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EDITOR'S INTRODUCTION

Diversity has been a hallmark of *The Justice System Journal*. Regular issues have included articles ranging from judicial recruitment to caseflow management techniques to the representativeness of American juries. Special issues have been devoted to analyzing both issues pertinent to all courts such as budgeting and planning and issues relevant to particular types of courts. Although this variety has been beneficial in casting light on the many specific problems confronting judges, legal practitioners, and court administrators, a key role of the *Journal* is to help put the individual policy research issues into a coherent perspective. In this regard, the traditional distinction between criminal and civil courts still provides a useful basis for organizing what we know and do not know about the administration of justice. Differences in structure and process between criminal and civil courts lead to different questions although common methods of analysis are used in addressing the respective research agendas. For this reason, the current issue of the *Journal* is devoted to criminal court research and the next issue will be devoted to civil court research.

George Cole and Cheryl Martorana have organized this issue around the activities of state trial courts of general and limited jurisdiction, which handle the major portion of criminal cases in America. They begin the issue with a review of where the field of criminal court research has gone over the past two decades. Their essay is followed by articles that analyze activities at different stages of the adjudicatory process. Although three of the articles examine perennial issues in the field—plea bargaining, trials, and sentencing—the remaining two essays consider activities that have not received extensive systematic treatment—bail bondsmen and the relationship between sentencing and jail population. Thus, this issue of the *Journal* contributes to our knowledge by pointing to the cumulative advances in traditional issue areas and information uncovered by exploratory efforts in other areas.

Roger A. Hanson
Editor-in-Chief

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MISDEMEANOR COURTS AND THE CHOICE OF SANCTIONS: A COMPARATIVE VIEW*

ANTHONY J. RAGONA**
JOHN PAUL RYAN***

Unlike felony courts, misdemeanor courts have the opportunity—by virtue of the less serious cases before them—to experiment with a wide variety of sanctions. This article examines the frequency of utilization of different sanctions in four misdemeanor courts and, through multivariate analysis, the factors associated with the choice of sanctions. Our findings show that (1) fines and other economic sanctions prevail in all four courts, and (2) type of offense is the single most important factor accounting for variation in the choice of sanctions. The contributing influence of the judge varies sharply across the four courts, depending upon such factors as community size, judicial election politics, and strength of the prosecutor's office.

Studies of criminal court sentencing practices have become commonplace in recent years, but researchers seeking the glamorous, controversial, and timely topic have all too often avoided America's lower courts. Noting this trend, Alfini (1980) has observed that misdemeanor courts are among the least understood, and least studied, of all judicial institutions. Heumann (1977: 38) reflects the prevalent attitude toward these lower courts—"garbage, junk, Mickey Mouse, nickle-dime cases furnish the grist for the circuit (lower court) plea bargaining mill." Yet most criminal cases handled in this country are adjudicated by lower courts (Feeley, 1979; President's Commission on Law Enforcement and the Administration of Justice, 1967).

This study examines the dynamics of misdemeanor court sentencing. Our concern is not with the severity of sanctions imposed by these lower courts, but with the types of sanctions imposed and the conditions under which they are chosen.[1] This paper examines quantitatively the influence

*The data reported here are drawn from a study supported by Grant No. 81-IJ-CX-0006 from the National Institute of Justice to the American Judicature Society. The analyses, conclusions and opinions expressed are those of the authors and do not represent the official policies or positions of the American Judicature Society or the U.S. Department of Justice. We are grateful to Malcolm Rich for assistance in data collection.

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1. Determining the *severity* of a sentence becomes problematic when so many different *types* of sanctions may be used. Scaling techniques have been attempted (see Uhlman, 1979, for felony courts; Feeley, 1979, for misdemeanor courts), but problems of arbitrariness and face validity remain.

of the type of offense, the judge before whom sentencing takes place, and a number of other pertinent case characteristics on the types of sanctions or sentences imposed in four misdemeanor courts: Austin, Texas; Columbus, Ohio; Mankato, Minnesota; and Tacoma, Washington. A comparative framework is used to examine the types of sanctions available to these lower courts and the extent to which the factors affecting the choice of sanctions vary across different courts. Special attention is given to the role of the individual judge.

Prior Research

Studies of felony court sentencing practices abound (Chiricos and Waldo, 1975; Eisenstein and Jacob, 1977; Hagan, 1974; Levin, 1977; Lizotte, 1978; Mather, 1979; Quinney, 1974; Uhlman, 1979). The thrust of this research, as Levin (1977: 2) points out, indicates that:

> Perhaps the most frequent and erroneous presumption about urban criminal courts is that they are all alike. Discussions typically refer to some mythical monolith—"the criminal courts"—as if there were a single pattern common to all; or they leap to misleading generalizations by suggesting that a study of the activities of one court represents a general model for all. Indeed, there probably is no such thing as a "typical criminal court."

The few studies of misdemeanor court sentencing practices have generally focused on the activities of a single court (see, for example, Feeley, 1979; Mileski, 1971; Ryan, 1980). Not surprisingly, the findings are inconsistent. Feeley's (1979) study of the New Haven, Connecticut lower court, for example, found few instances of incarceration and a heavy emphasis upon small fines and suspended sentences. Mileski (1971) reports similar findings in her study of a lower court located in "a middle sized eastern city." By contrast, Ryan (1980) found much greater reliance on incarceration and large fines in Columbus, Ohio's lower court. These findings indicate sharp differences in the types and severity of sanctions imposed across jurisdictions, and they are consistent with Neubauer's (1979: 404) observation that "what counts against defendants is not only what they do but also where they do it." Felony sentencing studies have reached similar conclusions regarding the importance of political culture or geography (see, e.g., Eisenstein and Jacob, 1977; Harries, 1974; Levin, 1977).

