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A CITIZENS GUIDE
TO
COURT OBSERVATION

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ACQUISITIONS

A CITIZENS GUIDE TO COURT OBSERVATION

CITIZENS CRIME COMMISSION OF PHILADELPHIA

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PREFACE

Most of the information for this manual is drawn from the Philadelphia experience. However, the report has been organized so that it could be used by groups throughout the country.

Not all the suggestions contained in this handbook would be appropriate for all court observation programs; however, the details which would have to be worked out in order to achieve a successful program would be the same everywhere. For this reason, the suggestions offered --if not ideally suited to a particular program--should at least provide the stimulus necessary to formulate alternative ways by which these details might be taken care of.

To provide further guidance to groups which have initiated their own court observation projects, we have available copies of the report The Quality of Justice in Philadelphia: A Citizens' Perspective. This report, which contains the findings and recommendations of the Crime Commission's second year program, shows how a group might organize and utilize the information collected.

Again, the Crime Commission's experiences are included as an illustration, rather than a rule. It is hoped that other interested groups will feel free to individualize their own programs.

INTRODUCTION

More and more of today's citizens are concerned with the criminal justice system. The high crime rate brings countless numbers of people into direct contact with the system, while media reporting allows all citizens to experience this involvement vicariously. This increased public concern has brought some of the gross inadequacies of the criminal justice system to light. These revelations, in turn, motivate citizens to participate actively in attempts for institutional reforms. In cities, towns and counties all over the nation interested citizens volunteer for court observation programs hoping that they can make a difference.

Court watching programs are sponsored by a variety of groups for diverse reasons. Some are conducted by independent lobbying organizations on their own initiative and others are the result of investigations performed by governmental agencies. Still others are sponsored by civic agencies or concerned citizens groups. Some programs (in an effort to humanize court proceedings), merely send volunteers to court to let the officials know they are being watched. Other groups train their volunteers to collect specific types of data while also exerting a beneficial presence in the courtroom. Besides educating citizens to the problems of the court system, participation in court observation programs enables laymen to take an active interest in criminal justice and serves as a basis for reform.

Regardless of the reasons for which a court observation program is initiated, one of its basic functions should be to educate the public to the operations of the system and to give citizens the opportunity for meaningful input in improving the inefficiencies that exist. Court volunteers in a number of communities have identified two main causes of the system's failures. The first are the many administrative difficulties that severely hinder the processes of justice. These are due, in part, to the large number of cases passing through the court system everyday. Confusion and inefficiency have come to be accepted as part of the courtroom routine. This in turn leads to a lax attitude in dealing with other court problems. The issue of excessive numbers of continuances is one such problem. To laymen, court administrators often seem to lack the motivation necessary to deal with what appears to be a serious problem.

The second weakness of the system lies with judicial demeanor. Lay persons sitting in courtrooms often observe what they consider to be a serious lack of judicial control which contributes to a disorganized courtroom atmosphere. The public tends to view any reluctance on the part of the judges to exercise control over their courtrooms as adversely affecting the quality of justice. A court observation program can give the public the means by which to evaluate judicial demeanor and, if dissatisfied, they can register disapproval at the next election. This fact gives added importance to the public education aims of court observation.

Court watching programs all over the country have unique emphases, each of them contributing to the overall climate seeking reform. The examples that follow are merely a few of the many active and hard working court projects that function throughout the nation.

Phoenix, Arizona

The Citizens Crime Commission of Phoenix, Arizona, has set up a program involving the collection of both subjective and objective information from court watchers. Although the lay observers do not pass judgement on actual dispositions, they comment on the overall courtroom atmosphere and the treatment witnesses, complainants and defendants receive. The goals of the Arizona program are as far-reaching as they are broad, touching on influencing legislation, augmenting probation programs and controlling juvenile crime.

Massachusetts

A court observation program in Massachusetts, under the auspices of the Massachusetts Law Reform Institute, has been set up to "monitor and report as precisely as possible the procedural fairness of the lower court judge and to gather data on how the courts are run." In time, a report of their findings will be submitted to the proper judicial authorities and then publicly aired. The observers in Massachusetts have encountered some serious problems with overzealous court officers preventing notetaking in court but, for the most part, the court administration has been cooperative.

Chester, Pennsylvania

In 1970, a group of citizens from the Friends Suburban Project began monitoring the local magistrates court in Chester. The mere presence of the observers helped alleviate some of the mistreatment of defendants and witnesses. In addition to improving the courtroom facilities

and encouraging officials to adhere to more professional procedural standards, the project had a humanizing effect on the legal process as a whole. One of the changes prompted by the court observers was the installation of seating for non-court personnel, which ameliorated some of the physical discomfort of appearing in court as well as having beneficial psychological effects.

Dade County, Florida

A different sort of project has met with considerable success in Dade County, Florida. There, students from public high schools may apply to take "court observation" for credit. The students spend one day a week in court and, after having gained experience in court watching, they may opt to assist the court administration. Jointly sponsored by the Crime Commission of Greater Miami and the Dade County School Board, this program prepares future leaders for responsibility while it helps further understanding between young people and community leaders.

Illinois

The League of Women Voters of Illinois initiated a statewide court observation program in June of 1975. There, volunteers are alerted to keeping statistics on "victimless" crimes as well as other universal concerns of observers. The Illinois project started in the misdemeanor courts of four counties, and plans call for an expanded program in ensuing years.

In Cook County, where the League has joined forces with the Chicago Crime Commission, the presence of independent observers in the

courtrooms has accomplished a great deal. However, the concerns of the volunteers in this program go beyond "just watching" to collecting data on case dispositions as well as commenting on judicial conduct.

Connecticut

The Connecticut Citizens for Judicial Modernization prepared an extensive report for the Commission to Study Reorganization and Unification of the Courts. The Study evaluates the physical condition of courtrooms, utilization of facilities, time apportionment and renovation proposals. This project, even though it operates within the state bureaucracy, depends on lay volunteers to collect the data necessary to substantiate the need for reform.

New York

The New York Court Monitoring Project takes place in four diverse areas of New York state, ranging from urban to rural. The project monitors misdemeanor and felony criminal courts. From this varied experience a manual was produced which deals with each stage of a court observation program.

Each of these diverse projects provides a unique opportunity for citizen participation, which is indispensable to the cause of responsible court reform. Many of the features of these and other court observation programs were incorporated into the Philadelphia project, which is described in somewhat greater detail.

The Philadelphia Experience

The Court Observation Program in Philadelphia is a project of

the Citizens Crime Commission, a voluntary, citizen controlled organization. One important objective of the Crime Commission is to develop programs which involve the citizenry in improving the quality of justice in the city. The Court Observation Program was designed to meet this objective.

The three primary goals of the Philadelphia project--public education, involvement of citizens in improving the court system, and aiding the court administration in making improvements--are woven throughout the following discussion.

The project began in January of 1975 with observers spending their time in Municipal Court. In December of 1975, at the start of the second year's observations, the program was expanded to the Non-Jury Trial Division of Common Pleas Court. Both of these courts are "list" divisions, i.e. each day's court business consists of disposing of all the cases which appear on the daily trial list. In Municipal Court, the average number of cases listed per day in each of the courtrooms is 25. The corresponding figure for Common Pleas Court is 12. Because so many cases pass through these two courts every day, many of the administrative problems are the same.

Although court watching projects have been in effect all over the country, the Crime Commission project is the first such program in Philadelphia. The spark for the project was a request from D. Donald Jamieson who was then President Judge of the Common Pleas Court. Judge Jamieson viewed citizen court observation programs as an important method of public education, as well as a reliable fact finding source on how

well the system operates.

There are 25 volunteers involved in the Crime Commission's project. Their varied backgrounds made some routine training a necessity. The volunteers are retired persons, homemakers, students and people with part-time employment. Their common bond is a concern with improving the court system. The training that each volunteer received consisted of two formal training sessions and at least two days of observing with an experienced volunteer. In addition each received a packet of information on the court system.

At the conclusion of the observation period, the results were analyzed. The varied information was reviewed, sorted and summarized by the Crime Commission staff and then compiled into a comprehensive report. The observers noted the time court convened, recessed and adjourned; the disposition of charges; and reasons for continuances. Some of the information collected was on a much more subjective level, dealing with the adequacy of the courtroom facilities, the demeanor of judges, attorneys and other court personnel as well as the overall atmosphere of the courtroom.

The Philadelphia court-watching project was never intended to be an in-depth study of all the problems facing the court system. In the first place, it focuses on but two courts. Second, the lay observers are not trained to understand all the complexities of the legal system. However, these same observers are in the best possible position to be sensitive to the treatment witnesses and defendants receive, and they are very capable of evaluating courtroom facilities and the demeanor of

court personnel. These citizens are able to make an important contribution to the quality of justice by pointing out these and other problems to the court administration. The report of the second year project, The Quality of Justice in Philadelphia: A Citizens Perspective, summarizes the findings of the observers. It also includes practical recommendations aimed at creating a more dignified and professional atmosphere while, at the same time, humanizing court proceedings.

The Citizens Crime Commission intends to do a follow-up study to determine the effect, if any, of its first report. In order to do this the worksheets have been revised slightly, so as to pinpoint more precisely the problem areas identified in the report. This follow-up study will allow the Commission to see which of the observers' recommendations have been implemented.

SUGGESTED TIMETABLE

This timetable for a one-year court observation program is included to give a general idea of when the major tasks required in setting up and conducting such a program could be carried out. This timetable is merely a suggestion; it would of course have to be adjusted depending on the type of program which is being initiated.

First three months

- Form advisory committee
- Make preliminary contacts with criminal justice representatives
- Set up project files
- Design and pre-test worksheets and summarization forms
- Assemble packet of training materials
- Plan training program
- Recruit and train volunteers

Next six months

- Conduct court observation
- Conduct in-service training sessions
- Periodically summarize data
- Meet with advisory committee to apprise members of progress of project
- Meet with criminal justice representatives and community organizations to discuss project

Last three months

- Finish summarizing data
- Draft report and recommendations
- Circulate copies of draft among members of advisory committee and court volunteers
- Submit final report to board of sponsoring organization
- Submit copy of final report to court administration
- Release and publicize report
- Hold awards luncheon for volunteers
- Plan next steps

PROGRAM COSTS

The expense incurred in operating a court observation project will depend, among other things, on the scope of the program, the extent to which volunteers are utilized in directing the program, and whether observers are to be reimbursed for their expenses.

