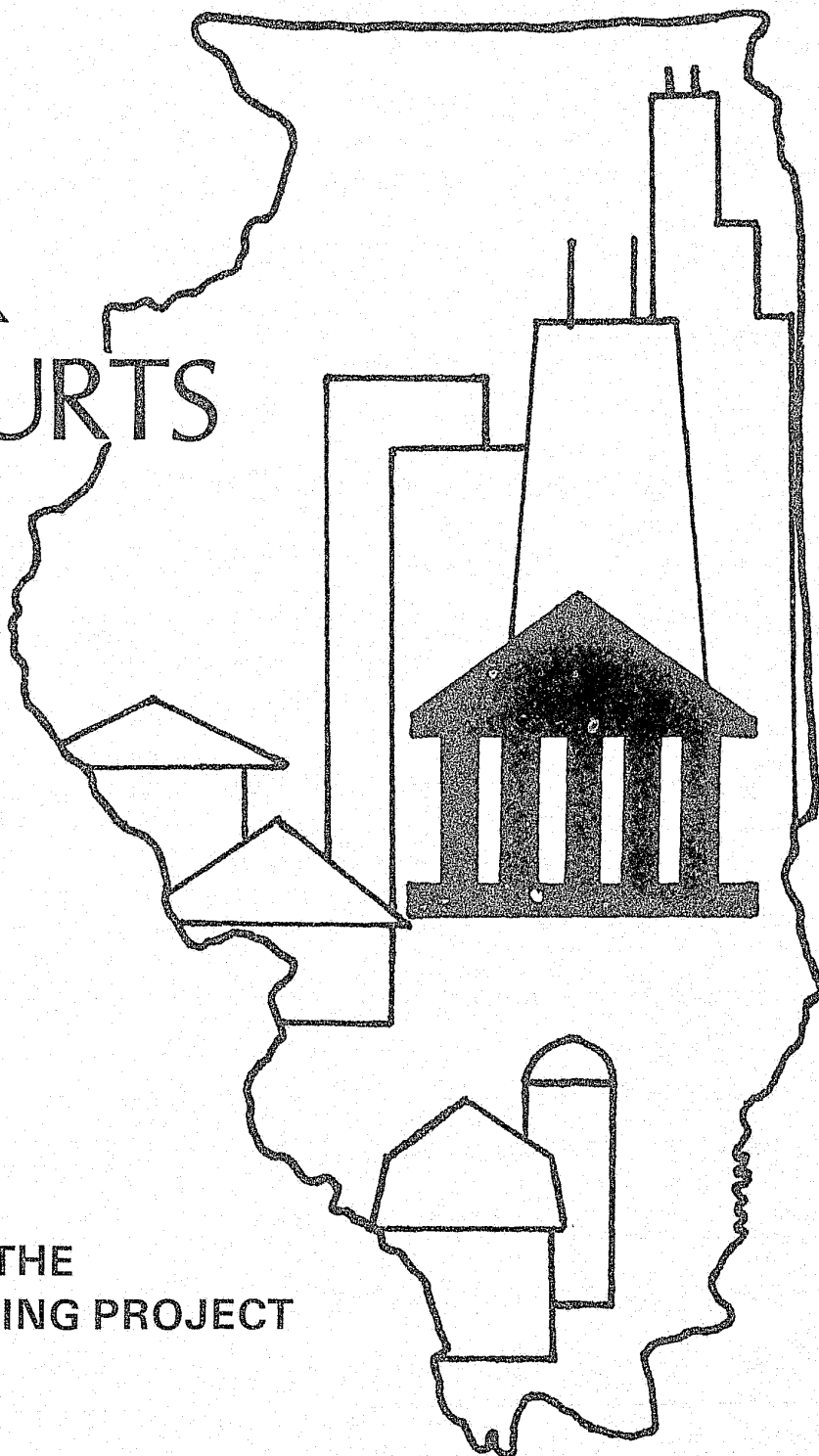


CITIZENS SIZE UP THEIR COURTS



A REPORT OF THE
COURT WATCHING PROJECT
1975-76

38761

LEAGUE OF WOMEN VOTERS OF ILLINOIS
67 EAST MADISON STREET
CHICAGO, ILLINOIS 60603

ILLINOIS COURT WATCHING PROJECT

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January 4, 1977

Mr. Kevin O'Brien
U.S. Department of Justice - LEAA
National Institute of Law Enforcement
and Criminal Justice
950 L'Enfant Plaza, SW
Washington, D. C. 20024

Dear Mr. O'Brien:

The report of our 1975-76 Illinois Court Watching Project is enclosed. Kay Heyman of the Illinois Law Enforcement Commission said that you had indicated the report might be something you would like in the reference service.

Additional copies may be ordered from the project at this address, and a check or money order must accompany the order. The price is as follows:

\$ 1.61 - unit price of report
.06 - envelope
.83 - Third Class postage
<hr/>
\$ 2.50

An additional \$.62 should be added if First Class postage is desired.

Yours truly,

Barbara Fenoglio

Barbara Fenoglio
Project Director

BF:pn

cc: Kay Heyman
Citizen Resource Specialist
Illinois Law Enforcement Commission
120 South Riverside Plaza
Chicago, Illinois 60606

enclosure

A project of the League of Women Voters of Illinois

CITIZENS SIZE UP THEIR COURTS

A REPORT OF THE ILLINOIS COURT WATCHING PROJECT, 1975-76

NCJ 555

JAN 24 1977

ACQUISITIONS

This report was written and published by the Illinois Court Watching Project under a grant from the Illinois Law Enforcement Commission to the League of Women Voters of Illinois.

October 1976

ACKNOWLEDGEMENTS

The Illinois Court Watching Project owes a large debt of gratitude to many persons throughout the state. The following should receive a special thank you:

- Judges, clerks and bailiffs in seven circuits, as well as the Administrative Office of the Illinois Courts, for their cooperation and patience.
- The Illinois State Bar Association, Chicago Bar Association and DuPage, Champaign, Warren, St. Clair and Winnebago County Bar Associations for furnishing lawyer-advisors, who donated uncounted hours training monitors and counseling committees.
- Those citizens whose dedication made the project possible -- members of state and local steering committees and, most of all, the 309 court watchers. Together, these volunteers contributed an estimated 4,000 hours.

Daniel O. Murray
Chairman, State Steering Committee

Barbara Fenoglio
Project Director

Cover design by Peggy L. Neuliep

CITIZENS SIZE UP THEIR COURTS

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THE PROJECT

It is not enough for worried Americans to lock their doors, buy guns, complain about Supreme Court decisions, or conversely, to criticize those who do. It is not enough to complain that the law is wrong, the courts are unresponsive, the judges lazy and the lawyers greedy.

It is time instead for citizens to go down to the local courthouse, look around, and learn to understand what happens there.....

*Leonard Downie, Jr., Justice Denied,
The Case for Reform of the Courts*

More than 300 trained volunteers have been going down to their local courthouses in Illinois during the past year to assess the kind of justice administered there. For nearly five months, they monitored 27 courtrooms in Cook, DuPage, Champaign, Warren, St. Clair, Rock Island and Winnebago Counties.

They observed more than 17,000 proceedings. They saw traffic and misdemeanor cases and felony preliminary hearings, carefully recording data on the conduct of judges and other court personnel, on continuances, on the physical and informational facilities of the courts. Their goal? To identify and remedy problems facing citizens in the lower criminal court system.

Housewives, students, retirees, employed persons, the volunteer researchers were participants in the second year of the Illinois Court Watching Project.* This is a program established in July 1974 by the League of Women Voters of Illinois under a \$ 50,000 grant from the Illinois Law Enforcement Commission. Additional grants of \$ 50,000 and \$ 30,000 awarded in September 1975 and October 1976 have aided the project's continuation and expansion.

*A Profile of the Monitors appears in the Appendix.

Selected local Leagues started the action by setting up community steering committees composed of League members and representatives of other groups interested in criminal justice; lawyer-advisors were provided by local bar associations. The committees recruited and trained monitors, analyzed the information collected and negotiated with local court officials to remedy many of the problems identified.

Because of the efforts of court watchers and committees, a variety of improvements are under way in numerous courts. They include: the posting of defendant's rights, daily calendars and instructions about procedures to be followed; establishment of central information facilities; preparation of brochures for defendant and jurors; stricter procedures for granting continuances; explanations by judges about procedures to the public; stationing of bailiffs in courtrooms before sessions to answer the public's questions; better training of bailiffs for their jobs. (These achievements are described in more detail in the local project summaries in Part III of this report.)

The success of the Illinois court watchers is recognized. Eight colleges and universities have given students credit for participating in the program. Citizen groups in 28 other states have called on the project for advice and materials. In New York State, the Fund for Modern Courts copied the project's design in its successful bid for \$ 87,000 funding.

The program has been widely noted by local news media and has been the topic of reports in Illinois Issues, the National Civic Review and Judicature. The last mentioned is to be included next year in a book Criminal Justice: the Actors and the Action by two University of Texas professors. Dr. David Fogel, ILEC executive director, has recommended that the Illinois Court Watching Project be designated as an Exemplary Project by the United

States Law Enforcement Assistance Administration.

But the court watchers' greatest accomplishment is that they have established the importance of a citizen presence in the courts. They have reminded the judges and lawyers and others who labor there that the community cares what happens.

THE PROBLEMS

It....is of fundamental importance that justice should not only be done but should manifestly and undoubtedly be seen to be done.

Lord Hewart, 1921

The appearance of justice is something citizen court watchers are uniquely qualified to judge. They do not need to understand the historical background of every problem or all the legal niceties. They view the system through the eyes of its "consumers" -- the victims, witnesses and defendants.

How do Illinois' lower criminal courts appear to the citizen? At the end of each day's observations, court watchers were asked:

Put yourself in the place of a defendant, complainant or witness in the courtroom you have just observed. Taking everything into account -- actions and attitudes of judge, bailiffs, clerks; behavior of prosecutor and defense attorney, the general feeling of the place -- would you have left with the feeling that justice was being fairly administered?

Most approved of the overall picture:

	COOK		DUPAGE	CHAM- PAIGN	WARREN	ST. CLAIR	WINNE- BAGO	ROCK ISLAND
	City	Suburbs						
"Yes" answers	88%	90%	76%	96%	100%	75%	97%	96%

But many qualified their answers. They noted numerous problems confronting citizens who have to appear in these courts -- lack of information facilities, little explanation of rights and procedures, delay and sometimes unequal and discourteous treatment. Too often the courts seemed to be run for the con-

venience of judges, court personnel and attorneys.

Some of the problems noted by monitors in these seven Illinois counties have been alleviated because the courts are implementing improvements suggested by local court watching projects; others remain. Apparently the problems are not unique to these localities. After reading this project's reports, court watchers from other Illinois communities and from other states invariably exclaim "You have described our courts!"

But it is not enough to identify the problems or marvel at their universality. Better treatment for the courts' "consumers" is in order. Based on data collected and monitors' written commentary, the Illinois Court Watching Project's state committee has compiled a list of recommendations for improving treatment of citizens in the state's courts. The aid of the Illinois Supreme Court, the attorney general and the Illinois State Bar Association will be sought in implementing them.

Problems and suggested solutions are outlined in this chapter.

NOWHERE TO TURN FOR DIRECTION

Dead reckoning is a skill highly recommended for citizens who must use the courts. Finding the proper courtroom at the proper time seems a mundane problem but is one that frequently troubles people unfamiliar with the courthouse. Wasting hours sitting in the wrong courtroom is always frustrating and sometimes has serious consequences. For example, in Champaign County monitors saw a man waiting in the wrong courtroom while judgment was passed against him in a civil case; in Cook, they saw a bond forfeiture warrant issued for a defendant who was waiting in the wrong court.

Most court facilities offered little help -- no information desks, no

directional signs.* In most, calendars listing the cases for the day either were not posted at all or were not posted where they would be most helpful, immediately outside the courtroom door. In three of the four Champaign courts monitored, daily calendars were not even prepared!

But locating the right courtroom was only Problem No. 1, according to monitors. Before court convened, people milled around seeking someone to answer their questions. They wanted to know, for example, where to find the public defender or state's attorney, when their cases might come up, how to pay fines or get bail back, whether they would be permitted to speak with a relative in custody. Usually there was no one to ask or, at least, no one with the time or knowledge to answer. In the typical situation downstate, judge, bailiff and clerk all trooped in together and court commenced.

RECOMMENDATIONS

- 1) That chief judges or circuit clerks submit budget requests to county boards for establishing and maintaining staffed information desks in the lobbies of all courthouses in which high-volume courts are located.

Last year in DuPage County, an information booth was erected in the lobby of the Wheaton Courthouse, as recommended by the project, but the county board refused funds for its staffing.

- 2) That the Illinois Supreme Court require all circuits to post daily calendars outside the door of all courtrooms used for the prosecution of misdemeanors and felonies. (The calendar should include, at the minimum, defendants' names, offenses charged, starting time of court call and name of judge.)

Chief judges have already agreed to implement this suggestion in DuPage, Winnebago and St. Clair Counties. It was accomplished last year in Warren County and last spring in one Champaign County court at the project's urging.

*After monitoring ceased for 1976, two circuits took steps to provide better information to the public. In DuPage County, red information phones answered by designated secretaries were installed on each floor of the courthouse.

- 3) That the Illinois Supreme Court require that a bailiff or other court personnel be stationed in or near high-volume courtrooms 15 minutes before the start of each session to answer questions from the public or direct them to the proper person to answer their questions.

The chief judge in DuPage has agreed to do this not only in the courthouse but also in the ten Field Courts scattered throughout the county. In Winnebago, the chief judge will assign a "roving" bailiff to act as an information officer in the corridor.

TOO LITTLE INFORMATION ABOUT RIGHTS AND PROCEDURES

Monitors often expressed the elementary proposition that justice is not done when people do not understand their rights or what is happening in the courtroom. Both the legislature and Illinois Supreme Court have tried to assure, by statute and rule, that rights be clearly understood. However, observers reported that such provisions were often treated casually or ignored entirely in the lower criminal courts. Even when applied, they often did not accomplish their goal.

Notices of Defendant's Rights -- Illinois law requires that copies of the provisions in the criminal code relating to rights of the accused be posted "conspicuously" in rooms primarily used for trials or for holding defendants to await trial.

In only one of seven Cook County courts observed this year was the notice posted; in only two of four Champaign County courts; in none of the four courts in Rock Island County or two courts in St. Clair County. In two counties, the notices were there but not conspicuous -- in Winnebago they were posted at the rear of the jury box; in DuPage, under the glass on the

In six of Cook County's busiest facilities, a phone system offering information in six languages has been funded by a federal grant.

lawyers' table. (It should be noted that DuPage had notices in English and Spanish.) Only in Warren County were notices in all appropriate courtrooms; this was accomplished last year at the project's suggestion.

A number of court watchers were not upset at the omission, commenting that the formal, legal terminology of the notice would not be understood by most defendants anyway!

Admonishments in Guilty Pleas -- According to Illinois Supreme Court rule, the court should not accept a plea of guilty without first informing the defendant of and determining that he understands the nature of the charge, minimum and maximum sentences, his right to plead guilty or not guilty, and that if he pleads guilty there will not be a trial of any kind. The rule also states that the court must determine that the plea is voluntary and so forth. This is to be accomplished "by addressing the defendant personally and in open court."

Two problems surfaced in regard to admonishments. First, there were judges in Winnebago, Rock Island and Cook who simply dispensed with the rule, especially if a defendant was represented by counsel:

-- Judge ____ told me it wasn't always necessary to give admonishments because he has rapport with the attorneys and assumes they have given the defendants the admonishments. (Winnebago)

-- The judge never admonished defendants making guilty pleas.... (Rock Island)

-- Judge ____ gave no admonishments whatsoever to three defendants who pleaded guilty to reduced charges. On four others, he asked if the defense attorney had informed the defendants of rights they were waiving. (This judge normally relies on attorneys to do this.) Having witnessed a case in Branch 57 where the defendant got a reversal because his attorney had not completely informed him... I feel the court should warn defendants of waivers and guilty pleas. (Cook)

Secondly, there was the problem of defendants' understanding the admonitions

when they were mumbled or delivered in a perfunctory, rapid-fire manner:

-- You get the impression that the court is just a big processing machine. If a defendant pleads guilty, the judge runs through the admonishments very rapidly and mechanically. Meanwhile, the defendant is standing there blinking and wondering, "What was that that just went by?"

Court watchers praised other judges for explaining the rights patiently, carefully and in lay language.

Understanding What Has Happened -- Particularly in the busy misdemeanor courts, it was obvious to monitors that many persons did not understand the proceedings and sometimes not even the disposition of their cases:

-- People don't know what the disposition of their case was, confused as to what they were to do when case dismissed, or how to handle fines. (St. Clair)

-- Defendants did not fully understand proceedings. They wanted to know what happened to them if they pleaded guilty or not guilty, etc. Didn't understand what a continuance was. (St. Clair)

-- It seemed people today had a hard time understanding what happens if they plead not guilty...the difference between a bench and jury trial. I think that should be explained before coming to court... (Winnebago)

-- I had the distinct impression (today) that the judge sitting last week had not explained rights adequately to some persons. Appearing today, they felt they had already made a plea or were not allowed to make the plea they wanted. It appeared they did not understand the proceedings or what was expected of them. (Rock Island)

-- Since I, being in the witness box, frequently had difficulty hearing how each charge was disposed of, I cannot believe the defendant knew or the audience ever knew. This was especially true when there were several charges and the disposition of some of them amounted to a conversation between the judge and the attorneys. (Cook)

In contrast to the above, many judges in each of the seven counties were successful in getting the story across to confused defendants and witnesses. They did it by announcing rights and procedures directly to the audience at the beginning of each call, clearly stating charges and options to each defendant, explaining sentences and avoiding legal jargon.

Availability of Interpreters -- State law requires that anyone charged with a crime who cannot speak or understand English be provided with a court-appointed interpreter. In most cases involving non-English speaking defendants, monitors found some sort of help was provided. Occasionally, it was an officially appointed translator; more often court personnel, lawyers or policemen served or defendants brought friends or relatives. When no help was available, cases were continued or defendants went ahead on their own, trying to make sense of what was happening.

In some instances, monitors were concerned about hardships inflicted on defendants when proper interpreters were not readily available:

-- One Spanish-speaking defendant was seen in court by monitors on May 4, 11, 18 and 25. The case was then continued again for two weeks. The man, who was booked for possession of controlled substances, could speak no English, and the first continuance was to get a translator. On the second court date, PD was appointed but told judge he could not communicate with defendant as to whether he had bail money. Judge ordered PD to call for a Spanish interpreter. On the third appearance, the interpreter was late so another was used and the state was granted a continuance for a "rap sheet." On the fourth appearance, another continuance was granted because some lab equipment had broken down and the SA was not prepared again. Defendant had been in custody for five weeks at this point. The request for ROR was denied by judge who returned defendant to custody without asking interpreter to explain proceedings to the defendant, "who looked confused!" (Cook)

-- Non-English speaking defendant with no interpreter...wanted a PD but was denied because he made his bond...the judge had a hard time understanding him and did not let him have a PD. Case was continued. (DuPage)

Court watchers in DuPage and Rock Island expressed concern for deaf persons having business with the court, and the local committees made recommendations regarding this problem.

RECOMMENDATIONS

1) Notices of Defendant's Rights:

a) That a notice of defendant's rights be posted in each courtroom in which criminal proceedings are held "in a conspicuous place where it may be read by persons in custody and others..." as required by law.
(Ill. Rev. Stat. 38: 103-7)

b) That the Illinois Supreme Court prepare an authorized version of the notice of defendant's rights in language more easily understood by lay persons and that this version be posted prominently in addition to the one copied from the statutes.

2) That the Illinois Supreme Court direct judges to adhere to Supreme Court Rule 402 which requires them to give proper admonishments to a defendant before accepting a guilty plea "by addressing the defendant personally and in open court" to assure he is informed and to determine that he understands the consequences of the plea and that it is voluntary.

3) That the Illinois Supreme Court require that judges in courts hearing misdemeanors, traffic cases and felony preliminary hearings open each call with explanations of the type, order and purpose of proceedings to be conducted at that session and of defendant's rights; directions for any special procedures to be followed, such as payment of fines or application for bail refunds.

As noted above, many judges already do this and monitors pronounced it extremely helpful. DuPage County's chief judge has agreed to implement this practice in all the Field Courts.

4) That the Illinois Supreme Court add the following to Rule 61, Standard (C) (8) "Consideration for Counsel and Others" at the end of the first paragraph. "The Judge should take special care that parties, witnesses

and others in attendance upon the court understand the nature of the proceeding, their rights and obligations and especially the ultimate disposition of the case."

5) That the Illinois State Bar Association update its brochure "Your Rights if Arrested" and arrange for wider distribution of it to provide such practical information as: rights on arrest, explanation of how bail is set and what information would be useful to a judge in setting or reducing bail or granting release on recognizance; right to counsel and suggestions about how to obtain a private attorney or public defender; explanation of rights and procedures in misdemeanor trials and felony preliminary hearings.

Downstate court watchers noted some of the ISBA brochures in most circuits, were impressed with their usefulness and urged wider distribution by police stations and courts. The volunteers felt it important that defendants have such information to read ahead of time instead of just hearing about rights and procedures in court when they are nervous."

6) That the Illinois Supreme Court institute a system for certifying qualified interpreters for persons who do not speak or understand English and for deaf persons; that it require lists of such interpreters to be maintained by the chief judge of each circuit and to be circulated to all judges in the circuit who hear criminal cases.

FRUSTRATING DELAYS

Granting continuances seemed to be the major occupation of some courts. In Cook County, 58% of all the 6,528 felony preliminary hearings observed were continued, and one suburban court (Niles) had the dubious honor of having the highest rate (74%) of any of the 27 state courts monitored. The East St. Louis Court in St. Clair County was runner-up with a 73% continuance rate. (Continuance Statistics for all courts observed appear

in the chart on the following page.)

Monitors were concerned about the effects of delay on witnesses, defendants and the tax-paying public, as these comments illustrate:

--Not one preliminary hearing today. All were continued, most due to defense...one for fifth time. Judge can't make them proceed. In one case, complaining witness here for third time. (Cook)

--Today's proceedings...plodding...make a mockery of justice. Witnesses sitting around all day, only to be told a continuance has been granted or a plea negotiated. Probation officers spending unproductive hours waiting... (DuPage)

--One notable case was that of a defendant who had nine charges of delivering Ritalin, a controlled substance. They were over a period of months. Still all nine charges were continued at the request of the defendant's lawyer. Really don't understand why this man continues to be permitted to get and deliver this drug. (Cook)

Who or what was to blame? In Chicago and DuPage courts, the state was responsible for the largest share of continuances. Court watchers in both places frequently cited tardy crime lab reports as a problem; one DuPage monitor noted that lab reports were usually 5 to 6 weeks late. Elsewhere, the defense was charged with most of the delay. (See chart on next page.)

