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Court Unification

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**Bureau of
Justice
Assistance**

PROGRAM BRIEF

Court Unification

Information Guide for
the Judiciary, Court Administrators,
Concerned Legislators and Other Public Officials,
Citizen Court Improvement Organizations and
Concerned Criminal Justice Personnel

U.S. Department of Justice
National Institute of Justice

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Program Brief

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U.S. Department of Justice
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Washington, D.C. 20531

I am pleased to present this Program Brief on Court Unification as part of our ongoing effort to identify programs that show success in improving criminal justice operations. Court Unification concepts have already been implemented in several states throughout the country and can be an attractive strategy for states desiring to centralize management practices.

Unification can involve simplifying the structure of local trial courts through consolidation of different levels and types of courts into one general jurisdiction court. It can also encompass administrative unification with overall management responsibility, rule-making authority and budget functions all centralized at the state level under an administrative judge supported by professional court administrators.

Whatever its form and regardless of the extent to which unification is partial or total, those states which have implemented some unification procedures have achieved economy of effort and more precise management of resources.

The Program Brief deals specifically with administrative unification and presents information on necessary planning and implementation, including selection of critical elements for the program and measures of program success. Block grant funds, available for state and local assistance under the Justice Assistance Act of 1984, may be used to support this effort.

We encourage all states desiring to initiate or improve court unification to consider implementing the Court Unification Program described here. The benefits to the courts themselves and through them to the public can be substantial.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles P. Smith".

Charles P. Smith
Acting Director

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Introduction

Court Unification Defined

Court unification has been defined in many ways, and the term has been used at one time or another to include almost every imaginable facet of court reform. A more appropriate definition of court unification limits its components to four:

- Simplified state trial court structure;
- Judicial system rule-making authority covering practice, procedure, and administration vested in the supreme court or judicial council;
- Judicial system governance authority and responsibility vested in the chief justice or supreme court, aided by a professional administrator and staff; and
- State funding of all or a substantial portion of the judicial system, with a unified judicial system budget prepared by the administrative office of the courts.

More precise definition results if court unification is divided into structural and administrative unification:

Structural Unification

Structural unification is related to **trial court consolidation and simplification**. In its purest sense it means the consolidation of all trial courts and trial court jurisdictions into a single state wide trial court which may have more than one level of judge, or may or may not include municipal courts which have jurisdiction only over ordinance violations. Only twelve jurisdictions (eleven states and the District of Columbia) meet this definition; most of the states that have implemented structural unification have reduced the number of statewide trial courts to two tiers (a single limited jurisdiction court and a single general jurisdiction court) or have consolidated courts in selected jurisdictions within the state on a pilot basis.

Administrative Unification

Administrative unification relates to **state-wide judicial system management authority and responsibility**. While state funding is the most important characteristic of an administratively unified court system, not all state-funded jurisdictions meet the criteria for administrative unification because one (or more) other essential system-wide management capability (e.g., rule-making authority, judicial branch personnel system) is missing. Administrative unification usually follows or may be accompanied by

structural unification efforts, but there are a few jurisdictions that have been administratively unified without any significant change in trial court structure.

A major reason for distinguishing between structural and administrative unification is that some states may not achieve both, at least at the same time. It is possible to achieve structural unification without ever adopting administrative unification, and some jurisdictions have done so. The converse is also true.

The Ultimate Goal: Uniform, Quality Justice

The ultimate goal of court unification is the realization of the democratic ideal of "uniform justice" through provision of the structural and organizational framework, management tools and processes, and adequate and efficiently deployed resources necessary to expedite resolution and disposition of matters before the courts, both within the judicial process and through court-annexed alternate dispute resolution mechanisms.

This goal reflects the recognition that court unification is not an end in itself whose accomplishment will automatically improve the work of courts and the quality of justice. Unification sets the stage for improving the administration of justice and for timely case disposition, both of which require judicial leadership, bar participation and cooperation, and the use of tested techniques and processes.

