

JUDICIAL COUNCIL
OF CALIFORNIA



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RECORDS OF THE JUDICIAL COUNCIL
OF CALIFORNIA
JANUARY 1968
VOLUME 1
PAGE 1

JUDICIAL COUNCIL OF CALIFORNIA

REPORT ON TRIAL COURT UNIFICATION
IN THE UNITED STATES

September 1976

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INTRODUCTION

This summary represents an effort on the part of the California Administrative Office of the Courts to update and supplement data on state trial court organization originally compiled in 1971. The previous data was based on information furnished by other states in connection with two important research projects undertaken in 1970 and 1971 by the California Judicial Council: the California Lower Court Study and the Unified Trial Court Feasibility Study.

The original compilations were published as appendices to the consultants' final reports for the two studies. (See, 1972 Judicial Council Report, Appendix F, pp. A-125 to A-138.) In the Unified Trial Court Study, 15 states were identified as having wholly or partially unified trial court systems as of the date of the report (December 1971). Subsequently, on the basis of supplemental information obtained from inquiries addressed to 17 additional states in 1972 and 1974, the original list of 15 states was increased to 22.

During this same four-year period (1970-74), comprehensive surveys in this same general area were made by three other organizations: the Advisory Commission on Intergovernmental Relations, the Law Enforcement Assistance Administration and the American Judicature Society. The results of the Advisory Commission's survey were published in August 1971 as part of a report entitled "State-Local Relations in the Criminal Justice System." The LEAA report was first published in 1973 and later supplemented in 1975, as a report entitled "National Survey of Court Organization." The AJS report is dated February 1975 and is entitled "Courts of Limited Jurisdiction: A National Survey."

In the early part of 1976, it was decided that the data previously compiled and published as appendices in the two California reports should be updated and supplemented. Questionnaires on court unification were sent to states which had not previously been contacted. States previously interrogated were also asked to furnish information regarding organizational changes made since the last inquiry.

The ACIR report (on page 187) points out, "Measuring the precise degree of adoption of a unified system is rendered uncertain . . . by the lack of consensus as to what constitutes unification." At the same time the ACIR report notes that the authors of the commentary on the National Municipal League's Model State Constitution had included, in their concept of a unified court system, the following factors: (1) uniformity of jurisdiction of each court in all geographic districts of the same court; (2) a single administrative head and organization for the entire system; (3) freedom of assignment of judges at each level; and (4) a single set of rules governing practice and procedure.

In the absence of a better definition, these four factors, coupled with classifications made in the ACIR and LEAA reports and opinions expressed by court administrators in replying to our most recent inquiry, have been used as the primary basis for the classifications made in the present summary. However, in several instances there were

"grey areas" necessitating judgmental decisions as to how certain states should be classified. If any such decisions are considered incorrect by court administrators of any state, we would appreciate being so advised.

Grateful acknowledgement is hereby made to all court officials who replied to our most recent inquiries. We are also greatly indebted to the Advisory Commission on Intergovernmental Relations, the Law Enforcement Assistance Administration and the American Judicature Society for the valuable information contained in their reports.

The material contained in this summary is largely the work product of Warren P. Marsden, a recently retired staff attorney in this office, who was the Judicial Council's project director on the California Lower Court Study and who worked closely with the management consulting firm in all of the research work required for both that study and the Unified Trial Court Feasibility Study.

Comments and criticisms on this report, with particular attention to erroneous classifications and incorrect descriptions of the present trial court organizational structure in any state, are respectfully invited.

Ralph N. Kleps
Administrative Director of the Courts
and Secretary of the Judicial Council

September 1, 1976

SUMMARY OF EXTENT OF UNIFICATION IN STATES* WITH COMPLETELY
OR PARTIALLY UNIFIED TRIAL COURT SYSTEMS

- A. Single Trial Courts,** (Four states: Idaho, Illinois, Iowa and
with Subordinate South Dakota; and District
Judicial Officers of Columbia)

1. IDAHO (1962-1972)***

Extent of Unification

Centralized administration of a completely unified system of district courts under general supervision of Chief Justice of the highest appellate court, assisted by a state court administrator.

Organization of Component Courts

The state is divided into seven judicial districts. Administration within districts is by administrative district judges assisted by trial court administrators. Each district court has a magistrate division to hear and determine limited jurisdiction matters, with right of appeal to the district court.

Method of Selection of Subordinate Judicial Officers

Magistrates are appointed by magistrate commissions established in each of the seven districts. Commission members are appointed for two-year terms which are renewable. Number and location of magistrates within districts are determined by these commissions. There must be at least one resident magistrate in each district, subject to approval by the Supreme Court and to necessary financing by legislative appropriation.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

Civil and criminal jurisdiction of magistrate divisions are specified by statute and Supreme Court rule, subject to statutory limitations on matters that may be assigned to magistrates who are not attorneys.

* Although not a state, the District of Columbia has been included in this summary, as it has recently established a fully unified single trial court system.

** The various classifications, i.e., single trial court, two-level trial court systems, etc., are generally based on classifications made by the Law Enforcement Assistance Administration in its National Survey of Court Organization published in October 1973 (as updated in September 1975).

*** Years in parentheses indicate when most of the unification occurred.

Method of Financing

Salaries and travel expenses of district judges and magistrates and travel expenses of the district magistrates commissions are paid by the state. Nonjudicial staffing and court facilities for magistrates divisions are furnished by counties and cities.

Method of Handling Appeals

Magistrates division is an integral part of the Idaho district court system. Magistrates divisions are courts of record, and verbatim records of proceedings are required by either electronic devices or court reporters. Except in the case of small claims appeals, which are heard de novo, appeals from the magistrates division are heard in the district court on the record. District judge may reverse, remand or modify the judgment, remand the case to the magistrates division for a new trial, or direct that the case be tried de novo before him.

Special Features

Six-Member Juries

Statutory provisions authorize juries of six (or fewer if the parties agree) for the trial of minor cases in the magistrates division.

2. ILLINOIS (1962-1971)

Extent of Unification

Centralized administration of a completely unified system of circuit courts under general supervision of Chief Justice of highest appellate court, assisted by a state court administrator.

Organization of Component Courts

The state is divided into 21 circuits: two single-county circuits (Cook and DuPage) and 19 circuits containing from 2 to 12 counties (Illinois has 102 counties). Administration is by chief judges of each circuit, who are elected by the judges and assisted by administrative secretaries appointed by the chief judges.

Method of Selection of Subordinate Judicial Officers

Illinois has two class of judges, circuit judges and associate judges. Associate judges are appointed by circuit judges for four-year terms. Effective July 1, 1971, under a new Constitution approved by the electorate in December 1970, the office of magistrate was abolished, and all incumbent magistrates (including nonattorney magistrates) became associate judges. Except for nonattorney magistrates

blanketed in on July 1, 1971, admission to bar is required for appointment as associate judge.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

All circuit courts have original jurisdiction over all justiciable matters, but appellate jurisdiction is limited to such powers of review of administrative action as may be provided by law. Appeals from final judgments of the circuit courts (and from matters other than final judgments that may be specified by Supreme Court rule) go directly to the Appellate Court and are heard on the record. Temporary overloads in any of the five districts of the Appellate Court are handled by assignment of circuit judges to temporary duty in the Appellate Court.

Method of Financing

Judicial salaries (except for county paid supplement in Cook County) and salaries of central office clerical staff, court reporters and administrative secretaries to the chief judges are paid by the state. All other nonjudicial salaries are paid by local agencies which also pay for all capital expenditures and equipment, supplies, and other operating expenses of the circuit courts.

Special Features

Geographic and Functional Subdivision of Cook County Circuit Court

Circuit Court of Cook County is divided geographically and functionally. The county division is subdivided functionally into law, chancery, criminal, tax, family, probate and divorce divisions. The municipal division is subdivided geographically into six districts, one for City of Chicago and other five for suburban areas within the county. Each of the five districts outside Chicago serves a population between three and four hundred thousand. Criminal matters are set for hearing in one of the five districts for Monday, another for Tuesday, etc. and a single circuit-riding team of assistant states' attorneys, public defenders, probation officers and assistant circuit clerks goes from one district to another on the five court days.

3. IOWA (1973-1974)

Extent of Unification

Centralized administration of a system of unified district courts under general supervision of chief district court judges who are appointed by the Supreme Court. Overall supervision by Chief Justice of the Supreme Court, assisted by a state court administrator.

Organization of Component Courts

The state is divided into 99 trial court districts. Each district court has two classes of judges, district judge and associate

judge. District judges are elected for six-year terms and must be licensed to practice law in the state. Associate judges serve for four-year terms and must have a law degree. No new associate judges are being appointed, because the present holders of these positions are former municipal judges who were blanketed in at the time of the reorganization and their positions are being phased out. A full-time magistrate is appointed to fill the vacancy of a district associate judge.

Method of Selection of Subordinate Judicial Officers

In addition to the judges and associate judges, there are 12 full-time magistrates who are selected by the district court judges from a list of three persons nominated by a special nominating commission. Full-time magistrates have, as do associate judges, a law degree.

There are also 169 part-time magistrates, who are appointed for two-year terms by a special six-member county nominating commission, three of whose members are selected by the county supervisors, two are elected by the local bar, and one is a district court judge. The only qualification for the position of part-time magistrate is that the appointee be not less than 18 nor more than 72 years of age; however, no person can be selected as magistrate who cannot complete his term of office before reaching the mandatory retirement age of 72. Law-trained persons are given preference.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The district courts have general and original jurisdiction in all actions and proceedings. This jurisdiction is divided among district judges, district associate judges, and judicial magistrates. District judges have full jurisdiction including the power to try civil and criminal jury cases. Associate judges may hear indictable misdemeanors, civil actions where the amount in controversy does not exceed \$3,000, and juvenile cases when designated as juvenile judges. Substitute and regular full-time magistrates have concurrent jurisdiction with associate judges, but part-time magistrates have power to hear only felony preliminaries, nonindictable misdemeanors in which punishment does not exceed \$100 or 30 days' imprisonment, small claims actions and landlord-tenant cases. All judges and magistrates may issue search and arrest warrants. A six-member jury trial is authorized in magistrate court, except in small claims and landlord-tenant cases where the amount in controversy is \$1,000 or less.

Method of Financing

Salaries and travel expenses of all judges and magistrates are paid by the state. All nonjudicial personnel are employees of the courts they serve and are paid by the counties. All capital expenditures for court facilities and all operating expenses are also paid by the counties. All court revenues are directed into the state general fund and are not earmarked for judicial expenses.

Method of Handling Appeals

Criminal appeals from decisions of associate judges and magistrates are heard de novo by district court judges if the case involves a nonindictable (simple) misdemeanor. An indictable misdemeanor heard by a full-time magistrate or associate judge is appealed directly to the Supreme Court. Small claims appeals (actions for money judgments of \$1,000 or less) are heard on the record by district court judges.

Over a period of time the magistrates system is intended to replace the present group of associate judges who were formerly municipal judges.

4. SOUTH DAKOTA (1974-1975)

Extent of Unification

Effective January 7, 1975, under a new judicial article of the Constitution approved by the voters in 1972, South Dakota established a single trial court system with limited jurisdiction courts operating as a division of the general trial court. The system is centrally administered under the general supervision of the Chief Justice of the Supreme Court with assistance of a state court administrator. Presiding judges of the circuit courts are appointed by the Chief Justice and serve at his pleasure.

Organization of Component Courts

The courts of general jurisdiction are called circuit courts. There are nine circuits each of which is composed of 3 to 13 counties. Circuit court judges must be attorneys and are elected on a nonpartisan ballot for eight-year terms. They exercise general original jurisdiction in all civil and criminal proceedings.

Method of Selection of Subordinate Officers

Officers in both classes of subordinate judicial officers, magistrates and law-trained magistrates, are appointed by the presiding judge of the circuit court. Magistrates and part-time law-trained magistrates serve at the pleasure of their court, but full-time law-trained magistrates serve for four-year terms, and require Supreme Court approval for appointment.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

Magistrates conduct preliminary hearings and have concurrent jurisdiction with circuit judges to accept guilty pleas and conduct non-jury trials in criminal cases involving violations of ordinances or police regulations where the penalty does not exceed \$100 or 30 days in jail. They also have concurrent jurisdiction with circuit judges in uncontested civil actions where the amount claimed is not over \$500. Law-trained magistrates have the same jurisdiction as magistrates and

in addition have power (1) to act as committing magistrates for all purposes and (2) to conduct jury or nonjury trials in all misdemeanor cases, in cases involving violations of ordinances or police regulations, and in all civil actions where amount involved does not exceed \$1,000.

Method of Handling Appeals

The circuit courts have jurisdiction of all appeals from magistrate divisions. Appeals from circuit courts are to the Supreme Court.

Special Features

Centralized administration made possible by the fact that (1) the Supreme Court has general supervisory powers over all courts of the state; (2) the Chief Justice appoints all presiding circuit judges; (3) all subordinate judicial and nonjudicial officers of the circuit courts are appointed by the presiding judges; and (4) all operating costs are paid by the state.

To obtain a perspective as to numbers and classifications of judicial personnel in the circuit court system, as of June 30, 1975, there were 37 circuit court judges, 142 part-time magistrates, 7 part-time law-trained magistrates, and 4 full-time law-trained magistrates in the state.

5. DISTRICT OF COLUMBIA (1970-1973)

Extent of Unification

Under the District of Columbia Court Reorganization Act of 1970, a single court of general jurisdiction, the superior court, was established for the District, replacing the federal district court on all matters of local jurisdiction. The same legislation also established a Court of Appeals for the District. The reorganization was accomplished in progressive stages over a three-year period. The system is centrally administered by the Joint Committee on Judicial Administration in the District of Columbia assisted by an Executive Officer.

Organization of Component Courts

The superior court has five divisions: criminal, civil, family, tax, and probate.

Method of Selection of Subordinate Officers

The superior court uses subordinate judicial officers in the following categories: hearing commissioner, auditor-masters, juvenile hearing officer and domestic relations officer. The superior court hearing commissioner and the deputy auditor-master are career officials. The superior court auditor-master is a statutory official. All subordinate officers must be attorneys.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The juvenile hearing officer hears new matters. The domestic relations officer hears uncontested divorces. The auditor-master and deputy auditor-master hear fiduciary matters.

Method of Handling Appeals

The Court of Appeals has jurisdiction over all appeals from the superior court and also hears direct appeals from certain District of Columbia administrative agencies.

Method of Financing

All judicial and nonjudicial salaries, capital expenditures for court facilities, and operating expenses of the court system are paid by the United States Congress. The annual budget of the D. C. Court System is submitted to the United States Congress by the Joint Committee on Judicial Administration. Prior to the submission to Congress, the Courts transmit their budget estimates to the Mayor and Council who may merely comment. After review by the District of Columbia, the budget is submitted to the President of the United States who may likewise merely comment. Neither the District government (Mayor and Council) nor the President (Office of Management and Budget) may revise the estimates presented by the Joint Committee. Final appropriations are made by the Congress.

Special Features

Administration of the Court System

Ultimate authority for the administration of the D. C. Court System is vested in the Joint Committee on Judicial Administration in the District of Columbia. This committee is comprised of the Chief Judge of the D. C. Court of Appeals who is Chairman, the Chief Judge of the Superior Court, and three associate judges, one from the D. C. Court of Appeals and two from the Superior Court. Associate judge members are elected annually by their colleagues. The Joint Committee is responsible for standards and policy matters relating to the unified court system. Some of these include general personnel policy, accounts and audits, procurement and disbursement, submission of the annual budget, and allied functions. The Chief Judges of the D. C. Court of Appeals and of the Superior Court retain responsibility for the administration of their respective courts.

While the Joint Committee remains ultimately responsible for the administration of the system, the immediate responsibility rests with the Executive Officer of the District of Columbia Courts. In effect, the Executive Officer operates as the staff arm of the Committee and is responsible for the day-to-day administration of the court system, subject to the supervision of the Joint Committee and the respective chief judges.

- B. Two-Level Systems (Sixteen states: Colorado, Florida, Hawaii, Kentucky, Maine, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Vermont and Virginia)

1. COLORADO (1962-1970)

Extent of Unification

By a constitutional amendment adopted in 1962 (which has since been supplemented by an additional constitutional amendment adopted in 1966 and implementing legislation enacted in 1969), Colorado established a partially unified two-level trial court system, with both courts administered as one and with state financing of all operating expenses (except court facilities) of the state-administered courts (all trial courts except municipal courts which are locally funded).

