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## Western Regional Office

### SHASTA COUNTY MUNICIPAL COURT CONSOLIDATION STUDY

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## I. STUDY DESIGN

The Municipal Court of Shasta County, through its Court Administrator/Clerk, Mr. Dennis Gravelle, had originally approached the National Center for State Courts in 1988 for review and study of the proposed consolidation of the three existing justice courts into the current structure of the one-judge Municipal Court of Shasta County. Prior to the signing of a contract for these services, the formal consolidation of these institutions became a fact. The planning and implementation of various aspects of joint administrative and calendaring functions proceeded apace, with the result that the original intent of the parties for a study of a proposed course of action was altered to reflect the reality of consolidation goals already accomplished and recommendations regarding those contemplated or proposed. This study and review was, therefore, begun with the new institution of the consolidated Municipal Court of Shasta County.

The review and study is intended to focus upon the following issues and subjects:

1. Assessing opportunities for increased operational efficiencies
2. Case management techniques
3. Judicial time allocation strategies
4. Calendaring practices and techniques
5. Allocation and training of existing staff
6. Resource allocations and accompanying impacts on other justice system agencies

The study design for this project included interviews with municipal court judges, the municipal court administrator and key municipal court staff. In addition, interviews were conducted with representatives of the Office of the District Attorney, the Public Defender, the Sheriff, and representatives from the Superior Court of Shasta County. The two primary court locations under the current consolidated plan of operations (Burney and Redding) were visited and observed; the time limitations inherent in the prearranged interview schedule as well as the perceived lack of necessity for an administrative review of duplicate procedures and staffing allocations in the Central Valley and Anderson courts forestalled site visits to those locations. At the request of the court, general discussion and recommendations regarding the structure and organization of various institutional functions (e.g., calendaring, pre-trial procedures and administration) are included here for the guidance of the court in ordering their future configurations.

The author would like to extend his thanks to the entire judicial complement and staff of the Shasta County Municipal Court for their frank contributions to this project. The creation of an entirely new judicial institution affords tremendous opportunities for innovation, efficiency, and increased public service. The challenges faced by the court in achieving these goals contain their own pitfalls and difficulties. The dedication and commitment exhibited by all in the course of this project's research will undoubtedly be equal to the tasks which lie ahead, however. With a continued focus on the aforementioned goals, the future of this institution should be bright and fruitful indeed.

## II. STRUCTURE OF THE PRESENT COURT

### A. Court Organization

The Consolidated Municipal Court of Shasta County currently operates out of four locations: the Redding Justice Center and adjoining main court building, which are joint superior and municipal court facilities containing a number of court offices and a total of three courtrooms; a one courtroom facility located in the town of Anderson's public building, approximately 11 miles south of Redding; a one-courtroom facility in Central Valley, located approximately 11 miles north of Redding, and a similar facility in the town of Burney, located about 52 miles east of Redding in a sheriff's department building in the northeast corner of the county. The latter three facilities were the designated courts of the three former justice court judges. Of these three courts, the Central Valley facility is the newest, largest and best appointed.

The original consolidation plan was the source of much controversy, due to the relationship of the local justice courts to their communities. Consolidation was approved, contingent upon the maintenance of various court and case processing activities in these courts. This compromise was balanced against the desires of the various other actors in the justice system whose institutional and organizational patterns centralized their locations in Redding: the Office of the Sheriff, the County Detention Center, the District Attorney, the Public Defender, the

Probation Department, the Marshall's Office, and the trial bar. Representatives of these entities and concerns hope to realize the benefits of centralized, consolidated court services which focus on the primary population centers of the county. The three "valley" courts (Redding, Anderson, and Central Valley) serve approximately 85 percent of the population. The eastern mountain court of Burney (and its substation in the town of Fall River) serve the remaining 15 percent. The results of the compromise generated by these competing demands have shaped the early outlines of the consolidated court: civil small claims, traffic offenses, and those other criminal matters not requiring District Attorney/Public Defender or in-custody defendant presence will remain for disposition at their respective outlying courts. The remainder of the civil and criminal matters will be heard in Redding. The alterations in this scheme currently planned or under consideration are to hold major civil trials (including jury matters) in the Central Valley facility (with pre-trial hearings held in Redding) and, upon the completion of the planned county detention facility in Burney, to schedule criminal matters for in-custody defendants as filed in that court.

Of the 28 current employees of the municipal court system, 16 are located at the Redding Justice Center and main court building; two are located in Burney, and the remainder are divided between Anderson and Central Valley. The Marshall's Office (a formerly elected position now appointed by the municipal court judges) maintains a staff of 14, including five clerical positions, centralized in Redding. It provides prisoner transport, court

security and some process serving, a duty shared with the Sheriff's Office. Staff members have been transferred between courts when the need has arisen.

B. The Environment of Shasta County

Shasta County has a total population of approximately 130,000, with its population centers located in the central valley area. The county has experienced severe financial difficulties over the past several years, forcing the closure of the library and hospital in Redding. Sitting astride the major north-south corridor of Interstate 5, Redding remains the major commercial transit and population center for the north central portion of the state. It has also proved to be an increasingly popular locale for retirees due to its physical beauty and relatively low cost of living. The negative implications that have come to be associated with its demographic and geographic position include increased criminal activity that materializes in the form of both misdemeanor and traffic violations, as well as drug-related criminal offenses (the Shasta County Sheriff reports that his office makes more drug-related arrests per man than any other law enforcement agency in California). The primary county occupations focus on the predominantly rural nature of the area: ranching and lumber. Pacific Gas and Electric and the local school district employ the largest individual work forces. The predominant occupations are seasonal and bring with them the social dysfunctions and problems common to seasonal work: high mobility, high divorce and DWI rates and financial instability; about one-third of the population receives some form of public assistance.



