

May, 1977

A. Informational and Service Facilities

1. Finding the Courtroom. Signs indicating directions to specific courtrooms are needed. Specific signs within the courthouse (i.e. "Ground Floor", "First Floor", etc, are needed. Arrows pointing the way to courtrooms are needed at hallway intersections. Where possible, floor numbers and directories should be located directly across from elevators.

The new practice of stationing bailiffs in corridors should be continued to help direct persons getting off elevators. A sign on the directory saying "If you need help, ask the bailiff", will be helpful <sup>as will</sup> (~~and~~) identification for the bailiff.

2. Getting Information. There should be either an information desk placed strategically in the courthouse, or large signs at the entrances directing persons to the Circuit Clerk's Office, where the public, defendants, etc. can get needed information.

A general informational brochure for defendants is recommended. This should detail their rights and explain the steps from arrest through trial and sentencing. This brochure should be provided to the accused by the police at booking. Could be done by States Attorney's Office.

There is a need to provide information and access to agencies serving the justice system (e.g. Legal Aid, Illinois Lawyers Referral Service, etc.)

A general information booth, if available, should be staffed with persons who have this information, or large signs should be posted (For information on the Illinois State Bar Association Lawyer Referral Service, phone \_\_\_\_\_) There should be a local lawyer's referral service with a local number.

3. Calendars. The calendar should be up-dated at least daily and clearly identified as "Today's Calendar". The calendar should be as complete and current as possible. Ideally revisions, additions, etc. should be made just before court convenes. A calendar should be posted at the door of each courtroom. If the judge is not to be in court, appropriate directions should always be posted. Judge's schedules should be improved.
4. Posting "Rights". We recommend that the defendant's rights in Courtroom 206 be moved to a more conspicuous place within the courtroom, and be made larger.
5. Interpreters. None used or needed.
6. Other problems.

#### B. Physical Facilities

1. Conference Space. Lawyer-client conference rooms on each floor should be provided.
2. Witness Accommodations. Directions are necessary.
3. Seating. When court personnel are aware that calendar will be crowded, <sup>small</sup> court should be transferred to a larger courtroom if available. <sup>In general</sup> Available space can be better utilized.
4. Audibility. We feel that ~~audibility~~ <sup>needs improvement,</sup> for the audience was a problem and the bailiff should be used to help control or ~~reduce~~ noise outside the courtroom. Since arraignments are a public proceeding, we ~~are~~ <sup>should be asked to</sup> all who take part make an effort to be heard. As in the major courtrooms, this courtroom should also have a sound amplification system.

C. Procedures

- 1. Promptness. If court is to be delayed, an announcement should be made to those present and sitting in the courtroom.
- 2. Continuances. None.
- 3. Dismissals. None.
- 4. Other. Monitors mentioned problems relating to requests for ROR's, seemingly inconsistent guidelines <sup>for the</sup> on appointments of PD's, prisoners, ~~appearances in court who had not received a copy of the charges, etc.~~ <sup>appearances in court who had not received a copy of the charges, etc.</sup>

Recommendations:

- a. Guidelines should be set ~~to~~ for giving defendants PD services.
- b. When judge is absent, provisions should be made for redirecting <sup>parties</sup> ~~public~~ <sup>witnesses and public</sup> to proper courtroom.
- c. ~~General~~ <sup>G</sup> guidelines for granting bail should be available to defendants, their families, attorneys.
- d. Prisoners should all come <sup>into court at one time</sup> (up at once into court.) so they are able to hear <sup>the reading of prisoners rights / cases</sup>
- e. The original ~~idea~~ <sup>of</sup> of docketing defendants would be preferable to <sup>the</sup> ~~current system~~ <sup>of taking up cases by lawyer seniority</sup> using the current system of lawyer seniority.

D. Auxiliary Personnel

- 1. Bailiffs. ~~The~~ bailiffs should be trained in <sup>their</sup> ~~his~~ duties. Bailiff should be used to control traffic in and out of <sup>to</sup> ~~the~~ courtroom. Bailiffs can be used to advise those in courtroom of delays when they occur. <sup>as noted earlier</sup> Bailiffs should ~~continue to be used in the corridors to direct persons getting off elevators,~~ <sup>give directions</sup> ~~at least until better~~ <sup>signs</sup> ~~directions~~ are available.

Auxiliary Personnel, cont.

- 2. Clerks. A desk sign should be on the clerk's desk in the courtroom to identify the <sup>clerk</sup> ~~person~~.

E. Judges

- 1. Admonishments.
- 2. Courtroom Control.
- 3. Appearance of Fairness.
- 4. Helpfulness.
- 5. Patience and Courtesy.
- 6. Propriety.