Benefits

The benefits to be derived from court unification are many. Among them:

- Elimination or substantial reduction of overlapping and fragmented jurisdiction among the trial courts;
- Better deployment and use of judges and support staff, with reduction in both where possible;
- Elimination of conflicting local court rules and establishment of uniformity of process;
- Streamlined and expeditious trial and appellate processes;
- System-wide management and planning to meet present and future needs;

- Efficient human, fiscal, and material resource allocation to make the best use of scarce resources;
- Recruitment and retention of qualified support personnel to complement and abet the judicial process and provide better public services;
- Establishment and maintenance of a system-wide information system to facilitate informed and timely management decisions at both the state and local levels; and
- Uniformity in procedures, records, and equipment (to the extent possible consistent with legitimate local variation needs) to facilitate case management, reduce costs, and eliminate inconsistencies among court locations.

Administrative and Structural Unification: Weighing the Prospects for Success

Adoption of administrative unification may be accomplished more easily and faster than structural. There are several reasons why this is so:

- Administrative unification often may be accomplished by statute rather than by constitutional amendment.
- County government (which is usually a powerful lobbying force) may be in need of financial relief. This need has been the impetus for judicial system state funding in several jurisdictions. In most states where trial court funding, or a significant portion thereof, has been transferred to the state level, administrative unification has been the result. A major reason is that the legislature holds the judicial system (chief justice or supreme court) accountable as it does executive departments for the expenditure of appropriated funds. It is, therefore, likely to provide at least the minimum management tools and professional administrative personnel required.
- State funding can be phased in over several years and so reduce the immediate and subsequent fiscal impact. This possibility makes its adoption more palatable, especially in a state with some potential funding problems of its own.

Even though it may be more difficult to achieve, structural unification efforts may have equally good prospects for success if it is possible to engender sufficient significant support in states where previous efforts have been partially successful and in states where significant court consolidation has not been attempted but citizens and public officials are aware of the barriers to efficiency and uniformity of justice caused by multiple trial courts and fragmented or overlapping jurisdiction.

The remainder of this brief will focus on administrative unification, which is eligible for both block grant and technical assistance support from the Bureau of Justice Assistance. States desiring to plan for or implement structural unification are eligible for technical assistance support from BJA.

Critical Elements in Administrative Unification

Administrative unification comprises several critical components. The initiation of administrative unification requires the first three of these components: judicial system governance, judicial rule-making authority, and a court systems study/implementation plan. The degree of judicial system governance and rule-making authority needed for administrative unification may well be achieved through the study/implementation plan.

Judicial System Governance

Authority and responsibility for judicial system governance should be vested in the chief justice or the supreme court. If the latter, the authority is usually exercised by the chief justice on behalf of the court. (A possible alternative might be to vest authority and responsibility in the chief justice with the assistance of a judicial council, of which he or she is chairman.)

In keeping with the separation of powers doctrine, management authority and responsibility should be lodged in the judicial branch. The appropriate official to exercise these powers and have overall accountability is the chief justice as the titular head of the judicial system.

Judicial Rule-Making Authority

Rule-making authority covering practice, procedure, and administration should be vested in the supreme court (or perhaps a judicial council, depending on how the system is organized). The rule-making authority should be lodged in the same place as governance authority and responsibility. This is necessary not only to implement system management, but also to provide system-wide uniformity and to be consistent with the separation of powers doctrine. In connection with preserving the separation of powers, the state legislature should not have rule-making veto power nor a role in promulgating rules.

Court Systems Study and Implementation Plan

Court unification success requires the development of a court systems study and implementation plan which sets out the foundation, goals, and time-phased activities for eventual program implementation. The study conveys an analysis of existing systems operations, how those operations would be changed through a unification program, and expected impact (both positive and negative). Problems and issues are identified, along with recommended solutions, to achieve consensus and support among organizations directly and indirectly affected by administrative unification. The implementation plan follows from the study and becomes the blueprint through which unification will be achieved. Goals and objectives are set, critical tasks are identified and assigned, and a schedule is articulated to guide the transition to unification in an orderly and timely fashion. Responsibility for the study and plan may be vested in the legislature, the bench, the bar, a governor's study commission, a special blue ribbon committee, or some combination of these; regardless, development must come from key representatives of those organizations directly affected by unification.

Professional Administrative Staff

If the chief justice and supreme court are to carry out their administrative responsibility effectively, it is necessary to have the administrative support of a professional administrative office of the courts (AOC) or state court administrator's office (SCAO) under the direction of a qualified professional director or state court administrator. The staff should comprise qualified professionals in personnel administration; budget and fiscal administration; planning, research, and statistics; management analysis and technical assistance; court ancillary services; and if the judicial system has responsibility for probation and other services, and facility management and standards development, among others.