Although the court watchers realized that many times the judge had no choice but to allow a continuance, they were nonetheless alarmed at the few motions denied:

	COOK		DUPAGE	CHAM-PAIGN	WARREN	ST. CLAIR	WINNEBAGO	ROCK ISLAND
	City	Suburbs						
Total Requested	2760	1056	129	40	0	361	533	354
Percent Denied	1.5%	.6%	4.0%	0	0	7.2%	6.0%	2.8%

The few judges who kept a strict policy on continuances and did not hesitate

CONTINUANCE STATISTICS

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COURTROOM:	COOK							DUPAGE	CHAMPAIGN	WARREN
	Chicago Br. 66	Chicago Br. 44	Chicago Br. 57	Niles	Markham	Oak Park	Evanston	207	5	A
Number of FPH's Observed	764	1914	2068	212	829	531	210	398	113	14
Number of Continuances Granted	502	1087	1129	156	439	325	130	124	40	0
Percent of Proceedings Resulting in Continuances	65.7	57.0	54.6	73.6	53.1	61.2	61.9	31.1	35.4	0
Percent of Continuance Requests By:										
Defense	20.5	23.7	42.5	67.3	31.5	43.3	70.0	26.0	42.5	0
Prosecution	68.2	66.4	47.3	10.1	27.0	25.7	3.1	32.0	12.5	0
Agreement	6.1	5.3	6.3	17.6	29.7	21.2	23.1	16.0	2.5	0
Order of Court	5.6	5.4	3.6	5.0	10.0	13.5	9.2	26.0	42.5	0
Not Recorded by Monitor	0	0	0	0	1.8	0	0	0	0	0
Percent of Continuances as to Reason Given:										
Obtaining Counsel	9.2	9.1	7.8	8.2	5.4	13.8	10.8	2.0	25.0	0
Defense Lawyer Not Present	4.2	6.6	9.9	22.6	14.3	11.7	14.6	14.0	7.5	0
Defense Lawyer Present / Not Ready	6.5	6.0	13.2	17.6	13.6	14.7	30.8	5.0	7.5	0
Negotiations Underway	1.0	1.4	2.9	15.7	8.4	5.8	10.8	12.0	2.5	0
State Not Ready	47.7	61.5	44.3	10.6	26.5	19.0	5.4	30.0	22.5	0
Other	23.1	11.9	18.2	22.0	23.1	27.1	25.4	33.0	10.0	0
None	4.0	1.5	.3	.6	.2	.6	4.6	3.0	25.0	0
Not Recorded by Monitor	8.0	4.2	4.4	6.3	8.4	6.8	.8	0	0	0

COURTROOM:	WINNEBAGO		ST. CLAIR		ROCK ISLAND			
	217	214	East St. Louis	Belle-ville	East Moline	Milan	Moline	Rock Island
Number of Cases on Calendar	1353	257	145	629	511	281	674	640
Number of Continuances Granted	456	74	107	228	61	32	91	160
Percent of Proceedings Resulting in Continuances	33.7	28.8	73.0	36.0	11.9	11.4	13.5	25.0
Percent of Continuance Requests By:								
Defense	17.3	39.5	55.0	22.0	24.6	34.4	46.5	46.9
Prosecution	8.1	17.1	41.0	38.0	3.3	6.3	10.1	10.5
Agreement	2.2	27.6	2.0	4.0	18.0	15.6	4.0	14.8
Order of Court	72.0	15.8	0	34.0	54.1	40.6	39.4	23.5
Not Recorded by Monitor	.4	0	0	0	0	3.1	0	4.3
Percent of Continuances as to Reason Given:								
Obtaining Counsel	15.5	1.3	0	2.0	9.8	37.5	30.3	33.3
Jury Demand	5.5	1.3	0	1.0	19.8	3.1	6.1	4.9
Defense Not Ready	5.7	27.6	12.0	9.0	14.8	9.4	13.1	16.7
Defense Lawyer Busy	1.3	1.3	29.0	2.0	4.9	0	0	3.7
Prosecution Not Ready	6.6	14.5	32.0	14.0	0	0	5.1	0
Complainant/ Witness Absent	1.0	19.7	3.0	39.0	6.5	12.5	3.0	6.8
Deferred Prosecution/DWI School	0	0	0	0	6.5	0	5.1	4.3
Other	64.1	25.0	2.0	24.0	18.1	25.0	29.3	25.9
None	0	0	0	0	13.1	0	0	0
Not Recorded by Monitor	.2	11.8	14.0	3.0	6.5	12.5	9.1	4.3

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to make them "final" scored high with the observers.* But often judges seemed simply inured to "droning out endless continuances" and did not impress monitors as being firm enough, for example:

-- Twice the judge let private attorneys get away with obvious stalling techniques when they requested continuances for poor reasons. Judge commented to an attorney that this was a stall but did not deny the continuance even though complaining witness and everyone else was there. (Cook)

-- Seemed as it was well understood that ALL WAS TO BE CONTINUED! This was a substitute judge for one week and he was careless about enforcing the "30-day rule." Gave continuances like crazy. He seemed impatient to leave early..... (Cook)

RECOMMENDATION

That the Illinois Supreme Court instruct judges to strictly observe the present rules and statutes dealing with continuances, especially the following: Illinois Supreme Court Rule 16, Standard (C) (17) which states, "In considering applications for continuances, a judge, without forcing cases unreasonably or unjustly to trial, should insist upon a proper observance of their duties to their clients, and to adverse parties and their counsel, so as to expedite the disposition of matters before the court."

INEQUITIES

Court watchers pointed out two areas in which the practice of various courts and judges resulted in unequal treatment of defendants: pre-trial release and assignment of public defenders.

Pre-trial Release -- Whether a defendant in Illinois is released on cash bail or on his own recognizance appears to depend in some measure on

* It was brought to the project's attention that a judge in Chicago's busy Branch 26 had reduced the cases pending in this court from 660 in July 1975 to 20 in July 1976 by enforcing a strict continuance policy. When interviewed about it, he explained that the second time a continuance was granted it was marked "final" and that he allowed few exceptions. He added that the attorneys got used to it.

(1) the county in which he is arrested and (2) on which judge happens to preside at his bond hearing. The more "downstate" the location, the less likely the accused is to be granted ROR; the practices of the particular judge makes a greater difference.

At least, that is what a mini-study of 740 bond hearings in three courts in Cook, DuPage and Champaign Counties indicates:

ROR'S BY COUNTY

County	Total # Hearings	Percentage ROR's	# Judges Observed
Cook (Markham)	425	32%	7
DuPage	207	26%	10
Champaign	108	18%	1
TOTALS	740	27%	

The variation among judges in the same county was even wider. In Cook the percentage of ROR's granted per judge varied between 16% and 61%; in DuPage between none and 48%. It also appeared that defendants with lawyers were more likely to receive ROR's, but so few had counsel (15 in Cook, one in DuPage) that the sample was too small to warrant a conclusion. In Champaign, where almost half were represented, 19% of defendants with lawyers received ROR as compared to 6% of those without. The judge there said that he felt a defendant who was represented by an attorney was more responsible and a better candidate for ROR.

What information did judges use in setting bond? According to law, a judge is supposed to take into account a defendant's past record and financial ability, but the statute gives no guidelines for determining eligibility for ROR. However, many authorities believe that strong ties to family and community are important factors in bringing the

defendant back to court and that, therefore, judges should take these into consideration.

Monitors found that most of the time judges had information about the past record but that less than half inquired about financial ability, employment, or family and community ties. It should be pointed out, though, that at least in Cook, the judge appeared to have no way to verify a defendant's answers to such questions if they were asked. In DuPage, monitors noted that some persons were adjudged "possible ROR's" and their data turned over to the probation department for checking.

DuPage bond hearings presented a problem unique among the 27 courts monitored: lack of public access. The sheriff provided special escorts for the monitors to the court which is held in a secure area of the jail, one that is not open to families and friends of defendants. The local project recommended that the hearings be moved to a more dignified and accessible setting; the chief judge agreed to study the possibility.

In summary, the project found pre-trial release procedures not at all uniform and in need of upgrading.

RECOMMENDATIONS

- 1) Short term: That the Illinois Supreme Court Judicial Conference hold seminars for judges on conducting a proper bond hearing.
- 2) Long term: That the Illinois Supreme Court undertake a study of standardization of pre-trial release procedures.

The committee suggested that the court consider a system utilizing non-judicial staff to interview defendants, record answers on a point-card scoresheet, verify data and present it to the judge to make the decision as to bail or ROR. It noted that such a system has been successfully operated in a number of other places, most notably in New York City by the Vera Institute.

Public Defenders-- Criteria used in assigning public defenders seemed to vary from judge to judge in Cook County, and quality of representation provided by PD's to their indigent clients troubled court watchers in both Cook and DuPage.

In some Cook County courts, PD's could be had for the asking, even serving as advisors to defendants whose own counsel were absent. In others, posting a \$1,000 bail ruled out a PD. In one, defendants were allowed to plead guilty without representation. In another, a more systematic approach prevailed whereby defendants filled out financial affidavits. A sampling of monitors' comments illustrates the diversity:

-- I have been somewhat disturbed throughout my court watching experience by the ease with which PD's are assigned. The procedure is invariably, "Can you afford a lawyer? No? Here's a PD." (Chicago, Branch 44)

-- I was amazed to see how all the overnights had no PD's but pleaded guilty. It seems they had a deal with the SA or something. (Chicago, Branch 57)

-- Judge _____ announces before each call that one relative may come up to consult with the defendant about a lawyer. Tells defendant clearly that he may have lawyer or request a PD. Even if he wishes to hire own lawyer, judge will give him a PD for bond hearing... (Chicago, Branch 66)

-- In request for PD, Judge _____ ruled that the defendant could pay for a lawyer because he could make \$1,000 bail. Defendant told judge the \$1,000 was scholarship grant for school which he paid for bail rather than tuition (due next day). The defendant maintained this was not his money and he was indigent. Judge ruled it was his money with which he could pay lawyer because he used it for bail. (Evanston)

-- Judge _____ was strict about defendants' getting PD if they had any money up as bond. One black woman had borrowed \$1,000 for her son's bond and had no money for lawyer. The defendant is unemployed and apparently had no money for lawyer, but the judge told him that since he had that bond his mother had paid for, he could not have PD... (Oak Park)

-- Judge _____ has a form which all indigents must fill out before they are provided with a PD. We have not seen this form required by any other judges. (Markham)

Most Cook and DuPage court watchers who expressed an opinion about the quality or representation provided by PD's thought a defendant better off if he had a private attorney and that in this respect the system seemed unfair. Citing the heavy caseloads of public defenders, monitors noted that PD's frequently had little time to confer with their clients, were often hurried and poorly prepared. Some also mentioned that private attorneys fared better with judges.

RECOMMENDATION

That the Illinois Supreme Court establish a standard to determine indigency for the purpose of assigning a public defender or other court-appointed counsel.

POOR PHYSICAL FACILITIES

An average citizen-taxpayer has little direct contact with the courts. He may worry about crime and how the courts handle it but is often unaware that poor physical facilities hamper the court's work. There are numerous needs, such as space for record-keeping and law libraries, which the court watchers were not expected to assess. Rather they were asked only to report on the problems directly confronting citizens in the courts.

Bad Audibility -- This seemed endemic, particularly in older facilities. Many public trials were public in name only -- an audience was physically present but had to strain to catch a word here and there. A DuPage monitor complained about the "air of secrecy." In a Champaign court, observers questioned whether jurors could hear testimony and judicial rulings, and a judge himself admitted he couldn't always hear everything. Audibility was a problem in all seven Cook County courts.

Some of the problems were caused by judges and lawyers mumbling, unruly court personnel or lack of order in the courtroom. But much of the disruption came from lawyer-client conferences conducted in the hall or the courtroom itself.

Lack of Space for People to Confer with Their Attorneys -- In Cook, Champaign, DuPage and Rock Island Counties the only place for lawyers and clients to talk was the hall or courtroom. Many monitors deplored the lack of privacy and increased risk of misunderstanding afforded by hasty, whispered conferences, but there appeared to be little available space for conference rooms.

Discomfort for Jurors and Witnesses -- These citizens whose help is essential in administering justice are often not provided with even moderately comfortable places to assemble or wait. DuPage monitors noted that frequently witnesses were asked to leave the courtroom and had to stand for long periods in a dimly lit, smoke-filled corridor. Champaign's lack of space for juries to assemble resulted in jurors waiting in the lobby or in a courtroom without enough seats.

St. Clair court watchers had an opportunity to observe the effect of improved facilities. When the misdemeanor jury court was moved from its shabby East St. Louis quarters to the new County Services Building in April, monitors noted not only an improvement in the attitude of court personnel but also a difference in the jurors. As one observer explained:

-- Now the jurors act more dignified. In East St. Louis they had a "so what" attitude and seemed more depressed.

Poor "Holding" Facilities -- Monitors were not asked to inspect facilities for holding defendants who were brought from jail for a court appearance,

but several Evanston watchers did and were appalled. One commented:

-- The lockup, to my unpracticed eye, looked to be about five by six feet with a built-in shelf for sitting along the wall. There were four prisoners in it when I saw it and it was crowded, but my escort told my they once had 20 men in there at one time. If this is true, they would have had to be standing on each other. Women prisoners are handcuffed to chairs in a small staff room.

Warren monitors were concerned about security when they saw witnesses, prospective jurors, victims and defendants in custody all mingling in the same small hallway. There is no holding room in the courthouse there.

RECOMMENDATION

That the Illinois State Bar Association take the lead in establishing a statewide "Lawyer/Citizen Committee for Better Court Facilities" to be composed of representatives of the civic, business, religious and professional communities.

The Illinois Supreme Court has commissioned a survey of all court facilities outside Cook County, which has already been surveyed. Currently under way, the study is being conducted by a nationally recognized firm, Space Management Consultants, Inc. An interim report is due in June 1977 and a final report in June 1978. The consultants will make both short and long term recommendations and explain the various options open to communities for financing the suggested improvements.

The Lawyer/Citizen Committee suggested above would utilize this report. The statewide group would be expected to actively encourage the formation of county committees of lawyers and citizens to work for upgrading court facilities in their respective communities. The county committees would 1) study the consultants' reports, 2) inform their communities of the reports' conclusions and recommendations and 3) help build public support for court improvements.

ET CETERA

PROSECUTION PROBLEMS

The effectiveness of the state's prosecution of crime was questioned by numerous monitors. In DuPage County especially, they were alarmed by the performance of assistant state's attorneys who often appeared inept,

disorganized and unprepared, as a sampling of the observations illustrates:

-- Many interested people observing preliminary hearing involving narcotics today...dissatisfied with weak state presentation and bond reductions. ASA's questioning quite inadequate. Judge instructed ASA about questioning during hearing, then questioned police witnesses himself.

-- If I were a defendant I would feel terrific. Charges were dropped or reduced with very little objection from prosecutor. Most defendants left with a smile on their faces. As a complainant, I would have felt frustrated.

-- In one case, state's witnesses were in court even though ASA knew that defendant would not be there. When questioned by the judge, ASA said he wanted to talk to the witnesses. Monitor wondered if a phone call or a meeting at the convenience of the witnesses would have been more proper.

-- Considering that there were 16 cases nolle prossed, I would wonder whether adequate work was being done by the police, the prosecution or other personnel in the justice system....either the arresting officers were placing improper charges or justice was not being done by the court.

In St. Clair and Rock Island, there was substantial criticism of policemen, either for failure to appear in court or for poor performance when they took the witness stand. A Rock Island monitor summed it up:

-- I have seen many cases lost by the prosecution and much time and money wasted because of inefficient performance by police officers. At various times, I have seen cases where an officer has: not known the law, made an illegal arrest, made an arrest on the wrong charge, given incredible testimony, given oral testimony conflicting with his own written report, not shown up at trial time for unknown or poor reason. More highly qualified, better trained personnel in the police departments would certainly improve courtroom efficiency.

RECOMMENDATION

That the Illinois Attorney General's Office provide voluntary training for assistant state's attorneys on a statewide basis.

INSENSITIVE TREATMENT

Monitors rarely faulted judges for discourtesy in their handling of persons on a one-to-one basis. Many, in fact, went out of their way to be polite and kind. However, observers related one rather widespread practice which

seemed neglectful of the public's feelings and arrogant. It was the habit numerous judges had of simply stalking off the bench with no announcement to waiting citizens about a recess or its anticipated length.

Champaign watchers were concerned about the discouraging effect that long, unexplained delays had on jurors and witnesses, who became restive and annoyed. The practice was particularly upsetting when it occurred at lunchtime. Several times in a Rock Island court the judge, clerk and bailiff all left for lunch without so much as a word to the audience, leaving witnesses and defendants simply sitting and wondering over the noon hour. A Cook County monitor described the following episode in the Markham court:

-- Judge ____ left the bench at 11:05 a.m., telling all present he had to attend a ribbon-cutting ceremony across the street. He gave the impression he would be gone a short period. Courtroom was packed with people. People sat in court all the time not knowing if they could go to lunch. Clerks went to lunch at 12; however, they didn't inform anyone of the judge's plans. Judge returned at 12:40 p.m.

RECOMMENDATION

That the Illinois Supreme Court consistently remind trial judges of their obligations under Supreme Court Rule 61, Standard (c) (8), "Consideration for Counsel and Others."

TICKET-FIXING

Court watchers found that nearly all judges appeared to be meeting the standards of conduct expected of them. Two instances of questionable propriety were noted, both in Cook County's Markham bond court:

-- Bailiff asked Judge ____ to intercede in a traffic violation for a friend; judge said he would call the judge who would be presiding (downtown) and have it washed out. He turned to me and explained that the judge would most likely do this anyway--even if he did not talk to him.

-- Judge ____ had a traffic ticket fixed for a friend of his

who was up in traffic court today. Must be a common practice as I witnessed this with another judge the last time I was in bond hearings.

The state committee calls the attention of the Illinois Judicial Inquiry Board and Chief Judge John Boyle of the Circuit Court of Cook County to this problem.

LOCAL PROJECT SUMMARIES

COOK COUNTY PROJECT

<u>BASIC INFORMATION</u>				
<u>Courts Observed</u>	<u>Location</u>	<u>Days per Week in Session</u>	<u>Type of Proceedings</u>	<u>Average Time in Session per Day</u>
Dist. 1, Br. 44	Criminal Courts Building, 26th & California	5	Felony preliminary hearings	5 hr. 36 min.
Dist. 1, Br. 57	Same	5	Felony preliminary hearing, misdemeanor, ordinance violation, bond	5 hr. 54 min.
Dist. 1, Br. 66	Same	5	Felony preliminary hearing, misdemeanor, bond	5 hr. 13 min.
Dist. 2, Br. 3	Evanston City Hall	5*	Bond, felony preliminary hearing	2 hr. 42 min.
Dist. 3, Br. 3	Niles Police Dept. Building	5*	Bond, felony preliminary hearing	2 hr. 31 min.
Dist. 4, Br. 1	Oak Park Municipal Building	5**	Bond, felony preliminary hearing	4 hr. 26 min.
Dist. 6, Br. 20	Markham Municipal Building	5***	Felony preliminary hearing	4 hr. 10 min.
Dist. 6, Bond Court	Markham Police Department	5***	Bond	not recorded
<u>Number of Judges Observed:</u> 31		<u>Number of Monitors:</u> 86		
<u>Total Period Observed:</u> All courtrooms were observed from January 26 through May 28.				

*Monitored 1 day per week (when felony preliminary hearings held).

**Monitored 2 days per week (when felony preliminary hearings held).

***Monitored 3 days per week (when felony preliminary hearings held).

Basic information (cont'd.)

Period on Which Data Based: In District 1, Branches 44, 57 and 66, reports are based on data collected from March 1 through April 30; District 2, Branch 3 from February 23 through April 27; District 3, Branch 3 from February 17 through April 27; District 4, Branch 1 from March 1 through April 30; District 6, Branch 20 from February 16 through April 29; District 6, Bond Court from February 16 through April 30.

Project Background: The project was established in the fall of 1974 by the League of Women Voters of Cook County. During its first year, volunteers observed misdemeanor and/or traffic proceedings in Branches 27, 40, 42, 46, 65 of District 1; Branch 15 in District 2; Branches 3 and 12 in District 3; Branches 1, 3 and 5 in District 4; Branch 16 in District 5 and Branches 2, 16 and 22 in District 6. Seventeen persons served on the 1975-76 local steering committee representing the following groups: LWV, Chicago Bar Association, Chicago Council of Lawyers, Loop College, Junior League of Chicago and Evanston, Chicago Police Department, Chicago Crime Commission, John Howard Association, Church Women United, Governor's State University, Circuit Court of Cook County, Chicago Bar Association - Young Lawyer's Section. Daniel M. Winograd was chairman.

Court Officials Asked to Respond to Recommendations: Presiding Judge Eugene Wachowski, First Municipal District; Presiding Judge Harold Sullivan, Second Municipal District; Presiding Judge James Geocaris, Third Municipal District; Presiding Judge Francis Connell, Fourth Municipal District; Presiding Judge Paul Gerrity, Sixth Municipal District; Sheriff Richard Elrod; Morgan Finley, Clerk of the Circuit Court of Cook County; James Doherty, Cook County Public Defender; Bernard Carey, State's Attorney.

OVERALL APPEARANCE OF JUSTICE

"Justice delayed" was the problem that most troubled citizens who monitored felony preliminary hearings in seven Cook County courts. 58% of the 6,528 hearings they saw were continued to another day; hundreds of others were delayed for hours until private defense attorneys appeared in court.

Court watchers were concerned when they saw witnesses discouraged by long waits and repeated appearances, policemen sitting for hours only to find cases continued, defendants given reprieves to continue their questionable ways:

-- Not any felony preliminary hearing today. All continued, one for the fifth time. In one case, complaining witness there for third time. (Niles)

--It must be very discouraging to complainants to wait half a day to testify and then find out defendant is in hospital or doesn't appear. (Chicago Branch 44)

-- Several times I have seen policemen sit from the beginning of court until maybe 1 or 2 p.m., only to find the case is being continued. What a waste! (Oak Park)

-- One notable case was that of a defendant who had nine charges of delivering Ritalin, a controlled substance. They were over a period of months. Still all nine charges were continued at the request of the defendant's lawyer. Really don't understand why this man continues to be permitted to get and deliver this drug. (Chicago, Branch 57)

Overall, however, monitors were impressed with the appearance of justice in the felony preliminary hearing courts; only 10% thought that justice appeared not to be done. (The exception was Chicago's Branch 44 which rated a 32% negative response.) These impressions contrast favorably to those of the 16 misdemeanor courts viewed in 1975, when more than 50% of the Chicago watchers and 12% of the suburban ones responded "no."

