

MULTNOMAH COUNTY CHARTER, Vol. 2, Bk. 1
-District County Clerk

1/13

DIST. COUNTY
CLERK

PRELIMINARY REPORT
ON THE
ORGANIZATION,
COMPOSITION, &
RESPONSIBILITIES
OF THE
DISTRICT COURT CLERK OF
MULTNOMAH COUNTY, OREGON

W. C. MERRELL
Executive Secretary,
Home Rule Charter Committee
December 4, 1964

These findings are based upon a review of the 1964-65 fiscal year budget request, the Oregon Revised Statutes, and interviews with the supervisory personnel of the Office of the District Court Clerk. This report is not complete, nor is it intended to be. Minor inaccuracies may be found, but since the membership requested copies of work in progress, it must be expected that the early errors of any analysis will be included.

No effort has been made to evaluate the competence of the District Court Clerk or any part of her department. The scope of this preliminary report is limited to present organization and statutory responsibilities.

A review of the Office of the District Court Clerk reveals an activity employing 24 people with a budget for 1964-65 fiscal year in excess of \$148,000. It is headed by a District Court Clerk, who is an elected official of Multnomah County drawing a salary of \$9,500 per year. Chart I is the operational organization of the office.

ORGANIZATION CHART
(OPERATIONAL)

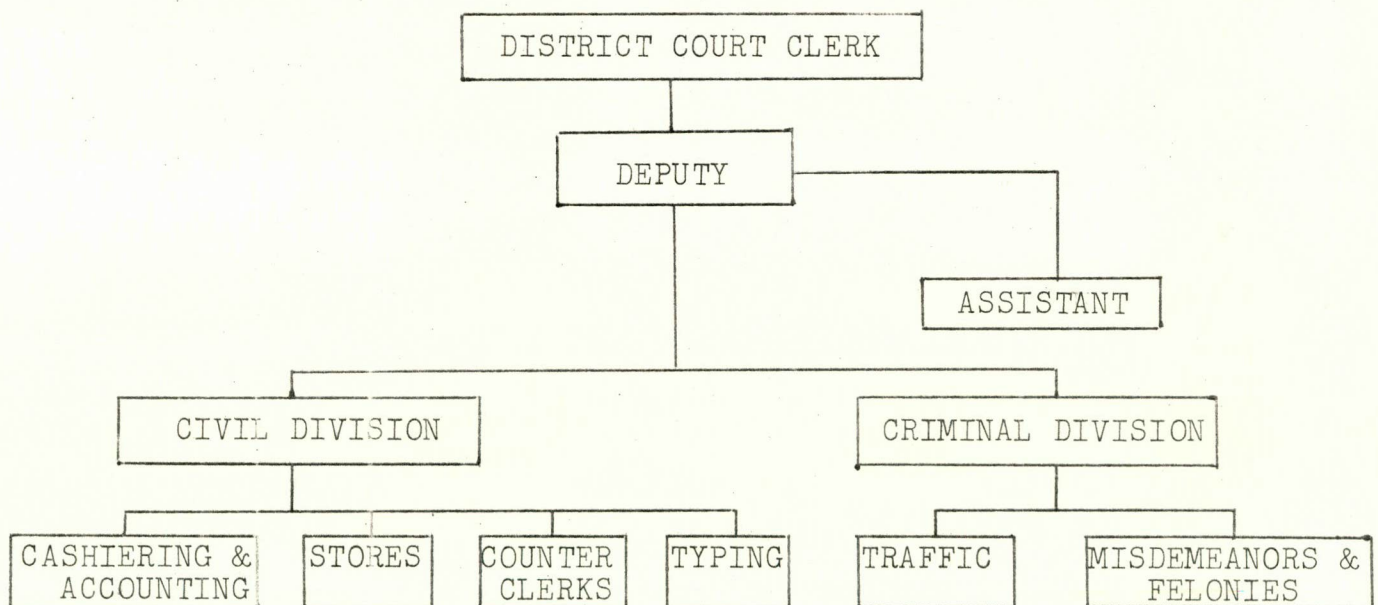


CHART I

As contrasted from the Office of the County Clerk, the District Court Clerk has only one basic responsibility, i.e. the clerical service to the District Court. Her statutory duties are as follows:

- (1) File, keep, and preserve the records, books, papers, and all other property pertaining to the Court.
- (2) File all papers in any action, suit, or proceeding before the Court.
- (3) Supply and execute subpoenas, writs of attachment, and writs of execution.
- (4) Administer oaths and take affidavits.
- (5) Maintain the docket of the Court.
- (6) Maintain a permanent record of all actions, proceedings, and judgements had or rendered in the Small Claims Department.

Reduced to its simplest terms, the functional duties of the District Court Clerk are indicated on Chart II.

The District Court itself maintains jurisdiction over both criminal and civil functions. The civil functions include the Small Claims Court and other litigations for sums not exceeding \$1,000. The criminal jurisdiction takes in traffic citations, misdemeanors, and felony cases with a punitive limitation of one year in the county jail. Accordingly, the District Court Clerk has divided her office into two functional areas, one handling the civil matters and the other handling the criminal matters.

