



ASSOCIATION OF CLERKS OF THE DISTRICT COURTS OF VIRGINIA

August 20, 2020

Editor, Times-Dispatch:

Target Corporation announced this summer that all of its employees would be paid at least \$15 per hour.

Amazon is hiring warehouse workers for \$15+ per hour.

Fast-food workers are demanding \$15 per hour.

Fifteen dollars per hour must be the new standard as far as wages are concerned, but what these workers are demanding is *pay equity*. “There can be no justice without equality.” Is it not ironic then, that the Equal Rights Amendment was finally ratified this year in Virginia, yet entry-level workers employed to administer justice in Virginia are still paid less than \$15 per hour? (As an aside, 95.7% of the district court workforce is comprised of women).

The Association of Clerks of the District Courts of Virginia (“Clerks Association”) exists to champion causes impacting the employees of the district courts. Active since 1962, the Clerks Association has long advocated for commensurate compensation and adequate staffing for all district courts. Over the course of twenty years, as the result of considerable advocacy by the Virginia Administrative Office of the Courts (the Office of the Executive Secretary) and the Clerks Association, the entry-level salaries for district court employees have increased from \$22,400 per year to \$30,660 per year. While a 26.9% pay increase over twenty years is appreciable, the federal minimum wage has increased 29% over the same period.

Meanwhile, district court positions themselves have significantly evolved over the years. Fewer citizens hire lawyers to assist with their cases. Consequently, as more self-represented litigants file cases in the district courts, employees are required to render services that more closely align with paralegals. In addition to serving the public, we serve judges who have high expectations of us. We must have the knowledge, skills, and abilities to work in high-stress, high volume situations where the impact of error is serious, and the potential for considerable mistakes is exceptionally high.

We are continually asked to do more with less, especially when the legislature passes new laws that result in new procedures or new forms. We are understaffed by over 270 positions. It is unfathomable that the Commonwealth of Virginia, home of the very first state Supreme Court in the country, would allow its trial courts to become so inadequately staffed. It’s not that there is a hiring freeze – the positions do not exist. The Governor, the chief executive of the Commonwealth of Virginia, submits a budget that the legislature can amend. We are the only branch of government not afforded that opportunity; instead, we must appear before the General Assembly with every other constituent, association, or executive branch agency and beg for funding. We are not an agency – *we are the third branch of government*.

No other institution or agency is providing the services we provide to the public. In March, funds were allocated for 90 new positions this year, and 30 new positions next year. The funding for that

appropriation was derived from a companion amendment that adjusted general district court civil filing fees. Those increased fees are being levied on the public, but now that the positions are frozen, *where is the money going?*

In addition to the stress caused by understaffing, district courts are also suffering from inadequate compensation. If judicial branch (district court) salaries are compared to the executive branch pay bands, we fall in pay band 3; however, legal services roles in the executive branch fall in pay bands 4 through 8. We face pay equity issues amongst Virginia's three branches of government, as well as within local and federal government agencies. Generally speaking, district court employees are paid less than *most* other local, state, and federal clerical employees, regardless of their job.

The jobs we hold are clerical, but to call us "clerks" is anachronistic and a misnomer. We are court administrators. Just as hospitals hire administrators to run the business of healthcare so that doctors can focus on the practice of medicine, courts hire administrators to run the business of "justice" so that judges can focus on rendering decisions in the cases before them. Our jobs are relevant, and we have to make sure every citizen has access to justice, no matter what they are accused of, no matter what language they speak, and no matter how they treat us in the Clerk's Office after they leave the courtroom and are out of earshot of the judge. We have been at work every day since the pandemic started. The courts did not close. The Judicial Emergency that the Chief Justice declared did not shutter our doors; rather, it sent many clamoring to them.

The pandemic has only amplified all of the problems facing district courts. We are understaffed, underpaid, and now our predominantly female workforce is evaluating how to handle virtual school for their children. We cannot telework, and we cannot afford to pay for unexpected childcare. We know we are blessed to have jobs. We are grateful for our jobs, and we deliver our services at a high level. We stay employed by the district courts because we love our work; otherwise, we'd be applying at Target and Amazon.

But what message are we sending to Virginia's district court employees and the public at large when we do not compensate those who work for justice commensurate with their duties and do not staff their courts appropriately? Is justice really important? Because the justice we all deserve cannot be dispensed when there are not enough employees to perform the duties incumbent upon us. We took an oath to uphold the Constitutions of the United States and the Commonwealth of Virginia to the best of our abilities. We cannot keep our end of the bargain when we are burned out beyond recognition and have no help in sight. Our offices need to be staffed appropriately, and we need better compensation to recruit and retain our beleaguered staff. If justice is important, then we need to do better by our employees who administer it every day.

Sincerely,

Laura Griffin, President-Elect, Rick Kahl, President, and Terri Rea, Immediate Past President, on behalf of the Executive Council of the Association of Clerks of the District Courts of Virginia