A report of the problems identified by monitors and solutions suggested by the local steering committee was submitted to: Judges Wachowski, Sullivan, Geocaris, Connell and Gerrity, presiding judges of the First, Second, Third, Fourth and Sixth Municipal Districts; Circuit Clerk Morgan Finley, Sheriff Richard Elrod, Public Defender James Doherty and State's Attorney Bernard Carey. Excerpts from their replies appear at the end of the Cook summary.

INFORMATION FACILITIES

"Where is Branch ____?"

"What time does court start?"

"What court should I be in?"

"When will my case be called?"

These are the questions with which citizens frequently approach the courts. Finding the answer was not easy in four of six court buildings observed in Cook County during 1976. Only two, Evanston and Niles, provide adequate information facilities according to monitors.*

For example, monitors noted that the Criminal Courts Building in Chicago has only an unmanned information booth in the main lobby, and a directory on one of the lobby walls. Although sheriff's police officers are stationed at the entrance, their principal function is security and they are not trained to answer questions adequately. The same situation prevails in Oak Park and Markham, where court personnel are available to answer questions, but no official information facility is provided. Only Evanston and Markham were equipped with signs directing people to their destinations.

*A visit in early October to the new Fourth Municipal District Building in Maywood, which is said to be the prototype for mini-Civic Centers for the four other suburban districts, revealed the following: There was a staffed, central information desk which provided minimal information; notices of defendant's rights were not posted in any of the courtrooms, nor were daily calendars posted. A free-standing "Dockets" sign in the lobby was empty.

Posting of Daily Calendars -- Posting the calendar immediately outside the door of the courtroom is a great help to the public and answers many questions. Monitors reported that only Evanston provided this service recommended by the project last year. Calendars for all the courts in the Criminal Court Building are posted together in the main lobby of the building and inside the courtrooms. No calendars were posted at all in Niles, Oak Park or Markham.

Notices of Defendant's Rights -- Illinois statute requires that notices of defendant's rights be posted in all courtrooms in which criminal cases are heard, yet monitors found the notice displayed in only one of the 22 courts observed or re-checked this year.

The committee recommended that:

1) Each courthouse have clear, strategically placed and explicit signs directing people to the various courtrooms and other facilities within the court building.

2) An information desk, staffed by personnel trained to answer questions adequately, be established in each court building.

3) Court calendars be posted outside each courtroom in easily accessible locations and with signs directing attention to them. In the Criminal Court Building, calendars should also be posted in the main lobby. (In the report of the first year of the project, the committee recommended that signs be posted outside each of the misdemeanor courts observed. Presiding Judge Eugene L. Wachowski of the First Municipal District and Circuit Clerk Morgan Finley agreed with this recommendation and indicated that it would be implemented. As indicated by the project's misdemeanor court follow-up in 1976, only the court in Skokie has implemented this recommendation.)

4) An "information officer" be assigned to a position outside each courtroom to respond to questions, provide information and serve as a check-in officer. (A similar recommendation was made by the committee in its first-year report. Judge Wachowski indicated that the proposal would be discussed with the appropriate authorities, while Clerk Finley "wholeheartedly" agreed with the proposal and indicated that Chief Judge John Boyle would be the proper person to implement it. The follow-up project determined that most of the courts have assigned a bailiff or clerk to answer questions, but few have established an official "information officer" position. While most suburban courts use a sign-in procedure, no such procedure is used in the city misdemeanor courts.)

5) The state's attorney and public defender establish a "Witness Assistance" facility in which witnesses could assemble, receive instruction and wait for their cases to be called. An officer in the facility should be responsible for informing the information clerk that all persons necessary for the conduct of a proceeding are in court, at which time that proceeding could be called. The committee noted that the state's attorney has established such facilities in some courts and recommended that the program be expanded throughout the system.

6) The security screening process, at the Criminal Court Building, be fully explained to the public and that the personnel manning the system be instructed in dealing properly with the public.

7) The notice of rights required by law be posted in each courtroom. This notice should be prominently displayed and should be in the languages spoken in the community. (A similar recommendations was made in the first-year report, meeting with approval from all of the judges responding. Such notices were found only in three of the 15 misdemeanor courts re-examined during the second year of the project.)

8) Pamphlets detailing procedures and rights for defendants be provided to defendants at the time of arrest. The pamphlets should be in the commonly used languages of the community and should be in language readily understood by laymen. (A similar recommendation was made during the first year of the project and was found agreeable by all judges responding. Such pamphlets are presently being prepared in the First Municipal District. No pamphlets were found in the suburban courts.)

9) Similar pamphlets with appropriate information be prepared and distributed to witnesses and victims.

PHYSICAL FACILITIES/AUDIBILITY

Court watchers frequently voiced complaints about lack of a place for lawyers and clients to confer. Many times these meetings were conducted in the already noisy courtroom, other times in a crowded hallway. The committee noted that confidentiality of communications is at the core of an attorney's ability to represent his client adequately and that hasty, whispered conferences increase the probability of misunderstanding. Such conversations in the courtroom also create noise which interferes in matters before the judge.

Monitors noted that hearing was often difficult; talking among and movement of court personnel was a major cause. It detracted from the dignity of the proceedings and reduced audibility to an extent that proceedings could hardly be considered open public hearings -- sometimes only judges and lawyers at the bench could hear.

The committee recommended that:

1) Court personnel make a serious effort to eliminate unnecessary conversation and movement within the courtroom and unnecessary movement into and out of the courtroom.

2) Personnel failing to meet proper standards of behavior be admonished by the judge, and if that fails to correct the behavior, the offending personnel be disciplined by appropriate authorities.

3) Individual conference cubicles be provided near each courtroom for use by attorneys conferring with clients.

DELAY

53% of the 6,528 preliminary hearings observed in three Chicago and four suburban courts were continued. The highest rate (74%) was in Niles* and

*This is also the highest continuance rate for any of the 27 Illinois courts observed, topping East St. Louis by one percentage point. Continuance statistics appear on page 14.

the lowest (53%) in Markham. In the city, the state was responsible for the largest share of continuances; in suburban courts, it was the defense.

The Judge's Role -- In no court were more than 4% of the motions for continuance denied, but monitors did note that different judges treated the requests differently. Several did not hesitate to make a continuance "final," sometimes glancing at the court watcher, but others seemed indifferent. Strictness earned plaudits in the monitor reports, leniency did not:

-- Judge was ill but came to court to be sure that excessive continuances wouldn't be granted. (Chicago, Branch 57)

-- This was a substitute for Judge _____ and almost everything was automatically continued. It seemed as if the state's attorney's office was banking on continuances and thus never ready. They would never have gotten away with it with Judge _____. Many of these cases were to be final. (Chicago, Branch 66)

-- Seemed as it was well understood that ALL WAS TO BE CONTINUED! This was a substitute judge for one week and he was careless about enforcing the "30-day rule." Gave continuances like crazy. He seemed impatient to leave early.... (Chicago, Branch 66)

-- Judge _____ seems weak and easily swayed by lawyers. Accepted request for continuance without question. Other judges delved into reasons more closely. (Evanston)

-- This judge takes his one-hour lunch break regardless. Broke off in the middle of a complicated case at 12, then that case was not recalled when court reconvened. It was called at 2:45, continued and complaining witness excused. (Markham)

-- I felt Judge _____ was far too lenient in granting continuances. Out of 57 cases, only 7 were disposed of, rest continued. (Markham)

In the City: Prosecutors' Problems -- In the three Chicago courts, the prosecution was responsible for the greatest share of the delay. Monitors noted that assistant state's attorneys were frequently unprepared because crime lab reports were not back or other information was missing. However, the speedy-trial "clock" (allowing 120 days to trial for those in custody, 160 for those on bond) is not stopped running nor turned back when the state gets a continuance. Observers' comments illustrate the prosecution's problems:

-- One of the reasons SA's ask for so many continuances is that defendants are caught on one charge and then found to be BFW on another...have to search for original file on BFW and then find arresting officer in that case. (Chicago, Branch 44)

-- State not ready too many times. (Chicago, Branch 44)

-- Most continuances by state are because police officer is not present or they are awaiting lab results on narcotics. (Chicago, Branch 57)

-- Need second police lab to help expedite hearings. (Chicago, Branch 57)

-- There is only one police lab with two chemists for all narcotics cases. Lab reports take five to six weeks before they're ready. This makes the "30-day rule" impossible to enforce. (Chicago, Branch 57)

In the Suburbs: Dilatory Defense Attorneys -- In suburban courts, defense attorneys were responsible for the largest share of continuances (53%), as well as many "passed" cases. Proceedings were frustratingly halting, particularly in Niles, as monitors explained:

-- In the first 10 cases called, private attorneys were not present. (Markham)

-- Of 38 cases heard, 21 were passed -- four because defense attorneys were not in court. (Oak Park)

-- Not one felony preliminary hearing today. All were continued, most due to defense...one for fifth time. Judge can't make them proceed. In one case, complaining witness here for third time. (Niles)

-- One of the greatest moneywasters is the failure of defense attorneys to appear in court on time. Perhaps the feasibility of a written request for postponement and having a clerk verify the conflict should be investigated. (Niles)

-- With a backlog of cases, this court was in use less than an hour today...and then only to grant continuances. (Niles)

-- Judge _____ expressed impatience with the number of times cases were being passed because an attorney still not present... seemingly endless delays and we empathized with judge when he said, "All we've done all morning is pass cases..." (Evanston)

-- My opinion of defense attorneys in general has become very low as a result of court monitoring. I agree with Judge _____ when he rants and raves about defense attorneys who are late to court or don't show up at all. They are wasting the court's time and the taxpayers' money, and the defendant is paying handsome fees for an attorney who doesn't even show up. Then the defendant must bear the brunt of the court's ire when it is the defense attorney who is at fault. (Niles)

-- Judge _____ said he has been in Niles for three months and has found a gross abuse of the court's time, unlike any court he has sat in before. (Niles)

Repeating its concern with continuances cited in last year's report, the committee noted that the continuance practice in the felony preliminary

hearing courts did not differ substantially from that in the misdemeanor courts. The committee's recommendations include many of those made a year ago.

The committee recommended that:

1) Judges compel parties to show good cause when requesting continuances, as the law requires, and that standards established in Supreme Court Rule 231 and Circuit Court Rule 5.2 be followed. The committee further emphasized that the statutory requirement of notice and motion setting forth good reason for a continuance be rigidly enforced.

2) The court make clear delay will not be tolerated and that judges not hesitate to make a continuance final.

3) Attorneys be admonished that their failure to appear or be prepared without reasonable excuse constitutes a serious breach of their ethical responsibility to client and court; that attorneys consistently requesting delays or appearing to use continuances as a strategem be subject to disciplinary proceedings.

4) Procedures be considered whereby the responsibility for preparing the state's case or defendant's case from arrest through trial is assigned to a specific assistant state's attorney or public defender. In this way the responsibility for any delay, lack of preparation or failure to prosecute or defend could effectively be fixed on a single individual whose work could be reviewed and assessed.

5) In the absence of such reform, the court and supervisory state's attorney and public defenders establish clearly that they will not tolerate lack of preparation.

6) Where necessary, consideration be given to obtaining additional personnel for those offices.

7) Law enforcement agencies obtain additional facilities and personnel (by contracting out, if necessary) for analysis of substances used in narcotics trials.

8) Temporary or substitute judges be apprised of their responsibilities to act on behalf of regular judge, not just to continue cases until he returns.

JUDGES

Because the judge is the key to whether justice is done in the courts, monitors were asked many questions about judges -- their demeanor, treatment of court-users, impartiality, ability to control the courtroom and propriety. The court watchers responded both by yes-and-no answers on data collection forms and with written explanations.

On the whole, they rated the 32 Cook County judges monitored as performing very well in regard to promptness, courtesy, efforts to explain rights and procedures, and impartiality. They noted some problems in the control of obstreperous bailiffs in the Chicago courts. They made serious reports of ticket-fixing by two Markham judges.

Helping People Understand -- Monitors noted that nearly all judges in the felony preliminary hearing courts took more care in explaining rights than had those observed last year in the misdemeanor courts. For example:

-- Judge carefully explained anything he thought a defendant might not understand. When a defendant pleaded guilty, Judge _____ made sure he understood his rights and right to appeal. (Chicago, Branch 44)

-- On negotiated plea, when defendant vacillated...the judge refused to accept plea and continued the case for defendant to think it over. (Chicago, Branch 44)

-- I liked the way he always addressed the defendant. That way he was certain defendant understood and could be sensitive to the defendant's attitude and degree of understanding. (Chicago, Branch 57)

-- Each case was handled in a personal, non-assembly line manner, due mainly to the judge's demeanor. If I were a defendant or family member, I would have felt like the judge really had reviewed my case and cared about it even though he found me at fault. (Chicago, Branch 57)

-- Judge _____ is extremely patient with defendants. He will repeat something several times, using different language, to be sure defendant understands. (Chicago, Branch 66)

-- I was particularly impressed that the judge spoke to defendants in understandable language and made sure they understood what they were pleading to. He was the most careful in this regard that I have seen all year. (Markham)

Exceptions, however, were noted. Several judges used language that was confusing to defendants; another often failed to admonish defendants of their rights:

-- One girl was upset, thought she had already been tried on charge of burglary. Judge just dismissed her rather abruptly. (Chicago, Branch 44)

-- Judge very articulate, but due to an education difference, some defendants do not grasp what is happening. (Chicago, Branch 57)

-- When Judge _____ gives admonishments of all kinds his language is very "legalese" -- scholarly and hard to comprehend for the uneducated. Also barely audible. (Markham)

-- Judge _____ gave no admonishments whatsoever to three defendants who pleaded guilty to reduced charges. On four others, he asked if the defense attorney had informed the defendants of rights they were waiving. (This judge normally relies on attorneys to do this.) Having witnessed a case in Branch 57 where the defendant got a reversal of his plea of guilty because his attorney had

not completely informed him...I feel the court should warn defendants of waivers and guilty pleas. (Niles)

Impartiality -- Most of the 32 judges observed received high marks from monitors for their impartiality. Only two of 170 monitor reports noted that a judge discriminated against certain groups or people; seven of 161 reports indicated that judges seemed to favor prosecution or defense. Explanations from monitors included the following:

-- Twice the judge let private attorneys get away with obvious stalling techniques when they requested continuances for poor reasons. Judge commented to an attorney that this was a stall but did not deny the continuance even though complaining witness and everyone else was there. (Chicago, Branch 44)

-- One young, rather aggressive attorney who appears frequently as private counsel for defendants...seems to be somewhat of a favorite of the judge, having more of his requests rather easily granted. (Chicago, Branch 57)

-- It seems defendants with a lawyer are SOL'd where those without get probation or have probable cause found. (Chicago, Branch 57)

-- Judge _____ was generally opposed to lengthy continuances until attorney running in the primary for a judgeship wanted a continuance until after the primary. Judge wouldn't listen to any objection from SA -- felt the case could wait on the attorney's political activities. (Evanston)

Control of Courtroom -- During the project's first year, a number of monitors commented on the failure of judges to maintain businesslike, dignified courtrooms. In 1976, observers were specifically asked to rate and comment on judicial control. Approximately 11% indicated that judges were wanting in this respect.

-- ...the judge acted as if he had lost his authority to control the courtroom. (Chicago, Branch 44)

-- Always seemed gruff, impatient and to have no control over court personnel. They were always noisy and he occasionally would "bark and yell" at them to be quiet. (Chicago, Branch 44)

-- Judge didn't seem to exert proper control over court personnel -- they were loud, rude, casual, disrespectful during proceedings... Many private conversations, yelling at public across courtroom... (Chicago, Branch 57)

-- Judge called 1-1/2 hour lunch-break in spite of packed courtroom. He seemed more impatient and snappish after lunch. (Markham)

-- Judge _____ left bench at 11:05 a.m., telling all present he had to attend a ribbon-cutting ceremony across street. (This was for new mini-Civic Center.) He gave the impression he would be gone a short period. Courtroom was packed with people. They sat patiently waiting some word or messenger from judge. People sat in court all the time not knowing if they could go to lunch.

Clerks went to lunch at 12, however they didn't inform anyone of the judge's plans. Judge returned at 12:40. (Markham)

In contrast, other judges were praised for their control:

-- This judge fully in charge of his courtroom -- you can hear a pin drop. (Chicago, Branch 66)

-- Judge _____ explains directly to audience what the various calls are about and is very explicit about how many witnesses may step forward and where, and the fact that talking to the clerk is done only during recesses. This contributes to a much more orderly courtroom....

-- _____ comes down very hard on any court personnel who cause delay in proceedings for someone in detention. (Niles)

-- It is obvious the judge knows the laws and demands respect from the attorneys... (Niles)

Propriety -- Court watchers found that most judges appeared to be meeting the standards of conduct expected of them; however, instances of questionable conduct in open court were noted:

-- Bailiff asked Judge _____ to intercede in a traffic violation for a friend; judge said he would call the judge who would be presiding (downtown) and have it washed out. He turned to me and explained that the judge would most likely do this anyway -- even if he did not talk to him. (Markham)

-- Judge _____ had a traffic ticket fixed for a friend of his who was up in traffic court today. Must be a common practice as I witnessed this with another judge the last time I was in bond hearings. (Markham)

Strictness -- As long as it is coupled with fairness, strictness is a judicial quality much admired by monitors, whether in regard to granting continuances, controlling courtroom personnel and bombastic attorneys or making dispositions. Although the volunteer watchers were not asked to comment on judicial decisions, a number of them did. A few of their comments illustrate their concern:

-- In a case of wife-beating, wife left courtroom bewildered and crying because she said he would beat her again. Mr. _____ could have received more serious admonishments and be made aware of the consequences of repeating such behavior. The judge said that it was a "personal matter" they should work out. (Chicago, Branch 44)

-- I was amazed at how many defendants had prior long records. Many there were on probation for previous felonies! (Chicago, Branch 44)

-- Two decisions I disagreed with: One defendant is currently on probation for possession of heroin and received five years' probation to run concurrently. The other was a perfectly

executed search warrant that produced a good quantity of heroin. The defendant admitted to being a seller, and for this she received three years' probation. (Chicago, Branch 57)

-- It continues to bother me that majority of defendants in this court seem so unimpressed that they are law-breakers... I doubt they will be deterred from further criminal activity. The police must get very discouraged..... (Chicago, Branch 57)

-- I am pleased to see restitution used as a punishment for theft -- logical and much better than jailing defendant. (Markham)

The committee recommended that:

1) Admonishments ALWAYS be given and be understandable to the defendant.

2) Sufficient time be taken by the judge to ensure that the defendant has full knowledge of all relevant procedures, facts and alternatives and to make certain that all decisions are the defendant's. In doing this, judges must speak in terms understandable to the defendant.

3) The judge initiate disciplinary proceedings against court personnel or attorneys if he is unable to maintain the necessary standard of conduct by other means.

BAILIFFS

Although most monitors (95% in the suburbs, 75% in Chicago) rated bailiffs as adequately polite and dignified, they raised serious questions about a double standard of behavior that was enforced and the lack of duties for the number of bailiffs assigned. In three courts, observers questioned security procedures.

Many monitors objected that bailiffs made the public abide by the rules but exempted themselves, other court personnel and lawyers:

-- Despite "No smoking" sign posted, court reporter, sheriff's police smoke before court and during recesses. Public, of course, would like to also. Shows favoritism towards court personnel. Small thing, but indicates scorn for posted signs and authority. (Chicago, Branch 66)

-- Judge's personal bailiff stood in courtroom eating pretzels but told others, "No eating." (Chicago, Branch 66)

-- The sheriffs always allowed lawyers, police, friends, each other to hold non-court related conversations yet were loud and rude in telling public, "No talking in courtroom." (Chicago, Branch 57)

-- Bailiffs are lax and act like it is a country club for them. Many conversations, jokes, carrying in of food, talking across courtroom etc. Judge yelled at them many times but they ignored him. He should take much stronger stand -- not just bark at them. (Chicago, Branch 57)

-- Was appalled by lack of order in courtroom. The commotion was caused by attorneys and bailiffs, not public. (Chicago, Branch 57)

Observers in Branches 57 and 66 and in Markham often noted the lack of work for the number of bailiffs:

-- I wonder what one bailiff spent his time doing -- he arrived late, left early and was rarely seen in court. (Chicago, Branch 66)

-- Judge's personal bailiff rarely present in courtroom. He, in fact, left early and I heard him inform the judge of it. I think attention should be paid to his duties...seemed contradictory to what judge told me his personal bailiff did for him, "Protect him at all times during court." (Chicago, Branch 66)

-- One bailiff spent much of his time in back on personal calls. (Chicago, Branch 66)

-- One bailiff studied all day -- this time in judge's chambers. Did NO court work. Others filled in for him. (Chicago, Branch 57)

-- Seems to be an abundance of bailiffs, at least eight. (Markham)

-- Large number of personnel mostly with little to do. (Markham)

Monitors were alarmed in regard to security in three courts:

-- At one time, sitting in jury box where we have been told to sit, I found myself sitting with two female prisoners who had been brought in from 11th and State, and for a period of 5 to 10 minutes there was not a bailiff in the courtroom. (Oak Park)

-- A defendant threatened a bailiff necessitating a search of persons entering the courtroom. They found six persons carrying narcotics and five carrying knives, some very long, resulting in the arrest of three people. (Oak Park)

-- During lunch break, I had the opportunity to be in the back room. While there a defendant being held in custody was brought out by a matron, then handcuffed. Matron left room, leaving prisoner with Deputy Sheriff _____. Attorney entered room wanting to see his client in lockup. He was instructed by deputy that he required pink slip signed by judge. Deputy walked to door to show attorney where to obtain pink slip, thus leaving prisoner unattended, or in custody of court watcher, no less than 5 feet from open exit door... (Chicago, Branch 66)

-- During p.m. session, mother and girl friend allowed by bailiff to visit one defendant in lockup while another defendant was going through withdrawal. (Niles)

-- Bailiffs allow people to bring food, cigarettes to prisoners and talk to them through grill in doorway. Is this okay? (Niles)

Noting that the project had received substantial complaints about bailiffs'

behavior for the second year in a row, the committee recommended that:

1) Bailiffs enforce rules firmly, politely and impartially on court personnel, lawyers, police and public.

2) Any bailiff who engages in improper courtroom behavior such as smoking, eating, loud conversations or in any way compromises the dignity of the court, be admonished by the judge or disciplined by the appropriate authorities.

3) The sheriff initiate a system of inspection to monitor bailiffs' conduct and institute necessary disciplinary action.

4) To minimize idleness, bailiffs be assigned outside the courtroom to maintain reasonable order in corridors; that some bailiffs serve as sources of information for the public.

