recording in the Criminal, Family, Civil, Probate, and Environmental Divisions. They keep a record of the proceedings both electronically in VTADS and with video and/or audio equipment as well as handwritten notations for certain types of hearings and cases. They mark and keep track of exhibits submitted by both parties. In some instances they perform the duties of the court officer.

HOW: They test recording devices each morning or before a hearing begins to make sure that they are functioning properly. They make sure that all parties and witnesses are being picked up on the microphones. At times they may stop the proceedings to ask the parties to move closer to the microphone. If the equipment is not functioning properly they will attempt to troubleshoot to locate and fix the problem. If this does not work they will contact the vendor to come in and make repairs.

They take notes in the FTR recording program as to which case is being called, who is present, who is speaking, and the question and/or answer. During jury trials they make notes when the jury enters and exits as well as noting when bench conferences begin and end.

They mark and keep track of both parties' exhibits which includes giving each exhibit an identifying number or letter, marking the date and case name, marking with the docket clerk's initials and listening to the judge to know whether the exhibit is admitted or not.

They play back testimony during trials typically after the jury makes a request for a playback, which can include finding a specific question and answer within the testimony which could be a day of testimony or weeks of testimony. This can also include making sure the jury hears the portion of testimony that is permitted. If the Judge strikes any portion of testimony or if the parties approach for a bench conference the jury is typically not permitted to hear this on a playback.

Noting the start time of all cases both on the printed schedule and in VTADS

Archiving and burning a CD of the record for each courtroom at the end of the day and making sure the CD is properly marked with the date, judge, courtroom, and court division.

Entering the judge's orders in VTADS as the hearing is happening, conditions of release, bail, entry order, sentence, probation conditions, as well as all the pertinent entries in to VTADS, hearing held, log noting time and parties present.

Setting the next hearing. This can involve looking up attorneys' availability, asking parties and the Judge how long will be needed for the hearing. They often provide the hearing date to everyone while they are in court. Sometimes they have to stop parties from leaving so they can give them the date.

Many questions are asked by the docket clerk, mostly of the Judge, often times when things have been missed. They make sure that no details have been overlooked; term of probation, is the outpatient evaluation for competency and/or sanity, should there be a sentencing recommendation with the Pre-sentence Investigation, what is the copay for the public defender, should the sentence be consecutive or concurrent, etc.

They speak up when the Judge has forgotten to do an important step, for instance, go through the Rule 5 proceeding at arraignment or impose conditions of release. There are also times they have to bring up issues not on the schedule that day such as if the defendant who is present in court for a hearing that day has another pending matter that needs addressing such as an arrest warrant for failure to appear on another docket.

They speak up when the attorneys may have missed or overlooked something such as whether all the docket numbers for an individual have been addressed on a plea agreement, did the arraignment colloquy cover all the dockets assigned to an individual that needs to be addressed, etc.

They look up pertinent information for the Judge during the hearing; conditions of release in another case, bail, what is the underlying sentence on a VOP, whether they have charges pending in another county, etc.

They make sure that at the end of the day, all the cases have been addressed and that nothing has slipped through the cracks.

WHY: The Court is the creator and keeper of the only official record of the proceeding. The notes taken during the conferences, hearings and trials are used as a guide through the electronic recording. The notes help the listener or transcriber as to the identification of who is speaking and what the topic is that is being discussed. There are times when the Judge, in the process of writing a decision or order may listen to the recording to clarify what was said and/or who was responsible for saying it.

Proper and accurate filing of the recordings and notes is necessary because the court staff may need to locate a specific day's recordings when necessary. The public users are also allowed to access and obtain copies of certain types of hearings and trials. It is extremely important that the docket entries from the hearings are accurate and clear. They are used by the transcribers to generate transcripts and copies of tapes for public users.

6.) WHAT: Cross training and duties as assigned in the Jury Plus department and within the scope of the Probate Registrar.

HOW: Docket clerks are assigned on a regular basis as back up to both of these positions to ensure that the needs of the Judiciary and the court users are being met.

WHY: The Jury Plus department has two regular staff members and each Probate Division has one Probate Registrar. When one of these individuals is out of the office for any reason and for any length of time, then the docket clerks are called upon to perform

their duties. In the Probate Division this reassignment of duties also occurs regularly in many offices due to the volume and nature of the work.

Key Contacts:

The docket clerks are in regular contact with many key contacts on a regular basis some of them daily.