The extent to which the sponsoring organization can absorb some of the costs of the program is another factor which will have to be taken into consideration in calculating net program expenses. In Philadelphia, the project is directed by an individual who is already on the staff of the Crime Commission and the organization donates the services of a part-time secretary, office space, equipment and supplies. Volunteers are used to collect information as well as act in an advisory capacity when reports are being drafted. Staff costs could be cut considerably if the sponsoring organization expands the role of the volunteers to include performing administrative and clerical duties and tabulating the program results.

If a decision is made to computerize the information collected, there will, of course, be additional costs incurred. But, the appeal of a citizen court observation program is such that very often a sponsoring organization can persuade experts to donate their time as a public service.

Consideration should be given to seeking assistance from local

foundations to help defray some of the expenses incurred in operating the court observation program. In Philadelphia the Crime Commission obtained a grant from the Dolfinger-McMahon Foundation to cover the expenses involved in training the volunteers, reimbursing them for their expenses and honoring them at the awards luncheon.

It should be noted that in the original plan for the court observation project in Philadelphia, the volunteers were to pay their own travel and luncheon expenses. As the project progressed, however, it became apparent that this financial drain was unnecessarily hard on the observers, many of whom were on fixed incomes. Reimbursing the volunteers for their expenses enabled the majority to stay with the program until the end of the observation period.

If the sponsoring organization can use returning observers in succeeding years, training expenses will be considerably less, as experienced volunteers may be asked to take incoming observers into court with them.

PRELIMINARY CONTACTS

Once an organization has decided to set up a court observation program, efforts should be made to communicate with the local judiciary. This contact allows the organization to inform judges of the project and solicit their advice and cooperation. Since the request of the president judge initiated the Crime Commission's program, this first step was unnecessary. However, where the impetus for the program has come from an outside source, this step is important. It is helpful, first, to write a letter to the presiding judge explaining the project and requesting an interview. At this meeting the program sponsor should furnish the judge with information on the sponsoring organization and its interests in conducting the project. The project goals, how it was started, and what it hopes to accomplish should be clearly delineated. The sponsor should emphasize his need for judicial cooperation and a desire to receive their suggestions. It is important for the judges to know that the purpose of the observers' report is to assist the court administration in improving the system.

There are several reasons as to why this first interview with the presiding judge is so very important. First, it lays the groundwork for cooperation with the judiciary. Secondly, the program director may have questions about the administrative processes which could best be answered by the judge himself. Thirdly, the director could use this opportunity to request copies of judicial assignments and other information the

observers need to do their job.

Similar meetings held with the chief local prosecutor and the head of the Public Defenders Association to explain the program and to solicit their cooperation are also beneficial. These contacts can be extremely valuable later on in the program if the director needs additional information or encounters any difficulties. More importantly, perhaps, the meetings can foster cooperation between criminal justice representatives and citizens and help both groups understand the problems facing the system. This heightened awareness might then be translated into a coordinated effort to improve the courts.

OVERALL SUPERVISION

Overall supervision of a court observation program is best conducted by a committee of concerned citizens. In Philadelphia this responsibility is delegated to the Crime Commission's Court and Court Services Task Force, composed mainly of attorneys. In the planning stages of the project, the committee should review the training materials and worksheets and make suggestions to improve the program. During the observation phase, the committee should meet periodically to follow the project's progress. Committee members can also review the final report before it is sent to the sponsoring organization's leaders for final approval.

DESIGNING AND ANALYZING THE WORKSHEETS

The content of the observers' worksheets must necessarily be determined by the overall thrust of the program. If a project is designed to monitor the demeanor of judges toward defendants, the observers will need only a very simple form to evaluate judicial interaction with each defendant. If the program is to familiarize law students with courtroom proceedings, the questionnaire should deal with the legal abilities of judges and attorneys. One simplified form would suffice for this program, also. Any worksheet, regardless of complexity, should include:

- Name of Observer
- Date
- Courtroom Number
- Judge
- Chief Court Officer
- Prosecuting Attorney
- Public Defender

Worksheets may be designed to record information of both a subjective and an objective nature. Among the objective information that court observers may collect is

- time court convenes and adjourns
- length of lunch hours
- time spent on recesses and delays
- dispositions of cases

- numbers, types and reasons for continuances
- extent of courtroom utilization

On a more subjective level, the observers may note:

- the adequacy of courtroom facilities
- the audibility of the courtroom proceedings
- the demeanor of the judges, attorneys and court personnel
- the extent to which they felt justice has been served

In order to collect all the information needed, standardized worksheets should be used. In this way, observers know exactly what information the project director needs, the director is spared endless repetition of data guidelines, and the data can be summarized in an organized way.

Nonetheless, open-ended questions are valuable also. They provide a broad framework within which the observers can record their impressions of the overall courtroom atmosphere. These questions also encourage observers to explain the situations which prompted them to answer as they did. These subjective comments of the observers can be most revealing.

Examples of the worksheets used in the Philadelphia project, Evaluation of Courtroom Proceedings (A-1) and Court Proceedings Observation Form (A-2), are contained in Appendix A. They may or may not meet the goals of other programs, but they are included as a suggestion as to how court monitoring forms might be designed.

The project director should work closely with the supervisory committee in developing the worksheets. After the worksheets are drafted, they must be tested. The Crime Commission asked a small group of

attorneys to pre-test the forms. The attorneys needed no advance training in courtroom procedures, and they were in a good position to evaluate the questions and the space allotted for answers.

After the pre-test, the project director should revise the worksheets as the testing group suggests. Before the worksheets are ready for a final draft, the committee may review them once again.

Whether the worksheets are to be analyzed manually or by computer, the summarization forms should be designed at the same time as the worksheets. If the information collected by the volunteers is to be tabulated manually, the amount of work involved in transferring the information from the worksheets to the forms will depend on the number of different pieces of information collected and the number of observations conducted.

Computerizing the collected data has definite advantages in that it relieves the sponsoring organization from a responsibility which can be awesome, and it minimizes the chances of human error in tabulating the results. Even more importantly the data can be manipulated so as to provide much more information than can be extracted from summary statistics. The chief drawback of computerization is, of course, that the services of a computer expert and the use of a computer, if not donated to the sponsoring organization, can be costly.

In Philadelphia, the information compiled during the pre-test stages was transferred to summary forms and the necessary revisions of these forms were made in conjunction with revising the drafts of the worksheets. Copies of the summarization forms used in the Philadelphia project, together with the step-by-step procedures followed in manually

tabulating the data collected are available upon request from the Citizens Crime Commission. As with other suggestions contained in this handbook, these forms are only one way a sponsoring organization can accomplish the task of summarizing the data collected.

The procedures a group uses to collect and analyze the data depend entirely on the available finances and staff. Regardless of the method--computerized or manual--the procedures should be formulated before the period of court observation commences.

RECRUITING THE VOLUNTEERS

In addition to the overall program objectives described in the introduction, a court observation project might have several additional goals for its volunteers. In Philadelphia, one of these goals is the felt need to expose a cross-section of the population to real court experiences. Another is to involve volunteers who represent civic and community organizations citywide. Representation from these groups means that the whole membership is informed of the project findings, not just the individual observer. This in turn stimulates additional citizen interest in the courts.

If a program is not oriented toward a sophisticated legal analysis of the court system, there is no special reason to recruit law-trained volunteers.

The most effective way to recruit volunteers is by personal contact. If the sponsoring organization has staff and/or members who are able to devote additional time to recruitment, they should be used in this capacity. If, however, the sponsoring organization does not have the personnel necessary to do this recruitment may be by letter or newspaper advertisement.

Recruits may be sought from among the members of the sponsoring organization. However, in order to insure that a good cross section of the public has the opportunity to participate in the program, the

organization should solicit volunteers from other organizations as well.

The first step in attracting volunteers other than by personal contact is releasing a news bulletin to the newspapers, radio and television stations in the local area. A suggested news release is included as Exhibit A.

The names and addresses of contact persons from a variety of community-based organizations is kept on file by police officials in many municipalities. If these lists are available, the sponsoring organization could use them to contact representatives from civic, crime prevention, community and ex-offender groups as well as block associations, associations of retired persons and churches with social emphases. Each organization should receive a letter explaining the goals of the program with a request for volunteers. Samples of such a letter and the form the organizational head may be asked to complete are included as Exhibits B and C.

Another source of volunteers is a local high school or college. The program director might be able to arrange to have students participate in the program through the instructor of a criminal justice related course. Court watching is an invaluable experience for law students, in particular.

Regardless of the method by which volunteers are recruited, the program director should interview each potential volunteer prior to inviting him or her to the training session. In this interview, the director should explain the purpose of the program and the role of the court observer. The background information collected during this interview helps screen out individuals whose interests in court watching are not consistent

with the goals of the program. A follow-up letter and return card should be sent to the interviewees who are potential volunteers. A sample of each is included as Exhibits D and E.

As the return cards begin to come in, the project director should record their names on a master list which serves as the enrollment list for the training sessions.

EXHIBIT A

NEWS RELEASE

The (Name of Sponsoring Organization) is seeking community volunteers to participate in its court observation program. The observers will record data dealing with the allocation of courtroom time as well as how cases are disposed of. They will also be asked to note their overall impressions of courtroom proceedings.

The success of the program will depend upon having trained volunteers sitting in court on a regular basis. The court session normally runs from (time) to the completion of official business sometime in the early afternoon. The observer must plan to attend an entire day's session. Observers may be retirees, housewives, college students or any civic-minded person who can be regularly available. Persons interested in becoming involved with this program should contact (Name of
Project Director) at (telephone number) .

EXHIBIT B

LETTER TO HEADS OF COMMUNITY ORGANIZATIONS

Dear Community Leader:

The (Name of Sponsoring Organization) is seeking volunteers to participate in its court observation program.

In recent years, citizens all over the country have become actively involved in studying the overall quality of justice administered by the courts, in suggesting meaningful improvements and in effecting positive change. In Buffalo, New York, court observers were instrumental in having a judge removed from the court; in Hartford, Connecticut, observers' complaints helped get two Spanish interpreters hired; and in Indianapolis, Indiana, a group of citizen court watchers pressed a package of court reform bills through the State legislature.

We are hopeful that our court observation program here will be a constructive aid in helping to improve (Name of City) court system. Using a questionnaire, observers will be asked to record specific data dealing with the allocation of courtroom time and how cases are disposed of. They will be asked to note their overall impressions of courtroom proceedings.

The success of this program will depend upon having trained volunteers sitting in court on a regular basis. Observers may be retirees, housewives, college students or any other civic-minded person who can be regularly available. The court sessions normally run from (time) to the completion of official business, sometime in the early afternoon. The observer must plan to attend an entire day's session.