Organization of Component Courts

The two-level state system consists of 22 district courts in 63 counties (six are single-county districts) and 63 county courts (one for each county, plus three special courts in Denver--juvenile, probate and superior) all of which are state-administered and financed. The district and county court systems are administered as a single system: the chief judge of each district is administratively responsible for all of the county courts in his district and the county court judges (who are qualified) sit interchangeably with district court judges. District court judges must be attorneys admitted for five years and county court judges must be attorneys in counties with over 10,000 population. There are two classes of subordinate judicial officers: associate and assistant county judges. They are appointed in the same manner (see Special Features) and have the same qualifications as county court judges. The "associate" and "assistant" designations refer to the amount of service required of them and to their compensation. Associate judges receive half the salary of a county court judge and assistant judges receive one-fourth.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

Associate and assistant judges customarily hear the same matters as regular county court judges, i.e., nonreal property civil cases up to \$1,000, misdemeanors, and preliminary hearings. At the option of a chief judge, county court judges (but not associate and assistant judges) may be used interchangeably with district county judges in all types of cases. Municipal courts have jurisdiction only over local ordinance violations. As of July 1976, there were 189 municipal courts in Colorado.

Method of Financing

All judicial and nonjudicial salaries and all other trial court operating expenses, except those for court facilities, are paid by the state out of a legislative appropriation following submission of a

judicial budget by the state court administrator covering all state-administered courts. All court revenues go to the state general fund to be used as general revenues, not solely for court purposes.

Method of Handling Appeals

All county courts are courts of record, and appeals from those courts are heard on the record in the district court. Municipal courts may become courts of record if (1) an attorney judge is required by the terms of a charter or ordinance, and (2) the city council adopts a resolution specifically establishing the court as a court of record. If the municipal court is one of record, appeals are heard on the record in the district court. If not of record, appeals go to the county court where the case is tried de novo. In Denver, appeals from the county court and municipal court are to the superior court.

Special Features

The concept of a state judicial department, in which all judges and nonjudicial personnel are employed and paid by the state, started in Colorado but has since been adopted in several other states. Also, all original appointments to the district and county courts are made by the Governor from a list of two or three names submitted by a nominating commission of the judicial district in which the vacancy occurs. Thereafter, all judges run for reelection on a noncompetitive ballot on the question of whether they shall retain their office.

Two other features of the Colorado system are worthy of special mention: (1) Probation (both adult and juvenile) is considered a judicial function properly included in the state funding of the judicial system, and personnel of the probation division are part of the state judicial department; (2) the state public defender system for both trial and appellate courts is also part of the state judicial department and under the general aegis of the judiciary but operating autonomously.

2. FLORIDA (1973)

Extent of Unification

Effective January 1, 1973, by a constitutional amendment approved by the voters in March 1972, Florida established a unified, two-level trial court system. Existing metropolitan and municipal courts may continue in existence until January 1977, unless previously terminated by statute or by local ordinance.

Organization of Component Courts

The trial courts of general jurisdiction are called circuit courts. There are 20 judicial circuits in Florida, with five of the circuits encompassing a single county and 15 circuits encompassing

two or more of the remaining 62 counties. There is a circuit court for each county, but each county does not necessarily have a resident circuit judge. Judges of the circuit court are elected on a circuitwide, nonpartisan ballot for six-year terms. They must be residents of the circuit and members of the Florida bar for five years preceding their selection. Vacancies are filled by the Governor from a panel of names submitted by a nonpartisan Judicial Nominating Commission.

County courts are Florida trial courts of limited jurisdiction. For each of the 67 counties there is a county court with at least one judge. Twenty-seven counties have two or more resident judges, but some of the smaller counties are required to share judges. Judges are elected for four-year terms in nonpartisan elections. Vacancies are filled in the same manner as circuit court vacancies, but membership in the Florida bar is not required for county court judges in counties with a population of less than 40,000.

Method of Selection of Subordinate Judicial Officers

There are no subordinate judicial officers in the new trial court system.

Subject Matter Jurisdiction of Lower Level Courts

County courts have original criminal jurisdiction in all misdemeanor cases, and of all violations of municipal and county ordinances. They have civil jurisdiction in all cases where the matter in controversy does not exceed \$2,500 (except those within exclusive jurisdiction of circuit courts) and concurrent jurisdiction with the circuit courts in landlord and tenant cases involving not more than \$2,500. Judges of county courts are also committing magistrates in felony cases.

Method of Financing

The salaries of circuit and county court judges and their secretaries are paid by the state. The statutory enactments implementing the constitutional amendment provided that unless the state appropriates money to pay such expenses, the counties are required to pay all operating expenses of the circuit and county courts, including the salaries of bailiffs but excluding the salaries of court reporters which are paid by the state. By legislation enacted in 1971 the Legislature also authorized appointment of local court administrators for the 20 circuits, but failed to appropriate money to pay their salaries. However, through the Governor's Council on Criminal Justice, LEAA funding was obtained for the salaries of 16 of the 17 circuit administrators presently appointed.

Method of Handling Appeals

All appeals from county courts and municipal courts are heard on the record in the circuit courts, except certain specified appeals which may be taken directly to the Supreme Court.

Special Features

In each circuit there is a state attorney who is the prosecuting officer for all trial courts in his circuit and a public defender who represents indigent defendants in the same courts. Both officers are elected to four-year terms, and vacancies are filled by the Governor. Each officer may employ assistants, investigators, clerks, secretaries, and other personnel. All operating expenses of both offices are paid by the state.

The Office of the State Courts Administrator was established in 1972 and was initially financed by a \$40,000 LEAA grant and a matching appropriation by the Legislature. Presently, in addition to the administrator, the office employs an assistant administrator, 25 full-time subordinate professional and clerical assistants, and eight full-time contractual employees. The office also obtained LEAA financing to implement a uniform statewide system for reporting case disposition.

3. HAWAII (1950-1965)

Extent of Unification

Under a new Constitution drafted in 1950 and implemented with statehood in 1959 and supplementary legislation enacted thereafter, Hawaii established a completely unified court system, consisting of a Supreme Court, circuit courts, (trial courts of general jurisdiction), and district courts. By legislation enacted in 1965 the district courts were fully integrated into a system of state-administered and state-financed trial courts.

Organization of Component Courts

There are four circuit courts on the islands of Oahu (for the City and County of Honolulu), Maui, Hawaii and Kauai. There were originally 27 district courts, but by legislation enacted in 1970 these were consolidated into four courts with from 1 to 11 full-time judges in each court and part-time "per diem" judges who are compensated for the days on which they render judicial services.

Method of Selection of Subordinate Judicial Officers

Under legislation enacted in 1970, district judges replaced the former magistrates. Provision has also been made for per diem judges who have the same qualifications as district judges (attorneys admitted five years) and are appointed by the Chief Justice of the Supreme Court for six-year terms in the same manner as full-time district judges.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

Per diem judges handle the same types of cases as full-time district judges, i.e., criminal jurisdiction over nonjury misdemeanors,

exclusive civil jurisdiction in nonjury cases involving less than \$1,000, and concurrent jurisdiction with the circuit courts in nonjury civil cases between \$1,000 and \$5,000.

Method of Financing

All appellate and trial court expenses, including capital expenditures for court facilities, are paid by the state, and all court revenues are directed into the state treasury.

Method of Handling Appeals

Under legislation enacted in 1970, district courts were established as courts of record, so all appeals from district court decisions are now heard on the record in the Supreme Court in the same manner as appeals from circuit court decisions.

Special Features

The per diem judge system, in place of magistrates or other subordinate judicial officers, is apparently used only in Hawaii. Also, under legislation enacted in 1970, the Chief Justice appoints administrative judges for each circuit. Their duties include making annual reports to the Chief Justice on the amount and kinds of judicial business done in the circuit during the preceding year.

Circuit judges are appointed by the Governor with Senate confirmation. Admission to the bar for a period of 10 years is required for appointment to circuit judgeships.

In addition to the circuit and district courts, there is also a Land Court, with statewide jurisdiction over land title matters, and a Tax Appeal Court which has statewide jurisdiction over disputes between tax assessors and taxpayers.

4. KENTUCKY (1975)

Extent of Unification

By a constitutional amendment approved in November 1975, Kentucky established a unified trial court system consisting of a single court of general jurisdiction, the circuit court, and a single court of limited jurisdiction, the district court. The former Court of Appeals became the Supreme Court and was vested with the responsibility of administering the entire court system under the Chief Justice assisted by the Administrative Office of the Courts. A new Court of Appeals was established.

Organization of Component Courts

Under the unified system, the circuit court remains the court

of general jurisdiction having original jurisdiction of all justiciable causes not vested in some other court. In circuits with more than one judge, a Chief Judge is selected biennially by the judges in the circuit. The judge of single-judge circuits is regarded as the Chief Judge. The authority and duties of the Chief Judge are within the discretion of the Supreme Court.

The district courts have not yet been put into operation. Legislation giving effect to the constitutional requirements with respect to the establishment of district courts will be acted upon by a special session of the General Assembly to be called by the Governor later this year. The district courts will be trial courts of limited jurisdiction and will replace a variety of lower courts which will either be abolished altogether or cease all judicial functions. In districts with more than one judge, a Chief Judge will be selected whose authority and duties will be within the discretion of the Supreme Court.

Subordinate Judicial Officers

As the demographics of Kentucky dictate that in many instances a district judge must serve a large area, trial commissioners, who must be attorneys where one is available, will be present in counties where a district judge does not reside.

Method of Financing

The constitutional amendment provides, in part: "All compensation and necessary expenses of the Court of Justice shall be paid out of the State Treasury." Thus, adequate financing of the Court of Justice is mandated by the article itself. It is therefore incumbent upon the General Assembly and the Governor to cooperate in giving effect to the amendment through concomitant appropriations.

Method of Handling Appeals

The nature of the relationship between trial and appellate courts has not yet been defined. It is important to note, however, that the judicial system has been conceived as a unified system over which the Supreme Court has wide supervisory control. Thus, the Supreme Court may be expected to provide direction in the interrelationship among courts. The constitutional amendment created a Supreme Court out of the old Court of Appeals and established a new Court of Appeals composed of 14 judges who will sit as three-judge panels all over the state. It is constitutionally certain that the current practice of providing trial de novo in the circuit court of actions appealed from lower courts will be abolished.

Special Features

During its regular session of 1976, the General Assembly created the Administrative Office of the Courts to serve as the staff for the Chief Justice in executing the policies and programs of the

judicial system. While the functions of the Administrative Office of the Courts are within the complete discretion of the Chief Justice, he may delegate wide authority to AOC in the areas of personnel for the entire system, financial management and planning, collection of data and planning for the organization, operation, condition of business and practices and procedure of the court system, judicial education, and relations of the judicial system with the General Assembly. Likewise, a Judicial Council was created and is composed of judges of each level of Kentucky courts, as well as members of the bar and the president of the Circuit Court Clerks Association. The Judicial Council serves purely as an advisory function.

The General Assembly also created a Judicial Retirement and Removal Commission. This Commission will operate under the rules promulgated by the Supreme Court.

5. MAINE (1962-1975)

Extent of Unification

By legislation enacted in 1961 and amended in 1965, Maine established a unified lower court system consisting of 33 district

courts which replaced the former justice of the peace and municipal courts. The chief judge of the district court is appointed by the Chief Justice of the Supreme Judicial Court.

Organization of Component Courts

There are 16 superior courts (one for each county) and 16 probate courts operated independently of the district courts. All judges in the state are required to be attorneys. They are appointed for seven-year terms by the Governor, with the approval of the Senate.

Method of Selection of Subordinate Judicial Officers

There are no subordinate judicial officers other than part-time referees who are appointed by the chief judge of the district court.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The part-time referees are required to be attorneys and are assigned to motor vehicle hearings and PUC hearings, under restrictions imposed by statute. Their compensation is fixed by statute.

Method of Financing

Revenues from the superior and district courts accrue to the state general fund, and the costs of operating both courts are paid from the general fund by appropriation. All salaries and expenses for judicial and nonjudicial personnel at all three levels of the court system are paid by the state. Bailiffs are provided by local law enforcement offices and are paid by the county. Capital expenditures for court facilities are paid by the state and the county.

Method of Handling Appeals

Appeals from district and probate courts are handled by the superior courts. Civil appeals (except probate) are heard on the record; juvenile, misdemeanor and probate appeals are tried de novo. There is no right of direct appeal from the district courts to the Supreme Judicial Court, but when the superior court has exercised its appellate jurisdiction in cases initially heard in the district court, there is a right of appeal on the record to the Supreme Court as the state appellate court of last resort.

Special Features

About 10 percent of the time of Supreme Judicial Court Justices is devoted to habeas corpus and civil equity proceedings. Most of the superior court justices ride circuit from one county to another as caseload dictates. Three of the district court judges do the same. Under 1975 legislation, the administrative control of the court system was vested in the newly-created Administrative Office of the Courts.

6. MARYLAND (1971)

Extent of Unification

By constitutional amendment effective July 5, 1971, Maryland established a two-level trial court system. The courts of general jurisdiction are called circuit courts. Except for a certain degree of unification imposed by the administrative powers of the Chief Judge of the Court of Appeals and by the power of that court to promulgate rules of practice, procedure, and judicial administration having the force and effect of law, the circuit courts are nonunified. The limited jurisdiction court (district court), on the other hand, is state funded and can be considered unified, at least horizontally.

Organization of Component Courts

There are eight circuits, each containing two or more counties except for the Eighth Circuit which consists only of Baltimore City. The courts in each circuit (at least one in each county) have unlimited subject matter jurisdiction in civil and criminal cases. The circuit courts are operated independently of each other; however, the Chief Judge of the Court of Appeals appoints a circuit administrative judge for each of the eight circuits and delegates certain administrative authority to each of these judges, particularly assignment of judges within the circuit. The salaries of all nonjudicial personnel in the circuit courts are paid by local political subdivisions.

The single statewide district court is administratively divided into 12 districts and centrally administered by a chief judge appointed by the Chief Judge of the Court of Appeals, assisted by a chief clerk appointed by the chief judge. Each of the 12 districts also has an administrative judge, appointed by the chief judge with approval of the Chief Judge of the Court of Appeals.

Original appointments to circuit and district court judgeships are made by the Governor from a panel of names submitted by a judicial selection commission. Circuit court judges are initially appointed to serve until the next general election occurring at least one year after occurrence of the vacancy to which the judge was appointed. If elected at that general election, they then serve for a 15-year term. District court judges are appointed for 10-year terms, subject to Senate confirmation, but do not stand for election. Admission to the bar is required for both circuit and district court judges, but not for any specified time.

Method of Selection of Subordinate Judicial Officers

Commissioners are used at the district court level only. They are appointed by the chief judge and are not required to be attorneys. The position is full time except in some of the rural areas.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The district courts have statewide territorial jurisdiction and subject matter jurisdiction over misdemeanors and some felonies.

They have exclusive civil jurisdiction in nonjury cases involving up to \$2,500 and concurrent jurisdiction with the circuit courts in cases up to \$5,000. Where the amount in controversy in a civil case exceeds \$500 and a jury is demanded, the jury trial is in the circuit court.

Commissioners handle such matters as setting bail, issuing warrants and releasing defendants on their own recognizance.

Method of Financing

Except for judicial salaries, salaries of circuit administrators in four of the eight circuits and travel expenses of judges designated to sit in courts outside their own counties, all expenses of operation of the circuit courts, including capital expenditures for court facilities, are paid by local political subdivisions. The district courts, on the other hand, are funded entirely by the state, including rent paid to the counties for county-owned court facilities used by the district courts. All nonjudicial personnel in the district courts are state employees.

Method of Handling Appeals

With one exception, all appeals from decisions of the district court are heard by the circuit court. After the circuit court decision on an appeal, further review may be sought by petition for certiorari directed to the Court of Appeals. Criminal appeals are tried de novo, unless the parties agree otherwise. In civil cases involving \$500 or less, the appeal is also de novo; but if the amount in controversy exceeds \$500, or in any civil case in which the parties so agree, the appeal is on the record.

The exception (noted above) is in the case of juvenile matters heard by the district court in Montgomery County. In all other counties of the state, juvenile matters are heard by the circuit courts, and appeals go to the Court of Special Appeals. In the exercise of its special juvenile jurisdiction, appeals from the Montgomery County district court also go to the Court of Special Appeals and are heard on the record.