Lower court judges—unlike felony judges—typically have a wide range of alternative sanctions from which to choose. These alternatives may include jail, probation, fines, community service work, victim restitution,

alcohol treatment programs, and driver clinics, among others. But differences in the use of such alternatives may contribute to geographic variation in misdemeanor court sentencing. Not all sanctions may be equally acceptable politically, depending upon local public opinion. Furthermore, some sanctions cost money, while others generate money. Constrained resources in some local communities may discourage the use of such costly sanctions as treatment programs or jail in favor of less costly sanctions such as probation or community service restitution (Scull, 1977) or lucrative sanctions such as fines (Ragona and Ryan, 1983).

The wide variety of sanctions available to misdemeanor court judges suggests that greater judicial disparity may exist in the types of sentences imposed in lower—as opposed to—felony courts. Plea negotiations and extensive judge-shopping could be expected to follow. Yet this perspective differs sharply from the images of "assembly line" justice which have shaped our understanding of lower courts. Blumberg (1967: 185) laments the proliferation of "secret, superficial, and hasty negotiation sessions" in these courts. Mileski (1971: 476) remarks that it takes longer to obtain a driver's license than to be convicted of auto theft in the lower courts. And Robertson (1974: xix) perhaps best summarizes this theme of assembly-line justice:

> Contributing to the atmosphere of rough justice is a pervasive sense that the defendant, once he has entered this legal machine, has lost his claim to be treated as a unique being . . . All too often he is verbally abused, addressed disrespectfully by the judge and court officials, not informed of the meaning of rapid-fire procedures, not listened to if allowed to speak, and, in general, treated like an unsavory object on an assembly line that is running behind schedule.

More recent accounts of lower courts also emphasize this theme (Heumann, 1977; Lipetz, 1983; Neubauer, 1979), reaffirming the metaphor of "conveyor belt justice" (but, see Feeley, 1979). Just how routinized or individualized is justice in the misdemeanor courts? This is the broader question that motivates our inquiry into the choice of sanctions in lower courts.

The Four Communities

We examine misdemeanor court sentencing in four communities—Austin (Travis County) Texas; Columbus (Franklin County) Ohio; Mankato (Blue Earth County) Minnesota; and Tacoma (Pierce County) Washington. These communities are sufficiently different with respect to popu-

lation, racial and ethnic composition, life-style, economic base, and region that they can be viewed as crudely representative of the nation outside of the "megalopolis."[2] On perhaps the most important dimension—population, our communities range from sprawling, metropolitan Columbus (county population: 858,000) to sprawling but rural Mankato (county population: 52,000).

In each community, we studied sentencing in one lower court that typically heard misdemeanors (but not felonies) throughout the county.[3] The composition of these courts' dockets usually included drunk driving, lesser traffic offenses, and minor criminal offenses such as petty theft, assault, vandalism and so forth. In the more urban communities of Austin and Columbus, these courts heard more criminal violations (including drug and prostitution cases) and fewer minor traffic violations; the reverse was true in the more rural communities of Mankato and Tacoma. In all four courts, drunk driving cases comprised a significant share of the docket, from one-fourth to one-third of all cases.

We have both quantitative and qualitative data. Sentencing information was drawn from cases adjudicated in the late 1970s.[4] Systematic random sampling was utilized to obtain samples from year-long periods in Austin and Tacoma. Logistical considerations dictated the use of universes with a shorter period of months in Columbus and Mankato. The number of cases ranges from a high of 2,764 in Columbus to a low of 1,060 in Mankato.[5]

In addition, interviews were conducted during 1980-81 with key courthouse actors in each of the four sites. Judges, prosecutors, defense attorneys, probation officers, and court administrative personnel were among those formally and intensively interviewed.[6]

Sanctions in the Four Courts

Despite the diversity of available sanctions noted above, fines play a

2. The four communities were not chosen specifically for this sentencing study. Rather, they represented an existing data base from an earlier study of misdemeanor courts and their management (Grant Nos. 76-NI-99-0114, 78-NI-AX-0072 from the National Institute of Justice to the American Judicature Society and the Institute for Court Management).
3. In Austin, the Travis County Courts-at-Law; in Columbus, the Franklin County Municipal Court; in Mankato, the Blue Earth County Court; in Tacoma, the Pierce County District Court No. 1.
4. In each court, the sample includes only cases proceeding *beyond* arraignment (first appearance). This has the practical effect of eliminating a disporportionate share of very minor cases in each court.
5. The samples include defendants not convicted, ranging from 34% in Columbus to 18% in Mankato. The base for analysis of sentencing, therefore, is variably lower than this number.
6. Interviews were typically tape-recorded, transcribed verbatim, and analyzed according to a set of substantive categories.

predominant role in the four courts we studied (see also, Hillsman *et al.*, 1982). As Table 1 reports, fines alone are the primary method of punishment in Columbus, Mankato, and Tacoma, and fines prevail in combination with probation in Austin. In all four courts, approximately two-thirds or more of all convicted defendants pay a fine of some amount.[7] Probation is extensively used in Austin,[8] frequently used in Columbus (figures not available), but infrequently used in Mankato and Tacoma. Jail is used significantly in Columbus and Austin, where the dockets have more criminal offenses, but much less often in Mankato and Tacoma, where minor traffic cases comprise a large share of the docket. Community service work is used in Mankato and Tacoma, but not in Austin or Columbus. In sum, there is diversity in the patterns of sanctions employed, but within a prevailing framework of fines.

The Choice of Sanctions: A Model. Our working hypothesis is that the judge plays a critical role in the choice of sanctions to be imposed. That

Table 1.
The Four Courts: Utilization of Sanctions

	Austin Texas	Columbus Ohio	Mankato Minnesota	Tacoma Washington
Probation	15.0%	NA	5.6%	3.0%
Jail	6.7	5.1	10.7	4.2
Fine	6.7	57.2	62.7	54.4
Fine & Probation	49.0	NA	4.4	4.8
Fine & Jail	22.2	29.6	2.0	3.2
Other Combinations	.4	—	4.8	2.1
None of above	—	8.1[a]	9.8[b]	28.3[c]
N	(1,216)	(1,281)	(803)	(565)

[a] Includes fines and jail terms suspended in their entirety; possibly also probation sentences, for which data are unavailable.
[b] Includes fines and jail terms suspended in their entirety, as well as community work and counseling/treatment programs.
[c] Includes court costs imposed in lieu of fines, as well as community work.