7. Noteworthy Aspects. When monitors had the opportunity to watch a number of judges, they seemed to <sup>reemerge</sup> reach a consensus <sup>for a good traits arrangement</sup> with ideal personality traits for a judge. Recommendations:

- a. Judges should show patience and a willingness to listen to defendant's responses and questions. (particularly with regard to bail)
- b. Judges need to make an effort to be heard in the courtroom; they are often not heard beyond the rail.
- c. Judges should make an effort to keep courtroom as quiet as possible and should discourage attorney conversations and traffic.

F. Overall Impressions of Court

1. Did monitors feel that justice appeared to be fairly administered?

State's Attorneys.

Leeway in sentencing.

Legal Services.

Court-space utilization.

Recommendations:

a. Better <sup>preparatory by</sup> ~~starting~~ in State's Attorneys' <sup>representatives is needed.</sup> ~~offices.~~

b. Corrective sentencing for people with psychological problems. ~~Use of~~ <sup>such as</sup> ~~use of the~~ Mental Health Clinic.

c. More Public Defenders available for needy defendants. <sup>Legal Aid Referral office should be in the courthouse</sup> Information <sup>should be</sup> available on free/inexpensive legal help. <sup>Legal Aid referral office in courthouse.</sup> ~~should be present~~

d. ~~Not using facilities to full extent over a full 8 hour day.~~ <sup>See recommendations below</sup> ~~Courthouse facilities should be used for more hours in each day and can be by better scheduling.~~

General: We need more public education on what happens when a person breaks the law, in Social Studies classes, and at lower grade levels in elementary school. Possibly more police-directed and systematized programs that begin in the early school years. The program should include parent-involved sessions.

There is a need for an <sup>brochure</sup> ~~informational bulletin~~ for the layman, with basic <sup>containing</sup> information and sources of <sup>additional</sup> ~~fact~~ information.

*No black judges and no black lawyers in Decatur*

Part I  
BASIC INFORMATION

<u>Courts Observed</u>	<u>Location</u>	<u>Days per Week Observed</u>	<u>Type of Proceedings</u>	<u>Average Time in Session per Day</u>
Room 206	Courthouse	4-5	Misdemeanor Arraignments	43 minutes

Number of Judges Observed: 4                      Number of Monitors: 21

Total Period Observed: March 1 through April 29

Period on Which Data Based: March 21 through April 29

**Project Background:** The project was established by the League of Women Voters of Decatur in the spring of 1977. Twelve persons served on the local steering committee representing the following groups: American Association of University Women, Junior Welfare League, Church Women United, LWV, NAACP. Ramona Deaton was chairperson.

**Court Officials Asked to Respond to Recommendations:** Circuit Judge Rodney Scott, Presiding Judge of Macon County.

## Part II

### PROJECT SUMMARY

#### OVERALL APPEARANCE OF JUSTICE

The Macon County misdemeanor arraignment court appeared to be dispensing justice fairly, according to most of the Macon County court watchers. 90.9% of the responses to the question about the appearance of justice were approving, but the observers had some reservations. In particular, they were concerned with the lack of proper training of the bailiffs and with the confusion over defendant qualification for public defender services or reduced fees for legal help. The local steering committee took the report of the monitors' findings and the committee recommendations to Judge Rodney Scott. Judge Scott agreed that some of the suggestions should be implemented, but it is not yet clear whether any of them will be.

#### INFORMATION AND SERVICE FACILITIES

There are general directories on each floor but no general information desk or general informational brochures or signs explaining procedures. Nearly a third of the monitors felt informational facilities are inadequate. A weekly calendar is posted on a hallway bulletin board with information listed by docket numbers. In courtroom 206, a notice of defendant's rights is posted immediately inside and to the right of the door. One third of the monitors felt it is not conspicuously placed.

#### Committee recommendations:

To provide better information to the public, the committee recommended that: 1) signs indicating directions to specific courtrooms are needed with arrows pointing the way to courtrooms at hallway intersections and, where possible, directories should be located directly across from elevators; 2) a booth or other source of information should be established in a strategic location; 3) a general informational brochure for defendants is recommended, detailing their rights and explaining the steps from arrest through trial and sentencing; 4) the calendar should be up-dated daily and be kept as current and complete as possible; 5) when the judge is not to be in court, appropriate and conspicuous directions should be posted; 6) the statement of defendants' rights in Courtroom 206 should be moved to a more conspicuous place within courtroom.

#### Judge's comments:

Judge Scott responded, "Definitely more signs and information should be available pointing out directions to courtrooms. The doors to the courtrooms are now marked as to the courtroom number but further signs are needed. At our next judge's meeting, we will explore what further action can be taken."