County resources are stretched very thin as a result. Even the most pressing court-related problems will necessarily suffer in such an environment. The court does expect to receive some help with the implementation of the Trial Court Funding Act of 1986. Three clerical positions and one commissioner position have been requested. Facilities problems remain a paramount concern, however, with no relief in sight in the short term.

C. Court Caseloads

Prior to consolidation, the Redding Municipal Court had the largest average filings per position (23,458) as well as the largest number of contested cases tried (1,109) of any municipal court with one or two judges. It also had the second highest number of cases awaiting trial (242) and the highest number of non-parking dispositions in this category (21,120) for the fiscal year ending in 1987. Total contested matters were approximately 5% of total filings. This single municipal judge handled 17 jury trials that fiscal year.<sup>1</sup> Total workloads and required judicial equivalents for disposition for each of the consolidated court units are as follows:

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<sup>1</sup> Judicial Council of California, 1988 Annual Report, pp. 111-114.

CASELOAD AND JUDGE/YEAR VALUES

<u>Case Type/ Court</u>	<u>Redding</u>	<u>Central Valley</u>	<u>Anderson</u>	<u>Burney</u>	<u>Consolidated Court</u>
Preliminary Hearings	1,436	-0-	-0-	115	1,551
Misdemeanors	6,078	2,194	1,802	1,154	11,228
Traffic	12,673	10,679	4,575	1,818	29,835
Civil	1,792	186	324	50	2,352
Small Claims	2,187	237	329	253	3,006
Parking	<u>185</u>	<u>60</u>	<u>26</u>	<u>-0-</u>	<u>271</u>
Total Caseload:	24,351	13,446	7,056	3,390	48,243
Judicial Year Values:	3.49	.62	.54	.40	5.05

Total available judicial resources in the consolidated court will still fall below recommended standards by approximately 21 percent; total caseload per judge will fall slightly below the average for municipal courts of three to four judges (13,433) at 12,050, based on fiscal year 1987 data.

D. Facilities and Security

The three outlying courts (Burney, Anderson, and Central Valley) were originally designated for use by a single judge and corollary support staff in a justice court environment; their respective designs and layouts are suitable for the limited uses to which the current plan of judicial allocations are keyed: primarily small claims and traffic cases. The proposed reliance upon the newer Central Valley facility for the additional matters

of civil and civil jury trials will not overly tax its capacity in terms of functionality or space and will serve to relieve some pressure on the Redding facilities. The Redding Justice Center and main court building are, however, severely strained. While this report was not intended to encompass facilities' adequacy, there is no question but that the appearance and processes of justice suffer greatly as a result of the inadequacy in space and design for this court location. The problems that currently exist in the conduct of court business from these buildings may well become exacerbated as they become the focal point for the operations of the new consolidated court.

The Redding Justice Center complex incorporates two buildings:

1. The main courthouse: this building houses the administrative office of the courts, the various primary clerical functions associated with the court, and one primary and one secondary courtroom, all located on the third floor. It also contains numerous other county offices as well as the administrative offices and courtrooms of the Superior Court.
2. The new justice center: this building contains two courtrooms (one each for the superior court and the municipal court) and judicial chambers for their two judges, including that of the Presiding Municipal Court Judge, Wilson Curl. There is also a small three-person municipal court administrative contingent located in this building to serve its courtroom and presiding judge.

Personnel, storage and case processing functions fill every conceivable space in these two buildings. Records (open and closed) are stored in both buildings, as well as in a condemned county building adjacent to the main courthouse. While all primary case processing functions are segregated in enclosed areas, records are stored in these same areas under stairwells, in hallways, and in the condemned facility next door. Records retrieval may involve trips to all three locations. There is currently no adequate security system in place in any courthouse location. Cashier stations are protected by framed openings above the main counters, but no windows or screens insulate the cashiers from the public. Access to courtrooms is open, and prisoners are routinely transported through open public corridors to courtrooms in the main courthouse. Any renovations to address these concerns, due to the wholly inadequate space and poor design of these facilities, would involve major expenditures.

### III. CASEFLOW MANAGEMENT/CALENDARING PROCEDURES FOR PRIMARY CASE TYPES

Current caseflow and calendaring procedures are now being redrawn to accommodate a consolidated court structure. The following descriptions are based upon current procedures in the Redding Municipal Court. These practices and procedures will form the primary basis for the new consolidated court's case processing/calendaring routines. Caseflow management is supervised by the chief clerk or clerical supervisor of the municipal court, who also functions as the assistant court administrator. Civil, criminal, D.U.I. and traffic cases are overseen by a separate deputy court clerk III. Calendaring is by type of court, with judicial time allocated according to caseload. An automated calendaring system is currently being implemented, although it was not operational at the time of the site visit; some delay in its implementation is attributable to a lack of computer hardware at the county level and the delivery of additional terminals to the court. All failures to pay, for all case types, are forwarded to a central collections unit which tracks cases as receivables, issues appropriate reminder/collection notices, and generates warrant lists as appropriate. The data processing system in place will index and generate notice information on all case types.

