

Rough draft - Some
revisions made
later

Decatur Court Watching Project
Recommendations by Committee

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, 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, court should be transferred to a larger courtroom if available. Available space can be better utilized.
4. Audibility. We feel that audibility 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 urge that 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 waiting in the courtroom.
2. Continuances. None.
3. Dismissals. None.
4. Other. Monitors mentioned problems relating to requests for ROR's, seemingly inconsistent guidelines on appointments of PD's, prisoners appearing in court who had not received a copy of the charges, etc.

Recommendations:

- a. Guidelines should be set up for giving defendants PD services.
- b. When judge is absent, provisions should be made for redirecting public to proper courtroom.
- c. General guidelines for granting bail should be available to defendants, their families, attorneys.
- d. Prisoners should all come up at once into court.
- e. The original order of docketing defendants would be preferable to using the current system of lawyer seniority.

D. Auxiliary Personnel

1. Bailiffs. The bailiff should be trained in his duties. Bailiff should be used to control traffic in and out of courtroom. Bailiff can be used to advise those in courtroom of delays when they occur. Bailiffs should continue to be used in the corridors to direct persons getting off elevators, at least until better directions are available.

Auxiliary Personnel, cont.

2. Clerks. A desk sign should be on the clerk's desk in the courtroom to identify the person.

E. Judges

1. Admiration.
2. Courtroom Control.
3. Appearance of Fairness.
4. Helpfulness.
5. Patience and Courtesy.
6. Propriety.
7. Noteworthy Aspects.

Recommendations:

- a. Judges should show patience and a willingness to listen to defendant's responses and questions.
- 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 staffing in State's Attorneys' office.
- b. Corrective sentencing for people with psychological problems. (Use of Mental Health Clinic?)
- c. More Public Defenders available for needy defendants. Information available on free/inexpensive legal help. Legal Aid referral office in courthouse.
- d. Not using facilities to full extent over a full 8 hour day.

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 informational bulletin for the layman, with basic information and sources of further information.

August 5, 1978

Notes from Karen Jensen, League President, who served as secretary to the felony court watching project this year:

Again we are indebted to some 20 community and League volunteers who willingly and conscientiously monitored courtrooms 1 and 2 (felony court) every other week for a full day for the duration of the two month period. They filled in two forms each time and made notes of their observations. Without their help, we'd not be able to do the monitoring we believe to be important to our community.

Background: this is the second year of court monitoring sponsored by the Decatur League of Women Voters. Last year we monitored misdemeanor arraignment court. This year, with the help of a local steering committee, we monitored felony court. Bob Basten served as chairman of the project.

Future: Next year we intend to monitor Small Claims Court. Barbara Minick will serve as chairperson of that project.

Results of this year's project: The monitors felt justice was being dispensed fairly in felony court and they felt the behavior of the judges observed (3) was appropriate and professional. Judges showed concern for those serving on juries, defendants, and witnesses. Clerks were helpful and bailiffs appeared to be more visibly active in giving out information in corridors before court began, etc.

Last year the misdemeanor project steering committee recommended a daily calendar be posted on the second floor and that calendar has been posted ~~on the second floor~~ and seems to be very helpful to clients, lawyers, etc.

Some problems seem to persist however. Noise inside and outside the courtrooms is still serious. Monitors often noted how difficult it was to hear proceedings because of interference by room fans on hot days, sirens from the fire station nearby, and attorney/witness/defendant traffic in and out of courtroom while court is in session.

- the judge replied that indeed the "courtrooms need sound proofing (draperies) or noise control."
- the decision to spend money to help correct this problem lies with the Macon County Board. The League has not appealed to the Board to correct this problem -- perhaps it is something we (LWV) should do. Another study, year ago, made the same recommendation about noise that we had made yet the problem persists.
- Mr. Record, Pres. of Bar Assoc., felt the in and out of courtroom traffic noise could be solved somewhat with a staggered schedule for defendants and their attorneys. In some courtrooms now, the judge schedules many cases at the same time.

C O M M E N T S

Page 13-Cases are many times dismissed because there are companion felony charges covering the substance of the charge which would have been filed in misdemeanor court, which was observed by the court watchers.

Also, many times a complaint is made in a family situation which results in an arrest. However, by the time the defendant is scheduled to appear in court for arraignment, the family situation has been resolved, and all parties involved have requested the charges be dropped.

In other instances, investigation of the facts surrounding a criminal investigation will reveal that, while the police may have properly arrested a citizen to handle a situation which needed immediate treatment, there appears to be no statutory provisions for charging that individual with a criminal offense.