7. In Tacoma, substantial court costs are sometimes imposed in lieu of fines. These are treated as distinct from fines in the analyses to follow, but both are forms of economic punishment.
8. In Austin, each probationer is required to pay the county probation department $15 per month, as partial reimbursement for the expense of probation services.

choice, however, is likely to be constrained by the presence and content of plea agreements, the type of the offense, and the seriousness of the actual incident, not to mention such offender attributes as age and prior record. Accordingly, we have developed a multivariate model of the choice of sanctions that takes into account those variables for which we have comparable data. Specifically, we include as predictor variables the identity of the judge, the type of offense (drunk driving, other traffic, theft, other criminal), whether the defendant was represented by an attorney, whether the case resulted in a plea or trial, and the number of charges and convictions (as a surrogate for seriousness of the incident). Regrettably, data on offender attributes were not systematically available from the four courts.

Discriminant function analysis has been utilized as the most suitable multivariate statistical form, given that the choice of sanctions is a group of nominal-level variables (thereby precluding the more familiar regression analysis). Since five types of sentences typically accounted for the vast majority of sentences in the four courts, we restricted the analyses to these five—fine only, jail only, probation only, fine and jail, fine and probation.

The results of our statistical analysis for the four courts, presented below, demonstrate the variability of lower court sentencing practices. In only *two* of the four courts does the individual judge emerge as a critical differentiating factor in the choice of sanctions. We explore possible reasons for this variation through reference to our field interviews.

Austin: Standardization by Offense Type. The most important factor affecting the choice of sentence in Austin is the type of case brought before the court. As Table 2 indicates, the first discriminant function is dominated by criminal cases. The second function is dominated by minor traffic cases and the absence of DWI (drunk driving), theft and other criminal offenses. Neither the mode of disposition nor representation by defense counsel contributed significantly to either function. Most significantly, the effects of the sentencing judge are minimal on both functions. The two functions together account for a substantial 61% of the variation in the choice of sanctions.

By examining the group centroids, we see that the first function—the one dominated by criminal offenses—primarily discriminates between probation or jail on the one hand and economic sanctions (involving some fine) on the other (Table 2). Cases resulting in a jail term or, especially, probation are most likely to be criminal cases. The Austin court imposes fines least often in criminal cases, usually opting to sentence defendants to either a jail term or probation. The second function—the one dominated by minor traffic offenses—discriminates sentences involving only a fine or a

Table 2.
Discriminant Function Analysis:
The Choice of Sanctions in Austin

	Function 1	Function 2
DWI	−.32	−.78
Traffic	.02	.48
Theft	.10	−.74
Criminal	.83	−.59
Judge C	.06	.07
Judge E	.05	.12
Plea	ns	ns
Defense Attorney Presence	ns	ns
Canonical Correlation	.66	.41
% of Variance Explained	44%	17%
Group Centroids		
Probation	1.73	−.21
Jail	1.11	−.19
Fine	.33	.77
Fine and Jail	−.29	.68
Fine and Probation	−.62	−.32

N = 1199

fine with some jail time from the other sentences. Cases resulting in some sort of economic sanction—but without the imposition of probation—are most likely to be minor traffic offenses in Austin.

In general, these findings suggest that sentencing decisions in Austin tend to be highly routinized and that the major factor affecting sentencing decisions is the type of offense. Under similar circumstances, different judges do not impose different sanctions. Other variables such as representation by counsel and the mode of disposition also play a minimal role in determining the sanction to be imposed. The import of case type is clearly evidenced by the uniquely high loadings of case type variables on the two most powerful functions.

Mankato: More Limited Standardization by Offense Type. As in Austin, the single most important factor affecting the choice of sentence in Mankato is the type of case brought before the court (Table 3). The first, more

powerful function is dominated by theft cases and, to a much lesser extent, the absence of drunk driving and other traffic cases. The second function is dominated by drunk driving cases. The effects of the sentencing judge are apparent in the second function, where Judge D is significantly different from his fellow judges.

By examining the group centroids, we see that the first function—the "theft" function—sharply discriminates those defendants receiving probation or jail sentences from those receiving fines, alone or in combination with jail or probation (Table 3). Defendants in theft cases in Mankato are the most likely to be placed on probation or sentenced to jail; rarely do they receive a fine. Interestingly, this function parallels the "criminal" function in Austin. The second function—the "DWI" function—discriminates primarily those receiving probation, either alone or with a fine, from those receiving jail. Cases resulting in probation, especially with a fine, are most likely to be drunk driving cases. Correspondingly, though, the second function is partly a "Judge D" function. Cases resulting in probation—as opposed to jail—are least likely to be those sentenced by Judge D.

The findings in Mankato, too, suggest the importance of type of offense in structuring sentencing decisions. Casetype variables dominate both of the most powerful discriminant functions. There is, however, evidence to indicate less routinization of decision-making in Mankato when compared with Austin. The amount of variance explained by the first two functions in Mankato is substantially less than in Austin (32% versus 61%). Furthermore, there is some evidence of judicial sentencing differences in Mankato.

Tacoma: Situational Justice. In Tacoma, by contrast, the type of offense is an important, but not dominant, factor in structuring the choice of sentences. Other case characteristics, of little import in Austin or Mankato, assume a much greater role in Tacoma. As Table 4 indicates, the first function reflects a mixture of casetype, judge, and other case-related variables. First, it is a "traffic" function, evidenced by the high positive loading for minor traffic cases. But a number of other case characteristics also have moderate loadings on this function, including representation by counsel and the mode of disposition. Three judges—A, B, and G—also have small to moderate loadings on this function. In all, the function reflects a substantial degree of individualization of justice in the choice of sanctions in Tacoma. The second function is predominantly a "DWI" function; drunk driving cases have a very high loading. The loading for Judge B is also quite substantial on this function.

