

TU 38 HU INTERIM FILES, JUDGES

TABLE VI
 MEAN JAIL SENTENCES BY
 LEVEL OF SEVERITY OF PRIOR
 RECORD BY RACE
 (IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No prior record	11.00 (41)	6.05 (112)	.005
1-3 misdemeanors	11.82 (65)	6.69 (102)	.05
4-9 misdemeanors	11.96 (38)	9.15 (34)	NO
10/more misdemeanors	26.33 (9)	12.40 (5)	.05
2/more felonies	21.81 (26)	13.57 (30)	.05

However, when mean fines are broken down according to this scheme, the pattern is reversed. (See Table VII). That is, Natives consistently received lower fines than Whites (with the exception of first offenders, where fines are substantially equal).

TABLE VII

MEAN FINES BROKEN DOWN
BY LEVEL OF SEVERITY OF
PRIOR RECORD BY RACE
(IN DOLLARS)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No prior record	\$158.40 (53)	\$157.27 (519)	NO
1-3 misdemeanors	\$139.69 (65)	\$195.11 (282)	NO
4-9 misdemeanors	\$189.17 (24)	\$216.26 (66)	NO
10/more misdemeanors	\$141.67 (3)	\$287.50 (8)	NO
2/more felonies	\$197.69 (13)	\$206.33 (64)	NO

Staying Out of Jail

As noted earlier, all sentences of zero days (no jail time at all) were omitted from the above computations. We will now consider zero sentences separately in order to deal with the following possibility: When jail sentences are handed out Natives are incarcerated for more time, but perhaps this fact is "balanced" by Natives more frequently receiving sentences requiring no time at all, omitted from the previous averaging. Accordingly, Table VIII indicates the proportion of cases that received no jail time, by race, among the five substantive classes of misdemeanors.

TABLE VIII

PROPORTION OF CASES RECEIVING
NO ACTIVE JAIL SENTENCE
BY CLASS OF MISDEMEANOR AND
BY RACE
(PROPORTION EXPRESSED
IN PERCENT)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
Property	25% (26)	52% (87)	.001
Street	62% (46)	78% (191)	.005
Assaults	44% (18)	60% (42)	NO
Traffic	66% (23)	91% (260)	.001
OMVI	55% (47)	76% (314)	.001

Table VIII was compiled to test the alternative hypothesis that more Natives received zero sentences than did Whites, which might have "balanced out" the tendency for Natives to get more active time once the basic incarceration or "in" decision was made. However, Table VIII refutes this hypothesis and actually strenghtens the opposite case. Natives avoided incarceration less often than Whites among all classes of misdemeanor convictions. The numbers of cases in each group are reasonably large. Note that the previously-observed "pro-Native" sentencing differential in street offenses dissipates when the incarceration (in/out) decision is analyzed separately.

Defendants With Clean Records

In an effort to "neutralize" the effect of prior record and simplify comparisons we constructed Table IX, which compares first offense Native and White mean jail sentences for each of the five classes of misdemeanors.

TABLE IX
MEAN JAIL SENTENCES
FOR FIVE CLASSES OF MISDEMEANORS
BY RACE
FIRST OFFENDERS ONLY

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
Property	13.00 (11)	4.73 (40)	.01
Street	4.57 (7)	8.62 (21)	NO
Assaults	9.14 (7)	8.33 (9)	NO
Traffic	22.00 (7)	5.25 (12)	.01
OMVI	14.80 (10)	5.69 (29)	.05

As can be seen from this table, the Native-White sentence differentials among property, traffic and OMVI offenses are even greater for first offenders than for defendants generally. Native jail sentences

for property offenses were 175% greater than for Whites, while mean sentences for traffic offenses were 319% longer than the White mean. Finally, Native OMVI sentences were 160% greater than for Whites. However, in street crimes Native first offenders were accorded more lenient treatment than Whites. ("Street" includes prostitution, disorderly conduct, vagrancy, etc.)

Defendants With Bad Records

To contrast with the "clean" first offenders, let us consider a "bad" group of defendants. We selected those with the worst records^{6/} (10 or more prior misdemeanor convictions) for analysis. Since the number of cases involved in this table is too small to break down by type of crime, we chose to look at this group on an overall basis, regardless of the nature of the last charge. This seems reasonable, since by the time a person has accumulated a record of over 10 previous convictions, what kind of mischief he has been up to "lately" may not be of overriding importance (if it is still on the misdemeanor level).

^{6/}

As Table IV indicates, overall, defendants with 10 or more prior misdemeanor convictions received the highest mean sentence (19.00 days).

TABLE X

COMPARISON OF NATIVES AND
WHITES WITH 10 OR MORE
PRIOR MISDEMEANOR CONVICTIONS

	<u>Natives</u> (n=12)	<u>Whites</u> (n=14)
Proportion receiving no active jail	25%	64%
Mean jail sentence	19.75 days	4.43 days
Mean fine	\$35.42	\$164.29
Mean number of prior misdemeanors	11.5	13.0

N too small for significance tests

As these comparisons indicate, Native sentences persist in being longer than those of Whites, while their likelihood of receiving probation is less. The sizes of the two groups are very comparable, and within this group the Whites actually have somewhat more previous convictions.

Alcohol Intoxication At Time of Arrest

In an effort to obtain information concerning the effect on sentences of alcohol use among the defendants in the sample, the coding instrument included the following item which was to be completed from information on the police report.

What was condition of defendant? (1=Defendant alleged by reporting officer to be under influence of liquor; 2=Defendant alleged by reporting officer to be under influence of drugs; 3=neither or no indication)

While this variable does not provide a perfect measure of the information we seek, it is a fairly good proxy.

Overall, in 37% (n=123) of Native cases and in 47% (n=512) of White cases the reporting police officer said the defendant was under the influence of alcohol at the time of arrest. Information was unobtainable (missing) for 236 defendants (13% of the total N in the sample). A reasonable assumption is that the police reports made no mention of alcohol or drugs in most of the 'missing' cases.

TABLE XI

MEAN JAIL SENTENCES
BY RACIAL GROUPS FOR
ALCOHOL INTOXICATION
AT TIME OF ARREST
(IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>
No alcohol	15.13 (124)	8.07 (169)
Alcohol intoxication at arrest	10.79 (57)	6.76 (117)

Table IX indicates that alcohol intoxication at the time of arrest--for those defendants for whom this data was available--was associated with lower mean sentences for both Natives and Whites. However, Native defendants received substantially longer mean jail sentences than Whites, whether or not intoxicated at arrest.

Multiple Regression Analysis

The preceding breakdown tables allow us to consider the relationship between two variables--for example jail time and race--while controlling for variation in other variables, e.g., severity of prior record. However, they do not allow us to control for variation among several variables at once, or to take into account the inter-relationships among these variables. Accordingly, we turned to multiple regression analysis which shows us the independent effect of a single variable on length of sentence, while at the same time controlling for variation among a number of other factors. Multiple regression analysis provides a set of coefficients for each of the variables considered in the analysis. These coefficients are an index to the relative contribution of each variable while controlling for the others. Consider the coefficients in Table XII, below.

TABLE XII
MULTIPLE REGRESSION COEFFICIENTS
(ALL OFFENSE CLASSES)

OMVI conviction	-0.789
Native	+2.391
White	-1.400
Each prior misdemeanor conviction	+0.658
Property conviction	+3.811

The above coefficients indicate that a property conviction is the single most important factor associated with a positive jail sentence when the other listed factors (or variables) are controlled for. Moreover, the Native-White disparity noted in the earlier breakdown analysis is confirmed by the coefficients. Whereas being Native has a coefficient of +2.391, being White has a coefficient of -1.400. Any easy (but very crude) way to interpret these coefficients is that, other things being equal (e.g. the number of prior misdemeanor convictions of the defendant and the substantive class of offense) Native defendants receive average jail terms four (4) days longer than Whites.

One hypothesis that we considered earlier concerns the effect of being intoxicated at the time of arrest. Specifically, we ask whether it is Nativeness, in and of itself, that accounts for the higher jail sentences of Natives, or whether these higher sentences are in actuality a function of alcohol intoxication. The following multiple

regression coefficients, which add alcohol intoxication to the list of variables in Table XII, above, allow us to test this hypothesis.

TABLE XIII
MULTIPLE REGRESSION COEFFICIENTS
(ALL OFFENSE CLASSES)

OMVI conviction	-0.818
Native	+2.367
White	-1.420
Each prior misdemeanor conviction	+0.670
Alcohol intoxication	+0.127
Property conviction	+3.852

Table XIII, above, indicates that this hypothesis fails. First, the coefficient for alcohol intoxication at the time of arrest is very small, indicating that its independent contribution to jail sentence is slight. More importantly, the Native-White disparity remains nearly the same. Thus, it is not alcohol intoxication which accounts for the higher Native sentence.

PROPERTY OFFENSES

This section is exclusively concerned with misdemeanor property sentences. These include sentences for petty larceny, malicious destruction, concealment of merchandise, credit card theft, misdemeanor embezzlement and trespass. There were a total of 104 Native and 166 Whites convicted of property offenses.

Table XI indicates the overall mean jail sentence and fines for Natives and Whites convicted of property offenses.

TABLE XIV

MEAN SENTENCES FOR
PROPERTY OFFENSES BY RACE
(IN DAYS AND DOLLARS)
(ACTIVE SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
Mean Jail	18.30 (78)	7.39 (79)	.001
Mean Fine	\$73.27 (26)	\$89.20 (94)	NO

Thus, while Native mean jail sentences were 148% longer than those of whites, their mean fines were 18% less.

Differences between Native and White categorical sentences for property offenses are indicated graphically in Table XV. (See the discussion of these categorical sentences in the preceding section).