We hope that your organization will designate two or three individuals who will be willing to join our program as volunteer observers. As representatives of your organization, they can keep the membership apprised of what is going on in the courts and how citizens can help improve the judicial system. Your cooperation and aid in this program will be of great benefit to both the courts and the (Name of City) community.

Please reply as soon as possible on the enclosed form. The program will be explained in greater detail during the interview we will conduct with each potential volunteer.

Sincerely,

Project Director

Enclosure

EXHIBIT C

RETURN FORM

Date: _____

The members of _____ (Name of Community Organization)
willing to serve as volunteer court observers are:

Name Mailing Address Phone

Name Mailing Address Phone

Name Mailing Address Phone

_____ Our organization will not be able to participate.

Name Title

Organization

(PLEASE PRINT)

EXHIBIT D

FOLLOW UP LETTER TO POTENTIAL VOLUNTEERS

Dear _____:

This is just a note to let you know how much I enjoyed meeting you and to express my hope that you will be able to join our program as a volunteer court observer. Your cooperation and aid in this endeavor will be of great benefit to both the courts and the (Name of City) community.

If your schedule permits you to sit in court on a regular basis, I hope you will reply as soon as possible on the enclosed card. You will be notified well in advance of a date for the training sessions.

With kindest regards.

Sincerely,

Project Director

Enclosure

EXHIBIT E

RETURN CARD

I am willing to serve as a volunteer
(Name of Sponsoring Organization) court observer.

Please notify me of the date for the first
training session.

NAME

PHONE

MAILING ADDRESS

TRAINING THE VOLUNTEERS

The training of volunteers is the crucial phase of any court watching program. The planning for the training of the volunteers should commence even before the recruitment process begins. The training should consist of both in-and out-of-court exposure to the criminal justice system. Both types of training are needed to enhance the depth of understanding and insight the volunteers will bring to their observations.

In addition to training the volunteers to become astute court observers, the out-of-court sessions provide an excellent opportunity for the project director to meet the observers. This contact allows the director to discover any potential problems in their attitudes and abilities which might require special attention. The director may also discover special expertise that some of the volunteers possess which could be utilized to amplify the program. This personal contact forms a solid basis allowing the director and the volunteers to work closely and cooperatively.

The out-of-court training sessions also permit the observers to get to know each other. The feeling of being a part of a team effort is very important in court-watching since so much of the time is spent alone in court. Knowing one another and being able to share experiences helps to bolster a court-watcher's spirits after a confusing and frustrating day in court.

The training sessions should give both an overview of the criminal justice system, and a practical knowledge of the specific court which will be observed. Because the program director does not know how extensive the volunteers' prior knowledge of the criminal justice system is, he or she should assume that they have had a minimum of contact with the system. Thus the training sessions should be structured to provide adequate information without overwhelming or confusing the volunteers. Special care must be taken to avoid excessive use of legal terminology.

Training Materials

It is very helpful to prepare a package of information to give to each volunteer. This allows each person to peruse it at their leisure, instead of merely listening to the information in a lecture. The package should include:

a. Information on the sponsoring organization's background and objectives will give the volunteers an idea of the auspices under which the program was instituted.

b. Information about the structure and function of the local court system will help the observers to understand that part of the criminal justice process they are actually seeing.

c. A glossary of legal terms comparable to one included in Appendix B of this Guide will aid in clarifying legal proceedings.

d. Samples of the monitoring forms with step-by-step procedures for completing them also should be included.

e. Instructions for understanding information the observers will receive in the courtrooms (such as trial lists) will help the observers in gathering their data. Computer printouts, in particular, can

be very confusing to a layperson so the volunteers should be provided with a detailed explanation of what each piece of information refers to.

f. An easy reference check list that the observers may use before leaving the courtroom to see that they have all the information necessary to complete the worksheets.

Out-of-Court Training

The out-of-court training phase should consist of two sessions: a meeting with criminal justice representatives and a training session in the sponsor's offices. The first meeting is for all the volunteers, while the subsequent sessions are to accommodate smaller groups of observers.

Meeting with Criminal Justice Representatives

At the first meeting, a member of the judiciary may be invited to attend and describe how the court operates and to talk about his role as a judge. A prosecuting attorney should be there to describe his role as well as a public defender to discuss the function of counsel for the defendant. Case activities from arrest to final disposition could be described in order to give the volunteers an overview of the criminal justice system. Before the guests make their presentations, the head of the sponsoring organization should present the goals and objectives of the program for the benefit of both the volunteers and the criminal justice representatives.

Inviting representatives from the local court system to this training session has several beneficial effects. These guests provide

the observers with valuable information about the practical aspects of the judicial, defense, and prosecutorial functions. Also, it allows the representatives to become familiar with the court observation program and its objectives, and to meet the volunteers.

The first meeting should be held in a courtroom if at all possible. Being in such a location will enable the representatives to illustrate their duties more clearly, while exposing the observers to the actual working area. A sample memo for all prospective volunteers inviting them to this first meeting is found in Exhibit F.

Smaller Training Sessions

A subsequent meeting may be held in the office of the organization and participation should be limited to about 15 volunteers. The smaller group encourages interaction between the participants and gives the project director a chance to meet with each volunteer personally. This meeting could include a morning tour of the courthouse familiarizing the volunteers with the location of the various rooms, a luncheon promoting the feeling of belonging in a group, and an afternoon session providing training in the work of observing. The volunteers may receive their packets of information at or before this meeting. If more than 15 volunteers are involved several such meetings should be scheduled.

The program director should send letters to each of the volunteers informing them of the alternative dates for these training sessions, and asking each volunteer to attend one session. A sample letter and the return card are included as Exhibits G and H.

The first half of afternoon session could deal with a description

of court observation projects in other cities, the history of the current program, and a review of the program's goals and objectives. The second half could be devoted to discussing the packet of materials and how the worksheets should be completed. Although the project director should spend time explaining the questionnaires, the observers will not yet be familiar enough with the forms to fill them out on their own.

At this meeting the observers should also learn what to expect when they enter a courtroom as well as what their own courtroom demeanor should be. Discussion on these topics might include the following basic information:

- a. The director should stress the importance of observing in court on a regular basis. Only in so doing can observers become sufficiently familiar with courtroom procedures to produce creditable observations. Regular observation also ensures that there will be enough data from which to draw conclusions.
- b. The director should also stress the importance of courtesy. Observers must always be as inobtrusive as possible and never interrupt the proceedings.
- c. The volunteers must learn the importance of objectivity. Their personal opinions are not to be expressed to anyone in the courtroom.
- d. They are to be quiet and attentive, taking notes as necessary.
- e. No tape recorders are permitted in the courtrooms.
- f. Observers should always be properly attired.

The project director should also discuss with the volunteers

possible hindrances to data collection they might encounter. For example, the attitudes of court personnel may vary widely even though most people will be interested and helpful. Some observers may find such a glowing reception and obvious cooperation that they will question the validity of the observation. In other cases the judges and court personnel may make the observer's job difficult. Some observers may not be permitted to sit where they will be able to clearly hear the proceedings, and therefore collecting data will be practically impossible.

Sometimes the information the observers need will not be brought out in open court. This often happens in a negotiated guilty plea hearing. The promises the prosecution makes to the defendant in exchange for his plea are supposed to be stated in a standardized colloquy. These promises (such as dropping or reducing certain charges) often will not be brought out, since the judge and the attorneys have already reached an agreement. This will result in incomplete information and the person who reviews the worksheet should have to then consider this problem when the results are summarized.

Each of these and other hindrances to data collection will have to be met by the individual observer. The project director should instruct the volunteers that if the information is not available or if other problems arise, they are to do the best they can. The project director should discuss the situation with them, review the worksheets, and decide whether the observation is admissible for the report.

The project director also should inform the observers that they might be asked by a judge or an attorney to discuss the court observation

program. In such a situation they would act as representatives of the sponsoring organization. This makes it doubly important that all of the program objectives be clear to the volunteers when they leave their training session.

The director must realize that since courtwatching is a new experience, some of the volunteers might not feel comfortable in the presence of a judge. However, it is important for the observers to clear up any confusion about the day's proceedings before leaving the courtroom. One of the best ways to do this is to question the judge if time permits. This conversation also will give the observer the benefit of the judge's personal comments on the day's activities.

If the judge is not available to answer the observers' questions, they should consult other court personnel. This will give them a better understanding of courtroom proceedings, enabling them to complete the worksheets more fully and accurately. It is equally important, however, to take care not to disrupt the proceedings.

Any feelings of reticence to approach court officials can be overcome, in part, by special training. Role playing is beneficial in helping the volunteers to learn to discuss the program with confidence and overcome any anxiety about their position as outside observers. This type of training is most appropriate sometime during the first month of observing. By this time the volunteers have enough experience to understand the problems, yet it is early enough so that the training benefits the majority of their observations.

Before leaving the second training session, the observers may

notify the director of the day of the week they will be available for in-court training. They also should complete a Court Observer's Profile form and receive official identification cards. Samples of both these forms are included as Exhibits I and J.

Before the in-court training sessions commence, the observers should study the packet of materials as well as informally visit some of the courtrooms. The sponsoring organization should provide each observer with a card listing the courtrooms they could observe. The volunteers should go to court unannounced and sit in the visitors' gallery observing the proceedings.

In-Court Training

Before the in-court training for the volunteers begins, the project director must recruit and train instructors. In Philadelphia the Citizens Crime Commission was able to find four second-year law students to serve in this capacity. Over a two-week period these instructors took several observers into court each day. The instructors explain courtroom procedures, and assist in filling out the worksheets.

The observers should receive memos from the sponsoring organization after the second training session notifying them of the dates for the sessions in court. A sample of such a memo is included as Exhibit K.

Each observer should go into court with an instructor at least twice for in-court training. Observers who are not comfortable going into court alone after these two sessions, should be sent to court with another observer. Although this arrangement decreases the number of completed

observations, it enhances the quality of the collected information. By the end of the Philadelphia program, the director discovered that the people who had had difficulty following the procedures and completing the worksheets initially had become very astute observers.

Information that the instructors should communicate to the new observers might include the following:

- a. appear in court at least 15 minutes before the proceedings are scheduled to start.
- b. Introduce yourself to the chief court officer when you enter the courtroom. Ask him to inform the judge of the presence of a (name of sponsoring organization) court observer. Show your identification card, suggesting that the court officer show it to the judge.
- c. ask to sit in the jury box and to get a copy of the trial list. If either of these requests are denied, sit in the visitors gallery and compile as much information as possible.
- d. Jot down all the data requested for each worksheet while sitting in court. If you miss some of it ask the clerk (or the judge, if available) for the additional information during a recess or after adjournment. Also note any special problems you encounter as well as any suggestions for improving the worksheets.
- e. if the court officer is uncooperative, ask to speak to the judge. This action should be sufficient to allow you to sit in the jury box and obtain a copy of the trial list. If it is not sufficient, follow the court officer's instructions

and if none of the objective data is available, jot down your subjective impressions. Describe not only the courtroom atmosphere, but also the difficulty you experienced.