In all of these cases, charges are either not filed by the State's Attorney's Office, or dismissed, if they have previously been presented to the court.

Page 21-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.

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.

PATRICK M. WALSH

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June 24, 1977

Mrs. Karen Jensen
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Dear Mrs. Jensen:

I am enclosing comments of our office concerning the observations made in the court-monitoring report for June, 1977, furnished to my office previously.

I am also enclosing the report itself, as you requested.

If I can offer further suggestions or information, please feel free to contact me at any time.

Very truly yours,


PATRICK M. WALSH
State's Attorney

PMW:faj

Enclosures

REPORT OF MACON COUNTY
COURT WATCHING PROJECT

LWV Copy

REPORT OF THE

MACON

COUNTY COURT WATCHING PROJECT

June 1977

CONFIDENTIAL

Submitted by MACON County Steering Committee,

Ramona Deaton, Chairman

The Macon County Project is part of the Illinois Court Watching Project, established under a grant from the Illinois Law Enforcement Commission to the League of Women Voters of Illinois, 67 E. Madison Street, Chicago, Illinois 60603.

REPORT OF THE MACON COUNTY COURT WATCHING PROJECT

June 1977

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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. 1. 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."

Part III

DETAILED REPORT OF FINDINGS, RECOMMENDATIONS, COURT OFFICIALS' RESPONSES

A. INFORMATIONAL AND SERVICE FACILITIES

Finding the Courtroom -- What information facilities are there to direct people to proper courtroom? Did monitors consider them adequate?

There are general directories on each floor. From the number of questions asked, monitors concluded information facilities were not adequate. Specific signs showing floor numbers and indicating directions are needed.

Committee recommendations:

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, as will identification for the bailiff.

Judge's comments:

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

● Getting Information -- What provisions are there to answer questions from and provide information to the public? (E.g. Information desks or officers, brochures and/or signs explaining procedures. Attach sample brochure if available.) Did monitors consider these provisions adequate?

There is no general information desk. Monitors learned to rely on the misdemeanor clerk and the Circuit Clerk's office (fourth floor) for information. No general informational brochures exist or signs explaining procedures. Nearly a third of the monitors felt informational facilities were inadequate.

Committee recommendations:

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

Judge's comments:

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 Bar Assoc. Lawyer Referral Service, phone _____). There should be a local lawyer's referral service.

● Calendars -- Is the day's calendar posted? If so, where? with a local no.

There is only a weekly calendar, and it is hung in the hall on a bulletin board. It was updated only while we were in the process of monitoring; daily changes were not made before the project or

Committee recommendations:

after it ended. Calendar information is given in docket numbers.

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.

Judge's comments:

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.

Judge's Comments:

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. 1. 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 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.

are
"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.

● Posting "Rights" -- Is a Notice of Defendant's Rights posted in the courtroom in compliance with law (Ill. Rev. Stat. 38: 103-7)? If yes, is it in a conspicuous place? Where?

"Rights" are posted inside the courtroom immediately inside and to the right of the door. A third of the monitors felt it was not conspicuously placed.

Committee recommendations:

We recommend that the defendant's rights in Courtroom 206 be moved to a more conspicuous place within the courtroom, and be made larger.

Judge's comments:

See page 6A.

● Interpreters -- How many non-English speaking defendants or witnesses did monitors see? none

How many were given court-appointed interpreter? none

How many provided own interpreter? none If neither, what happened?

None used or needed during observations.

Committee recommendations:

None.

Judge's Comments:

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.

● Other Problems -- What, if any, other concerns did monitors report in regard to informational or service facilities?

Committee recommendations:

Judge's comments:

B. PHYSICAL FACILITIES

- Conference Space -- Does your courthouse provide a place for lawyers and clients to confer? If not, where do they meet? What did monitors think of the arrangement?

Most meetings are in hallways, witness room or back of court room. There is a fine law library and a witness room. A monitor noted, "They desperately need...rooms for...attorneys and clients to confer". The witness room which is sometimes used lacks privacy.

Committee recommendations:

Lawyer-client conference rooms on each floor should be provided.

Judge's comments:

I am in full accord with the comment of the committee. The judges would like very much more conference space.

● Witness Accomodations -- Where do witnesses assemble and wait? Did this arrangement appear adequate?

Nine of fourteen monitors were able to locate the witness room for misdemeanor arraignments during an early visit to the courthouse. It is not easy to find.

Committee recommendations:

Directions are necessary.

Judge's comments:

Witness waiting space is limited, is often crowded, is not very satisfactory. Improvements are needed.

● Seating -- Was there adequate seating space in the courtroom(s) observed?

