

## **RURAL COURTS : *What makes them unique?***

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In the United States, the justice system is comprised of thousands of courts that provide judicial services to millions of U. S. Citizens. Many of these courts are found in rural areas. A rural court for our purposes is one in which a courthouse or municipal building contains from 0 to 4 judges chambered in those facilities. In a community where no judge is chambered, judicial services are provided by scheduling a visiting judge who comes to the county or district on a regular basis or as needed.

While the definition of a rural court may differ in each state, it is clear that the 0 to 4-judge courthouse qualifies in almost all states as a rural court. I choose to address the rural courts and their issues for two reasons. First, throughout my career in court administration, I have worked extensively with the rural courts. In both the states of Nebraska and Minnesota, I have supervised, trained and worked with court employees in a rural court. Secondly, insufficient attention has been paid to the rural courts at the national level. I was a member of a task team in 1976 that conducted a workshop in Billings, Montana and Mandan, North Dakota for the rural courts in the six state regional area. The workshops were funded by a grant from the Law Enforcement Assistance Administration (LEAA) with matching funds from the Edna McConnell Clark Foundation. The program was put on through a joint effort of the National Center for State Courts (NCSC) and the Institute for Court Management (ICM). In 1977 NCSC published a book entitled, "Rural Courts, The effect of Space and Distance on the Administration of Justice". The workshops and follow up book concluded that..."rural justice has a practical not a conceptual uniqueness, practical because there seems to be

special characteristics of court administration in the rural areas that have resulted from sparse populations spread over a large land area. Areas as contrasted with high density urban areas”. The issues and problems that were identified that impacted the rural courts in these 1976 workshops were:

- Providing quality personnel
- Training of court personnel
- Over coming problems of distance
- Delivery of court-related social services
- Maintaining sound inter-governmental relations
- Facilities

The issue of adequate funding while not specifically outlined in the book was referred to in many sections of the book. Most notably it was mentioned in the sections on “facilities” and “training”.

Other workshops were conducted from 1974 through spring of 1977 on the subject of rural courts. Several studies and papers have been written since 1977 but I don’t believe a national workshop or dialogue has taken place since the late 1970’s. The most recent study I was able to find was conducted by the Rural Justice Center, in 1990, entitled: “Time to Justice, Caseflow in Rural General Jurisdiction Courts”, by Kathryn Fahnestock and Maurice D. Geiger, both from the Rural Justice Center.

More recently, the Institute for Court Management (ICM) is offering for the first time a national course on caseflow management for rural courts from May 31<sup>st</sup> through June 2<sup>nd</sup>, 2000 in Denver. Still, given the thousands of rural courts that represent approximately 79% of the counties in America, not much has happened to address the

needs of the rural courts. From a national perspective, the place to start is to assess the needs of the rural courts in the various regions of the country.

The purpose of this paper is to initiate a dialogue centered on the rural courts and their issues. We hope that court administrators/clerks of court will explore opportunities for communication with their colleagues across the country. Once these channels are open, sharing knowledge, problems, and potential solutions to issues faced daily by rural courts can begin. I would offer four specific issues as a starting point for our discussions. First, the issue of distance or geography cannot be underestimated. It was one of the major topics in the “Rural Court” book written in 1977 and I suspect it is an issue today.

A second issue encompasses access to technology and accompanying support. Technology can be applied no matter where the court is physically located. Software applications can help the modern court manager in almost every aspect of their job. Off the shelf software packages can be used to assist in areas such as budget, human resource, facilities, record keeping, storage and many of the “core competency” skills for court managers as outlined by the National Association for Court Management (NACM).

Third, the lack of funding issue shared by many courts is particularly difficult for rural courts. In most rural counties where state funding is not present the main source of revenue (taxes) is derived from the agricultural community. The budget of the county can rise or fall on the success of the annual crops. This is in contrast to the urban courts whose funding stream can be spread out over an industrial, real estate, and sales tax basis.

A fourth issue of note focuses on training, particularly for supervisors and staff. Without national training, many courts work in their own vacuum, minus the innovations they could incorporate from other courts. Training becomes the single most crucial factor

to staying connected with other resources and yet usually it is the first item to be cut from the budget.

While the urban, suburban and larger courts contend that they too share the problems listed above, I am making the argument that the rural courts experience these issues *year in and year out*. When in the Minnesota courts, my job would have been simplified enormously by taking the elevator to the 8<sup>th</sup> or 9<sup>th</sup> floor to find a judge. Instead, I made a phone call, found a judge 60 miles away (or more) and told him/her that their services were needed that same afternoon or the next morning! Trying to get prompt computer service from a vendor who is located "we-can-get-there-next-Tuesday" away instead of across town presents a real problem when the system is down.

Help me draw up a list of rural court issues. Let's discuss them and discover the similarities of issues from state to state. Perhaps our discussion will lead to a grant-funded project to resolve the problems that we articulate.

For starters, I've mentioned four areas that are common to rural courts: geography, funding, training, and access to technology. Join our conference (or discussion group) by clicking on the button below. Name the four areas that you think are most critical for rural courts. I'll collate these and report on them in my next article in July.

Let's talk!