Judge's comments continued:

"At present there is a bulletin board on the second floor just outside Court Rooms No. 1 and No. 2. This board has the weekly setting for Court Rooms No. 2, No. 6, and No. 4. It has the daily setting for No. It should have the daily setting for Court Rooms No. 7, No. 3, and No. 5. This board is an old discarded bulletin board, salvaged from the Clerk's Office. It should be replaced with a larger board and one where the cork is not worn out so that it will hold secure all information.

"To improve what we now have, we should pay more attention to the postings and provide those that are missing.

"As three of the four entrances to the building are on the ground level and only the North entrance is on what is termed the First Floor, perhaps designation of floors should be changed to reduce confusion. An information booth would be helpful, located on the ground level by the elevators. Present directories seem to be ignored by many.

"Rights Forms" are posted in Court Rooms and elsewhere wherever defendants have access. Furthermore, they are read to defendants repeatedly from his first contact with the law. Defendants are so exposed to their "rights" from every source, including every crime program, that they are fully aware of them."

"This county has had no occasion to require interpreters for years. The exception is as to deaf and dumb individuals and then someone acquainted with sign language has been secured. There has been no problem as this is an English-speaking area with practically no residents who speak solely a foreign language."

PHYSICAL FACILITIES/AUDIBILITY

While seating space was generally considered adequate in courtroom 206, on busy days it was overcrowded. Audibility was a problem almost always and conference space is inadequate. Lawyers met with clients in the hallways, the witness room or the back of the courtroom. Privacy was lacking.

Committee recommendations:

The committee recommended that: 1) lawyer-client conference rooms should be provided on each floor; 2) directions are necessary to find the witness room on the second floor; 3) when court personnel are aware that calendar will be crowded, the session should be transferred to a larger courtroom and, in general, available space can be better utilized; 4) for noise control, the bailiffs should be used to reduce noise outside the courtroom; all involved should make an effort to be heard. A sound amplification system is needed in Courtroom 206.



Judge's comments:

Judge Scott agreed with all of the recommendations, noting that the judges "would like very much more conference space" and the "witness waiting space is limited, is often crowded, is not very satisfactory".

Judge Scott also noted, "Comments and criticisms as to acoustics problems are very well founded. Definitely every Court Room has audibility problems from external and internal noises. Some hearings are interrupted and delayed by street noises (fire sirens, ambulances, trucks). We have asked the county to provide carpeting and draperies to help on this serious problem."

DELAY AND DISMISSALS

Monitors found that of the 344 misdemeanor proceedings observed in Courtroom 206, 43.3% were continued. While none of the requests for continuances was denied, monitors indicated that judges usually made an effort to find out why delay was necessary.

The committee noted that the total of misdemeanor arraignments in this court included a large number of cases that must be routinely continued in allowing the defendant to obtain counsel, in getting dates for jury calendar or bench trial calendar, etc. The committee made no recommendations.

JUDGES

The four judges observed in Macon County Courtroom 206 were given high ratings for their courtesy, decisiveness, lack of prejudice, attentiveness and patience. Many monitors explained their answers, for example:

-- "I felt that justice was really being done and was very impressed with Judge \_\_\_\_\_ and his court."

-- "Very patient and wanted to be sure they understood what he was saying."

-- "I feel Judge \_\_\_\_\_ conducts a very efficient, but business-like courtroom -- he seems to have empathy for the defendants but doesn't smile -- gives thoughtful consideration to previous records and personal situations before setting bond."

But there were some problems: monitors felt that on a number of occasions judges showed impatience, were not audible beyond the rail, and did not control noise within the courtroom. Monitors

explained as follows:

-- "He did not try at any time to quiet attorneys or others making noise or talking outside the door. Windows were open and street noises and train whistles kept me from hearing also."

-- "Judge appeared irritable and impatient. Questions of defendants -- e.g. were they working or looking for work -- seemed accusatory. Facial appearance was critical."

-- "He speaks softly (Judge) and it is difficult to understand sometimes."

Committee recommendations:

The committee recommended that judges: 1) show patience and a willingness to listen to defendant's responses and questions; 2) make an effort to be heard in courtroom; 3) make an effort to keep courtroom as quiet as possible and should discourage attorney conversation and traffic.

Judge's comments:

None.

CLERKS AND BAILIFFS

Monitors felt the clerks and bialiffs were polite and patient but urged that bailiffs be trained to take an active role in the courtroom.

Committee recommendations:

The committee recommended that the bailiffs be trained in their duties. They should be used to control traffic into and out of court and they could advise those waiting in a courtroom of delays when they occur. They also recommended a sign be on the clerk's desk to identify her.

Judge's comments:

Judge Scott responded, "Our bailiffs are not under the direction of the Sheriff. Our source of employment is generally from retired persons as the pay is not competitive to other regular employment. Better instruction, training and use is admittedly desirable."