Adequate 24 (#) Inadequate 1 (#)

Monitors overwhelmingly agreed that seating was adequate, yet commented otherwise on busy days: "The facility is crowded but appears to be well organized." Another noted: "Courtroom is small and very cramped." And another said "At times, court room is very crowded. People standing in the hall. All chairs in courtroom including chairs for lawyers filled."

Committee recommendations:

When court personnel are aware that calendar will be crowded, the session should be transferred to a larger courtroom if available. In general, available space can be better utilized.

Judge's comments:

No comment other than agreement.

Audibility -- How much of the proceedings did monitors estimate could be heard by audience?

14 (#) 10 (#) 1 (#)
 Nearly all Some Almost none

Did monitors think judge's speech was loud and distinct enough to be heard by audience?

15 (#) 10 (#)
 Adequate Inadequate

Because monitors were given special seating close to the bench, they were able to hear adequately. ~~Did anything such as talking among audience or court personnel, noise of audience or personnel moving about, sounds from outside courtroom, other, interfere? If so, explain:~~

Monitors were about evenly divided in thinking that some or nearly all of the proceedings could be heard by the audience. They commented:

(1) "Very noisy. Every time door opens -- which is often by lawyers -- it is nearly impossible to hear, for people are talking in the hallway..."; (2) "It was difficult to hear what judge was saying..."; (3) "Judge doesn't speak loud enough. Defendant can't be heard -- back to audience. Noise from people going in and out." (2-23); (4) "Very difficult to hear -- any chance of microphone?" (2-23); (5) "There was a lot of noise in the hallway which distracted us in the courtroom. I assume it was people waiting for the traffic court to begin. Also I could not hear what the judge said to the defendants with lawyers." (2-24).

Committee recommendations:

sound amplification system.

We feel that audibility 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 urge that all who take part make an effort to be heard. As in the major courtrooms, this courtroom should also have a

Judge's comments: sound amplification system.

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.

C. PROCEDURES

Promptness -- Did sessions usually start on time?

Average number minutes late in a.m. 7.1 minutes

Average number minutes late in p.m. no sessions to monitor

Samples of monitors' comment on reasons for any tardiness or its effects?

Occasionally the judge presided over Mental Hearings at a local hospital, or was required to substitute for another absent judge before coming to his own court. One monitor noted, "It was explained to us (monitors) in advance that the session would be delayed because the judge had been sent to fill in at traffic court. The rather large number who were waiting appeared to wait patiently. If they had been advised of the delay, I was not aware of it."

Committee recommendations:

If court is to be delayed, an announcement should be made to those present and waiting in the courtroom.

Judge's comments:

My only comment is accord and thorough agreement as to explanation for delays or tardiness. Promptness is important. Judges need to be reminded to be considerate of waiting jurors, parties and witnesses. Jurors do resent their time being wasted.

Continuances --

Total number cases recorded	<u>344</u>
Total number continuances granted	<u>149</u> (includes 128 by order of court; 15 on defense motions; 5 on prosecution motions 1 by agreement.)
Percentage of proceedings continued	<input type="text" value="43.3 %"/>
Total number of continuances denied	<u>0</u>
Percentage of requests denied	<input type="text" value="0 %"/>

Before granting continuances, judge(s) usually made an effort to find out why they were necessary:

Yes 23 (#) No 2 (#)

Continuances requested by:

Defense	<input type="text" value="10 %"/>	Order of Court	<input type="text" value="85.9 %"/>
Prosecution	<input type="text" value="3.4 %"/>	Agreement	<input type="text" value=".7 %"/>

How many times did monitors note prosecution witnesses waiting when case was continued?

0 (#)

Sample of monitors' comments or explanations regarding continuances:

One monitor offered this explanation for some continuances:
 "In my opinion part of the cause for the large number of continuances was due to the fact the defendants did not understand the charges against them prior to the court appearance. This could be due to not receiving a copy of the particulars or did not understand them when he read them -- possibly due to the legal manner or writing. It would seem that this could be partially corrected if an effort could be made to be sure this information is understood prior to his first court appearance."

Because we observed only arraignments in misdemeanor court, most of the continuances were not postponements but actions in the regular course of the law.

Committee recommendations:

None.

Judge's comments:

Continuances are a big problem in every division of every court at every level. This problem has existed for many years and will continue for many years. It is a problem that warrants and is receiving closer scrutiny. Unwarranted delay does cause a miscarriage of justice.

● Dismissals -- How many cases were dismissed? 57 (#)

16.6 %

What appeared to be the predominant reason(s)? "insufficient evidence", "no charge", and "error in sending notice".