Special Features

The district courts do not try jury cases. In criminal cases the state is prohibited from demanding a jury. The defendant may demand a jury if the offense charged permits punishment for a period in excess of 90 days. If he exercises this right the case is removed for trial to the appropriate circuit court or to the Criminal Court of Baltimore if the alleged offense occurred there. In civil cases if the amount in controversy exceeds \$500 and a jury is demanded, the case is likewise transferred to the appropriate circuit court or to the Superior Court of Baltimore City if the cause arose or was filed there.

7. MINNESOTA (1972)

The Minnesota electorate in 1971 approved an amendment that removed from the Constitution any reference to probate courts, thereby permitting the Legislature to establish at its discretion minor courts inferior to the constitutional district trial court.

Implementing this constitutional amendment, an extensive lower court reorganization act was enacted by the Minnesota Legislature in 1971. All municipal courts with the exception of those in Hennepin, Ramsey and St. Louis counties were abolished. The separate probate court was merged into the new county court system which now serves as the basic lower court of the state. The act also abolished justice of the peace courts where the county court holds regular sessions or where a traffic violations bureau has been established. The county courts have established several specialized divisions to handle probate, family, civil and criminal matters.

Under the 1971 constitutional amendment and the implementing legislation, Minnesota now has a single court of general jurisdiction (the district court) and five types of limited jurisdiction courts: (1) county, (2) municipal, (3) probate, (4) conciliation, and (5) justice. County courts have original criminal jurisdiction in misdemeanors and ordinance violation cases where penalty does not exceed \$300 fine or 90-day jail sentence and civil jurisdiction up to \$5,000. Jury trials are permitted. Appeals are to the district court on the record (except where the judge is not legally trained, in which event the case is tried de novo in the district court). Municipal, probate, and conciliation courts now exist in Hennepin and Ramsey counties only (Minneapolis and St. Paul). Appeals from municipal courts can be taken directly to the Supreme Court, except in the case of petty misdemeanors which go to the district court. Appeals from the probate courts are heard de novo in the district court. Appeals from the conciliation courts are heard de novo in the municipal court of the county. Conciliation courts are essentially small claims courts, with jurisdiction over cases at law where the amount involved is not over \$500. Judges of the municipal court of their respective counties serve as judges of the conciliation court. Justice court judges have jurisdiction to conduct arraignments in misdemeanor cases, accept pleas of guilty in traffic and ordinance violation cases, issue warrants and handle civil matters in default when the amount involved is not over \$100. If a defendant pleads not guilty, the case is transferred to the county court. Appeals from justice courts are tried de novo in the county courts.

8. NEBRASKA (1971-1973)

Extent of Unification

In 1970 the voters of Nebraska approved a constitutional amendment vesting the judicial power of the state "in a Supreme Court,

district courts, county courts . . . and such other courts inferior to the Supreme Court as may be created by law." The constitutional amendment further provided that "general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof."

By supplementary legislation enacted in 1972 preexisting justice of the peace and police magistrates courts were abolished, and their functions were merged into a unified county court system effective January 4, 1973.

Organization of Component Courts

The trial court of general jurisdiction in Nebraska is the district court. In addition to general civil and criminal jurisdiction, the district courts function as an intermediate appellate court on appeals from county and municipal courts.

There are 93 county courts (one for each county) organized into 21 districts. The boundaries for district and county courts are the same. There are 43 county court judges. Judges of all courts are appointed by the Governor from a list of two or more candidates submitted by a nominating commission. Judges run for retention in office at the first general election occurring more than three years after their appointment and thereafter every six years.

In addition to the district and county courts, there are separate juvenile, municipal and workmen's compensation courts. The two municipal courts and two juvenile courts are in Lincoln and Omaha.

Only the county courts are fully unified, in the sense that all judicial and nonjudicial salaries in the county court system are paid by the state, and county court judges may be assigned anywhere in the state by the Chief Justice. District court judges also may be assigned by the Chief Justice.

Method of Selection of Subordinate Judicial Officers

The only subordinate judicial officers in Nebraska are associate county judges who are appointed for two-year terms by the judges of their courts. Admission to the bar is not required for appointment, but nonattorney associate judges must attend a training institute before taking office and thereafter must have a satisfactory record of attendance at annual institute training sessions in order to be reappointed for subsequent terms. The salaries of associate county judges and all other salaries in the county court system are paid by the state. Most of the associate county judge positions are full time.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The county courts have exclusive original jurisdiction in all probate matters, guardianships and conservatorships, adoptions, eminent

domain cases, and prosecutions for violation of local ordinances; and have concurrent civil jurisdiction with the district courts in cases involving less than \$5,000. They conduct preliminary hearings in felony cases and try virtually all misdemeanor cases. The county courts have exclusive original jurisdiction in juvenile cases, except in the two counties with separate juvenile courts.

The municipal courts in Lincoln and Omaha handle all ordinance violations in these cities and have concurrent jurisdiction with the county courts in other criminal matters and in civil cases.

Associate county judges who are attorneys may be assigned any matter within the jurisdiction of the county courts. By statute, non-attorney associate judges may handle civil cases up to \$1,000, all misdemeanors, bail setting, search and arrest warrants, juvenile cases at preliminary stages (cannot commit to an institution or terminate parental rights), and probate matters not affecting title to real estate. County court judges determine the extent of judicial powers to be exercised by their associates and, under the policy expressed by the Chief Justice for their guidance, assign almost no contested matters to nonlawyer associate judges.

Nonattorney associate county judges also serve as ex officio clerks of the court. Their responsibilities are primarily clerical and administrative, with judicial duties being largely limited to routine orders and uncontested matters, primarily traffic cases.

Method of Financing

A major portion of the cost of operating the trial court system is provided by state appropriations. Salaries and expenses of district and county court judges are paid by the state. Salaries and expenses of court reporters and probation officers in the district courts and all nonjudicial salaries and expenses in the county courts together with the cost of tape recording equipment used in the county courts are paid by the state. Clerical salaries and the costs of supplies, equipment and facilities for the district courts are borne by the respective counties, which also retain the revenues from court costs and fees. Supplies, equipment (other than tape recorders) and facilities for the county courts are also furnished by the counties, but revenues from fees and costs go to the state general fund from which appropriations are made for the county court system. Under a constitutional provision, all revenues from fines and forfeitures are paid to local school funds.

Method of Handling Appeals

Appeals from most county and municipal court cases go to the district court on the record. Probate and small claims appeals are tried de novo. Four-channel tape recorders are used in the county and municipal courts in place of court reporters to produce and preserve the record. Appeals from the two juvenile courts, Lincoln and Omaha, are to the Supreme Court. Appeals from en banc decisions of the Workmen's Compensation court are also to the Supreme Court.

Special Features

Rules of practice and procedure are the same for district, county and municipal courts, and the latter two courts use district court jury procedures but with six-member juries.

Each county and municipal court has a small claims department in which actions involving less than \$500 may be filed. Attorneys are not used and procedures are informal. A small claims action may be transferred to the regular docket upon request of the defendant.

9. NEW JERSEY (1947-1952)

Extent of Unification

Since approval of a constitutional amendment in 1947, implemented by legislation which became effective in 1952, New Jersey has had a partially unified and centrally administered two-level court system. There are two general jurisdiction courts: a single superior court with two trial divisions (law and chancery) and a system of county courts, also with two trial divisions (law and probate). The territorial jurisdiction of the superior court is statewide and that of the 21 county courts is countywide, but both are courts of general jurisdiction and are centrally administered under the general supervision of the Chief Justice of the Supreme Court with assistance from a state court administrator.

In addition to the two state-administered general jurisdiction courts, there are also in each of the 21 counties four different limited jurisdiction court systems: county district courts, juvenile and domestic relations courts, surrogate's courts, and municipal courts. All of these courts are locally financed and administered.

Organization of Component Courts

The single superior court has two trial divisions (law and chancery) and an appellate division. The law division has general civil and criminal jurisdiction, and the chancery division has general equity, probate and domestic relations jurisdiction, including exclusive jurisdiction over divorce proceedings. Superior court judges must be attorneys admitted to practice 10 years, and they are appointed by the Governor with consent of the Senate for initial terms of seven years with tenure upon reappointment for a second term.

The county courts also have general civil and criminal jurisdiction within their counties, but they hear only contested probate matters (uncontested matters are heard in the surrogate's courts) and have only limited equity and appellate jurisdiction. The qualifications and method of appointment are the same as for superior court judges, but for five-year terms with tenure after 10 years and appointment for a third term.

Method of Selection of Subordinate Judicial Officers

The only subordinate judicial officers in the New Jersey system are the magistrates in the municipal courts who are appointed by the governing body of the municipality for three-year terms. (In joint municipal courts, magistrates are appointed by the Governor with advice and consent of the Senate.) This is a part-time position with the salary fixed by local ordinance. Residency within the municipality is not required. Except for magistrates holding office in 1952 when the present municipal court system was established, all municipal magistrates must be attorneys admitted to the bar. In 1975, there were 10 remaining nonattorney magistrates.

Judges of the surrogate's courts could also be considered subordinate judicial officers since they hear only uncontested probate matters in their own courts. Municipal court judges preside over traffic cases, minor criminal matters, other criminal matters on waiver of indictment and trial by jury, ordinance violations, and preliminary examinations in felony cases. The municipal courts apparently have no civil jurisdiction.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The county district courts have civil jurisdiction where the matter in controversy does not exceed \$3,000 and concurrent jurisdiction with the municipal courts in criminal cases. Juvenile and domestic relations courts have exclusive jurisdiction over juvenile matters, support and child custody matters, and adoptions. The surrogate's courts have jurisdiction over uncontested probate matters, and the surrogate judges serve as clerks in the probate division of the county court.

Method of Financing

Superior court judges' salaries are paid entirely by the state. County court judges are paid 40 percent by the state and 60 percent by the counties. District and juvenile and domestic relations' judges are paid entirely by the counties, and municipal judges entirely by the municipalities. In the state-administered courts the salaries of trial court administrators, court reporters, central office staff and chancery division personnel are paid by the state. Salaries of all other nonjudicial personnel are paid by the local agencies, as are all other operating expenses and capital expenditures for court facilities, except that the state pays rent to the counties for facilities used by the chancery division.

Court revenues initially directed into the state treasury are redistributed in part to local agencies to assist in financing the cost of court operations, and other court revenues are retained in part by the local agencies in which the revenues are collected.

Method of Handling Appeals

Superior court cases appealed from the two trial divisions are

handled by the appellate division (which functions as the intermediate court of appeals in New Jersey), except for certain types of cases (including capital cases) which are appealed directly to the Supreme Court. Appeals from the county courts and from decisions of state administrative agencies are also heard by the superior court appellate division, as are civil appeals from the county district courts and appeals from the juvenile and domestic relations courts. County courts have appellate jurisdiction over cases appealed from the municipal courts within the county, and from the Division of Workmen's Compensation; and also have jurisdiction over criminal appeals from county district courts.

Special Features

The semiunification attained by having a bifurcated system of trial courts of general jurisdiction, with the judges being appointed rather than elected, is apparently unique to New Jersey. The system of centralized administration of the trial courts of general jurisdiction under the Chief Justice with the assistance of a state court administrator, but without affecting the many trial courts of limited jurisdiction, is also unique.

Another unique feature of the New Jersey system is the statutory provision for establishment of joint municipal courts by groups of two or more municipalities. In January 1972, the 523 municipal courts in the state included 16 such joint courts.

10. NEW MEXICO (1968)

Extent of Unification

By legislation enacted in 1968, a unified two-level trial court system was established in New Mexico.

Organization of Component Courts

On the district court level, there are 13 judicial districts in the state. Most of the districts contain more than one county. District court judges are required to be attorneys who have been in the actual practice of law for three years. The magistrate court system consists of one magistrate district in each of the thirty-two counties. The magistrate district bears the same name as the county in which it is located. Multicourt districts are designated by divisions within that district. There are a total of 71 magistrate courts in the state, with one judge assigned to each court. The Legislature has power to change the court structure, the location of the courts, salary of magistrates, etc., at any time.

Method of Selection of Subordinate Judicial Officers

Magistrates are elected for a term of four years. Only magistrates in counties having a population in excess of 100,000 must be

attorneys licensed to practice law in the state. At present, only Bernalillo County (Albuquerque) meets this requirement. Magistrates are required to be qualified electors of and reside within the district.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

Magistrates have criminal jurisdiction over all misdemeanors. They may also conduct preliminary hearings in felony cases. Misdemeanor cases carry a fine of up to \$1,000 and/or up to a year in jail. Money jurisdiction in civil cases cannot exceed \$2,000 exclusive of interest and costs.

Method of Financing

Operating expenses for both court systems, including salaries, are paid by the state. Annually each district court submits an operating budget to the Administrative Office of the Courts and the State Budget Division for approval. The Administrative Office of the Courts is charged with the supervision of the magistrate courts and provides for office space, office equipment, furniture, supplies and staffing. All court revenues, such as filing fees, fines, forfeitures and court costs, must be paid into the State Treasury as required by law.

Method of Handling Appeals

Appeals from the magistrate, municipal and probate courts are handled by the district courts where they are tried de novo. There is no right of direct appeal to the state appellate courts from decisions of any of these courts.

The small claims court (in Albuquerque only) is a court of record. Appeals from this court are heard by the district court on the record but are reviewed only on questions of law.

Special Features

Centralized administration of the magistrates court is by the Administrative Office of the Courts which has the responsibility of providing office space, equipment, supplies, clerical assistance and centralized financing for the entire system. This office also has responsibility for contracting with private attorneys to provide representation for indigent defendants in criminal cases.

Another special feature is that in addition to the appellate jurisdiction exercised by the district courts in all cases originating in magistrates courts, municipal courts, etc., the district courts have supervisory control over all of the limited jurisdiction courts within the boundaries of their districts, including the power to issue writs to exercise their administrative authority.

In addition to the unified, state financed system of district and magistrate courts, New Mexico has (1) municipal courts with jurisdiction over ordinance violations; (2) probate courts with exclusive

jurisdiction in estate and guardianship matters; and (3) a small claims court (in Albuquerque only) which holds preliminary hearings, enforces county ordinances, and tries certain types of civil cases where the amount in controversy does not exceed \$2,000. All of these courts are locally financed and administered subject to the supervisory control over administration exercised by the district courts.

11. NORTH CAROLINA (1962-1970)

Extent of Unification

By constitutional amendment adopted in 1962, supplemented by legislation in 1965, North Carolina made provision for establishment, by December 1970, of a unified two-level trial court system, called a General Court of Justice.

Organization of Component Courts

The General Court of Justice has two trial divisions, superior and district. The superior court is organized into four divisions and 30 judicial districts, each composed of one or more counties. Superior court sessions are held in the county seats and in other cities with a population of 35,000 or more according to the 1960 federal census (only one city can qualify). The district court has the same territorial districts as the superior court and holds sessions at the county seats and such additional locations as designated by the General Assembly, but only upon a finding by the chief district judge and the Administrative Office of the Courts that the facilities are adequate.

Admission to the bar is not required for judgeship positions in either court. Superior court judges are elected on a partisan ballot for eight-year terms, and district court judges on a similar ballot for four-year terms. There is centralized administration for all trial and appellate courts under the Chief Justice of the Supreme Court assisted by a state court administrator and, in the district courts, by chief district judges appointed by the Chief Justice.

Method of Selection of Subordinate Judicial Officers

Magistrates, assigned to duty and supervised by the chief district judges, are appointed for two-year terms in each county. Some of the magistrate's positions are full time, others part time. Their salaries are set by the Administrative Office of the Courts.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The district court has civil jurisdiction over cases where the amount in controversy is \$5,000 or less and exclusive jurisdiction in domestic relations and juvenile cases. It has exclusive original criminal jurisdiction in misdemeanor cases, but there are no criminal jury trials in the district court. Defendants' rights to a jury trial are

protected by giving them the right on appeal to a jury trial de novo in the superior court.

The major function of the magistrates is issuance of warrants and granting of bail. However, if authorized to do so by their chief judge, they may also hear small claims actions, accept guilty pleas in nontraffic misdemeanor cases where the maximum punishment cannot exceed a \$50 fine or 30 days, and perform certain ministerial duties.

Method of Financing

All expenses of the superior and district courts, except the expense of court facilities, are paid by state legislative appropriation following submission of a judicial budget by the state court administrator covering all courts, including appellate and the state-administered trial courts.

Method of Handling Appeals

Appeals from the district court in criminal cases go to the superior court where they are tried de novo. Subsequent appeal from the superior court is on the record to the intermediate appellate court (Court of Appeals). In civil cases, appeals are on the record directly from the district court to the Court of Appeals.