- f. when you need more forms, pick them up from the office of the sponsoring organization before the start of the court day. You may also receive your courtroom assignment at this time.
- g. if you do not need to stop at the office, call the project director for your courtroom assignment on the day before you are scheduled to observe.
- h. after the day's observation, you may return to the office to fill out the worksheets and have the project director answer any questions. You may also complete worksheets at home and call the office for advice. Regardless of where you complete the worksheets, do so on the day you observe and bring them or mail them to the sponsor's office the next day.

Although the observers may have the option of mailing in their completed worksheets, the project director should encourage them to bring them to his/her office in person. This gives encouragement to the observers and reinforces their team spirit. It also allows the observer to be present when the project director reviews the worksheets, so they can discuss any problems that come up. This personal contact enables the director to clear up the observers' questions about any situation they may have observed in court or about how a piece of information should be recorded. The accessibility of the project director undoubtedly improves the quality of the information collected.

In-Service Training

The project director should hold in-service training meetings periodically throughout the observation period. Small groups of observers may gather in the offices of the sponsoring organization to discuss problems or questions. The meetings can start off with a structured agenda dwelling mainly on problems in using the worksheets. This serves as a review for the observers, as well as making them more aware of the common pitfalls. A sample memo inviting the observers to in-service training sessions is included as Exhibit L.

Perhaps the more important part of these meetings, however, is the open discussion that follows. During this time the observers may share both good and bad experiences in court. A friendly camaraderie growing from the basis of shared experience once again reinforces the knowledge that each volunteer is part of a team effort. The time spent in these discussions is beneficial to all who participate. The volunteers keep their excitement about the program alive and prove their willingness to learn. The director will see that increased accuracy and care in filling out the worksheets result from these meetings.

The meetings give the observers a chance to express personal views. Their knowledge that they are involved in a worthwhile program is strengthened, and their hope for making a valuable contribution to improving the courts is fortified. The volunteers' deepened commitment is a valuable asset to the program.

Training Evaluation

An important method for improving training is to solicit the

opinions and advice of the volunteers. The director may do this informally, by speaking with the volunteers personally. They can give valuable suggestions for improvements as well as receive some heart-warming praise. It might be more beneficial for the program if a formal questionnaire is completed by each observer shortly before the observation period ends. This would allow them to evaluate their training in the light of experience, making their comments all the more worthwhile.

EXHIBIT GMEMO INVITING VOLUNTEERS TO
SMALLER TRAINING SESSIONS

TO: Court Observer Volunteers

FROM: (Name of Director)
Project Director

The second phase of our training program will commence during the
(week) in (month). Training sessions have been scheduled as
follows:

(give alternative dates)

These meetings will be held at _____ (address of
(sponsoring organization). They will commence promptly
at _____ a.m. and will conclude no later than _____ p.m.

It is necessary that you plan to attend only one session. Please
indicate on the enclosed card the date you prefer.

Each session will commence with a tour of City Hall to familiarize
you with the location of the various courtrooms. Following an informal
luncheon, we shall discuss, among other things, your role as a citizen
observer and the worksheets you will use to record your observations.

In-court training will begin (date) and will last
for (length of time). During this time, you will be scheduled to go
into court once during the week of (first week) and a second time
during the week of (second week). At the training session, you will
be asked to indicate the day of the week in (month of training) you
would be available to go into court.

It is extremely important that you attend one of these smaller
training sessions and then go into court twice in (Month of training)
with an instructor. I look forward to seeing you at the training
session.

Enclosure

EXHIBIT H

RETURN CARD

I will attend the Court Observers Training Session on:
(check one please)

(give alternative dates)

NAME _____
(please print)

EXHIBIT I

COURT OBSERVER'S PROFILE

Name _____ Age _____ Sex _____

Address _____ Marital Status _____

_____ Telephone _____

How did you become interested in the Court Observation Program?

What other community services have you engaged in?

Are you currently employed outside the home? _____ If so, what do you do? _____

If you are not now working, what has been your past job experience?

_____ If retired, check here _____

What schools have you attended? (Indicate field of specialization, if any) _____

Number of days per week you can observe _____

Day(s) of week preferred _____

Day(s) or dates to be avoided _____

EXHIBIT J

IDENTIFICATION CARD



CITIZENS CRIME COMMISSION
OF PHILADELPHIA

This is to certify that

is a qualified court observer
for the year _____

Observer's Signature

President Judge
COURT OF COMMON PLEAS

Executive Vice President
CITIZENS CRIME COMMISSION



EXHIBIT KMEMO NOTIFYING VOLUNTEERS
OF THEIR IN-COURT TRAINING SCHEDULE

TO: (Name of Volunteer)
FROM: (Name of Project Director)
SUBJECT: In-Court Training Schedule

You have been scheduled to be in court with your instructor on the following dates:

Please plan to meet in the (name of sponsoring organization) offices located at _____ no later than (time). As we discussed at the training session, it is extremely important that you be in court on these dates. If, however, an emergency should arise that prevents you from doing so, please call us at (telephone number).

Thank you.

EXHIBIT L

MEMO INVITING VOLUNTEERS
TO IN-SERVICE TRAINING SESSIONS

TO: (Name of Volunteer)

FROM: (Name of Project Director)

You are invited to attend an informal meeting in the offices of
the _____
(Name and address of sponsoring organization)
on one of the following dates:

(give alternate dates)

Beginning at (time), the purpose of these meetings will be
to discuss with you any problems you may be having with the worksheets
and answer any questions you might have concerning courtroom procedures.

Please use the enclosed card to indicate when you will be able
to attend. I look forward to seeing each of you again.

Enclosure

PROJECT RECORD KEEPING

Whatever record keeping system the sponsoring organization uses, the most important considerations are that the files are kept up to date and that the information is carefully organized. One individual should be responsible for organizing the files and checking them periodically.

Some of the files which could comprise the system are:

Observers' Files

1. List of initial contacts showing names, addresses, telephone numbers and a notation that follow-up correspondence had been sent to the prospective volunteers, together with the date on which the return cards were received by the sponsoring organization.
2. Master forms for follow-up correspondence and return cards
3. Master mailing list of all observers invited to the training sessions
4. Completed observer profile forms
5. Index cards with the name, address, telephone numbers and days of availability of each volunteer on a different card
6. Observers' evaluation of program
7. Folder for each event recognizing the efforts of the observers
8. Folder for general correspondence with observers

Training Files

1. Training and resource materials

2. Folder for large meeting with criminal justice representatives
3. Folder for each smaller training session
4. In-court training schedules and a notation of when each observer completed this part of the training, together with any comments of the instructor on the volunteer
5. Folder for each in-service training session

Observation and Report Files

1. Master forms for initial draft of worksheets and summary forms
2. Worksheets completed during pre-test period
3. Pre-test results on completed summary forms
4. Master forms for final drafts of worksheets and summary forms
5. Weekly judicial assignments
6. Master list of judges, court personnel, prosecuting attorneys and public defenders
7. List of assignments showing the date, the courtroom, the observer assigned to the courtroom, the judge, and when the worksheets for each observation were returned
8. Folder for each section of the worksheets in which the appropriate summary forms are filed (in chronological order) once they are completed
9. Folder for each judge observed in which the worksheet is filed after all the information has been transferred to the summary forms
10. Folder for each report, including a draft of the report and the recommendations, together with the comments of the observers and criminal justice representatives on the report

Other Files

1. Information on other court observation programs
2. Folder for each meeting of the supervisory committee and/or the organization's leaders at which some aspect of the program was considered
3. Folder of general correspondence with the court administration and other criminal justice representatives
4. Record of contacts with judges, criminal justice representatives, community leaders and others to discuss the program with a notation of what follow-up action resulted
5. Information on foundation contacts
6. Folder for program expenses
7. Folder for copies of press releases and other media correspondence

DAY-TO-DAY ADMINISTRATION

In a small project (25 volunteers or less) one individual should be able to assume responsibility for setting up and administering the program. In this case, the project director would work closely with the supervisory committee in compiling the reading materials and drafting the worksheets but would have sole responsibility for day-to-day administration.

Training and recruitment would be the responsibility of the project director as well as scheduling the observers to go to court and reviewing the worksheets as they are returned to the office. If the sheets are not filled out correctly, the project director would discuss the information gaps with the observer. If necessary, the director would also make arrangements for additional training for this volunteer.

The individual directing the program has to be available on a daily basis to discuss any problems or questions with the observers. He or she would also be responsible for discussing the program with any criminal justice representatives or community leaders who request information.

The project director also would supervise the summarization of the information from the questionnaires, as well as the writing of the reports of the findings and recommendations. The director would conduct the meetings with the volunteers and the supervisory committee to get their reactions to the report.

Although ideally a program director should have a working knowledge of how to design and implement a court observation project, this is not a prerequisite. The experience in Philadelphia was that the directors of other programs around the country were more than willing to share their knowledge and expertise. What the director must do is to adapt this shared information to the local court system. Members of the local Bar association usually will be willing to donate their time to assist in this endeavor.

In a program whose goals include monitoring a number of courts and utilizing many volunteers, it would be necessary to divide the responsibility among several people. One way to delegate this responsibility is to have a:

1. Project director to provide information to the public about the sponsoring organization and be the primary spokesperson for the project. He/she coordinates the efforts of other staff members and acts as a liaison between the project staff and the supervisory committee. This individual is the key person in all stages of the project, from planning to implementation, to writing the final report.

2. Project recordkeeper to schedule the observers to go into court and review the worksheets as they are returned. This person reports information gaps to the recruiting and training director who would be responsible for bringing them to the attention of the observers. The recordkeeper is responsible for periodic summarization of the data, as well as all other tabulations.

3. Recruiting and training director to recruit volunteers from

all sources. Preliminary, in-service and remedial training would all be part of this person's job.

The recruiting and training director should have special expertise in working with volunteers. The success of any effort which relies on citizens depends on the degree to which the sponsoring organization can sustain the interest and enthusiasm of the volunteers.

4. Public relations director to maintain personal contact with the local media, write press releases, and advise the sponsoring organization on how to reach the public. He/she would also conduct presentations and discussions about the project with interested criminal justice representatives and community groups.

This outline of responsibility for a court observation program is merely a suggestion. Assignment of responsibility must take into account the scope of the program, the number of courts to be monitored, and the projected number of volunteers. The number of staff persons must be both reasonable and efficient within the sponsoring organization.