ORGANIZATION CHART
(FUNCTIONAL)

DISTRICT COURT CLERK
1. Maintain all records pertaining to the Court. 2. File all papers in any action before the Court. 3. Supply and execute subpoenas and writs. 4. Maintain Docket of the District Court.

CHART II

Chart III reveals the functions handled by the two divisions.

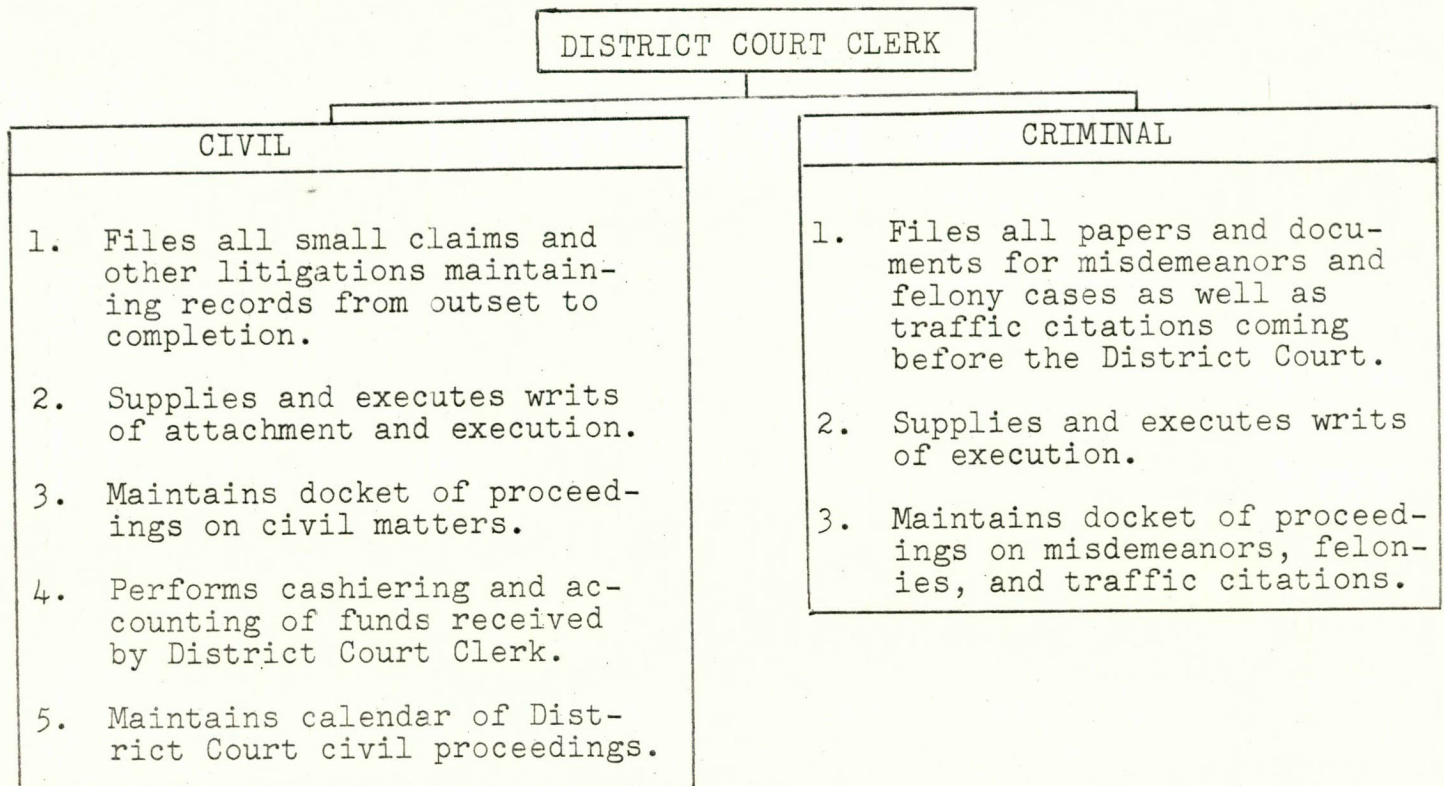


CHART III

Appended hereto are copies of the statutes pertaining to the District Court Clerk of the District Court of Multnomah County. It should be noted that in all counties except Multnomah, the duties of the District Court Clerk are performed by the County Clerk. In essence, the duties of the District Court Clerk are those of clerical support for the District Court.

It will further be noted that the District Court Clerk has no policy making decisions to render and relatively little discretion in the execution of the duties enumerated. In some instances the statutes go so far as to describe the binding as well as the content of the records to be filed. Other statutory requirements are rather general and allow some discretion in the method of maintaining the records.