There are no special rules concerning the handling of appeals from decisions of magistrates. Upon appeal from the decision of a magistrate rendered in a small claims action, a new trial is granted before the district court. Appeals from the district court decisions are on the record and are handled pursuant to the North Carolina rules of appellate procedure.

Special Features

In addition to the judges and magistrates, each superior court district has a district attorney who is elected for a four-year term. His salary, and the salaries of assistants appointed by him, are paid by the state. He handles all prosecutions in the superior and district courts in his district, advises the judicial officers, and performs such duties related to appeals to the appellate division from his district as the Attorney General may require.

The superior court clerks are also clerks of the district courts and in addition to their normal recordkeeping duties, perform subordinate judicial functions including exercise of jurisdiction conferred upon them by statute in special proceedings and administration of estates.

12. OKLAHOMA (1967-1969)

Extent of Unification

Courts of general jurisdiction are called district courts. These courts are completely unified and state administered. However, in addition to the district courts, there are over 150 courts of limited jurisdiction (municipal courts) which are locally financed and administered and have jurisdiction over violations of city penal ordinances.

Organization of Component Courts

The state is divided into 24 judicial districts, each composed of one or more contiguous counties. Each district court is administered by a chief judge designated for an indefinite term by the presiding judge of the judicial administrative district. The 24 districts are further divided into nine judicial administrative districts, each of which is headed by a presiding judge elected by the district and associate district judges of the judicial administrative district for an indefinite term. These presiding judges are vested with power to assign judges from one district to another within their judicial administrative districts. Large judicial districts are also divided into two or more "divisions," each headed by a chief judge who has power to assign judges within his division. Assignments from one judicial administrative district to another are made by the Chief Justice of the Supreme Court with staff assistance from the Administrative Director of the Courts.

Method of Selection of Subordinate Judicial Officers

Oklahoma has three classes of judges: district judge, associate district judge, and special judge. The first two classes require admission to the bar (four years for district judge; two years for associate district judge). Special judge positions are full time, and they may be nonlawyers if no qualified licensed attorney is available. District and associate judges are elected on a nonpartisan ballot for four-year terms. Special judges are appointed by the district judges of their judicial administrative districts and serve at their pleasure.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

By statute, special judges are authorized to hear (1) actions for recovery of money where amount involved does not exceed \$5,000, (2) all uncontested matters, except that nonlawyer special judges may not hear causes involving more than \$400, (3) forcible entry and detainer actions where defendant does not assert title or a boundary dispute, (4) replevin actions under \$5,000, except that nonlawyer special judges may not hear causes involving more than \$400, (5) misdemeanors, except that nonlawyer special judges may not hear actions where punishment may exceed \$200 fine or 30 days' prison or both, except with written consent of all parties, (6) actions for issuance of a temporary injunction, restraining order or writ of habeas corpus only when there is no district or associate district judge in the county or when they are disqualified, except that nonlawyer special judges may not hear such actions, and (7) other actions where the parties agree in writing before trial.

Method of Financing

Salaries, fringe benefits and travel expenses of all district judges, including special judges, court reporters on the state payroll, and secretaries of presiding judges are all paid by the state. All other operating expenses and all capital expenses are paid out of a local court fund in each county. Revenues from fines, forfeitures and filing fees are paid into this fund. Court clerk makes disbursements from this fund, subject to limitations prescribed by statute, and annually deposits surplus revenues into a state judicial fund from which the Legislature appropriates monies for support of the state judicial department.

Method of Handling Appeals

The municipal courts in Tulsa and Oklahoma City are courts of record. Appeals from these courts and from any other municipal courts classified as courts of record go directly to the Court of Criminal Appeals where they are heard on the record. Appeals from municipal courts not classified as courts of record (167 in 1973; located in cities or towns with over 1,000 population) are heard de novo in the district courts. Small claims courts are operated as divisions of the district courts, so appeals in small claims cases are handled in the same manner as other district court civil cases, that is, by the Supreme Court on the record.

Special Features

Rules of Administration

Detailed rules for the formation, organization and administration of the nine judicial administrative districts have been adopted by the Supreme Court. These rules cover such matters as semiannual reports from each district judge to his chief judge regarding jury and nonjury cases scheduled for pretrial hearings or trial during the ensuing six-month period, additional courtrooms available within the district for use of assigned judges, and reports of the chief judges to the Chief Justice regarding all assignments made by them during their period of service as chief judge, counties in which additional courtrooms were available for jury or nonjury trials, etc.

Detailed rules on administration of courts have also been adopted on such matters as election and administrative authority of presiding judges, power of presiding judges to assign judges to cases and locations within administrative districts, etc.

13. PENNSYLVANIA (1968-1971)

Extent of Unification

Centralized administration for all trial courts under the general supervision of the Chief Justice of the highest appellate court, assisted by a state court administrator. Two-level system, consisting

of a single trial court of general jurisdiction, the court of common pleas, and a system of limited jurisdiction courts which are called justice of the peace courts, except in Philadelphia and Pittsburgh.

Organization and Subject Matter Jurisdiction of Component Courts

The Pennsylvania trial court system operates at two levels, which may be described as follows:

1. The first level consists of the courts of initial jurisdiction, the district justices of the peace. Each county, except Philadelphia, is divided into two magisterial districts which are established on the basis of population and population density. The boundaries of a district may encompass one municipality, two or more, or only a portion of a municipality. The number and boundaries of magisterial districts are established by the Supreme Court. There is one district justice of the peace for each magisterial district. As of February 1, 1976, there were 562 magisterial districts. Justices of the peace are elected by the voters in their respective districts for six-year terms. Their supporting personnel are employed by the county. These courts have criminal jurisdiction in cases involving offenses carrying a maximum potential sentence of ninety days and \$300 in fines, or both, and civil jurisdiction up to \$1,000. District justices also hold felony and misdemeanor preliminary hearings and may try summary cases and landlord-and-tenant disputes.

Philadelphia's court of initial jurisdiction, the municipal court, has broader jurisdiction which includes offenses punishable by imprisonment of not more than five years, indictable offenses under the motor vehicle laws, civil jurisdiction up to \$500, code enforcement, landlord-and-tenant actions, private complaints, and all preliminary arraignments and hearings for persons arrested and charged with an offense.

In addition to justices of the peace, the City of Pittsburgh has police magistrates which, in limited areas, have concurrent jurisdiction with justices of the peace. Pittsburgh has a city court which has concurrent criminal jurisdiction with that of district justices of the peace, and a housing court which also has concurrent jurisdiction with district justices of the peace over landlord-and-tenant cases.

There are no jury trials in the first level courts. Appeals from courts of initial jurisdiction are to the courts of common pleas and are heard de novo.

2. The second level consists of the trial courts of general jurisdiction. There are 67 counties in Pennsylvania and 59 judicial districts. Each county represents a judicial district except for 16 counties which comprise 8 judicial districts. There are 285 authorized judgeships in the courts of common pleas. The judges are elected by the voters in their respective judicial districts for a 10-year term, and thereafter run on a retention basis.

The 1968 Constitution made provision for establishment of community courts in judicial districts where the voters, in an election held for that purpose, choose to replace justices of the peace, but only one such election has been held and the proposition was defeated.

Method of Selection of Subordinate Judicial Officers

The 1968 Constitution abolished the old "fee" system of justices of the peace in Pennsylvania, the "new" justices of the peace are elected for six-year terms. Justices of the peace who had served a complete term by January 5, 1970, were blanketed in for the remainder of their elected terms, but newly-elected justices must either be attorneys or pass a qualifying examination after completing a course of training.

Method of Financing

All judicial salaries, including justices of the peace, are paid by the state. All nonjudicial salaries and all other trial court expenses are paid by the local agencies with some reimbursement in the form of a state subvention to pay a portion of the nonjudicial salaries and operating expenses.

Method of Handling Appeals

Appeals from judgments in all of the first level courts are heard de novo in the courts of common pleas. There are no jury trials in these courts, but convicted criminal defendants have the right to a jury trial de novo in the court of common pleas.

Special Features

Supreme Court Authority Over Justices of the Peace

Justices of the peace and judges of the common pleas courts are under the supervisory and administrative authority of the Supreme Court and may be temporarily assigned from one district to another. It is apparently not a full-time position as a matter of law, but rules of conduct promulgated by the Supreme Court require justices of the peace to devote the time necessary for prompt and proper disposition of their judicial business and to give such business priority over any other occupation, profession or gainful pursuit.

14. RHODE ISLAND (1969)

Extent of Unification

Effective September 5, 1969, Rhode Island established a two-level trial court system, with courts of general and limited jurisdiction unified but operated separately. There are also separately operated

family courts and probate courts, and in two cities (Providence and Pawtucket) there are municipal courts. The superior, district and family courts are administered centrally under general supervision of the Chief Justice of the Supreme Court, assisted by a state court administrator and internally (within the three courts) by the presiding judge of the superior court and by the chief judges of the district and family courts.

Organization of Component Courts

The trial court of general jurisdiction is the superior court. It is a single court possessing statewide territorial jurisdiction, with criminal jurisdiction over felonies, civil jurisdiction over cases involving more than \$5,000, and general equitable jurisdiction. It also has appellate jurisdiction over misdemeanor appeals and civil appeals from the district court and over appeals from actions of local administrative authorities.

The limited jurisdiction court is the district court. It is also a single court with statewide territorial jurisdiction but is divided geographically into seven administrative divisions. It has criminal jurisdiction over misdemeanors and civil jurisdiction over cases involving more than \$5,000. It hears appeals from certain administrative agencies with a review of the district court decision by certiorari to the Supreme Court. The district court has also been granted authority to conduct hearings under the Mental Health Act to determine mental competency. All trials in the district court are without a jury. Upon arraignment a criminal defendant is advised of his right to a trial by jury and unless he signs a waiver his case is remanded to the superior court for trial.

Judgeships in the superior, district and family courts are appointive for life by the Governor with approval of the Senate. The presiding judge of the superior court and chief judges of the district and family courts are also appointed by the Governor with Senate consent. Admission to the bar is required for appointment to judgeships in all three courts but not for any minimum period.

Some probate judges are elected by the voters of the municipality they serve, but most are elected or appointed by the town council for a fixed term. They are required to be members of the bar to qualify for office. Municipal court judges are appointed by the town council for two-year terms on a part-time basis.

Method of Selection of Subordinate Judicial Officers

The only subordinate judicial officers in Rhode Island are justices of the peace. The position is appointive by the chief judge of the district court. Admission to the bar is required for appointment, and the position is part-time with no compensation other than the fees charged for arraignment of criminal defendants.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The subject matter jurisdiction of Rhode Island district

courts is outlined above. Justices of the peace have very limited judicial powers. Their primary role is in the setting of bail when a judge is not available and in the issuance of warrants of arrest.

Method of Financing

All expenses of the state administered trial courts, including judicial and nonjudicial salaries, operating expenses and capital expenditures for court facilities, are paid by the state. All court revenues, other than the fees paid to justices of the peace, are paid into the general fund of the State Treasury, with no special earmarking for court use.

Method of Handling Appeals

Appeals from the district courts are to the superior court, where they are tried de novo, except in the case of appeals resulting from administrative hearings, where the appeal is directly to the Supreme Court by prerogative writ of certiorari. Appeals from municipal and local private courts are also to the superior court and are tried de novo. Appeals from the superior and family courts are to the Supreme Court on the record.

Special Features

The chief clerk of the district court is appointed by the Governor with Senate consent for a five-year term. He is also ex officio clerk of one of the seven divisions. Deputy clerks, appointed by the chief judge, are in charge of recordkeeping and other clerical activities in the remaining six divisions. The chief clerk is vested by statute with general supervisory powers over the clerks of the other divisions but as a practical matter these powers and general administrative functions such as systematization of recordkeeping and reporting of statistics are performed by the office of the state court administrator and the staff of the chief judge.

As the result of legislation enacted in 1970 the office of the state court administrator was also charged with the responsibility of developing and administering within the district court a uniform traffic offense citation system with a pay-by-mail option for administrative handling of selected minor traffic offenses.

Also as the result of recent legislation most moving traffic offenses are no longer criminal offenses and are not handled within the court system but by an administrative adjudication section within the Department of Transportation.

15. VERMONT (1965-1968)

Extent of Unification

By legislation originally enacted in 1965 and supplemented in

1967, Vermont established a single statewide district court. The 1967 legislation also created the office of state court administrator and gave the Supreme Court power to organize the new district court into territorial units and each unit into two or more circuits.

Organization of Component Courts

The Vermont courts of general jurisdiction are called superior courts, one for each county, the judges of which are originally appointed by the Governor with the advice and consent of the Senate from a panel of names submitted by a Judicial Nominating Board. The district court judges are similarly selected and have six-year terms. Admission to the Vermont Bar for a period of five years is required by both courts. Both the superior judges and the district court judges at the end of their six-year terms stand for retention in office by vote of the General Assembly. The performance of judges is reviewed by a Judicial Retention Board which makes recommendations to the General Assembly.

There are nineteen probate districts. Probate judges need not be attorneys; they are elected by the voters in their respective probate district is for a term of four years. The jurisdiction of the probate courts includes administration of estates and trusts, guardianships, adoptions, and other miscellaneous matters.

Method of Selection of Subordinate Judicial Officers

There are subordinate judicial officers, called assistant judges, in the superior courts. This is a part-time position, and the compensation is for the time actually spent in judicial work. Assistant judges are not required to be attorneys and are elected by the voters in their respective counties for four-year terms.

Subject Matter Jurisdiction of Lower Level Courts or Juicial Officers

The district court has concurrent jurisdiction with the superior courts in criminal matters, except that the district court has no jurisdiction of crimes punishable by death or life imprisonment. The civil jurisdiction of the district court is limited to matters involving not over \$5,000, but it has exclusive jurisdiction over juvenile matters, small claims actions, violations of municipal ordinances and certain other matters.

The office of justice of the peace has not been abolished in Vermont, but their judicial functions have been eliminated.

Method of Financing

The salaries of all judges, including assistant judges, are paid by the state. The state pays capital expenses for district court facilities (other than county courthouses when used) and operating expenses of the district courts, including equipment and nonjudicial personnel salaries. The counties pay all capital expenses for the superior courts and some of the operating expenses including the salaries of nonjudicial personnel, except for the county clerks themselves which are paid by the state. However, the state does pay for lighting, fuel,

telephone toll charges, and part of the janitorial services for the county courthouse.

All revenues from traffic fines and forfeitures and fines imposed in other criminal cases are paid into the State Treasury and go into the general fund with no earmarking for court purposes.

Method of Handling Appeals

Appeals relating to matters of law are directed to the Supreme Court, whether it is an appeal from a small claims action, a district court action, a probate court matter, or a superior court case. An appeal is also permitted from the probate court to the superior court if an issue of fact is involved and a trial by jury is requested. These issues of fact are tried de novo. If any of the parties in the trial de novo wish to appeal from the superior court decision, they may do so to the Supreme Court.

Special Features

The state's attorneys have discretionary power to file criminal cases, other than those punishable by death or life imprisonment, in either the district court or the county courts. However, as a practical matter, most of them are filed in the district court, because this was the primary purpose for which this court was created. Also, although the district courts have concurrent jurisdiction with the county courts in civil cases under \$5,000, relatively few civil cases are filed in the district court because of its crowded criminal calendar.

The court clerks, who are ex officio superior court clerks, although paid by the state, are appointed by the assistant judges with approval of the presiding superior judge.

In March of 1974, the Judicial Article of the Vermont Constitution was amended, the main features of which are that the judicial power of the state is vested in a unified judicial system composed of a Supreme Court, a superior court, and such other subordinate courts as the General Assembly may establish from time to time.

16. VIRGINIA (1972-1973)

Extent of Unification

By legislation enacted in 1972 and 1973, Virginia established a two-level trial court system with centralized administration under general supervision of the Chief Justice of the Supreme Court, assisted by a state court administrator. By statute, the executive secretary of the Supreme Court is made ex officio administrator of the circuit court system.

Organization of Component Courts

The trial courts of general jurisdiction in Virginia are called circuit courts. There are 30 circuit court systems in 122 locations. The limited jurisdiction courts are called district courts. There are 31 district court districts with 1 to 11 counties and/or cities in each district. The circuit and district court judges are elected by the Legislature, with authorization for interim appointments to the position of district court judge by the circuit court judges of the affected circuit. Admission to the Virginia Bar for five years is required for judgeships in either court. Chief judges of both the circuit and district courts are elected for two-year terms by the judges of their circuits or districts.

