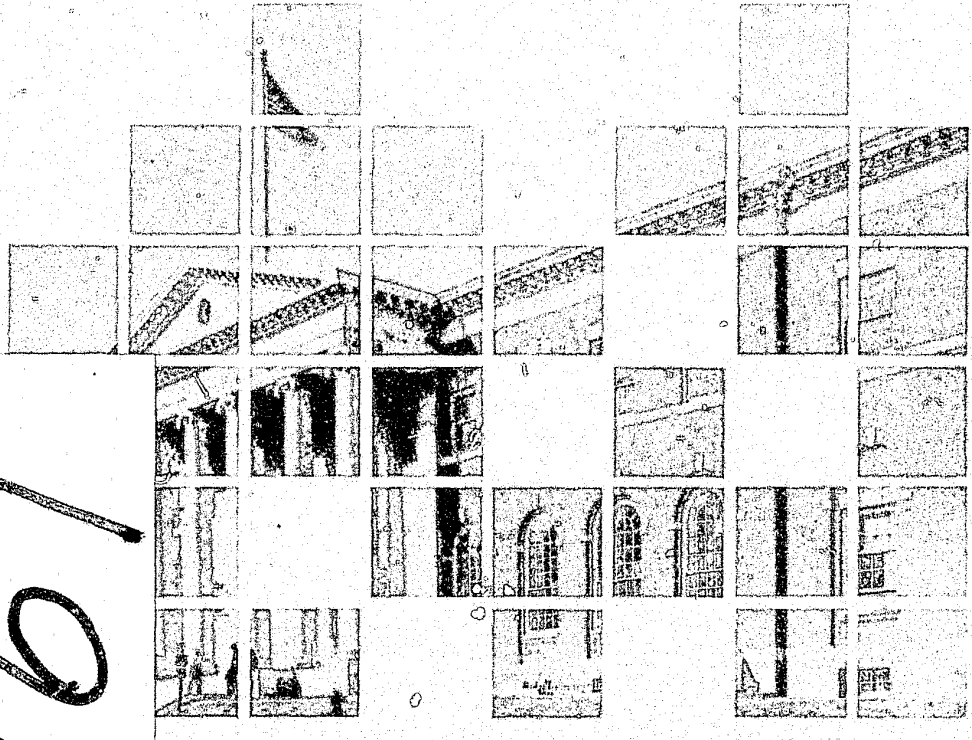
Literature on Court Unification: An Annotated Bibliography



National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
U. S. Department of Justice

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by
Susan Carbon and Larry Berkson

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PREFACE

This monograph represents a comprehensive literature search which was undertaken during the initial stages of a national study of court unification. We thank the many people who have contributed to this undertaking. Carolyn Burstein, the project monitor, and Allan Ashman, the project director, provided invaluable guidance throughout the duration of the study. Karen Knab and Judy Rosenbaum helped peruse the literature and wrote a number of the annotations. Camilla Linss typed the entire manuscript. Naturally none of these people are responsible for whatever errors remain in the monograph.

Susan Carbon
Larry Berkson
Chicago, 1977

I. INTRODUCTION

Numerous bibliographies have been published dealing with such topics as court reform, court organization and criminal justice, all of which encompass some literature on state court unification. But to date no single bibliography has examined this concept exclusively. The present effort is an attempt to fill the void.

The purpose of a bibliography is to provide the reader with a compilation of literary sources which can be used to examine a topic in question. An annotated bibliography provides greater information by summarizing briefly the content of each entry. Yet standing alone the reader is not enlightened as to the historical development, strengths and weaknesses of the overall body of literature. For this reason the monograph begins with a brief bibliographic essay. It presents an overview of the literature on court unification, examines its deficiencies, and suggests myriad questions which are yet to be posed, addressed, explored and analyzed.

This monograph does not contain every article written on the subject of state court unification. Rather, it represents a compilation of the most insightful and relevant materials for use today by practitioners as well as academics. Generally excluded are works published before 1960. Yet a few exceptions have been made. For example, the seminal works of eminent jurists such as Roscoe Pound and Arthur Vanderbilt are included.

Second, federally oriented materials are categorically excluded. The bibliography focuses strictly on state court unification. Third, minor treatises, progress reports and legislative hearings have not been cataloged, nor have mere restatements of fact such as news items, updates, editorials and dinner speeches. These materials simply do not offer a substantive contribution to the subject under consideration.

Emphasis was placed on including materials of a scholarly and inquisitive nature having broad implications for administrators as well as interested legislators, jurists and lay citizens. The annotations have been grouped into nine general categories. The first two include broad-reaching state and national studies by commissions, practitioners and academics. The four which follow are much more restricted in scope. Each contains articles on the separate elements of court unification: consolidation and simplification of court structure, centralized administration, rule-making, and budgeting and state funding.

The seventh category includes articles which illustrate the political process utilized in adopting unification measures. The eighth contains articles on the methods and difficulties of implementing unification as well as evaluating the concept. The final category contains a listing of other bibliographies which may be of use in related areas.

II. BIBLIOGRAPHIC ESSAY

A. An Overview

The concept of court unification has been pivotal in nearly every attempt to modernize state court systems since the early 1900's. Yet until recently, court unification was plagued with myriad conflicting definitions regarding its essential composition. Today it is generally agreed that unification consists of consolidating and simplifying trial court structure, centralizing the state court administration, vesting rule-making authority in the state's highest court, providing for a unitary budget, and placing responsibility for financing the entire judiciary in the state government.

The literature is replete with national studies and commission reports relating to numerous facets of court reform in general. While most extend well beyond the parameters of court unification, those which devote a substantial portion to unification have been included in the bibliography. For the most part these reports contain widely cited recommendations and current developments in the area of judicial modernization. Those which are particularly comprehensive or illuminating include: Advisory Commission on Intergovernmental Relations, *State-Local Relations in the Criminal Justice System* (Washington: Government Printing Office, 1971); American Bar Association, *Standards Relating to Court Organization* (Chicago: American Bar Association, 1974); the "Judicial Administration" articles which appear each year in *Annual Survey of American Law* (New York: New York University School of Law); Larry Berkson and Susan Carbon, *Court Unification: Its History, Politics and Implementation* (Washington: Government Printing Office, forthcoming); Department of Justice, *National Survey of Court Organization* (Washington: Government Printing Office, 1973), and 1975 and 1977 *Supplements;* National Advisory Commission on Criminal Justice Standards and Goals, *Courts* (Washington: Government Printing Office, 1973); National Conference on the Judiciary, *Justice in the States* (St. Paul: West Publishing Co., 1971); National Municipal League, *Model State Constitution* (New York: National Municipal League, 1961), 6th ed.; and President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Courts* (Washington: Government Printing Office, 1967).

Countless articles have been published that relate to unification generally. Two of the seminal works on unified systems were authored by Roscoe Pound: "The Causes of Popular Dissatisfaction with the Administration of Justice," reprinted in *Journal of the American Judicature Society*, 46 (August, 1962), 54–66; and "Principles and Outline of a Modern Unified Court Organization," *Journal of the American Judicature Society*, 23 (April, 1940), 225–33.

Recently two articles have been published which provide comprehensive historical, definitional and analytical overviews of court unification. The more recent, Larry Berkson, "The Emerging Ideal of Court Unification," *Judicature*, 60 (March, 1977), 372–82, expands upon an earlier work by Allan Ashman and Jeffrey Parness, "The Concept of a Unified Court System," *DePaul Law Review*, 24 (Fall, 1974), 1–41.

Other articles which broadly examine the principles of court unification include: Jerome Berg, "Assumption of Administrative Responsibility by the Judiciary: Rx for Reform," *Suffolk University Law Review*, 6 (Summer, 1972), 796–814; Robert Hall, "Court Organization and Administration," *Alabama Lawyer*, 28 (April, 1967), 148–52; Kenneth O'Connell, "We Should Unify the Trial Courts in Oregon," *Oregon Law Review*, 51 (Summer, 1972), 641–49; Temporary Commission on the New York State Court System, *. . .and Justice for All* [Dominick Commission Report] (New York, 1973); Harvey Uhlenhopp, "The Integrated Trial Court," *American Bar Association Journal*, 50 (November, 1964), 1061–64; and Arthur T. Vanderbilt (ed.), *Minimum Standards of Judicial Administration* (New York: New York University Law Center, 1949).

Articles which relate the unification experiences of individual states permeate the literature. Certain of these offer valuable insight into the events which create a receptive climate to unification. Others

speculate about the benefits which are expected from a unified system. The following are particularly noteworthy: Booz, Allen & Hamilton, Inc., *Final Report on the California Lower Court Study* (San Francisco, 1971); Talbot D'Alemberte, "Florida's Great Leap Forward," *Judicature*, 56 (April, 1973), 380–83; David Ellis, "Court Reform in New York: An Overview for 1975," *Hofstra Law Review*, 3 (Summer, 1975); and Robert Martin, "Alabama Courts—Six Years of Change," *Alabama Lawyer*, 38 (January, 1977), 8–23.

Trial court consolidation was one of the first elements of unification to be proposed, and thus articles on the concept are found extensively in the literature. Indeed, not only have academics and practitioners discussed the concept, but nearly every court-related organization and national commission has addressed it.

Among the most comprehensive articles which examine the viability of consolidated systems are: Daniel Minteer, "Trial Court Consolidation in California," *University of California at Los Angeles Law Review*, 21 (Spring, 1974), 1081–1135; Dorothy Nelson, "Should Los Angeles County Adopt a Single-Trial-Court Plan?," *Southern California Law Review*, 33 (Winter, 1960), 117–20; and O'Connell, *supra*.

Certain articles which offer particularly persuasive arguments in support of consolidation include Governor's Select Committee on Judicial Needs, *Report on the State of the Massachusetts Courts* [Cox Commission] (1976); Philip Hoff, "Modern Courts for Vermont," *Judicature*, 52 (March, 1969), 316–20; Allan Levinthal, "Minor Courts—Major Problems," *Journal of the American Judicature Society*, 48 (February, 1965), 188–92; Lyle Truax, "Courts of Limited Jurisdiction Are Passe," *Judicature*, 53 (March, 1970), 326–29; and Wesley Uhlman, "Justifying Justice Courts," *Judicature*, 52 (June-July, 1968), 22–26. Others present arguments against, or alternatives to, consolidation. They include: Booz, Allen & Hamilton, Inc., *California Unified Trial Court Feasibility Study* (San Francisco, 1971); William Burleigh, "Another Slant . . . Don't Consolidate the Trial Courts," *California State Bar Journal*, 50 (July-August, 1975), 266–67; and William Crowe, "A Plea for the Trial Court of Limited Jurisdiction," *Judicature*, 53 (November, 1969), 157–59.

The notion of centralized administration has also been extensively reviewed in the literature. Most of the literature focuses on the debate about the efficacy of a centralized versus a decentralized system, and the controversy about the utility of various managerial styles, including the use of state court administrators.

Although the first major proposal for state court administrators can be found in the Parker-Vanderbilt Standards of 1938, the innovation was not widely studied or adopted until more recent times. In 1976 the first comprehensive monograph on court administrators was published: Rachel Doan and Robert Shapiro, *State Court Administrators* (Chicago: American Judicature Society, 1976). Numerous articles have also appeared which discuss the need for, and responsibilities of, court administrators. Among the most instructive are: Jim Carrigan, "The Functions of State Court Administrator," *Journal of the American Judicature Society*, 46 (June, 1962), 30–31; Edward Gallas, "The Planning Function of the Court Administrator," *Judicature*, 50 (April, 1967), 268–71; Nesta Gallas, "Court Administration: A Discipline or a Focus," *Public Administration Review*, 31 (March-April, 1971), 143–49; Bernadine Meyer, "Court Administration: The Newest Profession," *Duquesne Law Review*, 10 (Winter, 1971), 220–35; Ellis Pettigrew, "Court Administration Reform and Police Operational Effectiveness—A Critical Analysis," *Police*, 16 (February, 1972), 34–36; and David Saari, "Court Management and Administration of Justice," *Trial*, 6 (February-March, 1970), 41–45. Interestingly, relatively few articles have been published which explore the conflicts created by these personnel. Those that do exist include Larry Berkson and Steven Hays, "Injecting Court Administrators into an Old System: A Case of Conflict in Florida," *Justice System Journal*, 2 (Spring, 1976), 57–76; James Gazell, "Leadership Competition in Judicial Management at the State Level," *De Paul Law Review*, 19 (Summer, 1970), 737–50; and David Saari, "Management and Courts: A Perplexing Nexus," *American University Law Review*, 20 (1970–71), 601–19.

Currently there is substantial controversy regarding the efficacy and viability of a centralized system of administration, in contrast to a decentralized or collegial system of management. Although most of the articles cited above implicitly suggest that a centralized system is preferable, a few are more explicit: Booz, Allen & Hamilton, Inc., *California Unified Trial Court Feasibility Study, supra;* Governor's Select Committee on Judicial Needs, *supra;* Minteer, *supra;* and O'Connell, *supra*.

On the other hand, there is a growing, yet still limited, body of literature which suggests that a highly centralized system of administration under the authority of the state's chief justice and court admin-

istrator may, under many circumstances, be dysfunctional. The articles which first appeared on this subject implicitly suggested that a collegial system of management might be preferable: Jerome Berg, "The District Courts of Massachusetts," *Judicature*, 59 (February, 1976), 344–52; Institute for Court Management, *State Court Administrative Systems: Perspectives and Relationships* (Denver: Institute for Court Management, 1975); and David Saari, "New Ideas for Trial Court Administration: Applying Social Science to Law," *Judicature*, 51 (October, 1967), 82–87. In a recent issue of *Justice System Journal*, however, Geoff Gallas and David Saari attack the concept of centralized administration and explicitly suggest that a collegial management and decision-making network is more functional in a professional setting: Geoff Gallas, "The Conventional Wisdom of State Court Administration: A Critical Assessment and an Alternative Approach," *Justice System Journal*, 2 (Spring, 1976), 35–55; and David Saari, "Modern Court Management: Trends in Court Organization Concepts—1976," *ibid.*, 19–33.

Also evident from the literature is a growing concern for an eclectic approach toward the management of state judiciaries. Richard Coyne, "Has Court Management Changed Since Vanderbilt? Alternate Models of Court Organization," *Judicature*, 58 (January, 1975), 266–68, was among the first. Geoff Gallas, *supra*, has constructed a contingency model for management. More recently, scholars have evidenced concern with the selection process of lower court managerial personnel, as illustrated in Larry Berkson, "Selecting Trial Court Administrators: An Alternative Approach," *Journal of Criminal Justice*, forthcoming; and Larry Berkson and Steven Hays, "Applying Organization and Management Theory to the Selection of Lower Court Personnel," *Criminal Justice Review*, forthcoming.

The literature on the rule-making authority of courts falls into two general categories. The first comprises articles of a survey nature, while the second comprises articles which debate where ultimate rule-making authority should be located.

There are several recent publications which explore, on a state-by-state basis, the sources of rule-making authority and the areas in which rules have been adopted. Among them are Allan Ashman and James Alfini, *Uses of the Judicial Rule-Making Power* (Chicago: American Judicature Society, 1974); and Jeffrey Parness and Chris Korbakes, *A Study of the Procedural Rule-Making Power in the United States* (Chicago: American Judicature Society, 1973).

The second category comprises articles which debate the propriety of the judiciary as the exclusive rule-making body. Substantial controversy surrounds two major areas: distinctions between substantive, procedural and administrative rules; and interpretations of the separation of powers doctrine in relation to exercise of the rule-making authority. Three articles which provide a comprehensive overview are: Charles Joiner and Oscar Miller, "Rules of Practice and Procedure: A Study of Judicial Rule-Making," *Michigan Law Review*, 55 (March, 1957), 623–54; Richard Kay, "The Rule-Making Authority and Separation of Powers in Connecticut," *Connecticut Law Review*, 8 (Fall, 1975), 1–43; and Jack Weinstein, "Reform of Federal Court Rule-Making Procedures," *Columbia Law Review*, 76 (October, 1976), 905–64. These matters are also discussed in Jack Weinstein, *Reform of Court Rule-Making Procedures* (Columbus: Ohio State University Press, 1977).

Some articles conclude that the judiciary should be vested with exclusive responsibility: Berg, "Assumption of Administrative Responsibility by the Judiciary: Rx for Reform," *supra;* E. Freeman Leverett, "Georgia and the Rule-Making Power," *Georgia Bar Journal*, 23 (February, 1961), 303–16; and "Substance and Procedure: The Scope of Judicial Rule-Making Authority in Ohio," *Ohio State Law Journal*, 37 (1976), 364–85. Others conclude that the legislature, public and/or other levels of judicial personnel should in some way participate. Benjamin Kaplan and Warren Greene, "The Legislature's Reaction to Judicial Rule-Making: An Appraisal of Winberry v. Salisbury," *Harvard Law Review*, 65 (1951), 234–54; Leo Levin and Anthony Amsterdam, "Legislative Control over Judicial Rule-Making: A Problem in Constitutional Revision," *University of Pennsylvania Law Review*, 107 (November, 1958); and Weinstein, "Reform of Federal Court Rule-Making Procedures," *supra*, offer illuminating arguments.