Although every state has an AOC vested with some degree of administrative responsibility, experience has shown that staff enhancement is usually required when administrative unification takes place because of the additional management duties and responsibilities given the state court administrator.

In smaller jurisdictions, some of these functions can be combined in one or two positions, thereby reducing the number of people required. The number of new permanent staff positions may also be reduced through the use of consultants in designing management systems and putting them in

place, e.g., accounting and budget.

There is also need for professional administration at the trial court level, but this may take longer to accomplish. In cases where pilot unification efforts are undertaken on a city/county-wide or regional basis, however, the professional, capable trial court administrator is essential from the beginning.

State Funding and a Unified Budget

State funding and a unified budget are crucial for the effective functioning of administrative unification. The former involves funding at the state level for all or a significant portion (such as all court personnel) of judicial system operations. The latter requires the preparation of a unified budget for those segments and activities of the judicial system which are state funded. The unified budget is usually prepared by the state court administrator and staff, with trial and appellate court input, under the supervision of the chief justice and the supreme court.

Of utmost importance in planning for the fiscal aspects of administrative unification is the design and implementation of budget and accounting systems. The former requires a formalized process for the transmittal of accurate appropriation information, initial preparation of budget requests and justification (which may involve workload measures), local participation in the process, and central analysis and unitary budget formulation. The budget process at the state level usually takes six to seven months from initial participation to submission, assuming that a formal budget process is in place; otherwise, it will take longer.

Obviously, the basis for fiscal administration is a sound accounting system. While the judicial branch may make use of the executive branch accounting system to the extent possible, there are likely to be special needs which the executive branch system may not be designed to handle, e.g., court registry funds. This is an area where consultants are likely to be the most useful in reducing the time required to develop a system, test it, and make it operational.

The accounting system will also include and accommodate financial statements, inventory control by object and location, and the payroll system. As to payroll, all that may be required is adaption to the executive branch system, but this may not be as simple as it looks upon first examination.

Not unlike personnel administration, good fiscal management requires the development of comprehensive fiscal rules for review or adoption by

the supreme court, although the task of promulgation may be delegated to the state court administrator. These rules are likely to parallel those of the executive branch in a number of respects, but special situations peculiar to the judiciary should be addressed separately.

Judicial Branch Personnel System

For effective operation, the judicial branch should have control over its nonjudicial personnel in the same way as do the executive and legislative branches, without interference from the other branches, except for the appropriation responsibilities of the legislature. The judicial branch, similar to other governmental entities, is personnel oriented. Seventy-five to eighty percent of court system costs are for personnel.

A judicial branch merit system for nonjudicial personnel usually covers the following facets of personnel administration and management:

- Employee classification and pay plans;
- Employee fringe benefits and working conditions;
- Employee recruitment and selection;
- Employee retention and promotion;
- Employee evaluation;
- Employee discipline and termination;
- Employee grievance and appeal procedures;
- Employee training, including orientation and continuing education; and
- Affirmative action and compliance with equal employment opportunity requirements.

The creation of a judicial branch personnel system requires that a classification study be made and a classification and pay plan be prepared for adoption by the supreme court. Depending on the amount of lead time and state court administrator's staff availability and expertise, a wise alternative might be to contract for the classification study. This approach has been taken by a number of state judicial systems.

Doing so makes it possible for the usually small AOC personnel staff to undertake a number of other important tasks which must be completed before the effective date. Foremost among these is the preparation of personnel rules covering all aspects of employment from hiring and removal to fringe benefits. These rules should then be submitted for supreme court review and adoption. Usually, these personnel rules are quite similar to those of the executive branch, except that top professionals and administrative staff may serve at the pleasure of the hiring authority and some special provisions may

apply to "confidential employees" of judges. Also required is the development of a personnel management information system to identify employees by location and job specifications; filled and unfilled positions; leave time accrued and used for each employee; and anniversary dates, grade, step, and salary for each employee.