The position of circuit court clerk is elective. Election is by voters of the political subdivisions involved. Subordinate personnel in the district courts are appointed by the chief judge.

Method of Selection of Subordinate Judicial Officers

The only subordinate judicial officers are magistrates who have power to issue warrants, etc., but no power to try cases of any kind. There is also statutory authorization for appointment of "substitute judges" by the chief judge of each circuit court for terms coinciding with those of the judges for whom they will substitute.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The district courts have criminal jurisdiction over misdemeanors and over the conduct of preliminary examinations in felony cases. They have exclusive civil jurisdiction in cases involving not more than \$500 and concurrent jurisdiction with the circuit courts in civil cases up to \$5,000.

Method of Financing

Judicial salaries in the circuit courts are paid 60 percent by the locality and 40 percent by the state. Judicial salaries in the district courts are paid by the state. Salaries for nonjudicial personnel in the circuit courts are funded from fees received by the clerks' offices for services rendered. Nonjudicial salaries in the district courts are paid by the state. All facilities and equipment are provided by the localities. Court revenues are split between the state and localities depending upon the particular revenue item.

Method of Handling Appeals

The circuit court has appellate jurisdiction over the misdemeanors and civil cases arising from the district courts.

Special Features

The provision for use of substitute judges is apparently unique to Virginia.

Another unique feature is the Committee on District Courts, to which the Legislature has delegated several supervisory powers including the ability to recommend the creation of new district court judgeships and the certification of the necessity to fill any district court judicial vacancy, and also the power to establish guidelines for the number of substitute judges and all nonjudicial personnel in the district courts.

G. Three-Level Systems (Five States: Alabama, Alaska, Connecticut, Michigan and Utah)

1. ALABAMA (1975-1977)

Extent of Unification

The new Judicial Article (Amendment No. 328 to Constitution of 1901) was approved by the electorate on December 18, 1973, and went into effect January 1, 1975. However, the necessary implementing legislation was not enacted until October 1975, and the new district court system authorized by the constitutional amendment and created by the implementing legislation will not come into existence until January 1977.

The constitutional amendment vests the judicial power of the state in a unified judicial system consisting of a Supreme Court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and such municipal courts as may be provided by law.

There are currently some 85 trial courts of limited (and varying) jurisdiction throughout the state. Under the terms of the implementing legislation these limited jurisdiction courts will be reorganized into a single district court system, but a four-year period has been allowed, under the terms of the constitutional amendment, to accomplish total reorganization. The constitutional amendment also gives municipalities the option to retain their present municipal courts as a part of the unified system or abolish their municipal courts, with that jurisdiction reposed in the district court.*

The constitutional amendment further provides that the Chief Justice of the Supreme Court shall be the administrative head of the judicial system; that the Supreme Court shall establish criteria for

* For the purposes of this summary, Alabama has been classified as having a three-level unified trial court structure. The reasons for this classification are: (1) the four-year period allowed for total reorganization; (2) the provision in the Constitution for preservation of the probate court; and (3) the option given municipalities to retain their present municipal courts.

determining the number and boundaries of trial court circuits and districts, as well as the number of judges needed in each circuit or district; and that adequate and reasonable financing for the entire unified judicial system shall be provided by the state.

Organization of Component Courts

The Alabama trial court of general jurisdiction is the circuit court. In addition to their general trial jurisdiction the circuit courts, under the provisions of the Constitution, "may be authorized by law to review decisions of state administrative agencies and decisions of inferior courts." There are 38 circuits at present. Circuit court judges are required to be attorneys and are elected for six-year terms on a partisan ballot. Vacancies are filled by the Governor for terms lasting until January of the year following the next general election held after the appointee has completed one year in office.

The legislation necessary to establish the district court system is provided in Act No. 1205, Acts of Alabama, Regular Session 1975 (approved by the Governor on October 10, 1975). The guidelines for establishment of the district court system prescribed by the constitutional amendment are merely that it shall be a single court of limited jurisdiction and that it "shall exercise uniform original jurisdiction in such cases and within such geographical boundaries, as shall be prescribed by law," subject to a constitutional requirement that it hold court in each county seat "and at such other places as prescribed by law." The Constitution further provides that the district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court and shall hold court in each incorporated municipality with a population of 1,000 or more in which there is no municipal court.

Act No. 1205 also provides that the district court of Alabama will be established on January 16, 1977, will be subdivided according to districts, and may be styled the district court of the county. The act provides that each county shall constitute a district and shall have one resident district judge, with enumerated exceptions.

The presiding circuit judge has general supervision of the administrative operation of the district courts within the circuit, subject to rules of the Supreme Court and the administrative authority of the Chief Justice. The district court will have under its supervision an administrative agency, the chief administrative officer of which will be a magistrate who will be subject to the administrative direction of the clerk of court. The qualifications, terms of office, and method of selection of district court judges, under the provisions of the Constitution, are the same as for circuit court judges.

The constitutional amendment provides that there shall be a probate court in each county "which shall have such jurisdiction as may be provided by law." Probate judges are not required to be attorneys and their salaries, under the terms of the constitutional amendment, are not paid by the state.

Method of Selection of Subordinate Judicial Officers

Implementing legislation for the district court system makes provision for appointment of magistrates and juvenile court referees. The position of magistrate may be filled by one of three methods: (1) commission available to present county judges whose present terms extend beyond January 16, 1977, who are not qualified to receive commissions as district judges; (2) appointment by clerk of an individual on the staff; and (3) appointment by administrative director of courts, upon recommendation and nomination by judges and clerk of district court, as provided by Supreme Court.

District judges may appoint, with approval of administrative director of courts, referees in juvenile cases who must be licensed to practice law, with exception of incumbent referees who have served for 10 years or more.

Subject Matter Jurisdiction of Lower Level Courts or Judicial Officers

The new district court will have the following jurisdiction:

- (1) original jurisdiction concurrent with circuit court in civil cases involving not more than \$5,000;
- (2) exclusive jurisdiction in all civil cases involving not more than \$500 (placed on small claims docket and processed under uniform rules of simplified procedure promulgated by Supreme Court);
- (3) with certain exceptions, exclusive original trial jurisdiction of misdemeanors and over felony preliminary hearings;
- (4) juvenile jurisdiction concurrent with circuit court;
- (5) jurisdiction over adoptions upon transfer from probate to district court on motion of party.

Magistrates will have power to issue arrest warrants and, if licensed to practice law, search warrants; to grant bail in minor misdemeanor prosecutions; to receive pleas of guilty in minor misdemeanor cases where schedule of fines has been prescribed by rule; and to exercise such other authority as may be prescribed by law. Juvenile court referees, if so directed by a judge, may conduct any juvenile case or class of cases, unless the hearing is one to determine whether a case is to be transferred for criminal prosecution, or unless a party objects to the hearing being held by a referee.

Method of Financing

The constitutional amendment specifically provides (in section 8 making the Chief Justice administrative head of the judicial system) that "adequate and reasonable appropriations shall be made by the Legislature for the entire unified judicial system, exclusive of probate and municipal courts."

Method of Handling Appeals

In criminal cases, appeals from final judgments of the district court go to the circuit court for trial de novo with or without jury; or to the appropriate appellate court if (1) an adequate record on stipulation of facts is available and the right to jury trial is waived, and (2) the parties stipulate that only questions of law are involved and the district court certifies the questions. In civil and juvenile cases and in prosecutions for ordinance violations in the municipal courts appeals are heard by the circuit court, except in cases where direct appeal to the courts of civil or criminal appeals is provided by law or rule. All appeals to the circuit court are tried de novo with or without a jury as provided by law.

Special Features

The constitutional amendment, in section 6.09 (entitled "Judicial Compensation") creates a five-member state Judicial Compensation Commission, composed of one gubernatorial appointee, two legislators (one from each house) and two attorneys appointed by the governing body of the State Bar, charged with the duty of recommending "the salary and expense allowances to be paid from the state treasury for all the judges of this state except for judges of the probate court." However, this language is modified, as to municipal court judges, by another section providing that "expenses of municipal courts and compensation of municipal judges shall be paid in a manner prescribed by law notwithstanding the provisions of Section 6.09 of this Article."

Another noteworthy feature is that under the provisions of the constitutional amendment, recommendations of the Judicial Compensation Commission become law unless rejected by a joint resolution or act of the Legislature adopted or enacted during the session in which the recommendation is submitted.

2. ALASKA (1956-1968)

Extent of Unification

Alaska has a unified, three-level court system, with centralized administration for all three courts, under general supervision of the Chief Justice of the Supreme Court, assisted by a state court administrator.

Organization of Component Courts

The superior court is the trial court of general jurisdiction. The state is divided into four judicial districts. Qualifications of a judge of the superior court are admission to the State Bar for five years and residence for three years. Appointments are made by the Governor. At the first general election held more than three years after appointment, each superior court judge is subject to approval or rejection on a nonpartisan ballot, and every sixth year thereafter; each Supreme Court justice every tenth year.

The second level courts are the district courts. There are four district courts coterminous with the judicial districts. The Supreme Court has the power to increase or decrease the number of district court judges within each judicial district. Appointment is made in the same manner as for superior courts and a judge must be at least 21 years of age, a citizen of the United States, a resident of the state for at least one year, and licensed to practice law in Alaska. The presiding judge may appoint one or more acting district court judges for a period of one year. An acting district court judge need not be licensed to practice law.

Serving the district court, but having more limited jurisdiction than a district judge, are 60 magistrates distributed within the four judicial districts.

Method of Selection of Subordinate Judicial Officers

Magistrates are appointed for an indefinite period by the presiding judges of the judicial districts in which they will serve. Admission to the bar is not required and their salaries are set by the Supreme Court.

Subject Matter of Lower Level Courts or Judicial Officers

In criminal matters, the district court judge has jurisdiction over all state misdemeanor violations and violations of ordinances of political subdivisions. He may issue warrants as prescribed by law and acts as examining magistrate in arraignments in criminal proceedings, which must occur within 24 hours after arrest. The district court judge may also perform such nonjudicial related tasks as issuing absentee ballots and recording vital statistics. He may also serve as coroner, hold inquests, and act as the conservator of property of deceased persons.

In civil matters, the district court judge may hear cases for recovery of money or damages not exceeding \$10,000 and for recovery of specific personal property when the value claimed for damages does not exceed \$10,000. In motor vehicle tort cases, the civil jurisdiction in district court is \$15,000. A district court judge may handle small claims actions up to \$1,000, give judgment without action upon the confession of the defendant, foreclose liens where the amount in controversy does not exceed \$10,000, and temporarily detain minors in emergencies. The criminal and civil jurisdiction of the district court extends over the whole of the state.

The magistrate is a judicial officer of the district court, whose authority is more limited than the district court judge. In civil cases, the magistrate may award damages up to \$1,000; issue summonses, writs of habeas corpus, and marriage licenses; enforce orders and judgment of the superior court; perform the duties of coroner (including inquests) and notary public; record vital statistics such as births, deaths, and marriages; and issue absentee ballots. He also has emergency authority in childrens' matters.

In criminal matters, he may give judgment of conviction upon a plea of guilty to any state misdemeanor. He may hear, try, and enter judgment in state misdemeanors if the defendant agrees in writing to be tried by the magistrate. He may also hear municipal ordinance violations without consent of the accused and impose sentence. In felony preliminary examinations, the magistrate may set, receive, forfeit bail and bind over to the superior court in the same manner as a district judge. Finally, he may issue warrants of arrest, summonses, and search warrants.

Method of Financing

All judicial and nonjudicial salaries and all other operating expenses of the Alaska appellate and trial court system are paid by the state following submission of judicial budget by the state court administrator. All judicial support personnel are employees of the Alaska court system. All court revenues are directed into the State Treasury.

Method of Handling Appeals

Appeals from district courts are heard by superior courts; appeals from superior courts are heard by the Supreme Court.

An appeal may be taken to the Supreme Court from a final judgment entered by the superior court in any action or proceeding. Appeal from a final judgment is a matter of right of all parties, except that the state may appeal in criminal cases only to test the sufficiency of an indictment or on the ground that a sentence is too lenient. The authority of the Supreme Court to review sentences was set out in statute by the Legislature in 1969. All appeals brought to the Supreme Court must be heard, decisions must be reached, and opinions written.

An aggrieved party may also petition for review of any order or decision of the superior court not otherwise appealable. Review of nonfinal orders, however, is discretionary, and will be granted only if certain strict criteria are met that justify a deviation from normal appellate procedure.

Although the Rules of Court allow for a trial de novo in the superior court, practically speaking they are not usually granted. The superior court hears appeals by record only.

Special Features

The Judicial Council consists of seven members. The Chief Justice is ex officio chairman, and the remaining membership is composed of three attorneys appointed by the governing body of the organized State Bar and three nonattorneys appointed by the Governor subject to confirmation by a majority of both houses of the Legislature in joint session.

3. CONNECTICUT (1959-1976)

Extent of Unification

As of the date of this report Connecticut has a three-level, partially unified trial court system, consisting of one court of general jurisdiction (the superior court), one court of limited jurisdiction (the court of common pleas), and one court of special jurisdiction (the juvenile court). However, no attempt will be made in this summary to describe the organizational structure of these three courts for the reason that under legislation signed into law on June 11, 1976, which will become effective July 1, 1978, the common pleas and juvenile courts will cease to exist as separate courts. They will be merged into the superior court, which will then become the sole trial court of original jurisdiction for all causes except matters assigned by statute to the probate court.

Method of Selection of Subordinate Judicial Officers

The only subordinate judicial officers in Connecticut are retired Supreme and superior court judges, active common pleas court judges who may be appointed to hear referred cases, and members of the bar of the state who may be appointed by the Chief Justice to act as referees for maximum terms of one year. By statutory provision, all of the above judges (including common pleas court judges), upon their retirement other than for disability, automatically become state referees for life. Retired judges receive a per diem of \$50 per day plus expenses (in addition to their retirement allowance) while serving as referees, and attorney referees appointed by the Chief Justice receive such compensation and expenses as may be determined by the Chief Justice.

Subject Matter Jurisdiction of Judicial Officers

Retired judges of the Supreme and superior courts may, with the written consent of the parties or their attorneys, hear any case referred to them in which the issues have been closed, and in so doing may exercise all the powers of the court in respect to trial, judgment and appeal in such case. Retired common pleas court judges and appointed attorney referees may, by similar written consent, likewise hear any case referred to them, but after such hearing have only the power to "report the facts to the court by which the case was referred." Retired common pleas court judges, acting as state referees, may also hear and determine small claims matters, including rendering judgment thereon. The Chief Justice also has statutory power to designate "trial referees" from among the state referees, and cases of an adversary nature can only be referred to referees so designated.

Method of Financing

With the exception of the probate courts, all capital and operating expenses of the Connecticut court system are state financed. All nonjudicial personnel of the state-administered courts, including state's attorneys and public defenders but excluding deputy sheriffs serving as bailiffs, are employees of a state judicial department. All

nonjudicial business of the department, including accounting, budgeting, purchasing, personnel, statistics, planning and research, is under the direction of the executive secretary. Court facilities for the superior and common pleas courts (and presumably also the juvenile court) are furnished by the state. The towns in which common pleas court sessions are held and which furnish court facilities for such sessions are paid a statutory rental fee for the use of such facilities. One quarter of all revenues from traffic law violations are rebated to the towns in which the offense was committed. When deputy sheriffs attend court as bailiffs, the judicial department pays them a fee of \$25 per day for their services. In the common pleas courts, under lease agreement, the towns supply police officers as court attendants for nonjury sessions, and the judicial department hires special duty sheriffs or constables for jury sessions.

Method of Handling Appeals

As of the date of this report, under court rules adopted in December 1974, appeals from decisions of the court of common pleas are taken to an appellate session of the superior court and are heard on the record by a three-judge panel of superior court judges. Information is lacking as to the present method of handling appeals from the juvenile court, and as to what changes will be made in the present system when the court of common pleas and juvenile court become an integral part of the superior court.

Under legislation enacted in 1974, which consolidated the former circuit courts with the court of common pleas, administrative appeals and appeals of human rights or zoning matters were taken directly to the Supreme Court, unless the parties stipulated that the matter might be heard by an appellate session in the superior court.

Information is also lacking as to the proposed method, under the new law, of handling appeals from decisions of the probate courts. At present, such appeals are heard by the superior court, and presumably this system will continue. However, it is not known whether the superior court hearing, on an appeal from the probate court, is on the record or by trial de novo.