Committee questions/recommendations:

Why was case dismissed for "error in sending notice"?

No recommendations.

Judge's and/or state's attorney's comments:

See page 13B

See page 13B for State's Attorney's comments.

Other -- Were there any other practices or procedures that monitors questioned? If so, what?

Monitors mentioned problems relating to requests for ROR's, seemingly inconsistent guidelines of Public Defenders, prisoners appearances without their having received copies of the charges, etc.

See page 13A for Monitor's Comments.

Committee recommendations:

- a. Guidelines should be set for giving defenants PD services.
- b. When judge is absent, provision should be made for redirecting parties, witnesses and public to proper courtroom.
- c. Guidelines for granting bail should be available to defendants, their families, attorneys.
- d. Prisoners should all come at one time, so that they are able to hear reading of prisoners rights. ✓
- e. The original sequence of docketing seems preferable to the current system of lawyer seniority.

Monitor's Comments

- "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."
- "Need for guidelines on who does/doesn't qualify for a public defender."
- On awareness of ROR's, one monitor said: "If I were a defendant and unfamiliar with court procedures, the pace set in each case is so rapid that I don't feel I would understand thoroughly what was going on. I might miss something -- like asking to be released on my own recognizance -- which happened today. Possibly options as to bail should be mentioned."
- On the subject of bringing prisoners from the jail: "bringing them in in bunches has some missing the reading of the rights and it is different groups coming in that are disruptive."
- The monitors expressed concern about the jail frocks supplied to females coming into court on arraignments. Could it be that such jail clothing is prejudicial to their cases? In any case, if jail uniforms must be worn, could the women wear jumpsuits (as males do) or 2 piece outfits of shirts and slacks?
- On prisoners from the jail: "they smelled so badly we could hardly stand it. This is prejudicial to their case -- even if it is only an arraignment. I think some effort should be put forth to see that the prisoners have an opportunity to put forth as good an appearance as possible."

State's Attorney's Comments:

Cases are many times dismissed because there are companion felony charges covering the substance of the charge which would have been filed in misdemeanor court, which was observed by the court watchers.

Also, many times a complaint is made in a family situation which results in an arrest. However, by the time the defendant is scheduled to appear in court for arraignment, the family situation has been resolved, and all parties involved have requested the charges be dropped.

In other instances, investigation of the facts surrounding a criminal investigation will reveal that, while the police may have properly arrested a citizen to handle a situation which needed immediate treatment, there appears to be no statutory provisions for charging that individual with a criminal offense.

In all of these cases, charges are either not filed by the State's Attorney's Office, or dismissed, if they have previously been presented to the court.

Judge's comments:

The recommendations definitely should be discussed, considered by court officers, and many adopted.

D. AUXILIARY PERSONNEL

● Bailiffs -- If bailiff was on duty in court(s) observed:

Did bailiff adequately explain to people when to step forward, where to stand, when to exit?

Yes 10 (#) Sometimes 2 (#) No 13 (#)

Was bailiff patient, polite, dignified?

Yes 19 (#) Sometimes 0 (#) No 2 (#)

Was there anything about bailiffs that monitors were concerned about? If so, give examples.

The bailiff in courtroom 206 was new when we began monitoring. Monitors were divided on the adequacy of the role the bailiff played in directing the defendants where to stand, etc. More than half were not aware of the bailiff's active role.

Monitors overwhelmingly felt he was patient and polite. He wore a maroon coat so he was identifiable.

Committee recommendations:

The bailiffs should be trained in their duties. Bailiffs should be used to control traffic into and out of court. Bailiffs can be used to advise those in courtroom of delays when they occur. As noted earlier, bailiffs should be used in the corridors to direct persons getting off elevators at least until better directions are available.

Judge's and/or sheriff's comments:

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.

● Clerks -- If clerk was on duty in court(s) observed:

Was clerk polite to public? Yes 25 (#) No 0 (#)

Did clerk appear to accord special treatment to certain people?

Yes 1 (#) No 24 (#)

What were monitors' explanations of "special treatment"?

Monitors felt clerk was polite and impartial.

Was there anything else about clerks that concerned the monitors?

Committee recommendations:

A sign should be on the clerk's desk in the courtroom to identify the clerk.

Judge's and/or circuit clerk's comments:

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

E. JUDGES

Names of judges observed:

Circuit Judge Rodney A. Scott Judge Lester Brinkoetter

Judge John L. Davis Judge Jerry L. Patton

- **Admonishments** -- Did judge(s) always give proper admonishments before accepting guilty pleas?