"The Court feels we are fortunate in our clerks as to their performance of duties."

## STATE'S ATTORNEYS

Although monitors were not asked any specific questions about the performance of the State's Attorney's staff, a number of observers commented. On the whole, they found Assistant State's Attorneys appeared competent but noted occasional exceptions:

-- "State's Attorney needs to show the public he is better prepared to represent the people -- this may not be true of all representatives of the S.A. office but the times I was there I saw the same person both times."

-- "How adequately can State's Attorney prepare a case if office is understaffed?"

-- "He (judge) seemed irritated with Sheriff's department for not issuing receipt of money held -- favored defendant's rights -- was very impatient with prosecuting attorney for being poorly prepared for court session -- and rightly so, I feel! P.A. not knowledgeable on today's cases -- hadn't done homework!"

### Committee recommendations:

Committee recommended better preparation by the State's Attorney's representatives.

### State's Attorney's comments:

\* "Currently, the Macon County State's Attorney's Office has seven assistant state's attorneys authorized by the Macon County Board. This compares with eleven assistant state's attorneys for both Sangamon County (Springfield) and Champaign County. These two counties have approximately the same case load as Macon County; but, much higher man power. The fact that only seven assistants are available for all of the duties of the State's Attorney's Office, including court appearances, prosecution of criminal offenses, appearance at trial, preparation of appellate briefs, appearance before the appellate court and the many other duties required of the State's Attorney's Office, results in an overburdening of the resources available to the prosecutor's office."

Patrick M. Walsh, Macon County State's Attorney, went on to say: "In addition, the assistant who was observed in court was one who was recently graduated from law school and sworn in as an attorney. He had assumed the duties of that courtroom where he was observed within one week of the time when the monitors were in court. I am confident that his apparent lack of preparation was due in part to his new assignments."

OTHER CONCERNS:

Certain procedures within the courtroom bothered monitors. They were concerned about the periodic arrival of groups of prisoners entering for arraignments, about provisions to redirect the public when a judge is absent; about the difficulty defendants have in obtaining public-defender services or reduced-rate legal aid, and the daily schedule system based on lawyer seniority instead of a first-come, first-serve schedule. Monitors said:

"bringing them (prisoners) in in bunches has some missing the reading of the rights and it is different groups coming in that are disruptive."

"To decide whether or not one may have a public defender, guidelines should be set up by the court ahead of time, to be used to apply to all. Salary, number in family (dependents) and other obligations should be taken into consideration. Just because a person has a job, doesn't mean he/she can afford an attorney."

Committee recommendations:

The committee recommended that: 1) guidelines should be set for giving defendants PD services; 2) when the judge is absent, provision should be made for redirecting parties, witnesses and public to proper courtroom; 3) guidelines for granting bail should be available to defendants; 4) prisoners should all come in at one time; 5) the sequence of docketing (scheduling cases) seems preferable to the current system based on lawyer seniority.

Judge's comments:

Judge Scott said, "The recommendations definitely should be discussed, considered by court officers, and many adopted."

MORE CONCERNS:

Monitors expressed concern about flexibility in sentencing and about better advertisement of legal aid. There is a yellow flyer entitled "have a legal problem? need a lawyer" in the State's Attorney's Office foyer available to the public. Macon County does not list a local number for reduced-fee legal help. Monitors said:

-- "One man received 90 days for his third 'indecent exposure'. Is there no way to give him psychiatric help? I can't see 90 days in jail as doing the slightest good."

-- "Have legal aid society set up referral in Courthouse for such cases or questions that need to be answered."

-- "Set up a legal aid referral office where a person can go for advice."

Committee recommendations:

The committee recommended that there should be some leeway in sentencing for people with psychological problems, such as mandatory referral to the Mental Health Clinic. The committee also urged that a legal aid referral office or a Public Defender office should be located in the courthouse to make information available on free or inexpensive legal help where it is first needed.

Judge's comments:

Judge Scott commented, "The committee's comments and recommendations are helpful and appreciated."

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MACON COUNTY MISDEMEANOR COURT WATCHING PROJECT  
STEERING COMMITTEE

- Robert Basten, courthouse coordinator, LWV
- Florence Cox, training assistant, LWV
- Ramona Deaton, project chairperson, AAUW
- Elise Hurst, LWV
- Karen Jensen, project coordinator, LWV
- Christelle Langer, scheduler, LWV
- Charles Meyerson, report proofreader
- Dee Meyerson, secretary, LWV
- Lucy Murphy, Junior Welfare
- Milli Protzman, temporary chairperson, LWV
- Levander Robinson, NAACP
- Lee Staley, Church Women United