The criminal division is located in the new justice center and is staffed by four people. It is responsible for misdemeanor and felony filings. Misdemeanor citations and complaints are received

from officers and matched, where appropriate, to daily reports on in-custody, bailed and released-on-recognizance defendants. The criminal division creates files, assigns case numbers, and enters complaint and defendant information. The court case information system will then generate appropriate notices for arraignment scheduling to the District Attorney's Office and defendants (both in and out of custody). Dockets are typed manually for each case. The normal criminal calendar is arranged as follows: daily arraignments begin at 9:00 a.m.; pleas, sentencing, pre-trial, and trial dates are set in arraignment court. The public defender calendar for in-custody defendants begins at 10:30 a.m. Preliminary hearings on felony cases are heard at 1:30 p.m. on Tuesdays and Wednesdays; pre-trials are scheduled for every Monday and Friday. Open and closed files are stored in the criminal division office in file drawers, as well as in the condemned county welfare building. No procedural manuals exist for the criminal division. (DWI cases are not highlighted in this section due to their similarity in processing routines to the general criminal category. The DWI unit is located in the main court building).

All civil cases are received in person and by mail at the counter in the main courthouse by the small claims and civil case division. This division is composed of three individuals, supplemented by two part-time employees. The civil supervisor also doubles as the arbitration administrator, assigning screened cases to a list of appointed arbitrators. Small claims cases are heard by pro tem judges.

Upon receipt of a complaint, information is typed on a multi-part form which also serves as a docket for recording case activity. Relevant data elements are entered into the information system, which indexes plaintiff, defendant, and case number data elements. Filed, indexed cases are placed in a tickler file for receipt of counterclaims, at-issue memoranda, and subsequent setting activity. Cases with at-issue memoranda awaiting trial dates range from four to twenty at any given time. General civil matters are calendared twice per month, on the second and fourth Thursday of each month at 9:00 and 4:30 p.m. Unlawful detainer actions are set for Mondays at 8:30 and 11:00 a.m.; one-half day every third Monday is reserved for short-cause civil trials. A maximum of 32 matters are calendared for a full civil trial day.

Traffic citations are delivered to the traffic division by liaison officers from the Redding Police Department, Sheriff's Office and the California Highway Patrol. The division supervisor oversees a staff of three who process these citations. Upon receipt, bail is set on each offense; data entry of citations produces a docket form and courtesy notice which contain a due date for the bail which is set in a mandatory appearance date when necessary. Offenders not required to appear are instructed through a courtesy note to telephone if a court appearance is desired. Warrants for failure to pay (from offender lists received from the central collections unit) and failure to appear (taken from in-court docket sheets) are generated manually on a multi-part form. One copy is retained by the court and one is received by either the Redding Police Department or the Sheriff's Office, depending upon the geographical area of service.

#### IV. COMMENTARY AND RECOMMENDATIONS

Growth and organizational sophistication within court systems become possible only through careful planning and the building of an inter-agency consensus among those entities which interact with them. Based upon the interviews and research which preceded this report, careful foundations have already been laid for these goals. The expectations of associated county agencies regarding the structure of the consolidated municipal court are relatively consistent with those of its judicial and administrative staff. The primary advantages to be realized from consolidation are:

1. The placement of the court on a centralized administrative footing comparable to county-wide service agencies to permit more efficient interaction between them.
2. Increased uniformity in rules, procedures, and process allowing for greater predictability and administrative efficiency in the disposition of all municipal court work.
3. The centralization of institutional management that derives from the office of a presiding judge controlling the distribution of work between court branches and guiding other judicial officers toward common court goals.
4. The increased possibilities for the application of data processing systems to larger pooled workloads and case processing tasks.



5. The increased possibilities for decreasing administrative costs for services through joint purchasing between court systems, the uniformity of prisoner transport times and destinations, and the centralization of case processing stages for particular case types or activities.

The municipal court has already considered and begun work on a number of administrative policy options which will allow it to reap the benefits possible from consolidation. The recommendations and commentary which follow will seek to build upon the advantages of the new institutional structure of the consolidated court and enhance the efforts and planning now underway.

A. The Organizational Structure of the Court

Many benefits can accrue to the new court through the enhancement of its organizational structure to maximize the powers of a multi-judge institution. Institutions are the creatures of the rules and procedures that guide their operations toward specific institutional missions and goals. The adoption of a uniform framework of internal rules and operating procedures is of paramount importance to solidifying institutional identity and maintaining internal cohesion.

Recommendation A-1: The consolidated municipal court should adopt a set of internal rules and procedures that provide a basic framework for judicial and court processes.