DUTIES OF THE DISTRICT COURT CLERK

46.710 Clerk and deputies for Multnomah County District Court. At the general election held in the year 1954, and every four years thereafter, a district court clerk who shall hold office for a term of four years shall be elected in each county having a district court organized under ORS 46.010. The clerk shall give bond to the satisfaction of the board of county commissioners, in the sum of \$5,000 for the faithful discharge of the duties of his office, and in the same manner required of other officers of the county. The clerk shall receive an annual salary of \$4,800. He shall have authority to appoint to serve during his pleasure one chief deputy, one cashier, one deputy to have charge of the small claims department, one deputy to have charge of docketing all criminal records and transcripts, one deputy to perform such duties as may be delegated to him by the clerk, and, subject to the approval of the board of county commissioners, such other deputies as may be necessary. Such appointments shall be made in writing and filed in the office of the board of county commissioners.

46.720 Clerks for district courts in counties other than Multnomah County. The county clerk in counties having a district court organized under ORS 46.020 or 46.025 shall be ex officio clerk of the district court. [Amended by 1953 c.306 §17]

46.730 Duties of clerk and deputies. The clerk of a district court and his deputies shall file, keep and preserve the records, books, papers and all other property pertaining to the court; file all papers presented or delivered to him for that purpose in any action, suit or proceeding before the court; supply and execute subpoenas, writs of attachment and writs of execution; and administer oaths and take affidavits.

[Amended by 1955 c.664 §4]

46.740 Docket. In suitable books, strongly bound, the clerk of the district court and his deputies shall keep a permanent record of all actions, suits, proceedings, decrees and judgments had or rendered in the district court, which books shall be a public record to be known as "The Docket of the District Court."

The clerk shall enter in these books the following:

(1) The title of every action, suit or proceeding commenced, with the names of all parties thereto.

(2) The name and date of the making or filing of every pleading.

(3) The amount of money prayed for in the complaint or counterclaim or, if the relief sought be other than a money judgment, a succinct condensation of the relief sought.

(4) The date of issuance of every summons, writ of attachment or execution, or other process.

(5) The date of the service of every summons, the name of the party upon whom made and the date of the return, or, if the defendant cannot be found, a statement to that effect, and where substituted service was made, a brief statement to that effect.

(6) The date of the return of every writ or other process together with a brief statement of the substance thereof.

(7) The date of the making or entry of every order and a brief statement of the substance thereof.

(8) A brief statement of the relief granted on every judgment, including costs and disbursements.

(9) A brief statement of the substance of every decree.

(10) The amounts of money received on execution or tendered into court.

(11) The satisfaction of the attorney's lien, if any.

(12) All costs that accrued subsequent to the entry of the judgment.

(13) A brief statement of the substance of every order relating to admission to bail, to the taking of bail or to commitment for want of bail.

(14) Every other matter that is material or specially required by any statute.

(15) Nothing contained in subsections (1) to (14) of this section shall require or permit verbatim entries to be made in the docket of the district court unless the context of any such subsection so requires.

[Amended by 1955 c.664 §5; 1963 c.427 §1]

46.540 Records of actions. In suitable books and records provided by the county, the clerk of the district court shall keep a permanent record of all actions, proceedings and judgments had or rendered in the small claims department. The judge before whom a hearing is had shall enter judgment in such books according to the provisions of ORS 46.410 to 46.550.

46.550 Blanks, forms and record books, county to furnish. The county shall furnish the clerk with all necessary blanks, forms, record books and stationery for use in the small claims department.

46.560 to 46.600 [Reserved for expansion]

46.750 Destruction of files in civil actions. Upon an order made by the court, clerks of the district court may destroy the original files and exhibits in all civil actions and proceedings other than probate proceedings which have been dismissed for a period of five years or in which no trial has been held for a period of five years or in which any judgment entered has been either satisfied or has remained unsatisfied for a period of 10 years or longer prior to such destruction, or in the case of a renewed judgment which has remained unsatisfied for a period of 10 years or longer after such renewal.
[Amended by 1959 c.524 §1; 1963 c.474 §1]

46.760 Destruction of files in criminal actions. Clerks of the district courts may destroy the original files in all criminal actions which have been dismissed or in which no judgment of conviction has been entered for a period of five years or longer prior to such destruction.

46.770 Legal forms and blanks to be furnished, in Multnomah County District Court. The clerk of a district court organized under ORS 46.010 shall keep on hand and furnish to suitors and attorneys, on application, blank forms of summons, affidavits and bonds for attachment, writs of attachment, affidavits and bonds for claim and delivery of personal property and all necessary blanks for the use of parties to actions and proceedings in the court.

46.520 Certification of judgment; entry and enforcement in district court. (1) If no appeal is taken by the defendant and he fails to pay the judgment according to the terms and conditions thereof, the clerk of the district court may, on application of the plaintiff, certify the judgment in substantially the following form:

"In the District Court of _____ County, Oregon, for _____ District.

Plaintiff, }
vs. _____ }
Defendant,

In the Small Claims Department.

This is to certify that in a certain action before _____ Judge of the District Court, Small Claims Department, had on the _____ day of _____, 19____, wherein _____ was plaintiff and _____ was defendant, jurisdiction of the defendant having been had by personal service (or otherwise), as provided by law, the court then and there entered judgment against the defendant in the sum of _____ dollars, together with the costs and disbursements herein incurred taxed at _____ dollars, which judgment has not been paid.

Witness my hand this _____ day of _____, 19____.