PUBLICITY AND REACTION

After the report has been reviewed and approved by the board of the sponsoring organization, a copy should be sent to the presiding judge in whose court the observations were conducted. The project director may also meet with members of the local judiciary and other criminal justice representatives to discuss the report with and obtain their reaction to it. Copies of the report may be released to the press at the same time it is sent to the presiding judge. In Philadelphia, several weeks elapsed before the report was made public. At that time, copies were sent to the city desks of local papers, TV and radio stations.

To further publicize the report, the project director may also place ads in legal newsletters making the report available to other criminal justice agencies in the area.

The amount of publicity a report of volunteer court observers will generate cannot be predicted beforehand. The report of the Crime Commission's observers occasioned quite a reaction. Reporting on the project was broadcast on the 6 and 11 o'clock news, printed in the city section of local newspapers, and announced on the radio. The report was the subject of editorials in the newspapers and on radio and TV. Crime Commission representatives were invited to speak on TV and radio talk shows.

Although media interest in a court observer report could be stimulated through the efforts of a public relations expert, it was not

necessary to "sell" the Crime Commission's report. It is unlikely that, in any community where there is widespread public concern with improving the quality of justice, a report of a group of private citizens interested in achieving this goal will go unnoticed.

Regardless of how media interest originates, the press coverage that a court observation project receives is very important, if the program has goals of public education. If the project recommendations are to make a real impact on the courts, they must be reported and supported by local citizens.

In Philadelphia, the Crime Commission's first contact with the media on this project was in attempting to recruit volunteers. For the next nine months the Crime Commission worked on in silence. The observers went to court faithfully and, outside of an occasional altercation with court personnel, caused very little stir. This quiet continued until the final report was released to the press.

It would be possible to keep the press and the public informed of each development in the life of a court observation project. However, the impact of a substantial report may be superior to snippets of information over an extended period of time.

RECOGNITION OF OBSERVERS

In recognition of the observers' efforts, the sponsoring organization might want to consider inviting them to attend a meeting as special guests. At that time, the organization's head should officially recognize each of them for their participation in the program. In Philadelphia, this was accomplished by inviting the volunteers to the Crime Commission's Annual Meeting and presenting each of them with a "Concerned Citizen Award." A copy of this certificate is found at the end of this section.

Recognition at a meeting of the sponsoring organization may be the only special consideration the observers will receive. If it is possible also to reimburse them for their lunch and transportation expenses, so much the better.

This negligible amount of recognition and recompense will not in itself, however, be sufficient to sustain volunteer court observers. Throughout each stage of the project, the director must make each volunteer feel a part of a team effort. Developing in each observer a sense of importance regarding their efforts to improve the administration of justice is vital if their interest is to be maintained through long, difficult days in court.

The success of any court observation program rests on the extent to which the observers are willing to give of their time and talent. The sponsoring organization must let the observers know that they are

performing a vital function in improving the courts. Any successful program must be designed with this in mind. The method of making each volunteer aware of their own importance is immaterial. The important thing is that the observers are made to feel part of an overall effort which will have some impact on improving the courts.

Citizens
Crime Commission of Philadelphia



Concerned Citizen Award

presented to

*in recognition of service in the
Volunteer Court Observer Program
created to foster improvement in the quality
of criminal justice in Philadelphia.*

Witness our hand and seal this day of

President

Executive Vice President

NEXT STEPS

As the introduction notes, some court observation programs have been in operation for many years to provide a continued presence of independent lay observers in the courts. Others have monitored the courts only for a stated period of time. In either case, it is important that the organization sponsoring a court observation program take positive action to prevent the court administration from merely filing away any reports of findings and recommendations. One way this could be accomplished would be for the sponsoring organization to conduct periodic update studies and release its findings to the press. By doing so, the sponsoring organization can determine the extent to which the recommendations of the observers have been implemented while putting continued pressure on the court administration to institute meaningful changes.

After the first year of a successful court observation program, the sponsoring organization might consider making the program an ongoing one. Another option would be to expand the program to include other courts in the local system. Volunteers who have already committed themselves to improving the judicial system and have been trained in observing could be used effectively in other courts with a minimum of additional instruction.

APPENDIX A
SAMPLE MONITORING FORMS

This Appendix contains samples of monitoring forms that could be furnished to the volunteers. The worksheets, Evaluation of Courtroom Proceedings (A-1) and Court Proceedings Observation form (A-2), were designed to facilitate the collection of information in a uniform way. They would be appropriate for a court in which there were numerous cases scheduled for disposition each day, with one prosecuting attorney and one public defender assigned to each room.

Whatever worksheets are used, the results have to be quantitative enough to be tabulated at the conclusion of the observation period. The compromise between subjective and objective information in forms used in the Philadelphia project is the space allowed for comments by the observers.

Again, these worksheets are included in this handbook merely as examples of how one court observation program collected data. To fit them to another program may require revision, depending on the program goals.

A-1

EVALUATION OF COURTROOM PROCEEDINGS

OBSERVER _____ PROSECUTING ATTY. _____

DATE _____ PUBLIC DEFENDER _____

COURT _____ COURT CRIER _____

ROOM NUMBER _____ COURT CLERK _____

JUDGE _____

A. COURTROOM FACILITIES

1. Did the room furnishings provide a dignified setting for a trial?

1. Yes 2. No

2. Were there people unable to find a seat in the courtroom?

1. Yes 2. No

3. Was the courtroom clean?

1. Yes 2. No

4. Was the room temperature comfortable?

1. Yes 2. No

5. Was the lighting adequate?

1. Yes 2. No

6. Did the room have a working water cooler?

1. Yes 2. No

7. Did the room have a working clock?

1. Yes 2. No

COMMENTS _____

B. AUDIBILITY OF PROCEEDINGS

8. Was it difficult to hear the proceedings?

1. Yes 2. Sometimes 3. No

9. Was there an amplification system?

1. Yes 2. No

10. If yes, was it used?

1. Yes 2. No

11. Were there any major distractions, such as:
(Circle all that are appropriate)

1. Talking by individuals, other than the judge, attorneys, witnesses, etc.
2. Persons (including court personnel) entering, leaving or moving about the courtroom
3. Noise from the heating/cooling system
4. Sounds from outside the courtroom
5. Ringing telephones
6. Other (specify) _____
7. No distractions

COMMENTS _____

C. JUDGE

12. During the day, did the judge conduct himself/herself in a dignified manner?

1. Yes 2. Pretty much 3. No

13. Did he appear to be attentive?

1. Yes 2. Pretty much 3. No

14. In addressing anyone in the courtroom, did the judge use language easily understood?

1. Yes 2. Sometimes 3. No

15. Was the judge patient throughout the proceedings?

1. Always 2. Mostly
3. Sometimes 4. Not at all

16. Was the judge courteous and respectful toward defendant(s), complainant(s) and witness(es)?

- 1. Always
- 2. Mostly
- 3. Sometimes
- 4. Not at all

17. Was the judge courteous and respectful toward defense attorney(s)?

- 1. Always
- 2. Mostly
- 3. Sometimes
- 4. Not at all

18. Was the judge courteous and respectful toward the prosecuting attorney?

- 1. Always
- 2. Mostly
- 3. Sometimes
- 4. Not at all

19. Did the judge explain to the defendant(s) the basis for the sentences he handed down?

- 1. Yes
- 2. Sometimes
- 3. No
- 4. No sentences were handed down
- 5. Don't know

20. Did the judge express any reluctance to grant continuances?

- 1. Yes
- 2. No

21. If yes, whose requests was he/she reluctant to grant?

- 1. PA
- 2. PD
- 3. Both

22. Circle words that best describe the overall courtroom atmosphere.

- 1. Solemn
- 2. Formal
- 3. Businesslike
- 4. Informal
- 5. Noisy
- 6. Disorganized

COMMENTS

D. COURT PERSONNEL

23. Did the Court Crier adequately and courteously answer your questions?

- 1. Yes
- 2. Sometimes
- 3. No

24. Did he/she issue instructions clearly and courteously?

- 1. Yes
- 2. Sometimes
- 3. No

25. Circle words that best describe the personal appearance and conduct of the Court Crier.

<u>Conduct (a)</u>	<u>Courtesy (b)</u>	<u>Competency (c)</u>
1. Business-like	1. Polite	1. Knowledgeable
2. Unprofessional	2. Discourteous	2. Uninformed
3. No chance to observe	3. No chance to observe	3. No chance to observe

COMMENTS _____

26. Did the Court Clerk willingly provide any information requested?

- 1. Yes
- 2. Sometimes
- 3. No

27. Circle words that best describe the personal appearance and conduct of the Court Clerk.

<u>Conduct (a)</u>	<u>Courtesy (b)</u>	<u>Competency (c)</u>
1. Business-like	1. Polite	1. Knowledgeable
2. Unprofessional	2. Discourteous	2. Uninformed
3. No chance to observe	3. No chance to observe	3. No chance to observe

COMMENTS _____

28. Were any court personnel -- other than the Crier, Clerk, Stenographer and Sheriff's Deputy -- in the courtroom at any time during the day?
1. Yes 2. No 3. Couldn't tell
29. If yes, how many were there altogether?
1. One 2. Two 3. Three 4. Four or more
30. How many of these individuals appeared to have a job to perform which fully occupied their time while court was in session?
1. All of them 3. All but one of them
2. Some of them 4. None of them

COMMENTS _____

E. PUBLIC DEFENDER

31. During the day, did the public defender conduct himself/herself in a businesslike manner?
1. Yes 2. Somewhat 3. No
32. How many times was it necessary for the judge to interrupt the public defender to clarify a point?
1. None 2. Once-twice 3. Three-four times
4. More than four 5. Don't know
33. Was the public defender courteous and respectful toward the judge?
1. Always 2. Mostly
3. Sometimes 4. Not at all
34. Was the public defender courteous and respectful toward defendant(s), complainant(s) and witness(es)?
1. Always 2. Mostly
3. Sometimes 4. Not at all

35. Was the public defender courteous and respectful toward the prosecuting attorney?

- | | |
|--------------|---------------|
| 1. Always | 2. Mostly |
| 3. Sometimes | 4. Not at all |

36. Was the language used by the public defender in addressing anyone in the court easily understood?

- | | | |
|--------|--------------|-------|
| 1. Yes | 2. Sometimes | 3. No |
|--------|--------------|-------|

37. How many of his/her cases did the public defender appear to have prepared for disposition before court convened?

- | | |
|-----------------|-----------------|
| 1. All of them | 2. Most of them |
| 3. Some of them | 4. None of them |