Existing statutes and rules relating to the operations and procedures of municipal courts in California provide a basic structure for the operation of the state's municipal courts. The internal operating procedures of individual courts remain an area whose skeletal outlines must still be filled in by the

consensus judgments of a court's entire bench. In addition, the daily implementation of existing rules and statutes will best be served through the development of a consensus on how their intent can best be achieved in Shasta County. In reference to the internal operating procedures alluded to above, the list of topics would encompass the entire operational framework of the court. Suggestions for discussion include (but are not limited to) the following:

1. Continuances
2. Motions practices (written motions, when required, formats, etc.)
3. Personnel practices (hiring, disciplinary procedures, guidelines)
4. Pre-trial procedures (content, orders, timeframes, etc.)
5. Office and duties of the presiding judge (caseload, administrative responsibilities, etc.)
6. Office and duties of the court administrator
7. Timeframes for case processing from filing to disposition for all case types
8. Court forms (initiation, standardization, alteration, etc.)
9. Guidelines for the exercise of discretionary judicial acts
10. Extensions of time, forbearance on fees and fines

Once again, space limitations and the desires of the bench for a consensus backdrop for the exercise of individual judicial and institutional authority preclude a definitive list. A specimen topic outline is appended for guidance. (See Appendix A-1). The basic themes developed should, however, serve to strike the necessary balance between individual

and institutional responsibilities. They should also enhance the power of the court from both judicial and administrative standpoints. The strength of an institution, whatever its attributes or mission, remains the consistency, constancy, and predictability of its rules, procedures and their exceptions.

Recommendation A-2: The court should develop, through its administrative office, operational procedures manuals for all case processing and administrative functions.

While some evidence of the existence of standardized procedures for some case processing and administrative tasks was discovered, the desire for a comprehensive manual among staff members was uniform. The goals of constancy, consistency, and predictability are even more important in procedures governing clerical and administrative tasks; a basic requirement within the judicial construct of "due process" is the standardized procedural routines that govern paper flow and processing of citations and complaints. The complexity of the tasks that clerical staff are required to perform within their designated functions cannot be left to memory or on-the-job training. The certainty and uniformity a procedural manual can supply will also rebound in benefits through reduced training costs and increased staff morale, as well as to insure consistency in all court locations. The development of these manuals can, in itself, become an exercise in cohesion building among supervisory and line staff, if their production is undertaken as a cooperative

effort which involves all employees. Finally, the existence of such manuals will serve to further buttress the primary court rules referred to in Recommendation A-1.

Recommendation A-3: A hybrid master calendaring system is recommended for adoption by the consolidated court.

Calendaring systems are designed to accept, process and deliver trial-ready cases to trial judges. The debate has long raged over which calendaring system (master or individual) is the most efficient and effective. Over many years, experimentation has occurred in courts all over the country with various forms of either master or individual calendaring systems. In its most basic and purest form, the master calendaring system functions as the hub in a wheel of as many spokes as there are judges. Cases are put into the hub for pre-trial processing and then when ready for trial, delivered to a courtroom which is ready to try that case. Again, in simplest terms, the individual calendaring system delivers a filing to a judge who then processes the case from filing to disposition; the case does not leave his hands until post-trial processing is completed. The master calendar can produce institutional economies of scale in centralizing calendaring and processing routines by function, and incurring an even and timely distribution of the most complex, expensive and time consuming case processing tasks: trials. It serves to equalize or accommodate the differing productive levels of individual judicial actors; it can also ameliorate the impacts on the court of the long or drawn out proceedings and their tendency to bind a particular judge and courtroom to a

particular trial. Master calendars can, however, fall victim to the least productive members of a judicial team and can fail without adequate cohesion and consensus directed through a presiding judge. The individual calendar is designed to promote greater individual responsibility toward individual cases. It insures greater familiarity with each case at all case stages and, as it controls for judicial variability between filing and trial with the presence of a single, more predictable judicial component, induces more pre-trial dispositions. The drawback of individual calendars lies in their dilution of the institutional power of the court as a force in administering and shaping the criminal law; the court can become a number of separate courts with no central force or policy impact. In addition, case processing disruptions through the disablement of individual judges or their preoccupation with one lengthy trial can also affect its overall efficiency. Finally, the possibility of greater costs and efforts in processing the same number of work inputs through the multiplication of formerly centralized services and functions also exist.

Ultimately, the judges should adopt a calendaring system which supports the overall mission of the institution while secondarily serving their needs as individuals. Due to the fact that a consolidated court is in essence a new institution whose structure has yet to "harden" from a procedural standpoint, it is recommended that its first calendaring system be a hybrid master. Modifications of this system can be under-

taken gradually as the judges become more accustomed to the interplay of their individual and collective responsibilities toward the court and the role of the presiding judge in overall institutional management.

Recommendation A-4: The court should adopt calendar setting practices which maximize the use of the three Redding courtrooms for all case types which involve substantial dependence upon outside agencies.

A primary expected benefit of the consolidated court is to place the institution on a similar footing with all other justice system agencies offering county-wide services. This translates, in part, into the more efficient use of court resources through the reasonable centralization of services to accommodate other county justice system agencies. The offices of the District Attorney, Public Defender, and Sheriff all play primary roles in the criminal case processes that are centralized in Redding for misdemeanor and felony case types. The mutual accommodation that characterizes criminal case adjudication should move the court to schedule case activity, within reason, to allow for their efficient coordination with court scheduling for prisoner transport, preliminary hearings, pre-trial hearings, and trials. The court has already determined that small claims and traffic actions will remain in the court in which they are filed and will, for the sake of public and officer convenience, be heard there. In addition, the court also considered the centralization of civil trials in the newer Central Valley courthouse (with pre-trial activity remaining in Redding) for the convenience of the

trial bar. Two detailed calendars have already been prepared both with and without the services of a court commissioner. Either of these calendars is workable. With account taken of core setting requirements for traffic cases in each outlying court, existing assumptions call for the three judges of those courts to be rotated into Redding for the remainder of their weeks to handle case types and case actions centrally scheduled in Redding. The larger administrative apparatus already extant in that court could provide greater economies of scale through standardized and centralized processing routines to accommodate these activities.