Clerk of the District Court,
Small Claims Department."

(2) The clerk shall enter such judgment transcript on the docket of the district court, and thereafter execution and other process on execution provided by law may issue thereon as in other cases in the district court.

46.270 Dismissal of civil cases; notice required. The clerk of every district court shall mail a notice to each of the attorneys of record in every civil action, suit or proceeding in their respective courts in which proceedings have been had or papers filed for a period of more than one year. The notice shall state that each such case will be dismissed by the court for want of prosecution 60 days from the date of mailing the notice, unless, on or before the expiration of the 60 days, application, either oral or written, be made to the court and good cause shown why it should be continued as a pending case. If such application is not made or good cause is not shown, the court shall dismiss each such case. Nothing contained in this section shall be construed to prevent the dismissing at any time, for want of prosecution of any suit, action or proceeding upon motion of any party thereto.

DUTIES OF THE DISTRICT COURT CLERK (CONTINUED)

46.080 Jurisdiction, civil, generally. (1) The district courts shall have jurisdiction, but not exclusive, in the following cases:

(a) For the recovery of money or damages only when the amount claimed does not exceed \$1,000. When in such a case arising out of contract the ends of justice demand that an account be taken or that the contract or contracts be reformed or canceled, the district court shall have jurisdiction to decree such accounting, reformation or cancellation.

(b) For the recovery of specific personal property when the value of the property claimed and the damages for the detention do not exceed \$1,000.

(c) For the recovery of any penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$1,000.

(d) To give judgment without trial upon the confession of the defendant for any of the causes of action specified in this section, except for a penalty or forfeiture imposed by statute.

(e) To hear and determine actions of forcible entry and detainer.

(f) To enforce, marshal, and foreclose liens upon personal property where the amount claimed for such liens does not exceed \$1,000, and to render personal judgment therein in favor of any party.

(g) Actions and proceedings of interpleader and in the nature thereof, when the amount of money or the value of the property involved does not exceed \$1,000.

(h) Actions and proceedings, whether legal or equitable, to preserve the property or rights of any party to an action of which the court has jurisdiction, and to enforce the collection of its own judgments, including actions and proceedings in the nature of creditor's bills and in aid of execution, to protect the interest of a judgment debtor in personal property to the payment of such judgment. District courts shall not have jurisdiction to appoint receivers.

(2) Whenever an action or proceeding is properly brought in a district court, the court shall have jurisdiction to hear and determine, to give and enforce all rights involved therein, including all cases in equity when pleaded as defensive matter, and to exercise all legal and equitable remedies necessary or proper for complete determination of the rights of the parties, subject to the limitations imposed by this section.

(3) Wherever in this chapter reference is made to actions or proceedings, it includes any equitable proceeding of which a district court has jurisdiction.

(4) Whenever it shall appear from the pleadings in any cause that the title to real property is in dispute, the court shall order the pleading raising that question stricken

unless within five days the party who has raised such issue shall file with the clerk of the district court a written request for the transfer of the cause to the circuit court, accompanied by the tender of the costs of such transfer. In the event of such request and tender, the clerk of the district court shall, within 10 days thereafter, file with the clerk of the circuit court of the county a transcript of the cause, to contain a copy of all the material entries in the docket of the district court, together with all the original papers relating to such cause, whereupon the district court shall proceed no further, but such cause shall thenceforth be considered as transferred to the circuit court, which shall then have jurisdiction and shall proceed to hear, try and determine the same. All costs incurred in the transfer of such cases, including the filing fee in the circuit court, shall be borne by the party raising such issue and must be tendered to the clerk of the district court at the time of filing the written request, and such costs may be recovered by him in the event he prevails. In the event of the failure of the clerk of the district court to file the transcript in the circuit court within the time specified, the circuit court may make an order upon the clerk to comply within a specified time with the provisions of this subsection. [Amended by 1957 c.661 §1]

46.080 Jurisdiction in ancillary, supplemental and incidental proceedings. In civil actions the district courts shall have jurisdiction, as in like cases in the circuit courts, in every ancillary, incidental and supplemental proceeding, before and after judgment, including the provisional remedies of arrest, attachment and delivery of personal property claimed in the action as well as interpleader, trial of rights of personal property, and exemption, aid of execution, revival and renewal of judgment, the direction of references, and the taking of accounts where necessary to preserve the property or rights of any party to an action of which the district court has jurisdiction. All affidavits, orders and undertakings for such provisional, ancillary or supplemental proceedings are to be filed with the clerk of the district court, and such process is to be issued by him and may be made returnable before the judge of the court, or, where the court has more than one judge, before any of the judges. Supplemental process against the personal property of a judgment debtor may be issued by the clerk of the district court to the sheriff of the county in this state. A writ of arrest or attachment or an order for the delivery of personal property claimed in the action may be served and executed by any person authorized to serve a summons. [Amended by 1957 c.661 §2]