The final elements of unification are unitary budgeting and state financing. They have been combined in the bibliography for two principal reasons. First, there is very little written on either of these two topics. Academics and practitioners, until recently, expressed only little concern about fiscal matters relating to the judiciary. In fact, the concept of unitary budgeting was not generally introduced in the literature until publication of the American Bar Association's 1962 Model Judicial Article. However, there appears to be markedly rising concern with these concepts as evidenced by Carl Baar's recent publication, *Separate But Subservient: Court Budg-*

eting in the American States (Lexington: D.C. Heath, 1975). This book provides the most comprehensive overview of judicial finance and budgeting.

Second, the literature, for the most part, fails to distinguish between these two independent concepts. Budget and finance are often perceived as a singular concept. For example, although their title might imply otherwise, Geoffrey Hazard, Martin McNamera and Irwin Sentilles discuss the concepts interchangeably: "Court Finance and Unitary Budgeting," *Yale Law Journal*, 81 (June, 1972), 1286–1301.

Few articles examine the benefits or detriments of unification. Noteworthy exceptions to this generalization include: Carl Baar, "The Limited Trend Toward Court Financing and Unitary Budgeting in the States," in Larry Berkson, Steven Hays and Susan Carbon, *Managing the State Courts* (St. Paul: West Publishing Co., 1977), pp. 269–80; Baar, *Separate But Subservient: Court Budgeting in the American States, supra;* Richard Gable, "Modernizing Court Administration: The Case of the Los Angeles Superior Court," *Public Administration Review*, 31 (March-April, 1971), 133–43; Harry Lawson, "Court Administration and Finance" (lecture): Reading Materials for "Making Justice Work in New York State," Citizen Leadership Conference on the Courts, January 30—February 1, 1975, American Judicature Society, pp. 17–30; Edward Pringle, "Fiscal Problems of a State Court System," in Berkson, Hays and Carbon, *supra*, pp. 251–56; Public Administration Service, *Kansas Courts: A Personnel Inventory and Financial Analysis* (Chicago: Public Administration Service, 1975); and Daniel Skoler, "Financing the Criminal Justice System: The National Standards Revolution," *Judicature*, 60 (June-July, 1976), 33–38.

The balance of the literature tends to focus the inherent powers doctrine as a method of supporting the judiciary. Jim Carrigan, "Outline on Inherent Powers of Trial Courts to Provide Needed Court Personnel, Facilities and Equipment," *Juvenile Justice*, 24 (May, 1973), 39–63; and Charles Roush, "Financing the Judiciary: Time for a New Approach," *Arizona State Law Journal*, 1974 (1974), 639–51.

An abundance of articles appear in print which discuss general strategies and tactics which may be utilized to secure the five elements of unification. The literature is primarily of recent vintage and essentially descriptive in nature. It tends to recapitulate campaign activity which occurred in the author's state, denoting strategies which were especially successful. Perhaps the most illuminating articles deal with campaigns in which new judicial articles or amendments were adopted. The following are particularly instructive: Forest Bowman, "Constitutional Revision on a Shoestring in West Virginia," *Judicature*, 59 (June-July, 1975), 28–33; James Farmer, "Indiana Modernizes Its Courts," *Judicature*, 54 (March, 1971), 327–30; Howell Heflin, "The Time is Now," *Judicature*, 55 (August-September, 1971), 70–74; Alfred Heinicke, "The Colorado Amendment Story," *Judicature*, 51 (June-July, 1967), 17–22; Kentucky Citizens for Judicial Improvement, *Final Project Report* (Frankfort, 1974); William Milligan and James Pohlman, "The 1968 Modern Courts Amendment to the Ohio Constitution," *Ohio State Law Journal*, 29 (Fall, 1968), 811–48; and Samuel Witwer, "Action Programs to Achieve Judicial Reform," *Judicature*, 43 (February, 1960), 162–65.

Although most articles encompass to some extent various obstacles which reformers are likely to encounter in attempting judicial change, some do provide more extensive insight. They include: Frank Cheatham, "The Making of a Court Administrator," *Judicature*, 60 (October, 1976), 129–33; Beverly Blair Cook, "The Politics of Piecemeal Reform of Kansas Courts," *Judicature*, 53 (February, 1970), 274–81; Warren Marsden, "The California Effort at Trial Court Reorganization, 1970–1972, *Judicature*, 56 (December, 1972), 200–07; and John Sherry, "The 1967 New York Constitutional Convention: An Opportunity for Further Court Structural and Jurisdictional Reform," *Syracuse Law Review*, 18 (Spring, 1967), 592–601.

Not surprisingly, the available literature on implementation and evaluation of unification is even more limited in scope and quantity than that relating to tactics and strategies of achieving unification. Most of the literature on implementation is of a theoretical nature and is not directly pertinent to unification. Nonetheless, a few of those publications do provide insightful analyses on the subject in general: Neely Gardner, "Implementation: The Process of Change," in Institute for Court Management, *Court Study Process* (Denver: Institute for Court Management, 1975), pp. 167–202; Jeffrey Pressman and Aaron Wildavsky, *Implementation* (Berkeley: University of California Press, 1973); and Donald Van Meter and Carl Van Horn, "The Policy Implementation Process: A Conceptual Framework," *Administration and Society*, 6 (February, 1975), 445–88.

A limited number of publications present information on how to plan for implementing unification: Ralph Kleps, "State Court Modernization in the

1970's: Forces for Reform in California," *Judicature*, 55 (March, 1972), 292–97; Harry Lawson, "Commentary on the Process of Change," in Institute for Court Management, *supra;* and National Center for State Courts, *Planning in State Courts: A Survey of the State of the Art* (Washington: National Center for State Courts, 1976).

Certain articles do focus directly on the pragmatic considerations of implementing unification. As with tactics, these articles tend to be of a descriptive nature, unveiling the mundane, yet highly technical, processes inherent in implementation. Recent examples include: Administrative Office of the Courts, "Kentucky's New Court System: An Overview," *Kentucky Bench and Bar*, 41 (April, 1977), 13, 31–36; Robert Coldsnow, "Court Unification: Judicial Reform Revisited, Part III," *Journal of the Kansas Bar Association*, 45 (Summer, 1976), 117–24; and Howell Heflin, "The Judicial Article Implementation Act," *Alabama Law Review*, 28 (Spring, 1977), 215–41.

As suggested above, evaluation research is conspicuously absent in the literature. This is in part because of the widely accepted belief that unification is the most viable alternative to traditional state court systems. Recently, however, two studies have been undertaken: Josef Broder, "The Provision of Court Services—An Inquiry Into the Allocation of Opportunities to Rural Communities," (unpublished Ph.D. dissertation, Department of Agricultural Economics, Michigan State University, 1977); and Forrest Dill, "Unification in State Court Systems: A Study of National Data," (unpublished manuscript, 1977).

B. Deficiencies in the Literature

After examining the literature on court unification, four major deficiencies emerge. First, there simply is very little information on certain facets of the concept. Second, while numerous theories relating to innovations and reform have been constructed in other disciplines, they have yet to be adequately applied to the judicial branch. Third, a substantial portion of the literature is state-specific and non-comparative in nature. Finally, there is a dearth of empirical research relating to the efficacy or viability of the concept.

The first deficiency becomes readily apparent upon an initial survey of the literature: many topics are not addressed adequately. For example, it was noted above that of the five major components of unification, finance and budget have been least discussed. States have only recently become concerned with the fiscal ramifications of a unified system, and thus their concern has only recently been reflected in the literature. On the other hand, long-standing concern over consolidation and administration has generated greater literary coverage.

Another major facet of unification which has rarely been addressed is the obstacles which reformers are likely to encounter in their endeavors to secure a unified system. Unification fosters a major change in the status quo of state judiciaries. It often undermines deeply ingrained traditions and locally individualized systems. The nature and strength of opposition are generally dependent upon the type and amount of change sought. These notions, however, are only summarily addressed in the literature.

Another fundamental area largely untouched in the literature is the various methods of undertaking a unification campaign. Unlike campaigns for public office-seekers, proponents of unification are not likely to have professional, full-time staffs, nor an abundancy of fiscal resources. The literature is almost silent on preferred methods of campaign organization, leadership and finance.

The second major deficiency in the literature relating to court unification is the lack of applied theory. Other disciplines have constructed theories about how to structure and administer large organizations, but these have not been applied to the judicial arena. Similarly, theories have been constructed on adopting and innovating various reforms, but these too, have not been applied to the judiciary. Perhaps more important, much of the literature which does exist is based on theory which has been rejected or seriously criticized in other disciplines. For example, the various national commissions have for years adopted a centralized theory of administration for managing state court systems without examining its theoretical underpinnings or alternative theories. Recently, however, some academics have begun to suggest that decentralized or eclectic constructs of structure, management and administration are more efficacious, especially given the professional nature of the judiciary. Geoff Gallas, *supra*, has suggested that a contingency theory, based on a decentralized model, be utilized to develop a management scheme. Larry Berkson and Steven Hays, "Applying Organization and Management Theory to the Selection of Lower Court Personnel," *supra*, also have suggested eclectic approaches to selecting a state's managerial personnel.

The theoretical body of literature on implementing

reforms has not adequately been applied to the judiciary. Numerous works have been published, for example, on innovations theory but none exists applying it to judicial reforms. Likewise, numerous theories of implementation have been developed by academics. Case studies based on various theories have been published. However, there have been no attempts to establish a nexus between these theories and unification.

Because academics have not attempted to apply this related body of theoretical literature to the judiciary, their writings are of limited use to practitioners and proponents of unification. A similar problem arises from the third major literary deficiency: publications are so state-specific and limited in scope that they can neither be generalized nor applied to unification in other states. For example, a study of trial court consolidation in Los Angeles has questionable applicability to Sioux Falls, South Dakota. Similarly, much of the literature on the tactics of achieving a unified system is little more than a restatement of, or reactions to, isolated events which occurred in one campaign.

Perhaps the greatest deficiency in the literature is the gross lack of empirical research on the impact of court unification. For example, national commissions and organizations have for years "investigated" problems of state courts, and have offered numerous recommendations and standards. But their suggestions, grounded in a long-espoused conventional wisdom, have not been subjected to objective evaluation.

For example, the theories surrounding managerial styles of administration discussed earlier have yet to be thoroughly examined. It has not been demonstrated that one style is preferable to another, and under what conditions. Similarly, the arguments surrounding the advantages and disadvantages of a unified system are but mere speculation and conjecture. They have not been subjected to rigorous empirical analysis. And, perhaps most important, no research has been undertaken to support the proposition that a unified system meets its implicit goals of a more efficient and equitable judiciary.

C. Questions Yet To Be Addressed

As suggested above, the primary deficiency in the literature is the lack of empirical evidence regarding the viability and impact of court unification. This deficiency leaves several questions to be addressed. Most important, to what extent does court unification achieve its purported goals of providing a more efficient and equitable system of justice? Underlying that threshold question, one must ask, what indeed are the goals of a unified system? How can and should they be evaluated? Against what criteria? And for what duration of time? To answer these paramount questions, numerous others must also be explored.

One of the most fundamental topics which has yet to be addressed involves the conditions under which court unification can be a beneficial and practical innovation. Conversely, under what conditions is it dysfunctional? These questions beg answers to numerous others, such as, who truly benefits from a unified system, and, on the other hand, who is disadvantaged? What are the short- and long-term ramifications of unification with respect to disruption of the status quo, and the reallocation of fiscal resources? Assuming that unification is obstructive at least on a temporary basis, is it possible to mitigate its most negative aspects? Or, are there other less drastic measures which a state can pursue that will provide for an equally modernized judiciary?

Because unification frequently involves substantial alterations in the structure and management of state judiciaries, opposition is likely to arise if a proper foundation is not laid. Thus, a host of other questions must be explored. For example, what political, historical and environmental factors, individually and collectively, provide a fertile climate for change? What circumstances promote the adoption of the various elements of unification? Additionally, must particular conditions necessarily precede change? For example, is the support or leadership of certain individuals or groups a necessary prerequisite to change? Indeed, to what extent are various individuals or groups supportive of, or antagonistic to, unification and why?

Campaigns to secure reform logically are governed by the type and amount of change sought. But several questions arise. When is constitutional change preferable to statutory alteration? Once that is decided, how should the campaign be organized? Should it be highly structured, or should it be largely decentralized? Who should assume the key leadership positions? Additionally, what factors govern the optimum quantity of funds necessary for a successful campaign? And how much change should ideally occur at any given time? Under what conditions is incremental change preferable to comprehensive wholesale revision, and vice versa?

Another set of questions involve the cycle of change. The history of other institutions suggest that systems initially exist on a decentralized basis. Subsequently, numerous problems arise and a reaction sets in to convert them to highly centralized organizations. Finally, there is a blending of the two approaches. The administration of police departments and school systems are but two examples. The question is, must state judiciaries replicate this pattern, or is it possible to avoid the highly centralized systems and adopt initially an eclectic approach? Naturally, to answer these questions, one must query which of the three systems is, in fact, preferable.

The above represent only a small portion of the questions which have yet to be addressed. The answers are of paramount importance to a full comprehension of the concept of court unification.

III. ANNOTATED BIBLIOGRAPHY

A. STUDIES OF NATIONAL SCOPE, AND COMMISSION REPORTS

Advisory Commission on Intergovernmental Relations. *For a More Perfect Union—Court Reform* (Washington: Government Printing Office, 1971).

This is a basic summary conclusion of the Commission's 300-page report, *State-Local Relations in the Criminal Justice System*. A draft state constitutional judicial article and state omnibus judicial act, reprinted in this report, incorporate their recommendations for court reform. Included are consolidation of trial courts, centralized administration, uniform rules of procedure to be promulgated by the supreme court, assignment power of the chief justice, centralized personnel and state funding.

Advisory Commission on Intergovernmental Relations. *State-Local Relations in the Criminal Justice System* (Washington: Government Printing Office, 1971).

The Commission offers numerous recommendations to improve the judicial system, with respect, in part, to court unification. Following each recommendation is a detailed explanation that defines the objectives therein. Included are a unified and simplified court system (which also discusses modes of implementation), state court administrative offices, and state assumption of court costs.

American Bar Association. Section on Judicial Administration. *Model Judicial Article* (Chicago: American Bar Association, 1962).

The Article examines composition and jurisdiction of the various levels of courts. It recommends that the chief justice appoint and supervise a statewide court administrator. It grants rule-making power to the supreme court. These standards are superseded by the American Bar Association's 1974 *Standards Relating to Court Organization*.

American Bar Association. Section on Judicial Administration. *The Improvement of the Administration of Justice: A Handbook*. 5th ed. (Chicago: American Bar Association, 1971).

This is a guide to help instruct those concerned with improving the administration of justice. Each section contains standards, recommendations and progress reports of various states. A short annotated bibliography is included at the end of each chapter. The topics include: simplification of court structure; court administration (administrative judges and court administrators); and rule-making authority.

American Bar Association Commission on Standards of Judicial Administration. *Stanards Relating to Court Organization* (Chicago: American Bar Association, 1974).

Final report of the American Bar Association House of Delegates. Contains both standards and lengthy commentary for state court systems. Topics include: unified court system (lower court consolidation); rule-making and administrative authority of the state supreme court; court administrative services; and court financing and budgeting.

American Judicature Society. *Courts of Limited Jurisdiction: A National Survey* (Chicago: American Judicature Society, 1977), Rev. ed.

Indicates court system organization in each state and recent structural changes. Analyzes structure, staffing, jurisdiction, routes of appeal, administration and method of financing for all limited jurisdiction courts in the United States based on statutes and information supplied by state court administrators. Study of constitutional changes resulting in unification of the Illinois courts is appended.

American Judicature Society. *Second Draft of a Model Act to Establish a Court for a Metropolitan District* (Chicago: American Judicature Society, 1916). Bulletin IV–B.

Included are recommendations regarding: consolidation of courts and their jurisdiction; powers of the judicial council; rule-making authority of the judiciary; and consolidation of clerks' offices, their powers and duties.

Belly, Armando, "Judicial Administration," in *Annual Survey of American Law, 1970–71* (New York: New York University School of Law), pp. 635–68.

Advances made in judicial administration for the period 1970–71 are summarized. Two of the major categories are court administration and court reorganization. Employment of court administrators, use of computers, and budgeting problems are covered under the former category, while new judicial articles and trends toward unification are covered under the latter.

"Court Reorganization Reform: Survey of Reforms 1964–1966," *Judicature*, 50 (May, 1967), 292–95.

Court modernization reforms in sixteen states (Arizona, Arkansas, California, Connecticut, Delaware, Florida, Kansas, Louisiana, Maryland, New Mexico, North Carolina, South Dakota, Tennessee, Vermont, Wisconsin, Wyoming) are cited and briefly analyzed.

Department of Justice. *National Survey of Court Organization* (Washington: Government Printing Office, 1973) and 1975 and 1977 *Supplements*.

This is an overview of court structure, jurisdiction, judicial personnel, and non-judicial support personnel in the state courts. Thirty-one comparative tables are included presenting the above data. Individual state descriptions comprise the bulk of these publications.

Elliott, Shelden, "Judicial Administration," in *Annual Survey of American Law, 1961* (New York: New York University School of Law, 1962), pp. 595–614.

Proposals and accomplishments in the states for the year 1961 are summarized regarding the following topics: court integration and unification; court administration; and rule-making authority.

"Forward March! In Judicial Administration," *American Bar Association Journal*, 57 (September, 1971), 860–62.