The maximized use of the three Redding courtrooms can be focused on pre-trial activity for civil and criminal cases, as well as all criminal trial activity (with appropriate set asides in one courtroom for Redding-based traffic and small claims cases). Based on a number of assumptions regarding judicial productivity and scheduling patterns derived from previous research, it is recommended that law and motions (or short cause matters, including pre-trial hearings) be scheduled each afternoon as the final matters heard on that day. All other matters should be scheduled for prompt starts at the beginning of the court day. Trial activity, once begun, should be allowed to proceed continuously across the entire week. This scheduling pattern has been found to reduce total trial time and shorten the "short cause" calendar. The individual Redding courtrooms and the Central Valley courtroom (with limitations previously described) can be designated for

specific functions and judicial roles. In addition, the careful coordination in rotating judicial schedules to account for a system of designated judicial backups can in turn facilitate the easier transfer of cases and case assignments to other sitting judges in the same building. For example, the justice center secure courtroom, because of its design and location, should probably remain the site for all in-custody arraignments and criminal trials, as well as all other criminal matters requiring prisoner transfer. Overflows can be sent to one other designated judge in the main courthouse. If outlying court schedules provide for maximized Redding courtroom use, two other judges will always be present to accommodate any short cause matter scheduled before the designated criminal judge, if trials run over into law and motions time slots in the criminal court. If the Central Valley courthouse is the designated court for civil trials, two judges may be absent from Redding at any one time. The possibility of a backup judge in Redding (or two if possible) is an option that should be preserved.

The almost infinite number of scheduling possibilities under the core requirements of judicial residence in outlying courts cannot be enumerated here; the added variable of presiding judge activities and duties (which have yet to be decided) will also impact on the availability of another judge in a rotating schedule. The leadership talents of a presiding judge may be best utilized, for example, out of a rotation. He could then hear all pre-trial hearings and rotating assignment overflows,



preserving his time for administrative duties. The important point, however, is that scheduling should focus maximum judicial hours in Redding courtrooms, on multi-agency court activities, to allow for the transfer of work between judges and judicial assignments. This approach will also minimize the burdens of court scheduling on other justice system agencies and court personnel.

Recommendation A-5: The court should consider the adoption of a set of pre-trial procedures and complementary standard form orders for all jury cases.

Prior to consolidation, the municipal court was statistically notable for the largest number of cases filed per judicial position, the largest number of contested cases tried, and the highest number of cases awaiting trial for municipal courts in its size category. Despite the addition of three judges to the new consolidated court, available judicial person hours remain 21 percent below state standards for total court filings. It is the latter two statistical indices (contested cases tried and awaiting trial) which are causes for concern. Each of these indices are indicators of an active, litigious bar and a local legal culture conditioned to trial as a chosen means of disposition. The most basic mission for a court is to provide a forum for the resolution of disputes. Within this construct, trial is the most expensive and time consuming tool available. It is incumbent upon all courts to preserve its use only where issues and circumstances warrant. Toward this end, the power of the court and its judges must be used to shape and mold the case

work inputs that come before them prior to the trial stage to minimize the costs of dispute resolution. The establishment of a well ordered, consistent and fair pre-trial procedures program can accomplish this.

The essential elements of a pre-trial procedures program are fairly simple: the breakdown of the standard target time period from filing to trial into separate segments, each marked by a "significant action date" compelling litigants to perform successive pre-trial activities to prepare the case for disposition. These procedures incorporate existing timeframes from filing for responsive pleadings, discovery, at-issue statements, etc. They usually also include one or more pre-trial meetings between counsel either with or without a judicial presence. A number of such "fast track" or pre-trial scheduling routines are now in place in California's superior courts and a number of municipal courts. Generally, these routines are characterized as rule based or conference-based. Rule-based systems rely more upon counsel to adhere to a standard pre-trial order scheduling all pre-trial activity, discovery, and settlement meetings; conference-based routines incorporate a number of meetings between attorneys and the judge (either a pre-trial judge or the assigned trial judge) labeled issues conferences, settlement conferences, pre-trial conferences, etc. The aim of either system is to establish a series of judicially supervised, progressively staged pre-trial events which yield dispositions. This recommendation is directed at jury trials to establish a starting point for the

introduction of judicial control over pre-trial activity in Shasta County. As the bar and the bench become accustomed to the establishment of court control over this area of case activity, it can be expanded. Because of the widely recognized cost of jury trials, and the very high pre-trial fallout rates of jury cases observed in Shasta County, it is believed that this initial effort will be met with wider acceptance by all parties to the process.

It is incumbent upon the court to dispose of all cases as expeditiously and efficiently as possible within the constraints of justice. Beyond this, however, it is necessary for an undermanned bench to preserve its judicial resources at all costs. The current fallout rate at the date of trial for jury cases presupposes a great waste of judicial calendar time. This time could be far more efficiently utilized if it could be freed one to two weeks prior to jury trial dates. This is exactly what supervised pre-trial procedures are designed to achieve: more and faster pre-trial settlements and ultimately shorter trials from better prepared cases coming before the court. A sample pre-trial declaration and order are appended to this report. (See Appendix A-2). The format of those ultimately adopted in Shasta County should be the result of a judicial decision and draft, followed by consultation with representative members of the bar association, the District Attorney's Office and the Office of the Public Defender.