Yes 21 (#) No 2 (#)

Sampling of monitor comments:

"When Brenda McCurry (a defendant) explained to the judge what happened in her shoplifting charge, the judge rejected her plea of guilty and insisted she plead 'not guilty'. He then directed her to get a lawyer and she left the courtroom puzzled."

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

"They were very clear and individual." (on Judge B.)

- **Courtroom Control** -- Did judge(s) seem to exert proper control over attorneys and court personnel to give courtroom a businesslike atmosphere?

Yes 23 (#) No 2 (#)

- **Appearance of Fairness** -- Did judge(s) appear to discriminate against certain groups or kinds of people?

Yes 0 (#) No 25 (#)

Sampling of monitor comments:

See page 16A for Monitor's Comments.

- Did judge(s) give the appearance of favoring either defense or prosecution?

Yes 2 (#) No 23 (#)

If so, which? Defense 1 (#) Prosecution 1 (#)

Sampling of monitor comments:

See page 16A for Monitor's Comments.

Monitor's Comments:Appearance of Fairness

- "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." 3-23-77 (on Judge P.)
- "Atmosphere seemed businesslike and efficient. Judge seemed to make sure defendants understood when they were to reappear. He seemed patient and treated defendants with dignity." 3-31-77 (on Judge S.)
- "I felt Judge Davis conducts a very efficient, but business-like courtroom -- he seems to have empathy for the defendants but doesn't smile..." (4-12-77)
- "Judge Davis seemed very short with most defendants today. They were mostly young men who had appeared before him several times. He was not very patient with them and condescending in his answers to their questions." (4-15-77)
- "Defendants confused as to reasons for charges -- no explanations given. Unprofessional conduct on the part of attorneys including the prosecuting attorney and other personnel (talking, walking in and out of courtroom, late for court, inconsiderate of judge and defendants, and a 10 minute wait for prosecuting attorney)." (3-2-77, Judge Davis dismissed attorneys from court on this occasion. Comment below refers to same incident:)
- "Due to speed of all actions and the confusion and inconsiderate way in which attorneys behaved, it left a general over all impression of mass confusion. I don't think justice is served that way." (3-2-77)

Appearance of favoring either defense or prosecution

- "He seemed irritated with sherriff'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! Prosecuting attorney not knowledgeable on today's cases -- hadn't done homework!" (4-12-77)

Did judge(s) usually give the defendant a chance to tell his side of the story?

Yes 23 (#) No 1 (#)

● Helpfulness -- If the judge pronounced sentences, did he usually try to explain them to the defendants?

Yes 19 (#) No 2 (#)

Did judge(s) use language that most defendants appeared to understand?

Yes 22 (#) No 3 (#)

● Patience and Courtesy -- Was he attentive when someone spoke to him?

Yes 25 (#) No 0 (#)

Was he patient when someone did not fully understand or was not satisfied?

Yes 22 (#) No 3 (#)

In general, which of these best describe the courtesy and respect judge(s) showed to:

	<u>Adequate</u>	<u>Sometimes Inadequate</u>
Defendants	<u>24</u> (#)	<u>1</u> (#)
Defense attorneys	<u>25</u> (#)	<u>0</u> (#)
State's witnesses/ complainants	<u>21</u> (#)	<u>0</u> (#)
Prosecutors	<u>24</u> (#)	<u>1</u> (#)

Did the judge(s) announce recesses and their approximate length?

Normally, did not apply here. Yes _____ (#) No _____ (#)

● Propriety -- Did monitors think that any judicial conduct gave the appearance of impropriety?

Yes 0 (#) No 25 (#)

Explain:

When monitors had the opportunity to watch a number of judges, they seemed to agree on ideal traits for an arraignment judge, as stated under "Recommendations". 18

● Noteworthy Aspects -- Describe aspects of judicial performance -- good or bad -- that monitors found noteworthy:

Judge A *Scott*

"Atmosphere seemed businesslike and efficient. Judge seemed to make sure defendants understood when they were to reappear. He seemed patient and treated defendants with dignity." 3-31-77

"Judge very patient --- doesn't go too fast. Explain everything of interest to defendant. Seems very competent and aware. I can't say too much to praise him!" (4-4-77)

Judge B *Davis*

"A very patient, dignified, and business gentleman." (3-28)

"The judge seemed fair and decent in his attitudes; very colorless and uncaring." (3-29-77)

"He speaks softly and it is difficult to understand sometimes." (4-4-77)

"Judge appeared irritable and impatient. Questions of defendants -- e.g. were they working or looking for work -- seemed accusatory. Facial appearance was critical." (3-17-77)