By examining the group centroids in Table 4, we see that the first

Table 3.
Discriminant Function Analysis:
The Choice of Sanctions in Mankato

	Function 1	Function 2
DWI	−.23	.98
Traffic	−.29	−.03
Theft	.87	.19
Criminal	.16	.30
Judge D	.04	−.35
Judge B	ns	ns
Plea	ns	ns
Defense Attorney Presence	ns	ns
Number of Charges	ns	ns
Number of Convictions	.13	.20
Canonical Correlation	.50	.27
% of Variance Explained	25%	7%
Group Centroids		
Probation	1.29	.72
Jail	1.24	−.29
Fine	−.29	−.05
Fine and Jail	.05	−.03
Fine and Probation	−.06	.95
N = 600		

function discriminates sharply between simple fines and all other sanctions, especially jail or probation. Defendants in traffic cases are the most likely to receive fines in the absence of other sanctions, as are defendants who plead guilty and who are without counsel. The second function discriminates between multiple sanctions—fine and jail, fine and probation—and individual sanctions, especially jail. Defendants in drunk driving cases are the most likely to receive fines in combination with jail or probation. By contrast, defendants before Judge B are much more likely simply to be sent to jail.

The findings in Tacoma suggest a blending of the importance of type of offense with other case characteristics, such as the presence of a defense attorney and the mode of disposition. In addition, substantial differences exist among Tacoma judges in the choice of sanctions imposed. In sum,

Table 4.
Discriminant Function Analysis:
The Choice of Sanctions in Tacoma

	Function 1	Function 2
DWI	.29	.84
Traffic	.77	−.04
Theft	ns	ns
Criminal	ns	ns
Judge A	.28	−.06
Judge B	−.10	−.61
Judge G	.30	−.07
Plea	.44	.04
Defense Attorney Presence	−.39	.02
Number of Charges	ns	ns
Number of Convictions	ns	ns
Canonical Correlation	.49	.39
% of Variance Explained	24%	15%
Group Centroids		
Probation	−1.56	−.08
Jail	−1.19	−.69
Fine	.28	−.07
Fine and Jail	−.57	.91
Fine and Probation	−.50	1.20
N = 388		

sentencing is much more situational in Tacoma than in either Austin or Mankato.

Columbus: Who Is the Judge? As in Tacoma, the type of offense in Columbus is an important, but not dominant, factor in structuring the choice of sanctions. Judges, in particular, as well as other case characteristics play a significant role in shaping these decisions. The first function is dominated by drunk driving cases and the plea × drunk driving interaction term.[9] But a wide array of judges have moderately negative to

9. In Columbus, judges do not have unfettered discretion in their sentencing of drunk driving defendants. Rather, judges are constrained by the Ohio legislature, which has imposed by statute a mandatory three-day jail term for defendants convicted of drunk driving. One result is extensive plea bargaining in drunk driving cases, for the purpose of reducing the charge to reckless driving, thereby avoiding the mandatory jail term. Because of the importance of reduced pleas in drunk driving cases in Columbus, we have introduced an "interaction" term—plea x DWI—to take account of this phenomenon statistically.

moderately positive loadings on the function. The second function is a "DWI-Traffic" function, in which drunk driving and other traffic cases contribute about equally. Pleas have a substantial loading on this function, as do a number of individual judges.

Our refinement of the Columbus analysis, through the addition of the interaction between drunk driving cases and type of plea, suggests that there are two distinct types of drunk driving cases, each with distinct sentencing consequences. Drunk driving cases where the charges are not reduced (Function 1)—perhaps because of the defendant's prior record or the aggravated nature of the incident—almost invariably lead to a jail term and a fine (see group centroids in Table 5). Judicial discretion here is limited, since there are few exceptions or legally acceptable alternatives to mandatory incarceration. By contrast, drunk driving cases which are reduced to reckless driving (Function 2) are treated more like other traffic offenses in sentencing. Fines, not a jail term, are typically imposed (again, refer to Table 5). For both types of drunk driving cases, however, there is judicial variability. Some judges incarcerate even after a plea to the reduced charge has been entered, whereas other judges sometimes find an alternative confinement procedure to jail even where the defendant pleads guilty to the original drunk driving charge.

Review of the Model's Applications. Discriminant function analysis yields a significant model of the choice of sanctions in the four courts. The model is strongest in Austin, where fully 61% of the variance in sanctions is explained. Lesser but still significant portions (30% to 40%) are explained in the other courts. In each of the courts, the discriminant function model facilitated much more accurate prediction of sentence choice than would have been possible either by chance or simply by predicting the modal sanction category.

Conceptually, three different sets of factors were included in the analysis—the type of offense, the sentencing judge and other case-related characteristics. The importance of these factors in structuring sentencing decisions varied considerably across the four courts. The type of offense was typically the most important factor, but other case characteristics and—especially—the sentencing judge varied in importance from court to court.

The offense accounted for fully 98% of the total discriminatory power in Austin, for 92% in Mankato. By contrast, that figure drops to 56% in Tacoma and 29% in Columbus. Judges were actually slightly more important in Columbus, accounting for 36% of the model's predictive power. In Tacoma, too, judges were important, accounting for 23% of the explained

Table 5.
Discriminant Function Analysis:
The Choice of Sanctions in Columbus

	Function 1	Function 2
DWI	.95	.83
Traffic	−.27	.87
Theft	ns	ns
Criminal	−.16	.27
Judge A	−.35	.06
Judge B	−.11	−.33
Judge C	ns	ns
Judge D	−.17	.07
Judge E	−.20	−.13
Judge F	−.18	.13
Judge G	.16	.13
Judge H	−.34	−.37
Judge J	−.09	−.19
Judge K	−.15	.12
Judge L	.09	.12
Judge M	.21	.08
Plea	−.29	.58
Plea—DWI Interaction	−.75	−.17
Defense Attorney Presence	−.09	.24
Number of Charges	.14	.06
Number of Convictions	ns	ns
Canonical Correlation	.46	.30
% of Variance Explained	21%	9%
Group Centroids		
Jail	−.12	−1.30
Fine	−.37	.09
Fine and Jail	.75	.05
N = 1134		

variance. By contrast, judges were of only slight import in Mankato (5%) and still less so in Austin (2%). Other case-related characteristics were also of little significance in Austin and Mankato, but much more important in Tacoma and Columbus where they accounted for about one-fifth and one-