B. Administration of the Consolidated Court

The municipal court has made great strides in the development of an administrative infrastructure which will serve as a basis for the challenges that the larger institution of a consolidated court will offer. The accounting and collections unit software were particularly notable for their quality and utility in the high volume processing environment of traffic/misdemeanor court operations. The planned hardware and software acquisitions by both the county and the court, as well as the automated calendaring system (which has been developed, but awaits testing and implementation) and on-line DMV inquiry capabilities comprise of expandable nucleus for renewed efforts in the areas of caseflow management, jury management, security and document production and control. The second phase of automated services should, therefore, be directed at refinements in caseflow management, adjudication, and administrative support.

Recommendation B-1: The court should reexamine existing data processing capabilities in light of accepted standards for high volume traffic and misdemeanor case processing.

The advent of a "new age" of data processing management in the consolidated municipal court, both in view of its expanded judicial capabilities and data processing resources, should trigger a review of existing case processing routines. More specifically, the court should look to a greater integration of case data and elements toward enhanced case control and the elimination of a number of current manual tasks which are both laborious or duplicative (accounting ledger, docket, warrant and calendar production). What follows is not a needs

assessment or systems analysis of the municipal court's current capabilities; it is, rather, a diagnostic tool to plan for further enhancements and expanded capabilities to accommodate court growth.

An automated traffic/misdemeanor case processing system should meet certain system requirements as provided by the system software which will be described below.<sup>1</sup> The system should also include an adequate supply of terminals for all personnel requiring regular access to the automated system and a response time on-line which meets industry standards. Delays in response time exceeding five seconds are considered unacceptable in most data processing environments.

First, an automated case information system should be an integrated system which includes case processing, indexing, calendaring, noticing, cashiering, accounting, management and statistical reporting, and citation and warrant control. The system should unite both citation information and dispositional information. The integrated system should create a computerized case record.

Second, an automated traffic case information system should be on-line with case-tracking capabilities. Data entry, data updating, and inquiry operations should be

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<sup>1</sup> For similar discussions of system requirements in traffic court, see A Review of the Administration and Operation of the Tucson City Court, National Center for State Courts, January 1985, pp. 60-61 and Operation and Management of the Traffic Court, City of New Orleans, National Center for State Courts, December 1984, pp. 160-165.

possible throughout a case, from the filing of a citation through case disposition.

Third, an automated system should provide automatic indexing. This should include indexing by case number, citation number, defendant's name, and defendant's drivers license. These indexes in turn allow on-line inquiry capabilities.

Fourth, an automated system should allow on-line inquiry. This should include the ability to access all case summary information with cross referencing or multiple access capabilities. Inquiry should be possible using case number, citation number, license number, and court date (if any).

Fifth, an automated case information system should provide case scheduling and calendaring. This should include the ability to schedule hearing and arraignment dates which take into account law enforcement officer schedules and conflicts and the amount of time required for the hearing. The system should be able to produce calendars by date, by courtroom, and by participants (judge, commissioner, counsel, and law enforcement officer).

Sixth, an automated system should provide cash accounting capabilities. This should include the ability to record and to produce payments at the counter and by mail. The system should also provide running balances each day of payments received by type of payment, type of disbursement, and operator. The system should allow posting payments directly to the case record of each defendant.

Seventh, an automated system should provide FTA, FTP, and warrant control. This includes the ability to produce, record, and monitor failure to appear notices, failure to pay notices, and warrants. The system should automatically indicate when notices are due and who should receive them as well.

Eighth, an automated system should provide exception reports and forms generation. This is in addition to the notices and lists mentioned above regarding the seventh general requirement. The exception reports would include lists of overdue fines, license holds, outstanding warrants, as well as other desired information. The system should also produce necessary letters and hearing notices.

Ninth, an automated system should provide comprehensive but concise management and statistical reports. The system should be able to generate reports that facilitate resource allocation and caseflow management and reports required by court administrative offices. A report cycle, once determined, should automatically produce these reports.

Tenth, an automated case information system should provide on-line inquiry to the department of motor vehicles. This should include the ability to view on-line department of motor vehicle records. Interorganizational inquiry of each other's records should be allowed at a minimum, even if data entry is not possible.

Eleventh, the automated systems should include officer scheduling. This includes the ability to enter and monitor

law enforcement officers' work and vacation schedules for use in scheduling hearings. This capability should reduce both overtime for law enforcement officers and continuances resulting from scheduling conflicts.

Recommendation B-2: The court should examine the possibility of centralized purchasing and inventory control for the superior and municipal courts.

The municipal court's proximity to the superior court and the presence of both superior and municipal court executive officers present opportunities for numerous cooperative ventures. The sophisticated budgeting and account control functions which already exist in municipal court administration would provide a basis for an expanded, cooperative purchasing and inventory control function between the two courts. Joint purchases, and shared storage areas would save money and maximize the use of critically short storage areas between the two institutions.

Recommendation B-3: The current centralized jury management system should be automated; juror use should be documented and monitored (jurors called versus jurors served) and jury days should be more closely coordinated between superior and municipal courts.