"Judge seemed very short with most defendants today. They were mostly young men who had appeared before him several times. He was not very patient with them and condescending in his answers to their questions." (4-15-77)

"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." (4-12-77)

"I felt that justice was really being done and was very impressed with Judge ___ and his court." (3-1-77)

"Judge listened attentively to statements made by defendants." (3-9-77)

"While reading 16 separate accounts on one man, he never changed his tone of voice." (3-7-77)

"Very patient and wanted to be sure they understood what he was saying." (3-10-77)

"Judge seemed irritable and impatient in response to questions or remarks from defendants. If I had asked a question and been answered in this manner, I would have been discouraged from asking further questions. One defendant appeared confused and said he did not understand his rights. The judge seemed to gloss over this and did not try to explain anything to the defendant; he simply ordered the defendant to reappear and assigned a public defender. Under such circumstances, I would not feel, personally, that justice

Noteworthy Aspects (Cont.)

was fairly administered." (3-17-77)

"Judge _____ is fair, dignified; somewhat colorless." (4-12-77)

"Judge _____ speaks softly which at times makes hearing difficult. He does maintain a calm, efficient manner while in court..." (4-18-77)

"Judge _____ is businesslike, thorough and efficient. He appears to have an excellent court." (4-25-77)

"...I admire Judge _____ cautiousness and consideration of the defendants' rights but I guess that's part of the job." (4-29-77)

Judge C

Brinkette

"Decisive in manner and spoke so everyone could hear well in courtroom." (3-21-77)

"They (admonishments) were very clear and individual." (3-24-77)

"Much confusion; Judge ***** away....his secretary not there. Bailiff not available to direct people at 9 a.m. People sat in wrong courtroom. Lawyer came in to say court in room 3, already in session. Court crowded, could not sit or write." (3-22-77)

"I thought Judge _____ showed diligence and concern for the best effects on the defendants." (3-25-77)

See Page 19A for Monitor's Comments on Judge D.

Committee recommendations regarding judges:

- 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.

Monitor's CommentsJudge D*Patton*

"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." (3-23-77)

"No sense of hurrying. A good appearance of listening." (3-24-77)

"He did not always read the charges because he tendered to the defendant. Judge very good at explaining rights." (3-24-77)

Judge's comments:

F. OVERALL IMPRESSIONS OF COURT

● Did monitors feel that justice appeared to be fairly administered?

Yes 20 (#) 90.9 %

No 2 (#)

How did they explain their answers?

State's Attorneys :

- "States Attorney need to show the public he is better prepared to represent the people -- this may not be true of all representatives of the S.A.s office but the times I was there I saw the same person both times."
- "How adequately can States Attorney prepare a case if office is understaffed?"
- "He 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!" (4-12)

Leeway in sentencing:

- "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." (4-12)

Overall Impressions (Cont.)

Legal Services -- better advertised:

- "Have legal aid society set up referral in Courthouse for such cases or questions that need to be answered." (5-6)
- "Set up a legal aid referral office where a person can go for advice." (5-6)
- "Need for informational bulletin for the layman -- on basic information and sources of further information." (5-6)

Committee Recommendations:

- a. Better preparation by the State's Attorney's representatives is needed.
- b. There should be sentencing for people with psychological problems, such as use of the Mental Health Clinic.
- c. A legal aid referral office or a Public Defender should be available in the courthouse. Information should be available on free or inexpensive legal help; for example, Legal Aid referral office or Public Defender should be present in the courthouse.

Judge's Comments:

The committee's Comments and recommendations are helpful and appreciated.

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.

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.

Committee recommendations:

General: We need more public education on what happens to a person when he/she breaks the law, in Social Studies Classes, and at lower grade levels in elementary school. Possibly more police-directed and systematised programs should begin in the early school years. The program should include parent-involved sessions. There is a need for a simply written brochure for the layman, containing basic information and listing sources of additional information. It was noted that there are no black lawyers or black judges in Decatur.

Judge's comments:

Classes of students are always welcome as guests and observers. When they appear, as they often do, we try to see that they get explanations and information about their courts.

APPENDIX

~~Sample Data Collection Forms~~

Monitor Profile

Steering Committee List

ILLINOIS COURT WATCHING PROJECT
67 E. Madison St. Room 1408
Chicago, Illinois 60603

FROM: MACON County

MONITOR PROFILE

Total number of regular and substitute monitors as of April 1: 25

<u>Age (Estimate)</u>		<u>Sex</u>	
Under 30	<u>1</u>	Male	<u>3</u>
30 to 60	<u>18</u>	Female	<u>22</u>
60+	<u>6</u>		

Racial/Ethnic background

Black 3 ~~Latino~~ 1 White 21 Other _____

Occupational background

Housewives 13

Retirees 2 (List previous occupations or professions if known.)