38. If the public defender was unprepared at any time, what appeared to be the reason?
(Circle all that are appropriate)

1. Needed to interview defendant(s)/witness(es)
2. Defendant(s)' file incomplete
3. Defendant(s)/witness(es) failed to appear
4. Incomplete pre-trial work
5. Other reason (specify) _____

COMMENTS _____

F. PROSECUTING ATTORNEY

39. During the day, did the prosecuting attorney conduct himself/herself in a businesslike manner?

- | | | |
|--------|--------------|-------|
| 1. Yes | 2. Sometimes | 3. No |
|--------|--------------|-------|

40. How many times was it necessary for the judge to interrupt the prosecuting attorney to clarify a point?

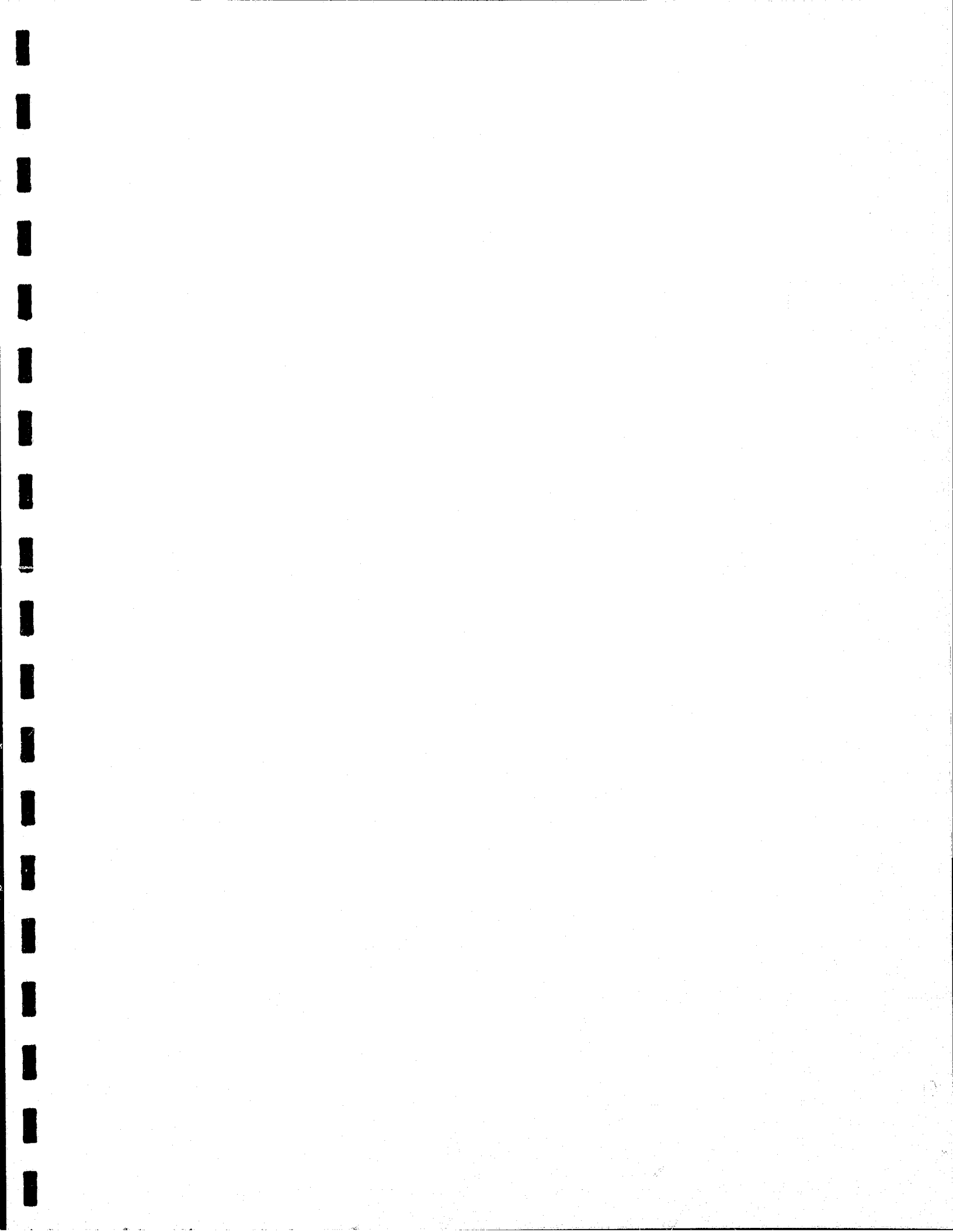
- | | | |
|-------------------|---------------|---------------------|
| 1. None | 2. Once-twice | 3. Three-four times |
| 4. More than four | | 5. Don't know |

41. Was the prosecuting attorney courteous and respectful toward the judge?
- | | |
|--------------|---------------|
| 1. Always | 2. Mostly |
| 3. Sometimes | 4. Not at all |
42. Was the prosecuting attorney courteous and respectful toward defendant(s), complainant(s) and witness(es)?
- | | |
|--------------|---------------|
| 1. Always | 2. Mostly |
| 3. Sometimes | 4. Not at all |
43. Was the prosecuting attorney courteous and respectful toward the public defender?
- | | |
|--------------|---------------|
| 1. Always | 2. Mostly |
| 3. Sometimes | 4. Not at all |
44. Was the language used by the prosecuting attorney in addressing anyone in the court easily understood?
- | | | |
|--------|--------------|-------|
| 1. Yes | 2. Sometimes | 3. No |
|--------|--------------|-------|
45. How many of his/her cases did the prosecuting attorney appear to have prepared for disposition before court convened?
- | | |
|-----------------|-----------------|
| 1. All of them | 2. Most of them |
| 3. Some of them | 4. None of them |
46. If the prosecuting attorney was unprepared at any time, what appeared to be the reason?
(Circle all that are appropriate)
1. Needed to interview complainant(s)/witness(es)
 2. State's file(s) incomplete
 3. Complainant(s)/witness(es) failed to appear
 4. Incomplete pre-trial work
 5. Other reason (specify) _____

COMMENTS _____

G. COMMENTS ON QUALITY OF JUSTICE ADMINISTERED

47. Regardless of the outcome of the case, if you had been the defendant or the complainant in a case disposed of in this courtroom today, would you -- taking everything into account (the courtroom facilities, the attitude and actions of the judge, attorneys and court personnel) -- have felt justice had been served? Was the quality of justice administered in this courtroom high enough to justify public confidence in our court system? Please elaborate below.



COURT PROCEEDINGS OBSERVATION FORM

A-2

OBSERVER _____

JUDGE _____

DATE _____

PROSECUTING ATTORNEY _____

COURT _____

PUBLIC DEFENDER _____

ROOM NUMBER _____

COURT CRIER _____

A. COURT TIME ALLOCATION

1. Court opening
Scheduled _____
Actual _____

If delayed, give reason

2. Lunch
Recessed _____
Reconvened _____

Total lunch recess hrs. mins.

3. Other recesses and delays
not related to cases listed.
Explain: _____

Total other recesses hrs. mins.

Total lunch and other
recesses hrs. mins.

4. Time court recessed for day _____

5. Gross court day hrs. mins.

less total lunch and other recesses hrs. mins.

6. Net court day hrs. mins.

B. COURTROOM UTILIZATION

1. When all cases scheduled for hearing in this
courtroom had been disposed of, was an attempt
made to have cases brought in from other
courtrooms having heavier caseloads?

Yes _____ No _____ Don't Know _____

2. Was another judge scheduled to preside in this
room in the afternoon?

Yes _____ No _____ Don't Know _____

C. CASE RECAP

1. Total number of cases _____

Less: cases listed in error _____
cases transferred _____

Net number cases _____

2. Cases disposed of _____
Cases continued _____

Total (should be same as net
number cases) _____

D. CONTINUANCES*

FAILURE TO APPEAR

LACK OF PREPARATION

Trial List Number

MULTIPLE CASES OR DEFENDANTS

Def. Ill or Incarcerated

Def. Improperly Served

Other Reason Def. FTA

Other Engaged Elsewhere

Defense Witness

Other Imp. Def. Atty

Police Def. on vacation

Other witness Ill or

Prosecution witness

Other Improperly Served

Def. Atty. Just appointed

Prosecuting Atty. not prepared

Judge disqualified self or severed

Case consolidated

Case not reached

Other reason

OBSERVER'S COMMENTS

* If any cases were continued for more than one reason, the total number of reasons for continuances will not agree with total number of cases continued.

E. DISPOSITIONS

NON-TRIAL DISPOSITIONS

HEARINGS

TRIALS

DISMISSALS

MOTION TO SUPPRESS

GUILTY PLEAS

NEGOTIATED GUILTY PLEAS

Trial List No.
Mult. Cases or Def.

CHARGES

Description

Code No.

Prosecution w/d

Speedy trial denied

Complainant or witness FTA

Other reason

Assignment to prog.

Other non-trial disposition

Preliminary

Probation

Deferred Sentencing

Motion Denied

Motion Granted

Continued-taken under advisement

Continued for trial

Judge accepted plea

Judge rejected plea

Def. pled guilty to charge or modified

Judge accepted plea

Judge rejected plea

Def. Found not guilty

Def. found guilty

Sentence (or comments)

APPENDIX B
GLOSSARY OF LEGAL TERMS

A Glossary of Legal Terms can be an invaluable aid to lay observers in understanding court proceedings. The legal terminology and the Latin words can make court experiences somewhat awesome. In order to get all the information asked for on the worksheets, the terms have to be readily defined.

The glossary of this Appendix was compiled by the Citizens Crime Commission and included with the package of information that was furnished to the volunteers before going into court. To be useful in other programs, it may have to be expanded to include terms indigenous to other court systems.

GLOSSARY
OF
LEGAL TERMS

A

ABATEMENT: Suspension or dissolution of a legal proceeding. Seeking the termination of a proceeding or an action by reason of some formal defect.

ABET: To encourage another to commit a crime; to aid in the commission of a crime. An abettor of a crime differs from an accessory in that the former must be actually present and assisting. His degree of guilt may be equal to or less than that of the person committing the crime, depending upon his degree of participation.

ACCESSORY: One who unlawfully aids a criminal.

ACCIDENTAL (also excusable or justifiable) HOMICIDE: Death resulting from an unexpected accident.

ACCUMULATIVE (also cumulative) SENTENCE: A sentence, additional to others, imposed at the same time for several different offenses; one sentence to begin at the expiration of another.

ACQUITTAL: A judgment in a criminal case which frees an accused person from the charge of an offense. A person may be acquitted on some counts, and convicted on others.

ADJUDICATION: Giving or pronouncing a judgment or decree; also the judgment given.