46.170 Jury in Multnomah County District Court. When, in a civil or criminal proceeding, a jury is demanded in a district court organized under ORS 46.010, such jury shall be drawn and selected from the jury panel of the circuit court, as provided in this section. When an application is made to the clerk of the district court, he shall, not later than three days before the trial of such cause or action, make written application to the clerk of the circuit court for a jury of six persons. On the day of the trial in the district court, the clerk of the circuit court shall draw the names of not less than six persons from the trial jury box of the regular circuit court jury panel and direct such persons to appear at the time and place of trial in the district court. The required fee of \$6 for each such jury shall be paid to the clerk of the district court in advance on the day of the trial. The jurors shall receive the same compensation provided for jurors of the circuit court and be paid in the same

416.590 Procedure where recipient is a minor. (1) If the recipient be a minor, after the date on which a judgment in his favor is rendered or settlement or compromise is agreed upon, the guardian of his estate shall petition the court having probate jurisdiction in the county in which the guardian was appointed to determine what sum will be needed for the minor's complete physical rehabilitation. If the guardian of the minor's estate fails to petition the court, any other interested person or public body, agency or commission may file such petition. The lien of the state commission provided for in ORS 416.510 to 416.610 shall not attach to the amount of such judgment, settlement or compromise to the extent of the sum needed for such rehabilitation. Among other data, the petition shall contain the name and address of each person or public body, agency or commission liable to the minor under the judgment, settlement or compromise.

(2) The court shall conduct a hearing to determine the sum that will be needed by the minor and at least 10 days prior to the date of such hearing, the clerk of the court shall notify the guardian of the minor's estate, the state commission and the person who filed the petition, if such person be someone other than the guardian of the minor's estate, of the date on which the hearing will be held. At such hearing

any interested person as well as witnesses for the minor and for the state commission may testify on the question before the court. Upon reaching a decision, the court shall issue an order setting forth such decision and the clerk of such court shall enter the order in an appropriate record book. The clerk shall also send a copy of such order to the guardian of the minor's estate, the person who filed the petition if such person be someone other than the guardian of the minor's estate, the state commission and to each person or public body, agency or commission liable to the minor under the judgment, settlement or compromise.

[Formerly 411.568]

DUTIES OF THE DISTRICT COURT CLERK (CONTINUED)

46.221 Fees in Multnomah County District Court. (1) In district courts organized under ORS 46.010 the schedule of fees shall be as follows:

- (a) Appearance for plaintiff, \$3.
- (b) Appearance for defendants, appearing jointly, \$1.50.
- (c) Appearance for defendant, appearing separately, \$1.
- (d) Trial fee, \$2.
- (e) Jury fee, \$6.
- (f) Judgment, \$2.
- (g) Transcript of judgment issued, \$1.
- (h) Transcript of judgment with triplicate certificate attached issued, \$1.
- (i) Transcript on appeal issued, \$1.25.
- (j) Transcript of judgment filed, \$1.75.
- (k) Assigned small claims, \$1.50.
- (L) Unassigned small claims, \$1.
- (m) Transcript of judgment from small claims department, \$1.75.
- (n) Taking any affidavit, 25 cents.
- (o) Preparing certification to circuit court on counterclaims, \$1.25.
- (p) Making certified copies of anything on file, 30 cents for each folio, except where the party demanding the same furnish such copy, in which case there shall be a charge of 20 cents a folio.
- (q) Making copies (not certified) of anything on file, 25 cents for each folio.
- (r) Law library fees, as specified in ORS 46.240.

(2) The clerk of said court shall collect from litigants all fees in advance, except in criminal cases, and shall each day pay the same to the county treasurer and take his receipt therefor; provided, that the trial fee and jury fee hereinabove referred to shall be paid by the party demanding such trial or jury trial in advance on the day of trial; and if the party paying such fee prevails in the action, suit or proceeding so as to be entitled to recover costs therein, such fees shall be allowed and taxed as a disbursement and collected from the adverse party.

[1953 c.393 §1]

46.230 Fees in district courts for counties other than Multnomah County. The clerk of a district court organized under ORS

46.020 or 46.025 shall collect in advance in civil cases, the following fees:

Appearance for plaintiff	\$3.00
Appearance for defendants appearing jointly	1.50
Appearance for defendant appearing separately	1.00
Trial fee	2.00
Jury fee when jury requested	6.00
Transcript of judgment issued	1.00
Transcript of judgment filed	1.00
Transcript on appeal issued	1.25

The clerk shall, on the day next following, pay over to the county treasurer all fees collected and taken, and the treasurer shall issue to the clerk his receipt therefor.

46.240 Law library fees. In all counties where a district court is maintained and in which law library fees are collected by the clerk of the circuit court in civil cases and applied to the support or maintenance of any law library, the clerk of the district court shall collect as a law library fee in each civil suit, action or proceeding filed in the court, excepting actions in the small claims department, in the manner in which other fees are collected therein, the sum of 50 cents from the plaintiff or other moving party at the time of the filing of the first paper therein, and the sum of 40 cents from each defendant, respondent or other party who appears separately therein or from such defendants, respondents or other parties as appear jointly therein at the time of the filing of the first paper by any such defendants, respondents or other parties. The fees shall be paid over by the clerk and used and applied in the same manner as similar fees collected in the circuit court are paid over, used and applied.