Judicial Officers
Attorneys
Law Enforcement Officers
Probation Officers
Mediators
Victim's Advocates
Guardian ad Litem
Private citizens from all economic and social backgrounds
Mental Health Professionals
Medical Professionals
Federal Employees
Personnel from other State Agencies
Media personnel

Licensing, registration, or certification requirements; or special or unusual skills necessary to perform this job:

The docket clerks must be proficient in key boarding, Excel, Microsoft Office, VTADS to Word, X-Mail, FTR, VTADS, Vision, Positive Pay, and basic accounting skills. They are Notary Publics. They possess knowledge of several Vermont statutes, rules of procedure, and current policies of the Judiciary.

Supervisor Duties:

None

Work assignments:

Docket clerks are assigned a particular docket along with other duties as needed by their supervisor. They are given freedom to determine how they will manage and prioritize their work as it comes in from various sources, i.e. new filings, motions filed, judge's entries, etc. They are guided by statutes, rules of procedures, and policies and manuals created by the Judiciary. They manage their own work progress through the "tickler" system where they set their own prompts and due dates for next steps. Their work is not reviewed on a daily basis, but as needed through monthly, quarterly, and annual reports generated by their supervisor, and during performance reviews given by their supervisor. Staff meetings and individual meetings with coworkers and supervisors are also used as a means to communicate progress, discuss desired outcomes, and solicit assistance if needed. They are fully accountable and responsible for the tasks assigned to their positions.

Mental Demands:

The vast majority of Court users are people in crisis. These crises range from a traffic violation to loss of property, to victims of violence, the dismantling of relationships and families, and death. The docket clerks are faced with a wide range of emotions throughout any given day; anger, despair, sadness, joy, and relief. It is a roller coaster ride for the docket clerks when they are serving customers at the counter and on the telephone. It is impossible for the docket clerk not to be affected by the difficult subject matter that is inherent in the work of the Judiciary. The docket clerk cannot turn someone away because they don't have the correct paperwork or they don't know what type of relief they are seeking. They must problem solve whatever situation is coming at them with dignity and professionalism.

An example of mental demands doing routine docket work is the assignment of council and conflict council in the Juvenile docket. One mother may have 4 children involved in a CHINS case with 3 different fathers and 2 of the children are codefendants in a delinquency case. This scenario will require up to 7 different attorneys for the parties. The attorneys have to be cross referenced to any other case that any party may have had with a different set of children. It is a time consuming and stressful duty that requires the docket clerk to maintain positive relationships with attorneys contracted by the Defender General as well as private conflict attorneys. There is a great deal of "asking" to get the representation needed for the families in crisis. This process also takes place with Juvenile "Emergencies" filed in the morning that are to be heard by the judge the same afternoon.

Another example is at the counter there may be multiple people filing for a Relief From Abuse Protective Order. Each person must be attended to individually so that their request can be reviewed and answered that day. The intake process is time consuming and the docket clerk must listen to the details of the incident of abuse to determine the relief that the individual is seeking. Most of the time the alleged abuser is out in the public making the docket clerk feel the sense of urgency that the filer has in seeking protection.

The After Hours Relief from Abuse shift has additional mental demands on the docket clerk performing them. The docket clerk must be available to answer calls from police departments, victims' advocates, and victims any time that the Court is not open for business. This service is provided 24 hours 7 days a week and year round. The docket clerk may have to drive to a police station or another secure location to meet with a victim to help them fill out the paperwork to request an emergency protective order. Bad weather and long distances are often issues that the docket clerk must contend with when going out on a call. The alleged abuser may be armed and dangerous with unknown whereabouts. The victim may be traumatized or distraught when the docket clerk meets with them. Docket clerks both during business hours and after hours must be able to handle very difficult situations with poise and professionalism.

Another example is that the Probate docket clerk is experiencing much stress and emotional exhaustion when helping customers who have just had a family member die. Grief is not the only response to a death by a family member. The docket clerk must be able to handle the anger and disappointment when an individual is left out of a will or doesn't receive as much as they thought they would. All the while they are providing information, instruction, and necessary forms to help them through their crisis.

The docket clerks in each division are serving customers who may be suffering from mental health issues, emotional or physical trauma, and diseases such as TB, HIV, Hepatitis. They are at risk of contracting highly contagious diseases. They are at risk of injury from angry and violent individuals. Fights between litigants break out in the clerk's office. Individuals have attempted self-harm and suicide in the presence of the docket clerks.

High volume and the same range of emotions stated above are experienced by the docket clerks in the Judicial Bureau which creates a very stressful work environment. They are constantly on the phone or at the counter because they are the only location that handles tickets and municipal violations. This makes it difficult for them to keep up with the work in their inbox. This adds to the stress that they experience every day.