Postal worker, retiree from Wagner Casting

Employed persons 10 (List occupations or professions if known.)

secretary, psychologist, music teacher, bookkeeper, social worker from churchtreasurer, Dept. of Community Affairs, hourly worker, substitute teachers

Students _____ (List colleges or universities giving course credit to student participants.)

Organizational affiliation (List any group contributing 2 or more members and approximate number of monitors.)

AAUW
CHURCH WOMEN UNITED
JUNIOR WELFARE LEAGUE
LEAGUE OF WOMEN VOTERS

NAACP
UNITED METHODIST WOMEN OF FIRST UNITED
METHODIST CHURCH
YWCA

PLEASE RETURN ONE COPY BY APRIL 11.
Keep other for your final report.

Macon COUNTY 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, proofreader

Dee Meyerson, secretary, LWV

Lucy Murphy, Junior Welfare

Milli Protzman, temporary chairperson, LWV

Levander Robinson, NAACP

Lee Staley, Church Women United

John Weinman served as attorney-advisor

APPENDIX

Sample Data Collection Forms

Monitor Profile

Steering Committee List

DAILY SUMMARY SHEET

(one a day per courtroom)

County: _____ Name of judge: _____

Location of courtroom: _____ Type of proceedings heard today: Misd. FPH

Name of monitor: _____ Traffic Ord. Vio. Civil

MORNING

Time court scheduled to start _____

Time 1st case called _____ Total # a.m. hours in session _____ If late start, how late? (9)

Time adjourned for lunch _____

AFTERNOON

Time court scheduled to start _____

Time 1st case called _____ Total # a.m. hours in session _____ If late start, how late? (10)

Time adjourned _____

TOTAL TIME COURT IN SESSION FOR DAY (Add a.m. and p.m. hours above.) (11)

TOTAL # CASES ON CALENDAR (12)

CONTINUANCES

TOTAL # REQUESTED BY:

Defense (13)

Prosecution (14)

Agreement (15)

Order of Court (16)

TOTAL # CONTINUANCES GRANTED (17)

TOTAL # CONTINUANCES REFUSED (18)

TOTAL # CONTINUED WITH WITNESSES PRESENT (19)

TOTAL # CASES DROPPED (20)

If cases were dropped, did you notice a predominant reason(s)? Explain:

EVALUATION OF FACILITIES AND PERSONNEL

AUDIBILITY AND FACILITIES	21. Seating space in the courtroom today was:	[] Adequate	[] Inadequate	
	22. How much of the proceedings could you hear:	[] Adequate	[] Inadequate	
	23. How much of the proceedings do you think the audience could hear:	[] Nearly all	[] Some	[] Almost none
	24. Did the judge usually speak loudly and distinctly enough to be heard by the audience:	[] Nearly all	[] Some	[] Almost none
	25. Did any of the following interfere with the audience's ability to hear?		<u>Yes</u>	<u>No</u>
	a. Talking among audience.....		[]	[]
	b. Talking among court personnel (other than judge, lawyers on case).....		[]	[]
c. Noise of audience entering, leaving, moving about.....		[]	[]	
d. Noise of court personnel entering, leaving, moving about.....		[]	[]	
e. Sounds from outside courtroom.....		[]	[]	
f. Other: _____				
BEHAVIOR OF BAILIFFS	26. Was a bailiff on duty in the courtroom? If "yes":		[] Yes	[] No
	27. Did bailiff(s) adequately explain to people when to step forward, where to stand, when to exit?	[] Yes	[] Sometimes	[] No
	28. Was bailiff(s) patient, polite and dignified in keeping order and answering questions?	[] Yes	[] Sometimes	[] No
BEHAVIOR OF CLERKS	29. Was a clerk on duty in the courtroom? If "yes":		[] Yes	[] No
	30. Was the clerk polite to the public?		[] Yes	[] No
	31. Did the clerk appear to accord special treatment to certain individuals? If "yes", explain on back page.		[] Yes	[] No
INTERPRETERS	32. Did you see any non-English speaking defendants or witnesses today? If "yes":		[] Yes	[] No
	33. How many? _____			
	34. How many were given court-appointed interpreter?			
	35. How many provided own interpreter?			
	36. If neither of above, what happened? Please explain on back.		[]	

Check here if answered on reverse side.