TABLE XV

PROPORTION OF RACIAL GROUP
RELIEVING CATEGORICAL SENTENCES

PROPORTION OF RACIAL GROUP

(In %)

PROPERTY OFFENSES

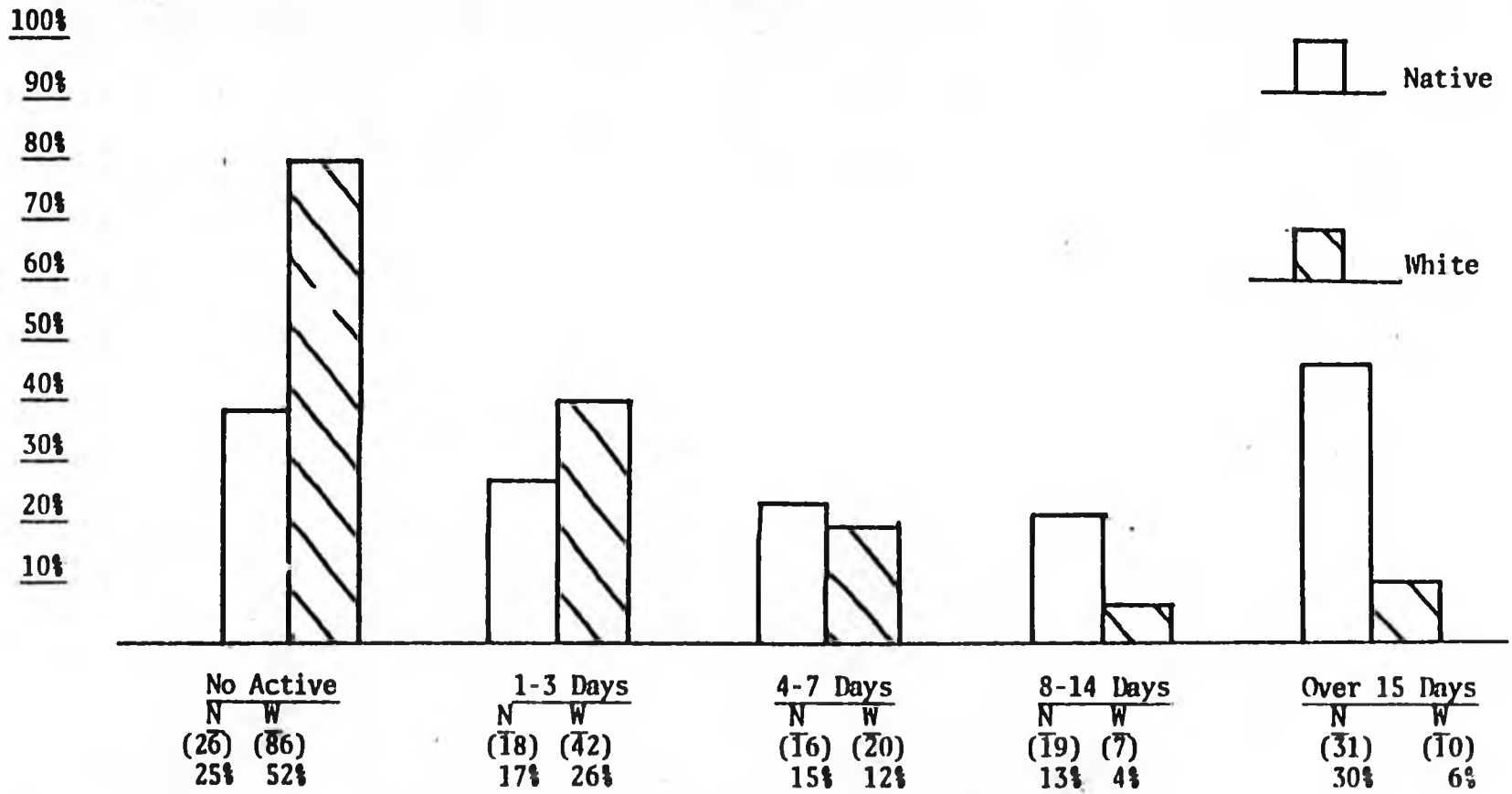


TABLE XVI

PROPORTION OF RACIAL GROUP
BY LEVEL OF SEVERITY OF
PRIOR RECORD
(PROPORTION EXPRESSED IN %)

	<u>Natives</u>	<u>Whites</u>
No prior record	17% (17)	56% (92)
1-3 misdemeanors	37% (39)	28% (45)
4-9 misdemeanors	17% (17)	7% (12)
10/more misdemeanors	6% (6)	1% (2)
2/more felonies	22% (22)	8% (13)

significant at .001

Table XII reflects the distribution of level of severity of prior record for Natives and Whites. As this table indicates, Natives convicted of property offenses have substantially worse prior records than comparable Whites. The tables that follow consider the hypothesis that the worse prior record of Natives account for their longer property-offense sentences.

Tables XVII and XVIII, which follow, indicate the impact of the level of severity of the defendant's prior record on the disparities noted in Table XIV. Zero sentences are not computed.

TABLE XVII

MEAN JAIL SENTENCES FOR
PROPERTY OFFENSES BY LEVEL
OF SEVERITY OF PRIOR RECORD
BY RACE
(IN DAYS)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No prior record	13.00 (11)	4.73 (40)	.01
1-3 misdemeanors	11.36 (25)	8.16 (25)	NO
4-9 misdemeanors	17.73 (15)	10.83 (6)	.05
10/more misdemeanors	41.00	----	
2/more felonies	25.75 (20)	15.75 (8)	.05
Missing	(2)		

TABLE XVIII

MEAN FINES FOR
PROPERTY OFFENSES BY
LEVEL OF SEVERITY OF
PRIOR RECORD BY RACE
(IN DOLLARS)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No prior record	\$100.00 (6)	\$ 99.14 (58)	NO
1-3 misdemeanors	55.33	78.40	NO
4-9 misdemeanors	75.00 (3)	100.00 (3)	NO
10/more misdemeanors	----	50.00 (1)	
2/more felonies	100.00 (1)	50.00 (5)	NO
Missing	(1)		

As these tables show, Natives receive substantially longer jail sentences than Whites among all levels of severity of prior record. This suggests that severity of prior record does not explain the Native-White jail disparity in property crimes. With regard to fines, Whites in the one-to-three and four-to-nine prior misdemeanor categories received larger fines than comparable Natives, while Natives with prior felony convictions received greater fines than comparable Whites.

The Incarceration Decision

TABLE XIX

PROPORTION OF RACIAL
GROUP RECEIVING NO
ACTIVE JAIL SENTENCE
(PROPORTION EXPRESSED IN %)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
	<u>No Jail</u>	<u>No Jail</u>	
No prior record	35% (6)	57% (52)	.05
1-3 misdemeanors	36% (14)	44% (20)	NO
4-9 misdemeanors	12% (2)	46% (5)	.05
10/more misdemeanors	17% (1)	100% (2)	.05
2/more felonies	9% (2)	39% (5)	NO

Table XIX indicates that White defendants are proportionately much more likely than Natives to avoid going to jail for property offense convictions. Moreover, it indicates that this pattern persists despite differences in the level of severity of the prior record of the defendants.

A potentially significant variable among property offenses is the value of property stolen in applicable cases. Table XX indicates that the mean value of property stolen by Whites was 145% greater than that stolen by Native defendants (\$64.95 for Natives compared with \$159.04 for Whites).

TABLE XX

MEAN VALUE OF PROPERTY
STOLEN AMONG PROPERTY
OFFENSES BY RACE
(IN DOLLARS)

Natives	\$64.96	(99)
Whites	\$159.04	(166)
Missing	(5)	

significant at .05

In an effort to control for the impact of differences in the value of property stolen this variable was categorized into a four-level measure. These values include (1) none, (2) \$1 to \$50, (3) \$51 to \$100, and (4) over \$101.

TABLE XXI
 MEAN JAIL SENTENCES
 BY CATEGORICAL VALUE OF
 PROPERTY STOLEN BY
 RACE
 (IN DAYS)
(ACTIVE SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
None	17.67 (9)	5.44 (9)	.05
\$1 to \$50	16.36 (57)	7.24 (55)	.01
\$51 to \$100	35.60 (5)	9.83 (6)	.05
Over \$101	9.00 (2)	8.67 (9)	NO

Table XXI indicates that except among those cases with the greatest value of property stolen, Natives received substantially longer jail sentences than Whites. It would appear that cases involving stolen property of the greatest value are treated more uniformly by sentencing judges; Native-White differences are greatest when the amounts in question are smallest.

Alcohol Intoxication

Another potentially important factor to consider in analyzing the Native-White sentence disparity concerns alcohol intoxication at the time of arrest. Nine percent of the Natives (n=9) and 7% of the Whites (n=11) were intoxicated at the time of

this arrest for property crimes, according to the police reports. Table XXII indicates two important things: First, alcohol intoxication at the time of arrest is associated with a less severe jail sentence when compared to non-alcohol arrests. Second, Native defendants who were intoxicated at the time of arrest received a mean jail sentence nearly five times as great as comparable Whites.

TABLE XXII
 MEAN JAIL SENTENCES
 BY RACE FOR ALCOHOL
 INTOXICATION AT TIME
 OF ARREST AND NO
 INTOXICATION
 (IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No intoxication	18.53 (72)	7.74 (73)	.05
Alcohol intoxication at arrest	15.50 (6)	3.17 (6)	*

*(N too small for significance test)

To summarize, neither level of severity of prior record, value of property stolen, or alcohol intoxication at the time of arrest appear to explain the disparity of the Native-White jail sentences in property crimes. The analysis will now turn to a consideration of specific offenses within the class of property crimes. Perhaps differences in specific offense of conviction explain the apparent racial sentencing disparity.

Specific Offense

A frequency distribution of specific offenses of conviction reveals no appreciable differences between Native and White offenses. The majority of both groups (n=70, or 67% of Natives and n=87, or 52% of Whites) were convicted of petty larceny (AS 11.20.140). Nearly equal proportions of Natives and Whites were convicted of defrauding an innkeeper (AS 11.20.480) (n=4 or 3.8% of Natives, n=5 or 3.0% of Whites), and unauthorized entry (AS 11.20.135) (n=6 or 5.8% of Natives, n=6 or 3.6% of Whites). Proportionately more Whites (n=29 or 17.5% were convicted of concealment of merchandise (AS 11.20.275) than Natives (n=8 or 7.7%), and of trespass (AS 11.20.630) (n=7 or 6.7% of Natives, n=25 or 15.1% of Whites).

Larceny

Insofar as larceny convictions constitute the majority of Native and White property convictions and also involve some of the longest property sentences we chose to analyze larceny sentences separately.

Table XXIII (below) indicates that the Native mean jail sentence for larceny is 128% longer than that of Whites (17.16 days for Natives compared to 7.54 days for Whites). (No significance tests were computed for the following tables because the numbers were too small).

TABLE XXIII
 MEAN SENTENCES FOR
 LARCENY CONVICTIONS
 BY RACE
 (IN DAYS AND DOLLARS)
 (ACTIVE SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>
Mean Jail	17.16 (58)	7.54 (52)
Mean Fine	\$82.67 (15)	\$98.93 (42)

However, mean fines for Whites were 19% greater than those for Natives.

Table XXIV reflects a breakdown of larceny sentences by level of severity of prior record, and by race.