Table 6.
Relative Explanatory Power of Type of Offense, Sentencing Judge, and Other Case Characteristics in the Four Courts

	Austin Texas	Columbus Ohio	Mankato Minnesota	Tacoma Washington
Relative Explanatory Power				
Type of Offense	98.0%	29.1%	92.1%	55.7%
Sentencing Judge	2.0	35.9	5.2	23.4
Other Case Characteristics	0.0	35.0[a]	2.7	20.9
	100.0%	100.0%	100.0%	100.0%
Percent of Total Variation Explained	61%	30%	32%	39%
N	(1199)	(1134)	(600)	(388)

[a]The plea-DWI interaction term alone accounted for 25% of this amount.

third of the explained variance, respectively. Table 6 summarizes these findings.

The contribution of the several different types of offenses also varied across the four courts. In Austin, miscellaneous criminal cases were by far the most discriminating type of case, accounting for 65% of the explained variance. Perhaps this is because in Austin more than half of these miscellaneous cases were one type of case—minor drug possession. In Mankato, theft cases contributed more than any other type of case to the explanatory power of the model (60%), whereas criminal cases—which were much more heterogeneous in character—made little contribution. In Tacoma, traffic cases accounted for the most variance (33%). In Columbus, drunk driving cases made the greatest single contribution of the offense variables (24%), but the most important factor arose as a consequence of constraints imposed by the Ohio legislature. Pleading to a reduced charge in drunk driving cases—to avoid the state's mandated three-day sentence—was the single most important variable in Columbus.

The Influence of the Individual Judge in Sentencing: Why Do the Four Courts Differ?[10] Our quantitative analysis clearly indicates that the influ-

10. This section draws heavily upon interviews of judges conducted in 1980-81, several years subsequent to the case file data on which the quantitative analysis is based. As a result, several judges identified in Tables 2 through 5 had retired and were unavailable for interviewing; likewise, several judges new to the bench in 1980-81 were interviewed.

ence of the judge in the choice of sanctions varies sharply from court to court. Why are Austin and Mankato, apparently such different communities and courtroom cultures, so alike in the miniscule influence of the judge in the choice of sanctions? Our field data suggest two distinct sets of reasons. In Mankato, the three judges—by their own accounts—talk over general sentencing practices among themselves. With regard to the sentence in drunk driving cases, Judge D noted:

> . . . $300 to $325 is about the fair amount, again absent unusual circumstances. *I think the three judges have met on that between ourselves*, and looked at it as to we have authority to prevent judge-shopping, and that seemed to be the consensus of the three of us, somewhere between $300 and $325 (emphasis added).

With regard to theft cases, Judge D added:

> . . . We will give a jail sentence in an appropriate case, but more common with the shoplifting would be a suspended sentence and alternate service. I think through conversations with all three of us that you would find that to be relatively uniform.[11]

Judge A spoke of discussions among the Mankato judges to achieve consistency in sentencing generally:

> Q. I know that there is a fine schedule for the lesser traffic cases. In the other cases, outside of traffic entirely, is there the same kind of consistency in the court in terms of sentences. . . ?
>
> A. Well, I think to some extent there is some consistency. We have discussed it without any commitment as far as what a fine should be, but we try also to avoid judge-shopping as much as possible . . . so that one judge doesn't get all of one certain type of case because he imposes a smaller fine in that type of case.

Mankato's size appears to contribute to the push for sentencing consistency. It is a small town; significant judicial variation in sentencing could easily become "public" knowledge, thereby leading to highly skewed judicial caseloads.[12] The informality and social homogeneity in this small community also promote judicial uniformity in sentencing, even without explicit conversations among the judges.

11. There is some dispute over how uniform the three judges actually are in theft cases. The current prosecutor perceives one judge to be much tougher in theft cases than the other judges regarding the use of jail. Our case file data indicate that Judge D sent 66% of convicted theft defendants to jail, whereas Judge B sent only 44% to jail (insufficient numbers of cases for Judge A).
12. Judge-shopping could, in theory, be easily accomplished given that the court deviates significantly from an individual case assignment system.

Unlike Mankato, in Austin there is no evidence that the judges formally or even casually talk over their sentencing practices. Indeed, one judge proposed not to know—or to wish to know—of the sentencing policies of the other judges in Austin.[13] Rather, there is a theme of judicial impotence that runs through our interviews with Austin judges. This is most often couched in references to the power of the prosecutor's office.[14] Of the prosecutor's dominance in sentence bargaining, Judge F—new to the bench—remarked:

> Well, generally what happens is the county attorney's office usually—in most plea negotiations, they have already bargained out, you know, how much they are going to agree to. If the state recommends a certain fine, it's almost pointless for the judge to say, well, I think that's dumb. I'm going to jack up the fine some or something like that because then what you get to is that a lot of times they'll ask for a jury trial. They'll say, well, in that case if you're going to make the fine so high, we're going to back out of this plea bargaining. We withdraw our plea of guilty and then it's set for jury trial. Of course, I can do three jury trials a week at the most, so if everybody starts going to that—if I start busting a lot of plea bargainers, it won't take much time to bog down the whole system. *So, pretty much, I will follow the recommendations of the state, so that's pretty much how my fines are determined* (emphasis added).