Management Information Systems

In order for the AOC to adequately undertake the system-wide fiscal, personnel and resource deployment management responsibilities entailed in an administratively unified system, it is essential to have in place an adequate automated management information system. The time required for development of automated management information systems and in making them operational will depend in part on what is already in existence and hardware and software capability. This is another area where consultants are particularly useful. Also very useful is the work of the State Justice Information System Project (SJIS). SJIS documents are available through the National Criminal Justice Reference Service of the Department of Justice.

Planning and Research Capabilities

To implement and maintain effective administrative unification, existing planning and research capabilities of AOC's need to be expanded and improved, as do statistical collection and analysis. Expanded effort in these areas is required to augment personnel and fiscal management, justify personnel and other resource needs, measure judicial system performance, and build a data base for both short- and long-range planning. Data collection improvement should be tied in with management information system development.

Implementation of Administrative Unification

General Issues

From the preceding discussion of critical elements, it can be seen that planning for and implementing an administrative unification effort is likely to be quite complex and time consuming, even if it is not coupled with structural unification. Nevertheless, there are steps that can be taken to simplify the process as much as possible.

The effective date of implementation should be set at least twelve to eighteen months in the future to provide sufficient lead time to complete all pre-implementation management tasks and have the requisite management systems in place and operational on the date of implementation. The more

important of these tasks and systems are outlined below:

- Recruitment and employment of additional professional staff required by the state court administrator because of additional management responsibilities;
- Development of a judicial branch personnel merit system for nonjudicial employees;
- Development of the budgeting process, accounting system, and fiscal management;
- Development of payroll and inventory control systems;
- Development of management information systems required to administer the above functions adequately; and
- Development of planning and research capability.

Furthermore, implementation itself can be stretched out, by phasing it in, as has been done in some jurisdictions. Phasing in may be by area, kind of court(s), the activities to be state-funded, the proportion of state funding, e.g., twenty-five percent each year, or any combination thereof.

The major advantage of a phased implementation is that the impact on state revenues can be stretched out over several years. AOC staff also can be expanded incrementally, with the caveat that most of the basic management systems should be in place on the effective date of implementation to provide a solid management foundation, even if state funding is to be incremental.

Second, the state court administrator, as the management arm of the chief justice and the supreme court, should be involved in the policy decisions related to proposed legislation before it is drafted and, if possible, in the drafting process. This is necessary so the management concerns of the chief justice, supreme court, the state court administrator and the rest of the court system can be clearly articulated, as well as having resource needs addressed.

Common Elements in Effective Court Unification Efforts

Court system unification has been accomplished in diverse ways in different states with varying casts of prime movers and supporters. But, a number of procedural and political factors were frequently present in successful court unification efforts of the 1970's and 1980's and offer special guidance for new undertakings:

- Usually, a study was required to identify problems and pose realistic solutions. The study was made by or under the auspices of a group, body, or consortium which had credibility within the local political environment and legal culture.
- The studies recommended solutions that not only were realistic, but achievable, even though considerable effort might be required to implement them and especially if an amendment to the judicial article was required.
- There was substantial legislative support, at least from some key influential legislators, and legislative opposition was not pronounced.
- Usually, there was support from the state bar association, though the degree of that support and the extent of resources contributed varied.
- The concerns or objections of local government (counties and municipalities), if any, were considered and negotiated to counter their opposition, if not gain their support.
- The concerns or objections of prosecutors, public defenders, and law enforcement officials were considered and negotiated to counter their opposition, if not gain their support.
- There was active support and assistance from a formal court improvement citizens' organization and from other groups, such as the League of Women Voters.
- While the judiciary may have been divided, there was strong support from the chief justice, some other members of the supreme court, and some prominent trial court judges.
- The governor and other executive branch officials were supportive or at least, not actively opposed.
- There was media support, or little, if any, strong media opposition.

It is not likely that all of these elements will be needed in any given state. Those that are present should be cultivated, if a unification effort is to be successful.

Court Systems Study and Implementation Plan

A critical step in undertaking any court unification effort is a court system study. This study will lay the foundation for the remedial goals of an eventual legislative or constitutional implementation plan. Also, the presence or absence of support or opposition for court unification can be assessed during the course of a court system study, and the study may be required before agreement can be

reached on court system problems and the best way to solve them. Such a study may be made by an interim or select legislative committee, as in Colorado and Massachusetts; by a governor's special study commission on the courts, as in Oregon; or by a court reform citizens' organization or a special blue ribbon court study committee, as in Kentucky and Kansas.