Under the 1974 legislation referred to above, appeals from small claims judgments rendered in the court of common pleas are apparently not allowed.

Special Features

County government, as such, was abolished in Connecticut in 1960. However, sheriffs continue to be elected for each county. The number of deputy sheriffs in each county, and their salaries (as well as the salaries of sheriffs) are determined by statute and paid by the state, but unlike other court personnel they are not considered employees of the judicial department. Transportation of criminal defendants in custody is handled by sheriff's offices for the superior courts and by local police for the common pleas courts. Fees for such transportation are set by statute on a mileage basis and are paid by the state judicial department to the agency furnishing the transportation.

As noted above, an act abolishing the court of common pleas and the juvenile courts, was signed into law on June 11, 1976. (Public Act 76-436).

Upon the effective date of the new law, all jurisdiction currently exercised by the court of common pleas and the juvenile court will be transferred to the superior court.

Another feature of the new law is that the Chief Court Administrator will be appointed by the Chief Justice of the Supreme Court instead of by the General Assembly. The new law also centralizes administration of the judicial department in the office of the Chief Court Administrator. The new law immediately created an Advisory Council to assist and advise the judicial department and the General Assembly concerning the court merger.

The number of superior court judges will be increased under the 1976 legislation to equal the combined current number of judges in the superior court, the court of common pleas and the juvenile court. Newly-appointed superior court judges will receive, in their sixth and subsequent years of service, the salary currently paid to the judges of the superior court.

4. MICHIGAN (1963-1969)

Extent of Unification

In 1963 the voters of Michigan approved a new judicial article of the state Constitution which provided for establishment of a single court of justice consisting of the Supreme Court, an intermediate appellate court, one trial court of general jurisdiction called a circuit court, one probate court, and the courts of limited jurisdiction to be created by statute. Supplemental legislation creating a district court system was enacted in 1968.

The new judicial article vested in the Supreme Court general supervisory powers over all courts; and further provided that changes in the number of judges, and in the number and boundaries of judicial districts, could be made by statute on recommendation of the Supreme Court to reflect changes in judicial activity. The Constitution also required that the Supreme Court appoint a court administrator and other assistants as necessary to assist in the administration of all courts.

Organization of Component Courts

There are 50 circuit courts, 86 district courts, and 83 probate courts. Probate court handles probate matters and has a juvenile division with jurisdiction over adoptions in addition to customary juvenile matters such as delinquency, juvenile traffic and child neglect cases.

There are also 24 municipal courts that were permitted to remain in existence by local option, and in Detroit there are two local courts: a recorder's court which has general jurisdiction over crimes committed within the city and a common pleas court which has exclusive jurisdiction in Detroit and Wayne County of civil cases involving up to \$5,000 and concurrent jurisdiction with the circuit court in civil cases up to \$10,000.

Method of Selection of Subordinate Judicial Officers

There is statutory provision for appointment of magistrates in the district court. Appointments are made by the judges of each district subject to approval of the county board of commissioners. Magistrates serve at the pleasure of the judges of their court and are not required to be attorneys. However, in addition to performing other magisterial duties, attorney magistrates are authorized to perform

the duties and functions formerly performed by circuit commissioners whose positions were abolished by a 1968 amendment of the Revised Judicature Act of 1961. Attorney magistrates are prohibited from practicing law in the district court in the county or district in which they serve as magistrate.

Magistrates are paid by the court control unit on a salary or per diem basis. If paid a salary the minimum is \$5,000 per year and if paid per diem the minimum is \$20.

Subject Matter of Court of Limited Jurisdiction or Judicial Officers

The district courts have criminal jurisdiction over misdemeanors carrying a sentence of up to one year and felony preliminary examinations, and have exclusive jurisdiction in civil cases where the amount in controversy does not exceed \$10,000. They are courts of record.

Magistrates have statutory power to arraign and sentence upon pleas of guilty for specified minor crimes, issue warrants of arrest and search warrants (when authorized to do so by a district judge), fix bail and accept bond in all criminal cases, and act as coroner when required to do so. As above stated, attorney magistrates also have the statutory power to perform the duties formerly performed by circuit court commissioners. However, these statutory authorizations have been modified by a court rule (DC Rule 3001) which states, "Notwithstanding statutory provisions to the contrary, magistrates shall exercise only those responsibilities authorized by the presiding judges of the district."

Method of Financing

Judicial salaries in the circuit, district and probate courts are financed in part by the state and in part by local agencies. All nonjudicial salaries and all other capital and operating expenses (except for certain law books provided at state expense) are financed by local agencies.

Revenues are generally retained by the local agencies in which the revenues are collected. The principal exceptions are the fines on state offenses which are earmarked for library purposes and the state costs of five dollars assessed on each conviction and each guilty plea, except parking violations, which are earmarked for the state general fund.

Method of Handling Appeals

Appeals from decisions of district courts and the Detroit Court of Common Pleas are to the circuit court and are heard on the record. Municipal court appeals are also handled by the circuit court but are heard de novo or on a settled record. Appeals from probate courts also go to the circuit court. The Recorder's Court of the City of Detroit is considered a court of general jurisdiction. Jury trials are available in that court and appeals are to the Court of Appeals

(except appeals from the traffic and ordinance division of the recorder's court, which are heard by the circuit court).

Appeals as of right from magistrate's orders and decisions are handled by the district court and are heard de novo by the district judge. However, the above-cited court rule also provides, "Any action taken by a magistrate may be superseded by order of the district judge . . . without formal appeal."

Special Features

The extensive use of magistrates as an integral part of the district court system appears to be unique. Particularly noteworthy is the statutory requirement (Section 8501 of the Revised Judicature Act of 1961, as amended in 1968) that in "any county which elects by itself less than two district judges, the board of supervisors shall provide for one magistrate." This section was amended in 1976 to include all district courts.

Another unique feature of the district court system is that small claims actions (cases not exceeding \$300) are heard by judges of the district court sitting as judges of the small claims division, and there is no right of appeal by either plaintiff or defendant.

5. UTAH

Extent of Unification

Utah has a partially unified court system, with the courts of general jurisdiction (district courts) centrally administered under supervision of the Chief Judge of the State Judicial Council.

Organization and Subject Matter Jurisdiction of Component Courts

For purposes of administration of the district courts, the state is divided into seven multiple county districts. District court judges are originally appointed by the Governor from a panel of names submitted by a judicial selection commission, but in order to retain their positions they must be elected for a six-year term on a nonpartisan ballot at the next general election following their appointments. District court judges must be admitted to the bar of the state, but not for any specified minimum period.

There are three courts of limited or special jurisdiction: (1) juvenile, (2) city, and (3) justice courts. Juvenile court judges must be members of the bar and are originally appointed by the Governor from a panel of names submitted by a juvenile court commission. They receive the same salaries as district court judges and after their original appointment must file for election for six-year terms in the same manner as district court judges.

City court judges are elected by the voters of their city for six-year terms. Their civil jurisdiction is limited to cases involving

not more than \$1,000 and not involving title to real property. Their criminal jurisdiction is limited to violations of city ordinances and misdemeanors where the maximum penalty is \$300 or a six-year month jail sentence. They have concurrent jurisdiction with the juvenile court over traffic offenses by juveniles. Admission to the bar is required for selection as a city court judge.

Justice court judges may be either elected or appointed. They must be residents of the precinct or municipality, but admission to the bar is not required. The civil jurisdiction of justice courts is limited to cases involving not more than \$300, and their criminal jurisdiction to misdemeanors involving a penalty of not more than \$300 or six months in jail. They also hold preliminary hearings in felony cases and have jurisdiction over ordinance violations in municipalities where no city court has been established.

Method of Financing

In the district courts, the salaries of judges, court administrators and court reporters are paid by the state. All other expenses, including capital expenditures for court facilities, equipment and supplies, and salaries of nonjudicial personnel, are paid by the local agencies.

Revenues generated by the district courts are shared between state and local governments. In the juvenile and city courts, revenues generated from filing fees, fines and forfeitures are retained by the local agencies. In the justice courts, revenues from filing fees are retained by the local government, but revenues from fines and forfeitures are divided between the local agencies and the state.

Method of Handling Appeals

The juvenile courts are courts of record, and appeals from these courts go to the Supreme Court in the same manner as judgments from the district courts. Appeals from decisions of the city and justice courts are presently heard de novo in the district courts. However, proposed legislation to be considered in 1977 will include a proposal for establishment of an appellate procedure at the district court level and abolishment of trial de novo.

II

DESCRIPTION OF STATES WITH MINIMALLY UNIFIED SYSTEMS

1. ARIZONA (1960)*

In 1960 the electorate of Arizona approved a constitutional amendment establishing an "integrated judicial department" consisting of the Supreme Court, other specified courts (specifically including justice courts) and such other courts as may be established by law. The constitutional amendment gave the Supreme Court administrative supervision over all courts of the state, to be exercised through the Chief Justice, assisted by a court administrator. The constitutional amendment also gave the Supreme Court power to appoint a presiding judge for the superior court in counties with more than two superior court judges and gave these presiding judges supervision over the superior court and its judges in their respective counties. The Constitution and implementing statutes also provided for appointment of court commissioners in counties with three or more superior court judges, with power to perform such duties as might be prescribed by statute or Supreme Court rule.

Arizona has a single court of general jurisdiction, called the superior court, and two courts of limited jurisdiction: justice courts and police or magistrate courts. Counties are divided into two or more justice court precincts. Police and magistrate courts are located in incorporated cities and towns. Justice courts have criminal jurisdiction over misdemeanors punishable by a fine of not over \$300 or by a six-month jail sentence and hold preliminary hearings in felony cases. They also have exclusive civil jurisdiction in cases involving less than \$500 and concurrent jurisdiction with the superior court in civil cases involving more than \$500 but less than \$1,000. Jury trials are available in the justice courts but are available in the police or magistrate courts only when provided for by ordinance. Appeals from both types of courts are to the superior court.

2. ARKANSAS (1965)

By legislation enacted in 1965, the Chief Justice of the Supreme Court was made "administrative director of the Judicial Department of the State" and made "responsible for the efficient operation thereof and of its constituent courts. . . ." This legislation vested the Chief Justice with power to "issue such orders and regulations as may be necessary for the efficient operation of such courts" including the power to assign, reassign and modify assignments of judges in the courts of general jurisdiction (circuit, chancery and probate courts). The same legislation also created the office of executive secretary of the judicial department to assist the Chief Justice in carrying out these duties. Salaries and travel expenses of judges of the trial

* Years in parentheses indicate when significant changes were made in the trial court organizational structure.

courts of general jurisdiction are paid by the state. All other capital and operating expenses of these courts and all costs of operating the courts of limited jurisdiction are paid by local agencies.

The Arkansas courts of general jurisdiction are (1) circuit (law) courts; (2) chancery (equity), and (3) probate courts. Limited jurisdiction courts are (1) county courts, (2) municipal courts, (3) justice of the peace courts, (4) police courts, (5) courts of common pleas, and (6) city courts. County courts have administrative as well as judicial functions; all trials are without a jury; and appeals are heard de novo by the circuit court. Municipal courts have criminal jurisdiction over misdemeanors and hold felony preliminaries; all trials are without jury; and appeals are heard de novo in the circuit court. Municipal courts also have exclusive civil jurisdiction (along with justices of the peace) in contract matters where the amount in controversy is not over \$100; and concurrent jurisdiction with circuit courts in civil cases involving \$100 or more but not over \$300. Justices of the peace have jurisdiction similar to that of municipal courts but also try jury cases (six-person juries). Appeals from justice court decisions are heard de novo in the circuit court. Police courts and city courts have subject matter jurisdiction similar to justices of the peace, but jury trials are not available. Appeals are heard de novo in circuit court. Courts of common pleas have civil jurisdiction in matters not involving title to real estate, and not involving an amount exceeding \$1,500. Jury trials are available on demand, and appeals are heard de novo in the circuit court.

The territorial jurisdiction of municipal courts is county-wide, but that of city courts is limited to the municipality. Admission to the bar is required for selection as a municipal court judge, but city courts are presided over by the Mayor or by a qualified elector of the municipality appointed by the Mayor who may or may not be an attorney.

Under a constitutional amendment approved by the electorate in November 1974, provision was made for exercise of local legislative authority within counties by quorum courts, comprised of from 9 to 15 justices of the peace. Judges elected to positions on the quorum court retain their judicial powers, but very few continue to exercise such powers while serving on the quorum court.

3. CALIFORNIA (1951-1961)

Extent of Unification

Under a constitutional amendment approved by the voters in 1950, California has a three-level trial court structure consisting of a court of general jurisdiction, the superior court, and two courts of limited jurisdiction, the municipal and justice courts.

Organization of Component Courts

Each of California's 58 counties has a superior court. Each county is divided into one or more lower court judicial districts: municipal courts in districts of more than 40,000 residents and justice courts in smaller districts.

Subject Matter Jurisdiction of Lower Courts

There are certain minor differences in subject matter jurisdiction between the two California lower courts.* Municipal courts have jurisdiction over all misdemeanors other than those within the exclusive statutory jurisdiction of another court, whereas justice courts have criminal jurisdiction only where the penalty does not exceed a \$1,000 fine or one year's imprisonment. The civil jurisdiction of justice courts is limited to cases involving not more than \$1,000, whereas the monetary jurisdiction of municipal courts extends to civil cases involving not more than \$5,000. Jury trials are available in both courts, except in small claims actions and minor criminal offenses classified as infractions.

In a 1974 case, Gordon v. Justice Court, 12 Cal.3d 323, the California Supreme Court held that a criminal defendant charged with an offense punishable by a jail sentence has the constitutional right to have the case heard by an attorney judge. Certiorari was denied by the U. S. Supreme Court. This case has resulted in numerous consolidations of nonattorney justice courts with municipal courts or with other justice courts. The California Supreme Court has ruled that only attorneys may be elected or appointed to justice courts and, as of January 1977, only three justice court judges, whose terms expire in two years, will not be attorneys.

Method of Handling Appeals

Appeals from decisions of the municipal courts in civil and criminal cases are to the superior court and are heard on the record, except in the case of small claims appeals which are tried de novo. Appeals from justice court decisions are also to the superior court and, in the case of criminal appeals, are heard on the record as are civil appeals on questions of law only. All other civil appeals from justice courts including small claims appeals are tried de novo.**

Any case within the original jurisdiction of a municipal or justice court which is appealed to the superior court may be transferred to the intermediate appellate court, the Court of Appeal, for hearing and decision when the superior court certifies, or the Court of Appeal

* These minor differences in subject matter jurisdiction will be eliminated in January 1977 under 1976 legislation. (Stats. 1976, Ch. 1288.)

** Under the legislation mentioned in the preceding footnote, all appeals from justice courts will be handled in the same manner as appeals from the municipal courts after January 1977.

on its own motion determines, that such transfer appears necessary to secure uniformity of decision or to settle important questions of law.

Method of Financing

The major share of the salaries of the superior court judges is paid by the state--approximately 80 percent in populous counties to approximately 90 percent in less populous counties. All other expenses including the remainder of superior court judges' salaries, the salaries of municipal and justice court judges, the salaries of court employees, and all operating expenses of the courts are paid by the counties.

Administration

The chief administrative body of the California judicial system is the Judicial Council. The Constitution directs the Council to improve the administration of justice by surveying judicial business and making recommendations to the courts, making recommendations annually to the Governor and the Legislature, and adopting rules for court administration, practice and procedure not inconsistent with statute. The Chief Justice of the Supreme Court, as Chairman of the Judicial Council, is charged by the Constitution to expedite judicial business and equalize the workload of the courts by assignment of active and retired judges. In addition to the Chief Justice of the Supreme Court, the Judicial Council is composed of 14 judges from the various courts in the judicial system who are appointed for two-year terms by the Chief Justice, four attorneys appointed for two-year terms by the State Bar, and two legislators, one selected by each house of the Legislature.

The Constitution provides for an Administrative Director of the Courts who serves at the Council's pleasure and performs functions delegated by the Council or the Chief Justice. The staff agency of the Council is the Administrative Office of the California Courts which assists the Council and its Chairman in carrying out their duties. The Administrative Office comprises a research staff that assists the Council with the legal research basic to recommending improved procedural rules and constitutional and statutory amendments; a legislation staff that assists the Council and the Legislature in implementing the Council's legislative proposals and in evaluating other measures affecting the judicial system; a court management staff that develops programs directed toward solving administrative and management problems of the courts on a statewide basis through adaptation to court use of proven business and public management techniques; and a statistical research staff which collects, analyzes and reports judicial statistics. The Administrative Office also prepares reports to the Legislature on the need for additional judges, administers state funds appropriated for the appellate courts, organizes continuing legal education and court management programs for judges, and serves as a liaison for all courts and for state and local agencies concerned with judicial administration.