ADMISSIBLE: Refers to evidence allowed in court as pertinent to a case.

ADVERSARY SYSTEM: The system of trial practice in the United States in which each of the opposing, or adversary, parties has full opportunity to present and establish opposing contentions before the court.

AFFIDAVIT: A written statement of facts, the truth of which is sworn to under oath.

AGGRAVATED ASSAULT: An attack with a deadly weapon--one which could cause severe bodily injury or death. An assault combining an intent to commit a crime other than that involved in the assault itself.

ALLEGATION: An unproven charge; a contention of one of the parties to a dispute.

AMICUS CURIAE: "A friend of the court." One who offers aid to the court on a case in which he is not directly involved.

ANSWER: A pleading by which defendant endeavors to resist plaintiff's allegation of facts.

APPEARANCE: The formal proceeding by which defendant submits himself to the jurisdiction of the court.

APPELLATE COURT: A court having jurisdiction of appeal and review; not a trial court.

ARRAIGNMENT: To inform an accused person in court of the charges against him and to have him plead to the charges.

ARREST: The legal apprehension of a person charged with a crime.

ARSON: The willful or malicious burning of a dwelling or other structure or personal property.

ASSAULT: A threat to do harm to another person. A violent attack with non-violent weapons or an apparently violent attempt to hurt someone without doing so.

ASSAULT AND BATTERY: Intentional and unlawful touching or striking of another person. Assault combined with the actual doing of an injury.

ATTORNEYS: Legally trained individuals whose duties are to represent their respective clients and present the evidence on their behalf so the jury or judge may reach a verdict.

B

BAIL: The release of a person arrested or in custody on security being taken to assure his future court appearance.

BAIL BOND: An obligation signed by an accused person and a surety promising the appearance of the accused in court.

BAILIFF: A court employee charged with maintaining order in the courtroom. During a jury trial it is the duty of the bailiff to see that no attempts are made to influence the jurors in any manner.

BATTERY: Willful, angry or violent touching of another's person or clothes or anything attached to his person or held by him.

BENCH WARRANT: A court order for the apprehension and arrest of an accused who failed to appear in court.

BILL OF PARTICULARS: A document setting forth the occurrences to be investigated in a trial.

BINDING INSTRUCTION: One in which a jury is told, if they find certain conditions to be true, they must find for the plaintiff, or defendant, as the case might be.

BOUND OVER: An expression used to indicate the changing of jurisdiction such as when a Juvenile Court binds a case over to Common Pleas Court.

BREACH OF THE PEACE: An act committed in public which disrupts the public peace.

BREAKING AND ENTERING: Unlawful forced entry into a dwelling, business, car, etc.

BRIBERY: The act of offering, giving, receiving or soliciting anything of value so as to influence the behavior or actions of another person.

BRIEF: An attorney's written statement of facts and points of law in support of a certain case.

BURDEN OF PROOF: The necessity or duty of the prosecuting attorney to prove beyond a "reasonable doubt" the guilt of the defendant.

BURGLARY: Breaking into and entering another's property with intent to commit a crime.

C

CALENDAR DIVISIONS: The Major Trial and Homicide Divisions of Common Pleas Court each have a "Calendar Judge" to hear pre-trial motions and in general to handle court administrative matters. When a case is ready for trial, the Calendar Judge assigns it to another Judge for disposition.

CAUSE: A suit, litigation or action, civil or criminal.

CHALLENGE: The objection of a trial party to the selection of a particular juror, usually because of partiality.

CHANGE OF VENUE: The removal of a suit begun in one geographical area to another or from one court to another in the same geographical area.

CHARGE: The accusation made against a person that he committed a crime. Also, the instructions on law the court gives the jury at the end of a trial.

CIRCUMSTANTIAL EVIDENCE: Evidence of an indirect nature; the process or decision by which a court or jury may, from circumstances known or proved, establish the principal fact.

CLEMENCY: Mercy or leniency granted to a defendant who has been found guilty.

COLLUSION: Agreement or cooperation for a fraudulent or deceitful purpose.

COMMIT: To send a person to a penal or mental institution.

COMMON LAW: The system of jurisprudence which originated in England and was later applied in the United States, based on judicial precedent rather than legislative enactments. Originally based on the unwritten laws of England, the common law is "generally derived from principles rather than rules; it does not consist of absolute, fixed, and inflexible rules, but rather of broad and comprehensive principles based on justice, reason and common sense." Also called "case law."

COMMUTATION: Reduction of a sentence.

COMPLAINANT: Person who brings an action; the plaintiff in a legal proceeding.

COMPLAINT: The document filed by a plaintiff setting forth the allegations against the defendant.

CONCURRENT SENTENCES: Sentences which the defendant will serve at the same time rather than successively.

CONSPIRACY: Plotting by two or more persons to commit an illegal act.

CONTEMPT OF COURT: Willful disregard of any rules, orders or procedures of the court.

CORPUS DELICTI: "That upon which a crime has been committed," such as the corpse of a murdered man.

CORROBORATING EVIDENCE: Supplementary evidence tending to strengthen or confirm that already given.

COUNTERCLAIM: A claim presented by a defendant in opposition to the claim of a plaintiff.

COURT: A chamber or other place where the administration of justice takes place. A court is presided over by a judge, who is sometimes referred to as "the court."

COURT CLERK: An individual who keeps a record of the findings of the court each day.

COURT OF RECORD: One in which all proceedings are permanently recorded by a court reporter and which has the power to fine or imprison for contempt.

COURT REPORTER: A court official who is in charge of keeping a record of all transactions occurring in the court.

CRIME: An act forbidden by law.

CRIMINAL LAW: That part of the legal process which is concerned with crime, its suppression and its punishment.

CROSS EXAMINATION: Questioning of a witness by the attorney for the opposing side.

D

DECISION: The judgment of the court disposing of a case under consideration.

DECREE: A final decision or order of the court.

DEFAULT: Failure of the defendant to appear at a trial.

DEFENDANT: The person required to answer in a criminal action.

DELIBERATIONS: A jury's consideration of a case in order to arrive at a verdict.

DEMURRER: To admit the truth of the facts in the complaint, but to contend that they are legally insufficient to convict the defendant or that there is some other defect in the proceedings constituting a legal reason to terminate it.

DE NOVO: "Anew" or "afresh." A "trial de novo" is the retrial of a case.

DEPOSITION: Written testimony of a witness taken out of court.

DESIST: To voluntarily stop or to abstain from performing certain acts by order of a court to "cease and desist."

DETAINER: A writ authorizing a penal institution to continue to keep an individual in custody. For example, a probationer arrested and held in custody for a new crime could continue to be held for violation of his probation even though the new charges against him might be dismissed at the preliminary hearing.

DIRECT EXAMINATION: Questioning of a witness by the attorney who called the witness to the stand.

DIRECTED VERDICT: An instruction by a judge to the jury to return a specific verdict.

DISCOVERY: A proceeding whereby one party to an action may be informed as to facts known by other parties or witnesses.

DISMISSAL WITHOUT PREJUDICE: Permits the complainant to sue again on the same cause of action. "Dismissal With Prejudice" bars the right to bring or maintain an action on the same claim or cause.

DISPOSITION: The outcome of a case.

DISSENT: A term commonly used to denote the disagreement of one or more of the judges of a court with the decision of the majority.

DISTRICT ATTORNEY: The elected public officer who represents the state in criminal proceedings.

DOUBLE JEOPARDY: Constitutional prohibition against prosecution more than once for the same offense.

DUE PROCESS: The regular and orderly administration of justice by a proper court in accordance with established rules.

DURESS: Wrongful threat or pressure applied to a person to force that person to act against his will.

E

EMBEZZLEMENT: Fraudulent appropriation of money or property belonging to another for one's own sake.

ENTRAPMENT: Actions of officers or agents of a government to induce a person to commit a crime not contemplated by him, for the purpose of instituting criminal proceedings against him.

ET AL: An abbreviation of et alii, meaning "and others."

ET SEQ: An abbreviation of et sequentes, or et sequentia, meaning "and the following."

EVIDENCE: That which is presented in court as proof of alleged facts.

EXCEPTION: A formal objection made to an action of the court, implying that the party excepting will seek a reversal of the decision.

EXHIBIT: A document or other physical object produced during a trial.

EXONERATED: Freed from a charge or accusation.

EX PARTE: "By or for one party." Done for, in behalf of or on the application of one party only.

EX POST FACTO: "After the fact." An act or fact occurring after some previous act or fact, and relating thereto.

EXPUNGE THE RECORD: Motion by a person found either not guilty, or who had a withholding of adjudication, or who successfully completed probation and has no prior convictions, to have the court erase the arrest record.

EXTENUATING CIRCUMSTANCES: Circumstances which render a crime less aggravated, heinous, or reprehensible than otherwise it would be.

EXTORTION: Taking of money or property by threat of force or under pretense of authority.

EXTRADITION: Process of returning a person accused of a crime from one state to another which wants him for trial.

F

FALSE ARREST: Any unlawful physical restraint of another's liberty, whether by imprisonment or otherwise.

FELONY: A criminal offense punishable by more than five years in prison.

FORGERY: Making, altering or counterfeiting in writing with intent to deceive.

FRAUD: An intentional perversion of truth to deprive another of his property.

G

GRAND JURY: A body of citizens which hears evidence against a person suspected of a crime and decides if that person should be held for trial.

H

HABEAS CORPUS: A writ requiring a person in custody be brought before a court for a hearing to determine if the person has been denied of his liberty without due process.

HEARSAY: Evidence brought out by a witness which is based not on his personal knowledge of the facts but rather on information received from someone else.

HOMICIDE: The killing of one human being by another.

HUNG JURY: A jury unable to agree unanimously on whether to convict or acquit a defendant.

I

IMMATERIAL EVIDENCE: Evidence which neither proves nor disproves the issues of a trial.

IMMUNITY: A favor or benefit granted to an individual, such as immunity from prosecution, to encourage an individual to answer questions he might otherwise refuse to answer on Fifth Amendment grounds.

IMPANELLING: The process by which jurors are selected and sworn to their task.

IMPEACHMENT OF WITNESS: An attack on the credibility of a witness by the testimony of other witnesses.

INADMISSIBLE EVIDENCE: That which, under the established rules of evidence, cannot be admitted or received.

INDETERMINATE SENTENCE: An indefinite sentence of "not less than" and "not more than" so many years, the exact term to be served being afterwards determined by parole authorities within the minimum and maximum limits set by the court or by statute.

INDICTMENT: A charge made and presented by a Grand Jury, charging a person with committing a crime.