This is the final consensus statement of the National Conference on the Judiciary, held in Williamsburg, Virginia, March, 1971. The Conference recommends that all state courts be unified. There should be only one level of trial court; all courts should be under the administrative supervision of the supreme court; the chief justice should be assisted by a statewide court administrator; a statewide personnel system should be established; the supreme court should possess full rule-making power; and the judiciary should be financed by the state.

Green, Milton, "Judicial Administration," in *Annual Survey of American Law, 1960* (New York: New York University School of Law, 1961), pp. 600–20.

Describes developments in the various states for the year 1960 with regard to court organization, administration and financing. Includes discussions of Alaska, Arizona, Colorado, Florida, Idaho, Illinois, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, and Texas.

Harley, Herbert, "A Model Act to Establish a Court for a Metropolitan District," *Yale Law Journal*, (April, 1916), 443–58.

Several recommendations for a unified court system are set forth as established by the American Judicature Society. All trial courts should be consolidated into a single organization, with branches or divisions as necessary. In order to eliminate the widespread waste of judicial manpower, judges, not tribunals, should be specialized. Conspicuous leadership is necessary. Presiding judges should be appointed. Together they should form a statewide judicial council. Court assistants are recommended in order to relieve judges of business, managerial and statistics-gathering functions.

Hazard, Geoffrey, "A Constitution for the Courts: The Standards in Summary," *Judicature*, 58 (June-July, 1974), 34–38.

The American Bar Association's 1974 *Standards Relating to Court Organization* are summarized briefly. A basic organization for an effective judiciary, including consolidation of trial courts, is offered. Court administration, rule-making authority, centralized management, state funding and budget preparation also are discussed.

Holt, Ivan, "Model State Judicial Article in Perspective," *Journal of the American Judicature Society*, 47 (June, 1963), 6–8.

A brief history of court reform is presented as a backdrop for the model article. A summary of the philosophy of Roscoe Pound, John J. Parker and Arthur T. Vanderbilt is presented, within which context the article should be examined.

Karlen, Delmar, "Judicial Administration—1962," in *Annual Survey of American Law, 1962* (New York: New York University School of Law, 1963), pp. 713–27.

Developments in judicial administration for 1962 are summarized, first by subject matter, and then on a state-by-state basis.

Klein, Fannie, "The Position of the Trial Court Administrator in the States," *Judicature*, 50 (April, 1967), 278–80.

The standards for membership in the National Association of Trial Court Administrators are outlined. A national survey conducted by the Institute of Judicial Administration reflects the qualifications and general position of these administrators from 1950 through 1967.

Klein, Fannie and Paul Wilson, "Judicial Administration," in *Annual Survey of American Law, 1964* (New York: New York University School of Law, 1965), pp. 653–84.

Developments in court reorganization among the various states are outlined for the year 1964. Pages 661–67 are devoted exclusively to this topic.

Klein, Fannie, *et al.*, "Judicial Administration—1971–72," in *Annual Survey of American Law, 1971* (New York: New York University School of Law, 1972), pp. 715–54.

Pages 734–49 are devoted to the various states' developments

in the areas of court administration, court management and court reorganization for the period 1971–72.

McKowan, Carl, "The Shape of Reform: Drafting the Court Organization Standards," *Judicature*, 58 (June, 1974), 28–33.

Developments in court reform and judicial administration are surveyed from 1938 to the present. Particular emphasis is placed on the efforts of Arthur Vanderbilt, John J. Parker, Bernard Segal, and the American Bar Association in general. The 1974 *Standards Relating to Court Organization* are outlined briefly.

McWilliams, J. Wesley, "Court Integration and Unification in the Model Judicial Article," *Journal of the American Judicature Society*, 47 (June, 1963), 13–17, 20.

The Model Judicial Article of 1963 is appraised. Major principles of effective court organization are analyzed: unification of the judiciary into a three-tier structure is one. Rule-making authority is to be vested in the supreme court. While judges may possess specialized experience, they shall be available for transfer to equalize the caseload burden at the discretion of the supreme court. The chief justice shall be the executive head, assisted by an administrative director. The model contemplates that all managerial, fiscal and administrative functions will be centralized.

National Advisory Commission on Criminal Justice Standards and Goals. *Courts* (Washington: Government Printing Office, 1973).

The purpose of this report, commonly known as the Peterson Commission, is to facilitate coordination among all elements of the criminal justice system. Chapter 8 discusses and recommends unification of the lower courts. Chapter 9 recommends that the office of state court administrator be established in each state. The selected individual would be responsible for establishing policies and guidelines concerning budgets, personnel, statistical information, and assignment of judges. Qualifications and backgrounds of court administrators in the various states are included in tabular form.

National College of the State Judiciary. *Summary Proceedings of the National Workshop for Court Administrators on Standards and Goals* (Reno: University of Nevada, 1975).

Topics discussed at this workshop include court organization (Harry Lawson), management role of court administrators (Ernest Friesen), rule-making power of state courts (Allan Ashman), and the significance of the American Bar Association standards for court administration (Tom C. Clark). The general consensus of the group appeared to be that court organization was of primary importance for implementation goals.

National Conference on the Judiciary. *Justice in the States* (St. Paul: West Publishing Co., 1971).

Includes addresses and papers of this 1971 landmark conference held in Williamsburg, Virginia. The conference is introduced by Tom Clark. Topics include: role of a state chief justice (Edward Pringle); role of a state court administrator (Edward McConnell); and unification of state trial courts (Sam McKenzie). The participants ultimately recommend that state courts be unified into one system, that they be financed by the state, be under the supervisory control of the chief justice, and be assisted by a statewide court administrator. The supreme court should possess rule-making authority. An annotated bibliography (Fannie Klein) is included.

National Municipal League. *Model State Constitution* (New York: National Municipal League, 1961), 6th ed.

Unification is the focus of the judiciary article. In addition to the need for flexible court organization, the rule-making power must be vested in the supreme court. The chief justice, as executive head, is assisted by a judicial council. Centralized supervision over non-judicial personnel is also effected by unified courts. The chief justice is to prepare a single budget for the entire state judiciary, which is to be financed by the state.

President's Commission on Law Enforcement and Administration of Justice. *The Challenge of Crime in a Free Society* (Washington: Government Printing Office, 1967).

Chapter 5 deals specifically with the courts. Among the commission's recommendations are that lower courts be unified, JP courts abolished, and central administrative responsibility established.

President's Commission on Law Enforcement and Administration of Justice. *Task Force Report: The Courts* (Washington: Government Printing Office, 1967).

This report discusses and offers recommendations on numerous aspects of the court system. Those pertaining to unification include: consolidation of lower courts; abolition of JP courts; centralized administration; and rule-making authority. The report includes the American Bar Association Model State Judicial Article.

"Survey of Reforms, 1964–1966," *Judicature*, 50 (May, 1967), 293–95.

This survey contains reorganization reforms that were either enacted or approved during the 1964–66 period. The following 16 states are analyzed: Arizona, Arkansas, California, Connecticut, Delaware, Florida, Kansas, Louisiana, Maryland, New Mexico, North Carolina, South Dakota, Tennessee, Vermont, Wisconsin and Wyoming.

"Ten Years of Court Reorganization Reforms—A Selected Chronological Survey," *Journal of the American Judicature Society*, 48 (February, 1965), 193–95.

A brief sketch of court reforms in 21 states over the past

decade is presented. The information provided includes the year in which the reform was approved or enacted; relevant statutory and constitutional citations; and a summary of the reform provisions.

"Text of the Model State Judicial Article," *Journal of the American Judicature Society*, 47 (June, 1963), 8–12.

Provisions pertinent to court unification include: judicial power; supreme court; court of appeals; lower courts; chief justice; and rule-making power.

Winters, Glenn, "A.B.A. House of Delegates Approves Model Judicial Article for State Constitutions," *Journal of the American Judicature Society*, 45 (April, 1962), 279–80.

Presents a history of the creation of the article and summarizes its contents. The article establishes a statewide court of justice that includes a supreme court, court of appeals, district court, and magistrate courts.

Winters, Glenn, "The National Movement to Improve the Administration of Justice," *Journal of the American Judicature Society*, 48 (June, 1964), 17–22.

A history of court reform, including various unification proposals, is presented. Developments since the 1800's are traced, with emphasis placed on the 1960's. An explanation for the growth in judicial reform is offered.

B. GENERAL AND STATE STUDIES OF COURT UNIFICATION

Allard, Robert and Fred Breen, "Court Reorganization Reform—1962," *Journal of the American Judicature Society*, 46 (October, 1962), 110–14.

Surveys very generally the proposed and passed amendments relating to court reorganization in seven states (Colorado, Illinois, Indiana, Michigan, Montana, North Carolina, New York) noting that "unification" underlies all amendments. Chart compares various ways each state planned to treat its internal structure of courts.

Ashman, Allan and Jeffrey Parness, "The Concept of a Unified Court System," *De Paul Law Review*, 24 (Fall, 1974), 1–41.

An extensive history of court unification is presented. Various models and standards are surveyed. The authors conclude that there are three major, unequivocal components of unification: (1) simplified court structure; (2) centralized supervision over judicial and non-judicial personnel; and (3) state assumption of the judiciary's financial responsibility. The viability of unification for the future is assessed.

Berg, Jerome, "Assumption of Administrative Responsibility by the Judiciary: Rx for Reform," *Suffolk University Law Review*, 6 (Summer, 1972), 796–814.

This comprehensive, theoretical article discusses the need to re-orient the source of power for the courts in the judiciary rather than in the legislature. Problems of legislative control over court procedure and administration are presented. The need for flexibility in structure and system-wide administration (including budget, personnel, monitoring of courts and accountability) is cited. The creation of court administrative offices is recommended to enhance internal reform.

Berkson, Larry, "The Emerging Ideal of Court Unification," *Judicature*, 60 (March, 1977), 372–82.

This article outlines the major parameters of court unification. Five essential components are revealed: consolidation and simplification of trial court structure; centralized administration; centralized rule-making vested in the supreme court; unitary budgeting; and state financing. The history of each element is traced, and models depicting their development are constructed.

Berkson, Larry, "Unified Court Systems: A Ranking of the States," *Justice System Journal*, forthcoming.

A scheme is devised whereby four elements of court unification are subjected to quantification. Numerical scores are tabulated and the 50 states are ranked according to the extent they are unified.

Berkson, Larry and Susan Carbon. *Court Unification: Its History, Politics and Implementation* (Washington: Government Printing Office, forthcoming).

This book is the first to deal exclusively with the subject of court unification. Its history, strengths and weaknesses are assessed. Heavy emphasis is placed on the politics of achieving unification and the problems encountered in implementation. Much of the study is based on over 100 interviews conducted in eleven selected states.

Booz, Allen & Hamilton, Inc. *Final Report on the California Lower Court Study* (San Francisco, 1971).

This report summarizes the organization and management of the lower courts, and discusses contemporary problems. Numerous recommendations for improving the system are offered. They include: unifying the lower courts; vesting managerial authority in a judicial council; and retaining primarily county financing of court expenditures. A plan of implementation is included.

Breitel, Charles, "The Five Keys to Progress," *New York State Bar Journal*, 47 (October, 1975), 449–52.

A primary key to an improved judiciary is unified administration of the courts, with ultimate responsibility vested in a state

administrator, appointed by the chief justice, to insure independence from the legislature. The merger of lower trial courts is regarded as fundamental. A central, state-supported budget is perceived as an effective tool in court management.

Breitel, Charles, "Improving Our New York Courts," *New York State Bar Journal*, 46 (June, 1974), 229–33.

In this February, 1974, address to the members of the New York State Legislature, Chief Justice Breitel advocates further reform of the New York judiciary. Administratively, progress has been made because each of the four administrative departments has allowed the creation of an administrative judgeship. Breitel stresses this position should rest on a less tenuous basis than the continued acquiescence of the administrative departments. Breitel also calls for further court consolidation and state funding. He requests the assistance of the legislature in achieving further judicial modernization.

Chapin, Pat, "Judicial Articles Go Down in Texas and Washington," *Judicature*, 59 (January, 1976), 308–09.

Discusses the defeat of judicial articles in Texas and Washington in the 1976 November elections. The author notes the controversial provisions of the articles, the groups that had supported the reforms, and the coalition of groups that succeeded in defeating the articles.

Connecticut General Assembly. *Final Report of the Commission to Study and Draft Legislation for the Reorganization and Unification of the Courts* (March, 1974).

This report provides an extensive history of the Connecticut judicial system; reviews the current structural organization of the courts, and assesses a number of proposals for restructuring the Connecticut trial courts. The report recommends that trial court consolidation be accomplished in two steps: in the first stage the circuit and common pleas courts would be merged, leaving only two principal trial courts (common pleas and superior); in the second stage, the common pleas court would be merged into the superior court.

Corlett, John, "The Evolution of a Modern Judiciary," in Administrative Office of the Courts, *1976 Annual Report: The Idaho Courts* (1976), pp. 2–3.

In this introduction to the 1976 Annual Report of the Idaho judiciary, Corlett gives a brief historical description of the Idaho court system and cites the numerous changes which have been effected in the Idaho judicial system in the past decade.

Costas, Peter, "The 1970's: Will We Respond to the Need to Modernize Connecticut's Judicial System?," *Connecticut Bar Journal*, 44 (December, 1970), 465–550.

The Connecticut judicial system (including its court structure and operations) is surveyed initially. The balance of the article is devoted to proposals for modernization. Included are proposals to establish: a two-tier court system; uniform administrative procedures; assignment of judges; and rule-making authority vested in the state supreme court. A proposed constitutional amendment and numerous appendices are included.

D'Alemberte, Talbot, "Florida's Great Leap Forward," *Judicature*, 56 (April, 1973), 380–83.

This article contrasts Florida's 1972 success in adopting a new judicial article with its 1970 failure. D'Alemberte discusses the political background preceding the electorate's ratification of the 1972 article and notes a number of provisions that it contained. Among the noteworthy changes are: trial court reorganization; uniform and non-overlapping trial court jurisdiction; strengthened centralized judicial administrative authority over the court system; full-time judges; legally trained judges for most Florida courts; judicial nominating commissions; explicit supreme court rule-making authority; and increased supreme court authority to assign and transfer judges.

D'Alemberte, Talbot, "Judicial Reform—Now or Never," *Florida Bar Journal*, 46 (February, 1972), 68–71.

Essential features of Florida's revised judicial article (Article V) are discussed. The article provides for consolidated trial courts, uniform jurisdiction, assignment power to be vested in the chief justice, and the supreme court to be vested with rule-making authority. A comparison of the proposed revision (that was subsequently approved by the electorate in 1972) and the revision defeated in 1970 is outlined in table form.

Davis, I. Ridgway. *Administration of Justice in Connecticut* (Storrs: Institute of Public Service, University of Connecticut, January, 1963).

A detailed analysis of the various courts in Connecticut is presented. Also examined is the extent to which the state is moving toward judicial reorganization in terms of an integrated court structure.

Davis, I. Ridgway, "Connecticut's New Circuit Court," *State Government*, 37 (Winter, 1964), 51–59.

Legislation to implement a statute that created a statewide circuit court (by abolishing 168 municipal and justice courts) took effect in 1961. This article evaluates the new court by first examining the tactics that were employed to adopt it, and second, by describing its principal features. The author concludes with proposals for further reorganization.

"Election Day: The Judicial Issues," *Judicature*, 56 (December, 1972), 212–15.

This article comments on the passage of four constitutional amendments in South Dakota. It details reforms which were authorized by passage of a new judicial article. Among these reforms are: state financing of the judiciary; strengthened rule-making and assignment authority vested in the supreme court; and establishment of a judicial qualifications commission.

Ellis, David, "Court Reform in New York: An Overview for 1975," *Hofstra Law Review*, 3 (Summer, 1975).

In this symposium on judicial administration, Ellis outlines some of the problems confronting the New York state court system and the solutions which have been proposed to resolve them. He concentrates, in particular, on the issues relating to judicial selection and judicial discipline. He also notes a number of additional problems with respect to the structure, administration and financing of the New York court system. His discussion provides comprehensive, balanced treatment of many of the suggestions regarding how to reform the New York court system.

Elrod, Linda and Diane Henry, "Practicing Law in a Unified Kansas Court System," *Washburn Law Journal*, 16 (Winter, 1977), 260–74.

This article focuses on how the abolition of courts of limited jurisdiction and the transfer of their jurisdiction to the district court will affect practicing attorneys in Kansas. Specifically, the authors discuss the appropriate court in which to file actions; the applicable codes of civil, criminal, probate, and juvenile procedure; the classes of judges responsible for hearing district court actions; the procedures governing execution on judgments; and the courts and classes of judges with jurisdiction over appeals.

Finley, Robert, "Judicial Administration: What is This Thing Called Legal Reform?,"" *Columbia Law Review*, 65 (April, 1965), 569–92.

Reviews recent history of reform, obstacles to reform, and measures instigated by law schools, professional organizations, citizens groups, and bar associations. Explores trends in judicial administration toward unified systems, providing case study of the State of Washington as an example of a unified system. Proposes questions to ask to determine effectiveness and/or adequacy of: (1) JP and magistrate courts; and (2) extent of unification in each state.

Finley, Robert, "Upgrading Court Organization and Administration: A Small Blueprint for a Big Job," *Duke Law Journal*, 1965 (Spring, 1965), 322–28.

Address by a Washington judge which hypothesizes a newly created state with an ideal court system. Such a system is unified, and rule-making power is vested in the highest court.