In each of these studies there was involvement by the bench and bar, and, where the study was not conducted under direct legislative auspices, key legislative members served or were involved. The inclusion of key legislators is extremely important in an effort of this kind, because legislation is likely to be required including legislative adoption of a constitutional amendment to be placed before the people.

The length of time required to make a court system study depends on a number of variables, such as:

- Utility of studies made in the recent past;
- Resources available, e.g., staff or consultants (if needed);
- Scope of the study, e.g., limited to trial court consolidation or to the desirability of state funding and the cost thereof; and
- Data availability and the degree of difficulty in collecting and analyzing them.

Depending on the above variables, a court study may take from twelve to twenty-four months. Even a determination of how much is being spent at state and local levels to fund the courts can be very complicated and time consuming, as the result needs to be as accurate an estimate as possible.

If there has been a recent court unification effort that failed, all that may be required of a study group is to make changes, if possible, in those provisions which caused the greatest opposition. When this is the thrust of the study, there should be broad representation on the group making it, so that divergent viewpoints can be aired on significant issues.

Time Considerations

There are two time considerations involved in court unification efforts. The first is the length of time required from inception until the date that unification is adopted. The second is the time between adoption and implementation.

The time from inception to adoption depends on

several factors. One is whether a court study is involved and the content and duration of that study. Another is whether a constitutional amendment is required and election law provisions as to when it can be placed on the ballot. If legislation only is required, the elapsed time can be shortened considerably, assuming that the legislation is adopted at the first session in which it is presented.

At the outside, it may take three to five years from inception to adoption. At best, lapsed time is likely to be at least two years. It is no wonder that Chief Justice Arthur Vanderbilt of New Jersey observed many years ago that judicial reform is no sport for the short-winded.

The time between adoption and implementation should be sufficient for all of the approved changes in court system structure, administration, funding, etc., resulting from unification to be in place and operative. The factors involved in determining the amount of time required are set forth in a subsequent section of this program brief.

Outside Assistance

Court unification efforts and the form that unification takes differ from state to state. Nevertheless, a state contemplating court unification can learn much from the experience in other jurisdictions where unification has been adopted. Some of these experiences have been recounted in journal articles, special studies, and monographs.

There are organizations that can be of assistance, e.g., the Conference of Chief Justices and the Conference of State Court Administrators, both served by the National Center for State Courts, as secretariat. Assistance can vary from the provision of an appropriate bibliography or library loans to on-site consultation on any aspect of the unification effort the requesting jurisdiction desires. Also there are some individuals (academicians, judges, court administrators, and court management consultants) who can be helpful in the court unification effort. These persons are known to the above organizations, as well as to the Courts Branch staff of the Bureau of Justice Assistance, United States Department of Justice.

Suggesting the use of outside assistance and materials in no way denigrates the talent and abilities of the local people and professional staff involved in a unification effort. Rather, it is recognition that there is additional experience and expertise available that can be helpful.

Performance Indicators

Evaluation of administrative unification, to be useful, should be made three to five years after implementation to allow for transition and a shake-down period after the components are in place. The delay required for a comprehensive evaluation should not preclude a more cursory evaluation made within a year of e.g., fiscal and personnel management systems.

Personnel Quality and Productivity

The new judicial branch personnel system not only requires higher skilled personnel, but provides the process through which they are recruited, selected, and retained. One measure would be a comparison of the new employment qualifications standards with those that applied in those locations that had them. These comparisons can be extended to include a comparison of present incumbents' qualifications with those of their predecessors where there have been new hires under the personnel merit system.

Employee productivity may also be compared, but the measures used are likely to be very simple aggregates, such as employee/caseload ratios, because it is not likely (although possible) that locally-funded courts had sophisticated workload formulae.

Planning Capability and Resource Allocation

The breadth of planning and resource allocation provided to the judicial branch under administrative unification is an indicator of improvement that might be used for evaluation purposes. Even more significant is the extent, and the ways in which, the judicial branch (through the AOC) is exercising the planning function, as well as the formulae and methodology developed and used for rational resource allocation. Included are the development and application of workload measures and their relevance in allocating resources, measuring performance, and determining personnel needs.