EVALUATION (CONTINUED)

CONDUCT OF JUDGE

37. Before accepting a guilty plea, did the judge always give the proper admonishments? (Refer to Column 8 on CASE OBSERVATION REPORT.) If "no," explain circumstances on back page. [] []
Yes No
38. Before granting a continuance, did the judge usually make an effort to find out why it was necessary? [] []
Yes No
39. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a businesslike atmosphere? [] []
Yes No
40. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "long hairs," ethnic groups)? If "yes," explain on back page. [] []
Yes No
41. Did the judge give the appearance of favoring either defense or prosecution? [] []
Yes No
 If "yes", which? [] []
 (Explain on back page.) Def. Pros.
42. Did the judge usually give the defendant a chance to tell his side of the story? [] []
Yes No
43. If the judge pronounced sentences, did he usually try to explain them to the defendants? [] []
Yes No
44. Did the judge use language that most defendants appeared to understand? [] []
Yes No
45. Was he attentive when someone spoke to him? [] []
Yes No
46. Was he patient when someone did not fully understand or was not satisfied? [] []
Yes No
47. In general, which of these best describe the courtesy and respect the judge showed to:
- | | Adequate | Sometimes Inadequate |
|-----------------------------------|----------|----------------------|
| a. Defendants | [] | [] |
| b. Defense attorneys | [] | [] |
| c. State's witnesses/complainants | [] | [] |
| d. Prosecutors | [] | [] |
48. Did the judge announce recesses and their approximate length? [] []
Yes No
49. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If "yes," explain on back page. [] []
Yes No
50. If you wish, describe on back any noteworthy aspects--good or bad--of the judge's performance, such as: decisiveness, legal ability, dignity, competence, discipline of unprofessional conduct of attorneys, diligence in trying to ascertain the facts. []
Check here
if described

IMPRESSION

51. Put yourself in the place of a defendant, complainant or witness in the courtroom you have just observed. Taking everything into account--actions and attitudes of judge, bailiffs, clerks; behavior of prosecutor and defense attorney; the general feeling of the place--would you have left the court with the feeling that justice was being fairly administered? If not, explain on back. [] []
Yes No

PLEASE BE SURE YOU HAVE ANSWERED ALL QUESTIONS.

EXPLANATIONS (IF NEEDED)

31. SPECIAL TREATMENT --

36. INTERPRETERS --

37. ADMONISHMENTS --

40. DISCRIMINATION? --

41. FAVORITISM? --

49. APPEARANCE OF IMPROPRIETY? --

50. NOTEWORTHY ASPECTS --

51. GENERAL IMPRESSIONS --

REPORT FORM FOR PHYSICAL/INFORMATION FACILITIES

(One time only!)

Instructions: Please fill out this form only once and return it to your local coordinator with your regular report forms.

County of _____ Date _____ / _____ / _____
Month Day
Type of facility in which courtroom is located _____
For example: courthouse, municipal building, police station)
Room number _____
Name of monitor _____

1. What information facilities are there to direct people to proper courtroom, answer questions from the public etc.? (Describe.)

Do you consider them adequate? [] []
Yes No

2. Are pamphlets available to the public explaining procedures, rights? If "yes," enclose sample.

[] []
Yes No

3. Is the current day's calendar posted for the courtroom you observed? [] []
Yes No

If "yes," where? (Inside courtroom, just outside the door to the courtroom, down the hall.....)

4. Is notice of defendant's rights posted inside the courtroom? [] []
Yes No

If "yes," is it in a conspicuous place? [] []
Yes No

Where? _____

5. Is there a special waiting room for witnesses? [] []
Yes No

If not, where do they assemble? _____

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30 to 60	<u>18</u>	Female	<u>22</u>
60+	<u>6</u>		

Racial/Ethnic background

Black 3 ~~Latino~~ 1 White 21 Other _____

Occupational background

Housewives 13

Retirees 2 (List previous occupations or professions if known.)

Postal worker, retiree from Wagner Casting

Employed persons 10 (List occupations or professions if known.)

secretary, psychologist, music teacher, bookkeeper, social worker from church treasurer, Dept. of Community Affairs, hourly worker, substitute teachers

Students _____ (List colleges or universities giving course credit to student participants.)

Organizational affiliation (List any group contributing 2 or more members and approximate number of monitors.)

AAUW
CHURCH WOMEN UNITED
JUNIOR WELFARE LEAGUE
LEAGUE OF WOMEN VOTERS

NAACP
UNITED METHODIST WOMEN OF FIRST UNITED
METHODIST CHURCH
YWCA

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Dee Meyerson, secretary, LWV

Lucy Murphy, Junior Welfare

Milli Protzman, temporary chairperson, LWV

Levander Robinson, NAACP

Lee Staley, Church Women United

John Weinman served as attorney-advisor