Freels, John, "Illinois Court Reform—A Two-Year Success Story," *Journal of the American Judicature Society*, 49 (April, 1966), 206–11.

This is a comprehensive case study of the effects of a judicial article, passed in 1964. The article includes provisions for: unified, simplified court organization; rule-making power and administrative authority vested in the state supreme court; and abolition of JP courts. Initial problems and long-term benefits are discussed.

Gazell, James, "Judicial Management at the State Level; Its Neglect, Growth and Principal Facets," *California Western Law Review*, 7 (Spring, 1971), 355–82.

Historically, judicial management has been neglected by lawyers, political scientists and public administrators. Gazell offers an array of explanations and then suggests reasons for its increasing topicality among researchers. He details various principal facets of court management, and includes a variety of tables under each category. Among the facets are: trial court organization and consolidation (detailing how states have progressed toward unification in this respect); abolition of fee offices; and judicial leadership (chief justice at state level and chief judges at local level).

Greenbaum, Edward, "Modern Courts Come to New York," *Record of the Bar Association of the City of New York*, 17 (May, 1962), 244–53.

Greenbaum briefly traces the history of court unification attempts in New York. Tactics utilized to finally achieve elements of unification in 1961 are summarized. An administrative board was to be held responsible for implementing unification. Various provisions are discussed.

Greenhill, Joe and John Odam, "Judicial Reform of Our Texas Courts—A Re-examination of Three Important Aspects," *Baylor Law Review*, 23 (Spring, 1971), 204–26.

The authors opine that the terms "unified judiciary" and "court administration" are as broad or narrow as the needs of a given state dictate. In Texas, for example, a unified judicial system implies the (need and) capacity to transfer judges vertically and horizontally, as well as the centralization of rule-making authority in the supreme court. Under such a system, more efficient and uniform use of judicial personnel is possible. The duties of a state court administrator and the consequential advantages are presented.

Hall, Robert, "Court Organization and Administration," *Alabama Lawyer*, 28 (April, 1967), 148–52.

Hall reiterates Roscoe Pound's principles of an efficient court system: unification; flexibility to meet varying demands; conservation of judicial power; and responsibility vested in one authority. An administrative office of the courts should be established to guarantee efficient supervision. Uniform procedures for preparing the budget and operating the courts, uniform personnel standards, and a statewide statistical system also should be established.

Institute of Judicial Administration. *The Supreme Judicial Court and the Superior Court of the State of Maine* (New York: Institute of Judicial Administration, 1971).

This report analyzes the structure and functions of the supreme and superior courts of Maine. It recommends simplified structural organization and suggests means for improving judicial

administration by integrating the courts. It also examines the various aspects of state financing.

Karlen, Delmar and Joseph Miller, "A New Judicial Article for New York," *New York State Bar Journal*, 39 (February, 1967), 9–32.

The authors carefully review the history of the present judicial article, last revised in 1962, and outline a proposal for a new judicial article. Among the pertinent topics are: court structure, administration, financing, and rule-making.

Lowe, R. Stanley, "Unified Courts in America: The Legacy of Roscoe Pound," *Judicature*, 56 (March, 1973), 316–23.

A history of court unification is presented within the context of Roscoe Pound's philosophy. The four fundamental principles which he posits, unification, flexibility, conservation of judicial power, and responsibility are discussed in detail. A status report of unification in the states for 1973 is presented.

Mallard, Raymond, "Inherent Powers of the Courts of North Carolina," *Wake Forest Law Review*, 10 (March, 1974), 1–23.

A history and current analysis of the court's inherent powers in North Carolina, particularly with respect to financing, is presented. The author also surveys the generally accepted inherent powers of all courts. Included is the inherent power to establish rules of practice and procedure.

Mars, David, "Court Reorganization in Connecticut," *Journal of the American Judicature Society*, 41 (June, 1957), 6–14.

In this article Mars discusses some of the organizational and administrative problems faced by the Connecticut judicial system in 1957. These problems included a multiplicity of trial courts; a large number of judges with no legal training; lack of uniformity of practice; partisan election of many lower court judges; trials de novo; and uneven dockets. Mars also relates a brief history of the efforts to reform the Connecticut system including the formation of the Judicial Council, the creation of a number of committees to study the court system during the 1930's, 1940's and 1950's, and the drafting and consideration of reform legislation during the 1950's.

Martin, Robert, "Alabama Approves Judicial Article, Pay Raises, in Eleventh Hour Vote." *Judicature*, 57 (November, 1973), 173.

Provisions of the proposed new judicial article (approved by the voters in December, 1973) are listed. They include: structural reorganization of the trial courts into a three-tier system; uniform jurisdiction for all trial courts; rule-making power vested in the supreme court; and centralized administration. Recent developments in these areas are traced.

Martin, Robert, "Alabama Courts—Six Years of Change," *Alabama Lawyer*, 38 (January, 1977), 8–23.

Martin describes the accomplishments of Howell Heflin as a leader of Alabama's court reform movement. He cites Heflin's efforts to reduce court delay, to strengthen the administrative authority of the supreme court, to revise Alabama's Rules of Civil and Appellate Procedure, to effect adoption of a new judicial article, to involve citizens and the press in the court reform movement, to appoint a highly qualified committee to consider implementing legislation and to educate lawyers, judges and lay citizens in the judicial process. This article also provides a vivid description of the political background of this state's reforms.

Merrill, Pelham, "The Facts About Alabama Courts and Judges Today," *Alabama Lawyer*, 28 (April, 1967), 139–46.

This Alabama Supreme Court justice outlines the court system as of 1967, in particular, court organization, administration, and rule-making. He states various problems that exist and suggests remedies. He argues that trial courts should be consolidated, a court administrator employed, and rule-making power vested in the supreme court.

Nachman, M. Roland, "Alabama's Breakthrough for Reform," *Judicature*, 56 (October, 1972), 112–14.

Nachman relates a number of attempts to reform the Alabama judicial system from the 1966 citizens conference until 1971. After noting the 1969 failure to amend the constitution, he describes the growing number of successes which occurred after 1970, such as the creation of the department of court management and the strengthening of the supreme court's power to transfer and reassign judges.

Norris, Alan, "Modern Courts: The Next Step," *Ohio Bar*, 49 (November 15, 1976), 1575–78.

A "Unified Courts Amendment" (HJR 100) is pending before the General Assembly. Norris discusses its implications if adopted. A three-tier court system would be established whereby all trial courts would be consolidated. A judicial department of state would be created that would have administrative authority over the unified system. The resolution also provides for unitary budgeting, state financing, and rule-making authority vested in the supreme court.

O'Connell, Kenneth, "We Should Unify the Trial Courts in Oregon," *Oregon Law Review*, 51 (Summer, 1972), 641–49.

This is an exceedingly comprehensive analysis of the benefits to be derived from a unified court system by any state (unlike the title might imply). Among the topics discussed are: administrative advantages (consolidation of personnel, equipment, overall scrutiny of the system); uniformity of procedures (court rules, bail and fine schedules, statistical reporting); diversity and flexibility in assignment of cases and judges; use of court administrators; statewide financing; statewide personnel system; and consolidation of court structure.

Ohio Legislative Service Commission. *The Ohio Court System: Its Organization and Capacity*. Staff Research Report No. 47 (Columbus, 1961).

This is a comprehensive analysis of the Ohio court system. Its overall purpose is to explore the thesis that the courts are failing to meet the state's judicial needs. Chapter II covers Ohio's court structure—its history and contemporary problems. Chapter III deals with various aspects of court administration: assignment of judges; rule-making power; and court information and records. Chapter V examines the history of Ohio court reorganization and structural reform in other states, and presents a model court system.

Ohio Legislative Service Commission. *Problems of Judicial Administration*. Staff Research Report No. 75 (Columbus, 1965).

Five major problems of judicial administration in Ohio are explored; among them are management of judicial business, court organization, and judicial rule-making. The study analyzes the underlying causes, scrutinizes alternatives for improvement, and suggests means by which these problems may be overcome.

Pound, Roscoe, "The Causes of Popular Dissatisfaction with the Administration of Justice," *Judicature*, 46 (August, 1962), 54–66.

This seminal address on the defects of the American judiciary needs no introduction.

Pound, Roscoe, "Organization of Courts," *New Jersey Law Journal*, 64 (June 12, 1941), 293, 297–99.

In this historical account of court organization, Pound equates the American system of the 20th Century with the English system of the 17th Century. He suggests that in simplifying the court structure, emphasis should be placed on unification, flexibility, conservation of judicial power and responsibility.

Pound, Roscoe, "Principles and Outline of a Modern Unified Court Organization," *Journal of the American Judicature Society*, 23 (April, 1940), 225–33.

Pound asserts that the controlling ideas governing a modern judiciary should be unification, flexibility, conservation of judicial power and responsibility. He sets forth the concept of specialized judges rather than specialized courts. He discusses an ideal organization of the courts, the need for a statistical system, the powers of the chief justice, and fundamental principles of administration. He concludes by purporting that unification is essential.

Pound, Roscoe, "Toward an Adequate Administration of Justice," *Chicago Bar Record*, 39 (March, 1958), 247–57.

In another historical account of court reform, Pound asserts that a unified integrated court system is the key to modernized organization. Positive ramifications of unification include vesting rule-making authority in the courts, providing for centralized administrative offices, and effecting equitable distribution of the workload among judicial personnel.

Skoler, Daniel. *Organizing the Non-System* (Lexington: D.C. Heath, 1977), ch. 4.

This chapter reviews the current structure and organization of state courts. Reform proposals are discussed and the essential components of court unification are analyzed.

"Symposium: Comprehensive Judicial Reform: A Timely Alternative to Piecemeal Modification," *Washington Law Review*, 48 (August, 1973), 805–46.

At the time of this symposium, the State of Washington was considering a comprehensive revision of its judicial article. Among the proposed changes were a new procedure for financing and administering the courts, and general unification of the judicial structure. Mr. Justice Tom C. Clark speaks on "The Need for Judicial Reform," and Professor Luvern Rieke speaks on "Unification, Funding, Discipline and Administration: Cornerstones for a New Judicial Article," among others.

"Symposium: Judicial Administration," *Trial*, 4 (December-January, 1967–1968), 9–25.

Various aspects of unification are examined by experts in the field. Included among the participants are: Chief Justice Earl Warren speaking on judicial administration; N. A. Halloran on data centers for judicial systems; Fannie Klein on remedies to court backlog (including assignment of judges); and Edward Gallas on the use of skilled court managers.

Temporary Commission on the New York State Court System, *. . .and Justice for All* [Dominick Commission Report] (New York, 1973), 3 vol.

Much of this extensive three volume report deals with statewide administration, court financing, and court structure. It is recommended that the chief administrative judge be responsible for administering the entire state court system. A unified court budget is advised, with state assumption of all costs. Trial courts should consist of superior and lower courts.

Traynor, Roger, "Rising Standards of Courts and Judges," *California State Bar Journal*, 40 (September-October, 1965), 677–91.

California's chief justice discusses improvements in the centralized administration of the state court system. Noted are the effects of judicial councils, the chief justice's assignment power, and presiding judges. Also analyzed is the consolidation of lower courts into a statewide structure by eliminating overlapping jurisdiction and parochial technicalities, in order to achieve uniformity of jurisdiction and procedure.

Tydings, Joseph, "Court of the Future," *St. Louis University Law Journal*, 13 (Summer, 1969), 601–06.

Senator Tydings criticizes the judicial system for its proliferation of autonomous courts having overlapping jurisdiction. The concomitant waste of judicial resources could be eliminated under a unified system. Use of judicial manpower may be

maximized with the aid of judicial assignment authority under such a system. Courts of the future also should employ professional administrators to facilitate calendar and personnel management, and to introduce technology in the courts.

Uhlenhopp, Harvey, "The Integrated Trial Court," *American Bar Association Journal*, 50 (November, 1964), 1061–64.

After tracing a brief history of court structure in the states, Judge Uhlenhopp asserts that a single trial court organization is "manifestly sensible." However, certain factors restrain its implementation: lack of public understanding; opposition by jobholders; and tradition. Four mechanical problems are perceived: unification; complementation of judges; centralized administration; and centralized information.

Vanderbilt, Arthur T. (ed.). *Minimum Standards of Judicial Administration* (New York: New York University Law Center, 1949).

The overall purpose of this book is to examine the extent to which the American Bar Association's standards for improving the administration of justice have been accepted in the various states. With respect to unification, Chapter II deals with "Managing the Business of the Courts," and Chapter III addresses "Rule-making—The Judicial Regulation of Procedure."

Virtue, Maxine, "Improving Metropolitan Justice—A Guide to Court Organization," *Journal of the American Judicature Society*, 48 (June, 1964), 23–27.

Numerous fundamental requirements for an effective metropolitan court system are presented. The general topics include: unified trial court jurisdiction; unified state court systems (both structurally and administratively); personnel management techniques; judicial responsibility in the presiding judge; and use of court administrators.

Weinstein, Jack, "Improving the Administration of Justice in New York Through Constitutional Reforms," in *Academy of Political Science, Proceedings*, 28 (1967), 85–102 (or: 293–310).

Discusses the concepts of simplifying the court structure, strengthening judicial administration, and financing the judiciary (as applicable to the State of New York). Unitary budgeting is recommended.

Winters, Glenn, "Current Trends in Court Reform," *Judicature*, 50 (May, 1967), 310–15.

Major historical developments in court reform are outlined from the 1930's to the 1960's. Trends in court organization (primarily unified state court systems) and court administrators (primarily the employment of court executives) are detailed.

C. CONSOLIDATION AND SIMPLIFICATION OF COURT STRUCTURE

Berkson, Larry, Susan Carbon and Judy Rosenbaum, "Structural Unification of State Court Systems: Appropriate Reform or Misguided Remedy?," a paper delivered at the Southern Political Science Association Meeting, New Orleans, Louisiana, November 5, 1977.

This paper addresses the question of whether trial court consolidation is an advantageous innovation. The history and present status of structural unification in the 50 states is examined in detail. Thereafter, arguments supporting and opposing consolidation are analyzed, based in part on field observations made in eleven states.

Booz, Allen & Hamilton, Inc. *California Unified Trial Court Feasibility Study* (San Francisco, 1971).

This report summarizes the present structure, administration, personnel and financing systems in California, and discusses the major problems that exist with respect to each aspect. While it is concluded that a single level trial court is the preferred forum of organization, it is not presently feasible to implement unification. Therefore, a three-stage approach to unification is outlined. A plan for implementation is offered for each stage.

Burleigh, William, "Another Slant. . .Don't Consolidate the Trial Courts," *California State Bar Journal*, 50 (July-August, 1975), 266–67.

This is one of the few articles that challenges trial court consolidation. Burleigh submits that consolidation will increase costs, lower the quality of justice, and reduce the efficiency of the courts. He suggests that there are many less drastic remedies short of unification that could be effectuated to achieve the same goals.

"The Case for a Two-Level State Court System [In Illinois and Indiana]," *Judicature*, 50 (February, 1967), 185–87.

The newly reformed court structures of Illinois and Indiana are contrasted with the American Bar Association's 1962 Model Judicial Article. Future trends and improvements are predicted.

Cohn, Sherman and Joseph Baxter, "The Trial Court in the Hierarchy of Judicial Lawmaking: A Threshold Schema," *Georgetown Law Journal*, 59 (October, 1970), 1–36.

The article examines the potential role of a trial court judge in making new law. It also explores trial court lawmaking in the context of administrative considerations of competency and efficiency, the need for uniformity, and as a function of legislative activity. Advocates greater judicial freedom at the trial level in appropriate (named by authors) circumstances.

Connecticut Citizens for Judicial Modernization. *Evaluation of Various Proposals for Reorganization and Unification of Trial Courts and for Reducing Caseload* (Hartford, 1974).

Primarily through tabular form, this report explores various alternatives for reorganizing and unifying lower trial courts in order to reduce caseloads and allow the judicial system to operate more efficiently. It discusses the effect of merging various principal trial courts.

"Controversy Marks Connecticut's Court Unification Bill," *Judicature*, 60 (October 1976), 151.

This article reports the signing of Connecticut's trial court consolidation bill. It also notes that some opposition to consolidation had not yet subsided.

"Court Reorganization Reform—1962," *Journal of the American Judicature Society*, 46 (September, 1962), 110–14.

Structural reforms achieved by constitutional amendment are discussed for seven states: Colorado, Idaho, Illinois, Michigan, Montana, North Carolina and New York.

Crowe, William, "A Plea for the Trial Court of Limited Jurisdiction," *Judicature*, 53 (November, 1969), 157–59.

The author rejects the prevailing philosophy that abolition of courts of limited jurisdiction resolves the problems facing state judicial systems. In order to make these courts more effective, he advocates and outlines methods to enhance the prestige and dignity of the courts; enhance relations with the bar and public; and increase administrative efficiency. He believes that any court can function effectively as a hybrid of state, local and municipal jurisdiction handling a wide variety of cases.

Hereford, William, "Why Not One Court?," *Florida Bar Journal*, 40 (October, 1966), 1068–72.

Judge Hereford notes the confusion of the public with respect to the multiplicity of trial courts in Florida and cites this as principal justification for unifying lower courts. He also details a history of the need for court consolidation, and describes the proposed system that was eventually defeated in 1970.

Hoff, Philip, "Modern Courts for Vermont," *Judicature*, 52 (March, 1969), 316–20.