The recording in the courtroom requires an ability to multitask in a fast paced and multifaceted environment. A single change of plea may have several pending charges each with a different sentence along with additional sentencing for Violations of Probation. They are researching prior underlying charges and sentences, providing that information to the judge while typing up what the judge is issuing for a sentence for the record. They often interrupt the judge or the parties to ask questions or to remind them of certain procedures. They are checking to make sure that a clear and accurate record is being recorded on the audio/video equipment. They are also taking note of who is present and who is speaking to keep an accurate log of the hearing. They generate the sentencing paperwork for jail or probation and then print it for distribution.

Along with the mental demands stated above the docket clerk must handle the pressures of assisting the judges with their work. They are expected to prepare forms and order pages for the judge. The judge may tell the docket clerk to do something that does not follow policies or procedures. They cannot just say no to the judge. The docket clerk needs to decide the best way to achieve the results that the judge is seeking. The judges know what they want for final resolution but it is often the docket clerk that has to make it fit within the framework of the rules and procedures.

Accountability:

As the third branch of government the Vermont Judiciary is charged with upholding the Rule of Law by ensuring every citizen's right to due process and access to justice. The duties performed by the docket clerk are the foundation of this mandate because they provide the service and the support required to provide the access that the public needs. The timely and accurate processing of each case is necessary to provide just

relief in each type of case filed. A clerical error can lead to delays and even more seriously an overturning of a decision at the Appeal level.

Service required in certain dockets is one of the most important steps in the life of a case. Without good service a judge will not be able to issue final decisions or their decision may become unenforceable thereby denying the relief being sought. This is an issue that may lead to an Appeal due to clerical error.

The responsibility of maintaining confidentiality at the various stages of a case and in some instances for the life of a case falls directly on the shoulders of the docket clerk. The release of confidential information may place certain parties in danger or it may compromise the outcome of a case. The docket clerk is held accountable for ensuring that all confidential information is safeguarded from public access and in some dockets, such as Mental Health and Probate, from court personnel not directly working in the docket.

The docket clerk is responsible for the daily accounting of the payments of fines and fees received by the Court. They are expected to research and rectify any errors and prepare the daily deposits. The Judiciary relies on these funds to help balance its budget for operations. The docket clerk is accountable for the collection and accuracy of these funds. Without this function the Judiciary would be underfunded which would adversely affect its ability to function properly and fulfill its mandate.

Working Conditions:

The docket clerk works in a normal office setting and may be in the courtroom for prolonged periods of time. They experience a considerable degree of tiring or restrained positions. They are frequently exposed to emotionally draining situations. They perform duties that require extensive and intense concentration. They perform duties that require repetitive motions. This results in frequent cases of repetitive motion injuries that often require surgery and special accommodations at work stations. They are required to lift boxes weighing up to 50lbs. This action has resulted in back injuries, shoulder injuries, and knee injuries. Some instances require surgery. In the courtroom the docket clerk is unable to leave until the judge leaves the bench. This requires long periods of time sitting and waiting to take a break in the restroom. Docket clerks suffer neck and back pain from sitting in the same position for prolonged periods.

There is constant interruptions to the regular docket work performed at their desk. They are frequently going to the front counter to help customers or answering the phone. They retrieve files from storage rooms that are often located away from the clerk's office. They bring files and questions to the judges in their chambers. They can be called into the courtroom at a moment's notice. All of these interruptions create stress for the docket clerk especially concerning their docketing work. They feel great pressure to clear their inbox and keep cases moving, but are constantly frustrated in their efforts to do so.

Because of the widely diverse spectrum of court users the docket clerk is exposed to many hazards throughout the day. Dangerous and mentally unstable individuals come to the courthouse on a regular basis. They can be unpredictable and violent when the docket clerk is helping them. Some regular customers are known to have contagious diseases such as TB or Hepatitis. Special precautions have to be taken by the docket clerk when helping these individuals. The real danger comes from unknown exposure to disease.

THE WILLIS RATING APPROPRIATE FOR THE CLASSIFICATION OF THE JUDICIARY DOCKET CLERK A, DOCKET CLERK B, DOCKET CLERK C, AND COURTROOM OPERATOR FOR ALL DIVISIONS INCLUDING ENVIRONMENTAL DIVISION, THE JUDICIAL BUREAU AND THE SUPREME COURT CLERK'S OFFICE IS AS FOLLOWS:

KNOWLEDGE AND SKILLS: D1N-160

MENTAL DEMANDS: D3i-53

ACCOUNTABILITY: D1S-53

WORKING CONDITIONS: L1B-10

TOTAL: 276; PG19