[Amended by 1961 c.563 §3]

156.640 Fees, costs and disbursements.

(1) In criminal cases in district courts organized under ORS 46.020 or 46.025, the costs and disbursements shall be added to the fine, penalty or sentence imposed in a sum not less than \$5; provided, the court, at its discretion in justifiable cases, may on behalf of the state waive payment of all or any part of the costs and disbursements in excess of \$5.

(2) The clerk shall, on the day next following, pay over to the county treasurer all fees, costs and disbursements collected and taken, and the treasurer shall issue to the clerk his receipt therefor.

156.650 Disposition of fines and forfeited bail. Except as otherwise provided in ORS 484.250, but notwithstanding any other provision of law, one-half of all fines and forfeited bail collected by the clerk of a district court in criminal cases in the district court shall be paid to the State Treasurer, who shall place the money to the credit of the General Fund available for general governmental expenses, and the other half of such fines and forfeited bail shall be paid to the county treasurer, who shall place the money to the credit of the general fund of the county. Payment of fines and forfeited bail under this section shall be made within the first 15 days of the month following the month in which they are collected.

[1959 c.666 §5]

December 9, 1964

MRS. MARGARET CAWOOD, DISTRICT COURT CLERK, REMARKS TO THE HOME RULE
CHARTER COMMITTEE

Mr. Chairman, I put this in writing because these were the suggestions I was going to bring to you, if you are interested in suggestions for your charter consideration.

It was my understanding when I got my letter from you that I was to tell you what I personally do - not what was done in the office itself. I know that there was a report prepared by Mr. Merrell on the duties that go on in the office, so I wasn't too concerned about whether I should present that to you or not.

My job in this office is administrative. It is up to me to see that things run smoothly regarding the carrying out of the statutes. I offer these suggestions to be part of your charter consideration:

1. Eliminate that part of the parking ticket business that is in my office. We handle parking tickets for the Port of Portland and for the Medical School. Let these establishments collect all the tickets and then turn over to us what money that is required by law that they do turn over to us, and any information that we have to have to issue warrants.

2. Rewrite some of our legal forms and we handle a lot of legal forms in our department. I would like to have them uniform in size. Every form that we have is all folded up, every form in the circuit court is filed flat. I would like to have our forms filed flat too.

3. Set up a court administrator for the entire county and have him perform the duties that are now done in my office for the District Court. Have him do for both the Circuit Court and the District Court. As Judge Bryson mentioned, we are getting to where all of the court activities should be closely coordinated and I think that is a necessary step.

4. Establish a conciliation officer or a referee, somewhat like the Federal Bankruptcy Court has. Somebody who would give a limited amount of legal advice to help people with their past due bills, help them to get on their feet, help them establish a bit of credit responsibility. I would also like to see this conciliation officer be of assistance to our presiding judge. We do not have only one presiding judge like the circuit court has. Our presiding judge serves for four months and then rotates. That one then goes into a coma so he can get a bit of rest. It is a horrible situation in the District Court. I would like to see a bit of relief for our judges.

I appreciate having a chance to be here. I would like to say that I am personally opposed to the possibility of undue concentration of legislative and administrative powers in one job. I feel that the more diversification, the better. I personally want to be able to vote for or against the people who spend my tax money, in fact I wish we had more elective officials on the county level. We have so many things that we have to do by law. We walk when the sign says walk, we wait when it says wait, we cross the bridge when the thing tolls and so forth and so on. I think that the one thing we can do as taxpayers and as citizens is vote against a guy, and I can assure you that if you as a charter committee make a lot of suggestions that will eliminate a lot of the elected officials, I shall oppose you very vehemently and noisily.

December 9, 1964

QUESTIONS ASKED OF MRS. CAWOOD BY THE HOME RULE CHARTER COMMITTEE

Mrs. Nemer: Mrs. Cawood, on the subject of elected officials, do you feel that it is important to have officials elected on a partisan basis?

A. Yes, I do. I am a politician and I have a politician's attitude toward this. I think what is wrong with non-partisan offices is that you cannot get a man out. When you are electing on a partisan basis, you have an organization behind a partisan office seeker. When a man gets in on a non-partisan basis, there is no party or organization to get him out. If anybody is going to run against a non-partisan office, he has to set up a whole organization like a political party has in order to run.

Mrs. Nemer: Then do you feel that your party has given you any particular backing?

A. Yes, I do. I get the dignity of being registered as a Democrat, I get the prestige that goes with being a Democrat, and this is considerable in Multnomah County particularly. I think there is a responsibility that I have as a democratic office holder wherein the things that I do reflect back on the party. They have to defend me just as much as I get the privilege of their prestige too.

Mrs. Nemer: I am really being the Devil's Advocate, because I am not at all sure that I don't agree with you, but assuming that the party both backs you and would oppose you, were you not a proper candidate, you or anybody else, do you actually feel that in practice as well as in theory that party, in the offices of local government, does anything to help or hinder the election of a candidate?

A. Yes, I definitely do. I think the election is in the Primary from Multnomah County if I ever saw it in my life - it is in the Primary. We do have a fluke once in a while, and we have had those, but not as a rule.