Data Processing

Another performance indicator is the development, installation, and use of computer hardware and software. Included are its ability to meet the needs of various judicial system components, its timeliness, extent of management information provided, and user satisfaction.

Administrative Effectiveness

There are a number of ways in which administrative effectiveness might be evaluated. For example, how realistic and effective are administrative rules and regulations and their applicability? Is there sufficient flexibility to meet peculiar local situations? Are there built-in mechanisms for dialogue between judicial system components and leadership, such as periodic meetings between chief judges/trial court administrators

and chief justice/state court administrator, or do all communications go one way? How do the chief judges function both in relation to the supreme court/SCA and their own colleagues? Is administrative authority at the trial court level effectively exercised?

Finally, does the system make possible the shift of human and other resources to meet emergencies, such as a prison riot? If so, does judicial system leadership make effective use of this authority? What about semipermanent transfer of resources when required by unexpected caseloads?

Impact on Court Effectiveness

Perhaps the most important performance indicator of all is how well the changes in management and in resource provision and allocation have improved the performance of trial and appellate courts in expediting court business, reducing delay and backlog, and improving judge/case disposition ratios.

Selective Cost Comparisons

There is often a tendency to use before and after cost comparisons as a measure of administrative unification effectiveness. Such a comparison is specious, not only because all of the "before" costs are usually not identified, but also because the "after" costs are almost certain to be greater in the short run, due primarily to increases in personnel qualifications and compensation attendant on establishment of a state wide judicial personnel system and the demand on state funds for upgrading of non-personnel cost items (e.g., equipment, libraries) that may have been neglected at the county funding level.

Even though overall cost comparisons are likely to be misleading, there are some cost comparisons which may make useful performance measures once administrative unification is in place. For example, what are the savings to be realized from mass purchasing of furniture, equipment, and forms as compared with what these items are likely to have cost, if purchased separately at the trial court level? Especially significant are the savings that result from state wide contracts on computers, copying machines, and electronic recording equipment. Maintenance costs and frequency of repair "before" and "after" may also be compared for selected court locations.

User Satisfaction

Lastly, but not least, is a measurement of user satisfaction. Surveys might be taken at selected periods to examine user satisfaction with the new court system organization, administration and procedures. These surveys may differentiate between types of cases (civil, domestic relations, small claims, etc.) and should be distributed for completion to judges, lawyers, litigants and witnesses.

Appendix

Historical Overview of Court Unification

From the early part of the twentieth century, state trial courts were perceived as having serious management, personnel, operational, and resource problems, for which both structural and administrative unification were advocated as solutions. Initially, advocates were few, but grew substantially in number as state trial court systems demonstrated a lack of capacity to deal with problems exacerbated by such facts as technological change, growing population and urbanization, and rising volume and increased case complexity.

Several state trial court problems were identified and may be summarized as follows:

- Overlapping and fragmented jurisdiction caused by too many levels and kinds of courts;
- Fragmented and inconsistent court rules and procedures caused by limited, or absence of, state-wide court rules and an abundance of local ones;
- Lack of qualified professional, technical, and clerical staffs, including judges in some jurisdictions;
- Lack, misallocation, or misuse of resources, e.g., human (judges, non judicial personnel), fiscal, facilities, equipment;
- Lack of overall system-wide management and planning, with individual trial courts often managed and operated as feudal fiefdoms;
- Inability to deal effectively with caseloads increasing in volume and complexity; and
- Lack of central overall system-wide responsibility and accountability.

These problems varied in content and degree from jurisdiction to jurisdiction, and proposed solutions also varied according to particular needs and the legal, political, and social environments of specific jurisdictions, even though the proposed reforms were usually identified as court unification or as steps toward its achievement. There are still a number of state judicial systems that have all or some of the problems identified above. Either they have not attempted to adopt some form of structural or administrative unification or have not been successful in doing so.

Yet, a majority of states have accomplished significant

trial court consolidation and simplification, administrative unification, or both. The first "modern" judicial article was adopted in New Jersey in 1947. It placed considerable management authority in the chief justice and supreme court, but still provided for several layers and kinds of trial courts, although fewer than existed prior to the amendment. The court unification movement gained impetus when Alaska and Hawaii were admitted as states in the late 1950's. The judicial article in each state's constitution provided the framework for administrative unification and a simplified trial court structure, although not a one-level trial court.