The author notes that an archaic court structure impedes the effective administration of justice, and suggests that no judicial reform will be successful without court reorganization, preferably a unified trial court. He suggests various political strategies to enact such legislation, including press coverage, mobilization of the state bar association, and citizens' conferences.

Judicial Council of California. *A Report to the Judicial Council on Trial Court Unification in the United States*, September, 1976.

This is an update of the data originally compiled in 1971 (see Booz, Allen & Hamilton, Inc.).

Klein, Fannie and Allen Harris, "Judicial Administration," in *Annual Survey of American Law, 1965* (New York: New York University School of Law, 1966), pp. 583–638.

Pages 607–15 are devoted to the topics of court reorganization and court administration. Various developments in these two areas during 1965 are examined for the applicable states. The authors recommend that a statewide unified court system with a concomitant effective management scheme be adopted by each state.

Lawson, Harry, "Colorado's New Court System," *Denver Law Center Journal*, 41 (1964), 140–51.

Colorado's new judicial article (1962) and subsequent implementing legislation are summarized. The various provisions include lower court reorganization and simplification. The court structure under the new judicial article and statutory implementation are diagramed.

Levinthal, Allen, "Minor Courts—Major Problems," *Journal of the American Judicature Society*, 48 (February, 1965), 188–92.

Many problems inherent in the presence of both limited and general jurisdiction courts are discussed, such as overlapping jurisdiction and duties, absence of uniformity of procedure, and lack of administrative hierarchy. The author presents two court systems that have unified (California and Illinois), and explains how specialization of branches and judges under one lower court can increase utilization of personnel and facilities. The use of master calendars to enhance flexibility in assignment power of judges to meet community needs is also discussed.

Litke, William, "The Modernization of the Minor Courts," *Judicature*, 50 (August-September, 1966), 67–70.

The following criticisms are levied against non-unified lower courts: lack of procedural and fiscal uniformity; too many judges due to unnecessary jurisdictional divisions; and resulting unwarranted expenses. Abolition of minor courts is recommended, with concomitant establishment of divisions under one lower court structure. Various approaches to modernization of lower courts are also presented.

Minteer, Daniel, "Trial Court Consolidation in California," *UCLA Law Review*, 21 (April, 1974), 1081–1135.

Two major forms of trial court consolidation are examined. The first suggests that a limited form of consolidation, involving only the inferior courts on a countywide basis, may yield greater advantages to the California system. The second form

involves entire consolidation, creating a single level trial court. The advantages and disadvantages of each are presented, as well as means of implementation.

Nelson, Dorothy, "Should Los Angeles County Adopt a Single-Trial-Court Plan ?," *Southern California Law Review*, 33 (Winter, 1960), 117–62.

After the Los Angeles County court structure is summarized, and the single trial court plan is distinguished from other consolidation plans, Nelson discusses the advantages and disadvantages of the former plan. Jurisdictional problems, assignment of judges and statistical record-keeping issues are among the considerations. She concludes that this plan will answer the unique needs of Los Angeles County.

Schwartz, William, "The Unification and Centralization of the Administration of Justice," *Judicature*, 51 (April, 1968), 337–39.

Schwartz asserts that a lack of centralization and unification of lower courts is inconsistent with contemporary notions of due process and equal protection because of the multiplicity of courts with different practices and judges with varying qualifications. Lower court judges suffer from lack of education, lack of status, and case overload because of the dichotomy of courts of limited and general jurisdiction. He further asserts that it is easier to forecast and prepare for future administrative problems under a unified system rather than on a "per court" basis.

Shannon, Daniel, "Judicial Reform for Colorado Courts of Special Jurisdiction," *Judicature*, 50 (June-July, 1966), 16–22.

This article presents the ramifications of the judicial reform amendment of 1962 that consolidated the lower court structure in Colorado. Judges are able to devote more time to their judicial responsibilities since the clerical staff was centralized. The judicial administrator may now exercise assignment authority as county needs arise and also compile statewide court statistics to enhance the uniform administration of justice.

Sherry, John, "The 1967 New York Constitutional Convention: An Opportunity for Further Court Structural and Jurisdictional Reform," *Syracuse Law Review*, 18 (Spring, 1967), 592–601.

Various issues which have engendered opposition to court reform (specifically court structure and jurisdiction) are presented with countervailing arguments in support of unification and simplification. Recommendations for improvement are cited.

Truax, Lyle, "Courts of Limited Jurisdiction are Passe," *Judicature*, 53 (March, 1970), 326–29.

Problems created by the dual system of limited and general jurisdiction courts are explained. Among them are the paradox of de novo trials and age/jurisdiction conflicts. The need for consolidation of lower courts and consequent specialization of judges is stressed.

Uhlenhopp, Harvey, "Some Plain Talk About Courts of Special and Limited Jurisdiction," *Journal of the American Judicature Society*, 49 (April, 1966), 212–17.

The author, a district court judge in Iowa, attacks non-unified inferior court structures by noting the duplication of expense the public must incur, arbitrary jurisdictional lines, and overlapping subject-matter jurisdiction. He proceeds to denote various obstacles to change, such as demographic tradition, the problem of reducing the number of elected officeholders, and the general opposition of the legal community to change.

Uhlman, Wesley, "Justifying Justice Courts," *Judicature*, 52 (June-July, 1968), 22–26.

The thesis of this article is that lower courts are in bad straits because of the general lack of information about them. The fact that many such courts are not unified into the total state judiciary leads to many injustices, both to judicial personnel and to litigants. The author asserts that court administrators could do much to alleviate this situation.

D. CENTRALIZED ADMINISTRATION

Adams, Eldridge, "The Move Toward Modern Data Management in the Courts," *University of Florida Law Review*, 23 (Winter, 1971), 250–60.

Adams defines data management as the "controlled processing of the contents of files and reports." Because law is document-oriented and because the amount of data is increasing, he believes the effective use of computers is fundamental to the administration of justice. He believes that if the quality of information is poor, so then will be the quality of justice. He notes various means of applying automation to the courts, as well as the problems of implementing automation.

Berg, Jerome, "The District Courts of Massachusetts," *Judicature*, 59 (February, 1976), 344–52.

Berg argues against the conventional wisdom of exclusive centralized administration. He acknowledges and supports the concept of central leadership vested in the chief justice, but believes the judiciary will be more efficient and effective if local courts retain a degree of managerial independence. Decentralization, he argues, is a strength that permits maximized local input into the decision-making process. He believes that retaining some local control actually enhances accountability to the state supreme court.

Berg, Jerome, "Judicial Interest in Administration—The Critical Variable," *Judicature*, 57 (January, 1974), 251–55.

Berg explores the concept of judicial administration in part by offering a discussion of the judge as administrator. He notes, however, that for a judge to be an effective jurist and reformer, he must be assisted by a professional court manager. He suggests the paradox that on the one hand, judges are reluctant

to grant authority to managers, but on the other hand, lack the time themselves to accept full managerial responsibility. He cautions against over-centralization of management on the basis that it inhibits local initiative.

Berkson, Larry, "Selecting Trial Court Administrators: An Alternative Approach," *Journal of Criminal Justice*, forthcoming.

The literature on selecting trial court administrators offers two approaches: centralized appointment by the state court administrator, and local appointment by the presiding judge. The author critiques both methods and offers an eclectic approach which incorporates the advantages of each.

Berkson, Larry and Steven Hays, "Applying Organization and Management Theory to the Selection of Lower Court Personnel," *Criminal Justice Review*, forthcoming.

The classical and human relations approaches on how to manage organizations are applied to the selection of lower court personnel. The authors conclude that each model, taken alone, is insufficient to guide the process. They distill the strengths of the two approaches and construct eclectic alternatives for selecting chief judges, trial court administrators and court clerks.

Berkson, Larry and Steven Hays, "Injecting Court Administrators into an Old System: A Case of Conflict in Florida," *Justice System Journal*, 2 (Spring, 1976), 57–76.

Court administrators are a relatively new phenomenon in the judicial system. Their introduction has been fraught with opposition from chief judges and court clerks, the traditional managers. This article examines the sources of resistance and conflict, utilizing Florida as a case study. Background variables on chief judges, court clerks and court administrators are presented in tabular form. Roles and attitudes also are analyzed. The authors conclude that three factors will govern the survival of court administrators: (1) positive, receptive attitudes of chief judges; (2) the ability to mitigate resistance of traditional managers; and (3) proven competence of the administrators themselves.

Berkson, Larry and Steven Hays, "The Unmaking of a Court Administrator?," *Judicature*, 60 (October, 1976), 134–39.

The authors note that while nearly every state now employs court administrators, no research has been undertaken to assess their quality and utility. The State of Florida is used as the basis for determining the nature and scope of resistance to these officials, and whether in light of the resistance they can be of benefit to the state judiciary.

Berkson, Larry, Steven Hays and Susan Carbon. *Managing the State Courts* (St. Paul: West Publishing Co., 1977).

This is a comprehensive, pragmatic analysis of state court management. Following an historical introduction to court reform, two chapters focus on impediments to managerial reform and various means by which to overcome them (including lobbying tactics). An entire chapter is devoted to the concept of unification. Court personnel (judges, clerks and court administrators) are evaluated in terms of their qualifications, roles and abilities as leaders (managers). Other topics include state financing and unitary budgeting, the use of technology as a managerial tool, and facilities and records management. The book concludes with an insightful chapter on evaluation.

Bianchi, Carl, "Comprehensive Planning for State Court Systems," *Judicature*, 59 (August-September, 1975), 67–71.

The author suggests that planning is an integral part of statewide management and that with unified administrative offices, planning can be more effectively utilized as a management tool. He believes comprehensive planning is most effective when the efforts of the state's highest court are combined with the state court administrator. The advantages of long range planning are illuminated through a case study of Idaho.

Boyle, John, "Judicial Aspects of Trial Court Administration: The Quest for Effective Justice," *Brooklyn Law Review*, 36 (Spring, 1970), 342–58.

The chief judge of the Chicago Circuit Court describes, through examples used in the Chicago system, how trial court administration can contribute to efficiency of the actual decision-making process. Examples of situations in which proper administration makes the judicial process more effective and efficient include the education of judges, proper assignment, establishing a research department, and informing the public of judicial operations and responsibilities.

Brennan, William, "Efficient Organization and Effective Administration of Today's Courts . . . The Citizens' Responsibility," *Journal of the American Judicature Society*, 48 (December, 1964), 145–49.

After noting fundamental problems of autonomous lower courts, Justice Brennan urges a unitary court structure. He suggests several principles for an effective court system: the chief judge at the apex of the court system should be the executive head of the judiciary; he should be assisted by an administrative director of the courts; and he should exercise statewide assignment authority to eliminate congestion and delay.

Carrigan, Jim, "The Functions of State Court Administrator," *Journal of the American Judicature Society*, 46 (June, 1962), 30–31.

The state court administrator functions as the administrative arm of the state's highest court. Among the duties of this official are: fact gathering and statistical analysis; liaison with trial court personnel; research; budgetary control; and purchasing.

Cheatham, Frank, "The Making of a Court Administrator," *Judicature*, 60 (October, 1976), 129–33.

Cheatham, a superior court judge in Georgia, discusses the process of introducing a trial court administrator into a local court system. He presents methods of seeking support for the innovation, and speculates benefits to be derived from the new manager. Various duties and responsibilities are outlined.

Coyne, Richard, "Has Court Management Changed since Vanderbilt? Alternate Models of Court Organization," *Judicature*, 58 (January, 1975), 266–68.

Conventional legislative and constitutional reforms advocated to achieve court unification do not solve problems of complex and over-burdened court systems in urban states. But the decentralized, or "participatory," models also fail to recognize the need for a clear line of authority. Advocates of either model are advised to view further aspects of each, and of other models, namely New York City Criminal Court and Supreme Court.

Doan, Rachel and Robert Shapiro. *State Court Administrators* (Chicago: American Judicature Society, 1976).

This is an analytical and comparative perspective of court administration in the 50 states. The first section is an overview of statewide court administration. It contains the questionnaire used to obtain information from various personnel. The second portion is a detailed description of the duties and functions of these and other related personnel. Also includes their qualifications. The final section utilizes charts to give a comparative analysis of this office.

Finley, Robert, "Constitutional Responsibility and Authority for Court Administration," *Journal of the American Judicature Society*, 47 (June, 1963), 30–34.

The article presents an analysis of the responsibility and authority vested in the chief justice of the state's highest court in order that centralized management and efficient, uniform court administration may be realized (according to the 1962 Model Judicial Article prepared by the American Bar Association). The benefits and political opposition likely to be encountered by centralized management are discussed.

Friesen, Ernest, Edward Gallas and Nesta Gallas. *Managing the Courts* (Indianapolis: Bobbs-Merrill, 1971).

This is the first major work on the management of courts. Although largely outdated because of many recent developments, it remains highly informative. The first chapter is an historical analysis of court management. Subsequent chapters examine the various constraints on management; inherent powers of the courts; relationships between the judiciary and the other two branches of government as they affect judicial independence, personnel and finances; the role and functions of court executives; and the role of other judicial personnel in managing the courts.

Gallas, Edward, "The Planning Function of the Court Administrator," *Judicature*, 50 (April, 1967), 268–71.

Planning is a principal facet of an administrator's duties. Gallas outlines the intangible, "art" aspects of planning, those factors which relate to human behavior, decision-making in an organizational framework, and general interpersonal relations as they affect the profession. He points out numerous problems administrators may encounter in planning, and means by which they may be overcome.

Gallas, Edward, "The Profession of Court Management," *Judicature*, 51 (April 1968), 334–36.

Gallas argues that court administrators should be professional managers in order to function effectively. Among the required skills are: knowledge of financial administration, accounting systems and procedures, and budget preparation; personnel administration; technology and machines; and public relations. He notes that court administration must be sensitive to the professional nature of judges and other court colleagues in order to be accepted by those groups.

Gallas, Geoff, "The Conventional Wisdom of State Court Administration: A Critical Assessment and an Alternative Approach," *Justice System Journal*, 2 (Spring, 1976), 35–55.

Gallas condemns the conventional concept of centralized, hierarchical management control of local courts by a statewide authority. He suggests that professionals resist hierarchical leadership, and in fact benefit from autonomy. He notes that businesses have abandoned centralized management, and contends that leadership (authority) should be based on competence (through specific qualifications, criteria and experience) rather than sheer power. He then establishes a contingency theory for state court management.

Gallas, Nesta, "Court Administration: A Discipline or a Focus," *Public Administration Review*, 31 (March-April, 1971), 143–49.

This theoretical article outlines the need for court administrators. A history of judicial perceptions of the need (including those of Roscoe Pound, Warren Burger and William Brennan) is presented. Also discussed are nation-wide proposals for change. The establishment of court administration as an academic discipline is advocated.

Gazell, James, "Developmental Syndromes in Judicial Management," *Brooklyn Law Review*, 38 (Winter, 1972), 587–627.

Gazell contends that judicial management, until recently, has been of scant interest to the legal, political science and public administration professions. He perceives and analyzes various developmental syndromes, including the expanded use of computers by judicial administrators, and the creation of national training programs for these personnel.

Gazell, James, "Leadership Competition in Judicial Management at the State Level," *De Paul Law Review*, 19 (Summer, 1970), 737–50.

Gazell attributes the recent attention directed toward court managers to the rise in consolidated trial court structures. Until lower courts were unified, they remained autonomous fiefdoms, and opportunities for leadership were rare. He examines the functions, powers and problems of formal judicial executives (chief justices and chief judges). He then questions whether court administrators' offices facilitate or compete for judicial leadership.

Gazell, James, "Lower-Court Unification in the American States," *Arizona State Law Journal*, 1974 (1974), 653–87.

Gazell traces the history and advocacy of court unification in the fifty states within the context of managerial supervision and court consolidation. This expose represents one of the few attempts of contemporary scholars to empirically measure facets of unification. He presents five patterns of lower-court unification from 1936–1973, and concludes that all states will achieve some form of unification within the next decade.

Gazell, James, *State Trial Courts as Bureaucracies: A Study in Judicial Management* (New York: Dunellen Pub. Co., 1975).

This is a compilation of several articles published elsewhere. Annotations are included by article in this bibliography.

Gazell, James, "State Trial Courts: An Odyssey into Faltering Bureaucracies," *San Diego Law Review*, 8 (March, 1971), 275–332.

Gazell examines trial courts first from a macro perspective and notes how they have been neglected by scholars. He proceeds to examine courts on a micro level, at which point he establishes various facets of judicial management, including: consolidation of trial courts; abolition of fee offices; and employment of court administrators. He sets forth goals for a judicial system and questions the prospects of judicial management as a discipline.

Gazell, James, "Subsystemic Analysis of Ferment in Judicial Management," *University of Detroit Journal of Urban Law*, 49 (February, 1972), 485–511.

Gazell once again traces the rising concern in judicial management, accounting for its historic scholarly neglect, and then discusses various facets of the topic. He includes diagrams of the California, Illinois, and New York judicial subsystems.

Gazell, James, "Three Principal Facets of Judicial Management," *Criminology*, 9 (August-November, 1971), 131–53.

Three facets of court management are analyzed: (1) personnel selection: chief judges, judges and staffs; (2) exercise of leadership by the chief justice at the state level and chief judges at the local level; and (3) the role of court administrative offices and their interrelationships with judges. A four page list of references is included at the end.

Institute for Court Management. *State Court Administrative Systems: Perspectives and Relationships* (Denver: Institute for Court Management, 1975).