Mr. Sonderen: Since the Constable works, as I understand it, exclusively with the District Court, is there any reason you can tell us that the Sheriff's Civil Department could not do the same job?

A. No, I think that the Constable and the District Court Clerk's office could very well be consolidated. I think also that what the Sheriff does in the way of civil service should be done by the Constable because he serves papers too. I think the Constable is set up to serve papers, and the Sheriff should be set up for the enforcement of laws. I feel it is much more to the point to have the Constable's office serving papers than for the Sheriff to be doing it.

Mr. Sonderen: Then in your opinion you think these could be consolidated?

A. I see no reason why they could not be. I was quite surprised to find they weren't.

Mrs. Damskov: Would you have an elective Constable?

A. Yes, again I like the elected officials.

Mr. Stephenson: Would you elected a Surveyor and a Coroner?

A. Well, yes. You sort of have me on that one because I know what a time we had getting a Surveyor who qualified to serve, but most elected officials do not have to have such qualifications. For instance, should I be a good typist? Should I be a good file clerk to do my job? I don't think so. I don't think it has anything to do with it. I do think the Surveyor and the Coroner jobs are a little bit different situation. I would like to think on it.

Mrs. Elliott: What stops you from making some of these changes you suggest? Now, you want that filing flat, and I don't blame you. I think that is the darndest thing you have in that office that I ever saw. What stops you from saying from now on your going to have a different system?

A. Well, I think there are two things. First, no guts and the second is I don't have the backing to get it done. I would have to order new files and have a completely new system of how to put the files together, and since I have 22 women who work for me, it is next to impossible. I have too many other things I want to do first which are more important.

Mrs. Elliott: But, you do have the authority?

A. Yes, I do have the authority.

Mrs. Elliott: And you are working on it?

A. I certainly am.

Mrs. Elliott: You know change is repugnant until it is in, and then you wonder why you never did it before.

A. I know. I have made a lot of changes since I have been down there.

Mrs. Elliott: I know the volume of records that you keep is terrific and I am always amazed and aghast when you find a file. I don't know how you do it, but I wondered why you didn't change some of these things. If you had been a man, of course, I would know why.

Mr. Cohn: I would like to tell Mrs. Cawood that that is the way we used to file when I came to the County Clerk's office, but I changed it.

Mrs. Cawood: Well, If I had only been elected for four years, I think I would have gone right out and done it. But, in my opinion there are so many other things to be done. There is one thing I did do. Mr. Cohn mentioned that when the checks come in he takes them and then issues his won check. Well we just endorse the check on the back and send it right to the guy. This has saved us quite a bit of time too.

Mrs. Elliott: Do you have communication with Mr. Cohn back and forth on your systems and problems?

A. Yes, to quite an extent, and Mr. Saari has been very helpful to me. We use a lot of his facilities. We use the microfilming for instance.

Mrs. Elliott: Where do you think automation could help you?

A. If they could index on the data processing in some way whereby we could use the index it would be wonderful. But the general public uses our index, and they use it all the time, so it isn't practical to have it on data processing. I would like to see somebody who has worked in my traffic department study data processing and invent a machine that could do the traffic tickets very simply. That would be a great help.

Mrs. Nemer: Although, we ask these questions rather negatively but, speaking positively, which is really the reason we are here. When we talk about home rule what we are really talking about is to avoid going to the legislature for everything the county needs and making it possible for ourselves. Are there any things that you feel in your office could be made easier for you were it possible for the county to do these things without having to go to the state legislature?

A. I can think just right quickly of a couple - small claims for instance. It is a matter of law how soon a small claim has to be tried after it has been filed, and once in a while that is most inconvenient. We have many more filed than can be taken care of. If we could have that period of time set back, that would help. That is one we plan to go to the legislature with. There are several others.

Mr. Sonderen: Mrs. Cawood, is your office more or less at the mercy, shall we say, of these four judges? Do you have to do what the judges ask you to do?

A. Yes, but we are pretty much set up by law. This is what we are there for, though, to keep track of, record, and tabulate the work that the district judges do, and set up work for them to do.

Mr. Sonderen: Do the district judges decide between themselves who is going to preside?

A. They have positions, you see. For instance, Judge Shoemaker is Position #1 and Gantenbien is #2, etc. They rotate.

Mr. Sonderen: What I am trying to get at, isn't it true that your office handles the work for some of the district judges while others handle the work themselves? I am speaking mainly of Judge Beers. Is it at the whim of the judge whether or not you set his cases?

A. I'm still not sure of what you're getting at, but it is true a judge can set his own cases if he wants to.

Mr. Sonderen: Well, it should be consolidated in some way, shouldn't it?

A. A perfect solution for us would be to have the presiding judge on the main floor where we are. I don't think our office should be moved up to where the judges are, because I believe there are more people that come to our office than to any other, or at least it is very close. Therefore, we should be on the main floor, but it would surely help if the presiding judge was down there. There wouldn't be all this running back and forth for files and information. When a prisoner is released, he must come down there to post bail. We're afraid we will lose them in the elevators sometimes.