TABLE XXIV
 MEAN LARCENY SENTENCES BY
 LEVEL OF SEVERITY OF
 PRIOR RECORD BY RACE
 (IN DAYS AND DOLLARS)
 (ACTIVE SENTENCES ONLY)

	<u>Natives</u>		<u>Whites</u>	
	<u>Mean Jail</u>	<u>Mean Fine</u>	<u>Mean Jail</u>	<u>Mean Fine</u>
No prior record	10.22 (9)	\$100.00 (2)	4.30 (27)	\$106.88 (32)
1-3 misdemeanors	13.42 (19)	69.00 (10)	6.13 (16)	79.38 (8)
4-9 misdemeanors	17.10 (10)	100.00 (1)	16.33 (3)	50.00 (1)
10/more misdemeanors	45.00 (3)	----	----	----
2/more felonies	21.87 (15)	100.00 (1)	20.50 (6)	----

Table XXIV indicates that among larceny defendants with no prior records and defendants with one-to-three prior misdemeanors, Natives received substantially longer jail sentences than Whites. Natives with no prior records received mean jail sentences 138% longer than Whites. Further, among those defendants with four-to-nine prior misdemeanor convictions and two or more prior felony convictions mean sentences were nearly uniform. This would tend to indicate that having a severe prior record (over four misdemeanors) is the most important or significant factor for a defendant convicted of larceny. Native-White disparities dissipate among these groups with the more severe prior records (with the exception of the 10 or more prior misdemeanor group).

The Incarceration Decision (In or Out)

Table XXV

PROPORTION OF RACIAL GROUP
RECEIVING NO ACTIVE JAIL SENTENCE
FOR LARCENY CONVICTION
(PROPORTION EXPRESSED IN %)

	<u>Natives</u>	<u>Whites</u>
No active jail	16% (11)	40% (35)

With regard to the incarceration decision, Table XXV indicates that a far greater proportion of White defendants convicted of larceny stayed out of jail than did Natives (40% of Whites compared to 16% of Natives).

Multiple Regression Analysis

In an effort to study Native-White property offense sentence disparities by a more statistically rigorous method, and as a check on the earlier breakdown analysis, we used a multiple regression analysis of sentence length. This procedure tells us the independent impact of a given variable on sentence length while controlling for the effects of (or variation in) other variables. Consider the regression coefficients represented in Table XXVI.

TABLE XXVI

MULTIPLE REGRESSION
COEFFICIENTS FOR SIGNIFICANT
VARIABLES ON SENTENCE
PROPERTY OFFENSES

Native	2.927
White	-4.359
Alcohol intoxication at arrest	-1.009
Each prior misdemeanor conviction	0.810
Each dollar of value stolen	0.001
Larceny conviction	2.154

$R^2 = .24$

Perhaps the best way to consider the above coefficients is to view them relative to one another. Thus, a present conviction of larceny, considered by itself and controlling for the other listed factors, has an impact nearly three times as great as having one prior misdemeanor conviction. The interesting thing to note regarding the Native and White coefficients is the magnitude of the negative White coefficient. An interpretation that we believe is consistent with these values is that, other things being equal (or controlled for), a Native defendant starts with the disadvantage of getting some jail time (+2.8) while a comparable White starts with the advantage of getting "negative" time (4.4). The important point, analytically, is that these coefficients confirm the findings of our breakdown analysis.

METHODOLOGICAL APPENDIX

The following description of the methodology used in collecting and analysing the data for this project is provided to give the reader a general idea of the steps involved in arriving at the tables and text we have presented.

Data Collection

1. Sources. Our previous studies of Alaskan felony and misdemeanor sentences suggested three potential sources of information that had to be consulted thoroughly to understand misdemeanor sentencing patterns: court case files, police reports, and Department of Public Safety records of prior criminal histories. Court case files alone were not sufficient because they generally do not include information about hypothetically important factors such as alcohol use, race, age, prior offenses, and a detailed account of what actually occurred at the time of the offense. On the other hand, the two other sources usually do not contain reliable information about the precise offense of conviction, mode of disposition (plea or trial), the sentence imposed, or conditions of that sentence.

Public Safety Department records of prior offenses are used by prosecutors and police and are reported to court officials as the primary source of information about a defendant's previous contacts with the criminal justice system. Similarly, our other sources of information were also the primary records available to criminal justice personnel. The records for individual defendants tended to vary from one another in completeness; some included many pages of information while others consisted of nothing more than one or two forms that had been sketchily

prepared. In order to maintain the maximum consistency in our information about each defendant we attempted to include only those items of pertinent information recorded for the majority of defendants. We also chose to take our information from specific sources: for example, we coded information about alcohol intoxication only from the police report since this was the record in which it was most consistently recorded. The lack of presentence reports for misdemeanants limited the kinds of socio-economic data which could be included in the study. Prior criminal histories, however, could be (and were) coded in great detail.

2. Coders and Coding. Our coding staff came from various backgrounds. Most had a year or more of college education. Several were graduate students with research experience, and others had worked with the Judicial Council as coders on earlier studies. The coding supervisor had two years of research experience beyond her college degree, and was closely supervised in turn by more experienced Judicial Council staff.

The coding form was designed by Judicial Council staff to meet several needs: it had to be easy for coders to use and understand, structured to maximize efficiency in key-punching, and had to reduce the possibilities for either unwarranted exercise of coder discretion or errors at every step. The entire flow of the data from original records through coders, checkers, key-punchers, and computer programming to final analysis was taken into account during the design of the form. Besides the coding forms themselves, coders were given a detailed instruction manual and supplementary materials such as lists of codes for each offense. The coding supervisor kept a notebook of questions which arose during training and

coding along with the clarifications and explanations given to coders so that neither lapses of memory nor hiring of new coders would change the interpretations of the coding manual or forms. This procedure promoted uniformity.

Two days of training using the actual coding forms and case files preceded work on the court files in Anchorage and Fairbanks. Judicial Council staff conducted the training given for all aspects of coding court files, police reports, and Public Safety records. Coders were given experience in coding, in checking each coding form, and in use of the manual and supplementary materials. To fit their work into context, Council staff also described the criminal justice system, meanings of various terms, and reasons for the study, in detail.

3. Checking. Accuracy, (validity) consistency and (reliability) are crucial in a study of this type. Acceptable error rates for coding data from records have been established through years of experience by scientists in various fields who have not only analysed the data collected in studies but coders and the coding process as well. A five percent error rate has been considered acceptable in many similar studies. Throughout our analysis, we attempted to reduce our error rates below the "acceptable" levels through a series of checking procedures.

Each case in our study was coded by one coder. It was then checked through completely by a second coder. Finally, the coding supervisor and Council staff spot-checked at least every fifth case to make sure that no systematic errors were occurring through coder misunderstanding of instructions. Any errors found during this process were corrected. A

random check of coding forms after coding had been completed suggested that the actual error rate was approximately two percent, well below the acceptable five percent level.

4. Keypunching. The second major step in collection and analysis of data is to transfer information from the coding forms to a tape which can be read by the computer. This process requires a person to read the coding form and type (key-punch) the codes recorded on the form onto either computer cards or magnetic tape. While paper cards have traditionally been used and have some advantages, the Council decided to turn to a more sophisticated approach in which the data is punched directly onto a magnetic tape which can be read immediately by the computer. Paper cards can be lost, damaged, or placed out of order. Each of these problems can be corrected, but all are eliminated with the use of a magnetic tape, thus reducing both cost and chance of errors.

Key-punched cards or tapes can be "verified", a technique for insuring accuracy at this stage of the process. Just as each of our cases was checked completely after having been coded, each record on the magnetic tape was re-done completely by a different operator after having been key-punched. Should the second punching disagree with the first, a signal alerts the key-punch operator to the discrepancy and the work is re-done. This verification procedure was guaranteed by the company employed to key-punch our data to give an error rate of three-quarters of one percent (.75%) or less. Superior Business Services of San Francisco, Inc. performed the work for the Council.

5. Computer Analysis. The computer analysis of the data involved two stages: a final checking for errors in the data, and the actual analysis.

Error checking was performed by printing out each variable in two different ways and looking for mistakes. The first procedure, frequency distributions, shows each bit of information coded and how many times it occurs. For example, race in our study could be coded as "1" (=Black defendant), "2" (=Native), or "3" (=Caucasian or other race). If the frequency distribution showed a code of "4" or "7", this indicated an error at some point. The error would then be corrected by printing out the defendant's number, checking his coding form (if necessary and possible, also checking the original source of information), and entering the correct information onto the computer tape. Frequency distributions served other purposes as well. For example, a frequency distribution of all sentences imposed showed that the most fell between 0 days and 21 days in length. In fact, only 11 sentences were of 150 days or more. Because there were so few of these cases with long sentences (they constituted .6% of the entire sample), their inclusion in the study would have skewed or distorted the more typical sentences given to misdemeanor defendants. After a careful analysis of their effects on the other data, we eliminated them from consideration.^{1/}

^{1/} The 11 cases also tend to balance each other out in terms of their effects on our findings of racial disparity. The 11 sentences include the following defendants:

- a) 4 sentences were 360 days (1 year), imposed on 1 Black, 1 Native, and 2 Caucasian defendants;
- b) 4 were 180 days (6 months), again 1 Black, 1 Native, and 2 Whites;
- c) 1 was 176 days (a Native defendant); and
- d) 2 were 150 days (5 months), one Native and one White.

The mean sentences among these 11 were 270 days for Blacks, 221.5 days for Natives, and 246 days for whites. Because these means are so close, their exclusion from the study was further justified.

A second procedure for checking the accuracy of our data on the computer was to cross tabulate different variables, for example, type of offense by use of alcohol. Thus, if no defendants convicted of drunken driving had been coded as "intoxicated at arrest", this would have led us to check our key-punching and coding for accuracy. (No cross-tabulations of our variables, however, suggested any such systematic errors). Cross-tabulations also help to describe the defendant population and show relationships among the different variables.

6. Statistical Analysis. We chose to utilize SPSS (Statistical Package for the Social Sciences), an integrated system of computer programs designed for the analysis of social science data. (SPSS was also used in our analysis of the felony plea bargaining data.) SPSS programs are considered to be among the most useful and powerful procedures available for analysis of large aggregations of data. The package provides the researcher with a full range of statistical routines for description and analysis.

The primary purpose of using statistics to analyze information is to identify relationships or associations among different factors (e.g., the relationship between race and trial rates, alcohol use and petty larceny, sentence length and prior record, and so forth). Having identified a certain relationship between or among variables, the researcher must also determine the likelihood that the observed relationship is likely to occur by chance. This second aspect of the analysis, statistical significance, is discussed in b), below.

a) Statistical Methods. We used contingency tables, breakdowns, and multiple regression techniques in order to arrive at the findings of our report. Contingency tables are simply two- or three-way cross-tabulations

of variables (see Table VIII, page 12). Breakdowns allow the researcher to compare the mean sentences imposed for various groups of defendants. Tables constructed from this analysis (such as Table XVII, page 23) can show differences among groups of defendants with regard to one or several variables. Each of these two techniques allows the researcher to look closely at the effects of one or several variables simultaneously while controlling the effects of other variables. Multiple regression however, allows more variables to be considered simultaneously, and gives the independent contribution of each variable to the final outcome (in this case, sentence) while controlling for each other variable. (See Table XXVI, page 31 for an example). Multiple regression has different limitations on its usefulness than the other two techniques, but can be considered the most rigorous tests of associations among variables.

b) Statistical Significance. Having established certain relationships between variables and outcomes, it is still necessary to know whether the observed differences are "real" or whether they occurred by chance. We relied upon T-tests, Chi Squares, and analysis of variance tests to measure the significance of observed differences presented in this report. We used the traditional level of .05 significance as our criterion for statistical significance. The .05 level measures that the observed differences could be due to chance in only 5 out of 100 cases. Conversely, the researcher can be confident that the relationship or association noted would be the same in 95 out of 100 samplings. Should the test result in a number greater than .05 (such as .08 or .10), the result is not considered to be statistically significant. Significance levels for the tables included in this report are noted on each table. They range from .001 (1 chance in 1000) to .05 (5 chances in 100), which indicates that there is very little

likelihood that any of the results could have occurred by chance. Where the level of significance is greater than the .05 level 'NO' appears for the significance level.