Judge E—a veteran of five years on the Austin bench—sees himself equally handcuffed by the structure of the plea negotiation process, which he attributes—like Judge F—to the volume of cases on the docket. As Judge E remarked in response to a question about whether he felt bound by the prosecutor's recommendation:

> Not at all. In fact, that's why I can hardly sit here and blame them for it. I mean, the penalty ranges from three days to two years. I can do anything, although you do attempt to follow the recommendations. . . . I'll show you what we're faced with. I have a thirty-minute period to handle what we refer to as our 8:30 docket. These are all the cases set for 8:30 and I have just thirty minutes to handle that number of cases. Obviously, you

13. In Austin (and throughout Texas generally), each individual judge is referred to as a "court." This terminology itself suggests a high degree of independence from one court (judge) to another.
14. For a parallel analysis of sentencing in Austin, see Grau (1981). But there are also some references by the judges in Austin to a powerful defense bar effective in plea negotiations. For a similar finding in nearby Houston, Texas, see Wice (1978).

can't sit there and discuss any case for a very long period of time. *The system just requires that they be negotiated upstairs and the prosecutor would say we recommend this and I'll follow it.* If I stop too many times, we run later and later and later. So, part of the system is the time (emphasis added).

Judge C—also a veteran on the bench—confirms the widespread view that judges in Austin follow the prosecutor's recommendations:

Q. Do you look for a particular kind of defendant to give community service restitution to?

A. No. I consider almost every case where there is probation. *But understand, the judge in sentencing—again, the prosecutor plays a large part in the sentencing process.* The judges sit up there and look wise like truthful owls and talk about what they're going to do. But basically, the sentencing is part of the plea bargaining process. It is being worked out between the prosecutor and the defense lawyer (emphasis added).

Q. Do you ever get involved with plea negotiations?

A. No . . . I try not to . . . I don't think there is any place in it for a judge.

In sum, all three Austin judges paint a picture of judicial detachment from the sentencing and plea negotiation process. Though the judges seem to differ among themselves about the desirability of detachment for the delivery of justice, all nevertheless agree about the prosecutor's dominance of the sentencing process in Austin.

In contrast to Mankato and Austin, judges in Tacoma and Columbus are much more individualistic in their sentencing practices. In Tacoma, the structure and operation of the prosecutor's office directly invites judicial participation in sentencing. Two features in particular—rapid turnover within the prosecutor's office and the lack of office guidelines and supervision of the plea negotiation process—contribute to "inexperienced variation" in prosecutorial sentence recommendations to the judge. In contrast to Austin where judges, grudgingly or otherwise, comply with the prosecutor's recommendations, judges in Tacoma profess to be much more scrutinizing. Judge A—a veteran on the bench—had this to say:

Q. How influential are the prosecutor's recommendations?

A. Well, I think they are pretty influential. I certainly don't consider myself bound by them and I deviate . . . where I think it is appropriate which is, in some cases, quite often.

Newcomer Judge F was more pointed in the circumstances under which he

disregards the prosecutor's recommendation:

Q. To what extent does the prosecutor's recommendation come into play?

A. If the prosecutor and the defense attorney are widely divergent on their recommendations, then I'll get a presentence report and get a middle ground because obviously the defense attorney is for his client and I'll guess the prosecutor is trying to be for the state . . . So as far as that goes, the prosecutor's recommendation doesn't play a real big role except for the fact that it makes me get a presentence report if he recommends something a whole lot different from the defense attorney or vice versa.

Prosecutors, too, generally concurred with judges on this issue. When asked how influential their recommendations were, one prosecutor remarked: "It depends on the judge . . . some judges will pretty much follow our recommendations, and some of them don't."

Rapid turnover of personnel is one factor that accounts for judicial scrutiny of recommendations. Legal interns (third year law students) are used extensively in the Tacoma prosecutor's office, both in the charging process and in actual prosecution in the courtroom. Of these interns, veteran Judge D remarked: "We have a lot of them . . . very few ever stay very long." Judge E—new to the bench—commented upon the lack of experience of the young full-time recruits to the prosecutor's office:

> The prosecutor's office seems to operate much differently than it does in most other counties or the counties I have had experience with. It certainly is a good place for a young person to start out or even intern in this prosecutor's office . . . But there is a very high turnover here. People tend not to stay very long or, if they do stay, they move up to the felony level. They don't stay in the misdemeanor courts.

Lack of supervision—or a high degree of autonomy for assistants—is another consistent theme of Tacoma actors outside and within the prosecutor's office. The supervisor of the prosecutor's office stated that each prosecutor has "a great deal of autonomy" regarding plea negotiations, acknowledging that there are no formal policies in this regard. One assistant prosecutor bluntly concurred:

Q. Does the prosecutor's office have a formal policy (about plea negotiations)?

A. None that I am aware of—nothing written. We each have *total discretion* over how we want to handle the cases that we

are actually handling (emphasis added).

One private defense attorney complained about the lack of coordination within the prosecutor's office, attributing it not simply to young prosecutors but to a "lack of supervision." Judges, too, seemed to notice the autonomy of assistant prosecutors. In the words of Judge A, "there seems to be a lot of disparity; one deputy is really harsh and the other may be very lenient; I am left to sort out which one is really appropriate."

The result of prosecutorial turnover, autonomy, lack of supervision, and philosophical disparity is a willingness on the part of the Tacoma judges to assume significant responsibility for sentencing. But unlike Mankato—where judges also assume such responsibility—judges in Tacoma do not attempt to be highly uniform with one another, or to discuss sentencing practices among each other, or to try to prevent judge-shopping. Judge A remarked:

> There probably is some fair amount of uniformity here with regard to most sentencing. I don't think it's all that good yet. There is still some disparity because we don't have better communication amongst us as to what each other is doing. DWIs, I think, are pretty much standard, but I think it varies with . . . like shoplifting or simple assaults or disorderly conduct.

Judge F sounded a similar theme, though perhaps with less regret that individual judges are different:

> There's uniformity within bounds. I'd rather have a little flexibility . . . The judges up here, I don't think, are totally uniform in everything they do . . . Some of us think some offenses are more serious than other judges think they are and so they treat them more seriously.

Judge D also agreed that the judges don't discuss sentencing practices much among themselves, noting some disparity in overall toughness or leniency:

> I don't think there is too much difference between Judge A and Judge F in sentencing as there is to me. Unfortunately, I seem to get the lost causes.