The adoption by Shasta County of a short juror service period ("one day/one step") and joint superior court/municipal court jury management functions is a farsighted development. The retention of many manual processing steps in the juror summoning and qualifications process does need to be addressed, however. Further superior court/municipal court jury service coordination, such as same-day jury service,



could serve to further reduce costs. If space limitations make this option unworkable, it is recommended that a "multiple voir dire" program be considered for joint superior court/municipal court use. This type of approach, which has been utilized by smaller courts with good effect, could conserve judicial time while consolidating the movements of potential jurors into staggered periods during a single day. Jurors could then be qualified, impanelled and allowed to utilize the telephone standby system for any further appearances.

Currently, no records of juror use are being maintained. One comment received often in the course of site interviews related to the "waste" of jurors: the excess of "called" over "serving" jurors. Jury use should be monitored and summoning predicated on the fallout rate of jury trials, as opposed to current practices of calling the maximum number of jurors. The high jury trial fallout rate in municipal court does not justify the reported overages in jurors summoned. (The existence of similar patterns in superior court were outside the scope of this study; if they do exist, they underscore the need for change). The complete automation of the jury management function and the utilization of juror use statistics will result in a better managed, more efficient jury system.

Recommendation B-4: The court should undertake a thorough examination of records management policies, including records initiation, use, distribution, retention, and destruction schedules.

The municipal court continues to labor, in its record management policies, under severe and debilitating space problems. Any improvements in records use and coordination between the Redding courts will be limited by clearly inadequate facilities and severe overcrowding. Nevertheless, steps should be taken now to inventory all case records as to type, use, and location. This inventory should form the basis for a comprehensive policy regarding the centralized storage of current open case files and inactive and closed (or disposed) case and citation materials.

In the course of site interviews and observations, it was readily apparent that retention/distribution schedules were not being observed (nor were closed files being moved from already crowded operations areas) on a regular basis, compounding existing space problems. Open case files in the misdemeanor and felony categories were being kept in closed file cabinets, a very expensive and space-consuming storage strategy. While the increasingly common and more efficient practice of end-tabbed file folders in open-shelf storage had been attempted, it had also been abandoned. The reasons for this policy failure apparently related to the shelves themselves not containing inner, permanent stabilizers to maintain files in an upright position. The readoption of open-file shelving will allow for centralized management and security of these important documents.

To aid the court in its records system review, reference to A Guide to Court Records Management<sup>2</sup> is highly recommended.

This National Center publication is the standard in this area. Ongoing automation efforts in the municipal court will have a great impact on record use, retrieval, and movement. These alterations in records management provide the opportunity for a productive review of all current records management practices.

Recommendation B-5: The court should review existing personnel policies with regard to staffing and supervision of all functional units of each court location; the court should also consider the creation of a central supervisory role for case processing duties by case types.

Management of the court personnel is one of the court's most important and challenging tasks. There is no substitute in money or technology for a trained, dedicated body of court employees. The administration of the court's personnel resources is further complicated where its workforce is widely distributed across four separate locations. The production of operational procedures manuals (Recommendation A-2) is one important step in the fulfillment of the central administrative function of developing cohesion and institutional identity among the municipal court employees. To insure adherence at all facilities to the court policies these procedures reflect, the court may wish to consider the creation of a larger supervisory and training role for its

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<sup>2</sup> Dibble, Tom: A Guide to Court Records Management, National Center for State Courts (1986).

case-specific division supervisors in the Redding facility. In addition to supervisors' visits to outlying locations, employees could be rotated into Redding on a scheduled basis.

Recommendation B-6: The court should undertake a review of current facility security policies, procedures, and personnel; immediate steps should be taken to limit public access to controlled doorways and entrance ways.

Security policies for the municipal court must, due to its shared quarters with the superior court, be jointly agreed upon. The policies should take into account those measures implemented in other courts across the country to control public access to courtrooms and offices through the use of single entry/exit ways and metal detectors. The tradition of open access to our courts has of necessity been tempered by the unfortunate, violent events which have occurred in courthouses across the country. While funding constraints and building design and layout in both the main court building and the Redding Justice Center limit what may be accomplished immediately, the existing system of security buzzers and security personnel allocations can be buttressed. Calendaring practices which now place misdemeanor trials and preliminary hearings in particular courtrooms will obviously greatly assist the small marshall's force and the provision of armed security to those areas. A recent development in court security involving PC-based systems linking marshalls to courtrooms and cashier stations through a coded series of action/response messages is now in use in the San Diego Municipal Courts. This frees a security force to rove a

building or monitor controlled access points and metal detectors at building entrances. Consideration should be given to a metal detector and limited access to the entire third floor area of the main courthouse. Due to building design, this would mean that stairway access would have to be closed entirely to the public and a security station erected at the elevator lobby on that floor. The court marshal's office should be relieved of as many other duties as possible to allow it to concentrate on court security. The initiative already exhibited in that office and the concerns expressed by the bench on this topic indicate that planning for these matters is already advanced. Ultimately, the movement of some county offices to other locations may be necessary; as this is not feasible at present, the kind of intermediate steps described should be considered for immediate implementation.

Recommendation B-7: The municipal court should explore, with representatives of the various law enforcement agencies, the design of a uniform citation format in an accompanying officer scheduling module for the traffic citation calendar.