CLERKS

Monitors reported that there were regularly one or two clerks on duty in all courtrooms observed and that most wore name badges. Their treatment of the public was adjudged courteous with only one exception. However, in several instances the court watchers indicated that clerks appeared to accord special treatment to certain individuals, at times identified as private or "rich" attorneys. The monitors also noted that clerks appeared to be busy and that demands on their time occasioned by questions from court-users imposed a burden.

The committee recommended that "information officers" be established in the felony preliminary hearing courts, stationed outside the courtrooms, and provided with a copy of the court calendar and list of witnesses. All persons with business before the court that day should be required to check in with the information officer, and all persons having questions concerning court procedures or other matters should be instructed to seek that information from him. This official should also be responsible for informing the judge and "call" clerk when all persons necessary for a hearing have arrived. Except for cases involving those arrested and detained the previous night, all cases should be called in the order in which participants have reported to the information officer.

PUBLIC DEFENDERS

According to law, a person charged with a crime who cannot afford private counsel has the right to a court-appointed attorney and must be informed of this right by the judge. How well the Cook County courts are fulfilling this obligation and how well indigent persons are being represented by public defenders if they are assigned were subjects of much concern to the monitors.

Assignment of PD's -- Although some variation in practice of appointing PD's is understandable, there appeared to be a greater difference among Cook County courts than justice would allow. In some courts, a PD can be had for the asking or will serve as advisor to defendants whose own counsel is not present. In others, a PD is denied to defendants who have posted \$ 1,000 bail. In another, defendants are allowed to plead guilty without representation. In yet another, persons asking for a PD are requested to fill out

an affidavit listing their financial resources and liabilities as is done in a number of downstate circuits. The following court watcher comments illustrate the diversity of the court's practice in Cook:

-- I have been somewhat disturbed throughout my court watching experience by the ease with which PD's are assigned. The procedure is invariably, "Can you afford a lawyer? No? Here's a PD." (Chicago, Branch 44)

-- It is the custom of this court for the PD to stand before the bench with every defendant unless he is represented by counsel who is there. In several cases where defendant claimed to have private counsel, but counsel was not there, PD stood by him and gave advice. In all bond hearings today, PD seemed to represent (although not appointed) each defendant. This custom is practiced in several courts, the PD said, to save time. (Forbidden by the judge in others.) Normally, the defendant without counsel would have his case passed, then PD called in if defendant asked. Thus, one time consuming step is omitted. PD handled 98 cases today. (Chicago, Branch 44)

-- I was amazed to see how all the overnights had no PD's but pleaded guilty. It seems they had a deal with the SA or something. Judge said it was because they knew what would happen, but I still question it. Much of the time there was no PD in court. (Chicago, Branch 57)

-- Judge _____ announces before each call that one relative may come up to consult with the defendant about a lawyer. Tells defendant clearly that he may have own lawyer or request a PD. Even if he wishes to hire own lawyer, judge will give him a PD for bond hearing; provides legal representation for every bond hearing. (Chicago, Branch 66)

-- In request for PD, Judge _____ ruled that the defendant could pay for a lawyer because he could make \$ 1,000 bail. Defendant told judge the \$ 1,000 was a scholarship grant for school which he paid for bail rather than tuition (due next day). Defendant maintained this was not his money and he was indigent. Judge ruled it was his money with which he could pay lawyer because he used it for bail. (Evanston)

-- Judge _____ very strict about defendants getting PD if they have any money up as bond. One black woman had borrowed \$ 1,000 for her son's bond and had no money for lawyer. The defendant is unemployed and apparently had no money, but the judge told him since he had that bond his mother had paid for, he could not have PD. I think they need one of those bar association referral guys in Oak Park or indigency forms for people to fill out if they need a PD. (Oak Park)

-- Judge _____ has a form which all indigents must fill out before they are provided with a PD. We have not seen this form required by any other judges.... (Markham)

Quality of Representation -- Most of the monitors who expressed an opinion about how well indigents are represented by PD's felt that a defendant was better off if he had a private attorney and that in this respect the judicial system seemed unfair. Observers cited the public defenders' large workload and apparent inexperience as factors:

-- It is my impression that the defendant who has a private lawyer is far better off than one represented by a PD. The private counsel knows his client's situation better, hasn't lost track of him and puts up a better fight... The indigent does not receive equal justice. The judges seem to respond more favorably to the private attorneys. (Evanston)

-- If I were a defendant, I would want more thought and time to go into my case than is allocated by PD's... I understand this is because of the volume of cases. (Chicago, Branch 44)

-- I sometimes question the way the PD's treat the defendants. There certainly does not seem to be lots of communication or understanding between the two. They are often very harsh and rude to defendants when they are before the judge... defendants try to talk to either the judge or PD and are often cut off. No one seems to take any extra time to understand the needs of the defendant. (Chicago, Branch 44)

-- I think attention should be given to adequacy and experience of PD's. If a defendant gets an experienced one, he is lucky. Some seemed like they didn't know what they were doing. (Chicago, Branch 66)

-- One PD, who is a soft spoken man, seems easily pushed around; his clients don't appear to know what is happening. On the other hand, another PD is excellent, seems to be representing defendants well. (Evanston)

The committee recommended that:

- 1) Some guidelines be set -- and adhered to -- for defendants' eligibility to obtain a public defender.
- 2) If at all possible, inexperienced public defenders should not be assigned to serious (as in Chicago, Branch 66) criminal cases.

OTHER CONCERNS

Bond Hearings -- Some bond hearings were seen in all Cook County courts monitored, but only one -- the Markham Bond Court -- was devoted exclusively to setting bond. Court watchers saw 425 hearings there.

Of the 425 defendants, 58% had bail set and 32% were granted I-bonds (release on recognizance); 1% were denied bond. (Outcome was not recorded in 9%.) Monitors noted that the denials were in the case of a murder charge or when defendants were committed to medical or psychiatric facilities.

Observers found that the seven judges seen there varied widely in their prac-

tices of granting I-bonds:

Judge	# of Cases	I-bonds
A	58	48%
B	29	24%
C	44	61%
D	27	44%
E	87	41%
F	47	28%
G	97	16%

In most cases (61%) judges inquired about the past record of the defendants but asked about financial ability, employment or family and community ties less than half the time. Monitors noted:

-- There is a problem of no background information on defendants available and the judge has to set bail off the top of his head. An officer other than the arresting officer may bring in defendant and he does not even have a copy of the arrest sheet.

-- Most defendants seem to have no knowledge of their rights. Some could not understand what the judge was talking about concerning the guilty plea -- having a record but no trial.

It appeared that a defendant with an attorney was more likely to released on recognizance than one without. 40% of represented defendants received I-bonds; 33% of those without lawyers. However, the committee noted that the sample was too small to make a conclusion, as only 15 defendants were represented by counsel.

The committee recommended that:

- 1) A study be done on the relationship between disposition of cases having legal counsel and those not to determine whether this preliminary data holds true more generally.
- 2) Judges apply statutory criteria (past record, financial ability) and also consider family and community ties.
- 3) Defendants be informed in advance of these criteria.

RESPONSES OF COURT OFFICIALS TO RECOMMENDATIONS BY COOK COUNTY PROJECT

All of the court officials replying expressed their interest in the project and welcomed its suggestions. Several indicated that a closer liaison between the project and court administrators would be desirable so that personnel problems noted by monitors could receive prompt attention.

(Editor's note -- Since the project's inception, its thrust has been identifying and suggesting solutions to systemic problems, not policing personnel. There have been some instances of apparently improper conduct on the part of specific personnel noted, but reporting of these is a by-product rather

than an objective of the project.)

The following are excerpts from those replies received by November 4, 1976.

Presiding Judge Eugene L. Wachowski of the First Municipal District: The Cook County Court Watching Project Report concerning the various courtrooms under scrutiny in the present year is quite informative. It brought to light very pointedly the fact that no two people see the judicial operation from the same viewpoint.

The point that was raised concerning the posting of signs relative to defendants' rights in both English and Spanish is valid. We had temporary signs posted in the English language. The Spanish version became more difficult in that there are various nuances or interpretations within the Spanish speaking community itself. The Spanish translation was corrected no fewer than five times in an effort to make the message understood by all persons with a Spanish background. This translation is in the process of being printed, framed, and put in permanent form.

It is noted that some of your watchers complain of the inordinate amount of noise and conversation during court sessions. We will again bring this to the attention of the judges, clerks, and bailiffs in an effort to improve the general decorum. We are constantly striving to improve the court system both physically and in its operation. We welcome the suggestions and observations that your watchers make and hopefully between us we will ultimately achieve our goal.

Presiding Judge James A. Geocaris of the Third Municipal District: I read with great interest your report...and appreciate the tremendous amount of work that went into it. The League of Women Voters, coordinators, monitors and the many others who contributed to this fine report are to be congratulated. I will attempt to be as brief as possible with respect to my comments.

1. Delays in disposing of cases, My ten associate judges are spread out over 200 square miles every day. From as far as Barrington in the northwest to Northlake in the southeast. We do not have safety-valve courtrooms for overflowing cases. Complicating the picture is the distance a lawyer must travel if he has more than one case in a given day in more than one town. (We service twenty-three suburbs.) We are not like the traffic court of Chicago with its many courts and thousands of nearby lawyers. Hence, we do experience a delay in the disposition of some cases. However, in felony information trials we are disposing of them within six to seven months from date of commission of the offense. In our civil jury call, we have no delays. If both plaintiff and defendant are ready, they can proceed to trial immediately.

2. Physical facilities, We must use what is available. As you know, most of the courtrooms we use are actually meeting rooms for village boards throughout the district. As such, many do not have adequate conference rooms as well as other needed facilities. As a result, extraneous noises exist from conversations within and outside of the courtroom.

3. Continuances, From your report we can see that continuances are granted for a number of valid reasons requested by both prosecution and defense.

I think we all must rededicate ourselves, prosecutors, defense lawyers and judges, to reduce the number of continuances granted in cases. The American Bar Association Standards recommend avoiding multiple court appearances in minor traffic cases. I strongly believe in following this standard.

However, in misdemeanor and felony cases, where a person's liberty is involved, we must afford a defendant the opportunity to be represented by counsel, and therefore grant his request for a continuance.

Presiding Judge Paul F. Gerrity of the Sixth Municipal District -- Thank you for the copy of the report of the Cook County Court Watching Project for 1975-76. As you note in the section of the report covering the Sixth Municipal District, our new mini-Civic Center is expected to be completed in early 1978, which I hope will solve many of the problems you set out in your report.

Your findings (regarding appearance of impropriety) have been brought to the attention of the individual judges involved. The items referred to occurred over seven months ago, as indicated in your report, and both judges deny having engaged in any such conduct. It is very difficult for me to attempt to reconstruct incidents that occurred at that time. I am referring this question to Judge Boyle's office for appropriate investigation. I certainly would have appreciated it if this matter was brought to my attention at the earliest possible time.

I am very appreciative of your project and consider it important that the courts have input from citizens in our constant endeavor to improve the courts of Cook County.

Clerk of the Circuit Court, Morgan M. Finley -- Generally speaking we believe that the report reflects improvements in the way the clerk's office performs its functions. While we may have made some forward progress in the services we provide and the manner in which we provide them, we believe that continuing improvement should be forthcoming.

Accordingly, we have taken the following steps with regard to the court clerks:

1. All clerks have been cautioned to wear proper identification, including the jackets and name tags.
2. All clerks have been reminded that it is their responsibility to be as courteous and efficient as possible. It is our policy that all members of the public and all members of the bar are to be treated equally. In this regard, I would like to point out that one of the difficulties found by clerks in the courtroom is that they are besieged by questions at a time when they are trying to perform their duties. These interruptions are continuous and can be irritating since the clerk is held personally responsible for the accuracy of his work and errors are made because of the interruption of his work.

We wholeheartedly support the proposal as indicated in the first report of the court watching project that there be an information clerk available to handle inquiries.

The suggestion in the current report that this clerk also assist as a

monitor of the readiness of the participants in a case to go forward also was a good idea.

As in our comments to the first report, we believe this role is necessary but our concern is with the selection of the office to provide it. Our current staff is barely adequate to perform the duties already assigned to it. Without additional staff the clerk's office could not establish an information clerk. We suggest that this decision be made either by the chief judge or by the Judicial Advisory Council and that whatever office receives the responsibility should be given the staff to carry it out.

4. There are comments about the conduct of clerks in isolated cases in a few branches of the Municipal Division. In those cases where the conduct called for correction, appropriate discussions have been held with the clerk.

I think it is important to note that the clerk's office, through the use of a federal grant, has established an Investigative Security Unit to monitor the performance of employees of this office.

Sheriff Richard J. Elrod -- The Cook County Court Watching Project must be commended for a thorough and precise examination of the courts. In general, the sheriff is proud of the 'adequate' performance of the Cook County sheriff's deputies, performing the services of bailiffs.

Regarding the specific infractions of individual bailiffs in the report, appropriate disciplinary measures have been taken. One exception must be the criticisms of personal bailiffs to judges. These deputies are included in the sheriff's appropriation for budgetary purposes only. Supervision of these deputies is by the individual judges.

Regarding the other recommendations of the project, the following innovations either have been instituted or will be instituted as soon as feasible:

1. Increase in the Cook County Sheriff Deputy Training Academy from one to two weeks for more thorough and intensive training of new employees.
2. Training seminar for criminal courts deputies assigned to security clearance in the Criminal Courts Building. The training will include courtesy and information aspects of the security duties. (The project is certainly aware that the information office function was abolished several years ago by the then presiding judge of the Criminal Courts Division.)
3. Continue Internal Inspections Division. This unit was established more than a year ago. However, the limitations of the staff prevent daily inspections in each and every court. Inspections and reports will continue in the nearly 300 courtrooms staffed by the sheriff.
4. Notices of rights of defendants will be posted in all courts. Such notices have already been supplied to many police departments.

A reorganization of the Court Services Department was completed in early October 1976 and enables the chief deputy sheriff, who is director of this

department, and two staff members, who report directly to the sheriff, to visit personally the major court facilities. The chief deputy sheriff and the sheriff's two staff members can make immediate corrections in the courtrooms or make recommendations to the sheriff for his action.

During these visits, of course, the observations and recommendations of the project are being brought to the attention of the sheriff's court personnel and certain implementations are being ordered.

DUPAGE COUNTY PROJECT

<u>BASIC INFORMATION</u>				
<u>Courts Observed</u>	<u>Location</u>	<u>Days per Week in Session</u>	<u>Type of Proceedings</u>	<u>Average Time in Session per Day</u>
Room 207	Courthouse	5	Felony preliminary hearings, bond hearings, traffic, civil, ordinance violations, misdemeanors	4 hr. 43 min.
Bond Court	Jail	7*	Bond hearings	Not recorded
Elmhurst Field Court**	Municipal Building Annex	10 1/2-days per month	Traffic, ordinance violations	Not recorded
Hinsdale Field Court**	Police Station	16 1/2-days per month	Traffic, ordinance violations	Not recorded
Wheaton Field Court**	DuPage County Administrative Center	32 1/2-days per month	Traffic, ordinance violations	Not recorded
<u>Number of Judges Observed: 15</u>		<u>Number of Monitors: 29</u>		
<u>Total Period Observed:</u> Room 207 was observed from mid-January through May, Bond Court from February through May; the Field Courts during March, April and May.				
<u>Period on Which Data Based:</u> Reports on 207 and Bond Court are based on data collected from March 1 through April 30; Field Court data is from March 1 through May 14.				
<u>Project Background:</u> The project was established in the fall of 1974 by the League of Women Voters of DuPage County. During its first year, volunteers observed misdemeanor and traffic proceedings in Courtrooms 205, 206 and 208 in the courthouse. Twelve persons served on the 1975-76 local steering committee representing the following groups: LWV, DuPage County Bar Association, Women's Association of the Hinsdale Union Church, Democratic Women's Caucus, Lombard Republican Women, DuPage County ACLU, DuPage Women Against Rape, College of DuPage, Police Chief's Association of DuPage and the Clarendon Hills Community Presbyterian Church. Donna Born was chairman.				

*Monitored only 3 days a week.
**One of 10 Field Courts in the county.

Basic Information (cont'd.)

Court Officials Asked to Respond to Recommendations: Chief Judge George Unverzagt of the 18th Judicial Circuit.

OVERALL APPEARANCE OF JUSTICE

For the most part, justice appeared to be fairly administered in the DuPage County courts observed. In the Field Courts, 93% of the observers thought so; in felony preliminary hearing court 79% did. Some problems clouded the picture, though. The most serious were the often weak performances of assistant state's attorneys and the fact that defendants' constitutional rights are abrogated by non-public bond hearings. (The hearings are held in a "secure" portion of the jail not open to the public, including families or friends of defendants.)

These problems and others with some suggestions for solving them were discussed by the local steering committee with Judge Unverzagt, who agreed to implement most of its recommendations.

INFORMATION FACILITIES

Monitors noted that many people were confused because there was no formal plan for directing persons to their destinations in any of the court facilities observed. Daily calendars were posted in the main hallway in the courthouse but not in the outlying Field Courts observed. (One monitor told of an assistant state's attorney who sat in Courtroom 207 in the courthouse prior to the opening of the morning session, trying to prepare his work, only to be constantly interrupted with questions from the public.) Notices of defendant's rights, in English and Spanish, are in the felony preliminary hearing court (under glass on the attorney's table) and are posted outside the bond hearing court in the County Jail. Monitors' comments illustrate the problems faced by persons coming to court:

-- At best, a visit to court is an unsettling experience. Not knowing where to go, who to approach with questions, not knowing the jargon must all heighten apprehension...and perhaps discourage participation of witnesses, plaintiffs, etc., in the whole process.

-- There should be a sign or signs with instructions on what to do. Many people came up and asked me what to do.

-- Five people asked me where they should be. One lady said, "This place scares the daylights out of you."

-- It is inhumane to have defendants and families come in, completely distraught and frightened, and have no place to find out where they are to be, no one to ask what is going to happen.

To provide better information services to the public, the committee recommended:

Monitors indicated that there appeared to be no regular provision for interpreters or at least none that the sitting judge was aware of. (Stating that the court lacked information on the availability of persons willing to act as interpreters, one judge took the name and phone number of a minister acting as an interpreter for two defendants.)

The committee recommended that a list of competent, impartial interpreters be compiled and made available to each judge; that this list include a person knowledgeable in sign language.

Judge Unverzagt commented, "A list of qualified interpreters has been prepared and is maintained in the office of the chief judge. When a request for an interpreter is made, a qualified interpreter is obtained on short notice. Arrangements for fees for this service are made by the chief judge."

PHYSICAL FACILITIES/AUDIBILITY

Court watchers found most of the courtrooms to be adequate in respect to cleanliness, seating space, lighting and audibility; however, some deficiencies were pointed out.

Courtroom 207 -- At the end of a long, winding hallway in the courthouse 207 presented two problems: lack of rooms for lawyers and clients to confer privately and for witnesses to wait and lack of adequate exit in case of fire.

Regarding the latter, the project noted that a door marked "exit" in the 2nd floor hall is always locked because it leads to a secure part of the jail and that the closest usable exit is some distance away around a corner.

Monitors deplored the lack of privacy for attorneys, clients and other witnesses.

-- Witnesses are frequently asked to leave the courtroom and they must stand for long periods in dimly lit, smoke-filled hallways. Lawyers confer with clients any place, often within earshot of spectators.

-- State's attorney and public defender should not have to discuss their cases in front of others in the courtroom.

-- SA's, PD's and other lawyers confer with clients occasionally in an unused jury room, judge's chambers, but usually in the hall or in a corner of the courtroom.

The committee recommended that in the interest of safety, the exit sign be removed from the locked door at the south end of the corridor and said that a second exit for this corridor was desirable; and that a suitable room be available for witnesses as well as private rooms for lawyer-client conferences.

Judge Unverzagt responded, "We will remove the second exit sign. (That door leads into the secure part of the jail.) There is no other available exit unless a door and fire escape could be constructed outside the building. We will ask the building committee of the county board to con-

- 1) That funds be sought from the County Board to staff the information booth built in the Wheaton Courthouse on the committee's recommendation after the 1974-75 project.
- 2) That a calendar be posted daily outside each courtroom with a call for that courtroom, in addition to calendars now posted on bulletin boards in a few places in the courthouse.
- 3) That in the felony preliminary hearing and bond courts, notices of defendant's rights be posted in more prominent places.
- 4) That in the field courts, where there are no notices of defendant's rights, post those rights at the entrance to each courtroom.
- 5) That graphic locators be placed on each floor of the Wheaton Courthouse.
- 6) That a brief outline of procedures to be followed in court be posted outside the door of each Field Court where it can be studied by defendants.
- 7) That judges introduce each a.m. and p.m. session with a brief explanation of field court procedure.
- 8) That a knowledgeable person, perhaps a bailiff, be available to answer questions of the public 10 minutes before court convenes.

Judge Unverzagt responded, "We will again ask the county board to supply the funds and create the position of 'Information Person' to staff the existing information booth. We have information phones on each floor, which are answered by designated secretaries who can direct persons to the proper place.*"

"We will secure additional bulletin boards so each day's call can be posted on or near the door to each courtroom. We will review placement of 'Defendant's Rights' cards to see that we have them in a position which can be easily seen by the defendants." In the Field Courts Judge Unverzagt agreed to implement the recommendation regarding posting of defendant's rights and outlines of procedures. He agreed also to having judges explain field court procedure before each session and said he would arrange to have a bailiff or other knowledgeable person available to answer questions 10 minutes before court convenes.

INTERPRETERS

In the felony preliminary hearing court, observers recorded the appearance of 10 non-English speaking defendants in the 398 proceedings observed. In most cases, defendants brought their own interpreters or used persons working in the courthouse or sheriff's office; two were given court-appointed interpreters. In the remaining three instances, cases were continued or defendants went ahead on their own with the judge trying to speak slowly enough to be understood. Deaf persons also presented a problem occasionally.

*After monitors had stopped observing in late May, these phones were installed.

sider this expenditure. There is no available space for additional conference rooms. All are presently in use for court reporters, secretaries or jury director.

Bond Hearing Court in the County Jail -- This court is held in a small office within the garage and holding area of the jail. Because this is a "secure" area, it is not open to the public and bond hearings are not open, public hearings.

The committee recommended that bond hearings be located in a more dignified setting and one which would be accessible to families of defendants.

Judge Unverzagt responded, "We will study the possibility of transferring bond hearings to Courtroom 206, located above the jail and accessible to the prisoner holding area."