The study focuses on three types of relationships: (1) between the chief justice and the state court administrator; (2) between state court administrators (including the chief justice) and trial courts; and (3) between state court administrators (including the chief justice) and other governmental offices and branches. The purpose is to explore the extent to which these present relationships provide for effective managerial operation, and how they could be improved. It is suggested that highly centralized management may be detrimental to the judicial system and that diffuse management may be more effective.

Institute of Judicial Administration. *State Judicial Councils, Judicial Conferences, Court Administrators and Related Organizations* (New York: Institute of Judicial Administration, 1961).

Summarizes the authority for the above organizations, and their composition, functions, and pertinent publications, on a state-by-state basis.

Invernizzi, Frederick, "The Office and Work of the Court Administrator," *Journal of the American Judicature Society*, 43 (April, 1960), 186–89.

Analyzes the principal duties of a court administrative office, including but not limited to gathering statistics, preparing the judicial budget, and serving as a public relations liaison. This office is perceived as clearly subservient to the judiciary and is vested with only minimal authority.

Jones, Harry (ed.). *The Courts, the Public and the Law Explosion* (Englewood Cliffs: Prentice-Hall, Inc., 1965).

The chapters in this book served as background reading for the 1965 American Assembly. Following the meetings, a plenary session was held to approve a series of recommendations pertaining to a unified court structure and centralized administration. These were published under separate cover as the *Report of the 27th American Assembly*. For a synopsis and discussion, see *Judicature*, 49 (June, 1965), 14–25.

McConnell, Edward, "The Administration of a State Court System," *Judicature*, 51 (February, 1968), 253–56.

McConnell cites five components requisite for effective court administration, using New Jersey as an example: (1) state constitution fixes administrative responsibility in the supreme court; (2) the supreme court, by rule, has divided the state into regions, each having an administrative judge; (3) open channels of communication; (4) willingness of all judges to participate in administration; and (5) staff assistance supplied by the administrative office of the courts. The duties of the administrative office are outlined in detail.

McConnell, Edward, "The Administrative Office of the Courts of New Jersey," *Rutgers Law Review*, 14 (Winter, 1960), 290–303.

Outlined are the functions, responsibilities and internal operations of the New Jersey Administrative Office of the Courts, of which the author was director at the time. The office's role in the collection and publication of statistics, assignment of judges (assisting the chief justice), fiscal and business affairs, personnel supervision, and special projects and studies are among the topics discussed.

McCoy, Thomas, "Reforming Judicial Administration," *Bar Bulletin of the New York County Lawyers' Association*, 26 (1968–1969), 158–63.

Discusses a variety of managerial changes that may be attributed to the constitutional amendment and implementing legislation effective September, 1962, that established the judicial conference. This administrative organization has established standards and policies covering qualifications, appointment, promotion and removal for all non-judicial personnel employed under the unified court system. Provisions for reclassification and collective bargaining are discussed.

Meyer, Bernadine, "Court Administration: The Newest Profession," *Duquesne Law Review*, 10 (Winter, 1971), 220–35.

The underlying premise of this article is that effective court administration is the *sine qua non* of efficiency in the judicial system. The need for state and local court administrators is analyzed extensively. Functions and qualifications of these executives are discussed, in addition to their interactions with judicial personnel. The future of court administration also is forecasted.

Meyer, Bernadine, "Court Administration in Pennsylvania," *Duquesne Law Review*, 11 (Summer, 1973), 463–77.

Meyer examines the roles, duties and functions of court administrators under Pennsylvania's unified judicial system. The means by which offices of district court administrators are created (under the centralized authority of the state courts administrator) and their methods of implementing change are offered as a model for other states. Rules adopted by the supreme court that pertain to the state courts administrator are examined in light of achieving a fully unified system.

National Chief Judges and Court Administrators Conference, 1st, Williamsburg, Virginia, March, 1971. *Report* (Reno: National College of State Trial Judges, 1971).

Topics of this historic conference include: the roles of trial judges, lawyers and the public in court administration; the use of computers in the courts; modern records management; and professionalizing court administrators.

Nelson, Dorothy. *Judicial Administration and the Administration of Justice* (St. Paul: West Publishing Co., 1974).

This volume represents an attempt to fill the academic void in the neglected area of judicial administration. The author contends that the equitable and efficient administration of justice depends on effective operation of all aspects of the judiciary. Among the topics analyzed are the structure of state court systems and court management in general. Judges and court administrators as managers are examined.

Patton, Alta, "The Functioning of Court Administrators," *Alabama Lawyer*, 15 (October, 1954), 386–95.

This somewhat dated article traces the history and development of court administrative offices. The author notes that the unification of courts has contributed substantially to the need for such offices. A comparison of the method for establishing these offices in various states is presented, as well as an analysis of these officers' duties.

Pettigrew, Ellis, "Court Administration Reform and Police Operational Effectiveness—A Critical Analysis," *Police*, 16 (February, 1972), 34–36.

This article presents a unique justification for centralizing court administration and employing professional court administrators. The author discusses the frequent contacts between the "intra-systems" of the police and courts. His thesis statement is that police effectiveness is diminished, indeed deterred, because the courts' subsequent contact with the public is administratively ineffective and uncoordinated. He argues that police and judicial managers should function in concert.

"The Professionalization of Court Administration," *Judicature*, 50 (April, 1967), 256–57.

Court administration historically has lacked academic sanction. This is a primary reason why administrators have not been accepted readily into the court system. Also, judges are reluctant to concede that non-legal personnel are capable of functioning in a judicial environment. Qualifications and methods of introducing court administrators into the judiciary are discussed.

Saari, David, "Court Management and Administration of Justice," *Trial*, 6 (February-March, 1970), 41–45.

After defining in-depth the concept of court management, Saari emphasizes the need for professional court executives. He cautiously inserts a caveat, that nothing can be accomplished unless an administrator is granted an adequate staff and resources with which to develop personnel, budget, records, space and calendar management systems. He explores national standards and assesses the benefits to be derived from professional administration.

Saari, David, "Management and Courts: A Perplexing Nexus," *American University Law Review*, 20 (1970–71), 601–19.

Assuming that courts with impaired management produce inferior justice, Saari analyzes the attitudes of the bench and legal profession that impede the development of improved court management techniques. He examines the independence of judges and the interrelated effect of court administrators. He asserts that a proper management model for the courts could eliminate the antipathy that exists among the various professions, and outlines its essential elements.

Saari, David, "Modern Court Management: Trends in Court Organization Concepts—1976," *Justice System Journal*, 2 (Spring, 1976), 19–33.

Saari offers an extensive critique of the 1974 ABA *Standards Relating to Court Organization*. He argues that they promote more bureaucracy and less flexibility at a time when the opposite is needed. He suggests the *Standards* represent a closed (bureaucratic) system. He describes and advocates an open system model that recognizes the dynamic (as opposed to static) nature of the courts, and allows for local flexibility and discretion.

Saari, David. *Modern Court Management: Trends in the Role of the Court Executive* (Washington: Government Printing Office, 1970).

The need for state and trial court executives is set forth. Numerous functions are outlined and described. Trends in the court executive role are traced, with particular emphasis on their increasing professionalism. Recommendations in the growth and development of this profession are offered. A short bibliography also is attached.

Saari, David, "New Ideas for Trial Court Administration: Applying Social Science to Law," *Judicature*, 51 (October, 1967), 82–87.

Saari presents a theoretical framework of professional organizations and discusses the interrelationships of the persons who comprise the professional and sub-professional categories. The benefits of a pluralistic, collegial concept of administration are analyzed. Included among them are: self-control; more flexible administrative structure; and promotion of innovation and creativity.

Schulman, Sidney, "Court Administration in Pennsylvania," *Pennsylvania Bar Association Quarterly*, 32 (January, 1961), 191–97.

The author recognizes the disruptful situation caused by court administrators in Pennsylvania and other states, due to lack of uniformity in responsibilities. He outlines the duties of local administrators in Pennsylvania, and concludes that employment of a state court administrator under the supervision of the chief justice could rectify many of these situations. He suggests various functions of such an administrative office, following the New Jersey pattern.

Shapiro, Robert and Rachel Doan, "A Profile of State Court Administrators," *Judicature*, 60 (October, 1976), 119–22.

This is a brief synopsis of the authors' book, *State Court Administrators*. (See Doan, Rachel.)

Solomon, Harvey, "The Rise of the Court Executive," *Judicature*, 60 (October, 1976), 114–18.

The author, executive director of the Institute for Court Management, traces the rising concern for professional court executives. He notes that executives are employed in nearly every state and major city, and suggests ways in which they can effectively contribute to modern court management.

"Symposium—Judicial Administration," *Brooklyn Law Review*, 36 (Spring, 1970), 329–58.

Mr. Justice Tom C. Clark, "The Sixties—A Historic Decade in Judicial Improvement;" Judge Charles Desmond, "Proposals for Judicial Reform in New York;" and Judge John Boyle, "Judicial Aspects of Trial Court Administration: The Quest for Effective Justice."

Tolman, Leland, "Court Administration: Housekeeping for the Judiciary," *Annals of the American Academy of Political and Social Science*, 328 (1960), 105–15.

It is the author's thesis that court managers have the potential to make court proceedings, facilities, personnel and financing more efficient and capable of dealing with the increasing and complex demands placed upon the judiciary. Among the suggested duties of a court administrator are: administer the dockets; make recommendations to the chief justice regarding assignment of judges; collect, compile and analyze statistics; prepare the state judicial budget; and provide general administrative consultation to the chief justice.

Wheeler, Russell and Donald Jackson, "Judicial Councils and Policy Planning: Continuous Study and Discontinuous Institutions," *Justice System Journal*, 2 (Winter, 1976), 121–40.

The authors trace the history of the judicial council movement, analyze the accomplishments and failures of that movement and describe present structural arrangements for policy planning in state court systems. They conclude that a state court administrator is better equipped to handle administrative planning than the traditional judicial council because he can use professional expertise to resolve administrative problems rather than merely gather a group of system participants to identify problems.

Wheeler, Russell and Howard Whitcomb (eds.). *Judicial Administration: Text and Readings* (Englewood Cliffs: Prentice-Hall, Inc., 1977).

Theoretical parameters serve as the basis from which to explore the field of state and federal court administration. The authors present a multi-disciplinary approach to court management,

couched in their political science backgrounds. Various concepts are examined, including: a history of judicial administration; court structure, personnel and financing; backlog and delay; and the use of technology in the courts. An extensive bibliographical essay comprises the final chapter.

E. CENTRALIZED RULE-MAKING

American Judicature Society. *The Judicial Rule-Making Power in State Court Systems* (Chicago: American Judicature Society, 1970), Report No. 13.

State-by-state description of sources of procedural rule-making power and body given rule-making authority; bibliography of articles dealing with procedural rule-making power of state supreme courts.

Ashman, Allan, "Measuring the Judicial Rule-Making Power," *Judicature*, 59 (December, 1975), 215–21.

Argues that proper exercise of broad judicial rule-making powers is the best method for improvement of state court systems. Analyzes sources of rule-making authority and suggests that few conflicts have arisen between courts and legislatures over the exercise of such authority.

Ashman, Allan and James Alfini. *Uses of the Judicial Rule-Making Power* (Chicago: American Judicature Society, 1974).

This is a national comparative study of twenty-five uses of the rule-making power of state supreme courts. It determines the source of the power to promulgate a variety of rules. Also analyzed are the conflicts that result from the courts' exercise of power. Fourteen states were selected for in-depth analysis, and fourteen selected rule-making categories are examined in those states. The uses analyzed range from supervising trial courts, to assignment of judges, to court financing.

"Courts—Rule-Making Power: CPLR 3216 Held Unconstitutional as an Interference with the Inherent Power of the Court," *New York University Law Review*, 43 (October, 1968), 776–87.

Discusses a decision of the New York Appellate Division, reversed on appeal, that the statute restricting the court's power to limit excuses for failure to prosecute interferes with the court's inherent power; further discusses other case-law conflicts between legislative and judicial rule-making powers. Suggests advantages of a system in which both the legislature and the judiciary exercise some rule-making authority to preserve a system of checks and balances.

Hall, Robert, "Judicial Rule-Making Is Alive But Ailing," *American Bar Association Journal*, 55 (July, 1969), 637–40.

Argues that judicial rule-making requires advice from and consultation with a broad spectrum of judicial experts, and also that rules of procedure should be express rather than *ad hoc;* discusses common law rule-making and the changes which would be effected by American Bar Association guidelines; argues for advisory body to break tradition of either supreme court or legislature promulgating rules without adequate information about the state's needs.

Heflin, Howell, "Rule-Making Power," *Alabama Lawyer*, 34 (July, 1973), 263–68.

Complete historical analysis of the development of judicial rule-making authority; discussion of the consultative process of implementing the rule-making authority in Alabama; discussion of current practices and powers in Alabama; discussion of the benefits in Alabama of providing the supreme court with rule-making authority.

Joiner, Charles and Oscar Miller, "Rules of Practice and Procedure: A Study of Judicial Rule-Making," *Michigan Law Review*, 55 (March, 1957), 623–54.

Primary study based on case analyses differentiating procedural considerations which typically are regarded to be within a court's rule-making authority, and substantive concerns which may only be created or regulated legislatively. The authors trace the sources and scope of authority for judicial rule-making and analyze the arguments for and against court-made rules. They provide a functional breakdown of areas of judicial administration which require procedural rules and which therefore can be addressed by the judicial rule-making authority.

"The Judiciary and the Rule-Making Power," *South Carolina Law Review*, 23 (Spring, 1971), 377–99.

Discussion of sources and scope of rule-making authority and analysis of cases defining substantive and procedural areas. States that rule-making power is the judiciary's best tool for effecting the goal of efficient administration of justice. Discusses areas where rule-making can be used effectively, particularly to reduce docket delay.

Kaplan, Benjamin and Warren Greene, "The Legislature's Reaction to Judicial Rule-Making: An Appraisal of Winberry v. Salisbury," *Harvard Law Review*, 65 (1951), 234–54.

Analyzes a case decided after the grant of rule-making authority to the New Jersey Supreme Court in which the primary issue was whether, under the new constitution, ultimate rule-making authority resided with the court or the legislature. The authors note the ambiguity of the substance and procedure demarcations and suggest it is unwise for the legislature to have no check on a court's rule-making authority.

Kay, Richard, "The Rule-Making Authority and Separation of Powers in Connecticut," *Connecticut Law Review*, 8 (Fall, 1975), 1–43.

The author argues that rule-making authority should not be exclusively vested in the supreme court. In developing his argument he traces the history of the legislative control over rule-making authority and the rise of the judiciary's growing

assertion of power in that area. He analyzes the arguments of the proponents and the opponents of judicial rule-making authority and suggests that Connecticut should pass a constitutional amendment to delineate where authority over rule-making lies.

Leverett, E. Freeman, "Georgia and the Rule-Making Power," *Georgia Bar Journal*, 23 (February, 1961), 303–16.

Brief general history of rule-making authority, arguments supporting judicial rule-making power, discussion of separation of powers doctrine; discussion of Georgia's orientation toward limiting rule-making authority to the legislature. Argues that the Georgia Supreme Court should be given exclusive procedural rule-making authority, not subject to legislative ratification.

Levin, Leo and Anthony Amsterdam, "Legislative Control over Judicial Rule-Making: A Problem in Constitutional Revision," *University of Pennsylvania Law Review*, 107 (November, 1958), 1–42.

The authors argue for a constitutional grant as the best source of jucidial rule-making authority. They analyze the arguments for and against the vesting of rule-making authority in the courts, and they attempt to define the rule-making role of the legislature with respect to the substance-procedure dichotomy. They conclude that legislative review over court-made rules is necessary because even the procedural area, where the court clearly has authority to promulgate rules, is often imbued with substantive considerations.

Parness, Jeffrey and Chris Korbakes. *A Study of the Procedural Rule-Making Power in the United States* (Chicago: American Judicature Society, 1973).

General survey, with state-by-state analysis of rule-making power, its sources, possible users and lack of appropriate models.

Pound, Roscoe, "The Rule-Making Power of the Courts," *American Bar Association Journal*, 12 (September, 1926), 599–603.

Seminal article on judicial rule-making authority, arguing that both logically and historically procedure should be governed by the courts, and that legislative rule-making in the area of procedure is not suitable as a response to immediate needs of judicial administration.

"Rule-Making Power of the Florida Supreme Court: The Twilight Zone Between Substance and Procedure," *University of Florida Law Review*, 24 (Fall, 1971), 87–105.

General discussion of conflicts between legislative and judicial rule-making authority, with emphasis on Florida Supreme Court's experiences and general difficulties in implementation of the ABA Standards for the Administration of Criminal Justice. Provides examples where a court is reluctant to act in the rule-making area, even with a clean constitutional mandate. Suggests that an interbranch coordinating agency be established to assist implementation of the ABA standards by legislative and judicial rule-makers.

"Rules of Court—Prejudgment Interest Rule Upheld—Expanding Court's Rule-Making Power Beyond 'Practice and Procedure,' " *Rutgers Law Review*, 27 (Winter, 1974), 345–53.

Analyzes New Jersey Supreme Court ruling that arguably "substantive" areas may be subject to judicial rule-making authority; argues that the test of judicial rule-making should be administrative efficiency and not the substance-procedure dichotomy.