Finally, Judge F confirmed the presence of extensive judge-shopping, which typically accompanies systematic differences in sentencing among judges of the same court:

> Q. Is there judge-shopping in this court?
>
> A. Oh, everybody gets the right to have one affidavit of prejudice as a matter of course. That happens both by defense attorneys and by prosecuting attorneys . . . He usually affidavits a judge because it is a particular kind of case and he or she knows how that judge is going to handle that kind of case if the person is found guilty . . . I think that is always the reason why somebody affidavits a judge. If you want to call that judge-shopping, then that is judge-shopping . . . *It's really shopping for sentencing . . . It's part of the rules and part of the way things are done around here* (emphasis added).

Thus, the picture that emerges in Tacoma is one of considerable judicial differentiation in sentencing, invited by the prosecutor's office but perhaps exacerbated by the reluctance of judges themselves to establish court-wide norms for sentencing. It is a picture that comports quite nicely with our quantitative analysis of the choice of sanctions in Tacoma, an analysis which highlights the significance of the individual judge.

In Columbus, the size of the court and the community encourage individualistic approaches to sentencing among the judges. There are thirteen judges, almost three times as many as in any of the other courts. Almost necessarily, the judges have rather diverse backgrounds, interests, and professional experiences. Some judges come from the prosecutor's office, others from private practice, still others from county and municipal legal positions. The Columbus judges are simply less homogeneous than, say, the three judges in Mankato, each of whom followed virtually the same career path enroute to the bench.

The size of the Columbus metropolitan area also encourages judicial diversity. There is a wider spectrum of political, economic and cultural values in Columbus than in smaller communities such as Mankato. Judgeships in Columbus are clearly political positions, most often attained through competitive elections. Bar associations, interest groups, and local political parties all become involved in elections, creating the opportunity for judges to gain office by virtue of distinctive political constituencies. These constituencies range from bar elites to "law and order" groups, and they provide incentives and reinforcement for judges to implement their own or the interest group's views of crime in the sentencing process.

Substantial variation among the judges in sentencing philosophy and in the use of particular sanctions is an accepted and acknowledged state of affairs in Columbus. Judge G, whose own sentencing patterns are highly distinctive in the high proportion of defendants whom he jails and fines, says of himself: "I have the reputation of being a stiff sentencer. . . I'm likely to give the maximum." One reason is his deference to prosecutors in the plea bargaining and charging processes (he was a former prosecutor

himself). With respect to dismissals he eschews any direct role, noting "the prosecutor should know." Judge C, like most other judges on the Columbus court, restricts the scope of the plea negotiation process between prosecution and defense to charge bargaining. Judge C asserts: "The prosecutor may recommend sentence to me, but I may not accept it." Judge E characterized the court as quite diverse in sentencing philosophy, remarking: "The court runs the gamut . . . some tough, some lenient . . . I hope I'm in the middle somewhere."

Court actors apart from the bench also recognize the diversity of Columbus judges. The supervising officer in the probation department remarked: "Judges vary in their use of probation—some use it a lot, others selectively (taking into account our caseload problems), and one not at all." Similar reactions were obtained regarding judges' utilization of treatment programs, such as driver improvement and drunk driving clinics. And the chief of the municipal division of the public defender's office remarked that defendants initially asked two questions: "Can I get a personal recognizance bond?" and "Will I go before Judge G?" Thus, among the community of courtroom actors there is widespread awareness of judicial differentiation in sentencing, including who the court's tough judges are and which judges make frequent use of rehabilitation-oriented sanctions. This judicial diversity emerges in Columbus even though—in contrast to Tacoma—the prosecutor's office is relatively stable, well-respected by the defense bar and bench, and operates within a framework of policy guidelines and day-to-day supervision of assistants.

The foregoing analysis suggests a complex set of relationships among the prosecutor's office, the defense bar, the size of the bench and community, and judicial variation in sentencing. These relationships are complex because they appear to be curvilinear and interactive. Where a community and bench are very small (as in Mankato), one could hypothesize that judges will see the need to insure that the legitimacy of the criminal courts is not tainted by inconsistent sentencing. In very large communities with many judges (such as Columbus), the different backgrounds of the judges and the politics of selection may preclude consistent sentencing. Further, judges in these communities may not perceive the legitimacy of the courts to be jeopardized by the institutionalization of the different points of view toward sentencing already widespread in the community. In both very small and large communities, then, there may be little that prosecutors can do to aggravate or limit the amount of judicial variation in sentencing. This appears to be the case in Mankato and Columbus. In between the extremes of size, however, the experience and credibility of the prose-

cutor's office and the structure of defense attorney services may dictate the extent of judicial sentencing variation. Where prosecutors are inexperienced—and defense lawyers equally so—(as in Tacoma), one would hypothesize that the values of the judges will come to the foreground in sentencing. Conversely, where prosecutors are more experienced and the defense bar is highly vocal (as in Austin), the values of the judges will be suppressed.

These are mere hypotheses that flow, *post-hoc*, from our analysis of judicial variation in the imposition of sanctions. Though derived from misdemeanor courts, they may be equally applicable and testable in felony courts. Note, for example, that Eisenstein and Jacob (1977: 277) found the identity of the judge to be an important discriminating variable in the choice of a prison or probation sanction in all three of the (large) cities that they studied. This conforms to our hypothesis that large benches are likely to have irrepressibly different values, usually including those of a few highly aberrant judges. In sum, the relationships among these variables are indeed complex but not necessarily idiosyncratic.

Summary and Implications

We have explored the basis for the choice of sanctions imposed upon convicted defendants in four misdemeanor courts. We confined our analysis to three types of sanctions—fine, jail, probation, and their combinations. In all four courts, defendants are pigeon-holed according to the offense with which they were charged. Drunk driving and traffic cases nearly always result in a fine, possibly along with jail or probation. By contrast, theft and other miscellaneous criminal offenses much less often result in a fine; more common is the use of jail or probation. The decision not to fine in minor criminal cases may stem from a philosophy that such offenses are "too serious" to be treated merely with a fine, that offenders are in need of ongoing counseling or supervision, the practical realization that many defendants cannot afford to pay a fine, or some combination of these. The linking of sanctions with types of offenses is most pronounced in Austin.