INFORMATION: An accusation in the nature of an indictment made by the District Attorney rather than a Grand Jury

INJUNCTION: A court order prohibiting a person from doing certain acts.

INSTRUCTION: Directions given by a judge to the jury prior to their deliberation, informing them of the law applicable to the case.

J

JUDGE: A public official appointed or elected to hear and decide cases in a court of law.

JURISDICTION: The authority of a court to hear certain cases.

JURISPRUDENCE: The philosophy of law, or that which treats of the principles of positive law and legal relations.

JURY: A certain number of people selected according to law and sworn to inquire of certain matters of fact and declare the truth upon the evidence available to them.

L

LARCENY: Wrongful taking of property from another. Petit larceny is taking property valued up to \$100.00; grand larceny, taking property valued at more than \$100.00.

LEADING QUESTION: One which suggests to the witness the answer desired. Prohibited on direct examination.

LIBEL: Written statement which defames and injures the reputation of another.

LIST DIVISIONS: A Court Division in which cases are assigned by computer in advance and one judge handles all administrative matters, hearings and trials involving the cases on the trial list for that day.

LITIGANT: A general term referring to a party in a lawsuit, whether plaintiff, defendant or other party in the trial.

LOCUS DELICTI: "The place of the offense."

M

MALFEASANCE: Ill conduct, the commission of some act prohibited by law.

MALICIOUS PROSECUTION: An action instituted with intention of injuring the defendant and without probable cause.

MALICIOUS TRESPASS: Intentional damage to the property of another.

MANDATORY: A court order directing the proper authorities to enforce a judgment or a sentence.

MANSLAUGHTER: The unlawful killing of another without malice; may be either voluntary--upon a sudden impulse; or involuntary--in the commission of some unlawful act.

MIRANDA RULE: The requirement that a person receive certain warnings relating to his privileges against self-incrimination (right to remain silent) and his right to the presence and advice of an attorney before any custodial interrogation by law enforcement authorities takes place. Custodial interrogation is questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. Statements and evidence obtained in violation of this rule are not admissible in the defendant's criminal trial and are grounds for federal constitutional challenge to any conviction obtained thereby. The actual Supreme Court rule was enunciated in Miranda vs. Arizona.

MISDEMEANOR: A crime or offense less serious than a felony and punishable by a fine, or imprisonment, not to exceed five years.

MISFEASANCE: A misdeed. The improper performance of some act which a person may lawfully do.

MISTRIAL: An erroneous or invalid trial; a trial which cannot stand in law because of lack of jurisdiction, wrong drawing of jurors or disregard of some other fundamental requisite.

MITIGATING CIRCUMSTANCE: One which does not constitute a justification or excuse for an offense, but which may be considered as reducing the degree of moral culpability.

MOTION: An application to a court requesting a ruling in favor of the applicant.

MURDER: The deliberate and/or premeditated killing of one human being by another.

N

NEGLIGENCE: To omit doing something which a reasonable man, guided by ordinary considerations, would do; or to do something which a reasonable, prudent man would not do.

NOLLE PROSEQUI: A formal entry upon the record of a defendant by the prosecuting attorney in a criminal case, by which he declares that he "will no further prosecute" the case.

NOLO CONTENDERE: A plea by a defendant in a criminal case whereby he neither admits nor denies the charges. Literally, nolo contendere means "I will not contest it."

O

OBJECTION: Taking exception to some statement or procedure in a trial. Used to call the court's attention to improper evidence or procedure.

OFFENSE: The violation of any criminal ordinance or statute.

OPINION EVIDENCE: Evidence of what the witness thinks, believes or infers in regard to facts in dispute, as distinguished from his personal knowledge of the facts; not admissible except (under certain limitations) in the case of experts.

OPINION OF THE COURT: Statement by a judge explaining the reasons for a decision.

ORDINANCE: A law established by governmental authority.

OVERRIDE: A court's denial of any motion or point raised to the court, such as in "overruling a motion for a new trial" or "objection overruled."

Q

QUASH: To overthrow or void a summons or indictment. An indictment may be quashed if there is not enough evidence to hold a suspect for trial.

QUESTION OF FACT: Disputed factual contention which is traditionally left for the jury to decide. In a battery case a question of fact would be whether "A" touched "B". The legal significance of the touching of "B" by "A" is left for the judge to decide since it amounts to a question of law.

QUESTION OF LAW: Disputed legal contentions which are traditionally left for the judge to decide.

R

REASONABLE DOUBT: An accused person is entitled to acquittal if, in the minds of the jury, his guilt has not been proved beyond a reasonable doubt; that state of the minds of jurors in which they cannot say they feel an abiding conviction as to the truth of the charge.

REBUTTAL: The introduction of evidence showing that statements of witnesses as to what occurred are not true; the stage of a trial at which such evidence may be introduced.

RECIDIVIST: A person who repeats any type of crime.

REDIRECT EXAMINATION: Follows cross-examination and is conducted by the attorney who called the witness to the stand.

REFEREE: A person appointed by the court to take testimony and hear evidence from both parties, then report back to the court.

RELEASE ON RECOGNIZANCE: A condition under which an individual is released in lieu of bail, i.e., upon one's promise to appear and answer a criminal charge. The Release on Recognizance procedure permits a person's release on non-monetary conditions, generally involving only a promise to appear but sometimes involving special conditions (e.g., remaining in the custody of another). In determining whether to permit Release on Recognizance, the court must take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of residence in the community, prior record of convictions, and prior record of appearance at court proceedings.

REMAND: Recommit, as "remand to prison."

REPLY: When a case is tried or argued in court, the argument of the plaintiff in answer to that of the defendant. A pleading in response to an answer.

REPRIEVE: A temporary suspension of the execution of a sentence, especially a death sentence.

REST: A party is said to "rest" or "rest his case" when he has presented all the evidence he intends to offer.

ROBBERY: Taking of another's property by force or the threat of force.

S

SEARCH AND SEIZURE, UNREASONABLE: A police practice whereby a person or place is searched and evidence useful in the investigation and prosecution of a crime is seized. Search and seizure is constitutionally

limited by the Fourth and Fourteenth Amendments to the United States Constitution. A search and seizure must be reasonable, i.e. there must be cause to believe that the item searched for was involved in criminal activity and will be located at the place to be searched. In most cases, a search warrant is required prior to the search and seizure.

SEARCH WARRANT: An order in writing directing an officer to search a specified house or other premises for stolen property. Usually required as a condition precedent to a legal search and seizure.

SELF DEFENSE: The protection of one's person or property against some injury attempted by another; the law of self-defense justifies an act done in the reasonable belief of immediate danger. When acting in justifiable self-defense a person may not be punished criminally.

SENTENCE: Penalty imposed on a defendant after conviction of a crime.

SEQUESTERED JURY: Jurors who are kept together throughout the trial and deliberations and guarded from improper contact until they are discharged. If a case is sensational, and major, the jury will most likely be sequestered.

SEPARATION OF WITNESSES: An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant.

SEVERANCE: Usually refers to the disjoinder for separate trials of two or more defendants, named in the same indictment or information, who would normally be tried together. It is a useful device especially where some prejudice might arise to one or more of the defendants if they were tried together.

SLANDER: Orally discrediting another's reputation or business by means of base and defamatory words.

SPEEDY TRIAL: Every person is entitled to a trial within 180 days from the day of arrest for either a felony or a misdemeanor.

STARE DECISIS: The doctrine that, when a court has once laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle and apply it to future cases where the facts are substantially the same.

STATE'S EVIDENCE: Testimony given by an accomplice or participant in a crime tending to convict others.

STATUTE: A law enacted by a legislative branch of government.

STATUTE OF LIMITATIONS: Any law which fixes the time within which parties must take judicial action to enforce rights or else be thereafter barred from enforcing them.

STAY OF EXECUTION: A stopping or arresting of a judicial proceeding by order of the court.

STIPULATION: An agreement by attorneys on opposite sides of a case as to any matter pertaining to a proceeding or trial. It is not binding unless assented to by both attorneys. Most stipulations must be in writing.

STRIKE THE ANSWER or STRIKE THE RECORD: An order by a court to a jury or a court reporter to disregard material referred to, such as the answer of a witness or other statement made in court; to act as if such utterance had never been made.

SUBPOENA: A court order requiring a witness to appear and give testimony before a court.

SUMMONS: A writ directing the Sheriff to notify a person that an action has been commenced against him in court and that he is required to appear, on the day named, to answer the complaint.

SURETY: One who is legally responsible for a person's appearance in court.

SUSTAIN: To support, e.g., the judge "sustained" the plea because he found it to be true.

T

TESTIMONY: Oral evidence given by a witness, under oath, as distinguished from evidence derived from written documents or other sources.

TRANSCRIPT: The official record of proceedings in a trial or hearing.

TRESPASS: Willfully entering on another's personal property without permission.

TRIAL: A judicial examination.

TRUE BILL: The endorsement made by a Grand Jury upon a bill of indictment when sufficient evidence has been found to warrant a criminal charge.

U

UNDUE INFLUENCE: To cause a person to do something he would not do if left to himself.

V

VENUE: Geographical area in which a court with jurisdiction may hear and determine a case.

VERDICT: The formal and unanimous decision of finding made by a jury, reported to the court and accepted by it.

VOIR DIRE: "To speak the truth." A voir dire examination refers to the preliminary examination which the court may make of one presented as a juror, to determine his qualifications for jury service and if cause exists for excusing him from service.

W

WAIVER: An intentional and voluntary giving up or surrender of some known right. In general, a waiver may either result from an express agreement or be inferred from circumstances, but courts must indulge every reasonable presumption against the loss through waiver of constitutional rights. Examples: Waiver of Jury Trial; Waiver of Preliminary Hearing.

WAIVER OF IMMUNITY: A means by which a witness, in advance of giving testimony or producing evidence, may renounce the fundamental right guaranteed by the Constitution that no person shall be compelled to be a witness against himself.

WARRANT: A writ issued to a Sheriff, requiring him to arrest the person therein named and bring him before the court to answer a specified charge.

WEIGHT OF EVIDENCE: The inclination of the greater amount of credible evidence offered in a trial to support one side of the issue rather than the other.

WILLFUL: An action performed intentionally, without justifiable cause, as distinguished from one performed carelessly or inadvertently.

WITNESS: One who testifies to an occurrence that he has seen, heard or otherwise observed.

WORK FURLOUGH: When an inmate of a jail or prison is allowed to leave his place of incarceration during the day so that he may seek employment.

WRIT: A court order requiring the performance of a specified act.

WRIT OF CERTIORARI: A writ issued by a superior to an inferior court of record, requiring the latter to produce certain records for review by the former court.