Alaska and Hawaii were followed by efforts in a few states in the 1960's to simplify their trial court structures and provide for central management authority, responsibility, and accountability. Two examples are Colorado and North Carolina. The apex of the unification movement was in the 1970's, when a number of states adopted significant amendments to their judicial articles and provided for state funding in enabling legislation, thus strengthening central management and accountability. Examples are Alabama, Kansas, Kentucky, Massachusetts, and Missouri. Many of the unification efforts in the 1970's were supported by funds provided by the Law Enforcement Assistance Administration through direct grants, state block grant funds, or both.

These efforts were also aided in the 1970's by the development and promulgation of two sets of court organization and administration standards, both of which stressed structural and administrative unification. The first set was adopted by the American Bar Association (ABA) in 1974 after a five-year study by a special commission. Among other things, these standards provided for a one-level trial court; supreme court rule-making authority; the chief justice as chief executive of the judicial system, aided by a professional administrator and staff; state funding and unified budgeting; and a separate judicial branch personnel system for nonjudicial employees.

The second set of standards was prepared by the National Advisory Commission on Criminal Justice Standards and Goals and published in 1973. They provide for a state-funded unified judicial system, with administrative authority vested in the chief justice and exercised through a state court administrator. As in the

ABA standards, there would be only a one-level trial court of general jurisdiction. The development of both sets of standards was funded by the Law Enforcement Assistance Administration.

In the late 1970's, the National Center for State Courts and the American Bar Association conducted a project that compared state judicial system profiles with the ABA standards and assisted states that wished to be in closer compliance. This project, funded by the Law Enforcement Assistance Administration, also prepared a revised ABA Model Judicial Article based on the ABA standards.

Despite unfinished business in a number of jurisdictions in adopting and adapting structural and administrative unification, there was only limited activity during the first half of the 1980's. Two states, Iowa and Oregon, adopted state funding and the scope of state funding was expanded in Utah, which also adopted significant amendments to its judicial article. New Jersey joined the states with one tier of trial courts, except for municipal courts.

There are several reasons why the level of court unification activity has diminished. First, until recently, there were no federal funds available, as in the 1970's, to assist in the effort, and most states have suffered from diminished fiscal resources. Second, court reform efforts appear to have shifted from court unification to caseflow management and delay reduction and also to alternate dispute resolution mechanisms. Third, state court system leadership has been preoccupied with maintaining current levels of activity in light of resources diminution. The executive and legislative branches in many states are primarily concerned with state government retrenchment. Consequently, no one within state government seems to be opting for sweeping changes in judicial system structure and management.

None of these reasons imply that there is no longer any interest in unification in those jurisdictions which might benefit thereby. Rather, they are indicators that major focuses have shifted elsewhere, even if temporarily.

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Bureau of Justice Assistance Support

Bureau of Justice Assistance (BJA) support is available in two forms, technical assistance and block grants, to jurisdictions undertaking court unification efforts.

Block Grant Support

Jurisdictions wishing to implement administrative unification are eligible for BJA block grant support, and by virtue of this program brief, BJA is placing emphasis and priority on using its resources for this purpose. It may be possible to receive block grant assistance for structural unification efforts, depending on need, circumstances and funding availability.

For further information contact:

State and Local Assistance Division
Bureau of Justice Assistance
U.S. Department of Justice
633 Indiana Avenue, N.W.
Washington, D.C. 20531
(202) 272-6838

Technical Assistance

Technical assistance is available during all phases of administrative unification: study, development, adoption, implementation, and transition. Such consultation would be short-term and is designed to provide limited assistance through knowledgeable and qualified practitioners and academics on specific aspects of, or problems related to, the court study or other preadoption or implementation processes.

Technical assistance may also be available for states attempting structural unification, again subject to need, circumstances and funding availability.

For further information, contact:

Adjudication Technical Assistance Project
The EMT Group, Inc.
3615 Wisconsin Avenue, N.W.
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(202) 362-4183
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Other Information and Technical Assistance Resources

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Ex. Director: Mr. Douglas Lanford

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