"Substance and Procedure: The Scope of the Judicial Rule-Making Authority in Ohio," *Ohio State Law Journal*, 37 (1976), 364–85.

Discusses variations in judicial rule-making authority according to definitions of "substance" and "procedure" employed by the different states and the federal courts. Argues that courts must be careful not to overstp their authority, as the legislature is legitimately interested in the "twilight zone" between substance and procedure, but that procedural reform has progressed greatly under court rules and should not be impeded.

Weinstein, Jack, "Reform of Federal Court Rule-Making Procedures," *Columbia Law Review*, 76 (October, 1976), 905–64.

The article explores the evolution of federal court rule-making authority, although it also draws upon examples from states with extensive experience in the rule-making area. The author argues that although separation of powers and judicial review are often used to justify vesting rule-making authority in the courts, no clear theoretical source of judicial rule-making exists. He stresses that because rule-making is both a legislative and judicial function, it is most effective when the legislature delegates authority to promulgate rules to the courts. This minimizes potential conflict between the two branches. A number of suggestions for improving the rule-making process are offered.

Wigmore, John, "All Legislative Rules for Judiciary Procedure are Void Constitutionally," *University of Illinois Law Review*, 23 (November, 1928), 276–79.

Argues that the legislature is constitutionally prohibited from prescribing procedural rules because the separation of powers doctrine determines all judicial proceedings to be exclusively judicial, exercisable only by the judiciary. Analogizes rule-making power to other powers commonly held to be inherent to the judiciary, e.g., contempt.

Winters, Glenn, "The Growth of the Rule-Making Power," *Judicature*, 59 (March, 1976), 400, 406.

Discussion of historical development of rule-making authority as response to legislative failure to prescribe adequate procedural codes.

F. UNITARY BUDGETING AND STATE FINANCING

"Alabama Cuts Jury Trials as Court Funds Run Out," *Judicature*, 61 (August, 1977), 92–93.

The article describes the fiscal difficulties encountered by the Alabama judiciary when court revenues fell below projected amounts. The article notes that the problem was partially due to a provision in the state financing legislation that the courts could spend no more than they generated in revenues, and partially due to faulty revenue estimation.

Baar, Carl, "The Limited Trend Toward State Court Financing," *Judicature*, 58 (February, 1975), 322–29.

Notes that the proportion of total judicial expenditures funded by state and local governments has not changed significantly, despite reform efforts to achieve full state funding of court systems. Resistance has developed because state financing has frequently been linked with unitary budgeting for the state courts. In states where grants to localities have been used instead of unitary budgets, state financing has faced less opposition.

Baar, Carl. *Separate But Subservient: Court Budgeting in the American States* (Lexington: D.C. Heath, 1975).

Indicates the processes by which states budget for judicial system expenditures; discusses pressures on personnel within the system in view of structural independence of the judicial branch which must depend on the legislature and executive for appropriations. Argues that the judiciary must acquire administrative expertise in order to manage its own financial affairs.

Brennan, James, "Judicial Fiscal Independence," *University of Florida Law Review*, 23 (Winter, 1971), 277–88.

Members of the judiciary are expressing greater concern over the desire for fiscal independence. Brennan attributes this to a need for greater appropriations because of expanding litigation. He feels judicial personnel regard increased public funding as a prerequisite to court improvement. He discusses the separation of powers doctrine as applied to court financing and then analyzes the substantive law of judicial fiscal independence.

Carrigan, Jim, "Outline on Inherent Powers of Trial Courts to Provide Needed Court Personnel, Facilities and Equipment," *Juvenile Justice*, 24 (May, 1973), 39–63.

Carrigan asserts that the judiciary has taken a "fiscal back seat" to the other two branches of government, in part because judges lack political power. Also, local taxing units (the primary source of judicial funds) are already overburdened. Consequently, courts are unable to meet the rising fiscal demands. Under the separation of powers doctrine, courts have a positive responsibility to perform their job efficiently. In recent years they have been invoking the inherent powers doctrine. Carrigan outlines the various uses of this doctrine.

Flango, Victor, "Court Administration and Judicial Modernization," *Public Administration Review*, 35 (November, 1975), 619.

A state court administrator who has been given fiscal responsibility can aid the judiciary in obtaining a larger share of criminal justice funds.

Gable, Richard, "Modernizing Court Administration: The Case of the Los Angeles Superior Court," *Public Administration Review*, 31 (March-April, 1971), 133–43.

Lack of court control over budgetary matters prevented economical and efficient implementation of judicial programs. Executive director of the courts determined that court control of personnel salaries, classification and qualifications, and budgetary controls of travel and purchasing were extremely important.

Gazell, James, "Judicial Financing: Preliminaries, Progress, Provisions and Prognosis," *Kentucky Law Journal*, 63 (1974–1975), 73–105.

Discusses state financing of court system. Brief introduction of types of state financing (mandamus, budget passed by legislature, budget mandated by constitution as percentage of general fund) followed by one paragraph discussions of each of 12 states the author feels is moving toward state financing. Article concludes with breakdown of which states finance what part of the judiciary (e.g., highest state court, travel expenses). Author concludes total state funding of judicial systems will be present in all states by 2007–2027 A.D., but maybe as early as 1978.

Hazard, Geoffrey, Martin McNamera and Irwin Sentilles, "Court Finance and Unitary Budgeting," *Yale Law Journal*, 81 (June, 1972), 1286–1301.

After rejecting the inherent power doctrine as impractical and often unsuccessful, the authors discuss court finance as the "fiscal counterpart of court administration." The authors present the thesis that budgeting cannot be a useful tool unless adequate administrative methods are employed within the judicial system. Unitary budgeting is described and its administrative implications (e.g., equitable distribution of resources) indicated.

Institute of Judicial Administration. *State and Local Financing of the Courts: Tentative Report* (New York: Institute of Judicial Administration, April, 1969).

Describes state and local financing of courts as fragmented and highly variable; presents charts indicating total state expenditures on the judiciary, describes components of state judicial budgets and discusses budgeting processes in the states. Briefs submitted in the 1968 case of *Judges for the Third Judicial Circuit of the State of Michigan v. County of Wayne* are appendicized.

Lawson, Harry, "Court Administration and Finance," (lecture) Reading Materials for "Making Justice Work in New York State," Citizen Leader-

ship Conference on the Courts, January 30–February 1, 1975, American Judicature Society, pp. 17–30.

Argues that lack of adequate local funding is a severe problem for court systems and has caused many courts to seek state funding. Cites advantages of state funding, but says that the advantages cannot be fully realized without administrative unification of the courts.

Pringle, Edward, "Fiscal Problems of a State Court System," in Berkson, Hays and Carbon, *supra*, pp. 251–56.

Argues that state funding must be tied to unification in order to be effective. Indicates the advantages of state funding, but also states that removing funding from local control will not assure courts of unlimited resources and that administrative complexity will increase.

Public Administration Service. *Kansas Courts: A Personnel Inventory and Financial Analysis* (Chicago: Public Administration Service, 1975).

This study analyzes the personnel and financial ramifications of adopting a judicial article that provides for a unified judiciary. A plan for implementing state funding is established whereby interim alternatives are suggested for the transition period. Extensive financial data are provided in order to assess the costs of unification in this regard.

Roush, Charles, "Financing the Judiciary: Time for a New Approach," *Arizona State Law Journal*, 1974 (1974), 639–51.

Author contends that courts need to be expanded and modernized. These tasks have not been accomplished because of fiscal constraints. After examining the inherent powers doctrine, the author concludes that the solution is to give the judiciary total financial independence—raise own taxes, set own budget.

Saari, David, "Open Doors to Justice: An Overview of Financing Justice in America," *Judicature*, 50 (May, 1967), 296–302.

Discusses basic distribution of court financing responsibility among federal, state and local governments and production of revenue, in the form of fees, fines and court costs, by courts. Argues that the present system of court costs is illogical and inequitable and that court budgeting is fragmented and dominated by laymen. Suggests that court financing is properly a function of state, rather than local, government, if the state is in fact capable of the best job of administration.

Skoler, Daniel, "Financing the Criminal Justice System: The National Standards Revolution," *Judicature*, 60 (June-July, 1976), 33–38.

Reforms urging that states assume financial responsibility for the criminal justice system would, if implemented, double state expenditures in this area while substantially reducing local outlays. Such realignment of financial responsibility may prove beneficial through reduction of burden on local government revenue, and creation of greater controls in the area of court financing.

Solfisburg, Roy, "Report on Cost vs. Increased Revenue Under the New Judicial Article," *Illinois Bar Journal*, 55 (April, 1967), 646–51.

Illinois courts, following implementation of a new judicial article, have generated revenue in excess of costs in many counties. State assumption of many expenditures formerly paid by cities and counties has relieved local governments of cost burdens and also has upgraded many salary levels.

"Unitary Budgeting: A Financial Platform for Court Improvement," *Judicature*, 56 (March, 1973), 313–14.

Praises unitary budgeting as the best means of efficient distribution of judicial resources, equality of justice and judicial independence from the political process.

G. TACTICS FOR ADOPTING UNIFICATION MEASURES

Allard, Bob, "How to Modernize Your Courts," *Land and Water Law Review*, 1 (1966), 587–91.

Allard establishes a paradigm to combat the exigencies of the "law explosion." Fundamental elements include: a unified organizational structure, absence of any overlapping jurisdiction; uniform rules of practice and procedure promulgated by the courts; and business administration and management methods to gather data and handle personnel. In order to implement these goals, a militant citizen leadership is needed with continuing citizen conferences.

Barker, Twiley, "Illinois Courts Face Drastic Reorganization," *National Civic Review*, 52 (February, 1963), 87–89.

Provisions of the 1962 amendment to the Illinois judicial article are discussed. Trial court consolidation and centralized administration are emphasized. Tactics that were utilized to accomplish these objectives are discussed, as well as those groups that opposed the amendment.

Bowman, Forest, "Constitutional Revision on a Shoestring in West Virginia," *Judicature*, 59 (June-July, 1975), 28–33.

Operating on limited resources and facing effective political opposition, the author details the campaign strategy that was successful in achieving a new judicial article. The three major components of the strategy were to make money, make news, and organize on a local level. Numerous suggestions are offered for each category, along with methods of countering the opposition.

Burman, Ian. *Lobbying at the Illinois Constitutional Convention* (Urbana: University of Illinois Press, 1973).

This is a study of the role played by lobbyists, the factors that affected their participation and the strategies and tactics they employed to advance their positions at the 1970 Illinois Constitutional Convention. The author's findings are that organized interest groups were more active in voting campaigns related to the convention than in lobbying at the convention itself. He concludes that although lobbyists tend to avoid a constitutional convention because of its nonpartisan nature, they could be extremely effective if they chose to operate in a convention milieu.

Cook, Beverly Blair. *The Paradox of Judicial Reform: The Kansas Experience* (Chicago: American Judicature Society, 1970), Research number 29.

It is Cook's thesis that judicial reforms may be unsuccessful due to the failure to account for political variables that will have a great impact (in terms of structural changes) on judges and lawyers. While support of the electorate can be gained readily, it is more difficult to elicit support for reform from those whose positions may be affected, namely judicial personnel. She suggests that incremental change, while frustrating, may in the end be the most expedient and least disrupting means by which to effect reform. Kansas is employed as a case study.

Cook, Beverly Blair, "The Politics of Piecemeal Reform of Kansas Courts," *Judicature*, 53 (February, 1970), 274–81.

Two political variables, maintenance of the status quo and location of decision-making, have a direct relationship to the political acceptance of unification proposals. Unification and elimination of lower courts are cited as the most difficult reforms to achieve. Opposition to various other reforms, including implementation of court administrators and judicial rule-making authority, is discussed.

Farmer, James, "Indiana Modernizes Its Courts," *Judicature*, 54 (March, 1971), 327–30.

This article presents a very pragmatic approach to the successful ratification of a new judicial article. Germane to the success was a statewide educational program sponsored by a citizens' committee, launched six months prior to the election. Alliances between judges, legislators, lawyers and public groups, media dissemination, and a citizens' conference were also instrumental in achieving ratification.

Gaby, Daniel and Merle Treusch. *Election Campaign Handbook* (Englewood Cliffs: Prentice-Hall, Inc., 1976).

In 17 chapters, labeled and divided by index tabs, this looseleaf notebook offers a step-by-step explanation on how to organize, finance and promote a political campaign. The book offers examples of forms, checklists, letters, and press releases that can be used by campaign organizers. It is consciously written to assist the nonprofessional campaign in countering a heavily financed, professionally organized campaign.

Hays, Jack, "July 11, 1967—A Beautiful Day in Oklahoma," *Judicature*, 51 (October, 1967), 78–81.

The title implies the day of voter adoption of a new judicial article providing for, among other measures: abolition of JP courts and the fee system; establishment of a court administrator; and establishment of a two-level judicial system. Unlike many other states where citizens have led reform movements, the state and county bar associations assumed the leadership position.

Heflin, Howell, "The Time is Now," *Judicature*, 55 (August-September, 1971), 70–74.

Various strategies for initiating and implementing change in the judiciary are offered. Coordination of laity with law-oriented groups is essential. Also helpful is national and regional cooperation. Groups such as the National Center for State Courts and the American Judicature Society also can render assistance.

Heinicke, Alfred, "The Colorado Amendment Story," *Judicature*, 51 (June-July, 1967), 17–22.

The article encompasses a successful, pragmatic approach to ratifying a judicial amendment. The importance of citizen involvement and mobilization is heavily emphasized. Advance planning, fund raising and statewide publicity are analyzed. Ideas for more effective future campaigns also are offered.

Henderson, Susan, "Judicial Reform Through Total Revision of State Constitutions," *Judicature*, 51 (April, 1968), 347–50.

The use of constitutional conventions to revise judicial articles is analyzed. A history of these conventions is presented in addition to a current study of Maryland and New York.

Institute for Court Management. *Court Study Process* (Denver: Institute for Court Management, 1975).

The fundamental purpose of this project is to facilitate those seeking court reform. Court studies are generally considered a first step toward achieving change. The monograph includes papers on planning, organizing and conducting a court study, developing findings, conclusions and recommendations, and means by which to implement the desired goals.

Karlen, Delmar, "Reorganizing a Court System," *Judicature*, 55 (March, 1972), 298–99.

In order to effect and implement court reorganization proposals, the author notes the importance of communal efforts of such organizations as the Institute of Judicial Administration, the Institute for Court Management, the American Judicature Society and the Law Enforcement Assistance Administration. Citizens' conferences also have been instrumental in mobilizing support for change.

Kentucky Citizens for Judicial Improvement. *Final Project Report* (Frankfort, Kentucky, n.d.).

These materials, published by one of Kentucky's citizens groups, explain many of the campaign tactics, including financing, seminars, speakers, leaflet distribution and public opinion polls, which were used to promote the new judicial article adopted in 1975. The report also includes samples of letters used to generate support, outlines of lesson plans for teachers to use in explaining the article and a number of sample press releases.

Marsden, Warren, "The California Effort at Trial Court Reorganization, 1970–1972," *Judicature*, 56 (December, 1972), 200–07.

This is a concise synopsis of the California Lower Court Study that examined lower court unification, organization, management and financing. Various recommendations are discussed. Additionally, numerous reasons for failure of California and other states to implement unification proposals are analyzed.

Martin, Robert, "Alabama Voters Approve New Judical Article 2–1," *Judicature*, 57 (February, 1974), 318–19.

Discusses briefly the tactics utilized to achieve a new judicial article. Included are: speeches and television appearances by the chief justice; newspaper support; statewide organizational support; civic club talks; and an active citizens group.

Milligan, William and James Pohlmann, "The 1968 Modern Courts Amendment to the Ohio Constitution," *Ohio State Law Journal*, 29 (Fall, 1968), 811–48.

The authors discuss the political groups involved and the tactics used to achieve passage of the 1968 judicial article amendment to the Ohio Constitution. Their discussion includes the lobbying efforts before the legislature and the campaign to gain the support of the electorate. The article discusses a number of the reforms that have been instituted since the adoption of the new article, including expanded rule-making authority, uniform recordkeeping, increased administrative authority for the supreme court, including the power to reassign judges, mandatory retirement of judges, and retirement benefits. The authors also comment upon a number of the difficulties encountered during the implementation process.

Pettengill, Charles, "Court Reorganization: Success in Connecticut," *American Bar Association Journal*, 46 (January, 1960), 58–61.

In 1959 Connecticut abolished its 320-year-old minor court system. This article presents an analysis of the campaign waged against the antiquated system, and the means by which various parties unified to achieve their goal.

Simpson, T. McN., "Restyling Georgia Courts," *Judicature*, 59 (January, 1976), 282–87.

The author explains and analyzes the means by which Georgia adopted a new judicial article. He attributes the successful campaign to Governor Carter's Commission on Judicial Processes. Various strategies for change are detailed. The functions of the new Judicial Council and Administrative Office of the Courts are discussed.

"South Carolinians Use Strategy to Effect Court Unification," *Judicature*, 56 (October, 1972), 130.

This brief synopsis details the political tactics utilized to gain legislative approval of a judicial article that provides for designating the chief justice as administrative head of the court system, and vesting the supreme court with rule-making power. A citizens' conference was instrumental in this endeavor.

Spear, Clay, "Court Reorganization in Idaho," *Idaho Law Review*, 7 (Spring, 1970), 17–24.