Polnick

P R E S S R E L E A S E

Large differences in sentencing patterns between Alaska Natives and Whites were uncovered in a study of 1,795 misdemeanor cases sentenced in Anchorage and Fairbanks between 1974 and 1976, according to a preliminary report recently submitted to the Advisory Committee on Minority Sentencing Practices and prepared by the Alaska Judicial Council.

Advisory Committee chairman, Bert Campbell, said in response to these findings, "This misdemeanor study plus the felony study released last year confirm my worst fears that justice may be blind, but not color-blind in the superior and district courts of the State of Alaska."

According to Michael L. Rubinstein, Executive Director of the Judicial Council, the analysis of misdemeanor sentences was conducted at the express request of the Supreme Court of Alaska following the Judicial Council's earlier release, in July of 1978, of findings showing similar patterns of racial sentencing differences in Anchorage, Fairbanks and Juneau felony cases. "The Supreme Court was extremely disturbed by the statistics and wanted to know whether there was a similar problem in the misdemeanor courts as well," Rubinstein said.

The Advisory Committee on Minority Sentencing Practices met last week with a delegation of judges from the Anchorage district court, in order to discuss the implications of the recent Council report. Present at the meeting were Bert Campbell, Chairman of the Minority Sentencing Committee, and Rene Gonzales, Assistant U.S. Attorney, Vice Chairman. The committee met with Judges John Mason and Glen Anderson, representing the district court in Anchorage. Also present were Michael L. Rubinstein and Nicholas Maroules, the Judicial Council attorney who analyzed the statistics. According to Bert Campbell, "The meeting was quite constructive and the judges showed an attitude which was altogether cooperative

and frankly recognized the nature of the problem. I was very encouraged by the constructive attitude these judges were displaying and we expect to have a continued and productive working relationship between the Anchorage district court and the Minority Sentencing Committee in the future."

The Judicial Council statistics showed patterns of sentencing differences among Blacks, Whites, and Natives in three important areas of misdemeanor cases including property crimes, traffic crimes and offenses involving drunk driving. The sentencing disparity was particularly apparent in the property crime area, which was the largest of the offense classes studied. In property crimes, the report showed that Natives received 148% more jail time than Whites. It also showed that they were much more likely to go to jail than Whites for property offenses, as well as others. Although the report indicated that Alaska Natives tended to have more previous misdemeanor convictions than Whites in most offense classes, it concluded that the number of previous convictions did not account for the differences in sentences. The report also noted that the average value of the property stolen by Alaska Natives in this sample was approximately half the value of that taken by Whites. The report tentatively concludes that the value of property stolen did not account for the sentences received by Natives, which were more than twice as long. The study also examined patterns of alcohol intoxication and showed that Natives and Whites who were reportedly intoxicated at the time of their arrest received shorter sentences than those who were not, but the Natives still received substantially more time in jail than comparable Whites, whether or not intoxication was present.

According to Committee Chairman Bert Campbell, "I don't believe this situation developed through a conscious racist attitude by the criminal justice system. I think it is a manifestation of an unconscious racism that exists in most of White America, and particularly in Alaska. This racism may be impossible to eradicate completely, but the people who are sworn to uphold the constitution and the laws of the land must be compelled to deliver justice equally to all Alaskans. This report gives the justice system clear notice of the injustice that can no longer be denied."



Superior Court
State of Alaska

FOURTH JUDICIAL DISTRICT

P.O. BOX 130

BETHEL, ALASKA

99559

September 20, 1979

CHAMBERS OF
CHRISTOPHER R. COOKE, PRESIDING JUDGE

PHONE: (907) 543-2298

Mr. Arthur Snowden
Administrative Director
303 K Street
Anchorage, Alaska 99501

RE: Circuit Judge Proposal for Bethel Service Area

Dear Art:

For many years a major objective of the Alaska Court System has been improving the delivery of judicial and related services to all the people of the state. Accomplishing this is particularly difficult in our vast, sparsely-populated rural areas. We commonly refer to the wide range of court-related issues affecting the non-urban portions of our state as problems of "Bush Justice."

Both the state's leading newspapers recently carried articles dealing with "Bush Justice" focusing on the high crime rate in rural Alaska, the difficulties of providing police services, and the manner in which the criminal justice system deals with these matters. In particular, these articles focused upon the Bethel Service Area where these problems are chronic. More detailed studies, such as "Alaskan Village Justice; an Exploratory Study" by John E. Angell of the Criminal Justice Center, U.A.A., Anchorage, and the "Alaska Corrections Master Plan" describe other current perceptions of "Bush Justice".

Within the Alaska Court System the Supreme Court's Magistrate Advisory Committee considered at length the problem of providing judicial services in the bush and concluded that a system of circuit-riding judges would be the best long-range solution. This idea was received very favorably by the press, notably the Anchorage Times.

Establishing a comprehensive system of circuit-riding judges would be a very

Letter to Mr. Arthur Snowden

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expensive proposition and creating a large number of superior court posts to serve rural areas exclusively would be a substantial structural alteration of the Court System. As the Magistrate Advisory Committee realized, these recommendations were long-range and not likely to be implemented quickly.

Recent developments in the Bethel Service Area have caused me to look again at the recommendation for circuit judges to serve "Bush Justice" needs. As you know, a large percentage of our caseload originates in the 60 villages outside Bethel. The people involved in these cases are demanding trials in the community in which the offense occurred or in nearby sub-regional centers. To date it has been impossible to comply with many of these requests because of the Bethel caseload, although, as my past reports indicate, I make a considerable number of trips to villages averaging two or three villages a month. That amount of travel, however, is insufficient to meet current demands.

Attached to this letter is a summary of cases pending here in which the parties have requested village proceedings or in which considerations of convenience of witnesses and the nature of the proceeding would warrant village hearings or trials. As this caseload mounts our ability to effectively meet these demands will become increasingly inadequate.

In considering possible responses to this situation, it is apparent that this may be the time and place to experiment with the type of circuit-riding court envisioned by the Magistrate Advisory Committee. Magistrates are simply unable to meet these demands because of their limited jurisdiction and lack of formal legal education. Also, an effective circuit court operation would require interagency support: at a minimum, an additional court clerk, district attorney and public defender, and travel funds, as well as a judge.

I also realize that it might not be practical to create a permanent judicial position simply to conduct an experimental program such as I propose. Therefore, despite the Magistrate Advisory Committee recommendation, the circuit judge in such program could not be a superior court judge since this would require legislation to create a post and formal judicial selection and appointment, unless a retired superior court judge could be activated for this purpose.

The Supreme Court, however, can create acting district court judgeships without enabling legislation, and an appropriate mechanism to conduct a pilot circuit judge program might be through use of an acting district judge. The district judge could travel to villages for district court matters without disrupting conduct of superior or district court business in Bethel, then could alternate with me in Bethel for superior court cases in the villages.

Letter to Mr. Arthur Snowden

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I would appreciate the opportunity to discuss this proposal in further detail. It is also likely that this idea would draw support from other agencies such as the Alaska State Troopers, the District Attorney's Office, the Public Defender Agency and the Division of Corrections. I then hope that a comprehensive proposal for a circuit-riding judge in the Bethel Service Area, supported by the Court System and interested executive agencies, could be presented to the Legislature for their consideration in January.

Very truly yours,



Christopher R. Cooke
Superior Court Judge

cc: Chief Justice Rabinowitz
Honorable James A. Blair
Honorable Gerald Van Hoomissen
Mr. Patrick Aloia

CRC/dla

ALASKA COURT SYSTEM

BETHEL SERVICE AREA

VILLAGE CASES

Below is a summary of criminal cases and children's proceedings from various villages in the Bethel Service Area as of September 12, 1979.

<u>VILLAGE</u>	<u>DEFENDANT</u>	<u>NATURE OF PROCEEDING</u>
Shagluk	H. Howard	Revocation-felony Sentencing-felony
	A. Painter	Trial-felony Revocation-felony
Holy Cross	[C.P.]	Disposition Hearing
Sleetmute	S. Crane [C.P.]	Revocation-felony Arraignment & Adjudication
Stony River	D. Bobby	Trial-felony
Grayling	D. Painter	Trial-misdemeanor
Crooked Creek	A. Sakar	(2) Trials-misdemeanor
	S. Phillips	Trial-misdemeanor
	H. Gregory	(2) Trials-misdemeanor
	[C.P.]	Arraignment & Adjudication
Chevak	R. Nash	Sentencing-felony
Tununak	V. Kanrilak	Trial-misdemeanor
	T. Kanrilak	Preliminary Hearing-felony
Goodnews Bay	P. Roberts	Trial-misdemeanor
	W. Roberts	Trial-misdemeanor
	J. Pavala	(3) Trials-misdemeanor
Napaskink	W. Johnson	Revocation-felony
Napakiak	P. Berry	(2) Trials-misdemeanor
Alakanuk	C. Patrick [C.P.]	Trial-felony Delinquency disposition hearing
	[C.P.]	C.I.N.A. disposition hearing
Toksook Bay	W. Joe	Sentencing-felony
Sheldon's Point	O. Strongheart	Sentencing-felony
	F. Prince	(3) Trials-misdemeanor

Page 2
Village cases

Kalskag	J. Crisco R. Nook	(2) Trials-misdemeanor (2) Trials-misdemeanor
Aniak	[C.P.]	Delinquency Disposition Hearing
Nunapitchuk	W. Berlin	Trial-misdemeanor

In addition to the cases listed above, my experience indicates that if service were provided to villages on a regular basis additional cases would be filed. Other cases filed in Bethel but closed because summonses were not served upon village defendants prior to arraignment would be processed if village arraignments and trials were conducted on a regular basis.

Dear Charlie:

The Magistrate's Asso.met with Rabinowitz and this things was "discussed" The manner in which they were trying to eliminate magistrates was completely downgraded. Also, Judge Van Hoomissen was against, what is Section 2, I believe. However, Think of the cost! Not only does the circuit judge need a clerk, but a D.A. a Pub. Defender, a Trooper..and if weathered in in Eggli..Mountain Village etc..crazy. Also, SE Alaska was not a problem area at all. One section said a judge of even a clerk of the judge could come in a "review" our judgments..One thing that irked hell out of me..no magistrates were on the panel. At our meeting, we were going to come down on Rabinowitz but when he arrived, I was the only "bad guy" to speak up...