4. DELAWARE (1965)

By legislation enacted in 1965, Delaware unified its lower court system by replacing fee-supported, part-time justice of the peace courts. Under the new system of justice of the peace courts, the judges are appointed by the Governor for four-year terms, have statewide jurisdiction and receive an annual salary. The new system is under the administrative supervision of the Chief Justice of the Supreme Court, with court locations, time for holding court sessions and assignment of judges to be determined by the Deputy Administrator to the Chief Justice.

Delaware has two courts of general jurisdiction, the court of chancery and the superior court, and six courts of limited jurisdiction: (1) common pleas, (2) family court, (3) register's court, (4) alderman's court, (5) justice court, and (6) municipal court of Wilmington.

Appeals heard as follows: (1) on the record by the superior court; (2) de novo by the superior court; (3) on the record by the Supreme Court (or any issue of fact may be tried by jury in the superior court, if so ordered by the register); (4), (5) and (6) de novo in the superior court.

5. GEORGIA (1973)

By legislation enacted in 1973, Georgia reorganized its Judicial Council and established the Administrative Office of the Courts to serve as the staff of the Council. The reorganized Council is composed of 11 members appointed by the Governor for four-year terms (three-year initial terms for three appointees, and two-year initial terms for three others, in order to provide continuity). Nine of the members are judges of courts of record. The two remaining members are the president and immediate past president of the State Bar of Georgia. The Council elects its own chairman.

The statutory duties of the Administrative Office of the Courts include consultation with judges, court administrators, and other court officers on matters relating to court administration; examination of the administrative and business methods employed in offices serving the courts and making recommendations for necessary improvement; and examination of the dockets and practices and procedures of courts and making recommendations for expedition of litigation.

The 1973 legislation also included adoption of a proposed constitutional amendment providing that for "the purposes of administration, all of the courts of the State shall be part of one unified judicial system." The details of such administration are to be covered by statute but are not to include abolition or creation of courts, selection of judges, or jurisdictional provisions other than those authorized by other provisions of the Constitution. However, the proposed constitutional amendment further provides that the "administration provided herein shall only be performed by the unified judicial system itself and shall not be administered to or controlled by any other department of Government."

Georgia has a single court of general jurisdiction, the superior court, and 10 types of limited jurisdiction courts. By constitutional amendment approved in November 1974, the superior court was given general supervisory jurisdiction over all inferior courts (justice of the peace, municipal, corporation, police and ordinaries' courts) to review and correct their judgments except in cases involving probate. The 60 "state courts" in Georgia established by special acts of the Legislature, have criminal jurisdiction over misdemeanors and have civil jurisdiction not limited by amount but by types of cases handled (all types except probate, divorce, and equity). There are also 43 juvenile courts which hear delinquency, dependency, neglect and guardianship cases. Appeals from state courts and juvenile courts are heard in the Court of Appeals or the Supreme Court. Appeals from most of the other inferior courts are heard in the superior court.

6. INDIANA

Indiana has two courts of general jurisdiction, circuit courts and superior courts, and eight courts of limited jurisdiction: (1) probate (Marion and St. Joseph Counties only), (2) criminal (Marion County only), (3) municipal (Marion County only), (4) county, (5) city, (6) town, (7) justice of the peace, and (8) juvenile (Marion County only). Circuit and superior courts may hear appeals de novo from city, town or justice of the peace courts. Criminal appeals from municipal court of Marion County (Indianapolis) are heard on the record in the criminal court of the county, but civil appeals from this court go to the Court of Appeals. Appeals from the county courts and circuit courts are taken directly to the Court of Appeals.

7. KANSAS (1973-1977)

By constitutional amendment approved by the Kansas voters in November 1972, the judicial power of the state was vested "exclusively in one court of justice, which shall be divided into one Supreme Court, district courts, and such other courts as are provided by law." By this same constitutional amendment the Supreme Court was given "general administrative authority over all courts in this state." Kansas does not have a state-funded judicial system other than for the Supreme Court and its allied agencies. However, the payroll and expenses for district court judges, associate district judges, and certain court reporters are state funded. All other costs of operating the district courts (which are the Kansas courts of general jurisdiction) and courts below the district court are borne by the counties.

At present, Kansas has one court of general jurisdiction, the district court, and seven courts of limited jurisdiction: (1) probate, (2) county, (3) juvenile, (4) city, (5) magistrate, (6) common pleas, and (7) municipal. The district court has three classes of judges: district judges, associate district judges and district magistrate judges. The municipal courts have jurisdiction only over municipal ordinance violations.

In January 1977 all courts of limited jurisdiction except municipal courts will be abolished. Commencing in January 1977, appeals from decisions of district judges and associate district judges will be taken to the Court of Appeals which will be newly established or to the Supreme Court. Appeals from decisions of district magistrate judges will be handled "in-house" by district judges or associate district judges. If a record is made, the review will be on the record; if there is no record, a trial de novo will be held by the district judge or associate district judge. Appeals from municipal court judgments will be taken to the district court where a trial de novo is held.

8. LOUISIANA

The state is divided into judicial districts, each composed of at least one parish and served by at least one judge. There are one-, two-, and three-parish districts served by varying numbers of judges. The district court is the state court of general jurisdiction in civil and criminal matters. There are three separate juvenile courts and one family court. In addition there are the courts of limited jurisdiction which are courts of record (city, municipal, parish, and traffic courts) as well as Mayor's courts and justices of the peace.

By the new judicial article of the Constitution, effective January 1, 1975, all references to courts of limited jurisdiction were removed from the Constitution and the Legislature was given general powers to reorganize the state's court system and the specific power to "abolish or merge trial courts of special or limited jurisdiction." The Legislature may also by law "establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state." There has been no legislation in this area so far.

In criminal matters, appeals from judgments of courts of limited jurisdiction are handled on the record by courts of general jurisdiction. Intermediate appellate courts handle all civil matters decided within their respective circuits and all matters appealed from juvenile and family courts, except prosecutions of persons other than juveniles. The Supreme Court has appellate jurisdiction of all criminal misdemeanors where a fine of \$500 or imprisonment exceeding six months is actually imposed. All appeals are on the record.

9. MASSACHUSETTS

Massachusetts has a single court of general jurisdiction, the superior court, and five types of limited jurisdiction courts: (1) district, (2) Boston municipal, (3) probate and insolvency, (4) juvenile, and (5) housing. Criminal jurisdiction of district courts is limited to misdemeanors, felonies carrying a maximum sentence of five years, and violations of ordinances. Civil jurisdiction is concurrent with superior court in certain types of cases, but actions involving less than \$4,000 may be transferred from superior to district court. Civil appeals from the district courts or the Boston Municipal Court, in cases where the parties have procedurally protected the right to a jury trial, are heard de novo in the superior court. Original criminal trials in district court are without jury, but in appealing a conviction, defendant may waive trial de novo in superior court and consent to a trial before a jury of six in the district court. Only in cases where the right to a jury trial has been waived does an appeal lie to the appellate divisions on questions of law or discretion. Criminal appeals de novo in the Boston Municipal Court may be brought in a 12-member jury session of that court. No jury trials are held in district court civil cases, except in two courts, Central District of Worcester and Central District of Northern Essex. Civil appeals from district court decisions are heard by an appellate division of the same court consisting of five

judges. There are three appellate divisions for the 72 district courts. Appeals from decisions of Boston Municipal Court in criminal cases go to the superior court, but civil appeals are heard by an appellate division of the same court consisting of three judges. Appeals from the juvenile courts are to the superior court and are heard de novo. Appeals from the probate and insolvency courts are to the Appeals Court (newly established in 1972) or to the Supreme Judicial Court. Appeals from the housing courts are to the Supreme Judicial Court but may be transferred to the Appeals Court.

10. MISSISSIPPI

Has two courts of general jurisdiction, circuit and chancery, and four types of limited jurisdiction courts, county, municipal, family, and justice of the peace. County courts have concurrent jurisdiction with circuit court in misdemeanors and felony preliminary hearings and hear noncapital felony cases transferred from circuit court. They also have civil jurisdiction concurrent with circuit court where amount involved is not over \$40,000. Family courts have exclusive jurisdiction of delinquent and neglected children and have jurisdiction over adults charged with contributing to delinquency or neglect of juvenile. Municipal courts have jurisdiction over violations of municipal ordinances and may serve as committing court for all violations of state criminal law outside the city but within the county and for all felonies within the city. Justices of the peace have criminal jurisdiction in misdemeanor cases and to hear felony preliminaries and civil jurisdiction in matters involving not over \$200. Appeals from county courts are heard in the circuit or chancery court, and chancery court hears appeals from the family court. The county courts hear appeals from the municipal and justice of the peace courts.

11. MISSOURI (1945-1979)

The Missouri court system is currently composed of a Supreme Court, Court of Appeals, circuit courts, and the following special jurisdiction courts: (1) Hannibal Court of Common Pleas, (2) Cape Girardeau Court of Common Pleas, (3) probate courts, (4) magistrate courts, (5) St. Louis Court of Criminal Correction, and (6) municipal or police courts.

The circuit courts are courts of general jurisdiction. The Hannibal Court of Common Pleas is basically a general jurisdiction court but only for two townships in Marion County. The magistrate courts hear misdemeanor cases and civil cases involving less than \$5,000 (effective August 13, 1976). Probate courts have jurisdiction over probate matters and civil commitments of incompetents. Municipal or police courts have jurisdiction over city ordinance violations but have no civil jurisdiction and are not courts of record as are all the other special jurisdiction courts. All appeals from magistrate, probate and municipal or police courts are heard de novo in the circuit courts.

The St. Louis Court of Criminal Corrections formerly handled misdemeanor cases arising in St. Louis and heard all St. Louis police court appeals. Effective August 13, 1976, misdemeanor jurisdiction will be given to St. Louis City magistrates and Criminal Corrections judges will become special circuit court criminal division judges. They will also handle all misdemeanor and police court appeals within the city. The appeals are heard de novo.

The Cape Girardeau Court of Common Pleas has no criminal jurisdiction but has concurrent civil jurisdiction with the circuit court and concurrent probate jurisdiction with the probate court in Cape Girardeau County. Civil appeals from magistrates and police court appeals in the county are also within its jurisdiction.

Under a constitutional amendment recently approved by the voters, the Missouri court system will be unified on January 1, 1979. All special jurisdiction courts will be abolished and a single trial court system of circuit courts will replace them. However, municipal or police courts may be retained by the cities, as provided for by law.

A system of small claims courts which are part of the magistrate courts and presided over the magistrate judges will be established in August 1976. The small claims courts will become part of circuit courts in 1979.

12. MONTANA

Montana has a single court of general jurisdiction, the district court, and three limited jurisdiction courts, municipal, police, and justice. Municipal courts may be established in cities with a population of 20,000 or more, and police courts in cities or towns with less than 20,000. Justice courts serve the areas outside city limits. Justice courts have criminal jurisdiction of misdemeanors punishable by a fine of not over \$500 or a six-month jail sentence and have concurrent jurisdiction with the district courts in criminal cases punishable by a fine only of not over \$1,500. They also have civil jurisdiction in cases involving not over \$300. Municipal and police courts have co-extensive jurisdiction with justice courts in the county where the city or town is located and have exclusive original jurisdiction, civil and criminal, over violations of city or town ordinances. Appeals from justice and municipal courts are to the district court and are apparently on the record. Appeals from police courts are also to the district court, but are heard de novo.

13. NEVADA

Extent of Unification

Nevada does not have a unified court system. The trial court of general jurisdiction is the district court. The state is divided into nine judicial districts. Each district has one judge presiding except for the Second and Eighth Judicial Districts. The Second District (Washoe County, which includes Reno) has seven district court judges. The Eighth Judicial District (Clark County, which includes Las Vegas) has 11 district court judges.

The state also has a justice court system which is spread over 54 townships with a total of 56 justices of the peace.

In addition, the state has a municipal court system which operates at the city level. Currently, there are 19 municipal court judges throughout the state.

Qualifications and Method of Selection of Judges

District court judges must be qualified electors of the state, over age 25 and licensed to practice law in the State of Nevada. They are elected on a nonpartisan ballot for four-year terms.

Qualifications, Method of Selection, and Matters Handled by Subordinate Judicial Officers

A candidate for justice of the peace must be a qualified elector prior to running for that office. They are elected for four-year terms in their townships and are not required to be attorneys. There are no state requirements regarding candidates for municipal court judge. Requirements for that position are found in the charter of the city where each candidate runs. Municipal court judges are chosen by the qualified electors of their cities. They serve for a term of one year unless the act incorporating a city calls for a longer term of office.

Justices of the peace handle civil matters arising in the township involving less than \$300. Their criminal jurisdiction includes misdemeanors, petit larceny, assault and battery without malice (other than against a public officer) and other crimes and infractions committed in their jurisdiction when the penalty does not exceed a fine of \$500 imprisonment for six months or both. They also have general power to conserve peace in their townships, to take and certify acknowledgements and affidavits, to administer oaths and affirmations, and to record motor vehicle violations.

Municipal court judges have jurisdiction to prosecute violations of city ordinances, abate nuisances occurring in the city. They also have jurisdiction over the public offenses of petit larceny, assault and battery without malice (other than against a public officer), breaches of the peace, riots, affrays, wilful injuries to property and all misdemeanors punishable by a fine not exceeding \$500 or six months' imprisonment or both.

Court Administration and Method of Handling Appeals

Each district court in the State of Nevada is administered independently. The district court is the original appellate court for the justice courts and the municipal courts within its jurisdiction.

Method of Financing

The salaries of district court judges are paid out of the State Treasury. All nonjudicial employees of the district court are paid out of county funds. All judicial and nonjudicial salaries at the justice court level are paid by the county. Municipal court judicial and nonjudicial salaries are paid by the city.

All incidental expenses for the district courts are paid by the county. All incidental expenses for the justice courts are also paid by the county. Incidental expenses for the municipal courts are paid by the city.

Court facilities for the district courts are provided by the county as are court facilities for the justice courts. Facilities for the municipal courts are provided by the city.

Filing fees and bail forfeitures are paid to the county as are fines collected by the justice courts. However, fines collected for the violation of any state penal law are paid to the State Treasury.

14. NEW HAMPSHIRE

New Hampshire has a single trial court of general jurisdiction, superior court, and three limited jurisdiction trial courts, district, municipal, and probate. District courts have criminal jurisdiction of crimes punishable by a fine of not more than \$1,000 or one-year imprisonment. They also have exclusive jurisdiction of civil cases involving not over \$500 and concurrent civil jurisdiction with the superior court in cases up to \$3,000 (unless a right to trial by jury is exercised, in which event the case must be heard in the superior court, as district courts have no power to try jury cases). Municipal courts have criminal jurisdiction over offenses committed within the municipality which are punishable by a fine of not more than \$1,000 or one-year imprisonment, and civil jurisdiction in landlord-tenant cases when title to real estate is not involved, and in small claims where the amount claimed is not over \$500. Jury trials are not available in the municipal courts. Criminal appeals from the municipal courts and district courts may go to the superior court for de novo trials, but appeals in civil cases are to the Supreme Court on the record.

15. NEW YORK (1961-1974)

Under a constitutional amendment approved by the voters in

1961 and implementing legislation enacted in 1962, the general framework for a unified state court system was established in New York. Responsibility for the administrative supervision of the courts was vested in the Administrative Board of the Judicial Conference, composed of the Chief Judge of the Court of Appeals and the Presiding Justices of the four Appellate Divisions of the Supreme Court. The Board was assisted by a state administrator and four directors of administration, one for each Appellate Division. Under the standards and administrative policies established by the Administrative Board, the Appellate Divisions supervise the administration and operation of the courts in their departments through administrative judges.

In 1974 three events occurred that increased the centralization of management of the courts in New York. First, the Chief Judge, with the advice and consent of the Administrative Board, appointed a Supreme Court justice as State Administrative Judge. He functions as the central court administrator and is head of the State Office of Court Administration. The Legislature sanctioned the arrangement with a statute permitting a judge to exercise the functions, powers, and duties of the state administrator. Second, each Appellate Division named the State Administrative Judge as the departmental administrative judge for its own department to oversee and coordinate the work of other administrative judges of the department. Third, the two Appellate Divisions whose departments include parts of New York City jointly appointed a Supreme Court justice as the New York City Administrative Judge with the responsibility for supervising and coordinating the orderly operation of, and the administration of justice in, the courts in New York City. As are other administrative judges throughout the state, the New York City Administrative Judge is supervised by the State Administrative Judge.