Justice Clay traces the unification developments in Idaho from the amendment of the judicial article in 1962 which provided for trial court consolidation and centralized administration. Further developments occurred in 1967, 1969 and 1971. He discusses the problems of transition to the new system, effective 1971, and analyzes the appropriate implementing legislation. He suggests that the outstanding feature of the new system is its flexibility with respect to judicial assignments.

Steinberg, Arnold. *The Political Campaign Handbook* (Lexington: D.C. Heath, 1976).

The focus of this book is on marketing the candidate for office. The means by which this is achieved are generating or purchasing news, scheduling public appearances which often lead to news coverage, and advance work to facilitate scheduled arrangements. Although the book provides a relatively theoretical analysis of the interrelationship of these factors, the intent of the author is to assist the campaign manager in conducting a successful campaign.

Steinberg, Arnold. *Political Campaign Management* (Lexington: D.C. Heath, 1976).

This book is a theoretical, systematic study of the application of management principles to political campaigns. By addressing campaign issues from the perspective of structure and organizational theory, behavioral theory and quantitative theory, it seeks to clarify the study of political campaigns and to make the organization of a campaign more efficient.

Winters, Glenn, "Citizen Action—Key to Successful Judicial Reform," *Judicature*, 51 (June-July, 1967), 6–11.

Winters attributes the success of reform movements in large measure to citizens' committees that function to educate the public. He presents an outline of many citizens' conferences and constitutional modernization efforts in 15 states for the period of 1966–68.

Winters, Glenn, "Citizens' Conferences and Judicial Reform," *Judicature*, 50 (August-September, 1966), 58–63.

It is Winters' thesis that the principal factor contributing to successful judicial reform movements is lay citizen participation and leadership. Such participation most effectively manifests itself in citizens' conferences. A history, the format, and the accomplishments of these conferences are presented.

Witwer, Samuel, "Action Programs to Achieve Judicial Reform," *Judicature*, 43 (February, 1960), 162–65.

This is one of the earliest articles relating to the "how to do it" aspects of judicial reform. Witwer argues that the basic problem of reform is political and educational in nature. Latent public interest in reform exists, but it must be stimulated by articulate literature provided initially by bar organizations. Sponsorship from community lay organizations must be enlisted early in the movement. Support of the media is crucial to successful reform.

H. IMPLEMENTATION AND EVALUATION OF UNIFICATION

Administrative Office of the Courts, "Kentucky's New Court System: An Overview," *Kentucky Bench and Bar,* 41 (April, 1977), 13, 31–36.

This article discusses the numerous changes which were necessary to implement the new Kentucky judicial article. It refers to the formation of an advisory committee, the legislation necessary to convert the court of appeals into the supreme court, the legislation to create a new intermediate court of appeals, the legislation to abolish the limited jurisdiction trial courts and to create the new district court, and the legislation to eliminate most concurrent jurisdiction between the two trial courts.

Ashman, Allan, "Planning and Organizing a Court Study: Initiating the Change Process," in Institute for Court Management, *Court Study Process* (Denver: Institute for Court Management 1975), pp. 97–106.

Ashman outlines many of the preliminary issues relevant to initiating a court study. These issues include: identifying the scope and cost of the study; establishing a time frame; determining how information will be coordinated with state and local agencies; determining the need for a preliminary survey; and deciding the extent to which the individuals involved in the study should come from within or without the state.

Bianchi, Carl, "Effects of Progressive Court Administration on Legal Services and the Poor in New Jersey," *Judicature*, 55 (January-February, 1972), 227–35.

Various obscure, although notably important, ramifications of statewide court administration are presented in this highly unique article. Uniform court rules help effectuate change and enhance efficiency and cost reduction in New Jersey. A prime example is the rapid implementation of United States Supreme Court decisions through the court administrator's office.

Broder, Josef, "The Provision of Court Services—An Inquiry into the Allocation of Opportunities to Rural Communities," (unpublished Ph.D. dissertation, Department of Agricultural Economics, Michigan State University, 1977).

The dissertation represents one of the few attempts to assess the impact of court reforms on society, in this case on rural communities specifically.

Bunker, Douglas, "Policy Sciences Perspectives on Implementation Processes," *Policy Sciences*, 3 (1972), 71–80.

The author develops a model which illustrates that successful implementation is a function of not only the identity of the implementing agent, but also of the salience of the issue to the agent, the resources available to him and on his agreement with the policy being implemented.

Coldsnow, Robert, "Court Unification: Judicial Reform Revisited, Part III," *Journal of the Kansas Bar Association*, 45 (Summer, 1976), 117–24.

The author discusses the appointment and activities of the various committees formed to study the Kansas court system and to recommend legislation necessary to implement the new judicial article. He analyzes in detail the provisions of the implementing legislation which relate to administration of the new court system and the salaries, qualifications, jurisdiction and powers of the classes of district judges. He notes the absence of statewide judicial financing in Kansas and comments upon attempts to institutute unitary budgeting at the county level.

Committee to Make a Study of the Judicial System of South Carolina to Implement the New Constitutional Judicial Article. *Report* (Columbia, 1974).

Among the principal areas of concern with respect to implementing the new article are: (1) structure, organization and administration of the courts; and (2) financing the judiciary. Some of the specific concerns were: creation of district courts and abolition of municipal courts; methods of appeal; establishing the number of judges; jurisdiction and authority of new courts and establishing uniform fees.

Criminal Courts Technical Assistance Project. *Budgetary Considerations Relating to Operation of the New Unified Court System in Kentucky: Fiscal, Administrative and Facility Recommendations* (Washington: American University, 1976).

Discusses the development of a statewide judicial budget.

Recommendations are provided concerning the function of the Administrative Office of the Courts. It is further recommended that an internal financial audit be conducted, that a separate personnel system be established, and that the judiciary have its own printing and purchasing capabilities.

Criminal Courts Technical Assistance Project. *Recommendations for Administrative/Legislative and Other Actions Necessary to Implement Alabama's New Judicial Article* (Washington: American University, 1976).

This report is expected to facilitate Alabama in implementing its recently adopted judicial article. Specific recommendations are offered by Allan Ashman on staffing a court management department and property inventory; Carl Baar on budgeting and fiscal matters; Bert Montague on administration, data processing and funding; and Ellis Pettigrew on developing priorities for implementation.

Criminal Courts Technical Assistance Project. *Technical Assistance Implementation Plan for Restricting South Dakota Courts Under New Judicial Article V, South Dakota Constitution* (Washington: American University, 1973).

A variety of recommendations are made regarding court structure and administration. Specific timetables for legislative and judicial actions (concerning budgets, transfer of records, rule-making and evaluation) are outlined.

Davis, William, "Kentucky's New Court System," *Kentucky Bench and Bar*, 41 (April, 1976), 20, 21, 35.

This article discusses the planning which was necessary to implement Kentucky's new judicial article. Specifically, the article itemizes the implementing legislation that was enacted and mentions a number of the changes which are planned for the trial court reorganization. The article also discusses plans to obtain federal funds to aid implementation.

Dill, Forrest, "Unification in State Court Systems: A Study of National Data," (unpublished manuscript, 1977).

After defining unification as composed of three elements (structure; internal control and management/budget), Dill investigates the historical conditions which function as determinants of unification within the context of its adoption. Thereafter he examines the potential consequences of unification for the operation of state judicial systems.

Fatzer, Harold, "The State of the Kansas Judiciary," *Washburn Law Journal*, 12 (Winter, 1973), 120–32.

Text of the chief justice's address to the governor and legislature following adoption of the new judicial article in 1972. Fatzer discusses various provisions of the article and then recommends the formation of a statewide committee to study implementing legislation.

Gardner, Neely, "Implementation: The Process of Change," in Institute for Court Management, *Court Study Process* (Denver: Institute for Court Management, 1975), pp. 167–202.

Professor Gardner draws upon social science literature to identify three strategies for effecting social change. Those strategies are: power-coercive; empirical-rational; and normative-re-educative. He concludes the first type tend to be ineffective because they are too dictatorial; the second group tend to be ineffective because they do not involve system participants. He thus advocates the third type of strategies whereby implementers combine the expertise of sources from inside and outside the system with a plan to educate and work with system participants to effect the desired changes.

Gross, Neal, Joseph Giaquinta and Marilyn Bernstein. *Implementing Organizational Innovations* (New York: Basic Books, 1971).

The authors identify a number of factors to explain the failure of an attempt to implement organizational changes in an education setting. Their objective is to improve the effectiveness of implementation by increasing understanding of why efforts at change often fail.

Hargrove, Erwin, "Implementation," *Policy Studies Journal*, 5 (Autumn, 1976), 9–15.

The author notes that implementation is used in three complementary social science contexts and discusses some of the literature germane to each context. The three approaches to implementation are: political science, which views implementation as a necessary adjunct to effecting public policies; public policy graduate programs, where scholars are attempting to develop a methodology which will enable policy analysts to make predictions about the consequences of certain implementation decisions; and research on the operation of specific programs, to describe how implementation succeeds and how it fails and to devise new methods to resolve implementation problems.

Heflin, Howell, "The Judicial Article Implementation Act," *Alabama Law Review*, 28 (Spring, 1977), 215–41.

Heflin offers a detailed analysis of the provisions of the Judicial Article Implementation Act. In particular he discusses the effect the implementing legislation had upon court structure, judicial qualifications and retirement, juvenile and probate proceedings, court administration and personnel, defense of indigents and probation services. He also explains how the financing provisions will be implemented over a three year period and the corresponding staggered implementation of the transfer of revenues to the state. He stresses the scope and complexity of the legislation as well as the article's ability to provide effective implementation of the new mandate.

Kansas Citizens for Court Improvement. *The Steps to a Modern Court System* (Overland Park, Kansas, 1976).

This is a chronology of the various phases of court reform in Kansas. It highlights the provisions of the judicial article implementing legislation and compares how the unified system will differ from the current system with respect to administration, the district court system, municipal jurisdiction, and finance.

Kleps, Ralph, "State Court Modernization in the 1970's: Forces for Reform in California," *Judicature*, 55 (March, 1972), 292–97.

Several of California's unification programs are presented as a typology for other progressive states. Development and implementation processes are discussed. Emphasis is placed on the need for planning and cost analysis prior to implementing untested unification proposals.

Lawson, Harry, "Commentary on the Process of Change," in Institute for Court Management, *Court Study Process* (Denver: Institute for Court Management, 1975).

Lawson hypothesizes that how and when a court study is conducted, and by whom, may determine its degree of acceptance and ultimate adoption. He suggests that it is equally important to consider *why* the study is being conducted. He makes recommendations on how a study should be conducted in order to enhance an atmosphere of receptivity to the suggested changes.

Martin, Robert, "Bill to Implement Reform Signed by Alabama's Wallace," *Judicature*, 59 (December, 1975), 255.

Retraces the political history of the passage of the new Alabama judicial article. Notes the formation of a study commission to prepare implementing legislation and discusses a number of provisions of the implementing legislation. Among those provisions are: institution of state financing; establishment of the district court to replace a multitude of limited jurisdiction trial courts; establishment of a statewide personnel system for judicial department personnel; provision for uniform budgeting for the entire court system; and creation of the office of Administrative Director of the Courts.

Mitchell, Ned, "The Judicial Article Implementation Act: An Overview," *Alabama Lawyer*, 38 (January, 1977), 31–36.

Mitchell discusses the provisions of Alabama's judicial article implementing legislation. In particular he explains the jurisdiction of the district and circuit court, the provision authorizing a system for defense of indigents; and the uniform fee schedule which were newly established by the implementing legislation.

National Center for State Courts. *Planning in State Courts: A Survey of the State of the Art* (Washington: National Center for State Courts, 1976).

This pilot project is intended to help states develop planning capabilities within their judiciaries. Of particular concern is the extent to which statewide centralized planning can succeed in meeting the needs and interests of local courts. Various common concerns are addressed: the separation of powers doctrine, judicial independence, state supervision and local autonomy.

Pressman, Jeffrey and Aaron Wildavsky. *Implementation* (Berkeley: University of California Press, 1973).

The authors analyze implementation by examining the reasons for the failure of a federal project to generate jobs for the chronic unemployed in Oakland, California in the late 1960's. They conclude that implementation, particularly the technical details of implementation, are crucial to the ultimate success of any program, plan or policy.

Pringle, Edward, "Court Organization and Administration," *Land and Water Law Review*, 1 (1966), 563–78.

Colorado's Chief Justice Pringle presents a discussion of the problems the State of Colorado experienced in implementing its unified court system. His analysis of the state's goals and final results is delivered in the context of a paradigm for other states.

Public Administration Service. *The Implementation of the South Dakota Unified Judicial System* (Chicago: Public Administration Service, 1974).

This report is addressed to the ramifications of adopting a judicial article that provides for unification. The first section anaylzes and offers recommendations on court financing. The second section evaluates the personnel system and offers an array of classification, pay and installation plans. Extensive personnel rules are established. Section III is devoted to court administrators. Section IV deals with finances and budgeting. The final section analyzes court records and forms management.

Rose, Richard, "Implementation and Evaporation: The Record of MBO," *Public Administration Review*, 37 (January/February, 1977), 64–71.

The author analyzes the successes and failures of implementing new ideas by analyzing the attempt to adopt management by objectives within the Federal Office of Management and Budget. The conclusion is that the implementation process often generates new problems as it attempts to promote solutions to old problems.

Saltiel, Edward, "1963 Legislative Implementation of the Judicial Article," *Illinois Bar Journal*, 52 (September, 1963), 10–24.

Discussed are the ramifications of the implementing legislation adopted to enact the new Illinois Judicial Article, effective 1964. The means by which the transition to a unified judiciary was to be made with respect to the variety of judicial personnel are analyzed.

Smith, Thomas, "The Policy Implementation Process," *Policy Sciences*, 4 (1973), 75–84.

Smith posits a model which suggests that implementation is the process by which a discrepancy between an authorized and an existing system is removed. He concludes that by using this model, policy-makers may be able to minimize discrepancies in the implementation process and improve their ability to attain objectives.

Van Meter, Donald and Carl Van Horn, "The Policy Implementation Process: A Conceptual Framework," *Administration and Society*, 6 (February, 1975), 445–88.

The authors categorize some of the extant literature on the process of policy implementation and develop a theoretical framework for analyzing the effectiveness of implementation. In their framework they analyze the salience and linkage of a number of factors deemed relevant to successful implementation.

I. BIBLIOGRAPHIES

Abraham, Henry. Bibliography in, *The Judicial Process; an Introductory Analysis of the Courts of the United States, England and France* (New York: Oxford University Press, 1975), 3d ed.

American Judicature Society. *Judicial Administration and Racial Discrimination; Fifteen Years of Literature* (Chicago: American Judicature Society, 1970).

American Judicature Society. *A Selected Chronology and Bibliography of Court Organization Reform* (Chicago: American Judicature Society, 1970), Report #12.

American Judicature Society, "Ten Years of Court Reorganization Reforms: A Selected Chronological Survey," *Journal of the American Judicature Society*, 48 (February, 1965), 193–95.

Council of State Governments. Bibliography in, *Judicial Administration: Education and Training Programs* (Lexington: Council of State Governments, 1975), pp. 25–26.

Fremlin, Ronald (ed.). *Modern Judicial Administration: A Selected and Annotated Bibliography* (Reno: National College of the State Judiciary, 1973).

Klein, Fannie. Bibliography in, *The Administration of Justice in the Courts*, Vol. II (Dobbs Ferry: Oceana Publications, 1976), pp. 939–58.

Klein, Fannie. *Judicial Administration and the Legal Profession: A Bibliography* (Dobbs Ferry: Oceana Publications, 1963).

National Advisory Commission on Criminal Justice Standards and Goals. Bibliography in, *Courts* (Washington: Government Printing Office, 1973), pp. 323–27.

National College of the State Judiciary. Court Studies Division. *Selected and Annotated Bibliographies* [on Court Administration and Organization Development] (Battle Creek: W.K. Kellogg Foundation, 1972).

National Conference on the Judiciary. Bibliography in, *Justice in the States* (St. Paul: West Publishing Co., 1971), pp. 269–322, by Fannie Klein.

Olm, J., *et. al. Criminal Justice and Related Topics: A Selected Bibliography* (Austin: Texas University School of Law, Criminal Justice Reference Library, 1971).

Parness, Jeffrey and Chris Korbakes. Bibliography in, *A Study of the Procedural Rule-Making Power in the United States* (Chicago: American Judicature Society, 1973), pp. 68–75.

Pound, Roscoe, "A Bibliography of Procedural Reform, Including Organization of Courts," *Illinois Law Review*, 11 (February, 1917), 451–63.

Saari, David. Bibliography in, *Modern Court Management: Trends in the Role of the Court Executive* (Washington: Government Printing Office, 1970), pp. 28–29.

Tompkins, Dorothy. *Court Organization and Administration: A Bibliography* (Berkeley: Institute of Government Studies, 1973).

Wheeler, Russell and Howard Whitcomb (eds.). Bibliography in, *Judicial Administration: Text and Readings* (Englewood Cliffs: Prentice-Hall, Inc., 1977), pp. 289–312.

Wheeler, Russell and Howard Whitcomb, "The Literature of Court Administration: A Bibliographic Essay," *Arizona State Law Journal*, 1974 (1974), 689–722.

Wood, Mary Lu and Roberta Kast (eds.). *Court Studies: An Annotated Bibliography* (Chicago: American Judicature Society, 1976).

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