Maj. C. W. Heinmiller, Ret.
No. 25 Fort Wm. H. Seward
Box 271
Haines, Alaska 99827

Carl W. Heinmiller

a-3

Anchorage Daily News

Monday, April 30, 1979



state

Report suggests adding rural circuit riding judges

By JEANNE ABBOTT
Daily News reporter

A report by a judicial committee suggests that circuit riding judges be appointed to serve the rural areas of Alaska.

Like the traveling judges of decades past, these so-called circuit riders would make regular visits in bush villages without being encumbered by urban duties.

According to a report drafted by a Magistrates Advisory Committee, the traveling judges would make scheduled appearances at their stops, rather than making an appearance only when a problem arose. Both criminal and civil matters would be tried.

The circuit riders would act as a supplement rather than a replacement for the existing system of magistrates in bush communities.

Six circuits are considered sufficient to provide regular and ade-

quate judicial services for the time being.

The committee said the neediest areas are Southeast, Bristol Bay and the Aleutians, the lower and upper Kuskokwim, the Seward Peninsula and the Interior.

It was suggested that judges be appointed to serve rural village circuits for no more than five years at a time.

"Maintaining a regular circuit schedule is essential to restore the image and credibility of the court system in the villages and to deal with cases expeditiously. Time is of essence in making the circuit rounds," the report says.

The proposal has been submitted to the Alaska Supreme Court, but has not been acted upon yet.

The recommendation was part of a comprehensive package that also evaluated the existing services of some 60 magistrates already at work in the Bush.

The report devoted particular attention to the appointment, retention, removal and periodic review of the rural magistrates.

Currently a case is pending before the state Supreme Court to determine whether a presiding Superior Court judge has the authority to fire a magistrate.

Presiding judges do have that authority, as well as the power to select magistrates.

The report concludes that the system should remain essentially intact with the authority resting with the presiding judge.

However, the report placed great emphasis on providing a magistrate with notice of charges before termination, and giving him an opportunity to be heard.

It was also considered important for a presiding judge to review magistrate posts annually, with the suggested procedure of watching such individuals on the job.



Presently, magistrates take care of most misdemeanors and civil matters over \$2,000 and serve as coroners, notaries, and registers of births and marriages.

The report asked that magistrates be given the training to adjust juvenile matters, which was called a breakdown in the current criminal justice system. There is also an apparent need for supervision of probationers in rural villages and for increasing the efficiency of the arraignment procedures.

"There will be a continuing need for magistrates to perform limited judicial functions which cannot

await a traveling judge," the report said.

"It is anticipated that the circuit judges naturally will assume the judicial functions which demand greater legal expertise, for example presiding any civil and criminal trials. This would not entail any diminution of magistrate functions or authority.

"Very few magistrates preside over trials and they are not generally trained to do so."

The proposal attempts to eliminate any disparity in judicial services between urban and rural areas, and to provide a level of quality that was equal for both; but sensitive and adapted to the special problems of each.

The committee was created by the Supreme Court in 1976 to evaluate the magistrate system in rural Alaska. Members of the committee included Chief Justice Jay Rabinowitz, former District Court Judge Alex Bryner, Superior Court Judge Gerald Van Hoomissen of Fairbanks, attorney John Larson of

Nome and William Timme of Fairbanks, and Superior Court Judge Christopher Cooke of Bethel.

FEELING CREAKY?



ALASKA JUDICIAL COUNCIL

Michael Rubenstein
Executive Director

Chief Justice Rabinowitz
Chairman Ex Officio

Lay Members:

Kenneth Brady

John Longworth

Robert Moss

Law Members:

Marcus Clapp

Michael Holmes

Joseph Young

The Role of the Judicial Council

Membership:

Seven members: three attorney members appointed by governing body of the organized state bar and three nonattorney members appointed by the governor. The latter are subject to confirmation by a majority of the members of the legislature in joint session. /1

Appointed for six years. /1

Chief justice of the supreme court is ex officio the seventh member and chairman. /1

Duties:

Conducts studies for improvement of the administration of justice and makes reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. /2

Nominates two or more persons for a vacancy in an office of supreme court justice or superior court judge, district court judge, and public defender. /3

Performs other duties assigned by law. /4

Conducts evaluations of justices and judges for each retention election and provides information and recommendations to the public or the justices and judges before the retention election. /5

-
- /1 Sec. 8, art. IV, Constitution of the State of Alaska
/2 Sec. 9, art. IV, " "
/3 Sec. 5, art. IV, Constitution of the State of Alaska
and AS 22.05.080, 22.10.100, 22.15.170 and 18.85.030.
/4 Sec. 9, art. IV, Constitution of the State of Alaska
/5 AS 22.05.100, 22.10.150, 22.15.195



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: HOUSE JUDICIARY COMMITTEE
FROM: ROCKY PLOTNICK
DATE: SEPTEMBER 13, 1979
SUBJECT: JUDGES

During the interim I have done three things regarding judges.

I have written a summary of the Judicial Conference in Sitka last June. A copy is enclosed.

I have copied a page from a report that Judith Pinero wrote for the House Finance Committee on the Court System. It gives a breakdown of judicial responsibilities.

I talked to Art Snowden, Administrative Director of the Alaska Court System. He says he will send a copy of the judges evaluation of the Judicial Conference. Also, there will be a follow-up of continuing education for judges in October. I plan to check it out.

I need to know what to pursue in terms of judges. What kind of information do you want?

COMMISSION ON JUDICIAL QUALIFICATIONS

STANDING RULES OF ORDER

(January 19, 1973)

1. MEETINGS.

(a) ANNUAL. There will be one annual meeting on the third Friday in January of each year at the hour of 9:30 a.m. at Anchorage.

(b) SPECIAL. Special meetings may be called by the Chairman or two members of the Commission.

2. NOTICE OF MEETINGS.

(a) PUBLIC. At least fifteen days before the date of the meeting, the Chairman shall cause a notice to be placed in a newspaper of general circulation designated as most likely to give notice to the residents of the State of Alaska and may cause such notice to be published in other newspapers in Alaska. The notice shall clearly advise of the meeting of the Commission, specifying the date, time and place, and shall also state that anyone wishing to bring anything to the attention of the Commission or wishing to appear at said meeting must contact the Chairman at his address at least five days before the meeting so that the meeting agenda may include same.

(b) MEMBERS. Written notice of said meeting shall be mailed to each member of the Commission at his address as appears on the Commission records by First Class Mail at least fifteen days before said meeting. The notice, besides containing the date, time and place of the meetings, shall also include a meeting agenda, so far as it is established at the time of giving notice. All members may waive the giving of notice, such waiver to be in writing and annexed to the minutes of such meeting.

3. QUORUM. No official action may be taken by the Commission unless a quorum of at least five members of the Commission are present at the meeting.

4. OFFICERS.

(a) CHAIRMAN. There shall be a chairman and a vice-chairman elected at the annual meeting, who shall serve for a period of two years. The chairman shall prepare the meeting agenda, conduct the meetings, certify commission recommendations and direct the preparation of notices, reports, minutes and keeping of Commission records. The vice-chairman shall act in the absence of the chairman.

(b) SECRETARY. The Chairman shall appoint a secretary for the Commission, who need not be a member of the Commission. The Secretary shall attend all meetings of the Commission, take roll, keep minutes, issue subpoenas, prepare, serve and publish notices, and otherwise serve at the pleasure of the Chairman.

5. TERMS OF MEMBERSHIP. Each member of the Commission shall be deemed to serve a term ending on the 31st day of December. For purposes of effecting this rule, terms scheduled to end on or before June 30th of any given year shall expire on December 31st of the preceding year; terms scheduled to end after June 30th shall expire December 31st of that year. The appointing authority or the Judicial Member whose term is expiring shall be notified at least sixty days in advance of the expiration of the term of a member. In any event a member's term shall extend until his successor is appointed and qualified.

6. ORDER OF BUSINESS. The business of the Commission shall be transacted before any hearing scheduled at such meeting. The general order of business shall be as follows:

- (a) Minutes of previous meeting.
- (b) Reports of standing committees.
- (c) Reports of special committees.
- (d) Old business; reports of investigators.
- (e) New business; reading of communications to the Commission and reports of any action taken thereon.
- (f) Appearances by members of the public desiring to speak to the Commission.
- (g) Hearings.

Except as above stated and as stated in the Rules of Commission on Judicial Qualifications adopted September 8, 1972, the meetings will be conducted in accordance with Robert's Rules of Order, Newly Revised, Copyright 1970.

R U L E S
O F
COMMISSION ON JUDICIAL QUALIFICATIONS

(EFFECTIVE SEPTEMBER 8, 1972)

7. REPORT. Prior to the annual meeting, the Chairman shall prepare an annual report of the Commission's activities for presentation at such meeting. Upon approval by a majority of the Commission, a copy of the annual report shall be forwarded to the Governor, President of the Senate, Speaker of the House, Chief Justice and President of the Alaska Bar.

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RULE 1. INTERESTED PARTY

A judge who is a member of the Commission or of the Supreme Court may not participate as such in any proceedings involving his own censure, suspension or removal.

RULE 2. CONFIDENTIALITY OF PROCEEDINGS

(a) All papers filed with and proceedings before the Commission or the master shall be confidential until a record is filed by the Commission in the Supreme Court.

(b) If a judge is publicly charged with involvement in proceedings before the Commission resulting in substantial unfairness to him, the Commission may, at the request of the judge involved, issue a statement of clarification and correction.

(c) If a judge is publicly associated with having engaged in serious reprehensible conduct or having committed a major offense, and after a preliminary investigation or a formal hearing it is determined there is no basis for further proceedings or recommendation of discipline, the Commission may issue a short explanatory statement.

(d) When a formal hearing has been ordered in a proceeding in which the subject matter is generally known to the public and in which there is broad public interest, and in which confidence in the administration of justice is threatened due to lack of information concerning the status of the proceeding and requirements of due process, the Commission may issue one or more announcements confirming the hearing, clarifying the procedural aspects, and defending the right of a judge to a fair hearing.

RULE 3. DEFAMATORY MATERIAL

All proceedings, including the filing of any papers before the Commission, shall be privileged to the same extent and in like manner as proceedings in a court of record of this State.

RULE 4. NOTICE

Unless otherwise specified, notice when required by these rules shall be given by prepaid certified or registered mail addressed to the judge or the clerk of the court for the district to which the judge is assigned.