The role of the individual judge varies much more sharply from one court to another, as our qualitative data illustrate. In Austin, where prosecutors and defense attorneys work out most of the details of sentencing, the judge appears to matter little. In Mankato, the individual judge appears to matter little because the small, three-judge bench has consciously striven for internal consistency through group discussions. In Tacoma, where prosecutional inexperience in trial courtrooms and negotiation sessions

has encouraged active judicial scrutiny of plea bargains and sentences, differences amongst the court's judges have emerged. And in Columbus, where the court is populated by thirteen judges, different judicial philosophies about sentencing are an acknowledged and accepted state of affairs.

We find, at once, both elements of routinization and of individualization of justice in the four lower courts examined. To the casual observer in the courtroom, Austin would appear much like the assembly-lines and conveyor belts described for lower courts generally. Judges there do process a large number of cases quickly. Yet, as excerpts from our field interviews indicate, plea negotiations prior to the courtroom appearance are an important ingredient in the disposition of cases in this lower court. There is some individual attention to cases—by prosecutors and defense attorneys—but not by judges. Correlatively, the sentencing consistency in Mankato might seem to suggest little concern for the individual defendant. Yet exceptions are frequently made, especially for indigent defendants. Further, the Mankato courtroom itself is a place of unhurried, calm, personalized interactions between judge and defendant (and, increasingly often, counsel). The Tacoma court, based upon our quantitative analysis, is more visibly "situation-specific" or individualized in its dispositions. Yet this refers not to legally-appropriate offender attributes (e.g., prior record) but to such presumably extraneous (extra-legal) case processing features as whether the case was tried or pled and whether or not the defendant was represented by counsel. The Columbus court, despite having the largest and most varied caseload of the four courts, proceeds with surprising orderliness and frequent, if not uniform, scrutiny of individual cases and defendants.

These observations suggest that appearances can be deceiving. Individual attention to cases, time spent before a judge in the courtroom, and distinctiveness of sentencing outcomes are not interchangeable phenomena. Depending upon which of these standards is employed to judge the character or quality of justice in the lower courts, one can reach quite different conclusions about the level of individualization or routinization. At their best, lower courts are not all that we, court actors, defendants, or the citizenry at-large might wish them to be. But even at their more modest, real character, lower courts may not be houses of despair or ill-repute. The four courts we examined do dispense, at the least, rough justice.

REFERENCES

ALFINI, James J. (1980) "Understanding Misdemeanor Courts: A Review of the Literature and Recent Case Law," in James J. Alfini (ed.) *Misdemeanor Courts: Policy Concerns and Research Perspectives*. Washington, D.C.: National Institute of Justice.

BLUMBERG, Abraham S. (1967) *Criminal Justice*. Chicago: Quadrangle.

CHIRICOS, Theodore G. and Gordon P. WALDO (1975) "Socioeconomic Status and Criminal Sentencing: An Empirical Assessment of a Conflict Proposition," 40 *American Sociological Review* 753.

EISENSTEIN, James and Herbert JACOB (1977) *Felony Justice: An Organizational Analysis of Criminal Courts*. Boston: Little, Brown.

FEELEY, Malcolm M. (1979) *The Process Is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage.

GRAU, Charles W. (1981) "The Limits of Planned Charge in Courts," 6 *Justice System Journal* 84.

HAGAN, John (1974) "Extra-Legal Attributes and Criminal Sentencing: An Assessment of a Sociological Viewpoint," 8 *Law & Society Review* 357.

HARRIES, Keith D. (1974) *The Geography of Crime and Justice*. New York: McGraw-Hill.

HEUMANN, Milton (1977) *Plea Bargaining: The Experiences of Prosecutors, Judges, and Defense Attorneys*. Chicago: University of Chicago Press.

HILLSMAN, Sally T. *et al.* (1982) "The Fine as a Criminal Sanction," a paper presented at the Law and Society Association Annual Meetings, Toronto.

LEVIN, Martin (1977) *Urban Politics and the Criminal Courts*. Chicago: University of Chicago Press.

LIPETZ, Marcia J. (1983) *Routine Justice: Processing Cases in Women's Court*. New Brunswick, N.J.: Transaction Books.

LIZOTTE, Alan J. (1978) "Extra-Legal Factors in Chicago's Criminal Courts: Testing the Conflict Model of Criminal Justice," 25 *Social Problems* 564.

MATHER, Lynn M. (1979) *Plea Bargaining or Trial?* Lexington, Mass.: Lexington Books.

MILESKI, Maureen (1971) "Courtroom Encounters: An Observation of a Lower Criminal Court," 5 *Law & Society Review* 473.

NEUBAUER, David W. (1979) *America's Courts and the Criminal Justice System*. North Scituate, Mass.: Duxbury.

PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE (1967) *Courts*. Washington, D.C.: Government Printing Office.

QUINNEY, Richard (1974) *Criminal Justice in America: A Critical Understanding*. Boston: Little, Brown.

RAGONA, Anthony J. and John Paul RYAN (1983) *Beyond the Courtroom: A Comparative Analysis of Misdemeanor Sentencing*. Chicago: American Judicature Society.

ROBERTSON, John A. (1974) "Introduction: The Lower Court Problem," in J. A. Robertson (ed.) *Rough Justice*. Boston: Little, Brown.

RYAN, John Paul (1980) "Adjudication and Sentencing in a Misdemeanor Court: The Outcome Is the Punishment," 15 *Law & Society Review* 79.

SCULL, Andrew (1977) *Decarceration*. Englewood Cliffs, N.J.: Prentice-Hall.

UHLMAN, Thomas M. (1979) *Racial Justice*. Lexington, Mass.: Lexington Books.

WICE, Paul (1978) *Criminal Lawyers*. Beverly Hills, Ca.: Sage Publications.

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