Wheaton, Hinsdale and Elmhurst Field Courts -- The Field Court observed in the DuPage County Administrative Center, Wheaton, was designed as a meeting room, divided by sliding partitions into three sections -- courtroom proper, judge's chambers and gathering room for prosecutors and police. Monitors reported that persons in the courtroom could easily overhear conversations taking place in chambers. They also noted that many persons arrived late because the building is difficult to find and suggested directional signs at main intersections or more explicit instructions on traffic tickets. Parking was a problem for court-users in Hinsdale and Elmhurst.

In Hinsdale, the Field Court is conducted in the civic room of the police station. The facilities were considered adequate except for a serious parking problem. Only one-hour meters are available and monitors reported seeing people leaving the court and finding parking tickets on their cars.

The Elmhurst Field Court is located in a large old residence on the remodeled second floor. Judge's chambers are down the hall; the remaining rooms constitute a historical museum. Court watchers found acoustics here poor and hallway space for conferences minimal. Parking was again a problem.

The committee recommended that parking facilities be improved at those field court locations in downtown areas or near commuter rail stations.

Judge Unverzagt replied, "We will work with local authorities to provide adequate parking in terms of volume of vehicles and adequate time for court business."

DELAY

In Courtroom 207, monitors found that of 398 felony preliminary hearings observed, 31% were continued. The state was responsible for the largest share, 32%. Twenty-six per cent each were attributed to defense and order of court; 16% were "by agreement." Although court watchers agreed that most of the time judges attempted to find out why continuances were necessary, they noted that only 4% of the requests for continuances were denied.*

*Statistics on continuances appear in a chart on page 14 .

Most monitors questioned the necessity and purpose for the preliminary hearing court's practice of setting "check dates" after probable cause had been found, thus necessitating repeated appearances of the same parties in the same court without seeming to advance the case. It appeared to be the court's method of determining whether the state's attorney's office had filed an information, and the committee suggested that the defense might regard this procedure as a burden.

A number of observers also called attention to delays resulting from tardy crime lab reports and from "paperwork snafus" -- missing files, inaccurate call sheets and other record keeping errors. They worried when they saw continuances granted with witnesses waiting:

-- Defense attorney came in at 9 a.m., asked for a continuance because he wasn't ready. SA objected because he knew that the SA in charge of the case would be there at 10 a.m. with witnesses. Clerk offered to call SA. Judge just gave continuance. At 10, SA and witnesses arrived and found case already continued. SA had his objections put on the record.

-- Today's proceedings...plodding...make a mockery of justice. Witnesses sitting around all day only to be told a continuance has been granted or a plea negotiated. Probation officers spending unproductive hours waiting...

The committee recommended: 1) That services to the court such as the crime lab and record keeping be improved and that every effort be made to avoid having witnesses in court except on the day of the hearing. 2) That it be made clear to defendants, especially those released on bond, whether they are required to appear on "check dates."

Judge Unverzagt responded, "We have asked for better support from the crime lab. We have no 'witness central' and must depend on the attorneys on each case to get their witnesses properly scheduled for the appropriate time, date and place. This burden is not imposed on the court as a matter of law."

"Defendants may be required to appear on check dates if the judge feels that in their particular case it is appropriate for a variety of reasons: to assure they personally know of the trial date; to determine if they have supplied full discovery information; to assure that they, in fact, have arranged for their attorney to complete the case and be ready for trial. It is not a 'check' on one side or the other, but meant to assure that all things preliminary to hearing are or will be completed."

JUDGES

In the five DuPage courts, monitors observed the performance of 15 judges. Most watchers were favorably impressed with the patience and courtesy shown by the bench:

-- Even with an extremely long court call, Judge _____ was always patient and courteous. He never lost his sense of humor, which was tasteful and not directed at any defendant...he was willing to explain his actions equally with the last latecomer as with the first defendant..... If I had to appear in court, I would want to appear in front of a judge like this one.

-- Judge _____ does an exceptionally fine job. Never seems to lose command of the situation. This was especially evident this a.m. when there were two defendants who could try the patience of the gods! Never lost his dignity or fairness -- was especially impressed with his decisiveness. This a.m. was a very well-run court session in every way -- and I must admit, the most exciting one I've ever watched.

-- Extremely patient and courteous. Demonstrated concern for defendants by clarifying each step of procedure. Maintained proper attitude while still showing concern -- was not apologetic or wishy-washy, but obviously concerned that each defendant have a fair hearing and a just verdict.

-- Exceptionally patient in hearing defendants' side of the story -- very fair. In my estimation, Judge _____ scores high on all around performance....

Criticisms of judges were few but worth noting. Some judges appeared to treat poorly dressed defendants or those without counsel differently; one judge allowed court personnel "to run the show." Court watchers also questioned the too-informal look of Bond Court, where several judges smoked and drank coffee, and the "clubby" atmosphere of the felony preliminary hearing court, where personnel was on a first-name basis.

-- Judge _____'s ultimate rulings seemed fair but his treatment of defendants without counsel who were defending not guilty pleas left quite a bit to be desired... The judge's often condescending, sarcastic remarks were unnecessary... For example, one man...asked for a dismissal because of the 504 rule. The request was denied. The judge remarked that, if he was going to play lawyer, to get his facts straight; also if he didn't agree he had better move to another state...

-- Judge gave more information and help to nicely dressed defendants who appeared intelligent, but was singularly voiceless as to how to get to PD, etc. Gave scant directions to crummy looking defendants.

-- Judge very carefully gave directions to legal office to one man (young, wearing suit), gave no directions to hippie type -- other than to say "across street."

-- The public defender was denied a continuance even though the defendant's file had not yet been typed up. The public defender proceeded with no file and with only a brief conversation with the defendant.

-- Judge _____ seemed to rely too much on clerk and SA's. They ran the show.

-- The judge just lolled back in his chair and appeared half-interested. Never stated one charge.

-- Judge needed a great deal of help, did not give any rights, did not use probation officer at all...

-- I find that too many judges and lawyers speak in such low tones at the bench that one gets the impression that the listening public is not supposed to hear what is being said or done. This tends to give an air of conspiracy to the whole courtroom atmosphere.

The committee recommended that the participants in the courtroom maintain a professional attitude and avoid social conversations at the bench.

Judge Unverzagt responded: "We agree with the committee recommendations and will agenda this for a judges' meeting. We will strive to dispense equal justice under law. Continuances are granted in the judge's sound discretion and usually because of his or her detailed knowledge of the problems and difficulties involved in the case before court. We will continue to follow Supreme Court Rule 402 and the mandates of Henderson v. Morgan... and People v. Robinson..."

CLERKS AND BAILIFFS

Observers found most clerks polite and helpful to the public and praised those seen in Room 207:

- The court would have come to a standstill if not for her.
- Clerk was very cooperative and patient in explaining... He took time to explain the term "ex parte judgment" on form which the defendant signed when posting bond.

In the Field Courts a few complaints were registered. Some monitors objected to the way money is handled by the clerks in open court, sometimes change made for fines from a roll kept in the clerk's pocket. Another monitor was concerned about attitudes:

- Unwillingness to speak to defendant who came in late...led to unnecessary confusion for the court and the defendant. Although this behavior may not have any specific detrimental effect on the administration of justice, it would seem this "civil service --I don't care" attitude would cause the citizen to feel unnecessarily awkward, ill-at-ease and embarrassed. As a watcher of the court, I was sympathetic to the citizen and frustrated with the attitude of the clerk, especially when I knew he was not engaged in any work at the time.

In all courts monitors found the bailiffs courteous and dignified but indicated they could do a better job in explaining procedures to the public. In the Field Courts observers noted many days when no bailiff was present. One judge said that they seemed to be shorthanded. Several monitors questioned the duties of the bailiffs in these courts:

- After "calling court into session," his services do not seem to be needed and he was not required to do anything. He has always seemed to be courteous.
- How can one evaluate their performance when they don't show up except to open court?

-- Felt court session did not proceed as smoothly this morning, probably due to absence of bailiff. Court proceedings interrupted... Things were not quite as well under control -- seemed there was more confusion.

STATE'S ATTORNEYS

In the felony preliminary hearing court, monitors were particularly concerned with the performance of assistant state's attorneys, who were often reported to be poorly prepared and inept:

- Everything was terribly disorganized. State's attorney had too many cases and had a hard time getting organized.
- Many interested people observing preliminary hearing involving narcotics today...dissatisfied with weak state presentation and with bond reductions. ASA ___'s questioning quite inadequate. Judge instructed ASA about questioning during hearing, then questioned police witnesses himself.
- If I were a defendant I would feel terrific. Charges were dropped or reduced with very little objection from the prosecutor. Most defendants left the courtroom with a smile on their faces. As a complainant, I would have felt frustrated.
- ASA appears inept and unorganized. People of state suffered poor representation today.
- Considering that there were 16 cases nolle prossed, or dismissed, I would wonder whether adequate work was being done by the police, the prosecution or other personnel in the justice system. This would be especially true if I had been ordered into court if I were not guilty.... In short, either the arresting officers were placing improper charges or justice was not being done by the court.
- Too many put on probation and too many reduced charges. ASA might have prevented this but didn't try.
- Today ASA proceeded on one case until judge pointed out that the case was not the one he had announced he was prosecuting.
- One person showed a letter from the SA's office instructing him to be in # 207 at 12:30 p.m. There is no one around any of the courtrooms at that time of day.
- In one case, state's witnesses were in court even though ASA knew that the defendant would not be there. When questioned by the judge, ASA said he wanted to talk to the witnesses. Monitor wondered if a phone call or a meeting at the convenience of the witnesses would have been more proper.

The committee recommended that the state's attorney's office review its pro-

cedures for more efficient and effective operation.

Judge Unverzagt replied, "We agree with the committee recommendation and will take this up with the state's attorney."

PUBLIC DEFENDERS

Noting the heavy caseloads of public defenders, some court watchers questioned the quality of representation provided indigents in felony preliminary hearings:

- Insufficient PD's to meet needs of all courts.
- Two cases from p.m....put aside...result was the defendants were in court from 9 a.m. to 5 p.m. Part of problem was a PD who failed to return after lunch.
- ...Defendant had less than 15-minute discussion with PD to learn of and decide alternative...which will be 1-3 years in state penitentiary...
- PD's appear to have very demanding case loads.
- Felt PD did poor job in representing black defendant -- ill prepared.
- ASA had no file on defendant; PD had file but acted like disinterested mouse. ...Why wasn't file sent for and the PD told to get himself in gear.

The committee recommended that the Public Defender's office review its procedures for more efficient and effective operation.

Judge Unverzagt responded, "We agree with the committee recommendation and will take this up with the Public Defender."

POLICE IN COURT

Although there were no specific questions regarding the behavior of police in court, a number of monitors made comments that were worth noting.

In the Field Courts some police officers observed were praised as being consistently well-prepared witnesses. Others brought objections from monitors for their behavior in court and their apparent mishandling of arrests. Some examples of monitor comments:

- State Police Officer ____: Prior to the opening of court for the afternoon, the court officer was wandering around the courtroom handing out opinions, directions and comments. ...He was also "hassling" the state's attorney about driving school... My reaction to all of Officer ____'s actions was very negative and I would have been concerned about the objectivity of the court had I been a defendant.
- A defendant made a comment to Trooper ____ on his way out of the courtroom. Trooper ____ shouted out, "You just keep

moving, don't talk to me like that." Judge ____, hearing another case, stated, "Now that will be enough." ...As an observer, my reaction was that, as an arm of the court, Trooper ____ should be more respectful of the court and in more control of himself. It would seem that Trooper ____ has a very short fuse.

-- Charges: Minor with liquor, liquor in open car.

Comment: Next night officer found empty can on second arrest. One open can in parked car. Officer called defendant's employer and defendant was fired. Found not guilty on three of four counts.

-- The officer that gave the ticket didn't show up when Mr. I. was called and a different officer said, "He is in the hospital." When questioned by the state as to why, the officer replied, "Had a hernia operation." Then in walks the "Hernia" officer, only late, letting everyone know that the police department is free to lie about the officer not being there. At the end of court, the officer who lied asked me who this report was for and I told him "the Illinois Law Enforcement Commission."

OTHER CONCERNS

Non-Appearance of Witnesses in the Field Courts -- About a third of the cases involving traffic accidents were not prosecuted because complaining witnesses failed to appear in court. It is not known whether poor notification procedures, repeated continuances or indifference was the major cause, but the resultant dismissals were of concern. Many monitors pointed out that the instructions on traffic citations issued by the state police are not understood nor are they producing the desired result of getting defendants and police officers to court on the same day.

The committee recommended that instructions regarding procedure to be followed on traffic citations issued by the state police under Rule 505 be more clearly written and more strategically placed on tickets.

Judge Unverzagt commented, "This is a uniform ticket employed statewide and was prepared after years of work to accommodate a variety of purposes. It will be difficult to change its makeup, but we will study the possibilities."

Imbalanced Caseloads in the Field Courts -- Monitors recorded calls as large as 164 cases per half-day session, with the morning call spilling over the lunch period into the afternoon session and the afternoon call running past 5 p.m. On the other hand, they recorded an entire call consisting of one case and many that had less than 10. As one monitor noted:

- There must be something wrong somewhere when the morning call includes 122 cases and the afternoon call has three.

The committee recommended that an attempt be made to balance the load in the Field Courts with the objective that defendants, witnesses and police officers should expect to spend no more than three hours in court for a given call.

Judge Unverzagt replied that this would be hard to achieve in practice. "The ideal is to balance the caseload, but a great amount of variables make this difficult to achieve."

Bond Hearings -- Of the 207 hearings recorded by monitors in Bond Court in the jail, cash bail was required of 70% and bond denied in 4%. (Most of the denials were to defendants re-arrested after bond forfeitures.) ROR was recommended in 26% of the cases, although monitors could not ascertain how many persons subsequently were released on recognizance. (The 26% included many cases marked "possible ROR" by the judge and referred to the probation department to "check out the stories" before releasing the defendants.)

Observers found that the 10 judges seen in bond court varied widely in their use of bail vs. ROR:

Judge	# Cases	ROR	Judge	# Cases	ROR
A	13	46%	F	33	48%
B	35	0%	G	13	38%
C	22	13%	H	28	21%
D	28	32%	I	13	15%
E	22	41%	J	9	33%

Only one of the 207 defendants was represented by counsel during a bond hearing; public defenders were not present.

The committee had no recommendations regarding bond hearings other than moving them to the courthouse as outlined on page 51.

CHAMPAIGN COUNTY PROJECT

BASIC INFORMATION				
Courts Observed	Location	Days per Week in Session	Type of Proceedings	Average Time in Session per Day
Courtroom 5	Small Bldg. across street from Courthouse	5 (p.m. only)	Bond hearings, misdemeanors, felony preliminary hearings	1 hr. 51 min.
Courtroom A	Courthouse	5	Jury call and selection; criminal and traffic cases	3 hr. 56 min.
Courtroom B	Courthouse	5	Jury selection; civil, criminal, traffic cases	3 hr. 42 min.
Courtroom E	Annex	5	Jury selection; civil, criminal, and traffic cases	3 hr. 24 min.
Number of Judges Observed: 5 (includes a "visiting" judge seen once)				
Number of Monitors: 45				
Total Period Observed: Courtroom 5 was monitored from mid-January through May; Courtrooms A and B from February through May; Courtroom E from February through mid-May.				
Period on Which Data Based: Report on #5 based on data from February 16 through April 30; the entire period observed is included in statistics for the other courts.				
Project Background: The project was established in the fall of 1974 by the League of Women Voters of Champaign County. During its first year, Courtrooms E and 5 were monitored. Seventeen persons served on the 1975-76 local steering committee. They represented the following groups: LWV, Champaign County Bar Association, Champaign-Urbana Junior League, American Association of Retired Persons, Urban League, Options Program, U of I Pre-Law Club, Church Women United and American Association of University Women. Jeffrey Ellen Blue was chairman.				
Court Officials Asked to Respond to Recommendations: Judges Birch E. Morgan, Roger Little, Richard Skillman and Sara Lump.				

OVERALL APPEARANCE OF JUSTICE

Most court watchers (93%) said that the four courts observed appeared to be administering justice fairly to defendants, victims and witnesses. However, monitors called attention to a number of problems confronting the citizen in Champaign County courts, notably bad audibility, lack of information facilities and administrative errors. The system's image did not fare as well, though, in a special study of the jury selection process. Well over half the monitors answered "no" to the question, "If you were the defendant in this case, would you have felt that a jury of your peers had been selected?"

The local committee recommended some solutions to the problems noted and discussed them with Judges Morgan, Little, Skillman and Lumpp, with varying degrees of success.

INFORMATION FACILITIES

Champaign County courts have outgrown their Urbana courthouse. Two courts are housed in outlying buildings--Courtroom 5 across the street and Courtroom E in the Annex behind the courthouse. There is no information desk or graphic locator in the courthouse lobby to direct persons, and monitors noted that many court-users were confused and reported to the wrong court. Sometimes the results were more serious than delay and inconvenience, as one monitor explained:

-- Today a party to a civil suit missed his hearing. I don't think he understood what was going on and went to the main courthouse instead of the Annex. Judgment was passed against him.

During the year, the project received permission from the sheriff to install a graphic locator or informational kiosk in the main lobby of the courthouse, and preparations for this are under way.

Courtroom 5 -- When court is not in session, the clerk spends a significant part of her time answering questions from the public. She is easily accessible because her counter-window opens on the vestibule of this small out-building. This is the only court for which a daily calendar is posted, a practice initiated in March in response to the project's request. Notices of defendant's rights are posted in the vestibule and in the holding area for prisoners.

The committee said that this high-volume court needs a staffed information desk while it is in session and the clerk unavailable but did not suggest it because there is no additional space.

The committee recommended that the posting of the calendar be continued and that it be more prominently situated; that an outline of procedures and a map of the court complex be posted. It further suggested that the time a case is to be heard be included on the calendar.

Judge Richard Skillman agreed with all the recommendations except the last one, explaining that in this particular court they could not schedule cases because sometimes they had no advance knowledge. He added that it

is no longer possible to tell misdemeanants when their cases would be set because so many cases are awaiting trial.

Courtrooms A, B and E -- No calendars are posted for any of these courtrooms. Court watchers felt that defendants in Courtroom E, which handles bench and jury trials for misdemeanants, were particularly disadvantaged by the lack of a calendar. Defendant's rights are posted in the hall near "E," but are not posted in or near either "A" or "B".

The committee recommended: 1) that some means for informing the public of the day's schedule be found, even during jury trial weeks; and 2) that defendant's rights be translated into lay language and posted in a place visible to all entering the courtroom.

Judge Morgan commented: We do have a calendar that all attorneys have showing the setting of all cases for the two-week jury term. With as many as 100 cases set, it would be impossible to say what cases are going to be heard any particular day.

Judge Sara Lumpp commented: No time or personnel for calendar.

PHYSICAL FACILITIES/AUDIBILITY

Crowded, outgrown and outdated facilities are responsible for a number of the problems noted by monitors. Although the individual courtrooms were deemed adequate (a volunteer described one as "quaint"), other necessary facilities are lacking. There are no lawyer-client conference rooms nor a jury assembly room. Such activities are conducted of necessity in courtrooms themselves or in corridors. The resulting noise and confusion often make it difficult for court proceedings to be heard by audience, jury and, at times, the judge. Judges complain that support facilities necessary for the proper administration of justice are lacking.

Courtroom 5 -- Monitors found that the limited facilities often imposed a problem, particularly during the first part of the session, and led to confusion, lack of decorum and poor audibility. Lawyer-client conferences frequently took place in a corner of the courtroom, in the small hallway or on the sidewalk:

-- Defendants and their families and lawyers mill around, filling the courtroom and backing up into the tiny hallway. It is difficult to keep the courtroom doors closed because space is so limited.

-- It is all quite confusing. Often there are people 6 deep outside the building and in hall.....

The committee recommended that the doors be shut with a notice posted that the public is welcome and that the lack of space for lawyer-client conferences be remedied.

Judge Skillman agreed, noting that a county the size of Champaign should have more adequate facilities.

Courtrooms A, B and E -- Monitors found that audibility presented a problem in each of these courtrooms. In some instances, noise from jurors and others in the corridor interfered; other times, the judge or witnesses simply spoke too softly. (This was a particular problem in Courtroom E.) Observers questioned the ability of juries to hear all of the proceedings and suggested that jurors be provided with "Speak Louder" signs to hold up when warranted.

Seating space appeared to be adequate except when juries were being selected. On at least one occasion, during jury selection for a trial that had aroused considerable public interest, the public had to be excluded from the courtroom to make room for prospective jurors.

The committee recommended: 1) that doors of the courtrooms be kept closed to shut out external noise and that a public address system be installed in Courtroom E. 2) That quiet folding chairs be provided to increase seating space when necessary.

Judge Morgan commented: We should have a P.A. system in Courtroom A and I have so recommended to the county board. Hearing is a problem for everybody including me on occasions. I agree that additional seating is needed during jury call but there isn't room for any more. Folding chairs are not the answer. They are noisy....would create confusion.... We need a jury assembly room with adequate facilities.

DELAY

Data on continuances were recorded only in Courtroom 5 and only for felony preliminary hearings. The continuance rate of 35% did not in itself worry the committee, which reported that preliminary hearings are very promptly scheduled in Champaign County -- usually a day after the original court appearance -- and that many continuances were for the purpose of obtaining counsel. The committee was somewhat concerned, however, that every motion for continuance was granted and questioned the justification for this.*

JUDGES

All four judges regularly observed received praise from court watchers for their courtesy, patience, impartiality and kindness, as evidenced by these comments:

-- Judge _____ treats with understanding the poor and is very considerate of their financial condition. yet not taken in by insincerity.

-- When one defendant was having trouble with Public Defender Affidavit, Judge _____ said, "Perhaps I can help," and patiently and in simple language asked the questions.

-- Defendant has asked leave of jurisdiction for a funeral. As he and his mother left the courtroom, the judge called him by his first name and told him to be sure to take his medicine

*Continuance statistics appear in chart on page 14.

every day. Judge wished the mother well and said, "Family should be present for member's funeral."

-- Judge was gentle and supportive toward two very timid witnesses.

Monitors did, however, point out two problems: lack of adequate explanations of rights and procedures to misdemeanants and, particularly in one courtroom, lack of a dignified, businesslike atmosphere.

Although judges gave proper admonishments before accepting guilty pleas, it was apparent to monitors that defendants often did not understand:

-- You get the impression that the court is just a big processing machine. If a defendant pleads guilty, the judge runs through the admonishments very rapidly and mechanically. Meanwhile, defendant is standing there blinking and wondering, "What was that that just went by?"

-- Defendants do not seem to understand what the judge is asking. When he says, do you understand this or that, they hesitate and then say yes. When it is apparent that they do not, judge makes no effort to explain things....

-- Some of the defendants didn't seem to understand what was happening....judge did a good deal of mumbling. From their point of view, a simple statement of alleged violations might be helpful.