RULE 5. PRELIMINARY INVESTIGATION

(a) The Chairman, upon receiving a verified statement, found upon examination and inquiry to be neither unfounded nor frivolous, alleging facts indicating that a judge is guilty of willful or persistent conduct which is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice, or that he has a disability seriously interfering with the performance of his duties, which is, or is likely to become permanent in nature, shall make a preliminary investigation to determine whether formal proceedings should be instituted and a hearing held. The Commission may, on its own motion and without receiving a verified statement, make inquiry and a preliminary investigation with respect to the conduct or physical or mental condition of a judge.

(b) Before finally determining that formal proceedings should be instituted, the judge shall be notified of the nature of the charges contained in the verified statement, if any, or that the investigation is on the Commission's own motion, and shall be afforded reasonable opportunity to present such matters as he may choose.

(as amended 11-16-73)

RULE 6, RESPONSE BY JUDGE

A judge shall, within such reasonable time as the Commission may prescribe, respond to the merits of a letter from the Commission sent either before or during a preliminary investigation.

RULE 8. ANSWER

Within 15 days after service of notice, the judge shall file an answer. The complaint and the answer, if one is filed, shall be the only pleadings required.

RULE 7. NOTICE OF FORMAL PROCEEDINGS: COMPLAINT

(a) After the preliminary investigation has been completed, if the Commission concludes that formal proceedings should be instituted, the Commission shall without delay issue a written notice to the judge advising him of the institution of formal proceedings to inquire into the charges against him. The notice of formal proceedings shall constitute the complaint. The complaint shall be entitled:

"Before the Commission on Judicial Qualifications
Inquiry Concerning a Judge, No. _____"

(b) The notice shall specify in ordinary and concise language the charges against the judge and the alleged facts upon which such charges are based, and shall inform the judge that he may file a written answer to the charges against him within 15 days after service of the notice upon him.

(c) Service of the complaint shall be in person unless otherwise directed by the Commission.

RULE 9. SETTING FOR HEARING BEFORE COMMISSION OR MASTER

Upon the filing of an answer, or upon expiration of the time for its filing, the Commission may order a hearing to be held before it concerning the censure, removal or retirement of the judge, or the Commission may appoint a master to hear and take evidence in such matter, and to report thereon to the Commission. The master shall be either a judge of a court of record, current or retired, or a member of the State Bar. When the hearing is before the Commission, either the chairman or another member appointed by the chairman shall preside. No member of the Commission shall serve as master. The judge shall be given at least 15 days written notice by certified mail, return receipt requested, of the date, time and place of the hearing at his last known address.

RULE 10. HEARING

(a) At the time and place set for the hearing the Commission or the master when the hearing is before a master shall proceed with the hearing whether or not the judge has filed an answer or personally appears at the hearing.

(b) The failure of the judge to answer or to appear or testify at the hearing shall not be taken as evidence of the truth of the facts alleged to constitute grounds for censure, suspension or removal.

(c) The proceedings at the hearing shall be reported by electronic recording device in the same manner as proceedings are reported in a court of record.

(d) When the hearing is before the Commission, not less than five members shall be present when evidence is taken.

RULE 11. EVIDENCE

At a hearing before the Commission or a master, legal evidence only shall be received, and oral evidence shall be taken only on oath or affirmation. The chairman, presiding member or master shall administer the oath, rule on the admissibility of evidence, and otherwise direct the manner and order of proceedings in the same manner as a judge of a court of record. He is authorized to issue subpoenas for attendance of witnesses called to testify or to produce books, papers, and other evidentiary matter.

RULE 12. PROCEDURAL RIGHTS OF JUDGE

(a) Evidence on the notice shall be presented by an attorney selected by the chairman for that purpose. The judge shall have the right and reasonable opportunity to defend against the charges by the introduction of evidence, to be represented by counsel, and to examine and cross-examine witnesses.

(b) Upon filing a written request the judge shall have the right, without any order or approval to have a copy of the transcript of the proceedings without cost to him.

RULE 14. REPORT OF MASTER

(a) After the conclusion of the hearing before a master, the master shall promptly prepare and transmit to the Commission a report which shall contain a brief statement of the proceedings had and his findings of fact and conclusions of law with respect to the issues presented by the notice of formal proceedings and the answer thereto, or if there was no answer, his findings of fact and conclusions of law with respect to the allegations in the notice of formal proceedings. The report shall be accompanied by a transcript of the proceedings. The master may, upon specific direction of the Commission, include in the report a recommendation for censure, suspension, or removal of a judge.

(b) Upon receiving the report of the master, the Commission shall promptly mail a copy to the judge.

RULE 13. AMENDMENTS TO NOTICE OR ANSWER

The Commission or master, at any time prior to the conclusion of the hearing, may allow or require amendments to the notice on which the hearing was held and may allow amendments to the answer if one was filed. The notice may be amended to conform to proof or to set forth additional facts, whether occurring before or after commencement of the hearing. In case such amendment is made, the judge shall be given notice thereof, and reasonable time both to answer the amendment and to prepare and present his defense against any new matters charged.

RULE 15. OBJECTIONS TO REPORT OF MASTER

Within 15 days after mailing of the copy of the master's report to the judge, the examiner or the judge may file with the Commission a statement of objections to the report of the master, setting forth all objections to the report and all reasons in opposition to the findings as sufficient grounds for censure, suspension or removal.

RULE 16. APPEARANCE BEFORE COMMISSION

If no statement of objections to the report of the master is filed within the time provided, the Commission may adopt, in whole or in part, the findings of the master without a hearing. If such statement is filed, or if the Commission in the absence of such statement proposes to modify or reject the findings of the master, the Commission shall give the judge and the examiner an opportunity to be heard orally before the Commission, and written notice of the time and place of such hearing shall be mailed to the judge at least 10 days prior thereto.

RULE 18. HEARING ADDITIONAL EVIDENCE

The Commission may order a hearing for the taking of additional evidence at any time while the matter is pending before it. The order shall set the time and place of hearing and shall indicate the matters on which the evidence is to be taken. A copy of such order shall be sent by mail to the judge at least 10 days prior to the date of hearing. The hearing of additional evidence shall be before the master or the Commission and the proceedings therein shall be in conformance with the provision of Rules 10-16.

RULE 17. EXTENSION OF TIME.

The chairman of the Commission may extend for periods not to exceed 30 days in the aggregate the time for filing an answer, for the commencement of a hearing before the Commission, for the transmittal of the master's report to the Commission, and for filing a statement of objections to the report of the master. The master may similarly extend the time for the commencement of a hearing. Additional continuances may be granted upon serious illness or other similar, extraordinary circumstances.

RULE 20. RECORD OF COMMISSION PROCEEDINGS

The Commission shall keep a record of all proceedings concerning a judge. The Commission's determination shall be entered in the record and notice thereof shall be mailed to the judge. In all proceedings resulting in a recommendation to the Supreme Court for censure, suspension, or removal, the Commission shall prepare a transcript of the evidence and of all proceedings therein and shall make written findings of fact and conclusions of law with respect to the issues of fact and law in the proceedings.

RULE 19. COMMISSION VOTE

If the Commission finds good cause, it shall recommend to the Supreme Court the censure, suspension or removal of the judge, or it may on its own motion dismiss the proceedings. The affirmative vote of five members of the Commission who have considered the record and report of the master, and who were present at any oral hearing as provided in Rule 16, or, when the hearing was before the Commission without a master, of five members of the Commission who have considered the record, shall be sufficient for any recommendation the Commission may make. The recommendation and findings of the Commission shall be signed by the chairman or presiding member and may be signed by other members, either concurring or dissenting in the recommendation or findings.

RULE 21. CERTIFICATION OF COMMISSION RECOMMENDATION TO
SUPREME COURT

Upon making a determination recommending the censure, suspension or removal of a judge, the Commission shall promptly file a copy of the recommendation certified by the chairman or secretary of the Commission, together with the transcript and the findings and conclusions, with the clerk of the Supreme Court and shall promptly give the judge notice of such filing, together with a copy of such recommendations, findings, and conclusions.

RULE 22. AGENTS OR EMPLOYEES OF COMMISSION

The Commission is authorized to employ such persons as may be appropriate to carry out its function, including but not limited to attorneys, accountants, investigators, and the like, or may designate any officer of the State, including a member of the Commission, for such purposes provided that any such member may take no part in any determination involving a matter which he may have investigated.

12.3. DEFINITIONS

In these rules, unless the context or subject matter otherwise requires:

(a) "Commission" means the Commission on Judicial Qualifications.

(b) "Judge" means a judge of any court of this state subject to the jurisdiction of the Commission.

(c) "Chairman" includes the acting chairman elected by the Commission.

(d) "Examiner" means the attorney appointed under Rule 12(a).

RULE 24. INTERIM SUSPENSION

Upon notice to the judge, the Commission may petition the Supreme Court for an order suspending the judge from acting as a judge pending final adjudication of a pending complaint.

RULE 25. ANNUAL REPORT

The commission shall prepare an annual report summarizing its activities which shall be public.

National Center for State Courts

REPORT

Reducing Trial Court Delay Project



VOLUME 2 NUMBER 1

JULY 1979

The National Center for State Courts and the National Conference of Metropolitan Courts are implementing the second phase of a nationwide project to improve the processing of cases in major state trial courts. This second phase, like the first phase, was made possible by a continuing 18-month grant from the Law Enforcement Assistance Administration. The first grant resulted in the publication of *Justice Delayed: The Pace of Litigation in Urban Trial Courts*, the first intensive scrutiny of civil and criminal case processing in urban trial courts around the country.

As a logical outgrowth of the first grant, the second grant involves testing the recommendations of the first phase in seven jurisdictions around the country. The broad purpose of the seven demonstration projects is to assist courts in unilaterally implementing an array of caseload management techniques designed to reduce case processing times and modify litigation practices within the participating jurisdictions. An underlying rationale of these projects is the premise that caseload should be within the control of the court rather than the attorneys.

More specifically, project staff are striving to achieve in varying degrees the following objectives in these experiments:

- reduction in overall elapsed time in the processing of cases;
- temporary increases in the case disposition rates;
- firmer trial dates and reduced continuances;
- greater court control and scrutiny in management of case processing; and

— changes in the local legal environment reflected by changes in the way judges and attorneys conduct litigation during the pretrial stages of individual cases.

Six of the seven courts participating in the project have been selected: Maricopa County Superior Court (Phoenix, Arizona), Cuyahoga County Court of Common Pleas (Cleveland, Ohio), Alameda County Superior Court (Oakland, California), Multnomah County Circuit Court (Portland, Oregon), Detroit Recorder's Court (Detroit, Michigan), and the 15th Judicial Circuit of Florida (West Palm Beach, Florida). A seventh jurisdiction in Massachusetts will be selected soon.

Civil Caseload Management Systems

Two of the more ambitious demonstration experiments involve implementing caseload management systems on the civil side in two individual calendar courts (Phoenix and Cleveland). Caseload management encompasses all court-related functions associated with moving cases from the point of filing to the next point of pleading, hearing, trial, or other disposition. It involves monitoring and controlling the progress of cases.