Mr. Stephenson: Regarding this conciliation officer you mention. I am thinking about the legal aid here in the Courthouse. Does not that office perform a function in that broad area?

A. To a point, but legal aid does not get to the point that I would like to have. A great deal of our business is concerned with collection agencies who have bills and maybe there will be two or three collection agencies after the same person. I realize this fellow shouldn't have charged all these bills and be owing all this money, but if there was someone here with the official capacity of a judge who could line that fellow up and say instead of garnishing his wages further, have his check come in here and give him enough to live on and pay the rest on his bills. Maybe I am being completely impractical, but it seems to me a good idea.

Mr. Stephenson: You suggest a court administrator for the entire county. He would report to whom?

A. He should work for the judges in my opinion.

Mr. Stephenson: Judge Bryson suggested we combine the Circuit and the District Courts, if that could be accomplished then, of course, one man could work for both. Did you have in mind that the same administrator who does the work for the Circuit Court could do the work for your department?

A. Yes, that is what I had in mind. I think perhaps the court administrator should be under an elected official and not be under civil service and not have to come up through the ranks.

Mrs. Elliott: Don't you feel that this administrator should have certain professional and technical abilities?

Mrs. Cawood: Yes, but I think he should be under an elected official.

Mr. Fitzgerald: Mrs. Cawood, you said that the administrator that you were talking about is not the one that is now employed. Were you talking about an administrator who could handle both or all of these courts as Judge Bryson referred to?

A. Yes.

Mr. Fitzgerald: Now regarding this administrator who is working for the Circuit Court. I understood you to say that you thought that one man could do all of this, or not necessarily one man, but one man could be in charge of all of this. You said that he should be responsible to the judges and I think you said he should be elected.

A. No, I'm sorry if there was confusion, I did not say that.

Mr. Fitzgerald: Well, would you clear me up on that?

A. What I think is that the court administrative work which is done in my job for the District Court and the court administrative work for the Circuit Court, which David Saari handles, under the supervision of Judge Redding and the other judges, should be combined. I feel it is a step towards combining our courts, as Judge Bryson suggests.

Mr. Fitzgerald: I'm not referring to either of these people who are presently here, but I am going back to what Judge Bryson said about an administrator for all the courts. I presume that you realize that if that was done, he would have to be answerable to the judges who are elected. Was that your thinking?

A. Yes, I had in mind the same thing that Judge Bryson mentioned.

Mr. Fitzgerald: Maybe it would even eliminate these two that you are talking about now.

A. Well, I mentioned it again because although Judge Bryson had already brought it up, I wanted you to know that I agree with him and have pretty much the same feeling.

Mr. Fitzgerald: Well, there is a conflict there though between Judge Bryson's comment and yours and Mr. Cohn's, you see. Mr. Cohn admitted that he had a conflict of thought with Judge Bryson, but it seems to me that if there is one court administrator to take care of all the courts, he would have to be under the jurisdiction of the judges and free from the jurisdiction of yourself and Mr. Cohn.

A. Well, I don't understand. My office is there because there are judges, so what is the difference?

Mr. Fitzgerald: But these people who serve the judges are your employees, isn't that true?

A. Well, I will have to be careful how I answer this. It is a technical point, I think. We are serving the public too, and the County Commissioners too.

Mr. Stephenson: Well, I think it has to do with the question of the court administrator for the Circuit bench. We don't have such a thing now for the District Court, but you think we could do with one, and you think we could do with one person to perform the functions for both courts, isn't that right?

A. Yes.

December 9, 1964

QUESTIONS ASKED BY THE AUDIENCE AT MEETING OF HOME RULE
CHARTER COMMITTEE

Mrs. Edna Bryce: Is it true that the county must get permission from the state legislature to do anything on its own?

Mr. Stephenson: It is largely true. That is the basic reason for the constitutional amendment to provide for county home rule and the basic theory behind the home rule charter. To go to the state legislative body is awkward, difficult, time consuming. It has to be done because there is no other way to get it done. Sometimes it has taken as long as 7 or 8 years to accomplish a piece of legislation to accomodate the need of the county which could have been done by itself, if it had home rule.

Mrs. Sundleigh: Is it true that the time element would occur at the federal level too. I mean isn't it true at every level, the federal, the state and the county?

Mr. Stephenson: I don't quite agree. I think as you move up the line in our governmental structure to the federal level -

Mrs. Sundleigh: I just meant too that I think the time element is sort of to our own advantage so that we do not move too fast. Perhaps it is better to have to wait and do nothing than to move too fast.

Mr. Stephenson: Most of these things are very simple, minor matters. Don't you think it is better to take care of them at home and get on with the work rather than going to the state legislative body all of the time? Don't you think it is better to keep close to home the little bit you can?

Mrs. Sundleigh: Well, I think it is best to find out.

Mrs. Edna Bryce: Mr. Chairman, I want to comment on Mrs. Cawood's remarks. I agree with her in the fact that I too feel that our candidates should be voted by the people because I feel if the citizens cannot vote for the people who run their government, the citizens have no part in our county, city, state or federal government. Therefore, I want to say that I wholly agree with her statement and I want to compliment her.