

TRIAL COURT ADMINISTRATION

Policy 512

March 14, 2005

CLERK OF COURT ATTENDANCE IN THE COURTROOM - GUIDELINES

SECTION 1. Authority and Purpose

Under Administrative Rule 22, the Administrative Council is assigned the responsibility of developing uniform administration for the trial courts. The Administrative Council recognizes the need for staffing consistency in the state-employed clerk offices. There is a recognition that to serve this objective, minimum guidelines for clerk staff attendance during court proceedings should be established. The purpose of this policy is to assure that clerk personnel attend court proceedings when their presence will add value to the process and when their presence is necessary to perform tasks that cannot be routinely performed by other individuals.

SECTION 2. Clerk Attendance - Guidelines

A. During the following courtroom proceedings or activities clerk of court staff should be present in the courtroom on a *routine* basis:

1. Jury Orientation.
2. Criminal and civil jury selection (until such time as excused by assigned judge).
3. Criminal and civil jury trials after closing instructions in order to review and organize exhibits before submission to the jury and to swear in bailiffs.

B. During the following courtroom proceedings, clerk court staff should be present in the courtroom only if it is considered necessary *after consultation with the judge*:

1. Trials with numerous exhibits, at the request of the assigned judge.
2. Criminal initial appearances for future scheduling and notice of service.
3. Criminal master calendar proceedings and sentencing proceedings.
4. Child support and criminal Orders to Show Cause to testify as to the record.

C. Clerk of court staff *will generally not be required* to be in attendance during the following courtroom proceedings:

1. Divorce proceedings.
2. Juvenile proceedings.
3. Small claims, mental health, probate, and administrative traffic hearings.

SECTION 3. Consultation with Judges

Routine attendance by clerk of court staff during courtroom proceedings should be discussed with the judges of the affected district. Clerk attendance and support must be available when necessary. However, whether to require clerk attendance during courtroom proceedings should be considered in light of present staffing constraints and the increased demands placed on remaining clerk staff.

Approved by Council of Presiding Judges 09/07/01; Amended by Administrative Council 3/14/05