In each jurisdiction the pretrial delay staff, working in cooperation with the judges, has established time frames for each stage of the civil trial process (filing of the answer, trial-readiness document, and so forth). In developing these time frames the staff took into consideration local rules and procedures. Also utilized were statistical data developed during the first phase of the project, and interviews with local attorneys to ascer-

tain the traits of the local legal environment. In both jurisdictions the goals are to have the majority of cases tried within 13 to 14 months of filing.

The staff set up procedures in both jurisdictions, with which the court could collect data and other information to monitor the progress of the experiments. In Phoenix the court administrator's office is using manual techniques and procedures. The Cleveland Court of Common Pleas is using a computer to track the cases.

In Phoenix the experiment is being conducted in cooperation with the presiding judge, Robert Broomfield, the court administrator, Gordon Allison, and four judges, Judges Charles Hardy, Sandra O'Connor, Melvin McDonald and Robert Strick. In Cleveland the project is working with the presiding judge, Leo Spellacy, and ten judges of that court.

Trial-Setting Experiments

Many of the Phase I findings in the delay project point to the trial-setting process as crucial to the movement of cases. Diverse trial-setting experiments are being conducted in three jurisdictions: Alameda County Superior Court, Multnomah County Circuit Court, and the 15th Judicial Circuit of Florida.

The purpose of the experiments conducted in Oakland's Superior Court and Portland's Circuit Court is to attempt to isolate the impact of firm trial dates on termination rates, backlog, and delay. Achieving firm trial dates is tied to the level of settings per trial. It is the staff's belief that the certainty of trial dates is brought about by reduction — often drastic — of the number of cases set for trial in any

given period. In Portland the experiment involves trial settings on the civil side. In Oakland the experiment involves modifying criminal trial settings.

The staff first documented existing practices from interviews with the calendaring staff and the judges and administrators involved in the process. The effectiveness of existing practices and policies was determined from analysis of aggregate data collected by the court, data from the Phase I sample of 1976 cases, and from interviews with the judges and attorneys working with the policies. These sources provided an indication of what changes should be made in the system, what types of changes would be likely to be accepted by the court, where procedures or rules had to be modified, and baseline information for determining the impact of the changes on the court, court staff, and available resources.

Specific recommendations were made to implement trial-setting demonstration projects in both jurisdictions. Each project was cognizant of and modified to include local legal practices.

In Portland the staff is working with the presiding judge, Charles Crookham, and the court administrator, Michael Hall. The presiding judge, Alan Lindsay, and the court administrator's office under Stan Collis are the principal contacts in Oakland.

Palm Beach County recently accepted certain criminal calendar management recommendations made by the Center's staff, of which a modified trial-setting policy is a major component. The project is presently in its initial implementation stages.

The principal objective is to reduce the number of cases on each judge's weekly trial calendar, including cases that have been continued, to achieve a firm trial date. A second objective will be to reduce the length of continuances in cases that have to be continued for trial. The court also is adjusting its arraignment procedures in an effort to reduce the time between arrest and arraignment.

It is believed that reducing the length of the trial calendar is more likely to bring a reasonably firm trial

date, because if the calendar is shorter, it is more likely to be completed in the week available. Reduction in the time provided for continuances should both reduce the overall times to disposition and keep pressure on counsel to resolve the matters reasonably expeditiously, since the likelihood of court action will be increased.

The demonstration will run for approximately six months. The staff is working with Chief Judge Timothy Poulton and Court Administrator Robert Horey.

Automated Gathering of Case Processing Information

The project conducted in the Detroit Recorder's Court is different from the other experiments. Rather than testing delay reduction techniques, it is directed towards enabling courts to obtain case processing information. Specifically, the Recorder's Court, with the delay project's assistance, has successfully automated the on-going collection of the case processing information gathered during Phase I of this project to compare courts.

Identification of Old Criminal Cases

A Massachusetts jurisdiction will be selected to collaborate with the project staff in implementing an experiment aimed at identifying and moving expeditiously the oldest pending criminal cases in the court. Using procedures developed by the pretrial delay staff, the oldest pending cases in the court will be subjected to intensive judicial review so as to identify those cases that have been the subject of unnecessary delay, to determine the reasons for the delay, and to exert the judicial authority needed to bring them to disposition.

This experiment coincides with the recent adoption of a new rule by the Supreme Judicial Court of Massachusetts, which requires older cases to be subjected to greater judicial scrutiny. In particular, Rule 36 of the Massachusetts Rule of Criminal Procedure requires all active cases pending more than six months to be reviewed by the court. In anticipation of this rule and in support of the experiment, the Superior Court will implement the special review proce-

dures developed by the pretrial delay staff.

Once these cases have been identified, they will receive special designation from the court and thereafter will be subject to certain extraordinary measures. These include subjecting cases to strict continuance control, prohibiting a designated case from going for more than 30 days without a scheduled court event, according such designated cases priority on the trial calendar, requiring case status conferences with written reports by the attorneys to the court, and imposing judicial sanctions on attorneys when they continue to foster delay.

In Massachusetts the project is proceeding with the authorization of the chief administrative judge, Arthur M. Mason, and the president judge of the Superior Court, Edward Lynch.

REDUCING
TRIAL COURT DELAY
A project of the
NATIONAL CENTER
FOR STATE COURTS
in cooperation with the
NATIONAL CONFERENCE
OF METROPOLITAN COURTS

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Judicial information system project enters fifth phase

A project aimed at supplying court administrators with timely, accurate, and complete court caseload and resource information has been awarded continuation funding from the National Criminal Justice Information and Statistics Service of the Law Enforcement Assistance Administration.

The State Judicial Information System (SJIS) project received a grant of \$560,985 for an 18-month period, the fifth phase of the project. The Conference of State Court Administrators (COSCA) will sponsor the project, for which the National Center for State Courts will continue to provide staff support.

Under the new phase of the project, National Center staff and members of COSCA will continue to assist state courts in developing and implementing their statewide judicial information system efforts. This phase of the project, however, will

Continued on Page 3

National Center for State Courts REPORT

VOLUME 6 NUMBER 7

JULY 1979

Arkansas reviews judicial system in constitutional reform effort

The Arkansas judicial system may see some sweeping changes next year, if voters ratify the new state constitution that will be presented to them in the 1980 general election.

A constitutional convention, authorized by the 1978 General Assembly, is being held this summer to review and update the state's 1874 constitution. The convention represents the state's second attempt in the last 10 years to make comprehensive changes in its constitution; a new constitution proposed following a

convention in 1969 failed to be ratified.

To assist the convention in preparing a new judicial article for the constitution, staff at the National Center's Southern Regional Office are working under the guidance of the Arkansas Judicial Planning Committee (JPC) to conduct a major review of the current judicial system and propose measures for improving court operations.

The Law Enforcement Assistance Administration has awarded a grant of \$378,398 to the study during the next 18 months.

"While the present judicial article has been amended several times," said Project Director Robert W. Tobin, senior staff attorney at the National Center, "there has been no major review and refinement of the judicial branch—as reflected in total constitutional reform—since the passage of the 1874 Constitution."

A 30-member task force headed by Eugene Harris, judge of the chancery court, 11th district of Arkansas, is providing policy guidance to the project. Representatives from the JPC, the courts, bar, prosecution and defense are members.

To furnish the needed background and system information to the constitutional convention, project staff will conduct extensive research documenting existing constitutional and legislative provisions for the courts. Their research will also include identifying court financial resources, preparing an inventory of available courthouse facilities, com-

Continued on Page 2

State courts invited to participate in public opinion survey project

States interested in conducting surveys to determine public opinion of their courts are invited to inquire about a proposed survey research project for which the National Center is currently seeking federal funding.

Under the proposed project, the National Center would assist state court systems in conducting surveys of the public and the judiciary and in using the results to improve the judicial policy-making process. Surveys will be designed by the public opinion research firm Yankelovich, Skelly and White, Inc., to fit each state's specific characteristics, as well as to provide a basis for state-by-state and state-national comparisons.

The project follows a similar survey of public attitudes towards the courts conducted nationwide by the Yankelovich firm for the National Center. Results of the national sur-

vey were presented at a conference in Williamsburg, Va., in March 1978 and published in *State Courts: A Blueprint for the Future* by the National Center.

Interested states may obtain a copy of the project proposal by writing to Joel Zimmerman, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185, or calling him at 804/253-2000. In addition to receiving federal funding, participating states will be required to contribute \$20,000 as a portion of project funding and are expected to help identify private sources within the state for matching supplemental funds.

States that may wish to participate are asked to call or write Joel Zimmerman at the National Center no later than August 3.

Pennsylvania court study shows improved case-processing time

Case processing in Pennsylvania's York County Court of Common Pleas has improved markedly since the adoption in 1973 of a speedy-trial rule for Pennsylvania courts, according to a recently released study by the National Center's Northeastern Regional Office.

The five-judge general jurisdiction trial court serves the eighth most populous county in the state. While figures show only a modest increase in recent years in the total number of cases filed with the court, appellate court decisions and legislative mandates protecting the rights of citizens have added to the complexity of matters before the court.

A study of criminal case disposition times conducted two years after adoption of the speedy-trial rule showed York County's average time to be almost twice that provided in the rule. The rule requires that trials in criminal cases commence within 180 days after arrest.

The current study, however, showed that the median elapsed time from filing of complaint to trial commencement or pretrial disposition was 140 days for 1977 cases and 135 days for 1978 cases.

In juvenile delinquency cases the study showed a distinct difference in processing time between cases where the accused was detained and those where he was not. The court consistently met statutory time limits for juveniles held in detention, while the elapsed time was considerably longer for youths charged but not detained.

ARKANSAS

Continued from Page 1

piling current statistics on court staffing, and reviewing caseload reporting procedures.

If a judicial article is proposed by the convention, a long-range plan for implementing it will be developed.

An alternative plan for achieving court improvement through legislation and rule changes will also be prepared, in the event the constitution proposed by the convention fails to be ratified.

Mixed results were obtained for studies of processing time in trespass (torts), arbitration, divorce, domestic relations support, and will administration cases.

Three recommendations were emphasized in the study report: control of the criminal trial list by the district attorney under court supervision should continue; the court calendaring system, which allows individual judges flexibility in scheduling cases, should be continued; and another judge should be appointed to assure that the court continues to keep pace with caseload.

Overall, the team concluded, conditions in the York County Court of Common Pleas are good, and, with the addition of another judge and adoption of certain management controls, the court will continue to improve its service to the public.

Uniform traffic citation form being designed for Michigan

The North Central Regional Office is assisting the Michigan State Court Administrative Office in designing and publishing a uniform traffic citation form for use throughout the state.

Use of such a form was mandated last year by the state legislature and must be implemented by August 1.