In meetings and conversations with various law enforcement officials, the subject of officer overtime costs was a crucial one. Estimates for this purpose ranged as high as \$600,000 per year. While the portion of these costs which is attributable to court calendaring practices is debatable, its contribution is not negligible and was acknowledged by all concerned. A partial solution to this problem has been found by other jurisdictions in a uniform citation format which contains pre-coded officer scheduling information which can be data

entered and calendared accordingly when citations are contested. In addition to providing an important tool enabling officer scheduling during shift hours and on-days, it can also minimize citation purchase costs through joint purchase agreements between agencies for separately coded editions of the same citation formats. Citations will also become easier to data enter, track, and control.

Longer term benefits which can result from uniform citations include the possibility of the addition of fixed penalty assessment amounts and mandatory appearance requirements printed on the ticket face. The addition of a fold-over mailer attachment allows the offender to respond immediately with a check. These latter enhancements to existing citations issuance procedures presuppose the abandonment of the "floating bail" schedule now employed, which requires bail or fine amounts to be separately calculated and courtesy notices mailed out accordingly to offenders. Though such citation procedures are usually maintained to enhance revenue from the citation process, they result in extra labor, paper and mailing costs. A well-integrated warrant system will alert enforcement officers to other outstanding violations, while mandatory appearance requirements can be related to the offender on the ticket as issued in the field. Both fine amounts and appearance requirements can then be entered with other citation information and data linked to existing collections and warrant issuance programming already in place. A working

model of such a system is outlined in Recommendation B-1. The policy and procedural changes called for to implement such a system are well worth the added effort required for the sake of system efficiency and costs.

## V. CONCLUSION

The foregoing system descriptions and recommendations are offered to guide the newly consolidated municipal court in charting a course for its institutional future. The prospects for this future are excellent, given the sound administrative structure and dedication of judges, staff, and administration viewed in the course of this study. While many of the accompanying recommendations involve great investments of time and interagency policy coordination, they do represent the kinds of policy decisions that follow in the wake of changing, growing institutional structures. The municipal court, its judges, and administration must now prepare to assume the larger roles that will be demanded of them and the court in the years to come.



APPENDICES

APPENDIX A-1

Specimen Outline of Internal Court Rules, Procedures

PHOENIX MUNICIPAL COURT  
STANDARDS OF JUDICIAL PRACTICE

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STANDARD

PROMULGATION

FOREWORD

TABLE OF CONTENTS

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1:30	Management Information
1:40	Uniform Implementation of Management Policies
1:50	Judicial Decorum

CASE PROCESSING

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2:10	Arraignment
2:20	Pretrial Conference
2:30	Calendar Call
2:40	Motion Practice
2:50	Requests for Continuances
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2:61	Case Durability
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STANDARD

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APPENDIX A-2

Sample Pre-trial Declaration and Order



STATE OF NEW MEXICO  
IN THE METROPOLITAN COURT  
COUNTY OF BERNALILLO

STATE OF NEW MEXICO,

Plaintiff

vs.

CR \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**PRE-TRIAL DECLARATIONS**

1. Has the District Attorney's office examined the criminal complaint for legal sufficiency and reviewed defendant's prior record? \_\_\_\_\_
2. Has the Defense Attorney contacted the defendant and obtained a copy of the police report from the District Attorney's Office? \_\_\_\_\_
3. Does either party know any reason why the case is not ready for trial? \_\_\_\_\_
4. Will the case plead or go to trial? \_\_\_\_\_
5. Will the case be tried by the Court or by a Jury? \_\_\_\_\_
6. How many witnesses will be called? \_\_\_\_\_. Are there any witnesses other than those named in police reports and the defendant, and if so what are their names, addresses and telephone numbers? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Are there any procedural or substantive motions to be heard? \_\_\_\_\_  
When will they be heard and how long will they take? \_\_\_\_\_  
\_\_\_\_\_
8. Can the issues be narrowed? \_\_\_\_\_. Are there any stipulations of facts? \_\_\_\_\_  
\_\_\_\_\_
9. Documents or exhibits to be offered as evidence: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Assistant District Attorney

\_\_\_\_\_  
Defense Atty. or Defendant

Date: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW MEXICO  
IN THE METROPOLITAN COURT  
COUNTY OF BERNALILLO

STATE OF NEW MEXICO,  
PLAINTIFF,

vs.

NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT.

PRE-TRIAL DECLARATION

	<u>STATE</u>	<u>DEFENSE</u>
Proof of prior	YES NO	
<u>POLICE REPORT</u>	YES NO	YES NO
<u>JURY</u>		
90 days or more imprisonment	YES NO	
Defendant waives		YES NO
<u>WITNESSES</u>		
Available	YES NO	YES NO
Disclosed	YES NO	YES NO
<u>COMPLAINT</u>		
Needs amendment	YES NO	

STATE'S MOTIONS

DEFENSE MOTIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
COMMENTS

\_\_\_\_\_  
ASSISTANT DISTRICT ATTORNEY

\_\_\_\_\_  
DEFENSE ATTORNEY

PRE-TRIAL ORDER

THIS CASE IS SET FOR (JURY)(BENCH) TRIAL ON \_\_\_\_\_

MOTIONS ARE SET FOR \_\_\_\_\_

\_\_\_\_\_  
METROPOLITAN JUDGE