In two related actions in New York City, the position of director of administration for the First Judicial Department (New York and Bronx Counties) was eliminated in 1974; and a Deputy State Administrator for the New York City courts was appointed to assist the State Administrative Judge and the New York City Administrative Judge the next year. In 1975 the directors of administration for the three other judicial departments became part of the Office of Court Administration.

Major unification of the courts in New York City was accomplished in 1972: a single citywide criminal court was established to replace the magistrates court and the court of special sessions, and a single citywide civil court was set up to replace the municipal court and the city court. The court of general sessions in New York County and the county courts in Kings, Queens, Bronx and Richmond Counties were abolished and their functions were transferred to the Supreme Court.

New York has one major trial court of general jurisdiction, the Supreme Court, and four statewide courts of limited jurisdiction, the court of claims, the county court, the family court, and the surrogate's court. There also are other types of local courts of limited

or special jurisdiction, including district, city, town and village courts. No attempt will be made in this summary to describe the jurisdictional differences between the various types of courts of limited jurisdiction, but appeals from them are generally handled as follows: (1) appeals from the court of claims and county, family and surrogate's courts (and from the Supreme Court) go to an Appellate Division of the Supreme Court; (2) appeals from the criminal and civil courts in New York City and from district, city, town and village courts in the Ninth and Tenth Judicial Districts (part of the Second Judicial Department) go to Appellate Terms of the Supreme Court; and (3) appeals from city courts, city justice courts, city police courts, recorders' courts and town and village courts in other parts of the state go to the county courts. There are two exceptions to this general summary of the method of handling appeals: (1) appeals involving death sentences imposed by a county court or the Supreme Court (the trial court of general jurisdiction) must be taken directly to the Court of Appeals (the highest court); and (2) appeals from judgments of courts of record of original instance which finally determine actions, where the only question involved is the constitutionality of a statutory provision under the New York State or United States Constitution, may be taken directly to the Court of Appeals.

16. NORTH DAKOTA (1971)

North Dakota does not have a unified court system, but by legislation enacted in 1971 (Ch. 296, 1971 Session Laws; North Dakota Century Code, Title 5, Sec.27-02-05.1) the Supreme Court of the state was given "administrative supervision over all courts in this state and the judges, justices, or magistrates of such courts. . . ." The legislation specifically empowered the Supreme Court to adopt rules and regulations for (1) administrative supervision of all courts; (2) assignment of judges, including consenting retired judges, to temporary duty in any of the courts; (3) administrative practice and procedure in all courts; (4) transfer of any matter to a proper court when the jurisdiction of any court has been improperly invoked; (5) withdrawal of any matter pending before a judge and reassignment of such matter to another judge when, in the opinion of the Supreme Court, such withdrawal of reassignment should be made in order to expedite and promote justice; and (6) the times and places for holding court when, in the opinion of the Supreme Court, it is necessary to do so to expedite disposition of pending matters.

The courts of general jurisdiction in North Dakota are called district courts. The state is divided into 19 districts, each composed of several counties. The judges are elected by district for six-year terms.*

* A new judicial article of the Constitution is being submitted to the electorate on September 7, 1976. If approved by the voters, district court judges will be appointed by the Governor from a panel of names submitted by a new judicial selection commission.

In addition to the single court of general jurisdiction, North Dakota has three types of limited jurisdiction courts, county courts, county justice courts, and municipal courts. County courts have criminal jurisdiction of misdemeanors and civil jurisdiction of cases involving not over \$1,000, if county has population of 2,000 and voters have exercised local option to give them this jurisdiction; otherwise they have no criminal jurisdiction, their civil jurisdiction is limited to \$200 (same as county justice courts), and they have exclusive original jurisdiction in probate matters. County justice courts have concurrent jurisdiction with district courts in misdemeanor cases and civil jurisdiction up to \$200. Municipal courts have exclusive jurisdiction over violations of city ordinances which are punishable by fine of not over \$500 or 30-day jail sentence (except cases involving juveniles). County courts with increased jurisdiction have appellate jurisdiction concurrent with district courts in criminal misdemeanor cases and civil cases not involving over \$1,000 arising from municipal courts. Appeals from municipal courts in other cases are to the district courts. Appeals from the county justice courts are heard de novo in the district court.

17. OHIO

Ohio has a single court of general jurisdiction, the court of common pleas, and three types of limited jurisdiction courts, county, municipal, and mayor's. County and municipal courts have criminal jurisdiction over misdemeanors where the penalty does not exceed \$1,000 fine or one-year imprisonment. Municipal courts also have jurisdiction over violations of city ordinances (subject to same penalty limitations) and civil jurisdiction where the amount in dispute does not exceed \$5,000 to \$10,000 (depending on the court). Civil jurisdiction of county courts is limited to \$500. Mayor's courts were in effect declared unconstitutional (with respect to the exercise of judicial powers in criminal cases) in 1972 by the U. S. Supreme Court (in Monroeville v. Ward) but have continued to operate within the confines of this decision. Appeals from both the county and municipal courts are to the Courts of Appeal on the record.

18. OREGON

Oregon has a single court of general jurisdiction, the circuit court, and four limited jurisdiction courts, district, county, municipal, and justice. District courts have criminal jurisdiction over misdemeanors where the penalty is not over \$3,000 or one year in jail, and civil jurisdiction up to \$3,000. County courts (10 remaining) have juvenile and/or probate jurisdiction only. Justice courts have civil jurisdiction where the amount involved does not exceed \$1,000 (\$500 in small claims) and criminal jurisdiction in misdemeanor cases up to one-year jail sentence. Under legislation enacted in 1975, contracts between cities and counties are authorized under which justice courts may perform the function of municipal courts in prosecutions for violations

of the charter or ordinances of the city. Municipal courts have jurisdiction over violations of city ordinances and state liquor laws.

By legislation enacted in 1975, Oregon district courts became courts of record. Under this legislation, appeals from district courts (which are presently heard de novo by the circuit court) will go directly to the Court of Appeals and be heard on the record. Appeals from justice courts and municipal courts are to the circuit courts and are heard de novo.

19. SOUTH CAROLINA (1972-1973)

In November 1972, the voters of South Carolina approved a revised judicial article of the state Constitution vesting the judicial power of the state in "a unified judicial system, which shall include a Supreme Court, a Circuit Court, and such other courts of uniform jurisdiction as may be provided for by general law." The revised article also makes the Chief Justice of the Supreme Court administrative head of the unified judicial system, provides for appointment of a state court administrator to assist the Chief Justice in performance of his administrative duties, and vests in the Chief Justice power to set the terms of any court and to assign any judge to sit in any court within the unified judicial system. It further provides that the General Assembly shall divide the state into judicial circuits; that for each circuit a judge or judges "shall be elected by a joint public vote of the General Assembly" for a term of six years; and that judges of the circuit court "shall interchange circuits and all judges shall be systematically rotated throughout the state as directed by the Chief Justice."

Provision is also made in the revised judicial article for continuance of existing courts "until this Article is implemented pursuant to such schedule as may hereafter be adopted."

With respect to subordinate judicial officers, the revised article provides that the Governor, with Senate consent, "shall appoint a number of magistrates for each county as provided by law," that the General Assembly "shall provide for their terms of office and their civil and criminal jurisdiction," and that such terms of office "need not be uniform throughout the state but shall be uniform within each county."

After voter approval, the revised judicial article (under the provisions for amendment of the South Carolina Constitution) required ratification by majority vote of "each branch of the next General Assembly." This ratification was given in 1973.

Since 1973, under legislation enacted to implement the constitutional amendment, South Carolina has had a partially unified judicial system, with a single court of general jurisdiction, the circuit court, and six limited jurisdiction courts: (1) probate, (2) county, (3) family, (4) civil and criminal, (5) magistrate, and (6) municipal. A special study committee appointed in 1973 recommended that all courts

of special and limited jurisdiction be eliminated; however, detailed information on the extent to which of any of the commission's recommendations may have been implemented at the 1975 legislative session is lacking. It is known that no action was taken on the commission's recommendations in 1974.

Appeals from county courts, family courts, and civil and criminal courts are heard by the Supreme Court. Appeals from probate courts are heard on the record in the circuit court. Appeals from magistrates are heard in some of the civil and criminal courts but not in others. Appeals from municipal court decisions may be heard by the city council, the county court, or the circuit court.

20. TENNESSEE

Tennessee has four courts of general jurisdiction: (1) circuit, (2) chancery, (3) law and equity, and (4) common law and chancery court of Dyer County; and six limited jurisdiction courts: (1) county, (2) general sessions, (3) probate, (4) juvenile, (5) municipal, and (6) justice of the peace. The courts of general jurisdiction are unified and centrally administered, under general supervision of the Chief Justice of the highest appellate court, with assistance of a state court administrator. In these courts, the central office clerical staffs, including court secretaries, and reporters, are paid by the state; courtrooms and other physical facilities (other than the judges' furniture and office equipment) are furnished by the counties, and the counties also pay the salaries of courtroom clerks and other supporting personnel such as bailiffs. All other operating expenses of the general jurisdiction courts are paid by the state.

Appeals from county and probate courts are heard de novo in the chancery courts. Appeals from general sessions, juvenile, municipal and justice of the peace courts are heard de novo in the circuit court. After decision on the appeal by the chancery or circuit court, there is still a right of appeal to the appellate courts. This right is applicable in all civil and criminal cases, and the appeal is on the record.

Judges of the general jurisdiction courts are elected on a partisan ballot for terms of eight years. In order to qualify for selection as judge of a general jurisdiction court, the person selected must be 30 years of age and have been admitted to practice law in the state for a period of five years.

21. TEXAS

Texas has a single court of general civil and criminal jurisdiction (the district court), three types of special jurisdiction courts (domestic relations, juvenile, and criminal district court) and

five systems of limited jurisdiction courts: (1) constitutional county courts, (2) probate courts, (3) county courts at law, (4) municipal courts, and (5) justice of the peace courts. A constitutional convention was convened in 1974 which proposed a new judicial article creating a unified court system, but the proposal was defeated. With certain exceptions (counties having statutory county courts at law or where by statute the district court has assumed portions of the county court's jurisdiction), county courts have appellate jurisdiction from justice and municipal courts and cases are tried de novo. Appeals from county courts are to the Court of Civil Appeals or Court of Criminal Appeals, depending on the nature of the case (i.e., civil or criminal), except probate matters which, as noted above, are tried de novo in the district court.

District courts have appellate jurisdiction in probate matters originally heard in the county or probate courts, and such matters are heard de novo.

22. WASHINGTON

Washington has a single court of general jurisdiction, the superior court, and three courts of limited jurisdiction, district, justice and municipal. However, under legislation enacted in 1961, any county is permitted to replace its justice courts with district courts, and at present all but two counties have done so.

Subject Matter Jurisdiction of Lower Level Courts

1. District Courts. District courts have concurrent jurisdiction with the superior courts in cases where the amount in controversy does not exceed \$1,000. This jurisdiction does not extend to actions involving: (1) title to real property; (2) foreclosure of a mortgage or enforcement of a lien on real estate; (3) false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction; (4) an executor or administrator.

District courts have concurrent jurisdiction with the superior courts in all misdemeanors and gross misdemeanors committed in their counties and for all violations of city ordinances with punishment up to \$500 fine and/or six months' imprisonment.

District courts also have authority to establish a violations bureau to deal with traffic violations.

2. Municipal Courts. The municipal court has exclusive original jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances.

3. Justice Courts. In courts with a full-time justice of the peace who is a lawyer, the court has jurisdiction in cases where the amount in controversy does not exceed \$1,000. In courts where the justice of the

peace is part-time and a nonlawyer judge, the jurisdiction is limited to cases where the amount in controversy does not exceed \$500. Exceptions for the jurisdiction are the same as for district courts.

Justices of the peace have jurisdiction concurrent with the superior courts of all misdemeanors and gross misdemeanors committed in or which may be tried in their respective counties provided that punishment does not exceed \$500 fine or six months' imprisonment in first class counties, or \$100 fine and 30 days' imprisonment in other counties.

Method of Handling Appeals

Appeals from district, justice, and municipal courts are all heard de novo in the superior court.

Method of Financing

The state pays 50 percent of the cost of superior court judges' salaries. All remaining costs of operating the superior courts are paid by the counties, except that the state matches the judges' required contributions (7 1/2 percent of their salary) to the Judicial Retirement System.

In the district and justice courts, all operating costs, including judges' salaries (but not including contributions to the Judicial Retirement System if the judge is a member of the system*), are paid by the counties in which the courts are located.

In the municipal courts all operating costs, including judges' salaries, are paid by the cities in which the courts are located.

All court generated revenues in the superior, district and justice courts revenues are retained by the counties. Municipal court revenues are retained by the cities.

23. WEST VIRGINIA

Under a constitutional amendment effective November 5, 1974, West Virginia reformed its judicial system. There is now a single court of general jurisdiction, the circuit court, and two courts of limited jurisdiction, magistrate and municipal. Magistrates will eventually replace all justice of the peace courts, which now have criminal jurisdiction over misdemeanors where penalty does not exceed \$1,000 fine or one year in jail and civil jurisdiction in small claims and landlord-tenant cases involving not over \$300. New magistrate courts will have civil jurisdiction up to \$1,500. Municipal courts have criminal jurisdiction over misdemeanors and ordinance violations, but no civil jurisdiction. Beginning January 1, 1977, municipal courts will have jurisdiction

* Since 1971 all new judges of courts of record have been required to be members of the state system. Incumbent judges had the option of transferring to that system.

only over ordinance violations. Appeals from justice of the peace and municipal courts are heard de novo in the circuit courts. Appeals from the new magistrate courts will also go to the circuit courts, but information is presently lacking whether such appeals will be heard de novo or on the record.

24. WISCONSIN

Wisconsin has two courts of general jurisdiction, the county court and the circuit court, and a single court of limited jurisdiction, the municipal court. Municipal courts have criminal jurisdiction over misdemeanors and ordinance violations where the penalty does not exceed \$200 fine or six-month jail sentence. There is no civil jurisdiction and no jury trials in municipal court. Appeals are to the circuit court where they may be heard de novo.

A study of the Wisconsin judicial system was made in 1973 by a Citizens Study Committee on Judicial Organization. Among other matters, the committee recommended development of a single level trial court with general jurisdiction. Information is lacking as to the action taken by the Legislature on this recommendation.

25. WYOMING

Extent of Unification

Under legislation which became effective January 1, 1975, the fee system for compensating justices of the peace was abolished, admission to the bar was established as a requirement for selection as a justice of the peace, and the Supreme Court was given general powers of supervision over the justice of the peace courts.

Organization and Subject Matter Jurisdiction of Component Courts

The Wyoming courts of general jurisdiction are called district courts. The 23 counties in the state have been divided into seven districts, and there are 13 district court judges.

The limited jurisdiction courts are the justice of the peace and municipal courts. Justice of the peace courts have countywide territorial jurisdiction and subject matter jurisdiction over misdemeanors and civil cases where the amount in controversy is not over \$1,000. The jurisdiction of municipal courts is limited to violations of city ordinances, where the penalty for the offense does not exceed a \$200 fine or 90 days in jail.

Under legislation originally scheduled to take effect in 1975, provision was made for establishment of a system of county courts to replace the justice of the peace courts. However, the Attorney General of Wyoming ruled that this system could not become operative until 1979, and there is apparently some question whether it will then become operative without further clarifying legislation.

Method of Financing

All operating expenses of the district courts, including salaries of judges, secretarial staff, court reporters, bailiffs and other courtroom security personnel, and expenditures for equipment and supplies are paid by the state. The capital expenses for courthouse facilities for the district courts are paid by the counties.

All operating expenses of the justice of the peace and municipal courts are paid by the counties and cities respectively.

Method of Handling Appeals

All appeals from the justice of the peace and municipal courts are to the district courts and are heard on the record. Tape recordings are made of all proceedings in the limited jurisdiction courts, and the appeals are decided by the district court judges on the basis of the record made in this manner. Appeals to the Supreme Court are allowed from the district court decision on the lower court appeal, and for this purpose the tape recording is used as the record on appeal in the Supreme Court.

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