In the past, all violations of the state's traffic code—ranging from such relatively minor offenses as improper turns to such major offenses as reckless driving—were treated as criminal violations. The new legislation decriminalizes most minor traffic offenses and creates a new class of civil infractions.

Citation forms currently in use have been developed on an ad hoc basis to meet the needs of local jurisdictions, and they vary widely throughout the state. With assistance from the National Center's Court Improvement Through Applied Technology staff, project staff helped the State Court Administrative

Benchbook to aid District judges

Work has begun at the Mid-Atlantic Regional Office on a benchbook on criminal and juvenile proceedings for judges of the District of Columbia Superior Court.

Written specifically to address the needs of the judges, rather than those of attorneys or court-support personnel, the benchbook is expected to serve as a reference resource for experienced judges and as an orientation tool for new judges.

"In a fully unified court system such as the District of Columbia's, where the judges of the court rotate among various assignments, keeping abreast of the law and mastering the procedures and techniques applicable to the different kinds of proceedings over which judges are called upon to preside is an enormous task," said Project Director David C. Steelman. "A benchbook can help ensure uniformity and efficiency."

Office, the Attorney General, the Secretary of State, and the State Police to develop a standard form and set up procedures for putting the form into use statewide by the August 1 deadline. Staff members are also providing assistance in developing training materials and procedures manuals.

The new multipart form has been designed for use in both civil infractions and misdemeanor offenses. Copies will serve as official notice to the alleged violator, as a complaint or notice to appear for the court's records, and as a record for the local traffic enforcement agency.

State Court Administrator Einar Pohlman is director of the project, and Francis Bremson, director of the Center's North Central Regional Office, is coordinator. Funding is being provided by the U.S. Department of Transportation through the Michigan Office of Highway Safety Planning.

INFORMATION SYSTEMS

Continued from Page 1

expand the scope of participation to include all 55 members of COSCA in its activities, and, as a result, the program will become a true national effort.

A focal point of the new phase will be an analysis of the feasibility of transferring information system "modules" between states. If modules that assist in appellate, civil trial, or criminal trial court functions can be identified, they will be documented and made available to

interested courts.

It is expected that the project will help courts improve their capability for developing operational judicial information systems, for developing more effective techniques for assessing their existing information systems, and for avoiding many potential problems and failures commonly associated with extensive information system developmental efforts.

Director of the project is Lynn A. Jensen, associate director for programs. Staff Associate Carter C. Cowles is deputy director.



Infinger



Kestner



Shelton



Zaremba

Courts staffing service

Advertisements for positions available in state courts or court-related organizations are listed free of charge on a space-available basis. Listings must be received by the Publications Department, NCSC, 300 Newport Avenue, Williamsburg, VA 23185, by the 15th of the month preceding the month of publication. The editor reserves the right to edit announcements when space is limited.

Clerk—United State Court of Appeals for the Third Circuit, Philadelphia, Pa. Manages and supervises the business of the court, including personnel, case management, relationships with district courts and the practicing bar, statistics, interpretation of rules, and disposition of delegated motion business. Requires law degree with 10 years active practice or experience in law-related fields, and proven management and administrative skills. Education may be substituted for some experience. Salary range: \$38,190-44,756. Send five copies of resume to Chief Judge Collins J. Seitz, Lock Box 32, Federal Building, 844 King Street, Wilmington, DE 19801 before September 1.

Assistant to the Third Circuit Executive and Judicial Council—U.S. Court of Appeals for the Third Circuit, Philadelphia, Pa. Works in a broad range of tasks in all phases of court administration. Requires law degree and minimum of two years of progressively responsible experience, undergraduate degree in management or related field and experience or training in court administration desirable. Salary range: \$19,263-27,453. Send five copies of resume to William A. Doyle, Third Circuit Executive, 20716 U.S. Courthouse, Philadelphia, PA 19106 before September 1.

Technical Assistant for Probation and Court Services—Chicago, Ill. Duties would include plan development, project monitoring and technical assistance, grants management, statistical surveys, and preparation of reports. Applicant should have a bachelor's degree in the social sciences with five years experience in probation field services, including one year of supervisory responsibility. Working knowledge of probation services in Illinois preferred. Salary \$16,000-18,500. Send letter and resume to W. J. Gribben, Executive Secretary, Illinois Supreme Court Committee on Criminal Justice Programs, 30 N. Michigan Ave., Room 2001, Chicago, Ill. 60602. An equal opportunity employer.

Systems Analyst—Chicago, Ill. Duties would include assisting the Coordinator of Systems and Technology in project monitoring, technical assistance, plan development, system design, grant management, and equipment evaluation. Applicant should have experience in data processing system development and an understanding of state court systems. Familiarity with Illinois practice and procedure preferred. Salary negotiable. Send letter and resume to W. J. Gribben, Executive Secretary, Illinois Supreme Court Committee on Criminal Justice Programs, 30 N. Michigan Ave., Room 2001, Chicago, Ill. 60602. An equal opportunity employer.

Court Administrator—Superior Court of Lake County, Ind. Assists the chief judge in a 13-judge judicial circuit in coordinating and supervising nonjudicial administrative functions. Qualifications: business administration experience with knowledge of court operations; master's degree in business administration or court management or JD desirable. Salary range: \$20,000-24,000. Submit resume to Chief Judge James Danikolas, Superior Court of Lake County, 400 Broadway, Gary, IN 46402 by August 15. EOE, M/F.

Staff Attorney—Southern Regional Office, National Center for State Courts, Atlanta, Ga. Responsibilities include legal and empirical research, report writing, development and research proposals, technical assistance, and project management. Involves frequent travel in 12 state region. Requires degree from accredited law school, law review or similar experience helpful. Recent experience in court reorganization and all phases of court administration highly desirable. Salary: \$18,519-20,449. Send resume, salary history, and brief letter describing relevant prior experience to Regional Director, National Center for State Courts, Southern Regional Office, Suite 119, 1600 Tullie Circle, N.E., Atlanta, GA 30329. EOE, M/F.

Staff Attorney/Associate—Southern Regional Office, National Center for State Courts, Atlanta, Ga. seeks person with background in law or business, public administration who is able to conduct analytical studies of court operations and develop appropriate evaluation methodologies and strategies for national scope project. One or more years of court related experience preferred. Salary negotiable based on qualifications, maximum of \$18,000. Immediate starting date. Send resume to Regional Director, Southern Regional Office, National Center for State Courts, 1600 Tullie Circle, N.E., Atlanta, GA 30329. EOE, M/F.

Meet the staff

Jack Infinger is a computer services specialist at Center headquarters and a member of the national project investigating the link between learning disabilities and juvenile delinquency. He has had extensive data processing experience as a programmer/analyst for a criminal justice information system and for Naval research before joining the Center last January. He holds a BS in business administration from the University of South Carolina.

Sandra Kestner joined the National Center in April as secretary for the Secretariat, the administrative arm for six court-related organizations. Her previous experience includes seven years as a medical secretary.

Bonnie Shelton recently became the mailroom and supply clerk at National Center headquarters. She joined the Center last October as operator of the Center's photocopying service. She worked previously for the Colonial Williamsburg Foundation for more than 10 years as an offset press operator and as film inspection supervisor.

Barbara Zaremba is project manager of the national study investigating the link between learning disabilities and juvenile delinquency. Her background includes extensive work with the learning disabled as both an educational diagnostician and a consultant. She holds a BS in special education from Bowling Green State University and an MEd from the College of William and Mary.

Book discusses judicial salary-setting method

One means of determining appropriate salary levels for the state judiciary—through compensation commissions—is the subject of a new monograph by the National Center.

Judicial Compensation Commissions outlines the composition, duties, and authority of those commissions charged with recommending judicial salary levels. Currently 28 states have commissions that aid in determining compensation of members of the executive, legislative, and judicial branches of government. In 20 of the 28 states, such commissions review and recommend levels of judicial compensation.

The book outlines three essential factors necessary for fairly and objectively setting judicial compensation: an objective review of salaries, concrete and complete data to substantiate recommendations, and a workable relation with the legislature. The book describes how these factors are an integral part of the compensation commission process but also notes that these mechanisms can be used without a compensation

commission to set policy.

The monograph was written by Staff Associate Marilyn McCoy Roberts, a member of the Research

and Information Service staff of the National Center, and published under a grant from the Law Enforcement Assistance Administration.

National Center publications

Books

Judicial Compensation Commissions. Describes the composition, duties, and authority of those state compensation commissions charged with making recommendations for compensation of the state judiciary. No. R0042. \$4.00

Housing Justice in Small Claims Courts. An empirical examination of the handling and resolution of housing-related disputes in small claims courts. No. R0043. \$6.00. Available after October 1.

Reports

Equal Employment Opportunity in the Courts. Preliminary Report. Discusses the status of EEO in the courts, reviews the applicability of federal EEO laws to state courts, and includes a guide to EEO planning in the courts. North Central Regional Office. 145 pp. Manuscript.

Hennepin County Courts Space Management Study. Final Report. Documents the findings of a six-month examination of court and court-related space problems and needs and presents

recommendations for immediate, near-term, and long-range action for their resolution. North Central Regional Office. 220 pp. Manuscript.

A Study of the New Jersey Appellate Division's Clerk's Office reports on a nine-month study of the clerk's office and makes recommendations concerning the clerk's office organization and personnel, computer system, office space, and record keeping. Northeastern Regional Office. 232 pp. Manuscript.

Research Essay

Technology and the Courts: An Update. Summarizes many of the new developments in court technology and innovations in manual approaches. Reprinted from the State Court Journal, Spring 1979. No. E008. \$1.00

Project report manuscripts are available for the cost of reproduction. Publications may be ordered from the Publications Department, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185. Tel. 804/253-2000.



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National Center for State Courts

REPORT

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Editor: Margie Brady

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ALASKA COURT SYSTEM
JUDICIAL RESPONSIBILITIES*

SUPREME COURT--5 justices

- Final Appellate Jurisdiction
- Civil Appeals & Cross Appeals
- Criminal Appeals & Juvenile Appeals
- Petitions for Review/Original Applications

TRIAL COURTS--63 court locations statewide

SUPERIOR COURT--20 judges

- Trial Court of General Jurisdiction
- Original Jurisdiction in all
Civil and Criminal Matters
- Appeals from Final Judgments of
the District Court
- Exclusive Jurisdiction: Domestic
Relations, Children's Proceedings,
Probate, Guardianship and Civil
Commitments

DISTRICT COURT--17 judges & 54 magistrates

- State Misdemeanor Violations
& Local Ordinance Violations
- Recovery of Money or Damages of
Property not exceeding \$10.0
- Motor Vehicle Tort Cases not
exceeding \$15.0

*The Supreme Court has administrative responsibilities which include the management of the entire state judicial system, the promulgation of rules governing practice and procedure in civil and criminal cases in all courts, the promulgation of administrative rules and the supervision of admissions and disciplinary matters of the Alaska Bar.