-- I think the judge needs to explain to the parties when they seem confused or unclear about what is happening. There must be some English words other than "legalese" that could be used for clarification.

Beside the problem of legal jargon, a number of watchers pointed out that the court used other words not readily understood by defendants, such as "indigent" and "counsel."

The committee recommended that court officials ensure that defendants understand what is taking place throughout the proceedings and suggested that a concise brochure describing the proceedings be available.

In one court, Courtroom E, the informal, unbusinesslike atmosphere that prevailed concerned monitors. They found that talking and joking among court personnel and frequent, long, unexplained recesses confused and frustrated witnesses, defendants and jurors alike:

-- Fair but sloppy. Court did not seem to have an atmosphere of seriousness sufficient for a court of law. The proceedings were informal...joking and conversation among court personnel.

-- Attitude of judge regarding use of time was odd. If I'd missed work to appear in court and spent this morning fruitlessly waiting for my case to be tried, I'd feel annoyed and discriminated against. Does judge resent use of time to conduct a trial? Why did judge

ask the two lawyers if they could rush and try to take up only 5-10 minutes of time? It was clear at 9:30 that the lawyers had witnesses there as well as plaintiff and defendant. Maybe if court began on time and included a shorter break, the whole trial could have taken place before noon.

At the same time, monitors praised the judge in this court for being kind and concerned.

The committee recommended that there be more formal management of Courtroom E and that the judge announce recesses and indicate their possible length.

CLERKS AND BAILIFFS

"Helpful," "friendly," and "efficient" were the words most often used by monitors to describe clerks in the four courts monitored. The clerk in Courtroom 5, whose counter-window is in the vestibule and hence both visible and accessible to persons coming to court, was singled out for her helpfulness "far beyond the call of duty."

Bailiffs were seen regularly only in Courtrooms A and B; in Courtrooms 5 and E, they were present only when escorting prisoners from the jail. In most instances, monitors rated bailiffs as courteous and helpful.

The committee recommended that in all the courts clerks and bailiffs wear identifying badges or that the clerk have a desk nameplate.

Judge Skillman agreed to see that this was done in his court.

OTHER CONCERNS

Administration -- Lack of daily calendars, missing files, absent defendants, unprepared attorneys and long, unexplained recesses made Courtrooms A, B and E appear inefficiently administered to a number of monitors. A fifth of the 175 responses were "no" to the question, "Does it appear to you that everything is in order for the trial or other proceedings to take place?" Volunteers explained:

-- Big gap in middle of morning because court ran out of cases. Better scheduling would have lessened delay.

-- After keeping jurors waiting for 1 1/2 hours, they announced that they couldn't get anything going until tomorrow morning.

-- At times the lawyers had cases they wished to present but the judge did not have the case records.

-- Some confusion to find files for cases.

-- I was amazed at the number of defendants who weren't in court nor did their attorneys appear at the time the case was called. Either defendants were not told when and where to appear or they were neglecting their own self-interest.

-- Sometimes you wonder if attorneys have just received the case.

-- Too many lengthy recesses. I can't imagine it was necessary. Jurors were bored and annoyed, defendant nervous. Prosecution appeared not to be really prepared.

-- Jury was ready to give verdict but one of the lawyers could not be found which delayed the proceedings 25 minutes.

Of special concern to the committee was that each of the three courts averaged less than four hours a day "in session."

Reiterating its recommendations for posting of calendars and explanation of recesses and delays by the bench, the committee suggested that a study be made of administrative problems in all courtrooms.

Jury Selection -- In a special, locally-designed study, Champaign County court watchers monitored the selection of 24 juries from February through May. Their goals were to observe the general nature of the jury selection process and to record the sociologic make-up of the juries. Monitors had several concerns:

1) Excusing potential jurors -- Persons whose names are drawn at random from the list of registered voters may be excused from reporting to the jury pool (from which jurors for particular trials are chosen) by talking to one of the three jury commissioners. The project called to public attention a local belief that "politics" is involved in being relieved of jury duty.

The committee questioned the criteria used by jury commissioners in excusing persons from reporting to the jury pool and recommended that a study be made of methods employed.

Judge Morgan commented that he knew of no politics involved -- that people were excused for valid personal reasons such as scheduled surgery or vacations, lack of transportation from outlying towns, planting or harvesting crops.

2) Problems faced by jurors -- Monitors noted two problems which made jury duty more burdensome to those citizens called to serve. They found that the courthouse lacked the space and service facilities to accommodate in even moderate comfort, the number of jurors required. Court watchers also discovered that persons called to jury duty were troubled, prior to reporting, by lack of information about practical matters, such as reporting times, transportation, parking and meals.

The committee recommended that an information card be included in the letter from the jury commission notifying persons of jury duty. The Champaign County Court Watching Project has prepared and financed the printing of such a card which is now included in the summonses sent to prospective jurors. (See sample on the next page.)

The committee also suggested that a questionnaire be administered to jurors after completion of service to obtain their reactions and offered to undertake this in cooperation with court personnel.

3) The "peer" concept -- Monitors watching jury selections were asked, "If you were the defendant in this case, would you feel that a jury of

FACT SHEET FOR PROSPECTIVE JURORS

1. It will be convenient for you to bring the enclosed summons with you when you report for jury duty.
2. Each day you are to report at 9:30 a.m. and 1:30 p.m. Oftentimes, the Court will excuse Jurors with instructions as to what time to return.
3. You are free to leave the Courthouse during the Noon lunch break. There are several restaurants in the immediate area.
4. After roll call, parking facilities will be explained and a parking permit issued for your car.
5. Bus service is available to the Courthouse. All Orange, Yellow, Gray and Green C-U Mass Transit Buses go directly to the Courthouse. If a Blue, Lavender or Red bus line is near your home, you need to transfer at either Church and Neil Streets, or Green and Wright Streets to a Gray, Yellow, Orange or Green bus.

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your peers had been selected?" 60% answered "no." Some explained:

-- If I put myself in the place of a black -- today all the defendants were black -- I would say no. The jury is all white.

-- The defendant is poor, black, uneducated. Most jurors are white, middle class....

-- All jurors were middle class; defendant clearly not.

-- I wouldn't feel sure. I would wonder if my lifestyle would be held against me since it appeared different from all the jurors' and court personnel's.

-- All citizens said they were open-minded, etc., but this was a young man. Few jurors were young.....

Statistics gathered lent credence to these doubts. It appears that the present system of calling jurors, which is based on voter registration lists, results in certain biases in the composition of juries. While both sexes were represented nearly equally, jurors tended to be over 30 and were 97.4% white. (Blacks comprise 6% of the county's population.) Defendants, on the other hand, were all male and 30% were black; data on age was incomplete.

The committee recommended that alternatives to the present selection system be considered and that in the meantime a voter registration drive emphasizing jury duty be undertaken by the League of Women Voters or the Urban League.

(Editor's note: St. Louis County (Mo.) is planning to broaden the composition of its juries in 1977, by adding licensed drivers to the registered voters now on the jury selection list.)

Bond Hearings -- During two and a half months, monitors observed 112 bond hearings on misdemeanor and felony charges in Courtroom 5. They noted that before granting a bond, the judge inquired about the defendant's past record 37% of the time; financial ability, 36%; employment, 30%; family ties, 28% and community ties, 29%.

Bail was set in 82% of the cases, ROR in 18%; no one was denied bond. Observers reported that defendants represented by counsel were more likely to be released on recognizance than those who were not: 19% of those with attorneys received ROR as compared to 6% of those without.

When questioned about the kind of information he had that was not brought out in open court, Judge Skillman explained that he had been sitting on that bench for 20 years and had seen a number of defendants more than once -- in some cases had had their fathers in court. He also said that he felt that a defendant who was represented by an attorney was more responsible and a better candidate for ROR.

The committee made no recommendations.

WARREN COUNTY PROJECT

BASIC INFORMATION				
Courts Observed	Location	Days per Week in Session	Type of Proceedings	Average Time in Session per Day
Room A	Courthouse	2 1/2	Felony preliminary hearings	50 min.
Room B	Court house	4	Traffic, ordinance violations, misdemeanors	3 hr.
Number of Judges Observed: 2 Number of Monitors: 30				
Total Period Observed: Room A was observed from February through March for a period of eight days; Room B from February through May, for 37 days.				
Period on Which Data Based: Same				
Project Background: The project was established in the fall of 1974 by the League of Women Voters of Monmouth. During its first year, volunteers observed misdemeanor and traffic proceedings in Courtroom B in the Warren County Courthouse. Eleven persons served on the 1975-76 local steering committee representing the following groups: LWV, Warren County Bar Association, American Association of University Women, Monmouth College, First Baptist Church of Monmouth and Amalgamated Meat Cutters & Butcher Workmen of North America, local chapter. The Reverend David Nicholson was chairman.				
Court Officials Asked to Respond to Recommendations: Chief Judge Daniel Roberts of the Ninth Judicial Circuit and State's Attorney Fred R. Odendahl.				

OVERALL APPEARANCE OF JUSTICE

In rural Warren County, it was not what the court watchers saw but what they didn't see that most concerned them. All agreed that court proceedings appeared to be impartial, dignified and orderly and cited both the performance of the judiciary and the low-volume call as factors. The project was dismayed, however, to find that the state's attorney was still taking most felony cases before the grand jury for indictment rather than simply bringing them before a judge for felony preliminary hearing despite the new (October 1975) law. This problem is discussed in greater detail on page 70.

INFORMATION FACILITIES

Court watchers observed that upon entering the courthouse there was confusion and difficulty on the part of the public in finding and arriving

at their destinations. A directory and bulletin board are in the lobby, but the circuit clerk's office, which is helpful in answering questions, is located on the third floor.

Notices of defendant's rights were printed and posted in each courtroom in the circuit at the urging of the committee last year, but no pamphlets concerning rights and responsibilities and courtroom procedure are available to persons appearing before the court.

The committee recommended that the county board provide an information booth on the first floor to help direct people to their destinations; that courts and offices be clearly marked and that more signs be posted directing people to the proper location. The court watching project offered to undertake the production and distribution of a pamphlet explaining defendant's rights and courtroom procedure.

Judge Roberts suggested that a graphic locator would help people to their destinations.

PHYSICAL FACILITIES/AUDIBILITY

Observers of the Warren County courts noted that the physical facilities added to the dignity of the courtrooms. Both courtrooms had adequate seating and maintenance. Monitors did note that although a lawyer-client conference room is provided, it is used for jurors; lawyers and their clients meet in the hallway outside the courtroom instead, mingling with witnesses, defendants, prospective jurors and prisoners brought from the jail. In Courtroom A, monitors found it difficult to hear the proceedings, particularly when attorneys and defendants were standing toward the bench.

The committee recommended that witnesses, defendants, prisoners, and prospective jurors be kept separate; that a holding room for prisoners be provided and that rooms be made available for lawyer-client conferences; that a sound and tape system be provided in Courtroom A.

Judge Roberts responded that prospective jurors could wait in Courtroom C on the second floor instead of the hall. The jurors could then be brought four at a time to Courtroom A for questioning. He also felt that there was a definite need to provide separate rooms, particularly a holding room for prisoners.

DELAY

Data on continuances was collected only for felony preliminary hearings. Fourteen were observed from February through May, none of which was continued.

JUDGES

Monitors observed two judges in Warren County; praising their performance and noting that the atmosphere of the courts was one of dignity and order. The judge appeared to be careful in giving admonishments and explaining sentences in language understood by defendants; courteous to all persons appearing before the court and impartial in their rulings. As observers explained:

--It was obvious to me that many defendants appearing in court for the first time did not understand the legal language and

were frightened or apprehensive. The judges took care to see that they understood their rights and made sure they were treated fairly.

-- We are fortunate in the rural courts to be able to treat people appearing in court as individuals, not just another number.

CLERKS AND BAILIFFS

Court watchers were in agreement that clerks were courteous and helpful towards the public in answering questions and providing information. They were neatly dressed in special uniforms with name badges and as one monitor noted, were well organized. Monitor-concern focused on the absence of bailiffs in the court except during jury trials.

The committee recommended that bailiffs be provided on a regular basis to help direct people and provide the necessary security needed for the court.

Judge Roberts commented: If county boards do not provide the monies to hire bailiffs on a regular basis, it may become necessary for the court to appoint them.

STATE'S ATTORNEY

(Editor's note: On October 1, 1975, the felony preliminary hearing took on new significance in Illinois. Before then, it was generally the first in a two-step procedure for bringing persons accused of felonies to arraignment and trial. If a judge found probable cause at the preliminary hearing, the defendant was bound over to await action by the grand jury -- either indictment or release. In practice, grand juries returned indictments nearly all the time, making this second step superfluous. Following the lead of several other states, the Illinois General Assembly changed the law to speed up criminal prosecutions. Now felonies can be prosecuted either (1) after finding of "probable cause" by a judge at a preliminary hearing or (2) after indictment voted by a grand jury. Many experts applauded this new provision -- both because it streamlined the process and because it appeared more fair to the defendant, who may be represented by a lawyer during a preliminary hearing but not before a grand jury.)

In Warren County monitors noted that in 1976 the state's attorney rarely took cases before the court for felony preliminary hearing. From February through May, eight such hearings took place; during the same time, the state's attorney used the grand jury to bring 50 indictments. The committee questioned his circumventing the intent of the new law by continuing to take nearly everything to the grand jury. In two instances, cases were set for preliminary hearing on the court call, with the judge, defendants, defense attorneys and witnesses present. Yet the state's attorney was not present and was presenting these cases to the grand jury. The committee criticized the state's attorney for not informing all parties involved of his decision ahead of time.

State's Attorney Fred R. Odendahl responded, "...the old law required both a preliminary hearing and a grand jury proceeding on all felonies. The

purpose of the new law was not to specifically encourage preliminary hearings but rather to do away with two procedures, one by the court and one by the grand jury, to find probable cause in felony cases..... The discretion rests with the local state's attorney as to what procedure to follow."

Regarding examples cited, he responded, "...I must set the record straight on this since the defendants' attorneys were notified by me prior to the hearing that I intended to take both cases before the grand jury. They, however, chose to insist on a right of a preliminary hearing and this is the reason that they appeared in court, not because I did not notify them that I intended to take the cases to the grand jury."

ROCK ISLAND COUNTY PROJECT

BASIC INFORMATION				
Courts Observed	Location	Days per Week in Session	Type of Proceedings	Average Time in Session per Day
East Moline	City Hall	4	Misdemeanor, traffic, ordinance violation	1 hr. 56 min.
Milan	Village Hall	3	Misdemeanor, traffic, ordinance violation	1 hr. 24 min.
Moline	City Hall	4	Misdemeanor, traffic, ordinance violation	1 hr. 48 min.
Rock Island	City Hall	4	Misdemeanor, traffic, ordinance violation	2 hr. 36 min.
Number of Judges Observed: 8 Number of Monitors: 60				
Total Period Observed: January through May				
Period on Which Data Based: February 16 through April 30				
Project Background: The project was established in the fall of 1975 by the Leagues of Women Voters of Moline and Rock Island. Fifteen persons served on the local steering committee including representatives from the LWV, Bi-State Metropolitan Planning Commission, Parents Without Partners, 14th District Women's Club, Churches United, Church Women United of Rock Island and of Moline, Rock Island Crime Commission, American Association of University Women, American Association of Retired Persons and Moline YWCA.				
Court Officials Asked to Respond to Recommendations: Chief Judge Dan H. McNeal of the 14th Judicial District.				

OVERALL APPEARANCE OF JUSTICE

Although 96% of the court watchers responded positively to the question about whether it appeared, overall, that justice was fairly administered, there were "gray" areas which bothered many. Serious criticisms were directed towards the practices of some judges and the performance of some policemen.

The local steering committee submitted the report of the project's findings and recommendations to Judge McNeal. He received them courteously but refused to help implement any of the suggestions, either ignoring their pleas or disclaiming responsibility.

INFORMATION FACILITIES

In all four locations (East Moline, Rock Island, Moline and Milan), either signs or graphic locators direct the public to the courtrooms. Although daily calendars are posted inside the clerk's offices near the courtrooms, court watchers reported this placement unfortunate. Not only are the offices small and crowded and the small calendars difficult to see, but also many persons do not know they are supposed to check in first with the clerks. Monitors often saw witnesses and defendants sitting in court for some time before realizing they should check in. Sometimes lawyer-client conferences were delayed because the attorney did not know his client had arrived. Notices of defendant's rights were not posted in any of the courtrooms.

The committee recommended that: 1) A sign be posted outside the courtrooms directing witnesses and defendants to check in with the clerk. 2) Calendars be posted outside the clerk's offices and outside the courtroom. 3) Notices of defendant's rights be posted in the courtrooms as required by statute.

Judge McNeal did not take responsibility for implementing these requests, explaining that in three locations (East Moline, Milan and Moline) the courtroom and personnel were provided by the city and that he hesitated telling them how to operate. He said that posting of calendars was up to the division clerks, that posting of rights was the sheriff's duty.

In the 2106 proceedings recorded, monitors noted that 27 persons needed interpreters. Of these, six were given court-appointed interpreters; 10 provided their own; one was sent to the Rock Island Courthouse and another's case was delayed until an interpreter could be found. In the case of a deaf mute, everything was done in writing and the audience heard nothing but "found guilty."

The committee recommended that the calendars, which are sent out two weeks in advance of the session, include a notice advising persons who need an interpreter to notify the clerk ahead of time.

PHYSICAL FACILITIES/AUDIBILITY

The cleanliness and upkeep of the four courtrooms were considered adequate as was the seating capacity. Monitors noted the lack of rooms for lawyer-client conferences in East Moline and Rock Island facilities, reporting that such meetings were usually carried on in the hallway. They criticized the lack of privacy and said that the noise was disruptive to the court at times.

A further comment concerned the witness chair in Rock Island. On rolling casters, it sits on a raised platform, and judges frequently have to remind witnesses not to roll off. As one court watcher explained, "Being a witness must be nervewracking enough without worrying about falling off the stand."

The committee recommended that rooms for lawyer-client conferences be pro-

vided in East Moline and Rock Island and that the witness chair in Rock Island be replaced.

DELAY

Continuances were not perceived as a problem in the four Rock Island County courts observed, either by monitors or committee. Of the 2106 misdemeanor and traffic proceedings recorded during the two and a half month period, 16% resulted in continuances. The rate ranged from 11% in Milan to 25% in Rock Island. 5% of the requests were denied. According to court watchers, judges usually made an effort to find out why delay was necessary.*

JUDGES

Court watchers gave high marks to most of the eight judges observed in Rock Island County, citing their diligence, impartiality, patience and courtesy:

-- Two times the judge probed behind defendants' statements that they understood what was being told...he was sympathetic and concerned.

-- Judge _____ read rights very clearly and kindly. If people are confused, he clarifies the subject. Very patient and flexible in dealing with people not understanding process of law, charge, etc.

-- The judge made every effort to be completely fair. Allowed two attorneys to leave and go look at a street in a case where testimony conflicted.

-- Working judge, anxious about keeping defendants waiting no longer than necessary.

But other judicial conduct troubled monitors. They disapproved of judges who appeared to be racially prejudiced, did not attempt to help defendants understand or did not announce results of plea bargaining. The following comments illustrate the problems:

-- I was pretty upset in the case of _____. A 17-year old black was accused of battery by a 17-year old white. When the black defendant was telling his side of the fight, the white boy sat in the audience saying, "Oh brother, sure!" and such sarcastic remarks insinuating that the black was lying. And the judge did nothing to stop him.

-- I felt Judge _____ showed more respect to male Caucasians in their 40's and up, belittled blacks.

-- The judge never admonished defendants making guilty pleas. Defendant representing himself in trial was not told he could call witnesses.

*Continuance statistics appear in a chart on page 15.

-- Judge _____ did not explain conditional discharge to those who got it.

-- I had the distinct impression (today) that the judge sitting last week had not explained rights and procedures adequately to some persons. Appearing today, they felt they had already made a plea or were not allowed to make the plea they wanted. It appeared that they did not understand the proceedings or what was expected of them.

-- Some negotiated cases settled in judge's chambers.*

-- Judge not decisive, mumbled. All plea bargaining, results not announced.

An additional criticism was the failure of some judges to announce recesses. In numerous instances, court watchers reported that judges left the courtroom without announcement, for example:

-- Informs public not at all. Enters and leaves courtroom usually without announcement. Never announces recess--just gets up and walks out.

Sometimes judge, clerk and bailiff all left for lunch without so much as a word to the audience, leaving witnesses and defendants simply sitting and wondering.

The committee recommended that:

- 1) Admonishments be given at all times.
- 2) A brochure such as the Illinois State Bar Association's "Your Rights if Arrested" be given to defendants so that they can study it beforehand rather than mere hearing the rights before a judge when they are nervous. (It warned that it meant the brochure as a supplement to, not a substitute for, oral admonishments.)
- 3) Some apparently discriminatory practices should be addressed.
- 4) Cases be held in open court.
- 5) The bench announce recesses, the end of proceedings for that session and the time court is to resume.

Judge McNeal responded that cases in judge's chambers usually deal with technicalities.

CLERKS AND BAILIFFS

Clerks were perceived as polite, courteous and helpful in giving information. Bailiffs were present in these courts only part of the time. Except for escorting prisoners, they seemed to perform no useful function. They did not assist the judge in keeping order in the courts. Monitors

*Editor's note: These courts did not hear civil cases.

questioned both their apparent lack of duties and their casual dress.

The committee recommended that clerks have a nameplate on their desks or a badge. It made no recommendations regarding bailiffs but questioned their usefulness.

Judge McNeal reminded the committee that bailiffs were employees of the sheriff's office.

OTHER CONCERNS

Police and Other Witnesses -- Court watchers were troubled by the non-appearance of witnesses, both civilian and police, and with the poor performance of many police officers when they did appear. Resultant dismissals also troubled monitors.

-- Of 41 witnesses listed today, only two appeared. Four of the cases were dismissed.

-- In the morning when no witnesses appeared -- apparently because of the King of Sweden's visit -- and defendants were automatically cleared, it seemed a farce to me that this could be considered justice. It left me with a sick feeling.....

-- I have seen many cases lost by the prosecution and much time and money wasted because of inefficient performance by police officers. At various times, I have seen cases where an officer has: not known the law, made an illegal arrest, made an arrest on the wrong charge, given incredible testimony, given oral testimony conflicting with his own written report, not shown up at trial time for unknown or poor reason. More highly qualified, better trained personnel in the police departments would certainly improve courtroom efficiency.

The committee recommended that policemen be given more training in the law, in making arrests and giving testimony.

Prosecution of Victimless Crime -- Proceedings representing victimless crimes constituted 3% of the caseload in the four courts observed, with possession of small amounts of marijuana the predominant offense.* The committee made no recommendations, and the judge was not asked to comment.

*For list of charges characterized as victimless by project, see Appendix.

ST. CLAIR COUNTY PROJECT

<u>BASIC INFORMATION</u>				
<u>Courts Observed</u>	<u>Location</u>	<u>Days per Week in Session</u>	<u>Type of Proceedings</u>	<u>Average Time in Session per Day</u>
East St. Louis	City Hall	5	Traffic, Misdemeanors, jury trials	2 hr. 13 min.
Belleville	Basement of former Savings & loan company.*	2	Traffic, ordinance violations, misdemeanors, bench trials	3 hr.
<u>Number of Judges Observed:</u> 7		<u>Number of Monitors:</u> 29		
<u>Total Period Observed:</u>		The court in East St. Louis was observed from mid-January through April; the court in Belleville from early January through May.		
<u>Period on Which Data Based:</u>		East St. Louis data was collected from February 16 through March 26; Belleville from February 16 through April 30.		
<u>Project Background:</u> The project was established by the League of Women Voters of St. Clair County in the fall of 1975. Twelve persons served on the local steering committee, representing the LWV, St. Clair County Bar Association, state's attorney's and public defender's offices, probation department, judicial administration and Belleville Area College.				
<u>Court Officials Asked to Respond to Recommendations:</u> Chief Judge Joseph Cunningham of the 20th Judicial Circuit, State's Attorney Robert Rice, Circuit Clerk Edward Whiting and Sheriff Dave O'Neal.				
<hr/>				
*Temporary location. Court moved to new County Services Building in late April.				

OVERALL APPEARANCE OF JUSTICE

Disorderly courtrooms, confused court-users and high continuance and dismissal rates were problems that most troubled monitors in the two St. Clair County courts. Despite these, 75% of the observers said that justice appeared to be fairly administered. Judges were helpful and courteous to persons appearing before them, always gave proper admonishments and seemed unprejudiced and impartial.

The local steering committee took its report and suggestions to Judge Cunningham, who agreed to implement all those recommendations that fell under his jurisdiction and asked the assistance of the project in preparing a

training film for court personnel. Sheriff O'Neal was cooperative, and Circuit Clerk Whiting met with the committee. The project was disappointed, however, in State's Attorney Rice who did not take the report seriously and did not respond.

INFORMATION AND PHYSICAL FACILITIES/AUDIBILITY

During most of the monitoring period, court watchers observed the proceedings in extremely poor facilities: the Belleville court was held in the basement of a former savings and loan building and the East St. Louis court in shabby fourth-floor quarters in the city hall. A number of the problems observed, including lack of decorum, seemed alleviated when the courts moved to the new County Services Building in Belleville at the end of April. Monitors explained:

-- Court proceedings were much improved over past Belleville and East St. Louis proceedings. Sound is great and court moved in very orderly, judicial fashion.

-- The professional decorum in the courtroom has improved considerably from the casual appearance of the East St. Louis courtroom. Clerks, bailiff and court reporter all seem to have a very professional demeanor now....

-- Now the jurors act more dignified. In East St. Louis they had a "so what" attitude and seemed more depressed.

Although the new surroundings were splendid by comparison, monitors found a serious lack of information facilities in this brand-new building. This problem is reflected in the committee's suggestions.

The committee recommended that: 1) an information desk be installed, 2) signs be posted directing people to various courtrooms and offices, 3) informational brochures be prepared to include a map of the courthouse and explanation of defendant's rights and procedures for fine paying, reclaiming driver's licenses etc., 4) staffing, perhaps by volunteers, of the information desks at each elevator, or a floor directory outside each elevator and a master directory on the ground floor, 5) clocks be installed on each floor or in every courtroom, 6) a uniform typed daily calendar be posted outside the assembly room, 7) notices of defendant's rights be posted in courtrooms in compliance with Illinois statute.

Judge Cunningham agreed with all of the recommendations, noting that anything to be hung on the walls had to be approved by the building commission. He added that he would take the appropriate steps to implement these recommendations.

DELAY AND DISMISSALS

The East St. Louis court had the second highest continuance rate of any of the 45 Illinois courts observed in 1975 or 1976. Of the 145 proceedings seen there, 73% were continued, with the defense responsible 55% of the time. In Belleville, 36% of the 629 cases observed were continued. Here the prosecution was charged with the largest share (38%); the predominant reason cited was "Complainant or witness absent."*

*Statistics on continuances appear on page 15.

Continuances were not the only problem posed by non-appearance of witnesses -- 36% of the cases in East St. Louis and Belleville were dismissed, most because witnesses were not there. Faulty notification procedures seemed to be the underlying cause:

-- Are police officers always notified on time? Too many officers make arrests and do not appear.

-- Assistant state's attorney ____ seems to be a little confused at times. His office is responsible for sending out the wrong notices to the police and witnesses, telling them to appear in the East St. Louis court instead of Belleville.

-- Heard state trooper complain about not receiving notice of cases until the day after the case was dismissed.

-- Caseyville police never show up after issuing tickets. Something should be done about this.

--attorneys pleading cause because of defendants' having to reappear and asking for dismissals.

-- Also, I think when defendants don't appear in court when scheduled they should be held in contempt instead of their cases being dismissed or bond forfeited.

-- All the witnesses were told to go to East St. Louis today and seemed annoyed at having to postpone and come back again.

-- Judge ____ couldn't understand why the notices were not sent out by the Fairview city attorney. He was concerned with the use of court time. (36 continuances resulted.)

The committee recommended that the notification system be reviewed and corrected; that police officers and other witnesses be given longer notice of appearance dates.

Judge Cunningham commented, "All of this is being worked on now. It will all be done by computer, but the county just lost its programmer and this has caused a delay in changing the system."

Circuit Clerk Whiting stated that at the present time no office was taking total responsibility for docketing cases. He added that the problem of late notification results from a delay in schedules being returned from the state's attorney's office. He observed there was an overall lack of coordination and cooperation between all departments....and suggested there was a definite need for a county court administrator, who would coordinate the scheduling and notification.

State's Attorney Rice did not respond.

JUDGES

The seven judges observed in St. Clair County were rated highly for their courtesy, impartiality and patience and for carefully admonishing defendants before accepting guilty pleas in easily understood language:

-- Judge _____ is a super judge. He does not hear cases just to erase them from the docket. Every defendant receives justice...

-- Judge _____ was attentive, helpful...goes out of his way to explain procedures to defendants. He makes sure they understand what is happening.

-- Thought Judge _____ impressed defendants in several cases with the seriousness of the charge and what could happen in the future....

However, monitors were often disturbed at the lack of judicial control of the courtroom and personnel and its effect on court-users, for example:

-- I feel that if I were a defendant I would have left the court feeling confused at what had just happened to me. The noise and confusion made proceedings seem like a joke to some court personnel who should remember this is not an everyday experience for most people.

-- Courtroom was very noisy and disorderly. No attempt made by bailiff to keep audience quiet, especially state troopers. ...we found that many defendants are not aware when their case is completed and they are free to go.

The committee recommended that the judges exert authority to maintain quiet in the courtroom. (Further recommendations in regard to bailiffs appear in the next section.)

Judge Cunningham agreed.

CLERKS AND BAILIFFS

Court watchers found that on a one-to-one basis courtroom clerks afforded most persons adequately courteous and impartial treatment, as did bailiffs. Serious questions were raised, however, concerning a lack of dignity and overall professional attitude of court personnel:

-- Court personnel sat in judge's chambers discussing music and staying out late within distinct hearing, while police officers and two witnesses sat for 30 minutes waiting.

-- Chaotic today....lawyers in and out, prisoners brought from County Jail for pleas, then general confusion. Court personnel seemed to accept the confusion as inevitable; and there was little attempt to reduce confusion.

-- One woman witness, who was scared anyway, said she would never press charges again because she had to wait so long. When court started, they put her case next to last. Turns out she had her life threatened if she testified. Disgusting, the way during court recess, court personnel sat in chambers discussing everything from medication to music with the door open. While this witness waited.

In addition, monitors agreed that bailiffs did not perform their jobs efficiently. In neither court observed did bailiffs assist the judge in

maintaining order; loud conversations between police officers, lawyers and defendants were distractive and interfered with audibility. A sampling of monitor comment:

-- The bailiff did not ask for quiet at any time.

-- The bailiff did not call court to order. No one stood up when the judge entered.

-- Bailiff appeared bored and dozed frequently.

-- Another short recess while clerk took extra jurors back to assembly room. Shouldn't the bailiff do this?

The committee said that the problem of confusion and disorder in the courtroom seemed to stem from a question of authority and that this might be remedied by cooperation between the sheriff's department and judiciary; it suggested that since judges see the daily performance of bailiffs they should have equal power over retention and dismissal.

The committee recommended that 1) bailiffs and clerks both wear badges showing title and name, 2) bailiffs strive to maintain quiet in the courtroom, 3) guidelines of bailiff's duties be established and bailiffs be made aware of them.

Judge Cunningham concurred in regard to badges and said that he, along with other judges throughout the state, agreed with the need for uniformity in personnel administration. He added that he hoped the training film for court personnel being planned would set up guidelines.

Sheriff O'Neal responded that he had received no complaints from judges about bailiffs.

STATE'S ATTORNEYS

Although monitors were not asked any specific questions about the performance of the state's attorney's staff, a number of the observers commented. On the whole, they found assistant state's attorneys appeared competent. However, one often appeared to be confused and unprofessional:

-- Mr. _____ was state's attorney and he doesn't always know what's going on.

-- The ASA holds up court many times because he's disorderly... is very rude to judge....

-- Mr. _____ is always cracking jokes and making a mockery of the judge. Very distasteful in the courtroom.

The committee reported the complaints to State's Attorney Rice, who did not respond.

OTHER CONCERNS

Prosecution of Victimless Crime -- In both courts observed, offenses designated as victimless accounted for 1% of the caseload. In this category,

the major offense was illegal possession of marijuana.*

*A list of crimes designated as victimless for the purpose of this study appears in Appendix.

WINNEBAGO COUNTY PROJECT

BASIC INFORMATION				
Courts Observed	Location	Days per Week in Session	Type of Proceedings	Average Time in Session per Day
Room 214	Courthouse	5	Misdemeanors	2 hr. 48 min.
Room 217	Courthouse	5	Misdemeanors, felony pre-liminary hearings	3 hr. 12 min.
Number of Judges Observed: 7 Number of Monitors: 30				
Total Period Observed: January 12 through May				
Period on Which Data Based: February 16 through April				
Project Background: The project was established by the League of Women Voters of Rockford in the fall of 1975. Eleven persons served on the local steering committee representing the following groups: LWV, Winnebago County Bar Association, National Council of Negro Women, American Association of Retired Persons, Church Women United, National Organization for Women, West End Revitalization Council, United Labor of Rockford, Northern Illinois Federation of Former Offenders, Spanish Speaking Social Services and American Association of University Women. Nan Morgan was chairman.				
Court Officials Asked to Respond to Recommendations: Chief Judge John E. Sype of the 17th Judicial Circuit.				

OVERALL APPEARANCE OF JUSTICE

The two Winnebago County courts observed appeared to be dispensing justice fairly, according to most Rockford court watchers. 96% of the responses to the question about the appearance of justice were favorable, but the citizen observers had some reservations. Especially, they were troubled by the lack of enough clerks, bailiffs and court reporters and by the failure of some judges to give proper admonishments before accepting guilty pleas. The local steering committee took the report of monitor findings and committee recommendations to Judge Sype, who promised to implement some of the suggestions.

INFORMATION FACILITIES

On the first floor of the courthouse there is a public information booth staffed by a switchboard operator who directs court-users to the clerk's office on the second floor. Daily calendars are available there upon request but are not posted. Both courtrooms observed were on this busy second floor; monitors reported that many persons coming to court were

confused, often questioning the volunteers about where to go and procedures to follow. In both Room 214 and 217, a notice of defendant's rights is posted in the rear of the jury box.

To provide better information to the public, the committee recommended that: 1) a booth or other source of public information be established in the 2nd floor hall; 2) a daily calendar be posted in the hall listing the case number, defendant's name or initials, offense charged, plaintiff, time scheduled, courtroom and judge; 3) a brochure be developed containing information about defendant's rights, sources of legal help and court procedures.

Judge Sype responded, "It is planned to augment the bulletin board opposite the elevators with an individual case schedule posted outside and adjacent to each courtroom.* The bulletin board would then direct each person by type of case to a numbered courtroom, and outside each such courtroom the particulars (case title, parties, judge, and time) would appear on a wall 'calendar.' This would channel the traffic, disperse court-users promptly to appropriate courtrooms and avoid clogging the Clerk's office and the corridor (as would be the case with a kiosk or booth).

"Information on the 2d floor would be available from (1) the bulletin board, (2) the individual court 'calendars,' (3) a roving bailiff assigned to corridor duty during heavy traffic periods, and (4) pamphlets on the Clerk's counter, such as the 'Small Claims' pamphlet printed and currently in use.

"We have requested funding from the County Board for the additional bailiff mentioned above, who would be a mature person, male or female, trained in court procedures and to give assistance, who would be plainly identified by appropriate insignia, and whose presence and availability would be advertised on the bulletin board and calendars. Of course, the Clerk's office would continue to be open for complete public access and service.

"Any brochure containing correct statements of the law relative to matters before the Courts conducting business on the 2d floor would be eligible for distribution by the Clerk. However, to avoid litter and interference with the necessary public use of the space available, pamphlets sought to be distributed by the Clerk should first be approved by the Chief Judge."

PHYSICAL FACILITIES/AUDIBILITY

Favorably impressed with the audibility and upkeep of the courtrooms, monitors did indicate one concern in regard to physical facilities: although rooms for lawyer-client conferences exist, they are usually kept locked and such conferences held in the hall. The committee recommended that the rooms be kept open or that the key be made available at the suggested information booth.

Judge Sype commented, "Conference rooms have been kept locked on occasion because of vandalism and misuse. With a patrolled corridor, the 'roving bailiff' mentioned above, such rooms would be expected to be kept open and lighted for use without requesting the key from the clerk."

*The project reported in September that this promise had already been fulfilled.

Noting that on occasion the judge in Courtroom 217 had "to run around looking for persons to appear in the court," the committee recommended installation of a telephone to save the judge's time.

DELAY

Monitors found that of the 257 misdemeanor proceedings observed in Courtroom 214, 29% were continued. In 217, which handles felony preliminary hearings as well as misdemeanors, 34% of the 1,353 proceedings resulted in continuances. Although only three of the 533 requests for continuances were denied, monitors indicated that judges usually made an effort to find out why delay was necessary.

The committee noted that included in the total for Courtroom 217 were a great number of "presentments" (first appearances in felony cases) and that these must be routinely continued to allow the defendant to acquire counsel or for both sides to prepare. The committee also pointed out that the "presentments" are followed very promptly by the preliminary hearings in Winnebago County. The committee made no recommendations.

Judge Sype commented, "Many continuances are mandated by law to protect the accused, the prosecutions and other litigants. Continuances, for your purposes, should include only those asked or granted, whose purpose or effect is unreasonably to delay disposition of the case.... Therefore, your statistics on 'continuances' will have meaning only if broken down into categories and attention then addressed to those that interfere with the administration of justice."*

JUDGES

The seven judges observed in Rockford were given high ratings for their courtesy, decisiveness, lack of prejudice, attentiveness and patience. Many monitors explained their answers; for example:

-- I believe Judge _____ is a very fair judge and tries to hold his office with dignity. I have a feeling that the courtroom is a very important place. This feeling I do not have with every judge....

-- Was very impressed with Judge _____. He was always very polite, patient. Expression on his face never changed. Nor his tone of voice. Extremely proper and professional at all times.

-- The judge was unusually diligent in ascertaining the facts in the third case, especially as they were confusing. While he took a short time to think about the decision, there was certainly no indecisiveness about it.

But there was a problem: Monitors said that on a number of occasions judges did not give proper admonishments to defendants before accepting guilty pleas. (According to Illinois Supreme Court Rule 402, the court should not accept a plea of guilty without first informing the defendant

*Reasons stated in court when motions for continuances were made appear in the chart on page 15.

of and determining that he understands the nature of the charge, minimum and maximum sentences, his right to plead guilty or not guilty, and that if he pleads guilty there will not be a trial of any kind. The Rule also states that the court must determine that the plea is voluntary and so forth. This is to be accomplished "by addressing the defendant personally and in open court.") The following are examples of monitors' comments regarding lack of admonishments:

-- I first asked an attorney about admonishments because there were none given. He said he's never known any to be given at a bench trial. I later asked Judge _____ and he said the same, except added the defendant had counsel so admonishments weren't needed because they were informed of their outcome and probably some plea bargaining was done.

-- Have noticed other judges giving greater admonishments.....

-- Perhaps the judge did and I did not understand; couldn't always tell what would happen to defendant if he pleaded guilty.

-- Judge _____ told me it wasn't always necessary to give admonishments because he has rapport with the attorneys and assumes they have given the defendants the admonishments.

The committee recommended that all judges give admonishments to each individual pleading guilty and said that judges should not assume that the defendant has been "given" his rights by his attorney.

Judge Sype commented, "Admonishments precede all guilty pleas. In traffic and misdemeanor cases where the defendant is represented by an attorney, counsel's advice to his client is generally assumed. If jail time is sought by the prosecution, or the defendant is unrepresented, the court gives full admonishments."

CLERKS, BAILIFFS, COURT REPORTERS

It was not the behavior of clerks and bailiffs that concerned Winnebago County court watchers; when present, this personnel appeared courteous and their performance adequate. What did trouble monitors was that the courts were inadequately staffed. Courtroom 214 had neither clerk nor bailiff. Observers also were troubled because many of the proceedings they witnessed were not recorded by a court reporter or by other means. Their comments illustrate the problem:

-- Over one hour was spent either looking for a clerk or waiting for lawyer...hearings in a.m. should not have lasted 45 minutes.

-- Court sessions could be conducted in less time if a bailiff were present to ask witnesses to come in the courtroom. Also a court reporter would be more efficient than the judge writing down pertinent facts.... One judge told me there isn't enough money for more bailiffs and reporters.

-- At present there are only two bailiffs in the courthouse. One is assigned to felony courts and too busy to help the one

in 214. Another bailiff was needed today. There were two juries in session at the same time, and the bailiff had to move both of them several times.

-- Waited for 30 minutes before preliminary hearings began. Judge explained later it was because of the shortage of reporters and the need to wait for one.

-- I still feel that all of the testimony should be recorded. In a bench trial that took 1-1/4 hours, there were exhibits and a witness on both sides and no testimony was recorded. The judge did ask both sides if the recorder was necessary and they said "no."

The committee recommended that a court reporter or tape recorder be used at all proceedings, that a bailiff serve in each courtroom and that additional clerks be added. It also suggested that bailiffs wear identifying badges so that people would know of whom to ask questions.

Judge Sype commented, "The judges wholeheartedly agree with the recommendation that a bailiff be present at all judicial proceedings. We have requested three additional bailiffs for the courts in the county: one part-time corridor/part-time court, and two full time courts to serve on the 2d floor and in the new Public Safety Building courtrooms. Bailiffs will wear more conspicuous insignia."

"Courtroom 214 does not have a bailiff or clerk because clerk's office is understaffed and is unable to allocate a clerk for that purpose, but notations needing to be made can easily be made by the judge, thus leaving that personnel for other work. A bailiff is needed in Courtroom 214, and it is hoped that the County Board will be helpful in this respect."

"The reporting of each case, including motions in a misdemeanor prosecution, is optional. Appended are a summary of Illinois laws concerning court reporting required. As a matter of policy, when court reporters are available, most judges request the proceedings be reported in Courtroom 214."

"Hiring of court reporters who are state (not county) employees depends upon the state budget allocated to the Administrative Office of the Illinois Court and that office's order to the circuit. After long importuning, we were in 1975, allocated two additional court reporters for our 2d floor courts. Thus, there are four court reporters, serving as a reportorial pool for use among all courtrooms, with absolute priority to statutory reporting situations. You are reminded that any attorney or party may supply his own reporter in cases not required by statute to be reported."

"Clerks wear identification and are present in practically all proceedings, except for preliminary hearings and trials in Courtroom 214. The problem is one of budgeting and manpower for the circuit clerk, who is funded by the county."

OTHER CONCERNS

Prosecution of Victimless Crime -- Monitors catalogued the incidence of victimless crime as follows: 5% of the proceedings in Courtroom 214 and

13% in Courtroom 217 involved charges of offenses designated as victimless by the project.* Most such charges in Winnebago County involved possession of small amounts of marijuana or public drunkenness by 17-year-olds. The committee had no recommendations for changes in laws relating to victimless crime and did not ask Judge Sype for his comments.

*See Appendix.

APPENDICES

SUMMARY OF RECOMMENDATIONS

LIST OF COURTS MONITORED

MONITOR PROFILE

STATE STEERING COMMITTEE LIST

VICTIMLESS CRIME

DATA COLLECTION FORMS

Felony Preliminary Hearings

Misdemeanors

Bond Hearings

Physical/Information Facilities

CONTINUED

1 OF 2

SUMMARY OF RECOMMENDATIONS

Illinois Court Watching Project

1975 - 76

That chief judges or circuit clerks submit budget requests to county boards for establishing and maintaining staffed information desks in the lobbies of all courthouses in which high-volume courts are located.

That the Illinois Supreme Court require all circuits to post daily calendars outside the door of all courtrooms used for the prosecution of misdemeanors and felonies. (The calendar should include, at the minimum, defendants' names, offenses charged, starting time of court call and name of judge.)

That the Illinois Supreme Court require that a bailiff or other court personnel be stationed in or near high-volume courtrooms 15 minutes before the start of each session to answer questions from the public or direct them to the proper person to answer their questions.

That a notice of defendant's rights be posted in each courtroom in which criminal proceedings are held "in a conspicuous place where it may be read by persons in custody and others..." as required by law (Ill. Rev. Stat. 38:103-7).

That the Illinois Supreme Court prepare an authorized version of the notice of defendant's rights in language more easily understood by lay persons and that this version be posted prominently in addition to the one copied from the statutes.

That the Illinois Supreme Court direct judges to adhere to Supreme Court Rule 402 which requires them to give proper admonishments to a defendant before accepting a guilty plea "by addressing the defendant personally and in open court" to assure he is informed and to determine that he understands the consequences of the plea and that it is voluntary.

That the Illinois Supreme Court require that judges in courts hearing misdemeanors, traffic cases and felony preliminary hearings open each call with explanations of the type, order and purpose of proceedings to be conducted at that session and of defendant's rights; directions for any special procedures to be followed, such as payment of fines or application for bail refunds.

That the Illinois Supreme Court add the following to Rule 61, Standard (C) (8) "Consideration for Counsel and Others" at the end of the first paragraph: "The judge should take special care that parties, witnesses and others in attendance upon the court understand the nature of the proceeding, their rights and obligations and especially the ultimate disposition of the case."

continued

That the Illinois State Bar Association update its brochure "Your Rights if Arrested" and arrange for wider distribution of it to provide such practical information as: rights on arrest, explanation of how bail is set and what information would be useful to a judge in setting or reducing bail or granting release on recognizance; right to counsel and suggestions about how to obtain a private attorney or public defender; explanation of rights and procedures in misdemeanor trials and felony preliminary hearings.

That the Illinois Supreme Court institute a system for certifying qualified interpreters for persons who do not speak or understand English and for deaf persons; that it require lists of such interpreters to be maintained by the chief judge of each circuit and to be circulated to all judges in the circuit who hear criminal cases.

That the Illinois Supreme Court instruct judges to strictly observe the present rules and statutes dealing with continuances, especially the following: Illinois Supreme Court Rule 16, Standard (C) (17) which states; "In considering applications for continuances, a judge, without forcing cases unreasonably or unjustly to trial, should insist upon a proper observance of their duties to their clients, and to adverse parties and their counsel, so as to expedite the disposition of matters before the court."

That the Illinois Supreme Court Judicial Conference hold seminars for judges on conducting a proper bond hearing.

That the Illinois Supreme Court undertake a study of standardization of pre-trial release procedures.

That the Illinois Supreme Court establish a standard to determine indigency for the purpose of assigning a public defender or other court-appointed counsel.

That the Illinois State Bar Association take the lead in establishing a statewide "Lawyer/Citizen Committee for Better Court Facilities" to be composed of representatives of the civic, business, religious and professional communities.

That the Illinois Attorney General's Office provide voluntary training for assistant state's attorneys on a statewide basis.

That the Illinois Supreme Court consistently remind trial judges of their obligations under Supreme Court Rule 61, Standard (C) (8), "Consideration for Counsel and Others."

COURTS MONITORED

Illinois Court Watching Project

1975 - 1976

COOK COUNTY JUDICIAL CIRCUIT

First Municipal District: Branch 44 (miscellaneous felonies)
Branch 57 (narcotics)
Branch 66 (violent crimes)

Second Municipal District: Branch 3, Evanston

Third Municipal District: Branch 3, Niles

Fourth Municipal District: Branch 1, Oak Park

Sixth Municipal District: Branch 20, Markham (felony preliminary hearings)
Bond Hearing Court, Markham (no branch number)

all fel
preliminary
hearings &
bond
hearings

6th JUDICIAL CIRCUIT

Champaign County: Courtroom A (felonies)
Courtroom B (felonies)
Courtroom E (misdemeanors)
Courtroom #5 (arraignments)

9th JUDICIAL CIRCUIT

Warren County: Courtroom A (felonies)
Courtroom B (misdemeanors)

14th JUDICIAL CIRCUIT

Rock Island County: East Moline Division (misdemeanors)
Milan Division (misdemeanors)
Moline Division (misdemeanors)
Rock Island Division (misdemeanors)

17th JUDICIAL CIRCUIT

Winnebago County: Courtroom 214 (misdemeanor trials)
Courtroom 217 (misdemeanor arraignments,
felony preliminary hearings)

18th JUDICIAL CIRCUIT

DuPage County: Courtroom 207 in courthouse (felony preliminary hearings)
Room in County Jail (bond hearings)
Field Court, Hinsdale (traffic, ord. violations)
Field Court, Elmhurst (traffic, ord. violations)
Field Court, DuPage Center, Wheaton (traffic, forest pres
call, state police call)

20th JUDICIAL CIRCUIT

St. Clair County: Courtroom #6, Belleville (misdemeanor and traffic)
Courtroom, E. St. Louis (misdemeanor jury trials)

MONITOR PROFILE

Illinois Court Watching Project

1975--76

Because volunteers were asked to record subjective information -- i.e., their impressions of how people were treated by the court -- it was important that the monitor corps contain people of varying ages and backgrounds. A profile of 309 monitors as of April 1, 1976, showed the following:

AGE	SEX
Under 30 -- 22.7 per cent	Women -- 77.7 per cent
30 to 60 -- 54.0 per cent	Men -- 22.3 per cent
60+ -- 23.3 per cent	

RACIAL/ETHNIC BACKGROUND

White -- 95.2 per cent

Black -- 4.5 per cent
(21% of Chicago monitors were black)

Latino -- .3 per cent

OCCUPATION

Housewives -- 49.8 per cent

Students -- 24.6 per cent

Retirees -- 13.9 per cent
(Included retired teachers, professors, a president of a large industrial company, nurse, publisher, surgeon, church missionary and civil servant.)

Employed persons -- 11.7 per cent
(Included teachers, librarians, a sheriff's investigator, market research assistant, farmer, nurse's aide, vocational rehabilitation counselor, book-keeper, nurse, social worker, police officer, magazine editor, park district employee.)

ORGANIZATIONAL AFFILIATION

About one third of the monitors were LJV members. Other organizations contributing monitors included: the Voluntary Action Centers, Pre-Law Club of U of I, American Association of University Women, Parents Without Partners, American Association of Retired Persons, 14th District Women's Club, Church Women United and other church groups, the Junior League of Chicago and Evanston, National Retired Teachers Association and the Illinois Farm Bureau.

STATE STEERING COMMITTEE

Illinois Court Watching Project

Chairman: Professor Daniel Murray
School of Social Work
Loyola University

Vice-Chairman: Ann Koller
League of Women Voters
of Illinois

Members:

Wayne Ault, Chairman
St. Clair County Court Watching Project
Belleville Area College

Professor Roy McClintock
Monmouth College

Lucille Barrow, Director
Community Action Consortium
Illinois Conference of Churches

Michael Mahoney, Asst. Executive Director
John Howard Association

Jeffrey Ellen Blue, Chairman
Champaign County Court Watching Project
League of Women Voters of Champaign
County

Nan Morgan, Chairman
Winnebago County Court Watching Project
National Council of Negro Women

Donna Born, Chairman
DuPage County Court Watching Project
Women's Association of the Union Church
of Hinsdale

The Reverend David Nicholson, Chairman
Warren County Court Watching Project
First Baptist Church of Monmouth

Mary Carlson
American Association of University Women

Nancy Preston, Staff Attorney
Lawyers Committee for Civil Rights
Under Law

The Reverend Warren Copeland, Director
Illinois Consortium on Legislative
Concerns
Illinois Conference of Churches

Betty Kingsbury
League of Women Voters of Rockford

Adeline Dougherty, Chairman
Rock Island County Court Watching
Project
League of Women Voters of Rock Island

Edward Schoenbaum, Director
American Judicature Society

Betty Ford
League of Women Voters of St. Clair
County

Peter Sfikas
Illinois State Bar Association

Joan Forsberg
League of Women Voters of DuPage County

Clarice Stetter
League of Women Voters of Illinois

Gayle Gottloeb
League of Women Voters of Cook County

The Honorable Harold W. Sullivan
Presiding Judge, Second Municipal District
Circuit Court of Cook County

Roger Henn, Director of Public Affairs
Union League Club of Chicago

Rose Wara
League of Women Voters of Moline

Joan Hill
League of Black Women

Daniel M. Winograd, Chairman
Cook County Court Watching Project
Attorney at Law

Staff:

Barbara Fenoglio, Project Director

Peggy Neuliep, Assistant Director

VICTIMLESS CRIME

For the purposes of this project, the following offenses were categorized
as victimless:

Prostitution (including charges of loitering, patron-
izing a prostitute, soliciting, pandering, pimping,
and in Chicago, assembling of infamous people)

Gambling (any kind)

Possession of marijuana (under 50 grams)

Public drunkenness

Possession of obscene material

Vagrancy

PRELIMINARY HEARING REPORT

Illinois Court Watching Project

Code # / (Date) (Room #) (Monitor #)

BASIC INFORMATION		CONTINUANCES				DISPOSITION										
(1) Name of defendant: (list)	(2) PD?	(3) Original charge: (list)	(4) Reduced? (If so, check)	(5) Requested by:		(6) Reason given:	(7) Was it granted?	(8) Cause found	(9) Plea: If guilty plea, were admonishment given?							
				Defense	State	Agreement	Order of court	For defendant to obtain lawyer	Defense lawyer not present	Def. lawyer present but not ready	Negotiations under way	State not ready	Other	Don't know	Yes	No
1																
2																
3																
4																
5																
6																
7																
8																
9																
10																
11																
12																
13																
14																
15																
															TOTALS	

ILLINOIS COURT WATCHING PROJECT

Code # / (Date) (Room #) (Monitor #)

FPH DAILY SUMMARY SHEET
(one a day per courtroom)

County: _____ Name of judge: _____
Location of courtroom: _____ Type of proceedings being heard today: _____
Name of monitor: _____

MORNING

Time court scheduled to start _____
Time 1st case called _____
Time adjourned for lunch _____
If late start, how late? (1) _____ mins.

Total # a.m. hours in session _____

AFTERNOON

Time court scheduled to start _____
Time 1st case called _____
Time adjourned _____
If late start, how late? (2) _____ mins.

Total # p.m. hours in session _____

TOTAL TIME COURT IN SESSION FOR DAY (Add a.m. and p.m. hours above.) (3) _____
TOTAL # CASES ON CALENDAR (4) _____
TOTAL # CASES REPRESENTED BY PUBLIC DEFENDER (5) _____
TOTAL # REDUCED CHARGES (6) _____

CONTINUANCES

TOTAL # REQUESTED BY:

Defense (7) _____
State (8) _____
Agreement (9) _____
Order of court (10) _____

REASONS GIVEN:

For defendant to obtain lawyer (11) _____
Defense lawyer not present (12) _____
Defense lawyer present but not ready (13) _____
Negotiations underway (14) _____
State not ready (15) _____
Other (16) _____
None (17) _____
Don't know (18) _____

TOTAL # CONTINUANCES GRANTED (19) _____
TOTAL # CONTINUANCES DENIED (20) _____

DISPOSITIONS

Waive FPH (21) _____
BFW (22) _____
NP/SOL/DWP (23) _____
No probable cause found (24) _____
Probable cause found (25) _____
HOC after probable cause (26) _____
Guilty pleas (See page 3 of this form.)

EVALUATION OF FACILITIES AND PERSONNEL

AUDIBILITY AND FACILITIES	27. Seating space in the courtroom today was:	<input type="checkbox"/> Adequate	<input type="checkbox"/> Inadequate
	28. Upkeep and cleanliness in courtroom were:	<input type="checkbox"/> Adequate	<input type="checkbox"/> Inadequate
	29. How much of the proceedings could you hear?	<input type="checkbox"/> Nearly all	<input type="checkbox"/> Some <input type="checkbox"/> Almost none
	30. How much of the proceedings do you think the audience could hear?	<input type="checkbox"/> Nearly all	<input type="checkbox"/> Some <input type="checkbox"/> Almost none
	31. Did the judge usually speak loudly and distinctly enough to be heard by the audience?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	32. Did any of the following interfere with the audience's ability to hear?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		a. Talking among audience.....	<input type="checkbox"/>
	b. Talking among court personnel (other than judge, lawyers on case).....	<input type="checkbox"/>	<input type="checkbox"/>
	c. Noise of audience entering, leaving, moving about.....	<input type="checkbox"/>	<input type="checkbox"/>
	d. Noise of court personnel entering, leaving, moving about.....	<input type="checkbox"/>	<input type="checkbox"/>
	e. Heating or cooling systems.....	<input type="checkbox"/>	<input type="checkbox"/>
	f. Sounds from outside courtroom.....	<input type="checkbox"/>	<input type="checkbox"/>
	g. Other: _____		
BEHAVIOR OF BAILIFFS	33. Did bailiffs adequately explain to people when to step forward, where to stand, when to exit?	<input type="checkbox"/> Yes	<input type="checkbox"/> Sometimes <input type="checkbox"/> No
	34. Were they courteous when doing so?	<input type="checkbox"/> Yes	<input type="checkbox"/> Sometimes <input type="checkbox"/> No
	35. Were they patient, polite and dignified in keeping order and answering questions?	<input type="checkbox"/> Yes	<input type="checkbox"/> Sometimes <input type="checkbox"/> No
BEHAVIOR OF CLERKS	36. Was the clerk polite in calling cases and answering questions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	37. Did the clerk appear to accord special treatment to certain individuals? If yes, explain on back page.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
INFORMING THE PUBLIC	38. With what questions and problems did people most often turn to bailiffs and clerks? Put typical questions and responses on back page.	<input type="checkbox"/> Check here if answered on reverse side.	
INTERPRETERS	39. Did you see any non-English speaking defendants or witnesses today?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	How many? _____		
	40. If "yes": how many were given court-appointed interpreter?	_____	
	41. How many provided own interpreter?	_____	
	42. If neither of above, what happened? Please explain on back.	<input type="checkbox"/>	<input type="checkbox"/> Check here if answered on reverse side.

EVALUATION (CONTINUED)

CONDUCT OF JUDGE	43. Before accepting a guilty plea, did the judge always give the proper admonishments? (Refer to Col. 9 on Preliminary Hearing Report.) If "no," explain circumstances on back page.	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	44. Before granting a continuance, did the judge usually make an effort to find out why it was necessary?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	45. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a businesslike atmosphere?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	46. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "long hairs," ethnic groups)? If "yes," explain on back page.	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	47. Did the judge give the appearance of favoring either defense or prosecution?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	If "yes," which? (Explain on back page.)	<input type="checkbox"/> Def.	<input type="checkbox"/> Pros.			
	48. Was the defense precluded from presenting evidence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	49. Did the judge use language that most defendants appeared to understand?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	50. Did you usually understand the judge?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	51. Was he attentive when someone spoke to him?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	52. Was he patient when someone did not fully understand or was not satisfied?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	53. In general, which of these best describe the courtesy and respect the judge showed to:					
		Excellent	Adequate	Sometimes Inadequate	Often Inadequate	
		a. Defendants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		b. Defense attorneys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. State's witnesses/complainants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	d. Prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	54. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If "yes," explain on back page.	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
	55. If you wish, describe on back any noteworthy aspects--good or bad--of the judge's performance such as: decisiveness, legal ability, dignity, competence, discipline of unprofessional conduct of attorneys, diligence in trying to ascertain the facts, criteria used for appointing a public defender.	<input type="checkbox"/> Check here if described				
IMPRESSIONS	56. Put yourself in the place of a defendant, complainant or witness in the courtroom you have just observed. Taking everything into account--actions and attitudes of judge, bailiffs, clerks; behavior of prosecutor and defense attorney; the general feeling of the place--would you have left the court with the feeling that justice was being fairly administered? If not, explain on back.	<input type="checkbox"/> Yes	<input type="checkbox"/> No			

PLEASE BE SURE YOU HAVE ANSWERED ALL QUESTIONS.

EXPLANATIONS (IF NEEDED)

37. CLERKS --

38. INFORMING PUBLIC --

42. INTERPRETERS --

43. ADMONISHMENTS --

46. DISCRIMINATION? --

47. FAVORITISM? --

54. APPEARANCE OF IMPROPRIETY? --

55. NOTEWORTHY ASPECTS --

56. GENERAL IMPRESSIONS --

THANKS

MISDEMEANOR
CASE OBSERVATION REPORT

Code #		(Date)	(Room #)	(Monitor #)
BASIC INFORMATION				
(1)	(2)	(3)	(4)	
Name of defendant: (list)	Charge: (list)	VC?	Requested by:	
			Prosecution	
			Agreement	
			Order of court	
			Obtaining de-	
			fense counsel	
			Jury Demand	
			Defense not	
			ready	
			Defense lawyer	
			busy	
			Prosecution	
			not ready	
			Complainant or	
			witness absent	
			Deferred Prosecu-	
			tion/DWI School	
			Other	
			None	
			Don't know	
			Was it granted?	
			Yes No	
			Plea	
			G. N.G. Yes No	
			If guilty plea, were admonishments given?	
			Yes No	
			1	
			2	
			3	
			4	
			5	
			6	
			7	
			8	
			9	
			10	
			11	
			12	
			13	
			14	
			15	
TOTALS				

DAILY SUMMARY SHEET

(one a day per courtroom)

County: Name of judge: Location of courtroom: Type of proceedings being heard today: Name of monitor:

MORNING

Time court scheduled to start

Time 1st case called

Time adjourned for lunch

Total # a.m. hours in session

If late start, how late? (9) mins

AFTERNOON

Time court scheduled to start

Time 1st case called

Time adjourned for lunch

Total # p.m. hours in session

If late start, how late? (10) mins

TOTAL TIME COURT IN SESSION FOR DAY (Add a.m. and p.m. hours above.)

(11) hrs.

TOTAL # CASES ON CALENDAR

(12)

TOTAL # CASES REPRESENTING VICTIMLESS CRIMES

(13)

CONTINUANCES

TOTAL # REQUESTED BY:

Defense (14) Prosecution (15) Agreement (16) Order of Court (17)

TOTAL # CONTINUANCES GRANTED (18)

TOTAL # CONTINUANCES REFUSED (19)

REASONS GIVEN:

Obtaining defense counsel (20) Jury Demand (21) Defense not ready (22) Defense lawyer busy (23) Prosecution not ready (24) Complainant or witness absent (25) Deferred Prosecution/DWI School (26) Other (27) None (28) Don't know (29)

EVALUATION OF FACILITIES AND PERSONNEL

AUDIBILITY AND FACILITIES

30. Seating space in the courtroom today was: Adequate Inadequate. 31. Upkeep and cleanliness in courtroom were: Adequate Inadequate. 32. How much of the proceedings could you hear? Nearly all Some Almost none. 33. How much of the proceedings do you think the audience could hear? Nearly all Some Almost none. 34. Did the judge usually speak loudly and distinctly enough to be heard by the audience? Yes No. 35. Did any of the following interfere with the audience's ability to hear? Yes No. a. Talking among audience. b. Talking among court personnel (other than judge, lawyers on case). c. Noise of audience entering, leaving, moving about. d. Noise of court personnel entering, leaving, moving about. e. Heating or cooling systems. f. Sounds from outside courtroom. g. Other:

BEHAVIOR OF BAILIFFS

36. Did bailiffs adequately explain to people when to step forward, where to stand, when to exit? Yes Sometimes No. 37. Were they courteous when doing so? Yes Sometimes No. 38. Were they patient, polite and dignified in keeping order and answering questions? Yes Sometimes No.

INFORMING BEHAVIOR OF THE PUBLIC

39. Was the clerk polite in calling cases and answering questions? Yes No. 40. Did the clerk appear to accord special treatment to certain individuals? If yes, explain on back page. Yes No.

INTERPRETERS

41. With what questions and problems did people most often turn to bailiffs and clerks? Put typical questions and responses on back page. Check here if answered on reverse side. 42. Did you see any non-English speaking defendants or witnesses today? Yes No. How many? 43. If 'yes': how many were given court-appointed interpreter? 44. How many provided own interpreter? 45. If neither of above, what happened? Please explain on back. Check here if answered on reverse side.

EVALUATION (CONTINUED)

CONDUCT OF JUDGE

46. Before accepting a guilty plea, did the judge always give the proper admonishments? (Refer to Column 8 on CASE OBSERVATION REPORT.) If "no," explain circumstances on back page.

Yes

No

47. Before granting a continuance, did the judge usually make an effort to find out why it was necessary?

Yes

No

48. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a businesslike atmosphere?

Yes

No

49. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "long hairs," ethnic groups)? If "yes," explain on back page.

Yes

No

50. Did the judge give the appearance of favoring either defense or prosecution?

Yes

No

If "yes", which?
(Explain on back page.)

Def.

Pros.

51. Did the judge usually give the defendant a chance to tell his side of the story?

Yes

No

52. Did he usually try to explain the sentence to the defendant?

Yes

No

53. Did the judge use language that most defendants appeared to understand?

Yes

No

54. Did you usually understand the judge?

Yes

No

55. Was he attentive when someone spoke to him?

Yes

No

56. Was he patient when someone did not fully understand or was not satisfied?

Yes

No

57. In general, which of these best describe the courtesy and respect the judge showed to:

Excellent

Adequate

Sometimes Inadequate

Often Inadequate

a. Defendants

b. Defense attorneys

c. State's witnesses/complainants

d. Prosecutors

58. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If "yes," explain on back page.

Yes

No

59. If you wish, describe on back any noteworthy aspects--good or bad--of the judge's performance, such as: decisiveness, legal ability, dignity, competence, discipline of unprofessional conduct of attorneys, diligence in trying to ascertain the facts.

Check here if described

IMPRESSION

60. Put yourself in the place of a defendant, complainant or witness in the courtroom you have just observed. Taking everything into account--actions and attitudes of judge, bailiffs, clerks; behavior of prosecutor and defense attorney; the general feeling of the place--would you have left the court with the feeling that justice was being fairly administered? If not, explain on back.

Yes

No

PLEASE BE SURE YOU HAVE ANSWERED ALL QUESTIONS.

EXPLANATIONS (IF NEEDED)

40. CLERKS --

41. INFORMING PUBLIC --

45. INTERPRETERS --

46. ADMONISHMENTS --

49. DISCRIMINATION? --

50. FAVORITISM? --

58. APPEARANCE OF IMPROPRIETY? --

59. NOTEWORTHY ASPECTS --

60. IMPRESSIONS --

(1) Name of Defendant	(2) Charge	(3) Did defendant have lawyer present? Yes No	(4) Did judge ask about: (check) Past record Financial ability Employment Family ties Community ties	(5) Type of Bond Set: ROR Bail None	(6) If bail, total amount:	(7) Remarks: (E.g., How long in custody? If bond reduction or increase asked, what happened? If case dismissed, note here. Continue on back if necessary.)
1					\$	
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
TOTALS						

REPORT FORM FOR PHYSICAL / INFORMATION FACILITIES

(One time only!)

Instructions: Please fill out this form only once and return it to your local coordinator with your regular report forms.

County of _____ Date _____ / _____ / _____
Month Day

Type of facility in which courtroom is located _____
For example: courthouse, municipal building, police station)

Room number _____

Name of monitor _____

1. What information facilities are there to direct people to proper courtroom, answer questions from the public etc.? (Describe.)

- Do you consider them adequate? [] Yes [] No
2. Are pamphlets available to the public explaining procedures, rights? If "yes," enclose sample. [] Yes [] No
3. Is the current day's calendar posted? [] Yes [] No
If "yes," where? (Inside courtroom, just outside the door to the courtroom, down the hall....)

4. Is notice of defendant's rights posted inside the courtroom? [] Yes [] No
If "yes," is notice provided in any language other than English? [] Yes [] No
What language? _____
5. Is there a special waiting room for witnesses? [] Yes [] No
If not, where do they assemble? _____
6. Are there rooms for PD's, state's attorneys, other lawyers to confer with their clients? [] Yes [] No
If not, where do they confer? _____

END

7-11-55/more